



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
13 NOVEMBER 2018



ORDINARY COUNCIL MEETING, 13 NOVEMBER 2018

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

12 November, 2018

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **13 November, 2018** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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19.2	REQUEST TO WAIVE RATES <i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, 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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19.4	HUNTER RIVER FLOOD RISK MANAGEMENT STUDY AND PLAN <i>Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, 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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Item 19.6 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.

19.7 REVIEW OF OFFICE SPACE IN MUSWELLBROOK

Item 19.7 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.

20 RESUMPTION OF OPEN COUNCIL 77

21 CLOSURE 77

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

AGENDA

TUESDAY 13 NOVEMBER 2018

1 ACKNOWLEDGEMENT OF COUNTRY

2 CIVIC PRAYER

3 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDATION

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

Leave of Absence for the meeting was previously granted to Councillor Woodruff.

Moved: _____ **Seconded:** _____

4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Ordinary Meeting **held on** 9 October 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

10.1 DA 52/2018 DWELLING HOUSE LOT 18 DP 663977 14 LORNE STREET, MUSWELLBROOK

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Alisa Evans - Projects Planner
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Community Plan Strategy:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Attachments:	A. DA 2018-052 Assessment Report version 2 DAC attachment B. DA 52/2018 Recommended Conditions of Consent C. DA 52/2018 Proposed Plans

PURPOSE

This report has been prepared to inform Council in determining Development Application (DA) 52/2018. This Development Application has been assessed by Council Officers and a copy the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council's information.

Delegations issued to the General Manager include a limitation on the General Manager's determining matters under the *Environmental Planning and Assessment Act 1979* as follows:

(iii) *[determine matters]* which are for, or in any way related to;

(f) works alongside or adjoining any waterway

The application involves the construction of new dwelling house on Lot 18 DP 663977, 14 Lorne Street, Muswellbrook. The subject land contains a drainage channel so is being reported to the Committee for determination.

OFFICER'S RECOMMENDATION

Council approves DA 52/2018 for the construction of a dwelling house subject to the recommended conditions of consent contained in Attachment B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSAL

DA 52/2018 was lodged with Council on the 14 June 2018 and relates to 14 Lorne Street Muswellbrook (Lot 18 DP 663977). The subject land is located in an established residential area. The development proposal involves the erection of a brick veneer dwelling house.

A fibro, single storey on the subject land was approved to be demolished under DA 10/2018. The subject land is identified in the image below.



ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. The result of the Section 4.15 Assessment is that staff recommend that development consent be granted to the proposed development subject to recommended conditions of consent. The recommended conditions of consent are provided in attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with all relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development has been considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions which would prevent Council from granting development consent to the proposed development.
- The proposed development has been considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The proposed development is not considered to have any significant environmental impacts that would present Council with a reason to refuse the development.
- The proposed development was referred to Council's Building Surveyor Officer and the Acting Manager of Technical Services. Both Officers provided comments in relation to the proposed development which informed the assessment of the application, recommendation and conditions of consent.
- Council's Manager – Roads, Drainage & Technical Services recommended a condition requiring the imposition of an easement in favour of Council over a waterway within the site. This recommendation was informed by Council's Rivers and Drainage Policy and it was intended that the easement benefit Council by allowing it to drain water through the site.

The Section 4.15 Assessment has considered the request of the Manager – Roads, Drainage & Technical Services, and the related provisions of the Rivers and Drainage Policy. The request for a condition of consent requiring an easement is not supported by the Assessing Officer as;

- The proposed development would not alter or affect the waterway.
- Council has powers to carry out drainage work under the Roads Act 1993 and Local Government Act 1993 through its function as a local authority and road authority which may negate the need for an easement to be registered for the expressed purpose.
- Section 4.17 of the *Environmental Planning and Assessment Act 1979* outlines circumstances under which a consent authority can impose conditions of consent on a development. The terms of this section amongst other things includes requirements that conditions must relate to a matter specified by Section 4.15 (1). There is various case law and guidance around the imposition of conditions of consent, ultimately the principles established by this case law set out that a condition must fairly and reasonably relate to the development subject of the development application, should be for a planning purpose and must not be so unreasonable that no reasonable planning authority could impose the condition. It is the opinion of the Assessing Officer that it would be unreasonable for Council to require a condition of consent requiring an easement be granted in Council's favour for the purpose of stormwater drainage where the proposed development would not cause an increase in the quantity of stormwater to be disposed, not affect time of concentration of runoff in the area, would not alter the waterway over which Council is seeking the easement.

To address the issue of stormwater management, Council may still wish to approach the landowner, outside the development assessment process, to seek their approval to creation of the easement over the waterway at Council's cost.

COMMUNITY CONSULTATION

The development application was notified to adjoining properties in accordance with the requirements of the Muswellbrook DCP, for the period 27 June and the 11 July 2018.

No submissions were received by Council in relation to the proposed development.

OPTIONS

Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment concludes that the proposed development would be in accordance with the relevant provisions of Section 4.15 and recommends the approval of the development application subject to the conditions contained in Attachment B.

The Development Assessment Committee may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to amended conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.
- D) Resolve not to determine the development application and defer its determination to the elected Council.

LEGAL IMPLICATIONS

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

CONCLUSION

DA 52/2018 has been reported to the Development Assessment Committee for determination as it is within the function delegated to the Committee to determine and outside the function delegated to the General Manager and Council Staff as the development is for works alongside or adjoining a waterway.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Staff recommend that the Development Assessment Committee grant development consent to DA 52/2018 subject to conditions of consent outlined in Attachment B.

10.2 DA 76/2017 - RENOVATIONS AND ADDITIONS TO RACING FUNCTION CENTRE

Attachments:	<ul style="list-style-type: none"> A. DA 76/2017 Section 4.15 Assessment B. DA 76/2017 Recommended Conditions of Consent C. DA 76/2017 Proposed Plans - Under Separate Cover D. DA 76/2017 Proposed Car Parking Plans E. DA 76/2017 Traffic Impact Assessment - Under Separate Cover F. DA 76/2017 Waste Management Plan G. DA 76/2017 Onsite Sewage Management Plan H. DA 76/2017 NSW RMS Referral Comments I. DA 76/2017 NSW Police Referral Comments
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

This report has been prepared to assist Council in the determination of Development Application (DA) 76/2017. This Development Application has been assessed by Council Officers and a copy the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council's information.

OFFICER'S RECOMMENDATION

Council approve DA 76/2017 for renovations and additions to the racing and function centre at 16 Sheppard Avenue, Muswellbrook (Lot 150 DP 708030), subject to the conditions contained in Attachment B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the renovation and expansion of the existing Muswellbrook Racecourse Function Centre and Administration building at the Muswellbrook Racecourse, 16 Sheppard Avenue Muswellbrook. The alterations and additions proposed would expand the function centre to accommodate approximately 250 people. The existing floor space is capable of accommodating up to 100 people.

The proposed alterations and additions to the premises would include the following:

- 19.64m by 17.08m two-storey extension to the building footprint to include;

- New lift and stairwell,
 - Winners room (ground floor),
 - Office (ground floor)
 - Male, female and accessible amenities (ground floor),
 - Open plan bar and entertainment area (ground floor),
 - Seating and function area (level 1), and
 - Bar area (level 1).
- Re-fit of the existing function centre and administration building to include;
- Stewards and training room (ground floor),
 - Male and female jokey rooms and amenities (ground floor),
 - Reception room and foyer (ground floor),
 - Open floor plan office (ground floor),
 - Installation of a new kitchen and bar (level 1)
 - Additional amenities (level 1)
 - New balcony area (level 1).
- Construction of a racetrack grandstand
- Removal of levels 3 and 4 of the existing race viewing and commentary tower,
- Construction of a new 4 storey race viewing and commentary tower attached to the function centre extension.
- Construction of new outdoor seating area.
- Construction of car parking.

A 3D image of the proposed building is provided below, and also a map identifying the subject site in relation to the wider locality.



Figure 1, (3D Image of the proposed development, prepared by Hugh Walker Design)



The land subject to this development application is zoned RU1 Primary Production.

ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration contained in Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. The recommendation of the Section 4.15 Assessment and Council Staff is that the development application be approved subject to recommended conditions of consent provided in Attachment B.

Key considerations and findings of the Section 4.15 Assessment include:

- The height of the proposed development would exceed the maximum building height for the land prescribed by the Muswellbrook Local Environmental Plan (LEP) 2009 height of buildings map. The maximum building height relevant to the land is 12m and the proposed building structure would have a maximum height of 12.161m. Despite the proposed minor height exceedance, Clause 5.6 of the Muswellbrook LEP 2009 permits architectural roof features above the relevant height limitation prescribed by the height of buildings map.
- The land subject to this development application is zoned RU1 Primary Production under the Muswellbrook LEP 2009. The proposed development is a mixed use development and relates to the use of the land as a 'recreation facility (major)' and 'function centre' both of which are permissible with consent in the RU1 Primary Production zone under the provisions of the Muswellbrook LEP 2009.
- The proposed development would be in accordance with all other relevant provisions of the Muswellbrook LEP 2009.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's). There are no provisions in any of the SEPP's that would prevent Council from granting development consent to the development proposed.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP). The proposed development was considered to be in accordance with the DCP provisions with the exception of the following DCP controls:

- Muswellbrook DCP Control 8.2.1(i) – development control relating to rooflines in rural areas,
- Muswellbrook DCP Control 8.2.3 – development control relating to restrictions on material colours and building features in rural areas.

Despite the proposals inconsistency with the Development Controls specified above it was considered that the proposed development would remain consistent with the DCP objectives informing those controls and thereby may still be supported by Council.

- The Muswellbrook DCP prescribes that parking for a recreation facility (major) should be considered through a merit assessment and parking for a function centre to be provided at a rate of 1 space per 10m² or 1 space per 10 fixed seats. A Traffic and Parking Impact Assessment was submitted by the applicant to consider the availability of car parking at the site and the rate of off-street car parking required. This report concluded that a total of 64 car parking spaces would be adequate to service the function centre component of the development for non-race day functions and 94 for race day functions. To ensure the availability of adequate off-street car parking the applicant submitted design plans for two car parking areas with a combined capacity of 130 car parking spaces. The rate of car parking proposed was considered to be adequate to support the proposed development and in line with the merit based assessment provisions prescribed by the DCP for recreation facilities (major).
- The land subject to this development application is identified as being flood affected by Council's flood studies. Accordingly, the proposed development was considered against Council's DCP requirements for development on flood prone land as well as the sites suitability for development. The proposed development is considered to be an acceptable form of development for the site.
- The Section 4.15 Assessment considered the potential environmental impacts of the development to be acceptable.
- The proposed development was referred;
 - internally to;
 - Council's Building Surveyor,
 - Environmental Health Officer,
 - Water and Waste Section, and
 - Community Infrastructure Department
 - Externally to;
 - NSW Roads and Maritime Services, and
 - NSW Police.

Comments provided by Council Officers and informed the development assessment and recommended conditions of consent.

- The proposed development was not referred to Council's Traffic Committee as it did not involve any works or signage within the function delegated by NSW RMS to Council to approve, and thereby requiring consideration by Council's Traffic Committee.

COMMUNITY CONSULTATION

The development application was advertised and notified in accordance with the requirements of the Muswellbrook DCP from 6 September 2017 to 20 September 2017.

No submissions were received by Council in relation to the proposed development.

OPTIONS

Council is the consent authority for DA 76/2017 and as such is required to determine the development application in accordance with its function under the *Environmental Planning and Assessment Act 1979*. Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act* and recommend that Council approve the proposed development subject to the conditions.

Council may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to amended conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.

LEGAL IMPLICATIONS

Under the provisions of the *Environmental Planning and Assessment Act 1979* the applicant has an opportunity to appeal Council's determination of the Development Application in the Land and Environment Court.

CONCLUSION

DA 76/2017 has been reported to Council for determination as it is the consent authority under the *Environmental Planning and Assessment Act 1979* and the capital investment value of the proposed development exceeds the capital investment value of development delegated by Council to the General Manager and Development Assessment Committee to determine.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Council Officers recommend that Council grant development consent to DA 76/2017 subject to conditions of consent outlined in Attachment B.

10.3 DA 47/2018 - BOARDING HOUSE

Attachments:	A. DA 47/2018 Section 4.15 Assessment B. DA 47/2018 Recommended Conditions of Consent C. DA 47/2018 Proposed Plans D. DA 47/2018 - Statement of Environmental Effects E. DA 47/2018 Plan of Management F. DA 47/2018 Waste Minimisation Management Plan G. DA 47/2018 Community Partnership Team Referral Comments
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Community Plan Strategy:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>

PURPOSE

This report has been prepared to inform Council in determining Development Application (DA) 47/2018. This Development Application has been assessed by Council Officers and a copy the Section 4.15 Assessment Report (Attachment A) and recommended conditions of Consent (Attachment B) are attached for Council's information.

DA 47/2018 is within the function delegated to the General Manager to determine, however at its 20 August 2018 the Development Assessment Committee resolved that DA 47/2018 be referred to that Committee for determination.

At its 17 September 2018 Meeting the following recommendation was put forward and passed by the Committee:

- 1. The Committee request that the matter be referred to Community Partnerships for a Social Impact Assessment Report, and;*
- 2. That the items in this report be taken into consideration by the Committee and Council*

The Social Impact Assessment report was prepared for the Committee 8 October 2018 Meeting where the Committee resolved that:

DA 47/2018 be submitted to Council for determination.

This report has been prepared in line with the Development Assessment Committee's 8 October 2018 resolution to enable Council to consider and determine DA 47/2018.

OFFICER'S RECOMMENDATION

Council approve DA 47/2018 for a boarding house at Lot 495 DP 1175898, 42 Wollombi Road Muswellbrook, subject to the recommended conditions of consent contained in Attachment B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSAL

The proposed development involves the construction and operation of a boarding house at 28 Wollombi Road, Muswellbrook (Lot 495 DP 1175898). The land is zoned R1 General Residential under the Muswellbrook Local Environmental Plan 2009. A boarding house is permitted in this zone.

The proposed boarding house is single-storey and contains five (5) bedrooms. Each bedroom will be provided with private bathroom amenities and kitchen facilities, while a common laundry, living and outdoor area will be provided for the benefit of all lodgers. Two enclosed garage car parking spaces will be provided along with external bicycle and motor cycle parking. When originally lodged the development application and accompanying information suggested that the proposed boarding house would accommodate a maximum of ten (10) lodgers, however, the applicant provided correspondence on the 20 August 2018 to clarify that the proposed development is intended to house five (5) lodgers only.

The land subject to this application is identified in the image below.



ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. The findings of this Section 4.15 Assessment have informed the recommendation of Council Officers to Council that the proposed development be approved subject to the recommended conditions of consent. The recommended conditions of consent are provided in Attachment B.

Key considerations and findings of the Section 4.15 Assessment include:

- The proposed development is in accordance with all relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.

- The proposed development has been considered against relevant provisions of the SEPP Affordable Rental Housing (ARH) 2009. The SEPP (ARH) 2009 prevents the refusal of a development application for a boarding house for reasons related to floor space ratios, building height, landscaping, solar access, private open space, vehicle parking and accommodation size where the development meets the SEPP ARH criteria for each of these matters. The proposed development complies with the SEPP ARH requirements for these matters.
- The proposed development was considered against the provisions of other relevant State Environmental Planning Policies (SEPP's) and the development is compliant.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP). The proposal was considered to be generally in accordance with the DCP. Conditions of consent have been recommended to ensure compliance with DCP provisions.
- The proposed development was considered unlikely to have a significant environmental impact provided it is carried out in accordance with the proposed plans, the plan of management submitted in relation to the boarding house operation, and recommended conditions of consent.
- The proposed development was referred to Council's Building Surveyor, the Community Partnerships Team, the Community Infrastructure Department and the Water and Waste Section and externally to the NSW Police Force. Details relating to these referrals are included in the Section 4.15 Assessment. Comments received did not provide any reasons to refuse development consent to the proposed development and have informed the development assessment and recommended conditions of consent.

The site is located on the route of an infrequent bus service and is more than an 800m walk to a retail outlet selling fresh food and vegetables. As a result, lodgers are likely to be reliant on taxi's, private vehicles or a bicycle to access services and facilities. There is limited on-site parking proposed, which is likely to result in additional vehicles parked in the nearby streets. However the parking proposed complies with the SEPP ARH. The lack of parking would be a factor taken into consideration by potential lodgers.

The proponent has indicated that the accommodation is intended for people on low incomes. Following feedback from Council's Community Partnerships Team the following condition of consent is recommended:

(#) The operator of the boarding house shall ensure that:

- a) priority is afforded to the following groups of tenants:*
 - i) Tenants enrolled at a local educational facility;*
 - ii) Elderly tenants on a fixed income or at the retirement age; and*
 - iii) Tenants who earn gross incomes up to the low income band of the annual income range for NSW as identified by the Family & Community Services NSW at the calendar year of their tenancy application. Should the Family and Community NSW data become unavailable, relevant data shall be sourced from current Australian Bureau of Statistics.*
- b) All leasing agreements shall be for a minimum of three (3) months.*

COMMUNITY CONSULTATION

The Development Application was notified and advertised in accordance with the provisions of the Muswellbrook DCP. The proposed development was notified to neighbouring properties between 13 June 2018 to 27 June 2018 and a notice of the proposed development appeared in the Hunter Valley news on 13 June 2018.

No submissions were received during the notification period.

INTERNAL CONSULTATION

The proposed development was referred to:

- Council's Building Surveyor, the Community Infrastructure Department and the Water and Waste Section. Comments received did not present any reason to refuse development consent to the proposed development and have informed the development assessment and recommended conditions of consent.
- The NSW Police. Comments were received in relation to graffiti removal, entry control, signage installations to deter anti-social behaviour and the proposed location of bicycle storage. These comments were provided to the applicant who amended the proposal to include a plan of management to address the NSW Police requirements and additional Council requirements, and altered the bicycle storage locations to a more secure space.
- Council's Community Partnerships Team for consideration in accordance with the 17 September 2018 resolution of the Development Assessment Committee and following the Development Assessment Committee's 8 October 2018 Meeting. The most up to date comments from Council's Community Partnership Team have been included as Attachment G to this report. These comments have informed an update to a recommended condition of consent.

OPTIONS

Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment concludes that the proposed development would be in accordance with the relevant provisions of Section 4.15 and recommends the approval of the development application subject to the conditions contained in Attachment B.

Council may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to amended conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.
- D) Resolve not to determine the development application and defer its determination to the elected Council.

LEGAL IMPLICATIONS

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

CONCLUSION

DA 47/2018 has been reported to Council to determine as a result of the resolution of the 8 October Development Assessment Committee Resolution.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Staff recommend that Council grant development consent to DA 47/2018 subject to conditions of consent outlined in Attachment B.

10.4 DA 74/2018 - OFFICE PREMISES AND CAR PARKING AREA ANCILLARY TO SECURITY AND TRAFFIC CONTROL AT BAYSWATER POWER STATION

Attachments:	A. DA 74/2018 Section 4.15 Assessment B. DA 74/2018 Recommended Conditions of Consent C. DA 74/2018 Proposed Plans D. DA 74/2018 Statement of Environmental Effects E. DA 74/2018 Bushfire Management Plan
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

This report has been prepared to inform Council in determining Development Application (DA) 74/2018. This Development Application has been assessed by Council Officers and a copy the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council's information.

Council is the consent authority for the proposed development as its determination is outside the delegations held by the Development Assessment Committee and the General Manager. The delegated function of both the Development Assessment Committee and General Manager include the following limitation:

[determine matters] which are for, or in any way related to electricity generating works.

The proposed development is located on land zoned SP2 Infrastructure (Power Station) and relates to the operation of Bayswater Power Station, a facility within definition of electricity generating works established by the Muswellbrook Local Environmental Plan (LEP) 2009. The recommendation of the Section 4.15 Assessment and Council Staff is that the development application be approved subject to the recommended conditions of consent provided in Attachment B.

OFFICER'S RECOMMENDATION

Council approve DA 74/2018 for Office Premises and Car Parking Area as part of Security and Traffic Control at Bayswater Power Station, subject to the recommended conditions of consent contained in Attachment B.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the installation of a building as a site security office and the construction of associated car parking at Lot 2 DP 1095515, known as Bayswater Power Station, New England Highway, Muswellbrook. The proposed building would be installed adjacent to an existing site office, vehicle access and security gate located on the private access road to the site accessible from the New England Highway.

ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Section 4.15 Assessment is provided in Attachment A. The recommendation of the Section 4.15 Assessment and Council Staff is that the development application be approved subject to the recommended conditions of consent provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the Muswellbrook LEP 2009.
- The land subject to this development application is zoned SP2 Infrastructure and is reserved for the purpose of a Power Station. Development for the purpose of a Power Station as well as development ordinarily incidental or ancillary to development for that purpose is permissible with consent in the Muswellbrook LEP 2009 in the SP2 zoned. The proposed development is intended to be used for security and traffic control at the power station and is thereby viewed as permissible with consent.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions which would prevent Council from granting development consent to the proposed development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The land subject to this development application is identified as being bushfire prone by Council's Bushfire Information Mapping. The provisions of the NSW Rural Fire Services document Planning for Bushfire Protection 2006 are thereby relevant to this application. The applicant has provided a Bushfire Management Plan that specifies bushfire management procedures for the site and proposed development and it is considered that the proposed development would be in accordance with the relevant requirements of Planning for Bushfire Protection 2006.
- The proposed development was not considered to have any significant environmental impacts.

COMMUNITY CONSULTATION

The proposed development was advertised under the provisions of the Muswellbrook Development Control Plan. No submissions were received.

OPTIONS

Council Officers have completed an assessment of the proposed development against the relevant provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979*. This assessment concludes that the proposed development would be in accordance with the relevant provisions of Section 4.15 and recommends the approval of the development application subject to the conditions contained in Attachment B.

The Development Assessment Committee may:

- A) Grant development consent to the proposed development subject to the recommended conditions of consent,
- B) Grant development consent to the proposed development unconditionally or subject to amended conditions of consent, or
- C) Refuse development consent to the proposed development and nominate reasons for refusal.

LEGAL IMPLICATIONS

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

CONCLUSION

DA 74/2018 is being reported to Council for determination as it is outside the function delegated to the General Manager and the Development Assessment Committee.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Staff recommend that the Development Assessment Committee grant development consent to DA 74/2018 subject to conditions of consent outlined in Attachment B.

10.5 IRONBARK RIDGE PLANNING PROPOSAL UPDATE

Attachments:	A. Gateway Determination - 21102014
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Libby Cumming - Strategic Planner
Community Plan Issue:	<i>Diversify the economy, facilitate the development of intensive agricultur and other growth industries, make the Shire a more attractive place to invest and do business</i>
Community Plan Goal:	<i>Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.</i>
Community Plan Strategy:	<i>Apply strategic planning and development assessment planning advice to support Council's economic diversification goals.</i>

PURPOSE

The purpose of this report is to provide an update on the Ironbark Ridge Planning Proposal – Amendment 9 of the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009) and to clarify that Counilintends to exercise its delegation for plan making.

OFFICER'S RECOMMENDATION

- 1. The General Manager advises the Department of Planning & Environment that Council is requesting an authorisation to exercise its delegation of the plan making functions under Section 3.36 of the *Environmental Planning and Assessment Act 1979*.**
- 2. The Planning Proposal be placed on public exhibition in accordance with the Gateway Determination; and**
- 3. Stakeholders and affected landowners be notified of the Gateway determination and public exhibition period, as required.**

Moved: _____ **Seconded:** _____

BACKGROUND

On 9 November 2012, Council received a request to rezone Lot 101 and 103 DP 1170190 located at Ironbark Road Muswellbrook, with the intention of future subdivision of the land into residential and large lot residential zoned lots. Council resolved at its Ordinary Meeting on 10 December 2012 to defer consideration of the planning proposal until strategy/investigation work had been completed for the Land Use Development Strategy.

At Council's Ordinary Meeting 14 July 2014, Council resolved to accept the planning proposal and to forward onto the Department of Planning and Environment (DPE) for a Gateway Determination. The Gateway Determination was issued on 21 October 2014 subject to conditions. This included requiring the proponent to provide additional supporting information/investigations, and for Council to consult with state agencies and modify the Planning Proposal, as necessary, prior to public exhibition. A copy of the Gateway Determination is included in Attachment A.

A brief timeline synopsis of the rezoning request consists of:

- 9 November 2012 - Submission of rezoning request to Council.
- 10 December 2012 – Ordinary Meeting of Council resolution to defer until the Muswellbrook Land Use Strategy investigation work had been completed.
- 14 July 2014 - Ordinary Meeting of Council resolution to prepare a planning proposal and to forward onto the Department of Planning and Environment for a Gateway Determination
- 21 October 2014 - Gateway Determination was issued requiring supporting information/investigation and state agency consultation to be completed prior to public exhibition.
- 26 April 2016 – Extension to Gateway Determination issued.
- 5 June 2017 – Extension to Gateway Determination issued.
- 28 February 2018 – Extension to Gateway Determination issued.
- 19 April 2018 – Revised rezoning request submitted to Council for review.

A review of the rezoning request and the extensive supporting information is underway. This has included consultation with DPE, other departments of Council and the proponent. The planning proposal still requires some minor drafting and referencing to the newly amended *Environmental Planning & Assessment Act 1979*. Council staff are assisting the proponent with minor editing of the Planning Proposal.

CONSULTATION

Community consultation has not been undertaken, however, community consultation will occur in accordance with the Gateway Determination and schedule 1 cl 4 of the *Environmental Planning and Assessment Act 1979*.

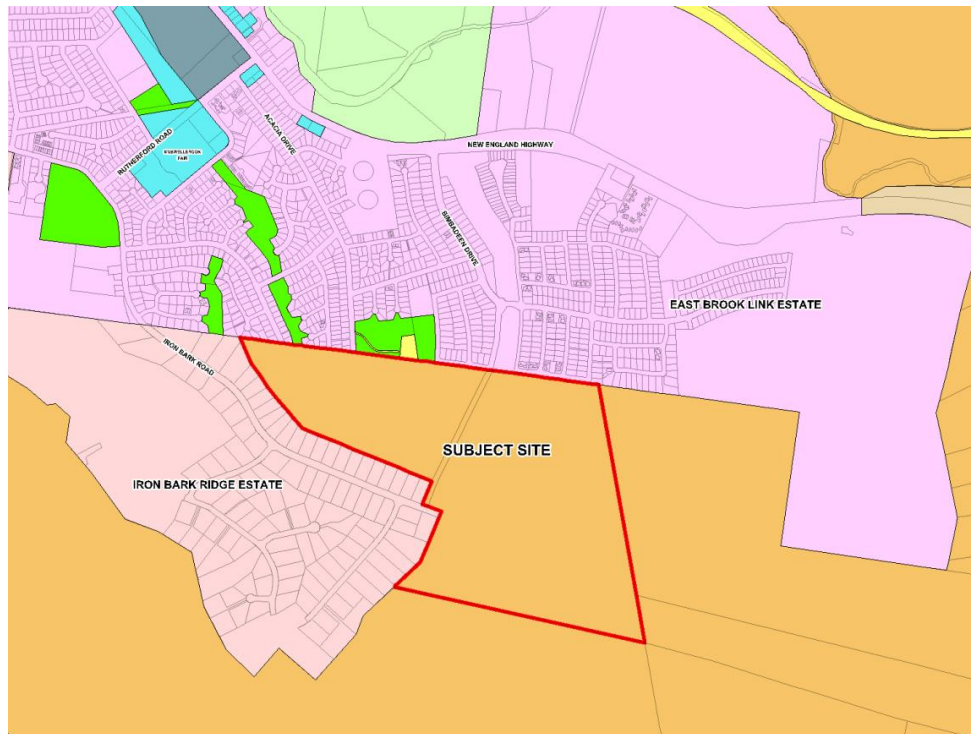
A resolution of Council is required to support placing the Planning Proposal on exhibition as this was not included in the report considered by Council on 14 July 2014.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation with a Councillor Spokesperson.

REPORT

The subject site has an area of 81 hectares and is zoned E3 Environmental Management under the *Muswellbrook Shire Local Environment Plan (MLEP) 2009*. The proponent seeks to change the current zoning of Lot 101 & 103 DP 1170190 from E3 Environmental Management to part R1 General Residential and part R5 Large Lot Residential to enable the development of the site for urban residential and rural residential development. This will also require amendments to the *MLEP* Land Zoning Map, Height of the Building Map and Lot Size Map.



The rezoning of the subject land will:

- Allow development into a range of residential lot sizes, consistent with adjoining development.
- Increase potential housing supply assisting with housing affordability in Muswellbrook.
- Be a logical extension of, and connection between existing residential and large lot residential zones.
- Use existing and proposed servicing infrastructure.

Section 3.36 of the Environmental Planning & Assessment Act 1979 allows Council following completion of community consultation, to:

- (a) make a local environmental plan (with or without variation of the proposals submitted by the planning proposal authority) in the terms the local plan-making authority considers appropriate, or
- (b) decide not to make the proposed local environmental plan.

This provisions was added to the Act after the initial request for a Gateway Determination was made for this Planning Proposal. The intention is to update the Planning Proposal to note that Council is intending to utilise its delegations under s3.36 of the *Environmental Planning & Assessment Act 1979* to finalise the Planning Proposal. This requires a resolution of Council.

OPTIONS

1. Council resolves to utilise its delegations under s3.36 of the *Environmental Planning & Assessment Act 1979* to finalise the Planning Proposal and to place the Planning Proposal on public exhibition. This is the preferred option.

2. 2. Council resolves not to utilise its delegations under s3.36 of the *Environmental Planning & Assessment Act 1979* to finalise the Planning Proposal. Finalisation of the LEP amendment would then be undertaken by the Minister. This is not the preferred option.

CONCLUSION

The proposed amendment to *MLEP 2009* will provide land to allow for a variety of residential development thus providing continuing housing supply and choice in the local government area. A resolution of Council is required to utilise its delegations under s3.36 of the *Environmental Planning & Assessment Act 1979* to finalise the Planning Proposal.

It is recommended that Council resolves to utilise its delegations under s3.36 of the *Environmental Planning & Assessment Act 1979*.

SOCIAL IMPLICATIONS

The proposed rezoning would provide approximately 600 lots released over multiple stages according to demand (likely to be 20-30 lots per stage). The development of the land would link to existing land developed for residential and large lot residential purposes in the locality.

It is unlikely that there would be any adverse social impacts.

FINANCIAL IMPLICATIONS

In terms of economic benefits, there will be employment opportunities during the construction of the various stages of the subdivision and houses, and increased choice for housing in the Shire.

There will be no financial implications for Council at this stage, apart from staff resources involved in the processing of the LEP amendment. As subdivision occurs Council will take on responsibility for new assets that will need to be maintained.

POLICY IMPLICATIONS

The proposal is to amend *MLEP 2009*, which is a policy of Council. There will be some resulting changes to the Muswellbrook Development Control Plan and Muswellbrook contribution plans.

STATUTORY IMPLICATIONS

There are no statutory implications under the *Local Government Act 1993*.

LEGAL IMPLICATIONS

There are no legal implications for Council provided the amendment process follows the process outlined in the *Environmental Planning & Assessment Act 1979*, the *Environmental Planning & Assessment Regulation 2000*.

OPERATIONAL PLAN IMPLICATIONS

The proposed amendments are consistent with the objective of Council's Operational Plan 2018-19.

RISK MANAGEMENT IMPLICATIONS

The risks associated with preparing a Planning Proposal are minimised by following the process outlined in the *Environmental Planning & Assessment Act 1979*, the *Environmental Planning & Assessment Regulation 2000*.

10.6 AMENDMENT TO MUSWELLBROOK DCP 2009 - SECTION 25 - STORMWATER MANAGEMENT

Attachments:	A. Draft Section 25 - Stormwater Management
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Sharon Pope - Assistant Director - Environment & Community Services
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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

Muswellbrook Shire Council is committed to ensuring the responsible and orderly management of stormwater. Section 25 of *Muswellbrook DCP 2009, Muswellbrook Shire Council AUS-SPEC Planning and Design Specifications and Muswellbrook Shire Council's Policy – Rivers and Drainage Channels* all provide direction to staff and proponents of development on planning for and designing stormwater managements systems.

The Development Assessment Committee meeting of 8 October 2018 resolved that "Amendments to the DCP as a result of the Rivers and Drainage Channels Policy review be submitted to the November Council Meeting." The purpose of this report is to seek a resolution of Council to exhibit proposed changes to *Muswellbrook DCP 2009, Section 25 – Storm Water Management*.

OFFICER'S RECOMMENDATION

Council resolves to prepare and exhibit amendments to *Muswellbrook DCP 2009, Section 25 – Stormwater Management*, as provided in attachment A.

Moved: _____ **Seconded:** _____

BACKGROUND

Section 25 of *Muswellbrook DCP 2009, Muswellbrook Shire Council AUS-SPEC Planning and Design Specifications and Muswellbrook Shire Council's Policy – Rivers and Drainage Channels* all provide direction to staff and proponents of development on planning for and designing stormwater management systems. The Development Assessment Committee meeting of 3 Sept 2018 resolved that:

A report be prepared for Council to resolve to prepare amendments to the Muswellbrook Development Control Plan to ensure Council's Rivers and Drainage Channels Policy is called up for consideration in all relevant development matters.

The Development Assessment Committee meeting of 8 October 2018 resolved that:

Amendments to the DCP as a result of the Rivers and Drainage Channels Policy review be submitted to the November Council Meeting.

REPORT

A review of Section 25 of the DCP has been undertaken by staff and a number of changes are proposed to:

- Correct formatting errors;
- Provide clarification on certain matters regarding easements, piping of open drainage channels and requirements for pollution reduction devices; and
- Reference legislation, plans and policies that are relevant to planning for storm water management.

A copy of the draft amendments to Section 25 of the DCP are provided in Attachment A. Words that are proposed to be deleted are shown with strikethrough, words that are proposed to be inserted are shown with grey highlight.

CONSULTATION

Consultation has occurred with the Community Infrastructure Department in preparing the proposed amendments.

There has been no consultation with anyone external to Council at this stage. The purpose of this report is to obtain a resolution to exhibit the draft changes for input from the community.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The proposal to amend the DCP has been discussed in general terms at the Development Assessment Committee.

OPTIONS

Council may choose not to accept the proposed changes and/or to add changes of their own.

CONCLUSION

A review of Section 25 of the DCP has been undertaken by staff and a number of changes are proposed to:

- Correct formatting errors;
- Provide clarification on certain matters regarding easements, piping of open drainage channels and requirements for pollution reduction devices; and
- Reference legislation, plans and policies that are relevant to planning for storm water management.

It is recommended that these draft changes be exhibited for community input.

SOCIAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

The maintenance of watercourses on private property is the responsibility of the property owner. If the watercourse is located within an easement for drainage, or similar, benefiting Council, then Council is likely responsible for the maintenance of and improvements to the storm water system. As a consequence, easements for drainage benefiting Council create a financial implication in that Council should budget for the maintenance of and improvements to the storm water system.

Council has an existing Policy requiring the creation of easements over urban drainage channels. The changes proposed to the DCP are consistent with that Policy and are unlikely to increase financial implications beyond those already created by the Policy. Each cost will be calculated on a case by case basis.

POLICY IMPLICATIONS

Section 25 in the DCP is relatively comprehensive and includes many of the matters identified in the *Muswellbrook Shire Council Rivers and Drainage Channels Policy*. If there are inconsistencies between the Policy and *Muswellbrook DCP 2009* (as amended), the DCP will prevail. In the future the Policy should be amended to remove those matters that are adequately addressed in the DCP. The Policy will need to be retained, however, as it covers operational matters and the rezoning of land.

LEGAL IMPLICATIONS

The principal purpose of a development control plan is to provide guidance to persons proposing to carry out development that requires development consent. Except in specific circumstances, the provisions of a development control plan are not taken to be statutory requirements.

There are limits on Council's ability to impose conditions of consent when approving development. In order to be valid, a condition must comply with both s4.17 of the *EP&A Act* and the three "Newbury tests", one of which is that the condition must fairly and reasonably relate to the development the subject of the DA.

The current *Muswellbrook Shire Council Rivers and Drainage Channels Policy* states its requirements apply to "...development in the urbanised areas of the Shire, which impacts upon, adjoins or crosses rivers and urban drainage systems". There will be types of development, however, where applying the requirements of the Policy would not meet the "Newbury tests". The proposed changes to the DCP include clarification on the types of development where it is reasonable to apply the requirements of the Policy.

OPERATIONAL PLAN IMPLICATIONS

24.1.2 Provide efficient and effective development application, construction certificate and occupational certificate assessment services.

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with the exhibition of amendments to the DCP provided the requirements of the EP&A Act and Regulations are followed.

10.7 SUBMISSION ON PROPOSED SHORT TERM RENTAL ACCOMMODATION POLICY

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Sharon Pope - Assistant Director - Environment & Community Services
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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

The Department of Planning and Environment is seeking Council's feedback on a proposed planning framework for the regulation of short-term rental accommodation in NSW. The proposed amendments will introduce state-wide planning rules, including a new land use definition, approval pathways and safety standards. The framework also includes an industry-wide, mandatory Code of Conduct and changes to strata legislation.

The proposed planning framework went on exhibition on 15 Oct 2018 and Council has till 16 November 2018 to make a submission, and until 30 November 2018 to advise on Council's preferred annual day limit for inclusion in the Codes SEPP.

OFFICER'S RECOMMENDATION

Council:

1. Authorises the General Manager to make a submission on Council's behalf, on the proposed planning framework for the regulation of short-term rental accommodation in NSW, covering parking, property values, day limits and compliance; and
2. Advises the Department of Planning and Environment that for short-term rental accommodation in the Muswellbrook Shire LGA, a day limit of 365 days should be applied, when the host is not present, to dwellings in Environmental, Rural and Business zones, and a day limit of 180 days for dwellings in Residential (including the Village zone), Industrial and Recreation zones.

Moved: _____ Seconded: _____

BACKGROUND

There has been significant growth in short term rental accommodation in NSW over the past five years, primarily in the Sydney metropolitan region and in many coastal towns. The disruption this has caused in some neighbourhoods has lead the NSW Government to investigate policy options to manage the activity.

This included a Parliamentary Inquiry into the of the Regulation of Short-term Holiday Letting, and the exhibition of on an Options Paper on Short-term Holiday Letting from 21 July 2017 to 31 October 2017.

The Department of Planning and Environment is now seeking Council's feedback on a proposed planning framework for the regulation of short term rental accommodation in NSW. Council has till 16 November 2018 to make a submission on the framework, and until 30 November 2018 to advise on Council's preferred annual number of rental days for inclusion in the Code SEPP.

CONSULTATION

The timeframes provided by the Department of Planning and Environment have not allowed an opportunity for broader consultation by Council.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The Councillor representatives of the Development Assessment Committee (DAC) were provided a brief on this issue at the 5 November meeting.

REPORT

At present, there is no state-wide planning definition for short-term rental accommodation. Individual councils can determine where and when planning consent is required for short-term rental accommodation. Most councils do not specifically legislate for short-term rental accommodation. Some councils view short-term rental accommodation as an ancillary activity to the residential use of a dwelling, however recent Land and Environment court determinations have indicated that if not specifically legislated, the use is of a commercial nature and would be prohibited in most residential zones.

Government framework on short-term rental accommodation

On 5 June 2018, the Minister for Planning and the Minister for Better Regulation and Innovation announced a whole-of-government framework for short-term rental accommodation in New South Wales.

The framework enables short-term rental accommodation to occur while also managing impacts on communities, through:

- A state-wide planning framework
- Changes to strata legislation
- A mandatory Code of Conduct. The Code will apply to anyone involved in providing or using short-term rental accommodation including hosts, guests, online booking platforms, and letting agents. The Department of Finance, Services and Innovation is developing the Code.

It is currently unclear how the mandatory Code of Conduct will be enforced as discussions are still occurring between the Department of Planning and Environment and the Department of Finance, Services and Innovation. There is a high probability that councils will be asked to investigate complaints and that the Department of Finance, Services and Innovation will act on the complaints where the investigations reveal non-compliance.

Proposed amendments to planning rules

The proposed amendments to planning rules will:

- Introduce a single definition for short-term rental accommodation across the State;
- Introduce exempt and complying development pathways that enable short-term rental accommodation as:
 - Exempt Development for up to 365 days per year, when the host is present.
 - Exempt development, when not on bushfire prone land and when the host is not present:

- For no more than 180 days per year in Greater Sydney
- For up to 365 days per year outside of Greater Sydney. Councils outside Greater Sydney will be able to decrease the 365 day threshold to no lower than 180 days per year.
- Complying development, when on bushfire prone land under BAL29 rating and the host is not present:
 - For no more than 180 days per year in Greater Sydney
 - For up to 365 days per year outside of Greater Sydney. Councils outside Greater Sydney will be able to decrease the 365 day threshold to no lower than 180 days per year; and
- Introduce minimum fire safety and evacuation requirements for premises used for short-term rental accommodation.

In summary, the Government position is that when the host is present on site overnight, the host has an ability to manage behaviour and impacts, and will be able to assist visitors during emergency events such as floods and bushfires.

Issues relevant to Muswellbrook Shire

Short-term rental accommodation, in use as holiday accommodation in the Muswellbrook Shire LGA, is generally well managed by property owners. The poor neighbourhood amenity outcomes resulting from 'party houses' are more common in coastal locations. The main issues for the Shire are:

1. Use of dwellings as short-term accommodation for mine workers, resulting in parking problems in adjoining streets. The proposal limits the number of occupants to 12 in total. When a dwelling is used for short-term accommodation by mine workers this may result in twelve unrelated people, arriving in twelve separate vehicles;
2. Use of dwellings as short term accommodation for mine workers, akin to a motel or serviced apartment, with a potential higher rental return for the land owner than a normal rental property. This may result in pressure on property prices, reducing or removing the amount of affordable accommodation in the area;
3. As currently proposed, there would be no variations or development application pathways available to for short-term rental accommodation above the number day limits once set, and the day limits are proposed to be applied to the whole of a local government area. The problems associated with parking and property prices would be far less in areas zoned Environmental, Rural, or Business, than in areas zoned Residential. Day limits would be better applied on the basis of the zoning of the land; and
4. The resources required to investigate complaints, and the difficulty proving non-compliance. For example, if someone says a host will be on site, how does Council prove they were not?

OPTIONS

That Council authorises:

1. The General Manager to make a submission on Council's behalf covering parking, property values, day limits and compliance, and that in the Muswellbrook Shire LGA, a day limit of 365 days should be applied, when the host is not present, to dwellings Environmental, Rural and Business zones, and a day limit of 180 days for dwellings in Residential (including the Village zone), Industrial and Recreation zones. This is the preferred option as it allows Council to identify issues for the Department of Planning and Environment to resolve, and would lessen the possible negative impacts of short-term rental accommodation in the Muswellbrook Shire LGA.
Or
2. The General Manager to make a submission on Council's behalf covering parking, property values, day limits and compliance, and that in the Muswellbrook Shire LGA, a day limit of 365 days should be applied to dwellings when the host is not present. Or;

3. The General Manager to make a submission on Council's behalf covering parking, property values, day limits and compliance, and that in the Muswellbrook Shire LGA, a day limit of 180 days should be applied to dwellings when the host is not present.

CONCLUSION

At present, there is no state-wide planning definition for short-term rental accommodation, and no clear planning approval pathway. Having a State-wide approach would provide greater consistency and certainty for the visitor economy and tourism industry.

The information that is currently on exhibition is missing some key details on how the mandatory code of conduct would be enforced, and complaints will be investigated.

It is recommended that Council submits feedback on the issues that are particular to the Muswellbrook Shire LGA, being parking, property values, day limits and compliance, and that in the Muswellbrook Shire LGA, a day limit of 365 days should be applied to dwellings in Environmental, Rural and Business zones, and a day limit of 180 days for dwellings in Residential (including the Village zone), Industrial and Recreation zones.

SOCIAL IMPLICATIONS

The use of dwellings as short-term accommodation for mine workers has the potential to result in parking problems in adjoining streets. Short-term-rental accommodation has the potential to generate a higher rental return for the land owner than a normal rental property, which may result in pressure on property prices, reducing or removing the amount of affordable accommodation in the area. Poorly managed visits can also lead to amenity issues for nearby permanent residents. The proposed planning framework and mandatory code of conduct will greatly assist in the management of these negative externalities.

FINANCIAL IMPLICATIONS

There is a high probability that council's will be asked to investigate complaints and that the Department of Finance, Services and Innovation will act on the complaints where the investigations reveal non-compliance.

POLICY IMPLICATIONS

The proposed changes will be made to Muswellbrook LEP 2009 and the Codes SEPP by the Department of Planning and Environment at a future date.

STATUTORY IMPLICATIONS

Council will be required to manage short-term rental accommodation as set out in any future changes to Muswellbrook LEP 2009 and the Codes SEPP.

LEGAL IMPLICATIONS

No legal implications

OPERATIONAL PLAN IMPLICATIONS

No operational plan implications

RISK MANAGEMENT IMPLICATIONS

No risk management implications.

11 COMMUNITY INFRASTRUCTURE

11.1 ARENA FUNDED PILOT DEMONSTRATION PLANT PROPOSAL FOR SUSTAINABLE WATER AND ENERGY DENMAN AND SANDY HOLLOW

Attachments:	A. ARENA Application - Enerverter Presentation B. ARENA Application
Responsible Officer:	Fiona Plesman - General Manager
Author:	Gerry Bobsien - Executive Manager - Economic Development and Innovation
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Provide Council with a list of proposed and alternative projects prior to construction.</i>

PURPOSE

This report outlines a proposal for a pilot demonstration water treatment plant as a partnership between the Australian Renewable Energy Agency, research and development firm, Restech, and Muswellbrook Shire Council.

OFFICER'S RECOMMENDATION

Council

- Funds the pilot water/energy operation as proposed in Sandy Hollow in partnership with Restech and the Australian Renewable Energy Agency with funding allocated from the Water Reserve subject to ARENA contributions and co-signing of research agreements.**
- Delegates to the General Manager negotiation of the research agreements.**

Moved: _____ **Seconded:** _____

BACKGROUND

In 2016, Muswellbrook Shire Council (Water & Waste), Aurecon and ResTech formed an innovation team in order to to significantly increase both the effectiveness of water and wastewater processing and the efficient utilisation of renewable energy for these applications. This collaboration led to recent breakthroughs in the technology, which was recently validated and partially funded by ARENA (Australian Renewable Energy Agency).

This proposal is led by Restech who are a commercialisation R&D company jointly owned by the University of Newcastle and Ampcontrol. Ampcontrol is a large Hunter based electrical engineering manufacturer.

This proposal was considered by the water and waste team in 2017 and followed up with meetings between the Director Community Infrastructure and Executive Manager Economic Development and Innovation in October 2018 following the successful award of ARENA funding toward the project.

The target market for the commercialisation of these products is the water sector in small or regional water and wastewater applications. The project is aimed at improving water security, providing efficiency gains in energy use and improving water quality at Sandy Hollow.

The benefit is primarily cost saving and water quality. For the same capital investment as the traditional approach this proposal gives a 10x type improvement in operational energy savings via significantly increased renewable penetration.

CONSULTATION

Director Community Infrastructure

Acting Manager Water and Waste

Manager Waste Services

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Consultation has been carried out with Council's Mayor, Councillor Rush, and the Deputy Mayor and Councillor Spokesperson for Utilities, Councillor Scholes. A copy of the draft report has also been forwarded to the Councillor Spokesperson for Infrastructure, Councillor Woodruff.

REPORT

This project is for a pilot demonstration plant located at the Sandy Hollow Water Treatment Plant. The project aims at reducing energy costs and integrating solar panels and energy storage into the pumping systems so that they operate more efficiently. The novelty in this approach is in considering the water treatment plant as a system, and using all of the engineering freedoms in mechanical, hydrological and electrical engineering to optimise the system as a whole. The result is the motors and design of the loads they drive only operate at full power in short periods or 'batches' with known regularity. Council is being asked to consider funding a trial with a Pinaroo project already in development. The project primarily focuses on the use of the technology referred to as the Enerverter. This innovation uses local Energy Storage to meet max power demand for the short "Sprint" that is required, and regulates the continuous energy demand from sources such as solar and "saggy" feed from the grid. The Enerverter used at the Pinaroo site reduces the duty cycle or gap between peak power and average power.

The Sandy Hollow RO-WTP

Full cost of project: \$550,474

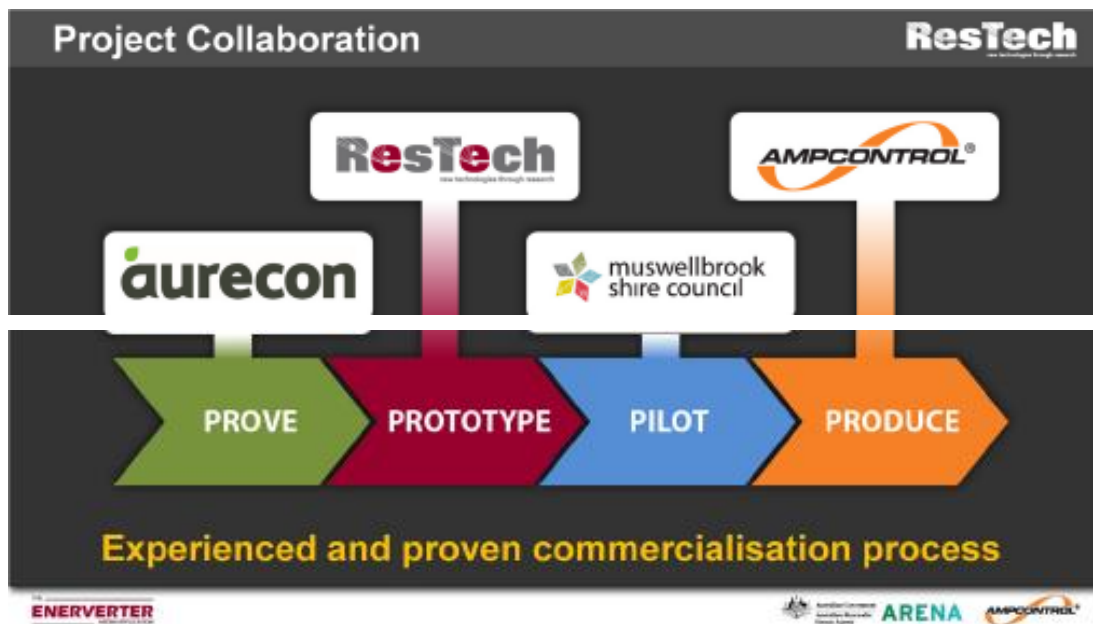
ARENA Rebate \$181,656

Muswellbrook Shire Council contribution: \$369,000

The system may operate fairly continuously, however the individual elements may have a low overall duty cycle. Consequently, the system often has a significant opportunity between peak power and average power that the Enerverter can exploit for commercial viability. The existing Sandy Hollow plant is aged, and the power charges are based on peak demand making it expensive to operate and conducive to a renewable energy offset. The new pilot plant designed for Sandy Hollow uses reverse osmosis to remove the salts, thereby producing a higher quality standard of water, and optimises renewable energy operation.

Benefits of this project include:

- Energy Savings: 31 MWHrs reduction in annual grid consumption;
- \$9500 annual energy savings (at present tariffs);
- Entire plant cost is competitive to existing alternatives using full grid connected infrastructure. Hence all energy savings are a direct saving with no amortisation required;
- Compliant drinking water;
- From 0 to ~72% renewable energy contribution for industrial process.



OPTIONS

Council can resolve not to go ahead with the pilot demonstration.

CONCLUSION

This pilot demonstration has already been demonstrated effectively at Pinaroo and will provide an efficiency benefit to Council through electricity cost saving and add value to Council's Renewable Energy Target. There is also added benefit of water quality delivered to the residents of Sandy Hollow through the treatment plant proposed as part of the demonstration infrastructure.

SOCIAL IMPLICATIONS

This project will deliver increased water quality to residents of Sandy Hollow and allow for the increased uptake of renewable energy in the Shire embedded into community infrastructure.

FINANCIAL IMPLICATIONS

There is capacity in the Water Reserve to deliver and resource this project. The significant contribution of the ARENA rebate also increases the value of this project.

CHIEF FINANCIAL OFFICER'S COMMENTS

The proposed Council contribution for the Sandy Hollow pilot is \$369k and the projected annual energy savings are \$9.5k, which amount to 2.57% return on investment. This is below the current interest rate earned on Council's cash investments of 2.89%.

There will be an annual operational cost associated with this project, which has not been costed, and will further reduce the return on investment and will need to be absorbed by the current operational budget for the Water Fund in order for this Fund to reach its target of returning to profitability.

POLICY IMPLICATIONS

Nil

STATUTORY IMPLICATIONS

Nil

LEGAL IMPLICATIONS

This project will be subject to research/project agreements for each site with ARENA, Restech and Council.

OPERATIONAL PLAN IMPLICATIONS

This project will add value to our Renewable Energy Target and increase efficiencies and cost savings in community infrastructure. It is aligned with Council's strategic objectives to deliver increased levels of service delivery to the community.

RISK MANAGEMENT IMPLICATIONS

This project will be subject to the full assessment of financial and infrastructure risks as part of the research agreement process. No work to Council site will be undertaken without full assessment of all risks.

12 CORPORATE AND COMMUNITY SERVICES

12.1 LOCAL ORDERS POLICY

Attachments:	A. Local Orders Policy
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Sharon Pope - Assistant Director - Environment & Community Services
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>Facilitate appropriate actions in accordance with Council's Dilapidated Building Policy April 2016 and regulatory requirements.</i>

PURPOSE

Council periodically receives complaints about the keeping of animals in urban areas, dilapidated buildings, the hoarding of rubbish, machinery and equipment, and modifications to drains and easements, amongst other things.

A council may order a person to do or to refrain from doing things specified in Sections 124 and 125 of the *Local Government Act 1993* (the Act), which includes many of the matters Council receives complaints about. The Act makes provision for councils to prepare a Local Orders Policy to specify the criteria which Council will take into consideration when investigating complaints and making a determination to issue an order.

It is proposed that Council exhibit a draft Local Orders Policy for the Muswellbrook Shire as the first step in adopting a Policy that will assist Council staff and the Community in understanding what is considered acceptable for maintaining amenity, safety and wellbeing of the community.

OFFICER'S RECOMMENDATION

Council exhibit the draft Local Orders Policy in Attachment A, in accordance with the requirements of the *Local Government Act 1993*.

Moved: _____ **Seconded:** _____

BACKGROUND

The purpose of a Local Orders Policy is to supplement provisions of the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*. The Local Orders Policy specifies the criteria which Council must take into consideration in determining whether or not to give an Order under Sections 124 or 125 of the Local Government Act. It provides a guideline for local residents by documenting the criteria that Council will use in investigating complaints.

3.

4. In summary, when determining whether or not to issue any order, Council will primarily be concerned with determining whether the matter constitutes or is likely to constitute a threat to the health and/or safety of any person.

CONSULTATION

The purpose of the report is to seek a resolution to exhibit the draft Policy, allowing the community to provide feedback and comments. A report on the outcomes of the exhibition period will be provided to Council.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

A briefing on this matter will be provided to all Councillors.

REPORT

Council officers have prepared a draft Local Orders Policy for consideration by Council.

Listed in the draft Orders Policy are the types of orders that Council may be involved with, the circumstances under which they may be given and the criteria that must be considered, if any. In areas where it is considered that the circumstances for the particular order are self-explanatory no additional criteria has been provided.

The giving of an order is not mandatory and is at the discretion of the Council authorised investigating officer whether or not the circumstances meet the applicable criteria for that order. If Council decides to give an order, Council is required to take the criteria listed in the orders schedule into consideration before giving the order.

Council must give public notice of a draft local policy after it is prepared. The period of public exhibition must not be less than 28 days, and a period of not less than 42 days allowed for the making of submissions.

OPTIONS

That Council:

1. Exhibit the draft Local Orders Policy in Attachment A, in accordance with the requirements of the *Local Government Act 1993*. This is the preferred option as it is the second step required in Council adopting a Local Orders Policy, and having a Policy will provide guidance to all parties on what has been identified by Council, and the broader community via consultation, to be acceptable in maintaining community safety and wellbeing.
2. Resolves not to proceed with a Local Orders Policy.

CONCLUSION

Exhibition of the draft Local Orders Policy in Attachment A is recommended so that the broader community can have input into its development.

SOCIAL IMPLICATIONS

Council receives complaints from people who are concerned about their safety or wellbeing as a result of the actions of a neighbour. Adoption of a Local Orders Policy will provide guidance to all parties on what has been identified by Council, and the broader community via consultation, to be acceptable in maintaining safety and wellbeing.

Section 131 Local Government Act requires that if an Order is likely to have the effect of making a resident homeless, the Council must consider whether the resident(s) are able to arrange satisfactory alternative accommodation in the locality. If the person(s) are not able to arrange satisfactory alternative accommodation in the locality, then Council must provide the person(s) with information as to the availability of satisfactory alternative accommodation in the locality and any other assistance that the Council considers appropriate.

FINANCIAL IMPLICATIONS

5. It is an offence not to comply with an order. The Local Government Act specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-

compliance. Council may do all such things as are necessary or convenient to give effect to the terms of the Order, including the carrying out of any work required by the Order. Expenses incurred in giving effect to the terms of the Order may be recovered in a Court of competent jurisdiction as a debt due to Council by the person concerned.

Council may seek orders of the Land and Environment Court seeking to enforce the terms of the order.

POLICY IMPLICATIONS

This Policy would enable a number of existing Council policies, such as the policies on keeping horses and roosters, to be repealed.

STATUTORY IMPLICATIONS

Section 159 of the Local Government Act 1993 enables Council to prepare a Locals Orders Policy.

LEGAL IMPLICATIONS

6. The Act requires councils to observe certain procedures before giving Orders. The order must:
7.
 - Indicate the things the person must do or refrain from doing.
8.
 - State the reasons for the order. It can be within the order or in a separate document but must be given at the same time the order is given except in the case of an emergency order in which case they must be given the next working day.
9.
 - Specify a reasonable period for compliance. If there is a serious risk to health or safety or an emergency, compliance can be required immediately.
10.
 - State that the person may appeal to the Land and Environment Court against the order or a specified part of the order and specify the period within which an appeal may be made. (section 138 Local Government Act)
- 11.

In addition, Muswellbrook Shire Council will keep a record of all orders to ensure that issues are resolved in a suitable manner and timeframe.

The adoption of a Local Orders Policy will allow timely and consistent action by Council staff when complaints are received that may lead to an Order being issued.

OPERATIONAL PLAN IMPLICATIONS

The development of a Local Orders Policy provides a tool for Council to implement goal 24.1 which includes properly responding to the needs of the community that Council serves.

RISK MANAGEMENT IMPLICATIONS

No risk implications.

12.2 FINDINGS OF THE COMMUNITY PANEL - COMMUNITY ENGAGEMENT PROGRAM

Attachments:	A. FINAL - Agenda - Community Panel - 6 Oct 2018.docx B. FINAL - Agenda - Community Panel - 20 Oct 2018.docx
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>Genuine and well informed community participation in decision making</i>
Community Plan Goal:	<i>Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.</i>
Community Plan Strategy:	<i>Undertake a comprehensive community consultation program as per the Community Engagement Strategy.</i>

PURPOSE

To report to Council on the outcomes of the 2018 Muswellbrook Shire Community Panel.

OFFICER'S RECOMMENDATION

That Council note the recommendations made by the 2018 Muswellbrook Shire Community Panel.

Moved: _____ Seconded: _____

BACKGROUND

Council's Community Engagement Strategy was endorsed in 2016 and includes a commitment to employ a variety of community engagement methodologies including a deliberative democracy approach.

Council's August 2017 Community Satisfaction survey asked respondents to indicate if they would be willing to participate in a Community Panel. 150 of the 450 people surveyed indicated their interest. This list was used to randomly select a demographically representative group of 27 community members to form a community panel that met over three weekends on the 4 and 18 November, and 2 December 2017.

At the Ordinary Meeting of Council on 12 June 2018 Council authorised the General Manager to commence the preparation of an application to IPART for the continuation of the 2018-2019 Special Rate Variation (SRV) and allocated funds for a community engagement program to facilitate consultation with the community in regard to a proposed application to IPART.

Council's 2017 Community Panel was reconvened in 2018 initially by way of a direct invitation to past participants. A demographically representative group of 35 community members was selected to form Muswellbrook Shire Council's 2018 Community Panel, which met on 6 and 20 October 2018.

CONSULTATION

General Manager and Council Officers

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The following Councillors attended the Community Panel on either 6 October or 20 October 2018:

Cr Rush, Cr Green, Cr Reynolds, Cr Foy.

REPORT

Two Community Panel forums were held on 6 and 20 October 2018. The Panel received an update on the SRV Projects, viewed presentations on Council's finances and services and were provided the opportunity to ask questions of the General Manager and senior management team (agendas attached).

On Saturday 20 October, 22 Community Panel members were asked to indicate their support or opposition to the continuation of the 2018/2019 SRV. The outcome was as follows:

- **16 Panel members voted in support of the continuation of the existing SRV;**
- **4 Panel members voted in support of a revised SRV; and**
- **2 voted in opposition to the continuation of the SRV.**

Following are the comments and recommendations delivered by the Panel (by table):

- Group 1: the group approves of the SRV, only if the local community user group both for the entertainment centre and the Olympic park remaster plan, are consulted for their final decision on the design on the masterplan. Emphasis on, that the groups have priority of opinion of the final draft of the master plan.
- Group 2: most of the group approve with some concern to: the amount of continual use for the Entertainment Centre and the justification for it; the amount of information that has been given to make a more informed decision; and a recommendation to have a lower rate applied for the farming sector.
- Group 3: Member 1 – all for the projects, 30 year (loan) term too long; Member 2 – yes, builds foundation for the future to build on; Member 3 – Yes! Great future projects for the Town!
- Group 4: Members 1 to 4 – Reduce SRV by 2% to residential. Projects to focus on include stormwater, job creation and Olympic Park project; Member 5 – In favour of the proposed SRV.
- Group 5: Member 1 – looks to the future for kids, Olympic Park is an asset. Doubtful of benefits of Performance Centre; Member 2 – doubtful that Muswellbrook is a regional centre. Proposals are far too Muswellbrook centric; Member 3 – Take a punt for the future and do it!
- Group 6 - We are in favour of the continuation of the SRV. The facilities proposed look to be an excellent investment in the future of the Shire. We would encourage comprehensive end user/stakeholder engagement during the process of evaluating the plans of the two major projects (RECC and Olympic Park) through the process of deciding on the final designs.

OPTIONS

Council continue this method of community engagement in 2019/2020.

CONCLUSION

On 20th October 2018 22 members of the community panel voted in support of the continuation of the Special Variation 2 members of the community panel opposed a continuation of the Special Variation.

Council provide appropriate funds to continue a community panel process in 2019 to provide feedback on service levels and standards.

SOCIAL IMPLICATIONS

The majority of the Community Panel agreed that the continuation of the SRV and the delivery of the associated projects will have a positive social impact on the Muswellbrook Shire.

FINANCIAL IMPLICATIONS

Refer to the CAPEX reviews for Olympic Park Development and the Regional Entertainment and Conference Centre.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

The intention to apply for a special variation to rates was identified in Council 2017-2021 Delivery Program

RISK MANAGEMENT IMPLICATIONS

Refer to the CAPEX reviews for Olympic Park Development and the Entertainment and Conference Centre.

12.3 2017-2018 ANNUAL REPORT

Attachments:	Nil
Responsible Officer:	Joshua Brown - Acting Manager - Integrated Planning & Governance
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
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 seek Council's endorsement of the 2017-2018 Annual Report prior to submission to the Office of Local Government.

OFFICER'S RECOMMENDATION

1. Council endorse the 2017-2018 Annual Report including the audited Financial Statements
2. The General Manager be delegated authority to submit a copy to the Minister for Local Government and NSW Office of Local Government and to post the Annual Report on Council's website.

Moved: _____ **Seconded:** _____

BACKGROUND

Under section 428 of the *Local Government Act* 1993, Council is required to report against the Principal Activities from the preceding financial year's Operational Plan. The Annual Report is required to be submitted to the Minister for Local Government within 5 months of the end of the financial year (by 30 November). It must include a copy of the audited financial reports and be posted on Council's website.

CONSULTATION

General Manager

Director Community Infrastructure

Director Environment and Community Services

Chief Financial Officer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT

The Annual Report is a requirement under the *Local Government Act* and the Integrated Planning and Reporting Framework. Council must submit the Annual Report by the close of business on the 30 November 2018. The Annual Report is a public document providing an overview of the work of Council. It is one of the key points of accountability between Council and its community.

The 2017-2018 Annual Report is designed to be easy to read, informative and of interest to the community; the Annual Report is required to focus on delivery of the Operational Plan and Delivery Program and help the community understand how Council performs both as a service provider and community leader.

Copies of the Annual Report will be provided under separate cover.

A copy of the Annual Report must be posted on Council's website and provided to the Minister by 30 November 2018.

OPTIONS

It is a requirement under the *Local Government Act* to submit an Annual Report by 30 November each year, including the audited Financial Statements.

CONCLUSION

The Annual Report and audited Financial Statements are provided for Council's endorsement prior to forwarding to the Office of Local Government.

SOCIAL IMPLICATIONS

The Annual Report meets Council's legislative requirements under the *Local Government Act* and is an opportunity to provide information about Council to the community.

FINANCIAL IMPLICATIONS

The Annual Report includes the audited financial report for the 2017-2018 financial year.

POLICY IMPLICATIONS

The Annual Report complies with the Integrated Planning Framework and associated policies.

STATUTORY IMPLICATIONS

The Annual Report must comply with statutory requirements under the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

LEGAL IMPLICATIONS

The Annual Report needs to meet requirements under the *Local Government Act*.

OPERATIONAL PLAN IMPLICATIONS

The Annual Report reports against each of the Principal Actions in the Operational Plan.

RISK MANAGEMENT IMPLICATIONS

The Annual Report has been prepared in a timely manner to ensure it is approved by Council and lodged on time as required by the legislation. This will eliminate the risk to Council's reputation for failure to comply with the statutory obligations in section 428 of the *Local Government Act*.

12.4 2017/18 ANNUAL FINANCIAL STATEMENTS

Attachments:	A. 2017-18 Financial Statements - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

PURPOSE

To present and accept the 2017/18 General Purpose Financial Reports, Special Purpose Financial Reports, Special Schedules and Audit Reports for the year ended 30 June 2018.

OFFICER'S RECOMMENDATION

Council receives the General Purpose Financial Statements, Special Purpose Financial Statements, Special Schedules and Audit Reports for the year ended 30 June 2018.

Moved: _____ **Seconded:** _____

BACKGROUND

Council is required to accept the annual financial statements in accordance with Section 418 (3) of the Local Government Act 1993. The required notice in regard to advising that the statements will be considered at this meeting has been provided.

CONSULTATION

Councillor Martin Rush and Councillor Spokesperson for Finance Scott Bailey.

REPORT

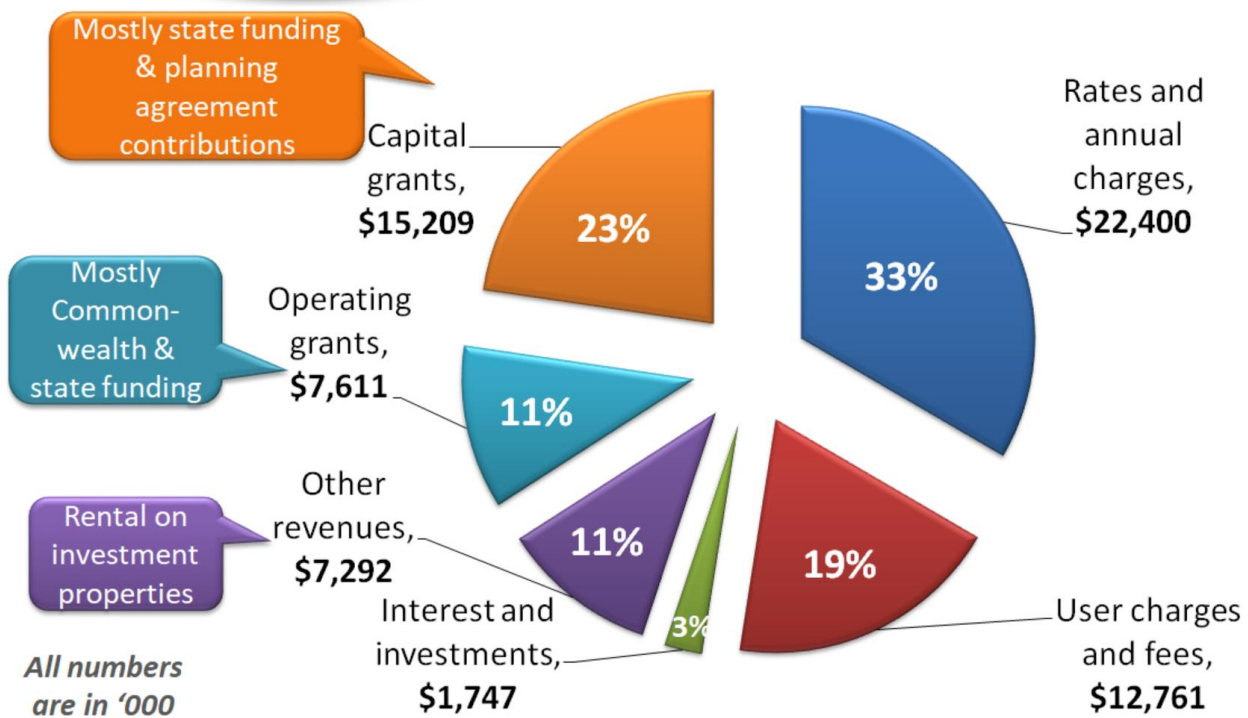
A full copy of the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules, along with their respective Audit Reports has been provided for each Councillor.

Income Statement

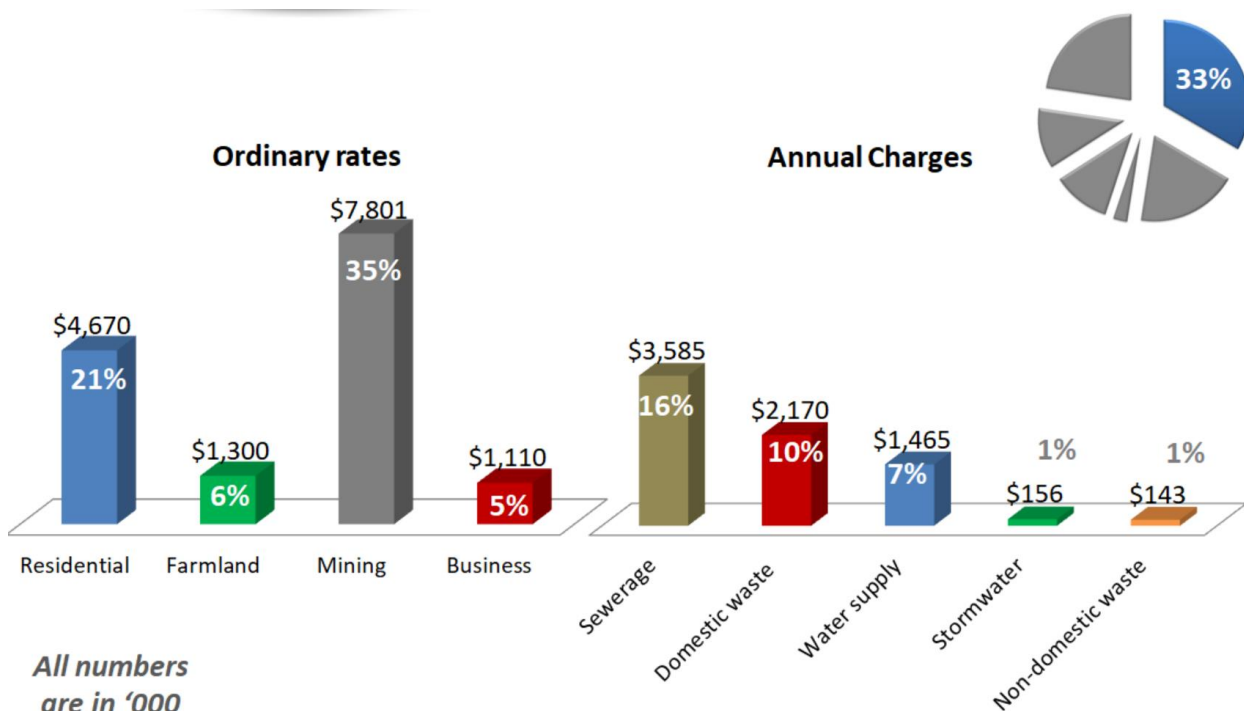
Overall, the operating result for the General Purpose Financial Statements show a surplus of \$22m (\$10m in 2017). The \$12m increase in operating surplus since last year is due to \$9.5m increase in capital grants and \$4.5m increase in other revenue, mostly driven by the rental income from Council's investment property. These increases of \$14m in revenue are offset by:

- \$1.1m increase in employee benefits and on-costs due to award increases; competencies' step ups; termination cost increases; higher leave entitlements and higher travel expenses; and
- \$1m increase in borrowing costs as a result of the \$40.6m increase in borrowings during the year.

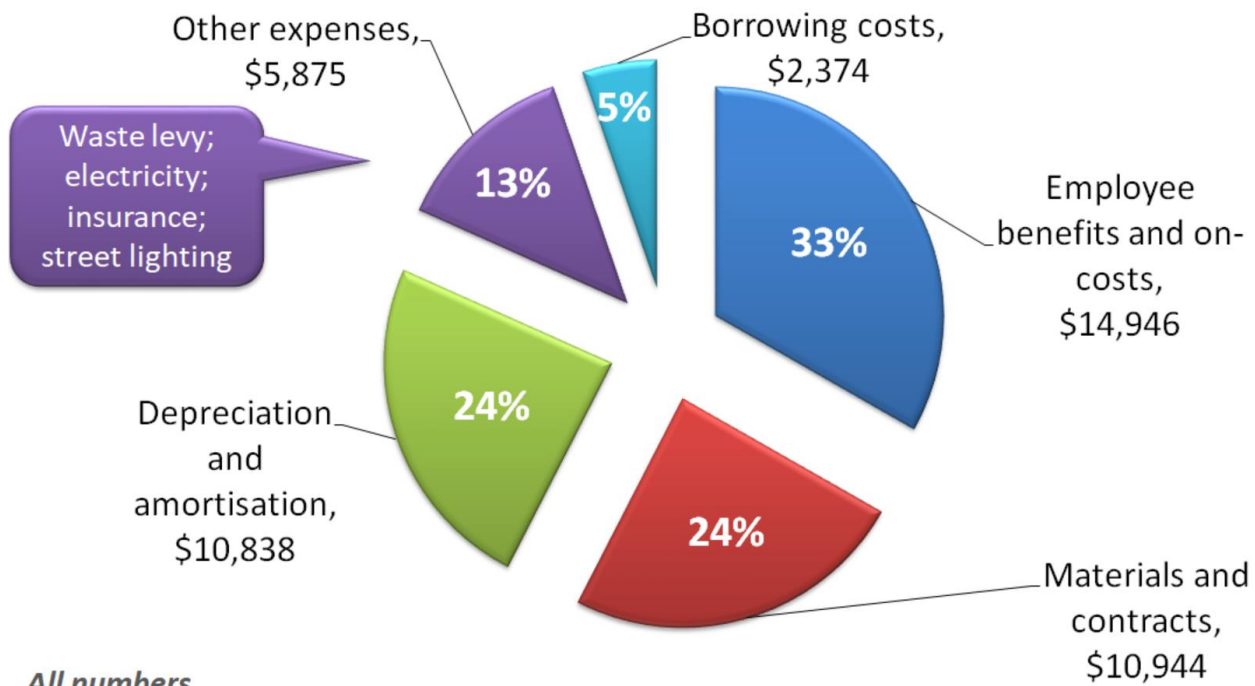
Council's sources of revenue are broken down as follows:



The breakdown of rates and annual charges is shown in the graph below:

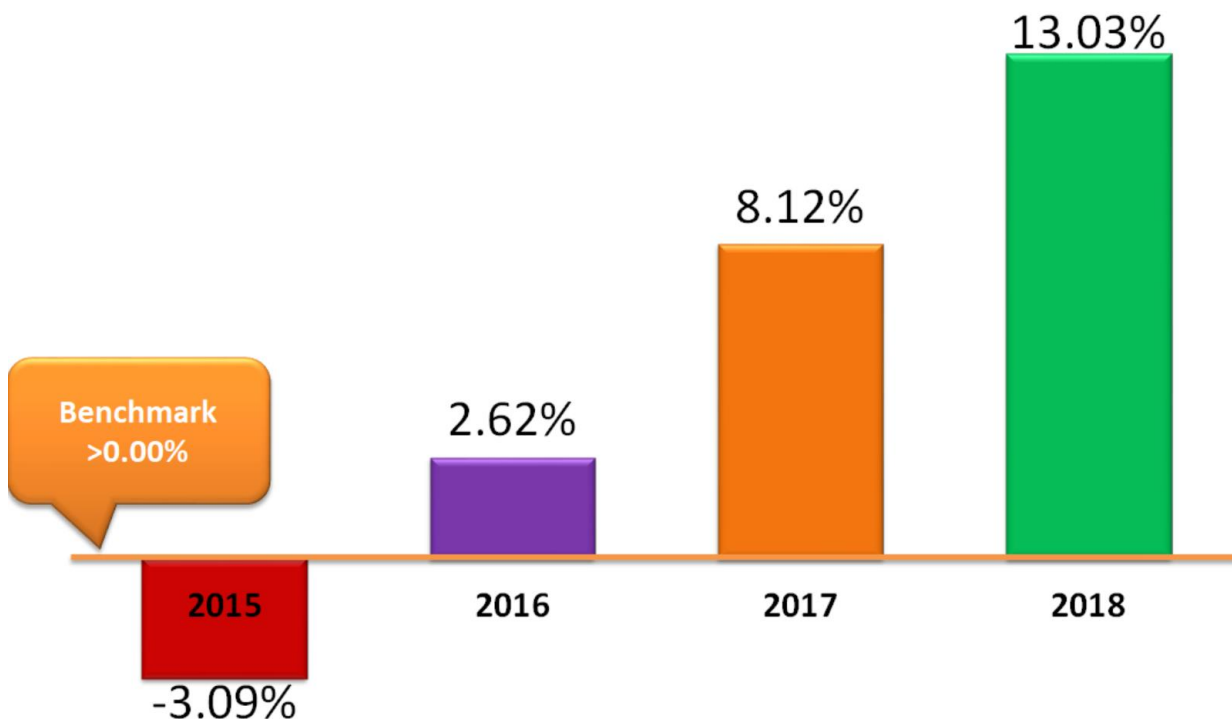


Council's expenses are broken down as follows:



Council's total comprehensive income for the year of \$10m is driven by \$12m loss on the revaluation of buildings.

Over the past 4 years, Council has been steadily improving its operating performance and expense management. This can be easily seen from the operating performance ratio. The operating performance ratio measures how well Council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments and reversal of revaluation decrements). The benchmark set by the Office of Local Government (OLG) is greater than zero percent. Here's Council's ratio over the past 4 years:



Statement of Financial Position

Council's total assets have increased by \$55m to \$705m since prior year, due to the purchase of the Marketplace and due to capital work in progress.

Total liabilities have increased by \$44.7m driven by the acquisition of new loans and provisions.

In regards to the consolidated local government industry indicators, as shown in note 25a, Council is comfortably performing above the benchmarks for all ratios, including the “rates, annual charges, interest and extra charges outstanding percentage”, which was breached last year. This is due to the establishment of a focused and effective debt collection effort during 17/18.

CONCLUSION

The results for the General Purpose Financial Statements, show a surplus of \$22m in the operating result from continuing operations.

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

The General Purpose Financial Statements indicate that Council is in a sound financial state and this is supported by the Auditor’s Report.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.5 SEPTEMBER BUDGET REVIEW 2018

Attachments:	A. SEPTEMBER BUDGET REVIEW 2018 - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

PURPOSE

To present the September 2018 Budget Review for adoption.

OFFICER'S RECOMMENDATION

Council adopt the list of proposed changes and incorporate them into the 2018/19 Budget.

Moved: _____ Seconded: _____

BACKGROUND

Council is required by Clause 203 of the Local Government (General) Regulation 2005 to revise the estimates at the end of the September, December and March quarters.

CONSULTATION

Councillor Martin Rush and Councillor Spokesperson for Finance Scott Bailey.

All Managers with budget responsibility, as well as the MANEX group.

REPORT

During the course of the financial year, Council is required to undertake Quarterly Budget Reviews at the end of the September, December and March quarters. The aim of these reviews is to:

- Include new and/or expanded projects and programmes as adopted by Council in the budget, along with their related funding source.
- To make adjustments to original estimates in line with actual receipts and expenditures to date.

When completing Budget Reviews, staff aim to ensure that the net impact of all the proposed changes maintain the adopted budget.

The table below shows the impact of the proposed changes on each of the individual funds:-

Description	General	Future	Water	Sewer	Consol
Original Adopted Operating Result	\$2,449,104 (surplus)	\$1,704,488 (surplus)	(\$85,120) (deficit)	(\$91,813) (deficit)	\$3,976,659 (surplus)
Net Operating Changes	(\$256,678)	Nil	(\$32,393)	\$58,247	(\$230,824)
Proposed Result – Budget	\$2,192,426	\$1,704,488	(\$117,513)	(\$33,566)	\$3,745,835

Review	(surplus)	(surplus)	(deficit)	(deficit)	(surplus)
Original Adopted Capital Result	Nil	Nil	Nil	Nil	Nil
Net Capital Changes	Nil	Nil	\$32,393	(\$58,247)	Nil
Proposed Capital Result – September Review	(\$256,678)	Nil	Nil	Nil	(\$256,678)

The proposed September 2018 Budget Review outcome is a reduction on the originally adopted General Fund Surplus by \$257k due to the following overruns:

- \$571k adjustment on the budgeted rates revenue in order to correct a historical overstatement;
- \$300k legal fees due to the ongoing legal cases;
- \$300k as a result of Council's restructure.

Offset by:

- \$238k Roads and Parks operational savings;
- \$52k Upper Hunter Economic Development savings;
- \$191k savings for non-priority roles that will not be filled during 18/19;
- \$180k savings due to a recruitment freeze;
- \$253k materials and contracts savings across the board.

Both operating changes sustained by the Water and Sewer Funds are driven by the restructure and they are funded through capital adjustments.

OPTIONS

Council can choose not to accept the proposed changes and/or to add changes of their own.

CONCLUSION

Not applicable

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

As outlined in the report.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.6 DIRECTOR'S REPORT - PLANNING, COMMUNITY AND CORPORATE SERVICES

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Chloe Wuiske - Administration Officer Michael Brady - Sustainability Officer Tracy Ward - Sustainability Officer Kim Manwarring - Acting Manager - Community Services Jade Richardson - Co-Ordinator - Customer Service & Administration Sharon Pope - Assistant Director - Environment & Community Services
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 provide an update on activities.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

PLANNING & REGULATORY SERVICES

1. Statistical Information

Note: Statistics for Section 10.7 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 September to 31 October 2018)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2018/87	Dwelling House Alterations and Additions	2 Roger Street Muswellbrook	35,000

2018/86	Ancillary Development - Carport	15 Woollybutt Way Muswellbrook	5,500
2018/85	Ancillary Development - Garage	152 Queen Street Muswellbrook	15,540
2018/84	Ancillary Development - Carport	11 St James Crescent Muswellbrook	7,000
2018/83	Ancillary Development - Storage Shed	13 Hastings Street Muswellbrook	12,200
2018/81	Retaining Walls	24 Foley Street Muswellbrook	39,350
2018/79	Two (2) Illuminated Business Identification Signs	87 Hill Street Muswellbrook	30,000
2018/73	Removal of Existing and Construction of a New Advertising Structure	102-106 Sydney Street Muswellbrook	26,421
2018/23	Placement of 2 Bedroom Transportable Rural Workers Dwelling	3212 Bylong Valley Way Baerami	266,000
2016/111/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 Shaw Crescent Muswellbrook	-

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2013/64/2	S4.55 (2) Modification - Enclose Carport	64-66 Ironbark Road Muswellbrook	26/10/2018	-
2018/99	Demolition of a Shed and the Construction of a Centre-Based Child Care Facility Classroom, Storage Shed, Fencing and Signage	Turner Street Denman	23/10/2018	580,000
2018/98	Ancillary Development - Garage, Deck with Roof and Games Room	93 Sydney Street Muswellbrook	19/10/2018	27,535
2018/97	Signage (Business Identification Sign and Advertisement Structure)	49-51 Maitland Street Muswellbrook	18/10/2018	80,000
2018/96	Ancillary Development - Shed	2 Top Knot Place Muswellbrook	18/10/2018	19,040
2018/95	Ancillary Development - Shed and Retaining Wall	7 Marlock Place Muswellbrook	17/10/2018	32,205
2018/94	Ancillary Development - Above Ground Pool and Deck	60 Cousins Street Muswellbrook	12/10/2018	25,000
2018/93	Ancillary Development - Shed	11 Doyle Lane Muswellbrook	11/10/2018	39,350
2018/92	Ancillary Development - Retaining Wall	51a King Street Muswellbrook	11/10/2018	9,749
2018/91	Ancillary Development - Retaining Wall	11 Northerly Close Muswellbrook	08/10/2018	5,000
2018/90	Ancillary Development - Swimming Pool	23 Birrale Street Muswellbrook	04/10/2018	22,710
2018/89	Ancillary Development - Shed	76 Shiraz Street Muswellbrook	02/10/2018	18,965

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2018/88	Commercial Alterations and Additions	Bell Street Muswellbrook	26/09/2018	68,162
2018/80	Ancillary Development - Shed	149 Queen Street Muswellbrook	07/09/2018	24,000
2018/78	Service Station (Operating Hours - 24 hours, 7 days a week) and Restaurant (Operating Hours - 6:00am to 10:00pm, 7 days a week)	147 Bridge Street Muswellbrook	06/09/2018	2,400,000
2018/77	Change of Building Use (Shop 3) to a Business Premises - Beauty and Nail Room	17 Bridge Street Muswellbrook	29/08/2018	2,955
2018/74	Office Premises and Car Parking Area Ancillary to Security and Traffic Control at Bayswater Power Station	New England Highway Muswellbrook	20/08/2018	115,700
2018/76	Installation of New Telecommunications Facility	Hill Street Muswellbrook	14/08/2018	200,000
2018/64	Ancillary Development - Garage	32 Tobruk Avenue Muswellbrook	30/07/2018	8,964
2018/62	Two (2) Lot Subdivision	Honey Lane Sandy Hollow	23/07/2018	10,000
2018/54	Demolition of a Commercial Building and the Construction of a Two (2) Storey Building for Use as a Tertiary Education Establishment and Food and Drink Premises, Alterations and Additions to the 'Loxton House', Heritage Listed Item, and the Use of Level 1 of this Building as a Tertiary Education Establishment, Alterations and Additions to the Muswellbrook Public Library and Ancillary Works.	140 Bridge Street Muswellbrook	15/06/2018	3,556,300
2018/52	New Dwelling House	14 Lorne Street Muswellbrook	14/06/2018	457,248
2018/48	Change of Building Use to Dwelling House and Alterations and Additions	1820 Merriwa Road Sandy Hollow	01/06/2018	12,936
2018/47	Boarding House	28 Wollombi Road Muswellbrook	31/05/2018	183,700
2003/72/4	S4.55(2) Modification - Alter Hours of Operation of Restaurant Drive-thru (McDonald's)	83-89 Maitland Street Muswellbrook	31/05/2018	-
2018/39	Alterations and additions to a heritage listed dwelling	300 Baerami Creek Road Baerami	10/05/2018	48,000
2018/18	Water Treatment and Recycling Plant ancillary to Existing Winery and Distillery	Hunter Street Muswellbrook	28/02/2018	400,000
2002/342/	S96(2) Modification - Consolidate	8440 New England	28/02/2018	-

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
5	Two Consent Documents into One with Modified Conditions Where Applicable	Highway Muswellbrook		
2017/58/2	S96 (1A) Modification - Modify Condition 8	Jerdan Street Denman	19/02/2018	-
2017/108	Extension to Existing Commercial Building	4 Lorne Street Muswellbrook	14/12/2017	44,000
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
2017/60	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	-
2016/32	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)

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

24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications Received (new businesses)	-	-	-	-	-	-	-	-	-	-	-	-	0
Inspections (new businesses)	-	-	-	-	-	-	-	-	-	-	-	-	1
Inspections (existing businesses)	-	-	-	-	-	-	-	-	-	-	-	-	0
Reinspections	-	-	-	-	-	-	-	-	-	-	-	-	0

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)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total Sites Inspected	2	3	3	0	3	0	0	3	4	3	2	4	3
Total non-compliant and educated	0	3	0	0	3	0	0	0	1	0	0	2	1
Total compliance after education	0	0	0	0	3	0	0	0	1	1	0	2	1
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)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total Investigations	3	4	4	3	6	10	4	5	7	6	7	11	3
Total Clean up by Council - insufficient evidence	3	2	3	1	3	4	2	2	5	2	4	6	3
Total Clean Up by individual	0	1	1	2	3	6	2	2	0	1	2	2	0
Total Penalty Notices Issued	0	1	0	0	0	0	0	0	0	0	0	2	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	0	0	0	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)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications for Compliance Certs.	1	2	6	1	0	1	2	6	3	0	1	5	1

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	27	19	23	18	14	7	8	4	5	2	2	9	5
Initial Inspections	21	8	15	14	11	6	7	3	4	2	0	6	1
Re-inspections	6	11	8	4	3	1	1	1	1	0	2	3	4

Compliance Certs / Occ. Certs issued	21	13	20	12	8	6	6	2	2	2	2	4	7
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Total Pools in Council's Swimming Pool Register = 869

Compliance as at 30 June 2017 = 63.7%

Compliance as at 30 June 2018 = 65.7%

Current Compliance = 58.7%

(i.e. 510 out of 869 pools have a valid Compliance Certificate or Occupation Certificate. Note: Certificate is valid for 3 years)

Percentage of pools inspected during Financial Year 2018/2019 = 0.8%

(i.e. 7 out of 869 pools have had at least one inspection carried out during FY 2018/2019. Council's program outlines that we will inspect 10% of pools per year).

COMMUNITY SERVICES

COMMUNITY PARTNERSHIPS

During October;

- Support was been provide to Upper Hunter Youth Services and Muswellbrook Multi Child Care Centre; Denman Child Care Centre in Governance and service development.
- Participation in the Muswellbrook Domestic Violence Committee, the Mental Health Network and the Upper Hunter Youth Network;
- Facilitation of the Upper Hunter Community Service Interagency and the distribution of information;
- Reporting on the FACS Community Services Community Builders Project was been completed;
- The Community Partnerships Team supported and participated in the successful 2018 Muswellbrook Graffiti Removal Day. This year up to (50) community members participated in the painting of a community mural at the rear of the Muswellbrook Osbourne's Bus Depot. Graffiti

Removal Day was coordinated by Muswellbrook Police and supported by Councils Graffiti Removal Officer and Aquatic Centre staff with a BBQ that was provided by Muswellbrook Rotary Club. Other residential identified hot spots will be cleaned in the coming weeks by Cummins South Pacific Engineering Employees;

- Two Rivers Pty Ltd are mid-way through recording people's stories a compilation of these stories will form the digital aspect of the Aboriginal Oral History Project a project report will be provided to the MACH Energy Aboriginal Development Community Fund representatives by December;
- Support was provided to Councils planning section by providing comment around the potential social impacts of proposed development applications;

MUSWELLBROOK REGIONAL ARTS CENTRE

Saturday 27 October 2018, saw a crowd of 120 guests gather at Muswellbrook Regional Arts Centre for the opening of the annual *Muswellbrook Local Art Awards*. Adjudicator for 2018, Lisa Kirkpatrick from Newcastle Art Gallery congratulated all those that entered before announcing the 18 winners across the 6 sections. Visitors on the night enjoyed the added engagement with the exhibition by voting for their favourite work in the inaugural Morgan + English People's Choice Prize.



Daniel Morgan – with his work “surf’s up”.

Muswellbrook Local Art Awards continues on exhibition until 23 December, with a fantastic selection of artworks available for purchase across an impressive diversity of mediums, and the opportunity for the community and visitors to the area to cast a vote in the People's Choice Prize.

Opening night sponsors include;

Two Rivers Wines, Hunter Belle Cheese and Pukara Estate.

Other current exhibitions include;

Watters to Watters – End of an Era

The significance of the Watters family to the arts of the Upper Hunter Region cannot be underestimated. Frank Watters and Max Watters - brothers, artists, collectors, philanthropists and Muswellbrook boys, stand alone in their contributions to the arts of the nation and the generosity of their gift to the Upper Hunter Region and the people of Muswellbrook. While Max is, of course, the great benefactor of Muswellbrook and of the Muswellbrook Regional Arts Centre, Frank along with his fellow Directors of the Watters Gallery in East Sydney, Alex and Geoffrey Legge, have spent the last 54 years at the cutting edge of Australian art supporting and nurturing the arts.

The Max Watters Collection is an Australian National Treasure and to a large degree this is due to that family connection both between two brothers and their shared love of art and between the larger Watters Gallery family of artists of which Max was both an important part and an important collector. I have used the past tense here because this is the final year of the Watters Gallery's operation. While Max and Frank and Alex and Geoffrey will no doubt continue their love of art, at years end the Watters Gallery will be no more. This exhibition entitled *Watters to Watters* celebrates that connection between artist/collector Max Watters and the artworks he collected straight from the horse's mouth - the Watters Gallery. Exhibiting 28 October to 23 December 2018.

The Art of Creation – Pacific Brook Christian School.

Over the course of five weeks, Pacific Brook Christian School students from Years 3 to 6 studied the art of photography with guest tutor Jess Dugan from Jess Dugan Photography.

As part of this collaboration the students experimented with creating land art - art made directly in the landscape by sculpting the land itself or creating structures in the landscape using natural materials.

The photography that has emerged from the project in *The Art of Creation* reveals students' experiences as well as reflecting school values. Visitors to the exhibition will have the opportunity to vote for their favourite photograph in *The Art of Creation* People's Choice Prize thanks to Jess Dugan Photography, with the winning photographer awarded a camera pack to further pursue their photography. Exhibition 28 October to 23 December 2018.

October:

435 visitors – 22 days open.

Visitation has been negatively impacted by the lack of an operating Café on site.

Events:

- Two More Trains for Singleton visit, 11 October, 15 attendees
<https://www.huntervalleynews.net.au/story/5701808/gallery-visit-derailed/?cs=1457>
-
- Armature + Polymer Clay School Holiday Workshop, 12 October, 10 attendees

SUSTAINABILITY TEAM

In all the community engagement and educational activities conducted by the Sustainability Unit Council messages are delivered. The activities are a great way of engaging with our community on sustainability. Community members get information about Council projects and issues such as:

- 1) Knowing what things go into what bin.
- 2) Reducing waste that goes to our landfill.
- 3) Council's recently opened Community Recycling Centre.

- 4) Pollution impacts on our water ways and our drinking water.
- 5) Responsible pet ownership.
- 6) Other Sustainability projects such as the Sustainability Hub, National Tree Day, community garden and Landcare.

•

The Sustainability Unit also trails and demonstrates initiatives to see if they are suitable for Council and the community to use.

School Holiday Activities

The Sustainability Unit held activities focusing on sustainability, biodiversity and waste reduction at the Muswellbrook Marketplace over the school holidays with over 120 children in attendance. The Sustainability Unit also worked with the Muswellbrook Girl Guides who were holding their book sale. This helped attract new people to activities.

The Woodsmoke Reduction Program

The Sustainability Unit ran The Woodsmoke Reduction Program over the winter months with funding from the EPA. Seven wood heaters were removed across the Muswellbrook Shire Council and replaced with cleaner forms of heating. One flue rebate was also claimed.

Council Chooses 100% Recycled Paper

Purchased office paper made in Australia using 100 percent post-consumer recycled materials and is encouraging local businesses and residents to consider making the same choice.

In the past Council purchased office paper sourced from plantation forests with no recycled paper content. Most staff already recycles their office paper however Council, until now, have not purchased paper made from 100 percent recycled materials.

With this purchase Council will be 'closing the recycling loop'. This means the paper that Council staff and residents put into recycling bins goes to an Australian facility where it is processed to make a new product that is then brought back by Council. When the recycling loop is closed it helps to reduce greenhouse gas transport emissions caused by importing recycled paper from overseas.

<https://www.muswellbrookchronicle.com.au/story/5721874/closing-the-recycling-loop/?cs=1487&fbclid=IwAR1gIYF-aWCEgN0xkZCAHu0V5Tq5566D0mYirZjBXCMIslY4ymq5UIJAvtl>

Zero Mass Water Trail Project

On Wednesday 24 October the Mayor helped launch the Zero Mass Water project. Thanks to staff from Communications, Executive Services and Sustainability.

Zero Mass Water is a new system for taking water from the air to use as drinking water. We are trailing this system to see if it would be suitable for use in areas without a town water supply.

A sign has been installed at the Indoor Sport Centre showing the initiative the Sustainability Unit has completed to make the building sustainable.

This is a part of the work the sustainability Unit does at The Indoor Sports Centre in Muswellbrook to trail and demonstrate some of the initiatives that residents and Council could undertake.

This upgrade has involved the installation of new LED lighting to replace high energy use fixtures in the centre resulting in cutting electricity usage in half.

10 KW solar and battery storage system has been installed at the centre to generate and store its own energy, to potentially take the facility completely off the grid and not be reliant on external power.

The centre has a rainwater tank used to flush the toilets. Recently a water bottle refill station was installed to encourage people not to purchase bottled water.

The Council will also soon implement an improved waste management system to divert waste from landfill.

<https://www.muswellbrookchronicle.com.au/story/5720549/refreshing-sustainable-project-passes-taste-test/?cs=1487&fbclid=IwAR3ZaoSprQ4IjWQADOBgXvE9GiwSKOfuWn2ehiXwsGIj19oE6GVhBK6CDw#slide=4>

Creating a Carbon Neutral Building - Promoting the Indoor Sports Centre as a Sustainable Building



Council events becoming more sustainable

At the recent Noisy Heeler Music Festival the Sustainability Unit worked with the Tourism and Events Officer to implement some actions to make the event more sustainable. Last year an audit was done especially looking at the waste, water and energy used at the event.

As a result of the audit this year a focus was put into reducing the amount of waste going to landfill. Council increased the number of recycling bins at the event. Special bin lids with customised signage were installed onto the bins. This meant festival goers found it easier to recycle. At the end of the event staff conducted a waste audit of the bins. Results showed the amount of incorrect items put into the bins was very low.

Another focus was to reduce the amount of single use plastic water bottles. This was achieved by giving out reusable water pouches. Staff from the Community Drug Action Team and Upper Hunter Community Services were at the event to hand out the water pouches.

All these actions resulted in a significant amount of waste being diverted from landfill. Council will continue to investigate ways to make its events more sustainable into the future.

Warrior Disability Services Diverting Waste from Landfill

The Sustainability Unit continues to work with Warriors Disability Services. With the support of council the Warriors run composting systems at the Sustainability Hub and Denman Community Garden. Council will use this work to trail and promote composting to the community. This diverts waste from landfill and provides community gardens with a valuable resource. Promoting waste reduction and community gardens is in Council's operational plan.

Sustainability and Landcare Grants

The grant application will open on 1 November and close 30 November 2018.

- Sustainability Grants

Grant applications will be considered from local small businesses (less than 20 employees), schools and incorporated community groups in the Muswellbrook Shire Local Government Area. Organisations can apply for grants up to \$2,000 each. Grants are for any project with sustainability as the major objective. This round will target energy, water and waste sustainability initiatives. Environmental education activities and events will also be a focus.

- Landcare Grants

Grant applications will be considered from incorporated Landcare groups, schools and community groups in the Muswellbrook Shire Local Government Area. Organisations can apply for grants up to \$10,000 each. Grants are for any project with Landcare as the major objective.

Muswellbrook Men's Shed

The Sustainability Unit continue to work with the Men's Shed committee.

Mini Museum

As part of its educational program the Sustainability Unit lent the mini museums from the Australian Museum to Goodstart Learning Centre and MOOSH.

Waste Wranglers on New Garbage Trucks

Council's Waste Wrangler characters visited Goodstart Early Learning Centre in Muswellbrook on 9 October riding in on brand new state-of-the-art waste collection trucks.

JR Richards, who carry out waste collection in Muswellbrook, have branded their new trucks with Waste Wrangler characters - Max the Minimiser, Gene the Gardener and Reece the Recycler - and are pleased to be sharing new technology, designed to improve the efficiency of waste services, with the children at the centre.

A spokesperson from JR Richards said the company are excited to be rolling out six new collection vehicles within the Muswellbrook Shire and Upper Hunter Shire Councils.

"The new trucks employ in-truck computers to monitor and optimise routes which means less time on the roads, higher efficiency and added environmental benefits. Our 360°cameras surround the truck to provide improved safety and also record all vehicle movements."

"In addition, in-hopper cameras allow the driver to conduct a visual inspection of the contents of residents bins as they are emptied, permitting us to record and monitor bin contamination. And all trucks include GPS monitoring of vehicle and driver position, and with real time access via a Council web portal, residents can be easily updated of any collections queries they may have."

Don't be a Tosser Program

The Sustainability Unit continues to work on the Don't be a Tosser anti littering program.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING HELD ON MONDAY, 8 OCTOBER 2018

Attachments:	Nil
Responsible Officer:	Fiona Plesman - 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 Development Assessment Committee held on 8 October 2018.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 8 October 2018 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 8 October 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 M. Rush (Chair) and Cr B. Woodruff.

IN ATTENDANCE: Mrs C. O'Brien (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mr G. Hemachandra (Project Engineer), Mr M. Scandrett (Co-Ordinator – Environment & Sustainability).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Woodruff and Rush that:

The apologies for inability to attend the meeting submitted by Cr. R. Scholes, Mr J. Brown and Mrs K. Scholes be ACCEPTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Rush that:

The Minutes of the Development Assessment Committee held on 26 September 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 DA 47/2018 - BOARDING HOUSE

RECOMMENDED on the motion of Crs Rush and Woodruff that:

DA 47/2018 be submitted to Council for determination.

5.2 PRELODGE MENT ADVICE AND SEWAGE SERVICING STRATEGY FOR A POTENTIAL LARGE LOT RESIDENTIAL SUBDIVISION OF LOT DP 323945 (YARRAWA ROAD DENMAN)

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee notes the information contained in this report.

5.3 REVIEW OF RIVERS AND DRAINAGE CHANNELS POLICY - DISCUSSION PAPER

RECOMMENDED on the motion of Crs Rush and Woodruff that:

Amendments to the DCP as a result of the Rivers and Drainage Channels Policy review be submitted to the November Council Meeting.

5.4 OUTSTANDING DEVELOPMENT APPLICATIONS REPORT

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

6 DATE OF NEXT MEETING

15 October 2018

7 CLOSURE

The meeting was declared closed at 4.54pm.

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Cr M. Rush

Chairperson

**13.2 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 22 OCTOBER 2018**

Attachments:	Nil
Responsible Officer:	Fiona Plesman - 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 Development Assessment Committee held on 22 October 2018.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 22 October 2018 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 22 October 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 M. Rush (Chair), Cr B. Woodruff and Mr M. Bowditch.

IN ATTENDANCE: Ms C. O'Brien (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator - Development) and Mrs K. Scholes (Manager – Roads, Drainage & Technical Services).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

The apologies for inability to attend the meeting submitted by Cr. R. Scholes be ACCEPTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

The Minutes of the Development Assessment Committee held on 8 October 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 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 OUTSTANDING DEVELOPMENT APPLICATIONS REPORT

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

6.2 MEETING FREQUENCY

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee meet fortnightly.

7 DATE OF NEXT MEETING

5 November 2018

8 CLOSURE

The meeting was declared closed at 4.11pm.

.....

Cr M. Rush

Chairperson

**13.3 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 5 NOVEMBER 2018**

Attachments:	Nil
Responsible Officer:	Fiona Plesman - 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 Development Assessment Committee held on 5 November 2018.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 5 November 2018 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 5 November 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 M. Rush (Chair,) Cr R. Scholes and Cr M. Bowditch.

IN ATTENDANCE: Mrs C. O'Brien (Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development) Mr G. Hemachandra (Project Engineer) and Mrs M. Sandell-Hay PA to the General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

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

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

The Minutes of the Development Assessment Committee held on 22 October 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 PUBLIC PARTICIPATION

Mr & Mrs Doyle – raised concerns with the length of time that has been taken regarding their Development Application and inquired whether the Deed of Agreement that was currently with their solicitors could be considered separately to the Development Application. Mr and Mrs Doyle also raised concerns with the increase in builders prices due to the length of time it has taken for the DA to be considered.

Cr Rush advised Mr & Mrs Doyle that the Development Assessment Committee cannot take into account the Deed of Agreement when considering the Development Application.

General discussion took place and the Committee raised concerns with regards to safety of the occupants during floods as the rear sections of the lot, and the drain, flood.

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 52/2018 DWELLING HOUSE LOT 18 DP 663977 14 LORNE STREET, MUSWELLBROOK

RECOMMENDED on the motion of Crs Rush and Scholes that:

DA 52/2018 for the construction of a dwelling house at 14 Lorne Street, Muswellbrook be considered at the Ordinary Meeting of Council scheduled for 13 November, 2018.

Mr and Mrs Doyle left the meeting

6.2 OUTSTANDING DEVELOPMENT APPLICATIONS REPORT

RECOMMENDED on the motion of Crs Scholes and Bowditch that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

6.3 MEETING FREQUENCY

RECOMMENDED on the motion of Crs Rush and Scholes that:

Meetings of the Development Assessment Committee be held at the General Manager's discretion.

6.4 DEPARTMENT OF PLANNING

Ms Pope advised the meeting that the Department of Planning and Environment would be placing an application to extend the approval for the Queensland – Hunter Gas Pipeline permission by 5 years. The proposal will be on public exhibition from Thursday 8 November, 2018 to 22 November, 2018.

Cr Rush suggested that a meeting with the proponent be organised regarding the proposal.

6.5 SHORT TERM RENTAL ACCOMMODATION

Ms Pope advised the Department of Planning and Environment has a Short-Term Rental Accommodation planning framework on exhibition until 16 Nov 2018. Ms Pope further advised that Council was able to indicate the number of days that would be suitable for short-term rental accommodation to be allowed per annum (i.e. between 180 and 365)

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee requested that a submission be drafted.

7 DATE OF NEXT MEETING

To be determined

8 CLOSURE

The meeting was declared closed at 4.40pm.

.....

Cr M. Rush

Chairperson

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 5 NOVEMBER, 2018 COMMENCING AT 4.20PM.

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS**17 QUESTIONS FOR NEXT MEETING****18 ADJOURNMENT INTO CLOSED COUNCIL**

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

19 CLOSED COUNCIL**RECOMMENDATION**

That Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

19.1 CONTRACT NO.: 2017-2018-0345: UPGRADE TO VICTORIA PARK & TOWN CEMETERY, MUSWELLBROOK - SECOND CALL FOR TENDER

Item 19.1 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 Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 REQUEST TO WAIVE RATES

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 2016-2017-0276 AQUATIC CENTRE POOL UPGRADE - TENDER TO ENGAGE PRINCIPAL DESIGN CONSULTANT(PDC)

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 HUNTER RIVER FLOOD RISK MANAGEMENT STUDY AND PLAN

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 FUTURE FUND POLICY REVIEW

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 TRIAL OF MOBILE AERATED FLOOR (MAF) SYSTEM TO PROCESS KERBSIDE ORGANICS

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) 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.

19.7 REVIEW OF OFFICE SPACE IN MUSWELLBROOK

Item 19.7 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 11 DECEMBER 2018