



**muswellbrook  
shire council**

**Muswellbrook Shire Council**  
**ORDINARY COUNCIL MEETING**

**BUSINESS PAPER**  
**11 JULY 2017**



**ORDINARY COUNCIL MEETING, 11 JULY 2017**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
**MUSWELLBROOK**  
7 July, 2017

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **11 July, 2017** commencing at 6:00PM.

Fiona Plesman  
**ACTING GENERAL MANAGER**

# Order of Business

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19.2	ACCEPTANCE OF OFFER OF LOAN FUNDING FROM ANZ BANK <i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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**MUSWELLBROOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING**

**AGENDA  
TUESDAY 11 JULY 2017**

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 CIVIC PRAYER**
- 3 APOLOGIES AND LEAVE OF ABSENCE**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING  
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **13 June 2017**, and the Extra Ordinary Meeting held on **28 June 2017**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

- 5 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY 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.

**6 PUBLIC PARTICIPATION****7 MAYORAL MINUTES****8 GENERAL BUSINESS****9 BUSINESS ARISING**

Nil

## 10 ENVIRONMENTAL SERVICES

### 10.1 REQUEST FOR THE WAIVING OF FEES FOR AN APPLICATION FOR AN ACTIVITY APPROVAL

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - Director - Planning, Community & Corporate Services
<b>Author:</b>	Donna Watson - Development Planner
<b>Community Plan Issue:</b>	<i>Protect and recognise community identity and diversity through community development principles</i>
<b>Community Plan Goal:</b>	<i>Our residents are encouraged and supported to live healthy and active lives</i>
<b>Community Plan Strategy:</b>	<i>Support community development and build community capacity</i>

#### PURPOSE

The purpose of this report is for Council to consider a request from Westpac Rescue Helicopter Service Denman Volunteer Support Group, for the fees for an application for an activity approval under the Local Government Act 1993 that they have submitted recently, to be waived.

#### OFFICER'S RECOMMENDATION

1. Council waive the fee of \$306.00 payable by the Westpac Rescue Helicopter Service Denman Volunteer Support Group for the application 7/2017.
2. The fee amount to be allocated from the Sundries Donations budget.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### BACKGROUND

An application for an Activity Approval has been received for an annual community event at the Denman Sport and Recreation Area. The event is being organised by the Westpac Rescue Helicopter Service Denman Volunteer Support Group who are a non-for profit community organisation. Applications for activity approvals require the payment of a fee as resolved by Council in the annual adoption of fees. The applicant has included in their application a request that Council waive the fee on the basis they are non-for profit organisation and the events raise money for charity.

#### CONSULTATION

Discussions regarding the status of the Sundries Donations budget have taken place with the Co-ordinator Finance.

#### REPORT

Application 7/2017 for an Activity Approval has been received for an annual community event at the Denman Sport and Recreation Area. The event is the Annual Horse Ride Fundraising Event. The event is being organised by the Westpac Rescue Helicopter Service Denman Volunteer Support Group who are non-for profit community organisation. Applications for activity approval require the payment of a fee as resolved by Council in the annual adoption of fees. The applicant has included in their application a

request that Council waive the fee on the basis they are non-for profit organisation and the events raise money for charity.

The fee for the application is \$306.00. If the request for waiving is granted then this should be treated as a donation to the Westpac Rescue Helicopter Service Denman Volunteer Support Group. There are adequate funds in the Sundries Donation budget to allocate this funding from. It is suggested that the request is a reasonable request given the events are charity events and the organiser is a non-for profit organisation.

**OPTIONS**

The options for Council are to waive the fees either in full or in part or refuse to waive the fee.

**CONCLUSION**

The request for the waiving of fees is a reasonable request given the events are charity events and the organiser is a non-for profit organisation. There are adequate funds in the Sundries Donation budget to allocate this funding from.

**SOCIAL IMPLICATIONS**

The waiving of the application fee assists in the success of these community events which contribute to the well-being of residents. The event supports a service that contributes to the safety of the community.

**FINANCIAL IMPLICATIONS**

There are adequate funds in the Sundries Donation budget to allocate this funding from.

**POLICY IMPLICATIONS**

No policy exists to guide this decision.

**STATUTORY IMPLICATIONS**

None applicable

**LEGAL IMPLICATIONS**

None applicable

**OPERATIONAL PLAN IMPLICATIONS**

None applicable

**RISK MANAGEMENT IMPLICATIONS**

None applicable



## 10.2 DEVELOPMENT APPLICATION NO. 8/2017 - 129 LOT RESIDENTIAL SUBDIVISION, LOT 122 DP 750924, ALMOND STREET DENMAN

<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Donna Watson - Development Planner</b>
<b>Community Plan Issue:</b>	<b><i>Plan liveable and sustainable urban areas</i></b>
<b>Community Plan Goal:</b>	<b><i>Sustainable planning, design and regulation support community needs</i></b>
<b>Community Plan Strategy:</b>	<b><i>Plan for development that balances the needs of the community and allows for managed growth</i></b>
<b>Attachments:</b>	<b>A. Draft conditions</b> <b>B. Plans</b> <b>C. OEH Response</b> <b>D. Submissions</b>

**Documents reference to in the assessment but not attached:**

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Water Management Act 2000
- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 – Remediation of Land
- Interim Construction Noise Guidelines
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Noise Control) Regulation 2008
- Australian Standard 1428: 2009– Design for Access & Mobility
- Australian Standard 2890.1: 2004 – Parking Facilities – Off Street Car Parking
- NSW Environment Protection Authority Noise Policy
- Floodplain Development Manual

**APPLICATION DETAILS**

<b>Applicant:</b>	<b>M M Hyndes Bailey &amp; Co</b>
<b>Owner:</b>	<b>Highfields (Denman) Pty Ltd</b>
<b>Proposal:</b>	<b>129 Lot residential subdivision to be constructed in 5 stages.</b>
<b>Location:</b>	<b>Lot 122 DP 750924</b> <b>Almond Street, Denman</b>
<b>Permissibility:</b>	<b>The proposed development is permissible as a <i>Subdivision</i> within the RU5 Village Zone</b>
<b>Recommendation:</b>	<b>Approval</b>

**RECOMMENDATION**

That Development Application No. 8/2017 proposing a 129 residential subdivision to be constructed in 5 stages, at Lot 122 DP 750924, Almond Street, Denman be **APPROVED** subject the conditions in Appendix A to the report.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

**Aerial Photograph Identifying Development Site**



**Date of Report**

19 June 2017

## **ISSUES SUMMARY**

This site is located within the area known as “West Denman” and forms part of the gazetted Urban Release Area for Denman. This site comes with a range of constraints, primarily related to infrastructure which are discussed below.

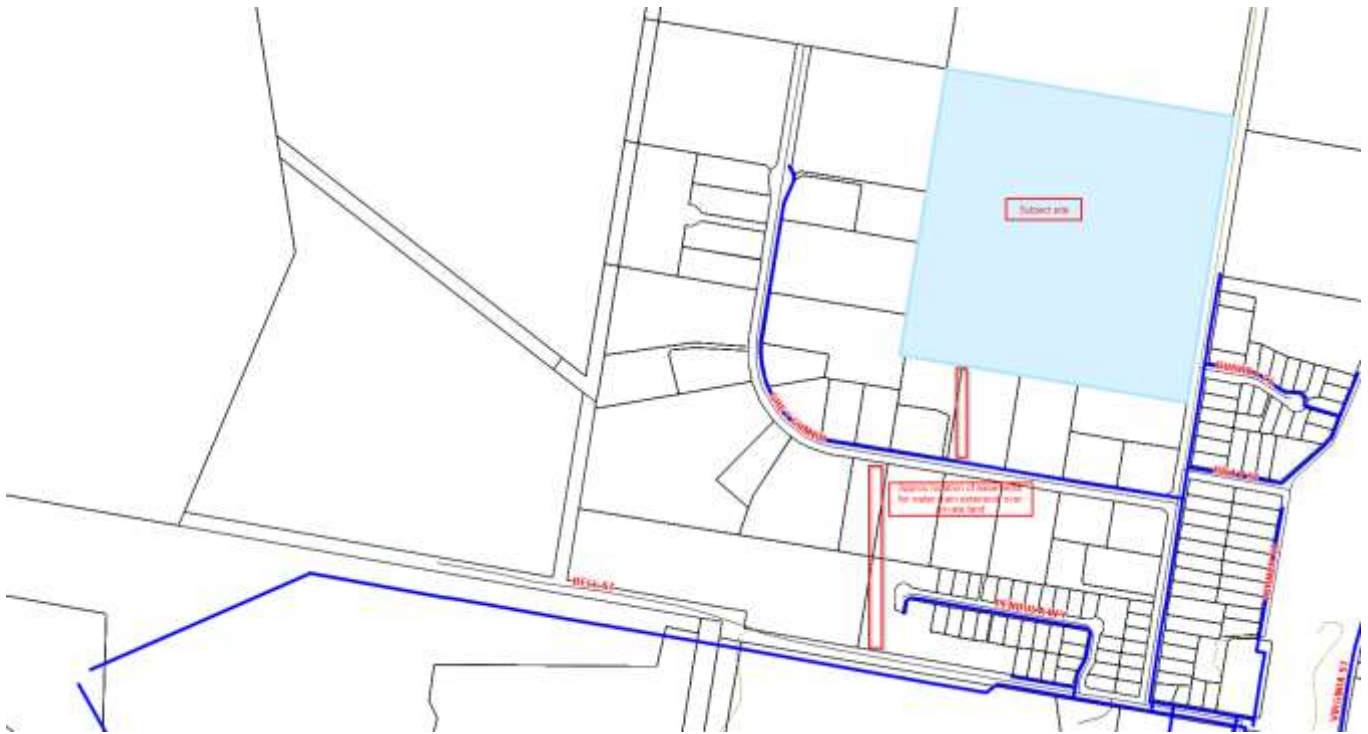
### Water supply

The application was referred to Council’s Water and Waste Department for assessment. Water and Waste advised the applicant will be required to extend / construct the existing water main from Bell Street through to the south western corner of the site. Water and Waste have also advised the development will require the construction of a parallel water main down Bell Street in order to fully service the whole subdivision.

Water and Waste advised the preliminary design for the parallel main and been completed and the construction of this main can be paid for through water headwork charges under Section 64 of the Water Management Act or a Voluntary Planning Agreement (VPA). The applicant has not advised if they wish to enter into a VPA and therefore under Section 93I (3) of the Environmental Planning and Assessment Act a condition cannot be placed on the development consent requiring this agreement.

The preliminary design identifies a proposed location for the water main, however, this is dependent on obtaining easements across privately owned land. In this regard, the final location will need to be determined in consultation with Council’s Water and Waste Department. The applicant has advised they have already obtained an easement through 7 Grey Gum Road, Denman. This easement will provide access from Grey Gum Road directly to the south western corner of the site. No confirmation of this registration of this easement has been provided to Council.





Should the application be approved, conditions will be imposed regarding a water servicing strategy including detailed design is to be prepared in consultation with Council's Water and Waste Department and submitted to Council prior to the issuing a Construction Certificate for either Stage 2, 3, 4 or 5.

Council's Water Strategy indicates:

*The main issues relating to this system are as follows.*

- (a) The WTP built in 2008/09, is a membrane filter plat, and was built to serve the existing community with modest reductions in the consumption at the time. Reductions have been more significant than expected giving a modest spare capacity in the plant. The plant is easily extended through modular additions.*
- (b) The pumping station is adequate for the medium term.*
- (c) The existing reservoir is adequate for the medium term.*
- (d) The delivery main to town will require amplification to serve additional new development.*

*In order to accommodate the projected development in the next 30 years, the Denman water supply system will have to be upgraded in accordance with the works list in the Strategy. For West Denman this involves a new 250mm water main from the reservoir to Bell Street and a connection to Grey Gum Road. Implementation is proposed in Stages as demand increases. Stage 1 of this development only requires a connecting 250mm main from the existing 300mm main through to Grey Gum Road and the connection to the development.*

*In particular, because development is likely to be slow in Denman and the additional headworks infrastructure required will occur in relatively large packages, Council is likely to have to bankroll the provision of these works and recover the funding from contributions over an extended period through Section 64 contributions.*

#### Sewer extension

Council's sewer main was extended to service part of the West Denman area under a separate VPA. The sewer main has now been constructed and is operational. Below shows the current location of the Council owned sewer main.



Council's Water and Waste Department has indicated the sewer main has been laid in the vacant land to the north of Burkill Close in accordance with DA 135/2012, however, only Stage 1 has been registered. Hence, the sewer main has not been transferred to Council's ownership to date. In this regard, should the application be approved, the applicant will be required to connect to a private sewer main (refer to the circle in the above map). This connection will allow Stage 1 and a component of Stage 2 to drainage via this main.

The development/construction of the additional stages will require the applicant to extend the existing sewer main approximately 220m to the north and then approximately 180m to the west of the main to allow the remainder of the subject site to be adequately serviced (refer to two rectangles on the above map). Again, Council's Water and Waste Department has indicated the sewer main extension can be paid for through sewer headwork charges under Section 64 of the Water Management Act or a Voluntary Planning Agreement (VPA).

As stated earlier, the applicant has not advised if they wish to enter into a VPA and therefore under Section 93I (3) of the Environmental Planning and Assessment Act a condition cannot be placed on the development consent requiring this agreement.

Council's Sewer Strategy indicates:

*The main issues relating to the Denman sewerage system are as follows.*

- a) *The STP is of relatively modern technology comprising extended aeration intermittent decant system (Bathurst Box), with a capacity of 2000 EP. The plant can be expanded to 3000 EP.*
- b) *The current STP should serve the current town for the foreseeable future, contingent on current growth rates (approximately 1.5% p.a.) being maintained.*
- c) *The effluent from the sewage treatment process in Denman is reused.*
- d) *The sewage transport system in Denman (pumping stations, rising mains and carrier mains) have recently been upgraded.*
- e) *All the development growth planned for Denman is in the West Denman.*

*In order to accommodate the projected development in the next 30 years, the Denman sewerage system will have to be upgraded in accordance with the Strategy.*

*In particular, because development is likely to be slow in Denman and the additional headworks infrastructure required will occur in relatively large packages, Council is likely to have to bankroll the provision of these works and recover the funding from contributions over an extended period. This will be particularly the case for the construction of the carrier main from West Denman SPS 1 which*

#### Stormwater detention

The West Denman urban release area forms part of a larger upstream catchment. To the north of the subject site there is a large natural drainage line which slopes eastward towards the railway line. The development proposes to construct a drainage basin the north eastern corner of the site. The drainage basin will also be constructed onto the adjoining land. The applicant has advised the land directly to the north of the site is owned by the same person, however, it's in a different name.

Council's Community Infrastructure Department has advised that Stage 1 can be drained without requiring construction of the drainage basin. Should the application be approved, conditions will be imposed on the consent requiring design details of the drainage basin to be submitted to Council for approval prior to the release of any construction certificate for either Stage 2, 3, 4 or 5.

#### Stormwater Easement

The previous application (DA 311/2012) which was approved on the site required the applicant to obtain easements for stormwater. Due to multiple downstream property owners, the applicant was unable to obtain owners consent to create the easement.

Since the determination of Development Application 311/2012, Council has held discussions with Australian Rail and Track Corporation (ARTC) in relation to the upgrading of existing stormwater culverts under the railway line. ARTC have completed work to substantially upgrade one stormwater culvert which is located to the north of the West Denman urban release area.

Council's Community Infrastructure Department has supported the applicant's justification that Stage 1 of this development may proceed. Stage 1 represents a small portion of the catchment and its stormwater discharge can be controlled on site so as not to cause damage or nuance downstream. The stormwater from Stage 1 discharges to a first order natural watercourse requiring no easement. However with more significant changes to the hydrological regime resulting from a larger portion of the catchment being developed this being future stages, an easement is desirable in the future. The future easement will need to cover the first order stream and / or other drainage works to the 3<sup>rd</sup> or 4<sup>th</sup> order stream being Sandy Creek the eastern side of the Golden Highway.

## **REPORT**

### **1.0 BACKGROUND**

In August 2012 Council adopted Section 27 – West Denman Urban Release Area of the Muswellbrook Development Control Plan 2009 (MDCP 2009) and a Section 94 Contributions Plan. Section 27 of the MDCP provides guidance and specifies what requirements are needed in order to development this land in an orderly manner.

After the adoption of this Section into the MDCP, Council received a development application for a 153 lot residential subdivision under Development Application 311/2012. This application comprised of 153 residential lots to be constructed in 5 stages. This application was reported to the December 2013 Council meeting and it was resolved to issue a "Deferred Commencement" determination for the proposal. The Deferred Commencement period was for two years (24 months).

The deferred commencement conditions related to:

1. Obtaining an easement for stormwater discharge and
2. Transferring the Almond Street extension from Crown Road to Public Road in Council's care and control

The Applicant lodged a Section 96 application on 19 March 2015, to clarify the number of lots, adjust the lot layout, deletion of Condition No. 2 and amend Condition No. 33. This Modification was approved under delegated authority on 30 April 2015.

There was no change to the timeframe required for the deferred commencement conditions to be satisfied. Due to multiple stakeholder consents being required in order to satisfy the stormwater easement, the application lapsed on 15 December 2015.

Since the lapsing of Development Application 311/2012, the applicant held discussions with the then Manager – Planning and Regulatory Services regarding the re-lodgement of the application in its previously approved form, being 153 lots to be constructed in 5 stages.

## 2.0 SITE AND LOCALITY DESCRIPTION

The site is located on the north western edge of Denman town in the area known as West Denman. The site fronts Almond Street, which is currently unsealed. To the south and west of the site are a number of rural residential properties. The north of the site is currently vacant and has a RU5 Village zone under the Muswellbrook Local Environmental Plan 2009. The land to the east has a mix of small residential lots and contains a recent land release.

The site is predominately flat with minimal cut and fill required to site buildings. However, the site slopes towards Almond Street.

## 3.0 DESCRIPTION OF PROPOSAL

The application was lodged with Council on 2 February 2017 seeking consent for a 153 lot residential subdivision in the same configuration that was assessed and determined under Development Application 311/2012. Since the determination of the 2012 application there has been minor progress with regard to obtaining easements.

A preliminary assessment was undertaken and as a result a "request for further information" was sent to the applicant. The additional information submitted to Council resulted in a reduced lot layout totalling 138 lots. The applicant is seeking consent for 5 stages, broken down as follows:

Stage 1	41
Stage 2	34
Stage 3	24
Stage 4	19
Stage 5	20
<b>TOTAL</b>	<b>138</b>

Since receiving the amended lot layout, Council's Executive Management held meetings with the applicant to discuss the potential to increase the average lot size for the development up to 1000m<sup>2</sup>. The applicant has amended the lot layout to meet this requirement and now the staging is as follows:

Stage 1	41
Stage 2	25
Stage 3	22
Stage 4	17

Stage 5	24
<b>TOTAL</b>	<b>129</b>

The proposed subdivision layout, identifies an area for a future childcare centre, open space and a drainage reserve. The submitted plans are attached as **Appendix B.**

The applicant has advised they are willing to enter into a Voluntary Planning Agreement (VPA) with Council regarding the dedication of land for a proposed multipurpose community space / child care centre. If supported, the VPA will be in lieu of paying Section 94 Contributions under the West Denman Contribution plan. A condition will be recommended to be imposed on the consent should the application be approved.

In addition to the proposed subdivision, the application will also involve the demolition of the existing dwelling and associated structures located on the site.

#### 4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the Application, the applicant has provided adequate information to enable an assessment of the Application.

The applicant has included the following ancillary reports with the supporting documentation:

- Seven part test on threatened Flora and Fauna
- Traffic report
- Landscape plans
- Aboriginal Cultural Heritage report

#### 5.0 STATUTORY CONTEXT

##### 5.1 Lodgement options available

The applicant is seeking consent for 129 residential lots to be constructed in 5 stages. Hence, the applicant is requesting an overall approval and will have five separate construction certificates and subdivision certificates.

The application has lodged the application under *Part 4 of the Environmental Planning and Assessment Act 1979*. Under this Part of the Act, the applicant has a number options available as to how an application can be lodged with Council. One of these options available to the applicant, is a *Staged Development*. Section 83B of the Act states:

- (1) *For the purposes of this Act, a **staged development application** is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for separate parts of the site are to be the subject of subsequent development applications. The application may set out detailed proposals for the first stage of development.*
- (2) *A development application is not to be treated as a staged development application unless the applicant requests it to be treated as a staged development application.*
- (3) *If consent is granted on the determination of a staged development application, the consent does not authorise the carrying out of development on any part of the site concerned unless:*



- (a) *consent is subsequently granted to carry out development on that part of the site following a further development application in respect of that part of the site, or*
- (b) *the staged development application also provided the requisite details of the development on that part of the site and consent is granted for that first stage of development without the need for further consent.*
- (4) *The terms of a consent granted on the determination of a staged development application are to reflect the operation of subsection (3).*

The applicant has stated in the supporting documentation, the application is not a Staged Development as defined in Section 83B of the Environmental Planning and Assessment Act. Therefore, under Section 83B(2) of the Act, Council cannot treat the application as being staged and should assess the application in accordance with how it was submitted to Council.

## 5.2 Determination options available to Council

As the application is being reported to Council for determination, your attention is drawn to the different options available to determine an application. These determination options are detailed under *Section 80 of the Environmental Planning and Assessment Act 1979*. In this regard, the most common determination is an operational consent. This determination type has conditions imposed on the applicant and, if required, allows them to apply for a Construction certificate.

Another type of determination is *Deferred Commencement*, this is where certain conditions need to be satisfied prior to Council issuing operational consent. The previous application, being DA 311/2012, was approved as a deferred commencement.

A further determination type, which is less common, is that of *total or partial consent*. This type of determination allows Council to issue a total or partial approval. For example, Council may approve a dwelling but refuse the garage. This would be considered a partial approval.

As well as the above types of determinations, there are also allowances for the refusal of applications.

## 6.0 SPECIALIST COMMENTS

### 6.1 Internal Referrals

The application was referred to Council's Water and Waste, Community Infrastructure, Strategic Planning Section, Community and Cultural Services Section and Sustainability Section. Each section reviewed the proposal and recommended standard conditions to be placed on the development consent should the application be approved.

#### 6.1.1 Local Traffic Committee

The State Environmental Planning Policy (Infrastructure) 2007 applies to the land. Clause 104 of the SEPP refers to traffic generating development specified in Schedule 3 which requires referral to the Roads and Maritime Services (RMS).

The proposed development does not meet the criteria to warrant a referral to RMS. In addition, the application was not referred to the Local development Committee for comment as this committee has been dissolved and the Local Traffic Committee did not require the application to be commented on, as there were no "regulatory" signage proposed with the development.

## 6.2 External Referrals

### 6.2.1 Office of Environment & Heritage (OEH)

The applicant was requested to provide an updated Cultural Heritage Assessment for the site. This assessment was referred to OEH for their consideration and comment. OEH did not provide a position in relation to the proposal and will only provide detailed comment on the application should the consent authority feel there may be significant impact on a threatened species. A copy of their response is attached as **Appendix C**.

## 7.0 ASSESSMENT

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

### Section 79C Matters for Consideration

#### Section 79C(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

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

#### 1. **Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

##### Land Use Zone and Permitted Land Use

The development site is zoned RU5 Village pursuant to MLEP 2009. The proposal is best defined as a *Subdivision*, which is permitted under Clause 2.6 with development consent.

##### Objectives of the RU5 Village Zone

- *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.*

It is considered that the development proposal is not contrary to the objectives of the Zone.

##### Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>1.1 Name of Plan</i>	Muswellbrook Local Environmental Plan 2009
<i>1.1AA Commencement</i>	The MLEP 2009 was gazette 17 April 2009.
<i>1.2 Aims of Plan</i>	Noted
<i>1.3 Land to which Plan applies</i>	The MLEP 2009 applies to the whole of Muswellbrook Local Government Area.
<i>1.4 Definitions</i>	Noted

1.5 Notes	Noted
1.6 Consent authority	The consent authority for this development is Muswellbrook Shire Council.
1.7 Maps	Noted.
1.8 Repeal of planning instruments applying to land	Noted.
1.8A Savings provision relating to pending development applications	Noted
1.9 Application of SEPPs	Noted
1.9A Suspension of covenants, agreements and instruments	Noted
<b>Part 2 Permitted or prohibited development</b>	
2.1 Land use zones	Noted
2.2 Zoning of land to which Plan applies	See above
2.3 Zone objectives and Land Use Table	See above
2.4 Unzoned land	Not applicable
2.5 Additional permitted uses for particular land	Noted
2.6 Subdivision—consent requirements	Development Application has been lodged.
2.7 Demolition requires development consent	Development Application has been lodged.
2.8 Temporary use of land	Not applicable
<b>Part 3 Exempt and complying development</b>	
3.1 Exempt development	Not applicable
3.2 Complying development	Not applicable
3.3 Environmentally sensitive areas excluded	Not applicable
<b>Part 4 Principal development standards</b>	
4.1 Minimum subdivision lot size	MLEP 2009 specifies a minimum lot size of 750m <sup>2</sup> in relation to the land. The proposal complies with this requirement as the average lot size is 1000m <sup>2</sup> .
4.1AA Minimum subdivision lot size for community title schemes	Not applicable
4.2 Rural subdivision	Not applicable
4.3 Height of buildings	Not applicable
4.4 Floor space ratio	Not applicable
4.5 Calculation of floor space ratio and site area	Not applicable
4.6 Exceptions to development standards	Not applicable
<b>Part 5 Miscellaneous provisions</b>	
5.1 Relevant acquisition authority	Not applicable
5.2 Classification and reclassification of public land	Not applicable
5.3 Development near zone boundaries	Not applicable
5.4 Controls relating to miscellaneous permissible uses	Not applicable
5.5 Development within the coastal zone	Not applicable
5.6 Architectural roof features	Not applicable
5.7 Development below mean high water mark	Not applicable
5.8 Conversion of fire alarms	Not applicable
5.9 Preservation of trees or vegetation	Not applicable
5.9AA Trees or vegetation not prescribed by development control plan	Not applicable

<i>5.10 Heritage conservation</i>	Not applicable
<i>5.11 Bush fire hazard reduction</i>	Not applicable
<i>5.12 Infrastructure development and use of existing buildings of the Crown</i>	Not applicable
<i>5.13 Eco-tourist facilities</i>	Not applicable
<i>Part 6 Urban release areas</i>	
<i>6.1 Arrangements for designated State public infrastructure</i>	Not applicable
<i>6.2 Public utility infrastructure</i>	Not applicable
<i>6.3 Development control plan</i>	Not applicable
<i>6.4 Relationship between Part and remainder of Plan</i>	Not applicable
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	Not applicable
<i>7.2 Subdivision in Zone RU1 Primary Production and Zone E3 Environmental Management</i>	Not applicable
<i>7.3 Controls relating to rural worker's dwellings</i>	Not applicable
<i>7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village</i>	Should the application be approved, recommended conditions will be imposed on the consent in relation to servicing the proposed lots.
<i>7.5 Erection of dwelling houses on land in certain rural and environmental protection zones</i>	Not applicable
<i>7.6 Earthworks</i>	Not applicable
<i>7.7 Development at Muswellbrook Showground</i>	Not applicable
<i>7.8 Events permitted on public reserves and public roads without development consent.</i>	Not applicable

## 2. **State Environmental Planning Policy**

The following State Environmental Planning Policies apply to the Muswellbrook Local Government Area and were considered and found not to be applicable to the proposed development.

- SEPP No. 21 Caravan Parks
- SEPP No. 30 Intensive Agriculture
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No. 36 Manufactured Home Estates
- SEPP No. 44 Koala Habitat Protection
- SEPP No. 55 Remediation of Land
- SEPP No. 62 Sustainable Aquaculture
- SEPP No. 64 Advertising and Signage
- SEPP No. 65 Design Quality of Residential Flat Development
- SEPP (Housing for Seniors or People with Disability) 2004
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (miscellaneous Consent Provisions) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Renting Housing) 2009

- SEPP (State and Regional Development) 2011

### **Section 79C(1)(a)(ii) the provisions of any draft EPI.**

There are no draft EPIs relevant to the subject Application.

### **Section 79C(1)(a)(iii) the provisions of any development control plan**

#### Section 3 – Site Analysis

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the Muswellbrook DCP.

#### Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 22 February 2017 to 8 March 2017. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

Three (3) submissions were received during the notification period.

The additional information submitted to Council resulted in a reduced lot layout. As a result of the reduction in lots, the application was re-notified to adjoining properties from 17 May 2017 to 21 June 2017.

Two (2) submissions were received during the re-notification period.

The applicant as advised of all submissions received at the conclusion of both exhibition periods. Discussion regarding the main concerns raised in the submissions is detailed later in the report.

#### Section 5 - Subdivision

	<b>Comments</b>
<b>5.2 Approval Process</b>	
<b>5.2.2 Principal Certifying Authority</b>	Noted. The applicant will be required to nominate a Principal Certifying Authority for the issuing of the Construction Certificate. In this regard, the applicant can engage Council or an Accredited Certifier.
<b>5.2.3 Certification of Works</b>	
<b>Certificates</b>	The development will be required to lodge a Construction Certificate for each stage.
<b>Subdivision Certificate</b>	Once the construction component of the subdivision has been completed, the applicant will be required to lodged a Subdivision Certificate application with Council. This application process will require the applicant to address and state how each condition has been complied with. Further, the applicant will be required to submit Work-as-Executed plans and Quality Assurance documents for Council to review and approve.
<b>Differences between final plan of survey and approved plan</b>	It is acknowledged that the approved subdivision plan is a concept and there may be minor anomalies between this plan and the final Linen Plan, As long as the final linen plan is not dissimilar with regard to number of lots and infrastructure location, the final linen plan could be endorsed.

	Comments
<b>5.3 General Requirements For Subdivision</b>	
<b>5.3.2 Special Considerations</b>	Noted
<b>5.3.3 Adoption of AUS-SPEC</b>	Muswellbrook Shire Council has adopted AUSSPEC and will require the development, if approved, to be constructed in accordance with this document and any other applicable Australian Standards and legislation.
<b>5.3.4 Buffers</b>	Not applicable
<b>5.4 Rural / Rural Residential Subdivision</b>	
<b>5.4.1 Lot Size and Shape</b>	Not applicable
<b>5.4.2 Roads and Access</b>	Not applicable
<b>5.4.3 Crown Roads</b>	Not applicable
<b>5.4.4 Soil and Water Management</b>	Not applicable
<b>5.4.5 Effluent Disposal</b>	Not applicable
<b>5.4.6 Flora and Fauna</b>	Not applicable
	Not applicable
<b>5.4.7 Visual Amenity</b>	Not applicable
<b>5.4.8 Heritage</b>	Not applicable
<b>5.4.9 Utility Services</b>	Not applicable
<b>5.4.10 Hazards</b>	Not applicable
<b>5.5 Residential Subdivision</b>	
<b>5.5.1 Local Street Design</b>	The proposed new road network will be required to meet AUSSPEC requirements. The applicant has indicated the roads will be capable of being accessed by service vehicles and buses.
<b>5.5.2 Access Way Design</b>	Noted
<b>5.5.3 Pedestrians and Cyclists</b>	The applicant has submitted a proposed footpath plan for the development. This was referred to Council's Community Infrastructure Department for consideration. No objection was received in relation to this plan and suitable conditions have been recommended to be included in the development consent.
<b>5.5.4 Utility Services</b>	Under Clause 6.2 of the Muswellbrook Local Environmental Plan 2009, Council cannot consider an application for subdivision without being satisfied the land can be adequately serviced by public infrastructure.
<b>5.5.5 Stormwater Management</b>	<p>The site is relatively flat and slopes from west to east, towards Almond Street. Contour information indicates the land has a fall from 150.250 AHD to 125.500AHD, this being 25m.</p> <p>As discussed earlier, the applicant is proposing a drainage reserve in the north eastern corner of the site which will need to be constructed with Stage 2 of the development.</p> <p>Council's Community Infrastructure section has indicated that Stage 1 does not require any drainage basins to be constructed.</p> <p>Conditions relating to stormwater drainage and the like will be recommended to be included in the development consent should the application be approved.</p>

	Comments
<i>5.5.6 Lot Size and Shape</i>	The minimum lot size under the Muswellbrook Local Environmental Plan 2009 for this site is 750m <sup>2</sup> . The applicant is proposing an average size of 1000m <sup>2</sup> . This section of the DCP requires all new lots to have minimum width of 18m at the street. The plans submitted to Council do not have dimensions shown, however due to the large size of lots, it would appear the lot width would comply.
<i>5.5.7 Solar Access and Lot Orientation</i>	Noted.
<i>5.5.8 Heritage</i>	The applicant submitted an Aboriginal Cultural Heritage Assessment. This Assessment was referred to the Office of Environment and Heritage for their consideration and comment. A condition will be imposed on the development requiring the applicant to obtain a Section 90 Permit under the National Park and Wildlife Act 1974 if any artefacts / sites are located.
<i>5.5.9 Site Works</i>	The proposed development will require site works for public infrastructure, being roads, water and sewer services. Due to the relatively flat nature of the land, there should be minimal cut and fill required when dwellings are constructed in the Estate. This will be assessed on a case by case basis when development applications are lodged.
<i>5.5.10 Open Space</i>	The applicant has provided two locations for open space. One of these will contain the drainage basin and will not be defined as "useable open space". The other proposed location is on the northern side of the proposed daycare centre site. This will encourage additional solar access for the daycare centre.
<i>5.6 Industrial Subdivision</i>	
<i>5.6.1 Lot Sizes and Shapes</i>	Not applicable
<i>5.6.2 Access and Road Layout</i>	Not applicable
<i>5.6.3 Utility Services</i>	Not applicable
<i>5.6.4 Adjoining Development</i>	Not applicable

### Section 7 – Village Zones

<b>7. VILLAGE ZONES</b>	
<b>7.1 Introduction</b>	
<u><i>Aims and Objectives</i></u>	The applicant has proposed lots to have an average size of 1000m <sup>2</sup> . This will allow the Estate to continue the rural context of the town.
<b>7.2 Assessment Process</b>	
<i>Character Statements</i>	The proposed subdivision has an average lot size of 1000m <sup>2</sup> . This will provide for a more consistent approach to land release within Denman as land within Denman would an average size of 1000m <sup>2</sup>
<b>7.3 Residential Development</b>	
<i>Waste Water Disposal</i>	Council's Water and Waste Department has advised the site can be serviced by sewer. This was discussed earlier in the report,

<i>7.4 (a) Public Parks and Reserves</i>	The submitted plans indicate two areas for open space. One of these will be usable open space and located opposite the entry to the estate. The other open space area will contain the drainage basin and located on the edge of the Estate.
<i>7.4 Non-Residential Development</i>	
<i>Location</i>	Not applicable
<i>Design Guidelines</i>	
<i>Vehicle Parking</i>	
<i>Signage and Use of Footpaths</i>	
<i>Wastewater Disposal</i>	
<i>Form, Massing and Scale</i>	
<i>Access</i>	
<i>Setbacks</i>	
<i>Landscaping</i>	

#### Section 20 – Erosion and Sediment Control

The proposed development will involve the construction of new roads, installation of water and sewer mains and other services. Prior to construction commencing on site, the applicant will be required to lodge a Construction Certificate for civil works. Erosion and sediment control plans will form part of the documentation submitted with the Construction Certificate. As well as this plan, the application will be required to submit a construction management plan which will further detail and confirm the erosion and sediment control plans.

#### Section 25 – Stormwater Management

Stormwater matters have been discussed earlier in the report. Should the application be approved conditions relating to stormwater management will be included in the consent.

#### Section 27 – West Denman Urban Release Area

<i>27.1 Structure Plan</i>	The plan submitted by the applicant is in accordance with the structure plan.
<i>27.2 Staging Plan</i>	This applicant is for land located within Stage 1 of the staging plan. In this regard, the proposed development complies with this section.
<i>27.3 Servicing Strategy</i>	The applicant has provided plans detailing an indicative location for the new water and sewer mains. This will need to be finalised with Council's Water and Waste Department prior to the release of any Construction Certificate.
<i>27.4 Transport</i>	The applicant will be required to upgrade Almond Street in accordance with AUSSPEC and applicable Australian Standards. The applicant has provided a plan which shows the proposed bus route and location of footpaths. This is consistent with the DCP.
<i>27.5 Open Space</i>	The applicant has provided an area of useable open space which will be included and dedicated to Council within Stage 1. In addition to this useable open space, the applicant has identified an area in the north eastern corner of the site as a drainage reserve. The identification and eventual dedication of land for open space meets this criteria.
<i>27.6 Landscape</i>	The applicant submitted a proposed landscaping



	plan for the development. Council's Sustainability Unit provided comments on this plan and requested more native species to be planted. A recommended list was provided to the applicant.
27.7 Water Management	The applicant has provided a preliminary plan detailing the proposed location of the water mains and stormwater drainage.
27.8 Built Form	Not applicable at this stage, as the application is for a residential subdivision.
27.9 Biodiversity	Noted.
27.10 Rail and Highway Noise and Vibration	Not applicable
27.11 Mine Subsidence	At the time of lodgement, the site was subject to mine subsidence. However, Subsidence Advisory NSW (former Mine Subsidence Board) has advised that new districts have been gazetted and will take effect from 1 July 2017. In this regard, the subject site will no longer be located within a mine subsidence area.

Further to the above, additional information was requested from the applicant in relation to this section of the DCP. Their response is as follows:

**1. Muswellbrook Development Control Plan 2009 – Section 27.4 Transport and Traffic Issues**

**a) DCP Design Criteria**

- *Provide Safe access for pedestrians, vehicles and cyclists.*  
*A landscape plan is provided detailing the pathway cycleway routes for the subdivision and we have provided further detail by providing a concept master plan for the future development of the land to the north. The Road widths, pavement widths and footpaths are all in accordance with Auspec guidelines.*
- *Provide adequate access for buses, emergency vehicles and service vehicles.*  
*Although the previous lot layout and road widths did comply in this respect, we have taken on board councils comments and further improved the road geometry for vehicle access. All road widths, pavement widths and radius have been checked and exceed the minimum standard under access requirement for Auspec.*
- *Convenient zone for Public Utilities*  
*Again the previous plan had adequate footpath zone to accommodate services and this remains the case with the new layout.*
- *Opportunity for Street Landscaping*  
*An updated street planting plan is included.*
- *Provide Convenient Parking*  
*All lot sizes are of an adequate size to provide off street parking for a number of vehicles and it would be envisaged that roll top kerb would be used during construction such that vehicles can park by mounting the kerb should on street parking be required. Pavements widths in accordance with Auspec are proposed.*
- *Have appropriate regard for the climate, geology and topography of the area.*

*The land has been zoned suitable for residential development and the lot layout takes into consideration the topography of the area.*

- *Provide for phasing of the development of construction to suit access and funding.*

*It is proposed that the land development be staged and a proposed staging plan is provided. It is our understanding through correspondence and meetings with council staff that Stage 1 can be developed without significant infrastructure upgrades.*

**b) Traffic Report**

*The traffic generated in Denman has not altered since the date of the report and as such it is considered still current, and the development has now been reduced in size to 136 development lots down from the 154 lots considered in the report.*

*In relation to trigger points for infrastructure your attention is drawn to section 3.23*

*“The SIDRA analysis found that with the additional traffic from the proposed development the intersections of Place Street with Kenilworth Street and Crinoline/Golden Highway would operate with the average delays of less than 15 seconds per vehicle during peak periods. This represents level of service A/B, a good level of service.”*  
*and 3.24.*

*“Therefore, the upgrades to these intersections identified in the Section 94 contribution plan would not be required to cater for traffic from the proposed development”*

*It is our understanding that council has progressed the acquisition of the land for the Kenilworth Street extension. The road works for this extension form part of the West Denman Section 94 Contribution Plan. As this road extension does front this development it may be appropriate for these works to be undertaken during the course of the development via the funds from contributions (approx. \$910000). These works could be undertaken during stage 4 of the development although not required under the traffic report impacts.*

*Councils comments regarding the straight roads and speed have been taken into consideration and the road alignments have been altered to include bends to limit speeds and also the central streets have been joined to a loop to prevent short cutting and reduce the length of streets and thus keep speed down.*

*The geometric layout is in accordance with Auspec and all radiuses are suitable for buses on bus routes and ridged truck service and emergency vehicles. A proposed bus route plan is included which also extends into the master plan to the north.*

**2. Muswellbrook Development Control Plan 2009 – Section 27.5 Open Space and Section 5: Subdivision- Open Space**

*Open Space Park added to development.*

*We note this is change in council's request from the last submission where open space parks were requested to be removed, due to the proximity of the*

*local sports grounds to the development and to reduce the ongoing maintenance costs to council.*

### **3. Servicing Strategy**

*Sewer servicing plan is attached.*

*Water servicing plan attached. An easement has been agreed to by the owners Lot 72 in DP1139933 to allow water trunk main into the subdivision from Grey Gum Road. This is an import link that will provide water to the whole of the West Denman area.*

*It is our understanding from discussions with water and waste that Stage 1 can be developed without significant augmentation to the existing systems. We accept that upgrades to infrastructure are required prior to being able to service the remainder of the site and we would be pleased to continue to work with council in regards to these matters.*

### **4. Water Management**

*Stormwater management plan prepared by RHM engineers attached. It would be proposed to complete the construction of the basin to full size for the whole development with stage 1 such that flows from the site can be managed to below predevelopment flows for stage 1 and thus avoid any deferred comment condition in relation to stormwater easements.*

*It is accepted that council wants only one detention basin at the northeast corner of the development area and as such the Basin would be constructed over the subject land and the lot the north via a drainage easement such that it can accept flows from both sites. It is likely at construction stage that is basin will be increased in size to also accommodate any flows from the future development of the land to north such that the basin would not need to be disturbed in the future to increase its size.*

### **5. Stormwater Easements**

*As per item 8. Above as discussed with councils engineer Peter Higgins with the construction of the full basin for the whole development an orifice plate could be place over the low flow outlet of the basin to reduce flows from stage 1 to below per development levels thus not impacting adversely on the down steam catchment.*

*Council is now well advanced with the downstream easements and these could be finalised prior to the commencement of stage 2 works.*

#### Section 94 Contributions Plan 2001

Not applicable as the West Denman Section 94 Contribution Plan applies to the land.

#### Section 94A Contributions Plan 2009

Not applicable as the West Denman Section 94 Contribution Plan applies to the land.

#### West Denman Section 94 Contributions Plan

As the site is located within the West Denman urban release area, the West Denman Section 94 Plan is applicable. Under the 2016 / 2017 adopted Fees and Charges, the following amounts will be required prior to the release of Subdivision Certificate for each stage. These amounts will be CPI increased each financial year.

Stage 1 - 42 lots (credit given for one lot - being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$855.30	41	\$35,067.30
Community Facilities	\$1,078.00	41	\$44,198.00
Stormwater management	\$3,811.30	41	\$156,263.30
Transport facilities	\$7,410.90	41	\$303,846.90
Plan management administration	\$254.80	41	\$10,446.80
		Total	\$549,822.30

Stage 2 - 26 lots (credit given for one lot , being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$855.30	25	\$21,382.50
Community Facilities	\$1,078.00	25	\$26,950.00
Stormwater management	\$3,811.30	25	\$95,282.50
Transport facilities	\$7,410.90	25	\$185,272.50
Plan management administration	\$254.80	25	\$6,370.00
		Total	\$335,257.50

Stage 3 - 23 lots (credit given for one lot- being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$855.30	22	\$18,816.60
Community Facilities	\$1,078.00	22	\$23,716.00
Stormwater management	\$3,811.30	22	\$83,848.60
Transport facilities	\$7,410.90	22	\$163,039.80
Plan management administration	\$254.80	22	\$5,605.60
		Total	\$295,026.60

Stage 4 - 18 lots (credit given for one lot - being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$855.30	17	\$14,540.10
Community Facilities	\$1,078.00	17	\$18,326.00
Stormwater management	\$3,811.30	17	\$64,792.10
Transport facilities	\$7,410.90	17	\$125,985.30
Plan management administration	\$254.80	17	\$4,331.60
		Total	\$227,975.10

Stage 5 - 24 lots (credit given for one lot)			

Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$855.30	23	\$19,671.90
Community Facilities	\$1,078.00	23	\$24,794.00
Stormwater management	\$3,811.30	23	\$87,659.90
Transport facilities	\$7,410.90	23	\$170,450.70
Plan management administration	\$254.80	23	\$5,860.40
		<b>Total</b>	<b>\$308,436.90</b>

Overall total	
Stage 1	\$549,822.30
Stage 2	\$335,257.50
Stage 3	\$295,026.60
Stage 4	\$227,975.10
Stage 5	\$308,436.90
<b>grand total</b>	<b>\$1,716,518.40</b>

Part B Clause 5.3 of the West Denman Section 94 Contributions Plan 2012, identifies the amount of land and monetary required to be contributed towards a multipurpose community space / child care centre. This is shown in the table below has not had CPI applied to the monetary figure and does not consider land valuation.

Facility	Cost	Standard of provision	Apportionment	Contribution
Child Care centre/ Multipurpose Community Space	\$1,947,250	100 place facility per 5,000 residents (i.e. 34 places for West Denman)	1,875/5,000	\$730,219
land requirement	Land value	Requires 46.4 square metres per child or 4,640 square metres per 100 place centre	1,875/5,000	1,740 sq m
<b>TOTAL</b>				<b>\$730,219, plus value of 1,740 sq m</b>

The applicant has advised they wish to enter into a Voluntary Planning Agreement to dedicate land and make a monetary contribution towards a multipurpose community space / child care centre. In this regard, the proposed subdivision plan has identified an area for the multipurpose community space / child care centre. This proposed land contribution area to be dedicated for this purpose is 3061m<sup>2</sup>. As shown in the table above, the estimated land contribution to be dedicated for the multipurpose community space / child care centre is 1740m<sup>2</sup>. From the submitted plans which show the proposed area to be dedicated, there appears to be a land surplus of 1321m<sup>2</sup>.

In addition to this, the monetary amount that is required to be paid, over the five stages, currently totals \$1,716,518.40 (based on 2017/2018 financial year). In this regard, should Council agree to enter into a VPA with the applicant, there will be a discount applied to the Section 94 amounts required to be paid.

The monetary contribution figure for the multipurpose community space / child care centre has not had CPI applied since 2012. The current revised contribution amount applicable would be \$791,070.58.

The discount applied would result in the following to be paid:

Overall total		If VPA supported
Stage 1	\$549,822.30	VPA
Stage 2	\$335,257.50	VPA + \$94,009.22
Stage 3	\$295,026.60	Applicable
Stage 4	\$227,975.10	Applicable
Stage 5	\$308,436.90	Applicable
grand total		\$925,447.82

In addition to monetary contributions, the West Denman Section 94 Contributions Plan also requires the applicant is to dedicate land. In this regard, the following land needs to be dedicated:

	contribution	Number of lots	total
<b>Stage 1</b>			
Dedication of land (m <sup>2</sup> )	16.32	41	669.12
Stormwater easements (m <sup>2</sup> )	144.05	41	5,906.05
<b>Stage 2</b>			
Dedication of land (m <sup>2</sup> )	16.32	25	408
Stormwater easements (m <sup>2</sup> )	144.05	25	3,601.25
<b>Stage 3</b>			
Dedication of land (m <sup>2</sup> )	16.32	22	359.04
Stormwater easements (m <sup>2</sup> )	144.05	22	3,169.1
<b>Stage 4</b>			
Dedication of land (m <sup>2</sup> )	16.32	17	277.44
Stormwater easements (m <sup>2</sup> )	144.05	17	2,448.85
<b>Stage 5</b>			
Dedication of land (m <sup>2</sup> )	16.32	24	391.68
Stormwater easements (m <sup>2</sup> )	144.05	24	3,457.2

OVERALL TOTAL			
Contribution Type	Contribution per additional lot	Number of Lots	Total
Dedication of land (m <sup>2</sup> )	16.32	129	2,105.28 m <sup>2</sup>
Stormwater Easements (m <sup>2</sup> )	144.05	129	18,582.45 m <sup>2</sup>
		<b>TOTAL</b>	<b>20,687.73 m<sup>2</sup></b>

The following sections of the Muswellbrook Development Control Plan 2009 were considered and found not to be applicable to the proposed development:

Section 1 - Introduction	Section 2 – Submitting an application
Section 9 – Local Centre Development	Section 6 – Residential Development
Section 11 – Extractive Industries	Section 8 – Rural Development
Section 13 – Flood Prone Land	Section 10 – Industrial Development
Section 15 – Heritage Conservation	Section 12 – Tourist Facilities and Accommodation
Section 17 – Sex Services Premises	Section 14 – Outdoor signage
Section 19 – Use of Public Footpaths	Section 16 – Carparking and Access
Section 21 – Contaminated Land	Section 18 – Child Care Centres
Section 23 – Onsite Wastewater management systems	Section 22 – Land Use Buffers
Section 26 – Site Specific controls	Section 24 – Waste Management

#### **Section 79C(1)(a)(iia) the provisions of any planning agreement**

There are no planning agreements relevant to the subject Application.

#### **Section 79C(1)(a)(iv) the provisions of the regulations**

Division 8A of the Environmental Planning and Assessment Regulation 2000 applies to the development.

#### **Section 79C(1)(a)(v) the provisions of any coastal zone management plan**

This item is not relevant to the subject Application. The Application does not relate to a coastal area.

#### **Section 79C(1)(b) the likely impacts of that development**

##### Context and Setting

The proposed development is consistent with the objectives of Section 27 of the Muswellbrook Development Control Plan 2009. The applicant has submitted a lot layout which will support the rural village atmosphere of Denman.

##### Potential Impact on Adjacent Properties

The proposed development will have an impact on existing residences in the immediate locality due to the subsequent increase in traffic movements along Almond Street. This was however, envisaged in the Development Control Plan that has been exhibited and adopted by Council, wherein Almond Street was identified as the main feeder/collector road for the West Denman urban release area.

The surrounding residents were notified of the proposed development and only five submissions were received. The issues raised in each submission have been addressed below.

#### Access

Access to the site off Almond Street. The Almond Street frontage of the proposed site has been gazetted as a Council Public Road. The remainder of Almond Street remains a Crown Road. Almond Street is considered in the DCP and is a major road into the West Denman Urban Release Area. Also addressed in the DCP and Section 94 Plan is the need to upgrade various intersections, roads and paths linking the West Denman to the rest of the town and the Golden Highway. The major activities required by the Section 94 Plan are the extension of Kenilworth Street, the pedestrian upgrade of the Railway Crossing and the upgrade of the Kenilworth Street Intersection with the Golden Highway. The triggers for these works are not yet clearly defined, however the applicant may wish to undertake sections of the work as Works In Kind in lieu of Section 94 Contributions.

In addition to the above, Council's Community Infrastructure Department has advised the following:

*The Almond Street design is to ensure compatibility with adjoining development and appropriate traffic calming, therefore a full design of Almond Street is required. Almond Street is to be widened from the roundabout on the extension of Kenilworth Street to accommodate a verge 5.5m on the Western side, 11m between kerbs and 4.5m wide on Eastern side. In the verge paving shall be 2.5m cycle way on Western side, normal K&G profile for Almond Street and 1.5m path on Eastern side. This will require 0.5m wide road widening of Almond Street to be dedicated to Council.*

*Civil engineering construction works required to extend Almond Street to the development is a central 7m sealed pavement with 0.5m shoulders over the extension from existing seal to the development. Note: Where Council has responsibility for existing frontages Council may contribute to complete the works with shoulder and kerb and gutter. Where the current crown road fronts the development the alignment of the seal shall change such that it transitions to the kerb. The frontage to Almond Street shall be constructed with Kerb and Gutter 7m seal from the gutter and 1m unsealed shoulder on the opposite side. All roads are to be designed to Council's AusSpec requirements. The internal through road is to be designed and constructed as a school bus route.*

*Where a temporary access is created under the Roads Act 1993 the intersection with Almond Street is to be widened with appropriate tapers to suit a turning template for a large bus and provide a sealed shoulder of 1m width.*

*The Almond Street / Kenilworth Street roundabout is to be designed and constructed in Stage 1 to allow the turning of a large school bus.*

*Almond Street and roundabouts are to be designed and constructed with an Asphaltic Concrete (AC) surface treatment. Roundabouts in Almond Street are to be designed suitable for large school buses with the inner central island raised and not mountable*

#### Utilities

The applicant will be required to extend the water main from Bell Street to service the development. Council's Water and Waste department will require the applicant to request a Notice of Requirements. This document will provide the applicant with details regarding any extension required, size of piping and headworks charges to be paid. A condition will be imposed on the development requiring the applicant to obtain this Notice of Requirements prior to the issuing of any Construction Certificate.

For more detailed discussion regarding utilities, refer to the earlier section in the report.



Stormwater Drainage

Stormwater disposal and discharge in relation to this development has been discussed earlier in the report.

Council's Community Infrastructure Department has advised that Stage 1 of the proposal will not require any additional works. However, further designs and strategies will need to be submitted for the additional stages with the lodgement of the respective Construction Certificates.

Conditions have been recommended to be imposed on the consent, should the application be approved.

Noise & Vibration

The development, if approved, will generate some noise during the construction of the new road and installation of services. Conditions will be recommended restricting the hours of construction.

Hazards (Natural and Technological)

At the time of lodgement, the site was subject to mine subsidence. However, Subsidence Advisory NSW (former Mine Subsidence Board) has advised that new districts have been gazetted and will take effect from 1 July 2017. In this regard, the subject site will no longer be located within a mine subsidence area.

Construction

The proposed development will be constructed in accordance with AUSPEC and Council's requirements. Conditions will be imposed on the development with regard to protecting the amenity of the area and the hours of construction.

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report:

Built Form	Waste
Public Domain	Energy
Heritage	Technological hazards
Other land resources	Safety, Security, and Crime Prevention
Soils	Social Impact on Locality
Air & microclimate	Economic Impact on the Locality
Flora & fauna	Site Design and Internal Design
Cumulative Impacts	

**Section 79C(1)(c) the suitability of the site for the development**

It is considered that the development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

**Section 79C(1)(d) any submissions made**

A total of five (5) submissions were received during the notification period and are attached as **Appendix D.**

Name	Address	Town
Mr R McDarmont (2 submissions)	P O Box 75	DENMAN NSW 2328
Ms G Wargent	16 Almond Street	DENMAN NSW 2328
Mr John Lacey	10 Pendula Way	DENMAN NSW 2328
Denman Children's Centre Inc Association	Ogilvie Street	DENMAN NSW 2328

The concerns raised in the submissions are summarised below.

- (a) Justification for demand for that many lots

Comment: *The land has been identified as an 'urban release area' in the Muswellbrook Local Environmental Plan 2009. Section 27 of the Muswellbrook Development Control Plan 2009 details the requirements which need to be addressed and considered when development applications are lodged for this area.*

- (b) Out of character with surrounding development

Comment: *The lot layout originally submitted to Council met the minimum lot size of 750m<sup>2</sup> and the application was notified to the public for comment. After a preliminary assessment of the development, a request for further information was sent to the applicant. This request included the consideration of having larger size lots on the western and southern boundaries of the site. This would provide for a better transition from 4000m<sup>2</sup> lots to 1500+m<sup>2</sup>. The applicant was open to that request and provided a revised lot layout which was re-notified.*

*With the revised lot layout having an average lot size of 1000m<sup>2</sup>, this will be in keeping with the rural village type atmosphere of Denman.*

- (c) Over development

Comment: *The original plan lodged on 2 February was for a 153 residential subdivision. Upon discussions with the applicant, revised plans were received. The final lot layout submitted to Council is for a 129 lot subdivision to be constructed in 5 stages. This is a reduction of 24 lots.*

- (d) No passive recreation areas

Comment: *The applicant has provided two open space areas. One of these areas is proposed to be located opposite the entrance to the estate, the other area will be part of the drainage reserve to be located in the north eastern corner of the site.*

*Section 27 of the Muswellbrook Development Control Plan identifies an active open space area within the land directly north of this development. However, as the timing of when this land would be developed is uncertain, the applicant agreed to provide some open space within this proposal.*

- (e) Concerns over only one access point

Comment: *The application was referred to Council's Community Infrastructure Department for consideration. They have raised no concerns with regard to the development only having one access point. The previous application approved by Council was of a similar design, ie only having one access point.*

- (f) Stormwater disposal

Comment: *The issue / concern relating to stormwater has been discussed throughout the report.*

- (g) Construction of Almond Street

Comment: *The applicant will be required to extend Almond Street. This will involve Almond Street being widened to allow two way traffic flow and will be fully sealed with kerb and gutter. The road will be constructed to AUSSPEC requirements.*

- (h) Concern the town can only support one childcare centre.

Comment: *The applicant has identified this land as a potential site for a Childcare centre. They are not proposing to construct the centre. Should this lot be developed for*

*a childcare centre, a further development application will need to be lodged with Council.*

**Section 79C(1)(e) the public interest.**

It is considered that the proposal is not contrary to the public interest as there will be additional land available for a range of different development types.

## 6 CONCLUSION

The application was lodged in the previous approved layout, comprising of 153 residential lots in 5 stages. Since the previously approved application, being DA 311/2012, no amendments to Section 27 of the Muswellbrook Development Control Plan 2009 or the West Denman Section 94 Contributions Plan 2012 have occurred.

During the assessment of the application, meetings were held with Council's Executive and the applicant. As a result of these discussions, the applicant agreed to further amend the lot layout to meet the Council's requirements. The final plan for the development comprises of 129 residential lots to be constructed in 5 stages. The applicant is seeking consent for the whole 129 lots.

The application and final plan has been assessed in accordance with the legislation listed at the beginning of the report. The application was placed on public exhibition for a minimum of fourteen days with five submissions being received.

Further, the applicant has advised they are willing to enter into a Voluntary Planning Agreement (VPA) with Council for the purpose of a multipurpose community space / child care centre. Should Council resolve to enter into the VPA, the following additional and revised conditions will need to be included in the determination:

**New condition to be added – Voluntary Planning Agreement**

*Within 6 months of the date of the consent, unless Council agrees otherwise, the Applicant must enter into a VPA with Council in accordance with:*

- *Division 6 of Part 4 of the EP&A Act; and*
- *The terms of the Applicants offer in its letter to Council dated 20 June 2017.*

**Revised condition No. 52 – should VPA be supported**

**52. All Stages – Section 94 Contributions**

*A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council West Denman Section 94 Contribution Plan shall be paid to Council.*

Stage 1 - 42 lots (credit given for one lot - being residual lot)			
Applicant has entered into a VPA			
Stage 2 - 26 lots (credit given for one lot , being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$840.20	25	Refer to VPA
Community Facilities	\$1,058.95	25	Refer to VPA

Stormwater management	\$3,743.90	25	\$93,597.50
Transport facilities	\$7,279.90	25	Refer to VPA
Plan management administration	\$250.30	25	\$411.72
		<b>Total</b>	<b>\$94,009.22</b>

**Stage 3 - 23 lots (credit given for one lot- being residual lot)**

<b>Description</b>	<b>Cost</b>	<b>Number of lots</b>	<b>Total</b>
Open space, recreational sporting facilities	\$840.20	22	\$18,484.40
Community Facilities	\$1,058.95	22	\$23,296.90
Stormwater management	\$3,743.90	22	\$82,365.80
Transport facilities	\$7,279.90	22	\$160,157.80
Plan management administration	\$250.30	22	\$5,506.60
		<b>Total</b>	<b>\$289,811.50</b>

**Stage 4 - 18 lots (credit given for one lot - being residual lot)**

<b>Description</b>	<b>Cost</b>	<b>Number of lots</b>	<b>Total</b>
Open space, recreational sporting facilities	\$840.20	17	\$14,283.40
Community Facilities	\$1,058.95	17	\$18,002.15
Stormwater management	\$3,743.90	17	\$63,646.30
Transport facilities	\$7,279.90	17	\$123,758.30
Plan management administration	\$250.30	17	\$4,255.10
		<b>Total</b>	<b>\$223,945.25</b>

**Stage 5 - 24 lots (credit given for one lot)**

<b>Description</b>	<b>Cost</b>	<b>Number of lots</b>	<b>Total</b>
Open space, recreational sporting facilities	\$840.20	23	\$19,324.60
Community Facilities	\$1,058.95	23	\$24,355.85
Stormwater management	\$3,743.90	23	\$86,109.70
Transport facilities	\$7,279.90	23	\$167,437.70
Plan management administration	\$250.30	23	\$5,756.90
		<b>Total</b>	<b>\$302,984.75</b>

<b>Overall total</b>		<b>If VPA supported</b>
Stage 1	\$540,103.25	VPA
Stage 2	\$329,331.25	VPA +
Stage 3	\$289,811.50	\$94,009.22
Stage 4	\$223,945.25	Applicable
Stage 5	\$302,984.75	Applicable
<b>grand total</b>	<b>\$1,686,176.00</b>	<b>\$925,447.82</b>

*An additional contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council West Denman Section 94 Contribution Plan is required for the dedication of land and stormwater easements as detailed below.*

<b>Contribution Type</b>	<b>Contribution per additional lot</b>	<b>Number of Lots</b>	<b>Total</b>
<i>Dedication of land (m<sup>2</sup>)</i>	16.32	129	2,105.28 m <sup>2</sup>
<i>Stormwater Easements (m<sup>2</sup>)</i>	144.05	129	18,582.45 m <sup>2</sup>
		<b>TOTAL</b>	<b>20,687.73 m<sup>2</sup></b>

*The contributions SHALL BE paid prior to the issuing of any Construction Certificate.*

*The above amount shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.*

*A copy of the Muswellbrook Shire Council West Denman Section 94 Contribution Plan can be viewed at the office of Council 157 Maitland Street, Muswellbrook.*

It is recommended the application be approved subject to conditions of consent.

#### **Disclosure of Political Donations and Gifts:**

No disclosures of a political donations or gifts have been made in relation to this application.

#### **SOCIAL IMPLICATIONS**

The development as presented will not result in any specific social implications for Council.

#### **FINANCIAL IMPLICATIONS**

This development as presented has no direct financial impact upon Council's adopted budget or forward estimates.

#### **POLICY IMPLICATIONS**

The development as presented will not result in any specific policy implications for Council.

#### **STATUTORY IMPLICATIONS**

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

#### **LEGAL IMPLICATIONS**

This matter has no specific legal implications for Council.

#### **OPERATIONAL PLAN IMPLICATIONS**

This matter has no specific Operational Plan implications for Council.

#### **RISK MANAGEMENT IMPLICATIONS**

This matter has no specific risk management implications for Council.

#### IDENTIFICATION OF APPROVED PLANS

##### 1. Development in Accordance with Plans and documents

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions.

Drawing No.	Drawn by	Drawing Date		Received	
Masterplan – Existing detail contours and trees	M M Hyndes Bailey	16	June 2017	21	June 2017
Proposed bus route	M M Hyndes Bailey	16	June 2017	21	June 2017
Proposed basin for stormwater drainage	M M Hyndes Bailey	16	June 2017	21	June 2017
Landscaping and Footpath plan	M M Hyndes Bailey	16	June 2017	21	June 2017
Sewerage Strategy plan	M M Hyndes Bailey	16	June 2017	21	June 2017
Staging plan	M M Hyndes Bailey	16	June 2017	21	June 2017
Water reticulation Strategy plan	M M Hyndes Bailey	16	June 2017	21	June 2017

##### 2. Plans on Site

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

#### MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF ANY CONSTRUCTION CERTIFICATE

##### 3. Stage 1 – Connectivity of Infrastructure

The applicant shall prepare and submit for the approval of Council prior to the issue of any construction certificate, a master plan for the complete holding linking stages to construction of roads (connection to external links) and Stormwater Management. The master plan must consider adjoining development proposals and include all proposed pedestrian and cycle pathways.

##### 4. Stage 1 – Landscape Master Plan

A Landscape Master Plan is to be submitted to Council for approval prior to the issue of any construction certificate. Species used shall be locally occurring native species typical of the Central Hunter Box - Ironbark Woodland vegetation community.

The Landscape Master Plan is to include the botanical names, quantities, and state of maturity of all proposed trees, shrubs and ground covers that are intended to revert to Council's care and control and be in accordance with Council's Tree Management Plan.

The Landscape Master Plan is also to identify all existing trees to be retained on site.

**5. Stage 1 and 3 – 2.5m Pedestrian/Cycleway**

Details are to be provided with the lodgement of the Construction Certificates for Stage 1 and 3, showing a 2.5 metre wide reinforced concrete shared pedestrian cycleway along Almond Street in accordance with Council's AUSSPEC specifications.

**6. Stage 1 and 3 – Section 138 Permit – Works in Council Road Reserve.**

Prior to the release of the Construction Certificate for Stage 1 and 3, the applicant is to obtain a permit under Section 138 of the Roads Act 1993 for works undertaken in the road reserve. This permit may require the applicant to enter into a Minor Works Enabling Deed and provide relevant security in the form of a bank guarantee.

All works within the road reserve shall comply with the provisions of:

- Council's Development Control Plan Section 5 Subdivision and Council's current version of the AusSpec Design and Construction Standards;
- RTA Manual 'Traffic Control at Worksites';
- Australian Standard AS 1742.3 'Manual of Uniform Traffic Control Devices';
- Any required pedestrian deviation must be accessible to people with disabilities and in this regard must comply with the provisions of the Disability Discrimination Act 1992; and
- A Traffic Control Plan shall be submitted for the approval of Council prior to work commencing.

**7. Stage 2 – Water main – realignment**

Prior to the release of the Construction Certificate for Stage 2, the applicant shall submit an amended lot layout for Stage 2, which shows the proposed Water Supply Easement within Proposed Lot 202 to be along the property boundary so that there are no bends in the proposed water main within private property.

**8. Stage 2, 3, 4 and 5 – 1.5m Pedestrian/Cycleway – Internal**

Details are to be provided with the lodgement of the Construction Certificates for Stages 2, 4 and 5, showing a 1.5 metre wide reinforced concrete shared pedestrian cycleway in accordance with AUSSPEC specifications.

**9. All Stages – Provision of Water and Sewer**

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 any Construction Certificate.

**10. All Stages – Design and Survey for Public Infrastructure**

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

Designs for each stage must demonstrate compatibility with existing and future works. Where a stage ends a temporary turning facility is to be provided to ensure service vehicles (garbage truck, buses) can turn and not have to reverse up the street.

**11. All Stages – Traffic Management Plan**

A Traffic Management Plan shall be submitted to and approved in writing by Council's Manager – Technical Services prior to the commencement of construction for each stage. The developer shall provide and install any necessary traffic control devices and traffic management personnel.

**12. All Stages – Road Haulage Routes**

Details of road haulage routes of road building and earth fill materials, and for water cartage, shall be submitted to and approved by Council prior to the release of any Construction Certificate.

A dilapidation survey of the approved route shall be used to determine any damage caused by the applicant and the rehabilitation required to restore Council assets.

In the event that Almond Street is to be used as part of the haulage route, it shall be constructed and primer sealed in accordance with an approved specification to the satisfaction of Council as required by this consent and prior to commencement of all site works to ensure adequate vehicular access and dust suppression.

**13. All Stages – Tree Retention and Removal**

The applicant shall submit to Council for approval a plan identifying all remnant trees on the site, specifically noting any habitat (hollow-bearing) trees. The plan shall note whether each tree can be retained, having considered the extent of all civil works for infrastructure services, roads and bulk earthworks, with a clear preference for retaining as many remnant trees as possible.

Where habitat trees cannot be retained, their removal shall be undertaken with supervision by a suitably qualified ecologist to reduce the chance of harming and fauna occupants.



**14. All Stages – Soil and Water Management Report**

A Soil and Water Management Report is to be submitted to Council prior to the issue of any construction certificate. The Report is to be supported by Geotechnical Report(s) on the soil properties including salinity at the site and level of the proposed works.

Note: These plans are to provide designs that address the site conditions and mitigate the impact of the development.

**15. All Stages – Geotechnical Investigation**

A detailed Geotechnical Site Investigation Report is to be prepared by a suitably qualified consultant at full cost to the consent holder. The Report is to be submitted with the Engineering Drawings accompanying the Construction Certificate for each stage of the development. The report shall fully assess the suitability of the site for the development and works proposed, including, but not limited to roads, drainage and the retention basin. All recommendations of the investigations shall be incorporated into the Engineering Plans.

A certificate prepared by an appropriately qualified Geotechnical Engineer shall be submitted to the Certifying Authority for approval with the Construction Certificate, certifying that the existing substrate on the site is capable of:

- a) withstanding the proposed loads to be imposed;
- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) providing protection and support of adjoining properties;
- d) the provision of appropriate subsoil drainage during and upon completion of construction works;
- e) Where required hold water in a wet or other stormwater basin.

**16. All Stages – Engineering Plans**

The Engineering Plans are to be submitted for approval as follows:

- Almond Street as a Section 138 Approval under the Roads Act 1993;
- Stormwater as a Section 68 approval under the Local Government Act 1993; and
- Internal works are approved with the Construction Certificate Application under the EP&A Act.

Road works, stormwater drainage, footpath/cycle ways, and kerb and gutter shall be designed at full cost to the consent holder and in accordance with Muswellbrook AUSSPEC specifications as in force or amended at the time of design/construction, with the additional requirements required by this consent.

The design is to ensure a smooth connection to existing, or planned, adjoining infrastructure. The design shall extend a suitable distance (minimum 60m).

Standard kerb and gutter is to be provided on all frontages to Almond Street including kerb returns into internal streets. Internal streets may have rolled kerb in accordance with Council's standard.

Engineering Plans for Stormwater must demonstrate management of stormwater flows from upstream areas as developed to the full extent possible as currently zoned and from the site to a legal point of discharge or approved discharge point.

Stage 1 approved discharge point is the first order stream on the adjacent lot.

Note:

- All works are to be designed and constructed in accordance with the Muswellbrook DCP and referenced AUSPEC Design and Construction requirements with the additional requirements required by this consent. All roundabouts, culs-de-sac heads, and turning heads (if any) are to be designed and constructed with an Asphaltic Concrete (AC) surface treatment.
- Section 27.7 of the Muswellbrook Development Control Plan outlines requirements for Storage and Treatment Areas based on SMEC report, 'Concept Plans for Stormwater and Traffic Management, August 2012'. Designs forwarded to Council for approval must be based on the design principles noted in Sections 4.2 and 4.3 of the SMEC report. Council will engage SMEC to undertake a peer review of the consent holders completed stormwater design at full cost to the developer to ensure compatibility of the design with the principles outlined.
- The flow of stormwater toward the rail corridor must not be increased by the proposed development.

**17. All Stages – Sediment Control**

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council with the lodgement of any Construction Certificate. These plans are to provide adequate measures for erosion and sediment control and are to be generally in accordance with Muswellbrook Shire Council's Guidelines on Erosion and Sediment Control and the Blue Book.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with any Construction Certificate and approved in writing by the Certifying Authority prior to issuing of any Construction Certificate.

**18. All Stages – Waste Management Plan**

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

**19. All Stages – Inspection Test Plan**

An Inspection Test Plan and Procedures (ITP) detailing the scope of works for all civil infrastructure shall be provided to Certifying Authority for approval with any Construction Certificate and prior to the commencement of any construction relating to that stage.

**20. Stormwater Drainage – Subdivision or Major Development**

Stormwater drainage and Kerb and Gutter shall be designed at the cost of the applicant in accordance with Muswellbrook AUS\_SPEC #1/NSW, 2004 (as in force or amended at the time of design/construction) specifications D3, D4, D5 and D7, and constructed in accordance with specifications C220, C221, C222, C223, C224, C230 and C231. Kerb and Gutter shall be provided on both sides of the extended Ironbark Road formation. The design and Engineering Plans are to include:

- 1 in 5 year design ARI for minor events;
- Collection of road drainage to kerb inlet pits and minimum 375 mm RCPs;
- All drainage details, longitudinal sections, pipe flows, hydraulic grade lines, pipe and pit details, pit schedule and hydraulic calculations, in accordance with the Documentation section of specification D5;
- Spreadsheet results from computer program runs should be included to support pipe sizing;
- Proposed methodology and details for transitions from Kerb and Gutter and RCPs to future Stage 3 and 4 stormwater collection drainage systems.

The Engineering Plans are to be certified as compliant with the above requirements by a qualified civil or hydraulic engineer and submitted for approval by the Certifying Authority with the Construction Certificate for each construction stage.

**21. All Stages – Road Designs Criteria**

The proposed public road shall be constructed at the cost of the applicant, in accordance with AUSPEC specifications C201, C242, C245 and C271, and designed in accordance with specifications D1 and D2 for Urban collector roads, with the following design criteria:

- a) Maximum 60km/h design speed;
- b) 10 metre formation with upright barrier kerb and gutter both sides;
- c) Design Equivalent Standard Axle (ESA) 1x106;
- d) Minimum pavement base and subbase thickness 280mm (subject to geotechnical investigation)
- e) Surfacing – 7mm minimum primer seal plus one (1) coat 14mm flush seal.
- f) Intersection design for the junction of subdivision roads to be in accordance with the publication AUSTROADS – Guide to Traffic Engineering Practice,

## PART 5, Intersections at Grade.

- g) All considerations, assumptions, subgrade test results (including geotechnical test depths, soil types and CBRs), and calculations shall be submitted with the pavement design for approval by Council's Asset Manager.
- h) The Engineering Plans shall clearly indicate the structure, materials types and depths of the proposed pavement components and surfacing.

Details demonstrating compliance with the above requirements and certified by an appropriately qualified and practising civil engineer shall be submitted to the Certifying Authority for approval with the Construction Certificate.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT OF ANY STAGE****22. Construction Certificate Requirement**

No works shall commence on site until such time as a Construction Certificate has been issued for any stage.

NB – The extension of Almond Street will require a Section 138 Permit to be issued under the Roads Act.

**23. Sediment and Erosion Control**

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.

**24. Site Sign**

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 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.

**25. Damage to Public Infrastructure**

The applicant shall bear the cost of all restoration works to Council property damaged during the course of 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.

**26. Public Liability Insurance**

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.)

**27. Site Facilities**

- (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.
- (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.

**28. Water Meter**

A water meter as issued and installed by Muswellbrook Water & Waste department must be connected to the town's reticulated water supply prior to any commencement of any stage.

**29. Section 68 Local Government Act Approval**

Prior to the commencement of works associated with any stage, it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all water supply, sewer and stormwater drainage works.

**CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK FOR ANY STAGE****30. Stage 1 – Demolition or Removal of Buildings**

- (a) Demolition must be carried out in accordance with AS 2601–1991, *Demolition of structures*.
- (b) Demolition materials must not be burnt or buried on the work site.
- (c) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road.
- (d) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.
- (e) 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 and must be maintained in a functional condition throughout the construction activities until the site is stabilised.
- (f) The work site must be left free of waste and debris when work has been completed.

**31. Construction Hours**

- (a) Subject to this clause, building construction is to be carried out during the following hours:
  - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
  - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a 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.

**32. Inspection Plan (Inspection, Test, Witness and Hold Points During Construction – Subdivisions)**

The approved ITPs and test results (subgrade compaction, road materials, road and Lot fill compactions, water and sewer commissioning, Benkelman beam tests, concrete compressive strength tests) shall be held on-site and copies of test results provided to the Principal Certifying Authority as soon as they become available throughout the course of the construction. Defective materials and test results are to be rectified and tests repeated to the satisfaction of the Principal Certifying Authority.

**33. Dust Emission and Air Quality**

- (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.

**CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**34. Compliance with Muswellbrook Development Control Plan**

The Applicant shall ensure the development is generally in accordance with the Muswellbrook Shire Council Development Control Plan 2009, or its equivalent.

**35. Services**

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

**36. Stormwater Disposal**

All stormwater from the development lots is to be collected and disposed of to the inter allotment stormwater pit located within the property boundary.

**37. Impact on Amenity of Surrounding Area – Non Residential Areas**

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

**38. Landscaping**

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



**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF ANY SUBDIVISION CERTIFICATE****39. Stage 1 – Easement – Stormwater**

The applicant shall register an easement covering the proposed extended detention basin and its connection to the first order stream on the adjoining property. This easement shall name Muswellbrook Shire Council as the sole authority empowered to release or modify the same.

**40. Stage 1 – Asbestos Clearance Certificate**

Prior to issuing any Occupation Certificate for building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority (and a copy forwarded to Council) for the building work which certifies the following:-

- (a) the building is free of asbestos; or
- (b) the building has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.

(Note: Further details of licensed asbestos waste disposal facilities can be obtained from [www.dec.nsw.gov.au](http://www.dec.nsw.gov.au))

**41. Stage 1 – Asbestos & Other Hazardous Materials**

Prior to issuing any Occupation Certificate for building works where asbestos based products and other hazardous materials have been removed tipping receipts, which detail that all waste has been disposed of at an approved waste disposal depot shall be provided to the Principal Certifying Authority.

(Note: Further details of licensed asbestos waste disposal facilities can be obtained from [www.dec.nsw.gov.au](http://www.dec.nsw.gov.au))

**42. Stage 1 and 3 – Dedication of Open Space**

The applicant shall dedicate any proposed open space areas that lie within Stage 1 and 3 to Council. The dedication of the open space areas shall be shown on the Linen Plans for Stages 1 and 3.

**43. Stage 2, 3, 4 and 5 – Easement for Stormwater**

Stages 2 to 5 will require additional easements for stormwater to be acquired prior to commencement of each stage. As per a strategy yet to be developed to drain the West



Denman Urban Release Area to Sandy Creek a 3<sup>rd</sup> order stream east of the Golden Highway.

Note: Should the applicant fail to get appropriate easements by negotiation with owners Council may use its position to proceed to acquire easements under the Land Acquisition (Just Terms Compensation) Act 1991. Council may under take this task on a full cost recovery basis.

**44. All Stages – Easements, Rights-of-way and Restrictions-as-to-user**

All easements, rights-of-way, right- of-carriageway, and restrictions on the use of the land as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant lots.

**45. All Stages – Disposal Information**

Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;

- (a) the total tonnage of all waste and excavated material disposed of from the site;
- (b) the disposal points and methods used; and
- (c) a copy of all disposal receipts are to be provided

**46. All Stages – Street Lighting Provision**

Prior to the release of any Subdivision certificate, the Applicant shall provide street lighting to road frontages. Almond Street is to have a P3 category in accordance with AS 1158.3.1 and internal roads to be category P4.

The Applicant shall supply documentation in accordance with Appendix E of AS 1158.3.1, including the Optional E2 requirements. Council will have the Design peer reviewed at full cost to the applicant.

**47. All Stages – Certificate of Compliance – Water Management Act 2000**

Prior to the release of any Subdivision Certificate, the applicant shall obtain a Certificate of Compliance under Sections 305, 306 and 307 of the Water Management Act 2000 or its equivalent, from Council to verify that the necessary requirements for the supply of water and sewerage to the proposed lots in each Stage have been made.

Pursuant to Section 109J of the environmental Planning and Assessment Act 1979, a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Compliance Certificate has been signed by an authorised officer of the Council.

**48. All Stages – Shared pedestrian cycleway**

The shared pedestrian cycleway construction is to be completed prior to the release of the Subdivision Certificate for each stage.

**49. All Stages – Road Reconstruction**

Prior to the release of any Subdivision Certificate, the applicant shall carry out road construction to the full frontage of Almond Street adjacent to the subject land to the design, to be approved, under Section 138 of the Roads Act.

**50. All Stages – Services within Lots – Subdivision**

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

- (a) telecommunication services
- (b) electrical reticulation
- (c) reticulated water
- (d) sewerage system

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

**51. All Stages – Public Road Dedication**

All formed / constructed roads are to be dedicated as public roads on the Subdivision Certificate and Linen Plan(s) of subdivision for each stage.

**52. All Stages – Section 94 Contributions**

A contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council West Denman Section 94 Contribution Plan shall be paid to Council.

Stage 1 - 42 lots (credit given for one lot - being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$840.20	41	\$34,448.20
Community Facilities	\$1,058.95	41	\$43,416.95
Stormwater management	\$3,743.90	41	\$153,499.90
Transport facilities	\$7,279.90	41	\$298,475.90
Plan management administration	\$250.30	41	\$10,262.30
		<b>Total</b>	<b>\$540,103.25</b>

Stage 2 - 26 lots (credit given for one lot , being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$840.20	25	\$21,005.00
Community Facilities	\$1,058.95	25	\$26,473.75
Stormwater management	\$3,743.90	25	\$93,597.50
Transport facilities	\$7,279.90	25	\$181,997.50
Plan management administration	\$250.30	25	\$6,257.50
		<b>Total</b>	<b>\$329,331.25</b>
Stage 3 - 23 lots (credit given for one lot- being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$840.20	22	\$18,484.40
Community Facilities	\$1,058.95	22	\$23,296.90
Stormwater management	\$3,743.90	22	\$82,365.80
Transport facilities	\$7,279.90	22	\$160,157.80
Plan management administration	\$250.30	22	\$5,506.60
		<b>Total</b>	<b>\$289,811.50</b>
Stage 4 - 18 lots (credit given for one lot - being residual lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting facilities	\$840.20	17	\$14,283.40
Community Facilities	\$1,058.95	17	\$18,002.15
Stormwater management	\$3,743.90	17	\$63,646.30
Transport facilities	\$7,279.90	17	\$123,758.30
Plan management administration	\$250.30	17	\$4,255.10
		<b>Total</b>	<b>\$223,945.25</b>
Stage 5 - 24 lots (credit given for one lot)			
Description	Cost	Number of lots	Total
Open space, recreational sporting	\$840.20	23	\$19,324.60

facilities			
Community Facilities	\$1,058.95	23	\$24,355.85
Stormwater management	\$3,743.90	23	\$86,109.70
Transport facilities	\$7,279.90	23	\$167,437.70
Plan management administration	\$250.30	23	\$5,756.90
		<b>Total</b>	<b>\$302,984.75</b>

<b>Overall total</b>	
Stage 1	\$540,103.25
Stage 2	\$329,331.25
Stage 3	\$289,811.50
Stage 4	\$223,945.25
Stage 5	\$302,984.75
<b>grand total</b>	<b>\$1,686,176.00</b>

An additional contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council West Denman Section 94 Contribution Plan is required for the dedication of land and stormwater easements as detailed below.

<b>Contribution Type</b>	<b>Contribution per additional lot</b>	<b>Number of Lots</b>	<b>Total</b>
Dedication of land (m <sup>2</sup> )	16.32	129	2,105.28 m <sup>2</sup>
Stormwater Easements (m <sup>2</sup> )	144.05	129	18,582.45 m <sup>2</sup>
		<b>TOTAL</b>	<b>20,687.73 m<sup>2</sup></b>

The contributions SHALL BE paid prior to the issuing of any Construction Certificate.

The above amount shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council West Denman Section 94 Contribution Plan can be viewed at the office of Council 157 Maitland Street, Muswellbrook.

### 53. All Stages – Street Numbering

Prior to issuing any Subdivision Certificate for the development, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated street numbers for the proposed lots. These are the street numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

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

**54. All stages - Geotechnical Classification**

At the conclusion of all earthworks, lots within each stage of the development shall be classified for residential building construction in accordance with AS 2870-1996 (as amended) at the cost of the applicant.

Building envelopes are to be identified on the engineering Plans, lot classifications shall be based on test locations within the building envelopes. If cut and fill is carried out within such building envelopes as part of the construction of the subdivision, level pads for residential building construction are to be provided.

Lot classification tests shall be carried out after all cut and fill and compaction has been completed. Classification test results demonstrating compliance with the above shall be provided to Council prior to the release of the respective subdivision certificate.

**55. All Stages – Works as Executed plans**

All civil works for each stage shall be completed to Council's satisfaction. On completion, "Works-as-Executed" (WAE) drawings are to be submitted to Council and approved, prior to the release of any subdivision certificate. The drawings shall be in the form of a marked-up copy of each approved Construction Certified Engineering Plan, and also in marked-up digital CAD format compatible with Council's asset database system. Digital data requirements shall be confirmed with Council's Asset Manager prior to provision of the WAE drawings.

All WAE drawings shall be individually certified as compliant with the design requirements of this consent by an appropriately qualified engineer or registered surveyor.

Line sheets/junction sheets are to be provided by the developer for all access chamber lengths covered by the WAE sewer main drawings.

**56. Works as Executed Drawings and Video – Stormwater (Major Development)**

The applicant shall, upon completion of the development works, submit to Council the works-as-executed drawing (W.A.E.) and Compliance Certificate certifying compliance with the requirements of AS3500 and this consent, prepared by an appropriately qualified and practising Civil Engineer, prior to the issuing of a final Occupation Certificate. The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures. A video inspection survey must also be carried out of completed drainage works that are to revert to Council's care and control, and a DVD forwarded to Council to support the certification.



**57. All Stages – Digital Requirements for Work as Executed Plans**

Requirements for the submission of electronic plans to Council

- (a) File format for drawings submitted is to be dxf.
- (b) Where possible the dxf is to be projected using real world co-ordinates. Council's preferred projection is MGA94 using the GDA94 datum, zone 56 south.
- (c)
- (d) A text file listing the layers used and the themes placed on each layer is to be supplied.
- (e) Drawings must contain separate layers for each Asset/feature attributed blocks should contain attributes of assets e.g. Pipe diameter, materials, new or existing. the layer containing contour lines should not contain outlines for trees or roads.

A completed final approved set of WAE plans must be submitted in amendments are required. These plans are to show the current revision

**58. All Stages – Maintenance Bond**

Prior to the release of any linen plan of subdivision the applicant or person acting upon this consent is to lodge a Maintenance Bond for all works that are nominated to revert to the care and control of Council. The maintenance bond amount is to be a minimum of 5% of the total cost for the applicable stage of the development.

The bond shall be in place prior to the issuing of any subdivision certificate and shall remain in place for a required maintenance period of six (6) months from the date of Council's endorsement of the relevant linen plan.

Council will accept a bank guarantee for the purpose of any bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council.

(Note: Upon the expiration of the 6 month maintenance period, the applicant may apply for release of the bond. Council may deduct from the bonded amount the cost of any maintenance work required to be undertaken by Council as a result of incomplete or substandard works or the like.)

**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;
  - (vii) Ecologically Sustainable Development; and
  - (viii) The provision and maintenance of affordable housing.
- (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:****1. Section 90 Permit**

Should the applicant uncover artefacts during the construction/ development process, a Section 90 approval under the National Parks and Wildlife Act 1974 must be obtained from the Office of Environment and Heritage for any destruction, damage or harm (including removal) of any Aboriginal artefact or heritage site.

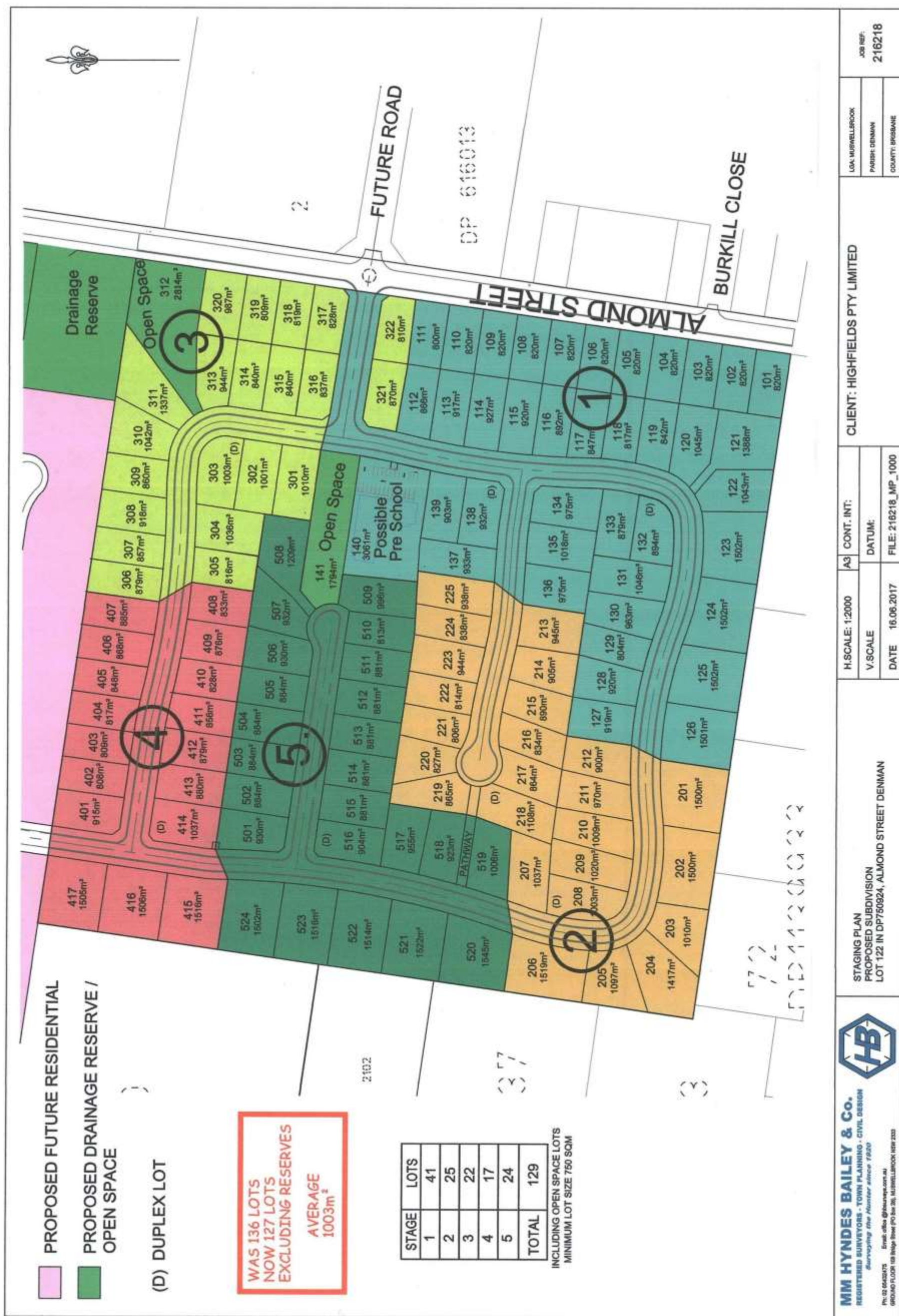
**2. Location of Services**

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

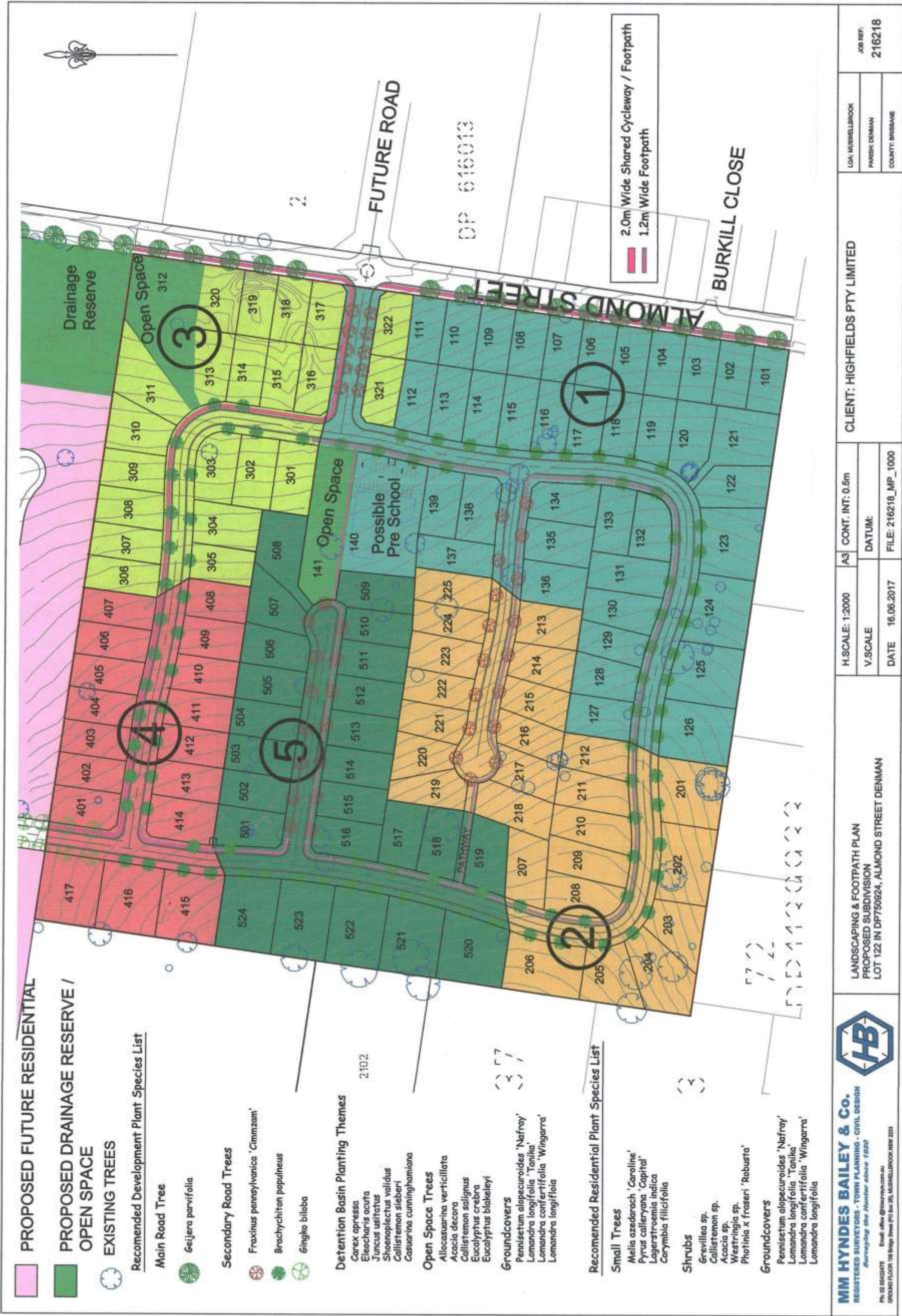
**3. Submission of Subdivision Certificate and Linen Plan of Subdivision**

The submission of a final Subdivision Certificate and Linen Plan, eight (8) helio copies and an electronic copy thereof, together with any instrument creating an easement and restriction as to user pursuant to Section 88B of the Conveyancing Act.

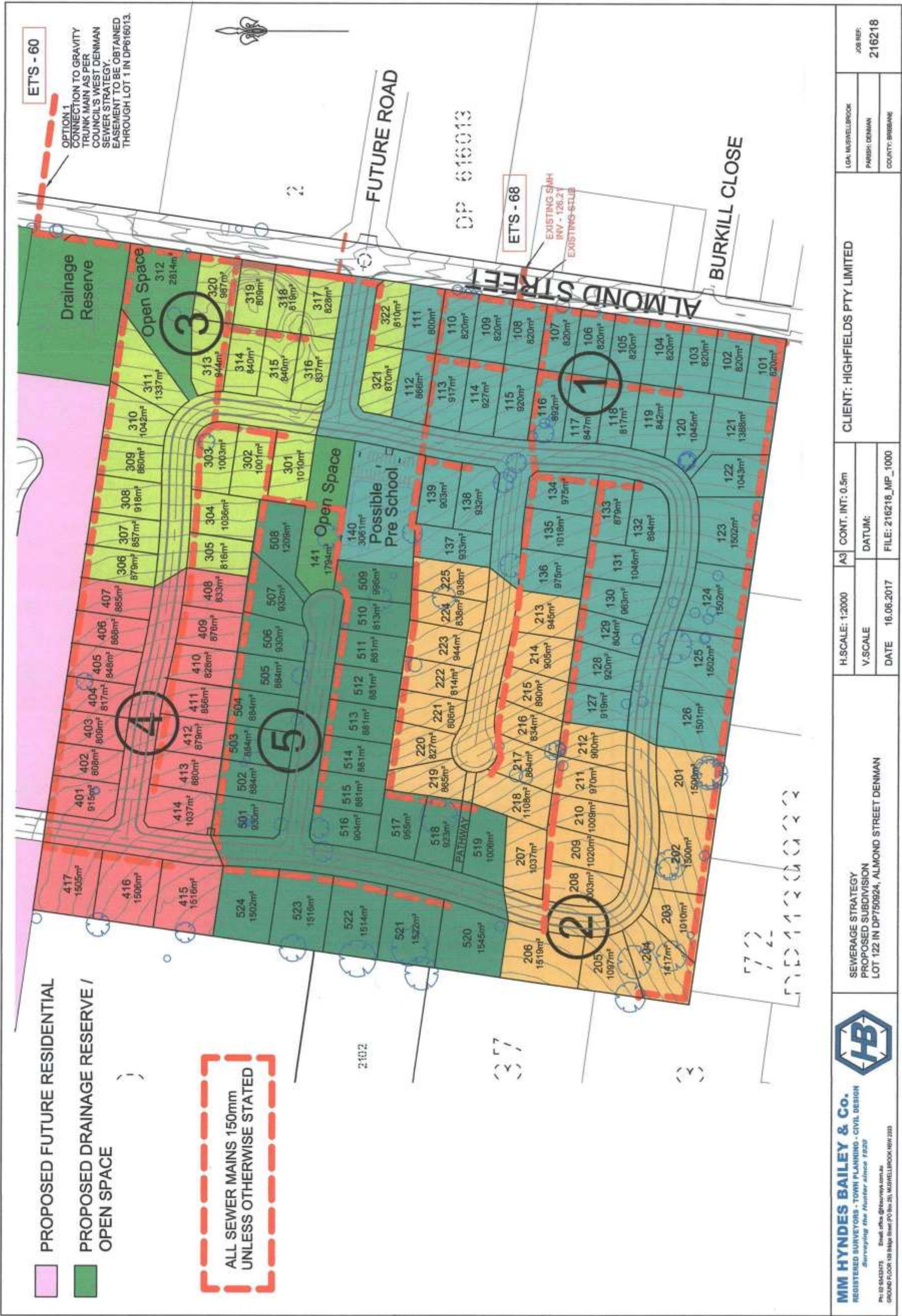




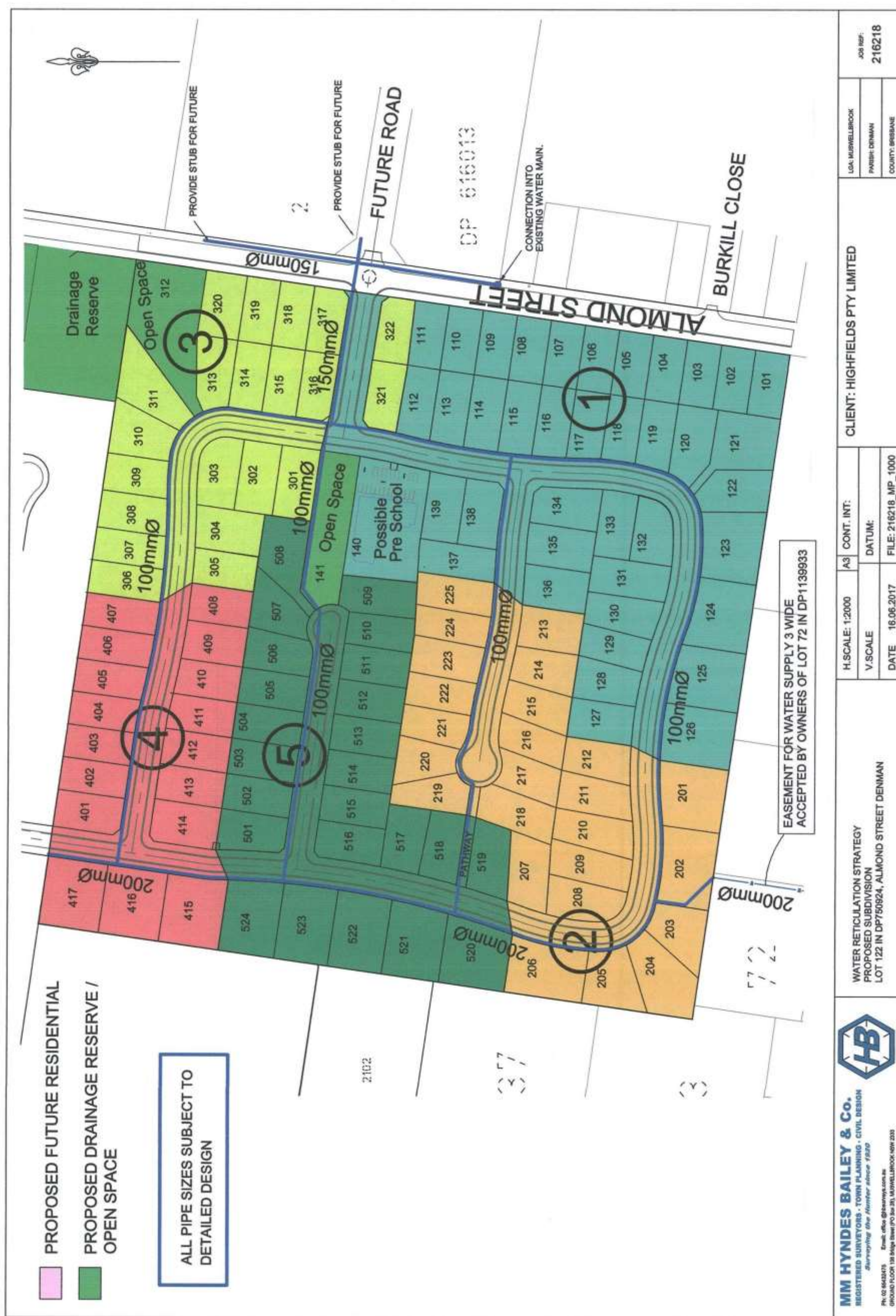




















## Office of Environment & Heritage

DOC17/285416-5  
DA 8/2017

Ms Donna Watson  
Development Planner  
Muswellbrook Shire Council  
donna.watson@muswellbrook.nsw.gov.au

Dear Ms Watson

### DA 8/2017 - Subdivision Lot 122 DP 750924, Almond Street, Denman

I refer to your letter dated 16 May 2017, requesting the Office of Environment and Heritage (OEH) to provide comments on the proposed subdivision (one (1) lot into 138 lots – Lot 122 DP 750924), on Almond Street, Denman; in the Muswellbrook local government area. OEH understands that the proposal will be determined under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) by Muswellbrook Shire Council.

As the proposed development is being assessed under Part 4 of the EP&A Act, OEH has a statutory role in terms of threatened species only if Council, as the consent authority, determines that the development is likely to significantly affect a threatened species, population, ecological community, or its habitat, as listed under the *Threatened Species Conservation Act 1995*.

If a significant impact on any listed matter is identified in the assessment process by the consent authority, then OEH will have a concurrence role in the approval process for threatened species matters. This process is described in further detail in **Attachment A**. Council should ensure that the environmental assessment is sufficiently comprehensive to enable the consent authority to determine the extent and significance of the impact(s) of the proposal. The environmental assessment should include an appropriate assessment of the potential impacts on biodiversity, including threatened species, populations, ecological communities, or their habitats likely to occur on or near the subject site, as well as Aboriginal cultural heritage values and floodplain management (if applicable). OEH considers that this information is necessary to assess an environmental assessment for the proposal.

If the proposal triggers Section 90 of the *National Parks and Wildlife Act 1974* then it will be deemed an 'integrated development' under the EP&A Act and will require consent to knowingly destroy, deface or damage or knowingly cause or permit the destruction or defacement of or damage to, a relic or Aboriginal place. OEH is unable to determine this from the application information presented to date. Detailed advice with respect to threatened species and Aboriginal cultural heritage is provided in **Attachment A** and a biobanking checklist provided in **Attachment B**.

Locked Bag 1002 Dangar NSW 2309  
Level 4/26 Honeysuckle Drive Newcastle NSW 2300  
rog.hcc@environment.nsw.gov.au  
ABN 30 841 387 271  
www.environment.nsw.gov.au

If you require any further information regarding this matter please contact Steve Lewer, Regional Biodiversity Conservation Officer, on 4927 3158.

Yours sincerely



7 JUN 2017

**RICHARD BATH**  
Senior Team Leader Planning, Hunter Central Coast  
Regional Operations

Enclosure: Attachment A & B

**ATTACHMENT A: OEH COMMENTS - PROPOSED SUBDIVISION - ALMOND STREET, DENMAN****THREATENED SPECIES**

As the proposal will be determined under Part 4 of the EP&A Act, OEH has a statutory role in assessing such an development if the consent authority determines that the development is likely to significantly affect a threatened species, population, ecological community, or its habitat, as listed under the *Threatened Species Conservation Act 1995* (TSC Act).

As the consent authority, Muswellbrook Shire Council will need to assess whether or not the proposal will have a significant impact on threatened species, populations, or ecological communities, or their habitat. Assessment of significance should be determined in accordance with the procedures and assessment approaches contained within the *Threatened Species Assessment Guidelines: The Assessment of Significance* (DECC 2007). If Council determine a significant impact is likely, then pursuant to Section 79B of the EP&A Act, they must seek the concurrence of the Chief Executive of OEH or the Minister administering the TSC Act.

Under this scenario OEH will have a concurrence role, which will either include (i) the likely provision of Chief Executive Requirements (CER's) for a Species Impact Statement (SIS) and assessment of the SIS, or (ii) the assessment of a BioBanking Statement in accordance with the 'BioBanking Assessment Methodology' (OEH, 2014) as defined under Section 127B of the TSC Act.

**Note:** OEH is in the process of producing a new guidance material. Details of these new guidelines will be available shortly on our website. This information will replace the current guidance material that is now obsolete and should not be used for the new 2014 version of the credit calculator. For additional assistance please contact your nearest OEH office or the BioBanking Team on 131 555.

If concurrence is required, then Council will need to obtain either (i) a SIS to assess the impact, or (ii) a BioBanking Statement in accordance with the BioBanking Assessment Methodology (OEH 2014) as defined under Section 127B of the TSC Act. If the Council decide to proceed with a SIS you will need to write to OEH for SIS CER's.

If OEH is required to provide concurrence (including the review of the SIS or BioBanking Statement), Council will need to ensure the following documents are supplied so that the concurrence requirements of clause 59(a) of the Environmental Planning and Assessment Regulation 2000 are satisfied through a:

**Species Impact Statement:**

- a. A copy of the development application.
2. One hard copy and one digital copy of the following:
  - the species impact statement and any document upon which the SIS relies or BioBanking Statement
  - any preliminary fauna and flora assessment (i.e. the report addressing the assessment of significance) undertaken prior to preparation of the SIS
  - any Crown Land assessment report
  - any submissions or objections received by Council concerning the development application
  - any social and economic impact assessments that have been undertaken in relation to the development application.
3. Confirmation that the SIS has been publicly exhibited in accordance with clauses 86–91 of the Environmental Planning and Assessment Regulation 2000; and all public submissions received by Council must be forwarded to OEH for their consideration (including any objections regarding the proposed activity). If no comments were received please advise OEH accordingly.



4. \$320 administration fee – in accordance with clause 252A of the Environmental Planning and Assessment Regulation 2000; made payable to OEH.

OR

**BioBanking Statement:**

- a. A copy of the development application.
- b. Hard copy of the BioBanking Statement, the BioBanking Assessment Report (including all associated maps, field sheets etc...), and any relevant expert reports (if applicable).
- c. All appropriate GIS shape files (e.g. maps, plots and transects, assessment circles, species polygons) as listed in **Attachment A**.

**Note:** On 1 October 2014, the *BioBanking Assessment Methodology 2014* (incl. credit calculator version 4.0) became the compulsory legal version of the tool to use for BioBanking assessments (see [www.environment.nsw.gov.au/biobanking/bbreview.htm](http://www.environment.nsw.gov.au/biobanking/bbreview.htm) for more details). The credit calculator is now web-based. The BBAM 2014 builds upon the experiences of OEH and stakeholders in applying the BBAM and other methodologies, including the Environmental Outcomes Assessment Methodology and the Biodiversity Certification Assessment Methodology. It is also closely aligned to the Framework for Biodiversity Assessment, which is the methodology that underpins the Biodiversity Offsets Policy for Major Projects. It marks a key step in helping the Government to achieve its NSW 2021 goal of increasing consistency in offsetting practices.

OEH notes (based on an 'Atlas of NSW Wildlife' database search and vegetation mapping) the following terrestrial threatened species (**Note:** specific marine / coastal species were removed from the list) and ecological communities have suitable habitat and have been recorded on-site or within the general locality (2 km radius) of the proposed impact area and as such should be considered in any assessment of impacts, including indirect impacts (i.e. 'assessment of significance');

**Species**

**FLORA**

- Pine Donkey Orchid (*Diuris tricolor*)
- Scant Pomaderris (*Pomaderris queenslandica*)
- Denman Pomaderris (*Pomaderris reperta*)
- Wollemi Mint-bush (*Prostanthera cryptandroides* subsp. *cryptandroides*)

**FAUNA**

- Spotted Harrier (*Circus assimilis*)
- Glossy Black Cockatoo (*Calyptorhynchus lathami*)
- Large-eared Pied Bat (*Chalinolobus dwyeri*)
- Brown Treecreeper (*Climacteris picumnus* subsp. *victoriae*)
- Varied Sittella (*Daphoenositta chrysoptera*)
- Spotted-tailed Quoll (*Dasyurus maculatus*) \*
- Little Lorikeet (*Glossopsitta pusilla*)
- Little Eagle (*Hieraaetus morphnoides*)
- Square-tailed Kite (*Lophoictinia isura*)
- Hooded Robin (south eastern form) (*Melanodryas cucullata*)
- Eastern Bent-wing Bat (*Miniopterus schreibersii* subsp. *oceanensis*)
- Eastern Freetail-bat (*Mormopterus norfolkensis*)
- Turquoise Parrot (*Neophema pulchella*)
- Powerful Owl (*Ninox strenua*)
- Scarlet Robin (*Petroica boodang*)
- Koala (*Phascolarctos cinereus*)



- Grey-crowned Babbler (eastern subspecies) (*Pomatostomus temporalis* subsp. *temporalis*)
- Grey-headed Flying-fox (*Pteropus poliocephalus*)
- Speckled Warbler (*Pyrrholaemus sagittatus*)
- Yellow-bellied Sheath-tail-bat (*Saccolaimus flaviventris*)
- Greater Broad-nosed Bat (*Scoteanax rueppellii*)
- Diamond Firetail (*Stagonopleura guttata*)
- Masked Owl (*Tyto novaehollandiae*)
- Eastern Cave Bat (*Vespadelus troughtoni*)

#### Endangered Populations

- *Acacia pendula* population in the Hunter catchment – recorded just to the north of the proposal (approx. 400m)
- *Eucalyptus camaldulensis* population in the Hunter catchment
- Pine Donkey Orchid (*Diuris tricolor*) population in the Muswellbrook local government area

#### Ecological Communities:

- 'Hunter Floodplain Red Gum Woodland in the NSW North Coast and Sydney Basin Bioregions' endangered ecological community
- 'Hunter Valley Weeping Myall Woodland in the Sydney Basin Bioregion' endangered ecological community
- 'White Box Yellow Box Blakely's Red Gum Woodland' endangered ecological community,

**Note:** This is not an exhaustive list and additional species / populations / ecological communities should be included based on the habitat present along the development footprint and adjacent to it. All species, populations and ecological communities (incl. their habitat) that have the potential to or are likely to occur should be assessed.

#### ABORIGINAL CULTURAL HERITAGE

The importance of protecting Aboriginal cultural heritage is reflected in the provisions under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act). The NPW Act clearly establishes that Aboriginal objects and places are protected and may not be harmed, disturbed or desecrated without appropriate authorisation. Importantly, approvals under Part 5 of the EP&A Act do not absolve the proponent of their obligations under the NPW Act.

Further advice regarding Aboriginal cultural heritage can be found on OEH's web-site at: [www.environment.nsw.gov.au/cultureandheritage.htm](http://www.environment.nsw.gov.au/cultureandheritage.htm).

The NPW Act requires consultation to be in accordance with the *Aboriginal cultural heritage consultation requirements for proponents* (2010) if impact to Aboriginal cultural heritage is unavoidable.

#### FLOODPLAIN MANAGEMENT

The following items are offered for consideration in the environmental assessment process for floodplain management:

##### Flooding (General)

1. The Environmental Assessment must map the following features relevant to flooding as described in the Floodplain Development Manual 2005 (NSW Government 2005) including:
  - a. Flood prone land,
  - b. Flood planning area, the area below the flood planning level, and

- c. Hydraulic categorisation (floodways and flood storage areas).
2. The Environmental Assessment must describe flood assessment and modelling undertaken in determining the design flood levels for events, including a minimum of the 1 in 10 year, 1 in 100 year flood levels and the probable maximum flood, or an equivalent extreme event.
  3. The Environmental Assessment must model the effect of the proposed development (including fill) on the flood behaviour under the following scenarios:
    - a. Current flood behaviour for a range of design events as identified in 2) above. The 1 in 200 and 1 in 500 year flood events as proxies for assessing sensitivity to an increase in rainfall intensity of flood producing rainfall events due to climate change.
  4. Modelling in the Environmental Assessment must consider and document:
    - a. The impact on existing flood behaviour for a full range of flood events including up to the probable maximum flood.
    - b. Impacts of the development on flood behaviour resulting in detrimental changes in potential flood affection of other developments or land. This may include redirection of flow, flow velocities, flood levels, hazards and hydraulic categories.
    - c. Relevant provisions of the NSW Floodplain Development Manual 2005.
  5. The Environmental Assessment must assess the impacts on the proposed development on flood behaviour, including:
    - a. Whether there will be detrimental increases in the potential flood affection of other properties, assets and infrastructure.
    - b. Consistency with Muswellbrook Shire Council floodplain risk management plans.
    - c. Compatibility with the flood hazard of the land.
    - d. Compatibility with the hydraulic functions of flow conveyance in floodways and storage in flood storage areas of the land.
    - e. Whether there will be adverse effect to beneficial inundation of the floodplain environment, on, adjacent to or downstream of the site.
    - f. Whether there will be direct or indirect increase in erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.
    - g. Any impacts the development may have upon existing community emergency management arrangements for flooding. These matters are to be discussed with the State Emergency Services (SES) and Council.
    - h. Whether the proposal incorporates specific measures to manage risk to life from flood. These matters are to be discussed with the SES and Council.
    - i. Emergency management, evacuation and access, and contingency measures for the development considering the full range of flood risk (based upon the probable maximum flood or an equivalent extreme flood event). These matters are to be discussed with and have the support of Council and the SES.
    - j. Any impacts the development may have on the social and economic costs to the community as consequence of flooding.



**ATTACHMENT B: Checklist of information required when utilising the BioBanking Assessment Methodology & Submitting the BioBanking assessment to Office of Environment and Heritage (OEH) using the BioBanking Credit Calculator version 4.0**

The 'Assessors' Guide to Using the BioBanking Credit Calculator v.2' has been finalised and is available for download from the Office of Environment and Heritage website [www.environment.nsw.gov.au/resources/biobanking/120182AssessGdeBBCC.pdf](http://www.environment.nsw.gov.au/resources/biobanking/120182AssessGdeBBCC.pdf). The guide provides information on the operation and use of the web-based BioBanking Credit Calculator v.2.0 which is still applicable to the new version 4.0.

To submit your assessment to OEH open your assessment in *Edit* mode. Navigate to the *Assessment details* page and select the *Submit* button in the top right hand corner. A *Submit the assessment for approval* box will appear (Figure 1), where you can confirm submission (OK button) or cancel submission (*Cancel* button). Once a case has been submitted to OEH, the status of the case will change in your *My work* tab from *Work in progress (WIP)* to *submitted*. Please note that you cannot make any edits to an assessment that has been submitted, although you will be able to view the assessment.



**Figure 1:** Menu box in the BioBanking Credit calculator v. 4 that enables an assessment to be submitted to OEH.

The following documentation must be submitted with your Environmental Impact Statement or Environmental Assessment report (in hard copy and soft copy):

- BioBanking Assessment Report including a list of dominant indigenous species for overstorey, mid-storey and ground cover for each vegetation type and, where required:
  - local benchmark data;
  - request for increase in gain of site value;
  - a description of the proposed development;
  - measures to avoid and mitigate the impacts of development;
  - an assessment of indirect impacts;
  - a statement of on-site measures;
  - a description of the application of the BioBanking Assessment Methodology, including details of and assumptions made in utilising the methodology, such as (but not limited to) placement of assessment circles, remnant value, connectivity and reasoning behind selection of vegetation types in the Biometric Vegetation Type database;
  - plot and transect values including a list of the indigenous plant species identified in each of the plots; and
  - a description of targeted threatened flora and fauna surveys, and any general baseline surveys (incl. vegetation specific surveys). These should be also be provided schematically.

and

Where required, the BioBanking Assessment Report should also include:

- expert reports;
- an application for a determination on red flag areas;
- more appropriate use of local data for vegetation types, benchmarks or threatened species;
- environmental contributions accompanied by a BioBanking Agreement Credit Report (if applicable); and
- an application for deferred retirement arrangements (if applicable).

- Copies of completed field data sheets, and updated with correct plant taxonomy in instances where field names have been used.
- Maps (soft copy as A4 jpgs) of:
  - offset site / BioBanking Agreement boundary or development footprint;
  - vegetation zones;
  - management zones;
  - and where required:
    - existing waste;
    - existing erosion; and
    - existing structures (in waterways)
- Separate shape files should be supplied for all the maps mentioned above plus:
  - plots and transects;
  - assessment circles;
  - species polygons;
  - polygons for adjacent remnant area; and
  - the location or habitat area of sensitive species, and the management area related to that sensitive species (as this information cannot be displayed publicly).

All maps must include:

- a title (as per the names above);
- the site's name, location and lot/Deposited Plan (DP) numbers;
- the scale;
- the date it was prepared; and
- a legend.

Boundaries and zones must be confirmed on the site using a GPS. This information should be digitised onto an ortho-rectified aerial photo or SPOT-5 image. Maps must be easily readable and submitted to OEHL as a Geographic Information System (GIS) file that is ESRI compatible. Shape files must use GDA94 datum. Name each shape file as: 'biobank site name\_descriptor'. For example, 'Hill Farm\_photo points' or 'Hill Farm\_management zones'.

Photo points should be named A, B, C, D, E, F, G, etc. Photo points should be located in areas where change is expected, i.e. where replanting, natural regeneration, intensive weeding or other active management actions are to be carried out. As a rough guide, include at least one photo point in each management zone where active management actions will be undertaken. Boundaries and zones must be confirmed on the site using a GPS. This information should be digitised onto an ortho-rectified aerial photo or SPOT-5 image. Maps must be easily readable and submitted to OEHL as a Geographic Information System (GIS) file that is ESRI compatible.

Shape files must use GDA94 datum. Name each shape file as: 'biobank/development site name\_descriptor'. For example, 'Hill Farm\_photo points' or 'Hill Farm\_management zones'.

Additional requirements for offset sites that may be required (based on liaison with OEHL):

- completed biobanking agreement management action template (provided in Word format), and
- Biodiversity Credits Pricing Spreadsheet.

Once the case has been received OEHL will review the data entered, and any supporting documentation. For State Significant Development (SSD), State Significant Infrastructure and residual Part 3A (under the *Environmental Planning and Assessment Act 1979*) this review will take place during the assessment of the Environmental Impact Statement or Environmental Assessment report (for Part 3A matters).

R. McDarmont

PO Box 75

DENMAN NSW 2328

March 3 2017

The General Manager

Muswellbrook Shire Council

PO Box 122

MUSWELLBROOK NSW 2333

Dear Sir

**DA8/2017**

**Proposed Subdivision Lot 122 DP750924 Almond Street DENMAN**

I refer to the abovementioned application and make the following submission in relation thereto.

**JUSTIFICATION**

Prior to Council determining the application the Applicant must be able to justify that the application, if approved, will satisfy an existing demand for residential lots and a future demand for the stages within a reasonable time frame. What substantiated data has been used which proves this proposal warrants approval by Council. Where will the families come from and what attracts new families to Denman that will create a demand for 153 additional residential lots.

It is doubtful that the proposed Spur Hill mine or abattoirs at Hollydeen will create this demand.

As a small rural town Denman is not under pressure for a large number of additional residential lots.

Currently we have Pendula Way Estate which has a number of undeveloped lots and a stage still to be developed with the existing lots now being offered for sale at a reduced price. This indicates that the lots cannot be sold and there is no demand .

The Denman Rise Estate does not have a developed lot and the land has remained vacant for some time. Agents advise there is no interest in these lots.

Kerrabee Close still has a number of vacant lots.

It is not in the best interests of the local community or image to promote a small rural town with an oversupply of vacant residential lots.



**OUT OF CHARACTER**

The large number of lots proposed is completely out of character with the surrounding development. Being on the edge of town there should be a transition zone from the existing small lot residential development of Almond Street to the surrounding rural land. Notwithstanding the zoning of the land which was implemented at a time of the mining boom, there is no current data which indicates a population growth for the town to support this zoning.

The large 1 and 2 acre lots of Grey Gum Road have made that transition which should now be continued through to the similar development which has a frontage to the Golden Hwy and Pine Ridge ROW.

The foreseeable growth of Denman will not support this type of development. There is no indication from Government at any level that Denman will grow and expand at a rate to require this additional number of small residential lots.

The last thing Denman needs is to have another incomplete staged development which remains vacant for years with a partially complete road network.

If the development were to proceed to the stages up the slope this would create an unacceptable vista of terraced lots that would remain vacant for years, as it is doubtful there is a demand for these types of sites. To have a large number of vacant terraced lots would have an adverse visual impact on the scenic quality of the area which is readily visible from the Golden HWY and is one of the gateways to Denman.

A good example of this type of unacceptable development can be seen from the New England HWY as you approach Muswellbrook from the east. This type of development has an adverse visual impact on the amenity of the area and should not be repeated in Denman.

**OVER DEVELOPMENT**

The applicant has chosen to maximise the theoretical development potential of the site, due to its regular shape, without regard to the adverse internal visual impact of the development for future residents or the adverse external visual impact on the amenity of the area and the existing rural vista.

The consistent nature of the lot size, shape and orientation will lead to a repetitive style of houses as the owners are forced to build houses to the minimum side boundary setbacks. Architectural style, imagination and flexibility will be lost as the project home development (with minimum variations) emerges.

The proposed density of the development is only suited to the Sydney metropolitan area or a rural town experiencing a high rate of population growth.

The current number of vacant residential lots in Denman is more than adequate to cater for any foreseeable demand.

**RECREATION AREAS**

There are no passive recreation areas, playgrounds, pedestrian or cycle networks for the residents of this estate. Being remote from the existing town facilities the future residents of this community should have access to these facilities within the estate.

**VEHICULAR ACCESS**

As there is no public transport in the area each house would have at least 2 vehicles. With over 300 vehicles entering and exiting the estate via one access/exit road the number of daily vehicle movements will have an adverse impact on the occupants of those dwellings in close proximity to this road.

Vehicle movements and resident amenity would be improved by having two access/exit roads.

**STORMWATER**

The stormwater run-off from the proposed roads and dwellings cannot be contained and disposed of on-site, particularly in a 1 in 100 year event. The existing downstream drainage is inadequate to cater for the additional run-off generated from the development without causing flooding inside the levee.

**CONSTRUCTION OF ALMOND STREET**

To propose the construction of half of Almond Street indicates the applicant has disregard for the future residents of the Estate expecting that they should exit the area via a gravel road.

An estate with this number of residents and vehicular movements should have a full width roadway with kerb and guttering and footpaths on both sides across the full frontage to Almond St.

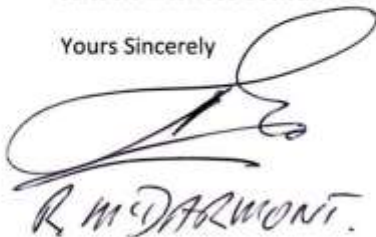
**CONCLUSION**

Notwithstanding the zoning of the land, the proposed development is inappropriate for the site and for the reasons outlined above the Development Application should be rejected by Council.

A more suitable development would be to continue the existing development of Grey Gum Road along Almond St to that on the Golden Highway with similar 1, 2 and 5 acre lots. This type of development is in keeping with the existing development and amenity and more suited to forming a perimeter to Denman. A good example of this type of development is the Iron Bark Ridge estate at Muswellbrook. The current zoning west of the railway line should be amended to reflect this.

If at some future date demand for small residential lots exceeds the current available supply there is ample land available between the Golden Highway and the railway line. The railway line forms a suitable interface between the different forms of development.

Yours Sincerely



R. McDERMONT.

Ms. Gloria Wargent  
16 Almond Street  
DENMAN, N.S. W. 2328

General Manager  
Muswellbrook Shire Council  
P.O. Box 122  
MUSWELLBROOK, N.S.W. 2333

7<sup>th</sup> March 2017

Dear Sir,  
Re: Proposed Development Lot 122 DP 750924

Development Application No.8/2017

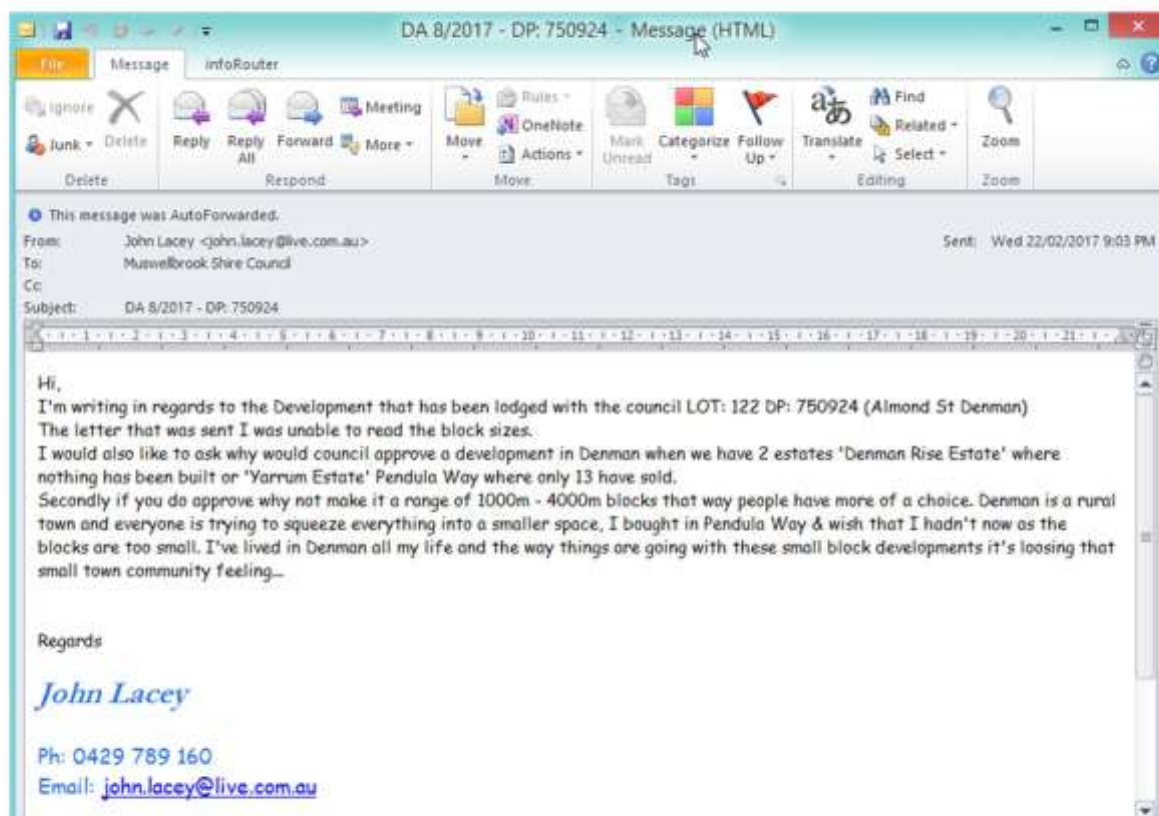
I object to this proposed development application as being totally unsuitable to be considered for the township of Denman for the following reasons:

1. The size of the proposed subdivision suggests that the Developer is planning for the next century - comparing the growth of Denman this last one hundred years! How long would a subdivision of this size take to be developed and completed?
2. There is already an over supply of land in Denman and surrounding area that is available in staged subdivisions that have not proceeded because of lack of demand as it is too expensive for construction of houses to proceed
3. Denman has other subdivisions being presently developed which have not been completed because of lack of demand. This land has been vacant for several years (e.g. Parkview Estate Stage 3)
4. When this proposed subdivision is completed and populated, a development of this size will 'swamp' the concept of Denman as a "village". The Village has been here a long time and that's what makes it unique. Does the Shire Council not value this uniqueness?
5. Assuming that the Developer will pay for the expansion of the infrastructure the added cost to the land and building will limit the sale of the Lots.
6. I suggest that the ownership of this development will change hands several times in the coming years as a business concern.

I ask Councillors to consider this size development as unsuitable for this area at present.

Yours truly,  
Gloria Wargent





Denman Children's Centre Inc Association

Ogilvie Street  
DENMAN NSW 2328  
Ph: (02) 65472355 Fax: (02) 65472410  
Email: [director@denmanchildrenscentre.com](mailto:director@denmanchildrenscentre.com)



19<sup>th</sup> June 2017

Mr Steve McDonald  
The General Manager  
Muswellbrook Shire Council

Dear General Manager,

**PLANNING APPLICATION DA 8/2017**

**MM Hyndes Bailey & Co Proposal of subdivision- 1 Lot into 138 Lots including 1 proposed Preschool**

We write in connection with the above planning application. We have examined the plans and we wish to object strongly to the inclusion of a preschool in this development.

At the 2011 census, Denman had a population of 1801. Being a small rural community Denman does not have the population to sustain multiple Preschools. Development proposals should be considered very carefully: Adding another Preschool would generate adverse negative effects to the running of the Denman Children's Centre, which was founded in 1983 by the parents and committee of the Denman Children's Centre. We are a community based non-profit organisation.

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

We would welcome a meeting with Council to discuss the future expansion of the Denman Children's Centre, as an alternative to including an additional Preschool in the proposed development.

We look forward to receiving your reply.

Regards,

Denman Children's Centre Management Committee

---

ABN: 16 058 626 282

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

Name	Address	Phone Number	Signature
Julie Power			
Marry Freeman			
Marilyn Gugganovic			
TAMMY JOHNS.			
KATE WOLFANG			
Wendy Bano			
Margaret Mills			
Paul. Pizzom			
Angela Carroll			
Brooke Said			
Jenny Seaburn			
Mavis Meyers			
Bethy Dennis			
Colleen Duggan			
C. Gallagher			
T. Pugh			
N. Melnes			
Leah Wright			
AND EAST			
Heather Smith			
Jill Chambers			
Clare Thrift			
Rachel Jeffcoat			

ABN: 16 058 626 282

## Petition to Proposed Preschool (forming part of DA 8/2017)

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

Name	Address	Phone Number	Signature
Jo Betts			
Craig O'Hara			
CHRIS FREEMAN			
NICK GREEN			
Garry O'Hara			
Renee McGregor			
AB. McLenne			
W. Henderson			
Kim JOHNSON			
KURTIS JOSEPH			
FE O'HARA			
Jenny Munzenberger			
Melanie Ferings			
Joanne Chapman			
Mel O'Hara			
Renee Watson			
Angela Barry			
Julie Fabar			
Katrina Cumming			
Jodie Ayre			
Riyadh Samway			
Griffin Hughes			
Enni Butler			

ABN: 16 058 626 282

21

## Petition to Proposed Preschool (forming part of DA 8/2017)

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

Name	Address	Phone Number	Signature
Rebecca Lague			
Madeline Coster			
Jane Jacobs			
Carly Jones			
Amy White			
CHERYL MCKENZIE			
Sarah Lewer			
Simone Waters			
Sian Raines			
DEWIS CHAUDRON			
Markus Dimmock			
Rory Johnson			
PETER SUTER			
Roger M'Zagga			
GARRY M'LEAN			
NEVILLE BARRY			
CATHERINE REDDIS			
Jeff Walfgang			
Shawn Saunders			
Hugh Jleast			
Rory Reynolds			
LEN VANDERVLIE			
Nicole McKenzie			

ABN: 16 058 626 282

Petition to Proposed Preschool (forming part of DA 8/2017)

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

Name	Address	Phone Number	Signature
Alissa Parkes			<i>[Signature]</i>
GRAIG TIBBY			
Janne Sullivan			
STEVEN WILKS			
Natasha Maurer			
Emma Dumas			
JOSH DINES			
Jade Hogan			
Peter KIRK			
Jelly Colter			
Cheryl Cox			
Trevor Marks			
MARK GRANGER			
Noel LASKER			
C. Harbert			
CHILIS COTTER			
LINDA SEACRAVE			

ABN: 16 058 626 282



## Petition to Proposed Preschool (forming part of DA 8/2017)

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

Name	Address	Phone Number	Signature
Jill Martyn			
Elin Mullenzie			
Kimberley Wightm			
Natarlee Meyer			
Nikki Feeney			
Ros Borg			
Steph Woodruff			
BARRY MCKEAN			
Matee Medhurst			
Charlotte Reisman			
Sally Randle			
Daniel Maslen			
Helen Marshall			
Margie Symington			
Aue Downes			

ABN: 16 058 626 282

## Petition to Proposed Preschool (forming part of DA 8/2017)

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

Name	Address	Phone Number	Signature
Shelley Hill			
Emily Nye			
Mark Brewer			
Mandy Keeney			
Monique Jones			
Catherine Buln			
Christen			
Amanda Ballard			
Brett Whiteman			
J Medhurst			
Chandrah Agyagb			
Melissa Blackhall			
Rose Dunn			

ABN: 16 058 626 282



## Petition to Proposed Preschool (forming part of DA 8/2017)

If the application for a second Preschool in the Denman community was to be successful it could force closure of our community run facility that has successfully provided quality childcare for over 30 years.

[illegible]

ABN: 16 058 626 282

R McDARMONT

PO BOX 75

DENMAN NSW 2328

14<sup>TH</sup> JUNE 2017

THE GENERAL MANAGER

MUSWELLBROOK SHIRE COUNCIL

PO BOX 122

MUSWELLBROOK NSW 2333

DEAR SIR

**AMENDED DA8/2017 LOT 122 DP750924 ALMOND ST DENMAN**

In general terms the amended proposal has incorporated minor changes, to increase the area of some lots adjoining the existing Grey Gum Rd development, and include two small parcels of open space.

The major issues I raised in my objection, to the original application have not been addressed in any information made available to the public. To simply rely on a proposal which conforms to the zoning is not sufficient to justify the development and the Council approving the application.

There is currently an oversupply of undeveloped residential lots in Denman. The applicant needs to provide some form of substantive data that justifies the application and the use of the land for medium density housing.

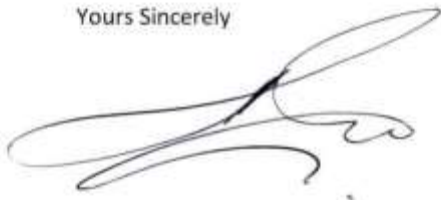
The previous consent lapsed after 5 years without any development taking place or the consent being on sold which indicates there is no demand for this form of land use. The current application before Council is in the same vein, a consent to be sold to the highest bidder without justification or regard to the adverse impacts.

The density proposed represents an overdevelopment of the land which is out of character with the adjoining development. Any future residential development on the western side of the railway line should be limited to larger scale lots varying in size from 1 to 5 acres therefore limiting the number of people being adversely impacted by the increasing number of train movements to and from the expanding mining development in the Mudgee region. With medium density housing being restricted to the eastern side of the railway line should there be any future demand for this type of development.

The other issues raised in my original objection such as vehicular access via one road, stormwater drainage and the full width construction of Almond St have not been addressed.

While the proposal may be a permissible use of the land it is not justifiable or a good proposal in general planning principles or the public interest and should therefore be rejected by Council.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'R McDarmont', with a large, stylized flourish extending from the end of the name.

R McDarmont

### 10.3 HERITAGE STRATEGIC PROJECTS UPDATE

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - Director - Planning, Community & Corporate Services
<b>Author:</b>	Olivia Harris - Manager, Planning & Regulatory Pathum Gunasekara - Acting Manager, Planning & Regulatory Services
<b>Community Plan Issue:</b>	<i>Plan liveable and sustainable urban areas</i>
<b>Community Plan Goal:</b>	<i>Sustainable planning, design and regulation support community needs</i>
<b>Community Plan Strategy:</b>	<i>Improve strategic Planning Processes and Deliverables</i>

#### PURPOSE

The purpose of this report is to put forward recommendations for the continued good management of heritage into the new 2017/2018 financial year and within the LEP review process.

#### OFFICER'S RECOMMENDATION

1. Council commences a review of the Muswellbrook Shire Heritage Strategy 2014-2017 in line with new Guidelines distributed by the Office of Environment and Heritage.
2. Council endorses a grant funding application under the OEH 'Heritage Near Me' incentives program to assist with a update of the Muswellbrook Heritage Inventory (Schedule 5) to contribute to the LEP review currently underway.
3. Council seeks expressions of interest for members to allow the reforming of the Heritage Committee.
4. Council liaises with the School of Architecture and the Built Environment at the University of Newcastle to work collaboratively with Architectural Heritage research students to assist with the Heritage Near Me project & LEP Heritage Inventory updates.
5. Council limit purchase of Heritage Advisory Services within the OEH budgetary limits (\$6K matched \$:\$ by Council) and arrange a project based "as needed" Heritage Advisory Service.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### BACKGROUND

Within the principal activities of Heritage Management in Council's Operational Plan 2017/18 the following actions are identified:

*16.1.3 Support the conservation and restoration of the Shire's heritage items and require protection of Heritage items listed in the LEP in accordance with the OEH Heritage Protection Guidelines.*

*16.3.1 Funding allocation for heritage conservation and restoration is made available annually through the Local Heritage Grants Fund.*

A Heritage Strategy for Muswellbrook Shire was developed early in 2014 to set the future direction for heritage initiatives. In 2016 Council endorsed the revised Muswellbrook Shire Heritage Strategy 2014-2017 to meet the requirements of the NSW Office of Environment and Heritage (OEH) in association with the three year funding agreement to support heritage management in Muswellbrook. As a condition of heritage funding, Council must prepare or update a heritage strategy to guide heritage management in the Muswellbrook Shire.

## REPORT

### Review of the Muswellbrook Shire Heritage Strategy

A Heritage Strategy for Muswellbrook Shire was developed early in 2014 to set the future direction for heritage initiatives. The current and updated Muswellbrook Shire Heritage Strategy 2014-2017 was considered by the Heritage Committee at its meeting on 16 June 2016 and adopted by Council in July 2016.

Office of Environment and Heritage recently distributed new guidelines for preparation of Heritage Strategies and as such Councils current strategy is required to be reviewed to ensure it is in line with current guidelines.

The review will be undertaken by the Manager of Planning and Regulatory Services in consultation with the Heritage Committee and Heritage Advisor.

### OEH 'Heritage Near Me' incentives program and LEP Heritage Inventory Review

The 'Heritage Near Me' incentives program has been developed by the Office of Environment and Heritage to complement current State Heritage funding programs. It provides funding opportunities and support directly to owners and managers of local heritage items. The 'Heritage Near Me' incentives program runs from 2016 to 2019 and is supported by a dedicated Heritage Near Me Roadshow team which visited Council Officers in May 2017 to discuss the available funding.

There is \$16 million available in funding over the life of the program with funding of up to \$100,000 being available per funding application. The three grant streams are: Heritage Activation Grants, Heritage Green Energy Grants and Local Heritage Strategic Projects Grants. Inventory updates are provided for within the funding guidelines as a Local Heritage Strategic Project under project category 3 'Support effective heritage management'.

In 2009 Department of Planning strongly recommended that we needed to update our heritage inventory completed in 1996. This has yet to be completed.

The Muswellbrook Heritage Inventory can be viewed on Councils website (link below):

<https://muswellbrook.nsw.gov.au/index.php/heritage-information/heritage-items-inventory>.

Given the inventory is over 20 years old it is likely that some items have been modified or there is scope to include as yet unidentified and non-scheduled items from throughout the Shire.

A preliminary scope of works to revise the LEP Heritage Inventory to accompany a funding application under Local Strategic Projects (Category 3) of the OEH 'Heritage Near Me' incentives program would include as a minimum:

1. *Liaise with the Heritage Advisor to adjust the existing arrangement from purchase of a monthly based advice service to a project based 'as needs service';*
2. *Seek expressions nominations of additional items to be added to the Inventory via Community Consultation / advertisements and nominations from the Heritage Committee;*
3. *Revisit each existing item on the inventory (129 items) and any newly nominated items to research the current condition (and presence) of the heritage item;*
4. *Take updated inventory photos, update the statement of significance and related owner contact details and update the OEH State Heritage Database with the above info (new inventory details to be peer reviewed by Heritage Advisor Service and Heritage Committee);*
5. *Include the updated inventory as Schedule 5 part 1 of the revised LEP;*

6. *Undertake a full review of the existing mapped extents of the Heritage Conservation areas (LEP Schedule 5 Part 2) to ensure appropriateness and recommend amendments where necessary;*
7. *Preparation of revised LEP documentation for the Planning Proposal.*

Accordingly the above project has significant cost implications for Council where a funding application under Local Strategic Projects (Category 3) of the OEH 'Heritage Near Me' incentives program would seek to obtain up to \$100k to assist with these crucial updates to the Heritage Inventory as part of the LEP review. Should a grant funding application be unsuccessful the above project would be limited to existing staff resources and the limited 'Heritage Advisory service' fund (up to \$6k if matched \$1:\$1 by council contribution - equating to funding of \$3k OEH \$3k Council).

#### Heritage Committee

The Heritage Committee has played a significant role in the Heritage Management of Muswellbrook since its inception in the 1990's but has not recommenced meetings since the last Council election. The Heritage Committee 2016 consisted of four community members (Michelle Williams, Linda McIntosh, Rob Tickle & Jeff Wolfgang) one member of Council staff, the Heritage Advisor (engaged by Council) and two Councillors, one of whom chaired the meeting. The frequency of meetings varied from monthly to quarterly.

Council in the past has advertised when it wished to fill a vacancy on the committee and it is intended to readvertise all positions and contact previous committee members to determine if they are interested in continuing their service (many served for over 10-20 years).

The first step in re-establishing the heritage committee would be to develop terms of reference to define the role of the committee, where draft terms of reference are outlined below:

1. *Support Council generally in the development and implementation of strategies, policies and programs related to heritage conservation.*
2. *Monitor the aims and objectives of Council's provision for heritage items and places contained within Council's Local Environmental Plan and Development Control Plan and other pertinent documents.*
3. *Identify/consider heritage incentives for development of heritage sites in addition to (and consistent with) those provided in Council's Local Environmental Plan and Development Control Plan.*
4. *Make recommendations on the nomination and deletion of items from the Local Environmental Plan and to identify items of State significance, which necessitate inclusion in the NSW Heritage Office State Heritage Register.*
5. *Raise community awareness of heritage conservation (through publications, seminars, public displays and award recommendations).*
6. *Promote the natural, cultural and historic heritage of the Muswellbrook Shire Council Local Government Area and ensure it continues to develop a strong sense of place and identity.*
7. *Assist Council to procure, allocate and administer funding assistance and to recommend projects for which funding should be sought in line with the Heritage Strategy.*
8. *Advise Council on a range of heritage-related matters, which are of interest to the community, in particular, by providing local knowledge and guidance on heritage matters.*
9. *The Heritage Committee has no authority to make decisions on behalf of the Council. It is purely there to provide advice.*
10. *The Heritage Committee has no authority to direct staff.*

When the Heritage Committee is re-established the review of LEP Heritage Inventory Schedule 5 should be top priority for a new committee in collaboration with Council staff, the Heritage Advisory Consultant and University of Newcastle research students where appropriate.

Therefore this report seeks endorsement to seek expressions of interest for members to allow the reforming of the Heritage Committee with renewed terms of reference to define roles and responsibilities as outlined above.



### Heritage Advisory Services

In November 2014 an expression of interest process was undertaken seeking interest to submit a quotation to undertake a Heritage Advisory Service for a period of 3 years attending Council one day per month (12 times per year). The Heritage Advisor service was provided within the scope of the agreed contract until May 2017 where services were mostly limited to Development application heritage item referral comments given time constraints and the priority of DA timeframes.

Council has applied for continued funding from OEH for Heritage Advisory Services for 2017/2018 and received funding of up to \$6k if matched \$1:\$1 by council contribution equating to funding of \$3k OEH \$3k Council). Based on the professional fees of the existing Heritage Advisor this equates to only 6 monthly visits (one business day per 2 months). Accordingly it is recommended that Council commences negotiations for more flexible options for an 'as needs' project based service to maximize budgetary limits of OEH funding. Therefore this report seeks endorsement to seek expressions of interest for Heritage Advisory Services within the OEH budgetary limits.

### Collaboration with School of Architecture and the Built Environment at the University of Newcastle

Advice received from the OEH 'Heritage Near Me' staff officers indicated that applications showing a collaborative approach to Heritage Management within the wider community are considered more favourably. Accordingly in addition to re-establishing the Heritage Committee, Council Staff have been in liaison with the School of Architecture and the Built Environment from the University of Newcastle (UON) in regards to establishing mutual beneficial arrangements between the Council and architectural heritage research students whom may assist with and inventory field research where appropriate as part of the Heritage Near Me project & LEP Heritage Inventory update.

## **CONCLUSION**

Council Officers recommend the re-establishment of the Heritage Committee; formal collaboration with the School of Architecture and the Built Environment at Newcastle University to contribute to a number of projects for example revision and upgrade of the Heritage Inventory; applying for grant funding under the OEH 'Heritage Near Me' (for the Heritage inventory) and re-negotiation of the Heritage Advisory Service to allow for more flexible arrangements within the allocated budget.

## **SOCIAL IMPLICATIONS**

A well-managed heritage programme has positive indirect social implications through the preservation of a sense of place and a link to the past. This helps support local resilience and community values.

## **FINANCIAL IMPLICATIONS**

Failure to have an up to date Heritage strategy risks the loss of support funding from the NSW Heritage Office.

## **POLICY IMPLICATIONS**

The Heritage Strategy is the primary policy document for Council in managing heritage.

## **STATUTORY IMPLICATIONS**

Not applicable.

## **LEGAL IMPLICATIONS**

Not applicable.

## **OPERATIONAL PLAN IMPLICATIONS**

The strategy will include actions identified above as a part of the Operational Plan for 2017/2018.

## **RISK MANAGEMENT IMPLICATIONS**

Not applicable.

## 11 COMMUNITY INFRASTRUCTURE

### 11.1 NEW LIQUID TRADE WASTE APPROVAL FOR HUNTER WINE SERVICES

Attachments:	A. HWS DPI Water Approval 12042017 B. HWS DPI Water Approval 12042017
Responsible Officer:	Neil Pope - Director, Community Infrastructure
Author:	Gerhard Lategan - Operations Engineer
Community Plan Issue:	<i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i>
Community Plan Goal:	<i>That our community infrastructure is appropriate, sustainable and well maintained</i>
Community Plan Strategy:	<i>Provide financially sustainable water and sewer systems</i>

#### PURPOSE

To authorise the General Manager to sign a modified Liquid Trade Waste Approval for Hunter Wine Services (HWS), which accords with consultation and support by Department Primary Industries – Water (DPI Water).

#### OFFICER'S RECOMMENDATION

**That Council authorise the General Manager to sign a modified Liquid Trade Waste Approval for Hunter Wine Services (HWS), which accords with consultation and support by Department Primary Industries – Water (DPI Water).**

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### BACKGROUND

Hunter Wine Services (HWS) applied for a variation of their Liquid Trade Waste (LTW) Approval in late March 2017. This application, which sought to increase daily liquid trade waste disposal from 50 kl/day to 70kl/day during the vintage period only, does not impact on any current or previous Development Applications or approvals.

#### CONSULTATION

As HWS is a Classification C Liquid Trade Waste disposer, Council is required to secure Department Primary Industries – Water's (DPI Water) concurrence before approval of any prospective Liquid Trade Waste Agreement modification.

#### CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

#### REPORT

HWS's Liquid Trade Waste Application to modify a current agreement was forwarded to DPI Water for advice and agreement, per attached letter from DPI Water.

DPI Water was satisfied with HWS's marked improvement on their Liquid Trade Waste quality, contrasting to historic poor performance. After discussion with Council, DPI Water recommended

removing the need to test for particular parameters, such as *Oil & Grease* and *Detergents*, and recommended reducing the testing intervals for *Total Kjeldahl Nitrogen* and *Ammonia Nitrogen* from fortnightly to monthly.

W&W and DPI Water are both satisfied that HWS will not change the process in this application. HWS is only seeking approval to dispose additional trade waste produced during the vintage period, observing that the existing process can treat the additional load.

The existing Muswellbrook Sewer Treatment Plant is capable of catering for the additional hydraulic and biological loads, associated with the additional 20 kl/day LTW discharge during the vintage period of three months.

The vintage has also now been clearly defined, in the new approval; as extending from 1 February to end of April.

During the vintage period, the hours of permitted discharge will change from 7am to 5pm to 6 am to 10 pm, with a maximum of 70 kl/day; as per attached Liquid Trade Waste Approval. This longer duration will assist in smoothing hydraulic and biological load impositions.

As a precaution W&W has recently installed an independent real time select quality parameters and volumetric measurement, with HWS agreement. This precaution is additional to HWS formal monitoring and NATA accredited laboratory testing requirements, as noted in the modified approval.

### **OPTIONS**

The other option is to refuse this modification approval. However such an option would overlook the significant trade waste performance improvement and may discourage future productive cooperation, which is in both parties interest.

### **CONCLUSION**

That Council authorise the General Manager to sign a modified Liquid Trade Waste Approval for Hunter Wine Services (HWS), which accords with consultation and support by Department Primary Industries – Water (DPI Water).

### **SOCIAL IMPLICATIONS**

No social impact will result.

### **FINANCIAL IMPLICATIONS**

No financial implications are associated with this approval.

### **POLICY IMPLICATIONS**

No implications recorded.

### **STATUTORY IMPLICATIONS**

Appropriate statutory agencies have been consulted.

### **LEGAL IMPLICATIONS**

There are no legal implications expected.

### **OPERATIONAL PLAN IMPLICATIONS**

*Section 20.1.10 Monitor higher risk zones within the sewer system exposed to businesses with Liquid Trade Waste discharges, as per DRAFT 2017-18 Operational Plan, dated 11 April 2017.*

### **RISK MANAGEMENT IMPLICATIONS**

Risk is managed, including recent independent monitoring by Council.



# muswellbrook shire council

## (G) LIQUID TRADE WASTE DISCHARGE APPROVAL

Any person who fails to obtain or to comply with the conditions of the Council's approval, may be liable to a penalty as provided under the Local Government Act 1993 (Section 626, 628, 634 – 639), Local Government (General) Regulation 2005.

<b>CONCURRENCE CLASSIFICATION</b>	C	<b>CHARGING CATEGORY</b>	3
<b>ASSESSMENT NUMBER</b>	35337	<b>PARCEL NUMBER</b>	
<b>APPROVAL NUMBER</b>		<b>METER NUMBER/ SIZE</b>	

**NAME OF APPROVAL HOLDER (OWNER)** Hunter Wine Services (Australia) Pty Limited  
ABN 37 097 001 039

**ADDRESS OF APPROVAL HOLDER** PO Box 310, Muswellbrook 2333

**PHONE** 65413512 **FAX** **MOBILE** 0417662282  
**EMAIL**

**BUSINESS TRADING NAME where discharge will occur** Hunter Wine Services (Australia) ABN 37 097 001 039

**BUSINESS ADDRESS** Hunter Street, Muswellbrook

**PROPERTY DESCRIPTION** LOT: 1 DP: 995228

**CONTACT PERSON FOR BUSINESS** John Horden

**PHONE** 65413512 **FAX** **MOBILE** 0417662282

**EMAIL** johnh@hunterwineservices.com

**TERM OF THE APPROVAL:** As specified in the agreement

**COMMENCEMENT DATE OF LIQUID TRADE WASTE DISCHARGE APPROVAL:** The date of agreement between Hunter Wine Services (Australia) Pty Limited and Council

Council has granted approval to discharge liquid trade waste from the property to Council's sewerage system, subject to the conditions set out below:

#### GENERAL CONDITIONS

1. a. The Applicant must comply with all applicable Acts, regulations, by laws, proclamations and orders and with any lawful direction or orders given by or for the Council or any other competent authority.

*(Reason: Requirement to comply with all applicable government legislation)*

- b. The work that will be carried out under the General Conditions of Approval shall be implemented and operated in compliance with the NSW Work Health & Safety Act 2011 and NSW Work & Safety Regulation 2011 and Plumbing Code of Australia, Australian Standards AS3500, Part 2, Sanitary Plumbing and Sanitary Drainage and Council requirements.

*(Reason: Government requirement for compliance with applicable standards and legislation)*

- c. If a liquid trade waste agreement is applicable to this approval then this approval will commence from the date a liquid trade waste agreement is signed.

*(Reason: Requirement for legal considerations)*

- d. Term of the Approval

Commencement date 12 July 2017

The approval shall lapse 5 years from the commencement date

*(Reason: Pursuant to section 103 of the Local Government Act)*

- e. Hours during which discharge is permitted:

Monday to Sunday	<u>7:00 am to 5:00 pm (non-vintage period)</u>
	<u>6:00 am to 10:00 pm (vintage period)</u>

- f. Terms of Discharge:

Discharge may be carried on during the permitted times provided the source, volume and characteristics of the wastewater to be treated have been proven to result in acceptable effluent quality.

A period of supervised batch discharge will be required if the wastewater source, volume and characteristics change significantly as specified as:

- i. Significant change in beverage production (i.e. significantly higher proportion of non-grape based beverage production);
- ii. Pre-treatment plant being off-line for prolonged period.
- iii. The effluent quality fails to consistently meet the approved limits

g. Function and Design of Pre –Treatment Plant

The pretreatment plant shall be installed and maintained in general accordance with the design specified in the:

- i. Report by JJC Engineering Pty Ltd "Hunter Wine Services Muswellbrook, NSW, Alternative Winery Wastewater Treatment Plant" dated 1 November 2013; and
- ii. Drawing by Boardman Peasley Pty Ltd "Survey Showing the Location of the LTW Treatment Facility" Sheet 1 of 1 dated 29 November 2013

h. Discharge Point Connection

The pipe from the pre-treatment plant to the approved discharge point must be continuous with no fittings that will allow for other connections or take off. The pipe should be fixed in place and be protected from chemical, mechanical, UV or other damage.

Any additional pumping that is required to deliver effluent to the disposal point must be sealed from leak, over flow or addition of uncontrolled wastewater.

*(Reason: DPI Water and Council requirement for compliance with the conditions of approval, protection of the sewerage system and the environment)*

**Pre Treatment Plant Operating Procedures**

2. A copy of the operating manual and/or procedures must be located in a conspicuous position in the vicinity of the pre-treatment plant and equipment. The operating manual and/or procedures must include instructions for the manual override of the relevant plant in case of emergency, servicing requirements and records of servicing.

*(Reason: Council requirement to ensure compliance with the conditions of approval)*

3. The operator must not do anything that will void any warranty of the plant or individual component of the system or monitoring components.

*(Reason: to ensure the integrity of plant and equipment is maintained)*

4. A plant operator shall be nominated to Council from Hunter Wine Services. The plant operator shall be familiar with all the operations of the plant, on-line monitoring equipment, alarm and shut down procedure. A delegate may be appointed for reasonable periods of time.

*(Reason- to ensure due diligence for the protection of plant and equipment)*

5. The plant operator must be available to attend the plant in case of an alarm within 1 hour.

*(Reason- to ensure the integrity of plant and equipment)*



**Discharge**

6. The discharge shall meet the requirements set in Table 1.

**Table 1**

Parameter	Load Limits	
Daily Discharge rate	Maximum	50 kL/day (non-vintage period) 70 kL/day (vintage period)
Daily Discharge rate maximum of 70 kL/day during vintage and off vintage 50 kL/day	Maximum	50 -70 kL/day
Instantaneous discharge rate	Maximum	1.4 L/second
Temperature	Maximum	During vintage 38°C
Detergent	Maximum	Must be biodegradable 50 mg/L (as MBAS).
pH	Range	7-9
BOD <sub>5</sub>	Maximum	300 mg/L
COD	Maximum	600 mg/L for BOD <sub>5</sub> less than 150 mg/L Otherwise, 3 times BOD <sub>5</sub> concentration
Total Suspended Solids	Maximum	600 mg/L
Total Dissolved Solids	Maximum	4000 mg/L
Total Phosphorus	Maximum	20 mg/L
Total Kjeldahl Nitrogen	Maximum	100 mg/L
Ammonia as N	Maximum	50 mg/L
Sulphide	Maximum	1 mg/L
Sulphates as SO <sub>4</sub>	Maximum	500 mg/L
Oil and Grease	Maximum	100 mg/L
Visible Colour		No visible colour when the waste is diluted to the equivalent dilution afforded by domestic sewage flow

The vintage period is defined, for the purpose of this approval, as a period from February until the end of April.

*(Reason: DPI Water and Council requirement to limit loading on the sewerage system, protection of the sewerage system, worker health and safety and the environment )*

7. Wastes shall not be diluted with fresh water to achieve compliance with the acceptance criteria except with the expressed permission of the Council due to special circumstances.

*(Reason: Requirement pursuant to Clauses 159 and 160 of the Local Government (General) Regulation 2005)*

8. A suitable method of restricting the flow rate to the figure stated in Table 1 shall be provided by the applicant.

*(Reason: DPI Water and Council requirement to prevent overflows and overloading of the sewerage system)*

9. Inline monitoring must be provided to determine that the flow, pH, temperature and Suspended Solids (SS) are within an acceptable range. SS compliance shall be determined by measuring the turbidity.

10. The inline monitoring equipment shall include an acceptable means of real time monitoring by Council of the continuous flow, pH, temperature, turbidity monitoring output.

*(Reason- to ensure the protection of council infrastructure)*

11. Selection of inline monitoring equipment shall be to the satisfaction of Council with respect to accuracy, precision and reliability. The equipment will be maintained and calibrated to the manufactures specification or at least on a quarterly basis.

*(Reason- To ensure the integrity of plant and equipment)*

12. In line monitoring equipment shall instigate a shutdown of discharge when the parameters are outside the acceptable limits and should send an alarm to an operator if the parameter is outside the acceptable limits and when the discharge is shut off.

*(Reason- To ensure the protection of council infrastructure)*

13. Upon shut off by the inline monitoring equipment no effluent is to be discharged to Council's sewer.

*(Reason - To ensure the protection of Council infrastructure)*

14. The acceptable limits for inline monitoring are as specified in table 2.

**Table 2.**

Parameter	Acceptable Limits
Flow	5000 litres per hour
pH	7-9
Temp	Less than 38 degrees
Turbidity	To be determined so that the maximum estimated BOD <sub>5</sub> is less than 300 mg/L

15. Where an operator alarm is received, the operator must attend the site within 1 hour to take the corrective action as required.

*(Reason- To ensure the integrity of plant and equipment)*

16. Council shall be notified by automatic alert if the discharge shuts off due to out of range parameter. Council shall be also notified when the problem is rectified and the discharge is to recommence.

*(Reason- to ensure the integrity of council infrastructure)*

### Record Keeping

17. In line parameters should be recorded on an hourly basis as well as at any time the parameter is in an alarm state.

*(Reason- To ensure the protection of council infrastructure)*

18. Flow measurement of the total discharge shall be provided and the daily flow shall be recorded.

*(Reason: Requirement for due diligence, compliance auditing, monitoring and sampling purposes)*

19. A log of all data specified in Table 3 shall be kept and be made available upon request to Council and DPI Water officer.

**Table 3**

Records	Record Period
<u>In-line</u> monitoring parameters	Hourly 15 minutes in alarm state
Alarm	Time and date of alarm and values of all parameters at that time
Shut Off	Time and date of alarm and values of all parameters at that time
Discharge	Start time End time Daily discharge volume
Sampling	Date and time of samples collected. Analytes being sampled. Name/company of sampler.

*(Reason: DPI Water and Council requirement to protect the sewerage system, environment and health and safety of workers)*

### Monitoring program

20. An inspection point for the taking of representative discharge samples shall be provided at the outlet of the discharge tank to Council's sewerage system. Council shall be permitted to undertake inspections and collect samples at the inspection/sampling points at any reasonable time without notice for compliance inspection purposes.

*(Reason: DPI Water and Council requirement to permit sampling and compliance auditing of liquid trade waste)*

21. A "Sample collection and handling protocol" is to be prepared, to the satisfaction of Council, prior to any discharge. The protocol is to include a field guide for sample collection detailing sample collection methodology, sample containers, handling and preservation requirements and holding

times. The protocol shall also include a chain of custody pro forma. The Sampling management Plan shall include a procedure to notify Council by email at council@muswellbrook.nsw.gov.au, at least 24 hours before sampling, with date and time of the scheduled sampling.

*(Reason: - DPI Water and council requirement to ensure integrity of sample)*

22. All samples collected under the monitoring program shall be analysed by an independent laboratory that holds National Association of Testing Authorities (NATA) registration for the class of test(s) or specific test(s) specified in the trade waste approval or by a laboratory acceptable to the NSW Department of Primary Industries - Water

*(Reason- DPI Water and council requirement to ensure the integrity of any sampling analysis results are not compromised).*

23. All analysis shall be carried out by using analytical methods indicated in the Australian Sewage Quality Management Guidelines, June 2012, WSAA'

*(Reason- DPI Water and Council requirement to ensure the integrity of any sampling analysis results are not compromised)*

24. The Certificate of Analysis shall be emailed to Council directly from the laboratory upon issue.

*(Reason: DPI Water and Council requirement to ensure due diligence and compliance audited)*

25. Analysis records, including Chain of Custody, Sample Receipt Advise, and Certificate of Analysis, shall be retained by the discharger and be made available to Council or NOW upon request, for at least 3 years from the date of sampling.

*(Reason: DPI Water and Council requirement to ensure the integrity of any sampling analysis results are not compromised and due diligence concerns are satisfied)*

26. Samples are to be collected for the analysis of the parameters and frequencies specified in Table 4.

**Table 4**

Parameter	Supervised Batch Discharge	Continuous Discharge during vintage	Continuous Discharge off vintage
pH	Each batch	Weekly	Fortnightly
BOD <sub>5</sub>	Each batch	Weekly	Fortnightly
COD	Each batch	Weekly	Fortnightly
Total Suspended Solids	Each batch	Weekly	Fortnightly
Total Dissolved Solids	Not Required	Monthly	Quarterly
Total Phosphorus	Not Required	Monthly	Monthly
Total Kjeldahl Nitrogen	Not Required	Monthly	Monthly
Ammonia Nitrogen	Not Required	Monthly	Monthly
Sulphides	First batch	Monthly	Quarterly
Sulphates	First batch	Monthly	Quarterly

*(Reason: Requirement pursuant to Section 89 (3a) of the Local Government Act 1993 and Council requirement for protection of the sewerage system, worker health and safety and the environment)*

27. The ratio of suspended solids to BOD5 shall be monitored to determine the in-line monitoring limits for suspended solids. The in-line suspended solids limit shall be reviewed on a quarterly basis and the in-line monitoring system updated accordingly.

*(Reason - DPI Water and Council requirement to ensure compliance with conditions of approval)*

28. The composition of the liquid trade waste shall comply with that approved. A new approval application or application to modify the existing approval where applicable shall be made if the quantity and/or quality of the liquid trade waste are to be varied. This approval applies to the discharge of wastewater generated by wine production only and does not include any waste generated by the distillery.

*(Reason: Requirement pursuant to Clause 32 of the Local Government (General) Regulation 2005)*

29. The equipment for the treatment of the liquid trade waste is to be kept clean and maintained in an efficient condition to the satisfaction of the Council and must not be modified without written approval from the Council.

*(Reason: DPI Water and Council requirement to ensure compliance with the conditions of approval)*

30. If, in the opinion of the Council, the liquid trade waste being discharged does not comply with the conditions contained herewith or is adversely affecting the performance of the sewage treatment plant, the sewerage system, or the ecological system in the waters, land or area receiving sewage treatment works effluent, the company shall forthwith, on receipt of notice in writing from Council to this effect, take remedial action by modifying the characteristics of the liquid trade waste, reducing the amount of the liquid trade waste or ceasing to discharge the liquid trade waste as directed by notice from Council.

*(Reason: DPI Water and Council requirement for compliance with the conditions of approval, protection of the sewerage system and the environment)*

31. Except as already provided for by the rest of the conditions contained in this letter, the following substances shall not be included in the liquid trade waste:

- organochlorine weedicides, fungicides, pesticides, herbicides and substances of a similar nature and/or wastes arising from the preparation of these substances
- organophosphorus pesticides and/or waste arising from the preparation of these substances
- any substances liable to produce noxious or poisonous vapours in the sewerage system
- organic solvents and mineral oil
- any flammable or explosive substances
- discharges from 'Bulk Fuel Depots'
- chromate from cooling towers



- natural or synthetic resins, plastic monomers, synthetic adhesives, rubber and plastic emulsions
- Roof, rain, surface, seepage or ground water, unless specifically permitted (clause 137A of the *Local Government (General) Regulation 2005*)
- solid matter
- any substance assessed as not suitable to be discharged to the sewerage system
- waste liquids that contain pollutants at concentrations which inhibit the sewage treatment process – refer Australian Sewage Quality Management Guidelines, June 2012, WSAA'
- any other substances listed in a relevant regulation.

*(Reason: Statutory provision in Local Government Act Section 638 and DPI Water and Council requirement for protection of the sewerage system, safety of workers and the environment)*

32. All liquid trade waste pre-treatment systems and any substance which could adversely affect the sewerage system, the environment or safety of people must be contained in bunded areas so that any leaks, spillages, and/or overflows cannot drain by gravity to the sewerage and/or stormwater systems. Wastewater collected within the bunded area shall not be directly discharged into the sewerage and/or stormwater systems. Wastewater, leaks and spillages from a bunded pre-treatment equipment area shall be pumped back to the head of the pre-treatment system.

*(Reason: DPI Water and Council requirement for protection of the sewerage system and safety of workers and pursuant to Section 89 (3a) of the Local Government Act 1993 for protection of the environment)*

33. Spills and leaks should be cleaned up using dry cleaning methods where practical.

*(Reason: DPI Water and Council requirement for protection and prevention of overloading of the sewerage system, safety of workers and pursuant to Section 89 (3a) of the Local Government Act 1993 for protection of the environment)*

34. Measures shall be taken to prevent the contamination and minimise ingress of stormwater into the sewerage system. Areas where stormwater may ingress into the sewerage system or be contaminated, should be bunded and roofed over as directed by Council or where impractical, a suitable detention system being installed in the appropriate area where the stormwater shall not be discharged to the sewerage system not sooner than one hour after the cessation of rain

*(Reason: DPI Water and Council requirement to prevent overflows and overloading of the sewerage system)*

35. Chemical solutions containing small quantities of concentrated acids, caustic or corrosive chemicals shall be neutralised before discharge to the sewerage system.

*(Reason: DPI Water and Council requirement to protect the sewerage system and worker health and safety)*

36. The discharge of liquid trade waste from the laboratory sinks must be connected to the pre-treatment system and shall be followed by flushing with liberal quantities of water.

*(Reason: DPI Water and Council requirement to protect the sewerage system)*

37. Screenings, solids from the tanks and biosolids shall be removed for off-site disposal and not discharged into the sewerage system.

*(Reason: DPI Water and Council requirement to limit loading on the sewerage system)*

38. Chemical and oil storage containers shall be contained in a roofed and bunded area with either the bund having the capacity to retain 110% of the largest container or other acceptable means of containment that prevents flow to the sewerage system/environment in case of accident, leakage or spills.

*(Reason: DPI Water and Council requirement to protect the sewerage system and worker health and safety)*

39. No discharge of the liquid waste shall occur until agreement with Council is signed.

*(Reason: DPI Water and Council requirement to protect the sewerage system and worker health and safety)*

40. Any discharge from the cooling tower during tower maintenance shall be limited to a flow of 500 L/h to the sewerage system where biocides may be discharged and shall not be directed to the proposed pre-treatment system

*(Reason: DPI Water and Council requirement to ensure the integrity of the sewerage system)*

41. Fluids from any part washing activities that may be carried out in the workshop room, irrelevant of chemicals used (i.e. acid, caustic, solvent, kerosene), are required to be removed for approved disposal by a licensed contractor and not directed towards the pre-treatment system or directly discharge to the sewerage system or the stormwater system.

*(Reason: DPI Water and Council requirement to prevent discharge of toxic substances into the sewer)*

42. A water tap with hose connection to be located within six (6) metres of all pre-treatment equipment.

*(Reason: Council requirement to ensure compliance with the conditions of approval)*

43. The operations of liquid waste pre-treatment plant must not give rise to offensive odour or noise as defined under the Protection of the Environment Act 1997.

*(Reason: Council requirement to ensure compliance with the relevant legislation)*

44. Suitable signage to the satisfaction of Council shall be placed in the vicinity of the bunded areas, pre-treatment plant and equipment disclosing procedural information on the advent of a spill or accidental discharge to the sewerage system

*(Reason: Council requirement to ensure compliance with the conditions of approval)*

45. The altered point of discharge to Council's sewerage system is nominated as the manhole in Hunter Street Muswellbrook.

*(Reason: Council requirement to ensure protection of Council infrastructure and in consideration of the level of risk upon acceptance of this type of liquid trade waste)*

46. The owner shall bear any costs arising from damage to Council's reticulated sewage network or sewage treatment plant or legal or other costs associated with such damage or the costs of regulating for any breach of the liquid trade waste agreement including, without limitation, the discharge of waste other than as permitted by the liquid trade waste agreement.

**Approved**

**Steve McDonald  
General Manager**

**Date.....**



Department of  
Primary Industries  
Water

Mr Steve McDonald  
General Manager  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

Contact: Bill Ho  
Phone: 02 9842 8495  
Email: [bill.ho@dpi.nsw.gov.au](mailto:bill.ho@dpi.nsw.gov.au)  
Our Ref: OUT17/14456

Attention: Mr Gerhard Lategan

12 April 2017

Dear Mr McDonald

I refer to Council's emails of 17, 21 and 27 March and 6 and 10 April 2017 regarding the application by Hunter Wine Services (Australia) Pty Ltd (HWS) for the discharge of liquid trade waste from its winery to the Muswellbrook sewerage system. Reference is also made the DPI Water letter of 16 January 2014.

HWS has requested the maximum trade waste discharge of 50 kL/d approved in 2014 be increased up to 70 kL/d for the vintage period only. Additional wastewater generated during the peak period of operations is currently stored on-site and is released to the sewer at times when it would not cause the exceedance of the approved daily volume. In support of its application, HWS has provided the consultant's report which indicates that the existing biological pre-treatment plant is capable of treating additional wastewater to produce effluent compliant with approved limits.

Council supports the HWS application and has forwarded test results which indicate consistent compliance with the 2014 approval. I note that some samples were taken during the 2017 vintage period when the load on the pre-treatment plant was increased.

Accordingly, concurrence is granted to Council's approval subject to:

- All the conditions set out in the draft approval (email of 6 April 2017), together with the amended conditions in Attachment A.

Please continue to liaise with Mila Kanevsky on 02 9842 8488 on this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Michael Blackmore', with a long horizontal line extending to the right.

Michael Blackmore  
Director Water and Sewerage Regulation

**Attachment A**

- Amend Condition 6:

The 1<sup>st</sup> row in Table1 should be as below:

Daily rate	Discharge	Maximum	70 kl/day during vintage and 50 kl/day during off vintage period
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- Amend Condition 27:

Replace the words "suspended solids" with "turbidity".



## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 MT PLEASANT MODIFICATION 3 COMMENT TO DEPARTMENT OF PLANNING AND ENVIRONMENT

<b>Attachments:</b>	<b>A. Mt Pleasant Mine Mod 3 Background, Comments and Suggested Changes to the Consent</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Scott Brooks - Contractor - Mine Liaison</b>
<b>Community Plan Issue:</b>	<i>Promote and support economic growth and diversity within Muswellbrook Shire through policy development and action</i>
<b>Community Plan Goal:</b>	<i>Communities, business and industry diversity is encouraged through innovation and progressive planning processes</i>
<b>Community Plan Strategy:</b>	<i>Optimise existing strengths to create new and ongoing investment through policy development particularly in mining, thoroughbred, viticulture, energy production, sustainable and diversified industry, tourism, public sector, education and training</i>

#### PURPOSE

To seek endorsement by Council to prepare and lodge a submission with the Department of Planning and Environment in response to the Mt Pleasant Mine Modification 3, Mine Optimisation Proposal.

#### OFFICER'S RECOMMENDATION

Council authorise the General Manager to prepare and lodge a submission, generally in accordance with the report and the recommendations contained in this report, with the Department of Planning and Environment in response to the Mt Pleasant Mine Modification 3, Mine Optimisation Proposal.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

#### BACKGROUND

MACH Energy Australia Pty Ltd has lodged a Development Application with the NSW Department of Planning and Environment for a Modification of the Mt Pleasant mine Consent to extend the eastern emplacement to the east and extend the duration of the Consent to December 2026. The Department has placed the project's Environmental Statement on public exhibition and called for submissions, which are due on Monday, 17 July 2017.

#### CONSULTATION

Representatives of MACH Energy met with both Council Staff and representatives of the Elected Council in March and May 2017 to specifically discuss this proposal. It was also mentioned at meetings in 2016. At these meetings Council advised of concerns with apparent eastern emplacement landforms and offered better options for consideration by MACH Energy. It would appear that these options have been taken up.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

The meeting on the 18 May, 2017 was attended by Mayor Martin Rush and a power point presentation was made by MACH Energy and the proposal was discussed at length.

**REPORT**

A report is contained in Attachment 1.

The current modification before Council is for Modification 3 to extend the toe of the eastern overburden emplacement to the east and to extend the time the consent is valid from December 2020 to December 2026.

A full copy of the Environmental Assessment is available on the following website:

<http://majorprojects.planning.nsw.gov.au/index.Mt Pleasant Mod 3>

It is recommended that Council lodge a submission with DPE that requests:

- That a Consent condition be added to the revised Mt Pleasant Consent to prohibit all mine related heavy vehicles from using Wybong road east of Gate 20-21 and Wybong road west of the Bengalla Link road intersection. Further it should also prohibit the use of mine related light vehicles on Wybong road west of the Bengalla Link road intersection.
- That prior to the end of 2017, Council in conjunction with relevant stakeholders, determine a revised position to replace the Western Roads Strategy as it affects the Bengalla and Mt Pleasant mines. This position is then conveyed to DP&E, Mt Pleasant and Bengalla mines for implementation.
- That a consent condition be added to the revised Mt Pleasant Consent that can incorporate the implementation of the replacement of the Western Roads Strategy.

**OPTIONS**

Council may determine not to lodge a submission with the Department. Such a determination would limit Council's ability to comment on the proposal. Should Council provide comment to DP&E by the 17 July, 2017 the response will either need to support or object to the proposal. Either position should include information to support Council's position on this matter.

The existing Consent refers to the Western Roads Strategy that is no longer Council's preferred option for existing road upgrades and replacement roads in the vicinity of the Bengalla and Mt Pleasant mines. Castlerock road will be mined out in the proposed Mt Pleasant mine Consent period and the Consent currently allows Wybong road to be mined out at any time. Council need to determine where and to what standards the roads that replace these roads need to be constructed to.

**CONCLUSION**

It is recommended that:

Council authorise the General Manager to prepare and lodge a submission in response to the Mt Pleasant Mine Modification 3 documentation.

**SOCIAL IMPLICATIONS**

Not Applicable

**FINANCIAL IMPLICATIONS**

Not Applicable

**POLICY IMPLICATIONS**

Not Applicable

**STATUTORY IMPLICATIONS**

Not Applicable

**LEGAL IMPLICATIONS**

Not Applicable

**OPERATIONAL PLAN IMPLICATIONS**

The making of a submission is consistent with the Delivery Plan Action - Develop planning standards to apply to mining consents that deliver improved environmental outcomes for the community and Operational Plan - 6.14 a) Review every mining application and management plan provided to Council and ensure all relevant matters are addressed; and b) Coal mining related submissions on applications, management plans or any other proposal to be endorsed by Council.

**RISK MANAGEMENT IMPLICATIONS**

The use of Council roads by mine related traffic could possible increase the traffic using roads in the vicinity of the Mt Pleasant mine considerably. The recommended conditions in Attachment One are designed to restrict most of the additional traffic to the Bengalla Link road and the section of Wybong road currently being upgraded. This should manage risk for Council and the users of local roads.

## Mt Pleasant Coal Mine

### **Modification 3-Mine Optimisation Modification Environmental Assessment.**

On the 15 June 2017 Muswellbrook Shire Council received a copy of the Mt Pleasant Environmental Assessment for the Modification 3-Mine Optimisation proposal. Submissions are due to DP&E by the 17 July 2017.

#### **History**

On the 22 December 1999 Consent (DA 92/97) was granted for the construction and operation of the Mt Pleasant coal mine. This approval allows the extraction of 10.5Mt of ROM coal to the 22 December 2020.

In the early 2000's an environmental dam and some access roads were constructed, and it was deemed at the time by DP&E that this represented adequate works to enact the Consent. This then made the consent valid until it was due to lapse in 2020.

In 2011 the consent was modified (Mod 1) to allow for a rail corridor / conveyor to transport the coal to the railway line and then the Newcastle rail port. It should be noted that at the time the then owners, Coal & Allied, requested an extension of time for the consent to operate, and this was denied by DP&E. The Mod 1 Consent was a complete rewrite of the conditions. All conditions and requirements, including management plans were updated to the then current standards. Offset areas were then required, should works be undertaken in the Conveyor / Service corridor, and an Aboriginal heritage offset area was required. Some of the Management Plans were subsequently revised in 2015.

On the 29<sup>th</sup> March 2017 the Consent was further modified (Mod2) to allow for the repositioning of the South Pit Haul Road, a major haul road within the mine.

The current modification before Council is for Modification 3 to extend the toe of the eastern overburden emplacement to the east and to extend the time the consent is valid from December 2020 to December 2026.

#### **Background to the Proposal**

The current owners of the site, MACH Energy took ownership of the site in August 2016 and commenced operations on the site on the 25 November 2016. They are currently constructing offices, workshops, coal handling facilities and other structures to allow the mine to operate. Mining and the production of coal is expected to commence in the 4 Quarter of 2017 for sales in 2018.

MACH energy contest that the current approved mine plan is both inefficient for mining purposes and provides for a less than ideal landform. They also contest that the current time remaining on the Consent (3 years 5 months) is not sufficient make a viable mine and further is not sufficient time to apply, and be granted, a new SSD development for the site. The reason the extension of time is to 2026 is to give adequate time for the studies to be completed for an SSD application to DP&E, and time for consultation and approval.

Council has been advised that DP&E have made it clear to the Applicant that the consent requirements for amenity issues (noise, dust and blasting) will be updated to modern requirements. As the current requirements are from 2011, there is not a significant difference. The Mod 3 Assessment has reviewed the following environmental matters:

Noise and Blasting

Air Quality and Greenhouse gas

Road Transport

Biodiversity

Site Water Balance.

One additional dwelling was found to be needed to be added to the property acquisition list for noise. This was not due to a change in predicted noise levels but was found to be an omission in the earlier assessment.

There were no other significant changes resulting from the revised assessments to the recommendations in the earlier assessments.

Section 3.3.10 Workforce of the Mod 3 Environmental Assessment is misleading or inaccurate. It specifies a maximum number of 253 employees in the construction, 380 for the workforce in year 13 with an average of 332 for the life of the mine. The revised Environmental Assessment now predicts a maximum of 350 for construction and 330 average for the life of the mine. This is a significant change in the construction workforce. As the traffic to the mine is supposed to use the Denman road –Bengalla Link road, there will be minimal effect of additional road traffic on nearby residents during construction.

#### **Extension of the Toe of the Emplacement**

MACH Energy has consulted Council twice this year regarding this proposal. They have made major changes to the original landform design for the emplacement on the eastern side of the mine that will be visible from a major proportion of the Muswellbrook urban area. The emplacement design now includes both macro and micro relief. Revegetation is planned to occur in 10 meter lift intervals and then be rehabilitated. The mine has advised that this will depend on how much height on the dump face will be needed to form the macro and micro relief landforms so the future lifts will marry up. Looking at the most recent Mt Arthur work on Denman road, the height should not be excessive, giving fairly prompt revegetation.

It is proposed to extend the emplacement area to the east to cover an additional 67Ha. This equates to approximately 350m from its existing toe at the furthest point. Most of this additional area is compensated for by the deletion of the South West Out of Pit Emplacement, no longer required with the additional dump space in the eastern extension. The revised emplacement location does not include emplacement of material on the flood plain. The design of the revised emplacement holds more material than the current approved plan and has a significantly varied toe shape to facilitate macro relief. The new toe design works sympathetically with the existing topography to build on the already varied landform as the land rises to the west off the flood plain. The land slope is not specified but



we would need to assume it will be the standard 10 degree to the horizontal slope specified in the current approval and be consistent with Bengalla and Mt Arthur.

Please see Attachment 1 for relevant diagrams.

#### **Extension of Time.**

It is proposed to extend the term of the consent by 6 years from December 2020 to December 2026. The studies outlined in the Background section above indicate there is nothing in the changes to the mine design that should change the already predicted effect on the environment and nearby residences.

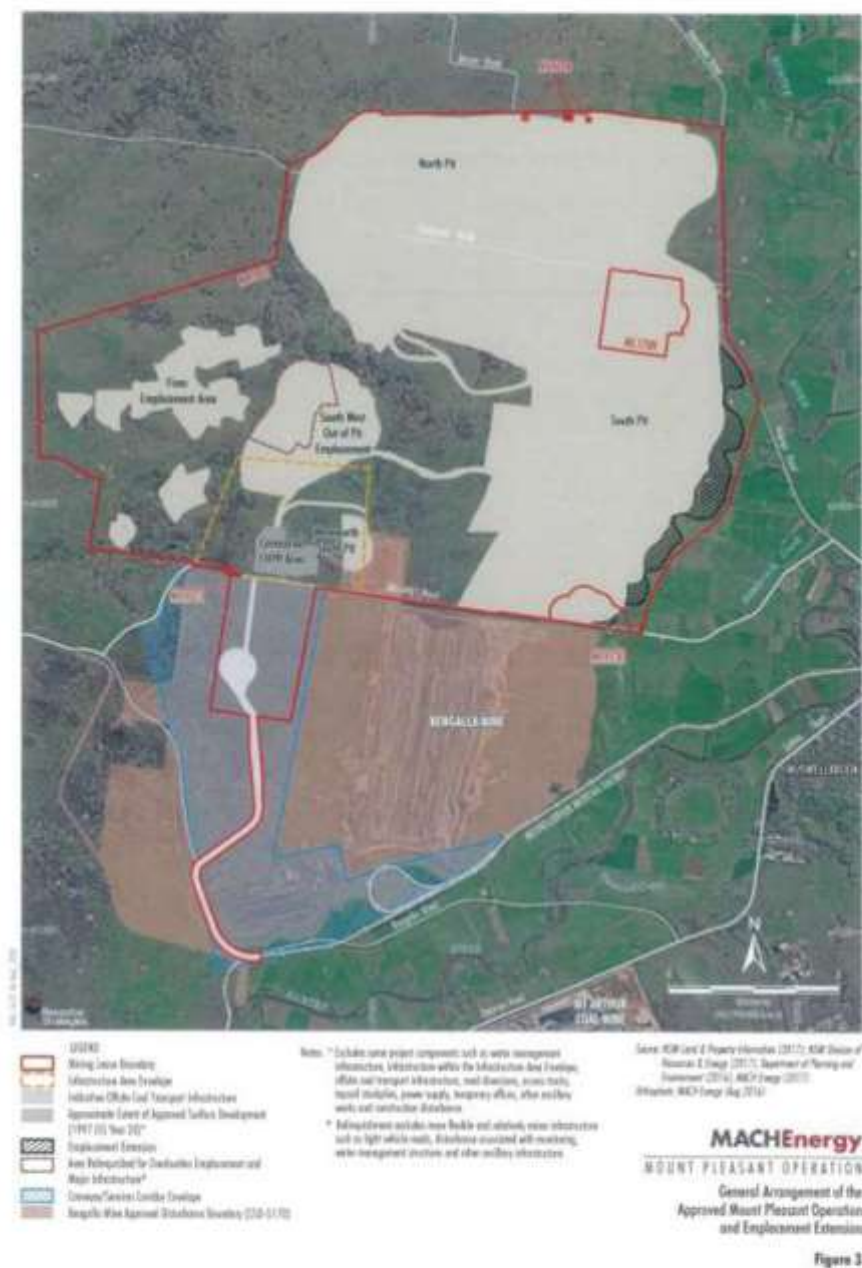
DP&E advised MACH Energy that should they request an extension of the duration of the Consent, they would need to update the mines environmental requirements and working practices to the best of current standards. The land shape aspects of the proposal would appear to meet this target. Both macro and micro relief are to be included in the landform and the proposed final void shape has a more "natural" appearance. There are however a number of items in the Consent that should be modified or updated to either better reflect the current mine plans or be required by the best of current standards.

#### **Recommended Revised Conditions**

- a. Condition 38, Schedule 3 refers to the Western Roads Strategy. New roads need to be constructed should either the Castlerock or Wybong roads be closed. The Castlerock road is to be mined out within the time of the extended consent and the future of Wybong road is not known. The Western Roads Strategy is no longer Council's preferred option for road replacement in this area. Council need to determine where and when and to what standards roads need to be constructed, when and if the Castlerock or Wybong roads are closed and mined out. This Consent condition needs to be modified so the requirements of Council can be implemented post issuing of the revised Consent. It is recommended that DP&E be asked to consult with CI prior to the finalization of Mod3 Consent Condition 38, Schedule 3;
- b. Condition 41, Schedule 3 should be changed to remove the word "Mt Pleasant Mine Entrance" and replace with "Wybong Road Mt Pleasant Mine Gate 20-21";
- c. Include a condition that clearly identifies what mine generated traffic (if any), being both light and/or heavy vehicles can use the Wybong road east of Gates 20/21 and the Wybong road west of the Bengalla Link road. It is recommended this should prohibit all mine related heavy vehicles from using Wybong road east of Gate 20-21 and Wybong road west of the Bengalla Link road intersection. Further it should also prohibit the use of mine related light vehicles on Wybong road west of the Bengalla Link road intersection. It should be noted that MACH Energy currently have a procedure in place to prevent the use of both of these roads by Mine related vehicles;
- d. Include a Condition for a Rehabilitation Strategy in the Consent that includes:
  - i. The requirements for landforms with both macro and micro relief and sufficient detail in the descriptions to guide implementation requirements and can be enforced if required;

- ii. An outline of the proposed post mine land uses of the site and how these outcomes will be achieved and tested;
  - iii. Outline the closure objectives of the site and how these can be modified over time to adjust to changing community expectations.
- e. Replace Conditions 8 & 9 Schedule 3 Noise with conditions similar to the neighbouring Bengalla mine's Conditions 6 & 7 Schedule 3. In addition to these requirements add the following:
  - i. Ensure that all trucks, dozers, drills and excavators are noise suppressed (or attenuated) units to a stated sound power level. This is to ensure the noise generated by the mine is actually minimized and not just claimed to be compliant at the nearest noise monitor;
  - ii. A requirement to periodically (specified) test all attenuated equipment with stated methodology to a stated noise level. This is to ensure the equipment does not fall out of it specified sound power level with age;
  - iii. As a component of the real time noise management system, when needed as defined by DP&E, provide attended noise assessments to assist noise assessment against compliance and to better manage sources of mine noise of concern to the community. This is because the Muswellbrook urban area will be a very complex noise environment and traditional real time noise units will not be able to differentiate between mine generated noise and town noise;
- f. It is noted that Condition 22 Schedule 3 Air Quality Operating Conditions were upgraded in Mod 2 in March 2017. In addition to these requirements it is requested that fixed, and if considered necessary, mobile cameras are utilized off site to ensure the minimization of visible air pollution can be recorded and managed. Further, it was noticed in the Environmental Assessment that there was no Air Quality monitor in the north-west corner of the mine site to assess air quality leaving both the Bengalla and Mt Pleasant mines and affecting residents of Castlerock road when winds blow from the south-east. The Air Quality Management Plan should specify an Air Quality monitor in this location;
- g. The Environmental Assessment states that it may be possible to utilize underground water from the neighbouring Dartbrook mine. Dartbrook has an extensive reserve of mine water that continues to increase. Irrespective of Dartbrook's mining future, it is highly likely that the use of this water by the Mt Pleasant mine will be desirable and minimize the use of Hunter River water that is significantly better quality. The revised consent should allow the use of Dartbrook mine water by the Mt Pleasant mine and provides a condition to encourage this water use as far as possible;
- h. Condition 10 Schedule 3 Blasting states that there is a limit of 50mm/sec on all public infrastructure. This would include roads and powerlines. It is highly likely that this will not be possible, and the consent should be amended accordingly.

## Attachment 1





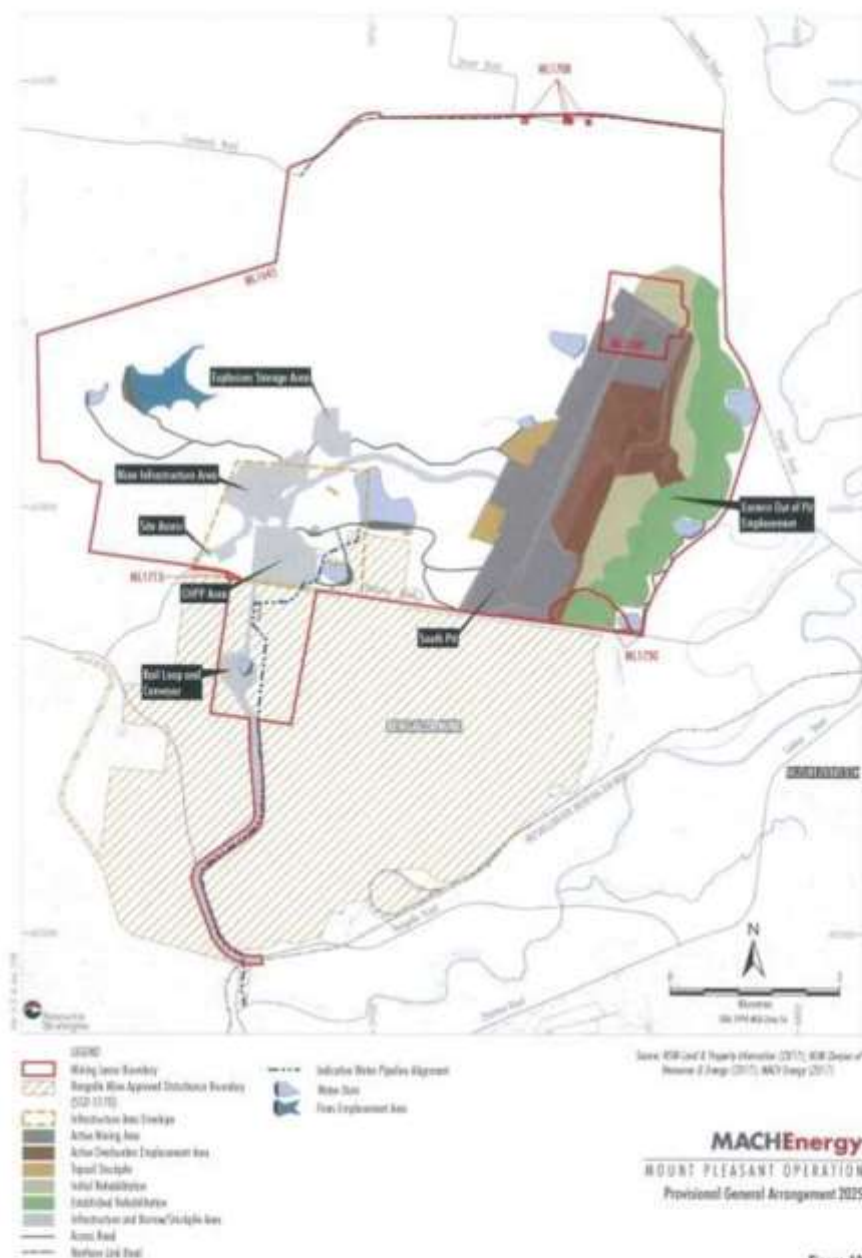
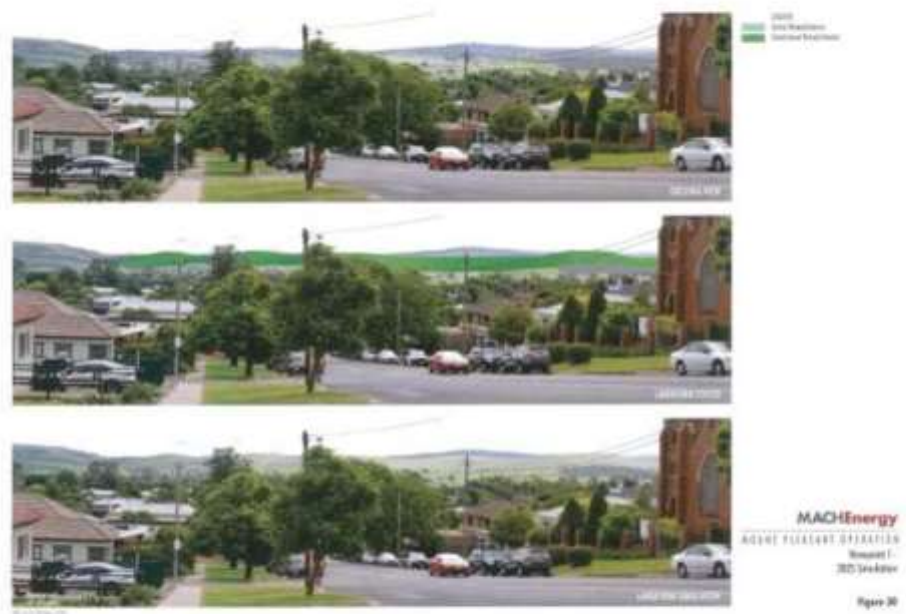


Figure 12





## 12.2 MAKING OF THE RATES AND ANNUAL CHARGES FOR 2017-18

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Ross Franklin - Chief Finance Officer
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

### PURPOSE

To make the rates and charges for the 2017/18 financial year in order to raise Council's revenue requirements as contained in the 2017/18 Budget and Revenue Policy

### OFFICER'S RECOMMENDATION

#### GENERAL FUND

RECOMMENDED that the following Ordinary Rates be NOW MADE for the 2017/18 Financial Year.

Rate Type	Category	Sub-Category	Ad Valorem Amount Cents in \$	Base/ Min \$	Base as % of Total Rate
Ordinary	Residential		0.4121460	\$240.00	24.68%
Ordinary	Residential	Muswellbrook/Denman	0.5274890	\$290.00	41.48%
Ordinary	Farmland		0.3428480	\$400.00	14.01%
Ordinary	Mining		5.4537880	\$15,000.00	4.70%
Ordinary	Business		1.0502980	\$250.00	10.59%
Ordinary	Business	Interim Development	0.2030700	\$250.00	2.53%

#### WATER CHARGES

RECOMMENDED that the Council do hereby prescribe and order under Section 552 of the Local Government Act 1993, the following water charges be NOW MADE for the 2017/18 Financial Year:-

1. A Water Service Availability Charge is charged for each service to the property in respect of land that is supplied with water from a water pipe of the Council and land that is situated within 225 metres of a water pipe of the Council (whether or not actually supplied with water from any water pipe of the Council). The Water Service Availability Charge is based on the service size of the connection to the water supply line. The Water Service Availability Charges for the 2017/18 Financial Year are:

**Water Service Charge**

Availability Charge (Not Connected)	\$ 175
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Availability Charge (Connected)	
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- 20mm service	\$ 175
- 25mm service	\$ 273
- 32mm service	\$ 448
- 40mm service	\$ 700
- 50mm service	\$1,094
- 65mm service	\$1,848
- 80mm service	\$2,800
- 100mm service	\$4,375
- 150mm service	\$9,844

2. A Consumption Tariff is to be charged per kilolitre for all water supplied. The water consumption tariffs for the 2017/18 Financial Year are:

<u>Consumption Tariff</u>	<u>(\$/Kl)</u>
Residential	Tier 1 (1-350Kl per annum) \$1.77/kl Tier 2 (>350Kl per annum) \$2.65/kl
Non-Residential	\$2.22 per Kl

**SEWERAGE CHARGES**

RECOMMENDED that the Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, the following sewer charges be NOW MADE for the 2017/18 Financial Year:-

An annual charge for sewer is applicable to each rateable assessment 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 each Residential assessment for which the service is provided or is proposed to be provided. The Sewer Service Availability Charges for the 2017/18 Financial year are:-

**Sewer Service Charge**

Residential Sewer Availability Charge (Vacant)	\$260.00
Residential Sewer Charge (Occupied)	\$645.00

**2) Non-Residential Sewerage Charges**

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

$$SC = SDF \times (AC + (C \times UC))$$

SC = Sewerage Charge

SDF = Sewerage Discharge Factor

AC = Availability Charge

C = Total water consumption for meter

UC = Sewer Usage Charge

The Sewer Service Availability Charges for the year commencing 1 July 2017 are:-

**Sewer Service Availability Charge**

Availability Charge (Not Connected)      \$260.00

**Availability Charge (Connected)**

- 20mm service	\$260.00
- 25mm service	\$406.25
- 32mm service	\$665.60
- 40mm service	\$1,040.00
- 50mm service	\$1,625.00
- 65mm service	\$2,746.25
- 80mm service	\$4,160.00
- 100mm service	\$6,500.00
- 150mm service	\$14,625.00

The Sewer Usage Charge for the 2017/18 Financial Year is:-

<b><u>Sewer Usage Charge</u></b>	<b><u>(\$/Kl)</u></b>
Non-Residential Sewer Usage Charge	\$2.22

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

**WASTE CHARGES**

RECOMMENDED that the Council do hereby prescribe and order under Section 496 of the Local Government Act 1993, for rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2017/18 Financial Year:-

**Domestic Waste Management Service Charge**

Urban Domestic Waste Management Availability Charge <sup>(a)</sup>	\$93.50
Urban Domestic Waste Management Service Charge <sup>(b)</sup>	\$361.00
Additional Urban Domestic Waste Management Service Charge	\$93.00
Additional Urban Domestic Waste Management Recycling Service Charge	\$63.00
Additional Urban Domestic Waste Management Green Waste Service Charge	\$28.00

- a) Charge applies to vacant rateable land categorised for rating purposes as Residential and situated within the urban area in which a Domestic Waste Management Service is able to be provided.
- b) Each premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material and one fortnightly collection of green waste for each Urban Domestic Waste Management Service Charge.

**RECOMMENDED** that the Council do hereby prescribe and order under Section 496 of the Local Government Act 1993, for rateable land categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Domestic Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2017/18 Financial Year:-

**Rural Domestic Waste Management Service Charge**

Rural Domestic Waste Management Availability Charge <sup>(a)</sup>	\$93.50
Rural Domestic Waste Management Service Charge <sup>(b)</sup>	\$325.00
Additional Rural Domestic Waste Management Service Charge	\$93.00
Additional Rural Domestic Waste Management Recycling Service Charge	\$63.00
Rural Domestic Waste Management Green Waste Service Charge	\$28.00

- a) 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 able to be provided.
- b) Each 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.

**RECOMMENDED** that the Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as residential and situated within the urban area in which a Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2017/18 Financial Year:-

**Waste Management Service Charge**

Urban Waste Management Availability Charge – Non-Domestic <sup>(a)</sup>	\$93.50
Waste Management Service Charge <sup>(b)</sup>	\$325.00
Additional Waste Management Service Charge	\$93.00
Additional Waste Management Recycling Service Charge	\$63.00
Waste Management Green Waste Service Charge	\$28.00

- a) Charge applies to vacant rateable land not categorised for rating purposes as Residential and situated within the urban area in which a Waste Management Service is able to be provided.
- b) Each premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Waste Management Service Charge.

**RECOMMENDED** that the Council do hereby prescribe and order under Section 501 of the Local Government Act 1993, for land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Waste Management Service is able to be provided, that the following waste charges be NOW MADE for the 2017/18 Financial Year:-



**Rural Waste Management Service Charge**

Rural Waste Management Availability Charge – Non-Domestic <sup>(a)</sup>	\$93.50
Rural Waste Management Service Charge <sup>(b)</sup>	\$325.00
Additional Rural Waste Management Service Charge	\$93.00
Additional Rural Waste Management Recycling Service Charge	\$63.00
Rural Waste Management Green Waste Service Charge	\$28.00

- a) Charge applies to vacant rateable land not categorised for rating purposes as Residential or Farmland and situated within the rural area in which a Rural Waste Management Service is able to be provided.
- b) Each premises is entitled to one approved mobile waste bin service per week and one fortnightly collection of recyclable material for each Rural Waste Management Service Charge.

**STORMWATER MANAGEMENT CHARGE**

RECOMMENDED that the Council do hereby determine and order, in accordance with Section 496A of the Local Government Act 1993 to levy a Stormwater Management Charge for 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 exemption or variation to the charge is provided in accordance with the document "Stormwater Management Service Charge Guidelines" issued by the Division of Local Government in July 2006, be NOW MADE for the 2017/18 Financial Year at a rate of \$25.00 per assessment and \$12.50 per residential strata unit.

Where a non-residential assessment exists with an impervious land area falling within the ranges outlined below the charge will be levied in accordance with table established below:-

Area of Impervious Land	Charge
0-1199 sqm	\$ 25.00
1200-4999 sqm	\$100.00
5000-9999 sqm	\$375.00
Greater than 10,000 sqm	\$725.00

**INTEREST ON OVERDUE ACCOUNTS**

RECOMMENDED that the Council do hereby determine and order, in accordance with Section 566 of the Local Government Act 1993, that if rates and charges are unpaid at the due date, the amount shall be increased by a sum calculated at seven point five per cent (7.5%) per annum simple interest, calculated daily for the Financial Year.

**HUNTER CATCHMENT CONTRIBUTION**

RECOMMENDED that the Council do hereby determine and order, in accordance with Clauses 36 and 40, Part 4 of the Local Land Services Regulation 2014 as advised by Hunter Local Land Services in 2017/18, a rate of 0.0110 (zero point zero one one zero) cents in the dollar on the current Land Value of the land within the Council area. By virtue of the provisions of the above regulation, the Council is authorised, empowered and required to levy the said Catchment contribution rate in respect of the lands.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**BACKGROUND**

At the Council meeting on 28 June Council adopted the 2017/18 Revenue Policy and 2017/18 Operational and Capital budget. In adopting the revenue policy Council has agreed on the rates and charges to be levied for 2017/18.

**CONSULTATION**

The draft Revenue Policy was placed on public exhibition as part of the draft 2017/18 Operational Plan. The proposed rates and charges were updated using the latest data available when the Operational Plan and revenue Policy were adopted on 28 June. In adopting these documents Council made some amendments to the draft documents. No submissions were received on the draft Revenue policy.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

This report deals with the mechanic of implementing the rates and charges as adopted so no consultation was required.

**REPORT**

This report has been written to enable Council to raise the revenues as outlined in the adopted Operational Plan, Budget and Revenue Policy.

The recommendations follow the statutory requirements as set out in the Local Government Act 1993.

**OPTIONS**

The only viable option is for Council to pass the recommended resolutions and this is the mechanics of implementing the Revenue Policy as adopted by Council.

If Council wants to vary any of the resolutions, other than to rectify any error within them, the resulting revenue impact will need to be modelled and the Revenue policy would need to be amended.

**CONCLUSION**

This report contains the mechanical resolutions required by statute to enable Council to make and levy the rates and charges, based on decisions made on 28 June.

**SOCIAL IMPLICATIONS**

There are no social implications.

**FINANCIAL IMPLICATIONS**

The resolutions to make the rates will enable Council to collect the revenue of \$20.8m as budgeted in the 2017/18 Operational Plan and budget.

**POLICY IMPLICATIONS**

This report implements existing policy decisions.

**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 OLG 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 before 1 August each year.

**OPERATIONAL PLAN IMPLICATIONS**

The report raises the revenues as budgeted for in the Operational Plan and Budget.

**RISK MANAGEMENT IMPLICATIONS**

The form of the resolutions has been structured to ensure compliance with council's legal requirements.

**12.3 LANDSCAPING WORKS FOR MUSWELLBROOK CEMETERY**

Attachments:	A. Muswellbrook Cemetery - Draft Concept Landscape Plan - Cover Sheet
	B. Muswellbrook Cemetery - Draft Concept Landscape Plan - Area 1
	C. Muswellbrook Cemetery - Draft Concept Landscape Plan - Area 2
	D. Muswellbrook Cemetery - Path - Indicative
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Matthew Lysaught - Manager, Property and Building Services
Community Plan Issue:	<i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i>
Community Plan Goal:	<i>That our community infrastructure is appropriate, sustainable and well maintained</i>
Community Plan Strategy:	<i>Develop and maintain the Shire's infrastructure</i>

**PURPOSE**

To seek Council's approval for a new program of works at the Muswellbrook Cemetery.

**OFFICER'S RECOMMENDATION**

Council approve the recommended program of works as detailed in the report.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**BACKGROUND**

In 2011, Council had a Draft Concept Landscape Plan prepared for the Muswellbrook Cemetery which is attached. It was reported to Council in February 2012 that the plan had a number of proposals that were not immediately feasible. Council at this time chose to replace the pasture grass in the old cemetery with kikuyu to match the lawn cemetery to improve overall presentation of the cemetery.

In recent years additional lawn cemetery beams have been installed as the cemetery extends north towards Cook St and most recently the irrigation at the lawn cemetery has been extended and automated. However, it has been a number of years since significant capital works have been undertaken at Muswellbrook Cemetery despite Council's annual allocation.

Staff have reviewed the Draft Concept Landscape Plan and prepared a new program of works which includes some key elements of the draft plan while addressing a number of operational issues at the cemetery including guiding vehicle and pedestrian movements.

**CONSULTATION**

Technical Officer – Recreation and Property

Detail of the works to be advanced in consultation with Works Parks and funeral service operators.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

No consultation

**REPORT**

An observed priority at the Muswellbrook Cemetery is the need for paths to be formalised or reinstated together with bollards preventing vehicle access on graves and providing legible movement throughout the cemetery. Attached is a mud map (Path – Indicative) of the paths to be formalised which is approximately 650 meters of path and it is proposed that this be 2.5 meters wide where space permits and packed with decomposed granite.

The paths are for pedestrians but would also be used by vehicles for funeral services as normal. The paths would also make access in the wet weather easier for the funeral vehicles. The installation of paths would provide formal access from all border streets to the cemetery but unlike the draft plan the proposed paths are limited on the western side of the cemetery.

The existing path beginning from Hill St is bordered by brick pavers and it is considered unnecessary to replace and should remain in situ, but where there is no border for new paths a discreet concrete edge will be used to retain the decomposed granite and prevent weeds.

It is also proposed to install bollards at the entries to the cemetery of which there would be six with three, as used now, providing access to vehicles. The bollards would be the black heritage (Victorian) type as used in Muswellbrook Shire civic and business precincts.

Consistent with the draft plan it is proposed for trees as identified, specifically the *Pryus calleryana* 'Bradford' – Callery Pear and *Pryus calleryana* 'Capital' – Callery Pear, to be planted adjacent to the paths. Existing trees would also be retained and natives would be used informally as in the draft plan. On the western boundary of the cemetery bordering Victoria Park additional planting of natives would be undertaken similar to the plantings in nearby Karoola Park for National Tree Day projects. This area in time could possibly evolve as a native garden of remembrance.

Provided below is the list of works itemised with quantity estimates, material and cost estimates. Included in addition to above is an allocation for furniture, signs, make good turf, and an allowance for the heritage monuments. It is proposed that a risk assessment be undertaken of the older monuments with specialist advice to be provided on modest works to best present and preserve these monuments.

The program of works includes:

Item	Quantity	Material	Cost Estimate
Formalisation of paths	650m x 2.5m	Decomposed granite as in draft plan Bricks in situ with concrete edges for new paths	\$100,000
Entry and path bollards	60	Heritage bollards (black with chain) Consistent with Public Domain Manual	\$20,000
Furniture	10	Bench seating at nodes as in draft plan	\$20,000
Signs	6	Entry and directional signs	\$6,000
Tree plantings	150	Adjacent to paths as in draft plan	\$45,000
Turf	350m <sup>2</sup>	Estimate of make good	\$10,000
Risk assessment and treatment of heritage monuments	-	Allowance for positioning of monuments and works identified	\$10,000
<b>Total</b>			<b>\$211,000</b>



**OPTIONS**

Council has carried over a capital allocation of approximately \$120K from 2016/2017 and has a Capital Works and Purchases 2017/2018 allocation of \$100K which will fund the program of works identified above. However, Council could choose to prioritise other works at the Muswellbrook or Denman Cemetery. The fencing of the cemetery for example has been identified as potential future works. The perimeter of the cemetery is approximately 800m and this area fenced with a cast aluminium palisade style fence would cost approximately \$100,000.

Most recently Denman Cemetery has had accessible works completed. This included constructing a concrete path from the access gate (pedestrian and vehicle) down to the columbarium.

**CONCLUSION**

It has been a number of years since significant work has been undertaken to improve the presentation of the Muswellbrook Cemetery. The new program of works is within the allocated capital budget and includes key elements of the draft plan to beautify the cemetery while addressing operational issues.

**SOCIAL IMPLICATIONS**

The new program of works would improve the public amenity of the cemetery.

**FINANCIAL IMPLICATIONS**

The estimated costs of the program of works is within the allocated capital budget.

**POLICY IMPLICATIONS**

Policy No. C10/2 – Cemeteries - General Cemetery, Lawn Cemetery, Memorial Walls

**STATUTORY IMPLICATIONS**

Cemeteries and Crematorium Act 2013

**LEGAL IMPLICATIONS**

Not Applicable

**OPERATIONAL PLAN IMPLICATIONS**

‘16.1 Support the conservation and restoration of the Shire’s heritage items’ and ‘19.2 Maintain and continually improve asset management’ *Operational Plan 2017 - 2018*

**RISK MANAGEMENT IMPLICATIONS**

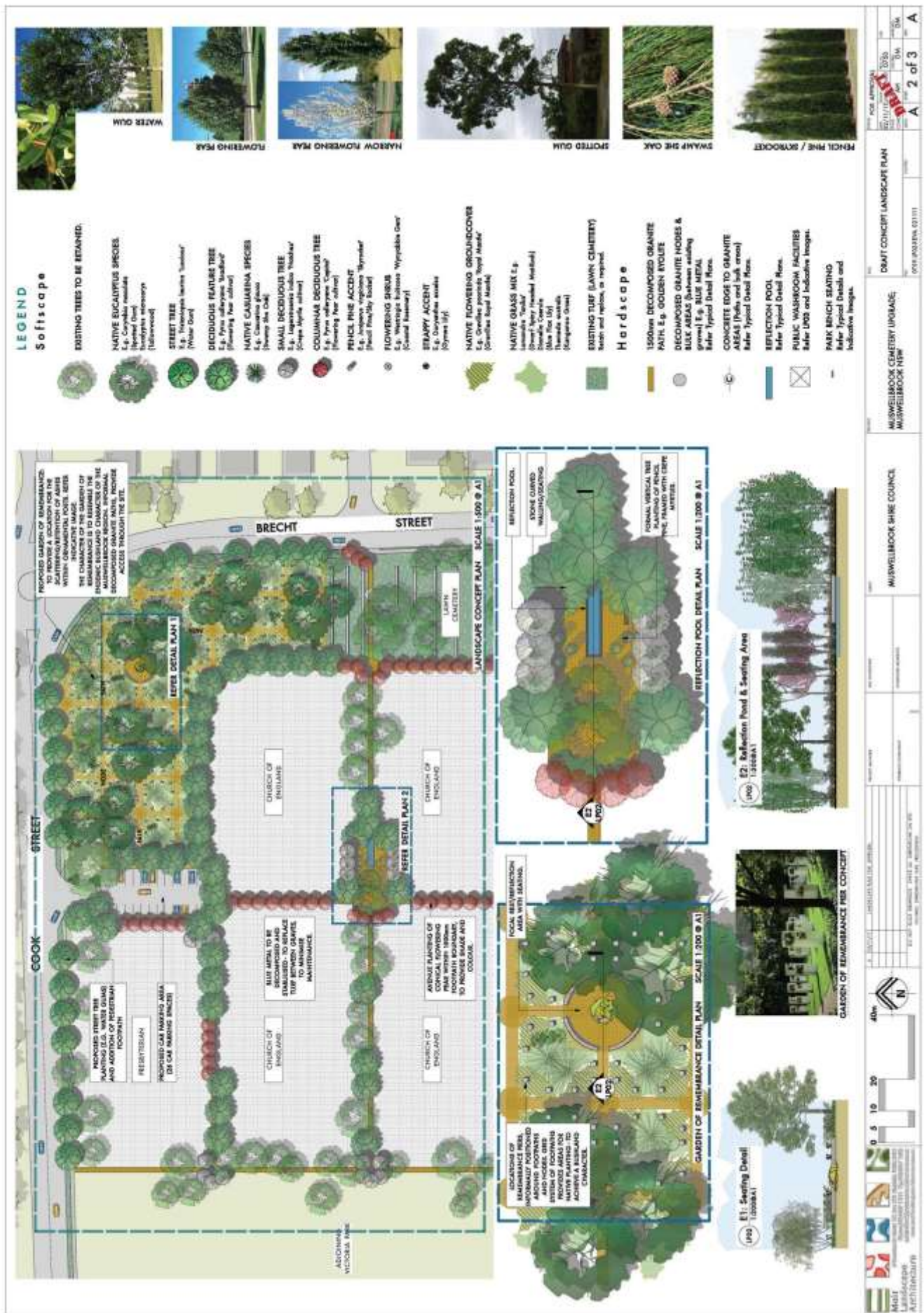
The new program of works has been prepared to reduce risks at the cemetery.



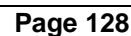
















## 12.4 REPORT ON INVESTMENTS HELD AS AT 30 JUNE 2017

<b>Attachments:</b>	<b>A. Schedule of Investments as at 30 June 2017</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Ross Franklin - Chief Finance Officer</b>
<b>Community Plan Issue:</b>	<b><i>Progressive leadership</i></b>
<b>Community Plan Goal:</b>	<b><i>That Muswellbrook Shire Council is appropriately resourced to deliver infrastructure and services into the future</i></b>
<b>Community Plan Strategy:</b>	<b><i>A financially sustainable council</i></b>

### PURPOSE

To present the list of financial investments currently held by Council in accordance with the Regulation.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

### REPORT

The following shows the balance of Council reserves as at 30 June 2016

External Restrictions (as at 30 June 2016)

Development Contributions	
Section 94	\$ 4,386,000.00
Water and Sewerage	\$15,190,000.00
Unexpended Specific Purpose Grants	\$ 948,000.00
Other Water, Sewer and Waste Funds	\$15,134,000.00
Bonds, Deposits etc.	<u>\$ 611,000.00</u>
Total External Restrictions	\$36,369,000.00
Internal Restrictions	<u>\$10,875,331.51</u>
TOTAL	\$47,244,331.51

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.

The funds, invested under Section 625 of the Local Government Act, as at 30 June 2017 are shown in the attached schedule.

A full, end year, reconciliation is being prepared and the investment returns will be reported once the reconciliation is complete.

**COMMENT:**

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 Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.



## Muswellbrook Shire Council Investments as at 30 June 2017

Institution	Credit Rating	Type	Face Value	Current Face Value	Maturity	Term (days)	Current yield	Coupon Rate	Market value
AMP Bank Ltd	A1	11am Cash	\$100,342.19	\$100,342.19	1-Jul-17	1	2.55	0	\$100,342.19
ING Bank Australia Limited	A2	Term Deposit	\$2,000,000.00	\$2,000,000.00	17-Aug-17	1,826	6.01	6.01	\$2,104,392.88
Bank of Queensland Ltd	A2	Term Deposit	\$2,000,000.00	\$2,000,000.00	31-Aug-17	1,826	5.65	5.65	\$2,093,805.48
Westpac Banking Corporation Ltd	A1+	Term Deposit	\$1,000,000.00	\$1,000,000.00	21-Sep-17	1,826	5.2	5.2	\$1,001,282.19
ING Bank Australia Limited	A2	Term Deposit	\$2,000,000.00	\$2,000,000.00	19-Oct-17	1,826	5.49	5.49	\$2,076,408.76
AMP Bank Ltd	A1	Term Deposit	\$1,250,000.00	\$1,250,000.00	13-Nov-17	1,826	5.37	5.37	\$1,291,930.14
Credit Union Australia Ltd	BBB	Floating Rate Note	\$2,000,000.00	\$2,000,000.00	22-Dec-17	1,040	2.9113	2.92	\$2,004,300.00
Commonwealth Bank of Australia Ltd	A1+	Term Deposit	\$1,500,000.00	\$1,500,000.00	25-Feb-18	1,826	4.55	4.55	\$1,522,999.32
Newcastle Permanent Building Society Ltd	BBB	Floating Rate Note	\$500,000.00	\$500,000.00	27-Feb-18	1,096	2.835	2.84	\$501,650.00
Rabobank Australia Ltd	UR	Term Deposit	\$1,003,041.10	\$1,003,041.10	6-Apr-18	1,826	5	5	\$1,014,720.35
Heritage Bank Ltd	Baa1	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	7-May-18	1,004	2.8804	2.89	\$1,004,880.00
Rabobank Australia Ltd	UR	Term Deposit	\$1,000,000.00	\$1,000,000.00	1-Jun-18	1,826	4.7	4.7	\$1,003,734.25
Bank of Queensland Ltd	A2	Term Deposit	\$1,250,000.00	\$1,250,000.00	9-Jul-18	1,826	5.15	5.15	\$1,312,434.94
National Australia Bank Ltd	A1+	Term Deposit	\$2,000,000.00	\$2,000,000.00	3-Sep-18	1,826	4.59	4.59	\$2,074,949.04
Commonwealth Bank of Australia Ltd	AA-	Fixed Rate TCD	\$1,500,000.00	\$1,500,000.00	31-Oct-18	1,826	4.5	4.5	\$1,547,445.00
Members Equity Bank Ltd	BBB	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	18-Jul-19	962	3.2108	3.22	\$1,010,270.00
Newcastle Permanent Building Society Ltd	A2	Term Deposit	\$1,500,000.00	\$1,500,000.00	31-Aug-19	1,095	3	3	\$1,503,698.63
Greater Bank Ltd	BBB	Floating Rate TCD	\$1,000,000.00	\$1,000,000.00	29-Nov-19	1,065	3.235	3.24	\$1,006,860.00
Rabobank Nederland Australia Branch	A+	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	11-Feb-20	1,826	2.785	2.79	\$1,011,720.00
Bank of Queensland Ltd	A-	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	12-Feb-20	1,826	2.785	2.79	\$1,004,850.00
Macquarie Bank	A	Floating Rate Note	\$750,000.00	\$750,000.00	3-Mar-20	1,827	2.83	2.83	\$756,727.50



Institution	Credit Rating	Type	Face Value	Current Face Value	Maturity	Term (days)	Current yield	Coupon Rate	Market value
Credit Union Australia Ltd	BBB	Floating Rate Note	\$750,000.00	\$750,000.00	20-Mar-20	1,096	3.02	3.02	\$750,270.00
Newcastle Permanent Building Society Ltd	BBB	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	7-Apr-20	1,827	3.135	3.14	\$1,006,990.00
Credit Suisse Sydney	A	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	29-Apr-20	1,729	2.8886	2.9	\$1,011,060.00
P&N Bank Ltd	A2	Term Deposit	\$1,000,000.00	\$1,000,000.00	5-Jun-20	1,827	3.83	3.83	\$1,079,328.22
Bendigo & Adelaide Bank Ltd	A-	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	18-Aug-20	1,827	2.835	2.84	\$1,004,630.00
Bank of Queensland Ltd	A-	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	26-Oct-20	1,461	2.915	2.92	\$1,008,730.00
Rabobank Nederland Australia Branch	A+	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	4-Mar-21	1,826	3.23	3.23	\$1,025,550.00
Credit Suisse Sydney	A	Floating Rate Note	\$1,000,000.00	\$1,000,000.00	9-Mar-21	1,826	3.675	3.68	\$1,033,790.00
Bank of Queensland Ltd	A2	Term Deposit	\$1,000,000.00	\$1,000,000.00	21-Jun-21	1,826	3.4	3.4	\$1,000,838.36
P&N Bank Ltd	A2	Term Deposit Covered	\$2,000,000.00	\$2,000,000.00	21-Jun-21	1,826	3.53	3.53	\$2,072,340.82
Suncorp Bank	AAA	Floating Bond	\$1,000,000.00	\$1,000,000.00	22-Jun-21	1,826	2.815	2.82	\$1,009,600.00
National Australia Bank Ltd	AA-	Fixed Rate Bond	\$1,000,000.00	\$1,000,000.00	16-Dec-21	2,557	3.9304	4	\$1,039,020.00
ANZ Banking Group Ltd	A1+	Floating Rate Deposit	\$1,000,000.00	\$1,000,000.00	21-Jul-22	2,557	2.95	2.95	\$1,005,657.53
Suncorp Bank	Aaa	Covered Fixed Bond	\$1,000,000.00	\$1,000,000.00	24-Aug-26	3,652	3.2728	3.25	\$958,200.00
			<u>\$41,103,383.29</u>	<u>\$41,103,383.29</u>					
									<u>\$41,955,405.60</u>

## 12.5 DELEGATIONS TO THE MAYOR & GENERAL MANAGER

<b>Attachments:</b>	<b>A. Delegation to Mayor</b> <b>B. Delegation to General Manager</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Joshua Brown - Co-Ordinator Executive Services</b>
<b>Community Plan Issue:</b>	<b><i>Progressive leadership</i></b>
<b>Community Plan Goal:</b>	<b><i>That Muswellbrook Shire is well led and managed</i></b>
<b>Community Plan Strategy:</b>	<b><i>Effective governance of Muswellbrook Shire</i></b>

### PURPOSE

For Councillors to review the delegations to the Mayor and General Manager.

### OFFICER'S RECOMMENDATION

That the delegation to the;

1. **Mayor of Muswellbrook Shire Council, attached as appendix A, be ENDORSED.**
2. **General Manager of Muswellbrook Shire Council, attached as appendix B, be ENDORSED.**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

### BACKGROUND

After the polls have been declared for Local Government Elections, a report was submitted to the Extra-Ordinary Council meeting held on 21 September, 2016 where the following was resolved:

*That;*

1. *The delegation to the Mayor of Muswellbrook Shire Council, attached as appendix A, be approved on an interim basis.*
2. *The delegation to the General Manager of Muswellbrook Shire Council, attached as appendix B, be approved on an interim basis.*
3. *A review of the delegations be prepared for the November Ordinary Council meeting.*

A review of the delegations has now been undertaken and minor amendments made to the delegation for the Mayor for consideration by Council. The language of the delegation now reflect the Office of Local Government's Guidelines for the appointment and oversight of General Managers.

### CONSULTATION

Not applicable.

### REPORT

Provisions of the *Local Government Act 1993* (the Act) outline the specific authority given to both the Council and General Manager in order to carry out the functions of their duties. The draft delegations to both the Mayor and General Manager are in accordance with Part 3 – Delegation of Functions of the Act.

**OPTIONS**

Not applicable.

**CONCLUSION**

That Council consider the delegations for the Mayor and General Manager.

**SOCIAL IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

Not applicable.

**POLICY IMPLICATIONS**

Not applicable.

**STATUTORY IMPLICATIONS**

Part 3 – Delegation of Functions S377 of the Local Government Act, 1993.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.



# muswellbrook shire council

## DELEGATION OF AUTHORITY

### SECTION 377, LOCAL GOVERNMENT ACT, 1993

#### Mayor

Muswellbrook Shire Council, in order to provide for the expedient exercise and performance of Council's powers and duties and the efficient management of Council's business and responsibilities hereby delegates, under Section 377 of the Local Government Act, 1993 to **Councillor Martin Rush** holding the position of **MAYOR** and to the person holding the aforementioned position in an acting capacity the exercise of Council's functions which includes its powers, duties and authorities, contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2. Under Section 226 of the Local Government Act, the role of the Mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

**This delegation revokes all previous delegations. This delegation shall commence on XXXX and remain in force until specifically altered or revoked in writing.**

#### SCHEDULE 1

Subject to the requirements of the Act, and Regulations thereunder, and any expressed policy or direction of the Council, the Council, pursuant to the provision of Section 377 of the Act and every other enabling statutory power, delegates to the person who occupies the position of Mayor to exercise or perform, on behalf of the Council, the following powers, authorities, duties or functions:

##### 1. General Manager

The mayor's role in the day-to-day management of the general manager should include without limitation:

- approving leave
- approving expenses incurred
- managing complaints about the general manager.

and ensure that copies of authorisation of leave be placed in Council's record system

**2.     Between Meeting Recess**

To exercise the policy-making functions of the governing body of the council between meetings of the council provided that:

- a) The exercise of a function is not inconsistent with a policy or resolution of the Governing Body of the Council;
- b) Before exercising a policy making function, the Mayor considers any advice provided by the General Manager to Councillors;
- c) The Mayor provides each councillor notice in writing, where possible, of his/her intention to exercise the policy making function of the Council and provides each Councillor with an opportunity for comment -- (such comments should be provided in writing); and
- d) The Mayor reports the exercise of the policy making function at the next Ordinary Council Meeting.

**3.     Power of Expulsion**

The Mayor presiding at any meeting of Council or a Committee of Council may expel any person not entitled to be present in accordance with Section 10(2)(b) of the Act.

**4.     Councillors**

To nominate Councillor Representatives to attend functions on behalf of Council and to determine who should represent Council at civic, ceremonial and social functions where the Mayor is unable to attend and Council has not determined its representatives.

**5.     Legal**

To authorise legal advice or legal representation in any matter in which the Council is already or likely to become involved.

**6.     Conveyancing**

To negotiate and execute (with the General Manager) the purchase or sale of land in accordance with the minimum sales price or maximum purchase price adopted by Council and subject to any other conditions the Council may require where Council has resolved to purchase or sell land.

**7.     Payment of Accounts**

To authorise or confirm payments made in accordance with the Local Government Act.

**8.     Entry and Inspection**

To enter upon any land or building to make inspection, of the premises, matter or thing, in accordance with the provisions of Section 191 of the Act, or Section 118A(1) of the Environmental Planning and Assessment Act.



**9. Conferences, Seminars and Meetings**

To approve the attendance of Councillors at any seminar, conference, meeting or training course, subject to sufficient funds, provided that such delegation shall not be exercised if there is a Policy and Planning Committee meeting prior to the closing date for registration.

**10. Media Relations**

To undertake the roles provided in Council Policy P45/1 – Public Comment on Council Matters.

**11. Correspondence**

To sign outgoing correspondence, including letter head, facsimile and electronic mail on behalf of the Council.

**12. Use of Council Chambers**

To approve use of the Council Chambers and Councillors' Rooms by other persons.

**13. Common Seal**

To affix the Common Seal in accordance with the Local Government (General) Regulation 2005, Council's Policy and guidelines.

*Note:*

- *A Council Seal can be affixed to a document only after the Council has resolved that the seal be affixed.*
- *The power to authorise the affixing of the seal can only be exercised by the Council. It cannot be delegated to a Committee or employee (see S:377 LGA Act1993).*
- *The seal cannot be used on staff references or congratulatory letters to members of the community.*

**END OF DELEGATION**

**Muswellbrook Shire Council**  
**By Resolution: XXX**  
**Date: 10 May 2017**



# **muswellbrook shire council**

## **DELEGATION OF AUTHORITY TO GENERAL MANAGER**

### **SECTION 377 LOCAL GOVERNMENT ACT 1993**

Muswellbrook Shire Council in order to provide for the expedient exercise and performance of its powers and duties and the efficient management of its business and responsibilities (pursuant to Council's resolution of XXX, Minute No XX) hereby delegates, under Section 377 of the Local Government Act 1993 to **Stephen John McDonald**, holding the position of **GENERAL MANAGER**, and to the person holding the aforementioned position in an acting capacity, the exercise of Council's powers, functions, duties and authorities contained in legislation and matters specified in Schedule 1 subject to the limitations specified in Schedule 2.

This delegation shall commence on 10 May, 2017 and remain in force until specifically altered or revoked in writing.

### **SCHEDULE 1**

1. The functions of the Council as specified in: -
  - (i) the Local Government Act 1993 and related Acts; and
  - (ii) other Acts under which Council has powers, authorities, duties and functions.

### **SCHEDULE 2 - LIMITATIONS**

1. Subject to the provisions of the Local Government Act 1993 and any other legislation relevant to the delegations.
2. Council may by resolution direct the General Manager in the exercise of any function herein delegated.
3. The General Manager shall exercise the functions herein delegated in accordance with and subject to: -
  - (i) The provisions of the Local Government Act 1993, as amended;
  - (ii) All and every policy of the Council adopted by Resolution and current at the time of the exercise of the functions herein delegated.

**END OF DELEGATION**

**10 May 2017**

## 12.6 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

**Attachments:** Nil

**Responsible Officer:** Fiona Plesman - Director - Planning, Community & Corporate Services

**Author:** Chloe Wuiske - Administration Officer  
Jade Richardson - Co-Ordinator, Customer Service & Administration  
Olivia Harris - Manager, Planning & Regulatory  
Carolyn O'Brien - Manager, Community Services

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Operational efficiency*

### PURPOSE

Monthly report to Council.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

### REPORT

#### PLANNING & REGULATORY SERVICES

##### 1. Statistical Information

**Note:** Statistics for Section 149 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

#### ***Schedule 1: Development Applications Approved (26 May to 21 June 2017)***

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2016/63/2	S96(1a) Modification: Extension of Mezzanine Flooring to include Viewing Area, Staff Lockers, and Storage	5 Mill Street Muswellbrook	0
2017/52	Two (2) Shipping Containers for Storage	3 Wilkinson Avenue Muswellbrook	5,379
2017/49	Construction of an Open Stable/Barn	463 Dalswinton Road Dalswinton	80,000
2017/47	New Dwelling	43 Stockyard Parade Muswellbrook	406,130

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2017/46	Retaining Wall	111 Ironbark Road Muswellbrook	7,000
2017/45	Carport and Patio	2382 Martindale Road Denman	28,490
2017/43	Home Based Food Business	26 Turanville Avenue Muswellbrook	0
2017/42	Construct a Wine Storage Area as an Extension of Existing Facilities	2 Yarrowa Road Denman	60,000
2017/40	Replace Existing Carport	11 Bligh Street Muswellbrook	6,000
2015/45/2	S96(1a) Modification - Changes to Condition One (1)	80 Brook Street Muswellbrook	0
2017/39	Erection of Signage	2 Francis Street Muswellbrook	11,742
2017/37	Change of Use - Converting Existing Shed into a Dwelling	96 Palace Street Denman	55,500
2017/36	Addition of Two (2) bedrooms to Dwelling and Timber Frame Pool House	7 George Street Muswellbrook	100,000
2017/34	Shed	10 Fleming Street Muswellbrook	8,650
2017/32	Shed	1 Kingfisher Court Muscle Creek	29,300
2017/28	Carport & Retaining Wall	4 Mataro Avenue Muswellbrook	7,779
2016/100	Boundary Adjustment of Two (2) Lots into Two (2) Lots	Golden Highway Denman	10,000
2013/256/2	S96(2) Modification - Rearrangement of approved wine tanks including addition of 5 tanks	Hunter Street Muswellbrook	0

***Schedule 2: Development Applications Currently Being Assessed***

DA No.	DESCRIPTION	PROPERTY	RECEIVED
2017/59	Deconstruction and Rebuilding of Heritage Belfry	20 Brook Street Muswellbrook	20/06/2017
2017/58	Change of Use - Continue using as a Dwelling	Jerdan Street Denman	19/06/2017
2017/57	Construction of Ford and Isuzu Showroom, Vehicle Display and Signage	113 Maitland Street Muswellbrook	14/06/2017
2017/24/2	S96(1a) Modification - Increase in Shed Size	494 Giants Creek Road Giants Creek	14/06/2017
2017/56	Garage	18 Finnegan Crescent Muswellbrook	08/06/2017
2017/55	Swimming Pool	13 Merton Street Denman	07/06/2017
2017/54	New Dwelling	56 Pine Ridge Row Denman	01/06/2017
2017/53	Extension to Existing Commercial Building	6 Wilkins Street Muswellbrook	31/05/2017
2000/212/6	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	29/05/2017
2017/51	Garage	6 Koombahla Street Muswellbrook	25/05/2017

DA No.	DESCRIPTION	PROPERTY	RECEIVED
2017/50	New Dwelling - Proposed Lot 1 of Lot 19 Grey Gum Road	20 Grey Gum Road Denman	25/05/2017
2017/48	Change of Use - Honey Extracting Facility and Storage	24 Wallarah Road Muswellbrook	23/05/2017
2017/44	New Double Sided Signage	8567 New England Highway Muswellbrook	18/05/2017
2017/41	Carport	10 Lexia Street Muswellbrook	11/05/2017
2015/45/2	S96(1a) Modification - Changes to Condition One (1)	80 Brook Street Muswellbrook	01/05/2017
2003/72/2	S96(1a) Modification - Amend Condition 1.11 - Alter Hours of Operation	83-89 Maitland Street Muswellbrook	21/04/2017
2017/38	Garage, Awning & Driveway	45 Sowerby Street Muswellbrook	19/04/2017
2017/33	Converting a Shed to a Granny Flat	93 Queen Street Muswellbrook	07/04/2017
2017/25	Mobile Crushing Plant	11 Glen Munro Road Muswellbrook	21/03/2017
2017/21	DEMOLITION	Brook Street Muswellbrook	13/03/2017
2016/111/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 Shaw Crescent Muswellbrook	10/03/2017
2017/18	Alterations and Additions to Registered Club	15 Sydney Street Muswellbrook	08/03/2017
2017/8	Subdivision - One (1) Lot into One Hundred and thirty eight (138) lots	Almond Street Denman	02/02/2017
1995/10098/3	S96(2) Modification - Additional Small Irrigation Area & Amend Conditions	Savoy Parish County Durham	30/01/2017
2016/120	Resource recovery Facility	Coal Road Muswellbrook	24/11/2016
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016

**4.07.01.1 - On-site sewage management systems meet regulatory standards. Ensure all on site sewage management systems have necessary approvals and inspections are to be carried out.**

**On-site Wastewater Statistics - 13 Month Analysis (2016/2017)**

	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Applications Received (new installation)	0	2	1	0	1	1	2	3	0	1	0	1	1
Applications Approved (new installation)	1	0	0	2	2	0	3	3	0	4	0	1	0
Inspections (new system)	0	0	2	5	1	0	1	0	0	0	0	0	0
Inspections (existing system)	66	18	50	8	33	51	61	83	4	31	8	6	31

**4.01.01.1 - 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 (2016/2017)**

	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Total Sites Inspected	7	3	4	3	3	2	1	0	0	0	0	0	0
Total non-compliant and educated	6	2	2	1	2	0	1	0	0	0	0	0	0
Total compliance after education	6	1	1	2	1	0	1	0	0	0	0	0	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

**4.06.01.1 - Increase surveillance and regulation of illegal dumping.****Illegal Dumping Statistics – 13 Month Analysis (2016/2017)**

	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Total Investigations	12	26	23	18	1	4	3	5	1	3	2	3	5
Total Clean up by Council - insufficient evidence	8	8	7	8	1	3	2	3	1	2	2	3	3
Total Clean Up by individual	0	10	4	3	0	0	0	2	0	0	0	0	0
Total Penalty Notices Issued	0	0	0	0	0	0	1	0	0	0	0	0	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	4	8	11	7	0	1	0	0	0	0	0	0	2

**4.04.04.4 - Enhance public safety and wellbeing of the community by undertaking an inspection program for swimming pools within the Local Government Area****Swimming Pool Compliance Statistics – 13 Month Analysis (2016/2017)**

	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Applications for Compliance Certs.	3	2	3	0	2	0	2	1	3	2	3	2	1
Total compliance inspections (not inc. Final Insp. for Occ. Certs)	35	15	31	15	23	18	25	17	20	19	42	21	26
Initial Inspections	23	8	24	13	21	14	19	17	15	16	27	145	12
Re-inspections	12	7	7	2	2	4	6	0	5	3	15	6	14
Compliance Certs / Occ. Certs issued	17	12	12	13	11	12	16	8	9	22	26	18	24

**Total Pools in Council's Swimming Pool Register = 863****Compliance as at 30 June 2016 = 44.3%****Current Compliance = 63.2%**

(i.e. 546 out of 863 pools have a valid Compliance Certificate or Occupation Certificate.

Note: Certificate is valid for 3 years)

**Percentage of pools inspected during Financial Year 2016/2017 = 22.3%**

(i.e. 193 out of 863 pools have had at least one inspection carried out during FY 2016/2017. Council's program outlines that we will inspect 10% of pools per year).

## **COMMUNITY SERVICES**

### **COMMUNITY DEVELOPMENT AND PLANNING**

#### **Operational Plan - 6.1.1 Pursue opportunities for place-making and improved liveability**

##### **6.6 Support Youth Services and Facilities Strategy Actions.**

Government support has been provided to the management committee of Upper Hunter Youth Services in regards to the development of the organisation service development and overall governance of the organisation.

#### **Operational Plan - 6.6.2 Conduct Youth Week activities.**

The NSW State Government Advocate for Children & Young People Youth Week 2017 funding process has been completed, it has resulted in the delivery of a successful Youth week Activity in the Muswellbrook Local Government Area reaching up to 100 young people.

#### **6.7 Advocate for aged facilities and services Strategy Actions Performance Measure**

##### **6.7.2 Continue to develop the Muswellbrook Shire Ageing Strategy.**

The Muswellbrook Shire Council Ageing Strategy (2014-17) has achieved 64% of the strategies contained within the report. Some of the highlights have included provision of supported accommodation needs for people who are ageing in Muswellbrook; improved amenities of sport and recreation facilities ie replacement of senior citizens floor, improvements of the Muswellbrook Croquet Club meeting facilitates; developing of an awareness brochure about what to consider when purchasing a mobility scooter; assisting in the establishment of a permanent meeting place for Muswellbrook and Denman Men's Shed; strengthening information and referral processes for people who require support.

Some of the outstanding issues include economic analysis information in relation to attracting seniors as tourist to the area and securing funds to develop mobility plans for our community. This has in part been impacted by the lack of demographic data usually provided by the ABS census at this time.

#### **6.8 Support community development Strategy Actions Performance Measure**

##### **6.8.1 Provide opportunities for all Shire residents to improve their wellbeing through access to a full range of community services which operate in collaboration with each other.**

###### **a) Convene and facilitate formal networks for human service providers.**

Upper Hunter Community Service Interagency Meetings have been held August, October, December, February and April during this reporting period.

###### **b) Support community service providers to operate according to best practice through the provision of information and advice.**

There have been (25) occasions of significant support provided during in this reporting period, a total of (253) occasion of significant support has been provided during 2016/17.

###### **c) Fulfil the requirements of external funding provided for community development and planning.**

The Community Worker Project has fulfilled the requirements under the Department of Family and Community Services Community Workers Project. Some of the highlights have been:

- Participation Hunter New England Health Primary Health Network needs analysis of access to mental health and suicide prevention support, this forum assisted in identifying service gaps in our local community;

- Continued support Drug & Alcohol Health Services Inc, attendance at the Hunter Council's Community Development & Social Planning Network Meeting and support to Upper Hunter Youth Services Inc;
- The continued support was provided to the Muswellbrook Graffiti Removal Day Working Group which held its second successful Graffiti Removal Day in Muswellbrook involving NSW Police, Muswellbrook Rotary Club, the PCYC, Muswellbrook Chamber of Commerce and Industry - Cummins South Pacific.
- Support has been provided to the Upper Hunter Mental Health Support Group to host a community forum aimed at building relationships and collaborative approaches in the delivery of support services to people who may have a mental illness.
- Continued support has been provided to the Muswellbrook and Upper Hunter Community Drug Action Team, the Upper Hunter Domestic Violence Committee, Upper Hunter Youth Network and the Upper Hunter Community Services Interagency Network.

**d) Provide demographic information to both internal and external customers through REMPLAN and Council's website.**

Muswellbrook Shire Council's membership to REMPLAN has been renewed and staff await a full release of the ABS data.

**e) To convene and facilitate an annual workshop for community service providers to determine and prioritise improvements required for seamless service provision.**

The annual Workshop for 2017 has been held and was well attended over 30 service providers participated on the day. An update on the 2016 issues was completed by the group present and well over 20% of the issues identified in 2016 have work in progress to address the issues.

Some of the highlights have been:

- increase in support services to vulnerable people and their families;
- change in management of Domestic Violence with the implementation of Safer Pathways Referral Process;
- strengthening Mental Health Services Support Referral processes ie the establishment of the Upper Hunter Mental Health Network and the presence of the Child Adolescent Mental Health Services as well as targeted workshops facilitated by Upper Hunter Community Services Inc and the Black Dog Institute.

**6.9.1 Implement the Rural Halls Funding Program.**

The 2017 Rural Halls Funding program has been complete with allocations made to five Rural Hall Committees as a part of Muswellbrook Shire Council's Rural Hall Enhancement Program.

**6.10 Advocate for crime reduction**

**6.10.1 Support improvements in community safety through the implementation of a Community Safety Strategic Plan.**

Muswellbrook Shire Council is still awaiting an outcome of the Hunter Steal from Motor Vehicle Grant Application for funds under the NSW Justice & Attorney General – NSW Crime Prevention. This application has been lodged by Hunter Council, Lake Macquarie Council is the lead Council and predominately the funding will provide awareness and education campaigns across the Hunter targeting stealing from a motor vehicle which is a target offence in the Muswellbrook Crime Prevention Plan 2014-18.

**13.1 Raise awareness of the local Aboriginal community****13.1.1 Maintain the Aboriginal Reconciliation Committee.****a) Committee meetings convened at least four times annually.**

A meeting of the Aboriginal Reconciliation Committee was held in June, this meeting focused on reviewing its terms of reference and planning for the next 12 months, the minutes will be provided to the next Council meeting.

**b) Support Aboriginal organisations on at least five (5) occasions annually to provide new and existing services.**

Assistance has been provided to the Northern Region Aboriginal Alliance to report back to the community about the needs that have been prioritised to work towards better delivery of service in partnership with the NSW Government.

Support has been provided to:

- Wanaruah Young Aboriginal Persons Project and the establishment of a Reference Group to oversee the delivery of the Project;
- Support to the Upper Hunter NAIDOC Working Group in their planning for NAIDOC Week activities in July 2017. Including the design of Aboriginal Artwork for the banners to appear in the main street during NAIDOC Week and other significant weeks, Aboriginal Artist Michael Stair (Spirit Awakened) and Riley Warner (As One) who contributed their designs to the main street banners will be acknowledged at the Aboriginal Flag Raising Ceremony in July;
- Support Wakagetti not for profit Dance Company in planning for Corroboree 2017;
- Support and installation of the Scarred Tree Shelter, this was a joint partnership with Anglo America and the Aboriginal Registered Parties;
- Support has been provided to various Government and non-Government Departments to provide a venue for workshops and planning sessions for the Aboriginal Community ie: NSW Planning Department & Environment and other Industry providers ;
- Support was provided to consult with Wanaruah Local Aboriginal Land Council around the proposal to submit funding for a Aboriginal Culture Education Centre ;
- NAIDOC Working Group were consulted this month on the development of street banners that are of significance to the community, once the final designs are decided the banners will be able to be used to celebrate any event that has significance to the Aboriginal Community;

**c) Brief the Councillor spokesperson for Aboriginal Reconciliation.**

Regular briefings are provided to the spokesperson of Aboriginal Reconciliation; Cr. Ledlin,

**13.1.2 Increase awareness of Aboriginal culture.****a) Facilitate and support the Aboriginal Culture and Heritage Working Group.**

The Aboriginal Culture and Heritage Working Group Members met in March, December and February.

**b) Facilitate an Aboriginal Artist exhibition at Muswellbrook Regional Arts Centre**

Travis De Vries is the Arts Centre's featured NAIDOC Week Aboriginal artist for 2017. Travis is a Kamilaroi man born in Muswellbrook though now based in Sydney.

**c) Flag raising ceremony is held during Reconciliation Week.**

The annual Aboriginal Flag raising was held in Simpson Park. The Girls Academy played an active role in facilitating the Aboriginal Flag Raising this year, Aboriginal inmates from St Heliers Correctional Centre were another highlight this year playing the didgeridoo and dancing.

**b) The website is reviewed annually in April.**

The <http://www.workingwithindigenousoustralians.info/index.html> website has been reviewed. The review was a rigorous process with the reestablishment of the Reference Group which focused primarily on an extensive review of the content of the Practice Implications and the incorporation of a self-study module. This is an excellent resource that is being accessed locally, nationally and internationally and used as a reference document in Universities across Australia.

**13.1.4 Preserve, promote and provide opportunities to support Aboriginal culture.****a) Seek external funding to pursue the oral history project to provide Elders and others with an opportunity to share their stories.**

The MACH Energy Aboriginal Oral History Project Partnership Agreement has been finalised via a memorandum of understanding and work will commence in early July, 2017 in partnership with the Aboriginal people.

**c) Facilitate the preservation and display of Aboriginal relics where appropriate.**

The finalisation of the Widden Creek Aboriginal Artefacts Project will occur with the choosing of which artefacts will be displayed in the cabinet and the creation of an interpretive display this will occur when a final meeting is held with our designated Aboriginal Representative.

**13.1.5 Support indigenous art and culture.****b. Develop an Aboriginal Cultural Program for inclusion in the 2017/18 year Operational Plan.**

The concept of an Aboriginal Cultural Program needs to be reviewed as programs come together. The Aboriginal Community is very active in this area with the formation of the NAIDOC Working Group and the Wakagetti Cultural Group they are all working on a series of cultural events and programs that will celebrate the Aboriginal culture in the community. It is recommended that an Aboriginal Cultural Plan should be developed in consultation with these groups. The Upper Hunter Regional Cultural Development plan touches on some of the cultural needs of this community.

**MUSWELLBROOK AND DENMAN AQUATIC CENTRES**

Gym membership (direct debit)	44
Gym and Swim payment (upfront payment)	12
Swim Memberships	68
Centre attendance (Muswellbrook 2015/16)	58896
Centre attendance (Muswellbrook 2016/17)	60272

**Events**

Muswellbrook Swimming Club - sprint series carnival and a coaching day.

Ability Links afternoon tea and community survey.

Apex Family Day

Ability and access open day for new equipment use instructions



Birthday Parties

School Learn to Swim

Introduction of more aerobics for all abilities classes

School Gym and disability groups

### **MUSWELLBROOK REGIONAL ARTS CENTRE**

(For the operating period between December 2016 and June, 2017)

#### **Exhibition Program:**

The following suite of exhibitions closed on 18th December 2016:

- The Muswellbrook Local Art Awards 2016 (School of Arts, Centre Court & Wollemi Galleries)
- In the Round: Sculpture from the Max Watters Collection (Max Watters Gallery)

The Arts Centre was closed to the public from Sunday 18th December 2016 until Friday 13th January 2017 to allow for Stage 1 of the Storage Refurbishment Project in the main artwork storage area to occur.

The following suite of exhibitions opened at 6.00pm on Friday 13th January 2017 to a crowd of 60 guests and closed on Sunday 5th March 2017:

- Face to Figure: from the Collections (School of Arts Gallery)
- Face to Figure: Workshop Studies (Centre Court Gallery)
- 8 Artists: Different Strokes (Wollemi Gallery)
- Collected: Selected works from the Most Collected Artists in Max Watters Collection (Max Watters Gallery)

The following suite of exhibitions opened at 6.00pm on Saturday 11th March 2017 by Adjudicator Professor Ian Howard, Art & Design University of NSW, with 120 people in attendance and closed on Sunday 7th May 2017:

- 44th Muswellbrook Art Prize (School of Arts & Centre Court Galleries)
- Heth - Norman Hetherington: Artist at War (Wollemi Gallery)
- Arthur Gardener, artist in two wars (Wollemi Gallery) which opened on ANZAC day
- Vale Sydney Ball (Manager's Office)
- Collected continued in the Max Watters Gallery

The Heth – Norman Hetherington and Arthur Gardener exhibitions were the Arts Centre's featured ANZAC Day exhibitions for 2017.

The following suite of exhibitions opened at 6.00pm on Friday 12th May 2017 by Anne Kempton of Timeless Textiles Gallery, Newcastle, with 40 people in attendance and will close on Sunday 2nd July 2017:

- Ebb & Flow: Untethered Fibre Artists (School of Arts Gallery)
- The Lady and the Unicorn: Arthur Boyd & Peter Porter (Centre Court & Wollemi Galleries)
- Creature: animal images from the Max Watters Collection (Max Watters Gallery)
- Vale Sydney Ball continues in The Ramp Gallery

The next suite of exhibitions to open at the Arts Centre will be at 6.00pm on Friday 7th July 2017. They will close on 27th August 2017:

- Contemporising the Modern: the Robert Mills Photographic Collection (School of Arts Gallery)
- Travis De Vries : Lost Tales – Walking with Gods (Centre Court & Wollemi Galleries)
- Creature will continue in the Max Watters Gallery

Travis De Vries is the Arts Centre's featured NAIDOC Week Aboriginal artist for 2017. Travis is a Kamilaroi man born in Muswellbrook though now based in Sydney.

Following on from the above, the next suite of exhibitions opening on 1st September 2017 includes:

- Dorothy Wishney: the Art of Contemplation (School of Arts Gallery)
- Michele Heibel: for the Love of The Hunter (Centre Court Gallery)
- The Urban Look: selections from the Max Watters Collection (Max Watters Gallery)

Dorothy Wishney and Michel Heibel are the Arts Centre's featured Lower Hunter artists for 2017.

#### Visitation:

Month	Total number of visitors	Days open	Average visitation
December, 2016	497	16	31
<b>2016 Calendar year</b>	<b>5617</b>	<b>266</b>	<b>21</b>
January, 2017	314	15	21
February, 2017	362	24	15
March, 2017	613	23	27
April, 2017	487	22	22
May, 2017	396	23	17
<b>2017 to date</b>	<b>2712</b>	<b>107</b>	<b>20</b>

#### Education Program

- Mark Reedman, Regional Arts Development Officer from Arts Upper Hunter conducted the workshop "The Where's and How's of Artist Grants" on Saturday 3rd December, 10.00am – 1.00pm with 5 people in attendance
- Public Programs Officer, Elissa Emerson conducted a school holiday workshop on Friday 20th January, 10am to 12pm entitled "Go Figure" with 11 children and 7 caregivers in attendance
- "Artist Books" – 10am to 2pm, Saturday 4th March with exhibiting artists from the "8 Artists" group Janice Hanicar and Julia McNaught was held with 5 people attending.
- On Sunday 12 March 2017 Arts Centre Assistant Jade Goodwin held the first of a monthly ongoing series of Manga cartooning workshops called Club Manga at the Arts Centre with 3 people in attendance. On the 23rd April 2017 2 people attended, on the 14th May 2017 6 people attended and on the 18th June 4 people attended. The next Club Manga Workshop will be on Sunday 16th July 2017 at 10.30am.
- Naomi Norris conducted Resin Art Workshop at the Arts Centre on Saturday 1st April 2017 with 12 people in attendance.
- The Arts Centre hosted the Pysanky Easter Egg Decorating Workshop on Saturday 8th April 2017 with 7 people in attendance.
- The daughter of Norman 'Heth' Hetherington, Rebecca Hetherington (Miss Rebecca of Mr Squiggle fame) and curator of the exhibition Heth gave a floor talk on ANZAC Day 25th April 2017 with 7 people in attendance.
- A Natural Dyeing Workshop was held by Untethered Fibre Artist Samantha Tannous on Saturday 13th May 2017 with 11 people in attendance.
- A second Resin Art Workshop was conducted by Naomi Norris on Saturday 10th June 2017 with 11 people in attendance.
- A Tiny Thread Treasures Workshop was conducted by Untethered Fibre Artist Barbara Schey on Saturday 17th June 2017 with 5 people in attendance.

- The Arts Centre hosted a visit by Rotary exchange students from Argentina on Friday 24th March 2017 with 7 people in attendance.
- The Arts Centre hosted a visit on Friday 7th April 2017 by Muswellbrook High School indigenous students from the Year 7 Indigenous Girls Academy and the Muswellbrook High School Enrichment Centre with 40 students and staff in attendance.
- The Arts Centre hosted a visit on Wednesday 24th May 2017 from the Wollombi Wednesday Group of mature students with 7 people in attendance.
- The Arts Centre hosted a visit on Thursday 1st June 2017 from the Terrigal Haven Probus Club with 35 people in attendance.
- The Arts Centre hosted a visit on Wednesday 14th June 2017 from the Newcastle Fibre Artists Group with 16 people in attendance.

*Note: The MRAC workshops are usually limited to 12 people, which means that some of the workshops held in the last six months exceeded expectations.*

#### Collection Management:

While there is a need to complete collection management there remains a resourcing issue in this area. It is intended that this will be reported to Council's July policy and planning meeting.

#### Storage Refurbishment:

Work was completed in January 2017 on the first stage of the Arts Centre Storage Refurbishment Project.

Work had commenced on improving the Arts Centre Library through new shelving and a cataloguing process.

#### New Collections:

The Arts Centre has instituted two new Collections to complement the existing Collections of art works, artist files and the Research Library and to codify the various books and other objects which are not original artworks but are produced or designed, sometimes commercially, by artists represented in the Collections. This includes related gifts to the Arts Centre by collected artists e.g. the Chinese Terracotta Warrior souvenir figurines from the First Emperor's Tomb brought back from there and gifted to the Arts Centre by Blandford based artist Hanna Kay. These figurines relate to the works Hanna Kay exhibited in the exhibition Three Women Went to China, shown at the Arts Centre from June to July 2016 and the sculpture that Hanna Kay donated to the Muswellbrook Shire Art Collection from that exhibition: Repository (series) 2015-16, mixed media, valued at \$3,500.00.

The two new collections are called the Muswellbrook Shire Art Adjunct Collection (for commercial and other pieces by artists in the Collections) and the Muswellbrook Shire Art Annex Collection (for other related gifts and materials again primarily from artists in the Collections). The Hanna Kay figurines gift will be accessioned into the Annex Collection.

These collections will complement various exhibitions in future.

#### Acquisitions:

Yvonne Fieldsend donated the work untitled (view of Burkill's Farm, Denman Road, Denman) 1988, oil on hardboard by Jan Johnson to the Muswellbrook Shire Art Collection. The work was acquired by the donor, Yvonne Fieldsend, as a 'lucky door prize' at the Denman Bicentenary Celebration Weekend 1988. The work complements the two works Sofala and Farm Scene, Denman Road also by Jan Johnson held in the Max Watters Collection. The art work is valued at \$250.00.

The Arts Centre Manager Brad Franks donated a watercolour by Arthur Gardener to the Muswellbrook Shire Art Collection in February 2017. The work is entitled Hunter Valley and undated, however the artist died in 1957. Arthur Gardener's work is extensively held in the Australian War Memorial Collection in Canberra and the work is extremely amenable to the strong landscape strain in the existing Collections as well as the connection of its subject matter. The work formed the centre piece to our ANZAC Day exhibition Arthur Gardener: artist in two wars, which opened on 25th April 2017 at the Arts Centre. The work is valued at \$50.00.

The Arts Centre Manager also donated two 'School of Max Watters' works to the Muswellbrook Shire Art Collection, both untitled landscapes by local artists from the Max Watters Art Groups. One work is signed Ruby 1999 and the other K.W. Smith 2001 and are typical of the works produced by Max's "followers". Both works have been framed by Max Watters. They are valued at \$20.00 each.

The Arts Centre Assistant Jade Goodwin donated a colour photograph by Roslyn Elkin to the Muswellbrook Shire Art Collection in April 2017. The work entitled Jewel is from the Elkin's solo exhibition Flame Blue held at the Tighes Hill Gallery in 2003. The work is valued at \$150.00. The work complements the Muswellbrook Photographic Award winning piece by Roslyn Elkin already held in the Muswellbrook Shire Art Collection.

In June 2017 Andrew Grady placed two very early James Gleeson works on permanent loan with the Muswellbrook Shire Art Collection. They are student works from 1934 and add an extra dimension to the two mature Gleeson's already on permanent loan from Andrew. The works are valued at \$10,000.00 each.

The Arts Centre purchased a charcoal drawing from the exhibition 8 Artists: Different Strokes, held in the Wollemi Gallery from January to March 2017. The drawing entitled Out of Darkness Comes the Light is by Singleton artist Stacey Cox and was acquired to not only put this local artist into the Muswellbrook Shire Art Collection but also to provide a key piece for the Open Cut exhibition staged by the Arts Centre at the Upper Hunter Conservatorium of Music from March to June 2017.

As an acquisitive competition the 44th Muswellbrook Art Prize, held from March to May 2017, has provided the Muswellbrook Shire Art Collection with the following three works as chosen by the adjudicator Professor Ian Howard of the University of NSW School of Art & Design:

- Winner of the \$50,000.00 Painting Prize Geoff Harvey's My Grandfather's Shed 2016, acrylic pigment and rust on canvas on hardboard, valued at \$6,600.00
- Winner of the \$10,000.00 Work on Paper Prize Paul White's Bruised, however the roots run deep 2016, coloured pencil on paper, valued at \$5,950.00
- Winner of the Ceramic Prize Vipoo Srivilasa's The Good, The Bad and The Cuddly (self portrait) 2016, black and white porcelain, valued at \$7,500.00

Max Watters has added a number of significant works to the Max Watters Collection over the past six months: 2 untitled pencil on paper drawings by Ken Whisson valued at \$2,200.00 each; an oil on hardboard painting by Newcastle artist Robert Saxon entitled Merewether Beach which Max purchased from the 44th Muswellbrook Art Prize earlier this year valued at \$1,100.00 and a drybrush on paper drawing by local Muswellbrook artist Naomi Norris entitled Jazzy and valued at \$350.00.

#### Public Art Program:

The Sitting Magpies sculpture by Sydney based public art specialists Gillie & Marc was installed in the Arts Centre forecourt earlier this year. Despite the public popularity of the work it was unfortunately vandalised on at least seven separate occasions in the weeks following the installation. This is the most extreme and sustained vandalism the Arts Centre or any piece of public art in Muswellbrook Shire has ever experienced. The sculpture has been severely damaged and removed. We are currently talking to the artists about the works repair and strengthening before it is reinstalled or re-sited. The work Sitting Magpies bronze, valued at \$18,480.00 has been sorely missed by the public and the Arts Centre has received many requests for its speedy return.

#### 2016 Muswellbrook Local Art Awards:

169 entries were received to the Muswellbrook Local Art Awards 2016, the second most ever received in the history of the Awards.

Thanks to all the generous sponsors of the 2016 Muswellbrook Local Art Awards:

Two Rivers Hunter Valley; Hunter Belle Cheese; Pukara Estate; Berry & French Guardian Pharmacy; Hunter Valley Printing; Hunter Valley Hydraulink; Framing Good; Elks Enterprises Pty Ltd;

Max Watters OAM; The Estate of Esther Bellis; The Viola Bromley Bequest.

44th Muswellbrook Art Prize 2017:

Entries to the Muswellbrook Art Prize closed on Friday 27th January. Entries to the Prize for the 44th Muswellbrook Art Prize were for the first time exclusively online. Up until now entry to the Muswellbrook Art Prizes has only been possible by post.

Total Prize Value Total Entries Received Revenue Raised from Entry Fees (including GST)

	Total Prize Value	Entries Received	Entry Fees (GST inclusive)
41 <sup>st</sup> M'Brook Art Prize	\$30,000	96	\$2,940
42 <sup>nd</sup> M'Brook Art Prize	\$30,000	229	\$7,360
43 <sup>rd</sup> M'Brook Art Prize	\$60,000	403	\$11,960
44 <sup>th</sup> M'Brook Art Prize	\$70,000	698	\$21,400

Entry fees have remained static across the four most recent Prizes. The 44th Prize saw an increase in entries of 73% from the 43rd Prize, 205% from the 42nd Prize, and 627% from the 41st Prize.

For the winners of the three sections please see the entry above in Collection Management.

The inaugural non-acquisitive People's Choice Award of \$1,000.00 was won by Anne-Marie Zanetti for Translucent Mandarin 2017, oil on linen. Thanks to the Newcastle Herald for their assistance in conducting the People's Choice Award this year.

The Muswellbrook Regional Arts Centre thanks to the Bengalla Mining Company Pty. Limited for their generous and ongoing sponsorship of the Muswellbrook Art Prize.

Other Activities:

Arts Centre Assistant Jade Goodwin represented the Arts Centre at the Arts Upper Hunter Information Sharing workshop held at the Singleton Youth Centre on Friday 7th April 2017.

Staff Training:

The Casual Arts Centre Assistant Rebecca Delaney has been successfully trained in the Responsible Service of Alcohol (RSA) during May 2017 to allow the Arts Centre more flexibility in providing appropriate staff for functions.

**TOURISM AND EVENTS****Blue Heeler Film Festival**

The Blue Heeler Film Festival planning has commenced and is well underway. The event dates have been confirmed and the event will run on the 8<sup>th</sup> and 9<sup>th</sup> of September 2017.

A free Workshop was presented by Jason van Genderen from Treehouse Creative on Saturday, 24 June 2017 at the Upper Hunter Regional Library in Muswellbrook. Participants were able to learn about using their iPhone to record high quality videos, free apps available for amateur film makers and some of the latest gadgets available to help turn your iPhone into a mobile recording studio.

*Jason commented;*

***"It was fantastic to share my experiences of filming on iPhones with the Muswellbrook community, and see some new keen entrants emerge for the Blue Heeler Film Festival too. Empowering our communities to tell their own stories is such an important thing to do, it preserves local culture and creates fantastic opportunities for connectivity"***

Entries are currently open and films can be submitted on the "withoutabox" website. Entries close on 31 July 2017. The Blue Heeler Film Festival currently has an outstanding 176 film submissions from the local Upper Hunter and Hunter Valley regions, New South Wales and International. Some of these will not meet the entry criteria and will be culled.



**Bottoms Up Festival – 21 October 2017**

The Bottoms Up Festival planning has commenced and is well underway. This year the Bottoms Up Festival has seen a few changes with the overall event layout being updated and that Market Street will not be closed this year, instead the event has been rotated and now includes part of the Railway Station car park.

The Bottoms Up Festival has a fantastic line up this year with the headline being the famous Australian Hip Hop group “Thundamentals”. The festival will also accommodate children by incorporating a Kids Corner which will operate from when the event opens at 1:30pm to 4:30pm.

An email was sent out to call out to stall holders and the response was encouraging, promotion will continue until targeted stall holders has been confirmed for the event. Some of the confirmed stall holders for this year’s Bottoms Up Festival are Upper Hunter Smoke House, Monster Rolls and Hunter Belle Cheese.

**Event Equipment**

It would be beneficial to Muswellbrook Shire Council to consider purchasing some much needed equipment in the near future, including stage and lighting, PA/sound system and an inflatable outdoor cinema screen to utilise for community events, council events and major annual events like the Blue Heeler Film Festival. A further report will be written to Council regarding this need.

**UPPER HUNTER REGIONAL LIBRARY****Community Strategic Plan Outcome – 6.5 Provide quality library facilities and services**

**Delivery Program Outcome - 6.5.1 Build membership and patronage through strategic marketing and planning of library services.**

***a) Work collaboratively with existing community services and interagency networks to identify a range of programs and services that the library service can support.***

During May and June, 2017 Upper Hunter Regional Library Services delivered the following programs and projects:

<b>Program or Project</b>	<b>Date</b>	<b>Branch Name</b>	<b>Attendance</b>
NSS – National Simultaneous Storytime	24.5.2017	Denman	66
NSS – National Simultaneous Storytime	22.05.2017	Denman	23
Story time + Craft, Saturday mornings.	20.05.2017- 17.6.2017	Denman	41
Genealogy at the Library		Denman	0
Genealogy at the Library - 25.5.17 – 4 people attended the May LS Group Meeting 6.6.17 - email research request for information on James, William & Harriet Higgins 6.6.17 - email research request for information on Victor & Doris Stanford of Merton 6.6.17 - State Records research copy service for records 14.6.17 – BDM certificate copy service for certificates 19.6.17 – Help with parish records	May-June	Muswellbrook	4 Adults

Program or Project	Date	Branch Name	Attendance
Story time + Craft – Muswellbrook	May-June	Muswellbrook	6 Children 3 Adults
Crafty Hour	May – June	Muswellbrook	10 Adults
Biggest Morning tea	14.06.2017	Muswellbrook	34 Adults
Volunteers thank you	26.05.2017	Muswellbrook	18 Children
Beginners Crochet, Winter warmers	23.06.2017	Muswellbrook	9 Adults
Movie, Multicultural night	23.06.2017	Muswellbrook	34 Children
Monthly rhyme time , Storytime	May-June	Muswellbrook	289 visitors
School Holidays – Tooth hygiene	May – June	Denman	36 Adults
Teen Thursday	June	Muswellbrook	11 Young Adult
Tech Tuesday	June	Muswellbrook	11 Adults
Book Club	May-June	Muswellbrook	17 Adults
Baby Rhyme Time – Preschool	May-June	Denman	10 Children 8 Adults
Story time + Craft – Preschool	May-June	Denman	7 Children 5 Adults
Crafty Hour – Preschool	May-June	Denman	6 Adults

May and June have seen great participation to events across both branches, there has been a technology upgrade at Denman Library with a continuing internal fitout that will make it look more open and welcoming. There will be two more computers at Denman for the community to use and some gaming experiences that will meet the theme of the 2017 Summer Reading Program. The Denman collection has been weeded and a general cleanout is in progress as new staff commence at this library.

The school holidays commence soon and both branches have prepared an exciting school holiday program.

***b) Support a Mobile Children's Collection Library and Home Library Service in partnership with existing agencies.***

Collection Type	Date last delivered	Number and Location of Collection Items
Mini Mobile Library - Muswellbrook Works Depot - Muswellbrook Shire Council (ADMIN) - Muswellbrook Community Health	May & June	104 items – books, magazines, Audiobooks, DVDs & CDs  78 items - books, magazines, Audiobooks, DVDs & CDs  70 items – books and magazines

Collection Type	Date last delivered	Number and Location of Collection Items
Home Library Service	May-June	6 members and 43 books Visits are conducted fortnightly and monthly to HLS members. The next visit is scheduled Friday

***c) Increase membership usage of facilities and services, actual and virtual through effective marketing strategies.***

	DENMAN	MUSWELLBROOK
Number of New Members	15	115
Total number of members	469	4228
Total visitation	506	4240
Total number of loans	635	5448
Total Digital Loans	74	6157
Computer Use	635	923
Wi-Fi Internet	123	4824

Target Market groups in June, 2017 were: Junior and youth members.

**Delivery Program Outcome - 6.5.2 - Ensure quality service through relevant technologies.**

***a) Seek sufficient funding in each budget year to take steps toward an integrated catalogue as well as the use of widespread self-service technologies (apps) including bookings, loans and reservations.***

Staff welcomed the volunteers for a luncheon in late May and has been promoting the new Brain Training program that will start in early July to our volunteers. The Muswellbrook Lioness Ladies have agreed to attend the first sessions, the program is for people of all ages and abilities have the opportunity to meet at the library and engage in an hour of brain training activities such as join the dots, find the objects, mazes, word games, number games, drawing, and non-dominant hand skills. There's time to socialise and enjoy a cup of tea and have fun keeping minds active. A promotional bag and mascot has been developed and put together by staff in the hope the sessions can be run independently delivered by volunteers in the wider community and libraries in the future.



**12.7 WEIDMANN COTTAGE - CALL FOR EXPRESSIONS OF INTEREST**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Kylie Long - Commercial Property Officer</b>
<b>Community Plan Issue:</b>	<b><i>Promote and support economic growth and diversity within Muswellbrook Shire through policy development and action</i></b>
<b>Community Plan Goal:</b>	<b><i>That local government policies support business growth and diversity</i></b>
<b>Community Plan Strategy:</b>	<b><i>Encourage new and diverse business investment and opportunity</i></b>

**PURPOSE**

To report on the outcomes of the Expression of Interest (EOI) process which was advertised to seek interest in the operation of a small bar or retail use from the historic Weidmann Cottage.

**OFFICER'S RECOMMENDATION****Council:**

- 1. Council delegate to the General Manager the decision to appoint a business operator for Weidmann Cottage as outlined in the report;**
- 2. Allocate \$20,000 for design and development approval; and**
- 3. Following detailed design and development approval Council be provided with a report on the project cost estimate and required budget allocation.**

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**BACKGROUND**

Council has recently undertaken restoration works at Weidmann Cottage. This included restoration of a number of building defects and the addition of a 100m<sup>2</sup> timber deck at the rear of the property with access to services (power, water, and waste). The purpose of this was to be able to utilise the heritage building for a small bar or retail use.

The EOIs for interest in the operation of a small bar or retail use at Weidmann Cottage were called Friday 3 March 2017 and closed Friday 24 March 2017. Three submissions were received. Applicants varied in terms of proposed use, applicant background, and understanding of what is required to deliver the project. Since then staff have assessed submissions, sought to estimate required capital works, and met onsite with all applicants to seek clarification on each of their submissions.

Required to progress the project further is the acceptance by Council of an applicant's EOI and the allocation of a budget to progress planning.

**CONSULTATION**

Heritage Architect

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

No consultation

**REPORT**

An assessment of the applications was completed under the following categories and criteria:

1. Proposed Use  
Best proposed use by the applicants for Weidmann Cottage.
2. Background  
Applicants' experience and capability to deliver and operate proposed use.
3. Capital Works  
Applicants' understanding of works required to facilitate proposed use and preparedness for financial contribution.
4. Commercial Lease  
Willingness and understanding by applicants to enter into a commercial lease and clear expectations of terms.
5. Project timeline  
Applicants' understanding of proposed use and project timeline and shared responsibilities.
6. Local business and tourism contribution  
Applicants' proposed use expected contribution to local business and tourism.

Three EOI submissions were received. Staff met with each applicant onsite at Weidmann Cottage to equitably clarify submissions including: areas of building use, how the proposed use would function, applicants' estimate of capital works and capacity to contribute, project timeline, expectations of trading hours, and commercial terms of rent.

All three applications were ranked using the above criteria. One business ranked highest, across each category.

It is anticipated that this project will take 12 months to complete, allowing 3-6 months for design and planning approval (heritage approval is required) and 3-6 months for building works. It is estimated that to deliver this project the total cost including fitout, which would be in large part an expectation of the applicant, is \$150K.

To advance this project which would include detailed design of the space, planning approval, and a determination of a final cost estimate, a budget allocation of \$20,000 is required.

**OPTIONS**

Council could reject all EOI submissions and progress the project independently seeking new EOIs when the project is further advanced.

**CONCLUSION**

Council officers are confident that the applicant that rated highest as assessed is more competitive than the other two submissions and is the recommended applicant.

At this stage in the project, with no detailed plan, there is no guarantee the Weidmann bar/café will be operating as proposed in 12 months. However, having the applicant involved in detailed design and progression of the project at this stage is more likely to lead to a successful outcome than Council progressing independently due to the applicant's experience and intention.

Following detailed design and development approval a clear understanding of project costs, and a commercial arrangement with the applicant will be able to be determined. Council will then be provided with a report on project cost and required budget allocation identifying the applicant's contribution before proceeding further.

**SOCIAL IMPLICATIONS**

The provision of this infrastructure provides public amenity through place making and provides additional commercial activity in the Muswellbrook CBD.

**FINANCIAL IMPLICATIONS**

Council allocate a budget of \$20,000 for a detailed design for Weidmann Cottage.

To be funded from the Future Fund - Capital Works and Purchases Budget 2017/18 – Job Creation program.

**POLICY IMPLICATIONS**

Policy F28-1 - Future Fund

**STATUTORY IMPLICATIONS**

Not applicable

**LEGAL IMPLICATIONS**

Not applicable

**OPERATIONAL PLAN IMPLICATIONS**

'16.1 Support the conservation and restoration of the Shire's heritage items' *Operational Plan 2017 - 2018*

**RISK MANAGEMENT IMPLICATIONS**

The risk implications of operations are to be considered in the detailed design stage.



## 13 REPORTS FROM COMMITTEES

### 13.1 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 20 JUNE 2017

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Neil Pope - Director, Community Infrastructure
<b>Author:</b>	Imelda Williams - Traffic & Roads Status Officer
<b>Community Plan Issue:</b>	<i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i>
<b>Community Plan Goal:</b>	<i>Residents, visitors and workers are travelling on safe and appropriate road and street networks within Muswellbrook Shire.</i>
<b>Community Plan Strategy:</b>	<i>Ensure a safe and efficient road network with acceptable ride quality</i>

#### PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 20 June 2017.

#### OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 20 June 2017 be received and the recommendations contained therein **ADOPTED**.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### REPORT

The Local Traffic Committee met on Tuesday 20 June 2017.

The Minutes of the meeting are attached for the information of the Councillors.

**PRESENT:** Cr S. Reynolds (Chair), Mr T Chapman (RMS Newcastle), Snr. Constable C. Dengate (NSW Police), Mr G. de Boer (Representing Mr Michael Johnsen), Mr P. Higgins (Manager Technical Services).

**IN ATTENDANCE:** Mrs I. Williams (MSC).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

Nil

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED that the Minutes of the Local Traffic Committee held on 16 May 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 CAMP QUALITY 1000 K'S RIDE FOR KIDS**

RECOMMENDED that Council has no objection to the Camp Quality 1000k's ride 4 kids on Council Public roads within the Muswellbrook Shire on 16<sup>th</sup> & 17<sup>th</sup> September 2017 provided the event is conducted in accordance with NSW Police Conditions and the Traffic Management Plan as attached to this report.

**VOTE:** Unanimous support

### **5.2 CONSTRUCTION WORK CHANGE TO PARKING ARRANGEMENTS BROOK STREET**

#### **OFFICER'S RECOMMENDATION**

Council use its delegated authority to approve the temporary bus zone, the temporary installation of No Stopping zones during the construction phase of CBD Stage 6 and the permanent No Stopping zone in Brook Street due to the CBD upgrade stage 6 as outlined in the report.

**VOTE:** Unanimous support

**5.3 DEVELOPMENT APPLICATION 18/2017 ALTERATIONS TO MUSWELLBROOK WORKERS CLUB, SYDNEY STREET, MUSWELLBROOK**

RECOMMENDED that Council request the following further information:

- The applicant shall provide a fully dimensioned carparking plan showing all parking locations wholly located on the development site complying with AS2890 and a Traffic Management Plan showing all proposed regulatory signage including but not limited to "Left out only", "Stop", "One way", No Entry for vehicles over 'x'm or caravans" approved by the Local Traffic Committee
- All lots within the development are to be consolidated and any redundant rights of way and easements are to be extinguished.

**VOTE:** Unanimous support

**5.4 (INFORMAL REPORT FOR ADVICE) BAERAMI CREEK ROAD BUS TURN AROUND LOCATION**

RECOMMENDED that Council determines that a bus turnaround point located at the intersection of Baerami Creek and Hungerford Road is satisfactory provided suitable care is taken and raises no objection to the extension of the school bus run to the turnaround point.

**VOTE:** Unanimous support

**6 DATE OF NEXT MEETING**

18 July 2017

**7 CLOSURE**

The meeting was declared closed.

.....  
Cr S. Reynolds

**Chairperson**

**13.2 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD  
ON WEDNESDAY, 28 JUNE 2017**

**Attachments:** Nil

**Responsible Officer:** Steve McDonald - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Effective governance of Muswellbrook Shire*

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Infrastructure Committee held on 28 June 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Infrastructure Committee Meeting held on Wednesday 28 June 2017 be received and the recommendations contained therein **ADOPTED**.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

The Infrastructure Committee met on Wednesday 28 June 2017.

The Minutes of the meeting are attached for the information of the Councillors.

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.

**PRESENT:** Cr M. Rush, Cr M. Bowditch, Cr G. McNeill, Cr J.F. Eades, Cr R. Scholes, Cr S. Ward and Cr B.N. Woodruff.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Mr P. Redan (Executive Manager, Water and Waste), Mr D. Finnigan (Manager, Muswellbrook Works), Mrs L. Payne (Finance Co-Ordinator), Mr R. Franklin (Chief Financial Officer), Mr M. Lysaught (Manager, Property & Building), Mr J. Brown (Executive Services Co-Ordinator) and Mrs M. Sandell-Hay (PA to General Manager).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs Rush and Bowditch that:

The apologies for inability to attend the meeting submitted by Cr S. Bailey, Cr J. Foy, Cr M. Green, Cr J. Ledlin and Cr S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs McNeill and Scholes that:

The Minutes of the Infrastructure Committee held on 31 May 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record subject to the following being included under Item 5.1

“Cr McNeill suggested the item be deferred to allow an opportunity for the feasibility of suggested changes to the report, by user groups, pertaining to sporting fields mowing height specifications, be investigated and considered. Cr Scholes & Rush stated a deferment was unnecessary as the specifications could be amended at any time in the future, if deemed suitable”.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 QUARTERLY REPORT - PROGRESS ON THE RECYCLE WATER TREATMENT WORKS PROJECT**

RECOMMENDED on the motion of Crs Rush and Ward that:

Council note the quarterly progress report on the provision of the new recycle water treatment works up to the month of June 2017.

**6 DATE OF NEXT MEETING**

26 July 2017

**7 CLOSURE**

The meeting was declared closed at 4.40 pm.

.....

Mr S. McDonald

**General Manager**

.....

Cr B. Woodruff

**Chairperson**



**13.3 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE  
MEETING HELD ON WEDNESDAY, 28 JUNE 2017**

**Attachments:** Nil

**Responsible Officer:** Steve McDonald - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Effective governance of Muswellbrook Shire*

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Corporate Policy And Planning Committee held on 28 June 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 28 June 2017 be received and the recommendations contained therein ADOPTED.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

The Corporate Policy And Planning Committee met on Wednesday 28 June 2017.

The Minutes of the meeting are attached for the information of the Councillors.

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.

**PRESENT:** Cr M. Rush, Cr M. Bowditch, Cr G. McNeill, Cr J.F. Eades, Cr R. Scholes, Cr S. Ward and Cr B.N. Woodruff.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Mr P. Redan (Executive Manager, Water and Waste), Mr D. Finnigan (Manager, Muswellbrook Works), Mr M. Lysaught (Manager, Property & Building), Ms L. Payne (Finance Co-Ordinator), Mr R. Franklin (Chief Financial Officer), Mr J. Brown (Executive Services Co-Ordinator) and Mrs M. Sandell-Hay (PA to General Manager).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs Rush and Eades that:

The apologies for inability to attend the meeting submitted by Cr S. Bailey, Cr M. Green, Cr. J. Foy, Cr J. Ledlin and Cr S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs McNeill and Scholes that:

The Minutes of the Corporate Policy & Planning Committee held on 31 May 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 COMMUNITY RURAL HALL DONATIONS 2017**

RECOMMENDED on the motion of Crs Rush and Eades that:

The information contained in this report be noted.

### **5.2 RELATED PARTY DISCLOSURE POLICY AND PROCEDURES**

RECOMMENDED on the motion of Crs McNeill and Bowditch that:

Council endorse the draft Related Party Disclosure Policy and Procedures for public exhibition for a period of 28 days.

**5.3 INVESTMENT REPORT - MAY 2017**

RECOMMENDED on the motion of Crs Rush and Scholes that:

The information contained in this report be noted.

**5.4 2016/17 CARRYOVER PROJECTS**

RECOMMENDED on the motion of Crs Rush and Scholes that:

This item be considered at the Extra-Ordinary Council Meeting scheduled for 6.00pm 28 June, 2017.

**6 DATE OF NEXT MEETING**

26 July 2017

**7 CLOSURE**

The meeting was declared closed at 4.51pm.

.....  
Mr S. McDonald  
**General Manager**

.....  
Cr B. Woodruff  
**Chairperson**

**13.4 REPORT OF THE MT ARTHUR COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING HELD ON TUESDAY, 27 JUNE 2017**

**Attachments:** Nil

**Responsible Officer:** Steve McDonald - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Effective governance of Muswellbrook Shire*

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Mt Arthur Community Funding Investment Committee held on 27 June 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Mt Arthur Community Funding Investment Committee Meeting held on Tuesday 27 June 2017 be received and the recommendations contained therein ADOPTED.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

The Mt Arthur Community Funding Investment Committee met on Tuesday 27 June 2017.

The Minutes of the meeting are attached for the information of the Councillors.

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.
5.1	Community Project	400,000	Mt Arthur VPA Funding

**PRESENT:** Mr S. McDonald (Chair), Mr D. King, and Mr T. Troon

**IN ATTENDANCE:** Mr Duane Dowell and John Sunderland (Mbk Race Club).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Mr King and Mr Troon that:

The apologies for inability to attend the meeting submitted by Cr. M. Rush be ACCEPTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Mr King and Mr Troon that:

The Minutes of the Mt Arthur Community Funding Investment Committee Meeting held on 4 May 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 COMMUNITY PROJECT**

Mr Dowell and Mr Sunderland provided the Committee with a presentation regarding the project.

The Committee members asked a series of questions relating to governance around the project such as tendering procedures, project management procedures, financial management procedures and the operation of the Race Club during the project period. If the Grant is successful, documentation would be required to be provided to the Committee as discussed above.

It was explained that a number of documents would be required to be provided to the Committee members to satisfy due diligence requirements for the funding of such a project, such documents would include but not limited to audited financial statements, cash flow projections, Board composition etc. Letters of support will also be provided by Muswellbrook Shire Council and BHP to support the Grant Application.

RECOMMENDED on the motion of Mr Troon and Mr King that:

The \$400,000 contribution for the project be funded from the Mt Arthur VPA funds.

## **6 DATE OF NEXT MEETING**

TBA

## **7 CLOSURE**

The meeting was declared closed at 6.38pm.

.....  
Mr S. McDonald

**Chairperson**



**13.5 REPORT OF THE MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING HELD ON WEDNESDAY, 28 JUNE 2017**

**Attachments:** Nil

**Responsible Officer:** Steve McDonald - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Effective governance of Muswellbrook Shire*

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Mangoola Coal Community Funding Investment Committee held on 28 June 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Mangoola Coal Community Funding Investment Committee Meeting held on Wednesday 28 June 2017 be received and the recommendations contained therein ADOPTED.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**REPORT**

The Mangoola Coal Community Funding Investment Committee met on Wednesday 28 June 2017. The Minutes of the meeting are attached for the information of the Councillors.

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.
5.2	STEM Project Funding	\$30,000	VPA Funding – Mangoola Coal

**MINUTES OF THE MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COMMITTEE ROOMS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 28 JUNE, 2017 COMMENCING AT 11.00AM.**

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**PRESENT:** Mr S. McDonald (Chair), Mr M. Rush, Mr T. Israel, Mr N. Lane and Mr N. Bray

**IN ATTENDANCE:** Ms E. Bates (Muswellbrook High School), Ms J. Juny (Muswellbrook High School), Ms G. Bobsein (University of Newcastle), Ms E. Preto-Rodriguez (University of Newcastle) and Ms A. Giacomini (University of Newcastle) .

## **1 APOLOGIES AND LEAVE OF ABSENCE**

Nil

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Minutes to be considered at the next meeting of the Committee.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 PRESENTATION ON THE STEM PROJECT**

The various representatives provided a presentation to the Committee to better understand how the STEM project works and the benefits that it will provide.

Committee members asked a number of questions to seek clarification on how the program would work, costs involved, number of students involved and the sustainability of such a program. It was agreed that the if the project was supported the KPI's would need to be reviewed with further consultation being held with the Committee prior to the KPI's being finalised.

Ms E. Bates, Ms J. Jung, Ms G. Bobsein, Ms E. Preto-Rodriguez and Ms A. Giacomini left the meeting at this stage.

### **5.2 FINANCIAL ASSISTANCE**

RECOMMENDED on the motion of Mr Israel and Mr Bray that:

The Committee Supports the STEM program to be delivered at Muswellbrook High School by providing annual financial assistance of \$30K towards this project from the Mangoola Voluntary Planning Agreement (Education funds) for one year subject to the Committee members being satisfied with the revised KPIs.

## **7 DATE OF NEXT MEETING**

TBA

## **7 CLOSURE**

The meeting was declared closed at 11.45am.

.....

Mr S. McDonald

**Chairperson**

# HUNTERwise

Hunter Women in STEM Network

## 2017 Pilot Program

HunterWiSE is an initiative designed to establish avenues for women in STEM in the Upper Hunter to liaise, collaborate and be mentored. The project features two key interlinked actions strategically aimed at increasing the number of girls and women participating in STEM in the Upper Hunter. Integral to our strategy will be a targeted **school intervention at Muswellbrook High School** and the establishment of a network across the Hunter of women working in STEM professions.

### School Intervention component:



**MINUTES OF THE MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COMMITTEE ROOMS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 28 JUNE, 2017 COMMENCING AT 11.00AM.**

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**STEP 1: Y 9-10 Muswellbrook High School Visit to UoN Campus (25th July)**

**Introduction to STEM** Showcase the variety of tertiary education options available in STEM, highlighting the potential for diverse, meaningful, and interesting careers for women, particularly in rapidly emerging regional industries.

**Brainstorming session:** Muswellbrook High School students will meet the project team, be assigned mentors, and begin brainstorming project ideas in teams, with the added benefit of introducing the students to the University environment.

**App development workshop:** Girls will be introduced to app development tools and be exposed to existing apps developed for problem solving of community issues.

**Engineering lab tour:** Girls will visit laboratories and participate in a range of hands-on activities relating to current research in the areas of water and mining engineering, virtual reality applied to medical research, and materials science.

**STEP 2: Fortnightly Workshops at Muswellbrook High School with Mentors**

**Gather and analyse:** Student teams will work alongside mentors to select a project topic and develop an approach for examining a chosen issue in the Upper Hunter. Students and mentors will gather and analyse data on the topic to inform the development of a STEM-based solution.

**Propose a solution:** Student teams will work towards the development of the STEM based solution under the guidance of UoN representatives and mentors (e.g. app, hands on product, community initiative). The intervention will be based on materials delivered through the Tech Girls are Superheroes program, which is the Australian specific implementation of the global Technovation Challenge.

**Develop a business plan:** The student projects will have an entrepreneurial focus to facilitate engagement with industry and communities in the Upper Hunter while gaining an understanding of a rapidly changing global economy as applied to their local region.

**Develop a prototype:** Girls will develop a working model of their solution to be presented to Upper Hunter community, industry role models and judges in STEP 3.

**Visits by industry role models:** To provide positive role models, accessible and approachable STEM professionals will present their experience and successes in industry.

**MINUTES OF THE MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COMMITTEE ROOMS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 28 JUNE, 2017 COMMENCING AT 11.00AM.**

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**STEP 3: Final presentation at Upper Hunter Innovation Hub – Tertiary Education Centre**

**Student presentation:** Students will present their projects to industry representatives, Muswellbrook High School families and Upper Hunter community.

**Judging presentation:** Industry representatives will evaluate the girls' projects and select winning project/s.

**Award ceremony:** All projects will receive a participation certificate and the overall winner/s will receive an award.

**Networking event:** Muswellbrook High School families, Upper Hunter community and women working in industry will have the opportunity to gather, celebrate their achievements and share ideas for the future.

**Measure of Impact:**

The impact of the school component of the 2017 pilot program will be measured using:

- Pre- and post- intervention surveys on engagement with, interest in, and attitudes towards STEM
- Student subject choice (Year 9 students only)
- Student career choice (two years post intervention Year 10 girls only)
- Interviews/focus groups with participating students

**Benefits:**

Student will:

- Develop key STEM skills such as statistical methods and analysis and experimental design. These will be mapped to various key learning areas in the NSW School Curriculum.
- Develop team work and organisational skills relevant to STEM career pathways.
- Learn about STEM careers by meeting university students and industry professionals.
- Build confidence about themselves as future STEM professionals.

Mentors will:

- Practice STEM skills in an authentic setting and increase knowledge about applied entrepreneurship.
- Expand their emerging professional network by meeting other mentors and industry professionals.

Industry professionals will:

- Be provided with support and networking opportunities
- Inspire young women to pursue STEM careers, increasing talent pool



**MINUTES OF THE MANGOOLA COAL COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COMMITTEE ROOMS, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 28 JUNE, 2017 COMMENCING AT 11.00AM.**

### **Sustainability of project:**

The school intervention will generate a set of classroom-ready resources for teachers in Muswellbrook High School. These resources will comprise lesson plans, project ideas, in-class group and individual tasks, and all related assessments. These resources will relate to the local context, highlighting ways in which STEM careers can make a difference in society. To ensure the sustainability and extend the reach of the project, all resources will be made publicly available through the HunterWiSE website.

### **Costs:**

	Days	Rate	Project Amount	UON, HW, Glencore	Funding sought
<b>Personnel</b>			64,253	29,903	34,350
CI Prieto	5	601	3,005		3,005
Project management (HEW 6.1) - 0.8 FTE 7 months			46,345	15,000	31,345
Ambassadors (HEW 1.2 - 5 people, 10 days pp)			14,903	14,903	0
<b>Events</b>			17,100	17,100	0
Catering Presentation Days (estimated 100 people)	2	3,000	6,000	6,000	0
University of Newcastle visit - venue	1	3,000	3,000	3,000	0
University of Newcastle visit - catering	60	35	2,100	2,100	0
Catering HunterWiSE events	3	1,000	3,000	3,000	0
Venue HunterWiSE events	3	1,000	3,000	3,000	0
<b>Others</b>			6,600	6,600	0
Laptop / computer for project manager	1	2,000	2,000	2,000	0
Tablet (s) for projects (e.g. for MIT App Builder)	6	600	3,600	3,600	0
Consumables for projects			1,000	1,000	0
<b>Travel</b>			11,770	11,770	0
Meals/workshop - 4 days, 5 ambassadors	20	50	1,000	1,000	0
University of Newcastle visit - transport	1	1,000	1,000	1,000	0
Transport workshop and presentation days	14	55	770	770	0
Conference travel dissemination (2 academics)	2	4,500	9,000	9,000	0
Sub-total (excluding GST)			99,723	65,373	34,350
GST			3,547	3,547	0
<b>Total (including GST)</b>			103,270	68,920	34,350

## 14 NOTICES OF MOTION / RESCISSION

### 14.1 DOMESTIC WASTE FUND - COLLECTION SERVICES

**Attachments:** Nil

**Responsible Officer:** Steve McDonald - General Manager

Councillor Martin Rush has indicated his intention to move the following motion at the next Ordinary Meeting (or such other meeting as the giving of notice by this email may facilitate), as follows:

#### MOTION

1. That the General Manager prepare, in consultation with such others as he/or she may determine -- provided that such consultation include Upper Hunter Shire Council -- a business case for the administration of Domestic Waste Collection Services (and such further or other waste collection services as he/or she thinks fit) by Council's Infrastructure Work's Business Unit directly;
2. That the Business Case, so prepared, be reported confidentially to Council -- the reasons for which are:
  - a) That the Business case, if disclosed, would adversely impact upon the value-for-money received by the community through an open bid process; and
  - b) Disclose the community's confidential information, entrusted to Council, which, if disclosed, would provide an unfair commercial advantage to third parties.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### RESPONSE BY DIRECTOR

Staff will generally only provide factual information on such motions to assist in the discussion of the motion if requested by the councillor. It is not appropriate for staff to comment on the merits of the motion in the Council.

The current waste and recoverables collection and recycling contracts expire July 2018.

Council considered a report on the matter at its meeting of February 2017. The report explained that Council needed to immediately commence preparations for the development of a new Tender specification to facilitate a smooth transition to a new Waste Contract after July 2018. The report sought Council to make available funds to engage a consultant to assist with the development of the new waste tender specifications.

Council resolved as follows;

That:

1. Council allocate \$40,000 from the Domestic Waste Fund, in the 2016-17 Budget, to fund the development of the waste tender and specifications for a contract for collection of waste and recoverable resources to commence post July 2018.
2. Council accept the recommendations made in the Shire Waste Management Sunset Review Committee report as to the content of the specifications.

Work is in progress to formulate the contract specifications and tender documents with a view to calling tenders as soon as possible in collaboration with Upper Hunter Shire Council. So, very limited time is available to develop the business case.

Preparation of a complex business case of this nature has not been anticipated nor budgeted for. So, the resolution should allocate sufficient funds to have this work done.

Being a major commitment for probably 10 to 14 years a thorough review of all aspects is warranted. Eg: What would be done in-house and what would need to be sub-contracted; Business model options, competitive neutrality, staffing, industrial relations matters, environmental management requirements, WH&S, plant procurement, depot improvements eg plant washing booth/bay, plant servicing, backup for staff and plant (reliability); risk assessment, advice and assistance in formulation of a tender etc. The tender is expected to be extremely complex.

Staff with the required knowledge are employed in the Waste area and they will have to be kept at arm's length in a competitive tender process. Therefore, Council will need to engage suitable expertise to be able to develop a tender that will be realistically competitive (that is, competitive from a base of knowledge that will enable satisfactory delivery of the contract within budget) against tenders from businesses who have been specialising in this field for many years.

### **Cost Implications**

It is not known precisely what such professional/specialist advice would cost.

Preliminary estimated budget for professional/technical assistance is:

- Stage 1 - Feasibility

Preparation of preliminary feasibility, scope and preliminary business case; and estimate of cost for stage 2

~\$40,000;

- Hold – Report to Council for decision

- Stage 2 – Pre-tender and tender phases

Review business model and sub-contracts in light of council decision and again after actual tender document requirements are known; and

Tender formulation, procurement processes; negotiation with suppliers/sub-contractors; tender submission; responding to clarifications and requests for information.

~\$120,000 - \$160,000

- Hold awaiting determination of tender

A funding source would need to be identified.

### **Policy Implications**

This report is prepared in accordance with Council's Code of Meeting Practice "When a notice of motion is placed on the Agenda, it must be accompanied by a staff report on the subject of the notice of motion.

### **Conclusion**

It is recommended that a preliminary budget be allocated and that an additional motion/recommendation be inserted between 1 and 2:

2. That a preliminary budget be allocated for Stage 1 of \$40,000, with the source of funds to be identified as part of the September Budget Review.

**COMMENTS FROM CHIEF FINANCE OFFICER**

The initial work requested is for a business case to provide Domestic Waste services using in-house resources. No budget exists for the required \$40,000 so a new allocation has been requested. The funds will need to be sourced from another budget allocation or from reserves.

The cost of domestic waste collection is funded from the Domestic Waste Annual Charge and the legislation specifically states that “a council must not apply income from an ordinary rate towards the cost of providing domestic waste management services”. The costs of investigations relating to the possible provision of the service using in-house resources should be able to be funded from the Domestic Waste Account, as part of “the provision of domestic waste services”. If part of the service relates to trade waste services there should be a percentage apportionment between the General Fund (ordinary rate funded) and Domestic Waste Annual Charge reserve.

If council does proceed to deliver the service in house there will be set up costs additional capital expenditure will be required. The quantum of cost is dependent on the nature of any services delivered in-house as opposed to by sub contract. Full costings on the set up costs and funding requirements will be needed as part of the business case.

**15 QUESTIONS WITH NOTICE**

Nil

**16 COUNCILLORS REPORTS****17 QUESTIONS FOR NEXT MEETING****18 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.

**19 CLOSED COUNCIL****RECOMMENDATION**

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

**19.1 PROVISION OF PROFESSIONAL ENGINEERING AND MAINTENANCE SERVICES CONTRACT SPT411617MUS - MSC PROJECT2017-2018-0306**

Item 19.1 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.2 ACCEPTANCE OF OFFER OF LOAN FUNDING FROM ANZ BANK**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

**20 RESUMPTION OF OPEN COUNCIL**

**21 CLOSURE**

**DATE OF NEXT MEETING: TUESDAY 8 AUGUST 2017**