
Council Meeting Agenda

27 February 2023 at 5.00pm



2023 Australia Day Ceremonies held in Scone and Merriwa

A Quality Rural Lifestyle - in a vibrant, caring and sustainable community



To All Councillors

You are hereby notified that the next meeting of the Upper Hunter Shire Council will be held on Monday, 27 February 2023 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 30 January 2023

8. DISCLOSURES OF INTEREST

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**MINUTES OF THE ORDINARY MEETING OF UPPER HUNTER SHIRE COUNCIL HELD ON
MONDAY 30 JANUARY 2023 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 5.00PM**

PRESENT:

Cr Maurice Collison (Mayor), Cr Ron Campbell, Cr Tayah Clout, Cr Belinda McKenzie, Cr Allison McPhee, Cr Lee Watts and Cr Adam Williamson.

Cr Elizabeth Flaherty was absent from the meeting.

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Wayne Phelps (Acting Director Corporate & Community Services), Mr Mathew Pringle (Director Planning & Infrastructure Services) 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:

23/001

RESOLVED

That the apology received from Cr Burns be accepted.

Moved: Cr R Campbell Seconded: Cr L Watts CARRIED UNANIMOUSLY

PUBLIC PARTICIPATION:

Nil

CONFIRMATION OF MINUTES:

23/002

RESOLVED that the minutes of the ordinary Council meeting held on 19 December 2022 be adopted.

Moved: Cr T Clout Seconded: Cr R Campbell CARRIED UNANIMOUSLY

DISCLOSURES OF INTEREST:

Nil

COMMITTEE/DELEGATES REPORTS

C.01.1

MERRIWA AGED HOSTEL COMMITTEE

RESPONSIBLE OFFICER: Amanda Catzikiris - Community Services Officer

AUTHOR: Tash Taaffe - Community Services Officer

23/003

RESOLVED

That Council:

1. adopt the minutes of the Merriwa Aged Hostel Committee annual general meeting held on 15 December 2022;
2. adopt the minutes of the Merriwa Aged Hostel Committee ordinary meeting held on 15 December 2022;
3. accept the nominations from Deirdre Peebles, Cr Ron Campbell, Ross Bishop, Jan Cronin and Julia Hardy;
4. appoint Deirdre Peebles as Chairperson and Ross Bishop as Deputy Chairperson of the Merriwa Aged Hostel Committee;
5. proceed to purchase commercial washing machine as back up.

Moved: Cr R Campbell Seconded: Cr T Clout CARRIED UNANIMOUSLY

FINANCE REPORTS

F.01.1

GRANT FUNDED PROJECTS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

23/004

RESOLVED

That Council note and approve the nominated projects to be delivered by grant funding.

Moved: Cr L Watts Seconded: Cr T Clout CARRIED UNANIMOUSLY

GENERAL ADMINISTRATION REPORTS

G.01.1

DISCLOSURES OF PECUNIARY INTEREST AND OTHER MATTERS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

23/005

RESOLVED

That Council note the tabled annual Disclosure of Interests and Other Matters returns received from Councillors Belinda McKenzie and Allison McPhee.

Moved: Cr L Watts Seconded: Cr R Campbell CARRIED UNANIMOUSLY

G.01.2

REQUESTS FOR DONATIONS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

23/006

RESOLVED

That Council provide a donation to:

1. 1st Scone Scout Group for \$200 to go towards waiving hire fee at St Andrew's Reserve for their 2023 Scout and Guide Founders Day to be held on 18 February 2023, should their Cultural Activity grant application be unsuccessful in gaining the amount requested;
2. Upper Hunter Veterans Golfers Association for \$200 to assist with their 2023 Veterans Week of Golf event from 12 to 16 March 2023; and
3. Towarri Physical Culture for \$200 to go towards the hire fees of the Murrurundi RSL Hall for their dance season from February to November 2023.

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

G.01.3

***KEEP AUSTRALIA BEAUTIFUL - SUSTAINABLE COMMUNITIES
TIDY TOWNS AWARDS***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

23/007

RESOLVED

That Crs Collison and Clout will attend the Keep Australia Beautiful NSW 2022 Sustainable Communities Tidy Towns Awards to be held in Singleton from 3 - 5 March 2023.

Moved: Cr L Watts Seconded: Cr R Campbell CARRIED UNANIMOUSLY

G.01.4

2023 NATIONAL GENERAL ASSEMBLY

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

23/008

RESOLVED

That Council:

1. not nominate delegates to attend the 2023 National General Assembly to be held in Canberra from 13-15 June 2023;
2. consider submitting motions for debate at the 2023 National General Assembly.

Moved: Cr M Collison Seconded: Cr R Campbell CARRIED UNANIMOUSLY

G.01.5 ***DARTBROOK COAL MINE - PLANNING AGREEMENT***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

23/009

RESOLVED

That Council:

1. pursuant to Section 7.4 of the Environmental Planning and Assessment Act 1979, enter into a planning agreement with AQC Dartbrook Management Pty Ltd in respect of the Dartbrook Coal Mine.
2. delegate authority to the General Manager to execute the planning agreement.

Moved: Cr A Williamson Seconded: Cr R Campbell **CARRIED**

FOR	AGAINST
Councillor Campbell	Councillor Clout
Councillor Collison	
Councillor Flaherty	
Councillor McKenzie	
Councillor McPhee	
Councillor Watts	
Councillor Williamson	
Total (7)	Total (1)

G.01.6 ***UPPER HUNTER DEVELOPMENT CONTROL PLAN 2023***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

23/010

RESOLVED

That Council:

1. adopt the Upper Hunter Development Control Plan 2023.
2. publish notice of its decision in accordance with Section 14 of the Environmental Planning and Assessment Regulation 2021.
3. repeal the Upper Hunter Development Control Plan 2015 on the date on which the Upper Hunter Development Control Plan 2023 commences.
4. staff undertake a review of *Part 9b Built & archaeological heritage*.

Moved: Cr A Williamson Seconded: Cr T Clout **CARRIED UNANIMOUSLY**

POLICY MATTERS

H.01.1 ***POLICIES FOR REVIEW***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

23/011

RESOLVED

That Council:

1. revoke the policy, **Community Relations – Community Interaction;**
2. revoke the policy, **Acquisition – Purchasing – Local.**

Moved: Cr L Watts Seconded: Cr T Clout **CARRIED UNANIMOUSLY**

NOTICES OF MOTION

NM.01.1 **NOTICE OF MOTION**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

23/012

RESOLVED

That Council:

1. Review the remuneration policy for Councillors to include scope to withhold funds for non-attendance of council meetings and briefings.
2. Invoice councillors for costs incurred when private investigations are undertaken which result in a censure and/or referral to the Office of Local Government for further disciplinary action of said councillor.

Moved: Cr A McPhee Seconded: Cr T Clout CARRIED UNANIMOUSLY

QUESTIONS WITH NOTICE

QWN.01.1 **QUESTIONS WITH NOTICE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

23/013

RESOLVED

That Council note the question received and response provided.

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

CLOSED COUNCIL

23/014

RESOLVED That Council move into Closed Council with the press and public excluded in accordance with Section 10(2) of the Local Government Act 1993.

Moved: Cr T Clout Seconded: Cr B McKenzie CARRIED UNANIMOUSLY

CONFIDENTIAL REPORTS

CR.01.1 **STATUS UPDATE ON UPPER HUNTER SHIRE COUNCIL COMMERCIAL BUSINESS OPTIONS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

This matter is considered to be confidential under Section 10A(2) (c) (d i) 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; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

23/015

RESOLVED

That Council:

- 1. note the status update report;**
- 2. recommend finalisation of the Expression of Interest process;**
- 3. due to no tangible offers being received, maintain operations of the facility in the short to medium term at which time a review of options may be considered;**
- 4. in the event that a tangible offer be received in the future, request that a further report be provided to Council for consideration.**

Moved: Cr A Williamson Seconded: Cr R Campbell **CARRIED UNANIMOUSLY**

RETURN TO OPEN MEETING

23/016

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 Council's 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 5.27PM.

Planning & Infrastructure Services

STANDING COMMITTEE REPORTS

SCR.02.1 *ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE*

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Lisa Betts - Administrative Assistant - Environmental & Customer Services

RECOMMENDATION

That Council:

1. adopt the minutes of the Environmental & Community Services Committee meeting held on 14 February 2023.
2. ESC.2.1 – approve Development Application No. 137/2022 for a childcare centre, demolition of an existing building and subdivision at 116 Waverley Street Scone (Lot 1 DP 620195) subject to the conditions of consent in Attachment 2.
3. ESC.2.2 – refuse Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) for the reasons in Attachment 3.
4. ESC.2.3 – modify Development Consent No. 55/2020 for commercial alterations and additions, serviced apartments and a café at Lot 80 DP 601823, 180 Kelly Street, Scone subject to the conditions of consent in Attachment 4.
5. ESC.2.4 – approve Development Application No. 145/2022 for a dwelling, rural worker's dwelling and swimming pool at Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook subject to the conditions of consent in Attachment 5.

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 & Community Services Committee was held on Tuesday, 14 February 2023.

REPORT/PROPOSAL

The Committee unanimously supported the following recommendations:

- ESC.2.1 – recommended that Council approve Development Application No. 137/2022 for a childcare centre, demolition of an existing building and subdivision at 116 Waverley Street Scone (Lot 1 DP 620195) subject to the conditions of consent in Attachment 2.
- ESC.2.3 – recommended that Council modify Development Consent No. 55/2020 for commercial alterations and additions, serviced apartments and a café at Lot 80 DP 601823, 180 Kelly Street, Scone subject to the conditions of consent in Attachment 4.
- ESC.2.4 – recommended that Council approve Development Application No. 145/2022 for a dwelling, rural worker's dwelling and swimming pool at Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook subject to the conditions of consent in Attachment 5.

Division was noted for ECSC.2.2:

Planning & Infrastructure Services

FOR	AGAINST
Councillor Campbell	Councillor Flaherty
Councillor McPhee	Councillor Watts
Councillor Collison	
Total (3)	Total (2)

The Committee recommended that Council refuse Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) for the reasons in Attachment 3.

ATTACHMENTS

- [1](#) ↓ Minutes - Environmental & Community Services Committee - 14 February 2023
- [2](#) ↓ DA 137/2022 - Recommended Conditions of Consent
- [3](#) ↓ DA 41/2020 - Reasons for Refusal
- [4](#) ↓ DA 55/2020 - Recommended Conditions of Consent
- [5](#) ↓ DA 145/2022 - Recommended Conditions of Consent

MINUTES OF THE ENVIRONMENTAL & COMMUNITY SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 14 FEBRUARY 2023 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 10.30AM

PRESENT:

Cr Lee Watts (Chair), Cr Ron Campbell, Cr Elizabeth Flaherty, Cr Allison McPhee and Cr Maurice Collison (from 10.50am).

APOLOGIES:

Nil

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Planning & Infrastructure Services), Mrs Karen Boland (Governance & Executive Support Officer), Mrs Karen Merrick (Senior Administration Officer) and Paige Heusler (Administration Assistant).

DISCLOSURES OF INTEREST:

Nil

PUBLIC PARTICIPATION:

- **ECSC.02.2** Development Application No. 41/2020 - Take-a-way food premises
Oliver McCarthy – Yukon Projects (on behalf of Burton Contractors)
- **ECSC.02.3** Modification of Development Consent No. 55/2020 - Commercial alterations and additions, serviced apartments and café
David Casson – Casson Planning & Development Services

DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS:

ECSC.02.1 *DEVELOPMENT APPLICATION NO. 137/2022 CHILD CARE CENTRE - 16 WAVERLEY STREET SCONE*

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Paul Smith - Senior Environmental Planner

RECOMMENDED that Council approve Development Application No. 137/2022 for a childcare centre, demolition of an existing building and subdivision at 116 Waverley Street Scone (Lot 1 DP 620195) subject to the conditions of consent in Attachment 1.

Moved: R Campbell

Seconded: A McPhee

CARRIED UNANIMOUSLY

ECSC.02.2 *DEVELOPMENT APPLICATION NO. 41/2020 TAKE-A-WAY FOOD PREMISES*

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Paul Smith - Senior Environmental Planner

RECOMMENDED that Council refuse Development Application No. 41/2020 for a takeaway food and drink premises at 2 Makybe Diva Street Scone (Lot 23 DP 1235763) for the reasons in Attachment 1.

Moved: A McPhee Seconded: R Campbell CARRIED

FOR	AGAINST
Councillor Campbell	Councillor Flaherty
Councillor McPhee	Councillor Watts
Councillor Collison	
Total (3)	Total (2)

ECSC.02.3 *MODIFICATION OF DEVELOPMENT CONSENT NO. 55/2020 - COMMERCIAL ALTERATIONS AND ADDITIONS, SERVICED APARTMENTS AND CAFE*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RECOMMENDED that Council modify Development Consent No. 55/2020 for commercial alterations and additions, serviced apartments and a café at Lot 80 DP 601823, 180 Kelly Street, Scone subject to the conditions of consent in Attachment 1.

Moved: A McPhee Seconded: R Campbell CARRIED UNANIMOUSLY

ECSC.02.4 *DEVELOPMENT APPLICATION NO. 145/2022 - DWELLING, RURAL WORKERS DWELLING AND SWIMMING POOL*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RECOMMENDED that Council approve Development Application No. 145/2022 for a dwelling, rural worker's dwelling and swimming pool at Lot 321 DP 844395, 1045 Bunnan Road, Upper Dartbrook subject to the conditions of consent in Attachment 1.

Moved: A McPhee Seconded: R Campbell CARRIED UNANIMOUSLY

The meeting concluded at 11.06am.

DA 137/2022 – Recommended Conditions of Consent

Identification of approved plans:

- The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated July 2022 (by Strategy Hunter) except where amended by the following conditions.

Plan title/Job Reference No	Sheet No	Revision No	drawn by	date
Site Plan 2847	1	M	Webber	22.07.2022
Ground Floor Plan 2847	2	M	Webber	22.07.2022
Roof Plan 2847	3	F	Webber	22.07.2022
Elevations 2847	4	G	Webber	22.07.2022
Sections 2847	5	G	Webber	22.07.2022
Perspective 1 2847	1	D	Webber	22.07.2022
Perspective 2 2847	1	D	Webber	22.07.2022
Perspective 3 2847	1	C	Webber	22.07.2022
Extent Fencing Perspective 1	1	A	Webber	29.11.2022
Extent Fencing Perspective 2	2	A	Webber	29.11.2022
Materials Palette	-	A	Webber	13.10.2022
Landscape Plan	L100- L302	C	Terras	13.12.2022
Subdivision Plan (draft) 15222	-	-	JA Golledge	-
Sediment and Erosion Control Plan 220517	1	1	MPC	17.06.2022
Sediment and Erosion Control Plan 220517	2	1	MPC	17.06.2022
Sediment and Erosion Control Plan - Details 220517	-	1	MPC	17.06.2022
Stormwater Plan 220517	1	1	MPC	17.06.2022
Stormwater Plan 220517	2	1	MPC	17.06.2022
Documents				
Preliminary Site Investigation Ref: C1260	NA	1	Hunter Civilab	15.11.2022
HAZMAT Survey	NA	0	Hunter Civilab	11.01.2022

Ref: C1260-HAZ-001-Rev0				
Environmental Site Investigation	NA	0	Hunter Civilab	06.06.2022
Ref: C1260-ESA-001-Rev0				
Geotechnical Investigation	NA	0	Hunter Civilab	23.12.2021
Ref: C1260-R-001-Rev0				
Crime Risk Assessment	NA	-	Strategy Hunter	July 2022
Tree Impact Statement	NA	A	Terras	May 2022
Noise Assessment	NA	-	Spectrum Acoustics	March 2022
Traffic and Parking Assessment	-	D	Intersect Traffic	17.05.2022

(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 Certifying Authority.

(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:

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

(Reason: Prescribed by legislation)

Conditions to be complied with prior to the issue of the construction certificate:

Construction Environmental Management Plan

6. 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:
- The environmental site management measures must remain in place and be maintained throughout the period of the development.
 - 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 Procedure (to address potential matters such as uncovering/disturbance items of archaeological significance and contaminated lands).

- 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

- 7. The stormwater system shall be constructed to an appropriate standard in compliance with the Upper Hunter Engineering Guidelines for Subdivisions and Developments, NAT-SPEC and ARR 2016 Where there are inconsistencies between Upper Hunter Engineering Guidelines for Subdivisions and Developments and NAT-SPEC NAT-SPEC SHALL prevail.

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.

Detailed drawings and plans prepared by a suitably qualified and accredited civil engineer who is eligible for membership of Engineers Australia shall be submitted to and approved by the Certifying Authority prior to the release of the Construction Certificate.

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

Section 94A Contributions

- 9. Prior to the issue of any Construction Certificate for Stage 1, 2 and 3, pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of **\$46,440.54** 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.

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

Cleanliness and maintenance of food preparation areas

10. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:
- (a) The Food Act (as amended)
 - (b) The Food Regulation (as in force);
 - (c) AS4674 (Design, Construction and Fit-Out of Food Premises);
 - (d) The Clean Air (Plant and Equipment) Regulation;
 - (e) AS 1668 Part 2;
 - (f) The Protection of the Environment Operations Act; and
 - (g) The National Construction Code Series;

The relevant matters to be taken into account under this approval relate to:

- i. construction, materials and finishes;
- ii. installation of fixtures, fittings and equipment;
- iii. washing facilities, other facilities and special requirements;
- iv. mechanical ventilation and exhaust discharges; and
- v. temperature control

Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

Water and Sewer – Notice of Requirements

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

Note 1: Upper Hunter Shire Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

Conditions that must be addressed prior to commencement:

Erosion and Sediment Control

12. All 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 in accordance with *Soils and Construction: Managing Urban Stormwater* ('the Blue Book') until the site is stabilised and landscaped.

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

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

Site Facilities

13. 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 Certifying Authority 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

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

Any such sign must be maintained while to building work or demolition work is being carried

out, but must be removed when the work has been completed.

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

(Reason: Statutory requirement)

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

Construction Hours

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 unless prior approval has been obtained
- (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

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

Dust Management

16. The site preparation work and construction shall be carried out in a manner that minimises dust generation from the site, including wind-blown and traffic-generated dust as far as practicable. All project related activities on the site shall be undertaken with the objective of minimising visible emissions of dust from the site. All vehicles leaving the site must have the loads covered such as to prevent dust emissions.

Should visible dust emissions attributable to the demolition and construction occur, the development person acting on the consent shall identify and implement all practical dust mitigation measures, including the cessation of demolition and construction activities, as appropriate, such that emissions of dust are minimised.

(Reason: To ensure the development operations does not cause excessive dust.)

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

Car Parking

17. Prior to the issue of any Occupation Certificate all off-street car-parking spaces shall be constructed, line marked and signposted 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)

Stormwater

18. Prior to the issue of any Occupation Certificate the stormwater system must be constructed and operational in accordance with the approved plans. A suitably qualified and accredited civil engineer who is eligible for membership of Engineers Australia shall provide signed Works-as-Executed drawings and certification to the Certifying Authority that the stormwater drainage system has been constructed in accordance with this consent and the provisions of AS3500.

(Reason: To ensure there is adequate stormwater drainage in place for the development.)

Occupation

19. The buildings are not to be used or occupied until a final inspection has been carried out and any Occupation Certificate has been obtained from the Principal Certifying Authority.

(Reason: Prescribed - Statutory.)

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

22. 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.)

Special conditions relating to crime prevention:**Lighting**

23. At all times all lighting to the internal roads, car park and pedestrian movement areas shall comply with AS/NZS1158 *Lighting for roads and public spaces*.

(Reason: To ensure an effective level of lighting to facilitate passive surveillance of the outdoor publicly accessible spaces.)

24. At all times the outdoor lighting shall comply with AS4282-1997 *Control of the obtrusive effects of outdoor lighting* and must be fitted with a device that can control the level of illumination.

(Reason: To ensure the illumination does not cause unacceptable glare that impacts on the amenity of nearby residents.)

Conditions that must be complied with prior to the issue of any Subdivision Certificate:

25. Notification of arrangements to connect services and utilities to each LOT shall be provided to the Certifying Authority with the Subdivision certificate:-

- (a) telecommunication services
- (b) electrical reticulation

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

(Reason: To ensure adequate servicing of the development.)

26. Prior to issuing any Subdivision Certificate for the subdivision, the person acting upon this consent must apply to Upper Hunter Shire Council and receive written confirmation of the allocated street names and addresses (house number) and unit numbers for the building and any approved allotments within the completed project. These are the street names and numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within development should be submitted for concurrence to Council at an early stage of construction, as these numbers will be used to maintain Council's property and mapping database, and the proposed street names must be formally agreed and adopted by Council.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council's House Numbering Policy. Proper building and unit numbering also assists emergency services in readily locating properties.)

27. All easements, rights-of-way, right- of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant LOTS, together with the following additional easements/ rights-of-way/restrictions, naming Upper Hunter Shire Council.

(Reason: To ensure proper management of land).

Ausgrid Condition Requirements:

28. The persons acting on this consent must comply with the requirements of Ausgrid as follows:

Overhead Power lines

There are existing overhead electricity network assets in the road reserve of the proposed project. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process.

It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au Based on the design of the development provided, it is expected that the “as constructed” minimum clearances will not be encroached by the building development.

It remains the responsibility of the developer and relevant contractors to verify and maintain these clearances onsite. Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

Easement

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the lines for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution lines which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid’s network.

The Following Conditions Apply for any Activities Within the Electricity Easement:

- a) All construction works on or near the easement and/or powerlines must adhere to the Safework NSW – Work Near Overhead Powerlines: Code of Practice, 2006
- b) No vehicles, plant or equipment having a height exceeding 4.6 metres are to be brought into the easement site without written approval from Ausgrid.
- c) Vehicles brought into the easement, with a height less than 4.6m but having an extension capable of extending greater than 4.6m above ground, must not have that extension operated at all whilst within the easement.
- d) Adequate removable protection must be installed to prevent vehicles inadvertently colliding with the transmission tower. This proposed form of protection must be forwarded to Ausgrid for review and consent.
- e) All metal work within the easement site including metallic fencing, are to be locally earthed by a qualified electrician via a 50 sq. mm stranded copper, insulated earthwire bonded to a copper-clad earthstake driven at least 1.6 metres into the ground.
- f) No buildings/structures or parts thereof constructed may encroach the easement.
- g) The storage of non-flammable materials is allowable provided access is maintained along the easement and subject to height limitations of 2.5 metres if climbable or 4.6 metres if not climbable. Lifting of materials within the easement area must consider the clearance requirements given in Safework NSW Code of Practice.
- h) Trees, shrubs, or plants which have a mature height of greater than 3.0m, or climbable portions greater than 2.5m above ground, are not permitted within the easement. The planting of other vegetation is to ensure Ausgrid’s access and maintenance requirements are maintained.

DA 41/2020 (Amended Application) – Reasons for Refusal

- a) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as the loading/unloading bay is not designed to ensure that vehicles can manoeuvre in and out without conflicting with the movement of vehicles and pedestrians on the site.
- b) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as there is insufficient provision for access for pedestrians and cyclists.
- c) Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 the development application does not satisfy the Upper Hunter Development Control Plan 2015 as there is insufficient provision of landscaping.
- d) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is likely to cause traffic conflict and have adverse impacts on pedestrian safety and access.
- e) Pursuant to Section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 the development is likely to have an adverse impact on the streetscape and visual amenity of the precinct and the northern approach to the Scone township.
- f) Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979 the site is not suitable for the development due to the limited area available for off-street parking, landscaping, loading/unloading and vehicle manoeuvring.

DA 55/2020 – Modification – Recommended Conditions of Consent

Deferred commencement conditions:

In accordance with section 4.16(3) of the Act the consent will not operate until the applicant has provided information to the satisfaction of the Council that the following condition can be complied with. Upon receipt of written information from the applicant in relation to the condition in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of the consent.

1. A black and white or digital photographic survey, prepared in accordance with the guidelines for archival recording published by Heritage NSW, is to be submitted to Council.

The photographic survey is to be submitted in an unbound report format, which is to contain:

- (a) A front cover marked with:
 - the name/location of the property;
 - the date of the survey;
 - the name of the Company or persons responsible for the survey.
- (b) A layout plan of the existing building; identifying rooms and features shown in the photographs.
- (c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan in accordance with the Heritage Office Guidelines requirements.
- (d) Where colour is a feature of the building (for example, the building features stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report.

Three (3) copies of the complete set of documents provided in accordance with this conditions are to be remitted to the Council.

(Reason: To provide a historical record of heritage significant works on the site for archival purposes)

2. Deleted.

In accordance with Clause 95(3) of the regulation, a twenty four (24) month period is given from the date of the “deferred commencement” notice to lodge plans and evidence that satisfactorily address the required details. If not, then the “deferred commencement” will lapse and a new development application will be required.

Schedule B

Identification of approved plans:

1. The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated April 2022 (by Casson Planning and Development Services), except where amended by the following conditions.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
Site Plan 02128	DA100	B	RP	29/09/2022
Basement - General Arrangement	DA110	C	RP	02/09/2022

Ground Floor – General Arrangement	DA120	C	RP	02/09/2022
First Floor – General Arrangement	DA130	B	RP	02/09/2022
Roof General Arrangement	DA140	B	RP	02/09/2022
Sections	DA200	A	RP	27/04/2022
Elevations (1)	DA300	B	RP	29/09/2022
Elevations (2)	DA301	B	RP	29/09/2022
3D Perspectives (1)	DA950	B	RP	29/09/2022
3D Perspectives (2)	DA951	B	RP	29/09/2022
Ground Floor Demolition	DA111	A	RP	29/09/2022
First Floor Demolition	DA121	A	RP	29/09/2022
Roof Plan Demolition	DA 131	A	RP	29/09/2022
Elevations (1) Demolition	DA 310	A	RP	29/09/2022
Elevations (2) Demolition	DA 311	A	RP	29/09/2022
Alterations and Additions Golden Fleece Apartments	4	-	TFB Constructions	18.08.2020
Location Plan	2	-	TFB Constructions	18.08.2020
Existing Ground Floor and First Floor Plan	3	-	TFB Constructions	18.08.2020
Ground Floor Plan	4	-	TFB Constructions	18.08.2020
First Floor Plan	5	-	TFB Constructions	18.08.2020
Elevations	6	-	TFB Constructions	18.08.2020
Site Plan	7	-	TFB Constructions	18.08.2020
Disabled WC Plan	8	-	TFB Constructions	18.08.2020
Site Analysis Plan	9	-	TFB Constructions	18.08.2020
Stormwater Management Plan	1-9	A/B/C	RHM Consulting Engineers	17.09.2020, 26/04/2022.

(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:

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

(Reason: Prescribed by legislation)

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

- Outdoor lighting shall comply with Australian Standard 4282-1997 - Control of the obtrusive effects of outdoor lighting. Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure compliance with acceptable standards for the external lighting of the site)

4. The works shall comply with the recommendations of the BCA Report prepared by Codewise Certifiers dated ~~13 May 2020~~ 1 December 2022. Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: Prescribed by legislation)

5. Deleted

- 5A. A total of 3 car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads shall be clearly shown on the plans which shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

6. Deleted

- 6A. A total of 32 off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. Detailed drawings prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

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

7. In relation to the demolition or alteration of the existing building (or part of a building) on the site:
- (a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Principal Certifier, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works and if they exist on site their location and quantity. Hazardous materials include but shall not be limited to lead in paints, ceiling dust, glass fiber insulation and asbestos based products). Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.
 - (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Principal Certifier with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - i. The type of hazardous material;
 - ii. The level or measurement of the hazardous material in comparison to National Guidelines;
 - iii. Proposed methods of containment; and
 - iv. Proposed methods of disposal.
 - (c) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-

containing material in a place at which construction work is being carried out. where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.

- (d) the demolition must be undertaken in accordance with AS2601.
- (e) any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information)
- (f) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of AS 4361.2-1998: Guide to lead paint management - Residential and commercial buildings. Particular attention must be given to the control of dust levels on the site. Details demonstrating compliance with these requirements shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

Notes:

- i. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au.
- ii. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

(Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily)

- 8. A Waste Management Plan shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, all landfill removed from the site, haulage routes, design of on-site wind proof waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

(Reason: To encourage the minimisation of waste and recycling of building waste)

- 9. Deleted.

- 10. To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all building work in connection with the occupation or use of the premises for the preparation and storage of food shall be designed and carried out in accordance with the requirements of:
 - a) The Food Act (as amended);
 - b) The Food Regulation (as in force);
 - c) AS4674 (Design, Construction and Fit-Out of Food Premises);
 - d) The Clean Air (Plant and Equipment) Regulation;
 - e) AS 1668 Part 2;
 - f) The Protection of the Environment Operations Act; and,
 - g) The National Construction Code Series; The relevant matters to be taken into account under this approval relate to:
 - i. construction, materials and finishes;
 - ii. installation of fixtures, fittings and equipment;
 - iii. washing facilities, other facilities and special requirements;
 - iv. mechanical ventilation and exhaust discharges; and
 - v. temperature control.

Detailed plans and specification of work demonstrating that these design requirements have been met shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure compliance with acceptable standards for the construction of food premises established under environmental health and safety legislation)

11. The Owner of the property shall enter into a trade waste agreement with Upper Hunter Shire for the disposal of all trade waste generated by the development. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

Note: This includes food premises which will require a grease trap or a grease arrestor.

(Reason: To protect the environment from contamination)

12. The café doors shall swing inwards, and not obstruct the footpath. No approval is given or implied for the foot way dining or pedestrian ramp within the road reserve. The pedestrian ramp shall be fully constructed within the site. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure safe and unobstructed access to the footpath)

Water and Sewer Contributions

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

Note1:

Upper Hunter Shire Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction Certificate, of the Section 64 contributions, as set out in the "Notice of Payment – Developer Charges" schedule attached to and included as part of this consent unless deferral of payment of contributions has been approved by Council. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2:

A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation Certificate relating to the development.

Contributions

- 13A. A contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, services/facilities detailed in column A and, for the amount detailed in column B shall be made to Council.

Contribution type (a)	Amount per parking Space (B) (\$)	Total (C)
Car Parking	\$10,094.94	\$20,189.88
Total contribution		\$ 20,189.88

Documentary evidence shall be submitted to the Principal Certifier confirming that the contribution has been paid prior to determination of the application for Construction Certificate, where applicable.

The level of contributions shall be in accordance with Council's Fees and Charges at the time of payment.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

Conditions that must be addressed prior to commencement:

14. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control, or a suitable 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 Principal Certifier prior to further commencement of site works.

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

15. 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)

16. 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)

17. A building in respect of which there is a change of building use must comply with the Category 1 Fire Safety Provisions applicable to the proposed use. Note: The obligation to comply with the Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in relation to this development consent. It is recommended that you discuss the requirements for achieving compliance with this condition with an Accredited Certifier - (Building), who will be able to assist in advising of any action or works that may be required in the particular circumstances.

(Reason: Statutory requirement)

18. 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 in must cover the works being undertaken onsite.

(Reason: Prescribed – Statutory)

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

19. The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

20. 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 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 unless prior approval has been obtained
 - (c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

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

21. 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:

22. Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate.

(Reason: Equitable access for people with a disability)

23. The applicant shall, upon completion of the development works, submit to the Principal Certifier the works-as-executed drawing (W.A.E.) and certification from a practicing civil engineer or registered surveyor that the works have been executed in accordance with AS3500, prior to the release of any Occupation Certificate. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures.

A CCTV inspection survey must be undertaken of the completed drainage works that are to revert to Council's care and control, and a DVD forwarded to Council to support the certification.

(Reason: To demonstrate works have been carried out in accordance with the consent)

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

(Reason: To ensure that adequate facilities to service the development are provided on site.)

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

(Reason: Prescribed - Statutory.)

26. Prior to the issue of any Occupation Certificate a sealed driveway shall be constructed from the kerb and gutter/ edge of bitumen to the edge of the garage/ property boundary in accordance with the profile on the approved plans. The crossover and layback shall be constructed in accordance with Council's standard vehicle layback SVL-001.

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 facilitate appropriate vehicular access to the site.)

- 26A. The premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of The Food Act 2003, Food Regulation 2004, Food Standards Code and Australian Standard 4674 for the Design, Construction and Fit-out of Food Premises. Where Council is not nominated as the Principal Certifying Authority a Certificate from an appropriately qualified person confirming compliance with the above legislation and guidelines is to be provided before the issue of the Occupation Certificate.

Conditions that must be complied with at all times:

27. At all times the trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the Owner/operator and Upper Hunter Shire Council.

(Reason: To ensure compliance with Upper Hunter Shire Council's requirements and to protect the environment.)

28. At all times no parking spaces, loadings bays or vehicular access ways or access thereto shall be restricted, constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.

(Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards.)

29. At all times all loading and unloading operations shall be carried out wholly within the confines of the site and within loading bays designated on the approved plans.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity.)

30. At all times waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

(Reason: To ensure the acoustic amenity of surrounding properties.)

DA 145/2022 - Recommended Conditions of Consent

Identification of approved plans:

- The development must be carried out in accordance with the development application, the drawings referenced below and Statement of Environmental Effects dated August 2022 except where amended by the conditions of consent.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
21-005	DA 00-01	6	Sissons	16/09/2022
21-005	DA 00-02	4	Sissons	27/07/2022
21-005	DA 00-03	5	Sissons	27/07/2022
21-005	DA 00-04	4	Sissons	23/06/2022
21-005	DA 00-05	5	Sissons	27/07/2022
21-005	DA 00-06	5	Sissons	27/07/2022
21-005	DA 00-07	1	Sissons	16/09/2022
21-005	DB 00-01	5	Sissons	27/07/2022
21-005	DB 10-01	5	Sissons	27/07/2022
21-005	DB 10-02	5	Sissons	27/07/2022
21-005	DB 20-01	4	Sissons	23/06/2022
21-005	DB 20-02	4	Sissons	23/06/2022
21-005	DB 30-01	4	Sissons	23/06/2022
21-005	DB 40-01	1	Sissons	16/09/2022
21-005	DC-00-01	5	Sissons	27/07/2022
21-005	DC-10-01	5	Sissons	27/07/2022
21-005	DC 20-01	5	Sissons	27/07/2022
21-005	DC 20-02	5	Sissons	27/07/2022
21-005	DD 40-01	4	Sissons	27/07/2022
21-005	DD 50-01	1	Sissons	16/09/2022
21-005	DE 00-01	2	Sissons	27/07/2022
21-005	DE 00-02	2	Sissons	27/07/2022

(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:

5. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of \$20,790.00 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 determination of the application for Construction Certificate.

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

6. Prior to the issue of a Construction Certificate, a full set of construction plans demonstrating compliance with the National Construction Code Series shall be submitted to the Principal Certifier.

(Reason: Prescribed by legislation.)

7. The rural workers dwelling and the adjacent existing shed, if closer than 6m to the dwelling, are to be constructed to BAL 12.5. Plans demonstrating compliance are to be submitted to the certifying authority prior to the release of a construction certificate.

(Reason: To ensure a degree of protection in the event of a bushfire.)

Conditions that must be addressed prior to commencement:

8. Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with The Blue Book published by Landcom provisions on Erosion and Sediment Control, or a suitable 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 Principal Certifier prior to further commencement of site works.

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

9. 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 and extend a minimum of 6m in length. In addition the proposed internal access road to the construction site shall be clearly identified to ensure all vehicular traffic moving to and from the dwelling site utilises the nominated access route.

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)

10. 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)

11. 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)

12. 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:

13. 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)

14. 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:

15. The pool filtering equipment shall be located in a suitable position as far as practical from any adjoining premises. Noise levels shall not exceed 5dBA above the ambient noise level when measured at the boundary.

(Reason: To ensure noise generated by equipment does not result in offensive noise)

16. The development shall be connected to the on-site sewage management system in accordance with the S68 approval and AS3500. In addition a current Approval to Operate will also be required prior to the issue of any Occupation Certificate.

Note: Any application to install an On-site Sewage Management System is to be made online via the NSW Planning Portal.

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

17. Prior to the issue of an Occupation Certificate vehicle access as a minimum from the boundary to the proposed development shall be constructed in a base course comprising compacted fine crushed rock and metal material to a minimum depth of 200mm to allow all weather access by a two (2) wheel drive vehicle.

(Reason: To provide all weather vehicle access to site.)

18. 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.

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

(Reason: Prescribed - Statutory.)

19. The swimming pool must be registered in accordance with the *Swimming Pools Amendment ACT 2012* prior to the issue of an Occupation Certificate.

Details can be found on Council's website www.upperhunter.nsw.gov.au or register online at www.swimmingpoolregister.nsw.gov.au

(Reason: Legislative requirement)

20. Prior to the issue of an Occupation Certificate, the recommendations contained in the Bushfire Assessment Report prepared by Bushfire Hazard Solutions Pty Ltd reference 211578 dated 5 August 2022 are to be implemented.

(Reason: To ensure the protection of the dwelling in the event of a bushfire.)

Conditions that must be complied with at all times:

21. 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 an appropriately constructed discharge point located a minimum distance of 6m clear of the proposed building, any adjoining buildings, any internal driveways or vehicular parking areas.

The discharge point shall be stabilised in a manner that will prevent the erosion of adjacent soils and shall disperse stormwater in a controlled manner, with such water being retained within the subject property.

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

22. Access to the pool shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992, and:-

- (a) the pool must not to be completely filled with water until such time as a safety fence has been erected in accordance with this approval.
- (b) where the depth of water in the pool exceeds 300mm during construction a temporary barrier or fence must be erected or other precautions taken so as to prevent the entry of children into the pool.
- (c) the swimming pool including overflow water must be drained to the sewer or, if the sewer is not available, overflow water must be disposed of to Council's satisfaction.
- (d) the consent of the Council must be obtained 48 hours prior to any emptying of pool water into the sewer.

Certification from an appropriately qualified person confirming that the above requirements have been fulfilled shall be provided to the Principal Certifier prior to the issuing of an Occupation Certificate.

(Reason: To ensure that any person acting upon this consent is aware of their obligations under the provisions of the Swimming Pools Act, to prevent young children from accidental death by drowning)

23. The owner of the pool shall display a weatherproof notice showing:

- (a) a warning stating 'YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL
- (b) a warning stating 'POOL GATES MUST BE KEPT CLOSED AT ALL TIMES'

- (c) a warning stating 'KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES'
- (d) a simple flow sequence (which may be the flow sequence depicted in the Cardiopulmonary Resuscitation Guideline) containing details of resuscitation techniques (for infants, children and adults)

This notice must be permanently fixed to the pool fence, visible when entering and when within the swimming pool, be legible from a distance of at least 3 metres and be maintained in a clearly legible condition at all times.

Certification confirming that the above requirements have been fulfilled shall be provided to the Principal Certifier prior to the issuing of an Occupation Certificate.

(Reason: To ensure an adequate level of safety for young pool users)

24. The rural worker's dwelling on the site is only to be occupied by persons engaged to work on the property.

(Reason: To make clear that the consent is for a rural workers dwelling and not a secondary dwelling or dual occupancy.)

Planning & Infrastructure Services

SCR.02.2

INFRASTRUCTURE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

RECOMMENDATION

That Council:

1. adopt the minutes of the Infrastructure Services Committee meeting held on Tuesday 14 February 2023; and
2. endorse the installation of water dispensing standpipes at:
 - a) 53 Raglan Street, Wingen within the existing property with the entrance off Vernon Street; and for Council to retrofit Colourbond sheeting on the existing fence (6 Vernon Street) to minimise disturbance and protect privacy of resident.
 - b) 10 Skinner Street, Parkville within the road reserve;
 - c) White Street, Blandford opposite the cricket oval on the road reserve.

BACKGROUND

The Infrastructure Services Committee provides policy and direction, along with an update on the planned program for roads, bridges, water and sewerage work, parks and buildings.

REPORT/PROPOSAL

The Infrastructure Services Committee considered reports on the following items:

ISC.02.1 WORKS PROGRAM - INFRASTRUCTURE SERVICES - WATER AND SEWER

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

- Scone Sewerage Treatment Plant (STP)
- Merriwa Sewerage Treatment Plant (STP)
- CCTV to inform the sewer re-lining program
- Water Main Renewal Work (Contract 1/2022)
- Sewer main repair works
- Aberdeen River Pump Station Improvements (Contract 42/2021)
- Village Reticulation – Parkville/Wingen/Blandford
- Scone Water Treatment Plant Stage 1 (Contract 35/2021)

ISC.02.2 WORKS PROGRAM - INFRASTRUCTURE SERVICES – WORKS DELIVERY

The KPIs were reported to the Committee, with six (6) of the eighteen (18) KPIs being off track for the reportable year.

ISC.02.3 STRATEGIC AND CAPITAL WORKS UPDATE

Strategic and Capital Works Delivery Update was reported.

There are thirty five (35) major projects in progress that have been reported on. Seventeen (17) of these projects require budget or scheduling intervention.

Planning & Infrastructure Services

ISC.02.4 **MR358 WILLOW TREE ROAD UPGRADE**

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

Key activities next month:

- Construction tender to close.

ISC.02.5 **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.

ISC.02.6 **QUESTIONS WITH NOTICE**

Councillors are given an opportunity to provide questions that have not been included on the agenda to be answered prior to the agenda being sent out. Staff are given time to answer these requests and provide a response in a separate report to the Infrastructure Services Committee.

The following question with notice was received:

Cr Collison requested the cost of the recent Muffet Street part upgrade and if there are any remaining funds available to construct a footpath along Muffet Street, north of Philip Street.

Response: The cost to date of the Muffet Street part upgrade is \$472,000. The grant funding has been fully expended and Council provided additional funding to complete the project. There is currently no funding available in the budget to construct a footpath along Muffet Street.

Cr Collison requested to include additional questions with notice.

Cr Collison asked if there is adequate room available to construct a footpath within the Muffet Street road reserve between Philip Street and Sherwood Street.

Response: The construction of a footpath in Muffet Street between Philip and Sherwood Streets would require the resumption of land as the road carriageway is very close to the boundary of the property on the corner of Muffet Street and Philip Street.

Cr Collison asked if any funds are available to undertake drainage works in Muffet Street between Philip and Sherwood Street.

Response: There is currently no budget allocation for drainage works in Muffet Street; however Council staff will prepare a cost estimate for drainage improvements along this section of road. Depending on the cost of this work, Council may be able to reallocate money in the current budget to fund all or part of this work. Council's ability to complete any additional stormwater drainage work in the current financial year will also depend on contractor availability.

If Council is unable to complete drainage improvements this financial year due to inadequate funding or resourcing limitations, this work could be considered for inclusion in the 2023-24 Operational Plan.

ATTACHMENTS

- [1](#) Infrastructure Services Committee - 14 February 2023 - Minutes

MINUTES OF THE INFRASTRUCTURE SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON TUESDAY 14 FEBRUARY 2023 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 12.30PM

PRESENT:

Cr Ron Campbell (Chair), Cr Maurice Collison, Cr Tayah Clout and Cr Allison McPhee.

APOLOGIES:

Nil

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Mathew Pringle (Director Planning & Infrastructure Services), Mr Sam Wooden (Manager Works Delivery), Mr Jeff Bush (Manager Strategic Assets), Mr Grahame Wilson (Manager Water & Sewer), Mr Gavin Newton-Smith (Assets Engineer) and Ms Leah Moore (Minutes).

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK:

Nil

PUBLIC PARTICIPATION:

Nil

DECLARATIONS OF INTEREST:

Nil

INFRASTRUCTURE SERVICES REPORTS

ISC.02.1 ***WORKS PROGRAM - INFRASTRUCTURE SERVICES - WATER & SEWER***

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

RESOLVED

That the Committee:

1. receive the report and note the information; and
2. endorse the installation of water dispensing standpipes at:
 - a) 54 Raglan Street, Wingen within the existing property with the entrance off Vernon Street; and for Council to construct a fence to minimise disturbance and protect privacy of residents.
 - b) 10 Skinner Street, Parkville within the road reserve;
 - c) White Street, Blandford opposite the cricket oval on the road reserve.

Moved: Cr M Collison

Seconded: Cr T Clout

CARRIED UNANIMOUSLY

ISC.02.2 ***WORKS PROGRAM - INFRASTRUCTURE SERVICES - WORKS DELIVERY***

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Sam Wooden - Manager Works Delivery

RESOLVED

That the Committee receive the report and note the information.

Moved: M Collison

Seconded: T Clout

CARRIED UNANIMOUSLY

ISC.02.3

STRATEGIC AND CAPITAL WORKS UPDATE

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Sam Wooden - Manager Works Delivery

RESOLVED

That the Committee receive the report and note the information.

Moved: M Collison

Seconded: A McPhee

CARRIED UNANIMOUSLY

ISC.02.4

MR358 WILLOW TREE ROAD UPGRADE

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate & Community Services

AUTHOR: Jeff Bush - Manager Strategic Assets

RESOLVED

That the Committee receive the report and note the information.

Moved: A McPhee

Seconded: T Clout

CARRIED UNANIMOUSLY

ISC.02.5

RESPONSE TO PREVIOUS QUESTIONS

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Leah Moore - Infrastructure Support Officer

RESOLVED

That the committee note the responses to previous questions.

Moved: T Clout

Seconded: A McPhee

CARRIED UNANIMOUSLY

ISC.02.6

QUESTIONS WITH NOTICE

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Leah Moore - Infrastructure Support Officer

RESOLVED

That the Committee:

- 1. accept the additional questions received after the closing date; and,**
- 2. note the questions and responses provided.**

Moved: M Collison

Seconded: T Clout

CARRIED UNANIMOUSLY

Additional Questions

Cr Collison asked if there is adequate room available to construct a footpath within the Muffet Street road reserve between Philip Street and Sherwood Street.

Response: The construction of a footpath in Muffet Street between Philip and Sherwood Streets would require the resumption of land as the road carriageway is very close to the boundary of the property on the corner of Muffet Street and Philip Street.

Cr Collison asked if any funds are available to undertake drainage works in Muffet Street between Philip and Sherwood Street.

Response: There is currently no budget allocation for drainage works in Muffet Street, however Council staff will prepare a cost estimate for drainage improvements along this section of road. Depending on the cost of this work, Council may be able to reallocate money in the current budget to fund all or part of this work. Council's ability to complete any additional stormwater drainage work in the current financial year will also depend on contractor availability.

If Council is unable to complete drainage improvements this financial year due to inadequate funding or resourcing limitations, this work could be considered for inclusion in the 2023-24 Operational Plan.

The meeting was declared closed at 1.04pm

Corporate & Community Services

SCR.02.3

CORPORATE SERVICES COMMITTEE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

RECOMMENDATION

That Council:

1. note the Fund and Function Summary Report;
2. note the Cash and Investment Report;
3. note the Responsible Accounting Officer's Statement on the Investments;
4. note the Capital Works Expenditure Report; and
5. adopt the proposed budget variations;
6. CORP.02.7 Notice of Motion
 - a. investigate the validity of creating plans for residential strata titles within the upstairs region of Campbell's Corner, with the intent of offering for sale concepts of both residential and short-term lease accommodation;
 - b. investigate funding for the drawing up of plans within current Campbell's Corner funding arrangements or alternative means such as the NSW Regional Housing Strategic Planning Fund;
 - c. floor plans be drawn up and discussed with Councillors;
 - d. approach local Upper Hunter real estate agencies with before-mentioned concept with the intent of going to the market.

BACKGROUND

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

REPORT/PROPOSAL

A meeting of the Corporate Services Committee was held on Friday, 17 February 2023. A copy of the minutes of the meeting are attached. The following reports were considered:

CORP.2.1 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 advising that the projected financial position as at 31 December 2022 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 is 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.

Corporate & Community Services

The Responsible Accounting Officer's (RAO) 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.

CORP.12.2 Operational Report

The budget review provides a detailed overview of the actuals to budget for the year to date, together with proposed variations and previously approved variations to the original budget. The effect on the originally adopted budget for these proposed and approved variations are shown in the revised end of year budget position for both the fund and service activity.

Commentary is provided by managers and/or budget holders to inform details or reasons of why variances between actuals to budget exist or why proposed variations have been requested.

Key Performance Indicators (KPIs) are included within the body of the operations report for each respective service activity as adopted in the Delivery Program and Operation Plan these indicators are gauged against the actual performance of each service activity and are measured using a traffic light monitor with commentary provided by managers and/or budget holders.

CORP.12.3 Contractors & Expenses Report

The Contractors Listing provides details of any contracts Council has entered into for the period which exceed the value of \$50,000 in accordance with Office of Local Government requirements.

The Consultants, Legal and other Expenses Report will show expenditure year to date for consultancies and legal services.

CORP.12.4 Airport Management Committee

This report provides an update of items discussed at the last Airport Management Committee meeting held on 25 January 2023. Items included current projects, financial and performance management. The minutes of the Airport Management Committee meeting were adopted by the Corporate Services Committee.

CORP.12.5 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 1 February 2023 were adopted by the Corporate Services Committee.

CORP.12.6 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 19 January 2023 were adopted by the Corporate Services Committee.

Corporate & Community Services

CORP.12.7 Notice of Motion

The following notice of motion was received from Cr Adam Williamson:

MOTION

1. That the council investigate the validity of creating plans for residential strata titles within the upstairs region of Campbells Corner, with the intent of offering for sale concepts of both residential and short-term lease accommodation.
2. Funding for the drawing up of plans be investigated within current Campbells corner funding arrangements or alternative means such as the **NSW Regional Housing Strategic Planning Fund**.
3. Floor plans be drawn up and discussed with councilors
4. That Council approach local Upper Hunter real estate agencies with before mentioned concept with the intent of going to the market.

STAFF COMMENT:

Council will undertake investigations for the project to determine whether project will:

1. be economically viable
2. have a suitable funding source
3. meet residential building standards

However, a number of issues may hinder the proposed investment including:

- normally grant funding opportunities are limited when using the funding for a commercial investment
- fire standards for residential accommodation are extremely stringent and cost adverse

In summary, Council will undertake the required due diligence for the proposed venture and provide a response back to the Corporate Services meeting when completed.

CORP.12.8 Response 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.

At the Corporate Services Committee meeting on 9 December 2023 Cr Flaherty requested in reference to the summary figures provided in the Finance Committee report whether a more detailed breakdown could be provided each month to include revenue and costs on business operations within Council.

Response: Acting Director Corporate and Community Services advised that a full breakdown of revenue and costs of Council's business operations are reported in the quarterly reporting but if requested by Councillors, a more detailed report can be provided at the alternate meetings. Cr Burns requested the additional staff hours to produce a more detailed report be calculated and reported back to the Committee. Taken on notice by Acting Director Corporate and Community Services to provide a hybrid version of the report in early January 2023 as a template for the Committee to consider.

Update: Council's finance team are currently devising a new hybrid template for the meeting outside of the Quarterly Performance Reviews.

This template will be circulated to the Councillors prior to the next corporate services meeting held in March 2023.

Corporate & Community Services

CORP.12.9 Questions With Notice

There were no questions with notice received.

CORP.12.10 Property Update

The purpose of this report is to give an update on various property matters within Council. This report was considered in closed committee. A confidential report is included for this meeting to consider recommendations made by the Corporate Services Committee.

ATTACHMENTS

- [1↓](#) Corporate Services Committee - 17 February 2023 - Minutes

MINUTES OF THE CORPORATE SERVICES COMMITTEE OF UPPER HUNTER SHIRE COUNCIL HELD ON FRIDAY 17 FEBRUARY 2023 IN THE COUNCIL CHAMBERS, SCONE COMMENCING AT 9.03AM

PRESENT:

Cr Adam Williamson (Chair), Cr James Burns, Cr Belinda McKenzie and Cr Elizabeth Flaherty.

IN ATTENDANCE:

Mr Greg McDonald (General Manager), Mr Wayne Phelps (Acting Director Corporate & Community Services) and Mrs Karen Boland (Governance & Executive Support Officer).

APPLICATIONS FOR ATTENDING MEETING VIA VIDEO LINK

RESOLVED that the application received from Cr Flaherty to attend the meeting via video link be accepted.

Moved: Cr J Burns Seconded: Cr B McKenzie CARRIED

APOLOGIES:

Nil

PUBLIC PARTICIPATION:

Nil

DISCLOSURES OF INTEREST:

Nil

FINANCE COMMITTEE REPORTS

CORP.02.1

FINANCIAL SUMMARY & INVESTMENT REPORT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

23/020

RESOLVED

That the Committee:

- 1. note the Fund and Function Summary Report;**
- 2. note the Cash and Investment Report;**
- 3. note the Responsible Accounting Officer's Statement on the Investments;**
- 4. note the Capital Works Expenditure Report; and**
- 5. adopt the proposed budget variations**

Moved: J Burns Seconded: E Flaherty CARRIED UNANIMOUSLY

Councillor Questions:

Cr Flaherty enquired whether a breakdown of the tourism events funded by the State Governments Tourism Stimulus Program could be provided?

Response: Taken on notice by the Acting Director Corporate & Community Services.

CORP.02.2

OPERATIONAL REPORT

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

23/021

RESOLVED

That the Committee:

- 1. note the comments on the budget review by the managers/budget holders;**
- 2. adopt the requested variations as detailed in the budget review; and**
- 3. write to all volunteer groups that assist Council in the maintenance of their parks and facilities a letter of thanks for their contributions.**

Moved: Cr J Burns

Seconded: Cr E Flaherty

CARRIED UNANIMOUSLY

Councillor Questions:

Cr Flaherty enquired what is the current number of staff vacancies?

Response: The General Manager advised there is approximately 30 vacant positions across the organisation due to a combination of reasons; on hold, unable to fill or the role is being back filled or contracted out. Taken on notice by General Manager to provide the number of vacancies as at the end of January 2023, which is Council's most recent numbers.

Cr Burns enquired how much funding does Council receive from the Federal Government to provide Service Australia facilities at Merriwa and Murrurundi?

Response: Taken on notice

Cr Williamson enquired whether the budget for Tree Maintenance/Management in Parks and Gardens includes the trees that are lopped along the roadside?

Response: Taken on notice

Cr Burns noted that a user group at White Park has a cool room located in one of Council's buildings that is constantly running. Cr Burns further requested if this could be investigated?

Response: Taken on notice

Cr Burns enquired whether the cost to repair the heritage listed swinging bridge located at Moonan Flat could be retrospectively funded by grant bodies?

Response: Taken on notice

Cr Williamsons enquired if a copy of the contractors construction schedule for the fourteen (14) bridge replacement program be circulated to Councillors?

Response: General Manager advised the schedule will be circulated to Councillors.

Cr Williamson enquired as to how many road crews are in the Merriwa district?

Response: Acting Director Corporate & Community Services advised there were two (2) crews based in the Merriwa district. Taken on notice to provide exact numbers.

CORP.02.3 **CONTRACTORS & EXPENSES REPORT**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

23/022

RESOLVED That the Committee:

- 1. note the Contractors Listing for the period; and**
- 2. note the Consultancy and Legal Expenses report for the period.**

Moved: Cr J Burns Seconded: Cr B McKenzie CARRIED UNANIMOUSLY

CORP.02.4 **AIRPORT MANAGEMENT COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Governance & Executive Support Officer

23/023

RESOLVED That the Committee adopt the minutes of the Airport Management Committee meeting held on 25 January 2023.

Moved: Cr J Burns Seconded: Cr A Williamson CARRIED UNANIMOUSLY

CORP.02.5 **WHITE PARK MANAGEMENT AND DEVELOPMENT COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Governance & Executive Support Officer

23/024

RESOLVED That the Committee adopt the minutes of the White Park Management and Development Committee meeting held on 1 February 2023;

Moved: Cr E Flaherty Seconded: Cr B McKenzie CARRIED UNANIMOUSLY

CORP.02.6 **SCONE & UPPER HUNTER REGIONAL SALEYARDS COMMITTEE**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Governance & Executive Support Officer

23/025

RESOLVED That the committee adopt the minutes of the Scone & Upper Hunter Regional Saleyards meeting held on 19 January 2023.

Moved: Cr J Burns Seconded: Cr A Williamson CARRIED UNANIMOUSLY

CORP.02.7

NOTICE OF MOTION

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

23/026

RESOLVED

The following notice of motion has been received from Cr Adam Williamson:

MOTION

1. That the council investigate the validity of creating plans for residential strata titles within the upstairs region of Campbell's Corner, with the intent of offering for sale concepts of both residential and short-term lease accommodation.
2. Funding for the drawing up of plans be investigated within current Campbell's Corner funding arrangements or alternative means such as the NSW Regional Housing Strategic Planning Fund.
3. Floor plans be drawn up and discussed with councillors.
4. That Council approach local Upper Hunter real estate agencies with before mentioned concept with the intent of going to the market.

Moved: Cr A Williamson

Seconded: Cr J Burns

CARRIED

FOR

Councillor Burns
Councillor McKenzie
Councillor Williamson
Total (3)

AGAINST

Councillor Flaherty

Total (1)

CORP.02.8

RESPONSE TO PREVIOUS QUESTIONS

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate & Community Services

AUTHOR: Karen Boland - Governance & Executive Support Officer

23/027

RESOLVED

For notation only.

Moved: Cr A Williamson

Seconded: J Burns

CARRIED UNANIMOUSLY

CORP.02.9

QUESTIONS WITH NOTICE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Boland - Governance & Executive Support Officer

THERE WERE NO QUESTIONS WITH NOTICE RECEIVED. REPORT WAS FOR NOTATION ONLY.

CLOSED COMMITTEE

23/028

RESOLVED That the Committee move into Closed Committee with the press and public excluded in accordance with Section 10(2) of the Local Government Act 1993.

Moved: Cr B McKenzie Seconded: Cr J Burns CARRIED UNANIMOUSLY

CONFIDENTIAL REPORTS

CORP.02.10

PROPERTY UPDATE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Karen Lee - Senior Administration Officer - Business Services

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 give an update on various property matters within Council.

23/029

RESOLVED

That the Committee:

1. note the report;
2. commence sales for Lot 12 DP 227553 and Lot 12 DP 239406;
3. commence Expressions Of Interest for:
 - a. Lot 1 & Lot 3 DP 212047;
 - b. Lot 35 DP 1184486;
 - c. Subdivision DP 262398;
 - d. Lot 31 DP1194098;
4. commence direct development of Lot 44 DP 846091; and
5. investigate any opportunity for State Government funding towards the development of these lots.

Moved: Cr J Burns Seconded: Cr A Williamson CARRIED UNANIMOUSLY

RETURN TO OPEN MEETING

23/030

RESOLVED That the meeting move back into Open Council.

Moved: Cr J Burns Seconded: Cr B McKenzie CARRIED UNANIMOUSLY

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

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.48am.

Planning & Infrastructure Services

COMMITTEE/DELEGATES REPORTS

C.02.1 *COMMUNITY ADVISORY COMMITTEE - ABERDEEN DISTRICT*

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

RECOMMENDATION

That Council adopt the minutes of the Community Advisory Committee – Aberdeen District meeting held on 19 January 2023, provided as attachment 1 to the report.

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 will meet every 3 months in Murrurundi, Scone, Aberdeen and Merriwa.

REPORT/PROPOSAL

Information was provided to the committee regarding capital works, road maintenance, facilities, flood repairs and a development application.

The committee discussed the purpose of the Jefferson Park user group, Planning Agreement for Mount Pleasant and the draft Planning Agreement for Dartbrook Mine in detail.

ATTACHMENTS

- 1 [↓](#) Community Advisory Committee - Aberdeen District - 17 January 2023 - Minutes

**MINUTES OF THE COMMUNITY ADVISORY COMMITTEE -
ABERDEEN DISTRICT MEETING - TUESDAY 17 JANUARY 2023 -
5pm**



PRESENT: Cr Allison McPhee (Chairperson), Cr Adam Williamson, Sue Milton, Helen Irving, Shane Lloyd

IN ATTENDANCE: Greg McDonald (General Manager), Mathew Pringle (Director Planning & Infrastructure), Wayne Phelps (Acting Director Corporate & Community), Amanda Catzikiris (Manager Community Services)

1. APOLOGIES

RESOLVED

That the apologies received from Kristy Banister be accepted.

Moved: Shane Lloyd

Seconded: Sue Milton

2. DISCLOSURE OF INTEREST

Nil

3. PUBLIC PARTICIPATION

Nil

4. PREVIOUS MINUTES

RESOLVED

That the minutes of the Community Advisory Committee - Aberdeen Meeting held on 11 October 2022, as circulated, be taken as read and confirmed as a correct record.

Moved: Shane Lloyd

Seconded: Sue Milton

5. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

6. AGENDA ITEMS

CAC-M.01.1 Action Sheet - Update

PURPOSE

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

As per the last action sheet, a link was emailed to all CAC members to access planning documents and reports on the Council website. It was also noted that the upgrade to lighting at McKinnon Oval is subject to grant funding.

RESOLVED

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

Moved: Cr Adam Williamson

Seconded: Shane Lloyd

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 17 January 2023.

CAC-M.01.2 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.

- Flood damage clean up at St Andrews Reserve is complete, in preparation for sand to be placed in the arena once a quote is obtained.
- More information will be sought from Kristy Bannister regarding her question of additional security at St Andrews Reserve.
- Options for the turn off to Rouchel Road from the Highway were discussed. Further investigation of road usage is required by Transport NSW.
- Concerns about the pot holes and Sandy Creek Road and Nandowra Road washout area were discussed. Repair work is being undertaken and Council will investigate options for a future upgrade in the area.
- Options for Perth St land release are currently being considered by Council.
- Discussion regarding the Planning Agreement for Mount Pleasant and the draft Planning Agreement for Dartbrook Mine and funding contribution.
- Positive feedback from the community regarding the new weighbridge at the Aberdeen Waste Facility.
- Discussion regarding the development application for a new service station, take away food and drink premises and additions to existing supermarket on Macqueen St. Plans were provided to the committee.
- Concerns about vehicle usage around the banks of the Hunter River and subsequent damage to the riverbank area. This may require further assessment of the Council owned area to the top of the bank. Committee agreed that the area needs to be preserved.
- Pothole maintenance is scheduled for the Grahame St bridge area.

RESOLVED

That the Committee review the items listed in the report.

Moved: Sue Milton

Seconded: Helen Irving

ACTION FOR COMMITTEE: See action sheet.

CAC-M.01.3 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.

Details were distributed to committee members. Further discussion of the initial scoping of the Aberdeen Heights subdivision. Greg McDonald provided details of options for Council. Committee members generally agreed they supported the option of Council working in joint partnership with a private company, giving Council greater control of the development timeframe.

For notation only.

Moved: Shane Lloyd

Seconded: Sue Milton

ACTION FOR COMMITTEE: Nil

CAC-M.01.4 Australia Day Subcommittee - Scone and Aberdeen District

PURPOSE

The purpose of this report is to provide an update from the Australia Day Subcommittee – Scone and Aberdeen Districts, regarding the Australia Day Ceremony, awards presentation and family fun day activities.

Award nominations were assessed and recommendations were made for each award category. Discussion regarding hosting a combined awards ceremony at Scone to incorporate Aberdeen and Murrurundi district to ensure:

- Higher recognition of award winners
- Better access to and utilisation of the Australia Day Ambassador

RESOLVED

That the committee adopt the minutes of the Australia Day Subcommittee – Scone and Aberdeen Districts meeting held on 15 November 2022.

Moved: Shane Lloyd

Seconded: Helen Irving

ACTION FOR COMMITTEE: Nil

7. ACTION SHEET

- Further information to be requested from Kristy Bannister regarding her request for additional security at St Andrews Reserve – Amanda Catzikiris
- Follow up request Transport NSW upgrade the intersection of Rouchel Road and Highway – Mat Pringle.
- Seek nominations for the Jefferson Park working party – Cr Allison McPhee.
- CRM for tree debris in Jefferson Park – Amanda Catzikiris
- Investigate drainage issues in Abernathy Lane – Mathew Pringle

8. CORRESPONDENCE

Nil

9. GENERAL BUSINESS

- Jefferson Park Masterplan – nominations have been sought for a working party of representatives from user-groups to support consultation processes. Late nominations will be accepted. Cr Allison McPhee will follow up the nomination process to ensure adequate nominations.
- Jockey Park – this is not Council land and future development of a toilet facility would require a partnership with Rail. Community consultation would be necessary prior to considering the development.
- Jefferson Park – a fallen tree is obstructing the area adjacent to the western side of Gordon Oval. CRM required.
- Abernathy Lane – drainage issues are resulting in a swamp area that is taking too long to dry out. This is impacting residents driveway. Mathew Pringle will investigate this issue further.
- CAC meetings will be held on the 3rd Tuesday, every 3 months; April, July and October.

10. NEXT MEETING – 18 April 2023

The meeting was declared closed at 6pm.

This is Page 3 of 3 of Minutes of the **Community Advisory Committee – Aberdeen District meeting** of the Upper Hunter Shire Council held on 17 January 2023.

Planning & Infrastructure Services

C.02.2

COMMUNITY ADVISORY COMMITTEE - SCONE DISTRICT

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

RECOMMENDATION

That Council adopt the minutes of the Scone District Community Advisory Committee meeting held on 15 February 2023.

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 overview of the Scone Revitalisation project was presented to the Committee. Information is currently being distributed to business owners.

Reports were provided from the Australia Day Subcommittee - Scone and Aberdeen District and the Scone Tidy Towns Committee. These subcommittees have been actively involved in facilitating community activities.

Committee discussion included an update on the works at the Civic Theatre, progress on the proposed dog park area, utilising shop fronts to promote the Scone Horse Festival and safety concerns regarding the turn off the New England Highway into the cemetery.

ATTACHMENTS

[1](#) Community Advisory Committee - Scone District - 15 February 2023 - Minutes

**MINUTES OF THE COMMUNITY ADVISORY COMMITTEE - SCONE
DISTRICT MEETING - WEDNESDAY 15 FEBRUARY 2023 - 5.00pm**



- PRESENT:** Cr Lee Watts (Chairperson), Cr James Burns, Cr Elizabeth Flaherty, Jillian Reid, Patricia Taylor and Prue Robertson.
- IN ATTENDANCE:** Greg McDonald (General Manager), Mathew Pringle (Director Environment & Infrastructure), Wayne Phelps (Acting Director Corporate & Community Services), Amanda Catzikiris (Manager Community Services), Grahame Wilson (Manager Water & Waste), Allan Greer (Project Manager) and Chloe Leake (Projects Support Officer).

1. ACKNOWLEDGEMENT OF COUNTRY

2. APOLOGIES

RESOLVED

That the apologies received from Jo Bailey and Matt Clarke be accepted.

Moved: Cr James Burns

Seconded: Patricia Taylor

3. PRESENTATION – SCONE REVITALISATION PROJECT

Grahame Wilson presented an overview of this project. Information is currently being distributed to business owners.

General discussion about how the project will be communicated with the local community. The committee requested to view the communication policy and flow chart at the next CAC meeting. The option for a QR was also considered.

4. DISCLOSURE OF INTEREST

Nil

5. PUBLIC PARTICIPATION

Nil

6. PREVIOUS MINUTES

RESOLVED

That the minutes of the Community Advisory Committee - Scone District Meeting held on 19 October 2022, as circulated, be taken as read and confirmed as a correct record.

Moved: Cr James Burns

Seconded: Patricia Taylor

7. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

This is Page 1 of 4 of Minutes of the **Community Advisory Committee – Scone District** meeting of the Upper Hunter Shire Council held on 15 February 2023.

8. AGENDA ITEMS

SCAC1.02.1 Capital Works Projects - Scone

PURPOSE

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

For notation only.

Moved: Cr James Burns

Seconded: Jill Reid

ACTION FOR COMMITTEE: Nil

SCAC1.02.2 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) Scone District.

CRM forms were delivered to Moonan Flat post office and to residents in the Ellerston area. Thank you Patricia Taylor for your assistance.

RESOLVED

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

Moved: Cr James Burns

Seconded: Cr Elizabeth Flaherty

ACTION FOR COMMITTEE: Nil

SCAC1.02.3 Australia Day Subcommittee - Scone and Aberdeen District

PURPOSE

The purpose of this report is to provide an update from the Australia Day Subcommittee – Scone and Aberdeen Districts, regarding the Australia Day Ceremony, awards presentation and family fun day activities.

The event was successful.

RESOLVED

That the Committee note the minutes of the Australia Day Subcommittee – Scone and Aberdeen Districts meeting held on 15 November 2022.

Moved: Cr Elizabeth Flaherty

Seconded: Cr James Burns

ACTION FOR COMMITTEE: Nil

SCAC1.02.4 Scone Tidy Towns Committee

PURPOSE

The purpose of this report is to provide an update from the Scone Tidy Towns Committee, regarding planning and activities.

This is Page 2 of 4 of Minutes of the **Community Advisory Committee – Scone District** meeting of the Upper Hunter Shire Council held on 15 February 2023.

The Keep Australia Beautiful Awards will be announced at a function in Singleton on 3-5 March 2023. Representatives from the Scone Tidy Towns Committee and Councillors will attend this event. Scone and Murrurundi have been judged for the Sustainable Communities – Tidy Town category.

RESOLVED

That the committee note the minutes of the Scone Tidy Towns Committee meeting held on 30 January 2023.

Moved: Jill Reid

Seconded: Prue Robertson

ACTION FOR COMMITTEE: Nil

SCAC1.02.5 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) Scone District.

1. Cr Lee Watts requested an update on the works at Civic Theatre. Mathew Pringle advised that enforcement action is underway to address concerns regarding the fence that is obstructing the pathway.
2. Cr Lee Watts asked for details of the proposed dog park area. Council is having preliminary discussions with Transport NSW regarding the parcel of land opposite the Bill Rose Sports Complex as an option for the dog park.
3. Discussion regarding the possibility of utilising the empty shop fronts to promote Scone Horse Festival (SHF) and create a vibrant display. As many of these premises are privately owned, the Chamber of Commerce may consider this project. Council's Tourism and Events Coordinator will forward this idea to the SHF committee.
4. Discussion regarding the safety issues turning right off the highway into the cemetery area and the possibility of creating a turning lane. Mathew Pringle provided information that Transport NSW responsibilities and a traffic safety audit. This measures an average count which does not reflect the critical issue that occurs during a funeral parade of vehicles.

It was proposed that Councillors make a Notice of Motion at the February Council meeting to write to the Local Member, Minister for Transport NSW and Michael Papadopolis (Representative for Transport NSW) regarding the ongoing concerns for safety.

RESOLVED

That the Committee review the items listed in the report.

Moved: Cr James Burns

Seconded: Cr Elizabeth Flaherty

ACTION FOR COMMITTEE:

- Bek Durietz, Tourism and Events Coordinator, will forward details of committee discussion to SHF committee, regarding shop front displays during the festival.

9. ACTION SHEET

Noted in reports.

This is Page 3 of 4 of Minutes of the **Community Advisory Committee – Scone District** meeting of the Upper Hunter Shire Council held on 15 February 2023.

10. CORRESPONDENCE

Nil

11. GENERAL BUSINESS

Nil

12. NEXT MEETING

5pm, Wednesday 3 May 2023.

The meeting was declared closed at 5.45pm.

This is Page 4 of 4 of Minutes of the **Community Advisory Committee – Scone District** meeting of the Upper Hunter Shire Council held on 15 February 2023.

General Manager's Unit

C.02.3 *UPPER HUNTER COUNTY COUNCIL (WEEDS)*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RECOMMENDATION

That Council note the minutes of the Upper Hunter County Council meeting held on 16 February 2023.

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 February 2023 at the Council Chambers, Muswellbrook and via videoconference. Council was represented by Crs Ron Campbell, Tayah Clout and Maurice Collison. A copy of the minutes is attached.

ATTACHMENTS

1 [↓](#) Upper Hunter County Council (Weeds) - 16 February 2023 - Minutes

MINUTES OF THE ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION CENTRE, CAMPBELL'S CORNER, 62-86 MAITLAND STREET, MUSWELLBROOK ON THURSDAY 16 FEBRUARY, 2023 COMMENCING AT 4.00PM.

PRESENT: Cr A. McNamara (Chair), Cr D.E. Marshall, Cr S. Moore, Cr M. Collison, Cr R. Campbell, Cr T. Clout.

IN ATTENDANCE: Mr D Campbell (General Manager), Mrs M. Sandell-Hay (PA to General Manager).

1. Acknowledgement to Country

The Acknowledgement of Country was read by Cr T. McNamara.

2. Apologies and Leave of Absence

17 RESOLVED on the motion of Cr M. Collison and Cr T. Clout that:

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

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

Against: Nil.

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

Authority be given for Cr D. Marshall to attend the Council Meeting via video link.

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

Against: Nil.

3. Confirmation of Minutes of Previous Meeting

3.1. Confirmation of Minutes

19 RESOLVED on the motion of Cr T. Clout and Cr D. Marshall that:

The Minutes of the Ordinary Meeting held on 17 November, 2022, 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 T. Clout, Cr D. Marshall and Cr S. Moore.

Against: Nil.

4. Disclosure of any Pecuniary or Non-Pecuniary Interests



Nil

5. Business

Nil

6. General Manager's Report

6.1. 2022-2026 Delivery Plan December 2022 Review

20 RESOLVED on the motion of Cr T. Clout and Cr S. Moore that:

The Operation Plan review for the period ending 31 December, 2022 be adopted.

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

Against: Nil.

6.2. 2023-2024 Operational Plan

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

The Draft 2023/2024 Operational Plan be authorised for placement on public exhibition from 17 February, 2023 to 13 April, 2023.

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

Against: Nil.

6.3. Audit, Risk and Improvement Committee

22 RESOLVED on the motion of Cr D. Marshall and Cr T. Clout that:

The General Manager be authorised to begin the process of setting up shared Audit Risk and Improvement Committee with Muswellbrook Shire Council.

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

Against: Nil.



6.4. General Manager's Report

23 RESOLVED on the motion of Cr T. Clout 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 T. Clout, Cr D. Marshall and Cr S. Moore.

Against: Nil.

7. Bio-Security Officer's Report

7.1. Muswellbrook Bio-Security Officer's Report

24 RESOLVED on the motion of Cr M. Collison and Cr T. Clout that:
The information contained in this report be noted.

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

Against: Nil.

7.2. Singleton Bio-Security Officer's Report

25 RESOLVED on the motion of Cr R. Campbell and Cr T. Clout that:
The information contained in this report be noted.

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

Against: Nil.

7.3. Scone Bio-Security Officer's Report

26 RESOLVED on the motion of Cr R. Campbell and Cr T. Clout that:
The information contained in this report be noted.

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

Against: Nil.



7.4. Merriwa Bio-Security Officer's Report

27 RESOLVED on the motion of Cr R. Campbell 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 T. Clout, Cr D. Marshall and Cr S. Moore.

Against: Nil.

7.5. Inspection and Treatment Maps

28 RESOLVED on the motion of Cr M. Collison and Cr S. Moore that:
The information contained in this report be noted.

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

Against: Nil.

8. Questions Without Notice

List of Problem Weeds

Cr McNeill inquired whether was a list of problem weeds in the area that landholders should target in the Autumn months under the current weather conditions and if there is a List, whether this could be sent out to landholders with a guide on how best to manage.

Mr Campbell advised that this will be provided.

9. Closed Council

Nil

10. Closure

The meeting was declared closed at 4.50pm.

THE MINUTES OF THE MEETING (PAGES 1 to 4) WERE CONFIRMED AT THE UPPER HUNTER COUNTY COUNCIL MEETING HELD ON 18 MAY, 2023 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 16 FEBRUARY, 2023

.....
Mr D. Campbell General Manager	Cr T. McNamara Chairperson

Planning & Infrastructure Services

DEVELOPMENT REPORTS

D.02.1 *DEVELOPMENT APPLICATION NO. 127/2022 - HORSE STABLES COMPLEX WITH ANCILLARY FACILITIES*

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Mathew Pringle - Director Planning & Infrastructure Services

PURPOSE

On 13 July 2022, Council received Development Application No. 127/2022 for a horse stables complex comprising three (3) x two storey detached stable buildings along with ancillary facilities and services, parking and loading, waste storage, landscaping and public domain works at Lot 72 DP852547, Lot 101 DP1235972, Lot 805 DP1061912, Lot 808 DP1061912, Lot 811 DP1061912 and Lot 812 DP1061912, 9 Randwick Way, 2 Caulfield Place, 5 Caulfield Place and 7 Caulfield Place, Scone. The application is being referred to Council as four (4) submissions have been received following public exhibition of the proposal.

RECOMMENDATION

That Council approve Development Application No. 127/2022 for a horse stables complex comprising three (3) x two storey detached stable buildings along with ancillary facilities and services, parking and loading, waste storage, landscaping and public domain works at Lot 72 DP852547, Lot 101 DP1235972, Lot 805 DP1061912, Lot 808 DP1061912, Lot 811 DP1061912 and Lot 812 DP1061912, 9 Randwick Way, 2 Caulfield Place, 5 Caulfield Place and 7 Caulfield Place, Scone subject to the conditions of consent in Attachment 1.

BACKGROUND

Council has not considered this matter previously.

REPORT/PROPOSAL

Applicant: Racing NSW
Owner: Racing NSW
Proposal: Horse stables complex comprising three (3) x two storey detached stable buildings along with ancillary facilities and services, parking and loading, waste storage, landscaping and public domain works
Location: Lot 72 DP852547, Lot 101 DP1235972, Lot 805 DP1061912, Lot 808 DP1061912, Lot 811 DP1061912 and Lot 812 DP1061912, 9 Randwick Way, 2 Caulfield Place, 5 Caulfield Place and 7 Caulfield Place, Scone
Zone: RE2 Private Recreation

The site is located within the Hunter Valley Equine Research Centre Precinct and adjacent Scone Race Club. The site is currently vacant. The subject lots were created in a subdivision approved and constructed around 2003. Roads, drainage and services were installed at the time.

The proposed development is a horse stables complex for up to 300 horses accommodated in individual stable boxes across three x two storey detached stable blocks, along with supporting facilities such as: horse walkers; equine treadmills; wash bays; sand rolls; stores for feed, waste and supplies; laundry; tack room and staff amenities. The development has an overall height of 11.165 metres (m). Landscaping is proposed along the site frontages to

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Caulfield Place and Rosehill Road, and throughout the site. Fences and barriers are proposed throughout.

The development proposes to upgrade the Rosehill Road and Caulfield Place carriageway to 8m width, provide parking for 24 vehicles and establish a dedicated loading bay and truck turning area.

Site works include site regrading and installation of stormwater management measures such as onsite detention. Provision will be made for waste water treatment and the provision of water and electricity. Limited tree removal is proposed along the northern boundary.

Plans of the proposed development are provided in Attachment 3.

The site is eminently suitable to accommodate the proposed development, due to its location within the Scone Equine Precinct and access to equine training and welfare facilities. The surrounding area is rural in nature and the uses are considered to be compatible subject to the development's compliance with conditions of consent relating to the management of odour, air quality and water quality measures.

The proposal has been assessed as satisfactory pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

OPTIONS

1. That Council approve Development Application No. 127/2022 for a horse stables complex comprising three (3) x two storey detached stable buildings along with ancillary facilities and services, parking and loading, waste storage, landscaping and public domain works at Lot 72 DP852547, Lot 101 DP1235972, Lot 805 DP1061912, Lot 808 DP1061912, Lot 811 DP1061912 and Lot 812 DP1061912, 9 Randwick Way, 2 Caulfield Place, 5 Caulfield Place and 7 Caulfield Place, Scone subject to the conditions of consent in Attachment 1.
2. That Council refuse Development Application No. 127/2022 for a horse stables complex comprising three (3) x two storey detached stable buildings along with ancillary facilities and services, parking and loading, waste storage, landscaping and public domain works at Lot 72 DP852547, Lot 101 DP1235972, Lot 805 DP1061912, Lot 808 DP1061912, Lot 811 DP1061912 and Lot 812 DP1061912, 9 Randwick Way, 2 Caulfield Place, 5 Caulfield Place and 7 Caulfield Place, Scone stating the reasons for refusal.

CONSULTATION

The development application was placed on public exhibition from 27 July 2022 to 10 August 2022 in accordance with the Upper Hunter Community Participation Plan. Four (4) submissions were received. The issues raised in the submission are addressed in the planning assessment report in Attachment 2 while copies of the submissions are provided in Attachment 6.

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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.

- 2.4 Implement and regularly review Strategic Land Use Plans, Environmental Planning Instruments and Development Controls, which reflect the needs and expectations of the broad Community.
- 2.5 Provide efficient and effective advisory, assessment and regulatory services focused on being customer 'friendly', responsive and environmentally responsible.
- 2.8 Implement policies to ensure the protection of strategic agricultural lands, equine critical industry clusters, natural resources and heritage.

Thriving Economy

Strengthening our vibrant industries and economy while seizing emerging opportunities.

- 3.1 Broaden and promote the range of business and industry sectors.
- 3.2 Encourage retail and commercial business to increase local employment opportunities.

b. Delivery Program

- Assessment of planning applications

c. Other Plans

- Upper Hunter Development Control Plan 2015
- Upper Hunter Community Participation Plan

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of \$42,729.55 have been paid.

Development contributions of \$324,446.30 would be payable prior to the issue of a Construction Certificate should the application be approved.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (refer to Attachment 2).

d. Risk Implications

Council determinations of development applications and modifications in relation to local development can be appealed by the applicant in the Land and Environment Court where they are not satisfied with the outcome of a determination.

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Council determinations of development applications and modifications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied.

e. Sustainability Implications

The proposed development incorporates a range of sustainability commitments in relation to water and energy conservation as specified in the ESD report accompanying the development application.

f. Other Implications

Nil

CONCLUSION

The development application has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent for the following reasons:

- The proposed development has been designed in accordance with the provisions of the Local Environmental Plan and other environmental planning instruments and development control plan.
- The development provides a considered response to the site and environmental constraints.
- The built form provides for the safe and efficient stabling of horses, consistent with the objectives of the zone and the desired future character of the area.
- Adequate provision has been made for services and utilities to support the development, subject to compliance with the relevant conditions of consent.
- The development represents a significant investment in the equine industry in the Upper Hunter. It provides opportunity for employment and further investment in the industry.
- Public submissions were considered and addressed.
- The development represents the orderly and economic development of land and is considered to be in the public interest.

ATTACHMENTS

- | | | |
|----|---|----------|
| 1↓ | DA 127/2022 - Recommended Conditions of Consent | |
| 2↓ | DA 127/2022 - Planning Assessment Report | |
| 3⇒ | DA 127/2022 - Architectural Plans | Excluded |
| 4⇒ | DA 127/2022 - Civil & Hydraulic Design Plans | Excluded |
| 5⇒ | DA 127/2022 - Civil Works | Excluded |
| 6↓ | DA 127/2022 - Submissions (redacted) | |

DA 127/2022 – Recommended Conditions of Consent

Identification of approved plans:

1. The development being carried out in accordance with the development application, the drawings and supporting documents referenced below and the Statement of Environmental Effects dated **23 November 2022 (Updated)** except where amended by the conditions of consent.

JOB REFERENCE NO	SHEET No	REVISION No	DRAWN BY	DATE
2144 (Architectural drawings)	DA000-DA351	B	Kennedy Associates Architects	15/12/2022
S220010	C-00-0001-C-06-1001	B	Scp	30/06/2022
S220010 (Stormwater Drainage details)	C-03-6002	E	Scp	23/11/2022
Civil & Hydraulic Report Design Brief	-	C	Scp	24/6/2022
Hydraulic Services – SYD2174	HY-0-010	T2	ADP	23/11/2022
Operational Management Plan	-	-	Scone Race Club	November 2022
Aboriginal Cultural Heritage Report	-	-	McCardle Cultural Heritage Pty Ltd	14/11/2022
Noise Impact Assessment	-	-	GHD	22/11/2022
Infrastructure Services	C-10-0201, C-12-0001, C-12-0002	A	Scp	15/09/2022
Site Waste Minimisation and Management Plan	-	1	GHD	23/06/2022
Traffic Impact Assessment	-	Ver02	SECA Solution	24/06/2022
Services Return Brief Report	-	4	ADP Consulting	23/06/2023
ESD Report	-	3	ADP Consulting	23/06/2022
Bushfire Report	-	-	Travers Bushfire & Ecology	10/06/2022
BCA Report	-	3	Blackett, Maguire & Goldsmith	24/06/2022
Access Report	-	V2	Morris Goding Access Consulting	23/06/2022
Preliminary Site Contamination Investigation	-	-	Douglas Partners	27/05/2022
Geotechnical Investigation	-	-	Douglas Partners	3/05/2022
Trade and Waste Water Audit	-	-	Scp	14/12/2022

(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)

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

4. The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

(Reason: To ensure the development is constructed in accordance with appropriate standards.)

5. A detailed landscaping plan is to be submitted to the Principal Certifier prior to the issue of a Construction Certificate for any landscaping works. The plan is to include botanical names, quantities and planted state of maturity of all proposed trees, shrubs and ground covers.

(Reason: To enhance the amenity and biodiversity of the site)

6. Documentation prepared by an appropriately qualified structural engineer certifying the structural integrity of the proposed buildings shall be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate.

(Reason: To ensure the structural integrity of the building and safety of people using the area)

7. All driveways and roads, parking areas, loading bays and vehicular turning areas shall be constructed with a base course of adequate depth to suit design traffic. All roads within and fronting the development site, parking areas, internal driveways, vehicular turning areas and loading bays shall be sealed with asphaltic concrete (AC) seal and shall be line marked and sign posted in accordance with Australian Standards. The pavement surface shall be maintained to facilitate the use of vehicular access and parking and to minimise any associated noise and dust nuisance.

A concrete edge strip (150mm wide x 250mm deep) is required along the pavement carriageway of Rosehill Road and Caulfield Place for the full frontage of the development to ensure that public road facilities are established to an appropriate standard having regard to the traffic generated by the development.

Detailed design drawings prepared and certified by an appropriately qualified and practising civil engineer for the construction of these areas in accordance with the above requirements

shall be submitted to and approved by the Consent Authority prior to the issue of a Construction Certificate.

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

8. A visitor parking bicycle rail shall be provided within the site to accommodate a minimum of 5 bicycles. Such bicycle rail is to be designed in accordance with AS 2890.1. Details demonstrating compliance shall be submitted to, and approved by the Principal Certifier prior to the release of a Construction Certificate for building works above slab-on-ground.

(Reason: To promote and provide facilities for alternative forms of transport)

9. A total of two (2) car-parking spaces for use by persons with a disability shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to the footpath and roads and shall be clearly shown on the plans which shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

(Reason: To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation)

10. Roofing materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with a rural setting. The Principal Certifier shall undertake an assessment in relation to the proposed roofing material to determine the potential for glare nuisance or excessive reflectivity to adjoining or nearby properties, relative to the chosen roofing material. The Principal Certifier shall be provided with certification accompanying the Construction Certificate for building works above slab-on-ground that the selected roofing material will not cause a glare nuisance or excessive reflectivity to adjoining or nearby properties

(Reason: To ensure that excessive glare or reflectivity nuisance from roofing materials does not occur as a result of the development)

11. Access for people with disabilities is to be provided consistent with the disability access report (Morris Goding Access Consulting 23 June 2022). Consideration must be given to the means of dignified and equitable access from public places and accessible car parking, to adjacent buildings and to other areas within the building. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate.

All details shall be prepared in consideration of, and construction completed to achieve compliance with the provisions of the Building Code of Australia *Disability (Access to Premises-Buildings) Standards 2010*, and the relevant provisions of AS1428.

(Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards)

12. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of \$324,446.30 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 issue of a Construction Certificate for building works above slab-on-ground.

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

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

Note1: Upper Hunter Shire Council is defined as a Water Supply Authority under section 64 of the Local Government Act 1993. As part of the Notice of Requirements of the Water Authority under Section 306 of the Water Management Act 2000, the payment of a cash contribution is required, prior to the issue of a Construction or Subdivision Certificate (whichever occurs first), of the Section 64 contributions. The contributions are levied in accordance with either the provisions of the relevant Section 64 Development Servicing Plan or a Planning Agreement.

Note 2: A Section 307 Compliance Certificate issued by the Water Authority at the construction certificate stage only relates to the payment of contributions in accordance with the Development Servicing Plan or a Planning Agreement. A further Compliance Certificate may be required for other water management works prior to occupation or the issue of an Occupation or Subdivision Certificate relating to the development.

Note 3: The Water Authority will accept payment of the equivalent amount of contributions under Section 608 of the Local Government Act 1993.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

14. Detailed engineering drawings of the proposed stormwater drainage system including the OSD tanks shall be submitted to and approved by the Principal Certifier prior to the release of the Construction Certificate.

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

15. Prior to the issue of a Construction Certificate, construction plans demonstrating compliance with the National Construction Code Series shall be submitted to the Principal Certifier.

(Reason: Prescribed by legislation.)

16. Prior to the issue of any construction certificate for the development, approval pursuant to Section 68 of the Local Government Act 1993 shall be obtained from Council for all sewer, stormwater and water supply works.

(Reason: To ensure compliance with the provision of the Local Government Act 1993 and subordinate regulations)

17. New gravity sewer mains shall be constructed from the development to the proposed sewer pump station in accordance with the requirements of the Upper Hunter Shire Council's Water and Sewer Division. The applicant shall liaise with Council's Water and Sewer Division regarding the submission of design and construction details for all works associated with the sewer main extension. The work shall comply with AS/NZS 3500, Plumbing and Drainage Standards, and Council's Engineering Guidelines for Subdivision and Development. All required works shall be undertaken at full cost to the applicant.

Plans and design details demonstrating compliance with the requirements of the Water and Sewer Division shall be submitted to, and approved by Council prior to the issue of a Construction Certificate.

(Reason: To ensure satisfactory arrangements are in place for the disposal of sewage.)

18. The proposed Sewer Pump Station (SPS) shall be connected via a rising main to Council's sewer main gravitating to Bunnan Road.

The existing Sewer Pump Station within Lot 72 DP852547 together with the rising main connected to Council's sewer pump station in Grey Street shall be decommissioned.

The new pump station shall comply with the following requirements:

1. The SPS shall be provided with a separate, metered power supply;
2. The SPS shall be located on a separate allotment dedicated to Upper Hunter Shire Council or within an easement benefiting Upper Hunter Shire Council;
3. Council shall have legal, all-weather access to the pump station via an access handle or easement having a minimum width of 5 metres;
4. The SPS shall be fenced with gates installed;
5. The SPS shall be connected to Council's telemetry network via a pole mounted aerial.

Detailed design plans of the proposed Sewer Pump Station (SPS) shall be submitted to Council for approval prior to the issue of a Construction Certificate.

(Reason: To ensure satisfactory arrangements are in place for the disposal of sewage.)

19. The applicant shall engage an appropriately qualified person to undertake the survey, design and preparation of plans for all works located within Council's property or all works that revert to Council's care and control upon completion of the development. The design plans are to be certified by an appropriately qualified and practising Civil Engineer to confirm compliance with appropriate Australian Standards shall be submitted to, and approved by, Council prior to the release of the Construction Certificate.

(Reason: To ensure the provision of public infrastructure is of an appropriate standard)

20. The water main shall be extended to service the development in accordance with the requirements of the Upper Hunter Shire Council's Water and Sewer Division. The applicant shall liaise with Council's Water and Sewer Division regarding the submission of design and construction details for all works associated with the water main extension. The work shall comply with AS/NZS 3500, *Plumbing and Drainage Standards*, and Council's Engineering Guidelines for Subdivision and Development. All required works shall be undertaken at full cost to the applicant.

Plans and design details demonstrating compliance with the requirements of the Water and Sewer Division shall be submitted to, and approved by Council prior to the issue of a Construction Certificate.

(Reason: To ensure satisfactory arrangements are in place for the provision of a reticulated water supply.)

21. The Owner of the property shall enter into a trade waste agreement with Upper Hunter Shire for the disposal of all trade waste generated by the development. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Principal Certifier prior to the release of the Construction Certificate for building works above slab-on-ground.

(Reason: To protect the environment from contamination)

Conditions that must be addressed prior to commencement:

22. A Construction Management Program must be prepared, submitted to, and approved in writing by, the Consent Authority prior to the commencement of any site work. The program shall include such matters as:
- (a) a Safe Work Method Statement;
 - (b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
 - (c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
 - (d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
 - (e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
 - (f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
 - (g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
 - (h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
 - (i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
 - (j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
 - (k) the location and operation of any on site crane;
 - (l) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
 - (m) location, identification, treatment and disposal of all hazardous materials.

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

(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)

23. Prior to any commencement Tree Protection methods for nominated and retained trees shall be undertaken and installed in accordance with the approved drawings prior to any works commencing and for the duration of works on the site, as well as any post development measures.

(Reason: To ensure compliance with the requirement to retain visual amenity of the neighbourhood.)

24. All 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 Principal Certifier prior to further commencement of site works.

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

25. 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 and extend a minimum of 6m in length. In addition, the proposed internal access road to the construction site shall be clearly identified with marker posts and either orange mesh netting or flag bunting to ensure all vehicular traffic moving to and from the dwelling site utilises the nominated access route.

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)

26. 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) Traffic control measures shall be implemented to facilitate the safe movement of pedestrians on public roads.
- (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.

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

27. 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)

28. A water meter as issued and installed by Upper Hunter Shire Water & Waste department must be connected to the town's reticulated water supply prior to any commencement.

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

(Reason: To ensure an adequate supply of potable water is provided to the site)

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

(Reason: Prescribed – Statutory)

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

30. Second hand materials shall not be used unless specifically approved by the Consent Authority or Principal Certifier in writing.

(Reason: To maintain standard of materials used in the construction process.)

31. All trees on the site are to be retained except for those expressly identified for removal

In the event that a tree identified for retention is damaged during work on the site, the person acting upon this consent shall advise Upper Hunter Shire Council in writing within 48 hours of the damage being identified.

(Reason: To ensure compliance with the terms of this development consent)

32. In order to ensure compliance with approved plans, a Survey Certificate, prepared to Australian Height Datum, shall be prepared by a Registered Surveyor showing the following:

- (a) prior to placement of concrete at the ground floor level, showing the level of the form work and its relationship to boundaries including relevant footpath and roadway levels;
- (b) prior to roofing, or completion of the highest point of the building showing the anticipated level of the completed work and it relationship to the boundary;

Progress certifications in response to points (a) and (b) shall be provided to the Principal Certifier at the time of carrying out relevant progress inspections. Under no circumstances will

work be allowed to proceed should such survey information be unavailable or reveals discrepancies between the approved plans and the proposed works.

(Reason: To ensure compliance with approved plans)

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

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

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

34. The applicant shall not enter or undertake any work within adjoining public lands (i.e., Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

(Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land)

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

- (a) building construction activities, demolition and excavation works 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, demolition and excavation works must not be carried out on a Sunday or a public holiday unless prior approval has been obtained

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

36. Council is to be notified immediately if any contaminants or hazardous substances are identified at levels of concern for human health.

(Reason: To minimise hazards from unexpected land contamination)

37. Any removal of contaminated solids from the site must comply with applicable laws for the transportation, treatment and disposal of waste materials. Waste materials must not be disposed of on land without:

- (a) permission of the land owner;
- (b) development consent from the relevant local Council (if required);
- (c) an environment protection licence from the NSW Environment Protection Authority; and
- (d) compliance with the provisions of the Protection of the Environment and Operations Act.

(Reason: To protect the environment from contaminated material from development sites)

38. 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)

39. 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)

40. 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)

41. All practical measures consistent with the Construction Management Plan are required to be readily available to suppress dust during construction works. During dry periods or high wind, construction works are to be delayed or postponed.

(Reason: To ensure nuisance from wind blown soil.)

42. In the event that an item of Aboriginal Heritage is discovered during excavation, all work is to immediately cease and the Local Aboriginal Land Council and the NSW National Parks and Wildlife Services is to be notified. Works are not to recommence until such time as any required licenses or approvals are obtained.

(Reason: To protect items of Aboriginal heritage)

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

43. Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate, and consistent with the recommendations of the Access Report..

(Reason: Equitable access for people with a disability)

44. Certification of Civil works

(a) An appropriately qualified and practising Civil Engineer shall certify to the Principal Certifier that the stormwater drainage system has been constructed in accordance with this consent and the provisions of AS3500. The applicant shall, upon completion of the development works and prior to the issue of an Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

(b) An appropriately qualified and practicing Civil Engineer shall certify to the Principal

Certifier that all driveways and roads, parking areas, loading bays and vehicular turning areas have been constructed in accordance with this consent. The applicant shall, upon completion of the development works and prior to the issue of an Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

(Reason: To ensure compliance with the conditions of consent)

45. The applicant shall, upon completion of the water, sewer and stormwater drainage works, submit to the Principal Certifier the works-as-executed drawing (W.A.E.) and certification from a practicing civil engineer or registered surveyor that the works have been executed in accordance with AS3500, prior to the release of any Occupation Certificate.

The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures. A CCTV inspection survey must be undertaken of any completed drainage works that are to revert to Council's care and control, and a DVD forwarded to Council to support the certification.

(Reason: to demonstrate works have been carried out in accordance with the consent)

46. Any mechanical exhaust system shall be installed in accordance with AS1668, and be operated in such a way so as to minimise/prevent the creation of odours, fumes and excessive noise which may adversely affect the amenity, or interfere unreasonably with the comfort or repose of occupants of the building and adjoining premises.

Certification, from an appropriately qualified and practising Mechanical Engineer, is to be submitted to the Principal Certifier, detailing that the exhaust ventilation system has been installed in accordance with AS1668, prior to completion and the issuing of any Occupation Certificate.

(Reason: To ensure compliance with acceptable standards for the construction and operation of mechanical plant)

47. Upon completion of works and prior to the issue of an Occupation Certificate the person entitled to act on this consent shall provide to the Principal Certifier the following information;
- (a) the total tonnage of all waste and excavated material disposed of from the site;
 - (b) the disposal points and methods used; and
 - (c) a copy of all disposal receipts are to be provided

(Reason: To ensure responsible disposal of waste material.)

48. Prior to the issue of any Occupation Certificate signage in accordance with AS3500.1 shall be installed to all taps that are supplied by the rainwater tank where mains reticulated water supply is provided to the site.

(Reason: To ensure non-reticulated water supplies are identified.)

49. All disturbed and unvegetated areas of land to the front of the building and nature strip are to be fully turfed or landscaped consistent with an landscape plan approved to the satisfaction of Council, to restore areas of native vegetation, prevent soil erosion and migration, prior to the release of any Occupation Certificate..

In addition, the Landscape Plan is to be fully implemented, prior to the release of any Occupation Certificate.

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

50. 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.)

51. All roads, parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be completed in accordance with the consent prior to the issue of any Occupation Certificate.

Note: Approval under Section 138 of the Roads Act 1993 is required prior to the commencement of any works within the road reserve. All applications are to be made online via the NSW Planning Portal.

(Reason: To ensure that adequate facilities to service the development are provided on site.)

52. The building is not to be used or occupied until a final inspection has been carried out and an Occupation Certificate or Final Inspection Letter has been obtained from the Principal Certifier or Consent Authority.

(Reason: Prescribed - Statutory.)

53. Lots 811 and 812 DP1061912 are to be consolidated. Documentary evidence of registration of the plan of consolidation shall be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

(Reason: To ensure proper management of land).

54. Development within Lot 101 DP1235972 encroaches over the boundaries of Lot 72 DP852547, Lot 805 DP1061912 and Lot 808 DP1061912. The encroachments shall be rectified by a boundary adjustment and/or consolidation. Documentary evidence of registration of the plan of subdivision or consolidation shall be submitted to the Principal Certifier prior to the issue of any Occupation Certificate.

(Reason: To ensure proper management of land).

55. Any existing easements, rights-of-way, right- of-carriageway, and restrictions-as-to-user are to be maintained and registered on the title of the lots that result from the consolidation/ subdivision of the lots. Any easement or restriction no longer required due to a change in service location as a result of the development shall be released.

(Reason: To ensure proper management of land).

56. Prior to the issue of any Occupation Certificate, easements and restrictions shall be registered on the titles of Lot 805 DP 1061912 and Lot 72 DP 852547 for the implementation and ongoing management of the Asset Protection Zones identified on the approved plans.

(Reason: To manage potential bushfire impacts)

57. Prior to the issue of any Occupation Certificate, the proposed Sewer Pump Station (including the associated access and power) shall be contained within a separate registered allotment dedicated to Upper Hunter Shire Council or within an easement benefiting Upper Hunter Shire Council.

(Reason: To ensure satisfactory arrangements are in place for the disposal of sewage.)

58. Stormwater discharged from the development site shall be conveyed by gravity to Council's existing stormwater drainage system or to a natural watercourse via an interallotment drainage easement. The easement shall be of sufficient width to accommodate stormwater runoff for storm events up to, and including, the 1% AEP storm event. The easement shall be registered on the titles of relevant lots prior to the issue of any Occupation Certificate.

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

59. Prior to the issue of an Occupation Certificate, a Compliance Certificate under Section 307 of the Water Management Act 2000 must be obtained from the Water Authority certifying that all water and sewer infrastructure works have been completed in accordance with the conditions of development consent.

(Reason: To demonstrate works have been carried out in accordance with the consent)

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

60. Prior to the issue of a Subdivision Certificate a Registered Surveyor shall provide certification that all services (e.g.drainage, sewer, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

(Reason: To ensure adequate servicing of the development.)

61. Prior to the issue of a Subdivision Certificate separate water and sewer service connections to each lot must be provided in accordance with the requirements of the Upper Hunter Shire Water and Sewer Division. The person acting on this consent shall liaise with Council's Water and Sewer Division regarding the details for all works associated with the water connection and sewer junction installation. The work shall comply with AS/NZS 3500, Plumbing and Drainage Standards, and Council's Engineering Guidelines for Subdivision and Development. All required works shall be undertaken at full cost to the applicant.

Written documentation from Upper Hunter Shire Council Water and Sewer Division confirming that the water connections and sewer junctions have been completed shall be submitted to, and approved by the Principal Certifier prior to the issue of any Subdivision Certificate.

(Reason: To ensure appropriate infrastructure is available so the allotments can be connected to the reticulated water supply.)

Conditions that must be complied with at all times:

62. Car parking and access areas used at night are to be illuminated with low spill lighting to the appropriate Australian Standard, particularly where staff are likely to be entering or exiting buildings or the car parking areas.

(Reason: To ensure personal safety)

63. To ensure hazardous and toxic materials are not a threat to the environment they must be stored in accordance with WorkCover Authority requirements. All tanks, drums and containers of toxic and hazardous materials shall be stored in a properly constructed bunded area at all times.

(Reason: To ensure the environmental health and safety of the public and workers)

64. At all times the implementation and intensity of this development shall not adversely affect the amenity of the locality by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.
- (Reason: To ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity.)
65. At all times no parking spaces, loadings bays or vehicular access ways or access thereto shall be restricted, constrained or enclosed by any form of structure such as fencing, or the like, without prior consent from Council.
- (Reason: To ensure that minimum dimensions for parking spaces are not reduced or that vehicle manoeuvring is compliant with relevant standards.)
66. At all times all loading and unloading operations shall be carried out wholly within the confines of the site and within loading bays and areas designated on the approved plans.
- (Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity.)
67. 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 consistent with the approved Stormwater Management plan
- (Reason: To ensure the suitable disposal of stormwater generated by the development
68. 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.)
69. Access gates must be hung so that they do not encroach on a footpath or roadway.
- (Reason: To ensure gates do not obstruct public access)

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



ADDRESS: LOT: 72 DP: 852547, LOT: 808 DP: 1061912, LOT: 811 DP: 1061912, LOT: 812 DP: 1061912
9 Randwick Way Scone, 2 Caulfield Place Scone, 5 Caulfield Place Scone, 7 Caulfield Place Scone

APPLICATION No: DA 127-2022

PROPOSAL: Three (3) x Two Storey Horse Stables with Ancillary Facilities and Services, Parking and Loading, Waste Storage, Landscaping and Public Domain Works

PLANS REF:

DRAWINGS NO.	REVISION	DRAWN BY	DATE
PLANNING RELATED DRAWINGS / INFO			
DA000-DA351	B	Kennedy Associates Architects	15/12/2022
C-00-0001-C-06-1001	B	Scp	30/06/2022
C-03-6002	E	Scp	23/11/2022
Civil & Hydraulic Report Design Brief	C	Scp	24/6/2022
HY-0-010	T2	ADP	23/11/2022
Operational Management Plan	-	Scone Race Club	November 2022
Aboriginal Cultural Heritage Report	-	McCardle Cultural Heritage Pty Ltd	14/11/2022
Noise Impact Assessment	-	GHD	22/11/2022
C-10-0201, C-12-0001, C-12-0002	A	Scp	15/09/2022
Site Waste Minimisation and Management Plan	1	GHD	23/06/2022
Traffic Impact Assessment	Ver02	SECA Solution	24/06/2022
Services Return Brief Report	4	ADP Consulting	23/06/2023
ESD Report	3	ADP Consulting	23/06/2022
Bushfire Report	-	Travers Bushfire & Ecology	10/06/2022

REPORT ON DEVELOPMENT APPLICATION CLASS 2 - 9 BUILDINGS AND SUBDIVISIONS

Including assessment in accordance with Section 4.15
Environmental Planning and Assessment Act 1979



BCA Report	3	Blackett, Maguire & Goldsmith	24/06/2022
Access Report	V2	Morris Goding Access Consulting	23/06/2022
Preliminary Site Contamination Investigation	-	Douglas Partners	27/05/2022
Geotechnical Investigation	-	Douglas Partners	3/05/2022
Trade and Waste Water Audit	-	Scp	14/12/2022
CONSTRUCTION RELATED DRAWINGS / INFO			

OWNER: Racing New South Wales

APPLICANT: Racing New South Wales
Level 7
51 Druitt Street
SYDNEY NSW 2000

AUTHOR: Emma Mason, DeWitt Consulting

DATE LODGED: 13/07/2022

AMENDED: N/A

ADD. INFO REC'D: 02/11/2022 and 19/12/22

DATE OF REPORT: 15 February 2023

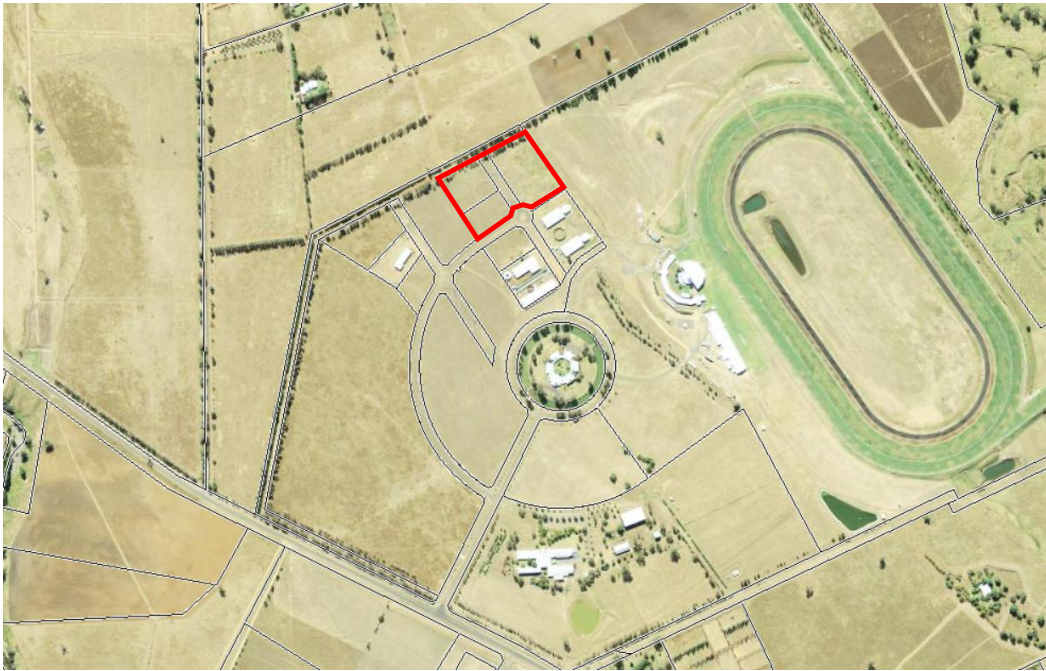
SUMMARY OF FACTS

ISSUES: Boundary encroachment, stormwater drainage, water and sewer services, bushfire, road upgrades

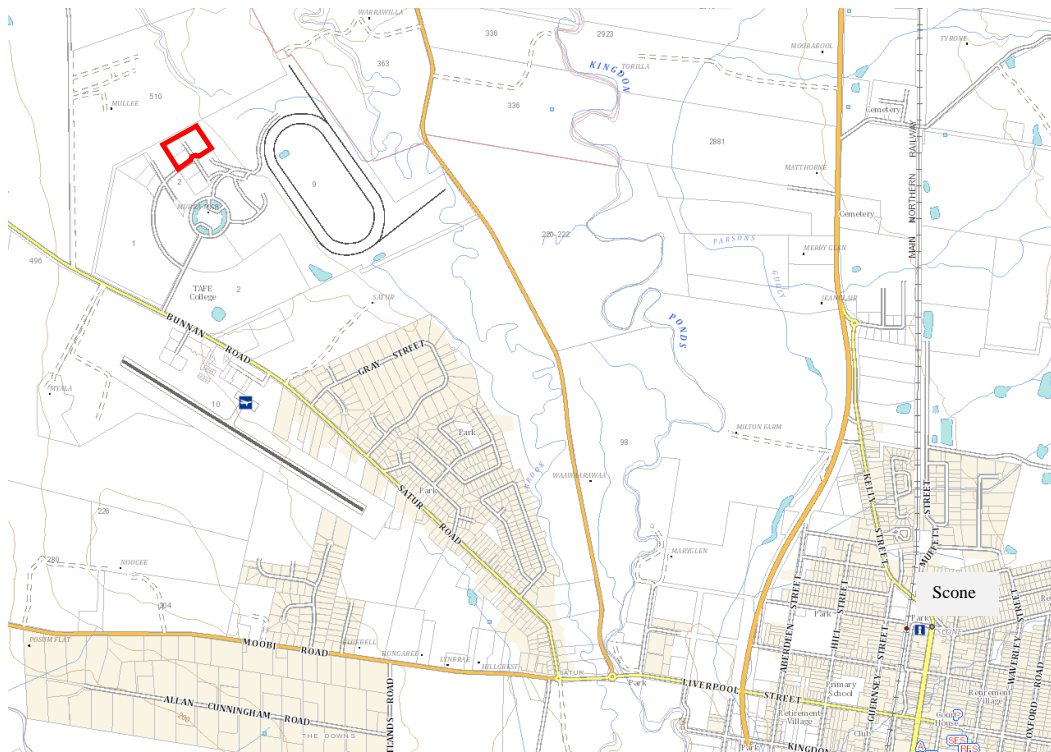
SUBMISSIONS: Four (4)

RECOMMENDATION: Approval

LOCATION MAP



Aerial Photo – Site indicated by red outline (Source: SixMaps)



Location Plan – Site indicated by red outline (Source: SixMaps)

DESCRIPTION OF PROPOSAL

The proposed development is a horse stables complex for up to 300 horses accommodated in individual stable boxes across three x two storey detached stable blocks, along with supporting facilities such as: horse walkers; equine treadmills; wash bays; sand rolls; stores for feed, waste and supplies; laundry; tack room and staff amenities. The development has an overall height of 11.165 metres (m). Landscaping is proposed along the site frontages to Caulfield Place and Rosehill Road, and throughout the site. Fences and barriers are proposed throughout.

The development proposes to upgrade the Rosehill Road and Caulfield Place carriageway to 8m width, provide parking for 24 vehicles and establish a dedicated loading bay and truck turning area.

Site works include site regrading and installation of stormwater management measures such as onsite detention. Provision will be made for waste water treatment and the provision of water and electricity. Limited tree removal is proposed along the northern boundary.

RELEVANT HISTORY

The site is located within the Hunter Valley Equine Research Centre Precinct and adjacent Scone Race Club. The site is currently vacant. The subject lots were created in a subdivision understood have been approved and constructed around 2003. Roads, drainage and services were installed at the time.

The development was subject of informal pre-DA consultation between Council staff and the proponent. Advice was provided to the proponent regarding matters such as infrastructure (in particular water and sewer), waste, servicing, accessibility, traffic and documents required to support a future DA. The applicant's DA package responds to the key matters raised in the informal pre-DA consultation.

REFERRALS

- **Water & Waste**
Council's Water and Sewer department has raised no objections to the proposed development subject to conditions of consent in relation to water and sewer main extensions and the construction of a new sewer pump station (refer to recommended conditions of consent).
- **Engineering/Stormwater Drainage**
Council's Assets Manager has assessed the application and raised no objections to the proposed development subject to conditions of consent in relation to stormwater management, road construction, vehicle access and parking (refer to recommended conditions of consent).

External referrals for concurrence

No external referrals were required.

SUBMISSIONS

The development application was placed on public exhibition from 27 July 2022 to 10 August 2022 in accordance with the Upper Hunter Community Participation Plan.

Four submissions were received with the main issue being access to the racecourse as summarised below.

Name & Address of Submitter	Basis of Submissions
Barry McDonald Lot 809 Caulfield Place, Scone	All submissions requested consideration of access arrangements currently enjoyed by operators / lessees (the submitters). Specifically, the submitters request that, if the development goes ahead, Racing NSW grant formal access rights across its land directly to the racecourse on horse-back or by hand walking horses to continue, as is the status quo, with current access by the bridle paths in use.
Barry McDonald Lot 814 Mooney Valley Close, Scone	
Stephen Jones Lot 809 Caulfield Place, Scone	
Aristo Drakoulis (Steven Drak) Lot 810 Caulfield Place, Scone	

CONSIDERATION

The relevant matters for consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, are assessed under the following headings:

ENVIRONMENTAL PLANNING INSTRUMENTS

UPPER HUNTER LOCAL ENVIRONMENTAL PLAN 2013	
	COMMENT
Land Use Table	
Zoning classification	The subject land is RE2 Private Recreation
Zoning objectives	<p>The objectives of the zone are:</p> <ul style="list-style-type: none"> • To enable land to be used for private open space or recreational purposes • To provide a range of recreational settings and activities and compatible land uses • To protect and enhance the natural environment for recreational purposes. <p>The proposed development is directly related to the private recreation facility Scone Race Club and is therefore consistent with the zone objectives.</p>
Zoning permissibility	The proposal is for an Animal Boarding and Training Establishment. The land use is not permitted with consent in zone RE2 Private Recreation. However, the land is subject to the provisions of Clause 2.5 of the LEP which permits certain additional uses to be permitted on the land (refer to clause 2.5 below). The use is consistent with the provisions of Clause 2.5 and is therefore permitted with consent pursuant to that clause.
Clauses (Part 2)	
Additional permitted uses for particular land (Clause 2.5)	<p>The clause enables development on particular land that is described or referred to in Schedule 1 to be carried out—</p> <ol style="list-style-type: none"> a) with development consent, or b) if the Schedule so provides—without development consent, <p>in accordance with the conditions (if any) specified in that Schedule. Schedule 1, Clause 8 relates to Use of certain land at Caulfield Place, Flemington Drive, Moonee Valley Close and Randwick Way, Scone in Zone RE2. The clause applies to the land subject of this DA. The clause states that development for the purposes of animal boarding or training establishments and veterinary hospitals is permitted with development consent.</p>
Part 4 – Principal development standards	
Minimum Subdivision Lot Size (Clause 4.1)	Subdivision is not proposed as part of the development. However, the development footprint within Lot 101 DP1235972 encroaches over multiple boundaries including over Lot 808 DP1061912 and Lot 72 DP852547. To address the encroachment, either a boundary adjustment (subdivision) between Lot 101 or lot consolidation would be required. The subdivision or consolidation is required as a condition of consent. A consolidation of Lots 811 and 812 DP1061912 is also required as a condition of consent.
Height of buildings (Clause 4.3)	There is no maximum building height specified for the subject site. The development has an overall height of 11.165m.
Floor space ratio (Clause 4.4 and 4.5)	There is no maximum floor space ratio specified for the subject site.
Exceptions for development standards (Clause 4.6)	The development complies with the relevant development standards. No variations are required pursuant to Clause 4.6.
Part 5 – Miscellaneous provisions	

Heritage conservation (Clause 5.10)	The site is not identified as: land on which there is a heritage item; land that is within a heritage conservation area; or land that is within the vicinity of a heritage item or conservation area. No further consideration of historical heritage is required. The site is not identified as an Aboriginal place of heritage significance, or as containing any item of Aboriginal significance (based on AHIMS search). No archaeological sites or Potential Archaeological Deposits (PADs) were identified as part of the assessment and as such there are no impacts on the archaeological record.
Flood Planning (Clause 5.21)	The development footprint is located outside the mapped Probable Maximum Flood extent.
Part 6 – Additional Local Provisions	
Earthworks (Clause 6.1)	The DA includes earthworks ancillary to the proposed development. The DA has been formulated having regard to potential impacts on drainage, soil stability and erosion and sediment impacts. Appropriate measures are proposed within the DA to manage potential impacts of the development.
Airspace operations (Clause 6.7)	The site is mapped within the Airspace Operations area of Scone Memorial Aerodrome, with an Obstacle Limitation Surface Level of RL 265. The development will not penetrate the Limitation of Operations.
Development in areas subject to aircraft noise (Clause 6.8)	Although the site is proximate to Scone Memorial Aerodrome, the site is not mapped within the Australian Noise Exposure Forecast (ANEF) contour of 20 or greater therefore, the provisions of the clause do not apply.
Essential Services (Clause 6.10)	The DA has demonstrated that all services that are essential for the development are either suitable, or that adequate arrangements have been made to make them available, subject to compliance with the applicable conditions of consent.

STATE ENVIRONMENTAL PLANNING POLICIES

SEPP (Resilience and Hazards) 2021	Chapter 4 of the SEPP provides controls for the remediation of contaminated land. The preliminary site investigation carried out in relation to the DA found that the site is suitable for the proposed development subject to the recommendations in the preliminary site investigation.
SEPP (Planning Systems) 2021	The cost report submitted with the proposal indicates the development has a capital investment value of \$29,495,117 excluding GST which is below the \$30 million threshold for regionally significant development. Therefore the development is local development pursuant to Part 4 of the EP&A Act and Upper Hunter Shire Council is the determining authority.

REGIONAL ENVIRONMENTAL PLANNING POLICIES

There are no REPs applicable to the site.

DRAFT ENVIRONMENTAL PLANNING INSTRUMENTS

There are no draft EPIs applying to the land.

DEVELOPMENT CONTROL PLANS		
<i>Development control plan</i>	<i>Considered?</i>	<i>Comment (only if necessary)</i>

Upper Hunter Development Control
Plan 2015

YES

Part 3 Subdivision

No subdivision is proposed. However, lot consolidation or boundary adjustment is required as a condition of consent in order to avoid the encroachment of structures over lot boundaries.

Part 10 Natural Hazards

Bushfire hazard has been adequately considered. Asset Protection Zones have been identified on the plans and, along with additional recommendations outlined in the bushfire assessment, are required to be implemented as a condition of consent.

Part 11 Environmental Protection

11b Biodiversity Conservation

The site is not mapped as Biodiversity Conservation pursuant to *Biodiversity Conservation Act 2016* or as Terrestrial Biodiversity land pursuant to Upper Hunter LEP 2013. Vegetation on the site does not appear to be remnant vegetation, but native vegetation planted, possibly in 2003 when the subject lots were registered. As such, the vegetation does not appear to be at a maturity that would support hollows. The landscape plans submitted with the development application propose extensive native vegetation planting throughout the site.

11c Riparian land and watercourses

The site is not noted within the bed of any watercourse, or within 40m of any mapped watercourse. The nearest watercourses are two first order streams located within 200m of the site. Notwithstanding, the development proposes to appropriately manage stormwater via a pit and pipe network with on-site detention measures and overland flow paths to convey the 1% AEP storm event.

11d Groundwater protection

The site is mapped within 260m of land mapped as Groundwater Vulnerability land pursuant to Upper Hunter LEP 2013. It is considered that the proposed stormwater management measures will adequately treat stormwater before it is discharged to the north of the site. The development will be required to operate in accordance with the recommendations of the stormwater management plan. However, a condition of consent is required to ensure regular cleaning of sediment sumps and trash screens. Regular clean-up of hardstand surfaces is required in order to minimise nutrients entering the ground water system via overland flow.

11f Soil and water management

Civil and Hydraulic report and plans propose adequate management of soils and water.

		<p><u>11g On-site wastewater management</u> Onsite Wastewater management measures provided by applicant have been assessed by the waste and water team and found to be acceptable subject to conditions of consent.</p> <p><u>11f Waste minimisation and management</u> The applicant has made considerable effort to understand and address the waste management requirements specific to the development. The development makes provision for the storage, handling and transportation of waste so as to minimise the impact of odour and dust on air quality and to reduce the opportunity for pests and rodents to become a hazard. The operational waste management plan provides the framework for ongoing management of waste through the operational stage of the development.</p> <p><u>11i Buffer Areas</u> The DCP requires a minimum buffer of 500 metres between animal boarding or training establishments and residential areas/urban development, rural dwellings, rural tourist accommodation, or similar land uses. The development has considered the potential impact of noise on nearby sensitive receivers. The development is considered to be suitable subject to compliance with the recommendations of the noise report.</p> <p>Part 12 Specific Infrastructure Issues The development appears to make adequate provision for offstreet parking and manoeuvring of vehicles and the loading and unloading of service vehicles including MRV up to 19 metre semi-truck and trailer. A Traffic and Parking impact assessment has been prepared by a suitably qualified and experienced traffic engineer and demonstrates compliance with the NSW Roads and Maritime Service's Guide to Traffic Generating Development. Accessible parking and bicycle parking will be provided, per Australian Standards guidelines, required by conditions of consent.</p>
Section 94A Levy Contributions Plan 2008	YES	The development is subject to developer contributions as set out in the conditions of consent.
Upper Hunter Development Contributions Plan 2017	NA	

Development Servicing Plan for Water Supply and Sewerage	YES	A condition of consent has been recommended requiring the developer to obtain a Compliance Certificate under Section 307 of the Water Management Act 2000 prior to the issue of a Construction Certificate. The developer will be required to pay contributions in accordance with Council's Development Servicing Plan for Water Supply and Sewerage prior to a Compliance Certificate being issued.
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PLANNING AGREEMENTS

There are no planning agreements relevant to the proposal.

REGULATIONS

The Environmental Planning and Assessment Regulation 2021 (EP&A Reg), Schedule 3, Clause 29 identifies 'horse facilities' including 'a facility or confined area operated on a commercial basis for the keeping or breeding of horses' is designated development if the facility or area accommodates more than 400 horses. The proposed development accommodates 300 horses and therefore is not considered to be designated development.

LIKELY IMPACTS OF THE DEVELOPMENT

Context and Setting

The site is located within the Hunter Valley Equine Research Centre Precinct, therefore the proposed development is consistent with the desired future character of the area. The development has considered potential impacts to, and of, surrounding development and is found to be suitable within the existing context. The development, along with the proposed public domain upgrades will make a positive contribution to the Precinct.

Built Form

The development has been designed having consideration to the site's context and to the welfare of the horses to be stabled on site. The proposal appears to be consistent the NSW Animal Welfare Code of Practice No.3 – Horses in Riding Centres and Boarding Stables and industry best practice.

The development comprises three x two storey horse stables with internal services and facilities. Externally, the development provides horse walkers, walkways, bridle tracks, treadmills, landscaping and water tanks. The two storey built form is a high quality alternative to singles storey stables. The form results in a reduced building footprint whilst providing a high level of passive heating and cooling through natural ventilation.

The proposed built form, inclusive of pitched roofing and clerestory roof elements, is consistent with the architectural character evident in the locality and with the desired future character of the precinct. The buildings present as simplified forms, with window openings and clerestory features providing articulation in the built form and maximising cross ventilation. The use of durable materials, a muted colour scheme and quality landscaping will ensure the development is not only functional but also makes a positive contribution to the streetscape when viewed from the public domain and surrounding areas.

The building mass has been arranged to appropriately address the public domain whilst accommodating circulation areas and landscaping.

Potential Impact on Adjacent Properties

Four submissions were made to Council by adjoining owners requesting consideration of access rights currently enjoyed by owners / lessees. A review of titles indicates that there are no formal access rights over the subject land to the race track in favour of the adjoining landowners. It is understood that Racing NSW / Scone Race Club is consulting with landowners to ensure ongoing access to the race track.

Access, Transport and Traffic

The development appears to make suitable provision for offstreet parking and manoeuvring of vehicles and the loading and unloading of service vehicles including MRV up to 19 metre semi-truck and trailer. A Traffic and Parking impact assessment has been prepared by a suitably qualified and experienced traffic engineer and demonstrates compliance with the NSW Roads and Maritime Service's Guide to Traffic Generating Development. Accessible parking and bicycle parking will be provided, per Australian Standards guidelines.

Vehicles can manoeuvre within, and exit the site in a safe and efficient manner. The roads adjacent to the site are proposed to be refurbished but maintain the existing levels and grassed verges. The proposed development is suitable subject to conditions.

A visitor parking bicycle rail will be provided within the site to accommodate a minimum of 5 bicycles.

Public Domain

Road works are proposed as part of the application. The proposed works are required in order to satisfactorily accommodate the vehicle movements likely to be generated by the development. The proposed road upgrades have been found to be suitable subject to compliance with conditions of consent requiring detailed design.

Utilities

Water and sewer – Subject of Final internal referral

The applicant has provided sufficient detail regarding the provision of water and sewer infrastructure. Council's Water and Sewer department has raised no objections to the proposed development subject to conditions of consent in relation to water and sewer main extensions and the construction of a new sewer pump station (refer to recommended conditions of consent).

Fire fighting water supply

A pressure and flow test was carried out by the applicant's consultant to assess capability of the existing water network which indicates a low pressure availability for fire use applications especially. Pressure and flow test shows, that pressure is not sufficient for direct supply and requires a boosting. Booster assembly location TBA.

The Bushfire design compliance for proposed construction of stable facilities at Scone Racecourse, Bunnan Road, Scone prepared by Travers Bushfire and Ecology dated 10 June 2022 and submitted with the development application identifies that water supply is capable of compliance with Planning For Bushfire Protection, Table 7.4a. The development will be required to implement the recommendations outlined in the Bushfire Design Compliance Report.

Electricity

The infrastructure report submitted with the development application states that the following items will be required to be addressed as part of the electrical connection works to the site:

- Due to Ausgrid substation current status and local LV network capacity limitation, Ausgrid might approve a connection load slightly lower than the maximum demand (MD) – a development internal load management and roof solar embedded network might help to reduce the impact
- Due to Caulfield Place road construction, the impact to existing Ausgrid infrastructure assets need to be reviewed – Ausgrid pillar location and LV cable (along and crossing the road) minimum cover need to be maintained
- Maximum demand for Stables B&C is approx. 260A which is higher than the maximum supply that can be obtained from Ausgrid (200A). Therefore, we are proposing 2 solutions:
 1. Limit the maximum number of treadmills running at the same time to 4.
 2. Use a load management system for the treadmills to allow the usage of any available spare capacity by the treadmills. This will ensure that maximum demand is not exceeded and also will allow using all treadmills at the same time if there is spare capacity.

Item 2 above is the preferred approach. The consent has been conditioned to comply with the recommendations of the infrastructure report.

Water

To limit the stormwater discharge from the site to pre-development levels, two OSD tanks have been proposed to be installed within the site. The total bypass within the site is 0.19 ha, which amounts to approximately 8% of the total development area.

In relation to the western parcel (lots 812 and 811 of DP1061912) proposing Stable A, stormwater runoff from the majority of the development site shall be captured via a pit and pipe network and reticulated to the proposed OSD tank located immediately south of Stable A. Roof and suspended areas shall be captured via the building hydraulic stormwater system and shall reticulate through downpipes to connect into two 184kL rainwater tanks (RWTs) located north of Stable A. Overflows from the RWT shall connect into the below ground stormwater drainage system. A small portion of the site along the south-eastern boundary shall bypass the proposed pit and pipe network and reticulate to the existing Rosehill Road reserve.

The eastern component of the site, Stables B and C (lot 101 of DP1235972), shall capture stormwater runoff from the majority of the development via a pit and pipe network and convey it to the proposed OSD in the north eastern corner of the site. The utilisation of RWTs is also proposed. A small portion of the eastern boundary will bypass the proposed pit and pipe network be conveyed east of the site.

Outlet flow from the OSD tank on the eastern parcel shall be discharged via a headwall into lot 72 of DP852547, with the OSD tank on the western parcel discharging to the existing drainage infrastructure in the Rosehill Road reserve.

Water quality is proposed to be managed through a sediment sump and trash screen located immediately upstream of the outlet pipe from the OSD tank.

The overland flow path between Stables B and C will spill at the north eastern component of the pedestrian path, before being conveyed east towards lot 72 of DP852547. This provides a safe overland flow path removing any risk of injury or damage to the horses or stables.

There appears to be sufficient distance between the OSD / over flow path and the area of Lot 72 DP852547 mapped as ground water vulnerable to avoid impacts to ground water quality from the proposed development.

Condition of consent should be imposed requiring regular maintenance of sediment sump and trash screen associated with the OSDs. A condition of consent requiring regular sweeping of hard surfaces should also be imposed, to limit the nutrient load being transferred to Lot 74 DP852547 as a result of over land flow.

The development should be carried out in accordance with the documents submitted with the development application including:

- Trade and Waste Water Audit prepared by SCP Consulting Engineers*
- Revised Hydraulics Plan prepared by ADP Consulting, reference SYD2174-HY-0-010[T2];*
- DRAINS model prepared by SCP Consulting Engineers; and*
- Revised Stormwater Drainage Plan prepared by SCP Consulting Engineers, SCP reference C-03 6002.*

Soils

Measures to manage soil stability during and following development are addressed in the Douglas Partners Geotechnical Report dated May 2022 and the Civil & Hydraulic Report Design Brief prepared by SCP dated June 2022.

Flora and Fauna

Refer to discussion on biodiversity above

Waste

A comprehensive waste management plan is provided with the development application. Waste generation rates, waste storage volumes and disposal measures appear to be in line with current industry best practice.

Waste management measures should be implemented through an operational site management plan.

Energy

An ESD report submitted with the development application demonstrates that the proposal has been designed to achieve a suitable level of energy efficiency. The development application will be conditioned to comply with the ESD report.

Noise & Vibration

The development has the potential to generate noise within the sleep disturbance period. Noise sources include vehicles entering and leaving the site, movement of horses around the site, operation of horse walkers etc in the early hours of the morning. Noise impacts to residences located approximately 400m to the north have been adequately considered.

Natural Hazards

APZs to be recorded on title and the recommendations of the bushfire hazard assessment to be implemented as a condition of consent.

Safety, Security & Crime Prevention

External fencing is proposed. Lighting is to be provided so as to improve surveillance without impacting amenity of nearby sensitive lands uses. Opportunity for natural surveillance is provided throughout the site. The development is considered to comply with the design principles of Crime Prevention Through Environmental Design.

Social Impact on the Locality

It is considered the development will have a positive social impact on the locality by generating employment at the construction and operational stages. At the operational stage, the development has the potential to provide jobs in the equine industry such as trainers, strappers, vets, suppliers etc. The development has the potential to strengthen and support the region's position within the NSW racing industry. The development will also attract developer contributions to be used for the upgrade of services and infrastructure.

Economic Impact on the Locality

The development is likely to make a positive economic contribution through the additional investment in the equine industry.

Site Design and Internal Design

The site and internal design has been driven by the operational and servicing requirements of the facility and the welfare / safety of horses and staff. In assessing the site and internal design, the following matters have been taken into consideration and are found to be suitable:

- Movement and circulation throughout the site by horses, staff, servicing equipment etc
- Storage and transportation within the site of feed and bedding materials
- Management of waste materials including storage and transportation within the site
- Adequacy of stabling facilities including internal area of each stable 'box' and provision of natural light and ventilation
- Siting and design of wash bays, sand rolls, horse walkers and treadmills for ease of access from each stable block
- Measures for the suitable management of odour and other potential air quality impacts
- Measures for the suitable management of pests
- Compliance with ESD principles
- Provision of staff amenities

Various conditions of consent would be imposed to require the implementation of management plans and ensure the ongoing safe and efficient operation of the site.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is eminently suitable to accommodate the proposed development, due to its location within the Scone Equine Precinct and access to equine training and welfare facilities. The surrounding area is rural in nature and the uses are considered to be compatible subject to the development's compliance with conditions of consent relating to the management of odour, air quality and water quality measures.

THE PUBLIC INTEREST

The proposed development is permitted with consent in the RE2 zone and has been designed generally in accordance with the relevant environmental planning instruments and development control plans. The development represents the orderly and economic development of land and is therefore considered to be in the public interest.

SUMMARY OF LIKELY IMPACTS OF THE DEVELOPMENT

All likely impacts of the proposed development have been considered within the context of this report.

ENVIRONMENTAL APPRAISAL		CONSIDERED
1	Statutory controls	YES
2	Policy controls	YES
3	Design in relation to existing building and natural environment	YES
4	Landscaping/open space provision	YES
5	Traffic generation and car parking provision	YES
6	Loading and servicing facilities	YES
7	Physical relationship to and impact upon adjoin development (views, privacy, overshadowing, etc.)	YES
8	Site Management issues	YES
9	All relevant S79C considerations of Environmental Planning and Assessment Act 1979	YES
10	Section 89 LGA 93 including Clause 12 considerations of Local Government Regulations 1993	YES

CONSISTENCY WITH THE AIMS OF PLAN

It is considered that the development is consistent with the specific aims of the plan and the objectives of the zone and of the controls.

As such, consent to the development may be granted.

SUBMITTORS CONCERNS

The issues raised in the submissions have been addressed in the body of this report.

CONCLUSION

The application has been assessed as satisfactory against Section 4.15 of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

Accordingly, it is recommended that the application be approved subject to appropriate conditions of consent.

RECOMMENDATION

PURSUANT TO SECTION 4.16/4.17 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)

THAT Council, as the consent authority, grant consent to Development Application No. 127/2022 subject to the attached conditions:-

REASONS FOR RECOMMENDED DECISION

- The proposed development has been designed in accordance with the provisions of the Local Environmental Plan and other environmental planning instruments and development control plan.
- The development provides a considered response to the site and environmental constraints.
- The built form provides for the safe and efficient stabling of horses, consistent with the objectives of the zone and the desired future character of the area.
- Adequate provision has been made for services and utilities to support the development, subject to compliance with the relevant conditions of consent.
- The development represents a significant investment in the equine industry in the Upper Hunter. It provides opportunity for employment and further investment in the industry.
- Public submissions were considered and addressed.
- The development represents the orderly and economic development of land and is considered to be in the public interest.

MAT PRINGLE
DIRECTOR PLANNING & INFRASTRUCTURE SERVICES

Danielle Brown

From: [REDACTED]
Sent: Wednesday, 10 August 2022 3:47 PM
To: Council Internet Mail
Subject: External: Submission DA 127-2022

Submission in relation to DA 127-2022 due to close end of business Wednesday 10th August 2022.

As landholder of lot 809 Caulfield Place Scone NSW 2337.

The current development application does not take into consideration active access rights the private landholders within the complex have in relation to the land owned by Racing NSW.

We request that, if the development goes ahead, Racing NSW grant formal access rights across its land directly to the racecourse on horse-back or by hand walking horses to continue, as is the status quo, with current access by the paths in use.

Contact details

Barry McDonald



Caution: This email was sent from outside our organisation. Be cautious, particularly with links and attachments unless you recognise the sender and know the content is safe.

[REDACTED]

From: Barry McDonald [REDACTED]
Sent: Wednesday, 10 August 2022 4:12 PM
To: [REDACTED]
Subject: External: Fwd: Submission DA 127-2022

UPPER HUNTER SHIRE COUNCIL

10 AUG 2022

Referred to.....
For.....

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: 10 August 2022 at 3:51:25 pm AEST
To: council@upperhunter.nsw.gov.au [REDACTED]
Subject: Submission DA 127-2022

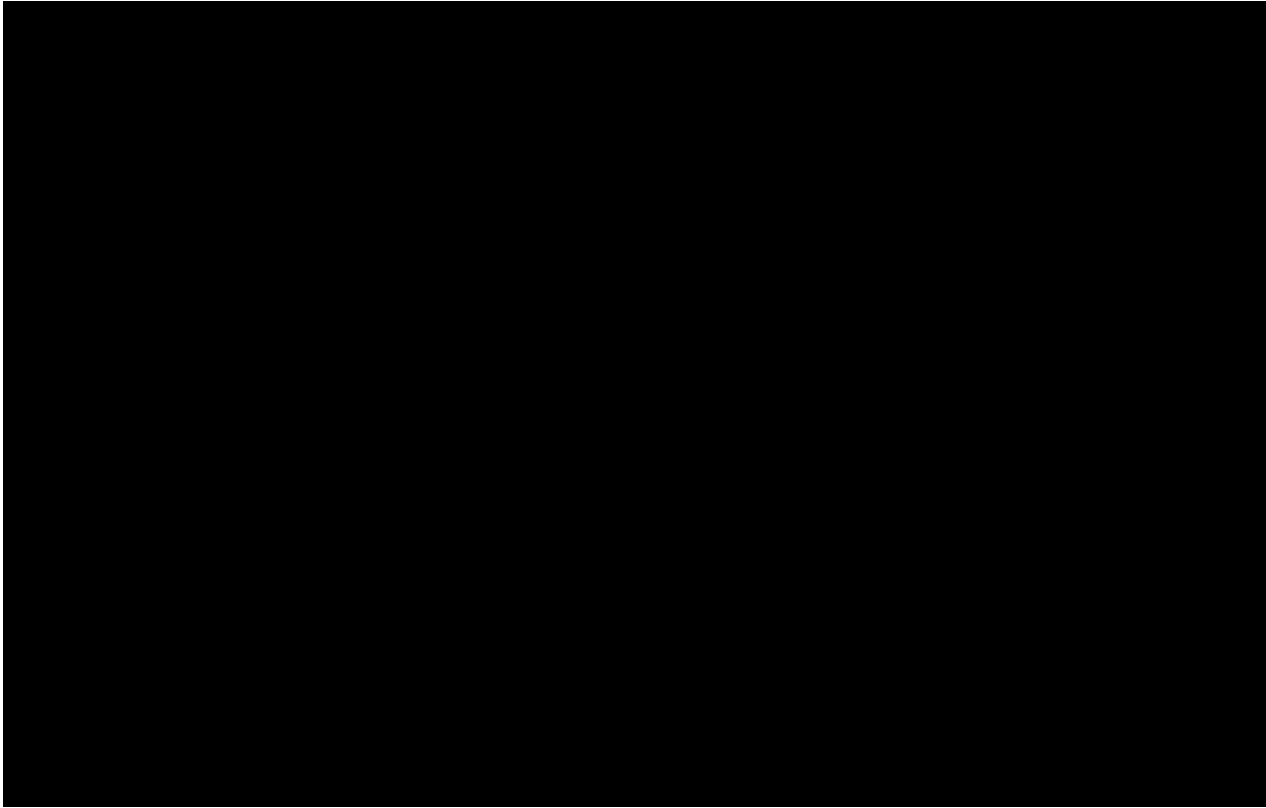
Submission in relation to DA 127-2022 due to close end of business Wednesday 10th August 2022.

As landholder of lot 814 Mooney Valley Close Scone NSW 2337.

The current development application does not take into consideration active access rights the private landholders within the complex have in relation to the land owned by Racing NSW. We request that, if the development goes ahead, Racing NSW grant formal access rights across its land directly to the racecourse on horse-back or by hand walking horses to continue, as is the status quo, with current access by the paths in use.

Contact details
 Barry McDonald
 lakeview [REDACTED]

Caution: This email was sent from outside our organisation. Be cautious, particularly with links and attachments unless you recognise the sender and know the content is safe.



From: Steven Drak [REDACTED]
Sent: Tuesday, 9 August 2022 10:51 AM
To: Mathew Pringle [REDACTED]
Subject: External: Re: DA 127/2022 - Racing NSW proposal

Hi Mathew
This da proposal looks like it will affect lot 809 and 810
These are independently owned and tenanted
I object to the da proposal as owner of lot 810

Sent from my iPhone

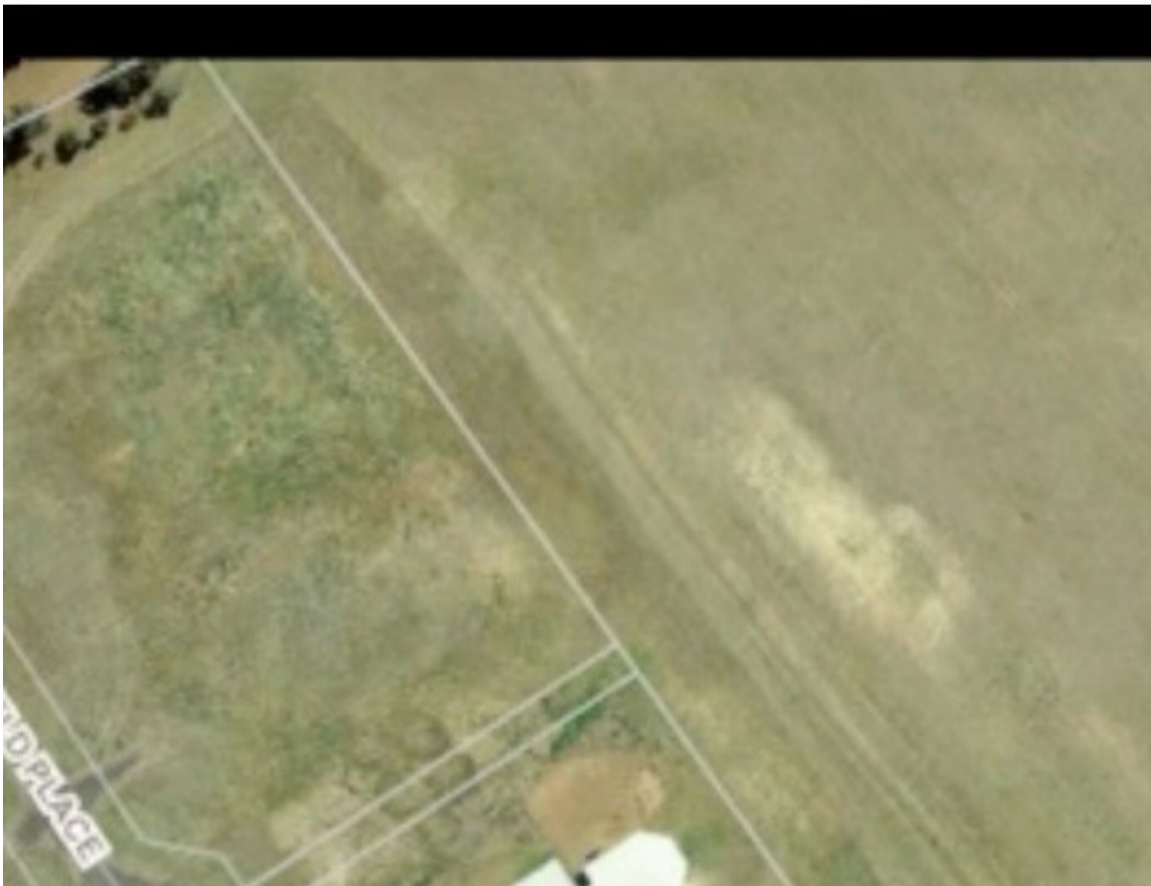
On 9 Aug 2022, at 10:36 am, Steven Drak [REDACTED]

Caution: This email was sent from outside our organisation. Be cautious, particularly with links and attachments unless you recognise the sender and know the content is safe.

10:22

Done

Photo



Sent from my iPhone

On 9 Aug 2022, at 9:50 am, Mathew Pringle



Aristo,

Please see aerial image of the subject lots below. Please indicate where your access is.

A plan of the proposed development is attached.



Thanks



From: Steven Drak [REDACTED]
Sent: Tuesday, 9 August 2022 7:20 PM
To: Mathew Pringle <mpringle@upperhunter.nsw.gov.au>
Subject: External: Re: DA 127/2022 - Racing NSW proposal

The access has been available for over 20 years to get to horse track for the trainers
And this development will obstruct the access
This is why I object

Sent from my iPhone

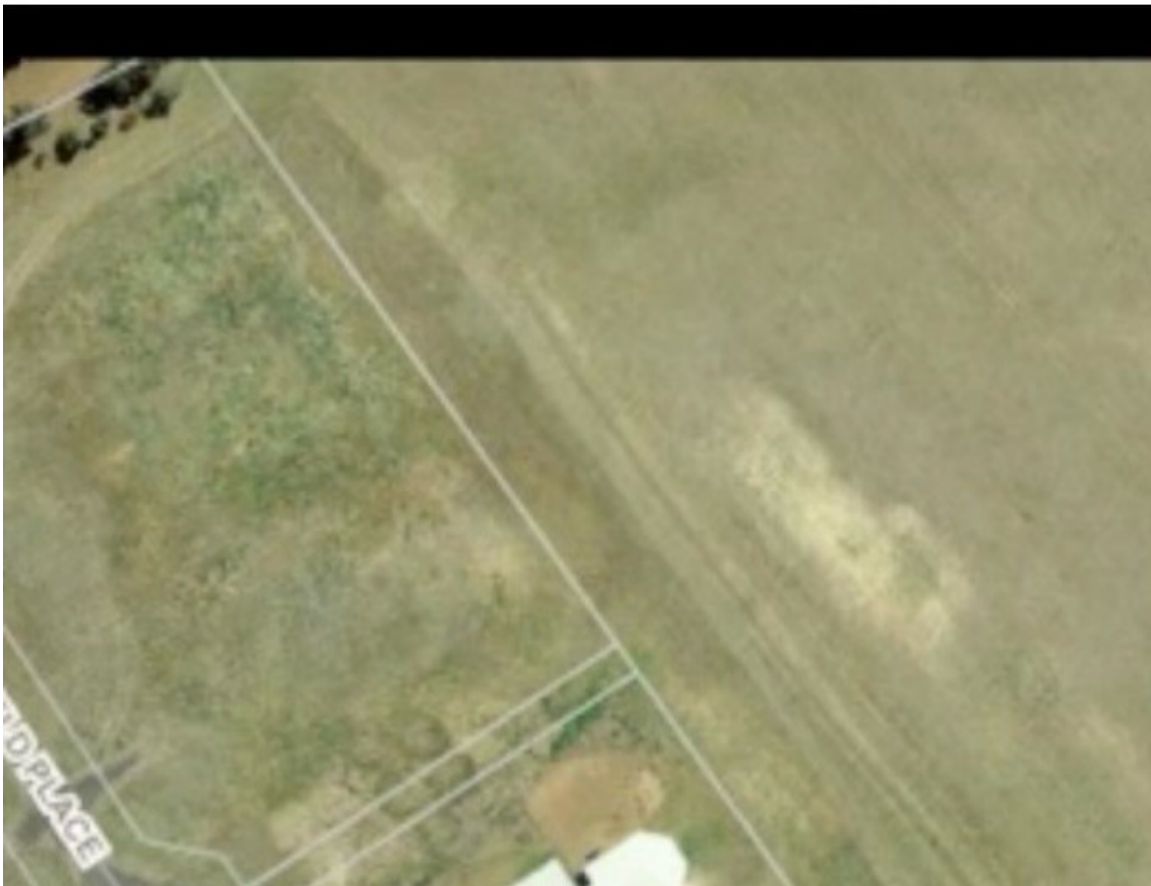
On 9 Aug 2022, at 10:36 am, Steven Drak [REDACTED]

Caution: This email was sent from outside our organisation. Be cautious, particularly with links and attachments unless you recognise the sender and know the content is safe.

10:22

Done

Photo



Sent from my iPhone

On 9 Aug 2022, at 9:50 am, Mathew Pringle



Aristo,

Please see aerial image of the subject lots below. Please indicate where your access is.

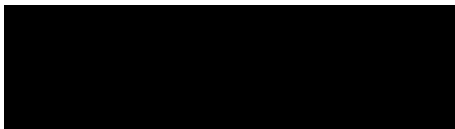
A plan of the proposed development is attached.



Thanks



Mat Pringle
Director Environmental & Community Services



UPPERHUNTER.NSW.GOV.AU

A Quality Rural Lifestyle - in a vibrant, caring and sustainable community

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify Upper Hunter Shire Council.

From: [REDACTED]
Sent: Wednesday, 10 August 2022 4:14 PM
To: Council Internet Mail
Subject: External: DA Proposal

Hi Mathew
This DA proposal looks like it will affect lot 809 and 810
These are independently owned and
tenanted
I object to the DA proposal as owner of lot 809

Kind Regards
Stephen Jones

Caution: This email was sent from outside our organisation. Be cautious, particularly with links and attachments unless you recognise the sender and know the content is safe.

General Manager's Unit

GENERAL ADMINISTRATION REPORTS

G.02.1 2023 NATIONAL GENERAL ASSEMBLY - MOTIONS FOR SUBMISSION

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

PURPOSE

The purpose of this report is to consider motions to be submitted for debate at the 2023 National General Assembly (NGA) to be held in Canberra from 13-15 June 2023.

RECOMMENDATION

That Council submit the following motions for debate at the 2023 National General Assembly to be held in Canberra from 13-15 June 2023:

1. That the Australian Local Government Association (ALGA) advocate for a parliamentary enquiry into the NSW Planning Portal including the costs to councils administering the portal;
2. That the ALGA lobby on their members' behalf a return to a percentage of the national tax revenue, and increase from 1% to 3%.

BACKGROUND

The ALGA has written to councils seeking motions to guide ALGA's Board, in particular, where they identify opportunities for reforming and creating new Federal Government programs and policies that will support councils to build stronger communities into the future.

At its meeting on 30 January 2023, Council resolved to consider submitting motions for debate at the 2023 National General Assembly to be held in Canberra from 13-15 June 2023.

A discussion paper, prepared by ALGA to help with the preparation of motions, was previously provided to Councillors. Motions can be submitted online until Friday, 24 March 2023.

REPORT/PROPOSAL

Council has received the following motions for consideration submit to ALGA for debate:

Cr Adam Williamson:

That the Australian Local Government Association (ALGA) advocate for a parliamentary enquiry into the NSW Planning Portal including the costs to councils administering the portal;

Cr James Burns:

That the ALGA lobby on their members' behalf a return to a percentage of the national tax revenue, and increase from 1% to 3%.

OPTIONS

1. Submit the motions for debate at the 2023 National General Assembly;
2. Not submit the motions for debate at the 2023 National General Assembly.

General Manager's Unit

CONSULTATION

- Councillors
- General Manager

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.
- 5.12 Provide timely and effective advocacy and leadership on key community issues and priorities.

b. Delivery Program

- Leadership that reviews Council operations and Council wide continuous service improvement

c. Other Plans

N/A

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Nil

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Sustainability Implications

Nil

f. Other Implications

Nil

General Manager's Unit

CONCLUSION

The 2023 National General Assembly is to be held in Canberra from 13-15 June 2023. ALGA is seeking motions to guide its Board, in particular, where they identify opportunities for reforming and creating new Federal Government programs and policies that will support councils to build stronger communities into the future.

Following a resolution at Council's January ordinary meeting, two motions are recommended for Council to consider submitting for debate at the 2023 National General Assembly.

ATTACHMENTS

There are no enclosures for this report

General Manager's Unit

OPTIONS

1. to enter into an election arrangement with the NSWEC to administer all Council's elections, polls and constitutional referenda;
2. that Council's elections be administered by another electoral services provider engaged by Council.
3. that Council's elections be administered by Council itself.

CONSULTATION

- General Manager
- Acting Director Corporate & Community Services

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

- Leadership that reviews Council operations and Council wide continuous service improvement

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Council is required to run elections every four years and funds are put aside each year to fund the elections. An estimate cost of \$161,033 (incl GST) has been provided by NSWEC.

These figures are estimates and are subject to change however that is a risk that we need to accept at this stage as NSWEC won't provide a fixed amount.

c. Legislative Implications

Council is required to determine how it runs elections.

General Manager's Unit

d. Risk Implications

There are risks associated with not using the NSWEC to run the elections, including all responsibility for the conducting of the election falling on the General Manager. Council does not have the resources to run the election process and previous testing of the market indicated there was no advantage to getting a third party contractor to undertake this on Council's behalf.

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

Under Section 296AA of the NSW Local Government Act 1993 (the Act), Council is required to make a decision on how its ordinary election in September 2024 is to be administered by 14 March 2023. It is recommended that Council enter into an election arrangement with the NSWEC to administer Council's elections, polls and constitutional referenda, as it has done for previous elections.

ATTACHMENTS

- 1 [↓](#) NSW Electoral Commission - Cost Estimate for LG Election 2024



**2024 Local Government Election - Cost Estimate
as at 30th January 2023**

Upper Hunter Shire Council

Projects / Deliverables	Amount
<i>Ballot Papers</i>	2,062
<i>Call Centre</i>	3,520
<i>Counting and Results - Centralised</i>	7,700
<i>Counting and Results - Declaration Voting</i>	1,740
<i>Event Staffing</i>	89,107
<i>Information Technology</i>	3,709
<i>Logistics</i>	7,536
<i>Postal Voting Services</i>	3,398
<i>Venues</i>	20,228
<i>Voter Awareness</i>	6,363
<i>Financial Services</i>	1,031
<i>Constitutional Referendum</i>	-
<i>Council Poll</i>	-
TOTAL (excluding GST)	146,393
GST	14,639
TOTAL (including GST)	161,033

Note

This estimate is based on the Council election being fully contested

Shared resources will be utilised where practical

Planning & Infrastructure Services

G.02.3

CULTURAL ACTIVITY GRANTS 2022-23

RESPONSIBLE OFFICER: Wayne Phelps - Acting Director Corporate & Community Services

AUTHOR: Amanda Catzikiris - Manager Community Services

PURPOSE

The purpose of this report is to consider the applications for the 2022/23 Cultural Activity Grant and make recommendations for funding.

RECOMMENDATION

That Council endorse the recommended Cultural Activity grants, totalling \$15,000, for the 2022/23 financial year as detailed in attachment 1 and subject to the following conditions:

1. that any payment is conditional on receipt of completed acquittal document for outstanding grants prior to 31 March 2023.
2. the grant recipient shall recognise Council in any promotion and/or event that is funded or partially funded by Council.

BACKGROUND

Each year Council provides Cultural Activity Grants (CAG) to incorporated non-profit community based organisations in the Upper Hunter Shire, to promote and develop cultural/art resources and activities in the community on a broad and/or specific needs basis.

The aims of the Cultural Activity Grant program are to:

- a. facilitate the provision of cultural activities that increase participation for all residents including but not limited to young people, culturally diverse groups and inclusive activities for people living with a disability,
- b. develop connectivity and co-ordination between agencies involved in community cultural development,
- c. enhance the use of local cultural/art resources; both physical and organisational, to meet priority needs and progress the Shire's local identity,
- d. develop community organisational skills from a cultural perspective.

Objectives of the Cultural Activity Grants are to:

- foster closer co-operation between Council and community cultural groups,
- enhance the involvement and profile of Council in the provision of community cultural orientated services,
- increase the level of community involvement, knowledge of and appreciation of the cultural heritage in the local area,
- introduce the theme of the Shire into cultural projects, eg. horses, heritage, rural area.

Allocation of funds is determined by considering the ability of the community cultural group to meet its stated needs and objectives. The relative priority of the activity within the community is also considered in the ranking process.

Planning & Infrastructure Services

REPORT/PROPOSAL

Expressions of Interest for Council's Cultural Activity Grants (CAG) closed on Wednesday, 8 February 2023.

Promotion of this funding opportunity was provided through mail-outs to local community groups, information on Council's website and through the Grants Officer.

Council has allocated \$15,000 in its 2022/23 budget for provision of the Cultural Activity Grants.

A total of 19 applications were received. A copy of the project applications is provided separately. A summary of the applications, including the name of the organisation, project and proposed use of the funding and requested amount is included in attachment 1.

Factors taken into account when considering applications:

- a. The outcome/s achieved
- b. The outcomes address identified local cultural/arts needs and issues in the community
- c. The suggested implementation of the proposal is appropriate, realistic and possible
- d. Council's CAG is the appropriate funding source
- e. The proposal seeks to improve and enhance cultural services in the community
- f. The project can be adequately sustained.

Items eligible for funding:

- a. Venue hire for an event/workshop
- b. Purchase of equipment or materials.
- c. Cultural projects.
- d. Any other legitimate project costs.

An assessment panel, comprising of the Community Services staff, ranked the projects against the assessment criteria.

The provision of 2022/23 CAG grants is conditional on completed acquittals for 2021 grants being received by Council by 31 March 2023.

OPTIONS

1. To accept the proposed grant allocations
2. To amend the proposed grant allocations in either financial amount or nominated recipient.

CONSULTATION

General consultation was undertaken with local community groups to discuss eligibility, project development and community needs. Determination of project eligibility and priority was considered by Council staff in Community Services, Tourism and Events and Senior Management.

STRATEGIC LINKS

a. Community Strategic Plan 2032

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

Planning & Infrastructure Services

Connected Community

Developing and deepening connections of people to each other and their community.

1.6 Provide and support a range of community events, festivals and celebrations.

1.5 Advocate for, support and provide services and facilities for the community.

b. Delivery Program

- The facilitation of cultural partnerships with the community
- The facilities to work with target groups in the community to initiate culturally appropriate activities
- Facilitation and management of community cultural events and activities
- Implement Upper Hunter Shire Cultural Plan

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

There is an allocation of \$15 000 in Council's 2022/23 budget.

c. Legislative Implications

Nil

d. Risk Implications

Nil

e. Sustainability Implications

Nil

f. Other Implications

Nil

CONCLUSION

Applications received from 19 local community organisations have been assessed and ranked according to the eligibility criteria. All projects are considered eligible for Council's final determination.

ATTACHMENTS

- 1↓ Cultural Activity Grant recommendations

Funding Applications for the 2022 financial year;

Applicant	Project Name	Proposed Use of Funding	Ranking	Requested Amount	Recommend
Aberdeen History Group Inc	Community Bench seat	Seat dedicated to the late John Scriven in recognition of his work to enhance cultural activities in Aberdeen – to be located in Jockey Park.	Medium	\$857	\$857
Aberdeen Public School P&F	Kukuyn Nakang (Hunter River Bee	Excursion to Baiame Cave to learn about Wonnarua Dreaming Stories and tradition (whole school excursion)	Medium	\$4440	1x bus & facilitator cost \$1500
King of the Ranges Stockman's Challenge Inc	Inclusive activities for people living with a disability.	To provide an enjoyable and rewarding day at the KOTR event, for adults living with a disability who with assistance are able to participate in a range of cultural activities.	High	\$1240	\$1,240
Merriwa & District Meals on Wheels	India on a Plate	Visit from Australia Day ambassador, chef Promila Gupto, to Merriwa Central School to share some Indian cooking culture with Merriwa residents and students.	Medium	\$1000	\$1000
Merriwa Branch Country Women's Association of NSW	Friendship morning tea FREE to the community	Provide a meeting place and free morning tea for all community members with the aim of encouraging new social connections and giving the community an opportunity to enjoy spending time together.	Low	\$900	Contribution \$450
Merriwa Festival of the Fleeces	Branded Marquee	Branded 3 x 3 marquee plus conversion of logo into high resolution	Very Low	\$1519.83	Nil
Murrurundi Matters	Murrurundi Early School years Speech project	Three visits of a speech pathologist to assess students.	Very Low	\$1500	Nil
Murrurundi Pre-School	Family Night	Hire of movie equipment and disco to deliver a fun, family event at Wilson Memorial Oval, Murrurundi designed to bring the community together to build new and stronger relationships.	Low	\$850	Contribution \$450
Rotary Club of Merriwa	Merriwa History – Thru the Lens spanning 200 years	Production of a photo and related descriptions history book focusing on Merriwa's history in great detail.	High	\$1278	\$1,278
Rouchel Progress Association	Engraved pavers path	An all abilities access wide path of 56 engraved pavers leading to the Rouchel School of Arts, depicting names of past and present residents including pioneers of Rouchel, historical info. etc	High	\$1000	\$1000
St Joseph's School Merriwa P&F	Yarning Circle	Implementation of a Yarning Circle program into the school to give all students an opportunity to experience Aboriginal culture.	Low	\$695.95	Contribution \$450
St Paul's Anglican Church, Murrurundi	An Opera Gala	Host an opera and afternoon tea in Murrurundi, with the opera performed by Upper Hunter Conservatorium of Music	Medium	\$1500	Contribution \$1000

Funding Applications for the 2022 financial year;

Applicant	Project Name	Proposed Use of Funding	Ranking	Requested Amount	Recommend
Scone & Upper Hunter Historical Society Inc.	Kelly Street "A walk into Scone's past"	Research the historical Kelly Street and produce a printed, guided "Walk into Scone's past" booklet featuring photos and written information for community members and visitors.	High	\$1104	\$1104
Scone Films Inc	Laptop and accessories for technical support	Purchase of a high quality graphics laptop, software and docking station to use with digital server and projector.	Low	\$2856.90	Contribution \$483
Scone Garden Club	Pots Dots workshop	Workshop teaching participants how to prepare pots for painting, then decorate in vibrant colours with dots, lines and patterns, then seal for longevity. Funding will pay for the tutor, hall hire, primer and sealer for the pots.	Medium	\$500	\$500
Scone Neighbourhood Resource Centre	A Taste of Harmony	A celebration of cultural diversity through people bringing a plate of food to share and enjoying an African drumming demonstration.	High	\$688	\$688
Scone Public School P&C	Visual Arts Group	Small groups to engage in art-making, focusing on students from a range of cultural backgrounds and students with additional needs.	Medium	\$2000	Contribution \$1000
Scone Singers Community Choir	Ongoing operations	Employ a vocal coach (\$4320) and hire of hall for meeting (\$1240)	Low	\$5400	Contribution \$1000
Scout Association of Aust, NSW Branch, 1 st Scone Scout Group	Founders Day Celebration	Enable Scouts and Guides from across the Upper Hunter (Singleton to Murrurundi) join together for an afternoon of outdoor activities at St Andrews Reserve, Aberdeen.	High	\$1000	\$1000

General Manager's Unit

POLICY MATTERS

H.02.1

COUNCILLOR EXPENSES AND FACILITIES POLICY

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Greg McDonald - General Manager

PURPOSE

The purpose of this report is to consider the withholding of Councillor fees when a Councillor is absent from a meeting and to incorporate that into Council policy.

RECOMMENDATION

That Council:

1. amend the *Councillor Expenses and Facilities Policy* to include the withholding of Councillor fees when a Councillor is absent from a meeting in accordance with the changes shown in the report and the marked up policy attached as attachment 1.
2. determine the quantum of the reduction for each absent meeting for inclusion in the final draft prior to exhibition
3. place the policy on public exhibition for a period of 28 days and adopt the policy if no submissions are received.

BACKGROUND

At the Council meeting of 31 January 2023 Council resolved to:

1. *Review the remuneration policy for Councillors to include scope to withhold funds for non-attendance of council meetings and briefings.*
2. *Invoice councillors for costs incurred when private investigations are undertaken which result in a censure and/or referral to the Office of Local Government for further disciplinary action of said councillor.*

REPORT/PROPOSAL

Council can withhold payments from Councillors for non-attendance at Council meetings as explained in the response to the Notice of Motion in January 2023. In order to manage the process it is recommended that the *Councillor Expenses and Facilities Policy* be amended by adding to section 9, the following section. The proposed section has been prepared in accordance with s254A of the Local Government Act and s404 of the Local Government Regulations.

The suggested wording to be added to Section 9 of *Councillor Expenses and Facilities Policy* is as follows:

Any Councillors absent from a Council meeting (ie non-attendance and fails to submit an apology prior to the meeting) will have their Councillor fee for the month withheld to the amount of:

- a) *In the event the meeting has a quorum and still proceeds, [80%] of the monthly fee.*
- b) *In the event the meeting does not have a quorum and needs to reschedule, [100%] of the monthly fee.*

General Manager's Unit

When Council considers a code of conduct complaint that results in the Councillor being censured or referred to the OLG, Council will seek to recover the costs incurred in regard to external investigator costs, from the Councillor in breach. The method of recoupment cannot be by withholding annual payments so will be undertaken by the issuing of an invoice to the Councillor.

The quantum of the fee amount for the two scenarios can be varied by the Council prior to final adoption.

OPTIONS

Council has discretion to adopt these changes or amend them.

CONSULTATION

This request has come from a Council resolution and is in alignment with that resolution and the legislation. The Councillors can provide further commentary on the wording at the meeting including the appropriate amount to withhold.

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

- Advice and policy development that supports decision making

c. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

This will form part of the Councillor Fees and Expenses Policy

b. Financial Implications

This won't have a significant impact and will save funds, although the amount will be relatively low.

c. Legislative Implications

The policy has been written in accordance with the Act and Regulations:

General Manager's Unit

Local Government Act

254A Circumstances in which annual fees may be withheld

- (1) *Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council—*
- (a) *for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or*
 - (b) *in any other circumstances prescribed by the regulations.*

Local Government Regulation

404 Circumstances in which councillors' annual fees may be reduced or not paid

For the purposes of section 254A of the Act, a prescribed circumstance for the non-payment or reduction of a councillor's annual fee is the circumstance where both of the following conditions are satisfied—

- (a) *the payment of the annual fee adversely affects the councillor's entitlement to a pension, benefit or allowance under any legislation of the Commonwealth, a Territory or a State (including New South Wales),*
- (b) *the councillor agrees to the non-payment or reduction.*

d. Risk Implications

NIL

e. Sustainability Implications

NIL

f. Other Implications

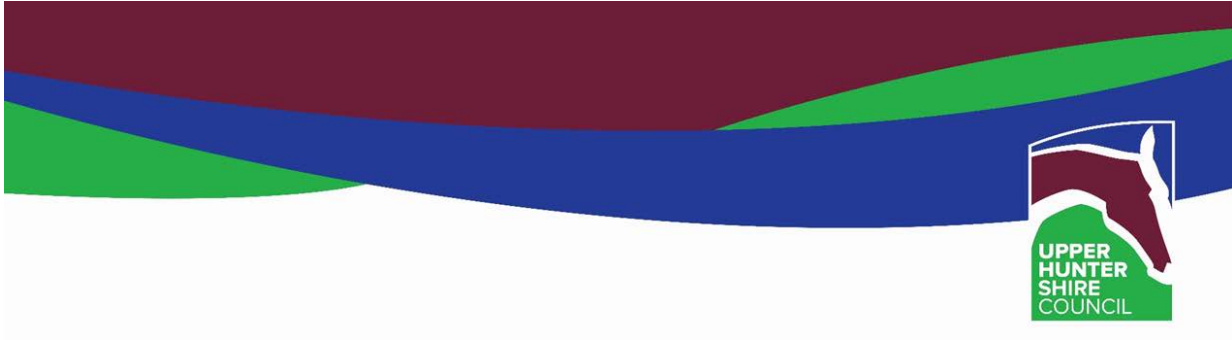
NIL

CONCLUSION

Proposed amendments to Council's existing policy are provided to Council in regard to including provisions to withhold fees when Councillors don't attend meetings. These inclusions can be implemented at any time but by including them in Council's policy documents, allows Council to apply these in a consistent form and to ensure the community is supportive through the exhibition of that policy prior to final adoption.

ATTACHMENTS

- 1 [↓](#) Draft Policy - Councillor Expenses and Facilities



POLICY

Councillor Expenses & Facilities Policy

Date adopted by Council	
Minute number	
Endorsed by	Senior Management Group
CM Ref	CD-3/23
Due for review	
Related documents	<ul style="list-style-type: none"> • OLG Circular 17-17 – Councillor Expenses and Facilities Policy – Better Practice Template • Guidelines for the payment of expenses and the provision of facilities for Mayors and Councillors in NSW, 2009 • OLG Circular 09-36 Guidelines for Payment of Expenses and Facilities • OLG Circular 05-08 legal assistance for Councillors and Council Employees
Responsible officer	Manager Governance & Risk
Department/Section	Governance & Risk
Category	Governance
Community Strategic Plan goal	<p>Goal G8 – Provide Community Leadership</p> <p>CS30 - Effectively and efficiently manage the business of Council, while encouraging an open and participatory Council with an emphasis on transparency Community engagement, action and response.</p>

Policy: Councillor Expenses and Facilities

Policy Statement

This policy enables the reasonable and appropriate reimbursement of expenses and provision of facilities to councillors to help them undertake their civic duties.

Objective

This policy ensures accountability and transparency, and seeks to align councillor expenses and facilities with community expectations. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.

The policy has been prepared in accordance with the Local Government Act 1993 (the Act) and Local Government (General) Regulation 2005 (the Regulation), and complies with the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Councillors in NSW.

Scope

The policy sets out the maximum amounts council will pay for specific expenses and facilities. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

Definitions

All terms used in this policy have the standard dictionary definition.

Policy Details

The main expenses and facilities are summarised in the table below. All monetary amounts are exclusive of GST.

Expense or facility	Maximum amount	Frequency
Travel expenses, including interstate, overseas and long distance intrastate travel expenses	\$15,000 total for all councillors	Per year
Accommodation and meals	\$5,000 total for all councillors, paid as per the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009 (adjusted annually)	Per year
Professional development	as per annual budget allocation	Per year
Conferences and seminars	\$7,000 total for all councillors	Per year
ICT facilities	Tablet/iPad, if required (to be returned to Council on cessation of office) Printer, if required (to be returned to Council on cessation of office)	Per term

Policy: Councillor Expenses and Facilities



Expense or facility	Maximum amount	Frequency
	<p>Access to and use of Council photocopiers, telephones and computers at Council offices for official Council use</p> <p>An interest free loan up to a maximum amount of \$3,000 for the purchase of information technology equipment (computer and peripherals), which is to be repaid by deduction from fees over a maximum period of 3 years and with a minimum payment of \$90 per month. Any balance outstanding is to be paid on cessation of office with Council.</p>	
Carer expenses	\$200 per councillor	Per month
Council vehicle and fuel card	Provided to the mayor	Not relevant
Reserved parking space at Council offices	Provided to the mayor	Not relevant
Furnished office	Provided to the mayor	Not relevant
Mobile phone and official call charges	Provided to the mayor	Not relevant

Additional costs incurred by a councillor in excess of these limits are considered a personal expense that is the responsibility of the councillor.

Councillors must provide claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

Policy: Councillor Expenses and Facilities

Part A - Introduction

1. Introduction

- 1.1 The provision of expenses and facilities enables councillors to fulfil their civic duties as the elected representatives of Upper Hunter Shire Council.
- 1.2 The community is entitled to know the extent of expenses paid to councillors, as well as the facilities provided.
- 1.3 The purpose of this policy is to clearly state the facilities and support that are available to councillors to assist them in fulfilling their civic duties.
- 1.4 Council staff are empowered to question or refuse a request for payment from a councillor when it does not accord with this policy.
- 1.5 Expenses and facilities provided by this policy are in addition to fees paid to councillors. The minimum and maximum fees a council may pay each councillor are set by the Local Government Remuneration Tribunal as per Section 241 of the Act and reviewed annually. Council must adopt its annual fees within this set range.

2. Policy objectives

- 2.1 The objectives of this policy are to:
 - enable the reasonable and appropriate reimbursement of expenses incurred by councillors while undertaking their civic duties
 - enable facilities of a reasonable and appropriate standard to be provided to councillors to support them in undertaking their civic duties
 - ensure accountability and transparency in reimbursement of expenses and provision of facilities to councillors
 - ensure facilities and expenses provided to councillors meet community expectations
 - support a diversity of representation
 - fulfil the Council's statutory responsibilities.

3. Principles

- 3.1. Council commits to the following principles:
 - Proper conduct: councillors and staff acting lawfully and honestly, exercising care and diligence in carrying out their functions
 - Reasonable expenses: providing for councillors to be reimbursed for expenses reasonably incurred as part of their role as councillor
 - Participation and access: enabling people from diverse backgrounds, underrepresented groups, those in carer roles and those with special needs to serve as a Councillor

Policy: Councillor Expenses and Facilities

- Equity: there must be equitable access to expenses and facilities for all councillors
- Appropriate use of resources: providing clear direction on the appropriate use of council resources in accordance with legal requirements and community expectations
- Accountability and transparency: clearly stating and reporting on the expenses and facilities provided to councillors.

4. Private or political benefit

- 4.1. Councillors must not obtain private or political benefit from any expense or facility provided under this policy.
- 4.2. Private use of council equipment and facilities by councillors may occur from time to time. For example, telephoning home to advise that a council meeting will run later than expected.
- 4.3. Such incidental private use does not require a compensatory payment back to Council.
- 4.4. Councillors should avoid obtaining any greater private benefit from Council than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of council facilities does occur, councillors must reimburse the Council.
- 4.5. Campaigns for re-election are considered to be a political benefit. The following are examples of what is considered to be a political interest during a re-election campaign:
 - production of election material
 - use of council resources and equipment for campaigning
 - use of official council letterhead, publications, websites or services for political benefit
 - fundraising activities of political parties or individuals, including political fundraising events.

Policy: Councillor Expenses and Facilities**Part B - Expenses****5. General expenses**

- 5.1. All expenses provided under this policy will be for a purpose specific to the functions of holding civic office. Allowances for general expenses are not permitted under this policy.
- 5.2. Expenses not explicitly addressed in this policy will not be paid or reimbursed.

6. Specific expenses**Travel arrangements and expenses, including Interstate, overseas and long distance intrastate travel expenses**

- 6.1. All travel by councillors should be undertaken using the most direct route and the most practicable and economical mode of transport.
- 6.2. Council will provide a combined annual budget of \$15,000 for all Councillor travel expenses incurred while undertaking official business or professional development or attending approved conferences and seminars. This includes reimbursement:
 - for public transport fares
 - for the use of a private vehicle or hire car
 - for parking costs for Council and other meetings
 - for tolls
 - by Cabcharge card or equivalent
 - for documented ride-share programs, such as Uber, where tax invoices can be issued.

This allocation is for all councillors. The general manager will ensure that access to expenses relating to travel arrangements is distributed equitably.

- 6.3. Allowances for the use of a private vehicle will be reimbursed by kilometre at the rate contained in the Local Government (State) Award.
- 6.4. Councillors seeking to be reimbursed for use of a private vehicle must keep a log book recording the date, distance and purpose of travel being claimed. Copies of the relevant log book contents must be provided with the claim.
- 6.5. In accordance with Section 4, Council will scrutinise the value and need for councillors to undertake overseas travel. Councillors should avoid interstate, overseas and long distance intrastate trips unless direct and tangible benefits can be established for the Council and the local community. This includes travel to sister and friendship cities.
- 6.6. Councillors seeking approval for any interstate and long distance intrastate travel must submit a case to, and obtain the approval of, the general manager prior to travel.

Policy: Councillor Expenses and Facilities

- 6.7. Councillors seeking approval for any overseas travel must submit a case to, and obtain the approval of, a full council meeting prior to travel.
- 6.8. The case should include:
- objectives to be achieved in travel, including an explanation of how the travel aligns with current council priorities and business, the community benefits which will accrue as a result, and its relevance to the exercise of the councillor's civic duties
 - who is to take part in the travel
 - duration and itinerary of travel
 - a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- 6.9. For interstate and long distance intrastate journeys by air of less than three hours, the class of air travel is to be economy class.
- 6.10. For interstate journeys by air of more than three hours, the class of air travel may be premium economy.
- 6.11. For international travel, the class of air travel is to be premium economy if available. Otherwise, the class of travel is to be economy.
- 6.12. Bookings for approved air travel are to be made through the general manager's office.
- 6.13. For air travel that is reimbursed as council business, councillors will not accrue points from the airline's frequent flyer program. This is considered a private benefit.

Travel expenses not paid by Council

- 6.14. Council will not pay any traffic or parking fines or administrative charges for road toll accounts.

Accommodation and meals

- 6.15. Council will reimburse costs for accommodation and meals while councillors are undertaking prior approved travel or professional development where travel time reasonably exceeds 3 hours (each way) from the participant's usual place of residence, or where travel time reasonably exceeds 2 hours (each way) for activities of more than one day duration.
- 6.16. The general manager will consider reimbursement of costs for accommodation and meals in other reasonable circumstances, where the need for these provisions can be justified.
- 6.17. Council will provide a combined annual budget of \$5,000 for accommodation and meals in accordance with clause 6.15. The daily limits for accommodation and meal expenses within Australia are to be consistent with those set out in Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Policy: Councillor Expenses and Facilities

- 6.18. The daily limits for accommodation and meal expenses outside Australia are to be determined in advance by the general manager, being mindful of Clause 6.17.
- 6.19. Councillors will not be reimbursed for alcoholic beverages.

Refreshments for council related meetings

- 6.20. Appropriate refreshments will be available for council meetings, council committee meetings, councillor briefings, approved meetings and engagements, and official council functions as approved by the general manager.
- 6.21. As an indicative guide for the standard of refreshments to be provided at council related meetings, the general manager must be mindful of Part B Monetary Rates of the NSW Crown Employees (Public Service Conditions of Employment) Reviewed Award 2009, as adjusted annually.

Professional development

- 6.22. Council will set aside funds in its annual budget to facilitate the professional development of councillors through programs, training, education courses and membership of professional bodies. This allocation is for all councillors. The general manager will ensure that access to expenses relating to professional development is distributed equitably.
- 6.23. In the first year of a new council term, Council will provide a comprehensive induction program for all councillors which considers any guidelines issued by the Office of Local Government (OLG). The cost of the induction program will be in addition to the ongoing professional development funding.
- 6.24. Annual membership of professional bodies will only be covered where the membership is relevant to the exercise of the councillor's civic duties, the councillor actively participates in the body and the cost of membership is likely to be fully offset by savings from attending events as a member.
- 6.25. Approval for professional development activities is subject to a prior written request to the general manager outlining the:
- details of the proposed professional development
 - relevance to council priorities and business
 - relevance to the exercise of the councillor's civic duties.
- 6.26. In assessing a councillor request for a professional development activity, the general manager must consider the factors set out in Clause 6.25, as well as the cost of the professional development in relation to the remaining budget.

Conferences and seminars

- 6.27. Council is committed to ensuring its councillors are up to date with contemporary issues facing council and the community, and local government in NSW.
- 6.28. Council will set aside a total amount of \$7,000 annually in its budget to facilitate councillor attendance at conferences and seminars. This allocation is for all councillors. The general manager will ensure that access to expenses relating to conferences and seminars is distributed equitably.

Policy: Councillor Expenses and Facilities

- 6.29. Approval to attend a conference or seminar is subject to a written request to the general manager. In assessing a councillor request, the general manager must consider factors including the:
- relevance of the topics and presenters to current council priorities and business and the exercise of the councillor's civic duties
 - cost of the conference or seminar in relation to the total remaining budget.
- 6.30. Council will meet the reasonable cost of registration fees, transportation and accommodation associated with attendance at conferences approved by the general manager. Council will also meet the reasonable cost of meals when they are not included in the conference fees. Reimbursement for accommodation and meals not included in the conference fees will be subject to Clauses 6.15-6.29.

Special requirement and carer expenses

- 6.31. Council encourages wide participation and interest in civic office. It will seek to ensure council premises and associated facilities are accessible, including provision for sight or hearing impaired councillors and those with other disabilities.
- 6.32. Transportation provisions outlined in this policy will also assist councillors who may be unable to drive a vehicle.
- 6.33. In addition to the provisions above, the general manager may authorise the provision of reasonable additional facilities and expenses in order to allow a councillor with a disability to perform their civic duties.
- 6.34. Councillors who are the principal carer of a child or other elderly, disabled and/or sick immediate family member will be entitled to reimbursement of carer's expenses up to a maximum of \$200 per month for attendance at official business, plus reasonable travel from the principal place of residence.
- 6.35. Child care expenses may be claimed for children up to and including the age of 16 years where the carer is not a relative.
- 6.36. In the event of caring for an adult person, councillors will need to provide suitable evidence to the general manager that reimbursement is applicable. This may take the form of advice from a medical practitioner.

7. Insurances

- 7.1. In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims.
- 7.2. Insurance protection is only provided if a claim arises out of or in connection with the councillor's performance of his or her civic duties, or exercise of his or her functions as a councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
- 7.3. Council shall pay the insurance policy excess in respect of any claim accepted by council's insurers, whether defended or not.
- 7.4. Appropriate travel insurances will be provided for any councillors travelling on approved interstate and overseas travel on council business.

Policy: Councillor Expenses and Facilities

8. Legal assistance

- 8.1. Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- a councillor defending an action arising from the performance in good faith of a function under the Local Government Act provided that the outcome of the legal proceedings is favourable to the councillor
 - a councillor defending an action in defamation, provided the statements complained of were made in good faith in the course of exercising a function under the Act and the outcome of the legal proceedings is favourable to the councillor
 - a councillor for proceedings before an appropriate investigative or review body, provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the matter has proceeded past any initial assessment phase to a formal investigation or review and the investigative or review body makes a finding substantially favourable to the councillor.
- 8.2. In the case of a code of conduct complaint made against a councillor, legal costs will only be made available where the matter has been referred by the general manager to a conduct reviewer and the conduct reviewer has commenced a formal investigation of the matter and makes a finding substantially favourable to the councillor.
- 8.3. Legal expenses incurred in relation to proceedings arising out of the performance by a councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a councillor acted corruptly would not be covered by this section.
- 8.4. Council will not meet the legal costs:
- of legal proceedings initiated by a councillor under any circumstances
 - of a councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation
 - for legal proceedings that do not involve a councillor performing their role as a councillor.
- 8.5. Reimbursement of expenses for reasonable legal expenses must have Council approval by way of a resolution at a council meeting prior to costs being incurred.

Policy: Councillor Expenses and Facilities

9. Withholding of Councillor Fees

- 9.1. Any councillors absent from a Council meeting (ie non-attendance and fails to submit an apology prior to the meeting) will have their Councillor fee for the month withheld to the amount of:
 - a) In the event the meeting has a quorum and still proceeds, [80%] of the monthly fee.
 - b) In the event the meeting does not have a quorum and needs to reschedule, [100%] of the month fee.
- 9.2. When Council considers a code of conduct complaint that results in the Councillor being censured or referred to the OLG, Council will seek to recover the costs incurred in regard to external investigator costs, from the councillor in breach. The method of recoupment cannot be by withholding annual payments so will be undertaken by the issuing of an invoice to the Councillor.



Part C - Facilities

10. General facilities for all councillors

Facilities

- 10.1. Council will provide the following facilities to councillors to assist them to effectively discharge their civic duties:
 - access to shared car parking spaces while attending council offices on official business
 - personal protective equipment for use during site visits
 - a name badge which may be worn at official functions, indicating that the wearer holds the office of a councillor and/or mayor or deputy mayor.
- 10.2. Councillors may book meeting rooms for official business in a specified council building at no cost. Rooms may be booked through the Governance & Executive Support Officer or the General Manager's Executive Assistant.
- 10.3. The provision of facilities will be of a standard deemed by the general manager as appropriate for the purpose.

Information and communications technology (ICT) expenses

- 10.4. Each Councillor will be provided with the following, if required:
 - A tablet/iPad;
 - An interest free loan up to a maximum amount of \$3,000 for the purchase of information technology equipment (computer and peripherals), which is to be repaid by a deduction from elected member fees, over a maximum period of 3 years and with a minimum payment of \$90 per month, with any balance outstanding is to be paid on cessation of office;
 - Access to and use of council photocopiers, telephones and computers at council offices for official Council use.
- 10.5. In addition, the Mayor will be provided with the following, if required:
 - A mobile phone for official Council use, including the cost of telephone calls for official duties.

Stationery

- 10.6. Council will provide business cards to councillors, if required.

Administrative support

- 10.7. Council will provide administrative support to councillors to assist them with their civic duties only. Administrative support will be provided by a member of council's administrative staff as arranged by the general manager or their delegate.
- 10.8. As per Section 4, council staff are expected to assist councillors with civic duties only, and not assist with matters of personal or political interest, including campaigning.

Policy: Councillor Expenses and Facilities

11. Additional facilities for the mayor

- 11.1. Council will provide to the mayor a maintained vehicle, to the standard described in Council's Replacement & Disposal of Plant, Equipment & Vehicles policy, with a fuel card. The vehicle will be supplied for use on Council business, professional development and attendance at the mayor's office, as well as incidental private use.
- 11.2. The mayor must keep a log book setting out the date, distance and purpose of all travel, including any private use. The log book must be submitted to council on a monthly basis.
- 11.3. The mayoral allowance will be reduced to cover the cost of any private travel recorded in the log book in excess of 30km per week, calculated on a per kilometre basis by the rate set by the Local Government (State) Award.
- 11.4. A parking space at council's offices will be reserved for the mayor's council-issued vehicle for use on official business, professional development and attendance at the mayor's office.
- 11.5. Council will provide the mayor with a furnished office incorporating a computer configured to council's standard operating environment, telephone and meeting space.
- 11.6. In performing his or her civic duties, the mayor will be assisted by a small number of staff providing administrative and secretarial support, as determined by the general manager.
- 11.7. As per Section 4, staff in the mayor's office are expected to work on official business only, and not for matters of personal or political interest, including campaigning.

Policy: Councillor Expenses and Facilities**Part D - Process****12. Approval, payment and reimbursement arrangements**

- 12.1. Expenses should only be incurred by councillors in accordance with the provisions of this policy.
- 12.2. Approval for incurring expenses, or for the reimbursement of such expenses, should be obtained before the expense is incurred.
- 12.3. Up to the maximum limits specified in this policy, approval for the following may be sought up to three months after the expense is incurred:
 - local travel relating to the conduct of official business
 - carer costs
- 12.4. Final approval for payments made under this policy will be granted by the general manager or their delegate.

Direct payment

- 12.5. Council may approve and directly pay expenses. Requests for direct payment must be submitted to the General Manager for assessment against this policy using the prescribed form, with sufficient information and time to allow for the claim to be assessed and processed.

Reimbursement

- 12.6. All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by appropriate receipts and/or tax invoices and be submitted to the General Manager.

Notification

- 12.7. If a claim is approved, council will make payment directly or reimburse the councillor through accounts payable.
- 12.8. If a claim is refused, council will inform the councillor in writing that the claim has been refused and the reason for the refusal.

Reimbursement to council

- 12.9. If council has incurred an expense on behalf of a councillor that exceeds a maximum limit, exceeds reasonable incidental private use or is not provided for in this policy:
 - council will invoice the councillor for the expense
 - the councillor will reimburse council for that expense within 14 days of the invoice date.
- 12.10. If the councillor cannot reimburse council within 14 days of the invoice date, they are to submit a written explanation to the general manager. The general manager may elect to deduct the amount from the councillor's allowance.

Policy: Councillor Expenses and Facilities**Timeframe for reimbursement**

- 12.11. Unless otherwise specified in this policy, councillors must provide all claims for reimbursement within three months of an expense being incurred. Claims made after this time cannot be approved.

13. Disputes

- 13.1. If a councillor disputes a determination under this policy, the councillor should discuss the matter with the general manager.
- 13.2. If the councillor and the general manager cannot resolve the dispute, the councillor may submit a notice of motion to a council meeting seeking to have the dispute resolved.

14. Return or retention of facilities

- 14.1. All unexpended facilities or equipment supplied under this policy are to be relinquished immediately upon a councillor or mayor ceasing to hold office or at the cessation of their civic duties.
- 14.2. Should a councillor desire to keep any equipment allocated by council, then this policy enables the councillor to make application to the general manager to purchase any such equipment. The general manager will determine an agreed fair market price or written down value for the item of equipment.
- 14.3. The prices for all equipment purchased by councillors under Clause 13.2 will be recorded in Council's annual report.

15. Publication

- 15.1. This policy will be published on council's website.

16. Reporting

- 16.1. Council will report on the provision of expenses and facilities to councillors as required in the Act and Regulations.
- 16.2. Detailed reports on the provision of expenses and facilities to councillors will be publicly tabled at a council meeting every six months and published in full on council's website. These reports will include expenditure summarised by individual councillor and as a total for all councillors.

17. Breaches

- 17.1. Suspected breaches of this policy are to be reported to the general manager.
- 17.2. Alleged breaches of this policy shall be dealt with by following the processes outlined for breaches of the Code of Conduct, as detailed in the Code and in the Procedures for the Administration of the Code.

Policy: Councillor Expenses and Facilities

Responsibilities

Councillors

Councillors will comply with all aspects of this policy at all times.

General Manager

The General Manager will monitor adherence to this policy and address any non-compliances that occur.

Director Corporate Services

The Director Corporate Services will ensure this policy is reviewed annually and that all reporting requirements are met in accordance with relevant legislation and guidelines.

Executive Support Staff

Executive Support staff will provide administrative support to Councillors in relation to items such as processing reimbursements and travel arrangements.

References and Related Legislation

- Local Government Act 1993 (sections 252 & 253)
- Local Government (General) Regulation 2005 (clauses 2017)

Version History

Version No.	Date	CM Ref	Reason for Review
1	16/12/2019	CD-49/21	Timed review
2	28/3/2022	CD-7/22	Timed review
3	DRAFT	CD-3/23	

General Manager's Unit

H.02.2

POLICIES FOR REVIEW

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Karen Boland - Governance & Executive Support Officer

PURPOSE

To review and adopt the policies provided in the attachment/s to this report.

RECOMMENDATION

That Council adopt the Policy: Conflict of Interest – Dealing with Council related development throughout the development process.

BACKGROUND

All new and revised policies of Council are endorsed by the Senior Management Group, and then put to Council for consideration and adoption, in accordance with the Controlled Documents operational policy.

REPORT/PROPOSAL

The NSW government has mandated that all Councils must have a conflict of interest policy in place for Council related development applications by 3 April 2023. Council has developed a draft policy based on the sample policy developed by NSW Government and is provided in attachment 1 for consideration.

OPTIONS

Council may adopt, amend or revoke the draft policies provided, as it sees fit.

CONSULTATION

- Senior Management Group

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.

General Manager's Unit

b. Delivery Program

- Advice and policy development that supports decision making

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The Controlled Documents operational policy identifies Council's process for creating, reviewing and revoking Council policies.

b. Financial Implications

Nil

c. Legislative Implications

Legislative references for each policy are provided in the policy details, as relevant.

d. Risk Implications

Current and accurate policies support Council in managing risks and help to ensure consistency of service.

e. Sustainability Implications

Nil

f. Other Implications

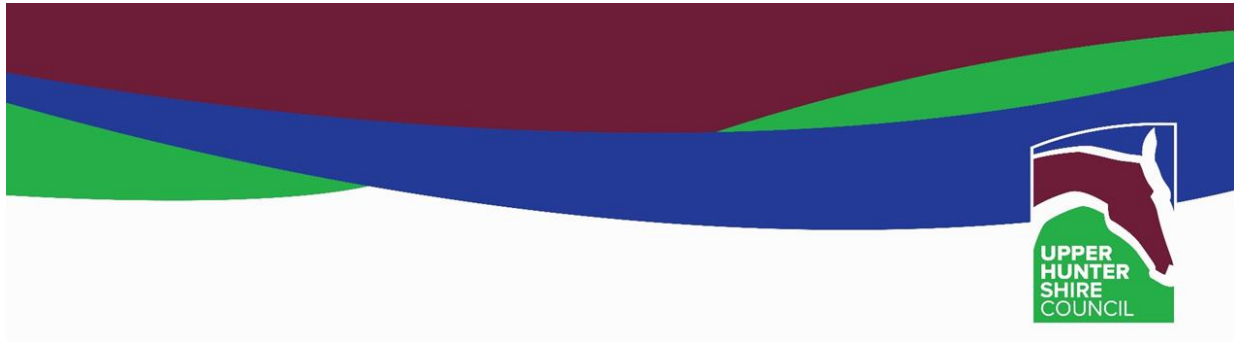
Nil

CONCLUSION

The NSW government has mandated that all Councils must have a conflict of interest policy in place for Council related development applications by 3 April 2023. Council has developed a draft policy based on the sample policy developed by NSW Government and is attached for Council's consideration.

ATTACHMENTS

- [1](#) Policy: Conflict of Interest – Dealing with Council related development throughout the development process.



POLICY

Conflict of Interest – Dealing with Council related development throughout the development process

Date adopted by Council	<date>
Minute number	<#>
Endorsed by	Senior Management Group
CM Ref	CD-2/23
Due for review	February 2027
Related documents	N/A
Responsible officer	Director Planning & Infrastructure Services
Department/Section	
Category	Regulatory Compliance
Community Strategic Plan goal	Responsible Governance 5.1 Effectively and efficiently manage the business of Council, while encouraging an open and participatory Council with an emphasis on transparency, community engagement, action and response

Adopted <date>

page 1 of 5

Policy: Conflict of Interest – Dealing with Council related development throughout the development process



Policy Statement

Council is a development regulator but can also be the developer, landowner or hold a commercial interest in the land it regulates. As a result, an inherent conflict can arise between Council's interests in the development and its duty as a regulator.

Identifying these conflicts of interest early and finding ways to address them is crucial to good governance and allows Council to strengthen its relationship with the community and build and enhance trust.

Objective

This policy aims to manage potential conflicts of interest and increase transparency at all stages of the development process for council-related development.

Scope

This policy applies to council-related development.

Definitions

application	means an application for consent under Part 4 of the Act to carry out development and includes an application for a complying development certificate and an application to modify a development consent
council	means Upper Hunter Shire Council
Council-related development	means development for which the council is the applicant developer (whether lodged by or on behalf of council), landowner, or has a commercial interest in the land the subject of the application, where it will also be the regulator or consent authority
Development process	means application, assessment, determination, and enforcement
the Act	means the Environmental Planning and Assessment Act 1979.

* A word or expression used in this policy has the same meaning as it has in the Act, and any instruments made under the Act, unless it is otherwise defined in this policy.

** Notes included in this policy do not form part of the policy.

Policy Details

1. Management controls and strategies

- 1.1 The following management controls may be applied to:
 - a. The assessment of an application for council-related development
 - Applications for council-related development (other than the kinds of development listed under clause 1.2 below) shall be assessed by an independent planning consultant engaged by Council.

Adopted Date:

Status: Draft

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Policy: Conflict of Interest – Dealing with Council related development throughout the development process



- b. The determination of an application for council-related development
 - All applications (other than an application to modify a development consent pursuant to Section 4.55(1) of the Act) for Council-related development shall be determined by Council.
 - Applications for Council related development (other than the kinds of development listed under clause 1.2 below) shall only be determined by Council following a peer review of the assessment report by a neighbouring Council.
 - c. The regulation and enforcement of approved council-related development
 - Building and subdivision certification (Part 6 of the Act) in respect of Council-related development (other than the kinds of development listed under clause 1.2 below), shall be undertaken by a private certifier engaged by Council.
 - Enforcement matters relating to Council-related development (other than the kinds of development listed under clause 1.2 below), shall be referred to a neighbouring Council or external consultant for investigation and recommended action. The outcome of the investigation and recommendation shall be reported to the full Council. Enforcement matters relating to other Council-related development shall be investigated by Council staff and reported to the full Council.
- 1.2 The management strategy for the following kinds of development is that no management controls need to be applied:
- a. commercial fit outs and minor changes to the building façade
 - b. internal alterations or additions to buildings that are not a heritage item
 - c. advertising signage
 - d. minor building structures projecting from a building facade over public land (such as awnings, verandas, bay windows, flagpoles, pipes, and services)
 - e. development where the council might receive a small fee for the use of their land.
 - f. development having a capital investment value of less than \$1,000,000.

2. Identifying whether a potential conflict of interest exists, assessment of level risk and determination of appropriate management controls

- 2.1 Development applications lodged with the council that are council-related development are to be referred to the general manager for a conflict-of-interest risk assessment.

Note: Council-related development is defined in the definitions section of this policy.

- 2.2 The general manager is to:

Adopted Date:

Status: Draft

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Policy: Conflict of Interest – Dealing with Council related development throughout the development process



- a. assess whether the application is one in which a potential conflict of interest exists,
- b. identify the phase(s) of the development process at which the identified conflict of interest arises,
- c. assess the level of risk involved at each phase of the development process,
- d. determine what (if any) management controls should be implemented to address the identified conflict of interest (in each phase of the development process if necessary) having regard to any controls and strategies outlined in clause 1 of the policy and the **outcome of the general manager’s assessment of the level of risk** involved as set out clause 2.2(c) of the policy,

Note: The general manager could determine that no management controls are necessary in the circumstances.

- e. document the proposed management approach for the proposal in a statement that is published on the NSW Planning Portal.

Note: The following is an example of a statement that could be published by councils to document its proposed management approach in a particular circumstance.

Scenario

BlueStar Council is upgrading one of their assets, 'Blue River Civic Place'. Council is the landowner and the applicant and is proposing to redevelop the site into a mixed-use development with a total capital investment value (CIV) of \$4.9 million. The development application seeks approval for the construction and use of an additional 2 storeys on an existing 3 storey building comprising a childcare centre, commercial office spaces and partial use of the building for council's public administration

Example management statement

<i>Council conflict of interest management statement</i>	
Project name	Blue River Civic Place
DA number	DA21/0001
Potential conflict	BlueStar Council is the applicant. Blue River Civic Place has an estimated capital investment value of \$4.9 million and the council expects to receive revenue through renting commercial office spaces.
Management Strategy	<p>The council is managing potential conflicts of interest in this matter as follows:</p> <ul style="list-style-type: none"> • The application will be referred to the local planning panel to determine the development application. • Council development assessment staff not involved with preparing the application will assess the DA. The staff will remain separated from the project team. • A private certifier will be engaged to undertake the certification for the development. • Green Hill Council has agreed to peer review any regulatory decisions should compliance decisions be made. • Key project milestones following the development consent will be reported at a public council meeting.
Contact	Anyone with concerns about council fulfilling its obligations should report their concerns to the council.

Policy: Conflict of Interest – Dealing with Council related development throughout the development process



Responsibilities

Councillors (policy template only)

Councillors will review and adopt this policy as required.

Senior Management Group

The Senior Management Group will review and endorse this policy as required.

Director Planning & Infrastructure Services

The Director Planning & Infrastructure Services will ensure this policy is reviewed and updated accordingly and will present the final policy to SMG for review and endorsement. The Director will ensure that management statements are published on the NSW Planning Portal.

All Staff

All staff will abide by this policy and provide constructive feedback to their respective coordinator, supervisor or manager in relation to the policy and its implementation.

References and Related Legislation

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2021
- Council-related Development Application Conflict of Interest Guidelines

Version History

Version No.	Date	CM Ref	Reason for Review
1	17/02/2023		

Adopted Date:

Status: Draft

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Infrastructure Services

INFRASTRUCTURE REPORTS

I.02.1 **SCONE WATER TREATMENT PLANT**

RESPONSIBLE OFFICER: Mathew Pringle - Director Planning & Infrastructure Services

AUTHOR: Grahame Wilson - Manager Water & Sewer

PURPOSE

The purpose of this report is to provide the Council with information on a new joint project with Muswellbrook Shire Council to investigate the feasibility of building a combined water treatment plant for the two Local Government Areas (LGAs). The purpose also is to gain endorsement on funding arrangements.

RECOMMENDATION

That Council:

1. receive the report and support the investigation of a joint water treatment facility;
2. approve an initial budget of \$20,000.00 to commence investigations; and
3. delegate authority to the General Manager to approve expenditure for this project.

BACKGROUND

Previous Council Reports

This is the first report to Council on this matter. A concept of a Water Treatment Plant for Scone, at Gundy Road, has been identified in previous Infrastructure Services reports. The Scone Water Treatment Plant project, combined with Muswellbrook Shire Council, will place the existing Scone Water Treatment project on hold until this joint project concept is investigated.

REPORT/PROPOSAL

Upper Hunter Shire Council (UHSC) has undertaken several steps to deliver a water treatment plant for the shire. Planning identified a parcel of land on Gundy Road as the optimum site. The land was purchased and the Glenbawn Dam to Scone pipeline was built through this property with the intent of building a water treatment facility.

In November 2022, Council was approached by Safe and Secure Water (SSW) which undertook a risk assessment of water supplies across NSW. The Glenbawn Dam supply was considered high risk due to lack of filtering and UHSC was offered a grant to design a new treatment plant for the Scone region. UHSC indicated that it would accept that offer (this decision was detailed in the 8 November 2022 Infrastructure Services Committee Water and Sewer report). The plan was to design a water treatment plant on the Gundy Road site.

In late November 2022, Muswellbrook Shire Council (MSC) approached UHSC to discuss the possibility of developing a joint water treatment plant. The basis for the discussion was a GHD report MSC had commissioned to evaluate options. The report had identified a site at Brushy Hill, about 3km Scone side of Glenbawn Dam, that was considered to be the best and most likely feasible option.

Infrastructure Services

A meeting occurred on 2 December 2022 with MSC Acting General Manager and Mayor, UHSC General Manager and Mayor, NSW Health, Department of Planning and Environment (DPE) together with other Council officers. At the meeting, it was decided a joint water treatment plant should be investigated to confirm that this option was more cost effective than two plants in the two different LGAs. It was confirmed that the group should act as the Project Control Group (PCG). The Manager Water and Sewer for UHSC was given the task to facilitate the process.

The newly formed PCG met on 24 January 2023 to receive an update on the project and consider some procedural matters. The following matters were discussed at the meeting:

- PCG Terms of Reference
- Project Brief

It was confirmed the project will consist of three phases being:

1. Technical Feasibility Assessment confirming it is the right plant in the right location
Other sites to be reconsidered if assessed as technically possible
2. Design
3. Construction

The technical feasibility steps include:

1. Obtaining approval to acquire the land
2. Proving planning approvals can be achieved
3. Layout design to confirm the site size requirements
4. Plant detail to confirm topography requirements
5. Geotechnical site assessment
6. Quantity assessment

Risks

The greatest risk is the design of a plant that is too expensive to construct. To reduce the possibility that this will occur, the involvement of key NSW Government stakeholders has been included which will provide early notification of the need for funding and ensure we design to the required parameters of what is likely to be funded.

OPTIONS

There are 4 possible options for consideration:

1. Continue with the investigation of a joint water treatment plant
2. Each Council design and install separate plants in each separate LGA
3. Defer the design process into the future, to agree and scope at a later date
4. Do nothing and abandon the Safe and Secure Water grant process

CONSULTATION

The following personnel have been consulted in the collation of this report:

- UHSC General Manager
- UHSC Director Planning and Infrastructure
- UHSC Manager Water & Sewer
- UHSC Manager Finance

Infrastructure Services

STRATEGIC LINKS

a. Community Strategic Plan 2032

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

Quality Infrastructure

Maintaining and developing our infrastructure network to meet the ongoing needs of our population.

- 4.3 Provide safe and reliable water and sewerage services to meet the demands of current and future generations.

b. Delivery Program

This project currently does not form part of the delivery program. It is expected the investigation be undertaken over the next 18 months and will be reflected in future delivery program schedules.

c. Other Plans

Nil.

IMPLICATIONS

a. Policy and Procedural Implications

Nil.

b. Financial Implications

To commence and progress the project there needs to be funding to facilitate staff time and consultant costs. This will not be able to be shared in any grant process. The logic is a small allocation of funds would be allocated to commence the project. This is recommended to be \$20,000 from UHSC and \$20,000 from MSC, where all costs incurred on this project will be split 50/50.

An application will be made to Safe and Secure Water (DPE) for grant funding based on 60% DPE, 40% Council (20% UHSC and 20% MSC). This will apply to future works once the grant is received and a deed is accepted.

All future funding of this project (Council's contribution) will be from the Reserve Water Fund.

c. Legislative Implications

Nil.

d. Risk Implications

As above.

e. Sustainability Implications

Nil.

Infrastructure Services

f. Other Implications

Nil.

CONCLUSION

Council had planned to undertake the design of a new water treatment plant at the Gundy Road site that would service part of the Upper Hunter Shire LGA. Muswellbrook Shire Council has requested we reconsider and design a joint facility to service both LGAs with potential capital and operating cost savings.

It is planned to undertake the necessary investigation to prove if a joint facility is the best option. This investigation will prove to future grant funding organisations that UHSC has considered all options and has designed the most optimal water treatment solution.

ATTACHMENTS

Nil.

General Manager's Unit

NM.02.2

NOTICE OF MOTION - COUNCILLOR ATTENDANCE AT MEETINGS & BRIEFINGS

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

The following notice of motion has been received from Cr Allison McPhee:

MOTION

That Council include Councillor attendance of briefings, Council meetings and Council Committee meetings as well as LG Hub activity in the quarterly KPI report at the Corporate Services Committee meetings.

RATIONALE:

The Corporate Services report is to give a full performance report of the organisation as a whole. One area of performance that is not being measured is that of Councillors. The single greatest measure of a Councillor's performance is attendance at briefings, Council meetings and Council Committee meetings. Staff have recently provided Council meeting and Council Committee attendance records. A Question with Notice this month is to provide information about attendance at briefings.

Preparation for all meetings is imperative to ensure that a Councillor is able to make decisions based on sound knowledge of the agenda item and is done so through reading all of the relevant information provided through the LG Hub. Activity on the LG Hub is a very strong indicator of how much a Councillor prepares for meetings.

STAFF COMMENT:

This information can be included in the Corporate Services Committee quarterly report.

General Manager's Unit

NM.02.3

***NOTICE OF MOTION - NEED FOR RIGHT TURN AT SCONE
CEMETERY***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

The following Notice of Motion has been received from Cr Lee Watts:

MOTION

That Council:

1. raise with the State Member, Dave Layzell, and copy in Minister for Transport, the immediate need to create a right hand turning lane into the Scone Lawn Cemetery heading North of Scone; and,
2. seek funding for a road to run adjacent to the railway line providing an alternative route to the cemetery.

COUNCILLOR RATIONALE

While statistics on any day may not show the numbers required for this change, this turn is essential for all cars attending a funeral, often in excess of seventy vehicles. Cars have to wait for a break in traffic on a busy highway.

STAFF COMMENT

This matter has been raised a number of times with Transport for NSW. Their latest audits of the intersection of New England Highway and Common Road, Scone, indicate there is no warrant for a right turn bay given the low traffic volumes under normal conditions. It is recognised that during a funeral, there could be significant traffic volumes turning right at this location however the frequency of these events has not been sufficient for Transport for NSW to reconsider their position. Staff are investigating other options to address the issue and will continue to seek Transport for NSW's reconsideration.

General Manager's Unit

QUESTIONS WITH NOTICE

QWN.02.1

QUESTIONS WITH NOTICE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RECOMMENDATION

That Council note the questions received and responses provided.

REPORT

The following questions with notice have been received. Responses to each question are provided below.

Cr McPhee

1. Could Council please be provided with the number of briefings held before Ordinary Council meetings each Councillor attended in 2022?

Response: The attached table shows Councillors' attendance at the briefing sessions held prior to the ordinary Council meetings in 2022.

2. Could Council please be provided with the costs accrued for Internal Investigations relating to Councillor conduct in 2022 and the outcomes of those investigations?

Response: Council has expended external funds on two Code of Conduct matters in 2022. The first was considered by Council at its meeting in August where it was resolved to note the report and send to the Office of Local Government and Minister for Local Government seeking advice. For the second matter Council resolved at its November meeting to apply a censure and refer the matter to the Office of Local Government. The cost of these investigations, excluding staff time, was \$18,265.15.

ATTACHMENTS

- 1 [↓](#) Councillor Attendance at Briefing Sessions

2022	Cr Abbott	Cr Burns	Cr Campbell	Cr Clout	Cr Collison	Cr Flaherty	Cr McPhee	Cr Watts	Cr Williamson	Comments
Councillor Briefing Sessions										
31 January 2022										
Kerbside Collection Update	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Committee Structure	✓	✓	✓	✓	✓	✓	✓	✓	✓	
28 February 2022										
Presentation on Hills of Gold Wind Farm	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Presentation on Gummun Place	✓	✓	✓	✓	✓	✓	✓	✓	✓	
28 March 2022										
Staff Structure	✓	✓	✓	✓	✓	✓	✓	✓	✓	
26 April 2022										
Presentation on Priority Weeds	✓	✓	✓	✓	✓	✓	✓	✓	✓	
30 May 2022										Cr Abbott on leave of absence for 3 months from 16/5/22
Drought Emergency Response Management Plan - Presentation by GHD	L	✓	✓	✓	✓	X	X	X	✓	
Water Infra NSW - Lostock Dam to Glennies Creek Dam Pipeline Project	L	✓	✓	✓	✓	X	X	X	✓	
LG Hub Training - MR358 Update - Agenda Items	L	✓	✓	✓	✓	X	✓	✓	✓	Crs McPhee & Watts attended LG Hub Training
27 June 2022										
Scone Neighbourhood Resource Centre - Cost of fit-out for VIC	L	✓	✓	✓	✓	X	✓	✓	✓	
Warbirds Over Scone - Analysis of Event	L	✓	✓	✓	✓	X	✓	✓	✓	
25 July 2022	L	✓	✓	✓	✓	X	✓	✓	✓	
29 August 2022										Cr Flaherty on leave of absence until 3 October 2022 Cr Abbott on extended leave until 15 November 2022
Agenda Items CR.08.12, H.08.1, CR.08.1, CR.08.2, CR.08.11	L	✓	✓	✓	✓	L	✓	✓	✓	
26 September 2022	L	✓	✓	✓	✓	L	✓	✓	✓	
31 October 2022										
Organisational Structure	L	✓	✓	✓	✓	X	✓	✓	✓	
End of Year Finance Update	L	✓	✓	✓	✓	X	✓	✓	✓	
Merriwa Footpath Presentation	L	✓	✓	✓	✓	X	✓	✓	✓	
Rates Capping Submission	L	✓	✓	✓	✓	X	✓	✓	✓	
28 November 2022										Cr Abbott resigned
Briefing on the Central West Orana Renewable Energy Zone	-	✓	✓	✓	✓	X	✓	✓	✓	
Scone CBD Revitalisation Project Update	-	✓	✓	✓	✓	X	✓	✓	✓	
Annual Report	-	✓	✓	✓	✓	X	✓	✓	✓	
19 December 2022										Belinda McKenzie was elected Councillor following the count-back election and attended the December briefing session
Library Options	-	✓	✓	✓	✓	X	✓	✓	✓	
Grant Funding	-	✓	✓	✓	✓	X	✓	✓	✓	
Shire Branding	-	✓	✓	✓	✓	X	✓	✓	✓	
Scone CBD Tender	-	✓	✓	✓	✓	X	✓	✓	✓	

General Manager's Unit

CORR.02.1

CORRESPONDENCE

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RECOMMENDATION:

That Council note the following correspondence received from:

1. The Hon Barnaby Joyce – response to Council in relation to the closure of bank branches in regional Australia and the Commonwealth Postal Savings Bank Bill being introduced in the Federal Parliament by Mr Bob Katter MP; and,
2. The Hon James Griffin – response in relation to Section 88 Domestic Waste Management Service Charge.

At its meeting on 19 December 2022, Council resolved to:

Note that:

- a. *bank branch and ATM closures are leaving many communities without access to financial services, especially in regional Australia.*
 - b. *since 1975 the number of bank branches in regional Australia has fallen by more than 60 per cent, and there are more than 1,500 communities across Australia with no bank branches at all.*
 - c. *a large proportion of the population, including the elderly, disabled, small businesses and local schools and charities will always have a need for face-to-face financial services despite advances in technology.*
 - d. *for hundreds of communities, their only access to cash and financial services is through Bank@Post at their community Post Office.*
 - e. *Bank@Post is an essential service to all communities but is vulnerable to commercial decision-making by the banks, which can choose to withdraw their participation.*
2. *call on the Commonwealth Parliament to pass the Commonwealth Postal Savings Bank Bill to establish a post office people's bank, fully guaranteed by the Commonwealth, as a dedicated postal savings bank, operating exclusively through Australia Post's corporate and licensed post offices, which will ensure basic banking services—including deposit-taking, business and personal lending, and access to cash—are available to all Australians, and will contribute to Australia's national economic development.*
 3. *write and make representations to the Hon Mr Barnaby Joyce MP Member for New England and call upon him to support the bill in the Federal Parliament called the Commonwealth Postal Savings Bank Bill when introduced by Mr Bob Katter MP.*

At its meeting on 19 December 2022, Council resolved to endorse and support the Hunter Organisation's campaign on Section 88 contributions for the EPA and make representations to the Minister for Environment and Heritage.

General Manager's Unit

REPORT/PROPOSAL

Council wrote to the Hon Mr Barnaby Joyce MP in January 2023 seeking his support for the Commonwealth Postal Savings Bank Bill and received the attached letter advising that Mr Joyce shares Council's concerns and will closely examine and consider the details of the Bill when it comes before the Parliament.

Council wrote to the Minister for Environment and Heritage, the Hon James Griffin MP, in January 2023 requesting that he make representations in support of the return of 100% of section 88 waste levy. Council has received the attached copy of a letter addressed to Mr Dave Layzell, Member for Upper Hunter, advising that the next review of the waste levy is due to commence this year and encourages Council and the Hunter Joint Organisation to participate in the review when it begins.

ATTACHMENTS

- 1 [↓](#) Response from the Hon Barnaby Joyce MP - Commonwealth Postal Savings Bank Bill
- 2 [↓](#) Response from the Hon James Griffin - Minister for Environment & Heritage - Section 88 Waste Levy



The Hon Barnaby Joyce MP

Federal Member for New England

Our ref: NE45268

31 January 2023

Mr Greg McDonald
General Manager
Upper Hunter Shire Council
PO Box 208
SCONE NSW 2337

Via e-mail: council@upperhunter.nsw.gov.au

Dear Mr McDonald *Greg,*

Thank you for your letter of 10 January 2023 regarding Upper Hunter Shire Council's motion at its meeting on 19 December 2022 regarding the closure of bank branches, particularly in regional Australia, and the Commonwealth Postal Savings Bank Bill being introduced in the Federal Parliament by the Member for Kennedy, Mr Bob Katter MP.

I have noted the details of Council's motion and share Council's concerns in relation to this important issue.

I am very much aware of the Commonwealth Postal Savings Bank proposal and my Nationals colleagues and I will closely examine and consider the details of this Bill when it comes before the Parliament.

You may be assured I will bear the concerns raised by Council in mind when dealing with this proposal and thank you once again for writing to me.

Yours sincerely

The Hon Barnaby Joyce MP
Federal Member for New England
Shadow Minister for Veterans' Affairs

bj.lt.tam

454-456 Peel Street (PO Box 963), Tamworth NSW 2340 | T 02 6761 3080 | F 02 6761 3380 | E Barnaby.Joyce.MP@aph.gov.au
255 Rouse Street, Tenterfield NSW 2372 | T 02 6736 1099 | F 02 6736 1433



The Hon. James Griffin MP
Minister for Environment and Heritage

MD23/378

Mr Dave Layzell MP
Member for Upper Hunter
20 Bridge Street
MUSWELLBROOK NSW 2333

By email: upperhunter@parliament.nsw.gov.au

Dear Mr Layzell *Dave,*

Thank you for your letter on behalf of Mr Greg McDonald, General Manager of Upper Hunter Shire Council, regarding waste levy charges for the Upper Hunter Shire Council and the Hunter Joint Organisation's campaign for the full return of the waste levy to local councils. I appreciate you bringing his concerns to my attention. Mr McDonald also wrote to me on this matter, and I ask that this be accepted as a response to all correspondence.

As you may be aware, the *NSW Waste and Sustainable Materials Strategy 2041* sets out the NSW Government's approach to making the transition to a circular economy over the next 20 years. The NSW Government is investing \$356 million over five years to deliver priority programs and policy reforms under the Strategy. This will support local councils to deliver against the priorities set out in the Strategy, as well as the reinvestment opportunities listed in Mr McDonald's letter, in areas such as: circular economy infrastructure, community recycling centres, litter and illegal dumping reduction, food waste avoidance and carbon recycling and abatement programs.

I understand the Upper Hunter Shire Council, aligning with the Hunter Joint Organisation's position, seeks the full return of the waste levy collected to local government for waste and circular economy opportunities. As part of implementing the Strategy, the NSW Environment Protection Authority will put in place a formal five-yearly review of the waste levy to ensure it is continuing to achieve its policy objectives, including a review of the levy area boundaries.

I am pleased to inform you that the next review of the waste levy is due to commence this year. I encourage the Upper Hunter Shire Council and the Hunter Joint Organisation to participate in the review when it begins.

As you may know, the waste levy aims to reduce the amount of waste being landfilled and to promote recycling and resource recovery. All waste levy funds in NSW are returned to consolidated revenue, with minimum a third returned to the environment portfolio. In the 2022/23 Budget, the NSW Government invested over \$2.3 billion in environmental programs, which exceeds the revenue received from waste levy collections. Many of these programs fund council environmental programs and operations.

Over the last nine years, the waste levy has also funded the \$800 million Waste Less, Recycle More program, the largest waste program of its kind in Australia, and continues to fund the implementation of the Strategy.

Under the Strategy, working with local government is pivotal in creating circular economy opportunities and ensuring waste is sustainably managed, from increasing the collection and processing of organic waste streams to tackling litter and illegal dumping in public spaces.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5240 ■ W: nsw.gov.au/ministergriffin

If Mr McDonald has any further questions about the review of the waste levy, please contact Mr Asela Atapattu, Director, Major Projects and Initiatives, Regulatory Policy, Initiatives and Advice, on 9995 5608 or at asela.atapattu@epa.nsw.gov.au.

Thank you for taking the time to bring this matter to my attention.

Yours sincerely



James Griffin MP
Minister for Environment and Heritage

16/2/23



Infrastructure Services

CR.02.2 **TENDER 11/2023 FY23 WATER MAIN RENEWAL - TENDER RECOMMENDATION**

RESPONSIBLE OFFICER: Jeff Bush - Manager Strategic Assets

AUTHOR: Julian Bailey - Project Manager

This matter is considered to be confidential under Section 10A(2) (d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

PURPOSE

The purpose of this report is to outline the process that has been followed for the evaluation of Tender No. 11/2023 Water Main Renewal (FY23), to make a recommendation to award the tender, and to confirm the project budget.



Corporate & Community Services

CR.02.3

***TENDER T142223HUN – SUPPLY AND DELIVERY OF
DUCTILE IRON CEMENT LINED PIPES, WATER & SEWER
FITTINGS AND VALVES***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community
Services

This matter is considered to be confidential under Section 10A(2) (d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

PURPOSE

Council participated in a single source tender for the Supply and Delivery of Ductile Iron Cement Lined Pipe, Water and Sewer Fittings and Valves with a number of other Hunter Council participants that was facilitated by Regional Procurement. The tender period will be for a 24 month period from 1 January 2023 to 31 December 2024 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.



Corporate & Community Services

CR.02.5 ***TENDER - T132223HUN – SUPPLY AND DELIVERY OF BULK CATIONIC BITUMEN CRS (EMULSION)***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

This matter is considered to be confidential under Section 10A(2) (d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

PURPOSE

Council participated in a single source tender for the Supply and Delivery of Bulk Cationic Bitumen CRS (emulsion) with a number of other Hunter Council participants that was facilitated by Regional Procurement. The tender period will be for a 24 month period from 1 January 2023 to 31 December 2024 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.



Corporate & Community Services

CR.02.6 **TENDER - T152223HUN – SUPPLY AND DELIVERY OF BULK WATER TREATMENT CHEMICALS**

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community Services

This matter is considered to be confidential under Section 10A(2) (d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

PURPOSE

Council participated in a single source tender for the Supply and Delivery of Bulk Water Treatment Chemicals with a number of other Hunter Council participants that was facilitated by Regional Procurement. The tender period will be for a 24 month period from 1 January 2023 to 31 December 2024 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.



Corporate & Community Services

CR.02.9

***TENDER - T202223HUN – PROVISION OF ROAD
STABILISING***

RESPONSIBLE OFFICER: Greg McDonald - General Manager

AUTHOR: Wayne Phelps - Acting Director Corporate & Community
Services

This matter is considered to be confidential under Section 10A(2) (d)(i) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) confer a commercial advantage on a competitor of the Council.

PURPOSE

Council participated in a Panel Source tender for the Provision of Road Stabilising with a number of other Hunter Council participants that was facilitated by Regional Procurement. The tender period will be for a 24 month period from 1 January 2023 to 31 December 2024 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.

