



**ATTACHMENTS TO REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING  
HELD ON TUESDAY 14 FEBRUARY 2023**

**CORPORATE SERVICES REPORTS**

<b>07</b>	<b>Quarterly Budget Review Statement - December 2022</b>	
	Attachment 1: December Quarterly Budget Review Statement .....	1
<b>08</b>	<b>Six Monthly Delivery Plan Review - December 2022</b>	
	Attachment 1: Delivery Plan Status Report as at 31 December 2022.....	27
<b>12</b>	<b>Review of Council Policies</b>	
	Attachment 1: Enterprise Risk Management Policy and Plan .....	45
	Attachment 2: Fitness Instructors and Group Trainers Policy .....	65
	Attachment 3: Procurement of Goods and Services Policy.....	75
	Attachment 4: Street Tree Policy .....	87
	Attachment 5: Verge Garden Guidelines .....	97
	Attachment 6: Enforcement Policy .....	113

**INFRASTRUCTURE SERVICES REPORTS**

<b>15</b>	<b>Notification Plan for Pesticide Use</b>	
	Attachment 1: Notification Plan for Pesticide Use .....	135



## **Quarterly Budget Review 2022-2023**

**Period ending  
31 December 2022**

Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

<b>Table of Contents</b>	<b>page</b>
1. Responsible Accounting Officer's Statement	3
2. Income & Expenses Budget Review Statement's	4
Income & Expenses Budget Review Statement (Type)	5
Income & Expenses Budget Review Statement (Type) - General Fund	6
Income & Expenses Budget Review Statement (Type) - Sewer Fund	7
Income & Expenses Budget Review Statement (Function)	8
Income & Expenses Budget Review Statement (Function/Activity - Detailed)	9
Income & Expenses Budget Review Statement Variance Analysis	11
3. Capital Budget Review Statement	12
Capital Budget Review Statement - Detailed	13
Capital Budget Review Statement Variance Analysis	18
4. Cash & Investments Budget Review Statement	19
5. Key Performance Indicator (KPI) Budget Review Statement	21
6. Contracts & Other Expenses Budget Review Statement	23
7. Loans Summary	26

Blayney Shire Council


**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Report by responsible accounting officer**

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

**31 December 2022**

It is my opinion that the Quarterly Budget Review Statement for Blayney Shire Council for the quarter ended 31/12/22 indicates that Council's projected financial position at 30/6/23 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:  date: 7/02/2023  
Tiffany Irlam  
Responsible accounting officer



Blayney Shire Council

PART 1:

**Income & Expenses Budget Summary**

**Quarterly Budget Review Statement**

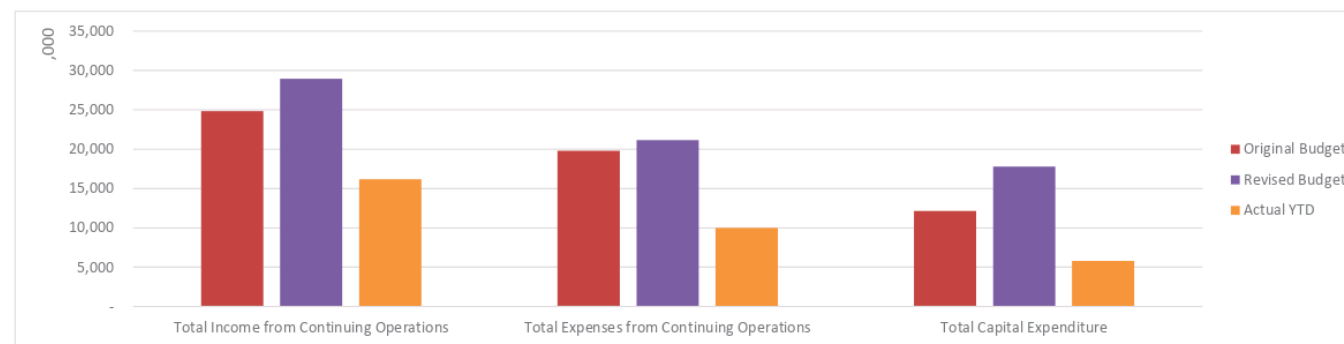
for the period 01/10/22 to 31/12/22

Budget review for the quarter ended 31 December 2022

**Income & Expenses - Council Consolidated**

(\$000's)

	Original Budget \$ 000	Other than by QBRS Dec \$ 000	Revised budget 2022/23	Variations for this Dec Qtr	Projected Year End Result	Actual YTD figures
Total Income from Continuing Operations	24,824		28,940	1,738	30,678	16,157
Total Expenses from Continuing Operations	19,806		21,132	15	21,147	9,989
Net Operating Result from Continuing Operations	<b>5,018</b>	-	<b>7,808</b>	<b>1,723</b>	<b>9,531</b>	<b>6,168</b>
Total Capital Expenditure	12,145		17,772	1,111	18,883	5,801



Page 4

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2022

**Income & expenses - Council Consolidated**

(\$000's)	Original budget 2022/23	Other than by QBRs Dec Qtr	Revised budget 2022/23	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures *	% Budget Remaining
<b>Income</b>								
Rates and annual charges	12,382		12,382	1	i	12,383	12,120	2%
User charges and fees	1,667		1,664	3	i	1,667	1,175	30%
Other revenues	371		371	3	i	374	120	68%
Grants and contributions - operating	4,255		4,725	162	a,b	4,887	854	83%
Grants and contributions - capital	5,857		9,506	1,569	c,d,h	11,075	1,676	85%
Interest and investment revenue	189		189			189	212	-12%
Net gain from disposal of assets	78		78			78	-	100%
Share of interests in joint ventures	25		25			25	-	100%
<b>Total income from continuing operations</b>	<b>24,824</b>		<b>28,940</b>	<b>1,738</b>		<b>30,678</b>	<b>16,157</b>	<b>47%</b>
<b>Expenses</b>								
Employee benefits and on-costs	7,209		7,304	(48)	e,f,g	7,256	3,514	52%
Borrowing costs	223		223			223	115	48%
Materials and services	4,371		4,701	49	e,g	4,750	2,331	51%
Depreciation and amortisation	6,774		7,516	5	i	7,521	3,623	52%
Legal costs	52		67			67	35	48%
Consultants	233		329	9	f	338	83	75%
Other expenses	944		992			992	288	71%
<b>Total expenses from continuing operations</b>	<b>19,806</b>		<b>21,132</b>	<b>15</b>		<b>21,147</b>	<b>9,989</b>	<b>53%</b>
<b>Net operating result from continuing operations</b>	<b>5,018</b>		<b>7,808</b>	<b>1,723</b>		<b>9,531</b>	<b>6,168</b>	
Discontinued operations - surplus/(deficit)			-			-		
<b>Net operating result from all operations</b>	<b>5,018</b>		<b>7,808</b>	<b>1,723</b>		<b>9,531</b>	<b>6,168</b>	
<b>Net Operating Result before Capital Items</b>	<b>(839)</b>		<b>(1,698)</b>	<b>154</b>		<b>(1,544)</b>	<b>4,492</b>	

Page 5

\* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRs report

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2022

**Income & expenses - General Fund**

(\$000's)	Original budget 2022/23	Other than by QBRs Dec Qtr	Revised budget 2022/23	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures	% Budget Remaining
<b>Income</b>								
Rates and annual charges	10,953		10,953	-		10,953	10,834	1%
User charges and fees	1,326		1,323	3	i	1,326	922	30%
Other revenues	367		367	3	i	370	120	68%
Grants and contributions - operating	4,237		4,707	162	a,b	4,869	854	82%
Grants and contributions - capital	5,698		9,347	1,569	c,d,h	10,916	1,663	85%
Interest and investment revenue	132		132			132	135	-2%
Net gain from disposal of assets	78		78			78	-	100%
Share of interests in joint ventures	25		25			25	-	100%
<b>Total income from continuing operations</b>	<b>22,816</b>		<b>26,932</b>	<b>1,737</b>		<b>28,669</b>	<b>14,529</b>	<b>49%</b>
<b>Expenses</b>								
Employee benefits and on-costs	6,967		7,062	(48)	e,f,g	7,014	3,386	52%
Borrowing costs	191		191			191	98	49%
Materials and services	3,594		3,922	44	e,g	3,966	2,144	46%
Depreciation and amortisation	6,175		6,792	5	i	6,797	3,273	52%
Legal costs	52		67	15		67	35	48%
Consultants	121		217	96	f	230	65	72%
Other expenses	944		992	48		992	284	71%
<b>Total expenses from continuing operations</b>	<b>18,044</b>		<b>19,243</b>	<b>14</b>		<b>19,257</b>	<b>9,285</b>	<b>52%</b>
<b>Net operating result from continuing operations</b>	<b>4,772</b>		<b>7,689</b>	<b>1,723</b>		<b>9,412</b>	<b>5,244</b>	
Discontinued operations - surplus/(deficit)			-			-		
<b>Net operating result from all operations</b>	<b>4,772</b>		<b>7,689</b>	<b>1,723</b>		<b>9,412</b>	<b>5,244</b>	
<b>Net Operating Result before Capital Items</b>	<b>(926)</b>		<b>(1,658)</b>	<b>154</b>		<b>(1,504)</b>	<b>3,581</b>	

Page 6

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRs report

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2022

**Income & expenses - Sewer Fund**

(\$000's)	Original budget 2022/23	Other than by QBRs Dec Qtr	Revised budget 2022/23	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures	% Budget Remaining
<b>Income</b>								
Rates and annual charges	1,428		1,428	1	k	1,429	1,286	10%
User charges and fees	341		341			341	253	26%
Other revenues	4		4			4	-	100%
Grants and contributions - operating	17		17			17	-	100%
Grants and contributions - capital	159		159			159	13	92%
Interest and investment revenue	58		58			58	77	-33%
Net gain from disposal of assets	-		-			-	-	
Share of interests in joint ventures	-		-			-	-	
<b>Total income from continuing operations</b>	<b>2,007</b>	<b>-</b>	<b>2,007</b>	<b>1</b>		<b>2,008</b>	<b>1,628</b>	<b>19%</b>
<b>Expenses</b>								
Employee benefits and on-costs	242		242			242	128	47%
Borrowing costs	32		32			32	17	47%
Materials and services	778		756	16		772	187	76%
Depreciation and amortisation	598		723			723	350	52%
Legal costs	-		-			-	-	0%
Consultants	112		136	(15)		121	18	85%
Other expenses	-		-			-	4	0%
<b>Total expenses from continuing operations</b>	<b>1,762</b>	<b>-</b>	<b>1,889</b>	<b>1</b>		<b>1,890</b>	<b>704</b>	<b>63%</b>
<b>Net operating result from continuing operations</b>	<b>245</b>	<b>-</b>	<b>118</b>	<b>-</b>		<b>118</b>	<b>924</b>	
Discontinued operations - surplus/(deficit)			-			-		
<b>Net operating result from all operations</b>	<b>245</b>	<b>-</b>	<b>118</b>	<b>-</b>		<b>118</b>	<b>924</b>	
<b>Net Operating Result before Capital Items</b>	<b>86</b>	<b>-</b>	<b>(41)</b>	<b>-</b>		<b>(41)</b>	<b>911</b>	

Page 7

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRs report

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

**Income & expenses budget review statement**

Budget review for the quarter ended 31 December 2022

**Income & expenses - Council Consolidated**

(\$000's)	Original budget 2022/23	Other than by QBRS Dec Qtr	Revised budget 2022/23	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures
<b>Income</b>							
Governance	13		78			78	5
Administration	410		410	3	i	413	105
Public order & safety	56		523	(1)	i	522	7
Health	8		8			8	1
Environment	1,538		1,562			1,562	1,434
Community services & education	3		3	1	i	4	-
Housing & community amenities	679		920			920	122
Sewer supplies	2,007		2,007	1	i	2,008	1,628
Recreation & culture	387		458			458	141
Manufacturing & construction	621		621			621	319
Transport & communication	6,997		10,005	1,719	a,c,h	11,724	2,124
Economic affairs	147		387	15	b	402	317
General purpose revenue	11,933		11,933			11,933	9,954
Share of Interest in Joint Ventures	25		25			25	-
<b>Total income from continuing operations</b>	<b>24,824</b>		<b>28,940</b>	<b>1,738</b>		<b>30,678</b>	<b>16,157</b>
<b>Expenses</b>							
Governance	532		578	5	i	583	275
Administration	4,286		4,438			4,438	2,562
Public order & safety	732		752	(8)	e	744	105
Health	18		18			18	10
Environment	2,018		2,066	5	i	2,071	877
Community services & education	20		22	1	i	23	13
Housing & community amenities	596		745	(2)	f,i	743	282
Sewer supplies	1,763		1,890	1	i	1,891	704
Recreation & culture	2,908		3,102	6	i	3,108	1,473
Manufacturing & construction	559		559			559	268
Transport & communication	5,944		6,286			6,286	3,056
Economic affairs	430		676	7	i	683	364
<b>Total expenses from continuing operations</b>	<b>19,806</b>		<b>21,132</b>	<b>15</b>		<b>21,147</b>	<b>9,989</b>
<b>Net operating result from continuing operations</b>	<b>5,018</b>		<b>7,808</b>	<b>1,723</b>		<b>9,531</b>	<b>6,168</b>
Discontinued operations - surplus/(deficit)			-			-	
<b>Net operating result from all operations</b>	<b>5,018</b>		<b>7,808</b>	<b>1,723</b>		<b>9,531</b>	<b>6,168</b>
Net operating result before capital items	(839)		(839)	1,723		884	

Page 8

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report

Blayney Shire Council  
PART 3A:

Quarterly Budget Review Statement  
for the period 01/10/22 to 31/12/22

**Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)**

Budget review for the quarter ended 31 December 2022

Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)

(\$000's)	Operating Income							Remainder	Operating Expenditure								
	Original Budget \$ 000	Other than by QBRB Dec \$ 000	Revised Budget \$ 000	Variations for Dec Qtr	Noted	Projected Year End Result	Actual YTD figures		%	Original Budget \$ 000	Other than by QBRB Dec \$ 000	Revised Budget \$ 000	Variations for Dec Qtr	Noted	Projected Year End Result	Actual YTD figures	%
<b>Governance</b>																	
Council	13		78			78	5	93.8%	73	532		578	5	i	583	275	82.0%
<b>Administration</b>																	
Executive Services	-		-	12	i	12	5	58.3%	(5)	652		652			652	372	42.0%
Corporate Services	184		184	(11)	i	173	52	64.6%	132	2,156		2,209		2,209	1,207	48.4%	
Engineering & Works	223		223			223	45	78.8%	178	1,845		1,944		1,944	807	58.5%	
Environmental	3		3	2	i	5	3	40.0%	-	366		366		366	176	51.0%	
	410		410	3		413	105	74.8%	305	5,019		5,171	-	5,171	2,562	50.8%	
<b>Public Order &amp; Safety</b>																	
Rural Fire Service	48		48			48		100.0%	48	588		588		588	34	44.2%	
Animal Control	10		10	(1)	i	9	4	55.8%	8	108		110	(3)	e	107	48	55.2%
Emergency Services	-		-			-		0.0%	-	47		47		47	23	50.8%	
Other Public Order & Safety	-		-			-		0.0%	-	5		5	(5)	e	(0)		100.0%
	56		56	(1)		55	4	92.7%	52	727		747	(8)		739	105	85.8%
<b>Health</b>																	
Administration/Food Control	8		8			8	1	87.5%	7	18		18		18	10	43.8%	
	8		8	-		8	1	87.5%	7	18		18	-		18	10	43.8%
<b>Environment</b>																	
Noxious Plants	-		-			-		0.0%	-	99		99		99	98	1.4%	
Domestic Waste Management	1,017		1,017			1,017	1,037	-2.0%	(20)	932		935	1	i	936	404	56.8%
Other Waste Management	520		520			520	398	23.8%	122	481		481	4	i	485	178	63.3%
Street Cleaning	-		-			-		0.0%	-	195		195		195	84	58.0%	
Urban Stormwater Drainage	-		24			24		100.0%	24	187		232		232	113	51.3%	
	1,537		1,561	-		1,561	1,435	8.1%	126	1,894		1,942	5		1,947	877	55.0%
<b>Community Services &amp; Education</b>																	
Community Services Administration	-		-			-		0.0%	-	5		7		7	3	57.8%	
Child Care	-		-			-		0.0%	-	10		10		10	10	0.0%	
Youth Services	3		3	1	i	4		100.0%	3	5		5	1	i	6		100.0%
	3		3	1		4		100.0%	3	20		22	1		23	13	44.4%
<b>Housing &amp; Community Amenities</b>																	
Public Cemeteries	70		70			70	54	22.9%	18	85		85		85	37	56.0%	
Public Conveniences	6		6			6	4	33.3%	2	174		173		173	58	66.8%	
Street Lighting	22		22			22		100.0%	22	78		116		116	38	67.2%	
Town Planning	152		232			232	64	72.4%	168	336		448	(2)	i	446	149	66.0%
	250		330	-		330	122	63.6%	168	673		822	(2)		820	282	65.0%

This statement forms part of Council's Quarterly Budget Review Statement (QBRB) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRB report.

Blayney Shire Council  
PART 3A:

Quarterly Budget Review Statement  
for the period 01/10/22 to 31/12/22

**Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)**

Budget review for the quarter ended 31 December 2022

Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)

(\$000's)	Operating Income							Remainder	Operating Expenditure								
	Original Budget \$ '000	Other than by QBRs Dec \$ '000	Revised Budget \$ '000	Variations for Dec Qtr	Noted	Projected Year End Result	Actual YTD figures		%	Original Budget \$ '000	Other than by QBRs Dec \$ '000	Revised Budget \$ '000	Variations for Dec Qtr	Noted	Projected Year End Result	Actual YTD figures	%
<b>Recreation &amp; Culture</b>																	
Public Libraries	81		80			80	80	0.0%	-	231		254			254	22	91.3%
Public Halls	18		18	1		19	13	31.6%	5	154		188	8		192	101	47.4%
Other Cultural Services			-			-	-	0.0%	-	25		25			25	5	80.0%
Centrepoint Sport & Leisure			-			-	-	0.0%	-	941		948			948	510	46.2%
Sporting Grounds	19		19			19	19	0.0%	-	338		369			369	179	51.8%
Parks & Gardens	3		-			-	-	0.0%	-	994		1,057			1,057	553	47.7%
Blayney Showground	21		21			21	20	-4.8%	1	187		225			225	103	54.2%
	<b>142</b>		<b>138</b>	<b>1</b>		<b>139</b>	<b>132</b>	<b>5.0%</b>	<b>6</b>	<b>2,869</b>		<b>3,063</b>	<b>6</b>		<b>3,069</b>	<b>1,473</b>	<b>52.0%</b>
<b>Mining Manufacturing &amp; Construction</b>																	
Building Control	214		214			214	151	28.4%	63	234		234			234	121	48.2%
Quarries & Pits	406		406			406	168	58.8%	238	312		312			312	147	52.0%
	<b>620</b>		<b>620</b>			<b>620</b>	<b>319</b>	<b>48.3%</b>	<b>301</b>	<b>546</b>		<b>546</b>			<b>546</b>	<b>268</b>	<b>50.9%</b>
<b>Transport &amp; Communication</b>																	
Local Roads	1,615		1,615	150		1,765	294	83.3%	1,321	4,543		4,805			4,805	2,499	48.0%
Regional Roads	345		345			345	173	49.0%	172	248		248			248	118	52.4%
Bridges - Local	12		12			12	4	66.7%	8	464		487			487	235	51.8%
Bridges - Regional	-		-			-	-	0.0%	-	-		-			-	-	0.0%
Footpaths	-		-			-	-	0.0%	-	124		147			147	72	58.0%
Kerb and Gutter	-		-			-	-	0.0%	-	166		167			167	83	50.3%
Other Transport and Communication	1		64			64	1	98.4%	63	161		194			194	49	74.7%
	<b>1,973</b>		<b>2,036</b>	<b>150</b>		<b>2,186</b>	<b>472</b>	<b>78.4%</b>	<b>1,564</b>	<b>5,705</b>		<b>6,047</b>			<b>6,047</b>	<b>3,056</b>	<b>46.9%</b>
<b>Economic Affairs</b>																	
Tourism & Area Promotion	30		269	4		273	18	83.4%	251	298		544	3		547	183	68.0%
Industrial Development & Promotion	12		12			12	2	83.3%	10	9		9	4		13	9	32.8%
Real Estate	9		9	11		20	5	75.0%	4	19		19			19	15	21.0%
Other Business - Private Works	96		96			96	292	-294.2%	(198)	74		74			74	157	-173.3%
	<b>147</b>		<b>386</b>	<b>15</b>		<b>401</b>	<b>317</b>	<b>20.9%</b>	<b>69</b>	<b>400</b>		<b>646</b>	<b>7</b>		<b>653</b>	<b>364</b>	<b>44.3%</b>
<b>General Purpose Revenue</b>																	
General Purpose Revenues	11,960		11,960			11,960	9,954	74.8%	2,006	-		-			-	-	0.0%
<b>Sewerage Services</b>	<b>1,953</b>		<b>1,953</b>	<b>1</b>		<b>1,954</b>	<b>1,615</b>	<b>17.3%</b>	<b>338</b>	<b>1,403</b>		<b>1,530</b>	<b>1</b>		<b>1,531</b>	<b>704</b>	<b>54.0%</b>
<b>Surplus/(Deficit) From Ordinary Activities Before Capital Grants &amp; Contributions</b>	<b>19,072</b>		<b>19,539</b>	<b>170</b>		<b>19,709</b>	<b>14,481</b>	<b>28.3%</b>	<b>4,819</b>	<b>19,806</b>		<b>21,132</b>	<b>15</b>		<b>21,147</b>	<b>9,989</b>	<b>52.5%</b>

01-4654

This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBR report

Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Income & expenses budget review statement**  
**Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes Details	Income \$000	Expenditure \$000
a Fixing Local Roads Pothole Repair Program	150	
	<b>150</b>	-
b Low cost loans initiative - interest rate subsidy	11	
	<b>11</b>	-
c Funding for replacement of the Belubula Way bridge over Icely Creek - Resources for Regions Round 9 - Increased REPAIR funding (total \$400k)	1,090 60	
	<b>1,150</b>	-
d Natural Disaster Funding - ARGN to fund repairs relating to the November flood event	470	
	<b>470</b>	-
e Animal control operations - Reallocate budget to Capex for purchase of sheep yards at the pound - Pound improvements and consumables - Employee benefits and on costs		(5) 12 (15)
	-	<b>(8)</b>
f Increased cost associated with Council's Heritage Advisory service - Consultancy fees - Employee benefits and on costs		11 (11)
	-	-
g Reallocation of budget for planning portal implementation - Project management (Council staff) - Software implementation		(18) 18
	-	-
h Boondaroo Bridge storm damage funding - project cost did not reach the upper limit	(52)	
	<b>(52)</b>	-
i Minor budget variations	9	23
	<b>9</b>	<b>23</b>
	-	-
	<b>1,738</b>	<b>15</b>
<b>Net adjustment to operating result</b>		<b>1,723</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report



Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

**Capital budget review statement**

Budget review for the quarter ended 31 December 2022

**Capital budget - Council Consolidated**

(\$000's)	Original budget 2022/23	Other than by QBRS Dec Qtr	Revised budget 2022/23	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures
<b>Capital expenditure</b>							
New assets							
- Plant & equipment	2,214		2,491	(18)		2,473	394
- Land & buildings	180		296	(150)		146	39
- Sewer	-		45	-		45	34
- Roads, Bridges, Footpaths	807		1,092	6		1,098	482
- Other	-		330	67		397	256
Renewal assets (replacement)							
- Plant & equipment	-		-	-		-	-
- Land & buildings	476		1,445	15		1,460	297
- Sewer	158		257	-		257	40
- Roads, bridges, footpaths	7,260		10,644	1,213		11,857	3,766
- Other	421		543	(22)		521	182
Loan repayments (principal)	629		629			629	311
<b>Total capital expenditure</b>	<b>12,145</b>		<b>17,772</b>	<b>1,111</b>		<b>18,883</b>	<b>5,801</b>
<b>Capital funding</b>							
Rates & other untied funding	3,292		3,280	(501)		2,779	1,699
Capital grants & contributions	5,698		9,474	1,568		11,042	1,683
Reserves:							
- External restrictions	807		1,794	44		1,838	1,979
- Internal allocations	1,572		2,248			2,248	327
New loans	-		-			-	-
Receipts from sale of assets							
- Plant & equipment	776		776			776	113
- Land & buildings	-		200			200	-
<b>Total capital funding</b>	<b>12,145</b>		<b>17,772</b>	<b>1,111</b>		<b>18,883</b>	<b>5,801</b>
<b>Net capital funding - surplus/(deficit)</b>	<b>-</b>		<b>-</b>	<b>-</b>		<b>-</b>	<b>-</b>

Page 12

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report

Blayney Shire Council

**PART 4A:  
Capital Budget Review Statement**

Budget review for the quarter ended 31 December 2022  
Capital Budget - Council Consolidated

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

		Original Budget 2022/23	Carry Forwards	Revised Budget 2022/23	Other than by QBR Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
<b>LAND &amp; BUILDINGS</b>										
N	Truck Wash	150		150		(150)	1	-		0%
N	Energy Efficiency Upgrades	30		30				30		0%
R	RFS Shed Blayney			667				667	101	15%
R	Community Centre - Exterior Painting	26		26				26		0%
N	Works Depot - Security Gate & Carpark Configuration		104	116				116	39	34%
R	Works Depot - Refurbishments		6	7				7	7	100%
R	R4R8 - Amenities Refurbishment - Carrington Park	90	9	99				99		0%
R	R4R8 - Amenities Refurbishment - Heritage Park	360	40	400				400		0%
R	BBRF4 - King George Oval Amenities		48	171				171	171	100%
R	R4R7 - CentrePoint - Stage 2 Roofing Works			75				75	18	24%
R	CentrePoint - Replace Pool Boiler			-		15	2	15		0%
	<b>TOTAL LAND &amp; BUILDINGS</b>	<b>656</b>	<b>207</b>	<b>1,741</b>	<b>-</b>	<b>(135)</b>		<b>1,606</b>	<b>336</b>	<b>21%</b>
<b>OTHER STRUCTURES</b>										
N	Public Cemeteries - Infrastructure Works	11		11				11	4	36%
N	SCCF4 - Lyndhurst Rec Ground Tennis Court Lights	-	50	66				66	7	11%
R	SCCF4 - Redmond Oval Cricket Nets	-	23	25		10	3	35	35	100%
R	SCCF4 - Netball Courts Lighting Upgrade	113		113				113	99	88%
R	SCCF4 - KGO Oval Lighting	132		132				132		0%
R	Centrepoint Shade Sail Replacement	40		40				40		0%
N	Renewable Energy Project - Blayney Solar Farm			-		67	10	67	31	46%
N	Blayney Showground Safety Fencing		6	6				6		0%
N	Blayney Showground Water Improvements		5	5				5		0%
N	Pipe Renewal & Water Meters - Industrial Land		7	7				7		0%
N	Carcoar Dam Boating Safety and Fishing Facilities Upgrade			253				253	218	86%
R	VEP Blayney	5		5				5		0%
R	VEP Barry & Hobbys Yards	10	(3)	7				7		0%
R	VEP Carcoar	28	6	34		(16)	4	18	1	6%
R	VEP Lyndhurst	16	34	34		(3)	12	31	17	55%
R	VEP Mandurama	10	19	29		(3)	12	26	8	31%
R	VEP Millthorpe	28	36	62		(10)	3	52	18	35%
R	VEP Neville	10	5	15				15	-	0%
R	VEP Newbridge	18	11	29				29		0%
	<b>TOTAL OTHER STRUCTURES</b>	<b>421</b>	<b>199</b>	<b>873</b>	<b>-</b>	<b>45</b>		<b>918</b>	<b>438</b>	<b>48%</b>

Blayney Shire Council

**PART 4A:  
Capital Budget Review Statement**

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

Budget review for the quarter ended 31 December 2022

**Capital Budget - Council Consolidated**

(\$000's)

**INFRASTRUCTURE**

**Local Roads - Construction**

	Original Budget 2022/23	Carry Forwards	Revised Budget 2022/23	Other than by QBRs Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
R4R7 - Forest Reefs Road	1,298	70	1,368				1,368	179	13%
R4R7 - Carbine Road			175				175	88	50%
R4R8 - Forest Reefs Road/Tallwood Road Intersection	562		598				598	8	1%
R4R8 Initial Sealing - Coombing & Mendham Lane Barry	200		200		(28)	5	172	172	100%
R4R8 Initial Sealing - North & South Prescott Street Lyndhurst	75		69		22	5	91	91	100%
R4R8 - Initial Seal - North Harrow Street	75		75		(20)	5	55	55	100%
Errowanbang Road Realignment			1				1	2	200%
Errowanbang/Gap Road Storm Damage		59	493				493	85	17%
Errowanbang Road Gooleys Creek			-		111	6	111	92	
Richards Lane Reconstruction			5				5	5	100%
Guard rail repair - Newbridge Road			6				6	6	100%
Guard rail replacement - Forest Reefs Road Cowriga Creek			-		7	12	7	7	100%
Gravel Resheeting	390		846		(111)	6	735	592	81%
ARGN1034 Storm Damage			-		170	7	170	96	56%
Heavy Patching Program	530		530		(7)	12	523	279	53%
Panuara Road Heavy Patching	-		83				83	24	29%
Reseal Program	425		414				414	12	3%
<b>TOTAL LOCAL ROADS CONSTRUCTION</b>	<b>3,555</b>	<b>129</b>	<b>4,863</b>	<b>-</b>	<b>144</b>		<b>5,007</b>	<b>1,793</b>	<b>36%</b>

**Regional Roads**

ARGN1034 Storm Damage			-		15	7	15	4	27%
R4R8 Hobbys Yard Rd	470		748		26	5	774	95	12%
<b>TOTAL REGIONAL ROADS</b>	<b>470</b>	<b>-</b>	<b>748</b>	<b>-</b>	<b>41</b>		<b>789</b>	<b>99</b>	<b>13%</b>

**Bridges**

Culvert Renewal Program	513		513				513	239	47%
R4R9/REPAIR - Belubula Way over Icely Creek	700		700		790	8	1,490	10	1%
ARGN1034 Storm Damage - Local Bridges			-		240	7	240	39	16%
ARGN1034 Storm Damage - Regional Bridges			-		45	7	45	6	
FCB - Gallymont Road, Mandurama - Gally Swamp Bridge			22				22	20	91%
FCB - Lucan Road, Lyndhurst - Limestone Creek Bridge		69	508				508	292	57%
FCB - Leabeater Street, Lyndhurst - Grubbenbun Creek Bridge		105	613				613	398	65%
R2R - Naylor Street Bridge - Rail refurbishment 22/23			-		16	4	16	16	100%
Boondaroo Creek (2020 Storm Event)			496		(63)		433	433	100%
Four Mile Creek, Swallow Creek			150				150	36	24%
<b>TOTAL BRIDGES</b>	<b>1,213</b>	<b>174</b>	<b>3,002</b>	<b>-</b>	<b>1,028</b>		<b>4,030</b>	<b>1,489</b>	<b>37%</b>

Page 14

This statement forms part of Council's Quarterly Budget Review Statement (QBRs) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRs report

Blayney Shire Council

**PART 4A:  
Capital Budget Review Statement**

Budget review for the quarter ended 31 December 2022  
Capital Budget - Council Consolidated

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

	Original Budget 2022/23	Carry Forwards	Revised Budget 2022/23	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
<b>Footpaths</b>									
Spot Renewals	49		49				49	5	10%
BBRF5 - Belubula River Walk Stage 3 (Martin St - Charles St - Boardwalk to Island)	336	89	587				587	331	56%
SCCF4 - Belubula River Walk Stage 4 (Martin St - Charles St - Boardwalk to Island)	471		470				470	145	31%
R4R8 - Mt McDonald Road			6				6	6	100%
R4R8 - Carcoar (Amp 2) - Coombing St Fp - Showground Entrance - Icely St	119		110				110	78	71%
R4R8 Coombing St - FP Eulamore St - Showground Entrance (Carcoar AMP 8)	17		17				17		0%
R4R8 Trunkey St - SP - Showground - Newbridge Hotel / Toomey St (AMP 1)	168		168				168	5	3%
R4R8 - Millthorpe (AMP AD1) Elliot St FP - Victoria - Pym St	117		117				117	2	2%
R4R8 - Millthorpe (Amp 10A) Glenorie Rd Sp Stage 1 - Blake St To Rail Overbridge	119		116				116	6	5%
R4R8 - Millthorpe (AMP 10B) Glenorie Rd SP Stage 2 - Rail Overbridge to Dog Run	222		217				217	26	12%
R4R8 - King George Oval Parking & Pedestrian Integration	1,045	20	1,065				1,065	234	22%
<b>TOTAL FOOTPATHS</b>	<b>2,663</b>	<b>109</b>	<b>2,922</b>	<b>-</b>	<b>-</b>		<b>2,922</b>	<b>838</b>	<b>29%</b>
<b>Stormwater</b>									
Stormwater Drainage Renewals	66		66				66		0%
Stormwater Drainage - Stabback & Unwin St - Preliminary Works	100		100				100	23	23%
<b>TOTAL STORMWATER</b>	<b>166</b>	<b>-</b>	<b>166</b>	<b>-</b>	<b>-</b>		<b>166</b>	<b>23</b>	<b>14%</b>
<b>Other Transport &amp; Communication</b>									
Bus Shelters			35		6	12	41	6	15%
<b>TOTAL - RENEWALS</b>	<b>-</b>	<b>-</b>	<b>35</b>	<b>-</b>	<b>6</b>		<b>41</b>	<b>6</b>	<b>15%</b>
<b>TOTAL INFRASTRUCTURE</b>	<b>8,067</b>	<b>412</b>	<b>11,736</b>	<b>-</b>	<b>1,219</b>		<b>12,955</b>	<b>4,248</b>	<b>33%</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report.

Blayney Shire Council  
**PART 4A:**  
**Capital Budget Review Statement**

**Quarterly Budget Review Statement**  
 for the period 01/10/22 to 31/12/22

Budget review for the quarter ended 31 December 2022  
**Capital Budget - Council Consolidated**

(\$'000's)

**PLANT & EQUIPMENT**

**Light Vehicle**

Light Vehicle Replacement  
**TOTAL LIGHT VEHICLE**

**Minor Plant**

Small Plant & Tools  
 Flail Mowers x 4  
 VMS Message Board  
**TOTAL MINOR PLANT**

**Major Plant**

Watercart  
 Watercart  
 Grader Cat 140M AWD  
 Backhoe JCB 3CX-APC Elite  
**TOTAL MAJOR PLANT**

**Information Technology**

Councillors - iPad Replacement/Accessories  
 2 x Smartboards (GM Office & Downstairs)  
 CCTV Cameras  
 Mobile Device Replacements  
 Mobile Phone Replacements  
 PC Replacements  
 Opmanager - Network Monitoring System  
 Exchange cloud migration  
 Server upgrade  
 GIS Mapping Upgrade  
 Access control  
 Ifferret - SharePoint to OneDrive link  
 UPS Battery Backup  
 Tipsite Software  
**TOTAL INFORMATION TECHNOLOGY**

	Original Budget 2022/23	Carry Forwards	Revised Budget 2022/23	Other than by QBRs Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
			-						
N	513	93	606				606	95	16%
	513	93	606	-	0		606	95	16%
N	33		33				33		0%
N	201		201				201		0%
N	23		23		(23)	9	-		0%
	257	-	257	-	(23)		234	-	0%
N	297	-	315				315		0%
N	297		315				315		0%
N	538		650				650		0%
N	183		232				232	232	100%
	1,315	-	1,512	-	0		1,512	232	15%
N	3		3				3		0%
N	20		10				10	10	100%
N	10		10				10	9	90%
N	4		4				4	1	25%
N	4		4				4	1	25%
N	-		6				6	6	100%
N	4		4				4	3	75%
N	5		-				-		0%
N	10		10				10	4	40%
N	11		14				14	14	100%
N	12		-				-		0%
N	5		4				4	4	100%
N	8		8				8	8	100%
N	-	12	12				12		0%
	96	12	89	-	0		89	60	67%

Blayney Shire Council  
**PART 4A:**  
**Capital Budget Review Statement**

**Quarterly Budget Review Statement**  
 for the period 01/10/22 to 31/12/22

Budget review for the quarter ended 31 December 2022  
**Capital Budget - Council Consolidated**

(\$'000's)

	Original Budget 2022/23	Carry Forwards	Revised Budget 2022/23	Other than by QBRS Dec Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
<b>Other Plant &amp; Equipment Purchases</b>									
N	3		3				3	1	33%
N	11		11				11		0%
N	-		13				13	6	46%
N			-			5 e,12	5		0%
N	19		-				-		0%
	<b>33</b>	<b>-</b>	<b>27</b>	<b>-</b>	<b>5</b>		<b>32</b>	<b>7</b>	<b>22%</b>
<b>TOTAL OTHER PLANT &amp; EQUIPMENT PURCHASES</b>									
	<b>2,214</b>	<b>105</b>	<b>2,491</b>	<b>-</b>	<b>(18)</b>		<b>2,473</b>	<b>394</b>	<b>16%</b>
<b>TOTAL PLANT &amp; EQUIPMENT</b>									
<b>Sewerage Services</b>									
R	5		19				19	14	74%
R	78		78				78	3	4%
R	75	85	160				160	23	14%
N		15	45				45	34	76%
	<b>158</b>	<b>100</b>	<b>302</b>	<b>-</b>	<b>-</b>		<b>302</b>	<b>74</b>	<b>25%</b>
<b>TOTAL SEWERAGE SERVICES</b>									
<b>Principal Loan Repayments</b>									
	262		262				262	129	49%
	96		96				96	47	49%
	59		59				59	29	49%
	128		128				128	64	50%
	84		84				84	42	50%
	<b>629</b>	<b>-</b>	<b>629</b>	<b>-</b>	<b>-</b>		<b>629</b>	<b>311</b>	<b>49%</b>
<b>Total Capital Expenditure</b>									
	<b>12,145</b>	<b>1,023</b>	<b>17,772</b>	<b>-</b>	<b>1,111</b>		<b>18,883</b>	<b>5,801</b>	

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report.

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

**Capital budget review statement**

**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

Notes Details	Variations to: Expenditure \$000
1 Construction of a truck wash at the works depot was deemed not feasible. Project will not be undertaken.	(150)
	<b>(150)</b>
2 Replacement of the splash pool boiler at CentrePoint	15
	<b>15</b>
3 Increased costs associated with completion of the Redmond Oval cricket nets funded by Millthorpe VEP	10 (10)
	-
4 Naylor Street bridge rail refurbishment funded by Carcoar VEP	16 (16)
	-
5 Redistribute Resources for Regions Round 8 Road Safety Project allocations - Hobbys Yard Rd - Initial Sealing - Coombing & Mendham Lane Barry - Initial Sealing - North & South Prescott Street Lyndhurst - Initial Seal - North Harrow Street	26 (28) 22 (20)
	-
6 Rehabilitation of Errowanbang Road - Gooleys Creek funded by Gravel Resheeting program	111 (111)
	-
7 Natural Disaster emergency works as a result of the November flood event - Local Roads - Regional Roads - Local Bridges - Regional Bridges	170 15 240 45
	<b>470</b>
8 Increased funding for replacement of the Belubula Way bridge over Icely Creek - Resources for Regions Round 9 - Increased REPAIR funding (total \$400k) - Own source revenue attributed to original budget	1,090 60 (360)
	<b>790</b>
9 Defer replacement of VMS message board	(23)
	<b>(23)</b>
10 Costs associated with Council's Renewable Energy Project - Solar Array	67
	<b>67</b>
11 Finalisation of Boondaroo bridge replacement completed under budget	(63)
	<b>(63)</b>
12 Minor budget variations	5
	<b>5</b>
<b>TOTAL</b>	<b>1,111</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report  
Page 18

Blayney Shire Council

**Quarterly Budget Review Statement**

for the period 01/10/22 to 31/12/22

**Cash & investments budget review statement**

Budget review for the quarter ended 31 December 2022

**Cash & investments - Council Consolidated**

(\$000's)	Opening balance 1/07/2022	Approved changes Other than by QBRS	Revised budget 1/07/2022	Variations for this Dec Qtr	Notes	Projected year end result	Actual YTD figures
<b>Externally restricted <sup>(1)</sup></b>							
Developer Contributions - General	1,033		1,033			1,033	1,196
Developer Contributions - Sewer	1,196		1,196			1,196	1,352
Unexpended Grants	3,198		3,198			3,198	8,492
Sewerage Services	5,802		5,659			5,659	5,608
Domestic Waste Management	831		819			819	831
Voluntary Planning Agreements	284		272			272	917
Rates Special Variation - Mining	753		693			693	284
<b>Total externally restricted</b>	<b>13,097</b>	<b>-</b>	<b>12,870</b>	<b>-</b>		<b>12,870</b>	<b>18,680</b>
(1) Funds that must be spent for a specific purpose							
<b>Internally restricted <sup>(2)</sup></b>							
Plant and Vehicle Replacement	1,137		847	23		870	1,393
Employees Leave Entitlement	1,086		1,086			1,086	1,034
CentrePoint			-			-	-
Election Reserve	51		51			51	51
Environmental Projects – Belubula River	27		27			27	27
I.T Reserve	324		324			324	324
King George Oval	-		-			-	-
Property Account	1,462		1,392	(67)		1,325	1,491
Property Account - Borrowings	1,026		1,026			1,026	953
Quarry	219		219			219	219
Village Enhancement Program	106		-			-	-
Financial Assistance Grant	1,364		-			-	-
Carryover Works	318		-			-	-
<b>Total internally restricted</b>	<b>7,120</b>	<b>-</b>	<b>4,972</b>	<b>(44)</b>		<b>4,928</b>	<b>5,492</b>
(2) Funds that Council has earmarked for a specific purpose							
<b>Unrestricted (ie. available after the above Restrictions)</b>	<b>81</b>	<b>-</b>	<b>2,456</b>	<b>44</b>		<b>2,500</b>	<b>2,342</b>
<b>Total Cash &amp; investments</b>	<b>20,298</b>		<b>20,298</b>			<b>20,298</b>	<b>26,514</b>

This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report



Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Cash & investments budget review statement**

**Investments**

Investments have been invested in accordance with Council's Investment Policy.

**Cash**

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.  
The date of completion of this bank reconciliation is 31/12/22

**Reconciliation status**

The YTD cash & investment figure reconciles to the actual balances held as follows:

		<b>\$ 000's</b>
Cash at bank (as per bank statements)		7,014
Investments on hand		19,500
less: unpresented cheques	(Timing Difference)	
add: undeposited funds	(Timing Difference)	
less: identified deposits (not yet accounted in ledger)	(Require Actioning)	
add: identified outflows (not yet accounted in ledger)	(Require Actioning)	
less: unidentified deposits (not yet actioned)	(Require Investigation)	
add: unidentified outflows (not yet actioned)	(Require Investigation)	
<b>Reconciled cash at bank &amp; investments</b>		<b>26,514</b>
<b>Balance as per QBRS review statement:</b>		<b>26,514</b>

**Recommended changes to revised budget**

Budget variations being recommended include the following material items:

**Not Details**

	<b>Variations \$000</b>
i Deferral of minor plant purchase	23
	<b>23</b>
ii Costs associated with Council's Renewable Energy Project - Solar Array	(67)
	<b>(67)</b>
iii	-
iv	-
v	-
<b>TOTAL</b>	<b>(44)</b>

Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Key performance indicators budget review statement - Industry KPI's (OLG)**

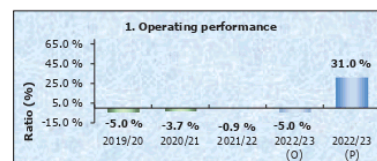
Budget review for the quarter ended 31 December 2022

(\$000's)	Current projection		Original budget 22/23	Actuals prior periods	
	Amounts 22/23	Indicator 22/23		21/22	20/21

NSW local government industry key performance indicators (OLG):

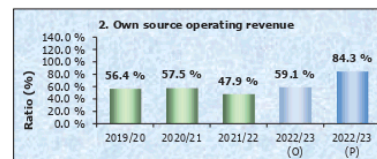
<b>1. Operating performance</b>					
Operating revenue (excl. capital) - operating expenses	4,492	31.0 %	-5.0 %	-0.9 %	-3.7 %
Operating revenue (excl. capital grants & contributions)	14,481				

This ratio measures Council's achievement of containing operating expenditure within operating revenue.



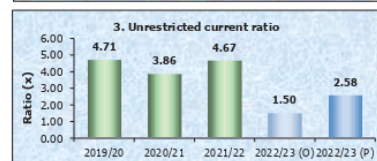
<b>2. Own source operating revenue</b>					
Operating revenue (excl. ALL grants & contributions)	13,627	84.3 %	59.1 %	47.9 %	57.5 %
Total Operating revenue (incl. capital grants & cont)	16,157				

This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.



<b>3. Unrestricted current ratio</b>					
Current assets less all external restrictions	6,235	2.58	1.50	4.67	3.86
Current liabilities less specific purpose liabilities	2,418				

To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.



Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Key performance indicators budget review statement - Industry KPI's (OLG)**

Budget review for the quarter ended 31 December 2022

(\$000's)	Current projection		Original budget 22/23	Actuals prior periods	
	Amounts 22/23	Indicator 22/23		21/22	20/21

NSW local government industry key performance indicators (OLG):

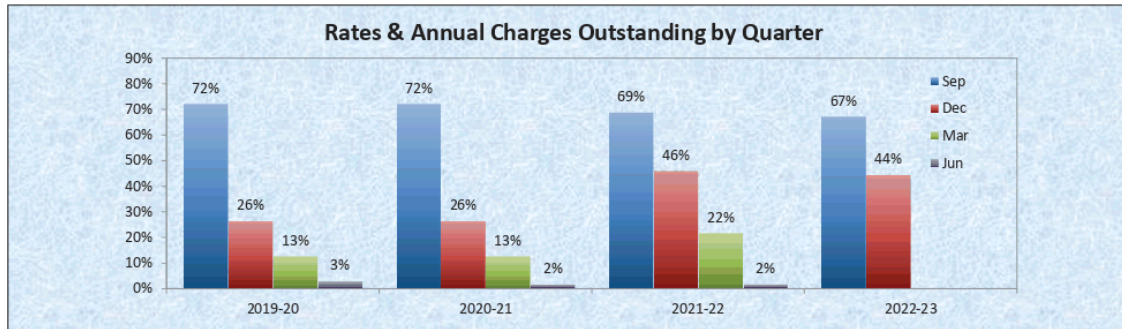
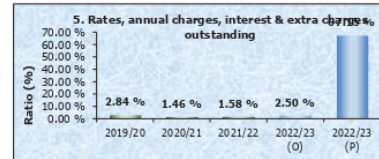
<b>4. Debt service cover ratio</b>					
Operating result before interest & dep. exp (EBITDA)	754	1.84	7.44	8.44	7.26
Principal repayments + borrowing interest costs	409				

This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.



<b>5. Rates, annual charges, interest &amp; extra charges outstanding</b>					
Rates, annual & extra charges outstanding	8,000	67.15 %	2.50 %	1.58 %	1.46 %
Rates, annual & extra charges collectible	11,913				

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.



Page 22

This statement forms part of Council's Quarterly Budget Review Statement (QBR) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBR report

Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Contracts budget review statement**

Budget review for the quarter ended 31 December 2022

**Part A - Contracts listing** - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract value	Budgeted (Y/N)	Notes
<b>Contracts Entered &gt; 50,000</b>				
MACQUARIE ALARM SERVICES	Supply and Install Access Control to Blayney Shire Depot	68,921	Y	
STABILISED PAVEMENTS OF AUST	Road construction materials	70,000	Y	
MIDWEST TRAFFIC MANAGEMENT	Traffic control services	70,000	Y	
DOWNER EDI WORKS P/L	Road construction materials	93,638	Y	
OLYMPIC FENCING NSW PTY LTD	Remove and replace external/internal fencing at KGO	191,052	Y	
WHITTAKER CIVIL PTY LTD	Footpath construction	97,649	Y	
KEECH CONSTRUCTIONS PTY LTD	Footpath construction	214,691	Y	
MURRAY CONSTRUCTIONS PTY LTD	Bridge construction components	1,440,122	Y	
IT VISION	Development of Integration between Greenlight and Department of Planning NSW	64,240	Y	
CR KENNEDY AND COMPANY PTY LTD	Surveying equipment	54,615	Y	
MURRAY CONSTRUCTIONS PTY LTD	Bridge construction components	158,400	Y	
TRANSBRIDGE GROUP	Bridge construction components	50,435	Y	
WESTRAC P/L	Grader replacement	675,963	Y	
<b>Contracts Paid &gt; \$50,000</b>				
AITKEN ROWE TESTING LABORATORIES PTY LTD	Surveying equipment	95,282	Y	
CENTRAL WEST POWER CONSTRUCTION PTY LTD	Blayney netball court lights	109,077	Y	
CONNOLLY SAND PTY LTD	Road construction materials	80,201	Y	
DOWNER EDI WORKS P/L	Road construction materials	249,074	Y	
HADLOW EARTHMOVING	Waste management contract / equipment hire	242,384	Y	
HANSON CONSTRUCTION MATERIALS	Road construction materials	116,814	Y	

Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Contracts budget review statement**

Budget review for the quarter ended 31 December 2022

**Part A - Contracts listing** - contracts entered into during the quarter

<b>Contractor</b>	<b>Contract detail &amp; purpose</b>	<b>Contract value</b>	<b>Budgeted (Y/N)</b>	<b>Notes</b>
IES STORMWATER PTY LTD t/as OCEAN PROTECT	Pollutant trap	69,861	Y	
JCB CONSTRUCTION EQUIPMENT	Equipment purchase - Backhoe	255,816	Y	
JEMENA GAS NETWORKS (NSW) LTD	Gas relocation	53,842	Y	
JR RICHARDS & SONS	Waste management contract	152,267	Y	
KEECH CONSTRUCTIONS PTY LTD	Equipment hire	78,996	Y	
MIDWEST TRAFFIC MANAGEMENT	Traffic management solution	62,768	Y	
MURRAY CONSTRUCTIONS PTY LTD	Bridge construction materials	1,176,314	Y	
OLYMPIC FENCING NSW PTY LTD	Fencing KGO	191,052	Y	
PETRO NATIONAL P/L T/AS OILSPLUS HOLDINGS	Fuel	130,947	Y	
RIVERPARK CONSTRUCTIONS	Bridge construction materials , footpath construction	219,303	Y	
STATECOVER MUTUAL LIMITED	Workers comp insurance	62,831	Y	
TORO AUSTRALIA GROUP SALES PTY LTD	Equipment purchase - Lawnmowers	225,653	Y	
TRANSBRIDGE GROUP	Footpath construction	55,703	Y	
YMCA NSW	Centrepoint management contract	98,160	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.
4. Figures shown include GST

Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Consultancy & legal expenses budget review statement**

Consultancy & legal expenses overview

<b>Expense</b>	<b>YTD expenditure (actual dollars)</b>	<b>Budgeted (Y/N)</b>
Consultancies	79,497	Y
Legal Fees	30,120	Y

**Definition of a consultant:**

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

**Comments**

Expenditure included in the above YTD figure but not budgeted includes:

**Details**

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This statement forms part of Council's Quarterly Budget Review Statement (QBRS) for the quarter ended 31/12/2022 and should be read in conjunction with the total QBRS report Page 25

Blayney Shire Council

**Quarterly Budget Review Statement**  
for the period 01/10/22 to 31/12/22

**Loans Summary**

Budget review for the quarter ended 31 December 2022

LOAN DETAILS	Loan Term	Original Principal	Int %***	Opening Balance	Year to date			Closing Balance	Scheduled Completion date
					Interest	Principal	Repayments		
Blayney Works Depot	20	600,000	6.73%	77,625	2,397	25,019	27,416	52,606	04-Dec-23
Blayney Bridges Program (LIRS)*	10	1,000,000	5.73%	218,394	5,815	60,228	66,043	158,166	22-Jan-24
Blayney Works Depot	20	600,000	6.00%	119,256	3,421	22,444	25,865	96,812	21-Dec-24
Millthorpe Sewer	20	900,000	8.05%	415,139	16,733	28,741	45,474	386,399	26-Feb-28
Residential Land Development**	10	1,320,000	2.09%	952,469	9,788	63,521	73,309	888,948	28-Jun-29
Bridge Replacement Program	20	3,000,000	3.97%	2,544,336	50,215	58,813	109,027	2,485,523	15-Feb-38
CentrePoint	20	2,000,000	2.36%	1,819,059	21,343	41,527	62,869	1,777,532	13-Feb-40
Cowriga Creek Bridge	20	500,000	2.36%	454,765	5,336	10,382	15,717	444,383	13-Feb-40
		<b>9,920,000</b>	<b>4.15%</b>	<b>6,601,043</b>	<b>115,047</b>	<b>310,674</b>	<b>425,721</b>	<b>6,290,369</b>	

\* Blayney Bridges Program loan is funded under the Local Infrastructure Renewal Scheme (LIRS) subsidising 4% of the interest payable

\*\* Residential Land Development loan is funded under the Low Cost Loans Initiative (LCLI) subsidising 50% of the interest payable

\*\*\* Weighted average interest rate

### Future Direction 1 – Maintain and Improve Public Infrastructure and Services

Strategic Objectives/Strategies	Actions	Status
<b>1.1 Plan and develop integrated transport networks, providing choices that enable people and freight to move and travel, in a safe, accessible and efficient manner</b>		
Sealed roads and unsealed roads, bridges and culverts will be maintained in accordance with agreed service levels	Maintain Transport infrastructure in accordance with Road Hierarchy, Renewal and Maintenance Policy and the Pathways in accordance with Councils' Pathway Hierarchy, Standard and Maintenance Policy.	Defect inspections and repairs of pathways and roads prioritised in accordance with policies
Deliver the Blayney Shire Roads Strategy	Develop and implement a Bridge and Culvert Renewal and Maintenance Policy.	To commence
Lobby and advocate for the re-opening of the Blayney-Demondrille Railway Line	Prioritise road rehabilitation and upgrade works in-line with the Blayney Shire Roads Strategy.	Priority road rehabilitation and upgrade works included in the DP and OP.
Deliver the Active Movement Strategy priorities to provide safe and accessible connecting pathway networks	Deliver heavy patching, culvert renewal, initial sealing, resealing and gravel resheeting programs in accordance with budgetary allocations.	Scoped and in progress.
Plan for future transport and road infrastructure to service future needs	<p>Undertake reconstruction and rehabilitation on Forest Reefs and Hobbys Yards Roads in accordance with budgetary allocations.</p> <p>Undertake construction of Belubula River Walk Stages 3 and 4, pathways in Trunkey Street, Newbridge, Coombing Street, Carcoar, Elliott Street, and Glenorie Road, Millthorpe, and pathways within the King George Oval Pedestrian Project</p>	<p>Scoping, design &amp; construction in progress.</p> <p>Belubula River Walk stage 4 footpath has been completed, stage 3 will commence mid-February 2023. The pedestrian - foot bridge has been completed.</p>



Strategic Objectives/Strategies	Actions	Status
	Attendance at and involvement in advocacy activities.	<p>KGO footpath to commence mid-January 2023</p> <p>Coombing Street footpath is 95% complete.</p> <p>Milthorpe pathways are designed, and construction is scheduled.</p> <p>Newbridge footpath is under community consultation with design option 2 being developed.</p> <p>GM and Mayor met with Transport for NSW and other stakeholder Councils in regard to the Blayney-Demondrille Railway Line</p>

<b>1.2 The Blayney health service; medical centres, aged care providers, primary and ancillary support and emergency service agencies provided in the Shire meet the future needs of the community</b>		
<p>Advocate to both NSW and Federal Government Ministers of Health, to ensure that Aged Care Services are maintained in Carcoar (Uralba) and Blayney (Lee Hostel), and the Blayney Health Services Clinical Services Plan is delivered</p> <p>Provide support for emergency management in Blayney Shire in accordance with State Emergency and Rescue Management (SERM) Act</p> <p>Advocate to NSW Police and Emergency Services agencies for appropriate service levels.</p>	<p>Attendance at and involvement in advocacy activities.</p> <p>Provide oversight of construction of new RFS Station Blayney and refurbishment of Blayney Fire and Rescue Station, facilitate meetings with zone commanders and local brigade captains</p> <p>Chair the Local Emergency Management Committee.</p> <p>Participate in the development and implementation of the Blayney Shire Local Emergency Management Plan.</p> <p>Attendance at and involvement in NSW Police Chifley District Command and other emergency services agencies meetings.</p>	<p>Council representation (Mayor) on Blayney Health Council. Advocacy on Aged Care as required.</p> <p>Construction of RFS station underway.</p> <p>LEMC meetings run as per meeting schedule.</p> <p>Council participated in the community consultation sessions for the Blayney MPS redevelopment.</p>

<p><b>1.3 The community is provided with access to quality lifelong education and training</b></p>		
<p>Advocate on behalf of the community to Government to support accessible quality local education</p> <p>Work with registered training organisations, key business and employment service agencies to support traineeships, trade apprenticeships and skills development</p>	<p>Attendance at and involvement in advocacy activities.</p> <p>Engage with Schools Infrastructure NSW.</p> <p>Appoint Council Delegate to the Skillset Board</p> <p>Work with training organisations as opportunities arise to achieve national recognised training outcomes</p>	<p>Council advocated the NSW Government regarding the Millthorpe Public School redevelopment.</p> <p>Councillor Pryse Jones has identified a desire to be Council's delegate on the Skillset Board.</p> <p>Council has been working with multiple training providers, schools and government organisations regarding the national skills shortage.</p>
<p><b>1.4 Residents and business have access to reliable utilities, information and communication technologies across the Shire</b></p>		
<p>Lobby the Federal Government for improved internet and mobile phone access to all our villages to facilitate growth</p> <p>Investigate and support emerging communication technologies that support our community</p> <p>Ensure appropriate utility services (electricity, gas, water) are available in the Blayney Shire</p>	<p>Support applications for funding for improved communications infrastructure, as required.</p> <p>Utilise smart technology and expand Council smart hub systems.</p> <p>Attendance at and involvement in advocacy activities.</p>	<p>Council provided information to RDA Central West regarding known black spots for mobile phone coverage.</p> <p>Council continues to integrate opportunities for use of smart hub technology within its capital works program.</p> <p>Council delegate appointed to Central Tablelands Water. Informal engagement with Essential Energy and Jemena as required.</p>

## Future Direction 2 – Build the Capacity and Capability of Local Governance and Finance

Strategic Objectives/Strategies	Actions	Status
<b>2.1 Council is recognised as a valuable partner with government and private business stakeholders</b>		
<p>Meaningful two-way communication and engagement between NSW and Federal Governments, regional organisations, business, industry, stakeholders and communities of interest</p> <p>Provide for the efficient and effective administration of Council</p>	<p>Attendance at and involvement in advocacy activities.</p> <p>Develop Implementation Plan to deliver recommendations from Financial Sustainability Review.</p> <p>Audit, Risk and Improvement Committee (ARIC) meetings held</p> <p>Implementation of Strategic Internal Audit Plan Development of Service Plans and Service Review Framework</p> <p>Pursue partnerships and Grant funding opportunities to deliver projects identified in Asset Management Plans and Integrated Planning and Reporting documents.</p>	<p>Council has attended; LGNSW conference, Country Mayors, Mining &amp; Energy Related Councils, Central NSW JO. Council has also met with Hon Paul Toole (Bathurst MP and Deputy Premier) during the period.</p> <p>Financial Sustainability Working Group met twice in the period.</p> <p>ARIC meeting held in November and minutes tabled to Council in December 2022.</p> <p>Implementation of Strategic Internal Audit Plan in progress.</p> <p>Grant funding sought as reported to Council.</p>

<b>2.2 Responsible management practices, delivery of services and renewal of assets across the Blayney Shire</b>		
Identify and implement improvement opportunities to optimise Council's financial sustainability	Implement Building and Other Structures Asset Management Plan	Revaluation of Buildings Asset Class has commenced and is required before completing an updated AMP.
Review Council's financial performance in the Long Term Financial Plan and report against Office of Local Government Financial Performance Ratios	Finalise Financial Sustainability Review (FSR) Reporting to Audit Risk and Improvement Committee	FSR completed and report tabled to ARIC Meeting. Financial Statements lodged with the OLG on 24/10/2022.
Significant Capital Projects are assessed and reviewed prior to lodgment and/or allocation of funding	Annual Financial Statements finalised and audited All proposed projects are considered and assessed in accordance with Capital Projects Operating Guideline and / or Capital Expenditure Review Guideline	Council adapted to national skills shortage and currently sits at 96% occupancy. Council continues to use initiatives identified in its workforce management plan in relation to its HR recruitment and retention strategies.
Council is an employer of choice	Implement Workforce Management Plan strategies.	
Effective management of land under Council control	Finalisation of Crown Lands Plans of Management Program Regular meetings with Crown Land	Crown Lands Plans of Management Program progressing with Parks, Ovals and Open Space Plan of Management assessed by Crown Lands and edits updated. Awaiting approval prior to pressing further. Meeting with Crown Lands held September 2022.

<b>2.3 Town Associations, Village Committees and local organisations are capable, resilient, and involved in decision making about issues that impact their own community</b>		
<p>Facilitate constructive and timely communication between Council and the Town &amp; Village Committees /Progress Associations</p> <p>Continue to support local community infrastructure projects via the Community Financial Assistance Program and Village Enhancement Plan (VEP) allocations</p> <p>Support the development and implementation of improvement projects for the local Halls, School of Arts and other community facilities</p> <p>Work proactively with community groups to support local events</p>	<p>Engagement with town and village communities on priorities for allocation of VEP funding</p> <p>Community Financial Assistance Program funding rounds called biannually</p> <p>Community Financial Assistance Program funding allocated.</p> <p>Attendance at and involvement in Orange360 activities.</p> <p>Increase social media presence and interaction with community</p> <p>Facilitation of Event Management Applications and support of event organisers</p>	<p>Council met with; Platform Arts Hub, Millthorpe, Lyndhurst and Newbridge village committees.</p> <p>Community Financial Assistance Rounds promoted with Round 1 allocated and Round 2 scheduled to close February 2023.</p> <p>Council delegate appointed. Delegate and officer attendance to monthly meetings.</p> <p>SM Posts per schedule. Min of 4 per week and more as required. 468 new likes during period.</p> <p>Applications received responded to and applicants assisted with navigating and satisfying requirements.</p> <p>Review of event application process also in progress.</p>

<b>2.4 The community and ratepayers have confidence in and are engaged with Blayney Shire Council</b>		
<p>Deliver Councils Community Engagement Strategy utilising various channels and methods to enhance community awareness and participation in Council services and decision making</p> <p>Information is delivered effectively and efficiently</p> <p>Encourage sound governance practice and build the capacity and capability of local leaders within community organisations</p>	Review Community Engagement Strategy	Not yet commenced
	Review Community Participation Plan	Not yet commenced.
	Investigate Online Rates Tool	Ongoing
	Increase e-newsletter distribution list	Part of social media schedule. Numbers continue to increase.
	Promote Online Planning and Customer Request platforms	DA lodgment advice provided on Council's website
Seek training opportunities to build capacity and capability of local leaders	No training sought and/or identified at this stage.	

### Future Direction 3 – Diversify and Grow the Blayney Shire Local and Visitor Economy

Strategic Objectives/Strategies	Actions	Status
<b>3.1 A viable and productive agricultural sector</b>		
<p>Support the growth of the Shire while preserving productive agricultural land and integrate sustainable industries into the future</p> <p>Ensure local planning instruments and strategies support the agricultural sector</p> <p>Maintain the availability and quality of water for use in rural areas</p>	<p>Ensure Land Use conflict is minimised and/or mitigated where on or adjoining agricultural lands and operations.</p> <p>Manage the water supply bores in rural locations to provide a secure 'non-potable' supply of water to the Shire</p> <p>Participate in Central NSW Water Utilities Alliance</p>	<p>This assessment occurs with individual development applications and through the Planning Proposal process if agricultural lands are involved.</p> <p>Bores maintained within Council budget.</p> <p>No meeting in reporting period.</p>
<b>3.2 A responsible and prosperous mining industry that is engaged with the community, working towards the improvement of the Shire</b>		
<p>Engage and advocate on behalf of the community on the corporate and environmental responsibilities of the mining sector</p>	<p>Attend Community Consultative Committee (CCC) meetings</p> <p>Attend Mining and Energy Related Councils meetings</p> <p>Advocate to the NSW Government for continuation of the Resources for Regions funding program.</p>	<p>2 meetings of the Cadia Valley CCC were held during the reporting period. One was attended.</p> <p>2 meetings of the Flyers Creek Wind Farm CCC were held during the reporting period. One was attended.</p> <p>MERC meetings attended</p> <p>Ongoing. Issue raised with MERC, Central NSW JO and NSW Government.</p>



Strategic Objectives/Strategies	Actions	Status
<b>3.3 Growing and connected tourism networks that add value to the vision and appeal of our heritage villages and tourism product within the Shire</b>		
<p>Implement the Orange Region Destination Management Plan Work with, and support Orange360 and Central NSW Tourism</p> <p>Provide support to local businesses and event organisers</p>	<p>Work with Orange 360 to support Orange Region Destination Marketing activities</p> <p>Review Blayney Visitor Information Centre operations</p> <p>Allocate funding through the Tourism Development Program</p> <p>Implement the Reconnecting Regional NSW Community Events Program</p>	<p>Ongoing</p> <p>New volunteers recruited for the Blayney Visitor Information Centre in 2022 following Recruitment Day.</p> <p>4 applications approved during reporting period.</p> <p>3 of 13 events held in 2022 under the Reconnecting Regional NSW Community Events Program</p>
<b>3.4 An attractive shire for employment opportunities with industrial, business, tourism and planned housing residential growth</b>		
<p>Implement the Blayney Mainstreet and Millthorpe Village Centre Masterplans</p> <p>Facilitate the development of new residential housing in Blayney and Villages</p> <p>Seek opportunities to build a vibrant local retail and business sector</p> <p>Regularly review and update, planning instruments, strategies and policies</p>	<p>Deliver High Pedestrian Activity Areas in Blayney and Millthorpe.</p> <p>Develop projects and identify funding opportunities for Blayney Mainstreet and Millthorpe Village Centre Masterplan projects</p> <p>Work with stakeholders and partners to identify affordable housing opportunities</p> <p>Support business opportunities</p>	<p>Currently with TfNSW</p> <p>Funding for detailed design obtained and will be progressed.</p> <p>No opportunities identified.</p> <p>Multiple Planning enquires received and advice provided to businesses seeking to develop.</p>

Strategic Objectives/Strategies	Actions	Status
	<p>Review Infrastructure Contributions Plan</p> <p>Commence Millthorpe Settlement Strategy Addendum</p> <p>Commence a Planning Proposal to update the Blayney Local Environmental Plan 2012 in response to the Blayney Flood Study (Storm 2022)</p>	<p>Review of the Infrastructure Contributions Plan is complete and new 2022 Plan implemented.</p> <p>The Millthorpe Settlement Strategy Addendum has not commenced and it is intended to seek Council's approval to defer this project until 2023/2024 to align with proposed budgeting in the Delivery Program.</p> <p>A review of the Flood Study is occurring prior to proceeding further.</p>

Future Direction 4 – Enhance recreational facilities and networks that support health and wellbeing of the community, sport, heritage and cultural interests

Strategic Objectives/Strategies	Actions	Status
<b>4.1 We are an inclusive, diverse and welcoming community</b>		
<p>Engage with young people to facilitate and progress activities within the Shire</p> <p>Implement the Disability Inclusion Action Plan</p> <p>Facilitate engagement of key stakeholders of the local community services sector</p>	<p>Allocate funding through Youth Week Grants program</p> <p>Six monthly and annual reporting on outcomes from Disability Inclusion Action Plan (DIAP)</p> <p>Engagement of Disability Inclusion Working Group (DIWG)</p> <p>Support Blayney Interagency meetings and networks</p>	<p>Applications being sought for Youth Week from community.</p> <p>DIAP on exhibition.</p> <p>DIWG meeting held in November 2022.</p> <p>Council meeting facility on offer. No meeting held to date</p>
<b>4.2 Provide facilities that support increased participation in sport and fitness activities</b>		
<p>Sporting events are supported by Council, volunteers and state sporting bodies so that they are coordinated and well resourced</p> <p>Implement Blayney Shire Sports and Recreation Masterplan to enhance and improve sporting facilities</p> <p>CentrePoint Sport and Leisure Centre is managed in a manner to maximise patronage and participation in fitness activities</p>	<p>Implement Councils' Parks and Recreation Asset Management Plan</p> <p>Deliver sports lighting at Stillingfleet netball and King George Oval facilities, Blayney, and the Lyndhurst Recreation Ground tennis court</p> <p>Deliver Redmond Oval, Millthorpe cricket nets upgrade.</p> <p>Install new electronic scoreboard at King George Oval.</p> <p>Deliver carpark improvements at King George Oval, Blayney.</p>	<p>As provided for in capital works program.</p> <p>Lyndhurst tennis courts &amp; Blayney netball courts have been completed. KGO will be completed by the end of February 2023.</p> <p>Completed – October 2022</p> <p>Completed – December 2022</p> <p>Request for quotations sought.</p>

Strategic Objectives/Strategies	Actions	Status
	<p>Review the Blayney Shire Sport and Recreation Masterplan</p> <p>Coordinate User Group meetings for sporting facilities and major projects</p> <p>YMCA to ensure fitness programs and services maximise patronage and participation at CentrePoint</p>	<p>Focus is upon development of Blayney Showground Masterplan, subject to grant funding. Initial discussion with User Group.</p> <p>KGO user group and Showground user group meetings undertaken.</p> <p>YMCA representatives to provide a briefing to Councillors in February.</p>
<b>4.3 Heritage and First Nations significant sites in the natural and built environment are protected</b>		
<p>Identify items of natural and built heritage in Blayney Shire</p> <p>Heritage Advisory services continue to be provided to owners of heritage items ensuring heritage is preserved whilst allowing development to occur</p> <p>Ensure the Shire's 8 heritage listed cemeteries are maintained and protected</p>	<p>Ongoing engagement with Orange Local Aboriginal Lands Council</p> <p>Facilitate and provide Heritage Architect Advisory service</p> <p>Allocate funding through Local Heritage Assistance Program</p> <p>Finalisation of the Blayney Shire Cemeteries Vegetation Plan</p>	<p>No engagement during the period.</p> <p>The Heritage Architect Advisory service continues with visits from Heritage Advisor monthly.</p> <p>Four applications have been approved.</p> <p>Draft plan progressing.</p>

<b>4.4 The shire is a centre for cultural interest, arts, performance and entertainment</b>		
Encourage the use of the Blayney Shire Community Centre as a facility for events	Number of events that utilise Blayney Shire Community Centre	Statistics for reporting period:
Provide effective and consumer friendly library services in the Blayney Shire	Music Scholarship program and maintain Council's support of Regional Music Programs	<ul style="list-style-type: none"> <li>• Meetings 84</li> <li>• Conferences 1</li> <li>• Other functions 27</li> <li>• Internal meetings 56</li> <li>• Days unused 67</li> </ul>
Maintain partnerships with local arts and cultural groups	Maintain and operate Blayney Library via Service Level Agreement (SLA) in place with Orange City Council	2 Music Scholarships awarded following November auditions.
	Continued support of Arts OutWest, Platform Arts Hub and local museums	Library Service delivered per SLA. Statistics for period: <ul style="list-style-type: none"> <li>• In-person visits 2,307</li> <li>• Physical Loans 3,458</li> <li>• E-loans 2,724</li> </ul>
		Arts OutWest membership renewed.
		Funding provided to Platform Arts Hub through NSW Reconnecting Regional NSW Community Events Program.

## Future Direction 5 – Protect our Natural Environment

Strategic Objectives/Strategies	Actions	Status
<b>5.1 Retain and enhance open spaces; with a focus on regeneration of native vegetation</b>		
<p>Ongoing liaison, support and participation with Local Land Services, Landcare and as a constituent Council Upper Macquarie County Council</p> <p>Maintain and strengthen partnerships with organisations responsible for natural resource management and feral pest control</p> <p>Review the Roadside Vegetation Management Plan to ensure high environmental value vegetation is protected, road safety outcomes maintained and any clearing is undertaken following agreed principles and guidelines</p> <p>Support Council's native tree planting program and community engagement</p>	<p>Attendance at and involvement in advocacy activities.</p> <p>Prepare concept plan for Presidents Walk</p> <p>Implement Native Tree Planting Program</p> <p>Develop a Parkland Tree Planting design, replacement and expansion program</p> <p>Detailed design for Beaufort Street Park</p> <p>Cemeteries Vegetation Management Plan</p>	<p>Council delegates appointed to Upper Macquarie Council and meetings attended. Informal engagement with LLS and Landcare as required.</p> <p>No budget in current financial period.</p> <p>No tree planting during period beyond minor replacements.</p> <p>Street Tree policy under revision. Proposed for consideration at February Council meeting.</p> <p>Native planting planned as part of Belubula River Walk project.</p> <p>No budget in current financial period.</p> <p>Cemeteries Operational Guideline currently under review.</p>

<b>5.2 The Belubula River, waterways and tributaries that flow into our regional water catchments and water supply sources are clean, healthy and biodiverse</b>		
Prepare a shire wide onsite sewerage waste-water strategy	Finalise and implement Blayney Shire Onsite Sewerage Management Policy	Not yet commenced.
Clean up waterways throughout the Shire including removal of willow trees, other noxious species, creating wildlife habitat	Sewerage Strategic Business Plan (SBP) Stormwater Management Plan for Blayney	Public Works NSW engaged for proposal on SBP delivery. In progress with Blayney Local Flood Study.
Stormwater Management Plans are prepared for Blayney, Millthorpe and Carcoar and projects scoped for funding	Progress Millthorpe Stormwater Management Plan study	Draft study in progress.
Ensure provision of Sewerage Treatment and Recycled Water Treatment Plant is adequate for the growth of the Shire and promotes Residential Development		
<b>5.3 We are on the path to achieving net zero emissions and adapting to climate change risks and opportunities</b>		
Facilitate new energy sources, sustainable development and farming practices within the Shire	Finalise Business Case and Capital Expenditure Review for Blayney Solar Farm	Project review to be undertaken.
Implement the Blayney Shire Renewable Energy Action Plan	Lodge Development Application for Blayney Solar Farm Investigate behind the meter battery/solar solutions	DA not lodged yet. Not yet progressed.
Continue to investigate and challenge emerging renewable energy sources	Develop Fleet strategy for electric/hybrid vehicle solutions	Not yet commenced.

<b>5.4 Recycling and innovative diversion of waste will reduce the volume deposited in Council's Landfill</b>		
Ensure Waste Management Services are delivered in a financially sustainable manner	Review Village Recycling Station Service	Review scheduled to occur in the second half of the reporting year.
Develop and promote programs with NetWaste that increase recycling and reuse	Support Garage Sale Trail	Garage Sale Trail held over two weekends in November with 35 sales.
Review services and introduction of a Green Bin in Waste Collection Services	Review Bulky Waste Collection Service	Review scheduled to occur in the second half of the reporting year.
Investigate establishment of 'return and earn' opportunities within the Shire	Investigate voucher system for Blayney Waste Management Facility	Investigation to occur in the second half of the reporting year.
	Review of Street Cleaning program	Not yet commenced.





## 2I Enterprise Risk Management Policy and Plan

<b>Policy Title</b>	2I Enterprise Risk Management Policy & Plan
<b>Officer Responsible</b>	WHS & Risk Coordinator
<b>Last Review Date</b>	XX/XX/2023

**Strategic Policy**

## TABLE OF CONTENTS

1	POLICY STATEMENT.....	3
2	OBJECTIVES .....	3
3	BACKGROUND.....	4
4	RESPONSIBILITIES .....	4
5	ENTERPRISE RISK MANAGEMENT PLAN.....	4
6	RISK TOLERANCE / APPETITE .....	5
7	RECORD REQUIREMENTS.....	5
8	CONFLICT OF INTEREST.....	5
	<b>PLAN .....</b>	<b>6</b>
9	INTRODUCTION.....	6
10	OBJECTIVES .....	6
11	DEFINITIONS.....	7
12	RISK MANAGEMENT .....	8
13	MANAGING RISK .....	8
14	APPLICATION OF RISK MANAGEMENT.....	8
15	ROLES AND RESPONSIBILITIES .....	9
16	COMMUNICATION AND CONSULTATION .....	11
17	RISK MANAGEMENT FRAMEWORK.....	11
18	RISK MANAGEMENT METHODS.....	12
19	RISK IDENTIFICATION .....	12
20	RISK ASSESSMENT .....	13
21	RISK APPETITE .....	15
22	APPETITE STATEMENTS .....	17
23	RISK TREATMENT .....	19
24	MONITOR AND REVIEW .....	19
25	COMMUNICATION AND CONSULTATION .....	19
26	RELATED DOCUMENTS .....	20

## **POLICY**

### **1 POLICY STATEMENT**

Council is committed to taking a structured and innovative approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and maximise opportunities to improve service provision.

The Enterprise Risk Management (ERM) approach utilised by Council in the development of the ERM Framework is AS ISO 31000:2018 together with the requirements of the NSW Work Health and Safety Act, 2011, and will be incorporated into the Planning, Governance, Asset Management, and Operational Processes of Council.

### **2 OBJECTIVES**

- 2.1 To provide direction and commitment to ERM principles as part of Council's management planning, decision making and the undertaking of operational activities.
- 2.2 To effectively integrate the management of risk into Council's high level management planning activities to ensure the achievement of its strategic objectives as outlined in the Community Strategic Plan and associated documents. The ERM Framework (incorporated into the ERM Plan) includes ERM being integrated with Council's Integrated Planning and Reporting Structure.
- 2.3 To apply and incorporate the ERM Framework into Council's operational activities and business planning processes.
- 2.4 To promote an environment of risk awareness and willingness to manage risk at all levels of the organisation.
- 2.5 To provide opportunities that encourages continuous improvement of the ERM Framework at all levels of the organisation.
- 2.6 To ensure, through the application of this Policy:
  - a) That the Council, General Manager and the Executive Staff are in a position to confidently make informed strategic, project and operational decisions based on good business practices to ensure risks are identified, analysed, evaluated and treated ;
  - b) That the requirements of the Office of Local Government's New Risk Management and Internal Audit Framework, in relation to the management of risk, are satisfied;
  - c) That all reasonably foreseeable risks are systematically identified, assessed, analysed, prioritised and considered for appropriate treatment with all information documented in Council's electronic risk system;
  - d) The correct assigning of ownership of risks through appropriate delegation of risk management responsibilities to all Council officers across all functional areas of Council;
  - e) That all relevant legislation is complied with and relevant risk management standards (currently AS ISO 31000:2018) are used to provide guidance in best risk management practices;
  - f) The effective management and allocation of resources through more targeted and effective controls;
  - g) Improved protection of the community, Council's employees and volunteers, Council's assets and Council's financial integrity and sustainability;

- h) The effective communication of this policy through the development of an ERM Communication and Reporting Framework.

### **3 BACKGROUND**

- 3.1 Risks exist in all aspects of Council's undertakings. AS ISO 31000:2018 defines risk as the 'effect of uncertainty on objectives'. An effect is a deviation from the expected, whether it be a negative or positive (realising opportunities) deviation.
- 3.2 The effective implementation of this policy will ensure that the management of risk is seen as good business sense and provide a way to know which risks to take for the benefit of a greater opportunity, which risks to avoid in order to prevent significant impact on the organisation and managing the outcomes for success in order to achieve the organisation's key objectives.
- 3.3 It is essential that risks are managed to ensure that Council achieves its objectives; and in turn be recognised for the excellence of its services and for the strength of its partnerships with the community, customers, employees and stakeholders. ERM plays a key role in ensuring that Council achieves that objective.
- 3.4 Council's Risk Appetite is:
  - a) The level of risk that the Council is prepared to take to achieve its strategic objectives;
  - b) The risks that it is prepared to endure in response to a decision not to implement risk treatments;
  - c) The acceptance of the residual risk following the implementation of risk treatments.
- 3.5 Under most scenarios, Council generally has a conservative risk appetite but accepts there are risks associated with many of Council's activities. Where there is a negative impact, Council is usually willing to accept a higher level of risk to achieve its strategic objectives, however all risk scenarios will be analysed and evaluated on a case by case basis. An Extreme Risk Rating is NOT ACCEPTABLE and such a level shall not be tolerated by Council.

### **4 RESPONSIBILITIES**

The Council, General Manager, Directors, Managers, Supervisors and Employees, Contractors and Consultants are to be familiar with, and competent in, the application of the ERM Policy, and are respectively accountable for the delivery of this Policy within their areas of influence and responsibility. These are outlined in Council's ERM Plan.

### **5 ENTERPRISE RISK MANAGEMENT PLAN**

- 5.1 Council's ERM Plan is the document that articulates how the intent of the ERM Policy (this policy) is to be communicated and implemented throughout the organisation. It provides clear guidance and the associated processes, procedures and standards that are to be observed.
- 5.2 Effective communication is critical to the successful implementation of this policy. Council is to develop and implement a Communication Strategy that will ensure this policy and its intent is known, clearly understood and applied by all staff within the organisation.
- 5.3 Similarly, a Reporting Strategy will provide effective channels for information, decision making and instructions to be relayed efficiently and effectively in order to successfully manage any potential risk that may impact on Council's achievement of objectives. Council personnel will follow these protocols.

5.4 Council is committed to the proactive approach to risk management, to continually review its effectiveness and to be flexible enough to adapt to the changing needs of the organisation.

A performance review of the effective implementation of the ERM Plan and activities will be conducted for the Audit, Risk and Improvement Committee. This review will serve to further enhance Council's performance that will have Council seen as a proactive and resilient leader by the community.

## **6 RISK TOLERANCE / APPETITE**

6.1 How much risk Council is willing to accept will vary with each circumstance. Staff must be aware that there are risks Council will NOT be prepared to accept and as such, it is important to identify these and follow appropriate protocol.

6.2 Risk levels that are NOT ACCEPTABLE by Council are those risks where:

- a) Any reasonable preventable accident/incident resulting in the loss of life or serious injury
- b) Any reasonable preventable incident that will threaten the provision of critical services and the well-being of the community.
- c) Any reasonable preventable activity that will cause extensive endangerment or will cause long term or permanent damage to the environment.
- d) Any reasonable preventable activity that will disrupt normal business activities and/or cause major damage to reputation.
- e) Any reasonable activity that will cause Council significant financial loss.

## **7 RECORD REQUIREMENTS**

All documents associated with the ERM System and procedures will be kept in the appropriate Blayney Shire Council electronic records management system. All Blayney Shire Council stakeholders are responsible for the formal retention of any risk management documents.

## **8 CONFLICT OF INTEREST**

It is all employees' responsibility to ensure that there are no conflict of interest situations existing in undertaking their respective Council role. All conflicts of interest will be managed in accordance with Council's Code of Conduct Policy and Procedures.

## PLAN

### 9 INTRODUCTION

This Enterprise Risk Management Plan establishes the framework and context, in terms of how Blayney Shire Council (Council) manages risk. Council recognises that risks are an integral part of normal everyday life. Taking control of risk is good business practice, and allows for risks to be identified, analysed, evaluated and treated. A set of descriptors and tables, known collectively as the Risk Rating Tables, or Risk Rating Matrix, are included to assist measuring and evaluating risks and controls and establishes a common language to manage risk and defines Council's level of risk tolerance.

Council shall manage risks associated with Council operations through:

- Identification of foreseeable risk;
- Assessment of the consequence of an event;
- Implementation of corrective/preventative measures which aim to eliminate if possible, or if not, control or prevent risk according to the hierarchy of control;
- Review or evaluation of the effectiveness of risk control measures; and
- Providing instruction, training, information and supervision to support risk management. The requirements of this Plan shall apply to all Councillors, Council employees, contractors (including labour hire and temporary employees) and where applicable volunteers.

Blayney Shire Council has adopted the three lines of defence assurance model within its risk management process. This ensures the continuous effective embedding of a risk culture in the management of each directorate.



**Figure 1: 3 lines of Defence Assurance Model**

### 10 OBJECTIVES

To provide Blayney Shire Council with a consistent approach to Risk Management across all of Council and to assist staff in making decisions in their day to day activities, and the management of the risks that will be encountered in those activities.

## 11 DEFINITIONS

**Action Plan** – a plan formulated for the treatment of a risk. Action plans consider implementing controls, strengthening current controls or introducing additional controls that reduce the likelihood of the risk and/or the impact of the consequences.

**Business Continuity Plan** - a treatment plan for certain risks when consequences could disrupt core business functions. The plan outlines the actions to be taken and resources to be used before, during and after a disruptive event to ensure the timely resumption of critical business activities.

**Consequences** - the impact or outcome of an event.

**Control** - a procedure, system, activity or process that modifies the likelihood and/or consequences of risk.

**Event** – occurrence or change of a particular set of circumstances.

**Hazard** – a situation or thing that is the source of potential harm.

**IP&R** – integrated planning and reporting.

**Likelihood** - a measure of how likely it is that a certain consequence will eventuate.

**Residual Risk** – risk remaining after treatment.

**Risk** - the effect of uncertainty on objectives and is measured as a loss or gain.

**Risk Analysis** - the process that determines risk by evaluating the effectiveness of existing controls and assigning values for consequences and likelihood

**Risk Acceptance** – an informed decision to take a particular risk or accept a level of risk. Risk Acceptance can occur without risk treatment or during the process of risk treatment and is subject to monitoring and review.

**Risk Appetite** – the amount and type of risk that Council is willing to pursue or retain.

**Risk Evaluation** - a process of comparing the results of risk analysis to determine whether the risk is acceptable or tolerable.

**Risk Identification** means a process of finding, recognising and describing risks. The identification of risk includes the identification of the source, the events, their causes and their potential consequences.

**Risk Management** – the coordinated activities to direct and control Council with regard to risk.

**Risk Owner** - a person or entity with the accountability and authority to manage a risk.

**Risk Rating** - a determined value that is assigned to the risk.

**Risk Tolerance** - a degree that a Council is willing to accept risk, after risk treatment, in order to achieve its objectives.

**Risk Treatment** – process to modify risk.

**Stakeholders** – includes Councillors, employees, staff, trainees, labour hire personnel, contractors, volunteers and individuals and / or groups inside or outside the organisation, who have direct interest in the actions, products and services of the organisation.

## **12 RISK MANAGEMENT**

Risk management is a critical component of Council's overall performance and an essential element of good corporate governance.

There is a direct relationship between risk and opportunity in all business activities, and as such, Council needs to be able to identify, measure and manage its risks in order to be able to manage threats and opportunities to achieve its goals and objectives. Risk management is simply the practice of systematically identifying and understanding risks and the controls that are in place to manage those risks.

Risk is the effect of uncertainty on objectives and can be described as:

- Any threat that can potentially prevent Council from meeting its objectives;
- Any opportunity that is not being maximised by Council to meet its objectives.

The process for managing Council's risks is consistent with AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines.

## **13 MANAGING RISK**

The primary reason for managing risk is to enable Council to successfully achieve its goals. With the growing need for transparent decision-making, a structured, systematic risk management process demonstrates the required due diligence. A comprehensive understanding of the risk exposures facing Council also facilitates effective planning and resource allocation, and encourages a proactive management culture, with flow-on benefits for every aspect of Council's operations.

## **14 APPLICATION OF RISK MANAGEMENT**

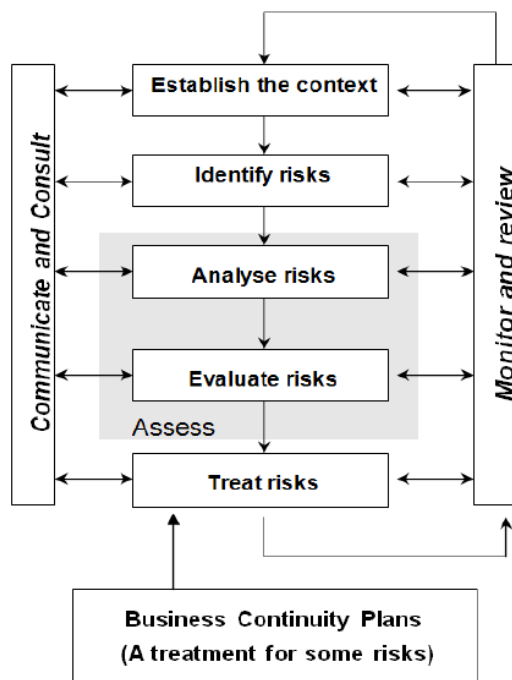
Risk management is to be applied at all levels of Council operations, as it is most successful when fully integrated into normal operating procedures, processes and systems.

Everyone is accountable in managing risk.

Council has adopted an implementation framework, which provides a step by step outline for implementing risk management. There is a strong emphasis on training, education and communication, to ensure the skills of managers, supervisors and employees will be developed and maintained.

This risk management plan provides the framework for risk management and provides Blayney Shire Council staff with guidance in how to apply consistent and comprehensive risk management.





**Figure 2: Risk Management Process**

## 15 ROLES AND RESPONSIBILITIES

A commitment to risk management shall exist at all levels of Council.

### **Councillors**

Councillors are responsible for adopting and committing to the Enterprise Risk Management Policy, setting of the risk appetite and overseeing Council's risk management framework. They approve and allocate funding, report to the community and liaise with the General Manager and Directors.

### **General Manager**

The General Manager is to oversee the management of Blayney Shire Council's Enterprise Risk Management Policy and Enterprise Risk Management Plan. The General Manager ensures this policy and the plan's implementation across all aspects of Council business. The General Manager will display leadership, direction and report to Council and statutory bodies. The General Manager is responsible for allocation of sufficient resources to support the effective and efficient management of risk and that risk management is aligned to the IP&R objectives and Operational Plan. The General Manager ensures that Council and Executive Services risks are identified and recorded in the Council Risk Register.

### **Management Executive Group (MANEX)**

MANEX is chaired by the General Manager with the other members being the Directors. It meets weekly. MANEX will oversee the implementation, decide on the direction, monitor and review the risk management process. Risk management is a standing agenda item on the MANEX agenda and reports from the WHS & Risk Coordinator are tabled.

### **Directors**

Directors are accountable for the implementation and currency of this Enterprise Risk Management Plan and its associated documents within their department. Other responsibilities include ensuring training and resources are available, providing leadership and support, and report to MANEX on matters relating to risk management. Directors ensure that departmental risks are identified and recorded in the Council Risk Register. The Director is notified of these risks and is the owner of the risks within their Directorate.

### **Managers**

Managers are responsible for implementing and maintaining sound risk management processes to conform to this Enterprise Risk Management Plan. It is the responsibility of all Managers to actively promote a culture where risk mitigation is seen as the responsibility of all staff and contractors employed by Council. Managers are accountable for compliance, adherence to time frames, monitoring and review. They provide direction and support to supervisors and staff, and report to their Director. Managers are responsible for enforcing compliance with identified mitigating controls in place to manage identified risks and developing and implementing risk treatment plan actions where required ensuring all are completed in the prescribed/agreed timeframes.

### **Information Technology Manager**

The Information Technology (IT) Manager is responsible for providing support to all staff, including consultants, contractors and outsourced service providers for them to understand the cyber security requirements of their roles. The IT Manager is also responsible for implementing policies, procedures, practices and tools to ensure compliance and establishing training and awareness programs to increase staff's cyber security capabilities. This responsibility is to ensure Council

- maintains a secure-by-design approach for new initiatives and upgrades to existing systems to ensure compliance within the Council's cyber risk tolerance,
- builds cyber incident response capabilities,
- ensures security breaches or near misses affecting information assets are investigated and reported; and
- maintains a proactive approach to ensuring the security of the system is kept at the highest possible security level.

### **Supervisors**

Supervisors are required to create an environment where the management of risk is accepted as the personal responsibility of all staff. Their duties include instruction, monitoring and enforcing risk management processes. They assist Council by communicating and consulting with staff, ensuring identification of hazards and risks ensuring they are eliminated or minimised, reviewing the effectiveness of controls and reporting incidents. Supervisors report to their managers and Director.

### **Stakeholders**

All stakeholders are responsible for their participation in Enterprise Risk Management activities and processes to minimise Council's exposure to risk within their area of activity. Worker participation includes the documentation of work methods, processes and risk assessments. Other responsibilities include attending training in risk management, reporting unsafe acts or any conditions of risk, incidents or injuries and compliance with direction, policies and procedures.

#### **Audit Risk and Improvement Committee**

A formally appointed committee of the Council and is responsible to that body. The objective of the Audit, Risk and Improvement Committee is to provide independent assurance and assistance to Blayney Shire Council on risk management, control, governance and external accountability responsibilities.

#### **WHS & Risk Coordinator**

The WHS & Risk Coordinator primary responsibility is the coordination, documentation, monitoring and compliance of risk management within Council. The WHS & Risk Coordinator reports directly to the General Manager and responsibilities include; providing risk management advice and assistance, distributing information and facilitating training in risk management for all Council staff.

### **16 COMMUNICATION AND CONSULTATION**

Communication and consultation are important elements in each step of the risk management process. Ongoing stakeholder engagement is crucial for success in the identification and management of risk.

Effective communication ensures those accountable for risk management and those with a vested interest, understand the basis on which risk management decisions are made and why particular strategies are implemented. It is important that the communication approach recognises the need to promote risk management concepts across all management and employees.

Communication is the sharing of information, ideas, experience and viewpoints. A structured approach to communication and consultation will provide the following benefits:

- Organisational unity and a risk tolerant culture;
- Risk management process is credible and understood;
- The interests of stakeholders are understood and considered;
- Integration of multiple viewpoints;
- Securing endorsement and support for risk action planning;
- Risk management is embedded in the way we do things.

### **17 RISK MANAGEMENT FRAMEWORK**

Blayney Shire Council's risk management process is aligned to its strategic goals and objectives and is integrated within the overall planning and management functions of Council.

Council's risk management process is about understanding Council's environment by considering the following:

- Vision and values as set out in its Community Strategic Plan;
- Strategic direction, goals and objectives;
- Internal and external environment;
- Internal and external stakeholders;
- Community expectations;
- Organisational planning, reporting and management;
- Roles, responsibilities and communication strategies;
- Organisational governance and the integration of risk management;

- Operational planning, skills and resources.

## 18 RISK MANAGEMENT METHODS

There are a number of different methods Council utilises to manage risk. Blayney Shire Council engages a three process risk assessment structure:

Process 1 – site or task specific risk assessments

Process 2 – procedures and safe work method statements

Process 3 – high level risk assessments and action plans

All three methods involve a systematic approach of risk identification, risk analysis and evaluation and risk treatment and control. The selection of risk assessment method is in relation to the level of risk or its complexity and exposure. Alternatively management may apply a specific method based on other factors introduced to the activity or task.

When the level of inherent risk is identified as extreme or high they are to be recorded in the Council Risk Register.

The **Risk Register** is a log of the identified risk and hazards, and contains details of:

- Risk or Hazard identification and type;
- A risk statement describing the risk or hazard;
- Details of the business or work unit and ownership of the risk;
- Assessed likelihood and consequence descriptors;
- Risk rating;
- Appropriate Control Measures;
- Adequacy of those Control Measures;
- Responsibilities for actions;
- Monitoring and review process.

Risk registers shall be reviewed and reported to MANEX every two months. Reports to Council and Audit Committee are to be prepared three times a year or where there has been a significant incident or occurrence, and where changes to legislation or business practice occur.

## 19 RISK IDENTIFICATION

Council's Enterprise Risk Management Methodology is based on AS/NZS ISO 31000:2018 Risk Management [Principles and Guidelines](#) and involves an assessment of the risk consequences and likelihood. To ensure that all risks within Council are addressed, a structured, systematic approach to defining and identifying risk is essential. Risk identification considers what can happen, when and where, and why and how it can happen. Comprehensive risk identification using a well-structured process is critical, in order to achieve the strategic and operational outcomes agreed to by Council.

Risks can be identified using many techniques, including:

- Checklists developed for specific events/projects/activities
- Questionnaires and individual staff interviews
- Examination of previous Council records of events/projects/activities
- Group methods such as brainstorming or workshops with relevant stakeholders
- Internal or external audits and the utilising of relevant codes or standards.

Strategic and operational risks that affect objectives can be identified in areas such as:

- Service delivery
- Reputation

- People and culture
- Finance
- Fraud and corruption
- Health and safety
- Stakeholder
- Business continuity
- Security
- Compliance with legislative requirement

## **20 RISK ASSESSMENT**

This is the process of considering the consequences and likelihood of a risk to determine the level of risk using the Risk Descriptors and Risk Matrix.

### **Consequence Rating**

When analysing the consequences of a risk or event, consider the level of impact in relation to each of the consequence categories described in the Consequence Rating Table (Figure 3). Consequence is the outcome, injury, loss, gain, damage or any other unwanted outcome if the risk eventuates. Consequence ranges from minor to catastrophic.

### **Likelihood Rating**

This describes how likely that a risk or event will eventuate. Likelihood can also be described as probability or frequency determined by referring to statistics, documents, skills and knowledge, past risk assessments and experiences (see Figure 4). Likelihood ranges from very unlikely to almost certain.

### **Risk Evaluation**

The level of risk, or risk rating, is evaluated by cross referencing the consequence and likelihood rating tables using the risk rating matrix (see Figure 3). Within each category of risk there may be multiple scenarios ranging from Minor and very unlikely with a low risk rating to Catastrophic and almost certain which has an extreme risk rating. It is important to rate what is the most probable or realistic level of risk considering both consequences and likelihood.

Consequence				
Category	Catastrophic	Major	Moderate	Minor
People	Fatality/multiple fatalities/life threatening injury or illness /extensive long term injury	Severe injuries/ permanent disability/lost time injury	Medical treatment or hospitalisation/ restricted duties time	First aid/minor injury/no lost time
Property & Finance	Extensive loss and long term consequences (\$1M+ />10% of Budget)	Major financial loss, replacement of property or infrastructure (\$300,000-\$1M />5% of Budget)	Significant financial loss and impact on operations (\$10,000+ /<5% of Budget)	Negligible financial loss or property damage (<\$10,000 /<1% of Budget)
Information Technology and Communications	Complete loss of all records and data; disaster management required	Loss of critical functions across multiple areas; extensive management and resources required	Significant interruption in multiple areas	Minor downtime in single area
Reputation	Extensive public outcry, potential broad media attention	Significant public criticism with media attention	Local community concern or criticism	Isolated, internal or minimal adverse attention or complaint
Environment	Extensive impact; Fatalities occur; requires long term remediation	Serious medium term impact; external services required to manage	Significant impact; contained with assistance	Minimal impact; dealt with by normal operations
Legal & Governance	Extensive breach, fines litigation and possible class action; threat to viability of organisation	Serious breach involving statutory authority with formal inquiry, fines and litigation; long term significance	Contained non-compliance or breach with short term significance	Isolated non-compliance or breach Managed by normal operations

**Figure 3: Consequence Rating Table**

Descriptor	Description	Indicative Frequency
Almost Certain	The event is expected to occur in most circumstances	>80% of the time
Likely	The event will probably occur in most circumstances	50-80% of the time
Unlikely	The event is not expected to occur	20-50% of the time
Very Unlikely	The event could happen but only in exceptional circumstances	<20% of the time

**Figure 4: Likelihood Rating Table**

		Likelihood			
		Almost Certain	Likely	Unlikely	Very Unlikely
Consequence	Catastrophic	Extreme	Extreme	High	High
	Major	Extreme	High	High	Medium
	Moderate	High	High	Medium	Low
	Minor	High	Medium	Low	Low

**Figure 5: Risk Rating Matrix**

## 21 RISK APPETITE

- The risks that the Council is prepared to take to achieve its strategic objectives;
- The risks that it is prepared to endure in response to a decision not to implement treatments; and
- The acceptance of the residual risk following the implementation of risk treatments.

Under most risk scenarios, Council generally has a conservative risk appetite but accepts there are risks associated with many of Council's activities. Where there is scope for discretion, Council is usually willing to accept a higher level of risk to achieve its strategic objectives, however all risk scenarios will be considered on a case by case basis.

Figure 6 provides a summary of Blayney Shire Council's Risk Appetite position across its identified risk categories. Each category has at least one shaded cell, which represents the general appetite position. Some categories contain multiple shaded cells, which is indicative of a willingness to adjust the appetite in certain circumstances.

Blayney Shire Council Risk Appetites				
Category	Avoid	Averse	Accept	Receptive
Service Delivery		General acceptance	General acceptance	
Human Resources/People Management			General acceptance	
Work Health & Safety	General acceptance			
Financial				
Environmental Influences		General acceptance		
Stakeholders			General acceptance	
Corporate Governance & Compliance		General acceptance		
Political			General acceptance	
Projects			General acceptance	
<i>Information Technology and Communications</i>	General acceptance		General acceptance	

Figure 6: Summary Risk Appetite Positions

1	2	3	4
<b>AVOID</b> (little-to-no appetite)	<b>AVERSE</b> (small appetite)	<b>ACCEPT</b> (medium appetite)	<b>RECEPTIVE</b> (large appetite)
Avoidance of risk and uncertainty is key to achieving objectives	Prefer safe options with little risk of adverse exposure	Consider all options and choose most likely for successful delivery with reasonable degree of protection	Will engage with risks and opportunities when the potential benefit is great

Figure 7: Risk Appetite Scale



## 22 APPETITE STATEMENTS

Service Delivery	
Appetite	Statement (long form)
<del>Averse</del> <u>Accept</u> to <del>Averse</del> <u>Accept</u>	<p><del>Council may <b>Accept</b> some risk in these areas where minor disruption for short periods will provide long-term benefits that outweigh the consequences.</del></p> <p>Council has an <b>Averse</b> risk appetite for taking on risks to operations that would adversely impact delivery of services to the community, or the effective management of assets, infrastructure, or projects.</p> <p><del>Council may <b>Accept</b> some risk in these areas where minor disruption for short periods will provide long-term benefits that outweigh the consequences.</del></p>

Human Resources/people management	
Appetite	Statement (long form)
Accept to Receptive	<p>As a general position Council is willing to <b>Accept</b> risk to all aspects of human resources and will choose the most likely option for successful delivery with a reasonable degree of protection.</p> <p>In some circumstances Council will be more <b>Receptive</b> and will engage with risks and opportunities when the potential benefit is great in an endeavour to ensure Council retains its valuable employees and that we can also can attract the most suitable applicants for vacant positions. .</p>

Work Health & Safety	
Appetite	Statement (long form)
Avoid <u>to Averse</u>	<p>Council has <u>an Averse</u> no-risk appetite and will seek to <b>Avoid</b> risk and uncertainty with regard to Risks relating to accident, injury or illness to Council staff, Councillors, contractors, visitors or members of the public.</p>

Financial	
Appetite	Statement (long form)
Averse	<p>As a general position Council has an <b>Averse</b> risk appetite with relation to significant financial decisions which may negatively impact on council's financial sustainability, and will endeavour to take safe options to limit risk exposures.</p>

Environmental Influences	
Appetite	Statement (long form)
Averse to Avoid	<p>Council has an <b>Averse</b> risk appetite for taking on risk relating to environmental impacts including pollution, climate change, natural climatic events, land use and the natural environment, and prefers safe options with little adverse risk exposure. However, under certain circumstances Council has an <b>Avoid</b> risk appetite for taking on risk where the environmental position within the community could be severely impacted or compromised.</p>

Stakeholders	
Appetite	Statement (long form)
Accept to Averse	<p>In general Council has an <b>Accept</b> risk appetite to taking on risk relating to parties external to Council and their relationship/interaction with Council, the impact of change, and stakeholder expectations. Council will consider all options and will choose the most likely option for successful delivery with a reasonable degree of protection.</p>

	In certain circumstances Council may have an <b>Averse</b> risk appetite where they will prefer to adopt an attitude of taking safe options with little risk of adverse exposure.
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<b>Corporate Governance &amp; Compliance</b>	
<b>Appetite</b>	<b>Statement (long form)</b>
Averse to Avoid	In general Council has an <b>Averse</b> risk appetite with regard to risks relating to corporate governance and compliance, including the efficient and effective direction and operation of the organisation; ethical, responsible and transparent decision making and will prefer safe options with little risk of adverse exposure. Council; however has an <b>Avoid</b> risk appetite for taking on any risk relating to corruption, fraud; procedural/policy, legal and legislative compliance. Under these circumstances Council has an attitude of avoidance where uncertainty in achieving its objectives exists.

<b>Political</b>	
<b>Appetite</b>	<b>Statement (long form)</b>
Accept to Receptive	As a general position Council is willing to <b>Accept</b> risk relating to activities that may prove to be politically challenging. In the pursuit of this type of risk Council will consider all options for successful delivery of operations that may generate the scrutiny of authoritative agencies such as ICAC, or activities that increase public pressure on decision-making, with a reasonable degree of protection. In certain circumstances Council may have a <b>Receptive</b> risk appetite where it will prefer to adopt an attitude of engaging with risks and opportunities when the potential benefit is great.

<b>Projects</b>	
<b>Appetite</b>	<b>Statement (long form)</b>
Accept <u>to Averse</u>	Council has an <b>Accept</b> risk appetite for taking on risk relating to projects and will always consider all options and choose the one where successful delivery is achievable with a reasonable degree of protection. Major projects can vary greatly in respect to their respective complexity and associated risks. Therefore, Council may vary its risk appetite for each project after consideration of their respective risks on a project by project basis.

<b>Information Technology and Communications</b>	
<b>Appetite</b>	<b>Statement (long form)</b>
<u>Avoid to</u> Accept to-Avoid	<u>Council; however has an <b>Avoid</b> risk appetite for taking on any risk which may compromise the security or integrity of Council's ICT infrastructure and support systems. Including communications and data breaches of any third party information that is held and will take all measures to ensure that staff internally and the community and stakeholders externally are receiving accurate and transparent communications.</u> <u>However a</u> As a general position Council is willing to <b>Accept</b> risk relating to the resilience of its ICT infrastructure and support systems and its internal and external communications and messaging. Council will consider all options with regard to risk in this area and choose the most likely for successful delivery with a reasonable degree of protection.

	<p>Council; however has an <b>Avoid</b> risk appetite for taking on any risk which may compromise the security or integrity of Council's ICT infrastructure and support systems.</p> <p>Council also has an <b>Avoid</b> risks appetite regarding communications <del>and data breaches of any third party information that is held</del> and will take all measures to ensure that staff internally and the community and stakeholders externally are receiving accurate and transparent communications.</p>
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### 23 RISK TREATMENT

Risks that are identified, assessed and evaluated can be modified by the process of risk treatment.

The aim is not to eliminate all risks but to ensure the risk maintained is tolerable to Council's risk appetite level and to manage risks through the term of the project/event.

Approaches to risk treatment include:

- Ceasing the activity that creates the risk
- Mitigating the risk, in the case of a threat, to reduce the likelihood and/or consequence or in the case of opportunity, to enhance the likelihood and/or consequence (i.e. controlling the risk)
- Monitoring the risk and/or the effectiveness of controls
- Accepting the risk
- Sharing or transferring the risk

In some cases, existing controls will be determined to be effective, and the risk will be accepted. In other cases, the risk will need to be more effectively managed before it can be accepted. Risk treatment is therefore strengthening existing controls or developing and implementing new controls, so that the risk can be accepted.

Following the risk rating process, the level of risk needs to be re-evaluated to determine if the controls reduces the risk to an acceptable level. If it is determined that the risk is not reduced to an acceptable level, additional controls will be required.

Actions planned to manage a risk are to be documented and allocated to the appropriate staff member to be implemented within an acceptable timeframe.

### 24 MONITOR AND REVIEW

The introduction of control measures will require a review of any changes to the way work is carried out. Continuous monitoring and review of controls implemented enables Council to proactively identify new risks, understand the effectiveness of implementing risk management strategies and take risks off the radar.

In major projects risk reviews should occur throughout the delivery of that project. Monitoring and reviewing is a continuous process, the reviewing process should be updated and documented and be responsive to change.

### 25 COMMUNICATION AND CONSULTATION

Communication and consultation are important steps in the risk management process. Effective communication will ensure those responsible for implementing risk management and other interested stakeholders understand the process on which risk management

decisions are made and the actions required. It is also important to consider the thoughts and needs of others when identifying and assessing risks.

**26 RELATED DOCUMENTS**

- Blayney Shire Council WHS Policy 9A
- AS/ISO 31000 Risk Management – Guideline
- SA/SNZ HB 436:2013 Risk management guidelines – Companion to AS/NZS ISO 31000:2018 SA SNZ HB 89 - 2013 Risk management - Guidelines on risk assessment techniques
- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- Local Government Act 1993

**End**

<b>Adopted:</b>	<b>09/09/2013</b>	<b>1309/012</b>
<b>Last Reviewed:</b>	<b>09/09/2013</b>	<b>1309/012</b>
	<b>21/03/2016</b>	<b>1603/007</b>
	<b>16/09/2019</b>	<b>1909/008</b>
	<b>18/05/2020</b>	<b>2005/008</b>
	<b>15/03/2021</b>	<b>2103/010</b>
<b>Next Reviewed:</b>	<b>20/05/2025</b>	



## Fitness Instructors and Group Trainers

<b>Policy</b>	25M
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	16/07/2018

**Strategic Policy**

### **POLICY OBJECTIVE**

To provide a framework for the effective management of the commercial use of Blayney Shire Council's Parks and other Public Open Spaces, for personal and group fitness training activities, and to minimise the disturbance of the general public's use of these facilities.

Through implementation of this policy, Council aims to:

- Promote active and healthy communities
- Ensure equity of access to public open space
- Ensure Trainers are appropriately accredited and insured
- Ensure group fitness and personal training activities conducted in Council open space are orderly in nature
- Limit the impact that group fitness and personal training has on open space asset condition and maintenance

### **DEFINITIONS**

<b>Hazard</b> – Anything with potential to harm health, life, or property.
<b>Risk</b> – The probability that a hazard will cause injury or damage.
<b>Parks &amp; Public Open Spaces</b> – Those parks, public open space areas, and recreational spaces, as identified in this policy for approved use within the Blayney Shire Local Government Area.

### **BRIEF**

Blayney Shire Council recognises the significant contribution the Fitness Industry has made in Australia and has observed the substantial growth over the past two decades. It is therefore, important that Blayney Shire Council acknowledges such growth and meet the demands of private enterprise, council residents and park users.

The management of the use of community land within the Blayney Shire Council Local Government area is regulated by the Local Government Act 1993 and Crown Lands Act 1989 and is subject to Council's plans of management. This policy will address the various issues raised due to the increasing numbers of personal trainers using Parks and Public Open Spaces.

### **SCOPE**

These guidelines apply to the following Personal and Group Trainers and locations:

- Personal trainers and/or other health and fitness related professionals including but not limited to group fitness instructors, yoga and pilates' instructors, etc. who instruct health and fitness activities or provide health and fitness services to one or more clients/people.
- Individual persons who instruct health and fitness activities or provide health and fitness services to one or more clients/people

**PURPOSE**

To provide effective management of the use of Blayney Shire Council's Parks and Public Open Spaces, by group fitness instructors and personal trainer

In implementing these guidelines, Council aims to.

- Encourage supervised physical activity
- Enhance public health outcomes
- Minimise damage to the local environment
- Minimise impact on Council assets
- Minimise the impact on surrounding residents
- Address public Risk concerns
- Ensure equity of access to all Parks and Public Open Spaces

**PERMITTED AREAS**

Table 1 below provides a list of Parks and Public Open Spaces within which Group Fitness Instructors or Personal Trainers are approved to operate:

**Table 1. Parks and Public Open Spaces approved for use by Group Fitness Instructors or Personal Trainers**

Locality	Description	Lot	DP
<b>Blayney</b>	Carrington Park	2	1038633
	Heritage Park adventure playground and wetlands	320	750380
		701	1023215
	Napier Oval and Hobby's Yards Road open parklands	53	237649
	Dakers Oval	1	758121
		2	
		3	
		4	
		5	
		7001	1023253
	Medway/Mount Errol Street parklands	107	253126
		134	253126
	Orange Road open parkland "Frog Hollow"	18	244853
		43	240960
	1	791883	
	1	241681	
<b>Carcoar</b>	Carcoar Oval and parklands	7002	1023332
	Belubula River parklands	3	758225
		1	1090769
<b>Lyndhurst</b>	Capital Park	1	999523
	Lyndhurst Recreation Ground	7302	1148005
<b>Mandurama</b>	Mandurama Memorial Sporting Grounds	1	1088270
		2	
		3	
		4	1088272
		9	
		10	

		11	
		12	
		13	
		14	
		15	
		16	
		5	1088273
<b>Millthorpe</b>	Redmond Oval	235	750384
<b>Neville</b>	Neville Memorial Park	1	402145
<b>Newbridge</b>	Newbridge Recreation Ground	1	154867

The number of permits issued per location will be limited to manage congestion.

### EXCLUSION ZONES

No fitness training will be permitted in high activity areas and / or areas of cultural, environmental or natural significance. Specific areas where these activities are prohibited include but are not limited to the following:

- King George Oval
- Carcoar Dam
- Cemeteries
- Car parks
- Public roads
- Footpaths
- Park furniture including picnic tables, BBQ's, shelters, seats and benches
- Playgrounds
- Environmentally sensitive areas such as bushland
- Within ten metres of memorials, memorial seats and playground equipment
- Stairways within open spaces and public footpaths. These may only be used for transit but not used for training activity
- Within fifty (50) metres of residential dwellings
- Within fifty (50) metres of all sporting activities
- Sporting Pavilions or any other sporting facilities managed by Council. I.e. tennis courts, bowling green's, sports club rooms/pavilions etc
- Sporting fields allocated to sporting clubs during their allocated use

Council may nominate other areas during the life of this policy as it sees fit.

Personal and Group Trainers are only permitted to use the ground/location as specified in their permit from Council. Council will terminate a trainer's permit if they are found using areas not specified in their permit.

### APPLICATION TO USE COUNCIL PARKS AND PUBLIC OPEN SPACES

A request to use Council Parks and Public Open Spaces for personal or group fitness training must be made on the prescribed form.

Approvals will be valid for up to one year (with dates clearly specified in the application), authorising each hirer to undertake fitness activities in accordance with this policy.

Applications will be assessed, taking into consideration the following factors:



- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested
- Whether the number of clients will impact on the area requested
- Whether the activities will contribute to increasing congestion or user conflict in the areas requested
- Whether the proposed site is within an exclusion zone

#### **ELIGIBILITY**

All applicants must:

- hold a minimum Certificate IV in Fitness (or approved equivalent)
- be registered with Fitness Australia (or similar body)
- hold a current Senior First Aid Certificate
- maintain Public Liability Insurance which nominates Blayney Shire Council as an interested party, to a minimum of \$20 million

Failure to provide one or more copies of the above documents will result in non-approval by Council.

#### **THERE ARE THREE CATEGORIES**

- Category A: Regular Commercial User. Trainers providing three or more sessions per week;
- Category B: Regular Commercial User. Trainers providing less than three sessions per week and;
- Category C: Casual Commercial User. Trainers providing training sessions on a once off basis.

Failure to provide one or more copies of the above documents will result in non-approval by Council.

#### **PERMISSIBLE FITNESS ACTIVITIES**

- Boxing and padded training (non-contact)
- Organised aerobic training
- Yoga, Tai Chi, Pilates type activities
- Meditation (or like activities)
- Circuit training
- Walking and running
- Or any other pre-approved fitness activity

#### **PROHIBITED FITNESS ACTIVITIES**

- Portable training equipment – rowing machine, cross trainer, bench press etc.
- Training with companion animals, on or off leash
- Use of heavy items – tyres etc. being dragged in any form
- Suspension of boxing, kickboxing bags or other training apparatus from trees and/or structures in Parks and Public Open Spaces
- Utilising trees, seating, picnic table, rotundas, and other park infrastructure for exercise training
- Intimidating, violent, or aggressive activities such as boot camp style training
- Create any noise from training activities that unreasonably disturbs other users and/or surrounding residences.

#### **TIMES**

Applications for Group Fitness Classes will only be considered where the class begins after 6am. Applications for activities after 8pm on any night will not be considered.

Personal Training Sessions may apply for a permit to operate at any time, however, due consideration will be given to noise and amenity in considering applications.

Daylight savings time – 6am until 8.30pm

Non-daylight savings – 6am until 6.30pm (if adequate lighting is available)

#### **PERMIT ALLOCATION**

A permit will be valid for a maximum of one (1) year and will authorise each trainer to use community land for fitness activities in accordance with this policy on a non-exclusive basis.

#### **FEES**

Fees (Inc GST) are set out in Council's Annual Fees and Charges available on Council's website [www.blayney.nsw.gov.au](http://www.blayney.nsw.gov.au)

#### **PARKING AVAILABILITY**

Group Fitness Instructors, Personal Trainers and attendees are to park in designated parking spaces located in Council space (including on public roads in accordance with the NSW Road Rules).

Permit holders are solely responsible for ensuring that all group session participants park in designated spaces.

Parking on grassed open space is not permitted and is a breach of Section 632(1), 650, 651 of the *Local Government Act 1993 & NSW Road Rules*.

A breach of such laws may result in fines.

#### **ACCESS TO PUBLIC TOILETS**

Access to public toilets (where available) may be made available for use by Group Fitness Instructors, Personal Trainers, and their clients.

Where public conveniences are locked outside of ordinary Council business hours, a key may be made available by separate application and upon payment of the prescribed key deposit.

Group Fitness Instructors, Personal Trainers and their clients, must leave the toilet facilities clean and tidy.

#### **WET WEATHER**

Council utilises a system of visual assessment of turf surfaces during periods of wet weather to assess their usability. An unusable surface is one that has been saturated to a point where any further rainfall will pond water on any portion of its surface making even pedestrian traffic a damaging action.

A point will be reached for each park and Public Open Space beyond which it may be expected that usage of the facility will result in damage to the turf surface. Upon that point being reached, use of the park and Open Public Space, will be suspended until such time as it is considered safe to resume use without subsequent use causing damage to the surface.

#### **STORAGE**

All permitted equipment is not to be stored on site or any Council premises.

#### **ANTI-SOCIAL BEHAVIOUR**

The permit holder is responsible for the conduct of clients and will ensure that neither they nor others engage in anti-social behaviour. Failure to do so will result either in a written warning or their approval terminated immediately if an unlawful act has been committed.

Should a permit be terminated prior to the end of the approval period, fees will not be refunded either in part or full.

#### **REPORTING**

Should there be an accident or injury arising through the Hirer's use, the Hire must inform Council in writing within seven (7) days of the incident.

The Hirer must notify Council immediately upon becoming aware of any broken facilities or dangerous conditions of the Park and Public Open Space.

#### **TERMINATION**

Council reserves the right to revoke the permit if in its opinion it has determined that the trainer has breached the conditions of the permit or terms set out in this Policy.

#### **RISK MANAGEMENT**

Personal and Group Trainers are required to adhere to the risk management and occupational health and safety requirements as outlined below:

- The Personal and Group Trainer should ascertain and implement risk management programs and procedures that are considered acceptable practice by their insurer and/or recognised peak body.
- The Personal and Group Trainer is required to acknowledge that the Council reserves the right, following consultation with the Personal and Group Trainer and/or anybody representing the Personal and Group Trainer, to withdraw the ground allocation, or any part thereof from use and to cancel their permit if Council considers the sporting reserve or allocated space is unsafe and/or is unsuitable for use by the Personal and Group Trainer.
- Should Council exercise its rights pursuant to the above, Council will use its best endeavours to find an alternate venue for the Personal and Training.
- Notwithstanding the above, it is agreed that the Personal and Group Trainer must ultimately determine whether the allocated reserve or space is safe for use by the Personal and Group Trainer and their participants at the time of any personal and group training activity. Council does not warrant that the allocated reserve or space is fit and suitable for Personal and Group Trainers intended uses (this includes, but is not limited to, all types of health and fitness training activities).
- Further to the above, Council acknowledges that unless Council formally withdraws the premises for use, the Personal and Group Trainer - in accordance with any regulations that relevant peak or regulatory bodies have in place covering the Personal and Group Trainer – has responsibility to determine suitability for activities to commence.
- Council does not, and will not, accept liability for any activities associated with the permit holder and Council shall not be in any way responsible for any property of the permit holder or any other person associated with the activities of the permit holder.
- Before commencement of activities on each occasion, all approved Personal and Group Trainers are required to complete and retain a formal checklist

assessing their allocated area and immediate surrounds to determine suitability for sessions and activities to commence. Council may make requests to see evidence of completed checklists throughout the allocation period. Upon request Council can provide an example assessment checklist.

#### **GENERAL CONDITIONS**

- Instructors must be licensed Trainers and be registered with Fitness Australia (or similar body). A copy of the certificate of registration must be provided to Council;
- Instructors must have a current Senior First Aid Certificate and provide Council with a copy;
- Instructors must not at any time interfere with permanent/ and or casual users of the Parks and Public Open Spaces;
- The Licensed Instructor shall indemnify and hold harmless the Council from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against Blayney Shire Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the Instructor whilst conducting a training session;
- The Instructor shall provide Council with a copy of their public liability cover, nominates Blayney Shire Council as an interested party and should be in the sum of \$20,000,000;
- The Instructor must keep and maintain a logbook of accidents or injuries and forward a copy to Council for their records;
- A flag shall be erected in recognition of the area the training will be taking place;
- The Instructor shall be responsible for all occupational health and safety legislation, regulations and requirements pertaining to the running of their business;
- The Instructor shall not exceed 18 persons per squad when conducting training in a park and Public Open Spaces;
- An Instructor shall not conduct aggressive and intimidating activities such as boot camp style training. That is any activity that is deemed to be aggressive or intimidating in nature whether real or perceived by participants or the general public;
- No amplified music or amplified audio (voice) equipment is permitted;
- The Instructor must not use picnic tables and street furniture as training aids and not cause excessive wear and tear to turfed areas, natural areas and bushland;
- The Instructor shall not suspend boxing, kickboxing bags, or other fitness apparatus from trees and/or structures in the public open space;
- The Instructor shall conduct their activities so not to dominate, monopolise and/or obstruct stairways or pathways;
- The instructor must ensure that any training group, for which they are responsible, runs in a single file when running in narrow areas or pathways;
- The Instructor is not permitted to display any advertising signage including banners or "A" Frame signs on Council's Parks and Public Open Space;
- A point will be reached for each park and Public Open Space beyond which it may be expected that usage of the facility will result in damage to the turf surface. Upon that point being reached, use of the field will be suspended until such time as it is considered safe to resume use without subsequent use causing damage to the surface;

- The instructor is responsible for ensuring the area chosen to undertake training is safe for purpose. Council gives no warranties as to the suitability of any particular site for use as a personal training area. Any Hazards requiring repair noted by the instructor should be reported to Council.

#### **Covid-19 Responsibilities**

- It is the responsibility of the hirer to adhere to the public health order and follow the latest advice of the NSW Government regarding Covid-19 restrictions, including but not limited to, Covid-19 Safety Plan, physical distancing measures and the maximum capacities for the activity being conducted within the Blayney Shire Council Parks and Reserves;
- It is the responsibility of the hirer to keep a record, including the contact details, of all attendees to their events, including organised sport competitions;
- It is the responsibility of the hirer to practice good hygiene and any persons feeling unwell, or showing symptoms of cold and flu, should not enter the event being hosted within the Council. Seek Medical Advice
- Fitness Trainers should provide sanitising equipment to participants to ensure that all attendees practice good hygiene;
- All equipment should be cleaned after each class.

#### **PA SYSTEMS, MUSIC, AND NOISE**

Use of a Public Address system for the purpose of fitness training is not permitted.

The trainer is responsible for ensuring that noise emission from any activity does not exceed normal background noise level when measured from the nearest boundary of any residential property.

Where the noise emanating from an approved activity, within Council open space, exceeds the acceptable level, on the spot fines under the 1989 Environmental Offences and Penalties Act, may result.

The trainer is responsible for ensuring all attendees respect the peace and quiet of neighbouring residents. The area surrounding the facility and carpark is to be vacated within 30 minutes of the end of the hire period. The trainer is responsible for the quiet and orderly departure of attendees.

#### **LEGISLATIVE REQUIREMENTS**

This policy complies with and supports implementation and compliance with the following policies and instruments:

- Local Government Act 1993
- Crown Lands Management Act 2016
- Environmental Planning and Assessment Act 1979 Amended Act 2017

If any legislation changes occur that are contrary or inconsistent with this management policy, the updated legislation will prevail.

**End of Policy**

<b>Adopted:</b>	<b>15/02/2016</b>	<b>&lt;Minute&gt;</b>
<b>Lasted Reviewed:</b>	<b>15/02/2016</b>	<b>1602/016</b>
	<b>16/07/2018</b>	<b>1807/008</b>
<b>Next Review:</b>	<b>19/04/2022</b>	



## Procurement of Goods & Services Policy

<b>Policy</b>	3G
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	XX/XX/2022

**Strategic Policy**

### **Scope**

This Procurement of Goods and Services Policy applies to all procurement processes and activities undertaken by Council, including purchasing, ordering, tendering, contracting and disposals. It applies to all types of goods and services but does not apply to real property acquisitions and other non-procurement expenditure, such as sponsorships, donations, and employment contracts.

The Procurement of Goods and Services Policy applies to anyone who undertakes or is involved in procurement activities. This includes Councillors, staff and delegates.

### **Compliance**

The Procurement of Goods and Services Policy, conditions of tender and conditions of contract must be strictly observed at all times. Procurement activities will be periodically audited.

### **Procurement Procedures and Supporting Documents**

The Corporate Services Directorate will develop and maintain procedures, templates, tools and guidelines necessary to give practical effect to the Procurement of Goods and Services Policy.

### **Fundamental Procurement Principles**

All procurement activities will be conducted in accordance with seven fundamental principles.

#### **1. Ethical behaviour, Integrity, Probity and Fair Dealings**

Council values the highest ethical and professional standards in its business dealings. Council will ensure the verifiable integrity of its procurement activities through transparent processes. Council will respect the rights of tenderers and contractors, including confidentiality and the expectation to be treated fairly at all stages of the procurement process.

Council must not engage in any practices that aim to give a potential tenderer, service provider or business an advantage over others, nor engage in any form of collusive practice. A Councillor or Council employee with an actual or perceived conflict of interest must address that interest without delay in accordance with Council's Code of Conduct.

The procurement of services should be conducted in a way that imposes as far as practicable the same level of accountability and responsibility on the service provider as would exist if the Council carried out the services itself. In pursuit of ethical behaviour, staff will, for example:



- Disclose to the General Manager any possible conflict of interest; where a potential conflict relates to the General Manager, it will be disclosed to the Council in accordance with the Local Government Act 1993
- Deal with all suppliers in an honest, fair and equitable manner
- Respect all in-confidence information received and not use it for personal gain, or to prejudice fair and open competition
- Not accept money, goods, loans, credits, purchasing incentives, services or prejudiced discounts
- Not use Council's name or purchasing power to make purchases other than for Council use during the procurement of services. In this regard, Staff will ensure that their close associates also do not receive an advantage in relation to a Council procurement.

A tenderer will be immediately excluded from a procurement process where:

- A conflict arises or
- There is inappropriate lobbying of the Council or
- There is a behaviour that might reasonably be regarded as seeking to solicit favourable treatment for the procurement process including by the offering of gifts or benefits.

## **2. Value for Money**

Council seeks to achieve value for money in all its procurement activities. Council will select goods, services and suppliers that represent the best overall value for Council, not necessarily the lowest priced conforming offer.

Value for the community is the core principle underpinning Council's procurement system. This will involve a comparative analysis of all relevant costs and benefits of each proposal throughout the whole procurement cycle. Value for money is not restricted to price alone. When assessing value for money, consideration shall also be given to:

- The advancement of Council and Local Government priorities
- The non-cost factors such as fitness for purpose, quality, service and support, and sustainability considerations
- The cost related factors including whole-of-life costs and transaction costs associated with acquisition, use, holding, maintenance, and disposal.

## **3. Open and Effective Competition**

Council recognises the commercial and economic benefits of open and effective competition. Council will encourage healthy competition in the markets from which it purchases.

## **4. Cooperation**

Council will approach its procurement dealings in good faith and in a spirit of cooperation. Where appropriate, Council will work proactively with tenderers, contractors and third parties (such as other Councils or peak industry bodies) to improve overall outcomes for the community.

**5. ~~Ethically and Environmentally Responsible~~ Sustainable and Social Procurement**

Council is committed to ~~minimising the impact of its activities on the environment~~ sustainable procurement. Council will support the use of ~~environmentally~~-sustainable products, materials, processes and services.

Council will, when evaluating quotations or tenders, take into consideration the anticipated impact on the environment and show such consideration in their evaluation documentation. To achieve this, Council officers will endeavour to adhere to the following objectives wherever reasonably possible:

- Minimise unnecessary purchasing – only purchase when a product or service is necessary.
- Minimise waste – purchase in accordance with avoid, reduce, reuse and recycle strategies.
- Save water and energy – purchase products that save energy and/or water.
- Minimise pollution – avoid purchasing products that pollute soils, air or waterways.
- Non-Toxic – avoid purchasing hazardous chemicals that may be harmful to human health or ecosystems.
- Greenhouse benefits – purchase products that reduce greenhouse gas emissions.
- Biodiversity & habitat protection – purchase in accordance with biodiversity and conservation objectives.

Council understands the importance of social procurement. Where suitable and practicable, Council will investigate and procure goods and/or services from suppliers such as the following:

- Indigenous Contractors & Suppliers; and
- Australian Disability Enterprises (ADEs).

~~This may be achieved by procuring goods and services that will minimise their impact on the environment, including goods constructed from recycled or re-used products.~~

**6. Risk Management**

Council will implement systems within its procurement process to identify and manage risks, including, but not limited to Health and Safety risks, fraud prevention and legal compliance.

**7. Support for Local Industry**

Council recognises the importance of employment growth in the Shire. Council will structure its procurement activities to encourage the development of local employment opportunities

### **8. Modern Slavery**

"Modern slavery" is defined in the Modern Slavery Act 2018 (NSW) as any conduct constituting a modern slavery offence within the meaning of that Act and any conduct involving the use of any form of slavery, servitude or forced labour to exploit children or other persons taking place in the supply chains of organisations.

Council will not engage with any vendors that engage in Modern Slavery practices.

### **RESPONSIBILITIES**

Responsibilities for this this Policy is as follows:

#### **Councillors and Administrators**

The role of Councillors or the Administrator(s) is to provide the strategic direction for this policy and ensure it complies with legislative requirements. When determining a tender, a Council decision should be made in the accordance with the objectives of this policy. The Council will also determine the General Manager's delegations which will influence how this policy is executed.

#### **General Manager**

The General Manager is responsible for determining the appropriate delegations to Council staff to enable them to administer and perform procurement activities in a way that promotes integrity and value for money.

#### **Chief Financial Officer**

The Chief Financial Officer is responsible for the implementation of this policy. The Chief Financial Officer will establish internal controls to ensure the execution of this policy is in accordance with its intended outcomes. The Chief Financial Officer is responsible for regularly reviewing this policy and the Procurement Guidelines to ensure they are congruent and ensuring the reporting requirements of this policy are completed. The Chief Financial Officer will provide sound, reliable advice to the Council and General Manager on procurement matters.

#### **Council staff**

Council staff must adhere to this policy and the Procurement Guidelines whilst conducting or participating in a procurement activity. Council staff are also to act in accordance with Council's Code of Conduct and are required to only procure goods and services applicable to their delegated authority for the use of Council. Council staff must ensure that engagement of a supplier is conducted through issuing a formal commitment from Council (or other third parties) by using a Purchase Order or other form of agreement (excluding Credit Card purchases).

#### **Contractors and Suppliers**

Suppliers must act in good faith and ethically in accordance with Council's Code of Conduct when participating in a Council led procurement activity. Code of Conduct and Work Health and Safety provisions extended to when a contractor or supplier is engaged and delivering a service or providing a good on of behalf of Council.

## **POLICY DIRECTIVES**

Council shall undertake its procurement of goods and services activities in accordance with the following directives.

### **1. Statutory Requirements**

The Local Government (General) Regulation ~~2005-2021~~ is particularly relevant to the tendering process; however, various Acts and Regulations apply to Council's diverse range of procurement activities. The Procurement of Goods and Services Policy is intended to supplement these instruments. Any inconsistency that may arise between the Procurement of Goods and Services Policy and a relevant Act or Regulation, shall be resolved in favour of the Act or Regulation.

Officers shall maintain a working knowledge of the Acts and Regulations applying to the procurement activities they undertake.

### **2. Conduct of Officers**

Officers shall conduct themselves with the utmost integrity and professionalism when undertaking procurement activities. Care shall be taken to ensure the proper management of conflicts of interest and other issues that may affect the integrity of procurement activities. Council's Code of Conduct shall be strictly ~~observed at all times~~ always observed.

### **3. Delegations**

Officers shall not make procurement decisions outside of their delegated authority. Procurement decisions shall not be divided or restricted, nor any other process engaged in, for the purpose of circumventing delegation limits.

#### **General Application of Delegation Limits to Procurement**

Most procurement decisions are subject to delegation limits. Such procurement decisions must be made by an officer with a delegation limit sufficient to cover the value of the procurement exercise. A decision with a value in excess of the General Manager's delegation limit must be made by Council resolution.

Delegation limits apply to procurement decisions that create a financial commitment or a commitment to provide ongoing business opportunities. This includes the approval of requisitions, one-off purchases, one-off contracts, discretionary contract variations, the exercising of contract options and orders against existing period contracts. It also includes the approval of period contracts including standing offer arrangements and pre-qualified supplier panels.

### **4. Determining the 'Delegations Value' of the Procurement**

The relevant value, for delegation purposes, is simply the face value of the purchase or contract (inclusive of GST).

**5. Delegations and Contract Variations**

Variations fall into two categories, discretionary and non-discretionary. Discretionary variations involve a decision to increase the scope of a contract (for example, by adding extra requirements or product lines) and consequently increase the level of financial commitment. Discretionary variations must be approved by an officer (or Council) with a delegation limit sufficient to cover the value of the variation.

In some instances, a contract price can alter due to the application of pre-agreed terms (for example, a price adjustment formula, a measured quantity clause, a latent condition clause or an expense reimbursement clause). Such alterations are often referred to as variations however, they are non-discretionary in nature. Although they may require some professional skill to calculate or verify, they do not involve a 'decision' to increase the scope of the contract. Nevertheless, to provide for sound administrative governance such non-discretionary variations shall also be subject to delegation limits up to \$250,000 in value. Non-discretionary variations over \$250,000 in value do not need to be approved by Council but must be approved by the General Manager.

Pursuant to the Local Government Act s.55(3)(n)(ii) a delegation limit of \$150,000 will apply to Discretionary variations where Council invites a contract involving the provision of services where those services are, at the time of entering the contract, being provided by employees of the council.

For general reporting and accounting purposes non-discretionary variations shall be recorded and tracked in the same way as other variations.

**6. Budget Constraints**

All procurement is subject to approved budgets. Procurement of Goods and Services Policy thresholds and delegation limits operate in addition to (not in place of) any budget constraints.

**7. Number of Firms to be invited**

Council shall invite sufficient offers to provide a reasonable degree of competition for the level of expenditure involved, without creating undue administrative cost for Council or the invitees.

**8. Intention to Proceed**

Council shall generally not invite offers without a firm intention to proceed with the procurement. Where it is necessary to invite offers on a contingency basis this shall be clearly communicated to participants. Where it is necessary to invite the submission of indicative pricing for estimating or planning purposes this shall be clearly communicated to participants. Where Council intends to consider an existing common-use procurement arrangement along with invited tenders this shall be clearly communicated to participants (see also Common-Use Government Procurement Arrangements).

**9. Public Invitations to Tender**

All public invitation processes shall be managed in accordance with the relevant elements of the Local Government (General) Regulation [20052021](#), regardless of whether or not the Regulation applies to the contract.

**10. Offers**

All offers made in response to a public invitation or for a contract greater than \$250,000 in value must be received via a formal tender box process, [be it electronic or physical](#), regardless of whether or not the Local Government (General) Regulation [2005-2021](#) applies.

**11. Late Offers**

Late offers received via a formal tender box process shall be handled in accordance with the relevant elements of the Local Government (General) Regulation [20052021](#), regardless of whether or not the Regulation applies to the contract.

Late offers for minor procurement exercises (i.e. not closing via the tender box) may be considered if the approving officer is of the opinion that the circumstances of the offer do not compromise the integrity of the process.

**12. General Communications**

Wherever practical, communications with suppliers, contractors and tenderers shall be in writing (electronic or hard-copy). Where this is not practical file notes or formal minutes shall be recorded in an appropriate Council system.

**13. Unsuccessful Offers**

Council shall generally provide feedback to unsuccessful offerors if requested. Where the contract value exceeds \$250,000 at least two Council officers shall participate in the feedback session. Written records shall be made and recorded in an appropriate system.

**14. Successful Offers**

Successful offers shall be notified by the issue of a Council Purchase Order. Other correspondence may also be issued however a supply will not be binding without the issue of a Council Purchase Order.

**15. References**

Officers shall not provide written references to suppliers or contractors. Officers may provide verbal references to appropriately identified persons, on issues relating to specific contract performance. File notes shall be made.

**16. Common-Use Government Procurement Arrangements**

Where Council does not have its own procurement arrangement for a particular good or service, common-use arrangements (such as, [Centre, Central West Joint Organisation](#), Local Government group arrangements, NSW Government arrangements and Commonwealth



Government arrangements) may be used. Where a common-use arrangement exists, tenders from other contractors may be sourced, however the invitation documents must state that a common-use Government procurement arrangement exists for this item and will be considered as part of Council's tender process.

#### **17. Emergency Situations**

In some circumstances an urgent purchase may be required to meet Council's obligations regarding safety, asset protection, environmental protection or critical service provision. If such a situation arises **and** there is insufficient time to comply with Procurement of Goods and Services Policy or delegation limits, then the most senior officer available may approve an emergency procurement exercise.

An emergency procurement exercise should comply, to the maximum extent possible, with the policies and procedures that would normally apply.

All emergency procurement exercises (and the circumstances leading to them) shall be documented and reported to the relevant Director.

#### **18. Reporting ~~to Council~~ Obligations**

~~Contracts in excess of \$250,000 in value shall be reported to Council.~~

##### Reporting of Tenders to Council

In accordance with the General Manager's instrument of delegation, any tenders that were not engaged through a prescribed agency and have a value greater than \$250,000 (inclusive of GST) are to be reported to Council.

##### Statutory Reporting

Council will fulfil its reporting obligations of any procurement activities in accordance with legislative requirements. This includes:

- Reporting of contracts entered above \$50,000 (inclusive of GST) as a part of the Quarterly Budget Review Statement for the corresponding quarter.
- Register of contracts entered above \$150,000 (inclusive of GST) as a part of the Government Information (Public Access) Review Statement 2009.
- Modern Slavery reporting obligations as outlined by the Anti-Slavery commission within Council's Annual report.

Any additional statutory reporting requirements that eventuate after the adoption of this policy will be reported upon as required.

#### **19. Integrity, Dignity and Respect**

Council treats all persons with courtesy and respect. Council officials will demonstrate fair and consistent decision-making, ensuring probity at all times.

**20. Breaches of this policy**

A breach of this policy by a Council Officer will be dealt with in accordance with Council's Code of Conduct Policy. The Code of Conduct Policy articulates the standards of ethical behaviour expected of Council officials and external service providers in their dealings with Council.

Evidence of corrupt and/or unethical conduct by a Council official could lead to (but not limited to):

- Disciplinary action;
- Dismissal;
- Investigation for corruption, inappropriate or unethical conduct; and
- Referral of the matter for criminal investigation.

Evidence of corrupt and/or unethical conduct by a contractor or supplier participating in a procurement activity or engaged to conduct works on behalf of Council could lead to (but not limited to):

- Tender disqualification;
- Contract termination;
- Loss of future work with Council;
- Investigation for corruption, inappropriate or unethical conduct; and
- Referral of the matter for criminal investigation.

**21. Complaints Management**

Any complaints or grievances about this Policy from internal or external sources need to be submitted in writing and addressed to the General Manager. The complaint/grievance will be reviewed and responded to in line with Council's Complaint Handling Policy and Procedure.

When a possible breach of this policy has been identified, the matter may be dealt with in accordance with Council's Public Interest Disclosures Policy. This includes cases of maladministration, corrupt conduct, serious and substantial waste, violation of government information or criminal activity.

**22. Exemptions from Purchase Orders**

Council shall develop a list of exemptions from purchase order generation as part of its operational procedures to allow seamless administrative operations. This list may change from time to time based on Council's operational requirements.

**23. Related Information**

- Legislation, Regulations and Guidelines
- Local Government Act 1993;
- Local Government (General) Regulation 2021;
- Tendering Guidelines for NSW Local Government
- Government Information (Public Access) Act
- Work Health and Safety Act 2011, NSW
- The Modern Slavery Act 2018



- [Quarterly Budget Review Guidelines issued by the Office of Local Government](#)
- [Government Information \(Public Access\) Act 2009.](#)
- [Relevant ICAC guidelines.](#)
- [Council Policies and Procedures](#)
- [Council Delegations](#)
- [Disposal of Assets Policy](#)
- [Procurement Procedure](#)
- [Code of Conduct policies](#)
- [Statement of Business Ethics](#)
- [Work Health and Safety Policy](#)
- [Gifts and Benefits Policy](#)
- [Corporate Credit Card Policy](#)
- [Purchase Card Procedure](#)

**End of Policy**

<b>Adopted:</b>	<b>20/09/1999</b>	<b>664</b>
<b>Last Reviewed:</b>	<b>14/05/2007</b>	<b>07/094</b>
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	<b>20/04/2020</b>	<b>2004/007</b>
<b>Next Review:</b>	<b>15/04/2025</b>	



## Street Tree Policy

<b>Policy</b>	25L
<b>Officer Responsible</b>	Director Infrastructure Services
<b>Last Review Date</b>	XX/XX/2023

**Strategic Policy**

## **INTRODUCTION**

Trees perform many functions. Culturally, they contribute to the character of an area and add a sense of life and place. They instil a sense of community pride in residents and can even calm and inspire. Environmentally, they provide natural air conditioning, shade, habitat for native wildlife, soil restoration and shelter against noise and wind. Aesthetically, they add natural beauty and provide a necessary softening of the built environment.

Blayney Shire Council recognises the importance of trees and their role as a key contributor to a high quality urban environment. We are committed to maintaining the trees we have, improving their maintenance and protection and increasing the level of tree canopy cover by:

- acknowledging trees as vital urban infrastructure in our policy and strategic planning documents;
- emphasising the economic and financial benefits of trees to the community, staff, and developers;
- ensuring there is no net loss of urban canopy cover by increasing the number of trees planted;
- protecting trees potentially affected by development through regulated conditions and controls;
- educating and promoting the community of the benefits of trees;
- encouraging more planting through community awareness and special projects;
- planting, maintaining, protecting, and ultimately removing and replacing trees sustainably and systematically in line with Council policies and strategies.

## **POLICY STATEMENT**

Blayney Shire Council:

- Recognises the significance of trees within the urban setting in terms of creating functional and aesthetic streetscapes and reserves and has the responsibility for the planning, establishment, care, control, and maintenance of all Council tree's and;
- Will plan for urban enhancement through the retention of suitable trees within proposed road reservations and public reserves.

## **SCOPE**

The Policy applies to all trees that are owned or managed by the Council, such trees shall be referred to as the Council's trees. A Council tree includes any tree which has a majority equal to, or greater than 50% of its trunk growing from Council managed land. Council officers, residents/owners, builders, developers, contractors, representatives, and event organisers are all required to comply with this Policy.

## **BACKGROUND**

The purpose of this Policy is to provide a framework for the development of high quality streetscapes that require minimal resource input, thereby increasing environmental values. The Policy will assist the Council in moving toward a greener, more liveable urban setting by increasing tree numbers and ultimately canopy coverage.

## **OBJECTIVES**

To provide guidelines that assist Council and Council staff to comply with the *Best Practice Manual – Trees and Tree Roots* developed by Statewide Mutual.

To establish a framework and guidelines that assist in the development of a tree management program and enhance the aesthetics, the public amenity and safety of trees in public open space and minimise the exposure to public liability.

To provide a systematic procedure for the determination of appropriate tree species for specific planting locations on Council owned and maintained lands.

## **Strategic Direction**

The Street Tree Policy is presented in the following key areas:

- Tree Protection
- Tree Planting
- Tree Management and Maintenance
- Tree Roots and Infrastructure
- Tree Removal
- Community Engagement

## **CONSULTATION WITH STAKEHOLDERS**

The Council values its stakeholder's opinion and encourages consultation and communication in the improvement of its streetscape. In accordance with the Council's Community Engagement Policy's Key Values and Principles; namely:

- Encouraging participation of people who live, work, visit or support the Council and;
- Ensuring relevant information is readily available and that is accurate, comprehensive, and easy to understand.

The Council will apply the following practices:

- Internal consultation with the Council's relevant service units;
- Increase resident involvement in the ongoing care of its streets and reserves by hosting community planting events;
- Inform affected residents of street tree plantings and removals through various mediums;
- Encourage community consultation in programmed street tree plantings and removals by providing opportunities to comment; and

- Raise community knowledge about the benefits of trees and the place they have in our streetscapes through information leaflets, the Council's web-page, social and local media

## **GENERAL**

### **Tree Selection**

When planting trees, the species and proposed location shall be considered in relation to existing services and structures, to ensure that Council's exposure to public liability claims in streets, parks and reserves under Council's control is minimised.

Council staff shall initially assess each site and refer to the preferred species list provided in the guidelines.

It is recognised that the species list will evolve over time, due to the dynamic nature of the horticulture industry, and the development of new cultivars and hybrids.

Trees located in an established "avenue" will be replaced with the same species where possible.

### **Tree Planting**

Blayney Shire Council shall endeavour to plant a street tree outside each property zoned residential or rural residential within the Blayney Shire Council Local Government Area (LGA). When considering plantings council shall ensure minimal conflict with car parking spaces, driveway access points and potential traffic / pedestrian conflicts.

The planting of any tree or other plant by any person on public open space is prohibited without the written approval of Council.

### **Tree Maintenance**

Council will maintain existing trees in a sound and healthy condition and where necessary, undertake pruning or removal of the tree to minimise public liability exposure in streets, parks or reserves resulting from Council trees.

The Street Tree Policy establishes a framework and guidelines to assist in developing tree management programs that will enable the creation of an ideal streetscape environment by enhancing the aesthetics, public amenity, and safety of trees in public open space and minimise Council's exposure to public liability. The Policy formalises current street tree management practices.

### **Tree Protection**

Trees must be protected from construction works and other activities that threaten their health and stability. Council will ensure all construction, works, events and development activities in proximity to trees shown on endorsed plans to be retained must abide by the following:

- All strategic, development and construction work within the Shire is required to consider existing trees in the early stages of planning and design of the project to ensure protection in accordance with Australian Standard 4970 *Protection of Trees on Development Sites*;
- Removal of trees will not occur unless approved by Blayney Shire Council delegate and be consistent with the removal criteria within this policy;
- During all construction and development works, existing Council tree assets to be retained must be protected in accordance with the Australian Standard AS 4970–2009 *Protection of trees on development sites*;
- In accordance with AS 4970–2009, any works that would encroach by more than 10% into a tree's Tree Protection Zone (TPZ), or into its Structural Root Zone (SRZ), will require a consulting arborist to demonstrate, via a method consistent with this Australian Standard, that the affected tree would remain viable;
- An endorsed Planning Permit or Asset Protection Permit may require the preparation and submission of a Tree Protection Plan for Council approval. This plan must be developed by a qualified Arborist and consistent with the report requirements identified in AS4970–2009 Protection of trees on development sites. A bond, based on the tree(s), amenity value as calculated using the methodology in the Tree Valuation in Blayney Shire Council may be required and held for the duration of the works, which will be held against the Council approved Tree Protection Plan. Should any damage occur to any Council tree as a direct result of development works, Council may withhold part, or all, of the bond;
- Trees must not be pruned in any form and branches, or roots must not be cut or removed unless authorised by Council and/or an arborist. All pruning on trees must conform to AS 4373 *Pruning of Amenity Trees*;
- Trees identified and protected by relevant legislation for scientific, social, historical, heritage, horticultural or aesthetic reasons shall be recognised, protected, and retained in the landscape. This legislation includes the *Aboriginal Heritage Act 2006* (NSW), the *Heritage Act 2017* (NSW), and the *Planning and Environment Act 1987* (NSW)

### **Inspection Program**

Council staff shall inspect all trees planted within road shoulders, nature strips and developed open space on tri-annual basis. Reference will be made to the Blayney Shire Council document, "Street and Open Space Tree Management Guidelines" (the guidelines), when undertaking the inspection of road shoulders, nature strips and developed open space trees.

No inspection regime has been developed for naturally self-sown trees located within road shoulders and public recreation areas.

#### **Evaluation Procedure**

Blayney Shire Council shall evaluate the findings of the Inspection Program by using the analysis tools set out in the Statewide Mutual, *Best Practice Manual – Trees and Tree Roots*. Adoption of this technique will be the responsibility of Council's Supervisor Parks and Recreation.

#### **Control Regime Philosophy**

Blayney Shire Council shall endeavour to follow the order for risk control as follows:

- Eliminate the risk
- Reduce the risk
- Accept the risk

This task shall be undertaken and managed by the Supervisor Parks and Recreation.

#### **Implementation**

Blayney Shire Council shall implement the policy in accordance with the guidelines.

#### **Resourcing**

Funding and physical resources shall be considered each year as part of Council's Operational Plan.

Identification of resources and incorporation into the Draft Operational Plan will be the responsibility of Council's Supervisor Parks and Recreation and Director Infrastructure Services.

#### **Performance**

Council's Operational Plan will incorporate annual performance targets based upon the inspection program. These targets will be reported as part of the six monthly Delivery Program progress report and annually as part of Council's Annual Report.

#### **Tree Pruning under Powerlines**

The Council (or contractor) shall undertake the pruning of all street trees affected by powerlines on a programmed basis. Programmed street tree pruning shall include trees on the side of the street affected by overhead powerlines as well as trees affected by electrical feeder lines to individual properties on the opposite side of the street. Programmed pruning shall not normally include trees on the opposite side of the street to powerlines. Programmed pruning is to be planned each year, on an as needs basis. Programmed street tree pruning shall address at least one of the following requirements to:

- Clear the canopy from interference with overhead powerlines and other essential services;
- Remove overhanging branches considered hazardous to traffic, buildings or structures;
- Under prune low growing branches considered hazardous to traffic or pedestrians;
- Form the shape of developing trees;
- Re-define the framework of mature trees;



- Rejuvenate vigour from undesired growth;
- Reduce crown density or to redistribute growth to lateral branches; or
- Remove dead, dying, diseased or pest infested limbs and branches.

Residents/Occupants may seek to have a street tree under powerlines pruned in advance or out of the programmed schedule and requests for the Council's approval must be submitted in writing to the Council for consideration.

#### **Tree Pruning were Unaffected by Powerlines**

The Council shall crown thin, under prune, property line prune (upon request) and remedial prune selected street trees unaffected by power lines, this pruning will be undertaken in the interests of:

- Public safety;
- Reducing structural risk to the tree; or
- Removing growth abnormality or disease, from the tree.

Requests from residents for the pruning of street trees not located under powerlines to reduce their height (therefore reducing leaf/fruit drop or improving light penetration), shall be made in writing to the Council.

Requests will be assessed in consideration of the following criteria:

- Species of tree;
- Location;
- Reasons highlighted by Resident;
- Health and condition of tree;
- Value of tree in overall streetscape; and
- Potential for significant nuisance or damage to property. Where residents/occupants contact the Council with a request to prune a tree unaffected by power lines, the following procedures is implemented:
  - The tree is physically inspected by Council. An inspection report is completed, containing relevant statistical details;
  - The resident/occupier will be advised of the Council's decision concerning their request; and
  - In the event of a specific issue relating to pruning of significant trees, unaffected by power lines not being adequately covered by this policy/procedure, the matter is referred to Council for consideration and determination.

#### **Tree Removal**

Local Government Property Local Law 2016 prohibits the damage or removal of a street tree, or part of a tree without a licence. Any unauthorised person who removes/prunes/damages a street verge tree commits an offence for which an infringement notice may be issued. Street tree removals shall generally be on a "remove and replace" basis. Adjoining residents will be advised prior to removal, outlining reasons for such removal(s).



#### **Circumstances where trees may normally be removed**

The Council will normally undertake the removal of street trees under the following circumstances:

- The tree is diseased and beyond remedial treatment, or dead;
- The tree has been assessed by the Council as structurally weak and/or dangerous, placing the public at risk or jeopardising safety;
- The tree has been irreparably damaged (e.g. by a storm, vehicle accident);
- The tree is hazardous to motorists/pedestrians owing to interference in suitable sightlines presented by the tree's alignment or spacing;
- The tree is affected by road widening, service modification/relocation or other infrastructure works and all other options to retain the tree have been deemed by the Council to be inappropriate;
- The tree is dangerously in contact with overhead power lines or distributor wires to properties and where, for reasons of growth habit pertaining to the variety, selective pruning is not practical with the only option being severe lopping;
- The tree precludes reasonable development of an adjoining property and there is no reasonable alternative to removal; or
- The tree is not an approved specie/variety and is unacceptable to the Council.

#### **Circumstances where street trees will NOT normally be removed**

The following are not considered sufficient reasons for the removal of street trees:

- The tree obscures or potentially obscures views (other than traffic/pedestrian sight lines);
- The tree variety is disliked;
- The tree variety causes nuisance by way of leaf, fruit and/or bark shedding or the like;
- The tree causes allergies;
- The tree is in the way of a non-essential crossover or verge paving option;
- The tree shades private gardens; or
- The unsubstantiated 'potential' damage if the tree fails or from growth damage

#### **Existing Street Trees adjacent to a development**

Where a new or altered crossover or driveway is proposed such that it will require the removal of a street tree or be located within 1.0 metre of an existing street tree, the Council or nominee shall also assess the tree to determine whether a street verge tree is likely to be adversely affected as a result of the proposed development or whether the street tree can be removed.

If the street tree removal is not approved, the Council shall advise the applicant, in writing, that retention of the street tree is required and that the development access be redesigned. If removal of the street tree is approved, the officer shall advise the applicant that the street tree will be removed by the Council at the applicant's expense and a replacement tree to be planted by the Council, at the applicant's expense.

Crossovers shall be located a minimum of 1.0 metre from a street tree. Reduction to 0.5 metre may be considered, depending on availability of alternatives, tree species and location, sight lines and traffic safety.

Where approval is given to remove a street verge tree, the removal costs as determined by the Council.

Where approval for the removal of an existing street verge tree has been granted, a suitable replacement tree will be assessed, and planted by Council at the applicant's expense. In both instances such payment must be received prior to the works being carried out.

Should an existing street verge tree be damaged as a result of development works, the applicant/builder shall reimburse the Council for any arboriculture works required to ensure its survival. The extent/cost of this work shall be determined by the Council. Where an existing street verge tree is pruned/removed without authorisation, legal action may be taken at the discretion of the Council.

#### **Tree Protection at Adjacent Development Sites**

Council trees need to be protected at development sites in order to preserve the amenity of streetscapes and neighbourhoods.

#### **Tree Protection Zone (TPZ) Requirements at Development Sites**

For all demolition and construction works the developer/owner is responsible for the protection of all Council trees that are to be retained on Council managed land adjacent to the property by adhering to the following guidelines:

- A fence must be installed to create a TPZ at the cost of the applicant;
- The type of fencing must be in line with the Australian Standard for Protection of Trees on Development Sites;
- At minimum, the TPZ will cover two metres by two metres around the trunk – any lesser exceptions must first be approved by the Council; and
- The TPZ should not obstruct roads or footpaths unless approved alternatives are in place.

#### **Community Engagement**

Council's Community Engagement regarding management and maintenance of township street trees.

- The community will be informed and consulted about all major projects involving tree removal and planting and any other specialised projects that involve township street trees and park trees;
- The type and extent of consultation will vary depending on the impact of the works on the local community and will be determined in accordance with a number of factors including the prominence of the location, the significance of the tree(s), the size of the tree(s), the number of the trees and the visual impact of the proposed works;
- Community engagement may include direct contact with the customer, letters to immediately adjacent residents, signage on site and information on Council's website.

## Legislative Context

Acts, Regulations, Standards and Environmental Planning Instruments relevant to this policy:

- *Environmental Planning and Assessment Act (1979)*
- *State Environmental Planning Policy (Vegetation in Non-Rural Area) 2017*
- *Waverley Development Control Plan (2012)*
- *Roads Act (1993)*
- *Work Health and Safety Act (2011)*
- *Electricity Supply Act (1995)*
- *Australian Standard AS4373 – Pruning of Amenity Trees*
- *Australian Standard AS 4970 – Protection of Trees on Development Sites*
- *Workcover Code of Practice – Tree Industry (1998)*

## End of Policy

	Date	Minute
<b>Adopted:</b>	08/08/2011	1108/015
<b>Last Reviewed:</b>	08/08/2011	1108/015
	16/07/2018	1211/014
	19/04/2021	1807/008
<b>Next Review:</b>	19/04/2022	



## Verge Garden Guidelines

<b>Procedure</b>	25N
<b>Officer Responsible</b>	Director Infrastructure Services
<b>Last Review Date</b>	XX/XX/2023

**Strategic Policy**

### **POLICY OBJECTIVES**

To enhance and maintain the visual amenity and safety of street verges throughout the Blayney Shire Council.

### **POLICY SCOPE**

This policy sets out the process and conditions for all verges within the Blayney Shire Council.

The verge is the area of land between the kerb and the property boundary. The purpose of the verge is to provide an area where public utilities/services such as power, gas and telecommunications can be located.

The verge is also a public open space recognised and valued for its street trees and streetscape environment.

Verge gardens make productive use of land in town and the villages. It puts to practical use small patches of land that are otherwise neglected or planted to simplified plant communities, such as lawn verges, that are unproductive or that may consume excessive water and fossil fuels in their maintenance.

### **POLICY STATEMENT**

Blayney Shire Council is committed to creating a visually appealing, safe, and sustainable environment.

Blayney Shire Council appreciates the contribution that residents make regarding the landscaping and maintenance of verges adjacent to their properties. Council is of the view that property owners should take responsibility for the landscaping, irrigation, and maintenance of street verges adjacent to their property, whilst the street trees will be maintained by the Council staff.

### **DO I NEED COUNCIL APPROVAL?**

#### **Yes.**

These guidelines detailing opportunities for residents to establish and maintain a verge garden that will not impact on community safety, the environment and surrounding infrastructure.

### **APPROVAL PROCESS**

There is a self-declaration form that you must complete to provide to Council as a record that your garden complies with these guidelines.

Council to investigate verge gardens, it is our preference to work with the resident to take action to remedy the issue and ensure the verge garden is modified to ensure public safety.

Where a verge garden continues to create conflict with public access and safety, Council may direct the property owner to alter any works in the road reserve, within 28 days. Council may alter the works if there is no action by the owner, at full cost to the owner. (*Roads Act (Section 98)*).

Residents can only plant a verge garden in the verge area immediately fronting their property. Verge gardens cannot be extended to your neighbour's property without written consent, or onto other public land, including traffic islands and median strips

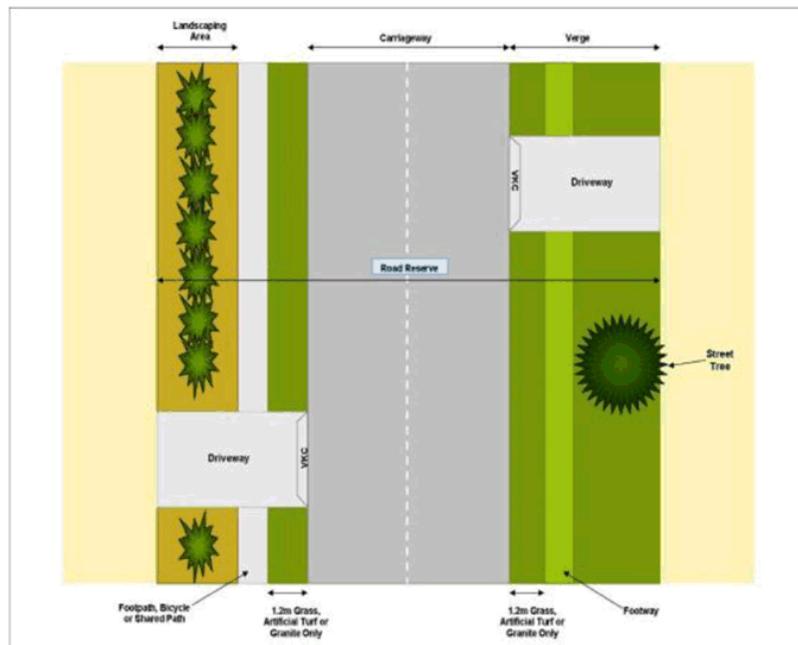
**Remember, it will be your responsibility to maintain your garden!**

### Guidelines for creating your Verge Garden

Here are some "simple rules" to help ensure success.

#### What is the verge?

The following sketch and definitions will give you some guidance on the verge and where you plant.



Carriageway – the portion of road reserve formed for vehicular traffic.

Driveway – the unobstructed strip across the verge set aside for vehicular access between the carriageway and the adjacent property.

Footpath – a formed (1.5m min. width) path along the verge set aside for pedestrian traffic. Some older paths may be narrower than 1.5m in width.

Footway - the unobstructed strip (1.5m min. width) along the verge set aside for pedestrian access which has not been formed. Its width is dependent on whether a footpath, bicycle path or shared path is proposed for the street, and it generally begins 1.2m from the back of the kerb or edge of carriageway.

Hard landscaping – refers to retaining structures or edging/borders including bricks, stones, rocks or railway sleepers, but does not include concrete paving, asphalt or pavers.

Road reserve – the strip of public land between abutting property boundaries and includes the carriageway, footpaths, bicycle paths, shared paths, footways and verges.

Shared path – A formed (2.5m min. width) path along the verge set aside for pedestrian and bicycle access.

Street tree - a tree planted in the verge, of a species and location approved by Council.

Verge – the area between the property boundary and the kerb (or edge of the roadway).

### Have you spoken to your neighbours?

It is always a good idea to let your neighbour's know what you are planning.



Having a simple conversation; allowing your neighbours to let you know of any concerns they may have, and adjusting your plans before you start work, helps support positive community engagement, and maintains a positive outlook for the greening of these spaces. It is important to remember that the verge is a public space, and if you plan on growing edible plants, passing pedestrians may seek to harvest from your garden, or neighbourhood animals may foul on your garden

### Enjoy yourself – but be safe.

Residents are encouraged to create attractive landscapes that complement their homes, the surrounding streetscape, and support the local environment, but enjoy yourself while doing it.



Whenever you are undertaking work, always consider your safety and that of others.

- Wear sturdy enclosed shoes, gloves and sun protection. "Slip, Stop, Slap".
- Never work on the road when planting your verge garden.
- Always maintain safe access for pedestrians and other users of Footways, or Council Footpaths, even during construction.



### Ensure you maintain safe access for pedestrians.

It is important that pedestrians can use the verge without verge gardens obstructing their path, and being forced onto the road. If the verge does not have a formal footpath, residents must leave a formed (1.5m min. width) path, free from trip hazards, along the verge for pedestrian traffic.

### Can people open their car doors?

Verge gardens should provide a 600mm clearance from the edge of the kerb, so people can open their car door. Should you wish to plant this space choose a hardy groundcover that will tolerate some trampling.



### Remember the postie!

Leave enough space for Australia Post or other delivery service to access your letterbox  
– usually, 1m around the letterbox is enough.



### What about services and utilities?

Underground service provision such as electricity, water, gas and telecommunications are generally assigned standard alignments, although historically this may not be the case. As these are located in the verge, service utility providers need to access them from time to time for maintenance and repairs.



Always obtain a **Dial Before You Dig** report, by visiting [www.1100.com.au](http://www.1100.com.au) or calling 1100 to obtain

your free dial before you dig report, and check with Council or other authorities who may not have services registered on the Dial Before you Dig service, before you start digging or excavation works.



**Dial Before You Dig** is a FREE national referral service designed to assist in preventing damage and disruption to Australia's vast infrastructure networks, which provide essential services we use every day.



Remember to leave 0.2m access around power poles and service pits that are located within the verge. If damage is caused to public utility service due to verge gardening activities, you must report this immediately to the relevant authority for repairs, the costs of which will likely be charged back to you.

Infrastructure upgrades within the verge.

It is the service authorities and/or Councils obligation to upgrade and maintain their infrastructure within the verge, and this may result in the excavation of all or part of your garden. There is no obligation from the service authorities or Council to reinstate a verge garden whilst undertaking upgrade or maintenance of their infrastructure.

Where a verge improvement (that is provided by the property owner) is damaged by a Service Authority, the property owner may negotiate with the service authority about rectification works.

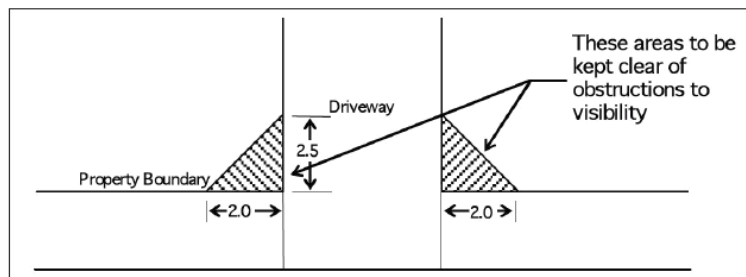
Where Council's activities impact the verge, Council will reinstate the verge to the same standard that existed prior to the commencement of work, excluding that area provided for pedestrian access, defined as the footway zone, that shall only be reseeded with grass. Reinstatement of any verge improvement will ensure it complies with these guidelines.

**Remember pedestrian and traffic safety!**

- ✓ Verge gardens must not impact on the driver's line of sight, including entering and exiting driveways, delineation of the road edge and / or pedestrian movements.

The streetscape is an important part of community open space, and the coordination of plantings is an important aspect of Council works. Council supports plantings (shrubs only) with flora that are drought tolerant and suited to hot, dry summers. Plantings should be maintained to a maximum height of 500mm. A preferred species list for verge gardens is provided at Appendix 2.

Plantings should ensure that no part of the treatment obstructs the required safe sight distance requirements at access driveways according to Figures 3.2 and 3.3 of AS/NZS 2890.1-2004 or Figures 3.3 and 3.4 of AS2890.2-2002 as applicable.



**Properties situated at intersections shall ensure that no plantings obstruct safe sight distance at the intersection.**

**No structures or hard surfaces in your verge garden!**

- \* Remember the verge is public land. The area needs to remain free of obstructions and nuisances to others.

It is recommended that only plants and organic mulches are used. The construction of any structure, including retaining walls or fences, of any material or form, between the property boundary and edge of road is not permitted. Council may ask for its removal.

Any edging material, mowing strip, footpath, driveway cross over etc. shall be flush with the surface. Council intends working with owners of existing verge gardens to remove trip hazards, as these present an unacceptable risk to pedestrians.

The following forms of surface treatment are permitted within the 1.5m footpath corridor (whether existing or for a future footpath). This extends to 3m where a boundary fence or other clear delineation of property boundary has been constructed. Council may remove these, without recompense when constructing a footpath or shared path at some time in the future.

- Compacted rubble capped with crusher fines
- Brick, clay paving
- Asphalt or bituminous surfaces.

Outside of the footpath corridor;

- Un-irrigated grassed surface.
- Mulched surface
- Ground cover - Shrubs, low trees (up to 500mm)

The following surface treatments are not permitted on any side:

- Chemically sterilised treatments.
- Structures.
- Retaining walls.

- \* **Don't plant trees in your verge – that's Council's role.**

Tree planting will only be undertaken by Council (or a group under the auspice of Council) and Council will be responsible for the location of new trees and their maintenance. The planting of trees and shrubs upon verges must comply with the Council "Street and Open Space Tree Policy".

If you would like a tree as part of your verge garden please contact us, and we will make arrangements for someone from our Parks and Recreation team to meet with you, select a tree suited to your verge, and schedule it for planting.

### **What shall I plant?**

Residents are encouraged to be creative and plant verges to suit their own taste. But remember plantings must not interfere with overhead or underground services including water and sewerage infrastructure, water meter servicing and reading, and sewer manholes.

Plants must also not be known or likely environmental weeds.

Growing edible plants along the nature strips of streets within our town and villages is an effective means of inspiring and enabling urban agriculture and contributes to:-

- Neighbourhood beautification
- Visual amenity
- Urban re-greening
- Increased biodiversity
- Environmental and sustainability education
- Improved garden soil profiles through carbon sequestration
- Reduced air temperatures in developed areas
- Developing social capital and community engagement.



### **Who can help me?**

Advice needs to be sought by contacting Councils Infrastructure Services Department, prior to the commencement of any works on the verge.

When you are planning your verge garden, call Councils Parks and Recreation team.

Local nurseries can assist with appropriate plant selection and recommend the use of local native plant species where possible.

### **Watering**

Council supports the responsible use of water to maintain plantings using handheld trigger nozzle hoses. It is recommended that residents check the Central Tablelands Water (CTW) website [www.ctw.nsw.gov.au](http://www.ctw.nsw.gov.au) for information related to current water restrictions that may apply.

### **Related Policies and Strategies:**

- NSW Roads Act (1993)
- Local Government Act 2020.
- Statewide Mutual Best Practice Manual- footpaths Nature strips and Medians
- Blayney Shire Council - Street & Open Space Tree Management Procedure
- Blayney Shire Council - Pathway Hierarchy, Standard and Maintenance Policy (Draft)

### **STATEMENT**

Council encourages the appropriate planting of verge gardens. Residents are encouraged to use local native plant species to ensure greater plant survival and to maximise benefits for local native fauna.

The Verge Gardening policy seeks to ensure the following environmental and social objectives are achieved:

- Recognition of the role of streets in increasing biodiversity and providing ecosystem services such as food and shelter for wildlife,
- Reducing carbon emissions and other costs associated with mowing
- Providing mental health benefits associated with gardening and spending time outdoors
- Providing a positive focal point for the community in the street scape
- Engaging the community in the design and maintenance of public spaces
- Improving skills and knowledge across Council and the community in creating more liveable spaces
- Ensuring that public land is managed in a manner that does not jeopardise public safety, access, infrastructure and essential services, and other community needs
- Creating a sense of place.

### **APPLICATION**

Individual residents who want to establish or maintain a verge garden adjoining their residential property must submit an application and be given written approval by Council. Approvals for verge gardens are issued under section 138 of the Roads Act 1993.

Not every location is suitable for a verge garden due to safety, access, and public infrastructure (including street trees) requirements, and other community needs. In these instances, applications will not be approved.

Applicants must comply with all of the requirements of the Verge Gardening Guidelines. Each verge is unique Council retains the right to determine additional site-specific requirements.

Council undertakes street upgrade and street tree planting programs in consultation with residents. Although verge gardening projects are resident-driven, if Council is undertaking footpath works that offer the opportunity to create new unpaved areas that are suitable for verge gardens, residents can apply for a verge garden as per this policy.

### **GARDENS IN LANES**

Council will consider applications from residents wanting to garden on public land adjoining their property in lanes (e.g., narrow kerbs along back and side fences in lanes). Gardening in lanes is not always permitted due to limited space and multiple conflicting uses.

Requests will be assessed taking into account:

- The volume and composition of traffic using the laneway
- Vehicle turning paths for access to off-street parking spaces
- Vehicle turning paths at laneway intersections
- Any slope in the laneway impacting the lean of high vehicles
- Safety issues associated with intersections and any other site-specific issues

### **ONGOING COUNCIL SUPPORT**

Council can provide information to residents on garden layout, site preparation, plant species selection and weed management. Council will also provide a limited number of local native plants to new applicants.

### **INSURANCE**

Council does not provide personal accident insurance for residents who injure themselves while gardening on the verge.

Council is not liable for any damage or loss that the resident may suffer by the act, default, omission or neglect of any other person or by reason of the Council, its members agents and contractors for failing to do something on or to the public space used.

### **ACCESS AND SAFETY**

This policy aims to ensure verge gardens do not negatively impact on footpath and verge access and safety.

Council aims to ensure public places provide safe and equitable access for people of all abilities. A person with mobility difficulties may be unable to safely navigate the path if it is blocked or otherwise impacted by a poorly designed or maintained verge garden. Pedestrians crossing intersections may not be seen by motorists if there is tall dense vegetation on the verge. Similarly, verge gardens must not "trap" pedestrians in a road carriageway by forming a barrier in an unsafe location

### **INFRASTRUCTURE MAINTENANCE AND OTHER PUBLIC WORKS**

Verge gardens that are well maintained ensure the ongoing health of Council's Street trees. Street trees must not be removed or damaged to create or maintain a verge garden. Early consultation with Council staff is encouraged if a verge garden is located in close proximity to a street tree to ensure the plant species selected are appropriate. Pipes and cables that provide essential services including gas, electricity, water, stormwater, sewerage, and communications are located underneath the footpath and verge. Utility companies, Council and their contractors need to carry out works on and underneath the footpath and verge from time to time to maintain these assets. This can include areas that have been approved for a verge garden.

Approval of a verge garden does not negate the right of access for utility companies, Council, and contractors to access and undertake works on this land and any assets beneath at any time. This could include complete removal of the verge garden for infrastructure projects (for example, footpath upgrades or underground cabling). Residents are not entitled to financial compensation for the loss of plants, or other items moved/removed to enable these works. Residents can opt out of maintaining the verge garden following works that impact part or all of the verge garden. In these circumstances Council will resume maintenance of the verge at the resident's request, which may include the replanting of grass on the verge.

### **VANDALISM, THEFT AND OTHER DAMAGE**

Verge gardens on public land may be susceptible to vandalism, theft, and other damage. Although Council is committed to supporting the verge gardening program, residents are responsible for any costs and works associated with restoring verge gardens following any such damage. Residents are not entitled to financial compensation for any such damage. Residents may choose to opt out of maintaining the verge garden following damage and need to notify Council of their decision. In these circumstances Council will resume maintenance of the verge, which may include the replanting of grass in the verge.

### **LEGACY VERGE GARDENS**

Verge gardens established prior to publication of this policy that are found to be non-compliant with this policy are required to achieve compliance within 12 months of notice from Council. Potential issues are:

- All new plantings must be compliant
- No hard landscape materials, structures, or other items (see Guidelines for more information) to be used in the garden

- Non-compliant plants must be removed as soon as practical or when they die, whichever comes first within 12 months of notice from Council
- Non-compliant items must be removed as soon as practical or when they wear out, whichever comes first within 12 months of notice from Council; or where practical
- Where public safety and access is an issue, it must be immediately rectified

#### **USE OF CONTRACTORS**

Residents can engage contractors to undertake planting and maintenance of plants on a registered verge garden. The resident must ensure that contractors meet the requirements of this policy and have appropriate (public liability) insurances.

#### **RESPONSIBILITIES**

Council staff are responsible for the following:

- Reviewing and approving applications in accordance with the Policy;
- Providing initial and ongoing advice and support as requested, to resident verge gardeners;
- Monitoring verge gardens and responding to reports of breaches of the Policy and Guidelines.
- Reviewing and revising Policy and Guidelines.
- Reviewing and approving applications
- Reviewing and revising Policy and Guidelines

Residents are responsible for the following:

- Designing, establishing, and maintaining the verge garden in accordance with this Policy and Guidelines.
- Following Council direction in relation to any Compliance issues
- Advising Council if they are moving or are no longer willing or able to maintain the verge garden.

#### **COMPLIANCE**

If a resident does not comply with the Verge Gardening Policy or Guidelines, they will be issued with a letter outlining the non-compliant issues and be asked to address these within a given timeframe (usually 14 days).

Should the verge garden continue to remain non-compliant Council staff may take action necessary for the garden to comply including, but not limited to, trimming, and removing vegetation or other items that do not meet requirements or otherwise pose a risk to public access and safety.

Permission for the resident to garden on the verge may also be withdrawn, and in unresolved circumstances Council may resume maintenance of the verge, which may include restoration of grass in the verge.

In cases where there is a high risk to public safety Council may remove items without any notice. Council will not be liable for reimbursing residents for items removed.

Where compliance is not achieved through the above means, more formal enforcement action may be taken under the Roads Act 1993 or Local Government Act 2020.







**APPENDIX 1. Sample Verge Gardens**

**Good Outcomes**

	<p>Landscaping area and street trees suitably located and footway clear. Suitability of trees under power lines should be considered.</p>
	<p>Clear footway. Driveway flush, no trip hazard.</p>
	<p>Clear footway. Driveway flush, no trip hazard. Landscaping should not be on roadside of footway. Modifications to the verge plantings may be required to accommodate any future footpath.</p>

**Poor Outcomes**

	<p>Hard landscaping (timber sleeper retaining wall) and landscaping impedes footway. Modifications to the retaining wall and gardens may be required to accommodate any future footpath.</p>
	<p>Poorly maintained and impedes footway. Significant trip hazards for pedestrians.</p>
	<p>Poorly located trees, over CTW underground water infrastructure. Well maintained landscaping against boundary fence. Removal of part of the trees will be required to accommodate any future footpath.</p>
	<p>Trip hazard at driveway and landscaping impedes footway and needs to be removed. Well maintained landscaping. Removal of part of the gardens and trip hazard will be required to accommodate any future footpath.</p>



**APPENDIX 2. Preferred Species List for Verge Gardens**

Type	Name		Mature Height
	Botanical	Common	
<b>Grasses (Dry)</b>			
	dianella revoluta	Blue Flax Lily	1m
	lomandra longifolia	Lomandra	1m
<b>Herbaceous / Shrub</b>			
	Dietes vegeta	Dietes	90cm
	Ophiopogon japonicas	Mondo Grass	40cm
	Gazania	African Daisies	30cm
	Erigeron karvinskianus	Seaside daisy	25cm
	Agapanthus	Dwarf Agapanthus	80cm
	Abelia grandiflora	Dwarf Abelia	1m
<b>Bulbs</b>	Narcissus sp	Daffodil	45cm
	Tulipa sp	Tulip	45cm
	Narcissus sp	Jonquil	45cm
	Cerastium tomentosum	<u>Snow in summer</u>	30cm
	Salvia	Sage smaller sp	To 1m
<b>Succulent</b>	Carpobrotus glaucescens	Pig face	25cm
<b>Annuals</b>			
	Petunias		20cm
	Violets		20cm
	Pansies		20cm

Plants should be maintained to a maximum height of 500mm.

The plants listed are tough and perform well in the local environment.

The list is a guide only, and not comprehensive.

Local nurseries can assist with appropriate plant selection, including different species that may also be suitable, and recommend the use of local native plant species where possible.

<b>Council Details</b>	
Address:	Blayney Shire Council 91 Adelaide Street, BLAYNEY NSW 2799 PO Box 62 BLAYNEY NSW 2799
Website:	<a href="http://www.blayney.nsw.gov.au">www.blayney.nsw.gov.au</a>
Email:	<a href="mailto:council@blayney.nsw.gov.au">council@blayney.nsw.gov.au</a>
Phone:	(02) 6368 2104
ABN:	47 619 651 511



**Verge Garden Guideline**  
**Self-Assessment and Declaration**

Blayney Shire Council residents are to use this checklist when preparing and planting your verge garden.

There is a declaration you can complete and send to Council, which we will keep as a record of your verge garden complying with these guidelines, should Council be asked to investigate at a later point in time.

Please email this declaration to [council@blayney.nsw.gov.au](mailto:council@blayney.nsw.gov.au)

For further information, please contact Council on (02) 6368 2104.

DECLARANT DETAILS (optional)
NAME:
ADDRESS:

CHECKLIST	Ye s	N o
I have talked to my neighbours and considered their feedback on my verge garden proposal.	<input type="checkbox"/>	<input type="checkbox"/>
I have planned my verge garden project to ensure safe pedestrian access while I construct my verge garden.	<input type="checkbox"/>	<input type="checkbox"/>
My verge garden is in line with my property boundary and does not encroach upon my neighbour's verge.	<input type="checkbox"/>	<input type="checkbox"/>
I have ensured my verge garden will retain a pedestrian access 1500mm wide, which is level and free from trip hazards.	<input type="checkbox"/>	<input type="checkbox"/>
My verge garden has been designed to ensure car doors can open with no plants, or with only low groundcovers within 600mm of the edge of kerb.	<input type="checkbox"/>	<input type="checkbox"/>
I have left clear access for the mailman.	<input type="checkbox"/>	<input type="checkbox"/>
I have left clear access around service pits and power poles.	<input type="checkbox"/>	<input type="checkbox"/>
I have a safe and accessible place for the collection of waste/recycling bins.	<input type="checkbox"/>	<input type="checkbox"/>
I contacted Dial before you Dig on 1100 or <a href="http://www.1100.com.au">www.1100.com.au</a> and obtained a free services report to confirm that there are no underground utility services that will be impacted by garden.	<input type="checkbox"/>	<input type="checkbox"/>
I contacted Council to obtain information on any Council or service authority utilities that may be in my verge.	<input type="checkbox"/>	<input type="checkbox"/>
I understand that my verge garden could be impacted by future infrastructure works, and Council or service authorities may not replace any plants lost.	<input type="checkbox"/>	<input type="checkbox"/>
My garden will be maintained to a maximum height of 500mm to ensure line of sight for traffic and pedestrians.	<input type="checkbox"/>	<input type="checkbox"/>
If I want to install a tree, I will contact Council to request a site visit, and assess the specific site constraints.	<input type="checkbox"/>	<input type="checkbox"/>

SIGNATURE:	Date
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**End of Policy**

<b>Adopted:</b>	<b>17/05/2021</b>	<b>2105/009</b>
<b>Last Reviewed:</b>	<b>17/05/2021</b>	
<b>Next Review:</b>	<b>19/04/2022</b>	



## Enforcement Policy

Policy	19Q
Officer Responsible	Director Planning & Environmental Services
Review Date	XX/XX/2023

**Strategic Policy**

**Table of Contents**

**OBJECTIVES** .....3  
**PREFACE** .....3  
**PURPOSE** .....4  
**ENFORCEMENT PRINCIPLES** .....4  
**APPLICATION** .....6  
**RESPONSIBILITY** .....6  
**DEFINITIONS** .....7  
**INVESTIGATING ALLEGED UNLAWFUL ACTIVITIES** .....8  
**RESPONDING TO COMPLAINTS** .....10  
**CONFIDENTIALITY OF COMPLAINANTS** .....11  
**OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITIES** .....12  
**TAKING LEGAL ACTION** .....15  
**SHARED ENFORCEMENT RESPONSIBILITIES** .....17  
**ROLE OF COUNCIL WHERE THERE IS A PRIVATE CERTIFIER** .....18  
**ROLE OF COUNCILLORS IN ENFORCEMENT** .....18  
**DELEGATIONS FOR ENFORCEMENT ACTION** .....18  
**APPENDIX A** .....20  
**APPENDIX B** .....21

## Policy

### OBJECTIVES

~~The objective of this policy is to establish clear guidelines for the exercise of discretion in dealing with proactive regulatory action by the Council and customer service requests or complaints about unlawful activity.~~

It provides workable guidelines on:

- (1) ~~How to assess whether complaints of unlawful activity require investigation;~~
- (2) ~~Options for dealing with unlawful activity;~~
- (3) ~~How to decide whether enforcement action is warranted. The intent of this policy is to establish clear guidelines and protocols for council staff in the management of council's regulatory activities.~~

~~It provides workable guidelines on:~~

~~responding to reports alleging unlawful activity  
assessing whether reports alleging unlawful activity require investigation  
deciding on whether enforcement action is warranted  
options for dealing with confirmed cases of unlawful activity  
taking legal action  
implementing shared enforcement responsibilities.~~

~~The policy also provides advice and guidance on:~~

- ~~the role of the Principal Certifying Authority and~~
- ~~the role of councillors in enforcement.~~

### PREFACE

Blayney Shire Council is involved in a broad range of regulatory activities. In recognition of the increase in the regulatory role of all Councils, the NSW Ombudsman in ~~June 2002~~December 2015 published "Enforcement Guidelines for Councils" including a Model Compliance and Enforcement Policy. That model Compliance and Enforcement Policy forms the basis of this Blayney Shire Council Policy.

The Enforcement Policy reflects the need for a transparent decision making process of Council authorised officers to be carried out in an efficient, fair and consistent manner having regard to all the circumstances. ~~The inclusion of Appendices A and B at the rear of the policy can be interpreted as a guide to indicate the relative level of seriousness of some offences and therefore, from a consistency viewpoint, to determine whether or not the Council may issue a warning prior to some level of formal action.~~

Council's regulatory responsibilities are applicable to actual unlawful activity, as well as a failure to take action (in order to be compliant with certain legal requirements). For simplicity, this policy refers to both an act and/or an omission by an alleged offender as 'unlawful activity'. This policy distinguishes between a 'report alleging unlawful activity' and a 'complaint'.

For the purposes of this policy, a report alleging unlawful activity is where an individual expresses concern in relation to alleged unlawful activity, or they request service from council about such matters. Council considers that a response or resolution to a report alleging unlawful activity is explicitly or implicitly expected by the individual or may be legally required.

A complaint is where an individual expresses dissatisfaction about council services, staff or the handling of a complaint. Therefore, a complaint may arise where an individual claims that council staff have failed to take action in relation to a report alleging unlawful activity. A complaint will be recorded separately and responded to in accordance with council's complaints management policy and procedures.

## **PURPOSE**

The purpose of this policy is to:

Enable the Council to acknowledge its obligation under Section 8 of the Local Government Act 1993 to ensure that the regulatory powers are carried out in a consistent manner and without bias, and  
Provide a proactive policy statement regarding the enforcement of compliance with legislation and/or condition/s of development consent, and  
Foster prompt, consistent and effective action by the Council in response to allegations of unlawful activity whilst ensuring that the principles of natural justice are respected. The purpose of this policy is to provide structure for consistency and transparency in decision making, and to facilitate a proportional approach to compliance and enforcement. It is also intended to assist council staff to act promptly, effectively and consistently in response to allegations of unlawful activity.

This policy outlines matters to be considered at the various stages of the enforcement process from the receipt and investigation of reports alleging unlawful activity, through to what enforcement option council will choose and whether to commence criminal or civil proceedings.

In certain circumstances council will have shared enforcement responsibilities with other regulatory authorities. This policy sets out a collaborative and cooperative approach to such matters. Advice and guidance is also provided on the role of council in building and construction compliance matters where there is a private certifier, and the role of councillors in enforcement. Responsible council staff are not limited by this policy in their use of discretion and exercise of official functions. The full circumstances and facts of each case need to be considered and a decision made on the merits.

## **ENFORCEMENT PRINCIPLES**

Blayney Shire Council is committed to:--

(1) — Acting in the interest of protecting community health / safety and or the environment;

- (2) ~~Acting consistently, fairly and impartially;~~
  - (3) ~~Preventing discrimination on the basis of race, religion, sex, national origin, political association or other personal reason/s;~~
  - (4) ~~Ensuring the proposed enforcement action is in keeping with the relative severity of the offence/s;~~
  - (5) ~~Ensuring enforcement action is taken against the right person for the correct offence;~~
  - (6) ~~Ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner;~~
  - (7) ~~Disclosing all evidence relevant to the alleged offence/s;~~
  - (8) ~~Assisting the Court by providing all necessary information whether or not that information is in favour of the Council case;~~
  - (9) ~~Issuing cautions to the alleged offender/s, where necessary;~~
  - (10) ~~Making cost effective decisions concerning enforcement action having regard to the likely outcome at court;~~
  - (11) ~~Ensuring action is instigated within the specified time limits.~~
- The following are the principles that underpin council actions relating to compliance and enforcement:

Principle: Accountable and transparent

Action:

- acting in the best interests of public health and safety and in the best interests of the environment
- ensuring accountability for decisions to take or not take action
- acting fairly and impartially and without bias or unlawful discrimination
- providing information about compliance and enforcement priorities and reasons for decisions to improve understanding and certainty and promote trust by the regulated community
- ensuring meaningful reasons for decisions are given to all relevant parties, particularly when there is a departure from this policy
- acting on any complaints or concerns about the conduct of compliance officers in accordance with council's complaints management policy and procedures advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.

Principle: Consistent

Action:

- ensuring all compliance and enforcement action is implemented consistently
- encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.

Principle: Proportional

Action:

- ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach



- making cost-effective decisions about enforcement action
- taking action to address harm and deter future unlawful activity.

Principle: Timely

Action:

- ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely.

## **APPLICATION**

This policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals and orders. While primarily directed at the regulation of development activity, the policy is also applicable to pollution control, regulation of parking, control over animals, unauthorised development including buildings, non-compliance with development consent conditions, food safety, public health and safety issues, tree/s removal and land clearing. This policy applies to regulatory issues within council's area of responsibility including, but not limited to:

- development and building control
- pollution control
- environmental health
- public health and safety
- noxious weeds
- septic systems
- control over animals
- food safety
- fire safety
- tree preservation.

## **RESPONSIBILITY**

All Council staff who deal with the proactive enforcement of relevant legislation in addition to written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines. All notifications of alleged unlawful activity should be appropriately recorded by the Council Staff or Council.

Council staff will strive to:

- treat all relevant parties with courtesy and respect
- communicate with all relevant parties and provide feedback on the progress of an investigation and any reasons for delay without compromising the integrity of the investigation
- make full and proper records in relation to the assessment and investigation of reports alleging unlawful activity, including reasons for any decisions
- inform all relevant parties of reasons for decisions
- provide as much information as possible to all relevant parties about the outcomes of investigations to show that adequate and appropriate

action was taken and/or is proposed to be taken in response to a report of alleged unlawful activity

- provide information to all relevant parties about any avenues to seek an internal or external review of a decision.

## **DEFINITIONS**

“Unlawful activity” is any activity or work that has been or is being carried out:

(1) Contrary to the terms or conditions of development consent, approval, permission or other written authorisation from the Council;

(2) Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;

(3) Contrary to a legislative provision regulating a particular activity or work;

(4) Without a required development consent, approval, permission or the like;

(5) Contrary to New South Wales legislation for which the Council is the appropriate regulatory authority.

The following are the definitions of key terms in this policy:

Complaint -

A complaint is an expression of dissatisfaction made about council services, staff or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

For the purposes of this policy, a complaint does not include:

- a report alleging unlawful activity (see definition below)
- a request for information about a council policy or procedure
- a request for an explanation of actions taken by council
- a request for internal review of a council decision.

Enforcement -

Actions taken in response to serious or deliberate contraventions of laws.

Regulation -

Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by council.

Report alleging unlawful activity -

An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

Unlawful activity -

Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action in order to be compliant with: terms or conditions of a development consent, approval, permit or licence

an environmental planning instrument that regulates the activities or work that can be carried out on particular land  
a legislative provision regulating a particular activity or work  
a required development consent, approval, permission or licence.

### **INVESTIGATING ALLEGED UNLAWFUL ACTIVITIES**

All complaints and matters regarding unlawful activities will be reviewed to determine whether the matter requires enquiry or investigation. Further enquiries/investigation will not be initiated where:  
Not all reports alleging unlawful activity will warrant investigation. A preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters on the basis of risk to public safety, human health and environment.

- (1) The matter has already been investigated and resolved, or
- (2) The Council has no jurisdiction (for example, NSW WorkCover issues on building sites or amusement devices or an internal matter within strata buildings or where the Department of Environment and Conservation is the Appropriate Regulatory Authority etc), or
- (3) The activity is determined to be lawful without an investigation. In considering whether a complaint will warrant enquiry or investigation the Council will consider a range of factors. These include:
  - (a) Is the matter within the jurisdiction of the Council?
  - (b) Is the complaint premature e.g. does it relate to some unfinished aspect of work that is still in progress?
  - (c) Is the activity or work permissible with or without consent?
  - (d) If the activity is permissible with consent, is there a consent in place?
  - (e) Is it possible to determine from the information available to the Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
  - (f) Is the complaint trivial, frivolous or vexatious?
  - (g) Has too much time elapsed since the events the subject of the complaint took place?
  - (h) Is there another body that is a more appropriate agency to investigate and deal with the matter?
  - (i) Is the activity having a significant detrimental effect on the environment, or does it constitute a risk to public safety?
  - (j) Does the complaint indicate the existence of a systemic problem e.g. if the complaint is one of a series; could there be a pattern of conduct or a more widespread problem?
  - (k) Is there a history of related complaints against this person or organisation?
  - (l) Does the complaint have special significance in terms of the priorities of the Council?
  - (m) Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
  - (n) Is it in the public interest to investigate the complaint?

~~(e) — The effective use of resources having regard to the circumstances of the case.~~

~~If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision and the complainant so advised. Circumstances where no action will be taken:~~

~~Council will take no further action if, following a preliminary assessment, it is identified that:~~

- ~~• council does not have jurisdiction to investigate or is not the appropriate authority to take action on the issues raised. Where there is another appropriate authority or course of action, council may bring the matter to the attention of the authority or provide information and contact details to the individual. For example NSW WorkCover for workplace safety matters, the NSW Environment Protection Authority for possible environmental offences and Community Justice Centres NSW for personal disputes~~
- ~~• the report relates substantially to a matter previously determined by council and no new or compelling information is presented which would cause council to change its earlier decision. In this case, staff will acknowledge the report and advise that no further action will be taken as no new information had been provided (other than where the person has previously been advised they would receive no further response)~~
- ~~• the allegations relate to a lawful activity (eg where there is an existing approval or the activity is permissible without council approval or consent being required)~~
- ~~• the report is not supported with evidence or appears to have no substance~~
- ~~• the relevant manager, director or the general manager determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome sufficient to justify the expenditure of resources.~~
- ~~• The matter is determined to be a 'neighbor dispute' and is deemed to be a civil matter.~~
- ~~• The complaint is anonymous, and no urgent issues of public health or safety have been raised.~~

~~Relevant factors guiding decisions as to whether to take action:~~

- ~~• When deciding whether to investigate, council will consider a range of factors including whether:~~
- ~~• the activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety~~
- ~~• the report is premature as it relates to some unfinished aspect of work that is still in progress~~
- ~~• the activity or work is permissible with or without permission~~
- ~~• all conditions of consent are being complied with~~
- ~~• much time has elapsed since the events the subject of the report took place~~

- another body is a more appropriate agency to investigate and deal with the matter
- it appears there is a pattern of conduct or evidence of a possible wide spread problem
- the person or organisation reported has been the subject of previous reports
- the report raises matters of special significance in terms of the council's existing priorities
- there are significant resource implications in relation to an investigation and any subsequent enforcement action
- it is in the public interest to investigate the report.

The above are factors for council to consider and weigh in making a determination. Council staff are not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors.

### **RESPONDING TO COMPLAINTS**

Every effort will be made to ensure that all Customer Service Requests or complaints about alleged unlawful activity are actioned within the 'service standard' time allowed for resolving the complaints within the following time frames a reasonable timeframe.:

Council will respond to every such report unless the person raising the matter has indicated they do not wish to receive a response about the council's handling of the matter, or the report is anonymous.

Generally speaking, council's objectives when dealing with reports alleging unlawful activity are to:

- maintain the collective good and welfare of the community
- prevent or minimise harm to health, welfare, safety, property or the environment
- consider the broader public interest having regard to council's priorities and any resource limitations
- consider the report fairly and impartially.

Not all reports will need to be investigated. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required.

(1) — Urgent and life threatening matters should be actioned as soon as possible following receipt of the complaint. Examples include unsafe building works, dangerous awnings, collapsed building/wall, serious pollution, food safety issues and public health and safety matters, etc. As a guide these matters should be dealt with on the day of the receipt of a complaint.

(2) — General compliance matters will be dealt with on a priority basis having regard to the relative seriousness of the matter. These examples include



~~works not in accordance with consent or construction without consent, illegal use, noise and food complaints.~~

~~(3) — Nuisance matters should be actioned within seven working days; examples include domestic noise matters, minor non-compliance such as overgrown land or — other matters in which there are no likely immediate health or safety implications~~

~~Note that response times may vary depending on staff and other resources. However the Council will acknowledge the complaint and keep the complainant informed in accordance with the service standards of the Council.~~

~~An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where the issues are complex. If council decides to investigate, staff will give the person who reported the alleged unlawful activity timely feedback on the progress of the investigation, and any reasons for delay. This does not mean that the individual can expect to be given details about every aspect of the investigation or information that would compromise the integrity of the investigation.~~

~~Decisions about what action should be taken by council are made at the council's discretion. This means the objective is that reports alleging unlawful activity will be resolved to the satisfaction of council, not necessarily the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible so as to avoid the need to take formal action.~~

~~Council staff will endeavour to manage the expectations of people who report alleged unlawful activity, and in particular explain that in the absence of sufficient evidence of unlawful activity, council may be unable to take further action.~~

~~They will also explain that council does not have unlimited resources and powers to deal with reports alleging unlawful activity. If council is unable to fully investigate or take action on a matter because it is restricted by any legal or resource limitations this will be explained to the individual.~~

### **CONFIDENTIALITY OF COMPLAINANTS**

~~The Council will respect the privacy and confidentiality of information received. However due to its statutory obligations and other requirements, confidentiality cannot always be guaranteed. In cases where the release of information is considered to be necessary the person who made the complaint will be consulted before such a decision is made. The complainant's identity may be disclosed where:~~

~~the person consents in writing to the disclosure of that information; or  
the principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint, which may enable the complainant to be identified; or  
the Council is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively.~~

People who report allegations of unlawful activity should not expect that their identities will remain confidential from the subject of their report in all circumstances. Council may have to disclose information that identifies them in the following cases:

- the disclosure is necessary to investigate the matter
- their identity has already been disclosed to the subject of their report directly or in a publicly available document
- the individual was consulted following receipt of a Government Information (Public Access) Act 2009 application and did not object to the disclosure
- the individual consents in writing to their identity being disclosed
- the disclosure is required to comply with principles of procedural fairness
- the matter proceeds to court.

4. Council will take seriously any concerns an individual may have about their physical safety being endangered as a result of making a report. However, this may limit council's ability to investigate the matter.

#### **OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITIES**

The Council will try to use the swiftest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options.

Approaches to be considered will include:

- (1) Referring the complaint to an external agency for further investigation or prosecution.
- (2) Taking no action on the basis of a lack of evidence or for some other appropriate reason.
- (3) Counselling the subject of the investigation to educate them on the relevant Council requirements.
- (4) Negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation e.g. an application for modification of development consent.
- (5) Referring the parties for mediation with the Community Justice Centre or alternatively for private mediation.
- (6) Issuing a letter requiring work to be done or activity to cease in lieu of more formal action.
- (7) Issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order or notice (Local Government Act (LG Act) Sect. 124-128, Environmental Planning & Assessment Act (EP&A Act) Sect. 121B, and the Protection of the Environment Operations Act (POEO Act) Pts 4.2-4.4 and 8.6).
- (8) Issuing a notice requiring work to be done under various and other relevant legislation.

(9) — Starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation (Sect.673 LG Act; Sect.123 EP&A Act).

(10) — Seeking injunctions from the Land & Environment Court or the Supreme Court.

(11) — Issuing a Court Attendance Notice in the local court.

(12) — Issuing a penalty infringement notice.

(13) — Taking proceedings for an offence against the relevant Act or Regulation (s. 691 LG Act, Sect.125 EP&A Act, Chapter 5 POEO Act).

(14) — Carrying out the works specified in an order under the LG Act at the cost of the person served with the order (Sect.678 LG Act).

All enforcement action will be monitored and a decision made in relation to noncompliance within 2 weeks (14 days) of any deadline imposed. Council will try to use the quickest and most informal option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options. Council staff will use discretion to determine the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

Any enforcement action taken by council will depend on the full circumstances and facts of each case, with any decision being made on the merits.

At all times, council's key concerns are:

- to prevent or minimise harm to health, welfare, safety, property or the environment
- to influence behaviour change for the common good and on behalf of the community.

The following enforcement options to be considered by council are ordered to reflect an escalation in response that is proportionate to the level of risk, the seriousness of the confirmed breach or the need for a deterrent:

Level of risk: very low

Enforcement options:

- take no action on the basis of a lack of evidence or some other appropriate reason
- provision of information/advice on how to be compliant

Level of risk: low

Enforcement options:

- negotiating with the person to obtain voluntary undertakings or an agreement to address the issues of concern
- issuing a warning or a formal caution

Level of risk: Medium

Enforcement options:

- issuing a letter requiring work to be done or activity to cease in lieu of more formal action
- issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate



Level of risk: High

Enforcement options:

- issuing a penalty notice
- carrying out the works specified in an order at the cost of the person served with the order

Level of risk: Very High

Enforcement options:

- seeking an injunction through the courts to prevent future or continuing unlawful activity
- commence legal proceedings for an offence against the relevant Act or Regulation.

The inclusion of Appendices A and B at the rear of the policy can be interpreted as a guide to indicate the relative level of seriousness of some offences and therefore, from a consistency viewpoint, to determine whether or not the Council may issue a warning prior to some level of formal action.

### **TAKING ENFORCEMENT ACTION**

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, council will consider the full circumstances and facts of the matter and the public interest. The following common considerations will assist council staff in determining the most appropriate response in the public interest:

Considerations about the alleged offence and impact:

- the nature, extent and severity of the unlawful activity, including whether the activity is continuing
- the harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity
- the seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature
- the time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them
- whether the offence was committed with intent
- whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any council requirements and instructions
- any mitigating or aggravating circumstances demonstrated by the alleged offender
- any particular circumstances of hardship affecting the person or organisation reported.

Considerations about the impact of any enforcement action:

- the need to deter any future unlawful activity
- whether an educative approach would be more appropriate than a coercive approach in resolving the matter

- the prospect of success if the proposed enforcement action was challenged in court
- the costs and benefits of taking formal enforcement action as opposed to taking informal or no action
- what action would be proportionate and reasonable in response to the unlawful activity
- whether council is prevented from taking action based on earlier advice given, ie whether an estoppel situation has been created.

Considerations about the potential for remedy:

- whether the breach can be easily remedied
- whether it is likely consent would have been given for the activity if it had been sought
- whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

### **TAKING ENFORCEMENT LEGAL ACTION**

The council and its delegated staff will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:

- whether there is sufficient evidence to establish a case to the required standard of proof
- whether there is a reasonable prospect of success before a court
- whether the public interest warrants legal action being pursued.
- Whether there is sufficient evidence to establish a case to the required standard of proof
- Council considers the decision to take legal action a serious matter, and as such will only initiate and continue proceedings once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof.
- The basic requirement of any criminal prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt.
- In civil enforcement proceedings, council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.
- Whether there is a reasonable prospect of success before a court
- Given the expense of legal action council will not take legal action unless there is a reasonable prospect of success before a court. In making this assessment, council staff will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.
- Whether the public interest requires legal action be pursued
- The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply.

The following considerations relate more specifically to the decision to commence legal proceedings and will assist council and its delegated staff in making this determination:

- the availability of any alternatives to legal action
- whether an urgent resolution is required (court proceedings may take some time)
- the possible length and expense of court proceedings
- any possible counter-productive outcomes of prosecution
- what the effective sentencing options are available to the court in the event of conviction
- whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.
- Time within which to commence proceedings
- Council staff must be aware of legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

From an operational perspective the Council has a range of enforcement options including, but not limited to the following:

- (1) The issuing of a verbal warning;
- (2) The issuing of a written warning;
- (3) The issuing of a "show-cause" letter;
- (4) The service of a Notice of Intention to issue an Order;
- (5) The service of written or oral Notices/ Orders/ Directions;
- (6) The issuing of a penalty infringement notice/s;
- (7) The recommendation to instigate legal action;
- (8) The waiving of certain fees and the granting of an extension of time for compliance;
- (9) The revocation of an approval;
- (10) The removal/ impounding of goods or items;
- (11) The refusal of an application.

When deciding whether to take enforcement action, the Council will consider the circumstances of the case. These include:

- (1) Has the Council created an estoppel\* situation? \* A bar preventing one from making an allegation or a denial that contradicts what one has previously stated as the truth.
- (2) Is the breach a technical breach only?
- (3) When was the unlawful activity carried out and for how long?
- (4) How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?
- (5) Would consent have been given if it had been sought?
- (6) Can the breach be easily remedied?
- (7) Does the person in breach show contrition?
- (8) Are there any particular circumstances of hardship affecting the complainant or the person the subject of the complaint?

- (9) — Has the person the subject of the complaint received a previous warning or other non-coercive approach or has formal legal action been taken?
- (10) — Would an educative approach be more appropriate than a coercive approach?
- (11) — What are the costs and benefits of taking formal enforcement action as opposed to taking informal or no action?
- (12) — Is there sufficient evidence to establish a prima facie case? Is there some doubt over the evidence or offence/s?
- (13) — Has Council staff acted appropriately in investigating the matter and were standard procedures followed including officers having appropriate authorisation and delegation?
- (14) — What are the chances of success if the proposed enforcement action was challenged in court?
- (15) — Is there a draft planning instrument on exhibition that would make the unauthorised use legal?
- (16) — What action would be reasonable and proportionate in this case?
- (17) — Is it in the public interest including there being a reasonable prospect of success?
- (18) — Has the alleged offender been given an opportunity, if appropriate, to provide information as to why enforcement action should not be instituted?
- (19) — Has the alleged offender been advised, if appropriate, that no response to a show cause letter will result in the commencement of enforcement action?
- (20) — What is the likely length and net expense of the legal action?

\* — A legal rule that prevents somebody from stating a position inconsistent with one previously stated, especially when the earlier representation has been relied upon by others.

The Council will ensure that the principles of natural justice are adhered to prior to a decision being made. The following principles will be addressed and implemented by the Council:

- Whoever is the subject of concern must know all the allegations in relation to their action;
- All parties to the complaint must have the right to be heard;
- All relevant submissions and evidence must be considered;
- Matters which are not relevant must not be taken into account;
- The person who makes the complaint must not determine the matter;
- The decision-maker must be fair and just.

### **SHARED ENFORCEMENT RESPONSIBILITIES**

Some reports will raise matters involving shared regulatory responsibilities between council and other authorities including the Environment Protection Authority, the NSW Police Force, the Office of Liquor, Gaming and Racing, NSW Fair Trading, NSW Food Authority and Crown Lands.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach. To this end, where there are shared legislative responsibilities, council staff will liaise with relevant authorities to establish:

- which authority will take the leading role on any joint investigation
- which activities each authority will carry out
- responsibilities for updating an individual where relevant
- protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

### **ROLE OF COUNCIL WHERE THERE IS A PRIVATE CERTIFIER**

Council retains its regulatory role and enforcement powers where a private certifier has been appointed the Principal Certifying Authority (PCA). However, if a private certifier is appointed the PCA, it is not council's responsibility to ensure building and construction compliance.

Private certifiers have limited enforcement powers as the PCA. They have the power to issue a notice of intention to issue an order to the owner or builder to comply with the conditions of consent or rectify any breaches. A copy of any notice of intention issued by a private certifier must be provided to council for assessment as to whether council will enforce the notice by issuing an order. Council and private certifiers will work together to resolve any issues when they arise to achieve compliance with the development consent or complying development certificate. Council staff will take steps to ensure individuals are clear about which agency performs which role.

### **ROLE OF COUNCILLORS IN ENFORCEMENT**

Decision making relating to the investigation of reports alleging unlawful activity and taking enforcement action is the responsibility of appropriately authorised council staff or the council itself. Whilst individual councillors do not have the right to direct council staff in their day-to-day activities they can help individuals who raise concerns with them by satisfying themselves that council's policies are being carried out correctly. The General Manager may present certain decisions to be ratified by the elected council if this is necessary or desirable, and the councillors may also have the right to call for a report about particular issues to a council meeting.

### **DELEGATIONS FOR ENFORCEMENT ACTION**

Delegations conferred on staff to initiate various levels of enforcement action are set out in the relevant Council Officer delegations, all officers having appropriate delegations are authorised to undertake appropriate enforcement action. The legislation applicable to the delegations is as follows:

- (1) — The Australian Road Rules
- (2) — Roads Act 1993

- ~~(3) Impounding Act 1993~~
- ~~(4) Companion Animals Act 1998~~
- ~~(5) Food Act 2003~~
- ~~(6) Public Health Act 2010~~
- ~~(7) Swimming Pools Act 1992~~
- ~~(8) Noxious Weeds Act 1993-Biosecurity Act 2015~~
- ~~(9) Rural Fires Act 1997~~
- ~~(10) Contaminated Land Management Act 1997~~
- ~~(11) Environmental Planning and Assessment Act 1979~~
- ~~(12) Local Government Act 1993~~
- ~~(13) Protection of the Environment Operations Act 1997 and the various Regulations made there under. Council staff delegations for taking action under this policy are included in council's Delegation Register.~~

It should be noted that for all offences requiring the instigation of legal proceedings at the level of or above that of district court jurisdiction, the matter shall be reported to Council, for action.

All Land and Environment Court legal proceedings are required to be presented to Council for action.



## APPENDIX A

The following offences may result in a prior warning (verbal or written) being given to the offender(s) before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action is undertaken.

Annual Fire Safety Statement- non submission by owner  
Advertising signs without approval or unsightly  
Air pollution – smoky chimney  
Barking / Roaming dog, unregistered dog  
Development / Activity without consent or not in accordance with a condition/s of consent  
Minor development or old unauthorised development  
Minor breach of consent condition/s  
Erosion & sediment control matters (owner/builder – Sediments Fences and similar offences, minor environmental offences)  
Fire hazard of a less serious nature.  
Food safety/hygiene matters of a less serious nature  
Obstruction of Public Place / Road – (minor matters)  
Residential swimming pool issue not serious (e.g. resuscitation chart not provided)  
Revocation of an approval (e.g. footpath dining).

Noise pollution  
Air conditioner\*  
Intruder alarm\*  
Musical instrument and sound equipment\*  
Power tools\*  
Motor vehicle on residential premises\*  
Use of refrigeration equipment fitted to motor vehicle\*  
Non compliance with an Order/Notice/Direction- work partly done or other mitigating circumstances  
\* Mandatory warning required by legislation

Note that the above list of offences is an indication only and any offences not listed will be considered on their individual merits.

## APPENDIX B

The following offences may result in NO prior warning being given to the offender(s) before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action is undertaken

Dangerous Dog Order / Attacking Dog/ Restricted Dog  
Dangerous building/ awning  
Dangerous waterhole  
Deposit litter from vehicle  
Development not in accordance with consent / risk to health & safety/bush fire protection/ notice of Intention issued by PCA  
Deposit litter / Dumped Rubbish  
Development without consent – unsatisfactory explanation / no explanation  
repeat offender / prohibited development / risk to health & safety or environment  
Dilapidated building  
Environmental damage of a significant nature  
Erosion & sediment control matters  
Fire hazard threatening an asset  
Food safety matters of a serious nature  
Failure to pay Clean Up / Prevention Notice fee  
Failure to comply with order / notice / cease use of premises / failure to comply with order regarding development consent / demolish remove unlawful building / threatening life / public safety / environment / amenity protection/  
fence land / keeping of birds and animals/ remove object from public place/  
contravene noise control notice/ noise pollution  
Land clearing of a significant nature  
Littering  
Noise abatement direction  
Noise pollution generally after prescribed mandatory warning  
Not comply with condition of development consent/approval to operate  
Nuisance Dog Order  
Obstruction of road / public place involving safety  
Obstruction / intimidation/ assault of a Council officer  
Open burning without approval or not in accordance with an approval or cause excessive smoke  
Pollute Waters  
Parking offences  
Pollution Incident – Failure to notify  
Remove and /or damage tree/s  
Swimming Pool fencing / gates / open  
Street Trading without consent / approval

Note that the above list of offences is an indication only and any offences not listed will be considered on their individual merits.



End of Policy

	<b>Date</b>	<b>Minute</b>
<b>Adopted:</b>	<b>16/11/2009</b>	<b>0911/006</b>
<b>Last Reviewed:</b>	<b>12/11/2012</b>	<b>1211/014</b>
	<b>16/07/2018</b>	<b>1807/008</b>
<b>Next Review:</b>	<b>19/04/2022</b>	



## Notification Plan for Pesticide Use

<b>Policy</b>	250
<b>Officer Responsible</b>	Director Infrastructure Services
<b>Last Review Date</b>	XX/XX/2023

**Strategic Policy**

Contents

- Definitions ..... 3
- Introduction ..... 3
- Public Places Covered By This Plan ..... 4
- Notification Arrangements..... 7
- How and When Information Will Be Provided ..... 8
  - Public parks, garden areas and playgrounds ..... 8
  - Sporting fields and ovals ..... 8
  - Road and laneway verges..... 8
  - Pathways ..... 9
  - Bush/regeneration Reserves ..... 9
  - Drains, wetlands and waterways..... 9
  - Camping areas..... 10
  - Showgrounds ..... 10
  - Swimming pool buildings and grounds ..... 10
  - Cemeteries ..... 10
  - Wastewater treatment plant and other facilities ..... 11
  - Council buildings..... 11
  - Sensitive Places ..... 11
  - Notification of emergency pesticide applications ..... 12
- What Information Will Be Provided ..... 12
- How The Community Will Be Informed Of This Plan ..... 12
- Future Reviews Of The Plan ..... 12
- Record Keeping ..... 13
- Contact Details..... 13
- Annexure A – Sensitive Places List..... 14
- Annexure B – Notification ..... 15

## Definitions

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**Pesticide** – any substance or mixture of substances used to destroy, suppress or alter the life cycle of any pest. These include herbicides, insecticides, fungicides & rodenticides.

**Sensitive Places** – in accordance with the Pesticides Regulation 2017 a sensitive place is defined to be any of the following:-

- A school, pre-school, kindergarten, or childcare centre,
- A hospital, community health centre, or nursing home,
- Or any place declared to be a sensitive place by the NSW Environmental Protection Authority.

## Introduction

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This pesticide use notification plan has been prepared in accordance with the requirements of the Pesticides Regulation (2017) (the Regulation).

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 Blayney Shire Council. The plan allows members of the community to take action to avoid contact with pesticides, if they wish.

The term 'pesticide' is applied to chemicals used to kill pests and minimise their impact on agriculture, health and other human interests. Pesticides are often classified according to the organisms which they are used to control, eg as fungicides, herbicides, insecticides, molluscicides, nematocides, rodenticides, algacides etc.

Council aims to ensure that staff and contractors adopt best management practices in the application of pesticides to public places minimising harm to the community or the environment. Examples of best management practices involve using pesticides only for the purpose described on the product label and all the instructions on the label are followed, observing the weather conditions at the control site, continual observance of the general public at the control site, taking care to protect their own health and the health of others while using a pesticide (wearing the appropriate personal protective equipment etc), making every reasonable attempt to prevent damage occurring from the use of a pesticide and keeping records of application.

The majority of pesticide used by Council staff and contractors consists of the application of herbicides for weed control (noxious weeds and grass on town streets etc) and application of insecticides to manage insect pests (Spiders etc). The seasonal conditions and prevailing weather conditions have a major influence on any control work carried out.

The plan sets out how Council will notify members of the community when required of pesticide applications it makes or allows to be made to public places that it owns or controls.

The plan describes;

- what public places are covered by the plan,
- who regularly uses these public places and an estimated level of use,

- how and when Council will provide the community with information about its pesticide applications in public places,
- 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 staff.

### **Public Places Covered By This Plan**

---

Council proposes to use or allow the use of pesticides in the following categories of outdoor public places that it owns or controls in the Blayney Shire Council Local Government Area:

- public parks, gardens areas and playgrounds,
- sporting fields and ovals,
- playgrounds,
- road and laneway verges,
- laneways and pathways,
- bush/regeneration reserves,
- drains, wetlands and waterways
- camping areas,
- showgrounds,
- swimming pool buildings and grounds,
- cemeteries,
- waste water treatment plant and other facilities,
- Council buildings.

**Blayney Shire 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.

<b>Public places owned or controlled by Council</b>	<b>Regular user groups</b>	<b>Level of use of public place</b>	<b>Type of pesticide use</b>
Public parks, garden areas and playgrounds	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Young families with children</li> <li>• Elderly people</li> <li>• General recreational users (joggers, dog walkers, picnickers)</li> </ul>	Medium to High (frequent use by multiple users with short to medium stays)	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> <li>• spot spray insecticide</li> <li>• spot spray fungicide</li> <li>• broadscale selective herbicides</li> <li>• broadscale spraying insecticides</li> </ul>
Sporting fields and ovals	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Sporting clubs &amp; associations</li> <li>• School groups</li> <li>• General recreational users (joggers, dog walkers)</li> <li>• Spectators</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> <li>• spot spray fungicide</li> <li>• broadscale herbicides</li> <li>• broadscale insecticides</li> </ul>
Road & laneway verges	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Adjoining landholders &amp; residents</li> <li>• General users (dog walkers, cyclists &amp; joggers)</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> <li>• broadscale herbicides</li> <li>• broadscale insecticides</li> </ul>
Pathways	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• General users (joggers, dog walkers, &amp; cyclists)</li> </ul>	Medium to High	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> </ul>
Bush/regeneration reserves	<ul style="list-style-type: none"> <li>• Landcare/Bushcare Groups</li> <li>• Council maintenance staff</li> <li>• General recreational users (joggers, dog walkers)</li> <li>• School groups</li> <li>• Animals</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> </ul>

<b>Public places owned or controlled by Council</b>	<b>Regular user groups</b>	<b>Level of use of public place</b>	<b>Type of pesticide use</b>
Drains, wetlands and waterways	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Local residents living adjacent to a drain or waterway</li> <li>• School groups</li> <li>• General users (joggers and dog walkers)</li> </ul>	Low to High	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> </ul>
Camping areas	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Young families and children</li> <li>• Elderly people</li> <li>• General recreational users (joggers, dog walkers)</li> <li>• Holiday makers</li> <li>• Animals</li> </ul>	High to Very High (frequent use by multiple users)	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> </ul>
Showgrounds	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• sporting and equestrian clubs</li> <li>• show societies</li> <li>• families</li> <li>• Animals</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> </ul>
Swimming pool buildings and grounds	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Young families and children</li> <li>• School groups</li> <li>• Holiday makers</li> </ul>	Low to High	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> </ul>
Cemeteries	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Elderly people</li> <li>• Young families and children</li> <li>• Animals</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> <li>• broadscale herbicides</li> <li>• vermin control (baiting rabbits etc)</li> </ul>

<b>Public places owned or controlled by Council</b>	<b>Regular user groups</b>	<b>Level of use of public place</b>	<b>Type of pesticide use</b>
Waste water treatment plant & other facilities Pump stations and deodorising beds	<ul style="list-style-type: none"> <li>• Council maintenance staff</li> <li>• Couriers</li> <li>• School groups</li> <li>• Maintenance contractors</li> </ul>	Low to Medium	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> <li>• woody and brush weed herbicide</li> <li>• broadscale selective herbicides</li> </ul>
Exteriors and interiors of Council buildings	<ul style="list-style-type: none"> <li>• Council Staff</li> <li>• Couriers</li> <li>• Customers</li> <li>• Elderly people</li> <li>• Young families and children</li> <li>• General members of the public</li> <li>• School groups</li> </ul>	Low to High	<ul style="list-style-type: none"> <li>• spot spray insecticide</li> </ul>
Blayney Waste Management Facility	<ul style="list-style-type: none"> <li>• Council Staff maintenance staff</li> <li>• General Public</li> <li>• Contractors</li> </ul>	Low to Med	<ul style="list-style-type: none"> <li>• spot spray ecofriendly Glyphosate herbicide</li> <li>• spot spray insecticide</li> <li>• feral animal control</li> </ul>

### **Notification Arrangements**

This section of the plan describes how and when Blayney Shire Council will provide notice of pesticide use in public places, including special measures for sensitive places that are adjacent to public places, arrangements for emergency pesticide applications and circumstances where notice will not be given.

These notification requirements are based on Blayney Shire Council's, assessment of:

- The level of usage of public places where pesticides may be used.
- The extent to which members of the public who are most likely to be sensitive to pesticides and are likely to use these areas regularly.
- The extent to which activities generally undertaken in these areas could lead to some contact with pesticides (such as picnic areas, sporting or other recreational activities that result in contact with the ground).
- Type of pesticides used.



## **How and When Information Will Be Provided**

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Notification will be as follows;

### **Public parks, garden areas and playgrounds**

For public parks & garden areas, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (garden beds, gravel paths, broadleaf weeds etc).
- Spot spray insecticide (Spiders etc).
- Spot spray fungicide (applied to plants and tubers etc).
- Broadscale herbicide (broadleaf weeds etc).
- Broadscale insecticide (turf eating insects like African Black Beetle etc).

### **Sporting fields and ovals**

For sports fields and ovals, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (garden beds, gravel paths, broadleaf weeds etc).
- Spot spray insecticide (Spiders etc).
- Spot spray fungicide (applied to turf areas etc).
- Broadscale herbicide (broadleaf weeds etc).
- Broadscale insecticide (turf eating insects like African Black Beetle etc).

### **Road and laneway verges**

For road verges and reserves, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. Areas adjacent to sensitive areas such as outside schools, preschools, hospitals etc will be treated early in the morning and outside school hours. Herbicide treatment adjacent to vineyards and orchards will be carried out prior to bud swell or after the fruit has finished avoiding non-target spray drift damage.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (noxious weeds, tree sites & nuisance weeds etc).
- Spot spray insecticide (Spiders etc).

- Boom spraying (vegetation growth on road shoulders).

#### **Pathways**

In pathways, no notice will be provided unless specifically requested. Pathways adjacent sensitive area such as schools, preschools, hospitals etc will be treated early in the morning and outside school hours. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (noxious weeds & nuisance weeds etc).
- Spot spray insecticide (European Wasps etc).

#### **Bush/regeneration Reserves**

In reserves, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Herbicide treatment adjacent to vineyards and orchards will be carried out prior to bud swell or after the fruit has finished avoiding non-target spray drift damage. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (noxious weeds, tree sites & nuisance weeds etc)
- Spot spray insecticide (European Wasps etc).

#### **Drains, wetlands and waterways**

In drains and other easements, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

At the Blayney Wetlands, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

When baiting of vermin such as rabbits, staff and contractors will adhere to all conditions (including signage) for that particular pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (noxious weeds, tree sites & nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)
- Boom spraying (broadleaf weeds).
- Baiting vermin.

### **Camping areas**

At camping areas, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (fence lines, tree sites & nuisance weeds etc)
- Spot spray insecticide (European Wasps etc)

### **Showgrounds**

In the showgrounds, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (noxious weeds, paths, tree sites & nuisance weeds etc)
- Broadscale herbicide (broadleaf weeds etc)
- Spot spray insecticide (European Wasps etc)

### **Swimming pool buildings and grounds**

At the swimming pool, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried (spray during hours of closure). Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (fence lines, tree sites & nuisance weeds etc).
- Spot spray insecticide (Spiders etc).

### **Cemeteries**

At the cemeteries, no notice will be provided unless specifically requested. Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide. When baiting of vermin such as rabbits, staff and contractors will adhere to all conditions (including signage) for that particular pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (noxious weeds, tree sites & nuisance weeds etc).

- Spot spray insecticide (European Wasps etc).
- Baiting vermin.

#### **Wastewater treatment plant and other facilities**

At the sewerage treatment plant, due to its remote location and restricted access to the public, no notice will be provided unless specifically requested.

Other wastewater facilities shall be considered in the context of their surrounding environment, and those provisions as outlined above shall be used.

Staff or contractors are not to allow public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (nuisance weeds etc).
- Woody and brush weed herbicide (bracken, blackberry etc).
- Spot spray insecticide (European wasps etc).

#### **Council buildings**

At all Council buildings, no notice will be provided unless specifically requested. Staff or Contractors are not to allow staff or the public to enter treated areas until spray has dried. Staff and contractors will adopt best management practices taking into account the particular conditions of each spray site requiring the application of pesticide.

Application of pesticides include;

- Ecofriendly glyphosate herbicide (nuisance weeds etc).
- Spot spray insecticide.

Note:-

Where certain pesticide applications occur outside or next door to an adjoining Sensitive Place, notice is to be provided with at least 5 working days' notification prior to targeted application.

#### **Sensitive Places**

No notification will be provided unless specifically requested, or the pesticide requires special notification measures to be taken. Kerb and gutters adjacent to a Sensitive Place such as schools, preschools, hospitals and nursing homes will be notified one week prior to work being carried out, and will be treated when the least amount of foot traffic occurs, where possible. Staff and contractors will adopt best management practices taking into account the particular conditions of each site requiring the application of pesticide.

Sensitive places in the Blayney Shire Council Local Government Area are listed in **Annexure A**.

### **Notification of emergency pesticide applications**

In cases where emergency pesticide applications in public places are required to deal with biting or dangerous pests such as wasps, bees, venomous spiders, fleas, bird mites or rodents (that pose an immediate health hazard), Blayney Shire Council or its contractor will, where possible, provide notice by posting signs nearby or other notification as stated by the pesticide product label, at the time of application. Signs (where erected) will remain in place until the application has been completed or as per product label requirements.

If no such notice exists on the product label, Blayney Shire Council will door-knock in that sensitive place and advise people of Council's actions.

### **Pesticide contractors and lessees of public places**

Where Blayney Shire 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 Blayney Shire 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.

### **What Information Will Be Provided**

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In accordance with clause 41 (h) of the Pesticides Regulation 2017, notice of pesticides use will include the following information:

- the full product name of the pesticide to be used, and
- the purpose of the use, clearly setting out what pest or pests are being treated, and
- the proposed date/s or date range of the pesticide use, and
- the places where the pesticide is to be used, and
- contact telephone number and email address of the Council officer who people can contact to discuss the notice.

A Notification shall be provided utilising the form at **Annexure B**.

### **How The Community Will Be Informed Of This Plan**

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Blayney Shire Council will advise residents of this plan and its contents by:

- making a copy of the plan available for viewing, free of charge, at its main office at, Blayney Shire Council, 91 Adelaide St, Blayney.
- placing a copy of the plan on the Blayney Shire Council web site [www.blayney.nsw.gov.au](http://www.blayney.nsw.gov.au).

### **Future Reviews Of The Plan**

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The notification plan will be reviewed every 5 years or when circumstances require a review of the plan. 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, make recommendations for alterations (if applicable) to the plan.

## Record Keeping

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Record details will be kept of pesticide applications within 24 hours of using it and an electronic copy will be kept of this record for 3 years.

The specific circumstances of an emergency pesticide application will be kept in records.

## Contact Details

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Anyone wishing to contact Blayney Shire Council to discuss the notification plan or to obtain details of pesticide applications in public places should contact:

Blayney Shire Council  
91 Adelaide Street  
BLAYNEY NSW 2799  
Phone (02) 63682104  
[www.blayney.nsw.gov.au](http://www.blayney.nsw.gov.au)

End

	<b>Date</b>	<b>Resp. Officer</b>
<b>Created:</b>	<b>14/12/2021</b>	<b>(Procedure)</b>
<b>Lasted Reviewed:</b>	<b>14/12/2021</b>	<b>MANEX</b>
	<b>XX/XX/XX<sup>1</sup></b>	
<b>Next Reviewed:</b>	<b>15/04/2025</b>	

1. Endorsed as Strategic Policy

**Annexure A – Sensitive Places List**

<b>Name</b>	<b>Type</b>	<b>Address</b>	<b>Telephone</b>
<b>Blayney Public School</b>	Primary School	Lindsay Street, Blayney	6368 2154
<b>Blayney High School</b>	High School	Water Street, Blayney	6368 2100
<b>St Josephs Primary School</b>	Primary School	Adelaide Street, Blayney	6368 2243
<b>Blayney Pre School</b>	Pre School	17 Lindsay Street, Blayney	6368 2601
<b>Blayney Early Learners</b>	Pre School	84 Adelaide Street, Blayney	6368 2401
<b>Millthorpe Little Learning Centre</b>	Pre School	2 George Street, Millthorpe	5301 3117
<b>Carcoar Public School</b>	Primary School	13 Icely Street, Carcoar	6367 3032
<b>Lyndhurst Public School</b>	Primary School	8 Russart Street, Lyndhurst	6367 5016
<b>Mandurama Public School</b>	Primary School	48 Loquat Street, Mandurama	6367 5103
<b>Millthorpe Public School</b>	Primary School	32 Park Street, Millthorpe	6366 3104
<b>Neville Public School</b>	Primary School	8 Crouch Street, Neville	6368 8488
<b>Uralba Retirement Village</b>	Aged Care Facility	5 Eulamore Street, Carcoar	6367 3000
<b>Christ Church Retirement Village</b>	Aged Care Facility	Cnr Church & Henry Streets, Blayney	6368 2065
<b>Lee Hostel Retirement Village</b>	Aged Care Facility	1 Queen Street, Blayney	6368 3388
<b>Blayney District Hospital</b>	Hospital (Public)	Osman Street, Blayney	6368 9000

## Annexure B – Notification

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### Notice of intended pesticide application

To be used when giving prior notice

**Date or dates of pesticide use:\***

.....  
(\*A range of dates may be used to cover short-term postponements)

**Full name of pesticide product(s):**

.....

**The pest(s) to be treated are:**

.....

**Where the pesticide(s) will be applied:**

.....

**Re-entry period restrictions (if any):**

.....

.....

**The pesticide will be applied by:**

.....

**Pest controller contact number(s):**

.....

**About this notice:**

Under the Pesticides Regulation 2017, at least five working days' notice must be provided before a licensed pest management technician (pest controller) uses:

- pesticides to treat any common areas of a multiple-occupancy property
- spray or liquid pesticides adjacent to a sensitive place. See the NSW Environment Protection Authority (EPA) website for more information.

You may request a copy of a safety data sheet for the pesticide(s) from the pest controller.

**Date of this notice:**

.....