



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
8 MAY 2018



ORDINARY COUNCIL MEETING, 8 MAY 2018

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
4 May, 2018

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **8 May, 2018** commencing at 6.00pm.

Fiona Plesman
ACTING GENERAL MANAGER

Order of Business

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19.2	Tender 2017-2018-0303 Kerbside Waste Services <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>	
19.3	Proposed Road Closures Mount Pleasant Mine Project Area <i>Item 19.3 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>	
19.4	LINE MARKING PLAN - BYLONG VALLEY WAY <i>Item 19.4 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>	
19.5	UPPER HUNTER INNOVATION PRECINCT STAGE 2 - CONCEPT <i>Item 19.5 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>	
19.6	ECONOMIC DEVELOPMENT PROJECT <i>Item 19.6 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 8 MAY 2018**

- 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 **10 April 2018**, 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

Nil

11 COMMUNITY INFRASTRUCTURE

11.1 BENGALLA 138 CONSENT - PIPELINE UNDERBORE 6 PIPELINES UNDER BENGALLA LINK ROAD

Attachments:	A. Bengalla Link Road Under-bore B. Draft Consent Conditions Bengalla underbore pipelines
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Peter Higgins - Manager, Technical Services
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Deliver timely, quality professional development engineering and assessment.</i>

PURPOSE

This report seeks approval under Section 138 of the Roads Act 1993 for works requested by the Bengalla Mining Company with regard to Water Management Relocation approved as part of the Dry Creek Diversion Project.

OFFICER'S RECOMMENDATION

1. Council delegate to the General Manager authority to sign the Section 138 consent with the Standard Conditions for the works proposed by the Bengalla Mining Company and generally in accordance with the Special Conditions outlined in the report.
2. A suitable form of security or contract be negotiated with the Bengalla Mining Company prior to commencement of the works.

Moved: _____ Seconded: _____

BACKGROUND

Bengalla Mining Company has applied for a Section 138 permit to undertake works required for the under-boring of Bengalla Link Road. In keeping with previous consents and the conditions applied, the consent will have special reference to how the mine owned assets are managed when no longer in use by the mine.

CONSULTATION

Decommissioning was discussed with the Manager Roads and Drainage.

Environmental and Approvals Specialist Bengalla Mining Company

CONSULTATION WITH COUNCILLOR SPOKESPERSON

A copy of the draft report has been provided to the Mayor, Councillor Martin Rush, for review and comment.

REPORT

The application is for pipelines to be under-bored under Bengalla Link Road between Old Bengalla Road and the Bengalla Mine Entrance. The works are approved as ancillary to the State Significant Mine Approval and approved Mine Water Management Plan.

The under-bore location is shown on the plan in Appendix A.

The process of under-boring will not require disruption to traffic and Traffic Control Plans may only be required if there are unexpected failures or significant traffic movements to and from the work sites within the mine owned land. The thrust bore is 45m long and the pits required to undertake the process are outside the Road Reserve.

The most significant issue to be considered with the application is therefore how and when the works will be decommissioned to Council's satisfaction. The under-boring process will involve steel sleeves being pushed through then high-density polyethylene (HDPE) pipes within the sleeves which are then grouted into place. This process means that to remove the mine owned asset would involve traffic disruption to excavate the pipes across the road. Decommissioning by capping the pipes is therefore recommended. A suitable bond for this is estimated at \$26,000. It should be further noted that the applicant intends to realign the Bengalla Link Road in about 12 to 15 years, which will involve closing the section of Bengalla Link Road containing these works. The road closure will effectively remove the mine asset from Council's road responsibilities as the Road Authority. Considering the materials used, the works are expected to have a significantly longer asset life than 20 years.

138 Consent Conditions

Consent conditions for mine projects are usually broken into three areas:

1. General conditions applying to all section 138 consents, including minor permits for driveway construction and the like.
2. Additional General conditions which apply to more substantial consents for projects related to major developments.
3. Special Conditions are provided for specific developments including major mine related developments.

These conditions are given in Appendix B including Special Conditions as outlined below.

Special Conditions.

The Consent Holder must lodge with Council a Security to be held for the removal of the mine owned asset from the road reserve and restoration of the landform to the satisfaction of council. The Security in the form of a cash bond or bank guarantee is for an amount of \$26,000.00 to be agreed with the General Manager prior to the commencement of the construction of the Mine owned Infrastructure. The Security as a bank guarantee is to be indexed at the Construction Price Index rates biannually and if a cash bond, the amount is to be reviewed every five years from lodgement. The Security is to be held until the mine owned asset is removed from the road reserve and the road reserve and landform is restored to the satisfaction of council or alternatively the affected road is closed and Council is appropriately compensated for the road closure.

Private Underground Power and Pipeline Special Conditions.

- *Pipe line shall be placed at least one (1) metre below table drain surface invert level and Underground Power 1.5m below.*
- *All disturbed land shall be re-instated to the condition prior to construction and to the satisfaction of the Council.*
- *All due care and diligence must be exercised undertaking proposed works on Council road reserve. Also due care should be taken to protect Council and other utility authorities assets/properties within the area of operation.*

- *If any damages are caused to Council's assets or any other assets, you will be responsible for all the costs incurred to rectify them. It is in your interest to ensure that you have adequate Public Liability Insurance to cover your operation.*
- *Council does not take any responsibility for maintenance or the safety of the pipeline and the pipe line and other associated assets placed within the council road reserve remain your responsibility.*

This consent may be revoked if these conditions are not complied with.

OPTIONS

Council could either:

- approve the Delegation to the General Manager to issue this consent for works under Section 138 (Roads Act) 1993 with the conditions recommended; or
- request modification to the conditions; or
- refuse the delegation.

CONCLUSION

This report covers a section 138 application which involves under-boring of pipes from outside the road reserve therefore not involving disruption to traffic. A condition relating to the decommissioning of the asset or a road closure removing the asset from Councils responsibility as the Road Authority is recommended. Approval is recommended.

SOCIAL IMPLICATIONS

Nil

FINANCIAL IMPLICATIONS

Council will recover its costs through the consent fees.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Council is the Road Authority under the Roads Act 1993 and is acting within its powers.

LEGAL IMPLICATIONS

As above.

OPERATIONAL PLAN IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

The applicant under the General Conditions is to carry Insurance to indemnify council should any incident be identified related to the approval.

LONGITUDINAL SECTION - ALIGNMENT 1BENGALLA

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muswellbrook
shire council

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S138 Public Road Works and Structures Consent

Consent No 2018/0009

(A) Valid from: 2/8/2017 To: 30/12/2017

(B) Granted to the following:

Name	MACH Energy Australia Pty Ltd.		
Address	GPO Box 94 Brisbane Qld 4001	Phone	07 349303600
		Email	general@machenergyaustralia.com.au
ABN			

(C) In respect of the following proposed Works:

DA/CDC number (if applicable)	DA 92/97
Name and location of road to be affected	Bengalla Link Road and Old Bengalla Road.
Details of work/activity to be carried out	Installation of services (power and private water).
Details of proposed restoration works	NA

Including the road reserve:

☒ Yes

☐ No

Plan attached and marked Annexure "A":

☐ Yes

☐ No

(D) The Council consents to the Applicant placing, installing or erecting the Works within or across the Road under the conditions contained in this Consent.

The consent is granted under s138 of the *Roads Act* 1993.

The Council is a public roads authority for the Road under s7(4)(b) of the *Roads Act* 1993 (NSW).

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This Consent is subject to the conditions set out in the following pages and which are incorporated into this Consent:

- General Conditions annexed hereto;
- Additional General Conditions annexed hereto;
- Special Conditions annexed hereto.

The Special Conditions, Additional General Conditions and General Conditions have precedence in that order if there is any inconsistency between them.

Consented to behalf
of Muswellbrook
Shire Council by its
duly authorised
delegate

General Manager or his delegate
Manager Roads and Drainage, Edi Ediriwickrama

Date

Office use only

Privacy notification

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998.

The intended recipients of the personal information may be:

- Officers within the Council
- Data service providers engaged by the Council from time to time
- Any other agent of the Council
- Financial institute involved in the process

The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council may be unable to process your application.

Council is collecting this personal information from you in order to provide Council approved services.

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Address enquires concerning this matter to the Public Officer.

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General Conditions

1. Definitions:

- 1.1. In the Consent and any memoranda annexed to the Consent the following words have the following meanings:

“Act” means *Roads Act 1993* (NSW)

“Business Hours” means the opening hours of Muswellbrook Shire Council Administration Centre;

“Claims” means any loss, damages, claims, demands, causes of action or suits of any kind;

“Consent Holder” is the person specified at (B) of the Consent;

“Consent Period” means the period specified at (A) of the Consent;

“Council” means Muswellbrook Shire Council;

“Council Officer” means the Muswellbrook Shire Council's nominated officer;

“Consent Fee” means the fee paid by the Consent Holder to Council for the administrative costs associated with the issue of the Consent and shown in the Specifications;

“Pipe work” means pipes, conduits, hoses, tubing, cables and wires;

“Plan” means the plan attached to the Consent and marked Annexure “A”;

“Restoration Fee” means a fee paid to Council in consideration for the Council restoring the Road surface after completion of the Work;

“Road” means the road described at (C) of the Consent. _

“RMS” means Roads and Maritime Services;

“Service Conduit” means conduits used to run service wires and cables underground;

“Specifications” means Council's Technical Conditions 1151 and/or 1152, Council's CBD Specifications, and any other specifications contained in any Memoranda annexed to the Consent and listed at (D) of the Consent.

“Traffic Control Plan” is a plan to be submitted by the Contractor approved by Council in accordance with the RMS guidelines “Traffic Control at Work Sites”

“Traffic Management Plan” is a statement of how traffic, parking etc. will be managed on site.

“Works” means the plan of works described in the application, including any restoration whether by the Consent Holder or Council, and special instructions

2. Manner of Works

- 2.1. The Works must be conducted according to the Plan and the Specifications.
- 2.2. The Consent Holder must complete any backfilling of trenching works in accordance with Council's AusSpec #1 Specification 306 – “Road Openings and Restoration” – as stipulated in Technical conditions 1151 and/or 1152.
- 2.3. Where Works are undertaken in the CBD, the Consent Holder must meet the Council's CBD specifications, at the Consent Holder's expense.

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3. Council Requirements

- 3.1. The Consent Holder must comply with all Council requirements in relation to the Works:
- a) Contained in the Consent and Memoranda annexed to the Consent;
 - b) Contained in any notice in writing concerning the Works given to the Consent Holder by the Council; and
 - c) Any direction given to the Consent Holder by the Council.

4. Legislation

- 4.1. The Consent Holder must observe all requirements with respect to the Works imposed by any statute, regulation or ordinance or otherwise imposed by a statutory or other authority.

5. Term

- 5.1. The Works must not be carried out at any time other than during the Consent Period.

6. Proceed Continuously

- 6.1. The Consent Holder must carry out the Works as expeditiously and safely as practicable and proceed continuously until completion.

7. Layout of Work

- 7.1. All pipe work crossing the Road must be laid perpendicular to the direction of the Road unless otherwise consented to by Council and described in the Specifications or shown in the Plan.
- 7.2. The pavement surrounding any excavation of the Road must be neatly saw-cut prior to excavation.
- 7.3. The Consent Holder must ensure that any cut pavement maintains a neatly finished edge at all times.

8. Advise Council

- 8.1. The Consent Holder must give the Council a minimum of five working days' notice prior to when the Works is to commence.
- 8.2. The Consent Holder must notify Council as soon as the Work is completed if completion occurs during Business Hours.
- 8.3. The Consent Holder must notify Council during the next Business Hours if the Work is completed outside of Business Hours.

9. Expense

- 9.1. The Works are carried out at the Consent Holder's expense.

10. Consent and Acknowledgement

- 10.1. The Consent must be signed for and on behalf of Council in order for consent to be granted.

11. Service Conduit

- 11.1. Any Service Conduit placed across the Road must have at least 400mm of fill cover in addition to the road pavement thickness.

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12. Footpaths

- 12.1. Where any footpath is disturbed it must be restored to the original condition by the Consent Holder at the Consent Holder's cost.

13. Fee

- 13.1. The Consent is not valid unless the Consent Fee is paid.

14. Restoration Fees

- 14.1. Where Council is required to undertake Restoration works, determination of the Restoration Fees is governed by Section 67 of the *Local Government Act*.
- 14.2. Where a Restoration Fee is applicable the Consent Holder must pay the Restoration Fee:
- a) As soon as the Work is completed if completion occurs during Business Hours; or
 - b) During the next Business Hours if the Work is completed outside of Business Hours.
- 14.3. If disturbance to the Road exceeds that shown on the Specifications, the Consent Holder must pay the additional cost to Council for restoration.

15. Indemnity and Insurance

- 15.1. The Consent Holder indemnifies and holds Council harmless against all Claims by any person arising in connection with any acts or performance of an obligation under this Consent.
- 15.2. Specific Indemnities: - Without limiting clause 15.1 the Consent Holder indemnifies and holds Council harmless against any Claim arising directly or indirectly out of the following:
- a) The construction and installation of the Works;
 - b) Conduct by the Consent Holder which amounts to a breach of any license, permit, approval or legislation;
 - c) Council granting consent to the Consent Holder to carry out the Works;
 - d) Failure to comply with any obligation of the Consent Holder under this Consent.
- 15.3. The Consent Holder must maintain a public liability insurance policy with an insurer approved by Council with a limit for any one event of not less than twenty million dollars (\$20,000,000).
- 15.4. The insurance must be on terms to the reasonable satisfaction of Council and name Council as an insured party

16. Traffic Management Plan

- 16.1. The Consent Holder must ensure that a Traffic Management Plan is in place whilst the Work is being carried out.
- 16.2. The appropriate traffic control measures must be established at the Consent Holder's cost.
- 16.3. The traffic control measures must be in accordance with the approved Traffic Control Plan prepared under the current RMS Guidelines "Traffic Control at Work Sites".
- 16.4. The Consent Holder must not interrupt or otherwise disturb the traffic flow on the Road without the written consent of Council.

17. Responsibility for Restoration works

- 17.1. Where the Consent Holder is not able to meet the standards required, the Consent Holder can either contract the services of another provider that can – or apply to Council's Works Department for a quote, and for the work to be undertaken by Council at the Consent Holder's expense.

- 17.2. Where council is required to undertake the restoration works, the Consent Holder is responsible for the

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Works until Council's road maintenance service provider completes the standard road pavement restoration. Where the Consent Holder undertakes to do the restoration work themselves, then the Consent Holder is responsible until Council agrees to the standard of that restoration work.

18. Responsibility in the event of absence or emergency

18.1. In the Consent Holder's absence from the site of the Works, or in the event of any emergency, Council may take such action as it considers, in its absolute discretion, necessary to prevent:

- a) Loss of or damage to the whole or any part of the Works;
- b) Loss or damage to the Road or any property adjacent to the Works; or
- c) To prevent personal injury to any person.

18.2. Any such action (under sub-clause 18.1) is at the Consent Holder's expense.

19. Safety

19.1. The Consent Holder must carry out the Work with due regard to the safety and rights of the public.

19.2. In addition to clauses 2, 3 and 4 the Consent Holder must comply with the requirements of the NSW Work Cover Authority, the Department of Industrial Relations & Employment, and the Police Service of NSW.

20. Relocation

20.1. If it is necessary in the reasonable opinion of Council:

- a) To relocate or remove any portion of the Works; or
- b) Carry out any additional work for the safety and protection of the public,

the Consent Holder must relocate or carry out such removal or additional work as reasonably determined and directed by the Council.

20.2. Any such relocation and/or additional work required to be carried out is at the Consent Holder's expense.

21. Public Risk

21.1. Nothing in this consent shall be deemed to:

- a) Prejudice or affect the rights of the public to free passage upon or along the Road;
- b) Authorise any nuisance to, or permanent obstruction of, the Road or public places;
- c) Confer upon the Consent Holder exclusive right or title to that part of the Work within the boundaries of the Road, or
- d) In any way restrict or limit the powers of the Authority and the Council in respect of the Road.

22. Deemed Acknowledgement

22.1. Upon commencement by the Consent Holder of any part of the Work it shall be deemed that the Consent Holder has agreed with the Council to comply with the conditions of this consent.

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Additional General Conditions**1. Definitions:**

1.1. In this Memorandum the following words have the following meanings:

Defined terms - In addition to the meanings or values assigned in the Schedule of Details, in this document:

Approval means any consent, approval, authorisation, license, registration, order, permission or concurrence required by law, including by a Legislative Requirement and any Council acceptance, condition or approval including those under this Consent, required for the commencement, execution or completion of the Works.

Authority means a Commonwealth, State or local government department, a Minister, body, instrumentality, trust or public authority in the exercise of a governmental regulatory function.

Business Day means any day not a Saturday, Sunday or public holiday in New South Wales, and also excluding Council Christmas closure for one (1) week in December.

Design Documents means a drawing, specification, document, calculation, software, sample, model, pattern and the like, required by this Consent or created for the construction of the Works.

Item means an item set out in the Schedule of Details.

Legislative Requirements includes an act, ordinance, regulation, by-law or order of a government or Authority, or an Approval of an Authority (including any condition or requirement under an Approval).

Management Plan means a detailed plan setting out how a nominated aspect of the carrying out of the Works will be managed and implemented to ensure the requirements of this Consent are met, and includes plans for Traffic Control, Traffic Management, Occupational Health and Safety, Quality, Inspection and Testing, and Environmental Management and the Construction Program.

Security has the meaning given in clause 6.1(e).

2. Consent Holder's Responsibilities

- 2.1. It is the Consent Holder's responsibility to maintain the Works in good condition with no cost to the Council during the service life.
- 2.2. The Council relies on the advice, skill and judgment of the Consent Holder and the Consent Holder's consultants and contractors in connection with:
- the correctness and reliability of the documents, submitted with the application.
 - the performance of the Consent Holder's obligations under this Consent;
 - the fitness for purpose of the completed Works; and
 - the fitness for purpose of each item of plant and equipment used either in the construction of, or forming a part of, the Works.
- 2.3. The Council makes no representation or warranty as to the Works and assumes no duty of care in respect of them or any information provided by the Council.
- 2.4. The Consent Holder must not carry out any modification of the Works without further approval from the Council.
- 2.5. It is Consent Holder's responsibility to conduct routine inspections of the Works during the service life and enter into a maintenance agreement with Council as required by the Consent.

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3. Develop Documents and Management Plans

3.1. The Consent Holder must develop:

- a) Design Documents required to construct the Works; and
- b) Management Plans required by the Council; based on the Scope Drawing referred to in Item 1 of the General Conditions and in accordance with RMS material and workmanship specifications; and especially the traffic management plan is to comply with the RMS Traffic Control at Work Sites manual.

4. Obtain Approvals

4.1. The Consent Holder must obtain:

- a) all Approvals required for the design and construction of the Works; including Planning Approval, Local Government Act Section 68 approvals and any other approval required by law.
- b) certification of all Design Documents by an independent engineer to the satisfaction of the Council; and
- c) acceptance by the Council of the Design Documents, Management Plans.

5. Co-operation with Council

- 5.1. The Consent Holder must assist the Council to meet the Council's obligations under the Environmental Planning and Assessment Act 1979 (NSW) and other Legislative Requirements (including the requirement for the Council to make a final determination that the Works can proceed prior to acceptance of the Design Documents). Note: Current Design Documents are accepted.
- 5.2. The Consent Holder must not without the Council's prior written approval make any modification to the Works or the Design Documents or Management Plans once approved by an Authority or after acceptance by the Council.
- 5.3. The Consent Holder must obtain the Council's prior written approval of proposed contractors and subcontractors and, to the extent required by the Council, must ensure that such contractors and subcontractors are:
 - a) suitably experienced in constructing similar works;
 - b) prequalified at a level and class appropriate for the work to be performed by them,
 - c) engaged by the Consent Holder under terms and conditions that ensure that the contractor will satisfy the Consent Holder's relevant obligations to the Council under this Consent.

6. Commencement of Works on Site

- 6.1. Pre-conditions - The Consent Holder must not commence construction of the Works, including bringing plant or materials onto the Site or implementing steps in a Management Plan, unless and until:
 - a) it has complied with the Consent Holder's obligations under clauses 2 and 3 of this Memorandum;
 - b) it has taken out the insurances referred to in this Consent and provided evidence of those insurances to the satisfaction of the Council;
 - c) it has provided at least 10 Business Days prior notice of the proposed start date for the road occupancy at the Site, for approval by the Council;
 - d) it has agreed with the Council 's requirements for dedication and transfer of land necessary for the public road or the establishment of a suitable road reserve;
 - e) it has provided the Council with an unconditional bank guarantee in a form acceptable to the Council for 10% of the Estimated Cost of the Works set out in Item 3 (Security);

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- f) it has paid to the Council the amount nominated as Estimated Council Costs in Item 4; and
- g) the Council has completed any necessary environmental assessment and determined that the Works can proceed.

7. Construction of the Works

7.1. Consent Holder obligations - The Consent Holder must:

- a) implement the Works expeditiously, to the satisfaction of the Council and in accordance with the Construction Program, and control traffic in accordance with the Traffic Management Plan accepted by the Council;
- b) at all times act in a lawful manner in respect of the Works;
- c) allow people authorised by the Council access to the Site at all times and undertake any testing or permit examination of any documentation or tests of materials or workmanship that the Council requires;
- d) obtain for the benefit of the Council all available product and work warranties from the Consent Holder's suppliers, contractors and subcontractors in respect of equipment and materials used in the Works or assign such benefit to the Council where the warranty is not in favour of the Council;
- e) ensure that directions or other requirements of the Council given from time to time (including a direction to immediately stop work) are complied with;
- f) ensure that a report is immediately sent to the Council's Representative of any injury to a person suffered in connection with the Works or while present at or adjacent to the Site and of any claims made pursuant to workers' compensation insurance and assist the Council to promptly investigate and monitor the incident; and
- g) ensure that all subcontractors and workers engaged by the Consent Holder in connection with the Works are fully paid money properly due and payable to them under relevant awards, contracts and enterprise agreements.

7.2. The Consent Holder must not without the Council's prior written approval, use explosives at the Site or in relation to any part of the Works.

7.3. Step in by Council

- a) If the Council determines it is necessary to maintain traffic flows or for public safety, or if the Consent Holder breaches any condition of this Consent or a Management Plan, the Council may take control of all or any part of the Site and/or the Works for whatever period it considers is appropriate.
- b) The Council may undertake remedial, protective, or traffic control work that it considers is urgently required and recover or set-off the cost under clause 9.

7.4. Principal Contractor

- a) The Consent Holder is, for the purposes of the *Work Health and Safety Act 2011* considered a person conducting businesses or undertakings involving management or control of workplaces. The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.
- b) The Consent Holder must comply with all aspects of the *Work Health and Safety Act 2011* and the Regulations.

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8. Completion

- 8.1. Practical completion - The Consent Holder must:
- a) give the Council 10 Business Days' notice of the date on which it anticipates practical completion will be reached;
 - b) when it is of the opinion that practical completion has been reached, provide further notice to the Council together with a report of practical completion which includes:
 - c) necessary acceptances or Approvals by other Authorities; and
 - d) test results, identification of further work required to finally complete the Works, and such other information as the Council requires to assess practical completion; and
 - e) provide "as built" drawings to the Council, within 4 weeks of practical completion.
- 8.2. Council 's response - Following receipt of the documents referred to in clause 8.1(b), the Council will inspect the Works and notify the Consent Holder of the date on which the Council is satisfied that practical completion has been reached (Date of Completion), or the reasons why it is not satisfied.
- 8.3. A notice that the Council is satisfied practical completion has been reached will not constitute an admission by the Council of the Consent Holder's performance of its obligations, or that that the Works comply with the requirements of this Permit.
- 8.4. Defect rectification - The Defects Liability Period commences on the Date of Completion. The Council may at any time before the end of the Defects Liability Period issue a list of defects or non-conforming work to the Consent Holder, and the Consent Holder must correct the items listed within the time frame nominated by the Council.
- 8.5. Final completion - At the end of the Defects Liability Period, the Consent Holder must notify the Council after the Works are finally complete (Final Completion Notice), which must include a statutory declaration in a form satisfactory to the Council (or such other documentation as the Council may require) that:
- a) all contractors and workers engaged by the Consent Holder or a subcontractor in connection with the Works have been fully paid money, remuneration and other benefits properly due and payable to them; and
 - b) that relevant pay-roll tax and workers compensation premiums have been paid.
- 8.6. Maintenance -The Consent Holder shall maintain the works during the service life in satisfactory condition acceptable to Council in accordance with the consent conditions.
- 8.7. Following receipt of the Final Completion Notice), the Council may provide the Consent Holder with a statement:
- a) showing the amount determined by the Council as owing by the Consent Holder to the Council (and attach an invoice for amounts not previously invoiced); and
 - b) setting out the balance of the Security still held by the Council.
- 8.8. The Council has no obligation to release the balance of the Security it holds until the Consent Holder has completed all its obligations under this Consent.

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9. Costs and Payments

- 9.1. General - The Consent Holder must pay all of the Council's costs in connection with the Works and this Consent, including:
- a) internal and external costs of reviewing documents or producing reports, obtaining or providing consents, Approvals or determinations and surveillance or administration;
 - b) legal costs associated with this Consent (including on termination), complying with Legislative Requirements or prosecuting or defending an action;
 - c) the cost of remedying a breach of this Consent by the Consent Holder or of taking emergency or special measures required by the Council.
- 9.2. **Adjustment of costs** - If the Council's costs exceed the amount paid by the Consent Holder under clause 6.1(f), the Council may invoice the Consent Holder for the additional costs at any time and the Consent Holder must pay the full amount of the invoice within 10 Business Days from the date of the invoice.
- 9.3. To the extent that the Consent Holder does not comply with this clause, the Council may, without limiting other rights, call on the Security and set-off the amount owing against it.
- 9.4. **GST and other taxes** - The Consent Holder must pay all taxes (including GST, stamp duties, levies or government charges) in connection with this Consent and the Works. Costs referred to in this Consent, unless specifically described as GST inclusive, do not include an amount on account of GST. If a supply made by the Council in connection with this Consent is subject to GST, the Consent Holder must pay the Council the amount payable for the supply plus an additional amount equal to the GST payable by the Council.

10. Termination

- 10.1. Termination - The Council may terminate this Consent:
- a) immediately by written notice if the Consent Holder breaches any provision of this Consent and does not rectify that breach within 10 Business Days of receiving written notice from the Council requesting it to do so; or
 - b) without prior notice if:
 - the Consent Holder fails to pay within 10 Business Days of the due date, an amount due and payable to the Council under this Consent or for any other service supplied to the Consent Holder or its related bodies corporate by the Council; or
 - a receiver, liquidator, provisional liquidator or administrator is appointed over any of the Consent Holder's undertakings or assets, or if the Consent Holder enters into an arrangement with its creditors.
- 10.2. Effects of termination - Termination does not affect the Consent Holder's accrued responsibilities and obligations, nor does it affect any conditions which expressly or by implication are intended to operate after termination.

11. General

- 11.1. No Restriction on Rights - Nothing in this Consent is deemed to in any way restrict or limit the powers of the Council or other relevant Authority or fetter the Council in the exercise of its statutory functions and in the event such exercise is undertaken in accordance with the law.
- 11.2. Assignment - The Consent Holder must not assign or encumber any right, obligation or interest under this Permit without the written approval of the Council.
- 11.3. Notices - A party notifying or giving notice under this Consent must do so in writing sent by prepaid registered post or facsimile and the original by post to the other party's Representative nominated in the Schedule at the address or facsimile number specified on the first page of this Consent.

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Schedule of Details

1. The Works	The works are the works within the Road Reserve of Bengalla Link Road as detailed in the letter and application by Bengalla Mining Company dated 16 March 2018 and held by Council as Doc ID 845889 and the plans attached to the application.	
2. The Site	Bengalla Road and associated areas as shown in the above documents.	
3. Estimated Cost of the Works	\$ Bond = \$50,000.00 (GST exclusive) \$ Bond for Decommissioning = \$26,000.00 (GST exclusive)	[Clause 6.1(e)] Special condition 2.
4. Estimated Council Costs	Plan Approval and Council report \$ 2,000.00 (GST exclusive) Construction Observation & Traffic Control Plans \$ 500.00 (GST exclusive) Final Acceptance (WAE review etc) \$ 600.00 (GST exclusive) Total \$ 3,100.00 (GST exclusive)	[Clause 6.1(f)]
5. Defects Liability Period	12 Months with ongoing responsibility for the Life of the Asset.	[Clause 8.4]
6. Consent Holder's Representative	Name.....Craig White..... Position.....Project Manager..... Mobile Phone.....0428 429 525 Office Phone.....02 6542 9625..... Email craig.white@bengalla.com.au .. Facsimile.....	[Clause 14.3]
7. Council's Representative	Name.....Peter Higgins..... Position.....Manager Technical Services..... Mobile Phone.....0400 117 374..... Office Phone.....02 6549 3755..... EmailPeter.Higgins@muswellbrook.nsw.gov.au..... Facsimile.....02 6549 3701.....	[Clause 14.3]

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Special Conditions

1. The works must be commenced within one month of the consent date.
2. The Consent Holder must lodge with Council a Security to be held for the removal of the mine owned asset from the road reserve and restoration of the landform to the satisfaction of council. The Security in the form of a cash bond or bank guarantee is for an amount of \$26,000.00 to be agreed with the General Manager prior to the commencement of the construction of the Mine owned Infrastructure. The Security as a bank guarantee is to be indexed at the Construction Price Index rates biannually and if a cash bond, the amount is to be reviewed every five years from lodgment. The Security is to be held until the mine owned asset is removed from the road reserve and the road reserve and landform is restored to the satisfaction of council or alternatively the affected road is closed and Council is appropriately compensated for the road closure.
3. The Consent Holder is to advise Council's Engineering Officer Works Quality on 0418 110 010 three days prior to commencing work to confirm inspections prior to commencement.
4. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least a week in advance, and incorporate reasonable access needs for those properties.
5. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
6. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.
7. This Consent does not constitute approval of any environmental impacts and the Consent Holder is responsible for any such impacts and any approvals that may be required in relation to the Works.
8. The Consent Holder must ensure that mud and dust from the Works is not carried on to the Road. (It is suggested that a device (from the Soil management book) may be required to remove such materials prior to entering the roads. Note: If required a shake down device should be placed off the existing road so that the public did not need to travel on it.).

Private Underground Power and Pipeline Special Conditions.

- Pipe line shall be placed at least one (1) metre below table drain surface invert level and Underground Power 1.5m below.
- All disturbed land shall be re-instated to the condition prior to construction and to the satisfaction of the Council.
- All due care and diligence must be exercised undertaking proposed works on Council road reserve. Also due care should be taken to protect Council and other utility authorities assets/properties within the area of operation.
- If any damages are caused to Council's assets or any other assets, you will be responsible for all the costs incurred to rectify them. It is in your interest to ensure that you have adequate Public Liability Insurance to cover your operation.
- Council does not take any responsibility for maintenance or the safety of the pipeline and the pipe line and other associated assets placed within the council road reserve remain your responsibility.

This consent may be revoked if these conditions are not complied with.

12 CORPORATE AND COMMUNITY SERVICES

12.1 HUNTER PARK FAMILY CENTRE COMMUNITY HUB

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Kim Manwarring - Co-Ordinator, Community Partnerships
Community Plan Issue:	<i>Stabilise the tenancy turnover in the Shire's social housing</i>
Community Plan Goal:	<i>Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.</i>
Community Plan Strategy:	<i>Deliver the Stronger Families Stronger Communities Strategy with regard to people in social housing in partnership with other providers over two financial years.</i>

PURPOSE

This report provides Council with an overview of the expansion of Hunter Park Family Centre Community Hub.

OFFICER'S RECOMMENDATION

Council

1. Endorse and support the Upper Hunter Community Services plans to expand the physical footprint of their services in the Hunter Park Precinct.
2. Allocate funds of up to \$20,000 from the General Fund in the 2018/19 budget to meet half the expenses of the concept designs costs and project readiness to Development Application stage.

Moved: _____ Seconded: _____

BACKGROUND

Upper Hunter Community Services Inc (UHCS) is a local medium sized not for profit organisation that provides a range of programs to the communities of Muswellbrook and Upper Hunter. This organisation has been operating the Hunter Park Family Centre (HPFC) Project as a Community Hub for 17 years. The Community Centre is a multipurpose outreach service which is funded through the NSW Government Family & Community Services Early Intervention Program targeting vulnerable children and their families.

HPFC delivers valuable services to the vulnerable communities residing in the social housing cluster of south Muswellbrook. The Centre is ideally located at the top of Hunter Park and delivered 2535 occasions of service from July 2017 to January 2018. The Centre achieved this through individual appointments and referral to services, group work, training programs, supported playgroups and the provision of outreach services to the area such as the early childhood nurse and allied health services. In addition the venue provides a meeting place for all community members and a space for recreation and holiday activities.

CONSULTATION

Acting Director of Planning Community and Corporate Services
Manager of Upper Hunter Community Services Inc

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Initial consultation was held with Cr Eades and then Cr Rush.

REPORT

The current HPFC is located at 58 Wollombi Road, UHCS have tenure of the building under a Lease Agreement with the Department of Housing. In 2016 UHCS were donated the adjoining block of land, 5 Jersey Place. UHCS has recently cleared and established a vegetable garden and sitting area on this lot with the assistance of Bengalla Mine and community members. Both blocks are securely fenced and well located adjacent to Hunter Park.

The existing HPFC is limited by the number of people permitted on the site at one time. For some time now, HPFC have outgrown their current space and have been considering the physical expansion of HPFC so that they can better reflect the changing demands for service deliveries in this neighbourhood to more closely reflect current client needs.

UHCS have provided Muswellbrook Shire Council with the preliminary drawings of a proposed expansion to the existing Community Hub. This expansion will occupy the two blocks of land and incorporate two group rooms, two large open areas, commercial kitchen, storage, shower and toilet facilities, four consultation rooms, two group rooms and an office space. It is expected that other agencies and services will be able to utilise this space as required.

UHCS are at a point of expanding the footprint of the existing service and have entered into discussions with Muswellbrook Shire Council about how best to progress this, there are a few tangible things that need to occur prior to progressing the establishment of the HPFC Community Hub such as discussions with the relevant Government Departments regarding the consolidation of the two above mentioned blocks and progressing the preliminary drawings to fully designed plans that can be used to seek contributions from relevant funding partners. In total this work will progress the project to a Development Application in the short to medium term, pending available funding.

OPTIONS

Upper Hunter Community Services have been contemplating their need for discrete delivery spaces, counselling and consultation rooms that meet the needs of their client groups. The additional space will also accommodate a wide range of services that are delivered by other providers.

1. Council could chose not to support this project.
2. Council could chose to provide in kind support through staff advice and project support or;
3. Council could chose to provide a financial contribution to the project to assist this organisation in the development of fully designed plans that will allow the organisation to progress external funding opportunities and the development of a Development Application, with the assistance of the Community Partnerships team and other parts of council.

CONCLUSION

To progress this project forward endorsement is sought from Council to facilitate the projects so that the General Manager or their delegate, can progress discussions with Department of Housing about the consolidation of 5 Jersey Place and 58 Wollombi Road.

Following this the project will be designed and scoped to Development Application readiness, pending available project funding.

To allow this to occur, staff are recommending that Council assists UHCS by providing financial support to the organisation to meet half of the concept designs costs, up to \$20K, to assist in getting the Community Hub expansion shovel ready.

Finally, it is important to note that UHCS already works with a wide range of services providers through the HPFC and that this work will enhance the capacity of both new and existing programs from this site.

SOCIAL IMPLICATIONS

The projects long term objective is to improve the health and well-being of people residing social housing.

FINANCIAL IMPLICATIONS

An allocation of funding in the 2018/19 budget of up to \$20,000, will be made through the budget bid process. This will fund half of the fully designed plans for this HPFC project up to Development Application readiness.

CHIEF FINANCIAL OFFICER'S COMMENTS

The only discretionary operating funding option available for the 2018/2019 budget is the GM's Operating Contingency Account Code: 0835.0545.500.

A capital reserve cannot be used for this type of expense because Council will not be building its own capital asset, so the nature of this expense is operational.

Taking into consideration that the 2018/19 financial year has not even started yet and that there are 22 Council-wide unallocated operational budget bids for 2018/19 due to a lack of discretionary operational surplus, it will be prudent to reduce this allocation to as low as possible.

POLICY IMPLICATIONS

Code of Conduct.

STATUTORY IMPLICATIONS

This project does not have any statutory implications under the Local Government Act 1993. However, the design will need to accommodate a wide range of people with varying needs and abilities.

LEGAL IMPLICATIONS

The consolidation of lots will require Ministerial approvals.

OPERATIONAL PLAN IMPLICATIONS

Operational Plan 2017/18

6.1.1 Deliver the Stronger Families Stronger Communities strategy with regard to people in social housing in partnership with other providers over two financial years.

RISK MANAGEMENT IMPLICATIONS

This project does not have any risk management considerations at this point in time.

12.2 SECTION 226 OF THE LOCAL GOVERNMENT

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Joshua Brown - Co-ordinator Executive Services
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Effective governance of Muswellbrook Shire</i>

PURPOSE

To advise of the Mayor's exercise of his delegation under section 226(d) of the *Local Government Act* 1993.

OFFICER'S RECOMMENDATION

Council note the information provided.

Moved: _____ **Seconded:** _____

BACKGROUND

Section 226(d) of the *Local Government Act* 1993 provides for the Mayor to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the Council. Since the last ordinary meeting of the Council, the Mayor has exercised his delegation on two occasions.

CONSULTATION

General Manager

REPORT

The Mayor has exercised his delegation under section 226(d) of the *Local Government Act* 1993 once since the last ordinary meeting of Council.

The delegation exercised by the Mayor on 28 February 2017, was to authorise the making of an application to the Federal Government's Building Better Regions Fund (Infrastructure Stream) for the following:

- the making of applications for funding under the Stronger Country Communities Fund in the following order of priority:
 1. Learn to Swim and Therapy Pool
 2. Highbrook Park Sports Fields Spectator Seating
 3. Highbrook Park Replacement of Softfall
 4. Upgrade of Weeraman Oval Amenities
 5. Karool Park Regional Netball Courts
 6. Denman Recreation Area Improvements

- to suspend the Ogilvie Street section of the Denman Alcohol Free Zone on Saturday 5 May, 2018, between the hours of 9am and 5pm for the Upper Hunter Wine and Food Affair.

The need for urgency in the first matter that applications under the current round of Stronger Country Communities Fund were due for submission on Friday, 4 May 2018, and the reason for urgency in the second matter was that the application and recommendation for the suspension was not reported to the last Council meeting as intended and the event. Both issues required attending to prior to the May Ordinary meeting of Council

CONCLUSION

It is recommended that Council notes the information provided in the report.

12.3 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Chloe Wuiske - Administration Officer Kim Manwarring - Co-Ordinator, Community Partnerships Jade Richardson - Co-Ordinator, Customer Service & Administration
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

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 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 (27 March to 26 April 2018)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2018/27	Extension to Old House - 1 Bedroom with Ensuite and 1 Living Room	Bureen Road Martindale	19,896
2018/24	Single Storey 2 Bed Home	54 Queen Street Muswellbrook	110,000
2018/21	Dwelling Additions	71 Humphries Street Muswellbrook	36,000
2018/16	Skillion Roof Attached to Dairy Shed	895 New England Highway Muswellbrook	12,300

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2018/13	Swimming Pool Installation	154 Bureen Road Bureen	29,703
2018/7	Free Opening Event to the Muswellbrook Art Prize	126 Bridge Street Muswellbrook	-
2017/106	Awning	14 Dalwood Place Muswellbrook	11,291
2017/103	Placement of Four (4) Temporary Demountable Buildings	3 Thomas Mitchell Drive Muswellbrook	34,552

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2018/36	Shed, Patio and Carport	20 Henry Dangar Drive Muswellbrook	20/04/2018	34,000
2018/35	Concrete Area	3 Cypress Place Muswellbrook	19/04/2018	15,000
2018/34	Residential Shed 7m x 6m x 2.8m Eave	43 Stockyard Parade Muswellbrook	19/04/2018	14,690
2018/33	Inground Swimming Pool	200 St Heliers Road Aberdeen	18/04/2018	52,694
2003/72/3	8.2 Review of S96(1a) Modification - Amend Condition 1.11 - Alter Hours of Operation	83-89 Maitland Street Muswellbrook	11/04/2018	-
2018/32	Shed Extension	53 Thompson Street Muswellbrook	06/04/2018	23,055
2018/31	Minor Internal Demolition, Relocate Bathroom, Internal Reconfiguration and Addition of New External Laundry to the Existing Rear Verandah	24 George Street Muswellbrook	03/04/2018	30,000
2018/30	Carport	75 William Street Muswellbrook	03/04/2018	16,005
2018/29	Erect Garage	2 Forbes Street Muswellbrook	28/03/2018	32,750
2018/28	Rebuild Existing Retaining Wall to Shore up Wall and Make Safe for Patrons at Highbrook Park	Ironbark Road Muswellbrook	28/03/2018	7,000
2018/26	Construct Temporary Igloo Structure over Existing Hard Stand Area to Perform Sand Blasting and Painting Operations	18-22 Carramere Road Muswellbrook	23/03/2018	80,000
2018/25	Change of Use of Existing Dwelling to Secondary Dwelling and Erect a New Principal Dwelling	578 Sandy Creek Road Muswellbrook	21/03/2018	442,743
2017/38/2	S96 (1A) Modification - Change Length of Shed from 8m Long to 14m Long	45 Sowerby Street Muswellbrook	16/03/2018	-
2018/23	Placement of 2 Bedroom Transportable Dwelling	3212 Bylong Valley Way Baerami	15/03/2018	266,000
2018/22	Garage	33 Brecht Street Muswellbrook	14/03/2018	25,437
2018/20	First Use & Fit-Out to Existing	4 Lorne Street	06/03/2018	126,500

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	Commercial Building for 'Repco'	Muswellbrook		
2018/19	Refurbishment of Denman Memorial Hall After Fire	30 Ogilvie Street Denman	02/03/2018	2,000,000
2017/17/2	S96(2) Modification - Add Satellite Dish, External Mast Structure and Emergency Generator	56 Brook Street Muswellbrook	02/03/2018	-
2018/18	Water Treatment and Recycling Plant ancillary to Existing Winery and Distillery	Hunter Street Muswellbrook	28/02/2018	400,000
2002/342/5	S96(2) Modification - Consolidate Two Consent Documents into One with Modified Conditions Where Applicable	8440 New England Highway Muswellbrook	28/02/2018	-
2018/17	Installation of Outdoor Covered Patio area with a 1m Handrail to Front and End of Patio	3 John Howe Circuit Muswellbrook	26/02/2018	14,168
2018/15	Retaining Wall	64 Acacia Drive Muswellbrook	23/02/2018	4,500
2018/14	Retaining Wall	6 Lonhro Place Muswellbrook	23/02/2018	11,500
2018/12	Construction of Pipeline to Connect to Ravensworth Ash Line to Enable Transfer of Water from Bayswater Ash Dam to Ravensworth Void Four (4).	Savoy Parish County Durham	21/02/2018	80,000
2018/11	Pool Shed	26 Kingfisher Court Muscle Creek	20/02/2018	7,135
2017/58/2	S96 (1A) Modification - Modify Condition 8	Jerdan Street Denman	19/02/2018	-
2018/10	Demolition of Residential Dwelling	14 Lorne Street Muswellbrook	16/02/2018	16,000
2018/9	Steel Carport	5 Shaw Crescent Muswellbrook	09/02/2018	4,800
2018/8	Painting Exterior of Medical Practice	80 Brook Street Muswellbrook	08/02/2018	-
2018/4	Continuation of use as a Dwelling	Golden Highway Giants Creek	22/01/2018	-
2018/2	Garage Extension and Carport	92 Brook Street Muswellbrook	11/01/2018	19,500
2017/110	Proposed Business Identification Signage (12 Signs)	4 Lorne Street Muswellbrook	19/12/2017	6,000
2017/108	Extension to Existing Commercial Building	4 Lorne Street Muswellbrook	14/12/2017	44,000
2017/104	Primary and Secondary Dwelling to be Constructed in Two (2) Stages	8569 New England Highway Muswellbrook	24/11/2017	552,924
2017/95	Concrete Block Retaining Wall and Steel Framed Shed	70-72 Ironbark Road Muswellbrook	27/10/2017	145,000
2017/76	Renovations and Additions to Racing and Function Centre	16 Sheppard Avenue Muswellbrook	24/08/2017	4,000,000
2017/73	Caravan Park - Continuation of Use	1618 Merriwa Road Sandy Hollow	28/07/2017	-

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017	-
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	-
2016/111/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 Shaw Crescent Muswellbrook	10/03/2017	-
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016	5,000

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 (2017/2018)

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications Received (new installation)	0	1	1	0	0	1	2	4	1	0	1	2	2
Applications Approved (new installation)	0	1	0	1	1	2	4	3	1	1	0	0	3
Inspections (new system)	0	0	0	0	0	2	1	2	1	0	0	1	6
Inspections (existing system)	8	6	31	14	26	1	11	2	16	14	13	6	3

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 (2017/2018)

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Total Sites Inspected	0	0	0	0	0	0	2	3	3	0	3	0	0
Total non-compliant and educated	0	0	0	0	0	0	0	3	0	0	3	0	0
Total compliance after education	0	0	0	0	0	0	0	0	0	0	3	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 (2017/2018)**

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Total Investigations	2	3	5	2	5	4	3	4	4	3	6	10	4
Total Clean up by Council - insufficient evidence	2	3	3	2	1	2	3	2	3	1	3	4	2
Total Clean Up by individual	0	0	0	0	3	2	0	1	1	2	3	6	2
Total Penalty Notices Issued	0	0	0	0	0	0	0	1	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	0	0	2	0	0	0	0	0	0	0	0	0	0

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 (2017/2018)**

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications for Compliance Certs.	3	2	1	0	1	2	1	2	6	1	0	1	2

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	42	25	19	8	19	29	27	19	23	18	14	7	8
Initial Inspections	27	19	1	4	17	23	21	8	15	14	11	6	7
Re-inspections	15	6	18	4	2	6	6	11	8	4	3	1	1

Compliance Certs / Occ. Certs issued	26	18	27	7	15	21	21	13	20	12	8	6	6
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Total Pools in Council's Swimming Pool Register = 859**Compliance as at 30 June 2017 = 63.7%****Current Compliance = 71.4%**

(i.e. 613 out of 859 pools have a valid Compliance Certificate or Occupation Certificate.

Note: Certificate is valid for 3 years)

Percentage of pools inspected during Financial Year 2017/2018 = 14.2%

(i.e. 122 out of 859 pools have had at least one inspection carried out during FY 2017/2018. Council's program outlines that we will inspect 10% of pools per year).

COMMUNITY SERVICES**Upper Hunter Regional Library (Muswellbrook and Denman Branches)**

Delivery Program Outcome - 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 the last few months, Upper Hunter Regional Library Services delivered the following programs and projects:

Program or Project	Date	Branch Name	Attendance
Storytime + Baby Rhyme Time	To 20.04.2018	MBK	126 kids/mum/carers/dad
Creative Writing Workshop – Senior Week	16.04.2018	MBK	10 attendees
Thinker Kruncher – Seniors Week	16.04.2018	MBK	15
Ukulele classes – Seniors Week	18.04.2018	MBK	12
Visit from the Lioness Club – Seniors Week	18.04.2018	MBK	9
Crafty hour – Seniors Week	18.04.2018	MBK	24
Local Studies & Family History Help Information Session Information Enquiries Help requested to use microfilm reader – microfiche. Etc.		MBK & DNM	

Loans Statistics - Location: Denman - & Muswellbrook – 2549

New Members – Location: Muswellbrook 72, Denman 3

Current membership of both Muswellbrook (6958) and Denman (594) branches on 24.04.2018 represents 64.19% Shire membership, with the base lines being State Library 2016 – 2019 assessment and compliance library visits tables; According to the 2016 census of Population, there were 16,475 people in Muswellbrook Shire.

Registered library members as a percentage of population	45.8%	Baseline 41.5% Enhanced 49% Exemplary 55%
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Statistics Library collection

Computer bookings Muswellbrook total as of 19th April 2018

19th March – 19th April 2018

344/user 366/hour

1st – 18th March 2018

480/user 569/hour

Denman

As of 16th of April 83/user 85/hour

eBook loans: 73; eAudio Loans: 55; Emagazine Loans: 155

Wi-Fi Usage:

- Muswellbrook: 1792 sessions
With 134 users
- Denman: 35 sessions
With 20 users

ILL Requests:

- Requests on behalf of our borrowers: 7 coming from other NSW Public Libraries.

Local Studies

A renewed interest in this area has seen 22 different inquires and appointments made with the Branch Officers for local studies support. A couple of these being about Thomas Lynchey a convict from Moreton Bay which is situated out Dunedoo way and he was referenced in the Muswellbrook Bench Books. The person inquiring was a family member who had originally thought there was only one Moreton Bay in Queensland.

Library News

Both Muswellbrook and Denman libraries have been kept busy with the Seniors Week, Easter and school holidays. There have been a number of activities run at each branch which have been well attended. The Ukulele session was a real hit with members who were unable to attend asking when we can do it again. One of the most memorable events was a visit from Kim Hodges an author who brought some to tears, Kim spoke about her experiences in a raw, honest and confronting way that did strike a nerve with some listeners. Kim's presentation gave you an insight into the challenges, attitudes and stigma in society around mental illness and how we can all work together to overcome them.

Denman has had some visits from the local kindergarten from St Josephs and report that the kids have been utilizing the gaming and computers during the holidays. A new book club has also started at Denman and the Local Studies & Family History afternoon is gaining in popularity each month. Plans are already underway for the National Simultaneous Story time in May at both branches.

In memory of our fallen soldiers Terry Gill has prepared a significant display of war artifacts for the community to view in our glass display area in the foyer at Muswellbrook, this will be available until the end of April.

Interviews for the PPT role and casual pool have taken place and we hope to induct the new employees in the coming weeks.

Technical Services update.

Nine members booked in for lessons ranging from internet banking, transferring music to USB's, how to use an iPhone and general internet searching skills during Seniors Week. Each session went for 30 minutes and all participants were extremely thankful for the training and expressed what a fantastic service it was.

The TSL and Coordinator will be using canvassing the public and members for selection ideas and input leading up to the EOFY. The Upper Hunter Libraries has also expressed a willingness to collaborate more with our members in this area so that the collection reflects what users want to see on the shelves. The TSL attended a meeting of the Upper Hunter Advisory Committee on the 11th of April at Merriwa.

Muswellbrook & Denman Aquatic Centre**Muswellbrook**

Month	Learn to Swim	Gym Patronage	General Entry	Aqua Aerobics
May	394 Enrolled 1473 visits	786	4055	233
June	394 Enrolled 1213 visits	685	3269	159
July	394 Enrolled 756 visits	622	2546	115
August	402 Enrolled 1289 visits	683	3652	85
September	502 Enrolled 872 visits	667	4972	140
October	519 Enrolled 1336 visits	867	7466	174
November	544 Enrolled 1555 visits	581	7789	203
December	544 Enrolled 754 Visits	867	3709	79
January	Holidays	1011	3854	118
February	546 Enrolled 494 visits	714	3803	197
March	557 Enrolled 1673	788	4799	201

Denman

Month	Learn to Swim	Gym Patronage	General Entry	Aqua Aerobics
October	0	0	1239	0
November	0	0	1867	2
December	0	0	1948	12
January	32	0	1249	21
February	0	0	1901	20
March	0	0	1156	8

Turnstile Entry December January February March

6-10 years	263	402	225	110	
11-16 years	249	425	251	110	
17- Adults	696	1236	725	541	

Community Services

- Youth Week 2018 was celebrated by an afternoon of fun activities, followed by Cinema under the stars in their PJ's and it was in partnership with Extreme Youth and Wanaruah Local Aboriginal Land Council. It was highly successful with more than 100 young people and their families attending the screening and BBQ;
- The Collaboration Impact Facilitator Project has done a considerable work this month building capacity in the community services sector with services that work with children aged 0-8 years. This has included the refocusing of the Early Year's Development Network and the development of Terms of Reference and planning schedule for the next 12 months;
- Work also occurred with the University of Newcastle in developing a combined Interagency training to be held in June, the training will focus on developing services ability to effectively evaluate programs and utilise this data in a qualitative manner to promote or expand their services;
- Support has been provided to Denman Children's Services to provide service information regarding their building extension to potential funding partners;
- Internal discussions have commenced to progress Children's Service Plan which includes engaging and consultant to review the plan using available data and service information;
- The Ageing Plan consultation phase has been stalled due to the lack of capacity in the Community Partnerships Team, there is a plan to progress this in May;
- Support has been provided to the Upper Hunter NAIDOC Working Group as they plan a NAIDOC Flag Raising Ceremony and a Cultural Family Day on Monday 9 July as well as the biannual NAIDOC Week Awards to be held Friday 13 July, nominations are currently being called for;
- A considerable amount of work has happened with the Aboriginal Oral History Project this month, the Reference Group has received (8) expressions of interest to manage the project. The Aboriginal Oral History Reference Group have shortlisted the applications using the Request for Quotation evaluation criteria, the successful applicant will be determined by the end of the month;
- The final presentation of the Widden Creek Aboriginal Artefacts has been delayed due to capacity in the Community Partnerships Team;
- Initial discussions have commenced to hold a meeting with Wanaruah Local Aboriginal Council to progress potential partnership projects.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 18 APRIL 2018

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Acting General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Infrastructure Committee held on 18 April 2018.

OFFICER'S RECOMMENDATION

The Minutes of the Infrastructure Committee Meeting held on Wednesday 18 April 2018 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Infrastructure Committee met on Wednesday 18 April 2018.

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 R. Scholes (Chair), Cr M. Rush, Cr J. Foy, Cr M. Green and Cr S. Ward.

IN ATTENDANCE: Ms F. Plesman (Acting General Manager), Mr D. Finnigan (Interim Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Mr P. Ball (Acting Manager, Muswellbrook Works), Mr E. Ediriwickrama (Manager, Roads & Drainage), Mr P. Higgins (Manager, Technical Services), Ms N. Cowley (Manager, Corporate Services), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

MOVED by Crs Rush and Green that:

The apologies for inability to attend the meeting submitted by Cr S. Bailey, Cr M. Bowditch, Cr. J. Eades, Cr J. Ledlin, Cr G. McNeill, Cr S. Reynolds and Cr. B. Woodruff, be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOVED by Crs Rush and Green that:

The Minutes of the Infrastructure Committee held on 28 March 2018, 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 DESIGN AND COST ESTIMATES FOR CAPITAL PROJECTS

MOVED by Crs Ward and Rush that:

Council

1. Endorse the concept design for Wilkins Street Upgrade project:
2. Note the preliminary cost estimates for the project designed.

5.2 PARKS FUNDING TRANSFERS REQUESTED THROUGH MARCH 2018 BUDGET REVIEW

MOVED by Crs Green and Foy that:

The information contained in the report be NOTED.

5.3 PERFORMANCE REVIEW OF COUNCIL'S STREET SWEEPING CONTRACT FOR THE THIRD QUARTER OF 2017-2018

MOVED by Crs Green and Foy that:

The information contained in this report be noted and that this matter only be reported to Council if there are significant issues.

6 ADJOURNMENT INTO CLOSED COMMITTEE

MOVED by Crs Green and Foy that:

The Committee 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:

S.1 TENDER 2017-2018-0303 KERBSIDE WASTE SERVICES

Item S.1 is classified CONFIDENTIAL under the provisions of Section 10A(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 the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

7 CLOSED COMMITTEE

S.1 TENDER 2017-2018-0303 KERBSIDE WASTE SERVICES

MOVED by Crs Green and Foy that:

The Committee note the information contained in the report and that a further report will be submitted to the May Ordinary Council Meeting.

8 RESUMPTION OF OPEN COMMITTEE

MOVED by Crs Foy and Green that:

The meeting return to Open Committee.

9 DATE OF NEXT MEETING

30 May 2018

10 CLOSURE

The meeting was declared closed at 5.10 pm.

.....

Ms F. Plesman

General Manager

.....

Cr R. Scholes

Chairperson

**13.2 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE
MEETING HELD ON WEDNESDAY, 18 APRIL 2018**

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Acting General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Corporate Policy And Planning Committee held on 18 April 2018.

OFFICER'S RECOMMENDATION

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 18 April 2018 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Corporate Policy And Planning Committee met on Wednesday 18 April 2018.

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 R. Scholes (Chair), Cr M. Rush, Cr J. Foy, Cr M. Green and Cr S. Ward.

IN ATTENDANCE: Ms F. Plesman (Acting General Manager), Mr D. Finnigan (Interim Director, Community Infrastructure), Ms C. O'Brien (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager – Economic Development & Innovation), Mr P. Ball (Acting Manager, Muswellbrook Works), Mr E. Ediriwickrama (Manager, Roads & Drainage), Mr P. Higgins (Manager, Technical Services), Ms N. Cowley (Manager, Corporate Services), Mr J. Brown (Executive Services Co-Ordinator), Mrs M. Sandell-Hay (PA to General Manager)..

1 APOLOGIES AND LEAVE OF ABSENCE

MOVED by Crs Rush and Foy that:

The apologies for inability to attend the meeting submitted by Cr S. Bailey, Cr M. Bowditch, Cr. J. Eades, Cr J. Ledlin, Cr G. McNeill, Cr S. Reynolds and Cr. B. Woodruff, be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOVED by Crs Green and Ward that:

The Minutes of the Corporate Policy & Planning Committee held on 28 March 2018, 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 COUNCIL REPRESENTATION - NSW PUBLIC LIBRARIES ASSOCIATION

MOVED by of Crs Green and Foy that:

Council renew their nominated representatives to the NSW Pubic Libraries Association (PLA) for the period 2018 and 2019 calendar years.

5.2 REPORT ON INVESTMENTS HELD AS AT 31 MARCH 2018

MOVED of Crs Ward and Green that:

The information showing Council's investments as at 31 March 2018 be noted and the exceeded trading limits on two issuers be accepted.

5.3 DENMAN DESTINATION INFRASTRUCTURE MASTER PLAN

MOVED by Crs Ward and Foy that:

1. Council Endorse the progression of the works identified in the report subject to the Scout Hall being located in its correct location;
2. Council Endorse the amendments to the Denman Tourist Park and Thermal Baths Master Plan concept as identified, and the placement of the plan on public exhibition for a minimum period of 28 days; and
3. A report be submitted to Council at the end of public exhibition about the feedback received from the community.

5.4 MARCH 2018 BUDGET REVIEW

MOVED by Crs Rush and Green that:

Council adopt the list of proposed changes and incorporate them into the 2017/18 Budget.

6 DATE OF NEXT MEETING

30 May 2018

7 CLOSURE

The meeting was declared closed at 5.24 pm.

.....
Ms F. Plesman
General Manager

.....
Cr R. Scholes
Chairperson

13.3 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 17 APRIL 2018

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Interim Director - Community Infrastructure
Author:	Imelda Williams - Traffic & Roads Status Officer
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 17 April 2018.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 17 April 2018 be received and the recommendations contained therein ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Local Traffic Committee met on Tuesday 17 April 2018.

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 20 February 2018, 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 LINE MARKING COOK STREET

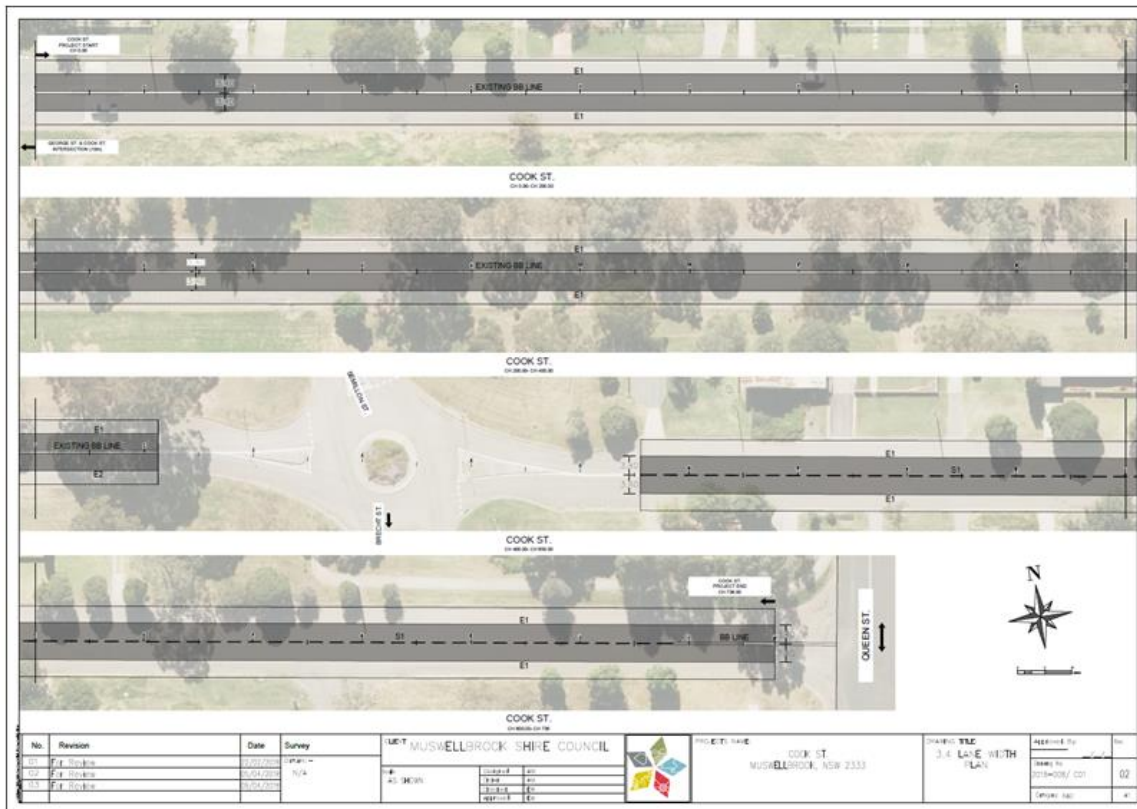
RECOMMENDED that:

Council use its delegated authority to approve the E1 edgeline marking in Cook Street from George to Queen Street and the separation centreline marking (S1) and E1 edgeline marking in Cook Street from Semillon to Queen Street as shown in the attached plan in the report.

VOTE: Unanimous Support

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 17 APRIL, 2018 COMMENCING AT 1.30PM.

Cook Street Line Marking Plan



6 DATE OF NEXT MEETING

15 May 2018

7 CLOSURE

The meeting was declared closed.

.....
 Cr S. Reynolds
Chairperson

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

15.1 QUESTIONS RAISED AT ORDINARY COUNCIL MEETING ON 10 APRIL, 2018 MEETING

Attachments: Nil

Responsible Officer: Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services

Author: Matthew Lysaught - Manager, Property & Building

PURPOSE

To provide responses to questions asked at the April, 2018 Council Meeting.

OFFICER'S RECOMMENDATION

Council Note the information provided in the report.

Moved: _____ **Seconded:** _____

Main Section

1. SPORT & RECREATION COMPARISON

Cr McNeill inquired whether in light of the presentation given by the Sport & Rec Manager i.e. "Funding of Sport by Council in Muswellbrook LGA", a comprehensive breakdown of Sport and Recreation could be provided together with a comparison with other Local Government Areas regarding expenditure and budget allocations and that this funding information include the following

- a) The per capita cost and how that compares with similar LGAS ?
- b) The number of people directly and indirectly benefiting from these facilities ?
- c) An estimated economic benefit from sport related events e.g. from day & weekend fixtures that bring in people for either the day or overnight ?

Response:

An updated local benchmarking report will be provided to the May Corporate Policy and Planning Meeting.

2 IRRIGATION OF BOTTOM OVAL AT DENMAN

Cr McNeill inquired on behalf of Peter Barry (Rep for Junior rugby league Denman & Sandy Hollow) whether Council would allow the watering of the original football ground, at no cost to the club, during periods when the use of the main oval is prohibited e.g. presently ground renovation / over sow program? The club believes the net cost to council would be more than negated by the savings generated by protecting & managing the surface of the main grounds. The club also requests that this matter be given some urgency due to the dry conditions & the present need to use the bottom oval for training. As sport's spokesperson, I fully support this proposal based on the costs associated with surface management, as well as recognition of the

commitment of this club in terms of the assistance provided with the improvement & management of this asset, which is second to none?

Response

Staff recommend that irrigation on the bottom oval is not made available to the Denman Sandy Hollow JRLFC. The oversow period, at a cost of \$10,000 a field, is timed with the school holidays to minimise disruption. Last season additional irrigation costs (potable water) for the bottom oval were approximately \$5,000. The new fields at the Denman Recreation provide sufficient space for training. Under this proposed arrangement Council would have limited capacity to manage total expenditure.

3 GOAL POSTS

Cr McNeill inquired on behalf of John Marco (Rep for Muswellbrook Junior Rugby League) whether Council could assist with the purchase and installation of goal posts for Olympic park field three? Again the reasoning is based on the need to train on an alternate ground during periods of renovations/restrictions on the main ovals. The cost of this project is approximately \$4000 dollars. My recommendation is that council provide a letter of support to reimburse 50% of the cost, conditional to the small capital grants program being adopted by council in June. I.e. it would simple the acceptance of an application that would normally only be available after the grant program had been released. Although this is not completely consistent with the rules it is somewhat similar with something we did for Denman's football stand. Council could investigate the installation of goal posts on ovals 2 and 3 at Olympic Park for training purposes?

Response

The best opportunity to progress this request is through Council's Sport and Recreation Grants Programme. It is not necessary that this request be progressed any sooner as no competition games requiring installation of posts are played on this field. It is also good governance that the terms and conditions of the grants programme is consistently applied to all user groups. However, Council may choose to fund this out of an alternative capital programme.

4 NETBALL COURTS INSURANCE CLAIM

Cr McNeill inquired whether an update could be provided on the Netball courts insurance claim, together with some indication as to when this may be finalized, why the process has been so drawn out and whether anything can be done to facilitate a quicker resolution?

Response

The assessor has reported a number of reasons for deterioration including fatigue, reactive soil movement, edges, tree roots, drainage, trees, and pavement thickness as the contributing factors. Council's claims manager has recommended payment, however, it would attract an excess payment of \$100,000 as it would be covered mainly as earth movement.

Staff have reviewed the assessor's report and raised concerns that the observed damage has not been adequately explained and Council is now awaiting the assessor's comments.

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 TENDER NO 2017-2018-182 CONCRETE WORKS, MUSWELLBROOK AND DENMAN

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 Tender 2017-2018-0303 Kerbside Waste Services

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(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.

19.3 Proposed Road Closures Mount Pleasant Mine Project Area

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(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.

19.4 LINE MARKING PLAN - BYLONG VALLEY WAY

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(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.

19.5 UPPER HUNTER INNOVATION PRECINCT STAGE 2 - CONCEPT

Item 19.5 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.

19.6 ECONOMIC DEVELOPMENT PROJECT

Item 19.6 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 12 JUNE 2018