



**muswellbrook
shire council**

Muswellbrook Shire Council

ORDINARY COUNCIL MEETING

SUPPLEMENTARY BUSINESS PAPER

10 APRIL 2018



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8 GENERAL BUSINESS

8.1 SPONSORSHIP REQUEST - HUNTER LIFE EDUCATION HUNTER SOAPBOX DERBY

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Acting General Manager
Author:	Gerry Bobsien - Executive Manager Economic Development and Innovation
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Facilitate investment in entertainment opportunities, particularly for young people.</i>
Community Plan Strategy:	<i>Identify opportunities that provide affordable entertainment for youth in isolated communities.</i>

PURPOSE

Council has received a request for sponsorship of a family event coordinated by Hunter Life Education.

OFFICER'S RECOMMENDATION

1. Council resolves to partner with Hunter Life Education and provide sponsorship support for \$2,500 allocated from the Economic Development and Innovation budget.
2. A donation is provided to Hunter Life Education represented by the waiver of Development Application fees for the Hunter Soapbox Derby 2018.

Moved: _____ Seconded: _____

BACKGROUND

Hunter Life Education is a community-based, independent organisation working in partnership with schools, community partners and the Hunter business community to raise funds to ensure Life Education programs are delivered to children across the region. HLE was established in 1985, and have operated continuously in the Hunter for over 30 years. In late 2017, Council was approached regarding a billy cart family event for 2018. Council provided initial support and advice regarding the event and have now been approached for sponsorship support in the form of in-kind assistance and labour support.

CONSULTATION

Hunter Life Education

General Manager

Director, Community Infrastructure

Cr Rush

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Scott Bailey

REPORT

Council has received a request for sponsorship for the Hunter Life Education (HLE) Hunter Soap Box Derby. This event is designed to provide a fun and inclusive platform for the Muswellbrook and surrounding communities to come together in an annual event working to foster community pride and connectedness.

This event will aim to raise funds for HLE to provide free or subsidised vital Life Education lessons to children in the Upper Hunter region. These lessons work to empower children and young people to make safer and healthier choices through education.

As the organisers of the event, HLE will engage with community to create connections for the participants to aid in billy cart / soap box car building. HLE will also engage with local primary, secondary and tertiary education institutions to encourage team entries, and promote Science, Technology, Engineering & Mathematics (STEM) related learning opportunities.

This event has strong support from local industry, Upper Hunter Community Services and the PCYC Muswellbrook.

The sponsorship proposal includes fee waiver and support for the event's DA Application alongside the provision of event materials, event communication and assistance with the set-up and set-down of the race infrastructure.

Sponsorship benefits include:

- Council logo on event website, with link back to MSC website
- Council logo recognition on all external event communications
- Signage displayed on race course safety barriers
- Recognition and thank you in welcome and closing speeches for the event.
- Stall space for Council marquee at Pit Lane Entertainment Precinct on race day
- 2 x tickets to the Gala Dinner on Saturday 23 June
- 1 x billy cart entry in the *Corporate* category.

The event will take place on Saturday 23 June. A Development Application and Traffic Management Plan are being prepared. A road closure for Carl Street will be required and will be managed by the SES. These procedures are underway and will be managed according to all regulatory and risk requirements by Hunter Life Education with advice and support from Council staff.

OPTIONS

Councillors have a number of options with respect to the request for additional sponsorship:

1. approve the DA fee waiver and sponsorship of \$2,500;
2. decline the request; or
3. determine to provide a different amount of sponsorship.

CONCLUSION

This event provides a unique opportunity for a large-scale community involvement. HLE anticipates approx. 100 race entrants (max. 4 to a team) and over 3,000 event attendees on the day. It builds on the success of previously held Billy Cart events in other locations and gives Council the opportunity to partner with Hunter Life Education to help provide an inclusive event and raise funds for HLE programs for the Upper Hunter.

SOCIAL IMPLICATIONS

This event promotes social inclusion. This event will aim to raise funds for HLE to provide free or subsidised vital Life Education lessons to children in the Upper Hunter region. These lessons work to empower children and young people to make safer and healthier choices through education.

FINANCIAL IMPLICATIONS

Funding for this sponsorship proposal can be allocated from the 2017/18 Economic Development and Innovation budget.

POLICY IMPLICATIONS

The request is consistent with Council's sponsorship and donations policy.

STATUTORY IMPLICATIONS

No known statutory implications.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

This recommendation is consistent with the operational plan to facilitate cultural activities and events which engage the community and visitors, and which create 'sense of place' and identity.

RISK MANAGEMENT IMPLICATIONS

This event is being managed accordingly by Hunter Life Education with support from the Council's tourism and events team. All risks related to the event will be managed by Hunter Life Education.

10 ENVIRONMENTAL SERVICES

10.2 DA19/2018 REBUILD DENMAN MEMORIAL HALL AFTER FIRE

Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Alisa Evans - Development Planner
Community Plan Issue:	<i>Conserve the heritage and history of the Shire</i>
Community Plan Goal:	<i>Support the conservation and restoration of the Shire's heritage items</i>
Community Plan Strategy:	<i>Complete the restoration of Denman Memorial Hall.</i>
Attachments:	A. Denman Memorial Hall Restoration 2018 -Conditions of Consent B. Denman Memorial Hall Restoration 2018 -Plans

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009
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APPLICATION DETAILS

Applicant:	Muswellbrook Shire Council
Owner:	Muswellbrook Shire Council
Proposal:	Rebuild of Denman Memorial Hall after Fire
Location:	Lot 1 DP 7890911 & Lot 1 DP 152143, 30 Ogilvie Street Denman
Permissibility:	The proposed development is permissible as defined by the LEP.
Recommendation:	Approval of the Application and the waiving of S94A Contributions

RECOMMENDATION

Development Application No. 20/2018 proposing Rebuild of Denman Memorial Hall After Fire at Lot 1 DP 7890911 & Lot 1 DP 152143, 30 Ogilvie Street Denman be approved subject the conditions in Appendix A to the report and the waiving of S7.12 Contributions.

Moved: _____ Seconded: _____

☐ Cr J. Ledlin

☐ Cr S. Bailey

☐ Cr G. McNeill

☐ Cr J. Foy

☐ Cr M. Green

☐ Cr R. Scholes

☐ Cr S. Reynolds

☐ Cr B.N. Woodruff

☐ Cr S. Ward

Cr M.L. Rush

Development Application 19/2018 has been assessed under the relevant planning regulations and policies and is now referred to Council to determination and for consideration of waiving of the Section 94A contribution.

1.0 BACKGROUND

Development Application 19/2018 was lodged 2 March 2018 for the Rebuild of Denman Memorial Hall after fire on Lot 1 DP 780911 & Lot 1 DP 152143 30 Ogilvie Street Denman. The subject land is zoned RU5 Village under Muswellbrook Local Environmental Plan 2009, as well as being identified as Local Heritage Item in Schedule3 Environmental Heritage and is within Denman Heritage Conservation Area.

The hall was substantially damaged by fire in 2015 with the application being lodged with the aim to maintain the front façade and redevelop the rear of the site to create a multipurpose community facility.

2.0 SITE AND LOCALITY DESCRIPTION

The Denman Memorial Hall is located at Lot 1 DP 780911 & Lot 1 DP 152143 30 Ogilvie Street Denman. The site is surrounded by commercial premises including and not limited to chemist, cafes, vet, licenced premises and retail.

The land is identified as Heritage Item No.25 of Schedule 5 of MLEP2009 and within the Denman Heritage Conservation Area. The sites terrain is generally flat with land falling to the rear of the site. The building sustained fire damage to the rear of the building in 2015 and requires extensive repair to enable use.

3.0 DESCRIPTION OF PROPOSAL

The application proposes to restore and rebuild the community facility, which involves the following:

- Reduction of the buildings footprint at the rear.
- Restoration and reconstruction of the front third of the building. Preserving the façade of the building and the interior of the 1929 building;
- New construction at the rear creating a multiuse area with demountable stage, kitchen and bar and courtyard under a section of retractable roof.

The plans have been amended to remove the rear parking area on site due to drainage issues that will required to be resolved prior to forming this area to hard stand. The area will be grass the matter must be dealt with as part of the upgrading for the rear car parking accessed from Paxton Street.

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:

- Detailed Plans including stormwater;
- Statement of Heritage Impact prepared by John Carr Heritage Design
- Statement of Environmental Effects

5.0 INTERNAL CONSULTATION

Health and Building

Referred to Council's Building Surveyor and no objection raised and condition included.

Community Infrastructure

The matter was referred to Council's Engineer. Concerns were raised regarding stormwater drainage and legal access across Lot 1 DP 203777 and Lot 1 DP 157808.

In resolving the stormwater issues the plans have been amended to remove the proposed parking on the Hall allotments. The hard stand area couldn't adequately be drained into Council's stormwater system. The building roof water will be collected and drained to Ogilvie Street stormwater pit located in the kerb and guttering of Ogilvie Street.

The land at the rear which is used as Council public car parking has historically been used for the vehicle access to a number of properties fronting Ogilvie Street. A right of carriage way will be conditioned over the above lots giving the Denman Memorial Hall legal access over the lots. A condition has been included for the creation of the right of carriage way and the consolidation of the subject land

Heritage

Refer to Heritage Advisor and no objections were raised in relation to the proposal. Colour scheme was reviewed and deemed satisfactory.

Environmental Health Officer

Referred to Council's Environmental Health Officer and no objection raised and conditions included.

6.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

Section 4.15(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 *community facility*, which is permitted with consent in the subject Zone.

Objectives of the RU5 Village Zone

- *To provide for a range of land uses, services and facilities which 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

Clause 5.10 Heritage Conservation is relevant to the assessment of the restoration and rebuild of Denman Memorial Hall. The subject land is identified Local Heritage Item I25 Memorial Hall in Schedule 5 of MLEP 2009 and is within Denman Heritage Conservation Area.

The 1928 Building has strong cultural significance to the Denman community. A Statement of Heritage Impact prepared by John Carr Heritage Design dated 27 February 2018 was submitted for the application to identify the key elements of the building that should be maintained where possible and others to be salvaged for future use within the new building to allow for interpretation of its past.

The façade to the building is a contributing item to Ogilvie Street heritage character and the Denman Heritage Conservation Area. The façade of the building will be retained as well as the first third of the 1929 building as recommended by both the SHI and Council Heritage Advisor.

The design satisfies the requirements of Clause 5.10 and its objective by conserving the heritage significance of heritage item and Denman Heritage Conservation Area, including associated fabric, settings and views.

It is considered that all other relevant Clauses under MLEP 2009 have been complied with.

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

There are no draft EPIs relevant to the subject Application.

Section 4.15(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 14 March 2018 until 28 March 2018. A notice

was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. No submissions were received during the notification period.

Section 7 – Village Zones

The restoration and rebuild of Denman Memorial Hall is consistent with the aims and objectives of Section 7 Village Zones. The works involve the restoration and conservation of the Heritage façade and the re-establishment of a key community facility within the Ogilvie Streetscape.

Section 15 – Heritage Conservation

The proposal is consistent with the requirements of Section 15 Heritage Conservation. Council's Heritage Advisor has reviewed the application and The Statement of Heritage Impact and is satisfied that the proposed works by retaining the front section, maintains its heritage significant value to the Ogilvie Street character. The proposed new works are designed to easily identify the original fabric of the building.

Section 16 – Car Parking and Access

Historically the Denman Memorial Hall has not provided onsite parking for the community facility but instead has utilised on street parking and Council car parks. One Council car park is located on the land at the rear of the site. This Council car park provides parking to a number of business and community facilities. It also provided informal access from to the rear to premises on Ogilvie Street.

The hall has approximately a gross floor area of 520m. sq. and would require twenty-six (26) formal car parking spaces (community facility 1 per 20m. sq.). As the hall has historically deficiency of 30 car parking spaces, it is deemed the proposed restoration and rebuild of the hall should not be required to facilitate the required parking spaces.

It should be noted that the plans have been amended removing four (4) parking bays and loading area at the rear of the building. This was to resolve stormwater drainage that could not be conveyed to the street for disposal. The area will be grassed and the area will be resolved with the development of Denman Town Centre Plan.

Section 20 – Erosion and Sediment Control

The site will have the appropriate erosion and sediment controls in place during the demolition and construction phases and is conditioned accordingly.

Section 24 – Waste Management

Waste will be managed in accordance with waste management plan to be submitted prior to the issuing of Construction Certificate.

Section 25 – Stormwater Management

Stormwater is consistent with the aims and objectives of MDCP 2009.

Section 94A Contributions Plan 2009

A developer contribution of \$20,000 will apply to the proposed development should the Application be approved and Council resolve not to waive the contributions.

It has been requested that the contribution be waived by the applicant. As the proposed is a Community Facility it is deemed that the waiving of contribution can be supported.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

Context & Setting	Waste
Built Form	Energy
Potential Impact on Adjacent Properties	Noise and Vibration
Access, Traffic and Transport	Natural hazards
Public Domain	Technological hazards
Utilities	Safety, Security, and Crime Prevention
Heritage	Social Impact on Locality
Other land resources	Economic Impact on the Locality
Water	Site Design and Internal Design
Soils	Construction
Air & microclimate	Cumulative Impacts
Flora & fauna	

Section 4.15(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 4.15(1)(d) any submissions made

No submissions were received during the notification period.

Section 4.15(1)(e) the public interest

It is considered that the proposed restoration and rebuild of Denman Memorial Hall is in the public interest.

Council Adopted and Draft Policies

The following policies have been adopted by Council and are required to be considered in the assessment of the application.

D7/1 Development Cost Estimating

D6/1 Demolition Policy

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

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.	Revision	Drawn by	Drawing Date	Received
285_001	2	Collins and Turner	Feb 2018	2 March 2018
285_11	2	Collins and Turner	Feb 2018	2 March 2018
285_131	2	Collins and Turner	Feb 2018	2 March 2018
285_132	2	Collins and Turner	Feb 2018	2 March 2018
285_201	2	Collins and Turner	Feb 2018	2 March 2018
285_202	2	Collins and Turner	Feb 2018	2 March 2018
285_301	2	Collins and Turner	Feb 2018	2 March 2018

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.

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

3 Building Code of Australia

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

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

4 Colours, Finishes and Materials – Heritage Items (Alterations and Additions)

The colours, finishes and materials shall be carried out in accordance with Front façade Colour Scheme prepared by Collins and Turner dated February 2018.

5 Garbage and Recycling Facilities

An appropriate area shall be provided within the premises for the storage of garbage bins and recycling containers and all waste and recyclable material generated by this premises. The following requirements shall be met:

- a) all internal walls of the storage area shall be rendered to a smooth surface, coved at the floor/wall intersection, graded and appropriately drained with a tap in close proximity to facilitate cleaning;

- b) include provision for the separation and storage in appropriate categories of material suitable for recycling;
- c) the storage area shall be adequately screened from the street and located behind the building line;
- d) garbage enclosures serving residential units are to be located within areas designated for non-residential uses; and
- e) all waste is to be removed weekly from the site by a contractor and disposed of at a site approved for such purposes

Details of the storage area are to be provided to, and approved by the Certifying Authority prior to issuing of the Construction Certificate.

6 Waste Management Plan

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

7 Fit-out to be in accordance with relevant legislation and standards.

The premises, including the construction and installation of all equipment, fixtures and fittings must comply with the requirements of The Food Act 2003, Food Regulation 2015, Food Standards Code and Australian Standard 4674 for the Design, Construction and Fit-out of Food Premises.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

8 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.

9 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.

10 Construction Certificate Requirement

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

11 Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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12 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.

13 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.

14 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.

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

The building is not to be used or occupied until a final inspection has been carried out and an occupation certificate has been obtained from the Principal Certifying Authority.

16 Connection to Sewer

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

17 Domestic Works as Executed Plans

Prior to the issue of an Occupation Certificate a works as executed plan drawn on the NSW Fair Trading approved template detailing the layout and location of the sewer and stormwater pipe work is to be submitted to Muswellbrook Shire Council.

18 Final inspection by Council required prior to commencement of trade

A satisfactory final inspection must be undertaken by Council's Environmental Health Officer prior to the commencement of trade.

19 Details of business registered with Council.

The business must be registered with Council prior to commencement of trade.

20 Smoke Free Environment

All public areas are to comply with the Smoke Free Environment Act 2000 and Smoke Free Environment Regulation 2016.

21 Consolidation of Lots

Prior to the issuing of Occupation Certificate, a plan of consolidation is to be registered for Lot 1 DP 780911 and Lot 1 DP 152143.

22 Right of Carriage Way

A right of carriage is to be placed over Lot 1 DP 157808 and Lot 1 DP 203777 three (3) metres wide benefitting Lot 1 DP 780911 and Lot 1 DP 152143.

Note: The easement is to allow vehicles to service the Denman Memorial Hall from the rear of the premise.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

23 Stormwater Disposal

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to:

- (a) the kerb and gutter (piped)

24 Loading Within Site

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

25 Delivery Hours

No deliveries, loading or unloading associated with the premises are to take place between the hours of 10pm and 6am on any day.

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:

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.
Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.



Locality Plan - Denman Town Centre 1:2000

Documents

285_001	Title Sheet
285_002	Site and Site Analysis Plan
285_111	Ground Floor Plan
285_131	Mezzanine and Roof Plan
285_132	Elevations North and South
285_201	Elevations East and West
285_202	Sections
285_301	Notification Plan
285_601	Notification Elevations North and South
285_602	Notification Elevations East and West
285_603	

Team

Planning Consultant:

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Quantity Surveyor:

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Heritage Consultant:

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e: john.carr.heritage@hotmail.com

Legend

Finishes:

BRK-EX	Existing brickwork
DP	Downpipe
EX	Existing
EX	Existing
FGL-1	Finished floor level
GA-1	Galvanised steel roof, gutters and rainwater accessories
GA-2	Galvanised steel roof
LVR	Operable metal louvers
PL-1	Galvanised steel door
	Paint finish to existing facade and trimmings. Refer Statement of Heritage Impact by John Carr for colours
PV	Photovoltaics
REN	Rendered strawbale walls
RF	Retractable roof
RL	Relative level
TM-1	Sprung timber floor
WC-F	Female toilets
WC-M	Male toilets
WC-A	Unisex accessible toilet and shower

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1. **Address:** 1415 4th St. SE
 2. **City:** Washington, DC 20003
 3. **Phone:** (202) 462-1212
 4. **Fax:** (202) 462-1212
 5. **E-mail:** info@nrc.org
 6. **Website:** www.nrc.org
 7. **Registration:** N/A
 8. **Membership:** N/A
 9. **Other:** N/A

(1982)

seq	date	by	description
1	12/02/18	SC	Council Meeting
2	2/02/18	SC	Development App. Call

Client **Muswellbrook Shire Council**
157 Mainland Street
Muswellbrook, NSW

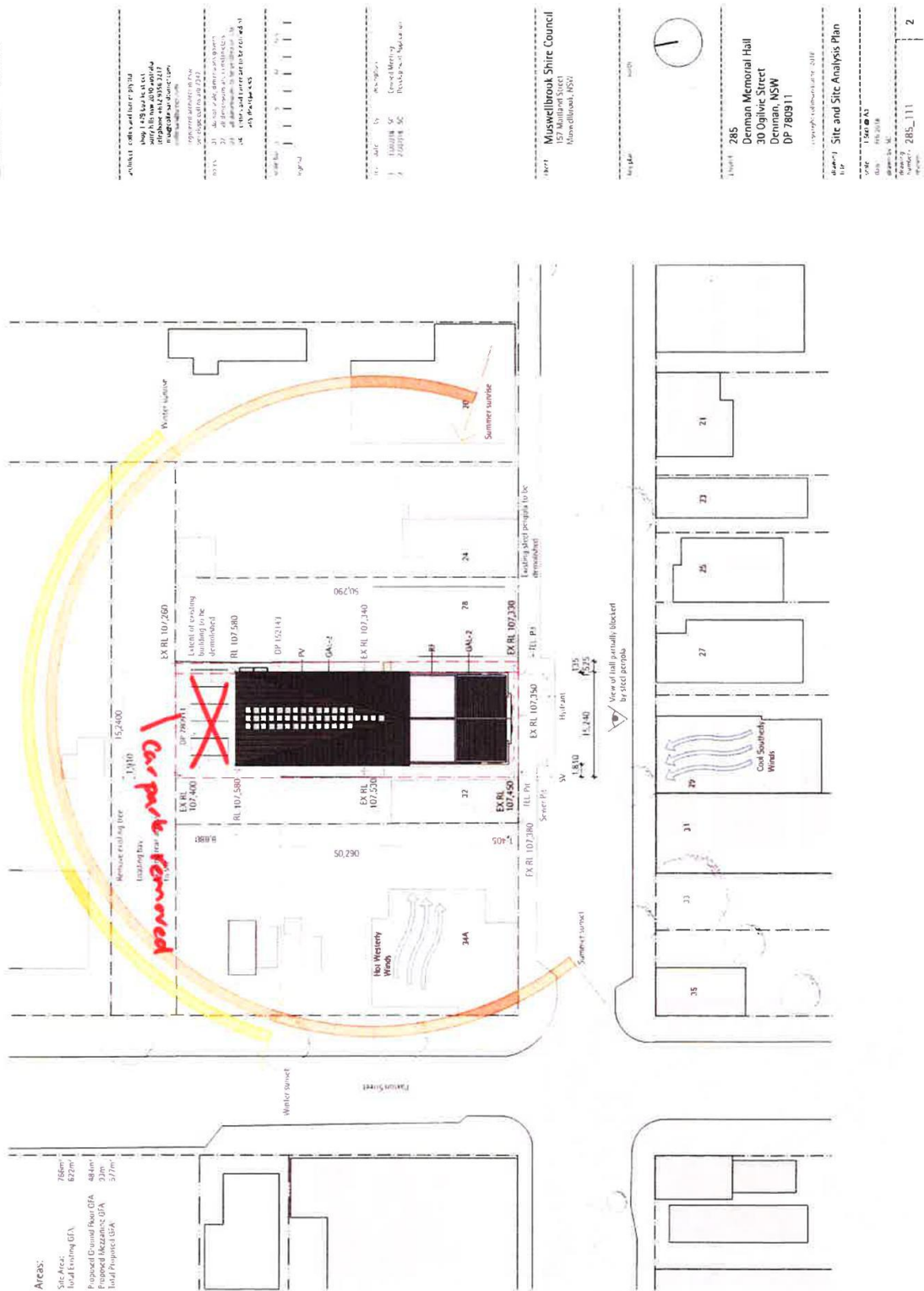
Lucy (pl.4)



285
Denman Memorial Hall
30 Ogilvie Street
Denman, NSW
DP 78U911

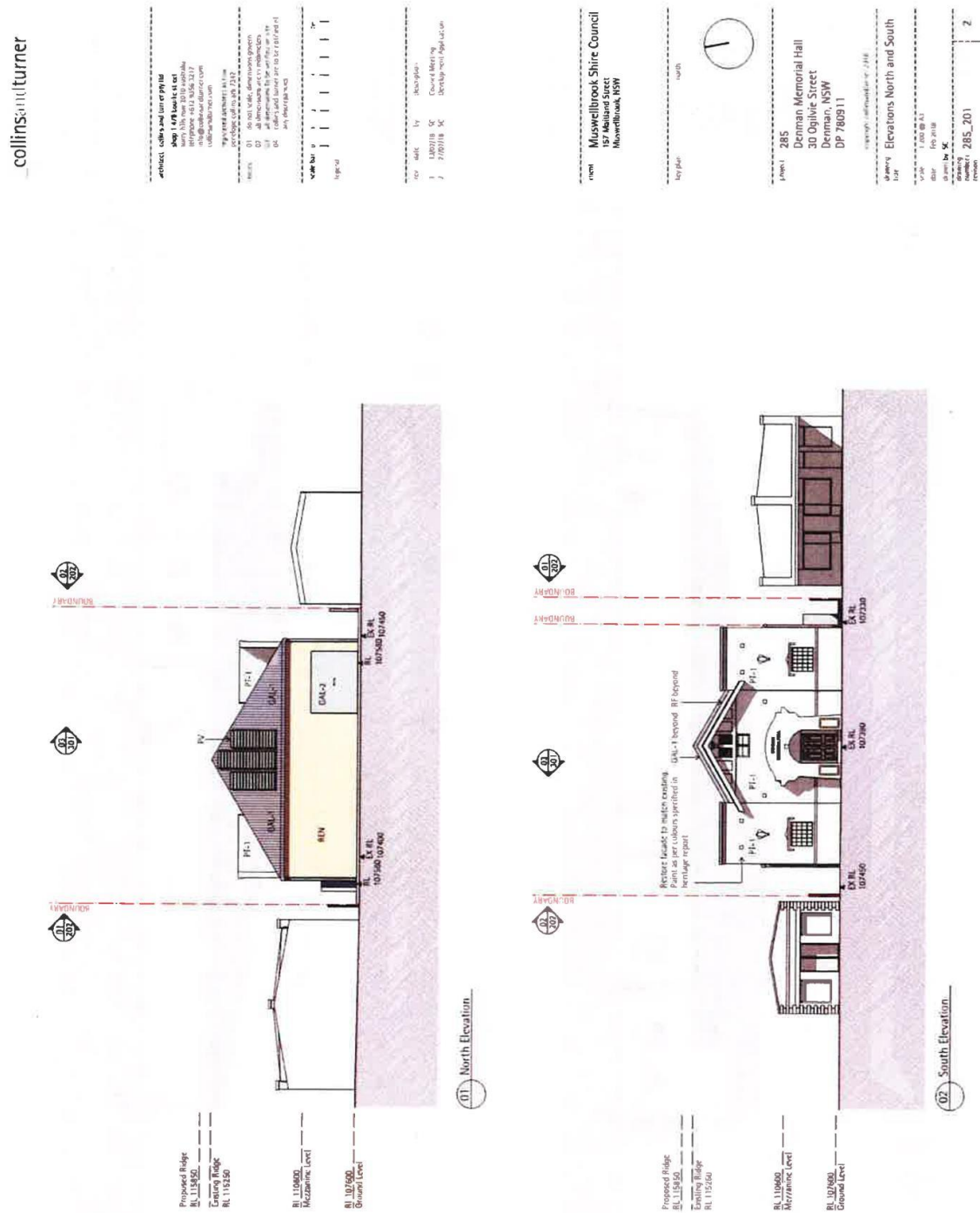
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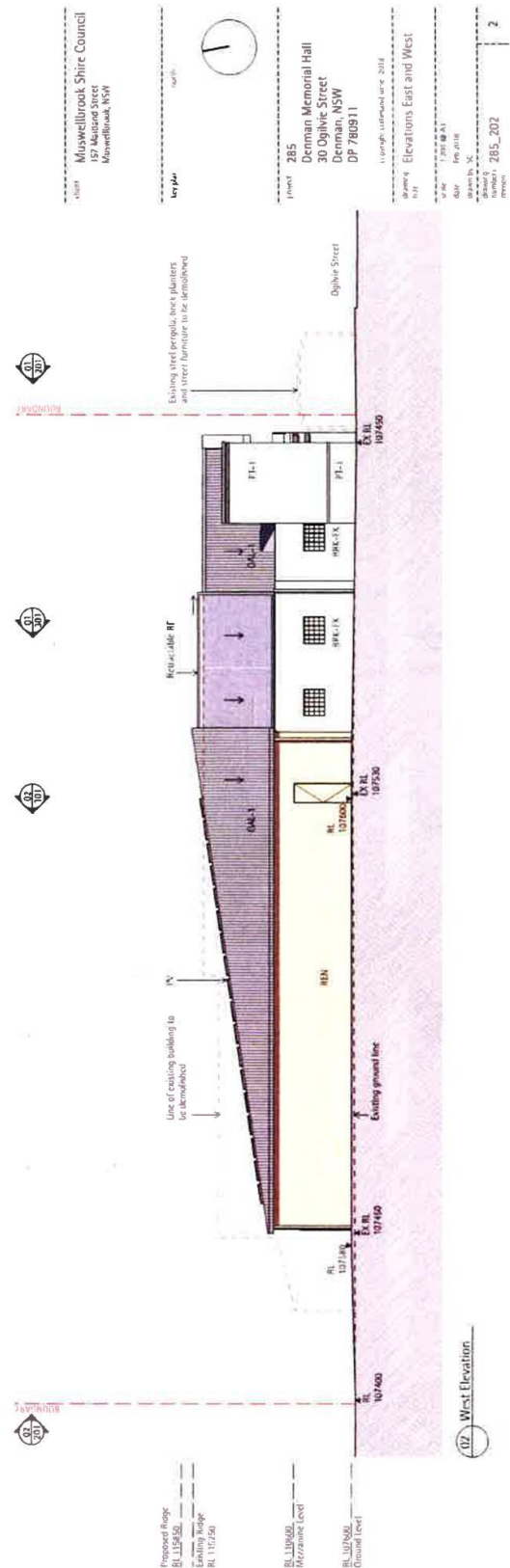
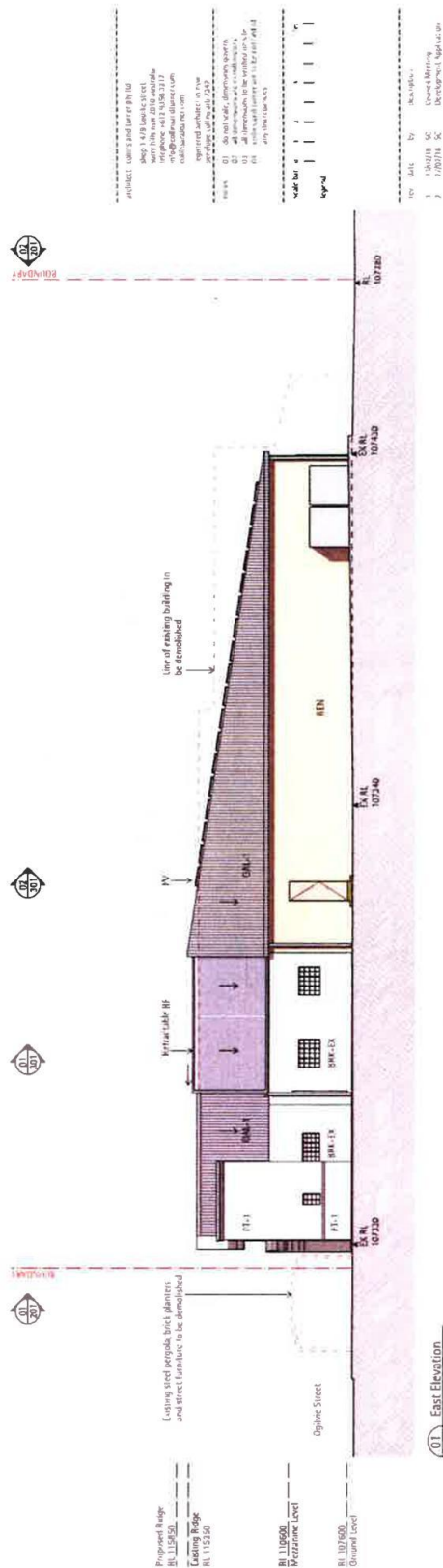








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12 CORPORATE AND COMMUNITY SERVICES

12.3 SPONSORSHIP REQUEST - UPPER HUNTER WINE AND FOOD AFFAIR

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Joshua Brown - Co-ordinator Executive Services
Community Plan Issue:	<i>Promote and support economic growth and diversity within Muswellbrook Shire through policy development and action</i>
Community Plan Goal:	<i>That local government policies support business growth and diversity</i>
Community Plan Strategy:	<i>Work with relevant partners to share our brand, provide facilities and services that attract and retain local business in Muswellbrook Shire</i>

PURPOSE

A request for an increase in sponsorship has been received from the Upper Hunter Wine and Food Affair Committee for 2018.

OFFICER'S RECOMMENDATION

Council approve the request for an additional one-off \$5,000 cash contribution, from the sundry donations allocation for the 2018 Upper Hunter Wine and Food Affair.

Moved: _____ **Seconded:** _____

BACKGROUND

The Upper Hunter Wine and Food Affair will occur again in May 2018. The event takes place in Ogilvie Street, Denman which will remain closed to vehicular traffic for the day in order for stall holders to sell locally grown food and wine. Council provides annual sponsorship of the event.

CONSULTATION

General Manager

Acting Director Planning, Community and Corporate Services

REPORT

Council has received a request for an increase in annual financial sponsorship for the Upper Hunter Wine and Food Affair. Council resolved in 2016 to increase its annual sponsorship of the event from \$5,000 to \$10,000 per year and in 2017 agreed to a one-off additional allocation of \$10,000 bringing the total cash support for the event in that year to \$20,000. The Denman Chamber of Commerce, which organises the event has advised Council that corporate sponsorship has not kept pace with increasing costs and that a \$25,000 shortfall is currently predicted. Council has allocated an amount of \$10,000 in the 2017/18 Budget to support the Wine and Food Affair and is expected to contribute around \$7,500 in in-kind works to support the event.

Funding is available from the sundry donations budget.

Given the scale of the event and the number of visitors it draws to the Shire, the request is supported by Council officers and recommended for endorsement.

OPTIONS

Council's 2017/18 budget includes an allocation of \$10,000 for the sponsorship of the Upper Hunter Wine and Food Affair. Councillors have a number of options with respect to the request for additional sponsorship:

1. approve an additional one-off \$5,000;
2. maintain its sponsorship at \$10,000; or
3. determine to provide a different amount of sponsorship.

CONCLUSION

The Upper Hunter Wine and Food Affair is a major event in the Upper Hunter visitor calendar. Annual attendance continues to grow drawing increasing numbers of people to Denman and the Upper Hunter, who contribute to the local economy, while providing an excellent opportunity to showcase the Muswellbrook local government area. Staff recommend that in addition to the \$10,000 allocated to support the event, an amount of \$5,000 be approved for the 2018 Upper Hunter Wine and Food Affair.

SOCIAL IMPLICATIONS

The Upper Hunter Wine and Food Affair attracted almost 7,000 people in 2017. This year's event will see 48 stall holders including local wineries and local food producers and is a key economic driver activity for the Muswellbrook Shire. The event caters for all ages with live music, children's entertainment and street theatre, and attendance has reportedly increased each year as its popularity becomes established.

FINANCIAL IMPLICATIONS

Council's budget includes an allocation of \$10,000 in sponsorship for the Upper Hunter Wine and Food Affair. There are sufficient funds available in the donations and sponsorship budget to support the request for an additional amount for this financial year. It is recommended that the additional \$5,000 be allocated from the Sundry Donations budget.

POLICY IMPLICATIONS

The request is consistent with Council's sponsorship and donations policy.

STATUTORY IMPLICATIONS

No known statutory implications.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

Recommendation is consistent with Delivery Program Action: Maintain existing and develop new tourism events and promotions with associated funding.

RISK MANAGEMENT IMPLICATIONS

No known risk management implications.

12.4 RAIL NOISE ABATEMENT PROJECT - PUBLIC EXHIBITION

Attachments:	<p>A. 2017-2018-0320 - RNAP - Stage 1 Concept.pdf</p> <p>B. 2017-2018-0320 - RNAP - Masterplan.pdf</p> <p>C. 2017-2018-0320 - RNAP - Study Area.pdf</p> <p>D. 2017-2018-0320 - RNAP - Artist view of stepped walls looking south west from Campbells Corner.jpg</p> <p>E. 2017-2018-0320 - RNAP - Artist view of stepped walls looking north west from William Street.jpg</p> <p>F. 2017-2018-0320 - RNAP - Artist view of wall looking north west to Lower William Street.jpg</p> <p>G. 2017-2018-0320 - RNAP - Artist view Simpson Park.jpg</p> <p>H. 2017-2018-0320 - Results of Noise Modelling Stage 1.pdf</p>
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Matthew Lysaught - Manager, Property & Building
Community Plan Issue:	<i>Develop Muswellbrook as a Regional Centre</i>
Community Plan Goal:	<i>Construct and maintain regionally significant infrastructure that facilitates regional service provision.</i>
Community Plan Strategy:	<i>Deliver the Muswellbrook town rail noise abatement wall.</i>

PURPOSE

To report to Council the submissions received from public exhibition of the Stage 1 - Rail Noise Abatement Project.

OFFICER'S RECOMMENDATION

Council endorses the Stage 1 Concept to proceed to Development Application.

Moved: _____ **Seconded:** _____

BACKGROUND

Concept designs for the first stage of the Rail Noise Abatement Project were placed on public exhibition from 7 March to Wednesday, 4 April 2018 for a period of 28 days. The Stage 1 Concept proposes for the rail noise abatement wall to extend from Simpson Park to Brook St.

Attached to this report are copies of the documents placed on public exhibition. Copies were available on Council's website, at Muswellbrook and Denman libraries, and the Council Administration Centre. Local residents and community stakeholders were encouraged to consider the concept and make written submissions.

Council also hosted a Drop-in Information Stand on the ground floor of Campbells Corner from 8.00am to 6.00pm on Tuesday, 27 March 2018. Residents were invited to visit the drop-in information stand to inspect the concept plans. Staff were available to answer questions and receive feedback.

CONSULTATION

NSW Public Works Advisory (PWA)

Australian Rail Track Corporation (ARTC)

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Consultation has been ongoing.

REPORT

Summarised below are written submissions received and comments from the drop-in information stand together with responses.

Written submissions:

	Suggestion/ Comment	Response
	Resident 1	
1.	Why is the noise suppression wall going along a car park with minimal housing?	The location of Stage 1 was nominated to provide benefit to community with noise attenuation: at Simpson Park improving amenity for daily use and community events; residents on the western side, including residents of Weidmann Retirement Village; and correspond to completed CBD upgrades.
2.	Is an empty car park more important than rate payers and residents?	'As above response'
3.	In 15 years train traffic has intensified 230%.	ARTC report that the line is at capacity with train movements at approximately every 10 minutes.
4.	The wall should be extended to include more residents' homes and not just a CBD that really doesn't suffer from rail noise?	'As response #1' and grant funding award is limited.
5.	Where are the studies to justify walls for just the CBD? It will make no difference to the CBD.	Noise modelling was completed as part of the initial study, in consideration of Stage 1, and will be studied again post completion.
6.	Another great idea without community support?	This project is fully funded through the NSW Government's Resources for Regions supporting communities through improvements to the local infrastructure.
7.	Residents and rate payers are far more important than a CBD that is never going to be more than it is already.	'As response #1'
	Resident 2	
8.	Include in project scope the rail bridge over hunter river on the Ulan/Mudgee line - the wagons/ rails generate a lot of wheel squeal.	This was also raised by community members at the drop-in information stand.
9.	Murals or trompe l'oeils on both sides of both walls. This would add to community amenity, prevent/ reduce tagging and graffiti, make a community asset colourful and cheerful and not see it installed and left as a grey concrete barrier.	Motifs are being considered for Simpson Park, and at the beginning and end of walls.
	Resident 3	

	Suggestion/ Comment	Response
10.	Walls are over-sized. Will be a giant eyesore that does not fit in with the look and feel of a country town.	The height of the wall is critical for effectiveness. The budget is being developed to include plantings against the wall.
11.	Will create a "Berlin-Wall" like structure that will divide the town and block views from one side to the other.	'As response #10'
12.	Will provide a blank canvas for graffiti and vandalism. How often will they be cleaned/ repaired and who will pay for this?	'As response #10' and Council will be responsible for any graffiti outside the rail corridor and ARTC responsible for any graffiti inside the rail corridor.
13.	Rail noise will escape over the top of the walls and out of the openings at level/ pedestrian crossings and vibrations from trains will still be felt - negating any supposed benefit	Noise will escape over the top and at openings but not to the extent that negates the benefits.
14.	Money would be better spent addressing the more important issues faced by the town - bypass, attracting and diversifying additional industry, filling all the empty shops; reducing impact of dust; providing funding for the Olympic Park, Performing Arts and Swimming Pool projects instead of proposed rate increases.	'As response #6'
	Brauntell Engineering	
15.	Opportunity to look outside of standard design parameters using a local business	'As response #9' and options will be considered in detailed design.
16.	Walls will have prominent visual aspect within CBD and request consideration be given to adding architectural steelwork along portions of the walls to provide aesthetic breakup through colour and material composition with profiled imagery cut into steelwork. Would have LED back lighting	'As response #15'
17.	Would increase Muswellbrook's exposure in the realms of local engineering and design with a clear point of difference from an otherwise predictable application	'As response #15'
	Anglican Parish of Muswellbrook	
18.	The Parish is generally supportive of the proposed project to minimise rail noise for those properties immediately adjacent to the main north rail line.	Noted
19.	Concern with proximity and height along boundary of units 1-3 and 4-5 in Verlie Weidmann Village - overshadowing and the potential reduction in light, particularly in the mornings.	Development Approval and detailed design will need to consider overshadowing.
20.	Would there be an effect on the overall abatement for the affected units if the wall is staged (stepped) further back from Brook Street rail crossing to include these units?	Development Approval and detailed design will consider this issue.
21.	We note from modelling there is a noticeable increase in front of units 4-7 and at the rear of St Alban's Hall and Schoolmaster's Cottage - What, if anything, could be done to lessen that impact on residents of the affected units, the Schoolmaster's Cottage and users of St Alban's Hall?	This anomaly will be investigated further.

Drop-in information stand:

Comments received on the day are summarised by topic.

	Aesthetic	Response
22.	Motifs on walls along carpark and parks - opportunity for murals and art works (like Men's Shed Aberdeen).	'As response 9'
23.	Suggestion of kangaroo motif that could be used throughout - perhaps jumping motion from panel to panel.	'As response 9'
24.	Light colour will look dirty with coal dust and general wear - recommend something like eucalypt green.	'As response 9'
	Construction	
25.	Stage (step) the wall ending on western side of Lower William?	This is seen as unnecessary due to wanting to provide the most effective attenuation. Lighting and security will need to be considered as part of Development Approval and detailed design.
	Graffiti	
26.	How will you stop the graffiti?	'As response #10' and Council will be responsible for any graffiti outside the rail corridor and ARTC responsible for any graffiti inside the rail corridor. The wall will be all one colour to make graffiti removal practical and effective.
27.	Blank walls will be a graffiti magnet	'As response #26'
28.	Have you allowed for graffiti removal?	'As response #26'
	Location	
29.	15 people asked if walls would be built on both sides and seemed pleased when this was confirmed.	This has been a common misconception.
	Overshadowing	
30.	Resident adjacent to wall on western side - Will the wall block out my yard from light?	'As response 19'
31.	If lack of light is a problem could the height be reduced alongside aged facility?	'As response 19'
32.	Residents will be looking at a wall from their back garden with little sky to see	'As response 19'
	Safety & Security	
33.	Lighting needs to be installed west and east side of Lower William facing north to light crossing. As well outside 2-4 William Lane house	Lighting and security will need to be considered as part of Development Approval and detailed design.
34.	There needs to be gates at the Lower William Street crossing as the wall will prevent line of sight to determine if there is a train coming	Development Approval and detailed design will consider this issue.
	Ancillary	

35.	Cnr Brook Street and Hunter Tce - Vibration has increased majorly in past 12 months especially as the trains increase speed heading north.	The rail noise abatement wall will not mitigate vibration.
36.	There is more noise from the Ulan line west of bridge for Lower Brook Street residents west of Hunter Tce	This issue was a common concern. The ARTC does have the upgrade of the rail junction in their three year planning. An intention of the project is to remove the stop/start at the junction which makes a significant contribution to rail noise.
37.	The noise from the Ulan line is very loud and isn't being addressed in any of the stages	'As response #37'
38.	Will it stop the diesel fumes and grey dust?	It will not stop the generation of diesel fumes and grey dust. Whether the wall itself will capture dust in the corridor will require further investigation.
39.	The noisiest trains are the ones on the Ulan line	'As response #37'
40.	Can we stop the coal dust?	'As response #38'

OPTIONS

In total five written submissions received and approximately 40 community members visited the information stand. Copies of the written submissions are available on request. The majority of the submissions were in favour of the concept however, opinion did vary generally about the specific design of wall e.g. management of graffiti and the visual appearance of the wall.

CONCLUSION

It is recommended that Council proceed with Stage 1 as planned. The location of the wall nominated provides improved amenity to Simpson Park, benefit to residents on the western side of the rail corridor including residents of the retirement village, and is consistent with Council's staged upgrade works in the CBD.

SOCIAL IMPLICATIONS

This project has been developed to meet a number of community goals including improved public amenity.

FINANCIAL IMPLICATIONS

Total project budget \$1,950,000

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

'4.1.2 Deliver the Muswellbrook town rail noise abatement wall', Operational Plan 2017-2018

RISK MANAGEMENT IMPLICATIONS

Risk management is a key consideration in the project management.



Paper Size ISO A4
0 20 40 60
Metres

Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 56



Muswellbrook Shire Council
Muswellbrook Rail Noise Abatement

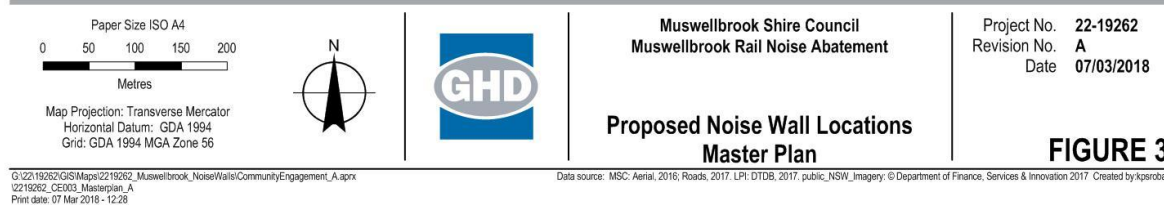
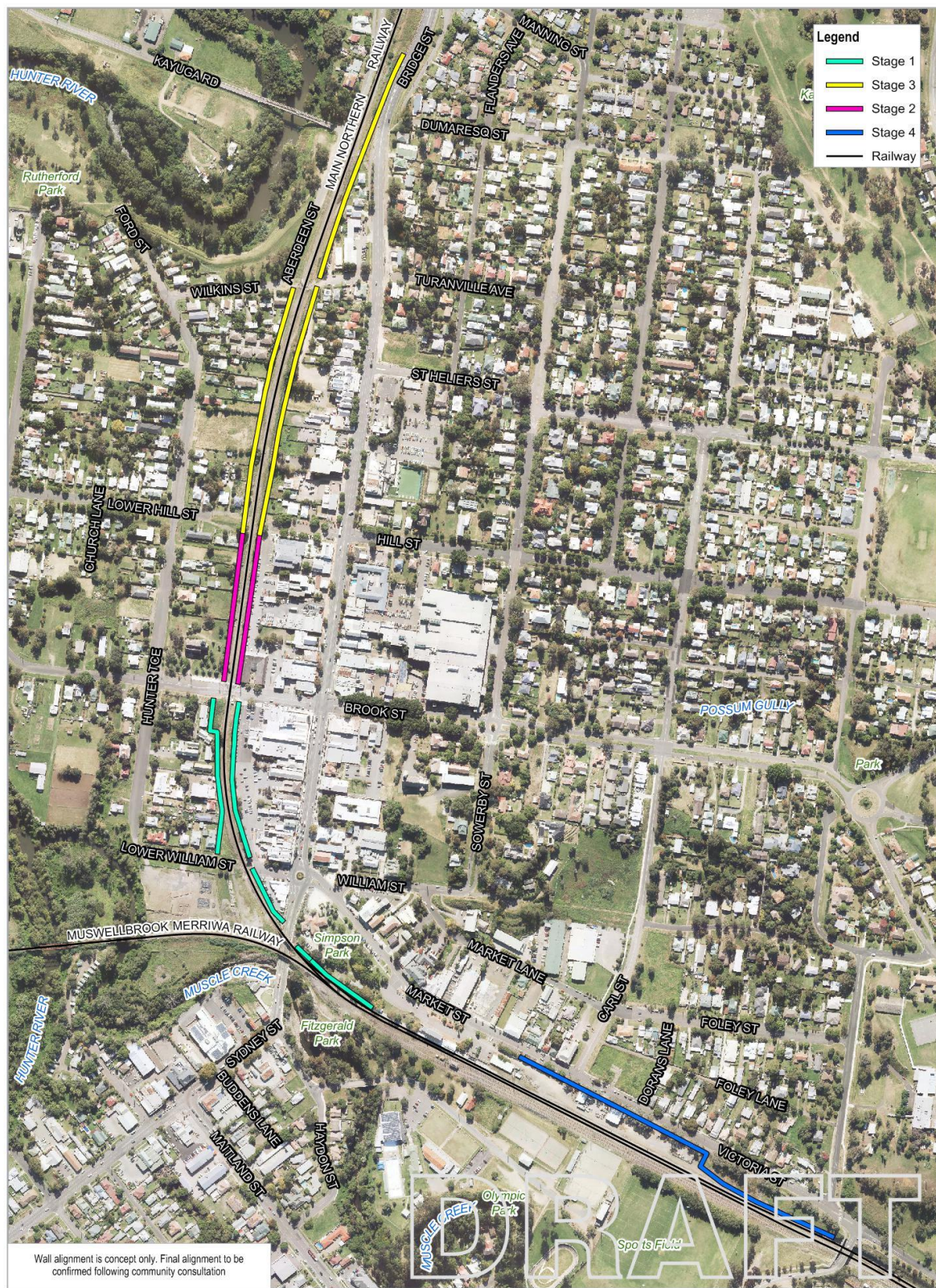
Project No. 22-19262
Revision No. A
Date 07/03/2018

Stage 1 Preferred Option

FIGURE 3

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Print date: 07 Mar 2018 - 12:28

Data source: MSC: Aerial, 2016; Roads, 2017; LPI: DTDB, 2017. Created by kperoba





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Data source: MSC; Aerial, 2016; Roads, 2017; LPI; DTDB, 2017; public_NSW_imagery; © Department of Finance, Services & Innovation 2017. Created by kperoba









