



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
30 JULY 2019



ORDINARY COUNCIL MEETING, 30 JULY 2019

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
25 July, 2019

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **30 July, 2019** commencing at **6.30pm**.

Derek Finnigan
ACTING GENERAL MANAGER

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19.3	EXECUTION OF REFINANCING OF \$12.5M FUTURE FUND LOAN <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	CONTRACT 2018-2019-0361 - PROVISION OF CLEANING SERVICES FOR MUSWELLBROOK SHIRE COUNCIL BUILDINGS AND PUBLIC TOILETS <i>Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.6 MUSWELLBROOK RACE CLUB REQUEST FOR FUNDING VARIATION & SPONSORSHIP

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.7 T501920HUN PROVISION OF ROAD RESURFACING

Item 19.7 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.8 TENDERS - SUPPLY AND DELIVERY OF NETWORKS VEHICLES

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19.9 MUSWELLBROOK ANIMAL CARE FACILITY - PUBLIC EXHIBITION

Item 19.9 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 30 JULY 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 **11 June 2019**, and the Extra Ordinary Meeting held on **26 June 2019**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

- 5 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

6 PUBLIC PARTICIPATION**7 MAYORAL MINUTES****8 GENERAL BUSINESS****9 BUSINESS ARISING**

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 117/2018 - COMMERCIAL ALTERATIONS AND ADDITIONS (EXPANSION OF BOTTLE SHOP)

Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Atef Kazi - Project Planner
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<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>
Attachments:	A. DA 117/2018 Section 4.15 Assessment Report B. DA 117/2018 Recommended Conditions of Consent C. DA 117/2018 Proposed Plans D. DA 117/2018 Proposed Elevation Plans E. DA 117/2018 Statement of Heritage Impacts F. DA 117/2018 Traffic and Parking Assessment

PURPOSE

This report has been prepared to inform the Council in determining Development Application (DA) 117/2018. This Development Application has been assessed by Council officers. A copy the Section 4.15 Assessment Report and recommended conditions of consent are attached for Council's information.

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

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

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

Therefore, this report has been prepared to inform the Council in its assessment and determination of the development application.

RECOMMENDATION

Council approve Development Application No. 117/2018, involving alterations and additions to a bottleshop at 36 Sydney Street Muswellbrook, being Lot 1 DP 80963, Lot 3 DP 159460, Lot 1 DP 159460, Lot 1 DP 219434 and Lot 2 DP 219434, subject to the conditions in Appendix B.

Moved: _____ **Seconded:** _____

☐ Cr J. Ledlin

☐ Cr S. Bailey

☐ Cr G. McNeill

☐ Cr J. Foy

☐ Cr M. Green

☐ Cr R. Scholes

☐ Cr S. Reynolds

☐ Cr B.N. Woodruff

☐ Cr S. Ward

☐ Cr J.F. Eades

☐ Cr M. Bowditch

☐ Cr M.L. Rush

DESCRIPTION OF THE PROPOSED DEVELOPMENT

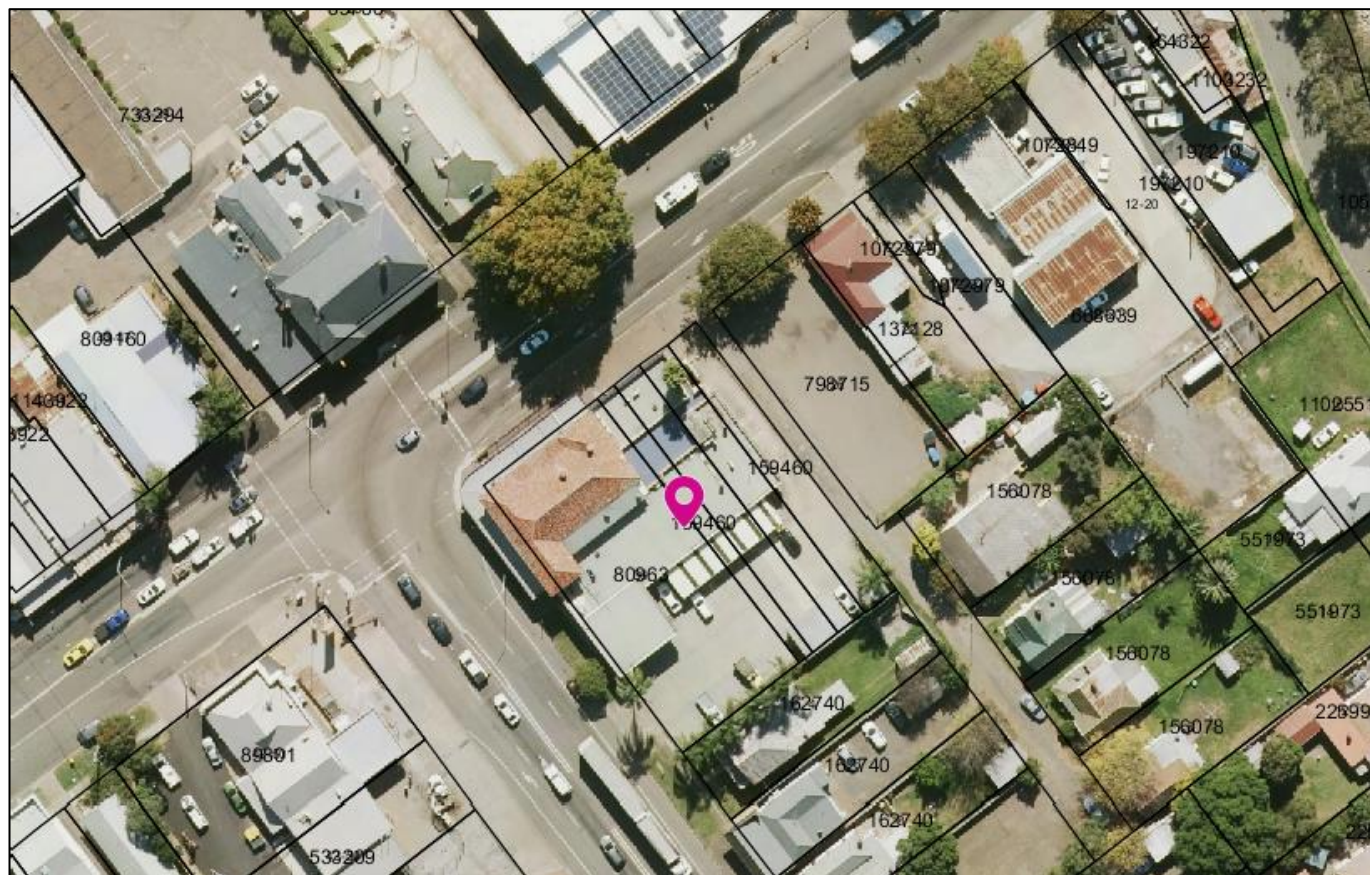
The proposed development relates to the Prince of Wales Hotel, 36 Sydney Street, Muswellbrook. The property is formally identified as Lot 1 DP 80963, Lot 3 DP 159460, Lot 1 DP 159460, Lot 1 DP 219434 and Lot 2 DP 219434.

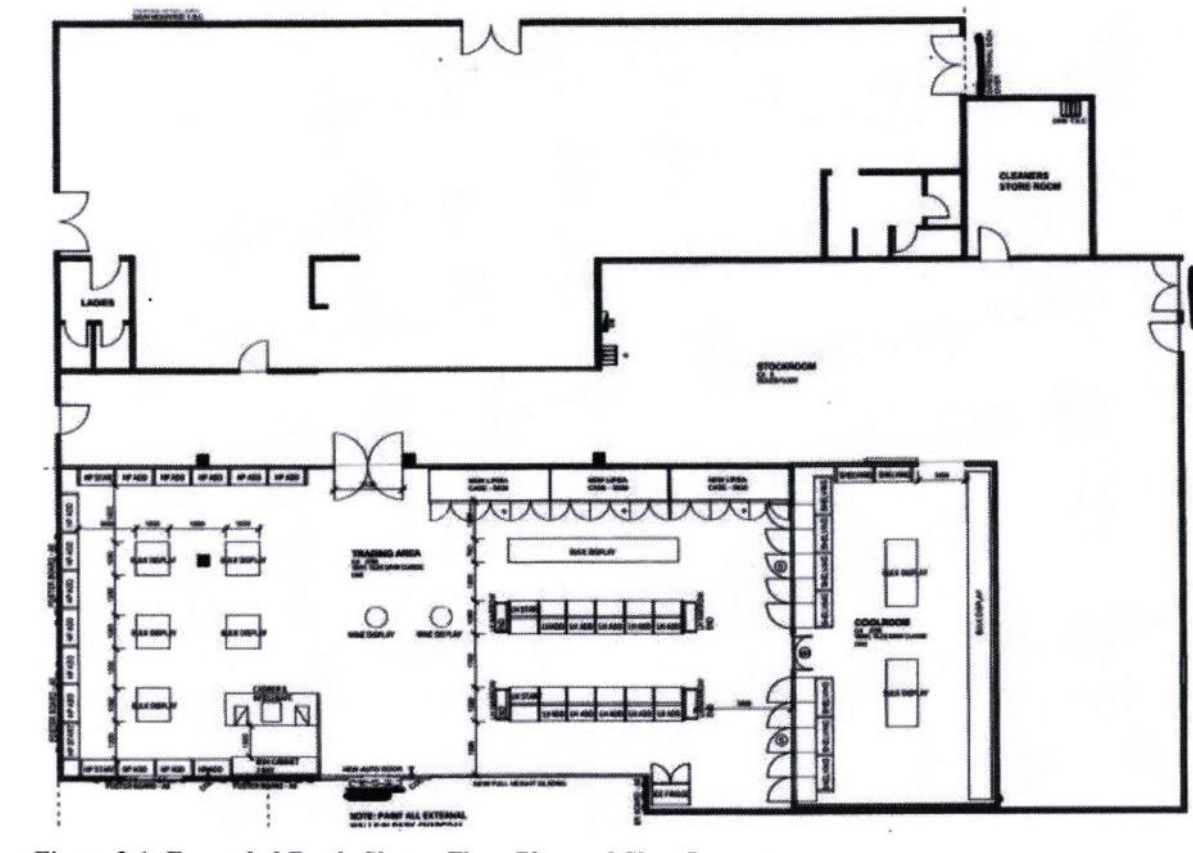
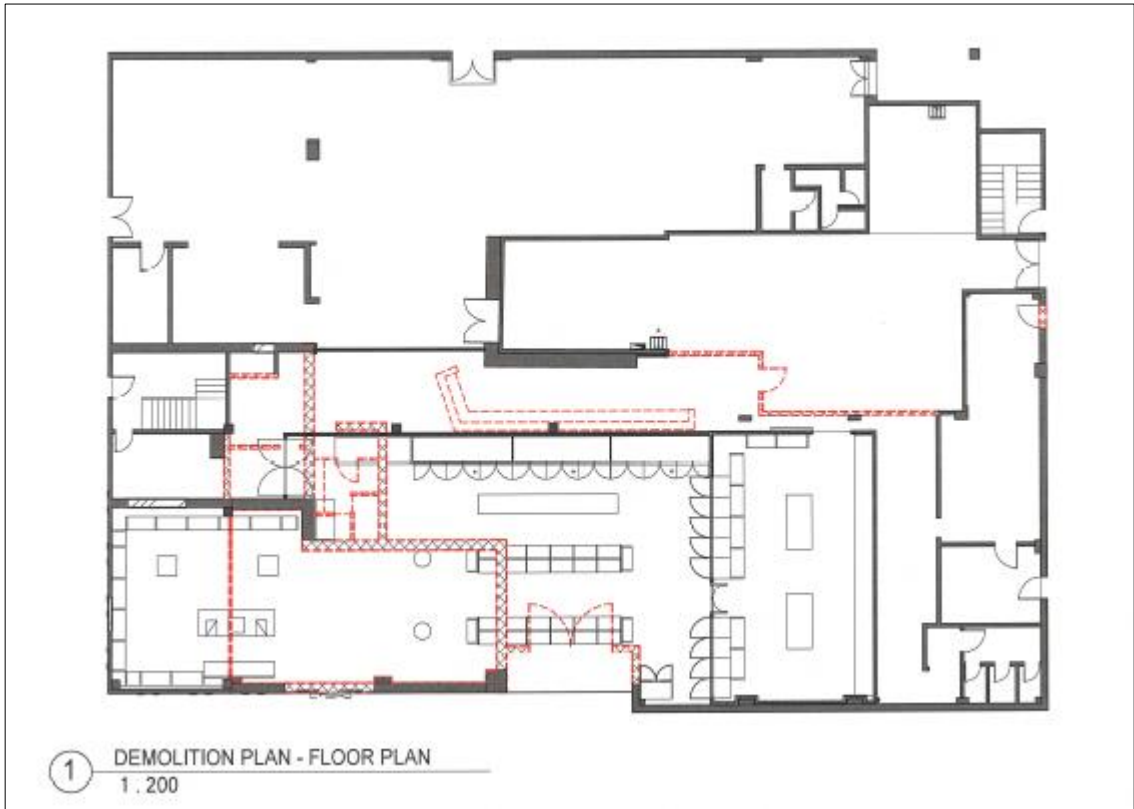
The proposed development involves:

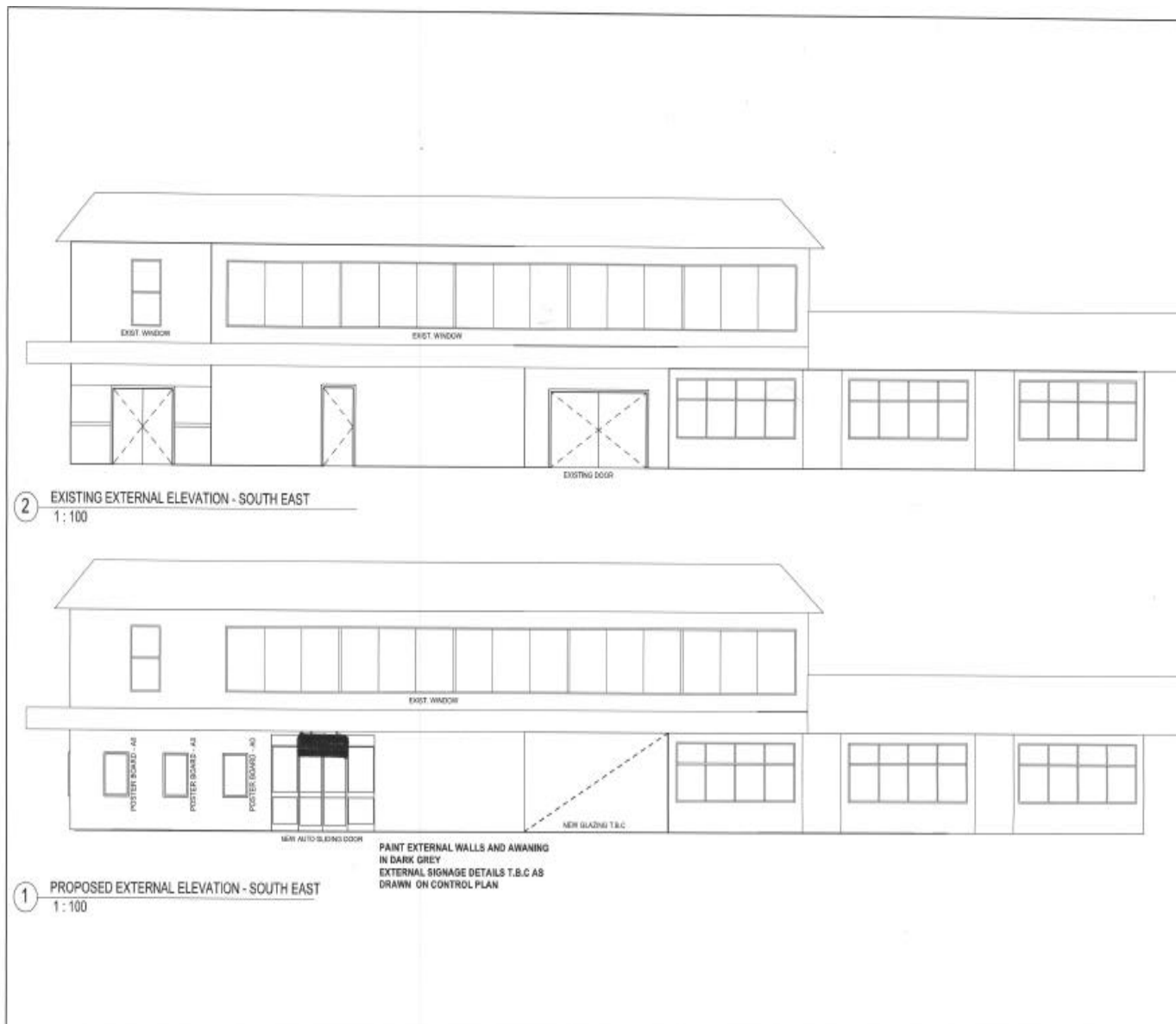
- the expansion of the existing bottle shop from 150sqm to a floor area of 350sqm, predominately through internal alterations,
- an expanded external entry,
- a new auto door, and
- the removal of the beer garden to provide additional parking.

The Prince of Wales Hotel is a listed heritage item of local significance. The Prince of Wales is no longer trading as a Hotel.

The proposed development will take place within the portion of the building constructed in 1979-82. There will be no changes to the external fabric of the building and no part of the 1929-30 structure will be impacted. The Bottle shop is currently accessed from the rear car park, and this will continue to be the access in the future.





Proposed internal Floor Plan for Bottle Shop.**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. Council Staff recommend that development consent be granted to the application subject to recommended conditions 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 proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's). Council Officers did not identify any inconsistencies with the proposed development and the requirements of any SEPP which would prevent Council from granting development consent to the development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The development will not have an adverse impact on the heritage values of the Prince of Wales

Hotel (original building constructed 1929-30).

- The assessment considered the environmental impacts that may result from the proposed development. It was found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.

COMMUNITY CONSULTATION

The proposed development was notified and advertised between the 16 January 2019 and 31 January 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. No submissions were received from the public in relation to the proposed development.

No submissions were received from the public in relation to the proposed development.

The application was also referred to NSW Police. NSW Police are not opposed to granting approval to the development, but ask that recommended conditions be imposed to assist with operation and management of the licensed premises.

OPTIONS

The Development Assessment Committee may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

DA 117/2018 has been reported to Council for determination as the development involves works to a retail premises that sells alcohol, and determination falls outside the functions delegated to Council Staff. Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. The Section 4.15 Assessment recommends that Council grant development consent to DA 117/2018 subject to recommended conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

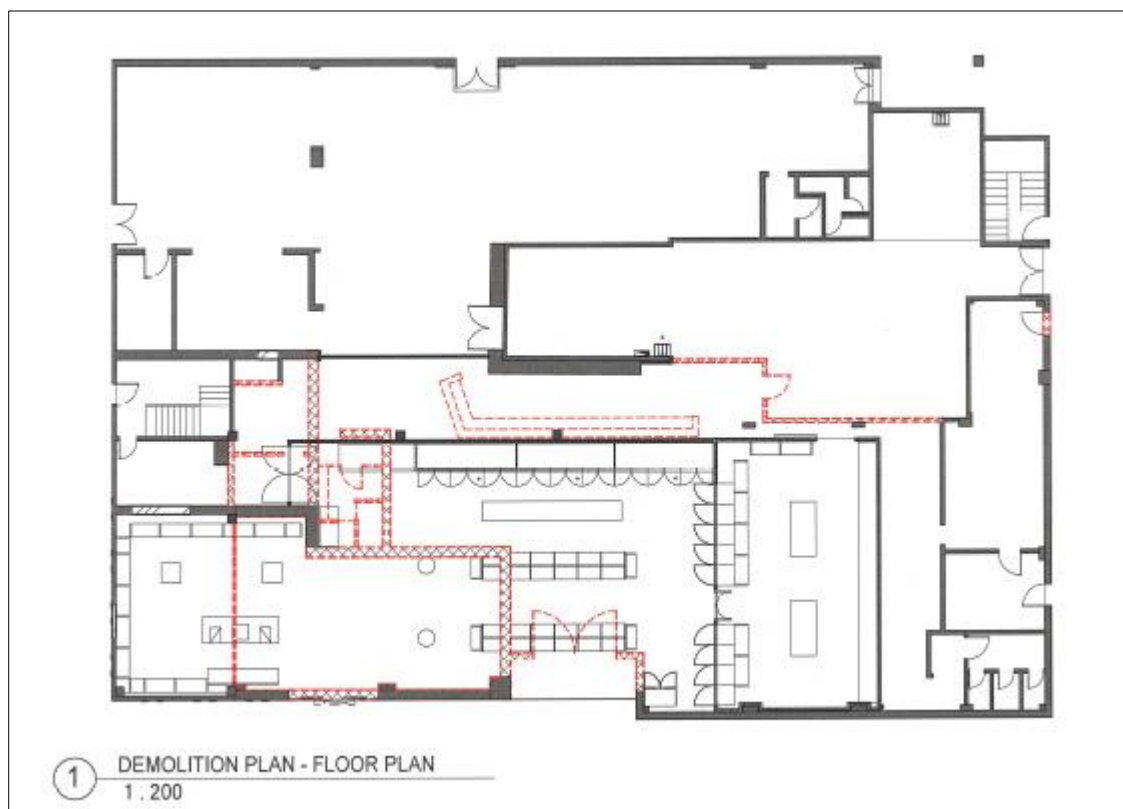
ADDRESS:	LOT: 1 DP 80963, Lot 3 DP 159460, Lot 1 DP 159460, Lot 1 DP 219434 and Lot 2 DP 219434. 36 Sydney Street MUSWELLBROOK
APPLICATION No:	117/2018
PROPOSAL:	Commercial Alterations and Additions (Expansion of Bottle Shop)
OWNER:	Jabetin P/L
APPLICANT:	Mr N Sakno Lot 154 Logues Lane MUSWELLBROOK NSW 2333
AUTHOR:	Mr A Kazi
DATE LODGED:	21/12/2018
AMENDED:	
ADD. INFO REC'D:	
DATE OF REPORT:	2 April 2019

SUMMARY

ISSUES: Heritage; social impact of enlarged bottle shop

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions



Internal Referrals

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

Building Section:

Council's Building Surveyor has no objection to the proposal. Should consent be granted the following conditions are recommended; CC01, D033(1), EE08, EE12, EE17, EE18, EE19, FF16, FF22, FF31, GG42, GG43. These conditions have been included in the recommended conditions of consent.

Water and Waste:

Council's water and waste department have no objections to the proposed internal adjustments.

Community Infrastructure (Engineering):

Council's Community Infrastructure team have no objections to the development and made the following comments:

- As the DA refers to work on a developed site with no increment in the hard surface area, no storm water assessment required.
- In regards to the parking and access, a to scale parking plan is to be submitted.
- If a garbage collector truck enters the site, the parking plan is to show the vehicle turning circle for the truck to confirm safe manoeuvre within the parking area.

The recommended conditions of consent include conditions that address these matters.

Community and Cultural services:

Council's Community and Cultural Services section noted that a social impact assessment was not submitted with the proposal.

As the subject site is a pre-existing bottleshop, with the pub no longer trading, a request for a social impact assessment was considered unreasonable. The bottle shop is pre-existing and the social impact is assumed to be comparative to the pre-existing use of the bottle shop. The premises will require an amendment to its license, which will be assessed and approved by Liquor and Gaming NSW.

Heritage Advisor:

Council's Heritage Advisor sought additional information on proposed uses for portions of the premises which are not being utilised by the bottleshop. At this stage the areas will be used for staff amenities and storage.

External Referrals

Hunter Valley Police District

In accordance with the development application protocol between New South Wales Police Hunter Valley Police District & Muswellbrook Shire Council, NSW Police were invited to make comment in relation to the above development. NSW Police had no objection to the proposal but asked that a number of conditions be included in any approval, covering the areas of:

- On-site records of approvals issued and approved hours of operation
- Maximum noise emissions
- The requirement for CCTV and alarms
- A Traffic Management Plan

The recommended conditions of consent include conditions that address these matters.

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 B2 Local Centre pursuant to MLEP 2009. The proposal is a type of retail premises (classified as a restricted premises as alcohol may only be sold to persons over 18 yrs of age), which is permitted with consent in the B2 Zone.

Objectives of the B2 Local Centre Zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.*
- *To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.*
- *To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.*
- *To support business development by way of the provisions of parking and other civic facilities.*

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 B2 Local Centre zone and is in accordance with the land use zone objectives listed above.
<i>2.7 Demolition requires development consent</i>	This clause refers to development consent being required for any demolition work. Minor internal and external demolition work is proposed. A DA has been lodged.
<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 13m in relation to the land. The proposal does not involve building works to increase the height of the current building.
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies a floor space ratio of 2:1 in relation to the land. The proposal does not involve building works which would increase the floor.
<i>Part 5 Miscellaneous provisions</i>	
<i>5.10 Heritage conservation</i>	<p>The Prince of Wales Hotel is a listed heritage item of local significance.</p> <p>The proposal was referred to Council's heritage advisor. Heritage matters have been satisfied with the provision of the Statement of Heritage Impact. The heritage advisor also recommended that the applicant consider the heritage value of the Hotel and nominate a compatible use for the portion not being utilized in by the bottleshop.</p>

<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping. Hence this part of the MLEP 2009 is not applicable to this assessment.
<i>7.6 Earthworks</i>	The proposed development would involve minimal earthworks associated with footings of walls internal to the existing building. Thereby this would comply with this clause of the MLEP 2009.

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

Council Officers are unaware of any activities that have been carried out on the site that may 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 16 January 2019 to 31 January 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period.

Section 9 – Local Centre Development

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
<i>Building Design</i>	<ul style="list-style-type: none"> (i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area) (ii) Building design should relate to its retail/commercial/office function. (iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape. (iv) Awnings should be designed to integrate with the architecture of 	No new buildings are being proposed and the alterations would be minor in nature. This complies with the MDCP 2009 requirements.

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres</p> <p>(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.</p> <p>(vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.</p> <p>(ix) Building designs should allow for passive surveillance of public places and streets.</p> <p>(x) Building entrances should be well defined and well lit.</p> <p>(xi) New residential development shall be located above street level.</p> <p>(xii) Incorporate areas for future signage into the building design.</p> <p>(xiii) Shop top housing and serviced apartment development complies with relevant provisions within the Residential Flat Design Code published by the Department of Planning.</p>	
<i>Building Height</i>	<p>(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>	No change to building height is proposed.
<i>Setbacks</i>	<p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p>	<p>(i) The facade of the existing building facing Sydney Street will not be</p>

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</p> <p>(iii) New development should respect the setbacks of other buildings along the streetscape.</p> <p>(iv) Separation fencing is provided between development land and any rail corridor.</p> <p>(v) Development adjacent to rail corridors identified in clause 31 of the LEP will require an acoustic report to be submitted to Council to address and indicate measures to mitigate potential impacts from noise and vibration. Relevant publications available from "Railcorp" for consideration are:-</p> <ul style="list-style-type: none"> - Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning - Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process - Guidelines for applicants - consideration of rail noise and vibration in the planning process 	<p>altered. Thereby this complies with the requirements.</p> <p>(ii) As the front setback would be unchanged the proposal would comply with the requirements of this part.</p> <p>(iii) The proposal would not involve any changes to setbacks for the building. This would comply.</p> <p>(iv) There is no adjoining land which falls within any rail corridor. This complies with the requirements of this part.</p> <p>(v) There is no adjoining land which falls within any rail corridor. This complies with the requirements of this part.</p>
Accessibility	<p>(i) New buildings or buildings undergoing alterations and additions or a change of use are required to provide equitable provision of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS1428.1.</p> <p>(ii) Continuous accessible paths of travel shall be provided:</p> <ul style="list-style-type: none"> • from parking spaces, public streets and walkways to building entrance(s); • between buildings, facilities and spaces that are on the same site; • to connect the building entrance(s) with all spaces and facilities within the building; and • to minimise travel distance between each accessible element of the building and of facilities within it. <p>(iii) For the purposes of subsection</p>	<p>(i) A condition of consent should be implemented to ensure equitable provisions of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS1428.1.</p> <p>(ii) The subject site has accessible paths of travel; to and from parking spaces; public streets; walkways to building entrances; between buildings, facilities and spaces that are on the same site; connectivity to building entrances with all spaces and facilities within the building. Thereby, the proposal would comply with the requirements of this part.</p>

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>9.1.4(ii), access shall be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.</p> <p>(iv) Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation. Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:</p> <ul style="list-style-type: none"> • Whether there is a benefit or a detriment to any person concerned; • How it affects the disability of the person concerned; and • The financial cost. <p>And considering the following circumstances:</p> <ul style="list-style-type: none"> • technical limits; • topographical restrictions; • safety, design and construction issues; and • does not rely on the 'public domain' to solve access issues within the site. 	<p>(iii) Existing access to and from the site exists and this would primarily remain similar with only minor sliding doorway alterations being proposed. This would allow the building to become more accessible as the doorway would be automated. This complies with the requirements of this part.</p> <p>(iv) This control is not applicable to the proposal. Thereby the requirements of this part have been met.</p>
9.2 Urban Landscape		
Landscaping	<p>(i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.</p> <p>(ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area.</p> <p>(iii) Landscaping should be used to soften the impact of hard surfaces where necessary.</p> <p>(iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application.</p>	<p>The proposal does not involve any landscaping as the works are predominantly internal.</p>
Car Parking	<p>(i) Car parking and loading facilities is</p>	<p>Car parking requirements will</p>

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>to be provided in accordance with the parking rates prescribed by Section 16 – Car Parking.</p> <p>(ii) The provision of parking spaces for people with disabilities is to be in accordance with AS 1428.1.</p> <p>(iii) All vehicles should be able to enter and exit a site in a forward direction.</p> <p>(iv) Car parking should be screened from residential areas.</p> <p>(v) Vehicular access to properties fronting the New England Highway should be from laneways or shared driveways.</p> <p>(vi) Parking areas shall be sealed in accordance with Section 16.4.6 Construction Materials.</p>	be referred to below under Section 16.
<i>Outdoor Eating Areas</i>	<p>(i) Any outdoor eating areas should be located directly adjacent to cafes or restaurants.</p> <p>(ii) A clear space is required to be provided on the footpath to allow free flow of pedestrian traffic.</p> <p>(iii) Outdoor eating areas are required to comply with section 19 of this DCP.</p>	No outdoor eating areas have been proposed. Thereby the requirements of this part have been met.
<i>Signage and Advertising</i>	<p>(i) Proposed signage to be in accordance with Section 15 – Outdoor Advertising.</p> <p>(ii) Signage should be compatible with the scale and character of development in the area and the number and size of signs should be limited to avoid clutter and unnecessary repetition.</p> <p>(iii) Signage should form an integrated part of the building façade, architectural design and scale of the building.</p> <p>(iv) No signage is permitted on a building wall abutting or facing a residential area.</p>	No new signage has been proposed as part of this application.

Section 13 – Flood Prone Land

The subject site is partly within the 1% AEP flood event identified in adopted Council flood studies. With the majority of the works being internal to the building, apart from the new automated glass doorway, it is considered that the proposal would be unlikely to have any tangible impact on the flood plain and that a requirement to adjust internal floor levels would be unreasonable. Hence, the requirements of this part have been met.

Section 15 – Heritage Conservation

The heritage provisions of this section of the MDCP 2009 were considered. A Statement of Heritage Impact report was submitted by the applicant. The application

was referred to Council's Heritage Advisor for review, and she raised no objection to the development application. Council's Heritage Advisor stated that the applicant should consider the heritage value of the Hotel and nominate a compatible use for the portion not being utilised in the plans which were originally submitted with the development application. Moreover noting: *'Heritage buildings can benefit from having a use that allows the ongoing occupation and utilisation of the place'*. Since these comments were provided the applicant has since submitted updated plans which provide the compatible use for each portion.

Section 16 – Car Parking and Access

As the subject site has an existing ground floor area of approximately 1100m² the applicable requirements for a retail premises are 1 space per 15m² of gross floor area. Thereby by this control there should be parking space for 73 vehicles. However, the majority of the existing floor space would not be utilised for this proposal.

The gross floor area which would be utilised for the retail space is 350m². A total of 18 spaces would be required and 20 are proposed. The site is considered to have a historical deficiency in parking, however with the closure of the Pub, the existing parking on site is adequate.

A condition of consent is recommended highlighting the need for development approval for occupation and use of the vacant floor area beyond the bottle shop.

Section 20 – Erosion and Sediment Control

A condition of consent will be imposed on any development consent requiring that appropriate methods of erosion and sediment control are put in place throughout the carrying out of the development in accordance with Council's standard requirements.

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. Accordingly a condition of consent is recommended regarding submission of a Waste Management Minimisation Plan. This would comply with the objectives and council practice.

Section 25 – Stormwater Management

As the area of the structure in relation to this development application would remain the same, the stormwater generated by the proposal would not increase. Hence section of the MDCP2009 would not be applicable.

Section 94A Contributions Plan 2009

The total project value would be \$500,000.00. A developer contribution of \$5000.00 will apply to the proposed development should the Application be approved.

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.

Clause 98A of the Regulations is applicable to the proposed development. A condition of consent should be implemented in regards to the requirements of this clause.

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

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

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

The proposed development is considered be in accordance with the type of development expected within the B2 Local Centre Zone. 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

No submissions were received during the notification period.

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

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

5 CONCLUSION

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 grant development consent to DA 117/2018 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

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.	Drawn by	Drawing Date	Received
Elevation Plan	Not specified.	16 May 2019	17 May 2019
Shop Car Park	Northern Transport Planning and Engineering Pty Ltd.	11 February 2019	17 May 2019
Demolition Plan	Not specified.	4 March 2019	17 May 2019
Refurb. Floor Plan	Not specified.	Undated.	17 May 2019
Existing Floor Plan	Not specified.	Undated.	17 May 2019

Note: As this application relies on use of the Food and Drink Premises use (Pub) ceasing, and use of the vacant floor area beyond the bottleshop, for uses not shown in the documentation listed above, will require separate approval of Council.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**(2) Building Code of Australia**

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

(3) Access to premises standard

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

CONSTRUCTION CERTIFICATE REQUIREMENTS**(4) 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.

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**(5) Parking for People with Disabilities**

A total of one car-parking space shall be provided for use by persons with a disability, as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking space to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in

accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

(6) Section 4.17(1) Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$5,000.00 shall be paid to Muswellbrook Shire Council.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010. The contribution is to be paid prior to the issue of the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(7) 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 to 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.

(8) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that

extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:

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

(9) 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.

(10) Materials

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall be constructed from non-reflective metal cladding. Zinalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
--

(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) Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the carrying out the development.

(14) 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.

(15) 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 objections 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.

(16) Demolition or Removal of Buildings

- 1) Demolition must be carried out in accordance with AS 2601–1991, *Demolition of structures*.
- 2) Demolition materials must not be burnt or buried on the work site.
- 3) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road.
- 4) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.

- 5) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site and must be maintained in a functional condition throughout the construction activities until the site is stabilised is until the
- 6) The work site must be left free of waste and debris when work has been completed.

For the purposes of section 4.17 (11) of the Environmental Planning and Assessment Act, the requirements of subclauses are as follows:

- (i) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (ii) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

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

(17) 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.

(18) Domestic Works as Executed Plans

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

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(19) Parking Areas

All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the issue of the Occupation Certificate.

Allocation of parking spaces shall be provided and maintained at all times on the subject site with a quantity of 20 spaces available for public and staff use.

Such spaces are to be identified on-site by permanent line-marking, numbering and visitor parking signage upon, and shall be designed and constructed in accordance with the provisions of AS2890.1 – Off Street Car Parking Facilities and include a minimum of one accessible parking space.

All internal driveways, parking areas, loading bays and vehicular turning areas being constructed with a base course of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers.

All vehicular movements to and from the site are in a forward direction.

(20) Stormwater Disposal

All stormwater from the development, including all hardstandings and overflows from rainwater tanks, is to be collected and disposed of to the existing Council drainage network (kerb and gutter).

(21) Hours of Operation

The operating hours of the premises are as follows:

Monday	7am to 10pm
Tuesday	7am to 10pm
Wednesday	7am to 10pm
Thursday	7am to 10pm
Friday	7am to 10pm
Saturday	7am to 10pm
Sunday and Public Holidays	9am to 9pm

The hours of operation shall be within the standard hours of trade for packaged liquor licences as stipulated by the Liquor Act, 2007 (note: Standard hours being 5:00am til 11:00pm Monday to Saturday & 10:00am til 10:00pm Sundays).

(22) Development Approval on Premise

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

(23) 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 12:00 midnight and 07:00 am.

(24) CCTV

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.

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.

(25) Premises Security

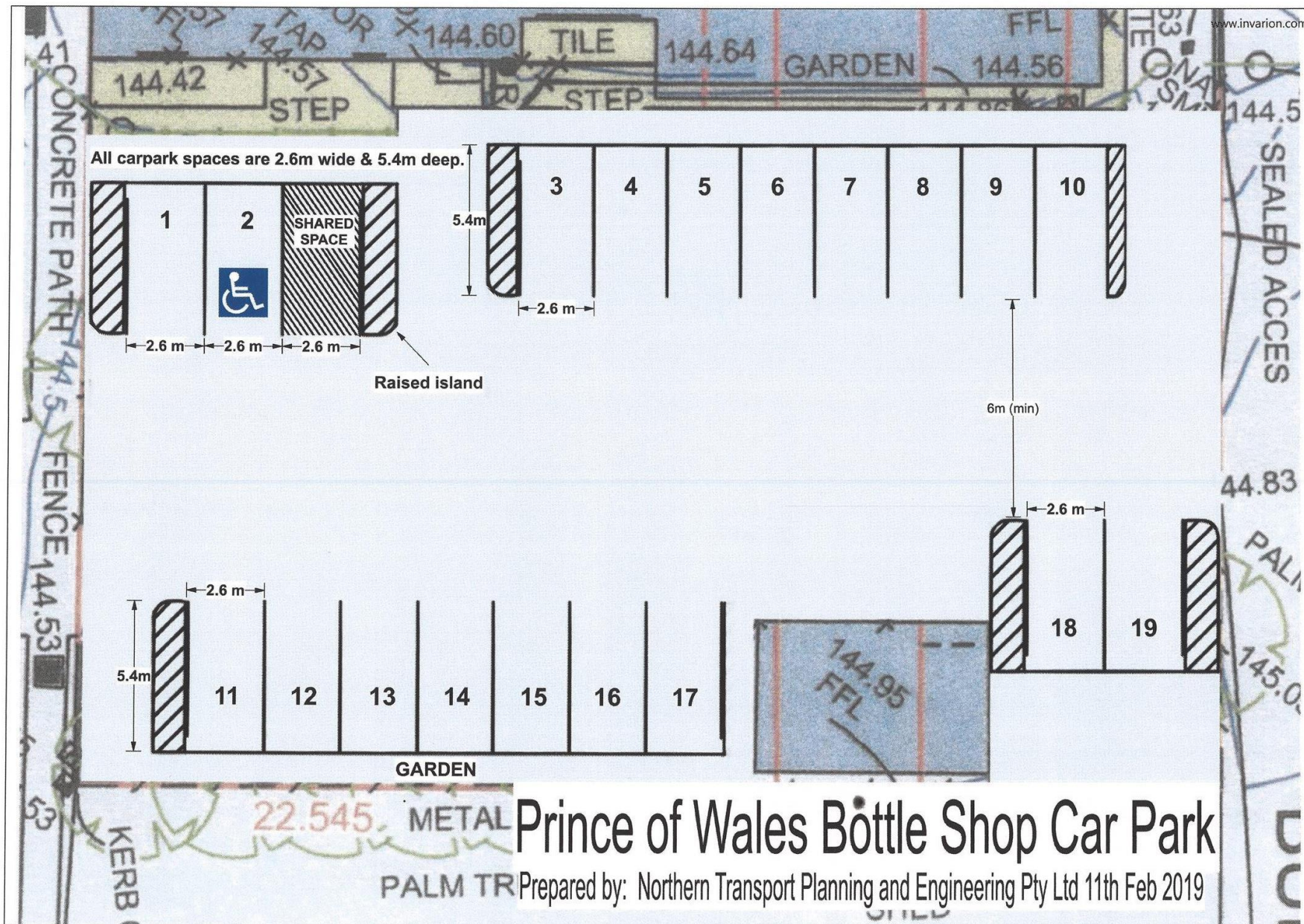
The premise shall be fitted with an alarm system that meets the following; - internal movement/motion detectors, and - duress 'panic button' alarms, and - Entry keypad with inbuilt duress codes and panic buttons, and - Control panel box must have back up battery power, and - A line cut system or similar which arms the system if the phone line is cut, and - Off-site 24-hour monitoring.

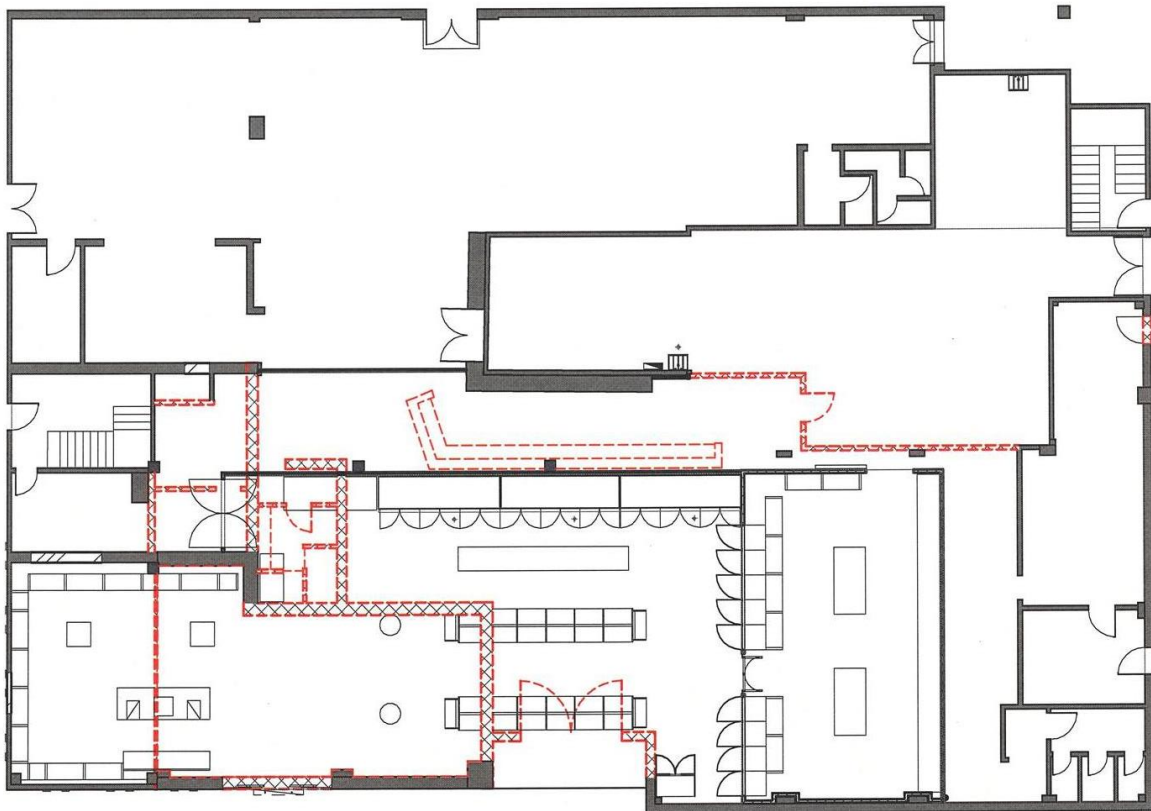
The alarm system shall be activated whenever the premise is unattended.

(26) Traffic Management

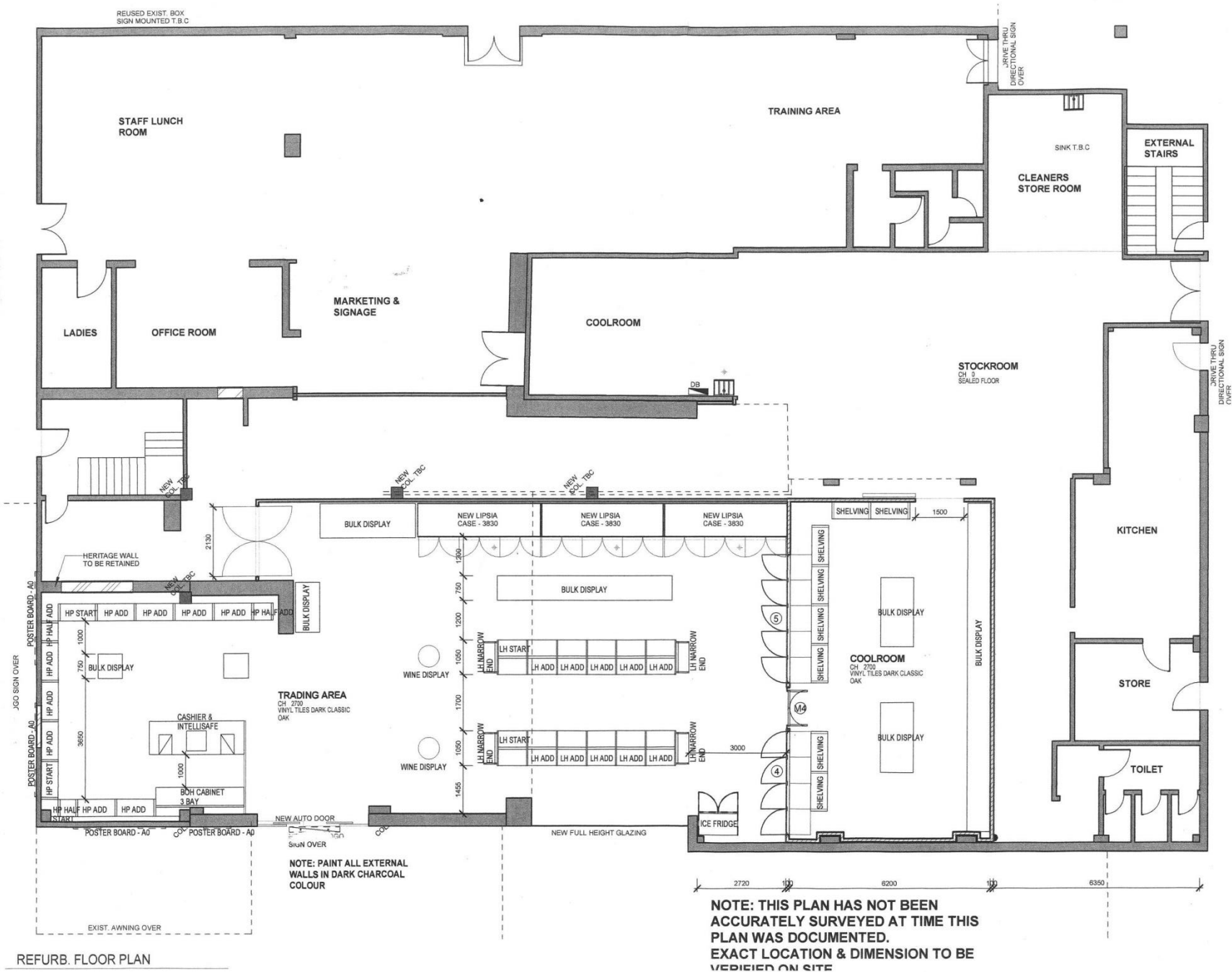
The consent holder/applicant shall submit in writing to Muswellbrook Shire Council an adequate 'TRAFFIC MANAGEMENT PLAN' that addresses both vehicular & pedestrian traffic flow.

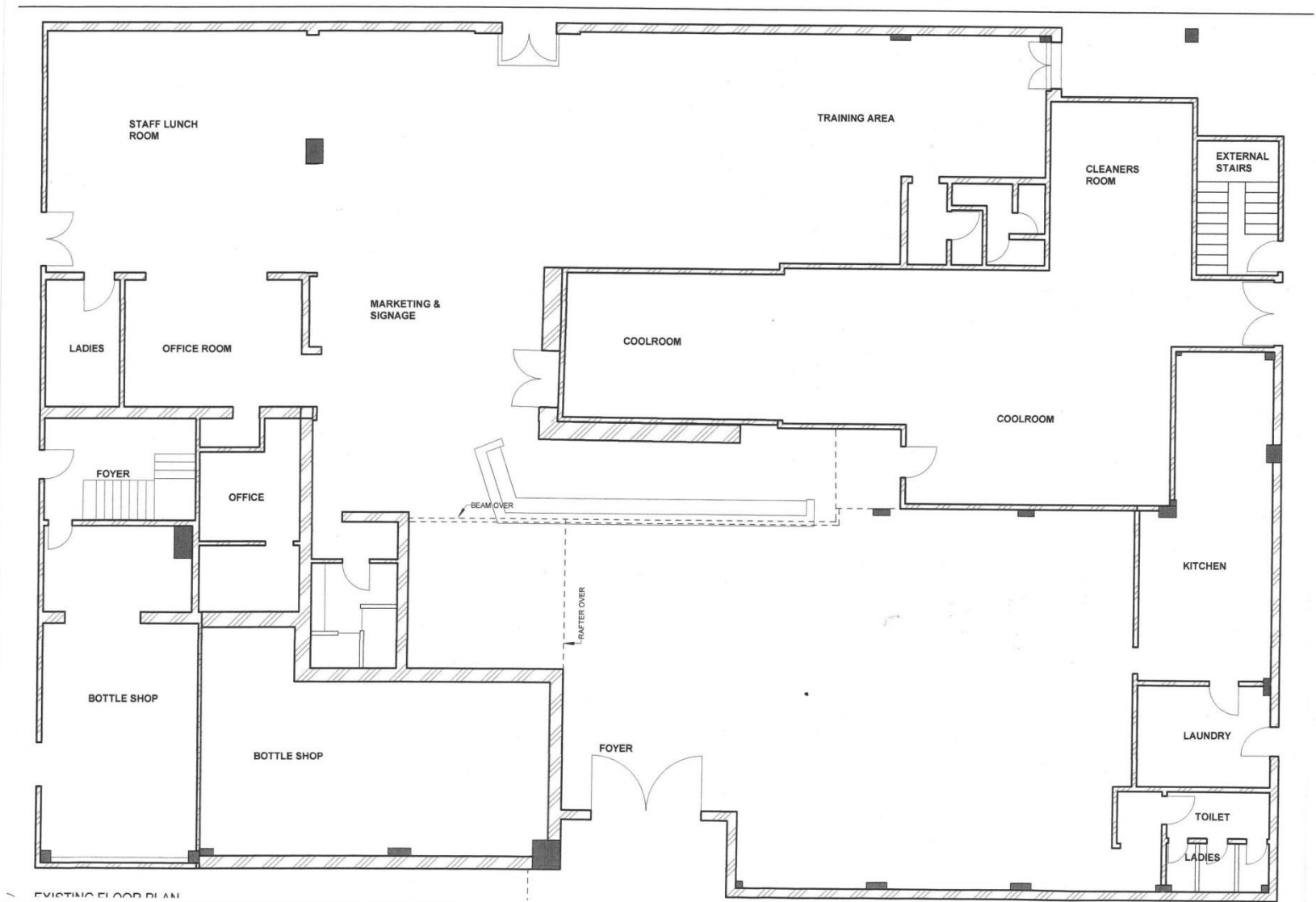
The consent holder/applicant must comply with the approved 'TRAFFIC MANAGEMENT PLAN' at all times'."



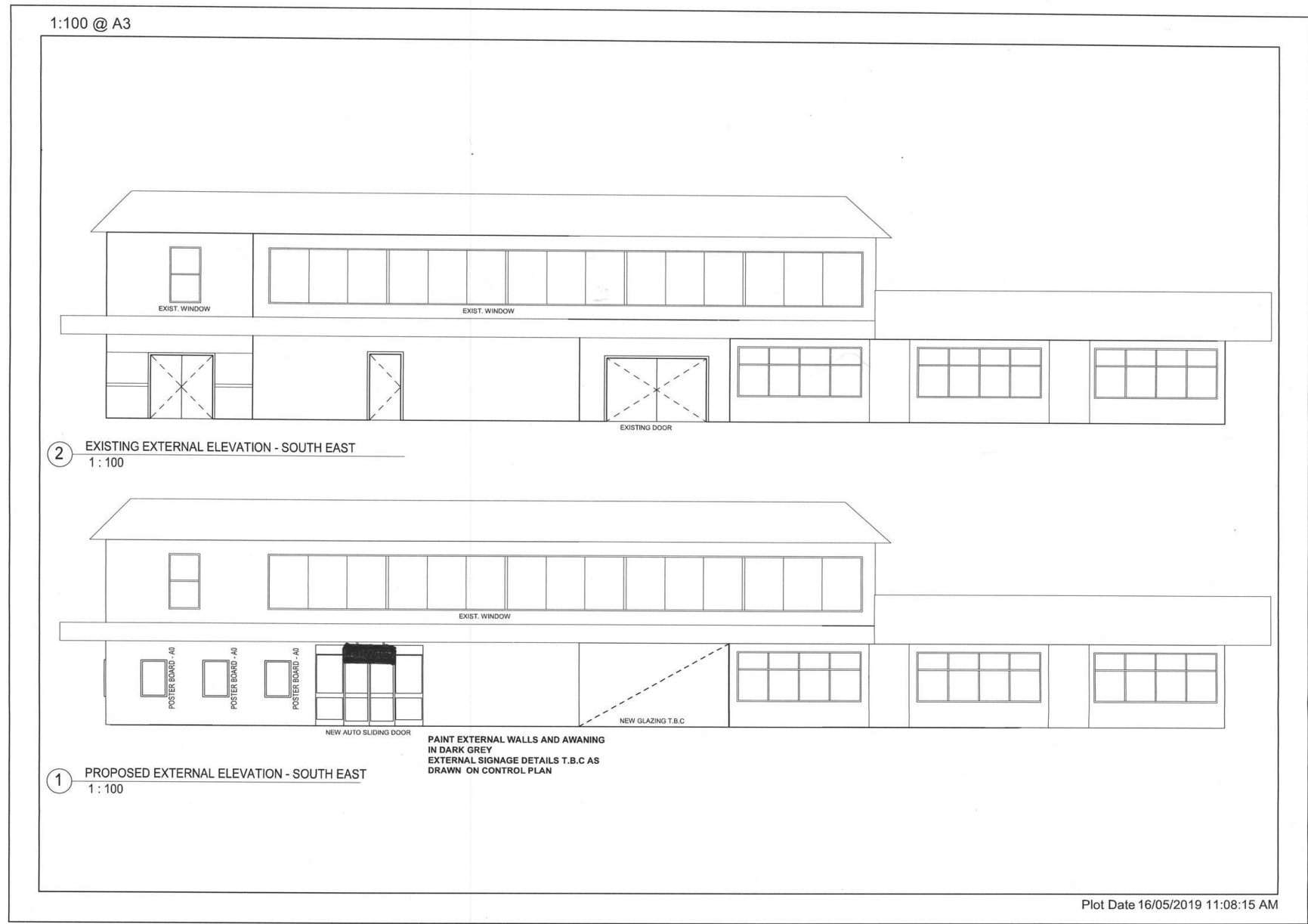


1 DEMOLITION PLAN - FLOOR PLAN
1 : 200





EXISTING FLOOR PLAN



STATEMENT OF HERITAGE IMPACTS

IN RELATION TO

PRINCE OF WALES HOTEL

CNR SYDNEY & MAITLAND STREETS, MUSWELLBROOK



for

NICK SAKNO

by

ROB TICKLE

VERITAS ARCHAEOLOGY & HISTORY SERVICE

PO BOX 61

BEECHWOOD NSW 2446

0419 220 593

rtickle@bigpond.net.au

Final 18 December 2018

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

EXECUTIVE SUMMARY

Nick Sakno, owner of the Prince of Wales Hotel, Muswellbrook intends to enlarge the footprint of the bottle shop at the hotel. In a verbal communication with Hamish McTaggart, Town Planner with Muswellbrook Shire Council it was indicated that the Council would require a Statement of Heritage Impacts (SHI) to accompany the Development Application (DA).

Veritas Archaeology & History Service has been commissioned by Nick Sakno to investigate and produce a Statement of Heritage Impacts of the site known as Prince of Wales Hotel, Muswellbrook. The SHI will consider the effect on heritage of extending the area allocated for a bottle shop within the hotel (an item listed on Muswellbrook Shire Council Local Environmental Plan) and any effects on other heritage items within the vicinity.

The proposed development will take place within the 1979-82 portion of the building. There will be no changes to the external fabric of the building and no part of the 1929-30 structure will be impacted.

The building is important in the course and pattern of cultural history as it shows the continuity of a historical activity i.e. the role of the hotel in a social situation and how it evolved to meet the changing community needs. The building has no strong or special association with the life or works of a person or group of people. The building, especially the 1929-30 section is important in demonstrating aesthetic characteristics that make it a landmark in that part of South Muswellbrook. The cantilever awning and unsympathetic additions to the rear of the building lower its value. The 1929-30 section has been there during the memory of most residents therefore it is important to the community's sense of place.

The building is not rare, small country hotels are common all over NSW. It does not represent well characteristics that make up a significant variation on a type.

The site was first, Pierce Hegarty's general store, most likely a single storey stone building which became the Cross Keys Inn under James Cross. The building evolved as the Prince of Wales Hotel under James Cross, possibly as a compact two-storey brick building and later into the present building. Although each phase would have caused some disturbance to earlier buildings, the site under a competent archaeologist has high potential, but as there will be no ground disturbance during the projected changes to the building, the recommendation is no further action.

The site does not lie within Muswellbrook Conservation Zone and the development will not have any impact on other heritage-listed buildings within South Muswellbrook.

Based on the assessment of the project and the heritage values of the site there are no heritage restrictions that would hinder the proposed development.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

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Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

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Abbreviations

CMA	Central Mapping Authority
DA	Development Application
LEP	Local Environmental Plan
LPI	Land & Property Information
NS	Nick Sakno
PWH	Prince of Wales Hotel
SHI	Statement of Heritage Impacts

¹ SIX Maps: NSW Spatial Services

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

BACKGROUND

Nick Sakno, owner of the Prince of Wales Hotel, Muswellbrook intends to enlarge the footprint of the bottle shop at the hotel. In a verbal communication with Hamish McTaggart, Town Planner with Muswellbrook Shire Council it was indicated that the Council would require a Statement of Heritage Impacts (SHI) to accompany the Development Application (DA).

Veritas Archaeology & History Service has been commissioned by Nick Sakno to investigate and produce a Statement of Heritage Impacts of the site known as Prince of Wales Hotel, Muswellbrook. The SHI will consider the effect on heritage of extending the area allocated for a bottle shop within the hotel (an item listed on Muswellbrook Shire Council Local Environmental Plan) and any effect on other heritage items within the vicinity.

1.1 Personnel involved in work.

Rob Tickle conducted the research and compiled the report.

1.2 Report

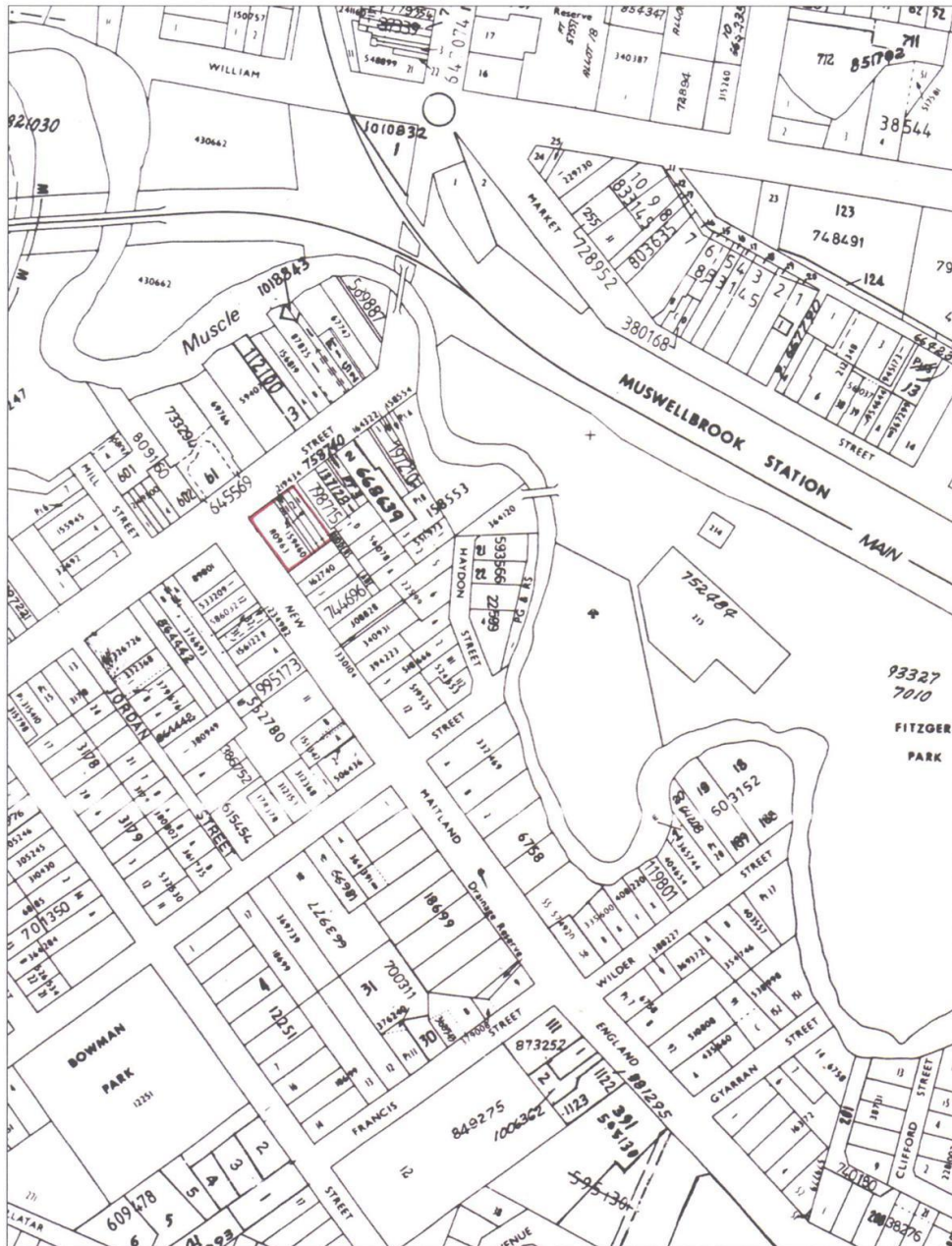
This report has been compiled for Nick Sakno. Copyright of this report belongs to Veritas Archaeology & History Service. Nick Sakno may use, copy and distribute the report as it requires. The author is not accountable for omissions and inconsistencies that may result from information that was unknown or not available at the time of compiling the report.

1.3 Methodology

This heritage assessment was undertaken using the guidelines detailed in the *NSW Heritage Manual* (1994), guidelines for producing *Statements of Heritage Impacts*, *Assessing Heritage Significance*, 2001; *Levels of Heritage Significance*, 2008; supplement to *Assessing Heritage Significance* and *The Illustrated Burra Charter*, 2004.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

1.4 Location of Site, Allotment 5 Section 1, South Muswellbrook



Plan 01: Plan of part of Muswellbrook. Site of Prince of Wales edged in red. CMA U8225-6

Veritas Archaeology & History Service

2. HISTORY OF THE SITE

2.1 The beginning of Muscleebrook to Muswell Brook

Muswellbrook, which is located in the Upper Hunter Valley of NSW, could be considered to date from 1824 when Henry Dangar, government surveyor, set aside 640 acres at the junction of a small creek and the Hunter River as a village reserve. Around this time, he set aside a number of reserves but Muswellbrook was the only one to develop into a large town. Prior to this, two important tribes of Aborigines were in possession of the Muswellbrook district. In the Goulburn Valley to the west of Muswellbrook were clans of the Kamilaroi, a large and powerful tribe whose territory was mainly on the western side of the Great Dividing Range in the Liverpool Plains area. Around the Hunter River lived the Wonnarua, a smaller tribe whose area was located between the Kamilaroi and the Gringal to the east. These tribes had been in possession for thousands of years, but it is not clear when they arrived or if they displaced earlier tribes. For two decades after a convict settlement was established at Newcastle there was little direct contact between the original occupants and the newcomers. Europeans were banned from entering the area by the government in an attempt to keep the area isolated and maintain the penal colony. It is likely that European diseases had some impact on the Aborigines but the study area was not penetrated by white explorers until the early 1820's. In 1823 Allan Cunningham travelled over The Great Dividing Range almost to the present site of Muswellbrook.

With the arrival of Governor Brisbane, the restriction on settlement in the Hunter Valley was lifted following the removal of the Newcastle Penal Settlement to Port Macquarie in 1822. The mid to late 1820s were a boom time in the Hunter Valley. This boom was set in motion by Governor Brisbane who encouraged the emigration of free settlers with grants of land to those able to maintain a set number of convicts (King 1957:14). The alluvial flats of the Hunter River were considered the most valuable. Assistant Surveyor Henry Dangar started surveying land grants in the Hunter in 1822. By 1824 he was in the area of future Muswellbrook where he set aside a reserve for a village. By 1826 all the land with a river frontage along the Hunter River as far as the Pages River had been alienated or reserved for villages, church or school lands (King 1957:29).

Initially police districts were set up at Merton (Denman) and Invermein (Scone). The boundary between the districts was just to the south of the Muswellbrook reserve. Skellatar, Edinglassie and Bengalla were served by Merton while Negoa and St Helier's had to go to Invermein. Samuel Wright (Bengalla) and George Forbes (Edinglassie) petitioned the government for the establishment of a village at Muswellbrook. Surveyor Dixon was instructed in 1833 to lay out a town in Dangar's reserve. This resulted in the first land sales in 1834, purchasers being Samuel Wright and George Forbes. George Forbes started building on his allotment (Allotment 1 Section 1, site of the present Royal Hotel). This caused further problems as Forbes' men who were convicts and ticket-of-leave holders were working outside the Merton Police District within the Invermein Police District. This resulted in a number being charged by the Invermein police. The crime: for working outside the district for which their ticket of leave had been issued.⁴ Following

⁴ State Records, Merton Bench Letter Book Reel 670 25th March 1836

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

further petitions by George Forbes the Government decided to make Muswellbrook a Police district incorporating Merton.

Colonial Secretary's Office,

Sydney, 29th September, 1837.

HIS Excellency the GOVERNOR has been

pleased to appoint

EDWARD DENNY DAY, Esquire,

to be **Police Magistrate** at Muswellbrook.

By His Excellency's Command,

E. DEAS THOMSON.⁵

This was the start of Government representation in the village. Development of the village was slow. In 1841,⁶ the village had 41 households with 215 inhabitants with 139 males and 76 females. Anglican was the dominant religion with 141 followed by Roman Catholic 35, Presbyterians 23 and Protestants 16. Muswellbrook was a recognisable town with some shops, several hotels and a flourmill. Schools and churches followed and it was clear that it would be the dominant town in the district. A few buildings survive from this period. Dunmore Lang School, which was the former St. John's Church, was built in 1843. A house in Hunter Terrace, Weidmann Cottage and Loxton House in Bridge Street, parts of the Valley Hotel also date from this period.

2.2 Change from village to town, Muswell Brook to Muswellbrook

The plan to develop a railway up the Hunter Valley into New England gave the district the boost it needed. The 1861 Robertson Land Act gave the potential to open up the land, and the railway would provide speedy access to markets. The railway reached Muswellbrook in 1869. The original station has been retained and is in very good condition. In the second half of the last century, the Muswellbrook area continued to develop as a cattle, horse and sheep centre, but agriculture was also important where water was available. Carl Brecht started to develop his 'Rosemount' vineyard. He went on to win awards all over the world for his wine.

In this period, wealthy landowners and merchants dominated the economic and social life of the district. The surviving homesteads at Martindale, Pickering, Edinglassie, Balmoral, Skellatar, Bengalla and St. Helier's were built during this period of prosperity as a message of success. The arrival of the railway and the introduction of the Robertson Land Act caused an increase in population, but it also saw a rapid increase in the size of the large estates. The second half of the 19th century saw many commercial buildings erected, such as Campbell's Corner, Royal Hotel,

⁵ Government Gazette p.723, 1837

⁶ State Records, 1841 Census, X947, Reel 2222

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and Muswellbrook Hotel. Some of the existing hotels were expanded to meet the increased trade i.e. Eaton's, Railway, Shamrock and Prince of Wales.

The rise of large-scale commercial dairying towards the end of the century was the next force to shape the development of Muswellbrook Shire. With fertile soils, the potential to irrigate, and a reliable, quick transport system, dairying was a rewarding proposition. The first creameries opened in the 1890's and dairying provided the economic basis for political and social pressures pushing the Colony into closer settlement programmes.

Subdivision of many of the larger estates occurred in this century [20th] and helped to maintain the population of the shire in the face of a national trend towards rural depopulation. The increase in population led to the building of new Catholic, Methodist and Presbyterian churches in the early 20th century.

That the area contained coal had been noted by the explorers, but there was little need for it until last century, when small-scale mining for local use began with Cox's Kayuga colliery. For several more decades, mining remained unimportant, but the presence of massive coal seams close to the surface led, after World War 11, to the transformation of Muswellbrook from a sleepy country town into a rapidly growing, economically diverse regional centre. Since 1944, when the first open-cut mine was established on the town common, the coal industry has threatened to dominate the shire's economy at the expense of older industries, especially farming and viticulture. However, mining also brought new developments in engineering and technical education.

The combination of large-scale coalmining and enormous electricity generating stations at Liddell and Bayswater changed not only the landscape but also the socialscape of the shire. In 1947, the town's population was recorded as 3939: in 1994, it was 10,116. This population growth has had significant effects on the built environment of the Muswellbrook Shire, creating new housing subdivisions and contributing to the pressures to redevelop existing commercial and residential areas. The continuing development of open-cut coal mining is the most important contemporary issue in the shire. The Shire, by 2015 was at a crossroad, coalmining had peaked and very little has been developed to provide continued employment and growth.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

2.3 History of Allotment 5 Section 1, South Muswellbrook

- Crown Grant to Sir Francis Forbes, possession granted 10 October 1831, deeds granted 9 April 1835.⁷
- Sir Francis Forbes died 1 July 1837 and the property passed to his widow Dame Amelia and two sons, Francis William and David Grant Forbes.⁸
- By the early 1840s, the Forbes family were in financial difficulties. To raise capital the land to the south of the government town of Muswellbrook was surveyed and divided into suburban blocks. During 1842 and 1843, 16 blocks were sold. The area was initially known as Forbestown, but became South Muswellbrook.
- On 15 June 1843, Pierce Hegarty purchased Lot 5 Section 1 of half an acre for £30.⁹ Hegarty may have been renting premises in Muswellbrook as he informed the residents of the area that he had received a new consignment of goods from Sydney on 24 June 1843.¹⁰ In September 1843, he announced that his new store would open on 1 October 1843. He was aiming for a small profit, but a large turn over and accounts unpaid after quarterly statements would be charged 10%. He was willing to take hides, tallow, corn, wool and other colonial produce in exchange for goods.¹¹
- On 30 August 1847 Hegarty sold Lot 5 Section 1 to John Rickards, draper of Sydney for £400.¹² It appears that Hegarty continued to reside on the premises and conduct his store.
- On 4 November 1848 Hegarty offered the store for sale or rent. The building had a frontage of 40' with depth 25'. The shop was 30' x 15' and there were four other rooms along with a detached kitchen and dry store.¹³
- Over the next three years Hegarty tried to dispose of his store. In 1851, Lewis Lipman, auctioneer, advertised that he would hold a four-day sale at which all stock in trade, household furniture, cattle, horses and dwelling would be auctioned. The dwelling contained a very large shop front, back parlours, two bedrooms, servants' room, kitchen, storeroom, stabling and coach house. There is no mention of what the building was constructed.¹⁴ In the advertisement, there is no mention of the land being for sale.
- Pierce Hegarty set himself up as a storekeeper in Honolulu and it is unknown what happened to his premises in Muswellbrook. On 1 July 1854 James Cross, innkeeper of Muswellbrook purchased Allotment 5 Section 1 from John Rickards for £750. Cross may have been renting the premises from Rickards.¹⁵ At the same time, Cross mortgaged the property to Rickards for £350 at 8% due in 1856. The change in value of £400 in 1847 to £750 in 1854 is substantial; there may have been additions to the building.

⁷ LPI Grant No. 34 p. 75

⁸ <http://adb.anu.edu.au/biography/forbes-sir-francis-2052>

⁹ LPI Old System Book 4 No. 670

¹⁰ *Maitland Mercury* 25 June 1843.

¹¹ *Maitland Mercury* 9 September 1843

¹² LPI Old System Book 13 No.402

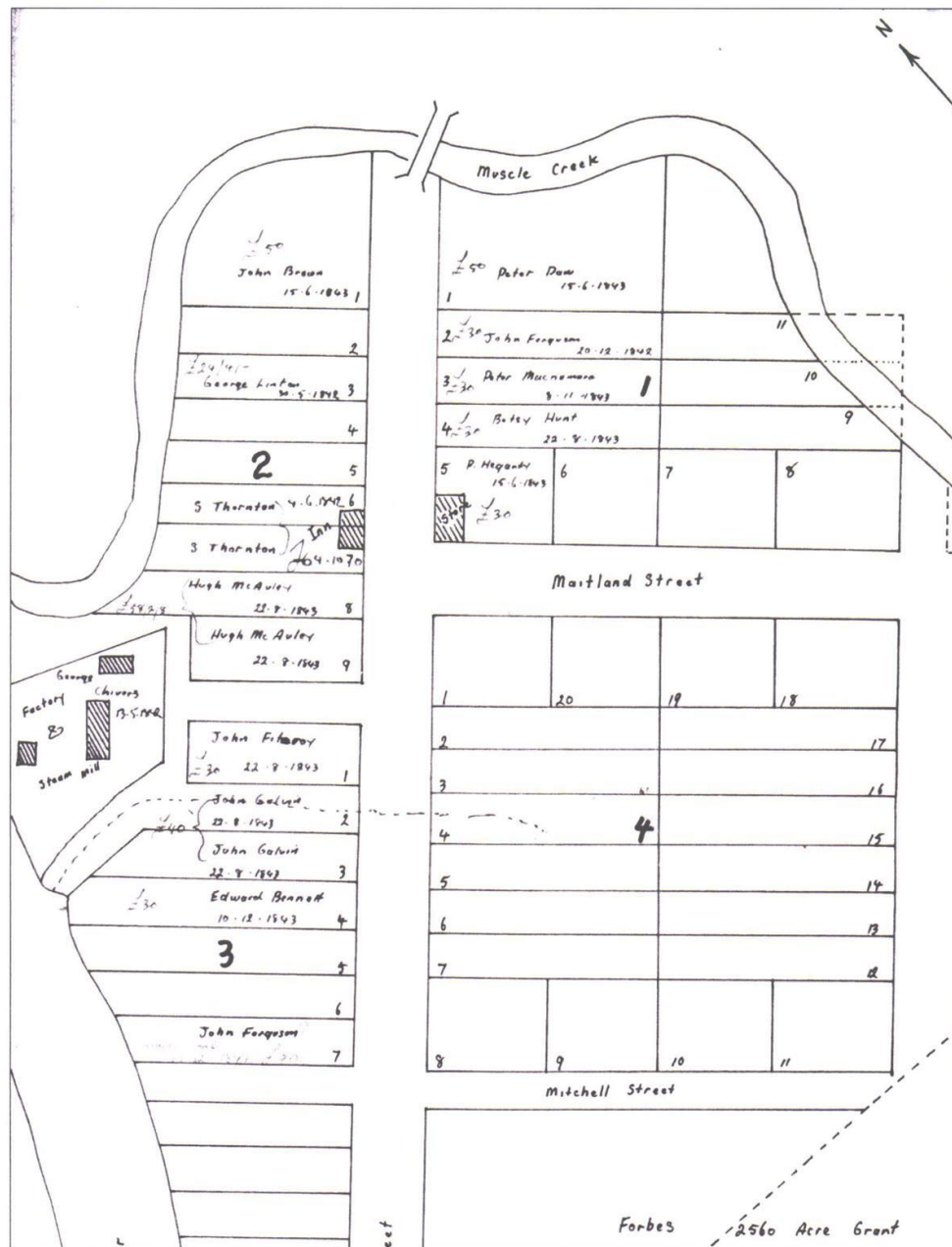
¹³ *Maitland Mercury* 4 November 1848

¹⁴ *Maitland Mercury* 12 February 1851

¹⁵ LPI Old System Book 38 No.293

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- James and Susannah Cross arrived in Sydney from Devon in 1840. They appear to have lived in the lower Hunter initially, where two children were born. By 1846, they were in Muswellbrook where James worked as a carrier. Early records are confusing as to when James started the Cross Keys Inn.



Plan 02: South Muswellbrook in 1840s. Shows allotments sold by the Forbes family. Drawn RBT.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

- Cross also purchased Allotment 5 Section 2 South Muswellbrook from George Bowman for £25 on 12 October 1850. The price indicates that this was an empty allotment.
- NSW State Archives indicates that James Cross took out a publican's license for the Cross Keys Inn on 19 April 1853. This early date is confirmed by a death notice for their daughter, Betsy.¹⁶
- GW Phillips, had a number of articles published in the *Muswellbrook Chronicle* during the 1930s covering who was living in Muswellbrook in 1856. He stated that Cross lived in an enlarged house known as the Cross Keys Hotel. It was a single storey building constructed from stone.
- In the same year, Isaac Moses advertised that he was to conduct an auction of household furniture and six draught horses on behalf of James Cross.¹⁷
- It would appear that though James Cross was the licensee for the Cross Keys he might have left the management of the inn to his wife or someone else. At the baptism of his son William in 1855 he gave his occupation as butcher, at the baptism of Charles, 1858 and Edward 1859 he is operating as a carrier, 1862 baptism of Susannah a sexton and at the baptism of Herbert in 1864 he is finally listed as innkeeper.¹⁸
- It is possible that he did not utilise the building as an inn continually. In 1858, Cross advertised the building for let. It was described as being suitable for a general store or hotel containing eight rooms and kitchen, with two bedrooms detached, commodious stabling together with a good garden stocked with fruit and vegetables. The building was formerly known as the Cross Keys Inn and had been kept by him. This description indicated that the building was considerably larger than that sold by Pierce Hegarty.
- In 1865, the building was known as the Prince of Wales Hotel and licensed by James Cross, he held the license until his death in 1867 when it passed to his wife Susannah.
- From 1865 until 1908 the license of the Prince of Wales was held by a person connected to the Cross family except for 1875-76 when it was held by George Seabrook. See Appendix 2.
- 1868, Susannah Cross married Thomas Mullens, but he died two years later. She then married John Cooper in 1879.¹⁹
- 1884, death of Susannah Cooper, previously Mullens and Cross.²⁰
- On 19 October 1889 William Clendinning, auctioneer of Muswellbrook advertised that he would put up for auction the Prince of Wales Hotel along with all furniture, fittings and an Alcock billiard table. Also would be offered ¼ acre allotment next to the hotel of 66' x 165'.²¹
- The *Maitland Mercury* reported that the hotel had been sold to Donald Sutherland for £735 and the allotment to Frank Budden for £2 1s per foot.²² It would appear that the

¹⁶ NSW State Archives 4/84 Reel 5063. *Maitland Mercury* 4 January 1854.

¹⁷ *Maitland Mercury* 26 January 1856

¹⁸ C of E Baptisms, Muswellbrook

¹⁹ NSW BDM Marriage 1868/3127, Death 1870/4755, Marriage 1879/3980

²⁰ NSW BDM Death 1884/10147

²¹ *Maitland Mercury* 19 October 1889

²² *Maitland Mercury* 12 December 1889

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

sale to Sutherland fell through. Frank Budden built a two-storey timber building on his allotment. This was later demolished to extend the PWH.

- 1898, William Fuller, licensee of the Prince of Wales died aged 42 leaving a widow and six children. He had a long and painful death.²³
- 1899, death of John Cooper aged 66 years. He was the step-father of Mrs Fuller.²⁴
- 1931, death of Mrs Susan Fuller at the age of 69, she had been a daughter of the late Mr & Mrs James Cross, she was the widow of the late William Fuller.²⁵
- What style of building was the Prince of Wales Hotel? Phillips described it as being single storey and of stone. The Muswellbrook Municipal Rate Books provides the annual value of the building from 1870 to 1907. During that period, it varied from £50 to £80 giving no indication of a major renovation or rebuild. During the same period for comparison, Eaton's Hotel was valued from £150 to £250. The 1907 Municipal Valuation Book stated that the building was constructed of brick.
- *Who was Who in the Hunter Valley in 1888* states that John Cooper, landlord of the Prince of Wales kept a 'small though compact house, replete with excellent fittings and possessed every comfort possible.'
- A photograph held by Muswellbrook Shire Local & Family History Society shows the Prince of Wales Hotel as a two storey rectangular building with veranda and balcony on the side facing Sydney Street. It is a very different to the present building. The building has Stewart, Prince Wales Hotel painted on the north end. Stewart became licensee in 1900.



Plate 03: Photograph taken from RC Church looking south. MSLFHS Photo 0065.

²³ *Muswellbrook Chronicle* 3 August 1898

²⁴ *Muswellbrook Chronicle* 8 February 1899

²⁵ *Muswellbrook Chronicle* 20 January 1931

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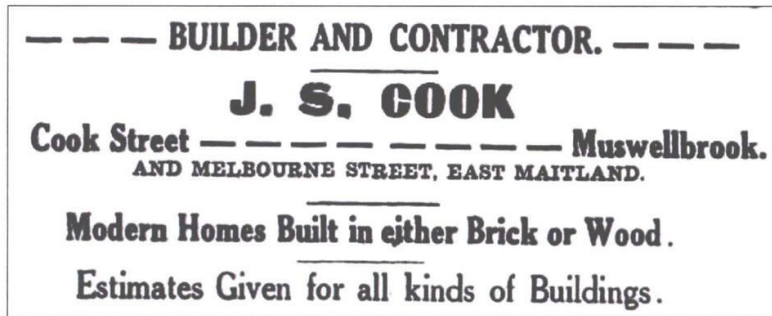
Plate 04: Enlargement of Plate 03. Stewart's Prince of Wales Hotel is east of the two large trees in Sydney Street. In the 1930s G Rooke, publican applied to Muswellbrook Municipal Council to have them removed.

- After 1900, it is difficult to determine if the publican holding the license for the Price of Wales Hotel was also the owner. Some of the publicans have been Gus Lawler, R O Walker, Tom Carter, J McLaughlin, Tom Tipping, W Neery, Bert Quinn, Maurie Weller, Claude Hornery, Dave Simpson, Lindsay Pryor, T Conlan, M Wavell, Norman Gibson, Les Hutchinson, Hurbert Arnold, Keith Myer and Gordon Taylor. This list is incomplete.
- By 1928-29, George Evelyn Rooke was the owner/licensee. During this period the Prince of Wales Hotel was examined by the Licenses Reduction Board. This Board was constituted by the Liquor (Amendment) Act 1919. The purpose of the board was to reduce the number of publican's licenses in NSW by selecting public houses to be closed and fixing compensation payments. The Board recommended that the license for the Prince of Wales Hotel be cancelled or the building be demolished and rebuilt.²⁶
- In 1929, G Rooke let a contract to J S Cook, builder of Muswellbrook for the erection of a new building estimated to cost £6000. This is the oldest part of the present Prince of Wales Hotel.
- J S Cooke appears to have been a builder in Maitland, but by the 1920s had moved to Muswellbrook. Over the next twenty years he worked in that area as a contract builder. On some jobs he worked on his own account, but on others in partnership with other local builders, ie Hastie Rixon & Baker or Joseph Lowe. Besides the Prince of Wales

²⁶ State Archives NSW

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project he was involved with extensions to the Valley Hotel, QE2 building, home of G F B Fitzharginge, and Strand Picture Theatre.



Muswellbrook Chronicle 1 June 1928



Plan 03: Sewerage plan of part of South Muswellbrook 1930s. Building outlined in red is the 1929-30 Prince of Wales Hotel. Building to north is the two-storey timber building erected for Frank Budden and now part of the Prince of Wales site. Muswellbrook Municipal Council plan.

- There were no major changes to the building until the late 1970s when R Kemp of Newcastle purchased the building from Gordon Taylor. Kemp appointed David and Gay White as managers. Three years later after spending about one million dollars the building was transformed. The 1930s two-storey building was retained, but single storey additions were made to the north and east. The additions consisted of a large lounge bar/bistro, which could seat up to 120 people, smaller "Wayne Harris Bar", public bar and a bottle shop.²⁷

²⁷ Hunter Valley News 16 December 1981

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

2.4 Historic Photographs



Plate 05: Prince of Wales Hotel 1924. ANU The Noel Butlin Archives Centre.



Plate 06: Prince of Wales Hotel pre 1929, but after above photograph. Wrought iron on veranda has been removed and replaced with timber. Timber building on left was erected by Frank Budden and was on the original Allotment 5. ANU The Noel Butlin Archives Centre.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook



Plate 07: Prince of Wales Hotel October 1930. Note that cantilever awning is part of the original design. ANU The Noel Butlin Archives Centre.



Plate 08: Prince of Wales Hotel June 1939. There were no further changes to the hotel until the 1979-82 additions. ANU The Noel Butlin Archives Centre.

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2.5 Later Photographs – post 1979-82

Plate 09: SIX²⁸ view of Prince of Wales Hotel. Major developments shown in blue and green.

Plate 10: North side of Prince of Wales Hotel. MSLFHS 2275-2

²⁸ SIX Maps: NSW Spatial Services

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Plate 11: Front of Prince of Wales Hotel. MSLFHS 2274-4



Plate 12: Prince of Wales Hotel. MSLFHS 2274-5

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Plate 13: Prince of Wales Hotel. Existing bottle shop on right. Part of the Valley Hotel on the left. MSLFHS 2274-18.



Plate 14: Later view of Prince of Wales Hotel. 1929-30 section on right. MSLFHS D0535.

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2.6 Photographs 2018



Plate 15: Beer garden area at east side of lounge/bistro area. Photograph NS.

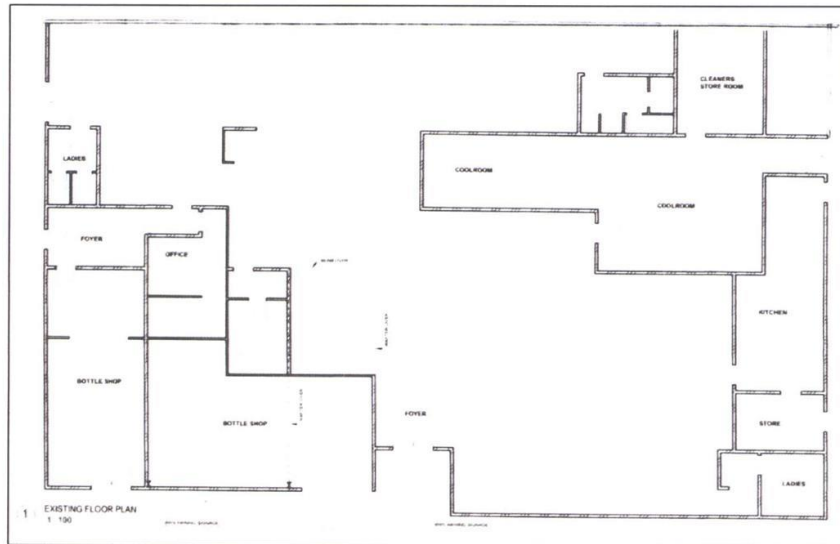


Plate 16: Prince of Wales Hotel. Current bottle shop on right. Photograph NS

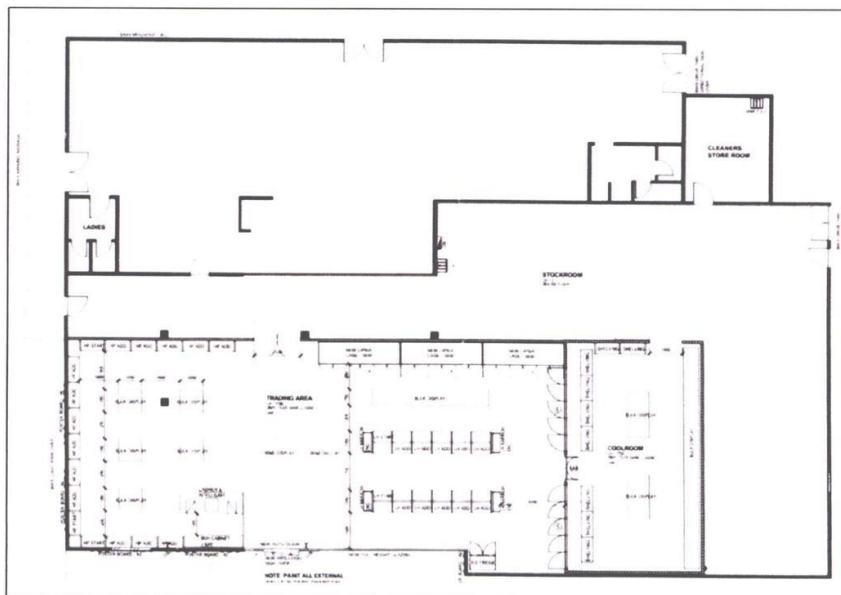
Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

3. PROPOSED CHANGES TO THE BUILDING

The proponent intends to utilise part of the existing building to extend the footprint of the bottle shop. This expansion will take place within the 1979-82 lounge bar/bistro. There will be no changes to the external fabric of the building and no part of the 1929-30 structure will be impacted, this being the oldest part of the present structure.



Plan 04: Plan of present building. Plan provided by proponent.



Plan 05: Plan of proposed changes. Plan provided by proponent.

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Plate 17: Part of the existing dining/bistro area which, will become an extension of the bottle shop. Photograph NS.



Plate 18: View of existing dining/bistro area in opposite direction to above. Photograph NS.

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4. HERITAGE EVALUATION OF EXISTING BUILDING

There are four things to consider here:

1. Is the building significant?
2. What is the level of significance.
3. Heritage evaluation of proposed changes.
4. Implications of relics and Section 139 of the Heritage Act 1977

4.1 Assessing Significance

Normally full formal evaluation of the heritage significance of the building would not be undertaken as part of this report. It had been assessed by EJE as part of the Muswellbrook Heritage Study and forms part of the Inventory, but as their evaluation was made on the 1852 construction date, it is necessary to consider the evidence of the site to reach an accurate conclusion to its heritage value.

The NSW heritage assessment criteria encompass the four values in the Australia ICOMOS Burra Charter, which are commonly accepted as generic values by Australian heritage agencies and professional consultants:

- Historical significance
- Aesthetic significance
- Scientific significance
- Social significance.

The NSW Heritage Guidelines put forward that the four values listed above be expanded to seven criteria to ensure;

- that assessments maintain consistency with the criteria of other Australian heritage agencies
- there is reduced ambiguity during the assessment process, and
- to avoid the legal misinterpretation of the completed assessment of the listed item.

This report has used the guidelines set out by the NSW Heritage Office²⁹ as a means of determining significance of the Prince of Wales Hotel, Muswellbrook. The seven criteria are as follows:

²⁹ *Assessing Heritage Significance*, Part 2 of NSW Heritage Manual, NSW Heritage Office, Sydney, 2001

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Guidelines for inclusion	Guidelines for Exclusion
a) an item is important in the course, or pattern, of local or NSW's cultural or natural history	
<ul style="list-style-type: none"> shows evidence of significant human activity is associated with significant activity or historical phase maintains or shows the continuity of a historical process or activity 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important activities or processes provides evidence of activities or processes that are of dubious historical importance has been so altered that it can no longer provide evidence of a particular association
b) an item has strong or special association with the life or works of a person, or group of persons, of importance in local or NSW's area cultural or natural history;	
<ul style="list-style-type: none"> shows evidence of a significant human occupation is associated with a significant event, person or group of persons 	<ul style="list-style-type: none"> has incidental or unsubstantiated connections with historically important people or events provides evidence of people or events that are of dubious historical importance has been so altered that it no longer provides evidence of a particular association
c) an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in local or NSW	
<ul style="list-style-type: none"> shows or is associated with, creative or technical innovation or achievement is the inspiration for a creative or technical innovation or achievement is aesthetically distinctive has landmark qualities exemplifies a particular taste, style or technology 	<ul style="list-style-type: none"> is not a major work by an important designer or artist has lost its design or technical integrity its positive visual or sensory appeal or landmark and scenic qualities have been more than temporarily degraded has only a loose association with a creative or technical achievement
d) an item has strong or special association with a particular community or cultural group in local or NSW for social, cultural or spiritual reasons;	
<ul style="list-style-type: none"> is important for its association with an identifiable group is important to a community's sense of place 	<ul style="list-style-type: none"> is only important to the community for amenity reasons is retained only in preference to a proposed alternative
e) an item has potential to yield information that will contribute to an understanding of local or NSW's cultural or natural history	
<ul style="list-style-type: none"> has the potential to yield new or further substantial scientific and/or archaeological information is an important benchmark or reference site or type provides evidence of past human cultures that is unavailable elsewhere 	<ul style="list-style-type: none"> the knowledge gained would be irrelevant to research on science, human history or culture has little archaeological or research potential only contains information that is readily available from other resources or archaeological sites
f) an item possesses uncommon, rare or endangered aspects of local or NSW's cultural or natural history	
<ul style="list-style-type: none"> provides evidence of a defunct custom, way of life or process demonstrates a process, custom or human activity that is in danger of being lost is the only example of its type demonstrates designs or techniques of exceptional interest 	<ul style="list-style-type: none"> is not rare is numerous but under threat

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<ul style="list-style-type: none"> shows rare evidence of a significant human activity important to a community 	
g) an item is important in demonstrating the principal characteristics of a class of local or NSW's cultural or natural places or environments	
<ul style="list-style-type: none"> is a fine example of its type has the important characteristics of an important class or group of them has attributes of a particular way of life, philosophy, custom, significant process, design, technique or activity is a significant variation to a class of item is part of a group which collectively illustrates a representative type is outstanding because of its setting, condition or size is outstanding because of its integrity or esteem in which it is held 	<ul style="list-style-type: none"> is a poor example of its type does not include or has lost the range of characteristics of a type does not represent well the characteristics that make up a significant variation of a type

4.1.1 Using the Heritage Significance Criteria for the Prince of Wales Hotel

The building is important in the course and pattern of cultural history as it shows the continuity of a historical activity i.e. the role of the hotel in a social situation and how it has evolved to meet the changing community needs.

The building has no strong or special association with the life or works of a person or group of people.

The building, especially the 1929-30 section is important in demonstrating aesthetic characteristics that make it a landmark in that part of South Muswellbrook. The cantilever awning and unsympathetic additions to the rear of the building lower its value.

The 1929-30 section has been there during the memory of most residents therefore it is important to the community's sense of place.

The site has potential to yield archaeological information that is not available elsewhere and this need to be considered if there is ground disturbance.

The building is not rare, small country hotels are common all over NSW. It does not represent well characteristics that make up a significant variation on a type.

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4.2 LEVEL OF SIGNIFICANCE

When assessing the significance of an item, consideration has to be given to the level or grading of that significance.

Grading	Justification	Status
EXCEPTIONAL	Rare or outstanding element directly contributing to an item's local and State significance	Fulfils criteria for local or State listing
HIGH	High degree of original fabric. Demonstrates a key element of the item's significance. Alterations do not detract from significance	Fulfils criteria for local or State listing
MODERATE	Altered or modified elements. Elements with little heritage value, but which contribute to the overall significance of the item.	Fulfils criteria for local or State listing
LITTLE	Alterations detract from significance. Difficult to inter	Does not fulfil criteria for local or State listing
INTRUSIVE	Damaging to the item's heritage significance	Does not fulfil criteria for local or State listing

4.2.1 Level of significance for Prince of Wales Hotel

The Prince of Wales Hotel has a number of altered and modified elements. They have little heritage value, but do show how the site has evolved; therefore, the building does meet the criteria for listing at local level with moderate value.

4.3 RELICS AND IMPLICATIONS OF SECTION 139

Under the Heritage Act 1977, relics are defined as:

"**relic**" means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.³⁰

³⁰ www.austlii.edu.au/databases.html#nsw

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

Section 139 states:

139 Excavation permit required in certain cases

(1) A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

(2) A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

(3) This section does not apply to a relic that is subject to an interim heritage order made by the Minister or a listing on the State Heritage Register.

(4) The Heritage Council may by order published in the Gazette create exceptions to this section, either unconditionally or subject to conditions, in respect of any of the following:

- (a) any relic of a specified kind or description,
- (b) any disturbance or excavation of a specified kind or description,
- (c) any disturbance or excavation of land in a specified location or having specified features or attributes,
- (d) any disturbance or excavation of land in respect of which an archaeological assessment approved by the Heritage Council indicates:
 - (i) that there is little likelihood of there being any relics in the land, or
 - (ii) that any relics in the land are unlikely to have State or local heritage significance.³¹

4.4 ASSESSING ARCHAEOLOGICAL POTENTIAL

Some sites were clearly archaeological. Once the significance of a site has been determined, or it is suspected that a site has significance, then there are five possible actions:

- no further action;
- archaeological monitoring;
- test excavation;
- archaeological excavation, and
- in situ conservation.

³¹ op. cit.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

4.4.1 No further action

A recommendation that no further action is necessary will be made if the archaeological assessment indicates that the subject site is either unlikely to contain archaeological features or is likely to contain archaeological features of little or no significance.

4.4.2 Archaeological monitoring

Archaeological monitoring may be recommended where the predicted significance of features is unknown or low, or when a site is likely to have suffered a degree of disturbance.

4.4.3 Test excavation

Archaeological assessment may conclude that potential archaeological resources on a site are unclear. Under those circumstances, test excavations may be recommended to clarify the potential of a site, to establish significance and to determine appropriate further action.

4.4.4 Archaeological excavation

Where a site is located within an area that will be disturbed and the site has significance, then an archaeological excavation will be required.

4.4.5 In situ conservation

An archaeological assessment may conclude that the most appropriate management action for archaeological remains is conservation in situ. This may be because the archaeological features are of such significance or research value that they warrant retention and conservation in the place in which they are found.³²

4.4.6 Archaeological potential of Prince of Wales Hotel

The site was first Pierce Hegarty's general store, most likely a single storey stone building, which became the Cross Keys Inn under James Cross. The building evolved as the Prince of Wales Hotel, again, under James Cross, possibly as a compact two-storey brick building and later into the present building. Although each phase would have caused some disturbance to earlier buildings, the site under a competent archaeologist has high potential, but as there will be no ground disturbance during the projected changes to the building, the recommendation is no further action.

³² *Archaeological Assessment Guidelines*, Heritage Office of NSW, 1996, pp 8-9

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

5. EVALUATION OF THE IMPACTS AS PART OF A CONSERVATION ZONE

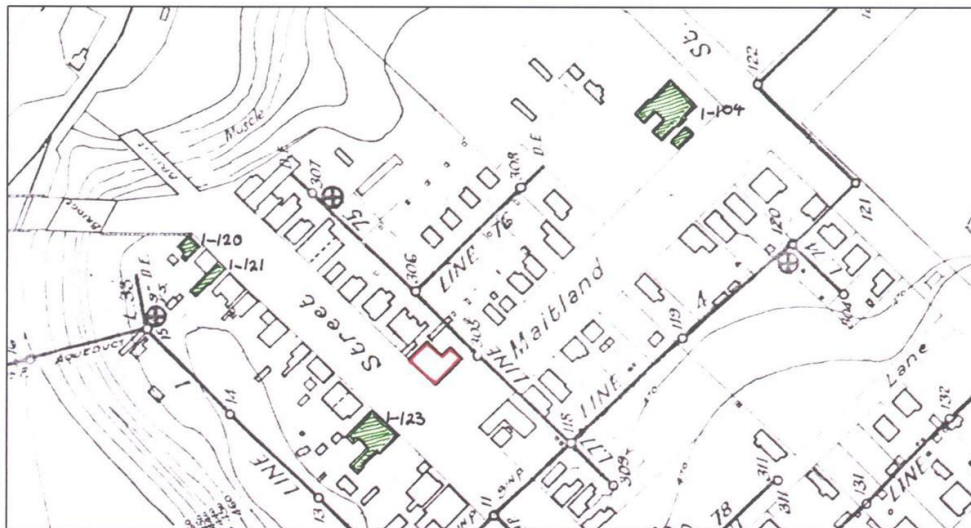
The Prince of Wales Hotel is not within the Muswellbrook Conservation Area, *Muswellbrook LEP 2009*.

6. IMPACT OF DEVELOPMENT ON OTHER HERITAGE BUILDINGS NEAR PWH

There are four buildings of local heritage importance in the Muswellbrook Shire Council LEP 2009 in the vicinity of the Prince of Wales Hotel.

- I-120 Boyles Real Estate or former inn
- I-121 Anne Hassell Real Estate or Thorley building
- I-123 Valley Hotel
- I-104 Hennor

None of these buildings are visible from the area of the proposed development.



Plan 06: Map showing heritage building (green) in the vicinity of PWH (red).

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook



Plate 19: View of Valley Hotel (Heritage Item I-123) from the front of the Prince of Wales Hotel. All changes will be at the rear of the PWH. Photograph NS.



Plate 20: View north towards Heritage Items I-120 & 121. Well screened by trees. Photograph NS.

Veritas Archaeology & History Service

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Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook



Plate 21: View north from rear of Prince of Wales Hotel. A dismal prospect that will not be impacted by the DA. Photograph NS.



Plate 22: View South from rear of Prince of Wales Hotel. All commercial buildings in this area that will not be impacted by the DA. Photograph NS.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

7. SUMMARY OF HERITAGE ASSESSMENT

The proposed development will take place within the 1979-82 portion of the building. There will be no changes to the external fabric of the building and no part of the 1929-30 structure will be impacted.

The building is important in the course and pattern of cultural history as it shows the continuity of a historical activity i.e. the role of the hotel in a social situation and how it evolved to meet the changing community needs. The building has no strong or special association with the life or works of a person or group of people. The building, especially the 1929-30 section is important in demonstrating aesthetic characteristics that make it a landmark in that part of South Muswellbrook. The cantilever awning and unsympathetic additions to the rear of the building lower its value. The 1929-30 section has been there during the memory of most residents therefore it is important to the community's sense of place.

The building is not rare, small country hotels are common all over NSW. It does not represent well characteristics that make up a significant variation on a type.

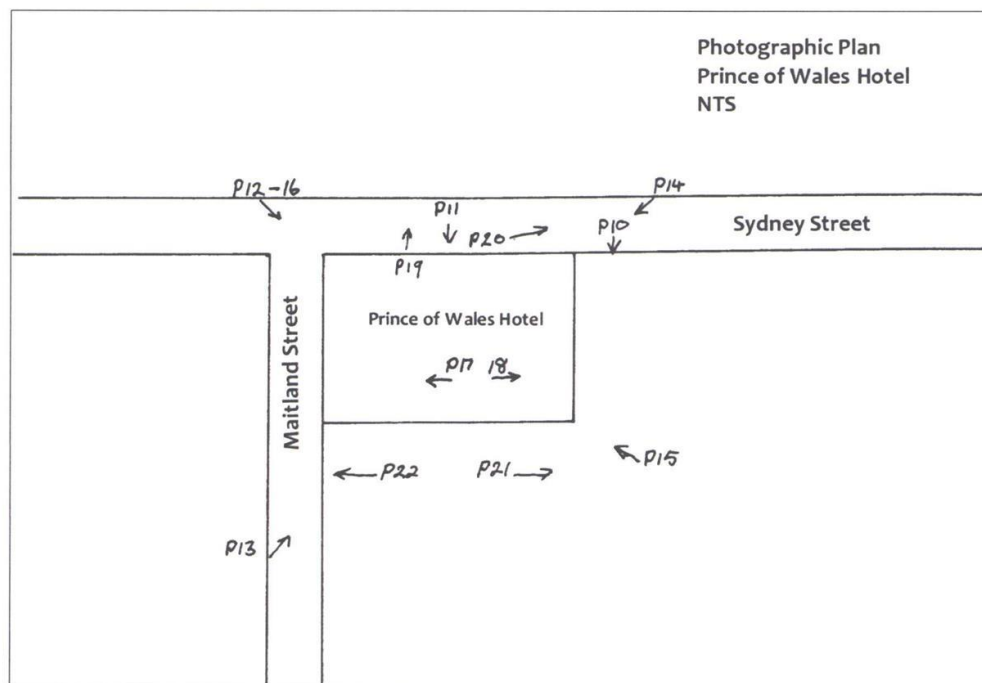
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The site does not lie within Muswellbrook Conservation Zone and the development will not have any impact on other heritage-listed buildings within South Muswellbrook.

Based on the assessment of the project and the heritage values of the site there are no heritage restrictions that would hinder the proposed development.

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

8 PHOTOGRAPHIC PLAN



Plan 07: Photographic Plan PWH

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

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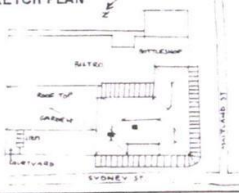


State Records

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

APPENDIX 1: INVENTORY SHEET, MUSWELLBROOK SHIRE COUNCIL

MUSWELLBROOK HERITAGE STUDY Inventory 1996

PRINCE OF WALES TAVERN - SYDNEY STREET - MUSWELLBROOK

PRESENT NAME <i>Prince of Wales Tavern</i>		REFERENCE No <i>MUSWIR042</i>
PREVIOUS/OTHER NAMES		PREVIOUS REFERENCE No
		DATE INSPECTED <i>13th February 1996</i>
LOCATION STREET No <i>36</i> STREET NAME <i>Sydney Street (cnr Mattland Street)</i> TOWN/SUBURB <i>Muswellbrook</i> POSTCODE <i>2333</i> LOCALITY <i>Muswellbrook</i> LOCAL GOVERNMENT AREA <i>MUSWELLBROOK</i>		SITE SKETCH PLAN 
PRESENT OWNER NAME <i>Jabatin P/L & Upper Hunter Motors</i> OWNERS ADDRESS <i>c/- N. Sakino</i> STREET No <i></i> STREET NAME <i>Bridge Street</i> TOWN/SUBURB <i>Muswellbrook</i> POSTCODE <i>2333</i>	TYPE <i>Private</i> PROPERTY DETAILS: a REAL PROPERTY DESCRIPTION <i>Lot 1 & 2 Sec 1 cnr Pt Lot 5 DP 219435</i> b SITE AREA <i>3235 4m²</i> c EXISTING ZONING <i>3(b) - Special Business</i>	
CATEGORY <i>Building</i>	MAP REFERENCE <i>56 300880E 6427680N AMG Muswellbrook 9033-II-N</i> 	
SUB CATEGORY <i>Hotel</i>		
DATE OF CONSTRUCTION <i>1852</i>		
ARCHITECT/DESIGNER <i>Unknown</i>		
BUILDER <i>Unknown</i>		
PHOTOGRAPH 		

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

HERITAGE LISTING <input type="checkbox"/> REGISTER OF THE NATIONAL ESTATE (AHC) - REGISTERED <input type="checkbox"/> REGISTER OF THE NATIONAL ESTATE OF AUST. (AHC) - INTERIM <input type="checkbox"/> REGISTER OF NATIONAL TRUST (NSW) <input checked="" type="checkbox"/> REGISTER OF SIGNIFICANT TWENTIETH CENT. ARCHITECTURE (RAIA) <input type="checkbox"/> DEPARTMENT OF PUBLIC WORKS HERITAGE AND CONS. REGISTER <input type="checkbox"/> COMMONWEALTH HISTORIC SHIPWRECKS ACT (DECLARED SITE) <input type="checkbox"/> HERITAGE COUNCIL REGISTER - PERMANENT CONS. ORDER <input type="checkbox"/> HERITAGE COUNCIL REGISTER - INTERIM CONS. ORDER <input type="checkbox"/> HERITAGE COUNCIL REGISTER - SECTION 130 ORDER <input type="checkbox"/> HERITAGE COUNCIL REGISTER - NOMINATION <input type="checkbox"/> NSW GOVT DEPT HERITAGE REGISTER (S170 HERITAGE ACT) <input type="checkbox"/> NPWS HISTORIC SITES REGISTER <input type="checkbox"/> NPWS ABORIGINAL SITES REGISTER (CONTACT SITES) <input type="checkbox"/> INSTITUTION OF ENGINEERS (NSW) HERITAGE REGISTER <input type="checkbox"/> EXISTING HERITAGE STUDY (WRITE NAME BELOW) <input type="checkbox"/> REGIONAL ENVIRONMENTAL PLAN HERITAGE SCHEDULE <input type="checkbox"/> LOCAL ENVIRONMENTAL PLAN HERITAGE SCHEDULE <input type="checkbox"/> OTHER	HISTORICAL PERIOD <table border="1"> <thead> <tr> <th>PERIOD</th> <th>BUILT</th> <th>USED</th> </tr> </thead> <tbody> <tr> <td>PRE 1800</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>1800 - 1825</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>1826 - 1850</td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>1851 - 1875</td> <td><input checked="" type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>1876 - 1900</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>1901 - 1925</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>1926 - 1950</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>1951 - 1975</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>POST 1975</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> </tbody> </table> HISTORICAL THEMES <table border="1"> <thead> <tr> <th>S.H.I.P. THEMES</th> <th>LOCAL THEMES</th> </tr> </thead> <tbody> <tr> <td>Townships</td> <td>The growth of commercial Muswellbrook</td> </tr> <tr> <td>Commerce / Leisure</td> <td>The Hotels of Muswellbrook</td> </tr> </tbody> </table>	PERIOD	BUILT	USED	PRE 1800	<input type="checkbox"/>	<input type="checkbox"/>	1800 - 1825	<input type="checkbox"/>	<input type="checkbox"/>	1826 - 1850	<input type="checkbox"/>	<input type="checkbox"/>	1851 - 1875	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1876 - 1900	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1901 - 1925	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1926 - 1950	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1951 - 1975	<input type="checkbox"/>	<input checked="" type="checkbox"/>	POST 1975	<input type="checkbox"/>	<input checked="" type="checkbox"/>	S.H.I.P. THEMES	LOCAL THEMES	Townships	The growth of commercial Muswellbrook	Commerce / Leisure	The Hotels of Muswellbrook
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STATEMENT OF SIGNIFICANCE <p><i>Historically this building has similar local significance to the Valley Hotel-Motel. It is representative of its type aesthetically but has local social and scientific significance. Like the Valley Hotel-Motel it has the potential to demonstrate and to reveal information about the changes in hotel trading practices over the last century and most specifically, over the last decade and a half.</i></p>																																					

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

APPENDIX 2: LIST OF LICENSEES 1865 - 1921

Surname	Given	Date
Cross	James	1865
Cross	James	1866
Cross	Susanna	1867
Cross	Susanna	1868
Mullins	Thomas	1868
Mullins	Thomas	1869
Mullins	Thomas	1870
Mullins	Susanna	1871
Budden	Ephraim	1872
Budden	Ephraim	1873
Budden	Ephraim	1874
Seabrook	George	1875
Seabrook	George	1876
Seabrook	George	1877
Budden	George	1878
Budden	George	1879
Cooper	John	1880
Cooper	John	1881
Cooper	John	1882
Cooper	John	1883
Cooper	John	1884
Cooper	John	1885
Cooper	John	1886
Cooper	John	1887
Cooper	John	1888
Cooper	John	1889
Cooper	John	1890
Cooper	John	1891
Cooper	John	1892
Fuller	William	1893
Fuller	William	1894
Fuller	William	1895
Fuller	William	1896
Fuller	William	1897
Fuller	William	1898
Fuller	William	1899
Stewart	Andrew	1900
Stewart	Andrew	1901
Stewart	Andrew	1902
Stewart	Andrew	1903
Stewart	Andrew	1904
Stewart	Andrew	1905
Stewart	Andrew	1906
Stewart	Andrew	1907
Stewart	Andrew	1908
Carter	Thomas S	1909
Carter	Thomas S	1910
Carter	Thomas S	1911

Statement of Heritage Impacts: Prince of Wales Hotel, Muswellbrook

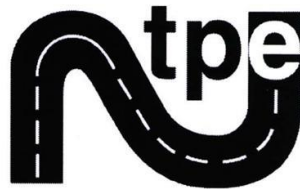
McLachlan	John W jnr	1912
Kelly	James S	1913
Collins	Martha	1914
Collins	Martha	1915
Collins	Martha	1916
Collins	Martha	1917
Collins	Martha	1918
Collins	Martha	1919
Wavell	William	1920
Peachey	Douglas W	1921

Proposed Bottle Shop

Prince of Wales Hotel, Muswellbrook

Parking Assessment

Prepared by



Northern Transport Planning and Engineering Pty Ltd

A.B.N. 79 056 088 629

Jan 2019

182795

TABLE OF CONTENTS

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2.	SITE LOCATION AND PARKING	1
3.	BOTTLE SHOP FLOOR PLAN	2
4.	PARKING REQUIREMENT	2
5.	RECOMMENDATION.....	3

182795 Parking Rep1 Jan 2019 v1.DOC

1. INTRODUCTION

This report provides an assessment of parking issues associated with the proposed expansion of an existing Prince of Wales Hotel Bottle Shop at the corner of Maitland Street and Sydney Street, Muswellbrook.

The floor area of the existing Bottle Shop will increase from 150m² to 350m².

2. SITE LOCATION AND PARKING

The proposed development is located with the existing Prince of Wales Hotel building which is no longer trading as a hotel. The ground floor of the hotel sites occupies an area of approximately 1100 m².

A plan of the proposed development site and Car Park is shown below in Figure 2-1:

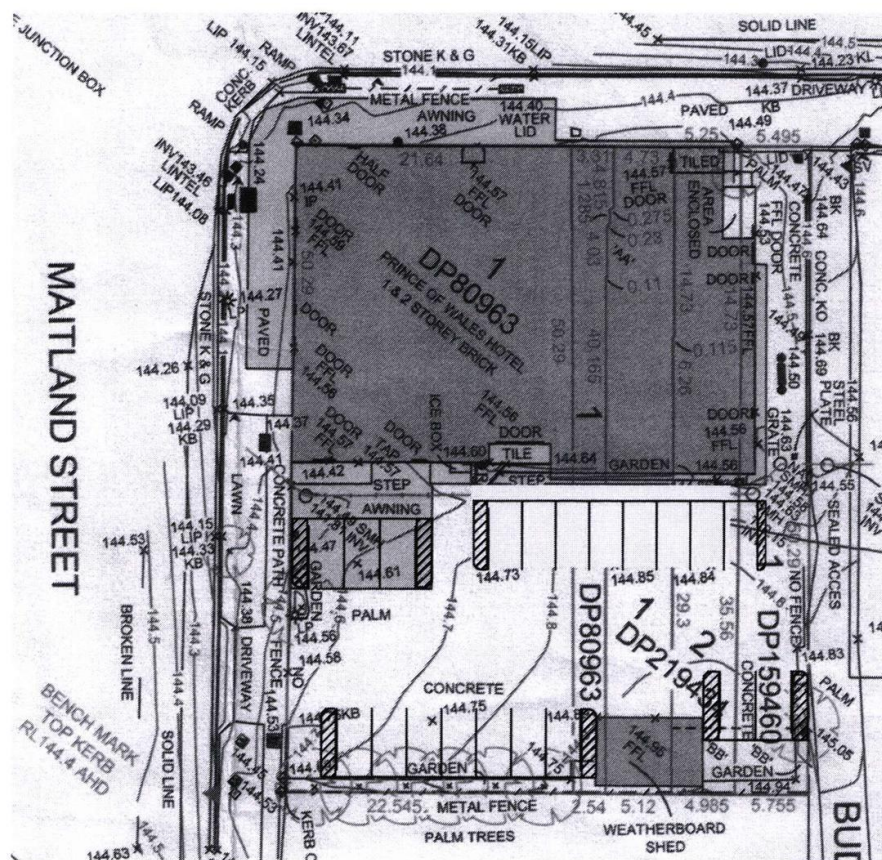


Figure 2-1: Existing Bottle Shop Site layout and Car Park

Discussion

The site has direct access to Maitland Street via a 6m wide driveway and can also be accessed from Buddens Lane via a 7m wide driveway.

The parking layout detailed in Figure 2-1 shows that a total of 20 vehicles can be accommodated on the site.

182795 Parking Rep1 Jan 2019 v1.DOC

3. BOTTLE SHOP FLOOR PLAN

The floor plan for the proposed expanded Bottle Shop is presented in Figure 3-1 below:

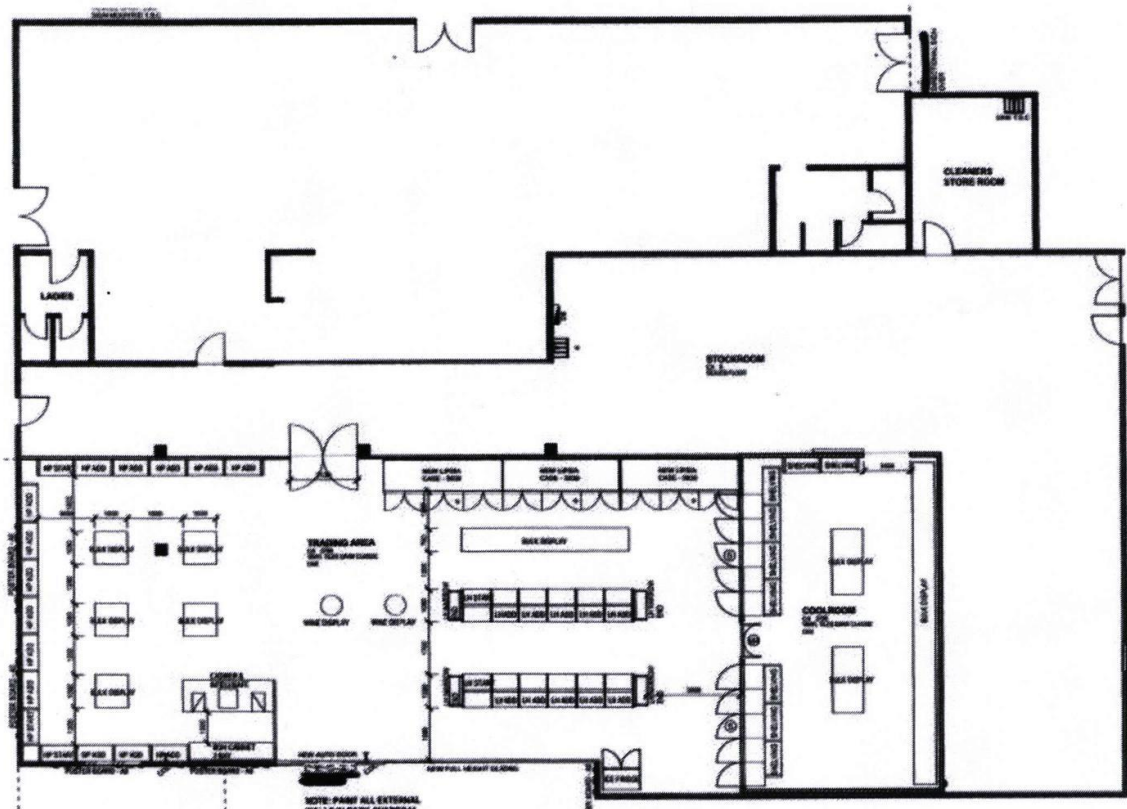


Figure 3-1: Expanded Bottle Shop – Floor Plan and Shop Layout.

Discussion

The trading area of the Bottle Shop is accessed directly from the car park.

The Bottle Shop will occupy an area of approximately 350m². The remaining floor space will be used for Storing Stock, Toilets and Staff Amenities.

4. PARKING REQUIREMENT

The Bottle Shop under Muswellbrook City Council's DCP is regarded as "Retail Premises" under 1000m² with a parking ratio requirement of 1 space per 20m².

According the parking requirements for the 350m² Bottle Shop would be 18 parking spaces. As shown in Figure 2-1 above the car park is able to accommodate 20 vehicles leaving a surplus of 2 parking spaces.

5. RECOMMENDATION

The proposed the proposed Bottle Shop development has good access to Maitland Road and Buddens Lane.

The proposed parking area provides 20 parking spaces, which complies with Muswellbrook Council's Parking requirements with a surplus of 2 parking spaces.

It is therefore recommended based on this assessment of access and parking issues that the proposed development be approved.

182795 Parking Rep1 Jan 2019 v1.DOC

10.2 DA 21/2019 - ALTERATIONS TO EXISTING RETAIL PREMISES AND SIGNAGE - 31-35 RUTHERFORD ROAD, MUSWELLBROOK

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Atef Kazi - Project Planner
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<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>
Attachments:	A. DA 21/2019 Section 4.15 Assessment B. DA 21/2019 Recommended Conditions of Consent C. DA 21/2019 Proposed Plans D. DA 21/2019 Waste Management Plan

PURPOSE

This report has been prepared to inform Council in determining Development Application No. 21/2019. 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. 21/2019, involving alterations to the existing retail premises and signage to the Aldi retail store at Lot 1 DP 1090457, subject to the conditions in Appendix B to the report.

Moved: _____ **Seconded:** _____

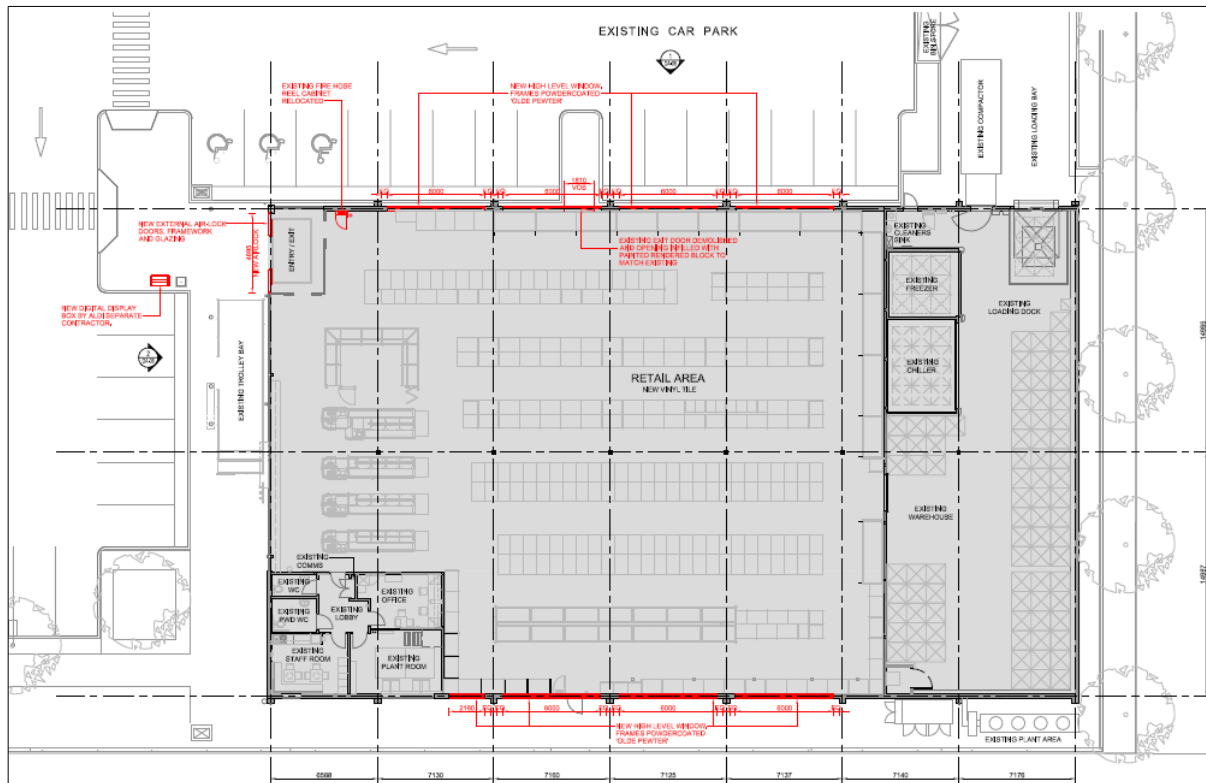
<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposal involves minor alterations to the existing ALDI store, including:

- the removal of an exit door on the eastern elevation,
- building works to include a new airlock entry/exit door and the installation of high-level transparent glass window sections (panels) to the western and eastern elevation of the building
- the replacement of existing poster box signage near the entrance of the ALDI store with a new digital display box.

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



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. 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 site is zoned B2 Local Centre and the existing retail use is permitted with consent in this zone. Advertising is considered to be an ancillary use to the retail use.
- 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.

COMMUNITY CONSULTATION

The proposed development was publically advertised and notified in accordance with the requirements of the Muswellbrook DCP. No submissions were received by Council objecting to the 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 a retail store that has approval to sell alcohol, and this is considered to be 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

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 1 DP: 1090457 31-35 Rutherford Road MUSWELLBROOK
APPLICATION No:	21/2019
PROPOSAL:	Alterations to Existing Retail Premises and Signage (Aldi)
OWNER:	Aldi Foods Pty Limited
APPLICANT:	Aldi Foods Pty Limited C/- Kdc Pty Ltd 2B/125 Bull Street NEWCASTLE WEST NSW 2302
AUTHOR:	Mr A Kazi
DATE LODGED:	20/02/2019
DATE OF REPORT:	6 June 2019

SUMMARY

ISSUES:

SUBMISSIONS:

RECOMMENDATION: Approval subject to conditions

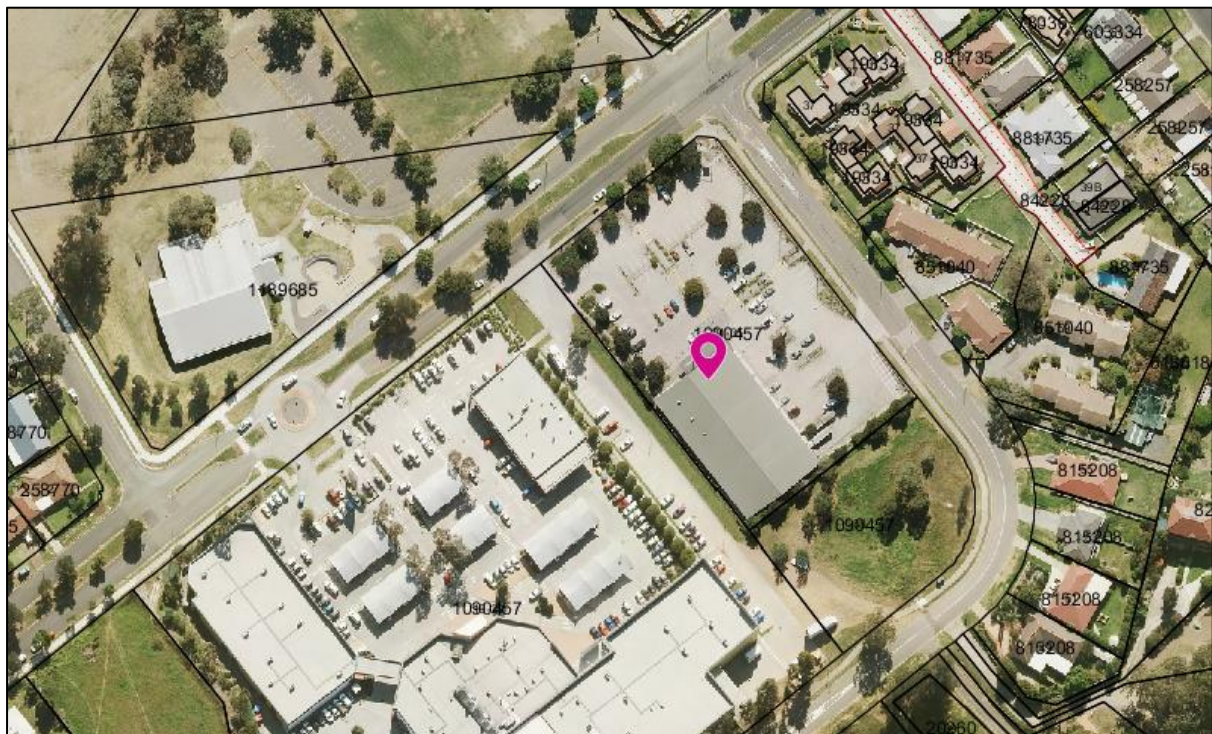
1.0 SITE AND LOCALITY DESCRIPTION

The site subject to this development application is 31-35 Rutherford Road, Muswellbrook. The property is formally identified as Lot 1 DP 1090457 and was created as a result of the Council approved subdivision (DA 254/2005).

The subject site is currently operating as a retail premises and a search of Council's records identified tat several complying development and development applications relating to the premises:

- CDC 13/2019 for the installation and connection of a 98.8kw Solar Photovoltaic Rooftop System,
- CDC 16/2011 for minor internal alterations to the existing floor,
- DA 58/2008 for a demolition and change of use to a supermarket.

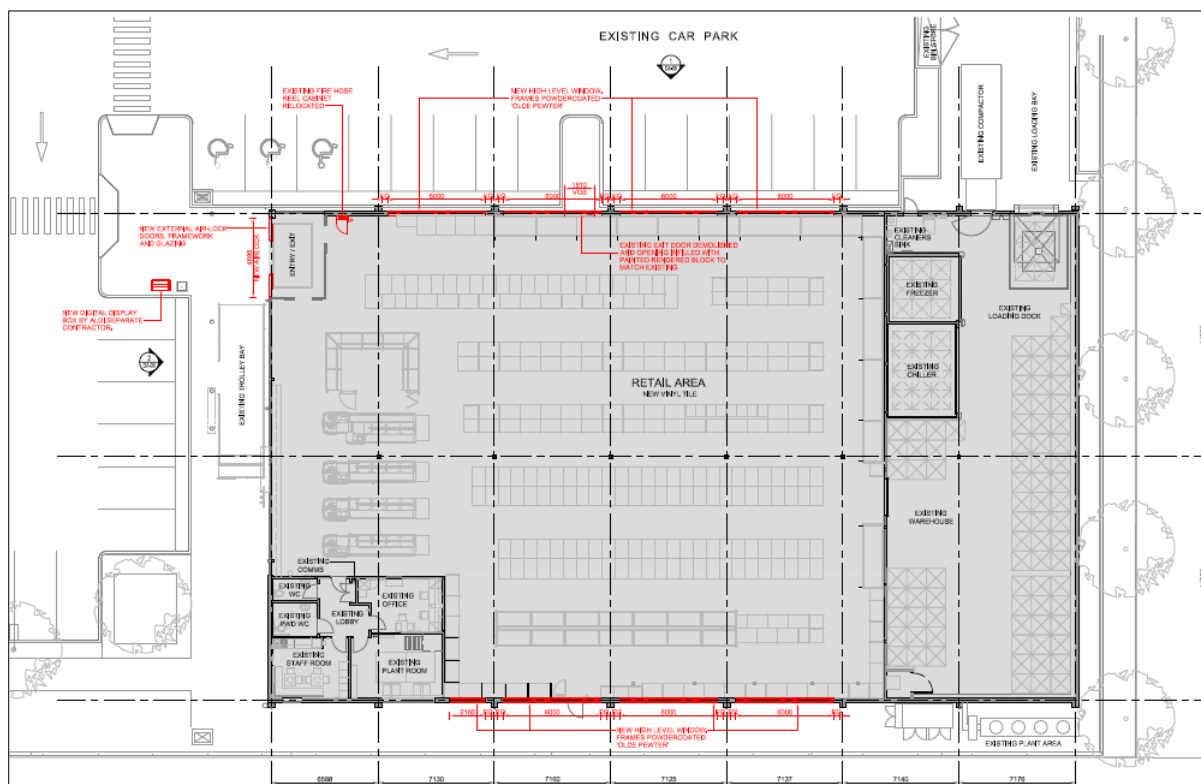
The allotment has access from Woollybutt Way and Rutherford Road. The site is connected to Council's water, sewerage and drainage networks. There is no notable slope for the site.



2.0 DESCRIPTION OF PROPOSAL

The proposal involves minor alterations to the existing ALDI store, including the removal of an exit door on the eastern elevation, building works to include a new airlock entry/exit door and the installation of high-level transparent glass window sections (panels) to the western and eastern elevation of the building. Currently, the internal eastern and northern portions of the store predominantly rely on artificial lighting. The purpose of the proposed high-level windows is to allow natural light into this retail area, providing improved amenity for ALDI customers and staff at the store.

The proposal also involves the replacement of existing poster box signage near the entrance of the ALDI store with a new digital display box.



Referrals

No referrals were required for the assessment of this development application.

3.0 ASSESSMENT

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

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 B2 Local Centre pursuant to MLEP 2009. The proposal is for alterations to an existing retail premises and signage, which is permitted with consent in the subject Zone.

Objectives of the B2 Local Centre Zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.
- To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.
- To maintain the heritage character and value and streetscape of the business centre of

Muswellbrook.

- To support business development by way of the provisions of parking and other civic facilities.

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>2.1 Land use zones</i>	Noted
<i>2.2 Zoning of land to which Plan applies</i>	See above
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is permissible with consent within the B2 Local Centre zone and is generally in accordance with the land use zone objectives listed.
<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 13m in relation to the land. The proposal does not involve works that would increase the height of the building. Complies.
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies a floor space ratio of 2:1 in relation to the land. The proposal does not involve building works that would result in floor space increasing. Complies.
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping. Hence this part of the MLEP 2009 is not applicable to this assessment.
<i>7.6 Earthworks</i>	The proposed development would not involve any substantial earthworks. Thereby the proposal complies with the requirements of this part.

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

This Policy states the provisions for remediation of land and is applicable to the subject site.

Council Officers are unaware of any activities which have carried out on the site that are 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.

3. **State Environmental Planning Policy No.64 – Advertising and Signage**

This SEPP states the provisions for advertising and signage. It is considered that the proposal is consistent with SEPP 64, specifically Schedule 1 and Clause 13, refer to the tables below.

SEPP 64: Schedule 1 Assessment Criteria	
Assessment Item	Planning Comment
1. <i>Character of the area</i>	The character of the area is a combination of retail and residential uses. The site has been used for retail purpose since 2009.
2. <i>Special areas</i>	The subject site is not identified as a special area. Therefore, this matter is not applicable to the subject development.
3. <i>Views and vistas</i>	The proposal will not obscure or compromise views, will not dominate the skyline and will not limit the viewing rights of other advertisers.
4. <i>Streetscape, setting or landscape</i>	As above.
5. <i>Site and building</i>	The proposed signage is considered to be compatible with the scale and proportion of the building on which it is located.
6. <i>Associated devices and logos with advertisements and advertising structures</i>	This matter is not applicable to the subject development.
7. <i>Illumination</i>	This matter is not applicable to the subject development.
8. <i>Safety</i>	The proposed signage is not considered a risk to public safety.

SEPP 64: Clause 13 Matters for consideration	
Sub-clause	Planning Comment
1. <i>A consent authority (other than in a case to which subclause (2) applies) must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:</i> (a) <i>is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and</i>	(a) The proposal is consistent with the objectives of this policy. This complies with the requirements of this part.
1 (b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and the consent authority is satisfied that the proposal is acceptable in terms of its impacts, and</i>	(b) The proposed advertising structure has been assessed by Schedule 1 and can be deemed as acceptable in terms of its impact. This complies with the requirements of this part.
1 (c) <i>satisfies any other relevant requirements of this Policy.</i>	All other relevant requirements of this policy have been satisfied. This complies with the requirements of this part.
2. <i>If the Minister for Planning is the consent authority or clause 18 or 24 applies to the case, the consent authority must not grant consent to an application to display an advertisement to which this Policy applies unless the advertisement or the advertising structure, as the case requires:</i>	The proposal is consistent with the objectives of this policy. This complies with the requirements of this SEPP.

SEPP 64: Clause 13 Matters for consideration	
Sub-clause	Planning Comment
(a) <i>is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and</i>	
2 (b) <i>has been assessed by the consent authority in accordance with the assessment criteria in Schedule 1 and in the Guidelines and the consent authority is satisfied that the proposal is acceptable in terms of:</i> (i) <i>design, and</i>	(i) In accordance with Schedule 1 and the Guidelines of this policy the design of the proposal is acceptable in terms of design. This complies with the requirements of this part.
2 (b) (ii) <i>road safety, and</i>	The advertisement would not impede on road safety in any way. This complies.
2 (b) (iii) <i>the public benefits to be provided in connection with the display of the advertisement, and</i>	The public benefits would not be impeded by the advertisement. The proposal is acceptable and this complies.
2 (c) <i>satisfies any other relevant requirements of this Policy.</i>	Satisfies.
3. <i>In addition, if clause 18 or 24 applies to the case, the consent authority must not grant consent unless arrangements that are consistent with the Guidelines have been entered into for the provision of the public benefits to be provided in connection with the display of the advertisement.</i>	The proposal meets the requirements of this part. This complies.

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 fourteen days from 6 March 2019 to 21 March 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period.

Section 9 – Local Centre Development

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
<i>Building Design</i>	(i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area) (ii) Building design should relate to its retail/commercial/office	(i) The proposal would not involve any new building works. N/A. (ii) The proposal would not involve any new building works. N/A. (iii) The proposal would not involve any new building works. N/A

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>function.</p> <p>(iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.</p> <p>(iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres</p> <p>(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.</p> <p>(vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.</p> <p>(ix) Building designs should allow for passive surveillance of public places and streets.</p> <p>(x) Building entrances should be well defined and well lit.</p> <p>(xi) New residential development shall be located above street level.</p> <p>(xii) Incorporate areas for future signage into the building design.</p> <p>(xiii) Shop top housing and serviced apartment development complies with relevant provisions within the Residential Flat Design Code published by the Department of Planning.</p>	<p>(iv) The proposal would not involve any new awning works. N/A.</p> <p>(v) The proposal would relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial would not be broken. Complies.</p> <p>(vi) The proposal would not involve any new building works. N/A.</p> <p>(vii) Blank building facades would not be a result of the approval of this proposal. Complies.</p> <p>(viii) The proposed windows would provide visual interest and variation to the building façade. The proposal would relate to adjacent buildings. Complies.</p> <p>(ix) The proposed alterations would allow for the passive surveillance of public places and streets.</p> <p>(x) A condition of consent should be included to ensure that all building entrances are well defined and lit.</p> <p>(xi) No residential development has been proposed. N/A.</p> <p>(xii) There would be ample area for future signage should the proposed development be approved. Complies.</p> <p>(xiii) The proposal would not involve shop top housing or serviced apartment development. N/A.</p>
Building Height	(i) Building heights comply with the building height limits prescribed	As the height of the building would not be altered. N/A.

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>by Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>	
Setbacks	<p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p> <p>(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</p> <p>(iii) New development should respect the setbacks of other buildings along the streetscape.</p> <p>(iv) Separation fencing is provided between development land and any rail corridor.</p> <p>(v) Development adjacent to rail corridors identified in clause 31 of the LEP will require an acoustic report to be submitted to Council to address and indicate measures to mitigate potential impacts from noise and vibration. Relevant publications available from "Railcorp" for consideration are:-</p> <ul style="list-style-type: none"> - Rail Related Noise and Vibration; Issue to Consider in Local Environmental Planning - Interim Guidelines for Councils - consideration of rail noise and vibration in the planning process - Guidelines for applicants - consideration of rail noise and vibration in the planning process 	As the proposal would not involve any changes to the building footprint the requirements of this part of the MDCP 2009 have been met.
Accessibility	<p>(i) New buildings or buildings undergoing alterations and additions or a change of use are required to provide equitable provision of access to and circulation within the premises for people with disabilities in</p>	<p>(i) The proposed development would not result in any increase of building footprint. However the exit door on the east elevation would be removed with building works to include a</p>

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>accordance with the provisions of AS1428.1.</p> <p>(ii) Continuous accessible paths of travel shall be provided:</p> <ul style="list-style-type: none"> from parking spaces, public streets and walkways to building entrance(s); between buildings, facilities and spaces that are on the same site; to connect the building entrance(s) with all spaces and facilities within the building; and to minimise travel distance between each accessible element of the building and of facilities within it. <p>(iii) For the purposes of subsection 9.1.4(ii), access shall be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.</p> <p>(iv) Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation. Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:</p> <ul style="list-style-type: none"> Whether there is a benefit or a detriment to any person concerned; How it affects the disability of the person concerned; and The financial cost. <p>And considering the following circumstances:</p> <ul style="list-style-type: none"> technical limits; topographical restrictions; safety, design and construction issues; and does not rely on the 'public domain' to solve access issues within the site. 	<p>new airlock entry/exit door. A condition of consent is recommended regarding equitable provisions of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS1428.1.</p> <p>(ii) As the paths of travel would predominately remain the same the requirements of this part have been met. Complies.</p> <p>(iii) The existing approved site access would not be significantly altered. N/A</p> <p>(iv) The proposal would not contribute to hardship to a person or organisation. Thereby the requirements of this part of the MDCP 2009 have been met.</p>
9.2 Urban		

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
Landscape		
<i>Landscaping</i>	<ul style="list-style-type: none"> (i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places. (ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area. (iii) Landscaping should be used to soften the impact of hard surfaces where necessary. (iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application. 	The site exists with Council approved landscaping and this would be unchanged should the development be approved. Hence the requirements of this part of the MDCP 2009 would be met.
<i>Car Parking</i>	<ul style="list-style-type: none"> (i) Car parking and loading facilities is to be provided in accordance with the parking rates prescribed by Section 16 – Car Parking. (ii) The provision of parking spaces for people with disabilities is to be in accordance with AS 1428.1. (iii) All vehicles should be able to enter and exit a site in a forward direction. (iv) Car parking should be screened from residential areas. (v) Vehicular access to properties fronting the New England Highway should be from laneways or shared driveways. (vi) Parking areas shall be sealed in accordance with Section 16.4.6 Construction Materials. 	As the building footprint would be unchanged, parking alterations are not proposed. Existing parking facilities have been previously approved by Council.
<i>Outdoor Eating Areas</i>	<ul style="list-style-type: none"> (i) Any outdoor eating areas should be located directly adjacent to cafes or restaurants. (ii) A clear space is required to be provided on the footpath to allow free flow of pedestrian traffic. (iii) Outdoor eating areas are required to comply with section 19 of this DCP. 	No outdoor eating areas have been proposed. N/A.
<i>Signage and Advertising</i>	<ul style="list-style-type: none"> (i) Proposed signage to be in accordance with Section 14 – Outdoor Advertising. 	<ul style="list-style-type: none"> (i) This will be expanded on under Section 14 of this report.

9. LOCAL CENTRE DEVELOPMENT		
9.1 Built Form		
	<p>(ii) Signage should be compatible with the scale and character of development in the area and the number and size of signs should be limited to avoid clutter and unnecessary repetition.</p> <p>(iii) Signage should form an integrated part of the building façade, architectural design and scale of the building.</p> <p>(iv) No signage is permitted on a building wall abutting or facing a residential area.</p>	<p>(ii) The sign is for the replacement of an existing sign of like-for-like dimensions and character. The sign does not increase the number of signs on site and is therefore considered consistent with the requirements of the MDCP 2009.</p> <p>(iii) The sign suits the purpose of the existing supermarket building. The sign will remain consistent with the building design, scale and nature of the operation. This complies with the requirements of this part of the MDCP 2009.</p> <p>(iv) The sign faces a residential area. It is noted that the sign is for the replacement of an existing sign and significantly setback from the street. There is likely to be no detrimental impact to the residential area.</p>

Section 14 – Outdoor Signage

	Comment
14.1 Signage Design and Analysis	
14.2 Matters for consideration	This part of the MDCP 2009 provides the matters for consideration which are established under the provisions of clause 8 of SEP 64. The matters for consideration have been assessed under the SEPP 64 section of this report.
Signage Design, location and content	
14.2.1 Design, scale and size	This part of the MDCP 2009 states the requirements for signage design, scale and size. The design of the structure and images displayed would be consistent with the design and use of the building. Lettering would be consistent with the operation's corporate font, colour scheme, and existing signage. The signage would be for the replacement of an existing poster board sign. The new sign would not dominate the building. The sign would be consistent in scale, form and proportion to the Muswellbrook Fair shopping centre, and is not of a scale or nature to detract from the amenity of the local residences. The signage would be consistent with other

	Comment
	operations in the area, it would suit the character of the area, and the use of the subject site as a commercial premises. The provisions of this part of the MDCP 2009 would be met should the proposal be approved.
14.2.2 Location	This part of the MDCP 2009 states the controls for the locality of signage. As the proposed signage would replace and existing sign the location would be permissible within the requirements of this part as previously approved by Council.
14.2.3 Restrictions	This part of the MDCP 2009 states the restrictions on outdoor signage to avoid visual clutter and proliferation. As the proposed signage would replace and existing sign it would be permissible within the requirements of this part as previously approved by Council.
14.2.4 Inappropriate forms	This part of the MDCP 2009 states the inappropriate forms of signage. The proposed signage would be digital in nature. A condition of consent should be implemented to ensure that no moving, flashing or video signs are displayed. Complies.
14.2.5 Content	This part of the MDCP 2009 states the provisions for suitable content to be displayed on signage. A condition of consent should be implemented to ensure; no discriminatory advertising messages are displayed as specified in the Anti-Discrimination Act 1977; signage messages should not offend sensitive land uses (churches, schools, day care centres); changes in content or message of any Council approved sign will not require development consent provided the proposal meets the controls of this clause; the content of signage must relate to the premises or place at which the sign is displayed. Complies.
14.2.6 Pedestrian and road safety	This part of the MDCP 2009 states the requirements for pedestrian and road safety. The sign would not display messages that could be confused with road traffic signs. The sign would not be located in such a location to obscure a road hazard, oncoming vehicles, or pedestrians. Signage would not contain designs or lighting that may distract motorists. The sign would not be located in an area where a high level of concentration is required. Complies
14.2.7 Signs on Heritage items and in conservation areas	This part of the MDCP 2009 states the requirements for signs on Heritage items and in conservation areas. As the subject

	Comment
	site is not a heritage item or within a conservation area the provisions of this part are not applicable. This complies.
14.2.8 Illuminated signs	This part of the MDCP 2009 states the provisions of Illuminated signs to ensure local amenity is preserved with appropriate levels of illumination. The proposed sign would not be illuminated in a way that may cause discomfort to or inhibit the vision of approaching drivers or pedestrians. The levels of illumination should be controlled through a condition of consent to ensure the intensity may be adjusted where applicable. Complies.
14.2.9 Roof or sky advertisements	This part of the MDCP 2009 states the provisions for roof or sky advertisements. The proposed development is not for any roof or sky advertisements. N/A.
14.2.10 Wall Signs	This part of the MDCP 2009 states the provisions for wall signs. As the proposed signage is not for any wall signage the requirements of this part have been met.
14.2.11 Special promotional advertisement	This part states the requirements for special promotional advertisement. As the proposed signage would be digital a condition of consent should be implemented to ensure; any design special promotional signage in accordance with the character statement; special promotional advertisement must be consistent with this MDCP 2009; a limit of three months in any 12 month period applies; avoid any product image or corporate branding that exceeds 5% of the signage display area.
14.2.12 Signage to assist disabled access	This part states the requirements for signage to assist disabled access. N/A.

Section 19 – Use of Public Footpaths

This part of the MDCP 2009 states the provisions for the use of Public Footpaths. The building footprint of the proposal would be unchanged and any works would be internal to the subject site. A condition of should be implemented restricting the use of public footpaths. This would meet the requirements of this part of the MDCP 2009.

Section 20 – Erosion and Sediment Control

As the proposal would not involve an area of disturbance over 250m² 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 been prepared in relation to the proposed development. This plan gives reference to the proposed demolition, construction and installation stage as well as the types of waste that would be generated on site. The disposal of said waste is proposed to be at a local waste/recycling facility by a contractor. As the proposal does not involve any major works it is considered that the waste minimisation management plan submitted by the applicant is in accordance with the requirements of this part and complies with the MDCP 2009.

Section 25 – Stormwater Management

As the area of the structure in relation to this development application would remain the same the stormwater generated by the proposal would not increase. Hence section of the MDCP2009 would not be applicable.

Section 94A Contributions Plan 2009

The total project value would be \$92,000. As this amount is under \$100,000 there is no requirement for a developer contribution to be paid.

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

Conditions of consent should be implemented to ensure the relevant provisions of the regulations are complied.

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 be reasonably in accordance with the type of development expected within the Muswellbrook B2 Local Centre 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

No submissions were received during the notification period.

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

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

5 CONCLUSION

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 grant development consent to DA 21/2019 subject to standard conditions of consent and the conditions of consent recommended by this 4.15 Assessment.

Signed by:

Hamish McTaggart

Atef Kazi

Senior Development Planner

Project Planner

RECOMMENDED CONDITIONS OF CONSENT DA 21/2019

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
P18307 MUS DA-01	A	Steiner Richards Architects	4 February 2019	22 February 2019
P18307 MUS DA-02	A	Steiner Richards Architects	4 February 2019	22 February 2019
P18307 MUS DA-03	A	Steiner Richards Architects	4 February 2019	22 February 2019
P18307 MUS DA-04	A	Steiner Richards Architects	4 February 2019	22 February 2019
P18307 MUS DA-05	A	Steiner Richards Architects	4 February 2019	22 February 2019
P18307 MUS DA-06	A	Steiner Richards Architects	4 February 2019	22 February 2019

(2) Waste Management Plan

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 Waste Management Plan submitted to Council referenced below.

Drawing No.	Revision	Author	Date	Received
Waste Management Plan	A	KDC	February 2019	22 February 2019

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**(3) Building Code of Australia**

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

(4) Access to Premises Standard

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

CONSTRUCTION CERTIFICATE REQUIREMENTS**(5) 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
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(6) 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.

(7) Site Facilities

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

- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

(8) 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.

(9) Materials

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall be constructed from non-reflective metal cladding. Zincalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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(10) Construction Hours

- (i) Subject to this clause, building construction is to be carried out during the following hours:
 - (a) between Monday to Friday (inclusive)—7.00am to 6.00pm,
 - (b) on a Saturday—8.00am to 1.00pm.
- (ii) Building construction must not be carried out on a Sunday or a public holiday.
- (iii) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (iv) 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.

(11) Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the carrying out the development.

(12) 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.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(13) Requirement for Building Entrances

Building entrances are to be well lit and defined at all times in accordance with Section 9 of the Muswellbrook Development Control Plan 2009.

(14) Digital Signage

No discriminatory advertising messages, moving, flashing or video signs are to be displayed in Accordance with Section 14 of the Muswellbrook Development Control Plan 2009 and the provisions of the Anti-Discrimination Act 1977.

(15) Hours of Illumination

The sign shall cease illumination during all closed hours for the premises.

(16) Illumination Intensity

The level of illumination or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises.

(17) Requirements for Special Promotional Signage

Any design special promotional signage must be in accordance with the character statement of the Muswellbrook Development Control Plan 2009. Special promotional advertisement must be consistent with Section 14 of the Muswellbrook Development Control Plan 2009.

- A limit of three months in any 12 month period applies;
- Avoid any product image or corporate branding that exceeds 5% of the signage display area.

**ALDI REFRESH MUSWELLBROOK
MUSWELLBROOK, NSW
DEVELOPMENT APPLICATION
ARCHITECTURAL DRAWINGS**

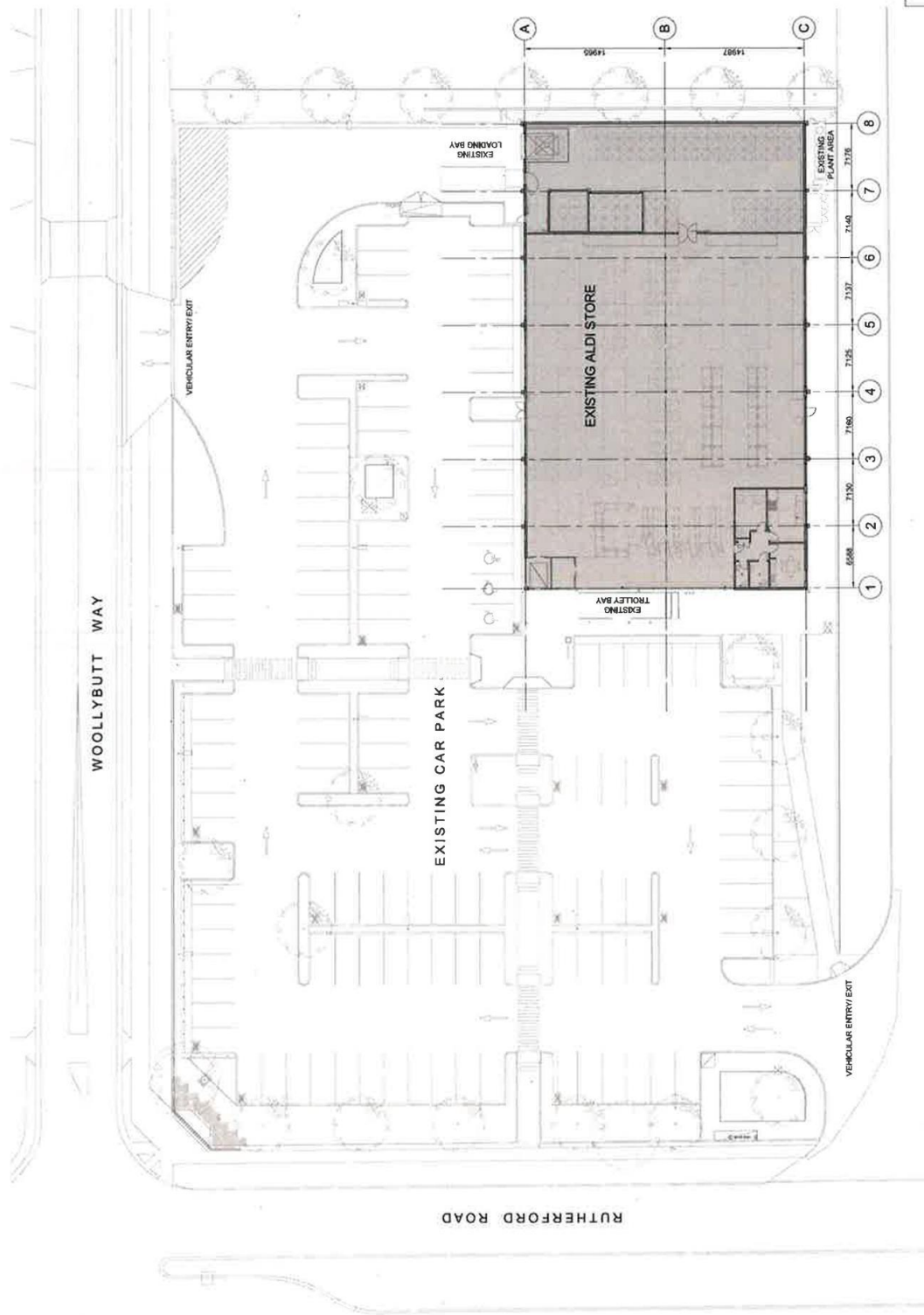
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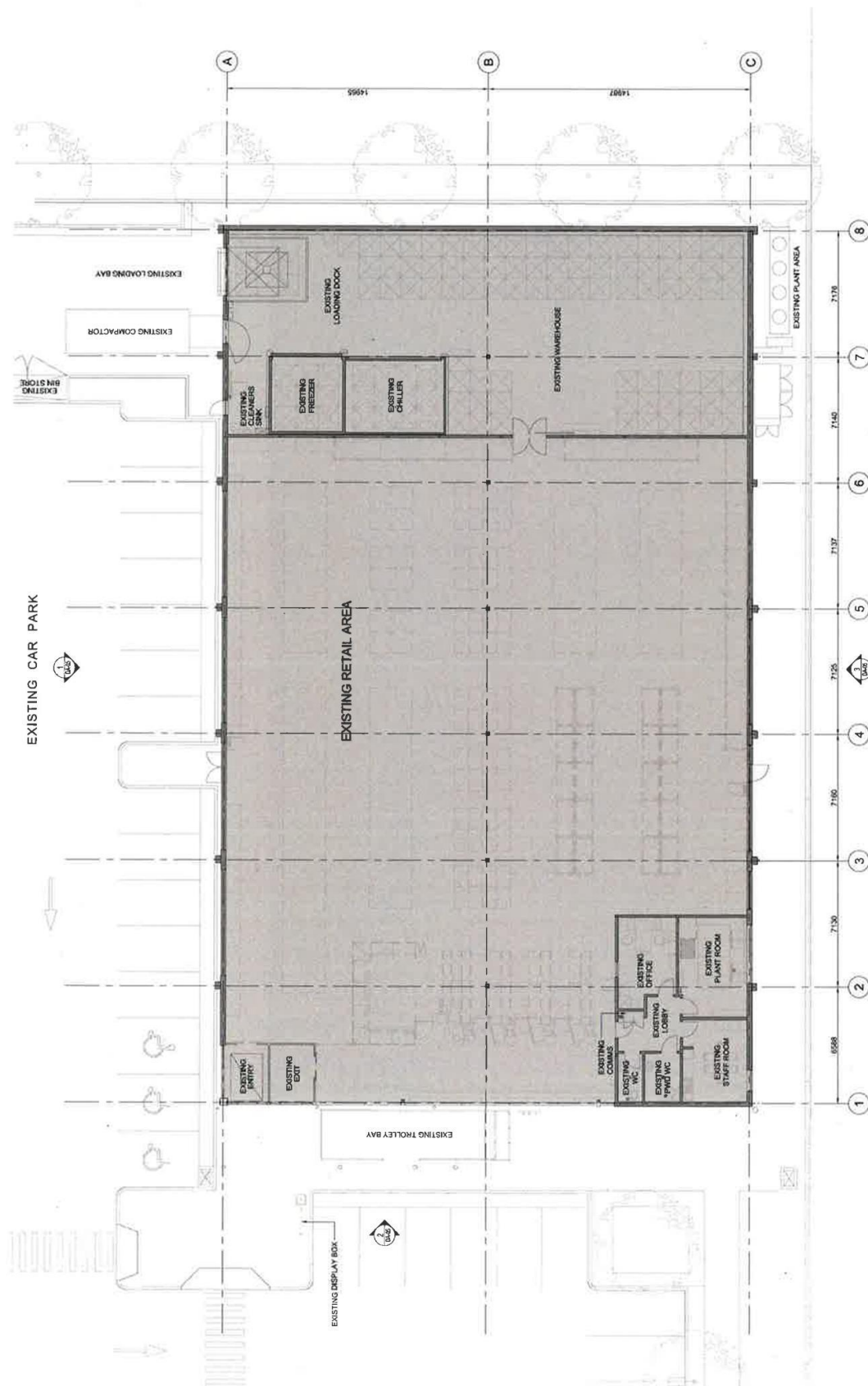
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|-------|---|
| DA-01 | COVER SHEET, LOCATION PLAN AND DRAWING LIST |
| DA-02 | EXISTING SITE PLAN |
| DA-03 | EXISTING GROUND FLOOR PLAN |
| DA-04 | PROPOSED GROUND FLOOR PLAN |
| DA-05 | EXISTING EXTERNAL ELEVATIONS |
| DA-06 | PROPOSED EXTERNAL ELEVATIONS |

LOCATION PLAN

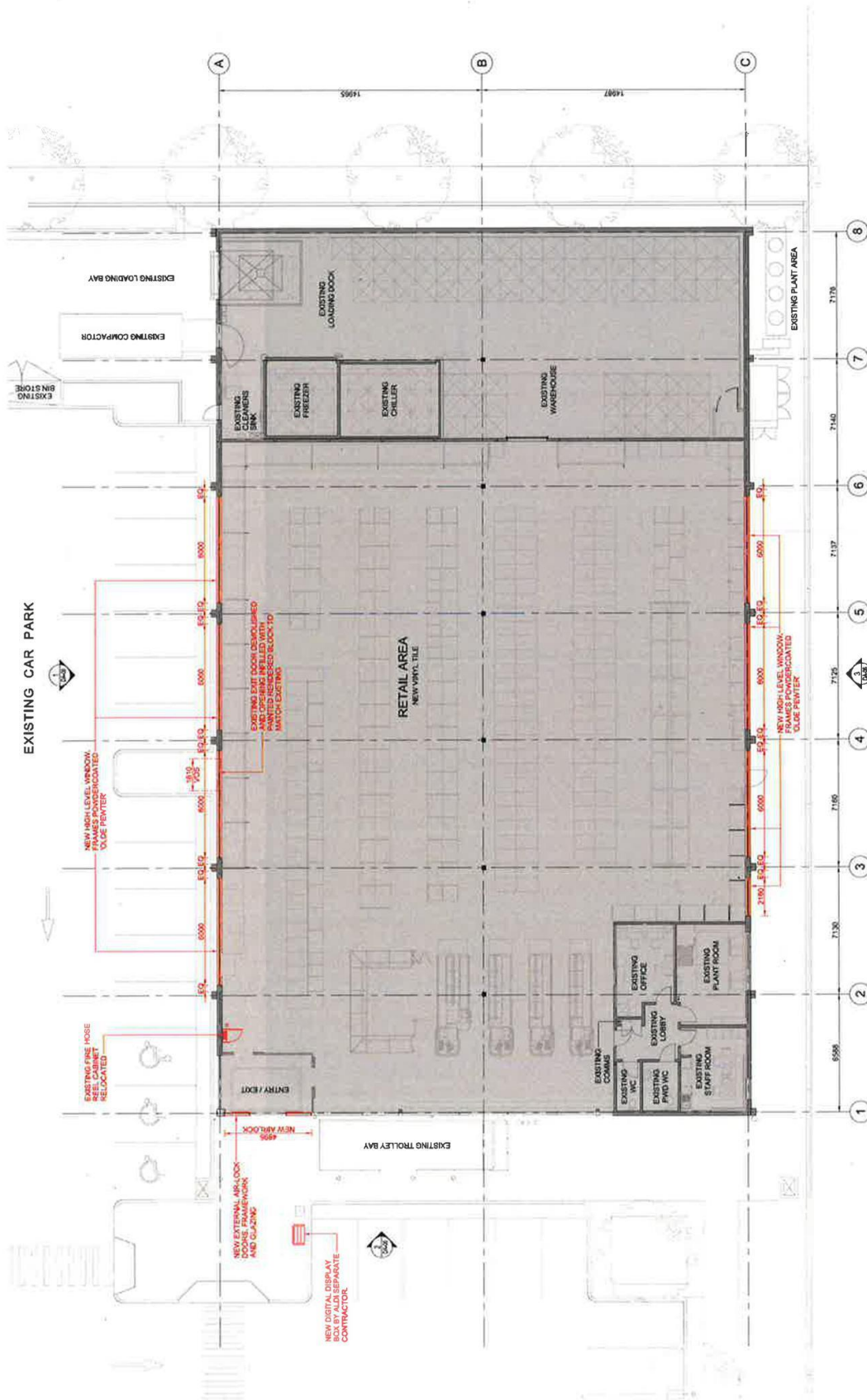


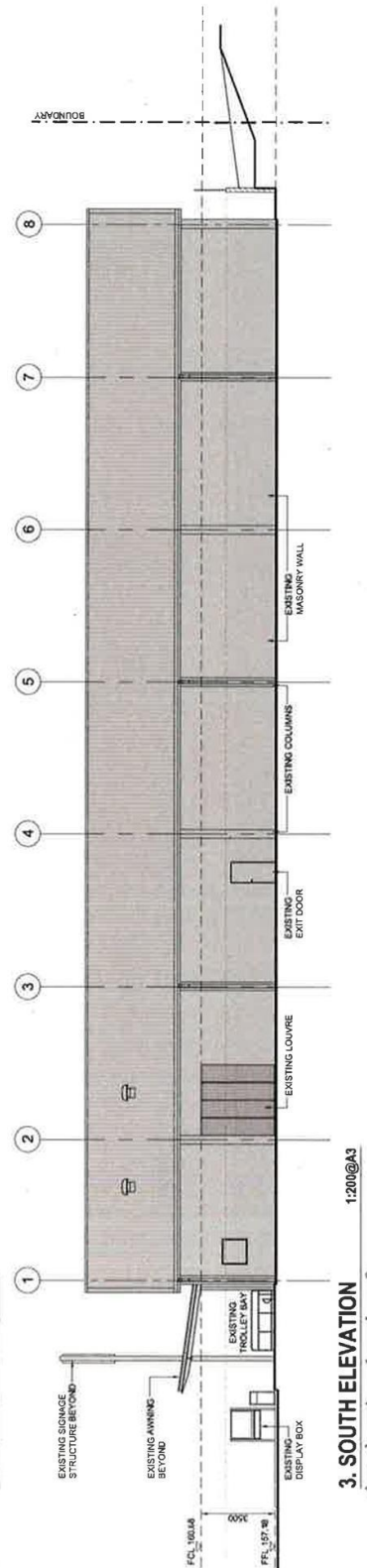
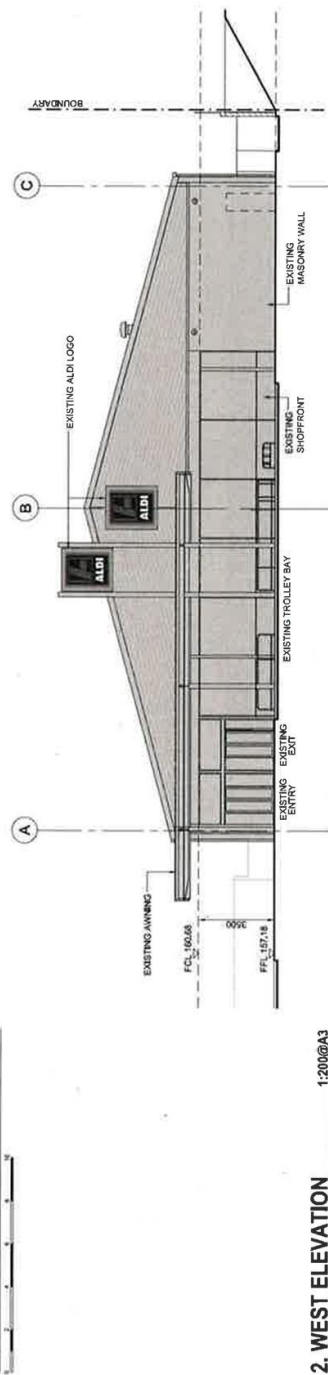
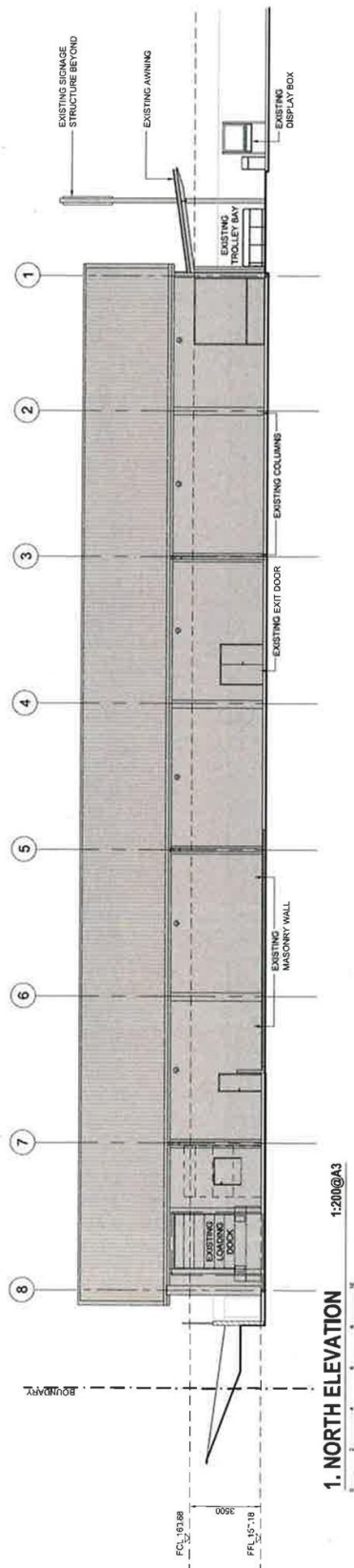
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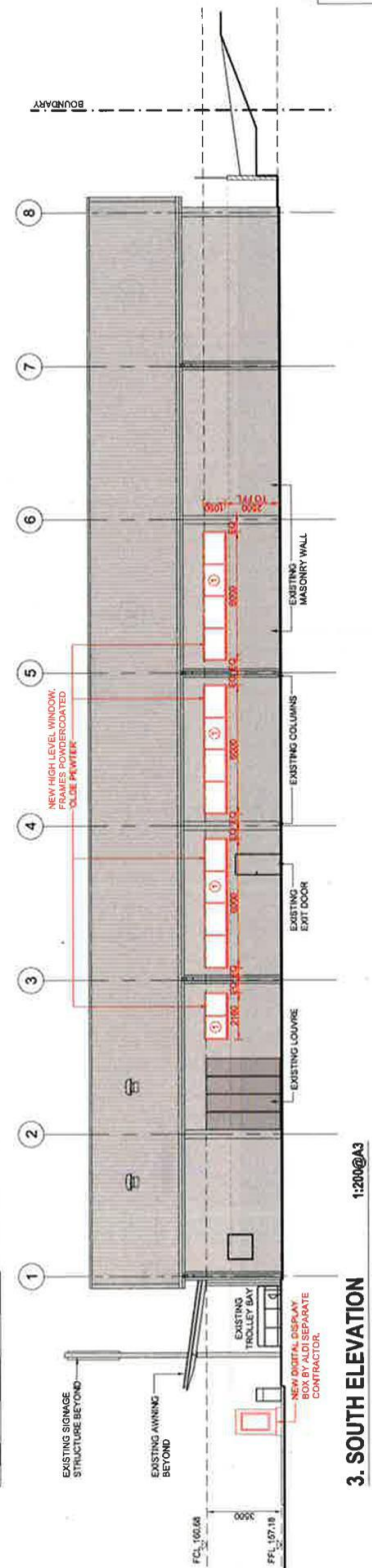
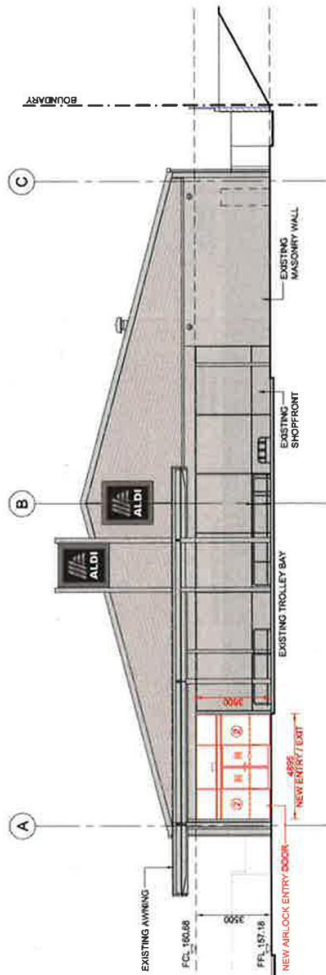
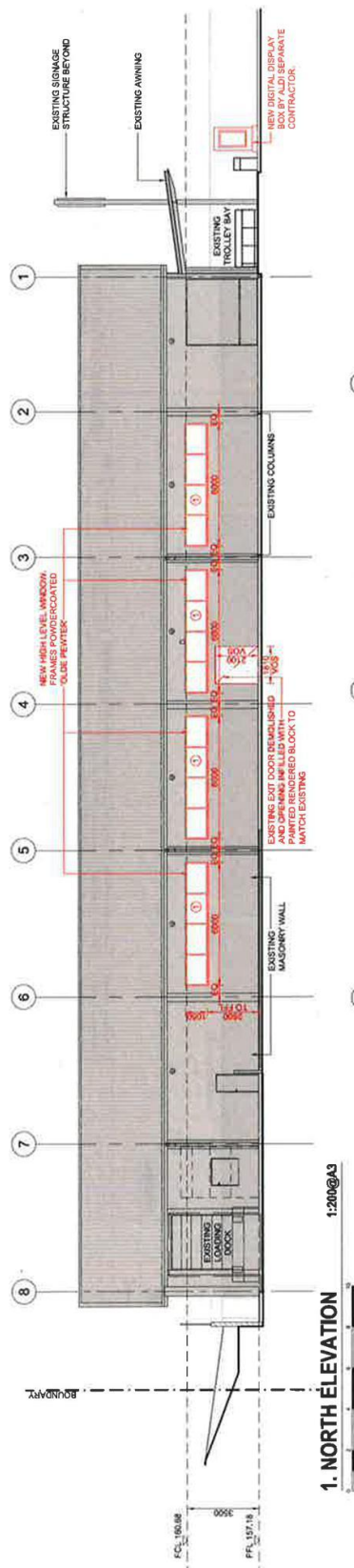
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<p>steiner richards ARCHITECTS</p>  <p>127 AMPHILAS STREET - NORTH SYDNEY, NSW 2060 P 1522 894 1798</p>	<p>PROJECT NAME: ALDI STORES (A Limited Partnership)</p>  <p>PRODUCT NAME: ALDI STORES MUSSELBROOK, NSW</p>	<p>EXISTING FLOOR PLAN</p> <p>DATE: 02/20/18</p> <p>REV: A</p>	<p>MUS</p>
<p>PROJECT NO. 1801</p> <p>PROJECT NAME: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ADDRESS: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT TYPE: RETAIL</p> <p>PROJECT STATUS: IN PROGRESS</p> <p>PROJECT START DATE: 01/15/18</p> <p>PROJECT END DATE: 02/20/18</p> <p>PROJECT DESCRIPTION: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT LOCATION: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT OWNER: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ARCHITECT: steiner richards ARCHITECTS</p> <p>PROJECT ENGINEER: steiner richards ARCHITECTS</p> <p>PROJECT CONTRACTOR: steiner richards ARCHITECTS</p> <p>PROJECT SUBMITTER: steiner richards ARCHITECTS</p> <p>PROJECT REVIEWER: steiner richards ARCHITECTS</p> <p>PROJECT APPROVER: steiner richards ARCHITECTS</p> <p>PROJECT DATE: 02/20/18</p> <p>PROJECT REV: A</p>	<p>PROJECT NO. 1801</p> <p>PROJECT NAME: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ADDRESS: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT TYPE: RETAIL</p> <p>PROJECT STATUS: IN PROGRESS</p> <p>PROJECT START DATE: 01/15/18</p> <p>PROJECT END DATE: 02/20/18</p> <p>PROJECT DESCRIPTION: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT LOCATION: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT OWNER: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ARCHITECT: steiner richards ARCHITECTS</p> <p>PROJECT ENGINEER: steiner richards ARCHITECTS</p> <p>PROJECT CONTRACTOR: steiner richards ARCHITECTS</p> <p>PROJECT SUBMITTER: steiner richards ARCHITECTS</p> <p>PROJECT REVIEWER: steiner richards ARCHITECTS</p> <p>PROJECT APPROVER: steiner richards ARCHITECTS</p> <p>PROJECT DATE: 02/20/18</p> <p>PROJECT REV: A</p>	<p>PROJECT NO. 1801</p> <p>PROJECT NAME: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ADDRESS: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT TYPE: RETAIL</p> <p>PROJECT STATUS: IN PROGRESS</p> <p>PROJECT START DATE: 01/15/18</p> <p>PROJECT END DATE: 02/20/18</p> <p>PROJECT DESCRIPTION: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT LOCATION: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT OWNER: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ARCHITECT: steiner richards ARCHITECTS</p> <p>PROJECT ENGINEER: steiner richards ARCHITECTS</p> <p>PROJECT CONTRACTOR: steiner richards ARCHITECTS</p> <p>PROJECT SUBMITTER: steiner richards ARCHITECTS</p> <p>PROJECT REVIEWER: steiner richards ARCHITECTS</p> <p>PROJECT APPROVER: steiner richards ARCHITECTS</p> <p>PROJECT DATE: 02/20/18</p> <p>PROJECT REV: A</p>	<p>PROJECT NO. 1801</p> <p>PROJECT NAME: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ADDRESS: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT TYPE: RETAIL</p> <p>PROJECT STATUS: IN PROGRESS</p> <p>PROJECT START DATE: 01/15/18</p> <p>PROJECT END DATE: 02/20/18</p> <p>PROJECT DESCRIPTION: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT LOCATION: 127 AMPHILAS STREET, NORTH SYDNEY, NSW 2060</p> <p>PROJECT OWNER: ALDI STORES (A LIMITED PARTNERSHIP)</p> <p>PROJECT ARCHITECT: steiner richards ARCHITECTS</p> <p>PROJECT ENGINEER: steiner richards ARCHITECTS</p> <p>PROJECT CONTRACTOR: steiner richards ARCHITECTS</p> <p>PROJECT SUBMITTER: steiner richards ARCHITECTS</p> <p>PROJECT REVIEWER: steiner richards ARCHITECTS</p> <p>PROJECT APPROVER: steiner richards ARCHITECTS</p> <p>PROJECT DATE: 02/20/18</p> <p>PROJECT REV: A</p>

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LEGEND 1 ALUMINIUM WINDOWS 2 CLEAR LAMINATED GLASS		PROPOSAL TITLE PROPOSED EXTERNAL ELEVATIONS MUS	
CLIENT ALDI Stores (A Limited Partnership)		DATE 02/2019	
PROJECT NAME ALDI REFRESH MUSWELLBROOK, NSW		PROJECT NUMBER P1807 MUS DA-6	
ARCHITECT steiner richards ARCHITECTS 122 ARTHUR STREET, NORTH SYDNEY, NSW 2060 T: 02 9439 1000		DEVELOPMENT APPLICATION	
STRUCTURAL ENGINEER RSC CONSULTANT 122 ARTHUR STREET, NORTH SYDNEY, NSW 2060 T: 02 9439 1000		APPROVED BY DATE	
MECHANICAL ENGINEER RSC CONSULTANT 122 ARTHUR STREET, NORTH SYDNEY, NSW 2060 T: 02 9439 1000		SHOWN STATUS DATE	
ELECTRICAL ENGINEER RSC CONSULTANT 122 ARTHUR STREET, NORTH SYDNEY, NSW 2060 T: 02 9439 1000		REV DESCRIPTION	
PLANNER RSC CONSULTANT 122 ARTHUR STREET, NORTH SYDNEY, NSW 2060 T: 02 9439 1000		REV DESCRIPTION	
REVISIONS 1. Initial submission for DA 21/2019 2. Revised submission for DA 21/2019 3. Revised submission for DA 21/2019 4. Revised submission for DA 21/2019 5. Revised submission for DA 21/2019 6. Revised submission for DA 21/2019 7. Revised submission for DA 21/2019 8. Revised submission for DA 21/2019 9. Revised submission for DA 21/2019 10. Revised submission for DA 21/2019 11. Revised submission for DA 21/2019 12. Revised submission for DA 21/2019 13. Revised submission for DA 21/2019 14. Revised submission for DA 21/2019 15. Revised submission for DA 21/2019 16. Revised submission for DA 21/2019 17. Revised submission for DA 21/2019 18. Revised submission for DA 21/2019 19. Revised submission for DA 21/2019 20. Revised submission for DA 21/2019 21. Revised submission for DA 21/2019 22. Revised submission for DA 21/2019 23. Revised submission for DA 21/2019 24. Revised submission for DA 21/2019 25. Revised submission for DA 21/2019 26. Revised submission for DA 21/2019 27. Revised submission for DA 21/2019 28. Revised submission for DA 21/2019 29. Revised submission for DA 21/2019 30. Revised submission for DA 21/2019 31. Revised submission for DA 21/2019 32. Revised submission for DA 21/2019 33. Revised submission for DA 21/2019 34. Revised submission for DA 21/2019 35. Revised submission for DA 21/2019 36. Revised submission for DA 21/2019 37. Revised submission for DA 21/2019 38. Revised submission for DA 21/2019 39. Revised submission for DA 21/2019 40. Revised submission for DA 21/2019 41. Revised submission for DA 21/2019 42. Revised submission for DA 21/2019 43. Revised submission for DA 21/2019 44. Revised submission for DA 21/2019 45. Revised submission for DA 21/2019 46. Revised submission for DA 21/2019 47. Revised submission for DA 21/2019 48. Revised submission for DA 21/2019 49. Revised submission for DA 21/2019 50. Revised submission for DA 21/2019 51. Revised submission for DA 21/2019 52. Revised submission for DA 21/2019 53. Revised submission for DA 21/2019 54. Revised submission for DA 21/2019 55. Revised submission for DA 21/2019 56. Revised submission for DA 21/2019 57. Revised submission for DA 21/2019 58. Revised submission for DA 21/2019 59. Revised submission for DA 21/2019 60. Revised submission for DA 21/2019 61. Revised submission for DA 21/2019 62. Revised submission for DA 21/2019 63. Revised submission for DA 21/2019 64. Revised submission for DA 21/2019 65. Revised submission for DA 21/2019 66. Revised submission for DA 21/2019 67. Revised submission for DA 21/2019 68. Revised submission for DA 21/2019 69. Revised submission for DA 21/2019 70. Revised submission for DA 21/2019 71. Revised submission for DA 21/2019 72. Revised submission for DA 21/2019 73. Revised submission for DA 21/2019 74. Revised submission for DA 21/2019 75. Revised submission for DA 21/2019 76. Revised submission for DA 21/2019 77. Revised submission for DA 21/2019 78. Revised submission for DA 21/2019 79. Revised submission for DA 21/2019 80. Revised submission for DA 21/2019 81. Revised submission for DA 21/2019 82. Revised submission for DA 21/2019 83. Revised submission for DA 21/2019 84. Revised submission for DA 21/2019 85. Revised submission for DA 21/2019 86. Revised submission for DA 21/2019 87. Revised submission for DA 21/2019 88. Revised submission for DA 21/2019 89. Revised submission for DA 21/2019 90. Revised submission for DA 21/2019 91. Revised submission for DA 21/2019 92. Revised submission for DA 21/2019 93. Revised submission for DA 21/2019 94. Revised submission for DA 21/2019 95. Revised submission for DA 21/2019 96. Revised submission for DA 21/2019 97. Revised submission for DA 21/2019 98. Revised submission for DA 21/2019 99. Revised submission for DA 21/2019 100. Revised submission for DA 21/2019		REV DESCRIPTION	



Waste Management Plan

Proposal: Minor External Building Works and Signage Changes at the Existing ALDI Store.

Address of Development: 31-35 Rutherford Road, Muswellbrook NSW 2333

Demolition Stage

Part of existing masonry panelling located at the top part of the eastern and western wall will be removed to make way for the high-level transparent glass window sections. The existing poster box will also be removed in its entirety. The existing airlock doors will be removed for the installation of the proposed new doors.

No other building structures or elements of the building are to be removed under this DA. The waste will be appropriately disposed of in a licensed facility by the site contractor and recycled where possible.

Demolition / Construction / Installation Stage

Due to the minor scope of the proposed works, waste during the demolition/construction/installation stage is to be significantly minimal. The proposed windows will be ordered to fit. Any waste will be separated on site by builder's contractors and builder's labourers during the construction stage and specific area will be set aside for recyclable materials (for transportation to local recycling plants). The site will be checked on a regular basis to make sure no recyclable materials are mixed with non-recyclable materials.

Materials on Site		Destination		
Type of waste generated	Estimates Volume in m ³ or area m ² or weight in tonne 9(t)	Reuse and Recycling		Disposal
		On-Site	Off-Site	
Excavation Material	<1m ³	-	<1m ³	Disposed of at local waste/recycling facility by contractor for re-use.
Metal	<1m ³	-	<1m ³	Disposed of at local metal recycling facility by contractor.
Masonry	<5m ³	-	-	Disposed of at local waste or recycling facility where applicable by contractor.
Packaging	<5m ³	-	<2.5m ³	Pallets disposed of at local recycling facility where applicable by contractor Waste disposed of at local waste facility by contractor.
General Waste/other	<2.5m ³	-	-	Disposed of at local waste or recycling facility where applicable by contractor.

Notes

1. Location of demolition and construction waste facilities to be confirmed upon engagement of site contractor and tendering process.
2. The site will remain open where possible during the construction phase.



Operation Stage

There is no change to the existing operational waste management practices at the site.

10.3 DA 35/2019 - ANCILLARY STRUCTURE (INSTALLATION OF A 45 SQUARE METRE ELECTRONIC BIG SCREEN) - 16 SHEPPARD AVENUE, MUSWELLBROOK

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Taraqual Bhuiya - Graduate Building Surveyor
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<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>
Attachments:	A. DA 35/2019 Section 4.15 Assessment B. DA 35/2019 Recommended Conditions of Consent C. DA 35/2019 Proposed Plans

RECOMMENDATION

Council approve Development Application No. 35/2019, for an ancillary structure (Big Screen) at Muswellbrook Race Club, Lot 150 DP 708030, subject the conditions in Appendix A to the report.

Moved: _____ **Seconded:** _____

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

PURPOSE

This report has been prepared to inform Council in determining Development Application No. 35/2019. 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

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.

RECOMMENDATION

Council approves Development Application No. 35/2019, involving Installation of a 45 Square Metre

Electronic Big Screen at Muswellbrook Race Club, Lot 150 DP 708030, subject to the conditions in Appendix B to the report.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves installation of an Electronic Big Screen on Muswellbrook Race Club site. The location of the screen will be inside the grass training track and 54m from the front of the grandstand. The screen will measure 4.8m (H) x 8.96m (W).

The site is zoned RU1 Primary Production pursuant to MLEP 2009. The proposal is ancillary to the Racecourse, which is defined as a Recreation Facility (major) and is permitted with consent in the subject Zone.

This land is identified as flood prone by council's Flood Risk Management Study plan 2018.

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. As a result of the assessment, 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.
- As proposed development is non-residential, and there will be no increase in the flood hazard or flood damage to other properties, there are no reasons to refuse the development on the basis of flooding. The material will be used for the proposed development are in accordance with the requirement of section 13.8 of Muswellbrook DCP.
- 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.

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 35/2019 has been reported to Council for determination as the development involves works on site used for the sale of alcohol, and determination is outside the delegations of Council Officers and the Development Assessment Committee. Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Staff recommend that Council grant consent to DA 35/2019, subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 150 DP: 708030 16 Sheppard Avenue MUSWELLBROOK			
APPLICATION No:	35/2019			
PROPOSAL:	Ancillary Structure (Installation of a 45 Square Metre Electronic Big Screen)			
PLANS REF:	Drawings no.	Drawn by	Date	Received
	Site Layout	Unknown	Unknown	16 April 2019
	Elevation	Unknown	Unknown	16 April 2019
OWNER:	Muswellbrook Race Club Limited			
APPLICANT:	Muswellbrook Race Club Limited Po Box 361 MUSWELLBROOK NSW 2333			
AUTHOR:	Mr T Bhuiya			
REVIEWED BY:	Mr H McTaggart			
DATE LODGED:	15/04/2019			
AMENDED:	NA			
ADD. INFO REC'D:	NA			
DATE OF REPORT:	25 June 2019			

SUMMARY

ISSUES: Flood Prone Land

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The proposed development is relates to 16 Sheppard Avenue Muswellbrook (Muswellbrook Race Club Limited). The formal identification for the site is Lot 150 DP 708030.

A search of council's records identify the following recent development applications in relation to the site:

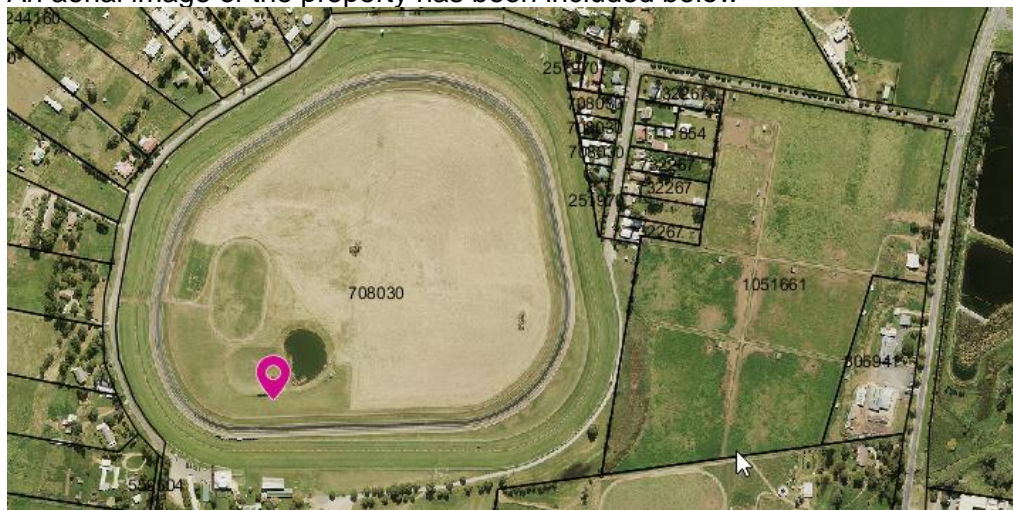
DA 76/2017 – Renovations and additions to function centre, approved 13 November 2018.

DA 11/2016 – Alterations to the Race Club pavilion, approved 2 May 2016.

DA 85/2009 – Alterations to Function Centre, approved 6 July 2009.

DA 163/2000 – Erection of light poles and installation of flood lights.

An aerial image of the property has been included below



2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the construction of an Electronic Big Screen. The location of the screen will be inside the grass training track and 54m from the front of the grandstand. The screen will measure 4.8m (H)x 8.96m (W).



3.0 Referrals

The proposed development was not referred to any internally Council Officers or externally to any Government Agencies because of its nature and scale of work.

4.0 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 RU1 Primary Production pursuant to MLEP 2009. The proposal is ancillary to the Racecourse, which is defined as a Recreation Facility (major) and is permitted with consent in the subject Zone.

Objectives of the RU1 Primary Production Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application. The land use zone objectives for the RU1 Primary Production Zone are as follows:

- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.
- To maintain the rural landscape character of the land in the long term.
- To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not:
 - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or
 - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or
 - (c) visually intrude into its surroundings, except by way of suitable screening.
- To protect or conserve (or both):
 - (a) soil stability by controlling development in accordance with land capability, and
 - (b) trees and other vegetation, and
 - (c) water resources, water quality and wetland areas, and their catchments and buffer areas, and
 - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.

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 a permissible development under the RU1 land use table as expressed above and in accordance with the relevant to the land use zone objectives.
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The proposed development does not relate to this clause.
<i>4.3 Height of buildings</i>	MLEP 2009 specifies a maximum building height of 12m in relation to the land. The proposal does not involve building works over 4.8m. Complies
<i>4.4 Floor space ratio</i>	MLEP 2009 specifies no floor space ratio in relation to the land.
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	The subjected site is not identified as "Biodiversity" on Council's biodiversity Mapping and therefore the provision of this clause do not require further consideration.
<i>7.6 Earthworks</i>	<p>Earthworks involved with the proposed development would be minimal and associated with establishment of the foundation.</p> <p>The proposed earthwork is not anticipated to have a detrimental impact on existing drainage patterns, soil stability and amenity of the adjoining properties.</p>

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

Council officers are not aware of any activities that have carried out on the site, and likely to have caused the contamination of the land. The proposed development is an ancillary development to an existing racecourse. 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 of further consideration of the provisions of this SEPP

3. State Environmental Planning Policy (Primary Production and Rural Development) 2019

It is considered that the proposed development is consistent with adjoining rural land uses and will not significantly diminish the agricultural and/or mining potential of the region.

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 not notified as the proposed development will not have any adverse effect on the surrounding neighbouring properties.

Section 13 – Flood Prone Land

This proposed non-residential development is on flood prone zone.

As proposed development is non-residential, and there will be no increase in the flood hazard or flood damage to other properties, there are no reasons to refuse the development on the basis of flooding. The material will be used for the proposed development are in accordance with the requirement of section 13.8 of Muswellbrook DCP.

Conditions of Consent are required structural engineer to certify the proposed development shall be able to withstand the force of flowing floodwaters, including debris and buoyancy forces.

Section 94 Contributions Plan 2001

Not Applicable

Section 94A Contributions Plan 2009

Not Applicable

The following sections of the Muswellbrook Development Control Plan 2009 were considered and found not to be applicable to the proposed development:

Section 1 - Introduction	Section 2 – Submitting an application
Section 5 – Subdivision	Section 6 – Residential Development
Section 7 – Village Zones	Section 8 – Rural Development
Section 9 – Local Centre Development	Section 10 – Industrial Development
Section 11 – Extractive Industries	Section 12 – Tourist Facilities and Accommodation
Section 13 – Flood Prone Land	Section 14 – Outdoor signage
Section 15 – Heritage Conservation	Section 16 – Carparking and Access
Section 17 – Sex Services Premises	Section 18 – Child Care Centres
Section 19 – Use of Public Footpaths	Section 20 – Erosion and Sediment Control
Section 21 – Contaminated Land	Section 22 – Land Use Buffers
Section 23 – Onsite Wastewater management systems	Section 24 – Waste Management
Section 25 – Stormwater Management	Section 26 – Site Specific controls
Section 27 – West Denman Urban Release Area	

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

There will be minimal impacts from the development as the site is already a highly modified site with facilities and infrastructure to allow the racecourse to function and hold events. The proposed screen would have a similar appearance to a large advertising structure and will only be in use during events. The display will not create significant light spill to adjoining residential and rural properties compared to the floodlighting already approved on the site.

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 Application was not notified/advertised as the proposed development will minimal impact on the surrounding properties.

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

The proposed development would be in accordance with the Muswellbrook LEP 2009, Muswellbrook DCP 2009. The proposed development is considered to be in the public interest.

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. It is recommended the application be approved subject to conditions of consent.

Signed by:



Taraqual Bhuiya
Building Surveyor

Reviewed by:

Hamish McTaggart
Senior Development Planner

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
Site Layout	-	Unknown	Unknown	16 April 2019
Elevation	-	Unknown	Unknown	16 April 2019

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

(2) Building Code of Australia

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

(3) Home Building Act

- (1) Building work that means residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:
 - (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;
 - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the person's name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
- (2) A certificate purporting to be issued by an approved insurer under Part 6 of the *Home Building Act 1989* that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

Note: (1) The amounts referred to in point 1 may be subject to change as regulations are amended.

- (2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

CONSTRUCTION CERTIFICATE REQUIREMENT

(4) Construction Certificate Requirement

No works shall commence on-site until such time as a Construction Certificate has been issued for either part or all of the works to be undertaken. If a Construction Certificate is issued for part of the approved works it must relate to all works being undertaken.

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 at the site.

(5) Certification required

Prior to issue of a Construction Certificate an assessment, report and certification by a qualified practising Consulting Engineer stating that the structure has been designed to withstand the flood pressures, including debris and buoyancy forces, imposed in the event of a 1% AEP flood and that the structure will not sustain unacceptable damage from the impact of floodwater and debris is to be submitted to the Certifying Authority for approval with the Construction Certificate.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

(6) Sediment and Erosion Control

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

(7) 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.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**(8) 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
- (a) Building construction must not be carried out on a Sunday or a public holidays.
- (b) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (c) 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.

(9) 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.

(10) Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(11) 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 objections 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.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE**(12) 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.



20 m

Scale =
956 339999999999

Muswellbrook Race Club
15 Racecourse Road / 11 Sheppard Ave
Muswellbrook NSW 2333

15-April-2019



Scale = 7639 37999999998



10.4 DA 1994-410 - S4.55 (1A) MODIFICATION - EXTRACTIVE INDUSTRY - LOT 72 DP1199484 DALSWINTON ROAD, DALSWINTON

Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Alisa Evans - Projects Planner
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<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>
Attachments:	<p>A. DA 1994-410 Section 4.55 Part 1a Assessment - 344469</p> <p>B. DA 1994-410 S4.55 Amended Conditions of Consent Council Meeting 30 July 2019</p>

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

APPLICATION DETAILS

Applicant:	Rosebrook Sand & Gravel Pty Ltd
Owner:	Rosebrook Sand & Gravel Pty Ltd
Proposal:	S4.55 (1A) Modification – DA 1994-410 Extractive Industry extension to lapse date to November 2022 (3 years)
Location:	Lot 72 DP 1199484 Dalswinton Road Dalswinton
Permissibility:	The proposed development is permissible as Extractive Industry within the RU1 Primary Production
Recommendation:	Approval

RECOMMENDATION

Council approve Development Application No. 1994-410, for an extension of time to extractive industry at Lot 72 DP 1199484, Dalswinton Road, Dalswinton, subject the amended conditions in Appendix A to the report.

Moved: _____ Seconded: _____

<input type="checkbox"/> Cr J. Ledlin	<input type="checkbox"/> Cr S. Bailey	<input type="checkbox"/> Cr G. McNeill
<input type="checkbox"/> Cr J. Foy	<input type="checkbox"/> Cr M. Green	<input type="checkbox"/> Cr R. Scholes
<input type="checkbox"/> Cr S. Reynolds	<input type="checkbox"/> Cr B.N. Woodruff	<input type="checkbox"/> Cr S. Ward
<input type="checkbox"/> Cr J.F. Eades	<input type="checkbox"/> Cr M. Bowditch	<input type="checkbox"/> Cr M.L. Rush

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed S4.55 (1A) development relates to the extension of the development consent until 13 November 2022 by amending condition 1 of condition of consent. The current consent condition limits the extraction activity to 13 November 2019.

ASSESSMENT SUMMARY

Key considerations and findings of the section 4.55 (1A) for the proposal is assessed having regard to the following matters.

- Council is satisfied that the development to which the consent is modified is of minimal environmental impact;
- is satisfied that the development to which the consent as modified relates is substantially the same development;
- has notified the application in accordance with the regulations and has considered any submissions made concerning the proposed modification; and
- in determining the application for modification, has taken into consideration such matters referred to under Section 4.15(1) as are relevant.

The extractive industry operations will remain unchanged under the current application other than an extension in the period of time the quarry can operate. The proponent has initiated a State Significant Development (SSD) application to expand the quarry and its lifespan. That application is currently being prepared for lodgement in the future.

COMMUNITY CONSULTATION

The proposed development was notified and advertised between the 27 May 2019 and 12 June 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submission was received from the public in relation to the proposed development.

OPTIONS

The Council may:

- A) Grant development consent to the proposed development subject to the recommended amended conditions of consent,
- B) Grant development consent to the proposed modification development unconditionally or subject to alternative conditions of consent, or
- C) Refuse modification to 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

S4.55 (1A) DA 1994-410 has been reported to the Council for determination as the development application is in relation to an extractive industry.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that Council grant development consent to S4.55 (1A) subject to recommended amended conditions of consent outlined in Attachment B.

ASSESSMENT REPORT**Attached:**

REPORT TO THE GENERAL MANAGER

ADDRESS/WARD: Lot: 72 DP: 1199484 Ref: Quarry, Dalswinton Road
Dalswinton

APPLICATION NO: 410/1994

PROPOSAL: Pursuant to section 4.55(1A) of the EP & A Act 1979, to
modify a consent for s4.55(1a) modification - extractive
industry

PLANS REF: No plan changes

OWNER: Rosebrook Sand & Gravel Pty Ltd

OWNER ADDRESS: Po Box 613
MAITLAND NSW 2320

APPLICANT: Rosebrook Sand & Gravel Pty Ltd

ADDRESS: C/- HDB Town Planning And Design
PO Box 40
Maitland NSW 2320

AUTHOR: Report of Ms A J Evans

DATE OF REPORT: 17 July 2019

DATE LODGED: 10-04-2019

SUMMARY

ISSUES: Section 4.55(1A) of the Environmental Planning and Assessment Act,
1979.

SUBMISSIONS: NO SUBMISSIONS

RECOMMENDATION: Approval subject to modified conditions

DESCRIPTION OF PROPOSAL

The proposal involves the modification of Development Application No. 410/1994 in the following manner:

- Amend Condition No.1 for extension of Quarry to 13 November 2022 from 13 November 2019, to allow continuous operation of the quarry while the proponent prepares documentation for the lodgement of State Significant Development for the quarry for further operation.
- Amendment of Condition 8 to add requirement for legal agreement for private haulage road to be in place for the life of the consent. This is to ensure that the extractive industry private haulage road has legal access for the life of the use.

RELEVANT HISTORY

Development Application No. 410/1994, for the establishment of Dalswinton Quarry in two stages, was approved by Council on 13 November 1995. The original consent was to lapse on 13 November 2002.

A modification to extend the approval to November 2009, and change the boundary of the Stage 1 area, was approved by Council on 12 November 2001. Over the past few years, quarry ownership has changed on several occasions and production from the quarry has been below the maximum anticipated.

On 13 December 2007, Council approved a further Section 96 Application to change the boundaries of the original Stage 2 extraction area.

On 24 July 2009, Council approved a further Section 96 Application to extend the approval period of Dalswinton Quarry by a further five (5) years until 13 November 2014.

On 24 April 2014, Council approved a further Section 96 Application to extend the approval period of Dalswinton Quarry by a further five (5) years until 13 November 2019.

The subject Application was received on 12 April 2019.

SUBMISSIONS

The proposed modification was notified in the Hunter Valley News and to adjoining property owners in accordance with the provisions of Section 4 of DCP 2009. No submissions were received.

CONSIDERATION

The proposal is required to be assessed having regard to the following matters.

Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 enables a consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:

- is satisfied that the development to which the consent as modified relates is of minimal environmental impact;
- is satisfied that the development to which the consent as modified relates is substantially the same development;
- has notified the application in accordance with the regulations and has considered any submissions made concerning the proposed modification; and
- in determining the application for modification, has taken into consideration such matters referred to under Section 4.15(1) as are relevant.

Therefore, Council's assessment of the application to modify the subject development consent must consider the following issues:

Is the proposed development of minimal environmental impact?

It is considered that the environmental impacts of the development will remain unchanged as the proposed modification does not involve any change to the quarry operation or extraction area.

The environmental impacts of the existing quarry operation have previously been assessed through Environmental Impact Statements prepared in respect of the original development application and subsequent modifications. It was determined that the environmental impacts of the development are reasonable and acceptable and can be managed through appropriate mitigation measures already in place.

The current operation was inspected in November 2018 by Council staff and they concluded that the quarry was operating in accordance with the consent.

Is the proposed development as modified substantially the same development approved by the Council?

The proposed development as modified is substantially the same development approved by Council as the nature, character, description and impacts of the development will remain unchanged. The use of the development will remain as "Extractive Industry".

Whether the application required the concurrence of the relevant Minister, public authority or approval body and any comments submitted by these bodies?

The application does not require concurrence of the relevant Minister, public authority or approval body.

Whether any submissions were made concerning the proposed modification.

The notification of the proposed modification resulted in no submissions being received during the

Any relevant considerations under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

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

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

NSW Legislation

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation throughout the report in their relevant sections, however, the following legislation has not been discussed in detail elsewhere in the report.

ENVIRONMENTAL APPRAISAL	CONSIDERED
Statutory Controls	YES
Policy Controls	YES
Landscaping/Open Space Provision	NO
Traffic generation and Carparking provision	NO
Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	YES, no issues
All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	YES

DISCUSSION

The amendments to condition 1 will allow for the continuation of an existing quarry operation until such time that a new development application can be prepared and lodged for consideration. The quarry resource is in demand within the Muswellbrook locality and its continuation allows for the resource to be sourced locally and provide an economic and social benefit to the community.

The minor amendment to condition 8 in bold is to ensure that the private haulage road has legal status and its use ensured for the life of the consent.

REFERRALS

The application was referred to NSW RMS and NSW EPA for comments, with neither of them raising concerns or specifying further requirements.

CONCLUSION

The extractive industry is a well established use within the locality. A compliance inspection was carried out by Council staff in November 2018 and the outcome was satisfactory.

The time extension for the quarry is assessed as having an economic benefit to the locality. The proposal is consistent with the relevant planning policies and regulations.

RECOMMENDATION

That staff report the application to Council as the consent authority to modify its consent dated 13 November 1995 in respect to a proposal extend the life of the extractive industry 13 November 2022 at Lot 72 DP 1199484 Dalswinton Road Dalswinton under the provisions of Section 4.55(1A) of the

Environmental Planning and Assessment Act only in so far as will provide for the following.

Disclosure of Political Donations and Gifts:

No disclosures of a political donations or gifts have been made in relation to this application.

SOCIAL IMPLICATIONS

The development as presented will not result in any specific social implications for Council.

FINANCIAL IMPLICATIONS

This development as presented has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The development as presented will not result in any specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

LEGAL IMPLICATIONS

This matter has no specific legal implications for Council.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

1. This approval is limited to a period of twenty-four (27) years from the date of consent. If subsequent development approval is not issued by Council prior to 13 November 2022 for the continuation of the operation, the applicant shall on or before 13 November 2022:
 - a. remove all extraction-related machinery, storage facilities and amenities, and
 - b. reshape, stabilise and rehabilitate the site to the satisfaction of the Council, the Department of Water and Energy (DWE) and the Department of Environment and Climate Change (DECC) or their successor at its own expense.

If the applicant defaults in respect of this condition, Council may, in addition to or alternative to any other rights and remedies available to it, but without any obligation to do so:

- enter on the subject land with its own workmen and/or contractors and carry out such works, and
 - recover the costs and expenses of so doing from the applicant either directly or pursuant to the term of the said guarantee and surety.
2. The applicant shall not produce or transport more than 150,000 tonnes of material per annum in total from this site.
 3. Unless modified by these conditions of consent, all works shall be restricted to and fully contained within the area defined under the development application, accompanying Environmental Impact Statement and as amended by the Application for Modification dated April 2001 and as further amended by the Application for Modification dated 13th December 2006, being within Part Lot 1 DP 324629 and Part Lot 1 DP 324630 in the Parish of Althorpe, County of Durham, Shire of Muswellbrook.
 4. The proposed development being carried out strictly in accordance with the details and operational limits set out in the development application and accompanying Environmental Impact Statement, additional information and the Application for Modification dated April 2001 and the Application for Modification dated 13th December 2006, except as modified by the conditions of this consent. All relevant licences, permits and notices as may be required from all relevant Authorities together with such other approvals or licences as may be required under future legislation or regulations for the duration of the proposed development are to be obtained by the applicant. The applicant shall conduct the development in accordance with the terms of such approvals and licences. Copies of the said licences and approvals are to be held on the site at all times.
 5. The maximum amount of product or reject material held on site at any one time shall not exceed 30,000 tonnes. All material stockpiles shall not be greater than 5 metres in height.
 6. The applicant shall submit a detailed survey to Council of the existing stockpiles and remaining extractable resource located on DA 129/86 within 60 days from the date of this consent. The survey shall be prepared by a Registered Surveyor and shall indicate the total remaining volume of material produced and stored under DA 129/86. Failure to submit the said survey to Council within 60 days will cause the consent under DA 410/94 to lapse.
 7. Extraction and processing activities on the existing operation located on the site defined under DA 129/86 are to cease within twelve (12) months from the date of this consent.

All existing processing machinery, amenities and related equipment pertaining to the current operation are to be removed from the site.

8. All transport of product and all vehicle movements, with the exception of vehicles under 2 tonnes tare shall be undertaken on a private haul road from the site through Portions 112, 113, 32, 109, 111 and Part Portion 8, Parish of Althorpe to Jerrys Plains Road. No vehicles greater than 2 tonnes tare are permitted to access the operation via Dalswinton Road.

The agreement for the operations of the private haul road shall be in place at all times for the life of the application.

9. The applicant is required to complete construction of the private haul road as specified under DA 66/91 prior to commencement of haulage operations.
10. The applicant shall lodge a bond or bank guarantee of \$50,000 with Council in assurance that all conditions are fully complied with. In the event that conditions are not adhered to, operations will cease on notification by Council and the bond will be forfeited.
11. The applicant shall commission an environmental audit by a reputable consultant two years from the date of consent. This shall include full referral to all conditions of consent, licences, permits and notices required for the operation by relevant government authorities, together with an assessment of management practices, success of rehabilitation procedures and storage of hazardous and/or flammable goods. Should the audit results be unacceptable to Council, the applicant will be instructed to undertake rectification works within 30 days of the date of the audit. Should rectification works not be completed to the satisfaction of Council within 30 days of the date of notice, the consent shall lapse.

The applicant shall undertake further environmental audits during the period of consent when considered necessary by Council.

12. Any relocation or alteration or damage to public utilities made necessary as a result of this development is to be carried out at the developer's cost.
13. The maximum permitted area of the site to be cleared and excavated at any one time is two (2) hectares.
14. Plant and equipment on the site shall operate between the following hours:

MONDAY TO FRIDAY	5.00 am to 12.00 midnight
SATURDAYS	5.00 am to 1.30 pm

No excavation, or related operations of plant and equipment is permitted on SUNDAYS.

15. Commercial vehicles including laden and unladen gravel trucks shall use the private haul at times subject to written agreement between the applicant, the landholders, and the adjoining properties to the property on which the haul road is constructed. Notification of the agreed haulage times is to be forwarded to Council prior to commencement of vehicle movements to and from the site.

16. A water cart is to be used by the applicant in the processing area, on all gravel roads on the facility, and on the private haul road to Jerrys Plains Road to ensure that dust emissions are contained within acceptable limits as defined by the EPA and Council.
17. Noise monitoring is to be carried out following establishment of the processing plant at Site 1 (refer to location in DA 410/94 E.I.S.) and the results reported to Council within 30 days of fulltime excavation, processing and transport activities. The maximum background level permitted at the nearest affected residence throughout the duration of the operations is 5dB(A) above background. All noise complaints received by the applicant in respect to the operation are to be recorded on a logsheet and held on site at all times as permanent records.
18. The processing plant and all stockpiled material shall be suitably screened to obscure their view from public places or adjoining dwellings.
19. The site shall be provided with adequate washing and toilet facilities for use of site personnel.
20. All oils, fuels and bitumen pre-coat solutions shall be stored in appropriate containers and tanks in a bunded area which complies with AS 1940, the design of which is approved by Council and the Environment Protection Authority. Safe storage and handling information cards for hazardous materials shall be prominently displayed near any chemical, described by SAA2508, which is stored on or within the site.
21. The applicant shall submit to Council for approval a suitable Soil and Water Management Plan for the extraction operation, processing plant and haul road. The Plan shall include, but not be limited to, the following:
 - a) Suitable plans showing location of works and erosion control measures;
 - b) Existing hydrology, soil, landforms and constraints;
 - c) Existing vegetation, gradients including options for staging works;
 - d) Mitigation and control of erosion;
 - e) Movement of water around, through and off the site;
 - f) Methods to protect groundwater quality and ensure supply to all existing bores;
 - g) Revegetation plan, including timetable for each section to be worked, floral species to be re-planted, together with a timetable for revegetation of each section.
22. The applicant shall de-silt all sediment control structures at regular intervals to prevent build-up of sediment.
23. The applicant shall ensure that the excavated and processing areas are adequately fenced. No stock are permitted in these areas during the duration of this consent.
24. Road culverts are to be constructed to contain the three major flow-lines that cross the haul road to ensure handling a 1 in 10 year storm.
25. Clean water diversion systems are to be installed upslope from the extraction site, processing area and stockpiles to prevent runoff water entering the site. Additional containment structures are to be constructed within the extraction, processing and storage areas to prevent sediment leaving the site.

26. The applicant shall pay a contribution in accordance with Council's Adopted Development Control Plan No. 5 (for Section 94 Contributions) in respect of all material produced from this site and transported on public roads.
 - a) The amount of the contribution shall be based on the tonnage produced. Calculations shall be made by a qualified Civil Engineer employed by the applicant and approved by Council in accordance with the formula adopted by Council and attached (Appendix A).
 - b) The applicant shall make the contribution calculated in 23(a) at three monthly intervals, the first being on 9 January 1996.
27. Material transported from existing stockpiles under DA 129/86 along Dalswinton Road as well as material transported from further extraction and production under DA 129/86 shall be subject to a Contribution as defined in consent DA 129/86. All product transported along the haul road shall be subject to Section 94 contributions calculated under DA 410/94.
28. The Council has the right to inspect and have the original records relating to any of the extractive material including number and types of laden truck and trailers and load quantities, transported from the development and audited by any person nominated by its internal accountant at anytime as and when a written request is required.
29. Compliance with the requirements of the Roads and Traffic Authority (RTA) as specified in their correspondence dated 8 October 2001, by 13 November 2002 or amended requirements of that authority after further negotiations by the applicant with the RTA.
30. Erection of truck turning warning signs on both approaches to the intersection.
31. Submission of details regarding construction material production from the quarry to the Department of Mineral Resources.
32. The Golden Highway/ quarry access road intersection shall be upgraded to a Type 'BAR' right turn treatment with a sealed shoulder in accordance with the RTA's Road Design Guide and the relevant Austroads guidelines to the satisfaction of the RTA and Council. The intersection upgrade shall be completed by 30 June 2010.
33. The intersection shall be sealed from the edge of the bitumen to the property boundary and include an asphaltic concrete overlay over the full intersection to allow for heavy vehicles turning.
34. The intersection works shall be undertaken at full cost to the developer.
35. The applicant will be required to enter into a Works Authorisation Deed with the RTA. In this regard the applicant is required to submit detailed design plans and all relevant additional information, as may be required in the RTA's Works Authorisation Deed documentation, for each specific change to state road network for the RTA's assessment and final decision concerning the work.
36. The applicant shall prepare an annual report in respect to the performance of the development and shall submit such a report to Council in respect to the calendar year ended 31st December. The annual report shall include information regarding the following matters (as a minimum):

- (a) The performance of the development;
- (b) The production quantities of the development including markets and production type;
- (c) The implementation and effectiveness of environment controls and conditions relating to the development;
- (d) Results on environmental monitoring;
- (e) Production operations and mining operations undertaken in the preceding 12 months;
- (f) Workforce characteristics of the development;
- (g) Any modifications or proposed work practices outlined in the Environmental Impact Statement required to mitigate adverse environmental effects;
- (h) Copy of all relevant licences and approvals required of the development by relevant authorities;
- (i) The applicant is to provide a complaints register for the recording of complaints with quarterly reports being submitted to Council identifying such complaints and the action taken to rectify such complaints.
- (j) Matters as specified in any guidelines provided by Council from time to time.

The report shall be submitted to Council in the month of January throughout the life of the development.

- 37. During operations and rehabilitation the proponent must maintain relevant groundwater and or surface water licences.
- 38. At cessation of operations, no groundwater is to be exposed unless significant flooding of the Hunter River is occurring. Consistent with the original EIS, a buffer of 2 metres above groundwater is to remain after extraction has ceased. The groundwater benchmark for the determination of this level in the Departments' opinion is an AHD equivalent to the rated 98th percentile flow height in the Hunter River.

11 COMMUNITY INFRASTRUCTURE

11.1 WASTE COMPLIANCE REPORT

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Joann Polsen - Senior Technical Officer Waste
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Monitor the current waste collection contractor's Key Performance Indicators (KPIs) and regulatory requirements.</i>

PURPOSE

- To inform Council of contractor J. R. Richards' performance within the Kerbside Waste Services Contract No. 2017-2018-0303.
- To inform Council of Waste Management's continued compliance with monthly NSW Waste and Environment Levy reports and payments under S88 of the Protection of the Environment Operations Act 1997.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

J. R. Richards & Sons are Council's service provider of the Kerbside Waste Services Contract No. 2017-2018-0303. They are required to comply with Performance Benchmarks regarding bin repairs, bin replacements, removal of services, provision of new services and missed services. Additionally, transfer bins from the transfer station areas at Denman and Muswellbrook are picked up and taken to the Muswellbrook landfill within 4 hours of the request by Council staff at these facilities.

J. R. Richards provide a monthly performance report to Council's Waste & Environment Operations Manager.

Table 1 details the relevant contract KPI's, the level of compliance for each month reported, as well as details on the number of new services, bin replacements and missed collections for the reporting period.

Table 1: Contract 4/2005 Key Performance Indicators, numbers of new services, bin replacements and missed collections.

Key Performance Indicator	Compliant? Y/N (Number of services or bins)					
	Oct 18	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19
New Services: Within 72 hours of notification from Council of new services, the Contractor must provide the new service with the required set of MGB's.	Y (4)	Y (3)	Y (2)	Y (8)	Y (6)	Y (3)
Replace or repair bins: Within 72 hours of notification. Due to damage, theft or vandalism.	Y (34)	Y (15)	Y (23)	Y (45)	Y (48)	Y (42)
Remove services: Within 72 hours of notification from Council	(1)	(0)	(1)	(0)	(0)	(0)
Collection service: Collection Service is only rendered inside the approved collection times and days (weekdays, 6am to 6pm)	Y	Y	Y	Y	Y	Y
Missed Services: A collection service is provided to all missed services within 24 hours of notification from Council.	Y (10)	Y (6)	Y (16)	Y (31)	Y (19)	Y (3)
Infirm services: The Wheel-out, Wheel-back policy is implemented on the first collection service immediately following notification from Council of eligible premises.	N/A	N/A	N/A	N/A	N/A	N/A
Contract meeting: A contract meeting is held once per month between Council's representatives and J.R. Richards representatives.	Y	Y	Y	Y	Y	Y
Resident enquiries: Number of calls to Waste Hotline phone 1800 312 933	8	133	112	159	102	165
Workplace Health & Safety: Number of near misses; Number of injuries; Number of days lost to injuries; Number of incidents:	(0) (0) (0) (1)	(0) (0) (0) (1)	(0) (0) (0) (1)	(0) (0) (0) (3)	(0) (0) (0) (0)	(0) (0) (0) (2)

The monthly J. R. Richard's reports to Council indicate that workplace safety incidents have been noted each month apart from February, as follows.

October – during a domestic collection run training session, the driver of the waste collection vehicle inadvertently hit a brick fence with the wheel of the bin, damaging the brick fence. Arrangements were made with the resident of the property to have the fence repaired and the driver was disciplined according to company disciplinary policy.

November - during the course of a waste collection run, the driver of the waste collection vehicle misjudged the clearance between the bin and a sign post. This resulted in the sign post being damaged. Repairs were organised and the driver was counselled to be more aware of his surroundings.

December - whilst conducting a waste collection run, the rear of the waste collection vehicle has made contact with a pole. There was no damage to the pole and the dent in the rear bumper of the waste collection vehicle was repaired. The driver was cautioned to be more aware of his surroundings.

January - Whilst driving onto the Gateshead weighbridge, the lower air tank on the waste collection vehicle has made contact with the side rail of the weighbridge. The driver has received further training, emphasising the need for the vehicle to be straight when entering or exiting the weighbridge.

After tipping a load of recycling product at Gateshead, the waste collection vehicle has driven over the weighbridge and when exiting the weighbridge has made contact with the end of the bridge, damaging a tyre on the truck. The driver has been cautioned to take more care.

Whilst servicing bins in the grounds of the village on Turtle Street, Denman, the waste collection vehicle's rear wheels have driven over a curbed section of the road, damaging the curb. Repairs will be carried out and the driver has been cautioned to take more care.

March - After unloading at Muswellbrook Waste Management Facility, the driver of the waste collection vehicle proceeded to clean the lifting arm of the vehicle at the wash bay. He has failed to retract the lifting arm, resulting in the arm making contact with the safety rail of the weighbridge as he was entering to weigh off. The driver was disciplined in accordance with company disciplinary policy.

During the course of a recycling collection run, the driver of the waste collection vehicle failed to fully retract the lifting arm on the vehicle, resulting in the arm making contact with the sides of two parked vehicles. The driver was counselled to take more care and arrangements were made for the vehicles to be repaired.

Council will also be aware of an incident in April, where a J R Richards employee performed routine servicing of the public place bins at Memorial Park in Denman, unfortunately disturbing the solemn memorial service being held for Anzac Day. The driver was disciplined, J R Richards also issued a blanket instruction to drivers such that if any services are encountered they are to pull over and shut down the vehicle until completion of any active services they encounter. J R Richards management swiftly provided their sincere apology to both Council and the RSL Sub Branch for the disturbance.

NSW Waste and Environment Levy compliance

The Protection of the Environment Operations Act (1997) requires certain licensed waste facilities in NSW to pay a contribution for each tonne of waste received at the facility. Occupiers who pay the waste levy under section 88 of the POEO Act are required to submit a *Waste Contribution Monthly Report* (WCMR) to the EPA every month.

WCMR's and the subsequent waste levy payments are prepared and submitted by Council staff to comply with NSW EPA deadlines. Table 2 shows the total incoming waste received, the outgoing recoverable waste from the Muswellbrook Waste & Recycling Facility, and the amount of NSW Waste & Environment levy paid each month.

Table 2: Tonnage of materials over the weighbridge at Muswellbrook Waste & Recycling Facility and Waste Levy paid.

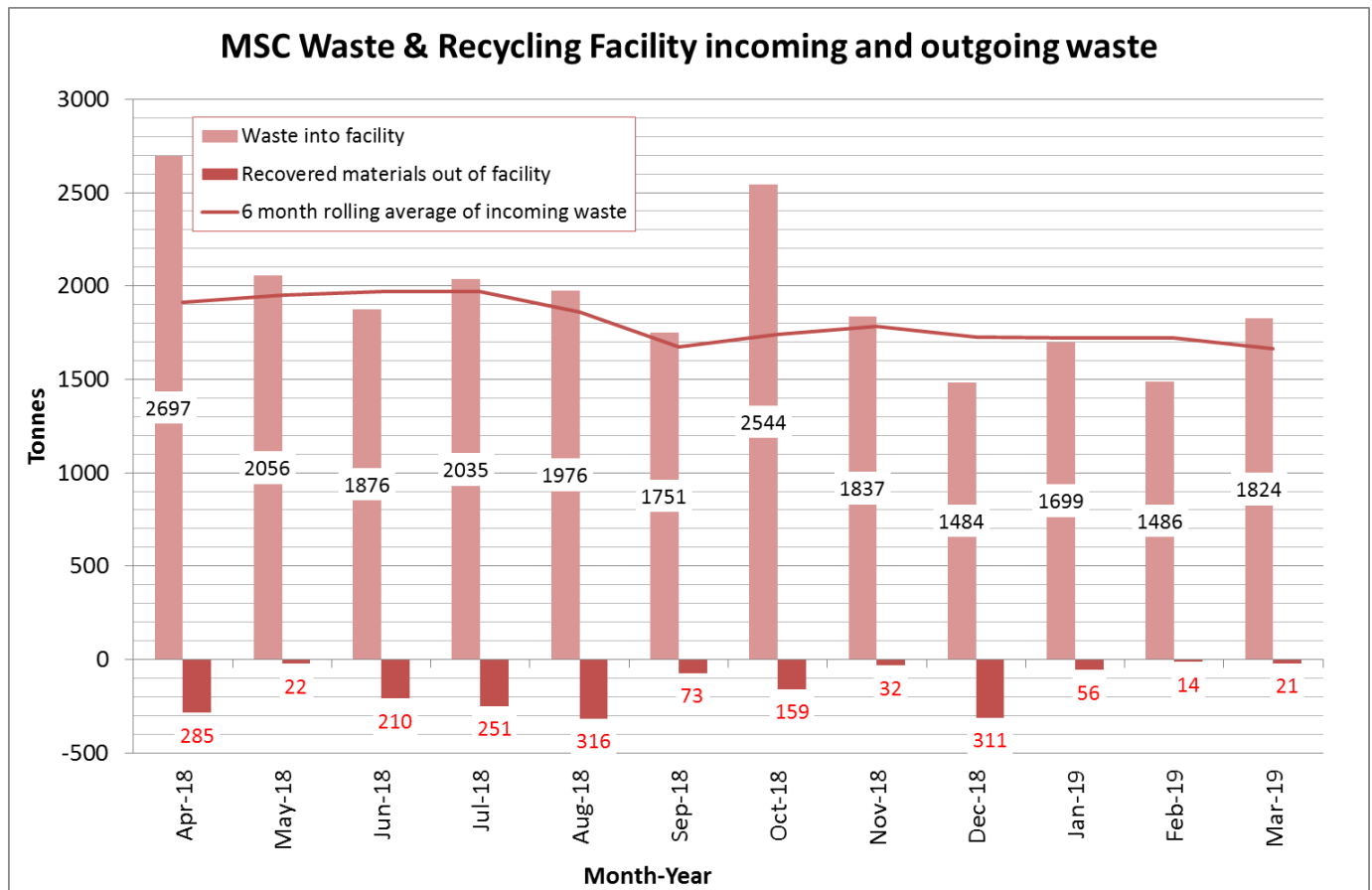
	Oct 18	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19
Incoming waste tonnes:						
Total received	2449	2027	1689	1921	1661	2012
Outgoing (recovered) tonnes:						
Total removed	160	32	311	56	14	21
NSW Waste & Environment Levy:						
Monthly Levy payment (\$)	185 606	161 293	111 559	150 480	133 039	160 354

Muswellbrook Shire was included in the Regional Regulated Area in 2009/10, becoming liable to collect and pay a levy rate of \$10 per tonne of waste received at its licenced waste facility. After 2009/10, the waste levy increased at a rate of \$10 + CPI each year until it reached \$76.70 per tonne in 2015/16. From 2016/17 onward the levy increases annually in line with CPI.

The levy rate for 2019/2020 is \$82.70/tonne.

Figure 1 displays the tonnage of waste moving into or out of the Muswellbrook Waste & Recycle Facility by month, supplemented with a rolling 6-month average of incoming waste to indicate the overall waste disposal trend.

Figure 1: Muswellbrook Waste & Recycle Facility incoming and outgoing waste per month.



As per regulation, all incoming wastes received at the Muswellbrook Facility are coded into three broad categories:

- Municipal;
- Commercial & Industrial; or
- Construction & Demolition.

For the purposes of statutory reporting and levy calculation, wastes generated by Council's business operations are categorised as Municipal waste. The Municipal category also includes the domestic kerbside bin collections as well as self-haul waste from residents. For purposes of EPA reporting, incoming waste from Upper Hunter Shire Council domestic kerbside collections are classified as Municipal but are broken out in this graph for interest.

Figure 2 illustrates the past 12 months of waste received at Muswellbrook categorised by source. Spikes in the Municipal category in April and October 2018 reflect the delivery of aggregate recovered from Council's road maintenance and construction activities and stockpiled at the waste facility for future reuse.

Spike in November 2018 is due to Bulk Waste collection, in January & February additional soil and aggregate was stockpiled and incoming waste remained high in March 2019 due to the Bulk Waste collection event.

Figure 2: Waste tonnage delivered to Muswellbrook Waste & Recycle Facility categorised by source.

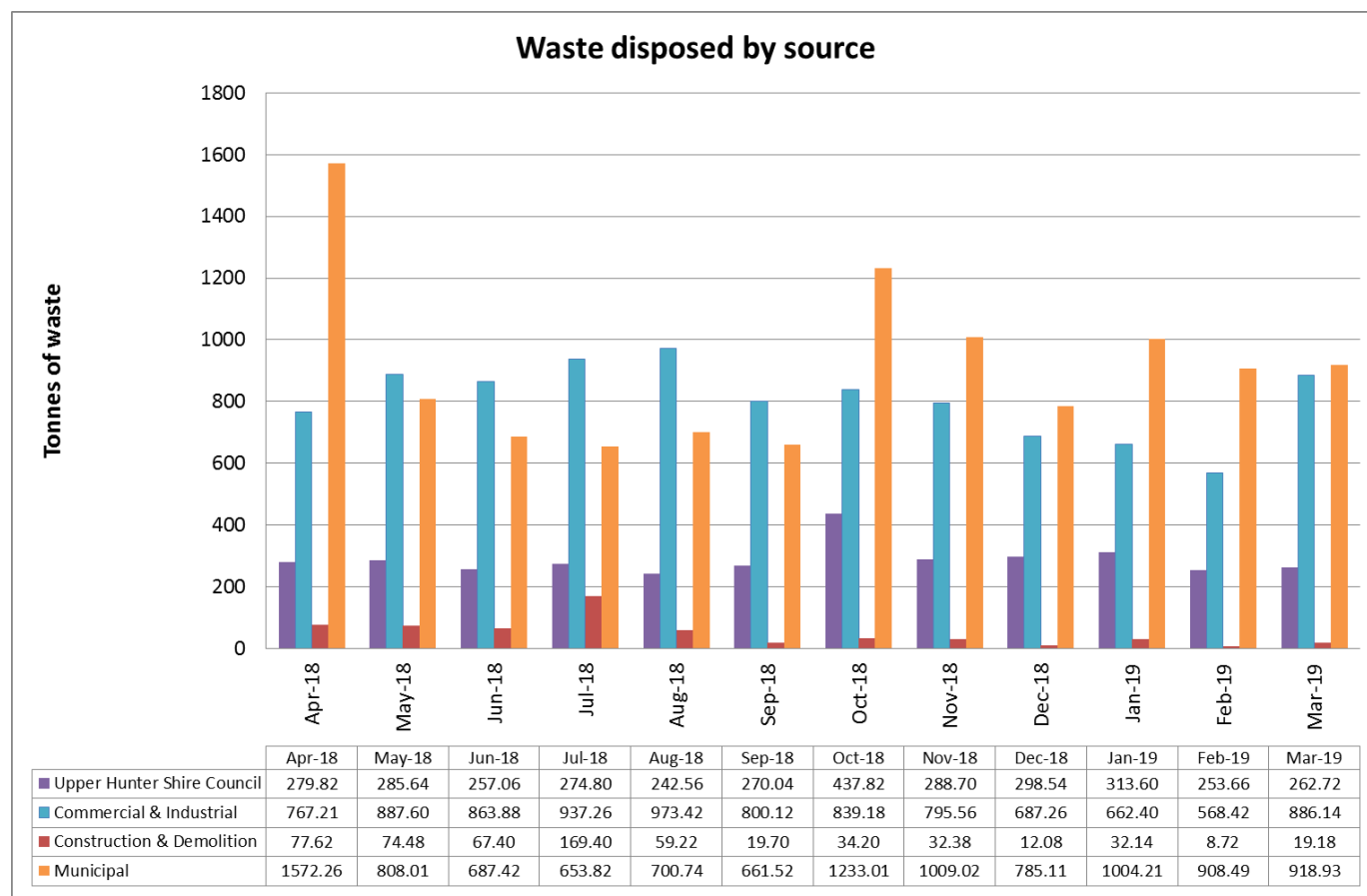


Figure 3 highlights the detail of waste self-hauled to the facility. Tonnages for Construction & Demolition as well as General Public categories remain fairly consistent throughout the year, whereas Commercial & Industrial tonnages have gradually declined yet note a slight elevation in March 2019. Council departmental waste is variable given that most day-to-day waste generated is small in volume. However, aggregate is periodically stockpiled at the Waste & Recycling Facility which results in large spikes in the waste data.

Figure 3: Self haul waste from all sources in detail.

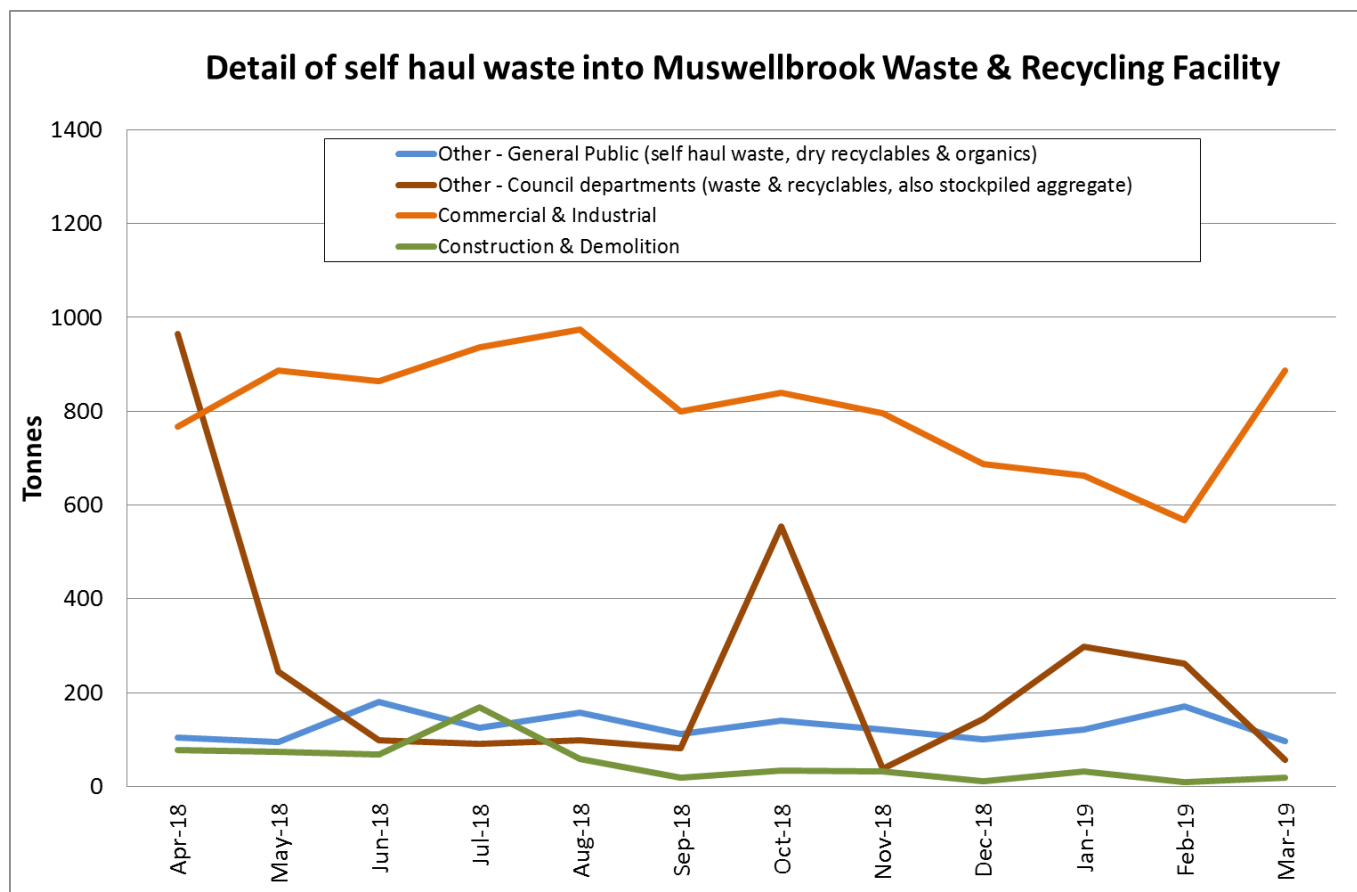


Figure 4: Overview of kerbside 3-bin system performance.

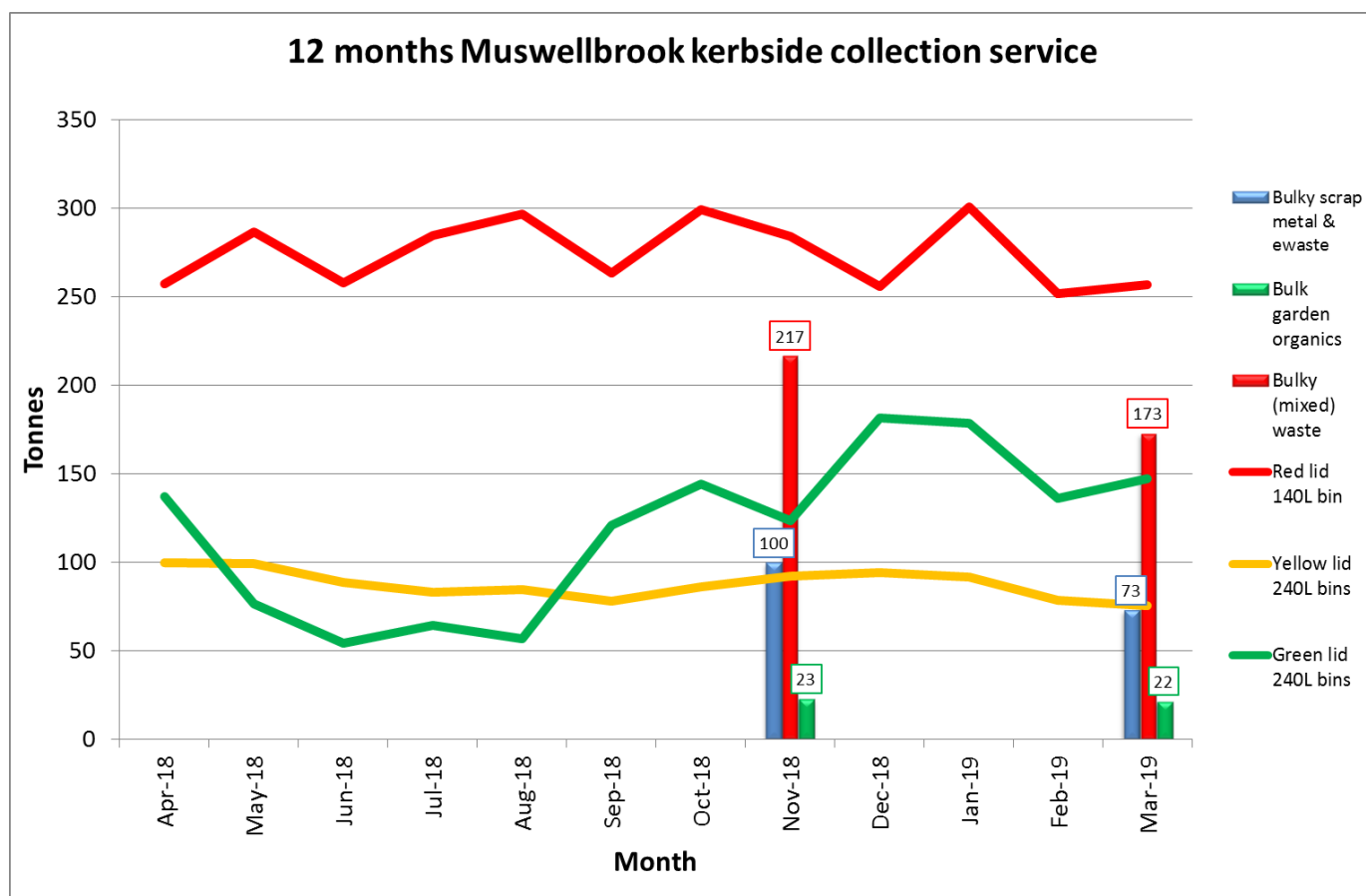


Figure 4 displays the kerbside bin collection performance as well as the bulky kerbside collections of garden organics, mixed wastes and metals. Red lid bin collection volumes are relatively consistent across the year whereas the volume of garden organics collected is elevated in spring / summer / autumn.

Yellow lid bin tonnages in Figure 4 are now sourced from contractor reports of material sent to Gateshead for stockpiling then onto the Polytrade MRF at Rydalmere, as this material is no longer brought into the Muswellbrook Waste & Recycling Facility. The subtle decline in recyclables weights may possibly reflect the introduction of NSW's Container Deposit Scheme.

Figures 5 and 6 show the variation over time of C&D and C&I wastes respectively. The volume of Construction and Demolition waste peaked in 2011/12 at 14,100 tonnes and has declined significantly to approximately 1,000 tonnes per year.

The Commercial and Industrial category (which provides the majority of Council's waste income) has been progressively declining after peaking in 2013/14 at approximately 14,200 tonnes. In 2017/18 the annual total dropped below 10,000 tonnes for the first time since 2009/2010 (Figure 6).

Figure 5: Annual tonnages Construction & Demolition wastes.

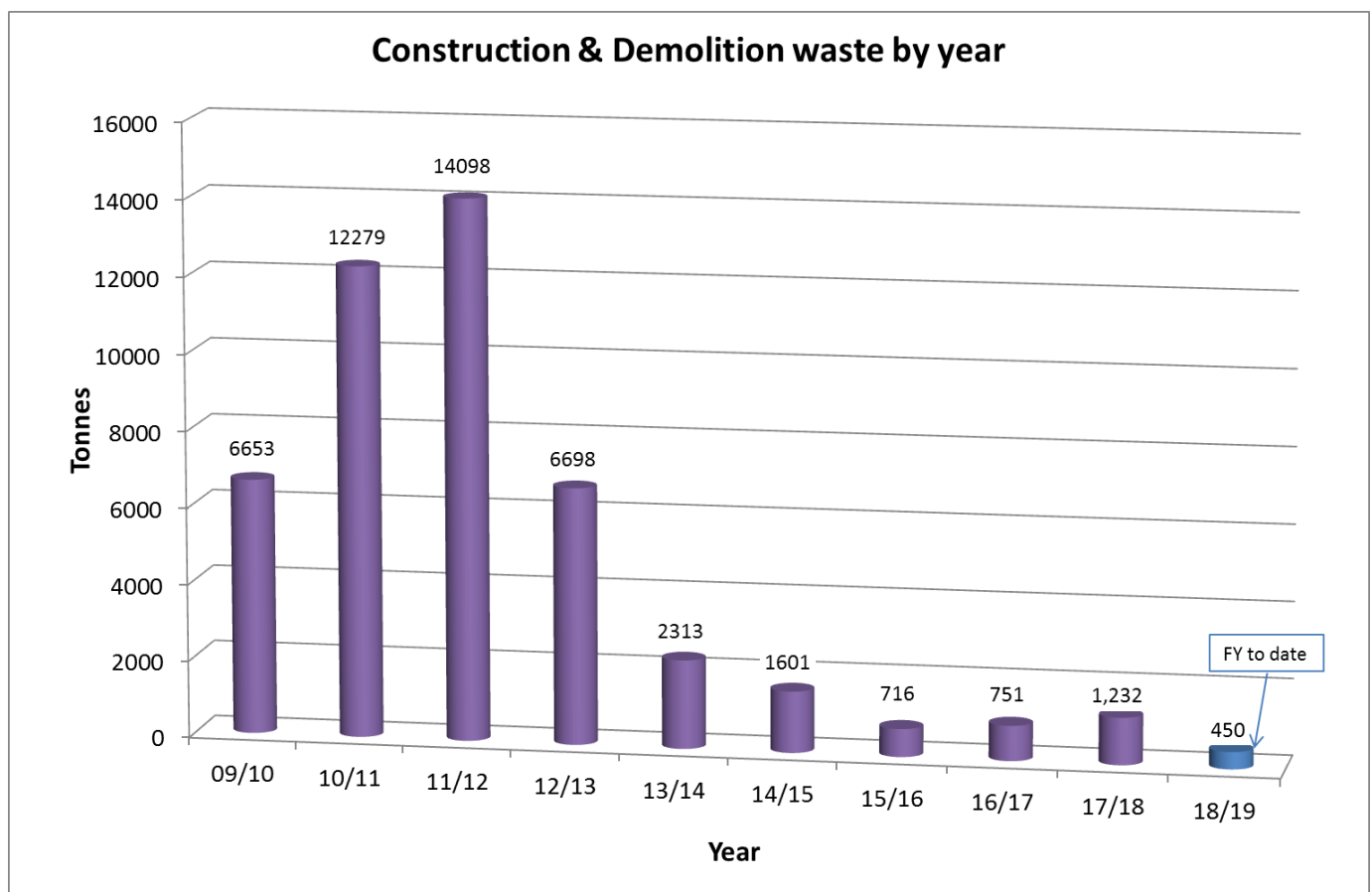
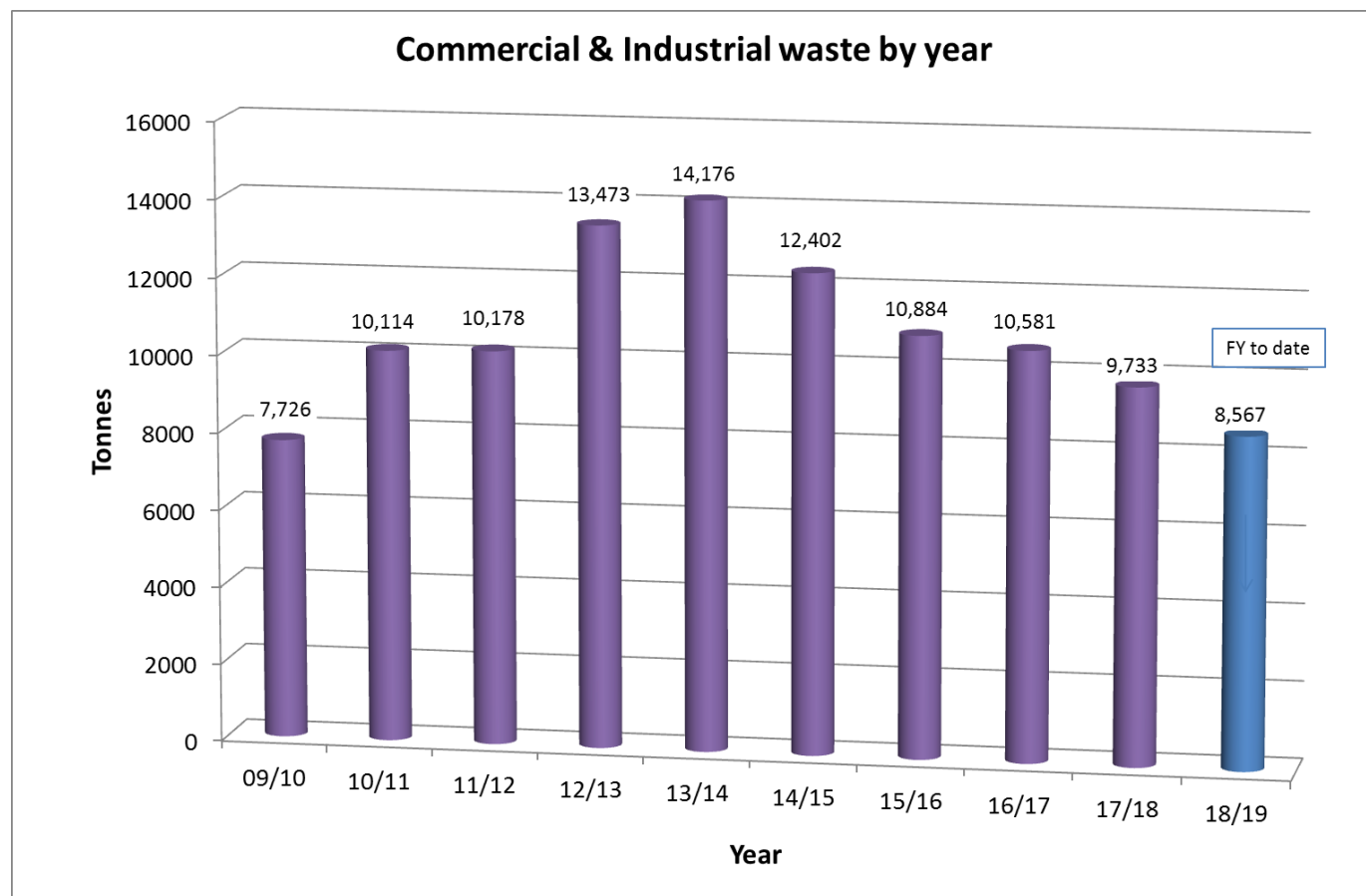


Figure 6: Annual tonnages Commercial & Industrial wastes.



11.2 MOUNT PLEASANT STAGE 2 RAIL LOOP

Attachments:	A. Attachment 1 Wybong Road Rail Over Bridge B. Attachment 2 Mt Pleasant Rail Loop C. Attachment 3 Overton Road Private Property Access D. Attachment 4 Logues Lane Private Access Upgrades E. Attachment 5 Hunter Water Pipeline Crossing
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

This report is submitted to Council to provide information in the early stages of the project and to seek any comment prior to the detailed design of the works within the road reserve being undertaken. The works will be subject to s.138 *Roads Act 1993* applications to be submitted in the near future.

OFFICER'S RECOMMENDATION

Council notes the information provided in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The Mt Pleasant development was approved by the then Minister for Urban Affairs and Planning on 22 December 1999 under DA 92/97, permitting the establishment of an open cut mine, extraction of up to 10 million tonnes of run-of-mine coal per year, establishment of ancillary infrastructure including a rail loop and loading facility and transportation of product coal to the Port of Newcastle via the Muswellbrook to Ulan rail line.

The development consent has subsequently been modified on four occasions, the most recent of which being the Mt Pleasant Stage 2 Rail Loop ("MOD4"). The modification was approved on 16 November 2018, and permits the:

- Construction of new product coal transport infrastructure, including a rail spur, rail loop, coal conveyor and rail loading facility
- Construction of new water supply infrastructure, including a water pipeline, pump station and associated electricity supply, and
- Demolition and removal of redundant rail and water supply infrastructure within the Bengalla development consent boundary.

CONSULTATION

Approval for the new infrastructure was sought as a modification to the Mt Pleasant Mine development consent (DA 92/97) and as such considered by Department of Planning and Environment (DP&E) under section 75W of the Environmental Planning & Assessment Act 1979.

DP&E exhibited the application from 18 January to 2 February 2018 on the Department's website, at the Department's offices, at Council's offices, and at the Nature Conservation Council's offices. The application was advertised in the Muswellbrook Chronicle and Hunter Valley News. The modification was also referred to relevant government agencies.

Further engagement and consultation with key stakeholders regarding the MOD4 rail loop and associated infrastructure is also underway, particularly with respect to gaining subsidiary approvals, and in relation to revised management plans.

The current engagement process includes the following Stakeholders:

- Muswellbrook Shire Council
- Subsidence Advisory NSW
- Office of Environment and Heritage
- Department of Industry – Water
- NSW Environment Protection Authority
- Bengalla Mining Company
- Ausgrid
- ARTC
- Telstra

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

This report is submitted to Council to provide information in the early stages of the project and to seek any comment prior to the detailed design of the works within the road reserve being undertaken.

The new rail loop will allow trains to depart from Muswellbrook to the Ulan Line, near Logues Lane, traversing the Hunter River floodplain via a viaduct prior to travelling north in parallel with Overton Road, a rail overbridge over Wybong Road (near intersection with Overton Road) and onto the Mount Pleasant mine site. The rail alignment then heads west within the Mining Lease, in parallel to the Wybong Road reserve to a new train load out facility. Condition 39A of the Approval advises that the works be undertaken by no later than 31 October 2022. (Attachment 2 -Aerial image of the proposed rail loop.)

The works which will require approval within the road reserve under a future s.138 Roads Act 1993 application are as follows:

- Wybong Road – rail overbridge near Overton Road intersection. (Concept plan Attachment 1)
- Overton Road – new private access driveway and privately-owned bridge to provide access to property (Concept plan Attachment 3)
- Logues Lane - various potential works to enable construction access for construction of the rail and viaduct on the floodplain. A relocated private access driveway will also be required due to necessary relocation of the existing private level crossing (Concept plan Attachment 4)
- Site Access Points – various construction access points.
- Underboring of the new water supply pipeline beneath Wybong Road (Concept plan Attachment 5)

Wybong Road Rail Over Bridge

A preliminary design of the rail bridge has been completed with the aim of meeting Australian Rail Track Corporation (ARTC) rail geometric requirements but also maintaining the intersection at Overton Road and Wybong Road in its current condition. The general arrangement of the bridge, including alignment, structural features and road hazard protection measures has given consideration to the attributes for the existing Wybong Road and Overton Road (Attachment 1).

Further, the elevation of the bridge has been defined by achieving ARTC's vertical grading criteria for heavy haul rail infrastructure. The resultant and subsequent clear heights from the existing road surfaces exceed the vertical height clearance requirements to superstructure components of bridges as defined in AS5100.1 2017.

Some consideration to future adjustment of the road, should this be considered by Muswellbrook Shire Council as part of a separate capital works programme, has been included by way of extended shoulders and height clearances. Further, the vertical clearances achieved maintain forward visibility for vehicles travelling along Wybong Road in either direction.

The position for the bridge abutments has been located outside the horizontal safe intersection sight distance planes of both roads. However the length of the bridge and the capacity of the girders warrant additional piers. While the position of these piers is outside the horizontal safe intersection sight distance planes, they are located within the clear zone of Wybong Road. Additional protection has been introduced by way of a rigid F-Type and curved G4 barriers to ensure the hazard is protected.

Design development of the bridge is ongoing, however a diagrammatic illustration has been included for discussion purposes in the attached sketch Attachment 1

Overton Road – new private access driveway and privately-owned bridge

There are two properties which are currently accessed by private driveways off Overton Road. The rail works will intersect these existing access points and an alternate access arrangement is required. The scope of works for this application will include a new private driveway / access road extending off Overton Road. The new private access road will cross the rail corridor via a privately owned bridge. The bridge will connect to a private access road interfacing with the existing properties.

The existing driveways will likely be maintained during construction of the rail infrastructure to serve as construction access. Post construction, these access points will be removed.

Logues Lane

The scope of work for this application includes:

- new access requirements off Logues lane, shown indicatively in Attachment 4
- potential drainage modifications to maintain longitudinal drainage along Logues Lane (sections of the current swale drain are located within the ARTC corridor and may be affected by the new rail infrastructure)
- relocation of the existing passive level crossing (this is required to be moved to a single track location as a level crossing that provides property access cannot remain passive if it crosses over multiple tracks)
- minor earthworks associated with the rail infrastructure may intercept the corner of the Logues Lane cadastral boundary as shown

Upgraded Site Access Points

The scope of work for this application includes installation of new access point and upgrading of existing access points to allow the construction of the new infrastructure under the Mod 4 Consolidated Consent as well as long term maintenance of this infrastructure.

Access points shall be constructed to meet the minimum requirements of Muswellbrook Shire Council Rural Property Access Drawing Number 0041/1 Rev A dated 16/07/2012, however these may be widening at selected locations to allow for larger vehicles to safely enter and exit.

Underboring of the new water supply pipeline beneath Wybong Road

As part of these works, and as per the Mod 4 Consolidated Consent, new water infrastructure is to be constructed as shown in Attachment 5. The scope of work for this application includes the following works which fall within the Muswellbrook Shire Council easement for Wybong Rd, between Logues Lane and Kayuga Road:

- Water Pipeline crossing the road easement (via under bore or directions drilling)
- Use of existing property access (as shown in Figure 2), potentially requiring minor works or repairs

The design of the under bore or directional drill is yet to be detailed however a detailed design, including minimum depth to the new infrastructure, shall be provided to Muswellbrook Shire Council once completed and prior to commencement of works.

OPTIONS

Provided for information of Council to allow for comment.

CONCLUSION

This report is to provide preliminary information to Council to allow for any comment prior to the next stage of detailed design of the infrastructure within the road reserve.

SOCIAL IMPLICATIONS

The mine provides employment within the shire.

FINANCIAL IMPLICATIONS

The cost of all works undertaken will be the responsibility of the applicant. Council will cover its costs through the s. 138 Roads Act 1993 consent conditions.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

Not applicable.

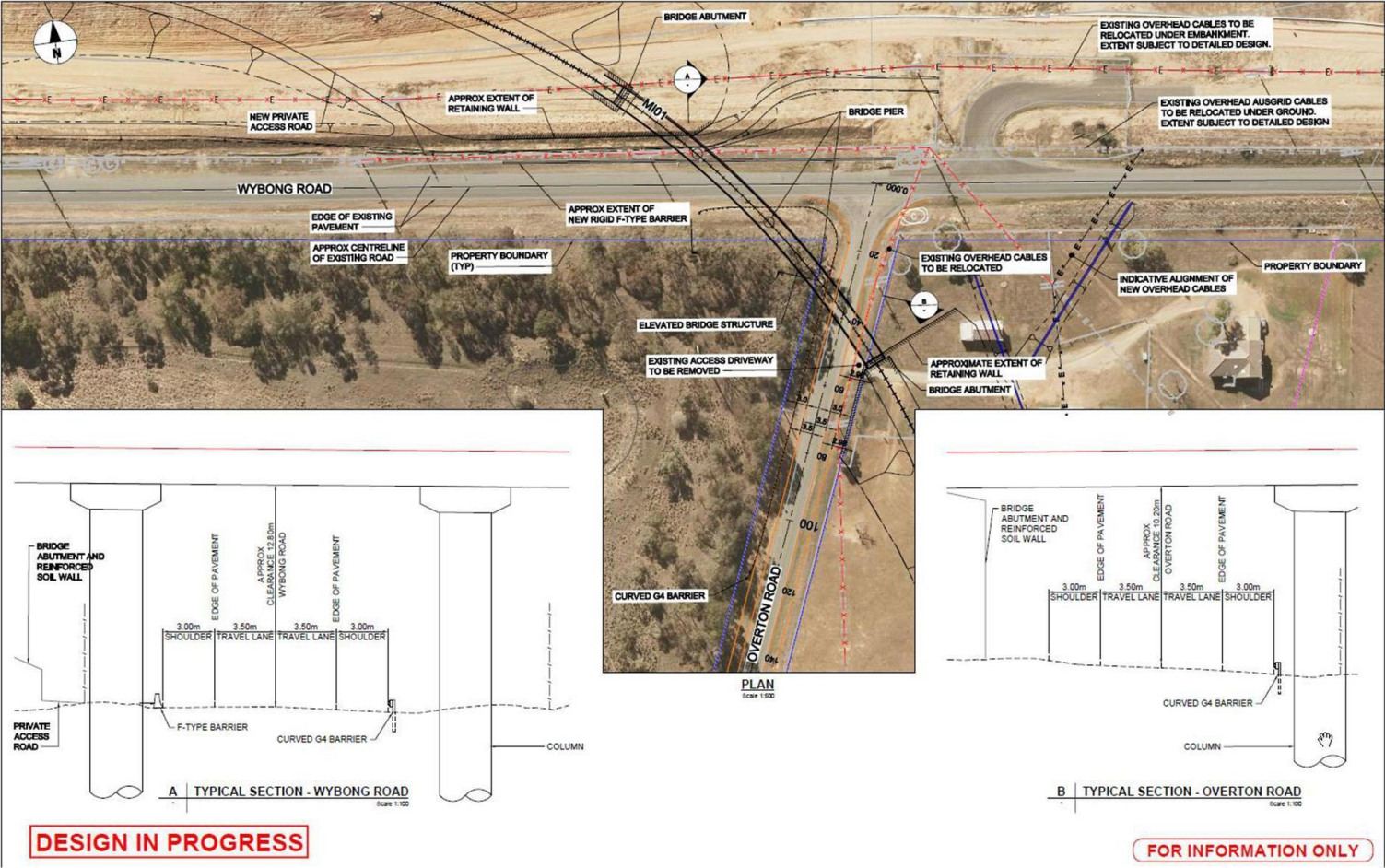
OPERATIONAL PLAN IMPLICATIONS

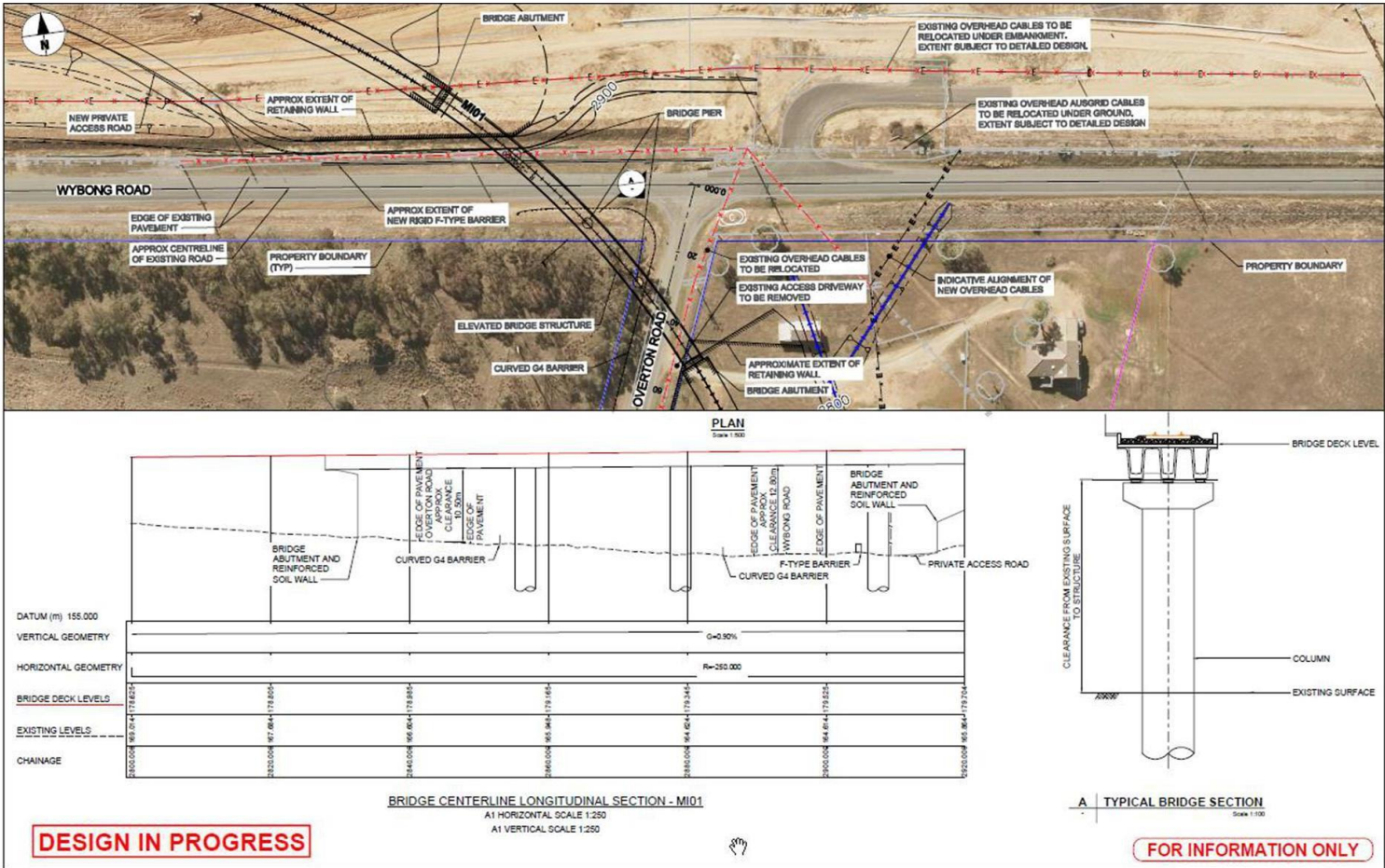
Not applicable.

RISK MANAGEMENT IMPLICATIONS

Risks are managed by the use of qualified consultants required to submit and certify designs for the infrastructure to be placed within Council's road reserves and Council staff acceptance of these designs and oversight of the construction. Works are required to comply with Standards particularly RMS guidelines "Traffic Control at Work Sites". Construction and removal bonds will be imposed under the conditions of consent for the works at the time of the approval of s.138 Roads Act 1993 application.

Attachment 1 -Wybong Road Rail Over Bridge

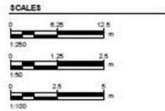




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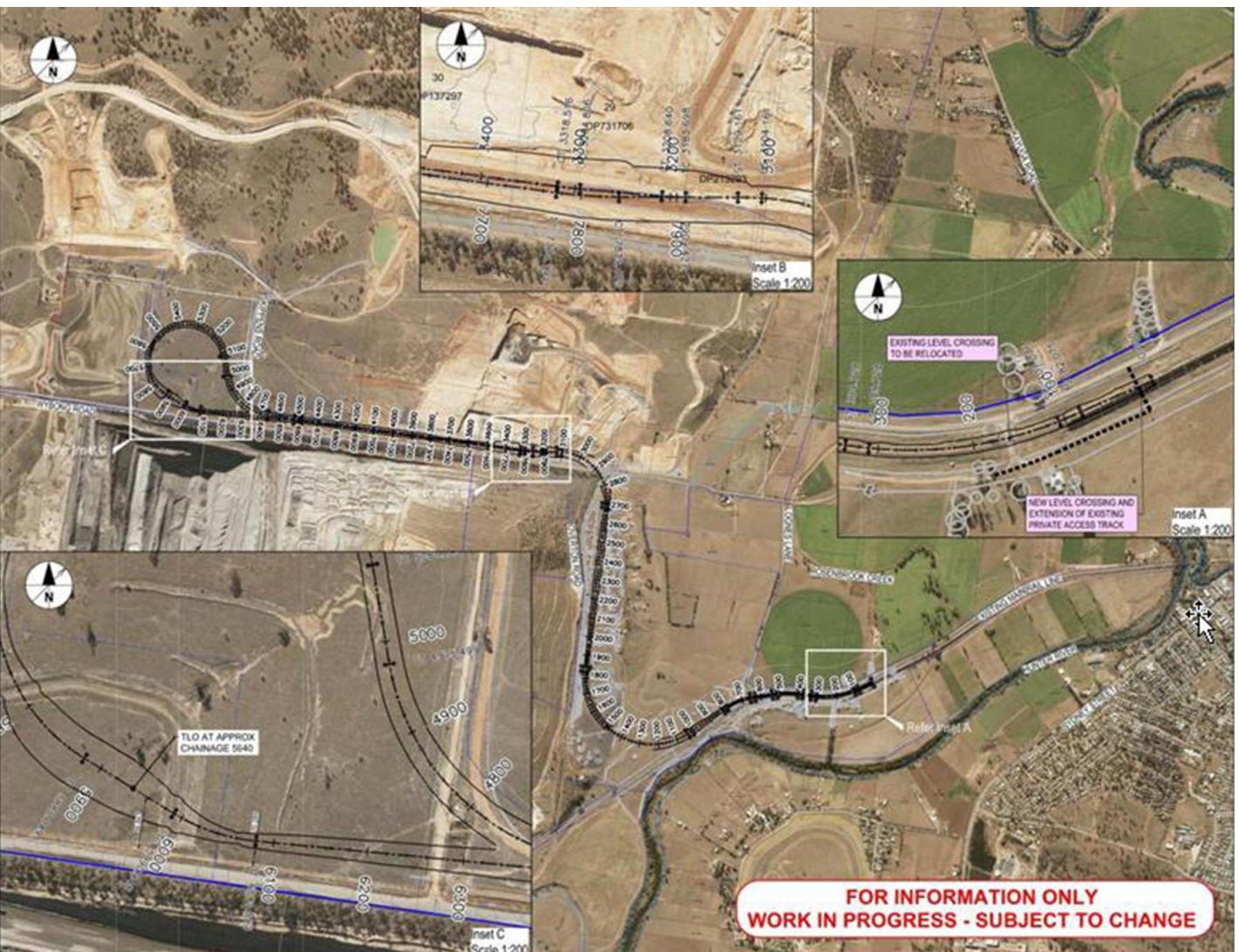
MACHEnergy **CPB**



PROJECT NUMBER
60501930

SKETCH TITLE
WYBONG & OVERTON RD
RAIL BRIDGE
PLAN & LONGSECTION

SKETCH NUMBER
MACH-SKT-00-0022



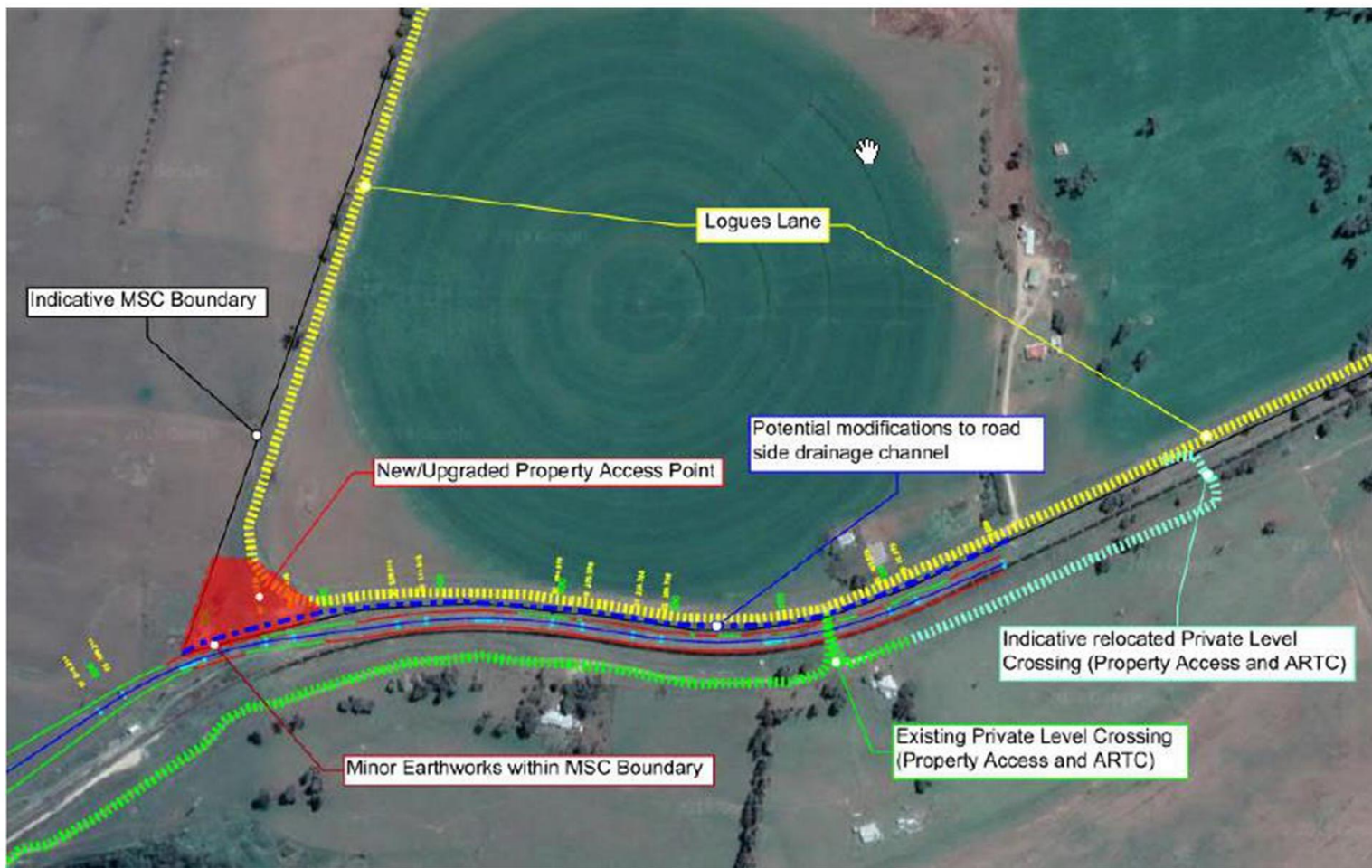




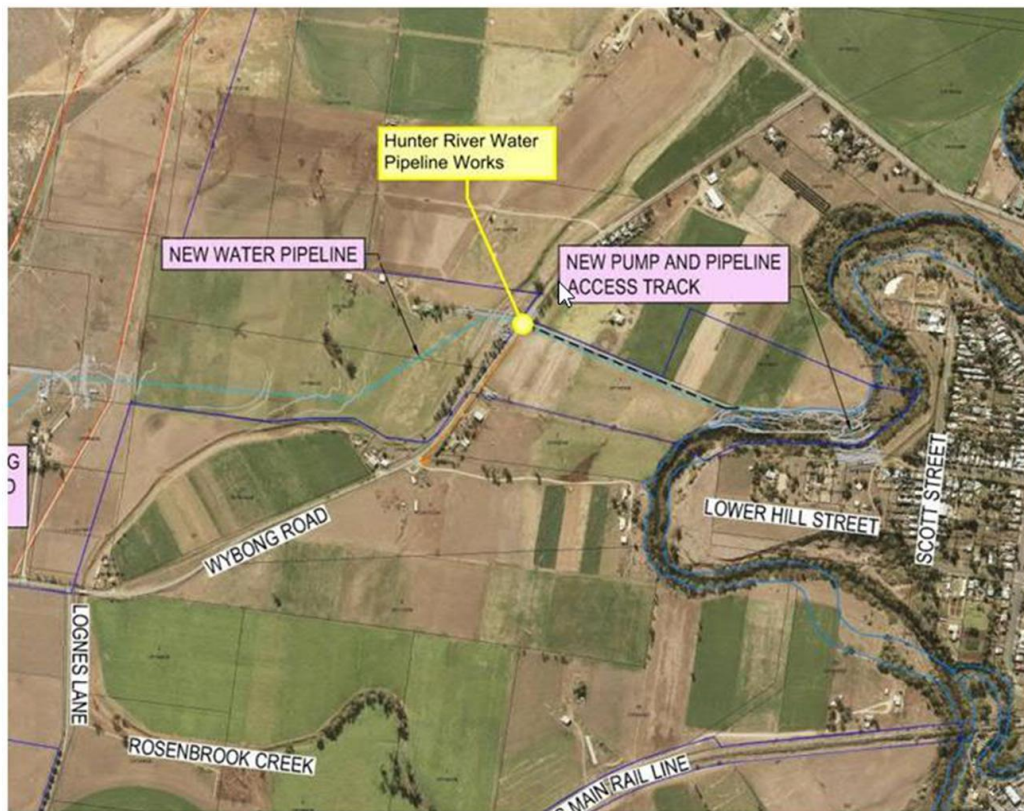
Attachment 3 Overton Road Private Access Driveway



Attachment 4 – Logues Lane Private Property Access Upgrades



Attachment 5 Hunter River Water Pipeline Crossing



11.3 BOX CULVERT ACROSS SANDY CREEK AT MANGOOLA ROAD

Attachments:	A. Nov 2013 report to Infrastructure Ctee
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Kellie Scholes - Manager - Roads, Drainage & Technical Services
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Carry out regular asset inspection.</i>

PURPOSE

To inform the Council about the unsatisfactory condition of a major culvert over Sandy Creek on Mangoola Road and recommend options to address this matter.

Officer's Recommendation:

Council transfers \$455,000 from the Infrastructure Reserve to enable the replacement of the identified box culvert across Sandy Creek at Mangoola Road.

Moved: _____ **Seconded:** _____

BACKGROUND

The major culvert consisting of seven 1200 mm x 600 mm reinforced concrete box culvert cells (RCBC) over Sandy Creek at Chainage 3.88 km on Mangoola Road was the subject of a report submitted to the 21 November 2013 meeting of the Infrastructure Committee. The report provided information to Council on the condition of the concrete structure and options to manage the asset in the short and medium term. A copy of the 2013 report is attached as an appendix to this report.

Council's resolution on the matter was;

RECOMMENDED that:

- The replacement of the box culvert across Sandy Creek at Mangoola Road be listed for inclusion in the Investigation and Design program for 2014-15 and listed for consideration in future budgets; and*
- A mass limit of 14 tonnes on the culvert across Sandy Creek at Mangoola Road be imposed.*

The 2013 report discussed three options to manage the culvert:

- Carry out the repairs of the spalling and further repairs in 3 to 5 years time. this option will require regular repairs to the culverts due to the fact that the culvert units are old and of poor quality.
- Replace the culvert now. This option is the safest as there will be no risk of failure of the structure and consequential public liability issue.
- Replace the culvert in 2 to 3 years time, whilst monitoring the condition of the culvert regularly.

Quotations obtained at the time were in the order of \$171,000 for repair of the culverts, and were considered to be an unsatisfactory cost benefit ratio, as further spalling of the culvert structures would occur at a later date, requiring more funding to be expended on repair to the structure.

At the time Council, considered the option to continue to monitor the condition of the culverts and to replace the structure at the end of its useful life.

CONSULTATION

Council works staff – level 2 bridge inspection.

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 feedback.

REPORT

Recent road inspections of Mangoola road have identified sections of isolated subsidence of the road pavement over the seven cell reinforced concrete box culvert at Chainage 3.88 km. A subsequent Level 2 inspection of the in-excess of fifty year old year structure has found it to be in poor condition.

To minimise risk due to potential failure of the structure, Council has imposed a half road narrowing of the structure that will only permit, under Give Way traffic conditions, traffic to pass over the area of the culvert considered to be in more sound condition. The recent Level 2 inspection carried out on the structure has confirmed extensive spalling, particularly at the southern end of the culvert.

It is noted that the mass limit of 14 tonnes was never imposed on this section of Mangoola Road. Council could therefore consider applying a 14 tonne load limit compliant with the relevant legislation in order to further minimise risk to public safety until the culverts are replaced.

OPTIONS

Council could consider a number of options in relation to the matter:

1. Enable the transfer of \$455,000 from the Infrastructure Reserve to enable the replacement of the identified culvert.
2. Carry out operational repairs to the structures.

This option is not recommended, as the condition of the structures has deteriorated to the extent that operational repair would not be effective.
3. Continue to monitor the condition of the structure, to manage the passage of traffic over the structure, and to impose a 14 tonne load limit over the structure until replacement of the structure may be carried out.

CONCLUSION

The existing culvert at Chainage 3.88 km on Mangoola Road is in poor condition, which has required a half road closure to mitigate risk to public safety for users of the road. It is recommended that \$455,000 be transferred from the Infrastructure Reserve to enable the replacement of the identified culvert.

SOCIAL IMPLICATIONS

Should Council decide to impose a 14 tonne load limit over the affected section of Mangoola Road, an appropriate level of public consultation will be carried out as a component of the approval process.

The current half road closure imposes restrictions on the road network and users of the road.

FINANCIAL IMPLICATIONS

Sufficient funding is available in the Infrastructure Reserve to enable the replacement of the identified culvert.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Load limits are applied in accordance with the Roads Transport Act.

LEGAL IMPLICATIONS

OPERATIONAL PLAN IMPLICATIONS

The submission of this report complies in principle with section 19.3.4 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management'.

RISK MANAGEMENT IMPLICATIONS

There is potential risk to Council due to possible failure of the structure.

1. BOX CULVERT ACROSS SANDY CREEK AT MANGOOLA ROAD

The Manager Roads and Drainage reports:

i) PURPOSE:

This report provides information about the condition of a drainage structure on Mangoola Road and the options available to manage this structure in both the short and medium term.

ii) DATE OF REPORT: 21 November 2013

iii) REPORT:

Roads and Maritime Services adopts an inspection regime for bridges and major culverts, which includes four levels of inspections. These are level 1 to level 4.

1. Level 1 Inspections are drive-by inspections which identify obvious safety issues on a bridge;
2. Level 2 Inspections are condition rating inspections that are carried out in accordance with the Bridge Inspection Procedure by RMS trained Bridge Inspectors;
3. Level 3 Inspections are structural engineering inspections carried out by an experienced structural engineer.
4. Level 4 Inspections involve load assessment due to proposed changes in legal loading, new vehicle types, or the need to confirm structural capacity of a bridge.

Council has engaged a consultant in September 2009 to carry out Level 2 Inspections of various bridges and major culverts, including the culvert across Sandy Creek at Mangoola Road. This particular culvert has 7 cells of 1200mm x 600mm box culverts, which would have been constructed some 40 to 50 years ago. The inspection revealed that the deterioration of the culvert and spalling of concrete at various locations. The culvert has been monitored since then.

Integrity Testing Pty Limited was engaged in 2013 to undertake the Level 3 inspections of this culvert to ascertain the structural adequacy and to develop a scope of works for remedial works so that Council can engage a contractor to carry out the repairs.

The structural assessment concluded that the culvert is capable of carrying the legally loaded limits even though there are extensive spalling in a couple of cells of the culvert. It further considered that large scale spalling and loss of reinforcement could occur in 3 to 5 years. A scope of works for remedial works was developed and quotes were invited from suitably qualified contractors anticipating that the cost of repairs to be well under the \$ 150,000, threshold for open tenders. Council received only one quote for these repair works in the amount of \$ 171,544. It should be noted that even if the spalling is repaired, further spalling of other areas could occur requiring repairs subsequently.

As these repair costs are very high, it was considered that installation of a new culvert could be a better option. It is estimated that the cost of installation of a new culvert is about \$200,000.

The following options are available to Council to manage this drainage structure:

Option 1

Carry out the repairs of the spalling and further repairs in 3 to 5 years time. This option will require regular repairs to the culverts due to the fact that the culvert units are old and of poor quality.

Option 2

Replace the culvert now. This option is the safest as there will be no risk of failure of the structure and consequential public liability issue. However Council will have to allocate additional funds to drainage devices allocation to implement this option.

Option 3

Replace the culvert in 2 to 3 years time, whilst monitoring the condition of the culvert regularly.

This option allows Council to use the existing structure for a few more years and delay the capital expense. However, there is minor risk to Council with regards to a public liability claim arising from the failure of the structure. It is considered that should the structure fail, it will not be a sudden failure. With regular inspections, the condition of the culvert can be monitored and appropriate action taken if the condition has deteriorated to an unacceptable level.

Further Council could consider the application of a load limit of on this structure as pursuant to Sec 28 (1)(a) of the Road Transport General Act 2005 to minimise potential risk of the failure of the structure and consequent public safety.

iv) FINANCIAL IMPLICATIONS: Option 1 will have a high life cycle cost in managing this drainage asset as it will require recurrent high cost repairs. Option 3 has a better financial outcome over Option 2 due to the delayed capital expenditure and the use of the existing asset for a few more years.

v) POLICY IMPLICATIONS: Nil

vi) OPERATIONAL PLAN IMPLICATIONS: Item 3.5.2 of the Operational Plan requires the delivery of capital program substantially on time and on budget with relevant design and construction standard. Not undertaking the repairs and deferring the replacement will result in some of the allocated funds being not spent in this financial year.

ACTION RECOMMENDED:

That:

- 1. the replacement of the box culvert across Sandy Creek at Mangoola Road be included in the Investigation and Design program for 2014-15 and listed for consideration in future budgets; and**

3. a mass limit of 14 tonnes on the culvert across Sandy Creek at Mangoola Road be imposed.

Moved:.....

Seconded:

Report prepared by

Edi Ediriwickrama

Accepted for inclusion into Business Paper

Neil Pope

11.4 KARoola PARK AND WEERAMAN FIELDS MASTER PLANS

Attachments:	A. Karoola Park Master Plan B. Weeraman Fields Master Plan Stage 1 and 2
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Paul Chandler - Technical Offer - Recreation & Property
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Maintain the sporting and recreational facilities to standard.</i>

PURPOSE

The Karoola Park and Weeraman Fields Master Plans have been drafted in consultation with user groups and Councillor Spokesperson's, the plans have been publically exhibited and for Council to provide comment before adoption.

OFFICER'S RECOMMENDATION

- 1. Council adopt Weeraman Fields Master Plan or make amendments to the Master Plan for any changes considered relevant.**
- 2. Council adopt Karoola Park Master Plan or make amendments to the Master Plan for any changes considered relevant.**

Moved: _____ **Seconded:** _____

BACKGROUND

Karoola Park and Weeraman Fields were both identified in the General Recreation Programme as requiring master plans to facilitate and inform future planning. These plans have been produced to reflect staff and user groups' input of the facilities. Both plans have been publically exhibited with no submissions received.

CONSULTATION

Manager Works, Property & Building
Project Manager Property and Building
Technical Officer Recreation and Property
Muswellbrook Netball Club
Muswellbrook Little Athletics
Muswellbrook Cats AFL
Publicly exhibited

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Green - Health and Well-being
Councillor McNeill – Sport and Recreation
Councillor Reynolds
Councillor Scholes

REPORT

Both Master Plans have been developed through liaising with the user groups from each respective facility. The plans were placed on public exhibition from 8th May till 5th June 2019. A drop in information stand was held on Wednesday 29th May 2019 with no comments made on the Weeraman Master Plan Stage 1 and just 1 for the Karoola Park Plan, being *'why not leave the playground where it is'*, the playground will not be relocated until it needs to be replaced, also the where the playground is currently located goes under water in storm events. The new location allows ease of access for everyone and safer parking for users.

Karoola Park draft master plan

Karoola Park offers recreation in the form of 8 netball courts, a BMX track and playground. It also offers passive recreation in walking routes through the park past the primary school.

Due to a large catchment area of the park, and riparian system running through the park, flooding has been identified as a problem. The netball courts were flooded in 2000, 2007, 2014 and 2016. The Muswellbrook Urban Riparian Master Plan identified a number of interventions to prevent flooding as much as possible. Storm water management would be in line with the Muswellbrook Urban Riparian Master Plan.

Parking at the park, particularly when the netball courts are in use, has been identified as a problem. A need to upgrade and increase parking has been expressed, as well as an opportunity to extend parking to the nearby school for use at morning and afternoon drop offs, increasing pedestrian safety throughout the precinct.

The master plan has the addition of:

- 2 new netball courts on the top side of the existing courts, with one court to be multi-purpose, enabling the court to be used as a basketball court;
- Playground moves to beside the existing amenity, this will prevent it flooding and will also provide to parents attending the playground a safe car park and improved accessibility;
- New car parking – 4 locations at the end of each street towards the school. This will help with school pick-ups and drop offs as well as game day for netball. Also formalise the carpark at the Hunter Street side of amenity building;
- Shared walkway from school to netball courts, taking in each car park to allow safe travel; the path will also go right around Karoola Park to facilitate passive recreation (walking). The paths will also link up to the riparian master plan and possibly up to the path at Semillon Street;
- The installation of a pump track in place of the BMX track would modernise BMX in Muswellbrook;
- Proposed berms to guide storm water as per the Riparian Master Plan;
- Proposed planting of depressions

Weeraman Fields draft master plan

Please note the draft Weeraman Fields master plan has been split into two stages.

Weeraman Fields currently hosts Little Athletics, Amateur Athletics, AFL and Cricket at the facility.

During consultation with the user groups, concerns were raised with the car parking, amenities/change rooms, field lighting, the condition of the top field and spectator areas, along with storage.

The draft master plan includes the following features:

Stage 1

- Existing clubhouse with proposed additional facilities, including 2 new change rooms, bar service area, time keepers box, covered seating area and storage;
- Existing athletics track to be retained around cricket field;
- Upgrade lighting;

- Retain existing cricket field with possible fencing;
- Additional tree planting for shade and shelter;
- New parking area and access from Coal Road;
- Retain existing Junior Field (top field) need to renovate and irrigate if competition games are to be played;
- Discuss and hammer throw cages to be installed on top field;
- Retain existing long jump;
- Strengthen pedestrian access and plantings;
- Pedestrian access from all parking areas.

Stage 2

- Move embankment forward to accommodate new fields;
- Proposed additional fields to the north of existing fields;
- Proposed new cricket nets;
- Pedestrian walkway around the perimeter of the grounds;
- New fencing with tree plantings

OPTIONS

Council could choose to adopt the plans as they are or make any amendments they feel would benefit the facilities. This could include extending the Karoola Master Plan to cover all the way past the Dog Park.

CONCLUSION

These master plan projects are not funded but will allow us to apply for grants to enable staged progress and improvement at the facilities.

SOCIAL IMPLICATIONS

Sport and Recreation encourages increased community involvement in fitness and organised sport.

FINANCIAL IMPLICATIONS

Karoola Park Master Plan has funding \$184,000 for 2 new netball courts through the NSW's Government Building Stronger Communities Grant, however no other stages of the master plan have been funded.

Weeraman Fields received \$70,792 for minor renewal of the amenities building; this has been completed and included new canteen fit out and female friendly change rooms. All other proposed works are not yet funded.

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.

RISK MANAGEMENT IMPLICATIONS

Risk management is considered and would be managed through each stage of the design and construction process.

KAROO LA PARK

CONCEPT MASTER PLAN



Prepared for: Muswellbrook Shire Council

Project No: 1695 Issue: 01 Date: NOVEMBER 28th, 2018

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1.0

Overview

1

OVERVIEW

2

Context

3

Concept Master Plan

4

Phasing

Overview

1.0

1.1 Summary

Karoola Park, situated in Muswellbrook Shire, is a park providing active recreation activity with netball courts as well as walking paths throughout the park. The park is known to have flooding problems, as identified in the Muswellbrook Riparian Landscape Master Plan.

The purpose of the Concept Master Plan is to provide a long term vision for the park in order to guide future development and resources. The Concept Master plan will propose changes and upgrading of facilities in line with the interest expressed by the Muswellbrook Shire Council to turn the attention of the community towards the Hunter River and Muscle Creek. The purpose is to create a park that will benefit the surrounding community and benefit those using the park.

1.2 Objectives

The vision for Karoola Park is to create a park that would serve the needs of the surrounding community and, in line with the Muswellbrook Urban Riparian Landscape Master Plan, allow the community access and opportunity to interact with the riparian system.

Key objectives include adding two more Netball courts, as well as prevent the flooding of the existing courts. In line with the Muswellbrook Riparian Landscape Master Plan, access to the riparian system should be promoted and improved. This would include formalising existing parking and pedestrian movement routes as well as integrate these with the adjacent school. Opportunity also exists to redesign the existing play area to better function within the greater park.

1.3 Design Informants

- Continual flooding of the play area and netball courts requires remedial action.
- The concrete channel has been identified as an opportunity to naturalise and create opportunity for the community to interact with the riparian system.
- Grassed batters have been suggested to help slow water movement and direct water to the culvert during times of heavy rain.
- Reposition and upgrade the BMX track
- Reposition and integrate the play area with the broader park.

1.4 Phasing

The Concept Master Plan identifies a number of projects that may be implemented over time and be seen as smaller individual projects in order to realise the overall vision. A phased approach will be discussed indicating sequencing of areas based on their priority.

Overview

1.0

1.5 Report Overview and Structure

OVERVIEW 1	MASTER PLAN INTRODUCTION	This section provides an executive summary overview of the Concept Master Plan.
	KEY RECOMMENDATIONS	The purpose is to explain the key features of the Concept Master Plan to provide an overview of the recommendations within.
	CONCEPT PLAN PROCESS	The process in the development of the Concept Master Plan.
CONTEXT 2	REGIONAL CONTEXT	This section provides analysis of Karoola Park within its greater context and facilities. Analysis was undertaken through site visit, desktop investigation and consultation with council staff.
	STUDY AREA	
	STUDY AREA ANALYSIS	This analysis informed the development of the Opportunities and Constraints map which assisted in guiding the Concept Master Plan development process.
	ISSUES AND OPTIONS	
Concept Master Plan 3	CONCEPT PLAN	The Concept Master Plan becomes a dynamic long term planning document that provides a conceptual layout to guide future growth and development.
	KEY PROJECTS	Key elements have been identified and prioritised to provide practical options for the management of Karoola Park, and the implementation of the Concept Master Plan.
Phasing 4	PROJECT PRIORITISATION	The implementation section of the report provides concept designs for key areas within the Concept Master Plan. It also outlines the principles that should be applied for the future development of Karoola Park.
	KEY PROJECT DETAILS	

1.6 Background Documents

The following documents have been referenced through out the development of the Concept Master Plan report:

- Muswellbrook, *Local Environment Plan 2009*
- Muswellbrook Urban Riparian Landscape Master Plan, Muswellbrook Shire Council, Master Plan Report - 22/18594 August 2018

Figure 1. Report overview and structure

Overview

1.0

1.7 Concept Plan Process

1. Research, Analysis Phase

The research and analysis phase of the Concept Plan process included site analysis, photographic surveys and meeting with Council staff.

2. Opportunities and Constraints

The constraints and opportunities of the study area were identified through a combination of site analysis and consultation with council. These formed the basis of the Concept Master Plan objectives and design principles.

3. Concept Development Phase

The concept development phase of the Concept Master Plan process involved the refinement of the opportunities and constraints within Karoola Park and developing a concept plan.

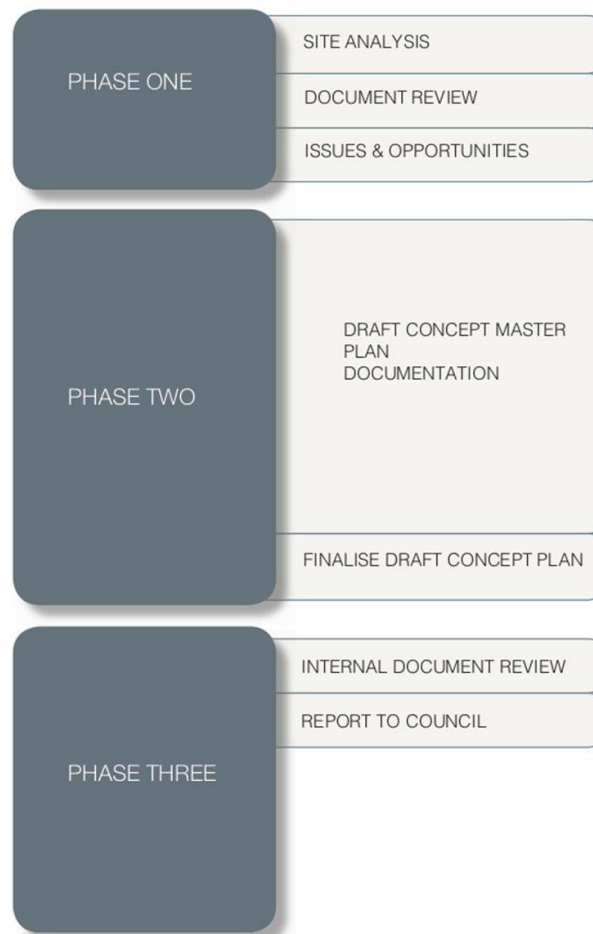


Figure 2. Concept Plan Process

1

Overview

2

CONTEXT

3

Concept Master Plan

4

Phasing

2.1 Regional Context and Location

Muswellbrook Shire in the upper Hunter is situated two hours away from the coast and Newcastle to the east. Muswellbrook Shire has a population between 11500 and 12000 people, the thermal coal mines surrounding the town is the largest source of work, employing approximately 30% of the population.

2.2 Karoola Park Local context

Muswellbrook Shire Council recognises the importance of sport and recreation opportunities for its community. In addition, Karoola Park forms part of the Hunter river and Muscle Creek catchment and is clearly situated to accommodate active recreation activities connecting the community with the Muscle Creek system. The Muswellbrook Shire council has expressed interest in turning the attention of the local community towards the Hunter and Muscle Creek and utilise this as a central activity spine. Karoola Park has been identified as a key component.

Karoola park offers active recreation in the form of a number of Netball courts, a BMX track and playground. It also offers passive recreation in walking routes through the park.

Karoola Park is part of a larger park system within the Muswellbrook Shire, with the adjacent Olympic Park and the Village Green as destination parks with upgrades proposed as part of the Muswellbrook Urban Riparian Landscape Master Plan.

Due to the large catchment area of the park, and the riparian system running through the park, flooding has been identified as a problem. The Netball fields were flooded in 2000 and 2007. The Muswellbrook Urban Riparian Landscape Master Plan identified a number of interventions to prevent flooding as much as possible.

Parking at the park, particularly during times when the Netball fields are in use, has been identified as a problem. A need to upgrade and increase parking has been expressed, as well as an opportunity to extend parking towards the school as well.



Figure 1. Muswellbrook Location

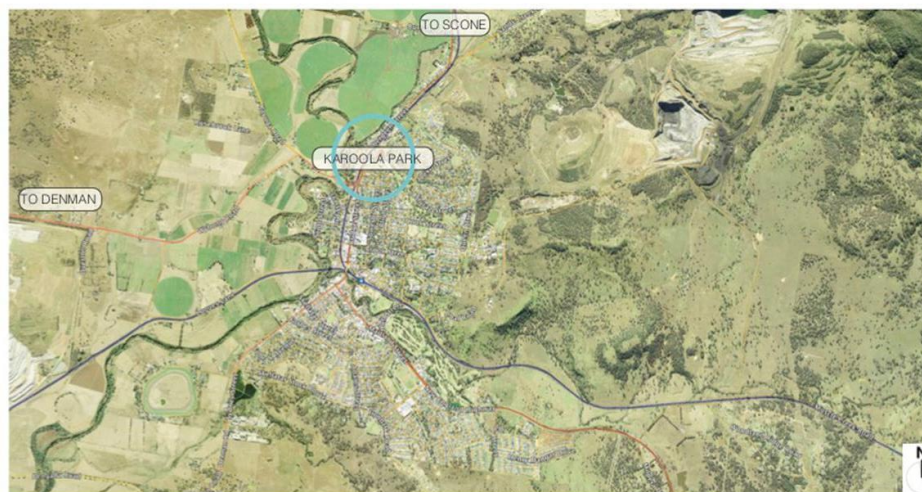


Figure 2. Karoola Park Location within Muswellbrook

2.3 The Study Area

For the purpose of this report and the Concept Master Plan will focus mainly on the Netball courts, BMX track and Playground. In addition to this, the proposal will include rationalising the parking layout and Storm water management systems, in line with the Muswellbrook Urban Riparian Landscape Master Plan

The study area is limited to the area between Hunter Street and the Muswellbrook Public School, with the focus being on the lower area of the park around the Netball courts.

Key features of the study area include:

1. Netball courts, 8 x courts
2. Playground
3. BMX track
4. Parking area
5. Muswellbrook Public School adjacent to the park
6. Storm water Channel

Parking has been identified as a problem, often occurring informally in open space areas due to a shortage of formal parking space. It has been identified that additional parking is also required adjacent to the Muswellbrook Public School.



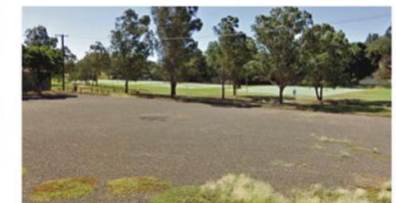
Figure 3. The Study Area



1. Netball Courts



2. Playground



4. Parking



4. Parking



5. Muswellbrook Public School

Context

2.0

2.4 Movement Diagram



- Karoola Park currently includes one formal parking area (1) as well as a grassed area adjacent to the club house which is also used for parking (2) in peak periods.
- Parking also occurs adjacent to the school in an informal manner (3).
- Controlled vehicle access exists on the eastern side of the park (4).
- Pedestrian access along the existing street frontages (5).
- The northern, eastern and western boundary of the park is also permeable allowing informal access at a number of areas.
- Some walkways run throughout the park with crossing points over the concrete storm water channel.

2.5 Water Movement and Areas Prone to Flooding



- Karoola Park forms part of the riparian system where water moves through an external channel that is a tributary of the Hunter river (1). A section of this channel has been engineered into a trapezoidal concrete channel.
- Due to the large catchment area and the size of the existing culvert, the area is prone to flooding. The Muswellbrook Urban Riparian Landscape Master Plan has identified a number of engineering solutions that include grassed berms to protect the netball courts and guide water. It has also been recommended that the existing culvert be upgraded to better deal with the volume of water.
- The concrete storm water channel guides water towards the culvert, this represents an opportunity to remove the channel for a softer more natural approach that would be in line with the vision to connect the people of Muswellbrook with local creek and river system.
- A pump house is situated on the northern boundary of the park (2).

2.6 Land Use



- Karoola Park is zoned RE1 public recreation. Land surrounding the oval is generally zoned R1 General Residential with the rail corridor to the north which is zoned SP2 Infrastructure as well as a burial ground to the south.
- The majority of land within the study area is low density residential, defined by mostly individual houses on lots.
- To the east of the park, Crown land continues a larger open space system as well as a drainage easement.
- A school is also situated on the western boundary.

2.7 Current Park Use and Facilities



- One of the largest uses for Karoola park is the netball courts.
- Two parking areas provide vehicular access as well as other informal parking.
- Pedestrian access occurs at a number of points with some informal and formal walkways through the park.
- Access from roads on the western side provide opportunity to formalise parking, both for the park and adjacent school..
- A clubhouse serves the netball courts with a small play area adjacent to the courts.
- A BMX track is located on the eastern side of the park.

Context

2.0

2.8 Opportunities and Constraints

A detailed analysis of the Study Area was undertaken to identify the existing issues and opportunities.

Storm Water

The lower part of the park in the north is prone to flooding, having most recently flooded in 2000 and 2007. During this time, both the netball courts and play ground were under water.

The concrete channel also presents an opportunity to naturalise it and make the riparian system more visible and bring the community in contact with it.

Play Ground

The playground is currently located in a depression, an opportunity exist to upgrade and move it to higher ground, closer to the clubhouse.

BMX Track

The existing BMX track needs repair, an opportunity exists to upgrade it to a pump track and create interest by winding it through the trees, integrating it with the sites topography.

Netball Courts

Netball represents a significant amount of use for the park. A request has been made to increase the courts from 8 to 10 and include multi-use courts catering both to netball and basketball.

Existing Trees

Karoola Park has a significant amount of large trees. These trees are important and should be retained through upgrades to the park. The soil level around these trees should remain unchanged.

Pedestrian Access

A number of pedestrian access points exist from the surrounding neighbourhood. Desire lines through the park should be identified and formalised where appropriate.



The School

Due to the proximity of the Muswellbrook Public School to the park, an opportunity exists to integrate it more with the park. Lack of parking area represents a large problem both for the school and the park during events. Parking should be formalised to make appropriate use of space while ensuring that it does not dominate the landscape or detract from the park.

2.9 Design Implications

Storm Water

As per the Muswellbrook Urban Riparian Landscape Master Plan earthworks should be used to protect the netball courts and guide water to the existing culvert. It is also recommended that the existing culvert is enlarged.

Playground

The playground should be relocated to an area less prone to flooding and more closely integrated with the clubhouse and pedestrian movement routes.

BMX Track

The existing BMX track should be upgraded and integrated with proposed earthworks and take advantage of the topography. Inclusion of a pump track presents opportunity to increase demand.

Netball Courts

The existing Netball courts should be extended to include combination courts catering to both netball and basketball. Courts should be increased from 8 to 10 courts.

Existing Trees

Earthworks should be designed around the trees, not raising or lowering the level significantly around the root zone.

Pedestrian Access

Existing pedestrian access should be refined and pathways designed to directly connect key attractions in the park.

Muswellbrook Public School

Parking for the park should be designed to also integrate and be used by the school. Pedestrian access from the school should be encouraged.

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3.1 The Vision Statement

Karoola Park will allow the community to interact with and be aware of the creek System, while providing active recreational opportunity. Additional parking will allow the school and park to integrate and benefit the surrounding community.

3.2 Principles

The key principles that underpin the vision for Karoola Park are:

- Community
- Accessibility
- Flood Prevention

The proposal for Karoola Park will allow for an increase in activity through the addition of two netball courts, improved circulation and flood prevention through earthworks. The additional courts will be multi-functional allowing for both netball and basketball. Additional shade structures and lighting are proposed between the courts, improving the opportunity for use.

The existing playground is relocated to an area less prone to flooding and closer to the clubhouse, and pedestrian access, integrating the play area with its immediate context.

Parking is improved through formalising current informal parking, as well as additional parking from the street, serving both the Muswellbrook Public School and Karoola park.

Parking should be tucked into the landscape and around existing trees to prevent large hard surfaced areas. Material use for the parking should reflect the park setting and context, tying into the material proposed in the Muswellbrook Urban Riparian Landscape Master Plan.

A diverse and holistic approach to flood prevention is proposed through a number of different elements. This follows from the Muswellbrook Riparian Master

Plan. Raised areas are proposed around the netball courts and proposed parking to direct water. In addition to this, depressions are proposed within the park that would slow down the water moving towards the culvert.

The raised berms should be formed to be part of the park varying in height to blend into the landscape. Seating for the netball courts should be incorporated to use the topography and integrate the berm with the courts. Tree planting on the berm will provide shade in seating areas and further integrate the berm with the park.

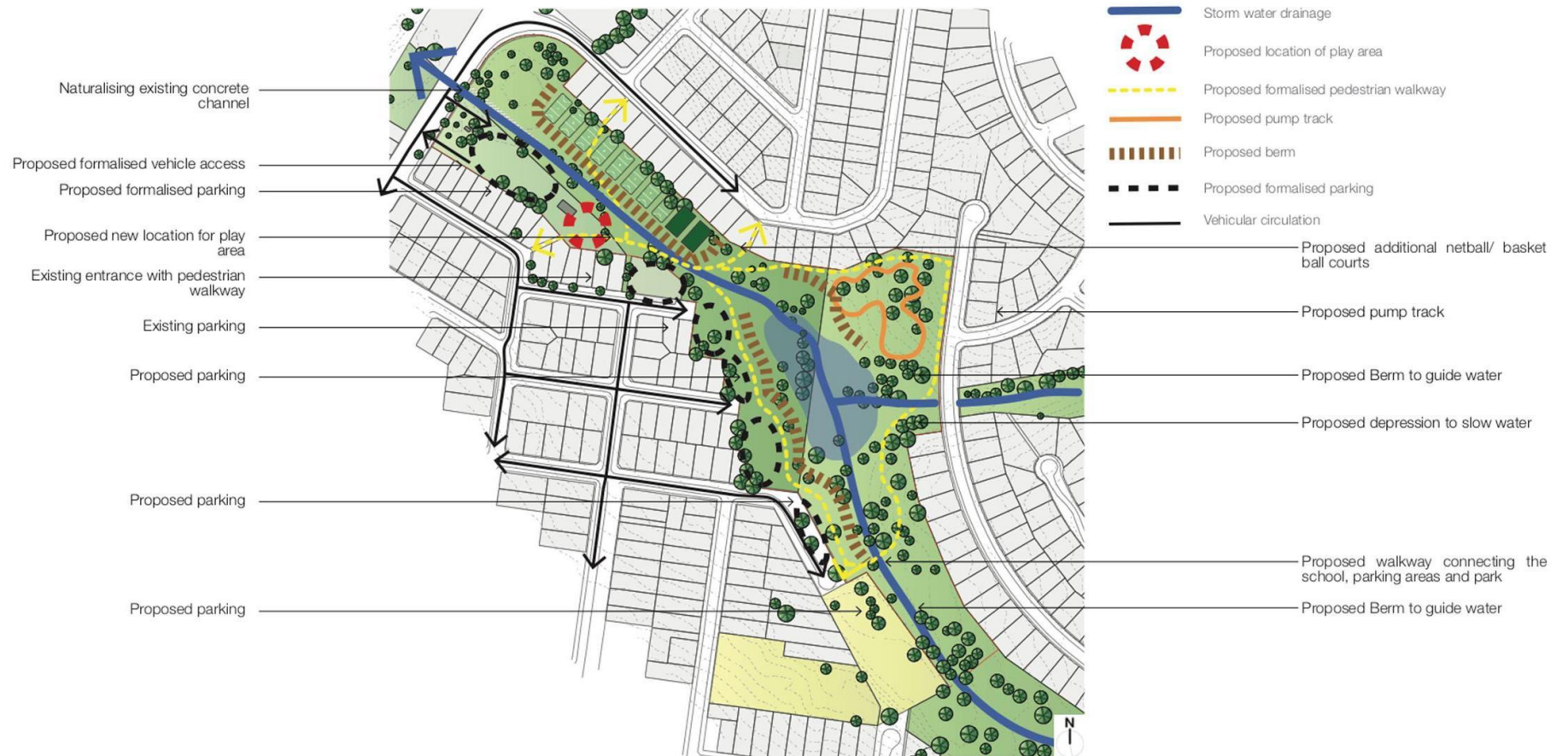
The proposed pump track should utilise the existing slope and proposed berm to maximum effect, winding through existing trees.

Pedestrian movement should be encouraged through formalised walkways, connecting the different elements within the park. Existing movement routes and desire lines should be formalised where appropriate.

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3.3 Key Concept Plan Objectives



Concept Plan

3.0

3.4 Concept Master Plan



Concept Plan

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3.4. The Concept Master Plan



3.4.1 Parking

Large parking areas are broken down into smaller parking courts to maintain the park atmosphere and prevent large areas of hard surfaces.

Smaller parking areas are created with access from the existing road network, adjacent to the park. These smaller parking areas are not connected with one another to prevent the creation of a busy road within the park behind residences. Instead, smaller parking areas are created tucked into the landscape sympathetic to existing trees.

Circulation is reduced to one way traffic in order to reduce the overall road width to 4m. Parking bays are generous at 3m wide by 5m long.

Hard surfaces are kept away from the property boundary with proposed screening planted between parking bays and the boundary wall.

Surface material for the proposed parking areas are cement stabilized crushed sandstone and decomposed granite with the corners of the parking bays expressed in recycled brick at the same level of surrounding material.



3.4.2 Netball Courts

Two additional courts are for both netball and basketball. Shade structures are added proposed between courts with lighting. A raised berm on one side, and a retaining wall on the other is proposed to prevent flooding, in line with the Riparian landscape plan. Seating and trees are incorporated into the raised berm. A pedestrian walkway connects the courts with the larger park, a ramp curving with the contours allow for a gradual ascent. Retaining walls should be Sandstone to continue the theme set in the Riparian Master Plan.

3.4.3 Play Area

The play area is moved adjacent to the existing clubhouse and integrated with pedestrian movement routes. A combination of shade structures and trees are proposed with planted areas in-between play spaces.

Concept Plan

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3.4.4 Pump Track

The existing BMX track needs maintenance and due for an upgrade. A modular pump track is proposed to replace the existing track. The proposed track curves with existing contours, winding through the trees and incorporate the proposed berm.

3.4.5 Earthworks

Berms are proposed to guide storm water and protect infrastructure from occurring flooding. Slopes should be planted with trees to add shade and integrate the raised areas into the landscape. The berm should vary in height and width to be natural in shape, as opposed to one profile throughout the length.

The central open area should be recessed to retain and slow the flow of water moving through the park. Naturalising of the concrete channel, with the proposed central drainage area should be planted with appropriate riparian species. This is in line with the overall vision expressed by the Muswellbrook Council of making people aware of the riparian system and would add interest to the park as a whole.



3.4.6 Pedestrian Walkway

The proposed walkway connect the different elements of the park with one another and provide a sense of direction and comfort moving through the park. Existing walkways should be retained and over time improved to match the proposed.

Stabilized crushed sandstone and decomposed granite with recycled brick edges should be used to construct the formal walkways. Where steps or retaining walls are necessary it should be done in sandstone, matching the details as set out in the Riparian Master Plan.

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4.1 Implementation Overview

The implementation of the Concept plan will occur in a phased approach, as funding becomes available or necessity drives the process.

The purpose of the Concept plan is to coordinate capital and maintenance works, helping to prioritise future funding and budgets. The implementation of works in phases will allow for the continued functioning of Karoola Park, addressing needs and minimising risks.

It is recommended that when contemplating a scope of works, consideration is given to several key elements such as site wide pieces of infrastructure e.g. pedestrian pathways, roads and storm water drainage. These should all be considered holistically to ensure that they are set up in the most advantageous way, allowing for the next scope of works to be undertaken. Different projects should be able to connect seamlessly to the previous stage of works as well as ensuring that they are not causing any detrimental effects to both the infrastructures or operation of the park.

4.2 Phasing diagram

1. Additional Netball/ Basketball courts

A need has been expressed for additional netball courts. Construction of netball courts and the civil work to protect from flooding should be seen as one project.

2. Pump Track

The pump track represents an upgrade of the existing BMX track with a relative low cost involved as well as the adjacent earthworks, incorporating both.

3. Playground

Relocating and upgrading the playground is an important element in the park, for children and their parents.

4. Parking at main entrance

Formalising the entrance and parking at the entrance of the park will help with vehicle access, and movement during busy events.

5. Naturalise the concrete channel

Naturalising the channel should be seen within the greater context of the park, looking at the entire drainage system of water movement through the park.

6 - 8 Additional Parking

Parking is limited during times of peak use and needs to be expanded. Proposed parking will benefit both the park and Muswellbrook Public School.

9. Shaping and planting Depressions

This can be done independent from other projects and part of naturalising the concrete channel.



WEERAMAN FIELDS

CONCEPT MASTER PLAN



Prepared for: Muswellbrook Shire Council

Project No: 1696 Issue: 02 Date: FEBRUARY, 2019

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1.1 Summary

Weeraman Fields is a sports facility serving the Muswellbrook community, providing a place to gather and socialise around sports. A need has been identified to extend the facility and provide additional fields and improve amenities and infrastructure.

The concept master plan will propose a holistic approach to upgrade existing facilities and propose additional fields and associated infrastructure, to allow a variety of sports and maximise the available space.

With the additional fields and facilities, the parking and circulation are analysed as part of a holistic approach to the facility as a whole. Proposals are made that would provide maximum flexibility and longevity to Weeraman Fields.

Proposals made in the concept master plan will allow Weeraman fields to serve a wide variety of needs and be a gathering place for the Muswellbrook community.

1.2 Objectives

Weeraman Fields will be a place for the community to gather around a variety of sports, with accessible and adaptable facilities serving the community into the future.

Key objectives include revising the vehicle access and parking, additional rugby league fields and changing rooms. The fields should be designed in a manner that would allow flexibility for the future with facilities for Athletics, Rugby league, AFL and Cricket. The clubhouse also needs to be upgraded to provide shelter during rain, more changing rooms and incorporate a store room. The possibility to include a BBQ area and bar should also be explored.

1.3 Design Directions

- Need for additional parking and improved circulation
- Additional fields, designed for multiple uses that include AFL, Athletics and Cricket.
- The existing clubhouse needs to be expanded for additional changing rooms.
- Possible alternative access from the existing Coal Road.

1.4 Phasing

The Concept Master Plan identifies a number of projects that may be implemented over time and be seen as smaller individual projects in order to realise the overall vision. A phased approach will be discussed indicating sequencing of areas based on their priority.

1.5 Report Overview and Structure

OVERVIEW 1	MASTER PLAN INTRODUCTION	This section provides a summary overview of the Concept Master Plan.
	KEY RECOMMENDATIONS	The purpose is to explain the key features of the Concept Master Plan to provide an overview of the recommendations within.
	CONCEPT PLAN PROCESS	The process in the development of the Concept Master Plan.
CONTEXT 2	REGIONAL CONTEXT	This section provides analysis of Weeraman Fields within its greater context and facilities. Analysis was undertaken through site visit, desktop investigation and consultation with council staff.
	STUDY AREA	
	STUDY AREA ANALYSIS	This analysis informed the development of the Opportunities and Constraints map which assisted in guiding the Concept Master Plan development process.
Concept Master Plan 3	CONCEPT PLAN	The Concept Master Plan becomes a dynamic long term planning document that provides a conceptual layout to guide future growth and development.
	KEY PROJECTS	
Phasing 4	PROJECT PRIORITISATION	Key elements have been identified and prioritised to provide practical options for the management of Weeraman Fields, and the implementation of the Concept Master Plan.
	KEY PROJECT DETAILS	

1.6 Background Documents

The following documents have been referenced through out the development of the Concept Master Plan report:

- *Muswellbrook, Local Environment Plan 2009*
- Sports Dimension Guide for Playing Areas Sports and Recreation Facilities 6th Addition: June 2006; Department of Sport and Recreation

1.7 Concept Plan Process

1. Research, Analysis Phase

The research and analysis phase of the Concept Plan process included site analysis, photographic surveys and meeting with Council staff.

2. Opportunities and Constraints

The constraints and opportunities of the study area were identified through a combination of site analysis and consultation with council. These formed the basis of the Concept Master Plan objectives and design principles.

3. Concept Development Phase

The concept development phase of the Concept Master Plan process involved the refinement of the opportunities and constraints within Weeraman Fields and developing a concept plan.

Figure 1. Report overview and structure

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2.1 Regional Context and Location

Muswellbrook Shire in the upper Hunter is situated two hours away from the coast and Newcastle to the east. Muswellbrook Shire has a population between 11, 500 and 12, 000 people.

The thermal coal mines surrounding the town is the largest source of work, employing approximately 30% of the population.

2.2 Weeraman Fields Local context

Weeraman Fields provide active recreation for the Muswellbrook community with sports including Cricket, junior cricket, discus and other athletic activities as well as AFL.

Weeraman Fields form part of a larger green system, providing the community with passive recreation space with a green corridor connecting the fields to Karoola Park and the Hunter river beyond.



Figure 1. Muswellbrook Location

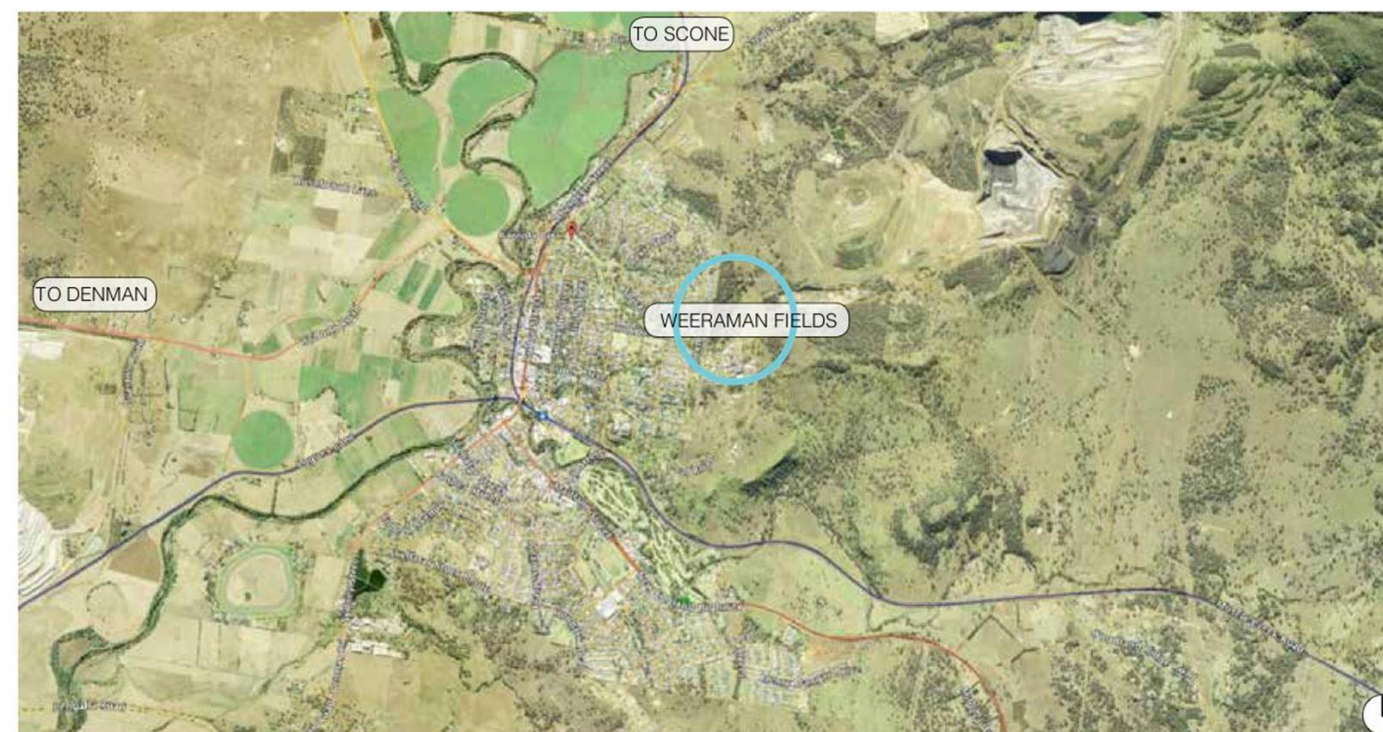


Figure 2. Karoola Park Location within Muswellbrook

2.3 The Study Area

For the purpose of this report and the Concept Master Plan, focus will mainly be on the Weeraman Fields and how it connects to its immediate surroundings and neighbourhood to the west.

In addition to this, the proposal will include additional parking and circulation, both for vehicles as well as pedestrian.

Key features of the study area include:

1. The Muswellbrook Waste Management Facility.
2. The light industrial area.
3. Pedestrian link towards Karoola Park.
4. Larger area of recreational land.

Weeraman Fields is situated on the outskirts of Muswellbrook with access from Thiess Crescent. Thiess Crescent is accessible from Common Road or Coal Road with Common Road leading from the adjacent residential area, with Coal Road moving along the outskirts of town.

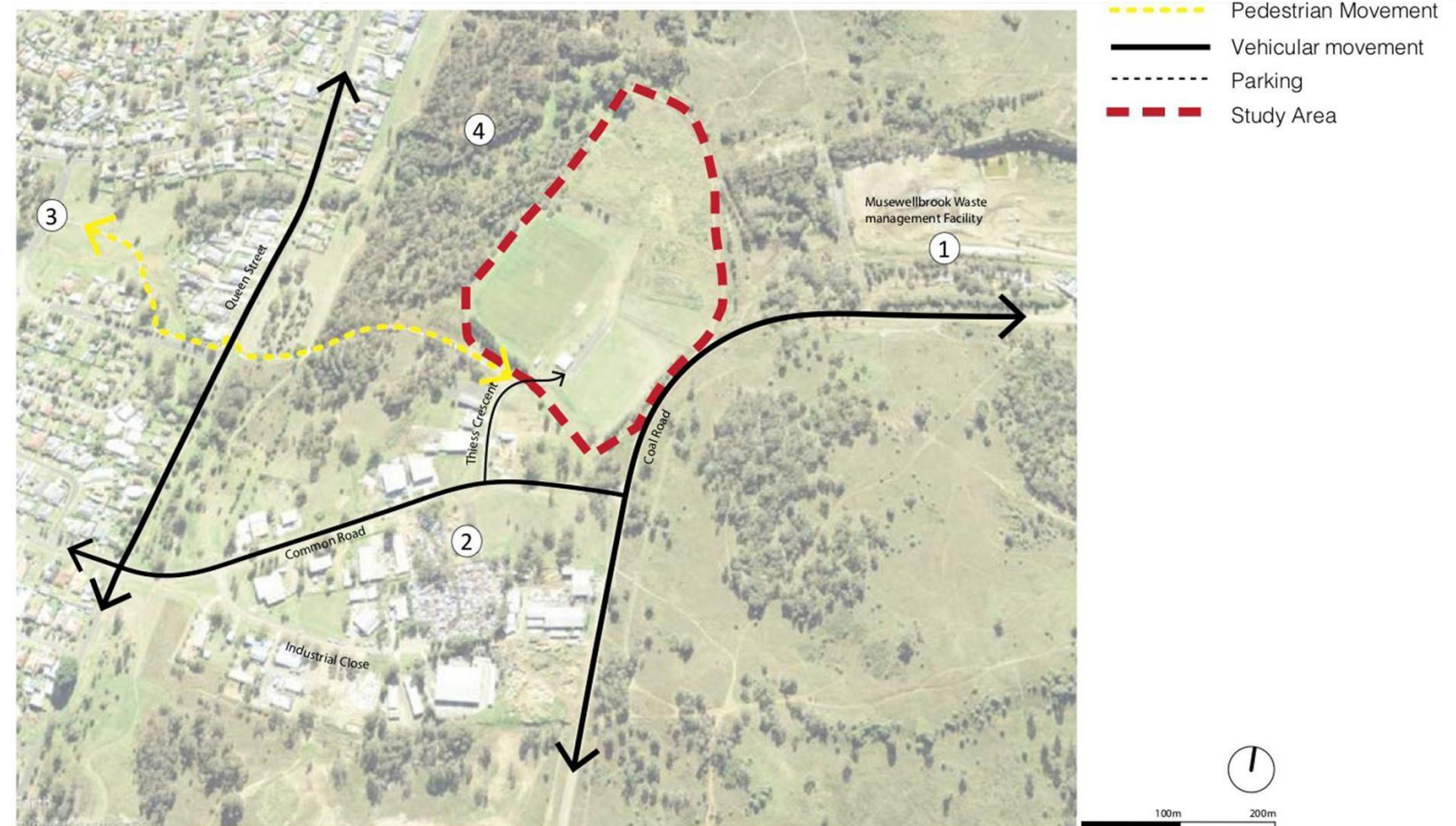


Figure 3. The Study Area

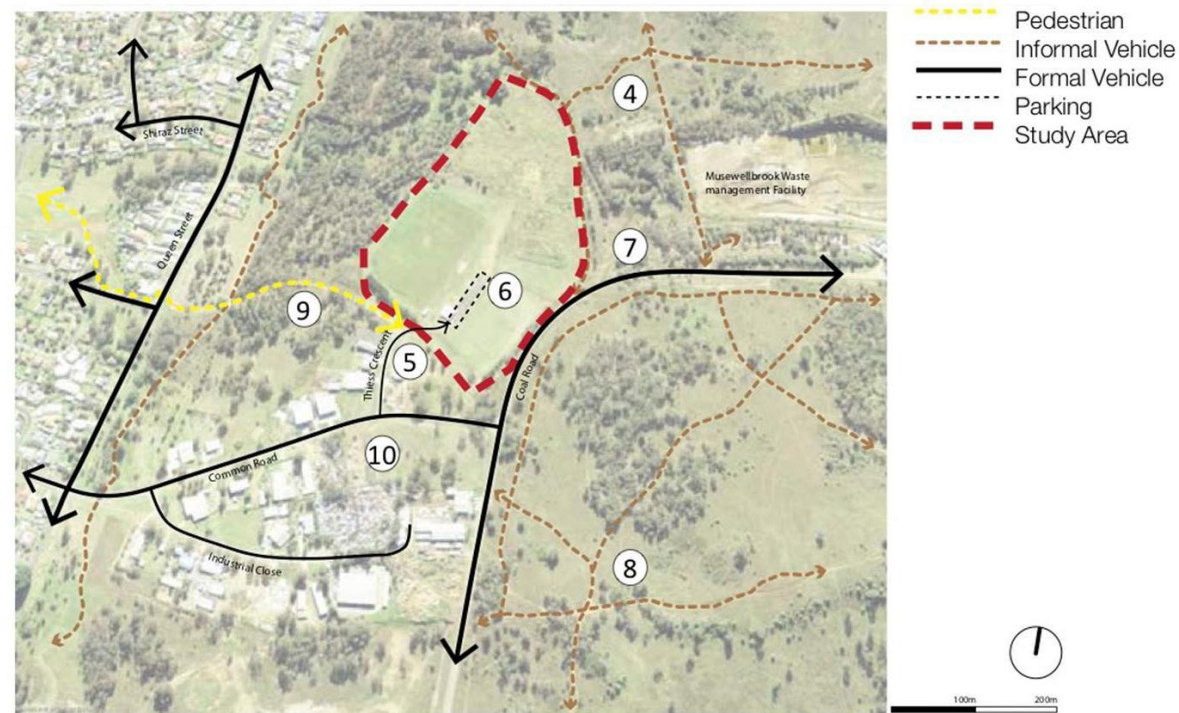


View from Coal road, over the junior Cricket Field towards the Clubhouse



Entrance with pedestrian walkway in the foreground

2.4 Circulation Diagram



5. Access to Weeraman Fields is limited to the entrance from Thiess Crescent.
6. Parking for the fields are situated adjacent to the clubhouse, central to the fields, close to the entrance.
7. Coal Road is one of the main circulation routes leading to the park and moves adjacent to it.
8. Informal dirt roads are located adjacent to, and around Weeraman Fields.
9. A formalized pedestrian walkway connects the fields to the adjacent neighbourhood. This walkway also continues through and along the green corridor.
10. To the south of Weeraman Fields, a light industrial area is situated, accessed from Common Road.

2.5 Current Park Use and Facilities



11. Weeraman Fields is surrounded by a low fence with controlled access. When not in use, the gate is kept locked.
12. Directly from the entrance, a small clubhouse is located with parking adjacent to it.
13. East of the parking, a small field without irrigation is used for junior cricket, as well as discus.
14. North west of the parking and clubhouse, the main field is located. This field is being irrigated and used for a combination of cricket, AFL and athletics.
15. Formalised pedestrian walkway.
16. A low fence surrounds the fields.
17. An informal road designates the northern boundary of the fields.
18. Weeraman Fields is located within a larger green corridor serving the community, visible on the western boundary.

2.6 Land Use

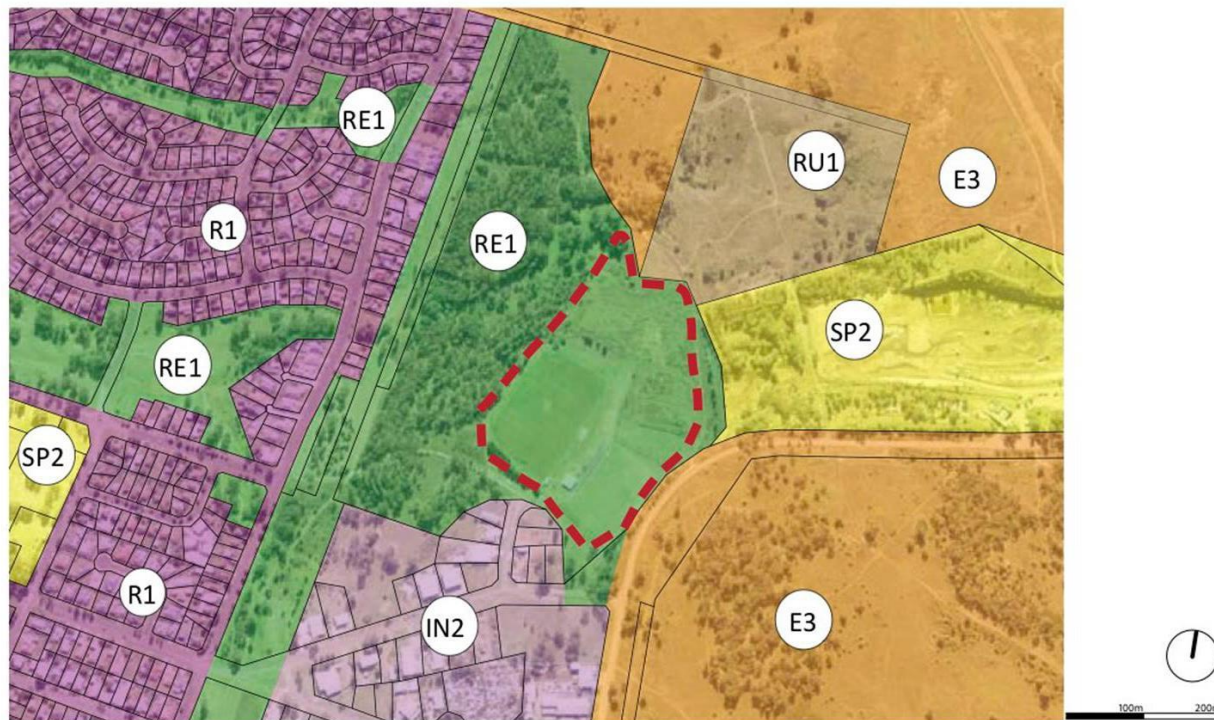


Figure 4. Land use diagram above from Muswellbrook Local Environmental Plan 2009,
Land Zoning Map - Sheet LZN_008A

- RE1 Public Recreation

Enable land to be used for public open space or recreation. It allows for the natural land to be enhanced for recreational purposes and development of these spaces that would improve the lives of the surrounding community.

- R1 General Residential

The R1 zone is intended to allow for the day to day needs of the community and includes a variety of housing types and densities. It also allow for a variety of activities that people may perform from home, the focus is however on housing and uses that would be in contrast to this would be prohibited.

- E3 Environmental Management

This zone intend to look after natural resources, and limit development that would negatively affect the environment in an aesthetic or values envisioned for the area. To protect and restore areas with special ecological, scientific or cultural values. It also ensures land adjoining national parks suits the area.

- RU1 Primary production

Encourage sustainable primary industry production by maintaining and enhancing the natural resource base. It also protects the rural character of the landscape protect the soil and other natural resources.

- IN2 Light Industrial

Provide for a variety of light industrial, warehouse and related activities. This land use provide work opportunities for the surrounding communities as well as provide land for industrial use, to prevent these uses in other areas.

- SP2 Infrastructure

Provide for infrastructure needs and related uses, land is also identified that would be required for future development of infrastructure.

2.7 Opportunities and Constraints

A detailed analysis of the Study Area was undertaken to identify the existing opportunities and constraints.

1. Expanding the Existing Fields

A need has been identified to expand the existing fields. The proposed additions should be flexible and allow for future expanding. Athletics can be practiced around the outskirts of this field layout.

2. Vehicle Access and Parking

Coal Road on the eastern side of the fields presents an opportunity for new formalised vehicle access. This would allow access independent from the industrial area and an opportunity to improve circulation.

3. Pedestrian Access

The existing pedestrian connection to the adjacent neighbourhood should be maintained and strengthened. It also brings an opportunity to separate pedestrian and vehicle access to the fields.

4. Clubhouse

The existing clubhouse needs to be expanded, this presents an opportunity to include BBQ and storage facilities into the main building. The area adjacent to the existing clubhouse is open and can be used for to expand the clubhouse without negatively affecting the existing use of the fields or infrastructure.

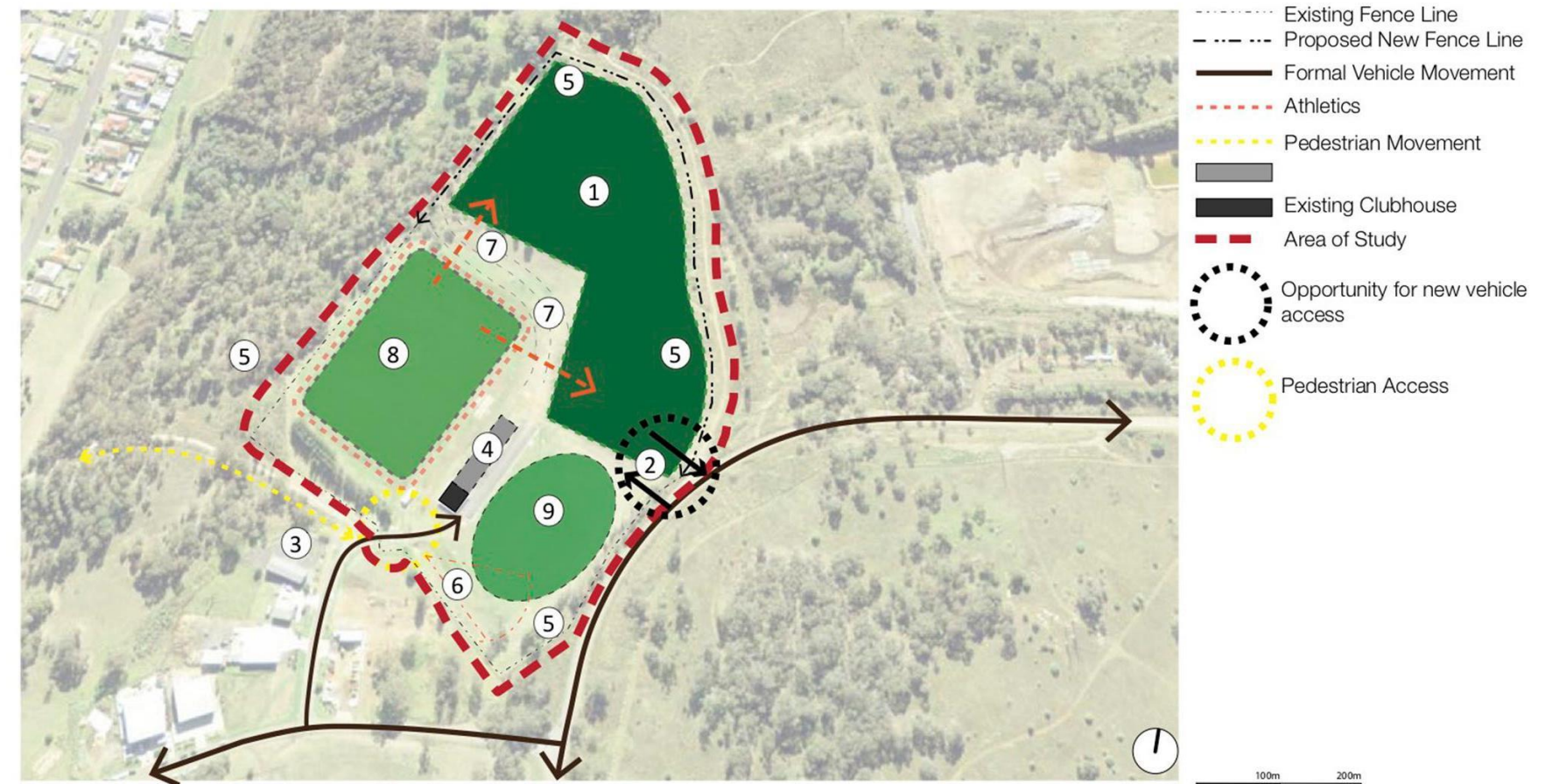
5. Boundary

Expansion of the existing fields need to occur within the boundary of the site.

6. Discus and hammer throw

The discus area can be integrated and upgraded to also include hammer through.

Opportunities and constraints diagram



7. Topography

A gentle slope from the existing field (8) towards the proposed area of expansion (5) provides an opportunity for seating and spectator viewing towards the main field.

8. Existing cricket field

The existing cricket field is functioning well and it is recommended to remain in its current location.

9. Junior Field

The junior field is functioning well, an opportunity exist to improve the field by adding irrigation to the existing field but retain the use and location of the field.

2.8 Design Implications

The following list forms guidance as result of analysis. These points formed the basis of the designed Concept Master Plan

- 1. In order to expand and use the available space as efficiently as possible, some existing facilities need to be moved.*
- 2. Parking needs to be located where the possibility of balls damaging cars are minimized, not close to playing areas.*
- 3. Pedestrian access need to be strengthened and encouraged.*
- 4. The clubhouse needs to be expanded and remain the heart of the fields with the main field in front of it.*
- 5. The existing fence needs to move and informal dirt roads through the area moved to maximise the potential of the available space.*

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3.1 The Vision Statement

Weeraman Fields will be a place for the community to gather around a variety of sports, with accessible and adaptable facilities serving the community into the future.

3.2 Principles

The key principles that underpin the vision for Weeraman Fields are:

- Community
- Accessibility
- Flexibility and longevity

The proposal for Weeraman Fields will allow for an increase in variety of sport played with facilities able to meet the needs of the community. The additional fields will be multi-functional allowing for a variety of sports.

Two main fields will be created by expanding to the north and moving the existing embankment south to create two large fields. Athletics activities are located around the clubhouse with the junior cricket field functioning independently from the existing discus.

Parking is improved with off street parking along Coal Road and additional parking, capable of accommodating buses for visitors and schools. Vehicle circulation is improved and separated from pedestrian circulation..

3.3 Concept diagram

Expand to include an additional field to the north with combination of different possibilities.

Move the existing embankment forward and use for spectator seating of the existing field

Practice cricket nets

Proposed parking

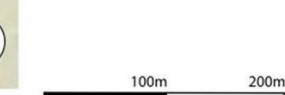
Move the existing field south to have enough room for an additional field to the north

Enlarge existing clubhouse to include 4 dressing rooms and associated facilities

Retain existing pedestrian entrance



- Fence position
- Vehicle movement
- - - - Athletics
- - - - Pedestrian movement
- ▒ Proposed clubhouse extension
- Existing clubhouse
- - - Area of study
- Vehicle Access
- Pedestrian Access
- ▒ Parking
- Include on street parking along coal road with pedestrian walkway towards the entrances



3.4 Concept Master Plan



1. Existing clubhouse with proposed extension with additional changing rooms and facilities.
2. Athletics track combined with the cricket field.
3. Existing cricket field moved south to allow for the proposed additional fields.
4. Embankment moved south to level the area for the proposed additional fields.
5. Proposed cricket practice nets.
6. Proposed Rugby League fields.
7. Proposed hammer throw and discuss combination facility.
8. Junior field.
9. Triple jump/ long jump combination facility.
10. Existing entrance retained, focussed on the pedestrian link to the neighbourhood.
11. Existing pedestrian walkway with additional tree planting.
12. Proposed entrance.
13. Proposed additional parking.
14. Re-establish existing track outside the new fence line.
15. Proposed tree planting on the edge of the fields.
16. Proposed fence.



3.4.1 Junior field and discus/ hammer throw



It is proposed that the junior field be irrigated to improve play throughout the year. Trees are indicated along the boundary and edge of the field. The trees define the playing area and help to create a sense of place. In addition to this, it also provides shaded space for spectators.

The discuss facility is retained in the current location.

3.4.2 Re-position existing field with embankment and improved clubhouse facilities



The current main field is retained in its current location along with the recently renovated long jump facility. Track and field athletic activities are retained on the outskirts of the cricket field in front of the clubhouse.

The existing clubhouse should be enlarged to accommodate the current and future needs of the community. In order to function well, especially considering the additional fields, four more changing rooms should be allowed for. The additions to the clubhouse should also keep in mind the social component of Weeraman Fields. With that in mind, the possibility of adding a bar and BBQ area should also be explored. A dedicated store room for the various needs of the fields should also be incorporated into these additions with the existing store room retained.

Currently unexpected rain is cause for concern with very little shelter available. The additions to the clubhouse should respond to this with a large overhang of the roof (4m) that would give spectators and players shelter from the weather. This would also be in line with the social component and previously discussed facilities and role of the fields.

3.4.3 Proposed additional fields



The existing embankment is brought north to the edge of the existing fields, creating space on the northern part for two additional rugby league fields.

Some existing trees would need to be removed in order for this layout to succeed. These trees are replaced with a combination of deciduous and evergreen trees to provide screening, shade and structure to the fields.

3.4.4 Proposed parking area and cricket practice nets



A need has been expressed for improved circulation and additional parking. As the proposed facilities are being added, the need for additional parking will increase and the circulation become more important. A new entrance is proposed from Coal Road, dedicated to Weeraman Fields independent of the adjacent industrial park. The existing entrance is retained for operational use and should be orientated specifically for pedestrian use from the adjacent neighbourhood.

In order to plan for the long term upgrade of Weeraman fields, a larger parking area is proposed with formalised layout and access for buses on occasion.

Adjacent to the proposed parking, cricket nets are proposed with grassed open spaces around it that can be used as a warm up area.

3.4.6 Proposed repositioning of the embankment with spectator seating



It is proposed that the existing embankment be moved south, on the edge of the existing field. The proposed embankment should be graded to provide seating opportunity for spectators and planted with suitable shade trees. The trees provide shade as well as structure and define the different spaces.



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4.1 Implementation Overview

The implementation of the Concept plan will occur in a phased approach, as funding becomes available or necessity drives the process.

The purpose of the Concept plan is to coordinate capital and maintenance works, helping to prioritise future funding and budgets. The implementation of works in phases will allow for the continued functioning of Weeraman Fields, addressing needs and minimising risks.

It is recommended that when contemplating a scope of works, consideration is given to several key elements such as site wide pieces of infrastructure e.g. pedestrian pathways, roads and overall function of the fields.

These should all be considered holistically to ensure that they are set up in the most advantageous way, allowing for the next scope of works to be undertaken. Different projects should be able to connect seamlessly to the previous stage of works as well as ensuring that they are not causing any detrimental effects to both the infrastructures or operation of the park.

1. Upgrade existing clubhouse

The existing clubhouse should be upgraded to cater for the current and future needs of the fields and intended use.

2. Parking and vehicular circulation

During this phase the internal vehicular circulation is completed and additional parking area constructed from Coal Road

3. Junior field

The junior field should be upgraded with irrigation and lighting to maximise its use.

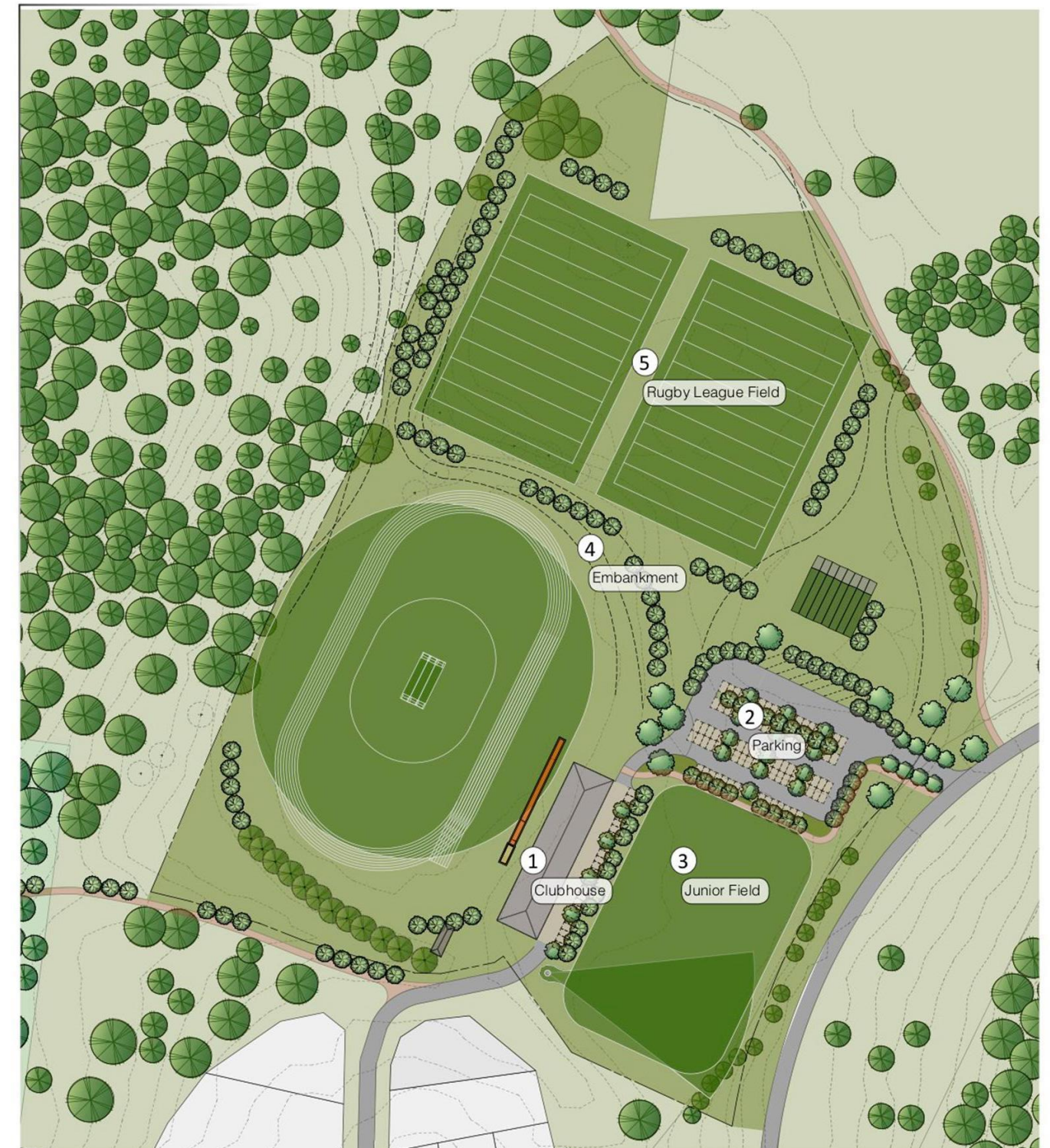
4. Embankment and existing field

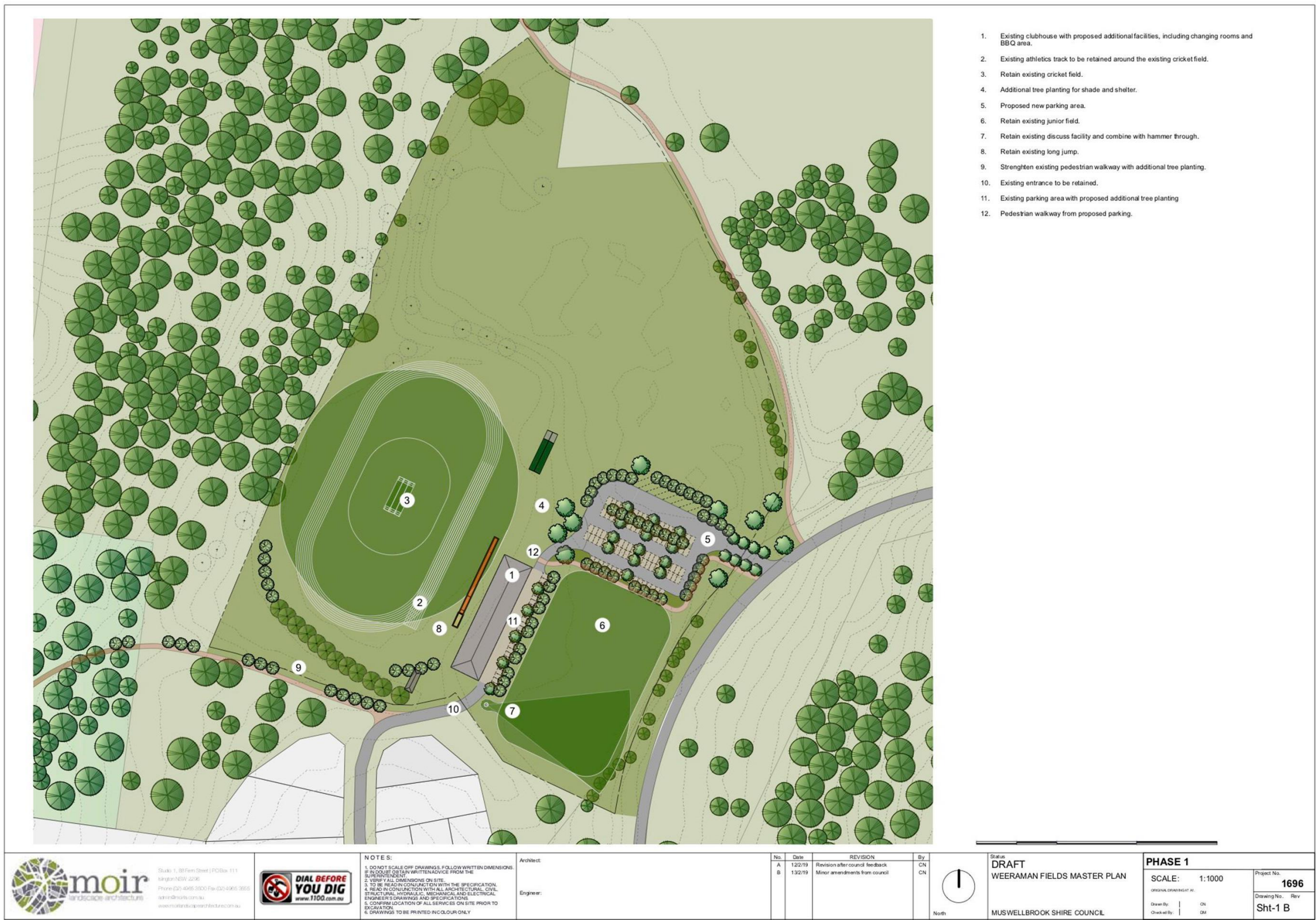
Grading the embankment to the edge of the existing field with the associated tree planting.

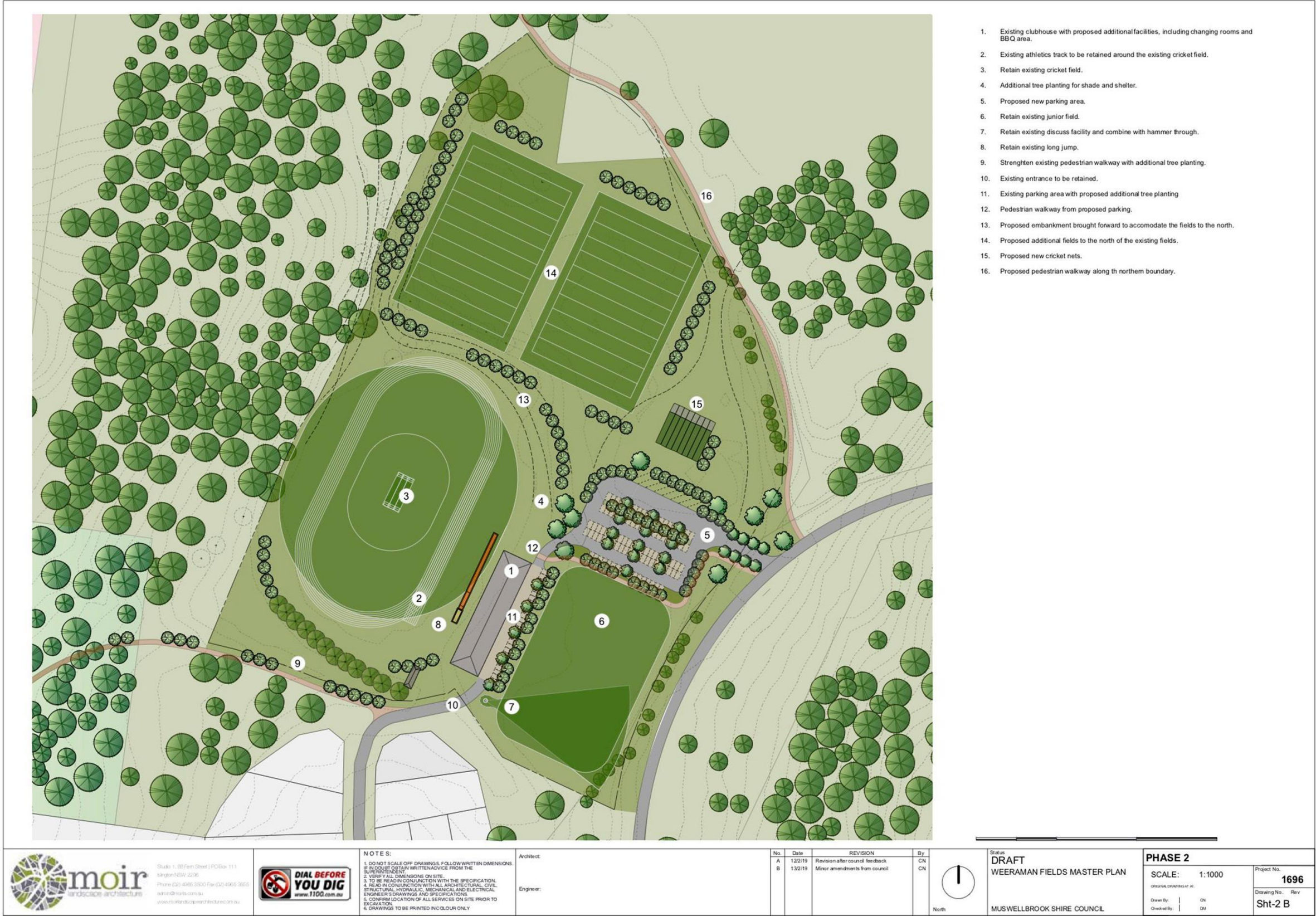
5. Proposed field

Proposed Rugby League fields are constructed with tree planting as indicated. The proposed cricket nets should also be added during this phase.

4.2 Phasing diagram







11.5 NEW COMMUNITY INFRASTRUCTURE DEPOT - PRELIMINARY SITE PLAN

Attachments:	A. Community Infrastructure Depot - Preliminary Site Plan - Confidential B. Muswellbrook RWTW - Odour Assessment Report - Confidential
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Dennis Fernandes - Projects Manager - Property & Building Services
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Improve and maintain civic precincts.</i>
Community Plan Strategy:	<i>Deliver the capital program substantially on time, on budget and in accordance with relevant design and construction standards.</i>

PURPOSE

To report to Council the Preliminary Site Plan for a new Community Infrastructure depot.

OFFICER'S RECOMMENDATION

Council endorse the Preliminary Site Plan for the new Community Infrastructure depot and proceed with planning for design development.

Moved: _____ **Seconded:** _____

BACKGROUND

Council operates a waste water treatment works at Skellatar Stock Route in Muswellbrook and is currently completing the construction of a new recycle water treatment works (RWTW) located on the same parcel of land immediately south of the current facility.

Council's Community Infrastructure directorate operates over a number of sites. This is historically due to the nature and location of Council's infrastructure, for example, treatment plants, works depots, etc. As a result, there is in part duplication of depots and stores. Council's current Works Depot located in the Muswellbrook Industrial Estate is in need of renewal. Staff have occupied demountable buildings for the last 18 months due to a history of termite damage to the roof structure of the main Works building.

The completion of the RWTW and rationalisation of site provides an opportunity for Council to consider the design and construction of a new consolidated Community Infrastructure works depot at Skellatar Stock Route.

CONSULTATION

Various stakeholders and internal departments have been consulted and invited to visit the RWTW construction site. A workshop was recently held with Council staff and external parties to plan for the commissioning phase and the transfer of operations of the new RWTW to Council for operations.

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

A new consolidated Community Infrastructure work depot at the recycled water treatment works (RWTW) site would function as a public administration building, and depot for equipment and materials, across all areas of the Community Infrastructure directorate and Council generally. The offices would be occupied by a range of technical, professional, administrative and operational staff. It is expected that a consolidated Community Infrastructure depot would result in a number of operational efficiencies and improved economies of scale due to centralised stores, sharing of resources, reuse of materials, site proximity to Muswellbrook, rationalisation of building assets, and greater integration of work between technical and operational staff.

A 'Preliminary Site Plan' for the proposed Community Infrastructure depot is attached to this report and it details the location of the works depot, vehicle wash down bay, storage, parking, and access arrangements.

Due to the nature of a waste water treatment plant there are work health and safety considerations in locating staff on the same site as the RWTW and these primarily concern odour and exposure to aerosols.

Work health and safety (WHS) considerations1) Odour

Odour is the prime air quality issue of concern at the existing waste water treatment plant, and it is expected to be a primary area of concern for the new RWTW.

The new plant is based on the principle of "Safety in Design" to protect the health and safety of workers, visitors and the general public.

In 2015, AECOM Australia Pty Ltd was commissioned to undertake an odour assessment of the proposed RWTW. This odour assessment used the CALPUFF suite of models to estimate odour concentrations associated with the operation of the proposed RWTW. The data generated from previous assessments at the site were used as meteorological inputs to the model for consistency. The assessment was conducted in accordance with the Approved Methods for the Modelling and Assessment of Air Pollutants in NSW (DEC, 2005).

This assessment analysed the effect on local air quality associated with the proposed reconfiguration of the major RWTW process operations. Predictions from the air quality study showed that the odour from the reconfigured RWTW would be below the current NSW EPA assessment criteria for odour at all locations beyond the RWTW boundary.

A new odour treatment unit has also been installed for the new treatment plant to mitigate odour levels to NSW EPA criteria.

2) Occupational Exposures

Occupational exposures for staff will be managed by:

- Avoiding exposure to sprays and aerosols. (Only authorised personnel shall be allowed to enter the physical RWTW plant);
- All employees and contractors will be advised of limitations placed on the access to the treatment plant and of the precautions that need to be taken to protect their health; and
- Staff to be vaccinated on advice.

It is expected that beyond 50 metres of the physical treatment plant there is negligible exposure to aerosols. This will be further informed by air quality monitoring once the new treatment plant is fully process commissioned.

The WHS considerations suggest little risk to public health, however this will be further researched and managed through a 'Review of Environment Factors' and risk management workshops in the development of the design for the Community Infrastructure depot.

It is important to note that there are other treatment plants adjacent to infrastructure depots and administration buildings which are covered by the Environmental Protection License legislated by EPA. For example Burwood Beach Wastewater Treatment Plant managed by Hunter Water Corporation has a similar plant within 10 m of the site boundary and has a recreational area with administration building/office adjacent.

OPTIONS

Council may choose to consider a new location or layout for the Community Infrastructure depot.

CONCLUSION

It is recommended that Council endorse the Preliminary Site Plan for the new Community Infrastructure depot and proceed with planning for design development. Further, that Council support a risk management approach to the WHS considerations.

SOCIAL IMPLICATIONS

The new depot will provide a centralised location for Community Infrastructure staff and would increase efficiency and economies of scale in terms of sharing resources, equipment and materials.

FINANCIAL IMPLICATIONS

Council has allocated \$300,000 in the 2019/20 Capital Budget for the Investigation and Design of the new Community Infrastructure depot. The construction budget estimate for this project will be prepared by a Quantity Surveyor following the development of the concept design.

POLICY IMPLICATIONS

Work, Health and Safety Policy, WHS POL/01

Recycled Water Policy

STATUTORY IMPLICATIONS

Continuous engagement with statutory authorities will occur throughout the implementation of this project. The Environmental Protection Agency has visited the RWTW construction site on two occasions and was satisfied with environmental performance.

LEGAL IMPLICATIONS

Work, Health and Safety Act 2011

Section 60 of the Local Government Act 1993

Part 5 of the Environmental Planning and Assessment Act 1979

Protection of the Environment Operations Act 1997 (POEO Act)

Public Health Act 2010 (PH Act)

OPERATIONAL PLAN IMPLICATIONS

'25.1.1 Construct a new Works Depot with consideration of opportunities for operational efficiencies',
Muswellbrook Shire Council Operational Plan 2019/20

RISK MANAGEMENT IMPLICATIONS

With regard to the project, risk assessments have been performed for the provision of the RWTW infrastructure by holding formal risk assessment workshops with internal and external parties. Workshops on operational readiness have recently been held between relevant stakeholders to ensure a smooth transition between construction and Council operation.

A similar workshop will be conducted to inform stakeholders on the construction of the new Community Infrastructure depot.

11.6 2019-2020 - GENERAL RECREATION PROGRAM

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Dennis Fernandes - Projects Manager - Property & Building Services
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Maintain the sporting and recreational facilities to standard.</i>

PURPOSE

To request Council's approval of the 2019-2020 General Recreation Program.

OFFICER'S RECOMMENDATION

Council approves the General Recreation Program and the proposed works for Muswellbrook Cemetery as outlined in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

Each new financial year the asset manager for Council's sport and recreation assets reports to Council a list of proposed capital works projects for a budget allocation for the General Recreation Program.

This report provides a proposed program for approval by Council for 2019/20. The list of proposed projects have been informed by consultation with the Muswellbrook Shire Sport and Recreation Group, facility user group meetings, condition of assets, draft capital works priorities, and the Recreation Needs and Management Study.

CONSULTATION

Manager- Works, Property and Building Services

Technical Officer – Recreation and Property

Muswellbrook Shire Sport and Recreation Group

Facility User Groups

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokesperson for Recreation and Wellbeing

Councillor Spokesperson for Sport

Councillor Spokesperson for Utilities

Councillor Spokesperson for Community Engagement

REPORT

The General Recreation Program budget allocation for 2019/20 is \$150K.

The proposed projects include:

Victoria Park - Irrigation

#	Project	Description	Cost Estimate
1.	Victoria Park - Irrigation	Works to improve existing irrigation to maintain field improvements.	\$90,000
2.	Hunter Park - Master plan	The development of master plan to guide future improvements to park and playground.	\$5,000
3.	Wollombi Park - Master plan	The development of master plan to guide future improvements to park.	\$5,000
	Highbrook Playground - Landscaping	Landscape improvements including suitable plantings, grassed areas, and irrigation.	\$50,000
Total			\$150,000

The capital works for the Muswellbrook Cemetery and Victoria Park field improvements on Field 1 and 2 included an independent irrigation audit on the playing fields. This report identified a number of issues with the current system.

The works on Field 2 included field levelling, top dressing, and new fencing which has been completed. The Field 1 works are due to commence in late August in which a new cricket wicket table will be installed, and the field will be reshaped, and resurfaced with one grass type planted.

The audit details that the irrigation pressure is low and therefore the watering schedules are not achieving full coverage of the grass across both fields. It is recommended to increase available supply for irrigation cycles and boost pressure with pumps.

To achieve the best result with the current field improvements it is recommended that irrigation works are undertaken at an estimated \$90,000. This would include the installation of a booster pump unit from a new 100 mm main line to service Victoria Park.

Hunter Park and Wollombi Park master plans

Similar to the recent development of master plans for Karoola Park and Weeraman Fields, it is proposed to undertake the development of master plans for Hunter Park and Wollombi Park.

The development of master plans, informed by community consultation, would guide any future improvements of these parks. It would identify areas to retain passive spaces, areas of active space, park and playground improvements, and areas to further landscape with native vegetation.

Highbrook Playground - Landscaping

Council's regional playground continues to improve with hard infrastructure, most recently a new amenities building has been constructed, installation of soft fall completed, and a shade sail installed over the toddler playground. An area for improvement in this playground is the landscaping. Additional native plantings are needed, together with areas of grass/turf for sitting and irrigation for maintenance. The estimated value of this work is \$50,000.

Other Items

In the 2019/20 Recreation Capital Works Program there is a separate Cemetery General Programme allocation of \$100k. It is recommended that this budget be allocated to the installation of decorative fencing at the Muswellbrook cemetery. This work is currently being scoped and will be delivered to the extent that funding permits. This work will further add to the improvements achieved in 2018-19.

Council's Small and Large Capital Grants Program is included in the Muswellbrook Shire Council Operational Plan 2019-20, however no budget allocation has been made in the 2019-20 Capital Budget. There is an allocation for the Small Capital Grants Program of \$25,000. Council may choose to allocate the funding on approval of grant applications received.

OPTIONS

Council could choose different projects and funding priorities. Council will need to determine the option for funding the Large Capital Grants Program.

CONCLUSION

The proposed 2019-2020 General Recreation Programme has been prepared to deliver best value with consideration for user needs and asset conditions.

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

The General Recreation Program budget allocation for 2019-20 is \$150,000 but does not include \$100,000 for the Large Capital Grants Program. There is an allocation of \$25,000 for the Small Capital Grants Program.

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',
Muswellbrook Shire Council Operational Plan 2019-2020

RISK MANAGEMENT IMPLICATIONS

There are a number of competing priorities for sport and recreation funding. The proposed projects include works to reduce risks for people participating in active and passive recreation.

12 CORPORATE AND COMMUNITY SERVICES

12.1 MUSWELLBROOK MECHANICAL COURSING CLUB SPONSORSHIP

Attachments:	A. 20190626 Greyhound Racing NSW
Responsible Officer:	Joshua Brown - Manager - Integrated Planning & Governance
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Review Council's rating structure to ensure that it remains equitable and sustainable.</i>

PURPOSE

This report seeks Council's consideration of Muswellbrook Mechanical Coursing Club's request for financial support as outlined below and detailed in the attached correspondence.

OFFICER'S RECOMMENDATION

1. Council consider the request from the Muswellbrook Mechanical Coursing Club for sponsorship for the 2019 Mayor's Cup and a waiving of land and water rates for 2019/20 as an application to Council's Community Grants Program.
2. Council approve up to \$10,000 towards the development of a strategic master plan for the Muswellbrook Mechanical Coursing Club, conditional upon the provision of matched funding by the Club and the agreement to terms set by the General Manager.

Moved: _____ Seconded: _____

BACKGROUND

The Muswellbrook Mechanical Coursing Club operates the Muswellbrook Greyhound Track in Sydney Street and hosts greyhound race meetings. The Club is seeking financial support from Council.

CONSULTATION

Policy Analyst, Economic Transition and Innovation

Muswellbrook Mechanical Coursing Club Committee Members, Gary Wilton and John Buckley;
Muswellbrook Mechanical Coursing Club Administrator, Mike Brady.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Martin Rush

REPORT

On 21 June 2019 the Mayor, Cr Martin Rush and Council staff met with representatives of the Muswellbrook Mechanical Coursing Club. Due to unforeseen circumstances, which are subject to ongoing investigation, the Club is currently experiencing challenging financial circumstances.

The Club is seeking Council's support by way of the following:

- 1) Request to waive their 2019-2020 land and water rates (approx. value \$4500);

- 2) Request for continued sponsorship of the Club (\$2000) for 2019-2020 – with a focus on the Muswellbrook Cup series in May 2020;
- 3) Request for 50% of cost (\$10,000) for the development of a strategic master plan to safeguard the ongoing financial sustainability of the club (contingent upon a commitment of matched funding from Greyhound Racing New South Wales & Muswellbrook Mechanical Coursing Club).

In previous years Council has provided \$750 in sponsorship for the Mayor's Cup. There are no specific allocations in this year's budget for the requests made by the Club. Council will be seeking applications in the coming months from community organisations for its Community Grants Program and it is recommended that the request for sponsorship of \$2,000 and waiving of the Club's land and water rates, estimated to be in the order of \$4,500 be considered as part of that process.

The Club's request for a 50% contribution (up to a maximum of \$10,000) towards the development of a strategic master plan could be met with an allocation from the Job Creation Fund, with a view to securing the future of the Club and generating employment opportunities. Should Council agree to provide the requesting funding, it is recommended that it be conditional on the funding being matched by the Club and subject to terms negotiated by the General Manager to ensure that the funds were contributed to efforts to create employment opportunities.

OPTIONS

Council may elect to support all, any or none of Muswellbrook Mechanical Coursing Club's requests for support.

CONCLUSION

It is recommended that Council consider the request from the Muswellbrook Mechanical Coursing Club for sponsorship for the 2019 Mayor's Cup and a waiving of land and water rates for 2019/20 as an application to Council's Community Grants Program, and approve up to \$10,000 towards the development of a strategic master plan for the Muswellbrook Mechanical Coursing Club, conditional upon the provision of matched funding by the Club and the agreement to terms set by the General Manager.

SOCIAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

The request for sponsorship of the Mayor's Cup in the amount of \$2,000 and waiving of land and water rates to the value of \$4,500 may be met by the \$19,000 available in Council's Sundry Donations allocation, if it is successful in its application to Council's Community Grants Program. Council's Job Creation Fund has sufficient funds to meet the contribution towards the strategic master plan up to an amount of \$10,000.

POLICY IMPLICATIONS

The recommendation to consider the request for \$2,000 in sponsorship for the 2019 Mayors Cup and waiving of land and water rates to the value of \$4,500 as an application to Council's Community Grants Program is consistent with Council's Financial Assistance and Sponsorship Policy (MSC05E).

STATUTORY IMPLICATIONS

The recommendations are consistent with section 356 of the Local Government Act, which permit the provision by Council of financial assistance to others.

LEGAL IMPLICATIONS

None identified

OPERATIONAL PLAN IMPLICATIONS

None identified

RISK MANAGEMENT IMPLICATIONS

None identified



Fiona Plesman,
General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Dear Fiona,

I write to you on behalf of Muswellbrook Mechanical Coursing Club seeking Council's financial assistance and support.

Committee members Gary Wilton and John Buckley, together with myself met Mayor Martin Rush and Integrated Planning and Improvement Coordinator Melissa Cleary on Friday, June 21 to discuss the current financial state of the club and to see what options may be open to the club.

Just as a short background, the Muswellbrook Mechanical Coursing Club has been part of the social and sporting fabric of Muswellbrook for more than 60 years and attracts participants from the New England, the Central West, the Hunter Valley and Central Coast regions on a regular basis.

The Club has been allocated 17 race dates for the 2019-2020 season by Greyhound Racing New South Wales (GRNSW).

Previously, Muswellbrook Shire Council has enjoyed a long time association as a sponsor of the Club and regularly features in naming rights for race meetings – in particular during the annual Muswellbrook Cup series in May each year.

Currently the club is experiencing financial difficulty due to unforeseen circumstances and would benefit from Council's consideration and approval of the following requests:

1. Request to waive the 2019-2020 land and water rates (approx. value \$4500)
2. Request for continued sponsorship of the Club for 2019-2020 – with a focus on the Muswellbrook Cup series in May 2020 (\$2000)
3. Request for 50% of cost for the development of a strategic masterplan to safeguard the ongoing financial sustainability of the club (\$10,000 contingent upon matched funding from GRNSW & Muswellbrook Mechanical Coursing Club).

I hope Council looks favourably on these requests as this will serve to create positive steps moving forward.

Again, my thanks to Martin Rush and Melissa Cleary for their time and input at last week's meeting.

Regards,

Mike Brady
Club Administrator (for Muswellbrook Mechanical Coursing Club)
Phone: 83247640
mbrady@grnsw.com.au



GREYHOUND RACING NSW

Level 6 & 23, Oxford Street, Darlinghurst NSW 2010
PO Box 698, Darlinghurst NSW 1300
T: 02 8324 7601 F: 02 9764 6244
E: admin@grnsw.com.au ABN: 71 018 166 136

12.2 SOCIAL MEDIA ENGAGEMENT

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

PURPOSE

To consider options in light of a recent decision of the Supreme Court of NSW to manage the risk of exposing Council to possible defamation action.

OFFICER'S RECOMMENDATION

Council disable the comments function on its public Facebook page, enable the use of private messaging and advise the community of the change in response to a recent decision of the Supreme Court of NSW.

Moved: _____ **Seconded:** _____

BACKGROUND

The Supreme Court of NSW recently found that defamatory third-party comments posted on a public Facebook page were the responsibility of the publisher/owner of that public Facebook page. This report considers options available to Council to manage the risk associated with possible defamation action against Council for defamatory comments made by third-parties on Council's public Facebook page.

CONSULTATION

Corporate Lawyer

Coordinator Integrated Planning and Improvement

Media and Communications Officer

Design and Publications Officer

Local Government NSW

REPORT

In a recent decision, [*Voller v Nationwide News Pty Ltd; Voller v Fairfax Media Publications Pty Ltd; Voller v Australian News Channel Pty Ltd* \[2019\] NSWSC 766](#), the question before the Supreme Court of New South Wales was whether the defendant media companies were the publishers of comments made on their respective public Facebook pages by members of the public.

Nationwide News Pty Ltd, Fairfax Media Publications Pty Ltd and Australian News Channel Pty Ltd (the respective defendants) each operated a public Facebook page and used it to disseminate links to news stories. Typically, a link was posted on their public Facebook pages and a story was introduced with an

image and a headline. The public was then invited to make comments either on the public Facebook page or the news website.

Liability in defamation arises because of the publication of the defamatory material. Publication occurs when the material is delivered to the public. The Court found that that only occurred in respect of comments when the comment is placed in a form which is comprehensible to and able to be downloaded by the public.

For that reason it was held that each media company was not only a publisher of the comments but the primary or main publisher. Generally speaking, a primary or main publisher has the primary liability for defamation.

It is key that the publication of a comment, not its composition, gives rise to liability in defamation.

This is done by the administrator of the public Facebook page.

Rothman J, after conducting a careful analysis of a number of authorities in this emerging area of law here and in comparable jurisdictions, held that:

"A public Facebook page is...unique. It allows the publication of the Facebook page and comments by the Administrator, but allows the Administrator to forbid all comments by others. Further, by the use of a list of prohibited words that includes words that would be necessary to render any comment intelligible, such as all pronouns; the definite and indefinite articles; and all conjunctions and prepositions, the Administrator is able to hide all comments, pending the monitoring of such comments."

The ability to exercise a "final right of approval" is crucial.

It was also significant that the primary purpose of the operation of the public Facebook page is to further the media companies' own commercial interests by optimising readership of their newspaper. The defendants provided the forum for publication and encouraged for its own commercial purposes, the publication of the comments.

The decision has implications for any organisation or individual hosting a public Facebook page, including Council. Council has undertaken a review of the options available to it to manage the associated risks, with a view to maintaining its public Facebook page, which remains an important community engagement tool.

The following excerpts from the judgement are included for Councillors' reference and detail the facts considered by His Honour, which have provided guidance to Council staff in the formulation of the options contained within this report:

8. *Administrators of public Facebook pages have the ability to hide comments or to delete comments. When an Administrator hides a comment on Facebook, the comment will only be able to be seen by the person who wrote it ("the commentator"), her or his friends on Facebook and the Administrator. When an Administrator deletes a comment on a public Facebook page, the comment will be permanently removed from the page and unable to be seen by anyone (including thereafter the Administrator).*
9. *Facebook, itself, can utilise a dictionary of known terms and delete or block, in advance, the publication of any comment that uses one of those words. Owners of a public Facebook page can choose to subscribe, at three different levels, to that list of deletions. Typically, words that are expletives, racist terms and the like, are blocked from comments utilising the dictionary to Facebook. Nevertheless, such a blocking mechanism can be overcome by the use of a synonym that is not otherwise the subject of such blocking mechanism.*
10. *In most instances, the dictionary is used to render a message containing a word in the dictionary hidden. This occurs when an Administrator hides a comment.*
11. *When an Administrator uses one or more of the tools available to the publisher of a public Facebook page to hide a comment, the comment will be visible in grey to the Administrator and to those people who are entitled to see it. Those people entitled to see it, other than the Administrator (or a person using the Administrator's identity) are the person who made the comment and Facebook friends of the person who has made the comment.*

12. *As a consequence, a person who has made a comment that has been hidden will be aware that the Administrator has moderated the comment, by hiding it. Persons, other than the Administrator, the commentator and the Facebook friends of the person who has made the comment, would be unable to see the comment at all.*
13. *If a comment has been hidden, by automatic operation of the tools in place for the public Facebook page, the Administrator may, at any later time, choose to change the status of the comment so that it is no longer hidden. Further, the tool that hides a comment, as a consequence of a rule that may be made by the Administrator, may be turned off or discontinued.*
14. *Over and above the foregoing, Facebook will advise the Administrator of a Facebook page, including a public Facebook page, that a comment has been made on the page and/or in relation to a specific article. This may be achieved by an email notifying the Administrator that a comment has been made and, a short while thereafter, an email containing the comment.*
15. *There is a second method of notification, which utilises the Facebook Business Manager Tool. This Tool was developed by Facebook and allows persons to manage their pages securely.*
16. *The Page Notifications Tab provides notifications about interaction such as: comments; likes; reactions; mentions; and shares. When the Notification is clicked by the Administrator or by a person operating the Facebook Business Manager's Notifications Tab, it opens the dialogue box showing a copy of the post and the comments that have been made.*
17. *There is a third notification method, usually referred to as the "Inbox", which works similarly to the Notifications within the Business Manager Tool. The Inbox lists: messages; comments; reviews; and visitor posts in a list on the screen. When the Administrator clicks on an item in the Inbox, the screen will show the event.*
- ...
203. *A public Facebook page is, on the foregoing basis, unique. It allows the publication of the Facebook page and comments by the Administrator, but allows the Administrator to forbid all comments by others. Further, by the use of a list of prohibited words that includes words that would be necessary to render any comment intelligible, such as all pronouns; the definite and indefinite articles; and all conjunctions and prepositions, the Administrator is able to hide all comments, pending the monitoring of such comments.*
- ...
208. *Any third-party user is able to share a posting by the host media company and comment, to their heart's content, on their own individual Facebook page, on the snippet provided by the media company. Further, each third-party user is able to see the full article or original article (assuming, in the relevant case, that any appropriate fee is paid) without making comment.*

Council staff have considered the decision and have recommended a number of options for Councillors' consideration in response to managing the risks identified in the Court's decision.

Option 1 – disabling of comments by third-parties.

Disabling all comments on Council's Facebook page eliminates the risk of any defamatory comments being posted by third-parties. This option mitigates, to the greatest extent of the three options, the risk of litigation of the kind in *Voller* and its attendant consequences. Should this option be agreed to, Council staff would enable the private messaging function on Council's page for those members of the community who wish to communicate with Council by way of Facebook, and inform the community of the change through the usual media and social media channels. The main advantage of this approach is that the additional resourcing that would be required to provide constant monitoring of the Facebook page would be unnecessary. His Honour also identified in his judgement that third-party users of Facebook are able to share a post and make comment on their own personal Facebook page and able to see the full post made by Council without making comment.

Option 2 – blocking comments that use identified terms.

The judgement included an analysis of the means available to administrators of Facebook pages to identify particular terms and 'delete or block, in advance, the publication of any comment that uses one

of those words'. However, it was also noted that such an approach could 'be overcome by the use of a synonym that is not otherwise the subject of such blocking mechanism'. This still exposes Council to the risk and would still require constant monitoring by staff. This option strikes a balance between mitigating the risk to Council as above, while allowing third-party users to comment on Council's posts on its public Facebook page. However, it is the most resource-intensive of the options.

Option 3 – status quo.

Council may determine to maintain the current situation and allow third-party users to make comment as they are currently able to do. This approach would require constant monitoring by Council staff and the allocation of considerably more resources noting that comments can be left at any time of the day or night, during the week and over the course of weekends and holidays. Furthermore it would be challenging for a non-lawyer to identify defamatory comments. Staff advise that this approach does not adequately address the risk presently under consideration and is not recommended.

OPTIONS

Councillors may determine to:

1. Authorise the disabling of comments by third-parties and enable the use of private messaging in the alternative;
2. Filter out comments that contain identified terms; or
3. Maintain the status quo.

CONCLUSION

It is recommended that Council authorise the disabling of comments to be posted by third-parties on its public Facebook page, enable private messaging and advise the community of the change.

SOCIAL IMPLICATIONS

In his judgement, Rothman J noted that restricting the ability of members of the public to make comment on a public Facebook page does not impede a freedom of speech, as third-parties are able to share a post and make comment on their individual Facebook page should they choose. Members of the community will still be able to contact Council by way of Facebook using the private messaging function.

FINANCIAL IMPLICATIONS

Restricting comments on Council's public Facebook page will appropriately manage the risk of defamation action against Council, the associated legal expenses and the award of any damages against Council in any such proceedings. Relying on constant monitoring of Council's public Facebook page would require the allocation of additional resources for additional staff time and training.

POLICY IMPLICATIONS

The recommended action will give rise to a new policy position in relation to the use of Council's public Facebook page.

STATUTORY IMPLICATIONS

There are no known statutory implications.

LEGAL IMPLICATIONS

The recommended approach is consistent with the principles expounded in judgement in *Voller v Nationwide News Pty Ltd*; *Voller v Fairfax Media Publications Pty Ltd*; *Voller v Australian News Channel Pty Ltd* [2019].

OPERATIONAL PLAN IMPLICATIONS

The recommended action is consistent with Goal 24 of the Community Strategic Plan – A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders.

RISK MANAGEMENT IMPLICATIONS

Restricting comments on Council's public Facebook page will appropriately manage the risk of defamation action against Council, the associated legal expenses and the award of any damages against Council in any such proceedings.

12.3 STRATEGIC PLANNING WORKSHOP

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

PURPOSE

Council to consider an allocation of funds for a strategic planning session in October 2019.

OFFICER'S RECOMMENDATION

Council allocate an additional \$15,000 from the Contingency Reserve to the Integrated Planning budget for a Strategic Planning Workshop to be held in October, 2019.

Moved: _____ **Seconded:** _____

BACKGROUND

Each year a Strategic Directions Workshop is held with Councillors to consider forward strategic goals.

CONSULTATION

MANEX

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokesperson Finance, Corporate Services & Integrated Planning

REPORT

Quotes have been sought from appropriate venues in the Blue Mountains for a 1.5 day workshop similar to the format of the Strategic Planning Workshop held in November 2018. The Blue Mountains has been suggested as a location to consider the advantages leveraged by the Blue Mountains LG through the Blue Mountains National Park and how this may relate to future tourism opportunities to the Muswellbrook Shire from the Wollemi National Park.

Proposed costs associated with the Strategic Planning Workshop are as follows:

Accommodation & Conference:	\$11,850
Travel Expenses	\$2,500(approximate)
Meals & Other Expenses	<u>\$4,500</u> (approximate)
	<u>\$18,850</u>

The 2019/2020 budget allocation for Strategic Planning Workshop is \$6,242. In order to conduct a workshop, an additional \$15,000 needs to be allocated to the Strategic Planning budget.

OPTIONS

Hold the Strategic Planning Workshop at the suggested location.

Hold the Strategic Planning Workshop locally.

CONCLUSION

Council officers recommend that Council allocate an additional \$15,000 from the General Fund to the Strategic Planning budget for a Workshop proposed for October, 2019.

SOCIAL IMPLICATIONS

No known implications

FINANCIAL IMPLICATIONS

It is recommended that an allocation of \$15,000 be made from the Contingency Reserve for the Strategic Planning Workshop scheduled for October, 2019.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.4 CHANGE TO ORGANISATIONAL STRUCTURE ESTABLISHMENT

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Joshua Brown - Manager - Integrated Planning & Governance
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire Council is appropriately resourced to deliver infrastructure and services into the future</i>
Community Plan Strategy:	<i>Human Services that meet organisational needs</i>

PURPOSE

The positions of Personal Assistant to the Mayor (0.6 FTE) and Administration Officer (0.4 FTE) are proposed to be merged into one full time role and brought into line with grading of other Council Administration Officers prior to recruitment, which requires Council's approval of a change to the staff establishment within Council's organisational structure.

OFFICER'S RECOMMENDATION

Council endorse a change to the staff establishment to merge the roles of Personal Assistant to the Mayor and Administration Officer into one 1.0 FTE at the grade of Grade 2, Level 4.

Moved: _____ **Seconded:** _____

BACKGROUND

Council's 2019/20 budget has approved a salary allocation for the positions of Personal Assistant to the Mayor (0.6 FTE) and Administration Officer (0.4 FTE) within the approved staff establishment. It is proposed to merge the two part time roles into one full time role and bring the role into line with grading of other Council Administration Officers prior to recruitment, which requires Council's approval of a change to the staff establishment within Council's organisational structure.

CONSULTATION

General Manager

Chief Financial Officer

REPORT

Council's 2019/20 budget has approved a salary allocation for the positions of Personal Assistant to the Mayor (0.6 FTE) and Administration Officer (0.4 FTE) within the approved staff establishment. It is proposed to merge the two part time roles into one full time role and bring the role into line with grading of other Council Administration Officers prior to recruitment, which requires Council's approval of a change to the staff establishment within Council's organisational structure and a structural allocation going forward to cover the difference in salaries, which is estimated to be in the order of \$1,500 per annum. The cost of the increase in 2019/20 will be met within the current Executive Services Wages and Salaries Budget.

Section 333 of the *Local Government Act* 1993 provides for the re-determination of the organisation structure by Council from time to time.

OPTIONS

Council may consider not approving the request to alter the staff establishment. This is not recommended as it will impact upon the opportunities available to recruit to the position and provide support to the Executive Services Unit.

CONCLUSION

As it is considered that the proposed change to the organisational establishment will result in greater efficiencies and enhanced level of service to the Mayor and Council, it is recommended that the proposed change is endorsed by Council.

SOCIAL IMPLICATIONS

No known social implication

FINANCIAL IMPLICATIONS

The cost of the increase in 2019/20, estimated to be \$1,500 for the year will be met within the current Executive Services Wages and Salaries Budget. A structural adjustment to the budget in future years will need to be made to meet the increased cost of the change from Grade 2, Level 3 to Grade 2, Level 4.

POLICY IMPLICATIONS

No known policy implications

STATUTORY IMPLICATIONS

Consistent with Section 333 of the *Local Government Act 1993*.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

Consistent with Action 24.2.11 of the Operational Plan 2019/20: Provide support services for the elected Council and executive.

RISK MANAGEMENT IMPLICATIONS

No known risk management implications.

12.5 COMMUNITY RURAL HALLS FUNDING

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Kim Manwarring - Co-ordinator - Community Partnerships
Community Plan Issue:	<i>Build social inclusion and improve the delivery of social services</i>
Community Plan Goal:	<i>Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services.</i>
Community Plan Strategy:	<i>Develop a Social Equity and Inclusion Strategy that improves social indicators across the Shire.</i>

PURPOSE

This report is to provide recommendations of funding allocation of the Community Rural Halls for 2019.

OFFICER'S RECOMMENDATION

Council accept the Rural Hall Funding Program recommendations

Moved: _____ **Seconded:** _____

BACKGROUND

Background

The Community Rural Halls Funding Expression of Interest process is to assist the five (5) rural halls in Muswellbrook Local Government Area to maintain and upkeep their hall(s) to ensure that the halls remain focal points in their communities.

It is important that rural halls are maintained as focal points in rural communities so community members can come together to celebrate events and access services to improve their wellbeing.

CONSULTATION

Executive Service Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokesperson for Social Inclusion, Cr Eades, has considered the Expression of Interests received from four of the five rural Halls and the recommendations of staff regarding the allocation of funding.

REPORT

The Community Rural Halls Funding Program has been operating for over 15 years within Council. The financial assistance program has enabled volunteer groups to complete projects such as rewiring of electrical systems, refurbishment of toilet facilities, incorporate the accessible toilet facilities, restumping wooden piers, installation of doors and panic bolts, installation of fencing, replacement and sometimes installation of stoves and cooking facilities etc

Often the allocation of funding does not meet the total cost of the proposed project and the committees

and community groups meet the funding provided to complete the project through separate fundraising efforts.

Council has allocated expenditure of \$6 000 in the current budget. Moving forward the Rural Halls Funding Program will be included in the development of the Community Grants Funding Program, the guidelines are currently in draft format and will be developed in line with the other Council financial assistance Programs such as the Sport & Recreation and Sustainability Funding Programs.

OPTIONS

Essentially there are three options when considering the Community Rural Halls Funding allocation of funds:

- i. Decide not to allocate funding this financial year;
- ii. Divide the monies equally between the 4 Rural Halls;
- iii. Support the recommended allocation of financial assistance as contained in the table below;

HALL	PROJECT	REQUEST	RECOMMENDED
Baerami Memorial School of Arts Hall	Portable PA System for the hall (including microphone, speaker stand & cover).	\$2,515.00	\$1,650.00
McCully's Gap Hall Inc.	Complete hall reline on south side and west end. Complete with insulation.	\$1,200.00 plus	\$1,000.00
Sandy Progress Association Hollow	Paving for behind the hall under shaded area.	\$1,500.00	\$1,300.00
St Martin's Womens Guild	Plumbing related repairs: 1. Replace the damaged lid on the septic tank & fill rabbit diggings around the tank & toilet floor slab. 2. Run a pipeline from the new poly tank to the pressure pump to enable its use in the Hall. 3. Install gutter guard along the northern side gutter to assist in debris control. 4. Modifications to the kitchen sink drain to improve drainage.	\$2,768.26 (plumbing services) + \$290 plus (materials) Total: \$3,058.26	\$2,050.00
		\$8,273.26	\$6,000.00

CONCLUSION

The funding requested reflects the needs of each individual hall committee. The values recommended will incur a shortfall that the committees have agreed to fill from their internal funding sources.

SOCIAL IMPLICATIONS

The Community Rural Halls Funding Program promotes the sense of community and social cohesion.

Local volunteer community groups come together and identify projects that will maintain their community asset and lodge an expression of interest for financial assistance.

These projects improve community assets so that the delivery of services can occur remotely and the hosting of local community events that improve the wellbeing of people living in rural communities.

FINANCIAL IMPLICATIONS

An expenditure of \$6,242 is allocated in the current budget.

POLICY IMPLICATIONS

At the June Council meeting, Council reviewed and adopted the Financial Assistance and Sponsorship Policy, this Policy is clear about how Council will manage specific Financial Assistance recipients such as rural community halls.

This expression of interest process for the 2019, Community Rural Halls Funding Program has been carried out prior to the change in the Financial Assistance and Sponsorship Policy.

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not identified

OPERATIONAL PLAN IMPLICATIONS

The Community Rural Halls Funding Program builds social cohesion in our rural communities and enables communities to provide a suitable space for services to operate remotely for example Upper Hunter Children's Mobile/Toy Box, Rural Fire Brigades, Landcare Groups, local artistic groups ie Painting, Quilters Guild etc all make use of the rural halls on a regular basis.

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.6 WRITE OFF OF DEBTS

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

PURPOSE

The purpose of this report is to fix the amount of rates and charges above which any individual rate or charge may be written off only by resolution of the Council (threshold amount). Any amount below the threshold amount may be written off either by Council resolution or written order of the General Manager.

OFFICER'S RECOMMENDATION

1. Pursuant to clause 131(1) of the *Local Government (General) Regulation 2005*, Council fix the amount of \$1,000 as the threshold amount of unpaid rates and charges, above which any individual rate or charge may be written off only by resolution of the Council.
2. Pursuant to clause 213(1) of the *Local Government (General) Regulation 2005*, Council fix the amount of \$1,000 as the threshold amount of any amount owed to Council for which the *Local Government Act 1993* or regulations thereunder does not otherwise make specific provision for writing off such an amount, above which any debt may be written off only by resolution of the Council.

Moved: _____ Seconded: _____

BACKGROUND

Over the past few years, Council has accumulated hundreds of uncollectable sundry debts, which have a balance that is too small to be sent to debt collection or too old to be able to be chased legally or the debtors have gone into liquidation. In order to streamline the process of sundry debt write off, it is recommended that Council set the threshold above which unpaid rates and charges may be written off only by resolution the Council.

CONSULTATION

Corporate Lawyer

Chief Financial Officer

REPORT

At its 21 June 2019 Extraordinary Meeting, Council delegated the writing off of \$26,765.90 in "sundry, uncollectable" debts to the General Manager. In order to effect this resolution, Council must set a threshold amount, above which any individual rate or charge may be written off only by resolution of the Council. It is recommended that the threshold amount be set at \$1,000.

Clause 131(1) of the *Local Government (General) Regulation 2005* provides that Council must, from time to time, by resolution, fix the amount of rates and charges above which any individual rate or charge

may be written off only by resolution of the Council (threshold amount). Any amount below the threshold amount may be written off either by Council resolution or written order of the General Manager.

In the absence of a resolution pursuant to cl 131(1), rates and charges may only be written off by Council resolution (cl 131(2)).

A resolution or written order writing off an amount of rates or charges must contain the particulars specified in cl131(3) or refer to a record maintained by the Council in which those particulars are recorded.

An amount can only be written off if one or more of the criteria in cl 131(4) are met.

The Council does not need to resolve to permit the General Manager to write-off amounts below the threshold amount. The relevant clauses in the Regulation independently permit the General Manager to do so once the Council has resolved to set the threshold amount. If the General Manager writes off rates or charges, the General Manager must notify the Council that they have done so.

Clause 213 of the Regulation is cast in almost identical terms to cl 131 and applies to debts to Council which are not otherwise covered by specific provisions for writing off those amounts (e.g. rates and charges). The same procedure is imposed by cl 213 on writing off debts as writing off amounts of rates or charges.

OPTIONS

Council may determine not to set a threshold and have all write off determinations made by Council resolution. Should this be the case, the resolution endorsed at the 21 June 2019 Extraordinary Council meeting will need to be re-considered at a future meeting of Council. Council may also determine to set a different threshold amount.

CONCLUSION

It is recommended that a threshold amount of \$1,000 be set.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Any amount written off is not budgeted and would be treated as a bad debt expense.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Consistent with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*.

LEGAL IMPLICATIONS

Legally Council cannot chase sundry debtors that are over 7 years old.

OPERATIONAL PLAN IMPLICATIONS

This write-off amount is not budgeted and will impact on Council's bottom line.

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.7 DENMAN MEMORIAL HALL OPENING BUDGET

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

PURPOSE

To consider funding for the Official Opening of the Denman Memorial Hall.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

The Official Opening of Denman Memorial Hall will be held on Friday 2 August, 2019 commencing at 6.30pm. The Official Opening will be a formal event. Council is also holding an Open Day on Saturday 10 August, 2019 between 11am and 2pm. A budget has not been allocated to host these two community events.

An estimate of costs associated with the Official Opening and the Open Day based on quotations is as follows:

Grand Opening – 2 August 2019	Total Estimate inc GST
Catering – Food	3120
Catering – Beverage	3000
Live Entertainment	1500
Equipment Hire – Chairs	600
Equipment Hire – Bar Tables	280
Floral Arrangements	450
Event Hire – Decorations	250
Event Hire – Table Linen	350
Event Security	250
Equipment Set Up/Pack Down – Stage	1200

Grand Opening – 2 August 2019	Total Estimate inc GST
Truck Hire – Event Set Up/Pack Down	500
Printing – DL Invitation	100
Printing – A5 Program	200
Printing – Brochure	500
Subtotal Event Costs	\$ 12,300.00

Community Open Day – 10 August 2019	Total Estimate inc GST
Catering – BBQ and DRINKS	500
Live Entertainment/Buskers	1000
Equipment Hire – Chairs	180
Event Hire – Jumping Castle/Face Painter	250
Event Purchase – Decorations (Balloons)	450
Event Hire – Helium Bottle	200
Advertising – Denman News	300
Subtotal Marketing and Promotion	\$ 2,880.00

The Total cost for both events would be approximately \$21,000.

Council's current budget does not include these two events and therefore funding is required.

The General Manager's Contingency Reserve will be utilised to fund the Official Opening of the Denman Memorial Hall and the Open Denman Memorial Hall Open Day

12.8 REPORT ON INVESTMENTS HELD AS AT 30 JUNE 2019

Attachments:	A. Investment Portfolio and Cash as at 30 June 2019 B. Issuer Trading Limits as at 30 June 2019
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

PURPOSE

To present the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

The information showing Council's investments as at 30 June 2019 be noted and the exceeded trading limits of one issuer be accepted.

Moved: _____ Seconded: _____

REPORT

Clause 212 (1) of the Local Government (General) Regulation 2005, requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

The funds, invested under Section 625 of the Local Government Act, as at 30 June 2019 are shown in the attachments.

COMMENT:

As at 30 June 2019, there is one issuer whose portfolio trading limits have been exceeded. Overall, however, none of the security rating group trading limits have been exceeded and on that basis, it is recommended that special action is not taken to resolve these individual trading limit discrepancies.

The one issuer is noted in the table below:

• Issuer name	• Trading limit exceeded (\$)	• Trading limit exceeded (%)	• Type of security	• Detail
• P&N Bank Ltd	• \$44k	• 1%	• Term deposit	• The earliest-maturing holding is a \$1m term deposit which matures on 05 June 2020. It is recommended that Council allows this issuer to remain in discrepancy as this security offers some of Council's better yielding interests and overall Council's A2 security rating group trading limits have not been exceed.

Council's weighted running yield is 2.48% for the month.

The Responsible Accounting Officer certifies that, apart from the above trading limit discrepancies, the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit										
Westpac Bus Prem At Call		6,269,642.77	1.00000000	6,269,642.77	100.000	0.000	6,269,642.77	10.54%	1.59%	
Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.17%	0.90%	
		6,369,642.77		6,369,642.77			6,369,642.77	10.71%		1.58%
Floating Rate Deposit										
ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.538	1,005,377.03	1.69%	2.89%	
		1,000,000.00		1,000,000.00			1,005,377.03	1.69%		2.89%
Floating Rate Note										
AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	99.987	0.127	2,002,280.00	3.37%	2.44%	
Auswide 1.05 12 Feb 2020 FRN	AU3FN0040747	1,500,000.00	1.00000000	1,500,000.00	100.214	0.354	1,508,520.00	2.54%	2.69%	
Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	1,000,000.00	1.00000000	1,000,000.00	100.312	0.391	1,007,030.00	1.69%	2.65%	
BOQ 1.05 12 Feb 2020 FRN	AU3FN0026381	1,000,000.00	1.00000000	1,000,000.00	100.349	0.354	1,007,030.00	1.69%	2.69%	
BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	1,000,000.00	1.00000000	1,000,000.00	100.662	0.486	1,011,480.00	1.70%	2.73%	
BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.469	0.326	1,007,950.00	1.69%	2.64%	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.379	0.413	503,960.00	0.85%	2.60%	
BENAU 1.1 21 Feb 2020 FRN	AU3FN0033486	1,500,000.00	1.00000000	1,500,000.00	100.424	0.291	1,510,725.00	2.54%	2.64%	
BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	3,000,000.00	1.00000000	3,000,000.00	100.640	0.298	3,028,140.00	5.09%	2.64%	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.435	0.464	504,495.00	0.85%	2.61%	
CredSuis 1.15 29 Apr 2020 FRN	AU3FN0027314	1,000,000.00	1.00000000	1,000,000.00	100.545	0.460	1,010,050.00	1.70%	2.70%	
CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	102.314	0.173	1,024,870.00	1.72%	3.32%	
CUA 1.3 20 Mar 2020 FRN	AU3FN0034963	750,000.00	1.00000000	750,000.00	100.547	0.070	754,627.50	1.27%	2.55%	
CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.777	0.173	1,514,250.00	2.55%	2.62%	
MACQ 1.1 03 Mar 2020 FRN	AU3FN0026605	750,000.00	1.00000000	750,000.00	100.504	0.185	755,167.50	1.27%	2.50%	
RACB 1.1 11 May 2020 FRN	AU3FN0042370	2,000,000.00	1.00000000	2,000,000.00	100.298	0.360	2,013,160.00	3.38%	2.74%	
ME Bank 1.45 18 Jul 2019 FRN	AU3FN0032041	1,000,000.00	1.00000000	1,000,000.00	100.066	0.627	1,006,930.00	1.69%	3.13%	
ME Bank 1.25 06 Apr 2020 FRN	AU3FN0035333	500,000.00	1.00000000	500,000.00	100.370	0.676	505,230.00	0.85%	2.96%	
NPBS 1.35 07 Apr 2020 FRN	AU3FN0026969	1,000,000.00	1.00000000	1,000,000.00	100.561	0.699	1,012,600.00	1.70%	3.07%	
Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.317	0.042	1,505,385.00	2.53%	2.59%	
Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.712	0.123	756,262.50	1.27%	2.80%	
RABOBK 1.05 11 Feb 2020 FRN	AU3FN0026373	1,000,000.00	1.00000000	1,000,000.00	100.491	0.354	1,008,450.00	1.70%	2.69%	
RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	101.687	0.206	1,018,930.00	1.71%	2.89%	
SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	4,000,000.00	1.00000000	4,000,000.00	101.024	0.547	4,062,840.00	6.83%	2.88%	
		30,750,000.00		30,750,000.00			31,040,362.50	52.19%		2.73%
Floating Rate TCD										
GB 1.5 29 Nov 2019 FloatTCD	AU3FN0033619	1,000,000.00	1.00000000	1,000,000.00	100.276	0.256	1,005,320.00	1.69%	2.92%	
		1,000,000.00		1,000,000.00			1,005,320.00	1.69%		2.92%
Term Deposit										

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
AMP 2.7 21 Oct 2019 180DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.496	3,014,868.48	5.07%	2.70%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.084	1,000,838.36	1.68%	3.40%	
ME Bank 2.3 02 Sep 2019 91DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.170	1,001,701.37	1.68%	2.30%	
MYS 2.3 09 Sep 2019 90DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.120	1,501,795.89	2.52%	2.30%	
MYS 2.45 04 Nov 2019 181DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.362	1,003,624.66	1.69%	2.45%	
NAB 2.45 21 Oct 2019 180DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	0.450	4,017,989.04	6.76%	2.45%	
NPBS 3 31 Aug 2019 1095DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.247	1,503,698.63	2.53%	3.00%	
P&NB 3.83 05 Jun 2020 1827DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.262	1,002,623.29	1.69%	3.83%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.087	2,001,740.82	3.37%	3.53%	
SunBank 2.27 26 Aug 2019 91DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.211	3,006,343.56	5.05%	2.27%	
SunBank 2.22 02 Sep 2019 91DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.164	1,001,642.19	1.68%	2.22%	
		20,000,000.00		20,000,000.00			20,056,866.29	33.72%		2.70%
Fixed Interest Total		59,119,642.77		59,119,642.77			59,477,568.59	100.00%		2.48%

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Report Code: TBSBP100EXT-01.14
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded

1 Issuer Trading Limits

Issuer	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd		5,000,000.00	Book	10.00	% of 59,119,642.77	5,911,964.28	85.00	15.00	911,964	0.00	0
ANZ Banking Group Ltd		1,000,000.00	Book	30.00	% of 59,119,642.77	17,735,892.83	6.00	94.00	16,735,893	0.00	0
Auswide Bank Limited		2,500,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	85.00	15.00	455,982	0.00	0
Bank of Queensland Ltd		4,500,000.00	Book	10.00	% of 59,119,642.77	5,911,964.28	76.00	24.00	1,411,964	0.00	0
Bendigo & Adelaide Bank Ltd		5,000,000.00	Book	10.00	% of 59,119,642.77	5,911,964.28	85.00	15.00	911,964	0.00	0
Credit Suisse Sydney		2,000,000.00	Book	20.00	% of 59,119,642.77	11,823,928.55	17.00	83.00	9,823,929	0.00	0
Credit Union Australia Ltd		2,250,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	76.00	24.00	705,982	0.00	0
Greater Bank Ltd		1,000,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	34.00	66.00	1,955,982	0.00	0
Macquarie Bank		750,000.00	Book	20.00	% of 59,119,642.77	11,823,928.55	6.00	94.00	11,073,929	0.00	0
Members Banking Group Limited t/as RACQ Bank		2,000,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	68.00	32.00	955,982	0.00	0
Members Equity Bank Ltd		2,500,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	85.00	15.00	455,982	0.00	0
MyState Bank Ltd		2,500,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	85.00	15.00	455,982	0.00	0
National Australia Bank Ltd		4,000,000.00	Book	30.00	% of 59,119,642.77	17,735,892.83	23.00	77.00	13,735,893	0.00	0
Newcastle Permanent Building Society Ltd		2,500,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	85.00	15.00	455,982	0.00	0
P&N Bank Ltd		3,000,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	100.00	0.00	0	1.00	44,018
QPCU LTD t/a QBANK		2,250,000.00	Book	5.00	% of 59,119,642.77	2,955,982.14	76.00	24.00	705,982	0.00	0
Rabobank Nederland Australia Branch		2,000,000.00	Book	20.00	% of 59,119,642.77	11,823,928.55	17.00	83.00	9,823,929	0.00	0
Suncorp Bank		8,000,000.00	Book	20.00	% of 59,119,642.77	11,823,928.55	68.00	32.00	3,823,929	0.00	0
Westpac Banking Corporation Ltd		6,369,642.77	Book	30.00	% of 59,119,642.77	17,735,892.83	36.00	64.00	11,366,250	0.00	0
		59,119,642.77				144,843,124.79			85,767,500		44,018

2 Security Rating Group Trading Limits

Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	1,000,000.00	Book	100.00	% of 59,119,642.77	59,119,642.77	2.00	98.00	58,119,643	0.00	0
A+ to A-	15,000,000.00	Book	60.00	% of 59,119,642.77	35,471,785.66	42.00	58.00	20,471,786	0.00	0
A1+	10,369,642.77	Book	100.00	% of 59,119,642.77	59,119,642.77	18.00	82.00	48,750,000	0.00	0
A1	5,750,000.00	Book	80.00	% of 59,119,642.77	47,295,714.22	12.00	88.00	41,545,714	0.00	0
A2	20,250,000.00	Book	60.00	% of 59,119,642.77	35,471,785.66	57.00	43.00	15,221,786	0.00	0
BBB+ to BBB-	6,750,000.00	Book	30.00	% of 59,119,642.77	17,735,892.83	38.00	62.00	10,985,893	0.00	0
	59,119,642.77				254,214,463.91			195,094,822		0

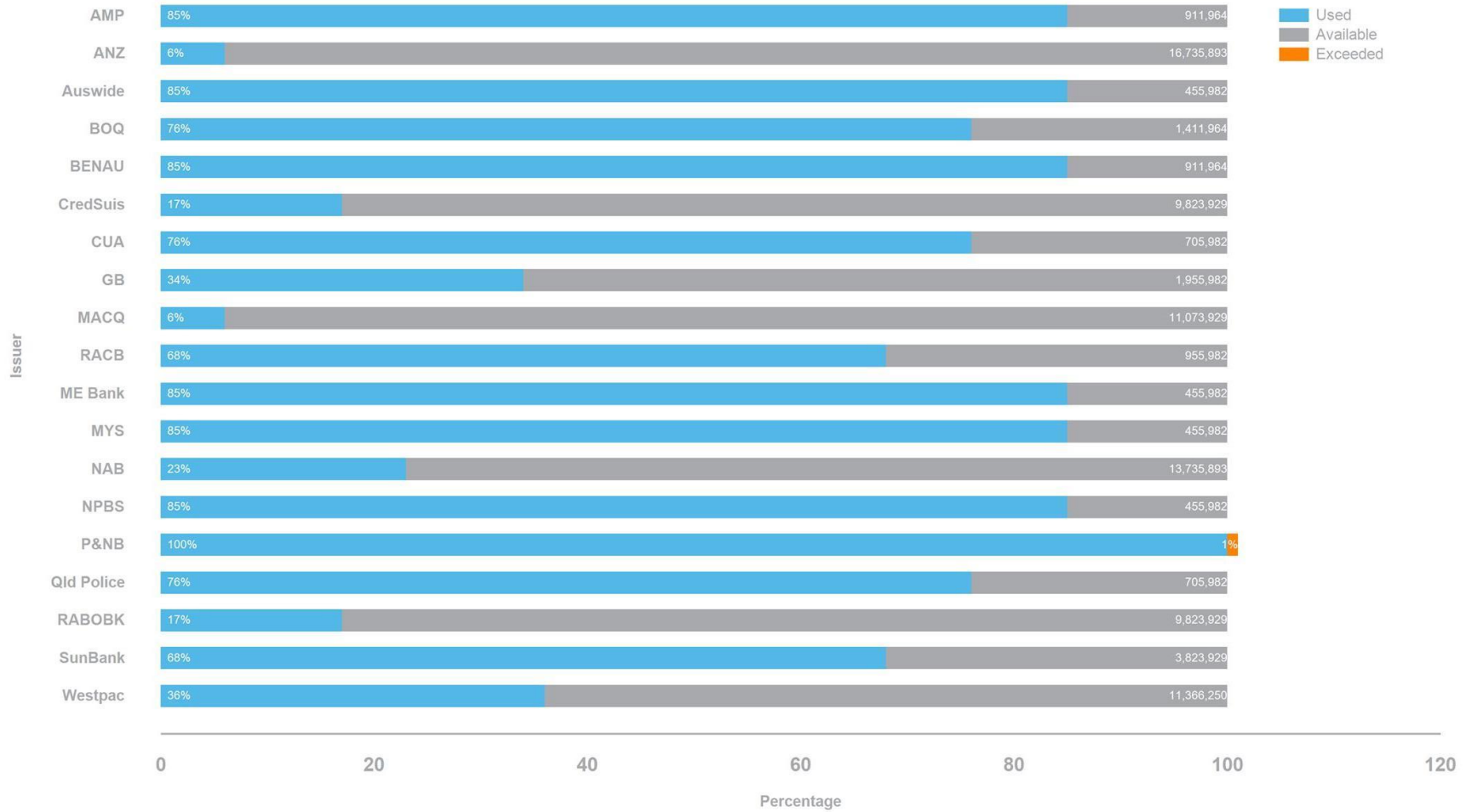
Notes

1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	36,369,642.77	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	36,369,643
1-3 Year	20,750,000.00	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	20,750,000
3-5 Year	2,000,000.00	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	2,000,000
	59,119,642.77				0.00			0		59,119,643

Issuer Trading Limits







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Report Code: TBSBP120EXT-01.08
Report Description: Trading Limit Performance (Historical) As At Date
Parameters:
Balances are Settlement Date Based
Traded Face Value
Effects of Parent/Child Issuers Ignored
Hide Zero Holdings

12.9 JUNE 2019 MONTHLY FINANCIAL REPORT

Attachments:	A. June 2019 Monthly Financial Report
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work toward the achievement of the targets established in the Fit for the Future ratios.</i>

PURPOSE

To provide Council with a high-level overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any major variances to budget at an organisational level for the month ending 30 June 2019, noting that end of year journals are yet to be finalised, so this will not be Council's final year end performance.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 30 June 2019 (and before end of year journals are finalised) be noted.

Moved: _____ Seconded: _____

REPORT

For the financial year ending June 2019, the General Fund has recorded a year-to-date profit of \$1.7m (including the SRV) and a loss of \$5k (excluding the SRV). There are no expense line items exceeding the year-to-date budget at the summary General Fund level. Rates and charges are \$992k under budget due to \$669k in rate reductions driven by devaluations of land values by the Valuer General for Mangoola, Bengalla and Mt Arthur mines and \$308k in rate reduction due to 3 years' worth of conservation agreement write-offs. User charges are lower than budgeted due to: individually priced worked orders (\$478k); DECCW Levy (\$244k lower) and mixed waste fees (\$79k lower). Other revenues are \$474k under budget mainly due to lower plant cost recovery.

The Water and Sewer Funds have had a stellar year and both Funds have recorded year-end-profits (before end of year journals) in excess of \$500k each. Both Funds have exceeded their individual revenue budgets, while coming in under budget for expenditure.

The Future Fund has delivered a profit of \$1.4m (before end of year journals) vs budget of \$1.2m. The Fund has posted \$90k in additional rental income, user charges and interest on late payments and total expenditure is under budget.

Please refer to the attachment for further details.

Muswellbrook Shire Council
General Fund
For the Month Ending 30 June 2019

Account Group	Annual Adopted Budget	June Budget Review	YTD % Spend vs Budget - 100% target	YTD Actuals (incl Committments)	YTD Variance fav/ (unfav)	Variance comments
Grand Total	(2,449,104)	(1,719,904)	57%	(982,344)	(43%)	
less SRV budgeted revenue (ex rate peg and \$26k of extra pensioner rebate)	1,725,000	1,725,000				
SRV adjusted (Profit) / Loss	(724,104)	5,096				

Revenue

Rates and Charges	(19,208,418)	(18,637,196)	95%	(17,644,784)	(5%)	\$992k YTD under budget due to \$669k rate reduction as a result of the Valuer General's reduction in land values for Mangoola, Mt Arther and Bengalla mines and \$308k lower due to 3 years' worth of conservation agreements write-offs.
User Charges and Fees	(7,023,881)	(8,335,680)	89%	(7,440,981)	(11%)	\$895k YTD under budget due to \$244k lower DECCW Levy; \$478k lower individually priced work orders; \$79k lower mixed waste fees; \$19k lower park user fees; \$19k lower road opening permits; \$15k lower learn to swim fees and \$12k lower planning, environmental and animal infringements.
Interest and Investments Revenues	(572,193)	(1,098,713)	123%	(1,349,204)	23%	
Other Revenues	(2,682,778)	(2,644,457)	82%	(2,170,158)	(18%)	\$474k YTD under budget mainly due to lower plant cost recovery.
Operating Grants and Contributions	(5,777,275)	(5,959,189)	104%	(6,225,327)	4%	
Internal Revenue	(4,739,889)	(5,597,594)	58%	(3,236,731)	(42%)	End of year journals are yet to be finalised.
Total Revenue	(40,004,434)	(42,272,829)	90%	(38,067,185)	(10%)	

Expenses

Wages and Salaries	11,970,012	12,512,945	95%	11,942,224	(5%)	
Materials and Contracts	12,670,871	13,376,652	87%	11,597,203	(13%)	
Other Costs	2,683,780	3,979,066	93%	3,688,776	(7%)	
Borrowing Costs	618,412	618,412	31%	194,576	(69%)	End of year journals are yet to be finalised.
Overheads	1,672,096	1,672,096	75%	1,252,096	(25%)	End of year journals are yet to be finalised.
Depreciation	7,940,159	8,393,753	100%	8,409,966	0%	
Total Expenses	37,555,330	40,552,925	91%	37,084,841	(9%)	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 30 June 2019

Account Group	Annual Adopted Budget	June Budget Review	YTD % Spend vs Budget - 100% target	YTD Actuals (incl Committments)	YTD Variance fav/ (unfav)	Variance comments
Grand Total	85,120	99,348	601%	(597,406)	(701%)	
Revenue						
Rates and Charges	(1,556,765)	(1,563,343)	100%	(1,563,343)	0%	
User Charges and Fees	(3,969,570)	(4,085,926)	110%	(4,489,576)	10%	
Interest and Investments Revenues	(298,620)	(368,620)	71%	(260,190)	(29%)	Reduction is due to lower interest rates and yet to be finalised end of year journals.
Operating Grants and Contributions	(35,190)	(34,385)	103%	(35,552)	3%	
Total Revenue	(5,860,145)	(6,052,274)	105%	(6,348,661)	5%	
Expenses						
Wages and Salaries	970,000	1,028,823	99%	1,019,754	(1%)	
Materials and Contracts	1,470,000	1,578,464	88%	1,384,436	(12%)	
Other Costs	330,810	388,045	90%	351,038	(10%)	
Borrowing Costs	125,238	125,238	96%	120,662	(4%)	
Overheads	1,282,067	1,282,067	88%	1,122,067	(12%)	End of year journals are yet to be finalised.
Depreciation	1,767,150	1,748,985	100%	1,753,298	0%	
Total Expenses	5,945,265	6,151,622	93%	5,751,255	(7%)	

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 30 June 2019

Account Group	Annual Adopted Budget	June Budget Review	YTD % Spend vs Budget - 100% target	YTD Actuals (incl Committments)	YTD Variance fav/ (unfav)	Variance comments
Grand Total	91,813	8,156	6350%	(517,918)	(6450%)	
Revenue						
Rates and Charges	(4,305,336)	(4,305,336)	103%	(4,440,403)	3%	
User Charges and Fees	(448,000)	(348,000)	122%	(425,963)	22%	
Interest and Investments Revenues	(103,000)	(133,000)	69%	(91,568)	(31%)	Reduction is due to lower interest rates and yet to be finalised end of year journals.
Operating Grants and Contributions	(35,000)	(34,314)	104%	(35,553)	4%	
Total Revenue	(4,891,336)	(4,820,650)	104%	(4,993,487)	4%	
Expenses						
Wages and Salaries	890,000	761,753	93%	704,909	(7%)	
Materials and Contracts	780,000	783,479	89%	697,835	(11%)	
Other Costs	343,733	301,343	87%	263,626	(13%)	
Borrowing Costs	727,080	765,305	100%	765,304	(0%)	
Overheads	823,336	823,336	79%	650,334	(21%)	End of year journals are yet to be finalised.
Depreciation	1,419,000	1,393,590	100%	1,393,561	(0%)	
Total Expenses	4,983,149	4,828,806	93%	4,475,569	(7%)	

Muswellbrook Shire Council
Future Fund
For the Month Ending 30 June 2019

Account Group	Annual Adopted Budget	June Budget Review	YTD % Spend vs Budget - 100% target	YTD Actuals (incl Committments)	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(1,704,488)	(1,184,281)	118%	(1,393,813)	18%	

Revenue

User Charges and Fees	(6,401,418)	(6,414,343)	101%	(6,503,927)	1%	\$90k additional rental income, user charges and interest on late payments.
Total Revenue	(6,401,418)	(6,414,343)	101%	(6,503,927)	1%	

Expenses

Wages and Salaries	171,328	171,328	100%	171,328	0%	
Materials and Contracts	1,534,380	1,306,436	95%	1,246,763	(5%)	
Other Costs	647,674	869,074	92%	800,469	(8%)	
Borrowing Costs	1,543,053	1,562,522	101%	1,570,848	1%	\$8k over budget to align with actual interest repayments.
Overheads	500,000	500,000	100%	500,000	0%	
Depreciation	300,495	820,702	100%	820,706	0%	
Total Expenses	4,696,930	5,230,062	98%	5,110,114	-2%	

12.10 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

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

PURPOSE

To provide an update on activities.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

ENVIRONMENTAL SERVICES

1. Statistical Information

Note: Statistics for Section 10.7 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

Schedule 1: Development Applications Approved (24 May to 15 July 2019)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/42	Ancillary Development - Carport	26 Turanville Avenue Muswellbrook	\$7,000
2019/43	Inground Swimming Pool	10 Hermitage Place Muswellbrook	\$26,480
2019/40	Dwelling House	13B Grey Gum Road Denman	\$427,405

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/34	Ancillary Development - Garage	53 Palace Street Denman	\$21,294
2019/31	Ancillary Development - Carport	119 Sydney Street Muswellbrook	\$19,846
2017/38	S4.55 (2) Modification - Reduce Size of Garage	45 Sowerby Street Muswellbrook	-
2019/15	Recreation Facility (Indoor) - Gymnasium	Market Lane Muswellbrook	\$176,018
2019/8	Dwelling House	515 Martindale Road Denman	\$112,000
2018/101	Bio refinery - High Technology Industry	24 Carramere Road Muswellbrook	\$28,617,649
2018/78	Mixed Use Development Comprising a Service Station and Restaurant	147 Bridge Street Muswellbrook	\$2,400,000
2018/76	Installation of New Telecommunications Facility	Hill Street Muswellbrook	\$200,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/56	Ancillary Development - Shed Extension	71 Queen Street Muswellbrook	10/07/2019	\$14,000
2019/55	New Dwelling	264 Bureen Road Martindale	02/07/2019	\$452,915
2019/54	Subdivision One (1) Lot into Three (3) Lots	52 Palace Street Denman	28/06/2019	\$10,000
2019/53	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway Muswellbrook	27/06/2019	\$4,875,600
2019/52	New Dwelling - Installation of a Manufactured Home	Giants Creek Road Sandy Hollow	27/06/2019	\$255,099
2019/51	Ancillary Development - Shed	27 Palace Street Denman	24/06/2019	\$17,035
2019/50	Industrial Development - Asphalt Plant	43-45 Enterprise Crescent Muswellbrook	21/06/2019	\$415,800
2019/49	Ancillary Development - Shed	96 Ironbark Road Muswellbrook	20/06/2019	\$56,410
2019/48	Demolition of Shed and Replace with New Carport and Shed	7 Fleming Street Muswellbrook	20/06/2019	\$17,080
2019/47	School - Early Education Centre	111 Skellatar Stock Route Muswellbrook	18/06/2019	\$2,895,187
2019/46	Replace Existing School Sign with New LED School Sign	57 Maitland Street Muswellbrook	17/06/2019	\$10,000
2019/45	New Dwelling and Ancillary Development - Shed	160 Almond Street Denman	14/06/2019	\$400,000
2019/44	New Recreational Building Comprising Two Squash Courts and Amenities and a Golf Pro Shop	Bell Street Muswellbrook	11/06/2019	\$633,815

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/41	Subdivision - Nine (9) Lots into Six (6) Lots	Castlerock Road Muswellbrook	09/05/2019	\$10,000
2019/39	Boundary Adjustment	211 Kayuga Road Muswellbrook	01/05/2019	-
2019/38	Site Preparation Works and Installation (Storage) of Asphalt Plant (no production proposed)	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
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
2019/30	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
005.2019.0 0000028.0 01	Commercial Premises Extension (Elks Enterprises)	6 Thiess Crescent Muswellbrook	27/03/2019	\$70,000
2019/25	Dwelling Alterations and Additions (Living Extension, Verandah, Deck and Shed)	58 Palace Street Denman	11/03/2019	\$146,500
2019/21	Alterations to Existing Retail Premises and Signage (Aldi)	31-35 Rutherford Road Muswellbrook Nsw	20/02/2019	\$92,000
2019/16	Information and Education Facility (Museum)	Turner Street Denman	15/02/2019	\$265,000
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
2019/5	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	17 Bloodwood Road Muswellbrook	14/01/2019	\$4,414,300

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	associated site works, including internal private roads, stormwater drainage, landscaping and tree removal.			
2018/117	Commercial Alterations and Additions (Expansion of Bottle Shop)	36 Sydney Street Muswellbrook	21/12/2018	\$500,000
2015/87/2	S4.55(1A) Modification - Subdivision of One (1) Lot into Nine (9) Lots Modification to carry out the Development in Two (2) Stages	Merriwa Road Sandy Hollow	17/12/2018	-
2018/54	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 on site sewage management systems have necessary approvals and inspections are to be carried out.

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

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Applications Received (new installation)	1	0	0	0	0	0	3	4	4	0	0	2	2
Applications Approved (new installation)	0	0	0	0	0	0	2	0	3	0	0	2	0
Inspections (new system)	3	0	0	0	0	0	1	0	0	0	0	0	0
Inspections (existing system)	0	0	0	1	0	0	0	0	0	0	0	16	47

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.

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Applications Received (new businesses)	-	-	-	0	0	1	1	0	0	0	1	1	0
Inspections (new businesses)	-	-	-	1	0	2	1	0	0	0	0	1	0
Inspections (existing businesses)	-	-	-	0	7	9	6	10	9	4	7	6	30
Reinspections	-	-	-	0	0	1	0	1	1	1	0	0	1

4.01.01.1 - Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2018/2019)

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total Sites Inspected	3	2	4	3	7	7	1	5	5	5	4	6	7
Total non-compliant and educated	0	0	2	1	1	1	0	0	0	1	0	2	2
Total compliance after education	1	0	2	1	1	1	0	0	0	1	0	6	2
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)

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

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

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

Compliance Certs /Occ. Certs issued	2	2	2	4	7	3	3	4	0	10	4	6	6
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Total Pools in Council's Swimming Pool Register = 906

Compliance as at 30 June 2017 = 63.7%

Compliance as at 30 June 2018 = 65.7%

Current Compliance = 43.7%

(i.e. 396 out of 906 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 = 5.1%

(i.e. 47 out of 906 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).

Illegal Dumping Statistics – 13 Month Analysis

Total Investigations	80
Total clean up by Council / insufficient evidence	53
Total clean up by individual	15
Total penalty notices issued	2
Court attendance notice issued	0
Still under investigation	0

Building Site Compliance Inspection Statistics (2018/2019)

Total sites inspected	52
Total non-compliant and educated	8
Total compliance after education	8
Total penalty notices issued	0

Heritage Fund Applications

Two local Heritage Funds applications were received this year, and both were approved by Council. Unfortunately one applicant subsequently withdrew. The application by Mr & Mrs Rogers, for painting the bullnose verandah at 33 Brentwood Street, Muswellbrook, was successfully completed and a payment of \$1400.00 was made.

COMMUNITY PARTNERSHIPS

Preliminary work has commenced to work with Upper Hunter Youth Services for potential funding sources to relocate and development of a new Youth Centre facility;

An inclusion event was held this month in partnership with the Muswellbrook Regional Arts Centre and NSW Department of Education and Communities Itinerant Support Teacher Hearing, an Auslan interpreter translated the current exhibition for the hearing team from Muswellbrook Public School, a wonderful activity for all involved.

The Collaborative Impact Facilitators Project came to an end this month a more comprehensive report will be provided in the coming months;

The Muswellbrook Ageing Strategy is in draft format, the Strategy has been extensively consulted the ageing communities of the Muswellbrook Local Government Area, this document need to be consulted internally regarding action areas and then will come to Councillors for consideration;

A progress report has been provided to MACH Energy Aboriginal Community Development Fund Committee on the Aboriginal Oral History Project. Consultants 2 Rivers Pty Ltd are finalising interview content and transcripts with interviewees;

A Muswellbrook Shire Council Aboriginal Reconciliation Committee Meeting was held this month;

- Support has been provided to the Collaborative Cultural Hub Working Group to develop a draft Terms of Reference and a Discussion Paper. This group continues to meet and work towards bringing the community thinking together to develop a combined idea of what a Collaborative Cultural Hub is and how it could serve the communities of Muswellbrook and Singleton now and in the future.
- Support has been provided to Upper Hunter Youth Services and Upper Hunter Homelessness Support and the Local Drug Action Team this month. The Upper Hunter Community Services and Upper Hunter Youth Network combined training occurred this month.

SUSTAINABILITY**New Nature Trail - behind aquatic centre**

The new Nature Trail behind aquatic centre is almost complete. Signs will soon be installed to describe the biodiversity of the area. Parts of the path still need to be levelled to allow compliant disability access. An official opening is now being planned.

Fish Habitat Grant Stage 1

Fish Habitat Action Grant Stage 1 is now complete. Stage 2 involves planting over 3000 plants along the creek. An additional 2000 plants will be planted as part of Council's inkind contribution.

Australian Museum - The Sustainability Unit hired another Museum in a Box from the Australian Museum. This museum is a great way to educate people about the important of the environment and Council sustainability projects such as the work along Muscle Creek. This museum has so far been used at Goodstart Early Learning Centre, MOOSH and Tillie's.

NAIDOC Week Family Fun Day

The Sustainability Unit had a display at the NAIDOC Week Family Fun Day. These events give Council the opportunity to promote Sustainability, the Libraries and Aquatic Centre. See photo left.

Reuse Shop – The Sustainability Unit has been assisting the Waste Department in promoting the revamped Reuse Shop at the Muswellbrook Waste Facility.

Club to Club

A lot of time was spent on collating information needed for the audit of the Club to Club project. This three year project has now ended. Council should hear soon if we were successful in gaining a Restoration Grant.

Flying Fox Management

Flying Foxes are continuing to be monitored. On a recent monitoring trip no Flying Foxes were observed behind the caravan park. There is a small number behind the aquatic centre.

Sustainability Hub – Work at the Sustainability continues with Council hosting Community nursery days, Penguin Garden Club (see photo below) and Muscle Creek Landcare. The number of community members attending activities at the Hub continues to grow. Plants grown at the Sustainability have been donated to Goodstart Learning Centre, Hunter Family Centre and MOOSH.



Sensory Garden Audio Sign

Council has been working with Ability Links to install a sign that allows users to push buttons to hear information about native plants. This allows community members who are unable to read to access this information.

[https://www.muswellbrookchronicle.com.au/story/6201442/new-natives-signs-sound-smart-](https://www.muswellbrookchronicle.com.au/story/6201442/new-natives-signs-sound-smart-photos/?cs=2829&fbclid=IwAR3knDMPb9Vlg7MtPgCwBNNfULpA1nIY3R_PuAUJgSZTxz18L6JOFbb3EUq#slide=5)



[photos/?cs=2829&fbclid=IwAR3knDMPb9Vlg7MtPgCwBNNfULpA1nIY3R_PuAUJgSZTxz18L6JOFbb3EUq#slide=5](https://www.muswellbrookchronicle.com.au/story/6201442/new-natives-signs-sound-smart-photos/?cs=2829&fbclid=IwAR3knDMPb9Vlg7MtPgCwBNNfULpA1nIY3R_PuAUJgSZTxz18L6JOFbb3EUq#slide=5)

Landcare Activities: Muswellbrook Local Government Area 2018-19

Background: The Upper Hunter Landcare Coordinator is employed by the Hunter Region Landcare Network and assists groups undertaking Landcare activities in the Muswellbrook and Upper Hunter Local Government Areas. The position is hosted at both Muswellbrook and Scone (UHSC) council offices. Following changes to funding the position has gone from 24 hours per week to 17.5 hours per week as of 1st of July. At Muswellbrook the position is hosted in the Sustainability Unit.

The ongoing drought has limited opportunities for both revegetation and weed control activities.

Activities in the Muswellbrook LGA

- Disseminate information on grants and training courses to groups and individuals
- Secured funding for establishment of seed bank (\$10k total) with ongoing funding of \$10k/year for next three years likely
- Secured funding for construction of nursery hothouse (\$10k total - funding also for construction of biocontrol breeding cages, water lance for long stem plantings, other equip)
- Assisted formation of and ongoing assistance to McCully's Gap Landcare (McCullys Gap Rehabilitation and Sustainability Community Group)
- Assisted formation of Hunter Sustainability Landcare TEAM (Penguin Garden Club, Denman Community Gardens, Muscle Creek Landcare) provides a model for small groups to become incorporated under the Landcare banner making large savings on the cost of insurance and provides opportunity for networking and resource sharing between groups
- Assisted in the development of St Vincent de Paul Society's sensory garden - plant recommendations, assistance with wording of "Sound Smart Natives" signage, Karoola Park, Muswellbrook.
- Assist council staff National Tree Day and other events
- Muscle Creek Landcare ongoing assistance, rubbish removal, maintenance of plantings, plant propagation
- Martindale Creek Catchment Landcare, supply biocontrol agents for Prickly Pear control (have funding to construct more cages for breeding cochineal insect),
- Direct Seeding Field Day Martindale
- Sandy Hollow Outdoor Learning Area - Ridgeland's Grant (original application for \$30k, \$7800 approved, requiring alteration of plans, creativity and some donation of materials, plantings to be undertaken around spring with plants donated or grown at Sustainability Hub nursery)
- Production of waterwise plants brochure - close to completion
- Guide to the Eucalypts and Casuarinas of the Upper Hunter - close to completion (<https://hunterlandcare.org.au/?s=gumnuts>)
- Respond to plant identification requests/planting recommendations from council staff
- Work with MSC staff to assist Muswellbrook High School LC group

1. Other activities relevant to the Muswellbrook LGA

- Media: 4 radio interviews (2 seed bank, 1 formation of Sustainability TEAM, 1 "Finding Fairy Bells" project - ABC x 3 2NURFM x 1), 1 media article (formation of Sustainability TEAM)
- Regular articles in HRLN newsletter "The Scoop" <https://hunterlandcare.org.au/>
- Cross promotion of activities/workshops via web page, newsletter, email groups and social media.
- Networking and interaction with Upper Hunter LGA, Hunter Local Land Services, TAFE, DPI Rural Resilience Officer, others
- Involvement with Woodland Birds Working Group
- Technical assistance to Hunter LLS re revegetation activities

- Networking with Biodiversity Conservation Trust to promote conservation agreements in the Upper Hunter

Future plans, Relocation of the Hub and Animal Shelter to a site at Sydney Street provides a great opportunity for the promotion of Landcare activities in Muswellbrook LGA, providing the opportunity for the establishment of plant propagation facilities as well as a seed bank. This will allow for production of native plants for revegetation projects as well as some sales to cover costs and provide focus for Landcare activities. The site will also allow for training activities such as seed collection and plant propagation and work in with other community groups working on site, currently there is no suitable site in the Upper Hunter for teaching of horticulture subjects, Landcare has established relationships with TAFE and Hunter Local Land Services and accredited training on this site will be of benefit to both MSC and Landcare.

McCully's Gap Landcare (McCullys Gap Rehabilitation and Sustainability Community Group) work with group to improve skills and develop local plan of action, build on current training courses delivered by TAFE.

Martindale Creek Catchment Landcare - continue seeking funding for completion of Cestrum works and development of local plan of action


Muscle Creek Landcare - increase membership and expand area of operations, propagation of native plants

Schools - work with Hunter Region Sustainability Educators Network to develop and implement schools education program.

UPPER HUNTER REGIONAL LIBRARY (MUSWELLBROOK AND DENMAN BRANCHES)

During June, 2019, Upper Hunter Regional Library Services delivered the following programs and projects collaborating with : Hunter Park, St James Primary School, Aberdeen Public, Local Authors and hosting the YR 12 HSC trial examinations for Muswellbrook High students and use of the building by other community groups.

Services: Muswellbrook and Denman Libraries	
Computer Bookings total as Denman Computer bookings -	Unable to source due to technical issues
Special Event BorrowBox Launch and School Visits by the voice of Andy Griffin, Stig.	Stig visits St James Primary School & Aberdeen Public School to promote new digital platform (BorrowBox) 230 primary students plus staff
Your Home Library Service totals as of 5th July (fortnightly/monthly delivery) Denman	193 books, DVD's and audiobooks. 58 books, deliveries were reduced due to library closures.
Author visits, including a visit to the schools to launch BorrowBox: Patrice Newell - 26 Local author Dr Patrice Newell's talk was particularly interesting and attracted visitors from Maitland, Murrurundi, Merriwa and Scone. Paul Bryden – 36 two branches. Larry Body - 12 Stig Wemyss -230	Choice Boy by Larry Boyd – Who's minding the farm? By Patrice Newell – The First Boomerang by Paul Bryden was also very popular with 26 attending in Muswellbrook and another 10 at Denman later that day. It is rewarding to see so many authors coming to visit the Muswellbrook Shire and also the number of attendees. Judy Nunn is also booked for later in the year as we are working hard in this area to attract local and Australian authors for our members.

Services: Muswellbrook and Denman Libraries	
	Feedback sheets were collected at all talks and were very positive.
Regular/Special Events: displays Boomerang Display - NAIDOC Paul Bryden is an Australian author, speaker and sportsman. He has researched Aboriginal culture and boomerang history for forty years, working with elders, boomerang makers and collecting artefacts. He is a former Australian Boomerang Throwing Champion and performed on TV in Thailand.	Ongoing displays @ Denman Paul Bryden's – Boomerang Display, a lifelong collection. This was a particularly popular display, a lot of people visiting the VIC stayed on and told us they thought it was very interesting and wished they had of been around for the talk and were going to buy his book. 
Crafty Hour every fortnight	21 attendees
Thinker Kruncher (Brain Training) every fortnight	Will recommence after the school holidays.
LEGO Club @ your Libraries every day during holidays.	Children have been coming in daily at both branches to use the Lego after school and whilst on holidays which is encouraging to see. A Master Lego build is being scheduled for the next school holidays.
Hunter Park , The Boomerang Workshop Kids got a taste of some Indigenous food also kindly supplied by Hunter Park.	20 children and parents. Wednesday, 10 July Muswellbrook Library
Libraries new Interactive Table – Multi- touch detection,	This has been very popular with up to 8 children being able to work collaboratively or individually on the new interactive table. Over 60 uses in the first fortnight. This will move to Denman also for the Christmas holidays and be rotated.
HSC @ the Library, we have been very busy getting it all scheduled and working closely with the NSW Education Department to ensure a suitable environment for the YR 12 student to complete their studies and exams @ the MBK library.	All year 12 students. All YR 12 students are now members of the library and have been using resources to help with their studies after school and on weekends. The partnership has been very beneficial to students, teachers and staff. Tables and schedules will be set on Monday after the return to school with the first exam

Services: Muswellbrook and Denman Libraries	
	beginning on Wednesday 24 th of July. New YA members from this partnership 83
Denman Due to staffing Denman's hours were reduced for the past 6 weeks, some events and scheduled sessions did not occur due to this.	Story time 31 babies 531 visits for combined May and June, library was closed Friday afternoons from the 27 May 2019 and will reopen Friday 19 July 2019.
Visitation Muswellbrook- 4473 Denman to end June 521 (reduced hours).	4494 combined, with reduced hours at Denman for month.

Stock on loan,

Muswellbrook - 2265

Denman for the month of June -290

Members

Muswellbrook – 7648 current

Denman -722, Total current memberships - 8370

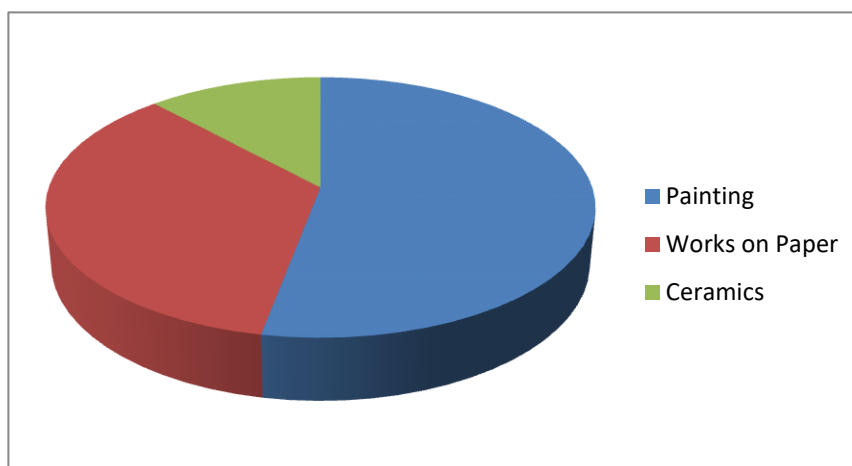
46TH MUSWELLBROOK ART PRIZE 2019 - REPORT

Prize Money:

- Total: \$71,000
- Painting: \$50,000
- Works on Paper: \$10,000
- Ceramics: \$10,000
- People's Choice: \$1,000

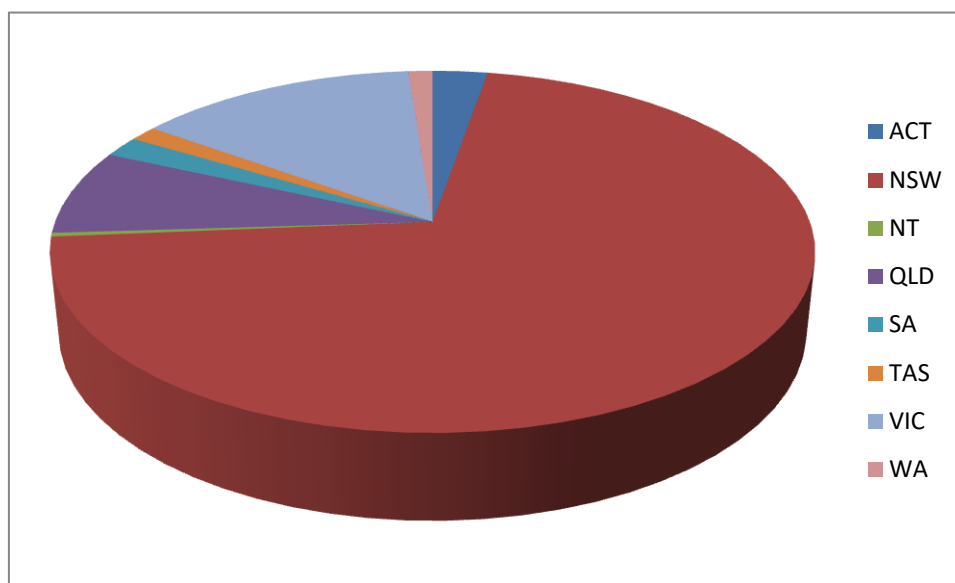
Number of Entries:

- Total: 589
- Painting: 312
- Works on Paper: 207
- Ceramics: 70



Entries by State:

- ACT: 16
- NSW: 418
- NT: 2
- QLD: 45
- SA: 11
- TAS: 8
- VIC: 82
- WA: 7



26% of entries submitted less than 24 hours before close of entries

52% of entries submitted less than 72 hours before close of entries.

Number of Finalists:

- Total: 61
- Painting: 31
- Works on Paper: 15
- Ceramics: 15

Finalists by State:

- ACT: 1
- NSW: 46
- QLD: 4
- SA: 1
- VIC: 7
- WA: 2

Revenue:

- Total: \$20,758
- Entry Fees: \$19,093
- Commission on Sales: \$1,665

Visitation:

- Total: 976
- Days Open: 46
- Daily Average: 21

Visitation – Events:

- Yield: 100
- Opening Night: 200
- Artist Floor Talk: 15
- Painting focused Workshop (youth): 14
- Works on Paper focused Workshop (adults): 7
- Ceramics focused Workshop (adults): 6

Instagram Social Engagement MRAC for:

- Total posts: 16
- Total likes: 1,105
- Average like per post: 69
- Engagement (likes/followers): 5% (industry standards: >1% = low engagement; 1-3.5% = average/good engagement; 3.5-6% = high engagement; <6% = very high engagement)

Instagram Social Engagement other parties – finalists, other galleries, artist agents, visitors:

- Total posts: 75
- Total likes for posts: 15,402
- Total comments for posts: 1,367
- Average engagement per post (likes + comments): 224

Advertising:

- Art Guide: November/December 2018; January/February 2019; March/April 2019
- Artist Profile: Issue 44 (23 August – 7 November 2018)
- Art Almanac: January/February 2019
- Art Prize Planner: January 2019

MUSWELLBROOK REGIONAL ARTS CENTRE

18.2.4 Partner with local education providers on enhancing the Muswellbrook Regional Arts Centre's exhibitions – Form two partnerships with education providers in the delivery of exhibitions at the MRAC during 2018/19

The work of Brook Christian School was exhibited at Muswellbrook Regional Arts Centre following land-art photography workshops held initially at MRAC in conjunction with the 2017/18 Artist in Residence and subsequently within the school program.

The work of Indigenous Artists from St Heliers Correctional Centre was presented for NAIDOC Week 2018 following educational services funding that saw materials made available for the creation of art.

Workshop Program

- July: Winter School Holiday Paper Sculptures
- August: Maude Butta - Winter Leaf Prints
- September: Naomi Norris - Kitchen Litho
- October: Spring School Holidays - Armature + Polymer Clay
- November: Pastels and Acrylics with Gwendolin Lewis
- December: Pop Heads with Peter Lankas
- January: Soft Summer Sculptures
- January: Linocuts with Marie Lunney
- February: Expressive Landscapes with Tia Gabriellah
- March: Soft Sculptures with Erica Gray
- March: Finalists in Conversation
- March: Quirky Collages with the Strutt Sisters
- April: Autumn Landscape Painting
- May: Ceramics with Nicola Purcell
- June: Surface Embellishment with Pearl Red Moon

18.2.5 Muswellbrook Regional Arts Centre to host an Artist in Residence Program – MRAC hosts at least one Muswellbrook Shire Artist in Residency Program in 2018/19

Artists in Residence for 2018/19 were Newcastle based artists Liz Anelli and Mario Minichiello. Liz and Mario undertook their residency during the Autumn School Holidays, 13th to 26th April, and explored how the visitor sees the Muswellbrook Shire by interpreting identical and near identical views through a series of en plein air drawings and paintings.

The project extended on the research and design commissioned by Upper Hunter Shire Council to produce a series of illustrated maps to be implemented as tourist brochures.

The Artist in Residency incorporated a school holiday mono-printing pictures book workshop with 14 children in attendance.

The new body of work produced as a result of the residency will be exhibited in the School of Arts Gallery at the Muswellbrook Regional Arts Centre from August to October 2021.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE ABORIGINAL RECONCILIATION COMMITTEE MEETING HELD ON WEDNESDAY, 19 JUNE 2019

Attachments:	A. Aboriginal Reconciliation Committree - Minutes - 19/06/2019
Responsible Officer:	Carolyn O'Brien - Acting Director - Environment & Community Services
Author:	Kim Manwarring - Co-ordinator - Community Partnerships
Community Plan Issue:	<i>Further process the reconciliation in the Shire</i>
Community Plan Goal:	<i>Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.</i>
Community Plan Strategy:	<i>Facilitate and support the Aboriginal Culture and Heritage working group.</i>

PURPOSE

To inform Council of a meeting of the Aboriginal Reconciliation Committee held on 19 June 2019.

OFFICER'S RECOMMENDATION

The minutes for the Aboriginal Reconciliation Committee meeting held on Wednesday 19 June 2019 be NOTED.

Moved: _____ Seconded: _____

REPORT

The Aboriginal Reconciliation Committee met on Wednesday 19 June 2019. The minutes of the meeting are attached for the information of the Councillors.

ACKNOWLEDGMENT OF COUNTRY

The Chair respectfully acknowledged the Local Aboriginal People who are the Traditional Owners and Custodians of the land on which this meeting takes place.

PRESENT: Cr Jacinta Ledlin (Chairperson), Aunty Gay Horton, Aunty Margaret Matthews, Uncle Johnny Matthews, Aunty Rhonda Griffiths, Insp Brett Grubber, Ms Sally Jones, Ms Renee Gillare, Mr Andrew Gillare, Sgt Steve Cox and Ms Amanda Howard.

IN ATTENDANCE: Ms K. Manwarring.

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Aunty Margaret and Uncle Johnny that:

The apologies for inability to attend the meeting submitted by Insp Jo Schultz, Mr Noel Downs, Mrs Kate Wood-Pahuru, Aunty Jean Hands, Ms Elizabeth Howard and Ms Roz Thomson be NOTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Aunty Margaret and Uncle Johnny that:

The Minutes of the Aboriginal Reconciliation Committee held on 19 March, 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING**4.1 ABORIGINAL ORAL HISTORY PROJECT**

Two Rivers Pty Ltd to be informed that Community Members require notice to attend appointments to approve transcripts.

Community Members request an update from Two Rivers Pty Ltd.

4.2 COLLABORATIVE CULTURAL HUB

General discussion about the meeting and its outcomes.

Terms of Reference and Discussion Paper were adopted with amendments, next meeting at 11am on 6 August 2019.

5 CORRESPONDENCE**5.1 UNGOOROO ABORIGINAL CORPORATION**

Letter to Ungooroo Aboriginal Corporation was sent on behalf of the Committee.

Certificates and thank you letters to the Girls Academy to be sent. Thanking the students for their assistance at the National Reconciliation Week Aboriginal Flag Raising Ceremony.

6 BUSINESS

6.1 KEY DRIVING SCHOOL

Information and service overview provided.

* Renee and Andrew Gillare left the meeting.

6.2 NAIDOC WEEK MUSWELLBROOK DISTRICT HOSPITAL ABORIGINAL FLAG RAISING

Details provided.

6.3 ABORIGINAL LIAISON OFFICER FORUM - BALLINA - INSPECTOR BRETT GRUBBER

The Hunter Valley Police District outlined the development of strategies to engage with the local community.

7 DATE OF NEXT MEETING

October, 2019

8 CLOSURE

The meeting was declared closed at 3.05pm.

.....
Cr J. Ledlin

Chairperson

**13.2 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 17 JUNE 2019**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 17 June 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 17 June 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 17 June 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 M.Bowditch and Cr R. Scholes.

IN ATTENDANCE: Mr D. Finnigan (Director – Community Infrastructure), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development) , Mr G Abeywardena (Chief Engineer and Assistant Director – Community Infrastructure) and Miss M. Meadows (PA to the Mayor)

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

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

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Rush and Scholes that:

That the Minutes of the Development Assessment Committee held on 3 June 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 5/2019 - CARAVAN PARK REPLACEMENT OF AMENITIES

RECOMMENDED on the motion of Crs Rush and Scholes that:

That Development Application No. 5/2019, involving a replacement of amenities, at Lot 132 DP 610464 to be deferred to the next Development Assessment Committee, 1 July 2019. For the reasoning, Historical Development approvals to be made available to the Councillors.

6.2 DA 31/2019 ANCILLARY DEVELOPMENT - CARPORT

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee approve Development Application No. 31/2019, involving the erection of a carport at Lot 7 DP 745572 known as 119 Sydney Street, Muswellbrook, subject the conditions in Attachment B and the additional conditions below:

FENCING

The rear boundary with the Hunter River is to be fenced in accordance with the requirements of Section 9 of Muswellbrook Shire Council's Rivers and Drainage Policy, as amended from time to time. In particular the fence is to comply with the following:

- Any new fence should be located on the property side of any easement adjacent to the Hunter River
 - Materials used in the fence are to be selected to not inhibit the overland flow of storm water and flood water;
 - The fence is to incorporate suitable gates to allow for the maintenance of the riparian area.
 - The fence must be permeable and see-through.
- The fence is to be maintained in good order at all times.

EASEMENT

That should Council require, and at Councils expense, an easement for establishment of a Riparian corridor, access and ongoing maintenance, is to be registered over the land, extending 40m from the top of the Bank with the Hunter River, in favor of Council. The terms of the easement are to restrict the installation of structures, the carrying out of works or the grazing of stock, without the prior consent of Council, and will provide Council with the authority to enter the land to carry out the works associated with the management of the Riparian Corridor.

6.3 DA 34/2019 - ANCILLARY DEVELOPMENT (GARAGE)

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee approve Development Application No. 34/2019, involving the erection of an ancillary development (Garage) at Lot 102 DP 1189782, known as 53 Palace Street, Denman, subject the conditions in Attachment B and the additional conditions below:

FENCING

Any new fence is to be installed within the site boundaries, parallel to the eastern base of the Denman Levy Bank. Any new fence is to comply with the Fencing requirements of Section 9 of Muswellbrook Shire Council's Rivers and Drainage Policy, as amended from time to time. In particular Any new fence is to comply with the following:

- Materials used in the fence are to be selected to not inhibit the uninterrupted overland flow of storm water
 - The fence is to incorporate suitable gates to allow for the maintenance of the riparian area.
 - The fence must be permeable and see-through.
- Any new fence is to be maintained in good order at all times.

EASEMENT

An easement for establishment of a Riparian corridor, access and ongoing maintenance, is to be registered over the land, land on which the Denman Levy Bank is situated, in favor of Council. The easement will cover the entirety of the levy bank located on the land. The terms of the easement are to restrict the installation of structures, the carrying out of works or the grazing of stock on the Levy Bank, without the prior consent of Council, and will provide

Council with the authority to enter the land to carry out the works associated with the management of the Levy Bank.

6.4 OUTSTANDING DEVELOPMENT APPLICATIONS - 14 JUNE 2019

RECOMMENDED on the motion of Crs Scholes and Bowditch that:

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

7 DATE OF NEXT MEETING

1 July 2019

8 CLOSURE

The meeting was declared closed at 5:07 pm.

.....
Cr M. Rush
Chairperson

**13.3 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 1 JULY 2019**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 1 July 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 1 July 2019 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 1 July 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 G Abeywardena (Chief Engineer) and Miss M. Meadows (PA to the Mayor)

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

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 17 June 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Benjamin Tebbett – Broadlands Gardens – (DA 05/2019) – Caravan Park Replacement of Amenities

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 5/2019 - CARAVAN PARK REPLACEMENT OF AMENITIES

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

Development Application No. 9/2019 be considered at the next Development Assessment Committee Meeting, 15 July 2019.

6.2 OUTSTANDING DEVELOPMENT APPLICATIONS - 14 JUNE 2019

RECOMMENDED on the motion of Crs Rush 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

15 July 2019

8 CLOSURE

The meeting was declared closed at 5:00pm.

.....

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**

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 REQUEST TO WAIVE RATES

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 DEBT WRITE OFF

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(f) of the local government act 1993, as it deals with details of systems and/or arrangements that have been implemented to protect council, councillors, staff and council property, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 EXECUTION OF REFINANCING OF \$12.5M FUTURE FUND LOAN

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 CONTRACT 2018-2019-0361 - PROVISION OF CLEANING SERVICES FOR MUSWELLBROOK SHIRE COUNCIL BUILDINGS AND PUBLIC TOILETS

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 CONTRACT 2018-2019-0360 - PROVISION OF REUSE WATER - UPDATE

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.6 MUSWELLBROOK RACE CLUB REQUEST FOR FUNDING VARIATION & SPONSORSHIP

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.7 T501920HUN PROVISION OF ROAD RESURFACING

Item 19.7 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.8 TENDERS - SUPPLY AND DELIVERY OF NETWORKS VEHICLES

Item 19.8 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.9 MUSWELLBROOK ANIMAL CARE FACILITY - PUBLIC EXHIBITION

Item 19.9 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ Seconded: _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 27 AUGUST 2019