



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
12 MARCH 2019



ORDINARY COUNCIL MEETING, 12 MARCH 2019

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
7 March, 2019

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **12 March, 2019** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

Order of Business

ITEM	SUBJECT	PAGE NO
1	ACKNOWLEDGEMENT OF COUNTRY	5
2	CIVIC PRAYER	5
3	APOLOGIES AND LEAVE OF ABSENCE	5
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	5
5	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	5
6	PUBLIC PARTICIPATION	6
7	MAYORAL MINUTES	6
8	GENERAL BUSINESS	6
9	BUSINESS ARISING Nil	6
10	ENVIRONMENTAL SERVICES	7
10.1	PP016 - ADMINISTRATIVE AMENDMENT - LAKE LIDDELL RECREATION AREA	7
10.2	PLANNING PROPOSAL - NEW SHIRE-WIDE LOCAL ENVIRONMENTAL PLAN	25
11	COMMUNITY INFRASTRUCTURE	46
11.1	MOUNT PLEASANT MINE PROJECT S.138 ROADS ACT APPROVAL ROSEBROOK LANE	46
11.2	BULK PASTEURISED MULCH CHARGE	49
12	CORPORATE AND COMMUNITY SERVICES	53
12.1	LOCAL ORDERS POLICY	53
12.2	AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER	117
12.3	CHANGING THE VENUE FOR THE APRIL 2019 AND MAY 2019 COUNCIL MEETINGS	127
12.4	DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES	129
13	REPORTS FROM COMMITTEES	144
13.1	RELOCATION STEERING COMMITTEE - 11/02/2019	144
13.2	LOCAL TRAFFIC COMMITTEE - 19-FEB-19	147
13.3	RELOCATION STEERING COMMITTEE - 25/02/2019	150
13.4	INFRASTRUCTURE COMMITTEE - 27/02/2019	153
13.5	CORPORATE POLICY AND PLANNING COMMITTEE - 27/02/2019	156

13.6	DEVELOPMENT ASSESSMENT COMMITTEE - 4/03/2019	159
14	NOTICES OF MOTION / RESCISSION	162
	Nil	
15	QUESTIONS WITH NOTICE	162
	Nil	
16	COUNCILLORS REPORTS	162
17	QUESTIONS FOR NEXT MEETING	162
18	ADJOURNMENT INTO CLOSED COUNCIL	162
19	CLOSED COUNCIL	162
19.1	ACCEPTANCE OF TENDER - PASSIVE MOWING AND HORTICULTURAL SERVICES CONTRACT	
	<i>Item 19.1 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.2	CONTRACT 2017-2018-0320 - RAIL NOISE ABATEMENT PROJECT - PROGRESS REPORT	
	<i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
20	RESUMPTION OF OPEN COUNCIL	163
21	CLOSURE	163
	DATE OF NEXT MEETING: TUESDAY 9 APRIL 2019	163



**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 12 MARCH 2019**

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

Moved: _____ **Seconded:** _____

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **12 February 2019**, 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 PP016 - ADMINISTRATIVE AMENDMENT - LAKE LIDDELL RECREATION AREA

Attachments:	A. Planning Proposal – Administrative Amendment Lake Liddell Recreation Reserve (PP_2018_MUSWE_002_00)
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Sharon Pope - Assistant Director - Environment & Community Services
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>Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.</i>
Community Plan Strategy:	<i>Progress completion of an LEP and DCP.</i>

PURPOSE

The purpose of the report is to advise Council of the outcomes of public exhibition of the Planning Proposal to rezone parts of the Lake Liddell Recreation Reserve from SP2 Infrastructure to RE1 Public Recreation. It is recommended that the amendment to the Muswellbrook Local Environmental Plan (MLEP) 2009 proceed to finalisation.

OFFICER'S RECOMMENDATION

Council:

- 1. Endorses the Planning Proposal contained in Attachment A (Planning Proposal – Administrative Amendment Lake Liddell Recreation Reserve (PP_2018_MUSWE_002_00)) and requests a PC Opinion to amend Muswellbrook Local Environmental Plan 2009.**
- 2. Makes the amending Plan under delegation pursuant to section 3.36 of the Environmental Planning and Assessment Act 1979.**

Moved: _____ **Seconded:** _____

BACKGROUND

The purpose of the Planning Proposal is to amend the land use zone map so that the zoning of the Lake Liddell Recreation Reserve reflects the declared gazetted purpose of the Reserve, being Public Recreation. The land owner is NSW Department of Industries.

The land within the Lake Liddell Recreation Reserve was zoned 6(a) in the Muswellbrook Local Environment Plan 1985. During conversion to the Standard Instrument (Muswellbrook Local Environmental Plan 2009), part of the zoning of the Reserve was altered to reflect a resumption of land for infrastructure (rail spur) for the Liddell Power Station. The land related to this Planning Proposal was not incorporated within the resumption. Therefore, the zoning of SP2 – Infrastructure was an administrative error as a result of conversion to the Standard Instrument in 2009.

CONSULTATION

The amendment was exhibited from the period 30/11/2018 to 18/12/2018. Public notice was given in the Muswellbrook Chronicle and Denman News, and written letters were sent to adjoining owners and the government agencies identified in the Gateway Determination. Council received three submissions from:

1. NSW Department of Planning and Environment – Division of Resources & Geoscience, Geological Survey of NSW (dated 11/12/2018)
2. NSW Rural Fire Service (dated 11/1/2019)
3. Liddell Recreation Trust (dated 5/12/2018)

The submissions do not object to the proposed rezoning, nor do they request further alterations to Planning Proposal. The NSW RFS identifies that the rezoning applies to bush fire prone land and this will be a matter that needs to be addressed by any future development applications.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation with a Councillor Spokesperson. The error in the zoning was raised with Council when the *Muswellbrook LEP 2009 Review Discussion Paper* was exhibited and has been discussed with Councillors as part of that project.

REPORT

The proposal is to amend the MLEP 2009 to rezone land within the Lake Liddell Recreation Reserve to RE1 Public Recreation from SP2 – Infrastructure. Amendments will be required to:

- Land Zoning Map – Sheets LZN_012 to rezone land from SP2 Infrastructure to RE1 Public Recreation.

The subject land is currently being used as a recreation reserve and there are no environmental, social and financial impacts from the proposed LEP amendment.

OPTIONS

1. Council resolves to support the Planning Proposal to amend *MLEP 2009* to rezone the land within the reserve that is currently zoned SP2 – Infrastructure to RE1 Public Recreation. This is the preferred option.
2. Council resolves not to support the Planning Proposal to amend *MLEP 2009*. This is not the preferred option as the zoning does not currently reflect the use occurring on the land nor does it reflect its current gazetted purpose.

CONCLUSION

The proposed amendment to MLEP 2009 to reflect the declared gazetted purpose of the reserve, being Public Recreation, was exhibited from 30/11/2018 to 18/12/2018. Three submissions were received expressing support for the amendment.

SOCIAL IMPLICATIONS

There will be no social implications from the proposed amendment to MLEP 2009.

FINANCIAL IMPLICATIONS

There will be no financial implications for Council apart from staff resources involved in the processing of the LEP amendment.

POLICY IMPLICATIONS

The Planning Proposal will result in an amendment to Muswellbrook Local Environment Plan 2009. The proposed amendment is minor.

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 objectives 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*.

**Planning Proposal – Administrative Amendment
Lake Liddell Recreation Reserve
(PP_2018_MUSWE_002_00)**

Local Government Area:		Muswellbrook Shire Council (MSC)
Name of Draft LEP:		Administrative Amendment - Muswellbrook Local Environment Plan 2009 - PP_2018_MUSWE_002_00
Subject Land:		Lot 35 DP 241179, Lot 7304 DP 1128223 Lot 37 DP 241179 Lot 2 DP 238862, Lot 22 DP 1193430, Lot 2 DP 556370, Lot 31 DP 241179, Lot 40 DP 241179, Lot 34 DP 241179, Lot 38 DP 241179, Lot 39 DP 241179, Lot 33 DP 241179, Lot 41 DP 241179, Lot 20 DP 1193430, Lot 2 DP 1193430, Lot 6 DP 1193430, Lot 7 DP 1193430, Lot 11 DP 1193430, Lot 13 DP 1193430, Lot 15 DP 1193430, Lot 19 DP 1193430, Lot 25 DP 1193430, Lot 26 DP 1193430, Lot 30 DP 1193430, Lot 32 DP 1193430, Lot 34 DP 1193430 and Lot 36 DP 1193430 Muswellbrook.
Land Owner:		NSW Department of Industries
Applicant:		Muswellbrook Shire Council
Folder Number:		PP 016 – Administrative Amendment – Lake Liddell Recreation Reserve
Date:		6 September 2018
Author:		Libby Cumming – Strategic Planner
Tables:	Table No.	Details
	1	Assessment of the Planning Proposal against relevant SEPPs
	2	Consistency with applicable Ministerial Directions

Maps:	No.	Details
	1	Locality / Aerial Photo showing full extent of Recreation Area.
	2	Existing Zones Under MLEP 2009
	3	Zones Under the MLEP 1985
	4	Proposed zones

Attachments:	No.	Details
	1	<p>NSW Industry – Lands & Forestry - Letter dated 19 September 2017</p> <p>NSW DPE – Division of Resources and Geoscience, Geological Survey of NSW – Letter dated 11 December 2018</p> <p>NSW Rural Fire Service – Letter dated 11 January 2019</p>
	2	Evaluation criteria for the delegation of plan making functions

Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to amend Muswellbrook Local Environmental Plan 2009 (MLEP 2009) in order to rezone land within the Lake Liddell Recreation Reserve (LLRR) to RE1 – Public Recreation from SP2 – Infrastructure. There will be no other Map changes. The intended outcome is to reflect the declared gazetted purpose of the reserve, being Public Recreation.

Part 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved by amending the MLEP 2009 by: -

Amendment Applies to	Explanation of provision
Land Zoning Map – Sheets LZN_012	To rezone land to RE1 Public Recreation.

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal is not the result of a strategic study or report but rather at the request of NSW Industry – Lands & Forestry (NSW Lands) - see Attachment 1. The purpose of the Planning Proposal is to reflect the declared gazetted purpose of the reserve, being Public Recreation.

The land within the LLRR was zoned entirely 6(a) in the Muswellbrook Local Environmental Plan 1985 (MLEP 1985) but when converted to the MLEP 2009 part of the reserve had been altered to reflect an infrastructure usage. This may have been in response to the resumption of land for a rail spur, but this land particular to the planning proposal was not included within the resumption. Therefore it is concluded that the zoning of SP2 – Infrastructure was an administrative error at the time of conversion to the Standard Instrument in 2009.

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

To not rezone would incorrectly identify land for infrastructure purposes, not the gazetted purpose of public recreation and would not achieve the outcome sought by NSW Lands. Therefore this is the only way to correct the administrative mapping error that occurred at the time of conversion to the Standard Instrument in 2009.

Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Hunter Regional Plan 2036 (HRP)

The HRP sets out a vision for the Hunter Region. The proposed amendment to MLEP 2009 will address:

Direction 18:- Enhance access to recreational facilities and connect open space

Action 18.2 - Deliver connected biodiversity-rich corridors and open space areas for community enjoyment.

Action 18.3 - Enhance public access to natural areas, including coastal and lake foreshores.

Action 18.4 - Assist councils to develop open space and recreation strategies that identify a range of accessible open space and recreation opportunities; integrate open space, active transport and recreation networks; and improve public foreshore access.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Muswellbrook Community Strategic Plan 2017 – 2027

The proposal is considered consistent with the Muswellbrook Community Strategic Plan 2017 – 2027:

Issue: Community Infrastructure – Our community's infrastructure is planned well, is safe and reliable and provides required levels of service

Goal: Facilitate investment in high quality community infrastructure necessary for a regional centre

Strategy: Deliver timely, quality professional development engineering and assessment.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1 below.

Table 1: Assessment of the Planning Proposal against relevant SEPPs

SEPP	Relevance	Implications
SEPP (Infrastructure 2007)	The SEPP aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	It is not proposed to include any provisions which would be inconsistent with the SEPP
SEPP 21 – Caravan parks	This SEPP provides considerations and protections for land used or intended to be used as a caravan park, including the provision of community facilities for land so used, and protection of the environment in the immediate vicinity.	By changing the zoning to RE1, the land will now have the permissibility with consent to be utilised as a caravan park. It is not proposed to include any provisions which would be inconsistent with the SEPP.
SEPPP 44 – Koala Habitat Protection	The SEPP encourages the conservation and management of natural vegetation that provides habitat for Koalas.	It is not proposed to include any provisions which would be inconsistent with the SEPP
SEPP No 55 – Remediation of Land	<i>State Environmental Planning Policy No 55 – Remediation of Land</i> (SEPP 55) aims to promote the remediation of contaminated land for reducing the risk of harm to human health or any other aspect of the environment.	It is not proposed to include any provisions which would be inconsistent with the SEPP. The land has not been listed as being contaminated, neither is it considered to be potentially contaminated. The proposed zone changes are not intended to create additional residential development opportunities. Any future development applications would need to consider potential contamination.
SEPP 64 – Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of the area and provide effective communication in suitable locations.	It is not proposed to include any provisions which would be inconsistent with the SEPP
SEPP Rural Lands 2008	The SEPP aims to facilitate the economic use and development of rural lands, reduce land use conflicts and provide development principles.	It is not proposed to include any provisions which would be inconsistent with the SEPP

6. Is the planning proposal consistent with applicable Ministerial Directions?

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.

Table 2: Consistency with applicable Ministerial Directions

Ministerial Direction	Objective/s	Consistency / Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	(a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	N/A
1.2 Rural Zones	Protect the agricultural production value of rural land.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A
1.4 Oyster Aquaculture	Ensure Priority Oyster Aquaculture areas and oyster aquacultures generally are adequately considered when preparing a planning proposal.	N/A
1.5 Rural Lands	Ensure Planning Proposals that modify existing rural or environmental protection zones or minimum lot sizes to be consistent with SEPP Rural Lands 2008.	N/A
2. Environment and Heritage		
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	N/A
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Consistent. Any future development on the land would require an Aboriginal heritage assessment.
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	Consistent. Recreation facilities (outdoor) will become permissible development with consent, thus an appropriate assessment will be undertaken on any future proposed development, including a study of environmental impact.

Ministerial Direction	Objective/s	Consistency / Comment
3. Housing, Infrastructure & Urban Development		
3.1 Residential Zones	(a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact of residential development on the environment and resource lands.	N/A
3.2 Caravan Parks and Manufactured Home Estates	(a) Provide for a variety of housing types, and (b) Provide opportunities for caravan parks and manufactured home estates.	Does not apply to Crown land reserved or dedicated for any purposes under the Crown Lands Act 1989.
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	N/A
3.4 Integrating Land Use and Transport	Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	N/A
3.5 Development Near Licensed Aerodromes	(a) Ensure the effective and safe operation of aerodromes, and (b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	N/A
4. Hazard & Rise		

Ministerial Direction	Objective/s	Consistency / Comment
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	N/A
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	N/A
4.3 Flood Prone Land	(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	N/A
4.4 Planning for Bushfire Protection	(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas.	Part of the site is classed as bushfire prone land – vegetation category 1 and vegetation buffer. The Proposal will not increase the intensification of land uses on the site.
5. Housing, Infrastructure & Urban Development		
5.10 Implementation of Regional Plans	Ensure Planning Proposals are consistent with a Regional Plan.	Consistent.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent.
6.2 Reserving Land for Public Purposes	(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Consistent. Under clause (4), concurrence is required from the Director-General of NSW Planning & Environment.
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls.	N/A
7. Metropolitan Planning		
Not Applicable		

Section C – Environmental, Social and Economic Impact

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

The land is currently being used as a recreation reserve. There will be no impact.

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

The land is currently being used as a recreation reserve. There will be no impact.

- 9. *How has the planning proposal adequately addressed any social and economic effects?***

No additional social or economic impacts are expected from the rezoning.

Section D – State and Commonwealth Interests

- 10. *Is there adequate public infrastructure for the planning proposal***

There is adequate public infrastructure in place.

- 11. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Government agencies did not raise objections. Agencies consulted were:

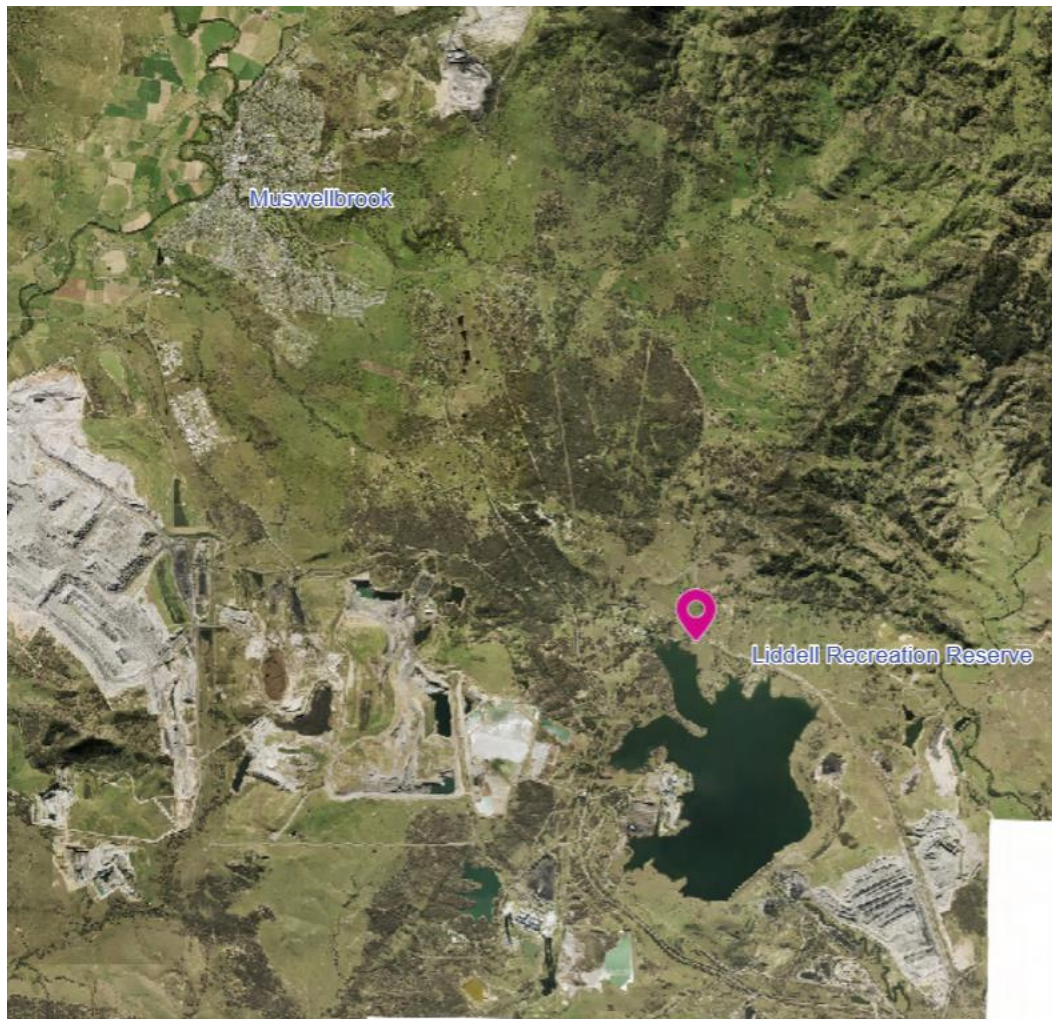
NSW Industry – Lands & Forestry

NSW Rural Fire Service

NSW Department of Planning & Environment - Division of Resources & Geoscience,
Geological Survey of NSW

Part 4 – MAPPING

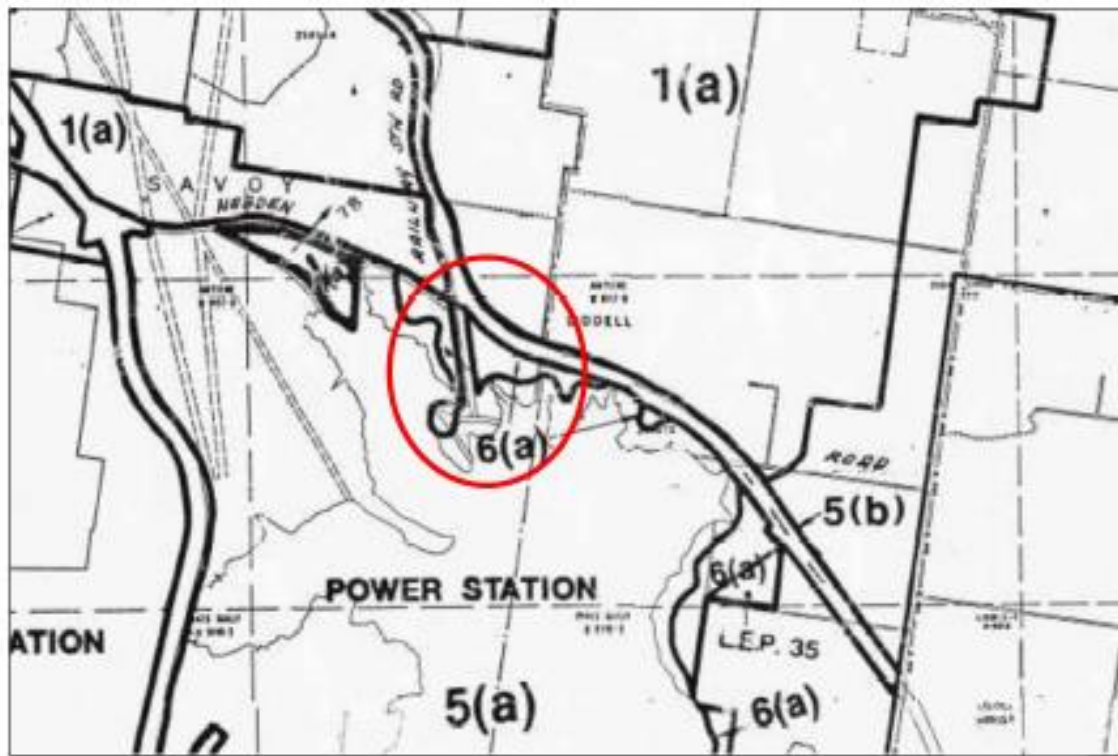
Map 1 – Locality



Map 2 – Existing Zones – Muswellbrook LEP 2009



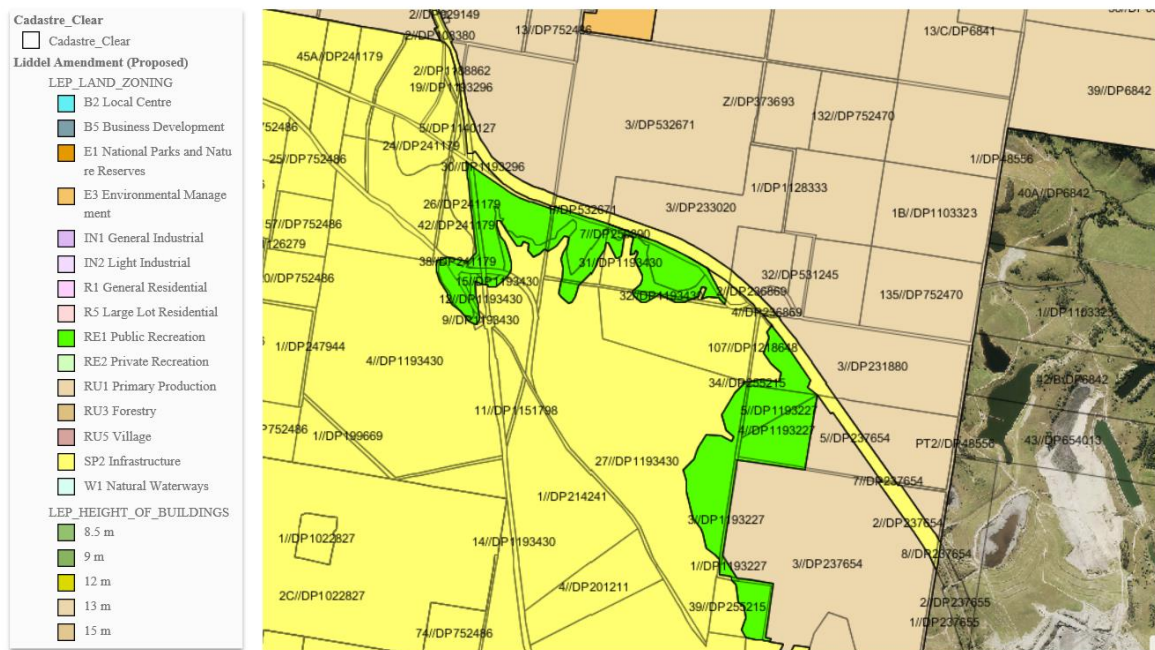
Map 3 – Previous Zones – Muswellbrook LEP 1985



Map 4 – Proposed Zones

5-Feb-2019

Proposed Zones - Liddell Recreation Reserve - PP_2018_MUSWE_002_00



1000 m

Scale = 30538.62

Pitney Bowes Software, Private Limited.

Part 5 – COMMUNITY CONSULTATION

The Planning Proposal, and other supporting information, was placed on public exhibition from 30 November 2018 to 18 December 2018. Three submissions being received. No objections were raised. NSW Rural Fire Service noted that the site is mapped bush fire prone land and that future development will need to comply with s.4.14 of the *Environmental Planning and Assessment Act* or s100B of the *Rural Fires Act*.

Part 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	October 2018
Anticipated timeframe for completion of required technical information	Nil
Timeframe for government agency consultation (pre exhibition)	21 days (if required)
Public exhibition (commencement and completion dates)	14 days
Date of Public hearing (if required)	Nil
Consideration of submissions	2 weeks
Timeframe for government agency consultation (post exhibition if required)	-
Post exhibition planning proposal consideration / preparation	8 weeks
Submission to Department to finalise LEP	2 weeks
Date RPA will make Plan (if delegated)	4 weeks
Date RPA will forward to the Department for notification (if not delegated)	4 weeks

Council intends to utilise delegations under s3.36 of the EP & A Act 1979 to finalise the Planning Proposal – see Attachment 2.

Attachment 1

Letters from:

NSW Industry – Lands & Forestry

NSW Rural Fire Service

**NSW Department of Planning & Environment - Division of
Resources & Geoscience, Geological Survey of NSW**

Attachment 2

Evaluation Criteria for the Issuing of an Authorisation

Attachment 2 – Administrative Amendment – Lake Liddell Recreation Reserve

Evaluation criteria for the issuing of an Authorisation

(Note – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain detail related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			

Minor Mapping Error Amendments

Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			
--	---	--	--	--

Heritage LEPs

Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			

Reclassifications

Is there an associated spot rezoning with the reclassification?		√		
If yes to the above, is the rezoning consistent with an endorsed Plan of management (POM) or strategy?		√		
Is the planning proposal proposed to rectify an anomaly in a classification?		√		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		√		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		√		

Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		√		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		√		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		√		

Spot Rezoning

Will the planning proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Y			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	N/A			
Does the planning proposal create an exception to a mapped development standard?	N			

Section 73A matters

<p>Does the proposed instrument</p> <p>a) Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provision, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b) Address matter in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c) Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(Note – the Minister/GSC (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>				
---	--	--	--	--

Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, or any other local strategic planning document that is endorsed by the Secretary of the Department.
- Matters that will routinely be delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

10.2 PLANNING PROPOSAL - NEW SHIRE-WIDE LOCAL ENVIRONMENTAL PLAN

Attachments:	A. Planning Proposal Muswellbrook LEP 2019(PP_2019_MUSWE_001_00)
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Sharon Pope - Assistant Director - Environment & Community Services
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>Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.</i>
Community Plan Strategy:	<i>Progress completion of an LEP and DCP.</i>

PURPOSE

Muswellbrook LEP 2009 is the main statutory document controlling local development within the Muswellbrook Local Government Area (LGA). The current LEP was adopted by Council on 14 July 2008 and was gazetted on 17 April 2009. The LEP comprises a written instrument and maps and was prepared in accordance with the requirements of the Standard Instrument Template. In the 2016/17 Operational Plan, Council identified the need for a review of the Muswellbrook Local Environmental Plan 2009 (LEP 2009). The purpose of this report is to seek Council's resolution to prepare a new LEP.

OFFICER'S RECOMMENDATION

Council:

1. Requests a Gateway determination from the Department of Planning & Environment, pursuant to the *Environmental Planning and Assessment Act 1979*, in relation to the Planning Proposal in Attachment A;
2. Places the Planning Proposal on public exhibition, subject to the outcome of the Gateway Determination; and
3. Notifies stakeholders and affected landowners of the Gateway determination and public exhibition period, as required.

Moved: _____ Seconded: _____

BACKGROUND

The Muswellbrook LEP 2009 was prepared in accordance with the requirements of the NSW State Government's Standard Instrument Template. It was one of the first instruments created in the Template format, and a number of the local clauses are not well tailored to suit the Shire's needs. There was a reluctance by the Department of Planning and Environment (DPE) to encourage many changes from the standard clauses in the Template in the first few years of the implementation of the Template. The DPE are now taking a more flexible approach to local clauses, as can be seen when comparing LEP's that have prepared more recently in other council areas.

In March 2018 the Environmental Planning & Assessment Act, 1979, was substantially modified. This includes the requirement for and new legal provisions for the status and role of Local Strategic Planning Statements and requires five-yearly reviews of LEP's.

CONSULTATION

Significant community consultation occurred in the preparation of the *Review of Muswellbrook LEP 2009 Discussion Paper - February 2018*. It is anticipated that when a new draft LEP has been prepared, it will be exhibited for community comment for a period of three months. The exact length will be identified in the Gateway Determination.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no direct consultation with the Councillor Spokesperson about this report. All Councillors were involved in the preparation of the *Muswellbrook LEP 2009 Review Discussion Paper* and understood that the next step in the process would be development of a Planning Proposal, to either amend the existing LEP or prepare a new Shire-wide LEP.

REPORT

The review of the LEP will look to implement the recommendations of:

- the *Review of Muswellbrook LEP 2009 Discussion Paper - February 2018*,
- the *draft Muswellbrook Local Strategic Planning Statement 2018-2038*,
- the *Hunter Regional Plan 2036*,
- the *Upper Hunter Economic Diversification Project: Action Plan* (Upper Hunter Economic Diversification Task Group, 2016) and
- the *Hunter Regional Economic Development Strategy 2018-2022* (Department of Premier and Cabinet, 2018).

A more diverse and stable economy, that can function on a more sustainable basis, is a key objective of the review of Muswellbrook LEP 2009. Muswellbrook Shire has a dominant mining industry, and as such the local economy is strongly dependent on this sector. It experiences regular cycles tied to the fortunes of the mining industry, which have negative and positive consequences, both economically and socially, at different times in the cycle. The other key sectors (retail, accommodation and food services as well as agriculture) are also tied to this cycle.

This is also a time of significant change and new opportunities for Muswellbrook and the wider Upper Hunter district. AGL Macquarie has notified its intentions to close both of the major coal fired power generators – Liddell and Bayswater in 2022 and 2035 respectively.

OPTIONS

1. Council resolves to support a Planning Proposal to develop a new shire-wide LEP to implement the recommendations from the *Review of Muswellbrook LEP 2009 Discussion Paper - February 2018*. Given the age of the existing LEP, and likely number of changes, it is considered more appropriate to convey the significance of the extent of changes by creating a new Shire-wide LEP with a contemporary date in the title. This is the preferred option.
2. Council resolves to support a Planning Proposal to amend MLEP 2009.
3. Council resolves to not proceed with amendments to the LEP or a new shire-wide LEP. This is not the recommended option as the *Environmental Planning and Assessment Act*, and related Ministerial Directions, require Council to regularly review the LEP to ensure it implements the latest policy position of the NSW State Government, and Council's Community Strategic Plan.

CONCLUSION

This is a time of significant change and new opportunities for Muswellbrook and the wider Upper Hunter district. The current LEP, Muswellbrook LEP 2009, is ten years old and requires updating to implement the directions in the *Muswellbrook Local Strategic Planning Statement 2018-2038*, the *Hunter Regional Plan 2036*, the *Upper Hunter Economic Diversification Project: Action Plan* (Upper Hunter Economic Diversification Task Group, 2016) and the Department of Premier and Cabinet's *Hunter Regional Economic Development Strategy 2018-2022*.

SOCIAL IMPLICATIONS

The objective of preparing a new Shire-wide LEP is to improve social outcomes.

FINANCIAL IMPLICATIONS

The objective of preparing a new Shire-wide LEP is to improve economic sustainability of the Shire, and in turn, of Council. There will be no direct financial implications for Council apart from staff resources involved in preparing the LEP.

POLICY IMPLICATIONS

Muswellbrook LEP 2009 is the main statutory document controlling local development within the Muswellbrook LGA. A new Shire-wide LEP would replace the current document. While many provisions will remain unchanged, there will also be significant changes. These have been identified in the attached Planning Proposal.

STATUTORY IMPLICATIONS

The Planning Proposal will result in a new Local Environment Plan for the Shire.

LEGAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

The proposed LEP is intended to be consistent with the objectives of Council's draft Operational Plan 2019-20 and current Community Strategic Plan.

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*, and the *Environmental Planning & Assessment Regulation 2000*.

Planning Proposal – New Shire-wide Local Environmental Plan (PP_2019_MUSWE_001_00)

Local Government Area:	Muswellbrook Shire Council (MSC)	
Name of Draft LEP:	New LEP - Muswellbrook Local Environment Plan 2019 - PP_2019_MUSWE_001_00	
Subject Land:	The whole Local Government Area of Muswellbrook Shire.	
Land Owner:	N/A	
Applicant:	Muswellbrook Shire Council	
Folder Number:	LEP 2009 Review 2016-2020	
Date:	20 February 2019	
Author:	Sharon Pope – Assistant Director Environment and Community Services	
Tables:	Table No.	Details
	1	Assessment of the Planning Proposal against relevant SEPPs
	2	Consistency with applicable Ministerial Directions

Maps:	No.	Details
	1	Locality plan

Attachments:	No.	Details
	1	Draft Muswellbrook Local Strategic Planning Statement 2018 - 2038
	2	Review of Muswellbrook LEP 2009 Discussion Paper - February 2018

Part 1 – OBJECTIVES OR INTENDED OUTCOMES

The objective of the Planning Proposal is to develop a new Muswellbrook Shire-wide Local Environmental Plan. The current LEP, Muswellbrook LEP 2009, is ten years old and requires updating to implement the directions the *Muswellbrook Local Strategic Planning Statement 2018-2038*, the *Hunter Regional Plan 2036*, the *Upper Hunter Economic Diversification Project: Action Plan* (Upper Hunter Economic Diversification Task Group, 2016) and the Department of Premier and Cabinet's *Hunter Regional Economic Development Strategy 2018-2022*.

In particular the intended outcomes of the new LEP are to:

1. Review and amend the aims and objectives set out in clause 1.2 of the Muswellbrook LEP 2009,
2. Establish an appropriate planning framework for important agribusiness lands within the Shire, which protects existing and new agribusiness from land use conflicts and environmental hazards,
3. Establish an appropriate planning framework for mine and quarry footprints (including existing and planned open cut and underground mining footprints, exploration licences) and rehab areas, including identification of suitable activities that may occur on buffer land and rehabilitated land,
4. Establish an appropriate planning framework for *Critical Industry Clusters* and *Important Agricultural Land*,
5. Establish an appropriate planning framework for ecological conservation,
6. Establish an appropriate planning framework to manage rural landscapes,
7. Extend the W1 Natural Waterways zone from the confluence with the Goulburn River to the eastern boundary of the Shire,
8. Facilitate implementation of the Denman Town Centre Concept Master Plan through reviewing and amending the land use zones and development standards applying to the village,
9. Facilitate implementation of the Muswellbrook Town Centre Master Plan through reviewing and amending the land use zones and development standards applying to the Town Centre,
10. To introduce provisions that:
 - provide Council with ways to increase housing supply and diversity,
 - improve the ability of Council to approve boundary adjustments in rural zones,
 - provide guidance on the future transition of uses on the Liddell and Bayswater Power Station sites,
 - provide opportunities for new renewable power generation facilities in the Muswellbrook LGA,
 - introduce a Sewerage Treatment Plant Buffer and local provisions dealing with development within a designated buffer area around the Denman and Muswellbrook Sewerage Treatment Plants,

- Permit 'moveable dwellings' with consent in all zones where dwelling houses are permitted with consent, to diversify the housing opportunities within the Shire,
- Enable seniors' living and "health services facility on the showground site as a permissible use in the B5 zone,
- Manage development in flood liable locations,
- permit additional types of minor development as exempt development,

11. Correct anomalies and errors identified through us of MLEP 2009.

Part 2 – EXPLANATION OF PROVISIONS

The proposed objective will be achieved by creating a new instrument and set of Map sheets. Anticipated map layers will be:

Amendment Applies to	Explanation of provision
Land Zoning Map	<p>Zones likely to be included:</p> <p>Rural Zones</p> <p>RU1</p> <p>RU2 Rural Landscape</p> <p>RU3 Forestry</p> <p>Residential Zones</p> <p>R1 General Residential</p> <p>R3 Medium Density Residential</p> <p>Business Zones</p> <p>B2 Local Centre</p> <p>B3 Commercial Core</p> <p>B4 Mixed Use</p> <p>B5 Business Development</p> <p>Industrial Zones</p> <p>IN1 General Industrial</p> <p>IN2 Light Industrial</p> <p>Special Purpose Zones</p> <p>SP1 Special Activities</p> <p>SP2 Infrastructure</p> <p>Recreation Zones</p> <p>RE1 Public Recreation</p> <p>RE2 Private Recreation</p> <p>Environment Protection Zones</p> <p>E1 National Parks and Nature Reserves</p> <p>E2 Environmental Conservation</p> <p>E3 Environmental Management</p> <p>Waterway Zones</p> <p>W1 Natural Waterways</p>
Lot Size map	Some potential adjustments expected to lot sizes near Sandy Hollow for rural lifestyle lots to replace those lost to mining, plus changes to

Amendment Applies to	Explanation of provision
	address anomalies identified through use of Muswellbrook LEP 2009.
Environmentally Sensitive Land Map	
Floor Space Ratio map	Some adjustments expected to implement the Muswellbrook Town Centre Master Plan
Heritage Map	
Height of Buildings map	Some adjustments expected to implement the Muswellbrook Town Centre Master Plan
Land Reservation Acquisition map	
Terrestrial Biodiversity map	Some adjustments expected to implement current OEH mapping.
Urban Release Area Map	
Key sites map	Identification of Liddell and Bayswater Power Station sites as key sites where planning is required for transition of employment generating activities, plus identification of mine sites as key sites suitable for agribusiness and other complementary uses.
Land Classification (Part Lots) map	

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. *Is the planning proposal a result of any strategic study or report?*

The Planning Proposal is the result of the *Review of Muswellbrook LEP 2009 Discussion Paper - February 2018*, the *draft Muswellbrook Local Strategic Planning Statement 2018-2038*, the *Hunter Regional Plan 2036*, the *Upper Hunter Economic Diversification Project: Action Plan* (Upper Hunter Economic Diversification Task Group, 2016) and the *Hunter Regional Economic Development Strategy 2018-2022* (Department of Premier and Cabinet, 2018).

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

It may be possible to make changes to the existing Muswellbrook LEP 2009, however given the age of the existing instrument, and likely number of changes, it is considered more *appropriate* to convey the significance of the extent of changes by creating a new Shire-wide LEP with a contemporary date in the title.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Hunter Regional Plan 2036 (HRP)

The HRP includes four goals and 27 directions. The three goals and directions which are the most pertinent for the Muswellbrook LEP Review, are as follows:

Goal 1 – The Leading Regional Economy in Australia

Direction 4: Enhance inter-regional linkages to support economic growth

Direction 5: Transform the productivity of the Upper Hunter

Direction 9: Grow tourism in the region

Direction 10: Protect and enhance agricultural productivity

Direction 11: Manage the ongoing use of natural resources

Direction 12: Diversify and grow the energy sector

Direction 13: Plan for greater land use compatibility

Goal 2 – A Biodiversity Rich Natural Environment

Direction 14: Protect and connect natural areas

Direction 15: Sustain water quality and security

Goal 4 – Greater Housing Choice and Jobs

Direction 16: Deliver infrastructure to support growth and communities

Regional Priorities are stated as:

Conducting an assessment of land use compatibility;

Undertaking a land use assessment of the Viticulture Critical Industry /clusters to align planning controls to achieve a balance between scenic amenity and ongoing growth in tourism;

Supporting diversification of the energy and agricultural sectors;

Protecting the equine industry and allowing for expansion.

Housing policies in the HRP for Muswellbrook are stated as:

Deliver existing Urban Release Areas at Denman and Muswellbrook;

Manage demand for rural residential development with the potential for longer term demand for residential development, and balance both in the context of potential mining activity surrounding Muswellbrook.

Diversify housing opportunities to respond to changing demographics and housing affordability.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Muswellbrook Community Strategic Plan 2017 – 2027

The proposal is considered consistent with the Muswellbrook Community Strategic Plan 2017 – 2027:

Issue: *Community Infrastructure – Our community's infrastructure is planned well, is safe and reliable and provides required levels of service*

Goal: *Facilitate investment in high quality community infrastructure necessary for a regional centre*

Strategy: *Deliver timely, quality professional development engineering and assessment.*

Muswellbrook Local Strategic Planning Statement 2018 – 2038

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1 below.

Table 1: Assessment of the Planning Proposal against relevant SEPPs

SEPP	Relevance	Implications
State Environmental Planning Policy (Affordable Rental Housing) 2009	The SEPP aims to provide a consistent planning regime for the provision of affordable rental housing.	It is not proposed to include any provisions which would be inconsistent with the SEPP
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The aim of this SEPP is to ensure consistency in the implementation of the BASIX scheme throughout the State. The Policy achieves its aim by overriding provisions of other environmental planning instruments and development control plans that would otherwise add to, subtract from or modify any obligations arising under the BASIX scheme.	It is not proposed to include any provisions which would be inconsistent with the SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	This SEPP aims to provide streamlined assessment processes for development that complies with specified development standards.	It is not proposed to include any provisions which would be inconsistent with the SEPP. Additional Exempt development types are expected to be identified in the LEP.
State Environmental Planning Policy (Housing for Seniors or People With a Disability) 2004	This SEPP aims to encourage the provision of housing (including residential care facilities) that will increase the supply and diversity of residences that meet the needs of seniors or people with a disability.	It is not proposed to include any provisions which would be inconsistent with the SEPP.

SEPP	Relevance	Implications
SEPP (Infrastructure 2007)	The SEPP aims to provide a consistent planning regime for the delivery of infrastructure. It also provides provision for consultation and assessment.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	The aims of this SEPP is to provide that the erection of temporary structures is permissible with consent across the State, while ensuring the safety of persons using temporary structures, and protection of the environment.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
SEPP Rural Lands 2008	The SEPP aims to facilitate the economic use and development of rural lands, reduce land use conflicts and provide development principles.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy (State and Regional Development) 2011	The aims of this SEPP is to identify development that is State significant development, identify development that is State significant infrastructure and critical State significant infrastructure, and to identify development that is regionally significant development.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
SEPP 21 – Caravan parks	This SEPP provides considerations and protections for land used or intended to be used as a caravan park, including the provision of community facilities for land so used, and protection of the environment in the immediate vicinity.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No 30 - Intensive Agriculture	The aims of this SEPP is to require development consent for cattle feedlots having a capacity to accommodate 50 or more head of cattle, and piggeries having a capacity to accommodate 200 or more pigs or 20 or more breeding sows, and to provide for public participation in the consideration of these development applications.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No 33 - Hazardous and Offensive Development	This SEPP created definitions for hazardous and offensive industries and aims to render ineffective a provision of any environmental planning instrument that prohibits development for the purpose of a storage facility on the ground that the facility is hazardous or offensive if it is not a hazardous or offensive storage establishment as defined in this Policy.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No 36 - Manufactured Home Estates	This SEPP aims to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development, to ensure that manufactured home estates are situated only in suitable locations and not on land having	It is not proposed to include any provisions which would be inconsistent with the SEPP.

SEPP	Relevance	Implications
	important resources or having landscape, scenic or ecological qualities that should be preserved, and to ensure that manufactured home estates are adequately serviced and have access to essential community facilities and services.	
SEPPP 44 – Koala Habitat Protection	The SEPP encourages the conservation and management of natural vegetation that provides habitat for Koalas.	It is not proposed to include any provisions which would be inconsistent with the SEPP
State Environmental Planning Policy No 52 - Farm Dams and Other Works in Land and Water Management Plan Areas	This SEPP aims to require environmental assessment under Part 4 of the Environmental Planning and Assessment Act 1979 of development for the purpose of artificial waterbodies (other than minor works in restricted locations) that will be carried out under farm plans that implement land and water management plans.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
SEPP No 55 – Remediation of Land	<i>State Environmental Planning Policy No 55 – Remediation of Land</i> (SEPP 55) aims to promote the remediation of contaminated land for reducing the risk of harm to human health or any other aspect of the environment.	It is not proposed to include any provisions which would be inconsistent with the SEPP.
State Environmental Planning Policy No 62 - Sustainable Aquaculture	This SEPP aims to encourage sustainable aquaculture, and to make aquaculture development permissible in certain zones under the Standard Instrument, and to set out the minimum site location and operational requirements for permissible aquaculture development (the minimum performance criteria).	It is not proposed to include any provisions which would be inconsistent with the SEPP.
SEPP 64 – Advertising and Signage	The SEPP aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of the area and provide effective communication in suitable locations.	It is not proposed to include any provisions which would be inconsistent with the SEPP
State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development	This SEPP aims to improve the design quality of residential apartment development in New South Wales.	It is not proposed to include any provisions which would be inconsistent with the SEPP.

6. *Is the planning proposal consistent with applicable Ministerial Directions?*

An assessment of the Planning Proposal and its consistency against the applicable Ministerial Directions is provided at Table 2 below.

Table 2: Consistency with applicable Ministerial Directions

Ministerial Direction	Objective/s	Consistency / Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	(a) Encourage employment growth in suitable locations, (b) Protect employment land in business and industrial zones, and (c) Support the viability of identified strategic centres.	It is not proposed to include any provisions which would be inconsistent with this Direction
1.2 Rural Zones	Protect the agricultural production value of rural land.	It is not proposed to include any provisions which would be inconsistent with this Direction
1.3 Mining, Petroleum Production and Extractive Industries	Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	It is proposed to include provisions which may be inconsistent with this Direction, but address various strategic policy directions on managing conflict between mining and other uses. Discussions will be required to resolve.
1.4 Oyster Aquaculture	Ensure Priority Oyster Aquaculture areas and oyster aquacultures generally are adequately considered when preparing a planning proposal.	N/A
1.5 Rural Lands	Ensure Planning Proposals that modify existing rural or environmental protection zones or minimum lot sizes to be consistent with SEPP Rural Lands 2008.	It is not proposed to include any provisions which would be inconsistent with this Direction
2. Environment and Heritage		
2.1 Environment Protection Zones	Protect and conserve environmentally sensitive areas.	It is not proposed to include any provisions which would be inconsistent with this Direction, but discussions will be required on a number of matters.
2.2 Coastal Protection	Implement the principles in the NSW Coastal Policy.	N/A
2.3 Heritage Conservation	Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	It is not proposed to include any provisions which would be inconsistent with this Direction.
2.4 Recreation Vehicle Areas	Protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	It is not proposed to include any provisions which would be inconsistent with this Direction.

Ministerial Direction	Objective/s	Consistency / Comment
3. Housing, Infrastructure & Urban Development		
3.1 Residential Zones	(a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact of residential development on the environment and resource lands.	It is not proposed to include any provisions which would be inconsistent with this Direction.
3.2 Caravan Parks and Manufactured Home Estates	(a) Provide for a variety of housing types, and (b) Provide opportunities for caravan parks and manufactured home estates.	It is not proposed to include any provisions which would be inconsistent with this Direction.
3.3 Home Occupations	Encourage the carrying out of low-impact small businesses in dwelling houses.	It is not proposed to include any provisions which would be inconsistent with this Direction
3.4 Integrating Land Use and Transport	Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	It is not proposed to include any provisions which would be inconsistent with this Direction.
3.5 Development Near Licensed Aerodromes	(a) Ensure the effective and safe operation of aerodromes, and (b) Ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) Ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.	N/A

Ministerial Direction	Objective/s	Consistency / Comment
3.6 Shooting Ranges	(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range.	It is not proposed to include any provisions which would be inconsistent with this Direction
4. Hazard & Rise		
4.1 Acid Sulfate Soils	Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	It is not proposed to include any provisions which would be inconsistent with this Direction.
4.2 Mine Subsidence and Unstable Land	Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.	It is not proposed to include any provisions which would be inconsistent with this Direction.
4.3 Flood Prone Land	(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i> , and (b) Ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	It is not proposed to include any provisions which would be inconsistent with this Direction.
4.4 Planning for Bushfire Protection	(a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas.	It is not proposed to include any provisions which would be inconsistent with this Direction.
5. Housing, Infrastructure & Urban Development		
5.10 Implementation of Regional Plans	Ensure Planning Proposals are consistent with a Regional Plan.	It is not proposed to include any provisions which would be inconsistent with this Direction.
6. Local Plan Making		
6.1 Approval and Referral Requirements	Ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. It is not proposed to include any provisions which would be inconsistent with this Direction.
6.2 Reserving Land for Public Purposes	(a) to facilitate the provision of public services and facilities by reserving land for public purposes, and	It is not proposed to include any provisions which would be inconsistent with this

Ministerial Direction	Objective/s	Consistency / Comment
	(b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Direction
6.3 Site Specific Provisions	To discourage unnecessarily restrictive site specific planning controls.	A number of site specific provisions will be required to implement the various Strategies applicable to the Shire. It is not proposed to include any provisions which would be inconsistent with this Direction
6.2 Reserving Land for Public Purposes	(a) Facilitate the provision of public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	It is not proposed to include any provisions which would be inconsistent with this Direction..
6.3 Site Specific Provisions	Discourage unnecessarily restrictive site specific planning controls.	It is not proposed to include any provisions which would be inconsistent with this Direction.
7. Metropolitan Planning		
Not Applicable		

Section C – Environmental, Social and Economic Impact

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

It is not proposed to include any provisions which would have an adverse impact.

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

No impact expected.

9. *How has the planning proposal adequately addressed any social and economic effects?*

The new LEP is intended to address social and economic policy directions in adopted policies and strategic documents..

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal*

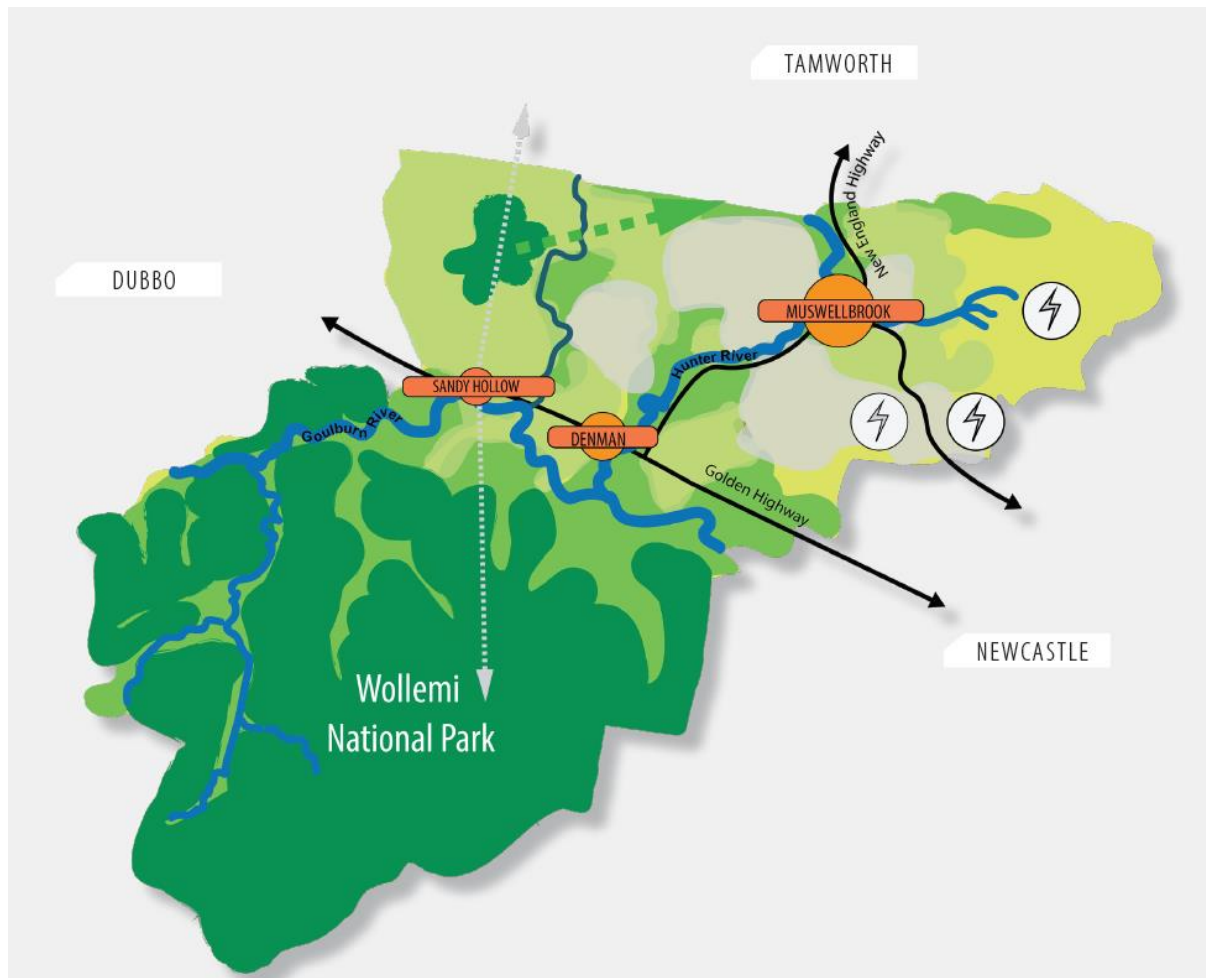
There is generally adequate public infrastructure in place. The Liddell Innovation Precinct master planning process may identify new infrastructure requirements, however these would be funded by new development in that Precinct.

11. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Council has not yet received a Gateway Determination.

Part 4 – MAPPING

Map 1 – Locality



Part 5 – COMMUNITY CONSULTATION

The Planning Proposal, and other supporting information, will be placed on public exhibition in accordance with the terms outlined in the Gateway Determination.

Part 6 – PROJECT TIMELINE

Action	Timeframe
Anticipated commencement date (date of Gateway determination)	May 2019
Anticipated timeframe for completion of required technical information	Nil
Timeframe for government agency consultation (pre exhibition)	45 days (if required)
Public exhibition (commencement and completion dates)	60 days
Date of Public hearing (if required)	Nil
Consideration of submissions	8 weeks
Timeframe for government agency consultation (post exhibition if required)	60 days
Post exhibition planning proposal consideration / preparation	12 weeks
Submission to Department to finalise LEP	2 weeks
Date RPA will make Plan (if delegated)	N/A
Date RPA will forward to the Department for notification (if not delegated)	4 weeks

Council does not intend to utilise delegations under s3.36 of the EP & A Act 1979 to finalise the Planning Proposal – see Attachment 2.

Attachment 1

- 1 Draft Muswellbrook Local Strategic Planning Statement 2018 - 2038**
- 2 Review of Muswellbrook LEP 2009 Discussion Paper - February 2018**

Attachment 2

Evaluation Criteria for the Issuing of an Authorisation

Attachment 2 – New LEP – Muswellbrook LEP 2019

Evaluation criteria for the issuing of an Authorisation

(Note – where the matter is identified as relevant and the requirement has not been met, council is to attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not Relevant	Agree	Disagree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain detail related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Secretary?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			

Minor Mapping Error Amendments

Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NR		
--	--	----	--	--

Heritage LEPs

Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	N			

Reclassifications

Is there an associated spot rezoning with the reclassification?		NR		
If yes to the above, is the rezoning consistent with an endorsed Plan of management (POM) or strategy?		NR		
Is the planning proposal proposed to rectify an anomaly in a classification?		NR		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NR		
Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal?		NR		

Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval?		NR		
Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding <i>classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		NR		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NR		

Spot Rezoning

Will the planning proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		NR		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	Y			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?	N/A			
Does the planning proposal create an exception to a mapped development standard?	N			

Section 73A matters

<p>Does the proposed instrument</p> <p>a) Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provision, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b) Address matter in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c) Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(Note – the Minister/GSC (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		NR		
---	--	----	--	--

Notes

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, or any other local strategic planning document that is endorsed by the Secretary of the Department.
- Matters that will routinely delegated to a Council under administration are confirmed on the Department's website www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/

11 COMMUNITY INFRASTRUCTURE

11.1 MOUNT PLEASANT MINE PROJECT S.138 ROADS ACT APPROVAL ROSEBROOK LANE

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

PURPOSE

This report covers a Section 138 (Roads Act 1993) application for development works within part of Rosebrook Lane approved in the Mount Pleasant Operation Mine Optimisation Modification-Consent Modification 3 under DA 92/97.

OFFICER'S RECOMMENDATION

Council delegate to the General Manager authority to sign the Section 138 for the works proposed in Attachment A by MACH Energy generally in accordance with the Conditions set out in this report.

Moved: _____ **Seconded:** _____

BACKGROUND

The Mount Pleasant Mine development is a State Significant Development with approval. Council approved the permanent closure and sale to MACH Energy of Council's Public Roads being Skippens Lane and Rosebrook Lane at the meeting of 8 May 2018. Council has reached negotiations with MACH Energy and the road closure processes have commenced. The legal road closure process is a lengthy and complicated process and traditionally has taken up to 2 years to finalise. The Rosebrook Lane closure in particular is more problematic than most due to the road status and will take more time to process. In the interim MACH Energy have applied to Council under s.138 of the Roads Act 1993 to undertake development works within the very western part of the Rosebrook Road Reserve which have been approved in the Consent Modification 3 under DA 92/97.

CONSULTATION

Manager Roads Drainage & Technical Services, Director of Community Infrastructure, General Manager Operations MACH Energy.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable.

REPORT

Rosebrook Lane is a dead end, no through road with all adjoining land being owned by MACH Energy. The very westernmost portion of Rosebrook Lane was closed and sold back in 1977 and is now within the active mining area. The works that MACH Energy proposes to undertake along Rosebrook Lane adjoins the closed road portion. The works will include development works approved in the Mount Pleasant Operation Mine Optimisation Modification –Consent 3 determined in August 2018,

- The eventual placement of mine overburden to form the final mine emplacement consistent with the final landform in the Consent (area shaded Green on the Attachment B)
- A contour drainage line to direct runoff water to an adjacent sediment dam
- An Ausgrid 66KV supply line to cross Rosebrook Lane when relocated.

MACH Energy will construct a fence and gates at the location shown on the plan (approximately 270m from the western end) to ensure the western portion of Rosebrook Lane is made safe and secure from the public and will erect appropriate safety and warning signs.

OPTIONS

Council could either:

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

CONCLUSION

This report covers a section 138 Roads Act 1993 application which is a result of conditions of consent for the development of Mount Pleasant Mine. Council has previously approved the closure and sale of the full length of Rosebrook Lane to MACH Energy and are working through the lengthy processes to finalise the road closure. Approval is recommended.

SOCIAL IMPLICATIONS

The mine provides employment within the shire.

FINANCIAL IMPLICATIONS

Council will recover its costs through the consent conditions.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

Not applicable.

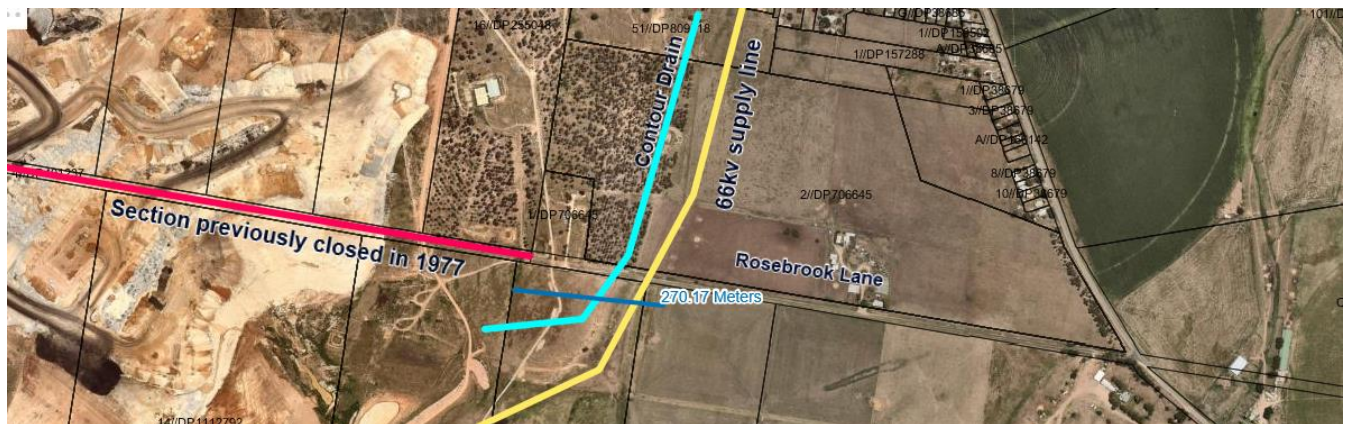
OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

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

Proposed development works approved in the Mount Pleasant Operation Mine Optimisation Modification –Consent 3, determined in August 2018



Aerial showing area shaded green as indicated in the report being the final emplacement consistent with the final landform in the Consent



11.2 BULK PASTEURISED MULCH CHARGE

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	John Wisniewski - Manager - Waste Reuse & Environment Operations
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>Implement adopted Waste Management Strategy.</i>

PURPOSE

The purpose of this report is to present a proposed additional item to the Fees and Charges for the 2018/2019 and 2019/2020 Operational Plans for Council's consideration prior to public exhibition.

OFFICER'S RECOMMENDATION

Council approve for 28 day exhibition a proposed new charge of \$20.00 per tonne for purchases of bulk pasteurised mulch. Bulk pasteurised mulch is defined as a quantity exceeding 25 tonnes.

Moved: _____ **Seconded:** _____

BACKGROUND

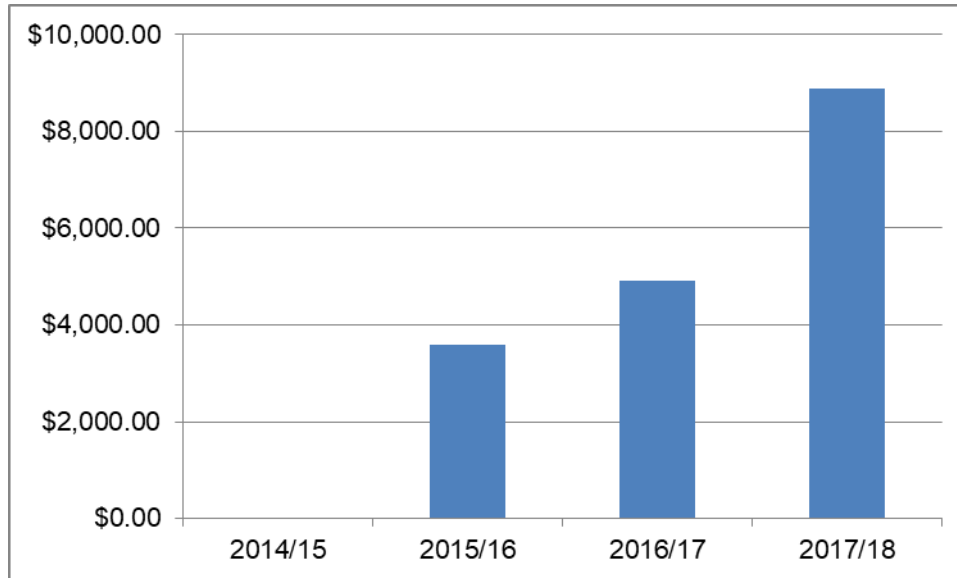
The Muswellbrook Waste and Recycle Facility receives a combined total of approximately 2,000 tonnes of garden organic waste annually from the kerbside garden organics collection and also organics self-hauled by residents and businesses.

The garden organic waste is hand-cleaned of contaminants, shredded, pasteurised, screened and tested by a NATA accredited laboratory prior to being made available for sale to the general public. This process takes more than 12 months due to the dry local climate with moisture being a significant limiting factor. During the pasteurisation process approximately a third of the weight of the deposited garden organics is lost as evaporation leaving approximately 1,300 tonnes of pasteurised mulch to be sold annually.

The recent Council approval of a trial of the Mobile Aerated Floor (MAF) system (*Report: 'Trial of Mobile Aerated Floor (MSF) system to process kerbside organics', 13 November 2018 Ordinary Meeting of Council*) will address the long processing period, and potentially result in a superior, more mature product.

The quality of the pasteurised mulch has improved significantly in recent years but demand is low. At present virtually all sales of pasteurised mulch are to the domestic market and typically done by the trailer load or even wheelie bin load. The sales volumes of pasteurised mulch have increased each year since 2014/15 (Figure 1) but a surplus of mulch has been accumulating. Note that the 2017/18 sales figure equates to approximately 300 tonnes of pasteurised mulch being sold.

There remains great potential for Council's pasteurised mulch to be utilised in bulk quantities in local mine rehabilitation and agricultural activities.

Figure 1, Sales of pasteurised mulch. Note that the sale price of mulch across all years was \$30/tonne.

CONSULTATION

General Manager

Director Community Infrastructure

Manager Corporate Services

Manager Integrated Planning, Risk and Governance

Senior Technical Officer Waste

CONSULTATION WITH COUNCILLOR SPOKESPERSON

A copy of the draft report has been provided to the Mayor, the Deputy Mayor, and the Councillor Spokesperson for Infrastructure for review and comment.

REPORT

For the past three years Muswellbrook has been selling pasteurised mulch at \$30 per tonne but it is an ongoing struggle to sell the volumes of pasteurised mulch that are generated on site. Prior to this there had even been a number of years where the pasteurised mulch was available for free, but this did not result in any significant increase in disposal volumes (though it must be stated that this was an inferior product to that available at present).

The \$30 per tonne sale price returned to Council is part of the financial consideration but a greater incentive is being able to claim a deduction for the State Government's Waste Levy (in 2018/19 this is \$81.30 for each tonne of recycled / recyclable material leaving the Muswellbrook Waste Facility). This deduction can only be claimed for material that has been on site at the Waste Facility for less than 24 months. For any material that has been on site for longer than 24 months no deduction can be claimed. Hence there is an incentive to get the pasteurised mulch sold and off site within the 24 month window, so offering a \$10/tonne discount on bulk purchases in order to claim back a deduction of \$81.30/tonne makes commercial sense.

Council should look to trial a reduced price of \$20/tonne for the sale of bulk quantities of pasteurised mulch in an attempt to stimulate local interest from the agricultural and mine rehabilitation sectors. Alternatively Council should provide a specific budget to facilitate the marketing of the pasteurised mulch product.

The NSW EPA has acknowledged the difficulty faced by producers of pasteurised mulch/compost in finding markets for their product. Hence they provide a stream of grant funding specifically for this – "Organics Market Development Grants".

OPTIONS

Council has a number of options available. These include:

1. Continue charging \$30 per tonne for the sale of all pasteurised mulch produced at the Muswellbrook Waste Management Facility. However, note that the likely lower sales volumes may come at a financial penalty as it would likely reduce the number of tonnes of material leaving site for which Council can claim the \$81.30 (in 2018/19) waste levy deduction. Note also that for any stockpiled pasteurised mulch that has remained on site for longer than 24 months no levy deduction will be claimable;
2. Continue charging \$30 per tonne for the sale of all pasteurised mulch produced at the Muswellbrook Waste Facility and budget for the development and implementation of a marketing plan for pasteurised mulch aimed at both the local domestic market but also the agricultural and mine rehabilitation industries;
3. Continue charging \$30 per tonne for the sale of small quantities (i.e. less than 25 tonnes) of pasteurised mulch produced at the Muswellbrook Waste Management Facility and introduce a reduced charge of \$20 per tonne to try and stimulate bulk purchases of pasteurised mulch; or
4. Reduce the charge for all pasteurised mulch sales incrementally until a price point is found at which the quantity of incoming organic material matches the outgoing volumes each year.

CONCLUSION

The total quantity of sales of pasteurised mulch from the Muswellbrook Waste Facility in 2017/18 equated to about 300 tonnes. This needs to be contrasted against approximately 2,000 tonnes of garden organics disposed of at the Muswellbrook Waste Facility in 2017/18. Additional sales volumes need to be generated to avoid a glut of pasteurised mulch accumulating at the Muswellbrook Waste Facility.

Council should introduce a reduced charge (i.e. \$20.00/tonne) for the sale of bulk volumes of pasteurised mulch (i.e. quantities of 25 tonnes or more). This price would be available to any interested purchaser and may be more attractive to the agricultural and mine/land rehabilitation industries than the current \$30 per tonne price.

The charge for bulk pasteurised mulch should be reviewed annually when the Fees and Charges are being set to ensure it continues to be relevant.

SOCIAL IMPLICATIONS

Not relevant.

FINANCIAL IMPLICATIONS

The impact of the introduction of the proposed bulk pasteurised mulch charge upon sales volumes is speculative. However the current practice of charging all purchasers \$30 per tonne for pasteurised mulch is not effectively resulting in the removal from site of all pasteurised mulch within the NSW EPA's legislated 24 month window that allows for a deduction against the waste levy charges.

The ability to potentially sell more pasteurised mulch annually by offering a reduced price of \$20 per tonne for bulk purchases incurs a \$10 per tonne loss on the sale price but gains a \$81.30 financial gain to Council through the waste levy deduction. This results in a net financial benefit to Council of \$71.30 per tonne of pasteurised mulch sold at the bulk discount price.

POLICY IMPLICATIONS

There are no policy implications with the introduction of the proposed fee.

STATUTORY IMPLICATIONS

There are no statutory implications with the introduction of the proposed fee.

LEGAL IMPLICATIONS

There are no legal implications with the introduction of the proposed fee.

OPERATIONAL PLAN IMPLICATIONS

There are no operational plan implications with the introduction of the proposed fee.

RISK MANAGEMENT IMPLICATIONS

There is a risk that Council forgoes income of \$10 per tonne if all pasteurised mulch produced annually was able to be sold at the \$30 per tonne price. Recent experience suggests that this is highly unlikely in the short to medium term.

From the perspective of the Muswellbrook Waste and Recycle Facility, having pasteurised mulch removed from the site at a higher rate lessens one major risk; less material being stockpiled on the site reduces the likelihood of spontaneous combustion occurring.

12 CORPORATE AND COMMUNITY SERVICES

12.1 LOCAL ORDERS POLICY

Attachments:	A. DRAFT Local Orders Policy
Responsible Officer:	Fiona Plesman - General Manager
Author:	Carolyn O'Brien - Acting 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

This report recommends the draft Local Orders Policy for adoption by Council with amendments made to the policy following a period of Community Consultation.

OFFICER'S RECOMMENDATION

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

Moved: _____ **Seconded:** _____

BACKGROUND

In November, 2018 staff reported the purpose of a Local Orders Policy was "*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.*"

This same report recommended that: "*Council exhibit the draft Local Orders Policy in Attachment A, in accordance with the requirements of the Local Government Act 1993.*"

Following a period of public exhibition and community feedback, amendments were made to the attached draft policy to reflect community comment on the Local Orders Policy. These changes have been highlighted in Attachment A to this report, representing a minor change to the draft policy to include graffiti, signs, notices and banners to order 10 – unsightly articles or matter.

REPORT

The draft policy was exhibited from 6 December 2018 to 31 January 2019. The document was available on Council's website and advertisements were placed in the Muswellbrook Chronicle, Hunter Valley new and 83 letters were sent to local businesses, organisations and residents. One submission was received.

The submission relates to Order 18 (3) – Keeping of dogs. The submission requests that the number of dogs allowed on lots of 800sq or less be restricted to one dog over 15kgs. The draft Policy allows 3 dogs between 15-35kg or 2 dogs over 35 kg. No change is proposed to the draft policy as there are

health benefits for the dogs to have the companionship of another dog when the owners are away from home.

The submission also requests that Granny Flats be added to the housing types listed in part 18(3 – b). A change is proposed to simply refer to lots under 400sqm, irrespective of dwelling type.

Council rangers have also requested that order 18 (13) the keeping of poultry be amended to note that no peacocks or peahens may be kept in an urban area. The draft Policy currently only refers to peacocks. These changes are considered minor and do not require further exhibition of the Policy.

CONSULTATION

Council were consulted on the content of this report through the Ordinary Council meeting held on 13 November, 2018.

Following that meeting the Draft Local Orders policy was placed on public exhibition.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The Councillor spokesperson was provided a copy of the amended policy during the preparation of this report for information only.

CONCLUSION

Staff recommend the revised Draft Local Orders Policy for Council adoption, including the amendments that were made to the document following community and staff consultation.

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

“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 (the Act) enables Council to prepare a Locals Orders Policy.”

LEGAL IMPLICATIONS

“The Act requires councils to observe certain procedures before giving Orders. The order must:

- Indicate the things the person must do or refrain from doing.
- 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.
- Specify a reasonable period for compliance. If there is a serious risk to health or safety or an emergency, compliance can be required immediately.
- 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)

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

Public Risk may be reduced through the implementation of the Local Orders Policy.

DRAFT
Local Orders Policy
MSC04E

Table of Contents

Policy Objective.....	4
Risks being addressed.....	4
Scope	4
Definitions.....	4
Policy Statement	6
Criteria for Consideration.....	6
Giving Notice and Representations	7
Content of Orders	8
Revocation and Modification of Orders	8
After an Order is Given.....	8
Penalties for Non Compliance	9
Orders Schedule.....	10
Orders 1, 2, 3, 4, 6, 13, 14, 20, 26	10
Order 5 – Compliance with standards and requirements	11
Order 7 – Fencing Land	13
Order 8 – The identification of premises	14
Order 9 – Dangerous hole or waterhole.....	15
Order 10 – Unsightly articles or matter	16
Order 11 - Prevent and repair environmental damage	17
Order 12 - Control of surface water across land	18
Order 15 - Threatening or hazardous activities.....	20
Order 16 - Ceasing to use or evacuating premises	21
Order 17 - To leave or not enter premises.....	22
Order 18 – The Keeping of Birds and Animals	23
Order 18 (1) - The Keeping of Birds	24
Order 18 (2) – The Keeping of Cats	25
Order 18 (3) – The Keeping of Dogs	26
Order 18 (4) – The Keeping of Declared Dogs (Dangerous and Restricted Dogs).....	27
Order 18 (5) – The Keeping of Greyhounds.....	28
Order 18 (6) – The Keeping of Static Guard Dogs.....	29
Order 18 (7) – The Keeping of Rabbits	29
Order 18 (8) – The Keeping of Ferrets	30
Order 18 (9) – The Keeping of Guinea Pigs.....	31
Order 18 (10) – The Keeping of Rodents	31
Order 18 (11) – The Keeping of Horses (Donkeys) and Other Livestock not Covered in this Policy	32

Order 18 (12) – The Keeping of Cattle	34
Order 18 (13) – The Keeping of Poultry	34
Order 18 (14) – The Keeping of Pigeons	36
Order 18 (15) – The Keeping of Sheep, Goats, Alpacas, Llamas, and Camels	38
Order 18 (16) – The Keeping of Non-Indigenous Animals Primates (Monkeys).....	39
Order 18 (17) – The Keeping of Squirrels	40
Order 18 (18) – The Keeping of Bees	40
Order 18 (19) – The Keeping of Pigs (Swine)	42
Order 18 (20) – The Keeping of Fish, Aquariums and Ponds	43
Order 18 (21) – The Keeping of Reptiles	44
Order 18 (22) – The Keeping of Native Wildlife	45
Order 19 - Use of tennis courts	47
Order 21 - Safe and healthy land and premises	48
Order 22 - Waste on land or premises.....	50
Order 22A - Remove Waste from land.....	51
Order 23 - Connection to water supply	52
Order 24 - Connection to sewerage system	53
Order 25 - Human waste storage facility on premises.....	54
Order 27 - Object or matter in a public place	55
Order 28 - Damage to a public place	57
Order 29 - Work or structure in a public place	58
Order 30 - Compliance with approvals.....	59
Additional Provisions of Policy	60
Delegations	60
Legislation	60
Local Government Act 1993.....	61
Dispute Resolution	61
Associated Council Documentation	61
Authorisation Details	61
Details History	62

Policy Objective

The purpose of the Local Orders Policy is to, in accordance with s159 of the Local Government Act, supplement provisions of the Act and the Local Government (General) Regulation 2005 by specifying the criteria which Council must take into consideration in determining whether or not to give an Order under Section 124 of the Local Government Act. The Objectives are:

- To specify the criteria which the Council must take into consideration in determining whether or not to give an order;
- To promote an integrated framework for dealing with Orders;
- To ensure consistency and fairness in the manner in which the Council gives Orders;
- To make the Council's policies and requirements for Orders readily accessible and understandable to the public; and
- To establish a system of community participation which can effectively resolve disputes and conflicts as they arise.

Risks being addressed

This policy mitigates risks of health and safety hazards to the community, while at the same time it helps Council to improve liveability in the Shire. In particular, the Local Orders Policy helps:

- a) Minimise the incidence of nuisance being caused to persons;
- b) Protect the welfare of companion and farm animals;
- c) Protect the welfare and habitat of wildlife;
- d) Minimise the disturbance of or damage to protected vegetation; and
- e) Safeguard the environment.

Scope

This policy applies to all land within Muswellbrook Shire Local Government Area.

Definitions

Abatement means the summary removal or remedying of a nuisance (the physical removal or suppression of a nuisance) by an injured party without having recourse to legal proceedings.

Act means the Local Government Act 1993 and regulations made thereunder.

Adequate means equal to the requirement or occasion; fully sufficient, suitable or fit.

Article means anything capable of ownership except a living creature.

Clean and Sanitary means the provision of a healthy environment by the exclusion of dust, dirt, vermin, bacteria and waste.

Convenience means a state of affairs in which members of the community can enjoy a public place without aggravation, fear, annoyance or disruption from a source within private property.

Danger to the Public means a liability or exposure to harm, injury, risk or peril to the public.

Dilapidated reduced to or fallen into ruin or decay.

Expedient is to promote a proposed or desired object, a means to an end.

Local Government Act means the Local Government Act 1993 (as amended) and includes subordinate legislation made thereunder.

Land includes allotments, tenements and hereditaments, corporeal and incorporeal, of any tenure or description and whatever may be the estate or interest therein.

Land in the Immediate Vicinity of a Public Place means any land either having an allotment boundary to a public place or giving legal access to the public across any other land to a public place.

Likely means probably or apparently going or destined to be.

Matter means the substance or substances of which physical objects, whether solids, liquids or gases are composed.

Necessary means something that cannot be dispensed with.

Order means any order issued under s124 of the Act.

Physical Environmental Damage means the degrading of existing physical surroundings including the land or water.

Safety means freedom from injury or danger.

Sewage Management Facility means:

- a. a human waste storage facility, or
- b. a waste treatment device intended to process sewage, and
- c. a drain connected to such a facility or device.

Sewerage System in relation to any premises means the pipes, fittings and fixtures on the premises, connected to the infrastructure, which are used or intended to be used for the conveyance of sewage from the premises, but does not include a septic tank, an effluent system or a sullage system.

Significant means important; of consequence.

Surface Water means all water which runs across the surface of the land and which may originate from any source including non-polluted water, water from defective guttering, downpipes or drainage, roof water, water from paved areas, discharges or overflows from swimming pools and water from blocked stormwater drains or pipes, but shall not include seepage or water percolating to the surface rising from excavation within the land that is suffering damage or likely to suffer damage.

Threat means a reasonable menace or likelihood of harm.

Waterhole or Dangerous Hole means any hole, pit, quarry, excavation, dam or waterhole which in the opinion of the Council is or may become dangerous to life, but does not include a swimming pool within the means of the Swimming Pool Act 1992.

Waste means:

- (a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- (b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- (c) garbage, being all refuse other than trade waste and effluent,

and includes any other substance defined as waste for the purposes of the *Protection of the Environment Operations Act 1997*, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

Waste Receptacle means a container approved by Council, used for the retention and storage of waste arising from premises.

Work means any activity, process, task or action and includes a reference to the rebuilding of, the making of alterations to or the enlargement or extension of a work or enclosing a public place in connection with the carrying out of a work.

Policy Statement

In accordance with the Act, Councils are required to observe certain procedures before giving Orders.

Criteria for Consideration

Listed in the Orders schedule are the types of orders that Council may give, 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.

Note: *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 (Section 131 of the Act).

Note: Under Section 126 of the Act, Council may not give an Order in respect to the following land without the prior written consent of the Minister:

- Vacant Crown land;
- A reserve within the meaning of the Crown Lands Act 1989;
- A Common.

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

Giving Notice and Representations

Section 132 of the Local Government Act requires that the following be carried out prior to issuing an Order:

- Before giving an order, Council must give notice to the person(s) to whom the Order is proposed to be given of its intention to give the Order, the terms of the proposed Order and the period proposed to be specified as the period within which the Order is to be complied with (*section 132(1) of the Act*).
- Council's notice must indicate that the person to whom the Order is proposed to be given may make representations to Council as to why the Order should not be given or as to the terms of or period for compliance with the Order (*section 132(2) of the Act*).
- The notice may indicate that the representations are to be made to the Council or a specified committee of the Council on a specified meeting date or to a specified Councillor or employee of the Council on or before a specified date being, in either case, a date that is reasonable in the circumstances of the case (*section 132(3) of the Act*).
- A person, to whom an Order is proposed to be given, when making representations may be represented by an Australian legal practitioner or agent. (*section 133 of the Act*).
- The Council or a specified committee, or specified Councillor or employee of the Council is required to hear and to consider any representations made pursuant to s133 (*section 134 of the Act*).

Representations are to be received, heard and considered by the Manager of the issuing officer.

After hearing and considering any representations made concerning the proposed Order, the Manager concerned may determine:

- a) to give an Order in accordance with the proposed order; or
- b) to give an Order in accordance with modifications made to the proposed Order;
or
- c) not to give an Order (*section 135 of the Act*).

If the determination is to give an order in accordance with modifications made to the proposed order then Council is not required to give notice of the proposed order as so modified. (*section 135(2) of the Act*).

If Council observes the above procedure it is taken to have observed the rules of procedural fairness. (section 130 of the Act).

Content of Orders

The order must:

Indicate the things the person must do or refrain from doing:

- 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 (*section 136 of the Act*).
- Specify a reasonable period for compliance. If there is a serious risk to health or safety or an emergency, compliance can be required immediately (*section 137 of the Act*).
- 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 of the Act*)

The order may:

- Specify the standard that the premises are required to meet and indicate the nature of the work that, if carried out, would satisfy that standard instead of specifying the things that the person to whom the order is given must do or refrain from doing. (*section 139 Local Government Act*)
- Clause 99 of the Local Government (General) Regulation 2005 also requires that the following information must be included:
 - a) Any relevant provision of the Local Government Act, local orders policy or regulations made under the Local Government Act that is not being or has not been complied with,
 - b) That it is an offence not to comply with an Order and the maximum penalty for the offence,
 - c) That, if the Order is not complied with, the Council may give effect to the Order and recover the costs of doing so from the person concerned.

Revocation and Modification of Orders

- Council may modify an order given to a person at any time (including a modification of the period of compliance) providing the person agrees to that modification. (*section 152 Local Government Act*)
- Council may revoke an order at any time. (*section 153 Local Government Act*)

After an Order is Given

There are a number of possible scenarios:

- The person who receives the order complies.

- The owner or occupier of premises complies. If the occupier or manager complies with the order they may deduct the cost (plus interest) from rent payable to the owner or recover the cost in court (*section 147 of the Act*)
- Council can modify the Order if the person agrees to the modification (*section 152 of the Act*).
- Council can revoke the Order (*section 153 of the Act*).
- The person on whom the Order is served may appeal against the order to the Land and Environment Court and seek compensation (see *sections 180, 181, 182 of the Act*).
- Person fails to comply with the Order.

It is an offence not to comply with an order. The Act specifies penalties for such offences and provides mechanisms for enforcement, including Court action for non-compliance— see applicable penalties (*section 628 of the Act*).

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 (*section 678 of the Act*).

Council may seek orders of the Land and Environment Court to enforce the terms of the order (*section 673 of the Act*).

Penalties for Non Compliance

Penalties for non-compliance with the terms of orders issued by Council if prosecuted are prescribed under section 628 of the Local Government Act.

- The maximum penalty for failure to comply with Orders 3, 5, 7-12 is 50 penalty units in the case of an individual and 100 penalty units in the case of a corporation
- The maximum penalty for failure to comply with Orders 15-17 is 100 penalty units in the case of an individual and 200 penalty units in the case of a corporation
- The maximum penalty for failure to comply with Orders 18-25 and 27-30 is 20 penalty units

Orders Schedule

SECTION 124 ORDERS

The following Orders under Sections 124 of the Local Government Act are set out to indicate:

- a) To do what (action required to be taken).
- b) In what circumstances (restricts the particular circumstances in which an Order may be given).
- c) To whom (the person the Order must be given to).
- d) The criteria to be taken into consideration when determining whether an order is to be given.

Orders 1, 2, 3, 4, 6, 13, 14, 20, 26

This Local Orders Policy does not include details or criteria with respect to orders 1, 2, 3, 4, 6, 13, 14, 20 and 26 in the table to section 124 Local Government Act.

Order 5 – Compliance with standards and requirements

To do What?

To take such action as is necessary to bring into compliance with relevant standards or requirements set or made or under the Local Government Act 1993 or Local Government Act 1919:

- a. A camping ground, caravan park or manufactured home estate
- b. A moveable dwelling or manufactured home
- c. (*Repealed*)
- d. A place of shared accommodation
- e. A hairdressers shop or beauty salon
- f. A mortuary
- g. A water meter, water supply or sewerage system on premises.

In What Circumstances?

Failure to comply with relevant standards or requirements set or made by or under the Act or under the Local Government Act 1919.

To Whom?

Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of the licence in force under the Home Building Act 1989 authorising the holder to contract to do the work) within twelve months after the work is carried out or the material is supplied, the licensed contractor.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration

Non-compliance with:

Order 5

1. With respect to Order 5(a) in its operation as to camping grounds, caravan parks and manufactured home estates and 5(b) in its operation as to moveable dwellings any applicable standards referred to in the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005
2. Clause 11 Local Government (General) Regulation 2005 – “*Adoption of Building Code of Australia*” AND Schedule 1, Part 1 Local Government (General) Regulation 2005 - :“Management and use of Places of Public Entertainment”,

3. Schedule 2, Part 1 Local Government (General) Regulation 2005 –
 - a. *“Standards of Place of Shared Accommodation”*
4. Schedule 2, Part 2 Local Government (General) Regulation 2005, –
 - a. *“Standards for Hairdresser Shops”* and Part 3 – *“Standards for Beauty Salons”*
5. Schedule 2, Part 4 Local Government (General) Regulation 2005 -
 - a. *“Standards for Mortuaries”*.

Order 7 – Fencing Land

To do What?

To fence land.

In What Circumstances?

Public health, safety or convenience renders it necessary or expedient to do so and there is no adequate fence between the land and a public place.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

The condition, location or use of the land poses a threat to the health, safety and convenience of the public.

Order 8 – The identification of premises

To Do What?

To identify premises with such numbers or other identification in such a manner as is specified in the Order.

In What Circumstances?

Premises have a frontage to or entrance from a road and there are no markings that can readily be seen and understood from the road.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

Such an Order would be served if there is unauthorised use of or duplication of numbers, numbers not in accordance with the street patterns, or no numbers at all, or there is confusion in identification of premises and the owner / occupier had not complied with Council's request for rectification.

Order 9 – Dangerous hole or waterhole

To do What?

To fence, empty, fill in or cover up a hole or waterhole in a manner specified in the Order.

In What Circumstances?

Hole or waterhole is or may become dangerous to life.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. The hole or waterhole is directly accessible from a public place or another private property and/or
2. The hole or waterhole is not adequately covered or fenced to the minimum requirements of the Swimming Pools Act 1992 to prevent direct access to it from a public place or any other private property and,
3. The nature, location and depth of the hole or waterhole is considered to be dangerous to life.

Criteria Does Not Include:

1. Any hole or water hole that falls under the definition of a swimming pool as defined in the Swimming Pools Act 1992, as that Act has defined safety requirements.

Order 10 – Unsightly articles or matter

To Do What?

To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees.

In What Circumstances?

Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. Definition of “Article” or “matter” in Order 10 includes but is not limited to:
 - a. Disused motor vehicles, caravans, trailers or boats;
 - b. Disused motor vehicle parts, caravan parts, trailer parts or boat parts;
 - c. Disused machinery, equipment and appliances;
 - d. Old, used or second hand materials (including building materials);
 - e. Demolition material;
 - f. Sand, soil, rock, blue metal and any other material derived from any extraction or dredging process;
 - g. Any organic or vegetative material;
 - h. Any industrial or commercial waste products;
 - i. Any household rubbish or waste;
 - j. Any recycled or composted material;
 - k. Furniture;
 - l. Signs, notices, banners and graffiti.
2. “*land in the immediate vicinity of a public place*” in Order 10 means any land that immediately adjoins a public place.
3. The article(s) must be visible from the public place.

Order 11 - Prevent and repair environmental damage

To Do What?

To do or to refrain from doing such things as are specified in the Order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage.

In What Circumstances?

Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:

- a) drainage; or
- b) drainage works; or
- c) obstructing a natural watercourse other than by a work constructed or used under a water management work approval granted under Part 2 of the Water Management Act 2000,

not being environmental damage arising from premises, works or equipment the subject of a licence issued under the Protection of the Environment Operations Act 1997 or the subject of a notice or direction issued by the regulatory authority under that Act.

To Whom?

Owner or occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

Potential or actual physical environmental damage must be as a result of the flow of water over any land, discharged from the following sources:

1. Drainage, being a drain or system of drains, whether artificial or natural, which are designed for the carrying of water other than sewage and which includes a natural water course or
2. Drainage works, being any part of the on-site process involved in the construction of a drain or drainage system and which includes, but not limited to site excavation, materials, compiling and any associated buildings works or
3. Obstruction of a natural water course, being the carrying out of building works or the deposition of any material in such a position as to block or restrict the flow of water within or to redirect the flow of water away from a natural water course.

Order 12 - Control of surface water across land

To Do What?

To do such things as are necessary to control the flow of surface water across land.

In What Circumstances?

Other land or a building on the land or other land is being damaged or is likely to be damaged.

To Whom?

Owner or occupier of land.

Definition:

Surface Water means all water which runs across the surface of the land and which may originate from any source including non-polluted water, water from defective guttering, downpipes or drainage, roof water, water from paved areas, or overflows from swimming pools and water from blocked stormwater drains or pipes, but shall not include seepage or water percolating to the surface arising from excavation within the land that is suffering damage or likely to suffer damage.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. Erosion of land is occurring from the flow of surface water.
2. Physical damage to a building is or has occurred or there is sufficient evidence to suggest that it is likely to occur.
3. Surface water flows across the land boundary onto other land.
4. Situations where this Order may apply include but are not limited to:
 - i. Water from defective guttering, downpipes or drainage (including underground drainage pipes)
 - ii. Water from roofs not fitted with guttering
 - iii. Emptying or backwashing swimming pools
 - iv. Surface water that has been purposely redirected away from its natural direction of flow towards other land.
 - v. The surface water is turbid or otherwise polluted and is flowing across the land boundary.

Criteria Does Not Include:

- i. Stormwater runoff which is NOT redirected in any manner (i.e. natural surface flow) and follows existing natural land contours
- ii. Surface water runoff occurring in periods of exceptional heavy rain

- iii. Stormwater runoff flowing onto and down existing hard surface areas such as driveways, tennis courts, concrete slab or paved areas
- iv. Discharges from defective or blocked private stormwater easements
- v. Overflows from stormwater absorption pits where contours of land and lack of access prevent direct connection of a building's stormwater drainage system to Council's Stormwater Drainage System
- vi. Runoff from any building or development work that is the subject of a Development Consent and has been constructed in accordance with that consent
- vii. Any circumstance in which the flow of surface water across land is capable of being regulated by any other Act by a public authority and Conservation constitutes a circumstance where an Order No. 12 cannot be made.

Order 15 - Threatening or hazardous activities

To Do What?

Not to conduct, or to cease conducting an activity on premises (whether or not the activity is approved under the Local Government Act)

In What Circumstances?

The activity constitutes or is likely to constitute:

- (a) a life threatening hazard; or
- (b) a threat to public health or public safety

and is not regulated or controlled under any other Act by a public authority.

To Whom?

Any person apparently engaged in promoting, conducting or carrying out the activity.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. The activity being carried out is causing or is likely to cause a life threatening hazard or a threat to public health or public safety to any person whether on private or public land.
2. Situations where this Order may apply include but are not limited to:
 - (a) Use of a defective septic tank or a septic closet on premises after the date specified (in an Order No. 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system.
 - (b) Construction work on a septic tank or a septic closet on premises after the date specified (in an Order No. 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system.

Criteria Does Not Include:

1. Any activity that is covered by any other Act or Regulation.
2. Any activity that is controlled by another authority.

Order 16 - Ceasing to use or evacuating premises

To Do What?

To cease the use of premises or to evacuate premises.

In What Circumstances?

A person to whom Order No. 15 is given has failed to comply with the Order.

To Whom?

The person to whom Order No. 15 is given.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

No additional criteria.

Order 17 - To leave or not enter premises

To Do What?

To leave premises or not to enter premises.

In What Circumstances?

A person to whom Order No. 15 is given has failed to comply with the Order.

To Whom?

Any person.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

No additional criteria.

Order 18 – The Keeping of Birds and Animals

To Do What?

Not to keep birds or animals on premises, other than such kinds, in such numbers or in such manner as specified in the Order.

In What Circumstances?

Birds or animals kept on premises are:

- a) In the case of any premises (whether or not in a catchment district) – of an inappropriate kind or number or are kept inappropriately; or
- b) In the case of premises in a catchment district – birds or animals (being birds or animals that are suffering from a disease which is communicable to man or to other birds or animals) or pigs.

To Whom?

Occupier of premises

Criteria

1. Please refer to:

Order 18 (1) - The keeping of birds

Order 18 (2) - The keeping of cats

Order 18 (3) - The keeping of dogs

Order 18 (4) - The keeping of declared dogs

Order 18 (5) - The keeping of greyhounds

Order 18 (6) - The keeping of static guard dogs

Order 18 (7) - The keeping of rabbits

Order 18 (8) - The keeping of ferrets

Order 18 (9) - The keeping of guinea pigs

Order 18 (10) - The keeping of rodents

Order 18 (11) - The keeping of horses and other livestock

Order 18 (12) - The keeping of cattle

Order 18 (13) - The keeping of poultry

Order 18 (14) - The keeping of pigeons

Order 18 (15) - The keeping of Sheep, Goats, Alpacas, Llamas, and Camels

Order 18 (16) - The keeping of non-indigenous animals primates (monkeys)

Order 18 (17) - The keeping of squirrels

Order 18 (18) - The keeping of bees

Order 18 (19) - The keeping of pigs (swine)

Order 18 (20) - The keeping of fish, aquariums and ponds

Order 18 (21) - The keeping of reptiles

Order 18 (22) – The keeping of native wildlife

Order 18 (1) - The Keeping of Birds

Objectives:

- To encourage the individual aviculture enthusiast or hobbyist to manage their birds responsibly and correctly;
- To ensure that local and neighbouring residents are not affected visually by any aviculture structure;
- To ensure that the neighbours and the surrounding environment are not affected by noise, odour or vermin; and
- To ensure that the welfare of birds is maintained.

Criteria:

Environmental Management

1. All aviaries and holding facilities must be constructed of appropriate materials and of a quality of construction and maintenance that is acceptable to Council, and designed to be vermin proof, well ventilated, have an impervious surface and not cause or be likely to cause injury to birds.
2. All aviaries and facilities must be well maintained by the owner so as to avoid escape and/or injury to birds.
3. Careful regard must be given to the amenity of neighbours, especially the avoidance of excessive noise and odour.
4. The Code of Ethics produced by the Associated Bird-Keepers of Australia Incorporated, approved by the Canary and Bird Federation of Australia, must be complied with at all times.
5. Where the owner operates a business from home related to the commercial trade or retail of birds or associated items, provisions of the *Environmental Planning and Assessment Act 1997* may apply.

6. Extensive aviculture activities are required to submit aviary plans for development approval by Council.
7. Flooring must be constructed of an impervious material or in some external situations, sand or gravel with a rodent proof mesh underlay.
8. Aviaries must not be within 10 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Enclosed buildings for the primary purpose of holding caged birds require Council consent.
10. An animal trade must not be conducted without prior consent.
11. Vermin proof food storage facilities must be provided.
12. An adequate rodent and pest control program must be in place.
13. Excessive noise and odour must be controlled by the use of sound proofing materials, distance and choice of bird species.

Aviary Structures

Aviary structures must satisfy the development standards and general requirements outlined in *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (as amended), and Subdivision 4 Aviaries, or have development consent from Council.

Order 18 (2) – The Keeping of Cats

Objectives:

- To encourage the satisfactory care and management of cats in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of cats does not adversely impact on the community or the environment; and
- To ensure that all provisions of relevant legislation are complied with.

Criteria:

1. Those persons requiring to breed or hold on their property, more than three (3) cats over the age of six months, must be authorised by Council to do so. Council Officers will determine the suitability of the premises for the purpose and number of cats to be held and will consider:
 - a) If there are adequate holding facilities in place, especially for male cats.
 - b) That cats are not be permitted to create a nuisance in any form, including straying, interfering with the properties of others.
 - c) That odours and waste are being managed to the satisfaction of Council.

2. The health of all cats is to be monitored and appropriate veterinary treatment obtained in the event of illness.
3. Wildlife must be protected from cats.
4. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2001* must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.

Note – *Owners of cats are encouraged to de-sex their cats and keep them contained at night. Registration fees are cheaper for desexed animals.*

Order 18 (3) – The Keeping of Dogs

Objectives:

- To encourage the satisfactory care and management of dogs in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of dogs does not adversely impact on the surrounding community or the environment; and
- To ensure that all dog owners comply with all relevant government legislation and regulations.

Criteria:

Note – *This section does NOT limit section 18(4) The Keeping of Declared Dogs (Dangerous and Restricted Dogs) Criteria.*

1. No attack-trained dog shall be held in a residential area unless managed by a registered owner/security company, Police service or other approved Government instrumentality.
2. The number of dogs permitted to be kept on any property in the Muswellbrook Shire Local Government Area are as follows:

a) Allotments less than 2500m² in area

- Dogs in excess of 35 kilograms - maximum 2 dogs
- Dogs between 15 and 35 kilograms - maximum 3 dogs OR
- Dogs less than 15 kilograms - maximum 4 dogs

b) ~~Units, and Townhouses or~~ Allotments less than 400m²

Council recommends a maximum of 1 dog maximum weight 15kg per ~~unit/villa/ townhouse~~ and allotment less than 400m², unless it can be demonstrated that the keeping of additional dogs does not adversely impact upon the neighbouring community or the environment.

3. Waste material, including litter and bedding, must be disposed of in an approved manner, which may include composting.
4. All noise, including barking, must be controlled.
5. All odours must be controlled.
6. The health of all dogs is to be regularly monitored and appropriate veterinary treatment obtained in the event of illness.
7. Wildlife must be protected where possible from dogs.
8. Dog breeding and/or boarding kennels are subject to Council approval.
9. All provisions of the *Companion Animals Act 1998* and the *Companion Animals Amendment Act 2006* must be complied with, including:
 - a) Registration requirements; and
 - b) Micro-chipping requirements.

Note - Owners of dogs are encouraged to de-sex their dogs. Registration fees are cheaper for doing so.

Council will consider altering the above criteria in a case-by-case basis, depending on the facilities provided by the applicant, and after taking submissions of close neighbours into account.

Dog breeders may apply for permission from Council to vary the number of dogs permitted on any property.

Order 18 (4) – The Keeping of Declared Dogs (Dangerous and Restricted Dogs)

Objectives:

- To ensure that all requirements of the *Companion Animals Act 1998* for Declared Dogs are complied with;
- To ensure that the keeping of Declared Dogs does not adversely affect the surrounding community or the environment; and
- To ensure that the keeping of Declared Dogs does not endanger the community.

Criteria:

Note – This section does NOT limit section 18(3) The Keeping of Dogs Criteria.

1. A declared dog must be kept in an enclosure and in manner that complies with the requirements prescribed in the *Companion Animals Act 1998* and the regulations.

Order 18 (5) – The Keeping of Greyhounds

Objectives:

- To ensure the satisfactory care and management of greyhounds;
- To ensure that the keeping of greyhounds does not adversely affect the surrounding community or the environment; and
- To ensure that all owners of greyhounds comply with all relevant government legislation and regulations.

Criteria:

1. Greyhounds registered with the Greyhound Racing Control Board are not required to be micro-chipped. All other greyhounds must be micro-chipped.
2. Greyhounds must be muzzled and be leashed at all times in public places exempt if “pet” greyhounds muzzle free after completing approved re-training program and wears an approved collar in a public place (Companion Animals Regulation 33B).
3. Greyhounds must be kept in a secure, fenced property to prevent escape.
4. The number of dogs permitted to be kept on any property in the Muswellbrook Shire Local Government Area are as follows:

Allotments less than 2500m² in area

- Greyhounds in excess of 25 kilograms - maximum 2 dogs
 - Greyhounds between 11-25 kilograms - maximum 3 dogs
5. The keeping of greyhounds in townhouse and unit developments and on allotments with an area of less than 400 square metres is not permitted.
 6. Greyhounds must be provided with:
 - Sufficient food drink and clothing;
 - Sufficient exercise;
 - Properly constructed kennels that are adequate in size and kept in a clean and sanitary condition; and
 - Veterinary attention when necessary.
 7. Greyhound trainers must be registered with the Greyhound Racing Control Board.

Order 18 (6) – The Keeping of Static Guard Dogs

Objectives:

- To encourage the appropriate care and management of static guard dogs within the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of static guard dogs (e.g. Dogs that are kept on a site) does not pose a safety threat to the Muswellbrook Shire community; and
- To ensure that the owners of static guard dogs comply with all relevant Legislation.

Criteria:

1. Owners and persons in charge of on-site guard dogs are required to undertake the following control requirements:
 - a) To provide and erect appropriate signage that is prominently displayed upon the perimeter fences to those premises being guarded, which reads “Warning – Guard Dog on Premises”;
 - b) Such signs must be of a standard to alert any reasonable person of the consequences of entry;
 - c) Such signs must be manufactured in such a manner that they are continually visible and readable in every circumstance; and
 - d) Such signs must include an emergency contact phone number to be used in emergency situations.
2. Owners and lessees of guard dogs must ensure that such dogs are securely contained upon the premises being guarded.
3. No attack trained dog may be held within the Muswellbrook Shire Local Government Area (police dogs and other Government instrumentalities excepted).
4. All provisions of the *Companion Animals Act 1998* must be followed in respect to any dog kept within the Muswellbrook Shire Local Government Area.
5. Declared dangerous dogs or guard dogs, having been declared dangerous, pursuant to the *Companion Animals Act 1998* are not permitted to be utilised as static guard dogs upon any land within the Muswellbrook Shire Local Government Area, on a commercial or private basis.

Order 18 (7) – The Keeping of Rabbits

Objectives:

- To encourage the appropriate care and management of rabbits within the Muswellbrook Shire Local Government Area;
- To ensure that rabbit owners comply with all relevant legislation; and regulations and;
- To ensure that the keeping of rabbits does not adversely affect the surrounding community and environment.

Criteria:

1. The keeping of wild rabbits is subject to all requirements of NSW Agriculture, Fisheries and Forestry which may include gaining a licence for the keeping of wild rabbits. No more than 2 wild rabbits may be kept at any one time, unless approval has been received from the Minister of Agriculture and Council.
2. No more than 4 adult domestic rabbits may be kept at any one time on an allotment less than 2500m² in area without the prior approval of Council.
3. Rabbits being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares stores or handles food for sale.
4. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
5. Hutches and cages must be kept clean at all times.
6. All odours must be controlled.
7. Rabbits must not be bred for greyhound training.
8. Rabbits must be protected from all predators.
9. Rabbits kept must be a recognised domestic breed and be kept in a rabbit proof enclosure.

Note – Owners of rabbits are encouraged to keep vaccinations for calicivirus current.

Order 18 (8) – The Keeping of Ferrets

Objectives:

- To encourage the correct care and management of ferrets in the Muswellbrook Shire Local Government Area;
- To ensure that ferret owners comply with all relevant government legislation; and
- To ensure that the keeping of ferrets does not adversely affect the surrounding community and environment.

Criteria:

1. Hutches and cages must be kept clean at all times.
2. Odours must be vigorously controlled at all times. The scent secretions of these animals are particularly pungent and are likely to be found offensive by many people.
3. Ferrets being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares stores or handles food for sale.
4. Protection for ferrets from extreme weather conditions must be provided.

5. Hutch or cage construction must be of a standard that will prevent escape.
6. Ferrets are not to be fed live food.
7. Sufficient food and drink must be provided at all times.
8. Ferrets must be caged and/or secured at all times and are not permitted to free range.
9. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Order 18 (9) – The Keeping of Guinea Pigs

Objectives:

- To encourage the appropriate care and management and care of guinea pigs within the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of guinea pigs does not adversely affect residents and the surrounding environment.

Criteria:

1. Hutches and cages must be kept clean at all times.
2. Protection from the natural elements must be provided (particularly extreme hot weather).
3. Protection from predators (dogs, cats, foxes) must be ensured through the provision of predator proof caging.
4. Sufficient food and drink must be provided at all times.
5. Odours must be vigorously controlled at all times.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.

Order 18 (10) – The Keeping of Rodents

Objectives:

- To encourage the satisfactory care and management of companion rodents, rats and mice; and
- To ensure the keeping of rodents, rats and mice does not adversely affect the surrounding community and the environment.

Criteria:

1. The keeping of these animals is permitted as pet companion animals only. The keeping and breeding of rodents as food animals for reptile feeding is prohibited.

2. Only domesticated breeds of rats and mice are permitted to be kept.
3. Rodents, rats and mice must be confined within rodent proof cages or enclosures.
4. These animals must be protected from the predation of cats and dogs.
5. Any excess rodents must be disposed of in an appropriate and humane manner.
6. Odours must be vigorously controlled at all times.
7. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
8. Rodents, rats and mice being kept outside in urban areas must not be kept closer than 10 metres to a dwelling or a place that prepares stores or handles food for sale.

Order 18 (11) – The Keeping of Horses (Donkeys) and Other Livestock not Covered in this Policy

Objectives:

- To ensure that the satisfactory care and management of horses is maintained in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of horses does not adversely affect residents or the surrounding environment; and
- To ensure that horse owners comply with relevant government legislation.

Criteria:

Subject to compliance with the stables provisions of Council's Development Control Plan which includes but not limited to the following:

1. Horses must not be kept within 10 metres of an adjoining property boundary or a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food. This distance may be varied on application in areas zoned for stable/horse keeping purposes (refer to the Local Environmental Plan).
2. The floors of stables must be paved with concrete mineral asphalt or other equally impervious material, and must be properly graded to an approved drain.
3. Horse yards must be so enclosed as to prevent the escape of horses.
4. Yarded horses must be provided with a loosebox or similar shelter.
5. The provision of protection from sun, rain, wind and extremes of temperature should be provided. The facilities must be of such a standard of construction and state of repair that prevents escape or injury to the horse. Yards and other holding facilities must be of post and rail or similar construction. Paddock held horses may use natural cover, but rugging and constructed shelters should also be considered.

6. External and internal walls of stables are to be of brick or masonry construction of an approved design, and:
 - a. Be vermin resistant;
 - b. Have a minimum floor area of 12 square metres for every pony;
 - c. Have doors with a minimum height of 1.3 metres. The doors must open outward; and
 - d. Provide ventilation of such a standard that prevents dampness, avoids excessive odours and prevents draughts.
7. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
8. All fences must be of such construction and standard of maintenance that will reasonably ensure that the horse cannot escape and/or be injured.
9. No tethered horse may be on a roadway or public place, unless under the direct supervision of an adult.
10. Horses on busy roadways must be under the direct care of a responsible adult.
11. No horse may be taken onto a public reserve, unless permission to do so has been obtained from Muswellbrook Shire Council.
12. The keeping of horses or donkeys on allotments less than 2500m² in area is not permitted.
13. No horse may be kept on a public place or vacant allotment within the Muswellbrook Shire Local Government Area.
14. Any stabled horse must be exercised at least daily for a minimum of 30 minutes and the time out of stables must be in excess of 2 hours.
15. **Cleansing and Waste Requirements**
 - a. No impervious surfaces used by horses shall drain into any stormwater drainage system or waterway. All liquid waste shall be disposed of in a manner approved by Sydney Water.
 - b. Cleaning of all areas must be completed daily.
 - c. Provision of waste bin for solid matter and manure, such a waste bin must be cleaned out at least weekly. Council will allow certain forms of composting of stable waste on a case-by-case basis.
16. Suitable fire safety procedures must be provided. In the case of more than four individual stables (connected) and for all barn type stables, fire assessment and fire plans are required, including the provision of:
 - a. At least one exit to the outside per five stables;
 - b. Exit width of 1.3 metres per stable, and an exit width of 2 metres for aisles. All doors are to open outwards;

- c. Fire hose reels, in working Order;
- d. Adequate water pressure;
- e. Feed and bedding storage in a separate and unconnected building; and
- f. Smoke detection equipment in working Order.

Order 18 (12) – The Keeping of Cattle

Objectives:

- To ensure a satisfactory standard of care and management for the keeping of cattle in the Muswellbrook Shire Local Government Area;
- Ensuring that the keeping of cattle does not adversely affect the community or the environment; and
- To ensure that cattle owners comply with relevant government legislation.

Criteria:

1. Cattle must not be within 10 metres (or such a greater distance as the council may determine in a particular case) of any premises.
2. The floors of stables must be paved with concrete or mineral asphalt or other equally impervious material, and must be properly graded to drain.
3. Cattle yards must be enclosed as to prevent the escape of cattle.
4. Where rail fences are not available, appropriate visual additions such as reflective tape, plastic pipe, and so on, must be used on all wire fences.
5. All fences must be constructed and up to a standard of maintenance so that the cattle cannot escape or be injured.
6. No cattle may be kept or taken onto a public reserve unless the permission of Council has been obtained.
7. No cattle may be kept on an allotment with an area of less than 2500m².
8. The keeping of cattle in townhouse or unit developments is not permitted.

Order 18 (13) – The Keeping of Poultry

Objectives:

- To ensure the satisfactory standard of care and management for the keeping of poultry in the Muswellbrook Shire Local Government Area;

- To ensure that the keeping of poultry does not adversely affect the community or the environment; and
- To ensure that poultry owners comply with relevant government legislation.

Criteria:

1. All poultry must be kept in accordance with the **Local Government (General) Regulation 2005 Part 5, Schedule 2 – Division 2 clause 19/20**, as follows:

Poultry not to be a nuisance or health risk

A. Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

B. Poultry yards must at all times be kept clean and free from offensive odours.

Poultry not to be kept near certain premises

C. Fowls (that is, birds of the species *Gallus Gallus* "chicken/chook") or guinea fowls must not be kept within 3 metres of an adjoining lot boundary nor within 4.5 metres of any dwelling, public hall, school or premises used for manufacture, preparation, sale or storage of food.

D. Other types of poultry of a species permitted in clause 8 below must not be kept within 30 metres of any building referred to in subclause C above.

E. The floors of poultry houses must be paved with concrete underneath the roosts or perches. However, this subclause does not apply to poultry houses:

- i. that are more than 15 metres from any dwelling, public hall or school; or
- ii. that are situated on clean sand.

F. Poultry yards must be so enclosed as to prevent the escape of poultry.

G. Poultry houses must not exceed 3 metres in height or 15 sq.M in floor area.

2. All food must be stored in sealed vermin proof containers and must not be left uncovered.
3. All offensive noise, odours, vermin and other pests must be controlled.
4. All poultry must be housed in purpose built facilities. Structures must satisfy the general area and development standards of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, or have development consent from Council.
5. The slaughtering of poultry is not permitted.
6. Waste material, including litter and bedding, must be disposed of in an approved manner that may include composting.
7. Outside runs must be free draining, not to discharge to neighbouring properties and not be allowed to become muddy.

8. The total numbers of poultry (excluding pigeons, see 18(14)) kept on premises in an urban area must not exceed the maximum amount specified below:

Type	Maximum numbers
Peacocks and peahens	Nil
Roosters	Nil
Ducks	Nil
Geese	Nil
Swans	Nil
Turkeys	Nil
Fowls (chickens)	10
Pheasants	10
Quails	10
Pea Fowls	2
Pigeons	See Clause 18 (14)

Order 18 (14) – The Keeping of Pigeons

Objectives:

- To ensure the satisfactory care and management for the keeping of pigeons in the Muswellbrook Shire Local Government Area; and
- To ensure that the keeping of pigeons does not adversely affect the surrounding community or the environment.

Criteria:

The keeping of domestic homing, show or fancy class pigeons by hobbyists and racing enthusiasts in the

Muswellbrook Shire Local Government Area is permitted with the following control conditions applying:

1. A maximum 40 pigeons except as permitted for Racing Pigeons (see below) may be kept.
2. All pigeons must be housed in purpose built facilities. All aviaries/lofts and other built facilities for the keeping of caged birds including pigeons require prior Council development consent, except where aviaries/lofts do not exceed the following dimensions as prescribed by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 Cl2.7.
 - a) A maximum 10 square metres surface area, a maximum height of 2.4 metres and with a set back from any boundary, fence or wall of 900 millimetres; and
 - b) A maximum of 2 aviaries/lofts provided the total area does not exceed 10 square metres without prior Council approval.
3. The keeping of pigeons within unit or townhouse developments is not permitted.
4. **Racing Pigeons:** The maximum number of racing pigeons that may be kept on premises within an urban area is 150 birds, provided that the keeper is a certified member of a recognised pigeon racing club, federation or association is an active member of the sport and otherwise complies with other provisions of this local policy
5. Development Consent is required for any activity not considered a hobby including breeding pigeons for sale purposes.
6. Enclosed housing must use deep litter or other appropriate substrate.
7. Rodents other vermin and offensive odours must be vigorously controlled. All food must be stored in sealed vermin proof containers and must not be left uncovered.
8. Pigeons must not be kept within 9 metres of any dwelling or premises used for the sale, preparation, handling or storage of food for sale.
9. Positioning of pigeon lofts must be such that the amenity of adjoining premises is preserved, with no inconvenience or nuisance resulting from this activity or from flying birds. The pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks.
10. Waste must be disposed of in an approved manner

11. Liberation of Pigeons (General)

Note: *This section relates to the practice commonly referred to as homing*

- a) The uncontrolled release of pigeons (free lofting) in an urban residential area is not permitted.
- b) Free flight exercise must be conducted on a planned basis, with duration time typically from 30 to 90 minutes and performed no more than twice daily.
- c) Free non-flight time must be conducted under close supervision by the owner.

- d) The exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit.
- e) Appropriate landing boards must be provided to encourage the uninterrupted return of birds to the loft, aviary or cage.
- f) Every reasonable attempt must be made to retrieve birds that do not return.
- g) Birds must not be permitted to roost on neighbours' premises.
- h) Birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation.

Order 18 (15) – The Keeping of Sheep, Goats, Alpacas, Llamas, and Camels

Objectives:

- To ensure that sheep and goats are kept in a satisfactory manner in the Muswellbrook Shire Local Government Area;
- To ensure that the welfare of Sheep, Goats, Alpacas, Llamas, and Camels remains a priority;
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, and Camels does not adversely affect nearby residents or property; and
- To ensure that the keeping of Sheep, Goats, Alpacas, Llamas, and Camels does not affect the surrounding environment.

Criteria:

1. No Sheep, Goats, Alpacas, Llamas, and Camels may be kept in a residential area on an allotment with an area less than 2500 square metres.
2. Sheep, Goats, Alpacas, Llamas, and Camels may not be kept within 10 metres of any premises or facility used for the commercial preparation or storage of food for human consumption.
3. Sheep, Goats, Alpacas, Llamas, and Camels are only permitted to be kept on land where suitable grazing exists.
4. The keeping of Sheep, Goats, Alpacas, Llamas, and Camels in townhouse or unit developments is not permitted.
5. No Sheep, Goats, Alpacas, Llamas, or Camels may be kept on a public place, including footpath areas and vacant allotments within the Muswellbrook Shire Local Government Area.
6. The slaughtering of Sheep, Goats, Alpacas, Llamas, and Camels is not permitted in urban areas unless within an approved facility.

Order 18 (16) – The Keeping of Non-Indigenous Animals Primates (Monkeys)

Objectives:

- To ensure the satisfactory care and management of non-indigenous animals in the Muswellbrook Shire Local Government Area;
- To ensure that the welfare of non-indigenous animals remains a priority; and
- To ensure that the owners keeping non-indigenous animals comply with the relevant government legislation and regulations.

Criteria:

1. All primates must have access to outside enclosures on most days.
2. Inside enclosures must maintain a temperature and humidity range that is appropriate to the species being kept.
3. All primates must be tested for tuberculosis annually, using an intradermal skin test that is conducted and assessed by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.
4. All owners of primates within the Muswellbrook Shire Local Government Area must provide the Council, each year, with a certificate prepared by a veterinary surgeon, confirming that a skin test for tuberculosis has been conducted and that the result was negative.
5. The certificate must include an opinion by the veterinary surgeon that the animal is healthy and is maintained in conditions that are suitable for the particular species.
6. The owner of any primate must agree to allow access to council officers at any reasonable time to inspect any premises where primates are kept.
7. Primates may only be held by private individuals under highly regulated circumstances. These include the provisions of a B class Zoo Licence, the *Exhibited Animals Protection Act 1986*, or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.
8. Appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.
9. The standards and conditions of management and care prescribed by the *Exhibited Animals Protection Act 1986* must be fully complied with.
10. The primates must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of the primate.
11. Any enclosure used for the purposes of keeping primates must exceed the following dimensions:
12. **Species less than one kilogram in body weight** – indoor enclosure of 0.75 cubic metres, outdoor enclosure of at least 1.8 metres high and two cubic metres wide. Such an enclosure is suitable for small family groups. Building consent is required.
13. **Species between one kilogram and ten kilograms in body weight** – indoor enclosure of two cubic metres per animal, outdoor enclosure of five cubic metres per animal.
14. Enclosure must not be within 10 metres of any dwelling.

15. No species greater than ten kilograms may be held, except for individuals holding a B Class Zoo Licence.

Order 18 (17) – The Keeping of Squirrels

Criteria

1. Squirrels may only be held by private individuals under highly regulated circumstances. These include the provision of a B Class Zoo Licence, the *Exhibited Animals Protection Act 1986* or otherwise under the licence provisions of the *Non-Indigenous Animals Act 1997*.
2. All appropriate licensing conditions as prescribed by NSW Agriculture must be complied with.
3. The standards and conditions of management and care as prescribed by the Exhibited Animals Protection Act 1986 must be fully complied with.
4. Squirrels must be held in a secure enclosure, unless under the direct supervision of an adult competent in the management and care of squirrels.
5. All squirrels must have access to outside enclosures on most days.
6. Inside enclosures must maintain a temperature and humidity range appropriate to the species.
7. The owner of squirrels must agree to allow access to council officers at any reasonable time to inspect any premises where squirrels are kept.

Order 18 (18) – The Keeping of Bees

Objectives:

- To ensure that the welfare of bees remains a priority;
- To ensure that the keeping of bees does not adversely affect nearby residents or property; and
- To ensure that the keeping of bees does not affect the surrounding environment.
- To ensure that the owners keeping bees comply with the relevant government legislation and regulations.

Criteria:

1. All beekeepers must be registered with the NSW Department of Primary Industries (NSW DPI) and must comply with the *Apiaries Act 1985*.
2. All beehives must be identified by branding all brood boxes with their registration number.
3. Beekeepers must notify the NSW DPI within 24 hours if they become aware that their hive/s are infected with a disease.
4. The aims, objectives and husbandry procedures as defined in the Beekeeping Code of Practice must be complied with.

5. Complaints about beehives are to be directed to the Director-General of the NSW DPI.

6. Urban Areas

In urban areas, where allotments are less than 2500m², no more than two hives is permitted, and then only when the following circumstances prevail:

- a. Only docile strains of bees should be kept;
- b. Beekeeper must obtain permission from the owners of private lands or from the authority of government controlled lands before placing behives on such lands;
- c. Hives should not be located within the vicinity schools, child care centres, hospitals or other public facilities;
- d. A suitable barrier must be erected close to the landing board to force flight paths above two metres;
- e. Beehives should not be positioned in the front yard of houses.
- f. Swarming must be controlled. This may be achieved by re-queening regularly with a reduced swarming strain, population control or temporarily splitting into smaller hives.
- g. A permanent water source suitable for bees should be established within close proximity to the hive;
- h. The hive is not within 10 metres of any neighbouring swimming pool;
- i. Hive/s are regularly monitored for signs of disease;; and
- j. The keeping of bees in unit and townhouse developments is not permitted.

Note – *Beekeepers are encouraged to increase and update their knowledge by attending training and/or belonging to a beekeeping association. In Order to keep more than two hives, development consent is required.*

7. Wild Hives

- a. Wild hives must be controlled. Any person having a wild hive on their property must consult NSW Agriculture for advice.

A wild hive is described as feral bees not in a domesticated situation and not kept within a bee frame or a beekeeper's box.

Order 18 (19) – The Keeping of Pigs (Swine)

Objectives:

- To ensure the satisfactory standard of care for pigs (swine) in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of pigs (swine) does not adversely affect the community or the environment; and
- To ensure that the keeping of pigs (swine) complies with the relevant government legislation and regulations.

Criteria:

1. Pigs' dung and other waste must be disposed of in an approved manner on a daily basis.
2. Pigs must not be kept (and pigs dung must not be deposited) within 60 metres (or such greater distance as the council may determine in a particular case) of a dwelling or a neighbouring property boundary.
3. No pigs may be kept in a residential area with an area of less than 2500 square metres.
4. Keeping pigs within units or townhouse developments is not permitted.
5. Pigs must be kept in an enclosed pig proof fence. Such fences must be 60 metres from the side and rear boundaries of the property.
6. Prior to the erection of any building or shed, a development application must be lodged to and approved by council.
7. The flooring of the building, shed or enclosure in which pigs are kept, must be constructed of an impervious material such as concrete or litter of some kind.
8. The building or shed that houses the pigs must be kept in good repair and in a clean and sanitary condition at all times.
9. Feeding troughs must be used and the troughs must be constructed of an impervious material.
10. All feed must be stored in vermin proof containers.
11. Noise must be controlled at all times.
12. All odours must be kept under control.

Order 18 (20) – The Keeping of Fish, Aquariums and Ponds

Objectives:

- To ensure the satisfactory standard of care for aquatic organisms in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of fish, aquariums and ponds does not adversely affect the community or the environment; and
- To ensure that all relevant guidelines, regulations and Australian Standards are complied with.

Criteria:

1. Water is to be maintained at clean and sufficient levels.
2. All noise from filtration pumps must not be used in a manner that creates a nuisance.
3. Ponds must contain shade of some kind. This may include aquatic plants.
4. Food must be made available that suits the species of aquatic organism(s). This may include aquatic plants.
5. Fish must be protected from predation. This may be done with fencing or a cover of some kind.
6. All fish and aquatic plants must be disposed of in a council approved manner. Council does not approve the dumping of fish and aquatic plants into any type of waterway, or anywhere that leads to one.
7. Ponds are required to be made child proof with a fence. The fence must comply with Australian Standard 1926. Applies to ponds more than 300 millimetres in depth.
8. Council approval is required for the construction of a pond that fails to meet the following requirements:
 - a) The pond is to be located at the rear of the yard and no closer than 900 millimetres to the nearest adjoining boundary;
 - b) The maximum surface area of the pond is to be 2 square metres;
 - c) The pond will not be capable of being filled to a greater depth than 300 millimetres;
 - d) The pond will not be constructed so that it prevents the natural flow of stormwater, drainage or runoff; and
 - e) The pond will not be constructed so that it is higher than 300 millimetres above the existing ground level.

Order 18 (21) – The Keeping of Reptiles

Objectives:

- To ensure satisfactory standards of care and management are met in regards to the keeping of all reptiles in the Muswellbrook Shire Local Government Area;
- To ensure that the keeping of reptiles does not adversely affect the surrounding community and the environment; and
- To ensure that all relevant government legislation and regulations are complied with.

Criteria:

1. All provisions of the *National Parks and Wildlife Act 1974* must be complied with. This includes obtaining a licence to keep reptiles.
2. Advice regarding the keeping of reptiles must be obtained from the National Parks and Wildlife Service.
3. It is prohibited to move a reptile from the natural environment.
4. Reptiles must be housed in a manner that provides appropriate environmental conditions suited to the particular species.
5. All reptiles must be housed in an adequate manner that prevents escape. Adequate housing includes, but is not limited to:

Snakes –

- a) Venomous snakes may only be kept in lockable, sealed, escape proof containers or cages within a lockable and sealed escape proof room;
- b) The individual containers and the room itself must be locked when the licensee is not present in the room, so as to prevent unauthorised entry and/or tampering with containers or cages and the escape of snakes;
- c) Access to all venomous snakes must be limited to persons who are under the direct supervision of the licensee or to persons holding a Class 2 licence with the same category endorsement;
- d) All housing for snakes must be kept in a clean condition;
- e) Muswellbrook Shire Council must approve all housing facilities for snakes.

Turtles –

- f) Ponds that house turtles must be cleaned on a regular basis;
- g) Basking logs and rocks must be available along and partly emerged in the pond to allow for stress free basking;
- h) Adult turtles (30 centimetres or greater shell length) require a 2 metres length by 2 metres width by a 0.5 metre depth (2m (L) x 2m (W) x 0.5m (D)), with gradual sides to allow easy exit;

- i) Turtles are to be in an enclosed area so as to prevent escape.
- 6. All offensive odours must be controlled.
- 7. All noise must be controlled.
- 8. The breeding of rats, mice or other live animals for the purpose of feeding any reptile is not permitted.
- 9. All reptiles must be protected from the predation of other animals.
- 10. Muswellbrook Shire Council strongly suggests that all reptile enthusiasts join a Reptile Keepers organisation.
- 11. All reptiles must be kept in appropriate numbers.

Order 18 (22) – The Keeping of Native Wildlife

Objectives:

- To ensure the satisfactory care and management of injured native wildlife;
- To ensure that the keeping of injured native wildlife does not adversely affect the surrounding community or the environment; and
- To ensure that the carers of injured native wildlife comply with relevant government legislation.

Criteria:

- 1. No native animal may be taken from the wild and kept as a pet.
- 2. Carers of injured native wildlife must be a member of a licensed rehabilitation group and have completed the appropriate training courses for the caring of injured animals.
- 3. Injured wildlife must not create a nuisance of any kind to the surrounding community.
- 4. All offensive noise must be controlled.
- 5. All odours must be controlled.
- 6. Suitable facilities for the housing of injured animals must be available and used.
- 7. The caring of injured native wildlife in townhouse or unit developments is not permitted.
- 8. A Native Animal Keepers' licence is required to keep most native animals as pets (ie those bred in captivity). Contact the Office of Environment and Heritage's licencing unit for licencing requirements.

Order 19 - Use of tennis courts

To do What?

To use or not to use a tennis court as specified.

In What Circumstances?

Actual or likely annoyance or threat to the safety of neighbours or users of a public place.

To Whom?

Occupier of land.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. Tennis courts are not to be used after 10:00pm unless otherwise approved by development consent.
2. Tennis courts on private property shall not be used for commercial purposes without development consent being issued, i.e. for hire to non-residents of the property.

Order 21 - Safe and healthy land and premises

To do What?

To do or refrain from doing such things as are specified in the Order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.

In What Circumstances?

The land or premises are not in a safe or healthy condition.

To Whom?

Owner or occupier of land or premises.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

Land or premises would be considered not to be in a safe or healthy condition if the safety or the health of the owner or occupier of the land or premises, or members of the community, is detrimentally affected, or conditions, matters or things on the land or premises create or are likely to create a health or safety risk to any person. Action that can be required includes, but is not limited to, the following:

1. The abatement of dampness in walls and ceilings in any property.
2. The removal of defective floor timbers and stair treads and replacement with sound material.
3. The renewal or repair of waste pipes and sanitary fittings and flush pipe to water closet pans.
4. Renewal or repair of defective sewerage service pipes.
5. Clearing of choked sewerage service pipes.
6. Repair of defective septic tanks, pipes and absorption pits.
7. The removal of the following accumulations which are likely to afford harbourage to vermin or otherwise pose a threat to health and safety to any person:
 - i. disused and/or second hand building materials or household fixtures and fittings;
 - ii. dilapidated and/or abandoned motor vehicle or ancillary parts and accessories or machinery;
 - iii. dilapidated and/or abandoned boats, watercraft, trailers or caravans;
 - iv. disused and/or second hand containers, bottles, scrap metal, wastepaper, rags, rubbish or other scrap materials; and
 - v. tree trunks, tree stumps, organic material, vegetation or firewood.

8. Provision of suitable facilities for toilet, kitchen sink, bathing and for washing of clothes with hot and cold water provided.
9. Provision of suitable cooking facilities.
10. The treatment of an untreated swimming pool or excavation where the condition of the water within it is or is likely to be breeding mosquitoes.
11. The boarding up or fencing off of a dilapidated building to prevent unauthorised access where there is a safety issue and Order no. 7 cannot be used.
12. Cleaning of garbage containers and waste storage rooms or areas.
13. Disconnection of an electric fence from its energiser or otherwise render it inoperable.
14. Removal of petroleum storage tanks (underground and overground).

Order 22 - Waste on land or premises

To Do What?

To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the Order, provided that it is not inconsistent with the regulations made under the Protection of the Environment Operations Act 1997.

In What Circumstances?

Waste is present or generated on the land or premises and is not being dealt with satisfactorily, and is not regulated or controlled by, or subject to, a licence or notice granted or issued under the Protection of the Environment Operations Act 1997.

To Whom?

Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

1. Waste is being stored on land or premises for collection by Council not in the approved impervious receptacles with close-fitting lids that are provided for this purpose.
2. Where waste is present on land or premises and is not being properly stored, collected or removed satisfactorily from those premises.
3. Where there is a defective on-site sewage management system.
4. Where there is disposal of human waste on site without an approved method of waste disposal.

Order 22A - Remove Waste from land

To do what?

To remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises.

In What Circumstances?

The waste is causing or is likely to cause a threat to public health or the health of any individual.

To Whom?

Owner or occupier of the premises.

Criteria:

When determining whether an Order is to be given, the following criteria are to be taken into consideration.

No additional criteria.

Order 23 - Connection to water supply

To Do What?

To connect premises to the council's water supply by a specified date

In what Circumstance?

The premises are situated within 225 metres of a water pipe of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions:

The premises is less than ten years old and provision has been made for a wholesome water supply of more than 60,000ltrs.

Order 24 - Connection to sewerage system

To Do What?

To connect premises with a sewerage system by a specified date

In what Circumstance?

The premises are situated within 75 metres of a sewer of the council

To Whom?

Owner or occupier of land

Criteria:

No additional Criteria.

Exceptions

The premises is less than ten years old and an effective on-site sewage management system is being operated in accordance with licence conditions.

Order 25 - Human waste storage facility on premises

To Do What?

Not to use or permit the use of a human waste storage facility on premises after a specified date.

In What Circumstances?

It is necessary for the purpose of protecting public health.

To Whom?

Owner or occupier of premises.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

The human waste storage facility is so defective or poorly designed so as to potentially or actually permit human waste to discharge or overflow from the storage facility in such a manner to be a danger to the health of the public.

Criteria Does Not Include:

Where the use of human waste storage facilities is capable of being regulated by the Department of Environment and Conservation, Council may not make an Order No. 25.

Order 27 - Object or matter in a public place

To Do What?

To remove an object or matter from a public place or prevent any object or matter being deposited there.

In What Circumstances?

The object or matter:

- a) is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or
- b) is causing or is likely to cause danger, annoyance or inconvenience to the public.

To Whom?

Person causing obstruction or encroachment or owner or occupier of land from which the object or matter emanates or is likely to emanate.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

- 1. An Obstruction interrupts, make difficult or opposes the passage, progress or course of a person.
- 2. Object or matter is any article, item or thing which is visible and tangible and can include but is not limited to:
 - a. advertising sign, advertisement generally;
 - b. motor vehicles or motor vehicle parts;
 - c. caravans or caravan parts;
 - d. trailers/boats or trailer/boat parts;
 - e. machinery, equipment and appliances;
 - f. second hand materials including building materials;
 - g. demolition materials;
 - h. scrap materials;
 - i. sand, soil rock, blue metal and any other material derived from any construction or dredging process;
 - j. any organic or vegetative material;
 - k. any industrial or commercial waste product;

- l. any household fixtures, rubbish or waste.
- m. second hand containers, bottles, scrap metal, waste paper, rags, or rubbish;
- n. any recycled or composted material.

Criteria Does Not include:

This criterion does not include:

1. The placing of articles on a public place during a designated period of a Council clean up provided these articles do not breach conditions in the circumstances (a) and (b). above.
2. The display of goods on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.
3. The placement of outdoor dining facilities and other items on footpaths and public places for which an approval has been obtained from Council and a licence agreement entered into in accordance with the provisions of relevant Muswellbrook Shire Council's policies.

Order 28 - Damage to a public place

To Do What?

To take whatever steps are necessary to prevent damage to a public place and to repair damage to a public place.

In What Circumstances?

There is actual or likely damage:

- a. by excavation or removal of material from or adjacent to the public place; or
- b. by a work or structure; or
- c. by surface drainage or irrigation.

To Whom?

With respect to

- a. the person responsible for the excavation or the removal of the material.
- b. the owner or person entitled to the benefit of the work or structure.
- c. the owner or occupier of land from which surface drainage flows or from which spray emanates.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

- a. There is no approval issued by Council.
- b. The work is not in accordance with approval granted by Council.

Order 29 - Work or structure in a public place

To Do What?

To alter or repair a work or structure on, over or under a public place.

In What Circumstances?

It is in the public interest to do so.

To Whom?

Owner of the work or structure.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

- a. The work or structure on, over or under the public way is not in accordance with an approval or is considered unsafe or dangerous.
- b. Repairs are required to private services within a public place such as, but not limited to, sewer services and roof water / stormwater pipes that are not covered by lease agreements.
- c. Driveway crossings which are not being maintained in a safe condition.
- d. Shop awnings which are not being maintained in a safe or sightly condition.
- e. Maintenance of underground pipes within a public place.

Order 30 - Compliance with approvals

To Do What?

To comply with an approval.

In What Circumstances?

The approval is not being complied with.

To Whom?

Person entitled to act on the approval or person acting otherwise than in compliance with the approval.

Criteria:

When determining whether an Order is to be given the following criteria are to be taken into consideration.

- a. An approval granted by Council under the Local Government Act or Regulations has not been complied with.
- b. Conditions of an approval granted by Council under the Local Government Act or Regulations have not been complied with.

Additional Provisions of Policy

Copies of Certain Orders to be Provided to the Environment Protection Authority

If Council gives Order No 11, 12, 18, 21 or 25 in respect of land or premises and the land or the land on which the premises are situated is the subject of a contaminated land action, the Council must provide the EPA with a copy of the Order and of any modification or revocation of it.

Failure to provide the EPA with a copy does not invalidate an Order, modification or revocation. "Contaminated land action" means a current action under the Contaminated Land Management Act 1997 comprising:

- a) a declaration or Order made under Part 3 of that Act in respect of which the EPA has notified the Council under s59 of that Act, or
- b) a voluntary proposal in respect of which the EPA has notified the Council under s59 of that Act, but which has not yet been fully carried out, or
- c) a notice to maintain remediation action issued by the EPA under s28 of that Act, or
- d) a covenant to maintain remediation imposed by the EPA under s29 of that Act. (Clause 97 Local Government (General) Regulation 2005).

Delegations

The General Manager shall be responsible for the implementation of the provisions of this policy and responding to any complaints to Council issued Orders.

All employees who deal with complaints and the enforcement of the Local Government Act 1993, including the issuing of Orders, are responsible for adhering to this policy.

Legislation

Apiaries Act 1985

Companion Animals Act 1998

Companion Animals Amendment Act 2001 and 2006

Companion Animals Regulation

Contaminated Land Management Act 1997

Environmental Planning and Assessment Act 1997

Exhibited Animals Protection Act 1986

Food Act 2003

Food Regulation 2015

Home Building Act 1989

Local Government (General) Regulation 2005

Local Government (General) Regulations 2005

Local Government Act 1993

Local Government Act 1993

National Parks and Wildlife Act 1974

Non-Indigenous Animals Act 1997

Protection of the Environment Operations Act 1997

Public Health (General) Regulation 2002

Public Health Regulation 2012

Swimming Pool Act 1992

Water Management Act 2000

Dispute Resolution

All complaints are to be submitted to the Assistant Director Environment and Community Services who authorises the issuing of Orders. If a person wishes to escalate the complaint they can do that by writing to the General Manager who has an authority to make a final decision in regards to a disputed Order.

Associated Council Documentation

Local Environmental Plan

Development Control Plan

Authorisation Details

Authorised by:	Council
Minute No:	XXXX
Date:	XXXX
Review timeframe:	2 years
Department:	Integrated Planning, Risk and Governance
Document Owner:	Manager Integrated Planning, Risk and Governance

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made

12.2 AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

Attachments:	A. Audit Risk and Improvement Committee Charter draft V3
Responsible Officer:	Joshua Brown - Manager - Integrated Planning & Governance
Author:	Madeleine Brazier - Continuous Improvement Officer
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 submit the revised Audit, Risk and Improvement Committee Charter for Council's approval.

OFFICER'S RECOMMENDATION

That Council adopt the revised Audit, Risk and Improvement Committee Charter.

Moved: _____ **Seconded:** _____

BACKGROUND

Council's Internal Audit Committee (the Committee) adopted *Terms of Reference* in December 2014 which stipulated that the structure of the Committee would consist of three voting members, including one Councillor and two independent members (external to Council). It also specified that the Committee was required to meet at least four times per year where a quorum would consist of a majority of Committee members, including at least one independent member.

In the 2017 calendar year, scheduled Committee meetings struggled to achieve quorum. With this in mind and considering that the *Terms of Reference* were overdue for review, notice was given in December 2017 to the Committee and to Council's Corporate Policy and Planning Committee that a review of the Committee structure, membership and *Terms of Reference* would be conducted.

In March 2018, the *Audit Committee Charter* was adopted by the Committee in anticipation of proposed amendments to strengthen accountability in the *Local Government Act 1993* and to align with the Auditor-General's mandate to conduct performance audits under the *Local Government Amendment (Governance and Planning) Act 2016*. A notable change between the *Terms of Reference* and the *Audit Committee Charter* was the increase in number of independent committee members from two to four.

In December 2018, in conjunction with the conclusion of Council's three year *Strategic Internal Audit Plan 2015-2018*, a self-review of Council's internal audit function was conducted and the Committee was dissolved. The findings of the self-review were reported to MANEX on 17 December 2018. Among the findings was the recommendation that Council adheres to the *Audit Committee Charter's* membership requirements of four independent members to ensure an effective internal audit function.

CONSULTATION

Internal Audit Guidelines – September 2010, under section 23A of the *Local Government Act 1993*

Manager Integrated Planning, Risk and Governance

Coordinator Integrated Planning and Improvement

Risk and Improvement Officer

REPORT

Following the challenge to achieve quorum in 2017, it was proposed in the *Audit Committee Charter* review, conducted in March 2018, to increase the number of independent members on Council's Internal Audit Committee from two to four. However, due to budgetary constraints, it was not possible to appoint additional members to the Committee.

The Internal Audit Committee was dissolved in December 2018 and Council has commenced a process seeking expressions of interest for independent external members on Council's reconstituted Audit, Risk and Improvement Committee (ARIC).

The *Audit, Risk and Improvement Committee Charter* (ARIC Charter), formerly the *Audit Committee Charter*, has undergone revision to ensure that it aligns with:

- the Office of Local Government's *Internal Audit Guidelines – September 2010*;
- statutory changes proposed by the Office of Local Government; and
- Council's budget.

The revised *ARIC Charter* (the Charter) includes the following amendments:

- the title of the Charter has been changed from *Audit Committee Charter* to *Audit, Risk and Improvement Committee Charter* to align with proposed statutory changes by the Office of Local Government;
- the number of independent committee members has been reduced from four to two (reversing the amendment applied in March 2018);
- the authority assigned to the Committee has been redefined as designated by Council rather than the General Manager;
- the Chair of the Committee will be appointed by Council for the term of Council or wherever a casual vacancy arises;
- any amendments to the Charter must be approved by Council;
- the Charter should be reviewed and adopted at least once during each term of Council in an open meeting;
- provision has been included for Chief Audit Executive, internal auditors and external auditors to meet privately with the Committee at least once per year if required; and
- Council officer titles have been updated to reflect the current organisational structure.

The revised Audit, Risk and Improvement Committee Charter is attached.

OPTIONS

Option 1: Council adopts the revised Audit, Risk and Improvement Committee Charter as tabled;

Option 2: Council adopts the revised Audit, Risk and Improvement Committee Charter with amendments;

Option 3: Council rejects the revised Audit, Risk and Improvement Committee Charter and allocates additional budget to allow for recruitment of two additional independent committee members as required by Council's Internal Audit Charter 2018.

CONCLUSION

It is recommended that Council approves the revised Audit, Risk and Improvement Committee Charter in anticipation of proposed amendments to strengthen accountability in the *Local Government Act 1993* and to align with the Auditor-General's mandate to conduct performance audits under the *Local Government Amendment (Governance and Planning) Act 2016*.

SOCIAL IMPLICATIONS

No known implications

FINANCIAL IMPLICATIONS

Reducing the number of Independent Committee Members on Council's Audit, Risk and Improvement Committee will have a positive budget implication.

POLICY IMPLICATIONS

No known implications

STATUTORY IMPLICATIONS

To date, the internal audit has not been a mandatory requirement for councils, but this will change with the introduction of proposed amendments to strengthen accountability in the *Local Government Act 1993* and the announcement in March 2017 by the OLG that "the OLG will soon begin the process of consulting on the development of a regulatory framework for internal audit in councils." Additionally, under the *Local Government Amendment (Governance and Planning) Act 2016*, the Auditor-General is the auditor of all NSW councils from 1 July 2016 with a mandate to conduct performance audits.

LEGAL IMPLICATIONS

Local Government Amendment (Governance and Planning) Act 2016

OPERATIONAL PLAN IMPLICATIONS

No known implications

RISK MANAGEMENT IMPLICATIONS

The objectives of Council's internal audit function are to review and monitor organisational legislative compliance, risk management, fraud control, financial management, governance, IP&R, service reviews and external accountability.



muswellbrook shire council

Audit, Risk and Improvement Committee Charter

Authorisation Details:

Authorised by:	Council
Minute No:	XXXX
Date:	
Review timeframe:	
Department:	Integrated Planning & Improvement
Document Owner:	Coordinator Integrated Planning & Improvement

Review History:

Version No.	Date changed	Modified by	Amendments made
2	22/02/2018	Melissa Cleary	
3	05/02/2018	Madeleine Brazier	<ul style="list-style-type: none">Amendments to align with current <i>Internal Audit Guidelines – September 2010</i> and statutory changes proposed by the Office of Local Government

1. Objective

The objective of the Audit, Risk and Improvement Committee (the Committee) is to provide independent review of and advice to Muswellbrook Shire Council on those matters identified in the Audit Plan. These include the following areas:

- | | |
|------------------------|---|
| 1 Compliance | 6 Implementation of IP&R Strategies and Plans |
| 2 Risk Management | 7 Service Reviews |
| 3 Fraud Control | 8 Performance Measurement |
| 4 Financial Management | 9 Business Improvement |
| 5 Governance | 10 External Accountability |

In fulfilling its objective, the ability of the Committee to maintain independent and objective judgement is vital.

The Committee will report to Council and provide independent advice and recommendations on matters relevant to the Audit, Risk and Improvement Committee Charter and the adopted Audit Plan.

2. Authority

Muswellbrook Shire Council authorises the Committee, within the scope of its role and responsibilities to:

- Request information required to inform decision making (subject to their legal obligations to protect information and with prior consultation with the General Manager)
- Discuss any matters with the internal and external auditors or other external parties (subject to confidentiality considerations)
- Request information from employees (with approval of the General Manager) or Councillors. They may request these persons to present information at the Committee meetings to assist in understanding any matter under consideration
- Obtain external legal or other professional advice, as considered necessary to meet its responsibilities (in accordance with Council Budget and procurement arrangements and subject to prior consultation with the General Manager)

3. Composition and Tenure

The Committee will consist of:

3.1 Members (voting)

- 1 x Councillor, not being the Mayor
- 2 x Independent External Members (not a member of the Council)

The Chair will be appointed by Council from the Independent External Members (cannot be the Councillor) for either the term of Council or if a casual vacancy arises.

3.2 Attendees (non-voting)

- General Manager, or their delegate
- Representatives of the Internal Audit firm appointed by Council

- Manager Integrated Planning, Risk and Governance
- Coordinator Integrated Planning & Improvement (Convenor)
- Risk & Improvement Officer (Agenda and minutes)
- Governance and Improvement Officer

3.3 Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor
- Other officers or Councillors may attend by invitation as requested by the Committee.

The independent external members will be appointed for the term of four (4) years. Council may resolve to appoint an independent external member for consecutive terms.

The members of the Committee, taken collectively, shall have a broad range of skills and experience relevant to the operations of Muswellbrook Shire Council and ideally to the function of internal audit. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

Should the Chair be absent, the members present at the meeting will elect an Acting Chair (excluding the Councillor).

3.4 Remuneration

Council may pay a fee to a member of the committee who is not a Councillor or member of Council staff.

The fee paid to members at the date of this Charter is:

Chair: \$900.00 per meeting attended (including expenses)

Member: \$700.00 per meeting attended (including expenses)

4. Roles and Responsibilities

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are:

4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud;

- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls;
- Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments;
- To consider contentious financial reporting matters in conjunction with Council's management and external auditors;
- Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements;
- Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations;
- Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.

4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements;
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit;
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan;

- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan;
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices;
- Monitor the implementation of internal audit recommendations by management;
- Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place;
- Periodically review the performance of Internal Audit.

4.6 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit;
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided;
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management;
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

4.7 Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Muswellbrook Shire Council;
- Contribute the time needed to study and understand the papers provided;
- Apply good analytical skills, objectivity and good judgement;
- Express opinions frankly, ask questions that go to the fundamental core of the issues, and pursue independent lines of enquiry.

5. Reporting

At the first Committee meeting after 30 June each year, the Internal Auditor will provide a performance report to the Committee of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators;
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

The Committee will report regularly, and at least annually, to the governing body of Council on the management of risk and internal controls.

6. Administrative Arrangements

6.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit, Risk and Improvement Committee Charter.

The Committee shall comply with Council's adopted Code of Meeting Practice and Code of Conduct.

6.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members, including at least one independent member. Meetings can be held in person, by telephone or by video conference

The General Manager may attend each meeting but will permit the Committee to meet separately with each of the Chief Audit Executive, Internal Auditor and the External Auditor in the absence of management on at least one occasion per year.

6.3 Voting

The Committee is expected to make decisions by consensus but if voting becomes necessary then the details of the vote are to be recorded in the minutes. Each member of the Committee shall be entitled to one vote only. In the case of an equality of votes on any issue the Chair shall have the casting vote.

6.4 Secretariat

The Manager Integrated Planning, Risk and Governance will ensure that appropriate secretariat support is provided to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least one week before the meeting, and ensure minutes of the meeting are prepared and maintained.

Minutes shall be approved by the Chair and circulated to all Committee members within two weeks of the meeting and filed in InfoXpert in accordance with Council's Records Management Policy.

6.5 Conflicts of Interest

Councillors, Council staff and members of Council committees must comply with the applicable provisions of Council's Code of Conduct in carrying out the functions as Council officials. It is the personal responsibility of Council officials

to comply with the standards in the Code of Conduct and regularly review their personal circumstances with this in mind.

Committee members must declare any conflict of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflict of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

6.6 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6.7 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

6.8 Review of Audit, Risk and Improvement Committee Charter

At least once every two years the Committee will review this Audit, Risk and Improvement Committee Charter and make recommendations on any changes to Council for its determination.

Any changes to the Audit, Risk and Improvement Committee Charter must be approved by Council.

The Audit, Risk and Improvement Committee Charter should also be reviewed and adopted at least once during each term of Council at an open meeting of Council.

12.3 CHANGING THE VENUE FOR THE APRIL 2019 AND MAY 2019 COUNCIL MEETINGS

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Effective governance of Muswellbrook Shire</i>

PURPOSE

To consider changing the venue for the Ordinary Council Meetings to be held in April 2019 and May 2019.

OFFICER'S RECOMMENDATION

1. The Council meeting scheduled to be held on 9 April, 2019 be held in in the Council Chambers, Muswellbrook.
2. The Council Meeting scheduled to be held on 14 May, 2019 be held in the Denman Memorial Hall, Ogilvie Street, Denman.

Moved: _____ **Seconded:** _____

BACKGROUND

In September 2018 Council resolved on the dates and venues for Ordinary Meetings for 2018/2019.

CONSULTATION

Not applicable.

REPORT

Council currently conducts an ordinary meeting on the second Tuesday of each month commencing at 6.00pm. These meetings deal with a full range of Council business, including consideration of reports from Committees. At the Ordinary Council Meeting held on 11 September, 2018 Council resolved to hold its April Ordinary Meeting in Denman.

As the Denman Hall project is close to completion it is proposed to hold the April Council Meeting in the Chambers, Administration Centre Muswellbrook and the May Council Meeting in the Denman Hall to ensure that the Hall has been fully completed.

OPTIONS

Council may adopt the proposed change to the schedule of meetings or a variation of the schedule.

CONCLUSION

It is proposed that Council conduct its Ordinary Meeting in the Council Chambers, Muswellbrook on 9 April, 2019 and the Denman Memorial Hall on 14 May, 2019 commencing at 6.00pm.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Meetings are conducted in accordance with Council's Code of Meeting Practice.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.4 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Chloe Wuiske - Administration Officer Jade Richardson - Co-Ordinator - Customer Service & Administration Sharon Pope - Assistant Director - Environment & Community Services Kim Manwarring - Co-ordinator - Community Partnerships Michael Brady - Sustainability Officer Tracy Ward - Sustainability Officer Kelly Lynch - Administration Officer
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

ENVIRONMENTAL 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 (26 January 2019 to 22 February 2019)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2018/114	Ancillary Development - Shed	41 Acacia Drive Muswellbrook	19,280
2018/113	Partial Demolition and Reconstruction of a Dwelling House	47 Anzac Parade Muswellbrook	125,000
2018/110	Ancillary Development - Patio Cover	101 Ironbark Road Muswellbrook	22,406

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2018/106	Ancillary Development - Shed	11 Jackaroo Close Muswellbrook	32,440
2018/103	Dwelling house	15 Lou Fisher Place Muswellbrook	255,000
2018/88	Commercial Alterations and Additions	Bell Street Muswellbrook	68,162
2018/62	Two (2) Lot Subdivision	Honey Lane Sandy Hollow	10,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/22	Ancillary Development - Shed	7 Wilson Street Muswellbrook	21/02/2019	16,500
2019/21	Alterations to Existing Retail Premises and Signage (Aldi)	31-35 Rutherford Road Muswellbrook	20/02/2019	92,000
2019/20	Change of Use to Pizza Shop and Associated Accessible Ramps and Steps	8 Ogilvie Street Denman	19/02/2019	20,000
2019/19	Dwelling House	13 Finnegan Crescent Muswellbrook	19/02/2019	366,350
2019/18	New Dwelling and Retaining Walls	7 Wilson Street Muswellbrook	18/02/2019	448,600
2019/17	Side Awning to Existing Community Facility (Denman Men's Shed)	Turner Street Denman	15/02/2019	25,000
2019/16	Information and Education Facility (Museum)	Turner Street Denman	15/02/2019	265,000
2019/14	Ancillary Development - Carport	8 Grimes Close Denman	15/02/2019	7,900
2019/15	Recreation Facility (Indoor) - Gymnasium	Market Lane Muswellbrook	14/02/2019	176,018
2019/13	Subdivision 1 Lot into 123 Lots and the carrying out of associated civil work including roads, drainage and tree removal	8911 New England Highway Muswellbrook	14/02/2019	5,142,236
2019/12	Change of Use - Storage Shed to Dwelling for short-term staff accommodation (Denman Hospital)	53 Ogilvie Street Denman	12/02/2019	190,000
2019/11	Alterations and Additions to Muswellbrook Aquatic and Leisure Centre	1 Wilkinson Avenue Muswellbrook	08/02/2019	4,990,670
2019/10	Ancillary Development - Carport	19 McClintock Drive Muswellbrook	08/02/2019	5,100
2019/9	Dwelling House Alterations and Additions	140 Martindale Road Denman	01/02/2019	351,490
2019/8	Dwelling House	515 Martindale Road Denman	24/01/2019	112,000
2019/7	Ancillary Development - Alfresco Extension	29 Hyde Street Denman	24/01/2019	35,000
2019/6	Commercial Alterations and Additions (Royal Hotel Denman)	10 Ogilvie Street Denman	21/01/2019	22,500
2019/5	Caravan Park Replacement of Amenities	9080 New England	18/01/2019	1,500,000

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
		Highway Muswellbrook		
2019/4	Ancillary Development - Above Ground Swimming Pool	22 Turner Street Denman	18/01/2019	1,300
2019/3	Home-based Child Care	11 Wattle Street Muswellbrook	18/01/2019	-
2019/2	The construction of multi dwelling housing comprising of a total of twenty-one (21) units, the consolidation of three (3) Lots into one (1) Lot and the carrying out of associated site works, including internal private roads, stormwater drainage, landscaping and tree removal.	17 Bloodwood Road Muswellbrook	14/01/2019	4,414,300
2018/43/2	S4.55(2) Modification - Dwelling House	20a Grey Gum Road Denman	08/01/2019	-
2019/1	Dwelling House	34 Finnegan Crescent Muswellbrook	04/01/2019	388,828
2018/117	Commercial Alterations and Additions (Expansion of Bottle Shop)	36 Sydney Street Muswellbrook	21/12/2018	500,000
2018/116	Dwelling House and Ancillary Development (Garage, Swimming Pool, Tennis Court and Pergola)	Bylong Valley Way Baerami	20/12/2018	800,000
2018/115	Rural Worker's Dwelling	1472 Martindale Road Martindale	18/12/2018	160,332
2015/87/2	S4.55(1A) Modification - Subdivision of One (1) Lot into Nine (9) Lots Modification to carry out the Development in Two (2) Stages	Merriwa Road Sandy Hollow	17/12/2018	-
2018/112	Transportable Dwelling House	57 Ford Street Muswellbrook	05/12/2018	195,000
2018/111	Demolition of MATS Building	3 Wilkinson Avenue Muswellbrook	04/12/2018	30,000
2018/108	Storage Premises (Industrial Plant and Equipment)	9 Enterprise Crescent Muswellbrook	22/11/2018	80,000
2018/107	Storage Premises (Industrial Plant and Equipment)	11 Enterprise Crescent Muswellbrook	22/11/2018	80,000
2018/101	Resource Management Facility - Biorefinery	24 Carramere Road Muswellbrook	13/11/2018	28,617,649
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	638,000
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
2018/76	Installation of New Telecommunications Facility	Hill Street Muswellbrook	14/08/2018	200,000
2018/54	Demolition of a Commercial Building and the Construction of a Two (2) Storey Building for	140 Bridge Street Muswellbrook	15/06/2018	3,556,300

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	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.			
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	-
2018/18	Water Treatment and Recycling Plant ancillary to Existing Winery and Distillery	Hunter Street Muswellbrook	28/02/2018	400,000
2002/342/5	S96(2) Modification - Consolidate Two Consent Documents into One with Modified Conditions Where Applicable	8440 New England Highway Muswellbrook	28/02/2018	-
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
2017/60	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 (2018/2019)

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

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.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Applications Received (new businesses)	-	-	-	-	-	-	-	-	0	0	1	1	0
Inspections (new businesses)	-	-	-	-	-	-	-	-	1	0	2	1	0
Inspections (existing businesses)	-	-	-	-	-	-	-	-	0	7	9	6	10
Reinspections	-	-	-	-	-	-	-	-	0	0	1	0	1

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 (2018/2019)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Total Sites Inspected	3	0	0	3	4	3	2	4	3	7	7	1	5
Total non-compliant and educated	3	0	0	0	1	0	0	2	1	1	1	0	0
Total compliance after education	3	0	0	0	1	1	0	2	1	1	1	0	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

4.06.01.1 - Increase surveillance and regulation of illegal dumping.

Illegal Dumping Statistics – 13 Month Analysis (2018/2019)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Total Investigations	6	10	4	5	7	6	7	11	3	6	8	11	5
Total Clean up by Council - insufficient evidence	3	4	2	2	5	2	4	6	3	2	7	9	4
Total Clean Up by individual	3	6	2	2	0	1	2	2	0	3	1	0	1
Total Penalty Notices Issued	0	0	0	0	0	0	0	2	0	0	0	0	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	0	0	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 (2018/2019)

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

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

Compliance Certs / Occ. Certs issued	8	6	6	2	2	2	2	4	7	3	3	4	0
--------------------------------------	---	---	---	---	---	---	---	---	---	---	---	---	---

Total Pools in Council's Swimming Pool Register = 898

Compliance as at 30 June 2017 = 63.7%

Compliance as at 30 June 2018 = 65.7%

Current Compliance = 49.9%

(i.e. 448 out of 898 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 = 1.4%

(i.e. 13 out of 898 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).

Sustainability

Clean Up Australia Day

Council provided support for Business Clean Up Day involving Warrior Disability Services, local community groups and businesses cleaning up around town. Over 45 volunteers cleaned up near the Warrior's Centre.



Figure 1. Volunteers at the Business Clean Up Australia Day event with Warrior Disability Services.

Planning has been undertaken for the School's and Community Clean Up Days. Council will host events in Muswellbrook and Denman.

Radio interviews have been conducted on ABC and 2NM. Numerous Facebook posts have also promoted the events.

https://www.muswellbrookchronicle.com.au/story/5916391/cleaner-environment-challenge-is-on/?fbclid=IwAR1GQwv-7xhwDtvb6NTed8bzH_sHoVa12Q8KomWwYvccRZy1oQiHGSLbREo

<https://www.muswellbrookchronicle.com.au/story/5906789/locals-proud-to-show-a-commitment-to-environment/?cs=1487&fbclid=IwAR0AluQBuckKH97APikIMolyPX6kc23HDVrVjzIrrElpMPikc9crQaBf3dz4>

<https://www.muswellbrookchronicle.com.au/story/5904171/businesses-encouraged-to-lend-a-pair-of-hands/?fbclid=IwAR0qJSyQIjiuyARJQ2NuE8FPdZiBnPcUuS-ftiAOAJZfh3ilj-6qxJjpMwE>

Club to Club

A community Club to Club day is planned for late April at the completion of the Nature Trail and another one is planned to celebrate the end of the Club to Club project in mid to late May.

Wilkinson Ave and Bell Street Bridges – weed control of emergent weeds. This is work to control weeds that have emerged after Club to Club weed control occurred November through to end February at various times.

Below Bridge Street– weed control of emergent weeds. This is work to control weeds that have emerged after Club to Club weed control has been completed (see image below) the remaining native grasses are starting to take hold in the areas beside the walkway.

Fish Habitat Grant

A contractor has been appointed and work will soon begin on weed control near the Golf Club as part of the Fish Habitat Grant project.

Revegetation Works

The following works have recently been completed or about to be completed:

- 1) Haydon Street Nature Trail – weed control of emergent weeds.



Figure 2. Haydon Street Nature Trail.

- 2) Denman National Tree Day sites – Weed control of emergent weeds and mulching at Denman Wetlands has been delivered.
- 3) Karoola Park National Tree Day sites – Weed control of emergent weeds and mulching near Dog Park has been delivered.
- 4) Indoor Sports Centre – Weed control of emergent weeds and mulching around the Centre.

Possum Gully

Some maintenance work has been completed on Possum Gully behind Hunter Medical Centre. However further work and funds will be required to either continually maintain this area or to fix the area that will allow less weeds to grow.

Muswellbrook Nature Trail

A second call for quotes has been made to ensure consistent outcomes on this project. Some interactive features such as play statues are now being considered for the trail.

Composting Workshop

A composting workshop will be held on 18 May during 'Composting Week'. Participants at the workshop can pay cost price for a compost bin. Remaining bins will be sold at the Muswellbrook Waste Facility.

Battery Competition

Council will soon launch a battery competition. Five local groups will be chosen to compete in trying to recycle as many household batteries as they can. Whoever has recycled the most batteries though the library will win recycled plastic furniture for their organisation. This competition is being funded through the EPA. The aim of the competition is to encourage recycling, promote the Community Recycling Centre and lift visitor numbers to the library.



Figure 3. Council staff at the Community Recycling Centre dropping off household batteries that residents bring to the Admin building.

Support to Wanaruah Local Aboriginal Land Council

Illegal Dumping Grant - The Sustainability Unit and Community Partnerships Unit is supporting Wanaruah Lands Council with their application for funding the prevention of illegal dumping on Former Town Common land.

Community event – The Sustainability Unit and Community Partnerships team are supporting Wanaruah Lands Council with their application for funding to run a Sustainability/Cultural learning event in September.

Muswellbrook Men's Shed

Regular support is still being offered to the Men's Shed. The unit is currently working with them to secure some more land for a garden.

Landcare Grants

These grants have been funded from the Landcare Major Projects budget.

Martindale Creek Catchment Landcare - \$10 000 – Stage 2 Green Cestrum weed control program. Continuing the successful work they have already completed. A site visit was made to inspect the area and meet with project partners. The success of this project comes from the Landcare group's ability to gain community support. Every property owner in the target area is now supportive of the weed control program and provide many hours of in kind support.



Figure 4. Project partners site visit on the Martindale Creek Catchment Landcare Council funded project.

Mown Land Tender

The Sustainability Unit provided support for the Mown Land Tender process.

Animal Shelter Tender

The Sustainability Unit provided support for the Animal Shelter Tender process.

"Don't be a Tosser"

This project is due to finish in April.

This year's Clean Up Australia events are being run in conjunction with the ongoing; *Don't Be a Tosser* anti-littering campaign, which also encourages residents to report a "tosser" online on the campaign's website.

Sustainability Grants Round 1 Progress

The kids at Upper Hunter Community Services Inc MOOSH planted out their healthy food garden recently. With support from a Sustainability Grant through Council the centre was able to buy all the materials need to make their own garden.

These garden programs help teach kids about eating local, fresh, healthy food. They also encourage kids and their families to think about their food waste, composting and worm farms which help divert waste from landfill.



Figure 5. MOOSH children working on their healthy food garden. Bin stickers have also been donated to the centre.

Sustainability Grants Round 2

The second round of sustainability grant projects have begun. The projects will be used as case studies to show other organisations what initiatives they could consider when applying for sustainability grants in the future. When a project has been completed the organisation who received the grant will be required to share what they have learnt and, thus, encourage others to commit to their own sustainable initiatives.



Figure 6. Kylie from Warrior Disability Services with the paper shredder bought with a Sustainability Grant. The shredded paper is used in the compost system they run at Council's Sustainability Hub.

<https://www.muswellbrookchronicle.com.au/story/5900401/leading-the-way-for-our-environment/?cs=983&fbclid=IwAR0LbDA82CJYteGXDwEcYXmVzjBPo6nIRHFMte7zvQP00zwd1N3T6wH6yC4>

Community Group Governance

Currently Penguin Garden Club and Muscle Creek Landcare are covered under Council's insurance policy.

Denman Community Garden Group currently pay about \$2000 per year in insurance. This means most of their fundraising efforts go on gaining enough funds to cover insurance. They have asked for Council's support in trying to reduce this burden.

One solution currently under investigation is to encourage these three groups to combine to form one incorporated umbrella organisation that can gain its own insurance through Landcare NSW.

Sustainability Hub

The Sustainability Hub continues to be a focus for practical sustainability initiatives.

A new regular nursery activity has started and will be held at the Hub on the 2nd Saturday afternoon of each month. This will involve undertaking nursery work. Having a community nursery at the Sustainability Hub allows us to offer community members with different abilities and skills the opportunity to volunteer to help Landcare and the Garden Club.

A Seniors Week Event was held at the Sustainability Hub community garden.

The Penguin Garden Club hold activities at the Hub twice a month.

Muscle Creek Landcare hold activities based at the hub each month.

Picnic at the Hub activities will take place regularly at the Hub. These will combine eating local, healthy food, gardening and composting.



Figure 7. New members have joined the Penguin Garden Club.

'It all comes back to you' waste education program'

Meetings were recently attended in relation to this Hunter Council's Program that will soon launch. This program involves community education and awareness about waste management issues.

Works Environmental Management Plan

The Sustainability Unit recently conducted a review of the Works Department's Environmental Management Plan. Some recommendations were made for improvement.

Local Landcare Committee Initiative (LLCI) advisory group meeting

A meeting was recently held to discuss the progress of the The Hunter landcare Network's Upper Hunter Landcare Coordinator's position.

Sustainability Educator's Workshop

Staff attended the Australian Association for Environmental Education workshop. This workshop demonstrated how to develop and run environmental education programs.

COMMUNITY SERVICES

Community Partnerships

Work continues with the Aboriginal Oral History Project. The final interviews were held with the Aboriginal Community this month. The action plan is on schedule for completion in April. <https://www.muswellbrook.nsw.gov.au/index.php/2015-05-29-01-29-46/3124-aboriginal-oral-history-project>

Governance support has been provided to Upper Hunter Youth Services Management Committee, Drug & Alcohol Health Services and Denman Child Care Centre. A planning meeting was held with Upper Hunter Community Services Inc to progress the development of plans for the Hunter Park Community Hub;

Preliminary meetings have been held with the Primary School Support Needs Teacher in developing an inclusive activity for young people with a hearing impairment, this activity will occur later in the year;

Facilitation of network meetings as per the Family and Community Service Funding Agreement included Upper Hunter Community Service Interagency Network and the Early Years Development Network;

A further partnership meeting was held this month with Wanaruah Local Aboriginal Land Council and Muswellbrook Shire Council to progress strategies that reduce illegal dumping at the Former Common as well as progressing discussions about other joint strategies such as lodging an expression of interest to the Aboriginal Land Clean Up and Prevention Clean Up and Prevention Program;

A significant amount of support has been provided to the Local Drug Action Team to develop a consultation strategy to assess service gaps and blockages for individuals and families who are dealing with the impact alcohol and other drug misuse as well as engaging with the Community about perceived needs and issues. This needs assessment information will assist in the development of the LDAT Action Plan which will identify potential funding opportunities. The Community, survey can be completed <https://www.surveymonkey.com/r/FKS8V6V>

Seniors Festival Week occurred this month with a variety of local activities available for residents to attend, activities were held at the Muswellbrook Library, Aquatic & Fitness Centre, Muswellbrook Arts Centre, Sustainability Hub, for a full list visit <https://www.seniorsfestival.nsw.gov.au/search?q=2333>

Upper Hunter Youth Service Inc. plans for family event to celebrate Youth Week 2019 is well underway, the family night and cinema under the stars high lights include a local band, jumping castle, games and activities prior to the screening of The Incredibles 2 it should be a great night;

The Widden Creek Aboriginal Artefacts Project made big steps this month, thanks to Aunty Margaret Matthews who is very committed to seeing this project through the Aboriginal Artefacts have been placed in the display cabinet in the foyer of the Council Administration Centre. Gratitude is also extended to Wanaruah Local Aboriginal Land Council Heritage & Cultural Officer Susie Worth. Final work will occur on this project in the coming month;

Muswellbrook Shire Aquatic Centres

The following table demonstrates aquatic centre usage over the last two months with evidence of increased gym attendance, learn to swim numbers and general entry at Muswellbrook Aquatic and Fitness Centre.

Month	Learn to Swim	Gym Patronage	General Entry	Aqua Aerobics
January 2019	181 Enrolled 312 visits	954	7647	87
February 2019	318 Enrolled 1432 visits	970	7973	181

Muswellbrook Regional Arts Centre

During February 2019 there has been significant work towards the delivery of the 46th Muswellbrook Art Prize which incorporated the Culture Harvest an Autumn Arts Celebration incorporating visual art, contemporary dance, music and performance with events leading up to and throughout the exhibition of the Prize as follows;

BEASTMAN 4 to 9 March @ Muswellbrook Indoor Sports Centre, where artist Beastman (Bradley Eastman) created a large scale mural at the Muswellbrook Indoor Sports Centre, Monday 4 to Friday 8 March, with the official launch on the morning of Saturday 9 March. A Skate Deck painting workshop was well received during the same week.

YEILD 6.00 - 7.30pm Friday 8 March, a live performance of painting, music and dance performed by singer, musician and producer Zackari Watt, contemporary dance company Catapult Dance, and painter and mixed media artist Ben Kenning.

OPENING NIGHT - MAP 2019 6.00pm Saturday 9 March @ MRAC the 46th Muswellbrook Art Prize was held including complimentary food and drinks on offer by Upper Hunter gallery sponsors Hollydene Estate Wines, Hunter Belle Cheese and Pukara Estate. The People's Choice Prize will continue through the entire exhibition period.

DISCOVERY MAP 10:30am Sunday 10 March @ MRAC included a Wrap up the Muswellbrook Art Prize launch weekend's events including some of the finalists 'in conversation'.

EXPLORER MAP - ROUTE 1 CERAMICS PRIZE 10.30am - 2.30pm Sunday 5 May @ MRAC

Newcastle Studio Potter artist and tutor, Nicola Purcell will introduce visitors to slab construction techniques, working to build a simple vase or cup which will then be decorated with a coloured slip finish.

EXPLORER MAP - ROUTE 2 WORKS ON PAPER PRIZE 10.30am - 2.30pm Saturday 6 April @ MRAC

2011 Muswellbrook Art Prize winners Catherine and Jennifer Strutt, AKA 'The Strutt Sisters', will ignite creativity and guide visitors to the Gallery in discovering their inner artist through a quirky collage workshop. For beginners through to established creatives!

EXPLORER MAP - ROUTE 3 PAINTING PRIZE 10.30am - 12.30pm Friday 26 April @ MRAC

For young lovers of art - a tour of the Painting finalists of the Muswellbrook Art Prize will occur before joining a workshop with Muswellbrook artist Tia Gabriellah in painting Impressionistic inspired, colour injected landscapes using acrylic on canvas. For ages 6-16.

UPPER HUNTER REGIONAL LIBRARY

Membership

Currently the Muswellbrook and Denman branches have 8057 active members.

New Members:

Denman – 8 (4 Adult, 4 Junior)

Muswellbrook – 36 (29 Adult, 2 Junior, 5 Senior)

Item Reserves:

Denman - 61

Muswellbrook - 312

Items Borrowed:

Denman – 303

Muswellbrook – 2,250

Wifi Usage:

30th January to 18th February 2019 612/users 803/hour

Items Borrowed to date (2018/19):

Loans, by format.

Item format	Denman	Muswellbrook	Total
Adult Non Fiction (incl LP)	279	4122	4401
Young Adult Non-Fiction	5	102	107
Junior Non Fiction	204	847	1051
Adult Fiction (incl LP)	2735	12268	15003
Young Adult Fiction	229	800	1029
Junior Fiction	574	4346	4920
Easy	618	6002	6620
Audio Adult	101	1577	1678
Audio Young Adult	3	83	86
Audio Junior	49	588	637
CD Music	42	1630	1672
CD ROMS	0	11	11
Computer Games	7	209	216
DVD Adult	956	12619	13575
DVD Junior	23	226	249
Serials	90	321	411
Other (include BC Kits, eReaders, ILL)	54	226	280
eBooks			440
eAudio			482
Total	5969	45977	52868

Special Collections

Large Print Fiction	197	1587	1784
Large Print Junior	0	5	5
Large Print Non Fiction	1	64	65

Library Visitors – February, 2019

Denman 457

Muswellbrook 4197

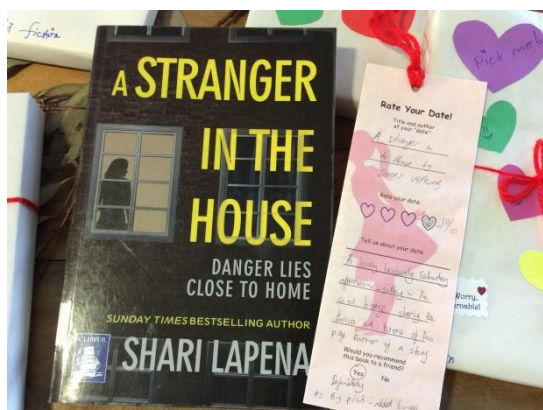
During February, both branches hosted back to back Author visits, computer classes with Transcare, the Multicultural Conversations, the crafty groups and the very popular “Thinker Krunchers” group all coming out to support the various programs.

During Seniors Festival the library also hosted a free Tai Chi class to celebrate mind, body and soul, the feedback received for all these events was very positive and planning around more interactive activities is underway.

Easter is quickly approaching and staff is currently working on activities for the whole family around this holiday break.

Blind date with a book was embraced by members during *Library Lovers Month* where the love of reading took on a blind date approach. This program gives readers the chance to get to know another

genre or author with a mixture of titles wrapped with hearts and bows so each book was a mystery until you took off the wrapping. A rate your date slip was placed in each book also so the members can let others know what they thought of the book which was also well utilised.



User Statistics

Services: February	
Computer Bookings	30 th January to 18 th February 2019 612/user 803/hour
Story time totals	71 babies/kids/parents/carers
Your Home Library Service Delivery (fortnightly/monthly)	15 members 175 books/DVDs/audiobooks
Regular & Special Events:	
Crafty Hour every fortnight	17 attendees
Thinker Kruncher is held every fortnight in Muswellbrook plus a special session at the Community Health Centre for their Day Care seniors.	22 attendees
<u>Author Talks</u>	
Sandie Docker.	10 attendees
Murray A Byfield	25 attendees
Evaluation forms for the two events were very positive feedback.	

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE RELOCATION STEERING COMMITTEE MEETING HELD ON MONDAY, 11 FEBRUARY 2019

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 Relocation Steering Committee held on 11 February 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Relocation Steering Committee Meeting held on Monday 11 February 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Relocation Steering Committee met on Monday 11 February 2019.

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 B. Woodruff (Chair), Cr M. Rush, Cr R. Scholes, Ms F. Plesman (General Manager) and Mr D. Finnigan (Director – Community Infrastructure).

IN ATTENDANCE: Mrs C. O'Brien (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Ms N. Cowley (Executive Manager – Office of the Chief Financial Officer), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr D. Fernandes (Project Officer – Property & Building Services) and Mrs M. Sandell-Hay (PA to the General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Ms Plesman and Cr Scholes that:

The Minutes of the Relocation Steering Committee held on 23 January 2019, 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

CLOSED COMMITTEE:

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee move into Closed Committee as Item 5.1 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.

5.1 COUNCIL ADMINISTRATION CENTRE RELOCATION OPTIONS

RECOMMENDED on the motion of Crs Rush and Scholes that:

1. Costings be obtained for the retrofit of the ground floor of the convent for the potential use as Council Offices and Council Committees including an assessment of the number of workstations/staff that can be accommodated, ICT requirements and parking;
2. Costings be obtained for the retrofit of the vacant part of Market House including an assessment of the number of workstations/staff that could be accommodated, ICT requirements and parking;

MINUTES OF THE RELOCATION STEERING COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 11 FEBRUARY, 2019 COMMENCING AT 4.30PM.

3. Time frames and cost estimates be prepared for construction of a purpose built building and depot at the Recycled Water Treatment Plant site to accommodate Muswellbrook Works and Water – allowing for the complete permanent relocation of all facilities from the current Depot to the RWTW site, including ICT requirements and parking;
4. Analysis including costings of the space available at the Library that can be adjusted for additional workstations/staff functions, including ICT requirements and parking impacts;
5. A cost benefit analysis be provided on a change of use for the current IGA space at Campbells Corner to Council Administration and Chambers, including use of the Void; this assessment is to include ICT requirements and parking.

6 DATE OF NEXT MEETING

25 February, 2019 commencing at 3.00pm

7 CLOSURE

The meeting was declared closed at 6.29pm.

.....

Cr B. Woodruff

Chairperson

13.2 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 19 FEBRUARY 2019

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 19 February 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 19 February 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Local Traffic Committee met on Tuesday 19 February 2019.

The Minutes of the meeting are attached for the information of the Councillors.

PRESENT: Cr S. Reynolds (Chair), Cr M. Rush (Alt Delegate), Mr T. Chapman (RMS Newcastle), Snr. Constable C. Dengate (NSW Police), Mr G. de Boer (Representing Mr Michael Johnsen), Ms K. Scholes (Manager – Roads, Drainage & Technical Services).

IN ATTENDANCE: Mrs I. Williams (MSC).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED that the Minutes of the Local Traffic Committee held on 20 November 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 NO STOPPING NEW ENGLAND HIGHWAY

RECOMMENDED that Council use its delegated authority to approve the installation of the “No Stopping” zone signage on the New England Highway for a length of 100m to the west and 160m to the east of the Bimbadeen Drive intersection.

VOTE: Unanimous Support

5.2 ROAD CLOSURES TO CONDUCT THE ANZAC CEREMONY AND MARCH DENMAN AND MUSWELLBROOK

RECOMMENDED that Council use its delegated authority to approve the following road closures on Thursday 25 April, 2019:

Muswellbrook

1. The New England Highway between Sydney and Hill Streets from approximately 9:45am to 11:45am subject to RMS approval;
2. Market Street between Carl & Bridge Streets from 9:00am to 11:45am and
3. William Street between Market & Sowerby Streets from 9:00am to 11:45am

Denman

4. Palace Street from the Crinoline to Ogilvie Streets (11:30am to 12:00pm)
5. Ogilvie Street from Palace to Paxton Streets (11:30am to 12:00pm)
6. Paxton Street from Ogilvie to Crinoline Streets (11:30 a.m. to 1:00pm)
7. Isobel Street (12:00pm to 1:00pm)

subject to RMS approval, Traffic Control personnel having the appropriate RMS approved qualifications, the provision of the RSL public liability insurance cover for a minimum of \$20,000,000 for the event and the National Heavy Vehicle Regulator to be advised of the road closures.

VOTE: Unanimous Support

6 DATE OF NEXT MEETING

19 March 2019

7 CLOSURE

The meeting was declared closed.

.....
Cr S. Reynolds

Chairperson

**13.3 REPORT OF THE RELOCATION STEERING COMMITTEE MEETING
HELD ON MONDAY, 25 FEBRUARY 2019**

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 Relocation Steering Committee held on 25 February 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Relocation Steering Committee Meeting held on Monday 25 February 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Relocation Steering Committee met on Monday 25 February 2019.

The Minutes of the meeting are attached for the information of the Councillors.

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

MINUTES OF THE RELOCATION STEERING COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 25 FEBRUARY, 2019 COMMENCING AT 3:00PM.

PRESENT: Cr B. Woodruff (Chair), Cr M. Rush, Cr R. Scholes, Ms F. Plesman (General Manager) and Mr D. Finnigan (Director – Community Infrastructure).

IN ATTENDANCE: Ms N. Cowley (Executive Manager – Office of the Chief Finance Officer), Ms S. Pope (Assistant Director – Environment & Community Services), Mr M. Lysaught (Manager – Works, Property & Building Services), Mr D. Fernandes (Project Officer – Works, Property & Building Services) and Mrs M. Sandell-Hay (PA to the General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Scholes and Rush that:

The Minutes of the Relocation Steering Committee held on 11 February 2019, 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

CLOSED COMMITTEE:

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee move into Closed Committee as Item 5.1 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.

5 BUSINESS

5.1 LOCATION OF COUNCIL SERVICES AND ADMINISTRATION

RECOMMENDED on the motion of Crs Rush and Woodruff that:

1. The Committee recommend to Council that negotiations for preferred the option consistent with the email received from the Tenant on 25 February, 2019 be delegated to the General Manager.
2. A masterplan be presented to Council for the Reuse Water Treatment Works site incorporating an administration building to be shared between Water, Wastewater and Works together with any other material and conceptual costings.

6 RESUMPTION OF OPEN COMMITTEE

RECOMMENDED on the motion of Crs Scholes and Rush that:

The meeting return to Open Committee.

7 DATE OF NEXT MEETING

To be Advised

8 CLOSURE

The meeting was declared closed at 4.19pm.

.....

Cr B. Woodruff

General Manager

13.4 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 27 FEBRUARY 2019

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 Infrastructure Committee held on 27 February 2019.

OFFICER'S RECOMMENDATION

The Record of Proceedings of the Infrastructure Committee Meeting held on Wednesday 27 February 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Infrastructure Committee met on Wednesday 27 February 2019.

The Record of Proceedings of the meeting are attached for the information of the Councillors.

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr B.N. Woodruff (Chair), Cr J.F. Eades and Cr J. Foy.

IN ATTENDANCE: Mr D. Finnigan (Director - Community Infrastructure), Ms C. O'Brien (Acting Director – Environment & Community Services), Ms N. Cowley (Executive Manager – Office of the Chief Financial Officer), Ms S. Pope (Executive Manager – Environment & Community Services), Mr G. Abeywardena (Assistant Director – Community Infrastructure & Chief Engineer), Mr M. Lysaught (Manager, Property & Building Services), Mr D. Fernandes (Project Officer – Works, Property & Building), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mrs M. Sandell-Hay (PA to General Manager), Miss M Meadows (PA to the Mayor/ Administration Officer).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Foy and Eades that:

The apologies for inability to attend the meeting submitted by Cr. M. Rush, Cr S. Bailey, Cr M. Bowditch, Cr M. Green, Cr J. Ledlin, Cr G. McNeill, Cr R. Scholes, Cr S. Reynolds and Cr S. Ward be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Eades and Foy that:

The Minutes of the Infrastructure Committee held on 19 December 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 WATER AND WASTEWATER LEVELS OF SERVICE REPORT FOR THE PERIOD OCT - DEC 2018

RECOMMENDED on the motion of Crs Foy and Eades that:

Council notes the information contained in the report.

5.2 COMMUNITY INFRASTRUCTURE CAPITAL WORKS STATUS REPORT FOR SECOND QUARTER OF 2018-2019

RECOMMENDED on the motion of Crs Foy and Eades that:

The information contained in this report be noted.

6 DATE OF NEXT MEETING

27 March 2019

7 CLOSURE

The meeting was declared closed at 4.54pm.

.....

Ms Fiona Plesman

General Manager

.....

Cr B. Woodruff

Chairperson

**13.5 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE
MEETING HELD ON WEDNESDAY, 27 FEBRUARY 2019**

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 Corporate Policy And Planning Committee held on 27 February 2019.

OFFICER'S RECOMMENDATION

The Record of Proceedings of the Corporate Policy And Planning Committee Meeting held on Wednesday 27 February 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Corporate Policy And Planning Committee met on Wednesday 27 February 2019.

The Record of Proceedings of the meeting are attached for the information of the Councillors.

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr B.N. Woodruff (Chair), Cr J.F. Eades and Cr J. Foy

IN ATTENDANCE: Mr D. Finnigan (Director - Community Infrastructure), Ms C. O'Brien (Acting Director – Environment & Community Services), Ms N. Cowley (Executive Manager – Office of the Chief Financial Officer), Ms S. Pope (Executive Manager – Environment & Community Services), Mr G. Abeywardena (Assistant Director – Community Infrastructure & Chief Engineer), Mr M. Lysaught (Manager, Property & Building Services), Mr J. Brown (Manager – Integrated Planning, Risk & Governance), Mr D. Fernandes (Project Officer – Works, Property & Building), Mrs M. Sandell-Hay (PA to General Manager) and Miss M. Meadows (PA to Mayor).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Eades and Foy that:

The apologies for inability to attend the meeting submitted by Cr. M. Rush, Cr S. Bailey (Chair), Cr M. Bowditch, Cr M. Green Cr J. Ledlin, Cr G. McNeill, Cr R. Scholes, Cr S. Reynolds and Cr S. Ward be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Foy and Eades that:

The Minutes of the Corporate Policy & Planning Committee held on 30 January 2019, 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 REPORT ON INVESTMENTS HELD AS AT 31 JANUARY 2019

RECOMMENDED on the motion of Crs Foy and Eades that:

The information showing Council's investments as at 31 January 2019 be noted and the exceeded trading limits on one issuer be accepted.

5.2 2018-2019 OPERATIONAL PLAN 31 DECEMBER QUARTERLY REVIEW

RECOMMENDED on the motion of Crs Eades and Foy that:

The 2018-2019 Operational Plan Review dated 31 December 2018 be noted.

6 DATE OF NEXT MEETING

27 March 2019

7 CLOSURE

The meeting was declared closed at 5.03pm.

.....
Ms F. Plesman

General Manager

.....
Cr B. Woodruff

Chairperson

**13.6 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 4 MARCH 2019**

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 4 March 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 4 March 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 4 March 2019.

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 B. Woodruff (Chair) Cr R. Scholes and Cr. M Bowditch.

IN ATTENDANCE: Ms C. O'Brien (Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mr G. Hemachandra (Project Engineer), Mrs K. Scholes (Manager– Roads, Drainage and Technical Services), Mrs. M Sandell – Hay (PA to the General Manager) and Miss M. Meadows (PA to the Mayor).

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 M. Rush, Ms S. Pope 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 14 January 2019, 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 DA 2018-111 - DEMOLITION OF MUSWELLBROOK AMATEUR THEATRE SOCIETY BUILDING

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

The Development Assessment Committee approve Development Application No. 111/2018 for the demolition of the Muswellbrook Amateur Theatre Society building at Lot 7010 DP 93327, subject to the conditions contained in Appendix B.

6.2 OUTSTANDING DEVELOPMENT APPLICATIONS 28 FEBRUARY 2019

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

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

7 DATE OF NEXT MEETING

TBD

8 CLOSURE

The meeting was declared closed at 4.46 pm.

.....

Cr B Woodruff

Chairperson

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 ACCEPTANCE OF TENDER - PASSIVE MOWING AND HORTICULTURAL SERVICES CONTRACT

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 CONTRACT 2017-2018-0320 - RAIL NOISE ABATEMENT PROJECT - PROGRESS REPORT

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 9 APRIL 2019