



**muswellbrook
shire council**

Muswellbrook Shire Council
**EXTRA ORDINARY COUNCIL
MEETING**

BUSINESS PAPER
12 NOVEMBER 2019



EXTRA ORDINARY COUNCIL MEETING, 12 NOVEMBER 2019

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
7 November, 2019

Councillors,

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

Fiona Plesman
GENERAL MANAGER

Order of Business

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10.3	CONTRACT 2018-2019-0376 WATER DISPENSING POINTS FOR MUSWELLBROOK AND DENMAN <i>Item 10.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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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.

10.5 MUSWELLBROOK ANIMAL CARE FACILITY COST ESTIMATE

Item 10.5 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.

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MUSWELLBROOK SHIRE COUNCIL

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

2 CIVIC PRAYER

3 APOLOGIES AND LEAVE OF ABSENCE

4 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.

5 PUBLIC PARTICIPATION

6 MAYORAL MINUTES

7 COMMUNITY INFRASTRUCTURE

7.1 ROADS & MARITIME SERVICES PROPOSAL FOR NEW ROUTINE MAINTENANCE COUNCIL CONTACT

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Matthew Lysaught - Manager - Works, Property & Building
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>Implement prioritised (but responsive) rolling works program of maintenance.</i>

PURPOSE

To provide Council with an overview of the proposed new Roads and Maritime Services - Routine Maintenance Council Contract, and confirm Council's acceptance of the contract.

OFFICER'S RECOMMENDATION

1. Council accepts the offer of a new Routine Maintenance Council Contract; and
2. The General Manager be authorised to negotiate and execute all relevant contract documentation.

Moved: _____ Seconded: _____

BACKGROUND

Roads and Maritime Services (RMS) informed Council on the 26 August 2019 of their intention to terminate the current Routine Maintenance Council Contract (RMCC) and enter into a new contract with Council. The current RMCC Contract commenced in 2008 and is over 10 years old.

On 24 October 2019, Council staff attended a Hunter Councils Information and Feedback Session, providing an overview of the upcoming changes to the RMCC.

CONSULTATION

RMS Contract Manager RMCC

Works Engineer

Senior Works Coordinator

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

The Routine Maintenance Council Contract (RMCC) is for maintenance management of state roads and

state roads infrastructure assets. Under this contract council is responsible for the maintenance of a 47km section of Golden Highway (HW27) from Bowman's Bridge, Arrowfield to Greg Stairs Road intersection, and 21km of Denman Road (MR209) from New England Highway intersection to Golden Highway intersection. The services carried out under this contract include:

1. Routine Maintenance;
2. Ordered Works; and
3. Incident Management

The transition from the current contract to the new contract is proposed to take place in stages as shown in the table below:

Target Date	Requirements
On or before 8 November 2019	Letter to RMS confirming Council's acceptance of new Contract. RMS was advised that this could not be done until after 12 November 2019 due to Council's calendar of meetings.
On or before 29 November 2019	Signing of Contract Agreement
29 February 2020	Termination of Current Contract
1 March 2020	Commencement of New Contract
Before 31 August 2020	Council prequalifies for R2 Level (Qualified for Roadworks of \$2M) - to be achieved no later than 6 months after the date of new Contract.
30 June 2022	Contract Term: 2 years and 4 months from the date of commencement with an Option to extend to a period of up to 2 years.

The proposed new contract should not impact on Routine Maintenance and Incident Management activities, however may have a minor impact on Ordered Works, as there is scope in the proposed new contract for RMS to make use of external service providers. In order to qualify for Ordered Works (Individually Priced Work Order), Council will be required to upgrade our prequalification status from R1 to R2. This requirement is seen as adding value to Council's operations. Regionally, Council is considered to be a high performer in relation to the carrying out of works under the RMS RMCC. This evidenced by the consistently superior feedback provided by RMS through quarterly performance review reports.

The table below shows the proposed differences between the current and new contracts:

Description	Clause No. (Current Contract)	Clause No. (Proposed Contract)	Proposed Changes
Routine Maintenance Activities – Scope of works	RMAP Routine Maintenance Annual Plan (RMAP)	RMAP	No changes.
Routine Maintenance Activities –	M3 Specification	M3	No changes.

Description	Clause No. (Current Contract)	Clause No. (Proposed Contract)	Proposed Changes
Inspection Procedure and Reporting	(Technical specification standard for routine maintenance activities and reporting.)	Specification	
Routine Maintenance Activities – Identification of defects, intervention levels and response time requirements	M3 Specification	M3 Specification	No changes.
Routine Maintenance Activities – Payment	RMAP	2.1{b}	No changes. Routine Services are remunerated on an actual cost basis.
Ordered Works – Qualifications and Skills (New)	N/A	10.8	Prequalification requirement at R2 level for ordered work added (to be achieved no later than 6 months after the date of the contract).
Ordered Works – Payment	Clause 10.3(b).1{c}, Clause 11.5(iv) –B and Clause 36.1 (page 52)	2.1{c}	<p>Current contract permits an additional mark-up for estimating risk or risk of rework if the basis for payment is lump sum or schedule of rates. The new contract allows this for 12 months to transition to <u>no mark-up for risk</u>.</p> <p>The basis for remuneration of Ordered Work shall be in accordance with the contract, however, in the long term the Service Provider's revenue for the Contract should equal its costs.</p>
Ordered Works – Scoping of works, submitting work proposals to RMS for approval, receiving work orders from RMS.			No changes.
Incident Management / Response			No changes.
Requirements to comply with	Clause 9	Clause 12	Updated with NSW Code and

Description	Clause No. (Current Contract)	Clause No. (Proposed Contract)	Proposed Changes
Law, Guidelines and Government requirements – Heavy Vehicle Management and Chain of Responsibility requirements			NSW Guidelines, Aboriginal participation in construction, Heavy Vehicle Law – Chain of Responsibility provisions, skills development and training, WHS, environmental management, Building Code 2016 have been added.
Formation of Leadership Team and their responsibilities. (New)	N/A	19	<p>The purpose and role of the Leadership Team is to ensure that services are carried out in a manner consistent with the stewardship principles.</p> <p>The Leadership Team will consist of two high level executives from RMS (Regional Director and Regional Manager Maintenance Delivery) and Council General Manager. The Leadership Team shall meet at least on a six monthly basis.</p>
Formation of Management Team and their responsibilities. (New)	N/A	20	<p>The Management Team will consist of the designated RMS Representative and the Service Provider's Authorised Person and such other persons as may be agreed between the parties.</p> <p>The purpose and role of the Management Team is to ensure that works are being carried out to comply with Quality Assurance (QA), Safety and Environmental requirements, and to refer matters to the Leadership Team for resolution, if necessary.</p>

OPTIONS

Council may choose to enter or not enter into a new Roads and Maritime Services - Routine Maintenance Council Contract.

CONCLUSION

The Routine Maintenance Council Contract (RMCC) provides Council's direct involvement in the management of the local State road network providing engagement of local contractors and staff. Further meeting the requirements of RMCC facilitates a continuous improvement process for Councils' operations. RMS technical specifications are utilised not only on State Roads, but also on Council's local

roads network, thereby ensuring that works are carried out to a best practice standard.

It is recommended that Council accepts the new contract, and authorises the General Manager to negotiate and execute all relevant contract documentation.

SOCIAL IMPLICATIONS

Council's Community Plan prescribes that 'Our community's infrastructure is planned well, is safe and reliable and provides required levels of service'.

FINANCIAL IMPLICATIONS

The operational budget allocation for matching revenue and expenses for the RMCC for 2019/2020 is approx. \$1.1M. In 2018/19, through Council accepting additional work, the budget was over \$2M.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with section 19.4 of Council's Operational Plan: 'Maintain and continually improve community infrastructure across the Shire'.

RISK MANAGEMENT IMPLICATIONS

The risk in not proceeding with a new contract includes associated loss of work and the value added in continuous improvement in quality, safety and environmental management systems and performance.

8 CORPORATE AND COMMUNITY SERVICES

8.1 PROPOSED CHANGE OF ESTABLISHMENT TO FACILITATE HOSPITALITY FUNCTIONS WITHIN COUNCIL

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Carolyn O'Brien - Manager - Community Services Matthew Lysaught - Manager - Works, Property & Building
Community Plan Issue:	<i>Diversify the economy, facilitate the development of intensive agricultur and other growth industries, make the Shire a more attractive place to invest and do business</i>
Community Plan Goal:	<i>Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.</i>
Community Plan Strategy:	<i>Apply strategic planning and development assessment planning advice to support Council's economic diversification goals.</i>

PURPOSE

To provide for Council's consideration a proposed Change of Establishment (an increase in the number of full-time equivalent positions) to include a new position of Hospitality Coordinator.

OFFICER'S RECOMMENDATION

1. Endorse the proposed Change of Establishment described in the report; and
2. Adopt changes to associated budgets to support the establishment of the position.

Moved: _____ Seconded: _____

BACKGROUND

An opportunity has been identified to improve the operations and delivery of sections and business units within Council through the establishment of a Hospitality Coordinator.

Council's General Fund has a number of business areas that have hospitality functions including tourism and events, the arts centre, and aquatic centres. It is considered the establishment of a Hospitality Coordinator to work with these business units will improve Council's hospitality delivery in these areas.

Further, there is the potential for a Hospitality Coordinator to work on specific programs and projects in economic development, job creation, and tourism and hospitality within the Upper Hunter. A key strategy for Council for 2019/20 is to support initiatives that '...improve the liveability of Muswellbrook Shire.'

Finally, there are a number of opportunities within Council's Future Fund to develop businesses that could: support Council's General Fund functions and progress Council's Delivery Program 'Economic Prosperity' goals; and establish businesses for the purpose of tenanting Future Fund assets and creating employment as per Council's Future Fund Policy with any business held '...with a view to its sale upon receipt of a reasonable offer of purchase.'

CONSULTATION

General Manager

Chief Financial Officer

Manager Works, Property and Buildings

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor, Cr Martin Rush - Councillor Spokesperson for Innovation, Land Use Planning and Heritage

REPORT

It is proposed this position would be funded across the General and Future Funds' relevant sections and units. This includes Community Services, Economic Development and Innovation, and the Future Fund. The position would report to Council's Chief Financial Officer and work directly with the respective sections of Council.

Two immediate projects for the role if established would be the delivery of a bakery at the Muswellbrook Marketplace and operation of the Arts Centre Café at the Muswellbrook Regional Arts Centre (MRAC).

Longer term it is planned the position would be funded through the successful operations of the bakery and the MRAC café extending to deliver improved services at the Muswellbrook Aquatic Centre following planned capital improvements.

There is also the potential for internal catering at meetings across business units of Council, including events, celebrations, receptions and commemorations.

Council would need to ensure competitive neutrality and these suggested initiatives are not directed at reducing the use of local suppliers but rather meeting gaps in the local market and improving Council delivery of services and providing local employment opportunities.

It is envisaged the MRAC café and aquatic centre hospitality operations for examples will provide an opportunity to operate use permanent staff, casual staff and hospitality apprentices, trainees and school based trainees.

The role of the Hospitality Coordinator would include: the development of business plans in consultation with the Chief Financial Officer, and other relevant staff; responsible for hospitality operations including developing all catering aspects, menu and product planning; managing suppliers; financial management; staff management; internal and external customers management; and point of sale.

If Council was to proceed the next steps would include finalising a position description, consultation with staff, and recruitment.

OPTIONS

Council choose not to proceed with proposed position. Alternatively Council could establish the position for a set period of time to then be reviewed.

CONCLUSION

An opportunity has been identified because there are known areas where Council can improve in delivery of hospitality services, economic development goals that can be supported, and business opportunities within Council's Future Fund.

It is recommended that Council proceed with the establishment of the position to be funded across the General Fund and Future Fund sections of Council.

SOCIAL IMPLICATIONS

There are anticipated commercial and social benefits from the potential outcomes of the establishment of the Hospitality Coordinator position.

FINANCIAL IMPLICATIONS

The estimated initial operational budget implication is approximately \$100k including on costs. It is intended over the medium term these costs would be funded through operating results in respective areas.

POLICY IMPLICATIONS

Future Fund Policy MSC03E

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

(Goal 1 – Support Job Growth) '1.1 Facilitate the expansion of and establishment of new industries and business', *Muswellbrook Shire Council Operational Plan 2019-20*

RISK MANAGEMENT IMPLICATIONS

Business plans for respective areas of operations for the Hospitality Coordinator would be developed in consultation with the Chief Financial Officer.

8.2 SECTION 4.55(2) MODIFICATION OF DA 78/2018 INVOLVING ALTERATIONS TO THE DESIGN OF THE RESTAURANT AND PARKING AREA - 147 – 153 BRIDGE STREET, MUSWELLBROOK

Responsible Officer:	Fiona Plesman - General Manager
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>
Attachments:	<ul style="list-style-type: none"> A. DA 78/2018 Section 4.55(2) Modification Assessment Report B. DA 78/2018 Section 4.55(2) Modification Recommended Conditions of Consent C. DA 78/2018 Section 4.55(2) Modification NSW RMS Referral Response D. DA 78/2018 Section 4.55(2) Application Cover Letter E. DA 78/2018 Modified plan cover sheet F. DA 78/2018 Modified plan for restaurant elevations G. DA 78/2018 Modified Retaining Wall and Landscaping Plan H. DA 78/2018 Modified Restaurant Roof Plan I. DA 78/2018 Modified Restaurant Building Layout Plan J. DA 78/2018 Modified Traffic Plan K. DA 78/2018 Modified Site Plan L. DA 78/2018 Modified Streetscape Elevation Plan

URPOSE

This report has been prepared to inform the Development Assessment Committee in determining a Section 4.55(2) Modification to DA 78/2018. The modification relates to a development consent issued by Council for a service station and restaurant. The proposed modification seeks to alter the design of the restaurant and parking area for the approved development. The modification request has been assessed by Council Officers and is recommended for approval.

Delegations issued to the General Manager restrict the determination of matters under the *Environmental Planning and Assessment Act 1979* in which the value of the development specified exceeds \$750,000. Delegations issued to the Development Assessment Committee restrict the determination of development applications where the value of the development exceeds \$2,000,000. The value of the development application related to this modification was provided as \$2,400,000.

Accordingly, this report has been prepared to inform Council in the determination of this modification application.

RECOMMENDATION

Council approve the Section 4.55(2) modification of DA 78/2018, subject to the recommended amended conditions of consent set out in Schedule 2 of Attachment B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED MODIFICATION

The proposed modification relates to a development application approved by Council for the construction of a Service Station and restaurant at 147 – 153 Bridge Street Muswellbrook. The development application was approved by Council at its 26 June 2018 Ordinary Council Meeting.

This Section 4.55(2) modification seeks to modify the approved development by altering the design of the restaurant building and car parking and service area. The proposed alterations to the restaurant would see the reduction in the building footprint, alterations to its internal layout and elevations, an increase to its setback from Bridge Street and changes to the building signage.

The changes to the parking and servicing area would see the servicing and waste storage area relocated from adjacent the service station to behind the restaurant premises and the total number of parking spaces increased from 37 to 39.

An image of the site plan for the development previously approved by Council has been included alongside the site plan for the modification.

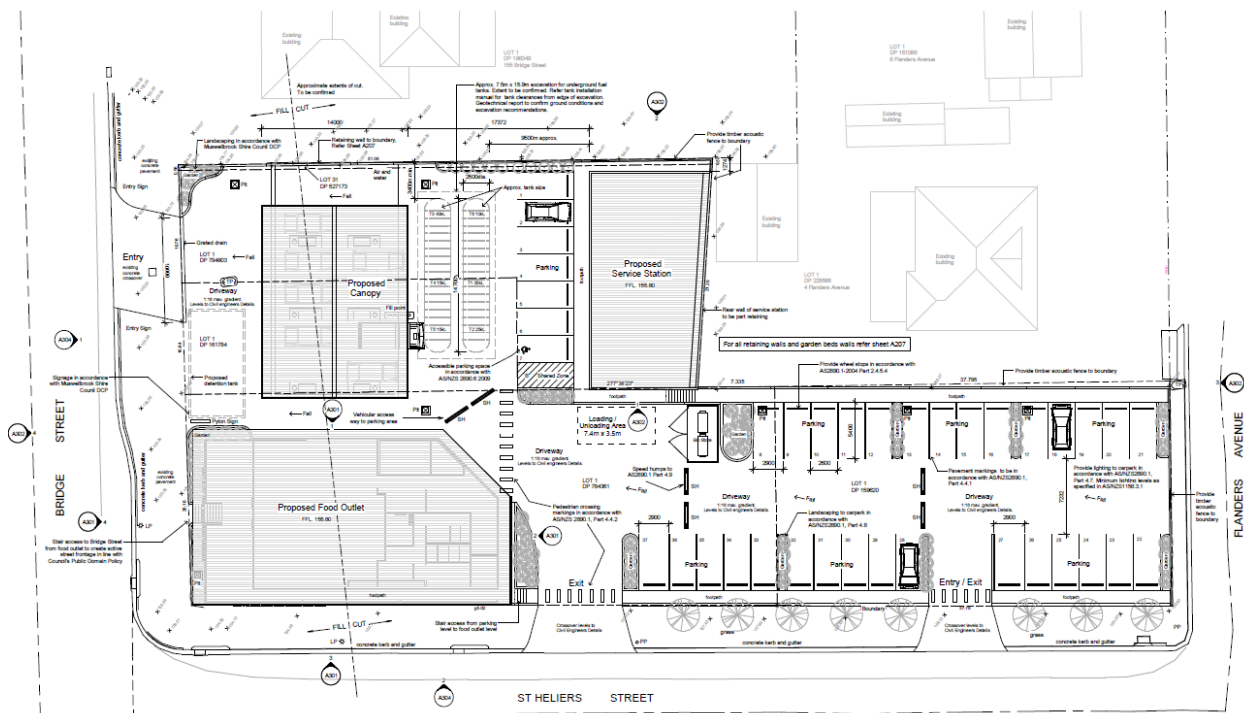


Image.1 (Development as approved by Council)

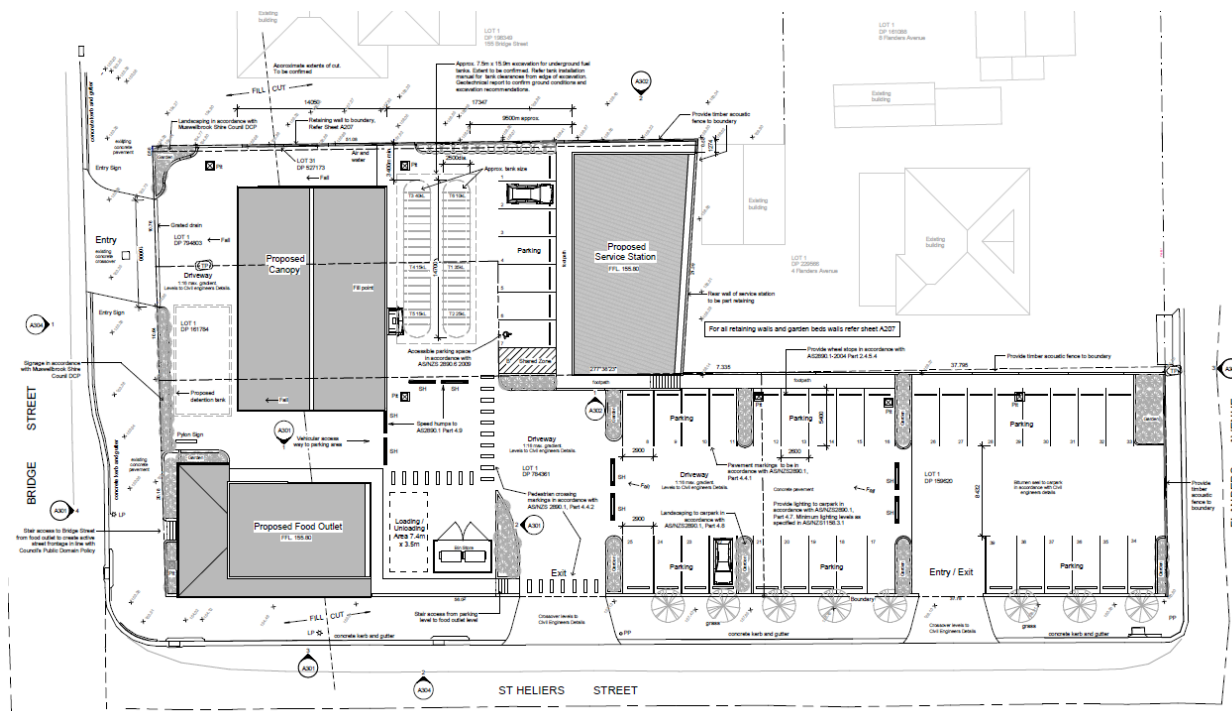


Image.2 (Plan submitted with the Section 4.55 modification application)

ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant provisions of Section 4.55(2) and Section 4.15(1) of the Environmental Planning and Assessment Act 1979. A copy of the Section 4.15 Assessment Report prepared by Council Officers has been included as Attachment A. This assessment report identifies that the proposed modification would be in accordance with the relevant heads of consideration prescribed by Section 4.55 and 4.15 of the Act and Council Staff recommend approval of the modification subject to the recommended conditions of consent.

In completing the assessment of the modification application Council Officers identified that the:

- The proposed modification to the development application would not cause the development to become non-compliant with a requirement of the Muswellbrook Local environmental Plan 2009 or the Muswellbrook Development Control Plan.
- The proposed development would not have an increased impact on the heritage significance of the Muswellbrook Conservation area or the nearby Eaton's Hotel State Heritage Item.
- The proposed alterations to the car park and servicing area were reviewed by Council's Roads and Drainage Division who raised no concerns with the changes proposed.

COMMUNITY CONSULTATION

The proposed modification was placed on public notification in accordance with the requirements of the Muswellbrook Development Control Plan.

No submissions were received from members of the public in relation to the modification application.

OPTIONS

Council may:

- A) Approve the proposed modification subject to the recommended amended conditions of consent,
- B) Approve the proposed modification subject to amended conditions of consent recommended by Council, or
- C) Refuse the proposed modification and nominate reasons for that 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

This section 4.55(2) modification has been reported to the Development Assessment Committee for determination as it falls outside the scope of delegations to the General Manager and Development Assessment Committee.

Council Officers have completed an assessment of the modification application against the relevant provisions of Section 4.55 and 4.15(1) of the Environmental Planning and Assessment Act 1979 and recommend that Council approve the section 4.55 modification subject to the amended conditions of consent included in Schedule 2 of Attachment B. The amendments to the conditions include references to the amended plans submitted with this modification application.

SECTION 4.55 (2) ASSESSMENT REPORT

ADDRESS: Lot: 1 DP: 161784, Lot: 1 DP: 794803, Lot: 1 DP: 784361, 147 Bridge Street Muswellbrook, 153 Bridge Street Muswellbrook

APPLICATION NO: 78/2018

PROPOSAL: Pursuant to section 4.55(2) of the EP & A Act 1979, to modify a consent for alterations to the design of the restaurant

OWNER: Muswellbrook Development Pty Limited

OWNER ADDRESS: Po Box 124
SANS SOUCI NSW 2219

APPLICANT: Inland Building And Construction

ADDRESS: Po Box 1864
BATHURST
NSW 2795

AUTHOR: Report of Mr H A McTaggart

DATE OF REPORT: 28 October 2019

PREVIOUS DETERMINATION: 26 June 2019

DATE LODGED: 2 September 2019

SUMMARY

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to the recommended conditions

DESCRIPTION OF PROPOSAL

At the Council Meeting held on 26 June 2019, Council approved DA 78/2018 for the construction of a service station and restaurant at 147 – 153 Bridge Street Muswellbrook.

On the 2 September 2019 Council received an application under Section 4.55(2) of the Environment Planning and Assessment Act 1979 for the modification of this development. The modification seeks:

- to alter the car parking and service area;
- reduce the building footprint,
- alter the internal layout and elevations,
- increase in setback from Bridge Street; and
- change proposed building signage.

The proposed alterations to the parking and servicing area would see the servicing and waste storage area relocated from adjacent the service station to behind the restaurant premises and an addition 2 car parking spaces created, increasing the total number of parking spaces from 37 to 39.

The applicant's lodgement of this section 4.55(2) modification is based on a change to the intended operator of the restaurant.

The perspective drawing below provides a visual image of the proposed development as proposed.



REFERRALS AND SPECIALIST COMMENTS

Internal Referrals

The following Council Officers and Council Departments were referred the development application for consideration/comment.

Heritage Advisor

The proposed development is located within a Heritage Conservation Area and north east of Eatons Hotel a State Heritage item listed under the Muswellbrook LEP 2009.

The proposed development was referred to Council's heritage Advisor for comment. Council's Heritage Officer has no concern in regards to the heritage impact of the proposed development and that any heritage impact of the modification would be less than the previous scheme.

Road and Drainage

The Roads and Drainage Team raised no objection to the proposed modification and recommended conditions imposed on Council's previous determination be re-imposed on any modified determination.

External Referrals for Concurrence

Roads and Maritime Services

The proposed modification was referred to NSW Roads and Maritime Services (RMS) on the 10 September 2019 for comment in accordance with Clause 104 of the SEPP (Infrastructure) 2007.

RMS raised no issue with the proposed modification and provided comments to indicate that any approval should be subject to the following requirements, which were previously recommended by the RMS:

- Vehicular access from the proposed Bridge Street driveway to be left in only.
- All vehicles are to enter and exit the site in a forward direction.

SECTION 4.55 CONSIDERATIONS

Section 4.55 of the Environmental Planning and Assessment Act 1979 establishes a framework under which applicants can apply for the modification of a development consent previously granted by a consent authority.

The application lodged with Council is a Section 4.55(2) modification application. When considering whether to grant consent to a Section 4.55(2) modification application a consent authority must take the following matters into consideration:

4.55 (2)(a) *whether it is satisfied that the development the consent as modified relates to is substantially the same development for which consent was originally granted.*

Planning comment:

Council Officers are satisfied that the modification before Council relates to an application that is substantially the same as the development for which consent was originally granted. In forming this position Council Officers have observed that:

- The proposed development remains for a service station and restaurant
- Modifications to the proposed development relate only to alterations to the design of the restaurant and car park area.
- The changes to the proposed development design are not considered to substantially alter the scale of the development or the purpose that has informed it.

4.55(2)(b) *Comments from any approval body, public authority or the Minister where any such authority is required to be notified of the development application and provide approval or concurrence in relation to that application.*

Planning Comment:

The proposed development was referred to the NSW RMS who raised no objection to the proposed development and put forward recommended requirements consistent with the requirements put forward to the original development application and which have been incorporated into Council's determination of that application.

4.55(2)(c) *Whether it has notified the development application in accordance with any requirements of the Regulations or a DCP.*

Planning Comment:

The proposed development was placed on public notification in accordance with the notification requirements of the Muswellbrook DCP. No submissions were received in relation to this modification application.

4.55(2)(d) *Matters raised by any submissions received through the notification of the development application.*

Planning Comment:

No submissions were received in relation to this modification application.

4.55(3) *General development assessment requirements referred to in Section 4.15 of the Environmental Planning and Assessment Act 1979 so far as they are relevant to the proposed modification.*

Planning Comment:

Section 4.15 of the Environmental Planning and Assessment Act 1979 prescribes matters for consideration when determining a development application. Council Officers have reviewed these matters in relation to the modified development.

Council Officers are satisfied that the changes to the proposed development put forward by this modification application would not significantly alter the developments compliance with the relevant heads of consideration.

The main changes to the development are:

- Design and visual impact of the proposed restaurant,
- Design and layout of car parking and service area.

Design and visual impact

Council Officers are satisfied that the changes to the design of the restaurant building would not cause the proposed development to become inconsistent with any requirements of *Muswellbrook Local Environmental Plan 2009* or *Development Control Plan 2009*. The proposed modification would reduce both the height and footprint of the proposed restaurant building and increase its setback from Bridge Street.

Given the subject site is located within a heritage conservation area and the site is adjacent a State heritage item (Eaton's Hotel), the proposed modification was referred to Council's Heritage Advisor for comment, who raised no object with the proposed modification and noted that it would result in a reduced impact from a heritage perspective.

Design of car park and service areas

The car park and service area would be modified to alter the waste storage location and the location of some off-street parking spaces and landscaping.

This modification would see the total number of off-street car parking spaces increase by 2 from 37 to 39. As a result Council Officers are satisfied that the rate of off-street car parking would remain in accordance with the Muswellbrook Development Control Plan requirements. Turning circle information submitted indicates that there would be adequate room available for light vehicles and service vehicles to manoeuvre within the site.

CONCLUSION

The section 4.55(2) modification has been assessed under the relevant provisions of Section 4.55 of the EP&A Act 1979 and the alterations to the approved development considered against the relevant considerations prescribed by Section 4.55 and 4.15 of the EP&A Act 1979.

It is recommended that Council approve the section 4.55 modification subject to the recommended conditions of consent which have been updated to reference the amended development plans submitted with this development application.

RECOMMENDATION

That Council resolves to modify the consent dated 26 June 2019 in respect to a proposal for a service station and restaurant at Lot: 1 DP: 161784, Lot: 1 DP: 794803, Lot: 1 DP: 784361, 147 Bridge Street Muswellbrook, 153 Bridge Street Muswellbrook under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979 subject to amended conditions of consent.

Enquiries
Please ask for
Direct
Our reference
Your reference

Mr H A McTaggart
02 6549 3860
DA 2018/78

MUSWELLBROOK SHIRE COUNCIL

**NOTICE OF DETERMINATION OF AN APPLICATION TO MODIFY A DEVELOPMENT
CONSENT UNDER SECTION 4.55**

**Issued under the Environmental Planning
and Assessment Act 1979 (Section 4.18)**

DEVELOPMENT APPLICATION:	2018/78
APPLICANT NAME:	Inland Building and Construction
APPLICANT ADDRESS:	PO Box 1864 BATHURST NSW 2795
LAND TO BE DEVELOPED:	LOT: 1 DP: 161784, LOT: 1 DP: 794803, LOT: 1 DP: 784361, LOT: 1 DP: 159620 147 Bridge Street MUSWELLBROOK, 153 Bridge Street MUSWELLBROOK, 147/151 Bridge Street MUSWELLBROOK
APPROVED DEVELOPMENT	Service Station and Restaurant
PROPOSED MODIFICATION:	Alteration to the design of the restaurant and parking area

DATE OF PREVIOUS DETERMINATION 26 June 2019

DETERMINATION MADE ON: INS DATE

DETERMINATION: Consent granted subject to conditions described
below.

CONSENT TO OPERATE FROM: 26 June 2019

CONSENT TO LAPSE ON: INS DATE if work has not commenced in
accordance with Section 4.53(4) of the
Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

Schedule 1

Summary of New and modified conditions

This Schedule includes a summary of the changes to the conditions of consent from those imposed on the original determination of this development application. This Schedule should not be relied on to identify the full details of the consent and is provided as a reference document only to assist a person reviewing or acting with this consent to identify changes from the consent previously issued by Council. The current conditions of consent are listed in full in Schedule 2.

The dot points below provide a brief summary of changes to the conditions of consent imposed by Council in its previous determination of this development application:

- Condition (1), amended to referenced the updated approved plans lodged as part of this modification application.

Schedule 2

Development Consent Conditions

This Schedule sets out the conditions of consent for the development.

The conditions of consent are as follows:

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 in the tables below, and endorsed with Council's approval stamp, except where amended by the following conditions.

The development is to be carried out in accordance with approved modified plans referenced in table.1 below and submitted to Council as part of the Section 4.55(2) modification dated 2 September 2019 and the plans referenced in table.2 which were endorsed as part of Council's 26 June 2019 determination of this development application. Where there is any inconsistency between the plans referenced in table.1 and table.2 the plans referenced in table.1 shall prevail to the extent of the inconsistency.

Table.1 (revised/amended plans endorsed via Section 4.55(2) determination)

Drawing No.	Revision	Drawn by	Drawing Date	Received
A101	F	Calare Civil	27 August 2019	2 September 2019
A201	I	Calare Civil	30 August 2019	2 September 2019
A202	F	Calare Civil	27 August 2019	2 September 2019
A203	F	Calare Civil	27 August 2019	2 September 2019
A206	E	Calare Civil	27 August 2019	2 September 2019
A301	F	Calare Civil	27 August 2019	2 September 2019
A304	D	Calare Civil	27 August 2019	2 September 2019
A207	A	Calare Civil	27 August 2019	2 September 2019

Table.2 (plans referenced by original Notice of Determination which remain current)

Drawing No.	Revision	Drawn by	Drawing Date	Received
A204	D	Calare Civil	20 May 2019	23 May 2019
A205	E	Calare Civil	20 May 2019	23 May 2019
A302	E	Calare Civil	20 May 2019	23 May 2019
A303	E	Calare Civil	20 May 2019	23 May 2019
6m Pylon Sign Overall Views for Mobile Petroleum	-	JFH Design Services	20 January 2018	14 January 2019

(2) Development in Accordance with Documentation

The development is to be carried out generally in accordance with the following documents.

Where there is a discrepancy between any of the documents referenced by this condition of consent and any other condition referenced by the consent or an amendment to the application made by the applicant in writing the provisions of the related condition or amendment to the application takes precedence over matters referenced by the documents below.

Title	Written by	Date
Risk Screening Documentation	Hazkem Pty Ltd	May 2019
Data Review of Previous Environmental Reports for 147 – 153 Bridge Street Muswellbrook	Presna Pty Ltd	March 2019
Waste Minimisation Management Plan	Inland Building	9 May 2019
Statement of Environmental Effects	Anthony Daintith Town Planning	7 December 2018
Conceptual Stormwater Management Plan and Preliminary Site Servicing Assessment	Calare Civil Pty Ltd	May 2019

(3) Limitations on Approved Signage

Consent is not granted or implied for the business identification sign proposed for installation on the north elevation of the service station building. The approved elevation plan (drawing number A302) has been marked in red to clearly identify that no approval is granted to this advertisement sign.

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

(4) Building Code of Australia

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

(5) Access to premises standard

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

(6) Condition Relating to Maximum Capacity Signage

A sign specifying the maximum number of persons permitted in the restaurant building in accordance with the requirements of this consent is to be displayed at a prominent position in the building.

This is a prescribed condition under the provisions of Clause 98D of the Environmental Planning and Assessment Regulation 2000.

(7) Condition Relating to the Shoring and Adequacy of Adjoining Property

Where the development involves an excavation that extends below the level of the base of the footings of a building, structure or work on adjoining land, the person having the benefit of the development consent must at their expense:

- (a) Protect and support the building, structure or work from possible damage from the excavation, and
- (b) Where necessary underpin the building, structure or work to prevent such damage.

REQUIREMENT FOR A CONSTRUCTION CERTIFICATE

(8) Construction Certificate Requirement

Works shall not 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.

**ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION
CERTIFICATE**

(9) Management of Asbestos Containing Material during Construction Works

Prior to the issue of a Construction Certificate for the development, an investigation of the site is to be carried out by an appropriately qualified person, to determine the extent of any asbestos containing material present at the site in accordance with the recommendations of the Data Review of Previous Environmental Reports for 147 – 153 Bridge Street prepared Presna and dated March 2019.

Where this investigation identifies residual asbestos contamination at the site requiring remediation a Remediation Action Plan is to be prepared and submitted to the Principle Certifying Authority and Council prior to the commencement of works.

Documented evidence is to be provided to the Principle Certifying Authority to demonstrate that this condition has been complied with prior to the issue of a Construction Certificate.

The development is to comply with all requirements of any Remediation Action Plan.

(10) Construction Management Program

Prior to the issue of a Construction Certificate a Construction Management Program must be prepared, submitted to and approved in writing by the Council prior. The program shall include such matters as:

- a) a Safe Work Method Statement;
- b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;
- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

(11) Sediment Control Plan

Prior to the issue of a Construction Certificate a sediment and erosion management plan is to be submitted to and approved by the Certifying Authority. As a minimum, control techniques are to be in accordance with Muswellbrook Shire Council's Guidelines on Erosion and Sediment Control, or a suitable and effective alternative method. The Control Plan shall incorporate and disclose:

- (a) all details to protect and drain the site during the construction processes;
- (b) all sediment control devices, barriers and the like;

- (c) sedimentation tanks, ponds or the like;
- (d) covering materials and methods;
- (e) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

(12) Landscape Design Plan

Prior to the issue of a Construction Certificate, a detailed landscape plan is to be prepared and submitted to Council and approved in writing.

The plan is to include botanical names, quantities, planted state of maturity of all proposed trees, shrubs and ground covers and should be prepared in accordance with Council's Landscaping Guidelines, the provisions of the Muswellbrook Development Control Plan 2009 and the Muswellbrook CBD Urban Domain Plan.

Written confirmation demonstrating that the Landscape Plan has been approved by Council should be provided to the Principle Certifying Authority with an application for a Construction Certificate.

(13) Flanders Avenue Street Frontage Fencing

Prior to the issue of a Construction Certificate a revised fence design is to be submitted for approval, fencing proposed along the boundary with Flanders Avenue. The revised design is to reduce the height, bulk and scale of the proposed fence, enable passive surveillance of the car park from the street and comply with the following:

- the height of the fence is to be between 1.2m and 1.6m above ground level,
- the fence is to be 50% translucent to allow for passive surveillance of the development site and car park area,
- The maximum spacing between any breaks in the fence is to be 125mm to ensure that the fence provides an effective safety barrier to prevent falls into the site.
- Materials used in the fence are to be of a high quality and its appearance and design remain in keeping with the streetscape.

(14) Muswellbrook Shire Water and Waste Division

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Construction Certificate application, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment at construction certificate stage are to be paid prior to release of a Construction Certificate.

Details demonstrating compliance with any requirements for works by Muswellbrook Shire Council Water & Waste Department are to be provided with the Construction Certificate application.

The final compliance certificate must be submitted to the Certifying Authority prior to release of the Subdivision or Occupation Certificate.

(15) Cleanliness and Maintenance of Food Preparation Areas

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principle Certifying Authority in relation to the fit-out of the all kitchen, food preparation, storage, handling and serving areas.

These plans should demonstrate that fit out of the food handling areas would comply with the requirements of Food Act 2003, Food Regulation 2015 and Australian Standards relevant design construction and fit out of food premises (AS4674)

(16) No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Details demonstrating compliance are to be provided in the Construction Certificate documentation.

(17) Section 7.12 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 \$24,000 shall be paid to Muswellbrook Shire Council, being 1% of the cost of carrying out the development.

Documentary evidence demonstrating payment of the above contribution to Council is to be provided to the Principle Certifying Authority prior to the issue of a Construction Certificate.

(18) Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate the person acting with this consent shall obtain approval under Section 68 of the Local Government Act 1993 for the carrying out of stormwater works.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.

The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.

(19) Stormwater Drainage Design Detail

Any section 68 application for the carrying out of stormwater works is to be accompanied by a complete set of hydraulic plans and specifications for all stormwater infrastructure including the proposed underground detention tank. The stormwater management system installed at the site should include pollution control measures in accordance with the requirements of Council's Development Control Plan.

Where the stormwater detention tank is located beneath hardstand areas which are path of traffic flow for heavy vehicles at the site engineering design details are to be provided demonstrating that the roof slab of the underground tank would have the structural capacity to withstand the load of a 19m AV moving over the slab.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that a section 68 application has been approved for the carrying out of stormwater works and the stormwater infrastructure plans endorsed by Council prior to the issue of a Construction Certificate

(20) Liquid Trade Waste Agreement

Prior to the issue of a Construction Certificate and any Section 68 Approval for sewage works a Commercial Liquid Trade Waste Application is to be completed, signed by the property owner and submitted to Council for approval along with relevant documentation, including hydraulic plans, relating to the construction of the required liquid trade waste infrastructure at the site.

Documentary evidence is to be provided to the Principle Certifying Authority confirming that a Liquid Trade Waste application has been lodged with Council prior to the issue of a Construction Certificate.

(21) Section 138 Approval Requirement

Prior to the issue of a Construction Certificate the person acting with this consent must obtain approval from Council under Section 138 of the Roads Act 1993 for the carrying out of works in the Bridge Street , St Heliers Street and Flanders Avenue Road Reserves.

Any Section 138 application must be accompanied by detailed design plans demonstrating that all required vehicle crossovers and associated works in the road reserve will comply with the relevant Australian Standards and Council requirements.

Where works are carried out in the public domain it will be necessary for the footpath and public domain to be upgraded in accordance with the provisions of the Muswellbrook Public Domain Manual 2012. A Detailed Public Domain Plan must be prepared and submitted to Council for the making of improvements to the public domain adjacent the site with any Section 138 application.

The Public Domain Plan must include the following:

- Detailed design plans for the construction of new footpath pavement in the Bridge and St Heliers Street Road reserves to meet the requirements of the Public Domain Manual 2012. In addition the design plans should demonstrate the footpath construction would have regard to or achieve the requirements of the following as appropriate:
 - AS 1428 Design for Access and Mobility
 - AS 2876 Concrete kerbs and channels
 - AS 3600 Concrete structures
 - AS 3610 Formwork and Concrete
 - AS 3727 Guide to Residential Pavements
 - AS 4586 Slip Resistance Classification of New Pedestrian Surface Material.
 - Landscape design details for the construction of all street trees in the St Heliers road reserve. The species selected for planting should be in accordance with the relevant requirements of the Public Domain Manual and Muswellbrook Shire Council supplementary Landscaping Guidelines.
 - All footpath areas for the length of the property which adjoin Bridge St are to be constructed in the MSC three (3) type concrete finish; Cove, Rock salt and Exposed aggregate finish, with the design and construction guided by section 5.2.2 of the Public Domain Manual and Council's construction specification – '0274- Concrete Pavement'. Any concrete work undertaken is to be to the quality and standard acceptable to Council's Chief Engineer and assessed with reference to the Muswellbrook Shire Council CBD Acceptable Pavement Criteria.

- For the footpath area extending the length of the property which adjoins St Heliers St a χονχρετε strip footpath of minimum width 1.5m is to be constructed. The design and construction to be guided by section 5.2.1 of the Public Domain Manual and Council's construction specification – '0274-Concrete Pavement'. Any concrete work undertaken is to be to the quality and standard acceptable to Council's Chief Engineer and assessed with reference to the Muswellbrook Shire Council CBD Acceptable Pavement Criteria.
- Civil design plans for the design and construction of vehicle laybacks and driveway crossovers. All vehicle laybacks and driveway crossovers are to be designed to support the load of the largest vehicles anticipated to enter and exit the site and to comply with the relevant Australian Standards

Note1: Additionally any road work undertaken in Bridge Street will require approval from the NSW Roads and Maritime Services and a 'Road Occupancy License' in accordance with standard NSW Roads and Maritime Services requirements.

Note2: Prior to the preparation and lodgement of any Section 138 Application and the undertaking of detailed design works for vehicle crossovers and the preparation of a Detailed Public Domain Plan it is recommended that the person acting with this consent contacts Council's Community Infrastructure Department on 65493700.

Note3: A copy of Council's Public Domain Manual 2012 can be viewed online at Council's website and is available at Council's Administration Building.

(22) Design and Construction of Service Station Forecourt

The service station is to be designed and constructed generally accordance with the Best Management Practice in Forecourt Design provisions of the NSW Environmental Protection Authority's Practice Note *Managing run-off from service station forecourts* or any document that supersedes this practice note.

Prior to the issue of a Construction Certificate detailed design plans should be provided to the principle certifying authority demonstrating the development design would be compatible with the design provisions of this document and that:

- a) The canopy extends to the maximum reach of fuel dispensing nozzles and has a 10 degree from vertical overhang reducing rainwater entering high contamination zones.
- b) Accessible spill kits are provided at the site
- c) Bunded areas are provided around the fuel dispensing areas and any hazardous chemical stores away from the refuelling area.
- d) Collection pits are provided the collection and management of high risk runoff from the refuelling zone.

(23) Shoring and Structural Adequacy of Adjoining Property

Prior to the issue of a Construction Certificate for the development a Structural Certification Report is to be prepared by an appropriately qualified Civil Engineer to identify that the development would be carried out to manage and maintain the structural stability of adjoining structures, buildings and works in accordance with the requirements of Condition 7 and the related provision of Clause 98E of the Environmental Planning and Assessment Act 1979.

This report should:

- certify the structural adequacy of adjoining structures to withstand the proposed excavation and construction activities,
- identify measures to protect structures from damage during the course of the works,
- Where necessary identify measures to underpin and support the structural stability of buildings that may be affected by the carrying out of the approved works.
- This document should include observations of any existing structural dilapidation of adjoining buildings, structures or works.

(24) Noise from Mechanical Plant Adjacent to Residential Premises

In accordance with the recommendations of the Operational Noise Impact Assessment the person acting with this consent should consult with a qualified Acoustic Engineer when selecting heating, ventilation and air conditioning plant positions.

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority for approval with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

(25) Endorsement of no Stopping Zones and Signage

Prior to the issue of a Construction Certificate, the person acting with this consent shall submit to Council plans relating to the establishment of no stopping zones along the entirety of the site Bridge Street frontage, between the driveways facing St Heliers Street and western driveway exit and the Bridge and St Heliers Street intersection. These plans should include details of signage proposed to be installed to establish the no stopping zones and the proposed location of its installation. All signage must be designed and located in accordance with the relevant Australian Standard.

These no stopping zones and related signage plans will be provided to Council's Local Traffic Committee for review and endorsement. The no stopping zones approved by Council's Traffic Committee are to be established adjacent the site in accordance with the conditions of this consent.

Documentary evidence is to be provided to the certifying authority demonstrating that the plans required by this condition have been submitted to Council for review or endorsed by Council's Traffic Committee prior to the issue of a Construction Certificate.

(26) Lighting

Prior to the issue of a Construction Certificate, the person acting with this consent shall submit to the Accredited Certifier, lighting design drawings for the car park and public places. Lights are to be of a style and design that avoids direct glare into the eye line of passing motorists and pedestrians in any public place, or the rear yards and windows of adjoining properties.

The design must be prepared in accordance with the requirements of Australian Standard AS 1158: Lighting for roads and public spaces and Australian Standard AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

(27) 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.

(28) 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.

(29) 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.

(30) Public Liability Insurance

Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$20 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note, and provide protection for Muswellbrook Shire Council, as an interested party and a copy of the Policy must be submitted to Council and the Principal Certifying Authority prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

(Note: Applications for hoarding permits, vehicular crossings etc. will require evidence of insurance upon lodgement of the application.)

(31) 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.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

(32) 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.

(33) 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.

(34) 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.

(35) 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.

(36) Retaining Walls & Drainage

- a) The excavation, footings and drainage associated with construction of the retaining wall shall be located wholly within the property boundaries of the land which relates to this development application and not on any adjoining property or road reserve.
- b) The approved retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must:-
 - (i) be constructed as soon as practicable (not more than 30 days) after the site has been cut and filled.
 - (ii) have adequate provision for drainage in accordance with the requirements of AS3500.

(37) Mandatory Council inspections

During the carrying out of building works the person acting with this consent shall ensure that all mandatory stage inspections specified by any approvals issued under Section 68 of the Local Government Act 1993 or Section 138 of the Roads Act 1993 are carried out by Council at the relevant stage of works specified by these approvals.

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

(38) 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.

(39) Final Compliance Certificate for Water Supply and Sewerage Works

The final compliance certificate for water supply works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

(40) Stormwater infrastructure

Prior to the issue of an Occupation Certificate all stormwater management infrastructure is to be installed in accordance the stormwater management plan approved by Council, AS 3500.3, the provisions of the relevant Section 68 Approval and industry best practice.

(41) Connection to Sewer

Prior to the issue of an Occupation Certificate the premises shall be connected to the sewer system in accordance with the Australian Standard 3500 and the requirements of any Section 68 Approval. A Trade Waste Agreement is to have been entered into between the owner of the land and Council and the required Trade Waste infrastructure installed to Council's satisfaction in accordance with the Trade Waste Agreement.

A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

(42) Construction of Parking Areas

Prior to the issue of an Occupation Certificate all parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, sealed, line marked, sign posted in accordance with the approved plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

Car park lighting is also to be installed in accordance with the approved lighting plan and AS 1158 and AS 4282-1997.

(43) Consolidation of Lots

The person acting with this consent must consolidate Lot 1 DP 161784, Lot 1 DP 794803, Lot 1 DP 784361 and Lot: 1 DP 159620.

Prior to the issue of an Occupation Certificate the person acting with this consent shall provide suitable documentary evidence to the Principle Certifying Authority to demonstrate that a survey plan has been prepared for the consolidation of the Lots and that plan has been lodged with Lands and Property Information or the appropriate authority for the registration of land at the time the Occupation Certificate is applied for.

(44) Registration of Easement for Support

The person acting with this consent must register an easement for support over the land subject to this development application relating to the construction, maintenance and upkeep of retaining walls on the site. The terms of this easement should be generally in accordance with the terms set-out in the draft 88B instrument provided to Council in an email from the applicant dated 24 May 2019.

The easement should be registered in favour of Muswellbrook Shire Council and the owners of the adjoining properties Lot 1 DP 229566 and Lot 1 DP 198349.

Prior to the issue of an Occupation Certificate the person acting with this consent shall provide the Principle Certifying Authority with suitable documentary evidence that the 88B instrument has been lodged with Lands and Property Information or the appropriate authority for the registration of land at the time the Occupation Certificate is applied for.

(45) Registration of Public Positive Covenant

The person acting with this consent must register a public positive covenant over the land subject to this development application relating to the decommissioning of the underground petroleum storage system.

The public positive covenant is to be registered in favour of Muswellbrook Shire Council and is to require the owner of the lot burdened to decommission the underground petroleum storage in accordance with the decommissioning requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation, or the relevant legislation in force at the time of decommissioning, at the conclusion of the service stations operational life.

Prior to the issue of an Occupation Certificate the person acting with this consent shall provide the Principle Certifying Authority with suitable documentary evidence that the 88E instrument has been lodged with Lands and Property Information or the appropriate authority for the registration of land at the time the Occupation Certificate is applied for.

(46) Site Fencing

Prior to the issue of any Occupation Certificate the following site fencing is to be constructed in accordance with the approved plans and the requirements of this consent:

- A 1.8m high timber acoustic fence is to be constructed at the boundary between the development site and adjoining properties at 4 Flanders Avenue and 155 Bridge Street in accordance with the approved plans.
- A fence is to be constructed along the sites boundary with Flanders Avenue in accordance with the revised fence plan required as a condition of this consent.

(47) Food Shop Registration Requirement

Prior to the issue of an Occupation Certificate, the food premises must be registered with Council's Environmental Health section accordance with the Food Safety Standards, prior to commencement of food business operations.

Upon completion of the work and prior to the issuing of an occupation certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant construction requirements and Food Safety Standards.

(48) Damage to Adjoining Properties

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must be observed at all times, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of an Occupation Certificate, a certificate is to be prepared to the effect that that no damage has resulted to adjoining premises, and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

(49) Disposal Information

Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;

- (a) the total tonnage of all waste and excavated material disposed of from the site;
- (b) the disposal points and methods used; and
- (c) a copy of all disposal receipts are to be provided

(50) Redundant Vehicle Crossings

Where a redundant layback will occur at the frontage of the property, a new concrete kerb and gutter must be constructed to replace the redundant layback prior to the issue of an occupation certificate.

(51) Installation of landscaping

Prior to the issue of any Occupation Certificate landscaping is to be installed at the site in accordance with the approved Landscape Plan, the requirements of this consent or as otherwise directed by Council in writing.

(52) Installation of vehicle laybacks and public domain improvements

Prior to issue of any Occupation Certificate, the footpath along the frontage of Bridge Street and St Heliers Streets shall be constructed in accordance with Council's Public Domain Manual Muswellbrook CBD May 2012 and in accordance with the detailed design plans submitted to Council and approved with any Section 138 Permit.

The person acting with this consent shall provide the Principle Certifying Authority with documentary evidence demonstrating that Council is satisfied that these required works have been completed to a satisfactory standard.

(53) Construction of Waste Storage Areas

Prior to issue of any Occupation Certificate the bin storage area is to be constructed in accordance with the approved plans and requirements of this condition or as otherwise specified by Council in writing.

In addition to the design information included on the approved plans the bin storage area is to be constructed in accordance with the following:

- The bin storage is to be discreetly located at the site and screened through the constructin of a gated fence/screen enclosure.

- All internal walls of this enclosure are to have a smooth service and the enclosure is to coved flood/wall intersection.
- The floor is to be graded toward the centre of the enclosure to prevent the escape of waste.
- A tap is to be located in a close proximity to the waste storage area.

(54) Installation of Underground Petroleum Storage System

The Applicant shall not commission a new storage system unless properly designed, installed, equipped and tested in accordance with Part 2 of the Underground Petroleum Storage Systems (UPSS) Regulation 2014. The new storage system must:

- (a) be designed and installed by a duly qualified person in accordance with the EPA guidelines;
- (b) be equipped with the mandatory pollution protection equipment and a secondary leak detection system;
- (c) be tested in accordance with written by a duly qualified person to confirm equipment integrity; and
- (d) be certified by the person by whom the test was carried out by as having satisfied the test.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition prior to the issue of any Occupation Certificate for or in relation to the underground petroleum storage system.

(55) Emergency Spill Response Management Plan

Prior to the issue of any Occupation Certificate an Emergency Spill Response Management Plan is to be submitted to and approved by Muswellbrook Shire Council. The plan shall include but no be limited to the following:

- a) List of chemicals and maximum quantities to be stored at the site;
- b) Identification of potentially hazardous situations;
- c) Procedure for incident reporting;
- d) Details of spill stations and signage;
- e) Containment and clean-up facilities and procedures; and
- f) The roles of all staff in the Plan and details of staff training. The plan is to be to the satisfaction of council.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition and the endorsement of the emergency response plan prior to the issue of any Occupation Certificate which relates to the service station.

(56) Construction of Refuelling Areas

Prior to the issue of any Occupation Certificate for the Service Station all refuelling areas are to be constructed, bunded and provided with emergency spill kits in accordance with the detailed design plans submitted with any Construction Certificate application.

(57) Evidence of Mandatory Council Inspections

Prior to the issue of an Occupation Certificate the person acting with this consent should provide the Principle Certifying Authority with documentary evidence that all mandatory Council inspections required under any Section 68 and 138 Approvals have been carried

out. This evidence should include a satisfactory inspection report is to be obtained from Council confirming that the outcome of the inspection.

Where a mandatory inspection has not been carried out that relates to alterations to Council infrastructure it will be necessary for the person acting with this consent and the Principle Certifying Authority to confirm that Council does not require further details in relation to the construction of the relevant infrastructure or the carrying out of any improvements to the completed works.

(58) Directional Signage

Prior to the issue of any Occupation Certificate, vehicle directional signage is to be installed at the premises to manage access to the site and clearly identify all entry and exit points, and to advise that heavy vehicles are not to fuel at the site. Where an access point is entry or exit only appropriate signage is to be installed to identify this to customers. Where there is a car park pedestrian crossing appropriate pedestrian signage should also be installed. All necessary signage installations must comply with the relevant Australian Standard.

(59) Establishment of no stopping areas

Prior to the issue of any Occupation Certificate, no stopping areas are to be established in the St Heliers and Bridge Street Road Reserves in accordance with no stopping zones endorsed by Council's Local Traffic Committee and related no stopping and signage plans endorsed by Council and the Traffic Committee in accordance with the conditions of this consent.

All required no-stopping signage is to be installed at no cost to Council by the person acting with this consent.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(60) Stormwater Disposal

All stormwater from the development, including all hardstandings and overflows from rainwater tanks, is to be collected and disposed of in accordance with the requirements of any approval under Section 68 of the Local Government Act 1993 and the approved stormwater management plans. This will include management of rubbish and pollutants in accordance with section 25 of Muswellbrook DCP 2009.

(61) Hours of Operation –

The premises may be open for business only between the following hours:-

Restaurant: 6:00am – 10:00pm 7 days a week
Service Station 5:00am – 10:00pm 7 days a week

Upon expiry of the permitted hours, all restaurant service (and entertainment) shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

(62) Fencing

Unless otherwise approved by Council in writing, the required site fencing is to be maintained at the site and repaired or replaced as required due to damage or age.

(63) Maximum Number of Patrons

Unless otherwise approved by Council, no more than sixty (60) customers may attend the restaurant premises at any one time.

(64) Delivery Hours

Unless otherwise approved by Council in writing no deliveries, loading, unloading or waste collection is to take place at the site before 7:00am or after 7:00pm on any day.

(65) Trade Waste

At all times liquid trade waste from the premises shall be disposed of in accordance with the requirements of the trade waste agreement between the owner of the premises and Muswellbrook Shire Council.

(66) No Illumination of Fascia Sign

Unless otherwise approved by Council in writing, the signage installed at the premises, with the exception of the pylon advertisement structure, shall not be illuminated or flood lit.

The pylon advertisement sign may be illuminated as set-out in this development application. However, the illumination of this sign is to cease nightly at the close of business.

(67) Landscaping

The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan

(68) Litter Patrols

The operator of the restaurant shall ensure that regular litter patrols are carried out by staff. A litter patrol procedure is to be established and enacted for the management of litter at the site and in the locality and must include the following minimum litter management requirements:

- a) Litter patrols are to be carried out twice a day (subject to weather).
- b) A litter patrol route is to be prepared and is to include litter patrols and collections in the car park and parts of Flanders Avenue, St Heliers Street and Bridge Street that adjoin the site.

(69) Collection of Customer Waste

The person acting with this consent shall ensure that bins are made available for waste collection from vehicles and customers at the service station bowsters, at accessible locations within the car park and within the restaurant and service station premises.

(70) Lighting

All external lighting shall comply with the provisions of Australian Standard 4282-1997 – ‘Control of the obtrusive effects of outdoor lighting’.

All lights at the premises (with the exception of security lighting) are to be turned off nightly at the close of business.

(71) Smoking

The operator of the development shall ensure that it complies with the relevant requirements of the Smoke Free Environment Legislation.

(72) Tyre Air Pump Noise Management

Any tyre air pump installed at the site must not contain an audible alarm of beeping mechanism that creates intrusive noise.

(73) Noise Management General

At all times the person acting with this consent must undertake reasonable steps to control and manage any intrusive noise associated with the operation of the premises. This would include the carrying out of the following:

- i. A record of noise complaints received in relation to the operation of the premises is to be kept by the person operating with this consent and is to be made readily available to Council Officers on request.
- ii. Within one (1) month of the commencement of the sites operation the person acting with this consent shall take reasonable steps to advise neighbouring property owners of how to make complaints in relation to the operation of the premises.
- iii. Where a large number of noise complaints are received due to disturbances outside the core business hours of 8:00am – 6:00pm, the person acting with this consent is to investigate the likely source or sources of any intrusive noise emissions and implement control measures to mitigate the impact of noise emissions on affected residential receivers.

ADDITIONAL CONDITIONS OF CONSENT IMPOSED BY NSW ROADS AND MARITIME SERVICES NOT LISTED ELSEWHERE IN THIS CONSENT

(74) Left only Bridge Street Access

Vehicle Access using the proposed Bridge Street Driveway is to be left in only.

(75) Vehicle Entry/Exit

All vehicles are to enter and exit the site in a forward direction.

(76) Heavy Vehicle Fuelling

Heavy vehicle fuelling is not permitted on the site.

(77) Delivery Turning Paths

Turning paths for fuel deliveries are to be suitable for the size of vehicles making deliveries.

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

(78) CCTV Surveillance

CCTV surveillance is to be installed, operated and maintained at the premises in accordance with the following:

- a) The installation of CCTV equipment should be located to achieve coverage in accordance with the following:
 - Cameras should be installed both in and around the business to maximise surveillance opportunities.
 - Cameras should monitor the cashier's area, high cost merchandise areas with poor natural surveillance and entry/exit doors.
 - TV monitors should enable staff to monitor activities on the camera.
 - Recording equipment should be installed away from the counter area to avoid tampering.
 - Store windows are not obstructed with merchandise that may hinder surveillance into or out of the building.
 - Cameras should be located at the site in a manner to avoid inadvertent surveillance of neighbouring residential properties and infringe on the privacy of any residents of those properties (Additional Council CCTV Requirement).
- b) CCTV recording equipment video tapes, discs and or hand held recordings shall be retained for a minimum of 21 days and provided Council, Police Officers or Special Inspectors on request.

(79) Lighting

Lighting installed at the development should comply with the following:

- i. Light installations should be high quality, vandal resistant lamps which are less likely to require replacement or maintenance.
- ii. Security/sensor lighting should be installed for areas not in use after dark which can detect movement and highlight unwanted activities. Any such sensor lighting should not be installed at the site at locations that are likely to cause light pollution to neighbouring residential properties and have an inadvertent adverse impact on the enjoyment of this land.
- iii. All lighting is to be maintained in accordance with a maintenance plan.

(80) Access Control

The main entry points of the development should be fitted with single cylinder locksets (Australian and New Zealand Standards – Locksets), which comply with the Building Code of Australia.

The windows should also be fitted with key operated locksets (Australia and New Zealand Standard – Lock Sets) to restrict unauthorised access to the development.

(81) Service Station Access Control

- a) Counters should be designed to reduce the opportunity for assault of staff and unauthorised access to behind counter areas by having the 'Sales Service Area' as its own secured lockable area and with anti-jump barriers to restrict any persons from jumping the counter or having unauthorised access to behind the counter. Consider the width, height and location of the counter.
- b) Installation of an access door from sales service area to food prep area to allow staff to move to a safe area in the event of a robbery or aggressive person.
- c) The access door to the food prep area (as per plans) should be fitted with security access pad or key lock to restrict unauthorised access to the office area.
- d) For business handling cash, a safe designed and installed to the Australian Standards can provide additional security to money and other valuables. As a minimum a drop safe for use should be installed for the service station to ensure a minimal amount of cash is kept in the till.
- e) To enhance security of the business, a monitored intruder alarm system is recommended.
- f) For service station centre staff, incorporating a duress facility into the alarm system to enable staff to activate the system manually in the event of an emergency is recommended.
- g) For the service station staff, they should be able to control the main customer entry/exit point from behind the service station counter so that they can control customer entry within later hours of trading.

(82) Restaurant Access Control

- a) The office door should be fitted with security access pad or key lock to restrict unauthorised access to the office area. There will be minimal supervision at the rear entry.
- b) That the rear entry/exit be only for deliveries. This will allow for surveillance of all customers and will reduce the excuse for being in an out of bounds area. Clear signs should be displayed to indicate restricted areas.

(83) Space/Activity Management

A site maintenance plan is to be prepared in relation to the operation of the site and should include provisions relating to the following:

- a) The picking up of discarded rubbish from the fast food outlet outside the perimeter of the development, on nearby footpaths and street.
- b) The use of graffiti resistant materials, particularly on the fences, ground floor and areas which are accessible by other structures to reduce such attacks or assist in the quick removal of such attacks.
- c) A graffiti management plan needs to be incorporated into the maintenance plan for the development. Research has shown that the most effective strategy for reducing graffiti attacks is the quick removal of such material generally within a twenty-four to forty-eight hour period.

(84) Space/Activity Management Crowd Management

Staff are to be trained and need to monitor groups gathering that may generate unacceptable noise and take appropriate action, especially in the car park to the rear of the development.

(85) Space/Activity Management Bicycle Rack

A bicycle rack is to be included at the premises in a well-lit supervised area.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
- (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.

Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.

- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

Sections 8.2, 8.3, 8.4, 8.5 of the Environmental Planning and Assessment Act 1979 provide that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) within six (6) months *after receipt of this Notice of Determination*, together with payment of the appropriate fees. It is recommended that the applicant discuss any request for a review of the determination with Council Officers before lodging such a request.

If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

**APPROVED BY COUNCIL AND SIGNED ON BEHALF OF THE CONSENT
AUTHORITY**

Hamish McTaggart
Co-ordinator – Development

Date:



CR2019/004106
SF2018/303033
KML

17 September 2019

General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Attention: Hamish McTaggart

BRIDGE STREET (HW9): DA 78/2018, S4.55 - SERVICE STATION AND RESTAURANT, LOT: 1 DP: 161784, LOT: 1 DP: 794803, LOT: DP: 784361, 147-153 BRIDGE STREET MUSWELLBROOK

Reference is made to Council's email dated 10 September 2019, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment in accordance with Clause 104 / Schedule 3 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime understands the approved DA 78/2018 is for construction of a service station operating 24 hours / 7 days a week, food outlet facility operating 6:00am to 10:00pm, and signage. Access to the site is proposed via an entry driveway off Bridge Street and separate entry and exist driveways off St Heliers Street. It is further understood that this modification is to alter the building footprint and design of the approved restaurant.

Roads and Maritime Response

Transport for NSW and Roads and Maritime's primary interests are in the road network, traffic and broader transport issues. In particular, the efficiency and safety of the classified road network, the security of property assets and the integration of land use and transport.

Bridge Street (HW9) is a classified State road and St Heliers Street is a local road. Council is the roads authority for both roads and all other public roads in the area, in accordance with Section 7 of the *Roads Act 1993*. Roads and Maritime has reviewed the referred information and provides the following comments to assist the consent authority in making a determination:

- Vehicular access from the proposed Bridge Street driveway to be left in only.
- All vehicles are to enter and exit the site in a forward direction.

Advice to Council

Roads and Maritime recommends that the following matters should be considered by Council in determining this development:

- Roads and Maritime has no proposal that requires any part of the property.
- Council should ensure that appropriate traffic measures are in place during the construction phase of the project to minimise the impacts of construction vehicles on traffic efficiency and road safety within the vicinity.
- Council should have consideration for appropriate sight line distances in accordance with Section 3 of the *Austrroads Guide to Road Design Part 4A (Unsignalised and Signalised Intersections)* and the relevant Australian Standards (i.e. AS2890:1:2004) and should be satisfied that the location of the proposed driveways promote safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the Bridge Street stormwater drainage system. Council shall ensure that drainage from the site is catered for appropriately and should advise Roads and Maritime of any adjustments to the existing system that are required prior to final approval of the development.
- All matters relating to internal arrangements on-site such as car parking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to determine.
- While it is acknowledged that concurrence is not required to be provided by Roads and Maritime for the new signage proposed in the subject application under Clause 18 of SEPP 64, the following advice is for Council to consider:
 - All signs should meet the criteria contained in the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (November 2017)* including, but not limited to, Section 3.3.3 Illumination and reflectance.
 - Council should ensure that all signs meet the requirements of Schedule 1 Assessment Criteria of the *State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage*.
 - Council to advise the applicant that Roads and Maritime may direct the screening, modification or removal of a structure if, in the opinion of Roads and Maritime, the structure is considered a traffic hazard under Section 104 of the *Roads Act 1993*.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Kate Leonard, Development Assessment Officer, on 4908 7688 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely



Marc Desmond
A/Manager Land Use Assessment
Hunter Region



293 Dalton Street, Orange
145 Keppel Street, Bathurst
PO Box 1975
Orange NSW 2800
ABN: 46 121 454 153
Phone: 0263624523
Email: anthony@adtp.com.au

Our Ref: 2019-051
Your Ref: 78/2018

29 August 2019

Muswellbrook Shire Council
PO Box 122,
Muswellbrook NSW 2333

Dear Sir/Madam

**RE: DA 78/2018
PROPOSED SERVICE STATION AND FAST FOOD OUTLET
CORNER BRIDGE AND ST HELIERS STREET, MUSWELLBROOK**

The applicant has provided revised plans with respect to this development proposal in Muswellbrook, with the main changes been with respect to the significant decrease in the food outlet area (including increased setback from Bridge Street) and the reduction in site area (no longer utilising the most eastern portion of the site).

In light of the proposed changes to the site it is considered that the revised development proposal will have a positive impact on the Muswellbrook community. This includes the following positive benefits:

The smaller site will reduce the potential impact with respect to the neighbouring residential development, in particular to the dwellings either side of Flanders Avenue. This is as a direct result of the reduced carparking demand, with a net loss of 14 car spaces).

The proposed food outlet is now proposed to be setback from the corner of Bridge Street and St Heliers Street (rather than been constructed with nil setback either way). This will be generally more in keeping with the established setbacks in the area generally (with some exceptions provided). Clearly the bulk and scale impact of the development has been reduced.

As a result of the increased setback and reduction of area of the food outlet, this has now provided the opportunity for increased landscaping been provided along the Bridge Street street frontage. This will improve the visual

appearance of the site from the main highway through Muswellbrook. The proposed stair access to Bridge Street from the food outlet will create an active street frontage in line with Councils Public Domain Policy.

The proposed changes has also had the site benefit of improving site manoeuvring and larger turning circles for vehicles that will traverse the site. Clearly this is an improvement in design that benefits the functionality of the site.

Whilst not having a significant site impact, it is understood that food will now be prepared off site.

Should you have any questions with respect to this matter, please contact the office on 63624523.

Yours faithfully

Anthony Daintith Town Planning Pty Ltd

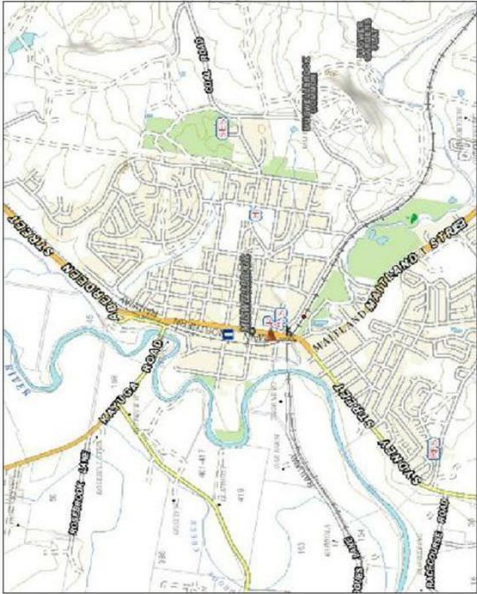
Anthony Daintith
Principal

PROPOSED SERVICE STATION AND FOOD OUTLET
Cnr BRIDGE STREET AND ST HELIERS STREET,
MUSWELLBROOK



DEVELOPMENT PERSPECTIVE

Refer Site Plan on Sheet A201



LOCALITY PLAN - Muswellbrook
NOT TO SCALE



LOCATION PLAN - Bridge Street
NOT TO SCALE



AERIAL PHOTO
NOT TO SCALE

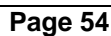
SHEET LIST	
A101	COVER SHEET
A201	SITE PLAN
A202	BUILDING LAYOUT - ZAMBRERO
A203	ROOF PLAN - ZAMBRERO
A204	BUILDING LAYOUT - SERVICE STATION & CANOPY
A205	ROOF PLAN - SERVICE STATION & CANOPY
A206	TRAFFIC PLAN
A207	RETAINING WALLS & LANDSCAPING
A208	ACCESSIBLE SANITARY FACILITY DETAILS
A301	ELEVATIONS & SECTION - ZAMBRERO
A302	ELEVATIONS - SERVICE STATION & CANOPY
A303	SECTION - SERVICE STATION & CANOPY
A304	STREETSCAPE ELEVATIONS

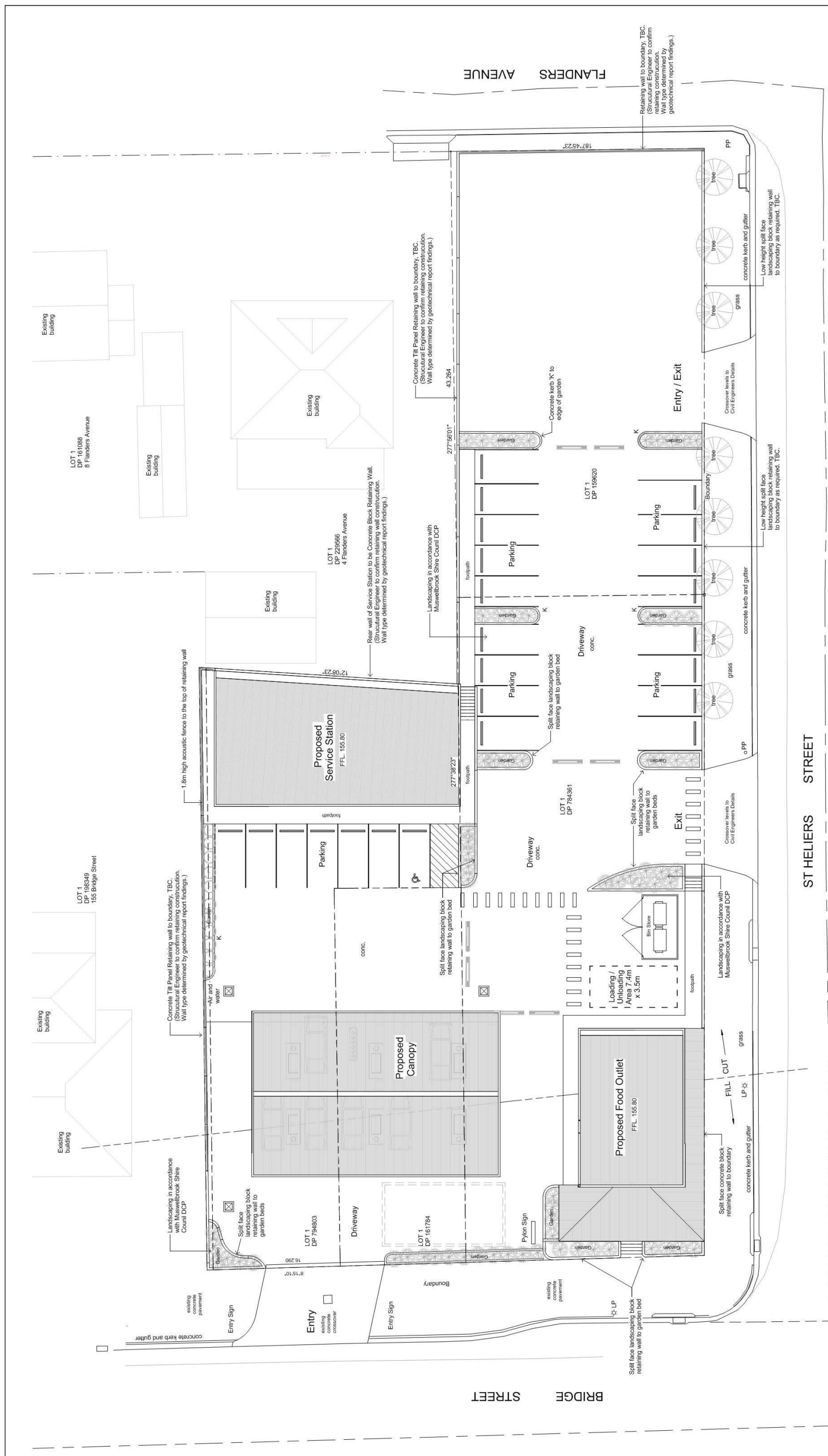
Revision Number	Revision Date	Revision Description	Revision Schedule
A	12-07-18	DA ISSUE	
B	16-07-18	DA ISSUE #2	
C	30-07-18	DA ISSUE #3 - Request For More Information	
D	27-08-18	DA RE-SUBMISSION	
E	20-05-19	DA RE-SUBMISSION #2	
F	27-08-19	DA MODIFICATION	

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CCQP No:		CCQP:	
File Ref:	18.0045-A.rvt	Approved for:	
Scale:	1 : 1		
Date:	27/08/2019 12:31:30 PM		

CALARE CIVIL CONSULTING ENGINEERS		Project No.	18.0045
170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210		DWG. No.	A101
		ISSUE:	F
		No. in set:	12

PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK	
COVER SHEET	
INLAND BUILDING AND CONSTRUCTION	

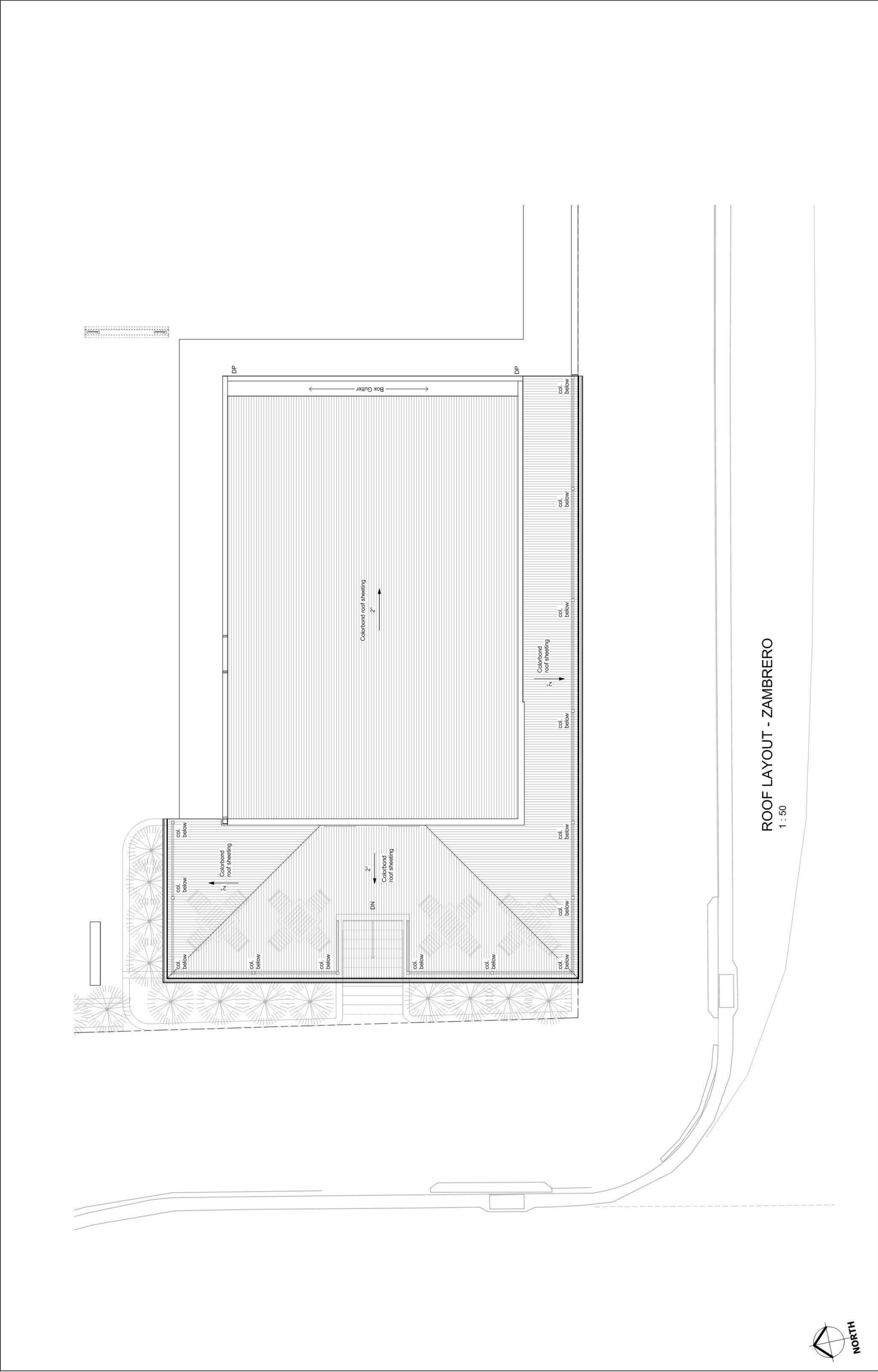




LANDSCAPE AND RETAINING WALL LAYOUTS

A	20-05-19	DA RE-SUBMISSION #2
3	27-08-19	DA MODIFICATION
	Revision Number	Revision Description
		Revision Schedule

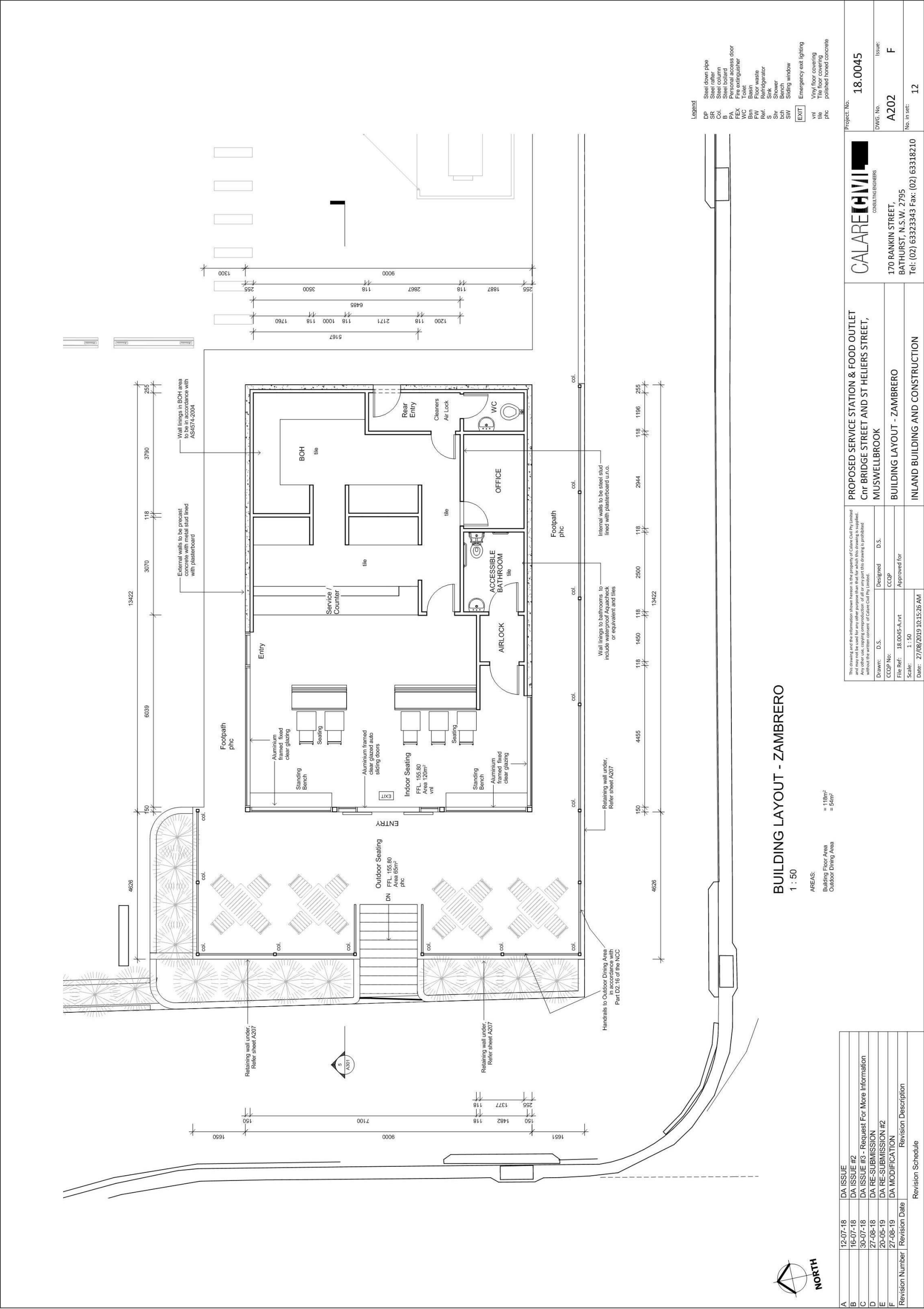
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<p>Drawn: Author</p>			<p>DWG. No. A207</p>		
<p>CCDP No:</p>			<p>Issue: B</p>		
<p>File Ref: 18.0045-A.rvt</p>			<p>170 RANKIN STREET, BATHURST, N.S.W. 2795</p>		
<p>Scale: 1 : 150</p>			<p>No. in set: 12</p>		
<p>Date: 27/08/2019 10:56:07 AM</p>			<p>Tel: (02) 63323343 Fax: (02) 63318210</p>		
<p>PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK</p>			<p>CALARE CIVIL CONSULTING ENGINEERS</p>		
<p>DESIGNED</p>			<p>RETAINING WALLS & LANDSCAPING</p>		
<p>DESIGNER</p>			<p>INLAND BUILDING AND CONSTRUCTION</p>		

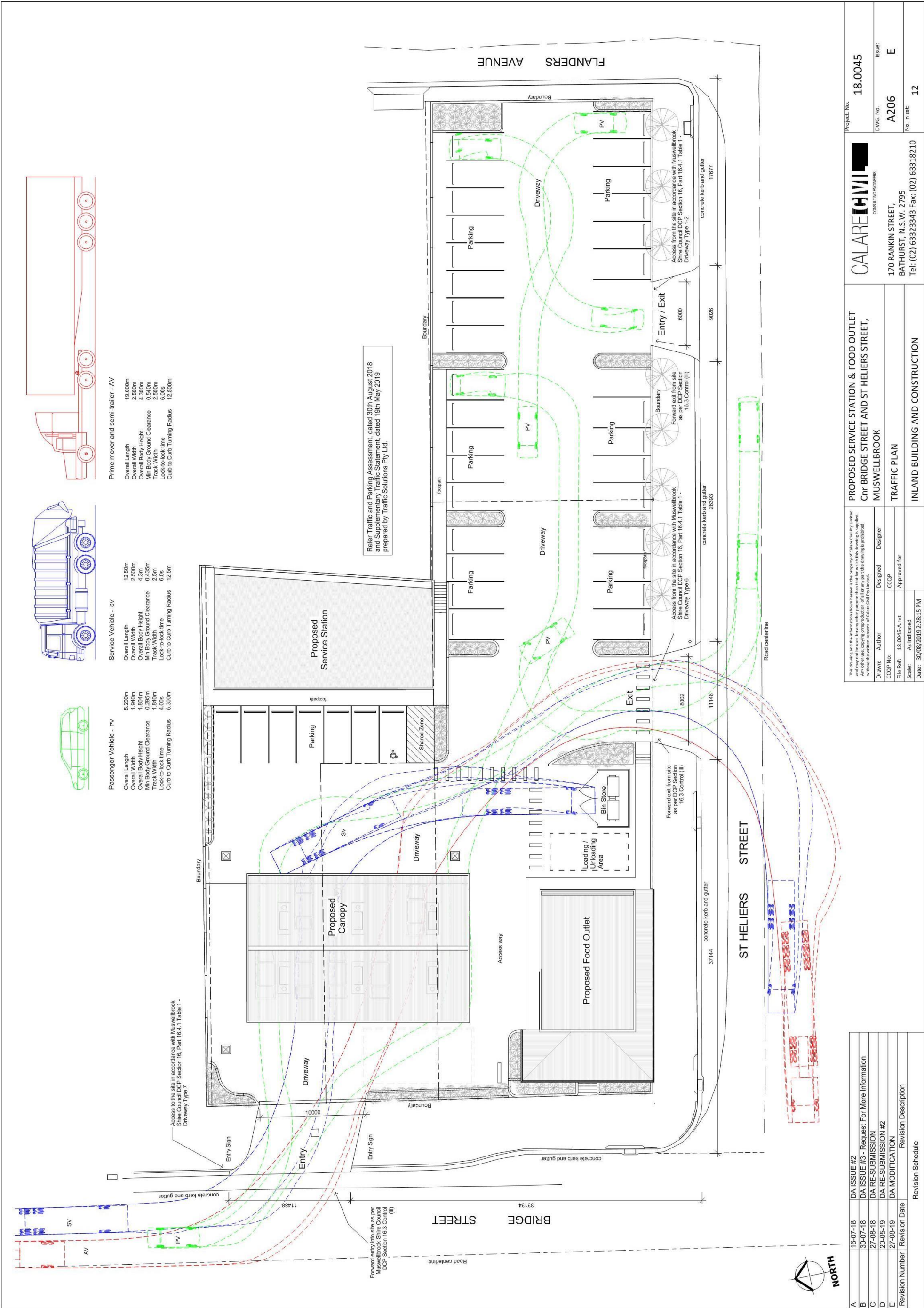


ROOF LAYOUT - ZAMBRERO
1 : 50

Revision Number	Revision Date	Revision Description
A	12-07-18	DA ISSUE
B	16-07-18	DA ISSUE #2
C	30-07-18	DA ISSUE #3 - Request For More Information
D	27-08-18	DA RE-SUBMISSION
E	20-05-19	DA RE-SUBMISSION #2
F	27-08-19	DA MODIFICATION
Revision Schedule		

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Drawn: D.S.	Designed: D.S.		DWG. No. A203		Issue: F
CCQP No: 18.0045-A.rvt	CCQP	Approved for	170 RANKIN STREET, BATHURST, N.S.W. 2795		
File Ref: 1 : 50			Tel: (02) 63323343 Fax: (02) 63318210		
Date: 27/08/2019 10:36:10 AM			No. in set: 12		
PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK					
ROOF PLAN - ZAMBRERO					
INLAND BUILDING AND CONSTRUCTION					



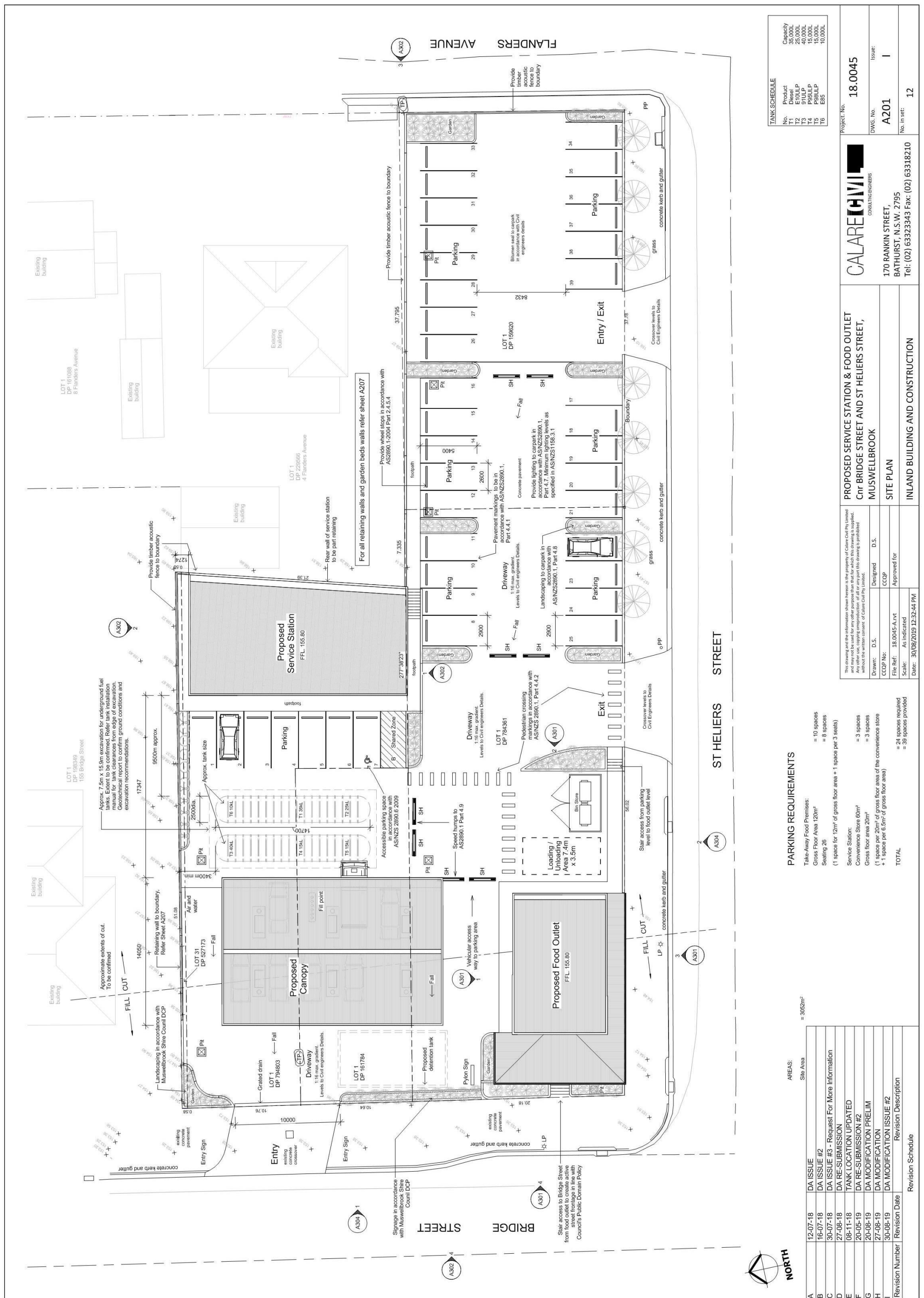


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Drawn:	Author:	Designed:	Designer:
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File Ref:	18.0045-A.rvt		
Scale:	As Indicated		
Date:	30/08/2019 2:28:15 PM		

CALARE CIVIL CONSULTING ENGINEERS		Project No.	18.0045
170 RANKIN STREET, BATHURST, N.S.W. 2795		DWG. No.	A206
Tel: (02) 63323343 Fax: (02) 63318210		Issue:	E
		No. in set:	12

PROPOSED SERVICE STATION & FOOD OUTLET, Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK	
TRAFFIC PLAN	
INLAND BUILDING AND CONSTRUCTION	





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PROPOSED SERVICE STATION & FOOD OUTLET Cnr BRIDGE STREET AND ST HELIERS STREET, MUSWELLBROOK				DWG. No. A304	Issue: D
STREETSCAPE ELEVATIONS				No. in set: 12	
INLAND BUILDING AND CONSTRUCTION				170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210	
Drawn: D.S. Designed: D.S. CCQP No: CCQP				CALARE CIVIL CONSULTING ENGINEERS	
File Ref: 18.0045-A.rvt Scale: As Indicated Date: 28/08/2019 10:20:34 AM				170 RANKIN STREET, BATHURST, N.S.W. 2795 Tel: (02) 63323343 Fax: (02) 63318210	
Revision Number				Revision Description	
Revision Schedule				Revision Schedule	
A				30-07-18 DA ISSUE #3 - Request For More Information	
B				27-08-18 DA RE-SUBMISSION	
C				20-05-19 DA RE-SUBMISSION #2	
D				27-08-19 DA MODIFICATION	

8.3 HALF DAY PUBLIC HOLIDAY 2020

Attachments:	A. MSC Public Holiday Survey 2020 Results.pdf B. Race Club Endorsement - Muswellbrook Chronicle.pdf
Responsible Officer:	Fiona Plesman - General Manager
Author:	Anthony Pirillo - Policy 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

For Councillors to consider supporting the proposed application to NSW Treasury for a local half day public holiday on Friday, 27 March 2020.

OFFICER'S RECOMMENDATION

Council make application to the Minister for Industrial Relations for the approval of a half day public holiday for the Muswellbrook Cup Day from noon on Friday, 27 March 2020.

Moved: _____ **Seconded:** _____

BACKGROUND

In order that the 2020 Muswellbrook Cup Half Day Public Holiday can be observed, Muswellbrook Shire Council is required to make application to NSW Treasury under the *Public Holidays Act 2010* for the declaration of local public holidays and local event days.

CONSULTATION

Muswellbrook Race Club

Local businesses, schools, banks, transport providers and community members

REPORT

To be officially recognised, the Minister for Industrial Relations must declare a local public holiday or event day following an application by council.

It is proposed that a local part day public holiday be held on Friday, 27 March 2020 to mark the running of the Muswellbrook Cup. The Muswellbrook Race Club has been granted approval from Racing NSW to hold the Muswellbrook Cup on Friday, 27 March 2020 in an effort to stimulate greater participation and interest in the event. To mark the occasion it is proposed that a half day public holiday be observed in the Muswellbrook Local Government Area.

An alternative to a local half day public holiday is a local event day. A local event day is again declared by the Minister, although it does not preclude banks and certain retail outlets from trading on the day. Entitlements to penalty rates will only apply in the case where an enterprise agreement or contract allowing for such entitlements has been signed.

As recommended by NSW Treasury, consultation with the relevant stakeholders has been undertaken to support the application. Council has sought feedback from schools, transport providers, banks, local businesses and the broader community through an online survey, which was promoted by the Muswellbrook Chamber of Commerce, publicised in local media, and specific consultation with the Muswellbrook Race Club, transport providers, banks and local schools. Council has received positive feedback in support of the declaration of a public holiday as proposed. A copy of the survey results is attached as Appendix A and endorsement of the half day public holiday by the Muswellbrook Race Club in a Muswellbrook Chronicle article is attached as appendix B.

The local half day public holiday has become somewhat of a tradition on Muswellbrook Cup day as it has been declared for many years. The Muswellbrook Cup is one of the major sporting events in the region which experiences high attendance with crowd numbers in excess of 5,000 not uncommon. A portion of the support experienced at the Muswellbrook Cup is contributed to by the declaration of a local half day public holiday.

Consideration must be given to the implications a local half day public holiday can create for small to medium sized businesses within the Muswellbrook Shire. A local half day public holiday under Industrial Relations legislation would preclude banks and certain retail outlets from operating from 12:00 midday on 27 March 2020. This would include penalty entitlements for individuals who are required to work during the declared half day public holiday, depending on the employee's contract arrangements.

A local half day public holiday does create an imposition on local businesses, although the community benefit must also be measured in this decision. The local half day public holiday provides the opportunity for residents to participate in a local event which benefits the economic and social aspects of the Muswellbrook Shire. Without the declaration of the local half day public holiday, the Muswellbrook Cup attendance rates may decline significantly.

In the pursuit of maintaining a community event it is recommended that the support of an application to NSW Treasury for a local part day public holiday be approved.

OPTIONS

Council may consider not making the application and abandoning the public holiday, or supporting a local event day in the alternative.

CONCLUSION

It is recommended that Council again seek approval from the Minister for the continuation of the Muswellbrook Cup Day on Friday, 27 March 2020 from noon.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

A half day public holiday would incur approximately \$25,000 in wages to be paid in accordance with the Local Government State Award (2017). Council employees who would be required to work and maintain a minimum level of service to the community would be entitled to penalty rates.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

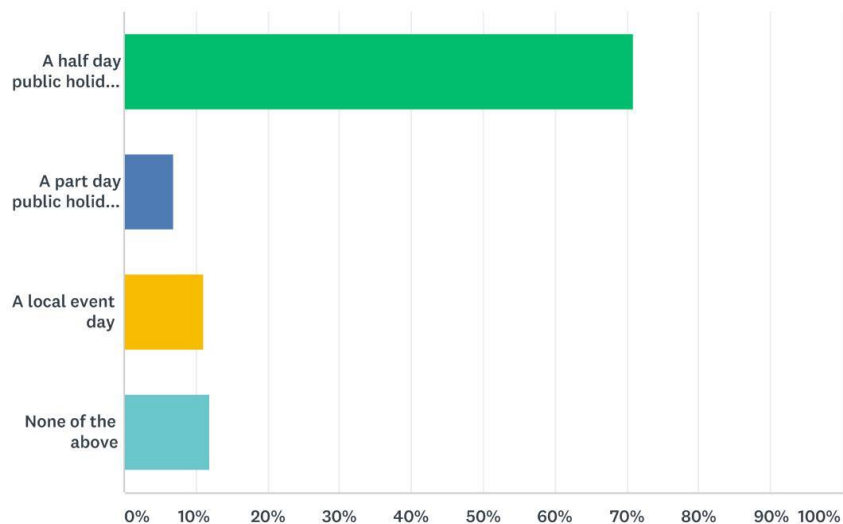
Not applicable.

Half day public holiday in 2020 for the Muswellbrook Cup

SurveyMonkey

Q1 For Muswellbrook Cup Day on Friday, 29 March 2020 which of the following would you prefer be held in the Muswellbrook Shire:

Answered: 100 Skipped: 0



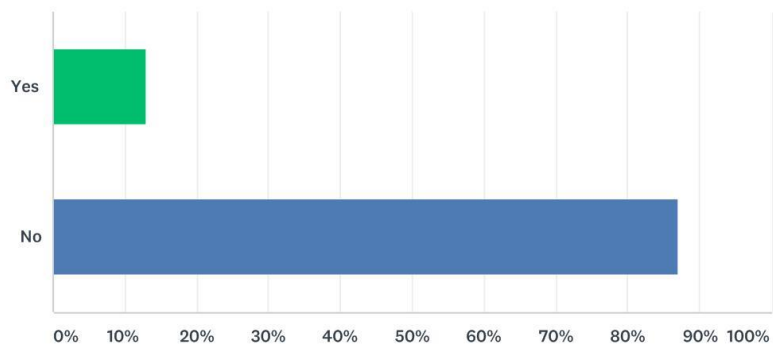
ANSWER CHOICES	RESPONSES	
A half day public holiday (from noon)	71.00%	71
A part day public holiday (noon to 6pm only)	7.00%	7
A local event day	11.00%	11
None of the above	12.00%	12
Total Respondents: 100		

Half day public holiday in 2020 for the Muswellbrook Cup

SurveyMonkey

Q2 Do you have a business that would be impacted by the gazettal of public holidays?

Answered: 100 Skipped: 0



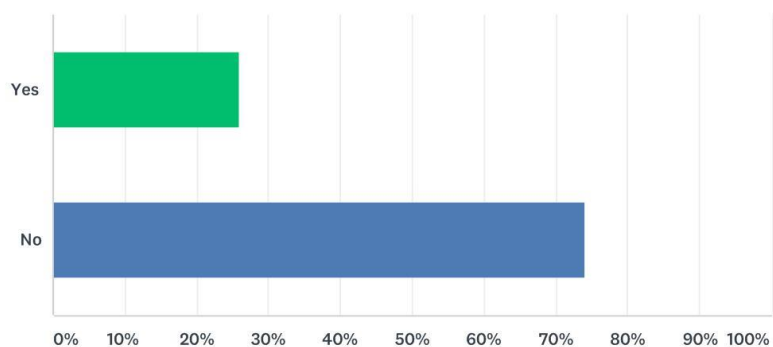
ANSWER CHOICES	RESPONSES
Yes	13.00% 13
No	87.00% 87
TOTAL	100

Half day public holiday in 2020 for the Muswellbrook Cup

SurveyMonkey

Q3 Are you a parent or carer who would be affected by the gazettal of public holidays (e.g. child's travel to and from school, childcare during business hours)?

Answered: 100 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		26.00%	26
No		74.00%	74
Total Respondents: 100			

<https://www.muswellbrookchronicle.com.au/story/6455561/public-holiday-proposed-for-muswellbrook-cup/?cs=1487>

MUSWELLBROOK CHRONICLE

OCTOBER 24 2019 - 10:15AM

Muswellbrook Shire Council seeking community feedback on proposed half-day or part-day public holiday for 2020 Muswellbrook Cup

Rod Thompson

MUSWELLBROOK Race Club general manager Duane Dowell certainly gives the proposal the "thumbs up".

Now, Muswellbrook Shire Council is seeking community feedback on a planned half-day public holiday (from noon onward) for next year's Muswellbrook Cup on Friday, March 27.

Council also requests the public's views on whether it should be a part-day public holiday (from noon to 6pm only) or a local event day.

A "local event day" is recognised as a day of special significance to the community in name only and does not attract entitlement to paid leave or penalty rates, unless specified in the form of an enterprise agreement or by contract.

And, following on from the success of the 2019 Muswellbrook Cup, council is hoping to receive comments on its 2020 proposal.

"A half-day or part-day public holiday is a huge benefit to the club and hospitality businesses, in terms of locals supporting a long-term event," Mr Dowell said.

"The Muswellbrook Cup attracts a lot of outside visitors to the shire.

"But, it's important it remains a strong local event as well.

"Thanks to Racing NSW's decision to boost our prizemoney, the Muswellbrook Cup will increase in prominence, too.

"That's largely due to Racing NSW partnering up with Destination NSW to help promote country cup meetings."

<https://www.muswellbrookchronicle.com.au/story/6455561/public-holiday-proposed-for-muswellbrook-cup/?cs=1487>

Sponsored by council, Mt Arthur Coal and Horsepower, the Muswellbrook Cup Carnival is fast becoming one of the Upper Hunter's "must attend" autumn social events with a total prize pool of more than \$250,000.

Council will consult with the community, local businesses, schools, banks and the race club before applying to the Minister of Industrial Relations for either a half-day or part-day public holiday, or local event day.

Residents and business operators are encouraged to have their say by visiting council's website www.muswellbrook.nsw.gov.au and completing the survey form.

The Public Holiday Survey will be "live" until Friday, November 1.

9 ADJOURNMENT INTO CLOSED COUNCIL

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

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:

10.1 HUNTER PILOT BIOREFINERY

Item 10.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.2 APPLICATION FOR A POSSESSORY TITLE

Item 10.2 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.

10.3 CONTRACT 2018-2019-0376 WATER DISPENSING POINTS FOR MUSWELLBROOK AND DENMAN

Item 10.3 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.

10.4 CONTRACT 2018-2019-0341 DESIGN AND CONSTRUCT SPS 5 RISING MAIN: REQUEST FOR FUNDING ADJUSTMENT

Item 10.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

10.5 MUSWELLBROOK ANIMAL CARE FACILITY COST ESTIMATE

Item 10.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

10 CLOSED COUNCIL

11 RESUMPTION OF OPEN COUNCIL

12 CLOSURE