



Murrumbidgee
COUNCIL

Draft Equal Employment Opportunity Policy

	Name	Position	Signature	Date
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Authorised By	John Scarce	General Manager		

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1. Policy Scope

This policy applies to full-time, part-time, casual, temporary, fixed-term and maximum-term Council employees and includes apprentices, trainees, labour hire employees, student on work experience, volunteers, Councillors and potential applicants for employment at Murrumbidgee Council.

2. Definitions

Equal Employment Opportunity (EEO) means that all persons, regardless of protected attributes i.e gender, race, color, age, marital or parental status, sexual preference, disability or religious belief, have the right to be given fair consideration for a job, or job related benefits, such as higher duties, training and development opportunities. That all employment and promotion decisions are made on merit.

Merit means assessing each person's skills and abilities against the needs of the job, and disregarding unlawful personal characteristics that are irrelevant to the job. Merit recognises experience gained both inside and outside formal employment.

Discrimination is the unfair or less favourable treatment of employees or job applications based on actual or assumed interpretations of their, or an associate's, protected attributes.

Protected attributes include:

- Gender, sexual orientation, gender identity or inter sex status
- Pregnancy
- Breastfeeding
- Race or ethno-religious background
- Marital or domestic status
- Disability, including infectious diseases
- Homosexuality and transgender
- Gender
- Age
- Carer's responsibilities
- Non-English speaking background

3. Policy Objective

Everyone, regardless of gender, race, ethnicity, age, marital or parental status, sexual preference, disability or cultural background and beliefs, among other attributes, have the right to be given fair consideration for employment or employee related benefits.

The purpose of this policy is to ensure Murrumbidgee Council has a workplace which provides equality of opportunity and makes employment decisions which are free from unlawful discrimination.

4. Policy Statement

The EEO Policy is a commitment by Murrumbidgee Council to create a workplace that is fair and inclusive, and to build a workforce which reflects the diversity of the Murrumbidgee Council community.

Council recognises that in order to be successful, it must attract and retain a variety of people with diverse skills, experience or backgrounds. Council's commitment and awareness of diversity is reflected in its values, policies and practices.

Council acknowledge and are committed to fostering good internal and external relationships by ensuring that the diversity and equal employment opportunity that exists among the workforce, clients and the community is safeguarded and acknowledged.

The principles of EEO and underpinning legislation will ensure that people are selected for positions on merit, as well as being provided with equitable access to employment, professional development and workplace participation.

The EEO provides the framework for Council to achieve:

- A skilled workforce that reflects the diversity of the local community and leads to continuous improvement in service delivery
- A workplace free from discrimination and harassment
- A work environment that values and utilises the contributions of workers with diverse skills, backgrounds and experiences through improved awareness of the benefits of workforce diversity and successful management of diversity
- Awareness for all workers of their rights and responsibilities with regard to fairness, equality and respect for all of diversity
- Its core staff values of Trust, Honesty, Teamwork and Respect

5. Complaints Management

Complaints relating to the EEO Policy will be referred to the People and Culture Officer to action in accordance with provisions of the Local Government (State) Award 2020.

6. Responsibilities

General Manager

It is the responsibility of the General Manager to:

- Ensure appropriate systems, processes, policies and procedures are in place to eliminate and ensure the absence of discrimination or harassment in employment
- Ensure all staff comply with Council's EEO policy, and within legal obligations, under relevant legislation

Directors, Managers and Supervisors

It is the responsibility of Directors, Managers and Supervisors to:

- There is acceptance of differences, ensuring all workers are treated fairly, with respect and dignity
- Ensuring all decisions relating to appointment and career development through yearly performance appraisals are made without regard to any matters other than the individual's inherent ability to carry out the job
- Reasonable accommodations are considered and provided where necessary
- Inappropriate attitudes or behaviors are confronted. Council will treat seriously any instance of inappropriate behaviour
- Promote and ensure compliance with equal employment opportunity and anti-discrimination legislation, policies and associated procedures
- Report any allegations or breaches to the General Manager or the People and Culture Officer

Council Employees

It is the responsibility of Council employees to:

- At all times behave in a manner which is consistent with Council's Values and Code of Conduct
- Comply with the terms of the EEO Policy
- Respect individual differences and contributions to a workplace that are fair and equitable
- Notify their supervisor and/or the People and Culture Officer of any allegations or breaches

People and Culture Officer

It is the responsibility of the People and Culture Officer to:

- Review and update Council's EEO Policy, ensuring it complies with relevant legislation
- Provide advice, training and support to all Council's employees
- Ensure recruitment and selection practices, and access to training and internal progression opportunities, are conducted in accordance with the principles of equal employment opportunity and relevant policies, procedures and legislation
- Ensure systems and processes are being complied with for detecting and responding to reports of discrimination or harassment.

7. References

- *Local Government Act 1993 (NSW)*
- *Fair Work Act 2009*
- *Sex Discrimination Act 1984 (Commonwealth)*
- *Racial Discrimination Act 1975 (Commonwealth)*
- *Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)*

- *Equal Employment Opportunity Act (Commonwealth Authorities) 1987*
- *Anti-Discrimination Act 1977 (NSW)*
- *Disability Discrimination Act 1992*
- *Murrumbidgee Council Code of Conduct*
- *Murrumbidgee Council Staff Education and Training Policy*
- *Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)*

8. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Murrumbidgee
COUNCIL

Equal Employment Opportunity Management Plan

Objective

To demonstrate Murrumbidgee Council's commitment to the principles of equal employment opportunity (EEO) and coordinate and manage EEO practices within Council.

Strategies to deliver EEO practices in this Management Plan are:

- Communication and awareness training
- Compliant recruitment, selection and appointment processes
- Promotion of workforce diversity
- Fair and equitable employment practices
- Review and evaluation of EEO practices

1. Communication and Awareness Training

Objective:	All employees are aware of EEO principles, their rights, and responsibilities	
<i>Strategy</i>	<i>All employees are informed, trained, and accountable for EEO</i>	
<i>Strategy</i>	<i>EEO principles are communicated to the community</i>	

Actions	Responsibility	Partnership	Target Date	Performance Measure
All new employees are trained in EEO during induction	Employees and People and Culture Officer	People and Culture Officer	Within 1 week of employee commencing work	All new employees have participated in EEO Training
EEO Policy and Management Plan provided to all new starters	People and Culture Officer	People and Culture Officer	Prior to commencement	EEO Policy and Management Plan are provided to all new starters prior to commencement
Develop and implement EEO questionnaire to be completed by new starters	People and Culture Officer	People and Culture Officer	May 2023	Questionnaire developed and implemented
Inform all employees of the EEO Policy, rights, responsibilities and Management Plan	People and Culture Officer Management Consultative Committee		Ongoing	All employees complete compulsory training annually
Employees can participate in decisions regarding EEO via Consultative Committee	People and Culture Officer Consultative Committee		Ongoing	Consultative Committee consulted on relevant EEO issues
Include EEO responsibilities in job descriptions	People and Culture Officer		Ongoing	EEO responsibilities included in all job descriptions

2. Recruitment, Selection and Appointment Processes

Objective:	Recruitment, selection and appointment processes are non-discriminatory	
	<i>Strategy</i>	<i>Recruitment practices are in accordance with EEO principles</i>
	<i>Strategy</i>	<i>Selection and appointment of employees is based on merit.</i>

Actions	Responsibility	Partnership	Target Date	Performance Measure
Recruitment practices are reviewed to ensure EEO compliance	People and Culture Officer		In line with Policy review cycle	Review conducted
All employees who participate in selection panels must have completed EEO training	People and Culture Officer		Prior to participating in recruitment process	All panel members have completed
EEO principles to be followed in all aspects of the employment process, including shortlisting, interviews, referee checking and pre-employment medicals	People and Culture Officer		At all times during the recruitment process	All panel members have completed EEO training
Advised position follow EEO principles	People and Culture Officer		When advertising positions	All position advertisements comply with EEO principles
Position descriptions follow EEO principles	People and Culture Officer		Upon review of positions description	All positions comply with EEO principles
Career development opportunities are offered in accordance with EEO principles	People and Culture Officer			EEO principles are complied with

3. Workforce Diversity

Objective:	To provide the opportunity for diversity in the workforce	
	<i>Strategy</i>	<i>To develop practices to encourage diversity in the workforce</i>
	<i>Strategy</i>	<i>To improve access and participation in the workforce for targeted groups</i>

Actions	Responsibility	Partnership	Target Date	Performance Measure
Provide work experience opportunities to improve employment prospects for EEO target groups	People and Culture Officer	Managers/Supervisor	Ongoing	Work experience provided for target groups
Provide traineeships and apprenticeships for EEO target groups	People and Culture Officer	People and Culture	Ongoing	Traineeships and apprenticeships are provided

4. Employment Practices

Objective:	Employment practices are fair, equitable and non-discriminatory	
	<i>Strategy</i>	<i>EEO principles are incorporated into employment practices</i>
	<i>Strategy</i>	<i>Discrimination, bullying and harassment not tolerated in the workplace</i>

Actions	Responsibility	Partnership	Target Date	Performance Measure
All employment related policies, practices and training are compliant with EEO	People and Culture Officer		Ongoing	Policies comply with EEO principles
Family and carer responsibilities are recognised in accordance with legislation	Managers/Supervisors	People and Culture Officer	Ongoing	Family and carer responsibilities are recognised when appropriate with employee and operational needs

5. Implementation and Evaluation

Objective:	EEO Management Plan is implemented, regularly reviews and evaluated	
	<i>Strategy</i>	<i>EEO practices are implemented, reviewed and evaluated</i>
	<i>Strategy</i>	<i>EEO Policy and Management Plan are reviewed and evaluated</i>

Actions	Responsibility	Partnership	Target Date	Performance Measure
Collect and record statistics and other information to develop EEO programs and monitor effectiveness	People and Culture Officer		Annual	Data collected and reported to Executive Meeting
Annually review the EEO Management Plan	People and Culture Officer	Consultative Committee	In line with the Policy review process	Executive Meeting
Report annually on EEO Management Plan, and measure against objectives	People and Culture Officer	Managers	Annual	
Seek advice from all employees as part of the review process	Consultative Committee			



Murrumbidgee
COUNCIL

Revised Keeping of Animals in Urban Areas Policy (Revision 1)

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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1. Policy Statement

This policy seeks to inform the residents of Murrumbidgee Council Local Government area of Council's regulatory powers concerning keeping of domestic animals in the towns of Coleambally, Darlington Point and Jerilderie.

It is not the intention of this policy to completely regulate the manner in which animals should be kept, it is to inform the community of the reasonable limits (both statutory and advisory) which apply, concerning the maximum number of animals and the circumstances under which they may be kept on premises.

2. Introduction

The Keeping of Animals in Urban Areas Policy sets out how Murrumbidgee Council will regulate powers concerning the keeping of animals in Village, Large Lot Residential and Industrial Zoned areas.

It is well documented that the keeping of companion animals and/or pet animals is usually most beneficial to the well-being of people. Nevertheless, on occasions, complaints are made to Council where animals of an inappropriate kind or number are being kept, or where the animals and their accommodations are not being looked after properly.

Responsible ownership is a very important component of nuisance control, and this document also contains advice to the animal owner regarding their responsibilities to prevent a nuisance from occurring.

3. Policy Objectives

The purpose of this policy is to:

- Preserve the amenity and protect the lifestyles of urban dwellers by placing restrictions and controls on the keeping of animals within the townships of Coleambally, Darlington Point and Jerilderie;
- Minimise the incidence of nuisance being caused to persons;
- Set standards for the number of animals and size of enclosures that can be built;
- Protect the welfare of companion and farm animals;
- Protect the welfare and habitat of wildlife;
- Minimise the disturbance of, or damage to, protected vegetation;
- Safeguard the environment;
- Inform the community of the main statutory restrictions and acceptable limits which apply to the keeping of certain animals for domestic purposes;
- Establish local standards, acceptable to the community, for the keeping of animals;
- Publicly notify the circumstances that Council will consider in determining whether to serve an Order under Section 124 of the Local Government Act, 1993 to prohibit, restrict or, in some other way, require actions to be undertaken regarding the keeping of animals.
- To permit a higher number of birds and/or animals where it can be demonstrated that the keeping of a higher number has not (before this Policy was adopted) or will not cause issues.

4. Policy Guidelines

This policy applies to animals kept for domestic purposes, as companion animals, pets or for hobby interests within the Village, Industrial and Large Lot Residential zones of Murrumbidgee Local Government Area.

The principles contained in the prescriptive requirement will also apply to the keeping of animals for commercial purposes, including boarding, breeding, grooming, caring, treatment, training, racing, exhibiting, trading or selling.

This policy relates to Order Numbers 18 and 21 of Chapter 7, Under Section 124 of the Local Government Act 1993, Council Planning Instruments and the Companion Animals Act 1998.

The number of animals that may be kept at a premises should not exceed the number shown as appropriate and listed in the Table of Requirements.

The kind of animal that is suitable to be kept at any premises will be determined having regard to the size of the allotment and the distance to the nearest dwelling or other prescribed building.

Certain statutory requirements also apply as noted in the table.

It should not be assumed that animals of all kinds may be kept on premises which are part of a multiple dwelling allotment.

Animals should be kept in a manner which does not:

- Create unclean or unhealthy conditions for people or for the animals;
- Attract or provide a harbourage for vermin;
- Create offensive noise or odours;
- Cause a drainage nuisance or dust nuisance;
- Create waste disposal problems or pollution problems;
- Create an unreasonable annoyance to neighbouring residents;
- Cause nuisance due to proliferation of flies, lice, fleas, rodents or other insects;
- Cause neighbouring residents to fear for safety.

Animals should be kept in a manner which guarantees or ensures effective control of animals.

Suitable shelter(s) should be provided for all animals. Generally, all animals are to be securely enclosed with adequate fencing to prevent escape.

Animal shelters that are greater in area than 10m² should not be erected or located at premises without prior development consent being obtained through Council's Department of Planning.

All horse and cattle type shelters need development consent from Council. Please contact the Environmental Services section for further information on 1300 MRMBGE (676243).

Design guidelines for size, layout and construction of animal shelters are produced by various animal welfare organisations and the Department of Primary Industries.

5. Council's Power to Control and Regulate the Keeping of Animals

Council's powers to control and regulate the keeping of animals is provided under Section 124 of the Local Government Act 1993 and the Local Government (Orders) Regulation 1999.

Council may, in the appropriate circumstances, issue an Order to:

- Prohibit the keeping of various kinds of animals;
- Restrict the number of various kinds of animals to be kept at a premises;
- Require that animals be kept in a specific manner.

The Council may also issue Orders requiring:

- The demolition of animal shelters built without the prior approval of Council;
- The occupier to do, or refrain from doing, such things that are specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

It is advised that Council can exercise further controls over animals under the following Acts:

- Companion Animals Act 1998
- Protection of the Environment Operations Act 1997
- Impounding Act 1993
- Local Government Act 1993, Section 125
- The Food Act, 2003 (prohibits animals to be kept where food is handled and prepared for sale)

Owners of certain restricted breeds and/or dangerous dogs have additional responsibilities and control requirements to those listed in this Policy. These requirements are outlined in the Companion Animals Act, 1998 and Companion Animals Regulation, 1999.

Any application to Council to alter this policy to permit a higher number of birds and/or animals to be kept in a particular circumstance, will need to be in writing and is to be accompanied by supporting documentation such as relevant plans.

6. Giving Orders

Upon complaint, Council will inspect the premises and discuss any concerns with the owner/tenant/occupier of the premises in question. In addition, Council may liaise with community representatives with regard to solving any problems.

Where a problem is identified with the keeping of animals and it cannot be resolved by consultation, the Council will proceed to issue a Notice of Intention to Issue an Order.

Normally a person will be given an opportunity to make representations to Council prior to a formal Order being issued. In situations where urgency is required, an emergency Order may be issued without prior notice.

7. Table of Requirements

The following table indicates the essential requirements and relevant considerations regarding the keeping of animals.

Murrumbidgee Council Table of Requirements

Animal	Maximum number (excludes offspring up to 3 months of age)	Minimum Distance (from Certain Buildings – see Note a)	Applicable Regulations and Other Advisory Matters
<p>Birds (caged and not poultry) including canaries, budgerigars, quail, finches and parrots</p> <p>Sulphur Crested Cockatoo and Long Billed Corella</p>	<p>6</p> <p>2 - Portable Cages 4 - Aviary</p>	<p>6 metres</p> <p>3 metres 6 metres</p>	<p>Cages and aviaries must be of appropriate size and regularly cleaned.</p> <p>National Parks and Wildlife permit is required to keep many native birds. Exemptions include budgerigar, zebra finch, galah and sulphur crested cockatoo.</p> <p>Noisy birds should be restricted in number.</p> <p>Sulphur crested cockatoo and long-billed corella are likely to be noisy if kept as single caged birds.</p>
<p>Boarding Kennel and/or Cattery</p>	<p>Development Consent to be obtained from Council</p>		<p>Distance from adjoining dwelling or property boundaries to be assessed as part of development application to conduct a boarding kennel.</p>
<p>Cat</p>	<p>2</p>	<p>-</p>	<p>More than 2 cats will not be appropriate in many situations and will require Council consent.</p> <p>Compliance with desexing, use of identity collars with bells, proper care, and the restriction of access to outdoors at night will be relevant factors in determining whether more than two cats may be kept at a premises.</p> <p>RSPCA recommendation.</p>

Animal	Maximum number (excludes offspring up to 3 months of age)	Minimum Distance (from Certain Buildings – see Note a)	Applicable Regulations and Other Advisory Matters
Dog	3	-	<p>The Companion Animals Act, 1998 requires registration and effective control of dogs at all times.</p> <p>Adequate fencing is essential.</p> <p>Council may approve requests to keep additional dogs where adequate yard size relative to the size and number of dogs and proper care, can be demonstrated.</p> <p>RSPCA recommendation.</p>
Dogs – Greyhounds (breeding/sale/training/racing)	Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Dog – Pedigree/Show (breeding/sale/show)	Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Dog – Obedience (breeding/sale/training)	Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Dogs – working	Up to 3, if more than 3 Council to be notified in writing	Kennels should be more than 6 metres from a dwelling	
Outdoor Fish, aquarium and pond	As appropriate in the circumstances	As appropriate in the circumstances	<p>Water is to be maintained clean and at sufficient levels.</p> <p>Ponds are to be fenced in accordance with Council's Pool Fencing Code if more than 300mm deep.</p> <p>Ponds are not to provide a breeding ground for mosquitoes and other insects.</p>
Rabbits – pets	2	6 metres	<p>Rabbits must be a domestic breed and kept in a cage.</p> <p>Rabbits must not be released into the environment. Restriction on number is imposed by the NSW Department of Primary Industries under the Rural Lands Protection Act, 1998.</p>
Pet Rats, Mice and Guinea Pigs	2 of each variety	3 metres	Must be kept in an appropriate cage and not released into the environment.

Animal	Maximum number (excludes offspring up to 3 months of age)	Minimum Distance (from Certain Buildings – see Note a)	Applicable Regulations and Other Advisory Matters
Horses and Cattle	None	-	Generally the keeping of horses and/or cattle in residential areas is not permitted. In special cases such where horses are being kept for training purposes Council may approve an application to keep horses in the residential area. In these instances the keeping of horses will need to comply with Division 3 under Part 5 of Schedule 2 of the Local Government (General) Regulation 2021
Goats and Sheep (no males over the age of 6 months)	None	-	
Pig	None	-	The Local Government (General) Regulation 2021 applies to pigs. The keeping of pigs is not considered appropriate in residential areas.
Poultry, Domestic and Guinea Fowl	6 (roosters are not permitted in the village zone)	4.5 metres	Schedule 2, Part 5 of the Local Government (General) Regulation 2021 applies. Please see Clause 8.2 for the requirements that will apply to the keeping of poultry.
Poultry, other than fowls, including ducks, geese, turkeys, peafowl and other pheasants.	None	-	
Roosters	None	-	

Animal	Maximum number (excludes offspring up to 3 months of age)	Minimum Distance (from Certain Buildings – see Note a)	Applicable Regulations and Other Advisory Matters
Pigeons	None	-	<p>Generally the keeping of pigeons in residential areas is not permitted. In special cases on application to Council keeping pigeons may be permitted.</p> <p>To establish the permissible number of pigeons by locality of premises, it will be necessary for Council Officers to assess the site conditions and the following standards as a minimum must be met:</p> <p>Lofts must be constructed of hard paving with a smooth surface and graded to a drain. Open lofts are not permitted.</p> <p>Lofts are to be kept clean at all time. Manure is to be cleaned up daily and disposed of in a correct manner.</p> <p>Keepers of more than fifty (50) birds are to be members of official or registered avicultural societies. Upon complaint, Council is to liaise with society representatives/officials to determine suitable actions to resolve the complaint.</p>
Reptiles	As appropriate in the circumstances	As appropriate in the circumstances	<p>National Parks and Wildlife Act, 1974 and Fauna Protection regulations place a general prohibition on the keeping of reptiles.</p> <p>Advice on the keeping of reptiles should be sought from the Department of Planning and Environment.</p> <p>Native reptiles are protected by law. Reptiles kept as a pet will need a biodiversity conservation licence granted under the Biodiversity Conservation Act 2016 from the Department of Planning and Environment (National</p>

			Parks and Wildlife Service). All species must be adequately housed to prevent escape. The keeping of snakes may cause concern to neighbouring residents.
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Notes:

- a) The distances indicated in the third column of the Table of Requirements are to be measured in metres from the animal yard or enclosure to the nearest adjoining dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food;
- b) Animal includes a mammal, bird, reptile, amphibian or fish as defined in the Prevention of Cruelty to Animals Act;
- c) All cages, kennels or any structure for the keeping of animals over 10 m² in floor area and over 2.4m in height will require development consent to be obtained from Council;
- d) Schedule 2 Part 5 of the Local Government (General) Regulation, 2021 specifies minimum standards for the keeping of animals. The distances specified (except in the case of pigs) may be varied at a meeting of the Council and notified in writing to the occupier of the premises in a particular case.

8. Other Specific Requirements

8.1 Birds

Development Consent is required for commercial aviaries. Private aviaries may not require development consent if they are under 10m² in floor area and their height does not exceed 2.4m. Noise emissions must be maintained at or below 5dB above background noise level at the property boundary.

Cockatoo type breed will be the subject of strict controls relating to objectionable noise and/or unreasonable hours.

Food storage area and the ground surface beneath are to be cleansed as frequently as is necessary to preserve a state of cleanliness, free from offensive odour and in such a manner as to ensure that flies and/or vermin are not attracted to the premises.

8.2 Poultry

The keeping of poultry in a residential area is regulated by schedule 2, Part 5 of the Local Government Regulation 2005. This Regulation includes provision for the following:

- a) The area is kept free of offensive odour/flies and rodents
- b) The area is fenced to ensure the poultry do not escape
- c) Cages/hen houses must have a concrete floor and comply with the Building Code of Australia
- d) The following distances for the construction of poultry housing from a dwelling are considered adequate:

Hen House: 4.5 metres

9. General

The keeping of indigenous animals such as kangaroos and wallabies is regulated under Commonwealth and State legislation such as the Environment Protection and Biodiversity Conservation Act 1999.

The keeping of non-indigenous animals is regulated by the Non Indigenous Animal Act 1987, and Regulation 2006, and is not subject to any Council controls. However, if justified complaints are received, Council may prohibit or impose restrictions in individual cases

10. Definitions

Council	means Murrumbidgee Council.
Staff	means all persons employed by Council.
Council official	means Councillors, Council staff, volunteers or delegated persons as defined in the Local Government Act 1993.

11. Related Documents and Legislation

- Local Government Act 1993
- Local Government Regulation 2021
- Environment Protection and Biodiversity Conservation Act 2016
- Non-Indigenous Animal Act 1987, and Regulation 2012
- Prevention of Cruelty to Animals Act 1979
- Companion Animals Act 1998
- Protection of the Environment Operations Act 1997
- Biodiversity Conservation Act 2016
- National Parks and Wildlife Act 1974
- Impounding Act 1993
- Rural Lands Protection Act 1998
- Food Act 2003

12. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Murrumbidgee
COUNCIL

Revised Swimming Pool Inspection Program Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community and Development		
Authorised By	John Scarce	General Manager		

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1. Policy Statement

To implement an inspection program that effectively meets Council's obligations under Division 5, Section 22B of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2018*, to increase pool safety awareness and reduce the potential of infant drownings and near drowning events within Murrumbidgee Council Local Government Area.

2. Introduction

This policy applies to the owner/s of premises within Murrumbidgee Council Local Government Area on which a swimming pool is located. This includes all portable swimming pools and spas installed under the *exempt development* provisions which meet the definition as a swimming pool.

3. Definitions

Certificate of Compliance	means a certificate issued under section 22D of the <i>Swimming Pools Act 1992</i> .
Exempt Development	means portable swimming pools installed in accordance with the exempt provisions of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> . Note: Exempt swimming pools, which meet the definition of a swimming pool, are included in the following inspection program and pool isolation fencing must be provided in accordance with the requirements of the <i>Swimming Pools Act 1992</i> and reference standards.
Multi-Occupancy Development	is a building, or buildings that is, or are, situated on premises that consist of more than two dwellings.
Relevant Occupation Certificate	in respect of a swimming pool, means an occupation certificate issued under the <i>Environmental Planning and Assessment Act 1979</i> that is less than 3 years old and that authorises the use of the swimming pool.
Residential/Private Swimming Pools	for the purpose of inclusion in the inspection program, relates to all swimming pools located on privately owned land.
Swimming Pool	means an excavation, structure or vessel: (a) that is capable of being filled with water to a depth greater than 300 millimetres, and;

	(b) that is solely principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity; and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations not to be a swimming pool for the purposes of the <i>Swimming Pools Act 1992</i> .
Tourist and Visitor Accommodation	means a building or place that provides temporary or short term accommodation on a commercial basis and includes back packers accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation and serviced apartments.

4. Procedures

A person subject to the registration of a swimming pool is subject to this Swimming Pools Inspection Program Policy.

4.1 Inspection Frequency Procedure

- 4.1.1 At least once every 3 years Council will inspect any swimming pool situated on a premises where there is a tourist and visitor accommodation or more than two dwellings.
- 4.1.2 Council shall inspect a minimum of 10 other privately owned swimming pools at least once every 3 years. Owners will be issued with a compliance certificate stating the property complies with Part 2 of the *Swimming Pools Act 1992* and inspection details updated in the register.
- 4.1.3 Appropriate notice shall be given in advance to the property owner on which a private swimming pool is situated prior to inspection.
- 4.1.4 Any property with a valid and current Swimming Pool Compliance Certificate (valid for 3 years) or relevant Occupation Certificate issued by Council is exempt from the inspection program.
- 4.1.5 Council will only issue a Swimming Pool Compliance Certificate where the swimming pool barrier complies with the appropriate legislation as determined by an authorised officer and upon payment of the appropriate fee.
- 4.1.6 Under Section 428 of the Local Government Act 1993, Council shall include, in its annual report, information in relation to these inspections in accordance with Section 22F of the *Swimming Pools Act 1992*.

4.1.7 Council shall, in accordance with Section 23 of the *Swimming Pools Act 1992*, enforce swimming pool barrier compliance where a barrier is found **not to comply** with the appropriate legislation.

4.2 Inspection and Compliance Certificate Fees

The *Swimming Pools Act 1992* provides that Council may charge a fee (see table) for inspection conducted by an authorised officer, being a fee that is not greater than the maximum fee prescribed under Part 5, Clause 19 of the *Swimming Pools Regulation 2018*.

Title of Fee	Fee (GST Exclusive)
NSW Swimming Pool Register	\$10.00
Application for Certificate of Compliance for Swimming Pool Including Inspection	\$77.00
Second and consequent inspections	\$100.00
First Inspection for new owner	\$150.00
Resuscitation Chart	\$17.00

Note 1: No fee shall be charged for carrying out a third or subsequent inspection for the purpose of the issue of the same certificate of compliance.

Note 2: No fee shall be charged for a second inspection if non-compliances identified in the initial inspection are rectified within 14 days from the date of the Notice of Intention to Serve an Order, issued under s23(5) of the *Swimming Pools Act 1992*, and a request for a second inspection has been submitted to Council.

Note 3: The fees outlined above are the maximum amount prescribed by clause 19 of the *Swimming Pools Regulation 2018*, being \$150 for a first inspection and \$100 for a second inspection.

5. Legislation and Related Documents

- Swimming Pools Act 1992 No. 49
- Swimming Pools Regulation 2018

6. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Draft Underground Petroleum Storage Systems

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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DRAFT

1. Policy Statement

The primary objective of this policy is to inform residents and business owners of Council's regulatory responsibilities as the appropriate regulatory authority (ARA) for the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* (the *UPSS Regulation*) and the supporting *Guidelines for Implementing the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* (EPA 2020) (the *UPSS Guidelines*).

The Underground Petroleum Storage System (UPSS) Regulation provides for the early detection, reporting and investigation of leaks from UPSS, and promotes the adoption of industry best practice in the design and installation of new UPSS and modifications to existing UPSS. Council, as the appropriate regulatory authority (ARA), is responsible for ensuring UPSS sites comply with these requirements of the Regulation.

This policy applies to any UPSS actively operating in Murrumbidgee Council Local Government Area.

2. Introduction

On 1 September 2019, local Councils reassumed regulatory functions relating to UPSS, as set out in the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019* (the '*UPSS Regulation*'). The *UPSS Regulation* sets out the obligations of operators and owners of a UPSS.

UPSS can leak and cause soil and groundwater contamination. They pose a significant threat to the environment and human health if unmonitored and leaking. Soils or groundwater impacted by fuels may result in the property being classified as contaminated. Leaks that are undetected have the potential to cost a considerable amount of money and resources to clean up. A small leak can cost tens of thousands of dollars to remediate, whereas a large leak can cost into the millions.

Underground petroleum storage system (UPSS):

Is a system of tanks, pipes, valves and other equipment that is designed to:

- Contain petroleum, or
- Control the passage of petroleum into, out of, through or within the system, and
- Includes any structure through which petroleum routinely passes from one part of the system to another.

This policy has been developed for Murrumbidgee Council's Underground Petroleum Storage Systems (UPSS) Inspection and Monitoring Compliance Program.

3. Policy Objectives

The objectives related to compliance of UPSS inspection and monitoring are to:

- Utilise a risk-based inspection and monitoring process to protect the environment and human health from pollution and/or contamination that a UPSS may cause through consideration of the likelihood that a UPSS may leak and understanding the potential consequences should a leak occur;
- Improve compliance of UPSS sites through education and other regulatory tools;
- Maintain an 'outcomes focus' regarding environmental and human health protection gains in the local government area (LGA).

4. Inspection and Monitoring – A Risk Based Approach

Council will undertake the inspection and monitoring of all currently high risk ranked, active and fully operational sites on a yearly basis and medium to low risk ranked sites triennially.

A risk-based compliance approach to inspection and monitoring of UPSS sites follows key concepts of environmental management aligned to contaminated land management and pollution control practices. The inspection includes site management, loss monitoring procedures, record keeping, leak monitoring and detection systems, spill response procedures, waste management, staff knowledge and chemical storage.

Undertaking a Compliance Risk Matrix (Table 1) and a Likelihood of a UPSS Leak Matrix (Table 2) utilising a standard qualitative risk management process will give an estimate of a risk ranking by considering:

- The **likelihood** that a UPSS may leak and cause pollution/contamination.

The combined risk rankings brings the likelihood and consequence scores together to provide a risk ranking of very high, high, medium or low risk.

Table 1. UPSS Compliance Status Categories and Ranking

Compliance Status Category	Likelihood of leakage potential	Definition
Compliant	Low	Complies with the requirements of the <i>UPSS Regulation</i>
Partially Compliant	Medium	Partially complies with the requirement of the <i>UPSS Regulation</i> and plans have been committed to by the 'person responsible' to make site improvements to make the site compliant with the <i>Regulation</i> .
Non-Compliant	High	The site is not compliant with the <i>UPSS Regulation</i> . Site improvements are required and/or the person responsible is not willing to commit to improvements.
Unknown	Assume High	The compliance status of the site is unknown. No information has been made available to Council to understand the compliance status of the UPSS Site.
Exempt	As determined in the UPSS exemption SOP (Low)	The UPSS Site currently has an exemption regarding some or all of the <i>UPSS Regulation</i> .
Council is not the ARA	As determined by the ARA	The EPA is the ARA for sites which have an active notice served prior to September 2019. Council is not the ARA for UPSS sites on Commonwealth property. Council is not the ARA for legacy UPSS sites; however, they may potentially impact Council property and infrastructure.

Table 2. Ranking the Likelihood of a UPSS Leak

Indicator - Environmental		3	2	1	0	SCORE	Comments	Check
Hardstand	UPSS tanks covered in concrete hardstand, which is in good condition	-	No	Poor condition	Yes			
Geology	Site is likely to be predominantly Sand geology (Y/N)	Sand	-	-	-			
	Site is likely to be predominantly Silt geology (Y/N)	-	Silt	-	-			
	Site is likely to be predominantly Clay geology (Y/N)	-	-	Clay	-			
Soil	Site is likely to have acidic soil	High	Med	Low	-			
Slope	Site is on a ridge line, steep slope	High	Med	Low	-			
Groundwater	Site has shallow groundwater likely to be in contact with some or all of the UPSS (LIKELIHOOD: High (0-2mbgs), Med (2-4mbgs), Low (4-10mbgs), very low (>10mbgs))	High	Med	Low	Very Low			
Indicator - UPSS condition		6	4	2	0			
UPSS conditions, age, maintenance	Tanks are steel or unknown type (6), tanks are double walled fiberglass (0)	Steel	-	-	Double-lined fiberglass			
	Site was commissioned prior to 2008 (Y/N)	Yes	-	-	No			
	Site was previously an independent sole trader service station, operating at or before 2008 (Y/N)	Yes	-	-	No			
	Site was previously an independent sole trader service station commissioned and in operation after 2008 (Y/N) (?)		YES	-	No			
Indicator - UPSS compliance		12	8	4	0			
UPSS Regulation Compliance	Non-compliant - The site is not compliant with the <i>UPSS Regulation</i> . Site improvements are required and or the Person Responsible is not willing to commit to improvements	Non-Compliant	-	-	-			
	Partially complies with the requirement of the <i>UPSS Regulation</i> , AND plans have been committed to by the 'person responsible' to make site improvements to make the site	-	Partial	Partial (forecourt only)	-			
	Complies with the requirements of the UPSS 2019 regulation	-	-	-	Compliant			
		TOTAL SCORE						
		The corresponding ranking for the likelihood of UPSS failure is:						
		Likelihood ranking						
		≤ 5	6 - 11	12 - 23	≥ 24			
		LOW	MEDIUM	HIGH	VERY HIGH			

5. Definitions

Council	means Murrumbidgee Council
ARA	means Appropriate Regulatory Authority
LGA	means Local Government Area

6. Related Legislation and Documents

- Protection of the Environment Operations Act 1997 (POEO 1997)
- Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019
- Murrumbidgee Council UPSS Investigation and Monitoring Plan – A risk based Guide for UPSS regulation.

7. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government Policy changes occur).



Murrumbidgee
COUNCIL

Revised Enforcement Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director Planning, Community & Development		
Authorised By	John Scarce	General Manager		

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1. Introduction

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 is based on the 2015 NSW Ombudsman Model Compliance and Enforcement Policy.

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.

2. Purpose and Scope

This policy provides information for all internal and external stakeholders and interested parties about Murrumbidgee Council's (Council) position on compliance and enforcement matters in the local government area.

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.

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.

3. Organisational approach

3.1. Why compliance and enforcement is important to Murrumbidgee Council

- Prevent or minimise harm to health, welfare, safety, property or the environment;
- Improve the safety and amenity of residents and visitors to the area;
- The collective good, the welfare of the community or the public interest;
- Promote social policies (e.g. to preserve or protect the environment);
- Manage risks;
- Uphold social order;
- Meet the expectations of the community;

- Encourage reports about possible unlawful activity from the community;
- Make the regulated community aware of their legal obligations and how to comply.

3.2. What activities does Council regulate

The legislation that applies to the operation of Council includes, but is not necessarily limited, to the following:

- Local Government Act 1993 and General Regulation (2021)
- Environmental Planning & Assessment Act 1979 and Regulation (2000)
- Companion Animals Act 1998 and Regulations (2018)
- Protection of the Environment Operations Act 1997, and the Clean Air Regulation (2010), General Regulation (2009), Noise Control Regulation (2008), Underground Petroleum Storage Systems Regulation (2019) and the Waste Regulation (2014).
- Roads Act (1993) and Regulation (2008)
- Impounding Act (1993) and Regulation (2008)
- Food Act (2003) and Regulation (2010)
- Public Health Act (1992) and Regulation (2012)
- Swimming Pools Act and Regulation (2008)
- National Construction Codes
- Biosecurity Act 2015

4. Definitions

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

Complaint	means 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.
Enforcement	means actions taken in response to serious or deliberate contraventions of laws.
Regulation	means 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.
Unlawful Activity	means 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: <ul style="list-style-type: none"> • 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.

5. Policy objectives

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.

6. Application

This policy applies to regulatory issues within Council's area of responsibility including, but not limited to:

- Development and building control;
- Pollution control (offensive noise, odour, dust, waste);
- Environmental health;
- Public health and safety;
- Noxious weeds;
- Water and sewer;
- Septic systems;
- Control over animals;
- Food safety;
- Fire safety;
- Tree preservation;
- Noise complaints;
- Abandoned items;
- Overgrown lots;
- Development on or over roads.

7. Compliance and enforcement principles

The following are principles that underpin Council's 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.

8. Responsibility

Council receives information about alleged unlawful activity from members of the public, contact from other government agencies and information gathered by its officers during proactive inspections.

All Council staff who deal with reports alleging unlawful activity are responsible for implementing this policy.

Council staff are also responsible for ensuring that any other possible unlawful activity identified as a result of an inspection, proactive enforcement or other activity is brought to the attention of the appropriate business unit of Council.

Council staff are required 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.

All reports alleging unlawful activity are to be entered into Council's case management system (Content Manager) and actioned in a timely manner by the appropriate staff member in accordance with the Murrumbidgee Council Customer Service Charter.

Only Council staff with appropriate delegations from the General Manager can undertake investigations or compliance and enforcement action in relation to this policy.

9. Responding to concerns about unlawful activity

How reports alleging unlawful activity will be dealt with by Council

Council will record and assess every report alleging unlawful activity.

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

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.

An investigation of alleged unlawful activity may take a significant amount of time to complete, particularly where issues are complex. If Council decides to investigate, staff will give the person who reported the alleged unlawful activity regular 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.

While there are certain statutory requirements that must be met in relation to notices and orders, Council staff will ensure that all explanatory communications are made in plain English and explain any technical language the law requires to be used.

Confidentiality of people who report allegations of unlawful activity

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:

- 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;
- Disclosure is required to comply with principles of procedural fairness;
- The matter proceeds to court.

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.

What Council expects from people who report allegations of unlawful activity

Council expects that people who report allegations of unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- Providing a clear description of the problem (and the resolution sought, if relevant);
- Giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report;
- Not giving any information that is intentionally misleading or wrong;
- Cooperating with Council's inquiries and giving timely responses to questions and requests for information;
- Treating Council's staff with courtesy and respect;
- Allowing the investigation to be completed without prematurely taking the matter to other agencies, unless referred to by Council.

If these expectations of the individual are not met, Council may need to set limits or conditions on the continuation of the investigation or may need to restrict any further communications with the individual.

Any unreasonable conduct will be dealt with in accordance with the principles of the NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual 2012 and any applicable Council policy.

What parties can expect from Council staff

People who report alleged unlawful activity, as well as individuals or businesses that are subject to investigation and any enforcement action, can expect that Council staff will:

- Treat them with courtesy and respect;
- Advise them of the outcome of the allegation reported, including a full explanation of the reasons why that outcome was considered to be reasonable in the circumstances;
- Clearly explain decisions in plain English;
- Provide information about any relevant internal and external appeal processes that may be available;
- Carefully assess any new information provided by any party after a decision has been made and advise whether further action will be taken.

Complaints about Council's enforcement actions

Any complaints about Council's handling of reports alleging unlawful activity will be recorded separately and handled in accordance with Council's complaints management policy and procedures.

Where a person or organisation subject to enforcement action merely disputes Council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant internal and external appeal processes.

Council staff will act on any complaints about the conduct of compliance officers in accordance with Council's Complaints Management Policy and procedures and the Code of Conduct.

Anonymous reports

Anonymous reports will be recorded and assessed in accordance with the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

Unlawful activity outside business hours

Unlawful activity can occur outside business hours. In particular, Council may receive reports about matters such as offensive noise and failure to comply with limitations on hours of operation during nights and weekends.

Due to resource and operational capability restraints on Council, investigations into alleged unlawful activity outside business hours will be assessed on the basis of risk of harm to health, welfare, safety, property, environment or it is otherwise in the public interest to take such action.

Neighbour disputes

Council will at times receive reports from parties involved in neighbour disputes seeking Council's involvement. When a dispute between two neighbours is a civil matter, Council will often have no authority to resolve the issue in dispute. Some reports will raise several matters, some of which will require Council's involvement and some of which will be personal to the parties.

Council staff will thoroughly assess such reports to determine whether there is evidence of any possible unlawful activity requiring action by Council. Care will be taken to explain which aspects of a report Council can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral information resources such as Law Access NSW and Community Justice Centres.

It is possible that one party will provide further information about a matter which changes Council's decision about whether it will become involved. In such circumstances, Council staff will carefully consider the matter before taking action and document reasons for the new decision. Relevant parties will be advised about the reasons Council has changed its position on a matter. Council staff will not change a decision about whether or not Council should be involved purely as a response to the conduct of an individual, such as persistent demands or threats.

10. Investigating alleged unlawful activity

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.

If there is insufficient information in the report to undertake a preliminary assessment, further information may need to be sought from the person who made the report or an inspection undertaken. Staff may also need to consult Council records and other internal business units to understand the relevant history and context of a matter.

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;
- 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);

- Allegations relate to a lawful activity (e.g. where there is an existing approval or the activity is permissible without Council approval or consent being required);
- Report is not supported with evidence or appears to have no substance;
- Relevant 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.

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;
- 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.

The objective of the processes Council staff use when investigating incidents of alleged unlawful activity is to:

- Determine the cause of the incident;
- Determine if there has been a contravention of law, policy or standards;
- Gather evidence to the required standard to support any required enforcement action;
- Determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.

Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

11. 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;
- Harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- Seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature;
- Time period that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- Any prior warnings, instructions or 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;
- 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:

- Need to deter any future unlawful activity;
- Whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- Prospect of success if the proposed enforcement action was challenged in court;
- 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, i.e. whether an estoppel situation has been created.

Considerations about the potential for remedy:

- 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.

A further explanation of the above considerations is provided in Appendix 1.

Legal or technical issues

Where legal and/or technical issues are in question, Council staff will consider whether legal advice or professional advice from duly qualified staff or other experts should be obtained and considered. Council may also require a person subject to possible enforcement action to obtain professional advice in relation to issues of concern to Council for assessment as to whether further action is required.

Requirements of Council staff considering enforcement action

Prior to taking enforcement action, Council staff will take into account the above considerations as well as the evidence gathered during their investigation. Council staff must act impartially, be mindful of their obligations under Council's code of conduct and not act as a decision-maker in relation to any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council staff are required to maintain records about critical thinking and decision-making processes in relation to reports alleging unlawful activity and any enforcement action, as well as records of interactions with relevant parties. Council staff will at all times adhere to Council's internal approval processes prior to the commencement of any enforcement action.

Council staff will take steps to ensure that any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it will generally not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, Council staff will be guided by legal advice in determining the appropriate persons to pursue.

12. Options for dealing with confirmed cases of unlawful activity

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:

- Prevent or minimise harm to health, welfare, safety, property or the environment;
- 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 actions:

- 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 actions:

- 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 actions:

- 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 actions:

- 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.

Following up enforcement action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary. If the unlawful activity has ceased or the work has been rectified, the matter will be resubmitted for follow up action to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council staff will consider other enforcement options.

13. Taking 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:

- Sufficient evidence to establish a case to the required standard of proof;
- Reasonable prospect of success before a court;
- 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. (See Section 11, Taking enforcement action).

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:

- Availability of any alternatives to legal action;
- An urgent resolution is required (court proceedings may take some time);
- 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;
- 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.

14. 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.

15. Delegations

Council staff delegations for taking action under this policy are included in Council's Delegation Register.

16. Appendix 1

Taking enforcement action

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider all the circumstances of the matter. The section below is intended to assist staff by providing a further explanation of matters to be taken into consideration when deciding whether to take enforcement action.

Considerations about the alleged offence and impact	
<ul style="list-style-type: none">• The nature, extent and severity of the unlawful activity including whether the activity continued;• Harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;	Consideration should be given to the nature, extent and severity of any actual or potential impact of the unlawful activity. If there is actual or potential detriment to the natural or built environment, to the health or safety of residents or the amenity of an area, this would normally warrant a decision to take action to remedy or restrain the breach. It is also important to consider whether the unlawful activity is ongoing or has ceased.

<ul style="list-style-type: none"> • Seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature; • Costs and benefits of taking formal enforcement action as opposed to taking informal or no action; • Time period that has lapsed since the date of the unlawful activity. 	<p>Consideration should be given to whether the likely costs and benefits of any enforcement action is justifiable where breaches result in no material impacts upon any other party or the health, safety and amenity of the environment and community. A breach of a technical, inconsequential or minor nature, in the absence of any other aggravating factor, will generally not warrant a decision to take action to remedy or restrain the breach.</p> <p>Legislation may provide time limits in which to commence proceedings and take enforcement action, and sometimes prosecution will be statute barred despite good evidence that unlawful activity has taken place.</p> <p>In addition, consideration should be given to the time which the offence or breach occurred and the 'reasonableness' of taking enforcement action if a significant time has lapsed since the time of the offence or breach.</p>
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Considerations about the alleged offender

<ul style="list-style-type: none"> • 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 subject of the report; • Any particular circumstances of hardship affecting the person or organisation reported. 	<p>Consideration should be given to the previous history of the offender. If prior warnings, instructions or advice has been issued to the person or organisation reported which was not followed, a more formal and coercive enforcement approach would appear more appropriate.</p> <p>Consideration should be given to whether the offence was committed deliberately, recklessly or with gross negligence. It may be appropriate that cases of this nature are more likely to result in prosecution. Where an offence was committed as a result of an accident or genuine mistake, providing education and guidance or a formal warning may be more suitable in achieving desired outcomes.</p> <p>Where the offender has been proactive in the resolution of the matter and has assisted Council in the resolution of the matter, it may be that the public interest would not be best served by prosecuting the offender, especially if the offending conduct or work has been rectified. If the offender has demonstrated a lack of contrition and is uncooperative with the investigation or remediation, a prosecution or monetary penalty would appear more appropriate.</p> <p>Consideration should be given to any genuine mitigating circumstances of the offender such as age, physical or mental health, disability and any</p>
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	financial hardship of the offender resulting in an inability to pay.
Considerations about the impact of the enforcement action	
<ul style="list-style-type: none"> • The need to deter any future unlawful activity; • Whether an educative approach 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 the Council has created an estoppel situation. 	<p>Consideration should be given to the deterrent effect, both on the offender and others. Prosecutions, because of their great stigma if a conviction is secured, may be appropriate even for minor unlawful activity where they might contribute to a greater level of overall deterrence.</p> <p>When deciding whether to take an educative approach or enforcement approach, consideration should be given to the following matters:</p> <ul style="list-style-type: none"> • The reasonable likelihood that the person may have known or should have known the relevant requirements or rules; • The level of contrition shown by the responsible person; • Whether the parties have previously been advised of the regulatory requirements or provisions; • Whether or not any previous warnings or instructions have been provided; • The apparent level of intent shown by the responsible person. <p>It may not be appropriate to take enforcement action if the chances of success, in the event of an appeal or hearing, are unlikely. In such situations, you would need to identify the causes of that likelihood and address them in the particular case or as a general issue.</p> <p>Consideration should be given to what is reasonable in the particular circumstances that apply. This includes a reasonable proportionality between the ends to be achieved and the means used to achieve them. Consideration is to be given to what is reasonable in the circumstances and ensure the action is not disproportionate to the level of harm or damage arising from the breach. Legal proceedings are expensive. When doing a cost-benefit analysis, costs and benefits should be assessed broadly and indirect costs and benefits should also be considered. Estoppel is a legal rule which prevents a person from later denying something which may have previously been relied on, and acted upon by another person. Consideration should be given to whether the actions of Council have created a</p>

	reasonable expectation that no enforcement action would be taken.
Considerations about the potential for remedy	
<ul style="list-style-type: none"> • 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. 	<p>If there is evidence of a significant issue of unlawful activity and that matter can be easily remedied by some action on the part of the person the subject of the report, there is a less compelling case for enforcement action, depending on the other circumstances of the case such as the conduct of the offender.</p> <p>If retrospective approval is possible, it may be reasonable to allow an opportunity to obtain this prior to taking other enforcement action. In some cases, compliance by informal means may be the most efficient way to resolve the matter and other enforcement action may not be necessary. This needs to be balanced with other considerations such as the public interest in enforcing the law.</p>

17. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).



Murrumbidgee
COUNCIL

Draft Scholarships, Donations and Community Grants Policy

	Name	Position	Signature	Date
Responsible Officer	Sue Mitchell	Manager Corporate & Community Services		
Authorised By	John Scarce	General Manager		

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May 2023

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1. Name of the Policy and Purpose

This policy is the *Scholarships, Donations and Community Grants Policy*. Its purpose is to comply with the provisions of Section 356 of the Local Government Act 1993, and provide a framework within which requests to Council for financial assistance are assessed.

2. Aim of Program

The Murrumbidgee Council Scholarships, Donations and Community Grants Program gives the community the opportunity to apply for financial assistance to provide services or enhance education opportunities.

3. Scholarships

Murrumbidgee Council sees education as a key process in the development and growth of our residents, particularly our youth, and each year offers the following:

- Murrumbidgee Council Education Scholarship Program
Three scholarships valued at \$1,000 each are awarded annually. To be eligible students must have their original place of residence within the Murrumbidgee Local Government Area and be studying at a tertiary institution. This includes university, TAFE and other recognised tertiary education providers.
- Charles Sturt University Foundation Scholarship
Council sponsors the annual Charles Sturt University (CSU) \$4,000 Foundation Scholarship, and sees this as an important way to ease the transition and expenses for rural students. The scholarship is only open to students who have their original place of residence within the Murrumbidgee Council Local Government Area. It is open to commencing and continuing students who are studying full-time with Charles Sturt University, however preference is given to commencing students.

Applications are made direct to CSU.

- Sir John Monash Bursary
Council offers the Sir John Monash Bursary in September each year in recognition of the incredible contribution Jerilderie's most famous son made on the national and world scale. Applicants must submit an essay for judging. The Bursary is open to all students who have their original place of residence within the Murrumbidgee Council area and who are entering into post secondary education through university, college or TAFE, or an approved course of formal training with a Registered Training Organisation, ie apprentices, trainees and adult education. The bursary is valued at \$2,000 and is awarded to assist with personal costs associated with course expenses.

4. Donations

Funds are allocated within the budget for Councillor determined donations. Applications for donations will be received during the year. This includes sponsorship applications, school presentation awards and applications from

individuals. Donations are not advertised in conjunction with the Murrumbidgee Council Community Grants Program.

5. Community Grants

- Murrumbidgee Council Community Grants Program

The Murrumbidgee Council Community Grants Program is in the form of one-off annual grants to community organisations, giving them the opportunity to apply for financial assistance to provide services and projects that benefit the residents.

The total amount available in each financial year is \$20,000.

The maximum grant allocated under the Community Grants Program is \$2,000. Only one application will be accepted per community group/organisation for this grant.

Grants will be allocated under the following categories:

- Arts and Cultural
- Diversity and Harmony
- Events
- Health and Wellbeing

To assist the assessment of all applications for Community Grants, applicants are requested to read the category descriptions as detailed in the “Community Grant Guidelines” and indicate on the application form one category wherein they consider their project best fits. The guidelines also outline eligibility criteria and grant conditions.

- Coleambally Solar Farm Community Fund

The Coleambally Solar Farm provides \$20,000 each calendar year to support local projects that benefit and strengthen the region. Murrumbidgee Council has a Memorandum of Understanding with Coleambally Solar Pty Ltd in regard to the establishment, facilitation and operation of the Coleambally Solar Farm Community Fund. Council is responsible for managing, facilitating, advertising, marketing and any other management activities in respect of the CSF Community Fund. Council is also to provide recommendations to Coleambally Solar Farm Pty Ltd as to which applications should receive funding, providing copies of those applications to CSF.

Of these funds, \$10,000 is distributed to the Murrumbidgee Community Experimental/Demonstration Farm and a further \$10,000 is distributed to projects through an open and competitive program under the following categories:

- Environmental Sustainability
- Health and Wellbeing
- Strong Connected Communities
- Sport and Recreation
- Arts and Culture
- Skills, Education and Training

Grants of between \$500 and \$3,000 are available. The “Coleambally Solar Farm (CSF) Community Fund Guidelines” outline eligibility criteria and grant conditions. These grants will be advertised in conjunction with the Murrumbidgee Council Community Grants Program.

- Lions Club of Darlington Point Community Grant

This is an annual grant valued at up to \$2,000, awarded to eligible applicants, which include individuals, for the purpose of advancing education, children's aid or community wellbeing. It was generously made available by the Lions Club of Darlington Point when it disbanded, and is managed by Murrumbidgee Council. This grant is only available to residents of Darlington Point. This grant will be advertised in conjunction with the Murrumbidgee Council Community Grants Program.

6. Grants Timeline

The Murrumbidgee Council Education Scholarship Program, Murrumbidgee Council Community Grants Program, Coleambally Solar Farm Community Fund and Lions Club of Darlington Point Community Grant are offered as follows:

February: Grants advertised and applications open. Application forms will be available on Council’s website and at Council’s offices

March: Applications close. No late applications will be accepted.

April: Submitted to Council Meeting for decision and applicants officially informed of results.

7. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council’s discretion (or if legislative or State Government policy changes occur).



Murrumbidgee
COUNCIL

Draft On Site Sewage Management Policy

	Name	Position	Signature	Date
Responsible Officer	Garry Stoll	Director - Planning, Community & Development		
Authorised By	John Scarce	General Manger		

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MAY 2023

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1. Introduction

Effective management of domestic sewage and wastewater is an important consideration for the public health of Murrumbidgee Council residents and the environment in which they reside. It requires the active involvement of both the Council and landholders.

This policy has been developed to guide Murrumbidgee Council to assess, regulate and manage the selection, design, installation, operation and maintenance of new and existing on-site sewage management systems.

2. Purpose

The purpose of the On-Site Sewage Management Policy is to:

- Guide landholders towards sustainable on-site management of domestic sewage and waste water;
- Protect and enhance public health and the environment within the Murrumbidgee Council Local Government Area;
- To enable efficient regulation and monitoring of on-site sewage management systems;
- To maintain compliance referring to Legislation and Regulation in NSW.

3. Objectives/Goals

The objectives and goals of this On-Site Sewage Management Policy are:

- **Prevention of public health risk** - sewage contains bacteria, viruses, parasites and other disease-causing organisms. Contact with effluent increases the risk to public health;
- **Protection of the environment** - on-site sewage management systems (OSSMS) should be selected, situated, designed, constructed, operated and maintained to ensure land, groundwater or surface water is not contaminated;
- **Ecologically sustainable development** - on-site sewage management systems must be installed and operated in such a manner that will allow the system to operate satisfactorily on a long term basis, whilst maintaining acceptable environmental and public health standards;
- Create and maintain an up to date register and records of OSSMS in the Murrumbidgee Council area;
- Assess the installation of new OSSMS to ensure they are fit for purpose and represent best practice;
- Implement an approvals program for OSSMS;
- Implement a risk based inspection program of OSSMS;
- Raise awareness of property owners of OSSMS about management and maintenance requirements;
- Utilise information and mapping systems to monitor the cumulative impacts of OSSMS in the Murrumbidgee Council area;
- Work with service agents and property owners to improve monitoring and reporting;

- Provide community education to landholders for safe and efficient operation of their OSSMS.

4. Definitions

Table 1. Definitions

Septic Tank	Wastewater treatment device that provides a preliminary treatment of wastewater comprising sediments of solids, fats and oils and anaerobic digestion of sludge.
Absorption Trench	A trench located below ground level designed to transpire and absorb effluent discharged from the septic tank. This trench must be installed correctly to avoid pollution of ground water.
AWTS	Aerated Water Treatment System is a wastewater treatment process, typically consisting of: <ul style="list-style-type: none"> • Primary settling of solids and flotation of scum • Secondary oxidation and consumption of organic matter through aeration; • Clarification by additional settling of solids; • Disinfection of wastewater before surface irrigation; • Mechanical operation of air pumps and pressure pumps which must be serviced quarterly.
De-sludging	Withdrawing sludge, scum and liquid from a tank by a qualified service agent licensed to transport and dispose of liquid human waste.
Effluent	Wastewater discharging from a sewage management facility.
Land Application Area	The area of which the treated wastewater is distributed.
Nutrients	Chemical elements that are essential for sustained plant or animal growth, these being nitrogen, phosphorus and potassium. Excess nitrogen and phosphorus are potentially serious pollutants.
Pathogens	Micro-organisms potentially cause disease including bacteria, protozoa and viruses.
Potable	Water of a quality suitable for human consumption.
Run off	Effluent that becomes surface flow that is not absorbed into the soil.
Scum	Material collected at the top of the primary wastewater treatment tank. This includes oils, grease, soaps.
Sludge	Organic matter produced by the wastewater treatment process.
Community Facility	Refers to a facility used for community events, sporting events and gatherings.

Environmentally Sensitive Area	Land identified in an environmental planning instrument or mapping as being in an area identified as ground water vulnerable or high biodiversity significance.
Flood zone	Land identified as flood prone in the Flood Plain Risk Management Study and Plan.
Intermittent Watercourse	Means any creek, gully, stream or chain of ponds, whether artificially modified or not, in which water flows periodically and sporadically.
Permanent Watercourse	Means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water flows continuously.

5. Implementation Program

Council's regulatory program to meet the stated objectives/goals will include all fixed on-site sewage management facilities including public, industrial and commercial systems, which do not discharge directly to a public sewer or are not licensed by NSW Environmental Protection Agency (EPA). This program will be used to assess, regulate and manage the design, installation, operation and maintenance of OSSMS.

For the purpose of this policy, an OSSMS includes, but is not limited to, the following:

- Septic tanks with evapotranspiration beds or absorption trenches;
- Aerated wastewater treatment systems (AWTS);
- Wet composting toilet with sand filter and/or wetland/reed bed with sub-surface application system;
- Waterless composting toilet and grey water treatment system;
- Grey water treatment systems;
- Septic tank with sand filter and/or constructed wetland/reed bed with sub-surface application system;
- Septic tank and amended soil mound system;
- Septic tank and pump-out well;
- Commercial or package plant systems;
- Any other system that stores, treats and/or disposes of sewage and/or wastewater on-site.

6. When is an Application to Council Required

An application under Section 68 of the *Local Government Act 1993* must be made to Council for the installation, construction or alteration, or use of an on-site sewage management system.

6.1 Approval to Operate

An approval to operate an on-site sewage management system will be issued to the owner of the property where:

Table 2. Summary of Approval Process

Type of Activity	Approval to Install/Construct/Alter	Approval to Operate
New OSSMS	<ul style="list-style-type: none"> • Details of OSSMS submitted as part of a development application; or • Application to Install, Construct or Alter to be submitted to Council (where Exempt or Complying Development). 	Issued after final inspection by Council if works carried out.
Upgrade or alterations to exiting OSSMS	<ul style="list-style-type: none"> • Details of OSSMS submitted as part of a Development Application; or • Application to Install, Construct or Alter to be submitted to Council (where Exempt or Complying Development). 	Issued after final inspection by Council if works carried out.
Existing OSSMS	<ul style="list-style-type: none"> • Not Applicable 	<ul style="list-style-type: none"> • Application to be lodged (by new owner) within 2 months of sale; • Applications to be lodged following initial inspection and risk rating.

6.2 Commercial Systems

On-site sewage management system (OSSMS) with the capacity above 10 equivalent population (EP) and less than 2,500 EP, are classed as commercial systems. They are commonly known as '*package wastewater treatment plants*' and are used for caravan parks, B&B's, hotels, motels, and small villages located in areas with no reticulated sewage system.

Commercial Systems will be required to:

- Obtain approval to install, construct or alter;
- Hold approval to operate;
- Are designed to meet the performance criteria outlined in Section 10 and satisfy Council that they can adequately treat and dispose of the wastewater on-site without creating environmental or public health risks;
- Be classified as '**high risk**' system and undergo a higher inspection frequency.

Where irrigation of treated effluent is proposed, the design and installation will need to take into consideration the NSW EPA's Guideline "Use of Effluent by Irrigation".

Systems that have an intended processing capacity of more than 2,500 EP or 750 kilolitres per day and involve the discharge or likely discharge of wastes or by-products to land or waters require a licence with NSW EPA.

7. Application Requirements for an On-Site Sewage Management System

When submitting an application to Council for a new on-site sewerage management system (OSSMS), or an alteration of an existing system, the following documentation is required:

- Completed Murrumbidgee Council OSSMS application form;
- Payment of fee;
- Plan of septic tank/s, collection well or aerated wastewater treatment tank/s;
- Geotechnical assessment report;
- Certification that the proposed system is approved by NSW Health;
- Site plan indicating the location of the OSSMS and land application area. The site plan must show the location and distance of the OSSMS and land application area indicating:-
 - a. Distance to all neighboring boundaries, permanent and intermittent watercourses, waterbodies and domestic groundwater bores and wells;
 - b. Distance from dwellings and outbuildings (including pools and domestic water tanks and bores), and;
 - c. Any landscaping design required for surface irrigation field.

8. Geotechnical Reports

To further demonstrate satisfactory effluent disposal, a geotechnical report will be required:

- a. If the property is constrained through soil type, proximity to a watercourse or waterbody or high ground water level;
- b. For all properties less than 10,000m²;
- c. Land identified as an Environmentally Sensitive Area.

9. Risk Assessment

Council has adopted a system of risk assessment; the level of risk will determine the frequency of inspection (table 3). When assessing the level of risk, the Council Officer will utilise the stated risk assessment criteria together with information provided by the householder on their application, planning documents and information from relevant authorities.

9.1 Risk Criterion

High Risk – Systems located:-

- Within 2km upstream of a town water intake point, or;
- Any other location at the discretion of Council.

Medium Risk – Systems located:-

- On a lot/s that is within single ownership of less than 10,000 square meters that is connected to reticulated water;
- On a lot/s that is within single ownership of less than 2,000 square meters that is not connected to reticulated water;
- Within an environmentally sensitive area;
- Connected to a community facility;
- Within an on-site sewage management system located within 100m - 300m from a permanent watercourse.

Low Risk – All other systems that are not included as high or medium risk.

Table 3. Risk Criteria for Classification of OSSM

Criteria	Low Risk	Medium Risk	High Risk
Distance From:			
Environmentally sensitive areas (habitat, wetlands, aquatic reserves, wilderness reserves)	>100m	Between 40 - 100m	<40m
Permanent water (river, creek, stream, damn)	>300m	Between 100 - 300m	<100m
Temporary waterway (intermittent gully or creek)	>100m	Between 40 - 100m	<40m
Domestic Bore	Nil or >500m	Between 250 - 500m	250m
Closest neighbouring property boundary to effluent disposal area	>50m	Between 15 - 50m	<15m
Closest dwelling (on neighbouring property)	>15m	Between 6 - 15m	<6m
Flood liable	NO	NO	YES
Meets performance standards/ no ongoing problems	YES	YES	NO
Effluent ponding on ground surface / wet soggy disposal area	NO	NO	Yes
Grazing and other activities restricted in effluent disposal area	YES	YES	NO
Condition of Tank/Infrastructure	GOOD	GOOD	POOR

10. Performance Standards

In protecting public health and the environment, section 44 of the *Local Government (General) Regulation 2021* specifies that an OSSMS must be operated in accordance with the following performance standards:

- The prevention of the spread of disease micro-organisms;
- The prevention of the spread of foul odors;
- The prevention of the contamination of water;
- The prevention of the degradation of soil and vegetation;
- The discouragement of insects and vermin;
- Ensuring that persons do not come in contact with untreated sewage or effluent (treated or untreated) in their ordinary activities on the premises concerned;
- The minimisation of any adverse impacts on the amenity of the premises and surrounding lands.

All systems of sewage management must be operated in a manner that achieves the above performance standards. Council staff will use these performance standards to assess the level of compliance of OSSMS. Where a system does not meet the performance standards, it will be deemed to be a failed system and rectification works/upgrades will be required to address the issues identified. All OSSMS must be operated in accordance with the unit operating specifications and procedures provided by the manufacturer.

11. Inspection Frequency

The risk assessment determines the frequency of inspection. Council will undertake a minimum of 10 inspections per year. Council will focus on highly populated areas and areas close to environmentally sensitive areas.

Table 4. Inspection Frequency

Risk Rating	Frequency of Inspections	Approval to Operate Expiry
High Risk	Systems to be inspected yearly	2 years after issue
Medium Risk	Systems to be inspected every 5 years	5 years after issue
Low Risk	Systems to be inspected on the receipt of a complaint, when a development application for the site is received or by a random audit as set out in the monitoring program	10 years after issue

Aerated Wastewater Treatment Systems (AWTS) will be inspected by Council according to the level of risk assigned as above. The AWTS must be inspected and serviced by a waste water contractor according to the manufacturer's instructions on a quarterly basis (4 times per year). This service report provided by the contractor is to be forwarded to Council for reporting and monitoring purposes.

Prior to Council inspections, Council will notify property owners in writing, giving a minimum of 14 days' notice of the upcoming inspection. All inspections will utilise a common assessment checklist. Following the inspection, the landholder will be provided with written correspondence that reflects the results of the inspection and any recommended actions to be undertaken, advice and educational information.

12. Monitoring Program

The following processes will be put into place to ensure that both existing and proposed systems are adequately monitored:

- Inspections are to be carried out on existing sites where deemed necessary by the nominated authorised officer;
- On-going inspections of on-site sewage management systems are to be carried out in accordance with the inspection regime determined at the time of initial risk assessment;
- Aim to inspect all on-site sewage management complaints within 3 business days of notification;
- Where inspections indicate faulty, defective or unhealthy systems, notify the owner/occupier and then negotiate with the householder to develop a site-specific sewage management plan which will resolve the identified problem/s;
- Issue orders/notices where necessary for faulty, defective, unhealthy on-site sewage management systems (s124 Local Government Act, 1993);
- Where conditions of approval are continually not complied with, Council may revoke the approval.

13. Legislation and Related Documents

- Local Government Act 1993
- Local Government (General) Regulation 2021

14. Policy Review

This Policy:

- To be reviewed within the first year of the new Council term;
- May be reviewed and amended at any time at Council's discretion (or if legislative or State Government policy changes occur).

Stronger Communities Fund

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete	
Coleambally			600,000.00				600,000.00	0.00%	Works subject to IWCM completion
Darlington Point					691,787.38		691,787.38	0.00%	Works subject to IWCM completion
Jerilderie	685,843.98	15,074.10					670,769.88	2.20%	Partial funding for IWCM sourced from this grant
Coleambally			1,500,000.00	80,823.48			1,419,176.52	5.39%	Tenders let and pre construction works beginning
Darlington Point					1,500,000.00	187,018.27	1,312,981.73	12.47%	Project manager commenced and pre construction works being undertaken
Darlington Point					58,000.00	8,750.00	49,250.00	15.09%	Artwork design purchased. Further signage to be determined.
Coleambally			565,000.00	147,920.02			417,079.98	26.18%	Construction commenced
Darlington Point					367,750.00	220,788.23	146,961.77	60.04%	Upgrade to amenities block completed. Further works ongoing
Darlington Point									Purchase undertaken.
Darlington Point					350,000.00	238,085.31	111,914.69	68.02%	Masterplan prepared. Further application for grant funds still to be determined
Jerilderie	636,000.00	500,146.95					135,853.05	78.64%	Works completed in conjunction with SCCF grant
Darlington Point					400,000.00	372,737.85	27,262.15	93.18%	Some works to be completed for trade waste installation
Darlington Point					300,000.00	299,472.95	527.05	99.82%	Works nearing completion
Jerilderie Cricket Club	21,500.00	21,500.00					0.00	100.00%	Complete
Jerilderie	135,963.60	135,963.60					0.00	100.00%	Complete
Coleambally Pistol Club			41,463.60	41,463.60			0.00	100.00%	Complete
Darlington Point					80,000.00	80,000.00	0.00	100.00%	Complete
Jerilderie Community Gym	43,358.97	43,358.97					0.00	100.00%	Complete
Jerilderie Tennis Club	45,454.55	45,454.55					0.00	100.00%	Complete
Jerilderie Tennis Club	44,708.69	44,708.69					0.00	100.00%	Complete
Jerilderie CWA	18,003.61	18,003.61					0.00	100.00%	Complete
Jerilderie Football Club	39,674.00	39,674.00					0.00	100.00%	Complete

Stronger Communities Fund	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Jerilderie Pre School	44,098.40	44,098.40					0.00	100.00% Complete
Jerilderie Swimming Club	5,859.73	5,859.73						100.00% Complete
Jerilderie Public School P & C	49,280.00	49,280.00						100.00% Complete
Jerilderie Arts & Talent Society	9,868.22	9,868.22						100.00% Complete
Jerilderie Tennis Club	27,272.73	27,272.73						100.00% Complete
Jerilderie Tennis Club	1,340.00	1,340.00						100.00% Complete
Jerilderie Public School P & C	7,946.36	7,946.36						100.00% Complete
Jerilderie Men's Shed	50,000.00	50,000.00						100.00% Complete
Jerilderie RSL Sub Branch	4,577.27	4,577.27						100.00% Complete
Jerilderie St Joseph's Parent's and Friends Inc	35,374.74	35,374.74						100.00% Complete
Coleambally Sweatbox			30,340.00	30,340.00				100.00% Complete
Community Gym			45,260.00	45,260.00				100.00% Complete
Coleambally Clay Target Club			7,233.44	7,233.44				100.00% Complete
Coleambally Pre School			11,412.73	11,412.73				100.00% Complete
Coleambally Lions Club			7,520.00	7,520.00				100.00% Complete
Coleambally Lions Club			4,632.65	4,632.65				100.00% Complete
Coleambally Chamber of Commerce			10,116.20	10,116.20				100.00% Complete
Coleambally Chamber of Commerce			4,250.00	4,250.00				100.00% Complete
Coleambally Chamber of Commerce			21,122.73	21,122.73				100.00% Complete
Coleambally Riverina Vintage Machinery Club			41,000.00	41,000.00				100.00% Complete
Coleambally Community Club			45,454.55	45,454.55				100.00% Complete
Coleambally Central School P & C			50,000.00	50,000.00				100.00% Complete
Coleambally Golf Club Inc			44,600.00	44,600.00				100.00% Complete
Coleambally Golf Club Inc			25,450.00	25,450.00				100.00% Complete
Coleambally St Peters Primary School			28,172.73	28,172.73				100.00% Complete
Coleambally Mens Shed			44,463.19	44,463.19				100.00% Complete
Coleambally Murrumbidgee Experimental Farm			45,454.55	45,454.55				100.00% Complete
Coleambally Pre School			13,594.55	13,594.55				100.00% Complete
Coleambally Pre School			12,272.73	12,272.73				100.00% Complete
Coleambally Lions Club			5,835.00	5,835.00				100.00% Complete
Coleambally Community Club			21,909.09	21,909.09				100.00% Complete
Coleambally Central School P & C			18,840.00	18,840.00				100.00% Complete

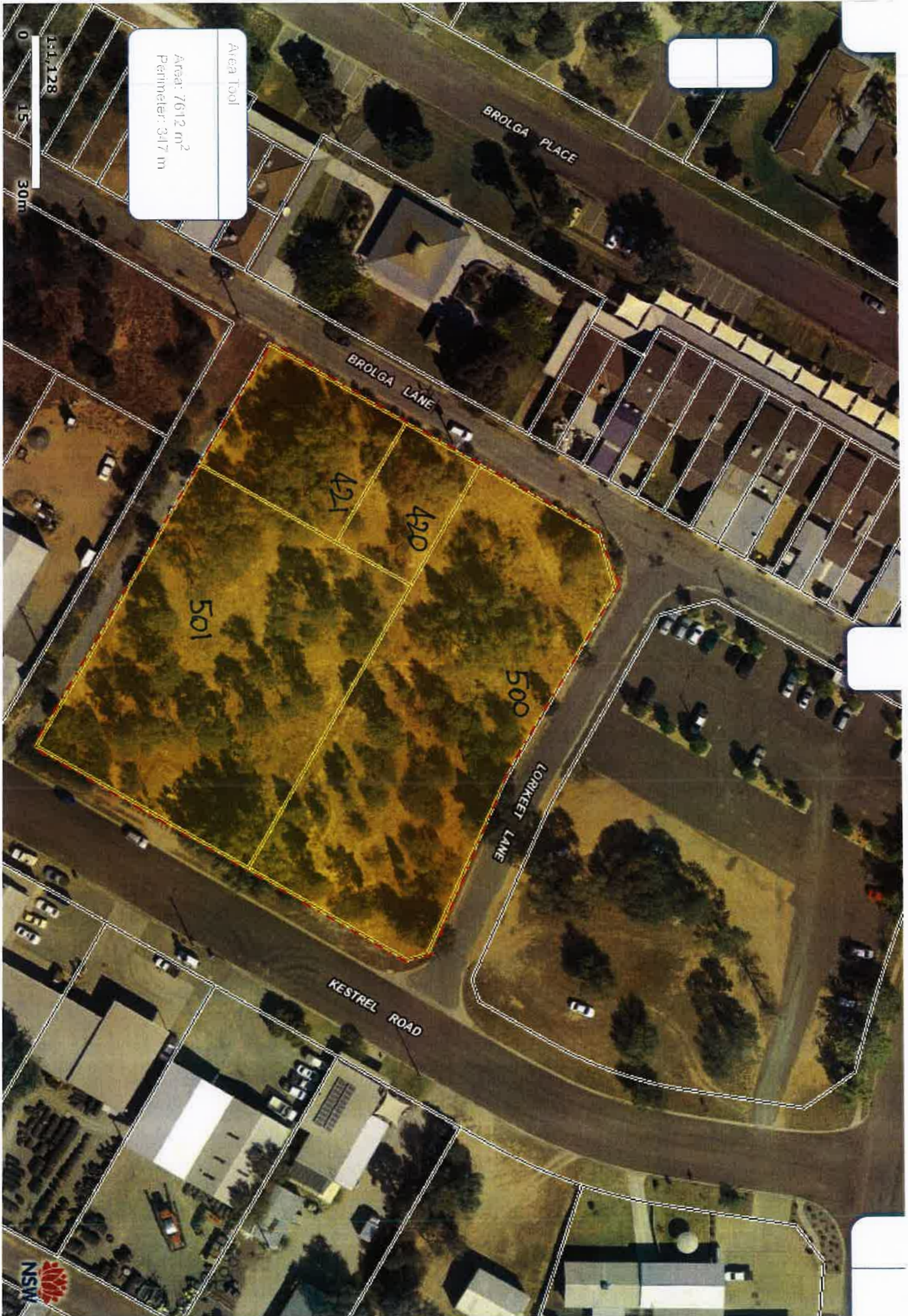
Stronger Communities Fund	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete
Coleambally St Peters Primary School			5,000.00	5,000.00				100.00% Complete
Coleambally Darlington Point Country Education Fund			3,000.00	3,000.00				100.00% Complete
Coleambally Motorcycle Club Inc			50,000.00	50,000.00				100.00% Complete
Coleambally Pony Club			6,642.86	6,642.86				100.00% Complete
Coleambally St Peters Catholic Church			4,545.45	4,545.45				100.00% Complete
Coleambally Tennis Club			6,363.64	6,363.64				100.00% Complete
Anglican Parish of Coly/Darlington Point			50,000.00	50,000.00	17,423.59	17,423.59		100.00% Complete
Darlington Point Mens Shed					45,454.55	45,454.55		100.00% Complete
Darlington Point Lions Club					20,000.00	20,000.00		100.00% Complete
Darlington Point Mens Shed					8,547.55	8,547.55		100.00% Complete
Apex Club of Darlington Point					12,659.00	12,659.00		100.00% Complete
Darlington Point Club Ltd					45,454.55	45,454.55		100.00% Complete
Darlington Point Club Ltd					36,363.64	36,363.64		100.00% Complete
Darlington Point Club Ltd					25,650.00	25,650.00		100.00% Complete
Darlington Point Public School P & C					43,928.00	43,928.00		100.00% Complete
Jerilderie	13,167.00	13,167.00						100.00% Complete
Jerilderie	204,535.30	204,535.30						100.00% Complete
Jerilderie	45,363.42	45,363.42						100.00% Complete
Jerilderie	41,100.15	41,100.15						100.00% Complete
Jerilderie	76,516.71	76,516.71						100.00% Complete
Jerilderie	53,420.72	53,420.72						100.00% Complete
Jerilderie	29,029.00	29,029.00						100.00% Complete
Jerilderie	9,552.13	9,552.13						100.00% Complete
Jerilderie	20,067.53	20,067.53						100.00% Complete
Jerilderie	156,833.64	156,833.64						100.00% Complete
Jerilderie	550,000.00	550,000.00						100.00% Complete
Jerilderie	686,470.63	686,470.63						100.00% Complete
Jerilderie	568,306.02	568,306.02					0.00	100.00% Complete
Jerilderie	70,332.17	70,332.17						100.00% Complete

Stronger Communities Fund

	Jerilderie Budget	Expend to date	Coleambally Budget	Expend to date	Darlington Pt Budget	Expend to date	Still to be Expended	% Complete	
Coleambally			750,000.00	750,000.00			0.00	100.00%	Funding fully expended with some further drainage works and 2nd coat seal to be undertaken from alternative sources
Coleambally			54,057.39	54,057.39				100.00%	Complete
Coleambally			282,318.57	282,318.57				100.00%	Complete
Coleambally			500,000.00	500,000.00			0.00	100.00%	Complete
Darlington Point					6,544.41	6,544.41		100.00%	Complete
Darlington Point					858,212.62	858,212.62	0.00	100.00%	Complete
Darlington Point					547,012.21	547,012.21	0.00	100.00%	Complete
Coleambally			600,000.00	600,000.00			0.00	100.00%	Complete
Announced to date	4,430,819.27	3,624,196.34	5,557,325.65	3,121,069.15	5,414,787.50	3,074,102.73	5,583,564.20		
		15,402,932.42							

Stronger Communities Funding	14,365,000.00
Interest Received to 31/03/23	970,900.00
	<u>15,335,900.00</u>
Less expenditure to date	9,819,368.22
Balance unexpended for Int calc purposes	5,516,531.78
	4,545,631.78

Available to date	14,365,000.00
Interest to date	970,900.00
	<u>15,335,900.00</u>
Less announced to date	15,402,932.42
Available/(Oversubscribed)	<u>-67,032.42</u>



Area Tool
Area: 7612 m²
Perimeter: 347 m

0 15 30m
1:1,128










SCHEDULE OF INVESTMENTS - 31 MARCH 2023**External investments**

In accordance with Regulation 212 of the *Local Government (General) Regulation 2005*, details of Murrumbidgee Council's external investments are set out below.

Institution	Balance (\$)	Yield (p.a.)	Maturity	Term (months)	No.
Westpac	1,200,000	3.99%	3/04/2023	6	32
Westpac	1,200,000	4.00%	21/04/2023	4	30
IMB Ltd	764,608	3.90%	10/05/2023	3	42
Bendigo	3,000,000	3.45%	18/05/2023	9	37
Westpac	1,224,163	4.07%	22/05/2023	3	25
IMB Ltd	1,500,000	4.11%	29/05/2023	3	38
Bendigo	1,500,000	4.00%	29/05/2023	3	40
IMB Ltd	765,745	4.10%	2/06/2023	3	29
St George	515,347	3.41%	3/06/2023	4	27
Suncorp - METWAY	1,603,232	4.20%	8/06/2023	5	34
IMB Ltd	1,027,275	4.00%	19/06/2023	6	24
Bendigo	500,000	4.00%	20/06/2023	3	23
Westpac	500,000	4.24%	20/06/2023	3	41
Bendigo	1,513,377	4.15%	27/06/2023	5	33
Bendigo	510,653	4.25%	10/07/2023	5	26
Westpac	1,228,623	4.23%	21/07/2023	4	39
Westpac	1,024,425	4.23%	21/07/2023	4	43
Bendigo	1,525,430	4.25%	24/07/2023	5	44
Bendigo	1,016,241	4.30%	27/07/2023	4	35
Bendigo	1,500,000	4.25%	27/07/2023	5	36
Bendigo	832,251	4.40%	2/08/2023	5	28
Bendigo	3,000,000	4.35%	21/08/2023	6	45
Suncorp - METWAY	1,017,408	4.31%	28/08/2023	6	20
Bendigo	1,016,860	4.40%	1/09/2023	6	22
Bendigo	1,222,198	4.00%	16/09/2023	6	21
St George	1,022,184	4.05%	18/12/2023	9	31
	<u>31,730,020</u>				

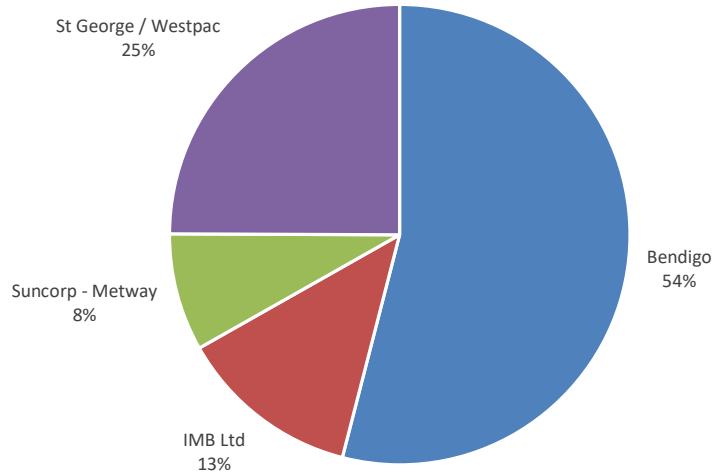
Maturity

All investments comply with the maximum duration set out for each rating category in the *Investment Policy*.

Month	\$ Funds Maturing	
April 2023	\$ 2,400,000	
May 2023	\$ 7,988,771	
June 2023	\$ 6,424,975	
July 2023	\$ 6,805,372	
August 2023	\$ 4,849,660	
September 2023	\$ 2,239,059	
October 2023	\$ -	
November 2023	\$ -	
December 2023	\$ 1,022,184	
	<u>\$ 31,730,020</u>	

Counterparties to Investments

Institution	Balance	S&P / Moody's / Fitch	Highest	Limit	% Invested	Compliant
Bendigo	17,137,011	BBB+ / A3 / A-	A	N/A	54.01%	N/A
IMB Ltd	4,057,627	- / Baa1 / BBB+	BBB	10%	12.79%	●
Suncorp - Metway	2,620,640	A+ / A1 / A	A	14%	8.26%	●
St George / Westpac	7,914,742	AA- / Aa3 / A+	AA	30%	24.94%	●
	<u>31,730,020</u>				<u>100%</u>	

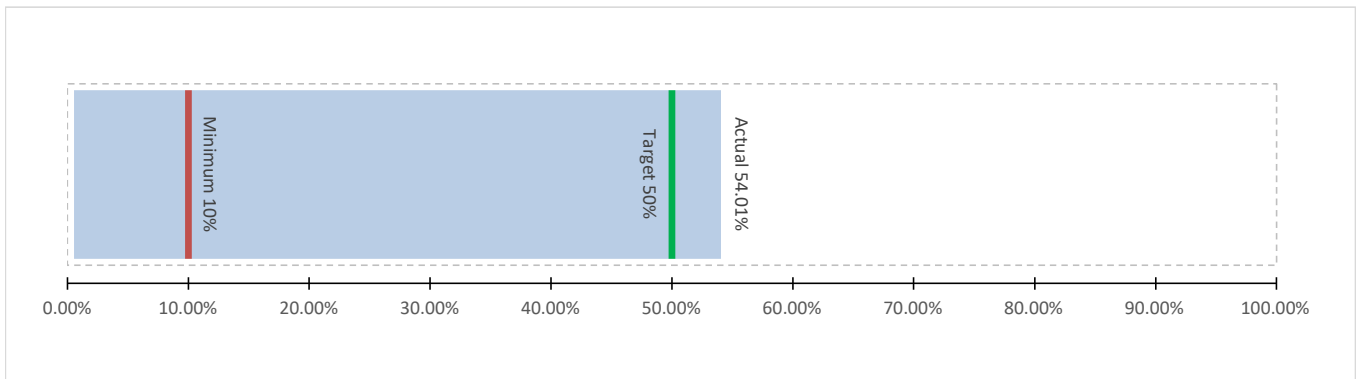


Investment with Bendigo Bank

54.01% ●

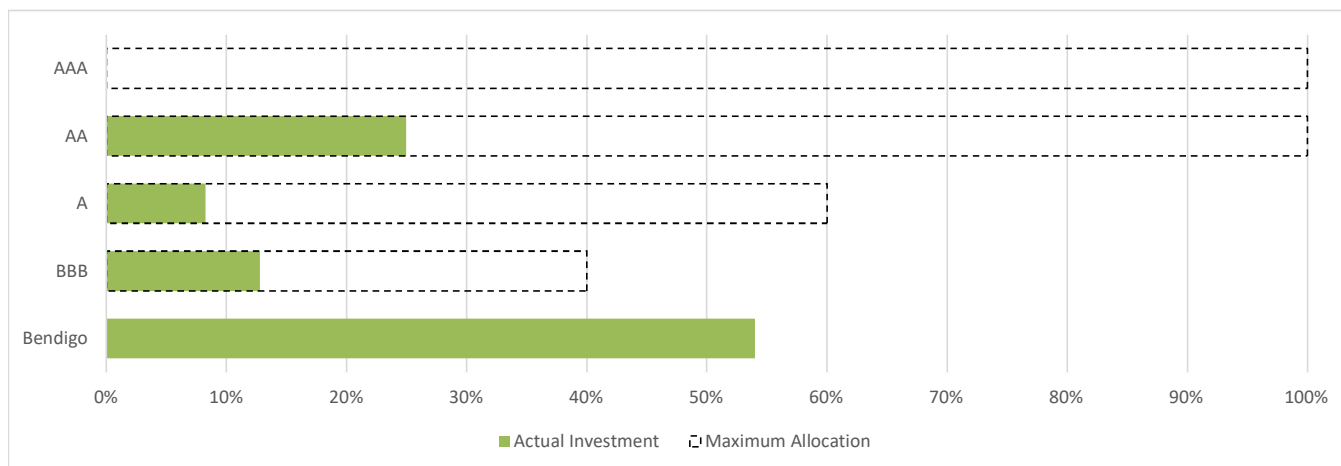
In recognition of the significant community role, support and activities undertaken within the Council area, Council aims to hold 50% of its investment portfolio with the Coleambally Community Bank.

If, when considering a new investment, an equivalently-rated or better-rated institution is offering an interest rate 0.40% p.a. (or more) higher than Coleambally Community Bank with a comparable term to maturity, Council may invest in that institution in preference to Coleambally Community Bank, irrespective of the target set out above. However, Council will hold a minimum of 10% of its portfolio with the Coleambally Community Bank at all times.



Overall Credit Quality Limits

Credit Rating	Maximum	Balance	% Invested	Compliant
AAA	100%	\$ -	0.00%	●
AA	100%	\$ 7,914,742	24.94%	●
A	60%	\$ 2,620,640	8.26%	●
BBB	40%	\$ 4,057,627	12.79%	●
Bendigo	N/A	\$ 17,137,011	54.01%	N/A
Total		\$ 31,730,020	100%	



Monthly investment movements

Redemptions

Institution - No.	Balance (\$)	Comments
NAB - 23	511,169	
	<u>511,169</u>	

New Investments

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
Bendigo - 23	500,000	4.00%	3	
Westpac - 41	500,000	4.24%	3	
	<u>1,000,000</u>			

Rollovers

Institution - No.	Balance (\$)	Yield (p.a.)	Term (months)	Comments
IMB Ltd - 29	765,745	4.10%	3	
Westpac - 39	1,228,623	4.23%	4	
Westpac - 43	1,024,425	4.23%	4	
Bendigo - 35	1,016,241	4.30%	4	
Bendigo - 28	832,251	4.40%	5	
Bendigo - 22	1,016,860	4.40%	6	
Bendigo - 21	1,222,198	4.00%	6	
St George - 31	1,022,184	4.05%	9	
	<u>8,128,527</u>			

Investment performance

	Mar-23	FYTD
Total investment income, including accrued interest	\$96,841	\$610,582
Money-weighted rate of return (% p.a.)	3.69%	3.25%

Bloomberg AusBond Bank Bill Index
Overperformance/(underperformance)

3.41%
0.28%

2.63%
0.62%