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# Council Meeting Agenda

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24 June 2024 at 5.00pm



2024 Festival of the Fleeces

To All Councillors

*You are hereby notified that the next meeting of the Upper Hunter Shire Council will be held on Monday, 24 June 2024 in the COUNCIL CHAMBERS, SCONE commencing at 5.00PM, for the purpose of transacting the undermentioned business.*

*This meeting will be recorded and those in attendance should refrain from making any defamatory statements.*

*There are to be no other recordings of this meeting without the prior authorisation of Council.*

**GREG MCDONALD  
GENERAL MANAGER**

1. PRAYER

2. ACKNOWLEDGEMENT OF COUNTRY

3. STATEMENT OF ETHICAL OBLIGATIONS

The Mayor and Councillors are reminded that they remain bound by the Oath or Affirmation of Office made at the beginning of the Council term to undertake their civic duties in the best interests of the people of the Upper Hunter Shire community and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them under the Local Government Act or any other Act, to the best of their ability and judgement.

Council Officials are also reminded of the requirement to declare and appropriately manage any conflicts of interest they may have in relation to matters considered at this meeting in accordance with the Code of Conduct and Code of Meeting Practice.

4. APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK

5. APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS

6. PUBLIC PARTICIPATION

7. CONFIRMATION OF MINUTES

- Ordinary Council Meeting held on 27 May 2024

8. DISCLOSURES OF INTEREST

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**MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON MONDAY 27 MAY 2024 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 5.00PM**

**PRESENT:**

Cr Maurice Collison (Mayor), Cr James Burns (Deputy Mayor), Cr Ron Campbell, Cr Tayah Clout, Cr Allison McPhee, Cr Lee Watts.

**IN ATTENDANCE:**

Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental & Community Services), Mr Rag Upadhyaya (Director Infrastructure Services), Mr Wayne Phelps (Manager Finance) and Mrs Robyn Cox (Executive Assistant).

**PRAYER**

**ACKNOWLEDGEMENT OF COUNTRY**

**STATEMENT OF ETHICAL OBLIGATIONS**

**APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK:**

Nil

**APOLOGIES / APPLICATIONS FOR LEAVE OF ABSENCE BY COUNCILLORS:**

24/086

**RESOLVED**

**That the apologies received from Crs Belinda McKenzie and Adam Williamson be accepted.**

Moved: Cr L Watts      Seconded: Cr A McPhee      CARRIED UNANIMOUSLY

**PUBLIC PARTICIPATION:**

Nil

**CONFIRMATION OF MINUTES:**

24/087

**RESOLVED that the minutes of the ordinary Council meeting held on 29 April 2024 and the extraordinary Council meeting held on 6 May 2024 be adopted.**

Moved: Cr R Campbell      Seconded: Cr J Burns      CARRIED UNANIMOUSLY

**DISCLOSURES OF INTEREST:**

Nil



## MAYORAL MINUTES

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### **A.05.1** *RECOGNITION OF 20 YEAR ANNIVERSARY OF AMALGAMATION*

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Robyn Cox - Executive Assistant

24/088

**RESOLVED**

**That Council recognise the 20 year anniversary of amalgamation.**

Moved: Cr M Collison      CARRIED UNANIMOUSLY

## STANDING COMMITTEE REPORTS

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### **SCR.05.1** *ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE*

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Mathew Pringle - Director Environmental & Community Services

24/089

**RESOLVED**

**That Council:**

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 14 May 2024 (Attachment 1 to the report).
  - a) as the local plan-making authority, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979, make the local environmental plan to reclassify the following parcels of land from community to operational:
    - Lot 1 DP212047 – 97 Hill Street, Scone
    - Lot 3 DP212047 – 97 Hill Street, Scone
    - Lot 12 DP 227553 – 98 Hill Street, Scone
    - Lot 21 DP 1235763 – 2912 New England Highway, Scone
  - b) refer the local environmental plan to Parliamentary Counsel for legal drafting.
  - c) delegate authority to the General Manager to sign all associated documents.
2. approve Development Application 172/2023 for a dwelling at Lot 101 DP 1199696, 59B Marquet Street Merriwa, subject to the conditions of consent in Attachment 2 to the report.

Moved: Cr A McPhee      Seconded: Cr R Campbell      CARRIED UNANIMOUSLY

### **SCR.05.2** *INFRASTRUCTURE SERVICES COMMITTEE*

**RESPONSIBLE OFFICER:** Rag Upadhyaya - Director Infrastructure Services

**AUTHOR:** Anna Brennan - Infrastructure Support Officer

24/090

**RESOLVED**

**That Council:**

1. adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 14 May 2024;
2. endorse the allocation of \$70,000 ex GST, from Council's Section 94A funds, to upgrade the switchboard at Scone Hardcourt Tennis and Rugby League sporting precinct.

Moved: Cr R Campbell      Seconded: Cr A McPhee      CARRIED UNANIMOUSLY

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**SCR.05.3** **CORPORATE SERVICES COMMITTEE**

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Wayne Phelps - Manager Finance

24/091

**RESOLVED**

**That Council:**

1. adopt the minutes of the Corporate Services Committee meeting held on 17 May 2024;
2. adopt the proposed budget variations as provided in attachment 2 to the report.

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

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**COMMITTEE/DELEGATES REPORTS**

**C.05.1** **GUMMUN AGED HOSTEL**

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Amanda Catzikiris - Manager Community Services

24/092

**RESOLVED**

**That Council;**

1. adopt the minutes of the Merriwa Aged Hostel Committee meeting held on 18 April, 2024.
2. accept the nominations for membership from Ron Whitaker and Carlita McConnell.

Moved: Cr L Watts

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

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**DEVELOPMENT REPORTS**

**D.05.1** **DEVELOPMENT APPLICATION NO. 160/2022 - DWELLING HOUSE AND STRATA SUBDIVISION**

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Paul Smith - Senior Environmental Planner

**MOTION**

That Council approve Development Application No. 160/2022 for a dwelling house and strata subdivision at 99 Liverpool Street Scone (Lot: 22 DP: 558794) subject to conditions of consent.

**FORESHADOWED MOTION**

That Council defer the item until next Council meeting to allow further discussion.

Moved: Cr A McPhee

24/093

**RESOLVED**

**That Council approve Development Application No. 160/2022 for a dwelling house and strata subdivision at 99 Liverpool Street Scone (Lot: 22 DP: 558794) subject to conditions of consent.**

Moved: Cr J Burns

Seconded: Cr R Campbell

CARRIED

FOR	AGAINST
Councillor Burns	Councillor McPhee
Councillor Campbell	
Councillor Clout	
Councillor Collison	
Councillor Watts	
<b>Total (5)</b>	<b>Total (1)</b>

The foreshadowed motion lapsed.

## FINANCE REPORTS

### F.05.1 *LONG TERM FINANCIAL PLAN - PUBLIC EXHIBITION*

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Wayne Phelps - Manager Finance

24/094

**RESOLVED**

**That Council:**

1. endorse the draft Long Term Financial Plan 2024/2025 to 2033/2034 and place the document on exhibition for a period of not less than 28 days, commencing on Monday, 3 June 2024 and closing on Friday, 5 July 2024;
2. undertake community consultation for the draft Long Term Financial Plan 2024/2025 to 2033/2034; and
3. receive a report back to Council on the outcome of any submissions made during the Community consultation with consideration given to these submissions prior to adopting the final Long Term Financial Plan 2024/2025 to 2033/2034.

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

### F.05.2 *SPECIAL RATE VARIATION - COMMUNITY ENGAGEMENT ACTION PLAN*

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Wayne Phelps - Manager Finance

24/095

**RESOLVED**

**That Council note the Community Engagement Action Plan to be utilised during the Community consultation for the potential Special Rate Variation.**

Moved: Cr J Burns

Seconded: Cr T Clout

CARRIED UNANIMOUSLY



CR.05.2

**TENDER EVALUATION REPORT ON TENDER NO. 13/2024 -  
MURRURUNDI YOUTH & COMMUNITY CENTRE**

**RESPONSIBLE OFFICER:** Rag Upadhyaya - Director Infrastructure Services

**AUTHOR:** Chris Agosto - Project Manager

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

**PURPOSE**

The purpose of this report is to outline the process that has been followed for the evaluation of tenders for the Murrurundi Youth & Community Centre and associated works (Tender No. 13/2024) and to make a recommendation to Council.

24/099

**RESOLVED**

**That Council:**

1. **decline to accept any of the tenders for Tender No. 13/2024 as per Clause 178 (1)(b) of Part 7: Division 4 of the Local Government (General) Regulation 2005, as all tenders were significantly higher than the project budget;**
2. **not invite fresh tenders as the current market pricing for the tendered scope is significantly higher than the project budget;**
3. **negotiate with the tenderers and any other providers to arrive at an adjusted scope within the funding budget;**
4. **report back to Council on construction options as well as possible scope variation, phasing of works and the use of other contractors (including Council's Works Department) undertaking portions of the work.**

Moved: Cr J Burns

Seconded: Cr L Watts

CARRIED UNANIMOUSLY

**RETURN TO OPEN MEETING**

24/100

**RESOLVED That the meeting move back into Open Council.**

Moved: Cr T Clout

Seconded: Cr R Campbell

CARRIED UNANIMOUSLY

Upon resuming Open Council, and in accordance with the Code of Meeting Practice, the General Manager provided a summary of the resolutions passed in Closed Council.

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.34PM.





**Environmental & Community Services**

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**STANDING COMMITTEE REPORTS**

**SCR.06.1 ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE**

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Mathew Pringle - Director Environmental & Community Services

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**RECOMMENDATION**

That Council:

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 11 June 2024 (Attachment 1);
2. approve Development Application 48/2023 for independent living units at Lot 10 DP 1105096, 58 Kelly Street Scone subject to the conditions of consent in Attachment 2;
3. approve Development Application No. 158/2023 for multi dwelling housing at 100 Mackenzie Street, Merriwa (Lot 1 DP 794672 and Lot 1 DP 122484) subject to the conditions of consent in Attachment 3.

**BACKGROUND**

The Environmental and Community Services Committee is a Standing Committee of Council that considers reports, advice and recommendations of management regarding strategic land use planning, development applications, environmental, health, building, waste management, sustainability and community services related matters. The Committee subsequently makes recommendations to Council in relation to such matters.

A meeting of the Environmental and Community Services Committee was held on Tuesday, 11 June 2024.

**REPORT/PROPOSAL**

The Committee unanimously supported the recommendation to approve Development Application No. 48/2023 for independent living units at Lot 10 DP 1105096, 58 Kelly Street Scone, subject to the conditions of consent in Attachment 2.

In relation to Development Application No. 158/2023 for multi-dwelling housing at Lot 1 DP 794672 & Lot 1 DP 122484, 100 Mackenzie Street Merriwa, the Committee resolved to defer the application to allow further discussion with the applicant regarding the issues raised during public participation.

Subsequent to the meeting, Council staff contacted the applicant and requested that consideration be given to installing a minimum two (2) metre high solid boundary fence between the development site and the rear of No. 98 Mackenzie Street in order to address privacy concerns raised by the adjoining property owner. In response, the applicant has agreed to install a two (2) metre high paling fence.

As noted in the meeting, DA 158/2023 is a Crown Development under Division 4.6 of the Environmental Planning and Assessment Act 1979 (Act). Section 4.33 of the Act stipulates:

- (1) *A consent authority (other than the Minister) must not—*
  - (a) *refuse its consent to a Crown development application, except with the approval of the Minister, or*
  - (b) *impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.*

## **Environmental & Community Services**

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The recommended conditions of consent in Attachment 3 have been approved by the applicant. Should Council choose to amend the recommended conditions then the determination of the development application would need to be deferred pending the approval of the applicant or Minister for Planning and Public Spaces. If Council wishes to refuse the development application it will need to seek the consent of the Minister to do so.

### **ATTACHMENTS**

- 1** [↓](#) Environmental & Community Services Committee - 11 June 2024 - Minutes
- 2** [↓](#) DA 48/2023 - Recommended Conditions of Consent
- 3** [↓](#) DA 158/2023 - Recommended Conditions of Consent

**MINUTES OF THE ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 11 JUNE 2024 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 10.30AM**

**PRESENT:**

Cr Lee Watts (Chair), Cr Ron Campbell, Cr Tayah Clout and Cr Allison McPhee.

**APOLOGIES:**

Nil

**IN ATTENDANCE:**

Mayor Maurice Collison, Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Environmental & Community Services), Mr Paul Smith (Senior Environmental Officer) and Mrs Danielle Brown (Administration Officer), Ms Courtney Kelly (Administration Officer)

**DISCLOSURES OF INTEREST:**

Nil

**PUBLIC PARTICIPATION:**

**ECSC.06.2**      **DA 158/2023 – Multi-Dwelling Housing Development**  
Peter Stone - Against

**ECSC.06.1**      **DA 48/2023 – Independent Living Units**  
Lauren Moore – For – Via Zoom link

**ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE REPORTS**

**ECSC.06.1**                      ***DEVELOPMENT APPLICATION NO. 48/2023 INDEPENDENT LIVING UNITS***

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Paul Smith - Senior Environmental Planner

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**RESOLVED**

That Council approve Development Application No. 48/2023 for six (6) seniors housing, independent living units at No. 58 Kelly Street Scone (Lot 10 DP 1105096), subject to the conditions of consent in Attachment 1.

Moved: A McPhee

Seconded: T Clout

CARRIED UNANIMOUSLY

**ECSC.06.2**                      ***DEVELOPMENT APPLICATION NO. 158/2023 - MULTI-DWELLING HOUSING DEVELOPMENT***

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Paul Smith - Senior Environmental Planner

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**MOTION**

**That Council approve the Development Application No. 158/2023 for multi dwelling housing at 100 Mackenzie Street, Merriwa (Lot 1 DP 794672 and Lot 1 DP 122484), subject to the conditions of consent in Attachment 1.**

Moved: A McPhee      Motion not Seconded

**RESOLVED That Council defer Development Application No. 158/2023 for multi dwelling housing at 100 MacKenzie Street, Merriwa (Lot 1 DP 794672 and Lot 1 DP 122484), to allow further discussion with applicant.**

Moved: R Campbell      Seconded: T Clout      CARRIED

<b>FOR</b>	<b>AGAINST</b>
Councillor Campbell	Councillor McPhee
Councillor Clout	
Councillor Watts	
<b>Total (3)</b>	<b>Total (1)</b>

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 10.55AM.

## DA 48/2023 – Recommended Conditions of Consent

## Identification of approved plans:

1. The development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

PLAN TITLE/JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
Cover Page Ref. 22-055	SO1	7	Agcad	23.01.2023
Site Plan Sheet 1 Ref. 22-055	SO2	7	Agcad	23.01.2023
Site Plan Sheet 2 Ref. 22-055	SO3	7	Agcad	23.01.2024
Bulk Earthworks Plan Ref. 22-05	S04	7	Agcad	23.01.2023
Landscape Plan Ref. 22-055	SO5	7	Agcad	23.01.2024
Turning Templates Ref. 22-055	SO6	7	Agcad	23.01.2024
Floor Plan Ref. 22-055	SO7	7	Agcad	23.01.2024
Window-Roof Plans Ref. 22-055	SO8	7	Agcad	23.01.2024
Elevations Ref. 22-055	SO9	7	Agcad	23.01.2024
Perspectives Ref. 22-055	SO11	7	Agcad	23.01.2024
Perspectives Ref. 22-055	SO12	7	Agcad	23.01.2024
Stormwater Drainage Plan Ref: 2785	CO1	1	PK Civil and Structural Engineering	30.03.2023

Approved Documents			
Document Title	Version Number	Prepared by	Date of Document
Statement of Environmental Effects	-	Botanica IM	Not date

Arboricultural Impact Assessment and Tree Protection Plan Ref: JN124707	-	Active Green Services (Owen Meekins)	November 2023
Preliminary Site Investigation N09847	04	Neo Consulting	26.04.2024
Concept Access Report	-	All In Access	28.05.2024
Plan of Management	-	Kinkera Community	November 2023
BASIX Certificate Cert No. 1382065M	-		31.03.2023

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

**Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:**

3. All building work must be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

4. Home Building Act Requirements

(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifier for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
- i. has been informed in writing of the licensee's name and contractor licence number, and
  - ii. is satisfied that the licensee has complied with the requirements of the Home Building Act, or
- (b) in the case of work to be done by any other person:
- i. has been informed in writing of the person's name and owner-builder permit number, or
  - ii. has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$10,000. As those regulations are amended from time to time, that amount may vary.



- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Note: Insurance thresholds are set out in Clause 53 of the Home Building Regulation 2014, stating that for the purposes of sections 92 (3) and 96 (3) (e) of the Act, the amount of \$20,000 (inclusive of GST) is prescribed.

- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

(Reason: Prescribed by legislation)

#### Ancillary matters to be completed prior to the issue of the construction certificate:

##### Construction Environmental Management Plan

5. Prior to the issue of any Construction Certificate, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Certifying Authority for approval for each stage (or combined). The CEMP must include:
- a) The environmental site management measures must remain in place and be maintained throughout the period of the development.
  - b) The CEMP must address all environmental aspects of the development's construction phases, and include where relevant, but not be limited to, the following:
    - i. Project Contact Information
    - ii. Site Security Details
    - iii. Timing and Sequencing Information
    - iv. Site Soil and Water Management Plan
    - v. Noise and Vibration Control Plan
    - vi. Air quality monitoring and management
    - vii. Health and Safety Plan
    - viii. Incident Management Contingency
    - ix. Unexpected Finds Protocol in relation to site contamination in accordance with recommendations of the Preliminary Site Investigation
    - x. Unexpected Finds Protocol in relation to uncovering items of heritage and/or archaeological significance
  - c) The CEMP must be kept on site from the commencement and for the duration of the proposed works, and must be available to Council officers upon request.
  - d) The CEMP provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

##### Stormwater Management

6. The stormwater system shall be constructed to an appropriate standard in compliance with the Council's *Engineering Guidelines for Subdivisions and Developments*. This shall ensure drainage facilities are provided to intercept stormwater runoff and collect gross pollutant from the car park and sealed areas that would otherwise be discharged across the natural surface.

Prior to the issue of a construction certificate full engineering details are to be submitted for stormwater infrastructure and for stormwater calculations in regard to the detention capacity of proposed car parks, pit types, pipe sizing and collection of gross pollutants. All roof areas shall be drained directly to drainage outlets to ensure adequate provision is made for the disposal of stormwater.

All design details are to be certified in accordance with the above requirements by an appropriately qualified and practising Civil Engineer, and written concurrence obtained from Upper Hunter Shire Council, prior to the commencement of work.

(Reason: To ensure adequate provision is made for stormwater drainage from the site in a proper manner that protects adjoining properties and public infrastructure)

#### Notice of Requirements

7. A 'Notice of Requirements' under the Water Management Act 2000 must be obtained from Upper Hunter Shire Council, prior to the issue of a Construction Certificate, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment are to be paid prior to the issue of a Construction Certificate for the development.

Details demonstrating compliance with any requirements for works by Upper Hunter Shire Council's Water & Sewer Department are to be provided with the Construction Certificate application.

(Reason: To ensure compliance with statutory requirements)

#### Construction Certificate Plans

8. Prior to the issue of a Construction Certificate, a full set of construction plans demonstrating compliance with the Building Code of Australia (BCA) shall be submitted to the Principal Certifier. In particular, the following matters either require greater clarification or information to demonstrate compliance with the BCA:-

- a) a slightly longer and wider ramp adjacent unit 2 with a passing area and the curved accessway on South West corner of the site to comply with AS1428.1-2009.
- b) a shared pedestrian and driveway access a more natural-looking pavement colour (not painted markings)

(Reason: Prescribed by legislation.)

#### Conditions that must be addressed prior to commencement:

##### Erosion and Sediment Control

9. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with *Soils and Construction* (Landcom, 4<sup>th</sup> Edition, March 2004) provisions on Erosion and Sediment Control, or a suitable and effective alternative method.

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

The installation is to be approved by the Certifying Authority prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

#### **Stabilised Access**

10. Unless an existing stabilised site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size be a minimum of 3m in width and must be provided from the road edge to the front of the building being constructed. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

The installation must be approved by the Principal Certifier prior to the commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

#### **Site Facilities**

11. Site facilities
- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.
  - (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
  - (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
  - (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifier prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

#### **Site Works/Construction Signage**

12. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and

(c) showing the name, address and telephone number of the Principal Certifier for the work.

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

The installation is to be approved by the Principal Certifier prior to further commencement of site works.

(Reason: Statutory requirement)

### Construction Certificate

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

(Reason: Prescribed – Statutory)

### Conditions that must be complied with during demolition and building work:

14. Any person acting on this consent must ensure that:-

- (a) materials are not be burnt on the site.
- (b) vehicles entering and leaving the site with soil or fill material must be covered.
- (c) dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

(Reason: To protect the environment and the amenity of the surrounding area)

15. Any person acting on this consent shall ensure that:-

- (a) building construction activities are only carried out during the following hours:
  - i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
  - ii. on a Saturday—8.00am to 5.00pm;
- (b) building construction activities must not be carried out on a Sunday or a public holiday;
- (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm;

unless prior written approval has been obtained from Council.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

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

(Reason: To ensure public safety and amenity on public land)

17. Any person acting on this consent must ensure that:-

- (a) all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

- (b) all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) demolition work must be undertaken in accordance with the provisions of AS2601-Demolition of Structures.
- (d) the builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

18. The applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development.

(Reason: To ensure the protection of existing public infrastructure)

**Conditions which must be complied with prior to the issue of any occupation certificate:**

**Restriction on title**

19. The applicant shall place a Restriction as to user on the title of the property in accordance with Section 88E of the Conveyancing Act 1919 that limits the use of the dwellings to accommodation for the following persons:

- (a) seniors or people who have a disability,
- (b) people who live within the same household with seniors or people who have a disability,
- (c) staff employed to assist in the administration of and provision of services to the existing housing provided on the allotment.

A certified copy of the 88E instrument shall be submitted to the Certifying Authority prior to the issue of any Occupation Certificate.

(Reason: Prescribed - Statutory.)

**Addressing**

20. Prior to the issue of any Occupation Certificate the person acting upon this consent must apply to Upper Hunter Shire Council and receive written confirmation of the allocated street address(es) or house number(s) for the completed project and shall be permanently displayed at the property in accordance with the provisions of AS4819.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the Australian Standards. Proper house numbering also assists emergency services in readily locating properties.)

**Car Parking and Internal Vehicle Movement Areas**

21. Prior to the issue of any Occupation Certificate all off-street car-parking spaces and internal vehicle movement area shall be constructed and sealed in accordance with the approved development plans, appropriate Australian Standards and industry best practice. The pavement of the access ways and parking areas is to be designed to tolerate loads of the heaviest vehicle to access and use the site.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

**Access/Driveways**

22. Prior to the issue of any Occupation Certificate the access driveways to the proposed development shall be constructed in accordance with Council's Standard Vehicle Layback (SVL) specifications (as detailed on Council's Standard Drawing No. SVL-001 (as amended)).

**Note: approval under Section 138 of the Roads Act 1993 is required prior to the commencement of any works within the road reserve.**

(Reason: To ensure that appropriate access is provided to the development)

**Landscape Plan**

23. All landscaping must be fully completed in accordance with the approved Landscape Plan prior to the issue of any Occupation Certificate.

(Reason: To preserve the amenity of the streetscape.)

24. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Department of Fair Trading Sewer Service Diagram is to be submitted to Council within seven (7) days following the final drainage inspection and prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the Australian Standard & Local Authority requirements.)

**Occupation Certificate**

25. The building is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate has been obtained from the Principal Certifying Authority / or Consent Authority.

**Note:** Any application for an Occupation Certificate is to be made online via the NSW Planning Portal.

(Reason: Prescribed - Statutory.)

**Compliance Certificate**

26. Prior to the issue of any Occupation Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

**Conditions that must be complied with at all times:****Stormwater**

27. At all times, all stormwater from the development, including all hardstandings and overflows from rainwater tanks, shall be collected and disposed of by way of properly constructed stormwater lines to the kerb and gutter (piped), via the onsite megatank facility;

(Reason: To ensure the suitable disposal of stormwater generated by the development)

**Vehicle Speeds**

28. At all times vehicle speed within the site shall be limited to 10km/hr. Standard "10km/hr" signage shall be installed and maintained at all entrances and within each of the internal movement



areas.

(Reason: To minimise the noise generated by vehicle movement and ensure pedestrian safety.)

**Landscaping**

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

(Reason: To ensure the visual amenity of the streetscape is maintained.)

**DA 158/2023 – Multi-dwelling housing – No. 100 MacKenzie Street Merriwa -  
Recommended Conditions of Consent (Draft)**

**Identification of approved plans:**

1. The development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan number	Revision Number	Plan title	Drawn by	Date of plan
D.04	-	Site Plan	Havenhand Mather	13.11.2023
D.07	-	Elevations – Sheet 1	Havenhand Mather	13.11.2023
D.08	-	Elevations – Sheet 2	Havenhand Mather	13.11.2023
D.09	-	Dwelling 1 - Garage	Havenhand Mather	13.11.2023
D.10	-	Landscape Plan – Sheet 1	Havenhand Mather	13.11.2023
D.11	-	Landscape Plan – Sheet 2	Havenhand Mather	13.11.2023
2B.B1.40	4	Elevations – Sheet 1	Havenhand Mather	13.11.2023
2B.B1.41	4	Elevations – Sheet 2	Havenhand Mather	29.08.2023
3B.A1.40	3	Elevations – Sheet 1	Havenhand Mather	29.08.2023
3B.A1.41	3	Elevations – Sheet 2	Havenhand Mather	29.08.2023
4B.B.40	B	Elevations – Sheet 1	Havenhand Mather	28.07.2023
4B.B.41	B	Elevations – Sheet 2	Havenhand Mather	28.07.2023
C.00, C.01, C.02, C.10, C.11, C.20, C.30, C.31 and C.32	-	Civil Works Plan	Birzulis Associates	May 2024

Approved Documents			
Document title	Version number	Prepared by	Date of document
Schedule of Materials	B	Havenhand Mather	30.08.2023
Statement of Heritage Impact	A	Havenhand Mather	14.11.2023
Residential Site Investigation Report	A	Barnson	15.02.2023
Aboriginal Impact Assessment and Tree Management Plan		Redgum Horticultural	06.11.2023
Basix Certificate Cert No. BSX-25959M_02		-	13.11.2023

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

2. A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifier.

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

**Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:**

3. All building work should be carried out in accordance with the provisions of the National Construction Code Series.

(Reason: Prescribed by legislation)

4. Home Building Act Requirements

(1) Building work that involves residential building work (within the meaning and exemptions provided in the Home Building Act) must not be carried out unless the Principal Certifier for the development to which the work relates:

- (a) in the case of work to be done by a licensee under that Act:
- i. has been informed in writing of the licensee's name and contractor licence number, and
  - ii. is satisfied that the licensee has complied with the requirements of the Home Building Act, or
- (b) in the case of work to be done by any other person:
- i. has been informed in writing of the person's name and owner-builder permit number, or
  - ii. has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in section 29 of that Act, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the

doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

Note: The amount referred to in paragraph (b)(ii) is prescribed by regulations under the Home Building Act 1989. As at the date on which this Regulation was Gazetted, that amount was \$10,000. As those regulations are amended from time to time, that amount may vary.

- (2) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifier for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

(Reason: Prescribed by legislation)

#### Conditions that must be addressed prior to commencement:

##### Construction Environmental Management Plan

5. Prior to the commencement of any work on the site, a Construction Environmental Management Plan (CEMP) for the development must be provided to the Certifying Authority for approval. The CEMP must include:
- a) The environmental site management measures must remain in place and be maintained throughout the period of the development.
  - b) The CEMP must address all environmental aspects of the development's construction phases, and include where relevant, but not be limited to, the following:
    - i. Project Contact Information
    - ii. Site Security Details
    - iii. Timing and Sequencing Information
    - iv. Site Soil and Water Management Plan
    - v. Noise and Vibration Control Plan
    - vi. Air quality monitoring and management
    - vii. Health and Safety Plan
    - viii. Incident Management Contingency
    - ix. Unexpected Finds Protocol in relation to uncovering items of heritage and/or archaeological significance
  - c) The CEMP must be kept on site from the commencement and for the duration of the proposed works, and must be available to Council officers upon request.
  - d) The CEMP provided to Council must exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009*.

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner's property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

##### Notice of Requirements

6. A 'Notice of Requirements' under the Water Management Act 2000 must be obtained from Upper Hunter Shire Council, prior to the commencement of construction work under this

development consent, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment are to be paid prior to the commencement of any site work under the development consent.

(Reason: To ensure compliance with statutory requirements)

### Erosion and Sediment Control

7. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with *Soils and Construction* (Landcom, 4<sup>th</sup> Edition, March 2004) provisions on Erosion and Sediment Control, or a suitable and effective alternative method.

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

The installation is to be approved by the Certifying Authority prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

### Stabilised Access

8. Unless an existing stabilised site access is utilised, stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size be a minimum of 3m in width and must be provided from the road edge to the front of the building being constructed. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

The installation must be approved by the Principal Certifier prior to the commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

### Site Facilities

9. Site facilities
- (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) or existing fences if they provide sufficient site security, before work commences. Any such hoarding or fence is to be removed when the work has been completed.
  - (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
  - (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
  - (d) Adequate toilet facilities must be provided on the work site. Each toilet provided must be a standard flushing toilet, connected to a public sewer, or if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or an approved temporary chemical closet.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifier prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

#### Site Works/Construction Signage

10. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- (a) stating that unauthorised entry to the work site is prohibited;
  - (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
  - (c) showing the name, address and telephone number of the Principal Certifier for the work.

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

The installation is to be approved by the Principal Certifier prior to further commencement of site works.

(Reason: Statutory requirement)

#### Conditions that must be complied with during demolition and building work:

11. Any person acting on this consent must ensure that:-
- (a) materials are not be burnt on the site.
  - (b) vehicles entering and leaving the site with soil or fill material must be covered.
  - (c) dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.
- (Reason: To protect the environment and the amenity of the surrounding area)
12. Any person acting on this consent shall ensure that:-
- (a) building construction activities are only carried out during the following hours:
    - i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
    - ii. on a Saturday—8.00am to 5.00pm;
  - (b) building construction activities must not be carried out on a Sunday or a public holiday;
  - (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm;

unless prior written approval has been obtained from Council.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

13. Building materials and equipment must be stored wholly within the work site, unless prior written



approval has been obtained from Council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

(Reason: To ensure public safety and amenity on public land)

14. Any person acting on this consent must ensure that:-
- (a) all excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
  - (b) all excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
  - (c) demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
  - (d) the builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

(Reason: To ensure that work is undertaken in a professional and responsible manner and protect adjoining property and persons from potential damage)

15. The builder shall bear the cost of all restoration works to Council's property damaged during the course of this development.

(Reason: To ensure the protection of existing public infrastructure)

#### Conditions which must be complied with prior to any occupation:

#### Section 7.12 Contribution

16. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of \$37,946.26 is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

Documentary evidence shall be submitted to the Principal Certifier confirming that the contribution has been paid prior to any occupation of Dwellings 2, 3 and 4.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

#### Addressing

17. Prior to any occupation of the dwellings, the person acting upon this consent must apply to Upper Hunter Shire Council and receive written confirmation of the allocated street address(es) or house number(s) for the completed project and shall be permanently displayed at the property in accordance with the provisions of AS4819.

(Reason: To ensure that Council records are accurate, and that house numbering complies with the requirements of the Australian Standards. Proper house numbering also assists emergency services in readily locating properties.)

#### Car Parking and Internal Vehicle Movement Areas

18. Prior to the issue of any occupation of Dwellings 2, 3 and 4 all off-street car-parking spaces and internal vehicle movement area shall be constructed and sealed in accordance with the approved development plans, appropriate Australian Standards and industry best practice. The pavement of the access ways and parking areas is to be designed to tolerate loads of the heaviest vehicle to access and use the site.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

### Fencing

19. Prior to any occupation of Dwellings 2, 3 and 4:
- a) a timber paling fence must be constructed for the first 40m along the boundary between No. 100 MacKenzie Street (Lot 1 DP 794672) and 104 MacKenzie Street (Lot 2 DP 573388) from the MacKenzie Street boundary. The fence must be a height of 1800mm from the rear to the front building line of the "Headmasters Residence" and then reducing down to 1200mm to the boundary with Mackenzie Street.
  - b) a 2m high timber paling fence shall be erected along the full length of the rear boundary of No 98 MacKenzie Street as it adjoins the site of Dwelling 3.
  - c) Notwithstanding point (b) any fencing in view from Mackenzie Street and adjoining heritage items including Church and cemetery must comprise either timber paling (1800mm height) or post and wire.
  - d) any internal fence from the front building line of the proposed single garage to the MacKenzie Street boundary must comprise a no more than 1200mm timber picket fence.

(Reason: To ensure adequate privacy is afforded to adjoining residence such as to not adversely impact on the heritage values of the site and Merriwa Conservation Area.)

### Access/Driveways

20. Prior to the issue of any of Dwellings 2, 3 and 4 the access driveways to the proposed development shall be constructed in accordance with Council's Standard Vehicle Layback (SVL) specifications (as detailed on Council's Standard Drawing No. SVL-001 (as amended)).

**Note: approval under Section 138 of the Roads Act 1993 is required prior to the commencement of any works within the road reserve.**

(Reason: To ensure that appropriate access is provided to the development)

### Landscape Plan

21. All landscaping must be fully completed in accordance with the approved Landscape Plan prior to the issue of any occupation of Dwellings 2, 3 and 4. In addition a 700mm wide and 10m long landscape area must be established with a suitable hedge species along the boundary between No. 100 MacKenzie Street (Lot 1 DP 794672) and 104 MacKenzie Street (Lot 2 DP 573388) from the MacKenzie Street boundary for a minimum distance of 20m.

(Reason: To preserve the amenity of the streetscape.)

### Stormwater

22. Prior to any occupation of the dwellings, the stormwater system must be constructed in

accordance with the approved Civil Works Plans. In addition an easement to drain stormwater must be registered over Lot 1 and Lot 2 DP 560670 (owned by Upper Hunter Shire Council) for the benefit of Lot 1 DP 794672 and Lot 1 DP 122484 (Teacher Housing Authority).

(Reason: To ensure that stormwater is adequately conveyed from the site to the reticulated stormwater system.)

### Compliance Certificate

23. Prior to the issue of any Occupation Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority.

### Conditions that must be complied with at all times:

#### Stormwater

24. At all times, all stormwater from the development, including all hardstandings and overflows from rainwater tanks, shall be collected and disposed of by way of properly constructed stormwater lines to the kerb and gutter (piped);

(Reason: To ensure the suitable disposal of stormwater generated by the development)

#### Vehicle Speeds

25. At all times vehicle speed within the site shall be limited to 10km/hr. Standard "10km/hr" signage shall be installed and maintained at all entrances and within each of the internal movement areas.

(Reason: To minimise the noise generated by vehicle movement and ensure pedestrian safety.)

#### Landscaping

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

(Reason: To ensure the visual amenity of the streetscape is maintained.)

## Infrastructure Services

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SCR.06.2

### **INFRASTRUCTURE SERVICES COMMITTEE**

**RESPONSIBLE OFFICER:** Rag Upadhyaya - Director Infrastructure Services

**AUTHOR:** Anna Brennan - Infrastructure Support Officer

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#### **RECOMMENDATION**

That Council adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday, 11 June 2024.

#### **BACKGROUND**

The Infrastructure Services Committee is a standing committee of Council that considers reports, advice and recommendations on matters related to all the functions of Infrastructure Services and provides policy and direction, along with updates on the planned program for roads, bridges, water and sewerage work, parks and buildings. The Committee subsequently makes recommendations to Council in relation to such matters.

A meeting of the Infrastructure Services Committee was held on Tuesday, 14 May 2024. A copy of the minutes is attached.

#### **REPORT/PROPOSAL**

The Infrastructure Services Committee considered reports on the following items:

##### **ISC.06.1 WORKS PROGRAM - INFRASTRUCTURE SERVICES - WATER AND SEWER**

The KPIs for Water and Sewer are on track.

Major Capital Works underway in the water and sewer section include:

- Scone Water Treatment Plan (Joint with Muswellbrook Shire Council)
- Scone Sewage Treatment Plant (STP)
- Sewer Relining Program
- Water Main Renewal Work
- Integrated Water Cycle Management Plan
- Scone to Murrurundi Pipeline – Easements
- Merriwa Sewage Treatment Plant
- Aberdeen Golf Course
- Glenbawn Dam Pipework Discharge
- Change of water supply
- Murrurundi Dam
- Miscellaneous Repair Works

##### **ISC.06.2 WORKS PROGRAM - INFRASTRUCTURE SERVICES – WORKS DELIVERY**

The KPIs were reported to the Committee, monthly KPI targets achieved, catching up on annual targets.

Key Activities underway in the works delivery department include:

- Damages Claim for Event 6 (AGRN 987) – Emergency Works (EW) and Immediate Reconstruction Works (IRW)

## Infrastructure Services

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- Damages Claim for Event 6 (AGRN 987) - Essential Public Asset Reconstruction (EPAR)
- Damages Claim (AGRN 987) - Design and Construction Culvert Package
- Damages Claim (AGRN 1012) – Landslip on the Barrington Tops Forest Road
- Damages Claim AGRN 1012 (Event 7) Cullingral Road
- Damages Claim AGRN 1012 (Event 7) Essential Public Asset Reconstruction (EPAR)
- Damages Claim AGRN 1034 (Event 8) - Essential Public Asset Reconstruction (EPAR)
- Fixing Local Roads Pothole Repair
- Regional & Local Roads Repair Program
- Causeways Betterment Program (Category D)
- Stormwater Betterment Program (Category D)
- Jefferson Park Masterplan

### **ISC.06.3 STRATEGIC AND CAPITAL WORKS UPDATE**

Strategic and Capital Works Delivery Update was reported.

### **ISC.06.4 MR358 WILLOW TREE ROAD UPGRADE**

An update was provided on the MR358 Willow Tree Road project.

#### **Progress in the last month**

- Section 2 & 3 concrete lining of catch drains continuing
- Section 2, 3 & 4 uphill batter excavation continuing
- Section 4 upper two gabion wall construction continuing
- Section 1 excavation for catch drains commenced
- Section 1 uphill batter excavation commenced
- Section 3 & 4 soil nails for rock mesh batter protection commenced
- Spoiling of excess fill in TSR gully extension commenced

#### **Upcoming activities**

- Continue catch drainage works.
- Continue uphill batter slope excavation works.
- Commence material processing of rock ballast fill to reduce the amount of gabion import
- Commence section 2 rock mesh batter protection work
- Commence section 3 gabion walls and subsoil drainage (big slip).
- Complete section 3 & 4 rock mesh batter protection work
- Complete section 4 gabion walls.
- Complete clearing in section 1

### **ISC.06.5 LOCAL ROADS INITIAL SEAL - PROJECT UPDATE**

An update was provided on the three major roads projects:

- Moonan Brook Road
- Hunter Road
- Barrington Tops Forest Road

### **ISC.06.6 SCONE CBD REVITALISATION PROJECT**

An update was provided on the current status of the project, what work has recently been completed and the work that is forecast for the next month, plus the revised forecast for the end of the project timelines.


## Infrastructure Services

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### **ISC.06.7    *RESPONSES TO PREVIOUS QUESTIONS***

At each Infrastructure Services Committee meeting, the Councillors ask questions relating to items included on the agenda. Some questions require further investigation, actions to be made and a report is provided back to the Committee at the next meeting.

### **ATTACHMENTS**

- [1](#)  Infrastructure Services Committee - 11 June 2024 - Minutes







**Corporate Services**

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**SCR.06.3**

**CORPORATE SERVICES COMMITTEE**

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Wayne Phelps - Manager Finance

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**RECOMMENDATION**

That Council adopt the:

1. minutes of the Corporate Services Committee meeting held on 14 June 2024; and
2. proposed budget variations as provided in attachment 2 to the report.

**BACKGROUND**

The Corporate Services Committee meets prior to each monthly Council meeting to consider strategic and operational matters of business.

**REPORT/PROPOSAL**

A meeting of the Corporate Services Committee was held on Friday, 12 June 2024. A copy of the minutes of the meeting is attached. The following reports were considered:

**CORP.06.1 Financial Summary & Investment Report**

A monthly Financial Summary including details and levels of investments was provided for the Committee's information together with a statement from the Responsible Accounting Officer (RAO) advising that the projected financial position as at 31 May 2024 was satisfactory.

The Financial Summary Reports provide an overview of Council's operations shown in a high-level position in both fund and function. The summary reports incorporate details of requested and approved variations.

The Capital Expenditure Report presented included a full list of projects with any proposed variations. An overview of the associated reasons for the requests will be provided, such as Council delay, contractor delay or pending grant funding.

The Cash and Investment Report provides a bank reconciliation of cash and details of Council's investments and rates of return. These rates of returns can be compared to the average benchmark BBSW 90-day cash rate provided at the base of the investment table.

The RAO's Statement includes a statement of compliance of investments in accordance with regulatory requirements and Council's policies, a statement on the reconciliation of cash with bank statements as well as a statement of satisfaction with Council's financial position, or remedial action to be taken (Clause 203(2)) of the Local Government (General) Regulations 2005.

The Loan Schedule provides an overview of Council's borrowing facilities and current outstanding balances at the reporting date.

**CORP.06.2 Property Update**

The purpose of this report is to give an update on various property matters within Council.

## Corporate Services

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### **CORP.06.3 Airport Management Committee**

This report provides an update of items discussed at the last Airport Management Committee meeting held on 22 May 2024. Items included current projects, financial and performance management. The minutes of the Airport Management Committee meeting were adopted by the Corporate Services Committee.

### **CORP.06.4 Scone & Upper Hunter Regional Saleyards Committee**

The purpose of this report is to provide the committee with details relating to the operational management of the Saleyards, including WHS, current projects, financial and performance management. The minutes of the Scone & Upper Hunter Regional Saleyards Committee meeting held 23 May 2024 were adopted by the Corporate Services Committee.

### **CORP.06.5 White Park Management and Development Committee**

The White Park Management & Development Committee is an advisory committee of Council. The Committee comprises representatives of the various users of the White Park facility.

The aim of the Committee is to make recommendations to Council on the management and future development of White Park. The minutes of the White Park Management and Development Committee meeting held 5 June 2024 were adopted by the Corporate Services Committee.

### **CORP.06.6 Requests for Donations**

This report provides an update of donation requests to Council received from local community groups and the outcomes to the requests made by the General Manager in accordance with Council's Policy, *Grants and Subsidies – Programs – Section 356 General Donations*.

### **CORP.06.7 Responses to Previous Questions**

At each Corporate Services Committee meeting, the Councillors ask questions relating to items included on the agenda. Some questions require further investigation, actions to be made and a report is provided back to the Committee at the next meeting.

## **ATTACHMENTS**

- 1 [↓](#) Corporate Services Committee - 14 June 2024 - Minutes
- 2 [↓](#) Finance Budget Variation Requests - May 2024





**CORPORATE SERVICES COMMITTEE  
BUDGET VARIATION REQUEST  
FOR THE MONTH ENDED 31 May 2024**

Budget Service Area	Account Type	Account Description	VARIATION REQUEST		Details of Variation Request
			DR \$	CR \$	
<b>GENERAL FUND</b>					
Family Day Care	Operating Revenue	Grants		65,700	2nd Milestone payment for Family Daycare Service improvement
Family Day Care	Operating Expenditure	FDC - Business Marketing Project	65,700		2nd Milestone payment for Family Daycare Service improvement
Swimming Pools	Non-Operating Revenue	S94A Contributions		15,000	Council's contribution toward pool infrastructure upgrade by operator
Swimming Pools	Capital Expenditure	Scone Pool Upgrade contribution	15,000		Council's contribution toward pool infrastructure upgrade by operator
Regional Roads	Operating Revenue	Capital Grant Funding		12,400,000	2nd milestone payment for Federal Government funding of MR358
Regional Roads	Non-Operating Expenditure	MR358 Willow Tree Road RA	12,400,000		2nd milestone payment for Federal Government funding of MR358
Local Roads	Operating Revenue	Grants		300,000	Funding for Betterment program upgrades - Causeways & Culverts
Local Roads	Capital Expenditure	Betterment Program - Causeways	200,000		Works on Betterment Program expected by year-end
Local Roads	Capital Expenditure	Betterment Program - Culverts	100,000		Works on Betterment Program expected by year-end
Transport Ancillaries	Operating Revenue	Capital Grants Received	20,000		No funding received for Bus Shelter Upgrades
Transport Ancillaries	Non-Operating Revenue	Merriwa Town Revitalisation RA	160,000		Transfer funding back to RA as work not expected to be completed by year-end
Transport Ancillaries	Capital Expenditure	Bus Shelters		20,000	No funding received for project
Transport Ancillaries	Capital Expenditure	Merriwa CBD Revitalisation		160,000	Works continuing however will not finalise by year-end. Blance to be carried over to 2024/2025 year.
<b>WATER SUPPLY</b>					
Water Supply	Operating Revenue	Rates & Charges		60,000	Higher annual access charges received
Water Supply	Operating Revenue	User Fees & Charges		110,000	Increase user consumption in final quarter
Water Supply	Operating Revenue	Interest Revenue		69,000	Additional grant funding received for IWCM project
Water Supply	Operating Revenue	Capital Grants Received		360,000	Grant funding received for village water filling stations
Water Supply	Operating Revenue	Contributions		40,000	Additional s64 development contributions
Water Supply	Non-Operating Revenue	Balance Fund RA	639,000		Transfer revenue adjustments to fund RA
<b>SEWERAGE SERVICES</b>					
Sewerage Services	Operating Revenue	Rates & Charges	37,000		Lower annual access charges received
Sewerage Services	Operating Revenue	User Fees & Charges		48,000	Increase user consumption in final quarter
Sewerage Services	Operating Revenue	Interest Revenue		45,000	Additional grant funding received for IWCM project
Sewerage Services	Operating Revenue	Contributions		15,000	Additional s64 development contributions
Sewerage Services	Non-Operating Expenditure	Balance Fund RA	71,000		Transfer revenue adjustments to fund RA
		<b>Total Variations</b>	<b>13,707,700</b>	<b>13,707,700</b>	
		<b>Net Variation to Operating Result</b>		<b>-</b>	

**CORPORATE SERVICES COMMITTEE  
BUDGET VARIATION REQUEST  
FOR THE MONTH ENDED 31 May 2024**

Budget Service Area	Account Type	Account Description	VARIATION REQUEST		Details of Variation Request
			DR \$	CR \$	
<b>Abbreviation notes</b>					
RA = Restricted Assets					
FAGS = Financial Assistance Grants					
EIPP = Early Intervention Program					
MR = Main Road					
SPS = Sewer Pump Station					
STP = Sewer Treat Plant					
UV = Ultra Violet					
WHS & RTW = Work Health Safety & Return to Work					

## Environmental & Community Services

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### COMMITTEE/DELEGATES REPORTS

**C.06.1** *COMMUNITY ADVISORY COMMITTEE - ABERDEEN DISTRICT*

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Yolanda Wynn - Community Services Officer

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#### RECOMMENDATION

That Council:

1. adopt the minutes of the Community Advisory Committee – Aberdeen District meeting held on 14 May 2024, provided as attachment 1 to the report.
2. replace the plaque on the anchor statue at Taylor Park, Aberdeen with a new plaque containing the wording outlined in the report (in the absence of the original wording).

#### BACKGROUND

The purpose of Council's Community Advisory Committees (CAC) is to advise Council on the needs or issues of a particular community and to inform Council's decision making and work relating to these communities. These committees generally meet every 3 months in Murrurundi, Aberdeen and Merriwa.

#### REPORT/PROPOSAL

Information was provided to the committee regarding capital works including the Dartbrook Bridge construction, Jefferson Park Masterplan and water supply upgrades.

The committee considered a letter from Garry Milton requesting Council to replace a plaque on the anchor statue at Taylor Park, Aberdeen. The original plaque went missing some time ago and no records of the actual wording can be found. In the absence of the original wording, Council approval is sought to use the following wording on the replacement plaque:

*'THE ANCHOR - TO COMMEMORATE THE BICENTENARY 1788 – 1988 LANDING OF GOVERNOR PHILLIP AND THE FIRST FLEET - 26 JANUARY 1788'*

The committee agreed the wording was acceptable in the first instance, but wished to conduct their own research into historical records and be assured there is no existing example of the original plaque wording.

The meeting minutes are provided in attachment 1.

#### ATTACHMENTS

- 1 [↓](#) Community Advisory Committee - Aberdeen District - 14 May 2024 - Minutes

**MINUTES OF THE COMMUNITY ADVISORY COMMITTEE -  
ABERDEEN DISTRICT MEETING - TUESDAY 14 MAY 2024 - 5pm**



**PRESENT:** Ms Daph Tanner, Ms Chloe Konispoliastis, Mr Shane Lloyd, Ms Alison Lloyd, Ms Bronte Lloyd, Ms Helen Irving and Ms Sue Milton.

**IN ATTENDANCE:** Cr Allison McPhee (Chair), Cr Adam Williamson, Greg McDonald (General Manager), Mathew Pringle (Director Environmental & Community Services), Rag Upadhyaya (Director Infrastructure Services), Yolanda Wynn (Community Services Officer – minutes) and Ms Catherine Clifford (Community member).

**1. APOLOGIES**

There were no apologies.

**2. DISCLOSURE OF INTEREST**

Nil.

**3. PREVIOUS MINUTES**

**RESOLVED :**

That the minutes of the Community Advisory Committee - Aberdeen District Meeting held on 17 October 2023, as circulated, be taken as read and confirmed as a correct record.

**Moved:** S Lloyd

**Seconded:** S Milton

**CARRIED**

**4. BUSINESS ARISING FROM PREVIOUS MINUTES**

Council's records show that a letter regarding the footpath works in front of Aberdeen Pre-school was sent to the property owner prior to works commencing.

**5. AGENDA ITEMS**

**CAC-M.05.1 Capital Works Projects - Aberdeen**

**PURPOSE**

The purpose of this report is to provide the Aberdeen Community Advisory Committee with an update on capital works projects in the Aberdeen district.

5.1 Dartbrook Bridge construction is ahead of schedule.

5.2 The cemetery's tree planting budget for 2024 has been exhausted, with a proposed increase for 2025.

5.3 The public consultation phase for the Jefferson Park masterplan has concluded; seeking grants is necessary to fund proposed plans.

5.4 Water system technology upgrades are currently in progress.

5.5 Plans to expand the waste facility by adding another cell to boost capacity are underway. The Council has a comprehensive strategy to decrease reliance on landfill usage.

**RESOLVED :**

That the Aberdeen Community Advisory Committee note the information.

**Moved:** A Williamson

**Seconded:** H Irving

**CARRIED**

**ACTION FOR COMMITTEE:** Nil.

This is Page 1 of 3 of Minutes of the Community Advisory Committee - Aberdeen District meeting of the Upper Hunter Shire Council held on Tuesday 14 May 2024.



**CAC-M.05.2 Items Raised by the Community**

**PURPOSE**

The purpose of this report is for the Committee to review and consider items submitted by committee members of the Community Advisory Committee (CAC) Aberdeen District.

Committee members discussed the responses from Council.

**RESOLVED:**

That the Committee review the items listed in the report.

**Moved:** C Konispoliastis                      **Seconded:** D Tanner  
**CARRIED**

**ACTION FOR COMMITTEE:** Nil.

**CAC-M.05.3 Action Sheet - Update**

**PURPOSE**

The purpose of this report is for the Committee to review and consider items on the Action Sheet for the Aberdeen District Community Advisory Committee (CAC).

Committee members discussed the action sheet and were satisfied many had been completed.

**RESOLVED :**

That the Committee note the issues and response listed in the Action Sheet.

**Moved:** B Lloyd                                      **Seconded:** S Lloyd  
**CARRIED**

**ACTION FOR COMMITTEE:** Nil.

**6. CORRESPONDENCE**

Council consulted with the committee members regarding Garry Milton's proposal for a replacement plaque at Taylors Park. The committee agreed the wording was acceptable in the first instance, but wished to conduct their own research into historical records and be assured there is no existing example of the original plaque wording.

**Moved:** A McPhee                      **Seconded:** C Konispoliastis

**ACTION FOR COMMITTEE:** Committee members will investigate historical records to assess whether there is an example of the original plaque wording.

**7. GENERAL BUSINESS**

8.1 The committee discussed the possibility of refund options for the Aberdeen Pre-school footpath contribution from MACH Energy community enhancement fund contributions.

8.2 Valley Fair carpark is dangerous and not suitable for vehicles or pedestrians. Although it is under private ownership, it was noted that the original development consent for the shopping centre may include conditions relating to the carpark that Council could enforce.

8.3 There's a need for road safety funding due to speeding concerns on Segenhoe Road towards the school. Residents are encouraged to report any incidents to Crimestoppers or the Police. Additionally, arrangements will be made for our Road Safety Officer to conduct an audit.

8.4 An investigation is required for the diesel pump leakage at the former service station at 101 Macqueen Street.

8.5 An investigation will be launched into footpath cleaning.

8.6 There's a water drainage issue at Abercairney Terrace, particularly concerning the flooded laneway.

8.7 A hole has appeared at the Mount Street and Graeme Street road collapse.

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This is Page 2 of 3 of Minutes of the Community Advisory Committee - Aberdeen District meeting of the Upper Hunter Shire Council held on Tuesday 14 May 2024.

8.8 Catherine Clifford presented on the revitalisation opportunity of the Aberdeen silos. The committee discussed the project and concluded they needed more information regarding the owner's future plans for the silos.

**8. CONFIDENTIAL REPORTS**

Nil.

**9. NEXT MEETING**

Tuesday 13 August 2024

*The meeting was declared closed at 6.02pm.*

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This is Page 3 of 3 of Minutes of the Community Advisory Committee - Aberdeen District meeting of the Upper Hunter Shire Council held on Tuesday 14 May 2024.

**Environmental & Community Services**

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**C.06.2**

**COMMUNITY ADVISORY COMMITTEE - MERRIWA DISTRICT**

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Amanda Catzikiris - Manager Community Services

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**RECOMMENDATION**

That Council:

1. endorse the minutes of the Community Advisory Committee – Merriwa District meeting held on 21 May 2024.
2. provide a response to Merriwa District Progress Association to support their request to TfNSW to assess the potential need for a bypass/alternative heavy vehicle route for Merriwa including the socio-economic impacts.

**BACKGROUND**

The purpose of Council's Community Advisory Committees (CAC) is to advise Council on the needs or issues of a particular community and to inform Council's decision making and work relating to these communities. These committees meet every three months in Murrurundi, Scone, Aberdeen and Merriwa.

**REPORT/PROPOSAL**

An update on the action sheet included discussion on CRMs for maintaining yards in Cassilis, Golden Highway traffic concerns and an update on seeking letters of support from the community for the RMS Bridge on King George V Drive.

Items raised by the community report considered the Birriwa Solar Project and the EnergyCo financial contribution over the next 3 years to engage consultants or staff to assess large renewable projects. There was further discussion about availability of palliative care at Gummun Place Hostel, opportunities for childcare in Cassilis and confirmation that the proposed digital newsletter for the district will be printable.

The Committee noted the report for capital works projects. There was further discussion about damage to causeways in Cassilis and the remaining funds for the town beautification project.

The Committee discussed the submission from the Merriwa District Progress Association (MDPA) regarding removing heavy vehicles from Bettington St, Merriwa. Support was given to the proposal that MDPA request TfNSW do an assessment of the options for a bypass/heavy vehicle route.

Further discussion included fencing and lighting at the sportsground, garbage bins at the Golden Highway rest stop, the upcoming Local Government election, Council's Place Branding project and funding obtained through the Open Streets Program.

**ATTACHMENTS**

- 1 [↓](#) Community Advisory Committee - Merriwa District - 21 May 2024 - Minutes

**MINUTES OF THE COMMUNITY ADVISORY COMMITTEE -  
MERRIWA DISTRICT MEETING - TUESDAY 21 MAY 2024 -**



**PRESENT:** Cr Tayah Clout (Chair), Sarah Thompson, Jane Hegarty, Patrick Ryan, Robert Tindall, Carlita Connell, Neil Hunt.

**IN ATTENDANCE:** Greg McDonald (General Manager), Rag Upadhyaya (Director Infrastructure Services), Mat Pringle (Director Environmental and Community Services), Amanda Catzikiris (Manager Community Services), Jay Jeyakanthan (Executive Manager Works Delivery), Nicky Western (minutes).

**1. APOLOGIES**

**RESOLVED:**

That the apologies received from Cr Ron Campbell and Ben Sullivan be accepted.

**Moved:** J. Hegarty

**Seconded:** N. Hunt

**CARRIED**

**2. DISCLOSURE OF INTEREST**

Nil

**3. PREVIOUS MINUTES**

**RESOLVED:**

That the minutes of the Community Advisory Committee - Merriwa District Meeting held on 20 February 2024, as circulated, be taken as read and confirmed as a correct record.

**Moved:** J. Hegarty

**Seconded:** N. Hunt

**CARRIED**

**4. BUSINESS ARISING FROM PREVIOUS MINUTES**

Cassilis CRMs – S Thompson mentioned being reluctant to be named as the source of CRMs in a small community. Director Environmental and Community Services advised they can be lodged anonymously.

**5. AGENDA ITEMS**

**CAC-M.05.1 Action Sheet Update**

**PURPOSE**

The purpose of this report is for the Committee to review and consider items on the Action Sheet for the Community Advisory Committee (CAC) Merriwa District.

The action sheet was reviewed at the meeting. Updates have been added to the action sheet table. There was further discussion regarding;

- All CRMs for the tidying of unmaintained yards in Cassilis have been actioned.
- Letter from the community regarding Golden Highway traffic concerns.
- A contractor has been engaged for Haynes St Awning Cassilis.
- No letters of support have been provided to date for the RMS Bridge on King George V Drive.

This is Page 1 of 4 of Minutes of the Community Advisory Committee - Merriwa District meeting of the Upper Hunter Shire Council held on 21 May 2024.

**RESOLVED:**

That the Committee note the issues and responses listed in the Action Sheet

**Moved:** J. Hegarty

**Seconded:** S. Thompson

**CARRIED**

**ACTION FOR COMMITTEE:** Nil

**CAC-M.05.2 Items raised by the community****PURPOSE**

The purpose of this report is to consider items submitted by committee members of the Community Advisory Committee (CAC) Merriwa District.

1. Council met with Birriwa on 21 May and were informed there is no need to remove trees or permanently remove parking spaces in Bettington Street. Birrawa will provide a contribution of \$3,000 for community projects.
2. EnergyCo are offering \$250,000 for 3 years to Councils affected by RES. Funding will be used to engage consultants or staff to assess large renewable projects and smaller studies.
3. Palliative care is not an option at Gummun Place Hostel at the moment due to lack of qualified staff available 24 hours a day.
4. Upper Hunter Family Day Care are currently looking at innovative options to enhance provision of childcare in the area. J Hegarty to approach Cassilis Public School to determine if in-venue care is a possibility and the logistics of this new model of care.
5. Council confirmed the proposed digital newsletter will be printable, if communities choose to use this option.

**RESOLVED:**

That the Committee review the items listed in the report.

**Moved:** J. Hegarty

**Seconded:** P. Ryan

**CARRIED**

**ACTION FOR COMMITTEE:**

J. Hegarty to approach Cassilis Public School to discuss the possibility of the school partnering with Upper Hunter Family Day Care to offer care for pre-school aged children.

**CAC-M.05.3 Capital Works Projects - Merriwa****PURPOSE**

The purpose of this report is to provide the Merriwa Community Advisory Committee with an update on capital works projects in the Merriwa district.

There are causeways in the Cassilis area that are still in need of repair. Director Infrastructure Services reported on the funding for fixing causeways and recommended a DPOP submission for further repairs.

Town Beautification funds - the Director Infrastructure Services reported there is \$40,000-\$60,000 unspent with banner poles and footpath engraving still to be undertaken. These projects will account for most of the remainder of the fund. P Ryan suggested sending a report to the MDPA with this information.

Tree lights in Bettington Street are not illuminating the tree trunks and need to be repositioned or the light boxes further enclosed.

**RESOLVED:**

That Merriwa Community Advisory Committee note this report.

**Moved:** P. Ryan

**Seconded:** J. Hegarty

**CARRIED**

**ACTION FOR COMMITTEE:**

This is Page 2 of 4 of Minutes of the Community Advisory Committee - Merriwa District meeting of the Upper Hunter Shire Council held on 21 May 2024.

- Council to send an update to Merriwa District Progress Association regarding projects and balance of funds.
- Council to discuss the tree lighting with the consultant from Solar Lighting Designs.

#### **CAC-M.05.4 Merriwa Bypass Submission**

##### **PURPOSE**

The purpose of this report is to review the submission from Merriwa District Progress Association regarding removing heavy vehicles from Bettington St, Merriwa.

The submission was discussed. P Ryan suggested that Council request TfNSW do an assessment of the options for a bypass/heavy vehicle route and report back with the results.

##### **RESOLVED:**

That the Committee provide Council with comments and suggestions to be included in a response to Merriwa District Progress Association in relation to the Merriwa Heavy Vehicle bypass.

**Moved:** P. Ryan

**Seconded:** J. Hegarty

**CARRIED**

**ACTION FOR COMMITTEE:** Nil

##### **RECOMMENDATION TO COUNCIL:**

***That Council provide a response to Merriwa District Progress Association to support their request to TfNSW to assess the potential need for a bypass/alternative heavy vehicle route for Merriwa including the socio-economic impacts.***

**Moved:** P Ryan

**Seconded:** J Hegarty

**CARRIED**

#### **6. ACTION SHEET**

Reviewed and updated at the meeting.

#### **7. CORRESPONDENCE**

Nil

#### **8. GENERAL BUSINESS**

- I. Sports ground fencing and lighting – this has been identified in the draft DPOP. Section 94 funds to be allocated to development of a masterplan. There are more immediate concerns which will be addressed in a project management plan.
- II. Sports ground sub-committee charter to be published on the council website.
- III. Garbage bins at the Golden Highway rest stop – Local Land Service volunteers are regularly collecting this rubbish. Committee discussed the possibility of removing these bins due to the illegal dumping. Director Environmental and Community Services to investigate possibility of funding for cameras for monitoring, as removing bins may lead to increased dumping of rubbish.
- IV. Cassilis brochure requires a review and update, prior to further printing. J Hegarty to source updated information for the brochure.
- V. Local Government elections will be held in September. Nomination briefing sessions for new candidates are being hosted by NSW Electoral Commission. Details are available on Council Facebook.
- VI. Committees of Council, including the Community Advisory Committee, will be dissolved at the end of this Council term in September. The new Council committee structure and the expression of interest for membership will be available on the Council website following the appointment of Councillors for the next term.

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This is Page 3 of 4 of Minutes of the Community Advisory Committee - Merriwa District meeting of the Upper Hunter Shire Council held on 21 May 2024.

- VII. Consultation for the Place Branding project was very successful. Feedback has provided insight into our local area.
- VIII. Council was successful in receiving funds through the Open Streets Program. This will include events in Merriwa, Murrurundi and Scone that focus on social connections and require the temporary closure of streets for community activation projects. Committee discussed the importance of involving Merriwa Chamber of Commerce in this project.

***ACTION FOR COMMITTEE:***

- Place Merriwa sportsground sub-committee charter on the Council website.
- Approach EPA with request for funding for surveillance cameras to deter illegal dumping at rest stops.
- Update Cassilis information brochure.

***9. CONFIDENTIAL REPORTS***

Nil

***10. NEXT MEETING***

Tuesday 20<sup>th</sup> August

*The meeting was declared closed at 7.00pm.*

**Environmental & Community Services**

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**C.06.3** **COMMUNITY ADVISORY COMMITTEE - MURRURUNDI DISTRICT**

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Yolanda Wynn - Community Services Officer

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**RECOMMENDATION**

That Council:

1. endorse the minutes of the Community Advisory Committee – Murrurundi District meeting held on 28 May 2024, provided as attachment 1 to the report.
2. endorse the scope variation to the Murulla Street causeway project.

**BACKGROUND**

The purpose of Council's Community Advisory Committees (CAC) is to advise Council on the needs or issues of a particular community and to inform Council's decision making and work relating to these communities. These committees meet every three months in Murrurundi, Aberdeen and Merriwa.

**REPORT/PROPOSAL**

The committee reviewed the capital works report and action sheet, confirming their support for the revised scope for the Murulla Street causeway project. The revised scope includes leaving the causeway in place, extending the concrete works to 30m on each end of the causeway, widening to the width of the road and repairing the road surface on Murulla Street between the causeway and Haydon Street.

The committee also discussed the wording in Council policies, including Australia Day and Acknowledgment of Country. It was noted that further investigation into street beautification is underway and support was given to explore the possibility of art murals on the old mechanics building in Murrurundi. The committee also requested the circulation of dam consultation reports.

The meeting minutes are provided in attachment 1.

**ATTACHMENTS**

- 1 [↓](#) Community Advisory Committee - Murrurundi District 28 May 2024 - Minutes



**MINUTES OF THE COMMUNITY ADVISORY COMMITTEE -  
MURRURUNDI DISTRICT MEETING - TUESDAY 28 MAY 2024 -  
5.00pm**



**PRESENT:** Cr Adam Williamson, Mr Philip Morgan, Mr Peter McGill, MS Lisa Everitt, Mr Ray Hynes, Ms Sandra Coffey, Mr Gerard Howard and Mr Michael Reid.

**IN ATTENDANCE:** Mathew Pringle (Director Environmental & Community Services), Rag Upadhyaya (Director Infrastructure Services) and Yolanda Wynn (Community Services Officer/minutes).

**1. APOLOGIES**

**RECOMMENDATION**

That the apology received from Cr James Burns be accepted.

**2. DISCLOSURE OF INTEREST**

Nil.

**3. PREVIOUS MINUTES**

**RECOMMENDATION**

That the minutes of the Community Advisory Committee - Murrurundi District Meeting held on 7 March 2024, as circulated, be taken as read and confirmed as a correct record.

**4. BUSINESS ARISING FROM PREVIOUS MINUTES**

- Discussion was had regarding concerns about inappropriate comments in the Links magazine following the Murrurundi Historical Society's proposal for a memorial train carriage instalment, Council were advised of the feedback and will conduct a review.
- The committee expressed disappointment with ARTC's lack of communication regarding the bridge closure, expecting at least a letterbox drop. Council will write to ARTC to improve their communications in their traffic management plans.

**5. AGENDA ITEMS**

**MCAC1.05.1 Action Sheet - Update**

**PURPOSE**

The purpose of this report is for the Committee to review and consider items on the Action Sheet for the Murrurundi District Community Advisory Committee (CAC).

- Peter McGill volunteered to work with Council staff to identify locations for banner poles and options will be presented at the next meeting.
- Council will raise a purchase order from the revitalisation funding to cover the cost of Riverwalk signage.
- The committee discussed the water tank and it was reiterated it is owned by ARTC and Council will make contact regarding its restoration. The committee also requested the removal of weeds, a task that the Council will handle.

This is Page 1 of 4 of Minutes of the Community Advisory Committee - Murrurundi District meeting of the Upper Hunter Shire Council held on Tuesday 28 May 2024.

- The Clark Memorial was discussed, and it was noted that some spearheads have been vandalized. Ray Hynes will obtain a repair quote and was advised to submit it via DPOP.
- G. Howard provided an update about the street beautification and discussed potential plant placements with Council's Parks & Facilities Coordinator. Suitable plants would include shrubs and small trees. He proposed having the Men's Shed build planter boxes for the plants; however, the committee did not approve of planter boxes due to concerns about plant longevity without proper irrigation and potential disruption to existing infrastructure. Council also raised concerns about road safety and the potential obstruction planter boxes could pose for wheelchair users, pushchairs, and those with visual impairments. Gerard also discussed with Joblink Plus the possibility of involving a person with a disability for plant maintenance under their NDIS package. The committee requested a visual representation of the proposal, including a map of proposed locations, at the next meeting.

**RECOMMENDATION TO COUNCIL :**

That the Committee note the issue and response listed in the Action Sheet.

**Moved:** P McGill

**Seconded:** S Coffey

**CARRIED**

**ACTION FOR COMMITTEE:**

- P McGill will assist in identifying locations for banner poles and options will be presented at the next meeting.
- Council will raise a purchase order from the revitalisation funding to cover the cost of Riverwalk signage.
- Council to organise removal of weeds from water tank.
- G Howard to provide a visual representation of the proposal, including a map of proposed locations, at the next meeting.

**MCAC1.05.2 Items Raised by the Community**

**PURPOSE**

The purpose of this report is for the committee to review and consider items submitted by committee members of the Community Advisory Committee (CAC) - Murrurundi District.

The committee were satisfied with the responses given by Council.

**RECOMMENDATION TO COUNCIL :**

That the Committee review the items listed in the report.

**Moved:** P McGill

**Seconded:** P Morgan

**CARRIED**

**ACTION FOR COMMITTEE:** Nil.

**MCAC1.05.3 Capital Works Projects - Murrurundi**

**PURPOSE**

The purpose of this report is to provide the Murrurundi Community Advisory Committee with an update on capital works projects in the Murrurundi district.

The committee reviewed the information in the Capital Works Project report.

**RECOMMENDATION TO COUNCIL :**

That Murrurundi Community Advisory Committee note this report.

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This is Page 2 of 4 of Minutes of the Community Advisory Committee - Murrurundi District meeting of the Upper Hunter Shire Council held on Tuesday 28 May 2024.

**Moved:** M Reid

**Seconded:** P McGill

**CARRIED**

**ACTION FOR COMMITTEE:** Nil.

#### **MCAC1.05.4 Murulla Street Causeway - Status Update**

##### **PURPOSE**

The purpose of this report is to provide an update on the Murulla Street causeway and to seek Murrurundi Community Advisory Committee's endorsement on the scope variation to the project.

The committee discussed and endorsed the proposal to the Murulla Street causeway.

##### **RECOMMENDATION TO COUNCIL :**

That the committee endorse leaving the causeway as is and extend the concrete works to 30m on each end of the causeway, widening to the width of the road and repairing the road surface on Murulla Street between the causeway and Haydon Street.

**Moved:** P Morgan

**Seconded:** S Coffey

**CARRIED**

**ACTION FOR COMMITTEE:** Nil.

#### **6. ACTION SHEET**

- Council will investigate inappropriate comments in the Links magazine following the Murrurundi Historical Society's proposal for a memorial train carriage instalment.
- Council will write to ARTC improve considerations in their traffic management plans.
- P McGill will assist in identifying locations for banner poles and options will be presented at the next meeting.
- Council will raise a purchase order from the revitalisation funding to cover the cost of Riverwalk signage.
- Council will organise removal of weeds from water tank.
- G Howard will provide a visual representation of the proposal, including a map of proposed locations, at the next meeting.
- Council will investigate the possibility of arranging a deer control program in town with LLS support.
- Council will remove inappropriate wording, "husband and wife", from the Australia Day policy.
- Council will distribute information regarding the dam consultation.

#### **7. CORRESPONDENCE**

Nil.

#### **8. GENERAL BUSINESS**

- G. Howard proposed installing an art mural on the side of the old mechanics building. The committee supported this idea and encouraged him to contact the owner for permission and further investigation.
- The committee also requested a deer control program in town with LLS support.
- Concerns were raised about the inappropriate wording "husband and wife" in the Australia Day policy, suggesting its removal.
- Questions arose regarding the removal of the acknowledgment to country, with the Council agreeing to revisit the ambiguous report on its appropriate usage.
- The committee discussed feedback from the dam consultation period and requested the distribution of related papers.

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This is Page 3 of 4 of Minutes of the Community Advisory Committee - Murrurundi District meeting of the Upper Hunter Shire Council held on Tuesday 28 May 2024.

**9. CONFIDENTIAL REPORTS**

Nil.

**10. NEXT MEETING**

August 2024.

*The meeting was declared closed at 6.45pm.*

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This is Page 4 of 4 of Minutes of the Community Advisory Committee - Murrurundi District meeting of the Upper Hunter Shire Council held on Tuesday 28 May 2024.

**General Manager's Unit**

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**C.06.4** *UPPER HUNTER COUNTY COUNCIL (WEEDS)*

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Robyn Cox - Executive Assistant

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**RECOMMENDATION**

That Council note the minutes of the Upper Hunter Country Council meeting held on Thursday, 16 May 2024.

**BACKGROUND**

The Upper Hunter County Council was established for the control of noxious weeds within the Shires of Muswellbrook, Singleton and Upper Hunter.

**REPORT/PROPOSAL**

A meeting of the Upper Hunter County Council was held on 16 May 2024 in Room 1 of the Donald Horne Building, Muswellbrook. Council was represented by Crs Ron Campbell, and Maurice Collison. A copy of the minutes is attached.

**ATTACHMENTS**

- 1 [↓](#) Upper Hunter County Council (Weeds) - Minutes - 16 May 2024

**MINUTES OF THE ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL  
HELD IN MEETING ROOM 1, DONALD HORNE BUILDING, 140 BRIDGE STREET,  
MUSWELLBROOK ON THURSDAY 16 MAY 2024 COMMENCING AT 4.05PM.**

**PRESENT:** Cr A. McNamara (Chair) Cr R. Campbell, Cr M. Collison,  
Cr G. McNeill, Cr D.E. Marshall and Cr S. Moore.

**IN ATTENDANCE:** Mr D Campbell (General Manager), Mrs M. Sandell-Hay (Governance  
Officer).

### **1. Acknowledgement of Country**

The Acknowledgement of Country was read by Cr McNamara.

### **2. Applications for Attendance via Audio Visual Link**

Nil

### **3. Apologies and Leave of Absence**

46 RESOLVED on the motion of Cr M. Collison and Cr R. Campbell that:

The apologies for inability to attend the meeting submitted by Cr T. Clout be  
ACCEPTED and the necessary Leave of Absence be GRANTED.

In Favour: Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill, Cr D.  
Marshall and Cr S. Moore.

Against: Nil.

### **4. Confirmation of Minutes of Previous Meeting**

#### **4.1. Confirmation of Minutes**

47 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:

The Minutes of the Ordinary Meeting held on **15 February, 2024**, a copy of  
which has been distributed to all members, be taken as read and confirmed  
as a true record.

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill, Cr D.  
Marshall and Cr S. Moore

Against: Nil

### **5. Disclosure of any Pecuniary or Non-Pecuniary Interests**

Nil

### **6. Chair Minute**

Nil



## 7. Business

Nil

## 9. General Manager's Report

### 9.1. 2022-2026 Delivery Plan March, 2024 Review

48 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:  
The Operational Plan review for the period ending 31 March, 2024 be ADOPTED.

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore

Against: Nil

### 9.2. 2024-2025 Draft Operational Plan

49 RESOLVED on the motion of Cr M. Collison and Cr S. Moore that:  
The Draft 2024/2025 Operational Plan be ADOPTED.

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore

Against: Nil

### 9.3. Draft Compliance Policies

50 RESOLVED on the motion of Cr S. Moore and Cr M. Collison that:  
1. The Draft Risk Management Policy be ADOPTED.  
2. The Draft Cyber Policy be ADOPTED  
3. The Draft Contract Management Policy be ADOPTED  
4. The Draft Legislative Compliance Policy be ADOPTED

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore

Against: Nil



**9.4. Organisational Structure Review**

51 RESOLVED on the motion of Cr D. Marshall and Cr S. Moore that:  
The Organisational Structure be adopted.

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore

Against: Nil

**9.5. 2023/2024 Financial Statements**

52 RESOLVED on the motion of Cr S. Moore and Cr D. Marshall that:

1. The 2023/24 General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules for Upper Hunter County Council be authorised for submission to the Auditor.
2. Two Councillors, General Manager and Responsible Accounting Officer be authorised to sign the reports upon completion of the audit.

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore

Against: Nil

**9.6. General Manager's Report**

53 RESOLVED on the motion of Cr M. Collison and Cr R. Campbell that:  
The information contained in this report be noted.

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore

Against: Nil





## 10. Bio-Security Officer's Report

### 10.1. Muswellbrook Bio-Security Officer's Report

- 54 RESOLVED on the motion of Cr D. Marshall and Cr M. Collison that:  
The information contained in this report be noted.
- In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore
- Against: Nil

### 10.2. Singleton Bio-Security Officer's Report

- 55 RESOLVED on the motion of Cr S. Moore and Cr R. Campbell that:  
The information contained in this report be noted.
- In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore
- Against: Nil

### 10.3. Scone Bio-Security Officer's Report

- 56 RESOLVED on the motion of Cr M. Collison and Cr G. McNeill that:  
The information contained in this report be noted.
- In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore
- Against: Nil

### 10.4. Merriwa Bio-Security Officer's Report

- 57 RESOLVED on the motion of Cr R. Campbell and Cr D. Marshall that:  
The information contained in this report be noted.
- In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore
- Against: Nil



### 10.5. Inspection and Treatment Maps

58 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:

The information contained in this report be noted.

In Favour Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore

Against: Nil

### 11. Questions Without Notice

Nil

### 12. Adjournment into Closed Council\*\*

59 RESOLVED on the motion of Cr G. McNeill and Cr M. Collison that:

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the provisions outlined in Section 17 below.

In Favour: Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore.

Against: Nil.

### 13. Closed Council

#### 13.1. Financial Services

60 RESOLVED on the motion of Cr D. Marshall and Cr G. McNeill that:

Council ACCEPTS Luka Group quote to provide financial services to the County Council.

In Favour: Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore.

Against: Nil.



**13.2. Audit Risk and Improvement Committee**

61 RESOLVED on the motion of Cr R. Campbell and Cr D. Marshall that:  
Council appoints the following members to its ARIC committee:  
Chairperson- Mr Micheal O'Connor  
Independent Member- Mr Jason Masters  
Independent Member – Mr Paul Quealey

In Favour: Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore.

Against: Nil.

**14. Resumption of Open Council**

62 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:  
  
The meeting return to Open Council.

In Favour: Cr T. McNamara, Cr M. Collison, Cr R. Campbell, Cr G. McNeill,  
Cr D. Marshall and Cr S. Moore.

Against: Nil.

The Resolutions of Closed Council was read by the Minutes Secretary

**15. Closure**

The meeting was declared closed at 5.01pm.

**THE MINUTES OF THE MEETING (PAGES 1 to 6) WERE CONFIRMED AT THE UPPER HUNTER COUNTY COUNCIL MEETING HELD ON 19 AUGUST, 2024 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON THURSDAY 16 MAY 2024.**

.....  
Mr D. Campbell  
**General Manager**

.....  
Cr T. McNamara  
**Chairperson**

## Corporate Services

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### FINANCE REPORTS

**F.06.1** ***DELIVERY PROGRAM 2022-2025 AND OPERATIONAL PLAN 2024-2025***

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Wayne Phelps - Manager Finance

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#### **PURPOSE**

The purpose of this report is to outline the proposed amendments to the draft Delivery Program 2022-2025 and Operational Plan 2024-2025 in order for it to be adopted by Council.

#### **RECOMMENDATION**

That Council:

1. adopt the amended Delivery Program 2022-2025 and Operational Plan 2024-2025 as per the tables attached to the report; and,
2. give consideration to reducing community consultation meetings in 2025 due to the lack of participation by members of the community.

#### **BACKGROUND**

Local Governments in NSW are required to undertake their planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005. In 2009 the Local Government Act was amended to create an Integrated Planning and Reporting (IP&R) requirement. A greater emphasis is placed on longer term planning with key elements including a Community Strategic Plan setting out the strategic directions (minimum of 10 years), Delivery Program outlining how Council will deliver on these directions and an annual Operational Plan. As at 30 June 2012 NSW Councils are required to be working within the IP&R Framework.

The IP&R guidelines require that the Delivery Program details the principal activities to be undertaken by the Council to implement strategies established by the Community Strategic Plan. The Operational Plan details the activities to be engaged in by the Council during the year and the annual budget.

It is necessary for Council to put the draft Delivery Program and Operational Plan on public notice for a period of at least 28 days and seek submissions from the public in regard to the service activities and the proposed revenue plan. Council must take into consideration any submissions before it adopts the Delivery Program and Operational Plan for the following year.

#### **REPORT/PROPOSAL**

The Operational Plan details the activities to be undertaken by Council in 2024/2025 and the annual budget, including the 2024/2025 Fees and Charges.

On 29 April 2024 Council adopted the draft Delivery Program 2022-2025 and Operational Plan 2024-2025 (DPOP) for public exhibition. Public notice was made on radio, social media and on Council's website. Leaflets were placed in strategic locations frequented by residents within the Shire and available at the Community Consultation meetings. The draft Plans were placed on public exhibition from Tuesday, 2 May 2024 until Friday, 31 May 2024.

## **Corporate Services**

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The details of the Community engagement and consultation undertaken is detailed in the consultation section of this report.

There were 14 external submissions received direct via Council. A workshop was held with Councillors on Tuesday, 11 June 2024 to discuss submissions and staff comments provided.

Following the review of submissions, community consultation and staff comments/corrections, a number of revisions, inclusions and amendments were applied to the final DPOP.

There are three (3) attachments to this Report:

- Attachment 1: Summary of Submissions – this includes details of response, budgetary impact and/or incorporated changes.
- Attachment 2: Proposed amendments to the DPOP. This includes minor corrections and changes to fees and charges.
- Attachment 3: Summary of budget changes for DPOP. This includes proposed amendments to the budget in the DPOP.

As noted in the DPOP Budget Overview, Council has highlighted its intent to apply for a Special Rate Variation (SRV) from the 2025/2026 year. This was also flagged at the DPOP Community consultation meetings held during May 2024 through its budget presentation with a separate in depth community consultation being undertaken from 3 June to 15 July 2024. Review of the community sentiment towards the proposed SRV will be reported back to Council at its July 2024 meeting. For long term financial modelling purposes within the DPOP forward projections Council has provided the assumption of a 7.5% SRV cumulative over a 4 year period commencing from the 2025/2026 financial year.

For the community consultation during the SRV process the Long Term Financial Plan (LTFP) has been modelled of four (4) scenarios:

1. No SRV with reduced services
2. 10.0% permanent cumulative SRV over 3 years
3. 7.5% permanent cumulative SRV over 4 years
4. No SRV with no reduction in level of services contained in Scenario 2 & 3.

The SRV consultation phase will facilitate a potential application to the Independent Pricing and Regulatory Tribunal (IPART).

### ***OPTIONS***

Council is required to have an endorsed Delivery Program and Operational Plan. The options are as follows:

1. Accept the recommendation and modifications to the draft DPOP.
2. Amend the recommendation and modifications to the draft DPOP.
3. Include other modifications to the draft DPOP.

### ***CONSULTATION***

S405 of the Local Government Act 1993 requires Council to put the draft Delivery Program & Operational Plan on public exhibition for a period of at least 28 days and seek submissions from the public with regards to the exhibited documents.

**Corporate Services**

The draft DPOP was placed on public exhibition between Tuesday, 2 May 2024 and Friday, 31 May 2024.

Community engagement occurred during May 2024, with public meetings and attendance records as follows:

Location	Date	Councillor Attendance							Staff Attendance	Community Attendance	
		Cr Collison	Cr Burns	Cr Campbell	Cr Clout	Cr McKenzie	Cr McPhee	Cr Watts			Cr Williamson
Aberdeen	7/05/2024					✓	✓		✓	5	7
Cassilis	9/05/2024	✓			✓				✓	3	9
Merriwa	9/05/2024	✓			✓				✓	3	11
Scone	13/05/2024	✓	✓		✓	✓			✓	5	2
Murrurundi	15/05/2024	✓							✓	4	5
Moonan Flat	20/05/2024	✓							✓	4	12
									24	46	

Council provided the community with a brochure summarising details of the budget and major projects at these meetings. All documents were available on Council’s website and publicised on social media and radio.

It is recommended that Council not undertake as many community consultation meetings in future due to the lack of participation by members of the community as it consumes a large amount of staff resources to do so.

Councillors and staff were also consulted during the process.

**STRATEGIC LINKS**

**a. Community Strategic Plan 2032**

This report links to the Community Strategic Plan 2032 as follows:

**Responsible Governance**

Providing efficient and responsible governance in order to effectively serve the community.

5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

**b. Delivery Program**

- Annual Delivery Program and Operational Plan including the Annual Budget and Revenue Policy
- Leadership that reviews Council operations and Council wide continuous service improvement

## Corporate Services

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### c. Other Plans

This will link directly to the IP&R Framework, as this is the Delivery Program and Operational Plan.

Council has met its requirements to date consistent with the IP&R Framework and will revise required documents as needed through this process.

### **IMPLICATIONS**

#### a. Policy and Procedural Implications

Council has met its requirements to date consistent with the IP&R Framework.

#### b. Financial Implications

Council is unable to levy rates and apply fees & charges if not resolved by Council to do so.

#### c. Legislative Implications

Legislative responsibilities will be met consistent with the planning and reporting activities in accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005.

#### d. Risk Implications

Minimise risks by meeting the Integrated Planning and Reporting (IP&R) framework.

#### e. Sustainability Implications

The DPOP has climate change provisions consistent with what Council has endorsed and are considered adequate within our financial means. An incorporated action in the document is that Council has finalised its corporate greenhouse gas inventory which will result in detailed science based actions moving forward.

#### f. Other Implications

Nil

### **CONCLUSION**

Council is required to consider submissions to the public exhibition of a draft Delivery Program and Operational Plan and then adopt the final documents to meet the Integrated Planning and Reporting requirements.

Submissions were reviewed by Council's Senior Manager Group with recommendations and responses to submissions provided. A Council workshop was held on 11 June 2024 to consider these recommendations and provide Councillors the opportunity to seek clarification from staff on any matters listed.

### **ATTACHMENTS**

- 1↓ Summary of Delivery Program and Operational Plan 2024/2025 Submissions
- 2↓ Proposed amendments to Delivery Program and Operational Plan - DPOP 2024-25
- 3↓ 2024-25 - Summary DPOP Budget Adjustments - Report

Summary of Delivery Program and Operational Plan Submissions

Submission No	Date of Submission	Item #	Summary of Submission	Category	Area/Road	Response to Submission
1	2023/24	1	Request for distinctive overhead lights in the main street.	Lighting	Merriwa	The Community Advisory Committee and Council has already agreed and installed under tree lighting rather than overhead lighting which Council believes that the Merriwa Progress Association were aware of and involved in recommending of the under tree lighting in the Merriwa CBD. Further to that, Council is installing Vennacher St lighting for the intersection in June 2024.
		2	Request for the Civic Centre be painted or rendered.	Beautification	Merriwa	This has been considered and is not supported.
		3	Request to paint a sepia mural on the Bow Street wall of the RSL Club	Beautification	Merriwa	This is a privately owned building. Council recommends that the Merriwa Progress Association approach the Merriwa RSL if they wish to pursue the request.
		4	Request a new unit (kiosk) for street stalls.	Beautification	Merriwa	A gazebo can possibly be supplied if suitable.
		5	Request solar powered lighting to illuminate the new mural in the Rotary playgrounds	Beautification	Merriwa	Focus has been to seek permission for lighting the silo from the owners. No response received to date. No resources has been allocated to investigate this project.
		6	Request to beautify the Merriwa River frontage areas to make the river part of the town	Beautification	Merriwa	Council maintains the park at the bridge which has river frontage. Focus is currently on the town beautification and Hacketts Lane and sporting precinct. This can be considered in future budgets.
		7	Request a few flower pots in the main street	Beautification	Merriwa	Garden beds have been provided as part as the CBD beautification project in line with the masterplan.
		8	Requesting exercise stopping points (with equipment) on the shared pathway.	Parks & Facilities	Merriwa	Exercise equipment is already along the pathway at the skatepark. Additional stopping points could be considered for future cycleway enhancements subject to funding.
		9	Requesting a fenced -in dog park within town	Infrastructure	Merriwa	There is already a concept plan that has been presented to Merriwa CAC and it will be included for consideration in the Merriwa Sports Precinct Masterplan that will be developed in FY24/25. The implementation will be dependant on grant funding opportunities available.
		10	Request for Council to hold more courses to improve literacy. eg; courses in running committees, insurance literacy, etc.	Community Services	Merriwa	Council has previously supported through small donations to community groups who have arranged these courses in townships within the shire
		11	Request to locate defibrillators around Merriwa with 24 hour access.		Merriwa	No funding at present to install and maintain. Concerns are held regarding theft and vandalism of units.
	12	Request for more art murals and sculptures	Beautification	Merriwa	Etching of the pathway has been investigated as the first step of providing additional artwork.	
	13	Request for rehabilitation of the former Soil Conservation Service depot in Hacketts Road		Hacketts Road	Estimate to rehabilitate is \$70k. Council has sought funding from EPA but has been unsuccessful to date. Investigating options including disposal of land.	
	14	Request development of the Hacketts Road precinct plan	Development	Hacketts Road	Currently being developed.	
	15	Request for repairs to Comialla Road. Only 1km has been resurfaced, but a further 4km needs to be rebuilt due to severe deformation. There are two culvert failures. 1km from the Golden Highway a culvert is slumping and needs to be repaired. 2.1km from the Golden Highway a pipe culvert has collapsed leaving a sharp drop right up to the edge of the sealed road carriageway.	Roads - Rural	Comialla Road	The 1km road resurfacing of Comialla Rd was fully grant funded, however, the remainder of the road will be treated with the funds available in other operational / maintenance programs. The culvert failures are recorded as a CRM and will be investigated for treatment options.	
	16	Request for repairs to Idaville Road. This road is suffering severe deformation and needs to be rebuilt from the Bobialla gateway to the new Bobialla Creek bridge.	Roads - Rural	Idaville Road	There is \$600k proposed for Idaville Road Rehab in FY24/25. Refer to Page 165 in the draft DPOP document.	
	8/04/2024					



Submission No	Date of Submission	Item #	Summary of Submission	Category	Area/Road	Response to Submission
	31/05/2024	17	Request to update the tourist brochures for Merriwa and district	Tourism	Merriwa	Brochures are updated as required.
		18	Request to replace damaged and unsafe footpaths around Merriwa and Cassilis.	Infrastructure	Cassilis & Merriwa	Footpaths are inspected and repaired as identified based on customer request.
		19	Request development of more residential land in Merriwa.	Development	Merriwa	Request for development of more residential land in Merriwa is subject to developer interest and market demand.
		20	Request increasing the opening hours for the Merriwa Visitor Information Centre.	Tourism	Merriwa	Hours of operation are currently being reviewed.
		21	Request sealing the roadway into and around the Reverse Vending Machine.	Roads - Urban	Merriwa	There is currently no funding available for this and no safety concern identified. However, this can be funded through Merriwa Reserve funds if Merriwa CAC proposed this. When proposal was first raised, Council made it clear that this would not be sealed.
		22	Request replacing the trees that were removed from the Scone road approaches to Merriwa due to deformations.	Parks & Facilities	Merriwa	The tree replacement budget is limited (\$5k) and exhausted for this FY. Funding has been increased to \$10k per township in FY24/25 which could be considered for this.
		23	Request Cassilis sewerage scheme	Infrastructure	Cassilis	An opportunity for a sewerage scheme was explored with Tilt Renewables at no cost to the community, however the proposal was rejected by the community. Council will continue to explore funding options.
		24	Request Idaville Road. Construct a box culvert or bridge over the Bow River crossing on Idaville Road	Roads - Rural	Idaville Road	There is \$600k proposed for Idaville Rd rehab in FY24/25. Refer to Page 165 in the draft DPOP document.
		25	Request solar heating and solar blanket for the Merriwa Olympic Pool.	Infrastructure	Merriwa	Council will consider this if funding can be secured.
		26	Request the DPOP be more user friendly. DPOP document difficult to interpret by the majority of residents. Expenditures are divided into generic classifications making it impossible to decide if expenditure in individual programs is adequate or justified.	Communication		Continued enhancement and simplification of the DPOP for the end user is always in Council's objectives.
		27	Overwhelming bias to the expenditure on capital works in Scone and its surrounding district (\$28.38M) by comparison to the Merriwa, Cassilis & Murrurundi districts (\$1.52)	Ratio		Scone is a larger centre and will always get a larger share overall, however 2/3 of the total capital sportsground allocation is going to Merriwa for the FY24/25. Merriwa receives more funding per capita than other population centres.
		28	Request equal funding amounts for the Hunter Road and Barrington Forest Road be allocated to the Merriwa to Scone road which carries more traffic than Barrington Tops Road.	Roads - Regional	Merriwa	Hunter and Barrington Tops Forest Rd are fully grant funded for these specific projects and the funds cannot be re-allocated to any other roads. There is considerable amount of operational funding allocated for the Merriwa region in FY24/25. Council will investigate any funding opportunities available in the future
		29	Request upgrades to Wollar Road, Flaggs Road, Cullingral Road, Comialla Road, Coolah Road and other local roads.	Roads - Rural	Merriwa	Wollar Road is included in development upgrades for BP Solar project. Cullingral & Comialla Road has received 1km resurfacing. Other roads will be maintained within asset management programs. Upgrades are based on road priorities and funding opportunities.
		30	Request design plans and cost estimates for all rural roads in the Merriwa, Cassilis and Murrurundi districts to support future applications for funding.	Grants	Merriwa	Cost estimates for rural roads can be based on the following estimation: - \$145/m2 design & construct of sealed road; and - \$30/m2 for unsealed road for construction (resheeting). Grants are applied for upgrades to these roads as necessary.
		31	Request the construction of a sound-reducing fence around the Merriwa caravan park and the relocation of the entrance into Dutton Street.	Economic Affairs	Merriwa Camping Ground	Council does not support sound reducing fence due to aesthetics. Driveway relocation is unwarranted.
		32	Request a senior Council officer be based at the Merriwa office to give Council a better understanding of local issues.	Staffing		Attendance by Senior Council Officers occur on a monthly basis. Not practicable or economically viable to have full time senior staff located at Merriwa.
	33	Request an engineer be permanently based at Merriwa to better plan, design and supervise essential road improvement and maintenance works.	Staffing		Council has attempted to recruit both an Engineer and Assistant Engineer in Merriwa over the past 4 years with very limited success. Currently we have a dedicated Engineer working in Merriwa 2 to 3 days per week who is located in Scone.	
	34	Request the reintroduction of pre-COVID opening hours of the Merriwa Visitor Information Centre	Tourism		Hours of operation are currently being reviewed.	
	35	Request Council to hold a public meeting in Merriwa early in the calendar year to determine the wishes of the local residents.	Communication		The CAC is designed to facilitate the voice of the community. These meetings are held every 3 months. An agenda item can be included in the first and last meeting held during the calendar years to raise budget wishes.	

Submission No	Date of Submission	Item #	Summary of Submission	Category	Area/Road	Response to Submission
2	6/05/2024 15/5/24	1	Request for more affordable / Social Housing across the Shire in Merriwa, Scone and Aberdeen using unused Council owned residential land. Suggest granny flats / duplex units or something similar to Willow Grove Village in Aberdeen or Broadlands Muswellbrook. Recommend contacting Commonwealth Minister for Housing to utilise housing initiatives administered through The National Housing Accord and/or the Housing Australia Future fund and/or the Social Housing Accelerator. Recommend lobbying Minister for Housing Julie Collins, Shadow Minister Michael Sukkar, Commonwealth member Barnaby Joyce and State member David Layzell.	Affordable housing		Council has prepared a draft Land Use Strategy which includes a range of actions to support housing affordability, diversity and supply. In addition, Council is seeking expressions of interest for the development of Council owned land to facilitate new housing. Council has met with Minister for Housing staff to seek funding for affordable housing however no funding is currently available.
3	08-May-24	1	Request for strategic partnership with RAS Ltd / Hunter Academy of sport to assist with sponsorship of pre-elite athletes from the Shire	Sponsorship		Council will look to support Hunter Academy Program with a one off payment annually and review all requests received from local sporting groups will be directed to Hunter Academy of Sport.
4	15-May-24	1	Request for allocation of \$25,000 of grant funding to fund a comprehensive feasibility study examining the financial and social outcomes of implementing an affordable housing program utilising modular housing in Merriwa, Murrurundi and Aberdeen using existing Council-owned residential blocks.	Affordable housing	Merriwa, Murrurundi & Aberdeen	Feasibility for all housing has been done at a high level in Murrurundi, Merriwa and Aberdeen and is not feasible without government funding injection.
5	16-May-24	1	Connection to people in need promoting Council's hardship policy	Community Services		Council's hardship policy is made available and when requested and highlighted during any program likely to increase financial burden on households.
		2	Provide support to access low-cost housing	Affordable housing		Feasibility for all housing has been done at a high level in Murrurundi, Merriwa and Aberdeen and is not feasible without government funding injection.
		3	Vouchers for families to utilise waste depot at no cost (could be means tested)	Community Services		Suggest approaching state government for funding. Not practical to administer from Council's end.
		4	Kerb side pickups to include more items such as the waste depot drop off days are really only beneficial for people with suitable transport	Waste		Considering review of the bulky waste pickup program now and will consider options for people without transport.
		5	Free access to Learn to Swim programs	Community Services		Council contracts pool operations to Community Aquatics who can apply to funding program.
6	22-May-24	1	An extra train from Scone station around 9:30 am to link up with the Muswellbrook train which is at 10 as sometimes 6:07 am to get to Maitland is just too early. Or a Bus to take us to Muswellbrook train to link the 10 am train Singleton bus to Maitland.	Transport		Council can make representation to the ARTC for additional train travel however this is not in Council's jurisdiction or authority. Council has previously made application to the state government for more frequent train services.
		2	An enclosed dog park would be fabulous maybe at sports complex or elsewhere ?	Infrastructure	Scone	A fenced dog park is proposed in the Bill Rose Masterplan (adopted by council) and will be implemented depending on grant opportunities or future funding available.
		3	We now have so many service station but it would of being better getting something like a Car wash and Dog wash and 7/11 as everything closes at around 10pm in scone would be nice to have a 24/hr store	Development		Developers obtain their own feasibility and market assessment of required services for the community.
		4	A kids play equipment similar to Muswellbrook with a big metal slide they have the big lizard maybe we could have A Big Horse , maybe have it where u can climb up a ladder (where a persons free would go , and down the tail for a slide or tongue	Parks & Facilities		A regional playground is proposed in the Bill Rose Masterplan. Further consultation will be undertaken when funding is available.
7	24-May-24	1	Request sealing 350m of Depot Road, Merriwa near Merriwa Waste Depot to 'Woolbrook' driveway. Road is on a hill slant with rocks and corrugates constantly.	Roads - Urban	Depot Road	Council will record this as a CRM, investigate the road damage and undertake maintenance activities as required. There is no funding available for sealing this low traffic section.
8	28-May-24	1	Opposed to proposed saleyard fees & charges. Suggest increase of \$1.12 next financial year to be in line with the CPI.	Fees & Charges	Saleyards	Review of fee structure to be completed with possible incentive base approach to be proposed. Model \$2 plus incentive
9	29-May-24	1	Request for more support be given to victims of domestic and family violence.	Community Services		Council provides emergency domestic violence housing in Scone which is managed by Upper Hunter Homeless Support. Any additional support will be subject to government funding.

Submission No	Date of Submission	Item #	Summary of Submission	Category	Area/Road	Response to Submission
10	29-May-24	1	Request for Clifflands Road upgrade to be shown as a separate line item in the 2024-2025 DPOP for the continuation of future planning for initial seal road works regardless of available funding.	Roads - Urban	Clifflands Road	Design work for Clifflands Road has been completed as it is in our top 3 priorities and is waiting on grant funding. A revised application is being developed for Clifflands Road and all the other priorities for initial seal and will be submitted as funding opportunities arise. We are waiting on new guidelines for funding to be announced soon. All works are considered for inclusion in the DPOP as funding becomes available.
		2	Request if the survey and design works for Clifflands Road have not been completed, they be included as an additional line item shown regardless of available funding.	Roads - Urban	Clifflands Road	The survey and design for Clifflands Rd has already been completed and it is currently awaiting grant funding for works to be delivered.
		3	Request Council apply for Government Grant Funding for this project to move forward be noted.			Council has and will continue to seek grant funding for this road infrastructure project.
11	31-May-24	1	Request higher budget for staff training / development in the areas of town planning, library services and community services (ELC & Gummun Place)	Training		Council has and will continue to support staff training and development for existing and new staff. Council has and will continue to look at trainee roles to facilitate growth and expertise in the workforce.
		2	Request details of the allocation of \$466,300 for administration costs (page 25)	Question		Administration costs primarily is represented by salaries and wages. Other items include training and minor administrative costs.
		3	Request clarification if the trainee costs of \$143,236 are for the whole organisation? (page 40)	Question		Trainee costs listed are for corporate trainees undertaking differing fields of experience through Human Resources, Finance, Customer Service and IT. Council also has multiple apprenticeship for outdoor activities, such as 3 apprentice mechanics for example. These positions are included in the applicable service areas.
		4	Request clarification of what activities are included under General Expenses (\$349,000) in Gummun Place Hostel budget? (page 56)	Question		Costs included in the General Expenses of \$349,000 are residents meals, medical costs, fire protection/first aid costs, equipment maintenance, subscription/software licences, contractor costs, external auditor costs, telephone/internet costs, etc.
		5	Question why would Council make a profit from the Independent Living Units, surely any surplus funds should go back into the quality living environment of the elderly residents (page 58)	Question		Council views its aging sector operations as a whole. Any surplus from the Independent Living Units is offset by the deficiency sustained at Gummun Place.
		6	Request a higher than \$17,500 budget allocation for social protection. This area of Council's operations deals with prevention and early intervention on social issues, social connections and inclusions. (page 65)  Request for a copy of the Social Housing Consultation Study from budget allocation in 2023/24.	Economic Affairs		Any increase to this part of the budget would need to come from reducing other parts of the budget accordingly.  Study has not been undertaken due to insufficient budget funds available.
		7	Question regarding the Murrurundi Youth Centre upgrade, is the \$400,000 listed as part of the 2023/24 budget to be carried forward to the 2024/25 budget as work has not started yet? (page 67)	Question		Yes the majority of the project will be carried over to 2024/2025 year.
		8	Requests reasoning for the following high budget allocations: \$100,000 - Aerodrome Events & Promotions \$107,479 - Aviation Centre & Infrastructure \$1,100,000 - Hunter Warbirds Restoration Hanger (pages 68 & 82)	Question		1. Included in the revenue is \$150,000 to offset the \$100,000 in aerodrome events and promotions; 2. The \$107,479 for Aviation Centre & Infrastructure is the interest component of the loan borrowing required to building the facility; and 3. The 1,100,000 is a fully grant funded capital project to build the Hunter Warbirds Bellman restoration hanger.
		9	Question if the 2023/24 allocation for branding project has been spent or will the funds be carried forward to the new DPOP budget? (page 73)	Question		The majority of the branding project which is currently in progress will be finalised in the 2023/2024 year with part of the project to be carried over to 2024/2025 year.
		10	Request a higher than \$8,934 budget allocation for low income housing. (page 105)  <i>**Request for information on how many people are assisted and how many properties are involved?*</i>	Affordable housing		This is the net cost to Council for the low income housing that is managed by Upper Hunter Homeless Support. Council owns 2 properties in Merriwa that are managed by Upper Hunter Homeless Support.

Submission No	Date of Submission	Item #	Summary of Submission	Category	Area/Road	Response to Submission
		11	Request more funding in the Parks & Gardens, Swimming Pools, Public Libraries, Community Centres etc. as this is far less than the budget for Transport & Communications. (page 129)	Economic Affairs		Council's shire footprint is vast at 8,100 sqm which includes 1,800km of sealed and unsealed road network which is why the majority of cost to Council is for this service area. Council considers that the funds allocated to service areas such as Parks & Gardens, Swimming Pools, Public Libraries, Community Centres etc. is adequate and apportionate to the limited funds Council does have available.  Increases in any of these service areas will required reduction of funds from other areas of the budget.
		12	Request that the budget allocation for Reconciliation Week be reinstated. (page 133)	Economic Affairs		Funding for this event has typically been grant funded.
		13	Additional funding for tree planting across the Shire is a positive measure. Hopefully this amount can be increased further in future budgets. (page 139)	Economic Affairs		Council has doubled the allocation from the 2023/2024 year.
		14	Note that the allocation of \$2.3M for the Scone Library Redevelopment seems low. (page 141)	Economic Affairs	Capital Project	Agreed with the cost of building infrastructure the available funds are not sufficient. Council is in the process of re-scoping the project to deliver the relocation only. Further staged development will occur as and when funding becomes available.
		15	Request for consideration of ongoing maintenance costs for grant funded transport and communications (page 148)	Economic Affairs		Council will be considering grant funding for only renewable projects within its current infrastructure assets. This renewal program will only decrease the requirement for maintenance long time.
		16	Request to transfer some of the transport budget to the footpath and cycleway budget. (page 154)	Economic Affairs		This can be considered if there are any priorities or leftover funds available after mid-year budget
		17	With regard to the allocation to fluoride implementation. Please outline how the \$1.285M in 2023/24 was spent and how the \$0.8M in 2024/25 will be spent. (page 171)	Question		These funds were spent on the UV and chlorination upgrades. The fluoridation is unaffordable at present and being considered as part of a joint water treatment plant with Muswellbrook Council.
		18	Request for Council to be more proactive in supporting parents by help to develop playgroups and parent effectiveness programs across the Shire.	Community Services		Council funds children's services in early learning, family daycare and youth services across the shire.
		19	Request mural art panels at the eastern end of Murrurundi.	Beautification		Murrurundi CAC agreed to investigate.
12	31-May-24	1	Request reduction in airport landing fees for students.	Fees & Charges	Airport	No change to fee structure.
13	31-May-24	1	Kerb & guttering for Bedford & Kayuga Streets, Aberdeen	Kerb & Guttering	Aberdeen	This has been investigated and included in the list for K&G capital works program. There is limited funds available (\$200k) and will be allocated based on priorities.
		2	Kerb & guttering for Guernsey & Barton Streets, Scone	Kerb & Guttering	Scone	This has been investigated and included in the list for K&G capital works program. There is a proposal to re-construct damaged sections of K&G in Guernsey St in FY24/25. However, there are limited funds available (\$200k) and will be allocated based on priorities.
		3	Request for road design of Rouchel Road	Roads - Rural	Rouchel Road	Council acknowledges the current condition of Rouchel Rd and is undertaking maintenance activities as per our program. There are two culverts being replaced as a part of floodworks program in FY24/25. However, we will continue to investigating funding opportunities for design and reconstruction of Rouchel Rd.
		4	Request for road widening design of Glenbawn Road	Roads - Rural	Glenbawn Road	This is a low traffic road and there is currently no plan for road widening. However, Council will continue to explore grant funding opportunities for design and widening of Glenbawn Rd
		5	Request for lighting of footbridge over Parsons Gully	Lighting		There is some street lighting available in Liverpool St Parsons Gully location. However, this might be the request for the footbridge over Figtree Creek around the Bill Rose Complex/ Golf Club area. There is no grant funding currently available for this, however, we will investigate if there is any funding opportunities in the future.
		6	Request for roof painting at Aberdeen Community Hall	Beautification		Council has allocated funding for Community Hall revitalisation which could fund this project, if priority warrants.
		7	Request for roof painting of Elizabeth Park amenities	Beautification		To be reviewed and considered under the Parks and Facilities maintenance budget.
		8	Request a greenhouse and nursery investigation	Parks & Facilities		This can be investigated and considered for future budgets and possible grant funding.

Submission No	Date of Submission	Item #	Summary of Submission	Category	Area/Road	Response to Submission
		9	Request for LEAN, Sigma six or Kaizen training for staff	Training		Operational matter.
		10	Request to assess the opportunities to grant fund sensory equipment and climbing frames	Parks & Facilities		Council will investigate any grant funding opportunities available. Facilities provided in each township (eg. Bill Rose)
		11	Request the review of adolescent engagement in UHSC especially Aberdeen, opportunity for youth service facility	Community Services	Aberdeen	Council provides a range of services for youth including early intervention program, youth centres in Scone, Murrurundi & Merriwa, and holiday activity and programs. There is currently no funding available for an additional youth service facility in Aberdeen.
		12	Request seed funding music / BBQ festival	Grants		Council has small festival budget allocation of \$5k with the remaining events predominately funded by grants.
14	31-May-24	1	Request proposed increase in water charges effective 1 July 2024 be deferred until post 1 January 2025 where appropriate budgeting can be undertaken.	Fees & Charges	Water	Council does not support the delay of increase to water charges. It is proposed to increase to \$2 /kl at the beginning of the FY24/25 and transition to full cost in 2 years..
		2	Request a 20% reduction in commercial water rate to JBS as a bulk water user.	Fees & Charges	Water	Council will consider a reduced rate for 2 years then the water usage charge will revert back to the standard commercial rate.
15	Staff	1	Allocate \$20k for additional staff time in FY24/25 for cemetery digitisation and collating all data into Civica from multiple sources.	Economic Affairs	Cemeteries	IT currently taking lead with digital data being loaded. Funded from possible saving during the year. Veterans Affairs funding available.
16	Staff	1	Allocate \$70k for installation of bollards in Bill Rose Complex to avoid vandalism	Economic Affairs	Capital Project	Allocated already for 2024/2025

## Proposed Amendments to the Draft Delivery Program 2022/2023-2024/2025 and Operational Plan 2024/2025

An analysis of the submissions received during Public Exhibition of the Draft Delivery Program 2022/23-2024/2025 and Operational Plan 2024/2025 was carried out on the 16 external submissions and staff corrections. The proposed amendments to the draft document are detailed under the headings external submissions and staff corrections.

Please note that minor spelling and grammatical error are not listed below as these are regarded as having an immaterial impact on the intent of the document.

### 1. External Submissions - proposed amendments

The proposed amendments are listed below and the respective submission number they relate to:

#### Direct Submission

##### **Submission 8: Proposed amendment to Saleyard cattle sale fees**

Amend the saleyard fees and charges in the DPOP appendix to reflect reduction in proposed overall cattle sold fees from \$25.50 to \$24.50 dissected as follows:

- Cattle Sold Vendor fee - reduction from \$19.75 to \$18.75

For the agents fee which is currently proposed at \$5.75 per head that it be amended to take into account a sliding scale incentive system that will be available for reaching certain number of cattle throughput. This sliding scale is:

Cattle Throughput numbers (head sold)	Agent Fee per head sold
0 – 44,999	\$5.75
45,000 – 49,999	\$3.75
50,000 – 54,999	\$2.75
55,000 – 59,999	\$1.75
60,000 and Over	\$0.00

##### **Submission 14: Proposed amendment to commercial water usage charge per Kilolitre (KI)**

Amend the commercial water usage charge for Scone Abattoirs in the DPOP appendix to reflect:

- Reduce proposed commercial water usage consumption charge from \$2.76 to \$2.00 per KI

### 2. Staff Change/Corrections

The staff submissions, changes and corrections are detailed below and whether they resulted in an amendment.

**Revenue Policy & Fees and Charges Amendments**, following review by staff

#### Proposed Document Amendments

#### Fees & Charges

##### Certificates

Amended fee for planning certificates: from \$167.00 to \$174.00

*As per statutory fee advised by the Environmental Planning and Assessment Regulations 2001*

Amended fee for rating certificates: from \$95.00 to \$100.00

*As per statutory fee advised by the Office of Local Government in circular 24-05 on 19 April 2024.*

## Proposed Amendments to the Draft Delivery Program 2022/2023-2024/2025 and Operational Plan 2024/2025 (cont.)

### Rating Enquires

Amend overdue interest rate on rates and charges (including water usage charges) from 9.0% to 10.50%.

*As per statutory fee advised by the Office of Local Government in circular 24-05 on 19 April 2024.*

### Access to Information

GIPA Formal Application – Statutory Fee per GIPA Act

Access to information – Search Fee for 1<sup>st</sup> hour from \$33.10 to \$30.00

Search Fee per hour after 1<sup>st</sup> from \$33.10 to \$30.00

GIPA internal review application from \$44.10 to \$40.00

### Hall Hire

Amend hall hire for Aberdeen Community Hall for ease of Scone Neighbourhood Resource Centre hall hire calculations:

Hire of Building – per day from \$22.05 to \$22.00

Hire of Building – per half day (min charge) from \$16.05 to \$16.00

### Development Applications

As per attached appendix 1 increase of proposed fees based on statutory increases under the Environmental Planning and Assessment Regulation 2021.

## Revenue Policy Amendments

### General Rates

Update to ad-valorem values for rating classes following update of the land values.

New rating table included in Revenue Policy at Appendix 2.

### Water Annual Charges

Amended of annual access charge for land with unconnected water and typographical error:

Each allotment of unconnected water on a rate assessment within 225m of water main and capable of connecting from \$187 to \$196

**APPENDIX 1**  
**UPPER HUNTER SHIRE COUNCIL**  
**ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021**  
**STATUTORY UPLIFT TO FEES AND CHARGES SCHEDULE**  
**1 JULY 2024 TO 30 JUNE 2025**

	2024/2025 \$	2023/2024 \$	change (\$)	change (%)	Fee Type (Y/N)	GST
<b>DEVELOPMENT APPLICATIONS</b>						
<i>(for development involving the erection of a building other than a dwelling house, the carrying out of work or the demolition of a work or a building)</i>						
Up to \$5000	144.00	138.00	6.00	4.35%	A	N
\$5,000 - \$ 50,000	plus an additional \$3 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$5,000. 220.00	212.00	8.00	3.77%	A	N
\$50,001 - \$250,000	plus an additional \$3.64 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$50,000. 459.00	442.00	17.00	3.85%	A	N
\$ 250,001 - \$ 500,000	plus an additional \$2.34 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$250,000. 1,509.00	1,455.00	54.00	3.71%	A	N
\$ 500,001 - \$ 1,000,000	plus an additional \$1.64 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$500,000. 2,272.00	2,189.00	83.00	3.79%	A	N
\$ 1,000,001 - \$ 10,000,000	plus an additional \$1.44 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$1,000,000. 3,404.00	3,280.00	124.00	3.78%	A	N
More than \$ 10,000,000	plus an additional \$1.19 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$10,000,000. 20,667.00	19,915.00	752.00	3.78%	A	N
Rainwater tanks up to 25,000 litres in capacity for existing dwellings	FREE	FREE	N/A	N/A	A	N
<b>Department of Planning fee for DAs exceeding \$50,000</b>						
<i>P=0.64 x E - 5 / 1,000, where P represents the \$ to be set aside, expressed in \$ rounded down to the nearest \$, and E represents the estimated cost of development expressed in \$ rounded up to the nearest thousand.</i>						
Erection of a dwelling house with an estimated value of \$100,000 or less	592.00	571.00	21.00	3.68%	A	N
Other, for example, not involving the erection of a building, the carrying out of work, the subdivision of land or demolition work.	371.00	357.00	14.00	3.92%	A	N
Advertising signs						
for 1 sign only	357.00	357.00	0.00	0.00%	A	N
for each additional sign (if any)	93.00	93.00	0.00	0.00%	A	N
<b>Subdivisions/Consolidations/Boundary Adjustment</b>						
<i>for development involving the subdivision of land</i>						
New roads	865.00	833.00	32.00	3.84%	A	N
plus each additional lot	65.00	65.00	0.00	0.00%	A	N
No new roads	430.00	414.00	16.00	3.86%	A	N
plus each additional lot	53.00	53.00	0.00	0.00%	A	N
Strata title	430.00	414.00	16.00	3.86%	A	N



**UPPER HUNTER SHIRE COUNCIL  
ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021  
STATUTORY UPLIFT TO FEES AND CHARGES SCHEDULE  
1 JULY 2024 TO 30 JUNE 2025**

	2024/2025 \$	2023/2024 \$	change (\$)	change (%)	Fee Type (Y/N)	GST
plus each additional lot	65.00	65.00	0.00	0.00%	A	N
<b>Advertising</b>						
Notice fees - when required for the development	1,438.00	1,386.00	52.00	3.75%	A	N
Advertised development (Nominated intergated development, threatened species development or Class 1 aquaculture development)	1,438.00	1,386.00	52.00	3.75%	A	N
Designated development	2,890.00	2,785.00	105.00	3.77%	A	N
Prohibited development	1,438.00	1,386.00	52.00	3.75%	A	N
Other development when the Community Participation Plan requires notice to be given.	1,438.00	1,386.00	52.00	3.75%	A	N
<b>Integrated Development</b>						
Fee payable to consent authority - per approval body	183.00	176.00	7.00	3.98%	A	N
Fee payable to approval body - per approval body.	416.00	401.00	15.00	3.74%	A	N
<b>Development requiring Concurrence</b>						
Fee payable to consent authority - per concurrence authority	183.00	176.00	7.00	3.98%	A	N
Fee payable to approval body - per concurrence authority	416.00	401.00	15.00	3.74%	A	N
<i>What if two or more fees are applicable to a single development application? If two or more fees are applicable to a single development application (such as to subdivide land and erect a building on one or more lots created by the subdivision), the maximum fee payable for the development is the sum of those fees.</i>						
<b>Modification of a consent for local development</b>						
Application under s4.55 (1) EP&A Act (maximum)	92.00	89.00	3.00	3.37%	A	N
Application under s4.55 (1A) or S4.56 (1) EP&A Act, \$754 or, 50% of original DA fee, whichever is the lesser	839.00	809.00	30.00	3.71%	A	N
Application under s4.55(2) or s4.56(1) EP&A Act:						
(a) if the fee for the original application was less than 1 fee unit, 50 per cent of that fee, or						
(b) if the fee for the original application was 1 fee unit or more-						
(i) in the case of an application that does not involve the erection of a building, the carrying out of a work or the demolition of a work or building, 50 per cent of the fee for the original development application, and						

**UPPER HUNTER SHIRE COUNCIL  
ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021  
STATUTORY UPLIFT TO FEES AND CHARGES SCHEDULE  
1 JULY 2024 TO 30 JUNE 2025**

	2024/2025 \$	2023/2024 \$	change (\$)	change (%)	Fee Type	GST (Y/N)
(ii) In the case of an application that involves the erection of a dwelling-house with an estimated cost of construction of \$100,000 or less:	247.00	238.00	9.00	3.78%	A	N
(iii) In all other cases:						
Up to \$5,000	71.00	69.00	2.00	2.90%	A	N
\$5,001 - \$ 250,000	plus an additional \$1.50 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$5,000. 110.00	106.00	4.00	3.77%	A	N
\$ 250,001 - \$ 500,000	plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$250,000. 651.00	628.00	23.00	3.66%	A	N
\$ 500,001 - \$ 1,000,000	plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost, including GST, exceeds \$500,000 927.00	894.00	33.00	3.69%	A	N
\$ 1,000,001 - \$ 10,000,000	plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost, including GST, exceeds \$1,000,000 1,285.00	1,238.00	47.00	3.80%	A	N
More than \$ 10,000,000	plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost, including GST, exceeds \$10,000,000 6,167.00	5,943.00	224.00	3.77%	A	N
Additional fee for modification application if notice of application is required to be given under the Act, section 4.55(2) or 4.56(1)	866.00	835.00	31.00	3.71%	A	N
Additional fee for modification application that is accompanied by statement of qualified designer	990.00	954.00	36.00	3.77%	A	N
Additional fee for modification application that is referred to design review panel for advice.	3,905.00	3,763.00	142.00	3.77%	A	N
Submitting modification application under the Act, section 4.55(1A) or (2) on the NSW Planning Portal	45.00	43.00	2.00	4.65%	A	N
<b>Request for a review of a determination under Section 8.3 of the Act</b>						
In the case of a development that does not involve the erection of a building, the carrying out of a work or the demolition of a work or building, 50% of that fee, or	50% of DA fee	50% of DA fee	N/A	N/A	A	N
In the case of a development application that involves the erection of a dwelling house of \$100,000 or less	247.00	238.00	9.00	3.78%	A	N
<b>In all other cases:</b>						
Up to \$5000	71.00	69.00	2.00	2.90%	A	N
\$5001 - \$ 250,000	plus an additional \$1.50 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$5,000. 111.00	107.00	4.00	3.74%	A	N

**UPPER HUNTER SHIRE COUNCIL  
ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2021  
STATUTORY UPLIFT TO FEES AND CHARGES SCHEDULE  
1 JULY 2024 TO 30 JUNE 2025**

		2024/2025 \$	2023/2024 \$	change (\$)	change (%)	Fee Type (Y/N)	GST
\$ 250,001 - \$ 500,000	plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$250,000.	651.00	628.00	23.00	3.66%	A	N
\$ 500,001 - \$ 1,000,000	plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$500,000.	927.00	894.00	33.00	3.69%	A	N
\$ 1,000,001 - \$ 10,000,000	plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$1m.	1,285.00	1,238.00	47.00	3.80%	A	N
More than \$ 10,000,000	plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated development cost, including GST, exceeds \$10m	6,167.00	5,943.00	224.00	3.77%	A	N
<i>NB an additional amount of not more than \$725 if notice of the application is required under s8.3 of the Act. Council will refund so much of the additional amount as is not spent in giving the notice under s8.3 of the Act.</i>							
<b>Request for a Review of a Determination Under Section 8.2 (1)(c) of the Act</b>							
If the estimated costs of the development is less than \$100,000		71.00	69.00	2.00	2.90%	A	N
If the estimated costs of the development is \$100,000 or more and less than or equal to \$1,000,000		195.00	188.00	7.00	3.72%	A	N
If the estimated costs of the development is more than \$1,000,000		325.00	313.00	12.00	3.83%	A	N
Appeal against determination of modification application under the Act, section 8.9		50% of fee that was payable for the application the	50% of fee that was payable for the application the	N/A	N/A	A	N
Notice of application for review of a determination under the Act, section 8.3		807.00	778.00	29.00	3.73%	A	N
Application for a site compatibility certificate under SEPP (Housing) 2021	plus an additional \$42 for each dwelling up to a maximum of \$626, including the base fee and additional fee	345.00	333.00	12.00	3.60%	A	N
Application for a site compatibility certificate under SEPP (Transport and Infrastructure) 2021	plus an additional \$265 for each hectare, or part hectare, of area of land up to a maximum fee of \$626, including the base fee and additional fee	345.00	333.00	12.00	3.60%	A	N
Application for site verification certificate under SEPP(Resources and Energy) 2021		4,870.00	4,693.00	177.00	3.77%	A	N
Application for traffic certificate under SEPP(Transport and Infrastructure) 2021		488.00	470.00	18.00	3.83%	A	N

**APPENDIX 2**  
**UPPER HUNTER SHIRE COUNCIL**  
**ADJUSTMENT TO RATES MODELLING AFTER NEW LAND**  
**SUPPLEMENTARY VALUATION LISTING**

<b>3.1.2 General Ordinary Rates</b>										
<b>With IPART* Recommended</b>										
<b>Rate Peg of 4.50%</b>										
<b>Original Draft 2024/2025</b>						<b>Revised 2024/2025</b>				
<b>RATE</b>	<b>BASE RATE \$</b>	<b>ESTIMATED YIELD \$</b>	<b>% YIELD</b>	<b>SUB-CATEGORY</b>	<b>CATEGORY</b>	<b>RATE</b>	<b>BASE RATE \$</b>	<b>ESTIMATED YIELD \$</b>	<b>% YIELD</b>	
0.0021345	100	6,697,138	51.62		Farmland	0.0021380	100	6,697,228	51.62	
0.0035299	200	546,673	4.22	Aberdeen	Residential	0.0035310	200	546,793	4.22	
0.0059730	200	27,868	0.22	Cassilis		0.0059740	200	27,871	0.22	
0.0038518	200	347,442	2.68	Merriwa		0.0038533	200	347,536	2.68	
0.0029686	200	309,645	2.39	Murrurundi		0.0029690	200	309,268	2.38	
0.0047078	200	2,665,811	20.55	Scone		0.0047089	200	2,667,618	20.56	
0.0028624	200	1,353,712	10.44	Ordinary		0.0028650	200	1,354,786	10.44	
0.0047600	200	46,964	0.36	Aberdeen	Business	0.0047610	200	46,972	0.36	
0.0047840	200	47,824	0.37	Merriwa		0.0047840	200	47,619	0.37	
0.0034846	200	36,511	0.28	Murrurundi		0.0034855	200	36,519	0.28	
0.0065570	200	483,109	3.72	Scone		0.0065585	200	483,207	3.72	
0.0027489	200	263,502	2.03	Ordinary		0.0027600	200	263,808	2.03	
0.0035299	200	497	0.00	Aberdeen	Mixed Residential	0.0035310	200	497	0.00	
0.0038518	200	422	0.00	Merriwa		0.0038533	200	422	0.00	
0.0029686	200	401	0.00	Murrurundi		0.0029690	200	401	0.00	
0.0047078	200	-	0.00	Scone		0.0047089	200	-	0.00	
0.0047600	200	719	0.01	Aberdeen	Mixed Business	0.0047610	200	719	0.01	
0.0047840	200	563	0.00	Merriwa		0.0047840	200	563	0.00	
0.0034846	200	393	0.00	Murrurundi		0.0034855	200	393	0.00	
0.0065570	200	-	0.00	Scone		0.0065585	200	-	0.00	
0.0059472	200	143,528	1.11		Mining	0.0059480	200	143,571	1.11	
<b>Total Original Notional Yield</b>						<b>Total Estimated Notional Yield</b>				
<b>\$12,972,723</b>						<b>\$12,975,791</b>				

**Summary of Budget Changes to Delivery and Operational Plan**

Budget Movements	Reason	Year			
		24/25	25/26	25/26	25/26
<b>GENERAL FUND</b>					
	<b>Net (Surplus) Deficiency as per draft DPOP on Public Exhibition</b>	2,607	(1,204)	2,293	1,878
Saleyard User Fees	Reduction in Saleyard fees by \$1 per head	36,364	37,637	38,954	40,317
Rate, Grant & Interest Income - Rates Received	Increase in rates following land value reconciliation	(3,067)	(3,297)	(3,544)	(3,810)
Local Roads - Unsealed Maintenance	Reduction in service due to lower revenue available	(35,000)	(35,000)	(35,000)	(35,000)
Local Roads - Gummun Lane	Carry over works to 2024/2025	250,000			
Local Roads - Sulleys Lane	Carry over works to 2024/2025	250,000			
Local Roads - RA Carried Over Works	Transfer from RA	(500,000)			
	<b>Net (Surplus) Deficiency of Final DPOP</b>	<u>904</u>	<u>(1,864)</u>	<u>2,703</u>	<u>3,385</u>
<b>SEWER FUND</b>					
	<b>Net (Surplus) Deficiency as per draft DPOP on Public Exhibition</b>	0	0	0	0
	No Amendments Required				
	<b>Net (Surplus) Deficiency of Final DPOP</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>WATER FUND</b>					
	<b>Net (Surplus) Deficiency as per draft DPOP on Public Exhibition</b>	0	0	0	0
	No Amendments Required				
	<b>Net (Surplus) Deficiency of Final DPOP</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

Corporate Services

**F.06.2 MAKING THE RATES AND ANNUAL CHARGES 2024/2025**

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Wayne Phelps - Manager Finance

**PURPOSE**

The Delivery Program & Operational Plan for 2024/2025 adopted by Council incorporates the rates and annual charges that are proposed to be levied for the year commencing 1 July 2024. Council has a statutory requirement to separately adopt the making of the rates and annual charges following the adoption of the Delivery Program & Operational Plan.

**RECOMMENDATION**

That Council make the following rates and charges for the financial year commencing 1 July 2024 to 30 June 2025:

**1. Rates**

The following Ordinary Rates be now made for the year commencing 1 July 2024.

Category	Sub Category	Ad-valorem Amount \$	Base Rate \$
Farmland		0.0021346	100.00
Residential	Aberdeen	0.0035310	200.00
	Cassilis	0.0059740	200.00
	Merriwa	0.0038533	200.00
	Murrurundi	0.0029690	200.00
	Scone	0.0047089	200.00
	Ordinary	0.0028630	200.00
Business	Aberdeen	0.0047610	200.00
	Merriwa	0.0047840	200.00
	Murrurundi	0.0034855	200.00
	Scone	0.0065585	200.00
	Ordinary	0.0027500	200.00
Mixed Development Residential	Aberdeen	0.0035310	200.00
	Merriwa	0.0038533	200.00
	Murrurundi	0.0029690	200.00
	Scone	0.0047089	200.00
Mixed Development Business	Aberdeen	0.0047610	200.00
	Merriwa	0.0047840	200.00
	Murrurundi	0.0034855	200.00
	Scone	0.0065585	200.00
Mining		0.0059490	200.00

**Corporate Services**

**2. Water Charges**

- i) A Water Service Availability Charge is charged for each service to the property in respect of land that is supplied with water from a water pipe of the Council and land that is situated within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charge is based on the service size of the connection to the water supply line.

The Water Service Availability Charges for the financial year commencing 1 July 2024 are as follows:

	<b>Service Size</b>	<b>\$</b>
Availability Charge (Not Connected)		196.00
Availability Charge (Connected)	20mm	254.00
	25mm	396.00
	32mm	651.00
	40mm	1,017.00
	50mm	1,590.00
	80mm	4,075.00
	100mm	6,368.00
	150mm	14,329.00
	200mm	25,473.00

- ii) A Consumption Tariff is to be charged per kilolitre for all water supplied. The water consumption tariffs for the financial year commencing 1 July 2024 are as follows:

<b>Consumption Tariff</b>	<b>(\$/Kl)</b>	<b>\$</b>
<b>Residential</b>	Step 1*	2.61
	Step 2**	4.03
Kidney Dialysis Users		1.30
<b>Non-Residential</b>		
Scone Saleyards		2.76
Scone Abattoir		2.00
Murrurundi Pipeline		2.76
Scone Well No.5		0.34
Council parks and gardens, cemeteries, pools, etc		1.00
Other		2.76

\*Step 1 allowance 350Kl (75Kl in Winter & Autumn seasons & 100Kl in Summer & Spring seasons)

\*\*Step 2 relates to all water consumed above the Step 1 allowances in applicable seasons.

Corporate Services

**3. Sewer**

That Council hereby prescribes and orders under Section 501 of the Local Government Act 1993, the following sewer charges the financial year commencing 1 July 2024 are as follows:

An annual charge for sewer is applicable to each rateable assessment except:

1. land which is more than 75 metres from a sewer of the Council and is not connected to the sewer; and
2. land from which sewage could not be discharged into any sewer of the Council.

**i) Residential Sewer Charges**

A Sewer Service Availability Charge is charged in respect of each Residential assessment for which the service is provided or is proposed to be provided. The Sewer Service Availability Charges for the financial year commencing 1 July 2024 are as follows:

Residential Sewer Availability Charge (Vacant)	\$533.00
Residential Sewer Charge (Occupied)	\$712.00

**ii) Non-Residential Sewerage Charges**

Non-Residential Sewer Charges will be based on the following formula:

<b>SC = SDF x (AC + (C x UC))</b>	SC = Sewerage Charge
	SDF = Sewerage Discharge Factor
	AC = Availability Charge
	C = Total water consumption for meter
	UC = Sewer Usage Charge

The Sewer Service Availability Charges for the financial year commencing 1 July 2024 are as follows:

	Service Size	Charge \$
Availability Charge (Not Connected)		533.00
Availability Charge (Connected)	20mm	859.00
	25mm	1,083.00
	32mm	1,260.00
	40mm	1,729.00
	50mm	2,109.00
	80mm	3,455.00
	100mm	4,322.00
	150mm	6,325.00
	200mm	8,643.00



**Corporate Services**

The Sewer Discharge Usage Charge for the financial year commencing 1 July 2024 are as follows:

<b>Sewer Usage Charge</b>	<b>(\$/KI)</b>
Non-Residential	\$1.32 per KI x discharge factor

Discharge Factors required for non-residential properties will be determined on an individual property basis.

**iii) Capital Contributions**

Contributions to Morse Street Sewer - \$1,160 per annum.

Capital contributions for the extension of the Sewer System to Morse Street Scone area to be raised annually for seven properties for a 20-year period. Final payment is due 2025/26 and there are no CPI increases.

**iv) Trade Waste Charges**

The Trade Waste Charges for the financial year commencing 1 July 2024 are as follows:

	<b>Charge \$</b>
Annual Charges	541.00
Multi installation (per equivalent tenement)	541.00
<b>Application Fee</b>	
Class 1 +2	112.00
Class 3	1,171.00
Re-inspection fee	155.00
Non Compliance fee (per KI)	24.85
Excess Mass charge for Class 3 discharges (\$/kg)	Please refer to Attachment 1 Fees & Charges Schedule

**4. Waste Charges**

**Domestic Waste Management Charges**

Council do hereby prescribe and order under Section 496 of the Local Government Act 1993 for rateable land categorised for rating purposes as residential or farmland and situated within the area in which a Domestic Waste Management Service is able to be provided, that the following Annual Waste Charges for the financial year commencing 1 July 2024 are as follows:

**Corporate Services**

<b>Domestic Waste Management Charges Category</b>	<b>Per Annum \$</b>
Waste Facility Contribution	55.00
Waste Management Access Charge	50.00
Waste Management Service Charge	645.00
Additional Waste Service (Fortnightly)	197.00
Additional Recycling Service (Fortnightly)	197.00
Additional FOGO Service (Weekly)	197.00
Weekly General Waste Service (Scone, Merriwa & Aberdeen)	549.00
Weekly Recycling Service (Scone, Merriwa & Aberdeen)	197.00
Weekly General Waste Service (Murrurundi)*	1,129.00
Weekly Recycling Service (Murrurundi)*	651.00

\*Minimum 15 bins required to implement service

Domestic charges include rateable and non-rateable assessments. Pro-rata charges are applied.

1. Each premise is charged a contribution towards activities that are not part of normal waste collection and disposal
2. Each premise is charged an access charge for all rateable land situated within the area in which a Domestic Waste Management Service is able to be provided
3. Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Domestic Waste Management Service Charge.
4. Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Domestic Waste Management Service Charge.

**Non-Domestic Waste Management Charges**

Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as residential or farmland and situated within the area in which a Waste Management Service is able to be provided, that the following Annual Waste Charges for the financial year commencing 1 July 2024 are as follows:

<b>Non- Domestic Waste Management Service Charge Category</b>	<b>Per Annum \$</b>
Waste Facilities Contribution	55.00
Waste Management Access Charge	50.00
Waste Management Service Charge	645.00
Additional Waste Service (Fortnightly)	197.00
Additional Recycling Service (Fortnightly)	197.00
Additional FOGO Service (Weekly)	197.00
Weekly General Waste Service (Scone, Merriwa & Aberdeen)	549.00
Weekly Recycling Service (Scone, Merriwa & Aberdeen)	197.00
Weekly General Waste Service (Murrurundi)*	1,129.00
Weekly Recycling Service (Murrurundi)*	651.00

\*Minimum 15 bins required to implement service

## Corporate Services

- Each premise is charged a contribution towards activities that are not part of normal waste collection and disposal
- Each premise is charged an access charge for all rateable land situated within the area in which a Domestic Waste Management Service is able to be provided
- Each premise is entitled to one approved mobile waste bin mixed waste service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge.
- Each premise is entitled to one approved mobile waste bin mixed waste service per week for each Additional Waste Management Service Charge.

### Waste Facility Contribution

Council do hereby order under Section 501 of the Local Government Act 1993 that land that is categorised for rating purposes as Farmland or Residential Other or Business Other will incur a charge to fund activities that are not part of normal waste collection and disposal and that the following Annual Waste Charges for the financial year commencing 1 July 2024 are as follows:

Waste Facility Contribution	
Waste Facility Contribution	\$55.00

### Stormwater Management Services Charges

Council do hereby prescribe and order under Section 496A of the Local Government Act 1993, for land situated within the designated stormwater area, that the following stormwater charges be now made for the financial year commencing 1 July 2024 are as follows:

Stormwater Charge	\$25.00
Stormwater Charge – Strata Lots	\$12.50

### Onsite Sewage Management System – Approval to Operate Fee

Council do hereby determine a charge for all ratepayers who have an onsite sewerage system on their property, that the following Annual Charge be made for the financial year commencing 1 July 2024 are as follows:

Onsite Sewage Management Charge per assessment	\$75.00
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### Interest on Overdue rates and Charges

In accordance with Section 566 of the Local Government Act 1993, if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at 10.50% (ten point five percent) per annum, simple interest, calculated daily for the period 1 July 2024 to 30 June 2025.

## Corporate Services

### Hunter Local Land Services

Council in accordance with Clauses 36 and 40, Part 4, of the Local Land Services Regulation 2014 and as advised by Hunter Local Land Services, levy a Hunter Catchment Contribution in 2023/2024 financial year a rate of 0.00629 (zero point zero zero six two nine) of a cent in the dollar on the current land value of the land within the Council area. By virtue of these provisions Council is authorised, empowered and required to levy the said Catchment contribution on the land.

### **BACKGROUND**

The Delivery Program & Operational Plan for the period 1 July 2024 to 30 June 2025 incorporates the revenue policies for rates and charges to be levied for the 2024/2025 financial year. Council is required to separately make the rates and charges for the financial year commencing 1 July 2024 in accordance with Sections 497, 498, 499, 534, 535, 538 & 548 of the Local Government Act 1993.

### **REPORT/PROPOSAL**

Council's Delivery Program & Operational Plan for 2024/2025 financial year which includes the budget and revenue statements for both ordinary and special rates and annual charges to be levied, was resolved to be placed on public exhibition by Council at its ordinary meeting on 29 April 2024 and following public submissions and review by Council was adopted on 24 June 2024.

In accordance with Sections 497, 498, 499, 534, 535, 538 & 548 of the Local Government Act 1993, Council is required to make the rates and charges for the financial year commencing 1 July 2024.

Extracts of the relevant sections of the Act are reproduced below for Councils information.

#### **Section 497 What is the structure of a rate?**

*A rate, whether an ordinary rate or a special rate, may, at a council's discretion, consist of:*

- (a) an ad valorem amount (which may, in accordance with section 548, be subject to a minimum amount of the rate), or*
- (b) a base amount to which an ad valorem amount is added.*

#### **Section 498 The ad valorem amount**

- (1) The ad valorem amount of a rate is an amount in the dollar determined for a specified year by the council and expressed to apply:
  - (a) in the case of an ordinary rate--to the land value of all rateable land in the council's area within the category or sub-category of the ordinary rate, or*
  - (b) in the case of a special rate--to the land value of all rateable land in the council's area or such of that rateable land as is specified by the council in accordance with section 538.**
- (2) The ad valorem amount of a rate is to be levied on the land value of rateable land, except as provided by this or any other Act.*

## Corporate Services

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- (3) *An ad valorem amount specified for a parcel of land may not differ from an ad valorem amount specified for any other parcel of land within the same category or subcategory unless:*
- (a) *the land values of the parcels were last determined by reference to different base dates, and*
  - (b) *the Minister approves the different ad valorem amounts.*

### **Section 499      The base amount**

- (1) *A council may, in a resolution making a rate, specify a base amount of the rate, or a base amount for a category or sub-category of an ordinary rate.*
- (2) *The base amounts so specified may be the same or different amounts.*
- (3) *The appropriate base amount so specified is to form part of the rate levied on each separate parcel of rateable land subject to the rate.*
- (4) *A base amount specified for a parcel of land may not differ from a base amount specified for any other parcel of land within the same category or subcategory unless:*
- (a) *the land values of the parcels were last determined by reference to different base dates, and*
  - (b) *the Minister approves the different base amounts.*

### **Section 534      Rate or charge to be made for a specified year**

*Each rate or charge is to be made for a specified year, being the year in which the rate or charge is made or the next year.*

### **Section 535      Rate or charge to be made by resolution**

*A rate or charge is made by resolution of the Council.*

### **Section 538      Form of resolution for special rate**

- (1) *In the resolution that makes a special rate, the council must state whether the special rate is to be levied on all rateable land in the council's area or on only a part of that land.*
- (2) *If the special rate is to be levied on only a part of that land, the council must specify in the resolution the part on which it is to be levied.*

## **OPTIONS**

Council's ordinary rates and annual charges that have been included in this report are made following the adoption by Council of its Delivery Program & Operational Plan 2024/2025 on 24 June 2024.

These ordinary rates and charges are in accordance with Council's Revenue Policy which have been discussed and consulted with the Councillors and the Community before finalisation of the adopted Delivery Program & Operational Plan 2024/2025 on 24 June 2024.

As the making of the rates and annual charges are a legislative requirement adoption of this report is required.

## **Corporate Services**

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If Council has resolved to alter any of the advertised Ordinary and Special Rates and Annual Charges, then the appropriate change to the rate or charge will need to be adopted prior to making the rate.

### **CONSULTATION**

- Councillors
- General Manager
- Directors
- Managers
- Community

### **STRATEGIC LINKS**

#### **a. Community Strategic Plan 2027**

This report links to the Community Strategic Plan 2032 as follows:

#### **Responsible Governance**

Providing efficient and responsible governance in order to effectively serve the community.

- 5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.
- 5.3 Effective financial and asset management to ensure Council's long-term sustainability.

#### **b. Delivery Program**

- Effective and efficient statutory reporting systems
- Reporting systems to ensure "Fit for the Future" benchmarks and any improvement program instigated are maintained for Council's financial sustainability

#### **c. Other Plans**

Nil

### **IMPLICATIONS**

#### **a. Policy and Procedural Implications**

Nil

#### **b. Financial Implications**

The Delivery Program & Operational Plan adopted on 24 June 2024 included budgetary allocations for financial year 2024/2025 and the levying of rates and charges provides a significant portion of the required funds for Council's operations. Delay in making of the rates will provide significant cashflow pressure on Council's finances.

#### **c. Legislative Implications**

The making of the rates and charges for the year commencing 1 July 2024 satisfies legislative obligations under Sections 534, 535, 538 & 548 of the Local Government Act 1993.



**Corporate Services**

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**d. Risk Implications**

There is a financial risk if Council does not adopt this report as Council has already approved the Delivery Program & Operational Plan 2024/2025. Levying of the rates for the financial year 2024/2025 has been included in its budgetary calculations which form a significant portion of Council's revenues which, with the resolution of Council to 'make the rates' for the financial year 2024/2025 crystalises.

**e. Sustainability**

Nil

**f. Other Implications**

Not applicable

***CONCLUSION***

The making of the rates and annual charges for the financial year commencing 1 July 2024 satisfies legislative obligations under Sections 534, 535, 538 & 548 of the Local Government Act 1993 and ensures Council's rates levied in 2024/25 are legally raised and issued.

***ATTACHMENTS***

Nil.



## Corporate Services

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F.06.3

### **DETERMINATION OF MAYOR AND COUNCILLOR FEES FOR 2024/2025**

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Wayne Phelps - Manager Finance

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#### **PURPOSE**

To fix the mayor and councillor fees for the 2024/2025 financial year.

#### **RECOMMENDATION**

That Council:

1. fix the councillor fee for 2024/2025 financial year at \$18,340;
2. fix the mayoral fee for 2024/2025 financial year at \$39,350 in addition to the councillor fee noted in point 1; and,
3. pay superannuation on the mayoral and councillor fees set in accordance with the Superannuation Guarantee (Administration) Act 1992.

#### **BACKGROUND**

Section 241 of the Local Government Act 1993 (the Act) requires that the Local Government Remuneration Tribunal (the Tribunal) make an annual determination regarding the minimum and maximum fees that apply to mayors and councillors of NSW general purpose and county councils.

Under sections 248 and 249 of the Act, Council must either fix an annual fee in accordance with the Tribunal's determination, or pay the appropriate minimum fees as determined by the Tribunal.

Upper Hunter Shire Council has been classified by the Tribunal as "Rural - Large" which is described as follows:

*Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.*

*Other features may include:*

- *one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre*
- *a limited range of services, facilities and employment opportunities compared to Regional Rural councils*
- *local economies based on agricultural/resource industries.*

#### **REPORT/PROPOSAL**

The Local Government Remuneration Tribunal released its annual determination of the minimum and maximum fees that apply to Mayors and Councillors (Attachment 1). The Tribunal determined a 3.75% increase in the minimum and maximum fees applicable to each category.



## Corporate Services

The 2024/2025 determination applicable to Upper Hunter Shire Council is:

Category	Councillor annual fee		Mayor additional fee	
	Minimum	Maximum	Minimum	Maximum
Rural Large	\$10,220	\$18,340	\$16,330	\$39,350

Payment of superannuation for Mayors and Councillors is in accordance with Section 254B of the legislation and is not compulsory, therefore a resolution of Council is required for the continuation of payment.

The level of Superannuation payable will be per the Superannuation Guarantee (Administration) Act 1992 of 11.50% for the 2024/2025 financial year.

### OPTIONS

1. That Council accept the recommended annual fees for the mayor and councillors in accordance with the determination of the Tribunal.
2. That Council accept the recommendation to pay Superannuation as per the Superannuation Guarantee (Administration) Act 1992.
3. That Council not accept the recommended annual fees for the mayor and councillors and determine another fee (the minimum fee determined by the Tribunal will apply)
4. That Council opt to not pay Superannuation as per the Superannuation Guarantee (Administration) Act 1992.

### CONSULTATION

The Local Government Remuneration Tribunal contacted all councils in October 2023 inviting submissions to inform the determination. Upper Hunter Shire Council did not make any submission.

### STRATEGIC LINKS

#### a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

#### Responsible Governance

Providing efficient and responsible governance in order to effectively serve the community.

- 5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

#### b. Delivery Program

- Reporting systems to ensure "Fit for the Future" benchmarks and any improvement program instigated are maintained for Council's financial sustainability

#### c. Other Plans

Nil

## Corporate Services

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### **IMPLICATIONS**

#### **a. Policy and Procedural Implications**

Nil

#### **b. Financial Implications**

The draft 2024/2025 budget has adequate funds allocated for the maximum councillor and mayor fees.

#### **c. Legislative Implications**

The Annual Report and Determination of the Local Government Remuneration Tribunal (Attachment A1) is made in accordance with sections 239 and 241 of the Act.

Section 248 of the Local Government Act states:

*248 Fixing and payment of annual fees for councillors*

- (1) A council must pay each councillor an annual fee.*
- (2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (3) The annual fee so fixed must be the same for each councillor.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*

Section 249 of the Local Government Act states:

*249 Fixing and payment of annual fees for the mayor*

- (1) A council must pay the mayor an annual fee.*
- (2) The annual fee must be paid in addition to the fee paid to the mayor as a councillor.*
- (3) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.*
- (4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.*
- (5) A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor's annual fee.*

#### **d. Risk Implications**

Nil.

#### **e. Sustainability Implications**

N/A

#### **f. Other Implications**

Nil.

## Corporate Services

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### **CONCLUSION**

The Local Government Remuneration Tribunal has released its annual determination of the minimum and maximum fees that apply to mayors and councillors in 2024/2025.

Council is required to fix an annual fee in accordance with the Tribunal's determination, or pay the appropriate minimum fees as determined by the Tribunal.

### **ATTACHMENTS**

- [1](#) LG Remuneration Tribunal - Annual Determination

**Local Government  
Remuneration Tribunal**

# Annual Determination

Report and determination under sections  
239 and 241 of the Local Government Act  
1993

29 April 2024



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# Executive Summary

The *Local Government Act 1993* (LG Act) requires the Local Government Remuneration Tribunal (the Tribunal) to report to the Minister for Local Government by 1 May each year on its determination of categories of councils and the maximum and minimum amounts of fees to be paid to mayors, councillors, and chairpersons and members of county councils.

## Categories

Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. A review of categories was last carried out by the Tribunal in 2023.

The Tribunal will next consider the model, criteria for each group, and the allocation of councils in the 2026 review.

The criteria for each category is published in Appendix 1 of the Determination and remains unchanged from 2023.

Two (2) councils have been recategorised from Rural Large to Regional Rural as a result of meeting the criteria at Appendix 1.

## Fees

The Tribunal has determined a 3.75 per cent per annum increase in the minimum and maximum fees applicable to each category from 1 July 2024.

# Section 1 – Introduction

1. Section 239 of the LG Act requires the Tribunal to determine the categories of councils and mayoral offices at least once every 3 years. The Tribunal last undertook a significant review of the categories and the allocation of councils into each of those categories in 2023.
2. Section 241 of the LG Act provides that the Tribunal determine the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils for each of the categories determined under section 239.
3. Section 242A(1) of the LG Act requires:

*“In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.”*
4. The Industrial Relations Amendment Act 2023, assented on 5 December 2023, repealed section 146C of the *Industrial Relations Act 1996*, resulting in changes to wages policy and removal of the cap on remuneration increases.
5. The Tribunal can also determine that a council can be placed in another existing or new category with a higher range of fees.
6. The Tribunal’s determination takes effect from 1 July each year.

# Section 2 – 2023 Determination

7. In 2023, the Tribunal received 18 written submissions.
8. An extensive review of the categories, criteria, and allocation of councils into each of the categories was undertaken by the Tribunal as required by Section 239 of the LG Act.
9. The review resulted in the Tribunal determining the creation of two new categories, being Metropolitan Major and Rural Large.
10. The categories of general purpose councils were determined as follows:

Metropolitan	Non-Metropolitan
Principal CBD	Major Regional City
Major CBD	Major Strategic Area
Metropolitan Major	Regional Strategic Area
Metropolitan Large	Regional Centre
Metropolitan Medium	Regional Rural
Metropolitan Small	Rural Large
	Rural

11. The Tribunal was of the view that improving consistency of criteria in categories was paramount. The Tribunal therefore determined to include the non-resident population criteria in Major Strategic, Regional Strategic, Regional Centre, and Regional Rural categories.
12. A total of 26 councils were recategorised as a result of changes in the 2023 Determination.
13. The Tribunal determined that fees would increase by 3 per cent in the minimum and maximum fees applicable to each category from 1 July 2023.



# Section 3 – 2024 Review

## 2024 Process

14. The Tribunal's annual review commenced in October when it wrote to all councils inviting submissions regarding fees. The Tribunal outlined that it is only required to review the categories every three years and will next consider the model, the criteria applicable to each category and the allocation of councils in the 2026 review. The invitation noted that it is expected that submissions are endorsed by respective councils.
15. The Tribunal also wrote to the President of Local Government NSW (LGNSW) inviting a submission.
16. The Tribunal received 19 written submissions, of which 18 were from individual councils and 1 submission from LGNSW.
17. The Tribunal notes that 17 of the 18 council submissions were endorsed by their representative councils.
18. The Tribunal acknowledges and thanks all parties for their submissions.

## Submissions Received – Request for recategorisation

19. Two council submissions received requested recategorisation, with Paramatta City Council and Lake Macquarie putting forward individual cases for the Tribunal's consideration.

20. Paramatta City Council requested recategorisation from its current classification of Major CBD to Principal CBD. Paramatta City Council's case to be included in Principal CBD category is based on the following:
- Paramatta being critical to the success of the Greater Sydney Region Plan
  - The LGA expecting an estimated 186,000 new residents between 2022 and 2041
  - An increase in the number of government services, corporations, and private enterprises relocating into Paramatta CBD
  - A local economy that generates approximately \$32.88 billion in gross regional product and 33,000 businesses that generated over 202,000 jobs
  - The Council's Local Strategic Planning Statement covers seven priority growth areas and precincts identified by the NSW Government in order to give effect to their Housing strategy
  - Paramatta City Council has a 2023/24 capital works budget of \$613m and it provides a number of significant services within the local government area, including two aquatic centres, redevelopment to key community centres, and funding for local parks, roads, cycleways, and footpaths.
21. The Tribunal last considered the criteria for Principal CBD in the 2023 Annual Determination process. The Tribunal's view at the time was that

the criteria characteristics for Principal CBD category was appropriate, therefore no changes were required.

22. Paramatta City Council does not meet the criteria for Principal CBD. Accordingly, the Tribunal is not persuaded to include Paramatta Council in Principal CBD category.

23. Lake Macquarie City Council requested that it be recategorised from a Regional Strategic Area to a Major Strategic Area. Reasons include:

- The LGA having a resident population of 216,603, and a non-resident working population of 24,769 (for a total of 241,372)
- Connection to Greater Sydney via the M1, rail and a regional airport that supports the community
- 99 towns, villages and nine economic centres across an area of 757 square kilometres
- An annual economic output of \$26.1 billion (which is approximately 20 per cent of the Hunter economy)
- 1.3 million tourists per year
- 14,081 active businesses, 73,233 jobs and a total workforce across the LGA of 102,029
- Community facilities that include a Regional Gallery – Museum of Art and Culture, one University, two TAFE campuses and a regional centre for health care
- Operating revenue exceeding \$290 million.

24. As stated in Council's own submission, currently it does not meet the population threshold criteria for Major Strategic Area. Accordingly, the Tribunal is not persuaded to include Lake Macquarie Council in Major Strategic Area category.
25. The council also advocated for the population threshold for Major Strategic Area to be reviewed from its current threshold of 300,000 to 200,000 to restore incremental balance between Major Strategic Area and Regional Strategic Area categories.
26. Lake Macquarie Council provided late supplementary information to support their argument for the population threshold of Regional Strategic Area being adjusted. Council submitted that five precincts in the Lake Macquarie LGA have been identified for inclusion in the New South Wales Government Transport Oriented Development Program, which aims to encourage housing development near transport hubs.
27. The Council argues this increase in housing will lead to population growth in the selected centres, especially those with a large number of identified precincts.
28. Consistent with section 239 and 240 of the LG Act, the Tribunal carefully considered the population threshold for all categories, as part of the 2023 Annual Determination. It was determined at that time, on extensive evidence examined and considered by the Tribunal, that the population threshold for Major Strategic Area was appropriate.
29. The Tribunal is not persuaded at this time to change the population threshold for Major Strategic Area. Should further evidence become available to support a change in the population threshold for this category,

it can be considered by the Tribunal as part of the three yearly review of categories in 2026.

30. The Tribunal will monitor, as data becomes available, the impact of the New South Wales Government Transport Oriented Development Program on population thresholds.
31. One submission received from Wollondilly Shire Council advised that Council resolved to write to the Premier and appropriate Ministers, requesting Wollondilly Shire Council be considered as a regional Council.
32. The Tribunal has previously determined that Wollondilly Shire Council, for the purpose of setting the minimum and maximum fees payable to Councillors and Mayors, be classified as Regional Centre.
33. The Tribunal notes Wollondilly's submission and proposed course of action.

## **Categories – movement of Councils within the framework**

34. The Tribunal reviewed population and data relating to Council operations to determine if the categorisations of Councils was consistent with the current criteria.
35. Population data was sourced from the Australian Bureau of Statistics (ABS), released 26 March 2024 for the period 2022 – 2023 financial year, the most recent data available at the time of writing this determination.

36. Data relating to Council operations was sourced from the Office of Local Government (OLG).
37. These sources provide a consistent, and complete overview of all councils in NSW. These data sources are consistent with those used in previous LGRT determinations.
38. Each Council was also assessed against the relevant criteria at Appendix 1.
39. As a result, it was identified that two Rural Large councils, Hilltops Council and Muswellbrook Shire Council, each had a combined resident and non-residential working population above 20,000 each. This population figure exceeds the population threshold for a Regional Rural council classification.
40. For this reason, the Tribunal has reclassified both Hilltops Council and Muswellbrook Shire Council as Regional Rural councils.

## **Submissions Received – Remuneration Structure**

41. A significant number of submissions commented on the remuneration structure, advocating for major changes to be made, including the need for a full comprehensive review. These issues are addressed below.
42. One submission advocated for a new remuneration structure to be established that:
  - Is benchmarked in a more transparent way

- Recognises workload
- Encourages participation by a cohort that is more representative of the community
- Recognises skills and experience that is relevant to the roles.

43. Several submissions argued that the current remuneration structure does not adequately compensate elected Councillors and Mayors for the complex requirements of the role, significant workload, time requirements, responsibilities, and changes in the role over recent years.
44. A number of submissions provided comparison data that included remuneration paid to: Queensland and Victorian local government Councillors and Mayors, Federal, State, and Territory Parliamentary Members, Audit Risk and Improvement Committee members, and average remuneration for chairs/directors of not-for-profit organisations.
45. The basis of providing this data was to support arguments that NSW Councillors and Mayors are paid below these organisations and the work of Councillors and Mayors is being undervalued.
46. Some submissions outlined that low levels of remuneration can have a detrimental impact on the quality and diversity of candidates standing for election.
47. The LG Act is clear that Councillors and Mayors receive an annual fee, not a wage, with section 251 clearly stating that fees paid do not constitute a salary.

48. Whilst the Tribunal acknowledges these issues, as previously explained in the 2023 Annual Determination at paragraph 97 they are not currently within the Tribunal's remit.
49. One submission advocated for fees of rural councils to be commensurate with those of regional and metropolitan councils, arguing that the skills and knowledge required for the role is the same regardless of the council location.
50. Others advocated for significant increases to rural and regional fees in order to address low candidate numbers while others asserted that the current remuneration fails to take into account significant stressors facing regional and rural councils.
51. The Act requires that the Tribunal must determine categories at least once every three years and places each council into a category. The determination of categories by the Tribunal is for the purpose of determining the minimum and maximum fees to be paid for councillors and Mayors in each category. When determining categories, the Tribunal is required to take into account matters prescribed in Section 240 of the LG Act:
- *the size of areas;*
  - *the physical terrain of areas;*
  - *the population of areas and the distribution of the population;*
  - *the nature and volume of business dealt with by each council;*
  - *the nature and extent of the development of areas;*



- *the diversity of communities served;*
- *the regional, national and international significance of the council;*
- *such matters as the Remuneration Tribunal considers relevant to the provision of efficient and effective local government; and*
- *such other matters as may be prescribed by the regulations.*

52. The Determination of minimum and maximum fees for 2024 is dealt with below at section 4.

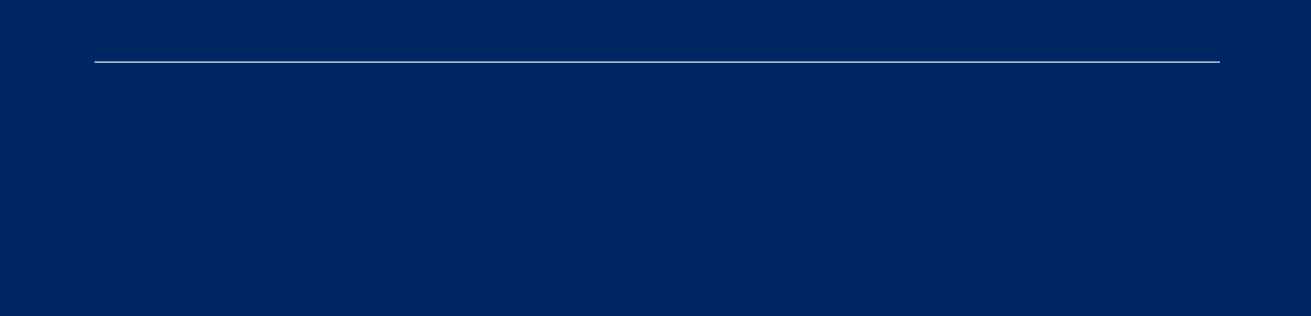
53. Two submissions asserted that the current remuneration structure fails to recognise the role, responsibilities, and contribution of the Deputy Mayor position. It was suggested that a distinct independent fee be included for the position of Deputy Mayor.

54. Section 249 (5) of the LG act states:

*“A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”*

55. Accordingly, the Tribunal lacks the power to implement changes to the fee structure that would include a distinct independent fee for the position of Deputy Mayor.

56. One argument put forward is that the impact of the current superannuation arrangements has a negative impact on female participation.

- 
- 
57. Section 254B of the Act sets out the circumstances with respect to the payment of superannuation for Mayors and Councillors. The payment of superannuation is not automatic or mandatory, pursuant to 254B (4)(a) of the Act a council must pass a resolution prior to making superannuation contribution payments.
  58. Any changes to superannuation contribution payments for Councillors and Mayors to assist in eliminating barriers to participation would require changes to the legislation.

# Section 4 – 2024 Fees

## Submissions - 2024 Fees

59. The LGNSW submission requested the Tribunal increase fees by at least 10% in order to:

- Reverse the fee erosion which occurred under the NSW Public Sector Wages Policy
- Mitigate economic pressures and the rising cost of living
- Ensure that Councillors and Mayors receive fair and reasonable remuneration for the work they perform
- Address the historic undervaluation of the work performed by elected representatives in local government in New South Wales.

60. LGNSW used economic and wage data to support their argument that included:

- Consumer Price Index
- Wage Price Index
- National and State Wage cases
- Market comparability

61. LGNSW in its meeting with the Tribunal and Assessors asserted that fees paid to Councillors and Mayors have reduced in real terms over recent years, further advocating for an increase of 10% being fair and reasonable.

62. In meeting with LGNSW, the question of Government policies (State and Federal) on housing reform was discussed. The Tribunal is mindful of the additional workload associated with policies such as the NSW Government's Transport Oriented Development Program place on affected Councils. Similar considerations arise from the infrastructure requirements related to Renewable Energy Zones.
63. The role of a Councillor as a member of the governing body of the council is outlined under s232 of the LG Act and the Tribunal has addressed this matter generally in the 2023 Determination at paragraph 97.
64. Four submissions received from individual councils addressed the issue of fees quantum increase. These submissions sought an increase ranging from 3% to 5.57%.
65. Other submissions advocated for remuneration to be set at a level to:
- Reflect the role, commitment required, complexity of the role, workload, and responsibilities required to perform the role successfully
  - Ensure no one is out of pocket for the work they do for council
  - Attract a diverse range of potential candidates.
66. Five submissions advocated for the Tribunal to change the determination in regard to the remuneration structure. Some submissions suggested setting a fixed mandatory fee for Councillors and Mayors, whilst others argued that individual councils should not determine their own

remuneration, due to potential conflict of interest, instead the decision should be left to State Government or an independent decision maker.

67. It has been suggested that such an approach could:

- Remove potential conflict of interest
- Facilitate good governance
- Create equity amongst councils in the same category
- Assist in fostering good relationships with the community
- Alleviate public perception that increases are unjust.

68. Currently the Tribunal, consistent with its obligations set out in the LG Act, section 248 and section 249, determines a minimum and maximum remuneration range for Councillors and Mayors. It is then up to individual councils, to fix the annual fee for councillors and Mayors.

69. Furthermore, the tribunal does not have the authority to determine a fixed mandatory fee, section 241 of the LG Act states:

*“The Remuneration Tribunal must, not later than 1 May in each year, determine, in each of the categories determined under section 239, the maximum and minimum amounts of fees to be paid during the following year to councillors (other than mayors) and mayors.”*

## Fee Increase.

70. The Tribunal considered a range of factors in determining the amount to increase minimum and maximum fees payable to Councillors and Mayors. This included economic data, including the Consumer Price Index, Wage Price Index, full-time adult average weekly ordinary time earnings, NSW Public Sector increases, and Local Government State Award increases. It also considered the Base Cost Change model used by IPART in setting the rate peg for 2024-25.
71. On this occasion the Tribunal has determined that a 3.75% per cent increase will apply to the minimum and maximum fees applicable to existing categories.

## Conclusion

72. The Tribunal's determination has been made with the assistance of the Assessors, Ms Kylie Yates, Mr Brett Whitworth and Mr Douglas Walther.
73. Determination 1 sets out the allocation of councils into each of the categories as per section 239 of the LG Act.
74. Determination 2 sets out the minimum and maximum fees paid to councillors and mayors and chairpersons of county concills as per section 241 of the LG Act.
75. The Tribunal acknowledges and thanks the secretariat for their excellent research and support in completing the 2024 determination.



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 29 April 2024

# Section 5 – Determinations

Determination No. 1 – Allocation of councils into each of the categories as per section 239 of the LG Act effective 1 July 2024

## General Purpose Councils – Metropolitan

### Principal CBD (1)

- Sydney

### Major CBD (1)

- Parramatta

### Metropolitan Major (2)

- Blacktown
- Canterbury-Bankstown

### Metropolitan Large (10)

- Bayside
- Cumberland
- Fairfield
- Inner West
- Liverpool
- Northern Beaches
- Penrith
- Ryde
- Sutherland
- The Hills

### Metropolitan Medium (8)

- Campbelltown
- Camden
- Georges River
- Hornsby
- Ku-ring-gai
- North Sydney
- Randwick
- Willoughby

### Metropolitan Small (8)

- Burwood
- Canada Bay
- Hunters Hill
- Lane Cove
- Mosman
- Strathfield
- Waverley
- Woollahra



## General Purpose Councils - Non-Metropolitan

### Major Regional City (2)

- Newcastle
- Wollongong

### Major Strategic Area (1)

- Central Coast

### Regional Centre (23)

- Albury
- Armidale
- Ballina
- Bathurst
- Blue Mountains
- Byron
- Cessnock
- Clarence Valley
- Coffs Harbour
- Dubbo
- Eurobodella
- Hawkesbury

### Regional Strategic Area(4)

- Lake Macquarie
- Maitland
- Shoalhaven
- Tweed
- Lismore
- Mid-Coast
- Orange
- Port Macquarie-Hastings
- Port Stephens
- Queanbeyan-Palerang
- Shellharbour
- Tamworth
- Wagga Wagga
- Wingecarribee
- Wollondilly

**Regional Rural (14)**

- Bega
- Broken Hill
- Goulburn Mulwaree
- Griffith
- Hilltops
- Kempsey
- Kiama
- Lithgow
- Mid-Western
- Muswellbrook
- Nambucca
- Richmond Valleys
- Singleton
- Snowy Monaro

**Rural Large (16)**

- Bellingen
- Cabonne
- Cootamundra-Gundagai
- Cowra
- Federation
- Greater Hume
- Gunnedah
- Inverell
- Leeton
- Moree Plains
- Murray River
- Narrabri
- Parkes
- Snowy Valleys
- Upper Hunter
- Yass

**Rural (38)**

- Balranald
- Berrigan
- Bland
- Blayney
- Bogan
- Bourke
- Brewarrina
- Carrathool
- Central Darling
- Cobar
- Coolamon
- Coonamble
- Dungog
- Edward River
- Forbes
- Gilgandra

- Glen Innes Severn
- Gwydir
- Hay
- Junee
- Kyogle
- Lachlan
- Liverpool Plains
- Lockhart
- Murrumbidgee
- Narrandera
- Narromine
- Oberon
- Temora
- Tenterfield
- Upper Lachlan
- Uralla
- Walcha
- Walgett
- Warren
- Warrumbungle
- Weddin
- Wentworth

## County Councils

### Water (4)

- Central Tablelands
- Goldenfields Water
- Riverina Water
- Rous

### Other (6)

- Castlereagh-Macquarie
- Central Murray
- Hawkesbury River
- New England Tablelands
- Upper Hunter
- Upper Macquarie

## Determination No. 2 - Fees for Councillors and Mayors as per section 241 of the LG Act effective from 1 July 2024

The annual fees to be paid in each of the categories to Councillors, Mayors, Members, and Chairpersons of County Councils effective on and from 1 July 2024 as per section 241 of the *Local Government Act 1993* are determined as follows:

### Table 4: Fees for General Purpose and County Councils

#### General Purpose Councils – Metropolitan

##### Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	30,720	45,070
Major CBD	20,500	37,960
Metropolitan Major	20,500	35,890
Metropolitan Large	20,500	33,810
Metropolitan Medium	15,370	28,690
Metropolitan Small	10,220	22,540

##### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2024

Category	Minimum	Maximum
Principal CBD	188,010	247,390
Major CBD	43,530	122,640
Metropolitan Major	43,530	110,970
Metropolitan Large	43,530	98,510
Metropolitan Medium	32,650	76,190
Metropolitan Small	21,770	49,170

## General Purpose Councils - Non-Metropolitan

### Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	20,500	35,620
Major Strategic Area	20,500	35,620
Regional Strategic Area	20,500	33,810
Regional Centre	15,370	27,050
Regional Rural	10,220	22,540
Rural Large	10,220	18,340
Rural	10,220	13,520

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2024

Category	Minimum	Maximum
Major Regional City	43,530	110,970
Major Strategic Area	43,530	110,970
Regional Strategic Area	43,530	98,510
Regional Centre	31,980	66,800
Regional Rural	21,770	49,200
Rural Large	16,330	39,350
Rural	10,880	29,500

## County Councils

### Councillor/Member Annual Fee (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	2,030	11,280
Other	2,030	6,730

### Mayor/Chairperson Additional Fee\* (\$) effective 1 July 2024

Category	Minimum	Maximum
Water	4,360	18,520
Other	4,360	12,300

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).



Viv May PSM

**Local Government Remuneration Tribunal**

Dated 29 April 2024

# Appendices

## Appendix 1 Criteria that apply to categories

### Principal CBD

The Council of the City of Sydney (the City of Sydney) is the principal central business district (CBD) in the Sydney Metropolitan area. The City of Sydney is home to Sydney's primary commercial office district with the largest concentration of businesses and retailers in Sydney. The City of Sydney's sphere of economic influence is the greatest of any local government area in Australia.

The CBD is also host to some of the city's most significant transport infrastructure including Central Station, Circular Quay and International Overseas Passenger Terminal. Sydney is recognised globally with its iconic harbour setting and the City of Sydney is host to the city's historical, cultural and ceremonial precincts. The City of Sydney attracts significant visitor numbers and is home to 60 per cent of metropolitan Sydney's hotels.

The role of Lord Mayor of the City of Sydney has significant prominence reflecting the CBD's importance as home to the country's major business centres and public facilities of state and national importance. The Lord Mayor's responsibilities in developing and maintaining relationships with stakeholders, including other councils, state and federal governments, community and business groups, and the media are considered greater than other mayoral roles in NSW.

## Major CBD

The Council of the City of Parramatta (City of Parramatta) is the economic capital of Greater Western Sydney and the geographic and demographic centre of Greater Sydney. Parramatta is the second largest economy in NSW (after Sydney CBD) and the sixth largest in Australia.

As a secondary CBD to metropolitan Sydney the Parramatta local government area is a major provider of business and government services with a significant number of organisations relocating their head offices to Parramatta. Public administration and safety have been a growth sector for Parramatta as the State Government has promoted a policy of moving government agencies westward to support economic development beyond the Sydney CBD.

The City of Parramatta provides a broad range of regional services across the Sydney Metropolitan area with a significant transport hub and hospital and educational facilities. The City of Parramatta is home to the Westmead Health and Medical Research precinct which represents the largest concentration of hospital and health services in Australia, servicing Western Sydney and providing other specialised services for the rest of NSW.

The City of Parramatta is also home to a significant number of cultural and sporting facilities (including Sydney Olympic Park) which draw significant domestic and international visitors to the region.



## Metropolitan Major

Councils categorised Metropolitan Major will typically have a minimum residential population of 400,000.

Councils may also be categorised Metropolitan Major if their residential population combined with their non-resident working population exceeds 400,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$300M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Major will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

## Metropolitan Large

Councils categorised as Metropolitan Large will typically have a minimum residential population of 200,000.

Councils may also be categorised as Metropolitan Large if their residential population combined with their non-resident working population exceeds 200,000. To satisfy this criteria the non-resident working population must exceed 50,000.

Other features may include:

- total operating revenue exceeding \$200M per annum
- the provision of significant regional services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- significant industrial, commercial and residential centres and development corridors
- high population growth.

Councils categorised as Metropolitan Large will have a sphere of economic influence and provide regional services considered to be greater than those of other metropolitan councils.

### **Metropolitan Medium**

Councils categorised as Metropolitan Medium will typically have a minimum residential population of 100,000.

Councils may also be categorised as Metropolitan Medium if their residential population combined with their non-resident working population exceeds 100,000. To satisfy this criteria the non-resident working population must exceed 50,000.



Other features may include:

- total operating revenue exceeding \$100M per annum
- services to greater Sydney including, but not limited to, major education, health, retail, sports, other recreation and cultural facilities
- industrial, commercial and residential centres and development corridors
- high population growth.

The sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Large councils.

## Metropolitan Small

Councils categorised as Metropolitan Small will typically have a residential population less than 100,000.

Other features which distinguish them from other metropolitan councils include:

- total operating revenue less than \$150M per annum.

While these councils may include some of the facilities and characteristics of both Metropolitan Large and Metropolitan Medium councils the overall sphere of economic influence, the scale of council operations and the extent of regional servicing would be below that of Metropolitan Medium councils.

## Major Regional City

Newcastle City Council and Wollongong City Councils are categorised as Major Regional City. These councils:

- are metropolitan in nature with major residential, commercial and industrial areas
- typically host government departments, major tertiary education and health facilities and incorporate high density commercial and residential development
- provide a full range of higher order services and activities along with arts, culture, recreation, sporting and entertainment facilities to service the wider community and broader region

- have significant transport and freight infrastructure servicing international markets, the capital city and regional areas
- have significant natural and man-made assets to support diverse economic activity, trade and future investment
- typically contain ventures which have a broader State and national focus which impact upon the operations of the council.

### **Major Strategic Area**

Councils categorised as Major Strategic Area will have a minimum population of 300,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Central Coast Council meets the criteria to be categorised as a Major Strategic Area. Its population, predicted population growth, and scale of the Council's operations warrant that it be differentiated from other non-metropolitan councils. Central Coast Council is also a significant contributor to the regional economy associated with proximity to and connections with Sydney and the Hunter Region.

### **Regional Strategic Area**

Councils categorised as Regional Strategic Area are differentiated from councils in the Regional Centre category on the basis of their significant population and will typically have a residential population above 100,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$250M per annum
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Currently, only Lake Macquarie Council meets the criteria to be categorised as a Regional Strategic Area. Its population and overall scale of council operations will be greater than Regional Centre councils.

## Regional Centre

Councils categorised as Regional Centre will typically have a minimum residential population of 40,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large city or town providing a significant proportion of the region's housing and employment
- health services, tertiary education services and major regional airports which service the surrounding and wider regional community
- a full range of high-order services including business, office and retail uses with arts, culture, recreation and entertainment centres
- total operating revenue exceeding \$100M per annum
- the highest rates of population growth in regional NSW
- significant visitor numbers to established tourism ventures and major events that attract state and national attention
- a proximity to Sydney which generates economic opportunities.

Councils in the category of Regional Centre are often considered the geographic centre of the region providing services to their immediate and wider catchment communities.

### **Regional Rural**

Councils categorised as Regional Rural will typically have a minimum residential population of 20,000. To satisfy this criteria the non-resident working population can be included.

Other features may include:

- a large urban population existing alongside a traditional farming sector, and are surrounded by smaller towns and villages
- health services, tertiary education services and regional airports which service a regional community
- a broad range of industries including agricultural, educational, health, professional, government and retail services
- large visitor numbers to established tourism ventures and events.

Councils in the category of Regional Rural provide a degree of regional servicing below that of a Regional Centre.



## Rural Large

Councils categorised as Rural Large will have a residential population greater than 10,000, and a councillor to resident ratio of at least 1 to 1200.

Other features may include:

- one or two significant townships combined with a considerable dispersed population spread over a large area and a long distance from a major regional centre
- a limited range of services, facilities and employment opportunities compared to Regional Rural councils
- local economies based on agricultural/resource industries.

## **Rural**

Councils categorised as Rural will typically have a residential population less than 10,000.

## **County Councils - Water**

County councils that provide water and/or sewerage functions with a joint approach in planning and installing large water reticulation and sewerage systems.

## **County Councils - Other**

County councils that administer, control and eradicate declared noxious weeds as a specified Local Control Authority under the Biosecurity Act 2015.

## Environmental & Community Services

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### GENERAL ADMINISTRATION REPORTS

**G.06.1** ***ESTABLISHMENT OF ABERDEEN INVESTMENT COMMITTEE***

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Mathew Pringle - Director Environmental & Community Services

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#### **PURPOSE**

The purpose of this report is to consider the establishment of an Investment Committee in accordance with a proposed community funding deed and the executed planning agreement between Council and MACH Energy Australia Pty Ltd.

#### **RECOMMENDATION**

That Council:

1. delegate authority to the General Manager to execute the Community Funding Deed in attachment 1.
2. establish an Aberdeen Investment Committee in accordance with the Community Funding Deed.
3. appoint two (2) Council representatives to the committee (Councillors or employees);
4. call for expressions of interest from Aberdeen residents to be appointed to the committee as a Community Representative.
5. adopt the committee charter in attachment 2.

#### **BACKGROUND**

Council, at its meeting held on 26 April 2022, resolved to enter into a planning agreement with MACH Energy Australia Pty Ltd in respect of the Mount Pleasant Optimisation Project (State Significant Development (SSD-10418)). The planning agreement was subsequently executed on 14 September 2022.

Under the terms of the planning agreement, MACH Energy is required to make a community contribution of \$250,000 per annum to be used for or applied towards public purposes for the benefit of Aberdeen.

Council received notice from MACH Energy on 12 February 2024 that development has commenced under the development consent (SSD 10418) and therefore contributions are now payable in accordance with the terms of the planning agreement.

#### **REPORT/PROPOSAL**

The planning agreement with MACH Energy requires the establishment of a community representative committee to make recommendations to Council regarding the use of contributions for, or application of the contributions towards, one or more public purposes for the benefit of Aberdeen.

In accordance with Section 7.4 of the Environmental Planning & Assessment Act 1979, contributions could be used for or applied towards the following public purposes:

- the provision of (or the recoupment of the cost of providing) public amenities or public services,
- the provision of (or the recoupment of the cost of providing) affordable housing,

## Environmental & Community Services

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- the provision of (or the recoupment of the cost of providing) transport or other infrastructure;
- the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure,
- the monitoring of the planning impacts of development,
- the conservation or enhancement of the natural environment.

A draft Community Funding Deed has been prepared by MACH Energy and Council staff for the purposes of giving effect to the Planning Agreement. The funding deed has been reviewed by lawyers representing each party.

In accordance with the Community Funding Deed, Council must establish an Investment Committee consisting of five Investment Committee Representatives including two (2) MACH Energy representatives, two (2) Council representatives and one (1) community representative. The committee will consider, and if it sees fit, recommend to Council, funding proposals submitted to it for consideration by an investment committee member. The committee will meet at least twice per year.

A copy of the draft funding deed is provided in attachment 1.

A draft committee charter has been prepared for the Investment Committee and is provided in attachment 2.

### **OPTIONS**

1. Adopt the recommendation.
2. Propose amendments to the funding deed and/or committee charter.

### **CONSULTATION**

- MACH Energy
- Local Government Legal

### **STRATEGIC LINKS**

#### **a. Community Strategic Plan 2032**

This report links to the Community Strategic Plan 2032 as follows:

#### **Responsible Governance**

Providing efficient and responsible governance in order to effectively serve the community.

- 5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.
- 5.5 Community is effectively engaged, can provide opinion and contribute to decisions that plan for the present and future of the Upper Hunter Shire.
- 5.10 Encourage and build strong partnerships between the Community, business and all levels of government to support implementation of the CSP 2032 and to deliver the Community priorities.

#### **b. Delivery Program**

- Relationships with key stakeholders to enhance economic development activities within the Shire
- Leadership that reviews Council operations and Council wide continuous service improvement

## Environmental & Community Services

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- Advice and policy development that supports decision making

### c. Other Plans

Nil

## **IMPLICATIONS**

### a. Policy and Procedural Implications

Nil

### b. Financial Implications

The cost of administering the Investment Committee and developer contributions will be funded from the current budget.

### c. Legislative Implications

The Community Funding Deed will be entered into for the purposes of giving effect to the planning agreement under Division 7.1 of Part 7 of the Environmental Planning and Assessment Act 1979.

### d. Risk Implications

Parties to the funding deed have invested considerable time and effort in preparing, negotiating and reviewing the agreement to ensure that risks are mitigated. The draft deed has been reviewed by Council's solicitor and various clauses have been incorporated into the document to minimise risks to Council.

### e. Sustainability Implications

The community contribution will provide funding for community projects that contribute to the social, economic and environmental sustainability of the Upper Hunter Shire.

### f. Other Implications

Nil

## **CONCLUSION**

Council has entered into a planning agreement with MACH Energy under the terms of which MACH Energy is required to make a community contribution of \$250,000 per annum towards public purposes for the benefit of Aberdeen.

A draft Community Funding Deed has been prepared by MACH Energy and Council staff for the purposes of giving effect to the Planning Agreement.

In accordance with the Community Funding Deed, Council must establish an Investment Committee consisting of five Investment Committee Representatives. The committee will make recommendations to Council regarding the use of contributions in accordance with its charter.

## **ATTACHMENTS**

- [1](#) Draft Community Funding Deed
- [2](#) Draft Committee Charter

**Ashurst**

Draft 15 May 2024

# MACH Energy Community Funding Deed

MACH Energy Australia Pty Limited  
ACN 608 495 441

Upper Hunter Shire Council  
ABN 17 261 839 740

Partner Initials\FE Initials\30003715.1000-060-660

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**THIS DEED** is made on \_\_\_\_\_ 2024

**BETWEEN:**

- (1) **MACH Energy Australia Pty Limited** (ACN 608 495 441) of Level 3, Suite 302, 251 Wharf Road, Newcastle NSW 2300 ("**MACH Energy**"); and
- (2) **Upper Hunter Shire Council** (ABN 17 261 839 740) of 135 Liverpool Street, Scone NSW 2337 (the "**Council**").
- (collectively, the "**Parties**")

**INTRODUCTION**

- (A) MACH Energy owns or otherwise lawfully occupies the Land and is the proponent of the Existing Project and the Optimisation Project that is authorised to be conducted on the Land under the Existing Consent and the SSD Consent respectively.
- (B) The SSD Consent was granted for the Optimisation Project by the NSW Independent Planning Commission on 6 September 2022.
- (C) Condition A18 of Schedule 2 of the SSD Consent requires MACH Energy to enter into a planning agreement with Council in accordance with Division 7.1 of Part 7 of the Act and MACH Energy's offer in Appendix 8 of the SSD Consent.
- (D) The first Item in Appendix 8 of the SSD Consent provides for a Community Enhancement Fund contribution to benefit the community of Aberdeen being:
- \$250,000 per annum (index to CPI)*
- (E) MACH Energy and the Council have entered into a Planning Agreement for the purposes of condition A18 of Schedule 2 of the SSD Consent. In the Planning Agreement MACH Energy has undertaken to make Community Contributions to the Council.
- (G) It is intended that the Community Contributions will be dealt with on the terms of this Deed which also includes the Charter for the Investment Committee established to assist the parties allocate the Community Contributions.
- (H) This Deed is entered into for the purposes of giving effect to an agreement under Division 7.1 of Part 7 of the Act.

**THE PARTIES AGREE AS FOLLOWS:**

1. **Interpretation**

1.1 **Definitions**

The following definitions apply in this document.

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).



**Approved Funding Proposal** means a Funding Proposal recommended by the Investment Committee in accordance with Clause 4 and approved by the Council.

**Community Contributions** means the Contribution monies which are provided by MACH Energy to Council in Item 1 of Schedule 1 of the Planning Agreement.

**Community Representative** means an Investment Committee Member who is not a representative of MACH Energy or Council.

**Council Representative** means a person appointed by the Council to be an Investment Committee Member in accordance with clause 3.1.

**Investment Committee** means the committee established by MACH Energy and Council under clause 3.

**Investment Committee Member** means a member of the Investment Committee.

**Funding Proposal** means a proposal for the Council to spend some or all of the Community Contributions paid by MACH Energy and which satisfies the Funding Proposal Criteria.

**Funding Proposal Criteria** means the criteria set out in Schedule 1 of this Deed.

**MACH Energy Representative** means a person appointed by MACH Energy to be an Investment Committee Member.

**Planning Agreement** means the planning agreement entered into by Council and MACH Energy on 14 September 2022, as amended from time to time.

**Recommended Funding Proposal** means a Funding Proposal recommended by the Investment Committee in accordance with clause 4.

**SSD Consent** means the consent granted for the Optimisation Project by the NSW Independent Planning Commission on 6 September 2022

## 1.2 Terms undefined

Terms that are not defined in clause 1.1 of the Deed but are defined in the Planning Agreement, will have the same meaning in this Deed as the meaning given to the term in the Planning Agreement, unless the context makes it clear that a definition is not intended to apply.

## 1.3 Interpretation

Headings are for convenience only, and do not affect interpretation. The following also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to:
- (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
  - (ii) a document or agreement (including this Deed), or a provision of a document or agreement (including this Deed), is to that document, agreement or provision as amended, supplemented, replaced or novated;

- (iii) a party to this Deed or to any other document or agreement includes a permitted substitute or a permitted assign of that party;
- (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
- (v) anything (including a right, obligation or concept) includes each part of it.
- (b) the provisions (including the definitions in clause 1.1) of this Deed are intended to be applied from the date this Deed is entered into;
- (c) a singular word includes the plural, and vice versa;
- (d) a word which suggests on gender includes the other genders;
- (e) "written" means in printed form on paper or in an electronic form that is capable of being printed on paper by normal office equipment;
- (f) if a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning;
- (g) this Deed is not to be interpreted against the interests of a party merely because that party proposed this Deed or some provision in it or because that party relies on a provision of this Deed to protect itself;
- (h) the **schedules** and **annexures** form part of this document;
- (i) a reference to **including** and **includes** means "including, without limitation";
- (j) if an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing;
- (k) words defined in the GST Act have the same meaning in clauses about GST;
- (l) an agreement, representation, covenant, right or obligation:
  - (i) in favour of two or more persons is for the benefit of them jointly and severally; and
  - (ii) on the part of two or more persons, binds them jointly and severally; and
- (m) references to dollars and "\$" are to be taken as referring to an amount in Australian currency.

## 2. **The role of the Investment Committee**

- (a) The role of the Investment Committee is to consider, and, if it sees fit, recommend to the Council, Funding Proposals submitted to it for consideration by an Investment Committee Member.
- (b) The Investment Committee may not recommend a Funding Proposal unless it meets the Funding Proposal Criteria and any applicable terms of the Planning Agreement and the SSD Consent.

### 3. Investment Committee

#### 3.1 Establishment and membership

- (a) As soon as practicable after the commencement of this Deed, Council must establish an Investment Committee which must consist of five Investment Committee Representatives.
- (b) The members of the Investment Committee shall comprise:
  - (i) two Investment Committee members appointed by MACH Energy (**MACH Energy representatives**);
  - (ii) two Investment Committee Members appointed by Council (**Council Representatives**) who shall be either a Councillor or an employee of Council; and
  - (iii) one Community Representative appointed in accordance with clause 3.3 (**Community Representative**).
- (c) An Investment Committee Member appointed by MACH Energy or Council (other than a Community Representative) may act in the best interest of the party which appointed it.

#### 3.2 Chairperson

- (a) The Chairperson for the Investment Committee must be one of the Council Representatives.
- (b) The Chairperson must be elected by a majority vote of the Investment Committee at the first meeting of the Investment Committee.
- (c) If the Chairperson ceases to be an Investment Committee Member then a new Chairperson must be appointed by majority vote of the Investment Committee at the next meeting.
- (d) The Chairperson shall convene and chair the Investment Committee meetings.
- (e) The Chairperson shall determine the agenda items.

#### 3.3 Community Representative

- (a) As soon as practicable after the commencement of this Deed, the Council must place an advertisement in the relevant local newspaper and on the Council website for any person interested in the position of Community Representative on the Investment Committee.
- (b) Any resident of the town of Aberdeen in the Upper Hunter Shire Council Local Government Area may make an application to Council to be appointed as the Community Representative on the Investment Committee.
- (c) The Community Representative must be elected by majority vote of the Investment Committee at the first meeting from the persons who made an application to Council for appointment.
- (d) The Community Representative is elected to the Investment Committee for a two year period.
- (e) After the two year term of the Community Representative Council must readvertise the position in the relevant local newspaper and on the Council

website, generally in accordance with the process provided for in clause 3.3(a) above.

- (f) A former or existing Community Representative can be re-elected to the position of Community Representative on the Investment Committee.

**3.4 Alternative Investment Committee Member**

MACH Energy and Council may appoint an alternative Investment Committee Member for their party who may exercise all powers of the Investment Committee Member when attending in place of that Investment Committee Member.

**3.5 Term of Investment Committee Member**

MACH Energy and Council Representatives are appointed for a four year period, provided that for the initial terms, the appointments shall be until the next general election of the Council.

**3.6 Replacement of Investment Committee Members**

- (a) If an Investment Committee Member ceases for any reason to be a member or resigns as a member:
- (i) if the Investment Committee Member is a MACH Energy Representative, MACH Energy must as soon as practicable appoint a new MACH Energy Representative to be one of its Investment Committee Members;
  - (ii) if the Investment Committee Member is a Council Representative, Council must as soon as practicable appoint a new Council Representative to be one of its Investment Committee Members; and
  - (iii) if the Investment Committee Member is a Community Representative:
    - (A) Council must as soon as practicable advertise in the relevant local newspaper and on the Council website for any person interested in being appointed as the Community Representative in the Investment Committee; and
    - (B) the remaining Investment Committee Members at the next meeting must appoint, by majority vote, a new Community Representative from the people who applied to Council for the position.
- (b) If an Investment Committee Member:
- (i) dies;
  - (ii) becomes bankrupt;
  - (iii) in the case of a Council Representative, cease to be a Councillor or employee of Council; or
  - (iv) in the opinion of each of the other Investment Committee Members, consistently fails to perform their duty in relation to the Investment Committee

that Investment Committee Member will cease to be a member of the Investment Committee immediately.

**3.7 Meeting of the Investment Committee**

- (a) The Investment Committee shall determine the frequency of its meetings.
- (b) Despite clause 3.7(a) above, the Investment Committee must meet at least twice per annum.
- (c) Only the Chairperson may call a meeting of the Investment Committee.
- (d) Any Investment Committee Member may request the Chairperson to convene an extraordinary meeting of the Investment Committee to discuss any matter warranting urgent consideration. The Chairperson shall determine whether an extraordinary meeting is warranted.
- (e) At least two weeks' notice must be given to all members of any meeting of the Investment Committee (except extraordinary meetings where one week's notice can be given).
- (f) The Council may determine the manner in which meetings of the Investment Committee are to be convened and conducted.
- (g) The Council or MACH Energy shall provide facilities for Investment Committee meetings.

**3.8 Proceedings of Investment Committee**

- (a) The quorum of meetings of the Investment Committee is one MACH Energy Representative and one Council Representative.
- (b) Meetings of the Investment Committee may be conducted by telephone or other electronic means provided all Investment Committee Members have access to and can use such means.

**3.9 Liability and duties**

If an Investment Committee Member acts in good faith (which shall not preclude acting in the interest of or under the direction of the person appointing the Investment Committee Member as provided by clause 3.1(c)), he or she is not responsible or liable in any manner to any other Investment Committee Member, the Council or MACH Energy for any loss or expense.

**4. Funding Proposals****4.1 Submitting Funding Proposal for consideration**

- (a) Any Investment Committee Member may submit a Funding Proposal to the Investment Committee for consideration if it satisfies the Funding Proposal Criteria.
- (b) The Funding Proposal must be sent to all the Investment Committee Members at least two weeks before the meeting at which the Funding Proposal is to be considered.

**4.2 Consideration of Funding Proposal**

- (a) All Funding Proposals that satisfy clause 4.1 above must be considered by the Investment Committee.
- (b) The Council shall provide the Investment Committee with a comprehensive report on all Funding Proposals.

- (c) A Funding Proposal will be recommended by the Investment Committee to be considered by the Council if at least a quorum of the Investment Committee vote in favour of the Funding Proposal (**Recommended Funding Proposal**).
- (d) An Investment Committee Member may declare themselves ineligible to vote on a matter where the Investment Committee Member considers that they have a material personal interest in the outcome of the matter and that this may result in a conflict of interest.
- (e) For the avoidance of any doubt, where an Investment Committee member is ineligible to vote at a meeting at which a decision is made, a vote of all the remaining eligible Investment Committee Members will constitute a vote of the Investment Committee.
- (f) If a Funding Proposal is not approved by the Investment Committee, the Funding Proposal may be submitted for consideration at one further subsequent Investment Committee Meeting for further consideration.

#### 4.3 **Approved Funding Proposal**

- (a) Council may, in its absolute discretion, approve or refuse a Recommended Funding Proposal submitted to it by the Investment Committee.
- (b) Council must report to the Investment Committee at the next meeting of the Investment Committee as to the progress and status of all Recommended Funding Proposals.
- (c) If, at the end of every four year period, there are funds that have not been allocated, Council may, in its sole discretion and taking into account the matters set out in Schedule 1, expend any unallocated funds.

#### 5. **Limitation of liability**

For the avoidance of doubt, each Investment Committee Member shall have no liability to Council or MACH Energy or any other person for any loss or expense arising out of the implementation by Council of a Recommended Funding Proposal.

#### 6. **General Provisions**

##### 6.1 **Counterparts**

This Deed may be executed in any number of counterparts. All counterparts taken together constitute one instrument.

##### 6.2 **Amendment**

This Deed can only be amended or replaced by a supplementary Deed executed by the Parties.

##### 6.3 **Termination**

This Deed terminates upon the termination of the Planning Agreement.

##### 6.4 **Application of clauses of Planning Agreement to this Deed**

Clauses 9, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 of the Planning Agreement apply to this Deed, reading references to 'Agreement' in each clause as reference to 'Deed'.

## Schedule 1

### Funding Proposal Criteria

1. A Funding Proposal must have an economic, social or environmental benefit for the community within the town of Aberdeen in the Upper Hunter Shire Council Local Government Area and must be for a public purpose as defined by s7.4(2) of the Act.
2. A Funding Proposal may include:
  - (a) the construction and/or maintenance of infrastructure;
  - (b) environmental conservation works;
  - (c) research, training or education;
  - (d) community welfare; or
  - (e) community events.
3. A Funding Proposal submitted to the Investment Committee for consideration must:
  - (a) describe the proposed expenditure including:
    - (i) an overview of its benefits to the Aberdeen Community in the Upper Hunter;
    - (ii) the reasons why the Community Development Contributions paid by MACH Energy should be spent on the Funding Proposal; and
  - (b) Set out an indicative costing for the proposed expenditure including any ongoing costs.
4. A Funding Proposal must not be submitted to the Investment Committee for consideration which:
  - (a) benefits private companies or individuals;
  - (b) seeks finance for individual business activities;
  - (c) seeks to finance endeavours solely for personal gain; or
  - (d) is from a discriminatory and/or exclusive organisation.

**EXECUTED** as an agreement.

**EXECUTED** for and on behalf of **MACH Energy Australia Pty Limited** pursuant to s 127 of the *Corporations Act 2001* (Cth):

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Name of director

\_\_\_\_\_  
Name of signatory

**Signed** for and on behalf of **UPPER HUNTER SHIRE COUNCIL** ABN 17 261 839 740 by its authorised delegate under section 377 of the *Local Government Act 1993* in the presence of:

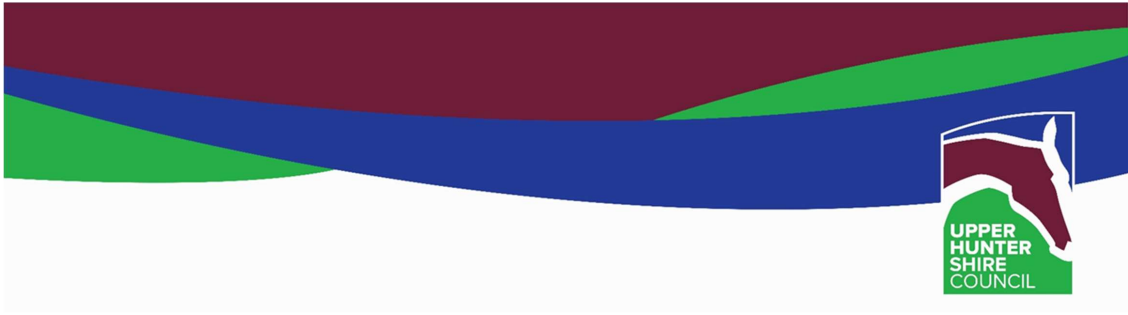
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Signature of Witness

.....  
[Redacted], General Manager

.....  
Print name of Witness





## COMMITTEE CHARTER

### Aberdeen Investment Committee

Date adopted by Council	2024
Minute number	
Endorsed by	Council
CM Ref	CD-
Due for review	At the expiry of the term of the current Council
Responsible officer	Director Environmental & Community Services

## Policy: Committee Charter – Aberdeen Investment Committee

1. **Background**

On 6 September 2022, the NSW Independent Planning Commission approved the Mount Pleasant Optimisation Project (State Significant Development Consent (SSD Consent)).

Condition A18 of Schedule 2 of the SSD Consent requires MACH Energy to enter into a planning agreement with Council in accordance with Division 7.1 of Part 7 of the Environmental Planning and Assessment Act 1979 and MACH Energy's offer in Appendix 8 of the SSD Consent.

The first Item in Appendix 8 of the SSD Consent provides for a Community Enhancement Fund contribution to benefit the community of Aberdeen being:

*\$250,000 per annum (index to CPI)*

MACH Energy and the Council have entered into a Planning Agreement for the purposes of condition A18 of Schedule 2 of the SSD Consent. In the Planning Agreement MACH Energy has undertaken to make Community Contributions to the Council.

MACH Energy and the Council have also entered into a Community Funding Deed for the purposes of giving effect to the Planning Agreement. Under the terms of the Community Funding Deed, Council must establish an Investment Committee consisting of five Investment Committee Representatives.

2. **Definitions**

**Act** means the *Environmental Planning and Assessment Act 1979* (NSW).

**Approved Funding Proposal** means a Funding Proposal recommended by the Investment Committee in accordance with Clause 4 and approved by the Council.

**Community Contributions** means the Contribution monies which are provided by MACH Energy to Council in Item 1 of Schedule 1 of the Planning Agreement.

**Community Representative** means an Investment Committee Member who is not a representative of MACH Energy or Council.

**Council Representative** means a person appointed by the Council to be an Investment Committee Member in accordance with clause 3.1.

**Investment Committee** means the committee established by MACH Energy and Council under clause 3.

**Investment Committee Member** means a member of the Investment Committee.

**Funding Proposal** means a proposal for the Council to spend some or all of the Community Contributions paid by MACH Energy and which satisfies the Funding Proposal Criteria.

**Funding Proposal Criteria** means the criteria set out in Schedule 1 of this Charter.

**MACH Energy Representative** means a person appointed by MACH Energy to be an Investment Committee Member.

**Planning Agreement** means the planning agreement entered into by Council and MACH Energy on 14 September 2022, as amended from time to time.

## Policy: Committee Charter – Aberdeen Investment Committee



**Recommended Funding Proposal** means a Funding Proposal recommended by the Investment Committee in accordance with clause 4.

**SSD Consent** means the consent granted for the Optimisation Project by the NSW Independent Planning Commission on 6 September 2022

3. **The role of the Investment Committee**

- (a) The role of the Investment Committee is to consider, and, if it sees fit, recommend to the Council, Funding Proposals submitted to it for consideration by an Investment Committee Member.
- (b) The Investment Committee may not recommend a Funding Proposal unless it meets the Funding Proposal Criteria and any applicable terms of the Planning Agreement and the SSD Consent.

4. **Membership**

- (a) The members of the Investment Committee shall comprise:
  - (i) two Investment Committee members appointed by MACH Energy (**MACH Energy representatives**);
  - (ii) two Investment Committee Members appointed by Council (**Council Representatives**) who shall be either a Councillor or an employee of Council; and
  - (iii) one Community Representative appointed in accordance with clause 3.3 (**Community Representative**).
- (b) An Investment Committee Member appointed by MACH Energy or Council (other than a Community Representative) may act in the best interest of the party which appointed it.

5. **Chairperson**

- (a) The Chairperson for the Investment Committee must be one of the Council Representatives.
- (b) The Chairperson must be elected by a majority vote of the Investment Committee at the first meeting of the Investment Committee.
- (c) If the Chairperson ceases to be an Investment Committee Member then a new Chairperson must be appointed by majority vote of the Investment Committee at the next meeting.
- (d) The Chairperson shall convene and chair the Investment Committee meetings.
- (e) The Chairperson shall determine the agenda items.

6. **Community Representative**

- (a) Any resident of the town of Aberdeen in the Upper Hunter Shire Council Local Government Area may make an application to Council to be appointed as the Community Representative on the Investment Committee.

## Policy: Committee Charter – Aberdeen Investment Committee



- (b) The Community Representative must be elected by majority vote of the Investment Committee at the first meeting from the persons who made an application to Council for appointment.
- (c) The Community Representative is elected to the Investment Committee for a two year period.
- (d) After the two year term of the Community Representative Council must readvertise the position in the relevant local newspaper and on the Council website, generally in accordance with the process provided for in clause 3.3(a) above.
- (e) A former or existing Community Representative can be re-elected to the position of Community Representative on the Investment Committee.

7. **Alternative Investment Committee Member**

MACH Energy and Council may appoint an alternative Investment Committee Member for their party who may exercise all powers of the Investment Committee Member when attending in place of that Investment Committee Member.

8. **Term of Investment Committee Member**

MACH Energy and Council Representatives are appointed for a four year period, provided that for the initial terms, the appointments shall be until the next general election of the Council.

9. **Replacement of Investment Committee Members**

- (a) If an Investment Committee Member ceases for any reason to be a member or resigns as a member:
  - (i) if the Investment Committee Member is a MACH Energy Representative, MACH Energy must as soon as practicable appoint a new MACH Energy Representative to be one of its Investment Committee Members;
  - (ii) if the Investment Committee Member is a Council Representative, Council must as soon as practicable appoint a new Council Representative to be one of its Investment Committee Members; and
  - (iii) if the Investment Committee Member is a Community Representative:
    - (A) Council must as soon as practicable advertise in the relevant local newspaper and on the Council website for any person interested in being appointed as the Community Representative in the Investment Committee; and
    - (B) the remaining Investment Committee Members at the next meeting must appoint, by majority vote, a new Community Representative from the people who applied to Council for the position.
- (b) If an Investment Committee Member:
  - (i) dies;
  - (ii) becomes bankrupt;

## Policy: Committee Charter – Aberdeen Investment Committee



- (iii) in the case of a Council Representative, cease to be a Councillor or employee of Council; or
- (iv) in the opinion of each of the other Investment Committee Members, consistently fails to perform their duty in relation to the Investment Committee

that Investment Committee Member will cease to be a member of the Investment Committee immediately.

10. **Meeting of the Investment Committee**

- (a) The Investment Committee shall determine the frequency of its meetings.
- (b) Despite clause 10(a) above, the Investment Committee must meet at least twice per annum.
- (c) Only the Chairperson may call a meeting of the Investment Committee.
- (d) Any Investment Committee Member may request the Chairperson to convene an extraordinary meeting of the Investment Committee to discuss any matter warranting urgent consideration. The Chairperson shall determine whether an extraordinary meeting is warranted.
- (e) At least two weeks' notice must be given to all members of any meeting of the Investment Committee (except extraordinary meetings where one week's notice can be given).
- (f) The Council may determine the manner in which meetings of the Investment Committee are to be convened and conducted.
- (g) The Council or MACH Energy shall provide facilities for Investment Committee meetings.

11. **Proceedings of Investment Committee**

- (a) The quorum of meetings of the Investment Committee is one MACH Energy Representative and one Council Representative.
- (b) Meetings of the Investment Committee may be conducted by telephone or other electronic means provided all Investment Committee Members have access to and can use such means.

12. **Liability and duties**

If an Investment Committee Member acts in good faith (which shall not preclude acting in the interest of or under the direction of the person appointing the Investment Committee Member as provided by clause 4(b)), he or she is not responsible or liable in any manner to any other Investment Committee Member, the Council or MACH Energy for any loss or expense.

13. **Funding Proposals**

13.1 **Submitting Funding Proposal for consideration**

- (a) Any Investment Committee Member may submit a Funding Proposal to the Investment Committee for consideration if it satisfies the Funding Proposal Criteria in Schedule 1.

Policy: Committee Charter – Aberdeen Investment Committee



- (b) The Funding Proposal must be sent to all the Investment Committee Members at least two weeks before the meeting at which the Funding Proposal is to be considered.

13.2 **Consideration of Funding Proposal**

- (a) All Funding Proposals that satisfy clause 13.1 above must be considered by the Investment Committee.
- (b) The Council shall provide the Investment Committee with a comprehensive report on all Funding Proposals.
- (c) A Funding Proposal will be recommended by the Investment Committee to be considered by the Council if at least a quorum of the Investment Committee vote in favour of the Funding Proposal (**Recommended Funding Proposal**).
- (d) An Investment Committee Member may declare themselves ineligible to vote on a matter where the Investment Committee Member considers that they have a material personal interest in the outcome of the matter and that this may result in a conflict of interest.
- (e) For the avoidance of any doubt, where an Investment Committee member is ineligible to vote at a meeting at which a decision is made, a vote of all the remaining eligible Investment Committee Members will constitute a vote of the Investment Committee.
- (f) If a Funding Proposal is not approved by the Investment Committee, the Funding Proposal may be submitted for consideration at one further subsequent Investment Committee Meeting for further consideration.

13.3 **Approved Funding Proposal**

- (a) Council may, in its absolute discretion, approve or refuse a Recommended Funding Proposal submitted to it by the Investment Committee.
- (b) Council must report to the Investment Committee at the next meeting of the Investment Committee as to the progress and status of all Recommended Funding Proposals.
- (c) If, at the end of every four year period, there are funds that have not been allocated, Council may, in its sole discretion and taking into account the matters set out in Schedule 1, expend any unallocated funds.

**Version History**

Version No.	Date	CM Ref	Reason for Review
1	24/05/2024		New Policy

Adopted Date:

Status: Draft

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Policy: Committee Charter – Aberdeen Investment Committee




DRAFT

Adopted Date:

Status: Draft

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## Schedule 1

### Funding Proposal Criteria

1. A Funding Proposal must have an economic, social or environmental benefit for the community within the town of Aberdeen in the Upper Hunter Shire Council Local Government Area and must be for a public purpose as defined by s7.4(2) of the Act.
2. A Funding Proposal may include:
  - (a) the construction and/or maintenance of infrastructure;
  - (b) environmental conservation works;
  - (c) research, training or education;
  - (d) community welfare; or
  - (e) community events.
3. A Funding Proposal submitted to the Investment Committee for consideration must:
  - (a) describe the proposed expenditure including:
    - (i) an overview of its benefits to the Aberdeen Community in the Upper Hunter;
    - (ii) the reasons why the Community Development Contributions paid by MACH Energy should be spent on the Funding Proposal; and
  - (b) Set out an indicative costing for the proposed expenditure including any ongoing costs.
4. A Funding Proposal must not be submitted to the Investment Committee for consideration which:
  - (a) benefits private companies or individuals;
  - (b) seeks finance for individual business activities;
  - (c) seeks to finance endeavours solely for personal gain; or
  - (d) is from a discriminatory and/or exclusive organisation.



**Environmental & Community Services**

**G.06.2**

**RURAL HALLS REJUVENATION GRANTS 2024**

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** Yolanda Wynn - Community Services Officer

**PURPOSE**

The purpose of this report is to consider applications for financial assistance under the Rural Halls Rejuvenation Grants Program 2024 and recommend grant provision.

**RECOMMENDATION**

That Council provide a total of \$4,750 under the Rural Halls Rejuvenation Grants Program to Abbotsford Park Trust- Wingen Community Hall.

**BACKGROUND**

The Upper Hunter Shire Council Rural Halls Rejuvenation Grants Program assists rural communities to maintain their halls and community facilities, to ensure safety, efficiency and promote maximum usage of their facilities.

Funds are provided on a 50/50 basis with a total pool of \$10,000 available for allocation in 2024. Non-Council owned and operated facilities are only eligible to apply, including Bunnan Memorial Hall, Gundy Soldiers Memorial Hall, Moonan Flat Soldiers Memorial Hall, Parkville Social Club Tennis Clubhouse, Rouchel School of Arts, Timor Community Hall, Woolooma Hall and Wingen Community Hall.

Applications opened in May 2024 with information and guidelines sent to the management committees of the halls as listed on Council's records.

**REPORT/PROPOSAL**

One application was received by the closing date as follows:

Hall	Management	Project	Total project cost	Management contribution	Amount requested	Amount recommended
Wingen Community Hall	Abbotsford Park Trust  No ABN registration Not registered for GST	Replace all gutter and down pipes of the hall and toilet block to increase water storage capacity.	\$9,867.42	\$5,117.42	\$4,750	<b>\$4,750</b>

The application is within the amount available and meets the eligibility criteria for funding and at least one priority criteria from the grant guidelines, with a focus on improving the safety of the hall and facilities for user groups:

- Enhancing hygiene of facilities provided
- Other works including cost of materials for renovations.

A copy of the application is provided in Attachment 1.

## Environmental & Community Services

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### Other sources of funding

There are no other Government funding grants currently open for applications of this nature.

### Past grants awarded:

2022

- Abbotsford Park Trust – Wingen Community Hall; \$4,100 – repairs to bathroom and kitchen.
- Woolooma Recreation Reserve Trust – Woolooma Hall; \$1,392 – repair and upgrade fencing.

2020

- Abbotsford Park Trust – Wingen Community Hall; \$3,250 – locked storage cupboards.
- Parkville Tennis and Social Club - Parkville Tennis Club; \$4,800 – Safety fencing from hall and around children's play area.

2019

- Abbotsford Park Trust – Wingen Community Hall \$4,000 – upgrade of toilet block.
- Gundy Crown Reserves Trust – Gundy Soldiers Memorial Hall \$4,000 – Solar water producing panels.
- Moonan Flat Soldiers Memorial Hall Trustees – Moonan Flat Soldiers Memorial Hall \$2,200 – Repair and replace faulty lighting in facility.
- Upper Rouchel Hall Reserve – Rouchel School of Arts \$1,000 - upgrade toilet block.

2017

- Wingen Community Hall - \$3,600 for the installation of sensor floodlights and painting of the Hall.

2016

- Gundy Soldiers Memorial Hall \$847 towards outside lighting.
- Parkville Hall - \$347.50 towards a refrigerator.

2015

- Wingen Community Hall - \$5,000 towards renovation of Hall kitchen.

2014

- Rouchel School of Arts \$2,360 to replace water tanks and install ceiling fans.
- Gundy Soldiers Memorial Hall \$2,000 to install Exit door (Stage 2 of project).

### OPTIONS

1. To award grant funds as recommended to the one applicant
2. To award grant funds of another amount to the applicant
3. To award no grants in 2024

### CONSULTATION

Discussions were held with the grant applicants by the Community Services Officer. It was noted the quote provided was a family business linked to the applicant. A request for a second quote has been made.

### STRATEGIC LINKS

#### a. Community Strategic Plan 2032

This report links to the Community Strategic Plan 2032 as follows:

## **Environmental & Community Services**

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### **Connected Community**

Developing and deepening connections of people to each other and their community.

- 1.4 Enhance partnerships to maintain a safe community.
- 1.5 Advocate for, support and provide services and facilities for the community.

#### **b. Delivery Program**

Community Services and Education

- Community social and physical infrastructure to support community activities.

Recreation and Culture

- Enhancement and maintenance of current facilities in accordance with asset maintenance schedule and requests.
- Safe and accessible facilities as a meeting place for the community.

#### **c. Other Plans**

N/A

### **IMPLICATIONS**

#### **a. Policy and Procedural Implications**

N/A

#### **b. Financial Implications**

\$10,000 is set aside in the budget for Rural Halls Rejuvenation Grants this year.

#### **c. Legislative Implications**

N/A

#### **d. Risk Implications**

N/A

#### **e. Other Implications**

N/A

### **CONCLUSION**

The Upper Hunter Shire Council Rural Halls Rejuvenation Grants Program assists rural communities to maintain their halls and community facilities, to ensure safety, efficiency and promote maximum usage of their facilities.

One application was received for grants in 2024. The applicant meets eligibility requirements for Rural Halls Rejuvenation Grants 2024.

It is recommended Abbottsford Park Trust - Wingen Community Hall - an amount of \$4,750, be supported.

### **ATTACHMENTS**

- 1 [↓](#) Rural Halls Rejuvenation Grant 2024 - Wingen Community Hall application



**UPPER HUNTER SHIRE COUNCIL**  
**RURAL HALLS REJUVENATION GRANT APPLICATION**

**Project Details**

1.1	Organisation Name
Abbotsford Park Trust	
1.2	Hall Name
Wingen Community Hall	
1.3	Description of project to be undertaken
Replace all gutter and down pipes of the hall and toilet block.	
1.4	How will this project benefit the hall users?
The only water supply to the hall and toilets is rain water. The gutter so damaged that very little water is being collected.	
1.5	What Rural Halls Rejuvenation Grant priority will this project address?
Increasing water storage capacity	
1.6	In what timeframes will the work be completed?
6 to 8 months	

**Budget Information**

2.1	Total cost of project
\$9867-42.	
2.2	Amount requested (Total amount must be no more than 50% of total project cost)
\$4750-00.	

2.3 Budget Items (List significant items and their cost)	
Item(s)	Cost (attach quotes for all items listed)
Gutter & down pipes	

2.4 What contributions will your organisation make to the project (please itemise monetary and/or non-monetary contributions)?
non-monetary - all labour to remove old gutter & down pipes " " - labour to help replace if needed.

**Applicant Organisation Details**


3.1 Who is the owner of the hall?
Crown lands Department.

3.2 Who manages the hall? (i.e. Management Committee, Trustees)
Trustees

3.3 Does your organisation have an ABN number? (please circle). If yes, please indicate your ABN number below.	Yes <input type="radio"/> No <input checked="" type="radio"/>
--	---

3.4 Is your organisation registered for GST? (please circle).	Yes <input type="radio"/> No <input checked="" type="radio"/>
---	---

3.5 Please supply the name and address of three office bearers of Incorporated Group accepting grant.			
Name	Address	Phone	Position on Committee
1. Thomas Rossington	[Redacted]	[Redacted]	President
2. Dean King	[Redacted]	[Redacted]	Secretary
3. Mal Kennedy	[Redacted]	[Redacted]	Treasurer.

3.6 This application is to be signed by an office bearer from the organisation accepting the grant. <b>The Committee of Management will ensure that it maintains appropriate insurances in respect of the asset, the activities conducted therein and liability for the health and wellbeing of Committee members, its staff, volunteers or contractors for any work undertaken as part of this grant proposal.</b>
Name (printed): THOMAS ROSSINGTON
Position: PRESIDENT
Date: 5/6/2024
Signature: 

**Environmental & Community Services**

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**G.06.3** **LIVERPOOL RANGE WIND FARM - PLANNING AGREEMENT OFFER**

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Mathew Pringle - Director Environmental & Community Services

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**PURPOSE**

The purpose of this report is to consider an offer from Tilt Renewables to enter into a new Planning Agreement in respect of the Liverpool Range Wind Farm (LRWF) project.

**RECOMMENDATION**

That Council accept the offer from Tilt Renewables to enter into a new planning agreement in respect of the Liverpool Range Wind Farm based on an annual contribution of \$1,050 per MW installed on land within the Upper Hunter Shire LGA (indexed to CPI).

**BACKGROUND**

Council, at its meeting held on 24 June 2019, resolved the following:

*That Council:*

- 1. further to Council's resolution dated 25 February 2019 (Item D.02.1), enter into a Voluntary Planning Agreement in respect of the Liverpool Range Wind Farm pursuant to section 7.4 of the Environmental Planning & Assessment Act 1979 with Warrumbungle Shire Council and Tilt Renewables Australia Pty Ltd.*
- 2. delegate authority to the General Manager to execute the Voluntary Planning Agreement.*

The planning agreement was subsequently executed on 23 July 2019.

**REPORT/PROPOSAL**

The NSW Department of Planning, Housing and Infrastructure is currently considering an application to modify the development consent for the Liverpool Range Wind Farm (SSD-6696). The modification application (MOD 1 – Turbine and Infrastructure Changes) includes the following amendments to the project:

- Increase in maximum blade tip height to 215 m,
- Decrease in maximum number of turbines from 267 to 185,
- Amendments to infrastructure and the transport route,
- Reduced area of Development Corridor from 12,601.6 ha to 8,718.2 ha
- Construction of a Temporary Workforce Accommodation facility near Coolah.

Due to the significant modifications to the project and the time that has elapsed since the original VPA was entered into, the proponent has made an offer to Council to enter into a new planning agreement. The new planning agreement is contingent on approval being granted for the modified project.

The key terms of the offer are as follows:

## Environmental & Community Services

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- Construction contribution: \$105 per MW per annum during construction, commencing with the commencement of public road upgrades
- Operations contribution: \$1,050 per MW per annum during operations, transitioning from construction as the turbines are commissioned
- Above amounts indexed to CPI from date of agreement
- Funding provided by LRWF will be split between Warrumbungle Shire Council and Upper Hunter Shire Council on the basis of the project MW installed in each LGA.
- Funding provided during operations will be split into three tranches: 1) Community benefit funding not less than 65%, 2) Road maintenance funding not greater than 30%, 3) Allowance for Council administration of the funding not greater than 5%.
- Term: Actual life of project, which may be more or less than 30 years

Council staff are suggesting the following additional terms:

- Separate VPA's with Upper Hunter Shire Council and Warrumbungle Shire Council.
- Separate Community Enhancement Fund (CEF) committees for each LGA.
- CEF committee is advisory only (makes recommendations to Council).

The operations contribution of \$1,050 per MW per annum is consistent with benefit sharing rate prescribed by the draft Benefit Sharing Guidelines recently exhibited as part of the NSW Government's draft energy policy framework.

The proposed rate will result in an annual contribution of approximately \$227,000 which is significantly greater than the annual contribution of \$90,000 that would otherwise be payable under the current VPA with Tilt Renewables based on the modified development (30 turbines in Upper Hunter Shire LGA). The current VPA executed in 2019 is based on a rate of \$3,000 per annum per turbine installed on land within the Upper Hunter Shire LGA.

The proposed contributions would provide funding for the provision of public infrastructure and services that directly benefit the Upper Hunter Shire, specifically Cassilis and the surrounding area.

Council's acceptance of the offer would be in the best interests of the community to ensure that contributions are secured if the modification to the development is approved.

Should the development application be approved, the proponent and Council will prepare a draft planning agreement in accordance with Section 7.4 of the *Environmental Planning and Assessment Act 1979* (Act). The draft agreement will be the subject of a further report to Council and will be placed on public exhibition in accordance with Section 7.5 of the Act.

### **OPTIONS**

1. Accept the offer from Tilt Renewables to enter into a new planning agreement in respect of the Liverpool Range Wind Farm based on an annual contribution of \$1,050 per MW installed on land within the Upper Hunter Shire LGA (indexed to CPI).
2. decline the offer from Tilt Renewables.

### **CONSULTATION**

- Tilt Renewables
- General Manager
- Warrumbungle Shire Council

## Environmental & Community Services

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### **STRATEGIC LINKS**

#### **a. Community Strategic Plan 2032**

This report links to the Community Strategic Plan 2032 as follows:

#### **Protected Environment**

Ensuring the ongoing protection of our environment and natural resources.

- 2.1 Advocate for, facilitate and support programs that protect and sustain our diverse environment for future generations.
- 2.3 Ensure all actions, decisions and policy response to natural hazards and climate change remain current.
- 2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.

#### **Responsible Governance**

Providing efficient and responsible governance in order to effectively serve the community.

- 5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

#### **b. Delivery Program**

- Facilitate and support programs that protect and sustain our environment

#### **c. Other Plans**

Nil

### **IMPLICATIONS**

#### **a. Policy and Procedural Implications**

Nil

#### **b. Financial Implications**

On the basis that 30 turbines are constructed within the Upper Hunter Shire LGA, the total annual contributions payable by the proponent under the planning agreement would equate to approximately \$227,000 (in today's dollars).

The contribution would be split will be split into three tranches as follows:

- 1) Community benefit funding not less than 65% (\$147,550)
- 2) Road maintenance funding not greater than 30% (\$68,100)
- 3) Allowance for Council administration of the funding not greater than 5% (\$11,350)

#### **c. Legislative Implications**

Tilt Renewables has offered to enter into a planning agreement with Council in accordance with Section 7.4 of the *Environmental Planning and Assessment Act 1979*.



## Environmental & Community Services

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### d. Risk Implications

The offer to enter into a planning agreement is voluntary on the proponent's behalf, and if negotiations fail there is no legislated requirement for them to provide a contribution at all.

### e. Sustainability Implications

The contributions payable under the planning agreement will provide funding for community and infrastructure projects that contribute to the social, economic and environmental sustainability of the Upper Hunter Shire.

### f. Other Implications

Nil

## **CONCLUSION**

The developer of the Liverpool Range Wind Farm project, Tilt Renewables, has made an offer to Council to enter into a new planning agreement based on an annual contribution of \$1,050 per MW installed on land within the Upper Hunter Shire LGA (indexed to CPI).

The proposed contributions would provide funding for the provision of public infrastructure and services that directly benefit the Upper Hunter Shire, specifically Cassilis and the surrounding area.

## **ATTACHMENTS**

There are no enclosures for this report



Infrastructure Services

6. The Registrar General is required to be notified and the Valuer General conducts their own valuation of the property
7. The proposed acquisition will need to be published in the Government Gazette and newspaper/website

The Guidelines for the Compulsory Acquisition of Land by Councils (Attachment 2) identifies that the Minister of Local Government is required to be provided with evidence of the Council decision process. This will be undertaken in step 1 mentioned.

The following detail outlines the actions to date with regard to resolving the matter:

- 8 August 2022: Met with resident
- 7 December 2022: Current Market Valuation for proposed purchase prepared
- 17 January 2023: Council emailed EPA requesting an extension of time to satisfy special condition E1.1 and formalise the discharge pipe to the river
- 22 June 2023: Council issue letter to the owner of 1 Halls Road regarding the acquisition
- 23 October 2023: Email confirmation from solicitor confirming valuation report and plan of acquisition (survey) being in place.
- November 2023: Landowner refused access to land for purpose of survey.
- March to June 2024: Council engaged Registered Surveyor (ADW Johnson) and Solicitor (LG Legal) to carry out site survey and advise way forward.

A site survey has been carried out in May 2024 and draft Deposited Plan and Section 88B has been prepared, lodged and registered with the NSW Land Registry Service (LRS) as shown in Image 1.

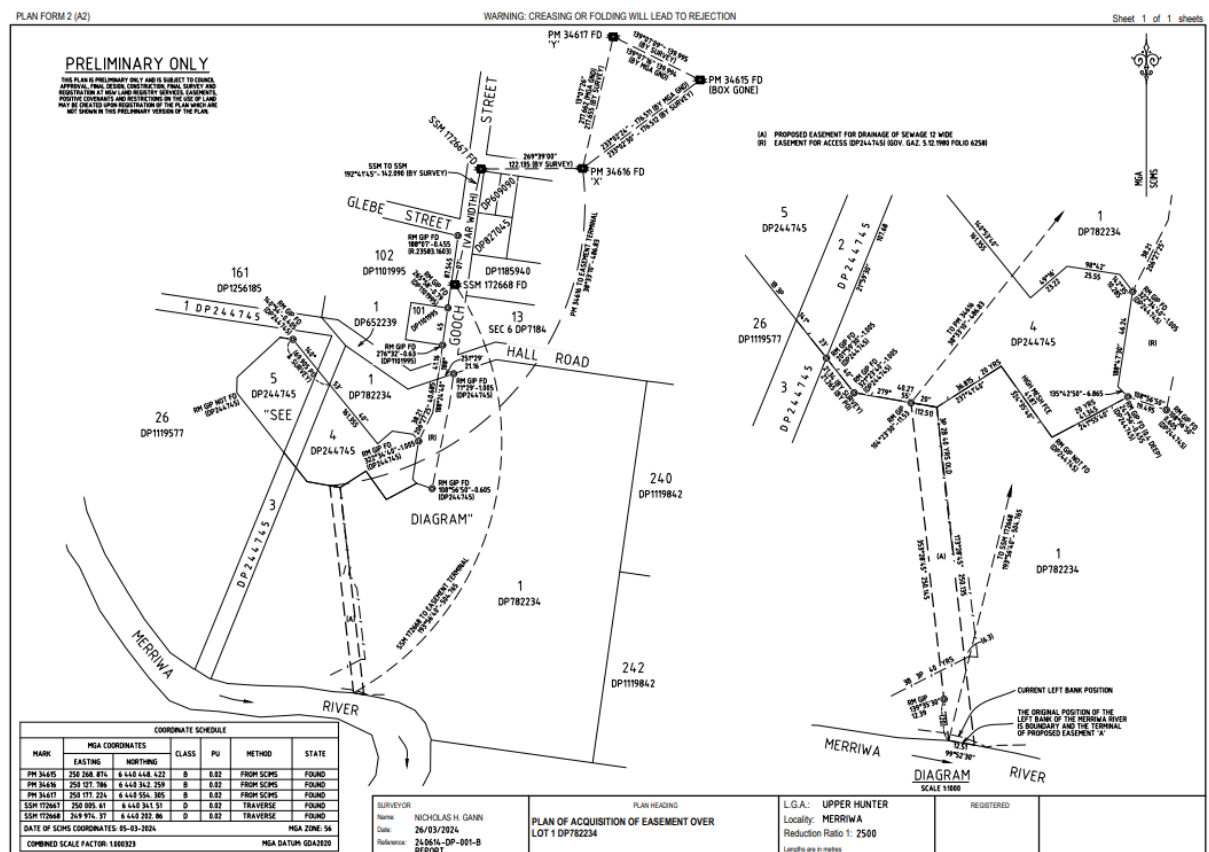


Image 1: Site survey

## Infrastructure Services

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Current action is to seek Council approval for compulsory acquisition of an easement at 1 Halls Rd, Merriwa as the last step before finalising the easement and acquisition. The process is to issue 'Notice Letter' to landowner stating the easement/land will be compulsorily acquired with a minimum 90-day notice period required prior to finalising. The Registrar General will be notified and the Valuer General will conduct their own valuation of property.

### **OPTIONS**

1. Progress with the compulsory acquisition of the easement – Recommended, as it will meet EPA requirements
2. Continue to negotiate with the land holder – Unlikely to achieve an outcome and will be in breach of EPA requirements
3. Do nothing - will not meet EPA requirements (or) Council will be in breach of EPA requirements

### **CONSULTATION**

- Ongoing consultation has been undertaken with the land owner including on site discussions with Cr Ron Campbell.
- Council's legal advisors
- Senior Management Group
- Water & Sewer Team

### **STRATEGIC LINKS**

#### **a. Community Strategic Plan 2032**

This report links to the Community Strategic Plan 2032 as follows:

#### **Responsible Governance**

Providing efficient and responsible governance in order to effectively serve the community.

- 5.1 Effectively and efficiently management the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response.

#### **b. Delivery Program**

- Supply and maintenance of reticulated potable and rural water supplies
- Supply and maintenance of reticulated potable and rural water supplies Other Plans

### **IMPLICATIONS**

#### **a. Policy and Procedural Implications**

Nil

#### **b. Financial Implications**

Cost of the pipe installation has been budgeted in the 2024/2025 financial year and will be funded through the Sewer Reserve Fund.

**Infrastructure Services**

<b>Merriwa Sewerage Treatment Plant Easement and Compulsory Acquisition - Budget Cost Estimate</b>	
Item - Description	Cost
Registered Survey (ADWJohnson)	\$ 20,000
legals (LGLegal)	\$ 10,000
Project Management	\$ 15,000
Council Administration	\$ 5,000
Easement Acquisition Cost (Preston Rowe Paterson) Jan 2023	\$ 6,200
Design and Construction of drainage pipe	\$ 150,000
<b>Total Cost Estimate</b>	<b>\$ 206,200</b>

**c. Legislative Implications**

UHSC will be in breach of an EPA directive if UHSC fails to deliver this in the required time frame.

**d. Risk Implications**

The process is incorrect requiring a further iteration or the acquisition is not endorsed by the Minister of Local Government

**e. Sustainability Implications**

Not Applicable

**f. Other Implications**

Nil

**CONCLUSION**

Installing a pipe to the Merriwa River from The Merriwa Sewerage Treatment Plant requires an easement over 1 Halls Road, Merriwa in order to meet the EPA requirements. The owner is unwilling to negotiate an easement after several attempts of consultation. Hence, the compulsory acquisition pathway is proposed to overcome this.

**ATTACHMENTS**

Nil.

**General Manager's Unit**

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**NOTICES OF MOTION**

**NM.06.1**

***NOTICE OF MOTION - ON-CALL BOOKING SYSTEM FOR  
BULKY WASTE COLLECTION***

**RESPONSIBLE OFFICER:** Greg McDonald - General Manager

**AUTHOR:** Robyn Cox - Executive Assistant

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The following notice of motion has been received from Cr James Burns:

**MOTION**

That Council instruct the General Manager to investigate the feasibility of changing Council's annual bulky waste collection service to an on-call booking system.

**STAFF COMMENT**

Under Contract 05/2018, Council engaged JR Richards to provide one annual bulky waste collection (that typically occurs in October) for fourteen years. This can result in large amounts of waste material placed on the kerbside by residents, often lying there for several weeks. Scavengers also dig through the piles removing any items of value and scattering waste along the street.

In recent months, Council staff have been involved in discussions with its contractor about the possibility of shifting from an annual bulky waste service to an on-call bulky waste collection service. Under an on-call service, residents would contact Council, or the contractor, and be provided with a date upon which to place their material on the kerb. An on-call service would reduce the amount of kerbside waste on the kerb at any one time and also provide the service to residents at the time of year they need it, rather than on one set day each year.

The contractor has indicated that providing an on-call service for a single small regional Council such as UHSC is not viable, whereas providing an on-call service to several Councils located adjacent to each other would be more feasible.

Discussions with neighbouring Councils are planned to gauge their interest in an on-call bulky waste collection service. It is likely that the earliest commencement date would be 2025 and that the bulky waste collection scheduled for later in 2024 would follow the existing format.

A report in relation to the feasibility of an on-call bulky waste collection service will be provided to Council in due course.





**Planning & Infrastructure Services**

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CR.06.2

***TENDER NO. 12/2024 - KERBSIDE FOOD  
ORGANICS/GARDEN ORGANICS PROCESSING - TENDER  
EVALUATION***

**RESPONSIBLE OFFICER:** Mathew Pringle - Director Environmental & Community Services

**AUTHOR:** John Wisniewski - Manager Sustainability

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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**PURPOSE**

The purpose of this report is to consider Tender No. 12/2024 for the processing of Upper Hunter Shire Council's kerbside collected Food Organics/Garden Organics (FOGO).





**Corporate Services**

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**CR.06.3** **PROVISION OF HYGIENE SERVICES - RFQ012425HUN**

**RESPONSIBLE OFFICER:** Wayne Phelps - Manager Finance

**AUTHOR:** John Reijn - Stores and Purchasing Supervisor

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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**PURPOSE**

Council participated in a selective Single Source Request for Quotation (RFQ) as a result of discussions with Participating Councils in the Hunter Region regarding requirements for the Provision of Hygiene Services. This contract will run for 36 months from 1 July 2024 to 30 June 2027. A 12-month option may be taken up based on satisfactory performance by the contractor/s.



**Corporate Services**

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**CR.06.4**

**LABOUR HIRE - T022425HUN**

**RESPONSIBLE OFFICER:** Wayne Phelps - Manager Finance

**AUTHOR:** John Reijn - Stores and Purchasing Supervisor

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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**PURPOSE**

Council participated in an open Panel Source Tender for the Provision of Labour Hire with a number of other Hunter Council participants that was facilitated by Regional Procurement. The tender period will be for a 36 month period from 1 July 2024 to 30 June 2027 with a further twelve (12) month option available based on satisfactory performance of the successful tenderers. The value of acquisitions to the Upper Hunter Shire Council is unknown as it is dependent on infrastructure requirements over the period of the tender.

