



**muswellbrook  
shire council**

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

**BUSINESS PAPER**  
**14 MAY 2019**



**ORDINARY COUNCIL MEETING, 14 MAY 2019**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
MUSWELLBROOK  
10 May, 2019

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **14 May, 2019** commencing at 6.00pm.

Fiona Plesman  
**GENERAL MANAGER**

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19.3	CONTRACT 2018-2019-0360 - SEWERAGE TREATMENT WORKS - PROVISION OF REUSE WATER <i>Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.4	2017-2018-0275A - REGIONAL ENTERTAINMENT CONFERENCE CENTRE - PRINCIPAL DESIGN CONSULTATION ENGAGEMENT <i>Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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**MUSWELLBROOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING**

**AGENDA  
TUESDAY 14 MAY 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 **9 April 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**

Nil

## 11 COMMUNITY INFRASTRUCTURE

### 11.1 WATER AND SEWER FUNDS WAGE ADJUSTMENTS FOR MARCH 2019

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - Director - Community Infrastructure
<b>Author:</b>	Irene Chetty - Operations & Processing Engineer
<b>Community Plan Issue:</b>	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
<b>Community Plan Goal:</b>	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
<b>Community Plan Strategy:</b>	<i>Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines.</i>

#### PURPOSE

The report requests adjustments to wages in the Water Fund and Sewer Fund, facilitated through the March budget review process. If approved, the requested changes will be funded through the current Sewer Fund operational allocation, and will not require any additional allocation of funding from either the Water or Sewer reserves.

#### OFFICER'S RECOMMENDATION

**Council approves the adjustment of Water Fund and Sewer Fund wages as detailed in the report.**

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

#### BACKGROUND

During the third quarter of 2018-2019, Water Fund wages have been trending highly, predominantly due to a number of water main breaks experienced in Muswellbrook, and plant and machinery breakdowns experienced in the Muswellbrook, Denman and Sandy Hollow water treatment plants. As a result of the impact on the affected Water Fund operational wages budgets, the report requests a readjustment of wages between the Water and Sewer operational budgets, facilitated through the March 2019 budget review process.

#### CONSULTATION

Council's Finance team has been consulted through the March 2019 budget review process. Water and Sewer operations teams were consulted in relation to the operational matters that have caused the increase in wages in the Water Fund.

#### CONSULTATION WITH COUNCILLOR SPOKESPERSON

A copy of the draft report has been forwarded to the Mayor, Councillor Rush, the Deputy Mayor, Councillor Scholes, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff, for review and feedback.

**REPORT**

During the third quarter of 2018-2019, Water Fund wages have been trending highly in some areas. This is primarily due to two factors:

1. A number of water main breaks were experienced in Muswellbrook, and required out of hours responses to ensure that repair was effected in a timely manner to ensure that disruption to water supply was minimised as much as possible; and
2. Due to a rain event experienced during March 2019, following a prolonged period of dry weather, levels of water turbidity increased in the Hunter River and Goulburn River, causing problems in the treatment of water, particularly at Denman and Sandy Hollow, and required additional staff hours in order to ensure that water treatment systems weren't overwhelmed. A number of plant and equipment breakdowns at the Muswellbrook water treatment plant were also experienced during the third quarter.

Whilst there has been an increase in the wages expenditure trend in the Water Fund, there has been a decrease in wages expenditure in the Sewer Fund. This is due to improvements in proactive maintenance practice, targeted at reducing the potential for out of hours call out events, and also in a communications strategy aimed at encouraging the public to refrain from flushing non-biodegradable items into the sewage system. As a result, the report does not request any additional funding, but requests that an adjustment of funding be made between the Water Fund and the Sewer Fund, with no change to the overall budget result. Tables 1 and 2 below provide detail of the requested adjustments.

**Table 1: Requested Water Fund wages adjustment: Increase of \$70k**

Activity	December Review	Budget	Proposed Budget Review	March	Change or Adjustment made
Water Mains – Wages & Salaries Ledger: 5010.0600.001	\$ 212,720		\$ 262,720		\$ 50,000
Water Pumping – Wages & Salaries Ledger: 5050.0100.001	\$ 80,379		\$ 50,379		(-\$30,000)
Water Treatment – Wages & Salaries Ledger: 5030.0200.001	\$325,950		\$ 375,950		\$ 50,000
Requested net adjustment					\$70,000

**Table 2: Requested Sewer Fund wages adjustment: Decrease of \$70k**

Activity	December Review	Budget	Proposed Budget Review	March	Change or Adjustment made
Sewer Treatment – Wages & Salaries Ledger: 6080.0100.001	\$ 320,176		\$ 240,176		(-\$ 80,000)
Sewer Mains – Wages & Salaries Ledger: 6040.0100.001	\$ 143,790		\$ 153,790		\$ 10,000
Requested net adjustment					(-\$70,0000)



In order to eliminate as much as possible future adverse expenditure trends in the Water Fund wages budgets, the following actions are being taken:

1. Capital replacement of water mains is being targeted towards those mains that have a history of failure. As these mains are replaced, it is expected that the frequency and severity of water main breaks will reduce over time;
2. Maintain a triage based response to water leaks, so that those leaks reported out of hours, but which are assessed as not impacting on water supply or in causing the loss of large volumes of water in the short term, should be repaired during normal working hours, and not as overtime; and
3. Ensure functionality of water hydrants and valves so that the efficiency of response to reports of water main breaks is maximised as much as possible.

### **OPTIONS**

Council may decide to approve or disapprove the requested changes.

### **CONCLUSION**

It is important to ensure that the actions taken to manage expenditure in the Water Fund wages budget are ongoing, and are monitored to ensure their effectiveness. With regards to this report, as there is no request to increase the overall wages budget allocation, but to reallocate wages between the Water and Sewer operational budgets, it is considered appropriate that Council may decide to approve the reallocation of wages requested in the report.

### **SOCIAL IMPLICATIONS**

The primary social implication of the report is to ensure that water main maintenance and repair and water treatment services are maintained. Council's reputation would be negatively impacted by a reduction in services in these areas.

### **FINANCIAL IMPLICATIONS**

The requested reallocation of wages from the Sewerage Services operational budget to the Water Supply operational budget is summarised in Table 1 and Table 2 above. The request does not include a requirement for any additional funding, but a reallocation of funding between these budget areas.

### **POLICY IMPLICATIONS**

None known.

### **STATUTORY IMPLICATIONS**

Enablement of the requested reallocation of funding between the Sewerage Services operational budget and Water Supply operational budget will assist to ensure legislative compliance with water quality health guideline and licence parameters.

### **LEGAL IMPLICATIONS**

Enablement of the requested reallocation of funding between the Sewerage Services operational budget and Water Supply operational budget will assist to ensure legislative compliance with water quality health guideline and licence parameters.

### **OPERATIONAL PLAN IMPLICATIONS**

The submission of this report complies in principle with section 20.1.2 of the Operational Plan: 'Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines'.

**RISK MANAGEMENT IMPLICATIONS**

The primary identified risk is to ensure that water main maintenance and repair and water treatment services are maintained. Council's reputation would be negatively impacted by a reduction in services in these areas. Council must also ensure the appropriate quality of potable water provided to the community.

## 11.2 TRANSFER OF FUNDS BETWEEN GENERAL LEDGER ACCOUNTS IN SEWER CAPITAL WORKS PROGRAM

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - Director - Community Infrastructure
<b>Author:</b>	Gamini Hemachandra - Project Engineer
<b>Community Plan Issue:</b>	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
<b>Community Plan Goal:</b>	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
<b>Community Plan Strategy:</b>	<i>Recurrently fund and deliver quality and professional design, engineering, investigation and costing services.</i>

### PURPOSE

This report seeks Council's approval to transfer funds from General Ledger 6310.4437.504 (Relocation of sewer reticulation main) to General Ledger 6310.4473.504 (Denman Sewer Treatment Plant Upgrade) to commence business case development with fifty per cent co-contributory funding from the Restart NSW Program in order to provide the basis for securing a future grant in order to upgrade the Denman sewage treatment plant.

### OFFICER'S RECOMMENDATION

**Council approves the transfer of \$100,000 from Council's General Ledger 6310.4437.504, to General Ledger 6310.4473.504 to enable fulfilment of Council's obligation under the funding deed RNSW 1756 – Denman Sewage Treatment Plant Upgrade Business Case, with NSW Treasury.**

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

### BACKGROUND

In February 2019 Council entered into an agreement with NSW Treasury to prepare a business case for upgrading the Denman sewage treatment plant, utilising a grant to cover 50 per cent of the total expenditure required. Once prepared, the business case will be reported to Council and submitted to the Restart NSW program to seek further funding assistance in order to upgrade and renew the Denman sewage treatment plant as explicated through the development of a business case. There is currently no provision in Council's budget for engaging suitable consultants to enable the development of a concept and business case for the Denman sewage treatment plant upgrade project in order to meet the minimum 50 per cent co-funding requirement. A review of the budget for capital works for sewer indicates that the budgeted allocation for replacement/relocation of sewer reticulation pipes (Ledger No 6310.4437.504) will not be fully expended within the financial year 2018-19, and may be utilised to provide the required fifty per cent co-contributory funding to enable the carrying out of the business case.

### CONSULTATION

Consultation has been carried out with Director Community Infrastructure and Public Works Advisory.

### CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

**REPORT**

Council's Denman sewage treatment plant was constructed in the early 1980s, and will require considerable future upgrade work in order to meet increases in demand and to produce a quality of recycled water that meets all Department of Health quality guidelines. The carrying out of a business case for upgrading Denman sewage treatment plant will provide a basis for applying for future grant funding to enable the carrying out identified upgrade works.

This report seeks Council's approval to transfer funds from General Ledger 6310.4437.504 (Relocation of sewer reticulation main) to General Ledger 6310.4473.504 (Denman Sewer Treatment Plant Upgrade) to commence business case development with fifty per cent co-contributory funding from the Restart NSW Program.

A review of the budget for capital works for sewer indicates that the budgeted allocation for replacement/relocation of sewer reticulation pipes (Ledger No 6310.4437.504) will not be fully expended within the financial year 2018-19, and may be utilised to provide the required fifty per cent co-contributory funding to enable the carrying out of the business case.

**OPTIONS**

Council may decide not to progress with the business case and disapprove the transfer of funding as requested in the report. This option is not preferred, as Council has already been successful in gaining the original fifty per cent co-contribution grant funding, and Denman sewage treatment plant will require future upgrade work in order to ensure adherence to the Environmental Protection Licence and to allow for future expansion of the Denman township.

**CONCLUSION**

Improvement of sewage treatment at Denman is important for the purpose of meeting all licence conditions while ensuring additional capacity to meet future demand. The business case will cover the changes required to the existing system based on a concept design and other documentation.

It is essential to have the business case completed at least within the first quarter of the 2019-20 financial year for planning of construction work in the future. The expected date of submission of the business case as per the project schedule in the Deed is August 2019. This is not currently achievable, as Council is yet to engage a consultant to carry out the business case, however indications are that an extension to the submission date is likely to be granted.

In order to avoid further delays it is suggested that NSW Public Works Advisory (PWA) be engaged for the preparation of concept design, preliminary cost estimates and the business case. PWA is familiar with the operation of the treatment plant and has previously assisted council in an options study for upgrading the plant. Moreover, the original design of the treatment plant was undertaken by the Public Works Department (PWD). They will be engaged as early as possible if the requested funds are made available in the relevant ledger.

It is requested that funds be transferred within the sewer budgetary allocation and made available for engaging the proposed consultant.

**SOCIAL IMPLICATIONS**

The purpose of the business case is to secure funding for upgrading the Denman sewage treatment plant to improve the treatment process, as well as to increase the capacity to support future growth of Denman township.

**FINANCIAL IMPLICATIONS**

The total estimated cost to prepare the concept design, preliminary cost estimate and business case is estimated to be \$150,000 excluding GST and contingencies. The Restart NSW grant is for expenditure to a maximum of \$150,000 with a requirement for 50 per cent co-funding by Council. The direct cost to Council will be up to \$100,000 as requested to be transferred in this report.

**POLICY IMPLICATIONS**

Nil known.

**STATUTORY IMPLICATIONS**

Upgrading of the plant is essential in order to fully comply with NSW Environment Protection Authority licence requirements issued under the Protection Of the Environment Operations (POEO) Act 1997. The development of the business case will provide a foundation upon which to secure grant funding for future work required to ensure compliance with statutory requirements and future demand.

**LEGAL IMPLICATIONS**

Council is contractually bound under the Deed of Agreement with NSW Treasury to accomplish the agreed tasks, or to forfeit the grant amount of \$150,000 provided under the Deed.

**OPERATIONAL PLAN IMPLICATIONS**

Design work is essential for improving sewerage infrastructure in Denman. The submission of the report is consistent with item 20.1 of the Operational Plan: 'Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements'.

**RISK MANAGEMENT IMPLICATIONS**

A primary risk of deciding not to provide co-contributory funding to enable the development of a business case for future upgrading of the Denman sewage treatment plant is in delaying planning required to appropriately manage the quality of recycled water produced by the plant, and in accommodating future demand necessitated by the growth of Denman township.

**11.3 PROPERTY AND BUILDING SERVICES - CAPITAL PROGRAMME  
BUDGET REALLOCATIONS**

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - Director - Community Infrastructure
<b>Author:</b>	Matthew Lysaught - Manager - Works, Property & Building
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

**PURPOSE**

To report to Council budget reallocations for the Property and Building Services - Capital Programme as part of the March Budget Review and request the consolidation of the capital budgets associated with Olympic Park.

**OFFICER'S RECOMMENDATION**

**Council approve the budget reallocations to Property and Building Services – Capital Programme and the consolidation of the Olympic Park projects budgets as identified in the report.**

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

**BACKGROUND**

Budget reallocations within Property and Building Services capital programmes have been proposed in the March Budget Review. These include an additional allocation to improve drainage of the top car park at Muswellbrook Cemetery funded by savings in other capital projects, these being the development of Karoola Park Master Plan, Weeraman Master Plan, and the Accessible Parking at Highbrook Park sportsground.

This report also includes the recommendation to consolidate the capital budgets associated with Olympic Park.

**CONSULTATION**

Project Manager – Property and Building Services

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

A copy of the report will be forwarded to the Mayor, Councillor Rush, the Deputy Mayor, Councillor Scholes, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff, for review and comment.

**REPORT**Property and Building Services Capital Programme

Council is currently completing landscaping works at Muswellbrook cemetery. This work has identified that the drainage in the top car park off Brecht St in a significant rain event is inadequate. It is proposed

to replace existing drainage and install a pit, 375 mm pipe, headwall and swale drain in the north west corner of the car park. This work is estimated to cost \$25,000.

This work can be funded within the same programme from savings in Karoola Park Masterplan, Weeraman Masterplan, and Accessible Parking at Highbrook Park sportsground projects with amounts available of \$8,590, \$8,350, and \$8,060 respectively.

### Olympic Park

It is also requested to consolidate the budgets for Olympic Park under one ledger. Currently the project budgets are across both the Environment and Community Services and Community Infrastructure Services directorates.

In 2016 the Bengalla Mining Funding Investment Committee recommended \$710k be allocated to the preparation of a master plan (\$50k) and Stage 1 car park construction (\$650k) for Olympic Park. This was subsequently adopted by Council. The master plan process was completed in 2017/18 Financial Year which was required before the car park could commence construction.

In later 2018, Council was successful in grant funding for the Wilkinson Avenue/Wilder Street (connection and bridge) at Olympic Park. At the August 2018 Ordinary Council meeting it was reported and adopted by Council, as part of a report on the Roads and Drainage Capital Works Programme, that the Wilkinson Avenue/Wilder Street (connection and bridge) have a total budget of \$2,500,000 available funded by \$1,250,000 from the grant program, and \$900k from the Olympic Park Special Rate Variation and \$350k from the Stage 1 Olympic Car Park. This matched funding was required under the grant but principally it grouped all these interconnected Olympic Park projects together.

During this time Council also had a restructure and as a result the associated Olympic Park project budgets are over three ledgers and two directorates. Further, there are also other minor works to be funded from this this approx. \$2.8M budget including aesthetic improvements to Wilkinson bridge, demolition of MATS Hall, and works to address the interaction of users with the car park in the precinct that do not have a separate budget allocation.

### **OPTIONS**

Could choose to not reallocate the identified savings to the Muswellbrook Cemetery or identify other funding priorities.

Council could also choose to have the projects at Olympic Park remain under separate ledgers.

### **CONCLUSION**

It is recommended that drainage improvements at Muswellbrook Cemetery be funded to proceed as it will provide a longer term benefit to the presentation of the cemetery.

It is also recommended to consolidate the capital budgets associated with Olympic Park to assist with management of interconnected projects within the one directorate of Community Infrastructure Services.

### **SOCIAL IMPLICATIONS**

The provision of sport and recreation encourages active and passive recreation for all age groups and provides public amenity.

### **FINANCIAL IMPLICATIONS**

The proposed budget reallocations within Property and Building Services capital are funded with savings from projects within capital programmes.

### **POLICY IMPLICATIONS**

Not applicable

### **STATUTORY IMPLICATIONS**

Not applicable

**LEGAL IMPLICATIONS**

Not applicable

**OPERATIONAL PLAN IMPLICATIONS**

'5.1.1 Recreation Needs and Management Study used for works planning and budget purposes',  
Operational Plan 2018-2019

**RISK MANAGEMENT IMPLICATIONS**

There are a number of competing priorities for sport and recreation funding. The proposed project include works to reduce risks.



**11.4 ELECTRICITY CHARGES FOR DENMAN WATER INTAKE WORKS****Attachments:** Nil**Responsible Officer:** Derek Finnigan - Director - Community Infrastructure**Author:** Sharon Meissner - Administration Co-Ordinator  
Irene Chetty - Operations & Processing Engineer**Community Plan Issue:** *A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health***Community Plan Goal:** *Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.***Community Plan Strategy:** *Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines.***PURPOSE**

To request readjustment of two Water & Wastewater electricity expense budgets to enable the payment of electricity charges at the Denman intake works to the end of the 2018-19 financial year.

**OFFICER'S RECOMMENDATION**

**Council approves the readjustment of electricity charge budgets as detailed in the report.**

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

**BACKGROUND**

Council has received an estimated electricity bill for the Denman water intake works for the period 21 December 2018 to 20 March 2019 that does not appear to be justified based on previous accounts. Since taking over the contract in May 2018, AGL has only ever issued estimated accounts at this site. Council has lodged a dispute in relation to the matter. However, should the dispute be unsuccessful, the budget available under the draft March budget review will need to be increased in order to accommodate the unplanned excessive electricity charge.

**CONSULTATION**

Operations Manager Water & Wastewater

Assistant Director Community Infrastructure & Chief Engineer

Assets and Financial Accountant

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

A copy of the report has been forwarded to the Mayor, Councillor Rush, the Deputy Mayor, Councillor Scholes, and the Councillor Spokesperson for Infrastructure, Councillor Woodruff, for review and comment.

**REPORT**

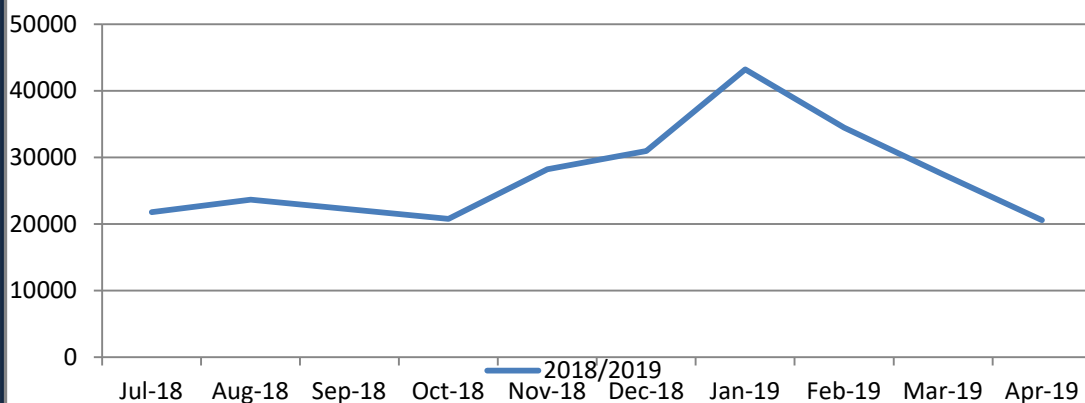
Council has received an estimated electricity bill for the Denman water intake works for the period 21 December 2018 to 20 March 2019 that does not appear to be justified based on previous accounts. Since taking over the contract in May 2018, AGL has only ever issued estimated accounts at this site. Council has lodged a dispute in relation to the matter. However, should the dispute be unsuccessful, the budget available under the draft March budget review will need to be increased in order to accommodate the unplanned excessive electricity charge. An extension relating to payment of the outstanding invoiced amount of \$19,475.30 has been granted to 28 May 2019.

The draft March budget review indicates that the budget for the Denman intake works electricity charges (5061.0655.562) has been increased to \$40,320. However, taking into account the excessive amount of the disputed electricity bill, it is requested that this amount be increased by \$10,000 to \$50,320.

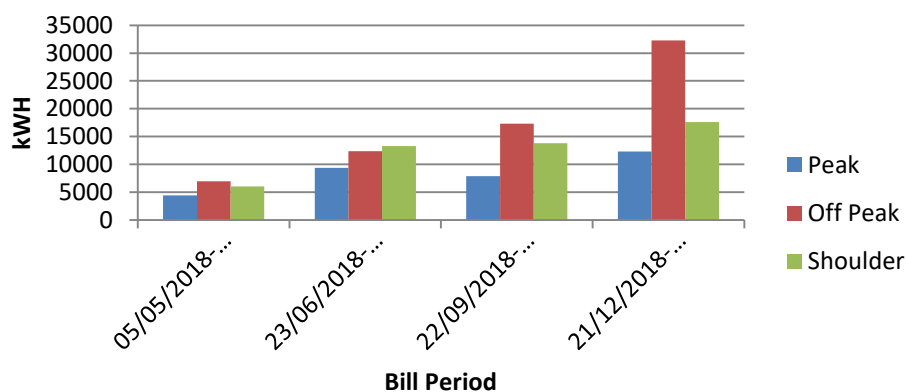
In order to ensure no impact upon the net budget, it is further requested that the draft March budget review budget for the Denman Water Treatment Plant electricity charges (5091.0100.562) be reduced by \$10,000 from \$30,200 to \$20,200.

Investigations carried out by Water & Wastewater staff have found that extraction figures indicate there was a significant spike in water usage at Denman during January 2019 (average daily extraction 1.394 ML). During February 2019 Australian Rail Track Corporation (ARTC) also accessed water from the Denman supply for track works believed to be due to a train derailment. The volume utilised is estimated to be 1,920 kL, against which an invoice for \$6,520.80 has been invoiced to ARTC and their subcontractor.

**Denman Extraction 2018/2019 (kL)**



**Electricity consumption - NMI  
NCCCAA05128**



## OPTIONS

Council could approve or not approve the requested budget adjustment.

**CONCLUSION**

There is the possibility that Council's dispute may be successful in this matter. However, should Council's dispute be unsuccessful, as there is no requested change to the net budget, Council may decide to approve the requested budget adjustment changes.

**SOCIAL IMPLICATIONS**

It is critically important that water supply to Denman township is not disrupted.

**FINANCIAL IMPLICATIONS**

Council's draft March budget review includes electricity charges budgets for the Denman water intake works and Denman water treatment plant as follows:

Denman water intake plant (5061.0655.562)	\$40,320
Denman water treatment plant (5061.0100.562)	\$30,200
Total	\$70,520

Should Council approve the requested budget changes, the budgeted amounts will become:

Denman water intake plant (5061.0655.562)	\$50,320
Denman water treatment plant (5061.0100.562)	\$20,200
Total	\$70,520

It can be seen that there will be no change in the overall budget allocation.

**POLICY IMPLICATIONS**

Nil known.

**STATUTORY IMPLICATIONS**

Nil known.

**LEGAL IMPLICATIONS**

Nil known.

**OPERATIONAL PLAN IMPLICATIONS**

The submission of this report complies with section 20.1.2 of the Operational Plan: 'Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines'.

**RISK MANAGEMENT IMPLICATIONS**

Failure to pay the invoiced electricity charge may potentially result in power being cut off, and thereby threaten security of water supply to the Denman community.

## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 DA 6/2019 - COMMERCIAL ALTERATIONS AND ADDITIONS - 10 OGILVIE STREET, DENMAN

<b>Responsible Officer:</b>	<b>Carolyn O'Brien - Acting Director - Environment &amp; Community Services</b>
<b>Author:</b>	<b>Atef Kazi - Project Planner</b>
<b>Community Plan Issue:</b>	<b><i>Support Job Growth</i></b>
<b>Community Plan Goal:</b>	<b><i>Facilitate the expansion of and establishment of new industries and business.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i></b>
<b>Attachments:</b>	<b>A. DA 6/2019 Section 4.15 Assessment B. DA 6/2019 Recommended Conditions of Consent C. DA 6/2019 Proposed Plans D. DA 6/2019 Public Submissions E. DA 6/2018 Referral Comments NSW Police</b>

#### PURPOSE

This report has been prepared to inform Council in determining Development Application No. 6/2019. This Development Application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council's information.

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

(ii) [determine matters] which are for, or in any way related to:

(a) food and drink premises used for, or proposed to be used for, the sale of alcohol

The delegations issued to the Development Assessment Committee are subject to a similar limitation.

Accordingly, the determination of the development application rests with Council. This report has been prepared to inform Council in its determination of the development application.

#### RECOMMENDATION

**Council APPROVES Development Application No. 6/2019, involving alterations and additions to the Denman Royal Hotel at Lot 1 DP 1068339, subject to the conditions in Appendix B to the report.**

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

#### DESCRIPTION OF THE PROPOSED DEVELOPMENT

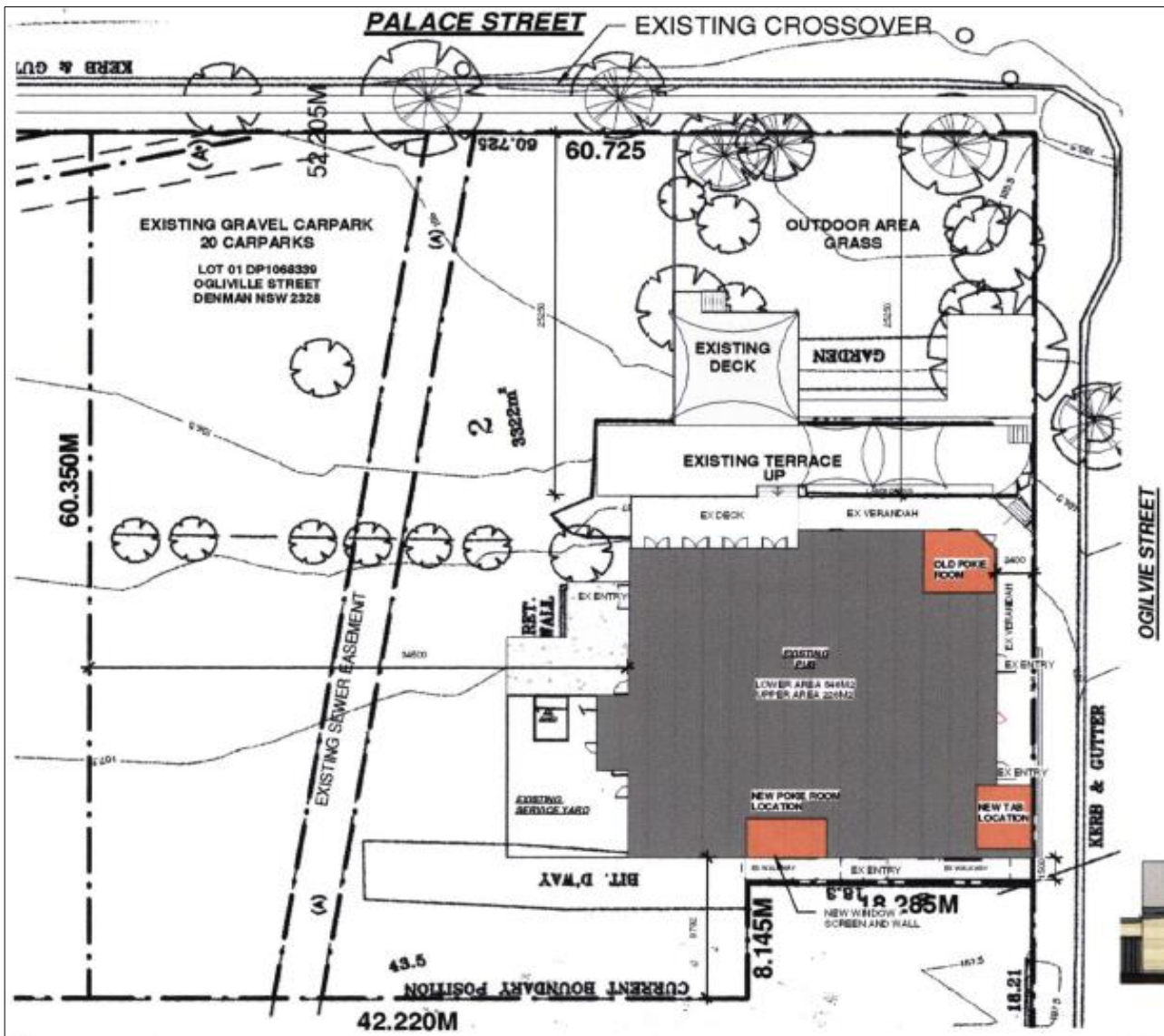
The proposed development involves alterations and additions to the Denman Royal Hotel. The Denman Royal Hotel is listed as local Heritage item under Schedule 5 of the Muswellbrook Local Environmental Plan (LEP) 2009. The Hotel is also situated in the Denman Conservation Area.

The site is zoned RU5 Village and the use is a Pub is permitted in this zone as a commercial premises.

The proposed development involves:

- the relocation of six gaming machines from the current poker room to a new purpose made room within the existing building, to be in line with the Gaming Regulation Act of 2010 (NSW),
- Construction of a new external wall with selected louvers to naturally ventilate the gaming room area,
- A new external wall and screen boundary to offer weather protection for the new wall and opening but also to reduce the prominence of the addition area,
- A new TAB betting outlet location adjacent to the existing bar area off Ogilvie Street.

The image below identifies the parts of the premises which the proposed works are to be carried out in orange.



**ASSESSMENT SUMMARY**

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

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The Denman Royal Hotel is a local listed heritage item under the Muswellbrook LEP 2009. Clause 5.10 of the Muswellbrook LEP 2009 applies to the assessment of development applications involving works to heritage items. Council Officers have considered the proposed development against the provisions of this Clause, the heritage provisions of the Muswellbrook Development Control Plan (DCP) and referred the application to Council's Heritage Advisor for comment. Council Officers are satisfied that the proposed development would be in accordance with the heritage provisions of the LEP and DCP and that the proposed development would not have any significant impact on the significance of this local heritage item.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPPs) and there are no inconsistencies which would prevent Council from granting development consent to the proposed development.
- The proposed development is in accordance with the requirements of the DCP.
- The proposed development was not considered to have any significant environmental impacts.
- The proposed development was referred internally to a number of Council Officers and externally to the NSW Police for comment. There were no objections to development consent being granted to the proposal.

**COMMUNITY CONSULTATION**

The proposed development was publically advertised and notified in accordance with the requirements of the Muswellbrook DCP. A total of two (2) submissions were received by Council objecting to the proposed development.

Copies of submissions received have been included as attachments to this report.

The issues raised by the submissions in relation to the proposed development have been considered by Council Officers through their assessment of the proposed development. Matters raised by the submissions have been referenced, reviewed and commented on under the 'Any Submission Made' heading of the Development Assessment Report.

Council Officers do not consider that the matters raised in the submissions would substantiate a decision to refuse development consent to proposed development.

**OPTIONS**

Council may:

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

**LEGAL IMPLICATIONS**

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

**CONCLUSION**

DA 6/2019 has been reported to Council for determination as the development involves works on site for the proposed of use for the sale of alcohol and it is outside the delegations of Council Officers and the Development Assessment Committee to determine the development application.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Staff recommend that Council grant consent to DA 6/2019, subject to conditions of consent outlined in Attachment B.

## DEVELOPMENT ASSESSMENT REPORT

<b>ADDRESS:</b>	LOT: 1 DP: 1068339 REF: HOTEL 10 Ogilvie Street DENMAN
<b>APPLICATION No:</b>	6/2019
<b>PROPOSAL:</b>	Alterations and Additions (Royal Hotel Denman)
<b>OWNER:</b>	Zizoom Pty Limited
<b>APPLICANT:</b>	Zizoom Pty Limited 10 Ogilvie Street DENMAN NSW 2328
<b>AUTHOR:</b>	Mr A Kazi
<b>DATE LODGED:</b>	21/01/2019
<b>DATE OF REPORT:</b>	9 April 2019

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## SUMMARY

**SUBMISSIONS:** Two (2)

**RECOMMENDATION:** Approval subject to conditions



## **1.0 SITE AND LOCALITY DESCRIPTION**

The site subject to this development application is 10 Ogilvie Street, Denman. The property is formally identified as Lot 1 DP 1068339.

The subject site is zoned RU5 Village under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.

The site is currently occupied by the Denman Royal Hotel. The Denman Royal Hotel is listed as local Heritage item under Schedule 5 of the Muswellbrook Local Environmental Plan and is situated within the Denman Heritage Conservation Area.

The eastern part of the site is identified as flood liable by Council's Flood information mapping. The part of the site on which building works are proposed is not identified as flood liable.

The site is identified in the image below.



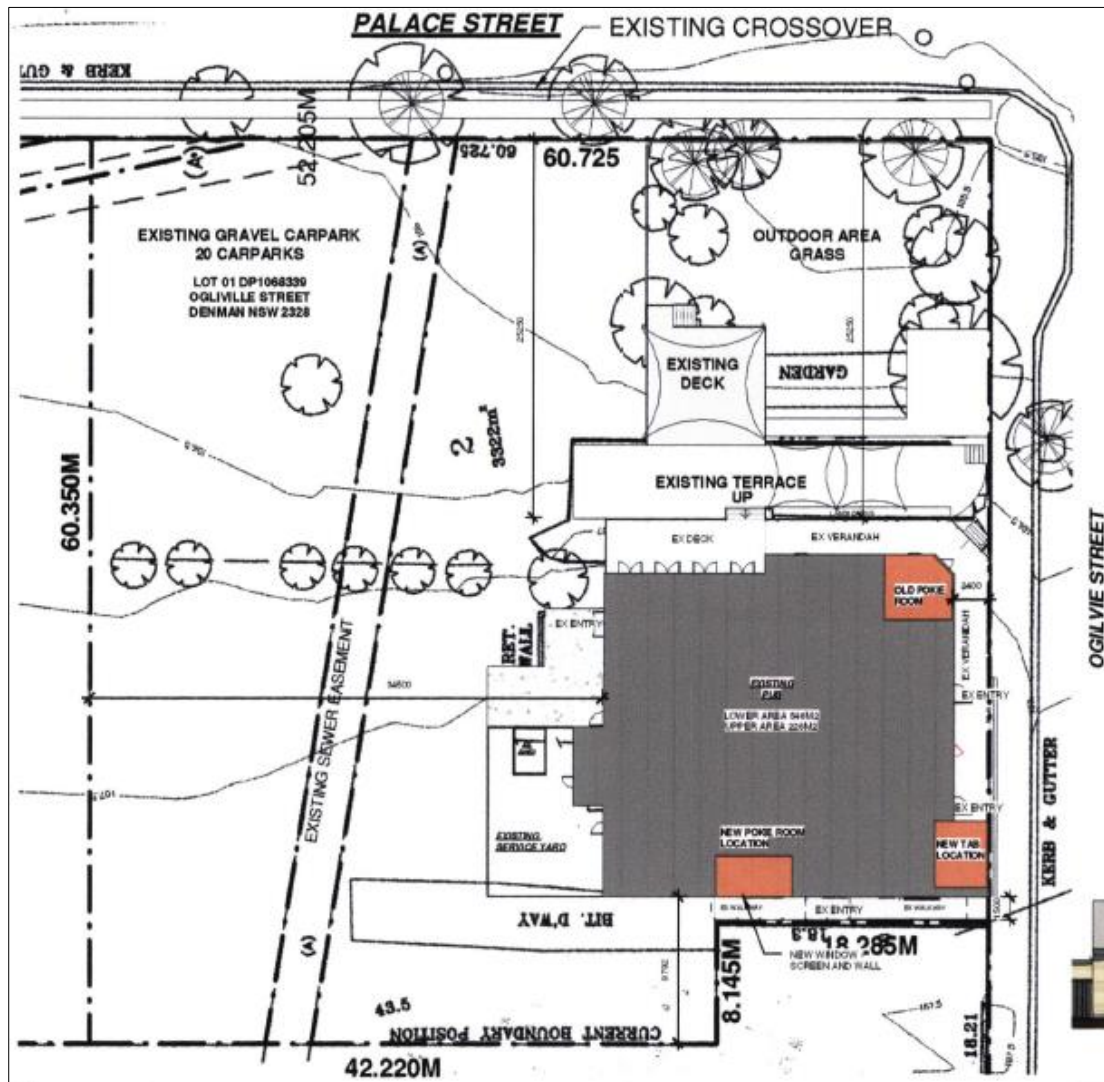
## **2.0 DESCRIPTION OF PROPOSAL**

The proposed development involves the following alterations and additions to the existing hotel premises:

- the relocation of six gaming machines from the existing gaming room to a new purpose made room within the existing building to be in line with the Gaming Regulation Act of 2010 (NSW),
- Construction of a new external wall with selected louvers to naturally ventilate the gaming room area,
- A new external wall and screen boundary to offer weather protection for the new wall and opening but also to reduce the prominence of the addition area,

- A new TAB betting location is proposed to be located adjacent to the existing bar area off Ogilvie Street which would be purpose built and not require any significant alterations apart from new joinery and computer systems.

Parts of the premises subject to alterations and additions are identified in orange in the image below.



### Internal Referrals

The application was referred to Council's Building Surveyor, Water and Waste, Community Infrastructure and Council's Heritage Advisor.

### Building Section

The proposed development was referred to Council's Building Surveyor to provide any comments in relation to BCA compliance issues.

No objections were raised to the proposal, but a number of standard conditions of consent were recommended.

Comments from Council's Building Surveyor also observed some BCA issues which would need to be resolved prior to the issue of a Construction Certificate, however it was noted that these BCA matters were unlikely to require any major redesign of the proposal.

### Water and Waste

The proposed development was referred to Council's water and waste Division to consider any impact of the proposed development on Council's Water and Sewage networks.

Council's Water and Waste division raised no objection to the proposed development, and provided the following comments:

*...the DA does not increase the number of gaming machines. Hence, it is unlikely that the changes will have any impact on the demand of water and sewerage services. If the developer needs relocation or upsizing of services all costs associated with such changes should be borne by him.*

### Community Infrastructure, Roads and Drainage

The proposed development was referred to Council's Roads and Drainage Team to consider any impacts of the proposed development on Council's road and drainage infrastructure. The following comments were provided:

*...there is no stormwater drainage change proposed or any development connecting to roads/footpath/driveways. Hence no comments are provided in regards to the compliance of the MDCP 2009 sections 25 and 16.*

### Heritage Advisor

Council's Heritage Advisor reviewed the proposed development and provided the following comments:

- *The proposed work is mainly included within the existing footprint of the hotel. External works that including a metal screen and access ramp and rail are located at the rear of the building to an existing access walkway area. The work is considered to be minor.*
- *...No work is indicated to Palace or Ogilvie Street frontages other than window film application to an existing window in the New Tab location.*

Council's Heritage Advisor recommended that the following be required during the carrying out of the work in relation to the proposed alterations to the TAB area:

*...that the existing mullions to the timber framed windows of the new Tab area are to be retained. Window film application is to be of a reversible type.*

This recommendation has been included as a condition of consent.

### **External Referrals**

#### NSW Police

The application was referred to the NSW Police to consider safety and security associated with the proposed development.

A response was provided on the 18 February 2019. The response raised no objection to the proposed development and recommends the imposition of a number of conditions of consent. The recommended conditions of consent have been reviewed by Council Officers and have informed the recommended conditions of consent.

### 3.0 ASSESSMENT

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

#### Section 4.15 Matters for Consideration

##### Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

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

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

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

The development site is zoned RU5 Village pursuant to MLEP 2009. The proposal is best defined as a pub.

Pubs are a sub category of a food and drink premises which in turn is a subcategory of the retail premises land use, which is in turn a further subcategory of the commercial premises land use classification. Commercial Premises are a type of land use identified as being permissible with consent in the RU5 Village zone.

###### Objectives of the RU5 Village Zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.
- To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.
- To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

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

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

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is permissible with consent within the RU5 Village zone and generally in accordance with the land use zone objectives. This complies with the MLEP 2009. <b>Complies</b>
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 8.5m in relation to the land. As the proposal does not involve building works, which would increase the existing height of the building, this clause is not applicable for the assessment of the proposal. <b>N/A</b>
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies a floor space ratio of 0.5:1 in relation to the land. The total area of the subject site is 5919m <sup>2</sup> and the total floor area, inclusive of the proposed development, would be 772m <sup>2</sup> . The floor space ratio will be 0.13:1. <b>Complies</b>
<i>Part 5 Miscellaneous provisions</i>	
<i>5.10 Heritage conservation</i>	This clause of the MLEP 2009 relates to the

<p>Consideration of the effect of the proposed development on the heritage/ significance of the item or area concerned.</p> <p><i>Relevant subclause:</i></p> <p>Clause 5.10 (2):</p> <p>(a) (i), (ii), (iii)</p> <p>(b), (c), (d),</p> <p>(e) (i), (ii)</p> <p>(f) (i), (ii)</p> <p>(4) Effect of proposed development on heritage item significance/ conservation area.</p> <p>Clause 5.10 (5)(a,b,c) Heritage assessment.</p> <p>Clause 5.10(6) Heritage conservation management plans.</p> <p>Clause 5.10(7) Archaeological sites.</p> <p>Clause 5.10(10) Conservation incentives.</p> <p>Consent may be granted, even though development for that purpose would otherwise not be allowed by this Plan, if:</p> <p>(a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and</p> <p>(b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and</p> <p>(c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and</p> <p>(d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and</p> <p>(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.</p>	<p>conservation of environmental heritage, the heritage significance of heritage items/conservation areas, archaeological sites and aboriginal objects and aboriginal places of heritage significance. Council's Heritage Advisor has provided the following comments:</p> <p><i>"The proposed work is mainly included within the existing footprint of the hotel. External works that including a metal screen and access ramp and rail are located at the rear of the building to an existing access walkway area. The work is considered to be minor.</i></p> <p><i>... No work is indicated to Palace or Ogilvie street frontages other than window film application to an existing window in the New Tab location."</i></p> <p>Council's Heritage Advisor has recommended that the existing mullions to the timber framed windows of the New Tab area are to be retained with the window film application to be of a removable type. Accordingly, a condition of consent should be implemented if the development application is approved.</p> <p><b>Complies</b></p>
<p><i>Part 6 Urban release areas</i></p>	
<p><i>Part 7 Additional local provisions</i></p>	
<p><i>7.1 Terrestrial biodiversity</i></p>	<p>The objectives of this clause are in regards to the protection, maintenance and improvement of the diversity of landscapes including: the biological diversity of native fauna and flora, ecological continued existence and recovery of threatened species and habitats. This applies to land which is identified as "Biodiversity" on the <i>Terrestrial Biodiversity Map</i>. The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping. <b>Not applicable</b></p>
<p><i>7.6 Earthworks</i></p>	<p>The relatable objectives of this MLEP 2009 clause are:</p> <p><i>'to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land'.</i></p> <p>The proposed development would involve minimal earthworks involved with the footings of the new external wall and privacy screen. This would not be detrimental to the impact of environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land. This complies with this part of the MLEP 2009.</p> <p><b>Complies</b></p>

## 2. State Environmental Planning Policy No. 55 – Remediation of Land

Council Officers are unaware of any activities which have carried out on the site likely to have caused the contamination of the land. No visual evidence of any contamination was observed by Council Officers during an inspection of the site. It is therefore considered that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need to further consider the provisions of this SEPP.

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

There are no draft EPIs relevant to the subject Application.

### Section 4.15(1)(a)(iii) the provisions of any development control plan

#### Section 3 – Site Analysis

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

#### Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 6 February 2019 to 21 February 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

Two (2) submissions were received objecting to the proposed development. The matters raised by these submissions have been considered and commented on under the any submissions section of this report.

#### Section 7 – Village Zones

7. VILLAGE ZONES	Controls	
7.1 Introduction		
<i>Aims and Objectives</i>	<p>This sections aims and objectives are:</p> <ul style="list-style-type: none"> <li>a) ensure that new development retains and enhances the rural village atmosphere of Denman and Sandy Hollow;</li> <li>b) preserve the local environment in terms of its visual appearance and natural quality;</li> <li>c) outline design requirements for new development in Denman and Sandy Hollow relating to style, density and form of construction that is appropriate to the local context;</li> <li>d) ensure that new buildings are connected to reticulated sewerage or in Sandy Hollow designed and located to allow sufficient area for on-site disposal of waste water;</li> <li>e) ensure that individual allotments have adequate private open space and landscaped areas.</li> </ul>	<p>The proposed development would meet the requirements of this section of the MDCP 2009 as it would only involve expansive works considered to be minor in scale which would not detract from the sites existing built form. The current design and density would primarily be retained. This complies with the requirements of this part. <b>Complies</b></p>
7.2 Assessment Process		
<i>Character Statements</i>	<p>The controls of this sub-section of the MDCP 2009 are as follows:</p> <ul style="list-style-type: none"> <li>(i) Council must not grant development consent to new development in Denman that would result in an inconsistency or compromise the integrity of the</li> </ul>	<ul style="list-style-type: none"> <li>(i) The proposal would not involve inconsistency or compromise the integrity of the character for Denman as it involves minor works which would predominately retain its current form. This complies with this part of the MDCP 2009.</li> </ul>

**Item 12.1 - Attachment A DA 6/2019 Section 4.15 Assessment**

7. VILLAGE ZONES	Controls	
	<p>character statement for Denman</p> <p>(ii) Council must not grant development consent to new development in Sandy Hollow that would result in an inconsistency or compromise the integrity of the character statement for Sandy Hollow</p>	<p>(ii) As the proposal is situated in Denman this part of the MDCP 2009 is not applicable.</p> <p><b>Complies</b></p>
7.3 Residential Development		
Waste Disposal Water	<p>(i) Where connection to a reticulated sewerage system is not reasonably available (eg. within 75m of the development), on-site waste water disposal must be designed and constructed to comply with Australian Standard AS1547-2000 and Council's Development Control Plan Section 23 – Onsite Wastewater Management Systems.</p> <p>(ii) Onsite waste water disposal areas may be incorporated into area calculations for landscaped area.</p> <p>(iii) Compliance with section 23 of this DCP.</p>	<p>(i) The subject site has access to Council's reticulated sewerage system. Thereby this control is not applicable to the proposed development.</p> <p>(ii) Onsite waste water disposal is has not been proposed within this application. Thereby this control is not applicable to the proposal.</p> <p>(iii) See above (i).</p> <p>The proposed development would be compliant with all of the controls of this part of the MDCP 2009. <b>Complies</b></p>
7.4 (a) Public Parks and Reserves		
7.4 Non-Residential Development		
Location	<p>(i) New commercial, business or retail development shall be located within the village Business Precinct identified on the map attached as an appendix to this section adjacent to existing commercial land uses.</p> <p>(ii) Council may vary the above provision where it can be demonstrated to the satisfaction of Council that the proposed residential location will result in a better planning outcome that will meet an unmet need of the community, and three or more of the following criteria is satisfied.</p> <p>(iii) Depending on the nature and scale of the proposed development, Council may also require the submission of a social and economic impact assessment to demonstrate that the proposed development or activity will not result in adverse impacts to existing business or retail activity within the village.</p>	<p>(i) The proposed development is for the existing Royal Hotel which is located within the Denman village Business Precinct. This complies with the control requirements.</p> <p>(ii) The proposed location of the development would not fall within a residential location. Hence this control is not applicable.</p> <p>(iii) As the scale of the proposal would be minimal in nature there are not requirements for social and economic impact assessments to be submitted. The development would not result in any adverse impacts to the existing business or retail activity within the village.</p> <p>The control requirements of this part of the MDCP 2009 have been met. <b>Complies</b></p>
Design Guidelines	<p>(i) Commercial developments must be designed with entries onto the street with active street level uses.</p> <p>(ii) Building design must reinforce the existing streetscape character with elevations of a consistent scale, proportion and detail to surrounding development.</p> <p>(iii) In Denman, building materials shall be consistent with the heritage character statement provided in section 15 of this DCP</p> <p>(iv) The colours and texture of buildings shall reflect the character of the neighbourhood and adjacent rural environment. Suggested colours are blues, greens and lighter natural tones.</p> <p>(v) Long, continuous facades and rooflines must be avoided in larger buildings.</p> <p>(vi) Buildings on corner blocks should be</p>	<p>(i) The proposed does involve developments for commercial use. There are existing entries onto the street with active street level uses which have been previously approved by Council.</p> <p>(ii) The external design of the proposed alterations and additions of the building would reinforce the existing streetscape character. Elevations would be of a consistent scale, proportion and detail to surrounding development.</p> <p>(iii) This application was referred to Council's Heritage Advisor who recommended: 'existing mullions to the timber framed windows of the new Tab area are to be retained. A condition of consent should be implemented to ensure that this recommendation is followed should the application be approved.</p> <p>(iv) The colours and texture of the proposed</p>



7. VILLAGE ZONES	Controls	
	<p>designed with an active frontage to both streets.</p>	<p>development would reflect the existing character of the neighbourhood. A condition of consent would be to ensure external building materials are consistent with the requirements of Section 15 of the MDCP 2009.</p> <p>(v) The proposed development would not involve long, continuous facades or rooflines.</p> <p>(vi) The proposal does involve external alterations and additions with the subject site being a corner block. The design of the proposed development does involve an active frontage.</p> <p>The requirements of this part of the MDCP 2009 have been met. <b>Complies</b></p>
<i>Vehicle Parking</i>	<p>(i) On site car parking shall be provided in accordance with Section 16 of this DCP.</p> <p>The parking requirements for a Registered Club are: 1 space per 7 m2 of licensed gross floor area, <b>PLUS</b> 1 space per 5 seats of auditorium, dining room and recreation area, <b>OR</b> 1 space per 10 m2 of auditorium, dining room and recreation area, <b>WHICHEVER IS GREATER,</b> <b>PLUS</b> 1 space per 3 employees.</p>	<p>(i) There is an existing gravel car park which has space for 20 vehicles on site. As the proposal would only involve a minor increase to building area for the purpose of relocating gaming machines no new car parking spaces would be required. This complies with this part of the MDCP 2009. <b>complies</b></p>
<i>Signage and Use of Footpaths</i>	<p>(i) Advertising and signage shall only be permitted in accordance with Section 14 - Outdoor Signage or exempt development provisions of Muswellbrook Local Environmental Plan 2008.</p> <p>(ii) Use of the footpath may be permitted in accordance with Section 19 – Use of Public Footpaths of this DCP.</p>	<p>(i) No outdoor signage has been included within the proposal.</p> <p>(ii) A public footpath would not be used by the proposal.</p> <p>The requirements of this part of the MDCP 2009 have been met. <b>Complies</b></p>
<i>Form, Massing and Scale</i>	<p>(i) New commercial buildings are not significantly larger than surrounding buildings</p> <p>(ii) New commercial buildings are designed to meet the heritage character statement in section 15 of this DCP.</p>	<p>(i &amp; ii) The proposal does not involve the erection of new commercial buildings and hence the controls of this part of the MDCP 2009 are not applicable. <b>Complies</b></p>
<i>Access</i>	<p>(i) Equitable access for people with disabilities is provided to new buildings in accordance with the provisions of AS1428.1 and the Disability Discrimination Act.</p> <p>(ii) Where alterations or additions involve more than 50% of the building fabric, compliance with (i) above is required.</p> <p>(iii) Vehicular access to, and within, the development shall be provided in accordance with Section 16 – Car Parking and Development of this DCP.</p>	<p>Ensuring that the design of the proposed development is compatible with the provisions of the accessibility provisions of the BCA and the Access to Premises Standard is a matter for the Principle Certifying Authority to be satisfied of prior to the issue of a Construction Certificate.</p> <p>Council's Building Surveyor has reviewed the proposed development and indicated that some minor design changes may need to be considered to achieve BCA compliance and that this could be pursued prior to a Construction Certificate. To ensure that the development complies with relevant BCA accessibility requirements a condition requiring building work to comply with the BCA has been recommended for inclusion on any consent. <b>Complies</b></p>



7. VILLAGE ZONES	Controls	
<i>Setbacks</i>	(i) Front and side setbacks shall be consistent with the established building line and setbacks for the locality or streetscape. (ii) Where there are no characteristic setbacks, new buildings shall have regard to the future use of the public domain and impacts arising from potential future development to follow the proposed setback.	(i) The front setbacks would not be altered in any way. The relevant side setback would be consistent with the established building line and setbacks for the locality. (ii) There are existing setback characteristics of the subject site. Hence, this part sub-section of the MDCP 2009 is not applicable.  <b>Complies</b>
<i>Landscaping</i>	(i) Applications for new business or retail development are to include a landscape plan prepared by a suitably qualified professional showing existing trees and proposed landscaping. (ii) Landscaping is to be provided in the front setback area, along driveways and to screen car parking areas, where applicable. (iii) Landscape planting shall predominately incorporate native species, and particularly species endemic to the area. (iv) Landscaping along the site frontage create an attractive and harmonious streetscape that blends with the adjacent public reserve areas.	(i) The proposal is not for a new business or retail development. Hence, this control is not applicable. (ii) There is existing landscaping which is located within the front setback area of Palace Street and along the car parking area and driveway. This complies with the control requirements. (iii) As the above mentioned landscaping control has already been met the requirements of this control are not applicable. (iv) The existing landscaping along the subject site's frontage does create an attractive and harmonious streetscape that blends with the adjacent public reserve areas. <b>Complies</b>

### Section 13 – Flood Prone Land

The property subject to this development application is partly identified as within the 1% AEP flood event by Council's flood studies. The portion of the site on which the building works are proposed is not identified as flood liable and therefore the proposal is considered unlikely to have any tangible impact on the flood plain or to be impacted by flooding. Given the location of the proposed building works outside of the flood affected portion of the site this section of the DCP has no further implication for the proposed development.

### Section 15 – Heritage Conservation

The heritage provisions of this section of the MDCP 2009 were considered. This application was referred to Council's Heritage Advisor for review and based on this review it has been deemed that the proposed development is identified as satisfactory. However, they did state that the existing mullions to the timber framed windows of the New Tab area are to be retained with the window film application to be of a removable type. A condition of consent is recommended.

### Section 20 – Erosion and Sediment Control

The relevant objective of this section states:

'to demonstrate through the preparation of an Erosion and Sediment Control Plan or Strategy for developments over 250m<sup>2</sup> of disturbance that appropriate controls are planned to be installed'.

As the proposal would not involve an area of disturbance over 250m<sup>2</sup> this section of the MDCP 2009 has been met without the need for an Erosion and Sediment Control Plan.

### Section 24 – Waste Management

A waste minimisation management plan has not been prepared in relation to the proposed development. A review of this Section of the DCP indicates that such a plan should be prepared in relation to the proposed development. A review of other applications for minor development indicates that Council has not typically required the submission of such a plan

for similar minor works. Accordingly it is recommended that a Waste Management Minimisation Plan not be required and the DCP objectives adhered to through the imposition of a condition for the minimisation and management of waste associated with the development. This would comply with the objectives and council practice.

#### Section 25 – Stormwater Management

The proposal will not increase stormwater to a reasonable extent. Hence section of the MDCP2009 would not be applicable as it has already been assessed by Council as the existing stormwater system would be utilised and retained.

#### Section 94A Contributions Plan 2009

The total project value of the proposal would be \$22,500.00 and as this value is less than \$100,000 there is no contribution applicable.

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

There are no planning agreements relevant to the subject Application.

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

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

#### **Section 4.15(1)(a)(v) the provisions of any coastal zone management plan**

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

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

Given the limited scope of the proposed development, and its compatibility with the relevant provisions of Council's DCP and LEP, the proposed development is considered to be reasonably in accordance with the type of development expected within the Muswellbrook Village Zone. Accordingly the proposed development is considered unlikely to have any significant adverse environmental impacts in any of the following areas.

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

#### **Section 4.15(1)(c) the suitability of the site for the development**

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

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

The proposed development was publically notified and advertised in accordance with the requirements of the Muswellbrook DCP.

Two (2) submissions objecting to the proposed development was received by Council. The

matters raised by the submissions do not present any issue which Council Officers consider would support a decision to refuse development consent to the proposal.

<b>Issues Raised</b>	<b>Planning Comment</b>
The Royal Hotel is a heritage listed item and the proposed alterations and additions would adversely impact the heritage significance of that building.	<p>The proposed development was referred to Council's Heritage Advisor for review and to provide advice on any implications of the proposed development on the heritage value of the building.</p> <p>Council's Heritage Officer considers the proposed development is minor and would not have a significant impact on the heritage value of the building on the proviso that the development proceed in accordance with recommendations around the use of reversible window film for window tinting and the retention of existing timber frame millions for the TAB windows.</p>
The Denman Hotel has been altered on numerous occasions without Council approval and these works have adversely impacted the heritage significance of this building.	<p>Council Officers are not aware of any unlawful building works that have been carried out at the Denman Royal Hotel in recent times.</p> <p>The carrying out of unlawful building works is a separate matter to the assessment of this development application. If a member of the public can provide specific detail about unlawful building works these will be investigated by Council Officers.</p>
Denman does not require any further TAB facilities.	<p>Council is not the regulatory authority for liquor and gaming. The licensing of liquor retail and gambling premises is the responsibility of NSW Liquor and Gaming.</p> <p>The Denman Royal Hotel is a pre-existing licensed premises and holds a Hotel license under the Liquor Act 2007. A Hotel Liquor License allows the holder to sell alcohol, including takeaway alcohol and have gaming machines and allow keno and betting subject to further approvals.</p> <p>Should Council approve the proposed development it will remain necessary for the applicant to maintain or obtain relevant approvals for the operation of the TAB area from NSW Liquor and Gaming.</p>
Denman does not require a poker machine lounge or encourage smoking.	<p>It is understood that the proponent is not intending to increase the number of poker machines at the premises, but to relocate them to a single gaming/smoking area.</p> <p>Should Council approve the proposed development it will remain necessary for the applicant to maintain or obtain relevant approvals for the operation of the poker machines from NSW Liquor and Gaming.</p>

**Section 4.15(1)(e) the public interest.**

It is considered that the proposal is not contrary to the public interest.

**5 CONCLUSION**

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been notified to neighbouring property owners in accordance with the provisions of the Muswellbrook DCP.

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions.

Accordingly, it is recommended the application be approved subject to conditions of consent.

**RECOMMENDATION**

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) that Council's Senior Development Planner, under delegated authority of Council as the consent authority, grant development consent to DA 6/2019 subject to standard conditions of consent and the conditions of consent recommended by this 4.15 Assessment.

Signed by:

Hamish McTaggart  
Senior Development Planner

Atef Kazi  
Project Planner

## DA 6/2019 Recommended Conditions of Consent

### IDENTIFICATION OF APPROVED PLANS

#### (1) Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
Cover Page (A000)	5	Hugh Walker Design	15 January 2019	23 January 2019
Overall Site Plan (A100)	5	Hugh Walker Design	15 January 2019	23 January 2019
Hotel Lower Plan with Changes (A101)	5	Hugh Walker Design	15 January 2019	23 January 2019
Proposed West Elevation (A301)	5	Hugh Walker Design	15 January 2019	23 January 2019
Notification Plan (A800)	5	Hugh Walker Design	15 January 2019	23 January 2019

#### (2) Heritage Construction Requirements

The proposed development shall be constructed in accordance with the requirements specified by this condition to manage any impact of the works on the heritage significance of the Royal Hotel local listed heritage item:

- a) The existing mullions to the timber framed windows of the New TAB area are to be retained.
- b) Window film applied to windows at the premises is to be of a reversible type.

#### (3) Scope of Approved Development and Inconsistencies with DA 239/2002

Should there be any inconsistency between the development approved under this development application and any development application previously approved in relation to the site. This development consent and its conditions of consent prevail over the extent of any inconsistency.

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

**(4) Building Code of Australia**

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

**(5) Carrying out of demolition work**

All demolition work shall be carried out in accordance with the relevant provisions of Australian Standard 2601:2001: Demolition of Structures.

**(6) Access to premises standard**

The building shall comply with the requirements of the *Commonwealth Disability (Access to Premise Standard) 2010*.

**CONSTRUCTION CERTIFICATE REQUIREMENTS**

**(7) Requirement for a Construction Certificate**

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

**Note:** A Construction Certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

**CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**

**(8) Site Sign**

A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) stating that unauthorised entry to the work site is prohibited;
- (b) showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) showing the name, address and telephone number of the Principal Certifying

Authority for the work.

Any such sign must be maintained while building work or demolition work is being carried out, but must be removed when the work has been completed.

This condition does not apply to building works being carried out inside an existing building.

**(9) Site Facilities**

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

- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

**(10) Damage to Public Infrastructure**

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

<b>CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK</b>
--

**(11) Construction Hours**

- (a) Subject to this clause, building construction is to be carried out during the following hours:
  - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
  - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

**(12) Out of Hours Work Permits**

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any



further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

Failure to obtain a permission for work outside of the approved hours will result in fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

It is recommended that applications be lodged as early as possible to allow sufficient time for determination by Council and to avoid disruption or delay due to conflicting priorities.

**(13) Prohibition on Use of Pavements**

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

**(14) Site Waste Minimisation**

Throughout the carrying out of building works the person acting with this consent shall take reasonable steps to minimise waste from the carrying-out of the development in accordance with the following objectives of Chapter 24 Waste Minimisation and Management of Council's Development Control Plan.

- Optimise adaptive reuse opportunities of existing building/structures.
- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

<b>CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION</b>
--

**(15) Occupation**

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

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

**(16) Stormwater Disposal**

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of via Council's existing drainage system.

**ADDITIONAL OPERATIONAL CONDITIONS RECOMMENDED BY NSW POLICE NOT SPECIFIED ELSEWHERE IN THIS CONSENT**

**(17) Premises Development Approval on Site**

A copy of the premise's Development Approval shall be kept on the premise at all times and shall be immediately produced to Council Inspector and/or Police upon request.

**(18) Hours of Operation**

The premises hours of operation should be in line with the standard hours of trade for on-premise licence as stipulated within the Liquor Act, 2007.

**(19) Quiet & Good Order**

Entertainment (including, though not limited to, live performers, bands, musicians, disc jockeys or amplified music) shall not occur within open aired and/or outdoor areas of the licensed premise before 10:00am and shall not exceed 10:00pm daily unless otherwise approved by NSW Liquor and Gaming or the relevant regulatory authority.

**(20) Noise Emission**

The LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00am midnight and 07:00 am.

**(21) CCTV System Requirements**

The person acting with this consent must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:

- a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),

- b) recordings must be in digital format and at a minimum of six (6) frames per second,
- c) any recorded image must specify the time and date of the recorded image,
- d) the system's cameras must cover the following areas:
  - (i) All entry and exit points on the premises,
  - (ii) The footpath immediately adjacent to the premises, and
  - (iii) All publicly accessible areas (other than toilets) within the premises.

**(22) CCTV Operational Provisions**

The person acting with this consent must:

- a) keep all recordings made by the CCTV system for at least 30 days,
- b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and
- c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

# PROPOSED ALTERATIONS AND ADDITIONS TO EXISTING ROYAL HOTEL (RELOCATION OF POKIE MACHINES) DENAM NSW 2328

LOT 01 DP1068339 OGLIVILLE STREET DENMAN NSW 2328

DRAWING SCHEDULE	
Sheet Number	Sheet Name
A301	PROPOSED WEST ELEVATION - AREA OF WORKS
A100	OVERALL SITE PLAN
A101	HOTEL LOWER PLAN WITH CHANGES
A800	NOTIFICATION PLAN
A000	COVERPAGE



SATELLITE LOCATION PLAN

REV	DESCRIPTION	DATE	CLIENT:	ADDRESS:	18 GREY GUM ROAD
1	ISSUE TO HERITAGE	09.02.17	MARK ZIZZA	LOT 01 DP1068339 OGLIVILLE STREET DENMAN NSW 2328	DENMAN NSW 2328
			DESIGNER:		HUNTER VALLEY AUSTRALIA
			HUGH WALKER - HWD		TEL: PHONE: (04) 35892810
			DRAWN:	SCALE:	DATE DRAWN:
			HW		MAY 16
			CHECKED:	JOB NUMBER:	SHEET NUMBER:
			HWD	2016001	A000
					ISSUE:
					5

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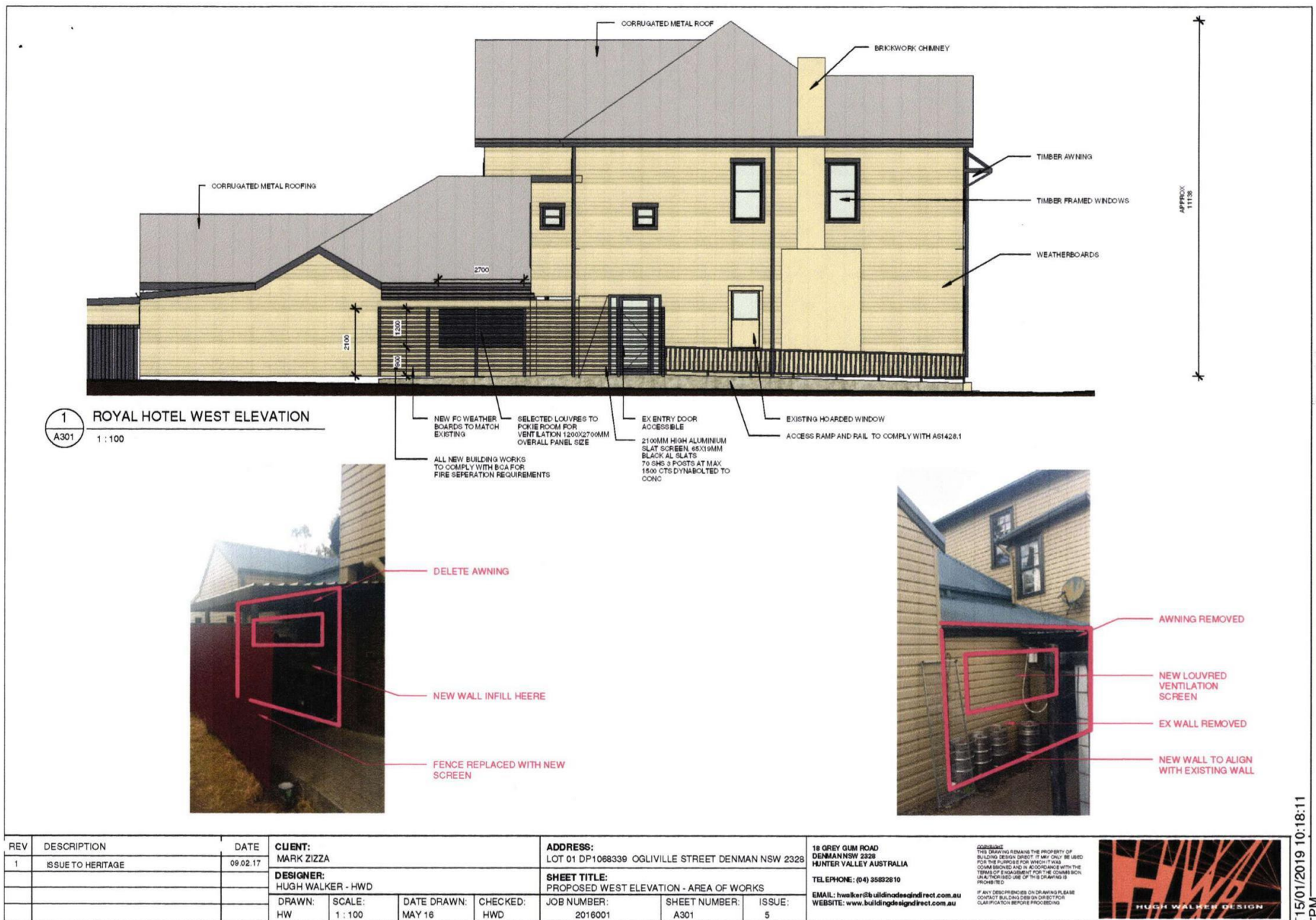


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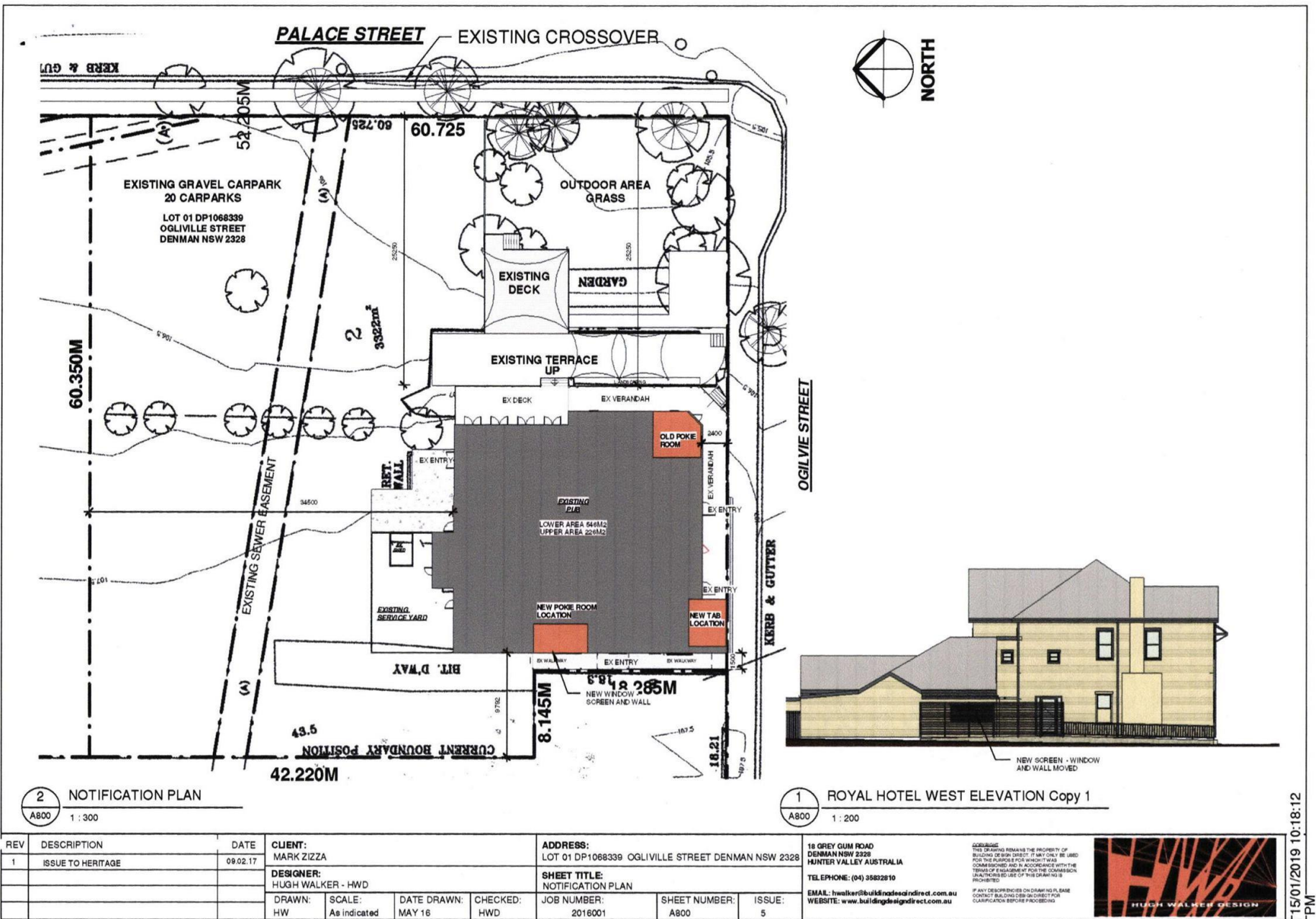














Muswellbrook Shire Council  
PO Box 122  
Muswellbrook 2333  
19<sup>th</sup> February 2019

Attention Atef Kazi

Re : Development Application  
6/2019 Royal Hotel Denman

Dear Sir

I the licensee of the Denman Hotel 5 Ogilvie St Denman object to this proposed development.

It is my opinion that Denman doesn't need another TAB facility in the area.

It is my understanding that the Royal Hotel is Heritage listed and louvres are not and would change the look of the already heritage listed pub.

Denman doesn't need a poker machine lounge and Denman doesn't encourage smoking.

It is my understanding that the Royal Hotel premises has been altered on numerous occasions in the past without council permission in which have also had an adverse effect on the hotels heritage significance.

Regards

Brett Hejduk  
The Denman Hotel

Muswellbrook Shire Council  
PO Box 122  
Muswellbrook 2333  
20<sup>th</sup> February 2019

Attention Atef Kazi

Re : Development Application  
6/2019 Royal Hotel Denman

Dear Sir

Thankyou for your reply to my request for further details regarding the above development application.

I confirm my advise that as owners of the Denman Hotel 5 Ogilvie St Denman we object to the proposed development.

It is our opinion that the Royal Hotel has been identified as Local Heritage Item 123 in schedule 5 of the MLEP 2009 and the proposed alterations do not appear to conserve the Heritage Significance of the building.

It is our understanding that the Royal Hotel premises has been altered on numerous occasions in the past without council permission which have also had an adverse effect on the hotels heritage significance.

If you have changed your heritage restrictions in Denman we would appreciate your advise.

Regards

A.S. Williams (Owner)  
I.F. Burford (owner)



## NSW POLICE FORCE

### HUNTER VALLEY POLICE DISTRICT

Muswellbrook Police Station  
26 William Street,  
Muswellbrook NSW  
Tel: (02) 6542 6999  
Fax: (02) 6542 6911

Muswellbrook Shire Council  
General Manager  
Administration Centre  
157 New England Hwy  
Muswellbrook NSW 2333  
(02) 6549 3700  
cc: Atef KAZI

**Subject:** Development Application No. DA6/2019  
**Proposal:** Alteration/Addition of New Gaming Machine Area within a Hotel  
**Site:** Royal Hotel 10 Ogilvie St, Denman NSW

Dear Sir/Madam,

In accordance with the development application protocol between New South Wales Police Hunter Valley Police District & Muswellbrook Shire Council, facilitating Crime Prevention through Environmental Design (CPTED) principles, we have been invited to make comment in relation to the above development.

After perusing this application & giving consideration too i) community safety, ii) neighbourhood disturbance & iii) legislative compliance. I wish to advise Council that Police are not opposed to its granting, however asks conditions be imposed to assist with i) operation & management of the licensed premises ii) premise does not negatively impact upon the local community & iii) assists Police in investigating incidents of crime and/or violence;

**Conditions:**

1. A copy of the premise's Development Approval shall be kept on the premise at all times and shall be immediately produced to Council Inspector and/or Police upon request.

(Reason: Assist with enforcement of DA conditions)

**(Hours of Operation)**

2. The premises hours of operation should be in line with the standard hours of trade for on-premise licence as stipulated within the Liquor Act, 2007.

(Standard hours being 0500am til 1200am (midnight) Monday to Saturday  
& 1000am til 1000pm Sundays)

**(Quiet & Good Order)**

3. Entertainment (including, though not limited to, live performers, bands, musicians, disc jockeys or amplified music) shall not occur within open aired and/or outdoor areas of the licensed premise before 1000am and shall not exceed 1000pm daily.

(Reason: maintain quiet & good order of neighbourhood & lessen likelihood of complaints from residents)

**(Noise Emission)**

4. The LA10\* noise level emitted from the licensed premises shall not exceed the background noise level in any Octave Band centre Frequency (31.5Hz - 8kHz inclusive) by more than 5dB between 07:00am and 12:00 midnight at the boundary of any affected residence.

Notwithstanding compliance with the above, the noise from the licensed premises shall not be audible within any habitable room in any residential premises between the hours of 12:00 midnight and 07:00 am.

(Reason: condition is industry standard regarding noise emission. Also maintains quiet & good order of neighbourhood & lessens likelihood of complaints from residents)

**(CCTV)**

5. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:

(a) the system must record continuously from opening time until one hour after the premises is required to close (or, in the case of a premises that is not required to cease trading, continuously at all times),

(b) recordings must be in digital format and at a minimum of six (6) frames per second,

(c) any recorded image must specify the time and date of the recorded image,

(d) the system's cameras must cover the following areas:

(i) all entry and exit points on the premises,

(ii) the footpath immediately adjacent to the premises, and

(iii) all publicly accessible areas (other than toilets) within the premises.

(Reason: condition is industry standard)

6. The licensee must also:

(a) keep all recordings made by the CCTV system for at least 30 days,

(b) ensure that the CCTV system is accessible at all times the system is required to operate pursuant to clause 1(a), by at least one person able to access and fully operate the system, including downloading and producing recordings of CCTV footage, and

(c) provide any recordings made by the system to a police officer or Liquor and Gaming NSW inspector within 24 hours of any request by the police officer or Liquor and Gaming NSW inspector to provide such recordings.

(Reason: condition is industry standard)

Please do not hesitate to contact me should you require any clarification regarding this submission.

Regards  
Derek HAIN  
Senior Constable  
Licensing Officer  
Hunter Valley Police District

Disclaimer

*NSW Police has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained within this document, any person who does so acknowledges that: It is not possible to make areas evaluated by NSW Police absolutely safe for the community and their property.*

*Recommendations are based upon information provided to, and observations made by NSW Police at the time the document was prepared.*

*The evaluation/report is a confidential document and is for use by the person/organization referred to on page one.*

*The contents of this evaluation/report are not to be copied or circulated otherwise than for the purposes of the person/organization referred to on page one.*

*NSW Police hopes that by using the recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that all risks have been identified, or that the area evaluated will be free from criminal activity if its recommendations are followed.*

**12.2 AUTHORISATION UNDER SECTION 226 OF THE LOCAL GOVERNMENT ACT**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Joshua Brown - Manager - Integrated Planning &amp; Governance</b>
<b>Community Plan Issue:</b>	<b><i>Progressive leadership</i></b>
<b>Community Plan Goal:</b>	<b><i>That Muswellbrook Shire is well led and managed</i></b>
<b>Community Plan Strategy:</b>	<b><i>Effective governance of Muswellbrook Shire</i></b>

**PURPOSE**

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

**OFFICER'S RECOMMENDATION**

**Council note the information provided.**

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

**BACKGROUND**

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

**CONSULTATION**

General Manager

**REPORT**

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

The delegation was exercised on three occasions by the Mayor firstly on 10 April, 2019 to increase the December 2018 Council approved budget for legal fees by \$530,000 to \$1,350,000 to cover the period ending 30 June 2019. The additional funds will be sourced from the Waste Management Centre Reserve. The necessity for urgency is that invoices are due for payment and the matter could not be considered at the April 2019 ordinary meeting due to a lack of quorum.

The second exercise was on 26 April, 2019 to endorse the Karoola Park Master Plan and stage one of the Weeraman Fields Master Plan for public exhibition.

The third exercise was on 2 May, 2019 to endorse the Animal Care Facility Master Plan for public exhibition.

**CONCLUSION**

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

**12.3 COUNCIL WEBSITE UPGRADE**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - General Manager</b>
<b>Author:</b>	<b>Joshua Brown - Manager - Integrated Planning &amp; Governance</b>
<b>Community Plan Issue:</b>	<b><i>Genuine and well informed community participation in decision making</i></b>
<b>Community Plan Goal:</b>	<b><i>Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Undertake a comprehensive community consultation program as per the Community Engagement Strategy.</i></b>

**PURPOSE**

To seek Council endorsement of funding to upgrade and reconstruct Council's website.

**OFFICER'S RECOMMENDATION**

**Council allocate an amount of \$49k to the 2019/20 Budget for the reconstruction and upgrade of Council's website.**

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

**BACKGROUND**

The Muswellbrook Shire Council website was last upgraded in 2012, 6 years ago. Council has a statutory obligation to make available a range of government information on its website. Council's corporate lawyer has advised that the existing website is not meeting those requirements. Council officers recommended that Council's website be reconstructed to ensure that Council's statutory and regulatory obligations are met and that the public, Councillors and Council staff have easy access to information and material via the Council website.

**CONSULTATION**

General Manager

Corporate Lawyer

Design and Publications Officer

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Councillor Bailey

**REPORT**

The website is a vital means by which Council promotes news of its current activities, community events, notifications of disruptions to service and planned works.

It is estimated that the redesign and reconstruction work will cost \$49k in materials and contracts. This estimate of costs is driven by the following factors:

1. Use of Open Source System Joomla
2. Review of template that integrates accessibility into the design

3. In house website project management
4. Research and review W3 standards and local government legal website requirements
5. Separating the Muswellbrook Regional Arts Centre, Muswellbrook Aquatic Centre websites from Council's principal website [www.muswelbrook.nsw.gov.au](http://www.muswelbrook.nsw.gov.au)
6. Joomla WCAG 2.1 (web accessibility guideline) compliant
7. Use of Monsido services to identify broken links, including compliance with 508 & ADA guidelines
8. Use of an external development company to handle the integration of the third party applications (eg, DA tracker and links to outside portals) and any custom integration to the chosen templates.
9. Separating the Muswellbrook Art Gallery and the Muswellbrook Aqua and Fitness Centres websites to stand alone websites
10. Integrating the Customer Service Portal links throughout the content of the new website

Council's website receives in the order of 212,000 page visits and 42, 300 users each year, MRAC 31,000 page visits and 6,868 users each year and Aqua and Fitness Centre 25,145 page visits and 6167 users each year and each being an essential source of information for the public.

However, Council's existing website capability is not meeting the expectations of users through:

- Lack of ease of access to information that Council is required by law to provide to the public
- Confusing and hidden navigation
- Outdated content
- The website's back end systems are inefficient and cumbersome, resulting in failures in archiving leaving a large volume of out dated material on the site.
- Thousands of 'broken links' to out-of-date internal and external pages.
- The website is not integrated into the Customer Service Portal or other interactive online services that can be accessed by the public (other council sites).
- There are also a number of back end technical difficulties arising from the combined hosting of websites for the Muswellbrook Regional Arts Centre and the Muswellbrook Aquatic Centre.

Much of the information Council should publish on its website is stipulated in the *Government Information (Public Access) Act 2009* and the *Government Information (Public Access) Regulations 2018*. For example, the GIPA Act requires the following government information is open access information pursuant to s18:

- the agency's current agency information guide;
- information about the agency contained in any document tabled in Parliament by or on behalf of the agency, other than any document tabled by order of either House of Parliament;
- the agency's policy documents;
- the agency's disclosure log of access applications;
- the agency's register of government contracts;
- the agency's record (kept under section 6) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure; and
- such other government information as may be prescribed by the regulations as open access information.

The GIPA Regulation, by virtue of clause 6, prescribes that the following broad categories of information of Council are open access information:



- Information about Council (reports, registers etc.);
- Plans and policies (local policies, plans of management etc.);
- Information about development applications (application documents, submissions etc.); and
- Approvals, orders and other documents (approval records, orders, building certificates etc.)

This information is identified specifically in Schedule 1 to the Regulation.

The GIPA requirements also stipulate that Council is required to proactively make additional information available on its website, in addition to other information required by other legislation.

Staff have commenced work on the redesign of the website under the guidance of the following key principles:

1. Ease of navigation;
2. Ease of accessibility;
3. Ease of backend use; and
4. Compliance with statutory and regulatory obligations.

### **OPTIONS**

1. Support the allocation of additional funds to facilitate the upgrade of Council's website; or
2. Not support the allocation of additional funds to upgrade Council's website.

### **CONCLUSION**

It is recommended that Councillors support the allocation of additional financial resources from the 2019/20 budget to facilitate the redesign and reconstruction of Council's website to ensure that statutory obligations are met and that the public has ease of access to Council information.

### **SOCIAL IMPLICATIONS**

The redesign and reconstruction of Council's website will provide improved community access to information about Council. The new website will also enhance accessibility for people with all vision and hearing abilities and meet the standards required by the Disability Discrimination Act.

### **FINANCIAL IMPLICATIONS**

The proposed upgrade to Council's website will require the allocation of \$49k in funding to meet the expected costs of the work required to make the website compliant and user friendly. Ongoing costs of managing the website will be reduced going forward as system efficiencies will reduce the number of staff hours required for website maintenance and content management.

### **CHIEF FINANCIAL OFFICER'S COMMENTS**

Potential funding source is the Contingency Reserve, which has sufficient funding to cover \$49k.

### **POLICY IMPLICATIONS**

No known policy implications.

### **STATUTORY IMPLICATIONS**

Consistent with a range of statutory and regulatory instruments, including the *Local Government Act* 1993 and *Government Information (Public Access)* 2009.

### **LEGAL IMPLICATIONS**

Legal risks from inadequate public access to council information.

**OPERATIONAL PLAN IMPLICATIONS**

The proposed upgrade works are consistent with recommended targets incorporated into the draft Operational Plan for 2019/20.

## 12.4 AUDIT, RISK AND IMPROVEMENT BUDGET

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

### PURPOSE

To seek the allocation of \$28,000 towards Council's Audit, Risk and Improvement function in the 2019-2020 Budget.

### OFFICER'S RECOMMENDATION

**An amount of \$28,000 be allocated in the 2019-2020 Budget to support Council's Internal Audit, Risk and Improvement function.**

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

### BACKGROUND

At the 12 March 2019 Ordinary Meeting, Council adopted a revised *Audit, Risk and Improvement Committee Charter* (ARIC Charter), which 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.

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 Council's Internal Audit Committee was dissolved. The findings of the self-review were reported to MANEX on 17 December 2018 and a recruitment process seeking expressions of interest for independent external members for Council's reconstituted Audit, Risk and Improvement Committee (ARIC) is currently underway.

To align with Council's budget, the number of annual Internal Audits proposed in the *Draft 2019-2020 Operational Plan*, has been reduced by 75 percent (down from eight to two).

To date, 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, as of 1 July 2016, under the *Local Government Amendment (Governance and Planning) Act 2016*, the Auditor-General is the auditor of all NSW councils with a mandate to conduct performance audits.

### CONSULTATION

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

Manager Integrated Planning, Risk and Governance

Risk and Improvement Officer

Continual Improvement Officer

## REPORT

It is recommended that Council allocates \$28,000 in the 2019-2020 Budget to support Council's Internal Audit, Risk and Improvement function, in order to honour Council's commitments stipulated by the *Audit Risk and Improvement Committee Charter* (adopted March 2019), and proposed actions described by the *Draft 2019-2020 Operational Plan* (excerpts as follows):

### Audit Risk and Improvement Committee Charter:

#### **1.1 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)*

#### **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.*

### Draft 2019-2020 Operational Plan:

**24.2.6** Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes.

iii. Undertake two internal audits per year to be reported to the ARIC;

## OPTIONS

Option 1: Council approves an allocation of \$28k in the 2019/20 budget to support Council's Internal Audit, Risk and Improvement function as tabled;

Option 2: Council recommends amendments to the *Audit, Risk and Improvement Committee Charter* to revise the required number of meetings to be held annually by the ARIC; and/or

Option 3: Council recommends amendments to the *Draft 2019-2020 Operational Plan*:

24.2.6 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes.

iii. Undertake two internal audits per year to be reported to the ARIC;

## CONCLUSION

It is recommended that Council approves an allocation of \$28,000 in the 2019-2020 budget to support Council's Internal Audit, Risk and Improvement function.

## SOCIAL IMPLICATIONS

No known implications

## FINANCIAL IMPLICATIONS

An allocation of \$28,000 is recommended to support Council's Internal Audit function, based upon the following estimates:

\$8,000	4 (+1) ARIC meetings (\$1,600/ meeting)
\$20,000	2 Internal Audits (\$10,000/ audit)
<b>\$28,000 TOTAL</b>	

**CHIEF FINANCIAL OFFICER'S COMMENTS**

Currently there is \$21,212 allocated in the draft 19-20 budget for internal audit. As a funding source has not been proposed for the remaining \$6,788, the GL options are:

- Operational contingency; or
- Legal expenditure; or
- Operational contingency reserve.

**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**

The *Draft 2019-2020 Operational Plan* proposes:

24.2.6 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes.

- i. Undertake service mapping as a business improvement tool to identify areas and processes that would yield efficiencies and benefit from change;
- ii. Adopt Audit, Risk and Improvement Committee Charter in compliance with recommendations of Audit Office and Office of Local Government;
- iii. Undertake two internal audits per year to be reported to the ARIC;
- iv. Undertake two service reviews each year;
- v. Review Fraud and Corruption Prevention measures in place.

**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.

**12.5 CHANGING THE VENUE FOR THE JULY COUNCIL MEETING**

**Attachments:** Nil

**Responsible Officer:** Fiona Plesman - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Effective governance of Muswellbrook Shire*

**PURPOSE**

To consider changing the venue for the Ordinary Council Meeting to be held in July 2019.

**OFFICER'S RECOMMENDATION**

The Council Meeting scheduled to be held on 9 July, 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. In March, 2019 Council considered a report to hold the April, 2019 Council Meeting in the Administration Centre, Muswellbrook and hold the May 2019 Council Meeting in the Denman Memorial Hall.

**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.

Unfortunately works at the Denman Hall are not fully complete and therefore Council was unable to utilise this venue for the May Council Meeting.

**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 14 May, 2019 and the Denman Hall on 9 July, 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.

## 12.6 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Carolyn O'Brien - Acting Director - Environment & Community Services
<b>Author:</b>	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
<b>Community Plan Issue:</b>	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<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 and service deliveries.

### 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 (27 March to 28 April 2019)***

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2018/43/3	S4.55(1) Modification - New Dwelling	20A Grey Gum Road Denman	-
2019/26	Ancillary Development - Shed	15 Cunningham Street Muswellbrook	14,000
2019/19	Dwelling House	13 Finnegan Crescent Muswellbrook	366,350



DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/18	New Dwelling and Retaining Walls	7 Wilson Street Muswellbrook	448,600
2019/12	Change of Use - Storage Shed to Dwelling for short-term staff accommodation (Denman Hospital)	53 Ogilvie Street Denman	190,000
2018/116	Dwelling House and Ancillary Development (Garage, Swimming Pool, Tennis Court and Pergola)	Bylong Valley Way Baerami	800,000
2018/106	Storage Premises (Industrial Plant and Equipment)	9 Enterprise Crescent Muswellbrook	80,000
2018/107	Storage Premises (Industrial Plant and Equipment)	11 Enterprise Crescent Muswellbrook	80,000
2003/72/4	S4.55(2) Modification - Alter Hours of Operation of Restaurant Drive-thru (McDonald's)	83-89 Maitland Street Muswellbrook	-
2018/18	Water Treatment and Recycling Plant ancillary to Existing Winery and Distillery	Hunter Street Muswellbrook	400,000

***Schedule 2: Development Applications Currently Being Assessed***

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/38	Site Preparation Works and Installation of Asphalt Plant	43-45 Enterprise Crescent Muswellbrook	18/04/2019	390,500
2019/37	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell	New England Highway Muswellbrook	16/04/2019	250,000
2019/36	Installation of a 120m Tall Wind Monitoring Mast	Sandy Creek Road McCullys Gap	16/04/2019	150,000
2019/35	Ancillary Structure (Installation of a 45 Square Metre Electronic Big Screen)	16 Sheppard Avenue Muswellbrook	15/04/2019	200,000
2019/34	Ancillary Development - Garage	53 Palace Street Denman	15/04/2019	21,294
1994/410/7	S4.55(1A) Modification - Extractive Industry	Dalswinton Road Dalswinton	10/04/2019	-
2019/33	Dwelling Alterations and Additions - Outdoor Kitchen and Barbecue Area	28 Turner Street Denman	08/04/2019	25,000
2019/32	Vehicle Wash Bay	26 Wallarah Road Muswellbrook	03/04/2019	45,000
2019/31	Ancillary Development - Carport	119 Sydney Street Muswellbrook	02/04/2019	19,846
2019/30	Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units, Extension of Restaurant and Consolidation of Titles	26 Maitland Street Muswellbrook	02/04/2019	1,700,000
2019/29	Dwelling Alterations and Additions and Ancillary Development - Shed	67 Brecht Street Muswellbrook	01/04/2019	98,000
2019/28	Commercial Premises Extension (Elks Enterprises)	6 Thiess Crescent Muswellbrook	27/03/2019	70,000

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/27	Ancillary Development - Shed and Carport	95 Queen Street Muswellbrook	22/03/2019	47,000
2019/25	Dwelling Alterations and Additions (Living Extension, Verandah, Deck and Shed)	58 Palace Street Denman	11/03/2019	146,500
2019/24	New Dwelling and Ancillary Development (Shed)	15 Babbler Crescent Muscle Creek	05/03/2019	510,000
2019/23	Home Business - Beauty Salon	40 Palace Street Denman	28/02/2019	5,000
2017/38/3	S4.55 (2) Modification - Reduce Size of Garage	45 Sowerby Street Muswellbrook	28/02/2019	-
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
2019/16	Information and Education Facility (Museum)	Turner Street Denman	15/02/2019	265,000
2019/15	Recreation Facility (Indoor) - Gymnasium	Market Lane Muswellbrook	14/02/2019	176,018
2019/13	Subdivision One (1) Lot into One Hundred and Twenty Three (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
2019/11	Alterations and Additions to Muswellbrook Aquatic and Leisure Centre	1 Wilkinson Avenue Muswellbrook	08/02/2019	4,990,670
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
2019/6	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 Highway Muswellbrook	18/01/2019	1,500,000
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
2018/117	Commercial Alterations and Additions (Expansion of Bottle Shop)	36 Sydney Street Muswellbrook	21/12/2018	500,000
2015/87	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	-
2018/101	Resource Management Facility - Biorefinery	24 Carramere Road Muswellbrook	13/11/2018	28,617,649

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
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 Use as a Tertiary Education Establishment and Food and Drink Premises, Alterations and Additions to the 'Loxton House', Heritage Listed Item, and the Use of Level 1 of this Building as a Tertiary Education Establishment, Alterations and Additions to the Muswellbrook Public Library and Ancillary Works.	140 Bridge Street Muswellbrook	15/06/2018	3,556,300
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	-
2017/60	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 onsite sewage management systems have necessary approvals and inspections are to be carried out.**

**On-site Wastewater Statistics - 13 Month Analysis (2018/2019)**

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

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications Received (new businesses)	-	-	-	-	-	-	0	0	1	1	0	0	0
Inspections (new businesses)	-	-	-	-	-	-	1	0	2	1	0	0	0
Inspections (existing businesses)	-	-	-	-	-	-	0	7	9	6	10	9	4
Reinspections	-	-	-	-	-	-	0	0	1	0	1	1	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)**

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

**4.06.01.1 - Increase surveillance and regulation of illegal dumping**

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

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

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications for Compliance Certs.	2	6	3	0	1	5	1	1	2	1	1	5	4

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	8	4	5	2	2	9	5	2	3	2	1	12	8
Initial Inspections	7	3	4	2	0	6	1	1	3	1	1	11	7
Re-inspections	1	1	1	0	2	3	4	1	0	1	0	1	1

Compliance Certs / Occ. Certs issued	6	2	2	2	2	4	7	3	3	4	0	10	4
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**Total Pools in Council's Swimming Pool Register = 900**

**Compliance as at 30 June 2017 = 63.7%**

**Compliance as at 30 June 2018 = 65.7%**

**Current Compliance = 47.3%**

(i.e. 429 out of 900 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 = 3.4%**

(i.e. 31 out of 900 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**

**New Community Organisation** - The Sustainability Unit assisted community groups to form a new organisation called the Hunter Sustainability Landcare TEAM (The Environment Always Matters). This organisation is an umbrella group combining the Penguin Garden Club, Muscle Creek Landcare and Denman Community Garden. The Garden Club and Landcare group are currently auspice through Council. This new organisation will solve these governance and insurance issues as they will be covered by the Hunter Region Landcare Network (see photo below).



**Don't be a Tosser** – This anti-litter Project will soon end. This project has seen over 1000 educational materials produced, almost 50 bins installed, dash cams for rangers, engaged with over 2000 project partner members and 1350 community members.

**Reuse Shop** – The Sustainability Unit has been assisting the Waste Department in promoting the revamped Reuse Shop at the Muswellbrook Waste Facility. Sustainability staff attended the opening of the Reuse Shop. Each week Sustainability staff post photos of items available on Facebook (see photos below).



**Australian Museum** - The Sustainability Unit has hired a Museum in a Box from the Australian Museum. This museum is a great way to educate people about the importance of the environment and Council sustainability projects such as the work along Muscle Creek. This museum has been used at Goodstart Early Learning Centre, MOOSH, Tillies, Muswellbrook Child Care Centre, Denman Scout Group and Muswellbrook library.

**Sustainability Hub** – Work at the Sustainability Hub continues with Council hosting Community nursery days, Penguin Garden Club and Muscle Creek Landcare. The number of community members attending activities at the Hub continues to grow (see photo below).





**Picnic at the Hub** – The Sustainability Unit ran another Picnic at the Hub activity with students from Brookside Christian School. This activity teaches the students about eating and growing local, healthy food and dealing with food waste through composting (see photo below).



**Harmony Day** – The Sustainability Unit had a stand at the Harmony Day event run by the Multicultural group. About 100 people were engaged with Sustainability activities. These activities help Council engage with the community in a positive manner.

**Muswellbrook Nature Trail** – After calling for and assessing quotes a contractor has recently been appointed to complete the work on the Muswellbrook Nature Trail. This work commenced in early May and should be completed before the end of June.



**Fish Habitat** – A contractor is currently undertaking this work. This work should be completed before the end of June.

**Easter Family Fun Day** - A Sustainability Stand was at the Easter Family Fun Day. About 400 people were engaged with Sustainability activities. These activities help Council engage with the community in a positive manner. Sustainability staff also assisted the event's organisers on the day.

**Hunter Park Family Centre** – Sustainability staff ran a garden activity with community members at the Hunter Park Family Centre. These activities help Council engage with the community in a positive manner.

**Bridge to Bridge** – This work involves follow up weeding between Wilkinson Ave Bridge and Bell Street Bridge. It is important that follow up weed control is ongoing after initial weed control has been undertaken as part of the Club to Club project. It is hoped the contractor will soon complete this work.

**Revegetation Works** – Various Locations – Work has just started on revegetation activities at Gyarran Street Nature Trail, above Bell Street, Indoor Sports Centre and in Possum Gully behind Hunter Medical Practice.



**Work Placement Student** - For two weeks the Sustainability Unit hosted a work placement student from the University of Newcastle. He was tasked with assisting in preparing a Council report on the RET.

**Nappy Workshop** - The Sustainability Unit assisted a person run a Nappy workshop. This encouraged people to use cloth instead of disposable nappies.

**Recycling Soft Plastics** - The Sustainability Unit is currently assisting the Waste Unit with a trial of recycling soft plastics. This involves asking Admin building staff to collect and bring in their soft plastics from home for recycling.

**Compost and Worm Farm Workshop** – The Sustainability Unit will host a Compost and Worm Farm Workshop at the Sustainability Hub on 18 May. Compost bins are now available for residents to purchase through the Muswellbrook Waste Facility.



**Club to Club End of Project Events** – The Club to Club project is due for completion at the end of May. The Sustainability Unit will host events that include afternoon teas to celebrate the end of the project they will be held on 22 May at 3.30pm at the Haydon Street Nature Trail and 25 May from 2 to 4 pm at the Muswellbrook Girl Guide Hall.

**Electricity billing review** - Council's electricity contract for small sites finished at the end of March. The Sustainability Unit have been involved with assisting the finance department with consumption figures and suggesting ways to reduce energy consumption.

**Battery Storage Solutions and Energy Management Course Attended** - A member of the Sustainability Unit attended a battery storage solutions and energy management course run at the University of Newcastle energy and resources hub.

## **COMMUNITY SERVICES**

### Community Partnerships Team

- **Youth Week 2019** was very successful this year in the Local Government Area of Muswellbrook. Three local events were held this year and they were well attended by young people and their families

Cinema Under the Stars attracted over 100 people this year, young people and their families enjoyed music and live entertainment provided by a local musician and singer, jumping castle and cultural and entertainment activities followed by the screening of a movie on the big screen. This was a partnership event lead by Upper Hunter Youth Service Inc, Wanaruah Local Aboriginal Land Council and Extreme Youth and supported by Muswellbrook Shire Council;

The Totem Skateboarding Workshops were held in both Muswellbrook and Denman. Up to 20 young people participated in the Skateboard Clinics that were held over two days and the events attracted other young people and their families and friends. This was a partnership event lead by the Youth Development Officer, Thiess and Muswellbrook Shire Council;



- The **Collaborative Impact Facilitator Project** will come to an end in June, this Project has worked alongside the Create Coalition to achieve outcomes that have built and will continue to build capacity in the local community services sector that target the wellbeing of vulnerable people and their families.

A final report will be provided to Councillors at the completion of the Project, some of the highlights have been research and development focus to the local community services sector networks; linking the Create Coalition agenda to the local networks and providing a conduit for any identified local needs and issues to a State Policy level; developing innovative programs with local child care providers, that promote respectfulness with the aim to reduce domestic violence;

- The review of the Ageing Strategy is well underway; Murphy Access Consultants has commenced the review of the needs of people who are ageing in the Muswellbrook Local Government Area. Community members are being invited to complete a survey online or hard copy <https://www.surveymonkey.com/r/msc-age-friendly>;
- Governance support has been provided to Upper Hunter Youth Services Management Committee and Drug & Alcohol Health Services and Upper Hunter Community Services Inc to progress the development of plans for the Hunter Park Community Hub;

- Support is being provided to the Act Belong Commit Project and the Muswellbrook Healthy & Well Project as well as other community services initiatives;

Upper Hunter Regional Library (Muswellbrook and Denman Libraries during April, 2019)

Activity or Action	Muswellbrook	Denman
Membership	7476	699
Loans	3170	506
Visitation	4206	415
Seminar Room Bookings	19	
Local Studies	15 participants	
Historical Customer Referencing	9	
Interlibrary Loans (Network) (out)	10	
Interlibrary Loans (Network) (in)	4	
New Items	422	
Computer bookings	659 users	
Storytime	79 babies, children and carers	
Home Library delivery	145 items per fortnight	
Crafty Hour	13 attendees	
Thinker Cruncher	31	
Lego Club	20	
Nicole Alexander	30	

What's happening at the Branches in May?

- Mother's Day Special Storytime
- Sheryl Gwyther – Author talk
- National Simultaneous Storytime
- Legal Issues for Older People presents Piano Forte Film Screening
- Multicultural Conversation @ your Library

Due to leave the Technical services report will contain both months in the upcoming May report.

## 13 REPORTS FROM COMMITTEES

### 13.1 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING HELD ON MONDAY, 6 MAY 2019

**Attachments:** Nil

**Responsible Officer:** Fiona Plesman - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders*

**Community Plan Goal:** *Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.*

**Community Plan Strategy:** *Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.*

#### PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 6 May 2019.

#### OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 6 May 2019 be received and the recommendations contained therein **ADOPTED**.

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

#### REPORT

The Development Assessment Committee met on Monday 6 May 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 M. Rush (Chair), Cr B. Woodruff and Cr M. Bowditch.

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

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

The apologies for inability to attend the meeting submitted by Cr. R. Scholes and Mrs O'Brien be ACCEPTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

The Minutes of the Development Assessment Committee held on 8 April 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**

**Cr M. Bowditch** – declared a non-pecuniary interest in Item 6.1. Cr Bowditch advised the Committee that his nephew owns a block of land adjacent to the proposed development.

**Cr M. Rush** – declared an insignificant non-pecuniary interest in Item 6.3. Cr Rush advised the Committee that he owns property near the proposed development of Wind Monitoring Masts in McCullys Gap.

## **4 PUBLIC PARTICIPATION**

Nil

## **5 BUSINESS ARISING**

Nil

## **6 BUSINESS**

### **6.1 DA 87/2015 SECTION 4.55(1A) MODIFICATION - LOT 31 GOLDEN HIGHWAY, SANDY HOLLOW**

#### **Disclosure of Interest**

Cr M. Bowditch declared a non-pecuniary interest in this item. Cr Bowditch advised the Committee that his nephew owns land adjacent to the proposed development. Cr Bowditch left the meeting at 4.09pm and therefore took no part in discussion or voting on this item.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

1. The General Manager write to the holders of the two relevant Development Applications and ask them to meet with Council regarding the possibility of entering into a VPA.
2. An estimate be provided for the cost of the works by the time of the meeting.

**MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 6 MAY, 2019 COMMENCING AT .**

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In Favour: Nil.

Against: Crs M. Rush and B. Woodruff.

At 4.20pm Cr Bowditch returned to the meeting room.

**6.2 DA 99/2018 - DEMOLITION OF A SHED AND THE CONSTRUCTION OF A CENTRE-BASED CHILD CARE FACILITY CLASSROOM, STORAGE SHED, FENCING AND SIGNAGE**

RECOMMENDED on the motion of Crs Bowditch and Woodruff that:

Development Application No. 99/2018, involving the demolition of a shed and the construction of a centre based child care facility classroom, storage shed and signage, at Lot 230 and Lot 231 DP 729996, be approved subject to the recommended conditions contained in Appendix B.

In Favour: Crs M. Bowditch, M. Rush and B. Woodruff.

Against: Nil.

**6.3 OUTSTANDING DEVELOPMENT APPLICATIONS - 22 MARCH, 2019**

RECOMMENDED on the motion of Crs Woodruff and Bowditch 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 4.27pm.

.....  
Cr M. Rush  
**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 EDDERTON ROAD CLOSURE**

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 2018-2019-0349 - PROVISION OF MAINTENANCE SERVICES FOR PUMPS, COMPRESSORS, VALVES, PIPEWORK, FABRICATED STRUCTURES, ELECTRICAL, INSTRUMENTATION, SCADA, TELEMETRY AND ASSOCIATED PLANT**

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

**19.3 CONTRACT 2018-2019-0360 - SEWERAGE TREATMENT WORKS - PROVISION OF REUSE WATER**

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

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

**19.4 2017-2018-0275A - REGIONAL ENTERTAINMENT CONFERENCE CENTRE -  
PRINCIPAL DESIGN CONSULTATION ENGAGEMENT**

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

**20 RESUMPTION OF OPEN COUNCIL**

**21 CLOSURE**

**DATE OF NEXT MEETING: TUESDAY 11 JUNE 2019**