



muswellbrook
shire council

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 23 APRIL 2024



MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
17 April 2024

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Training Room, Level 2, University of Newcastle - Upper Hunter Campus, 87 Hill Street, Muswellbrook, NSW 2333 Australia on **Tuesday 23 April 2024** commencing at 6:00 pm.

Derek Finnigan
GENERAL MANAGER



Council Meetings

Meeting Principles

Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.



Declarations of Interest

Statement of Ethical Obligations

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of Councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of interest.

Section 451 of the Local Government Act requires that if a Councillor or Member of a Council or committee has a pecuniary interest in any matter before the Council or Committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A Councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.



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- 1. Applications for Attendance via Audio Visual Link**
- 2. Acknowledgement of Country**
- 3. Civic Prayer**
- 4. Apologies and Applications for a Leave of Absence**
- 5. Confirmation of Minutes**

Ordinary Council Meeting held in 26 March 2024

RECOMMENDATION

The Minutes of the Ordinary Council Meeting held on **26 March 2024**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

- 6. Disclosure of any Pecuniary or Non-Pecuniary Interests**
- 7. Mayoral Minute**
Nil
- 8. Public Participation**
- 9. Business Arising (From Previous Meetings)**
Nil



10. Business (Specific Reports)

10.1. Planning and Environment

10.1.1. DA 2023-14 - Storage Complex, Turner Street Denman

- Attachments:**
1. Attachment A - Section 4.15 Assessment Report [10.1.1.1 - 37 pages]
 2. Attachment B - DA 2023-14 - Recommended Conditions of Consent [10.1.1.2 - 17 pages]
 3. Attachment C - DA 2023-14 - Plans [10.1.1.3 - 13 pages]
 4. Attachment D - Submissions [10.1.1.4 - 19 pages]

Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Hamish McTaggart (Development Co-Ordinator)

Community Plan Issue: Not Applicable

Community Plan Goal: Not Applicable

Community Plan Strategy: Not Applicable

Not applicable

PURPOSE

This report has been prepared to assist Council in its determination of DA 2023/14. The development application involves the establishment of a storage premises at Lot 42 DP 771226 (Corner of Bell St and Turner St, Denman).

The application has been reported to Council for determination as:

- Council received a total of eleven submissions related to the proposed development; and
- The development application is a Council related development and Council is the owner of the land subject to this proposal.

In compliance with Council processes for the assessment of Council development, Council Officers engaged an external Planning Consultant to undertake the assessment of the application. Their assessment report is attached, and its conclusions have informed the recommendation before Council.

OFFICER'S RECOMMENDATION

Council grants development consent to development application DA 2023/14, being the establishment of a storage premises at Lot 42 DP 771226, subject to the recommended conditions of consent included in Attachment B.

Moved: _____ **Seconded:** _____



DESCRIPTION OF THE PROPOSED DEVELOPMENT

The development application relates to Lot 42 DP 771226. The subject site is a vacant site located at the corner of Turner and Bell Streets, Denman, opposite the Denman Recreation Area and adjoining the Ulan to Muswellbrook Railway. The site is identified in the image below.



The development application seeks to establish a storage premises comprised of the following:

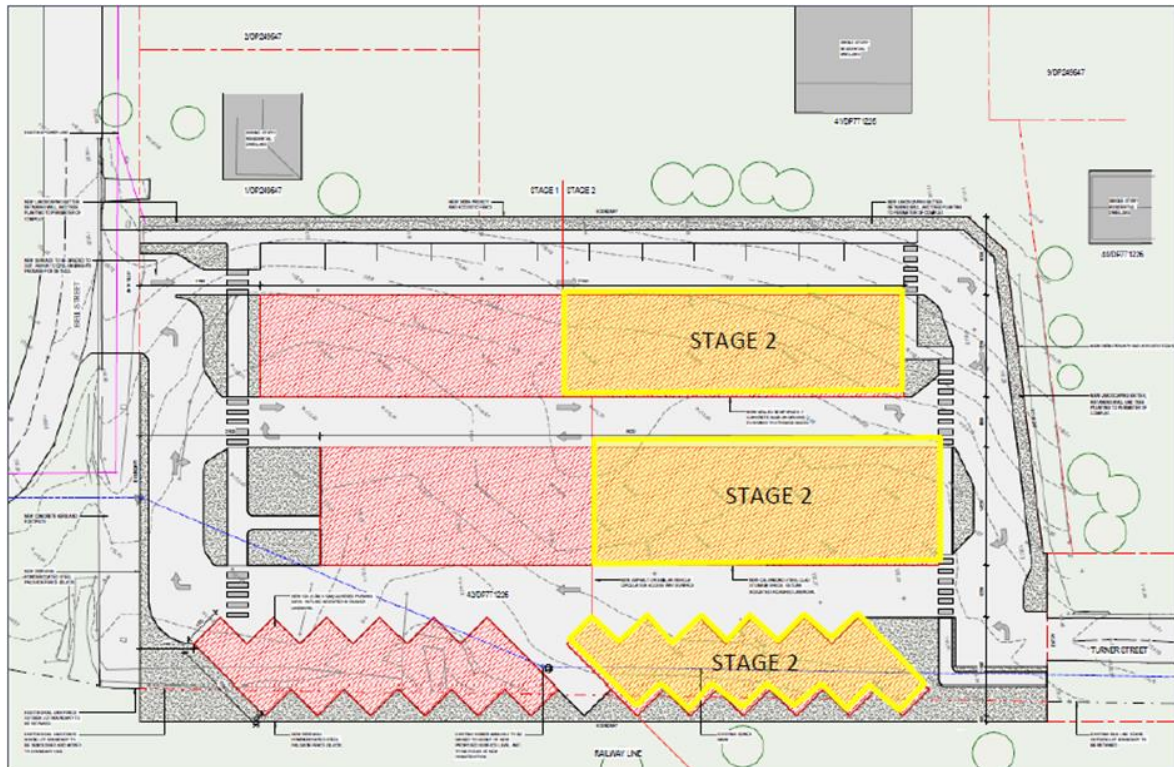
- Two (2) Storage Buildings with a floor area of 924 m² and 1,036 m².
- These two buildings will be divided into 103 individual storage units with floor areas ranging in size from 14.5 m² to 37.8 m².
- Twelve (12) storage bays (covered but not enclosed) with a covered area of 54 m².
- One (1) cleaner's store.
- One (1) unisex accessible toilet.
- Eleven (11) car parking spaces (including 1 accessible space).
- Business Identification Signage.

The image below shows the general layout of premises and storage unit arrangement.



The application has proposed to construct the storage premises in two (2) Stages.

Stage 1 will include all site works, associated infrastructure, services, and the southern part of the storage facility buildings. Stage 2 will include completion of the northern half of the storage buildings. Refer to Figure 2 below for further details of the two stages of the proposed development.





The applicant has proposed that the premises would be operated unattended by staff, with access for renters facilitated by the application of a passcode. The applicant initially proposed that the passcode would permit 24/7 access to the facility but has advised that they would accept a condition limiting the operating hours to between 7:00am – 10:00pm Monday to Friday and 8:00am – 9:00pm Saturday and Sunday.

ASSESSMENT SUMMARY

As Council is the owner of the land, the development application is 'Council related development'. To ensure transparency in the assessment of this application, an external Planning Consultant has undertaken the assessment. The Planning Consultant's Section 4.15 Assessment report (attachment A) recommended the application be granted development consent subject to the recommended conditions of consent contained in Attachment B.

Key findings of the assessment include:

- The land is zoned RU5 Village under the Muswellbrook Local Environmental Plan (MLEP) 2009. The proposed 'storage premises' is a type of development permissible with consent within the RU5 zone. The development is consistent with other development standards applicable under MLEP 2009.
- A Preliminary Site Investigation was submitted to consider potential site contamination. The findings of this assessment were supportive of the development progressing subject to the removal of a stockpile of uncontrolled fill (approximately 6m³) from the site. Further related commentary is included in the assessment report heading related to SEPP (Resilience and Hazards) 2021.
- The proposed development is consistent with the provisions of other relevant State Environmental Planning Policies.
- The proposed development is consistent with the relevant provisions of the Muswellbrook Development Control Plan.
- Prior to 1977, the land subject to this development application was owned by NSW Public Transport. The land was transferred into the ownership of the Denman Shire Council (since amalgamated with Muswellbrook Shire Council). A search of Council's records did not identify any approved development of the site between 1977 and the present or any information related to any use of the land within that period. A similar development application was previously lodged for the site, however, was withdrawn by the applicant prior to its determination (DA 2021/125).
- The proposed development was referred to the following Government Agencies and Council Officers/Sections:
 - AUSGRID;
 - Australian Rail Track Corporation (ARTC);
 - Council's Water & Wastewater team;
 - Council's Building Surveyor;
 - Council's Senior Environmental Health Officer; and
 - Council's Roads and Drainage team.

The referral advice is summarised under the referrals heading of the attached Section 4.15 Assessment report and have informed the recommended conditions of consent.

- The final design of the proposed development involves the discharge of stormwater into the adjoining Australian Rail Track Corporation (ARTC) Rail corridor. ARTC did not object subject to recommended conditions of consent, including the submission of a stormwater design for approval prior to the issue of a Construction Certificate to demonstrate that the detailed stormwater discharge design will not have an adverse impact on the rail corridor.
- Access to the premises was proposed to be 24 hours per day, 7 days per week (24/7).



The Assessing Consultant recommended a condition of consent limiting site access to between 7:00am – 10:00pm Monday to Friday and 8:00am – 9:00pm Saturday and Sunday. This recommendation has been accepted by the applicant. Several additional operating conditions relating to the management of noise from the proposed facility are also recommended (see conditions 45, 51, 53, 59, and 61).

- The proposed site access arrangement includes a vehicle entry point from the portion of Turner St north of the site and from Bell/Turner Street, as an entry and exit point, to the south. The northern access from the residential part of Turner Street is a concern raised by the neighbours objecting to the proposed development. The Traffic Impact Assessment submitted is supportive of the proposed site access arrangement. Council Roads and Drainage Engineers and the Consultant Planner have reviewed the proposed access arrangements and have not raised any objection to the proposed northern Turner Street site access, subject to its design and construction complying with related conditions of consent.

CONSULTATION

The proposed development was advertised and notified in accordance with the provisions of Council's Community Consultation Plan between 15 March 2023 to 12 April 2023. Eleven (11) submissions were received.

Section 4 of the attached Section 4.15 Assessment Report includes a table summarising and considering the key issues raised in public submissions received in relation to the proposed development.

The submissions received have been included in Attachment D to this report.

Key concerns raised by the submissions are:

- Traffic and access impacts – particularly regarding the proposed northern Turner Street vehicle access.
- Potential stormwater and flood impacts on adjoining properties.
- Relationship with the Muswellbrook Development Control Plan (DCP), particularly the Character Statement Provisions of the DCP.
- Site contamination.
- Potential impact on the amenity of adjoining residential properties.
- Suitability of the site.
- Safety and security.
- Noise

The Section 4.15 Assessment Report includes commentary on the matters raised.

OPTIONS

Council may:

Option 1 - Approve the proposed development subject to the recommended conditions of consent. This is the recommended option based on the s4.15 assessment.

Option 2 - Approve the proposed development subject to different conditions of consent.

Option 3 - Refuse the proposed development and in doing so provide reasons for refusal.

CONCLUSION

An independent Planning Consultant has undertaken the assessment of this application. The Section 4.15 Assessment prepared by this consultant is included as Attachment A to the report and their recommended conditions in Attachment B.

The Consultant has concluded that the proposed development would be in accordance with



the relevant heads of consideration under the Environmental Planning and Assessment Act 1979 and that Council may grant consent to the development application subject to conditions of consent.

LEGAL IMPLICATIONS

Where the applicant is dissatisfied with the determination of the development application, they have an opportunity under the provisions of the Environmental Planning and Assessment Act 1979 to appeal that determination at the Land and Environment Court.

DEVELOPMENT ASSESSMENT REPORT

REPORT TO: COUNCIL

ADDRESS:	LOT: 42 DP: 771226 Turner Street, DENMAN, NSW 2328
APPLICATION No:	DA 2023/14
PROPOSAL:	Storage Premises (103 self-storage units and 12 open storage bays).
COST:	\$3,555,527.00 (Incl. GST)
OWNER:	Muswellbrook Shire Council
APPLICANT:	David Ireland PSA Consulting, PO Box 10824, Adelaide Street, Brisbane, QLD, 4000
AUTHOR:	Nathan Bartlett – Six Hills Group
DATE LODGED:	28 February 2023
ADD. INFO REC'D:	N/A
DATE OF REPORT:	5 April 2024
PORTAL APPLICATION NO:	PAN-302604
KEY ISSUES:	Access, infrastructure (i.e. sewer and water main), suitability of the site, stormwater, potential soil contamination, public interest
SUBMISSIONS:	Notification period 15/03/2023 - 12/04/2023 - Eleven (11) Submissions

1.0 RECOMMENDATION

It is recommended that development consent be granted to DA 2023/14 for a Storage Premises (103 self-storage units and 12 open storage bays) subject to the recommended conditions of consent.

2.0 SITE DESCRIPTION

The development application for a storage facility has been lodged over Lot 42, DP 771226, (1 Turner Street, Denman), which is highlighted in red in Figure 1. The site is rectangular in shape, with a southern boundary of 60.4 metres and an eastern boundary to the Muswellbrook-Merriwa Railway Line of 108.6 metres. The total area of this lot is approximately 6,432 m².

The subject land is currently vacant land with no improvements and zoned *RU5 Village* under the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009). This land use zone promotes residential and commercial development and enables flexibility for development while minimising any impact from non-residential uses. The land adjoins other properties zoned *RU5 Village* and *SP2 Rail Infrastructure*.

Physically the land adjoins a mixture of residential, recreational and commercial developments. The subject land exists approximately 22.8 kilometres south-west of the centre of Muswellbrook.

The allotment is affected by minor localised flooding (maximum depth 290 mm) as indicated by Muswellbrook Shire Council's flood records. The subject land is not listed as having heritage significance; however, one item of local heritage significance (Railway terminus site I37) adjoins the subject site. Furthermore, the land is identified as bushfire prone by the NSW (Rural Fire Service (RFS) Bushfire Map.



Figure 1 – Aerial Image of subject site identified as Lot 42, DP 771226, 1 Turner Street, Denman

Flood Prone Land	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Bushfire Prone Land	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Terrestrial Vegetation	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Conservation Item	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Conservation Zone	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Contaminated Land	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Mine Subsidence	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Classified Road Frontage	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

Council Infrastructure within Site	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Other	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
(list other)	

3.0 DESCRIPTION OF PROPOSAL

Construction

The proposal seeks staged development consent for the erection of single-storey buildings and structures for use as a 'storage premises', associated civil earthworks, vehicular access and parking, security fencing, landscaping and business identification signage at the site. The project will provide 103 self-storage units and 12 open storage bays (for caravans / boats) which will be available for rent by the general public.

Specifically, the proposed storage facility is comprised of the following components:-

- Two (2) Storage Buildings with a floor area of 924 m² and 1,036 m².
- The two buildings will be divided into 103 individual storage units with floor areas ranging in size from 14.5 m² to 37.8 m².
- Twelve (12) storage bays (covered but not enclosed) with a covered area of 54 m².
- One (1) cleaner's store.
- One (1) unisex accessible toilet.
- Eleven (11) car parking spaces (including 1 accessible space).
- Business Identification Signage.

The proposed storage facility is proposed to be delivered in 2 stages. Stage 1 will include all site works, associated infrastructure, services and the southern part of the storage facility buildings. Stage 2 will include the completion of the northern half of the storage buildings. Refer to Figure 2 below for further details of the two stages of the proposed development.

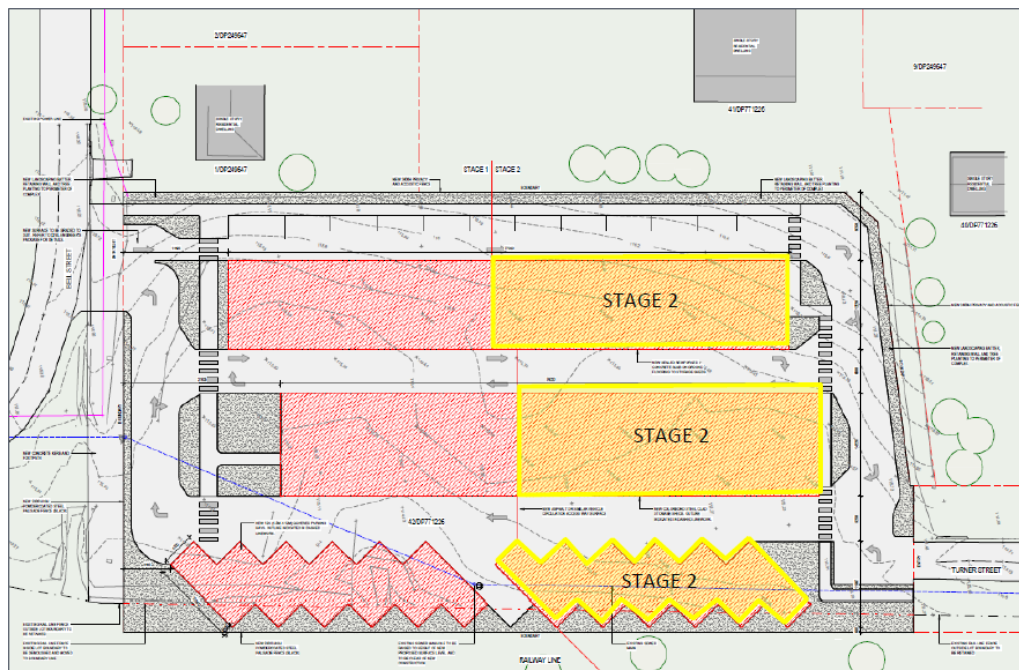


Figure 2 - Proposed Staging of the Development at Lot 42, DP 771226, 1 Turner Street, Denman

Operation

The site will be a secured and only be accessed by renters with a passcode. It is proposed the site will be run by an off-site (Council appointed) manager. Once a space has been rented, access to the site will be achieved via the use of a passcode which will allow access to the site. Activity on the site is to be monitored using on-site security cameras.

Site management actions include:

- Construction of a 2.4 m high acoustic and privacy fence along the northern and western site boundaries.
- Customer vehicles being restricted to cars, car and trailer and a small (up to 4.5 tonnes) rigid truck (e.g. a Hertz removalist truck).
- Small rigid trucks will be restricted to daylight hours (7.00 am – 6.00 pm), will enter from Turner Street and exit from Bell St, and use the central and eastern aisles only.
- Cars and Trailers would access all parts of the site at all times.
- Traffic speed of 10 km/hr will be applied to the facility, and vehicles are not to be left idling when within the premises.

Cleaners will access the site regularly to maintain the site in good order, collect any litter and place the bins for weekly collection.

The use is permitted with development consent in the *RU5 Village* zone pursuant to the Land Use Table of the MLEP 2009.

Notification Required	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Notification Dates	15/03/2023 to 12/04/2023
Number of Submissions	Eleven (11)
Standard Local Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Regionally Significant Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Designated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Integrated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

4.0 RELEVANT HISTORY

Previous Approvals

The subject land Lot 42, DP 771226 is currently vacant and was created under Subdivision No. 811, approved on 19 August 1985.

Other Background Information

The land or part of it was transferred to the former Denman Shire Council in 1977 from the NSW Public Transport Commission.

There is no reference linking the Subdivision No. 811 to a Development Application. Accordingly, it is likely that the creation of the land and any associated boundary adjustments did not require a DA at the time of its creation.

Lot 42 was owned by Council at the point of its creation in 1985 and the equivalent land (pre-boundary adjustment) was owned by Council from the time of the lands grant from the NSW Public Transport Commission.

5.0 REFERRALS

Internal Comments	
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CI – Roads and Drainage	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
CI – Water and Sewer	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Waste	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Environmental Health Officer	Satisfactory: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA
Building Surveyor	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
Community Services	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Sustainability	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Heritage Advisor	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Other	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
External Comments	
TfNSW	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
ARTC	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
NSW Heritage	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW RFS	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW Police	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW Fire & Rescue	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
EPA	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
NSW Health	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
DPIE	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Local Traffic Committee	Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Other - Ausgrid	Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA

5.1 External Referrals

The proposed development was referred to the following agencies for comment:

Ausgrid

A response from Ausgrid 26 April 2023, under clause 2.48(1)(b)(iii) of the *State Environmental Planning Policy (Transport and Infrastructure) 2021*, required due consideration be given to the compatibility of the development with existing Ausgrid infrastructure (i.e. risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity etc.). Overall, Ausgrid provided consent to the proposed development and the following recommendations:-

- The method of connection is required in accordance with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.
- Prior to the commencement of construction, the nominated electrical consultant/contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.

When Ausgrid is engaged by the nominated electrical contractor an assessment will be conducted determining whether:

- the existing network can support the expected electrical load of the development;
- a substation is required on-site (either a pad mount kiosk or chamber style); and
- site conditions or other issues need to be addressed that may impact on the method of supply.

ARTC

Australian Rail Track Corporation (ARTC) provided a response 23 February 2023, in relation to stormwater and fencing, advising:

Stormwater

ARTC wants to ensure that stormwater from the development, does not affect the rail corridor and requests that Council impose a condition to ensure stormwater does not affect the rail corridor. A condition has been imposed in the Notice of Determination to reflect this should the development be supported.

Fencing

ARTC supports the fence being moved, however the applicant must ensure the following:

- The fence is consistent with ARTC Fence Standards.
- The ARTC Third Party Works process is followed and a Rail Safety Protection Officer is on site, in accordance with ARTC Rail Safety System during removal and relocation of the fence.
- During the installation of the new fence a Rail Services search prior to installation is to be completed and will require ARTC approval.

ARTC also requests that the proponent seeks concurrence to carry out excavation and any other adjacent earthworks due to the proposed development being within 25 m of the rail corridor as it has the potential to impact on the safety and operation of the rail network. This will also be included as part of the conditions should Council support the development.

5.2 Internal Referrals

The proposed development was referred to the following sections of Council for comment/consideration:

5.2.1 Water and waste regarding any sewer/water assets

Comments:

The proposed development is required to pay 1ET each for water and sewer.

Sewer Main - The proposed car park over the sewer main is acceptable. There are no buildings proposed over the sewer main. An easement is required to be created along the sewer main for future maintenance purposes. The buildings should avoid any zone of influence with the sewer main.

Water Main - The existing water main is still active and is known to be an asbestos main. The development does not propose any buildings over the water main. This can be relocated within the easement, if required. It was noted the water main is required to be investigated.

5.2.2 Building regarding compliance with the Building Code of Australia (BCA)

Comments:

Council's Building Certifier provided the following comments regarding BCA requirements:

"I have reviewed the development and note a BCA and Access report have been provided with the application.

The BCA report indicates that construction will comply with the DtS provisions of the BCA, except where addressing clause C3.2 which relates to the 7b carports and requires the openings within 3m of the boundary to be protected. This will up to the certifier issuing the CC how to deal with this as in my opinion, the opening does not require protecting to comply with the DtS provisions. Notwithstanding, should the certifier issuing the CC require a performance solution, I believe there is merit in the description of the performance solution noted in the

BCA report. It should be noted that hydrants will be required which will add to the cost, however this is detailed in the BCA report and would have already been included in the cost estimate.

With respect to the Access report; there have been some areas where the report has identified non-compliances, i.e. Continuous accessible path of travel to be provided from main allotment boundary and Parallel parking space to incorporate shared zone and dimension to comply with AS2890.6 requirements, however these can be addressed with the CC

Please note, the reports have been prepared using BCA 2019; as the CC has not been lodged yet, the CC will be assessed using BCA 2022. There have not been major changes between the different versions to warrant updated reports to be drafted."

The BCA criteria have been taken into consideration for the proposed development and deemed that any matters are to be considered at the Construction Certificate Stage.

A condition will be listed in the notice of determination, should the development be supported requiring the proposal to comply with the provisions of the BCA.

5.2.3 Community Infrastructure/Roads and Drainage

Comments:

Stormwater:

- The use of the pumps for stormwater management is not supported due to pump failure and operation risks. The applicant is to demonstrate proposed stormwater discharge towards ARTC corridor. The applicant should also review the overflow route for peak events with an obstacle by the proposed landscaped tree to be reviewed. Where the proposed development is altered to dispose stormwater via the ARTC corridor it would be relevant for Council to re-refer the proposal to ARTC for any related feedback on the adequacy of that discharge location and its impact on its infrastructure. To inform the assessment of this issue by ARTC the applicant should have regard to the existing stormwater drainage within the ARTC corridor and its ability to accommodate additional stormwater discharge from the proposed development. It is anticipated that the ARTC would have reservations around a situation where the proposed development increases discharge into the rail corridor during storm events. It is suggested that the applicant review the ARTC comments in context with this comment.*

Response from Applicant:

The revised stormwater design has removed the pump design and now discharges via gravity to the ARTC corridor via an On-Site Detention system. This OSD tank restricts the flow for up to a 1% AEP Storm event to predevelopment conditions. ARTC have reviewed this proposal and provided a letter of approval to discharge to the rail corridor.

- The applicant has proposed using 7x690 PSorb Ocean Protect storm filter cartridges and Ocean Guard pit baskets in all grated stormwater pits. While the stormwater quality has met Council standards, we have concerns about oil and grease. Council understands that Perlite or Granular Activated Carbon (GAC) would be more effective than PhosphoSorb (PSorb). Therefore, the proponent must justify/comment on the type of media choice and supply cartridges' calculations.*

Response from Applicant:

...the supplier of the treatment filters (Ocean Protect), have recommended the use of an oil baffle wall within the tank prior to the treatment weir to help address the concern relating to oils and grease. Advice has been provided indicating that the inclusion of baffle walls when installed can remove 90% of oils and grease. The Oil Baffle is to match the length of the overflow weir, offset 250mm from the weir and extend 400mm below the weir as shown on the plans. Furthermore 'Ocean Protect' have advised that 'the PSORB Media is perfectly capable

of removing hydrocarbons through adsorption and would not recommend adjusting the media being use’.

- *A DRAINS model and report is to be supplied to ensure stormwater retention up to 1% AEP even has been addressed.*

Response from Applicant:

A DRAINS model has been provided for review along with new sheet C004 for DRAINS OSD output review.

- *A headwall proposed close to the clear zone at the corner of Bell St creates a risk to the errant driver; therefore, a drivable headwall must be considered.*

Response from Applicant:

The headwall has been removed due to the different point of discharge in the updated plans. This item is no longer applicable.

- *There needs to be adequate information on how the overflow point from the site with a retaining wall allows the flow to be controlled towards the rail corridor.*

Response from Applicant:

Outlet from the OSD tank to be discharged to the surface of the ARTC land with rock beaching and scour protection to ARTC requirements. A vermin proof covering over the tank has also been proposed at the outlet.

In the emergency event of the tank overflowing through the grated access hatches the stormwater will fall to the eastern boundary via the pavement falls and discharge over the boundary retaining wall to ARTC land.

Traffic Movement/Road Pavement:

- *Council notes that heavy vehicles are to enter via Turner St access, and the queue length (AS2890.1) requires a minimum of two (2) cars or 3% capacity. However, only 2.9m is provided, which means a vehicle and trailer will block the access to the neighbouring driveway. Therefore, Council requests the applicant address this issue and supply a solution to the potential of blocking the adjacent driveway.*
- *The applicant has proposed marking, which shows left turn signs from Turner St and internally. Clarification is required if the intent needs to be changed to “Left Turn Only”, with consideration of “No entry” appropriate signage to guide movement within the site. The applicant must prioritise reducing confusion at the corner for vehicles entering from Turner St and southbound cars turning left.*

Staged construction:

- *Although the site is proposed to be constructed as two stages, it needs to be clarified how traffic flow and drainage will function for each stage independently.*
- *Applicant to confirm entry gate details where swipe key required to enter site and potential obstruction of entering long vehicle from Turner St a concern for Council.*

Additional Comments:

In response to Council’s request for further information the proponent submitted further information on 30 October 2023. This information was reviewed, and Engineering requirements were issued 7 March 2024. These are detailed as follows:

- All works on site will require a Section 138 Road Permit prior to construction, to be followed at all times.
- A final stormwater management plan prior to CC is required including all relevant and updated information to Council's written satisfaction
- Final kerb design and linemarking is to be clear of drainage infrastructure and allow unimpeded access around the site
- All vehicular movements on site for the maximum sized vehicle are to be demonstrated as part of CC design
- All retaining walls are to be certified by a suitably experienced structural engineer
- Driveways into site to be in accordance with Council's F10 Kerb and Gutter Policy
- The applicant shall, within seven (7) days upon completion of the final works, submit to Council a Works as Executed plan (WAE) for approval. The plan shall be in the form of a marked-up copy of the approved Construction Certificate Civil Works Plan and also a marked-up digital CAD format compatible with Council's asset database system. Works As Executed information to include all infrastructure between the centreline of the road and front boundary for Bell St, and a distance of 30m from the front boundary along Turner St.
- All stormwater infrastructure is to be demonstrated to be free of sediment, gravel and litter prior to formal handover including photographic records
- All other requirements from ARTC as detailed are to be adhered to at all times

The abovementioned requirements form part of the proposed conditions of consent for Stage 1 of the development.

5.2.4 Environmental Health officer

The Senior Environmental Health Officer raised concerns with the stockpile of waste which needs to be classified and disposed of off-site prior to development.

A condition is required seeking a detailed contamination assessment which is to include a waste classification of the stockpile, to be undertaken to provide Council with further information for adequate assessment on contamination.

Storage of hazardous waste also needs to be considered associated with the storage of vehicles. The site will be required to have a spill response plan in to manage any potential leaks or spills from hazardous materials stored on site such as fuel or oil.

The Environmental Health Officer advised the following:-

"I have some concerns regarding the 24 hour access to the facility, as the facility is located in very close proximity to residential lots and as such has the potential to cause a negative impact on the amenity. The applicant is to consider if 24 hours access is essential to the operation of the proposed development. Limiting hours of access in line with the NSW EPAs Noise restrictions in residential areas should be considered by the applicant, and alternate hours of access proposed to Council for review. The noise policy for industry defines "night period" from 10pm to 7am. Should the development wish to close operations from 10pm to 7am, the noise impacts to neighbours may be lessened and it is possible the development could proceed with conditions to mitigate any impacts to amenity...."

Should the applicant not wish to vary the hours and remain 24/7 I note that I do not support the application in its current form and note the following for further information."

6.0 ASSESSMENT

This report provides an assessment of the material presented in the Application against relevant planning legislation and policies.

Section 4.15 Matters for Consideration

Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

Overview

Land use Zone	RU5 Village
Proposed Use	storage premises
Permissibility	Permitted with Consent
Zone Objective	Complies with Objectives

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

A. Muswellbrook Local Environmental Plan 2009

Land Use Zoning and permissibility

The subject site is zoned *RU5 Village zone* under the MLEP 2009.

The RU5 Village land use table has been included below for reference.

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Attached dwellings; Boarding houses; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Commercial premises; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Function centres; Group homes; Health services facilities; Heavy industrial storage establishments; Highway service centres; Home-based child care; Home businesses; Home industries; Hostels; Information and education facilities; Mortuaries; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Research stations; Residential flat buildings; Respite day care centres; Roads; Schools; Secondary dwellings; Semi-detached dwellings; Seniors housing; Service stations; Sewage reticulation systems; Shop top housing; Signage; Storage premises; Tank-based aquaculture; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water supply systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

The proposed development falls within the MLEP 2009 definition of a 'storage premises' being:

"a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre."

The land use storage premises is identified as a development that is permitted with consent in the RU5 zone of the MLEP 2009.

Objectives of the RU5 Village Zone

The relationship of the proposed development with the *RU5 Village zone* objectives and land use table has been considered below.

The RU5 Village land use zone objectives are as follows:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.*
- *To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.*

- To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

Clause 2.3 of the MLEP 2009 requires a consent authority to consider the relevant land use zoning objectives when determining a development application. The proposal would be in keeping with the applicable land use zone objectives.

The proposal is for a commercial-related purpose. The proposal is not expected to cause conflict with adjoining land uses and the outcome is consistent with the RU5 Village land use zone objectives.

Relevant Clauses applicable under MLEP 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	<p>The proposed development is consistent with the relevant land use objectives and thereby can be supported under the provisions of this Clause.</p> <p>Complies</p>
<i>2.7 Demolition requires development consent</i>	<p>This clause specifies that the demolition of buildings may be carried out with development consent.</p> <p>Not relevant</p>
<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	<p>The maximum building height applicable to the land and proposed development under the provisions of the MLEP 2009 is 8.5 metres. The proposed development has maximum building heights of 4.38 metres and 5.10 metres and complies with this provision.</p> <p>Complies</p>
<i>4.4 Floor space ratio</i>	<p>This Clause prescribes a maximum Floor Space Ratio (FSR) of 0.5:1 for the subject land.</p> <p>The subject site has an area of 6,438 m², and the proposed storage premises have a GFA of 1,695 m², which equates to a FSR of 0.263:1. Therefore, the proposal complies with the required FSR.</p> <p>Complies</p>
<i>Part 5 Miscellaneous provisions</i>	
<i>5.10 Heritage conservation</i>	<p>The development site is not located within a heritage conservation area and does not include an item of environmental heritage.</p> <p>A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that no Aboriginal sites or places are recorded in or near the development site. Furthermore, it is considered that the development will have minimal impact on the adjoining heritage listed item (Railway terminus site I37). Therefore, Council Officers are satisfied that the development may proceed in accordance with the requirements of this Clause.</p> <p>Complies</p>
<i>5.21 Flood Planning</i>	<p>The allotment is affected by minor localised flooding (maximum depth 0.29 metres). The proposed development will redirect the floodwater/stormwater downstream to Council's existing infrastructure in Bell Street. It is expected the volume of redirected water will result in insignificant changes to flood behavior as indicated in the Stormwater Management Plan. The development also achieves compliance with the Muswellbrook Shire Council Stormwater and</p>

	<p>Flood risk Management Guidelines. Consequently, the proposal is acceptable and complies with the provisions of this clause.</p> <p>Complies</p>
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	<p>The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping. Hence this part of the MLEP 2009 is not applicable to this assessment.</p> <p>Not relevant</p>
<i>7.6 Earthworks</i>	<p>This clause requires a consent authority to consider the following matters prior to granting consent to a development application involving earthworks.</p> <ul style="list-style-type: none"> a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i> c) <i>the quality of the fill or of the soil to be excavated, or both,</i> d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> e) <i>the source of any fill material or the destination of any excavated material,</i> f) <i>the likelihood of disturbing relics,</i> g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i> <p>Each of the matters specified above have been considered through the assessment of the development application and Council Officers are satisfied that the proposed development could be carried out in accordance with the requirements of this Clause.</p> <p>To ensure that earthworks are appropriately completed, the applicant has prepared a sediment and erosion control plan, in accordance with 'The Blue Book' published by Landcom. Furthermore, the proponent has identified that all earthworks will be undertaken in accordance with the provisions of the Preliminary Site Investigation (PSI) report prepared by Environmental Earth Sciences to ensure that earthworks do not result in unacceptable risk for future land uses. A condition will also be listed ensuring the proponent complies with the proposed management plan should the development be approved.</p> <p>Complies</p>

B. State Environmental Planning Policies Relevant to Muswellbrook Shire

State Environmental Planning Policy (Resilience and Hazards) 2021

This Policy requires consideration of whether land is suitable for a proposed use having regard to any known or potentially contaminating land use activities. The SEPP requires consideration of previous land uses and promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The current zoning of the land is RU5 Village. Historically the land has been undeveloped and vacant. A search of Council's records does not identify that there has been any previous usage that could lead to any potential site contamination. A Preliminary Site Investigation was also completed by the proponent 16 April 2021. The preliminary analysis identified a stockpile of uncontrolled material onsite (approximately 6 m³), comprising of possible uncontrolled fill material. This was considered that the site generally presents a low risk posed by contamination, however material within the stockpile presents a medium risk to human health and the environment during proposed land use. Consequently, it was recommended a further detailed assessment of the physical and chemical properties of the stockpiled material occur.

It was also recommended that all material classified as waste be disposed off-site to a facility that is suitably licensed to accept the particular class of waste.

A condition will be imposed in the notice of determination, should the development be approved, requiring further investigation in the existing stockpile and appropriate disposal after the results are determined.

It is considered the proposal for the construction of a commercial storage facility meets the requirements of the SEPP and no further investigation is required in relation to the remainder of the site, subject to the recommended conditions of consent.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and signage of this Policy is concerned with outdoor advertising and signage. This chapter outlines the signage to which this policy applies:

(1) *This Chapter applies to all signage that—*

- (a) can be displayed with or without development consent under another environmental planning instrument that applies to the signage, and*
- (b) is visible from any public place or public reserve, except as provided by this Chapter.*

A 'public place' is defined in the *Local Government Act 1993* as:

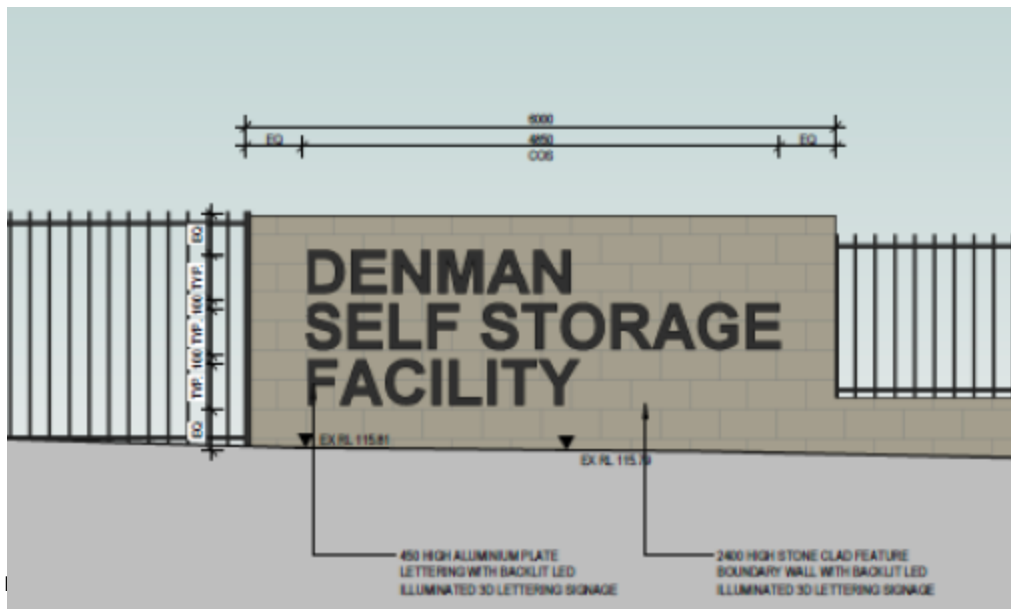
- a) a public reserve, public bathing reserve, public baths or public swimming pool, or*
- b) a public road, public bridge, public wharf or public road-ferry, or*
- c) a Crown reserve comprising land reserved for future public requirements, or*
- d) public land or Crown land that is not:*
- e) a Crown reserve (other than a Crown reserve that is a public place because of paragraph (a), (b) or (c)), or*
- f) a common, or*
- g) land subject to the Trustees of Schools of Arts Enabling Act 1902, or*
- h) land that has been sold or leased or lawfully contracted to be sold or leased, or*
- i) land that is declared by the regulations to be a public place for the purposes of this definition.*

As the proposed signage will be visible from a 'public place', specifically a public road, this Policy is applicable to the application. The consent authority must not grant consent for the proposed signage unless it is satisfied that the signage is consistent with the objectives of Chapter 3 Advertising and signage, and that it satisfies the assessment criteria specified in Schedule 5 of the policy. An assessment of the proposed signage against these provisions is provided below:

(1) *This Chapter aims:*

- a) to ensure that signage (including advertising):*
 - i. is compatible with the desired amenity and visual character of an area, and*

The subject building is in the *RU5 Village* zone of Denman. The proposed development includes the erection of one business identification sign on the fence line. The proposed signage involves black aluminium lettering attached to the 2.4-metre-high stone clad wall fronting Bell Street. The lettering is intended to be back lit with low level and adjustable lighting. The proposed layout is further detailed in Figure 3 below. The proposed development provides for limited signage in a suitable location. The proposed sign is of suitable size and will not contributing to visual clutter, nor will it detract from the visual quality of the subject building or the public domain. The proposed signage is therefore considered compatible with the amenity and visual character of the area.



ii. *provides effective communication in suitable locations, and*

The proposed signage is designed to identify the business within the premises and provides adequate communication. The signage will be located on the front fencing of the allotment and is considered to be suitably located.

iii. *is of high quality design and finish, and*

It is expected that the signage will be of high quality design and finish.

Schedule 5 Assessment Criteria:

1 Character of the area

- *Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?*

The subject land is located within the *RU5 Village* zone of Denman. As the proposed signage will advertise a permissible business within the zone, it is considered that the development is compatible with the existing and proposed future character of the locality.

- *Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?*

There does not appear to be any themes for outdoor advertising in the area or locality.

2 Special areas

- *Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?*

The signage has been designed to have minimal impact on the building. The proposed sign is black in colour with limited / dimmable lighting and is considered to be low impact. This will not detract from the amenity or visual quality of the area.

3 Views and vistas

- *Does the proposal obscure or compromise important views?*
- *Does the proposal dominate the skyline and reduce the quality of vistas?*

The proposed development will not obscure or compromise important views, nor will it dominate the skyline or reduce the quality of vistas.

- *Does the proposal respect the viewing rights of other advertisers?*

The proposed signage will not obscure any existing advertisements in the vicinity.

4 Streetscape, setting or landscape

- *Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?*

It is considered that the proposed signage is appropriate for the allotment and its scale is not inconsistent with existing signage in proximity.

- *Does the proposal contribute to the visual interest of the streetscape, setting or landscape?*

Minimal impact on the streetscape, setting and landscape is anticipated as a result of the proposal.

- *Does the proposal reduce clutter by rationalising and simplifying existing advertising?*

The proposed development incorporates black aluminium lettering attached to the 2.4 metre high stone clad wall fronting Bell Street. There is no 'clutter' as a result of the lettering, given the intended location. This signage is considered to have negligible impact in the existing setting.

- *Does the proposal screen unsightliness?*

It is considered that there is no unsightliness to screen in this instance.

- *Does the proposal protrude above buildings, structures or tree canopies in the area or locality?*

The proposed signage does not protrude above buildings, structures or tree canopies in the area.

- *Does the proposal require ongoing vegetation management?*

The signage will not require ongoing vegetation management as it appropriately located on the fence line.

5 Site and building

- *Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?*

The proposed signage is deemed to be compatible with the characteristics of the site.

- *Does the proposal respect important features of the site or building, or both?*
- *Does the proposal show innovation and imagination in its relationship to the site or building, or both?*

It is considered that the single fence façade sign is appropriate in terms of the relationship to the site and building.

6 Associated devices and logos with advertisements and advertising structures

- *Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?*

Logos are not associated with the proposed sign. Should the development be supported Council will provide conditions to ensure the lighting associated with the signage complies with the Australian Standards and is dimmable after 11.00 pm.

7 Illumination

- *Would illumination result in unacceptable glare?*

- *Would illumination affect safety for pedestrians, vehicles or aircraft?*
- *Would illumination detract from the amenity of any residence or other form of accommodation?*

The signage proposes background lighting. It is considered the illumination will not result in unacceptable glare. A condition will be provided to ensure this, should the development be supported by Council.

8 Safety

- *Would the proposal reduce the safety for any public road?*
- *Would the proposal reduce the safety for pedestrians or bicyclists?*
- *Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?*

Given that sightlines are not obscured by the proposed signage, it is not expected that there will be an adverse impact on the safety of vehicles, pedestrians or bicyclists.

It is considered that the proposed signage complies with the provisions of this Policy, given the information detailed in the above assessment.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Section 2.122 of the SEPP relates to development that constitutes traffic generating development. Schedule 3 of the SEPP provides a list of developments that must be referred to *Transport for New South Wales* (TfNSW). The proposed development is not listed as a development in Schedule 3. Section 2.122 also applies where a development has capacity to accommodate 200 or more vehicles. It is considered that the development would not have capacity to accommodate 200 or more vehicles and does not constitute traffic generating development. This is reinforced in the Traffic Impact Assessment prepared by PSA Consulting 23 January 2023.

The Traffic Impact Assessment confirms that the traffic generated by the development is not likely to have any adverse impact on the “...surrounding road network due to the nature of the site being low traffic generating (i.e. maximum trip generation of 9 trips per hour on a weekend) and the hierarchy of the surrounding roads.”

In conclusion, the independent Traffic Impact Assessment resolved the storage premises at the proposed location is generally in accordance with AS2890 series and the MDCP 2009.

In accordance with Clause 2.48 of the SEPP (Transport and Infrastructure) 2021 the development application requires referral to the electrical supply authority as the development involves works within 5 m of the overhead powerlines located within the Bell Street frontage of the site.

A response from Ausgrid 26 April 2023, under clause 2.48 of the State Environmental Planning Policy (Transport and Infrastructure) 2021, required due consideration be given to the compatibility of the development with existing Ausgrid infrastructure (i.e. risks of electrocution, fire risks, Electric & Magnetic Fields (EMFs), noise, visual amenity etc.). Overall, Ausgrid provided consent to the proposed development and the following recommendations:

- The method of connection is required in accordance with Ausgrid’s Electrical Standard (ES)1 – ‘Premise Connection Requirements.
- Prior to the commencement of construction, the nominated electrical consultant/contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.

Subject to Council’s requirements, and the proposed management strategies by the proponent it is considered the proposal is acceptable in terms of traffic safety, vehicular access and frequency associated with Bell and Turner Street.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This consolidated Policy applies in the Muswellbrook Shire Council local government area to land that is listed in Schedule 1 (i.e. Central Coast) of the SEPP and land identified in the Koala Habitat Protection Map. Therefore, the provisions of this Policy require consideration as part of the proposed development. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas.

Significant disturbance and modification of the natural environment has occurred on the subject land because of historic land uses that are urban related (i.e. residential). The subject land has been previously cleared to accommodate the land uses, and there are no significant stands of native vegetation located in proximity to the development site as identified in the Department of Planning and Environment's Biodiversity Values Map. A site inspection also confirmed that the proposed location of the development is largely clear of native vegetation.

In addition to the above information, there will be no additional clearing of native trees and shrubs undertaken for the development and as such, the subject application does not pose a risk to koala habitat and the provisions of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* have been met.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* is legislation which applies to the whole of NSW. The purpose of the act is to protect the following biodiversity values:

- (a) *vegetation integrity—being the degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state,*
- (b) *habitat suitability—being the degree to which the habitat needs of threatened species is present at a particular site,*
- (c) *biodiversity values, or biodiversity-related values, prescribed by the regulations.*

This proposal does not require any clearing of trees and therefore there is not expected to be any loss of habitat because of the development. The minimum lot size for the development site is 750 m² and the development does not exceed the biodiversity offsets threshold. Furthermore, as there is no tree removal or clearing there are no requirements under the *Biodiversity Conservation Act 2016*.

Section 4.15(1)(a)(ii) the provisions of any draft EPI.

The proposed development does not relate to any draft environmental planning instrument. There are no draft EPIs relevant to the subject Application.

Section 4.15(1)(a)(iii) the provisions of any development control plan

The *Muswellbrook Development Control Plan 2009* (MDCP 2009) is the development control plan relevant to all development in the Muswellbrook Local Government Area.

Development Control Plan – Principles of Development

Relevant Provisions applicable under MDCP 2009

<i>Provision</i>	<i>Comment</i>
Section 3 – Site Analysis	
	The development has been designed to comply with the local provisions for the urban area. The proposed plans for the development meet Council's requirements. Services such as power, water, gas, telecommunications, and sewer all currently exist on the property. Furthermore, all setbacks from existing development comply with the new subdivision boundaries.

	<p>Council Officers are satisfied that the proponent has adequately considered the provisions of this Section and prepared the documentation accompanying the development application in accordance with the requirements of this Section. Appropriate information has been supplied to assess the development.</p> <p>Complies</p>
Section 7- Village Zones	
<i>Application</i>	<p>A section 138 application is required to provide safe and easy access to and from the subject site as no access crossovers currently exist on the development site. A condition will be included in the notice of determination requiring the submission of a s.138 Application should approval be granted.</p> <p>Complies</p>
<i>Aims and Objectives</i>	<p>The proposed storage premises is consistent with the aims and objectives specified under this part as it facilitates a low-impact land use that is appropriate for the RU5 Village zone. The proposal also strengthens commercial hierarchies and provides employment opportunities for the town of Denman.</p> <p>Complies</p>
Section 7.2 Assessment Process	
<i>Consent Authority</i>	<p>The proposal complies with Section 3 of the DCP and all required documents have been provided as part of this DA submission.</p> <p>Complies</p>
<i>Construction and Principle Certifying Authority</i>	<p>The proposed involves the construction of a storage premises involving (Class 7b). A Construction Certificate (CC) is required in this instance.</p> <p>Complies</p>
<i>Character Statements</i>	<p>This section requires development to be consistent and not compromise the integrity of the character statement for Denman.</p> <p>The proposed development will not have a significant impact on the character of Denman. It is considered that the mitigation measures proposed for the construction (i.e. landscaping, layout, colours, screening etc.) will provide a sympathetic design that is consistent with the design theme of Denman.</p> <p>The proposed storage premises is identified as permissible development within the RU5 Village Zone and aligns with the intended character of Denman.</p> <p>Complies</p>
Section 7.4 Non-residential Development	
<i>Location</i>	<p>The objectives of this clause are to ensure the development does not have an adverse impact on adjoining residential amenity and that business does not detract from the social amenity provided by the main street of the village. Maintaining the economic viability of small business in the business precinct is also another objective.</p> <p>The proposed development involves the construction of a low-key commercial Storage Premises and is permissible in the RU5 - Village zone of MLEP 2009. The development is a specific business operation that involves storage of items owned by members of the public in which a fee is paid for the service. Given this type of business is a specialty service it will not detract from the commercial function of Denman. Furthermore, the necessary controls / measures undertaken by the development will ameliorate any impacts from the development. Conditions are recommended for the management of the development.</p> <p>Complies</p>
<i>Design Guidelines</i>	<p>The single-story design features and setbacks are consistent with the adjoining residential development and the proposed built form will not conflict with the existing streetscape.</p> <p>Additionally, the site is not located within the Denman Heritage Character Area and the proposed storage premises are constructed of suitable colorbond sheeting and other building materials that are consistent with buildings in the surrounding area.</p>

	<p>The buildings have been appropriately designed to maintain a low profile with the incorporation of the landscaping and design features to reduce bulk and visual intrusion.</p> <p>Complies</p>
<i>Vehicle Parking</i>	<p>Onsite car parking is to be provided in accordance with Section 16 of the DCP and complies with the provisions. The proposed development requires 1 car parking space per 300 m² of gross floor area (GFA). With a GFA of 2,578 m², 9 car parking spaces should be provided at the site. The development proposes 11 car parking spaces (inclusive of one accessible parking space) along the western boundary of the site. The parking spaces are also designed in accordance with AS2890.1 Off-street car parking and AS2890.6 Off-street parking for people with disabilities series.</p> <p>Complies</p>
<i>Signage and Use of Footpaths</i>	<p>The proposed Business Identification Signage is comprised of black aluminum lettering and is to be located on the stone clad feature boundary wall along the southern Bell Street frontage. The lettering is intended to be backlit with low level and adjustable lighting.</p> <p>It is considered that the signage is integrated with the building and landscaping elements on the site and compatible with the locality's character.</p> <p>There are no footpaths in the vicinity of the proposed development.</p> <p>Complies</p>
<i>Waste Water Disposal</i>	<p>The proposal is to be connected to the existing sewer along Bell Street to the south of the site and comply with Council's requirements.</p> <p>Complies</p>
<i>Form, Massing and Scale</i>	<p>The objectives of this section require all new buildings to not dominate the surrounding built environment and to reinforce the existing characteristic-built form of the area, while meeting the heritage character statement in section 15 of the DCP.</p> <p>The proposed commercial building is not located within the Denman Heritage Character Area. Also, the proposed landscape treatment and layout of the buildings are considered to alleviate the development's impact on the surrounding village zone.</p> <p>Complies</p>
<i>Access</i>	<p>The objective of this clause is to ensure equitable access for people with disabilities or the aged. The proposed development complies with applicable BCA provisions and Section 16 – Car Parking and Development of the MDCP 2009.</p> <p>Complies</p>
<i>Setbacks</i>	<p>The proposed setbacks are consistent with adjoining residential development and adopts a low profile one (1) story-built form. The proposal is considered to comply with Councils objectives and development control standards.</p> <p>Complies</p>
<i>Landscaping</i>	<p>The proposed plans confirm that 15.3% (988 m²) of the site is proposed to be retained for soft landscaping. The landscaping features large native trees (Kurrajong, Brush Box, Willow Peppermint) and various native shrubs, grasses and groundcovers. Landscaping is provided in the front setback area, along driveways and for screening of parking areas.</p> <p>Landscaping also includes large shade and small feature trees, raised garden beds and mass ground covers in the setback, along car parking areas and along the site boundaries.</p> <p>The boundaries adjoining the existing residence have been provided with a 1.5 m landscape buffer comprised of an acoustic fence (2.4 m), red leaf photinia hedge and weeping bottlebrush trees to provide visual screening and privacy for the adjoining properties.</p> <p>Complies</p>

Section 14 Outdoor Signage	
	<p>The proposed signage will be comprised of aluminium plate, black lettering fixed to the 2.4 m high stone clad wall fronting Bell Street. The lettering will be backlit with low level and adjustable lighting to ensure that there is no glare impact. This has been reduced in size and erected at only one end of the building (original proposal included larger signage size and at both ends of the building).</p> <p>It is considered that the signage is well integrated with the building and landscaping elements on the site and compatible with the locality's character.</p> <p>Council Officers are satisfied that the proposed signage complies with the controls of this Section of the DCP and objectives.</p> <p>Complies</p>
Section 15 Heritage	
<i>Heritage Conservation</i>	<p>The site is not within a Heritage Conversation Area and does not include an environmental heritage item. A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has also shown that no Aboriginal sites or places are recorded in or near the development site.</p> <p>However, the nearest heritage item to the development site is the Railway terminus site (I37), a locally listed item. This heritage item is on the eastern side of the development site. Given the proposed development is physically separated from this heritage item by the Railway and open space, it is considered unlikely to have any substantive impact on the importance of this locally listed item.</p> <p>Therefore, Council Officers are satisfied the proposed development can occur given that it complies with the requirements of this Clause and has no impact on any items of heritage significance.</p> <p>Complies</p>
Section 16 Carparking and Access	
<i>Non-Residential Development</i>	<p>The Traffic Report confirms that site access, parking, servicing and traffic generation has been designed in accordance with Australian Standards Parking Facilities AS2890 series and Muswellbrook Development Control Plan 2009. The proposed site access and parking arrangements include:</p> <ul style="list-style-type: none"> • Ingress only secure access driveway gate from the north, via Turner Street. • Ingress / egress secure access driveway gates from the south, via Bell Street. • Pedestrian egress gates to Bell Street and Turner Street. • 11 x formal car parking bays within the western site boundary, including 1 x accessible parking space. <p>The on-site access has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. The access widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 metres.</p> <p>It is considered the proposed development is likely to generate sporadic traffic movements. The Report also indicates traffic is likely to be a low generating (i.e. maximum trip generation of 9 trips per hour on a weekend) due to the nature of the site and the hierarchy of the surrounding roads.</p> <p>It is considered the development is not likely to result in any adverse impact. Council Officers are satisfied that the rate for off-street car parking proposed, and on-site manoeuvrability would meet the relevant DCP off-street car parking and access requirements.</p> <p>Complies</p>
<i>Design Guidelines for off-street vehicular parking areas</i>	<p>The Traffic Report has reviewed the site access, parking, servicing and traffic generation of the proposed storage premises development and confirms that it has been designed in accordance with Australian Standards Parking Facilities AS2890 series and Muswellbrook Development Control Plan 2009.</p>

	Complies
<i>Car Park Design</i>	<p>The site has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. To permit site servicing and operation as a storage premises, the aisle widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 m (e.g. refuse truck) and a car towing a caravan / boat with a length of 12.5 m.</p> <p>Complies</p>
<i>Parking for People with Disabilities</i>	<p>One accessible parking space is provided within a width of 2.1 m, adjoining the pedestrian path of 1.5 m as per the provisions of AS2890.1.</p> <p>Complies</p>
<i>Loading/Unloading Facilities</i>	<p>The site has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. To permit site servicing and operation as a storage premises, the aisle widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 m and a car towing a caravan / boat with a length of 12.5 m.</p> <p>Complies</p>
<i>Internal Roads</i>	<p>The design allows for internal circulation on aisles with a minim width of 4 m (1 way) and 6 m (2 way).</p> <p>Complies</p>
<i>Construction Materials</i>	<p>Car parking and maneuvering areas are proposed to be constructed using asphalt (or similar) surface.</p> <p>Complies</p>
<i>Landscaping</i>	<p>The proposal identifies that 15.3% (988 m²) of the site is dedicated as soft landscaping. The proposed landscaping features large native trees (Kurrajong, Brush Box, Willow Peppermint), and a diverse range of native shrubs, grasses and groundcovers. The landscaping has been used to soften the appearance of the facility and break up the building façade. Furthermore, boundaries with the existing residence have been provided with a 1.5 m landscape buffer comprised of an acoustic fence (2.4 m), red leaf photinia hedge and weeping bottlebrush trees to provide visual screening and privacy for the adjoining properties.</p> <p>Complies</p>
<i>Car Parking Schedule for Specific Land Uses</i>	<p>The proposed development requires 1 car parking spaces per 300 m² of gross floor area (GFA). With a GFA of 2,578 m², 9 car parking spaces should be provided at the site. The development proposes 11 car parking spaces (inclusive of one accessible parking space) along the western boundary of the site.</p> <p>The parking spaces are designed in accordance with AS2890.1 Off-street car parking and AS2890.6 Off-street parking for people with disabilities series.</p> <p>Complies</p>
<i>Section 20 Erosion and Sediment Control</i>	
	<p>This section of the MDCP 2009 states the requirements for Erosion and Sediment Control. A condition of consent will be imposed on any development consent requiring that appropriate methods of erosion and sediment control are put in place throughout the carrying out of the development in accordance with Council's standard requirements.</p> <p>Complies</p>
<i>Section 21 Contaminated Land</i>	
	<p>A Preliminary Site Investigation (PSI) Report has been prepared and determined that the site generally presents a <u>Low</u> risk posed by contamination. However, material within the stockpile presents a <u>medium</u> risk to human health.</p> <p>The Report recommended a detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, be done prior to or during development.</p> <p>It was also recommended that if offsite management of solid waste is opted for, a waste classification must be derived in accordance with the</p>

	<p>NSW EPA (2014) – Waste Classification Guidelines - Part 1: Classifying Waste.</p> <p>Should the development be supported by Council an appropriate condition of consent will be imposed, requiring the chemical characterisation of the fill material to be determined. Furthermore, a condition is to be included requiring appropriate removal of the existing stockpile prior to commencement of works on the subject site.</p> <p>Complies</p>
<i>Section 24 – Waste Minimisation and Management</i>	
<i>Construction of Buildings or Structures</i>	<p>This section of the MDCP 2009 states the requirements for waste management. A waste minimisation management plan has been provided which outlines anticipated waste streams and waste collection to be provided to the development. The development proposes standard waste / recycling wheelie bins for on-site waste collection during operation.</p> <p>It is recommended that the Waste Management Minimisation Plan and the DCP objectives be adhered to and this will occur through the imposition of a recommended condition. This would ensure compliance with the MDCP 2009.</p> <p>Complies</p>
<i>Section 25 Stormwater Management</i>	
<i>All Development</i>	<p>Stormwater Drainage Plans have been prepared by an independent engineering consultant. The approach to stormwater management for the site has been prepared in consultation with the council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.</p> <p>Matters relating to stormwater management have been appropriately addressed in Section 5.2.3 of this report.</p> <p>The proposed Civil Design Plans show that stormwater and roof water on-site is collected by a pit and pipe network and discharged into an underground detention and treatment tank. This tank is then pumped and discharged via pipe to the swale on the southern side of Bell Street.</p> <p>Complies</p>
<i>Flooding and Runoff Regimes</i>	<p>The approach to stormwater management arrangements has been prepared in consultation with Council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.</p> <p>The estimated permissible site discharge (during a 100 ARI event) is 57.41 L/S, requiring an estimated 70.67 m³ of on-site detention. As shown on the Civil Design Plans, the stormwater and roof water on-site is collected by a pit and pipe network and discharged into an underground detention and treatment tank. This tank is then pumped and discharged via pipe to the swale on the southern side of Bell Street.</p> <p>Complies</p>
<i>Overflow disposal</i>	<p>The Stormwater Drainage Plans demonstrate that there are no adverse impacts on upstream or downstream properties.</p> <p>Complies</p>
<i>Pollutants</i>	<p>The intention is to remove litter and contaminants such as oil, sediment, and other pollutants before stormwater discharges into the receiving system beyond the site of the development.</p> <p>The approach to stormwater management for the site has been prepared in consultation with the council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.</p> <p>Complies</p>

<i>Non-Residential Development</i>	<p>The proposed development would likely increase stormwater runoff due to the increased building footprint, car parking area and other impervious surfaces.</p> <p>The initial design plans for the development were considered unacceptable by Council. Amended civil plans were submitted to Council at the request of the engineering team and were reviewed. These plans were referred to Council's Community Infrastructure Department to consider the acceptability of the stormwater management system proposed and any impact of the development on Council's stormwater drainage network.</p> <p>Council staff have indicated support for the revised designs, subject to recommended conditions relating to the construction and operational management of the stormwater system.</p>
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Section 4 – Notification

The proposed development involves the construction of a storage premises on Lot 42, DP 771226. The proposed development was publicly advertised and notified 15 March 2023 to 12 April 2023 in accordance with the requirements of the Muswellbrook Community Participation Plan.

A total of eleven (11) submissions, all of which objected to the proposal, were received by Council in relation to the development. Copies of submissions received have been included in Attachment D.

Concerns raised by the submitters in relation to the proposed development have been summarised and commented on in the table below.

Submitter Issue	Planning Comment
<p><i>Traffic and Accessibility</i></p> <p>Turner Street is a no-through road with limited accessibility and is currently too narrow and unsafe for passing traffic. The development will increase traffic and further impair access for all vehicles (e.g. cars, garbage trucks, emergency vehicles etc.).</p> <p>The proposed driveways of the development are too narrow and will not accommodate the anticipated traffic. The proposed design also allows for ingress from only the south, which will be difficult for vehicles navigating Bell Street, which is narrow. Traffic will also try to gain access from Turner, causing congestion.</p> <p>Constant increased traffic will occur at all hours causing a disruption to the residential amenity.</p> <p>The development will restrict access for the existing properties adjoining and opposite the site. The development will have an impact on access for existing properties in Bell and Turner Street. Both streets are also not suitable for the increase in traffic from development.</p> <p>Future residential development in West Denman would have an impact on traffic and congestion for the narrow roads in the area and the storage area will contribute to this traffic.</p> <p>The railway crossing is not built to accommodate a commercial building and its operation.</p> <p>The distance between the proposed fence and the neighbouring fence is 3 m, which would restrict vehicle access for the adjoining neighbour would be our only vehicle access to our property. It is also believed that services such as water, electricity, and telecommunications may be required to be relocated.</p>	<p>Traffic</p> <p>The Traffic Report submitted with the development application confirms that site access, parking, servicing and traffic generation has been designed to comply with Australian Standards Parking Facilities AS2890 series and the Muswellbrook Development Control Plan 2009.</p> <p>The Report also indicates the development will generate low levels of traffic (i.e. maximum trip generation of 9 trips per hour on a weekend) due to the nature of the site and the hierarchy of the surrounding roads. Additionally, the proposed development is likely to generate sporadic traffic movements.</p> <p>Access</p> <p>The on-site access has been designed to cater for one-way circulation in the outer aisles and two-way circulation through the central aisle. The access widths and corners have been designed to allow for the swept paths of a rigid truck up to 10.2 metres.</p> <p>The proposed development complies or can comply with applicable BCA provisions and Section 16 - Car Parking and Development of the MDCP 2009. Council Officers are also satisfied that on-site manoeuvrability would meet the relevant DCP off-street car parking and access requirements. Therefore, the development is not likely to result in any adverse impact.</p> <p>After the initial design plans for stormwater, access and manoeuvrability were rejected by Council revised plans were submitted for review. The amended plans are considered satisfactory subject to recommended conditions. These will be included in the Notice of Determination, should the development be approved.</p> <p>The development is proposed within the confines of the subject sites boundaries and will have no impact on existing services on an adjoining allotment.</p>
<p><i>Decrease in Property Value</i></p> <p>The industrial development will cause nearby properties to decrease in value.</p>	<p>The potential impacts of a development on the value of nearby land is not a relevant consideration for determining development applications under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p><i>Flooding and Stormwater</i></p> <p>The following issues in relation to Flooding and Stormwater have been identified by the submissions:</p> <ul style="list-style-type: none"> • The subject land has in the past been a water course for the run-off of stormwater from Bell Street and Turner street. The facility will cause excess water to run through nearby streets (e.g. Almond Street) and accumulate in Bell Street. • During rainfall the land is subject to flooding and water resides on the land for extended periods. Should fill from the development occur on the land flood water will transfer to adjoining properties. • The development will cause run-off water from the land to increase. This will discharge to Merton Street which is already problematic during storm events. 	<p>The approach to stormwater management for the site has been prepared in consultation with Council's engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood Risk Management Guidelines.</p> <p>The proposed concept plans for the development are considered satisfactory subject to recommended conditions. These will be included in the Notice of Determination, should the development be approved. These conditions relate the submission of a final stormwater management plan and civil works plans for approval prior to commencement of construction.</p>

<ul style="list-style-type: none"> • The proposed concrete retaining wall will cause stormwater to overflow onto adjoining properties, causing damage to existing fences and retaining walls. • The proposed development does not adequately address the potential impact of the excess water the facility will generate onto nearby streets. 	
<p><i>Muswellbrook DCP 2009</i></p> <p>Comments on the Statement of Environmental Effects Report were made regarding the Muswellbrook DCP 2009. These are detailed as follows:</p> <p><u><i>Section 7 Village Zones</i></u></p> <p><i>7.2.3 Character Statements</i> The industrial facility is not appropriate in the existing residential area. The village environment will be undermined by the development.</p> <p><i>7.4.2 Design Guidelines</i> The proposal does not comply with Council's design guidelines in the DCP as the development does not avoid long facades and rooflines. Additionally, proposed landscaping will not "...reduce the bulk and visual intrusion due to the industrious façade of the proposed facility."</p> <p><i>7.4.6 Form, Massing and Scale</i> The proposed building's façade and use will dominate the surrounding built environment. The building is defined as a commercial building/facility and will be significantly larger than surrounding buildings.</p> <p>The proposed development does not reinforce the existing characteristic of surrounding residential properties.</p> <p><i>7.4.8 Setbacks</i> The proposed facility will dominate the streetscape and its overall profile and bulk is not low in comparison to existing residential properties.</p> <p><u><i>Section 21 Contaminated Land</i></u> The land could potentially be contaminated given the runoff pooling on the site from neighbouring properties over the years. Consequently, potential contaminants could exist under the existing vegetation which could become airborne with any disruption to the soil. This will be a risk to the residents in the immediate area.</p>	<p>The proposed development complies or can comply with applicable BCA provisions. Furthermore, the information submitted with the development application indicates that the character of the development would be compatible with the existing setting.</p> <p>The proposed development has adequately addressed Council's design guidelines for development and the request for further information.</p> <p>Appropriate landscaping measures are provided in the landscaping plans to soften the visual impact of the proposed development at its interface with adjoining residential properties. A variety of vegetation screening measures (native trees and shrubs) are proposed along site boundaries that will grow to a mature height (5m to 15m).</p> <p>It is agreed that the building is slightly larger than the residential buildings within the existing residential setting. However, the proposed development and measures to be undertaken (either enforced by Council or executed by the applicant) is not expected to result in any significant land use conflicts or adversely affect the amenity of surrounding land.</p> <p>It is considered the measures imposed for the construction of the single storey storage facility will encourage consistency with development on adjoining allotments.</p> <p>The proposed development is in accordance with this Section of the DCP. The development complies with all setbacks and respects the setbacks of other buildings along the streetscape.</p> <p>An area is reserved adjacent the site's Bell Street frontage for further landscaping to minimise any potential impacts.</p> <p>An independent consultant (<i>Environmental Earth Services</i>) has confirmed the site generally presents a low risk posed by contamination, and material within the stockpile presents a medium risk to human health and the environment. As a consequence, it was recommended that a further detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, be undertaken either prior to commencement of development or during development.</p> <p>A condition of consent will be issued in the Notice of Determination, should the application be supported,</p>

	requiring the chemical characterisation of the fill material and appropriate removal prior to commencement of works for the proposed development.
<p>Land Contamination</p> <p>The land has historical evidence of potential contamination. Uncontrolled stockpiled material has historically occurred on the land.</p> <p>State Rail NSW have in the past used the land as a Borrow Pit which created a large dam. Muswellbrook Shire Council have backfilled this dam with potentially contaminated unwanted soil which makes the land unusable for construction.</p> <p>The Statement of Environmental Effects (SoEE) is not accurate in relation to the 6 cubic metres of suspect fill. One of the submissions identifies as a former council employee of 30 years. The submissions states “...I was involved in putting 50 truckloads of unclean fill into the dam which was created by the railway as a Borrow Pit.”</p>	<p>An independent consultant (<i>Environmental Earth Services</i>) has confirmed the site generally presents a low risk posed by contamination, and material within the stockpile presents a medium risk to human health and the environment. As a consequence, it was recommended that a further detailed assessment of the physical and chemical properties of uncontrolled stockpiled material, be undertaken either prior to commencement of development.</p> <p>An appropriate condition of consent can be issued in the Notice of Determination, should the application be approved, requiring the chemical characterisation of the fill material and appropriate methods for removal prior to issue of a Construction Certificate for the proposed development.</p>
<p>Overshadowing and Solar Impact</p> <p>The proposed development will prevent natural light from entering the front of an existing dwelling in Turner Street.</p>	<p>The proposed development is single storey and compliant with the required Council development setbacks from all boundaries.</p> <p>Furthermore, there are no impacts expected in terms of overshadowing. The development will not affect current solar access and will not impede solar access on adjoining buildings.</p>
<p>Impacts on the Amenity</p> <p>This proposal is not in keeping with the historical village atmosphere of Denman. The “...<i>mountain views, open spaces, village feel</i>...” will be adversely impacted for the nearby residents. Furthermore, the proposed development is too close to Council's Recreational Camping Area and the historical Museum and will be unsightly.</p> <p>The proposed development will “<i>disrupt the village atmosphere</i>” for the residents of the area and those west of the railway line.</p> <p>Privacy to the surrounding residents will be reduced by the development.</p> <p>The north side of the facility proposes a concrete retaining wall with a colorbond fence, resulting in approximately 3 m in total height. The proposed fencing at 2.4 metres height and retaining wall will not prevent any potential impacts on the amenity of the area (i.e. noise, visual, traffic etc.).</p>	<p>The design of the development and proposed conditions of consent should minimise any potential impacts on adjoining properties.</p> <p>In terms of visual privacy, there are no impacts expected. As an additional measure to manage any potential visual impact of the development, Council Officers have recommended additional landscaping along the buildings rear elevation to include trees with 8 m mature canopy height to screen the proposed development. The additional landscaping is considered to assist with softening the visual impact of the proposed development at its interface with adjoining residential properties.</p>
<p>Proposal not suitable for the Residential area</p> <p>The development is an industrial building and should be located on industrial land. The development is not in keeping with the character of the area and the <i>RU5 Village</i> zone. The proposed development is not appropriate for the area. There are other areas in Denman more suitable for this type of development.</p> <p>The proposal of 103 storage units will not be financially viable. The Denman population does not require such large facility as the population cannot financially sustain this type of development. The demand for such a facility is not available for the area. The development is not in the public interest of Denman residents.</p> <p>An alternative suggestion for better use of the land is to turn the property into a native vegetation area, which will be more visually appealing to the local community.</p>	<p>The proposal is a permissible use within the RU5 zone and is compatible with surrounding land uses. The proposed development will support economic activity and provide new job opportunities for the Denman area. Should the application be supported it is not expected the development will create any unacceptable land use conflicts.</p> <p>The proposed development is defined as a ‘storage premises’ under the provisions of the MLEP 2009, which is:</p> <p><i>“a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but</i></p>

	<p><i>does not include a heavy industrial storage establishment or a warehouse or distribution centre."</i></p> <p>A storage premises is permissible with consent within the <i>RU5 - Village</i> zone, under the provisions of the MLEP 2009. The proposed development would be carried out in accordance with the relevant provisions of the MLEP 2009 and other applicable environmental planning instruments. The proposed development has been assessed against the relevant assessment criteria under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> and found to comply.</p> <p>Comments relating to the viability of the development are not a relevant consideration for determining development applications under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p><i>Council Transparency of the Development</i></p> <p>The development application will not be assessed fairly, and the review process will not be transparent.</p>	<p>Council have engaged a planning consultant independent of Council to assess the proposed development.</p> <p>Notification of the development has complied with all legislation protocols for community consultation including the <i>Environmental Planning and Assessment Act 1979</i> and the Muswellbrook Community Participation Plan.</p>
<p><i>Safety and Security</i></p> <p>The following issues relating to safety and security were identified in the submissions:</p> <ul style="list-style-type: none"> • There will be an increase in crime at the premises and for surrounding residences should the development proceed. • The use of lights as a deterrent will be an issue for shift workers in the area. • The greater traffic movement will increase the potential for accidents, for the elderly, visitors and especially children who play in the streets. • The safety of Denman is at risk from the potential items that will be stored at the premises. Dangerous items such as gas bottles, fuel, chemicals and oil will be located at the premises, in association with Caravans, Boats and other vehicles and would be a hazard to adjoining residences. 	<p>The development is in an urban area and passive surveillance of the environment will be applied throughout the locality.</p> <p>Suitable safety and security measures would be incorporated into the development to minimise risk associated with the operation of the storage facility. This includes security cameras and lighting which will comply with the relevant Australian Standards. This is a recommended condition.</p> <p>The Traffic Report submitted with the development application confirms that site access, parking, servicing and traffic generation has been designed to comply with Australian Standards Parking Facilities AS2890 series and the Muswellbrook Development Control Plan 2009. Subject to Council's requirements, and the proposed management strategies by the proponent it is considered the proposal is acceptable in terms of traffic safety, vehicular access and frequency associated with Bell and Turner Street.</p> <p>The Report also indicates traffic volumes will be low (i.e. maximum trip generation of 11 trips per hour on a weekend) due to the nature of the use. Additionally, the proposed development is likely to generate sporadic traffic movements, minimising the overall impact on the road network.</p> <p>Hazardous items associated with the development including those associated with fire or chemical spills are not considered to present a risk to the community in a way that would substantiate the refusal of the development. Conditions of consent have been recommended, should the development be supported, to require spill kits and management practices to be incorporated for the development in accordance with relevant legislation and industry standards.</p> <p>A condition will be provided in the determination,</p>

	should the application be supported, detailing the management of potentially dangerous items.
<p><i>Signage</i></p> <p>The proposed signage is not integrated nor compatible with the character of the locality</p>	<p>The new plans have addressed these concerns. The number and size of signage has been reduced and is more unified with the overall development.</p>
<p><i>Noise</i></p> <p>There will be an increase in noise disruption in the residential area that will be intolerable and unacceptable.</p> <p>The development is proposed to be operational "...24 hours per day, 365 days per year...", which is unfair to the residents within the area.</p>	<p>An Environmental Noise Assessment has been prepared by independent consultants for the development. This assessment has been prepared in accordance with the of the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI) and the NSW Road Noise Policy (RNP). The noise sources associated with the proposed development include vehicle movements through the site and use of the proposed car park.</p> <p>The applicant proposes to implement strict noise management and mitigation actions to ensure that the site function in a manner which will not introduce unacceptable acoustic impacts on neighbouring properties. Based on all the available information, noise levels will be within acceptable limits. That is, the Environmental Noise Assessment modelling indicates that the development will comply with the Project Noise Trigger Levels at all surrounding residential receivers in the Daytime, Evening and Night-time operational scenarios.</p> <p>Further, several recommendations have been made in the noise assessment to mitigate/manage noise. These are to form part of the conditions should the development be supported:</p> <ul style="list-style-type: none"> • A 2.4 m high acoustic fence is recommended along the northern and western site boundaries. The fence should be constructed from a solid material with no gaps, for example profile steel sheet, or alternative material with a minimum surface mass of 8 kg/m². • Trucks larger than box trucks (3-4.5 tonne) are to be restricted from accessing the site. • Permitted trucks are only to access the premises during the day period (i.e. 7am to 6pm). • Permitted trucks would only enter the premises from Turner Street and exit from Bell Street. They may also travel along the middle internal road of the site but are restricted from access the western boundary of the site or entering from Bell Street. • Traffic speed of 10km/h should be signposted within the facility. Expect all drivers to comply with the speed limit and to implement responsible driving within the facility to minimise noise associated with unnecessary acceleration and braking within the facility. • Vehicles are not to be left idling when within the premises. • Install signposts at the entrances and within the parking bays advising drivers to respect the neighbours and keep noise to a minimum within the premises this will include the advice to not leave vehicles idling and careful opening and closing of storage shed and vehicle doors. • A mechanism for nearby receivers should be provided such that noise related issues can be fed back to the operator and the plan of management updated if required. <p>The proposed hours of operation have been reduced. Significant screening measures are also proposed.</p>

<p><i>Development not located within Boundary</i></p> <p>The proposed building will be located over a council owned road, cutting off one end of Turner Street which should not occur.</p> <p>It is believed the property should be a gazetted road and Turner Street should be allowed to be connected and continue continued through.</p>	<p>The development is proposed within the boundary of the subject land and complies with all setbacks of Council's MDCP 2009 and respects the setbacks of other buildings along the streetscape.</p> <p>The connection of Turner Street through the subject land was never an intended use of the land by Council.</p>
<p><i>Ownership of the Road Reserve</i></p> <p><i>"Half of the land proposed is a gazetted Road Reserve (Turner Street)."</i></p> <p>Council are not the owners of the Road Reserve in Turner Street, which is instead under the ownership of The Lands Department.</p>	<p>The development proposed on the property identified as Lot 42, DP 771226 is under the ownership and management of Muswellbrook Shire Council and is proposed within the boundaries of the subject land.</p>
<p><i>Inappropriate use of the development</i></p> <p>The use of storage units will be mainly by those that are not local to the area who could store chemicals, explosives, drugs and contaminants.</p>	<p>The operational use of the land will be appropriately managed by way of conditions and the proposed management plans for the development.</p>
<p><i>Impact on Future Development</i></p> <p>The proposal will impact on the potential to subdivide adjoining properties in the future.</p>	<p>The potential impacts of a development on the value of nearby land and its subdivision potential is not a relevant consideration for determining development applications under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
<p><i>Impact on fire safety management plans</i></p> <p>This site provides a quick access point to essential services such as fire rescue, police, ambulance and roadside pick-up. The site may not be identified within a bushfire Prone area but could encroach on fire-safety management plans for the area.</p>	<p>The subject site is identified as being bushfire prone land. However, under the provisions of Clause 100B of the <i>Rural Fire Act 1997</i> the development is not required to be referred to NSW Rural Fire Service as it is not listed as having a special fire protection purpose.</p>
<p><i>Informal Access Request</i></p> <p>A request is required to access information under the Government Information (Public Access) Act 2009 (GIPA Act) for the following:</p> <ol style="list-style-type: none"> 1) all correspondence between Council and previous DA applicants related to Lot 42, DP 771226 Turner Street 2) Reports used by either previous applicants or Council to prohibit other potential developments for Lot 42; and 3) any other information related to flooding, historical use of the land and reparation works recommended for the site. 	<p>This request should be undertaken independent of this development application and the enquiry is unrelated in the assessment of the proposed development as it relates to historical approvals</p>

Section 94 Contributions Plan 2001

Section 7.11 (Formerly Section 94) Contributions are not applicable to the proposed development.

Section 94A Contributions Plan 2009

Section 7.12 (Formerly Section 94A) applies to the total value of the project that is \$3,555,527.00 (GST inclusive). A contribution would be applicable at a rate of 1% of the total capital investment value. Consequently, a developer contribution of \$35,555.27 will apply to the proposed development should the Application be approved.

Section 4.15(1)(a)(iia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

Section 4.15(1)(a)(iv) the provisions of the regulations

The development is not listed in Schedule 3 of the *Environmental Planning and Assessment Regulation 2021*.

Additionally, Clause 61 (demolition) of the *Environmental Planning and Assessment Regulation 2021* specifies the additional matters a consent authority is required to consider when determining a development application. It is confirmed that none of these matters apply to the proposed development.

In relation to Clause 62 (Fire Safety) of the regulations the development must demonstrate compliance with the Building Code of Australia (BCA) during the application for the Construction Certificate. During the assessment of the CC application, fire safety measures in the development shall be reviewed, a Fire Safety Schedule shall be issued by the Certifying Authority and any additional measures shall be required to be installed prior to issue of an Occupation Certificate.

As part of the Construction Certificate (CC) under clause 7 of the *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*, the development must demonstrate compliance with the relevant provisions of the Disability Discrimination Act 1992. Furthermore, the development must be accessible; an accessible carpark is to be provided on site; and accessible and ambulant amenities is to be made available.

Section 4.15(1)(b) the likely impacts of the development

Key potential impacts of the proposed development have been considered and commented on under the sub-headings below.

Context and setting

The development site is currently undeveloped vacant land. The proposed development is located within an urban area and will have minimal impact on the context and setting of the locality. The development will make the boundaries reflect the physical separation and fencing on the property and will also correspond with existing allotment sizes.

The proposed storage facility does not adversely impact the sites existing context and setting. The proposal is consistent with the guidelines for development and is in accordance with the relevant design requirements.

In view of the above it is considered that the development would not have a significant adverse impact on adjoining neighbours and local context and setting that would warrant the refusal of the development application. Accordingly, no objection is raised to the proposed storage premises regarding its compatibility with the local context and setting.

Built Form

The proposed development and its colour scheme (Deep Ocean / Shale Grey / Monument colorbond) has adequately addressed Council's design guidelines for development. Acoustic and privacy fencing and boundary landscaping has been provided along the site boundaries to create a suitable buffer, privacy and amenity for the nearest neighbours. The proposed conditions on external lighting will also ensure that any adverse impact upon adjacent residential privacy is avoided, and any amenity impacts are minimised.

The proposed design and materials of the development and measures to be undertaken (either enforced by Council or executed by the applicant) are not expected to result in any significant land use conflicts or adversely affect the amenity of surrounding land. It is considered the measures imposed for the construction of the single storey storage facility will encourage consistency with development on adjoining allotments and is not expected to result in any unacceptable impacts.

It is considered the proposed additional landscaping will soften the visual impact of the proposed development at its interface with adjoining residential properties and is satisfactory in this regard.

Access, Transport and Traffic

Legal and physical access (pedestrian and vehicular) to the site is proposed via Bell Street and Turner Street. The Traffic Impact Assessment, prepared by PSA Consulting (Australia) Pty Ltd, was submitted with the proposal. This assessment came to the following conclusions in relation to the proposed development and its traffic impacts:

- it is not likely that any adverse impact would result on the surrounding road network due to the nature of the site being low traffic generating and the hierarchy of the surrounding roads; and
- the proposed storage premises at Bell Street and Turner Street, in terms of design of access, car parking and servicing arrangements is generally in accordance with AS2890 series and the MDCP 2009.

Therefore, the safety, efficiency and on-going operation of the roads would not be adversely affected by the development given the additional traffic movements would be minor and manageable. The current road network is suitably designed for the proposal, and manoeuvring areas have been designed to accept the current access arrangements. Any vehicles to and from the site is expected to be suitably accommodated within the surrounding road network.

It is considered the development would have minimal impacts to traffic and access or degradation of the road. It is also considered the development will provide sufficient access to the lot. Council is satisfied with the proposed development in this regard.

Public Domain

No negative impacts on the public domain have been identified as detailed throughout this assessment report. The proposed development is consistent with existing development in the locality.

Utilities

Service provision has been previously addressed within Development Control Plan – *Utility Services* section. Existing water, sewer, power and telecommunications infrastructure is available within Bell Street to the south of the site. These services will be extended to service the proposed development.

The existing sewer running through the eastern part of the site will be retained in its current location. The proposal will require manhole level of the sewer main to be re-aligned with the proposed ground level. The development has been designed to ensure that there is no building over the sewer line and manhole. Any consequential alterations to existing infrastructure by the Applicant will be conditioned, should the proposal be supported by Council.

Heritage

The proposed development is not located within a Heritage Conservation Area and does not include a listed heritage item. The nearest heritage item to the development site is the Railway terminus site (I37), a locally listed item. This heritage item is situated on the eastern side of the development site. Given the proposed development is physically separated from this heritage item by the Railway and open space, it is considered unlikely to have any substantive impact on the importance of this locally listed item.

It is recommended that the development proceed subject to recommended conditions of consent that references the developer's obligations to manage and report any previously unidentified aboriginal artefacts should they be uncovered through the continued operation of the existing development.

Lighting

The proposed development involves the erection of one fascia sign and the lighting of this signage. Council Officers have reviewed the adjustable back lit signage proposed against the requirements of the SEPP Advertising Structures and the provisions of Section 14 Outdoor Signage of Council's DCP. Council Officers are satisfied that the illumination of this sign won't have a significant adverse impact on the local area.

The outdoor lighting proposed also has the potential to impact adjoining land through the night. To eliminate any potential impact of lighting on adjoining land it is recommended that all lighting installations are carried out to comply with the requirements of Australian Standard AS4282.1997.

Water

The development site has the provision of water that will service the facility. A section 68 approval shall be required to be issued for the connection to Council's infrastructure prior to the commencement of building works, pursuant to the provisions of the *Local Government Act 1993*.

The proposed Stormwater Drainage Plans have been prepared by a Civil Engineer for the development. Stormwater management arrangements have been prepared in consultation with council's civil engineering team and in accordance with the Muswellbrook Shire Council Stormwater and Flood risk Management Guidelines.

Stormwater for the development is to be disposed of to the existing / proposed on-site infrastructure and a Section 68 application is required. This will be imposed as a condition of consent.

Flora and Fauna

The development will not result in the removal of any trees from the site. The proposed development is considered unlikely to impact on the protection and management of threatened species, critical habitats, threatened or endangered ecological communities.

Soils

The proposed development does not appear to pose any significant impacts to soil quality, site erosion, land degradation or salinity, nor does it pose any risk for subsistence or landslip.

Council's Environmental Health Officer highlighted concerns regarding the existing stockpile of waste. It was advised that the stockpile needs to be classified and disposed of offsite prior to development. A detailed contamination assessment which is to include a waste classification of the stockpile, is required to be undertaken to provide Council with further information for adequate assessment on contamination.

A condition shall also be imposed as part of the development consent requiring establishment and maintenance of erosion and sediment controls for the duration of construction works.

Air/Microclimate

The proposed development is considered to have minimal impact on the existing microclimate in the area.

Waste

Waste generated during construction is to be maintained onsite and shall be disposed to Council's land fill. A standard condition shall be imposed requiring the establishment and maintenance of a site rubbish container for the duration of construction works.

A Site Waste Minimisation and Management Plan (SWMMP) has been prepared as part of the proposed development and Council is satisfied with the proposed Plan. A condition will be listed in the notice of determination, should the development be supported, to ensure that any operational waste is disposed of appropriately.

Any development headworks contributions applicable are under the provision of the Muswellbrook sewer Development Services Plan.

Energy

The proposed subdivision development is expected to have a negligible impact on energy resources.

Noise and Vibration

The closest noise sensitive receivers are residential premises located adjacent to the site at the west and north boundaries. The noise sources associated with the proposed development include vehicle movements through the site and use of the proposed car park.

Construction Noise

The construction of the proposed development has the potential to generate noise that would impact adjoining residential properties. This is reflected by the findings of the Noise Impact Assessment which recommends control measures to limit the potential for construction activities to cause noise disturbances to adjoining properties.

These disturbances will occur for a limited duration during construction. The Noise Impact Assessment recommends conditions of consent including the restriction of building works to between 7am – 6pm Monday to Friday, 8am – 1pm Saturday, with no work to be carried out on Sundays and public holidays.

Construction noise will be conditioned.

Operational Noise

The impact of noise related to the operation of the proposed development has been a key consideration through the assessment of this development application. The development has been assessed against the NSW Environmental Protection Authority (EPA) Noise Policy for Industry (NPI). The NPI sets out the EPA's requirements for the assessment and management of noise from industry in NSW.

The Acoustic Assessment Report, prepared by *Resonate* Wednesday, 18 January 2023, demonstrated that the noise emissions from the typical operation of the development are predicted to comply with the relevant environmental noise criteria at all residences in the vicinity of the site provided the proponent complies with the noise management and control measure recommendations of the report. These are identified as follows:

- *To mitigate noise to surrounding residences a 2.4 m high acoustic fence is recommended in the location shown in Figure 2 below. The fence should be constructed from a solid material with no gaps, for example profile steel sheet, or alternative material with a minimum surface mass of 8 kg/m².*
- *Trucks larger than box trucks (3-4.5 tonne) are to be restricted from accessing the site.*
- *Permitted trucks are only to access the premises during the day period (i.e. 7am to 6pm).*
- *Permitted trucks would only enter the premises from Turner Street and exit from Bell Street. They may also travel along the middle internal road of the site but are restricted from access the western boundary of the site or entering from Bell Street.*
- *Traffic speed of 10km/h should be signposted within the facility. Expect all drivers to comply with the speed limit and to implement responsible driving within the facility to*

minimise noise associated with unnecessary acceleration and braking within the facility.

- *Vehicles are not to be left idling when within the premises.*
- *Install signposts at the entrances and within the parking bays advising drivers to respect the neighbours and keep noise to a minimum within the premises this will include the advice to not leave vehicles idling and careful opening and closing of storage shed and vehicle doors.*
- *A mechanism for nearby receivers should be provided such that noise related issues can be fed back to the operator and the plan of management updated if required.*

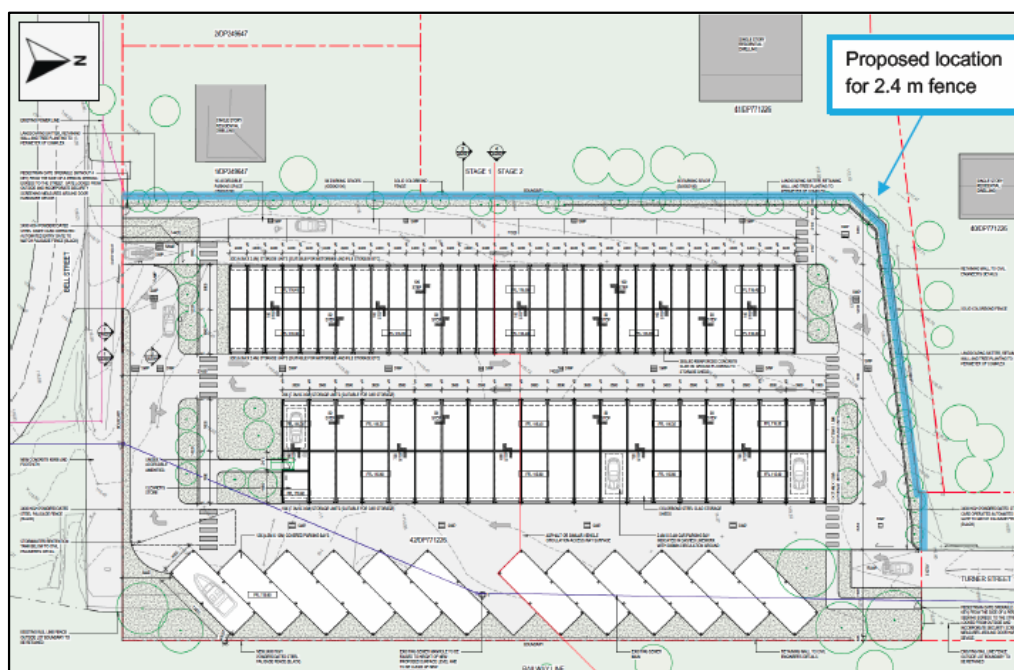


Figure 2 – Proposed location of acoustic fence

Conditions of consent are proposed regarding the fencing. On this basis, the proposed storage facility will be able to operate within the relevant noise provisions in the NSW EPA Noise Policy for Industry and the NSW Road Noise Policy.

However, the 24-hour operation of the proposed development has the potential to have adverse impact. It is recommended that approval be granted for reduced hours of operation. A complaints register is also suggested for a 6 monthly review where the hours can be further adjusted if required. The implemented hours of operation will be 7.00 am – 10.00 pm Monday Friday and 8.00 am- 8.00 pm Saturday and Sunday in line with the NSW EPAs Noise Policy guidelines.

Natural Hazards

Council's flood records identify that a small portion of the site is identified as being subject to localised flooding. This has been addressed in the design of the development and it is considered there will be negligible impact on the development or adjoining properties.

The land is also identified as bushfire prone and under the provisions of Clause 100B of the *Rural Fire Act 1997*. However, the development is not required to be referred to NSW Rural Fire Service as it is not listed as a special fire protection purpose.

The proposed development is not identified as being affected by any further natural hazards that may affect the ability of the development to proceed.

Technological Hazards

The proposed development can potentially involve the storage of dangerous goods (i.e. petrol, oil, gas etc.). The applicant has identified the proposed stormwater management system will be fitted with pollution reduction devices, which is designed to remove contaminants such as oil, sediment and other pollutants prior to stormwater discharging into the drainage system and beyond the site.

To ensure that the proposed development is constructed and managed in accordance with Council's requirements the application was also referred to Council's Senior Environmental Health Officer who recommended conditions of consent related to spill control and ensuring the construction complies with the requirements.

Safety and Security and Crime Prevention

The development will not result in any decrease in safety, security and prevention of crime in the surrounding area. The development is in an urban area and passive surveillance of the environment will occur throughout the locality.

The five (5) Crime Prevention Through Environmental Design (CPTED) principles (i.e. surveillance, lighting, access control, territorial reinforcement, space management) are also to be considered in the development to ensure it does not create or exacerbate crime risk. The proposed development satisfies the requirements prepared by the former NSW Department of Urban Affairs and Planning (DUAP 2001).

Suitable safety and security measures (security cameras, surveillance, Secure entry and exit points, lighting, landscaping etc.) would be incorporated into the proposed storage facility to minimise risk associated with the continued management of the development.

Social and Economic Impacts on the Locality

The intermittent use of the development and proposed screening measures in place will have little social impact on the surrounding area. This is considered acceptable with existing structures in the vicinity and on adjoining allotments.

The economic benefits associated with the development are expected to be generally positive through providing opportunities for local employment throughout both the construction and operation period.

The proposed development would support economic activity and provide new job opportunities for Muswellbrook and Denman. At the same time as having these positive economic and social impacts the proposal has the potential to have adverse impacts related to safety, security and criminal activity related to the proposed 24-hour operation. The applicant has put forward various measures to manage the risk of these adverse social impacts occurring in relation to the proposal. Where these proposed safety and security measures are incorporated into the development it is considered that the proposal may be supported from a social impact perspective.

Construction

At a minimum, the construction phase of the development will be required to address the following:

- Hours of building work (to be consistent with NSW State Guidelines);
- Construction waste storage and management;
- Noise and dust management and control of other potential pollutants;
- Continuity of public access to services; and
- Signage.

Should the proposal be supported by Council the abovementioned construction matters will be required to be addressed as conditions of development consent.

Cumulative Impacts

The proposal is compatible with surrounding land uses and approval of the application is not expected to result in any unacceptable land use conflicts. The Proposal involves a storage premises to occur over two stages. The landscaping proposed is considered to minimise any impacts. Furthermore, pertinent matters have been addressed in detail in this assessment report, which demonstrates that the development is consistent with applicable planning legislation.

Section 4.15(1)(c) the suitability of the site for the development

The proposed development is consistent with the existing and future development in the locality. The potential environmental hazards have been appropriately addressed in the SoEE and the subject site is considered suitable for the proposed development.

The storage premises will provide suitable access from a public road to appropriately service the facility. The subject site is zoned *RU5 Village* and consistent with the objectives of the zone. The environmental impacts of the development will be negligible and it is considered that the development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

Section 4.15(1)(d) any submissions made

In accordance with the requirements of the Community Participation Plan the proposed development was notified between 15 March 2023 to 12 April 2023. Written notices were posted to the owners of property in the vicinity of the development site. The application was also notified online at Council's website and posted via the Council's Facebook.

Eleven (11) submissions were received during the notification period, and all objected to the proposed development at the subject site.

The submissions received have been considered by Council Officers in the assessment of the development and the reasoning provided for any objections to the proposed development have been summarised and commented in Section 4.15(1)(a)(iii) of this Report. The submissions have also been attached for Council's review.

Section 4.15(1)(e) the public interest.

The proposed development is generally in accordance with the public interest. This view has been informed by the following considerations:

- The proposed development is permissible with consent in the RU5 Village zone under the provisions of the MLEP 2009.
- The proposed development would comply with the relevant requirements of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- The proposed development would be carried out in accordance with the relevant provisions of the MLEP 2009 and other applicable environmental planning instruments
- The proposed development would comply with the relevant requirements of the MDCP 2009.
- Where carried out in accordance with the recommended conditions of consent the proposed development is unlikely to have any significant adverse environmental impact.

- The proposed development will facilitate a storage facility service on the land for the benefit of the Denman and Muswellbrook community.
- The proposed development would generate additional economic activity and employment opportunities in the Denman locality.
- The environmental impacts of the development are negligible and the resultant storage premises will be viable for commercial purposes that is permissible in the *RU5 Village* zone.

7.0 CONCLUSION & RECOMMENDATION

The proposed development has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development would be in accordance with the provisions of all relevant Environmental Planning Instruments, relevant Development Control Plans, the *Environmental Planning and Assessment Regulation 2021*, is unlikely to result in any significant adverse environmental impacts.

It is recommended that development consent be granted to the proposed development subject to the recommended conditions of consent pursuant to Section 4.16(1)(a) of the *Environmental Planning and Assessment Act 1979* detailed be

DA 2023/14 RECOMMENDED CONDITIONS OF CONSENT

ADMINISTRATIVE CONDITIONS

Obligation To Minimise Harm To The Environment

1. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the operation, maintenance or rehabilitation of the Development.

IDENTIFICATION OF APPROVED PLANS

Development in Accordance with Plans

2. The development is to be carried out in accordance with the development application and the plans referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Revision	Drawn by	Drawing Date	Received
DA0000	J	CM ⁺	16/01/2023	28/02/2023
DA0001	J	CM ⁺	16/01/2023	28/02/2023
DA0101	K	CM ⁺	16/01/2023	28/02/2023
DA1001	K	CM ⁺	16/01/2023	28/02/2023
DA1011	K	CM ⁺	16/01/2023	28/02/2023
DA2001	K	CM ⁺	16/01/2023	28/02/2023
DA6001	H	CM ⁺	16/01/2023	28/02/2023
DA6101	H	CM ⁺	16/01/2023	28/02/2023
DA6201	G	CM ⁺	16/01/2023	28/02/2023
DA7001	G	CM ⁺	16/01/2023	28/02/2023
DA9001	G	CM ⁺	16/01/2023	28/02/2023
DA9002	E	CM ⁺	16/01/2023	28/02/2023
DA9003	E	CM ⁺	16/01/2023	28/02/2023
L-001	E	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
L-002	E	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
L-003	E	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
L-004	D	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
L-005	D	CONTEXT Landscape Architecture	06/07/2022	28/02/2023
C001	3	Adams	06/07/2022	28/02/2023
C002	3	Adams	06/07/2022	28/02/2023
C003	3	Adams	06/07/2022	28/02/2023
C0010	4	Adams	06/07/2022	28/02/2023
C0015	3	Adams	06/07/2022	28/02/2023
C0020	3	Adams	06/07/2022	28/02/2023

Development in Accordance with Documentation

3. The development is to be carried out generally in accordance with the following documents.

Where there is a discrepancy between any of the documents referenced by this condition of consent and any other condition referenced by the consent or an amendment to the application made by the applicant in writing the provisions of the related condition or amendment to the application takes precedence over matters referenced by the documents below.

Title	Written by	Date
BCA Assessment Report	BCA Logic	22 April 2021
BCA Access Assessment Report	BCA Logic	22 April 2021
Survey Plan	MM Hyndes Bailey & Co.	12 July 2021
Traffic Report	PSA Consulting	2 September 2021
Site Waste Minimisation and Management Plan	PSA Consulting	9 September 2021
Statement of Environmental Effects	PSA Consulting	17 September 2021
Bushfire Assessment Report	Building Code & Bushfire Hazard Solutions Pty Limited	9 December 2021
Environmental Noise Assessment	Resonate	18 January 2023
Waste Management Plan	Jonathan Widagbo	20 January 2023

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION

Building Code of Australia

4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Access to premises standard

5. The building shall comply with the requirements of the *Commonwealth Disability (Access to Premise Standard) 2010*.

Australian Rail Track Corporation (ARTC)

6. During the removal and relocation of the boundary fence the applicant must ensure:
 - i. Consistency with ARTC Fence Standards;
 - ii. The ARTC Third Party Works process is followed, and a Rail Safety Protection Officer is on site in accordance with ARTC Rail Safety System.
 - iii. The applicant completes a Rail Services search prior to the installation of the fence and with ARTC approval.

ARTC concurrence is required to carry out excavation and any other adjacent earthworks due to the proposed development being within 25 m of the rail corridor and having the potential to impact on the safety and operation of the rail network.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

Hazardous Material survey and Asbestos removal

7. Prior to the carrying out of any excavation work relating to the development:

- (a) a detailed contamination assessment is to be prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) and submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist within the stockpiles located on the site (e.g. lead in paints, ceiling dust, glass fibre insulation or asbestos based products). The detailed contamination assessment is to include a waste classification of the stockpile.

Note: If no hazardous materials are identified, the excavation works and removal of stockpiles may proceed in accordance with the conditions of this consent.

- (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application. 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.
 - (v) 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.
- (c) any works involving asbestos based products must be undertaken in accordance with the requirements of the Work Cover 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).
- (d) 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.
- (e) After asbestos removal works are completed, a suitably qualified/licensed asbestos hygienist must inspect and issue an asbestos clearance certificate.
- (f) Tipping receipts demonstrating that all asbestos has been disposed of to an appropriately licensed facility are to be provided to the Certifying Authority.

Details demonstrating compliance with these requirements are to be approved by the Certifying Authority and submitted with the Construction Certificate application.

Notes:

1. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at "<http://www.lead.org.au>" www.lead.org.au.
2. 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.

Construction Certificate Requirements

8. 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.

Note: A Construction Certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

Section 138 Roads Act Approval

9. Prior to the carrying out of any works the person acting with this consent must obtain approval from Council under Section 138 of the Roads Act 1993 and always follow the requirements.

It will be necessary for any Section 138 Application to be accompanied by information required by Council's Community Infrastructure Department, including a Safe Work Method Statement (SWIMS) and a copy of the public liability insurance of the principal contractor for the works.

Stormwater

10. Prior to a Construction Certificate being issued, the applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

11. Prior to the issue of a Construction Certificate a final stormwater management plan is required and must include all relevant and updated information to Council's written satisfaction.
12. Prior to a Construction Certificate being issued the applicant must submit gate entry details addressing potential obstruction of long vehicles entering from Turner Street for Council's approval. All vehicular movements on site for the maximum sized vehicle are to be demonstrated as part of the Construction Certificate design.

Driveways into the site are to be designed in accordance with Council's F10 Kerb and Gutter Policy.

13. All retaining walls are to be certified by a suitably experienced structural engineer and submitted to Council prior to the issue of a Construction Certificate.

Construction Management Program

14. Prior to the issue of a Construction Certificate a Construction Management Program must be prepared, submitted to and approved in writing by the Council prior. 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) proposed protection for Council and adjoining properties;
 - l) the location and operation of any on site crane;
 - m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
 - n) location, identification, treatment and disposal of all hazardous materials on site.

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 always kept on the site and made available to any officer of Council upon request.

Electricity Connection

15. Prior to the commencement of construction, the nominated electrical consultant / contractor is to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure.

The method of connection is required in accordance with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements'.

Muswellbrook Shire Water and Waste Division

16. A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Construction Certificate application, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment at construction certificate stage are to be paid prior to release of a Construction Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Council Water & Waste Department are to be provided with the Construction Certificate application.

The final compliance certificate must be submitted to the Certifying Authority prior to release of the Occupation Certificate.

Section 68 Local Government Act 1993 Approvals

17. Prior to the issue of a Construction Certificate the person acting with this consent shall obtain approval under Section 68 of the Local Government Act 1993 for the carrying out of stormwater, water and sewer works.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.

The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.

Landscape Maintenance Strategy

18. To ensure the survival, management and maintenance of the landscaping installed as part of the development, a landscape maintenance strategy is to be developed and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The Strategy shall address maintenance issues, such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilising, remedial pruning and plant replacement.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

Sediment and Erosion Control

19. Prior to the issue of any Construction Certificate the person acting with this consent is to provide a Sediment and Erosion Control Plan for approval by the Certifying Authority. The Plan is to include, but not be limited to, measures such as:
 - a) Indication of soil stockpile locations;
 - b) runoff control measures; and
 - c) stormwater pit protection during construction.

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.

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 technique are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

Control of Sediment entering roadways

20. During construction the person acting with this consent is to take all necessary precautions to prevent the spread of any gravel and sediment onto the adjoining roadways.

A shaker ramp or similar is to be installed at the site during earthworks and siteworks and until the fill has been stabilised and initial siteworks completed.

Outdoor Lighting

21. All lighting is to be designed and positioned to minimise any adverse impact on neighbouring premises.

Prior to the issue of a Construction plans a lighting plan is to be provided to the Certifying Authority demonstrating compliance with the above, that the outdoor lighting installations will comply with the relevant Australian Standards AS/NZ 1158.3.1:2005 Lighting for Roads and Public Spaces Pedestrian Area Lighting and Public Spaces Pedestrian Area (Category P) Lighting – Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting.

All lighting installations are to proceed in accordance with the approved lighting plan and the requirements of this consent.

Site Sign

22. 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.

This condition does not apply to building works being carried out inside an existing building.

Site Facilities

23. Site Facilities:

- a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- b) A minimum width of 1.2 m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- c) Any such hoarding or fence is to be removed when the work has been completed.
- d) 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.
- e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- f) 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.
- g) The provision of toilet facilities must be completed before any other work is commenced.
- h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

Damage to Public Infrastructure

24. The applicant shall bear the cost of all restoration works to Council property damaged during this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work, it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

Public Liability Insurance

25. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Muswellbrook Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Principal Certifying Authority prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Materials

26. In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building only utilise non-reflective metal cladding. Zincalume or reflective white sheet metal cladding is not to be used without the prior written approval from Council's Planning department.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

Construction Hours

27. Construction hours are restricted to the following:

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. 7.00 am to 6.00 pm, Monday to Friday; and
 - ii. 8.00 am to 1.00 pm, Saturday.
- (b) Building construction must not be carried out on a Sunday or public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24-hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

Out of Hours Work Permits

28. Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979*.

Failure to obtain a permission for work outside of the approved hours will result in fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

It is recommended that applications be lodged as early as possible to allow sufficient time for determination by Council and to avoid disruption or delay due to conflicting priorities.

Prohibition on Use of Pavements

29. 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.

Dust Emission and Air Quality

30. The following must be carried out during construction:-

- (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.
- (d) Throughout the carrying out of earthworks a watercart or suitable alternate water supply is to be maintain on-site at all times for the wetting down of any exposed fill, stockpiles and other material.
- (e) During high wind days and adverse weather conditions works related to the installation of fill at the site is to be halted. During adverse weather conditions it may be necessary for workers to remain on-site to carryout dust suppression measures and ensure all sediment and erosion controls remain in place.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Occupation

31. 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.
32. The applicant shall, within seven (7) days upon completion of the final works, submit to Council a Works as Executed plan (WAE) for approval. The plan shall be in the form of a marked-up copy of the approved Construction Certificate Civil Works Plan and a marked-up digital CAD format compatible with Council's asset database system. Works As Executed information is to include all infrastructure between the centreline of the road and front boundary for Bell Street, and a distance of 30 metres from the front boundary along Turner Street.

Final Compliance Certificate for Water Supply and Sewerage Works

33. The final compliance certificate for water supply works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

Stormwater infrastructure

34. Prior to the issue of an Occupation Certificate all stormwater management infrastructure is to be installed in accordance the stormwater management plan approved by Council, AS 3500.3, the provisions of the relevant Section 68 Approval and industry best practice.
35. All stormwater infrastructure is to be demonstrated to be free of sediment, gravel and litter prior to formal handover including photographic records

Construction of Parking Areas

36. Prior to the issue of an Occupation Certificate all parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, sealed, line marked, sign posted in accordance with the approved plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

Car park lighting is also to be installed to minimise light spill and is to be in accordance with AS 1158 and AS 4282-1997.

Allocation of Parking Areas

37. 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 the Occupation Certificate.

Kerb and Gutter

38. Prior to the issue of any Occupation Certificate for the development all works within Turner Street and Bell Street Road reserve are to be fully constructed in accordance with the requirements under the relevant Roads Act approvals to the satisfaction of the Roads Authority.

Final kerb design and line marking is to be clear of drainage infrastructure and allow unimpeded access around the site.

Connection to Sewer

39. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

Installation of landscaping

40. Prior to the issue of any Occupation Certificate landscaping is to be installed at the site in accordance with the approved Landscape Plan, the requirements of this consent or as otherwise directed by Council in writing.

Fencing

41. The 2.4 m high acoustic fence to be installed, as identified in the location on the approved plan, is to be constructed from a solid material with no gaps, for example profile steel sheet, or alternative material with a minimum surface mass of 8 kg/m².

Construction of Waste Storage Areas

42. Prior to issue of any Occupation Certificate the bin storage area is to be constructed in accordance with the approved plans and requirements of this condition or as otherwise specified by Council in writing.

In addition to the design information included on the approved plans the bin storage area is to be constructed in accordance with the following:

- The bin storage is to be discreetly located at the site and screened through the construction of a gated fence/screen enclosure.
- All internal walls of this enclosure are to have a smooth service and the enclosure is to coved flood/wall intersection.
- The floor is to be graded toward the centre of the enclosure to prevent the escape of waste.
- A tap is to be near the waste storage area.

Emergency Spill Response Management Plan

43. Prior to the issue of any Occupation Certificate an Emergency Spill Response Management Plan is to be submitted to and approved by Muswellbrook Shire Council to manage any potential leaks or spills from hazardous materials. The plan shall include but no be limited to the following:
- a) List of chemicals and maximum quantities to be stored at the site;
 - b) Identification of potentially hazardous situations;
 - c) Procedure for incident reporting;
 - d) Details of spill stations and signage;
 - e) Containment and clean-up facilities and procedures; and
 - f) The roles of all staff in the Plan and details of staff training. The plan is to be to the satisfaction of council.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition and the endorsement of the emergency response plan prior to the issue of any Occupation Certificate which relates to the storage facility.

Evidence of Mandatory Council Inspections

44. Prior to the issue of an Occupation Certificate the person acting with this consent should provide the Principle Certifying Authority with documentary evidence that all mandatory Council inspections required under any Section 68 and 138 Approvals have been carried out. This evidence should include a satisfactory inspection report is to be obtained from Council confirming that the outcome of the inspection.

Where a mandatory inspection has not been carried out that relates to alterations to Council infrastructure it will be necessary for the person acting with this consent and the Principle Certifying Authority to confirm that Council does not require further details in relation to the construction of the relevant infrastructure or the carrying out of any improvements to the completed works.

Noise Attenuation Barrier and Site Fencing

45. Prior to the issue of an Occupation Certificate the Noise Attenuation barrier shown on the approved plans is to be fully constructed and fencing installed.

Directional Signage

46. Prior to the issue of any Occupation Certificate vehicle directional signage is to be installed at the premises to manage access to the site and clearly identify all entry and exit points. Where an access point is entry or exit only appropriate signage is to be installed to identify this to customers. Where there is a car park pedestrian crossing

appropriate pedestrian signage should also be installed. All necessary signage installations must comply with the relevant Australian Standard.

Security Measures

47. Prior to the issue of an Occupation Certificate all physical security measures including, but limited to CCTV cameras, lighting, security locks and alarms systems are to be installed at the premises. Details of the installation of these security measures are to be provided to the satisfaction of the Certifying Authority.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

Acoustic Barrier and Noise Attenuation Measures

48. At all times the person acting with this consent is to ensure that all acoustic barriers and noise attenuation measures shown on the approved plans or required by this consent are to be maintained at the site.

Stormwater Management

49. The diversion of stormwater is to be coordinated to minimise any impact or nuisance on adjoining land. All stormwater measures undertaken are to be maintained throughout the life of the development.

Hours of Operation

50. The hours of operation are limited to 7.00 am to 10.00 pm Monday to Friday and 8.00 am to 8.00 pm Saturday and Sunday.

Complaints Register

51. For the first six (6) months that the premises is operated, the operation is to comply with the following:
- a) The person acting with this consent is to keep a detailed record of complaints received during the hours between 7 pm and 10 pm). The record should include:
 - Name and address of the complainant (if provided).
 - the date and time of the complaint.
 - Date and time of the incident which the complaint relates to.
 - Details of the incident or issue that the complaint relates to.
 - Name of the employee who received the complaint.
 - Any remedial action taken to rectify or manage the issue that the complaint relates to.
 - Summary of any feedback provided to the complainant following remedial action (feedback should be provided during regular business hours except when responding to an emergency or where more immediate feedback is requested by a complainant).
 - b) The register for complaints is to be kept at the premises at all times and is to be reviewed monthly by staff to ensure that all complaints are being reviewed, actioned and responded to where appropriate. Each complaint received should be reported to Management for investigation and follow up where necessary within 7 days of its receipt.
 - c) At the conclusion of the six (6) month period a copy of the complaint register is

to be provided to Council for review where the hours can be further adjusted if required.

Stormwater Disposal

52. All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of in accordance with the requirements of any approval under Section 68 of the Local Government Act 1993 and the approved stormwater management plans.

Noise Limitations

53. The noise levels generated by the development and use of the premises (not including the construction phase) shall not exceed the following criteria measured at the boundary of an adjoining residential receiver:

Day	47dB(A)Leq15min
Evening	45dB(A)Leq15min
Night	40dB(A)Leq15min

Certification from a qualified acoustic consultant that these requirements are being met is to be provided to Council within 3 months of the issue of an Occupation Certificate.

Certification provided to demonstrate that this requirement is being adhered to should be supported by noise monitoring carried out at the site while the premises is being operated. Noise monitoring and any subsequent report is to be prepared in accordance with industry best practice. As a minimum, noise monitoring carried out should include the premises at 3 nominated busiest operating periods.

Where noise monitoring indicates a discrepancy between the project noise and the criteria above the acoustic consultant should provide recommendations for noise attenuation or development adjustments to ensure the relevant noise criteria is achieved. All recommended measures are to be implemented and further noise monitoring carried out to demonstrate compliance with this condition and the subsequent reports provided to Council.

Landscaping

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

Security Measures

55. At all times all safety, security and crime prevention Measures referenced by the Crime Risk Assessment are to be maintained at the site unless otherwise directed in writing by NSW Police or Council.

Smoking

56. The operator of the development shall ensure that it complies with the relevant requirements of the Smoke Free Environment Legislation.

Graffiti Removal

57. All graffiti and any vandalism to the premises is to be removed within 24 hours of being noticed. Where this cannot be achieved due to contractor availability, or the nature of the damage suitable arrangements are to be made within that time period for the removal of graffiti and repair of damage in a timely manner and as soon as practical.

Lighting Installation

58. At all times the outdoor lighting installed at the premises is to be maintained in a manner to minimise impact on adjoining land. Outdoor lighting is to be installed and maintained in accordance with the approved outdoor lighting plan and the provisions of Australian Standard AS 4282:1997 Control of the Obstructive Effects of Outdoor Lighting.

Where the person acting with this consent becomes aware of a complaint or issue with outdoor lighting affecting the amenity of adjoining premises reasonable steps are to be taken to address the issue and minimise the impact of any light spill on adjoining land.

Noise

59. To ensure the ongoing mitigation and management of any potential noise impacts the following measures are to be implemented:

- i. Trucks larger than box trucks (3-4.5 tonne) are not permitted to access the site.
- ii. Trucks below 3-4.5 tonne are only permitted to enter the premises from Turner Street and exit from Bell Street. These vehicle types are only permitted to manoeuvre throughout the middle internal road of the site and cannot gain access from the western boundary of the site or enter from Bell Street.
- iii. Permitted trucks can only access the premises between 7.00 am to 6.00 pm.
- iv. A traffic speed of 10 km/h is to be signposted within the facility to minimise noise associated with unnecessary acceleration and braking within the facility.
- v. Signposts are to be installed at the entrances and within the parking bays advising drivers to respect the neighbours and keep noise to a minimum within the premises. This will include the advice to not leave vehicles idling and careful opening and closing of storage shed and vehicle doors.

60. All requirements from the Australian Rail Track Corporation are to be always adhered to.

Operation Audit

61. Twelve months from commencement of the premises operation an environmental audit in relation to the premises, with a focus on its peak periods of use, is to be carried out.

The audit is to be carried out by a suitably qualified professional or team of professionals with experience in town planning, crime risk management, acoustic assessment and light pollution. Prior to the conclusion of the twelve-month trial period, details of the personnel engaged to complete the audit are to be provided to Council along with a reasonable anticipated timeline for its completion and submission to Council. If the person(s) nominated to complete the audit is not duly qualified to complete the audit or is not sufficiently independent Council may request an alternate person be engaged.

The audit must:

- i. Assess and report on the development's compliance with the conditions of consent;
- ii. Review the development's complaint register to ensure that it is being kept up to date and that appropriate action is being taken to resolve complaints and environmental impacts where they arise;
- iii. Review the effectiveness of noise, lighting and crime risk management strategies and make any recommendations around improvements to the site's function;
- iv. Conduct interviews with adjoining residents to identify any adverse environmental impacts being experienced as an outcome of the development. The audit report should recommend measures to address any issues identified through this consultation;
- v. Provide recommendations around any actions required to be implemented, ensure that the development operates to a high environmental standard and in line with best practice into the future.

A copy of the audit report is to be submitted to Council for review and approval. All recommendations put forward by the audit are to be implemented by the development and maintained into the future following its endorsement by Council.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats; and
 - (vii) Ecologically Sustainable Development.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or

any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 4.55 of the *Environmental Planning & Assessment Act, 1979*. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the *Environmental Planning & Assessment Act 1979*.

- This document is a development consent only and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act and may result in enforcement action being taken by Council if these requirements are not complied with.

1 SITE PLAN
1 : 500

Document Notes

Verify all dimensions on site before commencing work. Report all discrepancies to the Architect/Engineer for construction. Use figure dimensions to establish locations to scaled dimensions. Drawings made to larger scales and those showing particular parts of the works take precedence over drawings made to smaller scales or for general purposes. All work is to be done in accordance with current Australian Standards and Codes together with all Authorised requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	21/03/21	ISSUED FOR INFORMATION	MM
B	15/04/21	ISSUED FOR COORDINATION	MM
C	20/04/21	ISSUED FOR COORDINATION	MM
D	28/07/21	ISSUED FOR COORDINATION	MM
E	01/11/21	ISSUED FOR COORDINATION	MM
F	09/06/22	ISSUED FOR COORDINATION	AL
G	13/05/22	ISSUED FOR DA	AL
H	01/11/22	ISSUED FOR DA	AL
J	16/01/23	ISSUED FOR DA	AL
K	23/03/23	ISSUED RFI COORDINATION	JW

CLIENT:  **muswellbrook
shire council**

ARCHITECT:

CM⁺

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831 Morison NSW AFD 10 2467

PROJECT:
20034
DENMAN STORAGE SHED COMPLEX
TURNER STREET, DENMAN, NSW

DRAWING TITLE:
COVER

SHEET NUMBER: DA0000	REV: K
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NOT FOR CONSTRUCTION

REV	DATE	DESCRIPTION	APP
A	19/07/23	ISSUED FOR COORDINATION	MB
B	19/07/23	ISSUED FOR COORDINATION	MB
C	19/07/23	ISSUED FOR COORDINATION	MB
D	19/07/23	ISSUED FOR COORDINATION	MB
E	19/07/23	ISSUED FOR COORDINATION	AL
F	19/07/23	ISSUED FOR COORDINATION	AL
G	19/07/23	ISSUED FOR COORDINATION	AL
H	19/07/23	ISSUED FOR COORDINATION	AL
I	19/07/23	ISSUED FOR COORDINATION	AL
J	19/07/23	ISSUED FOR COORDINATION	AL

CLIENT: **muswellbrook shire council**

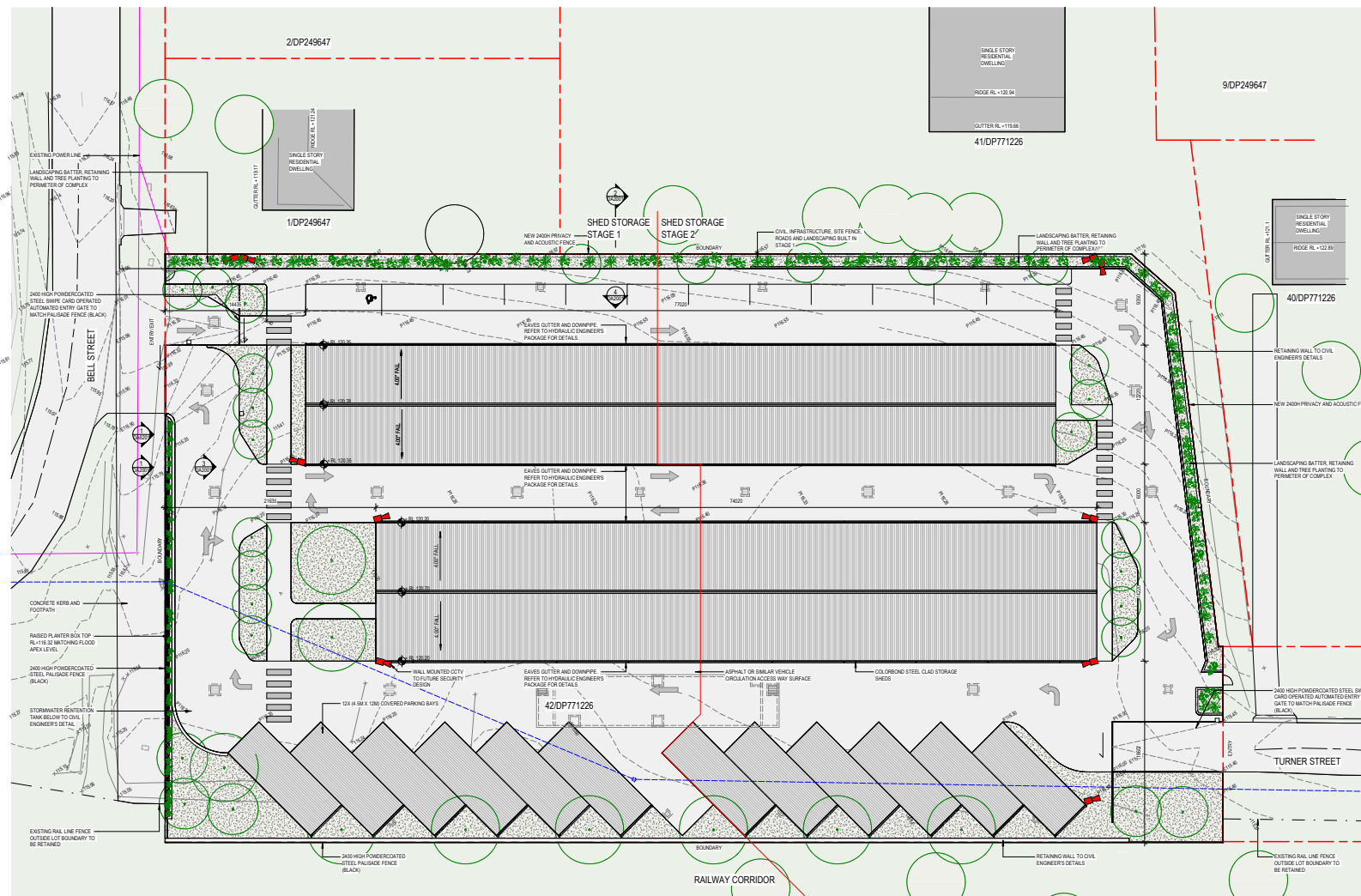
ARCHITECT: **CM⁺**

PROJECT: **20034 DENMAN STORAGE SHED COMPLEX TURNER STREET, DENMAN, NSW**

DRAWING TITLE: **PLAN - ROOF LEVEL**

SHEET NUMBER: **DA1011** REV: **L**

NOT FOR CONSTRUCTION

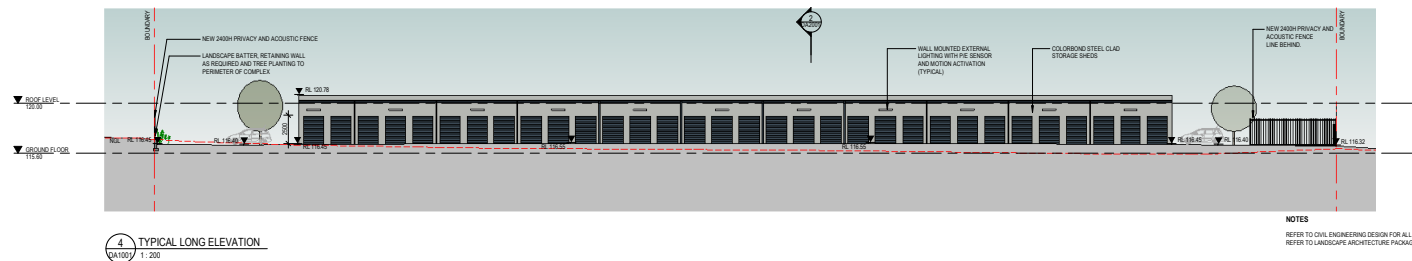
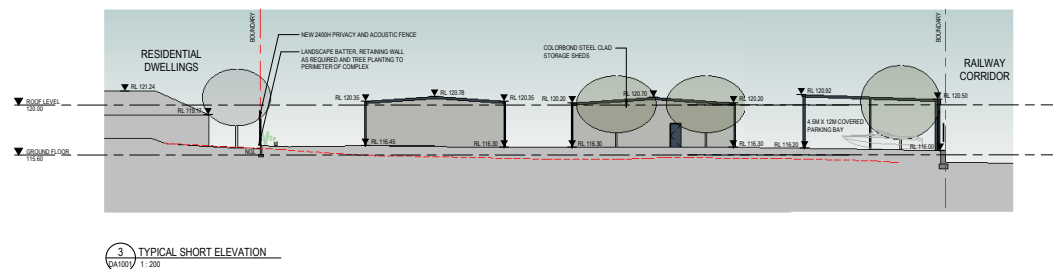
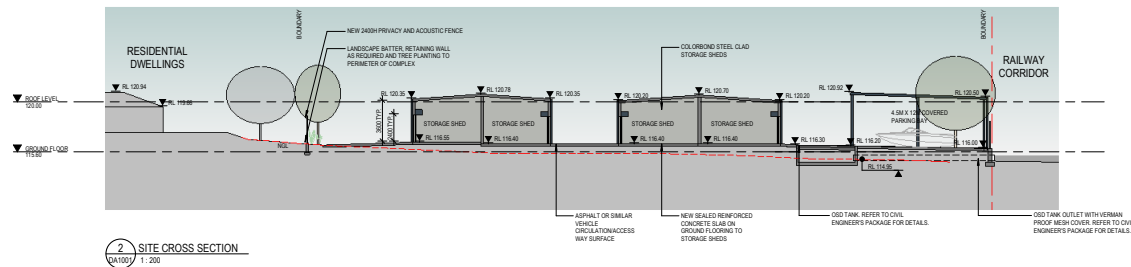
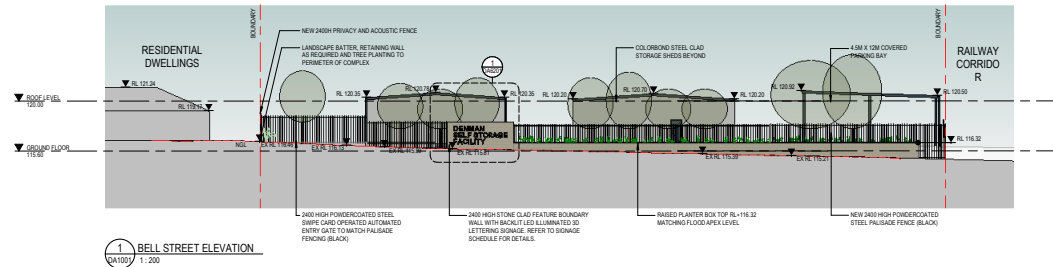


1 PLAN - ROOF LEVEL
1:200

ABBREVIATIONS
S DOWN PIT
SWP STORMWATER PIT

NOTES
REFER TO CIVIL ENGINEERING DESIGN FOR ALL STORMWATER MANAGEMENT DETAILS.
REFER TO LANDSCAPE ARCHITECTURE PACKAGE FOR SPECIFICATION OF SOFT LANDSCAPING.

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NOTES

REFER TO CIVIL ENGINEERING DESIGN FOR ALL STORMWATER MANAGEMENT DETAILS.
REFER TO LANDSCAPE ARCHITECTURE PACKAGE FOR SPECIFICATION OF SOFT LANDSCAPING.

NOT FOR CONSTRUCTION

Document Notes

Verify all dimensions on the below information provided. Report all discrepancies to the design team for construction. Use figured dimensions in preference to scaled dimensions. Drawings made to larger scales and those showing particular parts of the structure may not be in exact agreement with the overall dimensions. For the purpose of this report, all scales to conform to relevant Australian Standards and Codes together with all Author's requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	19/03/21	ISSUED FOR INFORMATION	NM
B	06/04/21	ISSUED FOR COORDINATION	NM
C	26/04/21	ISSUED FOR COORDINATION	NM
D	26/07/21	ISSUED FOR COORDINATION	NM
E	01/08/21	ISSUED FOR COORDINATION	NM
F	06/08/21	ISSUED FOR COORDINATION	AL
G	12/07/22	ISSUED FOR DA	AL
H	01/11/22	ISSUED FOR DA	AL
I	01/11/22	FOR CLIENT REVIEW	AL
J	06/10/23	ISSUED FOR DA	AL
K	23/10/23	ISSUED RFI COORDINATION	JW

CLIENT:

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ARCHITECT:

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551 Morison NSW AFD 10 2467

0 SCALE 1:200 8
SCALE: As indicated @
A1

PROJECT:
20034
DENMAN STORAGE SHED COMPLEX
TURNER STREET, DENMAN, NSW

DRAWING TITLE:
ELEVATIONS AND SECTIONS

SHEET NUMBER:	REV:
DA2001	L

PLOTTED: 23/05/2023 12:52:41 PM

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REV	DATE	DESCRIPTION	APP
A	15/6/21	ISSUED FOR COORDINATION	MM
B	26/6/21	ISSUED FOR COORDINATION	MM
C	28/7/21	ISSUED FOR COORDINATION	MM
D	19/8/21	ISSUED FOR COORDINATION	MM
E	06/9/22	ISSUED FOR COORDINATION	AL
F	13/10/22	ISSUED FOR DA	AL
G	01/11/22	ISSUED FOR DA	AL
H	16/01/23	ISSUED FOR DA	AL
J	23/10/23	ISSUED RFI COORDINATION	JW

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







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BII Morrison NSW ARB No 2467

DRAWING TITLE:
SCHEDULE - FINISHES

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C:\Users\DA\Documents\2023\2023 Denman Storage Shed Complex - 2023 - Rev'd - JWP\DA101A.rvt


FIXTURES							
ELEMENT CODE	ELEMENT	DESCRIPTION	SUPPLIER	MODEL/PRODUCT	COLOR/CODE	FINISH	IMAGE
EXTERNAL FIXTURES							
DOORS							
	DOOR HANDLE (ACCESSIBLE WC)	DOA COMPLIANT HANDLE - EXTERNAL PLATE WITH INDICATOR & EMERGENCY TURN (PH)	LOCKWOOD	LOCKWOOD TH4105C (OR APPROVED EQUIVALENT)	814105C	SATIN STAINLESS STEEL	
ROOF							
	EAVE GUARD	SLIMLEAF 150MM COLOURMATCH METAL CORRUGATED GUTTER GUARD - MONUMENT GUTTER GUARD WITH A 6MM SIZE HOLE	COMLEAF GUTTER PROTECTION	MONUMENT CORRUGATED (OR APPROVED EQUIVALENT)	MONUMENT 304182	MONUMENT	
	LADDER ACCESS BRACKET	ANKAME 525 X 525 X 8MM LADDER ACCESS BRACKET	ANKAME	ANKAME LADDER ACCESS BRACKET (OR APPROVED EQUIVALENT)	FLAD01-4	ALUMINIUM LAMIN FINISH	
	ROOF SAFETY LINE	CLASSIC - SAFETYLINK SURFACE MOUNTED ROOF ANCHOR PRODUCT CODE: H5RFP01 - STAINLESS STEEL BASE PLATE	SAFETYLINK	CLASSIC - SAFETYLINK SURFACE MOUNTED ROOF ANCHOR (OR APPROVED EQUIVALENT)	H5RFP01	STAINLESS STEEL	
INTERNAL FIXTURES							
ASBESTOS							
	ACCESSIBLE TOILET SUITE	BRITEX S.S. ACCESSIBLE CENTURION TOILET SUITE 4" PIPES RATING AND WATERBORN CERTIFIED - P TRAP PAN TO HAVE 14MM SAFETY RADUS FRONT EDGE AND 2 X SIDA ACCESS PANELS FULLY EXPOSED TO REAR WALL AND COUSLS FORMED CISTERN CASE WITH RAISED BUTTONS COMPLETE WITH FITTED TOILET SEAT, CODE 814C.B. ASHAB COMPLIANT - PRODUCT CODE FT500	BRITEX	ACCESSIBLE TOILET SUITE (OR APPROVED EQUIVALENT)	FT500P	STAINLESS STEEL	
	TOILET SEAT	BRITEX BLACK VANDAL RESISTANT CLOSED FRONT TOILET SEAT - PRODUCT CODE 814C.B	BRITEX	BLACK VANDAL RESISTANT CLOSED FRONT TOILET SEAT (OR APPROVED EQUIVALENT)	814C.B	BLACK	
	GRAB RAIL - SIDE WALL	BR141216 U.S. 9' FLUSH MOUNT SIDE WALL & CISTERN GRAB RAIL SET FIN - INCLUDES 30MM RAIL	BRITEX	U.S. 9' FLUSH MOUNT SIDE RAIL & CISTERN GRAB RAIL SET (OR APPROVED EQUIVALENT)	BR141216	GRADE 304 STAINLESS STEEL	
	GRAB RAIL - CISTERN	BR141216 U.S. 9' FLUSH MOUNT SIDE WALL & CISTERN GRAB RAIL SET FIN - INCLUDES 30MM RAIL	BRITEX	U.S. 9' FLUSH MOUNT SIDE RAIL & CISTERN GRAB RAIL SET (OR APPROVED EQUIVALENT)	BR141216	GRADE 304 STAINLESS STEEL	
	TOILET ROLL HOLDER	BRITEX S.S. CONTOUR DOUBLE ROLL TOILET PAPER DISPENSER, ASHAB COMPLIANT - PRODUCT CODE 814-04-08	BRITEX	U.S. CONTOUR DOUBLE ROLL TOILET PAPER DISPENSER (OR APPROVED EQUIVALENT)	814-04-08	GRADE 304 STAINLESS STEEL	
	SANITARY BIN	ASB JOMACDONALD SURFACE MOUNTED SANITARY WASTE BIN, LID IS DRAWN ONE PIECE CONSTRUCTION AND IS SECURED TO THE CABINET WITH A HANGUPDY 3.3 MM MULTITWIST CONCEALED HANGING. RECEPTACLE BODY IS FORMED SEAMLESS AND HAS A BOWED FACE AND GENTLY RADIUSSED FRONT VERTICAL EDGES. SATIN FINISH WITH A WASTE CAPACITY OF 3 L.	ASB JOMACDONALD	SURFACE MOUNTED SANITARY WASTE BIN	810282	SATIN STAINLESS STEEL	
	ACCESSIBLE BASIN	BRITEX S.S. ACCESSIBLE HAND BASIN 446 X 470 X 180 MM, SUPPLIED WITH ROLLED SAFETY FACIA, ACCESS PANEL, MOUNTING BRACKET AND 4MM WASTE OUTLET, ASHAB COMPLIANT - PRODUCT CODE H5A17W010	BRITEX	ACCESSIBLE HAND BASIN (OR APPROVED EQUIVALENT)	H5A17W010	STAINLESS STEEL	
	ACCESSIBLE PILLAR TAP	BRITEX FLOW MOUNTED TINED FLOW LEVER PILLAR TAP - PRODUCT CODE TW9103	BRITEX	TINED FLOW LEVER PILLAR TAP (OR APPROVED EQUIVALENT)	TW9103	CHROME	
	MIRROR	BRITEX POLISHED S.S. MIRROR 400MM X 1000MM (ACCESSIBLE COMPLIANT) - PRODUCT CODE 814-07-02	BRITEX	POLISHED S.S. MIRROR 814-07-02, 400MM X 1000MM (ACCESSIBLE COMPLIANT) (OR APPROVED EQUIVALENT)	814-07-02	GRADE 304 STAINLESS STEEL	
	SOAP DISPENSER	BRITEX VERTICAL LIQUID SOAP DISPENSER S.S. W/ STANDARD NOZZLE - PRODUCT CODE 814-09-03	BRITEX	VERTICAL LIQUID SOAP DISPENSER S.S. - STANDARD NOZZLE	814-09-03	SATIN STAINLESS STEEL	
	DOOR HOOK	BRITEX DIE CAST ZINC HOOK WITH RUBBER BUMPER 125X103MM - PRODUCT CODE 814-10-06	BRITEX	DIE CAST ZINC HOOK WITH RUBBER BUMPER (OR APPROVED EQUIVALENT)	814-10-06	BUSH NICKEL - STAINLESS LOCK	
	FLOOR WASTE	ALLPROOF INDUSTRIES CHROME ON BRASS TILE GRATEL CHROME ON BRASS, SQUARE OPTIONAL, 300MM COMPATIBLE WITH LEAK CONTROL FLANGE, CYCLOONE AND REVOLVER	ALLPROOF INDUSTRIES	CHROME ON BRASS TILE GRATEL	881030P1	CHROME ON BRASS	
	DOOR HANDLE (ACCESSIBLE WC)	DOA COMPLIANT HANDLE - INTERNAL PLATE WITH INDICATOR & DOA COMPLIANT (PH)	LOCKWOOD	LOCKWOOD TH4105C (OR APPROVED EQUIVALENT)	814105C	SATIN STAINLESS STEEL	
CLEANER'S STORE							
	CLEANER'S SINK	BRITEX CLEANER'S SINK 300X200X100MM DEEP, 8L BOWL CAPACITY, SUPPLIED WITH STAINLESS STEEL BUCKET GRATE, WALL BRACKETS ONLY AND 30MM WASTE OUTLET - PRODUCT CODE CS8	BRITEX	3 L BOWED SINK WITH BRACKET (OR APPROVED EQUIVALENT)	CS8	STAINLESS STEEL	
	WALL MOUNTED SINK SET WITH GOOSENECK SWIVEL	BRITEX WALL MOUNTED SINK SET WITH GOOSENECK SWIVEL SPOUT - PRODUCT CODE TW18140	BRITEX	WALL MOUNTED SINK SET WITH GOOSENECK SWIVEL (OR APPROVED EQUIVALENT)	TW18140	CHROME	

Document Notes


Verify all dimensions on site before commencing work. Report all discrepancies to the Architect. This is a contract document. All figures are intended as a guide to the intended dimensions. Drawings made to larger scales and those showing particular parts of the work may not necessarily show dimensions to a single scale or to the general dimensions. It will be the contractor's responsibility to ensure that all dimensions are correct together with all Architect's requirements and Regulations.

REV	DATE	DESCRIPTION	APP
1	20/03/23	ISSUED FOR CONSTRUCTION	JWP
2	20/03/23	ISSUED FOR CONSTRUCTION	JWP
3	20/03/23	ISSUED FOR CONSTRUCTION	JWP
4	20/03/23	ISSUED FOR CONSTRUCTION	JWP
5	20/03/23	ISSUED FOR CONSTRUCTION	JWP
6	20/03/23	ISSUED FOR CONSTRUCTION	JWP
7	20/03/23	ISSUED FOR CONSTRUCTION	JWP

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shire council**

ARCHITECT:

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PROJECT:

20034
DENMAN STORAGE SHED COMPLEX
TURNER STREET, DENMAN, NSW

DRAWING TITLE:

SCHEDULE - FIXTURES

SHEET NUMBER:

DA6101

REV:

J

PLOTTED: 20/03/2023 13:03:45PM

NOT FOR CONSTRUCTION



REV	DATE	DESCRIPTION	APP
A	26/04/04	ISSUED FOR COORDINATION	MM
B	26/05/04	ISSUED FOR COORDINATION	MM
C	01/09/04	ISSUED FOR COORDINATION	MM
D	09/05/02	ISSUED FOR COORDINATION	AL
E	12/01/02	ISSUED FOR DA	AL
F	01/11/02	ISSUED FOR DA	AL
G	16/01/03	ISSUED FOR DA	AL
H	23/09/03	ISSUED RPT COORDINATION	JW

CLIENT:  **muswellbrook
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PROJECT:
20034
DENMAN STORAGE SHED COMPLEX
TURNER STREET, DENMAN, NSW

DRAWING TITLE:
MATERIALS BOARD

SHEET NUMBER:	REV:
DA7001	H

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Document Notes

Verify all dimensions on site before commencing work. Report all discrepancies to the Architect. This is a conceptual drawing and should not be used for construction purposes. Drawing made to site plan and from drawings of particular parts of the site plan and should not be used for construction purposes. All dimensions are given in metres. All work is to be done in accordance with Australian Standards and Codes together with all Authority requirements and Regulations.

REV	DATE	DESCRIPTION	APP
A	20/01/23	ISSUED FOR COORDINATION	MB
B	20/01/23	ISSUED FOR COORDINATION	MB
C	20/01/23	ISSUED FOR COORDINATION	MB
D	20/01/23	ISSUED FOR COORDINATION	MB
E	20/01/23	ISSUED FOR COORDINATION	MB
F	20/01/23	ISSUED FOR COORDINATION	MB
G	20/01/23	ISSUED FOR COORDINATION	MB
H	20/01/23	ISSUED FOR COORDINATION	MB



1 PERSPECTIVES - VIEW 1
NTS

NOTES
LANDSCAPING DEPICTED INDICATIVELY.
REFER TO LANDSCAPE ARCHITECTURE PACKAGE FOR SPECIFICATION OF SOFT LANDSCAPING.

CLIENT:
muswellbrook shire council

ARCHITECT:
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CONTEMPORARY ARCHITECTURE INTERNATIONAL PTY LTD
1/81 2/2044 BSB, W1 www.cmplus.com.au E: info@cmplus.com.au
ABN 66 600 000 000

PROJECT:
20034
DENMAN STORAGE SHED COMPLEX
TURNER STREET, DENMAN, NSW

DRAWING TITLE:
PERSPECTIVE - SHEET 1

SHEET NUMBER:
DA9001

REV:
H

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REV	DATE	DESCRIPTION	APP
A	28/07/21	ISSUED FOR COORDINATION	NNE
B	01/08/21	ISSUED FOR COORDINATION	NNE
C	12/07/22	ISSUED FOR DA	AL
D	01/11/22	ISSUED FOR DA	AL
E	16/01/23	ISSUED FOR DA	AL
F	23/10/23	ISSUED RFI COORDINATION	JW

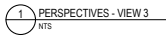


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REV	DATE	DESCRIPTION	APP
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B	01/08/21	ISSUED FOR COORDINATION	NNE
C	12/07/22	ISSUED FOR DA	AL
D	01/11/22	ISSUED FOR DA	AL
E	16/01/23	ISSUED FOR DA	AL
F	23/10/23	ISSUED RFI COORDINATION	JW

REV	DATE	DESCRIPTION	APP
A	28/07/21	ISSUED FOR COORDINATION	NNE
B	01/08/21	ISSUED FOR COORDINATION	NNE
C	12/07/22	ISSUED FOR DA	AL
D	01/11/22	ISSUED FOR DA	AL
E	16/01/23	ISSUED FOR DA	AL
F	23/10/23	ISSUED RFI COORDINATION	JW



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DRAWING TITLE:
PERSPECTIVE - SHEET 3

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[REDACTED]

4th April, 2023

The General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Dear Sir

DA: 2023/14 – STORAGE COMPLEX – LOT 42 TURNER STREET, DENMAN NSW

Although this development does not directly impact on me I am against it being built on this particular piece of land. This to me is a commercial development and should be built in a like area.

Having seen what was proposed for the town some years ago and seen the transformation that has taken place and knowing that there are still some further developments to occur up in the area of the swimming pool and old sports ground these storage units do not fit the criteria of those plans. There is at present a new heritage building being built which when finalised will further enhance the current area.

It was pointed out, when a meeting was held on site recently, that there were tons of fill over the years dumped on this site, and this came from a former Council employee, now retired. It was also stated that the proposed storage complex would be operational 24 hours per day, 365 days per year. Not fair to householders in the area.

I would suggest that Council think of the previous plans for the town, ditch this one, and think of something else that would blend in with the current overview. Why not another park/picnic area with the planned housing development and vacant land in this part of town.

[REDACTED]

From: [REDACTED]
To: [Muswellbrook Shire Council](#)
Subject: DA 2023-14 Storage Complex – 103 self storage units and 12 open storage bays
Date: Friday, 17 March 2023 4:21:01 PM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

As a resident and owner [REDACTED], my opinion of the proposed storage unit facility going into Lot: 42 DP:771226 Turner Street is absolutely absurd. This is not an industrial estate, Denman is a small community we do not need storage units of any kind, or if the proposed storage units are to be put somewhere. Out of town or going up towards the council waste transfer station would be a better option.

Not only will it look bad on the community having units in a small town, it will attract the likes of unwanted persons I.e. theft. The proposed storage units being erected [REDACTED]

[REDACTED] adds growing fears to a heavily reduced amount of privacy [REDACTED]
[REDACTED] Increased noise will carry from being an open concrete pad from the local trains that pass by. Being already close to the trains that pass by, the echo that it will produce will be unbearable, thus further disrupting my family. As a business perspective, there is not enough people in Denman to even remotely make this storage facility useful to the local community, the majority of the community already have their own homes that are big enough to store their belongings within their residence. My suggestion is to turn the open block into a native vegetation, it will be more visually appealing to the local community who like to walk around our beautiful town, more appealing for those who participate in our local sports driving up towards the football fields and pony club grounds rather than looking towards a vast empty concrete pad of storage units. By adding native flora to the block instead of converting it to a storage facility will also increase the numbers of friendly fauna to the area such as native birds and bees who's population numbers are being diminished by urban development.

Any further questions or queries as to why myself personally do not wish for this proposal to go ahead feel free to contact me on [REDACTED]

Get [Outlook for Android](#)

From: [REDACTED]
To: [Muswellbrook Shire Council](#)
Subject: DA 2023-14 Storage Complex – 103 self storage units and 12 open storage bays
Date: Sunday, 19 March 2023 11:19:50 AM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

General manager

I am writing to object to this development DA 2023-14 being built in Turner St .This is a residential area and it is busy enough and noisy enough being ,near the railway line ,at the moment and residents surely shouldn't have to put up with any more noise and traffic..In all the places that I have lived Storage units are always in industrial areas not established residential areas so if this goes ahead as planned Shame on you and your council for not caring about the people who you are supposed to represent..

Yours sincerely

[REDACTED]

From: [REDACTED]
To: [Muswellbrook Shire Council](#)
Subject: Proposed Development Application No. 2023/14
Date: Tuesday, 11 April 2023 9:30:31 AM

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

The General Manager

I refer to the above proposal of 103 self storage units and 12 open storage bays on Lot 42 DP 771226 Turner Street Denman.

I wish to bring to the Council's attention our absolute NO to this development proposal.

We bought our home in Denman because it was a rural 'village' town. We object to the proposal for the following reasons

- * Any storage complex should be in an 'industrial area' as they are in Muswellbrook NO in residential.
- * Turner Street is a quiet dead end street where children play. It is not safe for up to 100 cars/trucks going in/out.
- * Bell Street is also not safe for up to 100 cars/trucks going in/out on the corner. Which is also the school bus route.
- * The railway crossing is not built to operate a commercial building and its business.
- * The safety of Denman is at risk as we will not know what is stored there eg. chemicals.
- * The storage complex does not add to the community. It will be random people entering/exiting.
- * All the people I have spoken with agree we don't want or need it for this town.
- * All the previous objections to this submissions in 2021\2022 still apply eg flooding at the bottom of Turner Street.
- * The residents in Turner Street nos. 12 and 10 will have the storage units metres from their home. How is that safe for children?

The only solution we see is to put storage units
In industrial areas not residential.

If you have come out and seen the site you would see it is an inappropriate site.
Please do the right thing for residents residing here.

[REDACTED]

Sent from my iPhone

[REDACTED]

From: [REDACTED]
Sent: Tuesday, 11 April 2023 9:11 PM
To: Muswellbrook Shire Council
Subject: OBJECTION IN CONFIDENCE

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[REDACTED]

Development Application Number: 2023/14

To the General Manager,

We, [REDACTED] are OBJECTING to the storage complex.

We just moved an hour away to be here with the likings of Denman being a quiet, quaint town and we're concerned this storage complex will increase the level of noise and traffic in this area. Turner Street is technically two streets. We already get vehicles driving down our (no-through road) street thinking they can get through to the other side and have to turn around because they can't get through. From what we can understand from the plans there is no access from our end of Turner Street but that will not stop people from trying to get through around the back. And we really do not want the extra traffic.

For the security side of things, this will increase the number of people in this area which can lead to thefts and break-ins to neighbouring houses, which includes ours. For you to try and reduce the crime, I would say cameras would be installed and for the cameras to work better at night, lights will have to be installed, also. This is going to be highly irritating when trying to sleep especially for the people that work big shifts in the mines and need to sleep. We already try to deal with the trains, another interference is definitely not the way to go. Falling asleep behind the wheel is one of the biggest killers on Australia's roads.

If a storage complex is REALLY necessary - we recommend it belongs in an industrial area, not Denman.

Kind regards and signed,

[REDACTED]

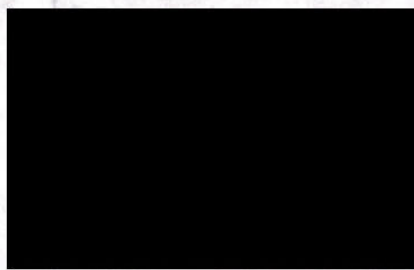
MUSWELLBROOK

SHIRE COUNCIL

'ATTENTION'

TO COUNCIL MANAGER.

GENERAL MANAGER



I AM OBJECTING,
TO THE PROPOSED
DEVELOPMENT OF STORAGE COMPLEX
PREMISES LOT 42 DP. 771226 - TURNER ST DENMAN.
APPLICATION No 2023/14.

- 1/ SITE PLAN IS NOT COMPLETE, OR READY TO GO AHEAD.
MORE DETAIL AND INFORMATION IS NEEDED.
DRIVE WAY TO 12 TURNER ST, IS NOT CORRECT. THE
NEIGHBOURS BOUNDARY HAS BEEN CHANGED, TO FIX THE
PROBLEM WITH THE MISTAKE OF BUILDING THERE HOUSE.
SO UNDER YOUR PLAN. THE DRIVEWAY WON'T BE BIG
ENOUGH (LOT 99185)
- 2/ A STORAGE COMPLEX,
WILL BE VERY NOISY, WITH TRUCKS, PEOPLE, LIGHTS,
POLLUTION, ALARMS, UNSIGHTLY, CONSTANT TRAFFIC, PLUS
THE TRAINS. CONSTANTLY.
A 2.4MTR FENCE WILL NOT HIDE ALL THESE
PROBLEMS.
- 3/ WHAT COMPENSATION ARE GIVING TO RESIDENTS
COMPLETELY CLOSED BY YOUR COMPOUND?
- 4/ CONSTANT TRAFFIC PASSING SWIMMING POOL WILL
BE A THREAT TO ALL CONCERNED.
PLUS SPORTS AREA, PONY CLUB. WILL CAUSE HOLD
UPS GOING OVER RAILWAY LIGHTS.

PAGE 2.

5/ THIS PARCEL OF LAND HAS ALWAYS BEEN ALLOTTED TO BE A PARK, WHICH WOULD BE SO WELCOMED BY THE COMMUNITY FOR KIDS TO BE OUTDOORS AND HAVE A SAFE PLACE. ALSO OUR ELDERLY AND VISITORS TO USE WHEN PASSING THROUGH. AND TO WALK WITH OUR DOGS!!

6/ THE PROPOSED SIGN HAS A BAD STORM WATER PROBLEM FROM BELL & TURNER STS ALL HAS BEEN A MAJOR PROBLEM.

Yours Sincerely,



MUSWELLBROOK SHIRE COUNCIL.

PAGE 1

ATTENTION - THE GENERAL MANAGER,


I AM WRITING TO OBJECT TO
THE PROPOSED STORAGE COMPLEX
AT THE BOTTOM END OF TURNER ST.
LOT N° 42 D.P. 771226 TURNER STREET.

IN A PRIME DOMESTIC HOUSING
LOCATION AND DEVALUATING PEOPLES
HOMES AND SERENITY WITH CONSTANT
TRUCK & VEHICLE MOVEMENTS CREATING
NOISES & DISTURBING PEOPLES LIVES,
NOT TO MENTION A INDUSTRIAL COMPLEX
IN A NOVELY DOMESTIC AREA & MIRA.

THE PEOPLE AT N° 12 TURNER
STREET WILL THINK THEY ARE IN
JAIL WITH A TERRIBLE OUTCOME,
ALSO THE BOUNDARY OF THE PROPOSED
SITE LEAVES N° 12 TURNER STREET VERY
LITTLE ACCESS TO THEIR HOME, AS
THE NEIGHBOUR HOUSE ON NORTHERN
SIDE WAS BUILT ON THE WRONG
AND FOOTINGS WERE MOVED (3) THREE
TIMES TO GET IT SOME WHERE NEAR

THE HOME SHOULD BE SITUATED,
AND THEY MOVED THE BOUNDARY OUT
ONTO NO 12'S DRIVE WAY,

COUNCIL SAID THAT WAS ALL RIGHT
AS THE BLOCK NEXT TO NO 12 TURNER
STREET IS ONLY PARK LAND AND DID NOT
MATTER, WHICH NOW LEAVES THEM
WITH A DRIVEWAY FOR A BILLY CART.



THE ENTRY & EXIT THE PROPOSED
PLANS SHOW ON TURNER & BELL
STREETS IS NOT ACCEPTABLE IF
THIS PROJECT GOES AHEAD,
SHOULD "only" BE ON BELL STREET
AS NO HOMES & PEOPLE TO ANNOY,
ALL STORAGE SITES IN MUSWELLBARK
ONLY HAVE ONE ENTRY & EXIT, AND
BESIDES THERE IS ONLY SPORTING
FIELDS AND NEW MENS SHED.

THIS PROPOSED SITE HAS A
BAD STORM WATER PROBLEM
FROM BELL & TURNER STREETS &
NEW SUBDIVISIONS RUNNING OF
BELL STREET THAT IS DROWNING
MERTON STREET ON BOTTOM SIDE
OF RAILWAY LINE, WITH OUT ADDING
TO IT FURTHER.

FURTHER TO THIS MATTER, THE
WAY HOUSING SUBDIVISIONS ARE
GOING UP ON THE NORTH EASTERN
END OF TURNER STREET WE WILL
NEED MORE AREAS FOR CHILDREN
TO PLAY & WALK THROUGH TO THE
SWIMMING & RUN WITH PETS.

Yours Sincerely



► Derek Finnigan

Phone: 02 6549 3700

To Derek Finnigan, General Manger, Muswellbrook Shire Council

I would like to make a submission to objecting to the DA 2023/14 Denman Storage Shed Complex proposed by Conybeare Morrison International Pty Ltd Level 1 52-58 William St, Woolloomooloo NSW 2011 at the proposed site of Lot 42 DP:771226 – Turner St, Denman.

1. This proposal directly impacts access to our property. The north side of the facility has a concrete retaining wall with a 2.4m color bond fence atop it, leaving no more than 3m between this fence and the neighboring fence. This would be our only vehicle access to our property. On this narrow strip is all our utilities: water, electricity, and phone, 2 or which are above ground, the other in the middle level with the ground. As shown in the proposal, this fence goes directly over our water meter and states it may need to be relocated. All 3 services would need to be relocated for this to be used as a driveway, but as there is no other section of our property that meets the road, there is no other location to move them too making vehicle access to the property not possible without additional land being used. This would also stop access to emergency service vehicles having potential catastrophic consequences. I do not believe it be our responsibility to relocate these services.
2. This proposal would greatly affect the natural water course of the water that runs down through our yard from neighboring Almond St properties. During heavy or prolonged rainfall, a large amount of water flows through our yard and out into lot 42 where it pools. There is also a storm water runoff drainpipe from our property that runs threw into this lot that is not shown in this proposal and as such has not been addressed. With over half our boundary being closed in with a concrete retaining wall, this will cause a substantial amount of water to pool up on our property against the west and north boundary fences of the proposal. This in turn will cause flooding in our yard with nowhere for the water to go, as this is the lowest point of our property, and in turn causing damage to the fence and retaining walls. One of these locations where flooding would occur is in front of the dwelling where a sewer access point is located above the ground. This would be approx. 1m from the western fence line. With no direct sunlight to the front of the property for majority of the day due to the way it is situated this issue would not quickly rectify itself.
3. This proposal does not adequately address the impact of the excess water the facility will push out into nearby streets. Work has been done to show the water management inside the facility but not enough has been done to show how that water caught in the facility will impact the surrounding streets once it leaves the facility. Water buildup would also occur in Bell St. As shown in the proposal all water caught in

the facility will be run out from the southern boundary into the open drainage ditch on the opposite side of the road on the corner of Bell St and Turner St. This area already has some flooding during heavy or prolonged rainfall periods which would be greatly increased with the water from this facility being directed into it. Another is at the Turner St entrance to the proposal. All water from the northern boundary properties and all the runoff from along Turner St will pool near the Turner St entrance causing flooding unless adequate drainage is provided. Water build-up along Turner St could cause accelerated water flow down Merton St where flooding already occurs.

4. This proposal would allow the building of property over a council owned road, cutting off one end of Turner St to the other. As shown in aerial photos (and on Google maps) in the proposal this road is used on a regular basis by residents and should not be allowed to be built over and potentially sold off. Many Denman residents along with ourselves believe this road should be continued through this block as a gazetted road.
5. This proposal is not in keeping with the Historical Village atmosphere that Denman is known for. Our mountain views, open spaces, village feel. All these things will be adversely impacted for nearby residents and all tourists/locals using the updated recreational camping facilities and museum going in across the road which will be a focal point of the town when finished.
6. Although multiple studies have been conducted from online data for the site itself, there is not enough data provided for the impacts on the surrounding properties. I.E. Flood mapping does not show heavy water run off through 12 Turner St into lot 42 or heavy pooling at the northern side of lot 42. The Bushfire zoning states lot 42 is in a bushfire zone and our property is in a buffer zone. This proposal directly blocks emergency vehicle access to our property and could encroach on the fire safety management plans for this area. There are also no Appendix attached to the SEE so we are unable to view reports that may explain or show vital information.
7. This proposal will adversely affect the value of our property if it goes ahead and could negatively affect our ability to sell in the future.

Overall, we do not believe this site is appropriate for a storage unit facility, This type of facility, no matter how low impact the design is believed to be, belongs in a commercial/industrial area not on a residential block with a tourist/sporting area directly across the road even if it falls within the acceptable use of the RU5 zoning. If there is indeed a genuine need for this service, it would be better utilized in Muswellbrook or outside of the main Denman township area. A better use of the land would be to continue Turner St all the way through and add a green space, Maybe a small playground, covered seating areas and landscaping for the residents on this side of the railway corridor so our children do not always have to cross the railway line to go to the playground.

To Muswellbrook Shire Council
Council@muswellbrook.nsw.gov.au



Tuesday 21st March , 2023

To The General Manager

RE: DA2023-14 / DENMAN STORAGE SHED COMPLEX

My Objections to this DA is as follows

1. Half the land proposed is a gazetted Road Reserve (Turner Street).
2. The Land is part of a water course.
3. The environmental statement claims there is 6 cubic metres of suspect fill which I know is incorrect, as a former council employee of 30 years I was involved in putting 50 truck loads of unclean fill into the dam which was created by the railway as a Borrow Pit.
4. Council are not the owners of the Road Reserve, The Lands Department are the owners.
5. Future Developments of dwellings in West Denman would put undue saturation of traffic on the narrow roads in this area and storage area would contribute more traffic.
6. This area is not classed as Industrial Zone, But Denman has Industrial Land as you leave town going west on The Golden Highway.
7. This DA was put forward 18 months ago and was not allowed so why is it put forward again?
8. It is too close to our Recreation Area and our Museum which Denman people are proud of so why put an unsightly stage unit so close?
9. The 24 hours use of the storage area would disrupt the village atmosphere of Denman and the people living west of the railway line.
10. The most important reason not to allow this to go ahead is the drainage. The land with buildings and roads would not act as a slowing affect of stormwater runoff. This would increase water to run into Merton Street which is already overflowing during storms.
11. The use of storage units will be mainly by outsiders (NOT LOCALS) and what is stored could be anything (chemicals, explosives, drugs and contaminants)

COUNCIL SHOULD REJECT DA FOR THE BETTER OF THE PUBLIC



To the General Manager

I am writing this letter in response to the recent proposal of the construction of a Self-Storage facility on Turner St in Denman DA # 2021/125.

I and my family own and reside at [REDACTED] and believe this proposal will have significant adverse effects on our otherwise quaint little street and this particular area of Denman.

Firstly I would like to address concerns directly relating to the Statement of environmental effects submitted by the developer.

Kind regards

[REDACTED]

Muswellbrook development control plan 2009

Section 7 Village Zones

7.2.3 Character Statements

Objectives

a) To ensure that the new development reflects and reinforces the existing and desired future character of the village zone.

Controls

- i) Council must not grant development consent to new development in Denman that would result in an inconsistency or compromise the integrity of the character statement in Denman***

Complies: The proposed storage premises is a low profile facility which will provide additional services and meet a need in the Denman community.

In my opinion an industrial style facility like this is in no way fitting to the surrounding residential properties and will very much take away the village atmosphere in this area of Denman.

7.4.2 Design Guidelines

Controls

- I) **Commercial developments reflect and reinforce the existing character of the business precinct.**

(Response) N/A The development is not a commercial premise.

By definition this facility is most certainly would be defined as a commercial premises

- V) **Long continuous facades and rooflines must be avoided in larger buildings**

(Response) Complies.

While the storage premises necessitate a long building the buildings have a low profile and incorporate landscaping to reduce bulk and visual intrusion.

The actual design of this premises is in no way trying to avoid long facades and rooflines.

Landscaping will in no way reduce the bulk and visual intrusion due to the industrious façade of the proposed facility.

7.4.6 Form, Massing and Scale

Objectives

- a) ***To ensure new buildings do not dominate the surrounding built environment.***

This development will most definitely dominate the surrounding built environment with its very industrial façade and use.

- b) ***To ensure that new buildings reinforce the existing characteristic built for of the locality***

This facility does in no way reinforce the existing characteristic of surrounding residential properties.

Controls

- i) ***New commercial buildings are not significantly larger than surrounding buildings***

This is most certainly defined as a commercial building/facility and will in fact be much larger than surrounding buildings.

7.4.8 Setbacks

Objectives

- A) ***To ensure that new development does not dominate the streetscape and reflects the characteristic of setbacks on adjoining sites.***

This facility will most certainly dominate the streetscape and whilst it is by design low in height profile it is not low in overall profile and bulk as opposed to existing residential properties

Section 21 Contaminated Land

I refer to the response outlined in the PSI report which concludes that:

*Environmental Earth Sciences considers that the site generally presents a **LOW** risk posed by contamination, however material within the stockpile presents a **MEDUIM** risk to human health and the environment during proposed land use 'Setting D' (Commercial/Industrial) as defined within ASC NEPM (2013)*

Over the decades of inactive use of this land and being that it historically comprised of dams/pondage how much contaminated runoff from neighbouring land and properties has pooled and settled in the area. Being that presently the vast majority of this land is covered in vegetation I would conclude that potential contaminants could be confined under this said vegetation which could become airborne if any significant material is disrupted in the construction process. This may have health implications being that the proposed facility that has been identified above as (Commercial/Industrial) is in actual fact surrounded by residential properties which may in fact scale up the human health risks associated with this development.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To the General Manager

I am writing this letter in objection to the proposed construction of self-storage complex to be constructed at Turner Street Denman DA#2021-125.

[REDACTED]

I have many concerns with this proposal but I will start with my concerns that being this is a council initiative and project I find it somewhat inappropriate that any objections that either I or my neighbours have against this development will be assessed by the same department that in fact propose to build this facility which could see a biased response to any objections raised.

I note that in the Statement of environmental effects multiple times this facility is classed by the developer as a non-commercial premises which in fact would be a false indication as to the facilities designed purpose and future use. I refer to the PSI report prepared by Environmental Earth Sciences where they classify this facility and land use as Setting D (commercial/industrial) as defined within ASC NEPM (2013)

I believe in no way could this development be classified as anything other than commercial/industrial which is in no way in keeping with many clauses in the councils own Development Control Plan 2009.

On a more personal note I have 3 main concerns being as follows:

- 1) Access to the facility using the northern end of Turner street where I reside, I do note that the design only allows for ingress from the north which could possibly see vehicles that enter from this direction having to try and navigate back out up a very narrow street not fit for purpose should they be unable to successfully enter the premises for whatever reason. Being that this is not a staffed facility this could happen for many reasons, for instance a power outage, card malfunction etc. which might see large vehicles either having to reverse the entire length back out or attempting to utilise private land to perform u turns.
- 2) My second concern relates to the known increase in criminal activity namely theft that is well known to be associated with these type of unmanned facilities, I note

Mayor Rod Scholes social media comment referring to the benefit of the added security provided to the facility by the way of local residential occupants. This statement alone shows that theft is a common risk associated with this type of facility. In relation to this, being that the actual facility will have good security measures I am concerned that individuals whom unsuccessfully attempt to illegally enter may be inclined to target neighbouring residential properties instead or alternatively.

- 3) My third concern relates to the Fire/Explosion hazards associated with the storage of unknown products that may be present in these individual units. This would also include the proposal of storage for caravans (gas cylinders) and boats (Fuel/Oil).

Any form of fire within this facility could have disastrous effects for all the residential residents within close proximity to this facility.

Please see attached concerns regarding the Statement of environmental effects document submitted by the contracted firm PSA Consulting on behalf of the Muswellbrook Shire Council.

I would like to conclude by thanking you for taking the time to look at my concerns and ask that you contact myself if you require any further information from me regarding my objection to this proposal. I am reachable via email [REDACTED] or phone [REDACTED].

Regards

[REDACTED]



10.1.2. **PP 2023-23 Additional Permitted uses - Camping ground - Muswellbrook Showground**

Attachments:	1. PP 2023-23 - Draft Planning Proposal Submitted by the Applicant [10.1.2.1 - 35 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Tanya Alsleben (Development Planner)
Community Plan Issue:	1 - Economic Prosperity
Community Plan Goal:	<i>A dynamic local economy with full employment for current and future residents in a diverse range of high value industries.</i>
Community Plan Strategy:	1.2.3 - Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry. 1.2.1.3 - Progress opportunities to grow the visitor economy.

PURPOSE

Council has received a request to amend the Muswellbrook Local Environmental Plan (MLEP) 2009 by adding an additional permitted use under Schedule 1 to allow Lot 400 DP 578684, Lot 22 DP 616590, Lot 10 DP 843828 (95 – 107 Maitland Street, Muswellbrook), to be used for the purposes of a camping ground.

The purpose of this report is to seek Council's endorsement for the preparation of a Planning Proposal to amend the MLEP 2009.

OFFICER'S RECOMMENDATION

Council RESOLVES to:

1. Prepare a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to permit the use of Lot 400 DP 578684, Lot 22 DP 616590, Lot 10 DP 843828 Maitland Street, Muswellbrook, for the purposes of a camping ground.
2. Request a Gateway Determination from the Department of Planning, Housing and Infrastructure, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979;
3. Request that the Director General of the Department of Planning, Housing and Infrastructure issue a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal; and
4. Issue the General Manger with Delegations to finalise the amendment to the LEP, unless submissions are received through the public exhibition of the Planning Proposal, in which case a further report to Council to consider the public submissions is to occur.

Moved: _____ Seconded: _____

BACKGROUND



The subject land at 95 – 107 Maitland Street, Muswellbrook (Lot 400 DP 578684, Lot 22 DP 616590, Lot 10 DP 843828) is the Muswellbrook Showground. The location is identified below



The subject site currently contains an informal campsite and caravan park. This use has occurred for a long period. The date of its commencement is uncertain, however, is understood to have started before 2010. In recent times, the number of campers has increased. When Council staff became aware of the camping, a letter was sent requesting further information regarding the use of the site.

Council Officers have not located any development consent that authorises the use of the Showground as a camping ground. It has not been demonstrated to Council Officers that an 'existing use' was established at the site under a previous planning and assessment framework that might be relied on to permit the use of the site for public camping outside show events.

The Show Society has advised Council of an intention to resolve this issue and obtain development approval for itinerate camping at the site.

The development for the purpose of a camping ground is prohibited on the site under the land's current E3 Productivity Support zoning. As background, in 2011 the Showground was rezoned from RE2 Private Recreation (under which camping grounds were permitted with consent) to a commercial zone (initially B5 Business Development).

The Muswellbrook LEP adjustment sought by this Planning Proposal is the first step toward facilitating the lodgement of a development application related to the use of the site as a camping ground.



REPORT

Council has received a request to prepare a Planning Proposal to amend the MLEP 2009 by including an additional permitted use under Schedule 1 to permit the use of the subject site for the purposes of a camping ground.

To support their application, the applicant has submitted a Planning Proposal document for Council's consideration, which is included as Attachment A.

Considerations Supportive of Progressing the Planning Proposal

The following considerations are supportive of the requested change:

- The Show Society intends to continue to operate the site as a showground into the foreseeable future and has indicated that the camping facilities provide a value adding component to their core operation and a revenue stream that supports their financial position and overall operation.
- Irrespective of the longer-term strategic direction established by the rezoning of the site from a private recreational to commercial zone, the site's use for community purposes could be viewed as being compatible with Council's strategic land use objectives and the public interest.
- Council's Local Strategic Planning Statement identifies tourism opportunities as a Planning Priority for Muswellbrook Shire. The requested LEP variation would directly support this priority area by establishing a planning framework whereby Council could consider a camping ground development application for the site. There are limited camping options in the Muswellbrook township, and it is well established that motels and hotels experience high demand providing accommodation to temporary workers.
- In addition to supporting opportunities for tourist and visitor accommodation, it is understood that parts of the site provide camping opportunities for individuals suffering financial hardship. Camping opportunities supports Council's Operational Plan Objectives related to supporting vulnerable members of the community.
- It is recognised that there has been an element of camping and short-term caravan parking undertaken at the site for a long period of time. The continued unregulated operation of parts of the site as a camping ground has the potential to create adverse environmental and safety impacts. The establishment of a planning framework where Council can consider an application for this use would be a middle ground approach opposed to reaching a threshold where compliance action becomes necessary and, instead, enabling Council to consider an application for the activity and regulate the scope of operations and related environmental impacts through proportionate conditions of consent on any determination.
- The draft Planning Proposal Assessment report provided by the Applicant indicates that the MLEP amendment proposed could be viewed as being consistent with relevant Section 9.1 Ministerial Directions, State Environmental Planning Policies, and relevant strategic planning context.

Considerations Against Progressing the Planning Proposal

- The proposal is inconsistent with the statutory and strategic planning framework it has established in relation to the site through the 2011 rezoning of the site from RE2 Private Recreation to a business zone. This planning initiative promotes the site for commercial development and bulky goods retail developments. The proposal supports longevity of the showground use as opposed to commercial uses.
- The Upper Hunter Employment Lands Strategy indicates that there is insufficient zoned Land in Muswellbrook for bulky goods retailing if this site is not available for that form of development.

CONSULTATION

A decision to prepare a planning proposal is the first step in the plan-making process. A



Gateway Determination will identify if further studies are required and if there are any specific requirements for public exhibition.

OPTIONS

In considering this matter Council may:

1. **Resolve to make the Planning Proposal** and commence related administrative processes related to progressing the requested adjustment of the Muswellbrook LEP 2009.
2. **Reject the request to amend the MLEP 2009.** Where this is the outcome resolved by Council, Council Officers will have an obligation to consider camping occurring on the site in context with regulatory obligations under the *Environmental Planning Act 1979* and potentially undertake compliance action related to camping activities at the site.

CONCLUSION

Council Officers have recommended that the Planning Proposal be supported, and a Gateway Determination be requested from the Department of Planning, Housing and Infrastructure.

The LEP amendment process is regulated by the Environmental Planning and Assessment Act.

FINANCIAL IMPLICATIONS

The applicant has paid application fees in accordance with Council's 2023/2024 fees and charges.

LEGAL IMPLICATIONS

To amend the MLEP 2009, Council is required to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

Council will also request the Minister for Planning to delegate their planning powers under Section 3.22 of the Environmental Planning and Assessment Act 1979 and to Council in this instance.

Where Council rejects the proposal, the applicant would have the opportunity to make an application directly to the Department of Planning, Housing and Infrastructure to progress the proposal.

Muswellbrook Shire Council

Planning Proposal

Amendment of Muswellbrook Local Environmental Plan 2009

**Lot 400 DP 578684, Lot 22 DP 616590, and
Lot 10 DP 843828, Muswellbrook**

V1 Gateway Version

Date: November 2023



Document History

Doc No.	Date	Details /Comments
		Planning proposal for Gateway submission
		Planning proposal updated for public exhibition
		Planning proposal updated post exhibition

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Part 1 Introduction

1.1 Objective and intended outcomes

The objective of this planning proposal is to amend the planning controls for the Muswellbrook Showground so that part of it can be used for a camping ground in addition to the existing suite of uses that exist or are permitted.

1.2 Property details and existing zones

This planning proposal relates to the subject land as follows:

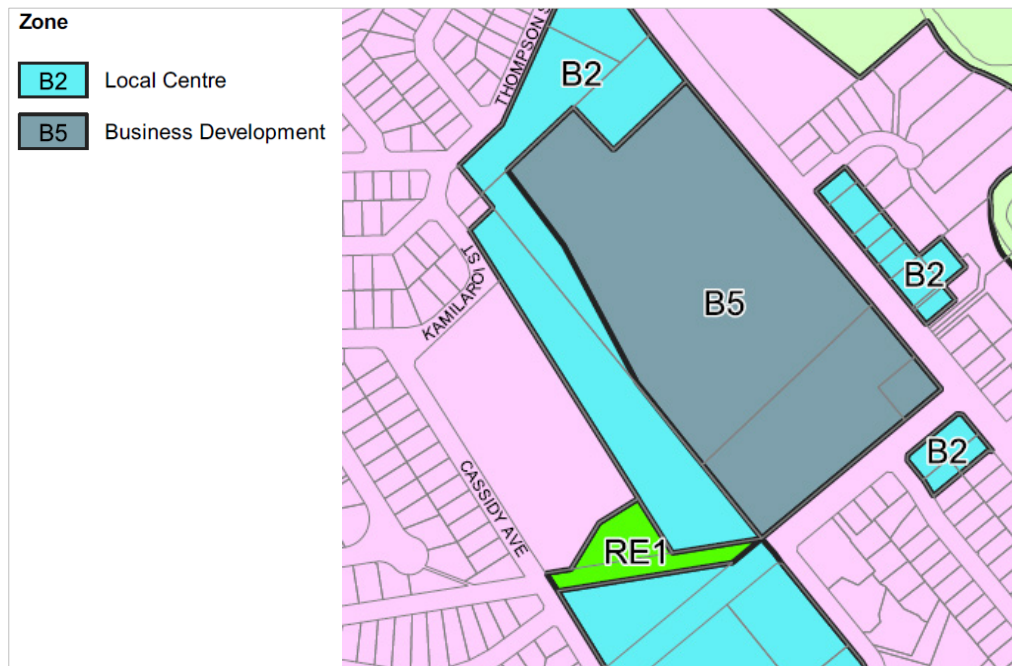
Lot 400 DP 578684, Lot 22 DP 616590, and Lot 10 DP 843828 Rutherford Road, Muswellbrook as identified in Figure 1.

Figure 1: Subject land at Muswellbrook



The subject land is currently zoned partly B5 Business Development (equivalent of E3 Productivity Support) and partly B2 Local Centre (equivalent of E1 Local Centre) under Muswellbrook LEP 2009 (Figure 2).

Figure 2: Existing land use zones in Muswellbrook LEP 2009



The subject land has a minimum lot size of 600 m² (Figure 3), an FSR of 2:1 (Figure 4) and a 9-metre Height of Building (Figure 5).

Figure 3: Existing minimum lot size as mapped in Muswellbrook LEP 2009

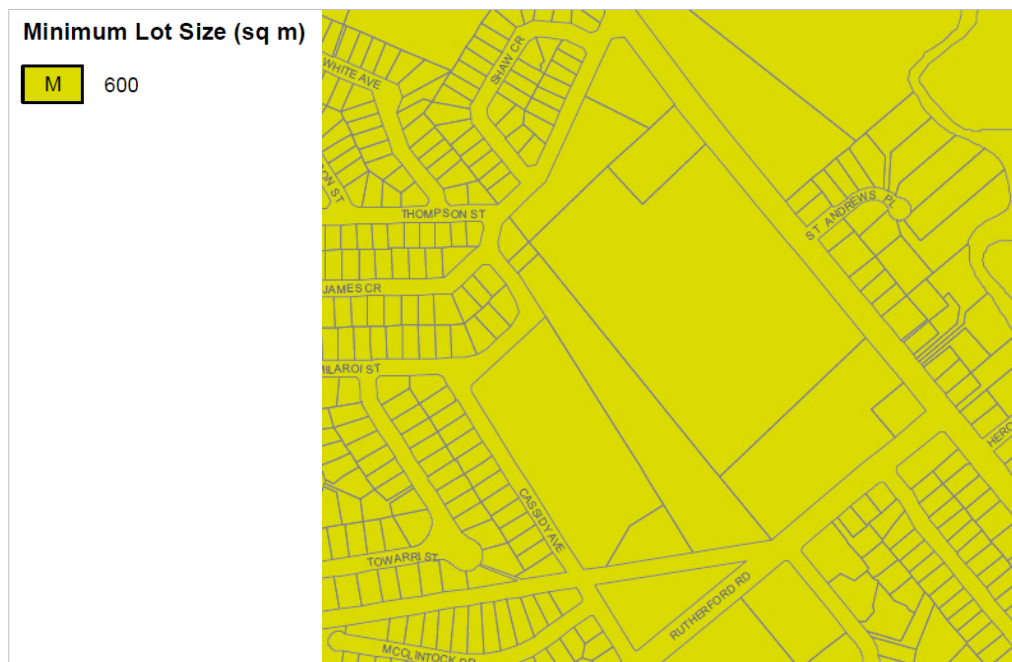


Figure 4: Existing FSR as mapped in Muswellbrook LEP 2009

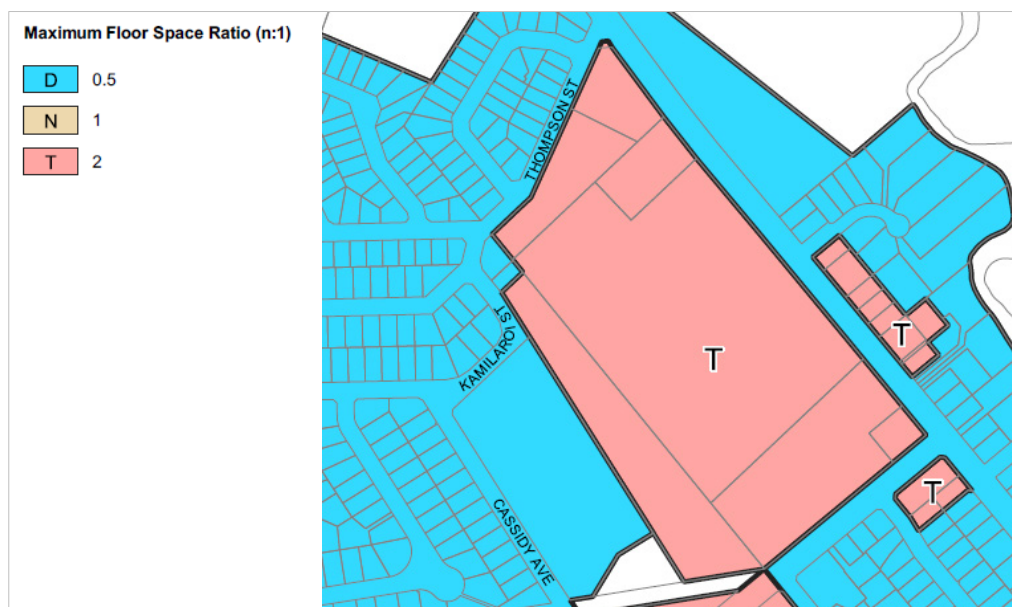
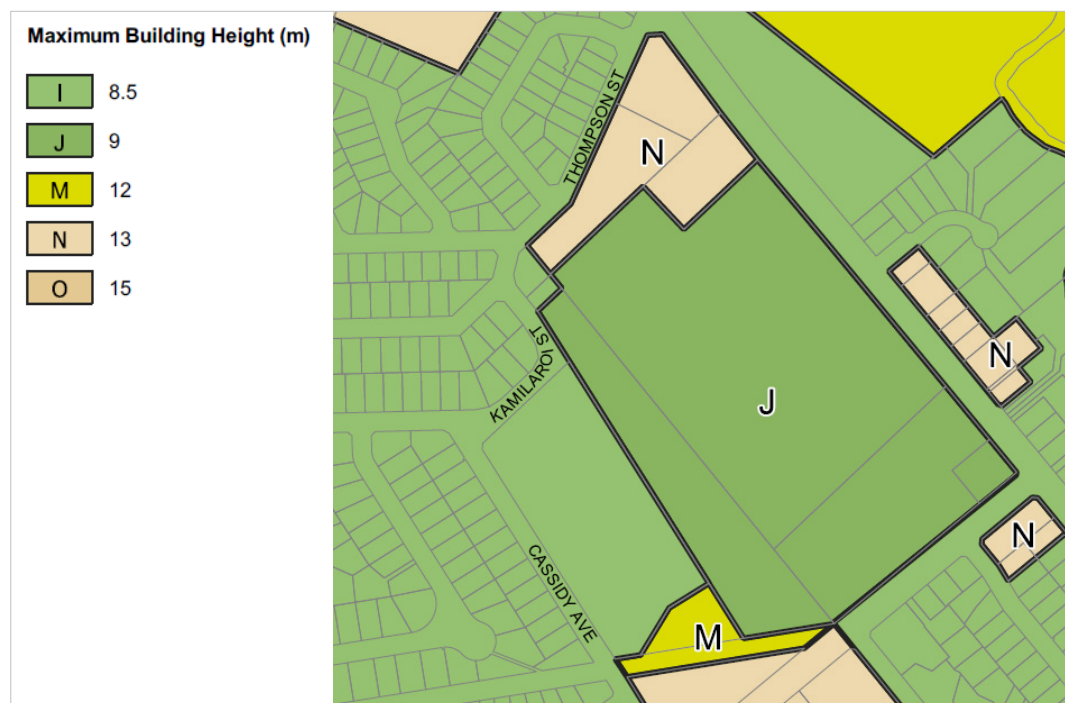


Figure 5: Existing Height of Buildings as mapped in Muswellbrook LEP 2009



1.3 Background

The subject land has a history of being used as a showground. Part of this use has been for short-term camping, particularly associated with events at the showground but often independent of any showground use. Camping has been relatively unstructured with limited site definition and campers making use of showground facilities. Parts of the site have reticulated water and power installed for camping. In attempting to regulate this camping under the *Local Government Act 1993*, it was established that the site does not have development approval for camping. It was further established that both land uses zones applying to the site do not currently permit camping as a land use.

A camping ground was permitted with consent in the B5 Business Development zone up until the definition of caravan park was amended on 1 December 2022 (by DPE changing the definition in all LEPs). The definition of caravan park was previously:

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

Since 1 December 2022, caravan park is now defined as:

caravan park means an area of land, with access to communal amenities, used for the installation or placement of caravans, or caravans and other moveable dwellings, but does not include farm stay accommodation.

Part 2 Explanation of provisions

This planning proposal seeks to amend Muswellbrook LEP 2009 by adding **camping ground** as an additional permitted use on the subject land.

Camping ground means an area of land, with access to communal amenities, used for the short-term placement of campervans, tents, annexes or other similar portable and lightweight temporary shelters for accommodation and includes a primitive camping ground but does not include—

- (a) a caravan park, or
- (b) farm stay accommodation.

This will be achieved by adding the following to Schedule 1 of Muswellbrook LEP 2009:

- 5 *Use of certain land at Rutherford Road, Muswellbrook*
- (1) *This clause applies to land at Rutherford Road, Muswellbrook, being Lot 400 DP 578684, Lot 22 DP 616590, and Lot 10 DP 843828.*
 - (2) *Development for the purpose of camping ground is permitted with consent.*

This will allow Council to grant consent to a camping ground on the subject land based on a merit assessment.

No changes to Land Use Zones, Minimum Lot Size, Floor Space Ratio or Height of Buildings are proposed.

No map amendments are proposed.

Part 3 Justification

Section A Need for the planning proposal

Q1. Is the planning proposal a result of any endorsed local strategic planning statement, strategic study or report?

Yes. Muswellbrook Shire Council (MSC) adopted its Local Strategic Planning Statement 2020 to 2040 (LSPS) in October 2020. The LSPS states on page 24:

Planning Priority 6: A variety of niche tourism opportunities are encouraged.

➤ *Council will seek to increase investment in tourism services and infrastructure.*

Actions

Local planning instruments will be reviewed to ensure that there is flexibility for a wide range of tourism related activities in the Shire.

This planning proposal will result in investment in tourism infrastructure and is an example of flexibility in planning instruments to encourage tourism accommodation in an appropriate location, close to town and infrastructure.

The LSPS also states (on page 26) the following:

Planning Priority 8: Our Town Centres and Villages are places of economic growth, business diversification and employment opportunities.

➤ *Tourism and visitor related activities are encouraged in Muswellbrook, Denman and Sandy Hollow;*

Actions

Local planning instruments will be reviewed to increase opportunities for new mixed-use development outcomes in line with the Muswellbrook Town Centre Strategy.

This planning proposal will increase tourism related development in Muswellbrook. It is an example of a mixed-use development (despite it being located outside the Town Centre Strategy boundary).

Q2. Is the planning proposal the best means of achieving the objective or intended outcomes, or is there a better way?

The planning proposal is the best means to achieve the objective of permitting a camping ground on part of the Muswellbrook Showground site.

Section B Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (in this case, the Hunter Regional Plan 2041)?

Yes. The *Hunter Regional Plan 2041* considers a 20-year timeframe with a focus on the next five years. It was published in December 2022. Specifically, the planning proposal is consistent with:

Centres and main streets – Strategy 8.1 (page 83)

Local strategic planning should consider:

- *enabling a diverse range of tourism accommodation and attractions in centres and particularly main streets*

Comment: The subject land is close to the main town centre of Muswellbrook (less than 2 kilometres) and is adjacent to the golf course and indoor sports centre. Camping will provide affordable short-term tourism accommodation.

Visitor economy – Strategy 8.5 (page 85)

Local strategic planning should consider:

- *identifying towns and villages which have a strong tourism presence and/or serve as gateways to visitor experiences in surrounding areas*

Comment: The subject land is within Muswellbrook, which is an excellent base to experience the Upper Hunter food and wine offerings or natural environment opportunities.

Visitor economy – Strategy 8.6 (page 85)

Planning proposals to facilitate tourism activities will:

- *demonstrate that the scale and type of tourism land use proposed can be supported by the transport network and complements the landscape setting*
- *be compatible with the characteristics of the site and existing and likely future land uses in the vicinity of the site*
- *demonstrate that the tourism land use would support the function of nearby tourism gateways or nodes*

Comment: The camping ground will be limited to one or two locations, which is compatible with transport options and access. It will complement the showground use and is not antipathetic to the future mixed employment related uses on the site. It will provide a low cost accommodation option for travellers.

Q4. Will the planning proposal give effect to Council's endorsed local strategic planning statement, or other local strategic plan?

This planning proposal will give effect to the adopted LSPS (see response to Q1).

Council also adopted a 10 year + Community Strategic Plan (CSP) 2022 – 2032. The CSP is based on key themes, including Economic Prosperity (page 30). The outcome of this theme is “A dynamic local economy with full employment for current and future residents in a diverse range of high value industries”.

Actions to help get there include:

- 1.1 Support job growth within the Shire
- 1.2 Diversify the economy
- 1.4 Develop Muswellbrook as a regional centre

Comment: The camping ground will support jobs in site management, maintenance and cleaning. It adds diversity to the tourism accommodation market and is focussed on the town of Muswellbrook. It is consistent with, and will give effect to, the endorsed CSP.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes. The *Upper Hunter Economic Diversification Action Plan: Implementation Priorities* (NSW Government, 2018) establishes renewed priorities for business growth and sustainable economic transitions in the region. The plan identifies five strategic themes to facilitate long-term regional economic opportunities for the Upper Hunter. This planning proposal is consistent with theme 1:

Driving land use certainty

Economic development and jobs growth in the region will be underpinned by planning frameworks delivering certainty of land use.

Q6. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?

None of the State Environmental Planning Policies are relevant to this planning proposal.

Q7. Is the planning proposal consistent with the applicable Ministerial Directions (s9.1 Directions) or key government priority?

Consistency with the s9.1 Directions is assessed in the following tables:

1. Planning Systems

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
1.1 Implementation of Regional Plans	Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.	This planning proposal affects land subject to the <i>Hunter Regional Plan 2041</i> .	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
		The regional plan is a high level strategic document that does not directly address permitting camping on land in Muswellbrook. However, the planning proposal is consistent with a range of strategies as outlined in Section B (Q3) above.	
1.2 Development of Aboriginal Land Council land	Applies to all relevant planning proposal authorities when preparing a planning proposal for land shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	This planning proposal does not apply to Aboriginal Land Council land.	N/A
1.3 Approval and Referral Requirements	A planning proposal must: (a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and (b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: i. the appropriate Minister or public authority, and ii. the Planning Secretary (or an officer of the Department nominated by the Secretary), prior to undertaking community consultation in satisfaction of Schedule 1 to the EP&A Act	This planning proposal does not introduce any of these matters.	N/A
1.4 Site Specific Provisions	(1) A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or	This planning proposal will allow a land use (camping ground) on a specific site. However it will not impose any new development standards or requirements. It does not refer to drawings or details other than exhibition material that demonstrates how a camping ground could work on this site. This supporting information is not proposed to become part of the LEP.	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>requirements in addition to those already contained in that zone, or</p> <p>(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</p> <p>(2) A planning proposal must not contain or refer to drawings that show details of the proposed development.</p>		

3. Biodiversity and Conservation

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
3.1 Conservation Zones	<p>(1) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>(2) A planning proposal that applies to land within a conservation zone or land otherwise identified for environment conservation/ protection purposes in a LEP must not reduce the conservation standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with Direction 9.2 (2) of "Rural Lands".</p>	<p>This planning proposal does not alter or remove any environment protection zone. No environmental standards will be reduced by the proposed LEP changes.</p> <p>The subject land does not contain environmentally sensitive areas or high environmental value vegetation (HEV).</p> <p>The planning proposal will not alter development standards that relate to dwellings on the subject land.</p>	Consistent
3.2 Heritage Conservation	<p>(1) A planning proposal must contain provisions that facilitate the conservation of:</p> <p>(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the</p>	<p>There are no European heritage items located on or near the site.</p> <p>There is no known Aboriginal site located on the subject land. The nearest site is an artefact site located approximately 200 metres south-west of the subject land.</p> <p>Muswellbrook LEP 2009 already contains clauses that facilitate the conservation of Aboriginal and</p>	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<p>item, area, object or place, identified in a study of the environmental heritage of the area,</p> <p>(b) Aboriginal objects or Aboriginal places that are protected under the <i>National Parks and Wildlife Act 1974</i>, and</p> <p>(c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.</p>	<p>European heritage in Muswellbrook LGA. Sites and relics are also protected under state legislation.</p> <p>The planning proposal is consistent with this Direction.</p>	
3.5 Recreation Vehicle Areas	A planning proposal must not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the <i>Recreation Vehicles Act 1983</i>).	This planning proposal does not enable land to be developed for the purpose of a recreation vehicle area.	N/A

4. Resilience and Hazards

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
4.1 Flooding	Applies to all relevant planning authorities that are responsible for flood prone land when preparing a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.	The subject land is not flood affected in the 1% design flood event.	Consistent
4.3 Planning for Bushfire Protection	In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A	<p>The subject land is not affected by bushfire hazard.</p> <p>The planning proposal will not result in inappropriate development in hazardous areas.</p> <p>The planning proposal will not prohibit bushfire hazard reduction.</p>	Inconsistent (referral to RFS is required)

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	Act, and take into account any comments so made.	The planning proposal will still need to be referred to the Rural Fire Service and the inconsistency remains until that occurs.	
4.4 Remediation of Contaminated Land	<p>Applies when a relevant planning authority prepares a planning proposal that applies to:</p> <p>(a) land that is within an investigation area within the meaning of the <i>Contaminated Land Management Act 1997</i>,</p> <p>(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,</p> <p>(c) the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:</p> <p>i. in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and</p> <p>ii. on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).</p>	<p>The subject land has a history of use as a showground. Early photos show it being used for that purpose in 1957. Prior to that, it was likely broad acre grazing country. There is no indication that the site has been used for land uses that could be a possible source of contamination.</p> <p>It is not identified on any register as a contaminated site.</p> <p>The land is suitable for the proposed employment related uses.</p>	Consistent
4.5 Acid Sulfate Soils	Applies when a relevant planning authority prepares a planning proposal that will apply to land having a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps held by the Department of Planning and Environment.	The subject land is not affected by acid sulfate soils (ASS).	N/A
4.6 Mine Subsidence and Unstable Land	Applies when a relevant planning authority prepares a planning proposal that permits development on land that is within a declared mine subsidence district in the <i>Coal Mine</i>	This planning proposal does not impact on any mine subsidence area.	Consistent

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
	<i>Subsidence Compensation Regulation 2017</i> pursuant to section 20 of the <i>Coal Mine Subsidence Compensation Act 2017</i> , or has been identified as unstable in a study, strategy or other assessment undertaken by or on behalf of the relevant planning authority or by or on behalf of a public authority and provided to the relevant planning authority.	The site is neither steep nor potentially unstable.	

5. Transport and Infrastructure

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.1 Integrating Land Use and Transport	<p>Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, employment, village or tourist purposes.</p> <p>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p>	<p>This planning proposal will permit camping as a land use on the subject land. It does have frontage to the New England Highway but camping access can be restricted to Rutherford Road.</p> <p>It is well located in terms of road access. Public transport is limited in the LGA generally, but this site is easy walking and cycling distance from the CBD and Muswellbrook Fair shopping centre.</p>	Consistent
5.2 Reserving Land for Public Purposes	A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary (or an officer of the Department nominated by the Secretary).	<p>This planning proposal does not alter an existing zone or reservation of land for public purposes.</p> <p>The showground is privately owned and is not a reserve.</p>	N/A

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
5.3 Development Near Regulated Airports and Defence Airfields	Applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land near a regulated airport which includes a defence airfield.	There are no regulated airports or defence airfields in the vicinity of this planning proposal.	N/A
5.4 Shooting Ranges	Applies when a relevant planning authority prepares a planning proposal that will affect, create, alter or remove a zone or a provision relating to land adjacent to and/or adjoining an existing shooting range.	There are no shooting ranges in the vicinity of this planning proposal.	N/A

6. Housing

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
6.1 Residential Zones	Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary), or any other zone in which significant residential development is permitted or proposed to be permitted.	This planning proposal does not involve any residential land and will not permit residential accommodation as a land use.	N/A
6.2 Caravan Parks and Manufactured Home Estates	<p>(1) In identifying suitable zones, locations and provisions for caravan parks in a planning proposal, the relevant planning authority must:</p> <p>(a) retain provisions that permit development for the purposes of a caravan park to be carried out on land, and</p> <p>(b) retain the zonings of existing caravan parks, or in the case of a new principal LEP, zone the land in accordance with an appropriate zone under the <i>Standard Instrument (Local Environmental Plans) Order 2006</i> that would facilitate the retention of the existing caravan park.</p>	This planning proposal will not alter the permissibility of caravan parks or manufactured home estates on any land.	N/A

7. Industry and Employment

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
7.1 Employment Zones	<p>Applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p> <p>A planning proposal must:</p> <ul style="list-style-type: none"> (a) give effect to the objectives of this direction, (b) retain the areas and locations of Employment zones, (c) not reduce the total potential floor space area for employment uses and related public services in Employment zones. (d) not reduce the total potential floor space area for industrial uses in E4, E5 and W4 zones, and (e) ensure that proposed employment areas are in accordance with a strategy that is approved by the Planning Secretary. 	<p>This planning proposal will not rezone or alter the boundary to any land zoned for employment purposes.</p> <p>It could potentially reduce the usable employment land by allocating an area to be used for camping.</p> <p>However, camping requires minimal infrastructure and can easily be modified to an employment use when the market is right.</p> <p>The camping is associated with the use of the site as a showground.</p>	Justifiably inconsistent

8. Resources and Energy

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
8.1 Mining, Petroleum Production and Extractive Industries	<p>Applies when a relevant planning authority prepares a planning proposal that would have the effect of:</p> <ul style="list-style-type: none"> (a) prohibiting the mining of coal or other minerals, production of petroleum, or winning or obtaining of extractive materials, or (b) restricting the potential development of resources of coal, other minerals, petroleum or extractive materials which are of State or regional significance by permitting a land use that is likely to be incompatible with such development. 	<p>This planning proposal will not alter or restrict mining or extractive industries on any land.</p>	N/A

9. Primary Production

S9.1 Direction	Application	Relevance to this planning proposal	Consistency
9.1 Rural Zones	A planning proposal must not rezone land from a rural zone to a residential, employment, mixed use, SP4 Enterprise, SP5 Metropolitan Centre, W4 Working Waterfront, village or tourist zone.	This planning proposal will not affect any rural zoned land.	N/A
9.2 Rural Lands	Applies when a relevant planning authority prepares a planning proposal for land outside the local government areas of Lake Macquarie, Newcastle, Wollongong and LGAs in the Greater Sydney Region (as defined in the <i>Greater Sydney Commission Act 2015</i>) other than Wollondilly and Hawkesbury, that: (a) will affect land within an existing or proposed rural or conservation zone (including the alteration of any existing rural or conservation zone boundary), or (b) changes the existing minimum lot size on land within a rural or conservation zone.	The subject land will not affect an existing rural or conservation zone.	N/A

Section C Environmental, social and economic impact

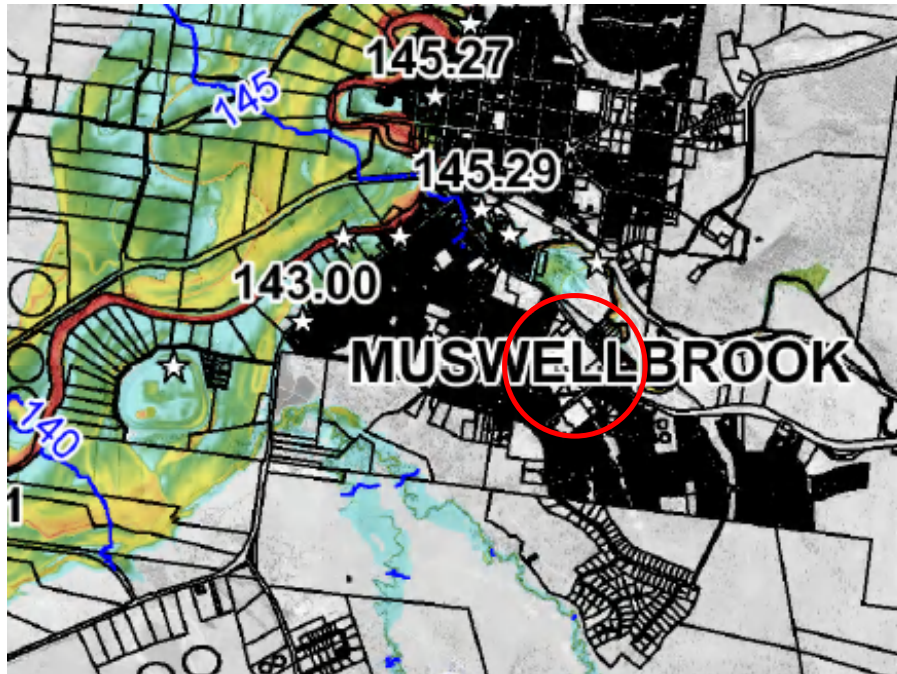
Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?

No. No significant native vegetation remains on the subject land. It has a history of grazing and then has been used as a showground since the 1950s. It is not mapped on the NSW biodiversity mapping and is not identified on Council's terrestrial biodiversity mapping. There is no likelihood of threatened species, populations or ecological communities being affected by permitting a camping ground on the subject land.

Q9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

No. The subject land is not flood prone in the 1% ARI design flood (Figure 6).

Figure 6: 1% flood level does not affect the subject site



The showground land is mostly mown lawn and scattered buildings, and is not affected by bushfire hazard mapping. The planning proposal will not result in inappropriate development in hazardous areas and will not exacerbate bushfire hazard on this or other land.

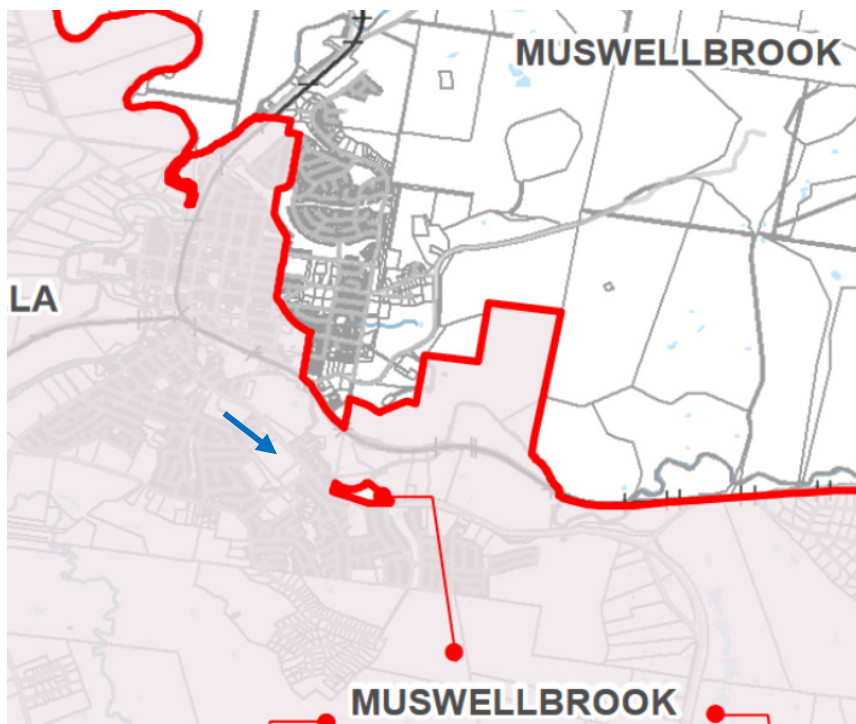
The subject land has been used as a showground since the 1950s, and is unlikely to be contaminated from past land use (Figure 7).

Figure 7: Image taken in 1957 showing the subject site being used as a showground



The subject land has no history of mining and is not located within a Mine Subsidence District (Figure 8).

Figure 8: The land is located outside the Muswellbrook Mine Subsidence District



Q10. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have mostly positive social and economic effects as the subject land can be used for camping (partly) in conjunction with the showground. This will not obstruct the future use of the site for a variety of employment related land uses that will generate jobs and allow business to establish and grow in due course.

It is an appropriate location for camping as it is located within town with good road, pedestrian and cycle access. It is walking distance to the CBD and Muswellbrook Fair shopping centre.

Camping is a low impact land use that is compatible with surrounding land uses including a motel, skatepark and indoor sports centre, retirement community and the showground.

The subject land is large enough that camping can proceed with minimal impact on other land uses on the site. A sketch showing how the subject land might accommodate one or two camping areas is shown at Appendix A.

A search of the Aboriginal Heritage Information Management System (AHIMS) identified initially that there is an Aboriginal site located on the showground (Appendix B). However, an extensive search shows that this site is an artefact scatter that is/was located approximately 200 metres to the south-west on the Muswellbrook Fair site (Appendix C). No Aboriginal sites are located on the subject land. Impacts on Aboriginal cultural heritage are not anticipated.

No locally listed European heritage items are located on or near the subject land.

Section D State and Commonwealth interests

Q11. Is there adequate public infrastructure for the planning proposal?

The proposed use of the subject land will rely on extending existing water and sewer connections as well as power and communications that already service the site. Amenities for campers are already located on the site.

The subject land is well connected with Muswellbrook by local roads and the New England Highway. It is easy walking and cycling distance from Muswellbrook Fair shopping centre along Rutherford Road.

There is adequate public infrastructure to accommodate the future use of part of the subject land as a camping ground.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The gateway determination has yet to be issued. It is anticipated that the Rural Fire Service, Department of Planning and Environment, and Transport for NSW will be contacted for comment during the public exhibition.

Wanaruah LALC will be given an opportunity to comment during the public exhibition.

At this early stage, it appears unlikely that there will be any issues of interest to Commonwealth authorities. State government authorities will be consulted during the public exhibition period in accordance with the gateway requirements.

The following table provides a summary of the relevant public authorities that, in the opinion of Council, should be consulted in accordance with the gateway determination:

Public authority/stakeholder	Issue requiring comment
Department of Planning and Environment	Consideration of strategic planning merit
Transport for NSW	Impacts on New England Highway
Rural Fire Service	Bushfire issues
Wanaruah LALC	Aboriginal cultural heritage and archaeological matters

Part 4 Mapping

The planning proposal will not amend any maps.

Part 5 Community consultation

Council will commence community consultation in accordance with the gateway determination. For the purposes of public notification, the planning proposal is not considered to be low impact as outlined in the NSW DPE's *A guide to preparing local environmental plans* because it is inconsistent with some section 9.1 Directions. A 28-day public exhibition period is recommended.

Notification of the exhibited planning proposal will include the websites of Muswellbrook Shire Council and the NSW DPE.

Part 6 Project timeline

The proposed timeline for the completion of the planning proposal is as follows:

Plan making step	Estimated completion
Decision by Council to support the planning proposal and submit for gateway determination by the NSW DPE.	December 2023
Gateway determination issued by the NSW DPE.	January 2024
Public exhibition of planning proposal. Further government agency consultation.	February 2024
Analysis of public submissions. Preparation of Council report.	May 2024
Decision by Council to endorse the planning proposal and submit to the NSW DPE under delegation for finalisation.	June 2024

Conclusion

The planning proposal seeks to amend Muswellbrook LEP 2009 to add an Additional Permitted Use (camping ground) so that part of the Muswellbrook Showground can be used as a camping ground subject to Council consent.

The planning proposal will apply to two adjoining parcels of land as follows: Lot 400 DP 578684, Lot 22 DP 616590, and Lot 10 DP 843828 Rutherford Road, Muswellbrook.

The planning proposal will support the economy by allowing low cost tourism accommodation use on the subject land.

The planning proposal applies to land that has minimal environmental values, with minimal likelihood of significant environmental impact. The site has good road, cycle and pedestrian access. Water and sewerage, power and communication infrastructure are also available.

An assessment of the planning proposal indicates that it is consistent with relevant SEPPs. It is consistent with most of the relevant section 9.1 Directions; and where inconsistencies occur, they can be justified.

The planning proposal is consistent with a range of strategic planning documents including the *Hunter Regional Plan 2041*; the Muswellbrook CSP; the Muswellbrook LSPS and the Upper Hunter Economic Diversification Action Plan, 2018.

It is appropriate that it be sent to the NSW DPE for a gateway determination in order that the planning proposal can proceed to public exhibition (subject to compliance with any gateway conditions).

Further information and studies are not required prior to public exhibition and agency consultation, in addition to any stipulated in the gateway determination. Further detail can be supplied when a DA is prepared in the future.

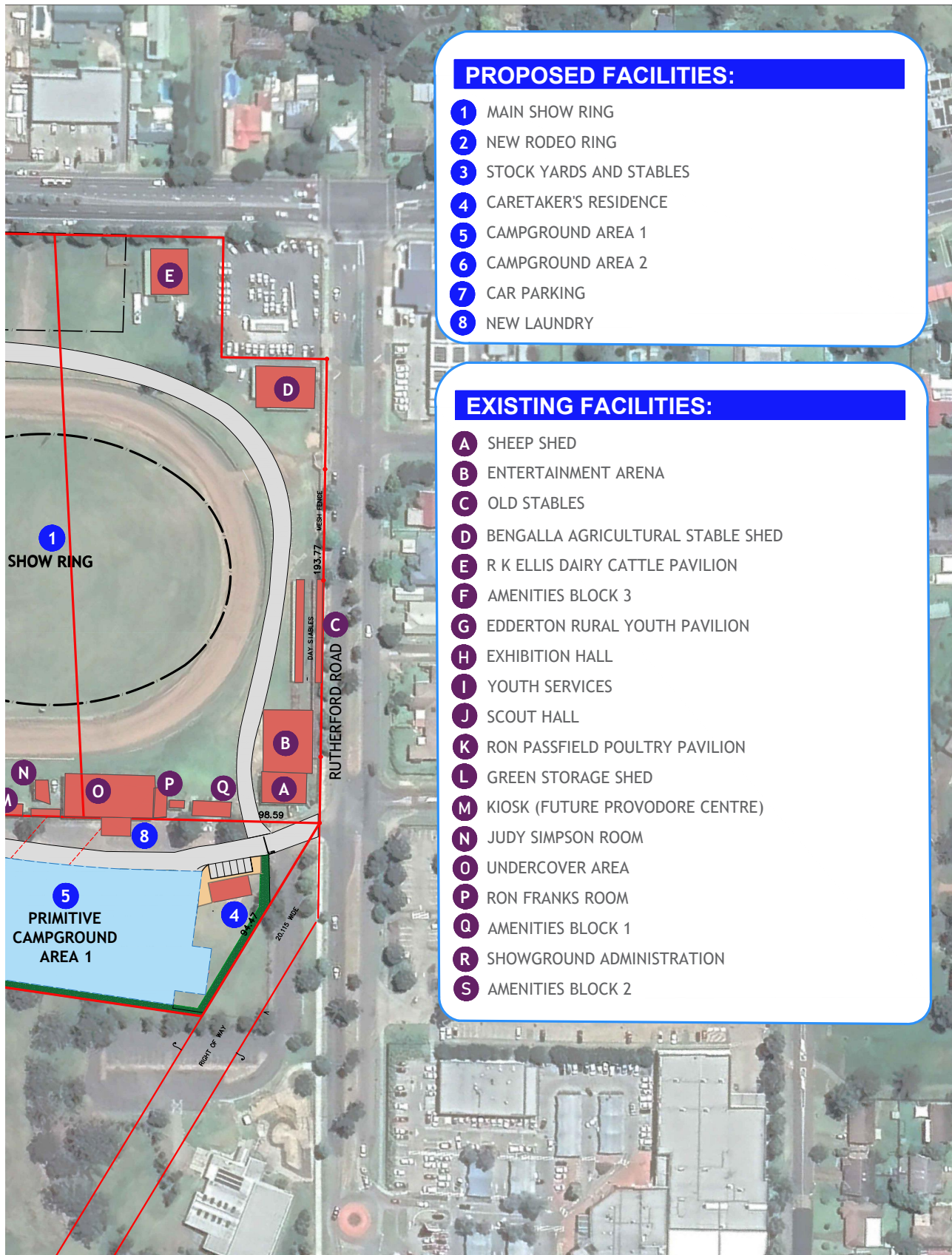
Appendix A

Draft site master plan



DRG TITLE: SHOWGROUND MASTERPLAN

JOB NAME: MUSWELLBROOK SHOWGROUND



CLIENT: MUSWELLBROOK SHOWGROUND

DATE: OCTOBER 2023

A3 SCALE 1:2000

INTEGRATED
Site Design
PLANNING • DESIGN • MARKETING • MANAGEMENT

DRG No:

MSG-01

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Appendix B

Basic AHIMS search



Mike Svikis

Date: 17 October 2023

3 Gibbingbell Close

Ocean Shores New South Wales 2483

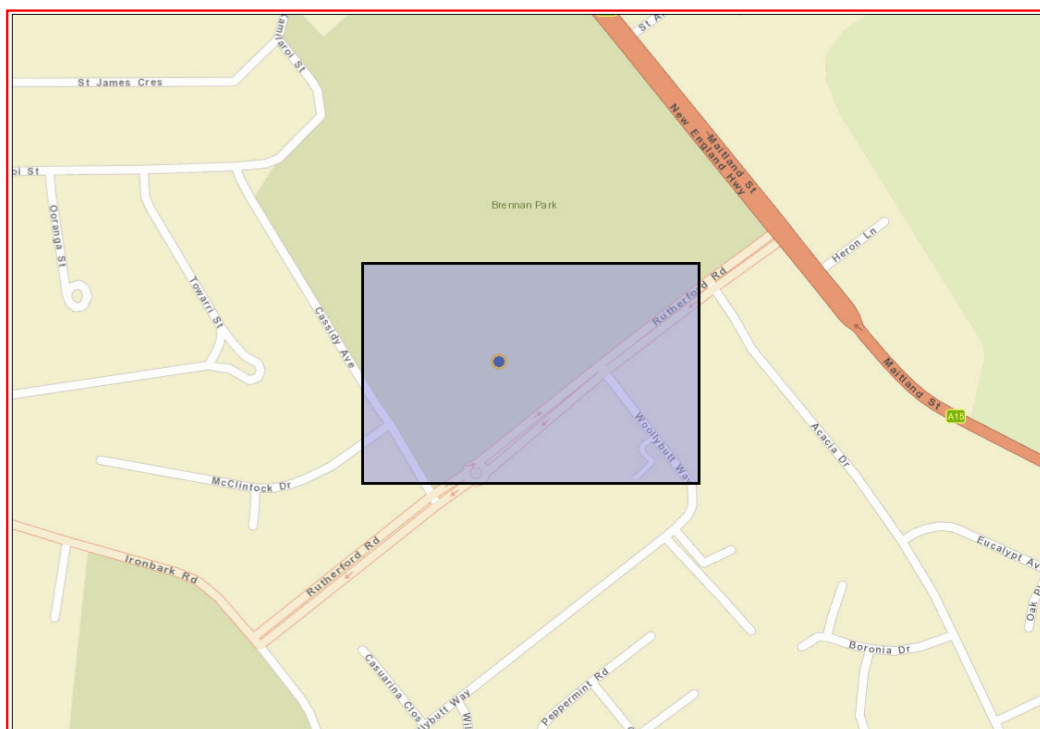
Attention: Mike Svikis

Email: mikesvikisplanning@bigpond.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lat, Long From : -32.2822, 150.8944 - Lat, Long To : -32.28, 150.8983, conducted by Mike Svikis on 17 October 2023.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of Heritage NSW AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

1	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *

If your search shows Aboriginal sites or places what should you do?

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](https://www.legislation.nsw.gov.au/gazette) (<https://www.legislation.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Heritage NSW upon request

Important information about your AHIMS search

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not to be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Heritage NSW and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

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Appendix C

Extensive AHIMS search and site map



AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : Muswellbrook showground

Client Service ID : 829577

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status **</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
37-2-2033	Harvey Norman Site Muswellbrook	AGD	56	301749	6426285	Open site	Valid	Artefact : 6		
	<u>Contact</u> Searle	<u>Recorders</u>	John Mathews					<u>Permits</u>		

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

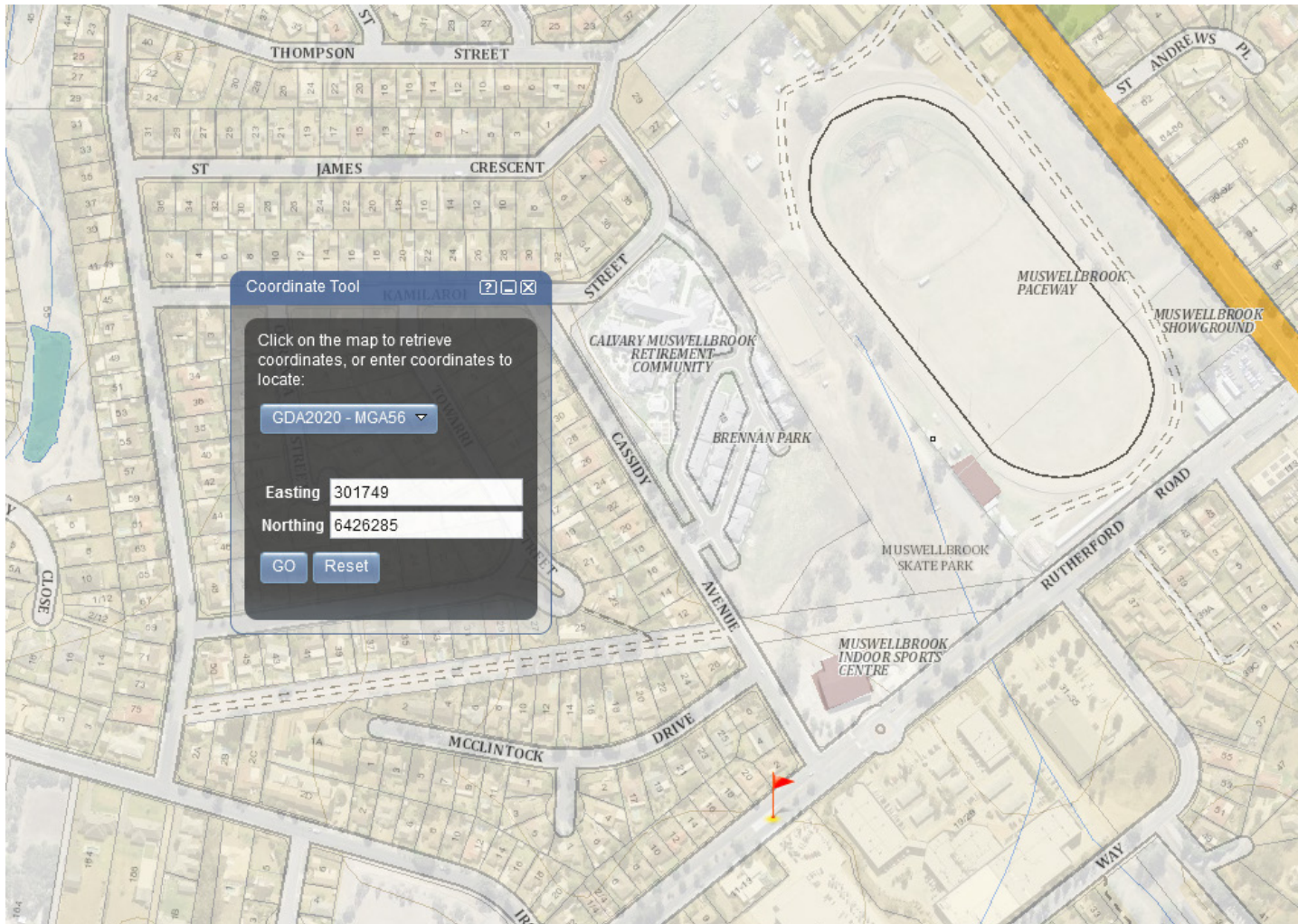
Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

Report generated by AHIMS Web Service on 17/10/2023 for Mike Sviki for the following area at Lat, Long From : -32.2819, 150.8921 - Lat, Long To : -32.2774, 150.8998. Number of Aboriginal sites and Aboriginal objects found is 1

This information is not guaranteed to be free from error omission. Heritage NSW and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

Page 1 of 1





10.1.3. Planning Proposal - Additional Permitted Uses - Liddell and Bayswater (Stage 2)

Attachments:	1. Attachment A - Planning Proposal - New England Highway Muswellbrook - Liddell & Bayswater (Stage 2) [10.1.3.1 - 29 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Sharon Pope (Director - Planning & Environment)
Community Plan Issue:	1 - Economic Prosperity
Community Plan Goal:	<i>A dynamic local economy with full employment for current and future residents in a diverse range of high value industries.</i>
Community Plan Strategy:	1.2.3 - Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry. 1.1.1.2 - Progress the Place - Delivery Group framework, identified in the Hunter Region Plan 2041, for transition of the Liddell Power Station and Muswellbrook Coal Mine sites.

PURPOSE

Council has received a request to amend Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to permit additional uses on part of the site of the former Liddell Power Station and part of the site of the current Bayswater Power Station (see Attachment A). The intent of the change is to allow industry and compatible infrastructure in three discrete locations, in addition to the Stage 1 Planning Proposal already considered for a site near the Bayswater Ash Dam.

The amendment will enable compatible additional uses to occur and will support the ongoing clean energy transition and an integrated industrial energy hub as identified in the Hunter Regional Plan 2041.

The purpose of this report is to obtain Council's support to refer the request to the Department of Planning, Housing, and Infrastructure (DPHI) for a Gateway Determination.

OFFICER'S RECOMMENDATION

Council RESOLVES to:

1. Prepare a Planning Proposal, pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979, for an amendment to the Muswellbrook Local Environmental Plan 2009 (MLEP 2009) to allow additional permitted uses on part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 as outlined in Attachment A;
2. Request a Gateway Determination from the Department of Planning and Environment, and exhibit the proposal in accordance with that determination, pursuant to Sections 3.34-3.35 of the Environmental Planning and Assessment Act 1979; and



3. Request that the Director General of the Department of Planning and Environment issues a Written Authorisation to Council to exercise delegation of the plan making functions under Section 3.36 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal.

Moved: _____ **Seconded:** _____

BACKGROUND

AGL Macquarie Pty Limited (AGL) owns approximately 10,000 hectares of land surrounding the Bayswater Power Station (PS) and the former Liddell Power Station (PS).

The Liddell PS was initially constructed by the NSW Government owned State Electricity Commission and operated from the early 1970s until its closure in April 2023. AGL has recently applied for state significant development consent under the Environmental Planning and Assessment Act 1979 (EP&A Act) to demolish the former Liddell PS and ancillary structures. On completion of the demolition works, the Liddell PS site will be rehabilitated in line with regulatory requirements.

Bayswater PS was initially constructed by the NSW Government owned State Electricity Commission and has remained in operation since being commissioned between 1985 and 1986. Electricity generation in Australia is undergoing a significant transition towards more distributed, intermittent generation sources. Bayswater PS is scheduled to cease generating between 2030 and 2033.

The AGL site could provide for employment generating development to offset employment loss anticipated due to closure of the power stations and local mining operations.

CONSULTATION

The first step in the assessment of the request to amend MLEP 2009, is to seek a Gateway Determination from the DPHI. The Gateway Determination will outline the required community and Agency consultation.

If a Gateway Determination is declined the request would proceed no further.

REPORT

The intention of the requested change to MLEP 2009 is to permit compatible additional uses to support the ongoing clean energy transition and support an integrated industrial energy hub.

Compatible uses that have been identified by the Applicant include:

- Energy generation and storage.
- Manufacturing of renewable energy components (i.e., solar panels).
- Recycling of renewable energy components (i.e., material recycling facilities for solar panels and/or lithium batteries).
- Manufacture of building materials using materials sourced from on-site such as coal ash from power station activities.
- Agricultural produce industry to support ongoing agricultural land uses in the region as coal fired power stations and mines progressively close.
- Ancillary activities and services to support the needs of businesses and workers.

Agricultural produce industry is defined by the MLEP 2009 as a building or place used for the handling, treating, processing, or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables, or other plant material), and



includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

The Liddell and Bayswater Power Station sites are zoned SP2 - Infrastructure (Power Station). The zone objectives and Land Use Table are reproduced below:

Zone SP2 Infrastructure

1 Objectives of zone

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*
- *To recognise existing railway land and to enable future development for railway and associated purposes.*
- *To prohibit advertising hoardings on railway land.*
- *To recognise major roads and to enable future development and expansion of major road networks and associated purposes.*
- *To recognise existing land and to enable future development for utility undertakings and associated purposes.*

2 Permitted without consent

Nil.

3 Permitted with consent

Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads.

4 Prohibited

Any development not specified in item 2 or 3.

MLEP 2009 Amendment

The requested change to MLEP 2009 seeks to make the additional uses permissible with consent in the SP2 zone via the inclusion of an additional Local Provision, and the creation of a new key sites map, on 3 sites totalling 105.24 hectares of AGL's landholdings, as shown in Figure 1.1 below.

The new site-specific provision proposed is as follows:

7.11 Development on land associated with part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486

(1) The objectives of this clause are as follows:

- (a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generation activities which support the renewable energy transition.*
- (b) to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.*

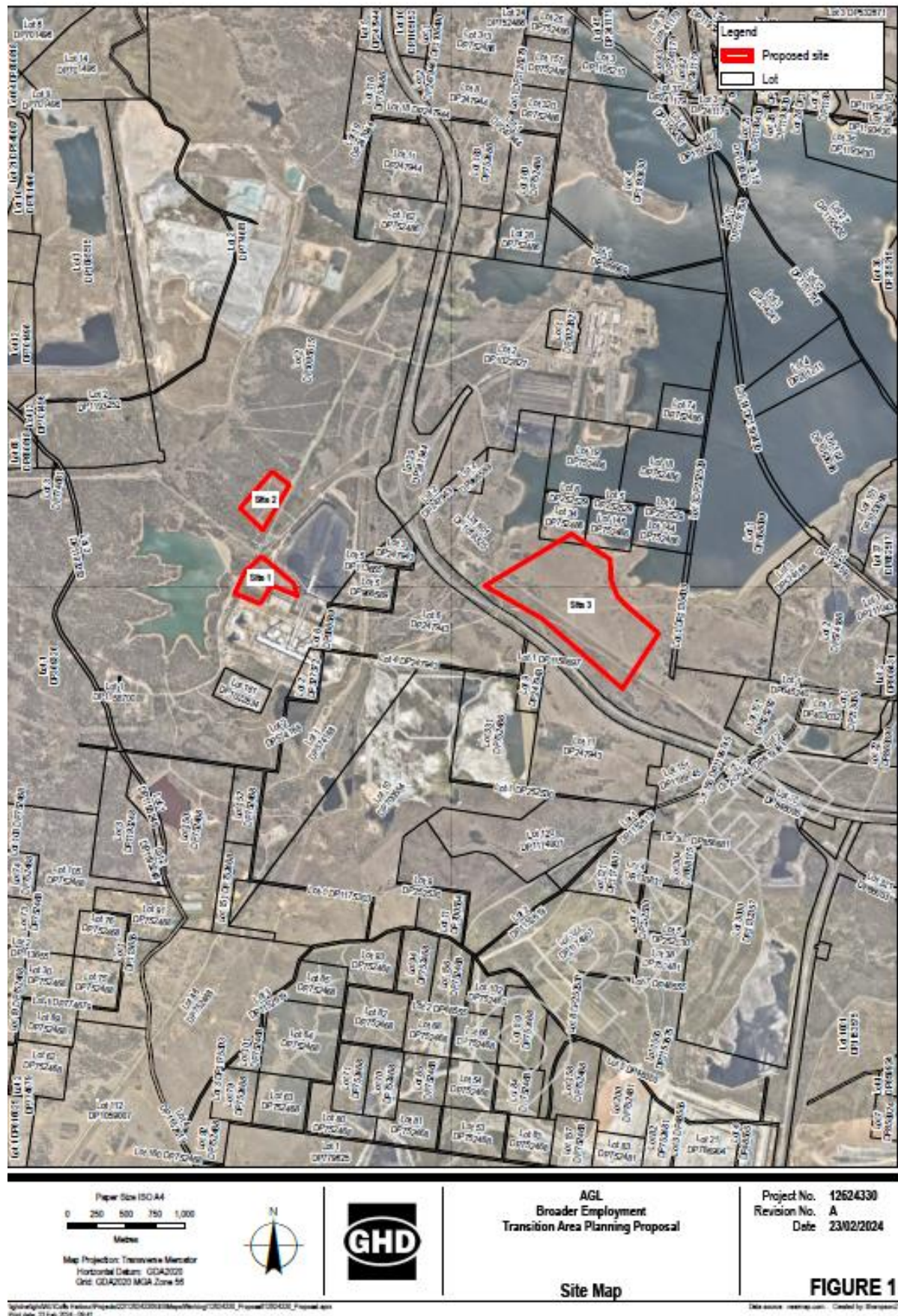
(2) This clause applies to land identified as part of Lot 601 DP1019325, and part of Lot 2 DP1095515 on the Key Sites Map.

(3) Despite clause 2.3, development consent may be granted to development for the purpose of:



Environmental protection works; Industries; Public Utility Undertaking; Public Utility Infrastructure; Roads; Rural Industry; Sewage reticulation systems; Sewage treatment plants; Water supply systems

- (4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied that:*
- (a) there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and*
 - (b) the uses are compatible with or otherwise relate to the special characteristics of the site.*





The intent of the additional local provision is to enable the lodgement of development applications for industrial land uses over the site. All other planning controls applying to the site will remain unchanged.

The three locations included in the request have been substantially cleared and modified, to accommodate the coal fired power station activities or past agricultural activities.

The Regional Plan 2041 supports the development of alternative land uses dependant on the characteristics of each site and its surrounds. New uses could occur while other existing uses continue to operate.

Industry is defined under the LEP as follows:

“industry” means any of the following—

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include—

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining”.

Each of the ‘child’ definitions of ‘industry’ are reproduced from the LEP below:

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored, or produced, and includes—

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit, or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality—

- (a) to human health, life, or property, or
- (b) to the biophysical environment.



rural industry means the handling, treating, production, processing, storage, or packing of animal or plant agricultural products for commercial purposes, and includes any of the following—

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

OPTIONS

Council may:

1. Resolve to prepare a Planning Proposal to amend MLEP 2009 generally in accordance with the request in Attachment A. This is the preferred option as this will allow for potential use of the ash by-product and commence job diversification on the site.
2. Reject the request and take no further action.

Where Council does not support a request to prepare a planning proposal, Council is required to notify the Proponent as soon as practicable in writing that the proposal is not supported. The Proponent may seek a review of the decisions by DPHI.

CONCLUSION

Amending the permitted uses in the SP2 zone for the three discrete sites, to broaden industry related uses permissible with consent, is in the public interest, given these activities are required to support the transition to clean and renewable fuel sources, including the recycling and reuse of materials. All future development would continue to be assessed on its merits as part of a robust Development Application in accordance with Part 4 of the EP&A Act.

The proposal has strategic merit, and it is recommended that Council resolves to prepare a Planning Proposal and seek a Gateway Determination to enable the amendment to progress.

SOCIAL IMPLICATIONS

Permitting additional uses on the site will allow for the diversifying of employment opportunities, thereby reducing the impact of the eventual closure of the Power Stations on the local economy and community.

FINANCIAL IMPLICATIONS

Nil. An application fee has been paid in accordance with Council's adopted fees and charges.

POLICY IMPLICATIONS

MLEP 2009 is Council's land use policy for the Shire. This proposal would amend that Policy.

STATUTORY IMPLICATIONS

The LEP amendment process is regulated by the Environmental Planning and Assessment



Act. Preparing a Planning Proposal and seeking a Gateway Determination are the next steps in the process.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

1.1.1.2 - Progress the Place - Delivery Group framework, identified in the Hunter Region Plan 2041, for transition of the Liddell Power Station and Muswellbrook Coal Mine sites.

The Place Strategy process is likely to take 3 to 5 years to complete. Waiting until then to permit new uses on the site will slow the diversification of employment opportunities, which ideally needs to commence before the Power Station closes.

PLANNING PROPOSAL

Amendments to Muswellbrook Local Environmental Plan 2009

**A new additional Local Provision in
the *Muswellbrook Local
Environmental Plan 2009* with a key
sites map**

Executive Summary

Site Details	
Legal description	Part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 being more particularly described as follows: Site 1 - Part Lot 2 DP1095515. Site 2 - Part Lot 2 DP1095515. Site 3 - Part Lot 601 DP1019325, part Lot 34 DP 752486 and part Lot 145 DP 752486.
Address	New England Highway, Muswellbrook
Land Owner:	AGL Macquarie Pty Ltd
Applicant:	AGL Macquarie Pty Ltd
Date:	5 April 2024
Author:	Rochelle Barclay, Shaun Lawer, GHD Pty Ltd
Current planning provisions	
Relevant clauses	Relevance
LEP	Muswellbrook Local Environment Plan 2009
Land Use Table	<p>The zone objectives and Land Use Table for Zone SP2 are reproduced below:</p> <p>"Zone SP2 Infrastructure</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> To provide for infrastructure and related uses. To prevent development that is not compatible with or that may detract from the provision of infrastructure. To recognise existing railway land and to enable future development for railway and associated purposes. To prohibit advertising hoardings on railway land. To recognise major roads and to enable future development and expansion of major road networks and associated purposes. To recognise existing land and to enable future development for utility undertakings and associated purposes. <p>2 Permitted without consent</p> <p>Nil</p> <p>3 Permitted with consent</p> <p>Aquaculture; The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Roads</p> <p>4 Prohibited</p> <p>Any development not specified in item 2 or 3"</p> <p>The Land Zoning Map confirms that the SP2 Infrastructure zoning relates to the purpose of 'Power Station'.</p>
4.1 Minimum Subdivision Lot Size	The site is not identified as having a minimum lot size.
4.3 Height of Buildings	The site is not subject to a maximum building height.
4.4 Floor Space Ratio	The site is not subject to a floor space ratio.

5.10 Heritage Conservation	<p>This clause relates to development applications, but the Proposal should meet the objectives of the clause and consider all existing and potential heritage at the site.</p> <p>The E-spatial viewer confirms there are no State Heritage items on the site. There are no locally listed items on the site.</p> <p>AHIMS searches undertaken on 20 February 2024 reveal 18 Aboriginal sites recorded in or near the site. No Aboriginal places have been declared in or near the site. Assessments of the impacts of any specific development proposed on any Aboriginal sites would be undertaken as part of any future development applications for the site and all required Aboriginal heritage impact permits would be applied for under the <i>National Parks and Wildlife Act 1974</i> (NSW).</p>
5.21 Flood planning	<p>No mapping for flood prone land is available under <i>Muswellbrook Local Environment Plan 2009</i>, but site personnel have confirmed that there has been no recorded flooding of the area. Any future development application would include an assessment of the impacts of the specific development proposed on hydrology, including a Flood Impact Assessment and Stormwater Management Plan where required based on the scale of development proposed.</p>
7.6 Earthworks	<p>Any future development application lodged over the site will assess the matters contemplated by this clause where any earthworks are proposed as part of the specific development.</p>

Proposed Amendment

The Planning Proposal seeks to amend *Muswellbrook Local Environmental Plan 2009* (the LEP) to make 'industry' and compatible infrastructure related uses permissible with development consent on the site. Industry is defined under the LEP as follows:

"industry means any of the following—

- (a) general industry,*
- (b) heavy industry,*
- (c) light industry,*
- but does not include—*
- (d) rural industry, or*
- (e) extractive industry, or*
- (f) mining."*

The land use is not permitted with or without consent under the current SP2 zone and therefore is prohibited in the SP2 Zone. The proposal to amend the LEP so as to permit 'Industry' on the site is not inconsistent with the current zone objectives, which relevantly include providing for infrastructure and related uses.

This Proposal seeks to amend Part 7 Additional Local Provisions to include the following new site-specific provisions, and a new key sites map:

"7.11 Development on land associated with part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486

(1) The objectives of this clause are as follows:

- (a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generating activities which support the renewable energy transition.*
- (b) to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.*

(2) This clause applies to land identified as part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 on the Key Sites Map.

(3) Despite clause 2.3, development consent may be granted to development for the purpose of:

Environmental protection works; Industries; Public Utility Undertaking; Public Utility Infrastructure; Roads; Sewage reticulation systems; Sewage treatment plants; Water supply systems

(4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied that:

- a. there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and*
- b. the uses are compatible with or otherwise relate to the special characteristics of the site.*

The intent of the additional local provision is to enable the lodgement of development applications for industrial land uses over the site. All other planning controls applying to the site will remain unchanged.

Supporting Documents		
Title	Author	Date
Planning Proposal Scoping Report	GHD Pty Ltd	14 September 2023
AHIMS Searches	GHD Pty Ltd	20 February 2024
Bushfire Risk Management Plan	AGL	15 July 2021
Traffic Impact Assessment	GHD Pty Ltd	4 April 2024

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Appendices

Appendix A	Planning Proposal Scoping Report
Appendix B	AHIMS Search
Appendix C	Bushfire Risk Management Plan
Appendix D	Traffic Assessment

Glossary	
AGL	AGL Macquarie Pty Ltd
BPS	Bayswater Power Station
BC Act	<i>Biodiversity Conservation Act 2016</i>
CSP	Community Strategic Plan
DA	Development Application
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
DCP	Development Control Plan
DPE	Department of Planning and Environment
The Regional Plan	Hunter Regional Plan 2041
LEP	Local Environmental Plan
LPS	Liddell Power Station
LGA	Local Government Area
LSPS	Local Strategic Planning Statement
The LEP	<i>Muswellbrook Local Environmental Plan 2009</i>
Council	Muswellbrook Shire Council
The site	Part of Lot 601 DP1019325, and part of Lot 2 DP1095515
Proposal	Planning Proposal
PSI	Preliminary Site Investigation

1. Part 1 – Objectives and intended outcomes

Objective

AGL Macquarie Pty Limited (AGL) owns approximately 10,000 hectares of land surrounding the Bayswater Power Station (BPS) and the former Liddell Power Station (LPS). The objective of this Planning Proposal (the 'proposal') is to amend *Muswellbrook Local Environmental Plan 2009* (the 'LEP') to make industrial land uses and compatible infrastructure related uses permissible with consent via the inclusion of an additional Local Provision, and the creation of a new key sites map, on 3 sites (collectively referred to as the site) totalling 1,052,443 m² (105.24 hectares) forming approximately 0.01% of AGL's landholdings surrounding BPS and the former LPS. The sites form part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486 (the site) as shown in Figure 1.1 – Figure 1.4 below. The proposed Local Environmental Plan (LEP) amendment will development applications (DA) for various types of 'industry' over the site to be lodged and assessed on their merits.

Intended outcomes

- To make industrial land uses permissible with consent at the site. This will assist AGL to help ensure a just energy transition for the local region by supporting industrial land uses which are compatible with ongoing site operations and to help mitigate the economic and social impacts associated with the closure of LPS in April 2023 and BPS between 2030 and 2033 in line with AGL's commitments.
- To realise the intent of the Hunter Regional Plan 2041 (Regional Plan) to co-locate other employment generating activities on the BPS site to establish an integrated industrial Energy Hub, whilst the site and region are in transition.
- To maximise the efficient use of available rail and highway access and infrastructure.
- To offer developers an alternative site outside of existing urban areas for uses which potentially require greater separation or are otherwise compatible with the unique characteristics of the site.
- To enable the development of industrial land uses on a site that it is compatible with existing surrounding land uses.



<p>Paper Size ISO A4</p> <p>0 250 500 750 1,000</p> <p>Metres</p> <p>Map Projection: Transverse Mercator Horizontal Datum: GDA2020 Grid: GDA2020 MGA Zone 56</p>		<p align="center">AGL Broader Employment Transition Area Planning Proposal</p> <p align="center">Site Map</p>	<p>Project No. 12624330 Revision No. A Date 23/02/2024</p> <p align="right">FIGURE 1</p>
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Data source: nearmap.com. Created by: thompson2







<p>Paper Size ISO A4</p> <p>0 25 50 75 100</p> <p>Metres</p> <p>Map Projection: Transverse Mercator</p> <p>Horizontal Datum: GDA2020</p> <p>Grid: GDA2020 MGA Zone 56</p>			<p>AGL</p> <p>Broader Employment</p> <p>Transition Area Planning Proposal</p>	<p>Project No. 12624330</p> <p>Revision No. B</p> <p>Date 23/02/2024</p>
<p>Site 3 details</p>			<p>FIGURE 2-3</p>	

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2. Part 2 – Explanation of provisions

Intended provisions

This proposal seeks to amend Part 7 Additional Local Provisions of the LEP, to include the following site-specific provision, and a new key sites map:

“7.11 Development on land associated with part Lot 601 DP1019325, part Lot 2 DP1095515, part Lot 34 DP 752486 and part Lot 145 DP 752486

(1) The objectives of this clause are as follows:

(a) to facilitate the ongoing transition of existing Power Station Sites from coal fired power station operations to a broader range of employment generation activities which support the renewable energy transition.

(b) to facilitate development that is compatible with or related to the special characteristics of the site and recognises the site constraints and the available infrastructure.

(2) This clause applies to land identified as part of Lot 601 DP1019325, and part of Lot 2 DP1095515 on the Key Sites Map.

*(3) Despite clause 2.3, development consent may be granted to development for the purpose of:
Environmental protection works; Industries; Public Utility Undertaking; Public Utility Infrastructure; Roads; Sewage reticulation systems; Sewage treatment plants; Water supply systems*

(4) Development consent must not be granted to development on land referred to in subclause (2) unless the consent authority is satisfied that:

a. there are no significant land use conflicts between the proposed development and the land uses conducted on the adjoining parts of the site; and

b. the uses are compatible with or otherwise relate to the special characteristics of the site.

The intent of the additional local provision is to enable development applications seeking to locate compatible industrial development and infrastructure on the site to be lodged and assessed as permissible on their merits in accordance with the *Environmental Planning & Assessment Act 1979* (EP&A Act) and the existing LEP provisions. All other planning controls applying to the site will remain unchanged. The new proposed Key Sites Map is seen in Figure 2.1 below.

Council to insert Map

Figure 2.1 Proposed Key Sites Map (No. TBC)

3. Part 3 – Justification of strategic and site-specific merit

Section A – Need for the planning proposal

1. Is the Planning Proposal a result of an endorsed Local Strategic Planning Statement, strategic study or report?

The site forms a small part (approximately 0.01%) of the approximately 10,000 hectares of land owned by AGL surrounding the operational BPS and the former LPS.

LPS was initially constructed by the NSW Government owned State Electricity Commission and operated from the early 1970s until its closure in April 2023. AGL has recently applied for state significant development consent under the EP&A Act to demolish the former LPS and ancillary structures. On completion of the demolition works, the LPS site will be rehabilitated in line with all regulatory requirements.

BPS was initially constructed by the NSW Government owned State Electricity Commission and has remained in operation since being commissioned between 1985 and 1986.

It is widely recognised that electricity generation in Australia is undergoing a significant transition towards more distributed, intermittent generation sources. Approximately three quarters of Australia's current thermal generation fleet is beyond its original engineering design life, and as such there is a concurrent need to modernise and decarbonise Australia's electricity generation sector. As the generator of approximately 25% of the energy within the National Energy Market (NEM), AGL has committed to playing a leading role in this transition. In line with these commitments, BPS is scheduled to cease generating between 2030 and 2033.

The extent of AGL's landholdings provide an opportunity to enable employment generating development onsite to provide local jobs to replace those impacted as the energy transition continues and BPS and local mines progressively close.

The Planning Proposal aligns with the Hunter Regional Plan 2041 and gives effect to Planning Priorities 1-3 in the Muswellbrook Local Strategic Planning Statement dated October 2020 (LSPS), as outlined in the Scoping Report (Appendix A).

The proposal seeks to make permissible with consent compatible industrial land uses on the site which has been selected by AGL out of the broader AGL landholdings as suitable for compatible industrial development. A smaller Planning Proposal (PP-2024-68) relating to a separate area of the AGL landholdings (totalling some 2.7996ha) was lodged in the NSW Planning Portal on 16 January 2024 and is currently under assessment by Muswellbrook Shire Council (Council).

Given industrial land uses are not currently permissible, the proposal has been prepared to address the strategic need and commercial opportunity.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This option provides for appropriate local development control for a small portion of the overall AGL landholdings surrounding the BPS and former LPS. It defines the proposed uses that may occur (subject to a development application being lodged and assessed under the EP&A Act and development consent being granted) and requires the proposed use to be consistent with the objectives of the clause, which aligns with the strategic planning framework.

Appendix A contains the Scoping Report submitted to Council and provided to the Department of Planning Housing and Infrastructure (DPHI). This Planning Proposal has been informed by the feedback obtained on this Scoping Report.

Other options that were considered include:

– **An additional permitted use in Schedule 1 of the *Muswellbrook Local Environmental Plan 2009***

This option involves amending the LEP to include an additional permitted use in Schedule 1 of the LEP. This option is not preferred option because it does not include objectives that make clear that the intent of the additional permissible uses is to support the renewable energy transition. This option does not provide detailed development control to support the identified land uses and the future development of the land.

– **Insert new objectives and permitted land uses into the current SP2 Infrastructure zone of *Muswellbrook Local Environmental Plan 2009***

This option would apply to all land zoned SP2 Infrastructure under the LEP and has the potential to allow for inappropriate land uses to occur in other SP2 zones within the Muswellbrook Local Government Area (LGA) that are identified for a specific operating purpose. As such, it does not provide sound development control for SP2 zoned land. Further, future DA's may not be capable of complying with the proposed new objectives. This option also does not provide detailed development control to support the identified land uses and the future development of the land. It is not preferred for these reasons.

The DPHI provided feedback on the Scoping Report and proposed the following additional option for consideration:

– **Rezone parts of the SP2 Zone to the SP4 Enterprise Zone, and mapping the site as an Urban Release Area under part 6 of the LEP, and the provision of a Development Control Plan**

This option is not preferred for this Planning Proposal as SP4 Enterprise zones in other LGA's have objectives that do not align with the intent of this proposal including to encourage a range of office and light industrial uses, and to permit limited residential accommodation which is not consistent with the current site uses. The equivalent to the SP4 zone is the B7 zone which focuses on objectives in relation to light industrial and business park development. The envisaged land uses are of a heavier industrial nature including manufacturing to ensure consistency with current land uses and avoid potential land use conflicts. Further, the proposal would be inconsistent with Ministerial Direction 1.4, given it would seek to rezone the site to a zone not already in the LEP, and Ministerial Direction 7.1, given there is not currently any strategy approved by the Planning Secretary to create an employment zone.

In summary, the proposal is the best means of achieving the objectives and intended outcomes as it provides an opportunity to define development controls for the small sites within the much broader AGL landholdings which are the subject of the proposal within the broader SP2 zone and set a vision for this particular type of place-based development. It represents an intelligent planning outcome in the interim, given it that will provide for the reuse of the site consistent with the suite of Strategic Planning Documents applicable to the site, and thus has Strategic Merit.

Section B – Relationship to the strategic planning framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal gives effect to the objectives and priorities of the Regional Plan 2041. Refer to Table 3.1.

Table 3.1 Hunter Regional Plan 2041

Objective	Performance Outcome	Strategy	Alignment
OBJECTIVE 1: Diversify the Hunter's mining, energy and industrial capacity	<p>Any planning proposal or local strategic planning statement that does not comply with a strategy in this objective must demonstrate how the following performance outcomes will still be achieved:</p> <ul style="list-style-type: none"> Power stations and coal mines facilitate diverse job opportunities on their land either during operation or following closure, with land uses responsive to the characteristics of the locality. Employment lands provide a variety of employment uses and diversify the employment base. Employment lands close to inter-regional links support freight, logistics and industries which benefit from connections to inter-regional or global markets. Employment lands close to renewable energy zones support manufacturing related to renewables and energy intensive industries and clustering of business which supports those activities. Circular economy industries and facilities are in appropriate sites. New employment lands are serviced, manage biodiversity impacts and are situated to avoid land use conflict. Employment lands are retained and safeguarded by limiting the encroachment of sensitive land uses. 	<p>Strategy 1.1</p> <p>Planning proposals for mine or power station sites identified as regionally significant growth areas will be supported by a place strategy which demonstrates how the proposal will:</p> <ul style="list-style-type: none"> Maximise employment generation or will attract visitors to the region. Make use of voids and/or site infrastructure such as rail loops, hard stand areas, power, water and road access. Support the growth of adjoining industrial areas or settlement areas. Enhance corridors within the landscape such as biodiversity corridors or disused infrastructure corridors. Complement areas with special amenity value such as critical industry clusters, open space, villages and residential areas. Have considered the existing and likely future uses of adjoining land and avoid land use conflict. Align with any specific guidance in the district planning priorities section of this plan. <p>Strategy 1.2</p> <p>Following completion of the Hunter– Central Coast REZ, local strategic planning should consider:</p> <ul style="list-style-type: none"> Opportunities to leverage new employment in related manufacturing and energy intensive industries that benefit from proximity to the energy infrastructure within the renewable energy zone. The proximity of sensitive land uses to ensure sensitive land uses do not encroach on activities within the REZ. <p>Strategy 1.3</p> <p>Local strategic planning should consider:</p> <ul style="list-style-type: none"> How existing employment land areas, including those that provide urban services, will be retained unless opportunities for urban renewal arise through the relocation of industry. If there is sufficient supply of vacant, serviced employment land providing capacity for a range of different sized employment enterprises • the employment land needs for the local government area and identify flexible planning and development control frameworks to support their growth. Opportunities to facilitate growth in logistics, circular economy, new economic enterprises and industries and their supply chains. The suitability of transport interchanges and bypasses for employment lands in consultation with Transport for NSW. Lands around the interchanges of the M1 Pacific Motorway and Pacific Highway should be used for employment activities that benefit from easy access to key markets such as manufacturing, logistics and warehousing. The proximity of sensitive land uses and ensure they do not encroach upon these areas. 	<p>Future development of the SP2 zone is identified within the Bayswater and Liddell Regionally Significant Growth Area as indicated in Figure 24 of the Regional Plan 2041, identified as an “integrated industrial Energy Hub” (stages 1 and 2).</p> <p>By enabling compatible industrial development and industrial infrastructure related activities on suitable portions of the AGL owned land, the proposal will help ensure a just transition and minimise social and economic impacts. In addition to the closure of LPS, the planned closure of BPS between 2030-2033 will provide further opportunities to co-locate other employment generating activities within the SP2 zone. The site offers both rail and highway access, water and infrastructure assets. It suits employment generation in the manufacturing, waste, freight, chemical and gas industries.</p>

Objective	Performance Outcome	Strategy	Alignment
		Strategy 1.4 Planning proposals for new employment lands will demonstrate they: <ul style="list-style-type: none"> – Are located in areas which will not result in land use conflict. – Can be adequately serviced and any biodiversity impacts are manageable. – Respond to the employment land needs identified for that local government area. 	

4. Is the Planning Proposal consistent with a council Local Strategic Planning Statement that has been endorsed by the Planning Secretary or Greater Cities Commission, or another endorsed local strategy or strategic plan?

Yes. The proposal is consistent with the following Council adopted plans: the Muswellbrook LSPS and Muswellbrook Shire Council Community Strategic Plan 2022-2032 (the CSP), as demonstrated in Table 3.2 and Table 3.3.

Table 3.2 Muswellbrook Local Strategic Planning Statement October 2020- 2040

Priority	Detail	Consistency
Planning Priority 1: Our Shire embraces technology and innovation	Council supports leading edge businesses growing and consolidating in Muswellbrook Shire as a mechanism toward supporting the Shire's transition to broader employment diversification.	The proposal will enable the lodgement of DAs for various industrial land uses on the site, assisting with employment diversification opportunities.
Planning Priority 2: We plan for the transition of mine and power station sites before their closure	Mines and power stations occupy large tracts of land with infrastructure and topography that would be suitable for alternative uses over time, to replace employment opportunities that may not exist in the future.	The site is suitable for various industrial land uses that will provide employment opportunities in the LGA.
Planning Priority 3: The mineral resource and power generation industry is productive, accountable and considerate of surrounding land uses	Coal mining, river sand extraction and quarrying for hard rock and shale are major components of the economy of the Shire. The two coal fired power stations are expected to close long-term, but new power generating activities, such as wind, solar, pumped hydro and biofuels are expected to be commissioned. Groups from the mining, quarrying and agricultural and visitor economy sectors have expressed a desire for certainty on the location of these different activities, enabling more confidence in investment decisions. Many of these activities are classed as State Significant Development (SSD) but Council has a strong role in advocating for appropriate land use planning decisions by the State Agencies.	As above. DAs will be assessed on their merits in accordance with the requirements of the EP&A Act.

Table 3.3 Muswellbrook Shire Council Community Strategic Plan 2022-2032

Goal	Consistency
<p>Economic prosperity</p> <p>Strategy 1.2 of this goal is to:</p> <p><i>“Diversify the economy, facilitate the development of intensive agriculture, innovative manufacturing, health services and other growth industries”.</i></p>	<p>The CSP states that Council, the NSW Government and Energy Producers can help with achieving this goal. This proposal seeks to make industrial land uses permissible with consent on the site.</p>

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The proposal is consistent with the following State Plans and Strategies:

- NSW State Plan 2021
- NSW State Infrastructure Strategy 2022-2042
- Future Transport Strategy
- A 20 Year Economic Vision for Regional NSW

6. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The proposal is consistent with applicable State Environmental Planning Policies (refer Table 3.4).

Table 3.4 Compliance with State Environmental Planning Policies

SEPPs (as of November 2023)	Applicable	Consistent	Comment
(Biodiversity and Conservation) 2021	No	N/A	The proposal itself does not propose to clear vegetation or affect land subject to potential koala habitats, foreshore or waterways, water catchments, or strategic conservation areas. All future development applications will be assessed in accordance with the requirements of this SEPP.
(Exempt and Complying Development Codes) 2008	No	N/A	The proposal does not propose any building works or changes to this policy.
(Housing) 2021	No	N/A	The proposal does not propose building works or changes to this policy, and no residential uses are proposed to become permissible as part of this proposal.
(Industry and Employment) 2021	No	N/A	The proposal does not propose any changes to the planning controls for advertising and signage. The land is not located in the Western Sydney employment area.
No 65 – Design Quality of Residential Apartment Development	No	N/A	The proposal does not propose building works or changes to this policy, and no residential uses are proposed to become permissible as part of this proposal.
(Planning Systems) 2021	Yes	Yes	The proposal does not affect the assessment of any future proposed State significant development, State significant infrastructure, Regionally significant development or land subject to a Development Delivery Plan. The land is not owned by an Aboriginal Land Council.
(Precincts – Central River City) 2021	No	N/A	The site is not located within a State Significant Precinct, Sydney Region Growth Centre, Homebush Bay area or Kurnell Peninsula area.
(Precincts – Eastern Harbour City) 2021	No	N/A	The site is not located within a State Significant Precinct, Darling Harbour, City West, Walsh Bay, Cooks Cove or Moore Park Showground.

SEPPs (as of November 2023)	Applicable	Consistent	Comment
(Precincts – Regional) 2021	No	N/A	The site is not located within a State Significant Precinct, Activation Precinct, Kosciuszko Alpine Region or Gosford City Centre.
(Precincts – Western Parkland City) 2021	No	N/A	The site is not located within a State Significant Precinct, Sydney Region Growth Centre, Western Sydney Aerotropolis Penrith Lakes, St Marys or Western Sydney Parklands.
(Primary Production) 2021	No	N/A	Land subject to the proposal is not primary production or rural development, located on state significant agricultural land, a farm dam and other small-scale and low risk artificial waterbody, a livestock industry, sustainable aquaculture or within the Central Coast plateau area.
(Resilience and Hazards) 2021	Yes	Yes	The site is not located in the coastal zone. If a DA for a hazardous or offensive development is lodged it will be assessed on its merits. The site is not listed on the contaminated land register and is currently used for power station related purposes, or is vacant land (site 3) , being a form of industrial development, and regulated under an environmental protection licence issued by the NSW EPA. A Preliminary Site Investigation (PSI) would be prepared to accompany any future DA so that the consent authority can consider the suitability of the site for the proposed use. Subject to the outcomes of the PSI, a Detailed Site Investigation Report would be prepared, and any remediation required can be regulated via development consent conditions to ensure that the suitability of the site for the specific proposed industrial development.
(Resources and Energy) 2021	No	N/A	The proposal is compatible with the surrounding separately approved mining operations which adjoin the Bayswater site and does not propose any changes to the controls contained in this SEPP.
(Sustainable Buildings) 2022	No	N/A	The proposal does not propose building works or changes to this policy, and the site is not on land zoned for residential purposes.
(Transport and Infrastructure) 2021	Yes	Yes	The proposal does not propose building works or changes to this policy. The proposed amendment to add a local provision does not trigger referral to any State Agencies at the Gateway Determination stage.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions)?

The proposal is consistent with applicable Ministerial Directions (as shown in Table 3.5).

Table 3.5 Compliance with Ministerial Directions

Directions (as of November 2023)		Applicable	Consistent	Comment
Focus area 1: Planning Systems				
1.1	Implementation of Regional Plans	Yes	Yes	The proposal is consistent with the objectives and actions of the Regional Plan 2041(see Section B, Question 3).
1.2	Development of Aboriginal Land Council land	No	N/A	

Directions (as of November 2023)		Applicable	Consistent	Comment
1.3	Approval and Referral Requirements	Yes	Yes	The proposal does not include any provisions that require additional concurrence, consultation, or referral of development applications to a Minister or public authority and does not identify development as designated development.
1.4	Site Specific Provisions	Yes	Yes	The proposal will amend the LEP to render 'industry' and additional infrastructure related uses permissible with consent. The proposal does seek to include any new land uses that are not already defined in the LEP. No drawings that show details of the proposed development are included in the proposal.
1.4A	Exclusion of Development Standards from Variation	No	N/A	
Focus area 1: Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	No	N/A	
1.6	Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	No	N/A	
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	No	N/A	
1.10	Implementation of the Western Sydney Aerotropolis Plan	No	N/A	
1.11	Implementation of Bayside West Precincts 2036 Plan	No	N/A	
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	No	N/A	
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	No	N/A	

Directions (as of November 2023)		Applicable	Consistent	Comment
1.14	Implementation of Greater Macarthur 2040	No	N/A	
1.15	Implementation of the Pyrmont Peninsula Place Strategy	No	N/A	
1.16	North West Rail Link Corridor Strategy	No	N/A	
1.17	Implementation of the Bays West Place Strategy	No	N/A	
1.18	Implementation of the Macquarie Park Innovation Precinct	No	N/A	
1.19	Implementation of the Westmead Place Strategy	No	N/A	
1.20	Implementation of the Camellia-Rosehill Place Strategy	No	N/A	
1.21	Implementation of South West Growth Area Structure Plan	No	N/A	
1.22	Implementation of the Cherrybrook Station Place Strategy	No	N/A	
Focus area 2: Design and Place				
Focus area 3: Biodiversity and Conservation				
3.1	Conservation Zones	No	N/A	The site does not contain environmentally sensitive areas, land within a conservation zone or identified for environment conservation or protection purposes.
3.2	Heritage Conservation	Yes	Yes	The proposal does not affect existing heritage provisions in the LEP.
3.3	Sydney Drinking Water Catchments	No	N/A	
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	No	N/A	
3.5	Recreation Vehicle Areas	No	N/A	
3.6	Strategic Conservation Planning	No	N/A	
3.7	Public Bushland	No	N/A	
3.8	Willandra Lakes Region	No	N/A	
3.9	Sydney Harbour Foreshores and Waterways Area	No	N/A	

Directions (as of November 2023)		Applicable	Consistent	Comment
3.10	Water Catchment Protection	No	N/A	
Focus area 4: Resilience and Hazards				
4.1	Flooding	No	N/A	There is no flood mapping under the LEP, or flood study available on Councils website, or flood planning layer on the NSW E-spatial viewer. On this basis the proposal is not considered to constitute Flood Prone Land. Future DAs lodged over the site will need to address relevant clauses of the LEP and Development Control Plan (DCP) clauses and provisions as they apply to the site and the proposal.
4.2	Coastal Management	No	N/A	
4.3	Planning for Bushfire Protection	Yes	Yes	<p>The site is mapped as Bushfire Prone Land Vegetation Category 3.</p> <p>A Strategic Study can be requested by the NSW Rural Fire Service (RFS) following Gateway Determination.</p> <p>Vegetation surrounding the site appears to be fragmented and located at a distance when viewing online aerial mapping. There does not appear to be significant vegetation on the site.</p> <p>Each of the proposed land uses will be subject to different risk profiles and accordingly APZ and BAL requirements.</p> <p>The existing road network appears to have sufficient capacity, ingress and egress to accommodate evacuation, and emergency services vehicles. Key access routes would remain unchanged from those approved under previous consents.</p> <p>Reticulated water is currently available at the site.</p> <p>Given there does not appear to be any significant vegetation on the site (based on aerial mapping), it is anticipated that Council will consult with the Commissioner of the RFS following receipt of a gateway determination under Section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and consider any comments made.</p>
4.4	Remediation of Contaminated Land	Yes	Yes	The site is not listed on the contaminated land register and is currently used for power station related purposes, being a form of industrial development, and regulated under an environment protection licence issued by the NSW EPA. A PSI would be prepared to accompany any future DA so that the consent authority can consider the suitability of the site for the proposed use. Subject to the outcomes of the PSI, a Detailed Site Investigation Report would be prepared, and any remediation required can be regulated via development consent conditions to ensure that the suitability of the site for the specific proposed industrial development.
4.5	Acid Sulfate Soils	No	N/A	
4.6	Mine Subsidence and Unstable Land	No	N/A	A small portion of land adjacent to the southern eastern end of Lake Liddell owned by AGL is located within a Mine Subsidence District but does not apply to the identified sites.

Directions (as of November 2023)		Applicable	Consistent	Comment
Focus area 5: Transport and Infrastructure				
5.1	Integrating Land Use and Transport	No	N/a	The proposal is not zoned urban land. The additional local provision will require an assessment of traffic impacts, however, given the site is already provided with direct access to the Highway, this can be assessed at the DA stage. A high level Traffic Assessment (TA) is provided at Appendix D.
5.2	Reserving Land for Public Purposes	No	N/A	
5.3	Development Near Regulated Airports and Defence Airfields	No	N/A	
5.4	Shooting Ranges	No	N/A	
Focus area 6: Housing				
6.1	Residential Zones	No	N/A	
6.2	Caravan Parks and Manufactured Home Estates	No	N/A	
Focus area 7: Industry and Employment				
7.1	Business and Industrial Zones	No	N/A	
7.2	Reduction in non-hosted short-term rental accommodation period	No	N/A	
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
Focus area 8: Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	No	N/A	
Focus area 9: Primary Production				
9.1	Rural Zones	No	N/A	
9.2	Rural Lands	No	N/A	
9.3	Oyster Aquaculture	No	N/A	
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	No	N/A	

Section C – Environmental, social and economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?

The site is located within a highly disturbed landscape that does not possess large expanses of intact native vegetation and generally has a low ecological value. As most of the site is in areas which were previously cleared, direct impacts to terrestrial biodiversity will be largely avoided and/or minimised by any future industrial development.

No areas of land that the Minister for Energy and Environment has declared as an area of outstanding biodiversity value in accordance with section 3.1 of the *Biodiversity Conservation Act 2016* (the 'BC Act') would be affected.

9. Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?

Table 3.6 provides a review of other likely environmental effects and how they will be managed.

Table 3.6 Assessment of Environmental Effects

Environmental Effects	Proposed Management
Bushfire	Sites 1 and 2 are currently managed as active operational areas of the BPS and are regulated by the specific Hazard Management Plans contained in Appendix C. Site 3 is part of the now decommissioned LPS and contains limited vegetation and is mapped as Vegetation Category 3. Vegetation on this site is controlled by slashing/weed spraying. Ten metre wide fire breaks along the inside highway boundary fence.
Hydrology	There has been no recorded flooding of this area and as such no mapping pursuant to the LEP. Any future DA would require an assessment of the impacts of the proposal on hydrology, including a Flood Impact Assessment and Stormwater Management Plan where required based on the scale of development proposed.
Scenic and culturally important landscapes	<p>The SP2 Zone is located within an area dominated by mining and power generation. The landscape is heavily influenced by industrial activity. Local land use is dominated by large-scale infrastructure associated with the power stations and open cut mining activities at the surrounding and separately operated Ravensworth Mine Complex, Mount Arthur Coal, Hunter Valley Operations, Liddell Coal Mine and the former Drayton Mine. Agricultural clearing for the purposes of grazing is also present within and surrounding the AGL landholding.</p> <p>There are limited sensitive receivers or social infrastructure in the locality of the SP2 Zone. The nearest sensitive receiver to any of the sites is located over 4km north east of Site 3.</p> <p>Visual impacts are likely to be negligible given the separation between the SP2 zone and other land uses and topographic screening. Visual impacts would be assessed as part of future development applications including via a Visual Impact Assessment where required.</p>
Biodiversity	<p>Refer to comments at Section B.</p> <p>Any future DA will assess the specific development proposed as required by the <i>Environment Protection and Biodiversity Conservation Act 1999</i>, the BC Act, the LEP and relevant controls in the DCP relating to biodiversity.</p>
Heritage	<p>There are no State Heritage items on the site. There are no locally listed heritage items on the site.</p> <p>AHIMS searches undertaken on 20 February 2024 reveal 18 Aboriginal sites recorded in or near the site. No Aboriginal places have been declared in or near the site. Assessments of the impacts of any specific development proposed would be undertaken as part of any future development applications for the site.</p> <p>Where required, a Heritage Study can be undertaken following Gateway determination.</p> <p>All required Aboriginal heritage impact permits would be applied for under the <i>National Parks and Wildlife Act 1974</i> (NSW) for future developments and a development consent conditions typically contain unexpected finds procedures.</p>

Environmental Effects	Proposed Management
Access and Transport	<p>The AGL landholdings are connected to the surrounding public road network via a purpose-built access road and grade-separated interchange to and from the New England Highway. Each of the 3 site areas are also serviced by internal gravel roads within the AGL landholding.</p> <p>GHD was engaged by AGL to prepare a Traffic Assessment (TA) to support the preparation of the proposal and assess the extent to which the public road network can accommodate the additional vehicle activity which is expected to be generated from industrial land uses within the site (Appendix D). The TA has identified the capacity and road network performance of existing traffic conditions and assessed the available capacity of the New England Highway to accommodate the additional traffic envisaged by the amendment of LEP so as to permit industrial development on the site at least in the short term.</p> <p>The TA confirmed that high level assessment based on large format industrial development and associated office space indicates that in the order of 22 hectares of land could be developed in the short term at the AGL landholding without any significant impact or need for upgrade on the New England Highway and existing road network.</p> <p>Whilst this proposal seeks to amend the LEP to make industrial uses permissible on approximately 105 hectares of land, this land is not all developable (e.g. roads, and other uses that do not constitute Gross Floor Area).</p> <p>It is noted that once more defined proposals are determined, further traffic analysis and assessment may result in less trips generated than those presented in the TA. Upgrades to the road network, potentially including additional travel lanes on the New England Highway, south of the site, would also support a further increase in the developable yield of the Energy Hub.</p>
Services	<p>The site is distant from the towns of Muswellbrook and Singleton and currently operates without access to a reticulated water or sewage system. It is intended that this self-sufficient approach will continue as the uses on the site transition. As a result it is unlikely that additional infrastructure will be required to service future development. Where any upgrades to existing services are required, this will be confirmed and assessed at the DA stage.</p>
Noise	<p>The local noise environment is impacted by surrounding land uses including power generation, coal mining, livestock grazing and rural living. Other noise sources include transport related impacts associated with the Main North Railway Line and the New England Highway. Any future DA would be assessed on its merits in relation to acoustic impacts.</p>
Contamination	<p>The additional uses would be classified as commercial/industrial from a land use perspective under relevant contamination guidelines, in line with the current power station use of the site. Any future DA will be required to provide an assessment of the specific change in use proposed against the provisions of <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> to confirm that the site is suitable for the specific form of industrial land use proposed and that any remediation required will be carried out prior to any new use commencing in line with any development consent conditions which are imposed on any development consent granted.</p>

10. Has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal is proposed to help AGL ensure a just energy transition for the local region by supporting industrial land uses which are compatible with ongoing site operations and to help mitigate the economic and social impacts associated with the recent closure of LPS and the planned closure of BPS between 2030 and 2033. The amendment will enable compatible additional uses to occur and support the ongoing clean energy transition and an integrated industrial Energy Hub as identified in the Hunter Regional Plan 2041.

Section D – Infrastructure (Local, State and Commonwealth)

11. Is there adequate public infrastructure for the Planning Proposal?

Yes. The proposal is not likely to require any changes to the delivery of public infrastructure to the land. The site is in an established industrial area and benefits from access to a range of existing facilities and services, including utilities.

Section E – State and Commonwealth interests

12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

An update to this section of the proposal will occur following consultation with relevant State and Commonwealth public authorities in accordance with the Gateway determination.

4. Part 4 – Maps

The Planning Proposal will create the LEP Key Sites Map (Note: TBC).

The proposed Map is shown in Figure 2.1.

5. Part 5 – Community consultation

A 28-day exhibition period is proposed. The Gateway Determination will confirm the exhibition period.

6. Part 6 – Project timeline

Table 6.1 Project Timeline

Stage	Timeframe
Consideration by Council	April- May 2024
Council Meeting	Next available meeting date after submission of the Planning Proposal to Council (May 2024)
Commencement/ Gateway Determination	Two weeks after Council Meeting – May 2024
Government Agency Consultation	In accordance with Statutory timeframes- June 2024
Public Exhibition	In accordance with Statutory timeframes- July 2024
Consideration of Submissions	July 2024
Post-exhibition consideration of Submissions and Post-exhibition review and additional studies	August 2024
Submission to the Department for finalisation (where applicable)	August 2024
Gazettal of LEP amendment	September 2024

**10.1.4. Association of Mining and Energy Related Councils NSW**

Attachments:	Nil
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Derek Finnigan (General Manager)
Community Plan Issue:	3 - <i>Environmental Sustainability</i>
Community Plan Goal:	An environmentally sensitive and sustainable community
Community Plan Strategy:	<p>1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.</p> <p>1.1.1.3 - Collaboratively progress investment, infrastructure, and industry opportunities for the Region.</p>

PURPOSE

The report requests Council's consideration of becoming a member of the Association of Mining & Energy Related Councils (MERC) NSW.

OFFICER'S RECOMMENDATION

Council defers consideration of applying for membership of the Association of Mining & Energy Related Councils NSW until the two-year initial period of membership of the Coalition of Renewable Energy Mayors expires at the end of 2024/2025.

Moved: _____ **Seconded:** _____

BACKGROUND

A report, entitled 'Membership into Mining & Energy Related Councils', was reported to the 23 May 2023 Ordinary Council Meeting. The report requested Council's consideration of becoming a member of the MERC for a two-year trial period, following which a review would be undertaken to confirm whether membership should continue. Council's resolution in relation to the report was:

10.1.3. Membership into Mining & Energy Related Council

384 RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:

This matter be deferred to allow further information to be provided.

In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr J. Drayton, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff.

Against: Nil.



As a result of further engagement with the MERC, on 14 March 2024 a presentation was provided by the Executive Officer of the MERC, Dr Michael Askew, and Mr Martin Rush, to the Muswellbrook Shire Councillors and senior Council staff.

As further information has been provided to Councillors in compliance with Council's Resolution of 23 May 2023, it is considered appropriate to submit a further report to Council in relation to this matter.

CONSULTATION

Director Environment and Planning

Chief Financial Officer

REPORT

The website of the Association of Mining & Energy Related Councils (**MERC**) NSW

(<http://miningrelatedcouncils.asn.au/>) describes the MERC's vision and an overview of the benefits of membership of the MERC as follows:

Our Vision: "As the peak body in NSW empowering, resourcing and advocating on behalf of local councils impacted by mining and energy production."

The Association of Mining and Energy Related Councils represents mining and energy related councils and their communities throughout New South Wales.

Membership

Local Government plays a vital role in negotiating and managing the economic, social and environmental costs and benefits of mining and energy production. It is important that each community achieves the best possible outcomes from its relationship with Government and industry.

Since 1982 our alliance of Councils in NSW has focused on presenting a comprehensive, co-ordinated and co-operative approach to State and Federal Government on issues associated with mining.

Now, your community can benefit from our strength of numbers.

MERC, through its strong network of member Councils, has developed a broad socio-political base, where it is "apolitical" and works closely with the State and Federal Governments of the day.

Our 19 member Councils include large regional Councils through to small Country Shires, all with the same interest of addressing the challenges and opportunities mining and energy developments bring to their local communities.

We have productive relationships with the peak mining group (NSW Minerals Council) and NSW Government departments (Planning, Energy, Resources, Environment, Regional Development, Local Government, Western NSW, Transport, etc.) and work closely with University and Research entities.

We are frequently called upon to assist the State Government with input on its policy and direction with mining and energy related matters, including renewables.

Here is what membership will deliver for your community;

- *A united "apolitical voice" for both large regional Councils and small Shire Councils at Regional, State and Federal level,*
- *The opportunity for you to meet four times a year with the decision makers, Members of Parliament and relevant Department Staff and other significant stakeholders,*



- *Networking and problem solving with other delegates,*
- *The opportunity to join working parties set up by MERC on specific matters to assist members,*
- *Access to our experienced leadership for mentoring, risk management and support,*
- *Consistent and timely communication through a monthly Newsletter, access to our web site and regular media releases,*
- *Sound financial support with ample funds invested to cover contingencies and to engage consultants and research agencies to undertake studies or prepare submissions on our members behalf.*

Membership of our Association will help to increase your voice and provide the strength and support necessary to make living and growing in your community even better.

Member Councils

Bland Shire Council	Blayney Shire Council
Broken Hill City	Cabonne Council
Cobar Shire Council	Dubbo Regional Council
Forbes Shire Council	Lachlan Shire Council
Mid-Western Regional Council	Orange City Council
Parkes Shire Council	Upper Lachlan Shire Council
Walgett Shire Council	Warren Shire Council
Warrumbungle Shire Council	Wollondilly Shire Council
City of Wollongong	

OPTIONS

Council may decide to apply or not apply for membership of the Association of Mining & Energy Related Councils NSW.

CONCLUSION

At the 27 June 2023 Ordinary Council Meeting, Council resolved to join the Coalition of Renewable Energy Mayors (CoREM) for an initial two-year period. Council's Resolution in relation to the report was:

10.1.2. Membership into Coalition of Regional Energy Mayors (CoREM)

- 434 RESOLVED on the motion of Cr L. Dunn and Cr D. Marshall that:
- Council APPROVES becoming a member of the Coalition of Regional Energy Mayors (CoREM) for an initial two-year period, following which a review will be undertaken to confirm whether membership should continue.
- In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.
- Against: Nil.



Due to Council's current membership of CoREM, it is recommended that consideration of Council becoming members of the MERC should be deferred until the conclusion of the two-year initial membership of CoREM and the submission to Council of a report providing an assessment of the value of continuing Council's membership. As the membership fee is a one-off \$5,000 contribution, although additional contributions may be sought from member Councils by resolution of CoREM, it is anticipated there will be minimal ongoing financial investment required to retain Council's membership of CoREM.

SOCIAL IMPLICATIONS

Nil identified.

FINANCIAL IMPLICATIONS

The 2024-25 cost of Full Membership of the Association of Mining & Energy Related Councils (MERC) NSW is \$8,800. Council has currently not budgeted for this membership.

Full Membership of the MERC provides access to MERC advocacy and policy initiatives, voting rights on MERC decision making, and discounts on the MERC conference each year.

Should Council decide to join the MERC in 2023-24, the 2023-24 Full Membership fee of \$8,000 will require a pro-rata payment of approximately \$1,333 (May-June 2024 membership).

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil.

2. Financial Implications – Operational

Annual membership fees will need to be incorporated into Council's annual budget.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

Nil.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

**10.1.5. Draft Community Benefit Fund Policy for Public Exhibition**

Attachments:	1. Attachment A - draft Community Benefit Fund Policy 20240423 [10.1.5.1 - 6 pages] 2. Attachment B - draft CBF Advisory Committee Terms of Reference 20240423 [10.1.5.2 - 7 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Sharon Pope (Director - Planning & Environment), Theresa Folpp (Environmental Planning Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.1.3 - Enhance Council's communication with the community to build awareness and understanding of Council's activities and community needs.
	Not applicable

PURPOSE

The report provides Council with information regarding the proposed Muswellbrook Community Benefit Fund (CBF) Policy and Terms of Reference and requests approval to commence the formal public exhibition process.

OFFICER'S RECOMMENDATION

1. The Draft Community Benefit Fund (CBF) Policy and CBF Terms of Reference be placed on public exhibition for a period of 28 days; and
2. The Planning Agreement Policy (P10/1) be revised and updated in the context of the Draft Energy Policy Framework (DPHI, 2023)

Moved: _____ **Seconded:** _____

BACKGROUND

At the 25 July 2023 Ordinary Council Meeting, staff reported a proposed Muswellbrook Community, Environment and Economic Development Fund Policy and Funding Deed.

The Council Report described an anticipated increase in the number of Planning Agreements (PAs) in the Shire, due to renewable energy projects, and the need for a new way of managing this increase in addition to the several mining PAs that currently exist. It was proposed that Council move toward a longer-term view and a new management structure for determining the allocation of funds to projects.

Staff proposed the Community, Environment and Economic Development Fund Policy and Funding Deed as a mechanism to manage the PAs in a more efficient, consistent, and less time-consuming manner.

At the July 2023 Ordinary Council Meeting, Council resolved the following:

1. Council noted the draft Muswellbrook Community, Environment, and Economic



Development Fund Policy and Deed.

2. Council supported staff carrying out engagement on the draft Policy and Deed with Parties who currently have Planning Agreements with Council for State Significant Development projects in the shire.
3. That following receipt of comments, a further report shall be presented to Council regarding the Community, Environment and Economic Development Fund Policy and Deed.

Following the consultation phase, there have been several changes to the documents, including a change to the title. Staff are now proposing to call the policy the Muswellbrook Community Benefit Fund (CBF) Policy (Attachment A).

CONSULTATION

In August 2023, the draft Community, Environment and Economic Development Fund Policy and Deed were provided to industry stakeholders who currently hold Planning Agreements with Council. An internal meeting with MANEX was also held in December 2023. Comments were received from some of these stakeholders. A summary of issues raised and how these have been addressed is provided in Table 1.

Table 1 – Summary of Feedback and How Addressed

Point	Summary of Feedback	How Addressed
	Legal	
1	Deed not necessary or advisable. Content would be better in a policy document applicable to all Development Proponents.	The content of the Deed has been converted into an internal procedure.
2	Does the fund exist? How is it constituted? Has there been a resolution which led to the Fund being set up?	Following the conclusion of the consultation period, should Council decide to move forward, the establishment and constitution of the fund will be formalised through a Council resolution.
3	Operational provision of Deed better in a policy that applies to all such arrangements. The planning agreement terms can address the requirement to pay and earmark the funds for the Fund.	Relevant sections are included in the Policy and internal procedure. General Terms of planning agreements will be updated progressively to reference the Community Benefit Fund (CBF).
	BHP	
4	Whether decision-making power is determined by financial contributions i.e. weighted.	CBF Advisory Committee will be tiered voting based on contribution.
5	Whether there will be a tiered system of acknowledging and rewarding contributors based on the level or amount of their contribution i.e. Gold, Silver or Bronze.	The Annual Report will outline and acknowledge the value of each proponent's contribution.
6	Provide changes back prior to exhibition.	This Council Report has been provided to all proponents prior to the Council meeting.
	AGL	
7	Annual Report (and to include case studies).	The Annual Report would outline the fund's achievements, financial expenditures, and the impact of supported projects on the community, highlighting key initiatives that align with the fund's strategic objectives in line with the Community Strategic Plan. It would also feature case studies to showcase



Point	Summary of Feedback	How Addressed
		success stories, detail the engagement and contributions of various stakeholders, and provide insights into future planning and strategic directions to ensure continued community benefits and effective fund management. The Annual Report will be provided to proponents in September of each year.
8	Process or steps required to transition or evolve from a Voluntary Planning Agreement (VPA) to a Community Benefit Fund (CBF).	Existing Planning Agreements will be progressively updated to reflect the existence of the CBF generally when a new SSD is approved or modified, or earlier with agreement.
9	Will the Deed supersede the VPA	A deed no longer forms part of the CBF Policy package that staff are recommending.
10	Request the \$1.35 million already paid is allocated for immediate use on designated projects. Future payments can be deposited into the CBF.	Initial funding amounts were discussed at the Funding Committee Meeting held with AGL in March 2024, with supplementary information provided. Comment on future payments noted.
11	As AGL nears its closure phase, preference is to allocate funds towards community projects that provide a positive linkage between AGL's operational wind-down and community development.	Noted. The assessment by the CBF Advisory Committee will ensure that projects align with the principles of the CBF and Council's Community Strategic Plan, creating a lasting positive impact on community development, in both the short and long term.
12	Projects should be designed to address the specific social and employment impacts experienced by the community due to the Project, ensuring they directly contribute to mitigating these effects.	The assessment by the CBF Advisory Committee will ensure that projects not only align with the principles of the CBF and Council's Community Strategic Plan but are also designed to address the social and employment impacts experienced by the community.
13	Outline the 'Stop Gap Governance'.	VPA meetings are currently being held with Proponents in relation to FY23/24 expenditure. Applications for CBF Funding Round 1 will commence in October 2024 for FY24/25 funding. It is proposed that the first CBF Working Group meeting will be held in Q4 2024 and the first CBF Advisory Committee meeting will be held in Q1 2025. Results and reporting will be provided Sept 2025.
Glencore		
14	The VPA should be spent on, and to betterment of, the areas that are most affected by our operation - for Mangoola this is Wybong, Manobalai, Castle Rock, Mangoola, Hollydeen. Given that these areas, predominantly, do not constitute areas of impact for any other mine, it is likely under the draft deed and policy that these areas will miss out on their fair share of VPA funded projects. As the majority of	Staff support allocation of funding to projects throughout the local government area, ensuring a wide-reaching impact. However, it is crucial that all projects undergo a business case assessment to establish their viability and alignment with strategic goals, thereby qualifying them for potential eligibility and funding. Mangoola are proposed to have representation on the CBF Advisory



Point	Summary of Feedback	How Addressed
	projects with VPA's border Muswellbrook, Mangoola predicts that projects that benefit Muswellbrook will be supported while others will not.	Committee.
15	The proposed deed and policy outline an equal voting rights for VPA proponents in the JMT/JMB, despite the monetary contribution of each proponent being highly variable. Mangoola does not believe this is an equitable process.	See response to point 4.
16	The proposed arrangement seeks to withhold 50% of VPA funds each year which will be used to provide fund longevity. Mangoola is not supportive of any arrangement that includes the reservation of VPA funds for use after the agreements are terminated. Mangoola has concerns about how these funds will be managed once the VPA proponents are no longer apart of the JMT and JMB due to agreements terminating, and subsequently having no input into the allocation of funding. Instead, the concerns about the long-term prosperity of the Shire can be adequately addressed through proper governance of VPA funds now which will result in strategic funding of projects that will be self-sustaining in the long term.	Noted. Maintaining a reserve for financial security and strategic investment is investing in the future of the Shire. It will enable funding for essential community infrastructure, supporting environmental sustainability projects, and providing educational scholarships after mines and other SSD projects close/cease operation. This is important given the community has grown to expect the availability of funding for community projects. This has equal to, if not greater, importance than immediate spending and lays the groundwork for ensuring sustainable growth, enhancing community resilience, and fostering a vibrant, inclusive society for generations to come. As discussed in point 2, following the conclusion of the consultation period, should Council decide to move forward, the establishment and constitution of the fund will be formalised through a Council resolution.

REPORT

Key changes in response to feedback are as follows:

1. The content of the draft Community, Environment and Economic Development Fund Deed will be converted into a Procedure.
2. The Joint Management Committee is now named the CBF Advisory Committee.
3. One representative from the combined renewable energy companies will sit on the CBF Advisory Committee, that is, a representative nominated by the CBF Working Group for approval by the CBF Advisory Committee.
4. Each proponent with a Planning Agreement will be given the opportunity to provide their preference for projects via the CBF Working Group.
5. The CBF Advisory Committee will meet twice per year.
6. To ensure a balanced and diverse portfolio of projects within the CBF, specific portions of the Fund will be allocated to different projects based on its category within the Community Strategic Plan (CSP). The values contained within the CSP include:



- Community wellbeing;
- Economic prosperity;
- Social equity and inclusion;
- Environmental sustainability;
- Cultural vitality; and
- Community infrastructure.

A minimum funding allocation of 10% for each category will apply. Allocation amounts will be determined by the Joint Management Committee; and

7. Acknowledgement of the Draft *Energy Policy Framework* (DPHI, 2023) in how PAs will be negotiated prior to monies being placed in the Fund.

To assist with feedback, a draft Terms of Reference for the CBF Advisory Committee has been prepared (attachment B). A CBF Procedure will be finalised following feedback received on the draft CBF Policy.

The preparation of the draft CBF Policy, and exhibition of the Draft *Energy Policy Framework* by the the Department of Planning, Housing and Infrastructure (DPHI) in late 2023 mean that Council's Planning Agreement Policy (P10/1) will also require revision to ensure ongoing alignment between the different policies.

OPTIONS

Council may:

1. Resolve to endorse the attached *Draft Community Benefit Fund (CBF) Policy* and CBF Terms of Reference for public exhibition; or
2. Request amendments to the attached *Draft Community Benefit Fund (CBF) Policy* and CBF Terms of Reference prior to public exhibition.

CONCLUSION

It is recommended that Council endorses the attached *Draft Community Benefit Fund (CBF) Policy* and CBF Terms of Reference to be placed on public exhibition.

SOCIAL IMPLICATIONS

The proposed CBF will address the vision and goals outlined in Council's Community Strategic Plan 2022-2032. It may also assist Council in completing some of the activities outlined in Council's Delivery Program.

FINANCIAL IMPLICATIONS

There are no immediate financial implications while the draft Policy is the subject of consultation. Long-term, the intention of the Policy is to ensure projects that are funded have demonstrated positive outcomes for the community, and that the Fund will built up over time so that interest earned becomes an ongoing source of funds for projects, particularly after State Significant Development (SSD) projects come to the end of their approved life.

POLICY IMPLICATIONS

The policy was developed to manage an increasing number of SSD projects requiring PAs in addition to the several mining PAs that currently exist.

STATUTORY IMPLICATIONS

Environmental Planning and Assessment Act 1979



LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 Develop and review policies in accordance with statutory and operational requirements (*2023-2024 Operational Plan – Muswellbrook Shire Council*).

RISK MANAGEMENT IMPLICATIONS

Nil known.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition via Council's website will provide the Community with an opportunity to make submissions.



**muswellbrook
shire council**

DRAFT Community Benefit Fund Policy

MSC052E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Environmental and Planning Services		
Document Owner:	Director Environment and Planning		
Community Strategic Plan Goal	All		
Community Strategic Plan Strategy	All		

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1. Policy Objective

The objectives of this Policy are to:

- Govern the expenditure of funds allocated to the Community Benefit Fund (CBF).
- Assist in proactively managing the impacts of development (and ancillary activities) and the closure of mines and power stations.
- Use funds received from planning agreements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to diversify and grow the economy; improve wellbeing, liveability and education/training and employment opportunities; and support environmental conservation principles.
- Serve as a practical instrument to support realisation of the broader goals of the Muswellbrook Shire Community Strategic Plan; and
- Provide long-term financial assurance for the ongoing benefit of the community.

2. Risks being addressed

- Uncertainty in the coal and coal-fired energy industry, associated direct and indirect job losses, and impact more broadly upon the Shire's economic base.
- Decline in liveability and amenity - If the well-being, health, and quality of life of residents is supported physically, aesthetically, environmentally, and economically, Muswellbrook Shire will be a place where people want to live.
- Impacts of mining, renewable energy projects, and other major developments on the environment today and into the future.
- Impacts of human activity upon the local environment.
- Preservation of the Shire's history and heritage.
- Infrastructure to support Muswellbrook as a service center for the Upper Hunter.

3. Scope

This Policy applies to the management of community benefit funds allocated from planning agreements in Muswellbrook Shire.

Planning Agreements may also cover other matters, such as road maintenance and engagement of Council staff to respond to the needs of the community and proponents of major development. These matters are covered in Council's Planning Agreement Policy (P10/1)

Definitions

For the purposes of this Policy:

Term	Definition
Community Benefit Fund (Fund)	An account into which identified monies from Planning Agreements are deposited and expended for community benefit
Capital Funds	Deposits to the Fund from Planning Agreements

Term	Definition
Community Strategic Plan	Muswellbrook Shire Council Community Strategic Plan as adopted.
Fund Project	A proposal to spend Fund monies which satisfies the Funding Proposal Criteria.
Funding Proposal Criteria	As outlined in Schedule 1 of the Community Benefit Fund Procedure and defined in Section 7.4(2) the <i>EP&A Act</i> .
Interest	The interest generated on Funds held in the Community Benefit Fund Account.
Community Benefit Fund Advisory Committee	Established under Section 2 of the Community Benefit Fund Procedure.
Community Benefit Fund Working Group	Established under Section 3 of the Community Benefit Fund Procedure.

4. Policy Statement

The broad principles of the Fund aim to foster the long-term socio-economic and environmental prosperity of Muswellbrook, while promoting the health and wellbeing of the community by:

- Supporting job creation, supporting entrepreneurship, and diversifying our industry base.
- Supporting education and training opportunities for school, TAFE, and University based students to maintain a prosperous economy as economic drivers evolve.
- Supporting and promoting activities that provide fulfilment for residents through arts and culture, and by creating attractive outdoor spaces.
- Undertaking community projects that enhance the social, cultural, and recreational wellbeing of local residents.
- Supporting and promoting sporting activities and events that attract visitors to the Shire.
- Undertaking projects that allow the community to successfully adapt to the impacts of climate change.
- Minimising adverse impacts on housing affordability and social issues arising from changes to the housing market linked to major development.
- Assisting with improvements to health outcomes and health services for the residents of the Shire.
- Introducing Smart Place technology and initiatives in the Shire.
- Improving infrastructure in accordance with the Community Strategic Plan.
- Promoting and supporting initiatives that preserve regional biodiversity and improve biodiversity corridors and connections.
- Supporting initiatives that minimise waste and improve long-term community sustainability and environmental outcomes for future generations.
- Supporting initiatives to protect and maintain Aboriginal heritage, historic heritage, and cultural landscapes; and
- Supporting initiatives that manage other environmental contributors such as water resources, air quality, bushfire, climate, soil, and agriculture.

The Fund will be used to deliver projects, activities, and events that result in a demonstrated environmental, economic, or social benefit for the Muswellbrook Shire community.

Management principles that apply to the Fund are as follows:

1. Where a Planning Agreement (PA) is proposed, Council will negotiate with the proponent regarding the proportion of the PA contributions to be allocated:
 - (a) as local contributions (the Fund) or neighbourhood contributions, as defined in the NSW Government's Energy Policy Framework (DPHI, 2023); and
 - (b) as other expenditure set out in Council's Planning Agreement Policy (P10/1), e.g., road maintenance.
2. Once agreement is reached, funds will be deposited in the Fund Account. A record will be maintained of the contributions of each party to the Fund.
3. Interest accrued in the Fund Account will remain within the account for use on fund projects.
4. The Community Benefit Fund Advisory Committee will be responsible for assessing the suitability of proposals and initiatives and the allocation of funding in accordance with the Muswellbrook Community Benefit Fund Procedure.
5. The Community Benefit Fund Advisory Committee makes recommendations on projects and funding to Council.
6. It is the intention of the fund that an increasing percentage of PA contributions are retained for investment to provide longevity of the Fund. The expectation is that interest from investment will be the source of funds for projects in the long-term.
7. Funds may be used to provide supplementary funding for projects that have secured grant funding, capital, or operational funding.

General provisions for the management of the Fund are as follows:

- **Investment:** Amount invested in the Fund will be managed in accordance with Muswellbrook Shire Council's Investment (Financial Securities) Policy (MSC14E).
- **Reinvestment:** All interest accrued on the Fund account is to be reinvested in the same account.
- **Reporting:** Detailed reporting provisions on the Fund will be undertaken in accordance with the requirements of the *Local Government Act 1993* and the requirements for managing and reporting Planning Contributions as set out in the *Environmental Planning and Assessment Act 1979* and regulations.
- **Expenditure:** Any expenditure of monies invested in the Fund will be undertaken in accordance with the principles of this Policy and the requirements of Council's Procurement Policy (MSC01E).
- **Auditing:** Accounts will be audited in accordance with Council's general audit procedures, the requirements of the *Local Government Act 1993*, *Local Government (General) Regulation 2005*, and the Local Government Code of Accounting Practice and Financial Reporting.
- **Account Closure:** The Fund described in this Policy is designed to operate in perpetuity. However, should an account no longer be required, or all funds are expended, the closure of the account will be undertaken by resolution of Council.

5. Delegations

The General Manager is the interpreter of this policy.

6. Dispute Resolution

The elected Council has the final decision on Funding Proposals.

7. Related Documents

Legislation and Guidelines

- *Environmental Planning and Assessment Act 1979*;
- *Local Government Act 1993*;
- *Local Government (General) Regulation 2005*;
- Local Government Code of Accounting Practice and Financial Reporting; and
- Draft Energy Policy Framework (DPHI, 2023).

Policies and Procedures

- Investment (Financial Securities) Policy - MSC14E
- Procurement Policy - MSC01E
- Community, Sport and Recreation Policy
- Community Development Fund Procedure – TBC
- Planning Agreement Policy (P10/1)

Other Supporting Documents

- Muswellbrook Shire Community Strategic Plan as adopted.

8. Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	14/07/2023	Director Environmental and Planning Services	Draft policy
2	07/04/2024	Environmental Planning Officer	Incorporate preliminary feedback from industry, staff and legal advice.

COMMUNITY BENEFIT FUND
ADVISORY COMMITTEE

TERMS OF REFERENCE
[DATE]



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PURPOSE AND OBJECTIVE

The purpose of the Community Benefit Fund Advisory Committee is to make recommendations to Muswellbrook Shire Council on the assessment proposals and allocation of Community Benefit Funds to projects which demonstrate an economic, community, or environment benefit.

REPORTS TO

Council to:

1. Govern the expenditure of funds allocated to the Community Benefit Fund (CBF).
2. Assist in managing the impacts of development (and ancillary activities) and the closure of mines and power stations.
3. Use funds received from planning agreements under the *Environmental Planning and Assessment Act 1979* (EP&A Act) to diversify and grow the economy; improve wellbeing, liveability and education/training and employment opportunities; and support environmental conservation principles as outlined in Section 7.4(2) of the EP&A Act.
4. Serve as a practical instrument to support realisation of the broader goals of the Community Strategic Plan; and
5. Provide long-term financial assistance for projects that benefit the residents of Muswellbrook Shire.

AUTHORITY AND DELEGATION

The Advisory Committee does not possess any delegation or decision-making authority either from the General Manager or Council. The Advisory Committee may make recommendations to Council on matters relevant to its purpose and scope. The Advisory Committee may provide advice and direction to Council Officers and the internal working group on the process undertaken to identify and assess projects for funding.

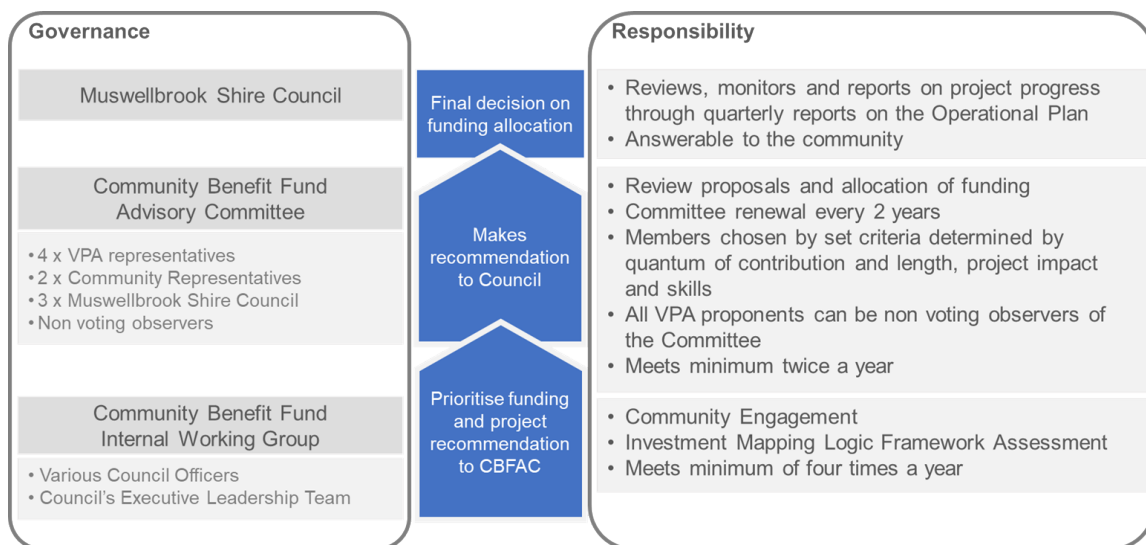
SCOPE

The scope of activities to be overseen by the Committee include:

1. Identify issues and risks to the socio-economic structure of the community.
2. Contribute to and prioritise projects that:
 - a) diversify and grow the Shire's economy;
 - b) improve wellbeing, liveability, and education/training and employment opportunities for residents of the Shire; and
 - c) support environmental conservation principles as outlined in Section 7.4(2) of the EP&A Act.
3. Assist the CBF Working Group with direction and decisions; and
4. Make contributions toward preparation of annual reports regarding the CBF performance and outcomes.

GOVERNANCE FRAMEWORK

COMMUNITY BENEFIT FUND ADVISORY COMMITTEE TERMS OF REFERENCE



MEMBERSHIP

Name	Organisational Role	Role
4 x VPA Representatives		Member
2 x Community Representatives		Member
3 x Muswellbrook Shire Council Representatives	Councillor	Member

- As required, members of the Committee may request attendance of other stakeholders or subject matter experts.
- The member requesting attendance of an invitee must advise the Committee Chair prior to the next scheduled meeting, so that the appropriate items can be added to the agenda.
- Attendance by non-member attendees will be by invitation only.

The Committee will be supported by the following Muswellbrook Shire Council positions:

Organisational Role	Role
General Manager	Officer
Director Community and Economy	Officer
Director Planning and Environment	Officer
Economic Development Officer	Officer
Chief Financial Officer	Officer

MEETINGS

Meetings will follow the Model Code of Meeting Practice.

The Committee shall meet at such times and at such places as it may determine. Agenda items are to be provided to the Secretariat one week prior to the meeting, a summary of issues, actions, and decisions of each meeting of the Committee will be recorded and an action log will be developed and tabled at each meeting.

COMMUNITY BENEFIT FUND ADVISORY COMMITTEE TERMS OF REFERENCE

Meetings can be held in person, by telephone, or by video conference.

CHAIRPERSON

The Chair is to be nominated by the membership and a rotating Chair is acceptable. The Committee will be provided with administration support from Muswellbrook Shire Council. Presenters will be invited as required.

Where there is no chair nominated, the Committee will be Chaired by the Muswellbrook Shire Mayor or delegate.

ESCALATION

Issues requiring escalation are to be raised in writing to the General Manager for resolution and / or decision by Council.

QUORUM REQUIREMENTS

A minimum of three (3) members must be in attendance for a meeting to be proceed.

The Committee is expected to make decisions by consensus, however, if voting becomes necessary then the details of the vote are to be recorded in the minutes. Each member of the Committee is entitled to one vote only. In the case of an equality of votes on any issue the Chair will have the casting vote.

APOLOGIES

Members of the Committee shall make an apology via the Chair to attend a meeting if the member is unable to attend.

AD HOC INVITEES

As required, members of the Committee may request attendance of other stakeholders or subject matter experts.

The member requesting attendance of an invitee must advise the Committee Chair prior to the next scheduled meeting, so that the appropriate items can be added to the agenda.

Attendance by non-member attendees will be by invitation by the General Manager only.

CONFIDENTIALITY

Discussions that occur within the Committee are to be kept confidential. If there are key messages to be communicated outside of the Committee a communiqué will be developed and endorsed by the Committee.

CONFLICTS OF INTEREST

Members will provide declarations in relation to any conflicts of interest that would preclude them from considering specific issues within a meeting.

Members must declare these conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic.

Details of any conflicts of interest will be recorded in the minutes.

ENGAGEMENT WITH THE MEDIA

Only the Mayor and General Manager of Muswellbrook Shire Council, and the Committee Chair will be permitted to comment to the media on behalf of the Committee, unless otherwise agreed by the Committee.

AMENDMENT

At least once every 4 years, the Committee will review this Terms of Reference, including its membership, and will make recommendation on any changes to Council for its determination.

TERM

This Terms of Reference is effective from the date of Council's resolution until such time as Council discharges the Committee of its function.

Once agreement is reached, funds will be deposited in the Fund account. A record will be maintained of the

COMMUNITY BENEFIT FUND ADVISORY COMMITTEE TERMS OF REFERENCE

contributions of each party to the Fund.

Interest accrued in the Fund account will remain within the account for use on Funding proposals.

Decisions on projects and initiatives to which the funds are allocated will be agreed and approved in accordance with the Muswellbrook Community Benefit Fund Procedure (Procedure). Key features of the Procedure include the following:

- Membership of the CBF Advisory Committee (consisting of three members from Council, two community representatives, one representative from each mining and power station company, and one representative from the combined renewable energy companies) and CBF Working Group (consisting of three persons from Council and three persons representing the combined development proponents).
- Structure:
 - The CBF working Group evaluates and endorses Funding Proposals (in consultation with all proponents) to be reviewed by the Advisory Committee.
 - The Advisory Committee considers Funding Proposals endorsed by the Working Group and recommends to Council for final approval.
- Funding Proposals:
 - Any Councillor, Working Group member, Advisory Committee member, or community member may submit a proposal for a business case review.
 - Council will invite the community to nominate projects on an annual basis.
 - Funding Proposal Criteria are outlined in Section 5 of the Procedure and defined in Section 7.4(2) the *Environmental Planning and Assessment Act 1979*.
 - A minimum funding allocation of 10% for each Community Strategic Plan category will apply.
- Reporting:
 - The Working Group must report to the Advisory Committee as to the progress and status of all active Fund Projects, including the current balance of the Fund Account and where funds have been allocated and spent.
 - An annual report will be made available to all parties who have entered into a Planning Agreement with Council, and to the community in general.

Authorisation Details:

Authorised by:	
Minute No:	XXX
Date:	XX/XX/XXXX
Review timeframe:	XX/XX/XXXX
Department:	
Document Owner:	

Review History:

Version No.	Date Changed	Modified By	Amendments Made

COMMUNITY BENEFIT FUND ADVISORY COMMITTEE TERMS OF REFERENCE

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10.1.6. Cultural Burn Project

Attachments:	Nil
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Michael Brady (Sustainability Officer)
Community Plan Issue:	3 - Environmental Sustainability
Community Plan Goal:	An environmentally sensitive and sustainable community
Community Plan Strategy:	3.2.1 - Support Landcare initiatives and advocate for programs to enhance native vegetation connectivity across the Shire and Upper Hunter Region. 3.2.1.1 - Provide funds for local Landcare activities

PURPOSE

To request Council's endorsement to conduct a cultural burn at the Muswellbrook Common using funding previously allocated for a cultural burn at the Denman Lookout.

OFFICER'S RECOMMENDATION

Council APPROVES a cultural burn to be carried out on Wanaruah Local Aboriginal Land Council land at the Muswellbrook Common, with funding for the cultural burn to be allocated from the Major Landcare Projects budget.

Moved: _____ **Seconded:** _____

BACKGROUND

At the 27 September 2022 Ordinary Council meeting, Council endorsed various projects for funding from the 2022-23 Major Landcare Projects budget. One of these projects was a Cultural Burn project for land around the Denman Lookout. Due to delays in preparing a plan and risk assessment for the burn, the budget was carried forward to the 2023-24 financial year.

Information from the Ordinary Council meeting on 27 September 2022

Cultural Burning – This project will involve working with the local Indigenous community and cultural burning professionals to carry out a cultural burn on appropriate land. The Denman Lookout area on Rosemount Road will be investigated as a potential site. This work will help to reduce weeds, enhance native habitat, and provide an opportunity for learning experiences through cultural connections.

CONSULTATION

Senior Land Services Officer NRM | Aboriginal Engagement
Hunter Local Land Services

REPORT

Investigations by Local Land Services on behalf of Wanaruah Local Aboriginal Land Council have revealed that further detailed work is required to carry out a burn at the Denman



Lookout. This is primarily due to the terrain making any burn difficult to control without more preparation works and support from the NSW Rural Fire Service.

The recent fire season saw multiple fires start on the Muswellbrook Common site, creating air quality issues and risks to nearby urban residential areas. Rather than carry forward the funds for the Denman Lookout cultural burn to the 2024-25 financial year, staff have been asked if Council would be prepared to assist with funding a cultural burn on Wanaruah Local Aboriginal Land Council land at the Muswellbrook Common, reducing the risk of uncontrolled fires next fire season and providing an opportunity for cultural connection.

If approved, a Cultural Burn at the Muswellbrook Common would occur on 17-21 June 2024, depending on weather conditions.

OPTIONS

Option 1 - approve the location of the cultural burn changing from Denman Lookout to the Muswellbrook Common;

Option 2 – approve the funds being carried forward to continue with planning for the cultural burn to occur at the Denman Lookout in 2024-25; or

Option 3 – resolve to not financially support a cultural burn on either the Muswellbrook Common or Denman Lookout sites.

CONCLUSION

Both the Denman Lookout and Muswellbrook Common are large areas of native vegetation and grassland adjoining urban areas. Management of fire fuel loads will decrease risks to the community. Fire hazard reduction burns need to occur in a safe manner that also support the survival of native vegetation and animals. Cultural burns have been identified as meeting these criteria, however, require detailed planning and a more labour-intensive approach than standard fuel reduction activities. Transferring the project area from Denman to Muswellbrook will still satisfy the objectives of the Major Landcare program.

SOCIAL IMPLICATIONS

Supporting a cultural burn at the Muswellbrook Common will help develop the cultural burn skills of First Nations people living in the Shire (as identified by the Wanaruah Local Aboriginal Land Council) and ongoing cultural connections.

FINANCIAL IMPLICATIONS

This funding of \$13,500 (ex GST) was approved by Council in 2022-23 and carried over to 2023-24.

POLICY IMPLICATIONS

Environmental Sustainability Policy S32/1

Key Sustainability Principles

This Environmental Sustainability Policy will be pursued by Muswellbrook Shire Council through the following principles:

1. Operations that demonstrate sustainable environmental management.
2. Provide leadership and actions for achieving environmental sustainability.
3. Pursue ecologically sustainable land use and development.
4. Collaborate with the community and other stakeholder groups to protect and preserve the natural environment.



5. Support and regulate activities of others within its control to protect the environment.

STATUTORY IMPLICATIONS

Muswellbrook Shire Council is committed to environmental sustainability. Section 8(1) of the Local Government Act states:

[Councils are] to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development.



10.1.7.	Monthly Report to Council - Planning, Environment and Regulatory Services
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Attachments:	Nil
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Responsible Officer: Sharon Pope - Director - Planning & Environment

Author: Michael Brady (Sustainability Officer), Tracy Ward (Sustainability Officer), Jenna Cambourn (Administration Officer)

Community Plan Issue: 6 - Community Leadership

Community Plan Goal: Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.

Community Plan Strategy: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

PLANNING AND ENVIRONMENT

Schedule 1: Development Applications Approved (1/3/2024-9/4/2024)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2022.132.2	S4.55(1) Modification - Sixty-Seven (67) Lot Subdivision & Childcare Centre	9036 New England Hwy Muswellbrook	\$6,705,835.00
2023.29.2	S4.55(1A) Modification - Dwelling House	6 Stable Close Muswellbrook	\$538,860.00
2024.2.1	Farm Shed - Roof	386 Ferndale Road Yarrawa	\$99,000.00
2021.94.3	S4.55(1) Modification -Second Storey Additions, Inground Pool & Alfresco	20 Cypress Place Muswellbrook	\$250,000.00
2023.134.1	Carport	20 Thompson Street Muswellbrook	\$10,363.00
2022.5.2	S4.55(1A) Modification - Storage	Victoria Street	\$1,304,330.00



DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
	Facility & Signage	Muswellbrook	
2023.133.1	Two (2) Lot Subdivision	3179 Bylong Valley Wy Baerami	\$23,000.00
2023.132.1	Shed	5 Octagonal Way Muswellbrook	\$30,000.00
2023.124.1	Swimming Pool & Associated Barriers	12a Grey Gum Road Denman	\$49,620.00
2023.117.1	Dwelling House - Single Storey - Manufactured Home	13 Virginia Street Denman	\$296,551.00
2023.96.1	Shed	31 Babbler Crescent Muscle Creek	\$74,000.00
2023.65.1	Hotel Or Motel Accommodation - 4 Accommodation Units	10 Ogilvie Street Denman	\$42,900.00
2023.78.1	Geotechnical Drilling & minor vegetation clearing	Dolahentys Road Mccullys Gap	
2023.86.1	Construction of a 90 Place Child Care Centre	84 Brook Street Muswellbrook	\$1,975,000.00

TOTAL = 12***Schedule 2: Development Applications Currently Being Assessed as at 9/4/2024***

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2024.18.1	Swim Spa 5500 Litres	54 King Street Muswellbrook	2024.18.1	\$30,000.00
2024.23.1	Inground Swimming Pool & Associated Barriers	27 Chardonnay St Muswellbrook	2024.23.1	\$30,000.00
2021.135.2	S4.55(2) Modification - Multi-dwelling housing Ancillary Works & strata subdivision	66 Sowerby Street Muswellbrook	2021.135.2	\$456,587.00
2024.21.1	Alterations & Additions to Cellar Door Premises	2 Yarrawa Road Denman	2024.21.1	\$500,000.00
2024.19.1	Subdivision of Two (2) Lots into Three (3) Lots	20 Ogilvie Street Denman	2024.19.1	\$15,000.00
2024.16.1	Single Storey Dwelling	15 Sunline Street Muswellbrook	2024.16.1	\$266,512.00
2024.22.1	Carport	31 Shiraz Street	2024.22.1	\$30,428.00



DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
		Muswellbrook		
2024.20.1	Single storey dwelling with attached garage	3 Stockyard Parade Muswellbrook	2024.20.1	\$562,437.00
2024.17.1	Demolition of Dwelling, Construction of New Dwelling & Swimming Pool	420 Dalswinton Road Dalswinton	2024.17.1	\$826,000.00
2024.14.1	Home Business (Beauty Salon)	135 Queen Street Muswellbrook	2024.14.1	\$2,000.00
2024.15.1	Swimming Pool	10 Jillaroo Way Muswellbrook	2024.15.1	\$57,030.00
2022.124.2	S8.2 Review - Shed for Community Facility	17-19 Maitland Street Muswellbrook	2022.124.2	\$182,720.00
2024.13.1	Inground Fibreglass Swimming Pool, and Associated Safety Barriers	24 Rosella Close Muscle Creek	2024.13.1	\$40,380.00
2024.11.1	Detached Secondary Dwelling	9 Adams Street Muswellbrook	2024.11.1	\$151,500.00
2024.8.1	Shed	75 Woodland Ridge Road Muscle Creek	2024.8.1	\$58,000.00
2023.140.1	Battery Energy Storage System	981 New England Highway Aberdeen	2023.14.1	\$16,883,605.00
2023.139.1	Battery Energy Storage System	981 New England Highway Aberdeen	2023.13.1	\$16,883,605.00
2024.5.1	Carport	71 Virginia Street Denman	2024.5.1	\$10,989.00
2024.9.1	Demolition Of Existing Structures & Construction of Childcare Centre	38 Maitland Street Muswellbrook	2024.9.1	\$1,924,000.00
2024.6.1	Shed	14 Hyde Street Denman	2024.6.1	\$25,542.00
2024.7.1	Shed	57 Stockyard Parade Muswellbrook	2024.7.1	\$55,242.00
2023.130.1	Subdivision of Six (6) lots into Three (3)	New England Highway Liddell	2023.130.1	\$98,900.00



DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2017.76.2	S4.55 (2) Modification-Renovations and Additions to Racing & Function Centre	35 Racecourse Road Muswellbrook	2017.76.2	\$4,750,965.00
2024.3.1	Retaining wall and outdoor deck	9 Shearer's Close Muswellbrook	2024.3.1	\$251,217.00
2024.4.1	Demolition of above ground structures at existing service station.	12-20 Sydney Street Muswellbrook	2024.4.1	\$79,630.00
2023.138.1	Shed	42 Babbler Crescent Muscle Creek	2023.138.1	\$73,000.00
2023.125.1	Subdivision of Six (6) Lots into Thirteen (13) Lots	3 Bengalla Road Muswellbrook	2023.125.1	\$30,000.00
2024.1.1	Demolition of existing buildings at 88-108 Bridge Street	88-96 Bridge Street Muswellbrook	2024.1.1	\$500,000.00
2018.54.9	S4.55(1A) Modification - Alterations and additions to Loxton House	142 Bridge Street Muswellbrook	2018.54.9	\$1,100,000.00
2023.136.1	Double garage with awning	1639 Merriwa Road Sandy Hollow	2023.136.1	\$37,900.00
2023.128.1	Subdivision of One (1) Lot into Two (2) Lots	20 Honey Lane Sandy Hollow	2023.128.1	\$27,500.00
2023.54.3	S4.55(1A) Modification - Commercial Storage	39-41 Ogilvie Street Denman	2023.54.3	\$121,391.00
2023.129.1	New dwelling & change of use of existing cottage to secondary dwelling	1010 Bylong Valley Wy Baerami	2023.129.1	\$463,000.00
2023.131.1	Demolition of a dwelling and construction of multi-dwelling housing comprised of four (4) dwellings	35 Scott Street Muswellbrook	2023.131.1	\$1,196,490.00
2023.60.1	Dwelling Alterations and additions (pool deck & awning)	22 Lorne Street Muswellbrook	2023.60.1	\$35,000.00
2023.119.1	Alterations and additions to Three (3) heritage	90 Wiltons Lane	2023.119.1	\$882,527.00



DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	listed Buildings	Kayuga		
2023.126.1	Subdivision of One (1) Lot into Two (2) Lots	90-92 Palace Street Denman	2023.126.1	\$15,000.00
2023.123.1	Dwelling - Relocated	478 Sandy Creek Road Muswellbrook	2023.123.1	\$135,240.00
2017.8.2	S4.55(2) Modification - 129 lot residential subdivision in 5 stages	Almond Street Denman	2017.8.2	\$4,000,000.00
2023.112.1	Dwelling House	44 Aberdeen Street Muswellbrook	2023.112.1	\$576,090.00
2023.105.1	Signage - Fascia and freestanding sign replacement	102-106 Sydney Street Muswellbrook	2023.105.1	\$40,000.00
2023.100.1	Demolition, 2 Shops, 2 Dwellings, Motel Building, strata subdivision Demolition of Existing Structures, construction of commercial premises (comprising two units) and serviced apartments comprising 9 units, and strata subdivision	37 Ogilvie Street Denman	2023.100.1	\$1,441,202.00
2023.54.2	S4.55(1A) Modification - Commercial Storage Building	39-41 Ogilvie Street Denman	2023.54.2	\$121,391.00
2021.29.2	S4.55(1A) Modification - Relocation of Existing Dwelling & Construct New dwelling	49 Carl Street Muswellbrook	2021.29.2	\$490,000.00
2023.72.1	Demolition of Existing Structures & Construction of Childcare Centre	200 Bridge Street Muswellbrook	2023.72.1	\$2,960,280.00
2023.66.1	Battery Energy Storage System and Associated Shed Structures	105 Merriwa Road Denman	2023.66.1	\$16,900,000.00
2023.57.1	Battery Energy Storage System & Shed Structures	981 New England Highway Aberdeen	2023.57.1	\$16,900,000.00
2023.61.1	Three (3) Lot Subdivision	Golden Hwy Giants	2023.61.1	\$20,031.00



DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
		Creek		
2023.41.1	Steel Frame Industrial structure	12 Wallarah Road Muswellbrook	2023.41.1	\$100,000.00
2023.14.1	Storage Complex - 103 self-storage units and 12 open storage bays	Turner Street Denman	2023.14.1	\$3,555,527.00
2022.147.1	Change of Use - Tyre Recycling Facility	12 Carramere Road Muswellbrook	2022.14.1	\$2,200,000.00
2023.135.1	Shed	44 Cousins Street Muswellbrook	2023.13.1	\$30,000.00
2022.124.1	Shed for Community Facility	17-19 Maitland Street Muswellbrook	2022.12.1	\$182,720.00
2022.95.1	Staged Demolition of Existing Buildings and Construction of New Grandstand and Amenities.	3 Wilkinson Avenue Muswellbrook	2022.95.1	\$9,455,600.00
2022.92.1	Subdivision of One (1) Lot into One Hundred & Ninety-Four (194) Residential Lots	Almond Street Denman	2022.92.1	\$18,284,734.00
2021.137.1	Change Of Use to Educational Facility	820 Rosemount Road Denman	2021.13.1	\$3,500,000
2021.73.1	Temporary use of the land for receipt and dismantling of rail wagons with off-site disposal	18 Strathmore Road Muswellbrook	2021.7.1	\$50,000.00
2020.83.1	Subdivision of one lot (1) into three (3)	60-62 Palace Street Denman	2020.8.1	\$10,000.00
2020.7.1	Additions and Alterations to existing Hotel	184 Bridge Street Muswellbrook	2020.7.1	\$110,000.00
2019.53.1	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Hwy Muswellbrook	2019.53.1	\$4,875,600.00
2024.25.1	Installation of two business identification signs	160-162 Bridge	2024.25.1	\$31,683.00



DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2024.24.1	Demolition of existing structure to erect new Childcare	118 Maitland Street Muswellbrook	2024.24.1	\$4,268,105.00
2024.12.1	Development and construction of a 40m Telecommunications Monopole at the BMX Track in Muswellbrook	Cook Street Muswellbrook	2024.12.1	\$350,000.00
2023.137.1	Detached Steel Framed Shed and Pool	54 Humphries Street Muswellbrook	2023.13.1	\$18,800.00
2023.113.1	A storage room will be added to the existing exhibition hall. Construction of walls and new flooring are the only changes that will be made. The roof of the storage room is already attached to the building	Ellis Parish County Brisbane	2023.11.1	\$11,000.00
2019.102.2	Proposed 6MW solar farm including solar array, grid connection, inverters, switching station, access tracks, security fencing, lighting	1333 Merriwa Road Denman	2019.10.2	\$11,960,115.00
2024.18.1	Swim Spa 5500 Litres	54 King Street Muswellbrook	2024.18.1	\$30,000.00
2024.23.1	Inground Swimming Pool & Associated Barriers	27 Chardonnay St Muswellbrook	2024.23.1	\$30,000.00
2021.135.2	S4.55(2) Modification - Multi-dwelling housing Ancillary Works & strata subdivision	66 Sowerby Street Muswellbrook	2021.13.2	\$456,587.00
2024.21.1	Alterations & Additions to Cellar Door Premises	2 Yarrowa Road Denman	2024.21.1	\$500,000.00
2024.19.1	Subdivision of Two (2) Lots into Three (3) Lots	20 Ogilvie Street Denman	2024.19.1	\$15,000.00
2024.16.1	Single Storey Dwelling	15 Sunline Street Muswellbrook	2024.16.1	\$266,512.00
2024.22.1	Carport	31 Shiraz Street	2024.22.1	\$30,428.00



DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
		Muswellbrook		
2024.20.1	Single storey dwelling with attached garage	3 Stockyard Parade Muswellbrook	2024.20.1	\$562,437.00
2024.17.1	Demolition of Dwelling, Construction of New Dwelling & Swimming Pool	420 Dalswinton Road Dalswinton	2024.17.1	\$826,000.00
2024.14.1	Home Business (Beauty Salon)	135 Queen Street Muswellbrook	2024.14.1	\$2,000.00
2024.15.1	Swimming Pool	10 Jillaroo Way Muswellbrook	2024.15.1	\$57,030.00
2022.124.2	S8.2 Review - Shed for Community Facility	17-19 Maitland Street Muswellbrook	2022.12.2	\$182,720.00

Total = 68

20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements.

On-site Wastewater Statistics - 13 Month Analysis (2023/2024)

	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24
Applications Received (new installation)	2	0	2		0	1	1	2	3	0	1	0	0
Applications Approved (new installation)	0	0	0		1	2	2	0	1	1	0	1	0
Inspections (new system)	7	0	0		0	3	1	3	3	3	0	0	1
Inspections (existing system)	0	0	0		1	1	0	0	3	0	1	33	10



24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24
Applications Received (new businesses)	10	1	13		11	1	4	1	1	28	2	2	5
Inspections (new businesses)	2	0	0		1	0	1	1	2	4	3	2	2
Inspections (existing businesses)	4	13	16		1	0	0	0	1	0	3	1	28
Reinspections	0	0	0		0	0	0	0	0	0	0	0	0

4.1.1.1 Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2023/2024)

	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24
Total Sites Inspected	12	11	9	7	20	16	10	10	15	6	7	10	16
Total non-compliant and educated	0	0		0	0	0	1	0	0	0	0	0	0
Total compliance after education	12	0		0	0	0	9	0	0	0	0	0	0
Total Penalty Notices Issued	0	0		0	0	0	0	0	0	0	2	0	0



14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

13 Month Analysis (2023/2024)

	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24
Total Investigations	7	4	4	3	4	1	1	1	5	1	7	8 (3 reports were also made with no waste actually found or insufficient information to investigate)	5 (1 report made with no waste actually found)
Total Clean up by Council - insufficient evidence	0			0	3	0	1	0	2	0	3	1	2
Total Clean Up by individual	6			0	1	0	0	0	0	0	2	1	0
Total Penalty Notices Issued	0			0	0	0	0	0	0	0	0	0	0
Court Attendance Notice Issued	0			0	0	0	0	0	0	0	0	0	0
Still under investigation	1			0	0	0	0	1	3	1	2	6	2

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.

13 Month Analysis (2023-24) – as at 8/1/2024

	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Aug 23	Sep 23	Oct 23	Nov 23	Dec 23	Jan 24	Feb 24	Mar 24	Total
Applications for Compliance Certs.	3	0	0	0	1	1	2	2	1	1	0	3	3	17
Total compliance inspections (not inc. finals for OCs)	8	7	4	8	8	9	10	12	7	5	13	8	5	104



Initial Inspections	5	2	1	2	3	3	7	7	2	2	5	2	4	45
Re-inspections	3	5	3	5	5	7	3	5	5	3	8	6	1	59

Compliance Certs / Occ. Certs issued	7	3	6	5	6	7	7	7	4	2	5	5	1	65
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Fees invoiced	\$863	\$740	\$786	\$350	\$800	\$700	\$700	\$1600	\$650	\$500	\$900	\$1050	\$514	\$10,153
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Total Pools in Council's SPR = 991

(Note: 1129 records in SPR but 135 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

Current Compliance = 28.46%

SUSTAINABILITY

1 to 31 March 2024

Clean Up Australia Day Activities – Denman

Clean Up Australia Day activities were held in Denman. A community clean-up was held in the morning, with lunch catered by the Denman Lion's Club. Later in the afternoon both Denman Public School and St Joseph's Denman held their clean up with Sustainability staff in attendance.



**Renewable Energy Power Purchase Agreement**

Staff have continued to work with Hunter Joint Organisation on a renewable energy power purchase agreement. It is expected that a long-term energy contract will be secured at lower rates than Council is currently paying.

Net Zero Accelerator Course

Sustainability staff have begun the Net Zero accelerator course being coordinated by Hunter Joint Organisation. This course aims to increase staff knowledge about the steps needed to achieve net zero and will help Council reach their net zero targets.

Fleet Transition

Staff across the organisation are working on a plan for transitioning fleet vehicles to hybrids and EVs.

Weed Tree Removal Rebate

Sustainability staff have coordinated a weed tree removal program to assist in the removal of Cocos Palms and Privet trees from resident's properties. A rebate of up to \$1000 was available to assist residents. Removal of these trees prevents flying foxes spreading their seeds and therefore the weeds. Cocos palm fruit can also get lodged in a flying-fox jaws, rendering them unable to eat which ultimately leads to starvation. A total of nine properties had assistance with the removal of these trees.

University of Newcastle Muswellbrook Trip

Students from The University of Newcastle visited Muswellbrook. They were studying how our community will transition away from coal, planning for net zero and how resilient we are to the impacts of climate change. Students were given presentations and went on tours of the Sustainability Hub and Muswellbrook.

Big thanks to Anne Mason from the Penguin Community Garden and Rob Cooper and Jo Ferguson from AGL.

**Hunter River Health Check**

Council staff assisted with planning and running activities as part of the Hunter River Health Check. This project is run by Hunter LLS and Belltrees Public School.

Students from Muswellbrook High School, Muswellbrook South Public School, Denman

Public School, St Joseph's Denman and Goodstart Learning Early Learning Centre participated.

Students learnt how to undertake water testing, record environmental conditions and identify water bugs. The data students collected will now be collated with data other schools along the catchment collect and a small group of students later this year will undertake analysis regarding water quality along the river.



Muswellbrook Show

Sustainability staff spent two days at the Muswellbrook Show chatting about sustainability and Food Organics Garden Organics (FOGO). Thanks to the community members who drop by for a chat. And Warrior Disability Services for helping out.



Sustainable Futures – Muswellbrook Facebook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1800 page likes and 2004 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promotion of sustainability activities, waste management practices, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.

Scouts visit Sustainability Hub

The Joeys and Cubs from 2nd Muswellbrook Scout Group got into dirt and worms visited the Sustainability Hub. They learnt about growing vegetables and native plants.



Restore Muscle Creek through Environmental and Educational Action

Work continues on this Environmental Trust funded project to revegetated Muscle Creek with 1 hectare of weed control and planting 1500 seedlings. Erosion and weed control have now been completed with planting occurring in March.

University Student Placement

A student from the University of Newcastle has been working on projects including developing resources to help protect significant plants in our Shire.

Significant Plants of Muswellbrook



Pine Donkey Orchid

Diuris tricolor

- Status: **Endangered**
- Grows from the ground containing 1 to 3 leaves
- Grows to 30cm approx.
- Flowers are bright yellow to orange, speckled with red/purple and white markings
- Flowers September to October
- In Muswellbrook, the plant's flowers are bigger than other populations



FOGO Community Information Sessions



Sustainability staff have been helping a local business employed to run FOGO community information sessions.

- o Denman, Ogilvie Street - Wednesday 6 March.
- o Muswellbrook Marketplace - Thursday 7 March.
- o Muswellbrook Fair - Wednesday 13 March.
- o Muswellbrook Markets – Saturday 23 March.



Sustainable Futures Network

This network of educational groups met to discuss who to implement the Sustainable Future Network project. As part of this groups make a commitment to be a sustainable school. Recently Sandy Hollow Public School installed their sign. This project is funded through the Environmental Trust.



Waste Solutions Grant

Sustainability staff helped in the preparation of a Waste Solutions Grant application to



purchase a flip screen to help screen materials at the Muswellbrook Waste & Recycling Facility.



10.2. Community Infrastructure

10.2.1	Mangoola Coal Continued Operations Project - Yarraman Road Upgrade - Documents to be Signed Under the Seal of Council
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Attachments:	Nil
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Responsible Officer: Derek Finnigan - General Manager

Author: {authors-names} – {position}

Community Plan Issue: 5 - Community Infrastructure

Community Plan Goal: Effective and efficient infrastructure that is appropriate to the needs of our community.

Community Plan Strategy: 5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.

Not applicable

PURPOSE

To request the approval of Council to affix the seal and signatures of Council to various Transfer documents, dealings, and plans associated with the acquisition of land required for road purposes for the project referred to as the 'Yarraman Road Portion Upgrade', which encompasses the upgrade of 1.5km of Yarraman Road and the construction of a bridge over Wybong Creek.

OFFICER'S RECOMMENDATION

Council APPROVES the seal and signatures of Council to be affixed in accordance with the Regulations to Transfer documents, dealings, and plans associated with the acquisition of land required for road purposes for the 'Yarraman Road Portion Upgrade'.

Moved: _____ **Seconded:** _____

BACKGROUND

Mangoola Coal Operations Pty Limited (Mangoola) received approval from the Independent Planning Commission on 26 April 2021 for SSD 8642 Mangoola Coal Continued Operations Project.

Council and Mangoola entered into a "Road Closure and Works Deed", dated 18 November 2021, which, among other matters, requires that Mangoola, at its cost, is to undertake and complete the Yarraman Road Portion Upgrade, which encompasses the realignment of Yarraman Road and construction of a high-level bridge over Wybong Creek.

The Deed outlines that Council must, at its own cost, acquire all land, by compulsory acquisition or otherwise, necessary in order to construct the Yarraman Road Portion Upgrade, including any temporary area required during construction.

The matters associated with the Project have been reported to Council on numerous



occasions, with the latest being 24 January 2023, where the following resolution was passed by Council:

Council approves the following land dealings as outlined in the report:

- 1. Agree to pay compensation as outlined in the report to Landowner 1;*
- 2. Agree to the land swap and works in kind to Landowner 2;*
- 3. Agree to the land swap to Landowner 3.*

CONSULTATION

General Manager

Affected landowners

Property Strategies Australia (Council's Valuer)

CBRE Valuation & Advisory Services (landowner 1 Valuer)

Group Manager Infrastructure and Operations

Mangoola Coal Project Team

Council's internal Legal Counsel

Seam Spatial Survey

Legal Division of Land Registry Services NSW

REPORT

All land acquisition matters have been negotiated and agreed with the affected landowners for the lands required for road purposes. To finalise the land matters associated with the project, Council is required to sign various land transaction dealings under the seal of Council. These documents will then be registered with Land Registry Services NSW. The documents include:

- Land Transfers;
- Request forms; and
- Plan/s of Survey.

Additionally, the portion of land across the bed of Wybong Creek where the realigned portion of the Yarraman Road and new high-level bridge are being constructed, will be claimed in accordance with the *Ad Medium Filum Aquae* Rule (to the Centre Thread of the River) provisions of the Land Registry NSW Registrar General's Guidelines. Council is processing a formal claim to the centre line of Wybong Creek, which requires various documents and evidence to be provided and signed by Council, including the plan of Subdivision which requires the seal and signatures of Council.

OPTIONS

It is a requirement that certain land matter dealings and plans are signed under the seal of Council. Without this, the dealings and plans are unable to be registered with Land Registry Services NSW.

CONCLUSION

It is recommended that Council approves the affixing of the signatures and seal of Council to Transfer documents, dealings, and plans associated with the acquisition of land required for road purposes associated with the Yarraman Road Upgrade and Bridge Construction Project as outlined in the report so that this matter can be progressed.

**SOCIAL IMPLICATIONS**

Nil.

FINANCIAL IMPLICATIONS

The money received by Council from Mangoola for the sale of the land formerly comprising Wybong Post Office Road, which has been approved for closure by Council, has been set aside and can only be used by Council for acquiring land for public roads or for the carrying out of road work on public roads in accordance with s.43 (4) Roads Act 1993. This will cover the fees associated with the registration of the various dealings and associated documents.

POLICY IMPLICATIONS

Complies with the requirements of Council's Roads Development Standards Policy.

STATUTORY IMPLICATIONS

Council is acting in accordance with the requirements of the *Local Government Act 1993* and the *Roads Act 1993*.

LEGAL IMPLICATIONS

As the roads authority for Yarraman Road, Council is acting within its powers under the Roads Act 1993. Council has entered into the Road Closure and Works Deed, which outlines the commitments and obligations of both Council and Mangoola in this matter. The endorsement of the recommendation will satisfy the conditions of this deed.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with item 19.3.4 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management'.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Extensive community consultation has been undertaken and will be ongoing for the duration of the Bridge Construction and the Yarraman Road Upgrade Project.

**10.2.2. Construction Traffic Management Plan - Yarraman Road Upgrade**

Attachments:	1. Construction Traffic Management Plan - 23043 YARRAMAN ROAD BRIDGE CIVIL - REVH [10.2.2.1 - 42 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Imelda Williams (Traffic & Roads Status Officer)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.
	Not applicable

PURPOSE

To advise Council of the receipt of the Construction Traffic Management Plan (CTMP) for the 'Yarraman Road Portion Upgrade' project and request approval for the temporary closure of Yarraman Road in two stages to undertake the necessary works.

OFFICER'S RECOMMENDATION

Council:

1. ACCEPTS the Construction Traffic Management Plan (CTMP) rev H for the Yarraman Road Upgrade as attached to the report; and
2. APPROVES the temporary closure of Yarraman Road as outlined in the Construction Traffic Management Plan and report.

Moved: _____ **Seconded:** _____

BACKGROUND

On 26 April 2021, the NSW Independent Planning Commission approved the development application for the Mangoola Coal Continued Operations Project (SSD8642) (MCCOP). This allows for the expansion of mining to the new area north of Wybong Road and the extraction of an additional 52 million tonnes of run-of-mine (ROM) coal.

Council entered into the "Road Closure and Works Deed" outlining, among other matters, the Yarraman Road Portion Upgrade contained in Clause 5 of the deed. The s.138 Roads Act 1993 application to undertake the works was approved by Council at the 23 May 2023 Ordinary Council Meeting.

The Yarraman Road Portion, as defined in the 'Road Closure and Works Deed', will be upgraded, including the construction of a high-level bridge across Wybong Creek. The location of the proposed road upgrade extends from the intersection of Wybong Post Office Road for a distance of 1.5km south. Part of Yarraman Road will be realigned to provide a straight horizontal road segment where the road crosses Wybong Creek at the location where a new bridge will be constructed.

Various aspects of the project have been previously reported to Council.



CONSULTATION

Roads Drainage and Technical Services Team

Group Manager Infrastructure and Operations

Yarraman Road Residents

Mangoola Coal Project Team

KCE- Contractors

REPORT

Following extensive consultation and negotiation with the Mangoola Coal Project Team, the Construction Traffic Management Plan (CTMP) for the Yarraman Road Upgrade works has been finalised. The CTMP has been developed to address and manage construction related traffic movements and general traffic movement during the Project. The intent of the plan is to ensure that construction personnel are provided with a safe working environment and to minimise construction related traffic disruption to the travelling public and pedestrians. Rev H of the plan is attached for the information and acceptance of Council.

At the 28 November 2023 Ordinary Council meeting, it was reported that, for the purposes of construction, public access restriction and temporary closure of Yarraman Road at the construction location may be periodically required. It was anticipated that this would be required for periods throughout construction to prevent public interaction with heavy plant, crane operations, and to facilitate the safe carrying out of road tie-in works. The principle applied was for local traffic access to be maintained on Yarraman Road wherever possible, with alternative access for road users available via Ridglands Road and Wybong Road.

The project has now reached the stage where the closure of Yarraman Road is required and necessary to undertake the next stage of works. It is proposed to close Yarraman Road in two stages.

- Stage 1 will consist of a 2-week closure period from mid-May for crane/bridge girder mobilisation and installation works; and
- Stage 2 will consist of an 8-week closure from approximately the end of July to complete the pavements and ancillary works on the northern side of Wybong Creek.

It is necessary to close the portion of Yarraman Road around the new bridge northern abutment site due to the constructability and methodology required for the new road alignment. The road approaches need to be increased to accommodate the proposed road alignment to the new bridge deck. The site is severely constrained by the steep creek embankments either side of the crossing, which restrict the availability and possibility of constructing a bypass road without extensive impact and destabilisation of the creek banks. It would be fundamentally unfeasible and unsafe to allow this stage of construction to be undertaken under traffic control.

Although the temporary closure of Yarraman Road will create some inconvenience for road users, it is not feasible for the works to be undertaken under traffic control. The closure will result in improved safety for road users in comparison to adopting a staged delivery approach with public traffic flow continuing under traffic control and the site limitations as listed above. The closure will eliminate risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on unsealed pavements (exacerbated in wet conditions), driver distraction watching work crews/plant, long periods of closures whilst manoeuvring the bridge girders into place, as well as improved work force safety by removing interactions with public vehicles.

Completing the works under the two staged full road closures will also reduce the time required to construct the works around the bridge abutments and road approaches, and will



reduce the impact to the banks of the creek.

OPTIONS

Option 1:

Accept the Construction Traffic Management Plan as attached to the report and Council approve the closure of Yarraman Road in two stages being:

- Stage 1 will consist of a 2-week closure period from mid-May for crane/bridge girder mobilisation and installation works; and
- Stage 2 will consist of an 8-week closure from approximately the end of July to complete the pavements and ancillary works on the northern side of Wybong Creek.

Option 2:

Request changes to the Construction Traffic Management Plan and not approve the closure of Yarraman Road as outlined in the report.

CONCLUSION

It is recommended that endorsement of Option 1 is preferred due to the construction feasibility, efficiency, and safety benefits this option offers.

SOCIAL IMPLICATIONS

There will be disruptions to the users of Yarraman Road during the closure period, however, it is necessary to undertake the next stages of the project. Yarraman Road traffic volumes are low, with Ridgeland Road being the alternative detour option. Local traffic access will be maintained wherever possible.

FINANCIAL IMPLICATIONS

All construction works and costs associated with the Yarraman Road Upgrade will be the responsibility of Mangoola Coal.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil.

2. Financial Implications – Operational

Once constructed, Council will have the ongoing responsibility of maintenance of the Yarraman Road Upgrade Portion following the 12-month defects liability period.

POLICY IMPLICATIONS

In line with Council's Road Development Standards Policy.

STATUTORY IMPLICATIONS

Council is acting within its powers under the *Roads Act 1993*.

LEGAL IMPLICATIONS

Council is acting within its powers under the *Roads Act 1993*.

OPERATIONAL PLAN IMPLICATIONS

Facilitate investment in high quality community infrastructure necessary to a Regional



Centre.

RISK MANAGEMENT IMPLICATIONS

The temporary closure of Yarraman Road in two stages will result in improved safety to public road users in comparison with construction being carried out under traffic control. The closure eliminates risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on unsealed pavements (exacerbated in wet conditions), driver distraction watching work crews/plant, as well as improving workforce safety by removing interactions with public vehicles.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The nearest residents have been consulted regarding the temporary road closure and were accepting of this option. Mangoola Coal will undertake community notification for the temporary closure of Yarraman Road. Information regarding the closure will also be made available on Council's website.



KCE PTY LTD
PO Box 574, East Maitland, NSW, 2323
ABN 83 059 721 881

Construction Traffic **Management Plan (CTMP)**

Job No. 23043

Yarraman Road Portion Upgrade Project
Yarraman Road, Wybong NSW 2333

Copy Number		H		Controlled / Uncontrolled	
Management Plan Revision Record:					
Revision	Date	Revision Description	Prepared By	Authorised By	
A	07/07/23	For submission	Daniel Holdstock	Rohan Brown	
B	17/08/23	Revised following MCO comments	Daniel Holdstock	Rohan Brown	
C	07/09/23	Further Revised following MCO comments	Rohan Brown	Rohan Brown	
D	12/10/23	Revised TGS	Rohan Brown	Rohan Brown	
E	04/01/24	Revised following council meeting	Rohan Brown	Rohan Brown	
F	12/01/24	Revised following comments	Rohan Brown	Rohan Brown	
G	09/02/24	Revised incorporating TGS changes	Rohan Brown	Rohan Brown	
H	11/03/24	Revised with reviewed staging dates	Rohan Brown	Rohan Brown	

Register of Controlled Management Plans Issued		
Location & Person Issued to	Date	Copy No.

Regular Review of the Management Plan by the Project Manager
--



Date	Date	Date	Date	Date
Sign	Sign	Sign	Sign	Sign

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1.1 Scope of the Contracted Work

KCE Pty Ltd has been contracted by the Mangoola Coal Continued Operations Pty Limited to construct the Yarraman Road Portion Upgrade Project. All work will be completed to the standards specified on the drawings and the Specifications and model drawings.

The Muswellbrook Shire Council is the road authority.

Works under the contract (unless otherwise noted) include the supply of all supervision, labour, plant, materials and consumables as necessary to complete all works to the nominated standards and in accordance with all contract documents, specifications and drawings.

This Scope of Work (SOW) covers the construction of earthworks, civil works and bridge construction for the Project. The SOW comprises of three (3) separable portions as nominated below:

Separable Portion 1 - Site Preparation Works

- Survey and demarcation of site disturbance boundaries;
- Fencing of endangered flora areas;
- Fencing of cultural heritage areas;
- Temporary fencing of the construction compound and laydown areas;
- Construction of Principal's and Contractors Construction compound including offices, training room, all weather access for car parking, area suitable for morning pre-start meetings, suitable amenities facility to accommodate all site personnel, area for installation of Damstra terminals and first aid facility with Ambulance Access.

Separable Portion 2 – Bridge Construction Works

- All sediment and erosion controls for works within the waterways;
- Construction of the new Yarraman Rd Bridge over Wybong Creek to applicable construction drawings and TfNSW standards;
- Quality Assurance works for presentation to a Third Party Verifier that all works have been completed in accordance with the construction drawings and TfNSW standards. These will include all material compliance certificates, pre-cast element compliance, completed inspection and test plans, field testing requirements, photographic evidence and all As-Built Survey;
- Site demobilisation and rehabilitation of disturbed areas including access tracks, construction disturbance and removal of sediment and erosion control devices to the satisfaction of the Principal.

Separable Portion 3 – Civil Construction Works

- Survey set-out and construction monitoring;
- Quality control testing by a NATA registered laboratory;
- Temporary erosion and sediment control;
- Traffic control - the continual usage of the current Yarraman Rd causeway must be maintained where possible;
- Excavation and removal to stockpile of unsuitable subgrade materials;
- Replacement of unsuitable materials with select fill sourced on site or supplied;
- Supply and place structural pavement materials;



-
- Bitumen spray seal;
 - Line marking and signage;
 - Supply and installation of precast concrete pipe culverts including headwalls;
 - Surface water drainage structures and erosion protection;
 - Topsoil, hydromulch and grass seed waterway channels and batters;
 - Quality Assurance works for presentation to a Third Party Verifier that all works have been completed in accordance with the construction drawings and standards. These will include all material compliance certificates, pre-cast element compliance, completed inspection and test plans, field testing requirements, photographic evidence and all As-Built Survey;
 - Site demobilisation and rehabilitation of disturbed areas including access tracks, construction disturbance and removal of sediment and erosion control devices.

All work is to be done in a professional way that ensures the safety of workers and the general public. It must also protect the surrounding environment as part of the Project Construction Environmental Management Plan.



1.1. Preliminaries

1.1.1. Introduction

This Construction Traffic Management Plan (CTMP) has been developed to address and manage the general traffic movement during the Project.

The intent of this plan is to ensure that the construction personnel are provided with a safe working environment and to minimize construction related traffic disruption to the travelling public and pedestrians.

1.1.2. Scope of the Construction Traffic Management Plan (CTMP)

The plan covers the preparation and use of Traffic Guidance Schemes (TGS's) and Vehicle Movement Plans (VMP's) to ensure the safety of KCE employees, subcontractors, customers and the public.

This TMP is a sub-plan to the WHS and Environmental Plan (WHS ENV PMP) and should be read in conjunction with the WHS and Environmental Plan (WHS ENV PMP), the Quality Plan and the contract specifications.

KCE has developed procedure WI-07 "Traffic Management" to set out the company requirements. This TMP incorporates these requirements.

This TMP has been developed in accordance with the requirements of:-

- TFNSW specification D&C G10 Traffic Management
- Traffic control at work sites (TCAWS) Technical Manual 6.1 2022
- AS1742.3

1.1.3. WHS Policy

A copy of the KCE WHS Policy is available in the Integrated WHS & Environmental Management Plan (WHS ENV PMP).

1.1.4. Referenced Documents

- TFNSW Traffic control at worksites (TCAWS) Technical Manual 6.1 2022
- AS1742.3 Traffic Control Devices for Works on Roads
- Company Work instruction WI-07 "Traffic Management"
- SCM07 – Traffic Management
- SCM08 – Working Near Traffic
- SWP10 – Work Near Traffic
- Project Drawings



1.2. Resource, Organisation & Project Management

1.2.1. Responsibility

The Project Manager shall ensure that the traffic control requirements are allowed for in the planning and adhered to during construction.

The Project Manager for the contract will not be on-site full time, as such, the site responsibilities then lie with the next immediate senior site representative. This will generally be the Site Supervisor or the Leading Hand. Notwithstanding these arrangements the Project Manager retains full site responsibilities.

1.2.2. KCE Organisational Structure

The organisational structure for this project is included in section 1.3 of the WHS ENV PMP. The project KCE Personnel Contact List is included in section 1.4.8 of this TMP, in the WHSE PMP and is displayed in the site office as part of the Site Emergency Response Plan.

1.2.3. Subcontractors

Subcontractors engaged by KCE shall work under this TMP and the WHSE PMP. KCE shall ensure that only suitably trained and accredited subcontractors are used. KCE shall obtain training records from the subcontractor.

The performance of subcontractors will be continually assessed by inspection and auditing. Auditing of the subcontractor may be undertaken at the time of other internal audits for the project.

The project specific Subcontractor / Supplier Contact List is included in the Quality Management Plan (Procurement Schedule).

1.2.4. Emergency Contact List

The project specific Emergency Contact List is included in the WHS ENV PMP and is shown on general display as part of the Site Emergency Response Plan.

1.3. Documentation

The documentation used for the management of traffic at the work site is as follows:

1.3.1. Traffic Management Plan (TMP)

This document – the object of the TMP is to construct the works with the least possible obstruction to traffic whilst maintaining the safety of the site personnel and general public from vehicle movements.

1.3.2. Traffic Guidance Scheme (TGS's)

These plans show the manner in which construction traffic will be managed during ingress and egress to the work site as well as within the work site during construction. These plans also provide a layout for the signage required for each stage of works.

1.3.3. Vehicle Movement Plans (VMP's)

For the purpose of clarity within this document, please refer to the below definitions:

External Vehicle Movement Plans (EVMP's) - These show the route that construction traffic will take when entering and exiting works areas from the public road and parking locations for delivery drivers off-site (Super T loads only – all other deliveries are to be mustered on-site to minimise public traffic disruption). Deliveries requiring to undertake U-turns will be done within the project limits to minimise disruption to the public traffic.

Traffic entering and exiting the project areas whilst any contraflow single lane TGS's plans are active will be done by the methodology prescribed in KCE23043 - VMP002-4 - Traffic Lights (Following the last car in trail of the lights cycle).

Refer to figure 1 below for preferable travel routes for vehicles accessing the site from the shire limit.

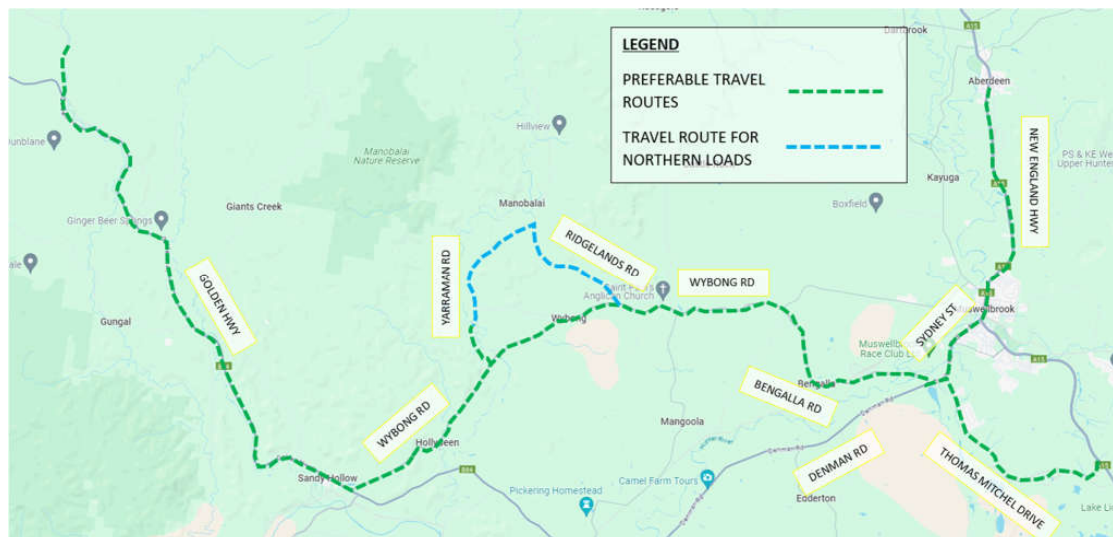


Figure 1 - Travel Routes

Internal Vehicle Movement Plans (IVMP's) – These show the internal specifics of the site, light vehicle and heavy vehicle parking locations, works areas within the project etc. and will be communicated on-site through whiteboards or arial images.

1.3.4. Traffic Control Forms / Checklists

These are used to record the periodic checks on the traffic control devices.

1.4. Traffic Management

1.4.1. Works Methodology & Traffic Staging Plans

The works are planned to be carried out in the main stages listed below (or a combination of the below):

1. Overview of Works & Bridge Construction Works (Stage 1)
2. Bridge approach and road construction (Stage 2)



For stage 1, traffic will be slowed from 100km/h to 60kmph using advances warning and temporary speed signage, this speed zone will extend from the intersection at Yarraman and Wybong Road through to the northern limit of works.

To increase safety for workers and public road users and minimise environmental and flora impact, stage 2 and 3 is planned to be undertaken via a road closure. During these stages property access will be maintained to the 2 properties on the north of Wybong Creek.

Traffic signs shall be provided on Wybong Road, Yarraman Road and Wybong Post Office Road to warn motorist regarding the construction activities and change in traffic arrangement as per the accepted TGSs.

In light of the proximity of the traffic to our works area, KCE will work under 'WI-07 - Traffic Management', 'SCM07 – Traffic Management', 'SCM08 – Working Near Traffic' and 'SWP10 – Work Near Traffic' in order to protect the workers and motorists during the constructions works,

Please refer to Table 1: Staging Durations for estimated durations only.

Stage Description	Estimated Stage Durations
Stage 1	45 weeks (Entire Project)
Stage 2	2 weeks (Girder Installation)
Stage 3	8 Weeks (Bridge Approach and Road Upgrades)

Table 1: Staging Durations

For clarification on the timing of the above stages see figure 2 below.

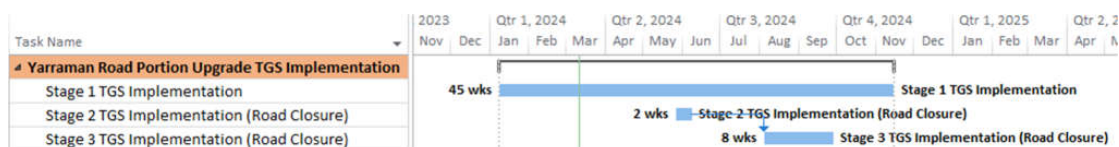


Figure 2 Construction Traffic Management Staging

Stage 1

KCE will install all temporary construction signage (see *TGS KCE23043 – TGS001-6a – Stage 1 (Overview of Works (Wybong Road Lead in))* and *TGS KCE23043 – TGS001-6b Stage 1 (Overview of Works (PO Road Lead In))*). Use of either (see *TGS KCE23043 – TGS006-2* and *TGS KCE23043 – TGS007-2*) will be required for the installation of temporary construction signage. Throughout Stage 1, additional TGS's will be implemented in addition to KCE23043 – TGS001-6a and KCE23043 – TGS001-6b (see KCE23043 – TGS009-3 (Bridge Works) and KCE23043 – TGS011-1 (Culvert Extension Works))

Stage 2

After installation of Stage 1 Traffic Signage, a road closure will be undertaken (see *TGS KCE23043-TGS010-2-Road Closure*) at the above noted staging timing. This initial road closure (stage 2) will be utilised for the installation of girders to the bridge.

Stage 3

To minimise the duration of any full road closures, stage 3 is programmed to be delayed until sufficient construction progress of the bridge is complete. We anticipate an approximate 8-week gap between stage 2 and 3 road closures. Stage 3 will be undertaken as per *TGS KCE23043-TGS010-2-Road Closure* with a programmed duration of approximately 8 weeks.



Following construction of the road alignment and a 3rd party Road Safety Audit (RSA) during stage 3, the road will be re-open to new design conditions.

1.4.2. Site Specific Requirements

No employee and sub-contractor must travel to or from the site using Reedy Creek Road, Mangoola Road, Roxburgh Road, Castlerock Road or Ridgeland Road (restricted - no use without road authority / Principal approval) except in an emergency to avoid the loss of lives, property and / or to prevent environmental harm.

Deliveries to the Project from “Wybong Road West” will be limited to quarried sub-base and base materials. Consultation will be undertaken with council prior to any material deliveries via “Wybong Road West” from Yarraman Rd to the Golden Highway.

An estimate of required deliveries along this route throughout the project is provided below. All OSOM loads for the project **must** be brought to site via Wybong Road and Bengalla Link Road;

- Projects weeks 32-45 – Average approximately 25 loads per week (import of subbase, basecourse and rip-rap as required for the roadway construction and abutment scour protection)

Deliveries to the southern portion of the project (south of Wybong Creek) will be via the Yarraman Road and Wybong Road intersection. Access to the site from Muswellbrook (Westbound on approach to the site) will be via Denman Road, Bengalla Link Road and Wybong Road. Access to the site from the Sandy Hollow (Eastbound on approach to the site) be via the Golden Highway following Wybong Road.

Access via Ridgeland Road (following approval from the road authority) as required for deliveries to the Northern component of the project (North of Wybong Creek) will be via the Wybong Road, Ridgeland Road intersection, with the route permitted from either Eastbound or Westbound on Wybong Road following the same criteria as access to the southern portion of works as noted above.

1.4.3. Authorisations

This CTMP has been developed in accordance with the S138 permit for the project which has been obtained by MCO from the Muswellbrook Shire Council.

1.4.4. Traffic Guidance Scheme

TGS's have been prepared for each construction stage by qualified and competent personnel. Particular attention and detail will be focused for the provision of a 'restricted work zone' of 1.5m between any person on the ground and moving traffic. See section 3 for TGS's for this project.

1.4.5. Vehicle Movement Plans

These plans show the manner in which construction traffic will be managed during ingress and egress to the work site as well as within the work site during construction.

(E)VMP's covering on-site traffic, the ingress and egress of construction plant and vehicles to site from the site compound.



Special consideration shall be given to the safety of pedestrians and general traffic, cyclists, KCE employees, subcontractors, livestock transport vehicles and sight distances when preparing the Plan. See section 4 for (E)VMP's for this project.

1.4.6. Oversized loads

Some oversize deliveries are anticipated to be required. Such deliveries will be planned prior to avoid peak hours and school bus times and utilise traffic controllers to temporally stop traffic where required. These requirements will be communicated to the transport company when planning the deliveries. All oversize or overweight loads will gain prior approval from the National Heavy Vehicle Regulator (NHVR) as required under consultation with the road authority.

All over dimensional vehicle access to and from the site is via Wybong Road east of the Yarraman Road Intersection. Some over dimensional deliveries will be required to access the site via Ridglands Road under consultation with the road authority.

A total of 12 "Super-T" girders are required to be delivered to site for the project, these are to be delivered in a concentrated period over approximately 2 weeks.

The site contact for deliveries will be the KCE Site Supervisor (Chris Gimbert who can be contacted on 0423 569 273) or the KCE Project Manager (Rohan Brown who can be contacted on 0418 527 738).

If contact cannot be made to the KCE Site Supervisor or KCE Project Manager, deliveries must park up at the Muswellbrook Industrial Estate until communication can be made with KCE. See *KCE23043 – VMP001-2 – (Delivery Drivers)*.

All OSOM deliveries must park up at the Muswellbrook Industrial Estate until communication can be made with KCE. See *KCE23043 – VMP001-2 – (Delivery Drivers)*.

1.4.7. Access to Adjoining Properties

Access shall be maintained at all times. The supervisor (in-conjunction with MCO) shall liaise with property owners.

1.4.8. Public Interaction

Construction will require additional traffic generation for delivery of equipment and materials as well as light vehicles for construction workers.

It is estimated an average of:

- 40 light vehicles will visit the site per day
- 25 heavy vehicles will visit the site per day.

Not more than 40 heavy vehicles will visit the site per day.

For the purposes of construction, periodic public access temporary closure of Yarraman Road area will be required, generally at the extents of the construction area nominated, these times are nominated in section 1.4.1 of this CTMP. It is expected this will be required for periods throughout construction to prevent public interaction with heavy plant, crane operations and road tie-in works. Local residential traffic access will be maintained to properties within the



work area extent (See KCE23043 – TGS010-2-Road Closure). Priority will be given to the public traffic for access / egress and in emergencies at all times.

Osborn's Transport and Cowans Bus Service were contact 15 and 16 August 2023 respectively to establish the following approximate school bus times.

Morning routes

- Bus 1 – Travelling east on Ridgeland Road to Muswellbrook
 - o 7:15am – 7:35am (estimate)
- Bus 2 – Travelling east on Wybong Road from Sandy Hollow to Muswellbrook
 - o 7:40am – 8:00am (estimate)
- Bus 18 – Travelling east on Wybong Road from Sandy Hollow to Muswellbrook
 - o 8:00am – 8:15am (estimate)

Afternoon routes

- Bus 1 – Travelling west on Ridgeland Road to Muswellbrook
 - o 4:25pm – 4:50pm (estimate)
- Bus 2 – Travelling west on Wybong Road from Muswellbrook to Sandy Hollow
 - o 3:45pm – 4:15pm (estimate)
- Bus 18 – Travelling west on Wybong Road from Muswellbrook to Sandy Hollow
 - o 3:40pm – 4:00pm (estimate)

In accordance with the standard hours for construction workers will generally access and egress the construction sites and Mine Access Road before and after school bus services traverse Wybong Road.

Throughout the project, workers will be required to interact with the public appropriately. This includes during work shifts and travelling to & from work.

1.4.9. Determination of TGS requirements for the Yarraman Road approach to the works area

An assessment of the works site and the approach (Yarraman Road from Wybong Road) has been undertaken and a risk assessment completed to facilitate the development of a TGS for this area. The speed limit of the approach road will be limited to 60kmph for the duration of the works (see TGS KCE23043 – TGS001-6a – Stage 1 (Overview of Works (Wybong Road Lead in)) and TGS KCE23043 – TGS001-6b Stage 1 (Overview of Works (PO Road Lead In))). *Reduction of speed limit during gravel haulage campaigns may be required under consultation with the road authority.*

UHF frequency ranges for this approach area have been tested and the range confirmed as suitable for arriving / departing deliveries. As part of the delivery process notification via an announcement over the UHF radio of approach for incoming and outgoing deliveries will be utilised for the benefit of site management and communication with deliveries.

1.4.10. Details of Nominated Personnel

The following personnel are responsible for maintenance of traffic control devices outside normal working hours. They will be nominated on the KCE Site sign.

Position	Name	After Hours Phone
Site Supervisor	Chris Gimbert	0423 569 273
Leading Hand	Marcus Szucki	0408 400 103
Project Manager	Rohan Brown	0418 527 738



Project Engineer	Muhammad Shehzad	0426 703 030
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1.5. Training and Site Induction

1.5.1. Training

TGS's will be designed by persons who hold TFNSW or Safe Work NSW qualifications for:

- Prepare Work Zone Traffic Management Plans (PWZTMP).
- Traffic Controllers shall hold the TFNSW or Safe Work NSW qualification.

Traffic Controllers certificate number and expiry dates shall be submitted to the Site Supervisor at the Site Induction and recorded on the Site Induction form. These forms are stored on site.

Workers setting up TGS's shall hold TFNSW or Safe Work NSW qualification Implement Traffic Guidance Scheme (ITGS).

The author of this TMP (or the person authorising the TMP) shall hold TFNSW or Safe Work NSW qualification Prepare Work Zone Traffic Management Plans (PWZTMP).

1.5.2. Site Induction

All personnel on-site, including subcontractors and customer representatives, must attend the Project Site Induction (Familiarisation) and shall be given a KCE site-specific induction detailing job requirements for the Project and shall also be reminded of their safety, environmental and community responsibilities.

The Project Site Induction (Familiarisation) and KCE site-specific induction shall be held prior to the commencement of work on the Project and shall include details of the TGS and any vehicle movements required.

Any personnel including subcontractors and visitors new to the Project shall also be inducted. The Project Site Induction (Familiarisation) will be carried out by the Principal and the KCE site-specific induction process will be carried out by a KCE representative and along with the names of those who have been inducted shall be recorded in the site-specific induction register and maintained in the site office.

1.6. Audits & Checklists

Audits and checks shall be carried out on traffic control at set up and during the project in line with TFNSW TCWS manual and Work Instruction WI07 - Traffic Management.

- Conduct risk assessment before setting up TGS's. Use form SF69 - Roadworks Site Inspection.
- Conduct Day and Night Checks of the set up TCP to ensure safe passage for road users. Use phone app "Day & Night Check of TCP" or form SF62 - Day & Night Check of TCP.
- Maintain record of daily traffic control devices checks. Use SF33 – Daily Checklist of Traffic Control Devices. See section 7.



-
- Conduct a Traffic Control Safety Inspection at least once. Use phone app “Traffic Control Audit”.

2. Authorisation Forms

- *Muswellbrook Shire Council S138 Permit (provided by MCCO)*



3. Traffic Guidance Schemes

- *KCE23043 – TGS001-6a – Stage 1 (Overview of Works Wybong Road Lead In)*
- *KCE23043 – TGS001-6b – Stage 1 (Overview of Works PO Road Lead In)*
- *KCE23043 – TGS006-2 – (Stop/Slow Bat)*
- *KCE23043 – TGS007-2 – (Short Term Works)*
- *KCE23043 – TGS009-3 – Bridge Works*
- *KCE23043 – TGS010-2 – Road Closure*
- *KCE23043 – TGS011-1 – Culvert Extension Works*

Author: Rohan Brown

The diagram illustrates the proposed signage layout for a roadwork project on Yarraman Road and Mythenko Road. A north arrow is located in the top left corner, pointing upwards, with the word "NORTH" below it. An arrow labeled "TO WORKS AREA" points towards the top left of the diagram.


Yarraman Road: This road runs horizontally across the middle of the diagram. It features a yellow diamond-shaped "ROADWORK AHEAD" sign, followed by a series of "ROADWORK 1km AHEAD" signs at 500m intervals. A "ROADWORK 500m AHEAD" sign is also present. A "ROADWORK 100m AHEAD" sign is located near the intersection with Mythenko Road. A "ROADWORK 100m AHEAD" sign is also located near the intersection with Mythenko Road. A "ROADWORK 100m AHEAD" sign is also located near the intersection with Mythenko Road.

Mythenko Road: This road runs vertically on the right side of the diagram. It features a yellow diamond-shaped "ROADWORK AHEAD" sign, followed by a series of "ROADWORK 1km AHEAD" signs at 500m intervals. A "ROADWORK 500m AHEAD" sign is also present. A "ROADWORK 100m AHEAD" sign is located near the intersection with Yarraman Road. A "ROADWORK 100m AHEAD" sign is also located near the intersection with Yarraman Road. A "ROADWORK 100m AHEAD" sign is also located near the intersection with Yarraman Road.

Signage Details: The diagram shows various signs including "ROADWORK AHEAD", "ROADWORK 1km AHEAD", "ROADWORK 500m AHEAD", "ROADWORK 100m AHEAD", and "ROADWORK 100m AHEAD". It also includes a "ROADWORK 100m AHEAD" sign and a "ROADWORK 100m AHEAD" sign.

Dimensions: The diagram includes several dimension lines indicating distances: 500m, 100m, 50m.

Notes: A note at the bottom left states: "NOTE: KCE23043-TGS001-6A TO BE IMPLEMENTED WITH THE FOLLOWING:
- KCE23043-TGS001-6B
- KCE23043-TGS001-6C
- KCE23043-TGS001-6D"

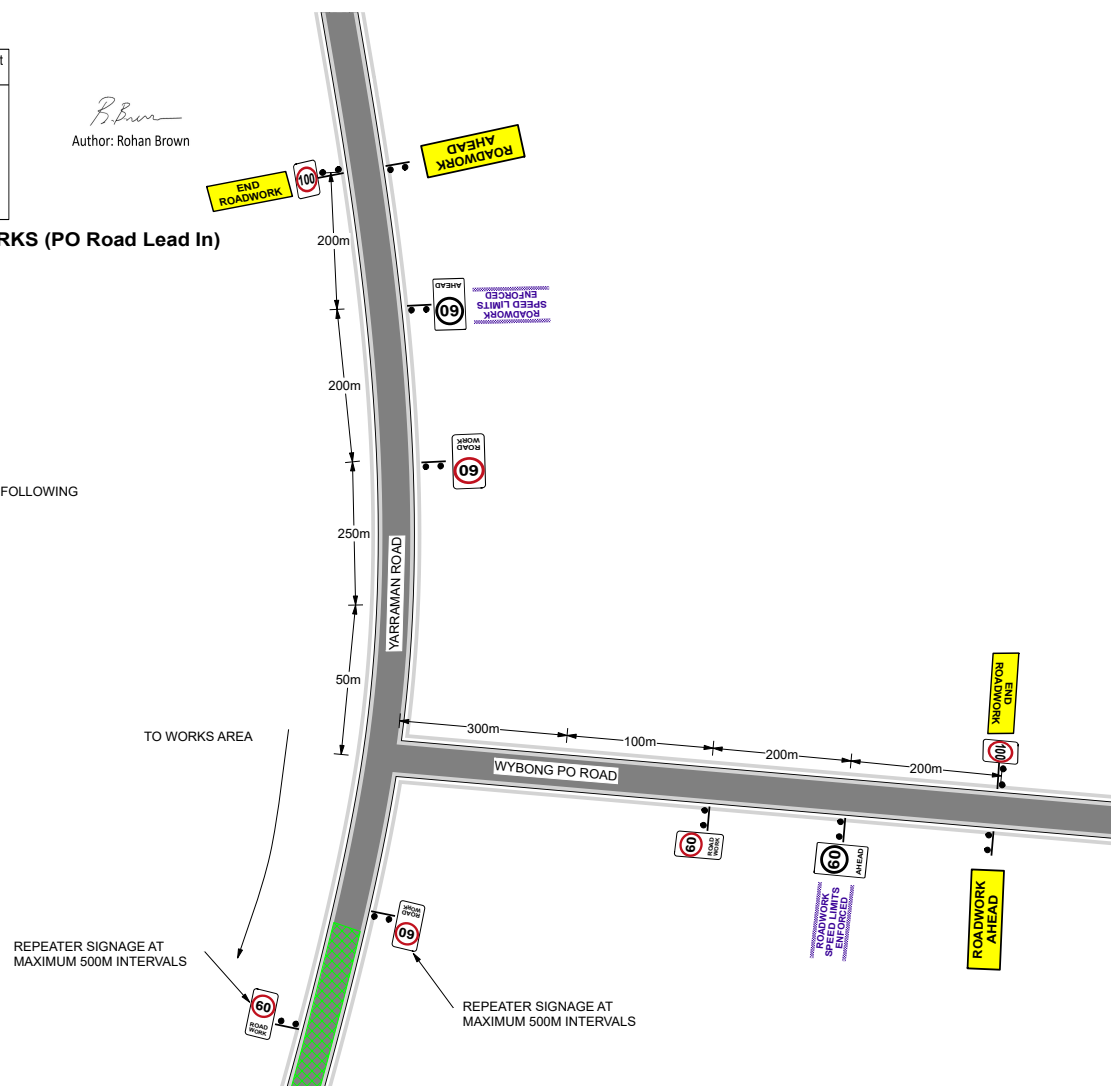
	Date: 09/02/2024 Author: Rohan Brown - 0418527738 Project: Yarraman Road Portion Upgrade Project Plan ID: KCE23043-TGS001-6b-Overview of Works (PO Road Lead In) PWZ: TCT1046282
	Comments: 1. Existing Road Speed 100km/h 2. All signage minimum size B 3. Not to scale 4. Any conflicting signage to be covered or removed

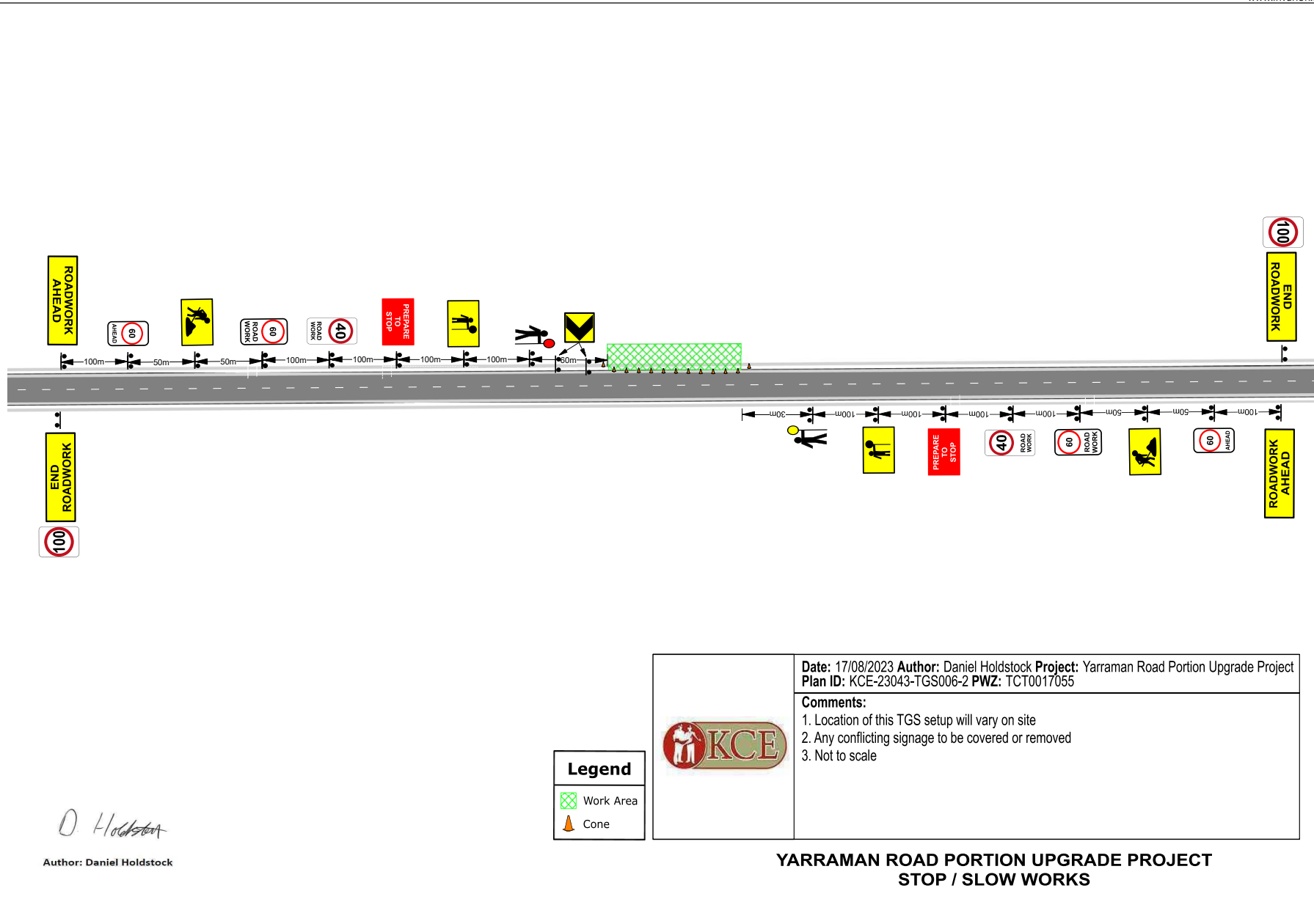
R. Brown
 Author: Rohan Brown

YARRAMAN ROAD PORTION UPGRADE PROJECT - OVERVIEW OF WORKS (PO Road Lead In)



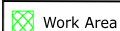
NOTE: KCE23043-TGS001-6B TO BE IMPLEMENTED WITH THE FOLLOWING
 - KCE23043-TGS001-6A
 - KCE23043-TGS009-3
 - KCE23043-TGS010-2





Author: Daniel Holdstock

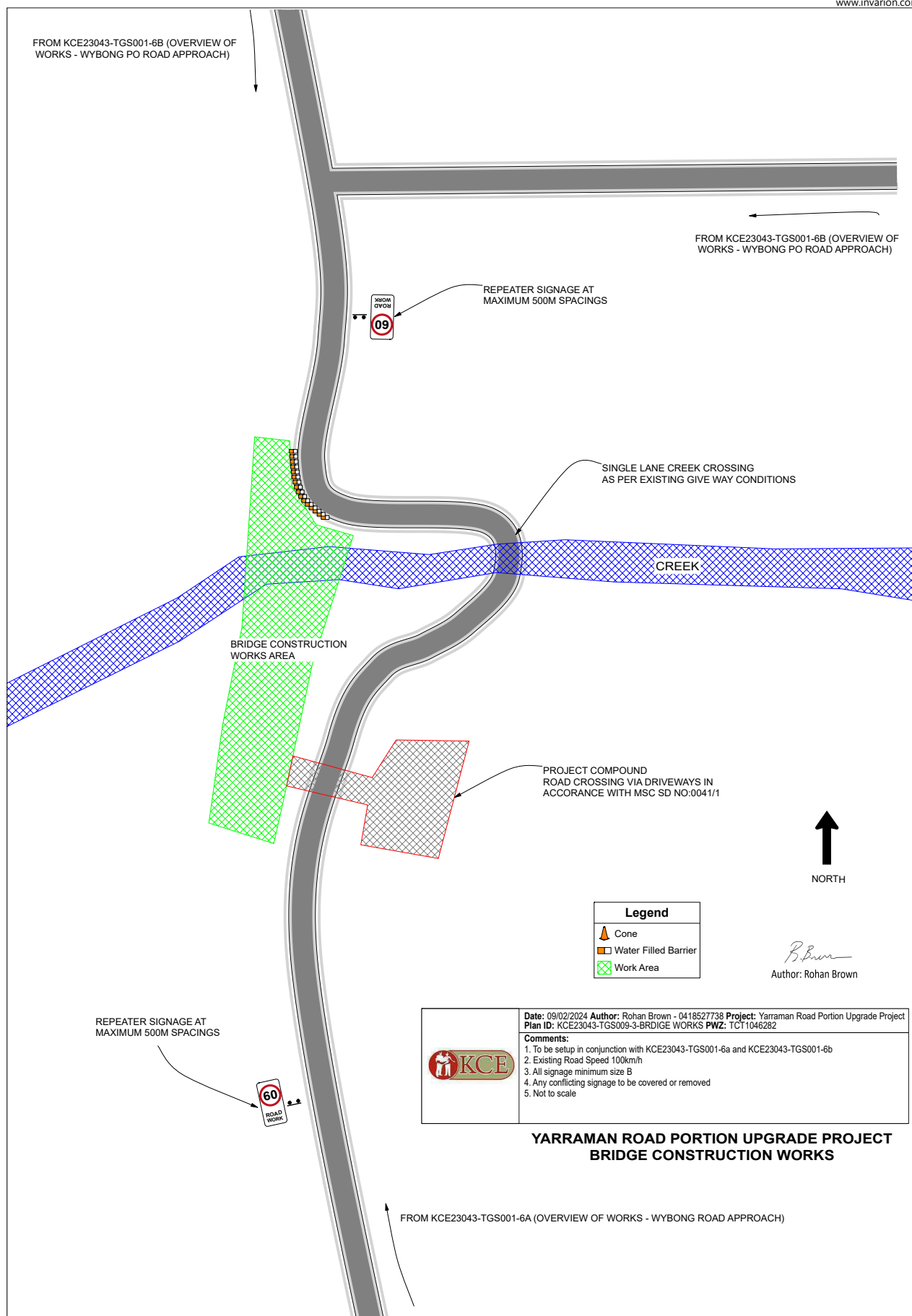
Legend

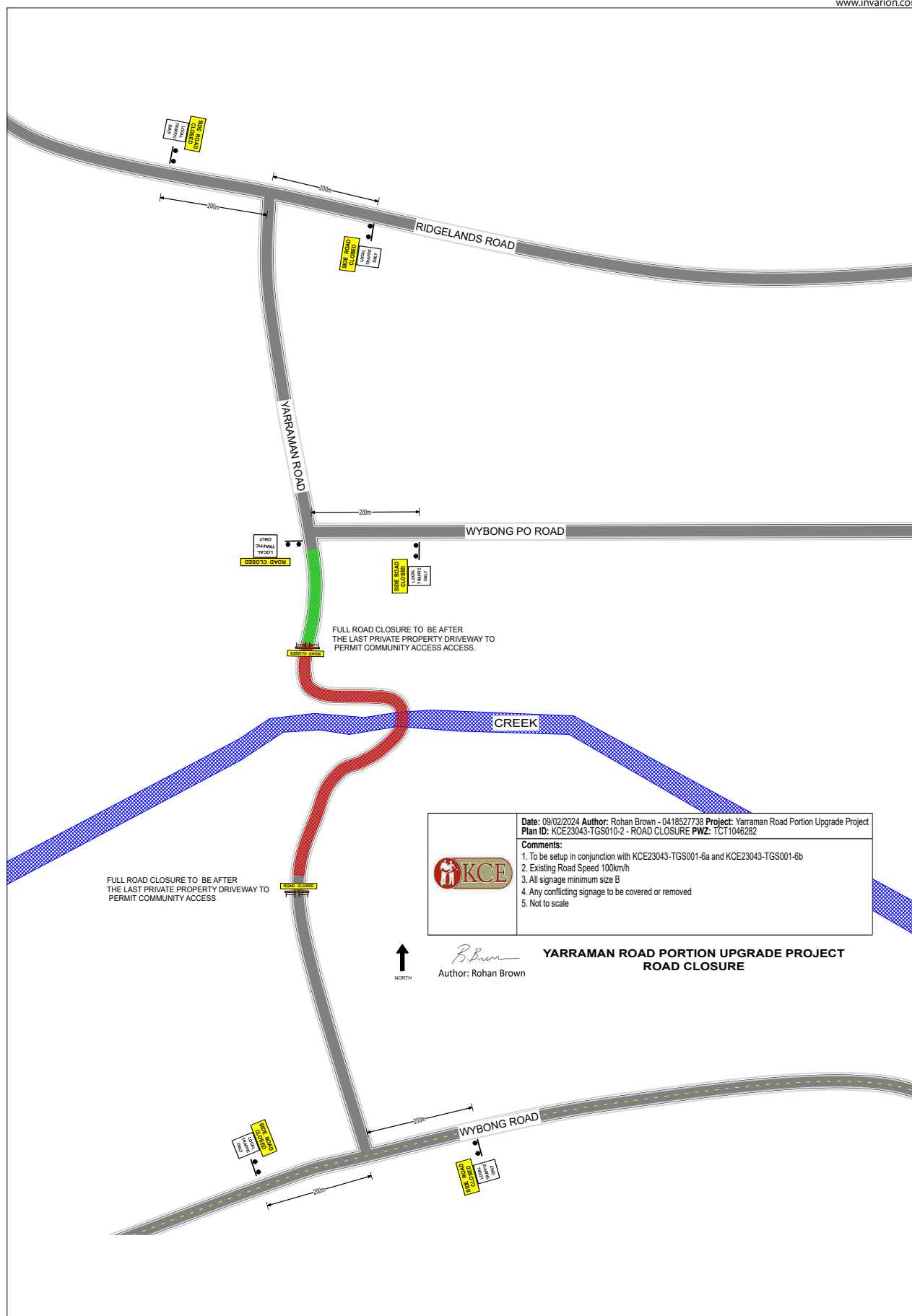


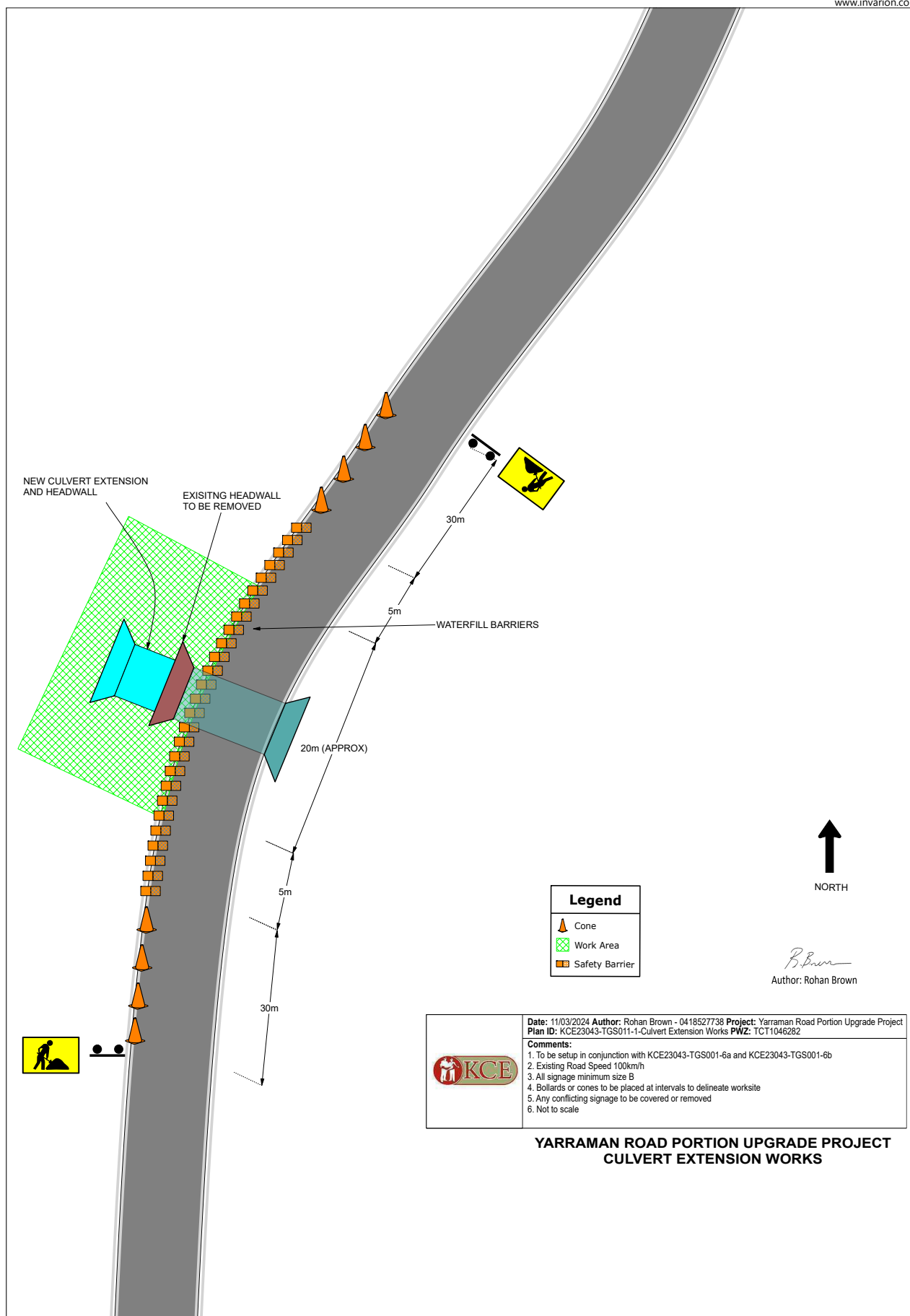
1. If speed zone is 100km/h - 60km/h ahead and 60km/h roadwork needs to be installed
2. Location of this TGS setup will vary on site
3. Any conflicting signage to be covered or removed
4. Not to scale



YARRAMAN ROAD PORTION UPGRADE PROJECT SHORT TERM WORKS





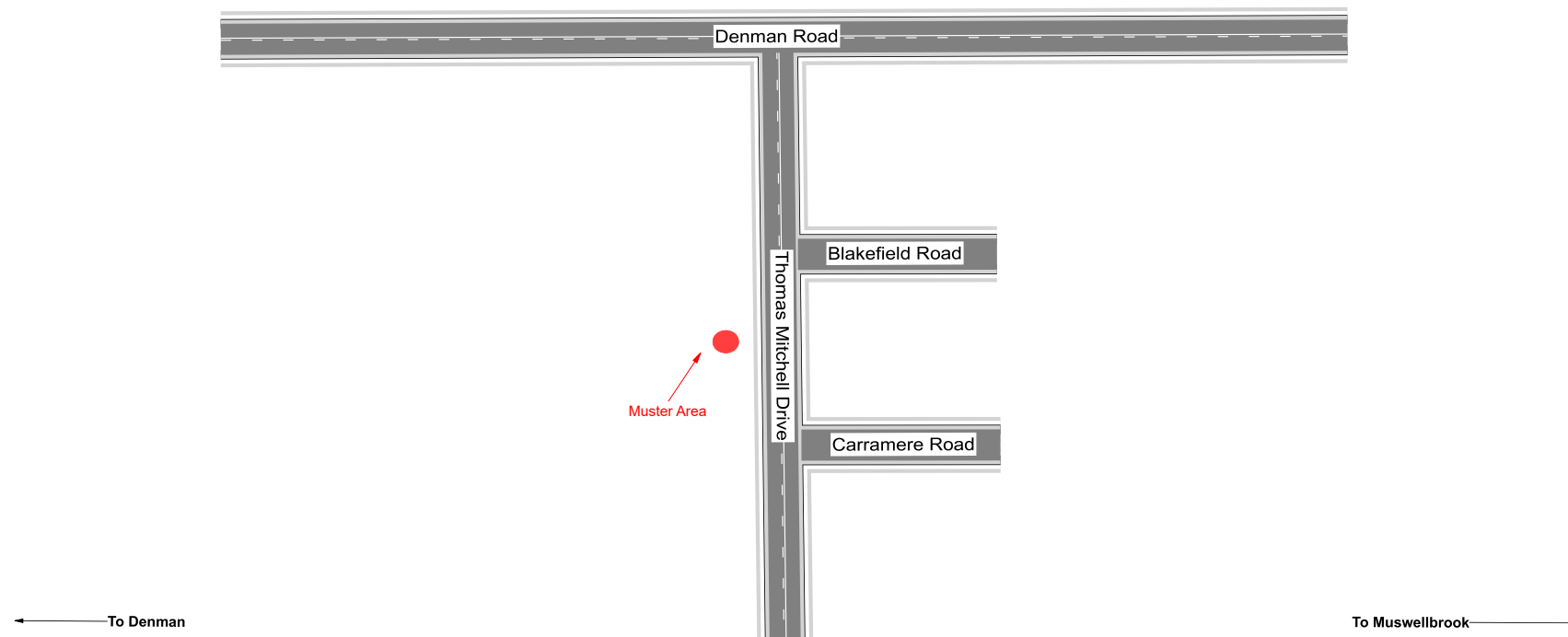




4. Vehicle Movement Plans

- *KCE23043 – VMP001-2 – (Delivery Drivers)*
- *KCE23043 – VMP002-4 – (Traffic Lights)*


North



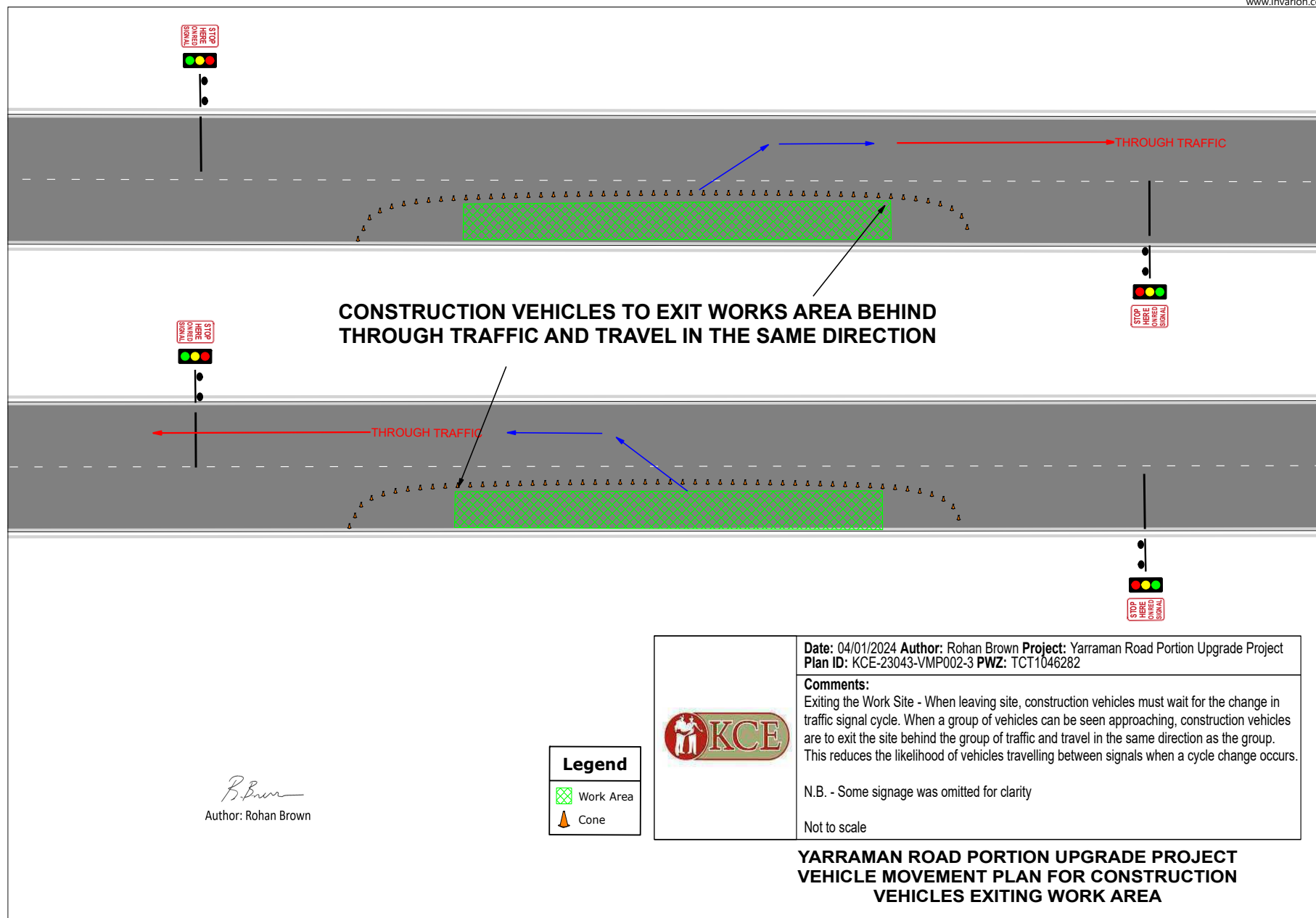
← To Denman

To Muswellbrook →

D Holdstock
Author: Daniel Holdstock

	Date: 17/08/2023 Author: Daniel Holdstock Project: Yarraman Road Portion Upgrade Project Plan ID: KCE-23043-VMP001-2 PWZ: TCT0017055
	Comments: 1. No construction traffic to enter Roxburgh Road, Mangoola Road, Castlerock Road and Ridgelands Road. 2. All delivery drivers to contact site supervisor or project manager before coming to site. 3. All OSOM deliveries to muster at muster at Thomas Mitchell Drive prior to being called up to progress to site. 4. Not to scale.

**YARRAMAN ROAD PORTION UPGRADE PROJECT
VEHICLE MOVEMENT PLAN FOR DELIVERY DRIVERS**



R. Brown
 Author: Rohan Brown





5. Risk Assessments/Location Checklist

- *Insert blank risk assessments (Location Checklist from TFNSW TCWS manual)*
- *File completed risk assessments here*



SF69 - Roadworks Site Inspection

This site inspection shall be conducted prior to developing the Traffic Management Plan & Traffic Control Plans for the project

Project Site		Project Number	
Road		Date & time	

Inspection Team members			
--------------------------------	--	--	--

SITE CONDITIONS	Applicable Y or N	COMMENTS
Features of the site		
• Road layout e.g. lane markings, l & r turn lanes, pedestrian crossings etc.		
• Traffic lights, roundabouts, main intersections		
• Existing road signs		
• Side roads		
• Property access & driveways		
• Nearby features e.g. schools, shops and other public buildings or facilities. <i>Check work hours of businesses</i>		
• Railway and/or railway station		
• Bus routes and bus stops		
• Parking restrictions		
• Other local features		
Traffic Characteristics		
• Road users – light & heavy vehicles, motorcycles, cyclists		
• Mix of traffic		
• Long or over-width vehicles expected?		
• Pedestrians		
• Actual approach speeds vs Signposted speeds		
• Peaks and troughs in traffic volumes		
• Other		



Features affecting visibility		
• Grades and alignments (sight distances)		
• Crests dips and bends		
• Long grass, trees covering signs or obscuring vision		
• E/W orientation (sun glare)		
• Night works		
• Street lighting at night, day-makers		
• Other features affecting visibility		
Road construction & condition		
• Gravel, spray seal or bitumen. <i>Suitable for water blasting old lines?</i>		
• Good or poor repair		
• Lane widths. <i>Check with laser measure (green point)</i>		
• Width available, condition of shoulders		
• Line marking. <i>Condition of existing-needs repair?</i>		
• Mud / dirt on road?		
On-Site facilities		
• Access to site for plant & people on-foot		
• Spaces for support facilities e.g. temporary buildings, lay-down area		
• Worker parking		
• Plant parking		
• Other site practicalities e.g. drainage		
Any other features affecting the safety of workers or road users:		
• Utilities e.g. voltage of overhead power lines		



6. Day & Night Checks

- SF62 “Day & Night Check of TCP”
- To be completed on Phone App where possible
- *Insert blank forms here*
- *File completed checks here*



SF62 - Day & Night Check of Traffic Control Plan

Project name & number		Road & location	
TCP No.		Date	
Checker 1		Time	
Checker 2		Weather conditions	

TCP, Signs & Devices	Criteria	Observations on Direction 1 – (____ bound)	Observations on Direction 2 – (____ bound)
Signs	Clear, visible, reflective, as per TCP		
Lines	Clear directions for traffic, not worn, easily visible, suitable all weather, as per TCP		
Redundant lines	Appropriately removed (to authority requirements) (not confusing or affecting interpretation of new lines)		
Chevrons/barrier boards/bollards	In place, as per TCP		
RPMS, stick & stomps	Sufficient to highlight traffic path, (refer KCE guidelines)		
Tapers	Easily trafficable, clear, as per TCP		
Concrete Safety Barriers	Visible, sufficient reflectors, tapers, as per TCP and KCE guidelines		
Variable Message Signs	Visible, clear of traffic, cyclists & pedestrians, as per TCP		
Portable traffic signals	Visible, clear of traffic, warning signs adequate, stop line clear, as per TCP		
All signs & devices	Will they work ok in inclement weather?		
All signs & devices	Set up as per TCP. Any amendments are to be noted on TCP & signed by red or yellow carder		

CORRECTIVE ACTIONS

Item	Action	By Who	When	Date Closed
1				



7. Checklists

- SF33 – Daily Checklist – Traffic Control
- *Insert blank checklists here*
- *File completed checklists here*



Nature of work:	TCP No.:
Location:	Supervisor:

Weekly check	Yes/No	Supervisor
Are all signs and reflectors clean & easily read?		
Are all road markings & blacked out markings in good condition & not confusing? At night? If wet?		



8. Audits/Safety Inspections

- Use Phone app (Traffic Control Audit)
- To be completed on App where possible
- *File completed audits here*



SF70 - TRAFFIC CONTROL AT WORK SITES - CHECKLIST

Report Reference Number _____ :

Job Number:		Job Title:	
Inspector:		Date: / /	Time:
Traffic Plan/Stage Reference :		Road/Bridge Name:	
Type of Work:		Road Configuration:	
Site Supervisor:		Project Manager:	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
1. Traffic Control Plans			
1.1	Does the work require a:- <ul style="list-style-type: none"> • Traffic Management Plan (TMP)? • Traffic Control Plan (TCP)? • Vehicle Movement Plan (VMP)? • Project Management Plan (PMP)? 	Y / N / n/a	
1.2	Are all required plans approved?	Y / N / n/a	
1.3	Is the approved TCP on site?	Y / N / n/a	
1.4	Have signs and devices been set out as in the TCP?	Y / N / n/a	
1.5	If modifications have been made are they approved?	Y / N / n/a	
1.6	Has a risk assessment (RA) been done and attached to the TCP (e.g. Appendix D of TCWS checklist or TMP)?	Y / N / n/a	
1.7	Does the RA cover the risks associated with the work site?	Y / N / n/a	
1.8	Does the RA cover current risks; including 'out of hours' work	Y / N / n/a	
1.9	Is the TCP relevant for the works in progress?	Y / N / n/a	
1.10	Has a Road Occupancy Licence been issued and is it being complied with?	Y / N / n/a	



1.11	Are the requirements implemented for safe clearances to workers and pedestrians and traffic approach speeds?	Y / N / n/a	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
1.12	Other?	Y / N / n/a	
2. Roadwork Speed Zones (RSZ)			
2.1	Has the RSZ been authorised?	Y / N / n/a	
2.2	Is a copy of the Speed Zone Authorisation (SZA) form held on site?	Y / N / n/a	
	Has the SZA form been sent to local Police?	Y / N / n/a	
2.3	Are records being kept of the times of RSZ installation?	Y / N / n/a	
2.4	Where a RSZ is in place, is the limit appropriate for the works being undertaken?	Y / N / n/a	
2.5	Is the speed limit/s operating within the approved times?	Y / N / n/a	
	Is the length of the speed zone as per TCWS?	Y / N / n/a	
2.6	Are Advanced Speed Warning Signs used appropriately?	Y / N / n/a	
2.7	Are speed signs duplicated at the start of the speed zone?	Y / N / n/a	
2.8	Are speed signs the correct size?	Y / N / n/a	
2.9	Are all signs installed at the correct spacing?	Y / N / n/a	
2.10	Are all signs installed at the correct height?	Y / N / n/a	
2.11	Have conflicting speed zone signs and pavement markings been covered/removed	Y / N / n/a	
2.12	Are repeater signs installed if required?	Y / N / n/a	
2.13	Are "ENFORCED" signs required and installed	Y / N / n/a	



2.14	At the end of the work, has the pre-existing speed limit been reinstated?	Y / N / n/a	
2.15	Are signs covered adequately when not in use	Y / N / n/a	
2.16	Other	Y / N / n/a	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
3. Record Keeping			
3.1	Are records being kept for roadwork speed zones?	Y / N / n/a	
3.2	Are records kept as required in Appendix E?	Y / N / n/a	
3.2.1	By the Works Supervisor?	Y / N / n/a	
3.2.2	By the Team Leader?	Y / N / n/a	
3.3	RA is available on site and being kept with TCP?	Y / N / n/a	
3.4	Where Portable Traffic Signals (PTS) are used, is the form <i>Record of Approval and Use</i> completed and retained?	Y / N / n/a	
3.5	Other?	Y / N / n/a	
4. Traffic Controllers (TCs)			
4.1	Are Traffic Controllers (TCs) being used? (Night work-4.13)	Y / N / n/a	
4.2	Are the correct number of TCs being used	Y / N / n/a	
4.3	Have TC Certificates been sighted and the no's recorded?	Y / N / n/a	
4.4	Is TCs high visibility clothing in good repair?	Y / N / n/a	
4.5	Are all TCs displaying the Road Authority's logo and <i>Authorised Traffic Controller</i> ?	Y / N / n/a	
4.6	Is the traffic speed restricted to a maximum of 60km/h?	Y / N / n/a	
4.7	Is the sight distance to approaching traffic 1.5D or greater?	Y / N / n/a	
4.8	Do TCs have a clear escape route?	Y / N / n/a	



4.9	Has provision been made to prevent end of queue accidents?	Y / N / n/a	
4.10	Are TCs able to communicate with each other (line of sight, two way radios, additional TCs)?	Y / N / n/a	
4.11	Are the PREPARE TO STOP (T1-18) and TRAFFIC CONTROLLER AHEAD (T1-34, T1-200-2/3) signs correctly displayed?	Y / N / n/a	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
4.12	Are the above signs covered or removed when not required?	Y / N / n/a	
4.13	Are the TCs controlling traffic in accordance with <i>Instructions to Traffic Controllers</i> ?	Y / N / n/a	
4.14	If TCs are being used for night work:- <ul style="list-style-type: none"> Are they wearing approved clothing? Are they safely lit and visible? Do they have correct communication? Are they using lighted wands? 	Y / N / n/a	
4.15	Other	Y / N / n/a	
5. Portable Traffic Signals (PTS)			
5.1	Are PTS being used?	Y / N / n/a	
5.2	Are the PTS formally approved for use? (May be included on the TCP approval.)	Y / N / n/a	
5.3	Are the PTS being used marked as complying with TFNSW Specification PTS/3?	Y / N / n/a	
5.4	Are the PTS correctly registered?	Y / N / n/a	
5.5	Is the approach speed of traffic reduced to 60 km/h or less?	Y / N / n/a	
5.6	Is a minimum sight distance of 150m metres provided?	Y / N / n/a	
5.7	Have the PTS been correctly sighted and established?	Y / N / n/a	
5.8	Has a Holding Line been marked on the roadway?	Y / N / n/a	



5.9	Are procedures in place to review the end-of-queue when PTS are operating?	Y / N / n/a	
5.10	Have all signs associated with PTS been erected correctly?	Y / N / n/a	
5.11	Other	Y / N / n/a	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
6. Flashing Arrow Sign (FAS)			
6.1	Is a FAS being used?	Y / N / n/a	
6.2	Is the FAS being used marked as complying with TFNSW Specification FAS/4 or FAS/5?	Y / N / n/a	
6.3	Is it located correctly?	Y / N / n/a	
6.4	Is it the correct sign size?	Y / N / n/a	
6.5	Is the correct Mode of Operation being used?	Y / N / n/a	
6.6	If Lane Status signs (T2-6 series) are being used in conjunction with FAS, is the message to the motorist the same?	Y / N / n/a	
6.7	Other	Y / N / n/a	
7. Variable Message Sign (VMS)			
7.1	Is a variable message sign being used, as specified in TCWS?	Y / N / n/a	
7.2	Is the message related to the road or bridge works?	Y / N / n/a	
7.3	Are there less than 4 words per screen and no more than 2 screens on display?	Y / N / n/a	
7.4	Is the sign located in a safe position?	Y / N / n/a	
7.5	Is the VMS fitted with flashing blue and red lights? If yes, have them switched off/removed.	Y / N / n/a	
7.6	Other	Y / N / n/a	
8. Safety Barriers			
8.1	Are safety barriers installed correctly?	Y / N / n/a	



8.2	Have the correct barriers been installed?	Y / N / n/a	
8.3	Where barriers sections are used as Safety Barriers, are they in compliance with AS 3845?	Y / N / n/a	
8.4	Where non rigid barrier systems are used as safety barriers, is work behind the barrier prohibited from the deflection zone?	Y / N / n/a	
8.5	Are water filled safety barrier elements full of water?	Y / N / n/a	
8.6	Is the safety barrier erected as designed (incorporating end protection)?	Y / N / n/a	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
8.7	Has the approach speed of traffic been reduced to the barrier design rating?	Y / N / n/a	
8.8	Other	Y / N / n/a	
9. Signs and Devices			
9.1	Are all signs and devices in good condition?	Y / N / n/a	
9.2	Are the signs clearly visible and not affected by other signs, plant items, vegetation, shade, light glare etc?	Y / N / n/a	
9.3	Are sign faces in compliance with AS1742.3 and have Class 1 retro reflective material?	Y / N / n/a	
9.4	Are the correct sig faces being used?	Y / N / n/a	
9.5	Are signs duplicated, where required?	Y / N / n/a	
9.6	Are signs erected at the correct height and position?	Y / N / n/a	
9.7	Are the signs erected to give the correct sight distance?	Y / N / n/a	
9.8	Are signs displayed on frangible mounts?	Y / N / n/a	
9.9	Are barrier boards sighted at right angles to the flow of traffic?	Y / N / n/a	
9.10	Are there any contradictory or superfluous signs, devices or markings?	Y / N / n/a	



9.11	Have the needs of pedestrians been provided for?	Y / N / n/a	
9.12	Have the needs of cyclists been provided for?	Y / N / n/a	
9.13	Are all property accesses to the site controlled?	Y / N / n/a	
9.14	Are all cones and bollards installed at the correct spacing?	Y / N / n/a	
9.15	Are the correct sized cones and bollards being used?	Y / N / n/a	
9.16	Where tapers are used, have they been identified as lateral shift or merge tapers and are they the correct length?	Y / N / n/a	
9.17	Where there are 3 lanes of traffic or more in one direction and two lanes are closed, are the separate merge tapers of the correct length?	Y / N / n/a	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
9.18	Are the 2 tapers separated by at least 1.5D?	Y / N / n/a	
9.19	Where work is beyond a crest or curve, has the taper been set up before the crest or curve?	Y / N / n/a	
9.20	Where temporary pavement markings and markers are used, do they comply with the requirements of TCWS manual?	Y / N / n/a	
9.21	Other	Y / N / n/a	
10. End-of Queue			
10.1	Has the potential for end of queue accidents been considered and appropriate action taken?	Y / N / n/a	
10.2	Has an assessment of expected queue length been undertaken / documented?	Y / N / n/a	
10.3	Has protection been provided where the end-of-queue is likely to be within D of the first downstream Portable Traffic Signal (PTS) sign?	Y / N / n/a	
10.4	Is a sight distance between approaching motorists and the end-of-queue, being maintained at greater than 2D (open road areas) and 1.5D (built up areas)?	Y / N / n/a	
10.5	Where the first PTS sign is more than 4D from the control point, are repeater	Y / N / n/a	



	signs placed at intervals of not more than 4D?		
10.6	Is the traffic queue monitored at all times during the course of the work?	Y / N / n/a	
10.7	Other	Y / N / n/a	
11. Workers on foot near plant			
11.1	Have workers working within 3 metres of the plant been trained / briefed / tool-boxed on requirements of TCWS and TFNSW TIP Sheet?	Y / N / n/a	
11.2	Where workers are working close to revolving plant are satisfactory risk controls in place?	Y / N / n/a	
11.3	Has a VMP been developed where the conditions listed in TCWS occur on site?	Y / N / n/a	
11.4	Are spotters being used near reversing plant or delivery vehicles?	Y / N / n/a	
11.5	Other	Y / N / n/a	
Number	Conditions	Condition OK (circle)	Remedial Action if Required
12. Works Traffic (Vehicle Movement Plans – VMPs)			
12.1	Have acceleration and deceleration lanes been provided?	Y / N / n/a	
12.2	Are U turns being undertaken safely?	Y / N / n/a	
12.3	Are reversing movements being undertaken safely?	Y / N / n/a	
12.4	Are signs provided for stockpile sites etc?	Y / N / n/a	
12.5	Are median crossovers being used correctly?	Y / N / n/a	
12.6	Has a VMP been approved and provided? Written VMP shall be prepared in 100 km/h zones.	Y / N / n/a	
12.7	Does the person authorising the VMP have traffic control qualifications? If so, what qualifications?	Y / N / n/a	
12.8	Have access and egress to the site been safely provided?	Y / N / n/a	
12.9	Are delivery vehicles required to report to a designated location / person? Is it happening on site?	Y / N / n/a	
12.10	Other	Y / N / n/a	



13. Miscellaneous			
13.1	For intermittent work are all requirements met?	Y / N / n/a	
13.2	Where a spotter is used, are all requirements being met?	Y / N / n/a	
13.3	For mobile work are all requirements being met?	Y / N / n/a	
13.4	If the work is conducted at night are all requirements being met?	Y / N / n/a	
13.5	Where travelling plant or vehicles travel slower than 20km/h below the normal road speed limit, do they comply with the requirements of TCWS?	Y / N / n/a	
13.6	Other	Y / N / n/a	

Additional Comments:

SF68 - Traffic Management Extra Checklist

Observation	Y/N	Comments
Is a VMP prepared & on display? <i>A VMP sets out how trucks & light vehicles enter & leave the site from the road network (TCWS 7.5)</i>		
Is a Site (Internal) VMP prepared & displayed where required? <i>A site VMP sets out how plant & vehicles are to move around the site (TCWS 9.23)</i>		
Has a Day Check been completed immediately after set up of the TCP?		
Has a Night Check of the TCP been completed within 2 days of set up?		
Have TCWS Safety Inspections been carried out monthly?		
Is an up-to-date TMP folder on site?		



Do safety barriers have reflectors on at least 1 in 5 barriers?		
Where blacked-out lines are present, have Night Checks been carried out twice a week?		
Is the work site adequately separated from passing traffic?		

**10.2.3. Northview Watermain Easement**

Attachments:	1. Queen Street Lot 553 D P 819739 Queen Street Easment for water supply [10.2.3.1 - 1 page]
Responsible Officer:	Matthew Lysaught - Director - Infrastructure & Property
Author:	Imelda Williams (Traffic & Roads Status Officer)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	5.1.3 - Facilitate investment in high quality community infrastructure necessary to a Regional Centre.
	Not applicable

PURPOSE

To request Council's approval to deal with Public Reserve land (Lot 553 DP819739) located in Queen Street, Muswellbrook, in accordance with requirements under the *Local Government Act 1993*.

OFFICER'S RECOMMENDATION

Council APPROVES:

1. The easement for water supply 3m wide across Public Reserve (community land) being Lot 553 DP819739 to be advertised in the local paper in accordance with Section 47 of the Local Government Act 1993;
2. Notification be provided to affected adjoining landowners of the proposal; and
3. If no submissions are received in the matter, give authority to affix Council's seal and signatures in accordance with the regulations to the dealing and associated documents to create the easement for water supply 3m wide over Lot 553 DP819739 in favour of Council.

Moved: _____ **Seconded:** _____

BACKGROUND

A report was submitted to the 20 December 2022 Ordinary Council Meeting outlining that an easement was required over Council land to facilitate the new water supply connection for the staged development of the Northview Estate housing subdivision. Once commissioned, the water main will become a Council asset. Council delegated to the General Manager authority to negotiate the terms of the easement with the developer. It is the developer's responsibility to obtain easements in accordance with their approved consent conditions for their Development Application.

The new water main will traverse two (2) land parcels owned by Council, being Lot 589 in DP835738 ("Operational Land") and Lot 553 DP819739 ("Community Land"). The classification of the land as "Operational" does not have restrictions on dealing with the land. The easement for water supply 3m wide over Lot 589 DP835738 has been registered on the title to the land as part of the staged subdivision development plan (DP1278895) and



benefits Council.

The second parcel of land, and over which the remainder of the easement is to be registered, being Lot 553 DP819739 was dedicated as a public reserve in 1992 and is classified as “Community Land”. The main purpose and use of the land is for stormwater drainage. The notation on the title forbids any unauthorised dealings with “Public Reserves”. This now triggers certain requirements in accordance with the Local Government Act when dealing with this land.

CONSULTATION

Director Infrastructure and Property

Water & Wastewater

Roads Drainage & Technical Services

Council’s Legal Counsel

Developer’s Surveyor

REPORT

Lot 553 DP819739 is a gully which forms part of a natural waterway providing part of the stormwater drainage system from the surrounding housing estates and road network down towards Sandy Creek and into the Hunter River. (see attached plan)

The water main will be located underground and will have no visual impact on the land. The easement will be three (3) metres wide.

Part 2 Division 3 of the Local Government Act outlines the requirements when dealing with “Public Reserve” land. It provides that an easement or interest in the land dedicated as public reserves may be granted for the provision of public utilities (“water main”) and works associated with or ancillary to public utilities (s.46 LGA 1993). Prior to Council proposing to grant the easement, it must:

- Give public notice of the proposal (including on the council’s website);
- Exhibit notice of the proposal on the land to which the proposal relates;
- Give notice of the proposal to such persons as appear to own or occupy the land adjoining the community land; and
- Give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land that is the subject of the proposal is likely to form the primary focus of the person’s enjoyment of community land.

Any person may make a submission in writing to the council within 28 days of publication of the notice. If any submissions are made, a further report will be submitted to Council for consideration. In the absence of any such submissions, the approval of Council is sought to provide the necessary evidence that the proposed easement is “not prohibited under the provisions of ss45-46A, 47 or 47A of the *Local Government Act 1993*” (as outlined above) and advise Land Registry Service NSW accordingly.

OPTIONS

The water main will be handed over to Council by the developer and become a Council owned asset constructed on Council land. The registration of the easement will formalise the presence of the water main and will be registered on the title to the land. This will remain with the land should Council ever sell or otherwise deal with the land into the future, and will clearly define the presence of the infrastructure.

Due to the notification that the land is a public reserve, the only option for the easement to



be registered on title is under the provisions of the *Local Government Act 1993* as outlined in the report.

Council could choose to:

Option 1: Follow the process as outlined above to formalise the easement and have it registered on the title to the land Lot 553 DP819739; or

Option 2. Decide that the easement is not to be registered on the title to the land Lot 553 DP819739.

CONCLUSION

It is recommended that Council Choose Option 1 as the most appropriate course of action.

SOCIAL IMPLICATIONS

There will be no visual impact on the land, as the water main will be constructed underground. The water main's presence will be the same as other water mains located in urban areas throughout the shire.

FINANCIAL IMPLICATIONS

All costs will be met by the developer.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Not applicable.

2. Financial Implications – Operational

Once the Asset is handed over, Council will be responsible into the future for maintenance of the Council water main.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

The granting of the easement will be undertaken in accordance with the provisions of Part 2 Division 2 of the *Local Government Act 1993*.

LEGAL IMPLICATIONS

Complies with the requirements under the *Local Government Act 1993*.

OPERATIONAL PLAN IMPLICATIONS

Complies with 5.1.3 Facilitate investment in high quality community infrastructure to a Regional Centre.

RISK MANAGEMENT IMPLICATIONS

The registration of the easement will formalise the presence of the water main, identifying its exact location, and will be registered on the title to the land. This will remain with the land should Council ever sell or otherwise deal with the land into the future, and will clearly define the presence and positioning of the infrastructure.

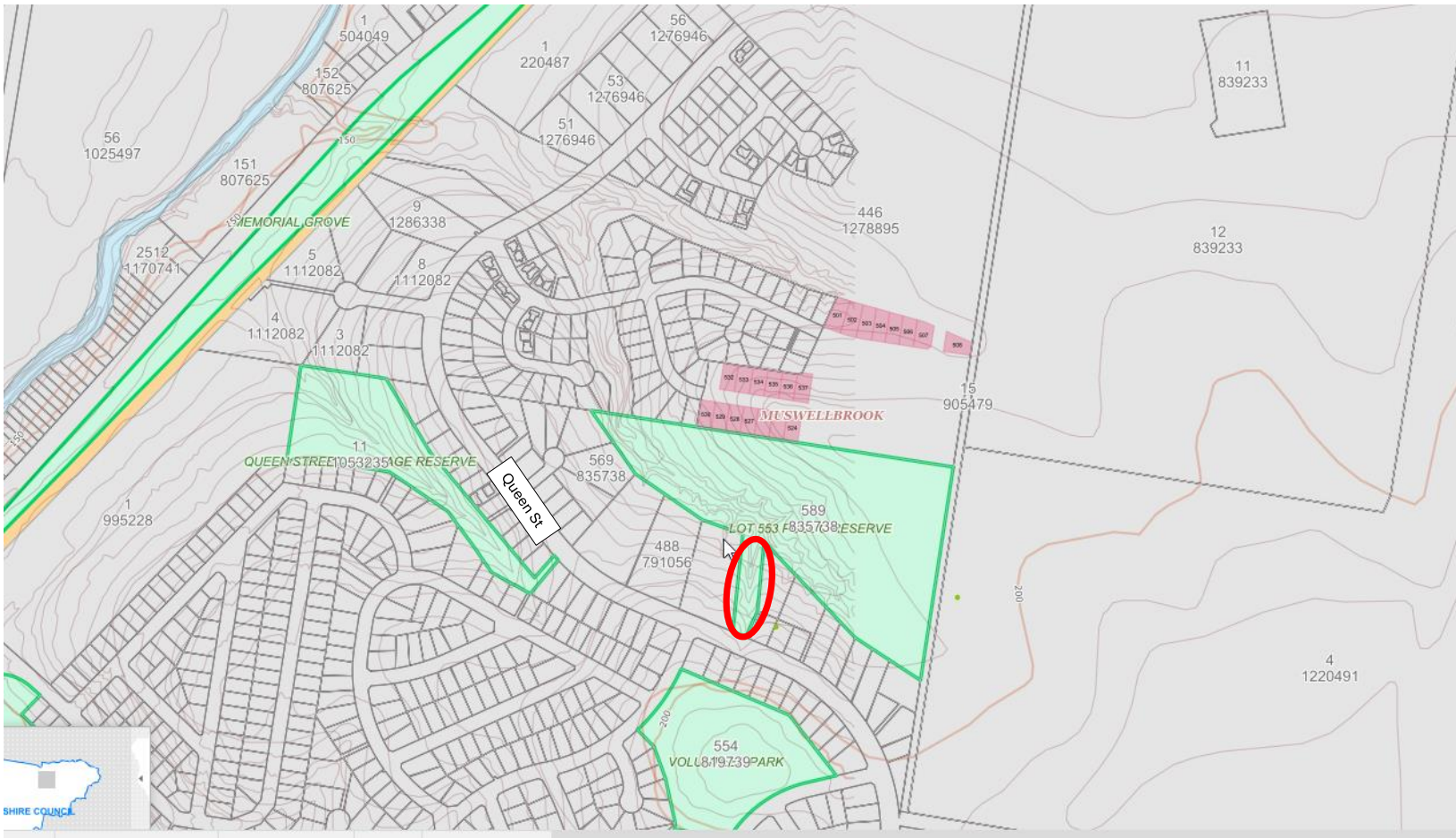
WASTE MANAGEMENT IMPLICATIONS



Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public notice will be given as required under the Act and as outlined in the report.





10.2.4. FOGO Education Communication Status Report

Attachments:	1. MSC FOGO Session Report 280324.docx [10.2.4.1 - 4 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Joann Polsen (Senior Coordinator Waste Operations)
Community Plan Issue:	3 - Environmental Sustainability
Community Plan Goal:	An environmentally sensitive and sustainable community
Community Plan Strategy:	3.4.3 - Advocate and support Circular Economy principles and Waste Management Initiatives. 3.4.3.2 - Council formalises the processes for the Food Organics and Garden Organics (FOGO) Tender and Request For Quote (RFQ).

PURPOSE

To provide Council with an update regarding Food Organics Garden Organics (FOGO) Education & Communication activities undertaken between January – March 2024.

The report also outlines the education activities, delivery methods, and messages which are planned for future phases and, also, where applicable, adapted in response to community feedback.

OFFICER'S RECOMMENDATION

Council NOTES the progress of Food Organics Garden Organics (FOGO) Communications and Education activities.

Moved: _____ **Seconded:** _____

BACKGROUND

The report provides an update to Council regarding the progress and implementation of Council's FOGO Communications and Education Plan (CEEP).

Staff have adapted some methodology in response to community feedback, seeking to engage with people in their locations and hear their individual concerns, and to assist them to develop confidence in the new service. The CEEP actions will continue to develop in an effort to deliver the messaging in the most effective possible manner by using several methods in concert.

For background and context, the CEEP themes and phases are detailed in the table below. Thematic alignment with the NSW EPA's *Starting Scraps* education materials and timing of publication is shown, as well as an indication of **where we are** in the delivery of the themes.



Community Education and Engagement Plan (CEEP).

Phases	Theming	Starting Scraps collateral	Indicative Timing
Phase 1- Situational analysis and awareness raising:	<p><i>“Have you heard?”</i></p> <p>In developing the actions in this phase, the following questions or concerns are posed:</p> <p>What is FOGO?</p> <p>I already have an existing green waste bin. What is changing for me?</p> <p>Why is Council doing this?</p> <p>What will it cost?</p> <p>What happens to the materials once they are collected?</p>	“What is FOGO”	September 2023 to Feb 2024.
Phase 2 Pre-rollout preparation, awareness building, and preparation: WE ARE HERE	<p><i>“Are you ready?”</i></p> <p>In developing the actions in this phase, the following questions or concerns are addressed:</p> <p>What is acceptable and not acceptable in my FOGO bin and why?</p> <p>If my green waste bin is full of garden waste, what do I do?</p> <p>I don't need FOGO. I compost/have a worm farm/have backyard pets...</p> <p>I am worried my bin will smell...</p> <p>How do I use FOGO?</p> <p>How do I get my kitchen scraps from the kitchen to the FOGO bin?</p> <p>How do I sign up?</p> <p>Why is Council doing this?</p>	“FOGO is next Seasons Soil”	March 2024
		“Your Weekly Greener Green Bin Service”	April 2024
		“Your Fortnightly Red Bin Service”	May 2024
Phase 3 Service commencement:	<p><i>“FOGO is here!”</i></p> <p>This is the “go live” period; actions in this short phase will focus on reinforcing messaging and monitoring community feedback.</p>	“Your Kitchen Caddy”	June 2024
		“FOGO is here”	July 2024
Phase 4 Post rollout review, monitoring, and improvement:	<p><i>“How's it going?”</i></p> <p>In developing the actions in this phase, the following questions or concerns are addressed:</p> <p>What material is accepted and not</p>	<p>“FOGO is here”</p> <p>Toward late 2024, it is planned to scale back the</p>	August to December 2024.



Phases	Theming	Starting Scraps collateral	Indicative Timing
	<p>accepted in my FOGO bin and why?</p> <p>Why should I compost/have a worm farm and a FOGO bin?</p> <p>How do I manage odour?</p> <p>I don't have room for food scraps and garden materials in my FOGO bin – what do I do?</p> <p>Why was my FOGO bin not emptied?</p> <p>Can I get a FOGO bin if I didn't have a GO bin?</p> <p>What happens to the materials once they are collected?</p> <p>What difference are we making?</p>	<p>Starting Scraps themes.</p> <p>Beyond the end of 2024, the education content will shift to permanent messaging as the service will be firmly established.</p> <p>At that time, we will transition to NSW EPA's <i>Scrap Together</i> campaign materials for the ongoing education.</p>	

CONSULTATION

Communications and Media Coordinator

Digital Media Officer

Sustainability Officer

Manager Waste Operations

Technical Officer Waste Operations

Grants & Community Engagement Officer

REPORT

Activities have transitioned into **FOGO Action Plan Phase 2**

FOGO – Action Plan Phase 2

Get Ready For FOGO

February 2024 – Starting Scraps theme 1 – “What’s FOGO?”		
Date	Activity	Comment
1/2/2024	Presentation to Muswellbrook Rotary meeting	Positive learnings about Council rates conversations
1/2/2024	YouTube – Feb campaign booked with MSC end frames branded. Jo A reached out to Redback for	YouTube reach: ~6000 views, 14 web visits.



February 2024 – Starting Scraps theme 1 – “What’s FOGO?”		
Date	Activity	Comment
	advice... Facebook – scheduled 1 post/week, identical messaging, using SS tiles. Flagship post with video was boosted. Transitioned to Redback for this service 20/2/24 with geographic targeting	W1 – SS video W2 – Starting Scraps tile W3 – “Why” graphic W4 – Starting Scraps tile
9/2/2024	Feedback spreadsheet created to capture messages direct from community (not social media)	
15/2/2024	Media Release on theme 1, to go to Chronicle online Copy Media Release & MP Office Seek quotes for unaddressed mail out Enquire about FOGO handout at Chamber breakfast	Theme 1: What’s FOGO
7/2/2024	Emailed link to Website FAQs to Dave Layzell’s MP Office	
15/02/24	Pull up and Teardrop Banners being printed as of 15/02.	Pull up and teardrops received 29/02/24
	INFO PACK – Hunter Valley Printing Quotes for info pack content being sought – being 6400 x 2 lots of bin stickers 100mm round, A4 FAQs, A5 envelope “Welcome to your Greener Green Bin”.	J R Richards have provided a proposed caddy rollout plan. Engaged a rollout partner – 2 weeks. Caddies arrive late May, rollout first 2 weeks of June.
2/2/24	Reach out to real estate agents. Home in Place responded, Broadlands responded.	Home in Place meeting, along with Ranger Services. Home in Place have ability to text or email tenants. Offer to assist to visit multi-unit dwellings to talk FOGO.
29/02/24	Cloth nappy education and rebate programs - what do other Councils do? Investigate what local options exist	Research nappy programs at other Councils, costs uptake etc. Seeking pricing for workshops or educative gatherings.



February 2024 – Starting Scraps theme 1 – “What’s FOGO?”		
Date	Activity	Comment
	re: deodoriser for bins	
29/02/24	Refresher training for Customer Service Officers. Works Depot staff talk	To be scheduled.
29/02/24	Investigate On-hold messaging.	15sec or 30sec Starting Scraps radio audio on each theme.

Following the above Action Plan, staff FOGO Working Group members have progressed the following work through November-March:

- Reviewed DECCW Food and garden Organics Best Practice Collection manual.
- Shared link to Council’s FOGO webpage to local MP office.
- Sourced pull-up and teardrop banners for Starting Scraps FOGO promotion.
- Addressed Muswellbrook Rotary’s February members meeting for FOGO discussion.
- Created a direct feedback mechanism and online feedback / enquiry form specifically for FOGO, which is received directly by a working group member in order to provide direct support and education to the enquirer.
- Drafted “FOGO is coming” introductory letter to Shire residents for unaddressed mail out – *delivery was put on hold pending Council options decision March/April meeting.*
- Developing new infographics based on community feedback:
 - addressing the motivation and necessity for FOGO transition – the “Why”.
 - addressing the concerns and questions about odour and prevention.
- Continued development of a “Domestic Waste Service Guideline” document which captures all the information residents need to understand and correctly utilise the 3-bin domestic waste services in Muswellbrook Shire. It is intended for this document to be available online for download for those interested from 1 July.
- Consultation with community groups such as Warriors, who have already developed a Green Bin activity book.
- Initial consultation with real estate bodies, met with Home in Place, and Broadlands also responded.
- Periodic and ongoing review of approaches by other Councils to learn from their experiences through regular online meetings of Council staff facilitated by NSW EPA.
- Transitioned social media promotion tasks across to Council’s website provider to reduce pressure on Communications Team to assist their continued wellbeing.
- Info pack materials (to be delivered with the kitchen caddies & liner roll) production quotes received, and staged printing is underway. Info pack will contain:



- FOGO fridge magnet
- Frequently Asked Questions
- 100mm round stickers for residents to place on bins. One for red lid which indicates 'No food waste' and one for green lid which says, "Food waste in here".
- March – Engaged Livmedia to run drop-in FOGO conversation sessions in Denman, Muswellbrook Marketplace, Muswellbrook Fair, and Muswellbrook Monthly Markets.
- FOGO display at the Sustainability Trailer at Upper Hunter Show.
- Article prepared for Community Newsletter April-May, explaining FOGO.
- FAQs redistributed internally across all staff teams and follow up awareness raising through Team meeting attendance and discussion efforts, are ongoing.
- Comparison and contrast of reusable nappy education and support programs at other Councils, investigation of costs, and availability for community workshops.
- Investigation and progress for inclusion of 15 second FOGO messaging in Council's "On Hold" segment in the phone system.
- Commencement of 3-month radio campaign on 2NM and PowerFM, featuring Starting Scraps 15 second radio ads across daily programming and two interviews each month. First interview aired 9 April 2024 on the theme "Next Season's Soil".
- Requested theme matched interview talking points from NSW EPA – received.
- Organising refresher training session with Customer Service Team and similar consultation with the Libraries.

Previous Actions:

Completed October-November 2023:

- Requested adjustments to social media tiles and digital banner margins.
- Planned promotion of selected FOGO posts using domestic waste funding.
- Worked on creating a graphic to explain the "WHY" behind the transition to FOGO.
- Inquired with JR Richards regarding caddy rollout plans and resourcing.
- Initiated requests for a half A4 artwork and information for a future Community Newsletter piece with phase 2 messaging.
- Planned the creation of an A4 or A3 poster for sustainability use at events.
- Prepared the Phase 2 action plan.
- Drafted a budget for the CEEP actions related to Starting Scraps funding.
- Updating the current "Your waste guide" brochure with consideration of FOGO.
- Engagement with Community Services for assistance with contacting specific population groups.
- Investigated costs for YouTube advertising and geographics targeting – completed.
- Planned Facebook advertising and boosted posts – completed.
- Drafted social media posts for phase 1 – completed.
- Preparing a DL size tri-fold brochure for February 2024 rates mail-out.
- Booked an insert with Forms Express for the February 24 rates mailing – completed.
Deadline for production was misadvised and this booking was missed as a result.



- Inquired with rates regarding the number of rates notices sent out each time – completed.
- Determined EPA's preferred kitchen caddy lid design – completed.

Completed September-October 2023:

- Published "Your Greener Green Bin" advertisement, and Mayor's Message, including FOGO announcement, in the Hunter River Times.
- Updated "Frequently Asked Questions" document with detail of replacement caddy liners. Council's contractor advises they can issue a new roll of liners to a property upon request and supply Council with stock to distribute over the counter if a resident attends in person.
- Launched FOGO announcement page and FOGO landing page. Updated information to highlight Kitchen Caddies based on Councillor feedback.
- Drafted letter for distribution with Rates introducing the FOGO concept and providing details of start date and eligibility.
- Met with Water & Wastewater staff to consult and inform the FAQs.
- Draft designs for hot stamping 240L FOGO bin lids, kitchen caddy lids, and liner printing sent to supplier for mock up. The mock ups will go to EPA for review prior to production, as this is a requirement of the Go FOGO grant.
- Met with NSW EPA staff to consult on collateral being developed in the "Starting Scraps" campaign. Staff have reviewed and provided feedback on the video suite and early designs for stickers.
- Received Starting Scraps media items for Phase 1 use, including web banner and social media tiles.
- Programmed fortnightly social media posts to highlight FOGO information, aligned with the CEEP.

Starting Scraps – NSW EPA materials continue to assist Council's rollout of FOGO

Piloting this program represents a significant cost-saving to Council; if Council was to have engaged a production company directly, the cost is estimated to be in excess of \$50,000 in value. The collateral will be used in all education Phases toward the end of the 2024 calendar year.

Scrap Together

Once the FOGO collections begin, the education program will begin a transition to using the existing "Scrap Together" collateral. Scrap Together is also developed by the NSW EPA, specifically to support Council's post-FOGO rollout, to embed continuing good FOGO practices in the community, and to educate and inform about the positive environmental benefits obtained by the FOGO process. Using both state-supported campaigns for Council's FOGO messaging will ensure Council's output is consistent with a similar look and feel, which will enhance Council's branding and message recognition.

OPTIONS

The report is provided for information purposes.

CONCLUSION

Staff will continue to work on actions within the CEEP, including internal staff consultation to get everyone on board and informed, should they receive enquiries from the community. Feedback is welcomed throughout all phases of the process.



SOCIAL IMPLICATIONS

Through implementing the CEEP in a collaborative manner, Council staff will ensure best efforts are made to reach all members of the community, including vulnerable people.

FINANCIAL IMPLICATIONS

With the Starting Scraps pilot program partnership with the NSW EPA, it is estimated that several thousands of dollars of graphic design, filming, and associated promotional material development will be available to Council at no charge.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil capital expenditure for the educational activities.

2. Financial Implications – Operational

Operational expenditure will be kept to a minimum by utilising the Starting Scraps collateral. Some one-off costs will be incurred for graphic design for bin lids and other Muswellbrook Council specific materials, and these will be funded by the existing Domestic Waste budget for Education.

POLICY IMPLICATIONS

Net Zero Policy.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

State: The *NSW Waste and Sustainable Materials Strategy 2041* mandates the separate collection of food and garden organics from all NSW households by 2030, to help achieve the State targets of halving food waste to landfill and achieving net zero emissions from organics in landfill by 2030.

Local: The *Muswellbrook Shire Council Operational Plan 2021/22* includes the following Key Delivery: “Commence a communication program for the Food Organics Garden Organics waste service”.

RISK MANAGEMENT IMPLICATIONS

The change in service creates two potential risks:

Reputational risk – if the Communications and Education Plan is not rolled out, or rolled out incorrectly, the community may not be prepared for the change.

Increase in Domestic Waste Management charges – until a tender process is completed for the processing of the collected FOGO, Council will not be fully aware of the likely costs to ratepayers. It is important to note the reduction in red lid bin waste will assist in off-setting FOGO costs.

WASTE MANAGEMENT IMPLICATIONS

There are many waste management implications associated with introducing a new FOGO



service, including:

1. Diverting waste from landfill.
2. Increasing the workload of Waste and other staff.
3. Fulfilling the requirements of the NSW Government's Waste and Sustainable Materials Strategy 2041 – Stage 1.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The success or failure of the rollout of the FOGO service will rely on successful community engagement. The Community Education and Engagement Plan is prepared to guide actions and timing of activities to most effectively prepare the community for the change in service.

Ref: LM00240328

Muswellbrook Shire Council

Campbells Corner, 60-82 Bridge Street
Muswellbrook NSW 2333

28 March 2024

Food Organics Garden Organics (FOGO)

Community Consultation Report

LIVMEDIA successfully delivered four (4) Community Information Drop-In Sessions throughout the Muswellbrook Shire to inform residents of the Food Organics Garden Organics (FOGO) service. These sessions aimed to clarify the transition, address concerns, and facilitate a smoother adaptation to the new waste management system set to launch in July 2024. This report compiles feedback, concerns, and suggestions from the community, alongside observations by LIVMEDIA staff, to inform and guide future actions by the Muswellbrook Shire Council.

Introduction

LIVMEDIA, in partnership with Muswellbrook Shire Council, embarked on a community engagement initiative to promote awareness and readiness among residents for the shift to a FOGO service. Recognising the importance of waste reduction and the benefits of organic recycling, these sessions were designed to align community practices with sustainability goals.

Methodology

The Community Information Drop-In Sessions were strategically hosted at four key locations within the Muswellbrook Shire to maximise accessibility and engagement: Denman Memorial Hall, Muswellbrook Marketplace, Muswellbrook Fair, and the Muswellbrook Markets. Each location was chosen for its accessibility and potential for high foot traffic, ensuring a broad cross-section of the Muswellbrook Shire residents could participate.

These sessions employed a mix of direct engagement and interactive elements, to effectively communicate the benefits and workings of the FOGO service. Notes were taken throughout the duration of each session, providing a comprehensive overview of community sentiment and readiness for the transition to FOGO within the Muswellbrook Shire.

Resource Preparation and Utilisation

A range of resources was prepared and deployed at each session to facilitate engagement and provide clear, tangible information to participants:

- Visual Aids and Materials: Utilising pull-up banners, teardrop flags, tables, chairs, and branded tablecloths created a professional and inviting space for engagement.

+61 2 6541 0264 | www.livmedia.com.au | admin@livmedia.com.au
PO Box 226 | 54 Bridge Street, Muswellbrook NSW 2333 | ABN 59 643 615 954

- Educational Resources: FAQ sheets and a FOGO kitchen caddy example were on hand to visually demonstrate benefits and practicalities, answering common questions and illustrating how easy it is to integrate FOGO into daily routines.

Event Execution and Team Engagement

Each of the four sessions were planned to ensure maximum accessibility and impact.

- Pre-Brief and Setup: Teams were briefed and began setup at each location promptly at 9:00 AM, except for the Muswellbrook Markets session, which started at 7 AM due to the early opening. This ensured that each session was ready to welcome residents right from the start.
- Team Composition: Each session was staffed by key team members, including Managing Director, Lavinia Hutchison and Engagement Officer, Elizabeth Howard, ensuring a consistent and knowledgeable presence to engage with the community and address their concerns.

Findings

Engagement and Education

- High levels of engagement with families and environmental enthusiasts, indicating a community ready to embrace sustainable practices.
- Interactive elements such as conceptually unpacking red bins and workshoping waste sorting in real-time were particularly effective in educating residents.

Concerns and Challenges

- Anxiety over the transition to fortnightly collection for general waste, especially among households with more than two residents.
- Lack of green bins for certain areas and clarity on what can be included in FOGO bins.
- The need for more targeted information addressing specific community needs, such as disposal of pet waste and nappies - children and adults.

Positive Feedback

- General support for the FOGO initiative, especially in Denman, where the community expressed readiness for the change.
- Appreciation for the provision of kitchen caddies and official guidance on their use.

Recommendations

Enhanced Communication Strategy

- Develop a comprehensive communication plan that includes mailbox drops, fridge magnets, and visible, interactive resources to reach non-digital community segments.
- Clear, consistent messaging on what can and cannot be included in each bin type, addressing specific community concerns like pet waste and nappies.

Community-Specific Engagement

- Tailor information and resources to reflect the diverse needs and concerns for different socio-demographics and areas within the Muswellbrook Shire.
- Consider community-specific solutions, such as bin sharing initiatives, to address unique challenges.

Follow-Up and Feedback Mechanisms

- Implement regular follow-up sessions to monitor adaptation to the FOGO service and collect ongoing feedback.
- Establish a clear, user-friendly direct feedback mechanism to allow residents to express concerns and suggestions throughout the transition period.

Educational Initiatives

- Expand educational efforts to include schools, community groups, and businesses, promoting a comprehensive understanding of waste management and sustainability.
- Leverage local media and LIVMEDIA's digital platforms and positive community voice to distribute information and foster community dialogue.

Conclusion

The community consultation sessions provided valuable insights into the Muswellbrook Shire's readiness and concerns regarding the FOGO bin service. While there is broad support for the initiative, targeted communication and education efforts are crucial to address specific concerns and ensure a smooth transition. LIVMEDIA recommends that the Muswellbrook Shire Council take proactive steps to enhance community engagement, tailor information to diverse needs, and maintain open channels of communication throughout the implementation of the FOGO service.

LIVMEDIA appreciates the opportunity to collaborate with the Muswellbrook Shire Council on this necessary initiative and remains committed to supporting a successful transition to sustainable waste management practices in the shire.

Should you have any further questions about these sessions conducted by LIVMEDIA, please do not hesitate to contact us. We hope to continue working alongside the Muswellbrook Shire Council on this initiative in the coming months.



10.3. Property and Place

Nil.

10.4. Corporate Services

10.4.1. City of Newcastle Memorandum of Understanding

Attachments:	1. Attachment A - proposed MOU - City of Newcastle and MSC [10.4.1.1 - 8 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Derek Finnigan (General Manager)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program.
	Not applicable

PURPOSE

To submit for Council's consideration a draft Memorandum of Understanding (MoU) proposed between the City of Newcastle and Muswellbrook Shire Council (MSC) (see Attachment A). The MoU is a non-binding statement of intent by each party to work together on strategic and operational issues impacting Local Government generally, but the Hunter in particular.

OFFICER'S RECOMMENDATION

Council:

1. Endorses the Memorandum of Understanding between the City of Newcastle and Muswellbrook Shire Council generally as provided in Attachment A; and
2. Delegates Authority to the Mayor and the General Manager to sign the Memorandum of Understanding on Council's behalf.

Moved: _____ **Seconded:** _____

BACKGROUND

In November 2022, a discussion commenced between the City of Newcastle, Muswellbrook Shire Council, and Upper Hunter Shire Council regarding proposed changes to internal audit guidelines by the NSW Government that had the potential to financially impact upon smaller Councils. The concept of a Memorandum of Understanding (MoU) was raised by the City of Newcastle once it was identified that a number of opportunities existed where mutual benefit and learning could occur.

A possible benefit that was also identified for MSC to have access to City of Newcastle staff,



involved in development assessment and strategic land use planning, to improve systems and procedures at MSC.

A commitment was made to progress the potential for an MoU to be developed to formalise the potential for knowledge sharing and staff learning between the City of Newcastle and Muswellbrook Shire Council.

CONSULTATION

Manex

Legal Counsel

REPORT

It is proposed that Muswellbrook Shire Council enters into a Memorandum of Understanding (MoU) with the City of Newcastle for the purpose of developing and implementing practical support in the areas identified below:

1. Enhanced cross boundary collaboration across a range of issues that are a focus of Councils across the Hunter, including through the work of the Hunter Joint Organisation and other agencies; and
2. Appropriate service delivery, sustainable regional growth, and future economic prosperity of the Region.

The MoU sets out the arrangements for liaison between the City of Newcastle and Muswellbrook Shire Council as Local Government agencies in relation to possible:

- (i) sharing of information to enhance learning and understanding;
- (ii) exploring opportunities for joint advocacy, submissions, funding applications, or tendering; and
- (iii) sharing staff resources to enhance the skills of Local Government employees.

Project specifics will be determined by a committee comprising senior representatives of both Councils. Strategic priorities will be geared towards shared goals within each Council's Community Strategic Plan, Delivery Program, and Operational Plan, as well as priorities where a united approach will assist to improve progress and remove barriers.

The shared principles that underpin the MoU include:

- (i) the economic and social prosperity of Newcastle and Muswellbrook Shire will be stronger and more resilient through innovation and collaboration between regional Local Government partnerships;
- (ii) our communities will benefit from cooperation that helps build the capacity and capability of our staff and systems;
- (iii) our financial strength and competitive advantage increase when working together; and
- (iv) knowledge sharing provides efficiencies that enable better value and more strategic outcomes for our communities.

OPTIONS

Council may decide to enter into, or not enter into, a memorandum of Understanding with the City of Newcastle.

CONCLUSION



It is considered that substantial practical benefits, including the development of system efficiencies and assisting to mentor the professional development of Council staff, will result from systemised engagement with the City of Newcastle. It is recommended that Council enters into the MoU arrangement with the City of Newcastle.

SOCIAL IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

There are no financial implications associated with the signing of this MoU.

For specific projects, if obligations under the MoU incur costs for either party, fees may be negotiated on a cost recovery basis.

POLICY IMPLICATIONS

Nil.

STATUTORY IMPLICATIONS

Nil.

LEGAL IMPLICATIONS

The MoU is a non-binding statement of intent by each party to work together on strategic and operational issues impacting Local Government.

OPERATIONAL PLAN IMPLICATIONS

It is intended that engagement with the City of Newcastle will progressively assist Council in the delivery of identified Operational Plan actions.

RISK MANAGEMENT IMPLICATIONS

1. Nothing in the MoU will influence the execution of statutory functions and processes – including those of the elected Council.
2. The MoU is non-binding.
3. Both parties remain bound by existing legal conditions such as the Intellectual Property rights of each Council.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil currently.

Memorandum of Understanding

City of Newcastle and Muswellbrook Shire Council



Details

Council	City of Newcastle ABN 25 242 068 129 of 12 Stewart Avenue, Newcastle West New South Wales 2300
Council	Muswellbrook Shire Council ABN 86 864 180 944 of Campbell's Corner 60-82 Bridge St, Muswellbrook New South Wales 2333
Commencement Date	1 May 2024
Completion Date	30 June 2027
Context	<p>City of Newcastle (CN) and Muswellbrook Shire Council (MSC) wish to enter a Memorandum of Understanding (MoU) for the purpose of exploring objectives for possible collaboration opportunities on strategic and operational issues impacting local government.</p> <ol style="list-style-type: none">1. This MoU sets out the framework for the establishment of a cooperative relationship between the parties.2. This MoU will be carried out in a manner which reflects the spirit and intent of collaboration, transparency, respect, and innovation.3. Enhanced cross boundary collaboration across a range of issues has been a focus of councils in the Hunter, including through the work of the Hunter Joint Organisation and other agencies.4. Sustained population growth continued economic inter-dependencies and the complex issues of service delivery have given rise to a new set of relationship drivers between CN as the region's capital and MSC as a regional neighbour. Ensuring appropriate service delivery, sustainable regional growth and future economic prospects are important priorities for both Councils.
Purpose	<ol style="list-style-type: none">5. This MoU sets out the arrangements for liaison between the Local Government agencies of CN and MSC concerning the sharing of information, and exploring opportunities for joint advocacy, submissions or funding applications, tendering, as well as sharing of staff resources to enhance the skills of Local

Government employees (subject to compliance with any legal requirements that relate to such matters).

6. The MOU acknowledges the preparedness of CN and MSC, in the public interest, to share with each other, as far as is legal and practicable, information in each agency's possession relevant to matters within the jurisdiction of the other.

Principles

7. CN and MSC recognise and commit to the following fundamental principles as the foundation for the MoU:
 - a. The economic and social prosperity of Newcastle and the Upper Hunter will be stronger and more resilient through innovation and collaboration between regional Local Government partnerships;
 - b. Our communities will benefit from cooperation that helps build capacity and capability of our staff and systems;
 - c. Our financial strength and competitive advantage increase when working together; and
 - d. Knowledge sharing provides efficiencies that enables better value and more strategic outcomes for our communities.

Objectives

8. The key strategic objective is to collaborate in multiple areas to enhance the strategic outcomes for each Council. A secondary objective is to lead by example by demonstrating the impact of collaboration and working together to give effect to the shared vision.
9. The parties will explore opportunities and proposals to cooperate and collaborate on:
 - a. Joint submissions and approaches to State and Federal Government on shared issues;
 - b. A forum of executive staff for identifying the mutual strategic priorities of each Council on an annual basis;
 - c. Share strategic information in relation to areas of expertise;
 - d. Possible collaboration and engagement with industry in respect of planning and development, transport integration, tourism, place based activation, attraction of major events and other key areas;
 - e. Develop strategies to improve community participation and access to cultural facilities and opportunities;
 - f. Develop strategies and projects that deliver operational efficiencies and sustainability in areas such as economic development, waste management and biodiversity;
 - g. Consider staff development opportunities including leadership development programs across the respective Councils;

- h. Shared procurement or joint tendering to achieve cost efficiencies or where it will increase return on investment for both parties; and
- i. Recognising any mutual interdependencies in service delivery, economic development, and resource management.

Special Conditions

Areas of Engagement

- 10. This section outlines core areas of collaboration between the Councils.
- 11. Each party acknowledges that the parties are not carrying out the activities envisaged under this MoU on an exclusive basis, and this MoU will not preclude either of them engaging in activities which are the same, similar to or in competition with any subject matter referred to herein. Nothing in this MoU is intended to influence or impinge the statutory obligations of either Council.
- 12. Strategic priorities will be particularly geared towards shared goals within each Council's Community Strategic Plan, Delivery Program and Operational Plans, as well as priorities where a united approach will help create progress and remove barriers.

Strategic Agenda and Governance

- 13. The executive teams of each Council will meet on an annual basis to agree on shared strategic goals. Matters agreed will be progressed via project-based workshops or productive engagement between the Councils.
- 14. Each Council will nominate a senior executive sponsor to oversee the MoU (defined as the Representative of each respective Council below) and undertake to report on outcomes to their respective executive or elected Councils annually.

**City of Newcastle
Representative**

Kathleen Hyland, Executive Officer, CEO's Office

12 Stewart Avenue, Newcastle West, NSW 2302
Telephone: +61 2 4974 2000
Email: khyland@ncc.nsw.gov.au

**Muswellbrook Shire
Representative**

Execution

Executed by an authorised person **City of Newcastle** ABN 25 242 068 129 in the presence of:

Signature of Authorised Person

Signature of Authorised Person

Lord Mayor Nuatali Nelmes

Mr Jeremy Bath

Date

Executed by an authorised person of the **Muswellbrook Shire Council** ABN 86 864 180 944 in the presence of:

Signature of Authorised Person

Signature of Authorised Person

Mayor Steve Reynolds

Mr Derek Finnigan

Date

1. Operation of this Memorandum of Understanding

1.1. Term

- a) This MoU comes into operation on the Commencement Date and continues until the Completion Date, unless terminated in accordance with clause 5.2.

1.2. Not binding

- a) The parties agree that this MoU only expresses the intention of the parties and is not binding and does not create any legally enforceable obligations between the parties.

1.3. Special conditions

- a) If the Details of this MoU set out any special conditions, those conditions are incorporated into and form terms of this MoU.

2. Responsibilities and Risk

2.1. Responsibilities

- a) The parties agree to work together to achieve the Objectives by performing their respective Responsibilities set out in the Details set out above in this MoU.
- b) The parties will be open, honest, cooperative, and responsive to each other, respecting each other's functions and roles, and assisting and supporting each other whenever reasonably possible.

2.2. Risk

- a) The parties agree to work together to monitor and report on any risks that arise in relation to Responsibilities and the Objectives.
- b) Each party is responsible for managing its own risks in relation to the matters arising under this MoU, and in no circumstances will a party be responsible or liable for any loss or damage suffered by the other party as a consequence of the parties entering into, or relying upon, this MoU.

3. Communication and Cooperation

3.1. Communication

- a) The parties agree to regularly liaise by personal contact between the Representatives or other persons with authority to communicate on behalf of the Councils or in writing with each other about the performance of the Objectives.

3.2. Sharing of information

- a) The parties agree to share information as reasonably required, and as permitted by law, to achieve the Objectives.
- b) The parties agree to protect all information in relation to this MoU that is considered by a Council confidential.

3.3. Resolving Conflicts

- a) The parties agree to meet within 21 days of notification of a dispute by one party to another in an effort to attempt to resolve all issues and disputes amicably, and if necessary where a dispute has not been resolved within this time period, to seek discussions between the Chief Executive Officers of each Council in a further attempt to resolve any issues or disputes within a period of no more than 14 days before seeking to terminate in accordance with clause 5.2.

4. Expenses

- a) A party may not commit the other to any cost, expense, or obligation without the written consent of that party.
- b) Each party will be responsible for any cost, expense, or obligation necessary to their achievement of the Objectives.
- c) Where obligations cannot be achieved at minimal cost, the parties will negotiate fees for service on a cost recovery basis.

5. Intellectual Property

- a) Each party agrees that it can only use the Materials of the other party for purposes directly relating to this MoU.
- b) Each party agrees that all Intellectual Property in the Materials is owned by the party that supplies the Materials, or that has a genuine claim to ownership of the Materials.
- c) This MoU does not create any legally enforceable obligations between the parties in relation to the Intellectual Property of each party.

6. Termination

- a) Either party may terminate this MoU by giving the other party 5 days written notice.

7. Definitions

- a) **Intellectual Property** means all present and future rights to intellectual property including any inventions and improvements, trade marks (whether registered or common law trade marks), service marks, designs, patents, copyright, circuit layouts, moral rights, any corresponding property rights under the laws of any jurisdiction and any rights in respect of an invention, discovery, trade secret, secret process, know-how, concept, idea, information, process, data, or formula.
- b) **Law** means all applicable statutes, regulations, by-laws, ordinances, or subordinate legislation in force from time to time anywhere in a party's jurisdiction, including the common law and equity.
- c) **Materials** means any tangible or intangible thing provided by one party to the other in relation to this MoU which contains a party's Intellectual Property or confidential information.
- d) **Objectives** means the objectives defined in clauses 9 and 10 in the Details of this MoU.
- e) **Responsibilities** means the responsibilities set out in clause 2.1 of this MoU.

**10.4.2. DRAFT 2024/2025 Operational Plan for Public Exhibition**

Attachments:	Nil
Responsible Officer:	Derek Finnigan - General Manager
Author:	Amy Cox (Corporate Planning and Reporting Officer)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

The report provides detail of the proposed timetable and procedure for public exhibition and adoption of the Draft 2024-25 Operational Plan.

OFFICER'S RECOMMENDATION

Council:

1. APPROVES the draft 2024-25 Operational Plan to be placed on public exhibition for a period of 28 days; and
2. Requests a further report, providing the details of all public submissions received, to be submitted to Council following conclusion of the public exhibition period.

Moved: _____ **Seconded:** _____

BACKGROUND

Annually, pursuant to section 405 of the New South Wales Local Government Act 1993, Council is required to prepare an Operational Plan outlining the activities to be undertaken for the following financial year. A draft Operational Plan must be placed on public exhibition for at least 28 days, and, after consideration of any submissions, the final draft must be adopted prior to the beginning of the ensuing financial year.

CONSULTATION

Councillors

MANEX

REPORT

Council is required to place the draft 2024-25 Operational Plan on public exhibition for at least 28 days.

The draft 2024-25 Operational Plan is attached under separate cover.



The following timetable is suggested for the public exhibition and endorsement of the 2024-25 Operational Plan:

- | | | |
|--------------------------------|---|---|
| <u>Tuesday 23 April 2024</u> | – | Council Meeting seeking endorsement for the public exhibition of the Draft 2024-25 Operational Plan; |
| <u>Wednesday 24 April 2024</u> | – | Draft 2024-25 Operational Plan publicly exhibited via Council's website and in hard copy at Council's Administration Centre and libraries. The draft Operational Plan will remain on public exhibition until 22 May 2024; |
| | – | Draft 2024-25 Operational Plan public exhibition promoted on Council's Facebook page and via direct email to Council's 500+ community engagement database; |
| <u>Wednesday 22 May 2024</u> | – | Draft 2024-25 Operational Plan public exhibition period closes; |
| <u>Tuesday 28 May 2024</u> | – | Council Meeting to consider submissions and determine the 2024-25 Operational Plan. |

OPTIONS

Under Section 405 of the New South Wales *Local Government Act, 1993* Council is required to place its annual draft Operational Plan on public exhibition for at least 28 days.

CONCLUSION

It is recommended that the draft 2024-25 Operational Plan be placed on public exhibition for 28 days, with details of all public submissions received by close of the exhibition period reported to Council for consideration at the 28 May 2024 Ordinary Council Meeting.

SOCIAL IMPLICATIONS

Nil identified.

FINANCIAL IMPLICATIONS

The draft 2024-25 Operating and Capital Budget, Revenue Policy, and Fees and Charges will be tabled in a separate report requesting Council's endorsement for the draft documents to be placed on public exhibition for 28 days.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

Section 405 of the *Local Government Act, 1993* details Council's obligations to prepare a plan (its *Operational Plan*) that is adopted before the beginning of each year, detailing the activities to be engaged in by the council during the year as part of the delivery program covering that year which includes a statement of the council's revenue policy for the year covered by the operational plan.

The Draft Operational Plan must be placed on public exhibition for a period of at least 28 days. During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.



LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

The Draft Operational Plan is required to be prepared each year and placed on public exhibition for a period of at least 28 days.

RISK MANAGEMENT IMPLICATIONS

Nil identified.

**10.4.3. DRAFT MSC Fees & Charges 2024/2025 for Public Exhibition**

Attachments:	1. 2024-25 Fees and Charges 080424 [10.4.3.1 - 64 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Jeannie Hayes (Financial Controller)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide for Council's consideration the DRAFT 2024-25 Fees and Charges report for placement on public exhibition.

OFFICER'S RECOMMENDATION

Council APPROVES the draft 2024-25 Fees and Charges to be placed on public exhibition for a period of 28 days.

Moved: _____ **Seconded:** _____

BACKGROUND

Under Section 405 of the New South Wales Local Government Act 1993, Council is required to place its annual Draft Operational Plan (including Budget, Revenue Policy, and Fees and Charges schedule) on public exhibition for a period of 28 days.

REPORT

The Fees & Charges schedule outlines the various amounts Council will levy in a financial year for specific services provided. The draft 2024-25 Fees & Charges schedule has been reviewed and updated to reflect changes in underlying costs and the range of services Council provides.

CONSULTATION

Financial Controller

Chief Financial Officer

General Manager

MANEX

Council Directors and Managers

Finance Review and Advisory Committee



Council Officers

OPTIONS

- 1) Endorse the DRAFT 2024/25 Fees and Charges report to be placed on public exhibition for 28 days, or
- 2) Request modifications to the DRAFT 2024/25 Fees and Charges report to then be placed on public exhibition for 28 days.



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Explanation Table

Columns

Fee (excl. GST)	Fee (excl. GST) (24/25)
GST	GST Amount (24/25)
Fee (incl. GST)	Fee (incl. GST) (24/25)
Description	Description & Detail
Fee Type	Fee Types

Classifications

Fee Types

A	This is a fee charged under relevant legislation. The details of the legislation and section are contained under the heading of the various types of fees. Council is unable to vary the amount of these fees. (Section 610)
B	Is generally an indicative fee which is recommended by the Local Government and Shires Association of NSW and Department of Local Government to maintain a comparative fee for all Councils (relates to property and zoning certificates). (Section 609)
C	These fees are for the hire of Council premises and facilities. They have generally been reviewed by Council Committees and also by Council's Consultant Valuer to gain the current market value for lease properties on the commercial market.
D	These are fees and charges generally for documents and minor services provided by the Council. In most cases, the amount fixed represents a minimal fee designed to cover the cost of materials and other fixed costs in providing the information.
E	This fee sets out to try and recover the full cost of the goods and services provided.
n/a	Not applicable

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Muswellbrook Shire Council

Council's Annual Revenue Policy (Fees and Charges) provides a fee exemption for local registered charities for the casual use of Council's facilities subject to the discretion of the General Manager. The payment of deposit bonds and other charges are still required where applicable. To qualify, an organisation must provide evidence of its registration with the Australian Charities and Non-for-Profits Commission and operate in the Muswellbrook Local Government Area. Where a fee exemption is approved, the registered charity when requested should acknowledge Muswellbrook Shire Council's support

Administration

Administration Centre Room Hire

Councillors Room

Per Hour	\$56.36	\$5.64	\$62.00	E
Per Day - 8 Hours	\$410.00	\$41.00	\$451.00	E

Loxton House

Per Hour	\$56.36	\$5.64	\$62.00	E
Per Day - 8 hours	\$410.00	\$41.00	\$451.00	E

Weidmann Room

Per hour	\$36.36	\$3.64	\$40.00	E
Per Day - 8 Hours	\$256.36	\$25.64	\$282.00	E

Banners

Installation of Banners (not for profit)	\$379.50	\$0.00	\$379.50	E
Cleaning and Storage, installation & removal (once only payment)	\$632.00	\$0.00	\$632.00	E

Business Paper

Copy of Council Business Paper, Late Items & Minutes

12 Months Service	\$468.00	\$0.00	\$468.00	E
6 Months Service	\$238.50	\$0.00	\$238.50	E

Cemetery Fees

Right of Burial Fees

Council Policy C10/2

General Cemetery – Purchase of 2.4 x 1.2m plot	\$502.73	\$50.27	\$553.00	E
Lawn Cemetery – Purchase of 2.4 x 1.2m plot	\$1,825.00	\$182.50	\$2,007.50	E
Columbarium – Purchase of one niche	\$256.36	\$25.64	\$282.00	E
Columbarium – Installation of plaque and ashes	\$128.18	\$12.82	\$141.00	E
Memorial Wall – Installation of plaque	\$66.36	\$6.64	\$73.00	E
Bronze Plaque	Charged separately at cost plus 10%			E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Right of Burial Fees [continued]

Permission to erect structure (e.g. headstone, slab, and concrete kerbing etc.)	\$90.00	\$0.00	\$90.00	D
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Certificates

Section 603 Certificate LGA 1993	\$95.00	\$0.00	\$95.00	A
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Credit Card Payments

Merchant Fee Recovery			0.84%	E
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Dishonoured Payments

Dishonoured Direct Debits, returned to Council	\$20.00	\$0.00	\$20.00	E
Dishonoured Cheques, returned to Council	\$20.00	\$0.00	\$20.00	E

Enquiry Fee

As provided in Section 608(2) of the LGA 1993 and subject to the provision of the LG Act and Privacy and Personal Information Protection Act

Giving information	\$20.50	\$0.00	\$20.50	E
Plus Hourly Charge	\$49.50	\$0.00	\$49.50	

Environmental Services Fees and Charges

For Health, Building, Planning, Environmental and Regulatory Issues please See Separate Section at End of Document

Event Equipment Hire

Stage

2.4m x 1.2m Panel

Inflatable Outdoor Cinema Screen package

6m Inflatable Outdoor Cinema Screen Package	\$410.00	\$41.00	\$451.00	
Includes: 6m inflatable outdoor cinema screen, HD digital projector, speakers (2), cordless microphones (2), ground tarp, all ground stakes, tie down ratchets and electronic cabling/leads				

Sound Equipment Package

Equipment Hire - Set Up/Pack Down

Chair/Table Hire

Trestle Table 750 x 1800mm	\$16.36	\$1.64	\$18.00	
White Plastic Chair	\$6.36	\$0.64	\$7.00	E

MSC Branded Popup Marquee Hire

Marquee 3m x 3m	\$56.36	\$5.64	\$62.00	E
Marquee 3m x 4m	\$169.09	\$16.91	\$186.00	E
Marquee 4m x 8m	\$307.73	\$30.77	\$338.50	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Visitors Information Centre - Photocopying

B/W- A4	\$0.27	\$0.03	\$0.30	E
Colour - A4	\$0.64	\$0.06	\$0.70	E
B/W - A3	\$0.64	\$0.06	\$0.70	E
Colour - A3	\$0.91	\$0.09	\$1.00	E

Government Information (Public Access) Act 2009 (GIPA)

A 50% reduction in fees will be granted to holders of Pensioner Health Benefits Cards.
Further details are set out in FOI Procedures Manual (Section 2.14)

Application Fee (includes 1 hour processing)	\$30.00	\$0.00	\$30.00	A
Processing Fee	\$30.00	\$0.00	\$30.00	A
Internal Processing Fee	\$40.00	\$0.00	\$40.00	A

Photocopying/Printing

Photocopying and Printing services also available at Upper Hunter Regional Library Service branches at Muswellbrook and Denman

B/W – A4	\$0.36	\$0.04	\$0.40	E
Colour – A4	\$1.00	\$0.10	\$1.10	
B/W – A3	\$1.09	\$0.11	\$1.20	
Colour – A3	\$1.91	\$0.19	\$2.10	E
B/W – A1	\$11.73	\$1.17	\$12.90	E
Colour – A1	\$15.64	\$1.56	\$17.20	E
B/W – A0	\$17.27	\$1.73	\$19.00	E
Colour – A0	\$21.00	\$2.10	\$23.10	E

Document Scanning

A1 and A0	\$5.00	\$0.50	\$5.50	
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All Council Properties

Bond (refunded after inspection). Except shows and events (see Shows & Events Listing)	\$592.50	\$0.00	\$592.50	
Cleaning Charge – minimum (2 hours if not left clean)	\$163.64	\$16.36	\$180.00	
Cleaning charge – per hour thereafter	\$66.73	\$6.67	\$73.40	E
Key Deposit (refundable)	\$75.00	\$0.00	\$75.00	E

Muswellbrook Regional Art Centre

Muswellbrook Art Prize – Painting	\$40.91	\$4.09	\$45.00	D
Muswellbrook Art Prize – Works on Paper	\$22.73	\$2.27	\$25.00	D
Muswellbrook Art Prize - Ceramics	\$22.73	\$2.27	\$25.00	D
Viola Bromley Art Prize	\$18.18	\$1.82	\$20.00	D
Mullins Conceptual Photography Prize	\$22.73	\$2.27	\$25.00	
Online Store Flat Rate Shipping	\$9.09	\$0.91	\$10.00	E
Commission on Sale of Works			35%	D
Gallery Membership - Per Person	\$45.45	\$4.55	\$50.00	C

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Muswellbrook Regional Art Centre [continued]

Uncollected Work Storage Fee Per Day				E
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Administration Charges

Refund and Transfer Balances Processing (Rates and Water)	\$15.00	\$0.00	\$15.00	E
Rates and Water Notice re-issue (print copy)	\$5.00	\$0.00	\$5.00	E

Sale of Land for unpaid rates and charges

Local Government Act section 718 Application of purchase money

Administration Cost - Sale of Land for Unpaid rates and charges	\$2,000.00	\$0.00	\$2,000.00	A
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Hall Hire

Community or non profit organisations who make a series of bookings that are not for commercial purpose, and pay in advance may be charged proportionate hourly rates and receive a 25% discount.

Denman Memorial Hall

Hire of Hall (hourly rate)	\$51.36	\$5.14	\$56.50	C
Daily Hire - 8 Hours	\$333.18	\$33.32	\$366.50	C
Half-Day Hire - 4 Hours	\$174.55	\$17.45	\$192.00	C

Indoor Sports Centre Complex - Denman

Regular Group bookings available

Per Day (Whole Facility) - 8 hours	\$330.00	\$33.00	\$363.00	C
Per Half-Day (Whole Facility) - 4 hours	\$181.36	\$18.14	\$199.50	C
Up to 4 hours				
Basketball Court (per hour) – Casual Hire	\$50.45	\$5.05	\$55.50	C
Basketball Court (per hour) – User Groups	\$35.00	\$3.50	\$38.50	C
Squash Courts (per court, per hour) – Casual Hire	\$24.55	\$2.45	\$27.00	C
Squash Courts (per court, per hour) – User Groups	\$18.55	\$1.85	\$20.40	C
Tennis Courts (per court, per hour) – Day – Casual Hire	\$17.42	\$1.74	\$19.16	C
Tennis Courts (per court, per hour) – Day – User Groups	\$14.55	\$1.45	\$16.00	C
Tennis Courts (per court, per hour) – Night – Casual Hire	\$24.64	\$2.46	\$27.10	C
Tennis Courts (per court, per hour) – Night – User Groups	\$35.91	\$3.59	\$39.50	C
Mezzanine Floor Area (per hour) – Day	\$18.55	\$1.85	\$20.40	C
Mezzanine Floor Area (per hour) – Night	\$24.64	\$2.46	\$27.10	C
Playgroups & community groups (maximum 3 hours)	\$28.64	\$2.86	\$31.50	C

Indoor Sports Centre - Muswellbrook

Per Day (Whole Facility) - 8 hours	\$330.00	\$33.00	\$363.00	C
50% discount for local schools for whole centre day hire				
Per Half-Day (Whole Facility) - 4 hours	\$181.36	\$18.14	\$199.50	C
School Groups (half day, per student) - 4 hours	\$4.09	\$0.41	\$4.50	C
Basketball Court (one court) – Casual Hire - Per Hour	\$49.55	\$4.95	\$54.50	C

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Indoor Sports Centre - Muswellbrook [continued]

Basketball Court – (two court, per hour) – Casual Hire	\$87.27	\$8.73	\$96.00	C
Basketball Court (one court) – User Groups - Per Hour	\$35.00	\$3.50	\$38.50	C
Basketball Court – (two court, per hour) – Users Group	\$57.27	\$5.73	\$63.00	C
Individual Practice (per hour) – Casual Hire	\$22.73	\$2.27	\$25.00	C
Gymnasium Only (per hour)	\$18.55	\$1.85	\$20.40	C
Meeting Room (small, per hour)	\$22.73	\$2.27	\$25.00	C
Canteen Hire (per hour)	\$22.73	\$2.27	\$25.00	C
Table Hire	\$7.27	\$0.73	\$8.00	C
Chair Hire	\$2.55	\$0.25	\$2.80	C

Muswellbrook Regional Art Centre

Private Functions

Free to Not for profit and charity groups			FREE	n/a
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During Art Centre Hours

Gallery Hire Hourly Base Rate	\$71.82	\$7.18	\$79.00	C
Hourly Rate Per Person	\$5.45	\$0.55	\$6.00	C
Refundable Security Deposit			10% of hire fee	C

Outside Art Centre Hours

Free to not for profit and charity groups			FREE	C
Gallery Hire Hourly Base Rate	\$81.82	\$8.18	\$90.00	C
Hourly Rate Per Person	\$8.18	\$0.82	\$9.00	C
Refundable Security Deposit			10% of hire fee	C

Senior Citizens Centre

Per Day - 8 Hours	\$281.82	\$28.18	\$310.00	C
Per Half Day - 4 Hours	\$164.00	\$16.40	\$180.40	E

Stan Thiess Centre

Multi purpose Building including Public toilets and Kiosk Area

Community or non profit organisations who book for a series of sessions and pay in advance receive a 25% discount

Per Day - 8 Hours	\$281.82	\$28.18	\$310.00	C
Per Half-Day - 4 Hours	\$163.64	\$16.36	\$180.00	C
Additional Hours	\$35.91	\$3.59	\$39.50	C
Playgroups & community groups (maximum 3 hours)	\$28.64	\$2.86	\$31.50	C

Muswellbrook Shire Libraries

Seminar Room

Per Hour	\$78.64	\$7.86	\$86.50	C
Up to 3 hours	\$235.45	\$23.55	\$259.00	C

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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Seminar Room [continued]

1 day during Business Hours	\$313.64	\$31.36	\$345.00	C
Cancellations within 24 hours (50% of quoted fee) - per hour	\$39.09	\$3.91	\$43.00	C
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	\$117.37	\$11.74	\$129.11	E
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	\$156.90	\$15.69	\$172.59	
Cleaning Fee	\$61.82	\$6.18	\$68.00	E

Library Meeting Room 1

Free for Members - up to 3 hours

Library Members - Up to 3 Hours			FREE	
Up to 3 hours – Visitor & Business use	\$9.55	\$0.95	\$10.50	C
1 Day during Business Hours	\$69.55	\$6.95	\$76.50	C
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	\$4.77	\$0.48	\$5.25	
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	\$34.77	\$3.48	\$38.25	E

Library Meeting Room 2 (Community Room)

Community Organisations - Up to 3 Hours			FREE	
Business Users - Per Hour	\$34.55	\$3.45	\$38.00	C
Business Users - Up to 3 Hours	\$104.55	\$10.45	\$115.00	C
1 Day During Business Hours	\$139.09	\$13.91	\$153.00	C
Cancellations within 24 hours (50% of quoted fee) - per hour	\$17.27	\$1.73	\$19.00	E
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	\$52.27	\$5.23	\$57.50	E
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	\$69.55	\$6.95	\$76.50	E

Denman Library Community Room

Community Organisations - Up to 3 Hours			FREE	C
Business Users - Per Hour	\$34.55	\$3.45	\$38.00	C
Business Users - Up to 3 Hours	\$104.55	\$10.45	\$115.00	C
1 Day During Business Hours	\$139.09	\$13.91	\$153.00	C

Local Studies Room

DHB STEM Innovation Lab

NB: Business Hours are determined as between 8:30am & 5:00pm, Monday to Friday and excluding Public Holidays for a total of 8 hours.

Per Hour	\$78.64	\$7.86	\$86.50	E
Up to 3 Hours	\$235.45	\$23.55	\$259.00	E
1 Day during Business Hours	\$313.64	\$31.36	\$345.00	
Cancellations within 24 hours (50% of quoted fee) - per hour	\$39.09	\$3.91	\$43.00	E
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	\$117.27	\$11.73	\$129.00	E
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	\$156.82	\$15.68	\$172.50	

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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

DHB STEM Innovation Lab [continued]

Cancellations within 24 Hours for all bookings outside of business hours	75% of quoted fee			E
Cleaning Fee	\$65.00	\$6.50	\$71.50	E
Administration Charge per Hour up to 2hrs (Monday - Friday for all hrs beyond 7pm)	\$100.00	\$10.00	\$110.00	E
Administration Charge per Hour after 2hrs (Monday - Friday for all hrs beyond 7pm)	\$136.36	\$13.64	\$150.00	E
Administration Charge per Hour up to 2hrs (Saturday)	\$100.00	\$10.00	\$110.00	E
Administration Charge per Hour after 2hrs (Saturday)	\$136.36	\$13.64	\$150.00	E
Administration Charge per Hour (Sunday & Public Holiday)	\$136.36	\$13.64	\$150.00	E

DHB Meeting Room

NB: Business Hours are determined as between 8:30am & 5:00pm, Monday to Friday and excluding Public Holidays for a total of 8 hours.

Per Hour	\$78.64	\$7.86	\$86.50	E
Up to 3 Hours	\$235.45	\$23.55	\$259.00	E
1 day during Business Hours	\$313.64	\$31.36	\$345.00	E
Cancellations within 24 Hours (50% of quoted room hire fee) - per hour	\$39.09	\$3.91	\$43.00	E
Cancellations within 24 Hours (50% of quoted room hire fee) - Up to 3 hours	\$117.27	\$11.73	\$129.00	E
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	\$156.82	\$15.68	\$172.50	E
Cancellations within 24 Hours for all bookings outside of business hours	75% of quoted fee			E
Cleaning Fee	\$65.00	\$6.50	\$71.50	E
Administration Charge per Hour up to 2hrs (Monday - Friday for all hrs beyond 7pm)	\$100.00	\$10.00	\$110.00	E
Administration Charge per Hour after 2hrs (Monday - Friday for all hrs beyond 7pm)	\$136.36	\$13.64	\$150.00	E
Administration Charge per Hour up to 2hrs (Saturday)	\$100.00	\$10.00	\$110.00	E
Administration Charge per Hour after 2hrs (Saturday)	\$136.36	\$13.64	\$150.00	E
Administration Charge per Hour (Sunday & Public Holiday)	\$136.36	\$13.64	\$150.00	E

DHB Foyer

NB: Business Hours are determined as between 8:30am & 5:00pm, Monday to Friday and excluding Public Holidays for a total of 8 hours.

Per Hour	\$47.27	\$4.73	\$52.00	E
Up to 3 Hours	\$140.91	\$14.09	\$155.00	E
1 day during Business Hours	\$188.18	\$18.82	\$207.00	E
Cancellations within 24 hours (50% of quoted fee) - per hour	\$23.64	\$2.36	\$26.00	E
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	\$70.45	\$7.05	\$77.50	
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	\$94.09	\$9.41	\$103.50	E
Cancellations within 24 Hours for all bookings outside of business hours	75% of quoted fee			E
Cleaning Fee	\$65.00	\$6.50	\$71.50	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

DHB Foyer [continued]

Administration Charge per Hour up to 2hrs (Monday - Friday for all hrs beyond 7pm)	\$100.00	\$10.00	\$110.00	E
Administration Charge per Hour after 2hrs (Monday - Friday for all hrs beyond 7pm)	\$136.36	\$13.64	\$150.00	E
Administration Charge per Hour up to 2hrs (Saturday)	\$100.00	\$10.00	\$110.00	E
Administration Charge per Hour after 2hrs (Saturday)	\$136.36	\$13.64	\$150.00	E
Administration Charge per Hour (Sunday & Public Holiday)	\$136.36	\$13.64	\$150.00	E

DHB - Melt Equipment & Consumables

Group 1 Equipment - Facility Access	Instrument	Muswellbrook LGA inc. GST	External inc. GST	E
	Mechanical hand and power tools			
	High specification computer for CAD design	\$10 Half Day	\$20 Half Day	
	Electronics equipment	\$15 Full Day	\$30 Full Day	
	Pre & Post Fabrication Equipment			
Group 2 Equipment - Per Use Per Day	Instrument	Muswellbrook LGA inc. GST	External inc. GST	E
	Laser Cutter	\$5	\$10	
	3D Printing polymers	\$5	\$10	
	Technical Specialist discovery session (up-to 30 minutes)	\$20	\$40	
	CNC basic	\$20	\$40	
	CNC complex	\$40	\$80	
	TIG welding basic	\$20	\$40	
	TIG welding complex	\$40	\$80	
	3D metal printing	\$40	\$80	
	3D Scanning service	\$40	\$80	
Additional Costs - Specialist Service	Technical Specialist Assistance	Muswellbrook LGA inc. GST	External inc. GST	E
		\$40/hour	\$80/hour	

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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

DHB - Melt Equipment & Consumables [continued]

Consumables	3D printing metal filaments, polymer filaments and any other materials will be charged per weight/volume used. *All other materials must be supplied by the user, noting that it will be at the Technical Specialists' discretion whether those materials are suitable for use in the facility.	Stainless steel filament \$1.00/gr Copper filament \$2.20/gr Nylon Carbon Fibre \$1.00/gr Basic plastics \$0.50/gr	E
Training	Muswellbrook LGA inc. GST Training fee for equipment usage \$40/hour	External inc. GST \$80/hour	E

Casual Hirer's Insurance

Insurance for Casual Hire of Council facilities	\$25.00 Including GST Casual Hirer's are responsible for the first \$1000 (excess) of any claim, in the case of any loss or damage.	E
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Private Works

Section 67 LGA 1993

Labour costs	Labour costs (including on-costs) plus 40% + 10% GST	E
Plant costs	Plant costs (including on-costs) plus 40% + 10% GST	E
Stores and materials costs	Stores and materials costs (including on-costs) plus 40% + 10% GST	E

Property - Transfer Listing

Annual Listing	\$204.00	\$0.00	\$204.00	D
Monthly Listing	\$28.50	\$0.00	\$28.50	D

Public Gates/Grid

Application – Roads Act 1993 – Div. 2 Part 9	\$399.50	\$0.00	\$399.50	E
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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Public Gates/Grid [continued]

Inspection	\$399.50	\$0.00	\$399.50	E
2 inspections included				
Additional reinspection	\$204.00	\$0.00	\$204.00	E

Roads

Occupancy Fees - Work Zones

Work zones and temporary structures within Road Reserves

Rural Areas - per m2

First 15 weeks	\$1.30	\$0.00	\$1.30	E
15 to 30 weeks	\$1.90	\$0.00	\$1.90	E
Over 30 weeks	\$3.80	\$0.00	\$3.80	E

Residential - per m2

First 15 weeks	\$1.90	\$0.00	\$1.90	E
15 to 30 weeks	\$3.80	\$0.00	\$3.80	E
Over 30 weeks	\$7.60	\$0.00	\$7.60	E

Tourist Area and/or Industrial Area - per m2

First 15 weeks	\$3.80	\$0.00	\$3.80	E
15 to 30 weeks	\$7.60	\$0.00	\$7.60	E
Over 30 weeks	\$15.20	\$0.00	\$15.20	E

CBD - per m2

First 15 weeks	\$7.60	\$0.00	\$7.60	E
15 to 30 weeks	\$12.00	\$0.00	\$12.00	E
Over 30 weeks	\$24.70	\$0.00	\$24.70	E

Other

Fee	Subject of quote			E
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Assessment fee further to above charges

Fee	\$657.50	\$0.00	\$657.50	E
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S138 Roads Act - Road Opening Permit

Footways	\$198.00	\$0.00	\$198.00	E
Residential Driveway Crossing with Existing K & G	\$198.00	\$0.00	\$198.00	E
Residential Driveway Crossing with no Existing K & G	\$406.50	\$0.00	\$406.50	E
Rural driveway crossing	\$481.00	\$0.00	\$481.00	E
Commercial Driveway Crossing	\$481.00	\$0.00	\$481.00	E
Activities on Road Reserves	\$198.00	\$0.00	\$198.00	E
Stock on Road Reserves (grazing)	\$86.50	\$0.00	\$86.50	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

S138 Roads Act - Road Opening Permit [continued]

Road Restoration – (Bitumen Surface)			As per quote	E
Design by Council – Driveways or other Infrastructure			As per quote	E
Third Party Works Impacting Road Reserves			As per quote	E
Works Enabling Deed			As per quote	E

Works Enabling Deed

Major works on road reserves- for projects undertaken through development and/or where assets are transferred to Council.		As per quote, Labour cost (including on-costs) plus 10% GST		E
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Closure of a Public Road

Additional Costs: All additional costs to Council such as but not limited to Fees to NSW Land Registry Services, Valuations, Survey, Legal, Search and other fees are to be paid by the applicant.

Preliminary Investigation Fee	\$1,030.00	\$0.00	\$1,030.00	E
Roads Act 1993 Part 4 Standard 9 hours				
Processing Fee for closure	\$2,096.00	\$0.00	\$2,096.00	E
Standard 20 hours				
Additional Costs	Additional hours in excess of the maximum hours stated will be charged at \$70.00/hr (plus GST)			E
All additional costs to Council such as but not limited to Fees to NSW Land Registry Services, Valuations, Survey, Legal, Search and other fees are to be paid by the applicant.				

Restricted Access (Over size/ Over mass) Vehicle Approval

Local Government Act 1993, Roads Act 1993, Div 2, Pt 3, Heavy Vehicle National Law

Permit fee		As prescribed by NHVR		n/a
Local Government Act 1993, Roads Act 1993, Div 2, Pt 3, Heavy Vehicle National Law				
Route assessment – as per 3rd party quote			As per quote	E
Plus administration fee	\$210.00	\$0.00	\$210.00	E
Review of route assessment	\$341.50	\$0.00	\$341.50	E
Observation if required (Additional fee apply for over 4 hours)	\$406.50	\$0.00	\$406.50	E

Contribution for new Kerb and Gutter/Footpaths (Policy - K 10/1)

Construction cost of Kerb & Gutter per 1.m	\$394.00	\$0.00	\$394.00	E
Construction cost of Footpath per sq.m	\$343.50	\$0.00	\$343.50	E

Shows and Events - at council grounds and facilities

Events on Council grounds – Day & Night - 24 Hours	\$1,266.36	\$126.64	\$1,393.00	E
1 Day Hire				
Events on Council grounds – Day or Night - 12 Hours	\$856.36	\$85.64	\$942.00	E
Subsequent hire per day				
Refundable deposit	\$1,076.36	\$107.64	\$1,184.00	E
*Subject to condition inspection				

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Security Bonds

Traffic Management Bond Administration Fee	\$301.50	\$0.00	\$301.50	E
Security Bond - For Damage to Public Infrastructure	For occupation < 1 week, minimum \$2,000 Each For occupation > 1 week, to be quoted			E
Plant & Equipment Occupation (Standing Plant) within Road Reserve including CBD Bond	\$2,000.00	\$0.00	\$2,000.00	E
Note this is different from physical works on the road reserve				
Works on Road Reserve - Located within CBD - General Bond	\$10,540.00	\$0.00	\$10,540.00	E
This Bond is applied where works require the use of heavy plant, equipment and or scaffolding within the road reserve within the CBD				
Works within Road Reserve - Location other than CBD - General Bond	\$2,000.00	\$0.00	\$2,000.00	E
This bond may be applied where works require the use of heavy plant, equipment and or scaffolding within the road reserve outside of the CBD.				
Large events and large events within Olympic Park and Ogilvie Street Denman	\$2,108.00	\$0.00	\$2,108.00	E
This bond may be applied where a bump in and out requires the use of large vehicles/forklifts etc. and/or where there is a possibility of Council assets being damaged.				

Sporting Fees

Casual Hirer

Booking – minimum 2 hours	\$165.09	\$16.51	\$181.60	E
Field Hire – Per Day	\$384.09	\$38.41	\$422.50	C
Field Hire – Per Half-Day	\$330.00	\$33.00	\$363.00	C
Canteen Hire	\$132.27	\$13.23	\$145.50	C

Regular Users - per registered player - per season

Seniors (18 years and over)	\$42.27	\$4.23	\$46.50	C
Use of Sporting Fields, Parks & Reserves by Fitness Trainers – 12 month Licence Agreement	\$579.09	\$57.91	\$637.00	C
Extra charge for lighting if used - \$50.00				
Use of Sporting Fields, Parks & Reserves by Fitness Trainers – 6 month Licence Agreement	\$384.09	\$38.41	\$422.50	C

Aquatic Centres

Muswellbrook and Denman

Turnstile

Single Entry (all)	\$5.45	\$0.55	\$6.00	D
Five years and under (swimming)	\$2.73	\$0.27	\$3.00	D
Concession	\$4.55	\$0.45	\$5.00	D
Family Up to 2 adults and 5 Children)	\$18.18	\$1.82	\$20.00	D
Spectator Fee	\$2.73	\$0.27	\$3.00	D
Swim/Sauna/Spa (combo entry) Adult	\$11.82	\$1.18	\$13.00	E
Swim/Sauna/Spa (combo entry) Concession	\$9.09	\$0.91	\$10.00	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Turnstile [continued]

Shower Fee	\$2.73	\$0.27	\$3.00	E
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20 Visit Pass

Aquatic Centre (20 entries)	\$81.82	\$8.18	\$90.00	D
Aquatic Centre Concession (20 entries)	\$68.18	\$6.82	\$75.00	D
Adult Visit Spa Sauna (20 entries)	\$136.36	\$13.64	\$150.00	
Adult Visit Spa Sauna Concession (20 entries)	\$109.09	\$10.91	\$120.00	E

Year Pass

Pass Access to Both Facilities including Sauna/Spa

Adult Pass	\$381.82	\$38.18	\$420.00	D
Concession	\$340.91	\$34.09	\$375.00	D
Family	\$768.18	\$76.82	\$845.00	D
Up to 2 adults and 5 children				
Annual Direct Debit Family Swim Pass	\$40.00 incl. GST - Per Fortnight			E

6 month Pass

Adult Pass	\$236.36	\$23.64	\$260.00	D
Concession	\$200.00	\$20.00	\$220.00	D
Family	\$454.55	\$45.45	\$500.00	D

Corporate Membership

Corporate Gym Membership - Per Visit	\$9.09	\$0.91	\$10.00	E
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School Groups

School Groups (>1 hour)	\$3.64	\$0.36	\$4.00	D
Supervising staff, carers and trainers	No Charge			D
Group Booking – per child	\$10.50	\$0.00	\$10.50	E

Pool Space Hire

Hire of Pool Lane	\$30.45	\$3.05	\$33.50	D
Exclusive Hire of Indoor Pool (8 hours)	\$3,462.27	\$346.23	\$3,808.50	D
Each additional hour	\$322.73	\$32.27	\$355.00	D
Exclusive hire of Outdoor Pool (8 hours)	\$1,896.82	\$189.68	\$2,086.50	D
Each additional hour	\$322.73	\$32.27	\$355.00	D

Swimming Club

Swim Club Juniors under 18 years old

Training nights and club events	\$3.64	\$0.36	\$4.00	D
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Learn to Swim

Booked per term payable in advance – non refundable	\$18.50	\$0.00	\$18.50	D
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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Learn to Swim [continued]

Private Lessons – 1 person per class	\$53.50	\$0.00	\$53.50	D
Booked per term, payable in advance - non refundable				

School Learn to Swim

Private Lessons

Price vary depending on the number of weeks per term.
Class times and day are determined after your application has been received

Swim Fitness

Adult – Non Member Single	\$16.82	\$1.68	\$18.50	D
Adult – Member Single	\$12.73	\$1.27	\$14.00	D
Child up to 16 years – Non Member Single	\$11.82	\$1.18	\$13.00	D
Child up to 16 years – Member Single	\$9.09	\$0.91	\$10.00	D

10 Visit Pass

Program Activities / 10 Visit Pass

Aqua Aerobics/Zumba – Member	\$95.45	\$9.55	\$105.00	E
Active Over 50s	\$63.64	\$6.36	\$70.00	E

20 Visit Pass

Adult Swim Fit – Member	\$205.00	\$20.50	\$225.50	E
Adult Swim Fit – Non Member	\$276.82	\$27.68	\$304.50	E
Child Swim Fit – Member	\$137.27	\$13.73	\$151.00	E
Child Swim Fit – Non Member	\$215.00	\$21.50	\$236.50	E

Other

Giant inflatable	\$236.36	\$23.64	\$260.00	D
Pool Room Hire – per hour	\$45.45	\$4.55	\$50.00	D
Pool Room Hire – per day	\$318.18	\$31.82	\$350.00	D

Denman Only Season Pass

Adult Pass	\$168.18	\$16.82	\$185.00	E
Concession	\$122.73	\$12.27	\$135.00	E
Family	\$309.09	\$30.91	\$340.00	

Muswellbrook Fitness Centre

Gym

Gym Joining Fee	\$40.91	\$4.09	\$45.00	
Gym single entry	\$18.18	\$1.82	\$20.00	D
Gym concession/student	\$15.00	\$1.50	\$16.50	D

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Gym - 20 Visit Pass

Gym (20 entries)	\$210.91	\$21.09	\$232.00	C
Gym Concession (20 entries)	\$162.73	\$16.27	\$179.00	C

Gym Direct Debit

This Fee is a fortnightly Direct Debit

Adult	\$29.09	\$2.91	\$32.00	D
Concession	\$27.27	\$2.73	\$30.00	D
Family	\$59.09	\$5.91	\$65.00	D

Gym & Swim Direct Debit

This Fee is a fortnightly Direct Debit

Adult	\$40.91	\$4.09	\$45.00	D
Concession	\$33.18	\$3.32	\$36.50	D
Family	\$70.00	\$7.00	\$77.00	D

Upfront 1 month Gym

Adult	\$72.73	\$7.27	\$80.00	D
Concession	\$63.64	\$6.36	\$70.00	D
Family	\$127.27	\$12.73	\$140.00	D

Upfront 1 month Gym & Swim

Adult	\$100.00	\$10.00	\$110.00	E
Concession	\$90.91	\$9.09	\$100.00	E
Family	\$145.45	\$14.55	\$160.00	E

12 months Upfront Gym

Adult	\$659.09	\$65.91	\$725.00	D
Concession	\$627.27	\$62.73	\$690.00	D
Family	\$1,363.64	\$136.36	\$1,500.00	D

12 months Upfront Gym & Swim

Adult	\$954.55	\$95.45	\$1,050.00	D
Concession	\$863.64	\$86.36	\$950.00	E
Family	\$1,545.45	\$154.55	\$1,700.00	E

Muswellbrook Shire Libraries

Borrowers

Membership			FREE	D
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Binding Documents (A4 only)

Up to 65 Sheets	\$7.27	\$0.73	\$8.00	E
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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Binding Documents (A4 only) [continued]

Up to 120 sheets	\$9.55	\$0.95	\$10.50	E
Up to 240 sheets	\$12.73	\$1.27	\$14.00	E

Family History Search

Family History Research by Library Staff - per hour (minimum fee does not include document access fees)				E
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Holds and Reservations

Within Muswellbrook Shire Libraries			Nil	E
Inter Library Loan Requests	\$6.82	\$0.68	\$7.50	E
Inter Library Loan Requests (pensioners and school students)	\$3.18	\$0.32	\$3.50	E
Local Inter-Library Loan	\$3.18	\$0.32	\$3.50	E
ILRS Charges passed on when Library charged per request	\$32.40	\$0.00	\$32.40	E
ILRS Charges passed on for Electronic Delivery	\$19.18	\$1.92	\$21.10	E

Laminating

60 x 95mm pouch	\$1.36	\$0.14	\$1.50	E
216mm x 303mm pouch (A4)	\$2.73	\$0.27	\$3.00	E
203 x 426mm pouch (A3)	\$5.45	\$0.55	\$6.00	E

Digital Readers

Technology Hire (e-readers, tablets, Daisy readers)			FREE	n/a
Replacement Fee	\$549.09	\$54.91	\$604.00	E

Lost and Damaged Material

Processing Fee	\$8.00	\$0.00	\$8.00	E
Borrowers Card	\$2.50	\$0.00	\$2.50	E

Photocopying

B/W – A4	\$0.27	\$0.03	\$0.30	E
Colour – A4	\$0.64	\$0.06	\$0.70	E
B/W – A3	\$0.64	\$0.06	\$0.70	E
Colour – A3	\$0.91	\$0.09	\$1.00	E

Scanning

Per Scan – 10 pages or less	\$0.91	\$0.09	\$1.00	E
Per Scan – more than 10 pages	\$1.82	\$0.18	\$2.00	E

Waste Management Facilities

Muswellbrook Waste Management Facility, Denman Transfer Station.

Where applicable, disposal fees are inclusive of the NSW Waste & Environment Levy at the Regional Levy Area rate for the current financial year, as required by the Protection of the Environment Operations (Waste) Regulation 2014.

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Mobile Garbage Bin Fees

Collection of Wheelie Bin other than Scheduled Collection

Wheelie bins need to be placed at the kerbside by 6am for collection. If your bin is out late, you may request a special collection, the following fees apply.

Replacement of Damaged/Lost Wheelie Bin

Red Lid Bin	\$78.00	\$0.00	\$78.00	E
Yellow Lid Bin	\$95.00	\$0.00	\$95.00	E
Green Lid Bin	\$95.00	\$0.00	\$95.00	E
Reinstatement of Removed Bin Due to Contamination	\$47.50	\$0.00	\$47.50	E

Disposal Fees - Muswellbrook Waste and Recycling Facility

Mixed Waste

If you're a charitable or not for profit organisation with a valid Community Service Exemption from the NSW EPA, you can dispose of up to 10 tonnes of waste for free each month.

General solid waste (putrescible & non-putrescible)	Cost	GST	Total	E
	Gate fee	283.73	28.37	
	NSW Waste Levy	97.90	00.00	
	Total Price	381.63	28.37	
			410.00	
Landfill Non - Compliance charge, per load	\$272.73	\$27.27	\$300.00	E
Will be charged where tipped loads are found to contain dangerous goods, inflammable or hazardous materials the landfill is not licenced to accept, including any liquid waste.				
Outside operating hours landfill call out	\$318.18	\$31.82	\$350.00	E
Charged for call out to emergency disposal when the landfill is normally closed.				

Domestic recyclables - Muswellbrook Shire origin only

Commingled Recyclables	Household quantities of glass or plastic bottles, steel and aluminium cans, paper and cardboard, plastic containers only.				n/a
<ul style="list-style-type: none">• Plastic bottles and food containers• Glass bottles• Paper and cardboard• Aluminium cans• Steel cans					
Brown Corrugated cardboard (BCC), clean and flattened		Cost	GST	Total	E
	Gate fee	1.91	0.19	2.10	
	NSW Waste Levy	97.90	0.00	97.90	
	Total Price	99.81	0.19	\$100.00	

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Bricks & Concrete

Concrete per tonne	Cost	GST	Total	E
	Gate fee	183.73	18.37	
	NSW Waste Levy	97.90	0.00	
			97.90	
	Total Price	281.63	18.37	
			\$300.00	

Green Waste

Green waste per tonne	Cost	GST	Total	E
	Gate fee	138.27	13.83	
	NSW Waste Levy	97.90	0.00	
			97.90	
	Total Price	236.17	13.83	
			250.00	

Green Waste consists of branches, grass, leaves, plants, loppings, tree trunks, tree stumps and similar materials and includes any mixture of those materials.

Whitegoods

Refrigerators, freezers & air conditioners	\$45.45	\$4.55	\$50.00	E
Refrigerators, freezers & air conditioners with CFC degassing certificate	FREE if proof of CFC gas capture by an accredited service provider is supplied.			E

Scrap Metal

Scrap Metal recycling			FREE	E
Car Bodies - ID required	\$54.55	\$5.45	\$60.00	E
Tyres charged separately				

Community Recycling Centre

Household Problem Wastes - domestic quantities only			FREE	E
<ul style="list-style-type: none"> Gas bottles (including propane) Fire extinguishers Paint (water or oil based) Waste motor or cooking oil Fluorescent tubes and globes Aerosol cans Electronic items Household batteries Smoke detectors Automotive batteries 				

Tyres - off Rims

Maximum number of tyres at one time is 10 without prior approval. Loads of tyres in excess of 20 are required to be tracked in the Integrated Waste Tracking Solution.

Passenger Tyre (or smaller)	\$10.00	\$1.00	\$11.00	E
Light Truck or 4WD Tyre	\$16.36	\$1.64	\$18.00	E
Truck Tyre	\$29.09	\$2.91	\$32.00	E
Tractor Tyre	\$57.27	\$5.73	\$63.00	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Tyres - off Rims [continued]

Earthmoving Tyre	\$181.82	\$18.18	\$200.00	E
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Tyres - on Rims

Passenger Tyre (or smaller)	\$19.09	\$1.91	\$21.00	E
Light Truck or 4WD Tyre	\$24.09	\$2.41	\$26.50	E
Truck Tyre	\$47.73	\$4.77	\$52.50	E

Excavated Natural Material (Clean Soil)

Clean soil, per tonne or part thereof	Cost	GST	Total	E
	Gate fee	20.09	2.01	
	NSW Waste Levy	97.90	0.00	
			97.90	
	Total Price	117.99	2.01	
			120.00	

Virgin excavated natural materials means natural (such as clay, gravel, sand, soil or rock fines) that has been excavated or quarried from areas that are not contaminated with manufactured chemicals, or with process residues, as a result of industrial, commercial, mining or agricultural activities and that does not contain sulfidic ores or soils, or any other waste, and, includes excavated natural material as may be approved from time to time by a notice published in the *NSW Government Gazette*. Material must be supported by all documentation required under the relevant EPA exemption, and disposal is by prior arrangement and Manager approval only.

Timber, Timber Pallets

Treated timber – contaminated, painted or mixed with other materials (per tonne)	Cost	GST	Total	E
	Gate fee	283.73	28.37	
	NSW Waste Levy	97.90	0.00	
			97.90	
	Total Price	381.63	28.37	
			410.00	
Clean Wood Waste	Cost	GST	Total	E
	Gate fee	138.27	13.83	
	NSW Waste Levy	97.90	0.00	
			97.90	
	Total Price	236.17	13.83	
			\$250.00	

Wood Waste means timber offcuts, wooden crates, wooden packaging, wooden pallets, wood shavings and similar materials, and includes any mixture of those materials but does not include wood treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP).

Dead Animals (RSPCA Exempt)

Dog/Cat	Cost	GST	Total	E
	Gate fee	21.94	2.19	
	NSW Waste Levy	5.87	0.00	
			5.87	
	Total Price	27.81	2.19	
			30.00	

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Dead Animals (RSPCA Exempt) [continued]

Sheep/Goat		Cost	GST	Total	E
	Gate fee	44,66	4,47	49,13	
	NSW Waste Levy	5,87	0,00	5,87	
	Total Price	50,53	4,47	55,00	
Horse/Cattle (by prior arrangement)		Cost	GST	Total	E
	Gate fee	100,57	10,06	110,63	
	NSW Waste Levy	29,37	0,00	29,37	
	Total Price	129,94	10,06	140,00	
Booking required 24hrs notice					
Native Animals	FREE				n/a

Asbestos

Asbestos wrapped and labelled – per tonne, booking required		Cost	GST	Total	E
	Gate fee	183.73	18.37	202.10	
	NSW Waste Levy	97.90	0.00	97.90	
	Total Price	281.63	18.37	300.00	
	<p>Abestos means the fibrous form of those minerals silicates tha belong to the serpentine or amphibole groups of rock-forming minerals, including actinolite (brown asbestos), anthophyllite, chrysotile (white asbestos), crocidolite (blue asbestos) and tremolite. Asbestos waste means any waste that contains asbestos.</p> <p>https://www.epa.nsw.gov.au/-/media/epa/corporate-site/resources/waste/23p4464-asbestos-and-waste-tyres-guidelines.pdf</p> <p>Asbestos must be pre-booked and if over 100kgs must be tracked through the Intregrated Waste Tracking Solution.</p>				
Asbestos burial per tonne (loads over 1 tonne, once per day)	\$227.27	\$22.73	\$250.00	E	

Mattress Recycling

Mattress or base, per each item	Cost	GST	Total	E
	Gate fee	38.30	3.83	
	NSW Waste Levy	5.87	0.00	
	Total Price	44.17	3.83	

Products & Services

Issue of Weighbridge Certificate

Vehicles up to and including 3 Tonne	\$30.00	\$3.00	\$33.00	E
Each Tonne over 3 Tonne	\$3.00	\$0.30	\$3.30	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Recovered Goods

Reuse Shop items	Prices as marked			E
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Garden Products

Processed garden organics - pasteurised mulch	\$45.00	\$4.50	\$49.50	E
Pasteurised Mulch is recycled garden organics which have been processed to achieve pasteurisation.				
Processed clean timber - woodchip mulch	\$112.73	\$11.27	\$124.00	E
Woodchip Mulch is clean timber waste shredded into woodchips.				

Disposal Fees - Denman Transfer Station (Domestic Waste Only)

Domestic Mixed Waste

Cars, Station Wagons and wheelie bins	Cost	GST	Total	E
	Gate fee	11.93	1.19	
	NSW Waste Levy	5.87	0.00	
	Total Price	17.80	1.19	
			19.00	
Vans, utilities, trailers	Cost	GST	Total	E
	Gate fee	39.21	3.92	
	NSW Waste Levy	29.37	0.00	
	Total Price	68.58	3.92	
			72.50	

Domestic Recyclable Materials - Muswellbrook Shire origin only

Commingled Recyclables - domestic quantities only	FREE	n/a
<ul style="list-style-type: none"> Plastic bottles and food containers Glass bottles Paper and cardboard Aluminium cans Steel cans 		

Domestic Green Waste

Cars, Station Wagons and wheelie bins	Cost	GST	Total	E
	Gate fee	9.66	0.97	
	NSW Waste Levy	5.87	0.00	
	Total Price	15.53	0.97	
			16.50	
Vans, utilities, trailers	Cost	GST	Total	E
	Gate fee	32.39	3.24	
	NSW Waste Levy	29.37	0.00	
	Total Price	61.76	3.24	
			\$65.00	

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Whitegoods

Refrigerators, freezers and air conditioners	\$45.45	\$4.55	\$50.00	E
Refrigerators, freezers and air conditioners with CFC degassing certificate	FREE if proof of CFC gas capture by an accredited service provider is supplied.			E

Scrap Metal

Scrap Metal, domestic quantities only			FREE	E
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Waste Oil

Domestic quantities only			FREE	E
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E-Waste

Domestic quantities only			FREE	E
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Tyres - off Rims

Denman - limit of 5 per transaction

Passenger Tyre (or smaller)	\$10.00	\$1.00	\$11.00	E
Light Truck or 4WD Tyre	\$16.36	\$1.64	\$18.00	E

Tyres - on Rims

Denman - limit of 5 per transaction

Passenger Tyre (or smaller)	\$19.09	\$1.91	\$21.00	E
Light Truck or 4WD Tyre	\$24.09	\$2.41	\$26.50	E

Water and Sewer Fees and Charges

Water Connection Fees

New Services (no existing service pipe)

New services (no existing service pipe)			Commercial Rate	E
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New Services (connect to existing service pipe)

20mm water meter complete with dual check valve	\$446.50	\$0.00	\$446.50	E
25mm water meter complete with dual check valve	\$673.00	\$0.00	\$673.00	E
Rural Water Connection (Conditions Apply)			Commercial Rate	E

Other Services

Disconnection of Water Meter at Service (service capped)	\$301.00	\$0.00	\$301.00	E
Disconnection of Water Service at Main	\$1,158.50	\$0.00	\$1,158.50	E

Reconnection (following disconnection) normal working hours

Reconnection of Water Meter at Service (following disconnection)	\$402.00	\$0.00	\$402.00	E
Removal of water restriction device on water meters	\$212.00	\$0.00	\$212.00	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Backflow Prevention

Backflow prevention devices on existing commercial/industrial services

Water Meter Testing

Local Government (General) Regulation 2005. Section 158

Special Reading Fee	\$115.00	\$0.00	\$115.00	E
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Test Fee

If meter not reading correctly - Test fee is refundable.

Test Fee – 20, 25 and 32mm service @ 4 Flow Rates	\$556.00	\$0.00	\$556.00	E
Test Fee – 20, 25 and 32mm service @ 6 Flow Rates	\$585.00	\$0.00	\$585.00	E
Test Fee – 40mm service @ 4 Flow Rates	\$643.50	\$0.00	\$643.50	E
Test Fee – 40mm service @ 6 Flow Rates	\$673.00	\$0.00	\$673.00	E
Test Fee – 50mm and greater	Commercial Rate			E

Transfer location at owners request

Includes raising service

Transfer location at owners request (includes raising service) – Residential/Industrial/Commercial	Commercial Rate			E
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Water Flow/Pressure Investigation

Fire Flow Investigation	\$690.50	\$0.00	\$690.50	E
Testing Max/Min Pressure supplied (at property service line only)	\$393.00	\$0.00	\$393.00	E

Water Sales

Tanker Sales (per kilolitre)

Muswellbrook	\$4.50	\$0.00	\$4.50	E
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Hire of Metered Hydrant

Security Deposit (refundable subject to payment of outstanding charges)	\$2,179.00	\$0.00	\$2,179.00	E
Hire charge (per month or part thereof)	\$86.36	\$8.64	\$95.00	E
Water Consumption	\$6.00	\$0.00	\$6.00	E

Bulk Water Filling Stations

Muswellbrook and Denman - not available at Sandy Hollow

Filling Stations (Muswellbrook and Denman only)	\$3.89 per kilolitre			E
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Water Management Act Approval

Application for Notice of Requirement for single dwelling & dual occupancy	\$156.50	\$0.00	\$156.50	E
Application for Compliance Certificate for single dwelling & dual occupancy	\$156.50	\$0.00	\$156.50	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Water Management Act Approval [continued]

Application for Notice of Requirement for all other developments	\$376.50	\$0.00	\$376.50	E
Application for Compliance Certificate for all other developments	\$376.50	\$0.00	\$376.50	E
Inspection of Works (determined in Notice of Requirement) per inspection	\$247.50	\$0.00	\$247.50	E

Sewerage Fees

Provision of New Sewer Junction

Provision of new sewer junction	Commercial Rate	E
Sewer Extension (Commercial)	Commercial Rate	E
Raising/Lowering Manhole (new development)	Commercial Rate	E
(No fee for raising manholes associated with residential landscaping work less than 500mm - commercial rates apply above 500mm)		

Sewer and Water Headworks

*Headworks (Developer) charges are required to supplement existing major infrastructure in order to meet the demands of new development and maintain existing levels of service.

Headworks infrastructure with regard to water and sewerage are as follows:

Water: Intakes, Treatment Plants, Reservoirs, Pumping Station and Trunk Mains.
Sewerage: Treatment Plants, Pump Stations, Rising Mains and Trunk Mains.

These charges are calculated according to a method specified by IPART and based on the Developer Servicing Plan for areas.

Local Government Act 1993 Section 404(1)

Water Headworks – all areas (per ET – equivalent tenement)	\$9,317.00	\$0.00	\$9,317.00	E
Sewer Headworks – all areas (per ET – equivalent tenement)	\$7,233.50	\$0.00	\$7,233.50	E

Trade Waste Applications

See Environmental Services - Trade Waste Applications

Environmental Services Fees and Charges - Fees associated with development

Development Application

For land use & building activities - maximum determined under EP&A Regulation 2000

General Fees

Less than \$5,000	1.29 fee unit	A
\$5,001 – \$50,000	1.98 fee unit plus an additional \$3 for each \$1,000 (or part of \$1,000) of the estimated cost	A
\$50,001 – \$250,000	4.12 fee unit plus an additional \$3.64 for each \$1,000 (or part of \$1,000) of the estimated cost over \$50,000	A

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

General Fees [continued]

\$250,001 – \$500,000	13.56 fee unit plus an additional \$2.34 for each \$1,000 (or part of \$1,000) of the estimated cost exceeds \$250,000	A
\$500,001 – \$1,000,000	20.41 fee unit plus an additional \$1.64 for each \$1,000 (or part of \$1,000) of the estimated cost exceeds \$500,000	A
\$1,000,001 – \$10,000,000	30.58 fee unit plus an additional \$1.44 for each \$1,000 (or part of \$1,000) of the estimated cost exceeds \$1,000,000	A
More than \$10,000,000	185.65 fee unit plus an additional \$1.19 for each \$1,000 (or part of \$1,000) of the estimated cost exceeds \$10,000,000	A
Development involving the erection of a dwelling-house with an estimated construction cost of \$100,000 or less	5.32 fee unit	A
Development not involving the erection of a building, the carrying out of a work, the subdivision of land or the demolition of a building or work	3.33 fee unit	A

DA Subdivision Fees

No new Roads plus \$ per additional lot	3.86 fee unit plus \$53 per additional lot	A
New Roads plus \$ per additional lot	7.77 fee unit plus \$65 per additional lot	A
Strata plus \$ per additional lot	3.86 fee unit plus \$65 per additional lot	A

Designated Developments (in addition to fees above)

Fee	10.76 fee unit	A
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Prelodgement Meeting

Fee	\$335.36	\$33.54	\$368.90	E
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Construction Certificate

Class 10b excluding swimming pools per Certificate	\$670.72	\$67.07	\$737.80	E
Swimming Pools < 40KL per application	\$718.64	\$71.86	\$790.50	E
Swimming Pools > 40KL per application	\$814.46	\$81.45	\$895.90	E
Class 10(a) Buildings < 100 m2	\$814.46	\$81.45	\$895.90	E
Class 10(a) Buildings > 100 m2	\$862.36	\$86.24	\$948.60	E
Class 1 Buildings < 200 m2	\$1,533.09	\$153.31	\$1,686.40	E
Class 1 buildings 200-400 m2	\$1,724.72	\$172.47	\$1,897.20	E
Class 1 Buildings > 400 m2 or any dual occupancy or multi-dwelling development	\$1,916.36	\$191.64	\$2,108.00	E
Class 2-9 Buildings < 500 m2	\$2,395.46	\$239.55	\$2,635.00	E
Class 2-9 Buildings > 2000 m2 or rise in stories > 2			As per quote	E
Class 2-9 Buildings 500-2000 m2	\$2,874.54	\$287.45	\$3,162.00	E
Any class of building where a performance solution is proposed			As per quote	E

Other Construction Certificates

Subdivision/Roads and Drainage

Stormwater Drainage /m	\$8.18	\$0.82	\$9.00	E
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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Subdivision/Roads and Drainage [continued]

Roads per lane /m	\$6.73	\$0.67	\$7.40	E
Special Infrastructure (eg Roundabouts, Detention Basin or Bridge etc)			Quotation	E
OR Full cost recovery for service in addition to above fee where referred to external party for determination			Full Cost Recovery	E

Modification of Construction Certificate

Minor* Modification (post determination)			50% original fee	E
* to be considered minor a maximum of 3 elements of the construction works may be amended				
Minor* Modification of Application (prior to determination)			30% original fee	E
* to be considered minor a maximum of 3 elements of the construction works may be amended. (This fee does not apply to situations where the modification is required due to a request for information.)				
Other Modification of Application (prior to determination)			50% original fee	E
(This fee does not apply to situations where the modification is required due to a request for information.)				
Other Modification (post determination)			75% original fee	E

Subdivision - Resubmission

Resubmission of Construction Certificate for Subdivision Roads and Drainage (following previous refusal) – with amendments			25% original fee	E
Resubmission of Construction Certificate of Subdivision Roads and Drainage - with amendments			50% original fee	E

Other

The fee payable for the lodgement of a certificate on the planning portal			0.40 fee unit	A
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Occupation Certificate

Registration of certificate on planning portal.	\$40.00	\$0.00	\$40.00	A
Occupation Certificate (Class 10a buildings)	\$114.98	\$11.50	\$126.48	E
Occupation Certificate (Class 1a Buildings)	\$172.48	\$17.25	\$189.72	E
Occupation Certificate (Class 2-9 buildings including change of use)	\$227.27	\$22.73	\$250.00	E

Complying Development Fee

General Fees

Pre-lodgement fee for CDC (where a proposal cannot be complying development, this fee will be deducted from the cost of a construction certificate application lodged with Council)	\$383.28	\$38.33	\$421.60	E
Class 10b excluding swimming pools	\$814.46	\$81.45	\$895.90	E
Swimming Pools > 40kL	\$863.64	\$86.36	\$950.00	E
Swimming Pools > 40kL	\$1,005.91	\$100.59	\$1,106.50	E
Class 10(a) Buildings < 100 m2	\$1,149.82	\$114.98	\$1,264.80	E
Class 10(a) Buildings > 100 m2	\$1,197.72	\$119.77	\$1,317.50	E
Class 1 Buildings < 200 m2	\$2,395.46	\$239.55	\$2,635.00	E
Class 1 Buildings 200-400 m2	\$2,587.09	\$258.71	\$2,845.80	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

General Fees [continued]

Class 1 Buildings > 400 m2 or any dual occupancy or multi-dwelling development	\$2,874.54	\$287.45	\$3,162.00	E
Class 2-9 Buildings < 500 m2	\$3,353.64	\$335.36	\$3,689.00	E
Class 2-9 Buildings 500-2000 m2	\$3,832.72	\$383.27	\$4,216.00	E
Class 2-9 Buildings > 2000 m2 or rise in stories > 2			As per quote	E
Any class of building where a performance solution is proposed			As per quote	E
OR Full cost recovery for service in addition to above fee where referred to external party for determination			Full Cost Recovery	E

Modification of Complying Development Certificate Application

Other Modification of Application (prior to determination)			50% original fee	E
(This fee does not apply to situations where the modification is required due to a request for information.)				
Minor* Modification (post determination)			50% original fee	E
* to be considered minor a maximum of 3 elements to the works may be amended				
Other Modification (post determination)			75% original fee	E
(This fee does not apply to situations where the modification is required due to a request for information.)				
Minor* Modification of Application (prior to determination)			30% original fee	E
* to be considered minor a maximum of 3 elements of the works may be amended (This fee does not apply to situations where the modification is required due to a request for information.)				

Resubmission

Resubmission of Complying Development (Following previous refusal) – no amendments			50% original fee	E
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Other

Registration of Complying Development Certificate on planning portal			0.36 fee unit	A
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Compliance Inspections (Construction Stages)

Cost Per Inspection (or re-inspection)	\$191.82	\$19.18	\$211.00	E
Subdivision or Civil Infrastructure for Council ownership – For number of Inspection at \$155 per inspection			Quotation	E
Based on Inspection Test Plan (ITP) for subdivision .	\$191.82	\$19.18	\$211.00	E

Planning Reform Fund Fee

Section 256A of the Environmental Planning and Assessment Regulation 2000

Section 266 of the Environmental Planning and Assessment Reg 2021			64c/\$1,000 minus \$5 (only applies to development over \$50,000)	A
Component of DA fee where cost of development is greater than \$50,000				

Integrated Development and Concurrence Fee

Section 252A & 253 of the Environmental Planning and Assessment Regulation 2000

Council processing fee (for each integrated referral required)			1.64 fee unit	A
Applications requiring concurrence (not assumed concurrence)			1.64 fee unit	A
Application referred to Design Review Panel			35.08 fee unit	A

continued on next page ...

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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Integrated Development and Concurrence Fee [continued]

Payable direct to each approval or concurrence body	3.74 fee unit	A
Cheque to be made out to concurrence authority		

Long Service Levy

Payable prior to release of Construction Certificate

Long Service Levy (Payable prior to release of Construction Certificate)	0.25% of Cost of Development for building works over \$250,000 in value	A
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Planning Proposals

Stage 1: Lodgement

Category 1 – enabling clause (change to LEP text only) or land area affected by PP is less than 1000sqm	\$3,858.50	\$0.00	\$3,858.50	E
Category 2 – land area affected by PP is 1000sqm to 5 ha	\$6,431.00	\$0.00	\$6,431.00	E
Category 3 – land area affected by PP is over 5 ha	\$7,717.50	\$0.00	\$7,717.50	E

Stage 2: Gateway Determination

Category 1 – enabling clause (change to LEP text only) or land area affected by PP is less than 1000sqm	\$5,145.50	\$0.00	\$5,145.50	E
Category 2 – land area affected by PP is 1000sqm to 5 ha	\$6,431.00	\$0.00	\$6,431.00	E
Category 3 – land area affected by PP is over 5 ha	\$12,862.50	\$0.00	\$12,862.50	E

Other

Specialist studies required by Gateway Determination			At Cost	E
PP reconsideration or amendment fee – applicant request for reconsideration or for amendment of PP at any time	\$2,572.50	\$0.00	\$2,572.50	E
Public hearing	\$2,572.50	\$0.00	\$2,572.50	E

Variation to Development Consent

Section 4.55 (1) Modification

Correction of a minor error, misdescription or miscalculation	0.83 fee unit	A
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Section 4.55 (1a) Modification

Minimal environmental impact (including Section 4.56)	Lesser of 7.54 fee unit or 50% original DA fee	A
The maximum fee for an application under Section 4.55 (1A) of the Act, or under Section 4.56 (1) of the Act in respect of a modification which, in the opinion of the consent authority, is of minimal environmental impact is 7.54 fee unit or 50% of the fee of the original DA, whichever is lesser.		

Section 4.55 (2) - other modifications

If the DA involved no building work	50% of DA Fee	A
if the original fee was less than \$100	50% of DA Fee	A
if the original application was for a dwelling house <\$100,000	2.22 fee units	A

Name	Year 24/25		Fee Type
	Fee (excl. GST)	Fee (incl. GST)	

If the original estimated cost of the development was:

Up to \$5,000	0.64 fee unit	A
\$5,001 – \$250,000	0.99 fee units plus an additional \$1.50 for each \$1,000 (or part of \$1,000) by which estimated cost exceeds \$5000	A
\$250,001 – \$500,000	5.85 fee units plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,000	A
\$500,001 – \$1,000,000	8.33 fee units plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,000	A
\$1,000,001 – \$10,000,000	11.54 fee units plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	A
More than \$10,000,000	55.40 fee units plus an additional \$0.27 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	A

Request for Review of Determination of a DA

Does not apply to complying, integrated or designated development

Plus advertising fees (as determined below and in accordance with DCP requirements)

No building or demolition work proposed in DA	50% of DA Fee	A
DA involves erection of dwelling < \$100,000	2.22 fee unit	A

If the original estimated cost on the DA was:

Up to \$5,000	0.64 fee unit	A
\$5,001 – \$250,000	1.00 fee unit plus an additional \$1.50 for each \$1,000 (or part) of the original estimated cost	A
\$250,000 – \$500,000	5.85 fee units plus an additional \$0.85 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$250,00	A
\$500,001 – \$1,000,000	8.33 fee units plus an additional \$0.50 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$500,00	A
\$1,000,001 – \$10,000,000	11.54 fee units plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$1,000,000	A
More than \$10,000,001	55.40 fee units plus an additional \$0.40 for each \$1,000 (or part of \$1,000) by which the estimated cost exceeds \$10,000,000	A

Advertising Fees

Notification Fee - Development Applications and Modifications to Development Consents (letters to neighbours and newspaper publication)

Giving Notice - Other

Integrated (advertised) development	12.92 fee unit	A
Clause 252 of EP&A Regulation 2000 - applies only to specific heritage, water and environmental DA's (full advertisement in paper)		
Prohibited Development	12.92 fee unit	A

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Giving Notice - Other [continued]

Designated development			25.96 fee unit	A
Clause 252 of EP&A Regulation 2000 (full advertisement in paper)				
Community Participation Plan requires notice to be given (Type B development)	\$101.18	\$0.00	\$101.18	E
Community Participation Plant requires notice to be given (Type C development)	\$316.20	\$0.00	\$316.20	E
Modification Application requiring Notice	\$101.18	\$0.00	\$101.18	
Notification of Planning Agreement	\$316.20	\$0.00	\$316.20	A
Notification of Complying Development Certificate (in addition to application fees)	\$101.00	\$0.00	\$101.00	E
Section 85A (11) of the EP&A Regulation (includes advertisement in paper)				

Subdivision Certificate Application Fees

Including strata subdivision - to recover the costs of assessing and endorsing linen plans of subdivision under the Environmental Planning & Assessment Act or Strata Titles Act

Subdivision of land (per lot)	\$70.00	\$0.00	\$70.00	A
Includes boundary adjustments				
Strata (per lot)	\$70.00	\$0.00	\$70.00	A
Consolidation to provide one (1) lot	\$70.00	\$0.00	\$70.00	A
Plan checking fee for works as executed (per lot)	\$243.00	\$0.00	\$243.00	E
Administration fee for legal documents requiring execution by Council	\$263.50	\$0.00	\$263.50	E
Registration of Subdivision Certificate issued by private certifier	\$36.00	\$0.00	\$36.00	A

Naming of New Roads

Associated with subdivisions	\$420.50	\$0.00	\$420.50	E
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Water and Sewerage Connection Fees

See under heading "WATER AND SEWER FEES AND CHARGES"

Planning Certificates

Certificate Section 10.7 (2) per allotment (approx 5 day turnaround)			0.62 fee unit	A
Urgency Fee for Section 10.7 (2) in addition to above (approx 2 day turnaround)	\$100.00	\$0.00	\$100.00	E
Certificate Section 10.7 (5) in addition to 10.7 (2)			0.94 fee unit	A
Certificate of Outstanding Notices	\$120.00	\$0.00	\$120.00	A
(Section 735(a) of the Local Government Act and Schedule 5 of the Environmental Planning and Assessment Act)				

Sewer Drainage Plan

No charge for owners or contractors

Cost per plan			0.62 fee unit	E
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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Building Certificates

Building Certificate	\$250.00	\$0.00	\$250.00	A
Building Certificate not exceeding 200 Sq.M.	\$250.00	\$0.00	\$250.00	A
Building Certificate exceeding 200 Sq.M. but not exceeding 2000 Sq.M	\$250 plus an additional \$0.50 per Sq.M. for each Sq.M. over 200			A
Building Certificate exceeding 2,000 Sq.M.	\$1,165 plus additional \$0.075 per Sq.M. for each Sq.M. over 2000			A
Reinspection Fee	\$90.00	\$0.00	\$90.00	A
Copy of a building certificate	\$13.00	\$0.00	\$13.00	A

Fire Safety

Approval to Burn Administration Fee	\$15.00	\$0.00	\$15.00	E
Fire Safety Inspection – Owner requested	\$260 per hour (minimum 1 hour)			E
Reinspection fee (Only applies if outstanding work has not been completed)	\$191.82	\$19.18	\$211.00	E

Shows and Events

Temporary Event - Food Preparation and Sales Application	\$100.00	\$0.00	\$100.00	E
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Request for Property Information

Fee for service responding to enquiries requiring search of records, analysis of information and/or a written response – Dwelling Permissibility	\$263.50	\$0.00	\$263.50	E
Fee for service responding to enquiries requiring search of records, analysis of information and/or a written response – Flood Levels and associated flooding information	\$263.50	\$0.00	\$263.50	E
Fee for service responding to enquiries requiring search of records, analysis of information and/or a written response	\$250.00	\$0.00	\$250.00	E
Fee for certified copy of plan	0.62 fee unit			E
Fee for retrieval of historical records	\$126.48	\$0.00	\$126.48	E

Planning Portal Record Processing Fee (hard copy or digital records)

Less than 25 pages	\$25.00	\$0.00	\$25.00	E
25 to 50 pages	\$50.00	\$0.00	\$50.00	E
Over 50 pages	Not Accepted			

Council Certificate Advice

Fee for council to certify satisfaction of a condition of consent or confirm construction plans are not inconsistent with DA approved plans	\$263.50	\$0.00	\$263.50	E
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Environmental Products

Compost Bins	\$61.36	\$6.14	\$67.50	D
Worm Farms	\$105.00	\$10.50	\$115.50	D

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Rural Addressing

Supply of Rural Addressing Plates- per number (includes one inspection)	\$180.91	\$18.09	\$199.00	E
Replacement or additional plates (same number)	\$59.09	\$5.91	\$65.00	E
Reinspection Fee	\$180.91	\$18.09	\$199.00	E

Swimming Pool Certificates

Inspection and issue

Certificate of Compliance under Swimming Pools Act (including one inspection)	\$136.36	\$13.64	\$150.00	A
Re-inspection fee	\$90.91	\$9.09	\$100.00	A
Enter pool details into NSW Swimming Pool Register	\$9.09	\$0.91	\$10.00	A
Application for exemption	\$250.00	\$0.00	\$250.00	E

Environmental Health Inspections

Maintaining register and reporting to Govt. agencies and inspections

Registration or update of details of business under the Public Health Act or Food Act (excluding caravan parks and water carters)	\$0.00	\$0.00	\$0.00	
Underground Petroleum Storage Systems	\$173.00	\$0.00	\$173.00	A
Fees prescribed by the State - POEO Act			PRESCRIBED	A

Food Act

Annual Administration & Inspection Fee for Food Premises including fixed premises, mobile vending vehicles, home based businesses

Note: Definitions shown below fees

Annual Administration P3 Premises as classified in Food Authority (low risk)	\$180.00	\$0.00	\$180.00	E
Annual Administration P1 & P2 Premises as classified in Food Authority Guideline (Medium to High Risk) – Premises with 5 or less FTE staff	\$300.00	\$0.00	\$300.00	E
Annual Administration P1 & P2 Premises as classified in Food Authority Guideline (Medium to High Risk) – More than 5 but not more than 50 FTE staff	\$400.00	\$0.00	\$400.00	E
Annual Administration P1 & P2 Premises as classified in Food Authority Guideline (Medium to High Risk) – Premises with more than 50 FTE staff	\$800.00	\$0.00	\$800.00	E

Definition: Low risk, P3 businesses sell only foods that are non-potentially hazardous and pre packaged ie newsagents, confectionary stores, bottle shops

Definition: Medium P2 and High P1 risk businesses handle foods that support the growth of pathogenic micro-organisms and have the potential to cause illness ie cafes, takeaways, bistros
High Risk businesses are further characterised by risk increasing factors such as providing to vulnerable populations ie child care centres, or have a history of non-compliance with the Food Act and associated legislation

Note: Number of food handlers x hours each spends handling food per week divided by 38 hours = FTE
Eg 3 food handlers x 13 hours = 39 hours divided by 38 = approx. 1 FTE food handler

Inspection Fee (including fixed premises, mobile vending vehicles, home based, temporary stalls)	\$199.00	\$0.00	\$199.00	E
Re-inspection Fees following non-compliant inspection – unsatisfactory re-inspection	\$199.00	\$0.00	\$199.00	

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Food Act [continued]

Fees prescribed by the State - Food Act			PRESCRIBED	A
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Public Health Act

Fees prescribed by the State - Public Health Act			PRESCRIBED	n/a
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Skin Penetration Premises

Such as Hairdressers and Barbers, Beauty and Nail Salons and Tattoo and Piercing Parlours

Inspection fee	\$199.00	\$0.00	\$199.00	E
Re-inspection fees following non-compliance – unsatisfactory re-inspection	\$199.00	\$0.00	\$199.00	E

Regulated Premises, Public Swimming Pool and Spa Inspections (water quality)

Inspection	\$199.00	\$0.00	\$199.00	E
Reinspection following non-compliance – unsatisfactory reinspection	\$199.00	\$0.00	\$199.00	E
Water Analysis Samples			At Cost	E

Boarding Houses

Inspection fee (as per Boarding Houses Act 2012)	\$199.00	\$0.00	\$199.00	E
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Section 68 of the LOCAL GOVERNMENT ACT

Install manufactured home, moveable dwelling (includes inspections) outside of an approved caravan park or manufactured home estate	\$1,265.00	\$0.00	\$1,265.00	E
Install manufactured home, moveable dwelling on an approved dwelling site within a caravan park, manufactured home estate etc; (includes inspections)	\$822.00	\$0.00	\$822.00	E
Install Oil or Solid Fuel Heating Appliance (includes inspections)	\$393.50	\$0.00	\$393.50	E
Use of Community Land (engaging in trade or business busking etc)	\$393.50	\$0.00	\$393.50	E
Swing or hoist goods over road	\$393.50	\$0.00	\$393.50	E
Water Supply, sewerage and stormwater drainage work	\$199.50	\$0.00	\$199.50	E
NB: Thomas Mitchell Industrial Estate is exempt regarding sewerage connection				
Stormwater Drainage work (connection to Council drainage or new work for Council ownership)			Quotation	E
General approvals / application not specifically mentioned elsewhere	\$393.50	\$0.00	\$393.50	E

Approval To Burn

(Protection of the Environment Operations (Clean Air) Regulation 2010)

Water Carters

Inspection	\$199.00	\$0.00	\$199.00	E
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Caravan Parks

Application to Operate a Caravan Park or camping ground	\$393.50	\$0.00	\$393.50	E
Inspection Fee	\$263.50	\$0.00	\$263.50	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

On-site Sewage Management

Application Charges

Install & Construct On-site Sewage Management System (includes inspection and approval to operate)	\$500.00	\$0.00	\$500.00	E
Install & Construct On-site Sewage Management System: Commercial Systems – Greater than 5000L/day (includes inspection and approval to operate)	\$885.50	\$0.00	\$885.50	E

Modify On-site Sewage Management System

Domestic Systems – System and Disposal Area	\$426.00	\$0.00	\$426.00	E
Domestic Systems – System only	\$180.00	\$0.00	\$180.00	E
Domestic Systems – Disposal Area only	\$220.00	\$0.00	\$220.00	D
Modify Approval to install prior to any works commencing – no inspections necessary	\$130.50	\$0.00	\$130.50	E
Commercial Systems – System and Disposal Area	\$694.50	\$0.00	\$694.50	E
Commercial Systems – System only	\$322.00	\$0.00	\$322.00	E
Commercial Systems – Disposal Area only	\$386.50	\$0.00	\$386.50	E

Approval to Operate

Invoiced in July per year for 5 yearly approval to operate			56.00/year	E
ATO Inspection			No Charge	n/a

Inspection of On-site Sewage Management

Any inspection not related to routine ATO inspection (per system)	\$211.00	\$0.00	\$211.00	E
Re-inspection	\$211.00	\$0.00	\$211.00	E

Use of Footpaths and Road Reserves

Annual Permit Fee	\$142.50	\$0.00	\$142.50	E
A Frame Signage	\$96.50	\$0.00	\$96.50	E
Outdoor Seating (occupied area subject of permit)	\$16.50	\$0.00	\$16.50	E
Display of Goods (occupied area subject of permit)	\$16.50	\$0.00	\$16.50	E

Approvals Under Section 125 Roads Act

New Footway Dining application	\$393.50	\$0.00	\$393.50	E
Application for renewal (lodged prior to expiry of existing approval)	\$206.50	\$0.00	\$206.50	E

Approvals Under Section 138 Roads Act

See under heading "ROADS"

Trade Waste Fees

Trade Waste Applications

Applications (Policy No. S15/2, adopted by Council on 12/12/2011, Minute 190)

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Liquid Trade Waste Applications

Applications

Approval to Discharge Liquid Trade Waste (Classification A)	\$448.00	\$0.00	\$448.00	E
Approval to Discharge Liquid Trade Waste (Classification B & C)	\$1,062.00	\$0.00	\$1,062.00	E
Approval to Discharge Liquid Trade Waste (Classification S)	\$1,108.50	\$0.00	\$1,108.50	E
Extend or renew an approval with no change in conditions	\$381.50	\$0.00	\$381.50	E
Transfer an approval to a new discharger with the same conditions at the same premises	\$163.00	\$0.00	\$163.00	

Annual Trade Waste Fee (annual inspections)

Category 1 Discharger	\$154.50	\$0.00	\$154.50	E
Category 2 Discharger	\$240.50	\$0.00	\$240.50	E
Category 3 Discharger	\$807.00	\$0.00	\$807.00	E
Re-Inspection Fee	\$221.00	\$0.00	\$221.00	E

Trade Waste Usage Charge

Applied with Trade Waste Discharge Factor

Category 1 Discharger without appropriate pre-treatment (\$/kL) (non compliant)	\$1.80	\$0.00	\$1.80	E
Category 2 Discharger with appropriate pre-treatment (\$/kL)	\$1.80	\$0.00	\$1.80	E
Category 2 Discharger without appropriate pre-treatment (\$/kL) (non compliant)	\$22.50	\$0.00	\$22.50	E
Annual food waste disposal charge – (\$/beds)	\$39.50	\$0.00	\$39.50	E
Portable toilet waste (\$/kL)	\$20.50	\$0.00	\$20.50	E
Septic Waste (\$/kL) (Within LGA)	\$8.00	\$0.00	\$8.00	E
Septic Waste (\$/kL) (Outside LGA)	\$21.60	\$0.00	\$21.60	E
Attendance at site to carry out approval (\$/hr)	\$140.00	\$0.00	\$140.00	E

Excess Mass Charges for Category 3 Discharges - per kg

Refer to equation 1 in section 4.7.7 of the Policy

Aluminium	\$0.90	\$0.00	\$0.90	E
Ammonia (as N)	\$2.70	\$0.00	\$2.70	E
Arsenic	\$89.50	\$0.00	\$89.50	E
Barium	\$44.50	\$0.00	\$44.50	E
Biochemical Oxygen Demand (BOD) up to 600 mg/L	\$0.80	\$0.00	\$0.80	E

Refer to equation 1 in section 4.7.7 and refer to equation 2 in section 4.7.7 for BOD>600mg/L.

Note: equation 5 with equation 1 is used where the discharger has failed to meet their approval in two or more instances in one financial year.

Boron	\$0.90	\$0.00	\$0.90	E
Bromine	\$17.50	\$0.00	\$17.50	E
Cadmium	\$409.00	\$0.00	\$409.00	E
Chloride			No Charge	E
Chlorinated Hydrocarbons	\$44.50	\$0.00	\$44.50	E
Chlorinated Phenolics	\$1,785.00	\$0.00	\$1,785.00	E
Chlorine	\$1.80	\$0.00	\$1.80	E
Chromium	\$30.00	\$0.00	\$30.00	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Excess Mass Charges for Category 3 Discharges - per kg [continued]

Cobalt	\$18.00	\$0.00	\$18.00	E
Copper	\$18.00	\$0.00	\$18.00	E
Cyanide	\$89.00	\$0.00	\$89.00	E
Fluoride	\$4.50	\$0.00	\$4.50	E
Formaldehyde	\$1.80	\$0.00	\$1.80	E
Oil and Grease (Total O and G)	\$1.60	\$0.00	\$1.60	E
Herbicides/Defoliants	\$892.50	\$0.00	\$892.50	E
Iron	\$1.80	\$0.00	\$1.80	E
Lead	\$44.50	\$0.00	\$44.50	E
Lithium	\$9.00	\$0.00	\$9.00	E
Manganese	\$9.00	\$0.00	\$9.00	E
Mercaptans	\$89.20	\$0.00	\$89.20	E
Mercury	\$2,975.00	\$0.00	\$2,975.00	E
Methylene Blue Active Substances (MBAS)	\$0.90	\$0.00	\$0.90	E
Molybdenum	\$0.90	\$0.00	\$0.90	E
Nickel	\$30.00	\$0.00	\$30.00	E
Nitrogen (as TKN – Total Kjeldahl Nitrogen)	\$0.20	\$0.00	\$0.20	E
Organoarsenic Compounds	\$892.50	\$0.00	\$892.50	E
Pesticides General (excludes organochlorines and organophosphates)	\$892.50	\$0.00	\$892.50	E
Petroleum Hydrocarbons (non-flammable)	\$3.00	\$0.00	\$3.00	E
Phenolic Compounds (non-chlorinated)	\$9.00	\$0.00	\$9.00	E
Phosphorous (Total P)	\$1.80	\$0.00	\$1.80	E
Polynuclear Aromatic Hydrocarbons (PAHs)	\$18.20	\$0.00	\$18.20	E
Selenium	\$63.00	\$0.00	\$63.00	E
Silver	\$1.60	\$0.00	\$1.60	E
Sulphate (SO4)	\$0.14	\$0.00	\$0.14	E
Sulphide	\$1.80	\$0.00	\$1.80	E
Sulphite	\$2.00	\$0.00	\$2.00	E
Suspended Solids (SS)	\$1.20	\$0.00	\$1.20	E
Thiosulphate	\$0.40	\$0.00	\$0.40	E
Tin	\$9.00	\$0.00	\$9.00	E
Total Dissolved Solids (TDS)	\$0.05	\$0.00	\$0.05	E
Uranium	\$9.00	\$0.00	\$9.00	E
Zinc	\$18.10	\$0.00	\$18.10	E

Non-Compliance Excess Mass Charges

Refer to equations 4 & 5 in the Policy

Details	Refer to section 4.7.9 equations 4 & 5 in the Liquid Trade Waste Policy	n/a
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Non-Compliance pH Charge

Refer to equation 3 in the Policy

Details	Refer to section 4.7.9 equation 3 in the Liquid Trade Waste Policy	n/a
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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Non-Compliance pH Charge [continued]

K for pH coefficient calculation charge	0.506 (refer to section 4.7.9 in the Liquid Trade Waste Policy)	E
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Regulatory Services

Companion Animals

Lifetime registration

Fees prescribed by the State - NSW Companion Animals Act 1998

Non-desexed animals	Prescribed	A
De-sexed animals	Prescribed	A
De-sexed animals – pensioner concession	Prescribed	A
Breeder	Prescribed	A

Impounding Fees

Impounding fee	\$69.00	\$0.00	\$69.00	E
Additional Impound Fee (of same animal) in a calendar year	\$138.00	\$0.00	\$138.00	E
Maintenance and care per day thereafter/or part day	\$27.50	\$0.00	\$27.50	E
Microchipping (if applicable)	\$42.50	\$0.00	\$42.50	E
Vaccination (all dogs are vaccinated)	\$39.50	\$0.00	\$39.50	E
Veterinary Treatment	At Cost			E
Treatment incurred during impoundment (i.e. necessary grooming, worming, bathing)	At Cost			E

Animal Adoption

Adoption costs include a health check, desexing, vaccination, worming, microchipping and Lifetime Registration

Dogs

Puppies <6 months	\$369.55	\$36.95	\$406.50	E
Adults – 6 months - 6 years	\$318.18	\$31.82	\$350.00	E
Seniors – 6+ years	\$215.45	\$21.55	\$237.00	E

Cats

Discounts apply if an animal was previously microchipped, Lifetime Registered or desexed

Kittens <6 months	\$205.00	\$20.50	\$225.50	E
Adults – 6 months - 6 years	\$164.55	\$16.45	\$181.00	E
Seniors – 6+ years	\$112.73	\$11.27	\$124.00	E

Rescue Agencies

Microchipping	\$16.82	\$1.68	\$18.50	E
Vaccinations	\$27.73	\$2.77	\$30.50	E

Surrender Fee

Surrender Fee	\$72.00	\$0.00	\$72.00	E
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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Declared Dangerous Dogs Fees

Dangerous Dog Enclosure Certificate of Compliance	\$189.50	\$0.00	\$189.50	A
Dangerous Dog Collar XL	\$65.00	\$6.50	\$71.50	E
Dangerous Dog Collar L	\$59.09	\$5.91	\$65.00	E
Dangerous Dog Collar M	\$51.82	\$5.18	\$57.00	E
Dangerous Dog Collar SML	\$48.18	\$4.82	\$53.00	E
Dangerous Dog Sign	\$42.27	\$4.23	\$46.50	E

Stock Impounding

Impounding Act 1993

Impounding Fee	\$105.45	\$0.00	\$105.45	E
Feed per head per day	\$13.50	\$0.00	\$13.50	E
Maintenance per hour (includes Ranger feeding)	\$85.50	\$0.00	\$85.50	E
Transport using vehicle per hour (Ranger Vehicle)	\$46.00	\$0.00	\$46.00	E
Hired Transport			At Cost	E
Notification Fee	\$101.00	\$0.00	\$101.00	E

Impounded Vehicles

Impounding Fee	\$105.45	\$0.00	\$105.45	E
Towing Fee			At Cost	E
Notification Fee	\$101.00	\$0.00	\$101.00	E
Storage (per week)			At Cost	E

General Impounding Fee (all other impoundments)

Impounding Fee	\$65.00	\$0.00	\$65.00	B
Notification Fee	\$101.00	\$0.00	\$101.00	E

Cat Trap Hire - Feral Cats Only

Hire fee	\$0.00	\$0.00	\$0.00	C
Deposit	\$0.00	\$0.00	\$0.00	C
Late Return Fee	\$0.00	\$0.00	\$0.00	C

Development Contributions

(Under Section 7.11 of the Environmental Planning & Assessment Act 1979) - Developments approved under the Muswellbrook Section 94 Contributions Plan 2001
Urban Subdivision or Dwelling (Medium Density)

Urban Subdivision or Dwelling - Medium Density

Note: Contributions paid at subdivision stage for an additional lot will not be applied to a single dwelling erected on the lot created

Muswellbrook

a) Open Space and Community Facilities	\$2,383.50	\$0.00	\$2,383.50	E
b) Roads and Drainage	\$1,284.50	\$0.00	\$1,284.50	E

Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Muswellbrook [continued]

c) Open Space and Community Facilities	\$2,383.50	\$0.00	\$2,383.50	E
d) Roads and Drainage	\$1,284.50	\$0.00	\$1,284.50	E

Denman

a) Open Space and Community Facilities	\$1,834.00	\$0.00	\$1,834.00	E
b) Roads and Drainage	\$1,284.50	\$0.00	\$1,284.50	E
c) Open Space and Community Facilities	\$1,834.00	\$0.00	\$1,834.00	E
d) Roads and Drainage	\$1,284.50	\$0.00	\$1,284.50	E

Rural Lot or Dwelling

a) Bushfire Protection	\$3,562.50	\$0.00	\$3,562.50	E
b) Rural Roads	\$3,663.50	\$0.00	\$3,663.50	E
c) Open Space & Community Facilities	\$1,523.00	\$0.00	\$1,523.00	E
d) Bushfire Protection	\$3,562.50	\$0.00	\$3,562.50	E
e) Rural Roads	\$3,663.50	\$0.00	\$3,663.50	E
f) Open Space & Community Facilities	\$1,523.00	\$0.00	\$1,523.00	E

South Muswellbrook Commercial Development

Road Upgrading			16.64/m2	E
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Tourist Development

Tourism Facilities			\$1.35 per \$100 of investment	E
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West Denman

Open Space Recreational Sporting Facilities

Per Person	\$432.50	\$0.00	\$432.50	E
One Bedroom	\$647.50	\$0.00	\$647.50	E
Two Bedroom	\$865.50	\$0.00	\$865.50	E
Three or more Bedroom dwelling	\$1,080.50	\$0.00	\$1,080.50	E
Per lot	\$1,080.50	\$0.00	\$1,080.50	E

Community Facilities

Per Person	\$545.00	\$0.00	\$545.00	E
One Bedroom	\$818.00	\$0.00	\$818.00	E
Two Bedroom	\$1,089.00	\$0.00	\$1,089.00	E
Three or more Bedroom dwelling	\$1,362.00	\$0.00	\$1,362.00	E
Per lot	\$1,362.00	\$0.00	\$1,362.00	E

Stormwater Management

Per Person	\$1,926.50	\$0.00	\$1,926.50	E
One Bedroom	\$2,890.00	\$0.00	\$2,890.00	E
Two Bedroom	\$3,852.00	\$0.00	\$3,852.00	E
Three or more Bedroom dwelling	\$4,815.50	\$0.00	\$4,815.50	E

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Name	Year 24/25			Fee Type
	Fee (excl. GST)	GST	Fee (incl. GST)	

Stormwater Management [continued]

Per lot	\$4,815.50	\$0.00	\$4,815.50	E
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Transport Facilities

Per Person	\$3,745.00	\$0.00	\$3,745.00	E
One Bedroom	\$5,617.50	\$0.00	\$5,617.50	E
Two Bedroom	\$7,491.00	\$0.00	\$7,491.00	E
Three or more Bedroom dwelling	\$9,363.50	\$0.00	\$9,363.50	E
Per lot	\$9,363.50	\$0.00	\$9,363.50	E

Plan Management Administration

Per Person	\$128.00	\$0.00	\$128.00	E
One Bedroom	\$193.00	\$0.00	\$193.00	E
Two Bedroom	\$257.50	\$0.00	\$257.50	E
Three or more Bedroom dwelling	\$322.00	\$0.00	\$322.00	E
Per lot	\$322.00	\$0.00	\$322.00	E

Development Contributions (Section 7.12)

(Under Section 7.12 of the Environmental Planning & Assessment Act 1979) - Section 94A
Development Contributions Plan 2009
- Subject to CPI Increase

Estimated cost of development

< \$100000	0.0%	A
\$100001 – \$200000	1.0%	A
>\$200000	1.0%	A

Development Contributions - Extractive Industries (Section 7.11)

Levy for material removed	As per agreement with Council	E
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Fee Name	Parent Name	Page
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Index of all Fees

1

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Business Users - Up to 3 Hours	[Denman Library Community Room]	14
C		
c) Open Space & Community Facilities	[Rural Lot or Dwelling]	47
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c) Open Space and Community Facilities	[Denman]	47
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Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	[Seminar Room]	14
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	[Library Meeting Room 1]	14
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	[Library Meeting Room 2 (Community Room)]	14
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	[DHB STEM Innovation Lab]	14
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	[DHB Meeting Room]	15
Cancellations within 24 hours (50% of quoted fee) - 1 Day during Business hours	[DHB Foyer]	15
Cancellations within 24 hours (50% of quoted fee) - per hour	[Seminar Room]	14
Cancellations within 24 hours (50% of quoted fee) - per hour	[Library Meeting Room 2 (Community Room)]	14
Cancellations within 24 hours (50% of quoted fee) - per hour	[DHB STEM Innovation Lab]	14
Cancellations within 24 hours (50% of quoted fee) - per hour	[DHB Foyer]	15
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	[Seminar Room]	14
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	[Library Meeting Room 1]	14
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	[Library Meeting Room 2 (Community Room)]	14
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	[DHB STEM Innovation Lab]	14
Cancellations within 24 hours (50% of quoted fee) - Up to 3 hours	[DHB Foyer]	15
Cancellations within 24 Hours (50% of quoted room hire fee) - per hour	[DHB Meeting Room]	15
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Cars, Station Wagons and wheelie bins	[Domestic Green Waste]	29
Category 1 – enabling clause (change to LEP text only) or land area affected by PP is less than 1000sqm	[Stage 1: Lodgement]	36
Category 1 – enabling clause (change to LEP text only) or land area affected by PP is less than 1000sqm	[Stage 2: Gateway Determination]	36
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Category 1 Discharger without appropriate pre-treatment (\$/kL) (non compliant)	[Trade Waste Usage Charge]	43
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Category 2 Discharger with appropriate pre-treatment (\$/KL)	[Trade Waste Usage Charge]	43
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Certificate Section 10.7 (5) in addition to 10.7 (2)	[Planning Certificates]	38
Chair Hire	[Indoor Sports Centre - Muswellbrook]	13
Child Swim Fit – Member	[20 Visit Pass]	22
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Child up to 16 years – Member Single	[Swim Fitness]	22
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Class 1 Buildings < 200 m2	[General Fees]	34
Class 1 Buildings > 400 m2 or any dual occupancy or multi-dwelling development	[Construction Certificate]	33
Class 1 Buildings > 400 m2 or any dual occupancy or multi-dwelling development	[General Fees]	35
Class 1 buildings 200-400 m2	[Construction Certificate]	33
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Class 10(a) Buildings > 100 m2	[Construction Certificate]	33
Class 10(a) Buildings > 100 m2	[General Fees]	34
Class 10b excluding swimming pools	[General Fees]	34
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Class 2-9 Buildings < 500 m2	[General Fees]	35
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Class 2-9 Buildings 500-2000 m2	[Construction Certificate]	33
Class 2-9 Buildings 500-2000 m2	[General Fees]	35
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Clean Wood Waste	[Timber, Timber Pallets]	27
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Cleaning Fee	[Seminar Room]	14
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Cleaning Fee	[DHB Meeting Room]	15
Cleaning Fee	[DHB Foyer]	15
Cobalt	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Colour – A1	[Photocopying/Printing]	11
Colour - A3	[Visitors Information Centre - Photocopying]	11
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Colour – A3	[Photocopying]	24
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Colour – A4	[Photocopying/Printing]	11
Colour – A4	[Photocopying]	24
Colour – AO	[Photocopying/Printing]	11
Columbarium – Installation of plaque and ashes	[Right of Burial Fees]	9
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Commercial Driveway Crossing	[S138 Roads Act - Road Opening Permit]	18
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Commercial Systems – System and Disposal Area	[Modify On-site Sewage Management System]	42

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Community Organisations - Up to 3 Hours	[Denman Library Community Room]	14
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Concession	[6 month Pass]	21
Concession	[Year Pass]	21
Concession	[Denman Only Season Pass]	22
Concession	[Gym Direct Debit]	23
Concession	[Gym & Swim Direct Debit]	23
Concession	[Upfront 1 month Gym]	23
Concession	[Upfront 1 month Gym & Swim]	23
Concession	[12 months Upfront Gym]	23
Concession	[12 months Upfront Gym & Swim]	23
Concrete per tonne	[Bricks & Concrete]	26
Consolidation to provide one (1) lot	[Subdivision Certificate Application Fees]	38
Construction cost of Footpath per sq.m	[Contribution for new Kerb and Gutter/Footpaths (Policy - K 10/1)]	19
Construction cost of Kerb & Gutter per 1.m	[Contribution for new Kerb and Gutter/Footpaths (Policy - K 10/1)]	19
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Copy of a building certificate	[Building Certificates]	39
Corporate Gym Membership - Per Visit	[Corporate Membership]	21
Correction of a minor error, misdescription or miscalculation	[Section 4.55 (1) Modification]	36
Cost Per Inspection (or re-inspection)	[Compliance Inspections (Construction Stages)]	35
Cost per plan	[Sewer Drainage Plan]	38
Council processing fee (for each integrated referral required)	[Integrated Development and Concurrence Fee]	35
Cyanide	[Excess Mass Charges for Category 3 Discharges - per kg]	44
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Dangerous Dog Collar XL	[Declared Dangerous Dogs Fees]	46
Dangerous Dog Collar L	[Declared Dangerous Dogs Fees]	46
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Dangerous Dog Enclosure Certificate of Compliance	[Declared Dangerous Dogs Fees]	46
Dangerous Dog Sign	[Declared Dangerous Dogs Fees]	46
Deposit	[Cat Trap Hire - Feral Cats Only]	46
De-sexed animals	[Lifetime registration]	45
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Design by Council – Driveways or other Infrastructure	[S138 Roads Act - Road Opening Permit]	19
Designated development	[Giving Notice - Other]	38
Details	[Non-Compliance Excess Mass Charges]	44
Details	[Non-Compliance pH Charge]	44
Development involving the erection of a dwelling-house with an estimated construction cost of \$100,000 or less	[General Fees]	33
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Disconnection of Water Meter at Service (service capped)	[Other Services]	30
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Dishonoured Cheques, returned to Council	[Dishonoured Payments]	10

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Domestic quantities only	[Waste Oil]	30
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Domestic Systems – Disposal Area only	[Modify On-site Sewage Management System]	42
Domestic Systems – System and Disposal Area	[Modify On-site Sewage Management System]	42
Domestic Systems – System only	[Modify On-site Sewage Management System]	42
E		
e) Rural Roads	[Rural Lot or Dwelling]	47
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Each additional hour	[Pool Space Hire]	21
Each Tonne over 3 Tonne	[Issue of Weighbridge Certificate]	28
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Enter pool details into NSW Swimming Pool Register	[Swimming Pool Certificates]	40
Events on Council grounds – Day & Night - 24 Hours	[Shows and Events - at council grounds and facilities]	19
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Exclusive Hire of Indoor Pool (8 hours)	[Pool Space Hire]	21
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Extend or renew an approval with no change in conditions	[Applications]	43
F		
f) Open Space & Community Facilities	[Rural Lot or Dwelling]	47
Family	[6 month Pass]	21
Family	[Year Pass]	21
Family	[Denman Only Season Pass]	22
Family	[Gym Direct Debit]	23
Family	[Gym & Swim Direct Debit]	23
Family	[Upfront 1 month Gym]	23
Family	[Upfront 1 month Gym & Swim]	23
Family	[12 months Upfront Gym]	23
Family	[12 months Upfront Gym & Swim]	23
Family History Research by Library Staff - per hour (minimum fee does not include document access fees)	[Family History Search]	24
Family Up to 2 adults and 5 Children)	[Turnstile]	20
Fee	[Other]	18
Fee	[Assessment fee further to above charges]	18
Fee	[Designated Developments (in addition to fees above)]	33
Fee	[Prelodgement Meeting]	33
Fee for certified copy of plan	[Request for Property Information]	39
Fee for council to certify satisfaction of a condition of consent or confirm construction plans are not inconsistent with DA approved plans	[Council Certificate Advice]	39
Fee for retrieval of historical records	[Request for Property Information]	39
Fee for service responding to enquiries requiring search of records, analysis of information and/or a written response	[Request for Property Information]	39
Fee for service responding to enquiries requiring search of records, analysis of information and/or a written response – Dwelling Permissibility	[Request for Property Information]	39
Fee for service responding to enquiries requiring search of records, analysis of information and/or a written response – Flood Levels and associated flooding information	[Request for Property Information]	39
Feed per head per day	[Stock Impounding]	46
Fees prescribed by the State - Food Act	[Food Act]	41
Fees prescribed by the State - POEO Act	[Environmental Health Inspections]	40
Fees prescribed by the State - Public Health Act	[Public Health Act]	41
Field Hire – Per Day	[Casual Hirer]	20
Field Hire – Per Half-Day	[Casual Hirer]	20
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First 15 weeks	[Rural Areas - per m2]	18
First 15 weeks	[Residential - per m2]	18
First 15 weeks	[Tourist Area and/or Industrial Area - per m2]	18
First 15 weeks	[CBD - per m2]	18
Five years and under (swimming)	[Turnstile]	20
Fluoride	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Footways	[S138 Roads Act - Road Opening Permit]	18
Formaldehyde	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Free to not for profit and charity groups	[Outside Art Centre Hours]	13
Free to Not for profit and charity groups	[Private Functions]	13
G		
Gallery Hire Hourly Base Rate	[During Art Centre Hours]	13
Gallery Hire Hourly Base Rate	[Outside Art Centre Hours]	13
Gallery Membership - Per Person	[Muswellbrook Regional Art Centre]	11
General approvals / application not specifically mentioned elsewhere	[Section 68 of the LOCAL GOVERNMENT ACT]	41
General Cemetery – Purchase of 2.4 x 1.2m plot	[Right of Burial Fees]	9
General solid waste (putrescible & non-putrescible)	[Mixed Waste]	25
Giant inflatable	[Other]	22
Giving information	[Enquiry Fee]	10
Green Lid Bin	[Replacement of Damaged/Lost Wheelie Bin]	25
Green waste per tonne	[Green Waste]	26
Group 1 Equipment - Facility Access	[DHB - Melt Equipment & Consumables]	16
Group 2 Equipment - Per Use Per Day	[DHB - Melt Equipment & Consumables]	16
Group Booking – per child	[School Groups]	21
Gym (20 entries)	[Gym - 20 Visit Pass]	23
Gym Concession (20 entries)	[Gym - 20 Visit Pass]	23
Gym concession/student	[Gym]	22
Gym Joining Fee	[Gym]	22
Gym single entry	[Gym]	22
Gymnasium Only (per hour)	[Indoor Sports Centre - Muswellbrook]	13
H		
Half-Day Hire - 4 Hours	[Denman Memorial Hall]	12
Herbicides/Defoliants	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Hire charge (per month or part thereof)	[Hire of Metered Hydrant]	31
Hire fee	[Cat Trap Hire - Feral Cats Only]	46
Hire of Hall (hourly rate)	[Denman Memorial Hall]	12
Hire of Pool Lane	[Pool Space Hire]	21
Hired Transport	[Stock Impounding]	46
Horse/Cattle (by prior arrangement)	[Dead Animals (RSPCA Exempt)]	28
Hourly Rate Per Person	[During Art Centre Hours]	13
Hourly Rate Per Person	[Outside Art Centre Hours]	13
Household Problem Wastes - domestic quantities only	[Community Recycling Centre]	26
I		
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ILRS Charges passed on for Electronic Delivery	[Holds and Reservations]	24
ILRS Charges passed on when Library charged per request	[Holds and Reservations]	24
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Impounding Fee	[Stock Impounding]	46
Impounding Fee	[Impounded Vehicles]	46
Impounding Fee	[General Impounding Fee (all other impoundments)]	46
Individual Practice (per hour) – Casual Hire	[Indoor Sports Centre - Muswellbrook]	13
Inspection	[Public Gates/Grid]	18
Inspection	[Water Carters]	41
Inspection	[Regulated Premises, Public Swimming Pool and Spa Inspections (water quality)]	41

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Inspection fee	[Skin Penetration Premises]	41
Inspection Fee	[Caravan Parks]	41
Inspection fee (as per Boarding Houses Act 2012)	[Boarding Houses]	41
Inspection Fee (including fixed premises, mobile vending vehicles, home based, temporary stalls)	[Food Act]	40
Inspection of Works (determined in Notice of Requirement) per inspection	[Water Management Act Approval]	32
Install & Construct On-site Sewage Management System (includes inspection and approval to operate)	[Application Charges]	42
Install & Construct On-site Sewage Management System: Commercial Systems – Greater than 5000L/day (includes inspection and approval to operate)	[Application Charges]	42
Install manufactured home, moveable dwelling (includes inspections) outside of an approved caravan park or manufactured home estate	[Section 68 of the LOCAL GOVERNMENT ACT]	41
Install manufactured home, moveable dwelling on an approved dwelling site within a caravan park, manufactured home estate etc; (includes inspections)	[Section 68 of the LOCAL GOVERNMENT ACT]	41
Install Oil or Solid Fuel Heating Appliance (includes inspections)	[Section 68 of the LOCAL GOVERNMENT ACT]	41
Installation of Banners (not for profit)	[Banners]	9
Insurance for Casual Hire of Council facilities	[Casual Hirer's Insurance]	17
Integrated (advertised) development	[Giving Notice - Other]	37
Inter Library Loan Requests	[Holds and Reservations]	24
Inter Library Loan Requests (pensioners and school students)	[Holds and Reservations]	24
Internal Processing Fee	[Government Information (Public Access) Act 2009 (GIPA)]	11
Invoiced in July per year for 5 yearly approval to operate	[Approval to Operate]	42
Iron	[Excess Mass Charges for Category 3 Discharges - per kg]	44
K		
K for pH coefficient calculation charge	[Non-Compliance pH Charge]	45
Key Deposit (refundable)	[All Council Properties]	11
Kittens <6 months	[Cats]	45
L		
Labour costs	[Private Works]	17
Landfill Non - Compliance charge, per load	[Mixed Waste]	25
Large events and large events within Olympic Park and Ogilvie Street Denman	[Security Bonds]	20
Late Return Fee	[Cat Trap Hire - Feral Cats Only]	46
Lawn Cemetery – Purchase of 2.4 x 1.2m plot	[Right of Burial Fees]	9
Lead	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Less than \$5,000	[General Fees]	32
Less than 25 pages	[Planning Portal Record Processing Fee (hard copy or digital records)]	39
Levy for material removed	[Development Contributions - Extractive Industries (Section 7.11)]	48
Library Members - Up to 3 Hours	[Library Meeting Room 1]	14
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Light Truck or 4WD Tyre	[Tyres - on Rims]	27
Light Truck or 4WD Tyre	[Tyres - off Rims]	30
Light Truck or 4WD Tyre	[Tyres - on Rims]	30
Lithium	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Local Inter-Library Loan	[Holds and Reservations]	24
Long Service Levy (Payable prior to release of Construction Certificate)	[Long Service Levy]	36
M		
Maintenance and care per day thereafter/or part day	[Impounding Fees]	45
Maintenance per hour (includes Ranger feeding)	[Stock Impounding]	46
Major works on road reserves- for projects undertaken through development and/or where assets are transferred to Council.	[Works Enabling Deed]	19

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Manganese	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Marquee 3m x 3m	[MSC Branded Popup Marquee Hire]	10
Marquee 3m x 4m	[MSC Branded Popup Marquee Hire]	10
Marquee 4m x 8m	[MSC Branded Popup Marquee Hire]	10
Mattress or base, per each item	[Mattress Recycling]	28
Meeting Room (small, per hour)	[Indoor Sports Centre - Muswellbrook]	13
Membership	[Borrowers]	23
Memorial Wall – Installation of plaque	[Right of Burial Fees]	9
Mercaptans	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Merchant Fee Recovery	[Credit Card Payments]	10
Mercury	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Methylene Blue Active Substances (MBAS)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Mezzanine Floor Area (per hour) – Day	[Indoor Sports Centre Complex - Denman]	12
Mezzanine Floor Area (per hour) – Night	[Indoor Sports Centre Complex - Denman]	12
Microchipping	[Rescue Agencies]	45
Microchipping (if applicable)	[Impounding Fees]	45
Minimal environmental impact (including Section 4.56)	[Section 4.55 (1a) Modification]	36
Minor* Modication of Application (prior to determination)	[Modification of Construction Certificate]	34
Minor* Modification (post determination)	[Modification of Construction Certificate]	34
Minor* Modification (post determination)	[Modification of Complying Development Certificate Application]	35
Minor* Modification of Application (prior to determination)	[Modification of Complying Development Certificate Application]	35
Modification Application requiring Notice	[Giving Notice - Other]	38
Modify Approval to install prior to any works commencing – no inspections necessary	[Modify On-site Sewage Management System]	42
Molybdenum	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Monthly Listing	[Property - Transfer Listing]	17
More than \$10,000,000	[General Fees]	33
More than \$10,000,000	[If the original estimated cost of the development was:]	37
More than \$10,000,001	[If the original estimated cost on the DA was:]	37
Mullins Conceptual Photography Prize	[Muswellbrook Regional Art Centre]	11
Muswellbrook	[Tanker Sales (per kilolitre)]	31
Muswellbrook Art Prize - Ceramics	[Muswellbrook Regional Art Centre]	11
Muswellbrook Art Prize – Painting	[Muswellbrook Regional Art Centre]	11
Muswellbrook Art Prize – Works on Paper	[Muswellbrook Regional Art Centre]	11

N

Native Animals	[Dead Animals (RSPCA Exempt)]	28
New Footway Dining application	[Approvals Under Section 125 Roads Act]	42
New Roads plus \$ per additional lot	[DA Subdivision Fees]	33
New services (no existing service pipe)	[New Services (no existing service pipe)]	30
Nickel	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Nitrogen (as TKN – Total Kjeldahl Nitrogen)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
No building or demolition work proposed in DA	[Request for Review of Determination of a DA]	37
No new Roads plus \$ per additional lot	[DA Subdivision Fees]	33
Non-desexed animals	[Lifetime registration]	45
Notification Fee	[Stock Impounding]	46
Notification Fee	[Impounded Vehicles]	46
Notification Fee	[General Impounding Fee (all other impoundments)]	46
Notification of Complying Development Certificate (in addition to application fees)	[Giving Notice - Other]	38
Notification of Planning Agreement	[Giving Notice - Other]	38

O

Observation if required (Additional fee apply for over 4 hours)	[Restricted Access (Over size/ Over mass) Vehicle Approval]	19
Occupation Certificate (Class 10a buildings)	[Occupation Certificate]	34
Occupation Certificate (Class 1a Buildings)	[Occupation Certificate]	34
Occupation Certificate (Class 2-9 buildings including change of use)	[Occupation Certificate]	34
Oil and Grease (Total O and G)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
One Bedroom	[Open Space Recreational Sporting Facilities]	47
One Bedroom	[Community Facilities]	47
One Bedroom	[Stormwater Management]	47

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One Bedroom	[Transport Facilities]	48
One Bedroom	[Plan Management Administration]	48
Online Store Flat Rate Shipping	[Muswellbrook Regional Art Centre]	11
OR Full cost recovery for service in addition to above fee where referred to external party for determination	[Subdivision/Roads and Drainage]	34
OR Full cost recovery for service in addition to above fee where referred to external party for determination	[General Fees]	35
Organoarsenic Compounds	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Other Modification (post determination)	[Modification of Construction Certificate]	34
Other Modification (post determination)	[Modification of Complying Development Certificate Application]	35
Other Modification of Application (prior to determination)	[Modification of Construction Certificate]	34
Other Modification of Application (prior to determination)	[Modification of Complying Development Certificate Application]	35
Outdoor Seating (occupied area subject of permit)	[Use of Footpaths and Road Reserves]	42
Outside operating hours landfill call out	[Mixed Waste]	25
Over 30 weeks	[Rural Areas - per m2]	18
Over 30 weeks	[Residential - per m2]	18
Over 30 weeks	[Tourist Area and/or Industrial Area - per m2]	18
Over 30 weeks	[CBD - per m2]	18
Over 50 pages	[Planning Portal Record Processing Fee (hard copy or digital records)]	39
P		
Passenger Tyre (or smaller)	[Tyres - off Rims]	26
Passenger Tyre (or smaller)	[Tyres - on Rims]	27
Passenger Tyre (or smaller)	[Tyres - off Rims]	30
Passenger Tyre (or smaller)	[Tyres - on Rims]	30
Payable direct to each approval or concurrence body	[Integrated Development and Concurrence Fee]	36
Per Day - 8 hours	[Loxton House]	9
Per Day - 8 Hours	[Councillors Room]	9
Per Day - 8 Hours	[Weidmann Room]	9
Per Day - 8 Hours	[Senior Citizens Centre]	13
Per Day - 8 Hours	[Stan Thiess Centre]	13
Per Day (Whole Facility) - 8 hours	[Indoor Sports Centre Complex - Denman]	12
Per Day (Whole Facility) - 8 hours	[Indoor Sports Centre - Muswellbrook]	12
Per Half Day - 4 Hours	[Senior Citizens Centre]	13
Per Half-Day - 4 Hours	[Stan Thiess Centre]	13
Per Half-Day (Whole Facility) - 4 hours	[Indoor Sports Centre Complex - Denman]	12
Per Half-Day (Whole Facility) - 4 hours	[Indoor Sports Centre - Muswellbrook]	12
Per hour	[Weidmann Room]	9
Per Hour	[DHB Meeting Room]	15
Per Hour	[Councillors Room]	9
Per Hour	[Loxton House]	9
Per Hour	[Seminar Room]	13
Per Hour	[DHB STEM Innovation Lab]	14
Per Hour	[DHB Foyer]	15
Per lot	[Open Space Recreational Sporting Facilities]	47
Per lot	[Community Facilities]	47
Per lot	[Stormwater Management]	48
Per lot	[Transport Facilities]	48
Per lot	[Plan Management Administration]	48
Per Person	[Open Space Recreational Sporting Facilities]	47
Per Person	[Community Facilities]	47
Per Person	[Stormwater Management]	47
Per Person	[Transport Facilities]	48
Per Person	[Plan Management Administration]	48
Per Scan – 10 pages or less	[Scanning]	24
Per Scan – more than 10 pages	[Scanning]	24
Permission to erect structure (e.g. headstone, slab, and concrete kerbing etc.)	[Right of Burial Fees]	10
Permit fee	[Restricted Access (Over size/ Over mass) Vehicle Approval]	19
Pesticides General (excludes organochlorines and organophosphates)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Petroleum Hydrocarbons (non-flammable)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Phenolic Compounds (non-chlorinated)	[Excess Mass Charges for Category 3 Discharges - per kg]	44

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Fee Name	Parent Name	Page
P [continued]		
Phosphorous (Total P)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Plan checking fee for works as executed (per lot)	[Subdivision Certificate Application Fees]	38
Plant & Equipment Occupation (Standing Plant) within Road Reserve including CBD Bond	[Security Bonds]	20
Plant costs	[Private Works]	17
Playgroups & community groups (maximum 3 hours)	[Indoor Sports Centre Complex - Denman]	12
Playgroups & community groups (maximum 3 hours)	[Stan Thiess Centre]	13
Plus administration fee	[Restricted Access (Over size/ Over mass) Vehicle Approval]	19
Plus Hourly Charge	[Enquiry Fee]	10
Polynuclear Aromatic Hydrocarbons (PAHs)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Pool Room Hire – per day	[Other]	22
Pool Room Hire – per hour	[Other]	22
Portable toilet waste (\$/kL)	[Trade Waste Usage Charge]	43
PP reconsideration or amendment fee – applicant request for reconsideration or for amendment of PP at any time	[Other]	36
Preliminary Investigation Fee	[Closure of a Public Road]	19
Pre-lodgement fee for CDC (where a proposal cannot be complying development, this fee will be deducted from the cost of a construction certificate application lodged with Council)	[General Fees]	34
Private Lessons – 1 person per class	[Learn to Swim]	22
Processed clean timber - woodchip mulch	[Garden Products]	29
Processed garden organics - pasteurised mulch	[Garden Products]	29
Processing Fee	[Government Information (Public Access) Act 2009 (GIPA)]	11
Processing Fee	[Lost and Damaged Material]	24
Processing Fee for closure	[Closure of a Public Road]	19
Prohibited Development	[Giving Notice - Other]	37
Provision of new sewer junction	[Provision of New Sewer Junction]	32
Public hearing	[Other]	36
Puppies <6 months	[Dogs]	45
R		
Raising/Lowering Manhole (new development)	[Provision of New Sewer Junction]	32
Rates and Water Notice re-issue (print copy)	[Administration Charges]	12
Reconnection of Water Meter at Service (following disconnection)	[Reconnection (following disconnection) normal working hours]	30
Red Lid Bin	[Replacement of Damaged/Lost Wheelie Bin]	25
Refrigerators, freezers & air conditioners	[Whitegoods]	26
Refrigerators, freezers & air conditioners with CFC degassing certificate	[Whitegoods]	26
Refrigerators, freezers and air conditioners	[Whitegoods]	30
Refrigerators, freezers and air conditioners with CFC degassing certificate	[Whitegoods]	30
Refund and Transfer Balances Processing (Rates and Water)	[Administration Charges]	12
Refundable deposit	[Shows and Events - at council grounds and facilities]	19
Refundable Security Deposit	[During Art Centre Hours]	13
Refundable Security Deposit	[Outside Art Centre Hours]	13
Registration of certificate on planning portal.	[Occupation Certificate]	34
Registration of Complying Development Certificate on planning portal	[Other]	35
Registration of Subdivision Certificate issued by private certifier	[Subdivision Certificate Application Fees]	38
Registration or update of details of business under the Public Health Act or Food Act (excluding caravan parks and water carters)	[Environmental Health Inspections]	40
Re-inspection	[Inspection of On-site Sewage Management]	42
Re-inspection fee	[Swimming Pool Certificates]	40
Reinspection Fee	[Building Certificates]	39
Reinspection Fee	[Rural Addressing]	40
Re-Inspection Fee	[Annual Trade Waste Fee (annual inspections)]	43
Reinspection fee (Only applies if outstanding work has not been completed)	[Fire Safety]	39
Re-inspection fees following non-compliance – unsatisfactory re-inspection	[Skin Penetration Premises]	41

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Fee Name	Parent Name	Page
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Re-inspection Fees following non-compliant inspection – unsatisfactory re-inspection	[Food Act]	40
Reinspection following non-compliance – unsatisfactory reinspection	[Regulated Premises, Public Swimming Pool and Spa Inspections (water quality)]	41
Reinstatement of Removed Bin Due to Contamination	[Replacement of Damaged/Lost Wheelie Bin]	25
Removal of water restriction device on water meters	[Reconnection (following disconnection) normal working hours]	30
Replacement Fee	[Digital Readers]	24
Replacement or additional plates (same number)	[Rural Addressing]	40
Residential Driveway Crossing with Existing K & G	[S138 Roads Act - Road Opening Permit]	18
Residential Driveway Crossing with no Existing K & G	[S138 Roads Act - Road Opening Permit]	18
Resubmission of Complying Development (Following previous refusal) – no amendments	[Resubmission]	35
Resubmission of Construction Certificate for Subdivision Roads and Drainage (following previous refusal) – with amendments	[Subdivision - Resubmission]	34
Resubmission of Construction Certificate of Subdivision Roads and Drainage - with amendments	[Subdivision - Resubmission]	34
Reuse Shop items	[Recovered Goods]	29
Review of route assessment	[Restricted Access (Over size/ Over mass) Vehicle Approval]	19
Road Restoration – (Bitumen Surface)	[S138 Roads Act - Road Opening Permit]	19
Road Upgrading	[South Muswellbrook Commercial Development]	47
Roads per lane /m	[Subdivision/Roads and Drainage]	34
Route assessment – as per 3rd party quote	[Restricted Access (Over size/ Over mass) Vehicle Approval]	19
Rural driveway crossing	[S138 Roads Act - Road Opening Permit]	18
Rural Water Connection (Conditions Apply)	[New Services (connect to existing service pipe)]	30

S

School Groups (>1 hour)	[School Groups]	21
School Groups (half day, per student) - 4 hours	[Indoor Sports Centre - Muswellbrook]	12
Scrap Metal recycling	[Scrap Metal]	26
Scrap Metal, domestic quantities only	[Scrap Metal]	30
Section 266 of the Environmental Planning and Assessment Reg 2021	[Planning Reform Fund Fee]	35
Section 603 Certificate LGA 1993	[Certificates]	10
Security Bond - For Damage to Public Infrastructure	[Security Bonds]	20
Security Deposit (refundable subject to payment of outstanding charges)	[Hire of Metered Hydrant]	31
Selenium	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Seniors – 6+ years	[Dogs]	45
Seniors – 6+ years	[Cats]	45
Seniors (18 years and over)	[Regular Users - per registered player - per season]	20
Septic Waste (\$/kL) (Outside LGA)	[Trade Waste Usage Charge]	43
Septic Waste (\$/kL) (Within LGA)	[Trade Waste Usage Charge]	43
Sewer Extension (Commercial)	[Provision of New Sewer Junction]	32
Sewer Headworks – all areas (per ET – equivalent tenement)	[Sewer and Water Headworks]	32
Sheep/Goat	[Dead Animals (RSPCA Exempt)]	28
Shower Fee	[Turnstile]	21
Silver	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Single Entry (all)	[Turnstile]	20
Special Infrastructure (eg Roundabouts, Detention Basin or Bridge etc)	[Subdivision/Roads and Drainage]	34
Special Reading Fee	[Water Meter Testing]	31
Specialist studies required by Gateway Determination	[Other]	36
Spectator Fee	[Turnstile]	20
Squash Courts (per court, per hour) – Casual Hire	[Indoor Sports Centre Complex - Denman]	12
Squash Courts (per court, per hour) – User Groups	[Indoor Sports Centre Complex - Denman]	12
Stock on Road Reserves (grazing)	[S138 Roads Act - Road Opening Permit]	18
Storage (per week)	[Impounded Vehicles]	46
Stores and materials costs	[Private Works]	17
Stormwater Drainage /m	[Subdivision/Roads and Drainage]	33
Stormwater Drainage work (connection to Council drainage or new work for Council ownership)	[Section 68 of the LOCAL GOVERNMENT ACT]	41
Strata (per lot)	[Subdivision Certificate Application Fees]	38

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Fee Name	Parent Name	Page
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Strata plus \$ per additional lot	[DA Subdivision Fees]	33
Subdivision of land (per lot)	[Subdivision Certificate Application Fees]	38
Subdivision or Civil Infrastructure for Council ownership – For number of Inspection at \$155 per inspection	[Compliance Inspections (Construction Stages)]	35
Sulphate (SO4)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Sulphide	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Sulphite	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Supervising staff, carers and trainers	[School Groups]	21
Supply of Rural Addressing Plates- per number (includes one inspection)	[Rural Addressing]	40
Surrender Fee	[Surrender Fee]	45
Suspended Solids (SS)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Swim/Sauna/Spa (combo entry) Adult	[Turnstile]	20
Swim/Sauna/Spa (combo entry) Concession	[Turnstile]	20
Swimming Pools < 40kL per application	[Construction Certificate]	33
Swimming Pools > 40kL	[General Fees]	34
Swimming Pools > 40kL	[General Fees]	34
Swimming Pools > 40KL per application	[Construction Certificate]	33
Swing or hoist goods over road	[Section 68 of the LOCAL GOVERNMENT ACT]	41
T		
Table Hire	[Indoor Sports Centre - Muswellbrook]	13
Technology Hire (e-readers, tablets, Daisy readers)	[Digital Readers]	24
Temporary Event - Food Preparation and Sales Application	[Shows and Events]	39
Tennis Courts (per court, per hour) – Day – Casual Hire	[Indoor Sports Centre Complex - Denman]	12
Tennis Courts (per court, per hour) – Day – User Groups	[Indoor Sports Centre Complex - Denman]	12
Tennis Courts (per court, per hour) – Night – Casual Hire	[Indoor Sports Centre Complex - Denman]	12
Tennis Courts (per court, per hour) – Night – User Groups	[Indoor Sports Centre Complex - Denman]	12
Test Fee – 20, 25 and 32mm service @ 4 Flow Rates	[Test Fee]	31
Test Fee – 20, 25 and 32mm service @ 6 Flow Rates	[Test Fee]	31
Test Fee – 40mm service @ 4 Flow Rates	[Test Fee]	31
Test Fee – 40mm service @ 6 Flow Rates	[Test Fee]	31
Test Fee – 50mm and greater	[Test Fee]	31
Testing Max/Min Pressure supplied (at property service line only)	[Water Flow/Pressure Investigation]	31
The fee payable for the lodgement of a certificate on the planning portal	[Other]	34
Thiosulphate	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Third Party Works Impacting Road Reserves	[S138 Roads Act - Road Opening Permit]	19
Three or more Bedroom dwelling	[Open Space Recreational Sporting Facilities]	47
Three or more Bedroom dwelling	[Community Facilities]	47
Three or more Bedroom dwelling	[Stormwater Management]	47
Three or more Bedroom dwelling	[Transport Facilities]	48
Three or more Bedroom dwelling	[Plan Management Administration]	48
Tin	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Total Dissolved Solids (TDS)	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Tourism Facilities	[Tourist Development]	47
Towing Fee	[Impounded Vehicles]	46
Tractor Tyre	[Tyres - off Rims]	26
Traffic Management Bond Administration Fee	[Security Bonds]	20
Training	[DHB - Melt Equipment & Consumables]	17
Training nights and club events	[Swimming Club]	21
Transfer an approval to a new discharger with the same conditions at the same premises	[Applications]	43
Transfer location at owners request (includes raising service) – Residential/Industrial/Commercial	[Transfer location at owners request]	31
Transport using vehicle per hour (Ranger Vehicle)	[Stock Impounding]	46
Treated timber – contaminated, painted or mixed with other materials (per tonne)	[Timber, Timber Pallets]	27

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Treatment incurred during impoundment (i.e. necessary grooming, worming, bathing)	[Impounding Fees]	45
Trestle Table 750 x 1800mm	[Chair/Table Hire]	10
Truck Tyre	[Tyres - off Rims]	26
Truck Tyre	[Tyres - on Rims]	27
Two Bedroom	[Open Space Recreational Sporting Facilities]	47
Two Bedroom	[Community Facilities]	47
Two Bedroom	[Stormwater Management]	47
Two Bedroom	[Transport Facilities]	48
Two Bedroom	[Plan Management Administration]	48
U		
Uncollected Work Storage Fee Per Day	[Muswellbrook Regional Art Centre]	12
Underground Petroleum Storage Systems	[Environmental Health Inspections]	40
Up to \$5,000	[If the original estimated cost of the development was:]	37
Up to \$5,000	[If the original estimated cost on the DA was:]	37
Up to 120 sheets	[Binding Documents (A4 only)]	24
Up to 240 sheets	[Binding Documents (A4 only)]	24
Up to 3 hours	[Seminar Room]	13
Up to 3 Hours	[DHB STEM Innovation Lab]	14
Up to 3 Hours	[DHB Meeting Room]	15
Up to 3 Hours	[DHB Foyer]	15
Up to 3 hours – Visitor & Business use	[Library Meeting Room 1]	14
Up to 65 Sheets	[Binding Documents (A4 only)]	23
Uranium	[Excess Mass Charges for Category 3 Discharges - per kg]	44
Urgency Fee for Section 10.7 (2) in addition to above	[Planning Certificates]	38
Use of Community Land (engaging in trade or business busking etc)	[Section 68 of the LOCAL GOVERNMENT ACT]	41
Use of Sporting Fields, Parks & Reserves by Fitness Trainers – 12 month Licence Agreement	[Regular Users - per registered player - per season]	20
Use of Sporting Fields, Parks & Reserves by Fitness Trainers – 6 month Licence Agreement	[Regular Users - per registered player - per season]	20
V		
Vaccination (all dogs are vaccinated)	[Impounding Fees]	45
Vaccinations	[Rescue Agencies]	45
Vans, utilities, trailers	[Domestic Mixed Waste]	29
Vans, utilities, trailers	[Domestic Green Waste]	29
Vehicles up to and including 3 Tonne	[Issue of Weighbridge Certificate]	28
Veterinary Treatment	[Impounding Fees]	45
Viola Bromley Art Prize	[Muswellbrook Regional Art Centre]	11
W		
Water Analysis Samples	[Regulated Premises, Public Swimming Pool and Spa Inspections (water quality)]	41
Water Consumption	[Hire of Metered Hydrant]	31
Water Headworks – all areas (per ET – equivalent tenement)	[Sewer and Water Headworks]	32
Water Supply, sewerage and stormwater drainage work	[Section 68 of the LOCAL GOVERNMENT ACT]	41
White Plastic Chair	[Chair/Table Hire]	10
Within Muswellbrook Shire Libraries	[Holds and Reservations]	24
Works Enabling Deed	[S138 Roads Act - Road Opening Permit]	19
Works on Road Reserve - Located within CBD - General Bond	[Security Bonds]	20
Works within Road Reserve - Location other than CBD - General Bond	[Security Bonds]	20
Worm Farms	[Environmental Products]	39
Y		
Yellow Lid Bin	[Replacement of Damaged/Lost Wheelie Bin]	25

Fee Name	Parent Name	Page
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Z

Zinc	[Excess Mass Charges for Category 3 Discharges - per kg]	44
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Other

\$1,000,001 – \$10,000,000	[General Fees]	33
\$1,000,001 – \$10,000,000	[If the original estimated cost of the development was:]	37
\$1,000,001 – \$10,000,000	[If the original estimated cost on the DA was:]	37
\$100001 – \$200000	[Estimated cost of development]	48
\$250,000 – \$500,000	[If the original estimated cost on the DA was:]	37
\$250,001 – \$500,000	[General Fees]	33
\$250,001 – \$500,000	[If the original estimated cost of the development was:]	37
\$5,001 – \$250,000	[If the original estimated cost of the development was:]	37
\$5,001 – \$250,000	[If the original estimated cost on the DA was:]	37
\$5,001 – \$50,000	[General Fees]	32
\$50,001 – \$250,000	[General Fees]	32
\$500,001 – \$1,000,000	[General Fees]	33
\$500,001 – \$1,000,000	[If the original estimated cost of the development was:]	37
\$500,001 – \$1,000,000	[If the original estimated cost on the DA was:]	37
< \$100000	[Estimated cost of development]	48
>\$200000	[Estimated cost of development]	48

**10.4.4. DRAFT MSC Revenue Policy 2024/2025 for Public Exhibition****Attachments:**

1. DRAFT Revenue Policy 2024-25 S 2 - for Report [10.4.4.1 - 21 pages]
2. DRAFT Revenue Policy 2024-25 S 2 - Tracked Changes [10.4.4.2 - 25 pages]

Responsible Officer: Derek Finnigan - General Manager

Author: Jeannie Hayes (Financial Controller)

Community Plan Issue: 6 - *Community Leadership*

Community Plan Goal: 24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

Community Plan Strategy: 6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To present to Council the DRAFT 2024/25 Revenue Policy, and request Council's approval to place the DRAFT 2024/25 Revenue Policy on public exhibition for 28 days.

OFFICER'S RECOMMENDATION

Council ENDORSES placing the DRAFT 2024/25 Revenue Policy on public exhibition for 28 days.

Moved: _____ **Seconded:** _____

BACKGROUND

Under Section 405 of the New South Wales Local Government Act 1993, Council is required to place its annual Draft Operational Plan (including Budget, Revenue Policy, and Fees and Charges schedule) on public exhibition for at least 28 days.

REPORT

Each council is required to determine the combination of rates, charges, fees, and pricing policies needed to fund the services it provides to the community. Council's annual Revenue Policy sets out the approach Council will take in setting rates in the Shire and the amounts applicable to each land category. The Revenue Policy also outlines various charges applicable for services such as Waste Management, Water, and Sewerage management.

The DRAFT 2024/25 Revenue Policy and a separate version with tracked changes are attached for review.



CONSULTATION

Financial Controller

Chief Financial Officer

General Manager

MANEX

Department Managers

Council Officers

FINANCIAL IMPLICATIONS

The resolutions to make the rates will enable Council to collect the rates revenue outlined in the 2024/25 Revenue Policy.

STATUTORY IMPLICATIONS

The statutory requirements relating to the making and levying of rates are included in sections 493 to 607 of the Local Government Act 1993. In addition, the Office of Local Government published a guidance document titled “Council Rating and Revenue Raising Manual” and this document is available to be viewed on the Office of Local Government website.

LEGAL IMPLICATIONS

Council must pass a resolution to make the rates before it can levy rates and charges on properties each year. The resolutions must be passed by 31 July each year which is the last date that a Council can “make” a rate or charge for the new 2024/25 financial year.

OPTIONS

- 1) Council may place the DRAFT 2024/25 Revenue Policy on public exhibition for 28 days, or
- 2) Council may request amendments to the DRAFT 2024/25 Revenue Policy place the updated DRAFT 2024/25 Revenue Policy on public exhibition for 28 days.



Revenue Policy

2024/2025

DRAFT

Contents

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STATEMENT OF RATES PROPOSED TO BE LEVIED FOR 2024/2025.....	15
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1. Policy Objective

The objective of this Policy is to outline Council's rating and charges framework and provide for the 2024/25 levels.

2. Rating

In accordance with section 532 of the *Local Government Act 1993* (NSW) ("Local Government Act"), a Council must not make a rate or charge until it has given public notice of its draft operational plan for the year for which the rate or charge is to be made and has considered any submissions that have been made concerning the draft plan. In practice a Council should first adopt its final Operational Plan and then make rates and charges by resolution (s535, Local Government Act).

3.1 General Valuation

A revaluation of all land parcels in the Muswellbrook Shire local government area occurred in 2022, with a base date of 1 July 2022.

These valuations will be used for rating purposes from 1 July 2023. These valuations will continue to be used until revised through general and/or special re-valuations by the Valuer General.

3.2 Rating Method

In accordance with section 514 of the *Local Government Act*, Council has declared each parcel of rateable land in the Muswellbrook Shire local government area as within one or other of the following categories:

1. Farmland;
2. Residential;
3. Mining;
4. Business.

Council declares that the ordinary rates will be applied across the following categories and sub-categories:

Residential – General

Council determines the sub-category for the category "Residential" called "Residential – General" for each parcel of rateable land valued as one assessment and:

1. its dominant use is for residential accommodation (otherwise than as a hotel, motel, guesthouse, backpacker hostel, nursing home, or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the *Local Government (General) Regulations 2021* (NSW) ("Local Government Regulations")); or
2. in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development

- consent) for residential purposes; or
3. it is rural residential land, and it is not subject to a Sewer Service Availability Charge.

Residential – Muswellbrook & Denman

Council determines a sub-category for the category "Residential" called "Residential – Muswellbrook and Denman" for each parcel of rateable land valued as one assessment and:

1. its dominant use is for residential accommodation (otherwise than as a hotel, motel, guesthouse, backpacker hostel, nursing home or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the Local Government Regulations,); or
2. in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes;

and it is located within the urban area of Muswellbrook and Denman townships and is subject to a Sewer Service Availability Charge.

Farmland – General

Council determines a sub-category for the category "Farmland" called "Farmland – General" for each parcel of rateable land valued as one assessment and its dominant use is for farming which:

- a) has a significant and substantial commercial purpose or character; and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made),

and the land cannot be sub-categorised as:

- Farmland – Irrigable

Land is not to be categorised as Farmland – General if it is rural residential land.

Farmland – Irrigable

Council determines a sub-category for the category "Farmland" called "Farmland – Irrigable" for each parcel of rateable land valued as one assessment if its dominant use is for farming which:

- a) has a significant and substantial commercial purpose or character; and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made); and
- c) is subject of a water right within the meaning of the *Valuation of Land Act 1916* (NSW); and

- d) where the assessment or any part of the assessment:
- (i) is irrigated for any farming purpose; or
 - (ii) has established irrigation reticulation capable of being used for any farming purpose; or
 - (iii) is wholly or partly within 100m of the Hunter River.

Note: a water right means a right or authority (however described) under the Water Management Act 2000, the Water Act 1912, or any other Act, being a right or authority to construct, install or use works of irrigation, or to use water supplied by works of irrigation.

Mining – General

Council determines the sub-category for the category “Mining” called “Mining – General” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine or metalliferous mine and cannot be sub-categorised as:

- Mining – Underground Coal Mining; or
- Mining – Metallurgical Coal Mining

Mining – Underground Coal Mining

Council determines a sub-category for the category “Mining” called “Mining – Underground Coal Mining” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine; and

- a) where the dominant kind of mining involved is longwall mining or board- and-pillar mining (or both); and
- b) the land cannot be sub-categorised as “Mining – Metallurgical Coal Mining”.

Mining – Metallurgical Coal Mining

Council determines a sub-category for the category “Mining” called “Mining – Metallurgical Coal Mining” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine; and

- a) metallurgical coal extraction is a subject of an approved application for a project approval, development consent or other environmental planning instrument applicable to the land permitting that use; and
- b) metallurgical coal is the dominant type of coal extracted from or processed on the land.

For the purposes of this sub-category, “metallurgical coal” includes:

- a) Coal which is capable of being used for the manufacture of steel, iron or cement;
- b) Coal which is capable of producing coke;
- c) Coal which, by industry standards and specifications, can be classified as hard coking coal, semi-soft coking coal or coking coal.

Business – General

Council determines the sub-category for the category of “Business” called “Business -

General" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and cannot be sub-categorised as:

- Business – Power Generation;
- Business – Thomas Mitchell Drive Industrial Centre;
- Business – Showground Release Area; or
- Business – Mine Rehabilitation.

Business – Power Generation

Council determines a sub-category for the category "Business" called "Business – Power Generation" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre of any of the following activities:

- a) the generation of, or capacity to generate, more than 5 megawatts of electricity;
or
- b) the storage of, or capacity to store, more than 10 megawatts of electricity;

and the land cannot be sub-categorised as 'Business – Mine Rehabilitation'.

Business – Thomas Mitchell Drive Industrial Centre

Council determines a sub-category for the category "Business" called "Business – Thomas Mitchell Drive Industrial Centre" for each parcel of rateable land valued as one assessment located wholly or partly within the Thomas Mitchell Drive Industrial Centre.

Business – Showground Release Area

Council determines a sub-category for the category "Business" called "Business – Showground Release Area" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and is located wholly or partly within the Showground Release Area.

Business – Mine Rehabilitation

Council determines a sub-category for the category "Business" called "Business – Mine Rehabilitation" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre of any of the following activities:

- a) the rehabilitation of land that is or has been disturbed by mining operations.

For the purposes of this sub-category, "rehabilitation" includes:

- a) the treatment or management of disturbed land or water for the purpose of establishing and maintaining a safe and stable environment; and
- b) the design and construction of landforms as well as the establishment of sustainable ecosystems or alternative vegetation.

For the purposes of this sub-category "mining operations" means operations carried out in the course of mining.

3.3 Structure of the Rate

In accordance with section 497 of the Local Government Act, Council has adopted the use of a base amount to which an ad valorem amount is added for all categories and sub-categories.

Council's reasons for this adoption are as follows:

- a base amount to which an ad valorem amount is added ensures that the rate burden falls equitably on all landowners for the cost and value of common services and facilities (from which all properties benefit) regardless of their rateable value of land;
- having given regard to the matters set out in section 536(1) of the Local Government Act, Council is of the opinion that a base amount charged per assessment is fair and equitable and reflects both the "benefit principle" and the "ability to pay principle".

3.4 Interest on Overdue Amounts

Subject to the maximum rate specified by the Minister from time to time, Councils are responsible for fixing, by formal resolution, the level of interest penalties to apply in respect of rates and charges that remain unpaid after they become due and payable (section 566 Local Government Act).

Council proposes to apply the maximum permissible rate of interest payable on outstanding rates and charges at a simple rate calculated daily.

The maximum interest rate for the 2024/2025 financial year has not yet been determined by the Minister at this time. The rate for 2023/2024 financial year was set at 9%.

Council may exercise its discretion to write off certain amounts (such as interest) in respect of rates and arrears in a range of appropriate circumstances and/or to enter into special agreements with persons or any category of ratepayers to facilitate the discharge of a rating liability.

The discretion to write off certain amounts may be exercised if special circumstances can be demonstrated by the relevant ratepayers.

3.5 Summary of Rating Philosophy

- I. That Council sets its rates so as to obtain the maximum possible yield and comply with the Office of Local Government's advice in relation to rate-pegging limitations and catch up provisions.
- II. That Council sets a base amount for the sub-categories of an ordinary rate, in accordance with section 499 of the Local Government Act.

- III. That Council applies the maximum permissible rate of interest payable on outstanding rates and charges at a simple rate calculated daily.
- IV. That Council utilise changes on the Base Rate amount with the aim of evening out the rates burden and smoothing the impact of possible rate increases that may occur as Land Values are reassessed. Council will not exceed the statutory maximum of 50% of total revenue from the Base Rate amount in each category.

3.6 Matters Considered in Determining the Amount of a Rate

Council takes into account a number of discretionary matters when setting the quantum of the rate for each sub-category, including:

- i) The guiding principles for Councils expounded in Chapter 3 of the Local Government Act 1993, including transparency, impartiality, intergenerational equity and sound financial management;
- ii) In respect of a base rate, criteria including:
 - Council's net general administration and overhead costs;
 - the extent to which projected ad valorem rates on individual properties do not reflect the cost of providing necessary services and facilities;
 - the level of grant or similar income available to provide necessary services and facilities;
 - the degree of congruity and homogeneity between the values of properties subject to the rate and their spread throughout the area; and
 - whether a rate that is wholly an ad valorem rate would result in an uneven distribution of the rate burden because a comparatively high proportion of assessments would bear a comparatively low share of the total rate burden.
- iii) The extent to which those who pay for Council's services have the ability to pay for those services;
- iv) The extent to which those who receive the benefits of Council's services also pay for those services; and
- v) The applicable statutory caps on the rates that can be made.

4 Charges

Section 501 of the Local Government Act permits a Council to make and levy an annual charge for the following services provided, or proposed to be provided, on an annual basis by the Council:

- water supply services;

- sewerage services;
- drainage services (through the Stormwater Levy);
- waste management services (other than domestic waste management);
- any services prescribed by the Local Government Regulations.

Section 502 of the Local Government Act permits a Council to make a charge for a service referred to in section 496 of the Local Government Act (domestic waste management service) or section 501 of the Local Government Act (services identified above) according to the actual use of the service.

4.1 Water Charges

Pricing which reflects the costs incurred in the provision of potable water can help ensure conservation of scarce water resources and can promote more efficient investment in water infrastructure.

To achieve this, adequate cash flows are required to meet operating costs, to fund future necessary infrastructure and provide an acceptable rate of return – thereby ensuring the longer-term financial sustainability of the service.

One of the key elements in cost-reflective pricing identified by the Department of Climate Change, Energy, the Environment and Water (DCCEEW) is a cost-reflective two-part charge for water, comprising a water service availability charge and a consumption tariff. Council's availability charge uses the DCCEEW's recommended method, which is based on the square of the diameter of the supply pipe. This reflects the true availability of water access by the user.

There are three tariffs for consumption. The Residential Consumption Tariff is a two-tier tariff levied on rateable land categorised as residential for the purposes of ordinary rates and for which the service is provided or proposed to be provided. . The Tier 1 charge applies to water consumption up to 350Kl and the Tier 2 charge applies to water consumption in excess of 350Kl per annum. A Non-Residential Consumption Tariff is levied on rateable land categorised as farmland, mining or business for the purposes of ordinary rates and for which the service is provided or proposed to be provided.

4.1.1 Availability Charges

Pursuant to section 552 of the Local Government Act, land that is supplied with water from a water main of the Council and land that is situated within 225 metres of a water main of Council (whether or not actually supplied with water from any water main of the Council) is charged an annual Water Service Availability Charge for each service to the property.

Similarly, pursuant to section 552 of the Local Government Act, all land is charged an annual sewerage service availability charge except land which is more than 75 metres from a sewer of Council and is not connected to the sewer; or land from which sewage could not be discharged into any sewer of Council.

Each Annual Water Service Charge applicable is included in the Annual Rate Notice issued for the financial year. Water consumption charges are raised three times per year.

4.2 Water and Sewerage Charges – General

User charges are fees levied on the community for the use of water and sewerage facilities provided by Council.

Income derived from water and sewerage charges can be used for either maintenance or capital expenditure. Unlike ordinary rates, water and sewerage charges are not subject to rate pegging in NSW.

Funds raised through water and sewerage charges are explicitly expended on the operational, maintenance and capital expenditure needs related to those services and activities.

4.2.1 Best Practice Charging

Council has implemented charging guidelines recommended by the DCCEEW for the charging of water and sewerage services.

4.2.1.1 Residential Sewerage Charge

Each parcel of rateable land categorised as residential for the purposes of ordinary rates, for which the service is provided or proposed to be provided, is levied the same charge under the Guidelines mentioned above, with the usage charge based on the average residential water consumption.

The combination of availability charge and usage charge meets the criteria in DCCEEW- National Water Initiative pricing principles .

4.2.1.2 Non-Residential Sewerage Charge

Each parcel of rateable land categorised as farmland, mining or business ("non-residential") for the purposes of ordinary rates, for which the service is provided or proposed to be provided, is levied a non-residential sewerage charge based on a formula that includes a range of factors that include the size of the water connection, the amount of water used and the amount of water used that is expected to enter the sewage treatment processes.

4.2.1.3 Trade Waste Charges

Trade Waste is defined as:

Any waters other than those used specifically for personal hygiene functions that may be contaminated with any substance as a direct or indirect result of a commercial activity.

The regulation of trade wastes is intended to:

- Prevent the biological capacity of the treatment works being exceeded resulting in the de-stabilising of the biological process and consequent

- odours emanating from the works;
- Ensure discharge of effluent from the treatment works is within the requirements of the *Protection of the Environment Operations Act 1997* (NSW);
- Protect the sewers and sewerage structures from corrosion, damage or blockage;
- Prevent overloading of the sewerage reticulation system;
- Ensure safe working conditions exist in the sewer reticulation system for the protection of Council staff;
- Ensure environmental protection of the local eco-systems, particularly those relating to the regional waterways.

Full details of the charges for Trade Waste are set out in the Fees and Charges Schedule.

4.2.1.4 Waste Management Service Charges and Introduction of FOGO from 1 July 2024

Council has introduced Food and Garden Organics (FOGO) commencing 1 July 2024. This service upgrade is in response to the NSW Waste & Sustainable Materials Strategy 2041 objective to divert all organic wastes from landfill. FOGO collections have a critical role to play in meeting the NSW Government's target of net-zero emissions by 2050 and creating a circular economy that reduces waste and benefits all NSW communities.

Council undertakes the management of the Muswellbrook Waste and Recycling Facility and the Denman Domestic Waste Transfer Station. Council manages the daily operations of these depots to ensure the appropriate and safe handling, disposal and storage of waste received at the facilities.

Weekly services for kerbside collection of Food and Garden Organics - FOGO (240 litre green lid bins) and alternate fortnightly collections of commingled recyclables (240L yellow lid bins) and residual waste (140 litre red lid bins) are provided by Council to residential (residential means categorised as residential for the purposes of ordinary rates) properties in Muswellbrook, Denman and Sandy Hollow townships, including Woodlands Ridge Road subdivision and Milperra Drive..

A biannual bulky waste clean-up service for large items such as furniture and whitegoods is also provided to the properties mentioned above. The dates and arrangements in relation to these activities will be advised at a time closer to the operation of the events.

Alternate fortnightly services for kerbside collection of residual waste (140 litre red lid bins) and commingled recyclables (240 litre yellow lid bins) are provided to non-residential (non-residential means categorised as farmland, mining or business for the purposes of ordinary rates) properties in Muswellbrook, Denman and Sandy Hollow townships and residential and non-residential properties in the rural areas covered by the following rural roads:

- a) Golden Highway to Sandy Hollow
- b) Rosemount Road Loop
- c) Denman Road from Muswellbrook to Denman

Collection of FOGO waste (240L green lid bin) for non-residential or rural properties, defined by the roads above, will be provided if requested and charged an annual charge for each service required.

4.2.1.4.1 Domestic Waste Management Service

Under section 504 of the Local Government Act:

- A Council must not apply income from an ordinary rate towards the cost of providing domestic waste management services;
- Income to be applied by a Council towards the cost of providing domestic waste management services must be obtained from the making and levying of annual charges or the imposition of charges for the actual use of the service, or both;
- Income obtained from charges for domestic waste management must be calculated to not exceed the reasonable cost to the Council of providing those services.

Council determines the Domestic Waste Charge following these requirements. The charge is set at a rate that covers the cost of collecting and the disposal or recycling of the collected waste as well as the administration of the service. The processes involved in determining the charge is audited by Council's auditor.

4.2.1.4.2 Waste Management Service Availability Charge

Under section 496 of the *Local Government Act*, Council must make and levy an annual charge on each parcel of rateable for which the domestic waste management service is available, whether occupied land or vacant land.

Council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if:

- the service is available for that land; and
- the owner of that land requests or agrees to the provision of the service to that land; and
- the amount of the annual charge is limited to recovering the cost of providing the service to that land.

4.2.1.4.3 Waste Management Service (other than Domestic Waste Management Service)

Under section 501 of the Local Government Act, Council may make and levy

a charge for the provision of waste management services (other than domestic waste management services) on each parcel of rateable land for which the service is provided or proposed to be provided.

This charge applies to non-residential (non-residential means categorised as farmland, mining or business for the purposes of ordinary rates) properties.

4.2.1.5 Matters considered in Determining the Amount of a Charge

- a) In determining the amount of a charge for a service, the Council may have regard to (but is not limited to) the following:
 - the purpose for which the service is provided
 - the nature, extent and frequency of the service
 - the cost of providing the service
 - the categorisation for rating purposes of the land to which the service is provided
 - the nature and use of premises to which the service is provided
 - the area of land to which the service is provided
- b) The amount of a charge need not be limited to recovering the cost of providing the service, for which the charge is made, except as provided by sections 503(2) and 504 (3) of the Local Government Act.
- c) Council will continue with a recycling service. The cost of providing this service is included in the Domestic Waste Management Service charge and also the Waste Management Service Charge. These charges entitle ratepayers to a fortnightly recycling collection.
- d) Council will commence the FOGO waste service. The cost of providing this service is included in the Domestic Waste Management Service charge. These charges entitle ratepayers to a weekly FOGO waste collection. The charge for the collection of the FOGO waste is not included in the Waste Management Service Charge or Rural Waste Charges. However, property owners to which these charges apply can elect to utilise and pay for the FOGO waste service.

4.3 Stormwater Management Charge

Under section 496A of the Local Government Act, Council may make and levy an annual charge for the provision of stormwater management services for each parcel of rateable land for which the service is available.

The raising of the levy and the application of the funds collected will be in accordance with the *Stormwater Management Service Charges Guidelines* issued by the Office of Local Government.

4.4 On-Site Sewer Management System – “Approved to Operate”

Pursuant to section 68(1) of the Local Government Act, Councils are the approval and regulatory authority for the monitoring and management of all on-site sewer management systems.

Council will levy an annual fee for the Approval to Operate an Onsite Sewer Management System, as part of the Annual Rates and Charges Notice. This charge will also include the fee for the inspection of the system. This charge will be displayed as a separate line on the notice. Please see Council's Fees and Charges document for the prescribed fees.

STATEMENT OF RATES PROPOSED TO BE LEVIED FOR 2024/2025

Section 494 Local Government Act.

ORDINARY RATES

Rates are assessed by levies on the value of the land. Land values are determined by the Valuer General. Increases in ordinary rate income are subject to the percentage variation as determined by the Independent Pricing and Regulatory Tribunal (IPART). This is referred to as the rate peg limit.

For the 2024/2025 rating year, IPART has set Muswellbrook Shire's rate peg at 4.5%.

Rate Type	Category	Sub-Category	Ad Valorem Cents in \$	Base Amount/ Min \$	Base Amount % of Total Rate Levied	Yield (Est.)
Ordinary	Residential	Residential – General	0.292209	\$240	18.88%	\$1,218,031
Ordinary	Residential	Residential – Muswellbrook & Denman	0.427405	\$290	32.11%	\$5,294,206
Ordinary	Farmland	Farmland – General	0.181521	\$400	13.10%	\$1,108,691
Ordinary	Farmland	Farmland – Irrigable	0.209493	\$440	10.39%	\$478,361
Ordinary	Mining	Mining – General	0.784280	\$15,000	1.10%	\$10,938,865
Ordinary	Mining	Mining – Underground Coal Mining	0.824051	\$15,000	4.34%	\$345,444
Ordinary	Mining	Mining – Metallurgical Coal Mining	0.824051	\$15,000	0.91%	\$1,646,621
Ordinary	Business	Business – General	0.835192	\$250	7.68%	\$1,556,087
Ordinary	Business	Business – Power Generation	5.297600	\$25,000	16.26%	\$307,463
Ordinary	Business	Business – Thomas Mitchell Drive Industrial Centre	0.898262	\$275	10.34%	\$398,983
Ordinary	Business	Business – Showground Release Area	0.171351	\$250	1.97%	\$12,690
Ordinary	Business	Mine Rehabilitation	0.784280	\$15,000	0%	\$0

WATER CHARGES

For 2024/2025, Council is proposing to levy Water Service Availability Charges as set out below:

1. A Water Service Availability Charge is levied on each parcel of rateable land that is supplied with water from a water pipe of the Council or land that is situated within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charges to be levied is based on the service size of the connection to the water supply line.

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

Water Service Charge Category	Amount
Availability Charge (Not Connected)	\$270.00
Availability Charge (Connected)	
- 20mm service	\$270.00
- 25mm service	\$422.00
- 32mm service	\$691.00
- 40mm service	\$1,080.00
- 50mm service	\$1,688.00
- 65mm service	\$2,852.00
- 80mm service	\$4,320.00
- 100mm service	\$6,750.00
- 150mm service	\$15,188.00

Pursuant to section 552 of the *Local Government Act 1993* (NSW), a charge relating to water supply will not be levied on land unless water could be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to the Council's mains.

2. A Consumption Tariff is to be levied per kilolitre of water supplied to each parcel of rateable land from a water pipe of the Council. The water consumption tariffs proposed for the year commencing 1 July 2024 are:

Consumption Tariff	Tier¹	\$ per Kilolitre (KL)
Residential (rateable land categorised as residential for the purposes of ordinary rates)	Tier 1 (1-350KL per annum)	\$2.80
	Tier 2 (>350KL per annum)	\$3.95
Non-Residential (rateable land not categorised as residential for the purposes of ordinary rates)	N/A	\$3.80

¹ Where applicable

SEWERAGE CHARGES

For 2024/2025, Council is proposing to levy Sewerage Service Availability Charges as set out below:
An annual charge for sewer is applicable to each parcel of rateable land except:

- a) Land which is more than 75 metres from a sewer of the Council and is not connected to the sewer; and
- b) Land from which sewage could not be discharged into any sewer of the Council.

1) Residential Sewer Charges

A Sewer Service Availability Charge is levied on each parcel of rateable land categorised as residential for the purposes of ordinary rates for which the service is provided or is proposed to be provided. The Sewer Service Availability Charges to be levied for the year commencing 1 July 2024 are:

Sewer Service Availability Charge:

Residential Sewer Availability Charge (Vacant)	419.00
Residential Sewer Charge (Occupied)	\$1076.00

2) Non-Residential Sewer Service Availability Charge:

A Non-Residential Sewer Service Availability Charge is levied on each parcel of rateable land not categorised as residential for the purposes of ordinary rates for which the service is provided or proposed to be provided. The Non-Residential Sewer Service Availability Charge to be levied in respect of each relevant parcel for the year commencing 1 July 2024, will be based on the following formula:

$$SC = SDF \times (AC + (C \times UC))$$

SC = Sewerage Charge

SDF = Sewerage Discharge Factor

AC = Availability Charge (see below table titled "Availability Charges Table")

C = Total water consumption for meter

UC = Sewer Usage Charge (see below table titled "Sewer Usage Charge Table")

Availability Charges Table: The Availability Charges for the year commencing 1 July 2024 are:

Availability Charge Category	Amount
AC - Availability Charge (Not Connected)	\$419.00
AC - Availability Charge (Connected)	
20mm service	\$419.00
25mm service	\$654.69
32mm service	\$1,072.64
40mm service	\$1,676.00
50mm service	\$2,618.75
65mm service	\$4,425.69
80mm service	\$6,704.00
100mm service	\$10,475.00

150mm service	\$23,568.75
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Sewer Usage Charge Table: The Sewer Usage Charge for the year commencing 1 July 2024 is:

Sewer Usage Charge	\$ per Kilolitre (KL)
Non-Residential Sewer Usage Charge	\$3.80

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

DOMESTIC WASTE MANAGEMENT CHARGES

Domestic Waste Management Charges are levied in accordance with section 496 of the Local Government Act .

For 2024/2025 Council is proposing to levy the following charges in regard to Domestic Waste Management Services:

Domestic Waste Management Service Charges

Urban Domestic Waste Management Availability Charge (1)	\$127.00
Urban Domestic Waste Management Service Charge (2)	\$558.00
Additional Urban Domestic Waste Management Service Charge	\$125.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$97.00
Additional Urban Domestic Waste Management FOGO Waste Service Charge	\$78.00

- (1) This charge applies to vacant rateable land categorised as residential for the purposes of ordinary rates and situated within the urban area in which a Domestic Waste Management Service is able to be provided.
- (2) Each habitable premises is entitled to one approved mobile residual waste bin service and one recyclable material bin per fortnight and one weekly collection of FOGO waste for each Urban Domestic Waste Management Service Charge.

For 2024/2025 Council proposes to levy the following charges on each parcel of rateable land categorised as residential or farmland for the purposes of ordinary rates and situated within the rural area to which a Domestic Waste Management Service is available.

Rural Domestic Waste Management Service Charge

Rural Domestic Waste Management Availability Charge (1)	\$127.00
Rural Domestic Waste Management Service Charge (2)	\$513.00
Additional Rural Domestic Waste Management Service Charge	\$125.00
Additional Rural Domestic Waste Management Recycling Service Charge	\$97.00

Rural Domestic Waste Management FOGO Waste Service Charge	\$78.00
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- (1) This charge applies to vacant rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Domestic Waste Management Service is available.
- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Domestic Waste Management Service Charge.

WASTE MANAGEMENT CHARGES

For 2024/2025, Council proposes to levy the following charges on each parcel of rateable land not categorised as residential for the purposes of ordinary rates and situated within the urban area in which a Waste Management Service is provided or able to be provided. Waste Management Charges are levied in accordance with section 501 of the Local Government Act.

For 2024/2025 Council is proposing to levy the following charges in regard to Domestic Waste Management Services:

Waste Management Service Charge

Urban Waste Management Availability Charge – Non-Domestic (1)	\$127.00
Waste Management Service Charge (2)	\$513.00
Additional Waste Management Service Charge	\$125.00
Additional Waste Management Recycling Service Charge	\$97.00
Waste Management FOGO Waste Service Charge	\$78.00

- (1) This charge applies to vacant rateable land not categorised as residential for the purposes of ordinary rates and situated within the urban area in which a Waste Management Service is provided or proposed to be provided.
- (2) Each habitable premises is entitled to one approved mobile residual waste bin and one recyclable material bin per fortnight for each Waste Management Service Charge.

For 2024/2025, Council proposes to levy the following charges on each parcel of rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Waste Management Service is provided or proposed to be provided.

Rural Waste Management Service Charge

Rural Waste Management Availability Charge – Non-Domestic (1)	\$127.00
Rural Waste Management Service Charge (2)	\$513.00

Additional Rural Waste Management Service Charge	\$125.00
Additional Rural Waste Management Recycling Service Charge	\$97.00
Rural Waste Management FOGO Waste Service Charge	\$78.00

- (1) This charge applies to vacant rateable land not categorised as residential or farmland for the purposes of ordinary rates and situated within the rural area in which a Rural Waste Management Service is provided or proposed to be provided.
- (2) Each habitable premises is entitled to one approved mobile residual waste bin service and one recyclable material bin fortnightly for each Rural Waste Management Service Charge.

STORMWATER MANAGEMENT CHARGE

Pursuant to section 496A of the Local Government Act, Council will levy a Stormwater Management Service Charge on each parcel of rateable land within the Muswellbrook and Denman urban areas and included in the Town Planning Zones of R1 General Residential, B2 Local Centre, SP2 Infrastructure, IN2 Light Industrial, IN1 General Industrial and RU5 Village, except where an exemption or variation to the charge is provided in accordance with the document titled "Stormwater Management Service Charge Guidelines" issued by the Office of Local Government in July 2006, at a rate of \$25.00 per Residential parcel of rateable land and \$12.50 per Residential strata unit.

Where a non-residential (not categorised as residential for the purposes of ordinary rates) parcel of rateable land exists with an area falling within the ranges outlined below the charge will be levied as follows:

Area Sqm	Charge
0 - 1,199	\$25.00
1,200 - 4,999	\$100.00
5,000 - 9,999	\$375.00
>10,000	\$725.00

HUNTER CATCHMENT CONTRIBUTION

The Minister has not yet determined the rate for 2024/2025, for the Hunter Catchment Contribution. The fee set for 2023/2024 was 0.001046. Council will adopt the rate as determined by the Minister for 2024/2025.

The rate is levied and collected in accordance with Clauses 36 and 40 of *Local Land Services Regulation 2014* (NSW). The rate is set by the Local Land Services on the Land Value, as determined from time to time, within the Muswellbrook Shire local government area.

5 Authorisation Details

Authorised by:	Council
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Minute No:	
Date:	
Review timeframe:	1 Years
Department:	Corporate Services
Document Owner:	Chief Financial Officer

Details History

Version No.	Date Changed	Policy type	Modified by	
1	28.03.24	External	D Gilmore	Updated for 2024/25 Budget Estimates



muswellbrook shire council



muswellbrook
shire council

Revenue Policy

~~2023/2024~~/2025

DRAFT

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1. Policy Objective

The objective of this Policy is to outline Council's rating and charges framework and provide for the ~~2023/24~~2024/25 levels.

2. Rating

In accordance with section 532 of the *Local Government Act 1993* (NSW), ("Local Government Act"), a Council must not make a rate or charge until it has given public notice of its draft operational plan for the year for which the rate or charge is to be made and has considered any submissions that have been made concerning the draft plan. In practice a Council should first adopt its final Operational Plan and then make rates and charges by resolution (s535, Local Government Act).

3.1 General Valuation

A revaluation of all land parcels in the Muswellbrook Shire local government area occurred in 2022, with a base date of 1 July 2022.

These valuations will be used for rating purposes from 1 July 2023. These valuations will continue to be used until revised through general and/or special re-valuations by the Valuer General.

3.2 Rating Method

In accordance with section 514 of the *Local Government Act*, Council has declared each parcel of rateable land in the Muswellbrook Shire local government area as within one or other of the following categories:

1. Farmland;
2. Residential;
3. Mining;
4. Business.

Council declares that the ordinary rates will be applied across the following categories and sub-categories:

Residential – General

Council determines the sub-category for the category "Residential" called "Residential – General" for each parcel of rateable land valued as one assessment and:

1. -its dominant use is for residential accommodation (otherwise than as a hotel, motel, guesthouse, backpacker hostel, ~~boarding house, lodging house, nursing home, caravan park or manufactured home estate~~) and it is not connected to Council's sewer main; ~~nursing home, or any other form of residential accommodation (not being a boarding house or a lodging house) prescribed by the Local Government (General) Regulations 2021 (NSW) ("Local Government Regulations")~~; or

2. in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes ~~and it is not connected to Council's sewer main;~~ or
3. it is rural residential land, and it is not ~~connected~~ subject to ~~Council's sewer main-a~~ Sewer Service Availability Charge.

Residential – Muswellbrook & Denman

Council determines a sub-category for the category "Residential" called "Residential – Muswellbrook and Denman" for each parcel of rateable land valued as one assessment and:

1. its dominant use is for residential accommodation (otherwise than as a hotel, motel, guesthouse, backpacker hostel, nursing home or any other form of residential accommodation (not being a boarding house, or a lodging house, nursing home, caravan park or manufactured home estate); prescribed by the Local Government Regulations;) or
2. in the case of vacant land, it is zoned or otherwise designated for use under an environmental planning instrument (with or without development consent) for residential purposes; ~~or~~
3. ~~it is rural residential land-~~
and it is ~~not connected to Council's sewer main;~~

~~and is located~~ within the urban area of Muswellbrook and Denman townships and is ~~either connected to Council's sewer main or is liable for subject to a collection-~~
~~fee~~ Sewer Service Availability Charge.

Farmland – General

Council determines a sub-category for the category "Farmland" called "Farmland – General" for each parcel of rateable land valued as one assessment and its dominant use is for farming which:

- a) has a significant and substantial commercial purpose or character; and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made),

and the land cannot be sub-categorised as:

- Farmland – Irrigable

Land is not to be categorised as Farmland – General if it is rural residential land.

Farmland – Irrigable

Council determines a sub-category for the category "Farmland" called "Farmland – Irrigable" for each parcel of rateable land valued as one assessment if its dominant use is for farming which:

- a) has a significant and substantial commercial purpose or character; and
- b) is engaged in for the purpose of profit on a continuous or repetitive basis (whether or not a profit is actually made); and
- c) is subject of a water right within the meaning of the *Valuation of Land Act 1916* (NSW); and
- d) where the assessment or any part of the assessment:
 - (i) is irrigated for any farming purpose; or
 - (ii) has established irrigation reticulation capable of being used for any farming purpose; or
 - (iii) is wholly or partly within 100m of the Hunter River.

Note: a water right means a right or authority (however described) under the Water Management Act 2000, the Water Act 1912, or any other Act, being a right or authority to construct, install or use works of irrigation, or to use water supplied by works of irrigation.

Mining – General

Council determines the sub-category for the category “Mining” called “Mining – General” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine or metalliferous mine and cannot be sub-categorised as:

- Mining – Underground Coal Mining; or
- Mining – Metallurgical Coal Mining

Mining – Underground Coal Mining

Council determines a sub-category for the category “Mining” called “Mining – Underground Coal Mining” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine; and

- a) where the dominant kind of mining involved is longwall mining or board- and-pillar mining (or both); and
- b) the land cannot be sub-categorised as “Mining – Metallurgical Coal Mining”.

Mining – Metallurgical Coal Mining

Council determines a sub-category for the category “Mining” called “Mining – Metallurgical Coal Mining” for each parcel of rateable land valued as one assessment if its dominant use is for a coal mine; and

- a) ___ metallurgical coal extraction is a subject of an approved application for a project approval, development consent or other environmental planning instrument applicable to the land permitting that use; and
- b) ___ metallurgical coal is the dominant type of coal extracted from or processed on the land.

For the purposes of this sub-category, “metallurgical coal” includes:

- a) Coal which is capable of being used for the manufacture of steel, iron or cement;
- b) Coal which is capable of producing coke;
- c) Coal which, by industry standards and specifications, can be classified as hard coking coal, semi-soft coking coal or coking coal.

Business – General

Council determines the sub-category for the category of "Business" called "Business - General" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and cannot be sub-categorised as:

- Business – Power Generation;
- Business – Thomas Mitchell Drive Industrial Centre;
- Business – Showground Release Area; or
- Business – Mine Rehabilitation.

Business – Power Generation

Council determines a sub-category for the category "Business" called "Business – Power Generation" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre of any of the following activities:

- a) the generation of, or capacity to generate, more than 5 megawatts of electricity;
or
- b) the storage of, or capacity to store, more than 10 megawatts of electricity;

and the land cannot be sub-categorised as 'Business – Mine Rehabilitation'.

Business – Thomas Mitchell Drive Industrial Centre

Council determines a sub-category for the category "Business" called "Business – Thomas Mitchell Drive Industrial Centre" for each parcel of rateable land valued as one assessment located wholly or partly within the Thomas Mitchell Drive Industrial Centre.

Business – Showground Release Area

Council determines a sub-category for the category "Business" called "Business – Showground Release Area" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and is located wholly or partly within the Showground Release Area.

Business – Mine Rehabilitation

Council determines a sub-category for the category "Business" called "Business – Mine Rehabilitation" for each parcel of rateable land valued as one assessment if it cannot be categorised as farmland, residential or mining and if its dominant use is as a centre of any of the following activities:

- a) the rehabilitation of land that is or has been disturbed by mining operations.

For the purposes of this sub-category, "rehabilitation" includes:

- a) the treatment or management of disturbed land or water for the purpose of establishing and maintaining a safe and stable environment; and
- b) the design and construction of landforms as well as the establishment of sustainable ecosystems or alternative vegetation.

For the purposes of this sub-category "mining operations" means operations carried out in the course of mining.

3.3 Structure of the Rate

In accordance with section 497 of the Local Government Act, Council has adopted the use of a base amount to which an ad valorem amount is added for all categories and sub-categories.

Council's reasons for this adoption are as follows:

- a base amount to which an ad valorem amount is added ensures that the rate burden falls equitably on all landowners for the cost and value of common services and facilities (from which all properties benefit) regardless of their rateable value of land;
- having given regard to the matters set out in section 536(1) of the Local Government Act, Council is of the opinion that a base amount charged per assessment is fair and equitable and reflects both the "benefit principle" and the "ability to pay principle".

3.4 Interest on Overdue Amounts

Subject to the maximum rate specified by the Minister from time to time, Councils are responsible for fixing, by formal resolution, the level of interest penalties to apply in respect of rates and charges that remain unpaid after they become due and payable (section 566 Local Government Act).

Council proposes to apply the maximum permissible rate of interest payable on outstanding rates and charges at a simple rate calculated daily.

The maximum interest rate for the ~~2023/2024/2025~~ financial year has ~~not yet~~ been determined ~~by the Minister~~ at ~~9%-this time~~. The rate for ~~2022/2023/2024~~ financial year was set at ~~69~~%.

Council may exercise its discretion to write off certain amounts (such as interest) in respect of rates and arrears in a range of appropriate circumstances and/or to enter into special agreements with persons or any category of ratepayers to facilitate the discharge of a rating liability.

The discretion to write off certain amounts may be exercised if special circumstances can

be demonstrated by the relevant ratepayers.

3.5 Summary of Rating Philosophy

- I. That Council sets its rates so as to obtain the maximum possible yield and comply with the Office of Local Government's advice in relation to rate-pegging limitations and catch up provisions.
- II. That Council sets a base amount ~~per assessment under for the sub-categories of an ordinary rate, in accordance with~~ section 499(1) of the Local Government Act ~~for the Residential, Farmland, Business and Mining categories and sub-categories determined thereunder.~~
- III. That Council applies the maximum permissible rate ~~for the of~~ interest payable on outstanding rates and charges at a simple rate calculated daily.
- IV. That Council utilise changes on the Base Rate amount with the aim of evening out the rates burden and smoothing the impact of possible rate increases that may occur as Land Values are reassessed. Council will not exceed the statutory maximum of 50% of total revenue from the Base Rate amount in each category.

3.6 Matters Considered in Determining the Amount of a Rate

Council takes into account a number of discretionary matters when setting the quantum of the rate for each sub-category, including:

- i) The guiding principles for Councils expounded in Chapter 3 of the Local Government Act 1993, including transparency, impartiality, intergenerational equity and sound financial management;
- ii) In respect of ~~the a~~ base rate, criteria including:
 - Council's net general administration and overhead costs;
 - the extent to which projected ad valorem rates on individual properties do not reflect the cost of providing necessary services and facilities;
 - the level of grant or similar income available to provide necessary services and facilities;
 - the degree of congruity and homogeneity between the values of properties subject to the rate and their spread throughout the area; and
 - whether a rate that is wholly an ad valorem rate would result in an uneven distribution of the rate burden because a comparatively high proportion of assessments would bear a comparatively low share of the total rate burden.
- iii) The extent to which those who pay for Council's services have the ability to pay for those services;
- iv) The extent to which those who receive the benefits of Council's services also pay for those services; and

- v) The applicable statutory caps on the rates that can be made.

4 Charges

~~Sections 501 and 502 of~~ Section 501 of the Local Government Act permits a Council to make and levy an annual charge for the following services provided, or proposed to be provided, on an annual basis by the Council:

- water supply services;
- sewerage services;
- drainage services (through the Stormwater Levy);
- waste management services (other than domestic waste management);
- any services prescribed by the Local Government Regulations.

Section 502 of the Local Government Act permits a Council to make a charge for a service referred to in section 496 of the Local Government Act (domestic waste management service) or section 501 of the Local Government Act (services identified above) according to the actual use of the service.

4.1 Water Charges

Pricing which reflects the costs incurred in the provision of potable water can help ensure conservation of scarce water resources and can promote more efficient investment in water infrastructure.

To achieve this, adequate cash flows are required to meet operating costs, to fund future necessary infrastructure and provide an acceptable rate of return – thereby ensuring the longer-term financial sustainability of the service.

One of the key elements in cost-reflective pricing identified by the Department of ~~Planning, Infrastructure and Climate Change, Energy, the~~ Environment and Water (DCCEEW) is a cost-reflective two-part charge for water, comprising a water service availability charge and a consumption tariff. Council's availability charge uses the ~~Department's~~ DCCEEW's recommended method, which is based on the square of the diameter of the supply pipe. This reflects the true availability of water access by the user.

There are three tariffs for consumption. The Residential Consumption Tariff is a two-tier tariff ~~charged for residential properties levied on rateable land categorised as residential for the purposes of ordinary rates and for which the service is provided or proposed to be provided.~~ The Tier 1 charge applies to water consumption up to 350KI and the Tier 2 charge applies to water consumption in excess of 350KI per annum. A Non-Residential Consumption Tariff is ~~charged for all other properties connected to Council's water supply levied on rateable land categorised as farmland, mining or business for the purposes of ordinary rates and for which the service is provided or~~

proposed to be provided.

4.1.1 Method of Rendering Accounts

4.1.1 ~~In accordance with~~ Availability Charges

Pursuant to section 552 of the Local Government Act, land that is supplied with water from a water main of the Council and land that is situated within 225 metres of a water main of Council (whether or not actually supplied with water from any water main of the Council) is charged an annual Water Service Availability Charge for each service to the property.

Similarly, ~~in accordance with~~pursuant to section 552 of the Local Government Act, all land is charged an annual sewerage service availability charge except land which is more than 75 metres from a sewer of Council and is not connected to the sewer; or land from which sewage could not be discharged into any sewer of Council.

Each Annual Water Service Charge applicable is included in the Annual Rate Notice issued for the financial year. Water consumption charges are raised three times per year.

4.2 Water and Sewerage Charges – General

User charges are fees levied on the community for the use of ~~the~~ water and sewerage facilities provided by Council.

Income derived from water ~~supply~~ and sewerage charges can be used for either maintenance or capital expenditure. Unlike ~~general~~ordinary rates, ~~the water-supply~~ and sewerage charges are not subject to rate pegging in NSW.

~~It should be noted that funds~~Funds raised through water and sewerage charges are explicitly expended on the operational, maintenance and capital expenditure needs related to those services and activities.

4.2.1 Best Practice Charging

Council has implemented charging guidelines recommended by the ~~Department of Planning, Infrastructure and Environment~~DCCEEW for the charging of ~~services in regard to~~ water ~~supply~~ and sewerage services.

4.2.1.1 Residential Sewerage Charge

~~All residential properties are~~Each parcel of rateable land categorised as residential for the purposes of ordinary rates, for which the service is provided or proposed to be provided, is levied the same charge under the Guidelines mentioned above, with the usage charge based on the average residential water consumption.

The combination of availability charge and usage charge meets ~~all the~~ Best Practice Pricing criteria in DCCEEW- National Water Initiative pricing principles.

4.2.1.2 Non-Residential Sewerage Charge

~~The~~Each parcel of rateable land categorised as farmland, mining or business ("non-residential") for the purposes of ordinary rates, for which the service is

~~provided or proposed to be provided, is levied a~~ non-residential sewerage charge ~~is levied~~ based on a formula that includes a range of factors that include the size of the water connection, the amount of water used, and the amount of water used that is expected to enter the sewage treatment processes.

4.2.1.3 Trade Waste Charges

Trade Waste is defined as:

Any waters other than those used specifically for personal hygiene functions that may be contaminated with any substance as a direct or indirect result of a commercial activity.

The regulation of trade wastes is intended to:

- Prevent the biological capacity of the treatment works being exceeded resulting in the de-stabilising of the biological process and consequent odours emanating from the works;
- Ensure discharge of effluent from the treatment works is within the requirements of the Clean Waters Protection of the Environment Operations Act 1970 and Regulations as amended, 1997 (NSW);
- Protect the sewers and sewerage structures from corrosion, damage or blockage;
- Prevent overloading of the sewerage reticulation system;
- Ensure safe working conditions exist in the sewer reticulation system for the protection of Council staff;
- Ensure environmental protection of the local eco-systems, particularly those relating to the regional waterways.

Full details of the charges for Trade Waste are set out in the Fees and Charges Schedule.

4.2.1.4 Waste Management Service Charges and Introduction of FOGO from 1 July 2024

Council has introduced Food and Garden Organics (FOGO) commencing 1 July 2024. This service upgrade is in response to the NSW Waste & Sustainable Materials Strategy 2041 objective to divert all organic wastes from landfill. FOGO collections have a critical role to play in meeting the NSW Government's target of net-zero emissions by 2050 and creating a circular economy that reduces waste and benefits all NSW communities.

Council undertakes the management of the Muswellbrook Waste Management and Recycling Facility and the Denman Domestic Waste Transfer Station. Council manages the daily operations of these depots ~~in order~~ to ensure the appropriate and safe handling, disposal and storage of waste received at the facilities.

Weekly services for kerbside collection of ~~mixed solid waste (140~~ Food and Garden Organics - FOGO (240 litre green lid bins) and alternate fortnightly

collections of ~~recyclable~~commingled recyclables (240L yellow lid bins) and ~~green~~residual waste (240L 140 litre red lid bins) are provided by Council to residential (residential means categorised as residential for the purposes of ordinary rates) properties in Muswellbrook—, Denman and Sandy Hollow townships, including the Woodlands Ridge Road subdivision and Milperra Drive), Denman and Sandy Hollow.

~~There will be a~~

A biannual bulky waste clean-up service for ~~general bulky waste(excluding green waste)~~ large items such as furniture and whitegoods is also provided to the properties mentioned above. The dates and arrangements in relation to these activities will be advised at a time closer to the operation of the events.

~~Weekly~~

Alternate fortnightly services for kerbside collection of ~~mixed solid~~residual waste (140 litre red lid bins) and ~~fortnightly collection of recyclable waste~~commingled recyclables (240 litre yellow lid bins) are provided to non-residential (non-residential means categorised as farmland, mining or business for the purposes of ordinary rates) properties in Muswellbrook, Denman and Sandy Hollow. In addition to servicing the urban areas of Muswellbrook (including the Woodlands Ridge subdivision townships and Milperra Drive), Denman residential and Sandy Hollow, non-residential properties in the rural areas covered by the following rural areas receive waste services: roads:

- a) Golden Highway to Sandy Hollow
- b) Rosemount Road Loop
- c) Denman Road from Muswellbrook to Denman

~~Properties located on the above roads, or whose only access to Muswellbrook, Denman or Sandy Hollow is via these roads, are provided weekly services for collection.~~

-

Collection of ~~mixed solid~~FOGO waste (140-litre bins) and fortnightly collections of ~~recyclable waste (240-litre bins)~~. Alternate fortnightly collection of 240L green waste (lid bin) for non-residential or rural properties, defined by the roads above, will be provided if requested and charged an annual charge for each service required.

~~Where new services are commenced throughout the year, charges are calculated as a proportion of the annual charge.~~

4.2.1.4.1 Domestic Waste Management Service

Under section 504 of the Local Government Act:

- A Council must not apply income from an ordinary rate towards the cost of providing domestic waste management services;
- Income to be applied by a Council towards the cost of providing domestic

waste management services must be obtained from the making and levying of ~~a charge~~ annual charges or the imposition of charges for the actual use of the service, or both;

- Income obtained from charges for domestic waste management must be calculated to not exceed the reasonable cost to the Council of providing those services.

Council determines the Domestic Waste Charge ~~carefully~~ following these requirements. The charge is set at a rate that covers the cost of collecting and the disposal or recycling of the collected waste as well as the administration of the service. The processes involved in determining the charge ~~are~~ is audited by Council's ~~independent~~ auditor.

4.2.1.4.2 Waste Management Service Availability Charge

Under section 496 of the *Local Government Act*, Council ~~is required to~~ must make and levy ~~an annual~~ charge on each parcel of rateable ~~land that is situated within the area infor~~ which ~~at the~~ domestic waste management service is available, whether occupied land or vacant land.

Council may make an annual charge for the provision of a domestic waste management service for a parcel of land that is exempt from rating if:

- the service is available for that land; and
- the owner of that land requests or agrees to the provision of the service to that land; and
- the amount of the annual charge is limited to recovering the cost of providing the service to that land.

4.2.1.4.3 Waste Management Service (other than Domestic Waste Management Service)

Under section 501 of the *Local Government Act*, Council may make and levy a charge for the provision of waste management services (other than domestic waste management services) ~~which may be levied~~ on each parcel of rateable land for which the service is provided or proposed to be provided.

This charge applies to non-~~domestic premises~~ residential (non-residential means categorised as farmland, mining or business for the purposes of ordinary rates) properties.

4.2.1.5 ~~What Criteria are Relevant~~ Matters considered in Determining the Amount of a Charge?

- In determining the amount of a charge for a service, the Council may have regard to (but is not limited to) the following:
 - the purpose for which the service is provided
 - the nature, extent and frequency of the service
 - the cost of providing the service
 - the categorisation for rating purposes of the land to which the service

- is provided
- the nature and use of premises to which the service is provided
- the area of land to which the service is provided

- b) The amount of a charge need not be limited to recovering the cost of providing the service, for which the charge is made, except as provided by ~~section~~sections 503(2) and 504 (3) ~~pf~~of the Local Government Act.
- c) Council will continue with a recycling service. The cost of providing this service is included in the Domestic Waste Management Service charge and also the Waste Management Service Charge. These charges entitle ratepayers to a fortnightly recycling collection.
- ~~d)~~ Council will ~~continue~~commence the ~~green~~FOGO waste service. The cost of providing this service is included in the Domestic Waste Management Service charge. These charges entitle ratepayers to a ~~fortnightly green~~weekly FOGO waste collection.
- d) The charge for the collection of the ~~green~~FOGO waste is not included in the Waste Management Service Charge or Rural Waste Charges. However, property owners to which these charges apply can elect to utilise and pay for the ~~green~~FOGO waste service.

4.3 Stormwater Management Charge

Under section 496A of the Local Government Act, Council may make ~~or~~and levy an annual charge for the provision of stormwater management services for each parcel of rateable land for which the service is available.

The raising of the levy and the application of the funds collected will be in accordance with the *Stormwater Management Service Charges Guidelines* issued by the Office of Local Government.

4.4 On-Site Sewer Management System – “Approved to Operate”

Pursuant to ~~sub~~-section 68(1) of the Local Government Act, Councils are the approval and regulatory authority for the monitoring and management of all on-site sewer management systems.

Council will ~~be issuing the~~levy an annual fee for the Approval to Operate an Onsite Sewer Management System, as part of the Annual Rates and Charges Notice. This charge will also include the fee for the inspection of the system. This charge will be displayed as a separate line on the notice. Please see Council's Fees and Charges document for the prescribed fees.

STATEMENT OF RATES PROPOSED TO BE LEVIED FOR

2023/2024/2025

Section 494 Local Government Act, ~~1993~~.

ORDINARY RATES

Rates are assessed by levies on the value of the land. Land values are determined by the Valuer General. Increases in ordinary rate income are subject to the percentage variation as determined by the Independent Pricing and Regulatory Tribunal (IPART). This is referred to as the rate peg limit.

For the ~~2023/2024~~/2025 rating year, IPART has set Muswellbrook Shire's rate peg at ~~3.74~~.5%.

Rate Type	Category	Sub-Category	Ad Valorem Cents in \$	Base Amount/ Min \$	Base Amount % of Total Rate Levied	Yield (Est.)
Ordinary	Residential	Residential – General	0.276698292209	\$240	19.6518.88%	\$1,167,822218,031
Ordinary	Residential	Residential – Muswellbrook & Denman	0.400295427405	\$290	33.5932.11%	\$5,018,283294,206
Ordinary	Farmland	Farmland – General	0.172526181521	\$400	13.6210%	\$1,054,224108,691
Ordinary	Farmland	Farmland – Irrigable	0.199425209493	\$440	10.8639%	\$457,761478,361
Ordinary	Mining	Mining – General	0.781024784280	\$15,000	1.1110%	\$10,859,655938,865
Ordinary	Mining	Mining – Underground Coal Mining	0.530878824051	\$15,000	6.584.34%	\$227,882345,444
Ordinary	Mining	Mining – Metallurgical Coal Mining	0.624881824051	\$15,000	1.200.91%	\$1,252,264646,621
Ordinary	Business	Business – General	0.796234835192	\$250	7.9868%	\$1,507,298556,087
Ordinary	Business	Business – Power Generation	5.025171297600	\$25,000	16.9926%	\$294,223307,463
Ordinary	Business	Business – Thomas Mitchell Drive Industrial Centre	0.855121898262	\$275	10.8034%	\$381,802398,983
Ordinary	Business	Business – Showground Release Area	0.463824171351	\$250	2.061.97%	\$12,144690
Ordinary	Business	Mine Rehabilitation	0.781024784280	\$15,000	0%	\$0

WATER CHARGES

For ~~2023/2024~~/~~2025~~, Council is proposing to levy Water Service Availability Charges as set out below:

1. A Water Service Availability Charge is ~~charged~~levied on each parcel of rateable land that is supplied with water from a water pipe of the Council or land that is situated within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charges to be levied is based on the service size of the connection to the water supply line.

The Water Service Availability Charges for the year commencing 1 July ~~2023~~2024 are:

Water Service Charge Category	Amount
Availability Charge (Not Connected)	\$256 <u>\$270.00</u>
Availability Charge (Connected)	
- 20mm service	\$256 <u>\$270.00</u>
- 25mm service	\$400 <u>\$422.00</u>
- 32mm service	\$655 <u>\$691.00</u>
- 40mm service	\$1024 <u>\$1,080.00</u>
- 50mm service	\$1,600 <u>\$1,688.00</u>
- 65mm service	\$2,704 <u>\$2,852.00</u>
- 80mm service	\$4,096 <u>\$4,320.00</u>
- 100mm service	\$6,400 <u>\$750.00</u>
- 150mm service	\$14,400 <u>\$15,188.00</u>

Pursuant to section 552 of the *Local Government Act 1993* (NSW), a charge relating to water supply will not be levied on land unless water could be supplied to some part of the land from a standpipe at least 1 metre in height from the ground level, if such a pipe were laid and connected to the Council's mains.

2. A Consumption Tariff is to be ~~charged~~levied per kilolitre of water supplied to each parcel of rateable land from a water pipe of the Council. The water consumption tariffs proposed for the year commencing 1 July ~~2023~~2024 are:

Consumption Tariff	Tier¹	\$ per Kilolitre (KL)
Residential (<u>rateable land categorised as residential for the purposes of ordinary rates</u>)	Tier 1 (1-350KL per annum)	\$2.43 <u>\$2.80</u>
	Tier 2 (>350KL per annum)	\$3.43 <u>\$3.95</u>
Non-Residential (<u>rateable land not categorised as</u>	N/A	\$3.30 <u>\$3.80</u>

¹ Where applicable

residential for the purposes of ordinary rates)

SEWERAGE CHARGES

For ~~2023/2024~~/2025, Council is proposing to levy Sewerage Service Availability Charges as set out below:

An annual charge for sewer is applicable to each parcel of rateable land except:

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

1) Residential Sewer Charges

A Sewer Service Availability Charge is ~~charged in respect of~~levied on each parcel of rateable land categorised ~~within as residential for the Residential category purposes of ordinary rates~~ for which the service is provided or is proposed to be provided. The Sewer Service Availability Charges to be levied for the year commencing 1 July ~~2023~~2024 are:

Sewer Service Availability Charge:

Residential Sewer Availability Charge (Vacant)	\$403 419.00
Residential Sewer Charge (Occupied)	\$1,035 1076.00

2) Non-Residential Sewer Service Availability Charge:

A Non-Residential Sewer Service Availability Charge is ~~charged in respect of~~levied on each parcel of rateable land not categorised ~~within as residential for the Residential category purposes of ordinary rates~~ for which the service is provided or proposed to be provided. The Non-Residential Sewer Service Availability Charge to be levied in respect of each relevant parcel for the year commencing 1 July ~~2023~~2024, will be based on the following formula:

$$SC = SDF \times (AC + (C \times UC))$$

SC = Sewerage Charge

SDF = Sewerage Discharge Factor

C = Total water consumption for meter

UC = Sewer Usage Charge [\(see below table titled "Sewer Usage Charge Table"\)](#)

AC = Availability Charge [\(see below table titled "Availability Charges Table"\)](#)

[Availability Charges Table:](#) The Availability ~~Charge~~Charges for the year commencing 1 July ~~2023~~2024 are:

Availability Charge Category	Amount
AC - Availability Charge (Not Connected)	\$403 419.00
AC - Availability Charge (Connected)	
20mm service	\$403 419.00
25mm service	\$629 654.69
32mm service	\$1,031.68 072.64
40mm service	\$1,612 676.00

50mm service	\$2,518 618.75
65mm service	\$4,256 425.69
80mm service	\$6,448 704.00
100mm service	\$10,075 475.00
150mm service	\$22,668 23,568.75

Sewer Usage Charge Table: The Sewer Usage Charge for the year commencing 1 July ~~2023~~2024 is:

Sewer Usage Charge	\$ per Kilolitre (KL)
Non-Residential Sewer Usage Charge	\$ 3.3080

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

DOMESTIC WASTE MANAGEMENT CHARGES

Domestic Waste Management Charges are levied in accordance with section 496 of the Local Government Act .

For ~~2023/2024~~/2025 Council is proposing to levy the following charges in regard to Domestic Waste Management Services:

Domestic Waste Management Service Charges

Urban Domestic Waste Management Availability Charge (1)	\$ 110 127.00
Urban Domestic Waste Management Service Charge (2)	\$ 483 558.00
Additional Urban Domestic Waste Management Service Charge	\$ 122 125.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$ 84 97.00
Additional Urban Domestic Waste Management Green FOGO Waste Service Charge	\$ 39 78.00

- (1) This charge applies to vacant rateable land categorised ~~as residential~~ for ~~rating the~~ purposes ~~as Residential of ordinary rates~~ and situated within the urban area in which a Domestic Waste Management Service is able to be provided.
- (2) Each habitable premises is entitled to one approved mobile ~~residual~~ waste bin service ~~per week~~ and one ~~fortnightly collection of~~ recyclable material ~~bin per fortnight~~ and one ~~fortnightly weekly~~ collection of ~~green~~FOGO waste for each Urban Domestic Waste Management Service Charge.

For ~~2023/2024~~/2025 Council proposes to levy the following charges on ~~each parcel of~~ rateable ~~parcels of~~ land categorised ~~as residential or farmland~~ for ~~rating the~~ purposes ~~as Residential or Farmland of ordinary rates~~ and situated within the rural area to which a Domestic Waste Management Service is available.

Rural Domestic Waste Management Service Charge

Rural Domestic Waste Management Availability Charge (1)	\$ 110 127.00
Rural Domestic Waste Management Service Charge (2)	\$ 444 513.00

Additional Rural Domestic Waste Management Service Charge	\$ 122 <u>125</u> .00
Additional Rural Domestic Waste Management Recycling Service Charge	\$ 84 <u>97</u> .00
Rural Domestic Waste Management Green <u>FOGO</u> Waste Service Charge	\$ 39 <u>78</u> .00

- (1) This charge applies to vacant rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Domestic Waste Management Service is available.
- (2) Each habitable premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Domestic Waste Management Service Charge.

WASTE MANAGEMENT CHARGES

For ~~2023/2024/2025~~, Council proposes to levy the following charges on ~~parcels~~each parcel of rateable land not categorised as residential for ~~rating~~the purposes ~~as Residential of ordinary rates~~ and situated within the urban area in which a Waste Management Service is provided or able to be provided. Waste Management Charges are levied in accordance with section 501 of the Local Government Act.

For ~~2023/2024/2025~~ Council is proposing to levy the following charges in regard to Domestic Waste Management Services:

Waste Management Service Charge

Urban Waste Management Availability Charge – Non-Domestic (1)	\$ 110 <u>127</u> .00
Waste Management Service Charge (2)	\$ 444 <u>513</u> .00
Additional Waste Management Service Charge	\$ 122 <u>125</u> .00
Additional Waste Management Recycling Service Charge	\$ 84 <u>97</u> .00
Waste Management Green <u>FOGO</u> Waste Service Charge	\$ 39 <u>78</u> .00

- (1) This charge applies to vacant rateable land not categorised as residential for ~~rating~~the purposes ~~as Residential of ordinary rates~~ and situated within the urban area in which a Waste Management Service is ~~available~~provided or proposed to be provided.
- (2) Each habitable premises is entitled to one approved mobile residual waste bin ~~service per week~~ and one ~~fortnightly collection of~~ recyclable material bin per fortnight for each Waste Management Service Charge.

For ~~2023/2024/2025~~, Council proposes to levy the following charges on each parcel of rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Waste Management Service is ~~available~~provided or proposed to be provided.

Rural Waste Management Service Charge

Rural Waste Management Availability Charge – Non-Domestic (1)	\$ 110 127.00
Rural Waste Management Service Charge (2)	\$ 444 513.00
Additional Rural Waste Management Service Charge	\$ 122 125.00
Additional Rural Waste Management Recycling Service Charge	\$ 84 97.00
Rural Waste Management Green FOGO Waste Service Charge	\$ 39 78.00

- (1) This charge applies to vacant rateable land not categorised ~~as residential or farmland~~ for ~~rating the~~ purposes ~~as Residential or Farmland of ordinary rates~~ and situated within the rural area in which a Rural Waste Management Service is ~~available~~provided or proposed to be provided.
- (2) Each habitable premises is entitled to one approved mobile residual waste bin service ~~per week~~ and one ~~fortnightly collection of~~ recyclable material bin fortnightly for each Rural Waste Management Service Charge.

STORMWATER MANAGEMENT CHARGE

~~In accordance with~~Pursuant to section 496A of the Local Government Act, Council will levy a Stormwater Management Service Charge on each parcel of rateable land within the Muswellbrook and Denman urban areas and included in the Town Planning Zones of R1 General Residential, B2 Local Centre, SP2 Infrastructure, IN2 Light Industrial, IN1 General Industrial and RU5 Village, except where ~~an~~ exemption or variation to the charge is provided in accordance with the document ~~titled~~ "Stormwater Management Service Charge Guidelines" issued by the ~~Division~~Office of Local Government in July 2006, at a rate of \$25.00 per Residential parcel of rateable land and \$12.50 per Residential strata unit.

Where a non-residential ~~(not categorised as residential for the purposes of ordinary rates)~~ parcel of rateable land exists with an area falling within the ranges outlined below the charge will be levied as follows:

Area Sqm	Charge
0 - 1,199	\$25.00
1,200 - 4,999	\$100.00
5,000 - 9,999	\$375.00
> 10,000	\$725.00

HUNTER CATCHMENT CONTRIBUTION

The Minister has not yet determined the rate for ~~2023/2024/2025~~, for the Hunter Catchment Contribution. The fee set for ~~2022/2023/2024~~ was ~~0.00977001046~~. Council will adopt the rate as determined by the Minister for ~~2023/2024/2025~~.

The rate is levied and collected in accordance with Clauses 36 and 40 of *Local Land Services Regulation 2014* ~~(NSW)~~. The rate is set by the Local Land Services on the Land Value, as determined from time to time, within the Muswellbrook Shire local government area.

5 Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	1 Years
Department:	Corporate Services
Document Owner:	Director of Corporate Services Chief Financial Officer

Details History

Version No.	Date	Policy type	Modified by	
	changed Changed			
1	4.04.2023 28.03.24	External	D Gilmore	Updated Format for 2024/25 Budget Estimates
2	15/06/2023	External	D Gilmore	Updated figures to reflect changes after-exhibition

**10.4.5. Report on Investments held as at 31 March 2024**

Attachments:	1. Portfolio Valuation Report - 31 March 2024 [10.4.5.1 - 3 pages]
	2. Trading Limit Report - 31 March 2024 [10.4.5.2 - 8 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Mandy Fitzgerald (Senior Financial Accountant)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To submit for Council's information the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

Council NOTES Council's Investments as at 31 March 2024.

Moved: _____ **Seconded:** _____

REPORT

Clause 212 (1) of the *Local Government (General) Regulation 2005* requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

Funds invested under Section 625 of the *Local Government Act 1993*, as at 31 March 2024, are shown in the attachments.

COMMENT:

As at 31 March 2024, Council held \$82.37M in cash and investments, with a weighted running yield of 5.10%.

The Responsible Accounting Officer certifies that the investments listed have been made in accordance with the Act, the Regulations, and Council's Investment Policy. This includes investments that have been made in accordance with the Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit										
Westpac Bus Prem At Call		6,622,515.00	1.00000000	6,622,515.00	100.000	0.000	6,622,515.00	7.92%	4.44%	
Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.12%	0.00%	
		6,722,515.00		6,722,515.00			6,722,515.00	8.04%		4.37%
Fixed Rate Bond										
BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	98.603	0.115	2,467,950.00	2.95%	1.68%	
JUDO 6.4 26 Sep 2025 Fixed	AU3CB0292480	500,000.00	1.00000000	500,000.00	99.732	0.087	499,095.00	0.60%	6.44%	
NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		2,000,000.00	1.00000000	2,000,000.00	100.000	0.322	2,006,440.00	2.40%	1.10%	
NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		1,500,000.00	1.00000000	1,500,000.00	100.000	0.322	1,504,830.00	1.80%	1.10%	
SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	99.068	0.310	1,987,560.00	2.38%	1.80%	
		8,500,000.00		8,500,000.00			8,465,875.00	10.12%		1.75%
Floating Rate Note										
Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.420	0.849	1,012,690.00	1.21%	5.85%	
Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	2,000,000.00	1.00000000	2,000,000.00	100.196	0.208	2,008,080.00	2.40%	5.85%	
Auswide 1.6 22 Mar 2027 FRN	AU3FN0086104	1,500,000.00	1.00000000	1,500,000.00	99.972	0.147	1,501,785.00	1.80%	5.95%	
BAL 1.55 22 Feb 2027 FRN	AU3FN0075461	5,500,000.00	1.00000000	5,500,000.00	100.318	0.613	5,551,205.00	6.64%	5.85%	
BAL 1.7 21 Feb 2028 FRN	AU3FN0085031	2,000,000.00	1.00000000	2,000,000.00	100.554	0.645	2,023,980.00	2.42%	5.99%	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.126	1.076	1,012,020.00	1.21%	5.37%	
CUA 1.65 09 Feb 2027 FRN	AU3FN0074787	6,000,000.00	1.00000000	6,000,000.00	100.818	0.837	6,099,300.00	7.29%	5.94%	
CACU 1.7 21 Sep 2026 FRN	AU3FN0081287	1,750,000.00	1.00000000	1,750,000.00	100.001	0.166	1,752,922.50	2.10%	6.05%	
MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.823	0.264	3,002,610.00	3.59%	4.83%	
MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.716	0.178	2,996,820.00	3.58%	5.00%	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	100.104	0.824	4,541,760.00	5.43%	5.47%	
NPBS 1.85 14 Feb 2029 FRN	AU3FN0085023	2,000,000.00	1.00000000	2,000,000.00	101.102	0.781	2,037,660.00	2.44%	6.11%	
Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	100.752	0.417	2,023,380.00	2.42%	6.09%	
Qld Police 1.65 18 Sep 2026 FRN	AU3FN0081295	3,000,000.00	1.00000000	3,000,000.00	100.691	0.214	3,027,150.00	3.62%	6.00%	
UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.822	0.871	1,661,434.50	1.99%	5.13%	
UBS Aust 1.55 12 May 2028 FRN	AU3FN0077970	4,000,000.00	1.00000000	4,000,000.00	101.701	0.776	4,099,080.00	4.90%	5.81%	
		43,900,000.00		43,900,000.00			44,351,877.00	53.04%		5.72%
Term Deposit										
AMP 5.75 12 Jul 2024 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	4.127	1,041,273.97	1.25%	5.75%	
AMP 5.75 21 Jan 2025 550DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	4.001	1,300,017.13	1.55%	5.75%	
AMP 5.35 16 Jun 2025 732DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	4.251	4,170,027.40	4.99%	5.35%	
AMP 5.25 01 Dec 2025 732DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.755	1,017,547.95	1.22%	5.25%	
AUBANK 5.35 31 Jul 2024 365DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	3.562	5,178,089.05	6.19%	5.35%	
BOQ 5.5 28 Jun 2024 365DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	4.159	3,124,767.12	3.74%	5.50%	

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
BOQ 4.9 01 Oct 2025 761DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	2.846	3,085,380.81	3.69%	4.90%	
DFB 5.45 04 Dec 2025 730DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.747	2,034,939.72	2.43%	5.45%	
JUDO 5.7 06 Jan 2025 557DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	4.310	2,086,202.74	2.49%	5.70%	
JUDO 5.7 11 Jul 2025 730DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	4.107	1,041,071.23	1.25%	5.70%	
		23,250,000.00		23,250,000.00			24,079,317.12	28.80%		5.40%
Fixed Interest Total		82,372,515.00		82,372,515.00			83,619,584.12	100.00%		5.10%

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Report Code: TBSBP100EXT-01.20
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded
Settlement Date-Based Balances

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd	BBB+ to BBB-		7,250,000.00	Book	10.00	% of 82,372,515	8,237,251.50	88.00	12.00	987,252	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 82,372,515	24,711,754.50	0.00	100.00	24,711,755	0.00	0
Australian Unity Bank (BPSS20)	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 82,372,515	8,237,251.50	61.00	39.00	3,237,252	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 82,372,515	8,237,251.50	55.00	45.00	3,737,252	0.00	0
Bank Australia Limited	BBB+ to BBB-		7,500,000.00	Book	10.00	% of 82,372,515	8,237,251.50	91.00	9.00	737,252	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	6,722,515.00	Book	30.00	% of 82,372,515	24,711,754.50	27.00	73.00	17,989,240	0.00	0
Bank of Queensland Ltd	BBB+ to BBB-		7,000,000.00	Book	10.00	% of 82,372,515	8,237,251.50	85.00	15.00	1,237,252	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	6,722,515.00	Book	30.00	% of 82,372,515	24,711,754.50	27.00	73.00	17,989,240	0.00	0
BankVic	BBB+ to BBB-		0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 82,372,515	24,711,754.50	0.00	100.00	24,711,755	0.00	0
Bendigo & Adelaide Bank Ltd	BBB+ to BBB-		2,500,000.00	Book	10.00	% of 82,372,515	8,237,251.50	30.00	70.00	5,737,252	0.00	0
Beyond Bank Australia Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 82,372,515	24,711,754.50	0.00	100.00	24,711,755	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 82,372,515	16,474,503.00	0.00	100.00	16,474,503	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 82,372,515	8,237,251.50	73.00	27.00	2,237,252	0.00	0
Defence Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 82,372,515	8,237,251.50	24.00	76.00	6,237,252	0.00	0
Greater Bank - a division of Newcastle Greater Mutual Group Limited	BBB+ to BBB-	Newcastle Greater Mutual Group Ltd	6,500,000.00	Book	10.00	% of 82,372,515	8,237,251.50	79.00	21.00	1,737,252	0.00	0
Heritage and People's Choice Limited	BBB+ to BBB-		0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
Illawarra Credit Union Ltd	BBB+ to BBB-		1,750,000.00	Book	10.00	% of 82,372,515	8,237,251.50	21.00	79.00	6,487,252	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
Judo Bank	BBB+ to BBB-		3,500,000.00	Book	10.00	% of 82,372,515	8,237,251.50	43.00	57.00	4,737,252	0.00	0
Macquarie Bank Ltd	A+ to A-		3,000,000.00	Book	20.00	% of 82,372,515	16,474,503.00	18.00	82.00	13,474,503	0.00	0
ME Bank - a division of Bank of Queensland Ltd	BBB+ to BBB-	Bank of Queensland Ltd	7,000,000.00	Book	10.00	% of 82,372,515	8,237,251.50	85.00	15.00	1,237,252	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 82,372,515	8,237,251.50	36.00	64.00	5,237,252	0.00	0
National Australia Bank Ltd	AA+ to AA-		0.00	Book	30.00	% of 82,372,515	24,711,754.50	0.00	100.00	24,711,755	0.00	0
Newcastle Greater Mutual Group Ltd	BBB+ to BBB-		6,500,000.00	Book	10.00	% of 82,372,515	8,237,251.50	79.00	21.00	1,737,252	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 82,372,515	24,711,754.50	14.00	86.00	21,211,755	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 82,372,515	82,372,515.00	0.00	100.00	82,372,515	0.00	0

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 82,372,515	8,237,251.50	61.00	39.00	3,237,252	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 82,372,515	16,474,503.00	0.00	100.00	16,474,503	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 82,372,515	16,474,503.00	0.00	100.00	16,474,503	0.00	0
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 82,372,515	4,118,625.75	0.00	100.00	4,118,626	0.00	0
Rural Bank Ltd	BBB+ to BBB-	Bendigo & Adelaide Bank Ltd	2,500,000.00	Book	10.00	% of 82,372,515	8,237,251.50	30.00	70.00	5,737,252	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	6,722,515.00	Book	30.00	% of 82,372,515	24,711,754.50	27.00	73.00	17,989,240	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 82,372,515	16,474,503.00	12.00	88.00	14,474,503	0.00	0
UBS Australia Ltd	AA+ to AA-		5,650,000.00	Book	20.00	% of 82,372,515	16,474,503.00	34.00	66.00	10,824,503	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		6,722,515.00	Book	30.00	% of 82,372,515	24,711,754.50	27.00	73.00	17,989,240	0.00	0
			118,540,060.00				597,200,733.75			478,660,690		0
			(Excluding Parent Group Duplicates)									
			82,372,515.00									

2 Security Rating Group Trading Limits

Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AAA	0.00	Book	100.00	% of 82,372,515	82,372,515.00	0.00	100.00	82,372,515	0.00	0
AA+ to AA-	3,500,000.00	Book	100.00	% of 82,372,515	82,372,515.00	4.00	96.00	78,872,515	0.00	0
A+ to A-	11,650,000.00	Book	70.00	% of 82,372,515	57,660,760.50	20.00	80.00	46,010,761	0.00	0
A1+	6,722,515.00	Book	100.00	% of 82,372,515	82,372,515.00	8.00	92.00	75,650,000	0.00	0
A1	2,000,000.00	Book	100.00	% of 82,372,515	82,372,515.00	2.00	98.00	80,372,515	0.00	0
A2	18,250,000.00	Book	70.00	% of 82,372,515	57,660,760.50	32.00	68.00	39,410,761	0.00	0
A3	2,000,000.00	Book	60.00	% of 82,372,515	49,423,509.00	4.00	96.00	47,423,509	0.00	0
BBB+ to BBB-	38,250,000.00	Book	60.00	% of 82,372,515	49,423,509.00	77.00	23.00	11,173,509	0.00	0
	82,372,515.00				543,658,599.00			461,286,085		0

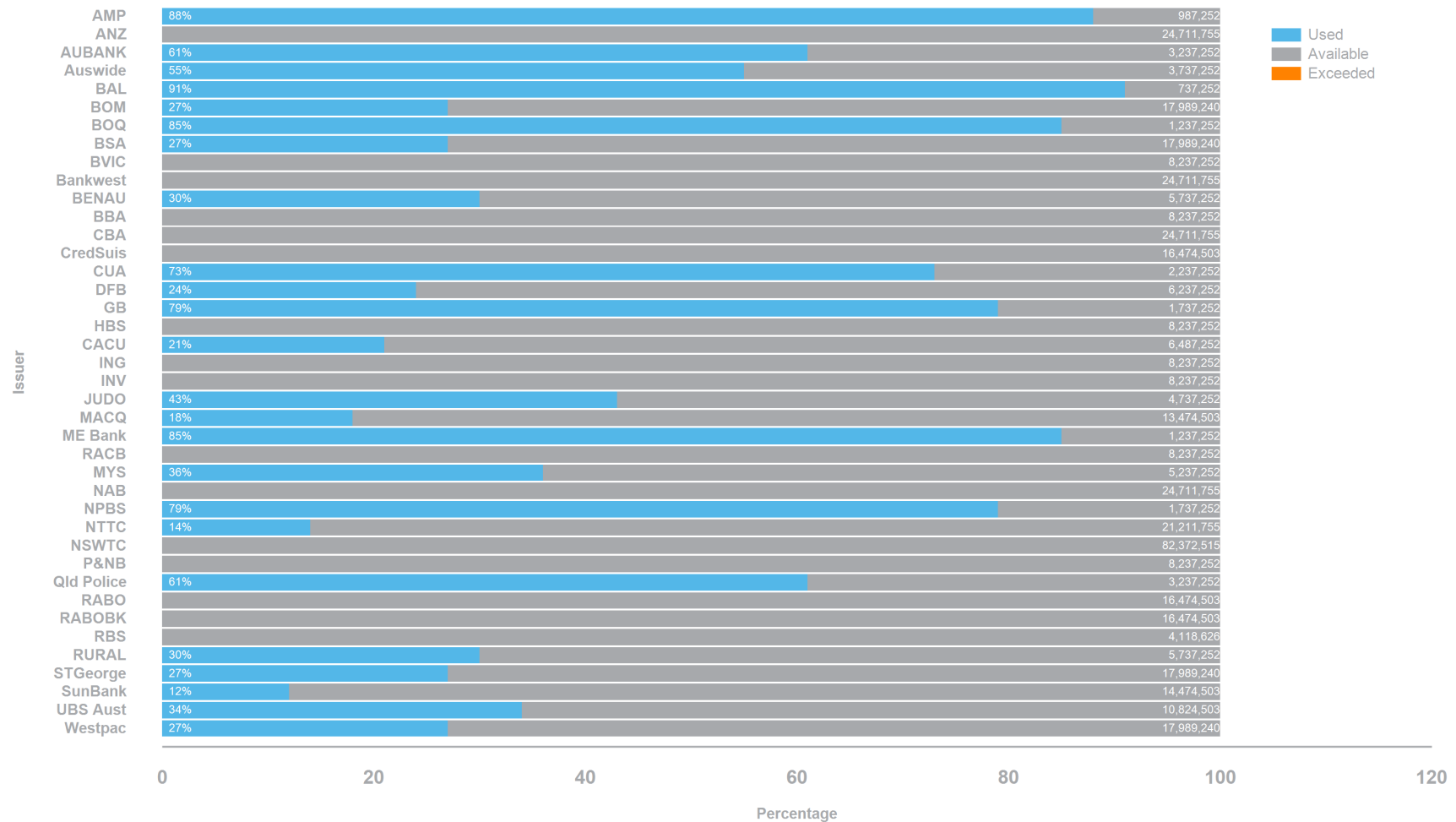
Notes

1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

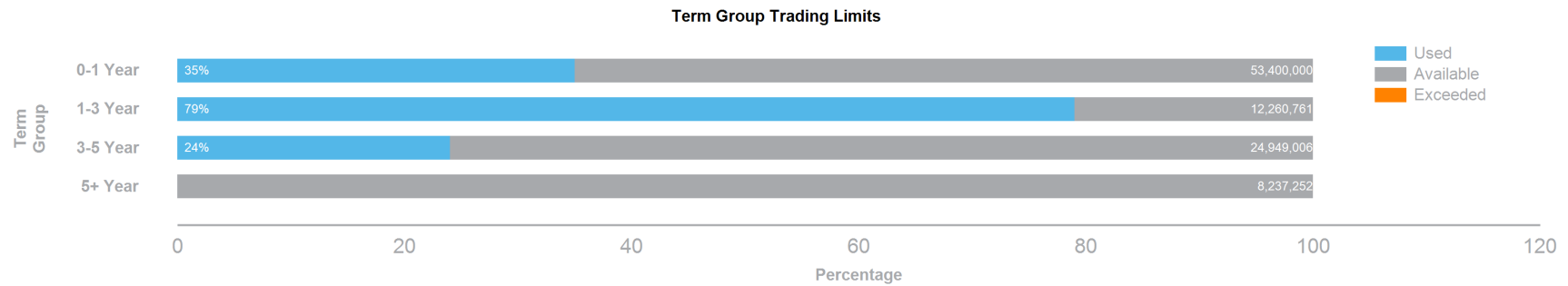
3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	28,972,515.00	Book	100.00	% of 82,372,515	82,372,515.00	35.00	65.00	53,400,000	0.00	0
1-3 Year	45,400,000.00	Book	70.00	% of 82,372,515	57,660,760.50	79.00	21.00	12,260,761	0.00	0
3-5 Year	8,000,000.00	Book	40.00	% of 82,372,515	32,949,006.00	24.00	76.00	24,949,006	0.00	0
5+ Year	0.00	Book	10.00	% of 82,372,515	8,237,251.50	0.00	100.00	8,237,252	0.00	0
	82,372,515.00				181,219,533.00			98,847,019		0

Issuer Trading Limits







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BRISBANE OFFICE: LEVEL 15 CENTRAL PLAZA 1, 345 QUEEN STREET, BRISBANE QLD, 4000 T 61 7 3123 5370

Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 March 2024
Balance Date: 7 April 2024 (but 31 Mar 2024 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: BalOnly
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Not Ignored

**10.4.6. Monthly Financial Report - March 2024**

Attachments:	1. Monthly Council Report March 2024 [10.4.6.1 - 11 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Manav Sharma (Finance Business Partner), Mandy Fitzgerald (Senior Financial Accountant)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide an overview of the monthly financial performance of Council's General, Water, Sewer, and Future Funds, and to identify and explain any material variances against Council's approved budget for the month ending 31 March 2024.

OFFICER'S RECOMMENDATION

Council NOTES the Financial Reports for the month ending 31 March 2024.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the March 2024 details of:

- Monthly & Year To Date operating performance by Fund.
- Capital Project Spend.
- Details of Current Loans.
- Outstanding Debtor Balances.

Overview

The March period is presenting expected outcomes. The rates were levied in full in July and this program will continue to show a favourable result throughout the year. The Insurance and Rates are paid in full at the start of the year and, as a result, both will show an unfavourable result throughout most of the year as insurance and Rates expenses are recognised in their entirety in the first month of the year.

**Material Exceptions:****General Fund**

- **Revenue:**
 - Rates are levied and recognised in July each year, which results in a favourable variance against Budget throughout most of the year. Total revenue is \$44.92m against Year to Date (YTD) budget of \$37.45m, with rates and charges a major contributor.
- **Expenses:**
 - Other Costs now show a favourable variance of \$0.20m.
 - YTD Legal Expenses of \$718k is within YTD budget of \$836k, with overall at 64% of full-year budget. This is being closely monitored.
 - Overall, the expenses show a favourable variance of \$3.53m (\$33.91m actual vs YTD budget of \$37.45m). The variance is from materials and contracts (\$0.86m), which includes community infrastructure (\$0.76m), economy & community (\$0.47m) and corporate services (\$0.38m). There is a negative variance of \$1m in Property and Place, related to contract road works for Transport for NSW, but this is offset by additional income. There is a favourable variance in wages and salaries (\$1.1m) due to vacancies. The variances will be reviewed as part of the March Quarterly budget review.

Water Fund

- Rates are levied and recognised in July each year.
- User Charges shows an unfavourable variance, due to the four-monthly water billing cycle of water. The next billing cycle will finish in May 2024 and will provide a clearer indication of the how the revenue is trending overall for the year.
- Expenses show a favourable variance of \$0.89m.

Sewer Fund

- Overall, sewer costs show a favourable variance against budget of \$0.59m.
- Revenue is favourable by \$1.48m, as rates are levied at the start of the year.

Future Fund

- **Revenue:**
 - Total revenue shows a favourable variance of \$0.05m.
- **Expenses:**
 - Other Costs show an unfavourable variance of \$0.05m, primarily due to the full recognition of Rates and Insurances. Overall, however, expenses show a favourable variance of \$0.27m.

Capital Projects

Year To Date capital spend is \$16.58M, which equates to 21% of the total Capital Budget.

Accounts Receivable and Debtor Balances



A greater focus is being placed on accounts receivable and debtor management activities, and a renewed round of debt recovery actions has commenced.

Rates Notice of Intent Letters for 399 assessments (\$1.7m) have been distributed, along with Rates Summonses for 199 assessments (\$0.83m). An amount of \$0.20m has already been received against outstanding balances.

Notice of Intent Letters for outstanding Water account balances on 133 assessments (\$0.40m) have been sent, along with summonses for 34 accounts (\$0.10m). An amount of \$0.04m has already been received against outstanding balances.

Muswellbrook Shire Council

Financial Report - March 2024



Council Consolidated								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$33,810,228	\$26,250,212	\$7,560,016	29%	\$35,000,283	\$35,000,283	97%	Most of the Rates Revenue is levied and recognised at the start of the year. Due to this, a favourable year-to-date result will show for much of the year. * Overall revenue is at 87% of the FY Budget.
User Charges and Fees	\$16,232,316	\$14,790,956	\$1,441,360	10%	\$18,689,982	\$19,721,275	82%	
Interest and Investments Revenues	\$2,053,614	\$824,996	\$1,228,619	149%	\$1,027,844	\$1,099,994	187%	
Other Revenues	\$1,977,895	\$1,868,575	\$109,320	6%	\$2,485,983	\$2,491,433	79%	
Operating Grants and Contributions	\$5,247,827	\$6,816,538	(\$1,568,711)	-23%	\$7,525,226	\$9,088,717	58%	See individual funds for commentary specific to that fund
Internal Revenue	\$3,689,496	\$3,594,440	\$95,057	3%	\$4,642,186	\$4,792,586	77%	
Total Revenue	\$63,011,376	\$54,145,716	\$8,865,660	16%	\$69,371,504	\$72,194,288	87%	
Expenses								
Wages and Salaries	\$11,739,386	\$13,069,709	\$1,330,323	10%	\$17,135,068	\$17,426,279	67%	Other costs are at 70% against FY budget. Rates(\$0.33m) and Insurances(\$1.05m) are paid at the start of the year. See individual funds for commentary specific to that fund
Materials and Contracts	\$15,050,932	\$16,648,135	\$1,597,203	10%	\$19,900,761	\$22,197,513	68%	
Other Costs	\$5,150,666	\$5,524,377	\$373,711	7%	\$7,131,015	\$7,365,837	70%	
Borrowing Costs	\$1,436,415	\$1,931,789	\$495,374	26%	\$2,575,718	\$2,575,718	56%	
Overheads	\$3,592,161	\$3,643,552	\$51,391	1%	\$4,858,069	\$4,858,069	74%	See individual funds for commentary specific to that fund
Depreciation	\$10,231,661	\$11,684,834	\$1,453,173	12%	\$15,579,778	\$15,579,778	66%	
Total Expenses	\$47,201,221	\$52,502,395	\$5,301,174	10%	\$67,180,409	\$70,003,193	67%	
Result	\$15,810,155	\$1,643,321	\$14,166,834		\$2,191,095	\$2,191,095		

Muswellbrook Shire Council

Financial Report - March 2024



General Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
Revenue	YTD				Full Year			
Rates and Charges	\$25,134,024	\$19,478,584	\$5,655,440	29%	\$25,971,445	\$25,971,445	97%	Revenue commentary will focus on material exceptions and concerns * Rates are levied and recognised in July.
User Charges and Fees	\$7,473,824	\$5,264,218	\$2,209,606	42%	\$6,027,304	\$7,018,957	106%	
Interest and Investments Revenues	\$1,579,801	\$590,663	\$989,139	167%	\$715,400	\$787,550	201%	
Other Revenues	\$1,977,708	\$1,867,022	\$110,687	6%	\$2,485,983	\$2,489,362	79%	
Operating Grants and Contributions	\$5,168,835	\$6,760,126	(\$1,591,291)	-24%	\$7,450,010	\$9,013,501	57%	
Internal Revenue	\$3,592,161	\$3,497,105	\$95,057	3%	\$4,512,406	\$4,662,806	77%	
Total Revenue	\$44,926,353	\$37,457,716	\$7,468,637	20%	\$47,162,548	\$49,943,621	90%	
Expenses								
Wages and Salaries	\$10,042,766	\$11,152,576	\$1,109,810	10%	\$14,580,539	\$14,870,101	68%	Other costs are at 71% against FY budget. Rates(\$0.19m) and Insurances(\$0.66m) are paid at the start of the year. Legal expenses are 718k against FY budget of 1.11m(64.00%).
Materials and Contracts	\$11,653,161	\$12,518,213	\$865,052	7%	\$14,430,178	\$16,690,951	70%	
Other Costs	\$3,523,478	\$3,730,456	\$206,978	6%	\$4,743,203	\$4,973,942	71%	
Borrowing Costs	\$91,280	\$458,158	\$366,878	80%	\$610,877	\$610,877	15%	
Overheads	\$1,741,842	\$1,793,234	\$51,392	3%	\$2,390,978	\$2,390,978	73%	
Depreciation	\$6,865,780	\$7,805,080	\$939,300	12%	\$10,406,773	\$10,406,773	66%	
Total Expenses	\$33,918,307	\$37,457,716	\$3,539,409	9%	\$47,162,548	\$49,943,621	68%	
Result	\$11,008,046	\$0	\$11,008,046		\$0	\$0		

Muswellbrook Shire Council

Financial Report - March 2024



Water Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$2,242,009	\$1,773,710	\$468,300	26%	\$2,364,946	\$2,364,946	95%	
User Charges and Fees	\$3,003,986	\$3,744,953	(\$740,967)	-20%	\$4,993,270	\$4,993,270	60%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year. * Water User Charges and Fees revenue show an unfavourable variance.
Interest and Investments Revenues	\$285,089	\$161,250	\$123,839	77%	\$215,000	\$215,000	133%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$38,447	\$28,145	\$10,303	37%	\$37,526	\$37,526	102%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$5,569,531	\$5,708,057	(\$138,526)	-2%	\$7,610,742	\$7,610,742	73%	
Expenses								
Wages and Salaries	\$812,338	\$1,042,955	\$230,617	22%	\$1,390,607	\$1,390,607	58%	
Materials and Contracts	\$1,439,664	\$1,807,692	\$368,028	20%	\$2,410,466	\$2,410,256	60%	
Other Costs	\$324,928	\$395,783	\$70,855	18%	\$527,500	\$527,710	62%	* Overall, costs show a favourable variance sitting at 63% for the March period.
Borrowing Costs	\$9,178	\$10,500	\$1,322	13%	\$14,000	\$14,000	66%	
Overheads	\$868,275	\$868,274	(\$2)	0%	\$1,157,698	\$1,157,698	75%	
Depreciation	\$1,363,169	\$1,582,856	\$219,687	14%	\$2,110,475	\$2,110,475	65%	
Total Expenses	\$4,817,552	\$5,708,060	\$890,508	16%	\$7,610,746	\$7,610,746	63%	
Result	\$751,979	(\$3)	\$751,982		(\$4)	(\$4)		

Muswellbrook Shire Council

Financial Report - March 2024



Sewer Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$6,434,195	\$4,997,919	\$1,436,276	29%	\$6,663,892	\$6,663,892	97%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year.
User Charges and Fees	\$281,491	\$364,611	(\$83,120)	-23%	\$536,148	\$486,148	58%	
Interest and Investments Revenues	\$188,724	\$73,083	\$115,641	158%	\$97,444	\$97,444	194%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$40,545	\$28,268	\$12,278	43%	\$37,690	\$37,690	108%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$6,944,955	\$5,463,881	\$1,481,075	27%	\$7,335,174	\$7,285,174	95%	
Expenses								
Wages and Salaries	\$669,297	\$682,516	\$13,219	2%	\$910,025	\$910,021	74%	* Overall, costs show a favourable variance sitting at 67% for the March period.
Materials and Contracts	\$1,040,781	\$1,235,279	\$194,498	16%	\$1,697,038	\$1,647,038	63%	
Other Costs	\$447,837	\$597,665	\$149,828	25%	\$796,883	\$796,887	56%	
Borrowing Costs	\$470,030	\$480,000	\$9,970	2%	\$640,000	\$640,000	73%	
Overheads	\$714,555	\$714,555	\$0	0%	\$952,740	\$952,740	75%	
Depreciation	\$1,482,040	\$1,711,148	\$229,108	13%	\$2,281,530	\$2,281,530	65%	
Total Expenses	\$4,824,540	\$5,421,162	\$596,622	11%	\$7,278,216	\$7,228,216	67%	
Result	\$2,120,415	\$42,719	\$2,077,697		\$56,958	\$56,958		

Muswellbrook Shire Council

Financial Report - March 2024



Future Fund								
Account Group	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Original Budget	December Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	YTD				Full Year			
Revenue								
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$5,473,015	\$5,417,175	\$55,840	1%	\$7,133,260	\$7,222,900	76%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Other Revenues	\$187	\$1,553	(\$1,366)	-88%	\$0	\$2,071	9%	* User Charges and Fees show a favourable variance against FY Budget (76%) .
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$97,335	\$97,335	\$0	0%	\$129,780	\$129,780	75%	
Total Revenue	\$5,570,537	\$5,516,063	\$54,474	1%	\$7,263,040	\$7,354,751	76%	
Expenses								
Wages and Salaries	\$214,985	\$191,663	(\$23,323)	-12%	\$253,897	\$255,550	84%	
Materials and Contracts	\$917,326	\$1,086,951	\$169,625	16%	\$1,363,079	\$1,449,268	63%	
Other Costs	\$854,423	\$800,474	(\$53,950)	-7%	\$1,063,429	\$1,067,298	80%	
Borrowing Costs	\$865,927	\$983,131	\$117,204	12%	\$1,310,841	\$1,310,841	66%	* Other Costs are showing an unfavourable result due to the Rates and Insurance expenses being fully paid in July.
Overheads	\$267,489	\$267,490	\$1	0%	\$356,653	\$356,653	75%	
Depreciation	\$520,672	\$585,750	\$65,078	11%	\$781,000	\$781,000	67%	
Total Expenses	\$3,640,822	\$3,915,458	\$274,636	7%	\$5,128,899	\$5,220,610	70%	
Result	\$1,929,715	\$1,600,606	\$329,109		\$2,134,141	\$2,134,141		

Muswellbrook Shire Council
Financial Report - March 2024
Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	December Review Budget	YTD % Spend	Over Budget	Comments
General Fund Projects		General Fund Projects						
Planning, Community and Corporate Services Projects		Planning, Community and Corporate Services Projects						
Adventure Playground - Wollombi Road	Adventure Playground - Wollombi Road	37,747	452,410	452,410	452,410	8%		
Aquatic Centres Programme	Aquatic Centres program	114,056	-	263,000	263,000	43%		
Art Acquisitions	Art Acquisitions	-	-	70,000	70,000	0%		
Buildings New and Replacement	Buildings New and Replacement	57,561	1,459,061	1,579,061	1,649,061	3%		
Bushfire Assets	Bushfire Assets	555,537	564,520	564,520	926,680	60%		
Capital Works Contingency	Capital Works Contingency	-	-	100,000	100,000	0%		
CBD Stage 7 (Town Centre)	CBD Stage 7 (Town Centre)	11,547	226,092	226,092	226,092	5%		
Civic Precinct (Town Square)	Civic Precinct (Town Square)	312,725	2,256,524	2,256,524	2,256,524	14%		
Corporate Services General Programme	Corporate Services General program	-	-	-	-	0%		
COVID 19	COVID 19	67,586	-	150,000	150,000	45%		
Denman Childrens Centre - Expansion (Contribution)	Denman Childrens Centre - Expansion	32,653	415,308	415,308	415,308	8%		
Denman Heritage Shed	Denman Heritage Village	212,667	250,327	250,327	250,327	85%		
Denman Netball Courts	Denman Netball Courts	2,310	283,638	283,638	283,638	1%		
Future Fund Contribution	Future Fund Contribution	-	-	1,300,000	1,300,000	0%		
General Design Program	General Design Program	-	-	52,500	52,500	0%		
Hunter Beach	Hunter Beach	9,163	19,324	19,324	19,324	47%		
Information Technology Strategy	Information Technology Strategy	67,639	-	200,000	200,000	34%		
Karoola Park Citizens Walk Pathway	Karoola Park Citizens Walk Pathway	8,078	17,222	17,222	17,222	47%		
Library Books General Capital Purchases (General)	Library Books General Capital Purchases	65,380	15,852	105,437	105,437	62%		
Library Subsidy Projects	Library Subsidy Projects	283	66,071	66,071	110,135	0%		
Local Priority Grant	Local Priority Grant	1,340	43,594	54,594	63,283	2%		
Major Landcare Projects	Major Landcare Projects	62,563	14,357	139,357	139,357	45%		
Muscle Creek Catchment Strategy	Muscle Creek Catchment Strategy	36,946	-	-	150,000	25%		
Purchase Paxton Street Denman	Purchase Paxton Street Denman	446,965	-	-	489,000	91%		
Mbk and Dnm Indoor Sports Centre Upgrades	Mbk and Dnm Indoor Sports Centre Upgrades	230,012	233,874	233,874	233,874	98%		
MSC Depot	MSC Depot	-	-	-	-	0%		
Olympic Park Project	Olympic Park Project	103,251	2,836,170	4,009,466	4,009,466	3%		
Performance and Convention Centre	Performance and Convention Centre	102,029	3,273,204	3,273,204	3,273,204	3%		
Public Art Sculpture	Public Art Sculpture	-	-	-	-	0%		
Purchase of Land - Companion Animal Impounding Facility	Companion Animal Impounding Facility	242,480	470,737	470,737	470,737	52%		
Recreation Capital Works	Recreation Capital Works	530,218	1,234,907	1,599,907	1,599,907	33%		
Resources for Regions 9 - Denman Rec Area	Resources for Regions 9 - Denman Rec Area	81,225	2,084,305	2,084,305	2,084,305	4%		
Resources for Regions 9 - Depot	Resources for Regions 9 - Depot	101,318	-	4,838,247	4,838,247	2%		
Resources for Regions 9 - Campbells Corner	Resources for Regions 9 - Campbells Corner	58,062	956,228	956,228	956,228	6%		
STEM Equipment Replacement	STEM Equipment Replacement	44,543	88,709	191,209	191,209	23%		
Sport and Rereation Small Capital Grants Program	Sport and Rereation Small Capital Grants	-	-	-	-	0%		
Total Planning, Community and Corporate Services	Total Planning, Community and Corporate Services	3,595,884	17,262,434	26,222,562	27,346,475	13%	-	

Muswellbrook Shire Council
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		YTD Actuals	Carry Overs	Total Budget	December Review Budget	YTD % Spend	Over Budget	Comments
Roads and Drainage Projects	Roads and Drainage Projects							
Bridge St Footpath	Bridge St Footpath	59,460	-	67,056	67,056	89%		
Bridges Renewal Programme	Bridges Renewal program	9,169	-	105,000	105,000	9%		
Carpark Renewal Programme	Carpark Renewal program	131,852	-	135,000	135,000	98%		
CPTIGS - Bus Shelter	CPTIGS - Bus Shelter	9,194	321,964	321,964	321,964	3%		
Drainage	Drainage	-	615,188	938,255	938,255	0%		
Drainage Devices Programme	Drainage Devices program	52,798	-	180,000	180,000	29%		
Flood Warning Systems	Flood Warning Systems	1,429	50,000	50,000	150,000	1%		
FOGO - Design and EIS	FOGO	-	-	-	-	0%		
Footpath and Cycleway Renewal Programme	Footpath and Cycleway Renewal program	174,555	-	185,625	185,625	94%		
Heavy Patching Programme	Heavy Patching program	841,628	-	1,000,000	1,000,000	84%		
Resilience Works Karoola Park	Resilience Works Karoola Park	13,827	484,174	484,174	484,174	3%		
Kerb and Gutter Replacement Programme	Kerb and Gutter Replacement program	90,212	-	146,250	146,250	62%		
Kirk and Peberdy Bridges	Kirk and Peberdy Bridges	-	-	85,141	85,141	0%		
Large Plant Items	Large Plant Items	973,367	1,607,245	2,207,245	2,207,245	44%		
Leachate Dam	Leachate Dam	7,750	-	475,795	475,795	2%		
LISF - Roads Infrastructure Backlog	LISF - Roads Infrastructure Backlog	195,320	-	202,209	202,209	97%		
ARGN 960 Natural Disaster Event - Baerami Creek Caus	Natural Disaster Event - Baerami Creek Causeway	22,093	689,654	689,654	689,654	3%		
New Footpath and Cycleway Programme	New Footpath and Cycleway program	60,549	60,549	60,549	60,549	100%		
Purchase of Vehicles	Purchase of Vehicles	36,815	-	340,000	340,000	11%		
Rainbow Creek Bridge	Rainbow Creek Bridge	-	274,687	274,687	274,687	0%		
Regional Road Renewal Programme	Regional Road Renewal program	58,361	-	500,000	500,000	12%		
Resources for Regions - Round 5	Resources for Regions - Round 5	215,210	226,781	226,781	226,781	95%		
Resources for Regions- Round 7	Resources for Regions- Round 7	532,948	904,016	904,016	904,016	59%		
Resources for Regions 9	Resources for Regions 9	48,988	1,409,735	1,409,735	2,586,735	2%		
Road Resealing Programme	Road Resealing program	1,578,578	577,898	2,677,898	2,677,898	59%		
Roads Capital Contingency	Roads Capital Contingency	3,504	-	135,000	135,000	3%		
Roads to Recovery Program	Roads to Recovery Program	577,898	-	577,898	577,898	100%		
Rosebrook Bridge	Rosebrook Bridge	323,054	324,590	324,590	324,590	100%		
Rural Road Regravelling Programme	Rural Road Regravelling Program	274,505	-	283,815	283,815	97%		
Rural Road Renewal Programme	Rural Road Renewal program	22,370	-	498,027	498,027	4%		
Safety Device Renewal Programme	Safety Device Renewal program	14,759	-	94,069	94,069	16%		
Transport Vehicles	Transport Vehicles	-	-	150,000	150,000	0%		
Urban Road Renewal Programme	Urban Road Renewal Program	13,974	-	400,000	400,000	3%		
Victoria Street Rehab	Victoria Street Rehab	643,028	721,433	721,433	721,433	89%		
Widden Creek Stabilisation Works	Widden Creek Stabilisation Works	7,763	152,891	152,891	152,891	5%		
Wilkinson Bridge	Wilkinson Bridge	73,851	-	110,996	110,996	67%		
Yarraman Road Upgrade	Yarraman Road Upgrade	103,072	180,946	180,946	180,946	57%		
Footpath - Turtle St Denman	Footpath - Turtle St Denman	320,192	-	-	322,459	99%		
Total Roads and Drainage	Total Roads and Drainage	7,492,073	8,601,751	17,296,699	18,896,158	40%	-	
Total General Fund	Total General Fund	11,087,957	25,864,185	43,519,261	46,242,633	24%	-	

Muswellbrook Shire Council
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Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	December Review Budget	YTD % Spend	Over Budget	Comments
Future Fund Projects								
Donald Horne Building	Donald Horne Building	108,045	-	218,691	218,691	49%		
Marketplace	Marketplace	2,097,157	-	2,957,464	2,957,464	71%		
Renewal of Existing Assets/New Acquisitions	Renewal of Existing Assets/New Acquisitions	302,142	222,919	641,905	641,905	77%		
Throsby ACT	Throsby ACT	389,999	-	520,000	520,000	75%		
Upgrade of Loxton House	Upgrade of Loxton House	136,470	454,532	754,532	754,532	18%		
Total Future Fund	Total Future Fund	3,033,813	677,451	5,092,592	5,092,592	63%	-	
Sewer Fund								
Access & Security Improvements RWTW	Access & Security Improvements RWTW	126,876	-	130,000	130,000	98%		
Mains Renewal and Replacement	Mains Renewal and Replacement	175,950	-	260,000	260,000	68%		
Operations Contingency Project	Operations Contingency Project	116,868	-	150,000	150,000	78%		
Sewer Plant and Equipment	Sewer Plant and Equipment	316	-	80,000	80,000	0%		
Solar Array	Solar Array	108	1,745,336	1,745,336	645,336	0%		
System Plant Asset Renewals	System Plant Asset Renewals	429,715	254,065	649,065	649,065	66%		
Transportation System Improvement	Transportation System Improvement	54,816	-	300,000	300,000	27%		
Loan - Sewer RWTW	Loan - Sewer RWTW	507,969	-	680,496	680,496	75%		
Upgrade Sewer Pump Station 1	Upgrade Sewer Pump Station 1	-	-	-	2,000,000	0%		
Skellatar Main	Skellatar Main	48,317	-	97,934	97,934	49%		
Total Sewer Fund	Total Sewer Fund	1,460,935	1,999,401	4,092,831	4,992,831	29%	-	

Muswellbrook Shire Council
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Capital Costs (Incl. Loan Repayments & excl. Revenue)



		YTD Actuals	Carry Overs	Total Budget	December Review Budget	YTD % Spend	Over Budget	Comments
Water Fund	Water Fund							
Asbestos, Earthworks, Security	Asbestos, Earthworks, Security	153,712	-	175,000	175,000	88%		
Laboratory Equipment	Laboratory Equipment	2,409	-	20,000	20,000	12%		
Mains Renewal and Replacement (inc Carryover)	Mains Renewal and Replacement	127,542	-	650,000	650,000	20%		
Office Upgrade	Office Upgrade	8,514	-	17,518	17,518	49%		
Operations Contingency Project	Operations Contingency Project	99,331	-	100,000	100,000	99%		
Replacement of Water Meters Programme	Replacement of Water Meters program	40,743	-	65,000	65,000	63%		
GLE Pipeline	Denman-Sandy Hollow Pipeline	52,995	1,062,215	18,460,415	18,460,415	0%		
South Muswellbrook Reservoir	South Muswellbrook Reservoir	127,712	-	262,755	262,755	49%		
System Plant Asset Renewals	System Plant Asset Renewals	188,490	230,474	730,474	730,474	26%		
Upgrade Fluoride Dosing System WTP	Upgrade Fluoride Dosing System WTP	13,363	294,732	294,732	294,732	5%		
Vehicle-Equipment Replacement	Vehicle-Equipment Replacement	-	-	65,000	65,000	0%		
Water Stop Valve Replacement	Water Stop Valve Replacement	186,505	-	200,000	200,000	93%		
Total Water Fund	Total Water Fund	1,001,316	1,587,421	21,040,894	21,040,894	5%	-	
Consolidated Total	Consolidated Total	16,584,021	30,128,458	73,745,578	77,368,950	21%	-	

Details of Current Council Loans



Balance at 30/06/2023	Payment Type	2020/21 Repayments	2021/22 Repayments	2022/23 Repayments	2023/24 Repayments	2024/25 Repayments	2025/26 Repayments	2026/27 Repayments	2027/28 Repayments	2028/29 Repayments	2029/30 Repayments	2030/31 Repayments
Water Fund												
\$280,272	Principal	\$330,160	\$351,400	\$375,624	\$280,273	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Interest	\$67,791	\$46,551	\$23,815	\$13,843	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Total	\$397,951	\$397,951	\$399,439	\$294,116	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Fund												
\$14,166,104	Principal	\$677,873	\$710,385	\$743,509	\$778,430	\$816,997	\$856,300	\$780,502	\$815,416	\$850,535	\$886,347	\$922,883
	Interest	\$726,218	\$693,706	\$660,582	\$628,763	\$587,094	\$549,281	\$509,827	\$474,913	\$439,794	\$403,982	\$367,446
	Total	\$1,404,091	\$1,404,091	\$1,404,091	\$1,407,193	\$1,404,091	\$1,405,581	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329
General Fund												
\$5,570,491	Principal	\$614,941	\$715,625	\$747,212	\$601,124	\$415,542	\$249,678	\$223,682	\$234,748	\$246,382	\$258,614	\$271,476
	Interest	\$245,540	\$233,183	\$201,596	\$201,557	\$181,451	\$154,972	\$182,272	\$171,206	\$159,571	\$147,339	\$134,477
	Total	\$860,481	\$948,808	\$948,808	\$802,681	\$596,993	\$404,650	\$405,954	\$405,954	\$405,953	\$405,953	\$405,953
Future Fund												
\$38,382,647	Principal	\$3,277,145	\$3,564,671	\$4,270,338	\$3,231,639	\$2,073,593	\$1,753,229	\$1,906,961	\$1,078,848	\$1,122,802	\$1,168,547	\$1,216,155
	Interest	\$702,824	\$624,137	\$994,087	\$1,109,142	\$1,409,292	\$1,345,357	\$1,251,611	\$1,152,196	\$1,108,242	\$1,062,498	\$1,014,889
	Total	\$3,979,969	\$4,188,808	\$5,264,425	\$4,340,781	\$3,482,885	\$3,098,586	\$3,158,572	\$2,231,044	\$2,231,044	\$2,231,044	\$2,231,044
\$58,399,514		\$6,642,492	\$6,939,658	\$8,016,763	\$6,844,771	\$5,483,969	\$4,908,817	\$4,854,855	\$3,927,327	\$3,927,326	\$3,927,327	\$3,927,326

				\$5,342,081	\$6,136,684							
Purpose	Original Amount	Interest Rate	Balance at 1/7/2023	2023/24 Principal Repayments	2023/24 Interest Repayments	2023/24 Total Payments	Year of Final Payment	Notes (If any)				
Water - South Muswellbrook Reservoir	\$3,200,000	6.61%	\$280,272	\$280,272	\$13,843	\$294,115	2023/24	LIFS interest rate subsidy applies				
Sewer - Mains and Pump Stations	\$1,300,000	6.50%	\$314,801	\$97,934	\$18,931	\$116,865	2025/26					
General - Widden Bridge	\$1,750,000	6.00%	\$1,079,032	\$85,141	\$60,925	\$146,066	2034/35					
General - Smiths Bridge	\$1,573,967	4.28%	\$1,116,108	\$67,056	\$45,442	\$112,498	2024/25					
General - Roads Infrastructure Backlog	\$3,000,000	5.90%	\$201,945	\$201,945	\$4,015	\$205,960	2023/24					
General - Olympic Park Bridge	\$1,785,000	1.45%	\$1,532,184	\$110,996	\$21,495	\$132,491	2025/26					
Future Fund	\$3,300,000	1.60%	\$2,805,000	\$165,000	\$43,670	\$208,670	2024/25					
Future Fund - Seven Hills, Campbell's Corner	\$7,980,502	4.35%	\$7,307,744	\$701,512	\$311,190	\$1,012,702	2026/27					
Future Fund - Muswellbrook Marketplace	\$13,276,500	1.20%	\$11,575,350	\$157,560	\$34,631	\$192,191	2023/24					
Future Fund - Muswellbrook Marketplace***\$13,276,500 To be Refinanced 14/08/23	\$11,417,790	5.53%	\$0	\$98,489	\$318,297	\$416,786	2026/27					
Future Fund - Muswellbrook Marketplace	\$12,500,000	2.34%	\$7,946,720	\$1,370,387	\$177,697	\$1,548,084	2024/25					
Future Fund - Donald Horne building	\$2,500,000	4.80%	\$2,291,166	\$218,691	\$107,677	\$326,368	2026/27					
Sewer - Sewer Treatment Plant	\$7,000,000	4.49%	\$5,810,434	\$275,712	\$255,260	\$530,972	2038/39					
Sewer - Sewer Treatment Plant	\$10,000,000	4.50%	\$8,040,869	\$404,785	\$354,572	\$759,357	2037/38					
Aquatic Centre	\$2,000,000	4.30%	\$1,641,222	\$135,986	\$69,680	\$205,666	2024/25					
Throsby ACT	\$7,800,000	1.86%	\$6,456,667	\$520,000	\$115,980	\$635,980	2025/26					
TOTAL	\$90,383,759		\$58,399,514	\$4,891,466	\$1,953,305	\$6,844,771						

Debtor Balances as at 31 March 2024

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$47,448	\$4,397	\$3,853	\$172,187	\$226,474	\$454,359
Inspection Fees	\$17,607	\$0	\$0	\$0	\$4,289	\$21,895
Sam Adams College Rent	\$0	\$0	\$0	\$0	\$0	\$0
Council Properties - Future Fund *	\$92,596	\$30,582	\$21,214	\$91,698	\$154,625	\$390,715
Council Properties - Marketplace *	\$138,393	\$9,722	\$8,252	\$39,786	\$130,385	\$326,538
Council Properties - Education Fund	\$59,957	\$0	\$6,650	\$0	\$27,515	\$94,121
Recreation	\$19,876	\$411	\$557	\$0	\$2,817	\$23,661
Sundries**	\$212,179	\$4,094	\$1,179,934	\$1,345,124	\$167,989	\$2,909,321
Water Tanker Sales	\$1,268	\$0	\$0	\$913	\$14,320	\$16,500
Trade Waste Charges	\$342	\$0	\$0	\$0	\$0	\$342
Muswellbrook Sewer	\$0	\$633	\$0	\$0	\$3,157	\$3,789
GST Tax Debtor	\$0	\$0	\$0	\$0	\$38,078	\$38,078
TOTAL	\$589,664	\$49,840	\$1,220,460	\$1,649,709	\$769,647	\$4,279,320

* Balances include rent deferrals due to COVID, and other commercial receivables currently with debt recovery/legal services.

** Includes \$2.50M in VPA Funding and \$168k Grant Funding.

**10.4.7. DRAFT 2024/25 Budget Estimates**

Attachments:	1. 2024-25 Budget Estimates Summary - v 3-2 [10.4.7.1 - 22 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Jeannie Hayes (Financial Controller)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To present the DRAFT 2024/25 Budget for Council's consideration and to request Council's approval to place the DRAFT 2024/25 Budget on public exhibition for 28 days.

OFFICER'S RECOMMENDATION

Council APPROVES placing the DRAFT 2024/25 Budget on public exhibition for 28 days.

Moved: _____ **Seconded:** _____

BACKGROUND

Under Section 405 of the New South Wales Local Government Act 1993, Council is required to place its annual Draft Operational Plan (including Budget, Revenue Policy, and Fees and Charges Report) on public exhibition for at least 28 days.

REPORT

The annual budget is prepared as part of the Integrated Planning and Reporting Framework and forms part of the Operational Plan. The DRAFT 2024/25 Budget Estimates outline the projected operating and capital income and expenditure for the 2024/25 financial year. The development of the DRAFT Budget Estimates has been a collaborative process involving input from Councillors, the Finance Review Advisory Committee, staff across all levels of Council, and a range of other stakeholders.

FINANCIAL IMPLICATIONS

Preparation and adoption of a sustainable budget is critical to the appropriate management of Council's resources.



2024/25 Budget Estimates

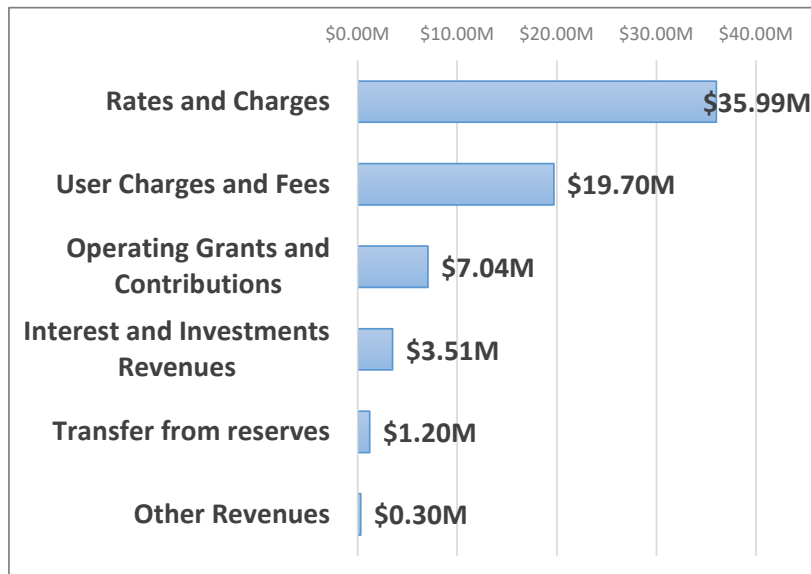
Purpose of the Budget

The Muswellbrook 10-Year Community Strategic Plan outlines the outcomes and aspirations of Muswellbrook Shire community. The Delivery Program (4-year) and Operational Plan (1-year) delve into further detail on achieving these aspirations, and the Budget is a decision-making tool for stakeholders (Council and the community) to use in optimising the use of resources available to deliver these outcomes.

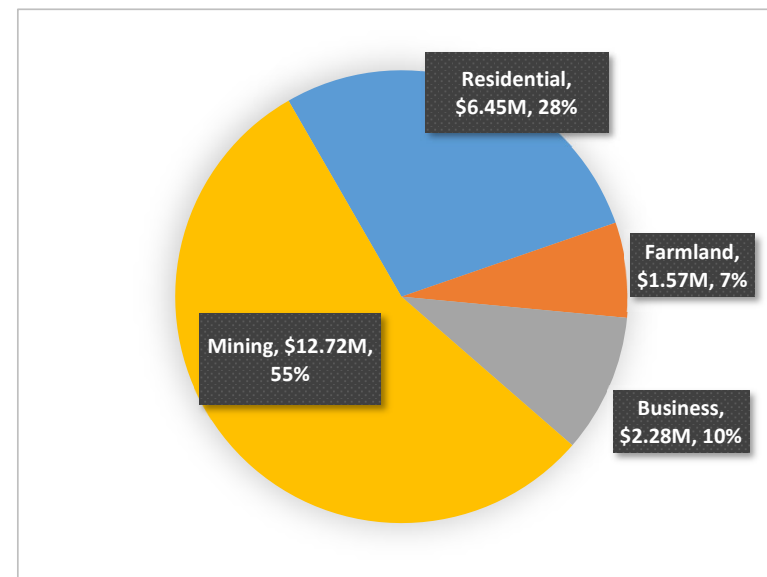
Sources of Income



Council's consolidated 2024/25 Budget Operating Income of \$67 million is composed of:



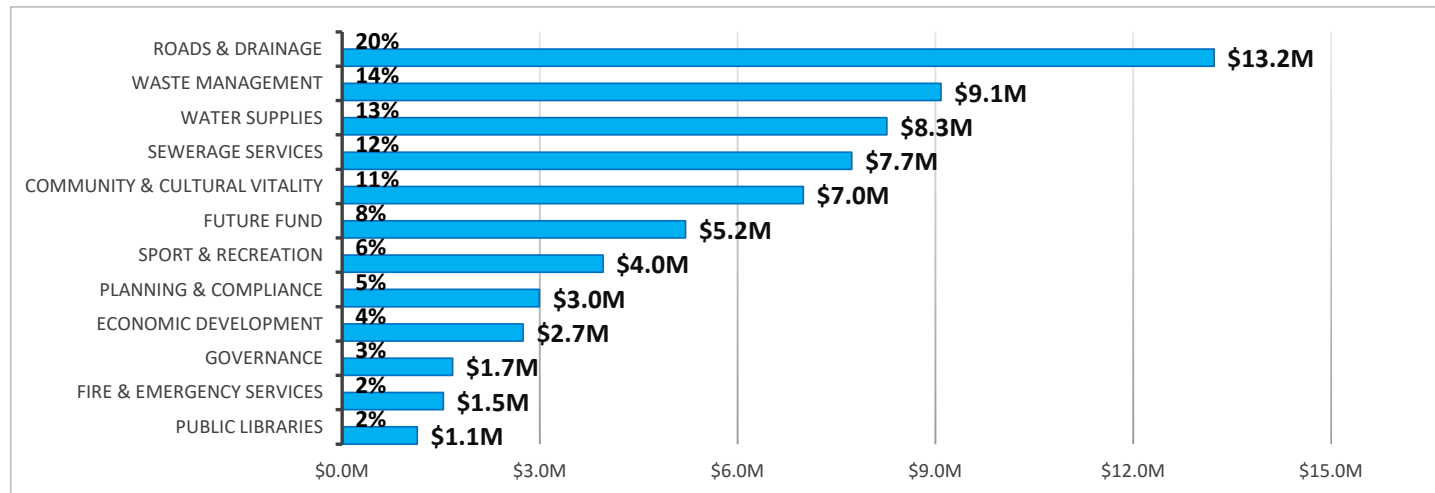
The 2024/25 Rate Peg set by IPART for MSC is 4.5%, which results in Rates income of \$23M, and is composed of:



How are the Resources Allocated?



Council's 2024/25 Budget Estimates operating expenditure of \$64 million will deliver services in the following areas:



Income & Expenses - Consolidated



All figures are in \$000's	Current Year			Next Year
	2023-24 Original Budget	Carryovers	2023/24 Dec Review Budget	DRAFT 2024-25 Budget
Revenue				
<i>Rates and Annual Charges</i>	35,000	-	35,000	35,994
<i>User Charges and Fees</i>	18,690	-	19,722	19,698
<i>Interest and Investment Revenue</i>	1,028	-	1,100	3,510
<i>Other Revenues</i>	285	-	289	298
<i>Grants & Contributions - Operating</i>	7,405	120	9,089	8,245
<i>Internal Revenue**</i>	7,290	1,450	8,890	8,293
Total Income from continuing operations	69,697	1,571	74,091	76,037
Expenses				
<i>Employee costs</i>	17,030	105	17,426	17,713
<i>Materials & Contracts</i>	18,568	1,389	22,254	20,021
<i>Borrowing Costs</i>	2,576	-	2,576	2,674
<i>Depreciation</i>	15,580	-	15,580	16,252
<i>Overheads</i>	5,258	-	5,258	7,906
<i>Other Expenses</i>	7,055	76	7,366	7,499
Total Expenses from continuing operations	66,067	1,571	70,460	72,066
Net Operating Result from continuing operations	3,631	-	3,631	3,971
Reconciliation to Cash Budget				
Operating Cash Result (excludes depreciation)	19,210	-	19,210	20,224
Minus Budget Items not Included in Income Statement:				
<i>Capital Expenditure and Purchases</i>	36,947	30,128	70,699	48,457
<i>Contribution from General Fund to Future Fund</i>	1,300	-	1,300	775
<i>Loan Principal Repayments</i>	5,370	-	5,370	3,934
Sub-Total	43,617	30,128	77,369	53,166
Plus:				
<i>Grants and Contributions - Capital</i>	22,924	13,027	38,036	27,945
Cash Surplus/(Deficit)	1,482	17,101	20,123	4,998
Funded by:				
Borrowings		1,611	1,611	-
Transfers from Reserves	1,679	15,490	18,708	6,368
General Fund Contribution to Future Fund	1,300	-	1,300	775
Sub-Total	2,979	17,101	21,619	7,143
Total Capital Funding	45,113	30,128	78,865	55,312
Cash Surplus/(Deficit)	1,496	-	1,496	2,146

Note: Immaterial rounding difference might be present.

2024/25 Operating Budget Estimates

2024/25 Draft Operating Budget Estimates - Overview by Fund



	Current Year			Next Year	Forward Estimates		
\$000s	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
General Fund							
Revenue	47,488	1,571	51,840	53,006	53,362	53,976	54,886
Expenses	47,488	1,571	51,840	53,006	53,362	53,976	54,886
General Fund Surplus/(Deficit)	-	-	-	0	-	-	-
Water Fund							
Revenue	7,611	-	7,611	8,495	8,520	8,581	8,711
Expenses	7,611	-	7,611	8,263	8,336	8,426	8,566
Water Fund Surplus/(Deficit)	(0)	-	(0)	232	184	155	146
Sewer Fund							
Revenue	7,335	-	7,285	7,742	7,829	7,934	8,074
Expenses	7,278	-	7,228	7,732	7,798	7,918	8,063
Sewer Fund Surplus/(Deficit)	57	-	57	10	31	17	11
Future Fund							
Revenue	7,263	-	7,355	6,794	6,930	7,068	7,210
Expenses	5,129	-	5,221	5,210	4,965	5,064	5,165
Future Fund Surplus/(Deficit)	2,134	-	2,134	1,584	1,965	2,005	2,045

Note: Immaterial rounding differences may be present

Budget 2024-25 - Draft Operating Budget - General Fund



	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
Rates and Charges	25,971	-	25,971	26,686	27,450	27,999	28,559
User Charges and Fees	6,027	-	7,019	7,000	7,140	7,283	7,429
Operating Grants and Contributions	6,366	120	8,050	6,966	7,106	7,248	7,393
Other Revenues	285	-	288	296	302	308	314
Interest and Investments Revenues	715	-	788	2,563	2,016	1,602	1,466
Internal Revenue	7,160	80	7,240	8,293	8,122	8,285	8,451
Transfer from reserves	964	1,370	2,484	1,202	1,226	1,251	1,276
Revenue Total	47,488	1,571	51,840	53,006	53,362	53,976	54,886
Expenses							
Wages and Salaries	14,476	105	14,870	15,031	15,331	15,638	15,951
Materials and Contracts	13,041	1,389	16,691	14,644	14,802	14,962	15,211
Other Costs	4,667	76	4,974	5,271	5,683	5,796	5,912
Depreciation	10,407	-	10,407	11,485	11,255	11,480	11,709
Borrowing Costs	611	-	611	762	778	793	809
Overheads	2,391	-	2,391	2,301	2,347	2,394	2,442
Transfer to reserves	1,896	-	1,896	3,513	3,167	2,912	2,852
Expenses Total	47,488	1,571	51,840	53,006	53,362	53,976	54,886
General Fund Surplus/(Deficit)	-	-	-	0	-	-	-

Note: Immaterial rounding differences may be present

Budget 202-25 - Operating Budget - General Fund



Key Notes on 2024/25 DRAFT Budget vs 2023/24 Budget

Revenue

Rates and Charges: \$715k increase to \$26.7M due to 4.5% Rate Peg increase, relative decreases in property values after large increases in the prior year, and an increase in Domestic Waste charges for the transition to FOGO.

User Charges and Fees: \$973k increase to \$7M primarily due to rental income from some investment properties transferred from Future Fund to General Fund.

Operating Grants and Contributions: only confirmed grant funding is included in the budget; subsequently-confirmed grant funding will be added to the 2024/25 Budget during the Quarterly Budget Reviews.

Interest and Investments Revenues: Investment income projections have been increased due to higher interest rates and a larger portfolio balance. The additional yields will be placed in reserves.

Transfers from Reserves: relate to grant funding that has been received in advance.

Expenses

Wages and Salaries: 3.5% Award increase + one-off Award payments and 0.5% Superannuation increase.

Materials and Contracts: up \$1.6M to \$14.6M due to several key factors including events (\$400k - Rock'n the Brook, NYE; funded from VPAs) introduction of FOGO (\$600k), election costs (\$165k) and costs related to properties transferred from Future Fund to General Fund.

Other Costs: \$600k increase to \$5.3M largely due to increased sponsorships and grants (\$140k; VPA funded) and costs related to properties transferred from Future Fund to General Fund (\$279k).

Depreciation: up \$1.1M to \$11.5M due to the combined effect of asset revaluations, new assets and properties transferred from Future Fund to General Fund.

Transfer to reserves: relates primarily to Special Rate Variation (SRV) income designated for specific capital works and additional investment income.

Budget 2024-25 - Draft Operating Budget Community Infrastructure

General Fund



Directorate Detail	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
Rates and Charges	3,178	-	3,178	3,678	3,752	3,827	3,903
User Charges and Fees	3,253	-	3,313	3,345	3,412	3,481	3,550
Operating Grants and Contributions	40	-	40	91	93	94	96
Other Revenues	15	-	15	16	16	16	16
Interest and Investments Revenues	10	-	10	10	10	11	11
Internal Revenue	1,202	-	1,202	1,080	1,101	1,123	1,146
Revenue Total	7,698	-	7,759	8,220	8,384	8,552	8,723
Expenses							
Wages and Salaries	1,382	-	1,382	1,349	1,376	1,404	1,432
Materials and Contracts	4,208	120	4,299	4,793	4,889	4,987	5,087
Other Costs	229	-	229	235	239	244	249
Depreciation	83	-	83	293	299	305	311
Borrowing Costs	359	-	359	366	374	381	389
Overheads	1,934	-	1,934	1,835	1,872	1,909	1,948
Expenses Total	8,196	120	8,287	8,872	9,049	9,230	9,415
Community Infrastructure Surplus/(Deficit)	(498)	(120)	(528)	(652)	(665)	(678)	(692)

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Revenue

Rates & Charges: \$500k increase in Domestic Waste charges due to increasing costs and the transition to FOGO.

Expenses

Materials & Contracts: \$585k increase due to increasing costs and the transition to FOGO.

Depreciation: \$210k increase due to asset revaluations

Note: Immaterial rounding differences may be present

Budget 2024-25 - Draft Operating Budget Corporate Services

General Fund



Directorate Detail	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
Rates and Charges	22,794	-	22,794	23,008	23,698	24,172	24,656
User Charges and Fees	109	-	113	100	102	104	106
Operating Grants and Contributions	2,713	-	2,713	2,806	2,862	2,920	2,978
Other Revenues	-	-	-	-	-	-	-
Interest and Investments Revenues	705	-	778	2,552	2,005	1,592	1,455
Internal Revenue	2,840	80	2,920	4,033	3,777	3,853	3,930
Transfer from reserves	-	1,370	1,520	-	-	-	-
Revenue Total	29,160	1,450	30,837	32,499	32,445	32,640	33,124
Expenses							
Wages and Salaries	3,609	-	3,703	3,909	3,988	4,067	4,149
Materials and Contracts	1,497	320	1,994	1,632	1,509	1,423	1,401
Other Costs	411	-	419	456	465	475	484
Overheads	457	-	457	466	475	485	494
Transfer to reserves	1,896	-	1,896	3,513	3,167	2,912	2,852
Expenses Total	7,870	320	8,469	9,977	9,603	9,362	9,380
Corporate Services Surplus/(Deficit)	21,290	1,131	22,368	22,523	22,842	23,278	23,744

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Revenue

Rates & Charges: There was a significant increase in land values effective for 2023/24 which resulted in an increase of 10% in the 2023/24 Budget Ordinary Rates (Rate Peg 3.7%). There was then a subsequent review of the land values by the Valuer General, which reversed part of that increase. The IPART 2024/25 Rate Peg for MSC is 4.5%, which gives a \$214k increase in Ordinary Rates revenue compared to the prior year Budget.

Interest and Investments Revenues: Is projected to increase by \$1.8M , which will be allocated to reserves.

Expenses

Wages & Salaries: Increase of \$300k due to Award increase and new positions.

Materials & Contracts: \$585k increase for holding the 2024 election.

Transfers to Reserves: Increase of \$1.6M primarily related to additional investment income.

Note: Immaterial rounding differences may be present

Budget 2024-25 - Draft Operating Budget Economy and Community

General Fund



Directorate Detail	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
User Charges and Fees	862	-	927	969	989	1,008	1,029
Operating Grants and Contributions	553	95	459	711	725	739	754
Other Revenues	69	-	71	71	73	74	76
Internal Revenue	279	-	279	285	290	296	302
Transfer from reserves	964	-	964	1,202	1,226	1,251	1,276
Revenue Total	2,726	95	2,700	3,238	3,303	3,369	3,436
Expenses							
Wages and Salaries	2,595	-	2,699	2,735	2,789	2,845	2,902
Materials and Contracts	1,816	515	2,081	2,305	2,351	2,398	2,446
Other Costs	535	-	519	580	591	603	615
Depreciation	814	-	814	470	479	489	498
Expenses Total	5,761	515	6,113	6,089	6,211	6,335	6,462
Economy and Community Surplus/(Deficit)	(3,034)	(420)	(3,413)	(2,851)	(2,908)	(2,966)	(3,026)

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Expenses

Materials & Contracts: \$489k increase mainly due to spending for events (\$400k; Rock'n the Brook, NYE, etc; funded from VPAs) and increases in Aquatic Centre operating costs.

Depreciation: \$345k decrease due to asset revaluations.

Note: Immaterial rounding differences may be present

Budget 2024-25 - Draft Operating Budget Environment and Planning

General Fund



Directorate Detail	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
User Charges and Fees	552	-	561	554	565	577	588
Operating Grants and Contributions	109	-	162	240	244	249	254
Other Revenues	1	-	1	1	1	1	1
Internal Revenue	459	-	459	469	478	488	497
Revenue Total	1,122	-	1,183	1,263	1,288	1,314	1,340
Expenses							
Wages and Salaries	1,956	-	1,916	2,055	2,097	2,139	2,181
Materials and Contracts	464	33	577	564	576	567	578
Other Costs	4	76	80	4	4	4	4
Depreciation	4	-	4	4	4	5	5
Expenses Total	2,428	109	2,577	2,628	2,681	2,714	2,769
Environment and Planning Surplus/(Deficit)	(1,306)	(109)	(1,394)	(1,365)	(1,393)	(1,400)	(1,428)

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Expenses

Materials & Contracts: \$101k net increase due to several movements, including \$80k for the Flying Fox Habitat project and \$20k additional costs for the new Animal Shelter.

Note: Immaterial rounding differences may be present

Budget 2024-25 - Draft Operating Budget General Managers Office

General Fund



Directorate Detail	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
Operating Grants and Contributions	-	25	25	159	162	165	169
Other Revenues	92	-	92	94	96	98	100
	92	25	117	253	258	263	268
Expenses							
Wages and Salaries	1,583	-	1,628	1,665	1,699	1,733	1,767
Materials and Contracts	459	64	528	466	497	507	517
Other Costs	1,247	-	1,498	1,452	1,787	1,822	1,859
Depreciation	198	-	198	225	230	235	239
Borrowing Costs	100	-	100	63	64	66	67
Expenses Total	3,587	64	3,952	3,871	4,277	4,362	4,450
General Managers Office Surplus/(Deficit)	(3,495)	(39)	(3,835)	(3,618)	(4,019)	(4,099)	(4,181)

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Revenue

Operating Grants and Contributions: \$159k increase primarily due to VPA funding for community sponsorships and grants.

Expenses

Other Costs: \$204k increase largely related to community sponsorships and grants (VPA funded) and an increased provision for legal costs.

Budget 2024-25 - Draft Operating Budget Property and Place

General Fund



Directorate Detail	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
User Charges and Fees	1,252	-	2,105	2,032	2,072	2,114	2,156
Operating Grants and Contributions	2,952	-	4,651	2,960	3,019	3,080	3,141
Other Revenues	108	-	109	114	117	119	121
Internal Revenue	2,379	-	2,379	2,427	2,475	2,525	2,575
Revenue Total	6,690	-	9,245	7,533	7,684	7,838	7,994
Expenses							
Wages and Salaries	3,350	105	3,542	3,317	3,383	3,451	3,520
Materials and Contracts	4,597	338	7,213	4,883	4,980	5,080	5,182
Other Costs	2,240	-	2,228	2,545	2,596	2,648	2,701
Depreciation	9,307	-	9,307	10,492	10,242	10,447	10,656
Borrowing Costs	152	-	152	333	340	346	353
Expenses Total	19,647	442	22,443	21,569	21,541	21,972	22,411
Property and Place Surplus/(Deficit)	(12,957)	(442)	(13,198)	(14,036)	(13,857)	(14,134)	(14,417)

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Revenue

User Charges and Fees: primarily due to rental income from some investment properties transferred from Future Fund to General Fund (partially offsets associated costs).

Expenses

Materials & Contracts: \$286k increase predominantly due to costs associated with properties transferred from Future Fund to General Fund.

Depreciation: \$1.2M increase due to revaluations, new assets and properties transferred from Future Fund to General Fund (\$845k).

Budget 2024-25 - Draft Operating Budget

Water Fund



	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
Rates and Charges	2,365	-	2,365	2,379	2,427	2,475	2,525
User Charges and Fees	4,993	-	4,993	5,440	5,549	5,660	5,773
Operating Grants and Contributions	38	-	38	38	39	40	41
Interest and Investments Revenues	215	-	215	637	505	406	373
Internal Revenue	-	-	-	-	-	-	-
Revenue Total	7,611	-	7,611	8,495	8,520	8,581	8,711
Expenses							
Wages and Salaries	1,391	-	1,391	1,460	1,489	1,519	1,550
Materials and Contracts	2,410	-	2,410	2,459	2,508	2,558	2,609
Other Costs	528	-	528	542	552	563	575
Depreciation	2,110	-	2,110	2,183	2,227	2,271	2,317
Borrowing Costs	14	-	14	-	-	-	-
Overheads	1,158	-	1,158	1,208	1,232	1,256	1,282
Transfer to Reserves	-	-	-	413	328	258	234
Expenses Total	7,611	-	7,611	8,263	8,336	8,426	8,566
Water Fund Surplus/(Deficit)	(0)	-	(0)	232	184	155	146

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Revenue

User Charges and Fees: \$447k increase in water tariffs to offset rising service delivery costs and historical undercharging.

Interest and Investments Revenues: Is projected to increase by approximately \$400k, which will be allocated to reserves.

Budget 2024-25 - Draft Operating Budget

Sewer Fund



	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
Rates and Charges	6,664	-	6,664	6,929	7,067	7,208	7,353
User Charges and Fees	536	-	486	465	475	484	494
Operating Grants and Contributions	38	-	38	39	39	40	41
Interest and Investments Revenues	97	-	97	310	248	202	187
Internal Revenue	-	-	-	-	-	-	-
Revenue Total	7,335	-	7,285	7,742	7,829	7,934	8,074
Expenses							
Wages and Salaries	910	-	910	956	975	994	1,014
Materials and Contracts	1,697	-	1,647	1,597	1,599	1,631	1,663
Other Costs	797	-	797	818	834	851	868
Depreciation	2,282	-	2,282	2,395	2,443	2,491	2,541
Borrowing Costs	640	-	640	587	599	611	623
Transfer to Rerves	-	-	-	-	-	-	-
Overheads	953	-	953	1,172	1,195	1,219	1,244
Expenses Total	7,278	-	7,228	7,524	7,644	7,797	7,953
Sewer Fund Surplus/(Deficit)	57	-	57	218	185	137	121

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Revenue

Interest and Investments Revenues: Is projected to increase by approximately \$200k, which will be allocated to reserves.

Expenses

Depreciation: \$113k increase due to asset revaluations.

Budget 2024-25 - Draft Operating Budget

Future Fund



	Current Year			Next Year	Forward Estimates		
	2023/24 Original Budgets	2023/24 Carryovers	2023/24 Dec QBR	2024/25 Budget Estimates	2025/26 Budget Estimates	2026/27 Budget Estimates	2027/28 Budget Estimates
\$000s							
Revenue							
User Charges and Fees	7,133	-	7,223	6,792	6,928	7,067	7,208
Other Revenues	-	-	2	2	2	2	2
Internal Revenue	130	-	130	-	-	-	-
Revenue Total	7,263	-	7,355	6,794	6,930	7,068	7,210
Expenses							
Wages and Salaries	254	-	256	267	272	277	283
Materials and Contracts	1,363	-	1,449	1,322	1,349	1,376	1,403
Other Costs	1,063	-	1,067	868	886	903	921
Depreciation	781	-	781	190	194	198	202
Borrowing Costs	1,311	-	1,311	1,325	1,351	1,378	1,406
Contribution to General Fund	-	-	-	864	531	542	552
Overheads	357	-	357	374	382	390	397
Expenses Total	5,129	-	5,221	5,210	4,965	5,064	5,165
Future Fund Surplus/(Deficit)	2,134	-	2,134	1,584	1,965	2,005	2,045

Key Points on DRAFT 2024/25 Budget vs 2023/24 Budget

Revenue

User Charges and Fee: \$341k decrease primarily due to transfer of properties from Future Fund to General Fund, partially offset by increases for other properties.

Expenses

Other Costs: \$195k decrease due to transfer of properties from Future Fund to General Fund.

Depreciation: \$591k decrease primarily due to transfer of properties from Future Fund to General Fund.

Note: Immaterial rounding differences may be present

2024/25 Capital Budget Estimates

DRAFT 2024/25 Budget - Capital Estimates



	2023-24 Budget	2023-24 Carry-Overs	Dec 2023 QBR	2024-25 Budget Estimates	2025-26 Budget Estimates	2026-27 Budget Estimates	2027-28 Budget Estimates
\$000s							
Cash Result - Operating	17,714	-	17,714	18,078	18,101	18,476	18,923
Contribution to Future Fund from General Fund	1,300	-	1,300	775	700	700	700
Contributions	30	1,208	1,308	2,939	143	146	148
Grants	22,894	11,819	36,728	25,006	733	733	733
Loans	-	1,611	1,611				
Reserves - Transfer from	2,172	15,490	19,201	9,196			
Capital Funding Total	44,110	30,128	77,862	55,994	19,677	20,054	20,505
Expenditure							
Expenditure - New Assets	26,159	18,422	44,907	34,333	1,154	1,188	1,161
Expenditure - Renewals	10,788	11,706	25,792	14,124	11,317	11,497	11,989
Contribution to Future Fund from General Fund	1,300		1,300	775	700	700	700
Loan Principal Repayments	5,370		5,370	3,934	4,042	4,034	4,139
Reserves - Transfer to	493		493	2,828	2,463	2,635	2,516
Expenditure Total	44,110	30,128	77,862	55,994	19,677	20,054	20,505
Surplus/(Deficit)	-	-	-	-	-	-	-

Over recent years, Muswellbrook Shire Council has had a very ambitious capital works program. For 2024/25, Council is consolidating its capital works program - focusing on key maintenance and renewal works, and completing the multi-year projects already in the pipeline. Only confirmed grant funding is included in the budget.

DRAFT 2024/25 Capital Budget



	2023-24 Budget	Carry- Overs 2023-24	Dec 2023 QBR	March 24 QBR Changes	Mar 2024 QBR	2024-25 Budget Estimates
General Fund						
Planning, Community and Corporate						
Recreation						
Aquatic Centre Gym Equipment	50	-	50	-	50	50
Aquatic Centres Programme	213	-	213	-	213	270
Denman Indoor Sports Centre	-	127	127	-	127	
Denman Netball Courts	-	284	284	(280)	3	280
Hunter Beach	-	19	19	-	19	
Karoola Park Citizens Pathway	-	17	17	-	17	
Landscaping and Tree Maintenance programme	90	-	90	-	90	100
Liberty Swing - Simpson Park	-	150	240	-	240	
Muswellbrook Youth Centre & Indoor Sports Centre	-	1,177	1,177	-	1,177	250
Recreation Capital Works	200	145	245	-	245	200
Recreation Large Capital Grants programme	75	-	85	-	85	75
Adventure Playground	-	452	452	-	452	
Denman Rec Area	-	2,084	2,084	-	2,084	
Lighting - Weeraman	-	493	493	-	493	
Lighting - Highbrook	-	447	447	-	447	
Simpson Park Softfall	-	-	-	-	-	150
Simpson Park Changing Places Amenities	-	-	-	-	-	234
Denman Tourist Park	-	-	-	-	-	847
Hunter Beach to CBD pathway	-	-	-	-	-	600
Recreation Total	628	5,396	6,024	(280)	5,744	3,056
Community and Cultural Vitality						
Art Acquisitions	70	-	70	-	70	70
Bushfire Assets	-	565	927	-	927	
CBD Stage 7 (Town Centre)	-	226	226	-	226	
Civic Precinct (Town Square)	-	2,257	2,257	-	2,257	
Library Books General Capital Purchases (General)	90	16	105	-	105	90
Library Subsidy Projects	-	66	110	-	110	
Local Priority Grant	11	44	63	-	63	11
Major Landcare Projects	125	14	139	-	139	
Muswellbrook Indoor Sports Centre	-	107	107	-	107	
Denman Childrens Centre - Expansion (Contribution)	-	415	415	-	415	
Denman Heritage Village	-	250	250	-	250	
STEM Equipment Replacement	103	89	191	-	191	110
Arts Centre off site Storage	-	-	-	-	-	822
Mbk Town Centre - Design, beautification.	-	-	-	-	-	1,180
COVID 19 (transferred to Aquatic Centre Loan)	150	-	150	-	150	143
Loan - Staff Housing	-	-	-	-	-	40
Loan - Campbells Corner	-	-	-	-	-	225
Loan - 140 Bridge Street	-	-	-	-	-	5
Loan - 88 Bridge Street	-	-	-	-	-	54
Loan - Donald Horne Building	-	-	-	-	-	229
Loxton House	-	-	-	-	-	200
Christmas Tree	-	-	-	-	-	30
Community and Cultural Vitality Total	548	4,048	5,011	-	5,011	3,210
Other Community Infrastructure						
Buildings New and Replacement	120	282	472	(50)	422	250
Capital Works Contingency	100	-	100	-	100	100
General Design program	53	-	53	-	53	50
Renewable Energy Target	50	-	50	-	50	500
Community Infrastructure Depot	4,838	-	4,838	(4,200)	638	4,200
Other Community Infrastructure Total	5,161	282	5,512	(4,250)	1,262	5,100
Internal Contribution						
Contribution to Future Fund from General Fund	1,300	-	1,300	-	1,300	775
Internal Contribution Total	1,300	-	1,300	-	1,300	775

DRAFT 2024/25 Capital Budget



	2023-24 Budget	Carry- Overs 2023-24	Dec 2023 QBR	March 24 QBR Changes	Mar 2024 QBR	2024-25 Budget Estimates
Planning, Community and Corporate						
IT - Replacement Program	200	-	200	-	200	200
Transfer to Waste Reserve	-	-	-	-	-	250
Reactivation of Campbells Corner		956	956	(700)	256	700
Purchase Paxton St Denman			489		489	
Muscle Creek Emergency Stabilisation	-	-	-	-	-	250
Companion Animal Impounding Facility	-	471	471	-	471	150
Transfer to General Fund Reserve			-		-	881
Planning, Community and Corporate Total	200	1,427	2,116	(700)	1,416	2,431
Planning, Community and Corporate Total	7,837	11,153	19,964	(5,230)	14,734	14,571
Roads and Drainage						
Roads, Bridges & Drainage						
Bridges Renewal programme	105	-	105	-	105	250
Carpark Renewal programme	135	-	135	-	135	100
CPTIG Bus Shelters	-	322	322	-	322	
Drainage Devices programme	180	-	180	-	180	500
Flood Warning System	-	50	150	-	150	
Footpath and Cycleway Renewal programme	186	-	186	-	186	200
Heavy Patching Programme	1,000	-	1,000	-	1,000	750
Kerb and Gutter Replacement programme	146	-	146	-	146	535
Large Plant Items	600	1,607	2,207	-	2,207	700
Leachate Dam	476	-	476	(450)	26	450
New Footpath and Cycleway programme	-	61	61	-	61	145
Other Loan repayments	465	-	465	-	465	273
Purchase of Vehicles	340	-	340	-	340	400
Regional Road Repair Program	500	-	500	-	500	69
Resources for Regions Rd 5	-	227	227	-	227	
Road Resealing programme	2,100	-	2,100	-	2,100	1,000
Roads Capital Contingency	135	-	135	-	135	150
Roads to Recovery program	578	578	1,156	-	1,156	578
Rosebrook Bridge	-	325	325	-	325	
Rural Road Regravelling programme	284	-	284	-	284	250
Rural Road Renewal programme	498	-	498	-	498	500
Safety Device Renewal programme	94	-	94	-	94	
Transport Vehicles	150	-	150	-	150	200
Urban Road Renewal programme	400	-	400	-	400	400
Waste Remediation programme	200	-	200	-	200	250
Merton Street Drainage	-	1,410	2,587	-	2,587	
Resilience Works Karoola Park		484	484	-	484	
Rainbow Creek Bridge	-	275	275	-	275	100
Victoria Street Rehab	-	721	721	-	721	
AGRN960 Natural Disaster - Baerami Creek Causewa	-	690	690	-	690	
Widden Creek Stabilisation Works	-	153	153	-	153	
Yarraman Road Upgrade	-	181	181	-	181	
Resources for Regions 7		904	904	-	904	
Turtle St Denman path	-		322	-	322	
Muscle Creek Catchment Strategy			150		150	
Stormwater Drainage (new)			-		-	150
Roads, Bridges & Drainage Total	8,572	7,987	18,308	(450)	17,858	7,950
Roads and Drainage Total	8,572	7,987	18,308	(450)	17,858	7,950

DRAFT 2024/25 Capital Budget



	2023-24 Budget	Carry- Overs 2023-24	Dec 2023 QBR	March 24 QBR Changes	Mar 2024 QBR	2024-25 Budget Estimates
Special Rate Variation						
Recreation						
Olympic Park Field Improvements	-	934	934	(911)	23	911
Olympic Park Project	1,173	1,902	3,076	(2,500)	576	3,694
Recreation Total	1,173	2,836	4,009	(3,411)	598	4,605
Community and Cultural Vitality						
Regional Entertainment and Conference Centre	-	3,273	3,273	(2,600)	673	2,600
Community and Cultural Vitality Total	-	3,273	3,273	(2,600)	673	2,600
Roads, Bridges & Drainage						
Drainage	323	615	938	(938)	-	
Roads, Bridges & Drainage Total	323	615	938	(938)	-	
Special Rate Variation Total	1,496	6,725	8,221	(6,949)	1,272	7,205
General Fund Total	17,905	25,864	46,493	(12,630)	33,863	29,726
Future Fund						
Future Fund						
Future Fund						
Loan principal repayments (existing)	3,696	-	3,696	-	3,696	
Loxton House - Innovation Hub	300	455	755	-	755	
Marketplace Renewals	219	223	327	-	327	200
Renewal of Existing Assets/New Acquisitions	200	-	315	-	315	201
Loan - Marketplace			-		-	1,056
Loan - Brook Street			-		-	75
Loan - Tertiary Education Centre			-		-	50
Loan - Seven Hills			-		-	447
Loan - ACT Property			-		-	520
Future Fund Total	4,415	677	5,093	-	5,093	2,549
Future Fund Total	4,415	677	5,093	-	5,093	2,549
Sewer Fund						
Sewer						
Sewer Infrastructure						
Access & Security Improvements	130	-	130	-	130	150
Loan Principal Repayments	778	-	778	-	778	817
Mains Renewal and Replacement	260	-	260	-	260	200
Operations Contingency Project Reserve	150	-	150	-	150	50
Sewer Plant and Equipment	80	-	80	-	80	100
Solar Array	-	1,745	645	-	645	-
System Plant Asset renewals - Sewer	395	254	649	-	649	420
Transportation System Improvement	300	-	300	-	300	500
Transfer to Sewer Fund Reserve	188	-	188	-	188	168
Sewer Pump Stn 1 Replacement			2,000	(1,900)	100	1,900
Sewer Infrastructure Total	2,282	1,999	5,181	(1,900)	3,281	4,305
Sewer Fund Total	2,282	1,999	5,181	(1,900)	3,281	4,305
Water Fund						
Water						
Water Supply Infrastructure						
Asbestos, Earthwork and Security	175	-	175	-	175	150
Laboratory Equipment	20	-	20	-	20	20
Loan Principal Repayments	280	-	280	-	280	
Mains Renewal and Replacement	650	-	650	-	650	500
Operations Contingency Project Reserve	100	-	100	-	100	50
Replacement of Water Meters Programme	65	-	65	-	65	65
System Plant Asset Renewals	500	230	730	-	730	550
Upgrade Flouride Dosing System	-	295	295	-	295	
Vehicle Replacement	65	-	65	-	65	100
Water Stop Valve	200	-	200	-	200	200
Transfer to Water Fund Reserve	55	-	55	-	55	780
GLE Pipeline	17,398	1,062	18,460	(17,000)	1,460	17,000
Water Supply Infrastructure Total	19,509	1,587	21,096	(17,000)	4,096	19,415
Water Fund Total	19,509	1,587	21,096	(17,000)	4,096	19,415
Total	44,110	30,128	77,862	(31,530)	46,333	55,994



10.5. Community and Economy

10.5.1. Community Services

Attachments:	Nil
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Kim Manwarring (Manager Community Services), Stephen Wright (Records Officer), Archit Bele (Aquatic Centre Manager), Elissa Emerson (Muswellbrook Regional Arts Centre Director), Rosslyn Thomson (Acting Co-Ordinator - Community Partnerships), Lauren Allan (Head Librarian)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	24.1.2 - Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.

PURPOSE

To provide an update on activities in the Community Services section.

OFFICER'S RECOMMENDATION

The information contained in this report be NOTED.

Moved: _____ Seconded: _____

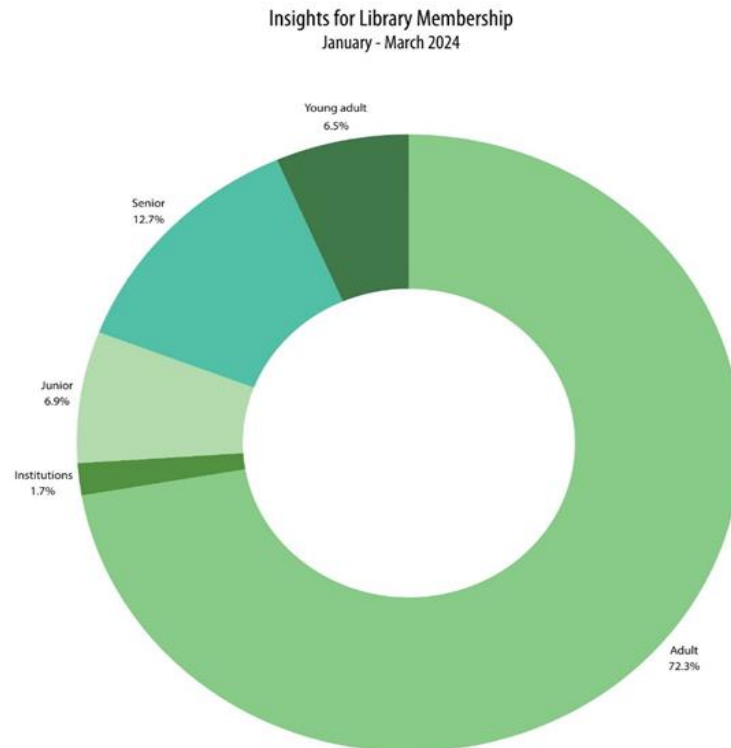
REPORT

MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK AND DENMAN

Throughout January to March, Muswellbrook Shire Libraries developed and delivered programs for community members of all ages. Library staff have continued to support recreational and educational reading habits through providing access to up-to-date print and digital collections.

Membership

Muswellbrook and Denman libraries registered **133 new members**.



Providing opportunities that increase community literacy, both physical and digital

Home Library:

The Muswellbrook Shire Libraries currently deliver personally selected books, DVDs, and Audio books to homebound community members each fortnight. During this quarter, the service conducted **104 deliveries** within Muswellbrook.

Library Promotions and Online Engagement:

Throughout the quarter, the library has created and shared video shorts to assist library patrons to access library online resources, including updates to eBook & eAudio platforms, promotion for the Summer Reading Challenge, promotion for Library Lovers Month, and targeted promotion for the Public Libraries NSW #LibrariesTransform campaign.

Collections:

During this period, the library completed a stocktake of DVD and Large Print Collections and refreshed the library's multicultural loans collection. Over the quarter, the library **loaned 18,842 physical items** and **2,024 digital loans**.

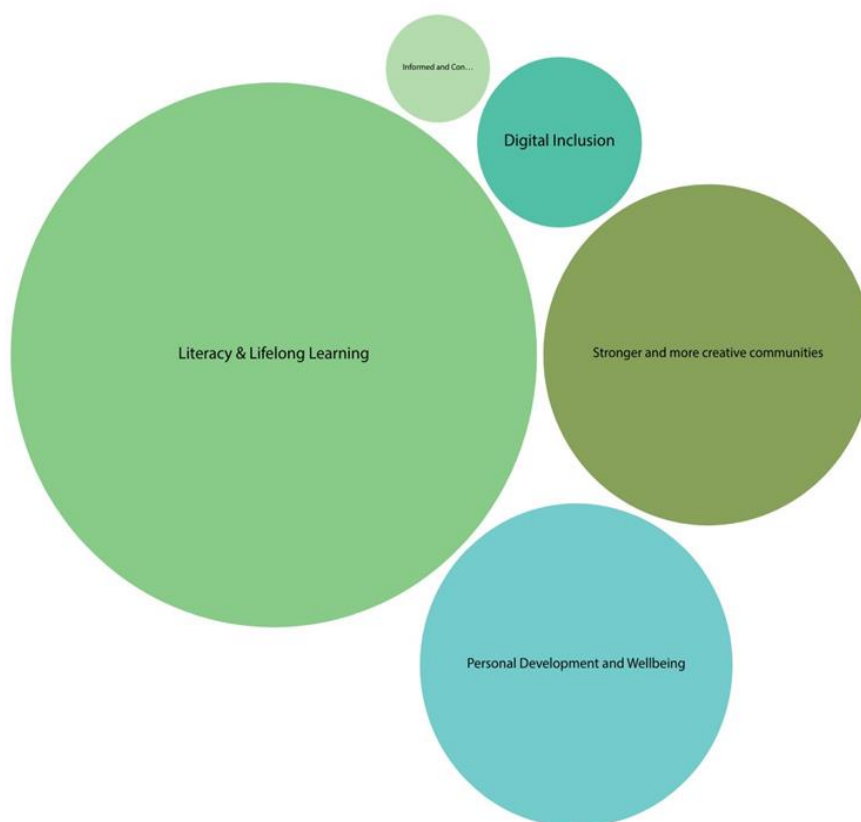
Creating spaces and programs that meet the needs of members and library visitors

The Library has continued to deliver programming for all ages, targeting outcomes of literacy and lifelong learning, informed and connected citizens, digital inclusion, personal development and wellbeing, and stronger and more creative communities. Over the quarter, **1,340 community members** attended programs within the Library spaces.

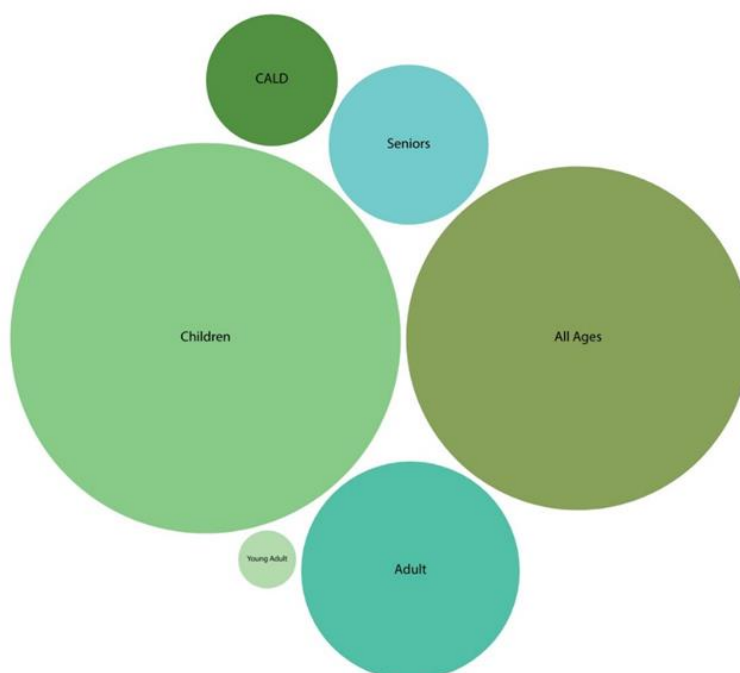
The Muswellbrook Library hosted two exhibits within the foyer space, including 'Discovering Iluka with Maude Butta' and 'Everyone Belongs with Muswellbrook MultiConnect'.



Outcome Insights for Library Programs January - March 2024



Attendance Insights for Library Programs by Demographic January - March 2024





Children and Young Adult Programs

The Summer Reading Challenge encouraged participants to make reading a daily habit, with a structured space themed program in partnership with the Muswellbrook Shire Aquatic Centre. Throughout the period December 1st to January 22nd, 40 participants joined the challenge themed 'Race across space', with a total of ten challenges to complete. This program focused on encouraging healthy reading habits through the school holidays for junior library members aged 0-12 years.

The 'Rising Readers: 1000 Before School Program' continued to grow, with 16 active participants logging a collective 1038 books throughout the January to March period. The program saw 43% growth from the previous period.

Throughout January the Library team hosted school holiday activities, including a space themed escape room, art activities, and LEGO programming.

Adult Programs

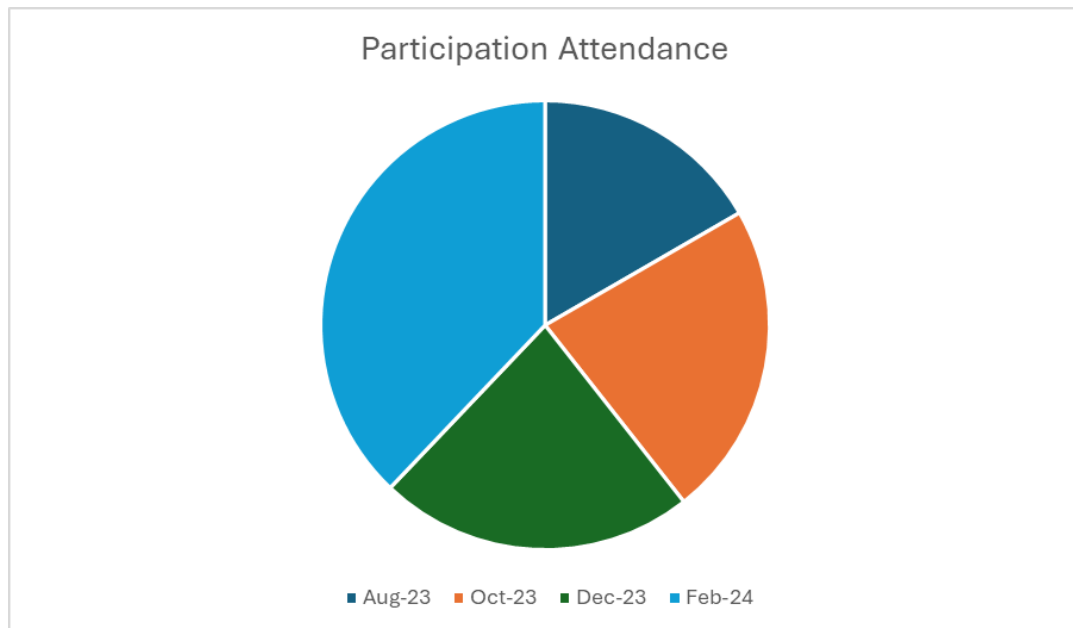
All regular adult events, including Book Club, Brain Training, Coffee & Craft, Crochet Crew, Tech help, writers' group, and Home Library continued throughout the quarter. Denman Library commenced a new hybrid book club, enabling members to access titles through either print or digital methods.

PARTNERSHIPS & ENGAGEMENT

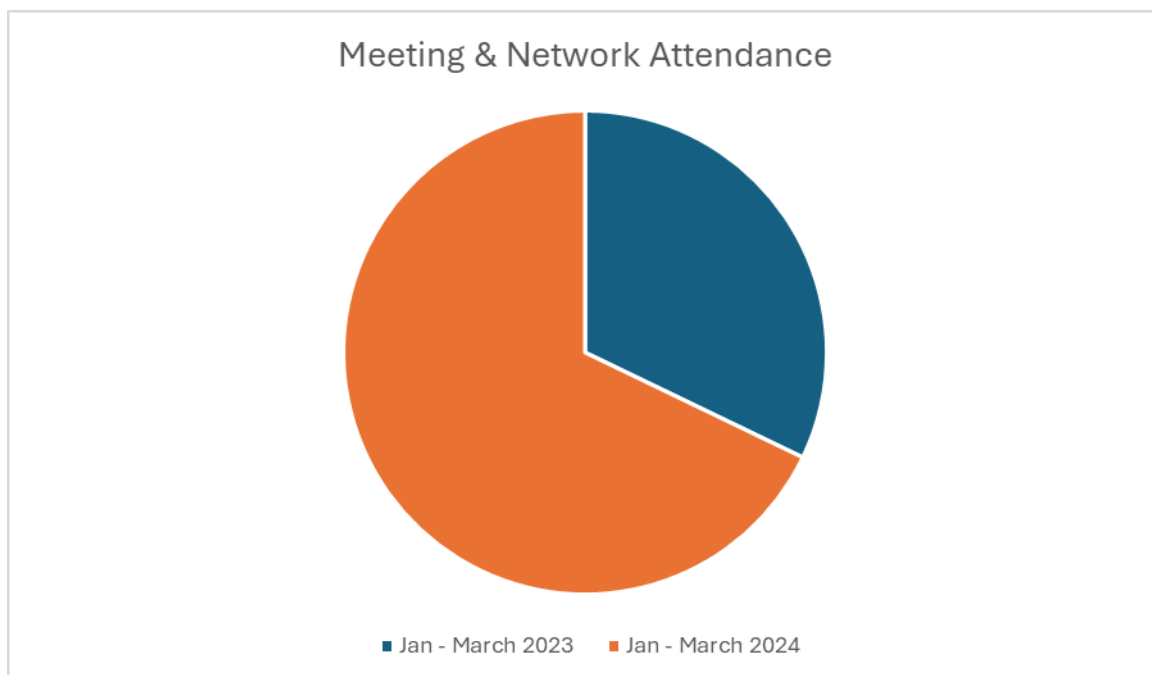
Throughout the past quarter, Muswellbrook Shire Councils Community Service team have continued to provide ongoing partnerships and support to local community groups, community members, and support services.

Interagency, Meetings & Networks:

During this period, maintaining, responding, and distributing emails to the **Upper Hunter Community Services Interagency** have continued. The interagency continues to see an increase in services participation during their bimonthly meetings, with an increase of 60% at the February 2024 meeting.



The Community Services team has also seen a 47% increase in meeting & Network request for 2024.



Partnership Events & Activities:

Throughout the past quarter, the Community Service team has partnered in organising the following past/ upcoming events for 2024:

- Seniors Week Brochure (March 2024).
- Harmony Day Event (6.4.2024).
- Youth Week Event (17.4.2024).
- Candlelight Vigil Event (1.5.2024).

Governance Support

Governance support has continued to be provided to Upper Hunter Homeless Support, Upper Hunter Youth Services, and Drug & Alcohol Health Services.



The Great Easter Bunny Hop

Event Overview:

The Great Easter Bunny Hop took place on 30 March 2024, at four sites across the Shire. The event featured site visits by The Easter Bunny and included Easter egg hunts and Easter egg give aways.

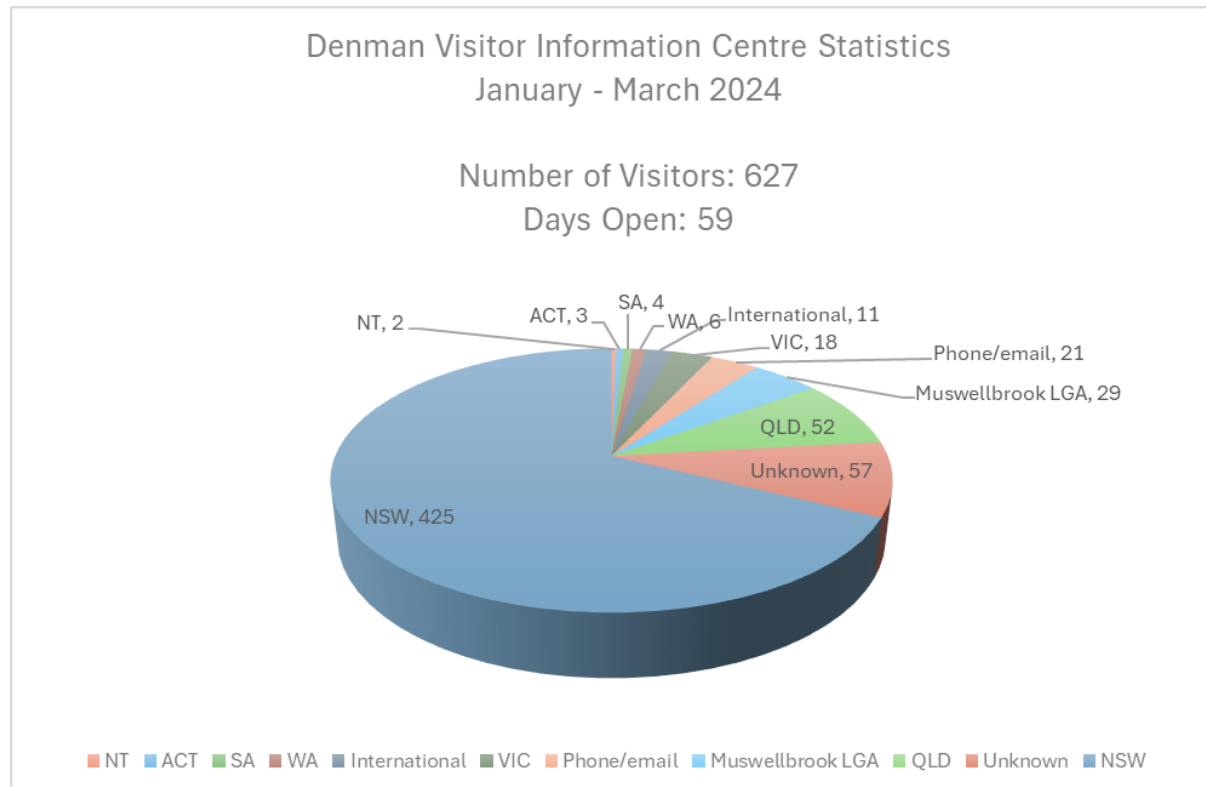
Attendance: The event attracted approx. **500 attendees**, including families, children, and individuals of all ages. The diverse crowd added to the vibrant atmosphere, creating an enjoyable experience for everyone involved.

Community Engagement: The Great Easter Bunny Hop fostered strong community engagement, bringing together residents and visitors to celebrate the holiday in a fun and inclusive environment. Local businesses and organisations, such as Blackroo Community Indigenous Corporation, the Sandy Hollow Tourist Hotel, The Royal Hotel, and Denman Hotel contributed to the event by facilitating site visits, further reinforcing the sense of community spirit.

Conclusion: In conclusion, the Great Easter Bunny Hop proved to be a remarkable success. Though the turnout was much lower than that of the Council's usual Easter Family Fun Day event, this can be attributed to challenges in disseminating event information across the Shire's community Facebook pages, stemming from changes to Council's Social Media policy.

DENMAN VISITOR INFORMATION CENTRE

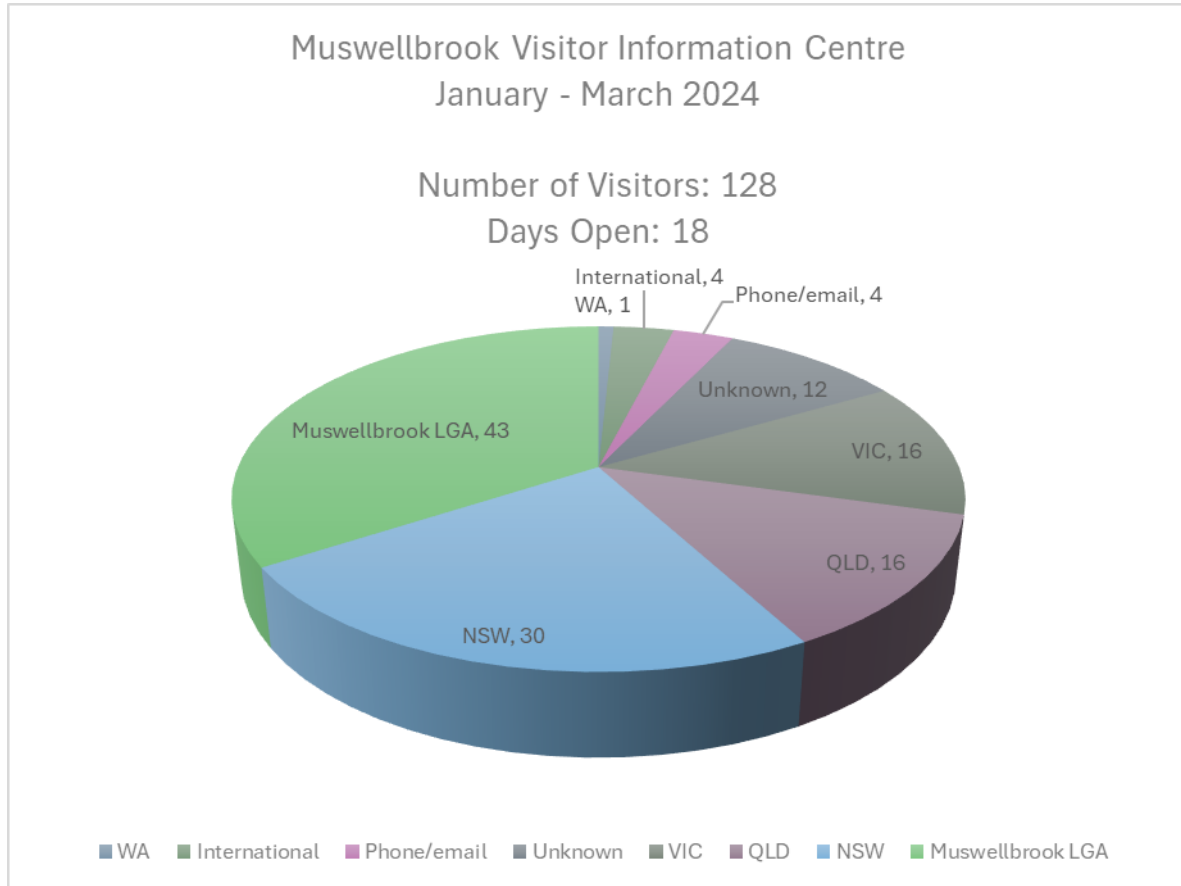
The Denman Visitor Information Centre (VIC) is well supported by a dedicated group of local volunteers that provide significant economic contributions to the local area through the provision of tourist information that encourages visitors to stay longer and experience local sights and attractions. The Denman VIC is open from 10am-2pm, 6 days per week.





MUSWELLBROOK VISITOR INFORMATION CENTRE

The Muswellbrook Visitor Information Centre continues to struggle to attract volunteers, and is currently open 1-2 days per week, from 10am -2pm. The Centre has been visited by a large number of local residents, who have been interested to visit the centre and obtain local information about things to do and see in the local area.



MUSWELLBROOK REGIONAL ARTS CENTRE

Activities

Entries to the Muswellbrook Art Prize closed 12 February 2024, with 855 entries received. 54 Finalists were selected by the Arts Centre Director, Elissa Emerson, along with past winner of the Painting Prize, Hanna Kay, and Newcastle ceramist and tutor, Nicola Purcell.

Year	Total Prize Value	Total Entries Received	Revenue Raised from Entry Fees (including GST) - before bank fees	Entry Form Type
2011	\$30,000	184	\$5,560	post
2013	\$30,000	229	\$7,360	post
2015	\$60,000	403	\$11,960	post
2017	\$70,000	707	\$21,680	online (internal)
2018	\$70,000	571	\$20,535	online (internal)
2019	\$70,000	589	\$20,985	online (provider)



2020	\$70,000	553	\$19,685	online (provider)
2021	\$70,000	881	\$31,985	online (provider)
2022	\$70,000	761	\$27,245	online (provider)
2023	\$70,000	756	\$28,000	online (provider)
2024	\$70,000	855	\$30,755	online (provider)

Exhibitions

- Women's Work: from the Muswellbrook Collections – 12 January to 16 March 2024
- Breathing: Henry Lewis – 6 November 2023 to 16 March 2024
- Art Tracks VII: Not at the Dinner Table! – 12 January to 25 May 2024
- Warrior Expressions: Warrior Disability Services – 12 January to 25 May 2024

Public Programs

- 2024 Annual Launch Event – Summer Art Camp – 20 January 2024
- Art Station – 17 February; 16 March 2024
- Home School Visit – 14 March 2024
- International Women's Day Event – 8 March 2024
- Life Drawing with a Comedian – 27 March 2024

Visitation

January

week starting	12-Jan	15-Jan	22-Jan	30-Jan	
Monday		3	18	7	
Tuesday		9	9	4	
Wednesday		3	7		
Thursday		15	18		
Friday	5	8	18		
Saturday	6	100	6		
total per week	11	138	76	11	0

Summer
Launch

total per month	236
-----------------	-----

average per day	
Monday	9.3
Tuesday	7.3
Wednesday	5.0



Thursday	16.5
Friday	10.3
Saturday	37.3

February

week starting	1-Feb	5-Feb	12-Feb	19-Feb	26-Feb
Monday		6	3	5	8
Tuesday		6	9	11	9
Wednesday		12	5	22	6
Thursday	5	15	7	8	4
Friday	2	13	12	16	
Saturday	7	10	21	1	
total per week	14	62	57	63	27

Art Station

total per month	223
-----------------	-----

average per day	
Monday	5.5
Tuesday	8.8
Wednesday	11.3
Thursday	7.8
Friday	10.8
Saturday	9.8

March

week starting	1-Mar	4-Mar	11-Mar	18-Mar closed	25-Mar closed
Monday		5	2		
Tuesday		6	11		

Art Station

IWD Event

AUH Event



Wednesday		12	5		32
Thursday		15	31		
Friday	8	80	3		
Saturday	10	27	15		
total per week	18	145	67	0	32

Home
School

total per month	262
-----------------	-----

average per day	
Monday	3.5
Tuesday	8.5
Wednesday	16.3
Thursday	23
Friday	30.3
Saturday	17.3

Marketing

While there was a decline in follows across social media platforms, Facebook and Instagram visits increased, to comparable levels, with 2,300 and 2,400 visits to each platform respectively for the January-March period. Reach also increased, with Facebook reaching almost 4 times as many users (12,300) compared to Instagram (3,300). The digital audience continues to consist of over 80% women, with over two-thirds of Facebook followers residing beyond the Hunter Region, and a greater amount for Instagram followers.



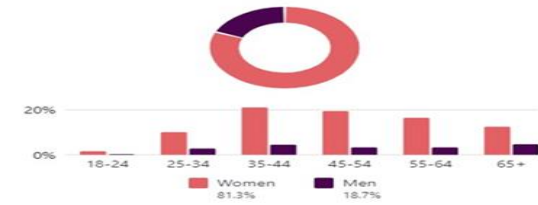
Audience

Current audience Potential audience

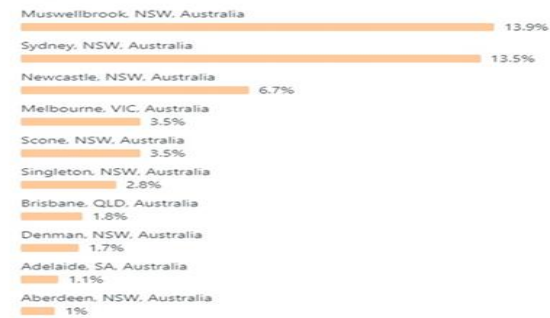
Facebook followers ⓘ

2,502

Age & gender ⓘ



Top cities



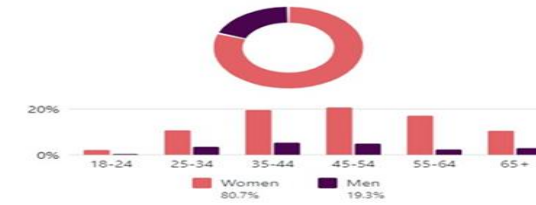
Top countries

Australia
United States
United Kingdom
Germany
Bangladesh
France
Italy
New Zealand
Philippines
Spain

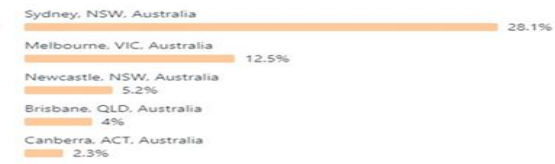
Instagram followers ⓘ

3,910

Age & gender ⓘ



Top cities



Top countries

Australia
United States
United Kingdom
New Zealand
Italy

Follows

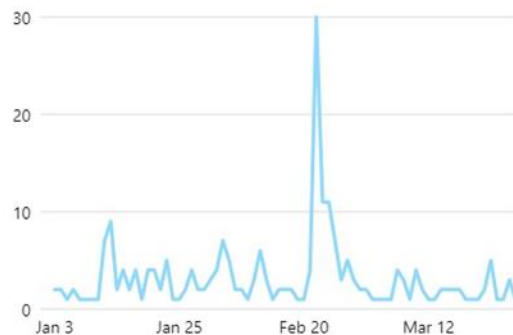
Facebook follows ⓘ

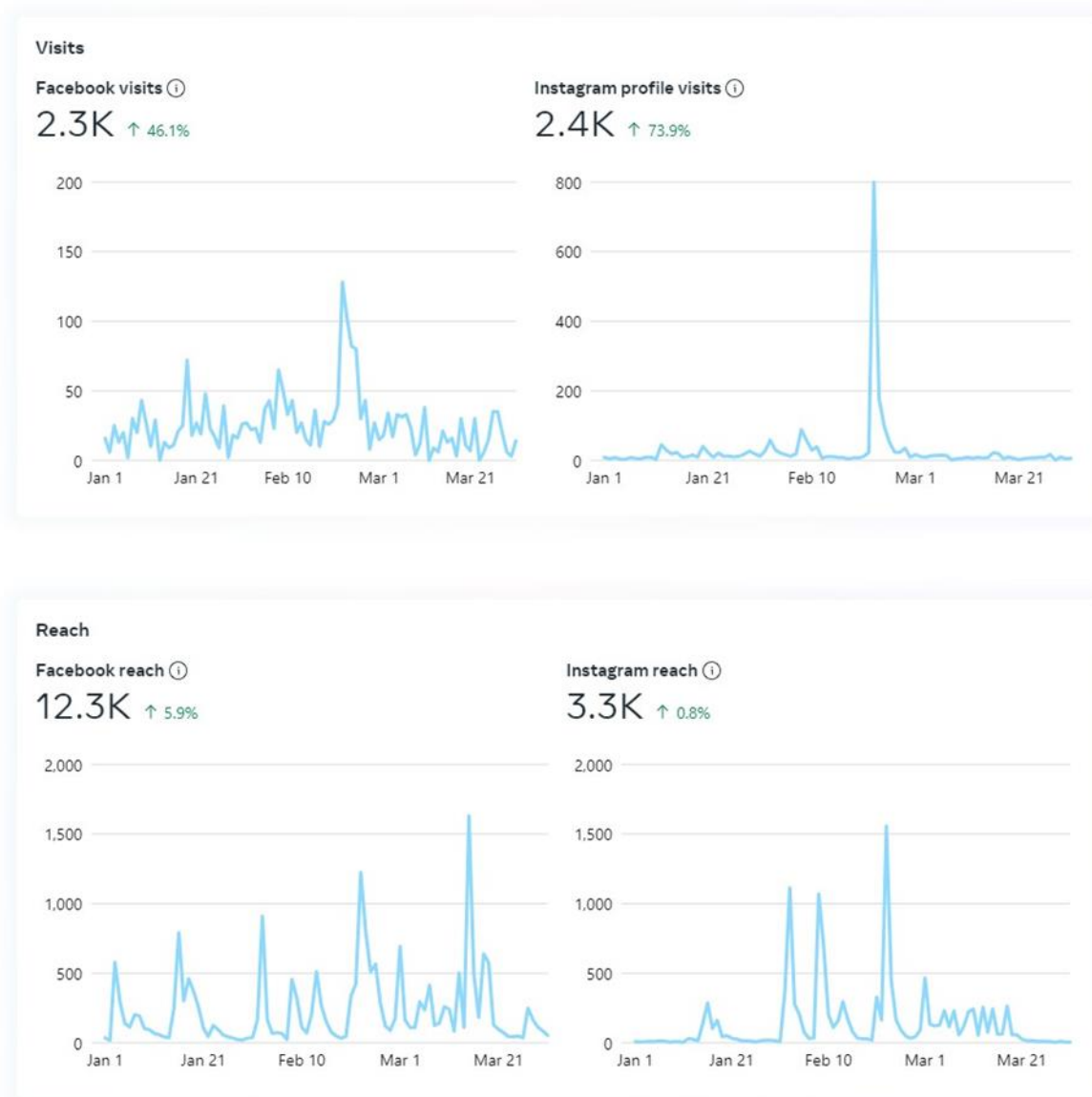
37 ↓ 19.6%



Instagram follows ⓘ

234 ↓ 6.8%





Muswellbrook Aquatic and Fitness Centre

Regarding the activities and achievements of the Muswellbrook Aquatic and Fitness Centre in the past quarter, it is evident that the facility continues to play a pivotal role in promoting health, wellness, and community engagement within Muswellbrook Shire. With a commitment to excellence and a focus on meeting the diverse needs of the Shire's residents, Council is proud to present an overview of participation and impact during this reporting period.

Participation Overview

Throughout the quarter, the Muswellbrook Aquatic and Fitness Centre has been a hub of activity, welcoming individuals and families from across the community to participate in a wide range of programs and services. Participation metrics reflect the following key highlights:

- **Swimming Programs:** Our learn-to-swim programs have seen strong participation from both children and adults, with a notable increase in enrolment compared to previous quarters. This demonstrates our ongoing commitment to promoting water safety and skill development among residents of all ages.



Total enrolment in learn-to-swim programs increased by 15% compared to the previous quarter. Notable participation from both children and adults in various swimming lessons, indicating a strong demand for water safety education and skill development. Positive feedback was received from participants and parents regarding the quality of instruction and facilities.

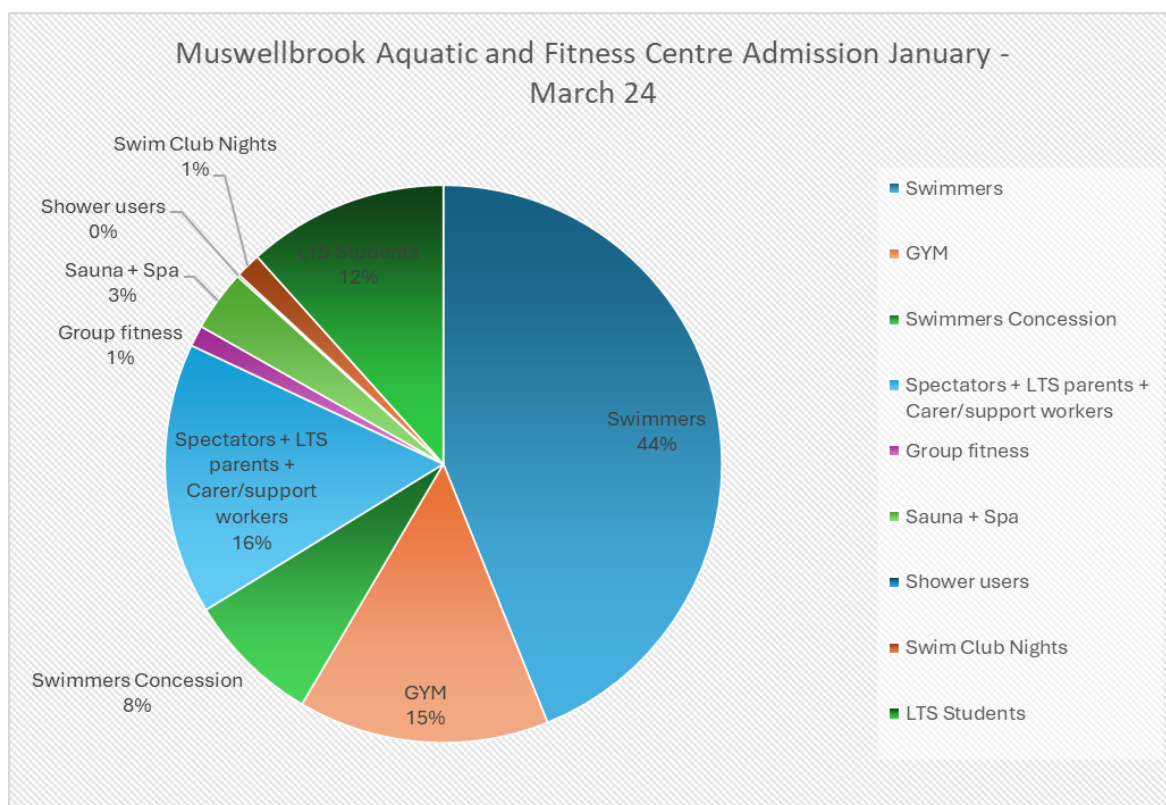
- **Aquatic Fitness**: The introduction of new aquatic fitness programs, such as aqua aerobics and water yoga, has generated significant interest and participation among patrons looking for low impact yet effective workout options. These programs have contributed to the overall diversity and accessibility of our fitness offerings.

Attendance in fitness classes remained stable, with an average participation of 30 patrons (Peak, 45 in a single class) on Wednesday mornings. Tuesday afternoons have shown steady increases in participation after the program's introduction in March. Continued engagement from regular attendees and positive word-of-mouth referrals are contributing to sustained participation rates.

- **Community Events**: The centre has hosted several community events and workshops aimed at promoting health and wellness, fostering social connections, and engaging with residents, including the Australia Day celebration, School carnivals, and School Holiday programs. These events have garnered positive feedback and participation from facility users, further strengthening Council's ties with the community.

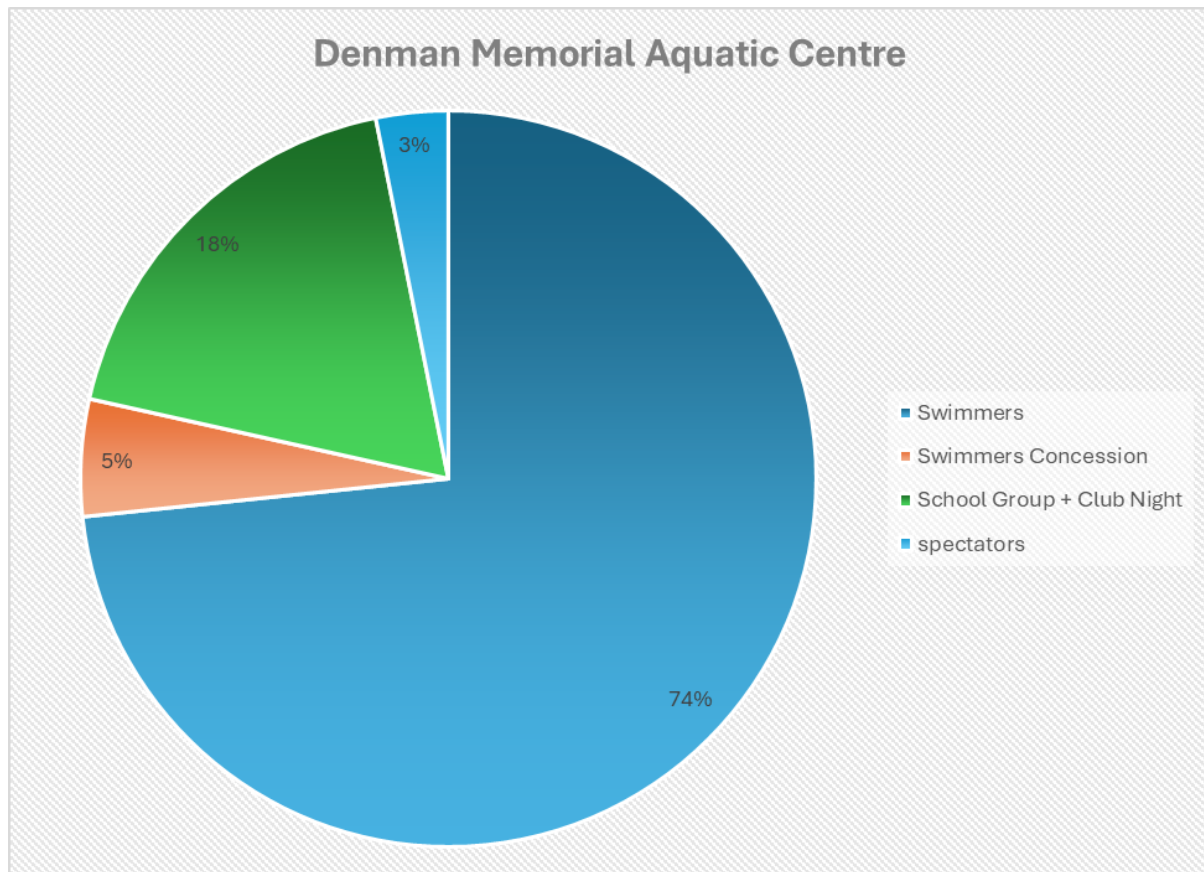
Total Admissions Muswellbrook (Period January-March 2024):

wimmers	14 248
YM Members	4734
wimmers Concession	2519
pectators + LTS parents + Carer/support workers	5112
roup fitness	395
auna + Spa	1150
hower users	42
wim Club Nights	474
TS Students	3785
ptal	32 459



Total Admissions Denman (Period January-March 2024):

Swimmers	499
Swimmers Concession	75
School Group + Club Night	25
Spectators	108
Total	407



Future Plans

Enhanced Program Offerings:

- Explore opportunities to expand and diversify program offerings to meet evolving community needs and interests.
- Consider introducing new specialty classes or workshops based on feedback from participants and emerging trends in the fitness industry. (More fitness classes: boxing, Tabata, spin class)
- Consideration of introducing more Learn to Swim classes at the centre to meet community needs.
- Upgrade the Gym equipment every fiscal year to meet members' needs.

Community Outreach:

- Strengthen partnerships with local schools, community organisations, and businesses to increase awareness and participation in aquatic and fitness programs.
- Explore collaborative initiatives aimed at promoting health and wellness beyond the confines of the facility.



11. Minutes of Committee Meetings

11.1. Industrial Closures Committee Meeting - 19 March 2024

Attachments:	1. MINUTES - Industrial Closures Committee - 19/03/2024 [11.1.1 - 2 pages]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Paige Heusler (Administration Officer)
Community Plan Issue:	1 - <i>Economic Prosperity</i>
Community Plan Goal:	<i>A dynamic local economy with full employment for current and future residents in a diverse range of high value industries.</i>
Community Plan Strategy:	1.1.1 - Facilitate the expansion of and establishment of new industries and business.

PURPOSE

To inform Council of a meeting of the Industrial Closures Committee held on 19 March 2024.

OFFICER'S RECOMMENDATION

The minutes for the Industrial Closures Committee meeting held on 19 March 2024 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Director of Community and Economy reports that the Industrial Closures Committee met on 19 March 2024.

The minutes of the meeting are attached for the information of Council.

**MINUTES OF THE INDUSTRIAL CLOSURES COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY
19 MARCH 2024 COMMENCING AT 4:03PM.**

PRESENT: Cr R. Scholes (Chair), Mr M. Kelly (Mbk Chamber of Commerce), Mr R. Cooper (AGL) and Ms A. Walker (Mt Arthur Coal)

IN ATTENDANCE: Cr B. Woodruff, Cr M. Bowditch, Cr A. Barry, Mr D. Finnigan (General Manager), Ms S. Welchman (Director - Community & Economy), Ms S. Pope (Director - Planning & Environment), Ms F. Wilton (Economic Development Officer) and Ms P. Heusler (Administration Officer - (Community & Economy))

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr R. Scholes

2 Apologies

The apologies for inability to attend the meeting submitted by Cr S. Reynolds, Mr D. Layzell and Mr B. O'Kane be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Mr M. Kelly and Cr R. Scholes that:

The Minutes of the Industrial Closures Committee Meeting held on 16 August 2023, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil.

5 Business Arising

Nil.

6 Business

6.1 Industrial Closures Terms of Reference

RECOMMENDED on the motion of Cr R. Scholes and Mr M. Kelly that:

The Committee endorses the attached terms of reference and membership of the Industrial Closures Committee with the following changes to be included:

1. The Committee name be changed to Industrial Closures and Future Opportunities Committee
2. Any mine or major operation that has publicly announced a date of closure in the Shire be invited to be a member of the Committee



6.2 AGL Liddell and Bayswater Update

Mr Cooper provided the Committee with an update on AGL Liddell and Bayswater.

RECOMMENDED on the motion of Mr M. Kelly and Cr R. Scholes that:

The information contained in this report be noted.

7 Member Updates

Nil

8 Date of Next Meeting

18 June 2024

9 Closure

The meeting was declared closed at 5:26 PM.

.....
Mr D. Finnigan
General Manager

.....
Cr R. Scholes
Chairperson



11.2. Finance Review Committee - 21 March, 2024

Attachments:	1. MINUTES - Finance Review Advisory Committee - 21/03/2024 [11.2.1 - 2 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Katie Hamm (EA to the Office of the Mayor and GM)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To inform Council of a meeting of the Finance Review Committee held on 21 March, 2024.

OFFICER'S RECOMMENDATION

The minutes for the Finance Review Committee meeting held on 21 March, 2024 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Chief Financial Officer reports that the Finance Review Committee met on 21 March, 2024.

The minutes of the meeting are attached for the information of the Councillors.

**MINUTES OF THE FINANCE ADVISORY COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION
CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON THURSDAY 21 MARCH 2024
COMMENCING AT 4:00pm.**

PRESENT: Cr SJ. Lecky (Chair), Cr R. Mahajan, Mr D. Finnigan (General Manager), Mr J. Hogan (Chief Financial Officer) and Ms S. Welchman (Director - Community & Economy) joined meeting at 4:10pm.

IN ATTENDANCE: Cr A. Barry and Cr D. Marshall.

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr J. Lecky.

2 Apologies

RESOLVED on the motion that:

The apology for inability to attend the meeting submitted by Cr S. Reynolds, Cr L. Dunn, Cr R. Scholes and Cr G. McNeill be ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Cr R. Mahajan and Cr A. Barry that:

The Minutes of the Finance Review Advisory Committee Meeting held on **20 February 2024**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil

5 Business Arising

Nil

6 Business

6.1 Report on Investments held as at 29 February 2024

RESOLVED on the motion of that Council NOTES Council's Investments as at 29 February 2024.



6.2 Monthly Financial Report - February 2024

RESOLVED on the motion of Cr R. Mahajan and Cr A. Barry that:
Council NOTES the Financial Reports for the month ending 29 February 2024.

7 Date of Next Meeting

18 April 2024

8 Closure

The meeting was declared closed at 4:20pm.

.....
Mr D. Finnigan
General Manager

.....
Cr J. Lecky
Chairperson

**11.3. Aboriginal Cultural Inclusion Committee Meeting - 2 April 2024**

Attachments:	1. Minutes - Aboriginal Cultural Inclusion Committee Meeting - 2/04/2024 [11.3.1 - 3 pages]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Paige Heusler (Administration Officer)
Community Plan Issue:	2 - Social Equity and Inclusion
Community Plan Goal:	An inclusive and interconnected community where everyone enjoys full participation.
Community Plan Strategy:	2.5.1 - Raise awareness of the local Aboriginal Community and an appreciation of their traditions and culture.

PURPOSE

To inform Council of a meeting of the Aboriginal Cultural Inclusion Committee conducted on 2 April 2024.

OFFICER'S RECOMMENDATION

The minutes for the Aboriginal Cultural Inclusion Committee meeting held on 2 April 2024 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Director Community & Economy reports that the Aboriginal Cultural Inclusion Committee met on 2 April 2024.

The minutes of the meeting are attached for the information of Council.

**MINUTES OF THE ABORIGINAL CULTURAL INCLUSION COMMITTEE MEETING OF
THE MUSWELLBROOK SHIRE COUNCIL HELD THE SEMINAR ROOM,
MUSWELLBROOK LIBRARY, BRIDGE STREET, MUSWELLBROOK ON TUESDAY 2
APRIL 2024 COMMENCING AT 4:04 PM.**

PRESENT: Cr S. Reynolds (Chair), Cr M. Bowditch, Cr R. Scholes, Aunty Jean Hands (Wanaruah Local Aboriginal Land Council), Ms Kylie Pascoe (Hunter Valley Aboriginal Corporation), Uncle Glen Morris, Ms Elizabeth McGrady and Ms Kathie Kinchila.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Welchman (Director - Community & Economy), Ms K. Manwarring (Manager - Community Services) and Ms Roz Thomson (Acting Co-Ordinator - Community Partnerships).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Uncle Glen Morris.

2 Apologies

Nil.

3 Confirmation of Minutes of Previous Meeting

RECOMMENDED on the motion of Uncle Glen Morris and Cr M. Bowditch that:

The Minutes of the Aboriginal Cultural Inclusion Committee Meeting held on **3 October, 2023**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Nil.

5 Business Arising

5.1 Action List

A report was submitted to the Committee providing an update on the Action List from the previous meetings

RECOMMENDED on the motion of Ms Elizabeth McGrady and Ms Kathie Kinchela that:

The information contained in the report be noted.



6 Business

6.1 Reconciliation Mural 20th Anniversary & the Annual Reconciliation Flag Raising Event

A report was submitted to the Committee advising that the Reconciliation Mural and *'Wannin Thanbarran: A History of Aboriginal and European Contact in Muswellbrook and the Upper Hunter Valley'* 20th anniversary and for the committee to consider celebrating this milestone during the National Reconciliation Week Aboriginal Flag Raising Ceremony at the end of May to early June 2024 as well as providing the Committee with information regarding the upcoming Muswellbrook Shire Council Annual Aboriginal Reconciliation Flag Raising Event.

RECOMMENDED on the motion of Aunty Jean Hands and Cr M. Bowditch that:

1. The Aboriginal Cultural Inclusion Committee recommend that an event is to be held to recognise the 20th Anniversary of the Reconciliation Mural and 'Wannin Thanbarran' book at the National Reconciliation Week Flag Raising.
2. The Aboriginal Cultural Inclusion Committee nominates Friday 31 May 2024 to be the date of the Annual Aboriginal Reconciliation Flag Raising event for 2024.

6.2 First Nations Artists - Labels and Didactics

A report was submitted to the Committee concerning the labelling and didactics for First Nations Artists at Muswellbrook Regional Arts Centre

RECOMMENDED on the motion of Ms Kathie Kinchela and Uncle Glen Morris that:

The information contained in this report be noted.

6.3 Community Participation in Open Meetings

A report was submitted to the Committee concerning a possible change to Terms of Reference to allow community members to participate in open meeting discussions.

RECOMMENDED on the motion of Uncle Glen Morris and Ms Kylie Pascoe that:

The Aboriginal Cultural Inclusion Committee amends the existing Terms of Reference to include the following:

1. The Aboriginal Cultural Inclusion Committee membership remains as per the terms of reference.
 - a) A representative from the police and community justice are invited as attendees to the committee to seek advice from the committee on items affecting the community.
 - b) Other stakeholders are able to attend via invitation only.
 - c) Public participation can occur via a written application to the Chair 2 days prior to the meeting date to attend a presentation prior to the meeting.
2. That a deputy chair be appointed from the Aboriginal and Torres Straits membership of the committee at the next meeting following further clarification regarding the appointment of the chair in accordance with the requirement of the local government act



6.4 Future Meeting Dates

A report was submitted to the Committee regarding potential future meeting dates and to schedule the dates for the next 12 months.

RECOMMENDED on the motion of Ms Kathie Kinchela and Ms Elizabeth McGrady that:

The Aboriginal Cultural Inclusion Committee meetings be held on the first Tuesday of each month commencing at 4:00pm.

6.5 Library NAIDOC Exhibit Request for Assistance

A report was submitted to the Committee concerning the proposed Library exhibit program throughout the month of July to support NAIDOC Week celebrations.

General discussion took place with recommendations that the exhibit to also be rotated and displayed in the foyer of the Donald Horne Building and invitations for artwork be extended to St Heliers.

RECOMMENDED on the motion of Ms Kathie Kinchela and Uncle Glen Morris that:

The Committee notes the information provided in the report and provides feedback.

7 Date of Next Meeting

7 May 2024

8 Closure

The meeting was declared closed at 5:13 PM.

.....
Mr D. Finnigan
General Manager



11.4. State Significant Development Committee - 9 April, 2024

Attachments:	1. MINUTES - State Significant Development Committee - 9/04/2024 [11.4.1 - 2 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Katie Hamm (EA to the Office of the Mayor and GM)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	<i>Not Applicable</i>

PURPOSE

To inform Council of the results of a meeting of the State Significant Development Committee held on 9 April 2024.

OFFICER'S RECOMMENDATION

The minutes of the State Significant Development Committee meeting held on 9 April 2024 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Director Environmental and Planning Services reports that the State Significant Development Committee met on 9 April 2024.

The minutes of the meeting are attached for the information of the Councillors.

**MINUTES OF THE STATE SIGNIFICANT DEVELOPMENT COMMITTEE MEETING OF
THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY
9 APRIL 2024 COMMENCING AT 4:00PM.**

PRESENT: Cr B. Woodruff (Chair), Cr J. Lecky, Cr G. McNeill and Cr R. Scholes.

IN ATTENDANCE: Cr M. Bowditch, CCr L. Dunn, Cr D. Marshall, Mr D. Finnigan
(General Manager), Ms S. Pope (Director – Planning &
Environment and Ms T. Folpp (Development Compliance Officer)

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr B. Woodruff.

2 Apologies

RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

The apology for inability to attend the meeting submitted by Cr S. Reynolds be
ACCEPTED.

3 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Cr R. Scholes and Cr J. Lecky that:

The Minutes of the State Significant Development Committee Meeting held on **12
March, 2024**, a copy of which has been distributed to all members, be taken as read
and confirmed as a true record.

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Cr G. McNeill - Declared an insignificant non-pecuniary interest in Item 6.2. Cr G.
McNeill advised the Committee that the Item involves his employer.

5 Business Arising

Nil

6 Business

6.1 HVO Continuation - Draft Planning Agreement General Terms

RECOMMENDED on the motion of Cr R. Scholes and Cr J. Lecky that:

The SSD Committee:

1. Seeks an annual contribution of \$40,000 per annum from the Hunter Valley Operations (HVO) Continuation Project, to be paid into the Community Benefit Fund (CBF), commensurate with similar placed projects in the Shire;
2. Supports the management and expenditure of the contribution being via Council's Community Benefit Fund;
3. Seeks a \$10,000 per annum contribution toward employment of an



Environmental Officer to offset the cost to ratepayers for Council to review plans, monitor outcomes and contribute to closure / rehabilitation planning over the 25-year life of mine (HVO North), commensurate with similar projects in the shire; and

4. Seeks the following socio-economic commitments within the PA:
 - a) Engage permanent employees over casual labour or labour from labour hire companies;
 - b) Target 25% of supplier expenditure being paid to companies with offices in Muswellbrook Shire; and
 - c) Commit to a strong workforce diversity policy with a target of 20% woman, 10% of Aboriginal people and 10% trainees/apprentices.

6.2 Activities Summary for State Significant Development and Energy Generation Projects

The Director - Environmental and Planning Services spoke to the meeting and a general discussion was held.

RECOMMENDED on the motion of Cr G. McNeill and Cr R. Scholes that:

The information contained in this report be noted.

8 Date of Next Meeting

14 May, 2024

9 Closure

The meeting was declared closed at 4:26pm.

.....
Mr D. Finnigan
General Manager

.....
Cr B. Woodruff
Chairperson



11.5. Grants Review Committee - 11 April, 2024

Attachments:	1. MINUTES - Grants Review Committee - 11/04/2024 [11.5.1 - 12 pages]
	2. Summary Sponsorship and Community Grant Requests [11.5.2 - 1 page]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Katie Hamm (EA to the Office of the Mayor and GM)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	Not Applicable

PURPOSE

To advise Council of a meeting of the Grants Review Committee conducted on 11 April 2024.

OFFICER'S RECOMMENDATION

Council:

1. NOTES the minutes for the Grants Review Committee meeting held on 11 April 2024.
2. ADOPTS the Community Grants and Sponsorship Applications as outlined in the report to be placed on Public Exhibition for a period of 28 days, provided there are no alterations to the applications due to objections or feedback.
3. Should objections and feedback be received, a further report be submitted to Council at the conclusion of the Public Exhibition Period.

Moved: _____ **Seconded:** _____

REPORT

The Grants and Community Engagement Advisor reports that the Grants Review Committee met on 11 April 2024.

The Committee recommended the attached Community Grants and Sponsorship Applications be awarded.

The minutes of the meeting are attached for the information of the Councillors.

**MINUTES OF THE GRANTS REVIEW COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM,
ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON
THURSDAY 11 APRIL 2024 COMMENCING AT 4.15PM.**

PRESENT:	Cr S. Reynolds (Chair), Cr G. McNeill (VC), Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes.
IN ATTENDANCE:	Mr D. Finnigan (General Manager), Ms S. Welchman (Director - Community & Economy), Ms M. Sandell-Hay (Governance Officer), Ms K. Hamm (EA to the Office of the Mayor & GM) and Mr I. Skaines (Grants & Community Engagement Advisor).

1 Acknowledgement of Country

The Acknowledgement of Country was read by Cr D. Douglas.

2 Apologies

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

The apology for inability to attend the meeting submitted by Cr M. Bowditch,
Cr J. Drayton be ACCEPTED.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky,
Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff

Against: Nil

3 Confirmation of Minutes of Previous Meeting

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

The Minutes of the Grants Review Committee Meeting held on **14 March, 2024**, copy of which was distributed to each member, be taken as read and confirmed as a true record.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky,
Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes and Cr B. Woodruff

Against: Nil

4 Disclosure of Any Pecuniary and Non-Pecuniary Interests

Cr J. Lecky - Declared a non pecuniary interest in Item 6.18. Cr Lecky advised the Committee that she is a member of the Upper Hunter Conservatorium of Music.

Cr D. Douglas - Declared a pecuniary interest in Item 6.21. Cr Douglas advised the Committee that she is the CEO of Wanaruah Local Aboriginal Land Council.

Cr R. Scholes - Declared a non pecuniary interest in Item 6.8. Cr Scholes advised the Committee that he is the convener and Secretary of the Muswellbrook Rugby Union Club.



Cr R. Scholes - Declared a non pecuniary interest in Item 6.11. Cr Scholes advised the Committee that he is the President of the Rotary Club of Muswellbrook.

Cr D. Marshall - Declared a pecuniary interest in Item 6.20. Cr D. Marshall advised the Committee that he undertakes work at the Muswellbrook Golf Club.

Cr G. McNeill - Declared a pecuniary interest in Item 6.23. Cr G. McNeill advised the Committee that he is employed by AGL.

5 Business Arising

Nil

6 Business

6.1 Council Grant Funding and Community Engagement

RESOLVED on the motion of Cr R. Scholes and Cr D. Marshall that:

The Committee notes the information contained in the report and endorses applying for funding under the NSW Investing in Women program for a project aimed at supporting Aboriginal women in the Upper Hunter to set up businesses.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.2 Summary of Applications for Sponsorship, Community Grants and Contributions - Round 1 2024

RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:

The Grants Review Committee NOTES the information contained in the report.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil



6.3 Awarding of a Community Grant - Sandy Hollow Quilters Group for Display Racks and Artist Market Day

RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn that:

The Grants Review Committee APPROVES a Community Grant of \$3,310.00 be awarded to the Sandy Hollow Quilters Group (Sandy Hollow Progress Association) for display racks and Artist Market Day, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.4 Awarding of a Community Grant - St Martins Martindale Guild for Termite Repairs

RESOLVED on the motion of Cr R. Scholes and Cr D. Douglas that:

The Grants Review Committee APPROVES a Community Grant of \$8,000.00 to the St Martins Martindale Guild for termite repairs at the Martindale Community Hall, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.5 Awarding of a Community Grant - Muswellbrook Croquet Club for a Ride on Mower

RESOLVED on the motion of Cr D. Marshall and Cr L. Dunn that:

The Grants Review Committee APPROVES a Community Grant of \$5,000.00 to the Muswellbrook Croquet Club for the purchase of a ride on mower, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil



6.6 Awarding of a Community Grant - Muswellbrook High School for Library Room Fee Waiver for Examinations

RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:

The Grants Review Committee APPROVES a Community Grant of \$4,657.50 to Muswellbrook High School for a Muswellbrook Library room fee waiver for the conduct of student examinations.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.7 Awarding of a Community Grant - Antique Truck & Machinery Club for a Fee Waiver for the Diesel, Rust & Dust Truck & Machinery Show

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

The Grants Review Committee APPROVES a Community Grant of \$1,321.50 to the Antique Truck & Machinery Club for a fee waiver for the Denman Recreation Reserve for the Diesel, Rust & Dust Truck & Machinery Show.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.8 Awarding of a Community Grant - Muswellbrook Rugby Union Football Club for a Junior Rugby Skills Program

Disclosure of Interest

Cr R. Scholes declared a non pecuniary interest in this item. Cr Scholes advised the Committee that he is the convener and Secretary of the Muswellbrook Rugby Union Club.

At 4:28 pm Cr R. Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr G. McNeill and Cr J. Lecky that:

The Grants Review Committee APPROVES a Community Grant of \$1,800.00 to the Muswellbrook Rugby Union Football Club for a Junior Rugby Skills Program.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan and Cr D. Marshall

Against: Nil



At 4:29 pm Cr R. Scholes returned to Council Chambers and resumed his chair at the meeting table.

6.9 Awarding of a Community Grant - Muswellbrook Child Care Centre for Bush Kindy

RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:

The Grants Review Committee APPROVES a Community Grant of \$1,500.00 to Muswellbrook Child Care Centre Inc, Bush Kindy, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky,
Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.10 Awarding of a Community Grant - Wybong Hall for a Large TV with Wall Mounting Brackets and Sound Bar

RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:

The Grants Review Committee APPROVES a Community Grant of \$2,193.00 to Wybong Hall for a large TV with wall mounting brackets and sound bar, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky,
Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil



6.11 Awarding of a Community Grant - Rotary Club of Muswellbrook - Science and Engineering Challenge

Disclosure of Interest

Cr R. Scholes declared a non pecuniary interest in this Item. Cr Scholes advised the Committee that he is the President of the Rotary Club of Muswellbrook.

At 4:31 pm Cr R. Scholes left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:

The Grants Review Committee APPROVES a Community Grant of \$2,346.00.00 to the the Rotary Club of Muswellbrook for costs associated with staging the Science and Engineering Challenge, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan and Cr D. Marshall

Against: Nil

At 4:31 pm Cr R. Scholes returned to Council Chambers and resumed his chair at the meeting table.

6.12 Awarding of Community Grant - Upper Hunter Show to Replace "Gate 3" Gates

RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:

The Grants Review Committee APPROVES a Community Grant of \$2,000.00 to the Upper Hunter Show to replace "Gate 3" gates, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil



6.13 Awarding of Community Grant - Muswellbrook District Junior Rugby League Football Club - Muswellbrook Junior Rams - League Ability

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

The Grants Review Committee APPROVES a Community Grant of \$1,000.00 to the Muswellbrook District Junior Rugby League Football Club for the Muswellbrook Junior Rams - League Ability, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky,
Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.14 Awarding of Community Grant - Muswellbrook Physical Culture Club - Club Uniforms for Members

RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes that:

The Grants Review Committee APPROVES a Community Grant of \$1,582.00 to the Muswellbrook Physical Culture Club for club uniforms for members.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky,
Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.15 Awarding of Community Grant - Denman Pony Club - New Fridge for Canteen

RESOLVED on the motion of Cr L. Dunn and Cr G. McNeill that:

The Grants Review Committee APPROVES a Community Grant of \$3,387.00 to the Denman Pony Club for a new fridge for the canteen.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky,
Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil



6.16 Awarding of Sponsorship - Muswellbrook Chamber of Commerce and Industry for the TV and Movie Nostalgia Festival

RESOLVED on the motion of Cr D. Marshall and Cr R. Scholes that:

The Grants Review Committee APPROVES Sponsorship of \$15,000 being provided the Muswellbrook Chamber of Commerce and Industry for the TV & Movie Nostalgia Festival, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.17 Awarding of Sponsorship - Sandy Hollow Charity Motorfest for the Staging of the Sandy Hollow Charity Motorfest

RESOLVED on the motion of Cr D. Douglas and Cr J. Lecky that:

The Grants Review Committee APPROVES Sponsorship of \$2,500.00 to Sandy Hollow Motorfest for the staging of the Sandy Hollow Motorfest.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.18 Awarding of Sponsorship - Upper Hunter Conservatorium of Music for the Muswellbrook Shire Concert Band

Disclosure of Interest

Cr J. Lecky declared a non pecuniary interest in this Item. Cr Lecky advised the Committee that she is a member of the Upper Hunter Conservatorium of Music.

At 4:36 pm Cr J. Lecky left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr D. Douglas and Cr D. Marshall that:

The Grants Review Committee APPROVES Sponsorship of \$8,000.00 to Upper Hunter Conservatorium of Music for the Muswellbrook Shire Concert Band.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil



At 4:36 pm Cr J. Lecky returned to Council Chambers and resumed her chair at the meeting table.

6.19 Awarding of Sponsorship - Muswellbrook Chamber of Commerce and Industry for the MCCI Awards

RESOLVED on the motion of Cr D. Douglas and Cr L. Dunn that:

The Grants Review Committee APPROVES Sponsorship of \$2,750.00 to the Muswellbrook Chamber of Commerce and Industry for the MCCI Awards, subject to the provision of a Certificate of Currency for Public Liability Insurance with cover of at least \$20,000,000.

In Favour: Cr S. Reynolds, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan,
Cr D. Marshall and Cr R. Scholes

Against: Nil



6.20 Awarding of Sponsorship - Muswellbrook Golf Club for the 2025 Mayors Cup Prizemoney

Disclosure of Interest

Cr D. Marshall declared a pecuniary interest in this Item. Cr D. Marshall advised the Committee that he undertakes work at the Muswellbrook Golf Club.

At 4:39 pm Cr D. Marshall left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr D. Douglas and Cr L. Dunn that:

The Grants Review Committee APPROVES Sponsorship of \$2,000.00 to the Muswellbrook Golf Club for the 2025 Mayors Cup Event.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan and Cr R. Scholes

Against: Nil

At 4:44 pm Cr D. Marshall returned to Council Chambers and resumed his chair at the meeting table.

6.21 Awarding of Sponsorship - Wanaruah LALC for the NAIDOC Week Awards

Disclosure of Interest

Cr D. Douglas declared a pecuniary interest in this Item. Cr Douglas advised the Committee that she is the CEO of Wanaruah Local Aboriginal Land Council.

At 4:46 pm Cr D. Douglas left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr J. Lecky and Cr R. Mahajan that:

The Grants Review Committee APPROVES Sponsorship of \$1,000.00 to Wanaruah Local Aboriginal Land Council for the NAIDOC Week Awards.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

At 4:47 pm Cr D. Douglas returned to Council Chambers and resumed her chair at the meeting table.



6.22 Grant Opportunities Guidelines

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

The Grants Review Committee notes the guidelines for upcoming grant opportunities.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

6.23 AGL Regional Precincts and Partnership Grant

Disclosure of Interest

Cr G. McNeill declared a pecuniary interest in this Item. Cr G. McNeill advised the Committee that he is employed by AGL.

At 4:47 pm Cr G. McNeill left the Council Chambers and therefore took no part in discussion or voting on this item.

RESOLVED on the motion of Cr J. Lecky and Cr D. Marshall that:

Council endorses the submission of an application to Stream 1 of the Regional Precincts and Partnership Program in partnership with AGL to progress master planning for the Hunter Energy Hub.

In Favour: Cr S. Reynolds, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

At 4:48 pm Cr G. McNeill returned to Council Chambers and resumed his chair at the meeting table.

6.24 Awarding of Community Grant - Westpac Rescue Helicopter Service for the Sandy Hollow Charity Bush Horse Ride

RESOLVED on the motion of Cr D. Douglas and Cr R. Scholes that:

The Grants Review Committee APPROVES a Community Grant of \$2,400 to the Westpac Rescue Helicopter Service for the Sandy Hollow Charity Bush Horse Ride.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil



7. Adjournment into Closed Committee

RECOMMENDED on the motion of Cr L. Dunn and Cr D. Douglas that:

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

Mr J. Hogan joined meeting at 4:50pm.

7. Closed Council

7.1 Copies of Grant Applications Submitted

RESOLVED on the motion of Cr R. Scholes and Cr D. Douglas that:

The Grants Review Committee notes the recent grant applications submitted by Council.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil

8 Resumption of Open Committee

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

The meeting return to Open Council.

In Favour: Cr S. Reynolds, Cr G. McNeill, Cr D. Douglas, Cr L. Dunn, Cr J. Lecky, Cr R. Mahajan, Cr D. Marshall and Cr R. Scholes

Against: Nil.

9 Date of Next Meeting

9 May, 2024

10 Closure

The meeting was declared closed at 5.00pm.

.....
Mr D. Finnigan
General Manager

.....
Cr S. Reynolds
Chairperson

Summary - Sponsorship and Community Grant Requests - Round 1 2024					
Organisation	Project title	Request	Fee waiver	In kind	Total
Sponsorships					
Muswellbrook Chamber of Commerce & Industry	TV & Movie Nostalgia Festival	\$8,000.00	\$3,500.00	\$3,500.00	\$15,000.00
Upper Hunter Conservatorium of Music	Muswellbrook Shire Concert Band	\$8,000.00	\$0.00	\$0.00	\$8,000.00
Muswellbrook Chamber of Commerce & Industry	MCCI Awards	\$2,750.00	\$0.00	\$0.00	\$2,750.00
Wanaruah LALC	NAIDOC Week Awards	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Sandy Hollow Motorfest	Sandy Hollow Motorfest	\$2,500.00	\$0.00	\$0.00	\$2,500.00
Muswellbrook Golf Club	2025 Mayors Cup Prizemoney	\$2,000.00	\$0.00	\$0.00	\$2,000.00
		\$24,250.00	\$3,500.00	\$3,500.00	\$31,750.00
Community Grants					
Sandy Hollow Quilters Group (Sandy Hollow Progress Association)	Display racks and Artist Market Day	\$3,310.00	\$0.00	\$0.00	\$3,310.00
St Martins Martindale Guild	Termite repairs	\$8,000.00	\$0.00	\$0.00	\$8,000.00
Muswellbrook Croquet Club	Ride on mower	\$5,000.00	\$0.00	\$0.00	\$5,000.00
Muswellbrook High School	Library room fee waiver for examinations	\$4,657.50	\$0.00	\$0.00	\$4,657.50
Westpac Rescue Helicopter Service	Sandy Hollow Charity Bush Horse Ride	\$2,400.00	\$0.00	\$0.00	\$2,400.00
Muswellbrook Rugby Union Football Club Inc	Junior Rugby Skills Program	\$1,800.00	\$0.00	\$0.00	\$1,800.00
Muswellbrook Child Care Centre Inc	Bush Kindy	\$1,500.00	\$0.00	\$0.00	\$1,500.00
Wybong Hall	Large TV with wall mounting brackets and sound bar	\$2,193.00	\$0.00	\$0.00	\$2,193.00
Rotary Club of Muswellbrook	Science and Engineering Challenge	\$1,380.00	\$966.00	\$0.00	\$2,346.00
Upper Hunter Show	Replace "Gate 3" gates	\$2,000.00	\$0.00	\$0.00	\$2,000.00
Muswellbrook District Junior Rugby League Football Club	Muswellbrook Junior Rams - League Ability	\$1,000.00	\$0.00	\$0.00	\$1,000.00
Muswellbrook Physical Culture Club	Club uniforms for members	\$1,582.00	\$0.00	\$0.00	\$1,582.00
Denman Pony Club	New fridge for the canteen	\$3,387.00	\$0.00	\$0.00	\$3,387.00
Antique Truck & Machinery Club Inc	The Diesel, Rust & Dust Truck & Machinery Show	\$1,321.50	\$0.00	\$0.00	\$1,321.50
		\$39,531.00	\$966.00	\$0.00	\$40,497.00



12. Notices of Motion

12.1. Councillor Motions for Submission to the 2024 National General Assembly of Local Government

Attachments: Nil

Responsible Officer: Derek Finnigan - General Manager

Councillor Steve Reynolds has indicated his intention to move the following motion at the 23 April 2024 Ordinary Council Meeting, as follows:

The 2024 National General Assembly (NGA) of Local Government will be held in Canberra on 2-4 July 2024. The Hunter JO Board, of which Muswellbrook Shire Council is a member, has endorsed the following four Hunter Regional priority motions for lodging to the NGA. The motions are considered to be common to all Councils in the Hunter Region and link directly to the conference priority areas of:

- Intergovernmental Relations;
- Financial Sustainability;
- Roads and Infrastructure; and
- Housing and Homelessness.

The four regional motions are:

CONFERENCE PRIORITY AREA	REGIONAL MOTION
Intergovernmental Relations	<p>1. <i>This National General Assembly calls on the Australian Government to:</i></p> <p>Lead the delivery of place-based, whole-of-government policy and planning to drive the evolution of mining-affected regions toward net zero economies. This should include:</p> <ul style="list-style-type: none">(i) A clear vision and plan for each region's economic evolution.(ii) A coordinating entity with the necessary authority to influence the focus and coordination of cross government and agency delivery efforts.(iii) Sufficient resources to deliver on the objectives established, including:<ul style="list-style-type: none">(a) Supporting communities adversely impacted by the move to a net zero economy.(b) Exploring city / regional deals as a mechanism for delivery.(iv) Support for and investment in circular economy solutions.(v) Clear and certain planning pathways for the adaptive reuse of mining and industrial lands to deliver new, high-value jobs.(vi) A commitment to local government representation in place-based decision making that affects local and regional communities.



CONFERENCE PRIORITY AREA	REGIONAL MOTION
Financial Sustainability	<p>2. <i>This National General Assembly calls on the Australian Government to:</i></p> <p>Lead collaboration with state and local government to review, simplify, and streamline the delivery and governance of grant funding to local government, focusing on:</p> <ul style="list-style-type: none">(i) Consolidating currently disparate funding programs delivered across various Commonwealth and State Government agencies toward a “block funding” approach to providing grant funding to local government, delivered over timeframes that align with local government planning cycles.(ii) Identifying broader options than requiring direct co-contributions from Councils to access grant funding. This aims to remove the inherent disadvantage currently experienced in accessing grant funds by local councils who do not have the financial or resource capacity to offer co-contributions, yet to whom the dependence on grant funds to deliver community services and infrastructure remains vital.(iii) Reducing the administrative burden on local government through more consistency in the governance frameworks, systems, and documentation required across various funding programs and governing agencies.
Roads and Infrastructure	<p>3. <i>This National General Assembly calls on the Australian Government to:</i></p> <p>Lead systems reform across all three levels of government to improve the planning, administration, and delivery of road funding, with a focus on ensuring greater equity, certainty, and sustainability in funding across regional and metropolitan communities.</p>
Housing and Homelessness	<p>4. <i>This National General Assembly calls on the Australian Government to:</i></p> <p>Support the urgent delivery of new housing and improve housing affordability and access by:</p> <ul style="list-style-type: none">(i) Investing in the transport and community infrastructure required to unlock development-ready land.(ii) Leading collaboration across Australian, state, and local government to develop a collaborative framework for biodiversity planning that will enhance conservation outcomes and provide greater planning and investment certainty for local and regional communities around the availability of land for housing.(iii) Investing in additional public housing and incentivising affordable housing schemes.(iv) Repurposing existing government facilities such as underutilised health facilities, or other government buildings



CONFERENCE PRIORITY AREA	REGIONAL MOTION
	that could be repurposed for short term housing.

MOTION

The four regional motions contained in the report be APPROVED as Muswellbrook Shire Council motions for submission to the 2024 National General Assembly of Local Government.

Moved: _____ **Seconded:** _____

RESPONSE BY GROUP MANAGER

The four regional priority motions have been endorsed by the Board of the Hunter JO. Should Council endorse the motions, they will be submitted by Muswellbrook Shire Council to the 2024 National General Assembly of Local Government to be conducted in Canberra from 2 to 4 July 2024. The deadline for the submission of Councillor motions is Tuesday 30 April 2024.



13. Councillors Reports

14. Written Questions

Nil

15. Questions for Next Meeting

16. Adjournment into Closed Council

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

17. Closed Council

RECOMMENDATION

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

Moved: _____ **Seconded:** _____



17.1. Contract 2023-2024-0577 for Processing or Re-Use of Lime Residue

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.2. Application Under Undetected Water Leaks Policy

This report is CONFIDENTIAL under the provisions of Section 10A(2)(b) of the Local Government Act 1993, as it relates to the personal hardship of any resident or ratepayer.

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.3. General Manager Mid Term Performance Review Report

This report is CONFIDENTIAL under the provisions of Section 10A(2)(a) of the Local Government Act 1993, as it relates to personnel matters concerning particular individuals (other than councillors).

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.4. General Manager's Performance Priorities

This report is CONFIDENTIAL under the provisions of Section 10A(2)(a) of the Local Government Act 1993, as it relates to personnel matters concerning particular individuals (other than councillors).

Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.



18. Resumption of Open Council

19. Closure

Date of Next Meeting: 28 May 2024