



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
17 DECEMBER 2019



ORDINARY COUNCIL MEETING, 17 DECEMBER 2019

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

13 December, 2019

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **17 December, 2019** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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19.1	RETENDER - SUPPLY AND DELIVERY OF NETWORKS VEHICLES <i>Item 19.1 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.</i>	
19.2	CONTRACT 2019-2020-0390 - PRELIMINARY ENGINEERING DESIGN AND ENVIRONMENTAL IMPACT STATEMENT FOR A FOOD ORGANICS & GARDEN ORGANICS (FOGO) PROCESSING FACILITY <i>Item 19.2 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.</i>	
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19.4	SUPPLY AND DELIVERY OF BULK WATER TREATMENT CHEMICALS - T711920HUN <i>Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.5	CHANGE TO ORGANISATIONAL STRUCTURE: WORKS, PROPERTY, AND BUILDING SERVICES POSITIONS REVIEW <i>Item 19.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular</i>	

individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 17 DECEMBER 2019**

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

Moved: _____ **Seconded:** _____

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **26 November 2019**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

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

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

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

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

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

- Significant
- Less than significant

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

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

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

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

Nil

10 ENVIRONMENTAL SERVICES

10.1 AMENDMENTS TO MUSWELLBROOK DCP 2009 IN RELATION TO 9 YARRAWA RD, DENMAN AND 9027 NEW ENGLAND HWY, MUSWELLBROOK.

Attachments:	A. Draft DCP Amendment for 9 Yarra Road, Denman
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Assistant Director - Environment & Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

Clause 6.3 of *Muswellbrook LEP 2009 (MLEP 2009)* applies to land identified as being in an urban release area in the Shire. Clause 6.3 aims to ensure that development on land in an urban release area occurs in a logical and cost-effective manner, and in accordance with specific controls, identified in clause 6.3, added to *Muswellbrook DCP 2009 (DCP 2009)*.

Council has received two subdivision applications, for land in two separate urban release areas, where the requirement for a new section in *DCP 2009*, before the subdivisions are determined, is either impractical or unnecessary.

The purpose of this report is to assist Council in making a decision about whether to commence preparation of amendments to *DCP 2009* before determining either subdivision application.

OFFICER'S RECOMMENDATION

That Council:

- 1) Declines to amend Muswellbrook Development Control Plan 2009 to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook; and**
- 2) Resolves to prepare an amendment to Muswellbrook Development Control Plan 2009, to incorporate a section for the Urban Release Area identified 9 Yarra Rd, Denman, following determination of a subdivision application for the site.**

Moved: _____ **Seconded:** _____

BACKGROUND

Clause 6.3 is a standard clause from the Standard LEP template, that applies to any urban release area in NSW. It was principally intended to establish a framework for the subdivision of greenfield urban zoned land in large urban release areas, or release areas with multiple land owners, where it was

important to establish a logical development pattern that provided road, pedestrian and cycleway connections between the different parcels despite them being developed at different times.

In rural and regional areas this same need is not always present, and there are sites when it is more practical to finalise a site-specific section in the DCP following the in depth analysis of a Subdivision Application. Council is currently in receipt of two subdivision applications where this is the case. Details on the background to the two subdivisions follows.

9 Yarrawa Rd, Denman (DA 90/2019)

The site is legally described as Lot 1 DP 323945 (known as 9 Yarrawa Rd, Denman). This land was rezoned from RU1 Primary Production to R5 Large Lot Residential on 24 March 2016.

The other results of the amendment were:

- Changes to the *Lot Size Map* to reflect minimum lot size as 4000m²
- Changes to the *Height of Buildings Map* to reflect a maximum height of 8.5m
- Inclusion of the site on the *Urban Release Area Map*
- Inclusion of the site in *Clause 6.1 Arrangements for designated State public infrastructure*

When the rezoning was undertaken it was envisaged that the land would be subdivided into 60-70 lots with a minimum area of 4000m². Changes to the property market, along with the results of more detailed investigations into servicing costs, stormwater management and heritage issues, has resulted in the Proponent now revising the proposal down to 20 lots with areas ranging from 18,000m² to 21,250m², as shown in the plan below.



The Proponent has prepared a draft amendment to DCP 2009 based on the larger lot sizes (see Attachment A).

9027 New England Highway, Muswellbrook (DA 53/2019)

The site is legally described as Lot 12 DP 1162012 (known as 9027 New England Highway, Muswellbrook) and Lot 8 DP 1181346 (known as 8 Day Street, Muswellbrook) and has a total area of approximately 6.945 hectares (see Figure 2).

The site is zoned R1 General Residential under the *MLEP 2009*. An urban zone was first applied to this site under the Muswellbrook LEP 1985.



Figure 2 Site Context

In April 2009, Council approved DA 267/2008 for a 91 lot subdivision at Black Hill. The subject site was part of that of 91 lot subdivision. Black Hill is also anecdotally referred to as 'the hotel site'.

Subsequent to the approval of DA 267/2008, separate applications were lodged and approved for subdivisions known as Stages 11A, 11C and 11D. The remaining parcel, referred to as Stage 11B comprised 75 lots. The approvals for Stages 11A, 11C and 11D were acted upon and the lots created under these approvals have been registered. The approval for Stage 11B has lapsed.

The current subdivision proposal would result in the creation of 75 residential lots ranging in size from 600.5m² to 1,881m² as per the plan prepared by Acor Consultants (Figure 3).

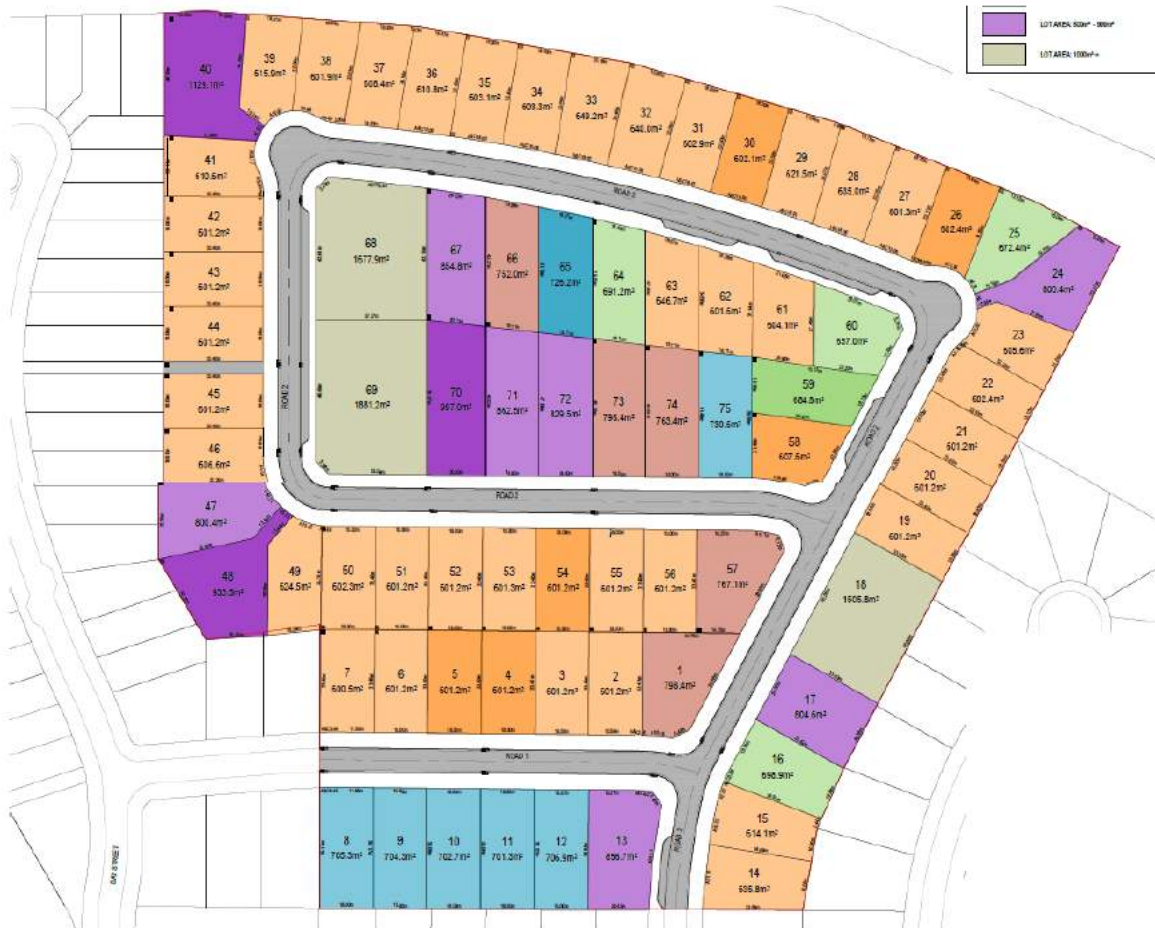


Figure 3 Lot Layout and sizes

Staff are currently assessing the two subdivision applications for compliance with *MLEP 2009*, *DCP 2009*, *Auspec*, *Austrroads* and other Engineering guidelines.

CONSULTATION

The two subdivision applications have been notified to adjoining landowners and in the local newspapers. There has been no consultation regarding the amendment of *DCP 2009*.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation.

REPORT

Council has received two subdivision applications where the land is identified as being in an Urban Release Area. Clause 6.3 of Muswellbrook LEP 2009 states that:

- (2) *Development consent must not be granted for development on land in an urban release area unless a development control plan that provides for the matters specified in subclause (3) has been prepared for the land.*
- (3) *The development control plan must provide for all of the following—*

- (a) *a staging plan for the timely and efficient release of urban land making provision for necessary infrastructure and sequencing,*
- (b) *an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
- (c) *an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
- (d) *a network of passive and active recreational areas,*
- (e) *stormwater and water quality management controls,*
- (f) *amelioration of natural and environmental hazards, including bushfire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
- (g) *detailed urban design controls for significant development sites,*
- (h) *measures to encourage higher density living around transport, open space and service nodes,*
- (i) *measures to accommodate and control appropriate neighbourhood commercial and retail uses,*
- (j) *suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*

The requirements of clause 6.3 would normally be dealt with by inserting a new Section in the DCP that supplements the other sections in *DCP 2009*. Two examples in *DCP 2009* are *Section 27 – West Denman Urban Release Area* and *Section 28 – Muswellbrook Showground*. Most of the controls applying to subdivision would still be retained in other sections of the DCP. A range of other Council plans, policies and strategies also apply to the Release Area, as may a range of State Government plans, policies and strategies.

Section 3.44 of the EP&A Act provides a path forward when it is not logical to prepare an amendment to the DCP before a subdivision application in an Urban Release Area is assessed.

3.44 Development control plans required or authorised by environmental planning instruments

- (1) *An environmental planning instrument may require or permit a development control plan to be prepared before any particular development or kind of development may be carried out (and make provision with respect to the preparation and content of any such plan).*
- (2) *Any such development control plan may outline the development of all the land to which it applies.*
- (3) *Any such development control plan may be prepared (and submitted to the relevant planning authority) by the owners of the land to which it applies or by such percentage of those owners as the environmental planning instrument concerned allows. A person authorised by those owners may act on their behalf for the purposes of this subsection.*

- (4) *The relevant planning authority may make a development control plan submitted to it under this section, including with such changes as it thinks fit.*
- (5) *If the relevant planning authority refuses to make a development control plan submitted to it under this section (or delays by more than 60 days to make a decision on whether to make the plan)—*
- (a) *the owners may make a development application despite the requirement of the environmental planning instrument concerned for the preparation of a development control plan, or*
 - (b) *the Minister may act in the place of the relevant planning authority to make the plan (with or without modification), but only if the environmental planning instrument concerned authorises the Minister to do so.*
- (6) *The regulations may extend the period of 60 days referred to in subsection (5) in connection with any failure by the owners to provide further information required by the relevant planning authority for the purposes of making the plan.*

Note.

Section 4.23 provides that a concept development application may be made for development requiring consent under Part 4 as an alternative to a development control plan required by an environmental planning instrument.

9 Yarrowa Rd, Denman

. As:

- Most of the matters identified in clause 6.3 of *MLEP 2009* do not readily apply to this site,
- This site is in single ownership, and does not directly adjoin other zoned but undeveloped urban land,
- The issues identified as part of the detailed investigations to prepare the subdivision proposal are reflected in the DCP amendment, but may not be relevant to an alternative subdivision proposal, and
- The DCP amendment would mainly apply to subsequent dwellings,

it is considered more appropriate to proceed with the amendment to the DCP following Council's determination of the subdivision application. Staff are currently assessing the subdivision application for compliance with *MLEP 2009*, *DCP 2009*, *Auspec*, *Austroroads* and other Engineering guidelines. The outcomes will provide direction on whether the draft DCP amendment for 9 Yarrowa Road is suitable or will require change.

9027 New England Highway, Muswellbrook

As:

- Most of the matters identified in clause 6.3 of *MLEP 2009* do not readily apply to this site,
- This site is in single ownership,
- The issues identified as part of the detailed investigations to prepare the subdivision proposal can be adequately dealt with using the current provisions in *MLEP 2009*, *DCP 2009*, *Auspec*, *Austroroads* and other Engineering guidelines, and
- Subsequent dwellings will be able to be constructed on the lots created, under the provisions of the Code SEPP, which turns off any need to consider provisions in the DCP,

it is considered that an amendment to the DCP to insert site-specific provisions for this lot is unnecessary.

OPTIONS

- 1) Council declines to prepare an amendment to *DCP 2009* to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook, and resolves to prepare an amendment to *DCP 2009* to incorporate a section for the Urban Release Area identified 9 Yarrowa Rd, Denman, following determination of a subdivision application for the whole site.
- 2) Council declines to amend *DCP 2009* to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook, and for the Urban Release Area identified 9 Yarrowa Rd, Denman.
- 3) Council resolves to prepare an amendment to *DCP 2009* to incorporate a section for the Urban Release Area identified as 9027 New England Highway, Muswellbrook, and for the Urban Release Area identified 9 Yarrowa Rd, Denman, following determination of a subdivision application for the whole site.

CONCLUSION

Muswellbrook LEP 2009, Muswellbrook DCP 2009, Auspec, Austroads and other Engineering guidelines provide guidance on how the subdivision of the land should proceed. Despite the requirement of clause 6.3 of MLEP 2009 for a site-specific section in the DCP to manage the subdivision of these two sites , it is considered that:

it is unnecessary to prepare an amendment to *DCP 2009* to insert site-specific provisions for 9027 New England Highway, Muswellbrook.

it is considered more appropriate to proceed with the amendment to *DCP 2009*, to insert site-specific provisions for 9 Yarrowa Rd, Denman, following Council's determination of the subdivision application.

SOCIAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

Not Applicable

POLICY IMPLICATIONS

Not Applicable

STATUTORY IMPLICATIONS

Not Applicable

LEGAL IMPLICATIONS

The purpose of this report is to demonstrate that Council has given consideration to preparing DCP amendments, to include site-specific provisions for these two sites, before the determining subdivision applications that have been lodged, and determined not to proceed. This would satisfy the requirements of s 3.44 of the *Environmental Planning and Assessment Act, 1979*.

OPERATIONAL PLAN IMPLICATIONS

Not Applicable

RISK MANAGEMENT IMPLICATIONS

Not Applicable

Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

SECTION 28 – SOUTH DENMAN URBAN RELEASE AREA

Overview

The South Denman Urban Release Area comprises approximately 41 hectares of land which is zoned R5 – Large Lot Residential under *Muswellbrook Local Environment Plan 2009* (MLEP2009). The land within the Release Area land was rezoned in 2016 for rural residential style housing on the edge of Denman Village.

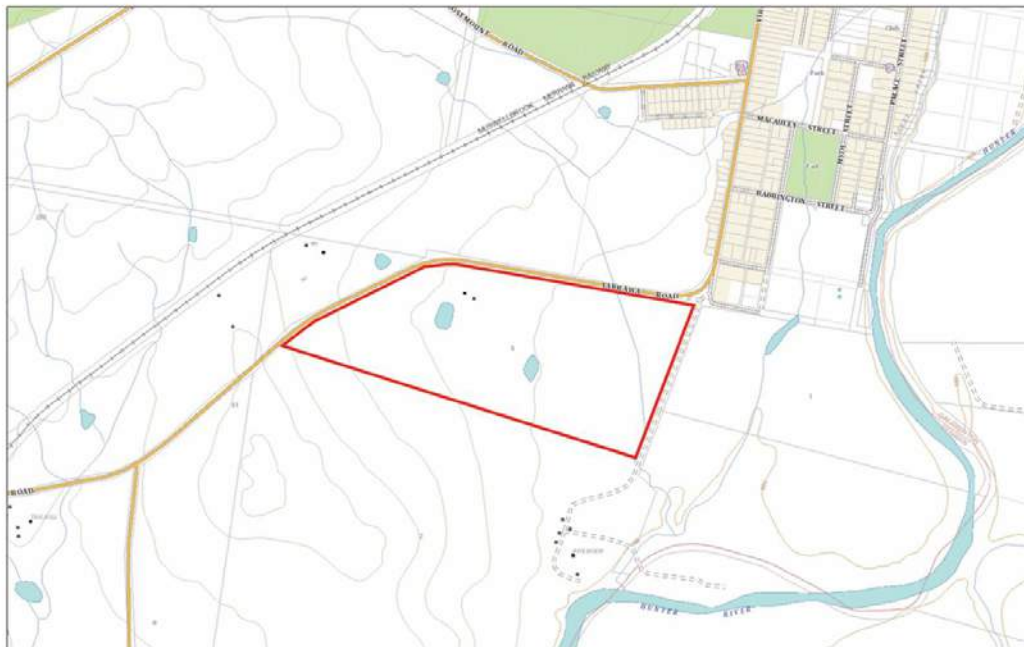
The Release Area is located to the south of the existing town of Denman, approximately 1.8 kilometres from the village centre. The Release Area adjoins the Two Rivers Vineyard and Cellar Door to the south and east. The Release Area has sweeping views of the vineyards to the south, rural river flats to the east, and of the steep rugged wooded escarpment to the north and west. This provides a very picturesque setting for the large lot residential development.

The land is mapped as containing a minimum lot size of 4000m². However, following a preliminary investigation into the environmental constraints, viability of servicing and proximity to adjoining vineyard it has been determined that the land would be better suited to a larger lot size. An amendment to Muswellbrook Local Environmental Plan 2009 to modify the Minimum Lot Size map to reflect a minimum lot size of 18,000m² will be undertaken in the future as part of a Council initiated housekeeping amendment.

The Release Area has capacity for 20 lots ranging from a minimum lot size of 18554m² to a maximum lot size of 21305m². The future subdivision will be developed in two stages. The Release Area is in single ownership and its relatively limited yield means it can be developed in a coordinated and staged manner to meet the demand for rural residential housing in the Denman area.

The South Denman Urban Release Area is shown **Figure 1**.

Figure 1: South Denman Urban Release Area



Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

INTRODUCTION

Application

This Section applies to all land within the South Denman Urban Release Area, as shown outlined with a thick blue line on the map in **Figure 1**.

Relationship to other Plans and chapters of the Development Control Plan

This Section supplements the provisions of the Muswellbrook Local Environmental Plan 2009, and the other chapters of the Muswellbrook Development Control Plan. Of particular relevance are the provisions of Chapter 5 Subdivision and Chapter 6 - Residential Development of the Muswellbrook Development Control Plan.

For many developments, this Chapter will provide an overview and/or supplementary controls, with most of the controls applying to the development being contained in other chapters of the Muswellbrook Development Control Plan.

Where there is an inconsistency between provisions of this Chapter and those of other Chapters of the Muswellbrook Development Control Plan, this Chapter prevails.

A range of other Council plans, policies and strategies also apply to the Release Area, as may a range of State Government plans, policies and strategies.

Council officers should be consulted if there is doubt as to the applicability of a specific policy, plan, strategy or provision to the Release Area.

Development proponents are advised to seek professional advice regarding the requirements that may apply to their proposal.

Purpose

The purpose of this Chapter is to provide detailed controls to guide development in the South Denman Urban Release Area

Aim

The aim of this Chapter is to:

- a) Ensure that new development maintains a rural residential character compatible with the adjoining Two Rivers vineyard.
- b) Provide a built form consistent with that of a rural residential area.
- c) Ensure that the scenic quality and local character of the area is maintained.
- d) Ensure the new development is adequately serviced.
- e) Ensure the release area develops in a coherent well co-ordinated manner.
- f) Ensure that development of the land is efficient and cost effective.
- g) Locate dwellings where the impact of the adjoining vineyard operations is minimised
- h) Located dwellings to ensure cultural heritage is protected and avoid impact on identified Aboriginal artefacts

Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

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28.1 STAGING PLAN

The Staging Plan at **Figure 2** shows the preferred staging for development of this site.

Figure 2: Staging Plan



Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

Objectives:

- a) To ensure that development of the land is efficient and cost effective.
- b) To facilitate the logical expansion of urban infrastructure.
- c) To ensure residents have access to urban infrastructure and services
- d) To provide a mechanism for flexibility in the staging of development where this is justified and the timing impacts are mitigated.

Controls:

- i. Consent will not be granted for development which is not generally consistent with the Staging Plan at **Figure 2**.
- ii. Development of land inconsistent with the Staging Plan can occur if the proposed sequence is justified by a supporting study, to the satisfaction of the consent authority. The supporting study must be lodged prior to or with the relevant development application.
- iii. At a minimum, the issues to be addressed in a supporting study to vary the staging sequence include:
 - Impacts on the availability of urban services and infrastructure
 - Impacts on the development of other land/development stages
 - Servicing strategy.
 - Cost impacts on other parties, including servicing authorities.
- iv. Any offsite easements and infrastructure required to enable runoff from any Stage of the Urban Release Area to be conveyed to waterways in a managed fashion are to be registered and the infrastructure connected prior to the release of Linen Plan for that Stage.

28.2 SERVICING STRATEGYObjectives:

- a) To ensure services are available in a cost effective manner.
- b) To ensure the rural residential lots are connected to utilities and reticulated water supply.

Controls:

- i. All lots created for the purpose of release are to be supplied with connection to telecommunication services and mains electricity supply in accordance with the requirements of applicable servicing authorities and Council.
- ii. All lots created are to be connected to reticulated water supply

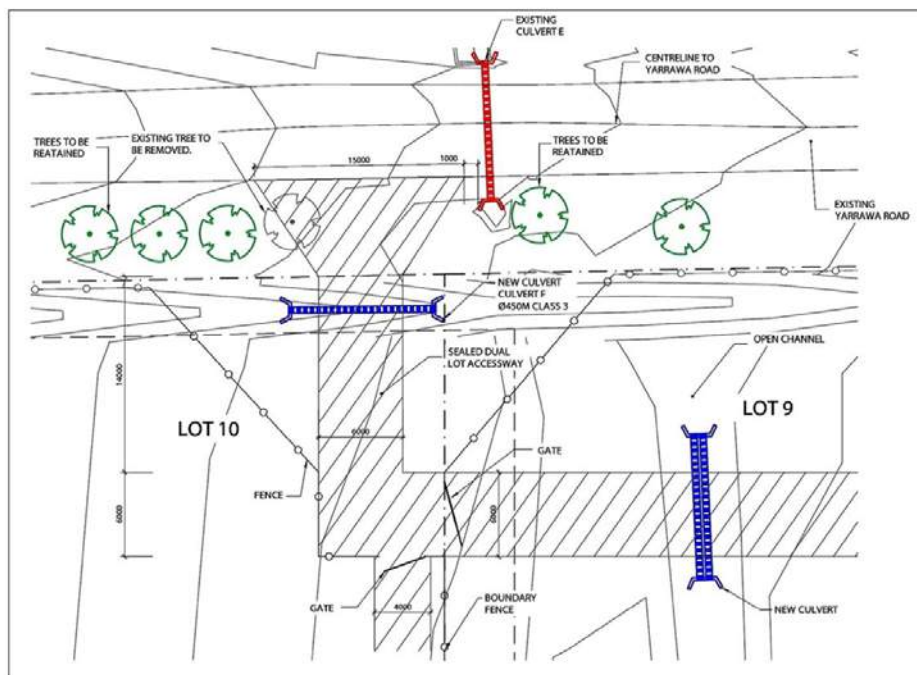
28.3 TRANSPORTObjectives:

- a) To ensure that the road design reflects the function of the road and the needs of the road user.
- b) To achieve a simple and safe shared movement system for private vehicles, public transport, pedestrians and cyclists
- c) To ensure a high quality, functional, safe, legible and visually attractive public domain.

Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

Controls:

- i. The road layout for the estate is to be designed generally in accordance with the Staging Plan included in **Figure 2**. A modified arrangement can be considered if it is supported by a servicing strategy which is approved by Council.
- ii. The layout of the street should endeavour to integrate with the natural topography and features of the land. Disturbance of vegetation is to be minimised wherever possible.
- iii. Direct vehicle access to Yarrowa Road is permitted for the existing dwelling (no change) and one additional access point which shall be designed as a shared entrance point servicing a maximum of two lots as detailed in **Figure 3**.

Figure 3: Typical Common Rural Access off Yarrowa Road**28.4 LANDSCAPING**Objectives:

- a) Existing native vegetation is retained and enhanced where possible
- b) The scenic quality and local character of the area is maintained.
- c) Plant species selection is to be compatible to the soil characteristic on site

Controls:

- i. Consent shall not be granted for the subdivision of land unless a landscape plan has been lodged to the satisfaction of the consent authority.
- ii. Where appropriate zinc tolerant plant species are to be included in the landscape plan.

Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

28.5 STORMWATER MANAGEMENT

Objectives:

- a) To provide an effective stormwater management system that is sustainable and requires minimal maintenance.
- b) To promote implementation of the principles of water sensitive design.
- c) To ensure suitable measures are implemented to protect stormwater infrastructure

Controls:

- i. Consent will not be granted for the subdivision of land unless a Water Management (stormwater) Strategy has been lodged to the satisfaction of the consent authority.
- ii. The quality and quantity of runoff of each stage of development is to be equivalent to the pre development state.
- iii. Development is to comply with the provisions of Section 25 (Stormwater Management) of the Muswellbrook Development Control Plan.
- iv. Easements may need to be created in circumstances where water management infrastructure, such as detention basins, are located on land not included in that development. Easements are to be negotiated between adjoining landowners as required prior to the approval of the construction certificate of the development.

28.6 ON SITE SEWER MANAGEMENT FOR NEW DWELLINGS

Objectives:

- a) To ensure future dwellings are adequately serviced on site sewer management system accredited by NSW Health
- b) To ensure sufficient consideration is given to the cumulative impact of future on site sewer management systems within the South Denman Urban Release Area.
- c) To ensure sufficient consideration is given to the future installation and ongoing maintenance obligations associated with the operation of on site sewer management system within the Release Area.
- d) To ensure lots are of a suitable size to accommodate a safe and compliant on site sewer management system.

Controls:

- i. Any new on site sewer management system installed on site is to comply with the following requirements:
 - The system shall be a NSW Health accredited Aerated Wastewater Treatment Systems (AWTS) with a disinfection unit;
 - Effluent disposal shall be via surface irrigation only
 - The minimum area for on site disposal is 435m² with an additional 435m² to be allowed for future use. Total area 870m²
 - All disposal areas to be treated with Gypsum at a rate of 435kg per 435m², that is 1kg per m².
 - Gypsum will need to be re-applied on a four (4) year rotation basis to ensure optimum performance.
 - Disposal area should run parallel to contours
 - The following minimum offsets apply:
 - To Dwelling: 15 metres.
 - To Boundary 6 metres
 - To swimming pool: 6 metres
 - To open drainage swales/channels: 40metres.
 - A service contract that inspects both the irrigation system and AWTS is required.

Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

- ii Any lot containing an on site sewer management system shall have a minimum lot size of 18,000m².

28.7 SIGNIFICANT DEVELOPMENT SITES

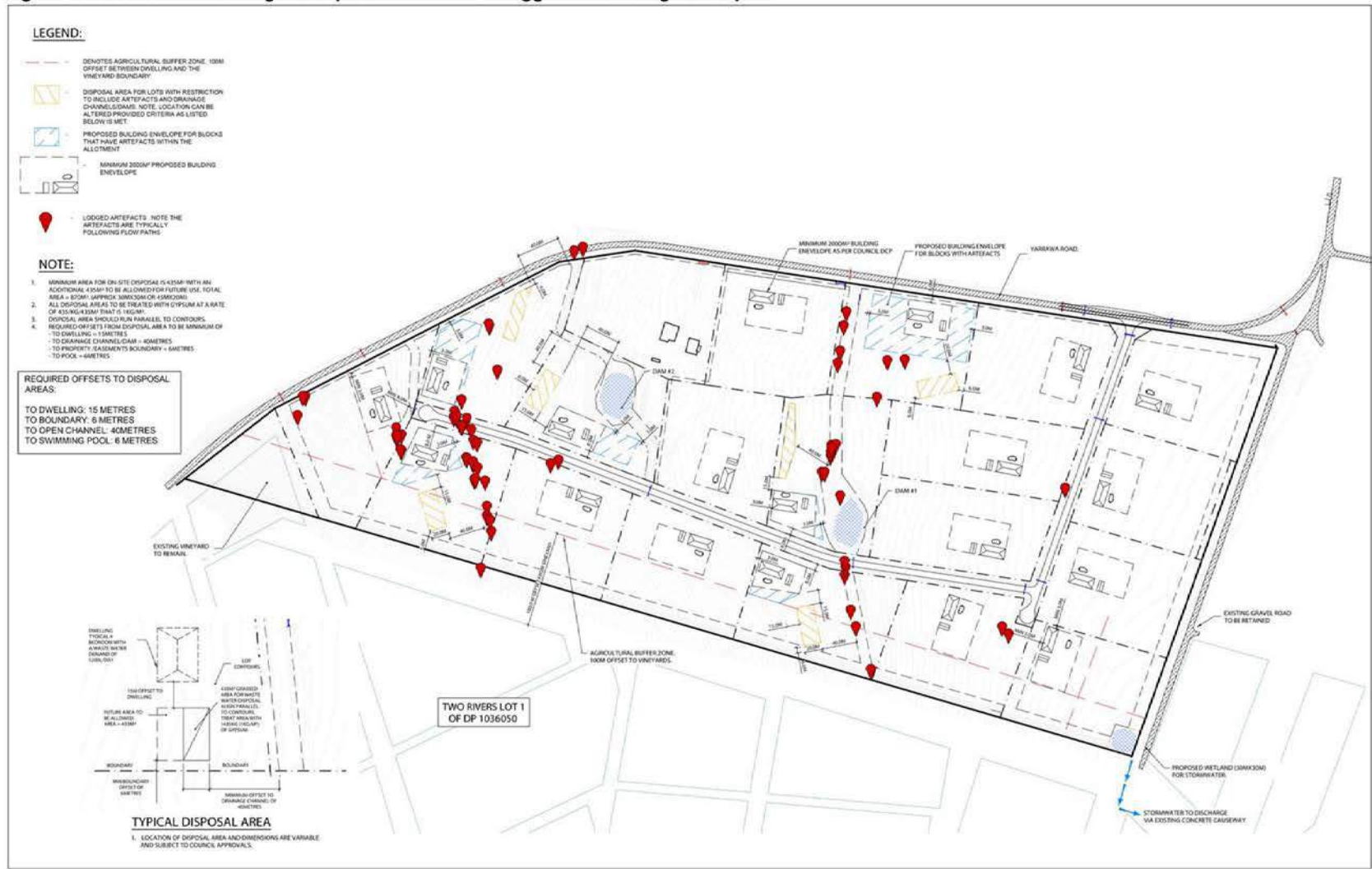
Objectives:

- a) To identify significant development sites which require special consideration and controls

Controls:

- i. When designing development proposals and assessing applications to develop the estate, special consideration is to be given to the impacts that development will have on Aboriginal heritage items/places which may exist across the site.
- ii. **Figure 4** shows the location of significant development sites where studies have identified Aboriginal items of cultural heritage which will be retained and protected. Dwelling envelopes have been identified on these lots and all buildings and OSSM irrigation areas are to be contained within the nominated envelope unless otherwise approved by Council. Areas on the affected lots outside the nominated envelope shall be retained in their current state.

Figure 4: On-site waste management plan easements & suggested building envelopes



Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

28.8 VINEYARD BUFFER

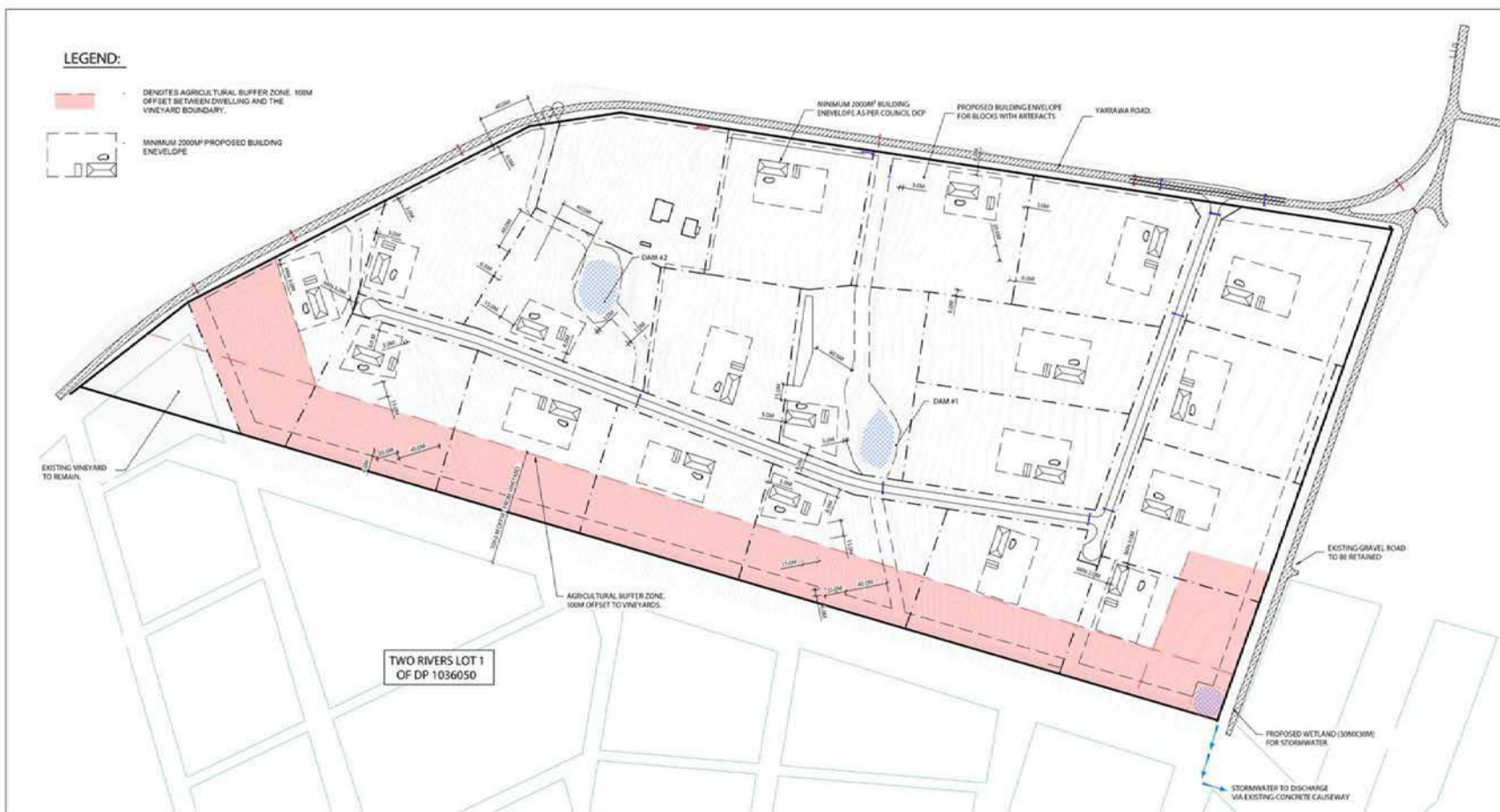
Objectives:

- a) To mitigate the potential impacts of viticulture on residential accommodation,
- b) to protect the viability of viticulture by implementing measures to reduce potential land use conflicts,

Controls:

- i. Development consent should not be granted to erect a building for the purpose of residential accommodation less than 100m from commercial vines as shown on **Figure 5 - Vineyard Buffer**.

Figure 5: Vineyard buffer plan



Muswellbrook Shire Development Control Plan
Section 28
South Denman Urban Release Area

28.9 ANCILLARY STRUCTURES

Objectives:

- a) To ensure ancillary structures do not result in adverse visual impacts within South Denman Urban Release Area.

Controls:

- i. Ancillary residential structures (garaging detached from the dwelling, shed) of a scale suitable with the lot size are permitted provided they are designed and positioned to minimise visual impact to the street and adjoining neighbours.
- ii. Ancillary structures shall not exceed a maximum Gross Floor Area (GFA) of 200m² and a height of 5.5 metres. This maximum GFA and height may only be permitted where the consent authority is satisfied that appropriate landscape screen planting is provided to minimise visual impacts to the street and adjoining neighbours.

**10.2 DA 50/2019 - INDUSTRIAL DEVELOPMENT - ASPHALT PLANT
(DESIGNATED DEVELOPMENT)**

Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Alisa Evans - Projects Planner
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:	A. DA 50/2019 Plans for Approval B. DA 50/2019 Recommended Conditions C. DA 50/2019 Development Assessment report - 347778

APPLICATION DETAILS

Applicant:	Newpave Asphalt Pty Ltd
Owner:	Designbilt Pty Ltd
Proposal:	General Industrial – Asphalt Plant (Designated Development)
Location:	Lot 14 DP 1119843
Permissibility:	The proposed development is permissible as General Industry within the IN1 General Industrial
Recommendation:	Approval

PURPOSE

This report has been prepared to inform Council in determining Development Application (DA) 50/2019. This Development Application has been assessed by Council officers, a copy the Section 4.15 Assessment Report and recommended conditions of consent are attached for Council's information.

The matter is being reported to Council for determination as it is a Designated Development and the height of the proposed Asphalt Plant exceeds the height of buildings permitted on this site under clause 4.3 of *Muswellbrook Local Environmental Plan 2009 (MLEP 2009)*. The maximum building height permitted is 15m and the proposed asphalt plant would have a maximum height of 24m for the platform and 18m for the stack.

The applicant has sought an exemption to this development standard under the 'exceptions to development standards' provisions of Clause 4.6 of the *MLEP 2009* and provided Council with a statement outlining why compliance with the maximum height limitation is unreasonable.

RECOMMENDATION

That Council approve Development Application No. 50/2019, involving the construction and operation of a General Industry (Asphalt Plant) at Lot 14 DP 1119843, 43-45 Enterprise Crescent Muswellbrook, subject the conditions of consent included in Attachment B.

Moved: _____ Seconded: _____

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

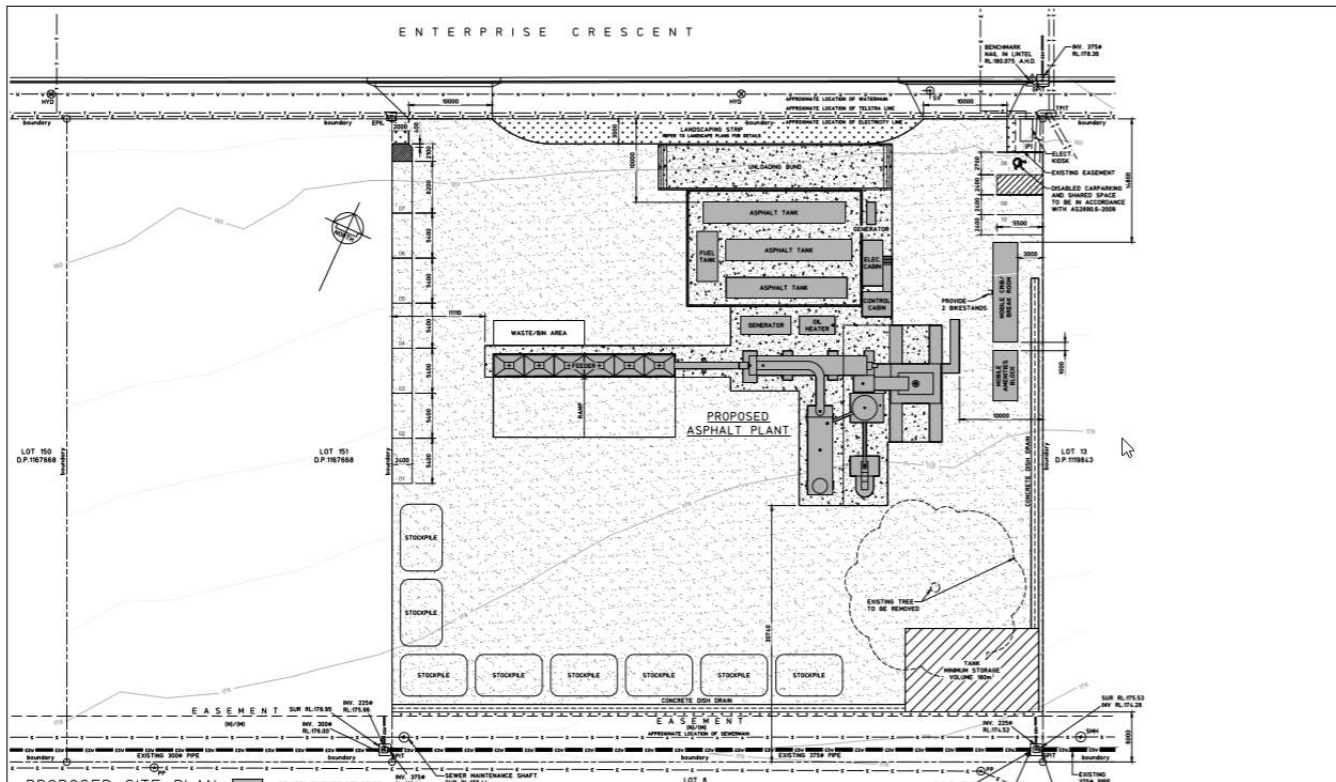
The proposed development involves the installation and operation of an asphalt plant currently stored on the site under the Council's approval of DA 38/2019. The proposed asphalt plant would have an operational capacity of up to 125,000 tonnes of product per year (capacity) with an expected daily production of 1,200 tonnes.

The land subject to this development application is 43-45 Enterprise Crescent, Muswellbrook (Lot 14 DP 1119843). The subject site is zoned IN1 General Industrial under *MLEP 2009* and is located in the Muswellbrook Thomas Mitchell Drive Industrial Area.

A bitumen pre-mix or hot mix plant with the production capacity proposed under this application is identified as 'designated development' under the provisions of the *Environmental Planning Assessment Regulation 2000*. This type of development application is subject to additional assessment provisions under the Regulation. This application has been lodged and assessed in accordance with those provisions and the applicant has prepared and submitted an Environmental Impact Statement (EIS) in accordance with Sectary's Environmental Assessment Requirements (Ref: SEAR 1278).

The works required to establish the asphalt plant at the site are outlined below:

- Installation of components of asphalt plant. Some components exceed 15m in height - the tower (24m) and the stack (18m);
- Establish of hardstand areas over the site and associated earthworks;
- Surface water management works;
- Ramp to aggregate feed bins;
- A crib/break room;
- An amenities block;
- Waste/bin areas;
- Stockpile areas;
- Construction of a second access driveway off Enterprise Crescent; and
- Construction of car parking area (10 car parks).



Extract from detailed plans showing layout of proposed works for application

ASSESSMENT SUMMARY

The application is assessed as designated development under Clause 4(1) and Schedule 3 Clause 5 (Bitumen pre-mix and hot-mix industries) of *Environmental Planning and Assessment Regulations 2000*.

Council Officers have assessed the development application under the relevant heads of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*. As the proposed development is 'designated', an EIS was submitted with the proposal and Council Officers have reviewed this EIS against the SEARS issued for the proposal. A copy of the Section 4.15 Assessment prepared by Council Officers is included as Attachment A. This assessment concludes with a recommendation that Council approve the proposed development subject to the recommended conditions of consent included in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The land subject to this development application is zoned IN1 General Industrial under the *MLEP 2009* and the proposed development is permissible within that land use zone. The subject site is not affected by any environmental constraints which would limit or prohibit the proposed development from being carried out on the site. The proposed development is considered to be compatible with the site attributes and existing development in the locality.
- The proposed development complies with the relevant provisions of the *Muswellbrook LEP 2009*, with the exception of the 15m maximum building height limit prescribed by Clause 4.3. The applicant has requested that Council consider granting the development an exception from compliance with this development standard under the 'exception to development standards' provisions of Clause 4.6 of the *MLEP 2009*.

The applicant has submitted a Clause 4.6 report to inform Council's consideration of this issue. Council Officers have reviewed this report and are satisfied that the exception to the development standard may be supported in view of the operational requirements of the proposed development, the site's location in an industrial area, the scale of nearby development in that locality, and the limited visual intrusion that would result from the proposed height variation. This position has also

been informed by the visual impact assessment submitted by the applicant in relation to the proposed development.

- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's). Council Officers did not identify any inconsistencies with the proposed development and the requirements of any SEPP which would prevent Council from granting development consent to the development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- Through the assessment of the proposed development it was identified that the proposal was likely to have an impact on Council's road network. The proposed development is anticipated to generate 224 additional vehicle trips per day, a significant proportion of which will be heavy vehicles. To manage the impact of this traffic on the local road network, heavy vehicles accessing the site are to be restricted to only entering and exiting the Enterprise Crescent loop road from its southern intersection with Thomas Mitchell Drive. Work is required to upgrade this intersection to include a basic right turn (BAR). To manage any pavement damage, and additional road maintenance requirements associated with the proposed development, the applicant has made an undertaking to enter into a Voluntary Planning Agreement to pay a contribution of \$0.11 per tonne of material produced at the site toward Council.
- The EIS includes detailed reports related to possible environmental impacts, including air quality, noise impact and hazard assessments. These reports indicate that the proposed development would meet the relevant impact assessment criteria and have been reviewed by Council and the NSW Environmental Protection Authority through the assessment of the proposed development. The NSW Environmental Protection Authority recommended a number of conditions of consent to manage and monitor the environmental outputs of the proposed development. These recommended conditions have been reviewed by Council Officers and have informed the recommended conditions of consent.
- Council Officers are satisfied that the proposed development will be situated in a suitable location, and where carried out in accordance with the EIS and Council's recommended conditions of consent, the proposal is unlikely to result in any significant adverse environmental impacts.

COMMUNITY CONSULTATION

The proposed development was notified and advertised for a minimum of twenty-eight days between 4 July 2019 and 5 August 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement and duration of the notification period.

No submissions were received in relation to the application.

OPTIONS

The Council may:

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

LEGAL IMPLICATIONS

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

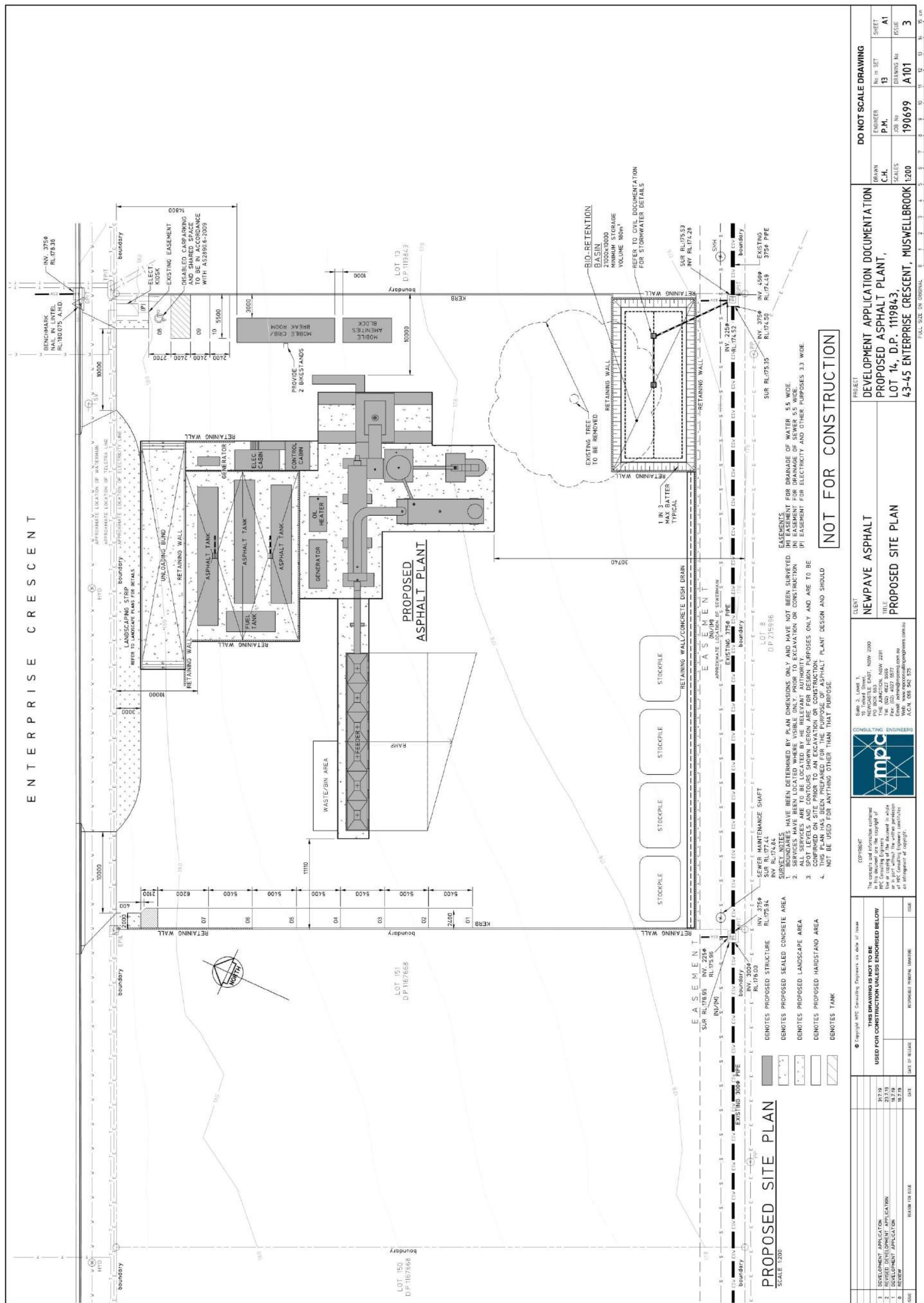
CONCLUSION

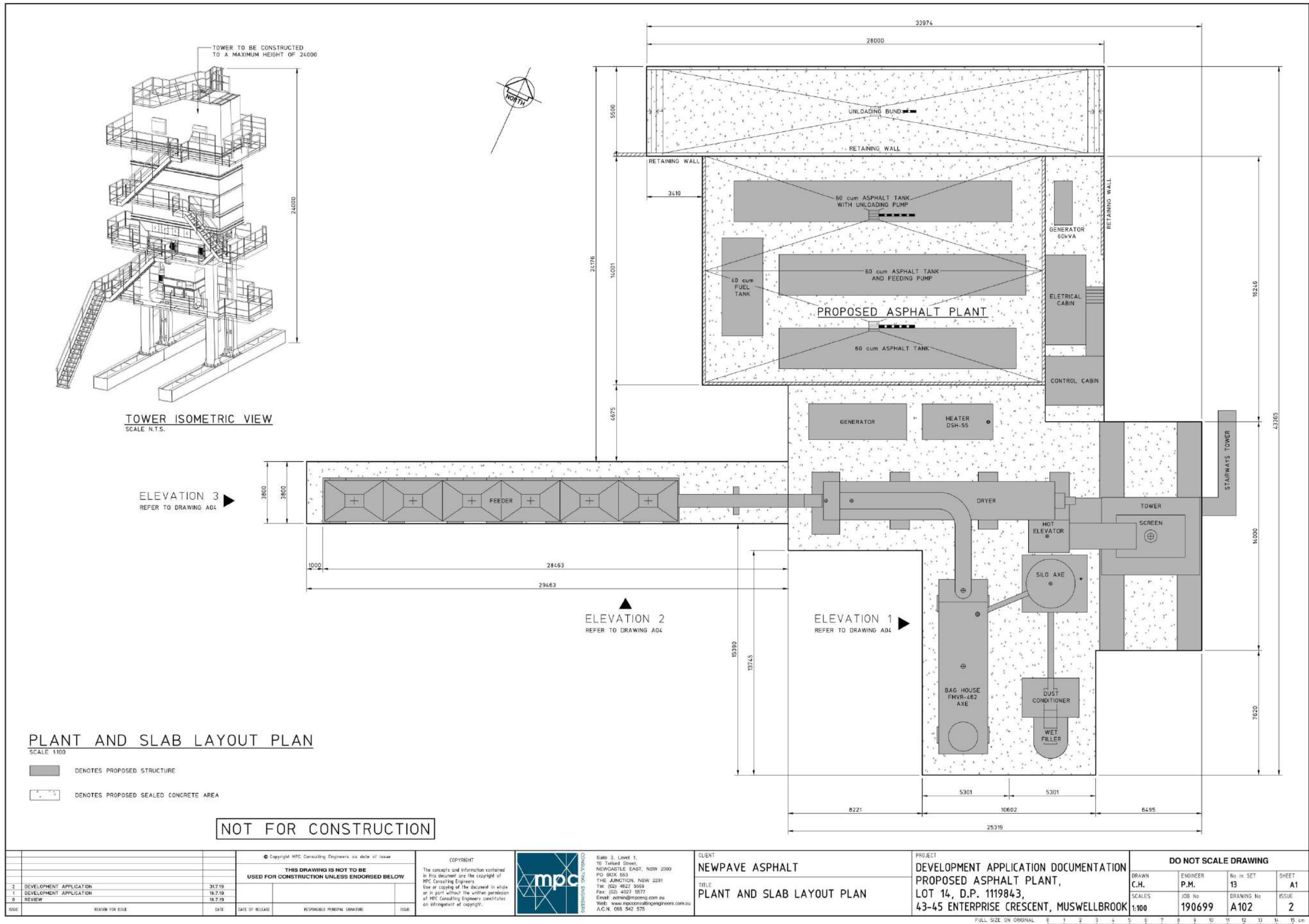
DA 50/2019 has been reported to the Council for determination as the development involves a Designated Development and requires a variation to the height standards in *MLEP 2009*.

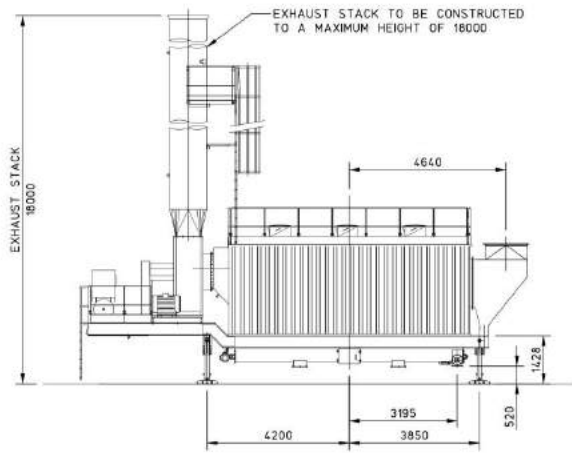
Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. This assessment identifies that the proposed development would be in accordance with the relevant provisions of the *MLEP 2009*, *DCP 2009*, SEPP's and other relevant legislation, with the exception of the LEP maximum height development standard. The proposals non-compliance with the height requirement has been considered through the assessment of the development application. Council Officers are satisfied that there are reasonable grounds varying this development standard in view of the site's locality, the operational requirements of the proposed development, and given it is unlikely that the proposal would result in any significant visual impact.

In view of these findings Council staff recommend that Council grant development consent to DA 50/2019 subject to recommended conditions of consent.

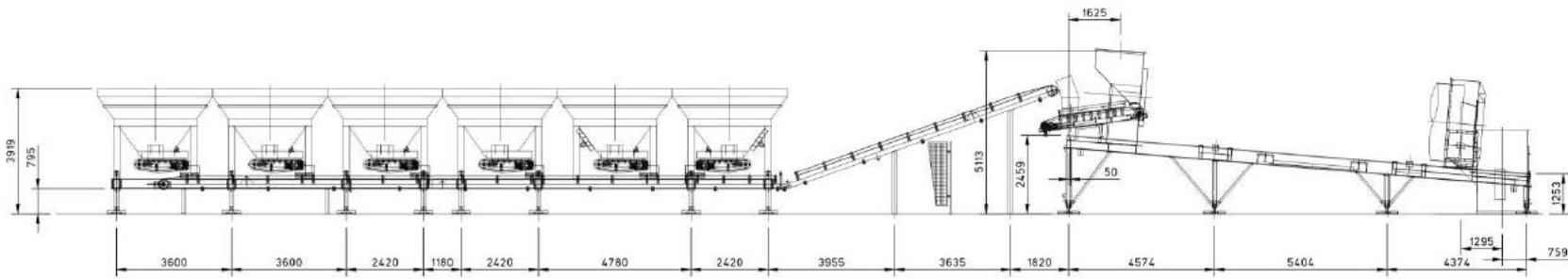
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ELEVATION 1



ELEVATION 2



ELEVATION 3

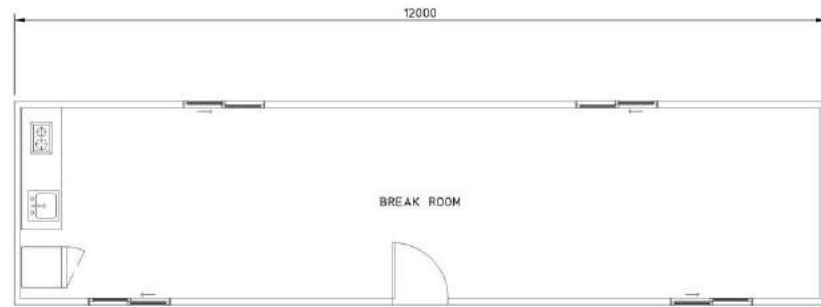
PLANT ELEVATIONS

SCALE 1:100

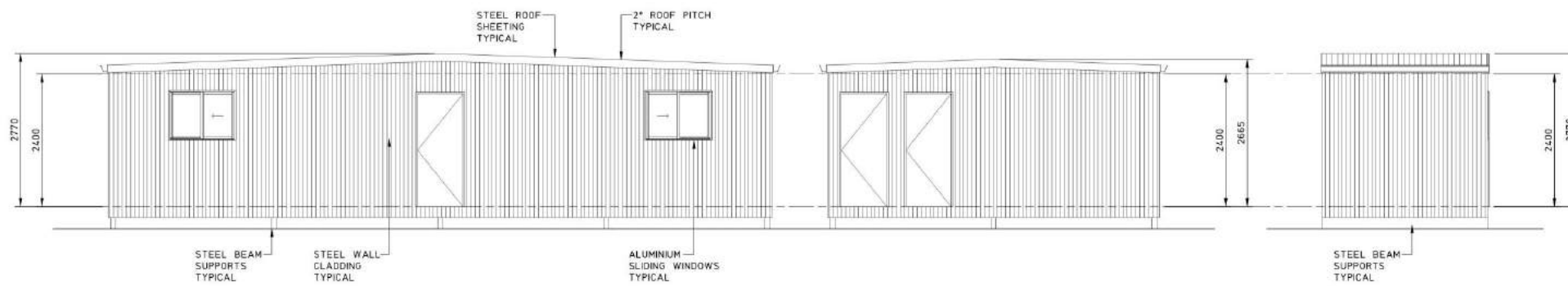
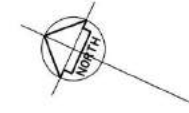
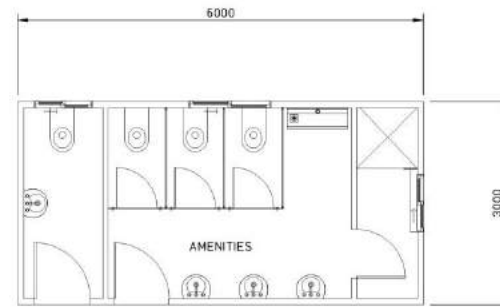
NOT FOR CONSTRUCTION

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2	DEVELOPMENT APPLICATION	31.7.19	THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS ENDORSED BELOW		DRAWN C.H.	ENGINEER P.M.					No in SET 13	SHEET A1		
1	DEVELOPMENT APPLICATION	18.7.19			SCALES	JOB No					DRAWING No	ISSUE		
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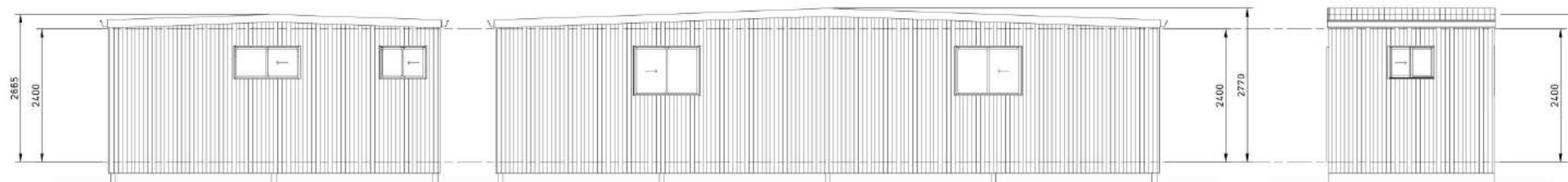


FLOOR PLAN
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WEST ELEVATION
SCALE 1:50

NORTH ELEVATION
SCALE 1:50



EAST ELEVATION
SCALE 1:50

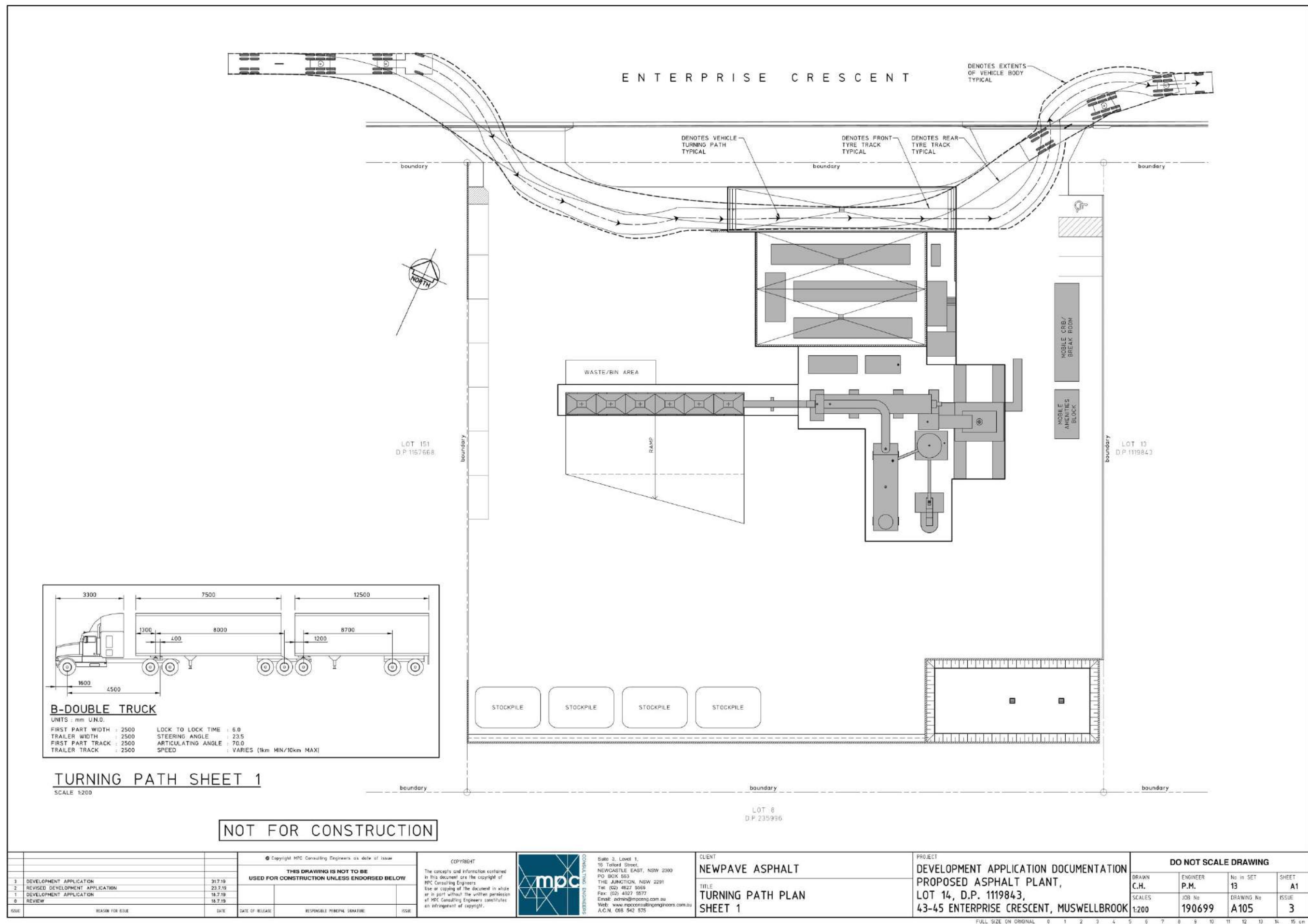
SOUTH ELEVATION
SCALE 1:50

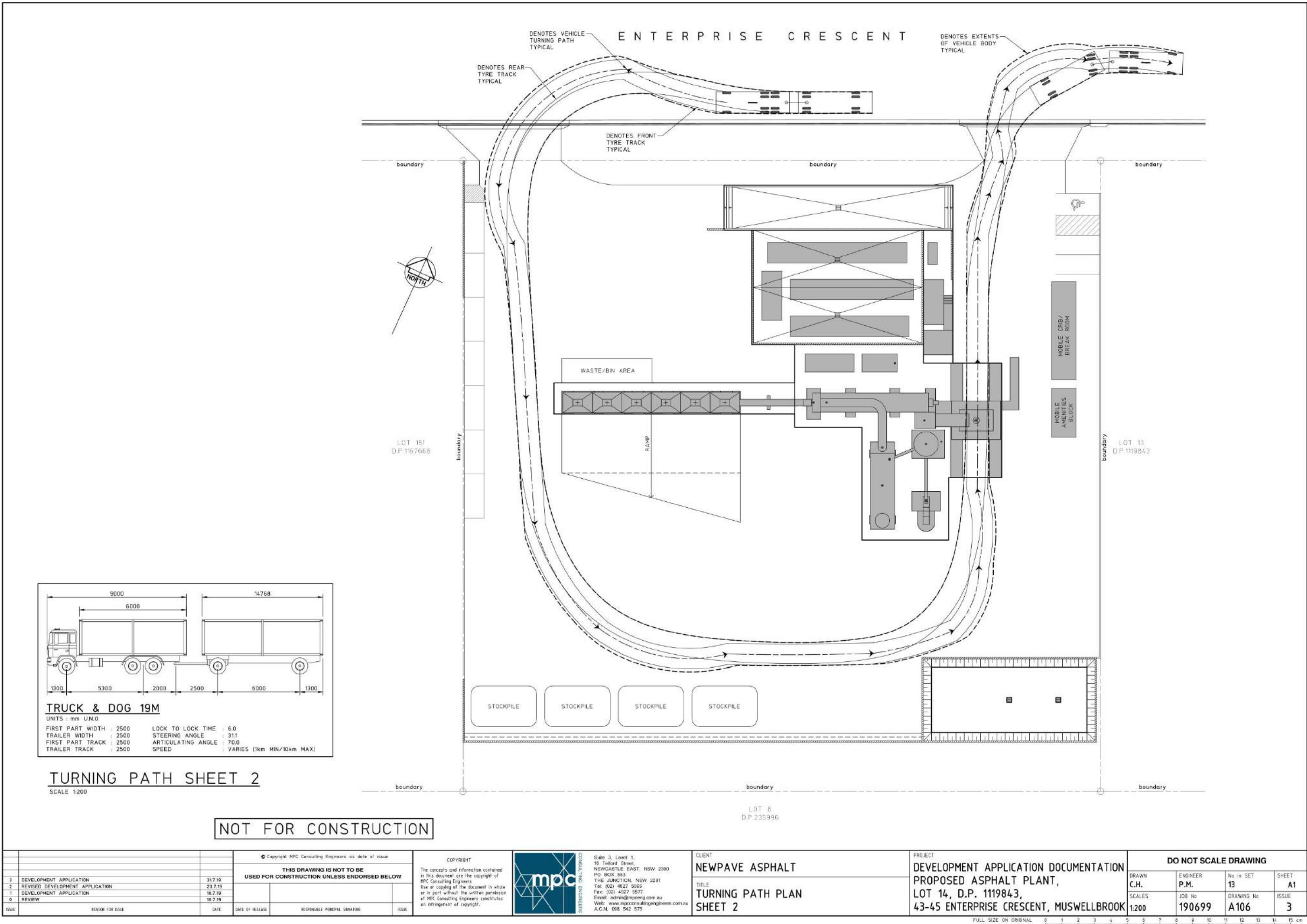
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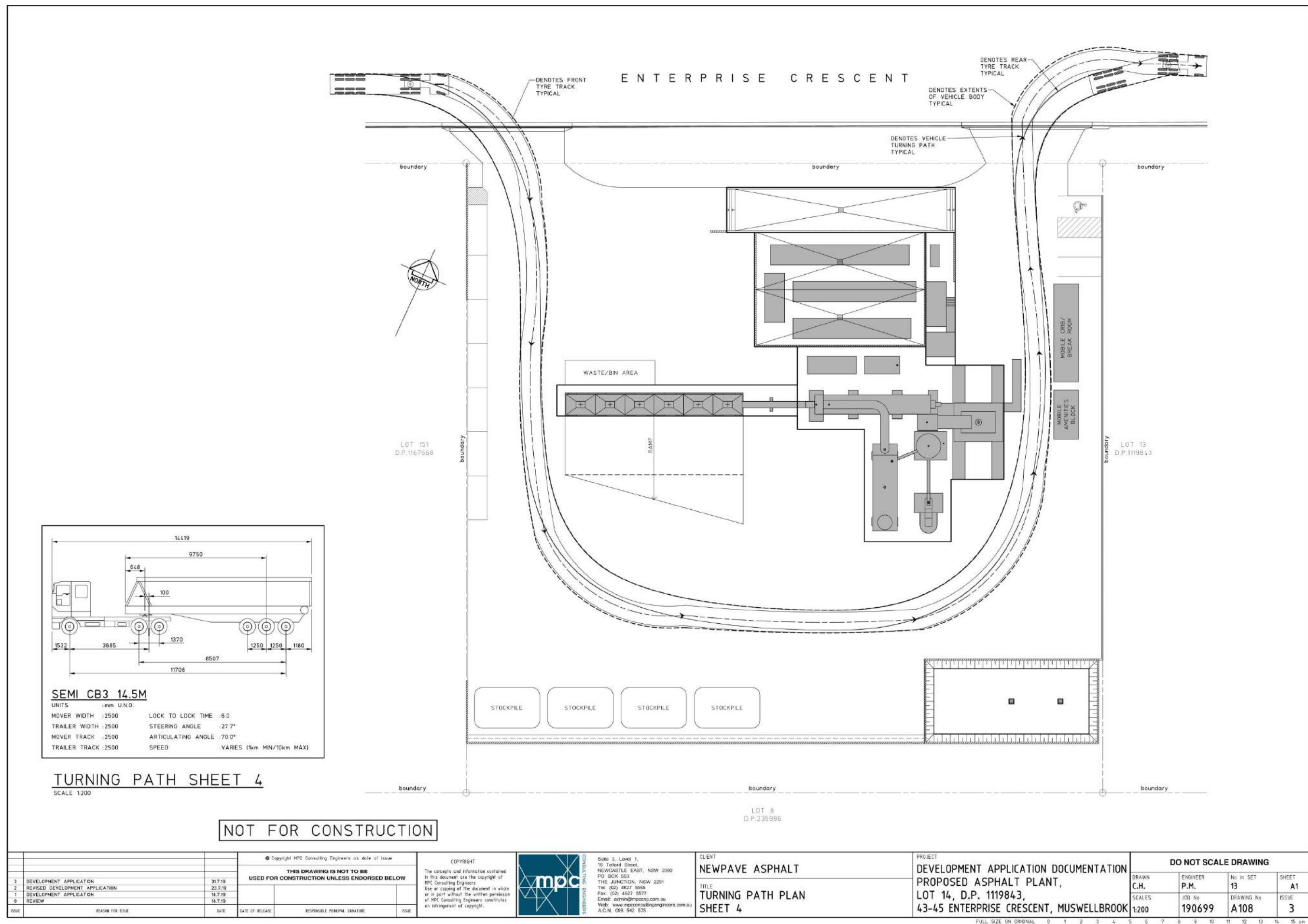
		© Copyright MPC Consulting Engineers as date of issue		COPYRIGHT		CLIENT		PROJECT		DO NOT SCALE DRAWING			
		THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS ENDORSED BELOW		The concepts and information contained in this document are the copyright of MPC Consulting Engineers. Use or copying of the document in whole or in part without the written permission of MPC Consulting Engineers constitutes an infringement of copyright.		NEWPAVE ASPHALT		DEVELOPMENT APPLICATION DOCUMENTATION PROPOSED ASPHALT PLANT, LOT 14, D.P. 1119843, 43-45 ENTERPRISE CRESCENT, MUSWELLBROOK		DRAWN C.H.	ENGINEER P.M.	No in SET 13	SHEET A1
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0	REVIEW	18.7.19											
ISSUE	REASON FOR ISSUE	DATE	DATE OF RELEASE	RESPONSIBLE PRINCIPAL SIGNATURE	ISSUE								



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DA 50/2019 Recommended Conditions of Consent:

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
Job No. 190699 A100	2	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A101	3	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A102	2	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A103	2	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A104	2	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A105	3	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A106	3	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A107	3	MCP Consulting Engineering	31/7/2019	24/09/2019
Job No. 190699 A108	3	MCP Consulting Engineering	31/7/2019	24/09/2019

2. Development in Accordance with Documentation

The development is to be carried out generally in accordance with the following documents and amended documents:

Title	Written by	Date
Environmental Impact Statement	ADW Johnson Ptd Ltd	21 June 2019

Note: Nothing in this consent authorises any site activities or civil works including, but not limited to earthworks, the installation of any utility service, excavation, filling of land, construction of any roads, pathways or retaining walls, undertaking landscaping works or riparian corridor rehabilitation, bushfire hazard management works, clearing of vegetation or the removal of topsoil, before a Construction Certificate has been issued for the development.

ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE
--

3. Construction Management Program

A Construction Management Program must be prepared and submitted to, and approved in writing by the Council prior to the issue of any Construction Certificate. 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.

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.

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

5. Construction Certificate Requirement

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

6. 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 Principal Certifying Authority prior to release of the Subdivision or Occupation Certificate.

7. Vehicular Access way Design – Commercial and Industrial

Prior to the issue of a Construction Certificate, the applicant is to submit to a detailed design plan for the upgrade of the intersection between Thomas Mitchel Drive and Enterprise Crescent (south) for Council's approval. The design shall be in accordance with the requirements of Council's Community Infrastructure Department and be for the construction of a Basic Right Turn (BAR) at this intersection. Prior to the issue of a Construction Certificate the Certifying Authority is to be provided with evidence, demonstrating that an appropriate design has been approved by Council, in writing.

It will be necessary for the person acting with this consent to construct the required intersection as part of this development and a Section 138 *Roads Act 1993* approval application must be lodged with Council for approval prior to the commencement of works related to its construction.

Any Section 138 application is to be accompanied by all construction documentation required by Council's Community Infrastructure Department.

8. Section 68 Local Government Act Approvals

Prior to the issue of a Construction Certificate, and the commencement of any works, it is necessary for the applicant to obtain a Section 68 *Local Government Act* approval for all drainage works for stormwater design.

9. Sediment Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, details including plans and specifications shall be submitted to Council accompanying the Construction Certificate, which provide adequate measures for erosion and sediment control. 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.

Details from an appropriately qualified person showing that these design requirements have been met shall be submitted with the Construction Certificate and approved in writing by the Certifying Authority prior to issuing of the Construction Certificate.

10. Parking for People with Disabilities

A total of ONE (1) car-parking space, for use by persons with a disability, shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

11. Off-Street Car Parking

A total of seven (7) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent.

A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority for approval with the Construction Certificate.

12. Planning Agreement

Prior to the issue of a Construction Certificate, the person acting with this consent shall submit to Council a draft Planning Agreement to be entered into between the person acting with this consent and Council. The Planning Agreement shall relate to the payment of a contribution of \$0.11 per tonne of material produced from the Asphalt Plant, to off-set the impact of heavy vehicle traffic movements on Council's road network. The required contribution should be paid to Council on an annual basis.

The draft Planning Agreement is to be prepared by an appropriately qualified person. A Planning Agreement is to be entered into between relevant parties prior to the issue of an Occupation Certificate unless otherwise agreed by Council.

13. Tonnage details for material produced by the Asphalt Plant are to be provided to Council on an annual basis.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

14. 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.

15. Site Sign

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

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

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

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

16. Construction Certificate Requirement

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

17. 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.

18. 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
--

19. 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.

20. 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.

21. Excavation/Demolition

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- (d) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

22. Mandatory Council Inspections

At the following stages of construction, a satisfactory report from Council is to be obtained prior to works proceeding:

- (a) Sewer drains – all pipes are to be correctly laid, suitably bedded and ready to backfill. Suitable backfill material is to be available on site at the time of inspection.
- (b) Connection of stormwater drainage to easement– following installation and bedding of drainage lines and prior to backfilling
- (c) Driveway crossover of the footpath or nature strip:
 - prior to pouring concrete
 - Section 138 Roads Act Permit required prior to inspection being carried out.
- (d) Council infrastructure- at completion of works and prior to an Occupation Certificate inspection.

To arrange an inspection please contact Council's Environmental Service Department on (02) 6549 3745.

Note: Inspection fees will be charged in accordance with Council's adopted fees and charges and must be paid prior to the issue of the Construction Certificate.

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

23. 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

24. Planning Agreement

Unless otherwise agreed by Council in writing, the person acting with this consent is to enter into a Planning Agreement with Council for the payment of a contribution in

accordance with the terms offered by the applicant and referenced by this consent prior to the issue of an Occupation Certificate.

25. Thomas Mitchell Drive/Enterprise Crescent Intersection Construction

Prior to the issue of an Occupation Certificate, the applicant is to construct a Basic Right Turn (BAR) upgrade to the intersection between Thomas Mitchell Drive and Enterprise Crescent (south) in accordance with the design plans prepared in accordance with the requirements of this consent and to the satisfaction of the Roads Authority (Muswellbrook Shire Council).

26. 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.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO FINAL COMPLETION
--

27. Air Quality Testing

The proponent must undertake post commissioning testing. The post commissioning testing must be conducted for:

- a. The dryer exhaust stack, for the following pollutants
 - i. Particulates;
 - ii. Oxides of nitrogen;
 - iii. Sulphur dioxide;
 - iv. Speciated volatile organic compounds (VOCs); and
 - v. Polycyclic Aromatic Hydrocarbons (PAHs).
- b. The diesel generator, for the following pollutants:
 - i. Particulates;
 - ii. Oxides of nitrogen; and
 - iii. Sulphur dioxide. The testing must be undertaken in accordance with the Approved Methods for Sampling and Analysis of Air Pollutants in NSW.

Copies of any reports prepared as a result of this testing shall be provided to Council for review and demonstrate that the equipment achieves the relevant operation requirements.

28. Air Quality Verification Assessment

The proponent must prepare a Post Commissioning Air Quality Verification Assessment (the Verification Assessment). The Verification Assessment must:

- a. Include a detailed description of the operating regime at the time post commissioning testing is undertaken to ensure testing undertaken represent reasonable worst-case emissions;
- b. Compare emission rates based on post commissioning testing with the emission rates adopted within the Air Quality Assessment submitted for the project;

- c. Verify predicted ground level concentrations based on post commissioning testing; and d. Where verification under (c) identifies potential for additional exceedances of the EPA's assessment criteria contained in the Approved Methods for Modeling and Assessment of Air Pollutants in NSW, the proponent must investigate additional feasible and reasonable mitigation measures to minimise emissions.

Copies of any reports prepared as a result of this testing shall be provided to Council for review and demonstrate that the equipment commissions for the operation of the site complies with the relevant air quality criteria.

29. Bunding requirements for tanks and bulk liquid storage containers

Tanks and bulk liquid storage containers shall be stored in a bunded area. The bund shall be constructed of impervious materials and shall be of sufficient capacity to contain 110% of the volume of the tank, or 110% volume of the largest tank where a group of tanks are installed, allowing for volume loss due to multiple tanks. Walls heights and distances from tanks shall be calculated based on the requirements of relevant Australian Standards.

30. Activities not to pollute waters

All activities shall be undertaken to prevent the pollution of waters

31. Specifications for collection sump, pipework and bunding

A collection sump shall be provided in the bund floor to facilitate the removal of liquids. All pipe work from the enclosed tanks and/or pumps shall be directed over the bund wall and not through it. Facilities shall be provided for disposing of any spillages or wastes in the bunding, a manner which does not pollute waters. The floor levels within the bund shall be graded so that the fall is towards the floor collection sump.

32. Bunding requirements for bulk liquid raw material storage tanks

Bulk liquid raw material storage tanks shall be provided with bunds constructed of impervious materials and shall be of sufficient size to contain 110% volume of the tanks. Walls should not be less than 250mm high.

33. Requirements for spill trays

Spill trays shall be fitted to all fixed pumps handling liquids or waste products, these trays shall be directly drained into a closed collection system. The trays shall be of a sufficient size to collect all leakage from the pump or spillage occurring when the pump is dismantled.

34. Requirements for overfill protection for bulk liquid tanks

All bulk liquid tanks shall be fitted with high level sensors and overfill protection devices, connected to audible and visual alarm systems, and designed to stop the flow of liquid into the tank to prevent the overflow of liquid. The system shall be installed to prevent siphoning when operations are being carried out for remote filling or emptying the

storage tanks. All bulk tanker loading and unloading activities shall be carried out under cover and in a bunded area.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

35. Washing of trucks and equipment

Unless otherwise approved by Council in writing the washing of vehicles onsite is prohibited.

Vehicles requiring washing must be washed down on an approved site for the washing of trucks and machinery.

36. Lighting

No flood lighting is to be directed to or cause a nuisance to any adjoining or neighbouring property.

37. Landscaping

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

38. Air Quality Odour

The proponent must not cause the emission of offensive odour beyond the site boundary. Offensive odour is defined by the Protection of the Environment Operations Act (1997).

Note: The premises must be maintained in a manner that prevents or minimises air emissions.

39. Air Emissions

The proponent must operate plant and equipment in a manner that prevents or minimises air emissions. The following is to be fitted to equipment or installed:

- a) Emissions from the dryer must be directed to a baghouse;
- b) Bitumen storage tank vents must be fitted with carbon filters; and
- c) The load-out area must be enclosed on a minimum of two sides, with fume capture directed to the baghouse.
- d) Material stockpiles must be enclosed on three sides and fitted with a wet suppression system.

40. Noise Generation

Noise generated at the premises must not exceed the noise limits at the times and locations in the table below. The locations referred to in the table below are indicated by Figure 3 of the Noise Impact Assessment, SLR, Reference: 630.12689-R01 Version No.: -v1.3, dated September 2019.

Location	Noise Limits in dB(A)			
	Day	Evening	Night	Night Max
	LAeq(15 minute)	LAeq(15 minute)	LAeq(15 minute)	LAFmax
307 Denman Road, Muswellbrook (Lot 102, DP 1170190)	47	41	38	52
395 Denman Road, Muswellbrook (Lot 2, DP 515936)	47	41	38	52
382 Denman Road, Muswellbrook (Lot 12, DP 236687)	47	41	38	52

Note: For the purposes of this condition :

- a) Day means the period from 7am to 6pm Monday to Saturday and the period from 8am to 6pm Sunday and public holidays.
- b) Evening means the period from 6pm to 10pm.
- c) Night means the period from 10pm to 7am Monday to Saturday and the period from 10pm to 8am Sunday and public holidays.

41. Noise-enhancing

Noise-enhancing meteorological conditions are to be as follows:

- a) The noise limits set out in condition 38 apply under the following meteorological conditions:

Assessment Period	Meteorological Conditions
Day	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Evening	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level.
Night	Stability Categories A, B, C, D and E with wind speeds up to and including 3m/s at 10m above ground level; or Stability category F with wind speeds up to and including 2m/s at 10m above ground level.

- b) For those meteorological conditions not referred to in condition, the noise limits that apply are the noise limits in condition 38 plus 5dB.

Note: For the purposes of condition:

- a) The meteorological conditions are to be determined from meteorological data obtained from the meteorological weather station identified as Bureau of Meteorology AWS at Scone Airport (station number 061363).
- b) Stability category shall be determined using the following method from Fact Sheet D of the Noise Policy for Industry (NSW EPA, 2017):
 - i. Pasquill-Gifford stability classification scheme (section D1.3.1).

42. Request for Noise Monitoring

The proponent must carry out attended noise monitoring at sensitive receivers if requested in writing by an officer of either Muswellbrook Council or the Environment Protection Authority.

To assess Compliance at the site it shall be:

- a) with the LAeq(15 minutes) or the LMax noise limits in condition 38 and 39, the noise measurement equipment must be located:
 - i. approximately on the property boundary, where any residence is situated 30 metres or less from the property boundary closest to premises; or where applicable,
 - ii. in an area within 30 metres of a residence façade, but not closer than 3 metres where any residence on the property is situated more than 30 metres from the property boundary closest to the premises; or, where applicable,
 - iii. in an area within 50 metres of the boundary of a National Park or Nature Reserve,
 - iv. at any other location identified in condition 38.
- b) with the LAeq(15 minutes) or the LMax noise limits in condition 38 and 39, the noise measurement equipment must be located:
 - (i) at the reasonably most affected point at a location where there is no residence at the location; or,
 - (ii) at the reasonably most affected point within an area at a location prescribed this condition.

Note: A non-compliance of conditions will still occur where noise generated from the premises is measured in excess of the noise limit at a point other than the reasonably most affected point at the locations referred to in this condition. The reasonably most affected point is a point at a location or within an area at a location experiencing or expected to experience the highest sound pressure level from the premises.

Note: For the purpose of determining the noise generated from the premises, the modifying factor corrections in Table C1 in Fact Sheet C of the Noise Policy for Industry (NSW EPA, 2017) may be applied, if appropriate, to the noise measurements by the noise monitoring equipment.

43. Noise measurements

Noise measurements must not be undertaken where rain or wind speed at microphone level will affect the acquisition of valid measurements.

44. Works outside of Construction Hour

The following activities may be carried out outside the recommended construction hours:

- a) construction that causes LAeq(15minute) noise levels that are:
 - i. no more than 5dB above Rating Background Level at any residence in accordance with the Interim Construction Noise Guideline (DECC, 2009); and
 - ii. no more than the Noise Management Levels specified in Table 3 of the Interim Construction Noise Guideline (DECC, 2009) at other sensitive land uses; or
- b) for the delivery of materials required by the police or other authorities for safety reasons; or
- c) where it is required in an emergency to avoid the loss of lives, property and/or to prevent.

45. Access

Access to the site will be restricted to 'in' only via the western driveway crossover and 'out' only via the eastern driveway crossover. The driveways are to be clearly sign posted with the requirement to ensure safe operation onsite for vehicles.

46. Restriction of Heavy Vehicle Use to the northern Enterprise Crescent Intersection

At all times heavy vehicles traveling to and from the site are restricted from using the northern Thomas Mitchell Drive/Enterprise Crescent intersection. All heavy vehicle movements shall be via the southern Thomas Mitchell Drive/Enterprise Crescent intersection which is to be upgraded to include a Basic Right Turn (BAR) in accordance with the requirements of this consent.

47. Waste Management

At all times, unless otherwise approved by Council in writing any wastewater associated with the operation of the premises is to be managed in accordance with the Waste Management Plan submitted with the development application. No liquid waste is permitted to be discharged into Council sewerage system unless a Liquid Trade Waste Agreement is entered into between the site operator and Council and appropriate waste treatment systems installed.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 14 DP: 1119843 43-45 Enterprise Crescent MUSWELLBROOK			
APPLICATION No:	50/2019			
PROPOSAL:	Industrial Development - Asphalt Plant			
PLANS REF:	Drawings no.	Drawn by	Date	Received
	Job No 190699	MPC Consulting Engineering	31/7/2019	24/9/2019
OWNER:	Nq Asphalt Holdings Pty Ltd			
APPLICANT:	Newpave Asphalt C/- Adw Johnson 7/335 Hillsborough Road WARNERS BAY NSW 2282			
AUTHOR:	Ms A J Evans			
DATE LODGED:	21-06-2019			
AMENDED:				
ADD. INFO REC'D:	24/09/2019			
DATE OF REPORT:	11 December 2019			

SUMMARY

ISSUES: Height Variation Clause 4.6

SUBMISSIONS: No Submissions

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The land subject to this development application is 43-45 Enterprise Crescent, Muswellbrook (Lot 14 DP 1119843). The subject site is situated within the Thomas Mitchell Drive Industrial Estate. The land was created in 2008 as a result of a subdivision approved by Council (DA 238/2005).

The equipment associated with the asphalt plant is currently stored on the land. Storage of the plant on the land was approved by Council under DA 38/2019. The application before Council relates to its construction/installation of the equipment and its ongoing operation.

The subject site has a slight slope away from Enterprise Crescent. At the rear of the site there is an easement for stormwater and sewer drainage benefiting Council. Lots immediately adjoining the site to the east and west are vacant, while a mixed use industrial building is adjacent the site on the northern site of Enterprise Crescent. There are a range of industrial enterprises operating on sites in the locality.

The land is zoned IN1 General Industrial under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.

2.0 DESCRIPTION OF PROPOSAL

The proposed involves undertaking works required to make the asphalt plant equipment currently stored on the site, under the Council's approval of DA 38/2019, operational. The asphalt plant would have an operational capacity of up to 125,000 tonnes of product per year (capacity) with an expected daily production of 1,200 tonnes.

Under the provisions of the Environmental Planning and Assessment Regulation 2000, bitumen pre-mix and hot mix industries, with a production capacity of more than 150 tonnes/day or 30,000 tonnes/year are classified as 'designated development' and are subject to particular assessment requirements under the *Environmental Planning and Assessment Act 1979*. This application has been lodged and assessed in accordance with those requirements and the applicant has prepared and submitted an Environmental Impact Statement (EIS) to meet the DPIE Secretary's Environmental Assessment Requirements (Ref: SEAR 1278) in relation to the proposed development.

The works outlined in the EIS include:

- Installation of asphalt plant equipment, some components with heights that exceed the maximum building height for this site. This is the tower (24m) and the stack (18m);
- Establishment of hardstand areas over the site and associated earthworks;
- Surface water management works;
- Ramp to aggregate feed bins;
- Crib/break room;
- Amenities block;
- Waste/bin areas;
- Stockpile areas;
- Construction of a second access driveway off Enterprise Crescent; and
- Construction of car parking area (10 car parks).

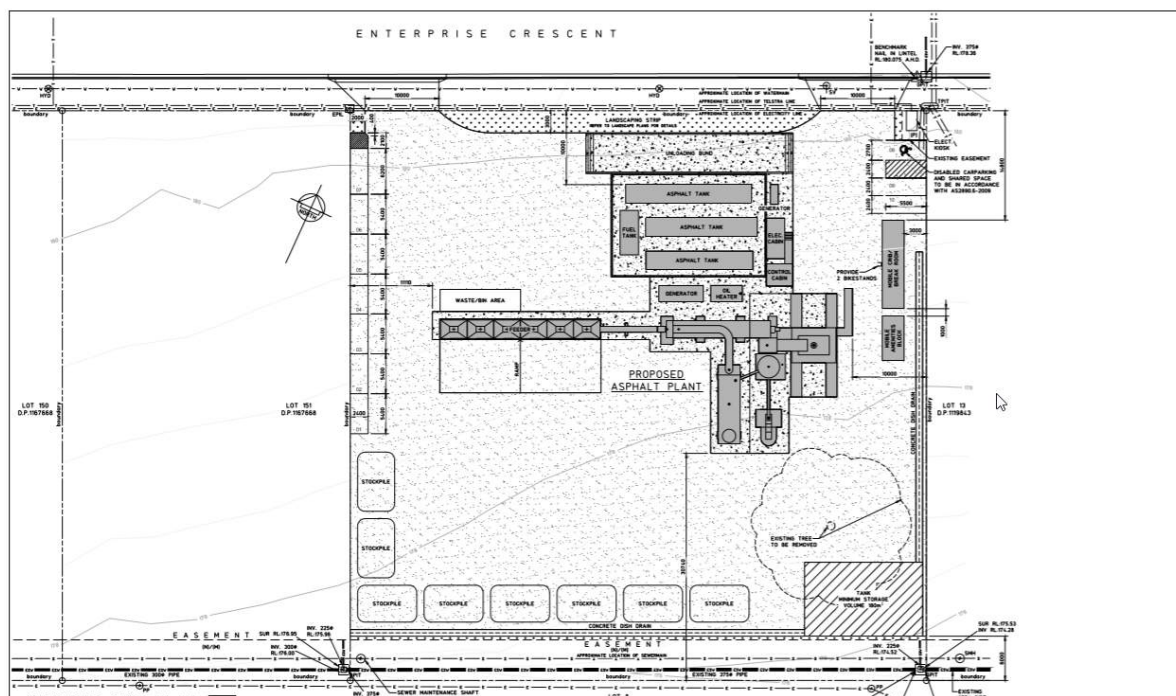


Fig.1 Extract from detailed plans showing site layout

Under the proposal the applicant has sought Council approval to operate the asphalt plant on a 24 hour, 7 day per week basis.

The EIS includes a number of technical reports submitted as appendixes that relate to the proposed operation and output of the facility. These include:

- **APPENDIX J** State Government Agency Consultation
- **APPENDIX K** Community Consultation Letter
- **APPENDIX L** Noise Impact Assessment
- **APPENDIX M** Air Quality And Greenhouse Gas Assessment
- **APPENDIX N** Traffic And Parking Assessment
- **APPENDIX O** Water Cycle Management Plan
- **APPENDIX P** Visual Impact Assessment
- **APPENDIX Q** SEPP 33 Hazard Assessment
- **APPENDIX R** Aboriginal Archaeology Due Diligence Assessment
- **APPENDIX S** Flora And Fauna Assessment
- **APPENDIX T** Preliminary Geotechnical Assessment
- **APPENDIX U** Waste Management Plan

These documents have been reviewed by Council Officers as part of the assessment of potential environmental impacts associated with the proposed development.

3.0 SPECIALIST COMMENTS

3.1 External Referrals

Clause 77 of the Environmental Planning and Assessment Regulation 2000 requires a Consent Authority to give notice of a 'designated development application' to any public authority that may in its opinion have an interest in the determination of that application.

3.1.1 Roads and Maritime Services

The proposed development was referred to the NSW Roads and Maritime Services (RMS) on the 3 July 2019. The NSW RMS provided comments in relation to the development application dated 31 July 2019.

These comments raised no objection to the proposed development and provided advice to Council which has been considered in the determination of this application.

3.1.2 Office of Environment & Heritage

The proposed development was referred to the NSW Office of Environment and Heritage on the 3 July 2019. A reply with no comments was received in relation to the application.

3.1.3 Department of Primary Industries – Lands

The proposed development was referred to the NSW Department of Primary on the 3 July 2019. A reply with no comments was received in relation to the application.

3.1.4 Environment Protection Authority

The proposed development was referred to the NSW Environmental Protection Authority (EPA) on the 3 July 2019. The NSW EPA provided an initial response in relation to the proposed development on the 5 August 2019, requesting additional information to inform its review of the proposed development.

The applicant provided additional information for consideration by Council and the NSW EPA. The NSW EPA subsequently raised no objection to the proposed development and recommending 19 conditions related to the management of emissions and environmental impact of the proposed development. These recommended conditions have been reviewed by Council Officers and have been put forward as recommended conditions of consent.

3.2 Internal Referrals

Community and infrastructure

In the assessment of the development it was determined that the volume of truck movements likely would impact the road network. It was recommended that the applicant enter into a voluntary planning agreement for road maintenance of Enterprise Crescent and adjoining road networks, with a base rate of \$0.11 per tonne of material (asphalt) produced.

Secondly, it was recommended that truck movements be limited to one intersection of Enterprise Crescent. The South intersection has been selected. A condition of consent is recommended that the applicant lodge a s138 Application to upgrade the intersection to Council's requirements at the cost of the proponent.

These requirements are deemed necessary to mitigate the Impact of the development on the locality and the road network and safety.

Water and Waste

Comments provided from water and waste raised no objection to the proposed development and advised that it would be necessary for standard Council conditions to be imposed on any consent requiring the applicant to obtain a Notice of Requirements from Council, as the Water Authority for the reticulated sewerage and water networks, bear the cost of any improvements to that network required as an outcome of the development, and pay relevant sewer and water headwork's contributions.

These requirements have been incorporated into the recommended conditions of consent.

4.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned IN1 General Industrial pursuant to Muswellbrook LEP 2009. The proposal is best defined as *general industry*, which is permitted with consent in the subject Zone.

Objectives of the IN1 General Industrial Zone

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.
- To recognise existing industries and to encourage the establishment of new industries so as to expand the local employment base, and to minimise any adverse effects of industry on residential communities.
- To accommodate larger industries or those which potentially could create nuisance in locations separated from residential areas but accessible to the workforce.
- To enable development that is associated with, ancillary to, or supportive of industry or industrial employees.

It is considered that the development proposal is compatible with the objectives of the zone. The proposal will generate up to 10 fulltime positions for the site as well as support secondary employment opportunities through economic activity associated with servicing industries and contractors.

The site is suitable and well placed to service Muswellbrook LGA and the Lower Hunter Region. Where environmental impacts have been identified solutions and mitigation measures have been applied to minimise impact.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

Part 1 Preliminary	
Part 2 Permitted or prohibited development	
2.3 Zone objectives and Land Use Table	The proposed development is considered to be compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. Complies
Part 3 Exempt and complying development	
Part 4 Principal development standards	
4.1 Minimum subdivision lot size	The proposed development does not involve the subdivision of the subject site. Not Applicable.

4.3 Height of buildings	<p>Muswellbrook LEP 2009 specifies a building height limit of 15m in relation to the land. The proposal involves the construction of a structure with a height of 24m.</p> <p>To support the consideration of the proposed development, despite its non-compliance with this LEP development standard, the applicant has lodged a request for Council to approve the development application with an exception to the maximum building height development standard, pursuant to the provisions of Clause 4.6 of the <i>MLEP 2009</i>. Council Officers have reviewed the information provided and are satisfied that Council may support the proposed height exceedance.</p> <p>May be supported pursuant to Clause 4.6</p>
4.4 Floor space ratio	<p><i>MLEP 2009</i> specifies a floor space ratio of 1:1 in relation to the land. The proposal does not involve building works that would result in floor space greater than 1:1 of the site. Complies</p>
4.5 Calculation of floor space ratio and site area	NA
4.6 Exceptions to development standards	<p>The applicant has lodged an objection to the development standard specified by Clause 4.3. The height is required to facilitate the asphalt plant's tower (24m) and exhaust stack (18m).</p> <p>The height exceedance has been supported by Request to Vary Building Height (Appendix H). The document outlines that the strict compliance is not warranted and that the 2 slim structures are not detrimental to the locality and the streetscape (visually imposing) and are required to facilitate the development. This position is further supported by a visual impact assessment that has been included as Attachment P of the EIS.</p> <p>On review of this documentation Council Officers are satisfied that the proposed exception to the development standard may be supported. This view has been formed in view of the following:</p> <ul style="list-style-type: none"> ➤ The proposed development is not significantly out of character with the height of existing buildings in the Thomas Mitchell Drive industrial area. ➤ The proposed development would not have a significant impact on views given the shape and width of the components that will exceed the maximum height limitation and the location of the site in an industrial area. ➤ The proposed development would be compatible with the IN1 land use zone objectives and would not compromise the objectives of the building height limitation

	<p>clause which seek to manage the visual impact of development and prevent impacts to the privacy and solar access of nearby residents.</p> <p>➤ The variation of the height limitation is required to support the functionality of the proposed development and thereby the application of this development standard may be viewed as unreasonable or unnecessary. The plant design for vertical asphalt batching components is informed by industry best practice and the vertical components that exceed the Muswellbrook LEP height limitation are common place in all modern asphalt plants.</p> <p>In view of the above Council Officers are satisfied that there is adequate justification to support an exception to the application of Clause 4.3 building height limitations pursuant to this Clause.</p>
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	<p>The subject land is not identified as biodiversity on the Muswellbrook LEP 2009 terrestrial biodiversity map.</p> <p>Not relevant</p>
<i>7.6 Earthworks</i>	<p>This clause requires a consent authority to consider the following matters prior to granting consent to a development application involving earthworks.</p> <p><i>a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i></p> <p><i>b) the effect of the proposed development on the likely future use or redevelopment of the land,</i></p> <p><i>c) the quality of the fill or of the soil to be excavated, or both,</i></p> <p><i>d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i></p> <p><i>e) the source of any fill material or the destination of any excavated material,</i></p> <p><i>f) the likelihood of disturbing relics,</i></p> <p><i>g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p> <p>To ensure that earthworks related to the development are carried out in accordance with Council requirements, standard conditions of consent have been recommended in relation to the carrying out of these works. Complies</p>
<i>7.7 Development at Muswellbrook Showground</i>	NA
<i>7.8 Events permitted on public reserves and public roads without</i>	NA

development consent.

2. State Environmental Planning Policy No. 33 Hazardous and Offensive Development

The proposal is required to be considered under SEPP 33 to assess the potential of the proposed use being either potentially hazardous or potentially offensive Development.

Appendix Q of the EIS - *SEPP 33 Hazard Assessment* - addresses factors requested to be addressed by the SEARs. The documents utilise *The Hazard and Offensive Development Application Guidelines – Applying SEPP 33 (January 2011)* to assist in determining whether a proposed development is potentially hazardous.

The appendix concludes that the use is **not potentially hazardous**. All goods will be stored in accordance with the relevant Australian Standards.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, and Environmental Planning and Assessment Regulation 2000, the Application was notified for a period of more than twenty-eight days, from 4 July 2019 to 5 August 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period and during the period.

No submissions were received during the notification period.

Section 10 – Industrial Development

10. INDUSTRIAL DEVELOPMENT	
10.1 Built Form	
Setbacks	The Plant's location is acceptable. The proposed amenities are located along the side boundary keeping them clear of operational areas. Complies
Building Design	The buildings are 2 mobile buildings. These are metal clad and are consistent with other structures in the locality. They are not within the streetscape and are located along the side boundary. Complies
10.2 Environment	
Drainage and Stormwater	Under DA 38/2019 Stormwater was designed and implemented. The design is to ensure that adequate retention is achieved while ensuring bunded areas are captured and treated prior to release. Complies
Landscaping	Landscaping is been proposed along the frontage. He majority of the site will be sealed to cater for heavy vehicle movements. Complies
Visual amenity with regard to car	Landscaping will be provided along the frontage. As

<i>parking and operational areas</i>	the site falls away from Enterprise Crescent, operational areas will not dominate and do not require visual treatment. Complies
<i>Vehicular Movements and Access</i>	Large rigs will operate onsite. Truck and dogs will be used for both deliveries and loads of asphalt. The site will operate with two driveway crossings, one operating as an entry and the other as an exit, creating a circuit. The access to the site via Enterprise Crescent will also be limited to the southern entry off Thomas Mitchell Drive. The intersection will be upgraded to include a slip lane, at the Developer's cost Complies
10.3 Services	
<i>Water and Sewer Services</i>	Adequate provisions available

Section 16 – Car Parking and Access

The DCP requires 1 space per 75m sq. of GFA for industries. This proposal does not have “GFA”, so the Proponent has calculated that 7 spaces are required for the use.

Staff have reviewed the data and findings in the EIS and concur that 7 spaces parking will be adequate.

If truck parking is required, there are ample hardstand areas for them to be parked.

It should also be noted that no wash bay facilities are being provided. The washing of trucks will not be permitted on site, and will need to occur in an approved washing facility off site.

Section 20 – Erosion and Sediment Control

The DCP applies to the application. However the SEARs requires a higher assessment and additional undertakings.

Appendix O – Water Cycle Management Plan - outlines how the proposal achieves the SEARs requirements for stormwater management and soil conservation.

Section 21 – Contaminated land

The land is suitable for the use. Adequate provisions are in place to mitigated pollution and procedures in case of an event.

Section 22 – Land use Buffers

The site is located within IN1 zoned Industrial Estate. The site is not located within close proximity to dwelling houses or conflicting land uses. The proposal complies with the required buffers.

Section 24 – Waste Management

The Waste Management Plan addresses the management of waste for both the construction phase and the operational phase. The WMP demonstrates the waste generation, the monitoring and adequate disposal of generate from site. The site has a waste collection/storage point on site as identified on the site plan.

The WMP is both consistent with the requirements of the SEARs and the DCP.

Section 25 – Stormwater Management

Refer to comments under Section 20 – Erosion and Sediment Control above.

Section 94 Contributions Plan 2001 & Section 94A Contributions Plan 2009

A contribution pursuant to Council's Section 94 Contribution Plan 2001 was applied to the subdivision of the land which created the subject land.

Council's Section 94A Contributions Plan restricts the application of developer contribution where a contribution has previously been paid at the time of the subdivision of the land.

Notwithstanding this, it was identified that the anticipated traffic movements related to the development are likely to have an impact on the Council's local road network and result in additional road maintenance responsibilities. The applicant has made an offer to enter into a Voluntary Planning Agreement with Council for road maintenance, based on a rate of \$0.11 a tonne of material produced at the premises.

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

The applicant has made an offer to enter into a Voluntary Planning Agreement with Council to pay a contribution of \$0.11 per tonne of material produced at the premises to off-set the impact of the proposed development on Council's local road network.

A condition has been included in the recommended conditions of consent to require the site operator to enter into a Voluntary Planning Agreement that is consistent with the terms put forward in the offer made by the applicant.

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

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

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

The site is not a coastal area.

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

Likely environmental impacts associated with the proposed development have been considered throughout the assessment of this development application and are commented on throughout this report. Some key potential environmental impacts related to the development have been summarised and commented on under the sub-headings below.

Waste

A detailed Waste Management Plan was included as Appendix U of the EIS. The WMP is prepared in accordance with Development Control Plan 2009 and SEARs.

Air & Noise

The SEARs outline the requirements for the assessment for the proposal in regards to air and noise matters. Noise Impact Assessment and Air Quality Impact Assessment prepared by SLR Consulting Australia Pty Ltd (Appendix L & M) detail the noise and gas emissions likely to be generated by the land use (asphalt plant).

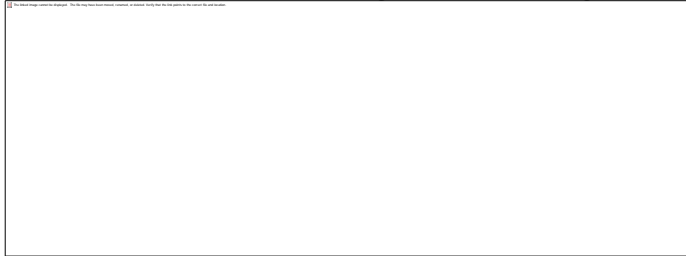
NSW EPA have reviewed the documents and have recommended conditions in relation to the monitoring of noise and air emissions from the site. These have been included in the recommended conditions of approval.

Access, Traffic and Transport

The Traffic Assessment supplied in EIS determined that the local road network was suitable and safe for the use. The proposed development is expected to generate 224 additional

vehicle movements a day and 136 heavy vehicle trips.

Council's Community Infrastructure Department identified concerns regarding the impact of additional vehicle movements on Thomas Mitchell Drive/Enterprise Crescent. They requested that for the proposed development improve the Thomas Mitchell Drive/Enterprise Crescent intersection by constructing a basic right turn (BAR). This has been required as a condition of consent. An image of a Basic Right Turn is included below.



The applicant has also made an offer to enter into a Voluntary Planning Agreement with Council, for road maintenance, at a rate of \$0.11 per tonne of material produced on site. The Voluntary Planning Agreement has been included as a condition of consent.

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

The site subject to this development application is considered to be suited to the type of development proposed. The subject site is not affected by any environmental constraints such as flooding, bushfire risk or mine subsidence that may affect the opportunity for the carrying out of the proposed development. The subject land is situated in an established industrial locality, is zoned IN1 General Industry and is a logical site for the location of the proposed industry.

Section 4.15(1)(d) any submissions made

No submissions were received during the notification period.

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

It is considered that the proposal is not contrary to the public interest. The Asphalt Plant will support infrastructure development with LGA and Lower Hunter. The use will have social and community benefit as it will generate 10 full time positions (at production capacity) and will support serving businesses.

5 CONCLUSION

Council Officers have assessed the proposed development under the relevant Section 4.15 heads of consideration. This assessment identifies that the proposed development would be in accordance with the relevant provisions of the *MLEP 2009*, *DCP 2009*, *SEPP's* and other relevant legislation, with the exception of the LEP maximum height development standard.

The proposals non-compliance with the maximum building height limit has been considered through the assessment of the development application. Council Officers are satisfied that there are reasonable grounds for exempting the proposed development from strict compliance with this development standard.

Council Officers have considered environmental impacts related to the proposed development and recommended conditions of consent to manage environmental impacts and impacts associated with the development on Council's road network.

Staff recommend that Council grant development consent to DA 50/2019 subject to

recommended conditions of consent.

Signed by:

Alisa Evans
Project Planner

Date: 12.12.2019

10.3 DA 37/2019 - CONSTRUCTION OF PIPES AND PUMP INFRASTRUCTURE TO RETURN SEEPAGE WATER FROM LAKE LIDDELL DAM WALL TO LAKE LIDDELL

Attachments:	<ul style="list-style-type: none"> A. DA 37/2019 Section 4.15 Assessment B. DA 37/2019 Recommended Conditions of Consent C. DA 37/2019 NSW NRAR Referral Response D. DA 37/2019 NSW EPA Referral Response E. DA 37/2019 Proposed Plans F. DA 37/2019 Statement of Environmental Effects - Under Separate Cover
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

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

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

The proposed development is located on land zoned SP2 Infrastructure (Power Station) and relates to the operation of the Liddell and Bayswater Power Stations, which are electricity generating works.

OFFICER'S RECOMMENDATION

Council grant consent to DA 37/2019, involving the Construction of Pipes and Pump Infrastructure to Return Seepage Water from the Lake Liddell Dam Wall to Lake Liddell (Lot 14 DP 119430, and Lot 102 DP 1053098), subject to the recommended conditions of consent contained in Attachment B.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves a portion of land within the Bayswater and Liddell Power Stations operational area. The subject site comprises a portion of land containing part of Lake Liddell and Bayswater Creek. The formal identification of the land is Lot 14 DP 119430 and Lot 102 DP 1053098.

The subject land is zoned SP2 Infrastructure under the Muswellbrook Local Environmental Plan (LEP) 2009. The purpose of the proposed development is to return discharges of small volumes of water from the Lake Liddell Dam wall, which discharge to Bayswater Creek. There are currently 4 known points of seepage.

To control this seepage the applicant has proposed the construction of 2 pumping stations marked as PS-1 and PS-2 on the plan below, a V drain channel to direct seepage water into a seepage pit, and a 150mm pipe to convey seepage water from the seepage pit into a packaged pumping station wet well for PS1. Seepage water will be pumped from PS-1 to PS-2. From the PS-2 wet well seepage water will be pumped into Lake Liddell.

The images below identify the location of the proposed development in relation to Lake Liddell and the pump infrastructure proposed.



ASSESSMENT SUMMARY

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

Key considerations and findings of the section 4.15 assessment include:

- The NSW Natural Resource Access Regulator has advised that the proposal is exempt from a Controlled Activity Approval under the Water Management Act 2000 and that no further consideration or approval was required from this public authority.
- The NSW Environmental Protection Authority has raised no objection to the proposed development and recommended Council consider imposing a number of recommended conditions if the proposed development is approved.
- The proposed development was referred to Singleton Shire Council due to its proximity to that Local Government Area. A response to this referral was received which raised no objection in relation to the proposed development.
- A condition of consent has been recommended in relation to the decommissioning and remediation of the proposed development at the end of its useful life. No condition has been recommended to

restrict the operational timeframe of the proposed development. The proposed development may continue to have utility as a measure to control water seepage from Lake Liddell Dam beyond the operational life of Liddell and Bayswater Power Stations.

- The proposed development is in accordance with relevant provisions of the Muswellbrook LEP 2009.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions which would prevent Council from granting development consent to the proposed development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The proposed development was not considered to have any significant environmental impacts.

COMMUNITY CONSULTATION

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

OPTIONS

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

Council may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

DA 37/2019 is being reported to Council for determination as it is outside the function delegated to the General Manager and the Development Assessment Committee.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. Council Staff recommend that Council grant development consent to DA 37/2019 subject to conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 14 DP: 1193430, LOT: 102 DP: 1053098 New England Highway MUSWELLBROOK
APPLICATION No:	37/2019
PROPOSAL:	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell
OWNER:	AGL Macquarie Pty Ltd
APPLICANT:	AGL Macquarie Pty Ltd Private Mail Bag 2 MUSWELLBROOK NSW 2333
AUTHOR:	Mr H A McTaggart
DATE LODGED:	16/04/2019
AMENDED:	
ADD. INFO REC'D:	
DATE OF REPORT:	4 Decmber 2019

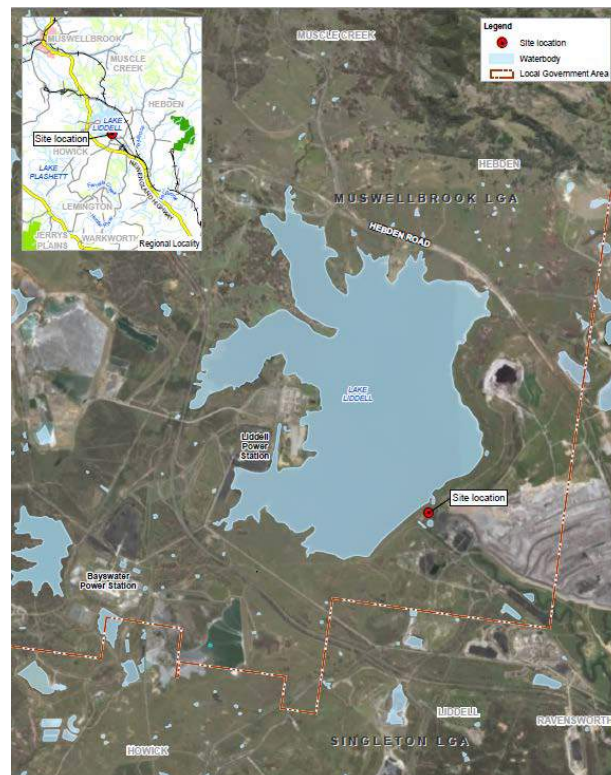
1.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to the Liddell and Bayswater Power Stations situated between Muswellbrook and Singleton. The subject site is within 1km of the boundary between the Singleton and Muswellbrook Local Government Areas.

The power stations, and their operational area, are located on a land holding that comprises a number of lots and a total area of approximately 9,900ha. The proposed development relates to two parcels of land identified as Lot 14 DP 1193430 and Lot 102 DP 1053098. These lots comprise a portion of Lake Liddell, an area of land adjacent its south eastern bank, and Bayswater Creek.

The subject land is zoned SP2 Infrastructure under the Muswellbrook Local Environmental Plan (LEP) 2009.

The image below is an excerpt from the Statement of Environmental Effects submitted for the proposed development which identifies the subject site.



2.0 DESCRIPTION OF PROPOSAL

The purpose of the proposed development is to control and return discharges of small volumes of water from Lake Liddell into Bayswater Creek. There are currently 4 known points seepage sources.

To control this seepage the applicant has proposed the construction of 2 pumping stations, marked as PS-1 and SPS-2 on the plan below, a V drain channel to direct seepage water into a proposed seepage pit and a 150mm pipe to convey seepage water from the seepage pit into a pumping station wet well (PS1). Seepage water will be pumped from PS-1 to PS-2 and from PS-2 wet into Lake Liddell.

The image below illustrates the location and layout of pumps, pipework and related infrastructure proposed.



3.0 BACKGROUND

The site has a number of contemporary development approvals. The original approval for the Liddell Power Station has not been located. Given the first generator at Liddell Power Station is quoted as having been completed in 1971, approval was likely to have been granted in the late 1960s. Lake Liddell is an artificial waterbody constructed to support the Liddell Power Station (i.e. as part of the cooling system), and it is anticipated that the Lake was approved as part of the original Power Station approval.

4.0 SPECIALIST COMMENTS

4.1 Internal Referrals

The proposed development was referred to the following Council Officers and Departments for review and comment.

4.1.1 Building Surveyor

Council's Building Surveyor advised that the proposal would involve building works and a Construction Certificate could be lodged with Council or a Private Certifier for consideration.

4.1.2 Environmental Health Officer

Council's Environmental Health Officer raised no objection to the proposed development.

4.2 External Referrals

The proposed development was referred to the following external Government Agencies for review and comment.

4.2.1 NSW Environmental Protection Authority

The proposed development is not a type of development that requires referral to the NSW Environmental Protection Authority (EPA) under the provisions of any state legislation. The proposed development was referred to the NSW EPA for their information and comment, given the proposals relationship with the Bayswater and Liddell Power Stations which hold Environmental Protection Licenses with the NSW EPA. A response to this referral was received on the 27 May 2019. This response raised no objection with the proposed development and recommended a number of conditions of consent for Council to considering imposing if it grants approval to the proposed development. These recommended conditions have been reviewed and incorporated into the recommended Notice of Determination.

4.2.2 NSW Natural Resource Access Regulator

The proposed development was referred to the NSW Natural Resource Access Regulator (NRAR) on the 6 May 2019 as development involving works on waterfront land. On the 23 September 2019 the NSW NRAR advised that the development proposed qualified as a type of development exempt from a controlled activity permit under the Water Management Act 2000 and that no further consideration or approval was required from NSW NRAR.

4.2.3 Singleton Shire Council

Given the proximity of the proposed development and the location of the works adjacent the Singleton Local Government Area the proposed development was referred to Singleton Shire Council for their information and/or comment.

Correspondence was received from Singleton Council dated 20 May 2019 advising that Singleton Shire Council had not objection or further comment to add in relation to the proposed development.

5. Section 4.15 Matters for Consideration

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

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

5.1.1 Muswellbrook Local Environmental Plan (LEP) 2009

Land Use Zone and Permitted Land Use

The development site is zoned SP2 Infrastructure pursuant to the Muswellbrook LEP 2009. The purpose identified on the land use zoning map is 'power station'.

This land use zone restricts development other than development that is ordinarily incidental or ancillary to development for the purpose expressed for the zone on the land use zoning map. The development relates to the 'power station' activity, as the Lake Liddell stores water for the cooling of the Liddell and Bayswater Power Stations.

Objectives of the Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application. The land use zone objectives for the SP2 Infrastructure zone are as follows:

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To recognise existing railway land and to enable future development for railway and associated purposes.
- To prohibit advertising hoardings on railway land.
- To recognise major roads and to enable future development and expansion of major road networks and associated purposes.
- To recognise existing land and to enable future development for utility undertakings and associated purposes.

The proposed development would be compatible with the above land use zone objectives as it would support the continued use of the land for the infrastructure purpose referenced by the land use zone map.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	<p>clause 2.3 (2) of the Muswellbrook LEP 2012 requires the following:</p> <p><i>The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.</i></p> <p>The proposed development is considered to be compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. Complies</p>
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	<p>The land subject to this development application is not identified as biodiversity on the Muswellbrook LEP 2009 terrestrial biodiversity map. Accordingly, the provisions of this clause do not require further consideration. Not relevant</p>
<i>7.6 Earthworks</i>	<p>This clause requires a consent authority</p>

	<p>to consider the following matters prior to granting consent to a development application involving earthworks.</p> <ul style="list-style-type: none"> a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i> c) <i>the quality of the fill or of the soil to be excavated, or both,</i> d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> e) <i>the source of any fill material or the destination of any excavated material,</i> f) <i>the likelihood of disturbing relics,</i> g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i> <p>Council Officers are satisfied that the earthworks proposed would comply with the provisions of this Clause where they are carried out in accordance with recommended conditions of consent.</p> <p>Complies</p>
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5.1.2 State Environmental Planning Policy No. 55 – Remediation of Land

Under Clause 7 of this SEPP a consent authority must not consent to the carrying out of any development on land unless:

- (a) It has considered whether the land is contaminated, and
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The land is a component of the Bayswater and Liddell Power Station land holding. The coal fired power stations have the potential to result in adverse environmental outcomes including the contamination of land. However, the proposed development does not seek to change the use of the site, and supports the ongoing operation of the power station, with Power Station staff and contractors, and regulatory authorities, who would be given a site induction, the only people who would visit the site.

5.1.3 State Environmental Planning Policy No. 44 Koala Habitat

This development application relates to a cleared area of land and would not involve the removal of any koala feed trees. Accordingly, Council Officers are satisfied that the proposed development would be in accordance with the SEPP and would not impact a potential koala habitat.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 24 April 2019 to 24 May 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received by Council.

Section 20 – Erosion and Sediment Control

This section of the DCP relates to the management of earthworks associated with a development application. A sediment control plan has been prepared in relation to the proposed development. Where the proposed development is carried out in accordance with this erosion and sediment control plan and general Council requirements Council Officers are satisfied that the proposed development would be in accordance with this Section of the DCP.

Section 24 – Waste Management

This section of the DCP requires development applications to be accompanied by a Waste Minimisation Management Plan. The proposed development has not been accompanied by a specific waste minimisation management plan. However, given the scope of the proposed material, and the materials to be used, Council Officers are satisfied that the proposed development is unlikely to generate significant waste streams. To ensure that the proposed development adheres to the objectives of this section of the DCP a standard condition of consent has been recommended to require the development to be carried out in accordance with the waste minimisation management principles expressed in this section of the DCP.

Section 94 Contributions Plan 2001

The Section 94 Contribution Plan does not include any provisions which relate to this development application.

Section 94A Contributions Plan 2009

The capital investment value of the proposed development would be \$250,000.

A Section 7.12 (formerly 94A) contribution would be applicable to the proposed development at a rate of 1% the total capital investment value. This contribution would equate to a total of \$2,500 and would be payable prior to the issue of a Construction Certificate.

6.4 Section 4.15(1)(a)(iiia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

6.5 Section 4.15(1)(a)(iv) the provisions of the regulations

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

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

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

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

Likely environmental impacts associated with the proposed development have been considered throughout the assessment of this development application and are commented on throughout this report.

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

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

6.9 Section 4.15(1)(d) any submissions made

The proposed development was publically notified in accordance with the requirements of Council's DCP. No submissions were received by Council in relation to the proposed development.

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

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

7 CONCLUSION

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

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

Signed by:



Hamish McTaggart
Development – Co-ordinator
4 December 2019

DA 37/2019 RECOMMENDED CONDITIONS OF CONSENT:

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
BW83800	1	AGL	2/01/2019	16/04/2019
BW83801	1	AGL	2/01/2019	16/04/2019
BW83802	1	AGL	2/01/2019	16/04/2019
BW83803	1	AGL	2/01/2019	16/04/2019
BW83804	1	AGL	2/01/2019	16/04/2019
BW83805	1	AGL	2/01/2019	16/04/2019
BW83806	1	AGL	2/01/2019	16/04/2019
BW83807	1	AGL	2/01/2019	16/04/2019
BW83808	1	AGL	2/01/2019	16/04/2019
BW83820	0	AGL	29/11/2019	16/04/2019

(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 of this consent, the condition takes precedence over matters referenced by the documents below.

Title	Written by	Date
Statement of Environmental Effects	GHD	February 2019

Should there be any inconsistency between this approval and any Development Consent previously issued in relation to this site, this Development Consent and its conditions of consent shall prevail over the extent of any inconsistency.

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

(3) Building Code of Australia

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

CONDITIONS TO BE ADDRESSED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(4) Construction Certificate Requirement

No building works, within the meaning of the Environmental Planning and Assessment Act 1979 shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(5) 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 \$2,500 shall be paid to Muswellbrook Shire Council.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

(6) Site Sign

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

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

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

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

(7) 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.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

(8) Site Waste Minimisation

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

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

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

(9) Occupation

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

CONDITIONS OF CONSENT RECOMMENDED BY THE NSW ENVIRONMENTAL PROTECTION AUTHORITY AND IMPOSED BY COUNCIL

(10) Water Quality

The development must comply with Section 120 of the *Protection of the Environment Operations Act 1997*. (POEO Act) which prohibits the pollution of waters.

(11) Water Quality

Prior to the commencement of any construction or other surface disturbance the applicant must install and maintain suitable sediment and erosion controls onsite, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of Services* (DECC 2008).

(12) Water Quality

The proponent must install a secondary containment system so that any leakages or spillage from the pipes or pump stations are captured and retained for a period matching the inspection regime timing. Clean water catchments to these containments systems must be minimised.

(13) Waste Management

Any waste materials exposed or created in association with the constructions works, and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's Waste Classification Guidelines.

(14) Chemicals Including Emerging Chemicals

Chemicals, fuels and oils used on-site must be kept in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Storing and Handling of Liquids: Environment Protection - Participants Manual (Department of Environment and Climate change, 2007).

REQUIREMENTS RELATED TO THE NATURAL RESOURCE ACCESS REGULATOR
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(15) Development in accordance with the NSW Natural Resource Regulator Advice

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Natural Resources Access Regulator (NRAR) should be notified.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES
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(16) Decommissioning Requirement

Should the proposed development become redundant at a future stage and/or require replacement with more sophisticated infrastructure, the approved development is to be decommissioned and all pumping stations, pipework, improvements and related structures removed from the site and the site rehabilitated with grass and native vegetation.



Natural Resources Access Regulator

Natural Resources Access Regulator
Locked Bag 5123,
Parramatta NSW 2124
T 1800 633 362
www.industry.nsw.gov.au/nrar

Our ref: IDAS1115120

Your ref: DA37/2019

23/09/2019

General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW
2333

Attention: Hamish McTaggart

Dear Sir/Madam

Re: Exempt Referral Matters under the WM Act 2000

Dev Ref: DA37/2019

Description: The construction of a pipeline and a pump for the collection and return of seepage water from Lake Liddell. The application relates to the Lake Liddell Power Station
Location: Byaswater Power Station (Lake Liddell) New England Highway MUSWELLBROOK NSW 2333

The Natural Resources Access Regulator (NRAR) has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000 (WM Act), General Terms of Approval and/or a Controlled Activity Approval is not required, and no further assessment by this agency is necessary.

The reason for this decision is shown in Table 1 or Table 2.

Table 1: Exemptions that can apply to any person

Controlled activity approval exemption	Regulation Reference
<input type="checkbox"/> Not on Water front land	Not applicable
<input type="checkbox"/> Enabling take of water under domestic and stock right	Clause 42, Clause 21 of Schedule 4
<input type="checkbox"/> Construction or use of harvestable rights dam	Clause 42, Clause 22 of Schedule 4
<input checked="" type="checkbox"/> Excavation for purpose of using water supply work	Clause 42, Clause 20 of Schedule 4



Natural Resources Access Regulator

Controlled activity approval exemption	Regulation Reference
<input type="checkbox"/> Works under former 1912 Act	Clause 42, Clause 24 of Schedule 4
<input type="checkbox"/> Development relating to dwellings	Clause 42, Clause 29 of Schedule 4
<input type="checkbox"/> Development in urban or industrial areas adjoining certain lakes and estuaries	Clause 42, Clause 36 of Schedule 4
<input type="checkbox"/> Development at Rouse Hill Regional Centre	Clause 42, Clause 26 of Schedule 4
<input type="checkbox"/> Development on waterfront land at Oran Park or Turner Road	Clause 42
<input type="checkbox"/> Maintenance of existing lawful works	Clause 42, Clause 33 of Schedule 4
<input type="checkbox"/> Repair and restoration work after storms	Clause 42, Clause 34 of Schedule 4, Clause 33 of Schedule 4
<input type="checkbox"/> Compliance with enforcement action	Clause 42, Clause 35 of Schedule 4
<input type="checkbox"/> Emergency safety measures	Clause 42, Clause 30 of Schedule 4
<input type="checkbox"/> Construction of fencing, crossings or tracks	Clause 42, Clause 23 of Schedule 4, Clause 3(1)
<input type="checkbox"/> Removal of vegetation	Clause 42, Clause 25 of Schedule 4
<input type="checkbox"/> Pontoons, jetties and moorings	Clause 42, Clause 32 of Schedule 4
<input type="checkbox"/> Waterfront land where the river is concrete lined or in pipe	Clause 42, Clause 28 of Schedule 4

Table 2: Exemption that is applied to public authorities, state owned bodies or network operators

Further Exemptions	Regulation Reference
<input type="checkbox"/> <i>Public authority</i> as defined in the <i>Water Management Act 2000</i> . Public authorities include NSW public service agencies and local councils but not Landcom or the Superannuation Administration Corporation ¹	Clause 41

¹ This exemption applies to any kind of controlled activity.



Natural Resources Access Regulator

Further Exemptions	Regulation Reference
<input type="checkbox"/> State-owned bodies wholly owned by the state or a government agency, and have a public purpose. ²	Clause 42 Clause 37 of Schedule 4
<input type="checkbox"/> Network operators licensed or authorised under the <i>Water Industry Competition Act 2006</i> , the <i>Gas Supply Act 1996</i> or the <i>Electricity Supply Act 1995</i> , or pipeline licensees under the <i>Pipelines Act 1967</i> . ²	Clause 43

Should the proposed development be varied in any way that results in development extending onto land that is waterfront land, or encompassing works that are defined as controlled activities, then the Natural Resources Access Regulator (NRAR) should be notified.

Further information on controlled activity approvals under the WM Act can be obtained from NRAR's website: www.water.nsw.gov.au, go to Water Licensing > Approvals > Controlled activities.

Please direct any questions to Natural Resources Access Regulator by email to nrar.servicedesk@industry.nsw.gov.au

Yours Sincerely

Alison Collaros
Manager Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator

² This exemption only applies if the activity does not cause any change in the course of the river, and the applicant has considered the environmental impact of the activity and is satisfied that the activity is not likely to significantly affect the environment.



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1115120

Issue date of GTA: 23 September 2019

Type of Approval: Controlled Activity

Description: The construction of a pipeline and a pump for the collection and return of seepage water from Lake Liddell. The application relates to the Lake Liddell Power Station

Location of work/activity: Byaswater Power Station (Lake Liddell) New England Highway MUSWELLBROOK NSW 2333

DA Number: DA37/2019

LGA: Muswellbrook Shire Council

Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
------------------	---------

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au

Template Ref: WLS 004A, Version 1,0 – May 2016

Page 1

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA37/2019 as provided by Council:

- 20WA210985



DOC19/377181-4; EF14/500

The General Manager
Muswellbrook Shire Council
PO BOX 122
MUSWELLBROOK NSW 2333

Attention: Mr Hamish McTaggart

By email: hamish.mctaggart@muswellbrook.nsw.gov.au

27 May 2019

Dear Mr McTaggart

Development Application DA 37- 2019 - AGL Macquarie – Lake Liddell Seepage Return Upgrade Project – Comments from the Environment Protection Authority (EPA)

I refer to your letter to the Environment Protection Authority (EPA) received 6 May 2019, providing opportunity to comment on a development application for the construction of a pipeline and a pump for the collection and return of seepage water from Lake Liddell – DA 37-2019.

The EPA understands the proposal involves AGL Macquarie Pty Limited (AGL Macquarie) installing two new pump stations and two new associated above ground pipelines at Lake Liddell to capture seepage discharging into Bayswater Creek and return it to the lake (the proposal).

The EPA also understands that Lake Liddell supplies cooling water for the Bayswater Power Station and Liddell Power Station, which is located on the western side of the lake and operates four coal fired units. Both of these power stations hold Environment Protection Licences relating to the generation of electrical power from coal.

Water monitoring conducted in 2017-18 indicated that seepage from Lake Liddell was percolating through the dam wall on the eastern side and discharging into Bayswater Creek (AECOM 2018). Due to the quality of the seepage water, as a requirement of the Environment Protection Licence (EPL) 779, AGL Macquarie is required to undertake measures to redirect seepage water back to Lake Liddell and the associated water cycle system rather than allow it to continue to discharge into Bayswater Creek.

If Muswellbrook Shire Council grants development consent, the EPA recommends that the following conditions should be incorporated into the consent:

Water Quality

- The development must comply with Section 120 of the *Protection of the Environment Operations Act 1997*. (POEO Act) which prohibits the pollution of waters
- Prior to the commencement of any construction or other surface disturbance the applicant must install and maintain suitable sediment and erosion controls onsite, in accordance with the relevant requirements of the *Managing Urban Stormwater: Soils and Construction – Volume 2A Installation of Services* (DECC 2008).

Phone 131 555
Phone 02 4908 6800

Fax 02 4908 6810
TTY 133 677
ABN 43 692 285 758

PO Box 488G
Newcastle
NSW 2300 Australia

117 Bull Street
Newcastle West
NSW 2302 Australia

info@epa.nsw.gov.au
www.epa.nsw.gov.au

- The proponent must install a secondary containment system so that any leakages or spillage from the pipes or pump stations are captured and retained for a period matching the inspection regime timing. Clean water catchments to these containments systems must be minimised.

Waste Management

- Any waste materials exposed or created in association with the constructions works, and proposed to be disposed of to an offsite location, must be classified in accordance with the EPA's Waste Classification Guidelines.

Chemicals including emerging chemicals

- Chemicals, fuels and oils used on-site must be kept in appropriately bunded areas in accordance with the requirements of all relevant Australian Standards, and/or EPA's Storing and Handling of Liquids: Environment Protection - Participants Manual (Department of Environment and Climate change, 2007).

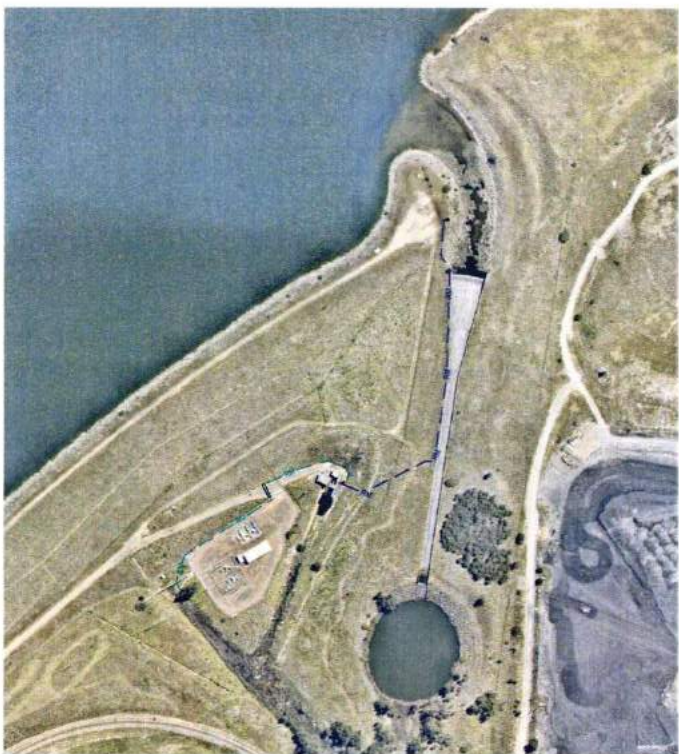
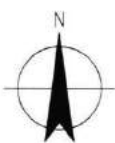
If you require any further information regarding this matter, please contact Genevieve Lorang on (02) 4908 6869.

Yours Sincerely



MITCHELL BENNETT
Head Strategic Operations Unit - Hunter
Environment Protection Authority

AGL MACQUARIE LAKE LIDDELL SEEPAGE RETURN



LOCALITY PLAN
NOT TO SCALE

DRAWING INDEX	
DRG No.	DRAWING TITLE
BW838000	COVER SHEET, LOCALITY PLAN AND DRAWING INDEX
BW838001	GENERAL ARRANGEMENT PLAN
BW838002	RISING MAIN 1 PLAN
BW838003	RISING MAIN 2 PLAN
BW838004	PIPING ARRANGEMENT PLAN AND SECTION - PUMP STATION PS-1
BW838005	PIPING ARRANGEMENT PLAN AND SECTION - PUMP STATION PS-2
BW838006	LAKE LIDDELL DISCHARGE AND PUMP CONTROL MOUNTING DETAILS
BW838007	TYPICAL ROAD CROSSING DETAIL AND ABOVE GROUND INSTALLATION
BW838008	LAKE LIDDELL DISCHARGE VALVE CHAMBER PUMP OUT

nearmap.com
NEARMAP IMAGERY
(DATE EXTRACTED: 15/06/2018,
IMAGE DATE: 02/11/2016)

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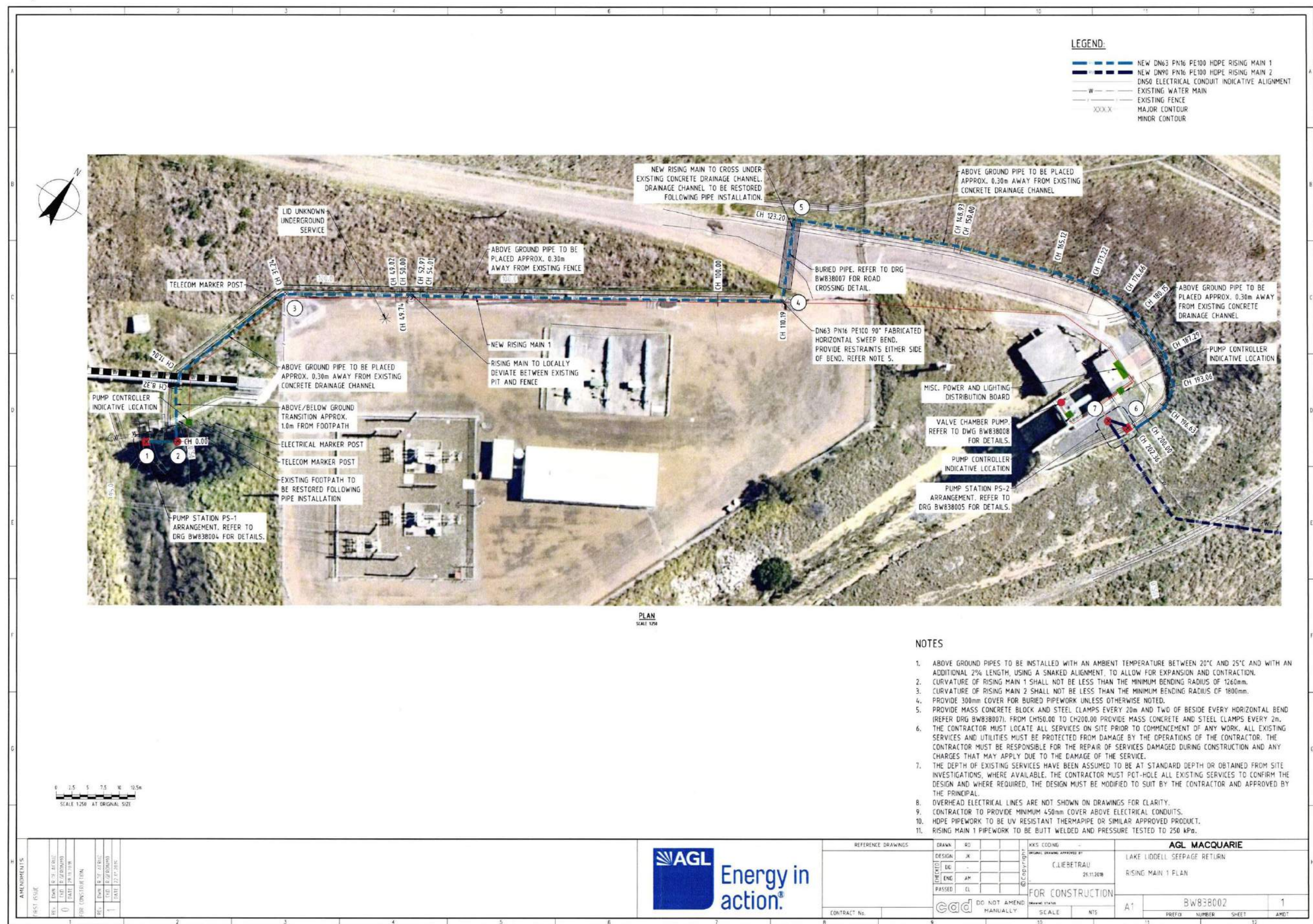


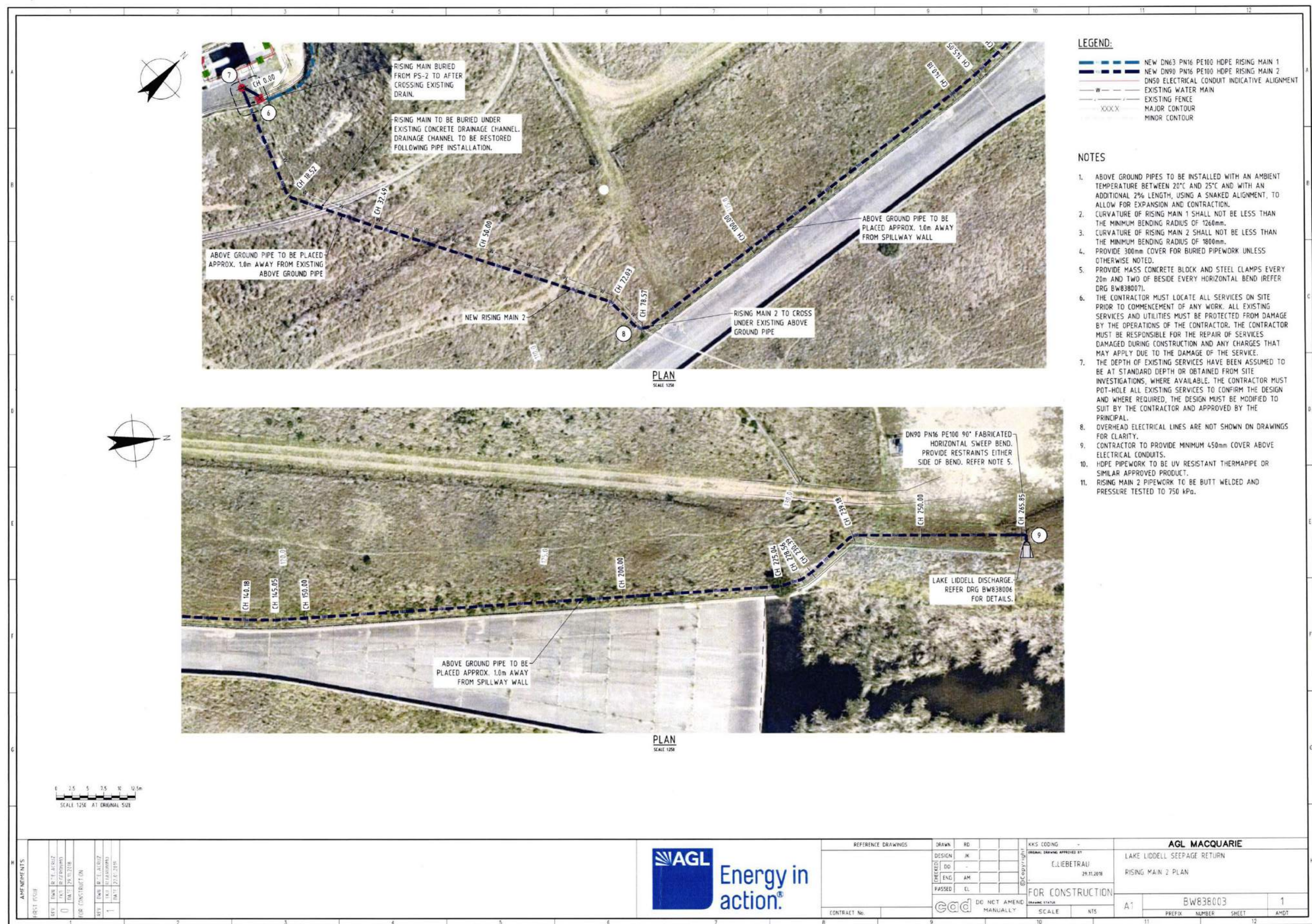
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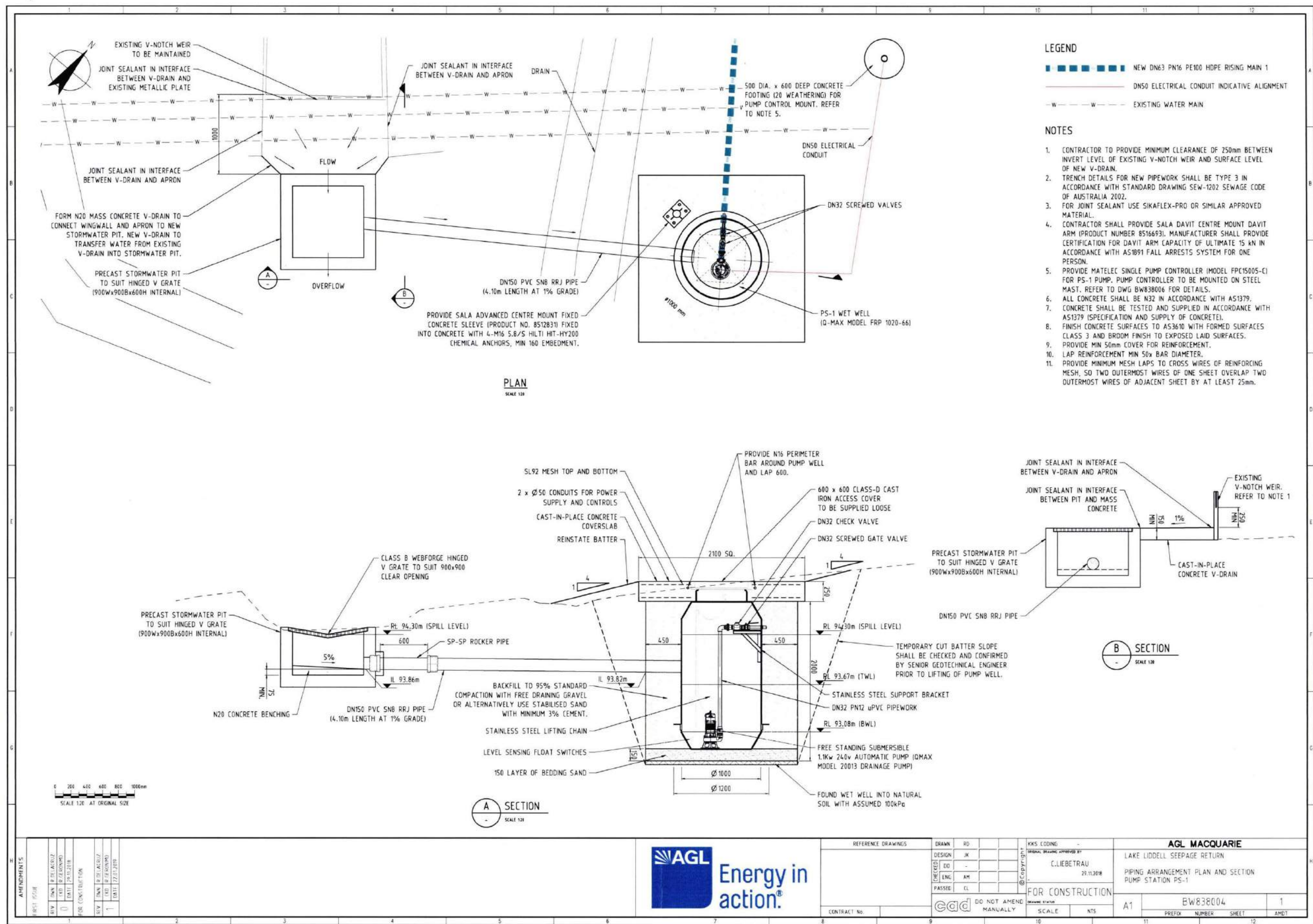
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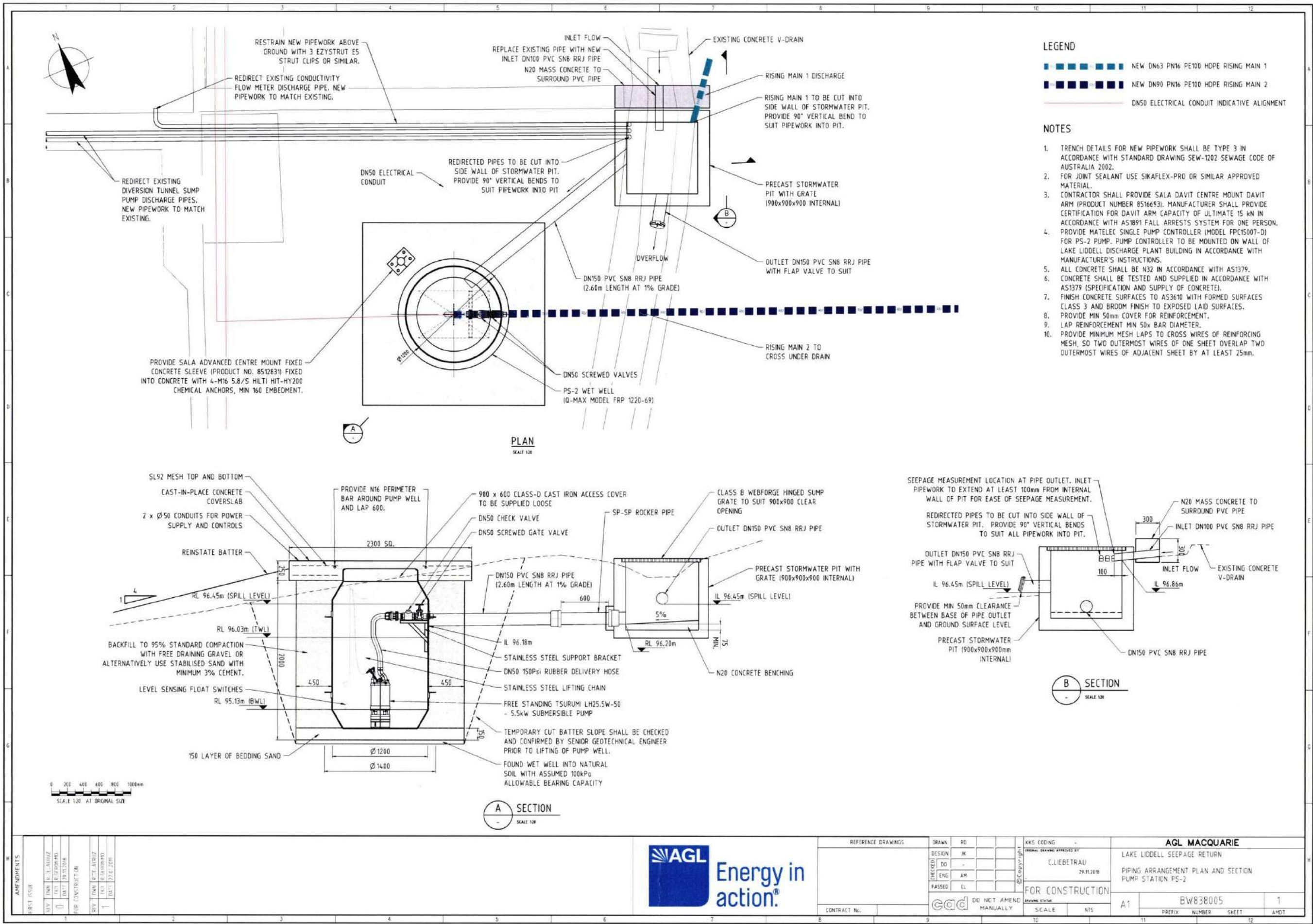
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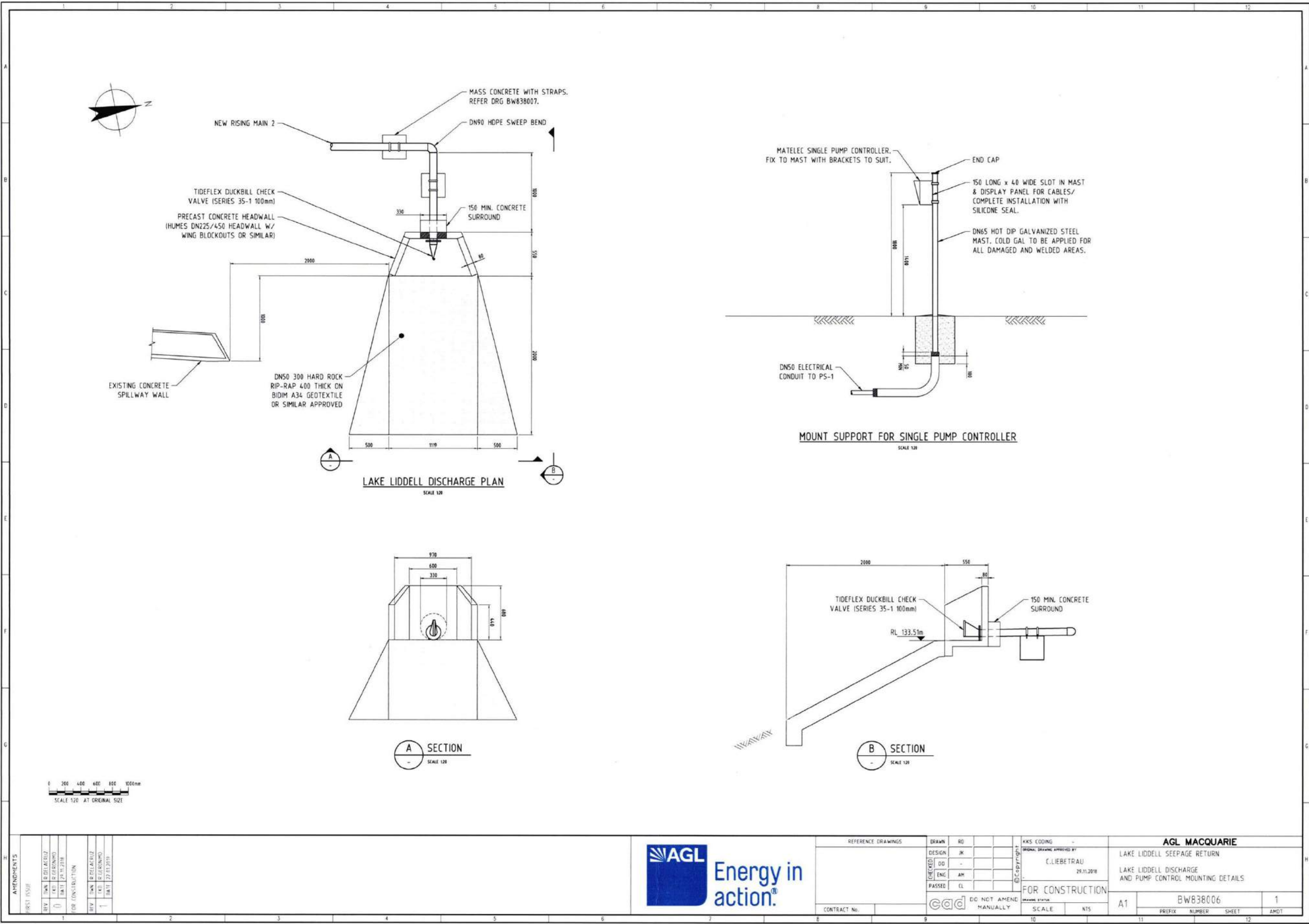


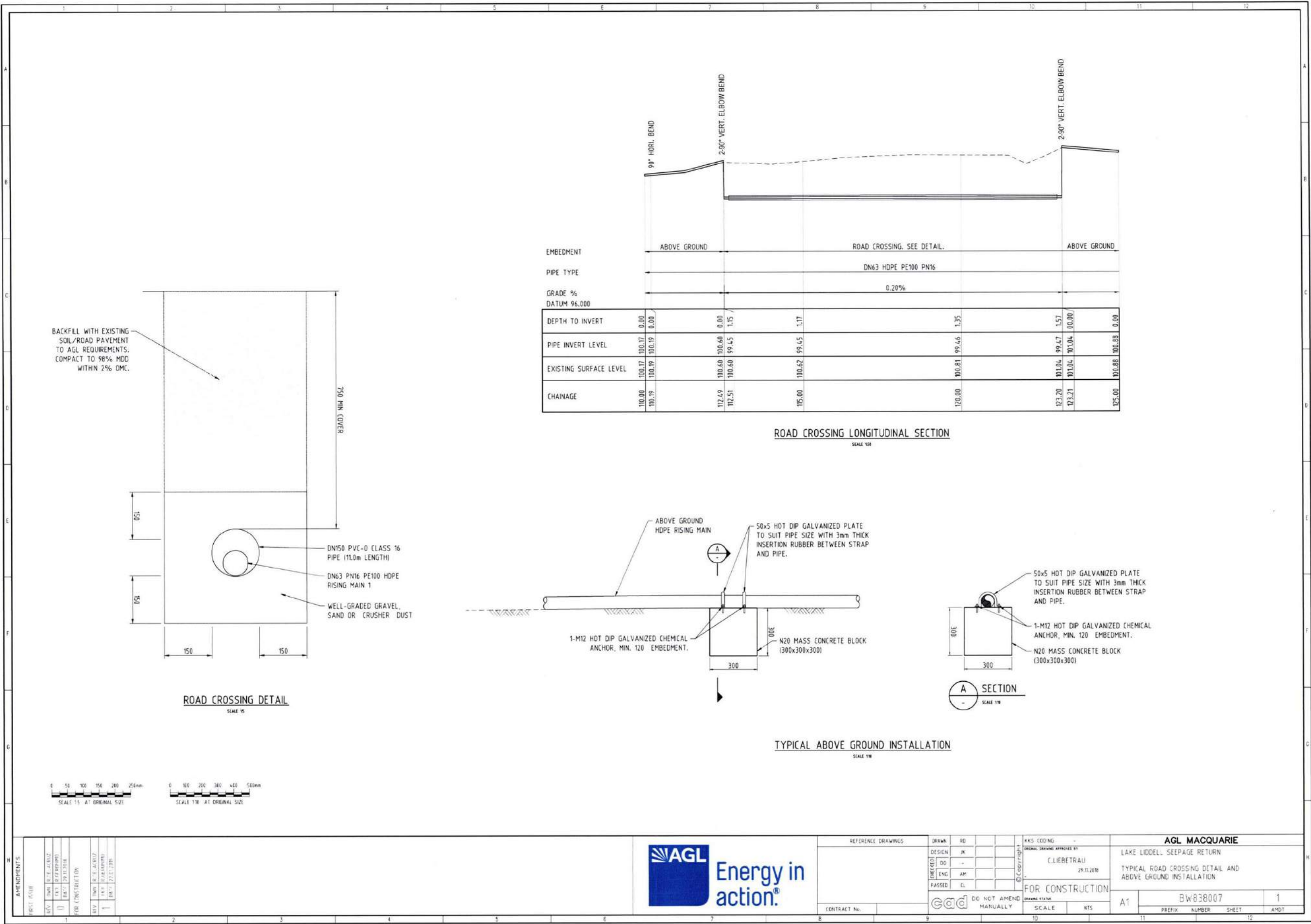


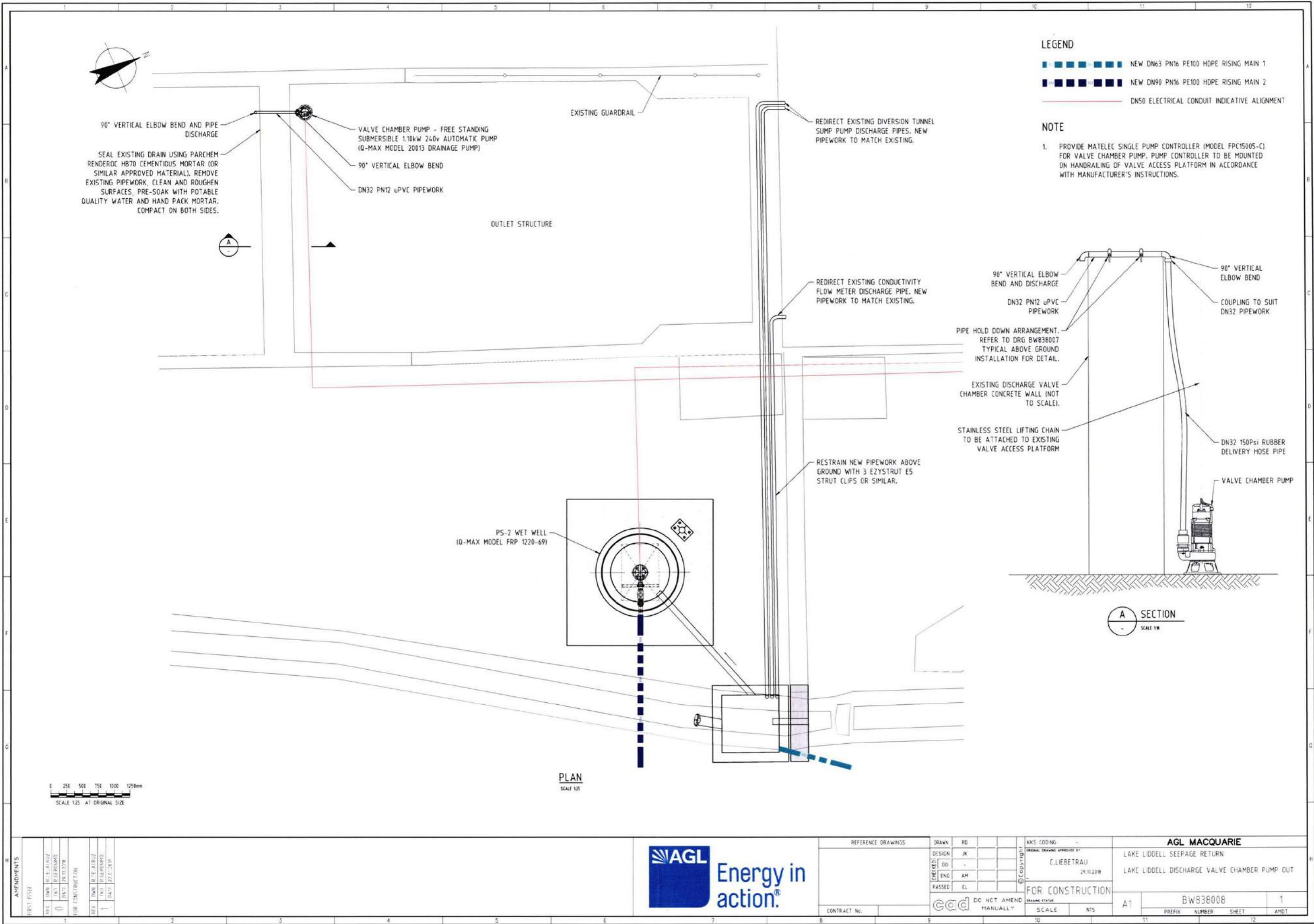




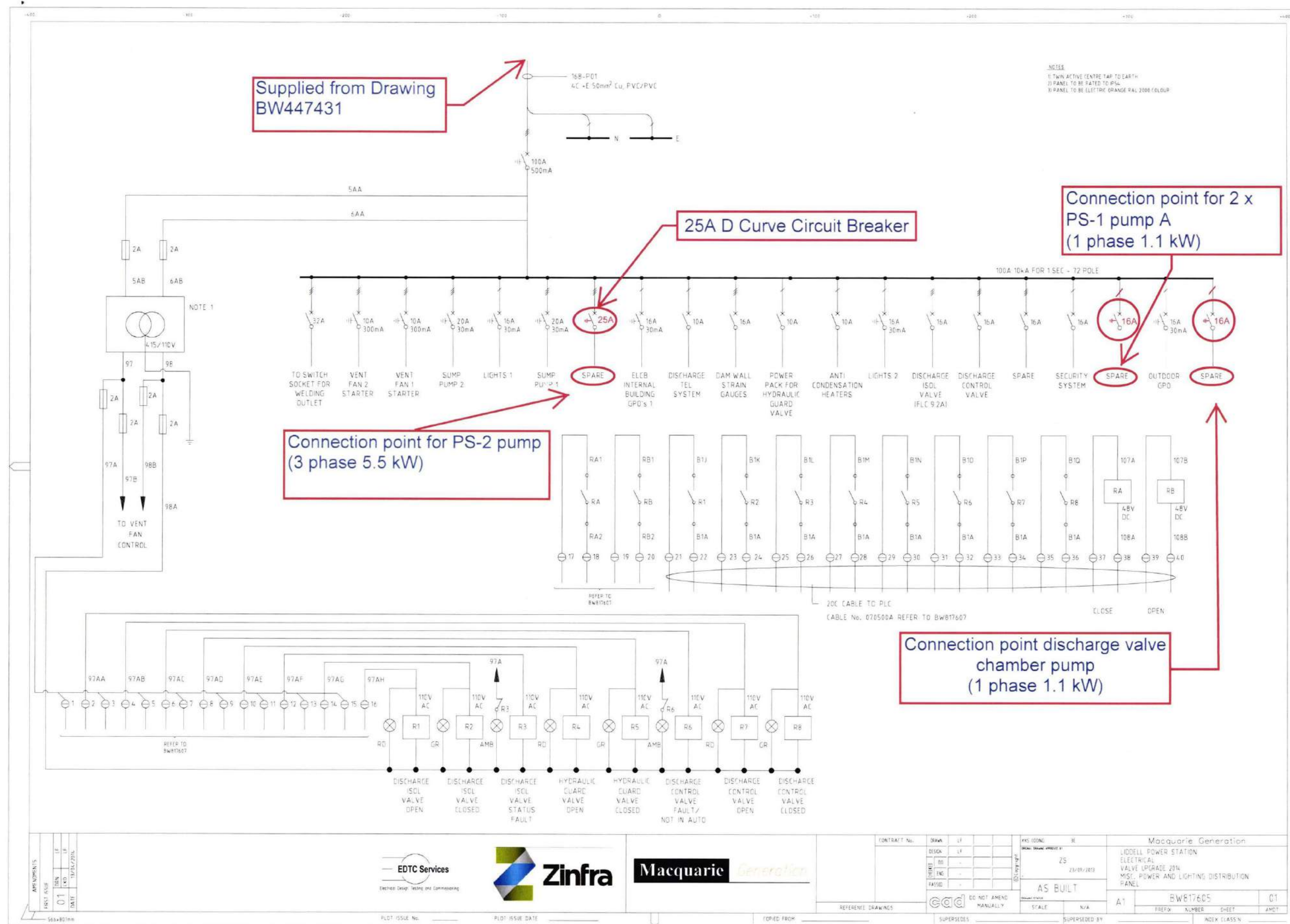


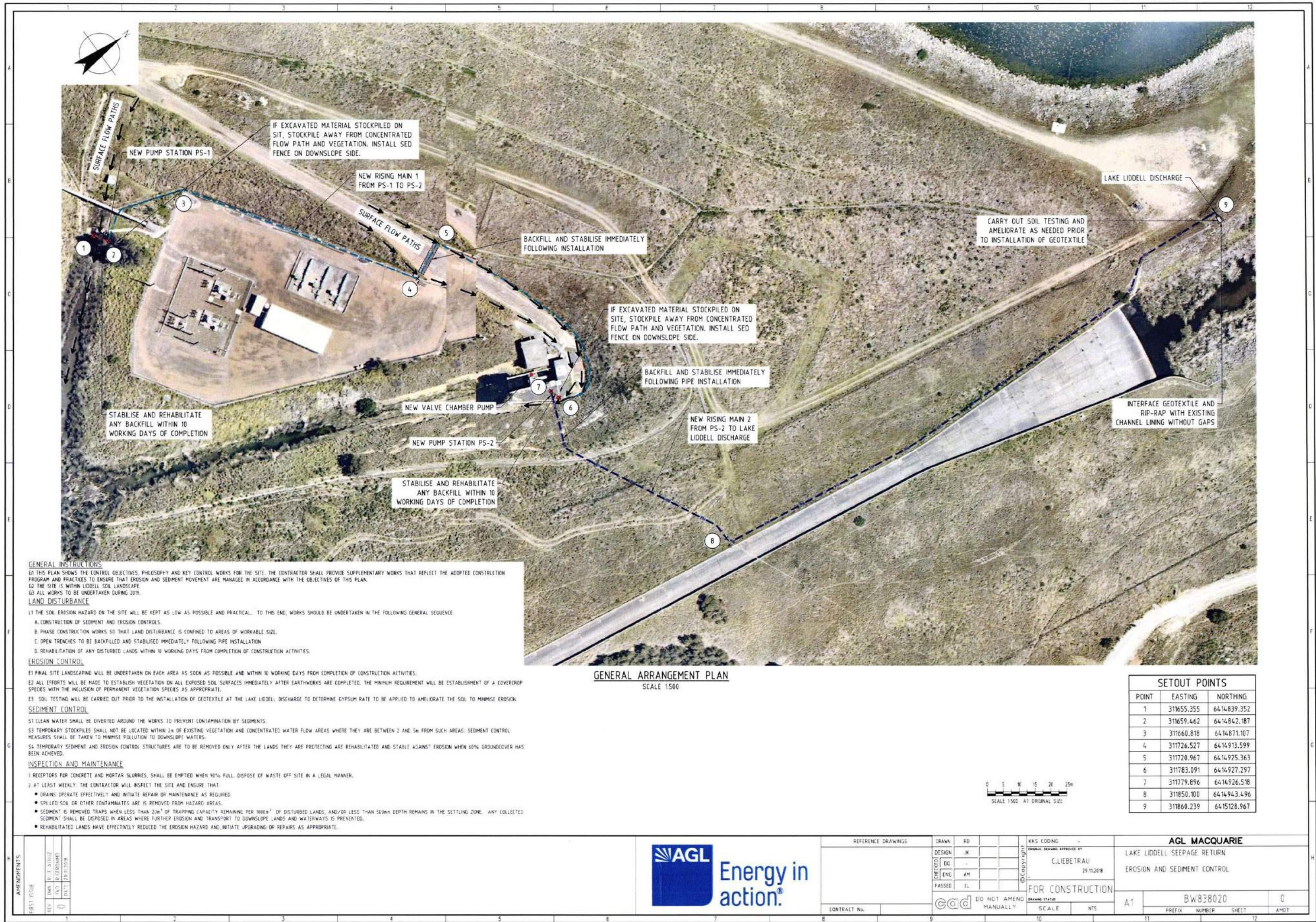












10.4 DA 30/2019 - DEMOLITION OF EXISTING DWELLING AND SHEDS, CONSTRUCTION OF ADDITIONAL MOTEL UNITS, EXTENSION OF RESTAURANT AND CONSOLIDATION OF TITLES - 26 – 32 MAITLAND STREET, MUSWELLBROOK

Attachments:	<p>A. DA 30/2019 - Section 4.15 Assessment Report</p> <p>B. DA 30/2019 - Recommended Conditions of Consent</p> <p>C. DA 30/2019 - Proposed Plans</p> <p>D. DA 30/2019 - Revised Plan Sheet No 11-B</p> <p>E. DA 30/2019 - Revised Plan Sheet 12-B</p> <p>F. DA 30/2019 - Letter to Ammending Proposed Development</p> <p>G. DA 30/2019 - Statement of Environmental Effects and Attachments</p> <p>H. DA 30/2019 - NSW Natural Resource Access Regulator Referral Cover Letter</p> <p>I. DA 30/2019 - NSW Natural Resource Access Regulator General Terms of Approval</p> <p>J. DA 30/2019 - NSW Roads and Maritime Services Referral Response</p> <p>K. DA 30/2019 - Public Submission</p> <p>L. DA 30/2019 - Public Submission</p>
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

This report has been prepared to inform Council in determining Development Application No. 30/2019. This Development Application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report and recommended conditions of Consent are attached for Council

Delegations issued to the General Manager and the Development Assessment Committee includes the following limitation on determining matters under the Environmental Planning and Assessment Act 1979 as follows:

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

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

The proposed development involves an extension to the Remington Motel and associated licensed restaurant and therefore falls outside the delegations issued to the General Manager and the Development Assessment Committee.

OFFICER'S RECOMMENDATION

Council approve Development Application No. 30/2019, involving the demolition of an existing dwelling and sheds, construction of additional motel units, extension of restaurant and consolidation of titles of Lot 2 DP 6758 and Lot 100 DP 1193814.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates to Lot 2 DP 6758 and Lot 100 DP 1193814, 26 – 32 Maitland Street, Muswellbrook. The site is known as the Remington Motel, Muswellbrook. The subject site is zoned B2 Local Centre under the Muswellbrook Local Environmental Plan (LEP) 2019 and is affected by the 1% AEP (1 in 100 year flood event).

Lot 100 DP 1193814 is currently developed and operated as 54 room motel, which was approved by Council under DA 192/2012. A dwelling house, shed and related structures are located on Lot 2 DP 6758.

The proposed development would involve:

- The demolition and/or relocation of the existing dwelling and ancillary structures located on Lot 2 DP 6758 and the demolition and replacement of the Motel's existing north-western car park area.
- The extension of the existing motel to increase the number of motel rooms by a total of 9, and the alteration of an existing motel room to convert it into a Manager's Office. The extension and alterations to the current room arrangement will see the total number of rooms increase from 54 to 62.
- Extension of the restaurant to increase its floor area to a total of 208.4m², excluding an area of 35.6m², being an existing guest bar and lounge. This restaurant would comprise:
 - Existing outdoor dining area – 57.6m²
 - Proposed new outdoor and dining area – 30.2m²
 - Proposed new indoor restaurant and dining areas – 121.0m²
- Construction of new kitchen, bar serving area, store room and back of house facilities.
- Construction of new male, female and accessible amenities.
- Installation of a new lift.
- Removal of 2 existing redundant vehicle laybacks between the site and the New England Highway
- Construction of 2 new vehicle laybacks, internal vehicle access area, loading and unloading bays and new car parking spaces. 22 new car parking spaces would be created, bringing the total number of off-street car parking spaces to 62.
- Alterations to building signage and the construction of Remington wall and awning signs.

When the Application was originally lodged the proposed development involved a larger expansion to increase the total number of accommodation units to 70. The proposed development was amended by the applicant to address concerns raised by Council Officers. These concerns primarily related to vehicle access and egress and the amount of off-street parking proposed. The amended development reduced the number of additional accommodation units proposed from 70 to 62.

ASSESSMENT SUMMARY

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

recommended conditions of consent provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is integrated development for the purpose of Section 4.46 of the Environmental Planning and Assessment Act 1979 and requires approval from the NSW Natural Resource Access Regulator (NRAR). Under Section 91 of the Water Management Act 2000 the proposed development requires a 'controlled activity permit from this public authority as development involving the carrying out of works on 'water front land'. General Terms of approval were issued on 8 October 2019, and have been included as recommended conditions of consent.
- The proposed development was referred to the NSW Roads and Maritime Services (RMS) as a development involving the construction of a new access to the New England Highway, a Classified State Road. The NSW RMS raised no objection to the proposed development and providing advice in relation to the proposed development. This advice has been considered by Council through the assessment of the development application and has informed recommended conditions of consent.
- The proposed development is in accordance with relevant provisions of the Muswellbrook LEP 2009.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no provisions which would prevent Council from granting development consent to the proposed development.
- The proposed development involves the development of flood liable land. The land subject to this development application is impacted by the 1% (1 in 100 year) AEP flood event. The applicant has submitted a Stormwater Management Plan and a Flood Impact assessment, prepared by RHM Consulting for the original development of the site. These and other submitted documents have been reviewed by Council Community Infrastructure Engineers, who agree that the development will have an insignificant impact on flood water levels in the locality.
- The proposed development does not comply with the Muswellbrook DCP in relation to the provision of off-street car parking. Council Officers undertook a merit based assessment of the proposed off-street car parking in relation to the DCP objectives and consider the proposal to be acceptable. This merit based assessment considered, the availability of car parking on the site and 62 car parking spaces proposed (which is 30 less than the amount required by the DCP), data and findings from a car parking survey completed in relation to the site by Intersect Traffic, site constraints that affect the provisions of additional parking, anecdotal information about the travel patterns of patrons, anticipated usage patterns of the restaurant during peak motel periods and the rates of available off-street car parking at similar combined restaurant/motel venues in the Muswellbrook township.
- With the exception of the Muswellbrook DCP off-street car parking requirements the proposed development would be in accordance with the remaining requirements of the Muswellbrook DCP.
- The proposed development was not considered to have any significant environmental impacts.

COMMUNITY CONSULTATION

The Application was notified in accordance with the requirements of the Muswellbrook DCP and the EP&A Regulation 2000 between 17 April 2019 and 17 May 2019. During the notification period neighbouring properties were notified of the proposed development and a Notice appeared in the Hunter Valley News on the 17 April 2019. Two (2) submissions were received by Council objecting to the proposed development. These submissions have been attached for Council's consideration. Key concerns raised by these submissions in relation to the proposed development relate to:

- The rate of off-street car parking proposed and its compatibility with the Muswellbrook DCP requirements.
- The potential for the proposed development to increase the flood hazard to adjoining properties.
- Safety concerns related to the Wilder Street access and increased traffic hazards associated with vehicles using this site exit and the Wilder Street/New England Highway intersection.

These and other submitter concerns have been considered and commented on in greater detail under

the Section 4.9 'any submissions made' heading of this report.

OPTIONS

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

Council may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

DA 37/2019 is being reported to Council for determination as it is outside the function delegated to the General Manager and the Development Assessment Committee.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. This Section 4.15 Assessment report considers the relevant legislation related to the assessment of the development application and recommends that Council approve the development application subject to conditions of consent outlined in Attachment B.

This recommendation has been made following detailed consideration of a number of matters including the proposed developments non-compliance with the Muswellbrook DCP development standard related to the provision of off-street car parking. The proposed development would provide a total of 62 off-street car parking spaces, which is 30 less than the amount required by the DCP. Council Officers are satisfied that the development can be supported as a variation to the DCP development standard in view of site constraints, the findings of the traffic impact assessment, and observations from Council Officers. and noting that there is unlikely to be significant local demand for parking related to the Remington Restaurant at times where motel parking is in high demand.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT 2 DP: 6758 and LOT 100 DP: 1193814, 28-32 Maitland Street MUSWELLBROOK
APPLICATION No:	30/2019
PROPOSAL:	Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units, Extension of Restaurant and Consolidation of Titles
OWNER:	Repinski Pty Ltd
APPLICANT:	Repinski Pty Ltd C/- Casson Planning & Development 5 Standstead Close SCONE NSW 2337
AUTHOR:	Mr H A McTaggart
DATE LODGED:	02 April 2019
AMENDED:	15 October 2019
DATE OF REPORT:	29 November 2019

SUMMARY

ISSUES: Parking, traffic and access, environmental impacts

SUBMISSIONS: two (2)

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to Lot 2 DP 6758 and Lot 100 DP 1193814, 26 – 32 Maitland Street, Muswellbrook.

Lot 100 DP 1193814 is currently developed and operated as 54 room motel which was approved by Council under DA 192/2012. A dwelling house, shed and related structures are located on Lot 2 DP 6758. Under the proposed development this dwelling and other buildings located on the site would be demolished to make way for the expansion of the neighbouring motel.

The subject site has road frontage to Maitland and Wilder Streets, and adjoins Muscle Creek to the north. The Muswellbrook Flood Risk Management Study and Plan 2018 identifies that the site is affected by the 1% AEP (1 in 100 year) flood event. Flood risks and impacts associated with the proposed development have been considered.

Under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009 the land is zoned B2 Local Centre.

An aerial image of the subject site has been included below.



2.0 DESCRIPTION OF PROPOSAL

The proposed development involves:

- The demolition and/or relocation of the existing dwelling and ancillary structures located on Lot 2 DP 6758 and the demolition and replacement of the Motel's existing north-western car park area.

- The extension of the existing motel to increase the number of motel rooms by a total of 9 and the alteration of an existing motel room to convert it into a Manager's Office. The extension and alterations to the current room arrangement will see the total number of rooms increase from 54 to 62.
- Extension of the restaurant to increase its floor area to a total of 208.4m², excluding the area of the 35.6m² existing guest bar and lounge. This total area would comprise:
 - Existing outdoor dining area – 57.6m²
 - Proposed new outdoor and dining area – 30.2m²
 - Proposed new indoor restaurant and dining areas – 121.0m².
- Construction of new kitchen, bar serving area, store room and back of house facilities.
- Construction of new male, female and accessible amenities.
- Installation of a new lift.
- Removal of 2 existing redundant vehicle laybacks between the site and the New England Highway.
- Construction of 2 new vehicle laybacks, internal vehicle access area, loading and unloading bays and new car parking spaces. 22 new car parking spaces would be created under the proposal, which, after the adjustment of the total off-street car parking to account for car parking removed, would bring the total number of off-street car parking to 62.
- Alterations to building signage and the construction of Remington wall and awning signs.

When originally lodged, the proposed development sought approval for a larger extension to the motel. The original design proposed a total of 70 accommodation units. Through the assessment of the proposed development Council Officers identified design issues, particularly in relation to parking and vehicle access. The Applicant amended the proposed development and provided new plans and additional information on 18 October 2019. The revised plans and amendments reduced the scale of the proposed development and the number of rooms to 62.

3.0 REFERRALS

3.1 Integrated Development/Concurrence Referrals

The proposed development is a type of integrated development that required referral to the NSW Natural Resource Access Regulator (NRAR), as a development requiring approval under the provisions of the Water Management Act 2000, and to the NSW Roads and Maritime Services, as a development requiring concurrence from the RMS under Section 138 of the Roads Act 1993.

3.1.1 NSW Natural Access Resource Regulator

NSW NRAR granted General Terms of Approval to the proposed development in an email dated 8 October 2019, following the receipt of revised plans NSW NRAR issued additional advice dated 22 October 2019 endorsing the revised plans and indicating their General Terms of Approval remained unchanged from those expressed in their 8 October 2019 email. These General Terms of Approval have been incorporated into the recommended conditions of consent.

3.1.2 NSW Roads and Maritime Services

The proposed development was referred to the NSW RMS as it involves the construction of new vehicle accesses to a classified state road.

Final correspondence from the NSW RMS was received on 28 November 2019. This correspondence raised no objection to the proposed development and provided advice for Council's consideration in its determination of the application. This advice related to vehicle movement, site distances, traffic management and the management of noise from the New England Highway. These matters have been considered by Council Officers and have informed the assessment of this development application and recommended conditions of consent.

3.2 Internal referrals

The development application was referred to the following Council Sections and Officers for review and comment in relation to their areas of expertise.

3.2.1 Water and Waste

Water and Waste raised no objection to the proposed development and advised that it would be necessary for standard Council conditions to be imposed on any consent requiring the applicant to obtain a Notice of Requirements for the reticulated sewerage and water networks, bear the cost of any improvements to that network required as an outcome of the development, and pay relevant sewer and water headwork's contributions.

These requirements have been incorporated into the recommended conditions of consent.

3.2.2 Building Surveyor

Council's Building Surveyor provided comments in relation to the proposed development and compliance with the BCA, particularly in relation to accessible parking, and nominated a number of standard conditions of consent and raised some queries.

The applicant was informed of the queries raised by Council's Building Surveyor and provided details with the revised design to indicate that the proposed development would be able to achieve the BCA accessible parking requirements.

3.2.3 Environmental Health Officer

Council's Environmental Health Officer raised no objection to the proposed development and recommending a number of standard conditions of consent in relation to the fit out and operation of the proposed kitchen and fire places.

3.2.4 Sustainability

Council's Sustainability Team raised no objection to the proposed development, but referenced the proximity of the proposed development to a Grey Headed Flying Fox colony in Muscle Creek. These comments indicated that the applicant would need to have regard to Council's Flying Fox Camp Management Plan when carrying out the development.

3.2.5 Community Partnerships

Council's Community Partnerships Team raised no objection to the proposed development from a social impact perspective, and referenced the importance of ensuring that the development complies with the relevant accessibility and egress requirements. Detailed plans demonstrating that the development will comply with the relevant accessibility requirements will need to be submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate.

3.2.6 Roads and Drainage

Council's Roads and Drainage section raised a number of issues in relation to the proposed vehicle parking and access arrangement with the original application. Further information was requested from the applicant on the 30 September 2019, expressing Council's position on parking access issues and their review of aspects of the proposed development.

In response, the applicant amended the proposed development, reducing the number of proposed rooms, changing the configuration of the development, parking and access and egress areas within the site.

The amended proposal was reviewed by Council's Roads and Drainage Division, who indicated that the proposed development as modified was acceptable and adequately addressed the concerns previously raised. A total of 62 off-street car parking spaces would be provided as part of the proposed development at a rate that equates to 1 space per room. This is a variation to Muswellbrook DCP 2009 off-street car parking requirements. Council's Roads and Drainage Team have expressed a view that the proposed car parking arrangement would enable the motel to function with overflow on-street parking available for use by restaurant patrons during peak times.

Recommendations from Council's Roads and Drainage Team have informed recommended conditions related to stormwater management. They have also considered the impact of the proposed development on flooding and advised that, in view of the submitted information, and given the shape and location of the proposed development parallel to the Creek, the proposed development is unlikely to have any significant impact on local flooding or increase the flood height in the locality.

4.0 SECTION 4.15 ASSESSMENT

This section of this report includes an assessment of the development application against the relevant heads of consideration prescribed by the Environmental Planning and Assessment Act 1979.

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

4.1.1 The Muswellbrook Local Environmental Plan 2009

The Muswellbrook LEP 2009 is the local environmental planning instrument relevant to the assessment of development applications in the Muswellbrook Local Government Area (LGA).

Land Use Zoning and Permissibility

The subject land is zoned B2 Local Centre and the following land use table is applicable to the B2 Local Centre land use zone and thereby the permissibility of the proposed development.

Zone B2 Local Centre

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Health services facilities; Heavy industrial storage establishments; Highway service centres; Hostels; Information and education facilities; Medical centres; Mortuaries; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas;

*Recreation facilities (indoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewage reticulation systems; Sex services premises; Shop top housing; Signage; Storage premises; Tank-based aquaculture; **Tourist and visitor accommodation**; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water reticulation systems; Wholesale supplies*

4 Prohibited

Pond-based aquaculture Any development not specified in item 2 or 3

From a review of the Muswellbrook LEP 2009 land use terminology, the land use most relevant to the proposed development is hotel or motel accommodation. The Muswellbrook LEP 2009 definition for this land use term is:

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

This land use is a sub-definition of the 'tourist and visitor accommodation'. Tourist and visitor accommodation is a type of development that is permissible with consent under the land use table, so the proposed hotel or motel accommodation is also viewed as development permissible with consent.

Objectives of the B2 Local Centre Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application. The land use zone objectives for the B2 Local Centre zone are as follows:

Zone B2 Local Centre

1 Objectives of zone

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

The proposal would support the expansion of an existing commercial enterprise, encourage employment opportunities and support the perception of Muswellbrook as a prominent commercial centre. Accordingly the proposed development is considered to be generally in accordance with the land use zoning objectives.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is considered to be compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. Complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The information accompanying the proposed development indicates that the proposal involves the consolidation of the two lots subject to this development application into one lot. The consolidation of land is not "subdivision". This clause is not relevant to the assessment of the proposed development. NA
<i>4.3 Height of buildings</i>	The maximum building height for the subject land is 13m. The proposed plans indicate that the maximum height of the proposed building is 8.87m. Complies
<i>4.4 Floor space ratio</i>	The Floor Space ratio map identifies a maximum floor space ratio (FSR) of 2:1 for the subject land. The original plans submitted had an FSR of 0.65:1 following the modification the proposed FSR has reduced further and remains in accordance with the maximum FSR prescribed by this clause. Complies
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	The subject land is not identified as biodiversity by the Muswellbrook LEP 2009 terrestrial biodiversity map. Not relevant
<i>7.6 Earthworks</i>	This clause requires a consent authority to consider the following matters prior to granting consent to a development application involving earthworks. <i>a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> <i>b) the effect of the proposed</i>

	<p><i>development on the likely future use or redevelopment of the land,</i> <i>c) the quality of the fill or of the soil to be excavated, or both,</i> <i>d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> <i>e) the source of any fill material or the destination of any excavated material,</i> <i>f) the likelihood of disturbing relics,</i> <i>g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i></p> <p>To ensure that earthworks related to the development are carried out in accordance with Council requirements, standard conditions of consent have been recommended in relation to the carrying out of works and the preparation of an erosion and sediment control plan.</p> <p>Council Officers are satisfied that where the development is carried out in accordance with these recommended conditions it would be in accordance with the relevant requirements of this Clause. Complies</p>
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4.1.2 State Environmental Planning Policy No. 55 – Remediation of Land

Under Clause 7 of this SEPP a consent authority must not consent to the carrying out of any development on land unless:

- (a) It has considered whether the land is contaminated, and
- (b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Council Officers have reviewed the land use history of the site subject to the development application and are satisfied that the land is unlikely to be subject to any contamination requiring remediation as part of the carrying out of the development. Lot 2 DP 6758 has a longstanding residential use and that this use is unlikely to have resulted in any significant contamination of the site.

Given the above it is considered unlikely that the land requires remediation under the SEPP for the proposed development to proceed.

4.1.3 State Environmental Planning Policy No. 64 – Advertising and Signage

The proposed development involves the installation of business identification signage. The proposed new business signage involves a Remington logo sign to be fixed to the lower façade of the building and an awning sign installed onto the awning above the building entrance.

The provisions of this SEPP are relevant to the assessment of any development application involving the erection of advertisement signage in the Muswellbrook Local Government Area.

Council Officers have reviewed the proposed advertisement signage against the SEPP Objectives and the requirements of Schedule 1 of the SEPP. The findings of this review can be summarised as follows:

SEPP 64: Schedule 1 Assessment Criteria	
Assessment Item	Planning Comment
<i>1. Character of the area</i>	The proposed advertisement signage is considered to be compatible with the character of the area, existing signage at the premises and would not impact on significant views and vistas.
<i>2. Special areas</i>	The subject site is not identified as a special area. Therefore, this matter is not applicable to the subject development.
<i>3. Views and vistas</i>	The proposed signage will not obscure or compromise views, will not dominate the skyline. No external advertisers would be permitted to use the signage space of the subject site as is currently.
<i>4. Streetscape, setting or landscape</i>	As above.
<i>5. Site and building</i>	The proposed signage is considered to be compatible with the scale and proportion of the building on which it is located.
<i>1. Associated devices and logos with advertisements and advertising structures</i>	This matter is not applicable to the subject development.
<i>7. Illumination</i>	No information has been included with the proposed development which indicates that the new proposed signage would be illuminated. A condition of consent will be imposed on the notice of determination restricting the illumination of the signage unless otherwise approved by Council.
<i>8. Safety</i>	The proposed signage is not considered a risk to public safety.

Council Officers are satisfied that the proposed development would comply with the relevant provisions of the SEPP provided illuminated signs are managed in accordance with the recommended conditions of consent.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 4 – Notification

The Application was notified in accordance with the requirements of the Muswellbrook DCP and the EP&A Regulation 2000 between 17 April 2019 and 17 May 2019. During the notification period neighbouring properties were notified of the proposed development and a Notice appeared in the Hunter Valley News on the 17 April 2019.

During the notification period a total of two (2) submissions were received by Council. The content of these submissions have been considered under the consultation section of this Assessment.

Section 9 – Local Centre Development

The table below measures the proposed development against the DCP controls specified by this Section of the DCP.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
9.1.1 Built Form (i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area) (ii) Building design should relate to its retail/commercial/office function. (iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape. (iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres (v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc. (vi) Buildings should provide for ‘activated street frontages’ by incorporating active uses at	Yes	The proposed development is considered to be compatible with the requirements of this Section of the Muswellbrook DCP. This view has been formed based on the following considerations: ➤ The proposed development would be compatible with the design and character of the existing contemporary motel building located at the site. The existing motel building enhances the local streetscape and the character of the locality as a prominent commercial centre with quality accommodation options available. ➤ The building materials and building materials proposed would be compatible with those used in the existing structure. ➤ The proposed development would have an active street frontage. The principle building entrance and entrance to the motel reception and restaurant would be orientated toward Maitland Street (the properties primary street frontage). ➤ The building design includes interactive features, windows, awnings and wall recesses. The design minimises blank building facades consistent with DCP requirements. ➤ The building entrance is well defined and identifiable by adjacent building features including an awning and distinctive roof structure.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings. (ix) Building designs should allow for passive surveillance of public places and streets.</p> <p>(ix) Building entrances should be well defined and well lit.</p> <p>(x) New residential development shall be located above street level.</p> <p>(xi) Incorporate areas for future signage into the building design.</p>		
<p>9.1.2 Height of Buildings</p> <p>(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>	Yes	<p>The proposed development would comply with the requirements of this section of the DCP. This view has been formed based on the observations below:</p> <ul style="list-style-type: none"> ➤ The height of the proposed development would not exceed the maximum building height for the land specified by the Muswellbrook LEP 2009. ➤ The height and roof features used in the proposed motel extension would be comparable to those employed by the existing motels roof design. ➤ Shadow diagrams have been submitted to Council in relation to the proposed development. These diagrams indicate that the proposal is unlikely to result in significant overshadowing of any neighbouring property. ➤ The proposed development will not result in any new opening or verandahs with a direct intrusive view of the private open spaces of nearby residential properties.
<p>9.1.3 Setbacks</p> <p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p> <p>(ii) In some cases, front setbacks</p>	Yes	<p>The proposed development is considered to be in accordance with the development controls specified by this Section of the DCP. This position has been informed by the following</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>should allow for street landscaping and footpath widening where necessary.</p> <p>(iii) New development should respect the setbacks of other buildings along the streetscape.</p> <p>(iv) Separation fencing is provided between development land and any rail corridor.</p> <p>(v) (Not included Relates to Rail Corridor Development)</p>		<p>considerations:</p> <ul style="list-style-type: none"> ➤ The proposed extension would maintain a consistent frontage and setback to that of the existing motel. ➤ The proposed development includes landscaping adjacent the sites interface with the footpath to enhance the motel and the carparks relationship with the streetscape. ➤ The development site is not situated adjacent a rail corridor and thereby the controls specified by 9.1.3 (iv) and (v) do not relate to the proposed development.
<p>9.1.4 Accessibility</p> <p>This Section of the DCP requires new commercial developments to be designed and constructed in a manner which comply with the relevant accessibility standard.</p>	Yes	<p>Information has been provided with the development application to indicate that accessible car parking spaces and accessible rooms will be provided to the development in accordance with the requirements of the Building Code of Australia and Access to Premises Standard.</p> <p>It will be necessary for any Certifying Authority processing a Construction Certificate in relation to the proposed development to ensure that the proposal meets these requirements prior to issuing a Construction Certificate in relation to the development.</p>
<p>9.2.1 Urban Landscaping</p> <p>(i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.</p> <p>(ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area.</p> <p>(iii) Landscaping should be used to soften the impact of hard surfaces where necessary.</p> <p>(iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application</p>	Yes	<p>The proposed plans detail areas of landscaping to be established on the development site to enhance the appearance of the development and provide visual relief to the car park hardstand areas.</p> <p>It is considered that the level of landscaping proposed would be compatible with the requirements of this Section and that if development consent is granted a condition of consent is imposed on the development requiring the proposed landscaping to be installed as part of the development.</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
9.2.2 Car Parking	No	<p>This Section of the DCP requires the provision of sealed vehicle car parking and accessible parking in accordance with the off-street car parking requirements of Section 16 of the DCP.</p> <p>Council Officers have considered the rate of off-street car parking proposed against the DCP requirements under the sub-heading for Section 16 - Car Parking and Access.</p> <p>62 car parking spaces plus a drop of zone would be provided for the development. This equates to 1 car parking space/room and does not meet the DCP requirements for restaurant and motel car parking.</p> <p>Council Officers have reviewed information contained in the Traffic Impact Assessment Report prepared by Intersect Traffic, consider there is sufficient merit to enable Council to vary the DCP in relation to the proposed development. These matters are considered in greater detail under the heading for Section 16 of the DCP.</p>
9.2.3 Outdoor Eating Areas (i) Any outdoor eating areas should be located directly adjacent to cafes or restaurants. (ii) A clear space is required to be provided on the footpath to allow free flow of pedestrian traffic. (iii) Outdoor eating areas are required to comply with section 19 of this DCP.	Yes	<p>The proposed restaurant would include an outdoor eating area at the rear of the motel building.</p> <p>The outdoor eating area would comply with the requirements of this section of the DCP and would be directly attached to the restaurant and not obstruct the public footpath.</p>
9.2.4 Signage and Advertising	Yes	<p>The proposed signage has been considered against the provisions of Section 14 of the DCP and the requirements of the SEPP Advertising Signage. Council Officers are satisfied that the proposed signage would be in accordance with the signage requirements of this legislation and can be supported.</p>

Section 13 – Flood Prone Land

The land subject to this development application is identified as flood liable by the Muswellbrook Flood Risk Management Study 2018.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 13 FOOD PRONE LAND RELATED TO NON-RESIDENTIAL DEVELOPMENT

Item 10.4 - Attachment A DA 30/2019 - Section 4.15 Assessment Report

<u>DCP REQUIREMENTS</u>	<u>COMPLIES</u>	<u>PLANNING COMMENT</u>
a) Floor levels of non residential uses excluding habitable areas may be permitted below the flood level.	Yes	The proposed development involves a non-residential development. As a motel or hotel accommodation and restaurant Council may consider the proposed development without a strict requirement for the premises to be designed to be above the 1% AEP.
b) The floor level of all habitable areas of the proposed development shall be at least 0.5m above the 1% AEP flood level.	Yes	<p>The ground floor height of the proposed development would be 146.3 AHD. Council's flood information indicates that flood heights at the site during a 1% AEP event would range between 145.5 and 145.9 AHD.</p> <p>The definition for habitable area provided by this section of the DCP is as follows:</p> <p>HABITABLE AREA means a room or rooms (other than a bathroom, laundry, W.C., garage, storage shed or workshop or the like) that are designed, constructed or adapted for activities normally associated with domestic living.</p> <p>As the motel units fall outside the characterisation of 'habitable area'. The ground floor level of the motel would be 0.4m above the highest anticipated 1% AEP flood event, a height consistent with the floor level of the existing motel building.</p>
c) The development will not result in an increased flood hazard or flood damage to other properties or increase afflux by more than 0.1m.	Yes	Documentation by RHM Consulting Engineers was supplied regarding the flood impact and stormwater impacts of the proposed development. This documentation has been reviewed by Council's Community Infrastructure Department Roads and Drainage Engineering Team who have raised no concerns with the likelihood of the proposed development increasing the flood impacts on neighbouring properties.
d) The construction methods and materials for that part of the development below the 1% AEP flood levels shall conform with the flood proofing code.	Yes	A condition will be imposed to ensure engineering design plans are submitted to certify that the proposed development has been designed to withstand the 1% AEP flood event.
e) The proposed development can withstand the force of flowing floodwaters, including debris and buoyancy forces.	Yes	A condition will be imposed to ensure engineering design plans are submitted to certify that the proposed development has been designed to withstand the 1% AEP flood event.
f) Provision shall be made for the safe storage and/or timely removal of goods, material, plant	Yes	A condition is included requiring the consent holder to establish a flood evacuation plan for the site.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 13 FOOD PRONE LAND RELATED TO NON-RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
and equipment in the event of a flood.		
g) An evacuation plan for users of the development is prepared (to the satisfaction of Council) and maintained throughout the life of the development.	Yes	A condition is included requiring the consent holder to establish a flood evacuation plan for the site.

Section 14 – Outdoor Signage

The proposed signage has been considered against the requirements of the Muswellbrook DCP that relate to signage installation. Council Officers are satisfied that the proposed signage would be compatible with the controls of this Section of the DCP and DCP objectives.

Section 16 – Car Parking and Access

The adequacy of the vehicle access arrangements and internal loading, unloading and manoeuvring areas has been considered by Council staff. Additional information was requested in relation to traffic manoeuvrability within the site and the availability of off-street car parking. The applicant amended the proposed development and provided additional information which demonstrates that adequate space would be available for light and service vehicle turning circles within the site and that the proposal would meet Council requirements in relation to vehicle access.

The DCP prescribes the following rates of off-street car parking for this type of development:

Restaurant – 1 space per 7m² of gross floor area available for dining purposes
Motel – 1 space per unit, plus 1 space per 2 employees.

The total off-street parking spaces required by the DCP is calculated below:

Restaurant

- Outdoor dining area – 87.8m² (87.8/7 = 12.5 parking spaces)
- New indoor restaurant and dining areas – 121.0m² (121/7 = 17.2 parking spaces)

Total: 29.7 off-street parking spaces.

Motel

- 62 rooms (1 space per room = 62)

- Staff – staff on-site will vary dependent on time of day. Cleaning Staff will be present at the site during the day when parking demand is low, while customer service officers will be constantly present and restaurant staff regularly in attendance. Given that staff present on-site during peak parking demand times would primarily be employed in the restaurant, the restaurant parking required has been accepted as accounting for service staff during peak periods.

Total: 62 off-street parking spaces.

To comply with the off-street car parking provisions of the DCP, a total of 92 off-street car parking spaces would be required. A total of 62 spaces are proposed.

Subsection 4.15 (3A)(b) of the EP&A Act 1979 specifies that a consent authority is to be flexible when applying standards imposed by a development control plan with the assessment of a development application. This Clause states the following regarding the application of a DCP development standard.

(b) if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development,

In assessing the merit of the proposed car parking variation, Council Officers have considered the DCP objectives, which are as follows:

- a) To ensure adequate provision of off-street parking to maintain the existing levels of service and safety of the road network.*
- b) To ensure a consistent and equitable basis for the assessment of parking provisions.*
- c) To ensure the design of parking areas, loading bays and access driveways which function efficiently.*
- d) To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.*
- e) To ensure that all traffic generating developments are generally in accordance with those sections of the Traffic Authority of NSW Policies and Guidelines, for traffic generating developments as adopted by this Code.*

Council Officers have identified the following:

- A Traffic Impact Assessment was submitted with the development application includes a survey car parking associated with the current Motel. The parking survey was carried out over a 14 day period and observed room occupancy rates and available off-street parking at 8am, 1pm and 7pm on each day the survey was conducted. The survey found that:
 - That the median occupancy rate for car parking was 33% and the average car parking occupancy rate 36%.
 - At every interval that the car park survey was conducted car parking spaces were available at the motel. The lowest number of available car parking observed was 17.

- The proposed development would provide a total of 62 off-street car parking spaces. This equates to a rate of 1 space per motel room.
- Guests of the motel regularly double as restaurant patrons.
- Anecdotal evidence and observations from Council Officers suggest that local residents are unlikely to visit the site when car parking is not readily available.
- Council Officers have reviewed the off-street car parking provided at two other local motels that include restaurant services (the Hermitage Hotel and the Noah's Mid City Motor Inn). Neither motel appears to provide off-street car parking at the rate required by the DCP.
- There is overflow on-street car parking available in the immediate vicinity of the development site.
- Council Roads and Drainage Officers have supported the variation of the DCP and are satisfied that the proposed development would not have a significant adverse impact on Council's road network.

Council Officers are satisfied that the proposed development and the variation of the DCP car parking standard would still achieve the DCP objectives, not have an adverse impact on the functionality of the development or Council's road network and be compatible with the rate of off-street car parking available at similar motel/restaurant establishments in the Muswellbrook LGA. It is therefore recommended that Council support the variation of the off-street car parking standard where it applies to this development application.

Section 20 – Erosion and Sediment Control

The proposed development involves a large area of disturbance, so the applicant will need to prepare and submit an erosion and sediment control plan pursuant to the provisions of the DCP prior to the carrying out of any works.

It is recommended that a condition be imposed requiring the submission and approval of a sediment and erosion management plan prior to the issue of any Construction Certificate.

Section 24 – Waste Management

The proposed plans submitted with the development application identify waste storage areas to be made available. The plans indicate that these storage areas would be discreetly located and screened in accordance with the requirements of this Section of the DCP. Waste collection vehicles would be able to successfully access the waste stores for collection.

A complete waste minimisation management plan has not been submitted. To ensure that the proposed development complies with the requirements of the DCP in relation to the management of waste streams a condition of consent has been recommended to require the submission of a waste minimisation management plan prior to the issue of a Construction Certificate.

Section 25 – Stormwater Management

The proposed development would increase stormwater runoff as a result of increased building footprint and car parking area. A stormwater management plan was submitted.

The Community Infrastructure Department is satisfied with the conceptual stormwater management plan provided. A section 68 application will be required for the carrying out of stormwater works. A recommended condition of consent requires a complete set of hydraulic plans and specifications for all stormwater infrastructure to be provided for approval. In particular details must be provided related to the detention pit capacity and overflow outlet and a stormwater pollution management report provided outlining stormwater quality improvement devices (SQID) to be installed to comply with the requirements of Council's Development Control Plan.

Section 94 Contributions Plan 2001

Council's Section 94 Contribution Plan does not relate to the proposed development.

Section 94A Contributions Plan 2009

In accordance with Council's Section 94A Contribution Plan a developer contribution would be applicable to the proposed development at a rate of 1% of the total estimated capital investment value.

The proposed development would have a capital investment value of \$1,700,000 and thereby a contribution of \$17,000 would be applicable should the development application be approved.

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

There are no planning agreements relevant to the subject Application.

4.5 Section 4.15(1)(a)(iv) the provisions of the regulations

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

Prescribed conditions of this Division of the Regulations will be applied to the development where appropriate.

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

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

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

Likely environmental impacts associated with the proposed development have been considered throughout the assessment of this development application and are commented on throughout this report. Some key potential environmental impacts related to the development have been summarised and commented on under the sub-headings below.

Context & Setting

The proposed extension has been designed to be in keeping with the architectural form of the existing Remington Building. It is considered that the building extension will enhance the streetscape and contribute toward the commercial character of the B2 Local Centre zoning.

Potential Impact on Adjacent Properties

The proposed extension would be attached to the northern elevation of the existing premises which adjoins another motel premises. As the extension would be physically separated from neighbouring residential properties by the existing building it is not anticipated to have a significant adverse impact on the acoustic or visual privacy of nearby residents.

Potential Impacts on Muscle Creek

As the site adjoins a Muscle Creek, provisions in Council's Rivers and Urban Drainage Channels Policy and the Muswellbrook Urban Riparian Landscape Master Plan have been considered.

In addition to management of stormwater, a condition is recommended requiring an easement for access to Muscle Creek, to enable bank stabilisation and revegetation works, prior to the issue of the Final Occupation Certificate.

A condition is also recommended that an open style fence (e.g. wooden post and beam) and flood warning signage shall be erected along the north-eastern property boundary between the development site and Muscle Creek.

Access, Traffic and Transport

Vehicle access, parking and traffic related impacts of the proposed development have been considered extensively through the assessment of this development application. These matters are commented on in detail under the referrals and DCP headings of this assessment.

Conditions of consent have been recommended to improve the safety of the Wilder Street by requiring the applicant to install a stop sign at the motels Wilder Street exit and provide Council's Traffic Committee with plans for a no-stopping zone along the New England Highway adjacent the Wilder Street - New England Highway intersection and install no-stopping signs where directed to do so by the traffic committee.

Social and Economic Impact on Locality

The proposed development would have a positive economic and social impact. The proposal would support the expansion of a local business, thereby supporting local job opportunities and the perception of Muswellbrook as a centre for business and investment.

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

The subject site is zoned B2 Local Centre and has frontage to the New England Highway, a regionally significant transport link. Council Officers have noted and considered site attributes that may affect the opportunity for the carrying out of the development through the assessment of the development application, such as flood liability and proximity of the development to Muscle Creek. Council officers consider constraints can be managed and do not significantly affect the site's suitability for development.

4.9 Section 4.15(1)(d) any submissions made

The proposed development was placed on public notification in accordance with the requirements of the Muswellbrook DCP and the EP&A Regulation 2000. During the notification of the development Council received 2 submissions objecting to the proposed development.

The reasons for objection provided have been considered by Council Officers through the assessment of the development application and key matters raised by the submissions have been summarised and commented on in the table:

Issue Raised	Planning Comment
The proposal operates as a 'hotel' and not a 'motel'.	Under the provisions of the Muswellbrook LEP 2009, the proposed development is best defined as 'motel or hotel accommodation' this land use is a sub-category of the 'tourist and visitor accommodation' land use and is a permissible form of development in the B2 Local Centre zone. The characterisation of the development as either a

Issue Raised	Planning Comment
	<p>hotel or motel accommodation does not have any bearing on the permissibility, or otherwise of the proposed development.</p> <p>In determining the car park requirements of the proposed development Council have reviewed the car park requirements for a motel and a restaurant to identify the total number of car parking spaces required for both the motel operation and the proposed restaurant which is available to motel patrons and the general public.</p>
<p>The proposed development does not achieve the minimum rate of off-street parking required for either a 'motel' or a 'hotel' under the provisions of the Muswellbrook DCP.</p>	<p>The Environmental Planning and Assessment Act 1979 requires Council to exercise some flexibility when applying development standards imposed by a DCP, and a merit based assessment of the proposed car parking has been carried out by Council Officers.</p> <p>The 62 off-street car parking spaces proposed are supported on merit, as the objectives of the DCP objectives would be met, they provide a functional off-street car park, the reduction will not adversely impact on the road network and be comparable with the rate of off-street car parking provided at similar motel/restaurant establishments in Muswellbrook (the Hermitage Motel and Noah's Mid City Inn).</p> <p>It is recommended that Council support the application on merit despite its non-compliance with the DCP development standard related to off-street car parking.</p>
<p>The proposed entrance driveways to not comply with the Muswellbrook DCP width and separation requirements</p>	<p>The acceptability of the vehicle access and egress arrangements proposed has been reviewed by Council's Roads and Drainage Engineers and the NSW RMS.</p> <p>No objection has been raised to the proposed driveway locations or design.</p>
<p>The proposed development would increase the hazard to residential traffic exiting Wilder Street.</p>	<p>The proposed development would increase the number of vehicles entering and exiting the premises and as a result to increase the number of vehicles using the Wilder Street intersection.</p> <p>Council Officers have considered the potential for increased traffic volumes at this intersection and the concerns raised by residents about the safety of this intersection and have recommended a condition of consent requiring the applicant to submit plans for a no-stopping zone adjacent the Wilder Street - New England Highway intersection prior to the issue of a Construction Certificate. Once received, these no stopping zones will be reported to Council's Traffic Committee. If endorsed by the Committee, the signs will need to be installed by the Applicant prior to the issue of an</p>

Issue Raised	Planning Comment
	Occupation certificate. The proposed development also includes a vehicle exit directly to the New England Highway. A condition requiring a stop sign at the Wilder Street exit has also been recommended.
Section 2.2.3 of the Statement of Environmental Effects does not include adequate commentary to confirm that the proposed development will not increase flood hazard on adjacent properties.	The proposed development has been accompanied by a Stormwater Management Plan and a copy of the Flood Impact Assessment prepared in relation to the previous development of a motel at the site. Council Engineers are satisfied that the proposed development will not significantly impact the flooding of the land or adjoining properties. Matters related to flooding are considered in greater detail under the Referrals and <i>DCP – Section 13 Flood Prone Land</i> headings of this assessment report.
Poor record of compliance, raised concern that the applicant has not completely complied with their previous DA approval, DA 192/2012. These concerns relate to removal of a mature trees that were to be left in place and the importation of fill to the site which the submitter is concerned may have increased the flood hazard to adjoining properties.	<p>The Applicant has acknowledged that a mature <i>Grevillea Robusta</i> (Silky Oak) was removed from the site that was originally intended to be retained, but considers that fill was used on the site was in accordance with the previous development consent.</p> <p>Council has issued a Penalty Notice to the developer for the tree removal and required three (3) trees to be planted as a replacement to provide a visual barrier between the proposed development and residential properties to the east.</p> <p>A detailed Landscape Design Plan is required to be submitted for approval prior to the release of a Construction Certificate. New plantings will occur along the Muscle Creek property boundary and the existing Street Tree plantings will be retained.</p>

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

The proposed development is considered to be generally in accordance with the public interest. This view has been informed by the following considerations:

- The proposed development is permissible with consent in the B2 local centre zone under the provisions of the Muswellbrook LEP 2009.
- The proposed development would be carried out in accordance with the relevant provisions of the Muswellbrook LEP 2009 and other applicable environmental planning instruments
- The proposed development would comply with the relevant requirements of the Muswellbrook DCP, with the exception of council's minimum off-street parking DCP requirement. Council staff consider there is merit in accepting a reduction of parking in this instance.
- Where carried out in accordance with the recommended conditions of consent the proposed development is unlikely to have a significant adverse environmental impact.
- The proposed development would generate additional economic activity and employment opportunities in the Muswellbrook locality.

5 CONCLUSION & RECOMMENDATION

The proposed development has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*. It is considered that the proposed development would be in accordance with the provisions of all relevant Environmental Planning Instruments, the majority of Development Control Plan provisions, the Environmental Planning and Assessment Act Regulations 2000, is unlikely to result in any significant adverse environmental impacts, is located on a site suited to the proposed development and is in the public interest.

The proposed development would not be strictly in accordance with the Muswellbrook Development Control Plan provision related to the availability of off-street car parking. However, Council Officers are satisfied that there is sufficient reasoning for Council to support the variation of its DCP requirements related to off-street parking in this instance and permit the proposed development with 62 off-street car parking spaces, which equates to 1 parking space per room.

In view of the findings of this development assessment report it is recommended that development consent be granted to the proposed development subject to the recommended conditions of consent pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979.

Signed by:



Hamish McTaggart
Development Co-ordinator

Date:

22 November 2019

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
103-17 (sheet 0)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 1)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 2)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 3)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 4)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 5)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 6)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 7)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 8)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 9)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 10)	B	P.B. Eveleigh Plan Service	2 October 2019	16 October 2019
103-17 (sheet 11)	B	P.B. Eveleigh Plan Service	26 November 2019	27 November 2019
103-17 (sheet 12)	B	P.B. Eveleigh Plan Service	26 November 2019	27 November 2019

Note: The left turn out driveway is to be constructed at the site as set out in drawings number 103-17 Sheet 11 and 12 Revision B. Where there is a discrepancy between the design of this driveway shown in these plans and the site plan or any other submitted plan the design shown in drawings 103-17 Sheet 11 and 12 Revision B the design in these drawings is to take precedence over the extent of the discrepancy.

(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 of this consent, the condition takes precedence over matters referenced by the documents below.

Title	Written by	Date
Statement of Environmental Effects and Attachments	Casson Planning and Development Services	22 March 2019
Letter to amend the proposed development	Casson Planning and Development Services	15 October 2019

Should there be any inconsistency between this approval and any Development Consent previously issued in relation to this site, this Development Consent and its conditions of consent shall prevail over the extent of any inconsistency.

Note: the approved statement of environmental effects includes references to the proposed development as submitted, and prior to the amendment of the proposed development and plans dated 15 October 2019. Where there is a discrepancy between an aspect of the proposed development referenced in the Statement of Environmental Effects and the 15 October 2019 amendment the amendment and approved plans take precedence.

(3) Identification of approved advertisement signage

New advertising signs approved by this development application are limited to the business identification signs shown on the approved elevation plans, any additional signage including new freestanding pylon signs proposed may require further approval from Council.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION
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(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) Carrying out of demolition work

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

REQUIREMENT FOR A CONSTRUCTION CERTIFICATE

(7) Construction Certificate Requirement

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works. 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

(8) Controlled Activity Approval Requirement

Prior to the commencement of any work within 40m of Muscle Creek, and prior to the issue of a Construction Certificate, the person acting with this consent must obtain a Controlled Activity Permit for the NSW Natural Resource Access Regulator in accordance with the provisions of the Water Management Act 2000 and the General Terms of Approval issued by that authority in relation to this development application.

(9) 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 Principal Certifying Authority prior to release of the Subdivision or Occupation Certificate.

(10) Landscape Design Plan

Prior to the issue of any Construction Certificate, a detailed landscape plan is to be prepared in relation to the proposed development 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 and the provisions of the Muswellbrook Development Control 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.

(11) 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 \$17,000 shall be paid to Muswellbrook Shire Council.

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

(12) 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.

(13) 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).

(14) Potential Flood Damage to Buildings

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

(15) Management of Noise from the New England Highway

Prior to the issue of a Construction Certificate detailed information is to be provided to the Certifying Authority demonstrating that the proposal has been designed to provide any noise attenuation measures to manage the impact of noise generated by the New England Highway in relation to the development, in accordance with the requirements of the *NSW Road Noise Policy 2011*, prepared by the Department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria set by this policy cannot be feasibly or reasonably met the applicant must demonstrate to that all motel rooms with windows will meet the internal noise objectives of the Building Code of Australia. This condition has been informed by comments received by the NSW Roads and Maritime Services.

(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) Waste Management Plan

A Waste Management Plan is to be submitted with the Construction Certificate. The plans should include, but not be limited to, the estimated volume of waste and method of disposal for the construction and operation phases of the development, all landfill removed from the site, haulage routes, design of on-site wind proof waste storage and recycling area and administrative arrangements for waste and recycling management during the construction process.

(18) Liquid Trade Waste Agreement

Prior to the issue of a Construction Certificate, unless otherwise approved by Council in writing, 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.

(19) Installation of Solid Fuel Heater

Prior to the issue of any Construction Certificate where a solid fuel heater is to be installed as a part of the development the person acting with this consent shall apply for approval from Council under Section 68 of the Local Government Act 1993 for the installation of a domestic oil or solid fuel heating appliance and provide the Certifying Authority with documentary evidence confirming that this application has been lodged.

Council will require the following information with any Section 68 Application for the installation of the solid fuel heater:

- a) Details confirming that the solid fuel heater would be designed and installed in accordance with Australian/New Zealand Standard 2918:2018 'Domestic solid fuel burning appliances—Installation'.

- b) Plans of the proposed development identifying the heater and flue dimensions (including height), specifications of the heater and confirmation that the heater meets relevant Australian Standards (AS 4013 for pollution emissions, AS 2918 for installation).

(20) 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.

(21) 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.

In particular details must be provided related to the detention pit capacity and overflow outlet and a stormwater pollution management report provided outlining stormwater quality improvement devices (SQID) to be installed to comply with the requirements of Council's Development Control Plan.

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.

(22) Section 138 Approval Requirements

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 Maitland Street and Wilder Street 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 in the road reserve will disturb Council's footpath it will be necessary for any new driveway crossovers to be constructed at a height consistent with the footpath height and any damaged footpath pavement to be re-instated to the satisfaction of Council prior to the completion of the development.

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 it is recommended that the person acting with this consent contacts Council's Community Infrastructure Department on 65493700.

(23) 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 a no stopping zone along Maitland Street adjacent the site, from the northern portion of the Maitland Street/Wilder Street intersection. The no stopping area shall extend for a distance of 20m from this intersection.

These plans should include details of signage and line marking 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.

The no stopping zones and any 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
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(24) 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.

(25) 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.

(26) 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.

(27) 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.

(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.

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

(29) 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.

(30) Materials

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

(31) 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.

(32) 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.

(33) Demolition or Removal of Buildings

- (a) Demolition must be carried out in accordance with AS 2601–1991, *Demolition of structures*.
- (b) Demolition materials must not be burnt or buried on the work site.
- (c) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials, have their loads covered and do not track soil or waste material onto the road.
- (d) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.
- (e) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site and must be maintained in a functional condition throughout the construction activities until the site is stabilised.
- (f) The work site must be left free of waste and debris when work has been

completed.

(34) 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.

(35) Flying Fox Management

A population of grey headed flying foxes are known to roost in trees adjacent the site in Muscle Creek. Care is to be taken to avoid disturbing this species and its habitat during the construction process. The principle contractor or site manager must review Council's 'Flying Fox Camp Management Plan' relating to this species and ensure that appropriate steps are taken to minimise any disturbance to this species of fauna during the carrying out of construction works.

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

(36) 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.

(37) 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.

(38) 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.

(39) Connection to Sewer

The premises shall be connected to the sewer system in accordance with the Australian Standard 3500.

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.

(40) 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.

In accordance with the approved plans a minimum of 62 off-street car parking spaces, including 4 accessible parking spaces, are to be provided unless otherwise approved by Council.

(41) Reinstatement of Public Infrastructure

Prior to the issue of an Occupation Certificate written confirmation is to be obtained from Muswellbrook Shire Council's building section that all damage caused to Council's infrastructure has been reinstated to a satisfactory condition. Council's inspection charges will apply.

(42) Consolidation of Lots

The person acting with this consent must consolidate Lot 2 DP 6758 and Lot 100 DP 1193814.

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.

(43) 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.

(44) 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.

(45) 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 construction 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.

(46) 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.

(47) Installation of Driveways

Prior to the issue of any Occupation Certificate, a sealed vehicular crossover shall be constructed between the property boundary and the road in accordance with the profile on the approved plans.

(48) Installation of Directional Signage

Prior to the issue of any Occupation Certificate the person acting with this consent is to

install the vehicle safety and directional signage identified on the approved plan 103-17 sheet No.11, prepared by P.B. Eveleigh Plan service, dated 2 October 2019 in accordance with the relevant Australian Standards and Council requirements.

(49) Establishment of no stopping areas

Prior to the issue of any Occupation Certificate, unless otherwise specified by Council in writing, no stopping areas are to be established along Maitland Street from the Maitland Street/Wilder Street intersection in accordance with no stopping zones endorsed by Council's Local Traffic Committee and related no stopping and signage prepared 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.

(50) Stop Sign to be installed at Wilder Street Site Exit

The Wilder Street exit is to be upgraded to require all traffic to stop before exiting the site in this direction.

Unless otherwise specified by Council in writing signage and line marking is to be installed at this site exit in accordance with the relevant Australian Standards to make clear that all traffic exiting the site in this direction must stop at the intersection prior to entering Wilder Street.

In accordance with this condition adequate 'stop' signage and line marking is to be installed to the satisfaction of Council's Community Infrastructure Department and correspondence obtained from Council endorsing the signage installed prior to the issue of an Occupation Certificate.

(51) 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.

(52) Flood Evacuation Plan

Prior to the issue of an Occupation Certificate, the person acting with this consent shall establish a Flood Evacuation Plan for the site. The Plan shall detail measures to be implemented in the event of a flood to ensure the safety of patrons and staff. The Plan is to be submitted to Council for record keeping purposes, and maintained throughout the life of the development.

(53) Property Fencing

Prior to the issue of an Occupation Certificate the following fencing is to be installed and maintained for the life of the development:

- (a) An open style fence (e.g. wooden post and beam) and flood warning signage shall be erected along the north-eastern property boundary between the development site and Muscle Creek.
- (b) A 1.5 metre high black aluminium open permeable security fence is to be erected along the full frontage of Maitland Street.

(54) Easement for Access to Muscle Creek

Prior to the issue of the Final Occupation Certificate, an easement shall be registered on the title of the property for access to Muscle Creek for the purpose of bed and bank stabilisation and vegetation maintenance. This easement is to name Muswellbrook Shire Council as the sole authority to release, vary, or modify.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(55) Smoking

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

(56) Operation of wood heater

At all times the wood fire heater is to be operated and maintained in accordance with the requirements of any Section 68 Approval issued by Council and the manufacturer's guidelines.

(57) Vehicle Access to the Site from Maitland Street

At all times vehicle access to the site from Maitland Street may only occur via the driveway constructed at a right angle to the road. Vehicle access from Maitland Street to this driveway shall be left in, left out and right in.

(58) Vehicles Entry/Exit Movements

All vehicles entering and exiting the site are to do so in a forward direction.

(59) Trade Waste

Trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the Owner and Muswellbrook Shire Council.

(60) Loading Within Site

All loading and unloading operations shall be carried out wholly within the confines of the site, at all times and within loading bays designated on the approved plans.

(61) No Illumination of Approved Signage

Unless otherwise approved by Council in writing the signage approved by Council under this Notice of Determination is not to be illuminated or floodlit.

(62) Landscaping

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

(63) Positioning of Security Devices

Any security devices will be positioned so as not to impose on the privacy of neighbouring residents.

GENERAL TERMS OF APPROVAL ISSUED BY THE NSW NATURAL RESOURCE ACCESS REGULATOR PURSUANT TO SECTION 4.47 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED)
--

The following are General Terms of Approval issued by the NSW Natural Resource Access Regulator in relation to the development:

(64) Design Works and Structures

Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a

controlled activity approval under the Water Management Act 2000.

(65) Erosion and Sediment Control

The following plan(s): - Erosion and Sediment Controls Plan must be:

- A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and
- B. submitted with an application for a controlled activity approval.

The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

(66) Plans Standards and Guidelines

This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.

The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan.

All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.

Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.

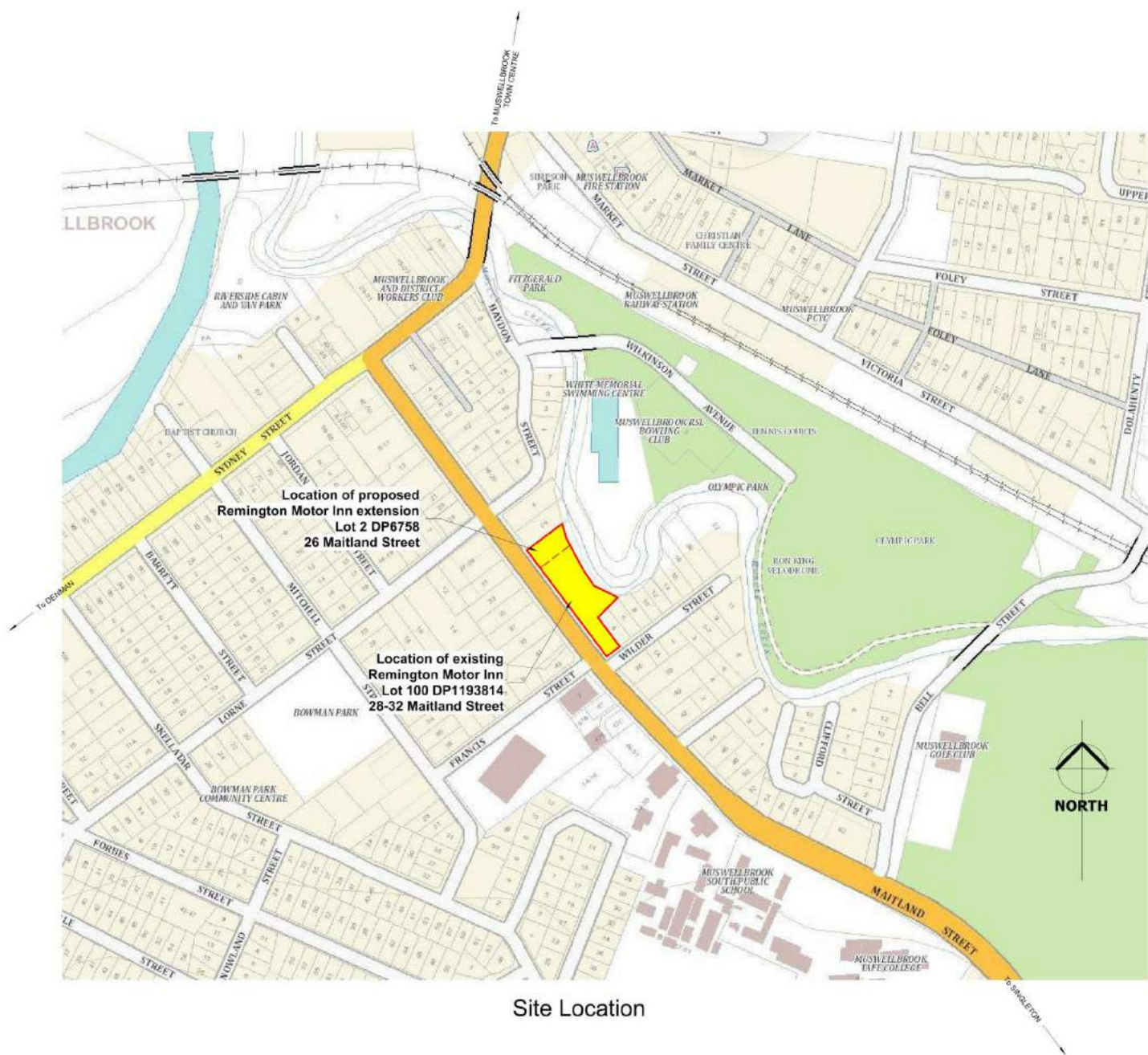
The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website <https://www.industry.nsw.gov.au/water/licensingtrade/approvals/controlled-activities>.

(67) Rehabilitation and Maintenance

When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

(68) Reporting Requirements

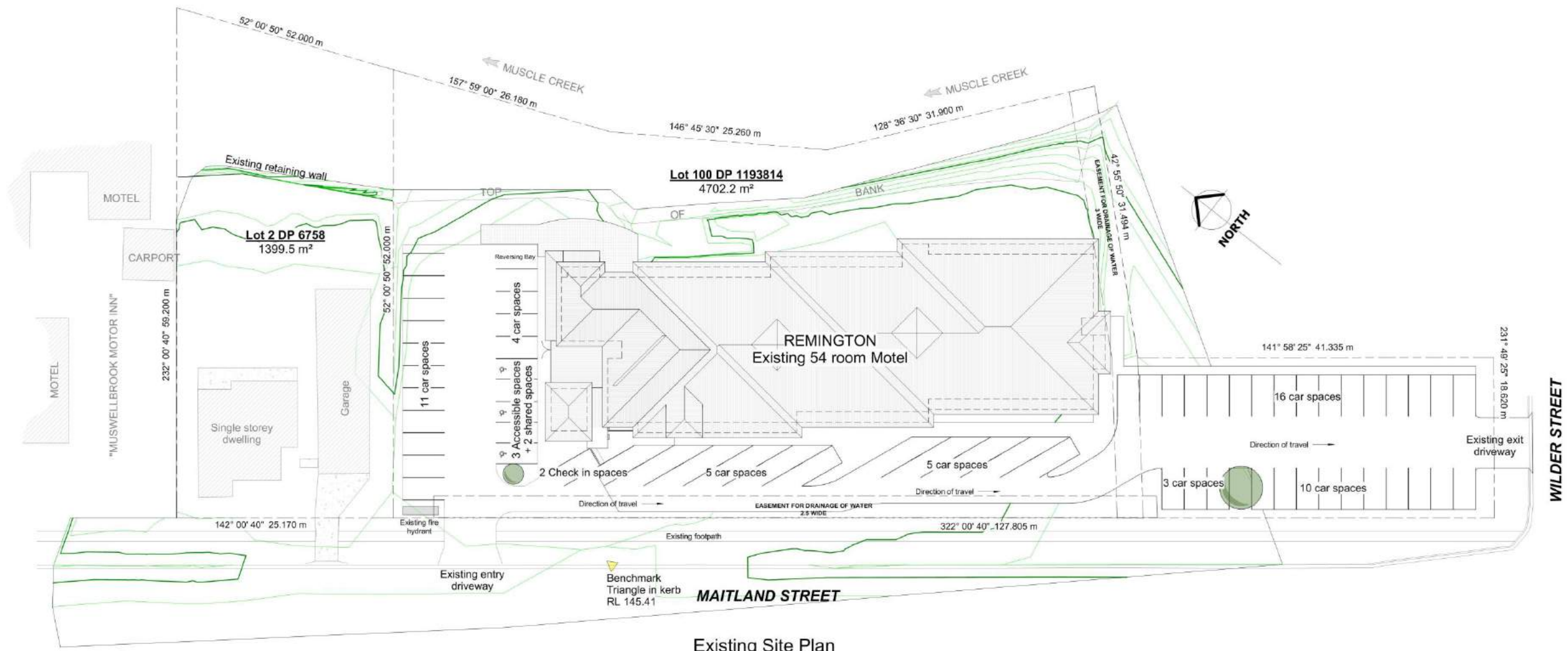
The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.



Existing First Floor Area	993.1 m ²
Existing First Floor Balcony Area	131.7 m ²
Existing Ground Floor Area	1095.0 m ²
Existing Ground Floor Balcony Area	123.1 m ²
Existing Outdoor Dining Area	71.6 m ²
Existing Stair Area	16.9 m ²
	2431.4 m ²

Proposed Covered Entry & Walkway Area	121.1 m ²
Proposed External Area	8.2 m ²
Proposed External Stair Area	8.2 m ²
Proposed First Floor Extension Area	370.3 m ²
Proposed Ground Floor Extension Area	380.5 m ²
Proposed Lift Area	5.3 m ²
Proposed Outdoor Dining Extension Area	56.8 m ²
	960.5 m ²

GENERAL NOTES:		AREAS:		<div>Legend</div> <div><div><div></div>Proposed</div><div><div></div>Existing</div><div><div></div>Demolished</div></div> <div>Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.</div>	<table><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td>B</td><td>Extension size reduced</td><td>02/10/19</td></tr><tr><td>A</td><td>DA</td><td>01/02/19</td></tr><tr><td>No.</td><td>Description</td><td>Date</td></tr><tr><td colspan="3">Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.</td></tr></table>																						B	Extension size reduced	02/10/19	A	DA	01/02/19	No.	Description	Date	Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.			<div><div><div><div></div><div></div><div></div></div><div><div>P.B. Eveleigh</div><div>Plan Service</div></div></div><div>7 Short Street Scone NSW 2337 Ph: (02) 65452108 A B N. 88 709 487 298 Email: pbeplans@gmail.com</div></div> <div><div>PROJECT PROPOSED ACCOMODATION & RESTAURANT EXTENSION</div><div>AT THE REMINGTON 28 - 32 MAITLAND ST, MUSWELLBROOK</div><div>FOR REPINSKI PTY LTD</div></div> <div><table><tr><td>SCALE</td><td>1 : 1</td><td>JOB No</td><td>103-17</td><td>REV</td></tr><tr><td>DATE</td><td>16/03/18</td><td>SHEET No</td><td>00</td><td>B</td></tr><tr><td>DRAWN</td><td>PDG</td><td colspan="3"></td></tr></table></div>	SCALE	1 : 1	JOB No	103-17	REV	DATE	16/03/18	SHEET No	00	B	DRAWN	PDG			
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Existing Site Plan
1 : 250

GENERAL NOTES:

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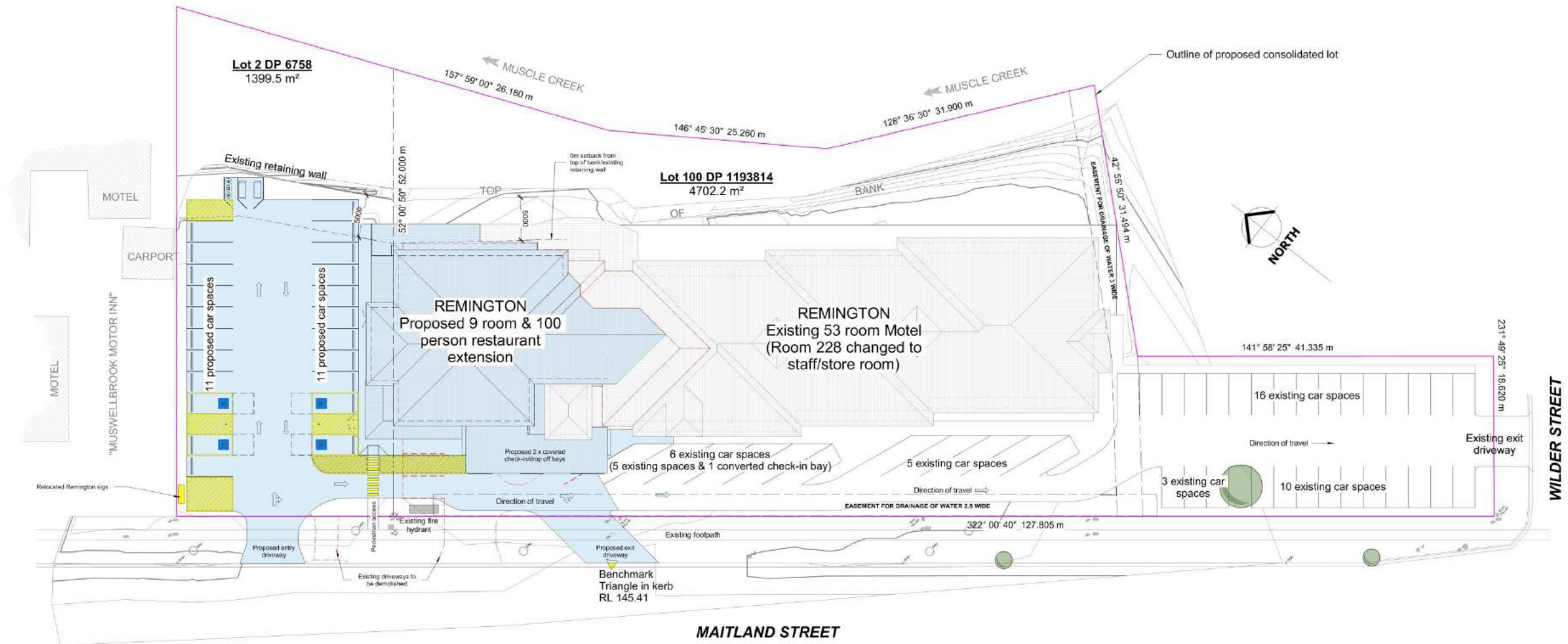
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- Existing
- Demolished

No.	Description	Date
A	DA	01/02/19
T	Preliminary	19/09/18
Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.		

P.B. Eveleigh
Plan Service

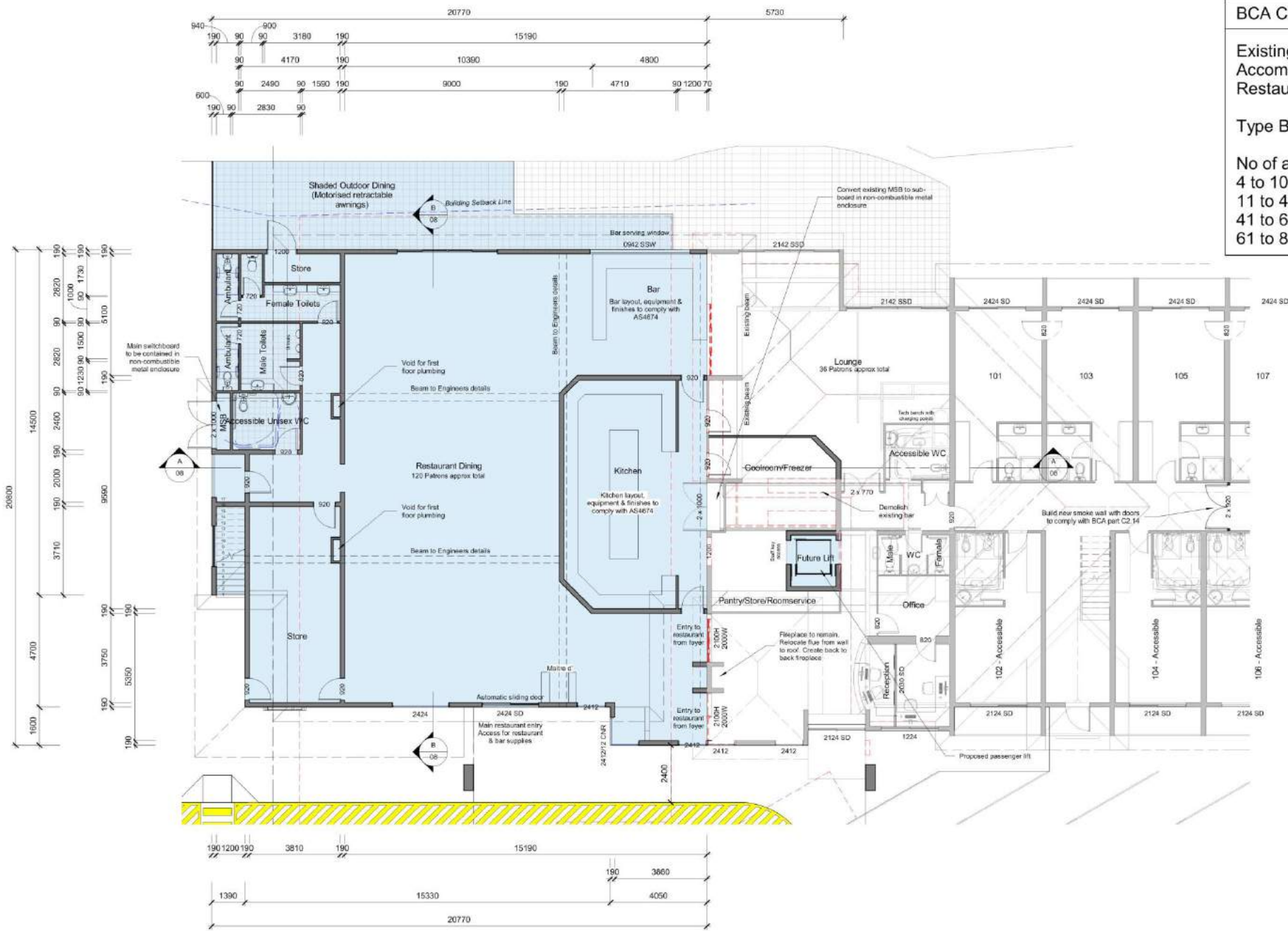
7 Short Street Scone NSW 2337
Ph: (02) 65452108
A.B.N. 88 709 487 298
Email: pbeplans@gmail.com

PROJECT PROPOSED ACCOMODATION & RESTAURANT EXTENSION AT THE REMINGTON 28 - 32 MAITLAND ST, MUSWELLBROOK FOR REPINSKI PTY LTD			
SCALE	As indicated	JOB No:	103-17
DATE	16/09/18	SHEET No:	01
DRAWN	PDG	REV:	A



Proposed Site Plan
1 : 250

GENERAL NOTES:		AREAS:		<div><div></div> Proposed</div> <div><div></div> Existing</div> <div><div></div> Demolished</div>		<table><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td>B</td><td>Extension size reduced</td><td>02/10/19</td></tr><tr><td>A</td><td>DA</td><td>01/02/19</td></tr><tr><td>2</td><td>Design meeting</td><td>31/10/18</td></tr><tr><td>1</td><td>Preliminary</td><td>19/09/18</td></tr><tr><td>No.</td><td>Description</td><td>Date</td></tr></table> <p>Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.</p>											B	Extension size reduced	02/10/19	A	DA	01/02/19	2	Design meeting	31/10/18	1	Preliminary	19/09/18	No.	Description	Date
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Proposed Ground Floor Extension Plan
1 : 100

BCA Classification & Requirements

Existing Building	Class 3
Accommodation	Class 3
Restaurant	Class 6

Type B construction

No of accessible units required	
4 to 10 sole occupancy units	- 1 accessible SO
11 to 40 sole occupancy units	- 2 accessible SO
41 to 60 sole occupancy units	- 3 accessible SO
61 to 80 sole occupancy units	- 4 accessible SO

GENERAL NOTES:

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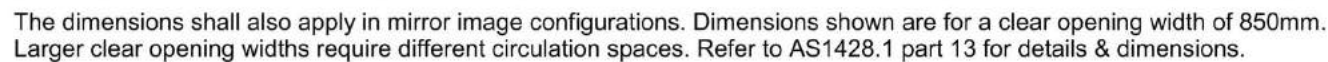
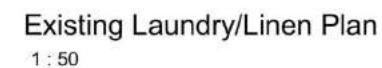
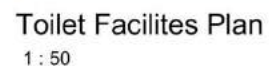
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B	Extension size reduced	02/10/19
A	DA	01/02/19
3	Client requested changes	27/11/18
2	Design meeting	31/10/18
1	Preliminary	19/09/18

Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.

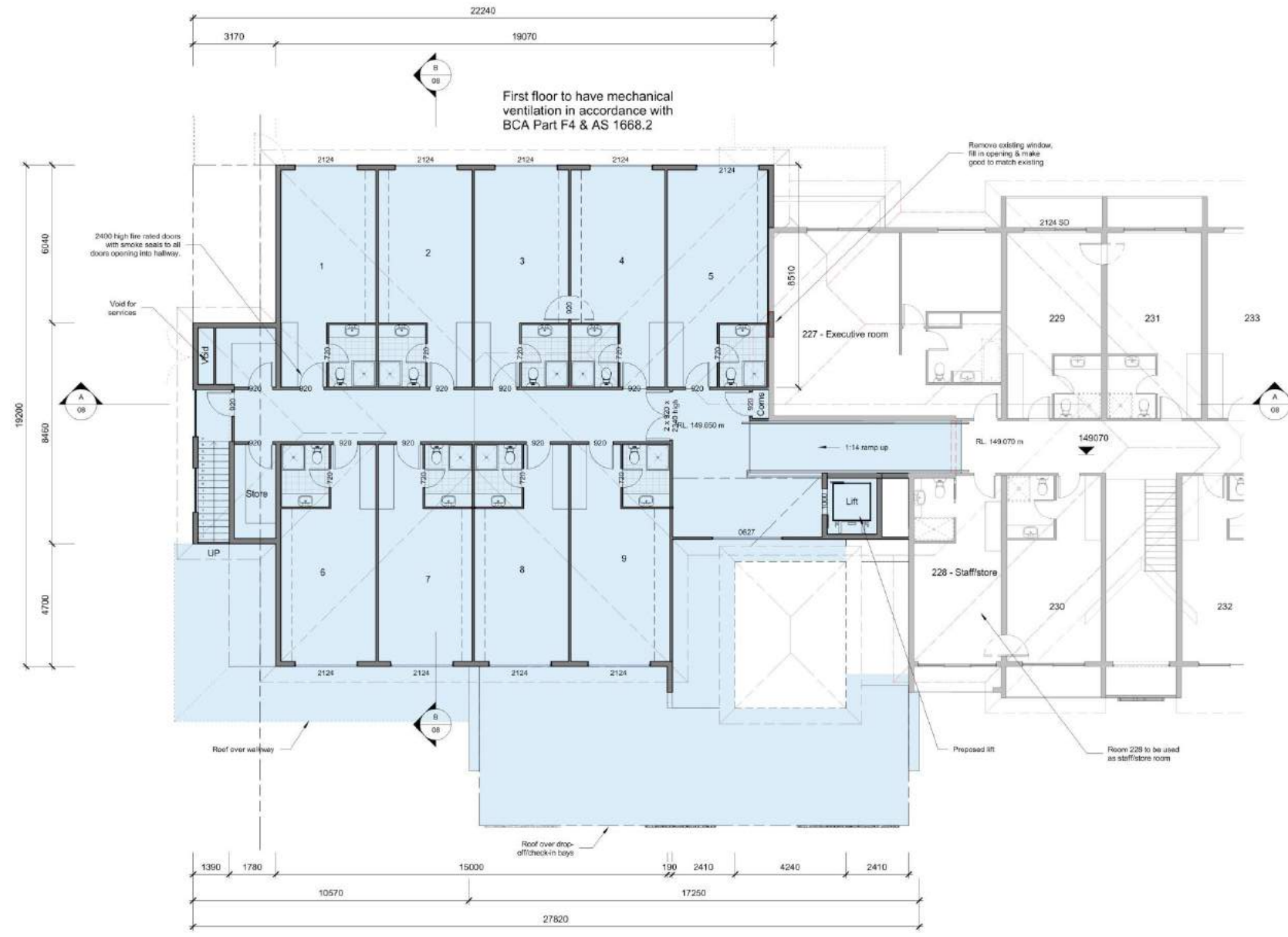
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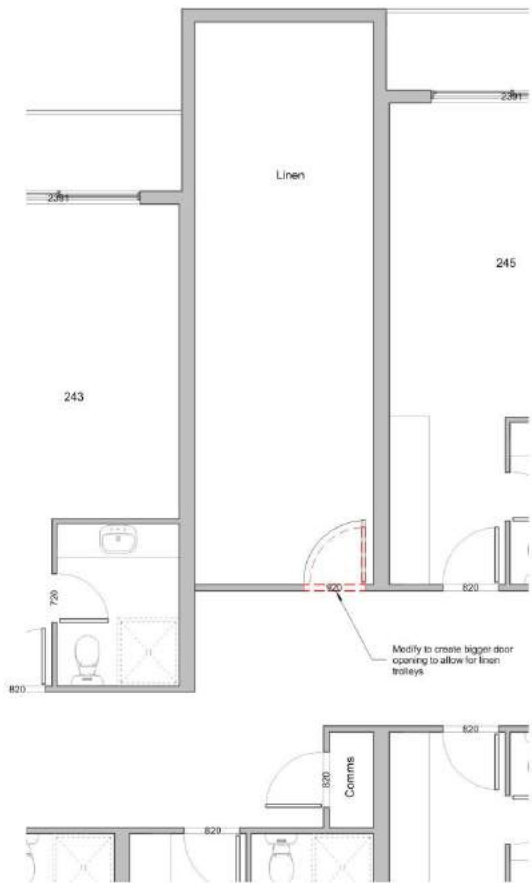
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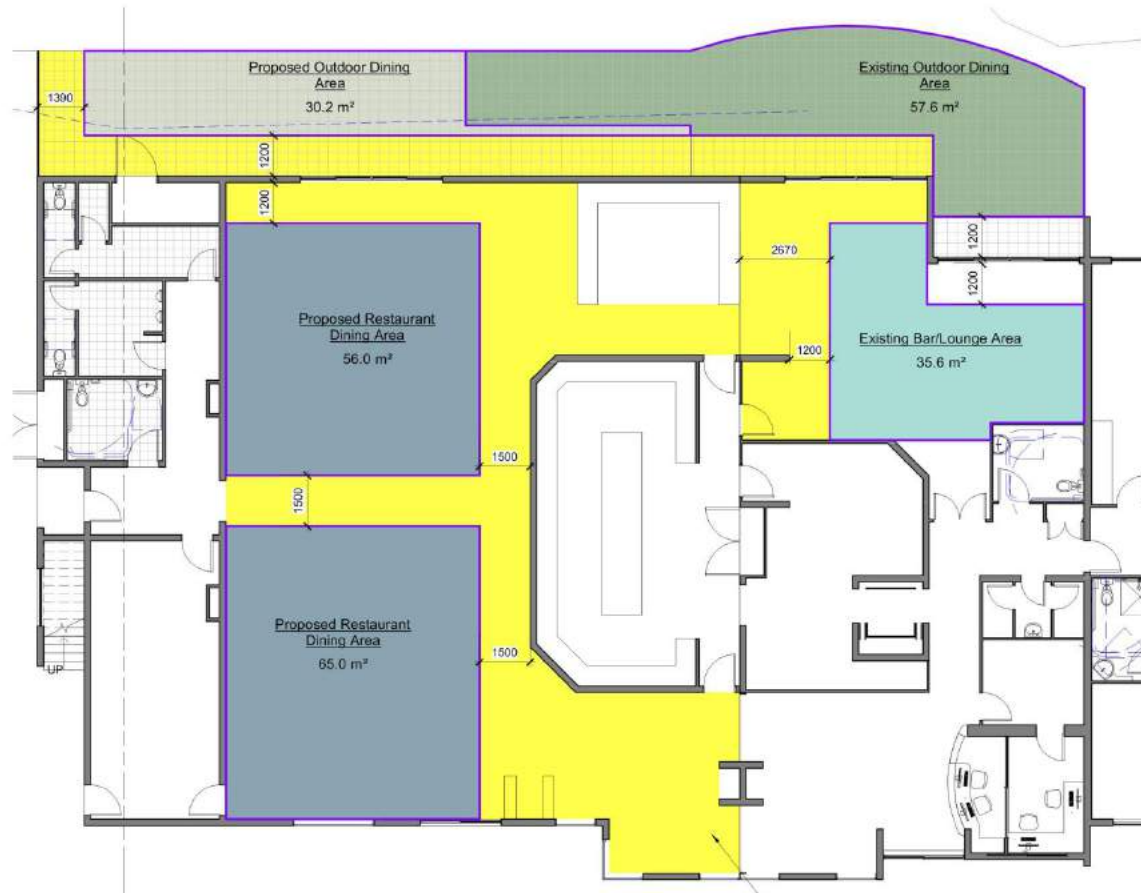


Proposed First Floor Extension
1 : 100

GENERAL NOTES:		AREAS:							



Existing First Floor Linen Plan
1 : 50



Area Calculation Plan
1 : 100

No of Persons Area Table	
Name	Area
Existing Bar/Lounge Area	35.6 m²
Existing Outdoor Dining Area	57.6 m²
Proposed Outdoor Dining Area	30.2 m²
Proposed Restaurant Dining Area	56.0 m²
Proposed Restaurant Dining Area	65.0 m²
	244.4 m²

- Existing Bar/Lounge Area
- Existing Outdoor Dining Area
- Proposed Outdoor Dining Area
- Proposed Restaurant Dining Area

Facilities Calculations

No of Persons

Patrons	246 people (Based on 246m²)	123 Male patrons	123 Female patrons
Staff	Up to 20 (Estimate)	10 Male staff	10 Female staff

Required Facilities

Required Facilities	Male Patrons			Female Patrons	
	No of pans	Urinals	Basins	No of pans	Basins
	2	3	2	4	2
Required Facilities	Male Staff			Female Staff	
	No of pans	Urinals	Basins	No of pans	Basins
	1	5	1	1	1
Total Required Facilities					
	3	5	3	5	3
Changed 1 urinal to pan					
	4	2	3	5	3

Existing Facilities

Description	Male			Female	
	Closet Pans	Urinals	Basins	Closet Pans	Basins
Accessible Unisex WC	1	-	1	1	1
Male WC	1	-	1 (shared)	-	-
Female WC	-	-	-	1	1 (shared)
Total	2	-	2	2	2

Total Facilities

Total Facilities	Male			Female	
	No of pans	Urinals	Basins	No of pans	Basins
Accessible Unisex WC	1	-	1	1	1
Restaurant Toilet banks	1	2	1	1	1
Ambulant Pan	1	-	-	1	-
1st Floor Unisex Staff WC	1	-	1	1	1
Total Proposed Facilities	4	1	3	4	3
Total Existing Facilities	2	-	2	2	2
Total Facilities	6	1	5	6	5

Note: BCA

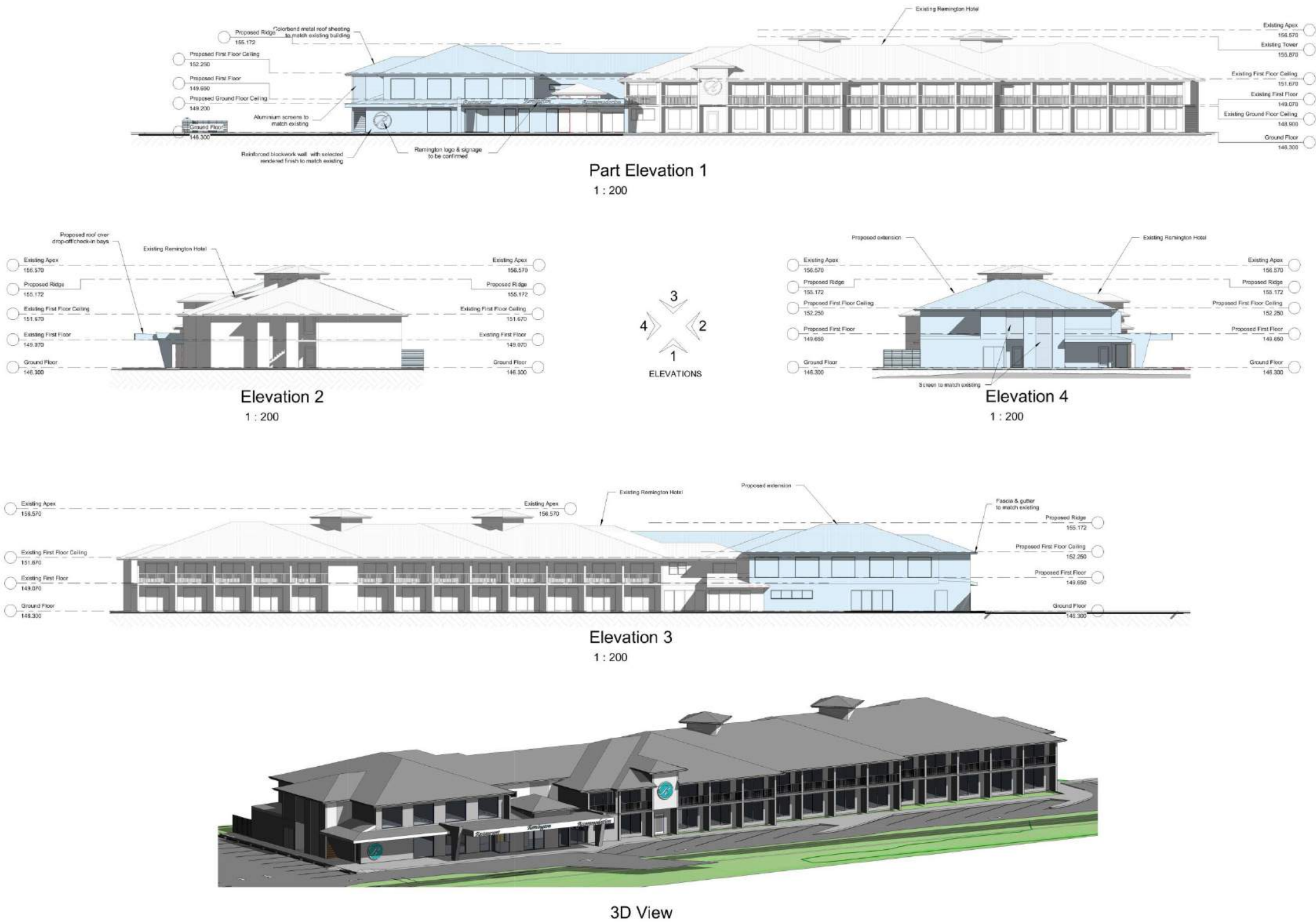
F2.3

- (a) If not more than 10 people are employed, a unisex facility may be provided instead of separate facilities for each sex.
- (b) If the majority of employees are of one sex, not more than 2 employees of the other sex may share toilet facilities if the facilities are separated by means of walls, partitions and doors to afford privacy.
- (c) Employees and the public may share the same facilities in a Class B and S1 building (other than a school or early childhood centre) provided the number of facilities provided is not less than the total number of facilities required for employees plus those required for the public.
- (d) - Not less than one washbasin must be provided where closet pans or urinals are provided.

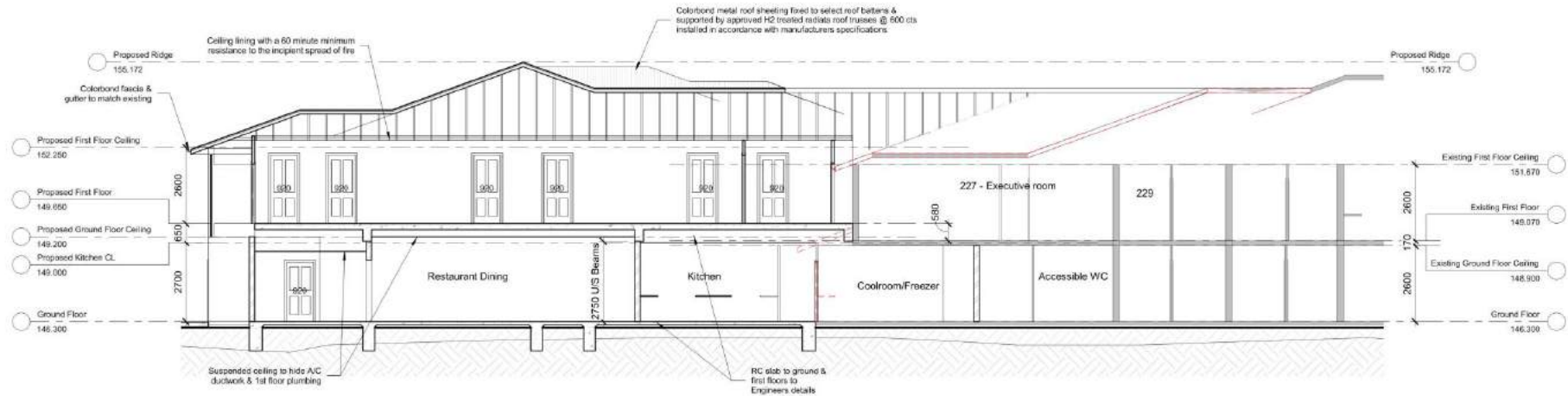
F2.6 Interpretation: Urinals and washbasins:

- (a) A urinal may be—
 - (i) an individual stall or wall hung urinal; or
 - (ii) each 600 mm length of a continuous urinal trough; or
 - (iii) a closet pan used in place of a urinal.
- (b) A washbasin may be—
 - (i) an individual basin; or
 - (ii) a part of a hand washing trough served by a single water tap.

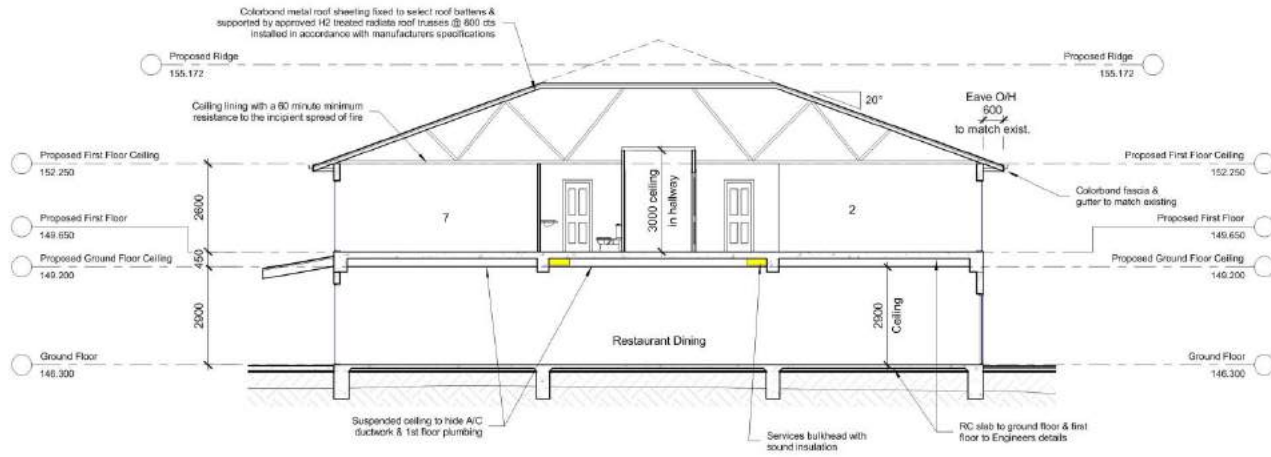
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Section A
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Section B
1 : 100

GENERAL NOTES:

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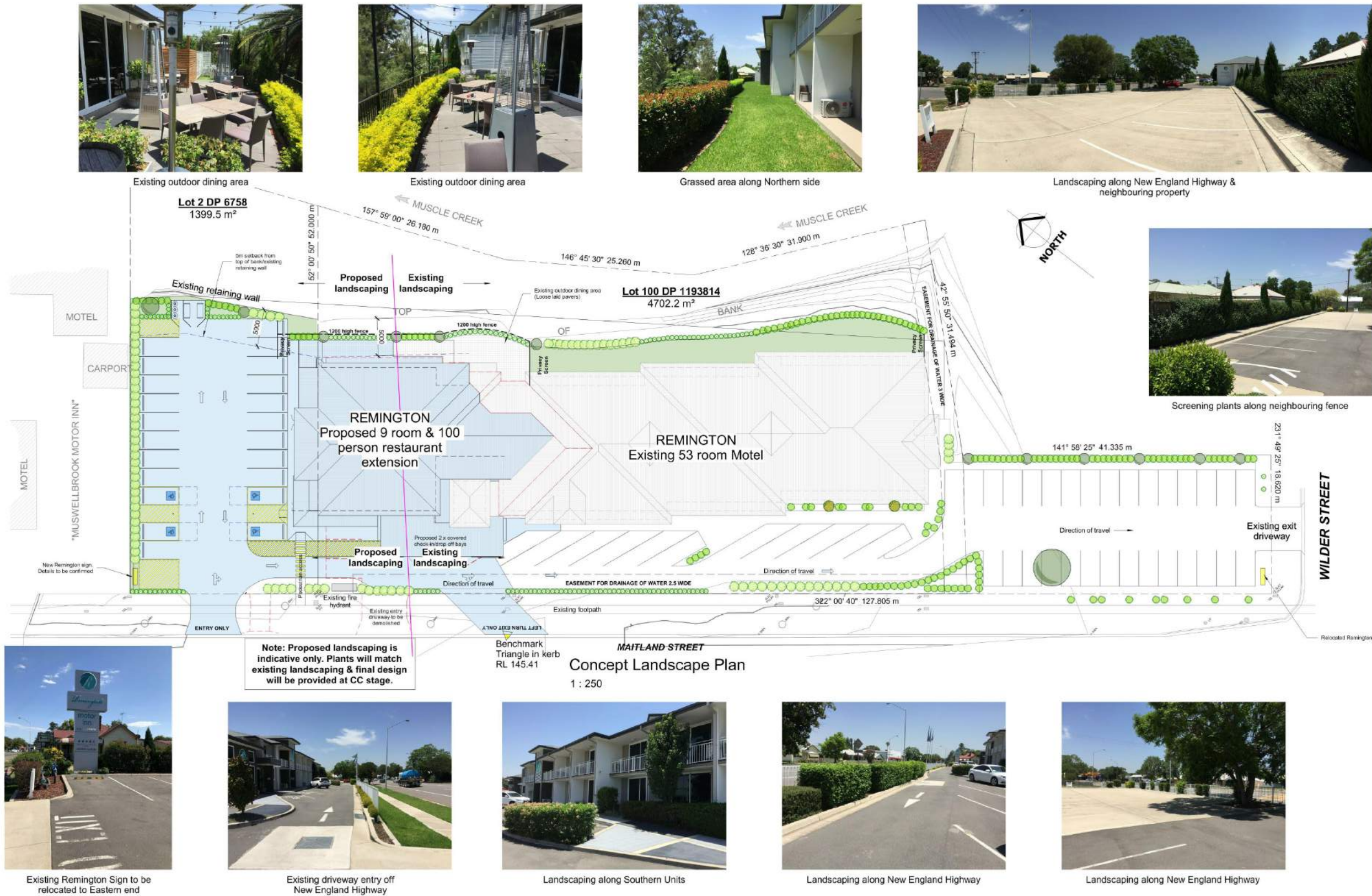
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A	DA	01/02/19

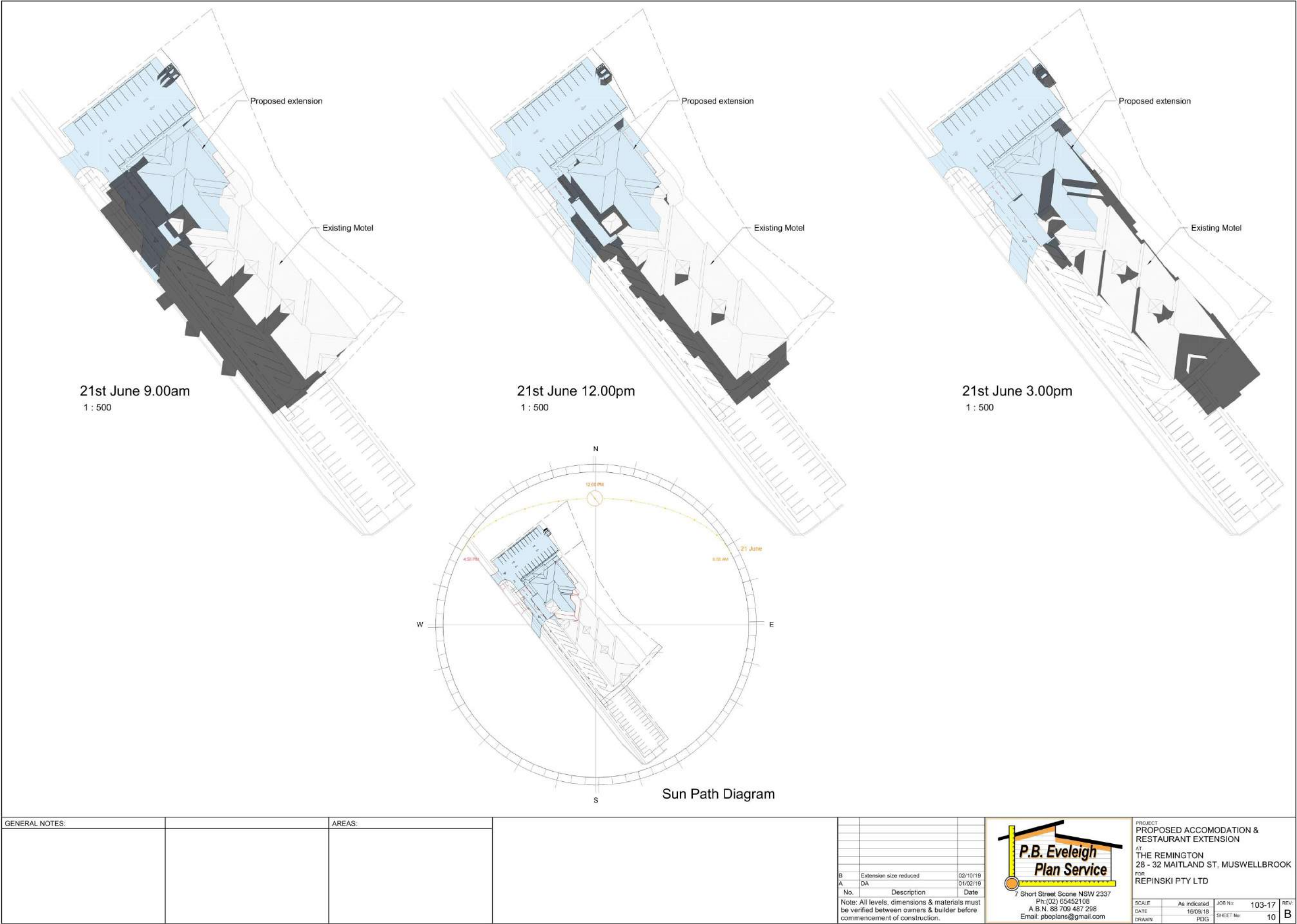
Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.

**P.B. Eveleigh
Plan Service**

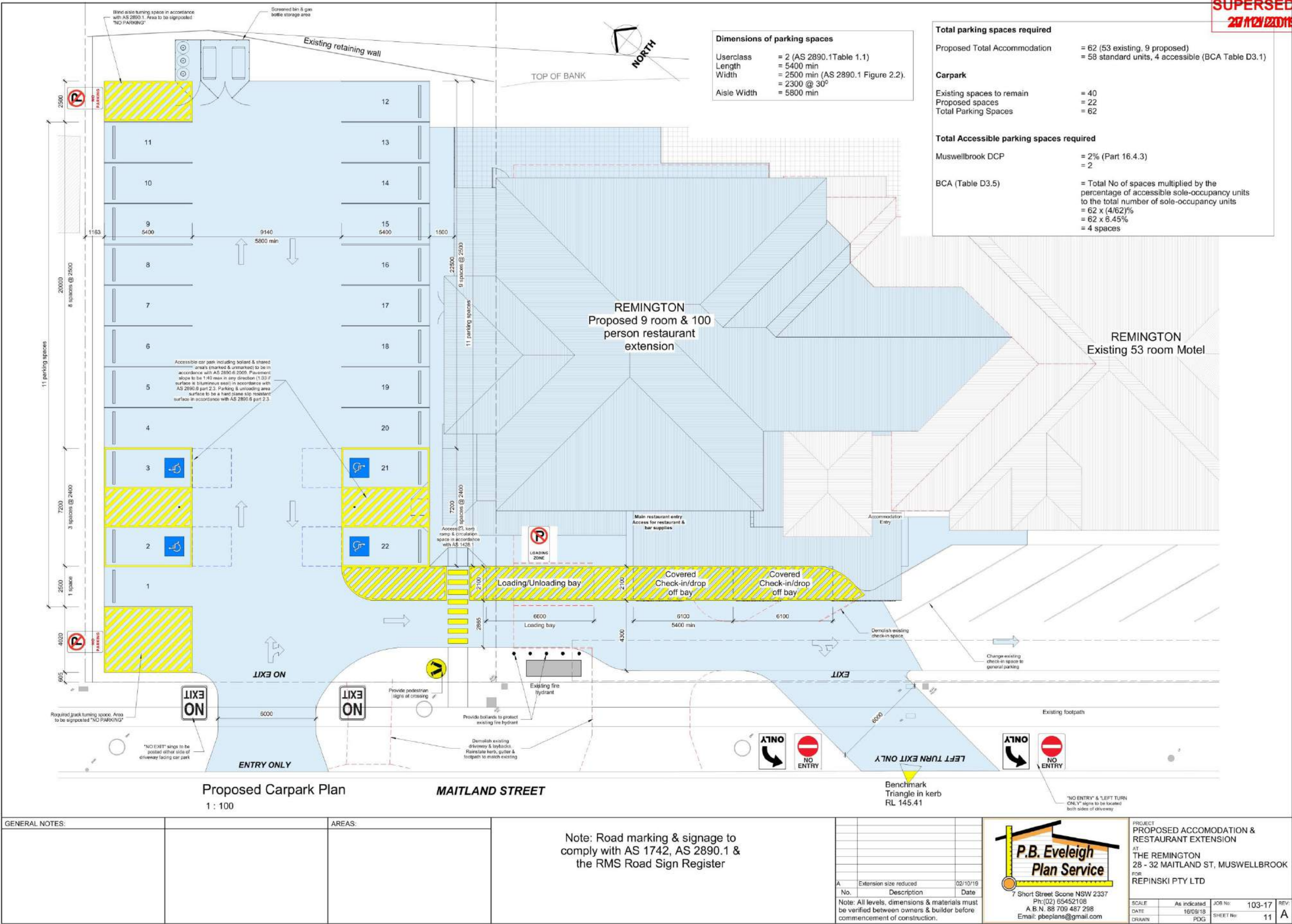
7 Short Street Scone NSW 2337
Ph: (02) 65452108
A.B.N. 88 709 487 298
Email: pbeplans@gmail.com

PROJECT PROPOSED ACCOMODATION & RESTAURANT EXTENSION AT THE REMINGTON 28 - 32 MAITLAND ST, MUSWELLBROOK FOR REPINSKI PTY LTD			
SCALE	1 : 100	JOB No:	103-17
DATE	16/09/18	SHEET No:	08
DRAWN	PDG	REV:	B

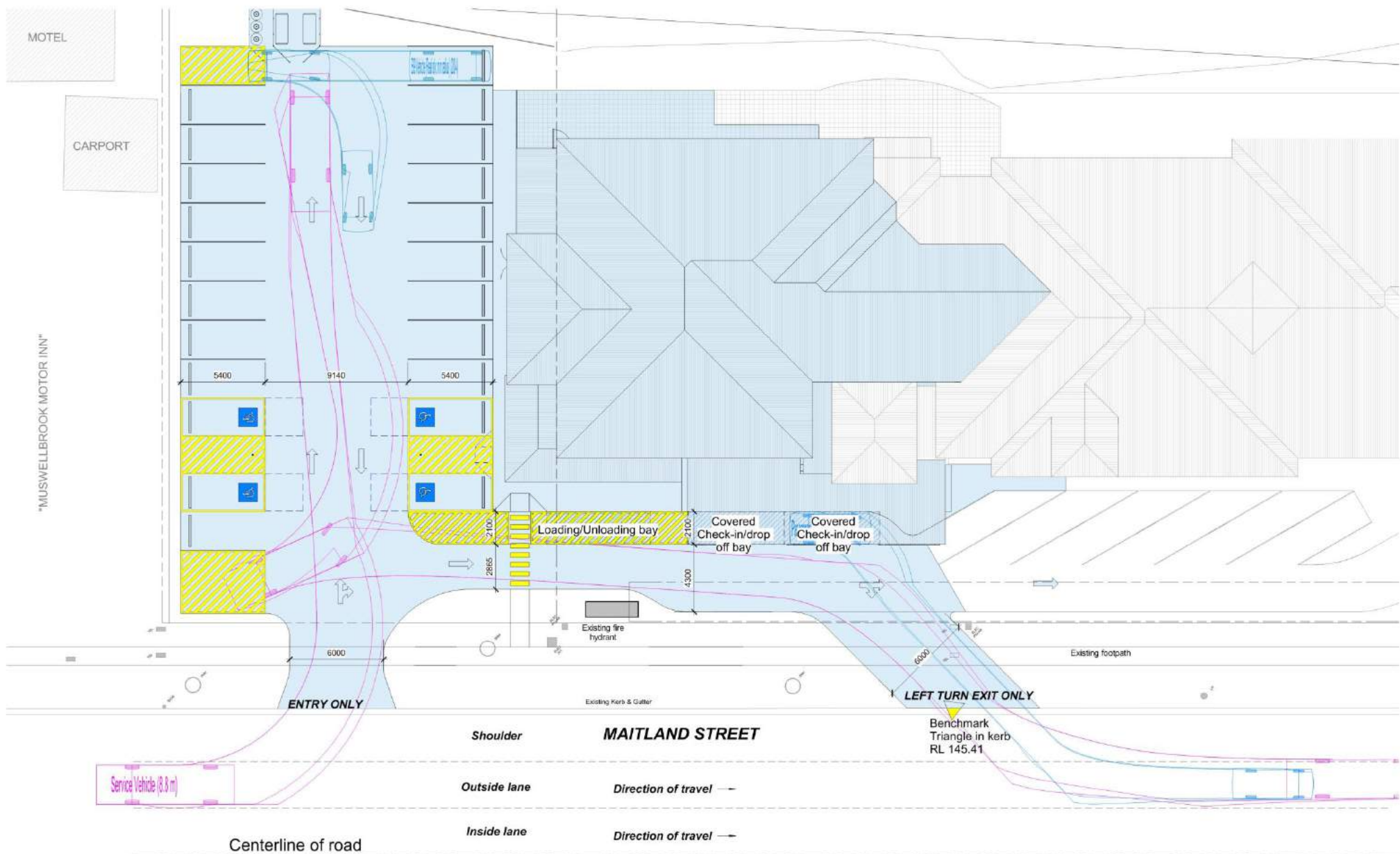




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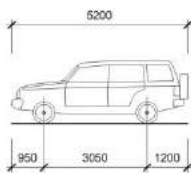
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Path Legend

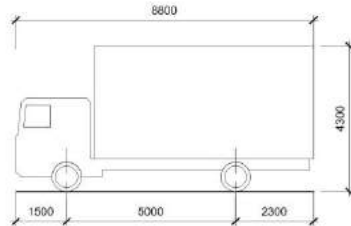
B99 Vehicle	Blue
Service Vehicle	Pink

Turning Template
1 : 150



B99 Vehicle

Overall Length	5.2m
Overall Width	1.94m
Overall Body Height	1.878m
Min Body Ground Clearance	0.272m
Track Width	1.84m
Lock-to-lock time	4.00s
Kerb to Kerb turning radius	6.25m



Service Vehicle (8.8m)

Overall Length	8.8m
Overall Width	2.5m
Overall Body Height	4.3m
Min Body Ground Clearance	0.427m
Track Width	2.5m
Lock-to-lock time	4.00s
Kerb to Kerb turning radius	12.5m

Austrroads 2013 Vehicles
1 : 100

GENERAL NOTES:

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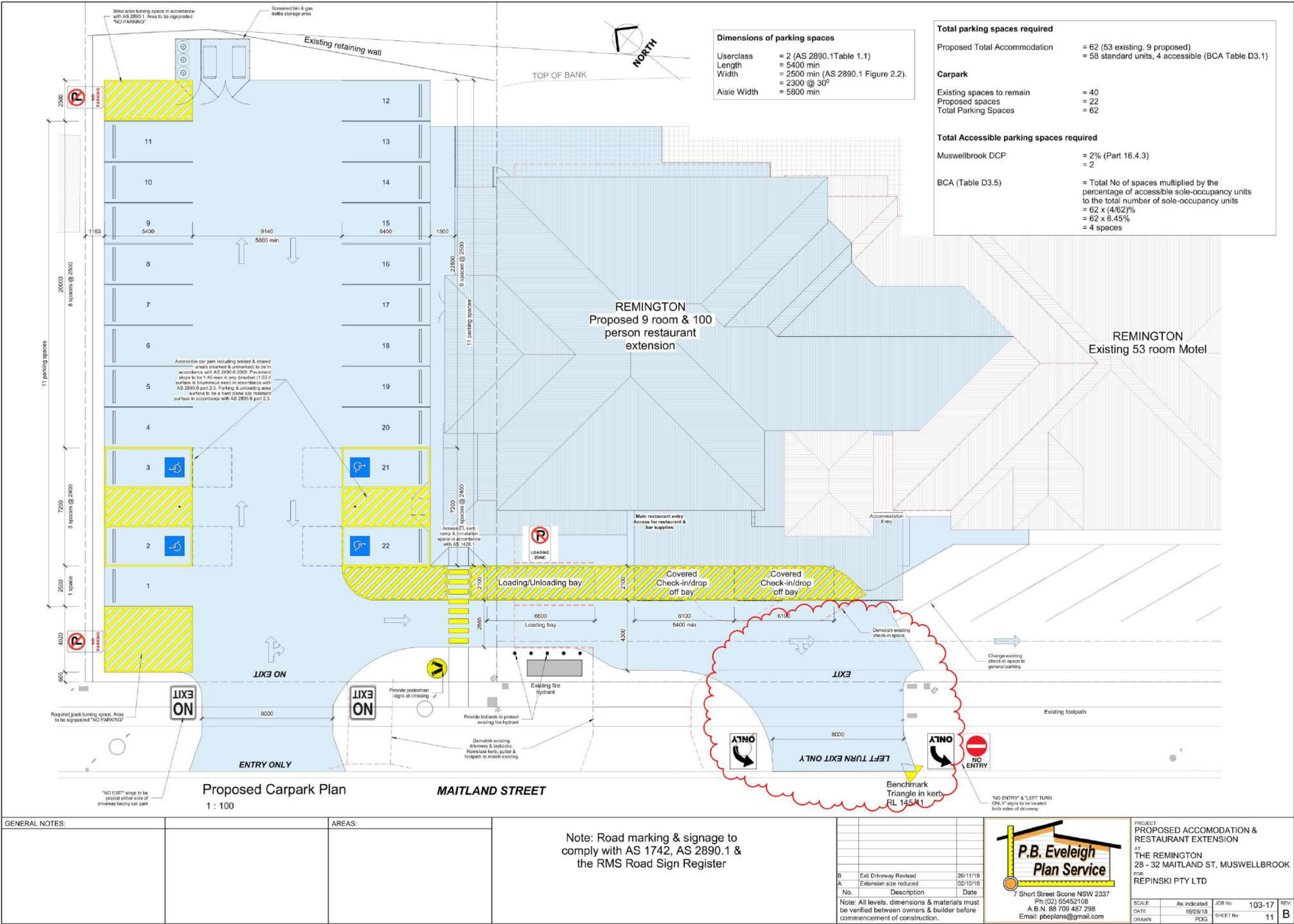
- Proposed
- Existing
- Demolished

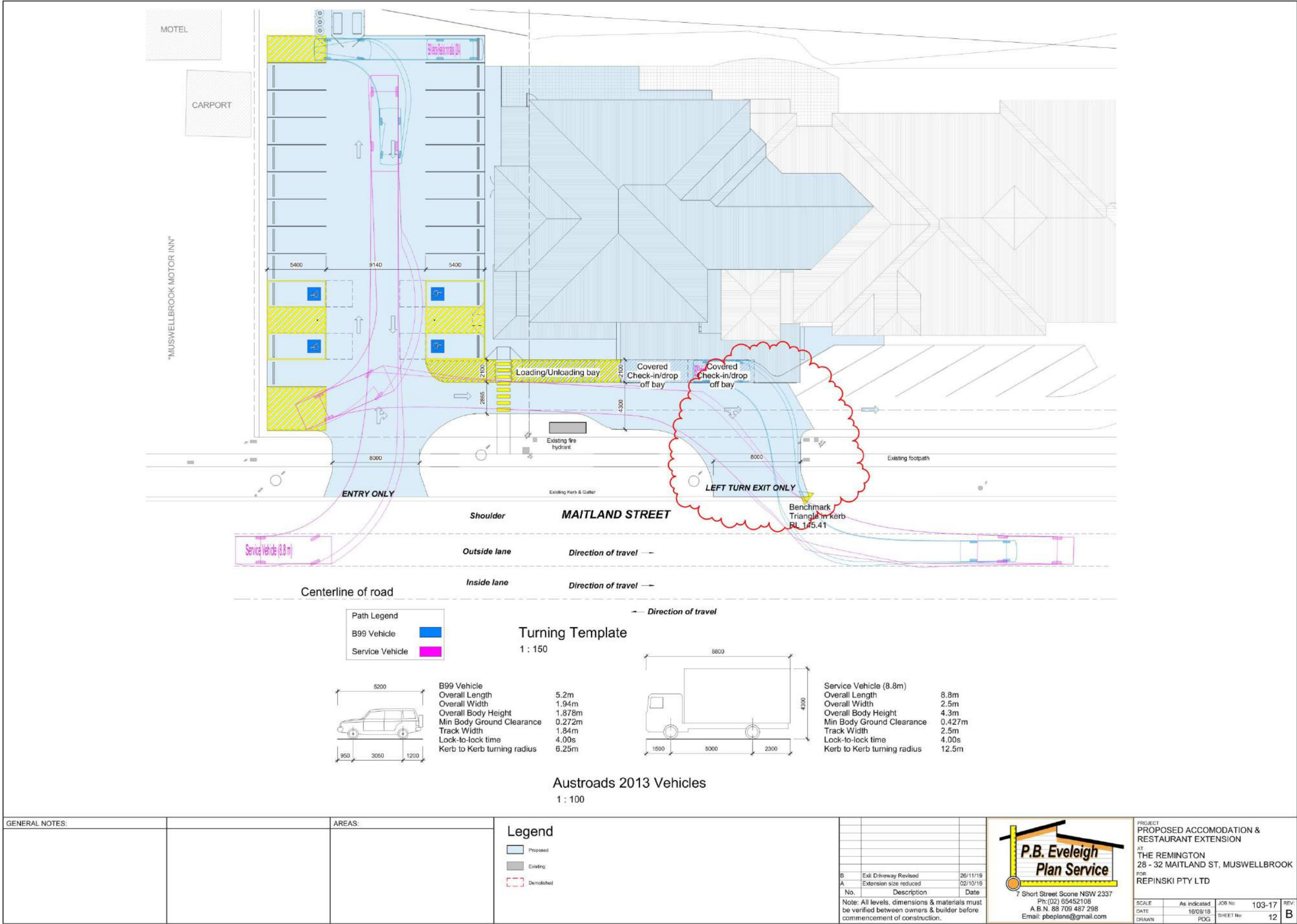
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No.	Description	Date
Note: All levels, dimensions & materials must be verified between owners & builder before commencement of construction.		

P.B. Eveleigh
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7 Short Street Scone NSW 2337
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PROJECT PROPOSED ACCOMODATION & RESTAURANT EXTENSION AT THE REMINGTON 28 - 32 MAITLAND ST, MUSWELLBROOK FOR REPINSKI PTY LTD			
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DATE	16/09/18	REV:	
DRAWN	PDG	SHEET No:	12
			A







CASSON
PLANNING &
DEVELOPMENT SERVICES

5 Stanstead Close

SCONE NSW 2337

0427 597883

cassonpds@gmail.com

ABN 86 701 207 702

The General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2337

15th October 2019

Attention: Hamish McTaggart

Dear Sir

**Re: DA 30/2019 - Proposed Demolition of Existing Dwelling and Sheds,
Construction of Additional Motel Units and Restaurant, and consolidation of titles –
Remington Motor Inn - Lot 2 DP 6758 & 100 DP 1193814**

I refer to the recent meeting with Council staff in respect of proposed modifications to the above application. I wish to confirm that the proponent has agreed to reduce the number of additional motel units and the area of the proposed restaurant / dining area. The modifications will enable the number of car parks provided on site to 'match' the total number of rooms that will be available on site, as per the recommendation of council staff.

The original plans proposed 16 new rooms. The modified plan shows 9 new rooms, however one of the existing suites will be converted into an office for the General Manager, resulting in an overall increase of 8 rooms.

The original first floor additions had a total area of 788m². The modified proposal has an area of 367m². The original ground floor area extension was 426m² and this has been reduced to 378m². Please note that plans of these modifications will be submitted very soon.

The plans attached indicate the carparking layout and vehicle turning movements for the delivery vehicles – details of size, frequency and time of deliveries follows below. Please note that it is not intended to retain the existing entry into the Remington and use it for the left turn, exit only. This will provide improved movements / egress particularly for the waste removal vehicle. As previously agreed, exit to Maitland Road will be for left turning vehicles only and appropriate signage will be erected to ensure such movements.

Mr Gill, General Manager has advised the following details in respect of deliveries etc:

Please find commentary in relation to the delivery schedules and risk mitigation currently being observed and practiced onsite. We will be planning to improve the control of these traffic flows with the new application as we will be better equipped to ensure smooth flow of traffic with a minimal impact to guests and clients.



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J R Richards – Waste Disposal

- Waste disposal is currently scheduled for 2 collections per week, these collections take place on a Monday and Thursday. Collection times have scheduled and are controlled to ensure the lowest amount of traffic onsite at the time of collection. These collections take place between 11.00am and 12.00pm at the times of lowest traffic and guests onsite.
- Recycle disposal is currently scheduled every Tuesday and these collections take place during the same time schedule between (11.00am and 12.00pm)
- Ongoing collections will be completed under the same schedule and follow the allocated delivery path outlined. The waste collection vehicle will access the site travelling in a southerly direction and in front facing direction. The truck will carry out it lift then reverse only the length of the carpark into the turning bay where the vehicle will then proceed to exit the property in a forward-facing direction turning left only and exiting directly onto Maitland street as outlined. Mirrors and beware of trucks signage will be erected in the allocated locations onsite in the locations of vehicle movement.

Elgas – Heavy Rigid gas delivery

- This delivery is currently scheduled 2 times per month. These deliveries are carried out mid-week during the middle of the day also. The truck will carry out the refill process and then reverse only the length of the carpark into the turning bay where the vehicle will then proceed to exit the property in a forward facing direction turning left only and exiting directly onto Maitland street as outlined. Mirrors and beware of trucks signage will be erected in the allocated locations onsite in the locations of vehicle movement.

Hunter Laundry – Medium Van

- Hunter Laundry deliveries are completed 3 times per week unless additional deliveries are required. These deliveries will be conducted within the allocated loading bay and deliveries will be stored in the storage room directly adjacent to the loading zone. These deliveries and collections are again carried out mid-morning, usually around 10.00am after most guests have departed site. Linen deliveries are carried out in the most effective and least intrusive manner to guests to ensue only the most professional service.

All other deliveries – (Food, Beverage & Consumables)

- All other deliveries are subject to various time constraints and delivery sizes etc. All other deliveries will be catered to using the loading zone and storage room directly adjacent to the loading zone where stock will then be dispersed into the allocated zone.

Please contact the undersigned if there are any further comments required.

Regards



CASSON
PLANNING &
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ABN 86 701 207 702

The General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2337

22nd March 2019

Dear Sir

**Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814**



*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

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*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

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*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

1. INTRODUCTION

This report has been prepared by Casson Planning & Development Services to support the development application which proposes demolition of existing dwelling and sheds, construction of additional motel units and restaurant, and consolidation of titles at the Remington Motel in Muswellbrook.

The Remington Motel opened in 2012. The motel has operated very successfully and received numerous awards and commendations for its facilities. The operators are showing confidence in the Muswellbrook locality by looking to provide additional rooms and increasing the size of the restaurant to have improved and appropriate facilities for increased use as a conference destination.

A previous development consent has been issued for serviced apartments, associated with the Remington, on lot 2 DP 6758. The owners however believe that the extension of the motel facility is the preferred option for the site. The increased capacity of the restaurant provides options for conference use – additional motel units also allows for larger groups to be catered for. A separate report has been commissioned to consider the impact of increased traffic and demand for carparking attributable to the proposal. Whilst there is a deficit in carpark in terms of compliance with the Muswellbrook Development Control Plan, the Traffic Impact Assessment reviews the circumstances and concludes that such deficit should not preclude the approval of the application.

The development will have positive social and economic impacts for the local community and is considered to be to the benefit of and in the interest of the local community.

2. DESCRIPTION OF THE PROPOSAL

The proposed development includes the following components:

- Addition to the existing two storey building which will:
 - Increase in the number of rooms in the Motel from 54 to 70
 - Increase the capacity of the restaurant by 150 persons
- Increase the number of car parks on site to 62 including provision of under cover parking
- Reduce the number of access points to the New England Highway
- Demolition and / or removal of existing dwelling and outbuildings on lot 2 DP 6758

3. DETAILS OF LAND

2.1 Title and Existing Uses

Description: Lot 2 DP 6758 & Lot 100 DP1193814, Maitland Road, Muswellbrook

Owners: Repinski Pty Ltd

*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

Parish: Brougham

County: Durham

The development will occur on two separate allotments as described above and shown on figure 1 below. These titles will be consolidated into a single allotment upon receipt of development consent.



Figure 1 Lot 2 DP 6758 & Lot 100 DP1193814

*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

2.2 Zoning and Planning Instruments

2.2.1 Muswellbrook Local Environmental Plan 2009 (MLEP)

The proposed development is within the B2 – Local Centre as shown in figure 1 below.

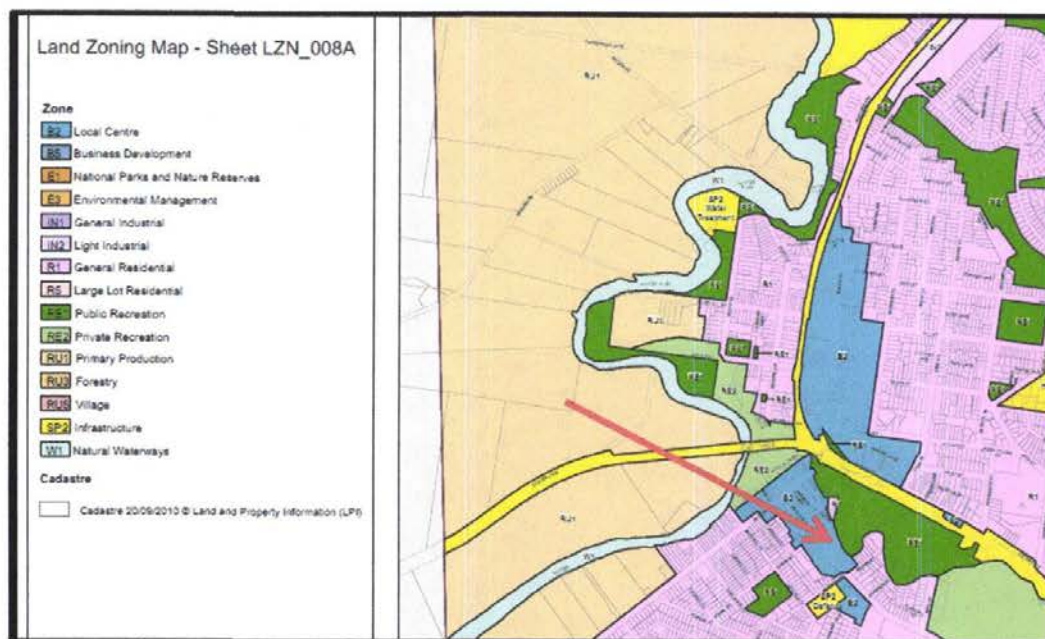


Figure 2 Zone B2- Local Centre

Zone B2 Local Centre

1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

- *To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.*
- *To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.*
- *To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.*
- *To support business development by way of the provisions of parking and other civic facilities.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Amusement centres; Boarding houses; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Health services facilities; Heavy industrial storage establishments; Highway service centres; Hostels; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Research stations; Respite day care centres; Restricted premises; Roads; Service stations; Sewage reticulation systems; Sex services premises; Shop top housing; Signage; Storage premises; Tourist and visitor accommodation; Vehicle repair stations; Veterinary hospitals; Water recycling facilities; Water reticulation systems; Wholesale supplies

4 Prohibited

Any development not specified in item 2 or 3

The application seeks approval for the demolition of an existing dwelling and sheds and subsequent additions to the existing motel on site. The proposal is consistent with the existing use of the land and the zone objectives.

Clause 4.3 – Height of Buildings

The proposed additions will retain the same height as the existing building. The maximum height for this locality is 13m. The proposed building work will be less than 11m.

*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
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Clause 4.4 - Floor Space Ratio

The Floor Space Ratio (FSR) for this locality is 2.1. The FSR for the proposed development is 0.65:1.

2.2.2 State Environmental Planning Policies

SEPP No 55 – Remediation of Land

The subject land has a history of residential use. It is therefore considered that the site is not likely to be subject to contamination that would require remediation of the land in order for development to proceed.

SEPP No 64 – Advertising and Signage

The proposal will incorporate additional signage for the site. The signage will be consistent with the existing signage on site which, based on previous applications has deemed to be satisfactory.

Final details will be submitted for approval and Council officers will have the opportunity for review prior to approval. Under the circumstances it is highly probable that the signage will be consistent with both the objectives of the SEPP as set out in Clause 3(1)(a) and the assessment criteria specified in Schedule 1.

2.2.3 Muswellbrook Shire Development Control Plan (MSDCP)

Section	Development Control	Proposed	Complies?
Section 9 – Local Centre Development			
9.1 Built Form			
9.1.1 – Building Design	<p>The design of new buildings should reflect and enhance the existing character of local centres.</p> <p>Building design should relate to its retail / commercial / office function.</p>	<p>The proposal will see the removal of an older style single story cottage with out-buildings and construction of an extension to the modern two storey motel which is on site. The building work will enhance the character of the streetscape.</p> <p>The building is of the same style as the existing building and is designed for its primary purpose.</p>	Yes

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	<p>Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.</p> <p>Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with minimum height to the underside of the awning of 3.2m.</p> <p>Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.</p> <p>Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities</p> <p>Blank building facades to streets or public places are to be avoided.</p> <p>The placement of windows should provide visual interest and variation to the building</p>	<p>The building materials will be of the same style, colour and materials as the existing which does not rely on any reflective materials.</p> <p>An awning at the entrance for check in vehicles is included in the design however it is suggested it is compatible with the building design.</p> <p>The building façade represents an extension of the existing structure and is in context with the overall design for the site.</p> <p>Activated street frontages are suited too or compatible with the design or use of the land.</p> <p>The building design does not include any blank building facades to streets or public places</p> <p>The placement of windows is compatible with the existing design.</p>	
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	<p>façade and relate to those of adjacent buildings.</p> <p>Building designs should allow for passive surveillance of public places and streets.</p> <p>Buildings entrances should be well defined and well lit</p> <p>New residential development shall be located above street level</p> <p>Incorporate areas for future signage into the building design.</p> <p>Shop top housing and serviced apartment development complies with relevant provisions within Residential Flat Design Code published by the Department of Planning.</p>	<p>The building entrance, car parks etc will be well lit for passive surveillance.</p> <p>Satisfied</p> <p>Not applicable to this proposal</p> <p>Compatible signage will be incorporated into the design, however this has not been confirmed at this time and will be subject to further application as required.</p> <p>Not applicable to this development.</p>	
9.1.2 Building Height	<p>Building heights comply with the building height limits prescribed by the MLEP 2009</p> <p>The height of buildings should be consistent with the characteristic in the surrounding streetscape</p> <p>The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties</p>	<p>The proposed building height is less than the minimum 13m required.</p> <p>The height is consistent with the existing building.</p> <p>A shadow diagram has been prepared for the winter solstice which suggests that the shadow of the new building is</p>	Yes

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		primarily contained within the site.	
9.1.3 Setbacks	<p>The front of buildings should be aligned to provide a continuous street frontage</p> <p>In some cases front setbacks should allow for street landscaping and footpath widening where necessary</p> <p>New development should respect the setbacks of other buildings along the streetscape</p> <p>Separation fencing is provided between development land and any rail corridor.</p> <p>Development adjacent to rail corridors identified in clause 31 of the MLEP will require an acoustic report to be submitted to Council to address and indicate measures to mitigate potential impacts from noise and vibration. Relevant publications available from "Railcorp" for consideration are listed</p>	<p>The proposed setback maintains the same distances as the existing building.</p> <p>Provision has been included for landscaping along the frontage.</p> <p>The existing Remington is the dominant building and will not be out of keeping with the motel to the western adjoining lot</p> <p>Not applicable</p> <p>Not applicable</p>	Yes
9.2 Urban Landscape			
9.2.1 Landscaping	Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape	A conceptual landscaping plans is included with the plans which reflects and	Yes

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	<p>and the amenity of buildings and public places</p> <p>Landscaping should reflect the size and height of buildings and should be consistent with the character of the area</p> <p>Landscaping should be used to soften the impact of hard surfaces where necessary.</p> <p>Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application.</p>	<p>represents an extension of the existing landscaping.</p> <p>It is considered that the landscaping is appropriate for the building and site conditions.</p>	
9.2.2 Car Parking	<p>Car parking and loading facilities is to be provided in accordance with the parking rates prescribed by Section 17 – Car parking</p> <p>The provision of parking spaces for people with disabilities is to be in accordance with AS 1428.1</p> <p>All vehicles should be able to enter and exit a site in a forward direction.</p> <p>Car parking should be screened from residential areas</p> <p>Vehicular access to properties fronting the New England Highway should be from laneways or shared driveways</p>	<p>The proposed carparking numbers do not comply with the DCP guidelines. See separate submission in this regard</p> <p>Accessible car parking spaces are provided.</p> <p>Car park design and layout allows forward direction for entry and exit to the site</p> <p>There are no residential areas adjoining the new carparking area.</p> <p>Access to the New England Highway will be restricted to a single point – with the existing access for the</p>	<p>Conditional Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

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	Parking area shall be sealed in accordance with Section 16.4.6 Construction Materials	Motel being made redundant All parking areas will be sealed.	Yes
9.2.3 Outdoor Eating Areas	Any outdoor eating areas should be located directly adjacent to cafes or restaurants A clear space is required to be provided on the footpath to allow free flow of pedestrian traffic Outdoor eating areas are required to comply with section 19 of the DCP	The existing outdoor eating area will be extended to cater for the increased restaurant size. The outdoor area is located at the rear of the building. There is no use of public footpaths proposed for the outdoor eating area.	Yes Yes
9.2.4 Signage and Advertising	Proposed signage to be in accordance with Section 14 – Outdoor Advertising Signage should be with the scale and character of development in the area and the number and size should be limited to avoid clutter and unnecessary repetition Signage should form an integrated part of the building façade, architectural design and scale of the building No signage is permitted on a building wall abutting or facing a residential area	Signage is yet to be confirmed however it will be compatible with the existing approved signage on the building.	Conditional Yes

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Section 13 – Flood Prone Land			
Development and building principles	<p>Proposed development will not result in increased flood hazard or flood damage to other properties</p> <p>Proposed development should be of a type, height and scale that is compatible with the existing urban and historic fabric of the area</p> <p>Construction methods and materials for that part of the development below the 1% AEP flood levels (as determined by Council) should conform with the flood proofing code as detailed in Section 12</p> <p>Proposed development shall be able to withstand the force of flowing floodwaters, including debris and buoyancy forces</p>		
Non Residential Development	<p>Floor levels for non residential uses excluding habitable areas, may be permitted below flood level provided the development is in accordance with the principles outlined in Section 13.1</p> <p>The floor level of all habitable areas of proposed development shall be at least 0.5m above the 1% AEP flood level except in the case of a change of use of an existing building</p> <p>The development not result in increased flood hazard or flood damage to other</p>		

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	<p>properties or increase afflux by more than 0.1m.</p> <p>The construction methods and materials for that part of the development below the 1% AEP flood level shall confirm with the flood proofing code, Section 13.8</p> <p>The proposed development can withstand the force of flowing floodwater, including debris and buoyancy forces</p> <p>Provision shall be made for the safe storage and / or timely removal of goods, materials, plant and equipment in the event of a flood</p> <p>A report by a suitably qualified consulting engineer stating that the requirements outlined in (d) and (e) above have been incorporated into the design of the development</p> <p>An evacuation plan for users of the development is to be prepared (to the satisfaction of Council) and maintained throughout the life of the development</p>		
Section 14 Outdoor signage			
Aims	<p>Outdoor signage that:</p> <ul style="list-style-type: none"> • Has a consistent approach to design and positioning • Does not detract from significant views, vistas and sensitive streetscapes • Adds character to the streetscape and 	Signage is yet to be confirmed however it will be compatible with the existing approved signage on the building.	Conditional Yes

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	<p>complements the architectural style and use of buildings</p> <ul style="list-style-type: none"> Minimises visual clutter or environmental degradation through proliferation Conveys the advertiser's messages or images without causing an adverse social impact upon the community 		
Objectives	<p>To ensure that signage is (including advertising):</p> <ul style="list-style-type: none"> Is compatible with the desired amenity and visual character of and areas, and Provides effective communication, suitable for locations, and Is of high quality design and finish, and <p>To regulate signage (but not content) under Part 4 of the Act, and</p> <p>To provide time limited consent for the display of certain advertisements, and</p> <p>To regulate the display of advertisements in transport corridors, and</p> <p>To ensure that public benefits may be derived from advertising in and adjacent to transport corridors</p>	Any future signage will be compatible with the amenity and visual character of the area. It will provide effective communication and be of high quality design and finish.	Yes
Matters for consideration	Refer to SEPP 64		
Signage design,	Provide outdoor signage that is visually interesting and	The existing signage is effective and integrates	Yes

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location and content	<p>integrated with the architecture of the building</p> <p>Avoid signage that dominates the building</p> <p>Provide an appropriate scale form and similar proportions to the desired character of the streetscape</p> <p>Avoid locating advertisements over a window, other opening or which covers significant architectural detail for the building</p>	with the building architecture. Any future signage will be of the same quality.	
Section 16 – Car Parking and Access			
16.3 Non Residential Development			
Non Residential Development	<p>Car parking is provided on the site in accordance with the requirements of section 16.6 of the DCP</p> <p>On site parking facilities are designed and constructed to comply with the provisions of AS2890.1 and/or AS2890.2.</p> <p>To ensure traffic movements into and out of the site are in a forward direction</p>	<p>Restaurant - 1 space per 7m² of gross floor area available for dining purposes</p> <p>Motel - 1 space per unit PLUS 1 space per 2 employees</p> <p>See separate comments below – a Traffic Impact Assessment has been undertaken which addresses on site carparking</p> <p>All work is designed and constructed to comply with AS 2890</p> <p>All movements to and from the site can be undertaken in a forward direction</p>	<p>No – (Conditional Yes)</p> <p>Yes</p> <p>Yes</p>

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16.4 Design Guidelines for Off Street Vehicular Parking Areas			
Access to the site	<p>All works to be designed and constructed in accordance with the relevant provisions of AS 2890</p> <p>Any work on public land to be in accordance with AUSPEC</p> <p>A vehicular driveway must:</p> <p>be located not closer than 1.5m from a boundary of the site and no closer than 6m to a corner boundary</p> <p>not to be located within 12m of the approaches to a 'stop' or 'give way' sign</p> <p>cross the footpath or footway at right angles to the centre line</p> <p>be located so that any vehicle entering or leaving the site can be readily seen by the driver of an approaching vehicles in the street</p> <p>be clear of obstructions which may prevent drivers having a timely view of pedestrians</p> <p>be properly signposted by the use of "in" or "entrance" and "out" or "exit" signs</p> <p>be designed and constructed to suit design traffic loads</p> <p>access driveway widths and separation are to comply with the dimensions specified in Table 1.0 of Section 16</p>	<p>All work will comply with the relevant Australian Standards</p> <p>Any work on public road will comply with AUSPEC</p> <p>Complies</p> <p>Complies</p> <p>Design complies</p> <p>Design complies</p> <p>Design complies</p> <p>Appropriate signage shall be erected.</p> <p>Design shall comply</p> <p>Design shall comply</p>	Yes

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Parking for People with Disabilities	Parking for people with a disability shall be provided at a rate of 2% of the overall spaces provided.	4 disabled spaces provided which comfortably exceeds the minimum quoted.	Yes
Loading / unloading facilities	Adequate loading facilities must be provided Loading / unloading bays must be designed so that vehicles can manoeuvre into and out of all loading and unloading areas without conflicting with the movement of vehicle and pedestrian traffic on the site or in adjacent streets	Dedicated loading facilities are not required as all service deliveries are in small rigid vehicles	Yes
Internal Roads	The width of internal roads shall comply with the widths specified in table 4	The new work will be connected to the existing internal road system which is compliant.	Yes
Construction Materials	All parking areas and access ways shall be designed and constructed in accordance with AS 2890.1 and AS 2890.2 Pavement types must take into account the following factors <ul style="list-style-type: none"> - Anticipated vehicle loads - Run off gradients and drainage requirements - Construction constraints 	The proposed parking way design complies with the relevant provision of the Australian Standards The pavement is appropriate for the anticipated vehicle loads and drainage requirements.	Yes
Landscaping	A minimum of 10% of total area of car park shall be landscaped Long stretches of car parking bays shall be dispersed with screen planting	The majority of car spaces to be provided are under cover. Additional landscaping will extend the existing themes and styles utilised on site.	Yes

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	Plants should be selected and located to avoid maintenance		
16.6 Car Parking for Specific Land Uses			
Restaurant	1 space per 7m ² of gross floor area available for dining purposes	See commentary below	
Motel	1 space per unit PLUS 1 space per 2 employees	See commentary below	
Section 25 Stormwater Management			
25.2 General			
Existing Drainage Systems	New buildings not to be constructed over drainage lines or easement Access to existing drainage systems not to be restricted	The design does include drainage within the covered park area – however such drainage is accessible if required.	Conditional Yes
Flooding and Runoff Regimes	Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment Use of detention basins Developments to be designed with Australian Rainfall and Runoff and the NSW Floodplain Development Manual. Designs to be prepared in accordance with the Muswellbrook Shire Council Handbook for Drainage Design Criteria and the quality	The Stormwater Management Plan submitted confirms that the site discharge will be consistent with the previously approved rate from the site. A detention basin is included in the design although the benefits thereof are arguable, given the proximity of Muscle Creek Design complies with all relevant Standards and Guidelines	Yes

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	assurance requirements of AUSPEC		
Overflow Disposal	<p>Development to be designed so that overflows do not adversely affect neighbouring properties by way of intensification concentration or inappropriate disposal across boundaries.</p> <p>Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties</p>	<p>Overland flow paths will direct stormwater to Muscle Creek and will not adversely impact neighbouring properties.</p> <p>Runoff from paved areas will be directed away from neighbouring properties</p>	Yes
Pollutants	<p>Stormwater systems are to be designed to capture and remove all litter larger than 5mm in size.</p> <p>The event mean concentration of specific pollutants is not to exceed those prescribed by the DCP</p>	The system incorporates measures to capture and remove litter	Yes
25.4 Non Residential Development	<p>Stormwater drainage to comply with AS 3500.3</p> <p>Development to comply with AUSPEC D5 and the Muswellbrook Shire Council Drainage Design Criteria</p> <p>Site discharge indicator for the development is at least 0.5 determined under Water Smart Practice Note No 11 – Site Discharge Indicator.</p> <p>Soil and Water Management plans to be submitted in accordance with the provision of Section 20 of the DCP</p>	<p>The proposed stormwater system is designed to comply with all relevant standards and criteria.</p> <p>Refer to RHM Stormwater Management Plan</p> <p>Erosion and sediment control plans will be prepared and submitted with the future application for Construction Certificate as required</p>	Yes

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Section 16 – Carparking and Access – Further Comments

The proponent engaged Intersect Traffic to undertake a Traffic Impact Assessment (TIA) for the proposal. A copy of the report is included with this submission as Attachment 6.4

The report provided the following conclusions and recommendation:

16.0 Conclusions

This traffic impact assessment for a proposed 16 unit extension and addition of restaurant facilities at the Remington Motel at 28-32 Maitland Street, Muswellbrook determined the following:

- *Maitland Street (New England Highway) in the vicinity of the site has a current weekday peak hour traffic volume of approximately 1,500 vph;*
- *Peak traffic volumes on Wilder Street, Muswellbrook are likely to be less than 30 vph and 300 vtpd as it is a no through road providing access to approximately 20 properties;*
- *Maitland Street as a four lane two way road in the vicinity of the site has a likely mid -lock capacity of at least 5,600 vph. As this is well in excess of current traffic volumes, Maitland Street has spare capacity to cater for development in the area;*
- *The traffic volume capacity constraint for Wilder Street is considered to be the RMS environmental capacity goal for local streets of 300 vph. As existing traffic volumes are well less than this volume, Wilder Street is compliant with the environmental capacity requirements;*
- *It is expected that the additional traffic generated by the motel and restaurant on the external road network in the PM peak period will only be up to 7 vph;*
- *Maitland Street has sufficient spare capacity to cater for the additional motel and restaurant traffic without adversely impacting on current levels of service experienced by motorists on the road;*
- *The additional traffic generated by the proposed extension is less than 1% of the current peak hour traffic volumes on Maitland Street therefore there will be little or no impact on the level of service currently experienced by motorists;*
- *The design of the motel ensures queuing areas within the development would meet the special requirements for motels as specified within the RMS "Guide to Traffic Generating Development" and therefore is considered satisfactory;*

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- The provision of a 6-9m wide combined entry / exit commercial access driveway off Maitland Street to Muswellbrook Council specifications would comply with Australian Standards AS2890.1-2004 Parking facilities – Part 1 Off street car parking;
- The proposal provides 62 on site car parking spaces whilst the Muswellbrook Council DCP requirements for the provision of on site car parking has been calculated as 95 spaces ie, a 33 space deficiency exists;
- The deficiency can however be justified for the following reasons;
 - By observation the on-street parking over the Maitland Street frontage is relatively low and parking would be available to support those times of high demand;
 - There is sufficient parking space over the development frontage to cater for those periods of high demand without imposing on adjacent development / properties requirements or impacting on traffic flows on Maitland Street;
 - For those high occupation periods, the majority of the demand for the restaurant will be from motel occupants and a higher than 50% discount on the restaurant parking requirements would apply; and
 - Data collected from a parking survey undertaken on the existing Motel in November 2018 suggests the real peak parking demand for the motel units during high occupancy periods is closer to 1 car per 3 rooms rather than the DCP rate of 1 car per room
- A review of the internal car parking layout indicates compliance with Australian Standards AS2890.1-2004 Parking facilities – Part 1 Off street car parking can be achieved to ensure forward entry and exist by all vehicles;
- Similarly, as servicing of the site for restaurant requirements, laundry and waste is to be carried out by small rigid vehicles and will occur outside the motel's peak operating periods it is considered that there is sufficient space room with the proposed internal car park area for compliance with Australian Standard AS 2890.2-2002 Parking Facilities – Part 2 commercial vehicle facilities. This will ensure entry and exist from the site for these service vehicles;
- The site is currently serviced by public transport (buses) provided by Osborne Bus Services. Whilst the service is limited to normal business hours it will be available for use by staff and guests of the proposed development. It is unlikely that the proposal will generate enough demand to impact on the public transport system to the extent that further services or upgraded facilities are required; and
- Existing pedestrian and cycle facilities around the site are considered adequate

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17.0 Recommendation

Having carried out this traffic assessment for a proposed 16 unit extension and addition of a restaurant facilities to the Remington Motel at 28-32 Maitland Street, Muswellbrook it is recommended that the proposal can be supported from a traffic perspective as it will not adversely impact on the local and state road network despite having an on-site car parking deficiency when assessed against the Muswellbrook DCP. However the deficiency is considered justified and suitable and sufficient on car site parking is provided. The development, therefore generally complies with all relevant Muswellbrook Council, Australian Standard and RTA requirement subject to Council supporting a variation to its DCP on site car parking rates for this development

2.2.4 Muswellbrook Section 94A Plan 2010

As the cost of the development is greater than \$200,000, a contribution equal to 1.0% of the total development cost is payable under Council's Section 94A Contribution Plan 2010 and may be included as condition of consent.

2.3 LOCALITY SKETCH

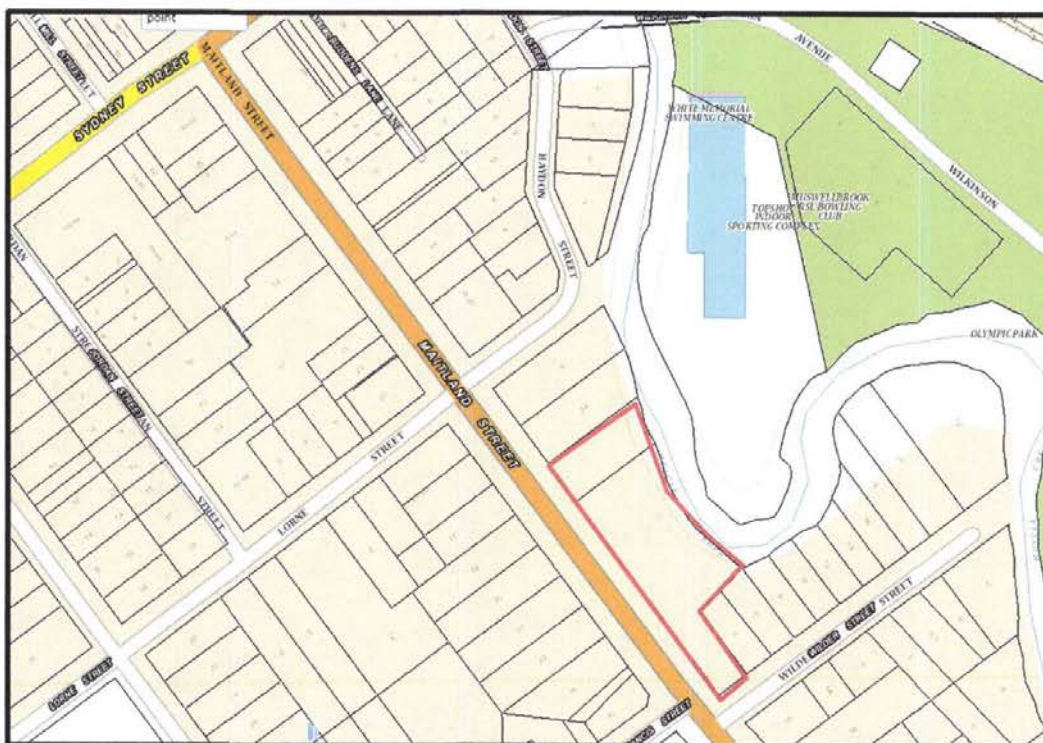


Figure 3 Locality Map (Source Six Maps 2018)

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There is an existing Motel on the site. The land to the west is also occupied by a Motel. Residential land adjoins to the south east.



Figure 4 Google Map Street View

Other points under this plan will be discussed within the Statement of Environmental Effects.

4. STATEMENT OF ENVIRONMENTAL EFFECTS

The application is for 16 additional rooms in the motel and an expanded restaurant area. The building work will extend to the adjoining land which had development consent for 16 serviced apartments (DA 97/2013).

4.1 Flooding, Drainage, Landslip and Soil Erosion

RHM Consulting Engineers considered the impact of flooding on the proposed development. In their Stormwater Management Plan, they included the following comments:

- *Proposed floor levels to match existing floor is located about flood level (requirements of previous DA)*
- *For access requirements, the carpark is higher than the existing ground surface. Therefore, some flood banks storage will be lost (approximately 40m³). Given the size of the catchment and the flood storage area, this loss will have minimum effect on flood heights and downstream properties*
- *Proposed works are outside the main channel flow and banks. Therefore, the impacts on flow characteristics on the channel and on downstream properties is negligible.*
- *Previous modelling suggested an increase in velocities of between 1% to 3% during large storm events. These increases are negligible when considering the variable design parameters.*
- *Its likely in flooding that the below ground detention basis will fill and sediment after the flooding will required the tank to be cleaned.*

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- *Flooding within the carpark will occur in extreme storm events. Overflow to the street and creek have been implemented in the design.*
- *A portion of the structure is elevated thus allowing flood water to dispense in its natural manner.*
- *The previous flood assessment suggested an increase in flood height of 40mm (max).*

Therefore, the construction of the proposed Motel will have little impact on the characteristics of Muscle Creek's flow velocities and water heights. The predicted increase in flood height for the 100ARI storm was 40mm

Stormwater drainage will be directed to either Council's drainage system or to Muscle creek via a detention system as per design prepared by RHM Consulting Engineers and annexed to their Stormwater Management Plan (see Attachment 6.3). The

4.2 Bushfire Risk

The subject land is within the commercial / residential area of Muswellbrook. There are no concerns in respect of bush fire risk.

4.3 Flora and Fauna

The subject land is generally flat however the north eastern rear of the site falls away steeply as it forms the south western bank of Muscle Creek. Vegetation generally comprises a mix of established gardens and lawns with some larger trees and shrubs located along the creek bank.

4.4 Lot Shape and Size

The development will 'cross' onto the adjoining land. It is proposed to consolidate the land into a single title upon receipt of development consent.

4.5 Impact on adjacent properties

The motel currently operates on a 24 hour basis with the potential for vehicles entering and leaving the site at any time during this period. The proposal will in fact reduce the number of access points to the New England Highway as the existing access will not be required. The access which is in place for the adjoining lot to the west will be upgraded to cater for both entry and exit for vehicles parked in the western carpark. There should therefore be no additional impact attributable to the increased traffic movements which

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are potentially generated by the additional motel accommodation and restaurant facility for neighbours to the north east. There is an existing motel located to the west.

The Motel operators are seeking to provide improved conference facilities / capability for the Remington. On this basis, it is anticipated that, generally speaking, the majority of conference attendees will also be using the Motel facilities. As a result, the increased patronage of the restaurant from this source, will have reduced demand for additional car parking.

A shadow diagram has been prepared for the winter solstice which suggests that the shadow of the new building is primarily contained within the site (see Annexure 6.2). The development will therefore not cause any significant reduction to private open space of adjacent properties.

4.6 Impact on existing and future amenity of the locality

The Motel has been established and operating for a number of years. The increase in the number of rooms available will likely result in some level of increased traffic movements. The movements however will have minimal impact on the New England Highway (refer to Traffic Impact Assessment) and will primarily be to and from the 'new' access off the Highway.

Any perceived additional impacts on the existing and future amenity of the locality are, based on the circumstances of this proposal, considered to be minimal if any.

The development will not result in any significant loss of view or visual impact on adjacent properties.

4.7 Traffic Considerations

4.7.1 Traffic Generation

See previous comments and Traffic Impact Assessment – Attachment 6.4

4.7.2 Road Network

See previous comments and Traffic Impact Assessment – Attachment 6.4

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4.7.3 Parking

See previous comments and Traffic Impact Assessment – Attachment 5.1

4.7.4 Road Works Engineering Design

The existing access to the motel will be made redundant, and there will be an upgrade to the existing access point on the adjoining land to the west – thereby reducing the number of access points to and from the New England Highway.

4.8 Methods of Sewerage Effluent Disposal

The new drainage will be connected to the existing sewer reticulation system.

4.9 Availability of Utility Services, Power, Telephone, Water, Sewer

All services are available. The new construction will include a new electrical board and upgraded power supply. All such work will be undertaken in accordance with the relevant electrical authority requirements.

4.10 Social and Economic Effects

The proposed additions of 16 bedrooms and increased restaurant reflect the success of the Remington Motel since opening and an ongoing commitment to the local community by the owners.

The increased capacity of both accommodation and restaurant area will provide added opportunity for the Remington to comfortably cater for conferences and the like. The development will not only sustain existing levels of employment it may provide opportunity for additional employment given the expansion of the services.

One would expect that the increased levels of accommodation, increased restaurant size and subsequent capacity to cater for conferences will improve the already impressive reputation of the Remington.

It is suggested that the any likely effects from a social and economic point of view will be positive. .

4.11 Anticipated Impact of Noise Levels to the site and the locality

The additional units and increased restaurant capacity will increase the number of traffic movements to and from the site. It is relevant however to note that much of the existing

*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

use of the restaurant is by guests of the Remington. Similarly, conferences in the future will likely be attended (in the majority) by those staying at the Remington. Therefore, the increased traffic will primarily be associated with the accommodation units – although it is acknowledged that locals or visitors also attend the restaurant. The land to the west is an existing motel operation. There is no change to car parking at the eastern end which is adjacent to residential occupancy.

Further, all traffic at this time is required to exit the premises via Wilder Street. The upgraded access off Maitland St will provide an alternate / additional exit route to Maitland St therefore limiting potential for impacts from traffic.

4.12 Archaeological/Heritage Items

No impacts in this regard.

4.13 Demolition

The existing dwelling and outbuildings will be either removed from the site or demolished.

In terms of any demolition – the following shall apply:

- Demolition shall be carried out in accordance with AS 2601-1991 *Demolition of Structures*
- No material shall be burnt or buried on site
- All vehicles leaving the site with demolition materials shall have their loads covered and shall not track soil or waste material onto the road
- Demolition work shall not obstruct or inconvenience pedestrians or vehicular traffic on the adjoining public road or road reserve without further approval from Council for approval to erect a hoarding or fence
- Erosion and sediment controls shall be provided in accordance with approved plans
- The site is to be left free of waste and debris when work has been completed.

In terms of removal of the structures – the following shall apply

- All services to the structures shall be disconnected to the requirements of the relevant authority.
- A report from an appropriately qualified person shall identify the presence of any asbestos products which are to be removed from the building and subsequently disposed of to an approved waste depot
- A subsequent report shall confirm removal and confirm details of such disposal

*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

5 CONCLUSION

In support of this application we highlight the following points covered within this report:

- The proposal is consistent with the objectives of the zone,
- The proposal represents a significant investment by the owners and reflects the successful of the Motel to date and confidence in the future development of the site
- The car parking requirements within the Muswellbrook DCP allow a merit-based assessment to be considered for individual circumstances
- Council is being requested to allow a variation to the on-site carparking guidelines of the Muswellbrook DCP based on the circumstances detailed in Traffic Impact Assessment.
 - The TIA considers the various components of the development and takes into account existing car parking scenarios to conclude that the deficiency in parking spots should not prevent the development proceeding.

I believe this application represents a positive step forward for the Muswellbrook community in general and for the reasons detailed in this report should be approved.

Yours faithfully,



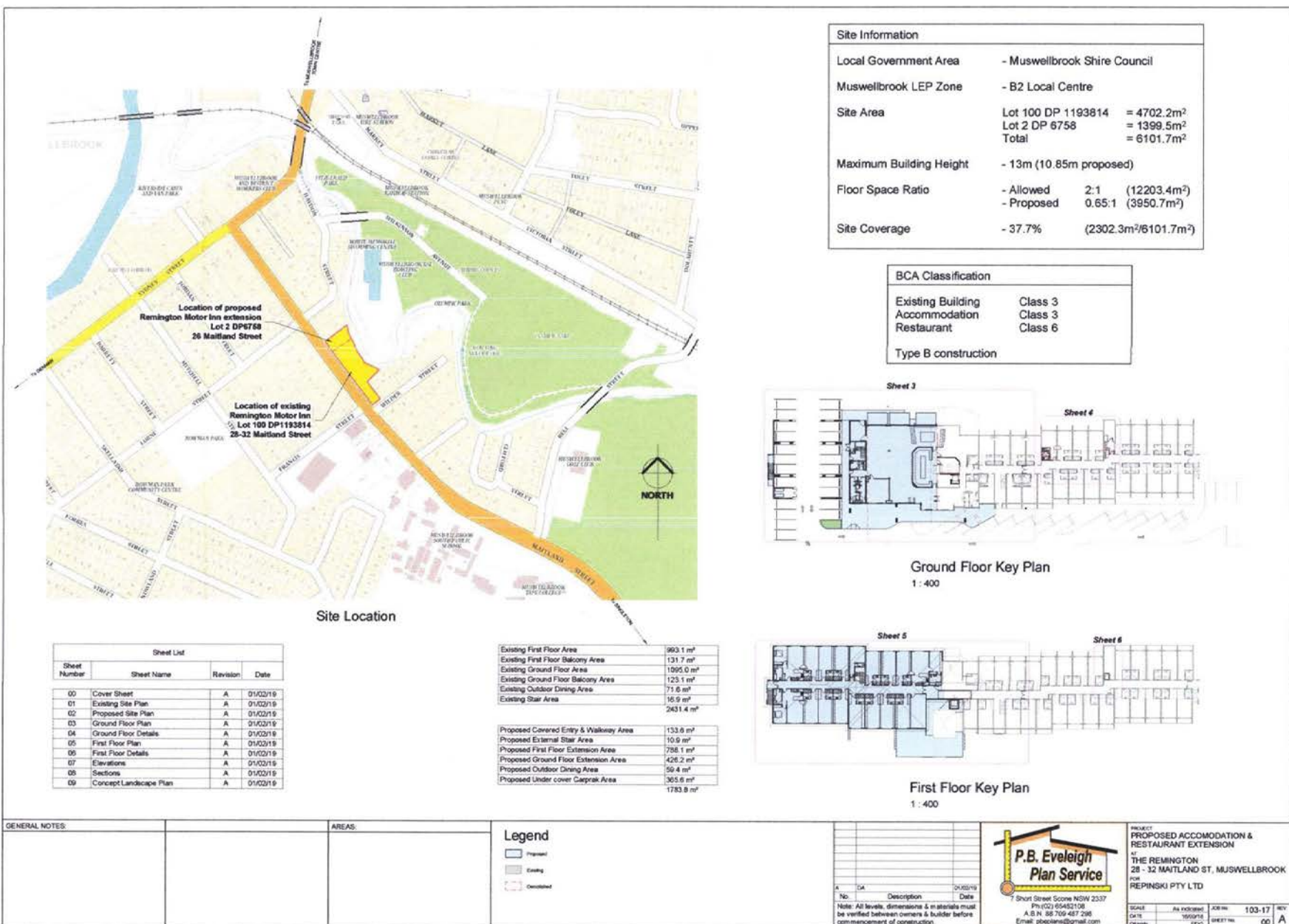
*David Casson
Planning and Development Advisor*

6 Annexures

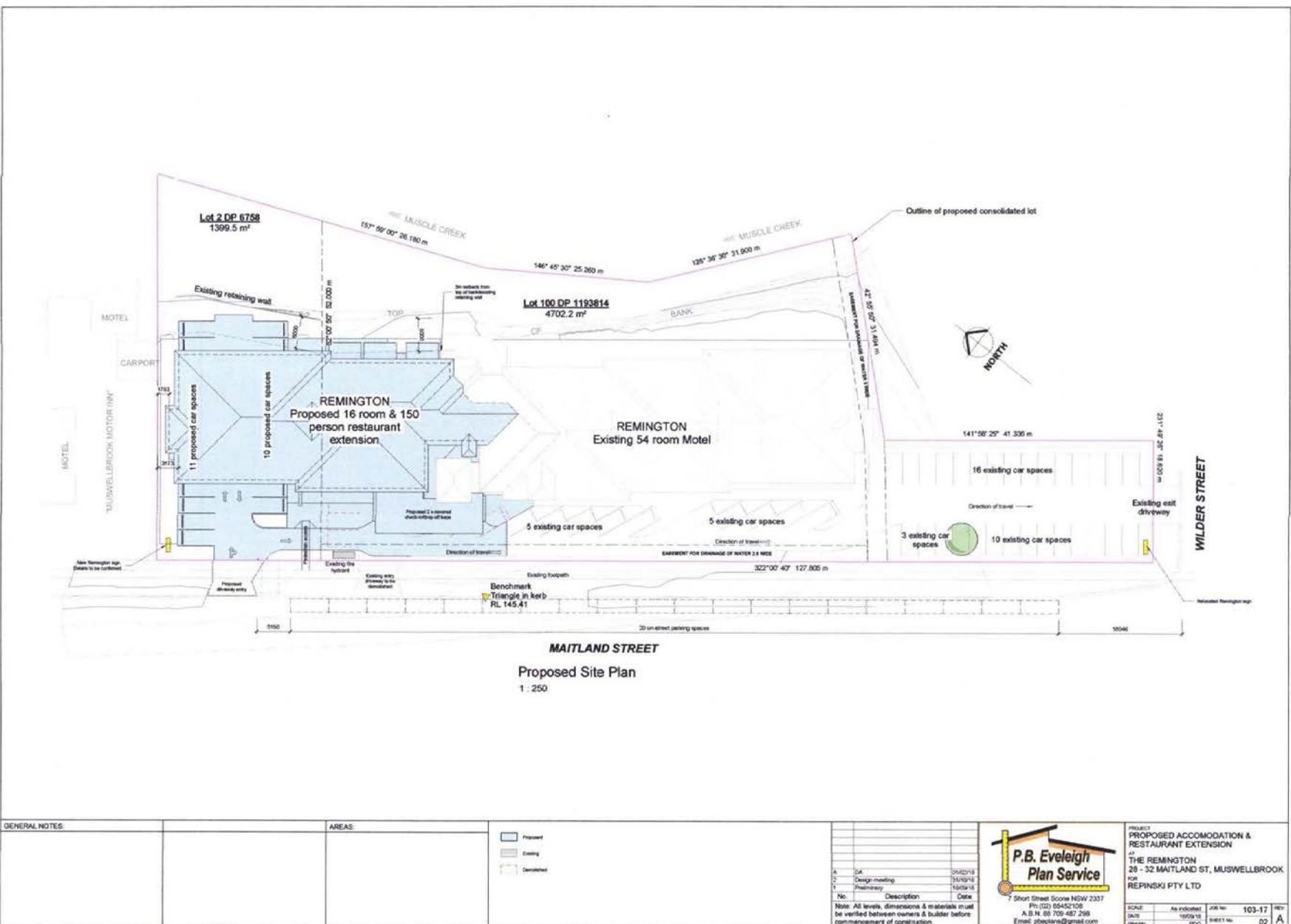
- 6.1 Architectural Plans – P B Eveleigh Plan Service
- 6.2 Shadow Diagram – P B Eveleigh Plan Service
- 6.3 Stormwater Management Plan – RHM Consulting
- 6.4 Traffic Impact Assessment – Intersect Traffic

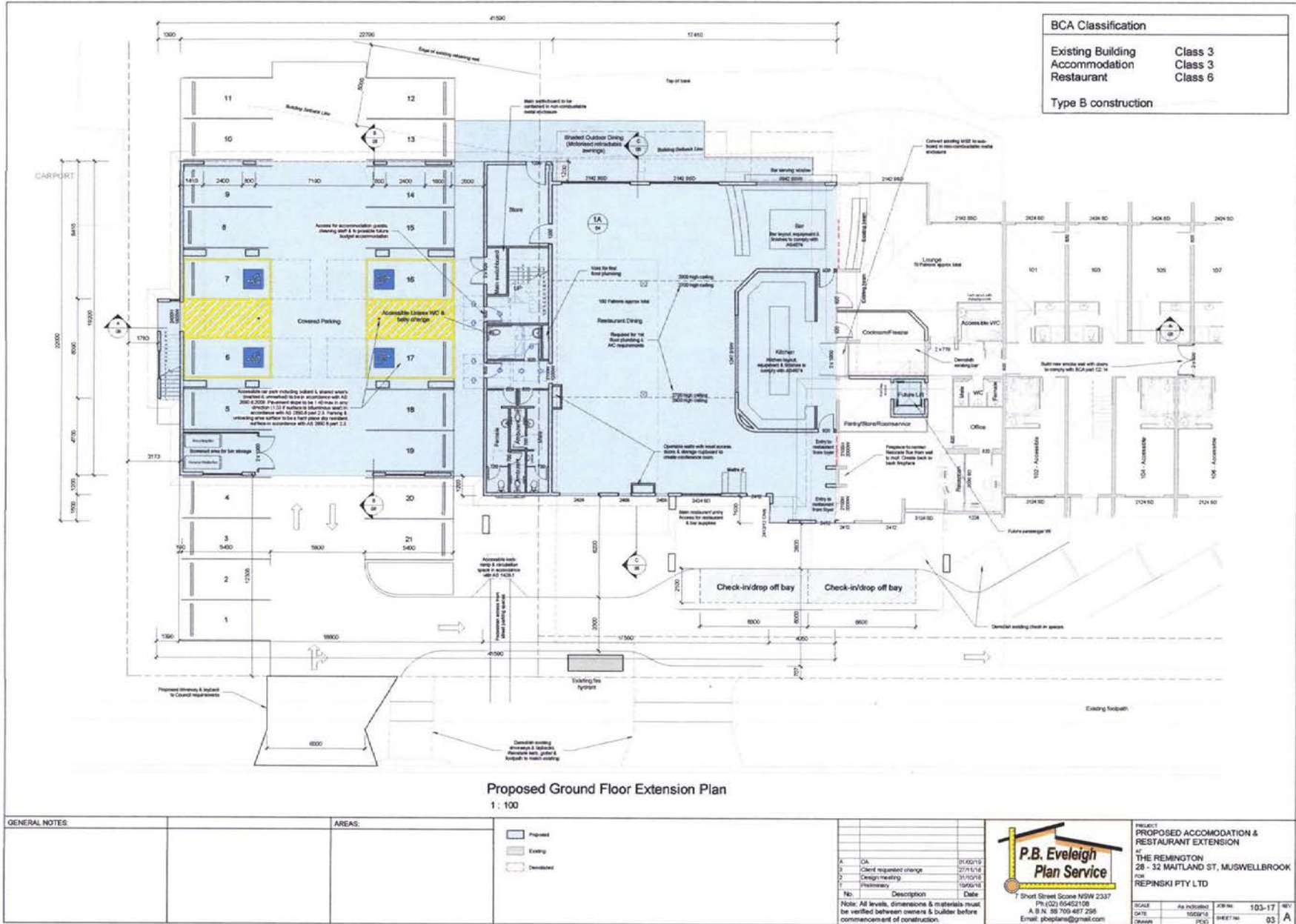
*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

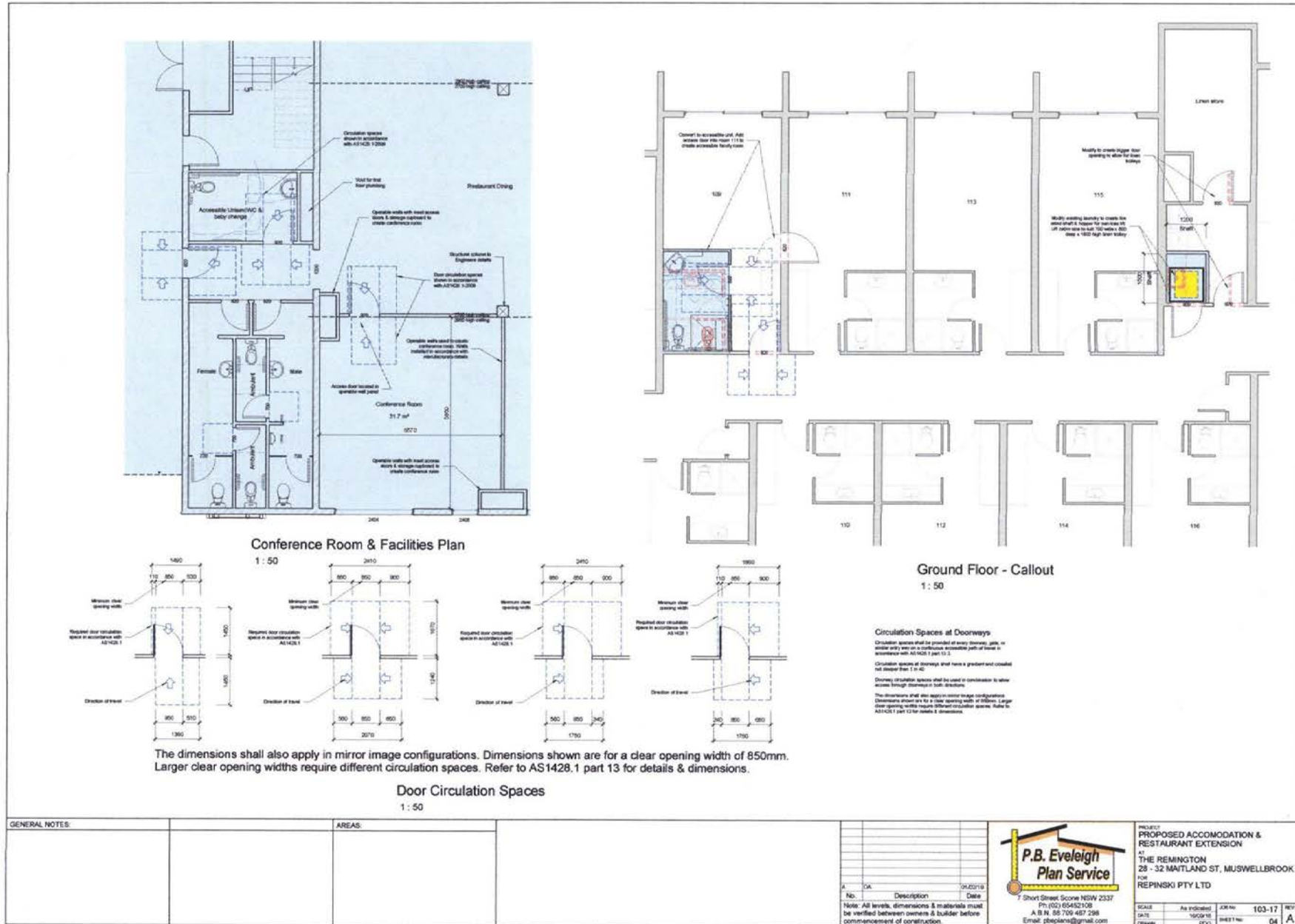
6.1 Architectural Plans – P B Eveleigh Plan Service

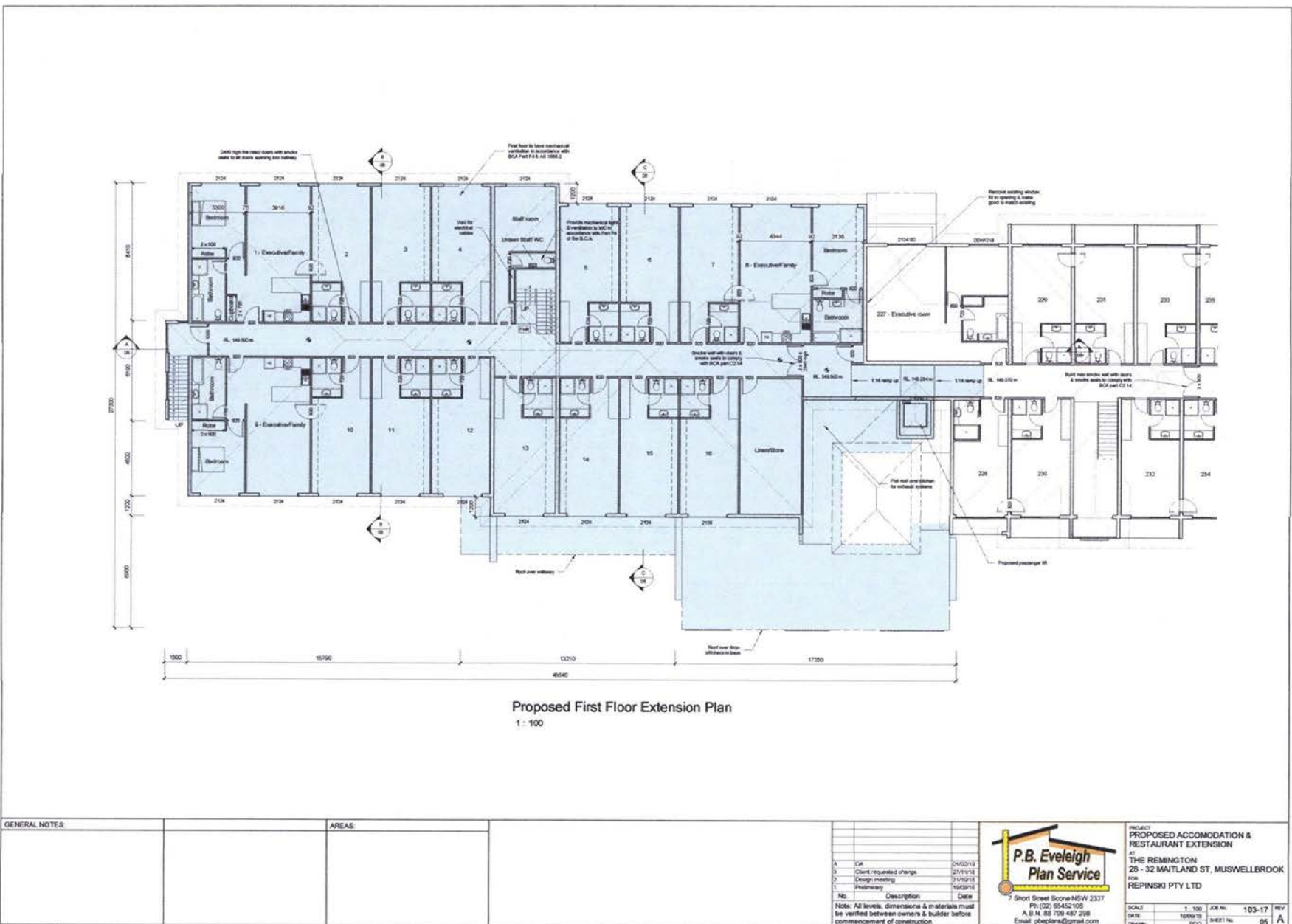














No of Persons

Patrons	300 people (Based on 300m2)	150 Male patrons	150 Female patrons
Staff			
Up to 20 (Estimate)	20 people	10 Male staff	10 Female staff

Required Facilities

	Male Patrons			Female Patrons	
	No of pans	Urinals	Basins	No of pans	Basins
Required Facilities	2	3	2	4	2
	Male Staff			Female Staff	
	No of pans	Urinals	Basins	No of pans	Basins
Required Facilities	1	0	1	1	1
	Male			Female	
	No of pans	Urinals	Basins	No of pans	Basins
Total Required Facilities	3	3	3	5	3
Changed 2 urinals to pans	5	1	3	5	3

Existing Facilities

Description	Male			Female	
	Closest Pairs	Unrais	Basins	Closest Pairs	Basins
Accessible Unisex WC	1	-	1	-	1
Male WC	1	-	1 (shared)	-	-
Female WC	-	-	-	1	1 (shared)
Total	2	-	2	2	2

Total Facilities

	Male			Female	
	No of pans	Urinals	Basins	No of pans	Basins
Accessible Unisex WC	1	-	1	1	1
Restaurant Toilet banks	1	1	1	1	1
Ambulant Pan	1	-	1	-	-
1st Floor Unisex Staff WC	1	-	1	1	1
Total Proposed Facilities	4	1	3	4	3
Total Existing Facilities	2	-	2	2	2
Total Facilities	6	1	5	6	5

Note: RCA

F2.3

(b) If not more than 10 people are employed, a unisex facility may be provided instead of separate facilities for each sex.

(c) if the majority of employees are of one sex, not more than 2 employees of the other sex may share toilet facilities if the facilities are separated by means of walls, partitions and doors to afford privacy.

(d) Employees and the public may share the same facilities in a Class 6 and 9b building (other than a school or early childhood center) provided the number of facilities provided is not less than the total number of

(j) - Not less than one washbasin must be provided where closet pans or urinals are provided

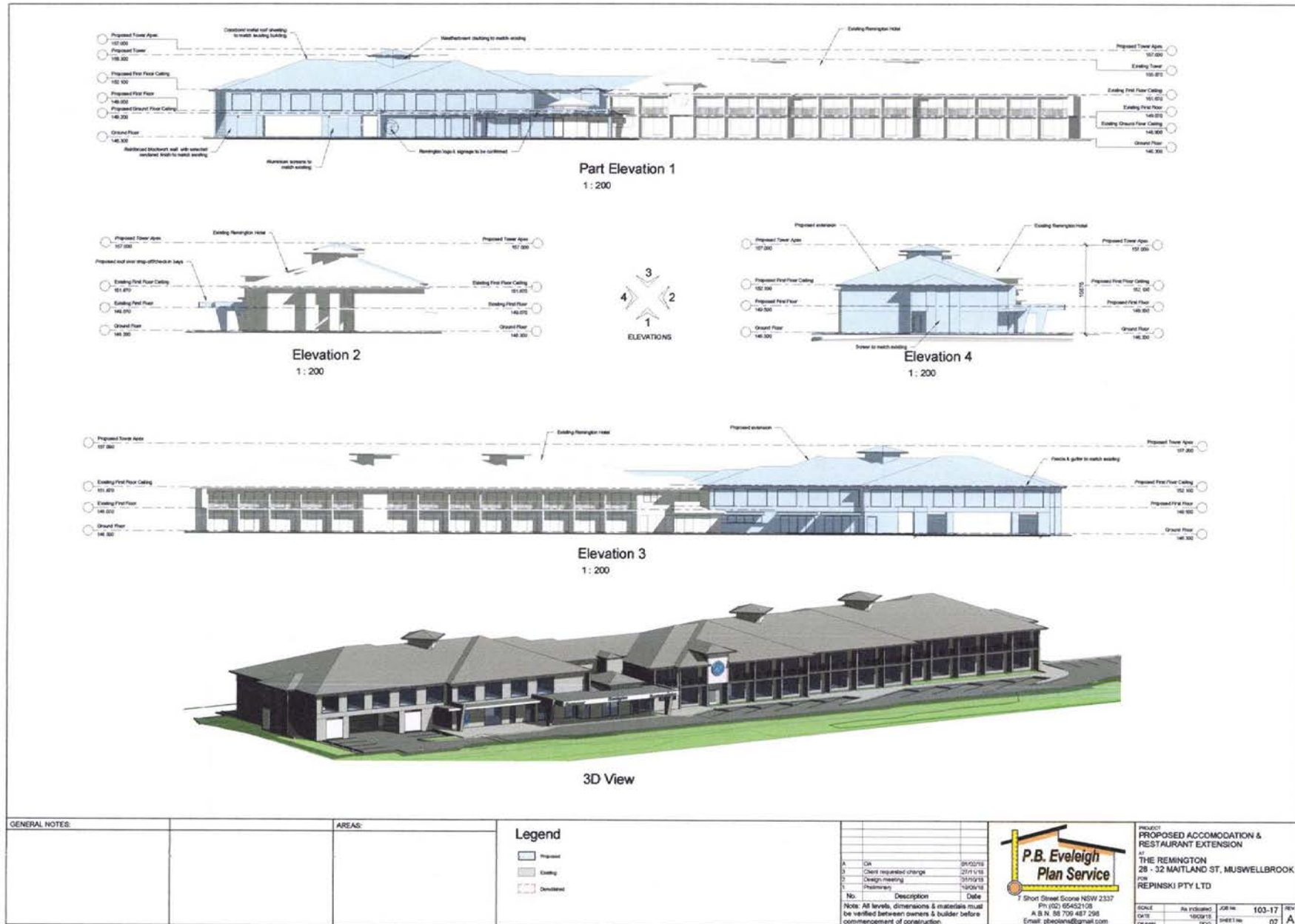
F2.6 Interpretation: Unrals and washbasins

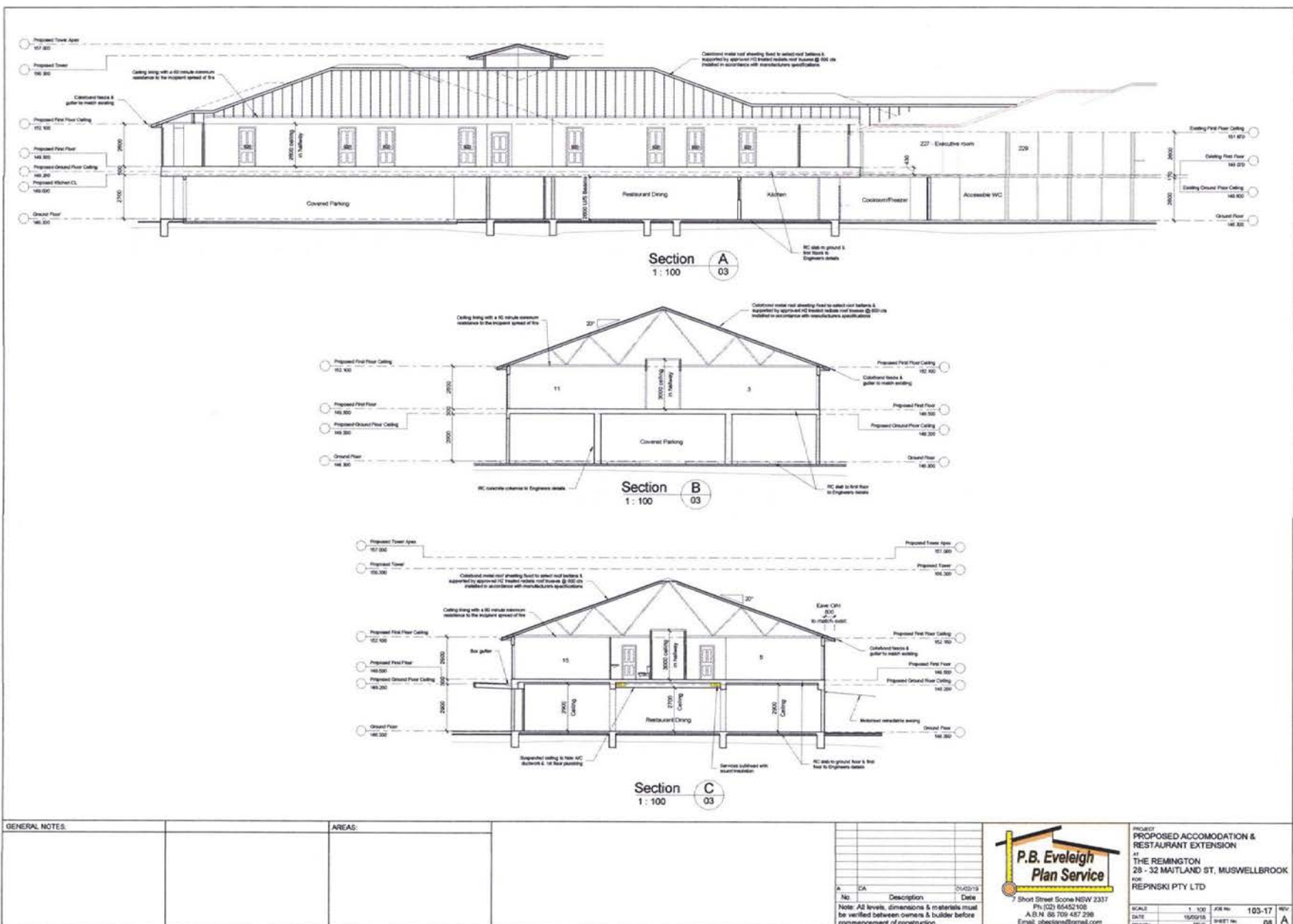
- (i) an individual stall or wall-hung urinal; or
- (ii) each 900 mm length of a continuous urinal trough; or
- (iii) a closet pan used in place of a urinal.

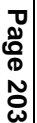
(b) A washbasin may be—

- (i) an individual basin; or
- (ii) a part of a hand washing trough served by a single water tap.

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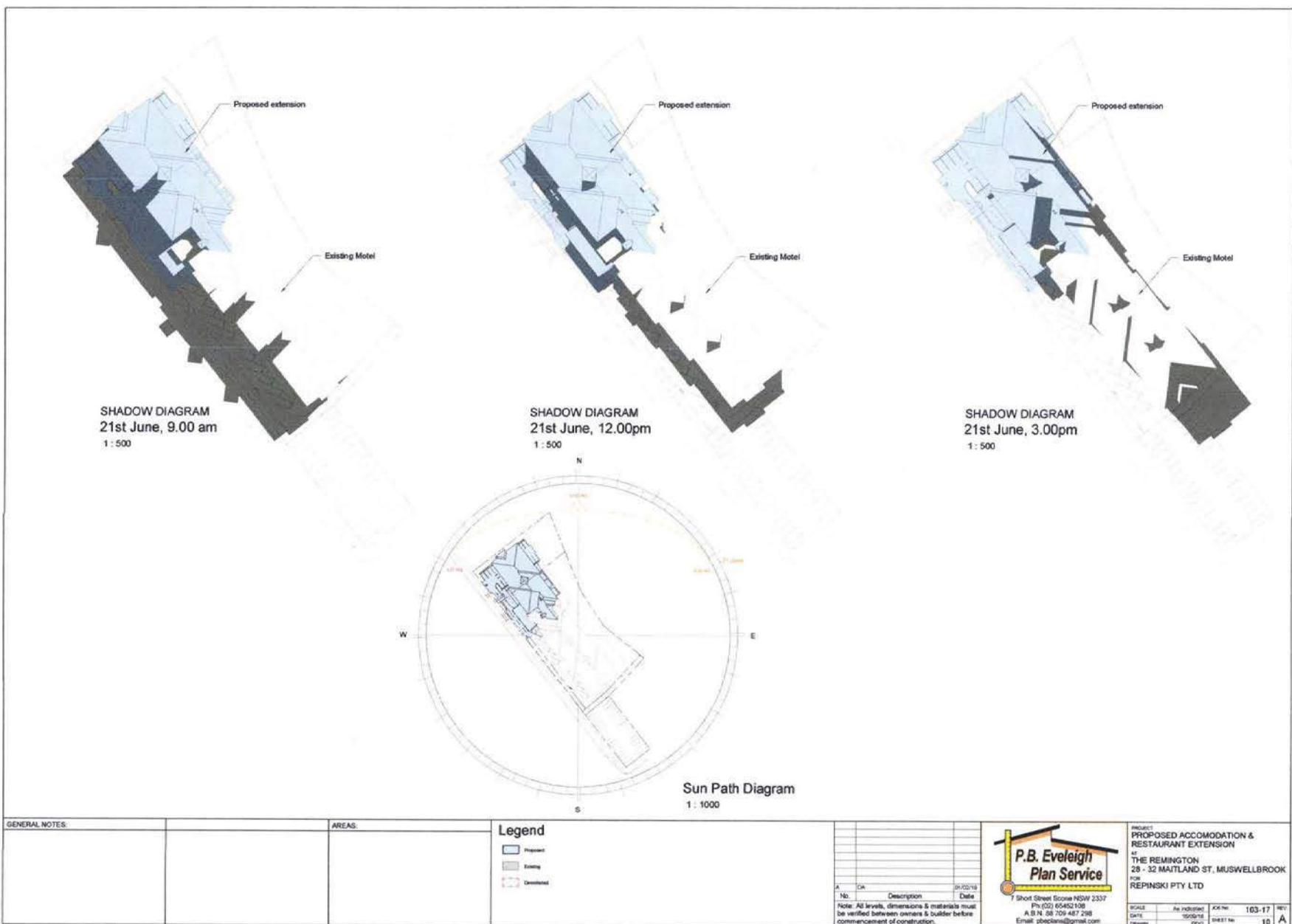






*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

6.2 Shadow Diagram – P B Eveleigh Plan Service



*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

6.3 Stormwater Management Plan – RHM Consulting

25 February 2019

Job Number: 12-083

Reference: 2019-02-25 bh

The General Manager
Remington Hotels Group
28-32 Maitland Street
MUSWELLBROOK NSW 2333

Attention: Mr Grant Gill

Email: g.gill@theremington.com.au

Dear Grant,

STORMWATER MANAGEMENT PLAN – PROPOSED EXTENSIONS TO THE REMINGTON MOTOR INN, 28-32 MAITLAND ROAD, MUSWELLBROOK

Further to your request, please find enclosed within Annexure A the proposed Stormwater Management Plan for the proposed extensions to the Remington Motor Inn at 28-32 Maitland Street, Muswellbrook. The proposed extensions include:

- A ground and first floor extension off the existing Hotel. Works include extensions to the administration, kitchen and dining areas, a function room, new lifts and some additional accommodation-based units. We note the extensions are to occur over Lot 2 of DP6758
- Re-location of the carpark area. The carpark will be partially constructed over the carpark.
- Re-location of the existing vehicular entry off Maitland Street.
- Extensions of services to include stormwater and stormwater detention.
- Provisions for a new drop-off area.

In the stormwater design works undertaken by RHM Consulting Engineers in 2012, DA192/2012, provisions were made in the design at that time for a future stormwater connection from the development of the neighbouring lot. The allocated flowrate nominated at inlet Pit P4 was 40litres/sec or 0.04m³/sec. The enclosed Stormwater Management Plan has adopted this flowrate as the permissible site discharge.

In assessing the design requirements for the stormwater, consideration has been given to on-site detention in accordance with Council's Development Control Plans albeit one could argue the benefits of on-site detention given the proximity of the outlet i.e. Muscle Creek. The design parameters adopted included:

- A permissible site discharge of 0.04m³/sec.
- A total site area of 1399m².
- Percentage pervious 43%.
- Time of concentration 7 minutes.
- Percentage impervious 57%.
- Time of concentration 5 minutes.
- Assessment include the SARI, 10ARI, 20ARI, 50ARI and 100ARI.

Hails Family Trust T/A ABN 82 153 018 800



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With the respect to flooding and the impacts, RHMCE refers council to the report undertaken in October 2012 as enclosed in Annexure B. This report considered the impacts and flood characteristics of Muscle Creek due to the development of the Motel. Section ME of the HEC-RHS analysis did consider the impacts to flow blockage. Upon comparing to previous reports to the proposed development, the following is noted:

1. Proposed floor levels to match existing floor is located about flood level (requirement of previous DA).
2. For access requirements, the carpark is higher than the existing ground surface. Therefore, some flood bank storage will be lost (approx. 40m³). Given the size of the catchment and the flood storage area, this loss of flood storage will have minimum effect on flood heights and downstream properties.
3. Proposed works are outside the main channel flow and banks. Therefore, the impacts on flow characteristics on the channel and on downstream properties is negligible.
4. Previous modelling suggested an increase in velocities of between 1% to 3% during large storm events. These increases are negligible when considering the variable design parameters.
5. Its likely in flooding that the below ground detention basin will fill and sediment after the flooding will require the tank to be cleared.
6. Flooding within the carpark will occur in extreme storm events. Overflow to the street and creek have been implemented in the design.
7. A portion of the structure is elevated thus allowing flood water to dispense in its natural manner.
8. The previous flood assessment suggested an increase in flood height of 40mm (max.).

Therefore, the construction of the proposed Motel will have little impact on the characteristics of Muscle Creeks flow velocities and water heights. The predicted increase in flood height for the 100ARI storm was 40mm.

In undertaking the design works as defined in the drawings enclosed within Annexure A, RHM Consulting Engineers hereby note the design has been undertaken in accordance with the intent of the following design standards and relevant industry-based design publications:

- Muswellbrook Shire Council – Development Design Specifications: 0074 Stormwater Drainage (Design).
- AS 3500.3: 2330 – Plumbing & Drainage Part3: Stormwater Drainage.
- AS 2890.1: 2004 – Parking Facilities Part 1: Off Street Parking.
- AS 3600. 2009 - Concrete Structures.
- Cement Concrete & Aggregates Australian Technical Publication CCAA T48 – Guide to Industrial Floors & Pavements.
- Australian Rainfall & Runoff: Volume 1: The Guide to Flood Estimation.
- Muswellbrook Councils Rivers and Drainage Channels Policy-R25/1.



Using DRAINS urban design software, the calculated on-site detention volume restricting the outflow to $0.04\text{m}^3/\text{sec}$ was 20.5m^3 in the 100ARI storm event. Refer to the output graph enclosed in Figure 1.0. Figure 2.0 notes the correlation between the inflow and outflows for the 100ARI storm event.

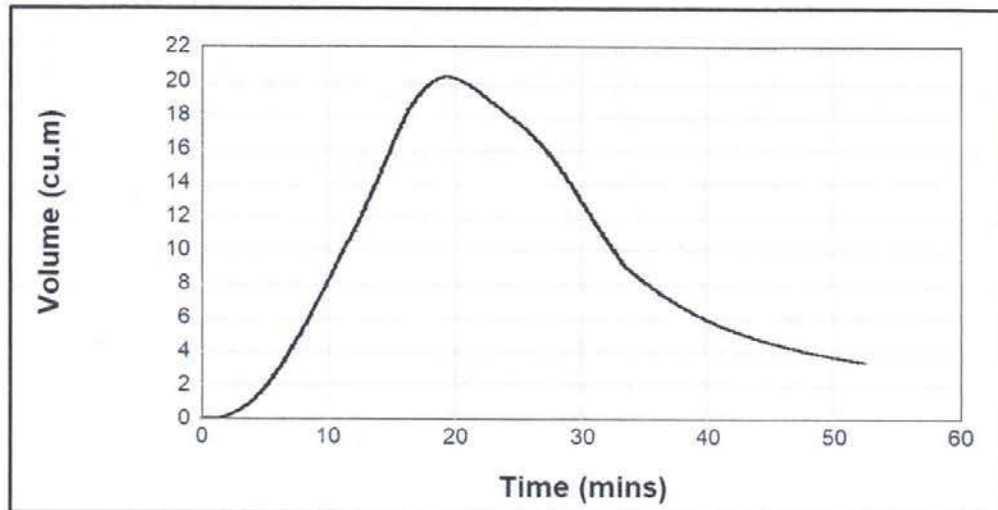


Figure 1.0 – Required On-Site Detention (100ARI with Outlet flow $\leq 0.04\text{m}^3/\text{sec}$)

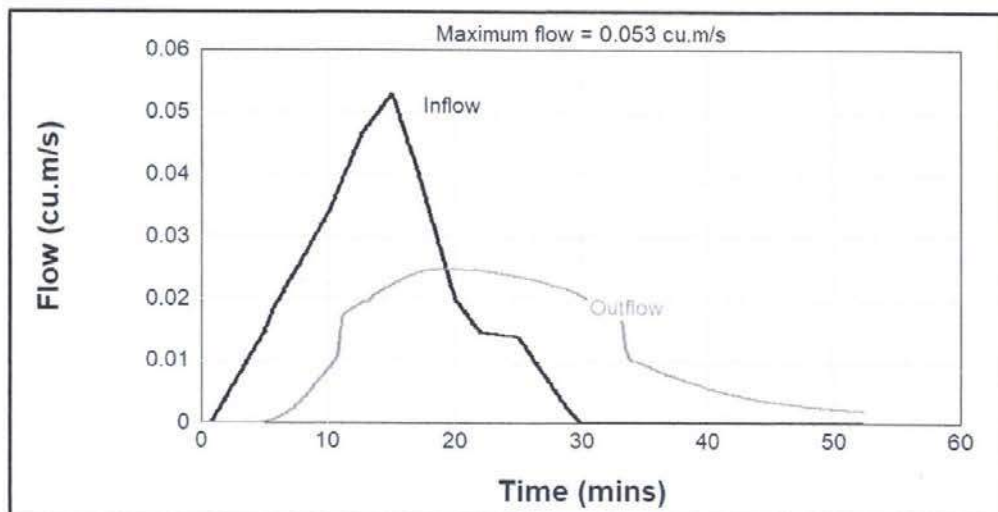


Figure 2.0 – Correlation Between the Inflow & Outflow
(100ARI with Outlet flow $\leq 0.04\text{m}^3/\text{sec}$)



If you have any further queries or wish to seek clarification with respect to the above, please do not hesitate to contact the undersigned.

Yours Faithfully

On Behalf of RHM Consulting Engineers

A handwritten signature in black ink, appearing to read 'Brett Hails'.

Brett Hails
MIEAust, CPEng, NPER
Director – Engineering



ANNEXURE A: STORMWATER MANAGEMENT PLAN

PROPOSED EXTENTION TO THE REMINGTON MOTEL MAITLAND STREET MUSWELLBROOK



LOCALITY PLAN

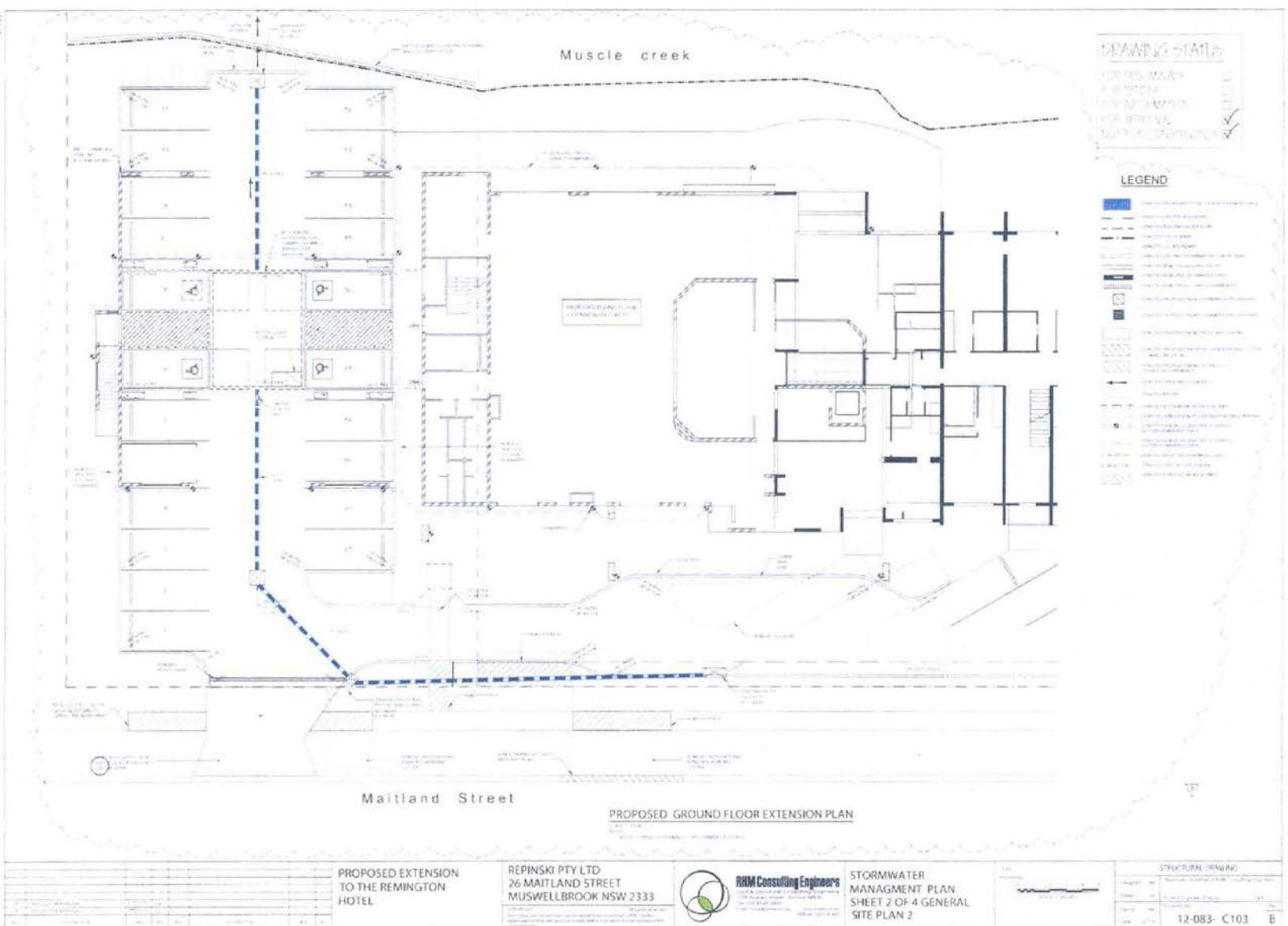
DRAWING SCHEDULE

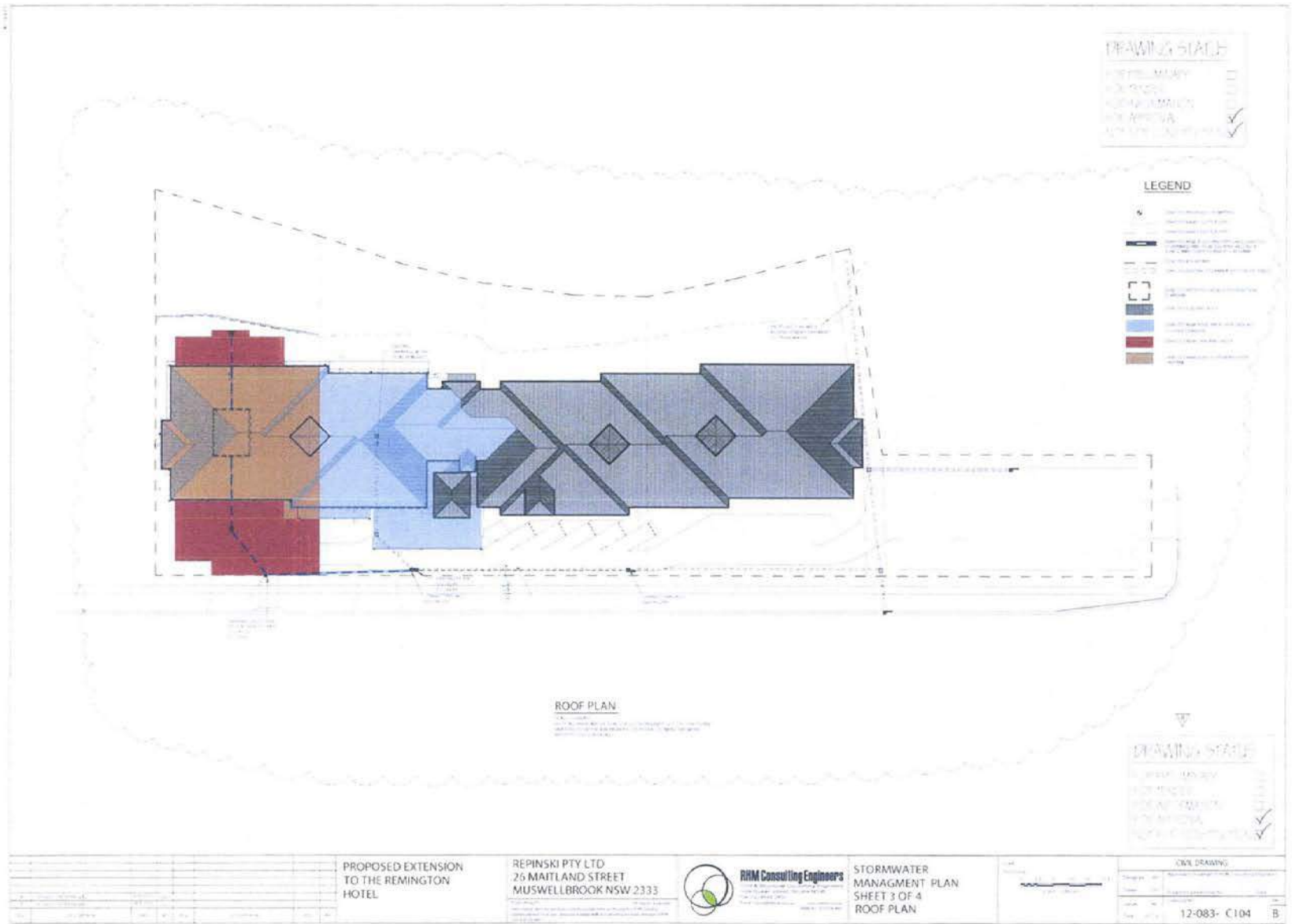
DRAWING	DESCRIPTION	REV	DATE
12-083-C100	COVER SHEET, LOCALITY PLAN & INDEX SHEET	0	07/02/19
12-083-C100	COMPOUNDING NOTES	0	07/02/19
12-083-C100	GENERAL SITE PLAN	0	07/02/19
12-083-C100	GENERAL SITE PLAN	0	07/02/19
12-083-C100	ROOF PLAN	0	07/02/19
12-083-C100	HYDROLOGICAL ASSESSMENT	0	07/02/19

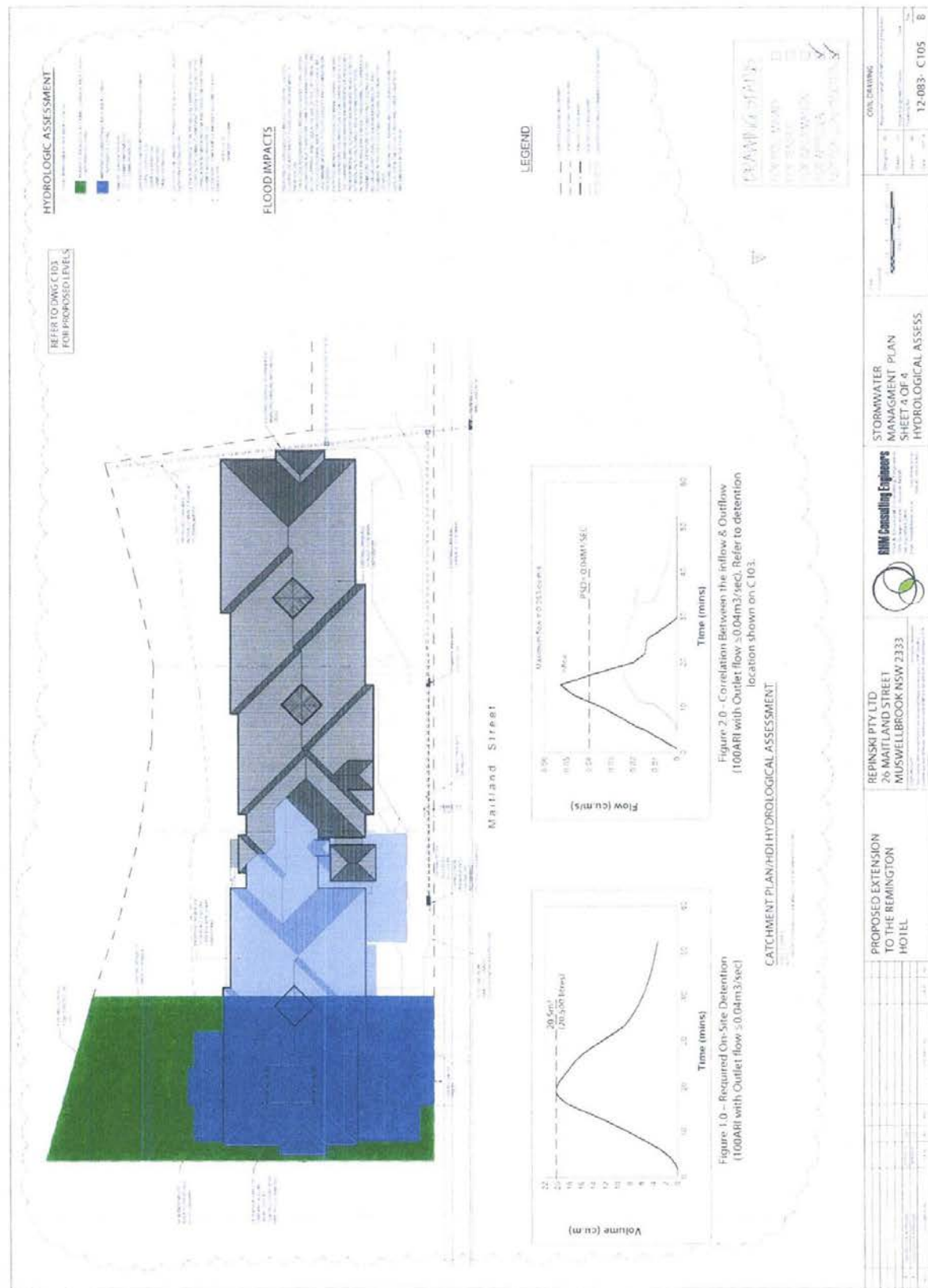
PROPOSED EXTENSION TO THE REMINGTON HOTEL		REPINSKI PTY LTD 26 MAITLAND STREET MUSWELLBROOK NSW 2333		 RHM Consulting Engineers 26 MAITLAND STREET MUSWELLBROOK NSW 2333 TEL: 02 9251 1234 FAX: 02 9251 1235 WWW.RHMENGINEERS.COM.AU		COVER PAGE			
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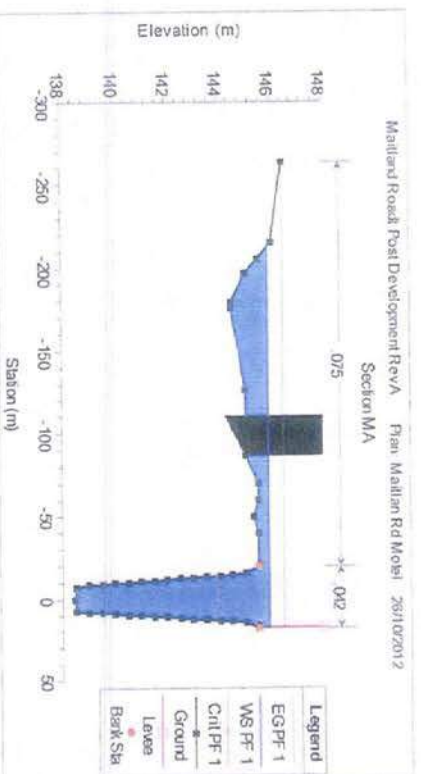


FIGURE 3.0 - PRE-DEVELOPMENT - CROSS SECTION #5

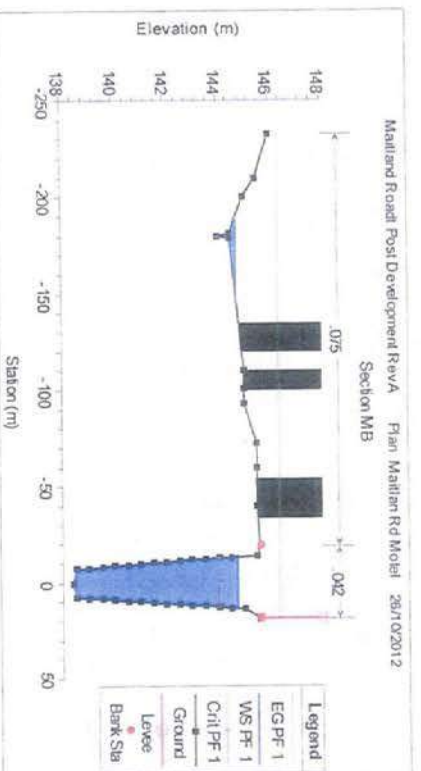


FIGURE 4.0 - PRE-DEVELOPMENT - CROSS SECTION #4

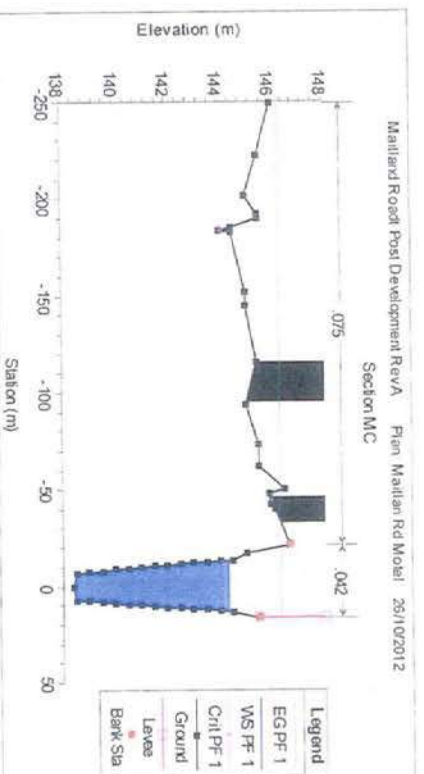
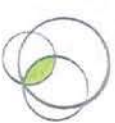


FIGURE 5.0 - PRE-DEVELOPMENT - CROSS SECTION #3





ANNEXURE B: JOB NO. :12-083- REPORT DATED 26TH OCTOBER 2012-DEVELOPMENT
APPLICTAION NO.: 192/2012-PROPOSED MOTEL AT 28 TO 32 MAITLAND STREET & 2
WILDER STREET, MUSWELLBROOK

26 October 2012



Job Number: 12-083
Reference: 2012-10-26 bh

The General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2337

Suite 6 / 56-58 Brook Street
Muswellbrook NSW 2333 Australia
PO Box 254 Muswellbrook NSW 2333
Telephone +61 2 6541 3333
Facsimile +61 2 6541 3334
www.rhmce.com.au

Attention: Mr. Peter Higgins
Email: Peter.Higgins@muswellbrook.nsw.gov.au

Dear Peter,

**DEVELOPMENT APPLICATION NO. : 192/2012 – PROPOSED MOTEL AT 28 TO 32
MAITLAND STREET AND 2 WILDER STREET, MUSWELLBROOK**

We refer to Development Application No. 192/2012 for a proposed 54 room motel at 28-32 Maitland Street and 2 Wilder Street, Muswellbrook. As per your request, RHM Consulting Engineers has assessed the impacts of flooding to Muscle Creek on the proposed development in order to determine the approximate "afflux" that may result due to the construction of the proposed structure and associated carparks.

The assessment has used HEC-RAS, a one-dimensional open channel hydraulics computer model developed by the U.S Army Corps of Engineers. HEC-RAS undertakes both steady and unsteady flow calculation on river systems with known cross-sectional profiles. Data used within the assessment was sourced from:

1. The report titled "Flooding Assessment of Bell Street, Muswellbrook dated February 2009 prepared by "Umwelt Environmental Consultants" for Muswellbrook Shire Council.
2. RHM Consulting Engineers report dated 27 September 2012 prepared on behalf of DA 114/2011.
3. Contour Data obtained from Council "MapInfo" data base and site survey.
4. Arial photographs obtained from Council's data base and "Google".

The following parameters were adopted within the assessment:

- a) Flood level at the site is 145.8AHD.
- b) The flowrate within the channel is indicative only as the flowrate has been set to achieve the flood height noted above.
- c) Downstream tailwater has been set at 144.50.
- d) Manning coefficient used are:
 - $n=0.042$ for the main channel.
 - $n=0.075$ for the left bank (Residential area).
 - $n=0.035$ for the right bank (Olympic park)

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Obstructions within the flow path where includes on the relevant cross sectional profiles. The level of the obstruction was set at 148.00AHD i.e. above the flood height thus ensuring the obstructed area where not considered within the flow calculations. These obstructions reflected the location and alignment of all existing dwelling and sheds along Maitland Road to include the current dwelling on the subject site.

For the post development scenario the obstruction that reflect the current dwelling were replaced with the proposal "Motel Development" with floor and carpark levels reflecting the details proposed within the DA submission.

Output figures from HEC-RAS for the relevant cross sections for both the "pre-development Scenario" and "post development scenario" are contained within Annexure A and Annexure B respectively.

The approximately location of the Section considered within the assessment are detailed in Figure 1.0.

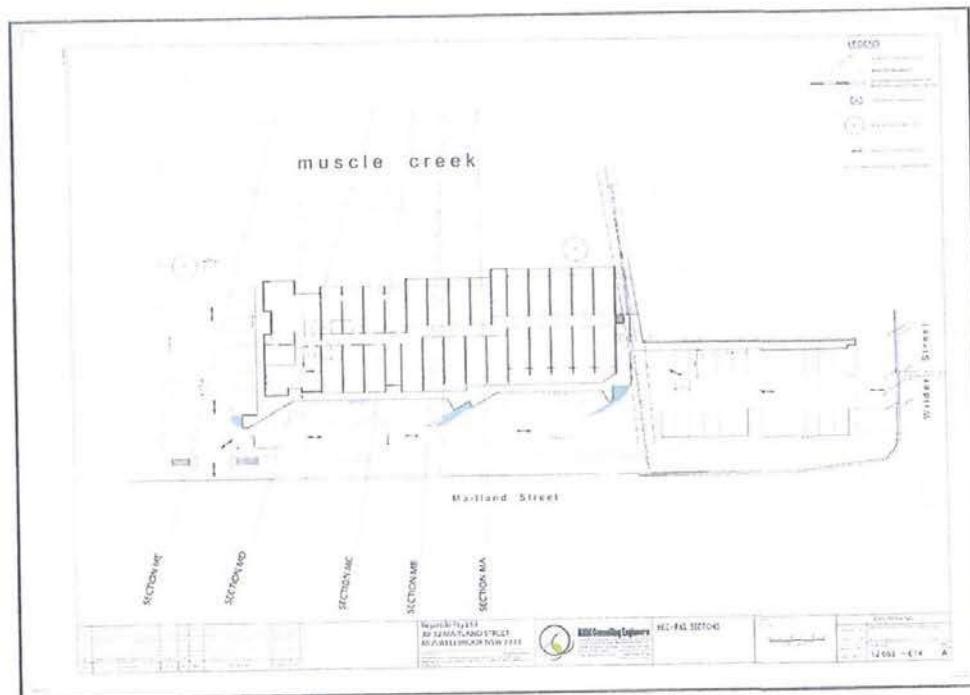


FIGURE 1.0 – LOCATION OF SECTIONS



The water levels as calculated for both pre and post constructions are tabulated in Table 1.0.

Section	Pre-Development	Post Development	Height Differential
Section MA - 5	145.92	145.89	30mm (Lower).
Section MB - 4	144.74	144.78	40mm (Increase).
Section MC - 3	144.29	144.28	10mm (Lower).
Section MD - 2	144.72	144.72	No Charge.
Section ME - 1	145.00	145.00	No Charge.

TABLE 1.0 - PREDICTED FLOOD HEIGHT: PRE & POST DEVELOPMENT SCENARIOS

Upon review of Table 1.0 the following is noted. Reference should also be made to the Figures within Annexure A and B.

1. **At section MA** a reduction in predicted flood height of approximately 30mm is indicated. At this section, the flow width is still made up of a single stream comprising of the Muscle Creek, Maitland Road and adjacent lands to the west. An increase of stream velocity caused by a reduction of flow area is noted at this section. Velocity increases are in the order of 3% with the stream channel.
2. **At Section MB** indicates an increase in the predicted flood height of approximately 40mm. This is primarily due to a reduction in the flow area. That this section, the stream divides forming 2 separate flow routes. This reflects the works undertaken by Umwelts as referenced earlier. This division does cause a reduction in total flow area hence an increase in velocity in the stream.
3. **At Section MC** indicates a nominal change in Flood height of approximately 10mm. This increase reflects the differential that results from the removal of an existing dwelling with the replace of the Motel. Total flow areas for the post development scenario has decreased by approximately 0.3%
4. **At Section MD** indicates no apparent change in flood height. This is because the flow areas remain comparable with current obstructions to the flow path being comparable to that proposed.
5. **At Section ME** indicates no apparent change in flood height. This is because the flow areas remain comparable with proposed carpark levels remaining consistent with existing surface levels.

The assessment concluded that the proposed Motel development along Maitland Road may slightly alter the flood heights in and around the immediate vicinity of the site. The maximum increase predicted from the assessment is 40mm with the southern portions of the site (adjacent to Wilder Street) seeing a slight reduction of 30mm. These impacts are considered nominal when compared to the overall flood depth and remain within the constraints of Council's DCP.



The potential impacts on neighbouring properties, Muscle Creek and the management protocols within the flood plain are considered minimal. The configuration of the flood stream and the division of the stream as one move north, reflects the assessment undertaken by "Umwelt Environmental Consultants" as noted within their report titled "Flooding Assessment of Bell Street, Muswellbrook dated February 2009"

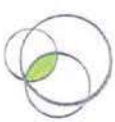
Recent flooding events within Australia have shown the unpredictability nature of flood events and the impacts that flooding can have on properties within flood prone areas. Therefore we would recommend that a "Flood Management Plan" be prepared defines protocols in the event and during potential flood events.

If you have any further queries, please do not hesitate to contact the undersigned.

Yours Faithfully

On behalf of RHM Consulting Engineers

Brett Hails
MIEAust, CPEng, NPER
Director - Engineering



ANNEXURE A: PRE-DEVELOPMENT

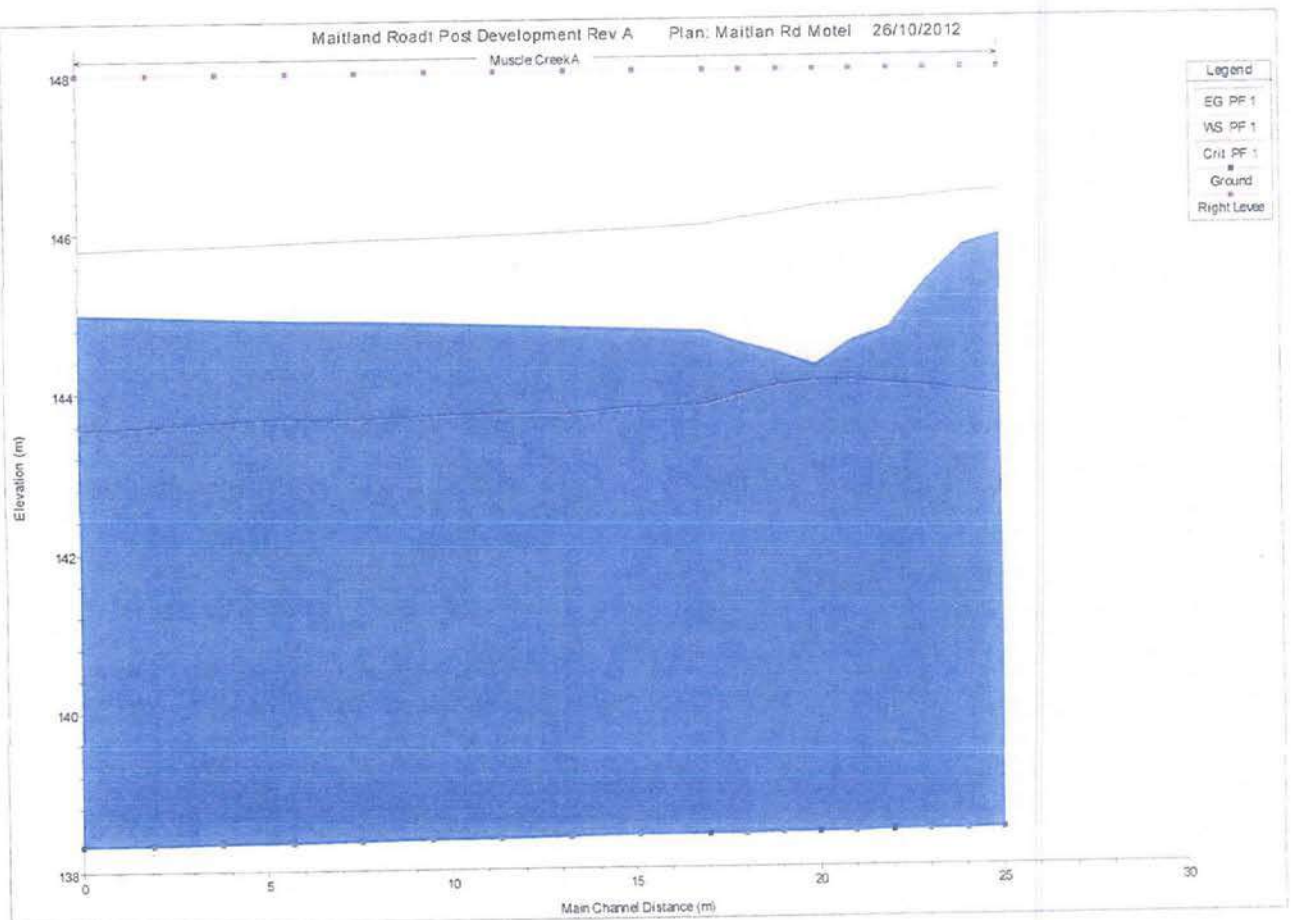


FIGURE 2.0 - PRE-DEVELOPMENT: MAIN CHANNEL

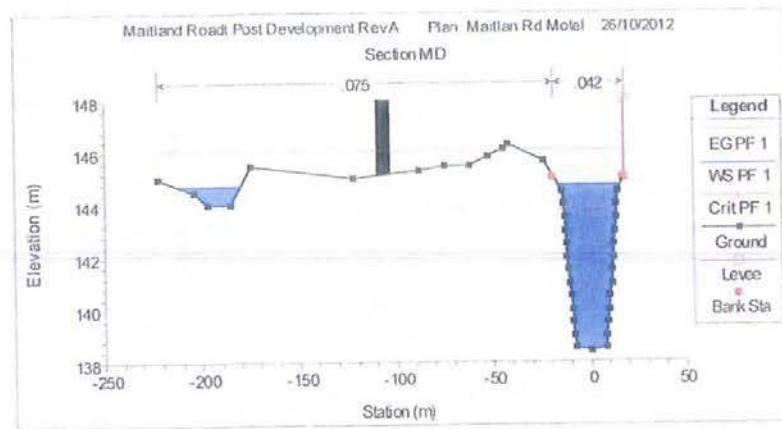


FIGURE 6.0 - PRE-DEVELOPMENT – CROSS SECTION #2

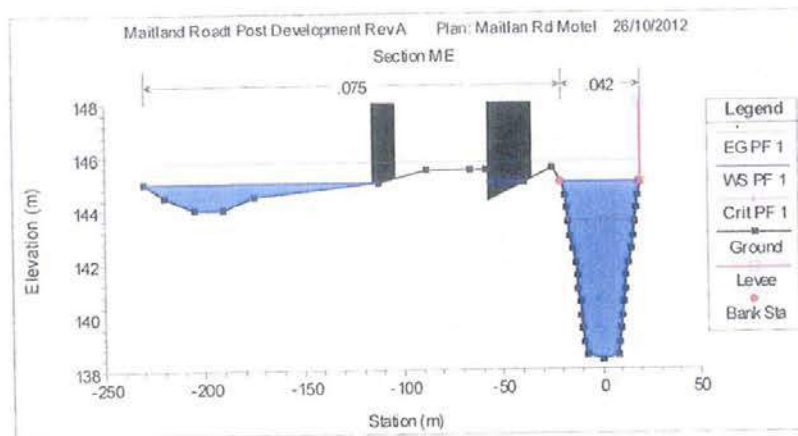


FIGURE 7.0 - PRE-DEVELOPMENT – CROSS SECTION #1



ANNEXURE B: POST DEVELOPMENT

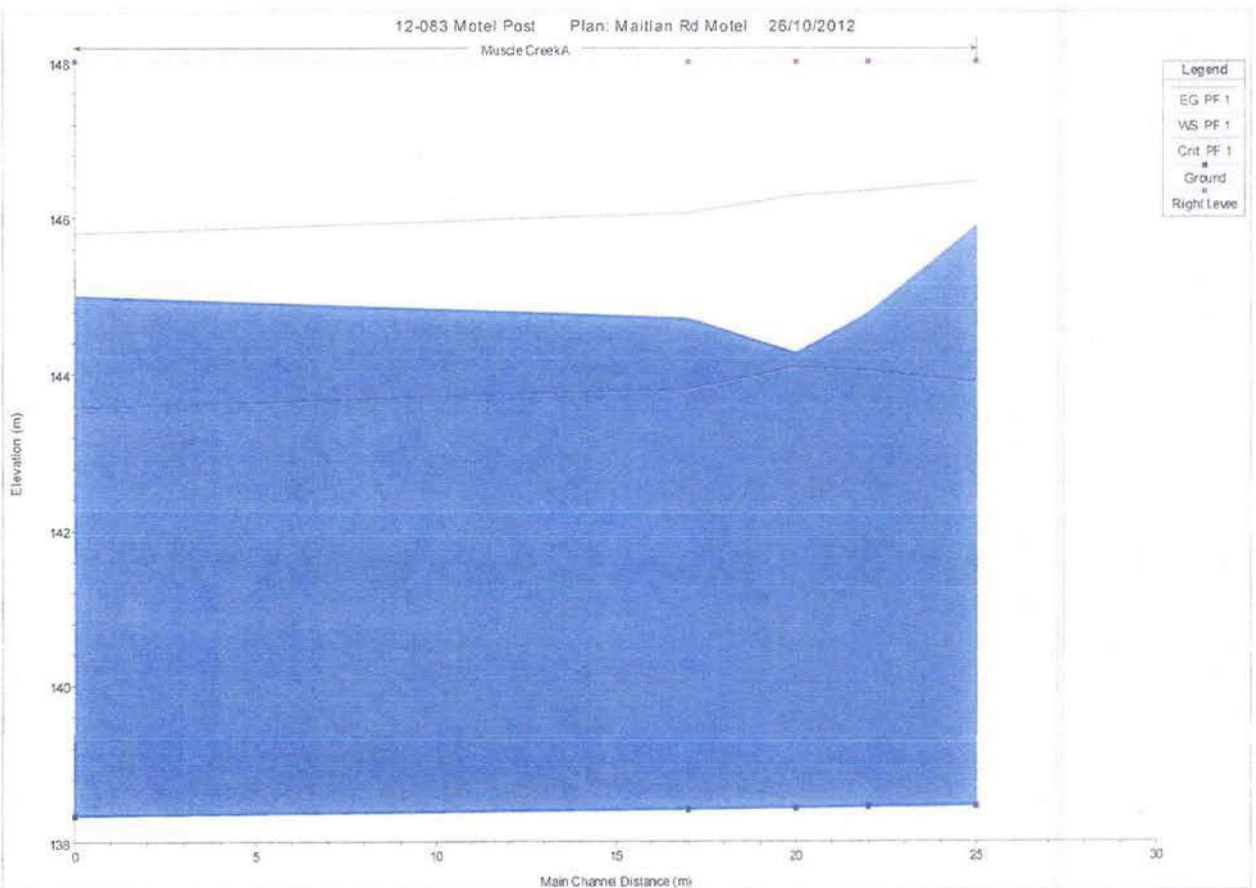


FIGURE 8.0 – POST DEVELOPMENT: MAIN CHANNEL

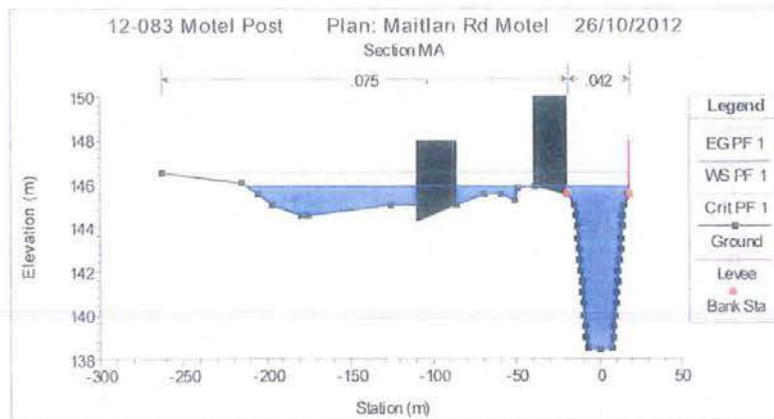
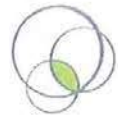


FIGURE 9.0 – POST DEVELOPMENT – CROSS SECTION #5

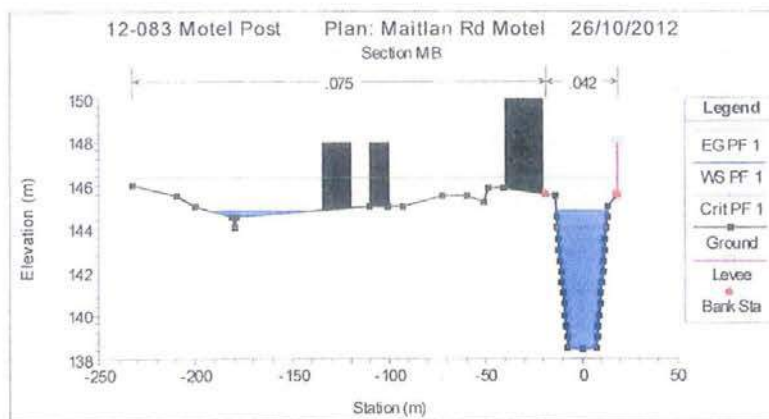


FIGURE 10.0 – POST DEVELOPMENT – CROSS SECTION #4

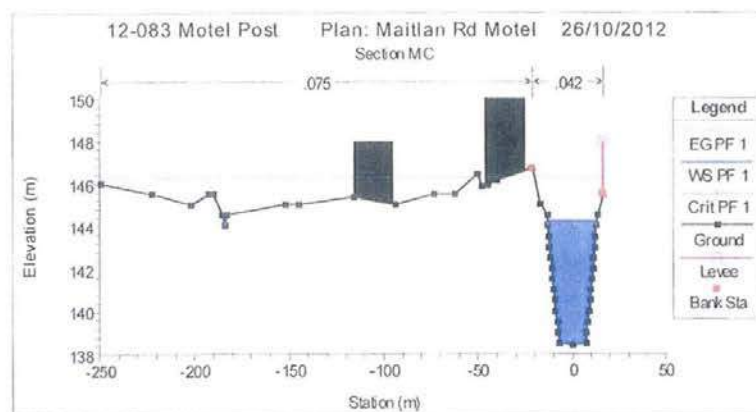


FIGURE 11.0 – POST DEVELOPMENT – CROSS SECTION #3

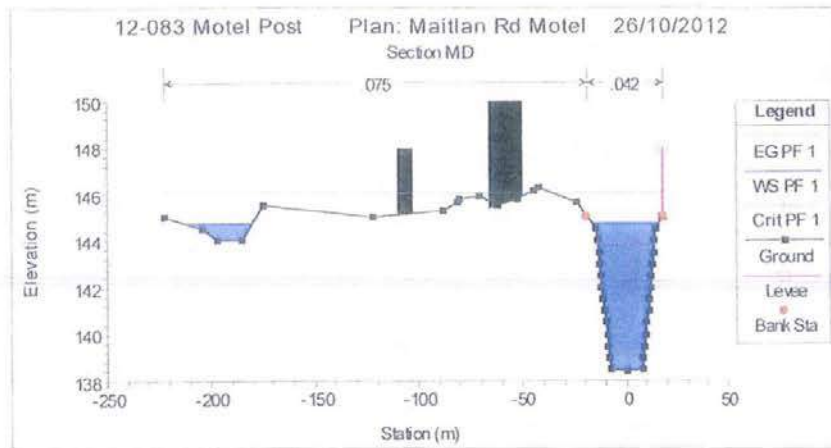


FIGURE 12.0 – POST DEVELOPMENT – CROSS SECTION #2

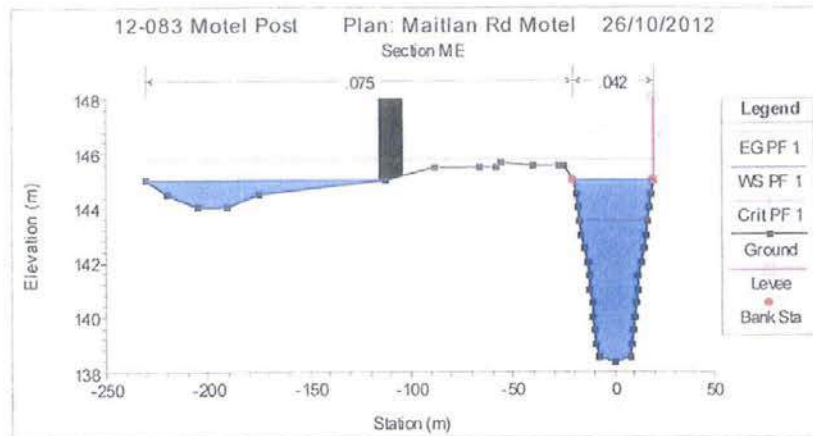
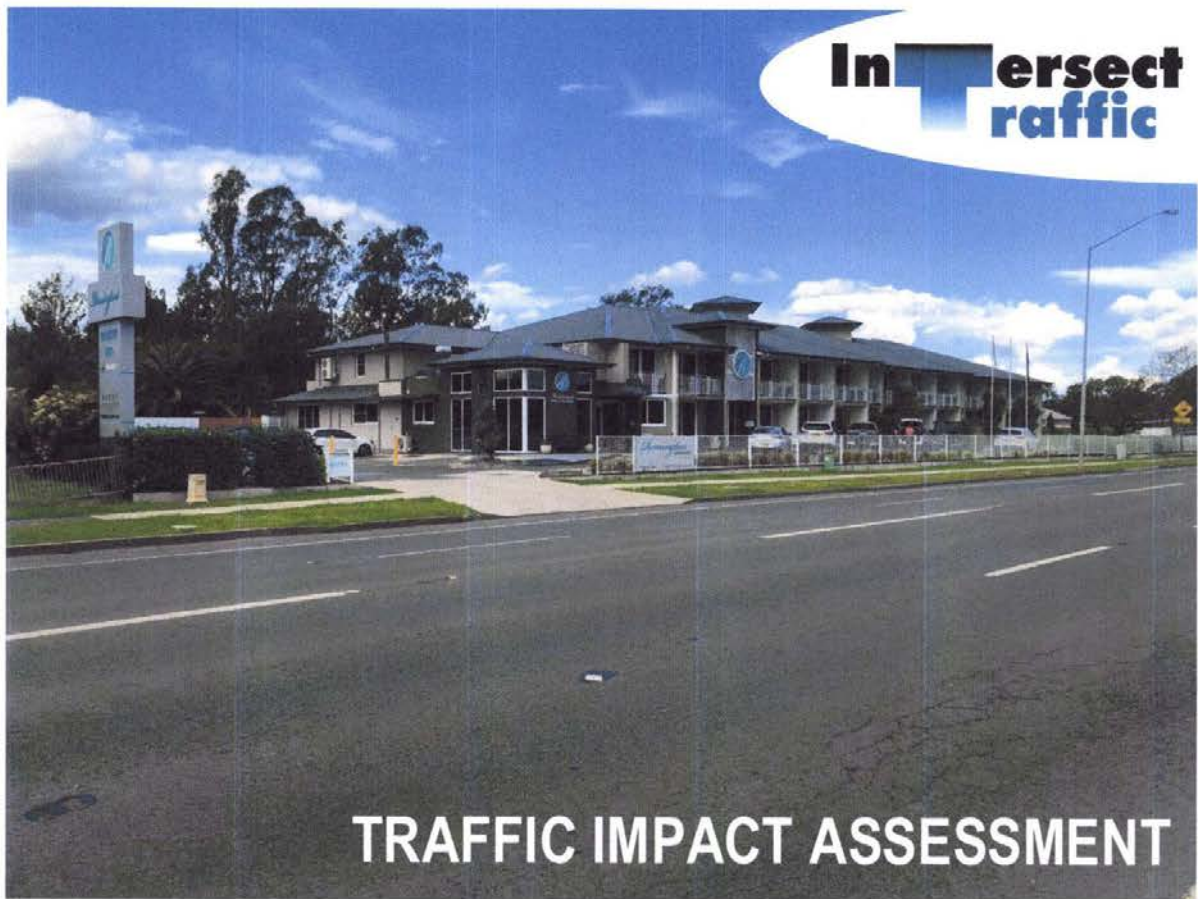


FIGURE 13.0 – POST DEVELOPMENT – CROSS SECTION #1

*Proposed Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units and Restaurant, and consolidation of titles – Remington Motor Inn
Lot 2 DP 6758 & 100 DP 1193814*

6.4 Traffic Impact Assessment – Intersect Traffic



**EXTENSIONS TO REMINGTON MOTEL
LOT 2 DP 6758 & LOT 100 DP 1193814
26 - 32 MAITLAND STREET, MUSWELLBROOK**

PREPARED FOR: REMINGTON MUSWELLBROOK PTY LTD

DECEMBER 2018



18/147

TRAFFIC IMPACT ASSESSMENT
REMINGTON MUSWELLBROOK PTY LTD

EXTENSIONS TO EXISTING MOTEL
LOT 2 DP 6758 & LOT 100 DP 1193814
26 - 32 MAITLAND STREET, MUSWELLBROOK

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QUALITY ASSURANCE

This document has been prepared, checked and released in accordance with the Quality Control Standards established by Intersect Traffic Pty Ltd.

Issue	Date	Description	By
A	26/10/18	Draft	DD
B	22/11/18	Edit	JG
C	17/12/18	Final Proof	JG
D	17/12/18	Approved	JG

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This document has been authorised by


Date 17th December 2018

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1.0 INTRODUCTION

Intersect Traffic Pty Ltd has been engaged by Remington Muswellbrook Pty Ltd to prepare a traffic impact assessment for an extension (16 rooms and upgraded restaurant to 150-person capacity) to the existing 54-unit two storey Remington Motor Inn on land containing two individual land parcels addressed at 26 – 32 Maitland Street (New England Highway), Muswellbrook. This land is formally described as containing the following land parcel:

- ◆ Lot 2 DP 6758 – 26 Maitland Street, Muswellbrook; and
- ◆ Lot 4 DP 6758 – 28 - 32 Maitland Street, Muswellbrook.

The development site currently contains a single dwelling and sheds (26 Maitland Street) and the existing Remington Motel (28 – 32 Maitland Street).

This report is required to support a development application to Muswellbrook Council and allow the Council and the NSW Roads and Maritime Services (NSW RMS) to assess the proposal in respect of its impact on the local and state road network.

This report presents the findings of the traffic assessment and includes the following:

1. An outline of the existing situation near the site;
2. An assessment of the traffic impacts of the proposed development including the predicted traffic generation and its impact on existing road and intersection capacities;
3. Reviews parking, public transport, pedestrian and cycle way requirements for the proposed development, including assessment against Council and the Roads and Traffic Authority standards and requirements;
4. Presentation of conclusions and recommendations.

2.0 SITE LOCATION

The subject site is shown in **Figure 1** below. It is located on the north eastern side of Maitland Street (New England Highway), Muswellbrook immediately north-west of Wilder Street.

The site is described as 26 - 32 Maitland Street, Muswellbrook. It currently contains an existing dwelling and sheds as well as the existing Remington Motor Inn. The site is zoned B2 Local Centre pursuant to the Muswellbrook LEP (2009) and has a total area of approximately 5,900 m². **Photographs 1 & 2** show existing conditions at the site.

The site has frontage to Maitland Street and Wilder Street and currently has a single residential access onto Maitland Street for 26 Maitland Street, a combined entry / exit to Maitland Street and a combined entry / exit access crossing to Wilder Street servicing the existing car parking for the Remington Motor Inn.

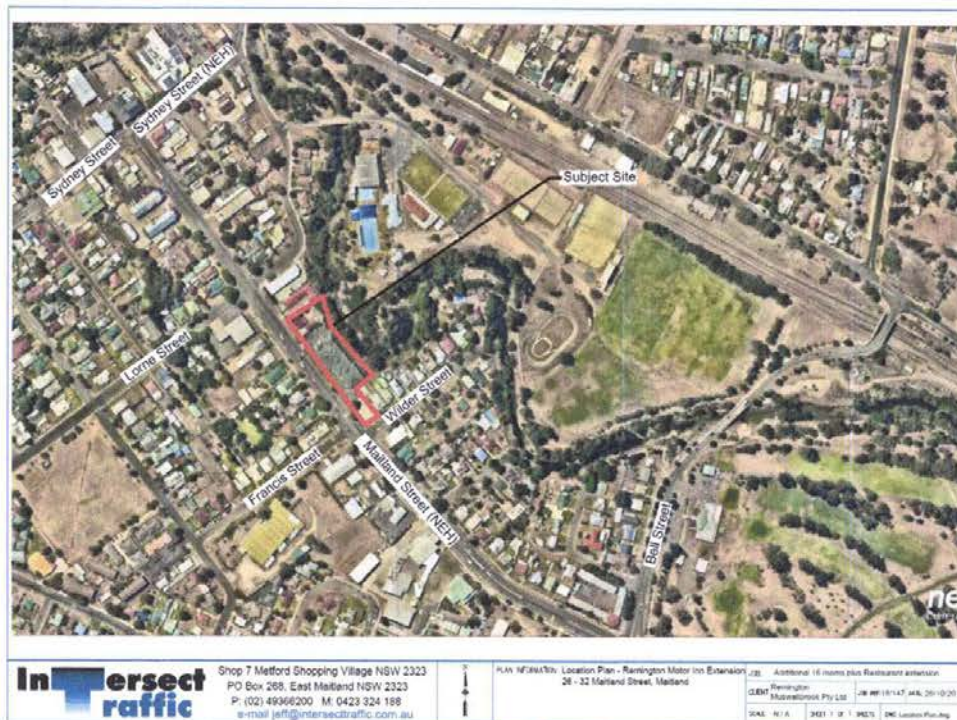


Figure 1 – Site Location



Photograph 1 – Development site – 26 Maitland Street



Photograph 2 – Development site – 28 - 32 Maitland Street

3.0 EXISTING ROAD NETWORK

Maitland Street being part of the New England Highway is a classified road and part of the state highway network (SH9). It is the major arterial road in the region and is under the care and control of the NSW RMS. It connects the New England and Upper Hunter Valley areas to Newcastle and represents a major transport route for many commodities.

In the vicinity of the site it is a four-lane two-way sealed road with adjacent parking lanes. Lane widths are between 3.2 and 3.5 metres and kerb and gutter and longitudinal drainage are located along its edges. A 50 km/h speed limit applies to this section of road however to the east of the site a 40 km/h school speed zone exists. At the time of inspection Maitland Street was observed to be in good condition. **Photograph 3** shows Maitland Street (New England Highway) near the site.



Photograph 3 – Maitland Street along site frontage

Wilder Street is a local no through street under the care and control of Muswellbrook Council. It runs north east from Maitland Street for approximately 200 metres providing access to approximately 20 individual properties (dwellings).

Wilder Street is sealed with kerb and gutter and longitudinal drainage. The carriageway width is approximately 12 metres and at the time of inspection was found to be in fair condition with a 50 km/h speed zoning applying to the street. **Photograph 4** shows Wilder Street near the access to the Remington Motor Inn.



Photograph 4 – Wilder Street adjacent to site.

4.0 ROAD NETWORK IMPROVEMENTS

Discussions with Muswellbrook Council and RMS have identified that no major road upgrades are planned in the immediate future for Maitland Street in the vicinity of the development that will impact on the local and state road network capacity.

5.0 TRAFFIC VOLUMES

The RMS have a permanent traffic counter location on The New England Highway immediately south of Muswellbrook 1.64km south of Muscle Creek Road. The site number and resulting traffic volumes (including light / heavy percentages) are detailed in **Table 1** below:

Table 1 – AADT (annual average daily traffic) New England Highway immediately south of Muswellbrook

Year	Location	Station	AADT	% cars	% heavy vehicles
2015	South of Muswellbrook	6154	9,359	81	19
2016	South of Muswellbrook	6154	4,629	81	19
2017	South of Muswellbrook	6154	9,349	80	20
2018	South of Muswellbrook	6154	9,359	80	20

This shows a fluctuating traffic growth rate hovering between a positive rate and a negative rate (discounting 2016).

Peak hour traffic volumes are usually in the order of 8% to 15% of the AADT values. In this instance peak hour traffic volumes representative of the location are considered to be in the order of 10% of the AADT. Noting this and increasing the count by 50 % to allow for town traffic, it is expected that peak hour traffic volumes on Maitland Street at this location will be in the order of 1,425 vph (two way). This correlates well with traffic counts undertaken near the site by Intersect Traffic in 2014 which recorded a two-way PM peak of 1,424 vph. Based on these results and assuming some traffic growth since 2014 an existing peak traffic flow on Maitland Street of 1,500 vph has been adopted for this report.

No counts were obtained for Wilder Street however as a "no through" road providing access to approximately 20 properties plus the 54 unit two storey Remington Motor Inn car park (based on 26 units - 0.5 of the total units @ 0.4 per unit as a second car park) which has a second entry / exit in Wilder Street it is reasonable to assume peak hour traffic flows and daily traffic flows would be in the order of 30 vph and 300 vtpd based on the traffic generation rates for dwellings and motels contained in the RMS *Guide to Traffic Generating Developments*.

6.0 ROAD CAPACITY

The capacity of urban roads is generally determined by the capacity of intersections. However, Tables 4.3 and 4.4 of the RTA's *Guide to Traffic Generating Developments* provides some guidance on mid block capacities for urban roads and likely levels of service. These tables are reproduced below.

Table 4.3
Typical mid-block capacities for urban roads with interrupted flow

Type of Road	One-Way Mid-block Lane Capacity (pcu/hr)	
Median or inner lane:	Divided Road	1,000
	Undivided Road	900
Outer or kerb lane:	With Adjacent Parking Lane	900
	Clearway Conditions	900
	Occasional Parked Cars	600
4 lane undivided:	Occasional Parked Cars	1,500
	Clearway Conditions	1,800
4 lane divided:	Clearway Conditions	1,900

Table 4.4
Urban road peak hour flows per direction

Level of Service	One Lane (veh/hr)	Two Lanes (veh/hr)
A	200	900
B	380	1400
C	600	1800
D	900	2200
E	1400	2800

Source: _ RTA's *Guide to Traffic Generating Developments* (2002).

Based on these tables it is considered that Maitland Street (State Road) has a two-way road capacity of at least 5,600 vph if a LOS D is considered satisfactory, before it reaches a LoS E.

From the data determined and described in **Section 5** and noting the likely technical road capacity of Maitland Street is well in excess of the existing traffic volumes it is considered that the adjacent road network is operating well within its technical capacity and has scope to cater for additional traffic generated by new developments.

Wilder Road as a minor local access road providing access to individual properties and about half of the motel development and would however be subject to an environmental capacity to ensure residential amenity in the area is not adversely impacted on. In this regard the environmental goals provided in table 4.6 of the RMS *Guide to Traffic Generating Developments* is considered relevant. This table reproduced below recommends an environmental capacity goal of 200 vph (300 vph maximum for a local street). With a current traffic volume of approximately 30 vph it can therefore be seen that Wilder Street has significant spare mid-block capacity from an environmental capacity perspective.

Table 4.6
Environmental capacity performance standards on residential streets

Road class	Road type	Maximum Speed (km/hr)	Maximum peak hour volume (veh/hr)
Local	Access way	25	100
	Street	40	200 environmental goal
			300 maximum
Collector	Street	50	300 environmental goal
			500 maximum

Note: Maximum speed relates to the appropriate design maximum speeds in new residential developments. In existing areas maximum speed relates to 85th percentile speed.

7.0 ALTERNATE TRANSPORT MODES

Osborne Bus Services runs public transport (bus) services in the area whilst the Greyhound bus company runs interstate and intrastate services through the town. The main transport stops for the long-distance bus services is in Bridge Street next to the railway station approximately 1 km from the site.

The Osborne Bus Services depot is also located on Maitland Street approximately 175 metres south east of the site and would represent the nearest pick up and drop off point to the site for the local bus services. Osborne's have advised they run a town bus service which operates between 9 am and 4 pm daily as a hail and ride service. It operates on a continuing loop to a set timetable. This service runs past the development site therefore it is considered the site has good access to public transport.

Cityrail runs passenger train services through Muswellbrook on the Hunter line which connects Newcastle to Scone. Four (4) return services are provided on weekdays and two (2) return services are provided on weekends. **Photograph 5** below shows the bus / rail interchange.

A concrete pedestrian footpath (see **Photograph 6**) exists along both sides of Maitland Street in the vicinity of the site. The existing footpath network provides an excellent pedestrian linkage to the site from the nearby bus depot as well as the CBD area and transport interchange at Muswellbrook railway station (both some 1 km from the site). Pedestrian crossing facilities are provided at the

nearby signalised intersection at Sydney Street and at the pedestrian signals 200 metres south east of the site.

Cyclists in the vicinity of the site are required to utilise the parking lanes or outside travel lanes on Maitland Street. The parking lanes on both sides of the road are signposted as cycle lanes.



Photograph 5 – Bus and Rail Interchange - Muswellbrook



Photograph 6 – Footpath network – Maitland Street, Muswellbrook

8.0 DEVELOPMENT PROPOSAL

The existing motel contains:

- ◆ 53 single room units (including 2 accessible units);
- ◆ A one (1) bedroom executive room (total of 54 units);
- ◆ A reception area, waiting lounge and breakfast / meeting room; and
- ◆ 57 on-site car parking spaces.

The proposal is to extend the Motel on the west side by the addition of a restaurant and living units:

- ◆ Demolishing part of the existing building and carpark on the west side;
- ◆ Constructing an extended 150 m² restaurant on the ground floor;
- ◆ Constructing a new 23 space parking area on the ground floor (including 4 disabled spaces - total spaces available 62 with a loss of 18 car spaces with the extensions);
- ◆ Constructing 16 additional units on the first floor;
- ◆ Constructing a new drive way access to Maitland Street; and
- ◆ Landscaping.

The main access to the site will be provided from Maitland Street via a new entry / exit access crossing to be constructed to Muswellbrook Council requirements. The one-way traffic flow aisle provides access to 5 additional angled parking bays. The proposed development concept plans are provided within **Attachment A**.

9.0 TRAFFIC GENERATION

The RMS' *Guide to Traffic Generating Development's* provides specific advice on the traffic generation potential of various land uses. In regard to motels and restaurants the following advice is provided within the guide:

Motel Rates for additional traffic.

Daily vehicle trips = 3 per unit.

Evening peak hour vehicle trips = 0.4 per unit.

Daily Trips	= 16 x 3.0
	= 48 vtpd

Evening Peak hour trips	= 16 x 0.4
	= 7 vtpd

Restaurant Rates for additional traffic.

Daily vehicle trips = 60 / 100m² GFA.

Evening peak hour vehicle trips = 5 / 100m² GFA.

Daily Trips	= 60 x 1.5
	= 90 vtpd

Evening Peak hour trips	= 5 x 1.5
	= 8 vtpd

However, assuming a 50% passing traffic percentage for use of the motel and recognising that existing development on the site has a traffic component of 0.9 vtpd the peak hour traffic increase on the road network is estimated to be:

$$\begin{aligned} \text{Evening weekday peak hour trips} &= 15 \text{ vtpd} \times 50\% - (0.9 \text{ vtpd for existing dwellings}) \\ &= 6.6 \text{ vtpd} \\ &\text{Say } 7 \text{ vtpd.} \end{aligned}$$

10.0 TRIP DISTRIBUTION

Before carrying out any traffic modelling the additional peak hour traffic generated by the motel needs to be distributed through the adjoining road network. This involves making a number of assumptions as to distribution patterns to and from the motel. In distributing the peak hour evening traffic through the adjacent road network, the following assumptions have been made:

- ◆ During the PM peak 90% of traffic enter the site from Maitland Street and 10% will leave the site from Maitland Street;
- ◆ 50% of traffic exiting the site will turn left and 50% will turn right;
- ◆ 50% of traffic entering the site will turn into the site from the right and 50% will turn into the site from the left.

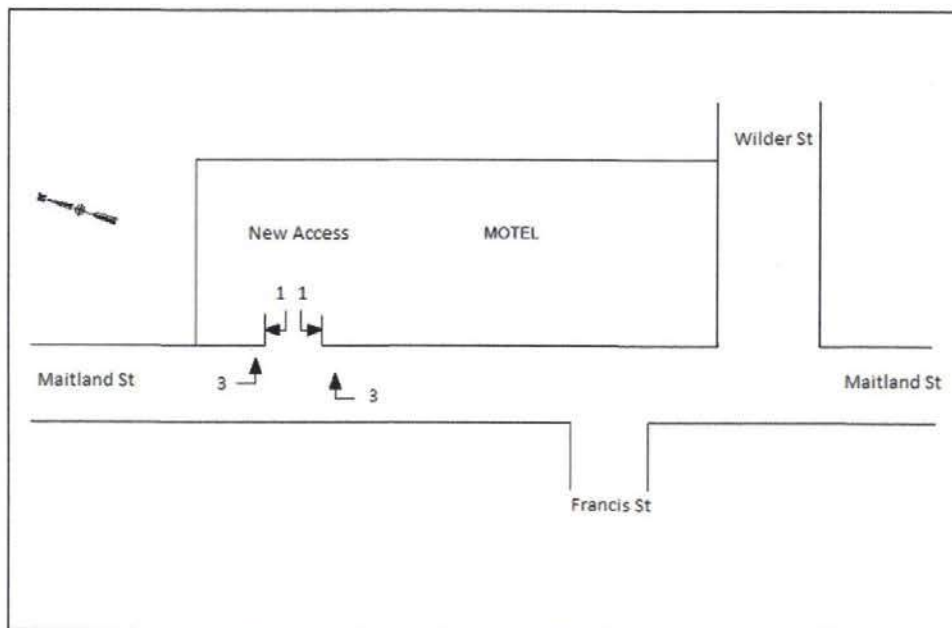


Figure 2 – Development Traffic Trip Distribution

11.0 TRAFFIC IMPACTS OF DEVELOPMENT

The traffic impacts of the proposed development extension on the local road network relate to the impact of the additional traffic generated by the motel on the capacity of the road.

It has previously been shown in this report that Maitland Street (New England Highway) is currently operating within its technical capacity and the addition of another 8 vehicle trips in the evening peak hour will not result in the capacity threshold being reached. Therefore, this additional traffic will not result in any noticeable impact on traffic flows.

The additional traffic generated by the development also represents less than 1 % of traffic on the road network which is well within the normal daily, weekly and seasonal variations associated with peak hour volumes. Therefore, the additional traffic will not have any noticeable impact on nearby intersection performance on the road network. With a relatively small additional traffic generation the access to the development will not result in any queuing occurring in Maitland Street or within the development itself. It is also not considered that the volume of right turning traffic warrants the provision of a sheltered right turn.

Overall it is concluded that the proposed additions to the development will not adversely impact on the efficiency and effectiveness of the local and state road network.

12.0 ACCESS

The motel is to be accessed via a new combined entry / exit access crossing and driveway off Maitland Street. This layout seeks to maximise parking within the development and allow convenient and safe manoeuvrability. In accordance with the requirements of AS 2890.1-2004 the access to the development providing access to a user class 2 car parking facility of between 25 – 100 car spaces fronting an arterial road is required to be a category 2 access (Table 3.1 of AS 2890.1-2004). Table 3.2 of AS 2890.1-2004 specifies a category 2 access facility as a combined entry / exit between 6 and 9 metres wide.

As it is proposed to provide a 6 metre or greater access width to the development off Maitland Street it is considered the access facility complies with the requirements of AS2890.1-2004. Pedestrian and vehicular sight lines from the access as required by AS2890.1-2004 will be achievable through good design of the access.

The RMS' *Guide to Traffic Generating Developments* requirements for motels are:

Reception offices must be located so that entering vehicles travel a distance of at least 12 metres from the entrance to the point at which the vehicle is required to stop. Vehicles parked at the reception office must not block vehicular access to the motel units.

From a review of plans it is considered that the proposed development complies with this requirement as the design of the internal road network and provision of angled parking areas adjacent to the reception area allows in excess of 12 metres of queue space inside the property that would comply with the intent of the RMS requirement. The design of the access will also ensure that vehicles checking in will not impede movements to and from the property.

Overall it is considered the addition to the motel will comply with the specific requirements of the RMS' *Guide to Generating Developments*.

13.0 ON-SITE PARKING

In terms of on-site parking and manoeuvrability the proposal should comply with Australian Standard AS2890.1-2004 Parking facilities – Part 1 – Off street car parking and Section 16 Car Parking and Access of Muswellbrook Council's DCP.

The peak parking demand rates for a motel and a restaurant specified within Council's DCP are as follows:

Council's DCP	Restaurant	1 space / 7m ² of GFA
	Motel	1 space / unit
		PLUS 1 space / per 2 employees

With the addition of the extensions to the site it is anticipated that the management and cleaning staff numbers will remain the same and in most cases cleaning staff are only likely to be on site outside peak parking demand periods. With the addition of the restaurant the staff numbers (kitchen and serving) are anticipated to increase by six (6) although this number is included within the calculation relating to the restaurant.

On this basis the additional car parking requirement for the development can be calculated as follows:

Council's DCP	Restaurant	150 / 7 = 22 car parks
	Motel	16 car parks
	TOTAL	38 additional car parks

Assuming a 50 % discount on restaurant parking for use by motel guests results in a parking requirement of 11 + 16 = 27 car parks

Therefore,

Number of car parks required for the total development (existing + new) = 70 + 22 + 3
95 car parks

Total number of car parking spaces proposed = **62 car parks**

This equates to a difference of 33 car parks during peak periods resulting from the development on the site.

Car Parking Deficiency Justification

The 21-car park deficiency within this development is not considered an issue for Council or the public to object to the proposal for the following reasons:

- ◆ By observation the on-street parking over the Maitland Street frontage is relatively free of parking demand and would be available to support those times of high demand;
- ◆ There is sufficient parking space over the development frontage to cater for those periods of high demand without imposing on adjacent development / properties; and
- ◆ For those high occupation periods the majority of the demand for the restaurant will be from motel occupants and a higher than 50 % discount would be applicable to the restaurant car parking for cross-use.
- ◆ Anecdotal evidence from staff at the motel indicates that during high occupancy times there is significant car-pooling occurring with guests who tend to be contractors employed by the same company. Therefore, during peak times room to car ratios are significantly lower than 1:1 and closer to 1 car per 2 rooms. This has

also been previously found by Intersect Traffic while undertaking a parking assessment for the Endeavour Motor Inn at East Maitland. To provide evidence as to this occurrence the motel operator undertook a parking survey of the motel between Monday 19th November and Monday 3rd December 2018. This survey found that the median and average occupancy rates for the motel car parking are 33 % and 36 % respectively. This would indicate an 85% percentile car parking rate of 1 space per 3 units and would justify an overall motel car parking provision of around 46 car parks without any cross-use concession for the restaurant.

On the basis of the above arguments it is concluded that the provision of 62 on-site car parks would be sufficient on-site car parking for the proposed development. Note the car parking survey results are provided in **Attachment B**.

A review of the plans indicate that the parking layout and circulation roads proposed comply with the requirements of *Australian Standard AS2890.1-2004 Parking Facilities – Part 1 Off-street car parking facilities* and *AS 2890.2-2002 Parking Facilities – Part 2 commercial vehicle facilities*. This should ensure convenient manoeuvrability through the site and ensure forward entry and exit from the site.

Servicing of the site will be via small rigid vehicles for food supply, laundry and garbage collection. These will occur outside peak operating periods for both the motel and the restaurant therefore these vehicles will be able to utilise the on-site parking and manoeuvring areas within the site to ensure forward entry and exit from the site.

Overall it is concluded that the internal car parking, queuing and manoeuvring areas proposed for the development are considered appropriate and though not fully compliant with Muswellbrook Council's DCP sufficient on-site car parking is provided within the development.

14.0 PEDESTRIAN FACILITIES

The proposed development is unlikely to generate significant pedestrian traffic as it is provided mainly as a service (overnight stay) for travellers/visitors in motor vehicles. There may be some pedestrian traffic as staff access the site or guests walk to obtain goods and services at nearby shops however a suitable concrete footpath connection already exists back to Muswellbrook along the New England Highway. It is therefore concluded that no nexus exists for additional pedestrian facilities.

The plans for the development include pedestrian connections from the individual parking areas to the main entry points to the proposed building and thus the development provides appropriate internal pedestrian linkages.

15.0 ALTERNATE TRANSPORT MODE FACILITIES

The proposed development is not expected to generate any significant change to public transport usage therefore changes to the public transport service or additional infrastructure is not required.

Similarly, the development is not expected to generate any additional bicycle traffic to warrant the construction of additional cycle facilities.

16.0 CONCLUSIONS

This traffic impact assessment for a proposed 16-unit extension and addition of restaurant facilities to the Remington Motel at 28-32 Maitland Street, Muswellbrook has determined the following:

- ◆ Maitland Street (New England Highway) in the vicinity of the site has a current weekday peak hour traffic volume of approximately 1,500 vtpd;
- ◆ Peak traffic volumes on Wilder Street, Muswellbrook are likely to be less than 30 vtpd and 300 vtpd as it is a no through road providing access to approximately 20 properties;
- ◆ Maitland Street as a four-lane two-way road in the vicinity of the site has a likely mid-block capacity of at least 5,600 vtpd. As this is well in excess of current traffic volumes, Maitland Street has spare capacity to cater for development in the area;
- ◆ The traffic volume capacity constraint for Wilder Street is considered to be the RMS environmental capacity goal for local streets of 300 vtpd. As existing traffic volumes are well less than this volume, Wilder Street is compliant with the environmental capacity requirements;
- ◆ It is expected that the additional traffic generated by the motel and restaurant on the external road network in the PM peak period will only be up to 7 vtpd;
- ◆ Maitland Street has sufficient spare capacity to cater for the additional motel and restaurant traffic without adversely impacting on current levels of service experienced by motorists on the road;
- ◆ The additional traffic generated by the proposed extension is less than 1 % of the current peak hour traffic volumes on Maitland Street therefore there will be little or no impact on the level of service currently experienced by motorists;
- ◆ The design of the motel ensures queuing areas within the development would meet the special requirements for motels as specified within the RMS "Guide to Traffic Generating Developments" and therefore is considered satisfactory;
- ◆ The provision of a 6 - 9-metre-wide combined entry / exit commercial access driveway off Maitland Street to Muswellbrook Council specifications would comply with *Australian Standards AS2890.1-2004 Parking facilities – Part 1 Off street car parking*;
- ◆ The proposal provides 62 on-site car parking spaces whilst the Muswellbrook Council DCP requirement for the provision of on-site car parking has been calculated as 95 spaces i.e. a 33-space deficiency exists;
- ◆ This deficiency can however be justified for the following reasons:
 - By observation the on-street parking over the Maitland Street frontage is relatively low and parking would be available to support those times of high demand;
 - There is sufficient parking space over the development frontage to cater for those periods of high demand without imposing on adjacent development / properties requirements or impacting on traffic flows on Maitland Street;
 - For those high occupation periods the majority of the demand for the restaurant will be from motel occupants and a higher than 50 % discount on the restaurant parking requirements would apply; and
 - Data collected from a parking survey undertaken on the existing Motel in November 2018 suggests the real peak parking demand for the motel units during high occupancy periods is closer to 1 car per 3 rooms rather than the DCP rate of 1 car per room.
- ◆ A review of the internal car parking layout indicates compliance with *Australian Standards AS2890.1-2004 Parking facilities – Part 1 Off street car parking* can be achieved to ensure forward entry and exit from the site by all vehicles;
- ◆ Similarly, as servicing of the site for restaurant requirements, laundry and waste is to be carried out by small rigid vehicles and will occur outside the motel's peak operating periods it is considered that there is sufficient space room within the proposed internal car park area for compliance with *Australian Standard AS 2890.2-2002 Parking Facilities – Part 2 commercial vehicle facilities*. This will ensure forward entry and exit from the site for these service vehicles;

- ♦ The site is currently serviced by public transport (buses) provided by Osborne Bus Services. Whilst the service is limited to normal business hours it will be available for use by staff and guests of the proposed development. It is unlikely that the proposal will generate enough demand to impact on the public transport system to the extent that further services or upgraded facilities are required; and
- ♦ Existing pedestrian and cycle facilities around the site are considered adequate.

17.0 RECOMMENDATION

Having carried out this traffic impact assessment for a proposed 16-unit extension and addition of a restaurant facilities to the Remington Motel at 28-32 Maitland Street, Muswellbrook it is recommended that the proposal can be supported from a traffic perspective as it will not adversely impact on the local and state road network despite having an on-site car parking deficiency when assessed against the Muswellbrook DCP. However, the deficiency is considered justified and suitable and sufficient on-site car parking is provided. The development, therefore, generally complies with all relevant Muswellbrook Council, Australian Standard and RTA requirements subject to Council supporting a variation to its DCP on-site car parking rates for this development.



JR Garry BE (Civil), Masters of Traffic
Director
Intersect Traffic Pty Ltd

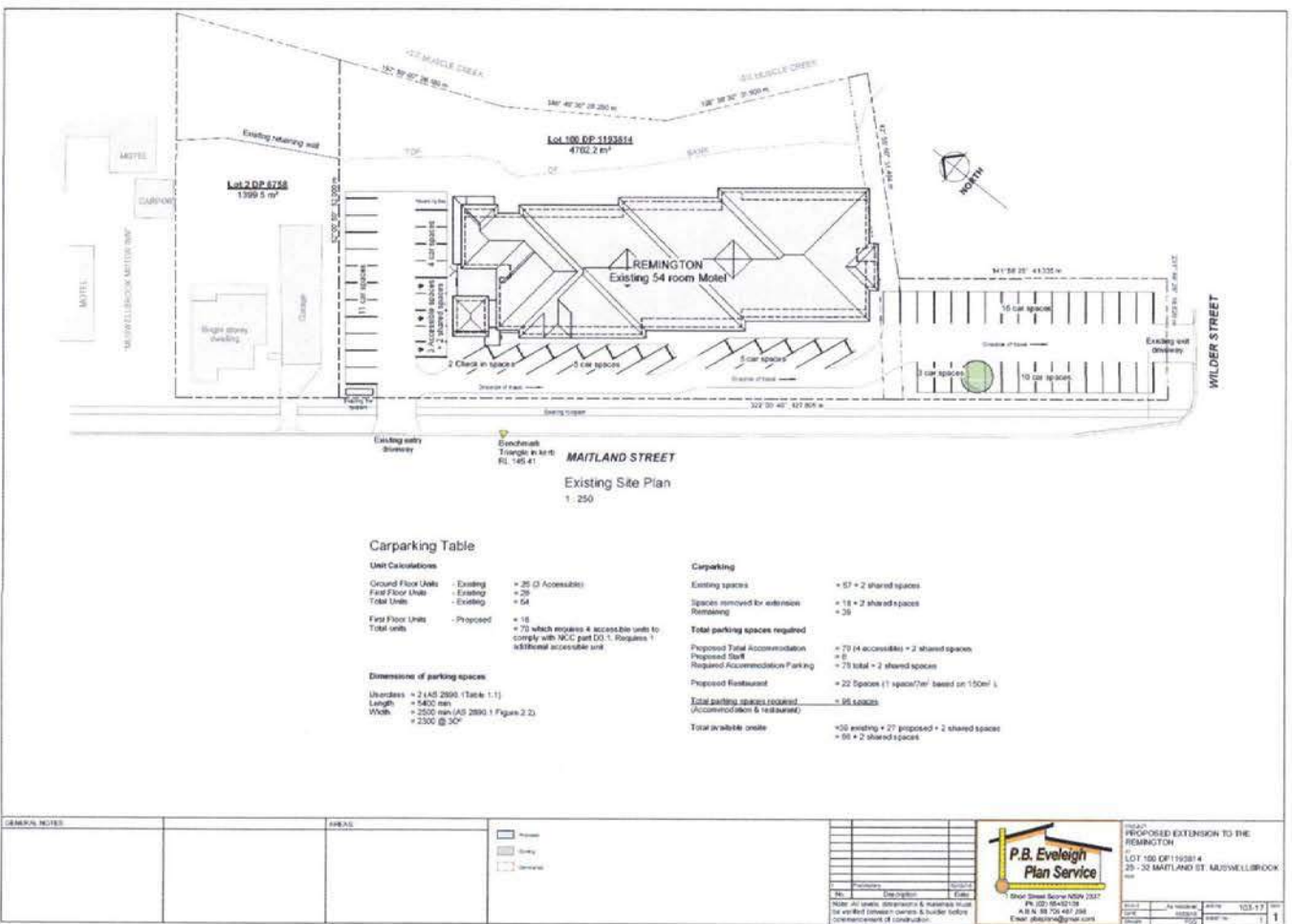




ATTACHMENT A

Development Plans

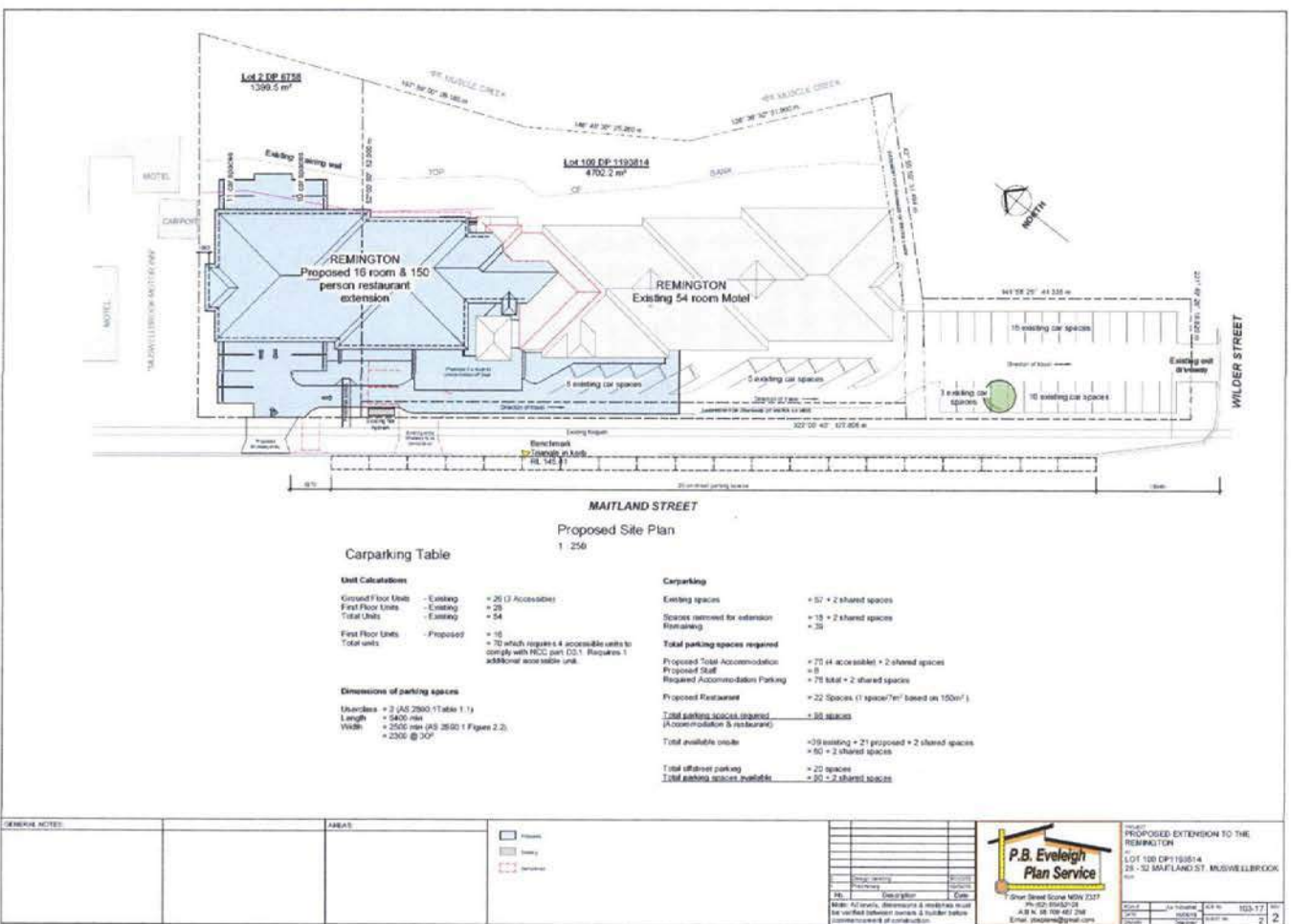
Attachment A



Attachment A

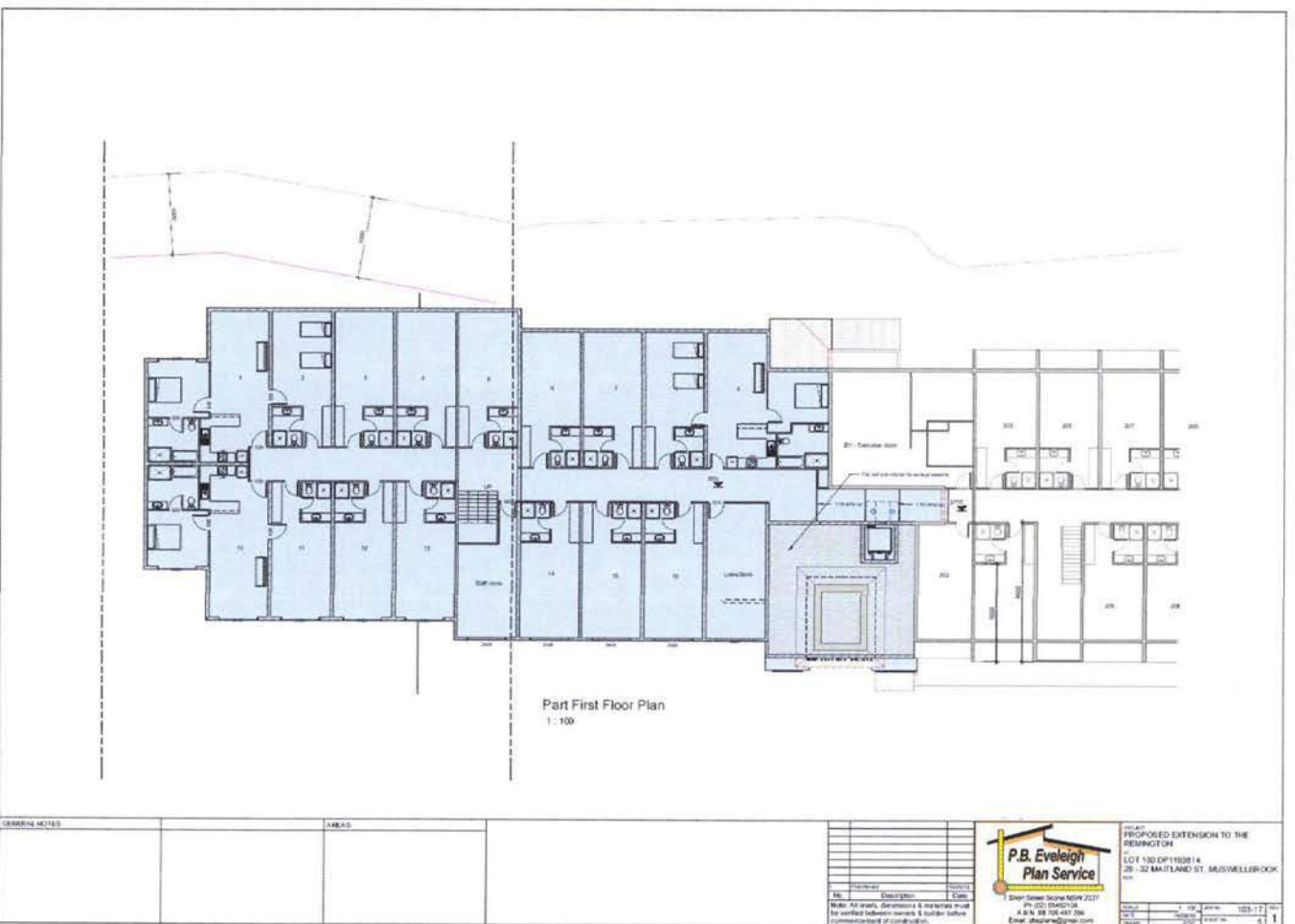


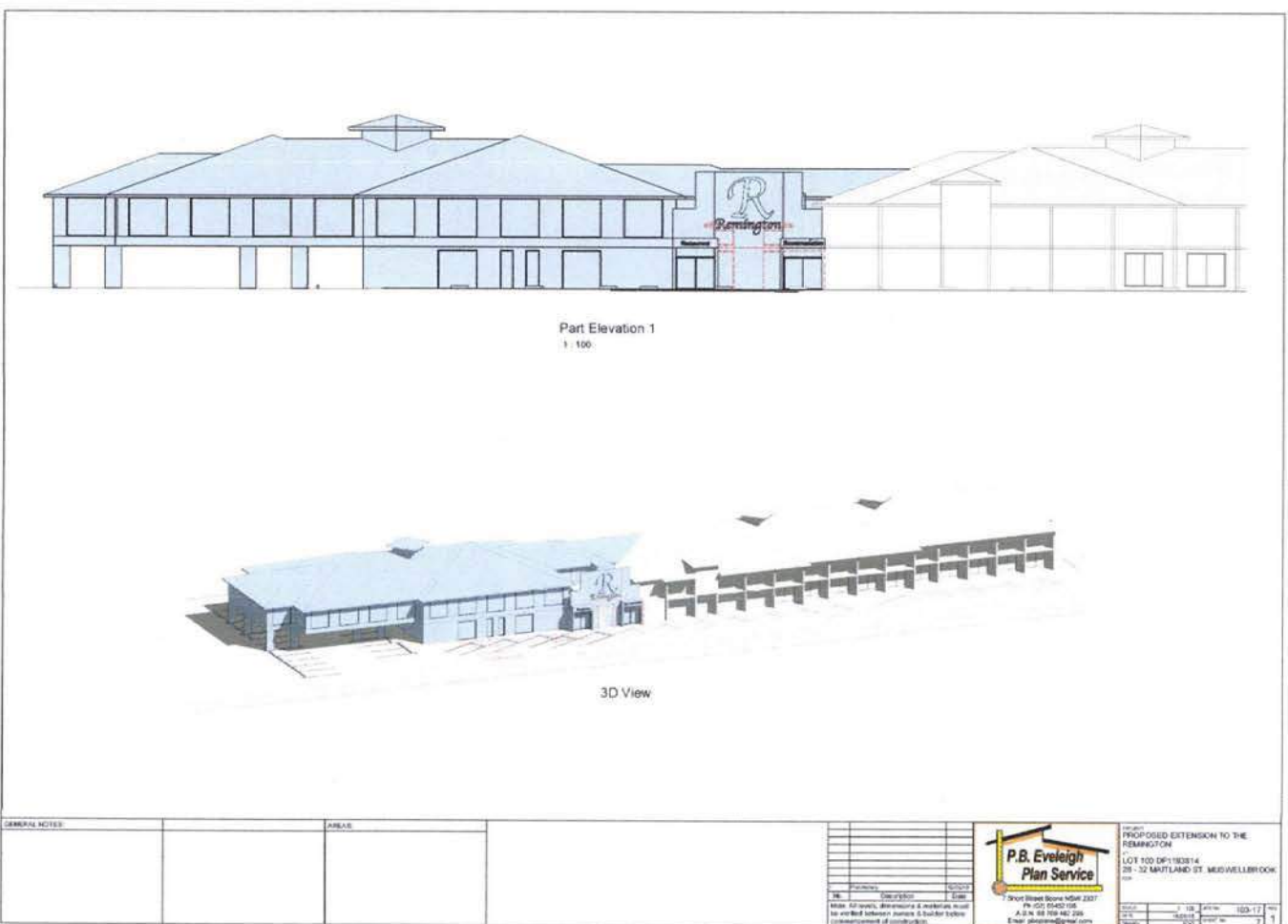
Traffic Impact Assessment – Extensions to existing Motel – Remington Muswellbrook Pty Ltd



Attachment A







Attachment A



ATTACHMENT B

Car Parking Survey

Attachment B

Carpark Availability

Total Carparks Available 57

Day	Date	Time	Occupancy	Car Parks Available	Vehicles On Site	Percentage Vehicles On Site Total
Monday	19/11/2018	8am	87%	38	19	33%
		1pm	87%	43	14	25%
		7pm	100%	17	40	70%
Tuesday	20/11/2018	8am	100%	35	22	39%
		1pm	100%	39	18	32%
		7pm	100%	29	28	49%
Wednesday	21/11/2018	8am	94%	32	25	44%
		1pm	94%	38	19	33%
		7pm	100%	22	35	61%
Thursday	22/11/2018	8am	100%	25	32	56%
		1pm	100%	37	20	35%
		7pm	100%	24	33	58%
Friday	23/11/2018	8am	44%	26	31	54%
		1pm	44%	47	10	18%
		7pm	44%	31	26	46%
Saturday	24/11/2018	8am	57%	43	14	25%
		1pm	57%	49	8	14%
		7pm	56%	40	17	30%
Sunday	25/11/2018	8am	56%	39	18	32%
		1pm	56%	52	5	9%
		7pm	44%	44	13	23%
Monday	26/11/2018	8am	44%	45	12	21%
		1pm	44%	43	14	25%
		7pm	98%	29	28	49%
Tuesday	27/11/2018	8am	100%	27	30	53%
		1pm	100%	42	15	26%
		7pm	100%	22	35	61%
Wednesday	28/11/2018	8am	100%	42	15	26%
		1pm	100%	41	16	28%
		7pm	100%	23	34	60%
Thursday	29/11/2018	8am	96%	39	18	32%
		1pm	96%	47	10	18%
		7pm	87%	28	29	51%
Friday	30/11/2018	8am	87%	37	20	35%
		1pm	87%	45	12	21%
		7pm	28%	31	26	46%
Saturday	1/12/2018	8am	30%	38	19	33%
		1pm	30%	32	25	44%
		7pm	41%	25	32	56%
Sunday	2/12/2018	8am	41%	36	21	37%
		1pm	41%	31	26	47%
		7pm	19%	46	11	19%
Monday	3/12/2018	8am	19%	48	9	16%
		1pm	19%	51	6	11%
		7pm	91%			

Median Occupancy 33%
Average Occupancy 36%



Natural Resources
Access Regulator

Contact: Gina Potter
Phone:
Email: Gina.Potter@dpi.nsw.gov.au

General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Our ref: IDAS1114560
Our file: V19/871-2#57
Your ref: DA30/2019

Attention: Hamish McTaggart

08 October 2019

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA30/2019
Description: Residence, Motel and Restaurant
Location: 26-32 Maitland St MUSWELLBROOK NSW 2333

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

-2-

- if Council receives an application under s96 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au > [Water](#) > [Licensing & Trade](#) > [Approvals](#).

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 91A (6) of the EPA Act.

Yours Sincerely



Ellie Randall
Water Regulation Officer
Water Regulatory Operations
Natural Resources Access Regulator



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1114560
Issue date of GTA: 08 October 2019
Type of Approval: Controlled Activity
Description: Residence, Motel and Restaurant
Location of work/activity: 26-32 Maitland St MUSWELLBROOK NSW 2333
DA Number: DA30/2019
LGA: Muswellbrook Shire Council
Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
Design of works and structures	
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
Erosion and sediment controls	
GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.
Plans, standards and guidelines	
GT0002-00665	A. This General Terms of Approval (GTA) only applies to the proposed activity described in the plans and associated documents found in Schedule One, relating to Development Application 2019 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00002	The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
GT0030-00006	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the

Level 0, 84 Crown Street, Wollongong, NSW 2520 | PO BOX 53, Wollongong, NSW 2520
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1114560

Issue date of GTA: 08 October 2019

Type of Approval: Controlled Activity

Description: Residence, Motel and Restaurant

Location of work/activity: 26-32 Maitland St MUSWELLBROOK NSW 2333

DA Number: DA30/2019

LGA: Muswellbrook Shire Council

Water Sharing Plan Area: Hunter Unregulated and Alluvial Water Sources

website <https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities>.

Rehabilitation and maintenance

GT0007-00006 When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator.

Reporting requirements

GT0020-00004 The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA30/2019 as provided by Council:

- Plans
- Council documentation received



Transport
Roads & Maritime
Services

CR2019/004776
SF2013/042328
MJD

28 November 2019

General Manager
Muswellbrook Shire Council
PO Box 122
Muswellbrook NSW 2333

Attention: Hamish McTaggart

NEW ENGLAND HIGHWAY (HW9): DA-30-2019, ALTERATIONS AND ADDITIONS TO EXISTING MOTEL AND RESTAURANT, LOT 2 DP 6758 & LOT 100 DP 1193814, 26-32 MAITLAND STREET MUSWELLBROOK

Reference is made to Council's email dated 23 October 2019, and amended plans received 27 November 2019, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the proposal to be:

- Increase the number of motel rooms from 54 to 70
- Increase the restaurant by 150 seats
- Provision of separate accesses into and out of the site, with the egress access being restricted to 'left only' through signage.

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.

The New England Highway (HW9) is a classified State road and Wilder 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 raises no objection to the proposed driveway accesses as proposed in plans by P.B Eveleigh Plan Service, sheet 11, dated 26 November 2019.

Advice to Council

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

- All vehicles are to enter and leave the site in a forward direction.
- 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 *Austroads 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 driveway promotes safe vehicle movements.
- Discharged stormwater from the development shall not exceed the capacity of the New England Highway 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.
- Council should ensure that the applicant is aware of the potential for road traffic noise to impact on development on the site, in particular, noise generated by the New England Highway, a classified State road. In this regard, the developer, not Roads and Maritime, is responsible for providing noise attenuation measures in accordance with the *NSW Road Noise Policy 2011*, prepared by the department previously known as the Department of Environment, Climate Change and Water.

If the external noise criteria cannot feasibly or reasonably be met, Roads and Maritime recommends that Council apply internal noise objectives for all habitable rooms with windows that comply with the Building Code of Australia.

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 Marc Desmond on 0475 825 820 or by emailing development.hunter@rms.nsw.gov.au.

Yours sincerely



Peter Marler
Manager Land Use Assessment
Hunter Region



Ms Fiona Plesman
General Manager
Muswellbrook Shire Council
PO Box 122
Muswellbrook NSW 2333

Dear Ms Fiona Plesman:

My wife and myself, owners of adjacent properties at 8, 10 and 12 Wilder Street Muswellbrook, formally object to the DA 30/2019 and respectfully request that council reject the development proposals on the following grounds.

- The proposal is misdefined as a "motel" when the Remington is operated as a "hotel";
- The proposal fails to provide minimum parking requirements as defined in the Muswellbrook Development Control Plan 2009 ("DCP") for either form of development,
- That the developments correct requirement for parking under the DCP requires car park entry and exit redesign, namely an increase in width and separation of driveways, to comply with recommended driveway types in Table 1 of Section 16 which is not considered by the proposal,
- The proposal increases the hazard to residential traffic exiting Wilder Street due to the proponent seeking formalized parking on Maitland Street, and
- Flood management

In determining the details for parking there is the need to determine if this is a hotel or motel development. The proponent submission states that it is a motel and that the DA documentation provided is in alignment with this. The issue we wish to raise here is that the operators state on their website that the Remington Inn is a **"Hotel and Motor Inn"** and that the **"Remington is Muswellbrooks newest accommodation & Dining venue, providing 4 ½ star service"** Please see Attachment 1. In support of this assumption the definition of a Motel commonly available on an internet search states that it is **"a roadside hotel designed primarily for motorists, typically having the rooms arranged in low blocks with parking directly outside."** As compared to a Hotel which is **"an establishment providing accommodation, meals, and other services for travellers and tourists...a five-star hotel"** with a **"synonym: Inn"**.

For the purposes of this submission we have provided our objection based on the operators stated intent that the Remington Inn operates as a **"hotel"** not as a motel.

Ms Fiona Plesman
14 May 2019
Page 2

Using the Remingtons own definition as a “hotel” we believe that this development proposal should be assessed as a “Tourist and Visitor Accommodation”. In relation to car parking Section 16.6 of the Muswellbrook Shire DCP states the developer should provide for this style of accommodation:

- 1 space per hotel unit, PLUS
- 1 space per 4m2 of licensed area, PLUS
- 1 space per 6.5m2 of auditorium, dining room and recreation area OR 1 space per 3 seats of auditorium, dining room and recreation area, WHICHEVER IS GREATER, PLUS
- 1 space per 3 employees.

Based on the parameters defined above, for the 16 new units and the 150 seat extension of the restaurant alone, this indicates a minimum of **66 additional** parking spaces are required ignoring the licenced floor space area and employee coverage requirements.

Based on the current accommodation, 54 units, and restaurant, seating of 44 persons, and proposed expansion the developer should be providing **more than 137 parking spaces** after the development is complete. The plans state that they allow for only 62 parking spots on site and are requesting 20 on Maitland Street, which we strongly object too on safety grounds see below. Assuming that the parking on Maitland Street is not approved the development will still be in the order of 75 parking spots short of requirements.

With the requirement for a **minimum of 137 parking spots** to meet the DCP requirements entry and exit widths to the car park needs to be reconsidered. The proposed driveway entry from Maitland Street as proposed would not comply with DCP rules on separated driveway distances and minimum widths required as determined in Table 1 of section 16.

The proponent in their submission, section 4.5, also represents that there will be 2 way traffic flows onto Maitland Street from the car park at the western end of the development. This was previously rejected for the current carpark by the NSW Roads and Maritime Services and all traffic for the Remington was expected to leave the establishment via Wilder Street. This is represented by the site plans submitted with the development application showing one way traffic flows and is also acknowledged at the start of the final paragraph in section 4.11 of the documentation. In our opinion it is unreasonable for the proponent to assume that permission would be given by NSW RMS to alter this traffic flow expectation.

The proponent in its “motel” based submission admits that it is providing only 65 % of the required parking spots, and uses a study completed over 15 days late in 2018 to justify this position. As residents of Wilder Street, who have been directly impacted by parking overflow from the Remington, we believe this study and its conclusions to be substantially deficient. We believe an extended study and survey of residents of Wilder Street about their interactions with overflow traffic from the Remington should have been considered in this study.

Ms Fiona Plesman
14 May 2019
Page 3

The proposal also requests formalisation of 20 parking spots on Maitland Street; this will increase accident risks for drivers exiting Wilder Street. This is already a safety issue on an occasional basis as the current management of the Remington instructs guests with multiple or large vehicles to park in the surrounding streets; this is both an observed practice and is also formalized instructions in two separate sections of their website, see Attachment 2.

Parking vehicles on Maitland Street combined with the established streetscape trees and infrastructure significantly impacts visibility; we attach photos showing this current practice in Attachment 3. This endangers all drivers, both residents and guests of the Remington turning both left and right onto Wilder Street. At present this only happens occasionally but we are very concerned of any approval for the Remington Inn developer Repinski Pty Ltd which increases the frequency of this occurring through a process of formalisation in the consideration of this DA.

We have observed and been included in near misses; turning both directions at this intersection resulting from poor visibility, particularly when large vehicles such as buses and trucks, have been parked near to Wilder Street as they obscure the visibility of traffic travelling along Maitland Street.

Our final point of objection is in relation to flood management. The proposal submitted omits any commentary in section 2.2.3 where it addresses planning requirements on how the proposed development will not increase flood hazard or damage to adjacent properties. We believe that this issue is not adequately addressed.

We are also concerned about the compliance of the Remington Developer Repinski Pty Ltd in observing any DA rules based on its historical performance. In its previous execution of its original DA the developer:

- Removed mature trees it guaranteed to leave in place to get its approval and to provide privacy to our property;
- Increased the height of the natural ground adjacent to Muscle Creek which we believe to be in contravention to flood management guidance in Councils LEP, General Principles applying to all development. Which states "Proposed Development will not result in increased flood hazard or flood damage to other properties". We believe that the developer increased the flood hazard to our property by raising the natural ground surface level before setting its foundations. It did this by delivering a significant number of B Double trucks full of material into the cleared block prior to construction.

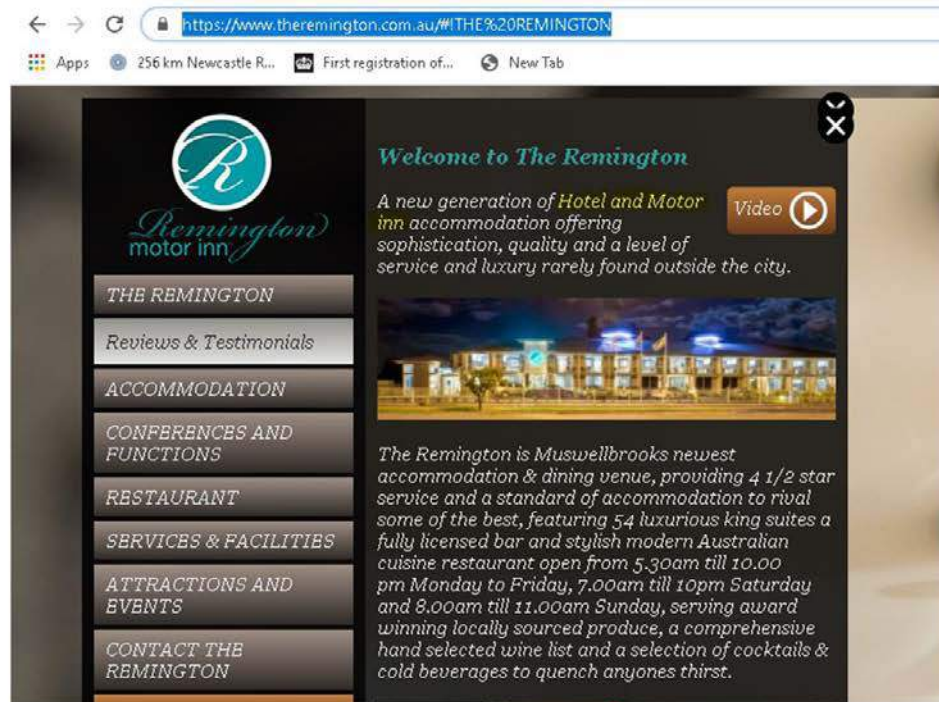
Regards,



Ms Fiona Plesman
14 May 2019
Page 4

ATTACHMENT 1

<https://www.theremington.com.au/#!THE%20REMINGTON>



Ms Fiona Plesman
14 May 2019
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ATTACHMENT 2

<https://bookings.centiumsoftware.com/NSW/Muswellbrook/Remington-Motor-Inn?checkindate=2019-05-12>

Parking

The Remington offers onsite parking for all hotel guests. Parking to accommodate larger vehicles (buses/trucks) is available kerbside.

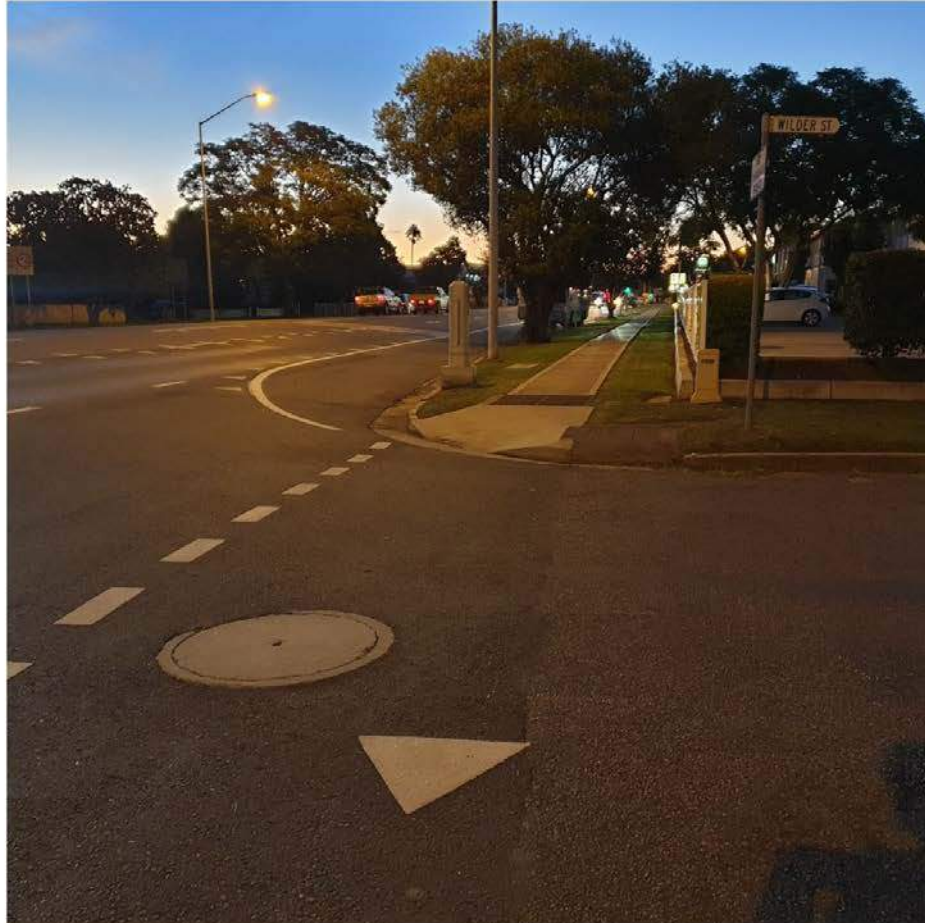
Terms and Conditions

1. Full payment of accommodation is required at check in. Plus a \$500 security deposit is also held against a credit card and pending a check out inspection, refunded.
2. Keys to the apartment are to be returned at check out. If keys are lost, a fee of \$50 is payable to The Remington Motor Inn
3. All guests shall be liable for any loss or damage to the appliances, furniture, fixtures and all fittings in the apartment. Fair wear and tear is excluded.
4. Rooms are to be left in arrival condition. If apartment is not left in a clean and tidy condition, additional cleaning charges will be incurred.
5. Where guests sign for and on behalf of a business or company and in the event that the business or company is unable to or refuses to pay any amount due the guest(s) shall be liable to pay on demand any amount owing under this agreement.
6. Any deposit paid will only be returned if cancellation is made in writing and received by The Remington at least 7 days prior to the arrival date. Cancellations during peak season or internet bookings will not be refunded. 48hrs notice is required to cancel any booking not covered in the terms previously if less than 48hrs notice 50% of booking total will be charged to credit card used to secure the booking
7. Should the term of accommodation be reduced, the guest hereby agrees to be liable for the appropriate tariff under the current schedule of rates.
8. Check in times are between 2.00pm to 10.00pm, Check out is by 10am. Strict Noise restrictions apply after 10pm, any complaints will result in additional charges and possible eviction.
9. The Remington assumes no responsibility for loss of money or other valuables. We are not responsible for articles left in the room or automobiles in car park.
10. Each individual signing this document and/or actually occupying or utilizing services shall be personally liable for all accommodation and miscellaneous charges incurred during their stay.
11. Please be advised that parking spaces are provided, however are strictly one space per room, any additional cars will be required to park out the front of the property.
12. Mini Bar items are placed in each room upon arrival. Please advise of any items you use, otherwise any items found missing upon checkout will be charged immediately to the credit card details given at check in.

Ms Fiona Plesman
14 May 2019
Page 6


ATTACHMENT 3

Photos Wilder Street Exit views obscured by parking vehicles, trees, light pole and NBN infrastructure.



Ms Fiona Plesman
14 May 2019
Page 7




16 May 2019

General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

DEVELOPMENT APPLICATION NO: 30/2019

Dear Sir/Madam

Regarding the above development of additional motel units at the Remington Motor Inn, parking and traffic flow are our major issues. There is not enough on site car parking with only 60 parking spaces for a proposed 70 rooms plus 150 seat restaurant. The on street parking proposed cannot be guaranteed as it is a public highway and not designated to the motel. I have only had access to the DA online since it was available yesterday (15.5.19) and it clearly says it has a deficiency of 33 car parking spaces.

Along with the deficiency in car parking, I feel they need parking for larger vehicles like trucks and buses as these are regularly parked on the highway close to the Wilder Street corner which does not allow appropriate vision of oncoming traffic making it hazardous turning both left and right. These vehicles have also been parked in Wilder Street, sometimes for a number of days.

The documentation sent to me from Council shows there being one entry only (from Maitland Street) with one way traffic going to one exit only (to Wilder Street) is this still the case? In the DA it states that the upgrade will provide "an alternate/additional exit route to Maitland Street" which is not marked on any drawing that I could find. If it is still indeed a one way exit to Wilder Street, I would like to see their traffic management plan for going from check in to on street parking as the parking is on a four lane highway behind the exit.

The exit into Wilder Street has also seen a lot of curious driving with numerous cars seen going straight from Maitland Street into the exit and people exiting into Wilder Street without looking for oncoming traffic. I would recommend an exit only boom gate or stop sign to be installed at the very least.

Hoping these objections are taken into consideration for the benefit of Wilder Street residents. Look forward to hearing from you.

Regards



10.5 REMOVAL OF SECTION 4 - NOTIFICATIONS - FROM MUSWELLBROOK DCP 2009

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Assistant Director - Environment & Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

Section 4 of *Muswellbrook Development Control Plan 2009 (DCP 2009)* outlines former policy concerning notification of new developments in the Shire. With changes to the Environmental Planning and Assessment Act 1979, and the recent adoption of the Muswellbrook Shire Community Participation Plan, this section of the DCP is now redundant. To avoid confusion for staff and the community, this Section of the DCP needs to be removed. The first step in this process is to notify the public that Council will be amending *DCP 2009* by removing this Section. This purpose of this report is to seek a resolution of Council to place this amendment on exhibition.

OFFICER'S RECOMMENDATION

Council resolves:

1. To publicly exhibit amendments to *Muswellbrook DCP 2009, Section 4 – Notifications*, by proposing to remove the section; and
2. To receive a report back following the public exhibition period, unless no public submissions are received, in which case *Section 4 – Notifications of Muswellbrook DCP 2009 is to be removed.*

Moved: _____ Seconded: _____

BACKGROUND

At Council's meeting on 10 Sept 2019 it was resolved that:

7.1 EXHIBITION OF DRAFT MUSWELLBROOK COMMUNITY PARTICIPATION PLAN

85 RESOLVED on the motion of Crs Reynolds and Scholes that:

Council

1. Places the Draft Community Participation Plan (Attachment A) on exhibition for a period of 28 days; and
2. Receives a report back following the public exhibition period, unless no public submissions are received, in which case the Plan is to be finalised and adopted as exhibited.

The Draft Community Participation Plan was exhibited from 27 September 2019 to 1 November

2019. No Submissions were received.

The EP&A Act requires all councils to have adopted and loaded a Community Participation Plan on to the Department of Planning, Industry and Environment's ePlanning Portal by 1 Dec 2019. Council staff loaded the Muswellbrook Shire Community Participation Plan on to the Department of Planning, Industry and Environment's ePlanning Portal on 22 November 2019.

CONSULTATION

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

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation.

REPORT

Community Participation Plans now set out how planning authorities will engage with their communities across their statutory planning functions. The plans must meet the minimum requirements for community participation that are set out in Schedule 1 to the Environmental Planning and Assessment Act 1979.

Before Council prepared a Community Participation Plan, we identified community participation requirements in a notification section in *DCP 2009* and in a community engagement strategy prepared under section 402 of the *Local Government Act 1993*. The Community Participation Plan provides a single document that the community can access that sets out all of council's community participation requirements under the planning legislation, including all minimum mandatory exhibition timeframes.

The community participation requirements (sometimes referred to as notification, advertising or submission periods) set out in *Section 4 – Notifications of DCP 2009* are no longer required now Council has a Community Participation Plan.

OPTIONS

Council may choose to retain *Section 4 – Notifications of DCP 2009*, but it will no longer have effect as the requirements in the Community Participation Plan take precedence.

CONCLUSION

The community participation requirements (sometimes referred to as notification, advertising or submission periods) set out in *Section 4 – Notifications of DCP 2009* are no longer required now Council has a Community Participation Plan. To avoid confusion for the community it is recommended that this section be removed from *DCP 2009*.

SOCIAL IMPLICATIONS

Not Applicable as there is now a Community Participation Plan to guide public notifications processes.

FINANCIAL IMPLICATIONS

Not Applicable

POLICY IMPLICATIONS

Not Applicable as there is now a Community Participation Plan to guide public notifications processes.

STATUTORY IMPLICATIONS

Not Applicable

LEGAL IMPLICATIONS

There are no legal implications; Council met legal requirements by having a Community Participation Plan in place before 1 December 2019.

OPERATIONAL PLAN IMPLICATIONS

Not Applicable

RISK MANAGEMENT IMPLICATIONS

Not Applicable as there is now a Community Participation Plan to guide public notifications processes.

10.6 BROADLANDS CARAVAN PARK - OBJECTION UNDER SECTION 82 OF THE LOCAL GOVERNMENT ACT 1993

Attachments:	A. NSW Department of Planning Industry and Environment Letter B. NSW Department of Planning Industry and Environment Section 82 Objection Concurrence C. Statement by De Witt Consulting Supporting Section 82 Objection
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Claire Rozema - Senior Environmental Health Officer Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

The operator of Broadlands Gardens Caravan Park, formerly known as Pinnaroo Caravan Park, is seeking to construct new relocatable dwellings on approved dwelling sites at the Broadlands Gardens Caravan Park site, and in doing so will require an exemption to Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. It is the Proponent's intention to construct relocatable homes at the site rather than purchasing pre-fabricated buildings, from an off-site supplier, and having them transported to the site.

As the construction of these buildings on-site would be contrary to the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005, an application for the installation of these manufactured homes would need to be accompanied with an objection under Section 82 of the Local Government Act 1993 regarding compliance with Clause 135 (1) of the Regulation.

If Council indicates support for the on-site construction of the relocatable homes, the Proponent will lodge applications under Section 68 of the Local Government Act 1993 for the on-site construction of 141 relocatable homes.

This report has been prepared to seek direction from Council as to whether the on-site construction of the relocatable homes would be acceptable, and to delegate the determination of subsequent Section 68 applications, for the installation of relocatable homes in relation to the site, to the General Manager.

OFFICER'S RECOMMENDATION

THAT COUNCIL RESOLVES:

1. To support the principle of the on-site construction of relocatable dwellings at the Broadlands Gardens Caravan Park, 9080 New England Highway, Muswellbrook (Lot 132 DP 610464);
2. To delegate the determination of Section 68 Applications for the installation of manufactured homes at the Broadlands Gardens Caravan Park site, 9080 New England

Highway, Muswellbrook (Lot 132 DP 610464), where accompanied by an objection under Section 82 of the Local Government Act 1993 to compliance with the provisions of Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

Moved: _____ Seconded: _____

BACKGROUND

Broadlands Gardens Caravan Park, at 9080 New England Highway, Muswellbrook, has a current approval to operate as a Caravan Park under the Local Government Act 1993, with approval for a total number of 156 sites, being 121 long term sites, 25 short term sites, and 10 campsites. The site was historically named “Pinnaroo Caravan Park”.

The Caravan Park has operated at the site since the early 1980's.

Council has approved a number of development applications in relation to the land. The most recent application (DA 5/2019) was approved by the Development Assessment Committee on the 15 July 2019 for replacement of the community facilities on the site, comprising the construction of a new:

- Clubhouse;
- Pool house;
- Bowling green;
- Putting green; and
- Site Landscaping.
- Restricted mining accommodation at the site and approved sites D1 – D23 as long term sites increasing the total number of long term sites to 144.

Following this determination, the Proponent has met with Council Officers in relation to the site and has made an undertaking to lodge a new development application, to redevelop aspects of the site and to obtain a single, modern consent. This undertaking is also referenced in correspondence prepared by De Witt Consulting in relation to this application on behalf of the site operator.

SECTION 82 OBJECTION

Pursuant to Section 82 of the Local Government Act 1993 and applicant for an activity described by this Act may lodge an Objection to compliance with a provision of the Regulations and/or a Council Policy.

In this situation applications for the installation of new relocatable dwellings at the Broadlands Gardens Caravan Park site will be accompanied by Section 82 Objections seeking dispensation from the requirement to comply with Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. This clause restricts relocatable homes being constructed on-site and stipulates the following:

‘A relocatable home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the caravan park from, a place of manufacture outside the caravan park.’

Definitions and terms provided for by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 relevant to the interpretation of this Clause have been provided below:

A dwelling site in relation to a caravan park—means an area of land within the caravan park on which a moveable dwelling may be installed and that is designated as a dwelling site by the approval for the caravan park.

moveable dwelling means—

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or*
- (b) a manufactured home, or*
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations for the purposes of this definition.*

manufactured home means a self-contained dwelling (that is, a dwelling that includes at least one kitchen, bathroom, bedroom and living area and that also includes toilet and laundry facilities), being a dwelling—

- (a) that comprises one or more major sections, and*
- (b) that is not a motor vehicle, trailer or other registrable vehicle within the meaning of the [Road Transport Act 2013](#),*

and includes any associated structures that form part of the dwelling.

KEY SECTION 82 OBJECTION ASSESSMENT CONSIDERATIONS

In determining whether to support the Objection, Council must consider whether the Objection is well founded and receive the concurrence of the Departmental Chief Executive. The Proponent has provided a statement outlining the grounds for Objection to compliance with Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (see Attachment C).

Council has also received concurrence for the approval of a Section 82 Objection in relation to this matter in the correspondence from the Department of Planning Industry and Environment (See attachment A and B).

Key considerations that have informed Council Officers recommendation that the application be supported include:

- The NSW Department of Planning, Industry and Environment have reviewed the Section 82 Objection application and granted their concurrence this application. A copy of this concurrence is attached for Council's information.
- The on-site construction of relocatable homes can achieve higher quality design outcomes. The on-site construction allows for a slab on ground construction which can have improved design outcomes, compared to the typical bearers and joists construction, including:
 - Improved thermal efficiency;
 - Increased accessibility for mobility and impaired; and
 - Higher streetscape amenity.
- The on-site construction of relocatable homes would have benefits to the local economy due to the higher potential for use of locally sourced materials and labour, professional services as well as flow on benefits of specialist workers spending money on locally on accommodation, food and goods when visiting the area as part of the project.
- Since the gazette of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 industry construction practices have continued to evolve. In 2015 a discussion paper was prepared by the State Government to revisit this legislation, this remains an ongoing process. Victoria and Queensland do not have the same requirement for off-site construction of manufactured homes.
- The proposal does not ask for additional sites and is in accordance to the number of approved sites as per approval to operate caravan park (CP 2018-001)
- The manufacturing of the dwellings onsite encourages industry in the Muswellbrook area, reduces impacts to the local roads.

- The construction of the manufactured dwelling on-site is unlikely to cause adverse impacts to surrounding premises.

The images below provide examples of the differences possible from the two construction styles:

Modular vs Insitu Elevation Outcomes



Figure 1.3: Photo showing a row of modular manufactured homes constructed offsite and transported in. Note: typical treatment of elevated floors requiring subfloor and stairs for access



Figure 1.4: Photo showing a typical insitu manufactured home which achieves a superior streetscape outcome compared to modular without the needs for stairs

OPTIONS

Council may:

- Resolve to support the principle of relocatable homes being constructed on-site at the Broadlands Caravan Park and issue delegations to the General Manager to enable the approval of Section 68 applications accompanied by Section 82 Objections in relation to this matter. This is the preferred option as no further reports will be required to come before Council to approve the actual structures, allowing timely processing of the applications;
- Not support the principle of relocatable homes being constructed on-site at the Broadlands Caravan Park; or
- Resolve to support the principle of relocatable homes being constructed at the site but not issue delegations to the General Manager to determine Section 68 applications, accompanied by a Section 82 objection in relation to this matter. This is not recommended as the number of approved

dwelling sites at the caravan park may lead to a significant number of applications requiring determination by Council.

CONCLUSION

This matter has been reported to Council to obtain a direction on whether Council supports the on-site construction of relocatable dwellings at Broadlands Gardens Caravan Park, and determine whether to allow the General Manager to determine the actual applications for the dwellings. The on-site construction of these buildings requires an exemption from with Clause 135(1) of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

It is the recommendation of Council Officers that Council support the on-site construction of relocatable homes as this would have beneficial economic outcomes for the local community and enable higher quality design outcomes, while the Department of Planning, Industry and Environment have provided their concurrence to the variation of Clause 135(1) of the Regulations in relation to this site.

Noting the number of approved dwelling sites at the caravan park, and the number of Section 68 applications for on-site construction of relocatable dwellings that may eventuate, it is also recommended that Council delegate the determination of Section 68 Applications related to the land to the General Manager.



Planning,
Industry &
Environment

Ms Fiona Plesman
General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Your ref: DA 2019/005
Our ref: SF19/106772

Attention: Claire Rozema

**Request for concurrence under Section 82(3) of the *Local Government Act 1993* –
9080 New England Highway, Muswellbrook**

I refer to Council's request for concurrence, under section 82(3) of the *Local Government Act 1993*, to vary the provisions of clause 135 of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (the Regulations) as it applies to Lot 132 DP 610464, 9080 New England Highway, Muswellbrook.

I note Council supports the applicants request for the variation. I have granted concurrence under section 82(3) of the *Local Government Act 1993* to Council in accordance with the details set out in the attached instrument of concurrence.

Should you have any enquiries about this matter, please contact James Shelton at the Department's Newcastle office on (02) 4904 2700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Caitlin Elliott'.

Caitlin Elliott
**Team Leader, Central Coast and Hunter
Planning & Assessment**

Encl: Instrument of Concurrence



Planning,
Industry &
Environment

LOCAL GOVERNMENT ACT 1993

Instrument of Concurrence

Under Instrument of Delegation granted by the Acting Chief Executive of the Office of Local Government on 25 January 2016 pursuant to Section 745 of the *Local Government Act 1993*, I, the Team Leader, Central Coast and Hunter, grant concurrence under Section 82(3) of the *Local Government Act 1993* to Muswellbrook Shire Council approving the application to Council under Section 68 of the *Local Government Act 1993* set out in Schedule 1, with a direction that the clause in the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* as specified in Schedule 2 do not apply.

Dated this 5 day of November 2019

A handwritten signature in black ink, appearing to read 'Caitlin Elliott'.

Caitlin Elliott
Team Leader, Central Coast and Hunter
Planning & Assessment
Department of Planning, Industry and Environment

SCHEDULE 1

The Development Application (2019/005) referred to in correspondence from Muswellbrook Shire Council dated 1 November 2019 under section 82(3) of the *Local Government Act 1993* for Lot 132 DP 610464, 9080 New England Highway, Muswellbrook.

SCHEDULE 2

Clause 135 (1) Relocatable homes to be constructed and assembled off-site

SCHEDULE 3

Prior to the construction of relocatable homes on-site, a Construction Environmental Management Plan (CEMP) is to be submitted to the satisfaction of Muswellbrook Shire Council. The required CEMP must outline the sequence and construction methodology and specify mitigating measures to ensure all works are carried out with minimal environmental impact in relation to project staging, waste management, traffic management and environmental management in addition to any other Conditions of Approval.



OBJECTION UNDER SECTION 82 OF LOCAL GOVERNMENT ACT 1993

**LOT 132 DP 610464, 9080 NEW ENGLAND HIGHWAY
MUSWELLBROOK**

**OBJECTION UNDER SECTION 82 OF LOCAL
GOVERNMENT ACT 1993 FOR BROADLANDS GARDENS
CARAVAN PARK**

Prepared on behalf of:
BHL Group Pty Ltd

Prepared by:



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OCTOBER 2019

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Broadlands Gardens – Muswellbrook – Objection under Section 82 of LGA 1993
Job No. 9942 October 2019



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APPENDICES

Appendix 1: Location Map

Appendix 2: Modular vs Insitu Elevation Outcomes

This document is issued to the client for the purpose of applying for a dispensation under relevant legislation to Council and the Department of Planning, Industry and Environment. It should not be used for any other purpose. The report must not be reproduced in whole or in part except with the prior consent of de Witt Consulting and subject to inclusion of an acknowledgement of the source. No information as to the contents or subject matter of this document or any part thereof may be communicated in any manner to any third party without the prior consent of de Witt Consulting.

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Prepared by:	Reviewed by:	Released by:
Name: Marina Budisavljevic Position: Senior Town Planner 	Name: Lisa Blandford Position: Senior Town Planner 	Name: Lisa Blandford Position: Senior Town Planner Signed:  Date: 23 October 2019



23 October 2019

OUR REF: 9942

The General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

ATTENTION: HAMISH McTAGGERT

Dear Hamish,

**RE: SECTION 82 OBJECTION UNDER LOCAL GOVERNMENT ACT 1993
BROADLANDS GARDENS CARAVAN PARK - 9080 NEW ENGLAND HIGHWAY
MUSWELLBROOK**

1. INTRODUCTION & BACKGROUND

Please find enclosed for your consideration and determination, an application made under Section 82 (1) of the *Local Government Act 1993* (the Act) where the objection is to provisions of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005* (the Regulation) restricting onsite construction of manufactured homes within caravan parks.

This application seeks dispensation to construct manufactured homes within an existing caravan park. Section 4 of this application provides justification for the requested dispensation on the grounds that constructing the manufactured homes onsite will allow the developer to deliver a better quality product for potential purchasers, and in doing so, will not detrimentally affect any existing residents of the caravan park or surrounding properties or create significant environmental impact. Section 4 also demonstrates that onsite construction results in significant benefits to the local economy and reduces impacts on local roads through reduced transportation.

The developer, Boyuan Holdings Limited (BHL Group), acquired the site in 2017, along with a number of other existing land-lease communities and development sites in NSW at Green Point, Harrington and Tamworth. These three sites, along with the subject site, are known as the Broadlands Gardens portfolio. BHL Group also acquired the Armidale Tourist Park around the same time. BHL Groups' vision is to deliver high quality, affordable housing and community lifestyle and leisure facilities for a growing number of retirees, while generating longer term rental income streams for the company and its shareholders (Source: BHL Group, Seniors and Lifestyle Living Portfolio, July 2019).

It is noted that the site has been used as a caravan park for the past 40 years, with the original development application granted in 1980. A meeting was held with Council on 4 September 2019 to discuss the existing approvals over the site (outlined in Section 3.2) and the best approach for redevelopment potential of the site. Council advised that BHL Group seek a new development approval that would provide clarity for the ongoing use and management of the site, following a request for dispensation to construct the manufactured homes onsite.

This application is therefore being sought prior to the preparation or lodgement of a new development application (DA) for the site, in accordance with discussions with Council.



It is understood that this application will be reported to a Council meeting for determination and if approved, will be sent to the Department of Planning, Industry and Environment for concurrence.

2. SITE ATTRIBUTES

The site is located on the periphery of the township of Muswellbrook, visible on the approach along the New England Highway from the suburb of Singleton. Muswellbrook Golf Course is located directly adjacent to the site to the west and Muscle Creek flows from east to west through the rear of the site and along the western boundary. A large undeveloped parcel of land zoned R1 General Residential under the provisions of the Muswellbrook Local Environment Plan 2009 (LEP 2009), which is also identified as an urban release area located to the east of the site.

The NSW Planning Portal indicates the following attributes for 9080 New England Highway, Muswellbrook:

- zoning – RE2 Private Recreation (under LEP 2009);
- 8.5m (western portion of site adjacent to creek) and 12m (remaining portion of site) maximum permissible building height;
- 600m² minimum lot size;
- adjacent to a classified road;
- not located within bushfire prone land;
- not located within a flood planning area;
- not located within a mine subsidence district; and
- no Aboriginal sites or Aboriginal places located on or within 50m of the site.

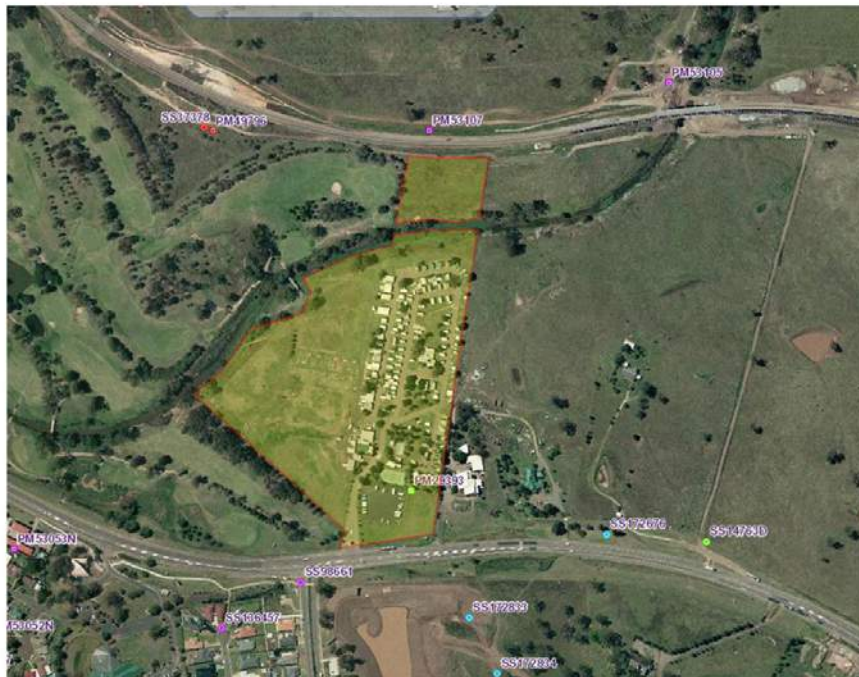


Figure 1.1: Aerial photo (Source: Six Maps 2019)



3. CURRENT APPROVALS AND EXISTING DEVELOPMENT

3.1 Existing development

The existing site contains formed roadways, a small number of existing cabins and caravans, an amenities block, picnic tables, a metal shed and a number of mature trees. Construction works are currently underway for a new entry feature and landscaping at the front of the site. Refer to photos



Photo 1: Front entry sign and front entry construction works



Photo 2: Front entry to site



Photo 3: Existing amenities and landscaping on site



Photo 4: Existing cabins and landscaping on site

below.

3.2 Past and Current Approvals

As stated, the site has been subject to a number of applications, which are envisioned to be captured in a single development application in the future, subject to the determination of this application.

Table 1.1 summarises the key past and current approvals over the site.

Table 1.1: Past and Current Applications over 9080 New England Highway, Muswellbrook

Application	Details of Application	Determination/ Status
196/80 & 208/80 Building Permits for Caravan Park (Ref. ID 685)	Original approval for the caravan park was issued in 1980 and included consent for 116 sites and associated amenities	Approved/ Current
242/2009 Extension to Caravan Park – Temporary Accommodation	<p>“Stage 1” application for 92 temporary accommodation units (beds) over 23 dwelling sites, camp office, mess hall and kitchen, toilets, linen store and laundry blocks and an extension to the car park to provide an additional 100 spaces. The purpose of this development was to provide for temporary mine workers accommodation.</p> <p>Condition 39 of this consent grants approval to the operation of the development for a period of 10 years from the date of issue of an Occupation Certificate (OC). After expiration of this period, all relocatable buildings approved under this consent must be removed from the site.</p> <p>A Construction Certificate (CC) for this development was issued on 17 May 2010 and Council has undertaken the following inspections, which were deemed satisfactory, under the CC:</p> <ul style="list-style-type: none"> • two external sewer drainage inspection; and • an internal sewer drainage inspection. <p>Therefore, the development has been physically commenced. Condition 4 relating to “Notice of Requirements” under the <i>Water Management Act 2000</i> has been partially met as details demonstrating compliance were provided with the CC application and water and sewer contributions totalling \$250,907.38 were paid on 17 March 2014.</p> <p>Note that an OC has not been issued for this development at the time of writing and therefore the 10 year time period identified in Condition 39 of the consent has not yet commenced.</p>	Approved/ Current
242/2009/2 Section 96 to Extension to Caravan Park – Temporary Accommodation	<p>Application to amend Conditions 1, 15, 35 and 38 and the deletion of Condition 11 of DA 242/2009. The conditions were amended in the following manner:</p> <ul style="list-style-type: none"> • Condition 1 updated to reference revised plans showing additional landscape detail, stormwater, servicing and fire safety information, and deletion of kitchen / mess hall; • Condition 15 amended to allow the construction of the concrete footpath along the northern side of the New England Highway within 12 months of the installation of the traffic signals by Roads and Maritime Service (RMS); • Condition 35 amended to require a Village Management / Operational Plan to be made available to Council for written approval with specific details provided for inclusion; • Condition 38 amended to ensure the provision of a bus service is included in the Village Management / Operational Plan and bus route shown on amended plan; and • Condition 11 which related to food preparation and storage deleted due to the removal of the kitchen / mess hall. 	Approved/ Current
149/2011 Additions to Caravan Park	<p>“Stage 2 and 3” application for 268 temporary units (beds) over 67 dwelling sites, mess hall and kitchen facilities, toilet and laundry facilities, associated infrastructure and extension to the car park to provide an additional 268 spaces. The purpose of the development was to provide for temporary mine workers accommodation.</p> <p>There has been no CC approved for this development. This consent lapsed on 14 November 2016 as the consent has not been physically commenced.</p>	Approved/ Lapsed
5/2019 Caravan Park Replacement of	Application for construction of two new community buildings, including a clubhouse and pool house with associated facilities, bowling green,	Approved/ Current

Amenities	golf putting green and associated landscaping. Condition 3 prevents the use of sites for temporary mine workers accommodation. A CC has not been lodged for this development at the time of writing. Section 7.12 Contributions to the value of \$15,000 are required to be paid prior to the issue of the CC.	
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4. GROUNDS OF THE OBJECTION

As stated, this application is made pursuant to Section 82 (1) of the *Local Government Act 1993* (the Act), where:

“(1) An applicant for an approval may lodge with the council an objection:

- (a) that the regulations or a local policy adopted under Part 3 by the council relating to the activity for which approval is sought do not make appropriate provision with respect to that activity, or*
- (b) that compliance with any provision of those regulations or such a policy is unreasonable or unnecessary in the particular circumstances of the case.”*

(2) The applicant must specify the grounds of the objection.”

Further, Section 82 of the Act stipulates that Council may, in determining an application described in Section 68 of the Act, which includes installing manufactured homes on land, direct that:

(a) “such provisions of any regulation relating to that activity are specified in the direction:

- (i) not to apply, or*
- (ii) are to apply with such modifications as are specified in the direction, in respect of the carrying out of that activity, or*

(b) such requirements as are specified in the direction are to apply to the carrying out of that activity,

or give directions under both paragraphs (a) and (b).”

As previously stated, the objective of this application is to seek dispensation to construct manufactured homes onsite, which is currently restricted under Clause 135 (1) of the Regulation, which stipulates:

“A relocatable home must not be installed on a dwelling site unless each major section of the home has been constructed and assembled at, and transported to the caravan park from, a place of manufacture outside the caravan park.”

It is noted that the Act does not prescribe specific matters to be addressed in making an application under Section 82.

It is also noted that the Regulation does not provide reason for the restriction of construction of manufactured homes onsite, only that it is restricted.

As such, the grounds of the objection are made with reference to the objectives and general intent of the Regulation (Section 4.1 of this application). As this application is not accompanied by a DA, detailed comments cannot be provided with regard to the design or siting of manufactured homes on the subject site at this stage. However, the current site layout has Council approval and an updated Community Map is currently being prepared at the time of writing. This updated Community Map, along with the Caravan Park Management Plan, will be submitted to Council in the near future and will ensure the development is compliant with the most recently issued consent (5/2019). Any future DA lodged for this site, which seeks to change the location or size of the dwelling sites, will need to satisfy Council that the siting, design, construction and installation of the manufactured homes will meet the provisions of the Regulation in order to receive development consent.

4.1 Justification for the Objection to Clause 135

The following subsections of this application provide justification as to why it is considered unreasonable or unnecessary to restrict onsite construction of manufactured homes in caravan parks in this particular case.

4.1.1 Evolution of the manufactured home industry

It is noted that the last significant revision of the Regulation was approximately 15 years ago. At this time, manufactured homes were akin to demountable buildings, however the quality, type and range of manufactured homes has since undergone significant improvement. Manufactured homes have proven to be increasingly popular due to their affordability and contemporary lifestyle option, particularly for "over 50's" living.

The NSW Government, along with Councils across the state, have recognised this progression and as a result are undertaking a review of the current legislative framework with the objective to simplify approvals for these types of development. The NSW Government's Discussion Paper titled *"Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates & Camping Grounds"*, discusses a key issue where manufactured homes are not considered to be a "dwelling house" or "building" within the definitions of the *Environmental Planning and Assessment Act 1979*. This highlights the reality of the current legislation being outdated when compared to current practice.

It is noted that in other states, such as Victoria and Queensland, it is not mandated for manufactured homes to be constructed or assembled offsite. In recent years, the NSW Government has acknowledged that the standard of design and product has improved as the industry has evolved, and without any perceived advantages for constructing manufactured homes offsite, NSW has seen an increase in dispensation to construct onsite.

The above paragraphs demonstrate that the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82 (1) (b), due to the evolution of the industry.

4.1.2 Higher quality design through onsite construction

A key objective of the Regulation is to provide standards for the design and construction of manufactured homes (Clause 3). As stated, this application is not accompanied by a DA; as such, this section discusses key aspects of onsite construction of manufactured homes providing a higher quality result. It is noted that all design, construction and installation specifications of the Regulations can be met with onsite construction.

Typically "slab-on-ground" construction achieves a greater overall performance with easier accessibility than with the constraints inherent with modular (offsite) construction. These include, but are not limited to:

- Improved thermal efficiency;
- More efficient use of floor space;
- Increased accessibility for mobility impaired; and
- Higher streetscape amenity.

The need for multiple sets of stairs associated with modular construction places a secondary constraint on design freedom by the need for stair voids and landings that can be challenging to accommodate in a carport or front entry setback space. The stairs often conflict with setbacks and can also be difficult to place inside a carport or garage space without inhibiting car movements. Often landings and recesses are created to manage this, which further reduces efficient use of space.

The avoidance of steps, landings and voids, which is possible with onsite (insitu) construction, increases accessibility to residents with mobility challenges and allows them to stay independent in their homes longer. The developer has advised that steps and stairs are typically a discussion point with many potential residents as they envisage staying in their home as long as possible.

In addition when homes are constructed onsite, the design elements of the exterior are more akin to a traditional construction method. This allows external facades, aesthetics and overall streetscapes to be enhanced and present attractively to internal roads. Refer to Appendix 2 for a comparison of typical resulting facades for offsite and onsite construction.

Therefore, the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82 (1) (b), due to the superior design benefits obtained with insitu construction.

4.1.3 Benefits for local economy

Constructing manufactured homes onsite can generate direct and indirect benefits for the local economy. Direct benefits stem from the use of locally sourced trades and materials (i.e. builders, plumbers, electricians) as well as professional services (i.e. engineers, surveyors). The indirect benefits for the local economy are largely attributed to the increased demand for goods and services and consumption.

Figure 1.2 below illustrates the chronological breakdown from beginning to end of the supply and construction process and the equivalent dollar values of each of these steps, based on a home construction cost of \$137,800. The proportion of each step is expressed in monetary value to show potential benefits to local economies.

The blue columns represent opportunities available to local industry (via onsite construction) and the orange columns illustrate the lesser portion available locally when assembled offsite and transported to the site. Onsite construction allows approximately 97% of the construction content to be available to local suppliers and tradespeople while modular (offsite) construction typically only provides 34% of its content available to local suppliers and trades.



Figure 1.2: Modular vs Insitu – Value of Local Opportunities in Construction Process

Further, Table 1.2 below details the line item data and expanded descriptions of the construction process illustrated in Figure 1.2 above. Each step of supply or labour in the construction process is shown in process order and whether or not an opportunity typically exists for local suppliers or trades to supply.

It is noted that the first three stages have been condensed to show the offsite and onsite construction equivalents of each other.

Therefore, the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82 (1) (b), due to the local benefits to the economy associated with insitu construction.

Table 1.2: Comparison of Opportunity for Local Trades and Supplies – Onsite vs Offsite

Stage of Construction		Local opportunity - Offsite	Local opportunity - Onsite	% of Value
1	Supply Floor Chassis steel- Reo & concrete-	N	Y	4.1%
2	Labour to fabricate chassis or form up and pour slab	N	Y	0.9%
3	Inspection of floor slab/chassis	N	Y	0.1%
4	Supply Frame and Truss	N	Y	8.7%
5	Labour to erect frame and truss	N	Y	2.5%
6	Supply Windows, doors	N	N	3.0%
7	Supply Cladding, fixings, wrap, & accessories	N	Y	5.8%
8	Labour to install windows, cladding etc.	N	Y	2.5%
9	Supply Roof, gutter, fascia and rainwater goods	N	Y	2.8%
10	Labour to install roof, gutter etc.	N	Y	1.8%
11	Supply Plumbing fittings for slab and wall rough in	N	Y	0.4%
12	Labour to rough in plumbing	N	Y	1.9%
13	Supply electrical wiring and fittings	N	Y	0.4%
14	Labour to rough in wiring	N	Y	3.3%
15	Supply wall and roof insulation	N	Y	0.4%
16	Install wall and roof insulation	N	Y	0.3%
17	Supply Plasterboard and FC Internal linings	N	Y	3.3%
18	Install Internal linings	N	Y	3.3%
19	Supply internal fix-out materials, doors, architraves etc.	N	Y	1.7%
20	Supply hardwood flooring where applicable.	N	Y	1.5%
21	Labour to do fix-out- hang doors architraves etc. - Lay HWD	N	Y	1.8%
22	Labour to polish Hardwood flooring where applicable	Y	Y	1.5%
23	Waterproofing of internal wet areas	N	Y	0.7%
24	Supply of wall and floor tiles	N	Y	0.7%
25	Labour to lay wall and floor tiles	N	Y	1.8%
26	Supply and install kitchen/ joinery	N	Y	4.7%
27	Supply bathroom and kitchen PC items.	N	Y	4.4%
28	Labour to fit off all plumbing	N	Y	1.7%
29	Labour Plumber to connect home to site services	Y	Y	1.7%
30	Labour Electrician to connect homes to site services	Y	Y	1.1%
31	Supply of paint for internal and external	Y	Y	0.9%
32	Labour to paint inside and out	Y	Y	6.2%
33	Supply of concrete for garage/carport slab and driveway	Y	Y	1.5%
34	Labour to pour carport/ garage slab and driveway	Y	Y	2.9%
35	Supply Carport structure	Y	Y	4.4%

36	Erect carport structure	Y	Y	1.8%
37	Supply and fit roller doors where applicable	Y	Y	0.9%
38	Supply and fit Screening, pergola etc. where applicable	Y	Y	1.5%
39	Supply Carpet/ floor coverings	Y	Y	2.3%
40	Labour to install carpet/floor coverings	Y	Y	2.2%
41	Supply and fit blinds/curtains	Y	Y	1.8%
42	Supply and Fit air conditioner where applicable	Y	Y	1.5%
43	Supply and Fit solar where applicable	Y	Y	2.2%
44	Supply and fit TV aerial	Y	Y	0.3%
45	Supply & erect Garden Shed & slab	Y	Y	0.9%
46	Builders Clean for handover	Y	Y	0.3%

4.1.4 No detrimental impact on existing residents or surrounding properties

There are only a small number of residents living in the caravan park at the time of writing. Construction hours will be limited to the following in order to reduce the disturbance associated with construction noise:

- Monday to Friday - 7.00am to 6.00pm;
- Saturday – 8am to 1pm; and
- No construction work will take place on Sundays or Public Holidays.

The developer will also ensure that the operating noise level of construction site operations, including machinery, plant and equipment when measured at any affected premises will comply with the requirements of the NSW Office of Environment and Heritage publication "Interim Construction Noise Guideline" July 2009.

In addition, construction of the new homes will be staged in an appropriate manner to reduce the potential impact on existing residents, and new residents who move into the park following commencement of construction, to ensure construction noise is limited to one area of the park at a time. The developer has advised existing residents will be notified of the construction stages of the park redevelopment and given the opportunity to raise any potential concerns, which the developer will attempt to mitigate during the construction phase. New buyers will be made aware of the construction stages prior to placing a deposit on a dwelling site. It is noted that from the developer's experience, the potential impact of noise and dust emissions associated with insitu construction does not usually influence people's decision to purchase a site within a caravan park or manufactured home estate which utilises insitu construction.

In relation to neighbouring properties, the nearest residential dwelling house is located approximately 100m from the eastern boundary of the site. Muswellbrook Golf Course is located to the west of the site and other surrounding land is vacant pastureland. Due to this large buffer area and lack of neighbouring dwellings, construction noise is not expected to have a detrimental impact on neighbouring residents.

Therefore, the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82 (1) (b), as carrying out construction of new manufactured homes onsite is not likely to have an adverse impact on existing residents or residents of neighbouring properties.

4.1.5 Reduced impact on roads and the environment

Offsite construction requires the major sections of the manufactured homes to be transported to the site using a considerable number of pilot assisted oversized and heavy loads. This has the potential to result in earlier deterioration of roads, increased traffic delays, increased traffic noise, increased risk of road incidents and accidents, and increased vibration impacts caused by oversized and heavy loads. Onsite

construction somewhat ameliorates these impacts, as the materials are locally sourced and able to be transported to site in smaller sized loads, which reduces the impacts to roads, namely in this case the New England Highway, and reduces the impact on the environment.

Insitu construction will also eliminate the need to utilise a crane onsite for the transportation/installation of the large sections of the manufactured homes to each individual site within the caravan park. This will significantly reduce the risk of onsite incidents and accidents, and as such, improved environmental health outcomes will be achieved for construction workers and existing residents living in the park.

Therefore, the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82 (1) (b), due to the avoidance of pilot assisted oversized loads on the New England Highway and the benefits to the environment due to the avoidance of oversized loads.

5. CONCLUSION

This application for a Section 82 Objection is made to provisions of the Regulations restricting onsite construction of manufactured homes, in particular Clause 135. The objective of the application is to seek dispensation to construct manufactured homes within an existing caravan park located at 9080 New England Highway, Muswellbrook. This application appropriately demonstrates that the provisions of the Regulation restricting onsite construction are unreasonable and unnecessary, pursuant to Section 82 (1) (b), on the grounds that:

- the manufactured homes industry has significantly evolved, which has resulted in the redundancy of numerous provisions of the Regulation;
- onsite construction will result in a higher quality design and product;
- onsite construction will result in increased benefits for the local economy;
- onsite construction will not adversely affect existing and neighbouring residents; and
- onsite construction will reduce adverse impacts to local roads and the environment.

It is conclusive that constructing the manufactured homes onsite will allow the developer to deliver a better quality product for potential purchasers, and in doing so, will not detrimentally affect any existing residents of the caravan park or surrounding properties or create significant environmental impact.

On these grounds, this application should be considered worthy of Council approval and subsequent concurrence from Department of Planning, Industry and Environment.

Should you require any further details, please do not hesitate to contact Lisa Blandford, Senior Town Planner on (02) 4942 5441.

Yours sincerely,
de Witt Consulting



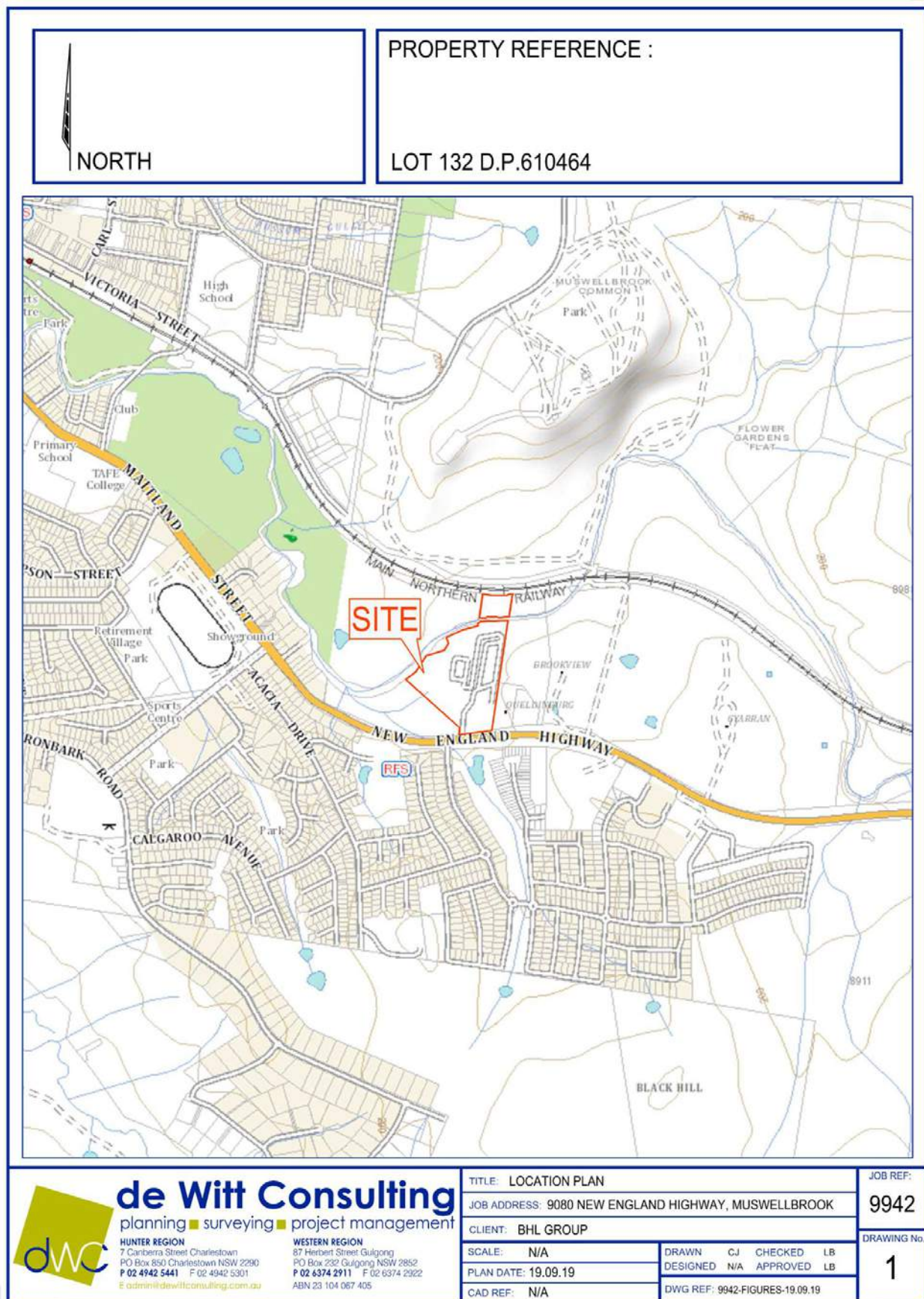
Marina Budisavljevic
Senior Town Planner

APPENDICES

APPENDIX 1

Location Map

Broadlands Gardens – Muswellbrook – Objection under Section 82 of LGA 1993
Job No. 9942 October 2019



APPENDIX 2

Modular vs Insitu Elevation Outcomes

Broadlands Gardens – Muswellbrook – Objection under Section 82 of LGA 1993
Job No. 9942 October 2019

Modular vs Insitu Elevation Outcomes



Figure 1.3: Photo showing a row of modular manufactured homes constructed offsite and transported in. Note: typical treatment of elevated floors requiring subfloor and stairs for access



Figure 1.4: Photo showing a typical insitu manufactured home which achieves a superior streetscape outcome compared to modular without the needs for stairs

11 COMMUNITY INFRASTRUCTURE

11.1 PROPOSED SIGNALISED INTERSECTION UPGRADE - NEW ENGLAND HIGHWAY AND LORNE STREET, MUSWELLBROOK

Attachments:	A. Proposed Design Drawings B. Proposed signal design drawings
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Kellie Scholes - Manager - Roads, Drainage & Technical Services
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

To inform Council of the receipt of advice from Transport NSW of their proposal to construct a signalised intersection and upgrade at the New England Highway and Lorne St Muswellbrook.

OFFICER'S RECOMMENDATION

The information contained in the report be noted, and Council endorse the provision of comments to Transport NSW on the proposed design as detailed in the report.

Moved: _____ Seconded: _____

REPORT

Transport NSW (formerly known as Roads and Maritime Services) has informed Council that it proposes to upgrade the existing intersection of Lorne Street and Maitland Street (New England Highway), Muswellbrook, to a signalised intersection. Construction is scheduled to commence in the 2019-20 financial year.

Transport NSW has provided for comment the drawings attached as A and B to the report.

The proposal includes provision for a four (4) way pedestrian crossing and left-turn arrows on the existing Maitland Street shoulders to formalise left-turn movement off the Maitland Street through lanes. The design does not provide for a dedicated right hand movement from Maitland Street.

Transport NSW advises that, in terms of the Review of Environmental Factors (REF), the identified key issues include:

- trimming two roadside branches from the existing Jacaranda tree for new signal sight distance (western approach);
- minor disturbance to existing sandstone block kerb (north-west corner) for ramp modifications; and
- minor extension of no stopping zone on the Maitland Street approach shoulders to allow for formalised left-turn movement. A currently utilised parking location in front of the Telstra phone booth on the North-bound Maitland Street shoulder will be removed.

However, Council is invited to make comment and provide advice on any other design and environmental issues that should be considered in the Minor Works REF.

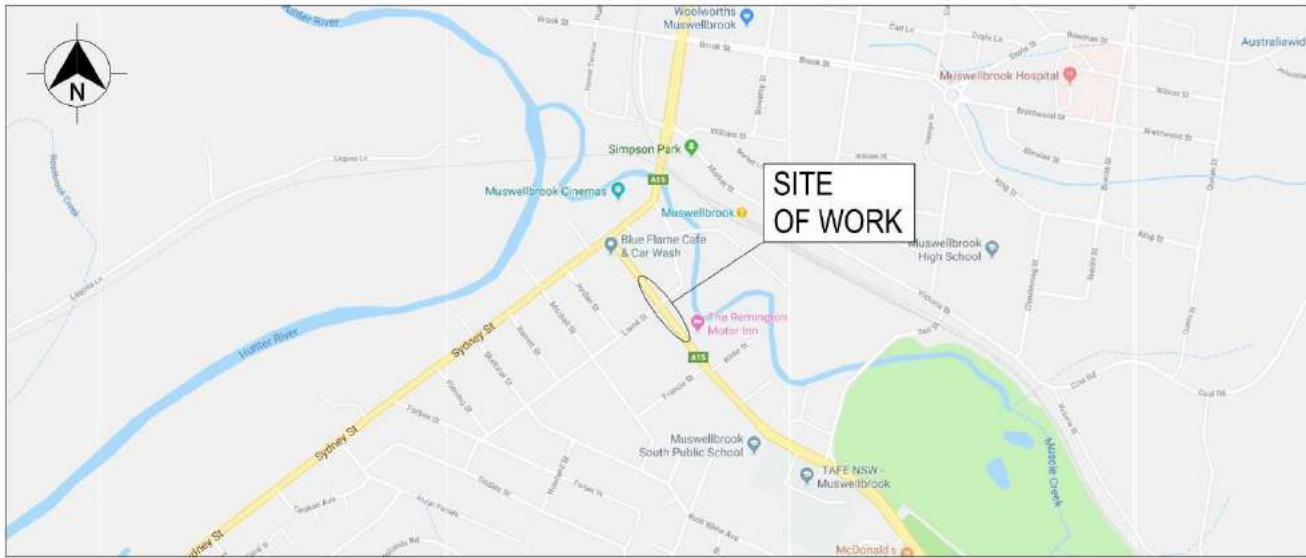
It is recommended that Council's advice and comment could be provided as follows:

- should Council desire in the future to construct a cul de sac at the eastern intersection of Maitland Street and Lorne Street, the traffic signal design must complement and enable the future design and construction of the cul de sac;
- tactile tiles as per Council standards are to be provided to all new pram ramps as part of the footpath modifications;
- impact to sandstone kerb and gutter is to be kept to a minimum. Where impact cannot be avoided, the new kerb and gutter is to be reinstated with sandstone. Any sandstone removed must be done so as to avoid any damage to the stone, with removed stone taken to Council's works depot; and
- the site of work is adjacent to an identified heritage property, and must be explicitly considered in the REF.



MUSWELLBROOK CITY COUNCIL
HW9 - NEW ENGLAND HIGHWAY

INSTALLATION OF TRAFFIC CONTROL SIGNALS
AT LORNE STREET INTERSECTION, MUSWELLBROOK
CH 87 320.000 TO CH 87 450.000 WEST OF MAITLAND
ROAD DESIGN
100% DETAIL DESIGN



LOCALITY PLAN

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PART INDEX

PART NUMBER	CODE	NAME
PART 1	GE	GENERAL
	RD	ROAD ALIGNMENT AND DETAIL
	UT	UTILITIES
	SM	STORMWATER MANAGEMENT
	PV	PAVEMENT
	RF	ROADSIDE FURNITURE AND LINEMARKING
	LS	LANDSCAPING
PART 2	RC	ROAD CROSS SECTIONS
PART 3	PW	PROPERTY WORKS

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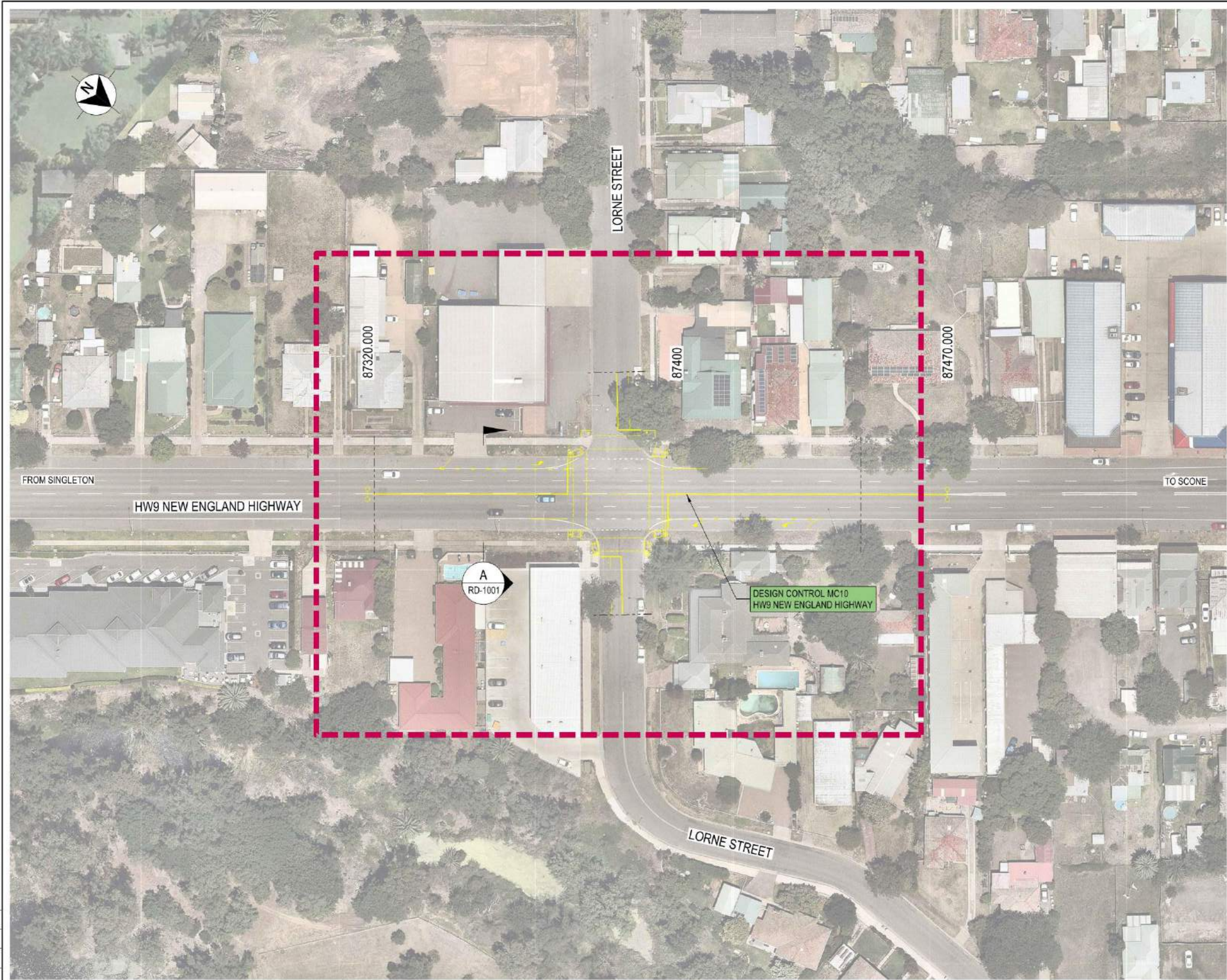
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SHEET INDEX							
SHEET NAME	SHEET DESCRIPTION	ISSUE					
		1	2	3	4	5	6
GENERAL (5 SHEETS)							
GE-1001	COVER SHEET	21/04/2017	20/06/2017	3/10/2019			
GE-1002	DRAWINGS INDEX						
GE-1003	GENERAL OVERVIEW PLAN	21/04/2017	20/06/2017	3/10/2019			
GE-1004	SURVEY FEATURE LEGEND - SHEET 1 OF 2	21/04/2017	20/06/2017	3/10/2019			
GE-1005	SURVEY FEATURE LEGEND - SHEET 2 OF 2	21/04/2017	20/06/2017	3/10/2019			
ROAD ALIGNMENT AND DETAIL (3 SHEETS)							
RD-1001	TYPICALS SECTIONS AND DETAILS	21/04/2017	20/06/2017	3/10/2019			
RD-1101	ROAD ALIGNMENT PLAN - HW9 NEW ENGLAND HIGHWAY - MC00 - CH 87 310.000 TO CH 87 430.000	21/04/2017	20/06/2017	3/10/2019			
RD-1201	DETAIL PLAN - HW9 NEW ENGLAND HIGHWAY - MC00 - CH 87 310.000 TO CH 87 430.000	21/04/2017	20/06/2017	3/10/2019			
UTILITIES (1 SHEETS)							
UT-1001	UTILITES PLAN - HW9 NEW ENGLAND HIGHWAY - MC00 - CH 87 310.000 TO CH 87 430.000	21/04/2017	20/06/2017	3/10/2019			
ROADSIDE FURNITURE (1 SHEETS)							
RF-1001	ROADSIDE FURNITURE PLAN - HW9 NEW ENGLAND HIGHWAY - MC00 - CH 87 310.000 TO CH 87 430.000	21/04/2017	20/06/2017	3/10/2019			
SURVEY INFRASTRUCTURE (2 SHEETS)							
SI-1001	SURVEY INFRASTRUCTURE PLAN - HW9 NEW ENGLAND HIGHWAY - MC00 - CH 87 310.000 TO CH 87 430.000	21/04/2017	20/06/2017	3/10/2019			
SI-1002	SURVEY INFRASTRUCTURE PLAN - SURVEY MARK AND INFRASTRUCTURE REGISTER	21/04/2017	20/06/2017	3/10/2019			

NOT FOR CONSTRUCTION

DRAWING FILE LOCATION / NAME K:\Engineering Technology\DESIGN PROJECTS\HW9\SF2016-2021\403-Detail\Microstation\DS2017-000102 - DG100.dgn						DESIGN LOT CODE XXXXXXX		DESIGN MODEL FILE(S) USED FOR DOCUMENTATION OF THIS DRAWING DESI DD100				PLOT DATE / TIME 20/08/2019 1:18:51 PM			PLOT BY TaylorJA		CLIENT  Transport for NSW		MUSWELLBROOK CITY COUNCIL HW9 - NEW ENGLAND HIGHWAY INSTALLATION OF TRAFFIC CONTROL SIGNALS AT LORNE STREET INTERSECTION, MUSWELLBROOK GENERAL DRAWINGS INDEX				A3									
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													CO-ORDINATE SYSTEM MGA ZONE 56		HEIGHT DATUM AHD				DESIGN MNGR		B. SPALDING	XX.XX.18										
																			PROJECT MNGR		D. JACKSON	XX.XX.18										

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LEGEND

- MC00 DESIGN CONTROL LABEL
- PLAN SHEET AREA AT 1:500
- PROPOSED DESIGN

NOTES

- ALL WORKS TO BE CARRIED OUT IN ACCORDANCE WITH CURRENT RMS QA SPECIFICATIONS AND AUSTRALIAN STANDARDS UNLESS OTHERWISE STATED.
- AERIAL PHOTOGRAPHY UNDER LICENSE TO ROADS AND MARITIME SERVICES BY NEARMAP, IMAGE DATED JANUARY 2019.

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DRAWING FILE LOCATION / NAME K:\Engineering Technology\DESIGN PROJECTS\HW9\SF2016-22011403 Detail\Microstation\DS2017-000102 - DD050.dgn		DESIGN LOT CODE XXXXXXX	DESIGN MODEL FILE(S) USED FOR DOCUMENTATION OF THIS DRAWING DESI DD100		PLOT DATE / TIME 20/08/2019 1:18:51 PM	PLOT BY TaylorJA	CLIENT MUSWELLBROOK CITY COUNCIL HW9 - NEW ENGLAND HIGHWAY INSTALLATION OF TRAFFIC CONTROL SIGNALS AT LORNE STREET INTERSECTION, MUSWELLBROOK GENERAL OVERVIEW PLAN		A3
EXTERNAL REFERENCE FILES SURVEY FILE: HV4154_170112.mip		REV	DATE	AMENDMENT / REVISION DESCRIPTION	WVR No.	APPROVAL	DRAWINGS / DESIGN PREPARED BY COMPANY NAME / LOGO  Transport for NSW		
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		03	03-10-18	50% DETAIL DESIGN	XX	XXX	DESIGN J. A. TAYLOR XX.XX.18		
		04	XX-XX-XX	100% DETAIL DESIGN SUBMITTED FOR INITIAL REVIEW	XX	XXX	DESIGN CHECK C. FRANKS XX.XX.18		
							DESIGN MNGR B. SPALDING XX.XX.18		
							PROJECT MNGR D. JACKSON XX.XX.18		
							PREPARED FOR REGIONAL MAINTENANCE REG MAINTENANCE DELIVERY HUNTER PROJECT MANAGEMENT HUNTER		
							RMS REGISTRATION No: DS2017 / 000102		PART 01
							ISSUE STATUS 100% DETAIL		ISSUE 04
							EDMS No. - SHEET No. GE-1003		
							© Roads and Maritime Services		

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<div>E BDGE (BRIDGE STRUCTURES)</div> <div><div></div> ABUTMENT BOTTOM (AB)</div> <div><div></div> ABUTMENT BOTTOM POINT (PABB)</div> <div><div></div> ABUTMENT TOP (AT)</div> <div><div></div> ABUTMENT TOP POINT (PABT)</div> <div><div></div> CAP-PILE (PBCP)</div> <div><div></div> DECK (BR)</div> <div><div></div> EXPANSION JOINT (XJ)</div> <div><div></div> EXPANSION PLATE (XP)</div> <div><div></div> HEADSTOCK (HS)</div> <div><div></div> PIER-COLUMN (BC)</div> <div><div></div> PIER-COLUMN POINT (PBPI)</div> <div><div></div> UNDERNEATH CLEARANCE (UC)</div> <div><div></div> WING WALL (WW)</div>
--

E BDYS (BOUNDARIES)

DIGITAL CADASTRE (ACCURACY 1.0m?) (BM)

DIGITISING EXTENT (PHOTO) (DE)

DP OVERLAY (ACCURACY 0.1m) (BO)

EASEMENT (BE)

FIELD COMPLETION (PHOTO) (NF)

FIELD SURVEY EXTENT (PHOTO) (FS)

LOCAL GOVERNMENT (BL)

PARISH (BP)

TITLE (ACCURACY 0.02m) (BT)

E BUIL (BUILDINGS & STRUCTURES)

AWNING (AW)

AWNING - POINT (PAWN)

BOTTOM OF WALL (BW)

BUILDING EAVES (BV)

BUILDING WALLS (BU)

CEMETERY (OC)

CONCRETE SLAB AT GROUND LEVEL (VE)

CORNER OF BUILDING AT NS (PCBU)

DOORWAY (DO)

FLOOR LEVEL (PFLR)

GENERAL BUILT-UP AREA (OB)

LOADING BAY-DOCK (LB)

MISCELLANEOUS STRUCTURE (OM)

RETAINING WALL (RW)

RUIN (OR)

SILO OR TANK (OS)

SPORTING ARENA (OO)

STAIRS - OUTSIDE (SO)

SWIMMING POOL (OT)

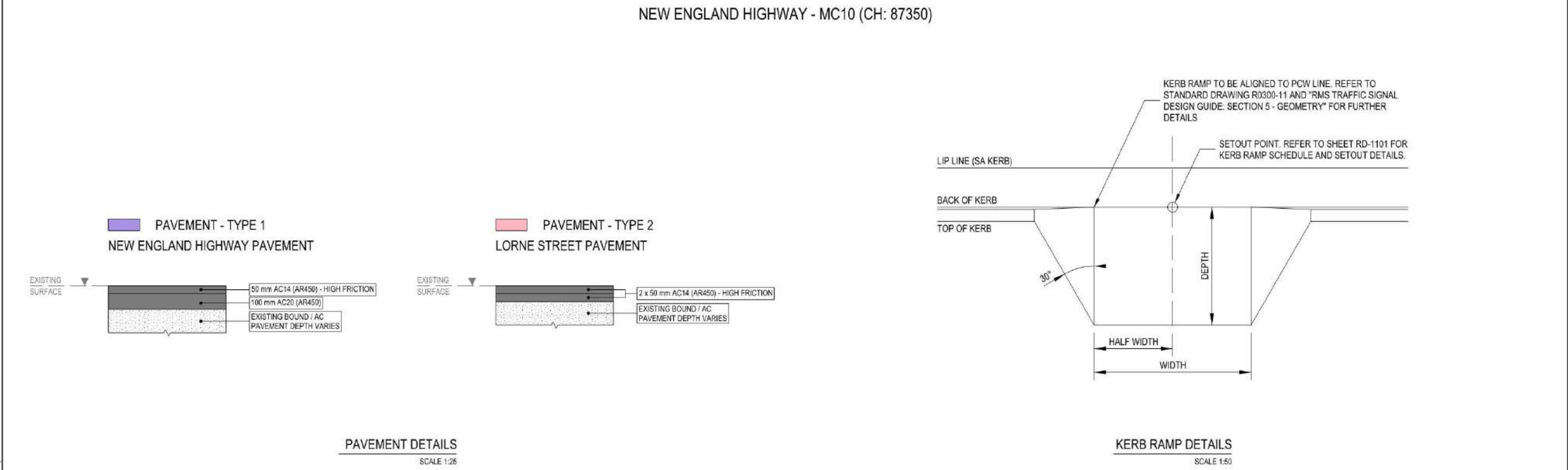
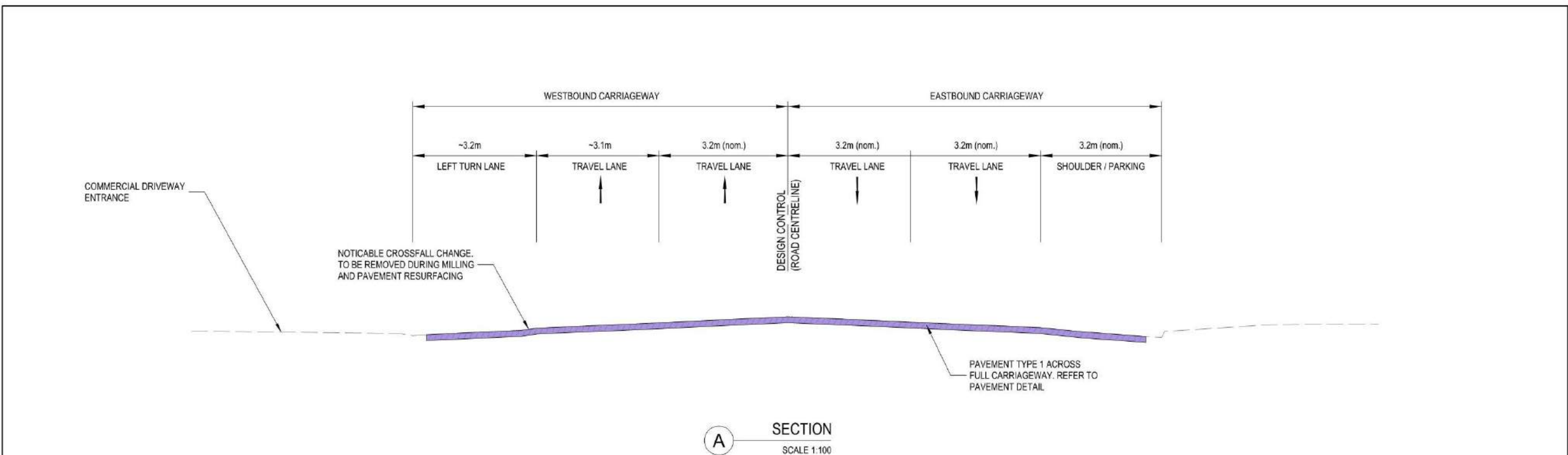
TOP OF WALL (TW)

NOT FOR CONSTRUCTION

DRAWING FILE LOCATION / NAME K:\Engineering Technology\DESIGN PROJECTS\HWS\SF2016-2021\403-Detail\Microstation\DS2017-000102 - DD060.dgn				DESIGN LOT CODE XXXXXXX		DESIGN MODEL FILE(S) USED FOR DOCUMENTATION OF THIS DRAWING DESI DD100				PLOT DATE / TIME 20/08/2019 1:18:51 PM		PLOT BY TaylorJA		CLIENT <div> Transport for NSW</div>		MUSWELLBROOK CITY COUNCIL HW9 - NEW ENGLAND HIGHWAY INSTALLATION OF TRAFFIC CONTROL SIGNALS AT LORNE STREET INTERSECTION, MUSWELLBROOK GENERAL SURVEY FEATURE LEGEND - SHEET 1 OF 2				A3															
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02		26-06-17		100% CONCEPT DESIGN				XX		XXX		DRG CHECK		C. FRANKS												XX.XX.18									
03		03-10-19		50% DETAIL DESIGN				XX		XXX		DESIGN		J. A. TAYLOR												XX.XX.18									
04		XX-XX-XX		100% DETAIL DESIGN SUBMITTED FOR INITIAL REVIEW				XX		XXX		DESIGN CHECK		C. FRANKS												XX.XX.18									
																COORDINATE SYSTEM MGA ZONE 56				HEIGHT DATUM AHD										PREPARED FOR REGIONAL MAINTENANCE REG MAINTENANCE DELIVERY HUNTER PROJECT MANAGEMENT HUNTER		RMS REGISTRATION No: DS2017 / 000102		PART 01	
																								ISSUE STATUS 100% DETAIL		EDMS No. -		SHEET No. GE-1004		ISSUE 04					

0	35	40	45	50mm ON A3 SIZE ORIGINAL
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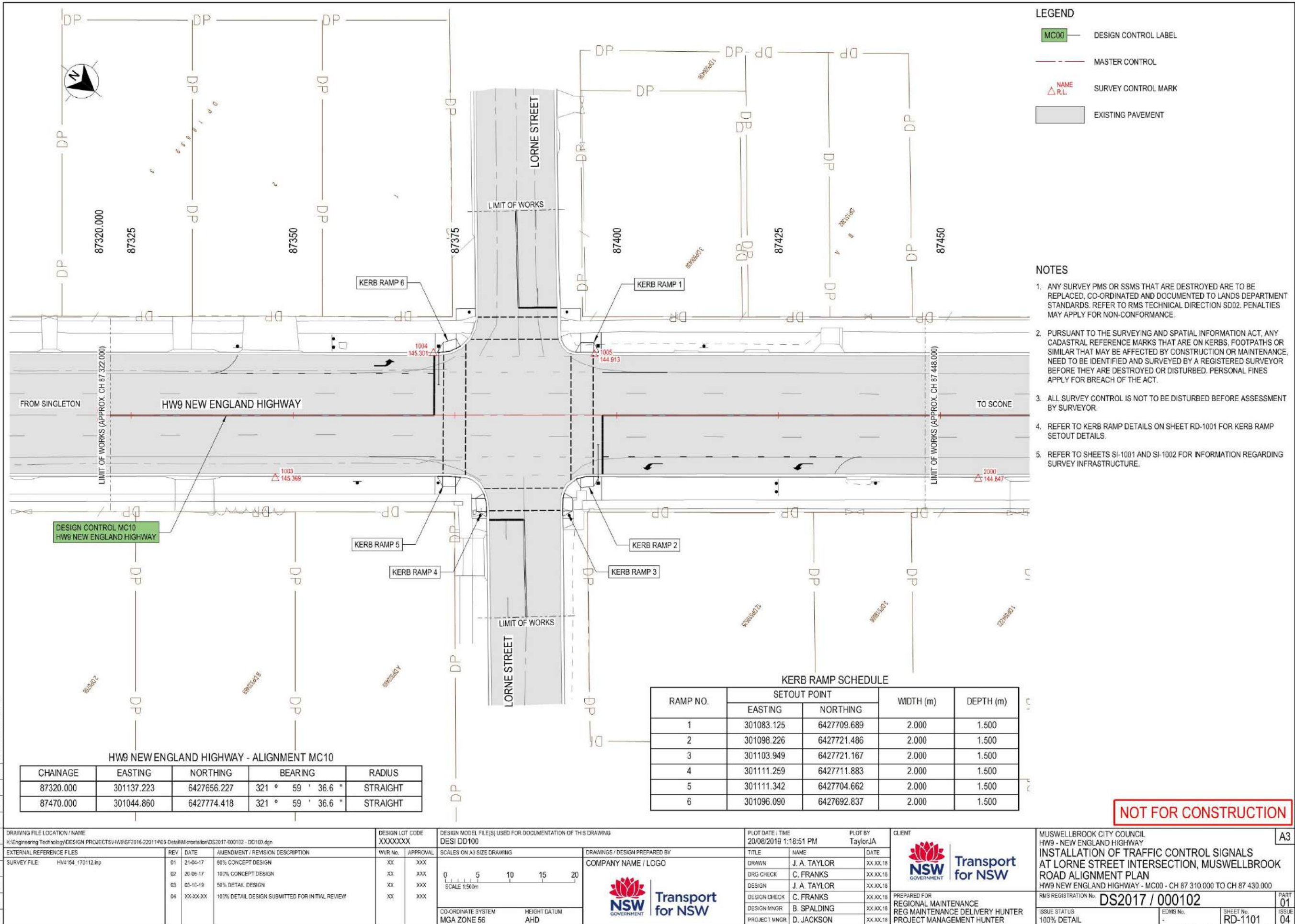


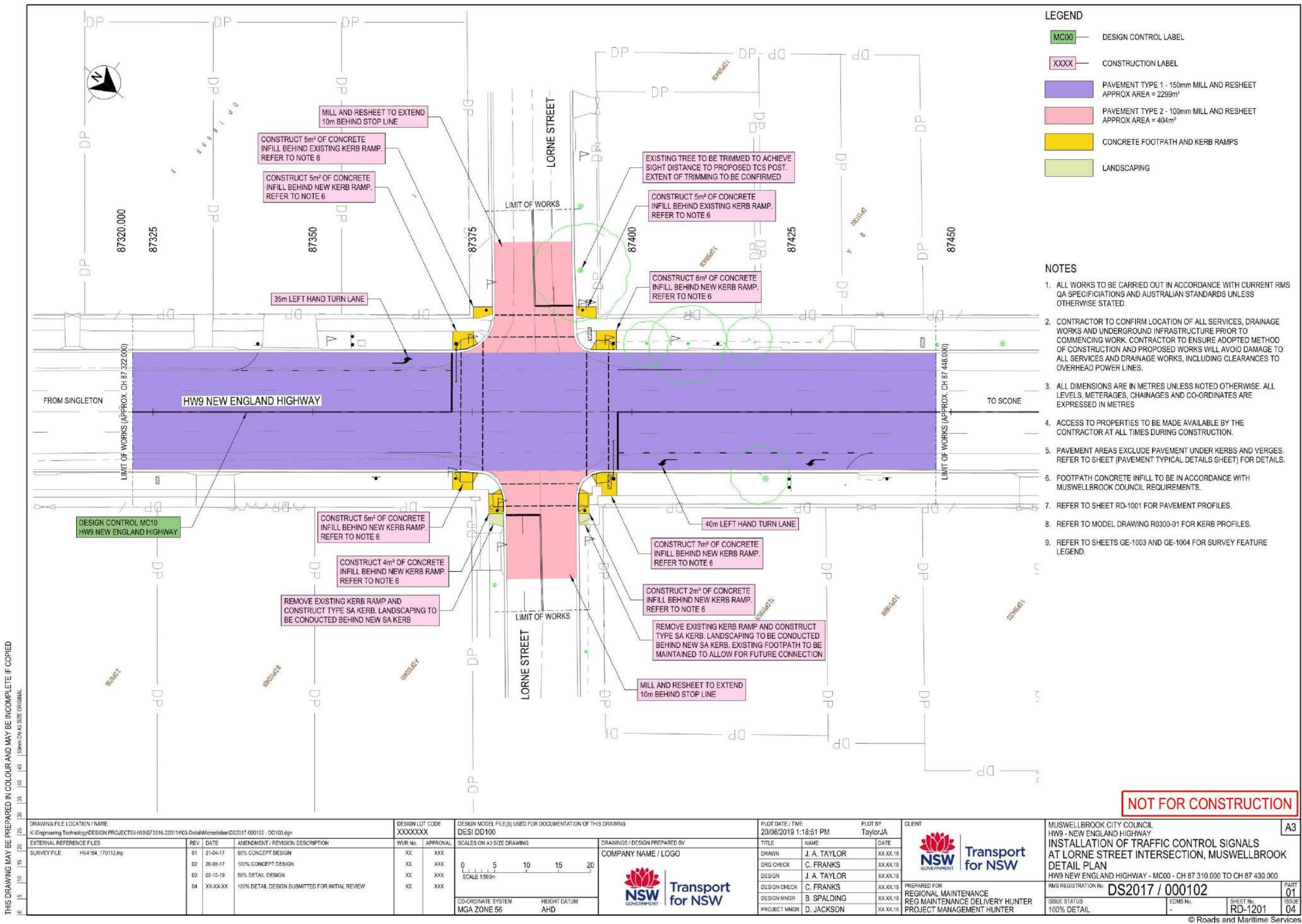
NOT FOR CONSTRUCTION

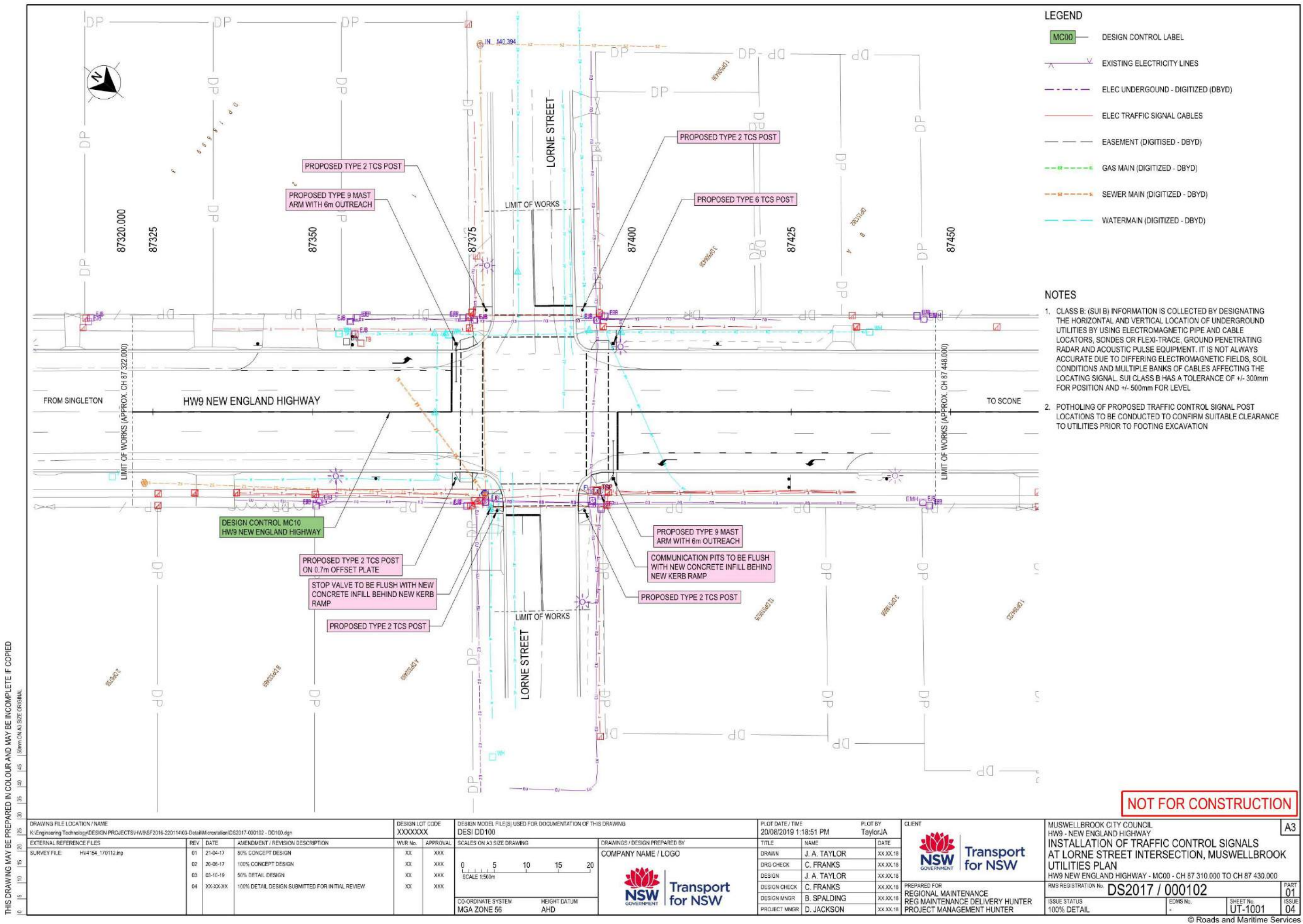
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																						PROJECT MNGR		D. JACKSON		XX.XX.18							
																						RMS REGISTRATION No.		DS2017 / 000102				PART 01					
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0 10 20 30 40 50m ON A3 SIZE ORIGINAL

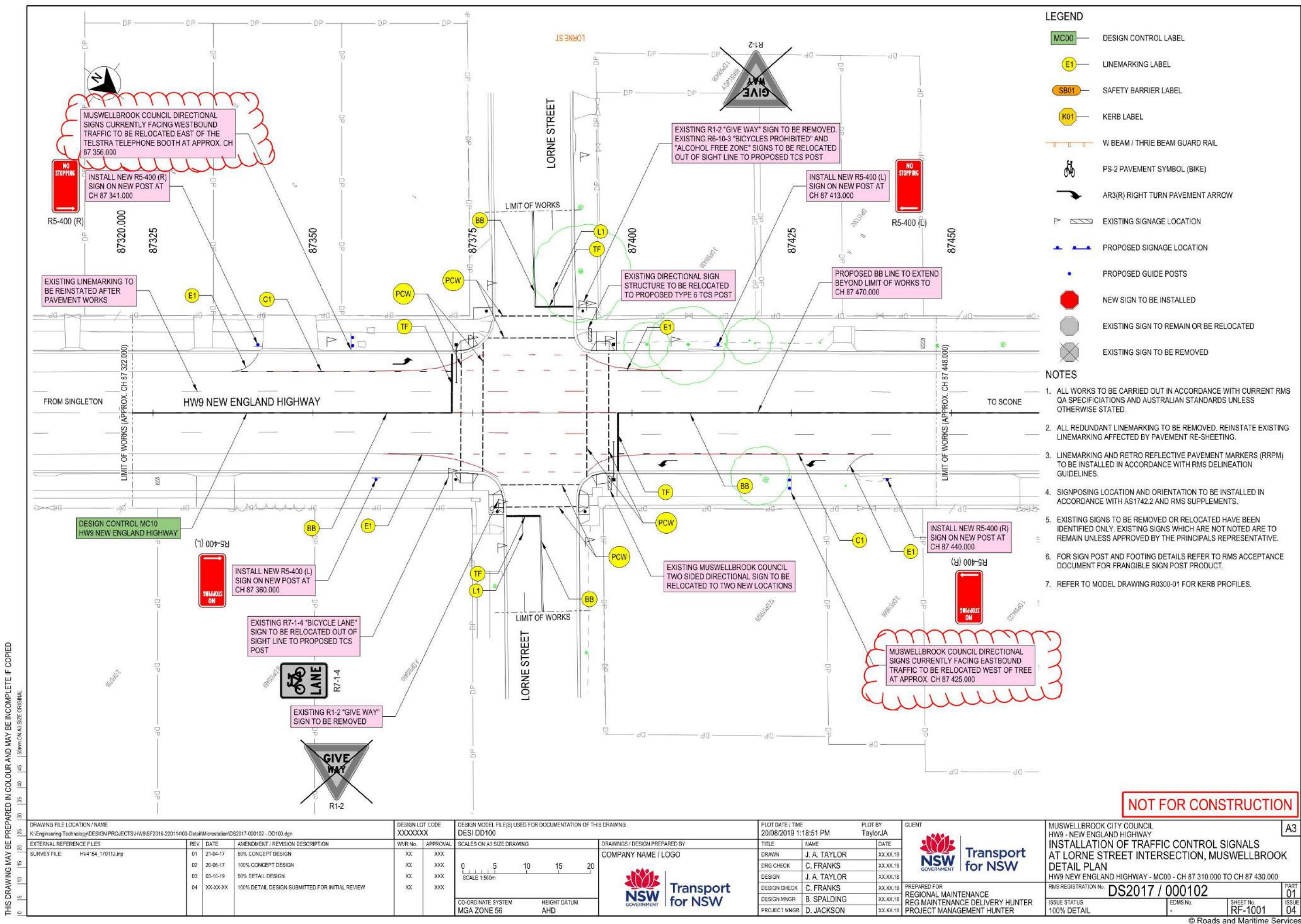




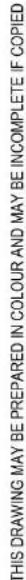


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																				PROJECT MGR		D. JACKSON		XX.XX.18							
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																										UT-1001					



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Survey Control Mark Register - HV4154 - MGA Zone 56

MX Mark ID	Mark	Type	MGA Grid Coordinates		Combined Scale Factor	MGA		Source	AHD	AHD		Source	Date	Project Impact	Comments
			Easting	Northing		Class	Order			Class	Order				
4473	PM34473	Permanent Mark	301081.437	6427971.541	1.000061	B	2	SCIMS	144.828	LC	L3	SCIMS	13/1/2017	Clear of Design Footprint	
3611	PM33611	Permanent Mark	300763.794	6427750.235	1.000062	B	2	SCIMS	143.915	LC	L3	SCIMS	13/1/2017	Clear of Design Footprint	
4335	SS34335	State Survey Mark	300963.666	6427878.267	1.000061	B	2	SCIMS	144.619	LC	L3	SCIMS	13/1/2017	Clear of Design Footprint	
229	PM0229	Permanent Mark	300993.359	6427857.182	1.000066	B	2	SCIMS	144.291	LC	L3	SCIMS	13/1/2017	Clear of Design Footprint	
2000	2000	Concrete Nail	301061.175	6427769.167	1.000065	D	4	RMS	144.847	LD	L4	RMS	13/1/2017	Clear of Design Footprint	
1005	1005	Concrete Nail	301082.573	6427710.644	1.000065	D	4	RMS	144.913	LD	L4	RMS	13/1/2017	Vulnerable	Close to proposed kerb ramp on southwestern corner
1004	1004	Concrete Nail	301097.703	6427690.919	1.000065	D	4	RMS	145.301	LD	L4	RMS	13/1/2017	Vulnerable	Close to proposed kerb ramp on southeastern corner
1003	1003	Concrete Nail	301127.960	6427683.563	1.000065	D	4	RMS	145.369	LD	L4	RMS	13/1/2017	Clear of Design Footprint	
1002	1002	Concrete Nail	301184.496	6427611.234	1.000065	D	4	RMS	145.376	LD	L4	RMS	13/1/2017	Clear of Design Footprint	

Infrastructure Mark Schedule - HV4154 - MGA Zone 56

Mark ID	Source / Plan	MGA Grid Coordinates		Accuracy (m)	Date	Status	Project Impact	Comments
		MGA Easting	MGA Northing					
PM34435	SCIMS	301320.873	6427462.954	0.02	14/08/2019	Calculated	Clear of Design Footprint	
SS34335	SCIMS	300963.666	6427878.267	0.02	14/08/2019	Calculated	Clear of Design Footprint	
DH01	DP506436	301064.436	6427725.498	0.1	14/08/2019	Calculated	Clear of Design Footprint	
DH02	DP1032198	301027.277	6427774.008	0.1	14/08/2019	Calculated	To be destroyed	Kerb ramp being constructed at same location
DH03	DP1032198	301014.429	6427790.493	0.1	14/08/2019	Calculated	Vulnerable	Near kerb ramp on southwestern corner of intersection
DH04	DP1032198	300987.695	6427824.793	0.1	14/08/2019	Calculated	To be destroyed	Kerb ramp being constructed at same location
DH05	DP1032198	300955.239	6427866.435	0.1	14/08/2019	Calculated	Clear of Design Footprint	
DH06	DP518666	301098.710	6427720.895	0.1	14/08/2019	Calculated	Clear of Design Footprint	
DH07	DP1193814	301256.286	6427557.977	0.1	14/08/2019	Calculated	Clear of Design Footprint	
DH08	DP1193814	301238.188	6427548.938	0.1	14/08/2019	Calculated	Clear of Design Footprint	
DH09	DP1193814	301156.564	6427646.962	0.1	14/08/2019	Calculated	Clear of Design Footprint	
DH10	DP1032198	301064.055	6427725.193	0.1	14/08/2019	Calculated	Clear of Design Footprint	
DH11	UNKNOWN	301083.125	6427709.418	0.1	13/01/2017	Surveyed	Clear of Design Footprint	
DH12	UNKNOWN	301079.773	6427707.304	0.1	13/01/2017	Surveyed	Clear of Design Footprint	
GP01	DP506436	301052.178	6427683.615	0.1	14/08/2019	Calculated	Clear of Design Footprint	
GP02	DP162740	301029.415	6427817.982	0.1	14/08/2019	Calculated	Clear of Design Footprint	
GP03	DP162740	301008.613	6427844.362	0.1	14/08/2019	Calculated	Clear of Design Footprint	
GP04	DP394223	301050.818	6427790.521	0.1	14/08/2019	Calculated	Clear of Design Footprint	
GP05	DP394223	301071.430	6427764.074	0.1	14/08/2019	Calculated	Clear of Design Footprint	
GP06	DP394223	301060.187	6427778.499	0.1	14/08/2019	Calculated	Clear of Design Footprint	
SP01	DP1193814	301160.964	6427649.989	0.1	14/08/2019	Calculated	Clear of Design Footprint	

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				03		03-10-19		50% DETAIL DESIGN		XX		XXX							
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														NOT TO SCALE					
														CO-ORDINATE SYSTEM MGA ZONE 56					
														HEIGHT DATUM AHD					
														DRAWN J. A. TAYLOR XX.XX.18					
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														ISSUE STATUS 100% DETAIL					
														EDMS No. -					
														SHEET No. SI-1002					
														ISSUE 04					
														© Roads and Maritime Services					

SDATES	STIMES	SFILES
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12 CORPORATE AND COMMUNITY SERVICES

12.1 STORE & MATERIALS STOCKTAKE - 20 NOVEMBER 2019

Attachments:	Nil
Responsible Officer:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Author:	Kate Collins - Finance 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

The stocktake of Store and Materials was conducted 20 November 2019. The results of the stocktake are reported below.

OFFICER'S RECOMMENDATION

Council notes that the report on the stocktake carried out 20 November 2019 and an amount of \$1,362.49 be written off the inventory register.

Moved: _____ Seconded: _____

BACKGROUND

Twice a year Council staff undertake a stocktake of materials.

CONSULTATION

Not applicable.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable.

REPORT

An inventory of Store and Materials has been undertaken and compared with the recorded level of Store and Materials on hand. This comparison has revealed the need to make a number of adjustments to the level of stores on hand.

With the short list of adjustments required as shown below it reflects:

1. It was required to write off \$1,362.49 from the Works Depot Department.

MSC LIVE 7.0

STOCKTAKE DISCREPANCY REPORT

Report Date: 20/11/2019 Page: 1

r_ic012 20/11/2019 13:43:50

Location 1 General Fund

Bin Number	Stock Item Description	Quantity		Transaction		Count		-----Discrepancy-----	
		Ord Unit	On Hand		Quantity	Quantity	Quantity	Quantity	Value
	7003 Delineators	EACH	163.00		.00	159.00	-4.00		-12.07
	7155 Bags-Sand	EACH	1068.00		.00	1060.00	-8.00		-7.86
	7156 Silt Bags (green)	EACH	183.00		.00	184.00	1.00		2.56
	7160 Disc-Cutting	EACH	208.00		.00	174.00	-34.00		-58.36
	7201 Glasses-Safety	EACH	119.00		.00	83.00	-36.00		-520.49
	7205 Hats-Sun	EACH	117.00		.00	110.00	-7.00		-173.49
	7206 Vests-Safety	EACH	141.00		.00	131.00	-10.00		-140.47
	7207 Gumboots	EACH	20.00		.00	19.00	-1.00		-50.20
	7208 Jacket-Rain	EACH	58.00		.00	57.00	-1.00		-54.61
	7209 Trousers-Rain	EACH	30.00		.00	31.00	1.00		36.57
	7211 Jug Alpine-5ltr	EACH	11.00		.00	9.00	-2.00		-53.82
	7212 Aerogard	EACH	23.00		.00	18.00	-5.00		-38.02
	7213 Sunscreen	EACH	9.00		.00	7.00	-2.00		-33.33
	7215 Reflective Overalls	EACH	61.00		.00	58.00	-3.00		-79.15
	7232 Orange Plastic Barrier Mesh	ROLL	14.00		.00	12.00	-2.00		-77.75
	7724 Guideposts-Steel	EACH	27.00		.00	30.00	3.00		48.97
	7741 Post-Sign 3.2mtr	EACH	85.00		.00	86.00	1.00		41.73
	7742 Clamp-Sign	EACH	438.00		.00	404.00	-34.00		-95.16
	7743 Wizard Socket	EACH	112.00		.00	103.00	-9.00		-159.94
	51000 Hydrant Stopper	EACH	11.00		.00	10.00	-1.00		-72.50
	60202 Ball Valve DZR M x F 20mm Lockable T-Handle	EACH	10.00		.00	8.00	-2.00		-41.73
	60203 Ball Valve 90 Degree F X F 20mm	EACH	2.00		.00	4.00	2.00		24.41
	60251 Ball Valve DZR F x F 25mm Lockable T-Handle	EACH	6.00		.00	7.00	1.00		21.67
	70251 Elbow - 25mm male	EACH	7.00		.00	14.00	7.00		130.55
Total:									-1362.49

A summary of the changes appear in the table below:

VALUE OF STOCK RECORDED BEFORE STOCKTAKE	VALUE OF STOCK RECORDED AFTER STOCKTAKE	VARIANCE
\$125,084.79	\$123,722.30	\$1,362.49

OPTIONS

Not applicable.

CONCLUSION

An inventory of Store and Materials was undertaken which revealed the need to adjust the levels of stores on hand and write off an amount of \$1,362.49.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The total provisions in the General Fund Stores be written off the inventory register of \$1,362.49.

The previous stocktake report that was submitted to the Corporate Policy & Planning Committee on 29 May 2019 showed an amount of \$6,480.68.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.2 NOVEMBER 2019 MONTHLY FINANCIAL REPORT

Attachments:	A. November 2019 Monthly Financial Report
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work toward the achievement of the targets established in the Fit for the Future ratios.</i>

PURPOSE

To provide Council with a high-level overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any major variances against the Council approved budget (September 2019 Budget Review) at an organisational level for the month ending 30 November 2019.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 30 November 2019 be noted.

Moved: _____ Seconded: _____

REPORT

Please refer to the attachment for the monthly financial performance details for Council's Funds.

Muswellbrook Shire Council
General Fund
For the Month Ending 30 November 2019

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 42% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(2,521,381)	(2,301,097)	652%	(15,013,026)	841,606	(539%)	
less SRV budgeted profit	1,234,681	1,234,681		308,670	102,890		
SRV adjusted Grand Total	(1,286,700)	(1,066,416)		(14,704,356)	944,496		
Revenue							
Rates and Charges	(20,458,503)	(20,458,503)	108%	(22,111,122)	1,442	(100%)	100% of the rating income for the year has been raised.
User Charges and Fees	(7,208,811)	(7,194,959)	33%	(2,378,972)	(539,915)	(10%)	\$617k YTD budget deficit due to no Nov revenue received for individual work orders (\$282k YTD deficit); \$341k YTD deficit for DECCW Levy; \$149k YTD deficit in mixed waste fees and \$64k YTD deficit across Aquatic Centre gym, entry fees, kiosk and learn to swim - offset by the following extra income collected from the onsite sewer (\$46k YTD), debt collection recovery fees (\$29k YTD) and scrap metal (\$16k YTD).
Interest and Investments Revenues	(738,569)	(761,569)	38%	(292,477)	(87,691)	38%	\$25k YTD budget deficit due to the reversal of \$170k of 18-19's interest accrual, the income for which will eventuate throughout 19-20.
Other Revenues	(2,708,830)	(2,707,428)	28%	(762,763)	(155,466)	(31%)	\$365k YTD budget deficit due to \$372k plant cost under-recovery for the YTD.
Operating Grants and Contributions	(5,627,882)	(5,682,169)	32%	(1,807,584)	(777,804)	64%	\$559k YTD budget deficit due to the timing in receiving the Financial Assistance Grant (\$527k YTD deficit).
Internal Revenue	(4,663,721)	(5,825,216)	25%	(1,439,570)	(287,914)	(41%)	
Total Revenue	(41,406,316)	(42,629,844)	68%	(28,792,488)	(1,847,348)	(48%)	
Expenses							
Wages and Salaries	11,687,374	11,586,159	39%	4,512,671	968,797	(0%)	There are YTD wages overruns in some individual areas, eg. Environmental Planning; Waste Facility; Economic Development.
Materials and Contracts	12,442,797	12,809,502	27%	3,438,606	759,502	29%	
Other Costs	3,425,626	4,395,948	43%	1,871,573	173,026	53%	\$41k YTD budget overrun due to the 100% allocation of yearly insurance in the month of July (\$76k YTD overrun).
Borrowing Costs	509,227	509,227	12%	60,010	22,175	48%	
Overheads	1,953,399	1,953,399	26%	516,210	103,242	37%	
Depreciation	8,866,513	9,074,513	37%	3,380,392	662,212	12%	
Total Expenses	38,884,935	40,328,747	34%	13,779,462	2,688,954	20%	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 30 November 2019

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 42% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(71,594)	(71,594)	-1076%	(770,432)	321,213	5484%	
Revenue							
Rates and Charges	(1,595,684)	(1,595,684)	100%	(1,599,947)	0	(100%)	
User Charges and Fees	(4,068,286)	(4,069,837)	30%	(1,241,052)	(10,785)	(97%)	\$454k YTD budget deficit: due to decreased water usage by ratepayers in light of the drought.
Interest and Investments Revenues	(424,552)	(424,552)	23%	(99,689)	(23,383)	(34%)	This reflects the timing of actual receipts and the lower interest rate environment.
Operating Grants and Contributions	(35,893)	(35,893)	98%	(35,137)	(35,137)	1075%	
Total Revenue	(6,124,415)	(6,125,966)	49%	(2,975,825)	(69,305)	(86%)	
Expenses							
Wages and Salaries	1,017,793	1,017,793	43%	438,516	65,137	23%	\$15k over YTD budget due to extra hours worked.
Materials and Contracts	1,472,661	1,477,546	28%	408,465	49,056	60%	
Other Costs	331,081	327,747	40%	129,799	20,224	26%	
Borrowing Costs	106,482	106,482	12%	12,973	12,973	(46%)	
Overheads	1,286,476	1,286,476	36%	469,365	93,873	12%	
Depreciation	1,838,328	1,838,328	41%	746,275	149,255	3%	
Total Expenses	6,052,821	6,054,372	36%	2,205,393	390,518	23%	

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 30 November 2019

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 42% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	300,000	300,000	774%	(2,320,919)	279,094	(1016%)	
Revenue							
Rates and Charges	(4,521,580)	(4,521,580)	91%	(4,103,561)	547	(100%)	
User Charges and Fees	(459,200)	(459,200)	27%	(126,006)	(25,219)	(34%)	\$65k YTD budget def cit due to lower than expected sewer effluent reuse revenue.
Interest and Investments Revenues	(62,500)	(62,500)	44%	(27,255)	(4,831)	(7%)	
Operating Grants and Contributions	(35,000)	(35,000)	101%	(35,211)	(35,211)	1107%	
Total Revenue	(5,078,280)	(5,078,280)	85%	(4,292,033)	(64,714)	(85%)	
Expenses							
Wages and Salaries	852,547	852,547	40%	336,791	69,890	2%	
Materials and Contracts	799,500	809,284	28%	223,996	21,448	68%	
Other Costs	324,969	315,185	27%	84,295	8,877	66%	
Borrowing Costs	766,469	766,469	31%	233,827	25,152	61%	
Overheads	839,594	839,594	42%	349,830	69,966	0%	
Depreciation	1,795,201	1,795,201	41%	742,375	148,475	1%	
Total Expenses	5,378,280	5,378,280	37%	1,971,114	343,808	23%	

Muswellbrook Shire Council
Future Fund
For the Month Ending 30 November 2019

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 42% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(1,433,840)	(1,812,176)	76%	(1,386,029)	(149,015)	-1%	

Revenue

User Charges and Fees	(6,469,775)	(6,564,488)	46%	(3,038,990)	(460,354)	-16%	
Total Revenue	(6,469,775)	(6,564,488)	46%	(3,038,990)	(460,354)	-16%	

Expenses

Wages and Salaries	226,748	226,748	40%	91,028	14,066	26%	
Materials and Contracts	1,577,449	1,690,688	34%	577,807	114,372	19%	
Other Costs	738,947	743,895	63%	469,839	27,774	55%	\$160k over YTD budget due to the annual payment of rates and insurances.
Borrowing Costs	1,415,591	1,221,781	32%	392,789	116,961	(15%)	
Overheads	250,000	250,000	42%	104,165	20,833	0%	
Depreciation	827,200	619,200	3%	17,333	17,333	66%	
Total Expenses	5,035,935	4,752,312	35%	1,652,961	311,339	21%	

12.3 REPORT ON INVESTMENTS HELD AS AT 30 NOVEMBER 2019

Attachments:	A. Investment Portfolio and Cash as at 30 November 2019 B. Issuer Trading Limits as at 30 November 2019
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

PURPOSE

To present the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

The information showing Council's investments as at 30 November 2019 be noted and the exceeded trading limits on the BBB security group be accepted.

Moved: _____ **Seconded:** _____

REPORT

Clause 212 (1) of the Local Government (General) Regulation 2005, requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

The funds, invested under Section 625 of the Local Government Act, as at 30 November 2019 are shown in the attachments.

COMMENT:

As at 30 November 2019, there are no individual issuers whose portfolio trading limits have been exceeded. Overall, however, the BBB security rating group's trading limits has been exceeded by 51% due to an oversight in the recently adopted Investment Policy, which unintentionally reduced the BBB group trading limits from 70% to 30%. This oversight will be resolved if and once the updated Investment Policy is adopted by Council on 17 December 2019.

Council's weighted running yield is 1.97% for the month.

The Responsible Accounting Officer certifies that, apart from the above trading limit discrepancy, the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit											
	Westpac Bus Prem At Call		5,546,956.21	1.00000000	5,546,956.21	100.000	0.000	5,546,956.21	9.01%	1.59%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.16%	0.90%	
			5,646,956.21		5,646,956.21			5,646,956.21	9.18%		1.58%
Floating Rate Deposit											
	ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.230	1,002,295.89	1.63%	2.09%	
			1,000,000.00		1,000,000.00			1,002,295.89	1.63%		2.09%
Floating Rate Note											
	AMP 1.06 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	99.779	0.464	2,004,860.00	3.26%	2.09%	
	Auswide 1.05 12 Feb 2020 FRN	AU3FN0040747	1,500,000.00	1.00000000	1,500,000.00	100.056	0.098	1,502,310.00	2.44%	1.98%	
	Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	1,000,000.00	1.00000000	1,000,000.00	100.155	0.134	1,002,890.00	1.63%	2.04%	
	BOQ 1.05 12 Feb 2020 FRN	AU3FN0026381	1,000,000.00	1.00000000	1,000,000.00	100.115	0.098	1,002,130.00	1.63%	1.98%	
	BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	1,000,000.00	1.00000000	1,000,000.00	100.553	0.186	1,007,390.00	1.64%	2.06%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.507	0.063	1,005,700.00	1.63%	1.92%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.441	0.141	502,910.00	0.82%	1.98%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	99.959	0.226	1,001,850.00	1.63%	1.92%	
	BENAU 1.1 21 Feb 2020 FRN	AU3FN0033486	1,500,000.00	1.00000000	1,500,000.00	100.158	0.049	1,503,105.00	2.44%	1.98%	
	BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	3,000,000.00	1.00000000	3,000,000.00	100.454	0.066	3,015,600.00	4.90%	1.99%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.616	0.190	504,030.00	0.82%	1.93%	
	CredSuis 1.15 29 Apr 2020 FRN	AU3FN0027314	1,000,000.00	1.00000000	1,000,000.00	100.299	0.179	1,004,780.00	1.63%	2.04%	
	CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	101.835	0.665	1,025,000.00	1.67%	2.96%	
	CUA 1.3 20 Mar 2020 FRN	AU3FN0034963	750,000.00	1.00000000	750,000.00	100.282	0.432	755,355.00	1.23%	2.22%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.803	0.525	1,519,920.00	2.47%	2.24%	
	CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	100.095	0.203	1,504,470.00	2.44%	2.00%	
	MACQ 1.1 03 Mar 2020 FRN	AU3FN0026605	750,000.00	1.00000000	750,000.00	100.179	0.497	755,070.00	1.23%	2.06%	
	RACB 1.1 11 May 2020 FRN	AU3FN0042370	2,000,000.00	1.00000000	2,000,000.00	100.144	0.106	2,005,000.00	3.26%	2.03%	
	ME Bank 1.25 06 Apr 2020 FRN	AU3FN0035333	500,000.00	1.00000000	500,000.00	100.224	0.303	502,635.00	0.82%	2.08%	
	NPBS 1.35 07 Apr 2020 FRN	AU3FN0026969	1,000,000.00	1.00000000	1,000,000.00	100.292	0.318	1,006,100.00	1.63%	2.19%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	100.937	0.154	505,455.00	0.82%	2.31%	
	Old Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.563	0.431	1,514,910.00	2.46%	2.32%	
	Old Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	101.072	0.521	761,947.50	1.24%	2.54%	
	Old Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.000	0.000	2,000,000.00	3.25%		
	RABOBK 1.05 11 Feb 2020 FRN	AU3FN0026373	1,000,000.00	1.00000000	1,000,000.00	100.162	0.103	1,002,650.00	1.63%	1.98%	
	RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	101.290	0.590	1,018,800.00	1.66%	2.48%	
	SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	4,000,000.00	1.00000000	4,000,000.00	100.738	0.235	4,038,920.00	6.56%	2.11%	
			34,750,000.00		34,750,000.00			34,973,787.50	56.83%		2.11%
Term Deposit											

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
AMP 2 26 Feb 2020 184DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.526	2,010,520.54	3.27%	2.00%	
AMP 1.75 20 Apr 2020 182DAY TD		1,300,000.00	1.00000000	1,300,000.00	100.000	0.192	1,302,493.15	2.12%	1.75%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.509	1,015,090.41	1.65%	3.40%	
MACQ 1.8 02 Dec 2019 91DAY TD		6,000,000.00	1.00000000	6,000,000.00	100.000	0.439	6,026,334.24	9.79%	1.80%	
MYS 1.75 09 Dec 2019 91DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.393	1,505,897.27	2.45%	1.75%	
MYS 1.72 03 Feb 2020 91DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.123	1,001,225.21	1.63%	1.72%	
NAB 1.6 20 Jan 2020 91DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	0.175	4,007,013.68	6.51%	1.60%	
P&NB 3.63 05 Jun 2020 1827DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.868	1,018,677.81	1.66%	3.83%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.567	2,031,334.80	3.30%	3.53%	
		19,800,000.00		19,800,000.00			19,918,587.11	32.37%		2.13%
Fixed Interest Total		61,196,956.21		61,196,956.21			61,541,626.71	100.00%		1.97%

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Report Code: TBSBP10EXT-01.14
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded

1 Issuer Trading Limits

Issuer	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd		5,300,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	87.00	13.00	819,696	0.00	0
ANZ Banking Group Ltd		1,000,000.00	Book	30.00	% of 61,196,956.21	18,359,086.86	5.00	95.00	17,359,087	0.00	0
Auswide Bank Limited		2,500,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	41.00	59.00	3,619,696	0.00	0
Bank of Queensland Ltd		5,500,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	90.00	10.00	619,696	0.00	0
Bendigo & Adelaide Bank Ltd		5,000,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	82.00	18.00	1,119,696	0.00	0
Credit Suisse Sydney		2,000,000.00	Book	20.00	% of 61,196,956.21	12,239,391.24	16.00	84.00	10,239,391	0.00	0
Credit Union Australia Ltd		3,750,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	61.00	39.00	2,369,696	0.00	0
Macquarie Bank		4,250,000.00	Book	20.00	% of 61,196,956.21	12,239,391.24	35.00	65.00	7,989,391	0.00	0
Members Banking Group Limited t/as RACQ Bank		2,000,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	33.00	67.00	4,119,696	0.00	0
Members Equity Bank Ltd		500,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	8.00	92.00	5,619,696	0.00	0
MyState Bank Ltd		5,000,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	82.00	18.00	1,119,696	0.00	0
National Australia Bank Ltd		4,000,000.00	Book	30.00	% of 61,196,956.21	18,359,086.86	22.00	78.00	14,359,087	0.00	0
Newcastle Permanent Building Society Ltd		1,500,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	25.00	75.00	4,619,696	0.00	0
P&N Bank Ltd		3,000,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	49.00	51.00	3,119,696	0.00	0
QPCU LTD t/a QBANK		4,250,000.00	Book	10.00	% of 61,196,956.21	6,119,695.62	69.00	31.00	1,869,696	0.00	0
Rabobank Nederland Australia Branch		2,000,000.00	Book	20.00	% of 61,196,956.21	12,239,391.24	16.00	84.00	10,239,391	0.00	0
Suncorp Bank		4,000,000.00	Book	20.00	% of 61,196,956.21	12,239,391.24	33.00	67.00	8,239,391	0.00	0
Westpac Banking Corporation Ltd		5,646,956.21	Book	30.00	% of 61,196,956.21	18,359,086.86	31.00	69.00	12,712,131	0.00	0
		61,196,956.21				171,351,477.39			110,154,525		0

2 Security Rating Group Trading Limits

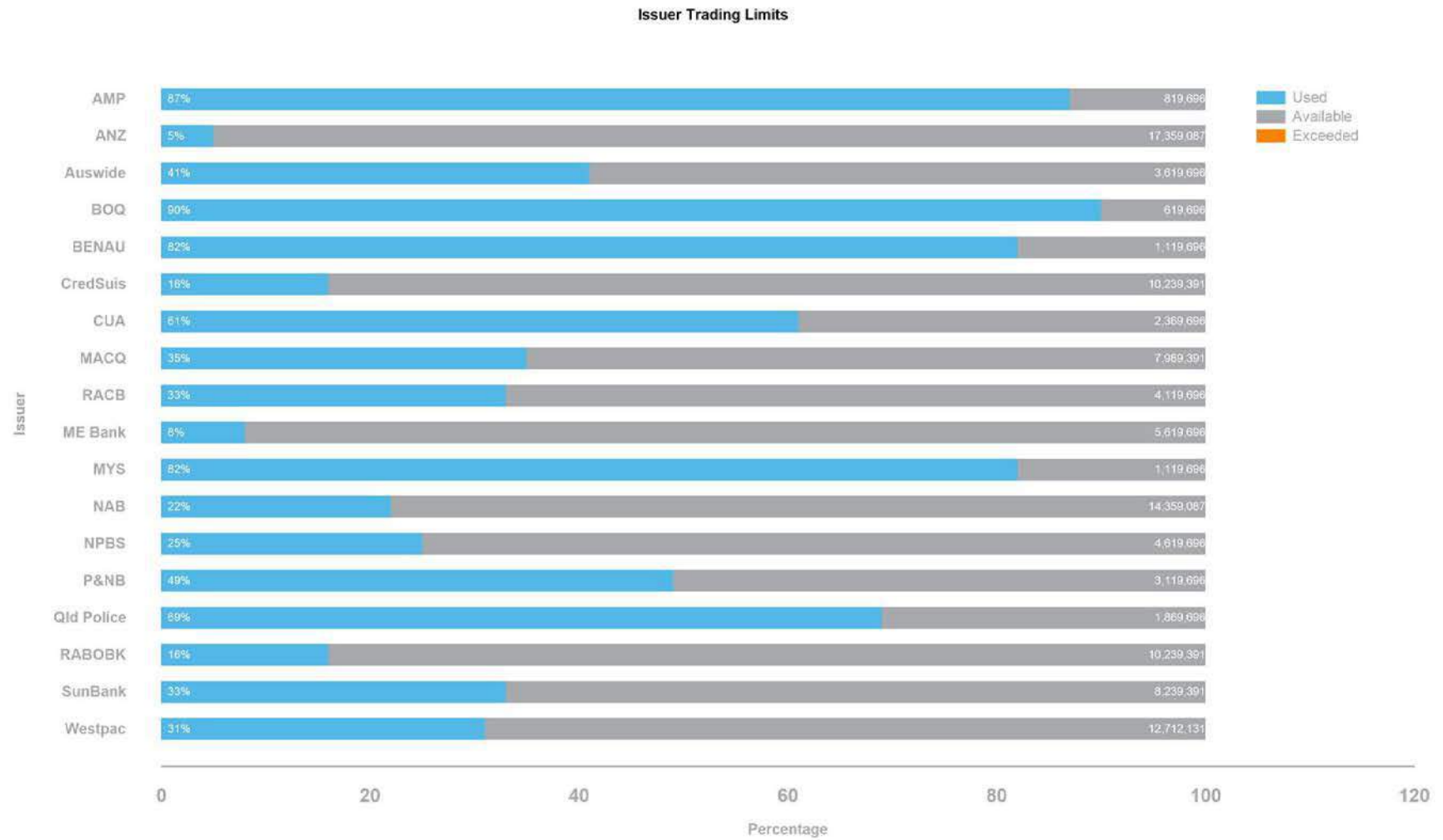
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	12,646,956.21	Book	100.00	% of 61,196,956.21	61,196,956.21	21.00	79.00	48,550,000	0.00	0
A+ to A-	20,750,000.00	Book	70.00	% of 61,196,956.21	42,837,869.35	48.00	52.00	22,087,869	0.00	0
BBB+ to BBB-	27,800,000.00	Book	30.00	% of 61,196,956.21	18,359,086.86	100.00	0.00	0	51.00	9,440,913
	61,196,956.21				122,393,912.42			70,637,869		9,440,913

Notes

1. The above rating groups are actually based upon the issuer's long term rating rather than the ratings associated with each security.

3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	42,446,956.21	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	42,446,956
1-3 Year	12,750,000.00	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	12,750,000
3-5 Year	6,000,000.00	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	6,000,000
	61,196,956.21				0.00			0		61,196,956







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SYDNEY OFFICE: LEVEL 42, GATEWAY TOWER, 1 MACQUARIE PLACE, SYDNEY NSW, 2000 T 61 2 8094 1230 F 61 2 8094 1233
BRISBANE OFFICE: LEVEL 18, RIVERSIDE CENTRE, 123 EAGLE STREET, BRISBANE QLD, 4000 T 61 7 3123 5370 F 61 7 3123 5371

Report Code: TBSBP125EXT-00.04
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 30 November 2019
Balance Date: 3 December 2019
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: BalAndScenario
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Ignored
Issuer Long Term Rating Group Used Instead of Security Rating Group
Hide Zero Holdings

12.4 PROVISION OF ELECTRICION SERVICES

Attachments:	A. Election Services Contract 2020 B. Cost estimate 2020 elections
Responsible Officer:	Fiona Plesman - General Manager
Author:	Joshua Brown - Manager - Integrated Planning & Governance
Community Plan Issue:	<i>Genuine and well informed community participation in decision making</i>
Community Plan Goal:	<i>Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.</i>
Community Plan Strategy:	<i>Undertake a comprehensive community consultation program as per the Community Engagement Strategy.</i>

PURPOSE

Council to endorse the allocation of the election services contract for 2020 with the NSW Electoral Commission.

OFFICER'S RECOMMENDATION

- 1. Council approve the contract with the NSW Electoral Commission to conduct the 2020 Muswellbrook Shire Council elections.**
- 2. Council allocate an increase in the election services 2020/2021 budget by \$29k to cover a shortfall in funds resulting from a 32% increase in election costs**

Moved: _____ **Seconded:** _____

BACKGROUND

The contract with the NSW Electoral Commission is due by 20th December 2019. The contract (as attached) will confirm an agreement between Council and the Electoral Commission for the conduct of Council's 2020 local government election by the NSW Electoral Commission.

CONSULTATION

Chief Financial Officer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Rush

REPORT

The NSW Electoral Commission has increased the cost of Electoral Services to all Local Governments. Muswellbrook Shire Council Election Contract is for \$123,550 which is a 32% increase. The factors identified by the Commission leading to the increase are: staffing, venues, ballot paper printing and the call centre.

Council did appeal to the Commission in writing, but unfortunately they were unable to reduce the estimate of the cost to conduct the election.

The service provided includes:

1. ☐ the standard contract will cover all elections, polls & referenda from the September 2020 ordinary elections through until 18 months before the 2024 ordinary elections, at which time it will expire.
2. ☐ the standard contract will be amended accordingly should councils not have included referenda and/or polls in their resolutions, or if they explicitly referenced the 2020 election event only.
3. ☐ either party can terminate the contract after the 2020 ordinary elections by providing 4 weeks written notice.
4. ☐ schedule 1 lists the services to be provided in the conduct of the elections.
5. ☐ schedule 2 lists the estimated cost of the service provision (as per the estimates already provided to councils).

What's changed:

6. ☐ inclusion of references to Postal Only and Count back elections (these options are available for councils to decide by resolution after the 2020 elections event).

OPTIONS

Refuse to enter into this contract

CONCLUSION

Council approve the contract with the NSW Electoral Commission to conduct the 2020 Muswellbrook Shire Council elections and adjust the 2020/21 budget to meet the 32% increase in cost.

SOCIAL IMPLICATIONS

Services to be supplied are in line with social expectations.

FINANCIAL IMPLICATIONS

Increase cost in the 2020/2021 budget

POLICY IMPLICATIONS

All council policies will be complied with through this contract

STATUTORY IMPLICATIONS

Statutory requirements will be met

LEGAL IMPLICATIONS

Legal requirements will be met

OPERATIONAL PLAN IMPLICATIONS

In line with the Operational Plan and Delivery program

RISK MANAGEMENT IMPLICATIONS

Contract meets council risk management requirements.

SENSITIVE NSW GOVERNMENT



**CONTRACT FOR ADMINISTRATION OF 2020 ORDINARY ELECTION
EXCEPTIONAL CIRCUMSTANCES**

Section 296(5) Local Government Act 1993

between

Muswellbrook Shire Council

and

the Electoral Commissioner

Based on a contract prepared by the Crown Solicitor's Office

SENSITIVE NSW GOVERNMENT
CONTRACT FOR ADMINISTRATION OF 2020 ORDINARY ELECTION
EXCEPTIONAL CIRCUMSTANCES

This Contract is between the following parties:

Council: Muswellbrook Shire Council
157 Maitland Street, Muswellbrook NSW 2333

AND

Electoral Commissioner: Mr John Schmidt
New South Wales Electoral Commission
Level 25, 201 Kent Street, Sydney NSW 2000

1. Background and objectives

- 1.1. Section 296(2) of the LG Act provides that a council can enter into an election arrangement (including by contract) with the Electoral Commissioner to administer elections of the council as provided by s. 296 of that Act.
- 1.2. Section 296(5) of the LG Act provides that an election arrangement for the Electoral Commissioner to administer an ordinary election of a council can be entered into outside the relevant statutory timeframes if, the council has resolved that an election arrangement for the election is to be entered into and, the Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner.
- 1.3. The Council has resolved pursuant to sections 296(2) and (5) of the LG Act to enter into an election arrangement with the Electoral Commissioner for the Electoral Commissioner to administer the ordinary election of councillors for the Council which is to be held on the second Saturday of September 2020 in accordance with s. 287 of the LG Act, or on such day as ordered by the Minister in accordance with s. 288 of the LG Act ("2020 Ordinary Election") and to do so by contract.
- 1.4. The Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the 2020 Ordinary Election to be administered by the Electoral Commissioner.
- 1.5. The Electoral Commissioner is committed to providing election services efficiently, economically, fairly, impartially and with integrity.
- 1.6. The Council and the Electoral Commissioner agree that each will endeavour to fulfil the objectives, terms and conditions of this Contract in good faith.

2. Definitions

- 2.1. In this Contract, except where the context otherwise requires:
2020 Ordinary Election means the ordinary election of councillors as described in clause 1.3.
Business Day means a day that is not a Saturday, Sunday, public holiday or bank holiday in New South Wales; or not subject to the Christmas shut-down period as determined annually by the New South Wales Department of Premier & Cabinet for public sector agencies.

SENSITIVE NSW GOVERNMENT

Confidential Information means:

- (a) any information exchanged between the parties before, on or after the date of this Contract regarding the business or other affairs of either party that is not publicly available;
- (b) this Contract (subject to clause 11);
- (c) any information that is marked confidential by either party; and
- (d) any information disclosed to, or accessed by, or acquired by, the parties during the course of this Contract that is by its nature confidential.

Contract means this contract and includes any schedules to this contract, as varied from time to time in accordance with this Contract.

Costs means the costs as described in clause 5.

Council means the local government council that is specified as a party to this Contract on page 2.

Electoral Commissioner means the Electoral Commissioner for New South Wales who is appointed under section 11 of the *Electoral Act 2017* (NSW).

Force Majeure Event means any event or circumstance beyond a party's control that could not have been reasonably prevented by the party. A Force Majeure Event includes (but is not limited to) acts of God, natural disasters, fire, storm, flood, tempest, acts or threats of war or terrorism and riots.

Intellectual Property Rights means all intellectual and industrial property rights throughout the world, whether created before, on or after the date of execution of this Contract including copyright, trade marks, designs, patents, semiconductor or circuit layout rights, trade, business or company names or other proprietary rights, whether or not registered or registrable and any rights to registration of such rights.

LG Act means the *Local Government Act 1993* (NSW).

Services means those services defined in clause 4.1.

2.2. Except where the context otherwise requires:

- (a) the singular includes the plural and vice versa.
- (b) a reference to a party includes its successors and permitted assigns.
- (c) a reference to a document includes all amendments or supplements to that document.
- (d) a reference to a clause, party, schedule or attachment is a reference to a clause, party, schedule or attachment to this Contract.
- (e) a reference to legislation is a reference to that legislation as amended, consolidated, re-enacted or replaced, and includes any subordinate legislation.
- (f) where a word or phrase is defined in this Contract, any other grammatical form of the word or phrase has a corresponding meaning.
- (g) where a party is required to act in good faith in the performance of this Contract, that will be read as a requirement to act:
 - (i) honestly;
 - (ii) reasonably, having regard to the terms of this Contract; and
 - (iii) co-operatively, by doing everything properly and reasonably within the control of that party to perform its or their obligations under this Contract.

SENSITIVE NSW GOVERNMENT**3. Commencement and expiry of Contract**

- 3.1. This Contract commences on the date that it is signed by the parties ("Commencement Date"). In the event that this Contract is signed by the parties on different dates, this Contract commences on the date that it is signed by the last party.
- 3.2. This Contract expires:
- (a) 30 days after the 2020 Ordinary Election has been declared; or
 - (b) if the 2020 Ordinary Election has not been held when it is due, fails or is later declared void (as described in s. 318 of the LG Act), on the day so provided for in clause 7.2 that would apply, as the case may be, in that particular circumstance,
- whichever date is applicable ("Expiry Date").
- 3.3. Expiry of this Contract does not affect:
- (a) any accrued rights or remedies of either party;
 - (b) the continued operation of clauses dealing with commencement and expiry of Contract, Costs and payment of Costs, intellectual property, confidentiality, indemnities, GST, dispute resolution and any other clause that by its nature should survive expiry.
- 3.4. Upon expiry of this Contract, each party must, within 7 days of receiving a request from the other party or as otherwise agreed, return any Confidential Information of the other party and any other material owned by, or licensed to, the other party (including any copies).

4. Services and service details

- 4.1. The Electoral Commissioner will provide the services of administering the 2020 Ordinary Election until the expiry of this Contract (the "Services").
- 4.2. The parties agree that the Electoral Commissioner will provide the Services in accordance with the service details specified in Schedule 1 of this Contract.

5. Costs and payment of Costs***Costs for Services***

- 5.1. The parties agree that the costs to be charged and invoiced by the Electoral Commissioner for administering the 2020 Ordinary Election and the basis on which such Costs may be varied are as specified in Schedule 2 of this Contract ("Costs").

Payment of Costs

- 5.2. The Council agrees to pay all Costs as invoiced by the Electoral Commissioner provided that such Costs are as agreed in Schedule 2 of this Contract.
- 5.3. The Council must make payment via Electronic Funds Transfer (EFT) to NSW Electoral Commission within 30 days of receipt of each invoice.
- 5.4. The Electoral Commissioner's payment details are as follows:
- New South Wales Electoral Commission, ABN 94 828 824 124
Level 25, 201 Kent Street, SYDNEY NSW 2000
Phone (02) 9290 5431 Fax (02) 9290 5991
Account Name: NSW Electoral Commission Commercial AC
Account Details: BSB 032-001, Account 204116

SENSITIVE NSW GOVERNMENT**6. GST**

- 6.1. For the purposes of this clause, a term or expression that is defined in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth) (the "GST Act") has the same meaning as in the GST Act.
- 6.2. All amounts payable under this Contract are exclusive of GST unless otherwise stated.
- 6.3. If a party ("Supplier") is or becomes liable to pay GST in connection with any supply made under this Contract and the amount of GST is not included in the amount payable under this Contract:
 - (a) the Supplier may add to the price of the supply an amount equal to the GST payable on the supply ("GST Amount");
 - (b) the other party will pay the Supplier the price for the supply in accordance with this Contract plus the GST Amount.
- 6.4. Any invoice rendered by a party that includes a GST Amount must conform with the requirements for a tax invoice as set out under the GST Act.

7. 2020 Ordinary Election not held when due, fails or is later declared void

- 7.1. The parties acknowledge that s. 318 of the LG Act provides (amongst other things) that if an election for a civic office is not held when it is due, fails or is later declared void, the returning officer is to hold another election as if a casual vacancy had occurred in the civic office.
- 7.2. In the event that the 2020 Ordinary Election is not held when it is due or fails or is later declared void as described in s. 318 of the LG Act:
 - (a) if the 2020 Ordinary Election has not been declared, this Contract expires 30 days after the lapsing, failure or voiding of the 2020 Ordinary Election; or
 - (b) if the 2020 Ordinary Election has been declared, this Contract expires 30 days after the 2020 Ordinary Election has been declared; or
 - (c) if the 2020 Ordinary Election has not been held when it is due, this Contract expires 30 days after the date that the 2020 Ordinary Election should have been held.
- 7.3. In the event that the 2020 Ordinary Election is not held when it is due or fails or is later declared void as described in s. 318 of the LG Act, the Council agrees to pay all Costs as invoiced by the Electoral Commissioner in relation to the administering of the 2020 Ordinary Election which has not been held when due, failed or is later declared void.

8. Indemnity**Indemnification of the Council**

- 8.1. The Electoral Commissioner will indemnify and keep indemnified the Council against liability or loss that may be suffered or incurred by the Council arising directly as a result of, or in connection with, the provision of the Services to the extent that the same is due to any unlawful, wrongful, wilful or negligent act or omission of the Electoral Commissioner and/or a person who is employed to enable the Electoral Commission to exercise its functions.
- 8.2. The Electoral Commissioner's liability to indemnify the Council under clause 8.1 will be reduced proportionally to the extent that any unlawful, wrongful, wilful or negligent act or omission of the Council or an officer, employee, agent or contractor of the Council caused or contributed to the liability or loss.

SENSITIVE NSW GOVERNMENT**Indemnification of the Electoral Commissioner**

- 8.3. The Council will indemnify and keep indemnified the Electoral Commissioner against:
- (a) any liability or loss that may be suffered or incurred by the Electoral Commissioner arising directly or indirectly as a result of, or in connection with, the Electoral Commissioner providing the Services; and
 - (b) any liability for legal costs and disbursements on a solicitor-client basis that are incurred by the Electoral Commissioner in circumstances where the Electoral Commissioner is a party to, is subpoenaed or is otherwise required to participate in any court or tribunal proceedings as a result of, or in connection with, the Electoral Commissioner providing the Services.
- 8.4. The indemnity in clause 8.3 will not have operation in circumstances where the liability or loss is due to any unlawful, wrongful, wilful or negligent act or omission of the Electoral Commissioner and/or a person who is employed to enable the Electoral Commission to exercise its functions except to the extent that any unlawful, wrongful, wilful or negligent act or omission of the Council or an officer, employee, agent or contractor of the Council caused or contributed to the liability or loss.

9. Insurance

- 9.1. The Council acknowledges that the Electoral Commissioner is covered by the Treasury Managed Fund ("TMF"), which is a self-insurance scheme in respect of New South Wales Government departments and agencies. The TMF provides cover worldwide in respect of workers' compensation according to NSW statute and liability including public liability, products liability and professional indemnity.

10. Dispute resolution

- 10.1. The Council and the Electoral Commissioner will attempt to settle any dispute that may arise out of or in connection with this Contract in accordance with this Dispute Resolution clause before resorting to court proceedings.
- 10.2. If the Council or the Electoral Commissioner claims that a dispute has arisen, the claimant must give written notice of the dispute to the other party ("Dispute Notice"). The Dispute Notice must adequately identify and give details of the dispute.
- 10.3. The Council and the Electoral Commissioner agree to continue to perform their obligations under this Contract if there is a dispute between the parties.
- 10.4. Subject to clause 10.5, in the event that a Dispute Notice is served, the dispute resolution process stated will be followed in the order set out below:
- (a) the representative of the Council and the representative of the Electoral Commissioner as specified in clause 14 will try to resolve the dispute in good faith by direct negotiation within 5 Business Days after the Dispute Notice is served or such other period as may be agreed in writing;
 - (b) if the representatives of the Council and the Electoral Commissioner do not resolve the dispute, the dispute will be referred to the Electoral Commissioner and the General Manager of the Council, or their nominees for that purpose, who will try to resolve the dispute in good faith by direct negotiations within 5 Business Days after it is referred to them or such other period as may be agreed in writing; and
 - (c) if the Electoral Commissioner and the General Manager of the Council do not resolve the dispute, the parties will negotiate in good faith to determine an appropriate form of alternative dispute resolution to resolve the dispute which may include mediation, arbitration or expert determination.

SENSITIVE NSW GOVERNMENT

10.5. In the event that a dispute relates to the calculation or incurring of legal costs and disbursements on a solicitor-client basis that are incurred by the Electoral Commissioner as referred to in clause 8.3(b) (a "Costs Dispute"), the parties agree that instead of negotiating in accordance with cl. 10.4(c), the parties will:

- (a) seek the recommendation of the President of the Law Society as to a costs expert who is to make a determination with regard to the Costs Dispute; and
- (b) appoint the expert recommended by the President of the Law Society to determine the Costs Dispute.

The parties agree that the determination made by such expert will be final and binding.

10.6. Nothing in this clause 10 prevents the Council or the Electoral Commissioner from seeking urgent interlocutory relief.

11. Confidentiality

11.1. Each party (the "Recipient Party") agrees not to disclose the Confidential Information of the other party (the "Disclosing Party") to any person except:

- (a) on a confidential basis to the officers, employees, contractors or agents of the Recipient Party who require the information for the purposes of performing this Contract;
- (b) on a confidential basis to the Recipient Party's legal or professional advisers;
- (c) with the consent of the Disclosing Party; or
- (d) if required to do so by law (including the *Government Information (Public Access) Act 2009* (NSW)), government policy or in connection with legal proceedings.

12. Intellectual property

12.1. The Council acknowledges that it holds no Intellectual Property Rights in relation to any documents or other materials provided to the Council by the Electoral Commissioner, staff employed to enable the Electoral Commission to exercise its functions or any contractors or agents of the Electoral Commissioner or Electoral Commission.

13. Notices

13.1. A notice under the Contract must be:

- (a) in writing, directed to the representative of the other party as set out in clause 14; and
- (b) forwarded to the address, facsimile number or the email address of that representative as set out in clause 14.

13.2. A notice under the Contract will be deemed to be received:

- (a) in the case of delivery in person – when delivered to the recipient's address for service and a signature is received as evidence of delivery;
- (b) in the case of delivery by post – within 3 Business Days of posting;
- (c) in the case of delivery by facsimile on a Business Day – at the time of dispatch if the sender receives a transmission report which confirms that the facsimile was sent in its entirety to the facsimile number of the recipient; or
- (d) in the case of delivery by email on a Business Day – on receipt of confirmation by the sender that the recipient has received the email.

SENSITIVE NSW GOVERNMENT**14. Party representatives**

14.1. The representative on behalf of the Council is:

Name	_____
Position	_____
Address	_____
Direct Dial	_____
Facsimile	_____
Email	_____

14.2. The representative on behalf of the Electoral Commissioner is:

Name	Simon Kwok
Position	Executive Director, Elections Division
Address	LEVEL 25, 201 KENT STREET, SYDNEY NSW 2000
Direct Dial	02 9290 5210
Mobile	0411 237 973
Facsimile	02 9290 5991
Email	simon.kwok@elections.nsw.gov.au

14.3. If the representative on behalf of the Council or the Electoral Commissioner varies, this must be communicated in writing to the other party, which may be by email.

15. Force majeure

15.1. Neither party will be liable for any failure to carry out obligations under this Contract if the failure was caused by a Force Majeure Event. If a Force Majeure Event affects a party's performance of this Contract, the party must provide prompt notice of this to the other party and use its best endeavours to overcome the disruption as quickly as possible and resume its obligations under this Contract.

16. Miscellaneous

- 16.1. The Council or the Electoral Commissioner may alter the Contract only by the written agreement of both the Council and the Electoral Commissioner.
- 16.2. No failure or delay by the Electoral Commissioner to enforce any part of this Contract will operate as a waiver of the Council's breach. Any waiver by the Electoral Commissioner of a breach of this Contract must be in writing and will not be construed as a waiver of any further breach of the same or any other provision.
- 16.3. If any provision of this Contract is prohibited, void, voidable, illegal or unenforceable, that part is severed from this Contract and the remainder of the Contract will retain its full force and effect.
- 16.4. This Contract contains the entire agreement between the parties. Any prior arrangements, agreements, representations or undertakings are superseded.
- 16.5. This Contract may be executed in counterparts, which will together constitute one agreement.

SENSITIVE NSW GOVERNMENT

Execution

Executed as a contract

SIGNED BY _____,

General Manager of, _____
_____ABN _____ in the
presence of:.....
Signature of Witness.....
Signature of General Manager.....
Print name of Witness.....
DateSIGNED BY John Schmidt, Electoral
Commissioner for New South Wales Electoral
Commission in the presence of:.....
Signature of Witness.....
Signature of Electoral Commissioner.....
Print name of Witness.....
Date

SENSITIVE NSW GOVERNMENT

SCHEDULE 1 – Description of service details for 2020 Ordinary Election

The parties agree that the Electoral Commissioner will administer the 2020 Ordinary Election in accordance with the service details specified in table A below, and any changes to Schedule 1 may occur if the parties agree in writing that the change(s) should be made.

A. Service details

	Item	Description of Services
1	Enrolment	<ul style="list-style-type: none"> • Create composite authorised rolls for the area or wards concerned. • Create other electoral roll products as agreed by the Electoral Commissioner in accordance with legislation • Create street lists for the area or wards concerned
2	Client Council Liaison	<ul style="list-style-type: none"> • Liaise with Council and/or local real estate agents to identify, locate and secure suitable premises for use as the returning office • Liaise with Council and/or local real estate agents to identify, locate and secure suitable premises for use as pre-poll voting venues • Liaise with Council to agree on number and location of polling places • Liaise with Council regarding election processes, timing and requirements
3	Data Management	<ul style="list-style-type: none"> • Create and manage databases of: <ul style="list-style-type: none"> ○ Electors ○ Polling places ○ Returning & Pre-poll offices ○ Declared Institution venues ○ Polling place and Returning Office staffing ○ Elector participation projections
4	Election Staffing	<ul style="list-style-type: none"> • Determine polling place & Returning Office staffing requirements • Implement recruitment campaign for NSWEC staff • Employ and manage NSWEC staff • Set up and staff NSWEC Expression of Interest (EOI) helpdesk • Employ Head Office Returning Officer support staff • Training of relevant election staff • Post-election NSWEC staff evaluation
5	Financial Services	<ul style="list-style-type: none"> • Engage temporary NSWEC election staff • Engage NSWEC election material suppliers
6	Venue Procurement	<ul style="list-style-type: none"> • Identify and secure all polling places • Identify and secure the Returning Office • Identify and secure all additional pre-poll venues (if applicable) • Identify and contact all Declared Institutions <p>To the greatest extent possible, the same number of polling places and the same venues as were used for the previous election will be used.</p>

SENSITIVE NSW GOVERNMENT

		<p>The Returning Officer will appoint the optimum number of staff for each polling place based on the Electoral Commissioner's polling place staffing model.</p> <p>There will be one (1) pre-poll venue located at the Returning Office. The Electoral Commissioner, in consultation with Council will decide whether any additional pre-poll venue(s) will be required and confirm the arrangements within a reasonable period of time after the procurement of the additional venue(s) have been finalised between the Electoral Commissioner and the landlord(s). The Council will pay the costs of any additional venues.</p> <p>Where commercial or standalone premises are used as the Returning Office, the Electoral Commissioner will engage overnight security once used ballot papers are on the premises from election night to conclusion of the count.</p>
7	Postal voting	<ul style="list-style-type: none"> Managing postal vote applications Processing and mailing postal vote packs
8	Counting and Results	<ul style="list-style-type: none"> Employment and training of temporary NSWEC counting staff Development of count data management system <p>The service details in this Schedule do not extend to the recount of the ballot papers or a countback election, should either or both be required.</p>
9	Logistics	<ul style="list-style-type: none"> Packing and delivery of all office and cardboard material for Returning Office and polling places Courier service for Returning Office and polling place equipment and other election materials Supply of hire furniture for Returning Office and polling places Warehousing services Mailing & distribution services for election material
10	Media, Communications & Advertising	<p>Statutory advertising</p> <p>The NSWEC is responsible for the accurate placement of a series of statutory advertising messages to support the election.</p> <p>These messages are:</p> <ul style="list-style-type: none"> Enrolment Nominations Notice of election/uncontested election Results <p>Some of these advertisements must appear at least once in a paper circulating in the Council area within a prescribed timeframe. They may appear more often at Council's discretion – additional advertisements are not included in the service details in this schedule.</p> <p>The NSWEC and Council will agree on which party will place the statutory advertisements for publication. If Council have agreed to place the advertisements, the NSWEC provide final text for placement.</p> <p>If Council has agreed to place the advertisements, the bills from the newspapers will go directly to Council for payment.</p>

SENSITIVE NSW GOVERNMENT

		<p>The cost of the statutory advertisements will then not be included in the services details in this Schedule.</p> <p>Elector brochure The NSWEC will not be providing an elector brochure option to councils as per the previous Local Government by-elections. Councils who wish to organise their own brochure should discuss options with the NSWEC.</p> <p>State-wide campaign The service details in this Schedule include a state-wide advertising campaign to support the election through press, radio and online (no television) – includes advertising targeted towards equal access to democracy for electors with disabilities, CALD electors and Aboriginal and Torres Strait Island electors. As part of the state-wide campaign, the NSWEC will create and publish educational material on its website and conduct information sessions with special interest groups including:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander electors • Electors with disability • Electors from culturally and linguistically diverse communities (CALD) <p>Where appropriate, the NSWEC will respond to media enquiries concerning the administration of the 2020 Ordinary Election.</p>
11	IT Infrastructure & Applications Support	<ul style="list-style-type: none"> • Provision and installation of equipment in RO offices • Provision and installation of equipment in NSWEC elector enquiry centre • Provision and installation of equipment in NSWEC count centres
12	Call Centres	<ul style="list-style-type: none"> • Recruitment and training of NSWEC call centre staff
13	Ballot Paper Production, Allocation & Distribution	<ul style="list-style-type: none"> • Design, develop & print ballot papers • Create secure copies of ballot papers • Process and secure delivery of ballot papers to Returning Officers <p>Storage of used ballot papers until the completion of the relevant retention period, after which they may be destroyed.</p> <p>The service details in this Schedule do not include the production of braille ballot papers, should they be required.</p>
14	Nominations & How-to-Vote	<ul style="list-style-type: none"> • Process candidate nominations • Provide candidate enquiry line • Registration of how-to-vote material <p>Where Council has agreed to receive candidate nominations, Council will provide sufficient staff to be trained by Electoral Commission to receive nominations and forward them onto the Electoral Commission for assessment.</p>
15	External Reporting & Evaluation	<ul style="list-style-type: none"> • Develop post-election surveys of election stakeholders • Conduct surveys, undertake analysis, write and distribute post-election reports
16	Election Business Systems	<ul style="list-style-type: none"> • Develop, test and document all business systems to be used during the course of the election

SENSITIVE NSW GOVERNMENT

		<ul style="list-style-type: none"> Develop, test and support software for Virtual Tally Room (VTR)
17	Sydney Town Hall (STH)	<p>STH will be established as a multi-LGA pre-poll and polling place. STH will be able to issue ballot papers to all client councils.</p> <p>The cost of providing this service will be shared among the participating councils.</p>

Additional Information

1	In order to provide the services detailed in this Schedule efficiently and economically, the Electoral Commissioner may decide that a number of services may be utilised by other local government councils who have resolved to enter into an election arrangement with the Electoral Commissioner.
2	The election method is attendance (face-to-face) voting with the addition of postal and pre-poll voting.
3	The system for voting at an election is set out in Chapter 10, Part 3 of the LG Act.

SENSITIVE NSW GOVERNMENT**SCHEDULE 2 - Costs and any agreed basis for variation of Costs
for 2020 Ordinary Election**

1. The parties agree that:

- a) the costs to be charged and invoiced by the Electoral Commissioner for administering the 2020 Ordinary Election are specified in the table below and are based on prices provided by approved suppliers as at the Commencement Date, and
- b) the costs in the table below have been prepared on the information available at the time and may vary, and
- c) the Electoral Commissioner may vary such costs if:
 - i. a variation is in accordance with this Contract, or
 - ii. there is any change to the law that impacts on the administration of the election, or
 - iii. there is any change to the service details specified in Schedule 1, or
 - iv. there is any change to an approved supplier or price provided by an approved supplier; and
- d) the estimate of costs in this Schedule does not include costs associated with a recount of ballot papers and/or a countback election, if either or both are required those costs will be calculated separately and are payable by Council; and
- e) the estimated costs in this Schedule does not include the costs associated with the production of braille ballot papers, if required these costs will be calculated separately and are payable by Council; and
- f) the estimated costs in this Schedule are limited to the service details in Schedule 1, any additional costs associated with the provision of services not already accounted for in Schedule 1 will be calculated separately and are payable by Council; and
- g) Muswellbrook Shire Council shall be informed of any material costs variance as soon as practicable.



2020 Local Government Election - Cost Estimate

Muswellbrook Shire Council

Projects / Deliverables	Amount
<i>Ballot Papers</i>	6,202
<i>Call Centre</i>	5,278
<i>Event Management</i>	2,318
<i>Event Staffing</i>	66,424
<i>Information Technology</i>	6,441
<i>Logistics</i>	8,370
<i>Multi-Area Polling</i>	215
<i>Postal Voting</i>	1,541
<i>Venues</i>	21,119
<i>Voter Awareness</i>	5,642
TOTAL (excluding GST)	123,550
GST	12,355
TOTAL (including GST)	135,905

Assumptions

LGE 2020 Election Status - Fully Contested

NSWEC will conduct a similar proportion of council elections to 2016-17

Excludes cost for any referendum or poll a council may request NSWEC to conduct

All aspects of the election process will be as 2016/2017

Shared resources will be utilised where practical

Contact Details

Enquiries to Steve Robb, Director Customer Service & Relationship Management Tel: 02 9290 5431 Email: Steve.Robb@elections.nsw.gov.au

Level 25, 201 Kent Street Sydney 2000, GPO Box 832, Sydney 2001 Tel 02 9290 5999 Fax 02 9290 5991 ABN 94 828 824 124



2020 Local Government Election - Cost Estimate

Muswellbrook Shire Council

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Level 25, 201 Kent Street Sydney 2000, GPO Box 832, Sydney 2001 Tel 02 9290 5999 Fax 02 9290 5991 ABN 94 828 824 124

12.5 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Kelly Lynch - Administration Officer Jade Richardson - Co-Ordinator - Customer Service & Administration Sharon Pope - Assistant Director - Environment & Community Services Kim Manwarring - Co-ordinator - Community Partnerships Michael Brady - Sustainability Officer Tracy Ward - Sustainability Officer Carolyn O'Brien - Manager - Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To provide an update on activities in the Environment and Community Services Directorate.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

ENVIRONMENTAL SERVICES

1. Statistical Information

Note: Statistics for Section 10.7 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

Schedule 1: Development Applications Approved (10 November to 4 December 2019)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/95	Ancillary Development - Carport	178-180 Queen Street Muswellbrook	\$12,819
2019/84	Installation of Telecommunications Facility	1054 Sandy Creek Road Muswellbrook	\$80,000
2019/82	Hay Shed	284 Bureen Road Denman	\$173,000

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/80	Strata Subdivision One (1) Lot into Two (2) Lots	4 Dixon Circuit Muswellbrook	\$6,000
2019/77	Three (3) Rural Workers Dwellings and Machinery Shed	420 Dalswinton Road Dalswinton	\$380,000
2019/74	Deck with Roof	6 Koombahla Street Muswellbrook	\$19,965
2019/73	Relocation/Demolition of an Existing Dwelling, Construction of a new dwelling, garage, swimming pool, driveway, tennis court and pergolas	Bylong Valley Way Baerami	\$800,000
2019/72	Subdivision of One (1) Lot into Two (2) Lots	43 Paxton Street Denman	\$10,000
2019/68	Convert Part of Existing Garage into an Additional Bedroom	9 Manning Street Muswellbrook	\$19,886
2019/67	Extension to existing Recreational Hall	420 Wybong P O Road Muswellbrook	\$129,096
2019/66	Ancillary Development - Carport	7 Calgaroo Avenue Muswellbrook	\$6,400
2019/59	Boundary Adjustment	4 Sheppard Avenue Muswellbrook	\$10,000
2019/57	Demolition of Existing Shed and Replace with New Shed	36 Hunter Terrace Muswellbrook	\$42,985
2019/39	Boundary Adjustment	211 Kayuga Road Muswellbrook	-

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/107	Ancillary Development - Shed and Rainwater Tank	35 Cabernet Street Muswellbrook	03/12/2019	\$15,600
2019/105	Demolition of Existing Shed and Replace with New Storage Shed	2 Wilson Street Muswellbrook	29/11/2019	\$27,300
2019/104	Industrial Development - Installation of Demountable Office Building and Three (3) Shipping Containers with a Dome Tarpaulin Shade Structure.	Thomas Mitchell Drive Muswellbrook	27/11/2019	\$75,000
2019/102	Electricity Generating Works (Solar Farm)	1333 Merriwa Road Denman	19/11/2019	\$5,558,870
2019/100	Ancillary Development - Carport and Shed	17 Ruth White Avenue Muswellbrook	14/11/2019	\$22,619
2019/101	Replacement of Swimming Pool	20 Cabernet Street Muswellbrook	12/11/2019	\$24,525
2019/99	Secondary Dwelling Appurtenant to Principle Dwelling	159 Martindale Road Denman	08/11/2019	\$210,000
2019/98	Ancillary Development - Deck	1054 Sandy Creek Road Muswellbrook	31/10/2019	\$37,000
2019/103	Amenities building	18-22 Enterprise Crescent Muswellbrook	30/10/2019	\$10,000
2019/97	Ancillary Development - Shed	35 Dixon Circuit Muswellbrook	29/10/2019	\$25,642

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/96	PATIO	59 Stockyard Parade Muswellbrook	25/10/2019	\$54,947
2019/94	Dwelling Additions/Alterations	133 Hill Street Muswellbrook	25/10/2019	\$75,000
2019/93	Change of use to Retail Outlet, Alterations to front of building and Signage	19 Bridge Street Muswellbrook	24/10/2019	\$20,000
2019/92	Strata Subdivision of one (1) Lot into two (2) Lots	98 Osborn Avenue Muswellbrook	24/10/2019	\$4,000
2015/25	S4.55 (2) Modification - modification of the design and layout of an approved child care centre	38 Woollybutt Way Muswellbrook	17/10/2019	-
2019/91	Demolition of Existing Identification Sign and Erection of New Identification Sign	310 Richmond Grove Road Sandy Hollow	08/10/2019	\$12,000
2019/90	Subdivision of One (1) Lot into Twenty (20) Lots	9 Yarrowa Road Denman	30/09/2019	\$2,828,700
2019/89	Storage Shed	Turner Street Denman	26/09/2019	\$37,220
2019/88	Alterations and Additions to Campbells Corner (local heritage item) and change of use for part of the building for use as a public administration building (Muswellbrook Shire Council Administration Centre)	60-82 Bridge Street Muswellbrook	25/09/2019	\$2,488,519
2019/87	Replacement Dwelling	Bureen Road Denman	20/09/2019	\$200,000
2019/86	Industrial Shed	29-33 Enterprise Crescent Muswellbrook	19/09/2019	\$164,200
2019/85	Change of Use from Warehouse to Place of Worship	2-4 Common Road Muswellbrook	19/09/2019	\$12,000
2019/83	Ancillary Development - Shed	82 Bell Street Denman	17/09/2019	\$18,430
2019/79	Rural Workers Dwelling - Caretakers Residence	3367 Golden Highway Jerrys Plains	12/09/2019	\$467,285
2018/78/2	S4.55 (2) Modification - alterations to the design of the restaurant and parking area	147 Bridge Street Muswellbrook	02/09/2019	-
2019/69	Ancillary Development - Carport	26 Queen Street Muswellbrook	16/08/2019	\$18,900
2019/54	Subdivision One (1) Lot into Three (3) Lots	52 Palace Street Denman	28/06/2019	\$10,000
2019/53	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway Muswellbrook	27/06/2019	\$4,875,600
2019/50	Industrial Development - Asphalt Plant	43-45 Enterprise Crescent Muswellbrook	21/06/2019	\$415,800
2019/41	Subdivision - Nine (9) Lots into Six (6) Lots	Castlerock Road Muswellbrook	09/05/2019	\$10,000
2019/37	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell	New England Highway Muswellbrook	16/04/2019	\$250,000
2019/36	Installation of a 120m Tall Wind Monitoring Mast	Sandy Creek Road Mccullys Gap	16/04/2019	\$150,000

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/30	Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units, Extension of Restaurant and Consolidation of Titles	26 Maitland Street Muswellbrook	02/04/2019	\$1,700,000
2019/16	Information and Education Facility (Museum)	Turner Street Denman	15/02/2019	\$265,000
2019/13	Subdivision One (1) Lot into One Hundred and Twenty Three (123) Lots and the carrying out of associated civil work including roads, drainage and tree removal	8911 New England Highway Muswellbrook	14/02/2019	\$5,142,236
2019/2	The construction of multi dwelling housing comprising a total of Sixteen (16) units and the carrying out of associated site works, including internal private roads, stormwater drainage, landscaping and tree removal.	19 John Howe Circuit Muswellbrook	14/01/2019	\$4,414,300
2018/117	Commercial Alterations and Additions (Expansion of Bottle Shop)	36 Sydney Street Muswellbrook	21/12/2018	\$500,000
2015/87/2	S4.55(1A) Modification - Subdivision of One (1) Lot into Nine (9) Lots Modification to carry out the Development in Two (2) Stages	Merriwa Road Sandy Hollow	17/12/2018	-
2018/54	Demolition of a Commercial Building and the Construction of a Two (2) Storey Building for Use as a Tertiary Education Establishment and Food and Drink Premises, Alterations and Additions to the 'Loxton House', Heritage Listed Item, and the Use of Level 1 of this Building as a Tertiary Education Establishment, Alterations and Additions to the Muswellbrook Public Library and Ancillary Works.	140 Bridge Street Muswellbrook	15/06/2018	\$3,556,300
2017/58/2	S96 (1A) Modification - Modify Condition 8	Jerdan Street Denman	19/02/2018	-
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017	-
2000/212/6	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	29/05/2017	-
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016	\$5,000
2019/107	Ancillary Development - Shed and Rainwater Tank	35 Cabernet Street Muswellbrook	03/12/2019	\$15,600
2019/105	Demolition of Existing Shed and Replace with New Storage Shed	2 Wilson Street Muswellbrook	29/11/2019	\$27,300
2019/104	Industrial Development - Installation of Demountable Office Building and Three (3) Shipping Containers with a Dome Tarpaulin Shade Structure.	Thomas Mitchell Drive Muswellbrook	27/11/2019	\$75,000
2019/102	Electricity Generating Works (Solar Farm)	1333 Merriwa Road Denman	19/11/2019	\$5,558,870
2019/100	Ancillary Development - Carport and Shed	17 Ruth White Avenue Muswellbrook	14/11/2019	\$22,619

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/101	Replacement of Swimming Pool	20 Cabernet Street Muswellbrook	12/11/2019	\$24,525

20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements

On-site Wastewater Statistics - 13 Month Analysis (2019/2020)

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Applications Received (new installation)	0	3	4	4	0	0	2	2	0	0	1	2	0
Applications Approved (new installation)	0	2	0	3	0	0	2	0	0	0	0	1	3
Inspections (new system)	0	1	0	0	0	0	0	0	0	0	1	1	1
Inspections (existing system)	0	0	0	0	0	0	16	47	2	3	0	11	1

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

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Applications Received (new businesses)	1	1	0	0	0	1	1	0	1	1	0	0	1
Inspections (new businesses)	2	1	0	0	0	0	1	0	1	0	0	1	0
Inspections (existing businesses)	9	6	10	9	4	7	6	30	0	0	0	6	1
Reinspections	1	0	1	1	1	0	0	1	2	0	0	0	0

4.01.01.1 Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2019/2020)

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Oct	Nov
Total Sites Inspected	7	1	5	5	5	4	6	7	7	6	7	7
Total non-compliant and educated	1	0	0	0	1	0	2	2	0	1	0	1
Total compliance after education	1	0	0	0	1	0	6	2	0	1	0	1
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0

14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

Illegal Dumping Statistics – 13 Month Analysis (2019/2020)

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

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.**Swimming Pool Compliance Statistics – 13 Month Analysis (2019/2020)**

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

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	3	2	1	12	8	9	2	8	7	10	8	3	2
Initial Inspections	3	1	1	11	7	8	2	6	5	8	8	2	1
Re-inspections	0	1	0	1	1	1	0	2	2	2	0	1	1

Compliance Certs / Occ. Certs issued	3	4	0	10	4	6	6	3	4	5	4	6	8
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Total Pools in Council's Swimming Pool Register = 918**Compliance as at 30 June 2017 = 63.7%****Compliance as at 30 June 2018 = 65.7%****Compliance as at 30 June 2019 = 43.0%****Current Compliance = 37.5%**

That is, 345 out of 918 pools have a valid Compliance Certificate or Occupation Certificate.
N.b. Certificate is valid for 3 years.

Percentage of pools inspected during Financial Year 2019/2020 = 2.6%

That is, 24 out of 918 pools have had at least one inspection carried out during FY 2019/2020.

COMMUNITY SERVICES

Operational Plan Action	Performance Measure	Update
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Operational Plan Action	Performance Measure	Update
Support to the Upper Hunter Youth Services Committee in the relocation of their facility at a new location	Report to Council on the progress of the Upper Hunter Youth Services in providing a new location for their service during 19/20	A meeting was held with Upper Hunter Youth Centre to progress the Development Application ready building plans for the purpose built Youth Centre.
Identify opportunities that provide affordable entertainment for young people in isolated communities	Seek funding through grants and partnerships which provides affordable entertainment for young people in isolated communities by 30 June 2020	No update on this action for August.
Deliver a Youth Week Event	Support Youth Week activities during 2019/20 in partnership with other organisations	The event will occur in 2020 and the preparation for the event has commenced with Upper Hunter Youth Service Inc being the lead service.
Support the expansion of the Hunter Park Family Centre during their planning phase	Work with Upper Hunter Community Services on the expansion of the Hunter Park Family Centre and report on their progress to Council as required.	Upper Hunter Community Services have progressed their expansion building plans for Hunter Park Family Centre.
Support the continued delivery of the Collaborative Impact Facilitators Project with respect to social housing tenants in partnership with other providers	Seek external funding to support the ongoing work of the Collaborative Impact Facilitators to reduce the turnover of tenancies in social housing and access to education opportunities	The Collaborative Impact Facilitator Project ceased as of the 30 June no alternate funding has come available. This action is now completed
Implement the actions as identified in the review of the Children's Services Strategic Plan to improve childcare. Early childhood education and preschool options across the Shire	Deliver the actions of the revised Children's Services Plan and report annually to Council on the progress of the plan during 2019/20	The review of the Children's Services Plan has not yet commenced.
Deliver the ageing strategy in consultation with residents of Muswellbrook Shire	Incorporate Councils Ageing Strategy into policy development and the Integrated Planning and Reporting process	The Ageing Strategy 2020-2022 is now on public display.
Partner with other community groups and organisations to deliver and promote a directory of Seniors Festival events	Support the delivery and promotion of Seniors Festival Events through the development of a Festival Guide	The finalisation of the local Seniors Festival Events brochure timeframe is January 2020 and release in February 2020
Facilitate and support the Aboriginal Culture and Heritage Working Group	Provide reports to Council on the activities of the Aboriginal Culture and Heritage working group during 2019/20	No working Group meetings have been convened or required in this quarter
Review the currency of the workingwithindigenoustralians.info/ and make necessary changes to reflect changes in legislation and policy	workingwithindigenoustralians.info/ reviewed and necessary changes made to achieve information currency	The review of the workingwithindigenoustralians.info/ website has occurred, small reviews have also occurred during this reporting period.
Monitor the conservation of the Aboriginal Reconciliation Mural and Aboriginal Artefact Project to ensure conservation occurs and required	Report on monitoring and maintenance of the Simpson Park Mural as this occurs	The Widden Creek Aboriginal Artefact Project is complete. The inspection of the Mural is anticipated in 2020.

Operational Plan Action	Performance Measure	Update
Work with the Aboriginal Community to improve access to cultural and educational activities	Seek funding for the design and construction of a cultural keeping space in partnership with the Aboriginal Community during 2019/20	The Cultural Community Hub Working Group has resolved to support Wanaruah Local Aboriginal Land Council and the development of their administration and cultural space infrastructure. This group will meet again in February.
	Explore the development of an Aboriginal development Action Plan in partnership with the Aboriginal Reconciliation Committee	The Aboriginal Reconciliation Committee is developing a brief to engage consultant to facilitate the development of a local treaty and action plan.

Other activities as per the Community Workers Project Family and Community Services Project:

- Governance support to Drug & Alcohol Health Service Inc, Upper Hunter Homeless Service, Upper Hunter Youth Services Management Committee and Management Team around human resources and service development issues;
- Facilitation of the Upper Hunter Community Services Interagency and attendance at the Upper Hunter Mental Health Network;

SUSTAINABILITY

Sustainability Update December 2019

Restoration and Rehabilitation Application

An application for another round of Restoration and Rehabilitation funding from the NSW Environmental Trust was completed. This grant will fund a project on the land between Muscle Creek and the railway line. This work will continue the works being undertaken on the Golf Club side of the Creek.

Fish Habitat Project

Quotes are being assessed to plant 2000 plants near the golf course and infill plant 1000 plants in areas between Bridge Street and Bell Street.

Muswellbrook Nature Trail – Platypus Track

The "Platypus Track" will be officially opened on Thursday 5 December. This will be a chance for the community to see the work already completed and discuss work still to be undertaken.

<https://www.muswellbrookchronicle.com.au/story/6513863/nature-trail-on-the-right-track/?cs=1487&fbclid=IwAR3ljYmbLVwsJCFIfMawZBUshmskDRiGAbDZH65NMCGdnWnFS9k3kyYJchE>

Reduce Waste Factsheets

Fact sheets about worm farms and composting have been produced. These will be used to help educate community members about how they can reduce their food waste by using these systems.

Waste Promotion

There has been regular promotion of how the community can recycle problem waste, such as batteries, through Community Recycling Centres.

Sustainability at the Hospital Opening

The Sustainability Unit attended the opening of Stage 2 of the Muswellbrook Hospital. This was a great opportunity to talk to community members about matters such as water restrictions, waste and the Library. Many people who visited the Sustainability stand were confused about water restrictions.

Water Restrictions

The Sustainability Unit has dealt with a number of breaches of the Level 1 Water Restrictions. The community has expressed some confusion about what the restrictions mean. This is mainly because Upper Hunter Shire Council, Singleton Shire Council and our Council are different to Hunter Water restrictions. There are radio and TV ads in our shires that relate to Hunter Water restrictions.

Don't be a Tosser Denman

A "Don't be a Tosser" anti-littering grant was received from the NSW EPA. This grant of \$31,500 will focus on reducing litter in Denman. Several community groups have been contacted to be involved in the implementation of projects funded by the grant.

Litter Consultant

Through the Hunter JO environmental Consultant 360Green are assisting Council to reduce litter in and around Olympic Park. They will work with stakeholders to try and reduce litter in this area.

Kerbside Commingled Contamination Trials

Council will participate in Kerbside Commingled Contamination Trials. These trials will work with Monash Sustainable Development Institute to conduct research into the best methods to use to decrease contamination rates in kerbside recycling bins.

Connect Muswellbrook – Environment; Community; Culture

The Sustainability Unit are continuing to work with Muswellbrook Healthy and Well to organise an event for 25 March. The event named Connect Muswellbrook – Environment; Community; Culture will focus on providing students with a practical, hands on experiences based on these themes. Over 400 students have already confirmed attendance.

Sustainability and Landcare Grants

The Sustainability and Landcare grants have now closed. Eleven groups asked for application forms. Three Sustainability Grant applications were received and two Landcare Grant applications. We are now assessing these applications.

Tour of Muswellbrook Waste Facility

The Sustainability Unit worked with Waste Facility staff to conduct a tour of the Muswellbrook Waste Facility with 50 preschool students.

Parks and Natural Areas Meeting

The Sustainability Unit continues to work collaboratively with the Works Department in order to coordinate works on natural areas.



Sustainability Hub

Twenty children from Goodstart Early Learning Centre visited the Sustainability Hub recently for National Recycling Week. The focus was on reducing waste. The children and teachers enjoyed learning about recycling, food waste, composting and worm farms. They also enjoyed find and eating strawberries.

Community members volunteering for groups at the Sustainability Hub are very keen to hear news of the hub relocation.

Warrior Disability Services continue to run the composting and worm farm systems at the Sustainability Hub. This is one way that community members can be encouraged to reduce their own food waste.

The Penguin Garden Club and Muscle Creek Landcare group continue to meet at the Sustainability Hub. The Garden Club gets an average of 8 people to each activity twice a month. The Landcare group averages 4 people in attendance each month.

**Reuse Shop**

The Sustainability Unit continues to promote the Reuse Shop at the Muswellbrook Waste Facility.

Electricity Contracts

The Sustainability Unit has been assisting finance and procurement with the preparation for new electricity contracts for 2020.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING HELD ON MONDAY, 18 NOVEMBER 2019

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 18 November 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 18 November 2019 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 18 November 2019.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff and Cr R. Scholes.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director – Community Infrastructure), Ms S. Pope (Assistant Director – Environment & Community Services), Mr P. Chambers (Chief Engineer), Mr H. McTaggart (Co-Ordinator Development) and Mrs M. Sandell-Hay.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Minutes of the Development Assessment Committee held on 4 November 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr M. Rush – Declared an insignificant non-pecuniary interest in Item 6.5 relating to DA 87/2019. Cr Rush advised the meeting that he owns property along Muscle Creek Road.

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 57/2019 PROPOSAL FOR ANCILLARY DEVELOPMENT - SHED - LOT 11, DP 836622, 36 HUNTER TERRACE, MUSWELLBROOK

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee approve Development Application No. 57/2019, involving the erection of a shed at Lot 11, DP 836622, 36 Hunter Terrace Muswellbrook, subject the recommended condition of consent included as Attachment B.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

6.2 DA 73/2019 - RELOCATION/ DEMOLITION OF EXISTING DWELLING, CONSTRUCTION OF A NEW DWELLING, GARAGE, SWIMMING POOL, DRIVEWAY, TENNIS COURT AND PERGOLAS - LOT 31 DP 755437, 3679 BYLONG VALLEY WAY, BAERAMI

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

Development Application No. 73/2019, involving the relocation/demolition of an existing dwelling and the construction of a new dwelling, garage, swimming pool, driveway, tennis court and pergolas at, Lot 31 DP 755437, 3679 Bylong Valley Way, Baerami, be approved subject to

the recommended conditions contained in Appendix B.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

6.3 DA 82/2019 HAY SHED - 284 BUREEN ROAD, DENMAN

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee approve Development Application No. 82/2019, involving the erection of a hay shed on Lot 53 DP 753771, 284 Bureen Road, Denman, subject the recommended condition of consent included as Attachment B.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

6.4 DA 2019-77 - THREE (3) RURAL WORKERS DWELLINGS AND MACHINERY SHED - LOT 129 DP 752441, 420 DALSWINTON ROAD, DALSWINTON

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Development Assessment Committee approve Development Application No. 2019-77 for three (3) rural workers' dwellings and machinery shed at Lot 129 DP 752441, 420 Dalswinton Road Dalswinton, subject the conditions in Appendix A to the report and inclusion of the following condition:

21. At all times the rural workers dwellings will be connected to an on-site sewerage management system. The system is to be installed and managed in accordance with the relevant Australian Standards and the requirements of the section 68 approval issued by Council.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

6.5 OUTSTANDING DEVELOPMENT APPLICATIONS

Disclosure of Interest

Cr M. Rush declared an insignificant non-pecuniary interest in DA 84/2019. Cr Rush advised the meeting that he owns property along Muscle Creek Road where the communications tower is proposed.

RECOMMENDED on the motion of Crs Rush and Scholes that:

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

7 DATE OF NEXT MEETING

2 December 2019

8 CLOSURE

The meeting was declared closed at 4.40pm.

.....
Cr M. Rush

Chairperson

**13.2 REPORT OF THE ABORIGINAL RECONCILIATION COMMITTEE
MEETING HELD ON WEDNESDAY, 27 NOVEMBER 2019**

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Manager - Community Services
Author:	Kim Manwarring - Co-ordinator - Community Partnerships
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Aboriginal Reconciliation Committee held on 27 November 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Aboriginal Reconciliation Committee Meeting held on Wednesday 27 November 2019 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Aboriginal Reconciliation Committee met on Wednesday 27 November 2019.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

ACKNOWLEDGMENT OF COUNTRY

The Chairperson respectfully acknowledged the Local Aboriginal People who are the Traditional Owners and Custodians of the land on which this meeting takes place.

PRESENT: Cr Jacinta Ledlin (Chairperson), Aunty Jean Hands, Aunty Rhonda Griffiths, Ms Roz Thomson, Ms Tash Kellet, Insp Guy Guiana, Mrs Kate Wood-Pahuru and Ms Amanda Howard.

IN ATTENDANCE: Ms Kim Manwarring.

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED that:

The apologies for inability to attend the meeting submitted by Insp Jo Schultz, Ms Tania Riley, Mr Noel Downs, Ms Elizabeth Howard and Ms Allyson Stone be ACCEPTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Ms Aunty Rhonda Griffiths and Mrs Wood-Pahuru that:

The Minutes of the Aboriginal Reconciliation Committee held on 16 October, 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

4.1 ABORIGINAL ORAL HISTORY PROJECT

An email update was provided by Two Rivers Pty Ltd:

- A draft paper will be provided for the Advisory Group at the next meeting;
- Interviews are being finalised;
- Date for early December to be confirmed.

RECOMMENDED on the motion of Aunty Jean Hands and Mrs Wood-Pahuru that:

1. accept the minutes dated 9 October 2019 with the amendments that Roz Thomson and Katie Van Vliet were present at the meeting.
2. February 2020 is the final completion date for this Project.
3. The final payment will not be paid until the Project is finalised.

LAUNCH

The following potential dates were considered:

- 26 May - Sorry Day;
- 27 May - 3 June - Aboriginal Reconciliation Week;
- 5 July - 12 July - NAIDOC Week.

The theme for this year's NAIDOC Week theme is 'Let's Work Together for a Shared Future'.

RECOMMENDED on the motion of Aunty Jean Hands and Aunty Rhonda Griffiths that:

Muswellbrook Regional Arts Centre is the preferred venue for the launch of the Project.

4.2 COMMUNITY CULTURAL HUB

This group met prior to this meeting.

The Community Cultural Hub Working Group supports Wanaruah Local Aboriginal Land Council to progress with their plan to consult with the Community about the concept of a community facility i.e. a meeting place with a wellbeing focus.

Assistance was offered from Cr Ledlin to Wanaruah Local Aboriginal Land Council in compiling documents where needed.

A further resolution of the group is to meet again in March 2020 and when required.

4.3 MUSWELLBROOK SHIRE COUNCIL - STRATEGIC PLANNING WORKSHOP

Cr Ledlin provided the following update to the Committee.

Councillors supported the resolution of the Aboriginal Reconciliation Committee:

Muswellbrook Shire Council endorses the Uluru Statement from the Heart and further to this Muswellbrook Shire Council embarks upon exploration of a Treaty Agreement specific to Muswellbrook with our Aboriginal Community.

Committee Members were pleased with this outcome.

RESOLVED that:

1. The Treaty will become a standard agenda item on the Aboriginal Reconciliation Committee meetings.
2. A draft Expression of Interest Consultants Brief be circulated for input from Committee representatives and advertised in January - February 2020.

5 CORRESPONDENCE

Nil

6 BUSINESS

5.1 ABORIGINAL ARTEFACTS

Committee Members considered a request from Muswellbrook High School for a representative to speak about the Widden Creek Aboriginal Artefacts.

RECOMMENDED that:

A Widden Creek Representative Aboriginal Party or Suzie Worth is the most appropriate representative(s) to speak about the Artefacts.

5.2 AUSTRALIA DAY 2020

RECOMMENDED that:

- Cleansing Ceremony be included;
- Local Aboriginal Dance group be approached to perform dancing;
- Continuation of previous cultural inclusion suggestions i.e. Aboriginal Flag, acknowledgement of country, provision of Wannin Thanbarren citizen gifts etc.

RECOMMENDED that:

The local acknowledgement of country be printed on a pull up banner and displayed on the day.

5.3 NOISE ATTENUATION PANELS

Members present provided feedback that the panels are effective. Further to this if there was any plans for the installation of more panels that the Reconciliation Mural imprint be used more frequently.

5.4 NAIDOC WEEK COMMITTEE

This Committee is looking for volunteers to assist in the development and coordination of community activities to celebrate this important week.

This year the biennial Upper Hunter NAIDOC Week Awards will be held at Singleton.

It was also agreed that alternate meetings of the NAIDOC Committee will be held after the Aboriginal Reconciliation Committee Meetings.

5.5 NSW POLICE - HUNTER VALLEY COMMAND

Insp Guiana provided the following information:

- Successful application for funds through the NSW Police Aboriginal Strategic Direction Project to facilitate 'Save a Mate' training programs for members of the Aboriginal Community.

- Submission for training to run Aboriginal Awareness training for general duties officers.

Insp Guiana also spoke about the establishment of the Cell Support Project in the local area. The aim of this Project is to provide mentor support to Aboriginal individuals in custody.

Representatives supported the re-establishment of the Cell Support Project and spoke about their willingness to be involved.

5.6 OPEN DAY - MUSWELLBROOK HOSPITAL

Mandy Howard extended an invitation to everyone to attend the open day on Friday.

7 DATE OF NEXT MEETING

To be advised.

8 CLOSURE

The meeting was declared closed at 2.25pm.

.....

Cr J. Ledlin

Chairperson

**13.3 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 2 DECEMBER 2019**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 2 December 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 2 December 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Development Assessment Committee met on Monday 2 December 2019.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr M. Rush (Chair) and Cr R. Scholes.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Director – Community infrastructure), Mr P. Chambers (Chief Engineer), Mr A. Irving (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development and Miss M. Meadows (PA to the Mayor).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Scholes and Rush that:

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

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Scholes and Rush that:

The Minutes of the Development Assessment Committee held on 18 November 2019, are to be reviewed at the next Development Assessment Committee Meeting.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

Nil

6 BUSINESS

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

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee approve the Section 4.55(1A) modification of DA 87/2015, involving a reduction in the number of approved lots for subdivision from nine (9) to eight (8), and the carrying out of the development in 2 Stages, subject to the recommended conditions contained in Appendix B.

6.2 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Scholes and Rush that:

The Committee note the undetermined Development Applications listed in Attachment A and the

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 2 DECEMBER, 2019 COMMENCING AT 4.00PM.

status of their assessment at the next Development Assessment Committee Meeting.

7 DATE OF NEXT MEETING

16 December, 2019

8 CLOSURE

The meeting was declared closed at 4.45 pm.

.....

Cr M. Rush

Chairperson

13.4 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 10 DECEMBER 2019

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 10 December 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 10 December 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Local Traffic Committee met on Tuesday 10 December 2019.

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

PRESENT: Cr S. Reynolds (Chair), Ms. W. Wallace (Transport for NSW Newcastle), Snr. Constable C. Dengate (NSW Police), Mr G. de Boer (Representing Mr Michael Johnsen), Ms K. Scholes (Manager – Roads, Drainage & Technical Services).

IN ATTENDANCE: Mrs I. Williams (MSC).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED that:

The Minutes of the Local Traffic Committee held on 8 October 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

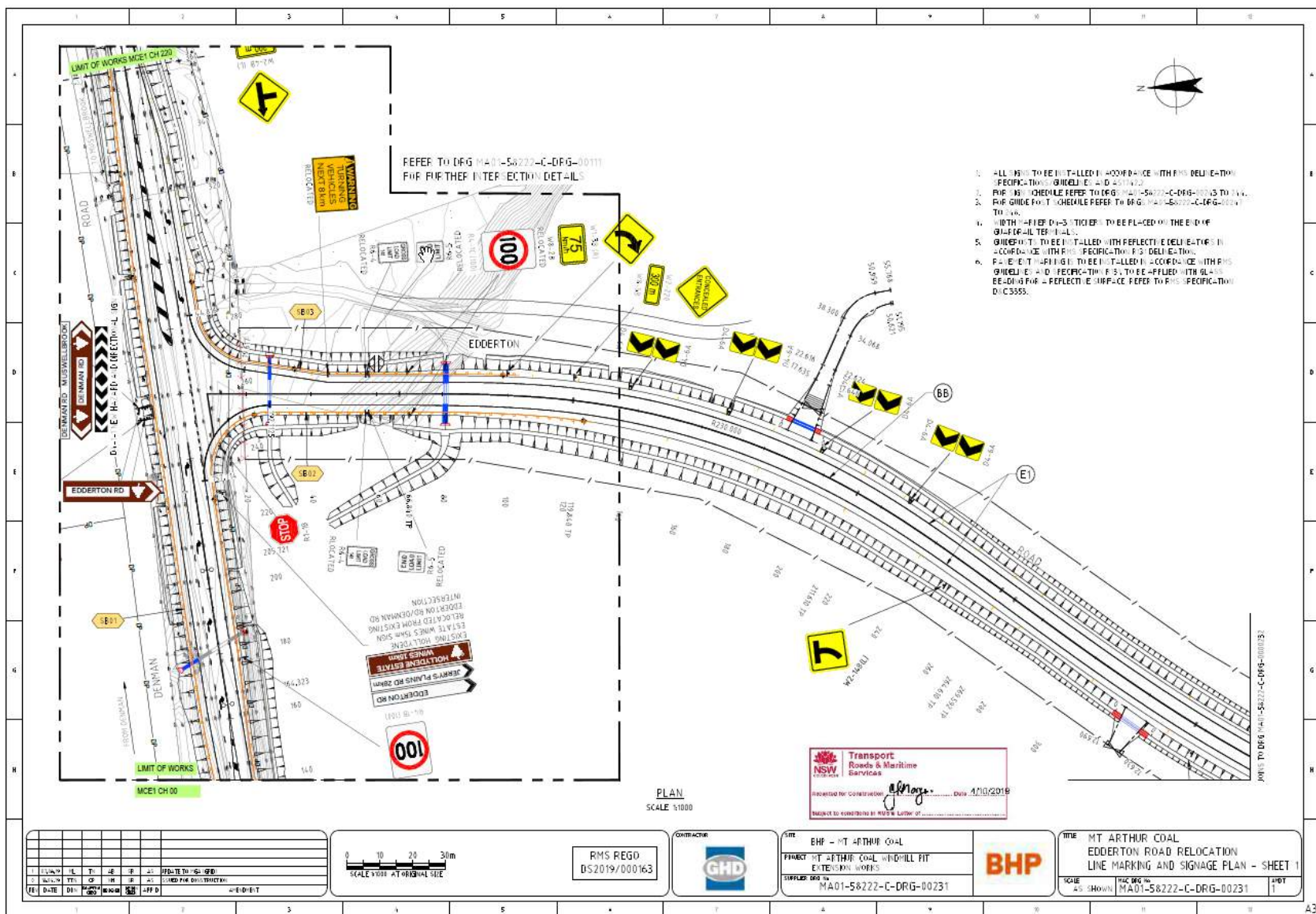
5.1 EDDERTON ROAD LINE MARKING

RECOMMENDED that:

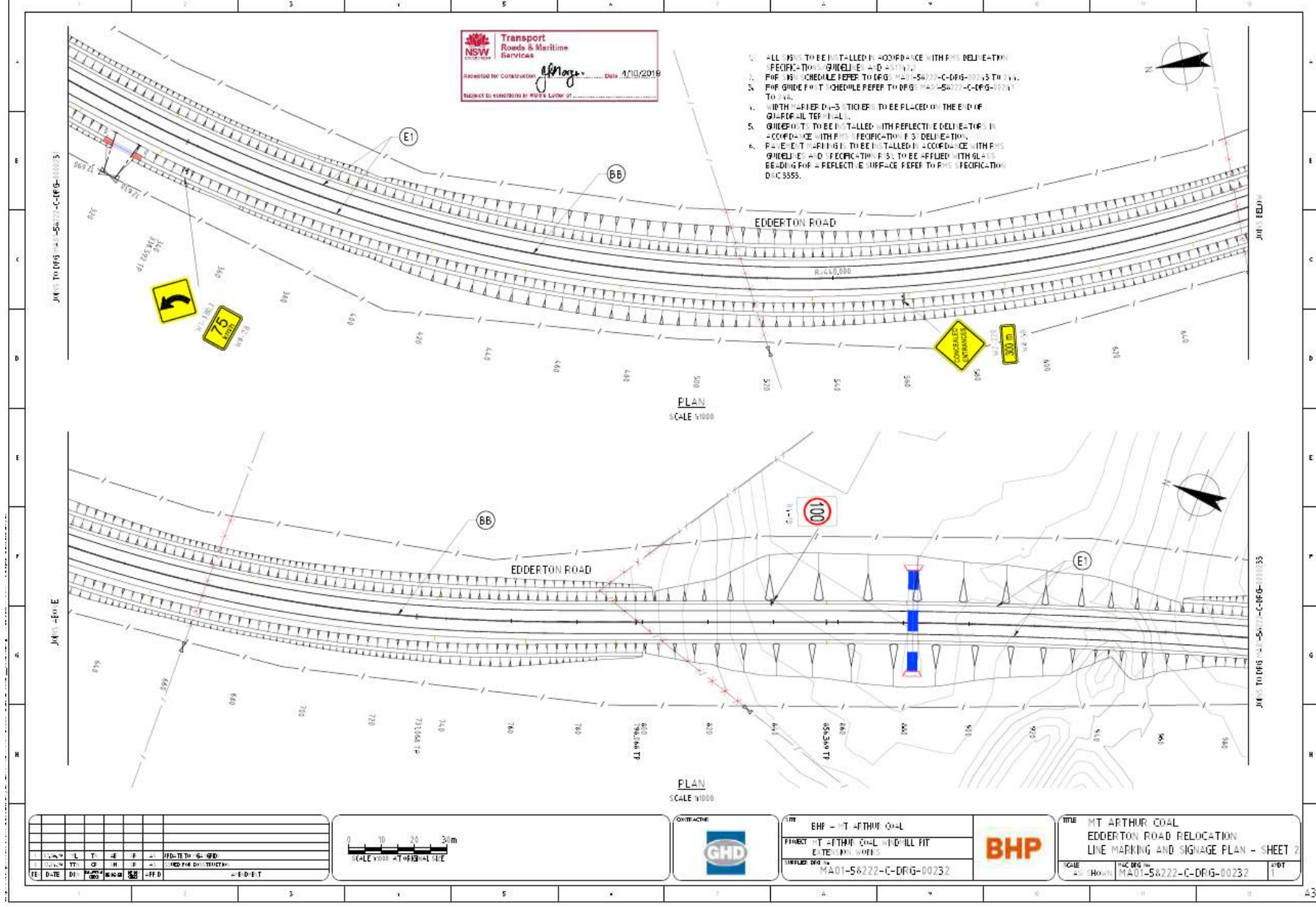
Council use its delegated authority to approve the line marking and signage from chainage 0050 to 6080 on the new realigned Stage 1 and the Stage 2 Upgrade section of Edderton Road in accordance with the attached plans. It is to be noted that the delegation for the signage and line marking on Denman Road is the responsibility of Transport for NSW and is excluded from this recommendation .

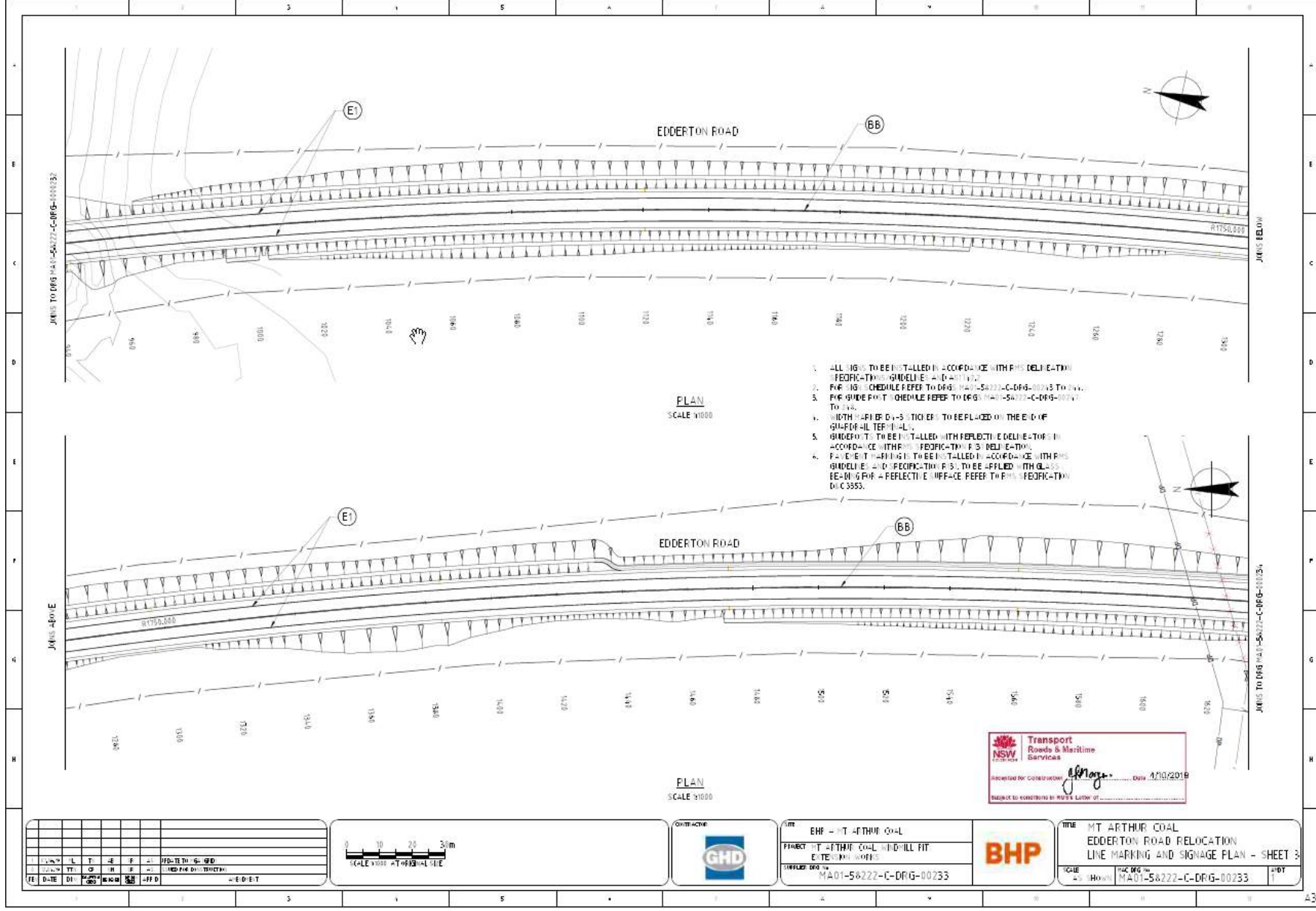
VOTE: Unanimous Support

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019

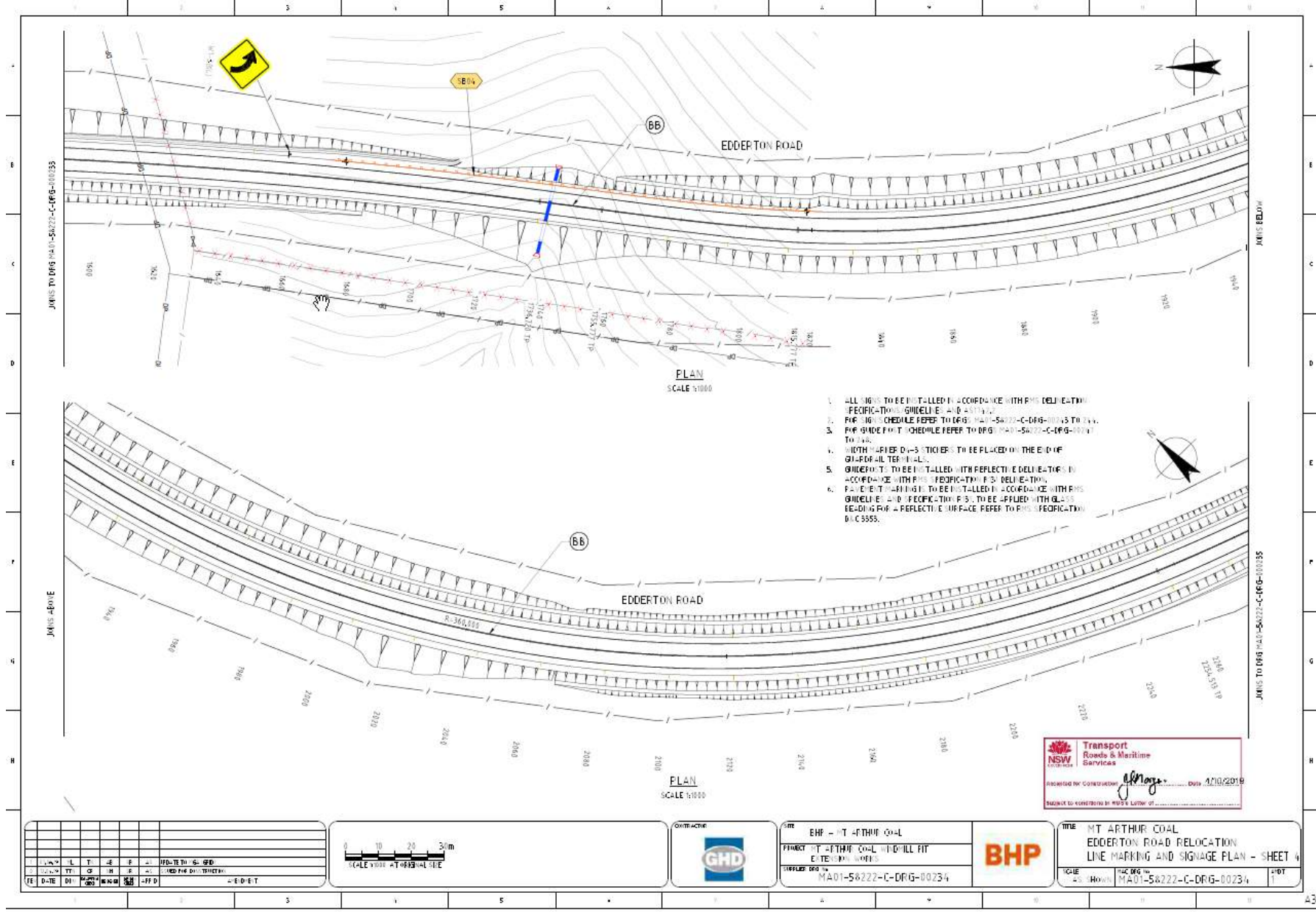


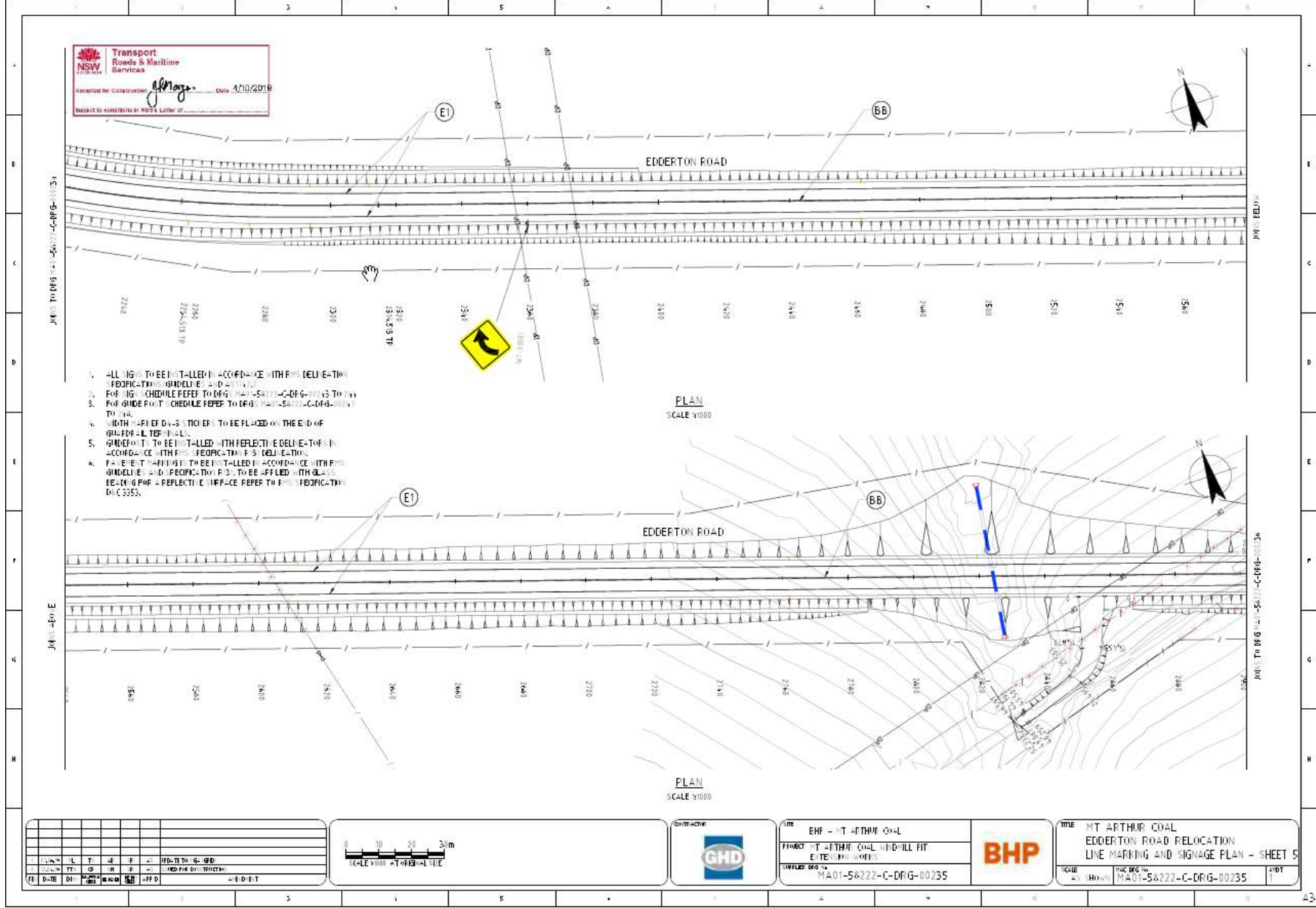
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019

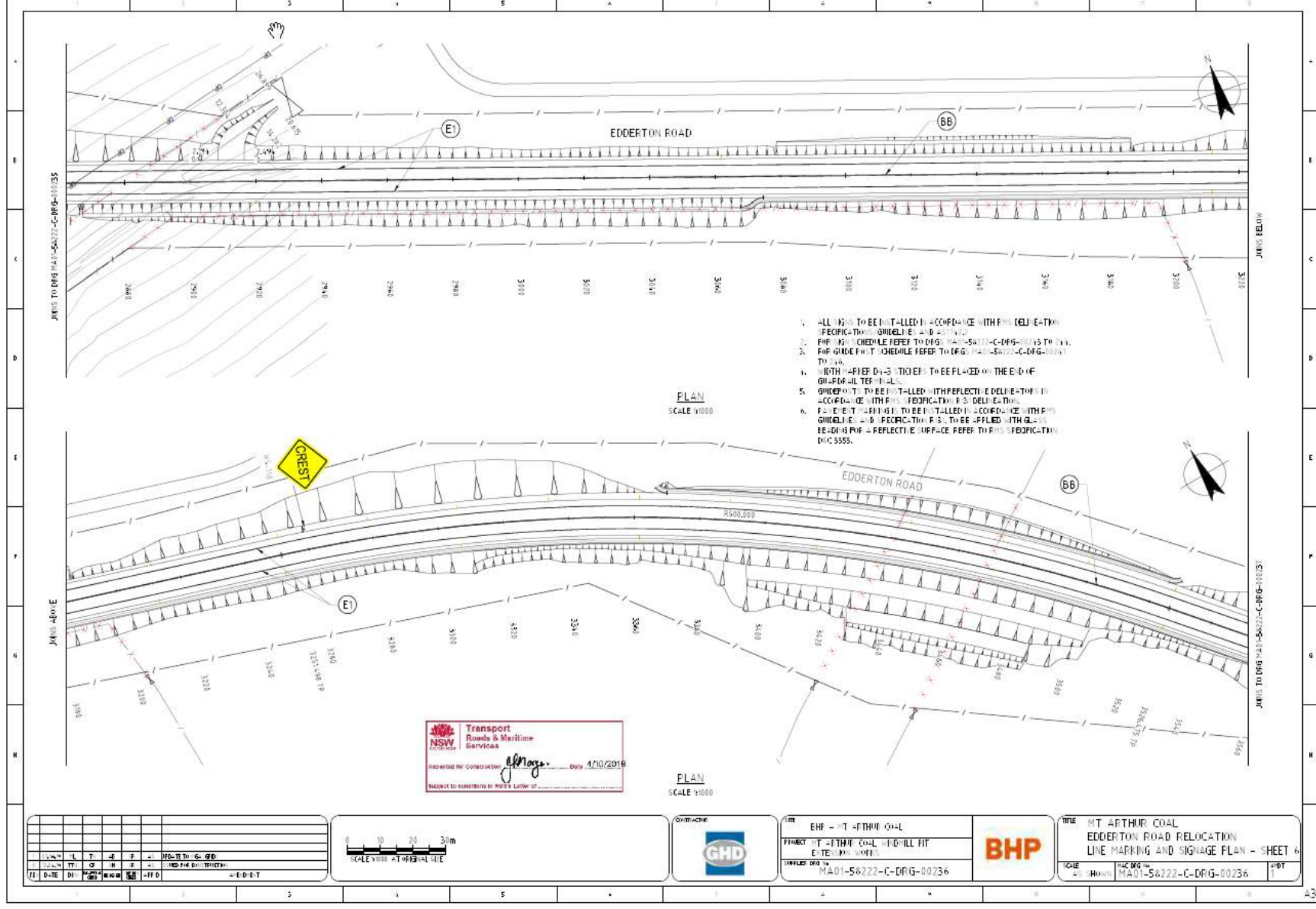




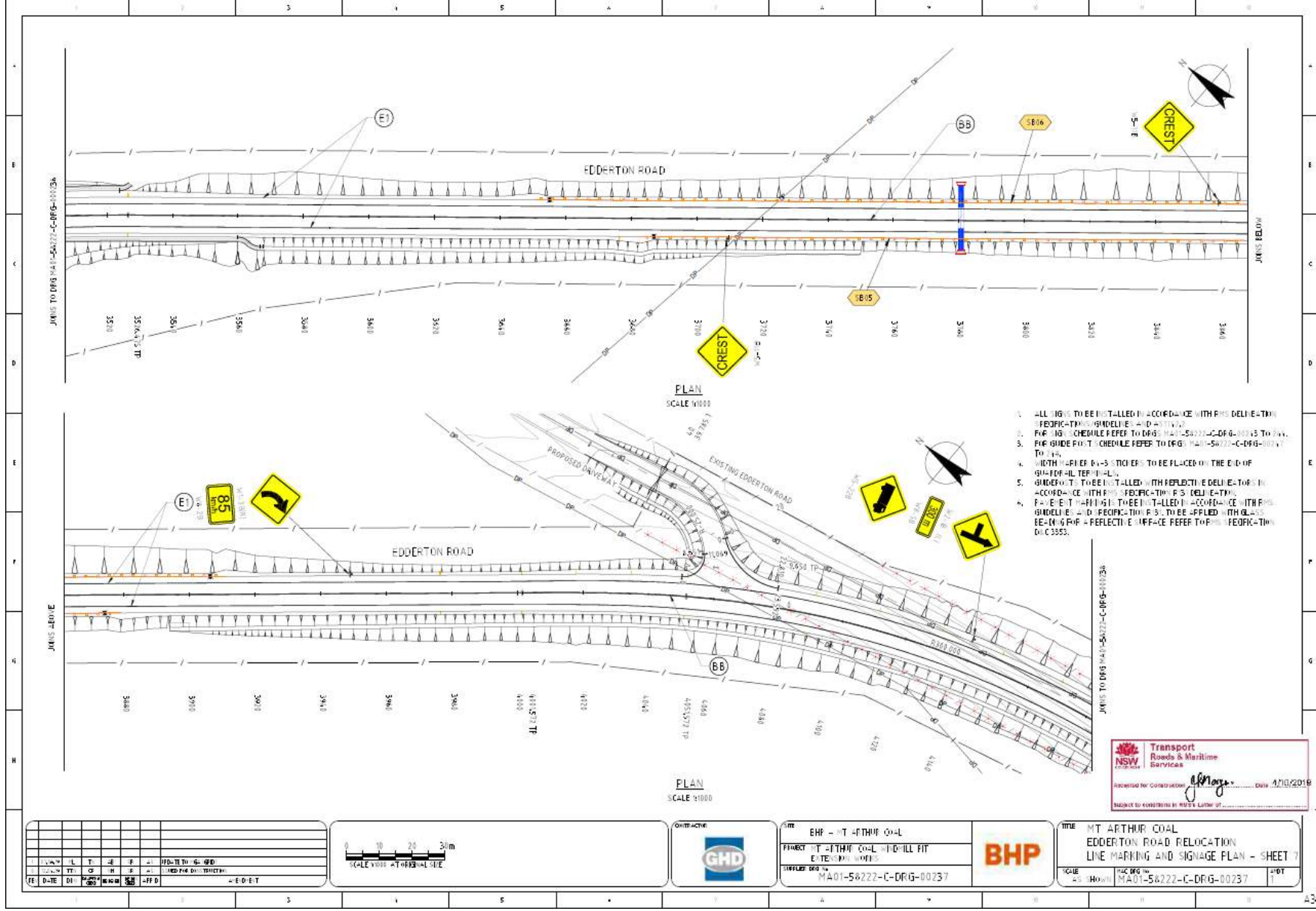
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019



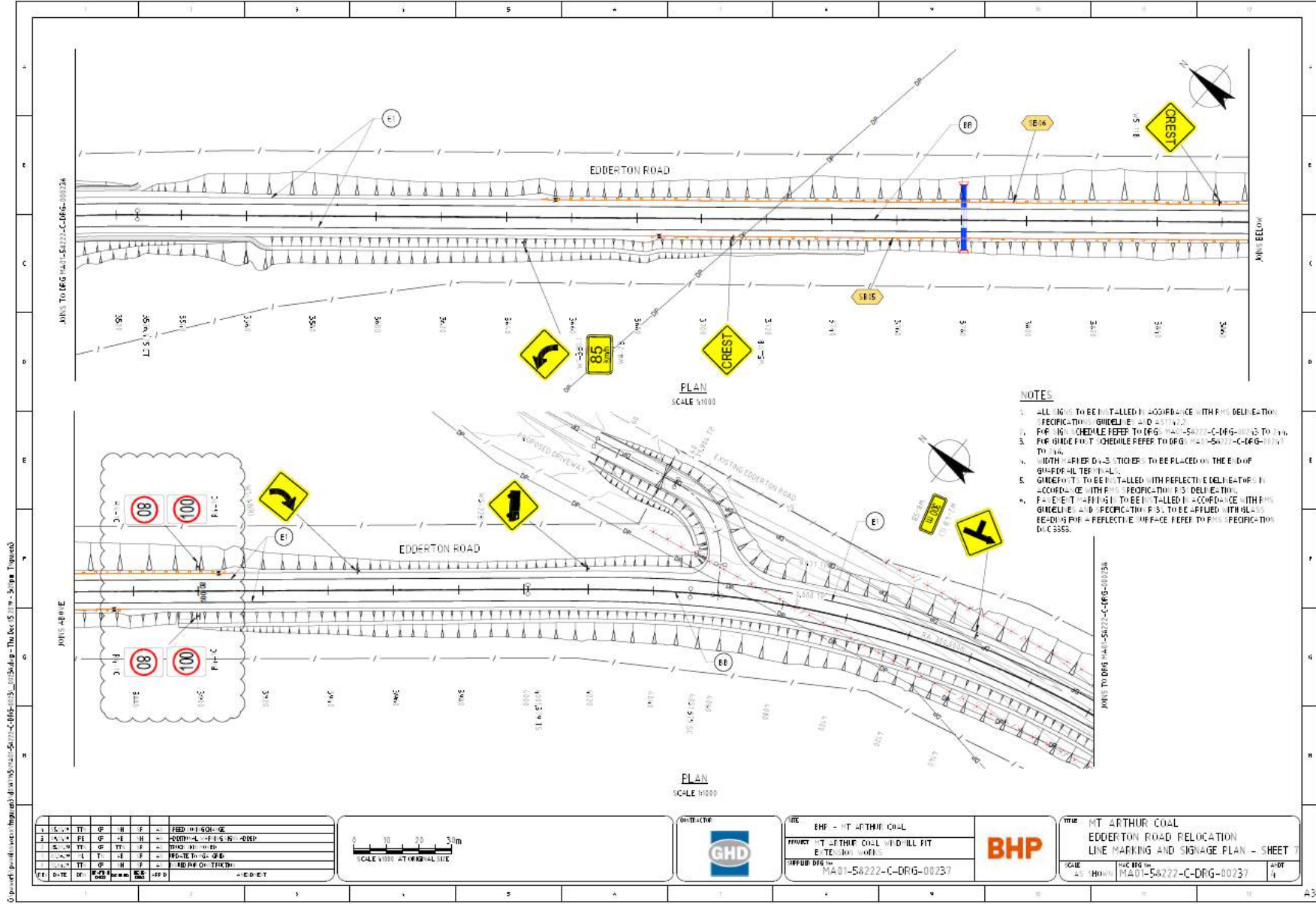


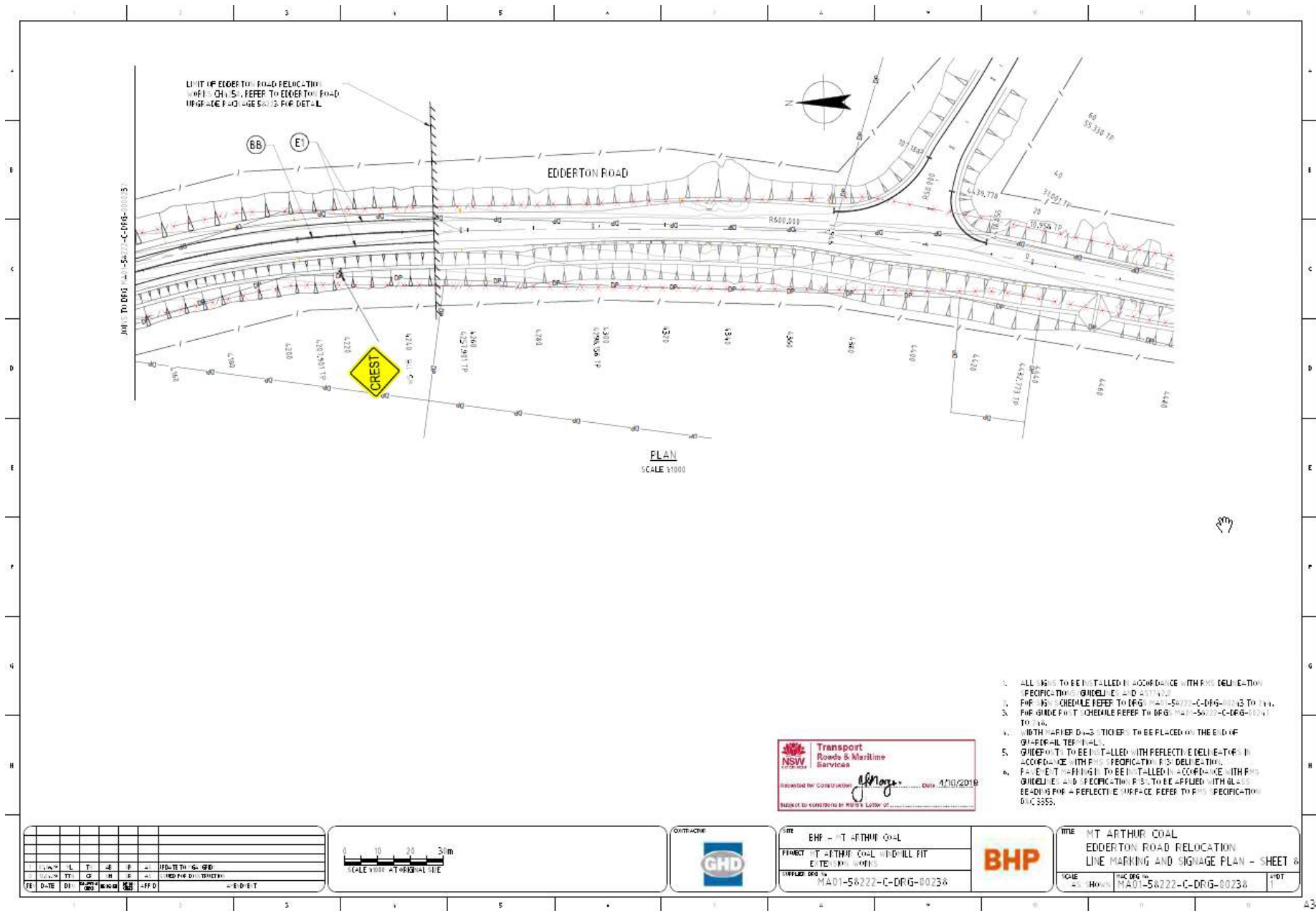


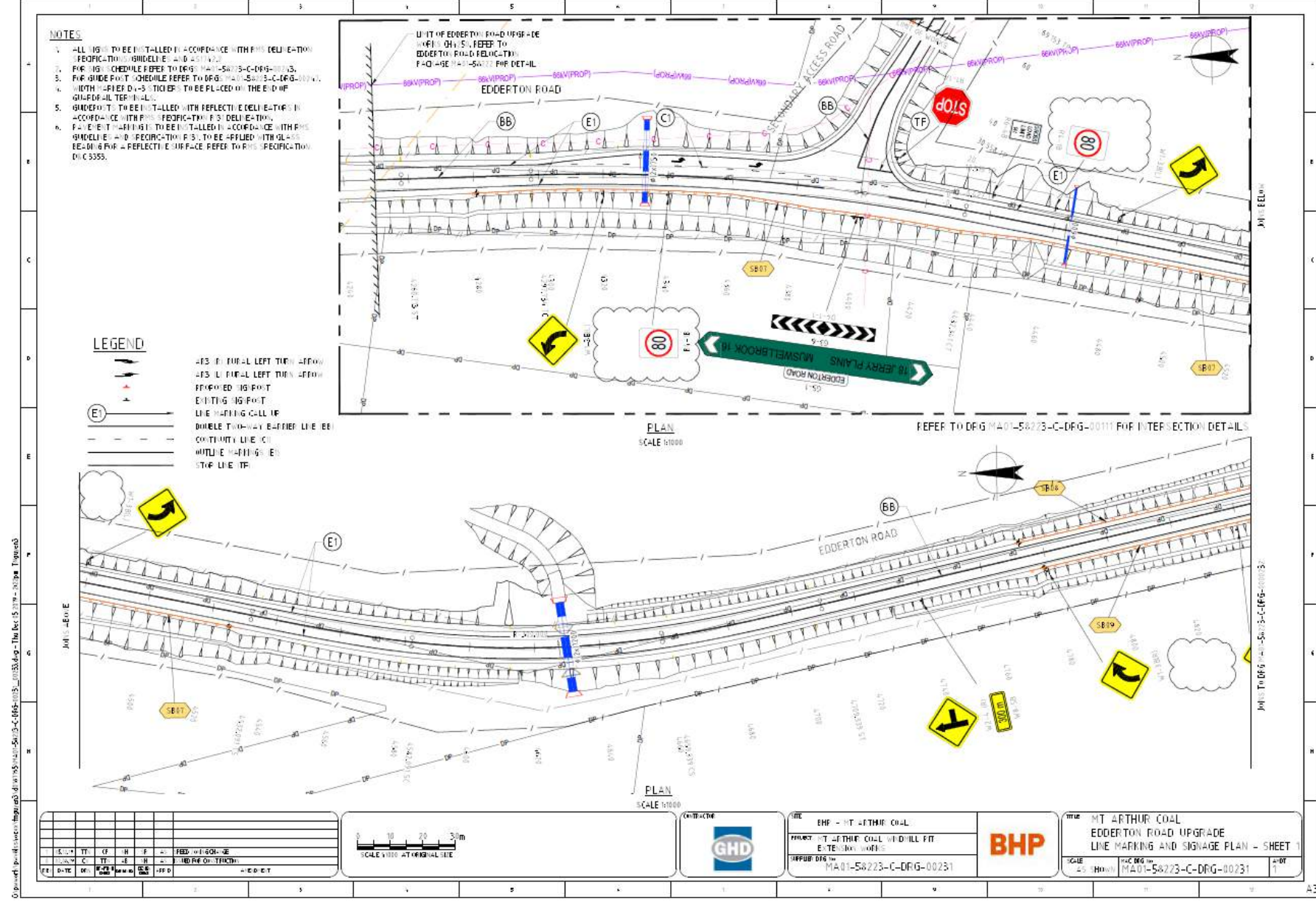
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019



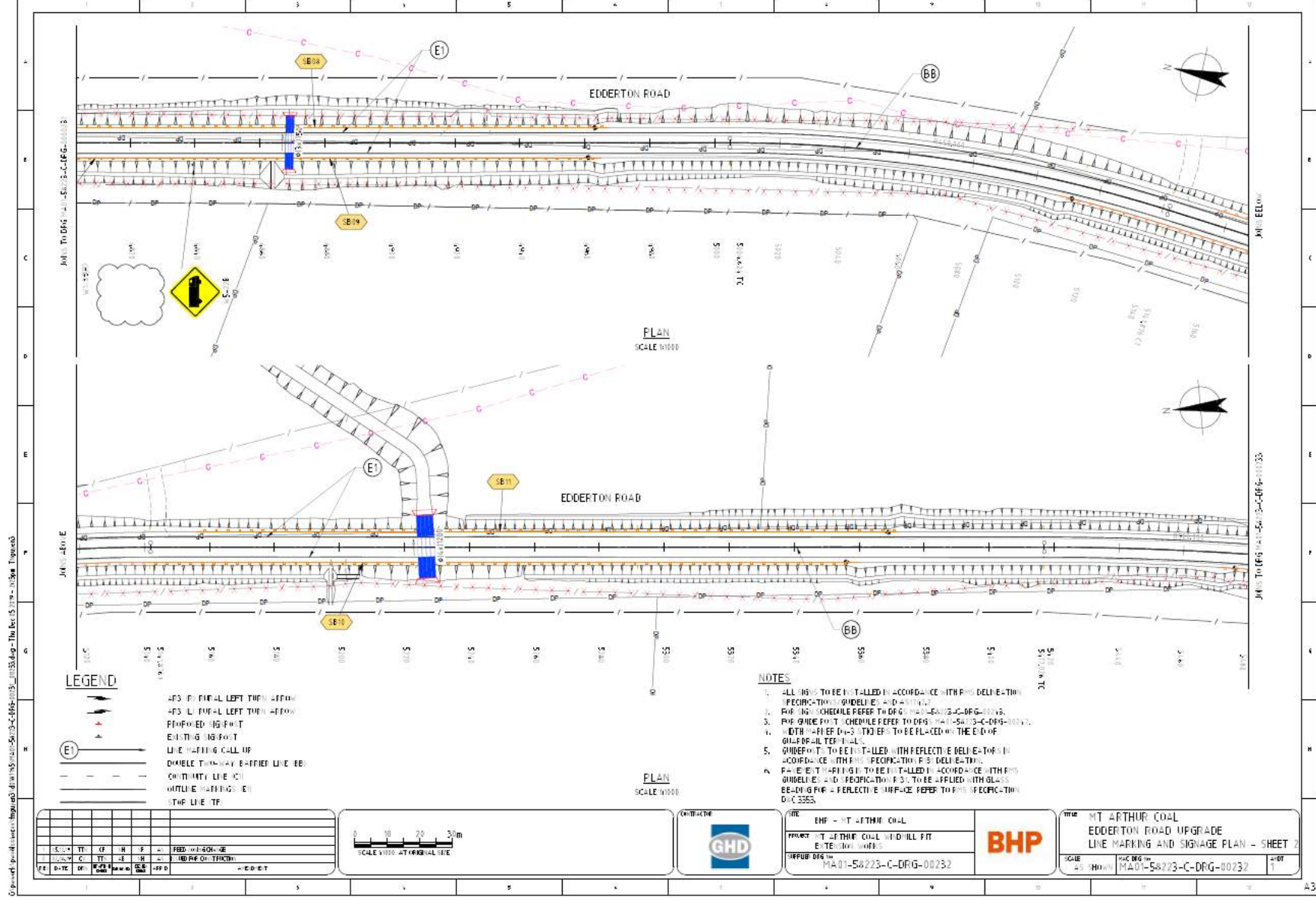
MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019



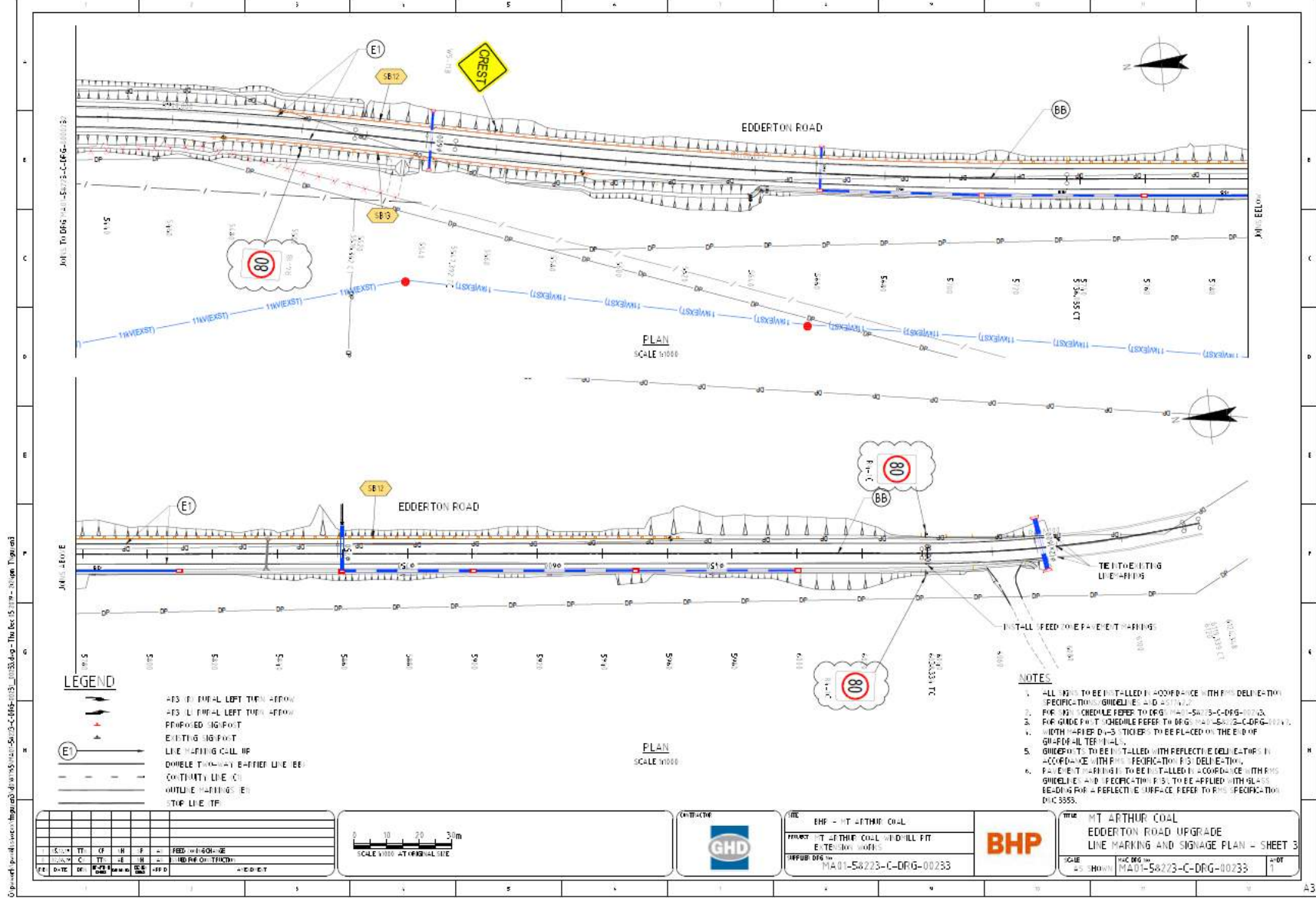




MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019



MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019



Übersicht über die Ergebnisse der Untersuchung der Auswirkungen der COVID-19-Pandemie auf die Gesundheit der Bevölkerung in Deutschland

A3

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY ON TUESDAY 10 DECEMBER, 2019

[illegible]

6 DATE OF NEXT MEETING

11 February 2020

7 CLOSURE

The meeting was declared closed.

.....

Cr S. Reynolds

Chairperson

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

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

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

19 CLOSED COUNCIL**RECOMMENDATION**

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

19.1 RETENDER - SUPPLY AND DELIVERY OF NETWORKS VEHICLES

Item 19.1 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.

19.2 CONTRACT 2019-2020-0390 - PRELIMINARY ENGINEERING DESIGN AND ENVIRONMENTAL IMPACT STATEMENT FOR A FOOD ORGANICS & GARDEN ORGANICS (FOGO) PROCESSING FACILITY

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 PROVISION OF ROAD STABILISING - T731920HUN

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 SUPPLY AND DELIVERY OF BULK WATER TREATMENT CHEMICALS - T711920HUN

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 CHANGE TO ORGANISATIONAL STRUCTURE: WORKS, PROPERTY, AND BUILDING SERVICES POSITIONS REVIEW

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 28 JANUARY 2020