



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
28 APRIL 2020



ORDINARY COUNCIL MEETING, 28 APRIL 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
23 April, 2020

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Chambers, Administration Centre, 157 Maitland Street, Muswellbrook on **28 April, 2020** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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19.4	COVID-19 WORKPLACE HEALTH AND SAFETY COMPLIANCE <i>Item 19.4 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 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.</i>	
19.5	REGIONS IN TRANSITION PROGRAM REPORT <i>Item 19.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 28 APRIL 2020**

- 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 **31 March 2020**, and the Extra Ordinary Meeting held on **14 April 2020**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

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

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

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

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

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

- Significant
- Less than significant

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

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

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

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

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 47/2019 - SECTION 8.3 REVIEW - 111 SKELLATAR STOCK ROUTE, MUSWELLBROOK

Attachments:	<p>A. DA 2019/47 Section 8.3 Review - Recommended Conditions of Consent</p> <p>B. Applicant Submission Accompanying Section 8.3 Review Application DA 2019/47</p> <p>C. Public Submissions in Relation to DA 2019/47 S8.3 Review</p> <p>D. DA 2019/47 Assessment Report Dated 22 October 2019</p> <p>E. DA 2019/47 29 October 2019 Notice of Determination</p> <p>F. DA 2019/47 Architectural Drawing Set</p> <p>G. DA 2019/47 Site Plan</p> <p>H. DA 2019/47 Landscape Plan</p> <p>I. DA 2019/47 Statement of Environmental Effects (Attached Separately)</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 the determination of an application made under Section 8.3 of the *Environmental Planning and Assessment (EP&A) Act 1979* for the review of the determination of a development application for a Centre Based Child Care Facility and the Subdivision of one (1) lot into two (2) lots at St James School, 111 Skellatar Stock Route, Muswellbrook (Lot 1 DP 1070178). This report recommends that the approval be amended to:

- Remove condition (20) imposed on the Notice of Determination issued by Council dated 29 October 2019, which requires the construction of a footpath on Ironbark Road, Muswellbrook.
- Impose a new condition to replace condition (20), requiring the payment of a Section 7.12 Contribution (former Section 94A Contribution) prior to the issue of an Occupation Certificate.

This matter requires determination by Council as the review relates to a development application previously determined by Council.

OFFICER'S RECOMMENDATION

Council determine the Section 8.3 review for DA 2019/47, being a Centre Based Child Care Facility and the Subdivision of one (1) lot into two (2) lots at St James School, 111 Skellatar Stock Route, Muswellbrook (Lot 1 DP 1070178), by amending its determination of DA 47/2019 to approve the development application subject to the recommended conditions of consent contained in Attachment A.

Moved: _____ Seconded: _____

BACKGROUND

An application for the review of Council's Determination of DA 2019/47 was lodged with Council on the 25 February 2020.

DA 2019/47 involved the construction of a Centre Based Child Care Facility and the Subdivision of one (1) lot into two (2) lots at St James School, 111 Skellatar Stock Route, Muswellbrook (Lot 1 DP 1070178). The development application was approved by Council on the 29 October 2019.

Section 8.3 of the EP&A Act 1979 allows an applicant to apply to the consent authority to review a decision made in relation to a development application. The applicant, through their lawyers, Sparke Helmore, has requested that Council give consideration to deleting condition 20, which requires the construction of a footpath along Ironbark Road.

Condition 20 reads as follows:

(20) Footpath Construction Requirement

Prior to the issuing of any Occupation Certificate, the construction of a footpath along Ironbark Road for a length of 215m from Adams Street in the direction of Rutherford Road is to be completed to Council's Satisfaction.

The image below identifies existing footpaths along Ironbark Road in blue and the length of footpath required for construction under the above condition in red.



SECTION 8.3 REVIEW MATTERS RELATED TO CONDITION (20)

The Applicant's reasons for the request to remove condition 20 is provided in Attachment B – a letter from Sparke Helmore Lawyers dated 11 February 2020.

Council Officers have also considered advice from Council's Corporate Lawyer on this matter.

The imposition of conditions of consent is guided by Section 4.17 of the EP&A Act 1979 and related case law. The 'Newbury' test is an established guiding principle for a consent authority to consider when imposing conditions of consent. A summary of the 'Newbury Test' made by Justice Callinan has been included below for Council's information:

"... a condition must be for a planning purpose and not for any ulterior purpose, must fairly and reasonably relate to the proposed development, and, thirdly must not be so

unreasonable that no reasonable planning authority could have imposed it"

Council Officers have reviewed condition (20) based on information submitted with the development application and note that:

- The footpath which condition (20) requires to be paved is more than 500m from the nearest boundary of the development site.
- The Traffic Study submitted with the development application made the following assessments: *"the proposed development is not expected to generate any significant external pedestrian traffic"* (p.18) and *"some children may be walked to the centre from nearby dwellings, the majority of children are transported to the centre by private vehicles."* (p.18).
- Users of the proposed facility will be children aged 0-6, parents and staff.
- Council's Community Infrastructure Department, when commenting on the original development application and Traffic Impact Study, did not raise any concern with the findings of the Traffic Impact Study.
- It is considered un-likely that children of this young age would be permitted to walk to and from the facility unsupervised, while parents using the service provided by the facility are likely to be working parents. It is viewed as highly unlikely that a large quantity of parents living outside the immediate perimeter of the facility would walk their children to the centre-based child care facility on a regular basis.
- In making the decision to impose condition (20), Council resolved to not impose a recommended condition that required the payment of Section 7.12 (former 94A) Contributions. Under Council's Section 94A Contribution Plan Section 7.12 contributions to the value of \$28,951.87 are applicable to the development.

Council Officers do not consider that requiring the Applicant to construct footpath in Ironbark Road, Muswellbrook, reasonably relates to the development, and recommend that a condition requiring the payment of Section 7.12 Contributions, prior to the issue of an Occupation Certificate, be imposed on the development instead.

COMMUNITY CONSULTATION

The Section 8.3 application was notified to members of the public who made submissions in relation to the original development application. One (1) submission objecting to the proposed development was received. This submission is attached for Council's information and the matters raised have been summarised and commented on in a table below:

<u>Submitter Concern</u>	<u>Planning Comments</u>
Where will the independent parking (for the centre based child care facility) be situated?	<p>The applicant has proposed a total of 31 new off-street car parking spaces to service the development.</p> <p>These new parking spaces would be provided in an area reserved for use by the proposed early education centre.</p> <p>Parking would be situated on-site in a new purpose built area adjacent the entry to the new building. Parking would be accessed via the existing school entry.</p>
The centre is proposed to cater for 100 children and will employ 10 staff (based on 1 staff for each 10 children). This suggests a requirement of 10 car spaces just to accommodate the staff. Parking will also be required for visitors. Is there sufficient space to cater for this?	Under the provisions of Muswellbrook Development Control Plan 2009, a minimum of 27 off-street car parking spaces are required to service the facility. The proposed number of spaces exceed the minimum requirement by 4 car parking spaces.

<u>Submitter Concern</u>	<u>Planning Comments</u>
Where will drop-off and pick up areas be situated within the new lot?	A new parking area would be constructed adjacent the entrance to the facility. The Traffic and Parking Assessment accompanying the development application recommended the reservation of car parking spaces within this purpose built car park for the drop off of children at the centre.

OPTIONS

The Council may:

- A. Amend the determination of DA 2019/47 to:
 - Delete condition (20), requiring the construction of a footpath along Ironbark Road.
 - Impose a new condition (20), requiring the payment of Section 7.12 contributions of \$28,951.87 prior to the issue of an Occupation Certificate.
- B. Resolve not to change its determination of DA 2019/47.
- C. Resolve to change its determination of DA 2019/47 by determining the development application subject to alternative conditions of consent.

LEGAL IMPLICATIONS

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

CONCLUSION

This Section 8.3 Review of DA 2019/47 has been reported to Council as a review of a development application previously determined by Council.

Council Officers do not consider that requiring the Applicant to construct footpath in Ironbark Road, Muswellbrook, meets the test of reasonably relating to the development, and recommend a condition requiring the payment of Section 7.12 Contributions as an alternative.

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

The development being carried out in accordance with the development application and the Statement of Environmental Effects, drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions and as marked in red on the approved plans.

Drawing No.	Drawn by	Rev	Drawing Date	Received
A00	EJE Architecture	-	13 June 2019	21 June 2019
A01	EJE Architecture	3	18 October 2019	21 October 2019
A02	EJE Architecture	2	13 June 2019	21 June 2019
A03	EJE Architecture	2	13 June 2019	21 June 2019
A04	EJE Architecture	2	13 June 2019	21 June 2019
A05	EJE Architecture	2	13 June 2019	21 June 2019
A06	EJE Architecture	2	13 June 2019	21 June 2019
A07	EJE Architecture	2	13 June 2019	21 June 2019
A08	EJE Architecture	2	13 June 2019	21 June 2019
A09	EJE Architecture	2	13 June 2019	21 June 2019
A10	EJE Architecture	2	13 June 2019	21 June 2019
A11	EJE Architecture	0	13 June 2019	21 June 2019
A12	EJE Architecture	1	13 June 2019	21 June 2019
A14	EJE Architecture	0	13 June 2019	21 June 2019
L01	Terras Landscape Architects	D	14 May 2019	21 June 2019
L02	Terras Landscape Architects	D	14 May 2019	21 June 2019
L03	Terras Landscape Architects	D	14 May 2019	21 June 2019
L04	Terras Landscape Architects	D	14 May 2019	21 June 2019
L05	Terras Landscape Architects	D	14 May 2019	21 June 2019
L06	Terras Landscape Architects	D	14 May 2019	21 June 2019
L07	Terras Landscape Architects	D	14 May 2019	21 June 2019
L08	Terras Landscape Architects	D	14 May 2019	21 June 2019
L09	Terras Landscape Architects	D	14 May 2019	21 June 2019
L10	Terras Landscape Architects	D	14 May 2019	21 June 2019
L11	Terras Landscape Architects	D	14 May 2019	21 June 2019
L12	Terras Landscape Architects	D	14 May 2019	21 June 2019
C.100	Ambai Consultants	B	15 May 2019	21 June 2019
C.200	Ambai Consultants	B	15 May 2019	21 June 2019
C.300	Ambai Consultants	B	15 May 2019	21 June 2019
C.400	Ambai Consultants	B	15 May 2019	21 June 2019
Signage Location Mark-Up	EJE Architecture	2	13 August 2019	15 August 2019
Schedule of Signage	EJE Architecture	B	13 August 2019	15 August 2019
Signage Artwork	Unknown.	-	Undated.	15 August 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	EJE Architecture	June 2019
Traffic Impact Assessment	Intersect Traffic	14 March 2019

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

(3) Building Code of Australia

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

(4) Access to premises standard

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

CONSTRUCTION CERTIFICATE REQUIREMENT

(5) Construction Certificate Requirement

No works shall commence on site until 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

(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.

Any Notice of Requirements will require the payment of water and sewer headworks contributions prior to the issue of a Compliance Certificate. Water and sewer headworks contributions applicable under Council's current fees and charges for the development are specified the table below:

Headworks Contribution	ET calculated per child (total ET for 104 additional child capacity centre)	Contribution per 1 ET	Total Contribution calculated for 104 child facility
Water	0.06 (6.24)	\$7,052	\$44,004.48
sewer	0.095 (9.88)	\$7,805	\$77,113.4
Total			\$121,117.88

The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

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

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

(7) Fit-out to be in accordance with relevant legislation and standards

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principle Certifying Authority demonstrating that the 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)

(8) Liquid Trade Waste Agreement

Unless otherwise agreed to by Council in writing prior to the issue of a Construction Certificate, an application for a Section 68 Approval for Sewage Works and 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(9) Section 68 Local Government Act 1993 Approvals

Prior to the commencement of any water, sewage or stormwater works the person acting on 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) Materials

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

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

(15) 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.

(16) Out of Hours Work Permits

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

modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

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

(17) 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.

(18) Mandatory Council inspections

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

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

(19) Occupation

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

(20) 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 **\$28,951.87** shall be paid to Muswellbrook Shire Council, being 1% of the cost of carrying out the development.

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

(21) 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.

(22) 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.

(23) 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.

(24) Connection to Sewer

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

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

(25) 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:

- 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.

(26) Education and care service policies and procedures

Policies and procedures are to be prepared for the operation of the premises in accordance with the requirements of Section 168 of the Education and Care Services National Regulations.

Prior to the issue of an Occupation Certificate an emergency and evacuation policy and procedure are to be prepared in relation to the proposed facility in accordance with the requirements of Clauses 97 and 168 of the Education and Car Services National Regulations and industry best practice.

These documents are to be provided to the Principle Certifying Authority prior to or with any application for an Occupation Certificate and should be provided to Council for its information.

(27) 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. Prior to the issue of an Occupation Certificate documentary evidence is to be provided to the Principle Certifying Authority that the premises has been inspected by Council's Environmental Health Officer and that this Officer was satisfied that premises fit out was achieved the relevant construction and food safety requirements.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(28) Stormwater Disposal

All stormwater from the development, including all hard standing areas and overflows from rainwater tanks, is to be collected and disposed of in accordance with the approved stormwater management plan and the requirements of any approval under Section 68 of the Local Government Act 1993.

(29) Trade Waste

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

(30) Smoking

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

(31) Illumination of Signage

Signs A, B and D marked on the approved signage location plan may be illuminated with up and/or down lighting.

All up and down lighting should be installed and managed so to minimise any light spill onto neighbouring properties.

The lighting of internally facing signs D and B shall be fitted with a timing device and the illumination of these signs is to cease every evening 8:00pm and is not to resume until 6:00am the following day.

(32) Landscaping

The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan or as otherwise approved by Council in writing.

(33) Operating Hours

Unless otherwise approved by Council in writing, the operating hours for the premises shall be limited to between 6:30am and 6:30pm Monday – Friday.

(34) Maximum centre capacity

Unless otherwise approved by Council in writing the maximum number of children permitted to attend the child care centre at any one time shall be 104.

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

(35) Restriction on the issue of a Subdivision Certificate

Prior to the issue of a Subdivision Certificate all works associated with the construction of the centre-based child care facility shall be completed and a Final Occupation Certificate obtained for the operation of the premises.

Evidence that a Final Occupation Certificate has been obtained for the development should be provided to Council with any Subdivision Certificate application.

(36) Location of Services

Prior to the issue of a Subdivision Certificate the applicant shall provide Council with documentation from a registered surveyor certifying that all services required to support each lot in the subdivision or an appropriate easement to be registered on the title in favour of the benefited lot.

(37) Easement for Vehicle Access

The plan of subdivision accompanying any Subdivision Certificate is to include provisions for the registration of a right of way

The plan of subdivision accompanying any Subdivision Certificate shall include provisions for the registration of an easement for a right of carriage over the lot that incorporates the St James Primary School to the benefit of the lot containing the centre-based child care facility.

The easement is to be located over the entirety of the loop road vehicle access and the off-street car parking spaces located along this access and adjacent the centre-based child care centre facility. The easement shall provide the benefited lot with the right to use the affected portion of the burdened lot for access and parking.

(38) Easement for Council Infrastructure

Where Council water and sewerage infrastructure is located within the boundary of either lot related to the subdivision an easement 3m in width is to be registered over the burdened land to the benefit of Council. The terms of the easement are to permit the location of the relevant service on the land and are to restrict the carrying out of works within the easement without the consent of Council.

(39) Compliance with the Building Code of Australia

The boundary of the lot containing the centre-based child care facility must be setback a minimum of 3m from the wall elevation of St James Hall Building as set-out in the approved site plan dated 18 October 2019 to comply with the fire separation requirements of the Building Code of Australia.

Prior to the issue of a Subdivision Certificate, documentation prepared by a Registered Surveyor is to be submitted to Council demonstrating that the development and plan of subdivision complies with this requirement.



Nicola Arvidson

HEAD OF COMPLIANCE, LEGAL AND RISK

P 4979 1179 F 4979 1189

E legal@mn.catholic.org.au

25 February 2020

The General Manager
Muswellbrook Shire Council
PO Box 122
Muswellbrook NSW 2333

Dear Sir/ Madam,

Development Consent 47/2019 – Section 8.3 Review

We refer to the Notice of Determination of Development Application No. 47/2019 (**Consent**) issued by the Council on 29 October 2019.

The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle formally request a review of the Council's determination to impose Condition 20 of the Consent under section 8.3 of the *Environmental Planning and Assessment Act 1979*.

The grounds of the review are detailed in the **enclosed** legal advice received from Sparke Helmore Lawyers.

We also **enclose** a cheque in the amount of \$1,745.07 in payment of the fee for the request.

Please contact Nicola Arvidson should you wish to discuss the request.

Yours faithfully

A handwritten signature in black ink, appearing to read "Arvidson".

Nicola Arvidson

HEAD OF COMPLIANCE, LEGAL AND RISK

CC – Via email

David Crofts - Strategy Hunter Consultants – Email: dcrofts@strategyhunter.com.au

Hamish McTaggart – Development Coordinator – Muswellbrook Shire Council – Email:

Hamish.McTaggart@muswellbrook.nsw.gov.au

Diocese of Maitland-Newcastle

PO BOX 756 Newcastle NSW 2300 | 841 Hunter Street Newcastle West 2302

P 02 4979 1111 F 02 4979 1119 E enquiries@mn.catholic.org.au ABN 91 605 046 457www.mn.catholic.org.au

Commonwealth Bank
Commonwealth Bank of Australia

Date 25/2/2020

HAMILTON NSW

Pay Muswellbrook Shire Council or bearer \$ 1745.07

The sum of One thousand seven hundred and forty
five dollars and seven cents

CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
ABN 91 605 046 457

NOT NEGOTIABLE

[Signature]

0001030 062808 10255506

This cheque contains special security features including Thermochrome ink and micro printing.



11 February 2020

Nicola Arvidson
The Trustees of the Roman Catholic Church for the
Diocese of Maitland-Newcastle
PO Box 756
Newcastle NSW 2300

By email: legal@mn.catholic.org.au

Dear Nicola

Condition 20 of DA 47/2019

Our ref: SVN/THE979-00002

1. Your instructions

The Trustees of the Roman Catholic Church for the Diocese of Maitland-Newcastle (**Diocese**) require advice about the validity of Condition 20 of Development Consent 47/2019 (**Consent**) requiring footpath works along Ironbark Road.

2. Summary of advice

2.1 In our opinion, Condition 20 is inappropriate (and unlawful) for the following reasons:

- (a) The condition is contrary to section 7.12 and 7.13 of the *Environmental Planning and Assessment Act 1979* (**EPA Act**);
- (b) The condition is beyond the scope of power in section 4.17 of the EPA Act; and
- (c) The condition does not satisfy the "Newbury" test which applies to all conditions of development consents.

3. Documents

3.1 Our advice is based on the information in the email from Nicola Arvidson dated 31 January 2020 and the following attachments:

- (a) Notice of Determination of Development Application from Muswellbrook Shire Council (**Council**) dated 29 October 2019;
- (b) Submission seeking exemption from 7.12 contributions prepared by Strategy Hunter (**Exemption Request**).

4. Background

4.1 Development Application 47/2019 (**DA**) was lodged with the Council on 20 June 2019. The DA sought development consent for a centre-based child care facility and a 1 into 2 lot subdivision of Lot 1 DP1070178 at 111 Skellatar Stock Route, Muswellbrook (**Site**).

4.2 As part of the DA, the Diocese lodged the Exemption Request seeking an exemption from the requirement to pay a monetary contribution under section 7.12 of the EPA Act. Under clause

Newcastle

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adelaide | brisbane | canberra | darwin | melbourne | newcastle | perth | sydney | upper hunter

SVN\SVN\72503709\1

1.5 of the Council's Section 94A Development Contributions Plan (**Contributions Plan**), Council will consider requests for exemptions for the following relevant types of development:

- (a) Works undertaken for charitable purposes or by a registered charity; and
- (b) Childcare facilities.

- 4.3 Council considered the DA at its ordinary meeting on 29 October 2019. The Business Paper provided as follows about the Exemption Request:

REQUEST TO WAIVE SECTION 7.12 AND SECTION 64 CONTRIBUTIONS

This development application has been accompanied by a request for Council to waive developer contributions under Section 7.12 (formerly Section 94A) of the Environmental Planning and Assessment Act 1979 and Section 64 of the Water Management Act 2000.

A brief description of the function of each contribution is provided below:

- Section 7.12 Contributions: Muswellbrook Shire Council adopted a Section 7.12 Contributions Plan titled the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010 on the 14 October 2009. This Plan provides Council with a mechanism to offset the increased demand on facilities resulting from new and increased development in the Local Government Area by charging a percentage contribution on new developments. Under the provisions of the Plan a developer contribution of 1% of the total Capital Investment Value of a development is applicable to development with an estimated value exceeding \$200,000. Where applied to this development application a contribution of **\$28,951.87** would need to be paid to Council related to the provision of new facilities prior to the issue of a Construction Certificate.
- Section 64 Contribution – Section 64 Contributions are Water and Sewage Headworks charged by Council to meet the Muswellbrook Shire Council Development Servicing Plans for Water Supply and Sewerage 2012. A contribution of **\$121,117.88** (subject to CPI fluctuation at the time of payment) will need to be paid to Council to support the provision of water supply and sewerage infrastructure.

The written requests from the applicant seeking to have the payments waived are included as attachments to this report. Council Officers have recommended that Council does not support waiving the Section 7.12 and Section 64 Contributions for reasons outlined in the table below...

- 4.4 The Council ultimately resolved as follows:

RESOLVED on the motion of Crs Rush and Scholes that:

Council:

1. Approve Development Application No. 47/2019, for the construction of a centre-based child care facility and the subdivision of one (1) Lot into two (2), on Lot 1 DP 1070178, subject to the recommended conditions of consent contained in Attachment B.
2. Refuse the applicant's request that contributions and charges under Section 7.12 (formerly Section 94A) of the EP&A Act, and Section 64 under the Water Management Act, be waived.
3. Prior to the issuing of the Occupational Certificate, the construction of a footpath along Ironbark Road for 215m. The footpath is to be constructed from Adams Street in the direction of Rutherford Road to Councils satisfaction.

4. Replacement to recommended condition Item 7, Section 7.12 contributions, with the new condition as per below:

(7) **Section 7.12 Contributions**

Prior to the issuing of any Occupation Certificate, the construction of a footpath along Ironbark Road for a length of 215m from Adams Street in the direction of Rutherford Road is to be completed to Councils Satisfaction.

- 4.5 The Development Assessment Report provided to the Council (Attachment A to the Business Paper) did not indicate that the proposed development generated the need for any footpath works (along Irongate Road or otherwise).
- 4.6 The Site has frontage to Skellatar Stock Route (which later becomes Ironbark Road). The location of the footpath works required by Condition 20 is approximately 500 metres from the nearest (eastern) boundary of the Site.

5. Is Condition 20 valid or appropriate?

- 5.1 The Consent granted by the Council included the following condition:

(20) **Footpath Construction Requirement**

Prior to the issuing of any Occupation Certificate, the construction of a footpath along Ironbark Road for a length of 215m from Adams Street in the direction of Rutherford Road is to be completed to Council's satisfaction.

- 5.2 The effect of Condition 20 is to require the completion of the footpath works prior to the issue of an occupation certificate.
- 5.3 In our opinion, Condition 20 is inappropriate (and unlawful) for the following reasons:
- (a) The condition is contrary to section 7.12 and 7.13 of the EPA Act;
 - (b) The condition is beyond the scope of power in section 4.17 of the EPA Act; and
 - (c) The condition does not satisfy the "Newbury" test which applies to all conditions of development consents.

Contrary to EPA Act

- 5.4 It appears from the resolution of the Council that it has purported to impose Condition 20 pursuant to its powers under section 7.12 of the EPA Act. Under section 7.12 of the EPA Act, a consent authority may impose, as a condition of development consent, a requirement that the applicant pay a levy of the percentage, authorised by a contributions plan, of the proposed cost of carrying out the development.
- 5.5 Section 7.13 of the EPA Act provides that a condition under section 7.12 may only be imposed if it is of a kind allowed by and is determined in accordance with a contributions plan. A condition that has been imposed in accordance with a contributions plan may still be disallowed or amended by the Court on appeal if it is considered "unreasonable in the particular circumstances of that case".
- 5.6 Under section 7.18 of the EPA Act, a Council may prepare and approve a contributions plan. The Act authorises regulations about the preparation and approval of contributions plans, including the format, structure and subject matter of plans.
- 5.7 The Contributions Plan relevantly provides:

Part A – Summary schedules

The following summary schedules are included in this plan:

- Works program
- Completed works
- Summary of levy by category

The works schedule identifies the public facilities for which section 94A levies will be required. Schedule 1 identifies the works schedule adopted in 2009 and a summary of the expenditure on the respective items.

...

1.8 How will the levy be calculated?

The levy will be determined on the basis of the rate as set out in summary schedule.

- 5.8 Appendix B of the Contributions Plan includes the Works Schedule including the following:

Item	Infrastructure Type	Location	Priority	Estimate
43	Footpaths	Ironbark Road (Adams St to Rutherford Rd)	M	\$95,000

- 5.9 The Contributions Plan does not provide for the carrying out of works in lieu of payment of the levy.
- 5.10 On this basis, Council did not have the power to impose Condition 20 because it is not of a kind allowed by and determined in accordance with the Contributions Plan.

Beyond the scope of power

- 5.11 Section 4.17(1) of the EPA Act authorises a consent authority to impose conditions of development consent in a range of circumstances.

- 5.12 Section 4.17(1) relevantly provides:

A condition of development consent may be imposed if:

- (a) it relates to any matter referred to in section 4.15 (1) of relevance to the development the subject of the consent, or ...
- (f) it requires the carrying out of works (whether or not being works on land to which the application relates) relating to any matter referred to in section 4.15 (1) applicable to the development the subject of the consent...

- 5.13 Section 4.17(1)(f) gives the Council power to grant development consent subject to conditions which require the carrying out of works on other land. It is not unusual for conditions to be imposed requiring works (such as asset protection zones or roads) on other land. The works required by the condition imposed under section 4.17(1)(f) must however relate to those matters prescribed by section 4.15(1) of the EPA Act applicable to the development the subject of the Consent.

- 5.14 Section 4.15(1) relevantly provides:

(1) **Matters for consideration—general**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:
 - (i) any environmental planning instrument, and
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) any development control plan, and
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

- 5.15 While Council has the power under section 4.17(1)(f) to impose a condition requiring works on other land, the condition is required to relate to those matters prescribed by section 4.15(1) of the EPA Act applicable to the development. The footpath works are not required by any environmental planning instrument or development control plan. It also does not appear, at least on its face, that Condition 20 addresses the “likely impacts” of the approved development. On this basis, Condition 20 does not fall within the scope of section 4.17(1)(f) of the EPA Act.

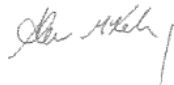
Newbury Test

- 5.16 Even if the Council had the power to impose Condition 20 under section 7.12 or section 4.17 of the EPA Act, conditions of development consents must satisfy the relevant common law principles.
- 5.17 The Land and Environment Court has consistently adopted the approach taken in *Newbury DC v Secretary of State for the Environment* (1981) AC 578 (**Newbury**) where it was held that in order to be proper and valid, a condition of development consent must:
- (a) Be imposed for a planning purpose;

Sparke Helmore Lawyers

- (b) Fairly and reasonably relate to the development for which permission is given; and
 - (c) Be reasonable, that is, be a condition which a reasonable local authority properly advised by impose.
- 5.18 The reason for which Condition 20 has been imposed is not apparent from the Development Assessment Report or the resolution of the Council.
- 5.19 Given the location of the proposed footpath works (in particular, the substantial distance from the Site) and the lack of any nexus between the footpath works and the approved development, Condition 20 does not appear to satisfy the *Newbury* test because it does not fairly or reasonably relate to the development authorised by the Consent nor is it reasonable. Further, the Council appears to be collecting contributions to fund the works so it is work that would ordinarily be carried out by the Council. The imposition of Condition 20 cannot be justified based on the merits of the DA.
- 6. Next steps**
- 6.1 The Diocese should lodge an application for review under section 8.3 of the EPA Act seeking deletion of Condition 20 on the basis that it is beyond power and otherwise not a proper condition in the circumstances. A copy of this advice should accompany the application.

Yours faithfully



Partner responsible:
Alan McKelvey
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e: Alan.McKelvey@sparke.com.au

Contact:
Stephanie Nevin, Senior Associate
t: +61 2 4924 7658
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The General Manager
Muswellbrook Shire Council
PO Box 122
Muswellbrook 2333

Re: The proposed development of an Early Education Centre in the grounds of
St James' Catholic School, Muswellbrook.

I ask that Council only allow this Early Education Centre to go ahead on the condition that the new school subdivided block provides adequate parking.

Skellatar Stock Route is a narrow road with two curves and a rise in the road resulting in a blind curve when traveling from a southerly direction.

The area, outside the school, does not allow for parking.
As a result the buses and cars are parked illegally on the footpaths encouraging children to run across the road to their parents.
Council should erect "No standing" signs outside the school on both sides of the road to overcome this problem.

This road was not designed to carry the greatly increased amount of traffic, which has resulted from the size of the school, its use as a bypass of the town centre and as a gateway to the Coles Centre.

There has already been one death, outside the school, due to cars travelling north and misjudging the curve and the car wheels going into ruts, just off the tared area, caused by buses and cars, which are forced to park on the verges of this narrow road.

It appears that the area, assigned for the new Centre, is a block, which has been subdivided from the original school grounds. Please answer the following:

1. Where will the independent parking area be situated?
2. The Centre is proposed to cater for 100 children and will employ 10 staff (based on 1 staff for each 10 children). This suggests a requirement of 10 car spaces just to accommodate the staff. Parking will also be required for visitors. Is there sufficient space to cater for this?
3. Where will the drop-off and pick-up areas be situated within the new lot?

Yours sincerely

[Redacted signature block]



DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 1 DP: 1070178 111 Skellatar Stock Route MUSWELLBROOK
APPLICATION No:	47/2019
PROPOSAL:	Centre-based child care facility and the subdivision of one (1) Lot into two (2)
OWNER:	St James Primary School
APPLICANT:	Trustee Of The Roman Catholic Church For Diocese Of Maitland-Newcastle C/O-Kurt Daley 841 Hunter Street NEWCASTLE WEST NSW 2302
AUTHOR:	Mr A Kazi
DATE LODGED:	18/06/2019
AMENDED:	
ADD. INFO REC'D:	
DATE OF REPORT:	22 Oct 2019

SUMMARY

SUBMISSIONS: One (1)

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY

The proposed development relates to Lot 1 DP 1070178. The address of the land is 111 Skellatar Stock Route, Muswellbrook.

The site is developed and is operated as St James Primary School by the Maitland-Newcastle Catholic Church. The school site has an area of approximately 7.14ha and the works proposed are on the vacant south western portion of the site.

Vehicle access to the site is available from an internal loop road that serves the School, with two egress points from Skellatar Stock Route.

The land is zoned R1 General Residential, has a minimum lot size of 600m² and a maximum building height of 13m.

A satellite image of subject site have been included below.



2.0 DESCRIPTION OF PROPOSAL

The proposal seeks development consent for the establishment of an early education centre facility and the subdivision of the land into two lots.

The early education centre would provide care and early learning facilities for children between the ages of 0-5 years with a capacity for 104 children.

The development comprises:

- 6 playrooms catering to various age groups (0-5 years of age)
- Administration and staff areas

- Commercial kitchen
- Amenities and nappy change rooms
- Cot rooms
- Bottle preparation room
- Laundry
- Arts and craft preparation rooms
- Storage rooms
- Covered and open outdoor landscaped play areas
- Building services
- Carparking and driveways
- Forecourt and entry landscaping

Referrals

The application was referred to Council's Building Section, Environmental Health Officer, Water and Waste, Roads and Drainage. Referrals responses are provided below:

Building Surveyor

A response to this referral was received on the 8 July 2019, raising no objection to the proposed development and recommending a number of standard conditions of consent be imposed on any development consent issued in relation to the development.

The comments provided have informed the development assessment and recommended conditions of consent.

Senior Environmental Health Officer

A response to this referral was received on the 8 July 2019 which raised no objection to the proposed development and noted the following:

- Construction of the commercial kitchen is to be in accordance with AS4674:2000.
- Contaminated land: The Targeted Environmental Site Assessment 111 Skellatar Stock Route, Muswellbrook NSW Ref: P1636_ undertaken by Valley Civilab Pty Ltd, concluded that there is "no indication of gross contamination has been identified which would constrain the development of the Site for its proposed residential A land use as an early education centre." As such, no remediation work is required.

Council's Environmental Health Officer recommended the imposition of conditions relating to installation and the operation of the kitchen which have informed the recommended conditions of consent.

Water and Waste Comment

Comments received raised no objection to the proposed development and advised of Council's requirements as follows:

Council's mains should be extended in order to service the new lot. If the services are to be traversed through adjacent properties, a 3m wide easement benefitting Council should be created for such extensions.

All extensions required for the development shall be designed by an approved consultant and constructed by an accredited contractor in accordance with Council's Technical Specifications and Standard Drawings. The developer has to bear the cost of all service extensions required for the development. Developer is responsible for

getting the water service metered by Council and installation of appropriate backflow prevention devices by an accredited registered plumber.

Headworks Charges

Proposed development to provide care for 104 kids and is expected to create additional loading on water and sewage headworks. As such, the Developer is required to pay headworks charges as detailed below. Water and Waste will include these charges in the Notice of Requirements to be issued under Section 64 of LG Act 1993 and Sections 305 and 306 of Water Management Act 2000. Please note that the charges are based on 2019-20 Fees and Charges.

Service	No	Loading/person	Expected Loading-ETs	HW charges per ET-\$	Total Charge-\$
Water	104	0.06 ET	6.24	\$ 7052	\$ 44004.48
Sewer(0.95 Dis Factor)	104	0.095ET	9.88	\$ 7805	\$ 77113.4
Total					\$121,117.88

Roads and Drainage Comment:

A final response was received on 18 October 2019 raising no objection to the proposed development.

3.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned R1 General Residential under *Muswellbrook LEP 2009*.

The *Muswellbrook LEP 2009* land use table for the R1 General Residential zone identifies the following types of development as development permissible without consent, permissible with consent and prohibited.

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational

establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

The proposed development meets the land use classification of an *early education and care facility*. The Muswellbrook LEP 2009 land use definition for an *early education and care facility* is as follows:

early education and care facility means a building or place used for the education and care of children, and includes any of the following:

- (a) *a centre-based child care facility,*
- (b) *home-based child care,*
- (c) *school-based child care.*

In reviewing this land use definition Council Officers identified that the proposed development more aptly met the land use definition of a *centre-based child care facility* due to the specifics of the type of care proposed under the development application.

The relevant land use definition is as follows:

centre-based child care facility means:

- (a) *a building or place used for the education and care of children that provides any one or more of the following:*
 - (i) *long day care,*
 - (ii) *occasional child care,*
 - (iii) *out-of-school-hours care (including vacation care),*
 - (iv) *preschool care, or*
- (b) *an approved family day care venue (within the meaning of the [Children \(Education and Care Services\) National Law \(NSW\)](#)),*

but does not include:

- (c) *a building or place used for home-based child care or school-based child care, or*
- (d) *an office of a family day care service (within the meanings of the [Children \(Education and Care Services\) National Law \(NSW\)](#)), or*
- (e) *a babysitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or*
- (f) *a child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium) to care for children while the children's parents are using the facility, or*
- (g) *a service that is concerned primarily with providing lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or providing private tutoring, or*
- (h) *a child-minding service that is provided by or in a health services facility, but only if the service is established, registered or licensed as part of the institution operating in the facility.*

Development for the purpose of centre based child care facilities is permissible with consent in the R1 zone. Accordingly, the proposed development is viewed as a form of development permissible with consent pursuant to the land use table provisions of the Muswellbrook LEP 2009.

Objectives of the R1 General Residential 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 R1 General Residential zone are as follows:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To enable sensitive infill development of other housing types.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbours.*
- *To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.*
- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*
- *To ensure that development is carried out in a way that is compatible with the flood risk of the area.*

The proposed development involves the non-residential development on a R1 zoned site currently used for non-residential purposes. The development is considered to be complimentary to the land use zone objectives as it would remain in character with the locality and would provide a service that supports the day to day needs of residents in the area.

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 proposed development involves the subdivision of the land in two, so that the centre-based child care facility would be on a separate lot to the primary school. The lot containing the proposed centre-based child care facility would have an area of approximately 5,268m ² and would be benefited by easements for access which burdens the lot that comprises the St James School. The lot comprising the St James School would have an area of approximately 66,132m ² .

	<p>This clause of the Muswellbrook LEP 2009 requires lots created by the subdivision of land to comply with the relevant minimum lot size specified by the minimum lot size map. This map identifies that a minimum lot size of 600m² is applicable to the land subject to this development application.</p> <p>Given the proposed lots would have areas of 5,268m² and 66,132m² Council Officers are satisfied that the development would comply with the 600m² minimum lot size specified by this Clause. Complies</p>
4.3 Height of buildings	<p>The maximum building height for the land subject to this development application as identified by the height of buildings map is 13m. The proposed building does not exceed this height. Complies.</p>
4.4 Floor space ratio	<p>The Floor Space ratio map does not specify any maximum floor space ratio (FSR) for the land. Not relevant.</p>
Part 7 Additional local provisions	
7.1 Terrestrial biodiversity	<p>The land subject to this development application is not identified on the Muswellbrook LEP 2009 terrestrial biodiversity map. Accordingly, the provisions of this clause do not require further consideration. Not relevant</p>
7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village	<p>The clause requires the consent authority to be satisfied that adequate arrangements have/can be made for the water and sewerage servicing of lots resulting from any subdivision in the zones to which this clause applies.</p> <p>Council Officers are satisfied that arrangements can be made for servicing of the proposed lots. Accordingly, Council Officers are satisfied that the development will comply with the requirements of this clause. Complies</p>
7.6 Earthworks	<p>This clause requires a consent authority to consider the following matters prior to granting consent to a development application involving earthworks.</p> <p>a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, b) the effect of the proposed development on the likely future use or redevelopment of the land, c) the quality of the fill or of the soil to be excavated, or both, d) the effect of the proposed</p>

	<p><i>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>Each of the matters specified above have been considered through the assessment of the development application and a sediment and erosion control plan has been prepared and submitted in relation to the proposal.</p> <p>Council Officers are satisfied that the proposed development would comply with the requirements of this clause where it is carried out in accordance with the provisions of this erosion and sediment control plan. Complies</p>
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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 does not have records that indicate that land has been subject to activities that may have caused contamination. Given the above and that the development application site is currently operated as an approved primary school, it is considered that the proposed development can be supported without the need for any further investigations into soil qualities or contamination.

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

3. State Environmental Planning Policy No. 44 Koala Habitat

Council Officers have inspected the site and have not identified any vegetation coverage which would identify the development as a potential or core koala habitat within the meaning of the SEPP. As the proposed development is unlikely to comprise a potential koala habitat Council Officers are satisfied that the proposed development can be supported without further consideration of the SEPP or the preparation of a detailed flora and fauna assessment in relation to the site and SEPP requirements.

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

The proposed development involves the installation of business identification signage at a number of locations at the site. The signage proposed includes:

- A 2m by 1m business identification sign fixed to a wall within the garden bed at the principle entrance to the subject site. The sign would be illuminated with up lighting.
- A 2.9m by 2.9m business identification sign fixed to the eastern wall of the proposed building adjacent to the main entry. The sign would be illuminated with lighting.
- A 4.8m by 0.9m business identification sign fixed to a weatherboard wall at the western end of the southern elevation of the proposed building.
- A 0.9 by 1m business identification sign located in the garden bed along the driveway entry. The sign would be illuminated by up lighting.

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
1. <i>Character of the area</i>	The proposed advertisement signage is considered to be compatible with the character of the area and would not impact on significant views and vistas.
2. <i>Special areas</i>	The subject site is not identified as a special area. Therefore, this matter is not applicable to the subject development.
3. <i>Views and vistas</i>	The 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.
4. <i>Streetscape, setting or landscape</i>	As above.
5. <i>Site and building</i>	The proposed signage is considered to be compatible with the scale and proportion of the building on which it is located.
1. <i>Associated devices and logos with advertisements and advertising structures</i>	This matter is not applicable to the subject development.
7. <i>Illumination</i>	The proposed signage would be illuminated and thereby conditions of consent should be implemented to ensure any light emissions with the potential to impact the amenity of the locality are managed effectively.
8. <i>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 all illuminated the signage is managed in accordance with the recommended conditions of consent.

5. State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The SEPP (Education Establishments and child care facilities) 2017 provides specific requirements for the assessment of development application related centre-based child care facilities.

Clause 22 of the SEPP prescribes referral and concurrence procedures for the assessment of development applications involving centre-based child care facilities where:

- (a) *The floor area of the premises does not comply with regulation 107 (indoor unencumbered space requirements) of the Education and Care Services National Regulations, or*
 (b) *the outdoor space requirements for the building or place do not comply with regulation 108 (outdoor unencumbered space requirements) of those Regulations.*

Planning comment: the proposed development has been reviewed against the criteria of Regulation 107 and 108. The proposed development exceeds the minimum unencumbered indoor and unencumbered outdoor space to children ratios prescribed by this Clause and therefore the development does not require referral to the NSW Department of Education for concurrence.

SEPP (Education Establishments and Child Care Facilities) 2017 Clause 22 assessment table:

Clause 22(1) requirement	Education and Care Services National Regulations Clause requirement	Planning consideration
22(1)(a) compliance with Education and Care Services National Regulations Clause 107	The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 3.25m ² of unencumbered indoor space	In accordance with the requirements of this clause the development requires a total unencumber indoor space of 338m ² (104 x 3.25m ²). The information submitted with the development application indicates that the development has an unencumbered indoor area of 391m ² . Complies
22(1)(b) compliance with Education and Care Services National Regulations Clause 108	The approved provider of an education and care service must ensure that, for each child being educated and cared for by the service, the education and care service premises has at least 7sqm of unencumbered outdoor space.	In accordance with the requirements of this clause the development requires a total unencumber outdoor space of 728m ² (104 x 7m ²). The information submitted with the development application indicates that a total unencumbered outdoor area of 1255m ² would be provided. Complies

Clause 23 of the SEPP requires a consent authority to take into consideration to the provisions of the Child Care Centre Planning Guideline when determining a development application that relates to centre-based child care facilities.

Matters specified by these sections of the guideline have been considered and commented on in the table below.

Child Care Centre Planning Guideline Assessment table:

Child Care Planning Guideline Section	Section Provisions	Planning comment
Section 2 Child Care Centre Design Principles	Section 2 of the document specifies design quality principles for the consideration through the preparation and assessment of a development application for a centre-based child care facility.	Overall Council Officers are satisfied with the design quality of the proposed development and that the design of the proposed development would be generally in accordance with the principles outlined under this Section of the <i>Child Care Centre Planning Guideline</i> . Complies
Section 3.1 Site Selection and Location	This section specifies a range of objectives and criteria to be taken into consideration when selecting a location for the establishment of a centre based child care facility.	<p>Council Officers have reviewed the matters specified by this section of the Guideline and raise no objection to the proposed siting of the child care centre.</p> <p>This position has been informed by the existing use of the site as a Primary School, the physical attributes of the land, its separation from sensitive noise receptors, the land use zoning of the site. Land attributes that may affect the suitability of the site have also been considered through the assessment of this development application.</p> <p>The land is not subject to any particular site constraints that would prevent Council from granting consent to the proposed development. Complies</p>
3.2 Local character, streetscape and the public domain interface	This section specifies a range of objectives and criteria to be taken into consideration with the design of the proposed development in relation to the streetscape.	No objection is raised to the design quality of the proposed development or the manner which it would relate to the streetscape or existing development at the site. Complies
3.3 Building Orientation and envelope	This section specifies a range of objectives and criteria that seek to ensure that the design of a child care centre is sympathetic to established development in its surrounds, while ensuring that any facility is safe accessible and functional for its users.	The proposed development would be setback from the street and would not significantly impose on the existing context and setting. The design of the proposed building has also been prepared with consideration of providing safe and functional play areas as well as appropriate access. It will be necessary for detailed design plans to be provided to demonstrate that the development complies with the accessibility Building Code of Australia prior to the issue of a Construction Certificate. Complies
3.4 Landscaping	This section sets out the requirements for	A landscape plan has been submitted as part of the development application.

Child Care Planning Guideline Section	Section Provisions	Planning comment
	landscaping to be considered in the design of the proposed development.	This plan provides details of the location and type of landscaping to be installed at the site. Council is satisfied that the proposed landscaping arrangement would be consistent with the Guideline and Council's local development requirements established through the Muswellbrook DCP. complies
3.5 Visual and acoustic privacy	This section sets requirements surrounding the design and location of child care centres in a manner to minimise the impact of child care centres on the acoustic and visual privacy of neighbours and to protect the security and privacy of children attending the facility.	The site is separated from any nearby residential properties and is unlikely to have any impact on neighbouring residents and would provide appropriate privacy for users of the facility. complies
3.6 Noise and air pollution	This section sets guidelines for the location of premises away from potential noise sources or the design of facilities to minimise noise impacts.	The site selected for development is currently occupied by a Primary School and is largely unaffected by potential noise sources. A referral to Council's Environmental Health Officer has not identified a requirement for an Acoustic Report. Complies
3.7 Hours of operation	This section seeks to minimise impacts on neighbours associated with extended operating hours.	The proposed operating hours of the premises are proposed to be 6:30 am to 6:30pm Monday to Friday. These operating hours are not anticipated to have any impact on residential receivers in the locality. complies
3.8 Traffic, parking and pedestrian circulation	This section aims to ensure the provision of parking to support the development. The development won't significantly impact on traffic arrangements.	The current rate of car parking and traffic flow for the School is considered to be acceptable. The Traffic Report provided is detailed and sufficient for this assessment component. The Traffic generated from this proposal would not adversely impact on the local and state road network. Complies
4.1 Indoor space requirements	References the minimum internal and external spaces per child provided under the CI 107 of the SEPP (Education Establishments and Child Care Facilities) 2017.	The proposed development would comply with the indoor and outdoor space requirements of CI 107 of the SEPP (Education Establishments and Child Care Facilities) 2017. In relation to the internal and external storage space provisions of this clause it has been calculated that the following storage area would need to be provided to the proposed

Child Care Planning Guideline Section	Section Provisions	Planning comment
	Recommends the inclusion of internal storage space for the facility at a rate of 0.3m ³ (external) and 0.2 (internal) per child.	development. Internal $0.2\text{m}^3 \times 104 = 20.8\text{m}^3$ external $104 \times 0.3\text{m}^3 = 31.2\text{m}^3$ Total = 52m^3 The proposed plans indicate that total storage space of 171m^3 would be provided to the development. Complies
4.2 Laundry and hygiene facilities	This section requires the provision of laundry facilities to the development.	The proposed early education centre building includes laundry facilities. Complies
4.3 Toilet and hygiene facilities	Prescribes that bathrooms be provided to the facility and recommends the inclusion of lower basins and toilets at junior heights.	The proposed development includes a number of amenities. The rate of amenities provided would need to comply with the requirements of the Building Code of Australia and this be demonstrated prior to the issue of a Construction Certificate. complies
4.4 Ventilation and natural light	Requires the use of natural lighting in building design.	The proposal would be well ventilated with adequate natural light. The exterior treatment of the building's façade reflects the internal function of the spaces. Windows to the Western Elevation have been minimised to eliminate the hot afternoon summer sun penetrating the Playroom spaces. Window & door openings are generally concentrated to the walls between the Play Rooms and the covered north facing veranda, which connects to the Outdoor Play Space. Complies
4.5 Administration Space	Sets design principles for administration areas of a child care centre	Administrative space would be provided in accordance to <i>Regulation 111 of the Education and Care Services National Regulations</i> . The proposed plans indicate a logical location and design for all administrative areas. Complies
4.6 Nappy Change Facilities	Sets criteria for the provision of nappy change facilities in a child care centre.	The development will include a nappy change facility. Complies

Child Care Planning Guideline Section	Section Provisions	Planning comment
4.7 Premises designed to facilitate supervision	Provides design guidelines for supervising children using the premises	The proposed classroom would include large windows and glass doors to support the supervision of students. The overall layout of the building establishes good spatial relationships between internal and external play spaces, and will assist with staff supervision whilst endeavouring to create efficiencies through shared support spaces and circulation. Complies
4.8 Emergency and evacuation procedures	Provides guidelines for managing emergency situations and ensuring safe spaces and assembly points for emergencies	Appropriate student safety and evacuation procedures could be developed to ensure the safe operation of the premises in accordance with <i>Regulation 168 of the Education and Care Services National Regulations</i> . It is recommended that a condition be included on any consent to require the preparation of adequate emergency procedures be submitted to Council prior to the issue of an Occupation Certificate. Complies/compliance to be administered via condition.
4.9 Outdoor space requirements	Sets requirements and establishes design principles for outdoor space.	Outdoor space requirements of Regulation 107 have been met by the proposal. The Centre would be well landscaped and provides a fun environment for children to explore and experience. This is pursuant to <i>Regulation 113 of the Education and Care Services National Regulations</i> . The proposed development would have many shade areas. Existing tree shade is provided within the yard. This is pursuant to <i>Regulation 114 of the Education and Care Services National Regulations</i> . Some existing school fencing would be utilised for the proposal along the South and West sides. Fencing would be provided on the boundary with a landscaping buffer. A condition of consent should be implemented for fencing to not be climbable in accordance with the standard required by <i>Regulation 104 of the Education and Care Services National Regulations</i> . Complies
4.10 Natural environment	Establishment's principles for enhancing the operability of premises through the outdoor environment provided.	The proposed development would provide a suitable outdoor environment for play and supervision. Council has no concern or objection in relation to the outdoor space proposed. Complies

Child Care Planning Guideline Section	Section Provisions	Planning comment
4.11 Shade	This section establishes natural and built shade provisions to support the use and operability of outdoor play areas.	Under the proposed development three shade sails would be provided in outdoor play areas. The proposed new classroom would also include a shaded veranda and three covered outdoor dining areas. No issue is raised with the amount of shade to be provided to the development. Complies
4.12 Fencing	Establishes fencing requirements for child care centres.	Fencing would be provided on the boundary with a landscaping buffer. The fencing would not be climbable which is to the standard required by <i>Regulation 104 of the Education and Care Services National Regulations</i> . Complies
4.13 Soil Assessment	Sets requirements for the consideration of the site suitability and potential site contamination.	No information suggests the land is likely to be subject to any soil contamination. Accordingly, Council is satisfied that the development may be permitted at this site from a soil perspective. Complies

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 27 June 2019 to 18 July 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

One submission was received during the notification period. The issues raised in the submissions are addressed in this Report.

Section 5 - Subdivision

	Comments
5.3 General Requirements For Subdivision	
5.3.2 Special Considerations	The land subject is not identified as being affected by any development constraint that is identified by this section of the DCP to require further consideration. Complies.
5.3.3 Adoption of AUS-SPEC	Infrastructure required to support the subdivision is either already in place or will be constructed to support the establishment of the child care centre in accordance with the consent requirements. Complies
5.3.4 Buffers	The proposed development does not involve any land identified as a land use buffer by section 22 of the DCP. Complies

<p>5.5 Residential Subdivision</p> <p>5.5.1 Local Street Design</p> <p>5.5.2 Access Way Design</p> <p>(i) Access ways are to be designed in accordance with AUSSPEC and AS2890.1.</p> <p>(ii) Access ways shall have a minimum sealed width of 3.0 metres.</p> <p>(iii) Access ways shall not serve more than three (3) lots.</p> <p>(iv) Access ways shall be nominated as reciprocal rights of way on the plan of subdivision.</p> <p>(v) Access ways shall have a maximum grade of 25% (1:4) at any point.</p> <p>(vi) The following standards apply to lots with battle axe handles: (Not Applicable)</p> <p>(vii) Access ways shall be sited away from noise and visually sensitive components of existing and future dwellings.</p> <p>(viii) Where possible access ways shall be located on the south side of existing and future dwellings.</p> <p>(ix) Access ways are to provide interest and variety and avoid lengthy straight sections.</p> <p>(x) Where the site is steep or fronts a local collector or higher order road (greater than 3,000 vehicles per day) or an area with high pedestrian traffic, access ways are to be designed so that vehicles can be driven both onto and off the property in a forward direction.</p> <p>(xi) Where vehicles would otherwise have to reverse more than 50 metres, a turning area is to be provided to enable the vehicles to enter and leave the site in a forward direction and reduce the need to reverse over long distances.</p> <p>(xii) Passing bays shall be provided every 30 metres in accordance with AS 2890.1</p> <p>5.5.3 Pedestrians and Cyclists</p> <p>5.5.4 Utility Services</p> <p>5.5.5 Stormwater Management</p> <p>5.5.6 Lot Size and Shape</p> <p>5.5.7 Solar Access and Lot Orientation</p> <p>5.5.8 Heritage</p>	<p>The proposed development does not propose new roads. Accordingly, the guidelines for new road construction specified by this part do not present any issue to the proposed development.</p> <p>Not Relevant</p> <p>The proposed child care centre has been designed to share an access way with the St James Primary school lot.</p> <p>The accessway to service the development is already constructed. Council's Roads and Drainage Team did not raise any issue with the access, its compliance with relevant controls or use as part of the development.</p> <p>In view of these considerations Council Officers are satisfied that the proposed development would comply with this DCP requirement. Complies</p> <p>The proposed subdivision does not involve the construction of any public roads or pedestrian or cycle ways in accordance with the requirements of this Clause. Complies</p> <p>Each lot in the subdivision will be provided with appropriate services to support its use as either a child care facility or primary school. complies</p> <p>A preliminary stormwater management plan was submitted with the proposed development which has been reviewed by Council Roads and Drainage Team. Council Officers are satisfied that stormwater associated with the proposed development can be managed in accordance with the requirements of the DCP. Complies.</p> <p>The lot size and shape is considered to be suitable to support the proposed development and would be compatible with DCP requirements. Complies</p> <p>The orientation and design of the proposed lots would comply with the requirements of this section. The proposed lots would be appropriately designed to take advantage of solar access and lighting opportunities. Complies</p> <p>The proposed development does not relate a heritage item or heritage conservation area accordingly this section does not prescribe any provisions relevant to the proposed development. Not relevant</p>
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5.5.9 Site Works	Conditions of consent are to be imposed on any development application to ensure the development is carried out in accordance with Council's standard requirements for the carrying out of works and the provisions of this part. Complies
5.5.10 Open Space	No new public open space is required to support this development application. Complies

Section 14 – Outdoor Signage

Council Officers are satisfied that the proposed signage would comply with Council's DCP requirements specified by this part. **Complies/compliance to be administered through conditions.**

Section 16 – Car Parking and Access

The proposed early education facility would employ up to 20 staff and cater to a maximum of 104 children. A total of 27 car parking spaces would be required to service the development.

The applicant has advised Council that there would be 31 off-street car parking spaces available in parking areas reserved for the proposed early education facility. This would include 1 emergency space and 1 accessible parking space. In view of the above Council officers are satisfied that the rate of off-street car parking available to service the development is compatible with the requirements of the MDCP 2009. **Complies**

Section 18 – Child Care Centres

Clause 26 of the SEPP (Education Establishments and Child Care Facilities) 2017 specifies certain matters that DCP's cannot impose in relation to child care centres and identifies that DCP provisions that contrast with provisions of the Child Care Planning Guideline (subject to certain limitations) are not of relevance to the assessment of an application for a Child Care Centre.

The table below comments only on matters that are not suspended by Clause 26 of the SEPP.

<i>DCP requirement</i>	<i>Planning Comment</i>
18.1 Entry, Access, Safety and Security	
18.1.1 <i>All-weather entry to be provided.</i>	An all-weather entry point has been incorporated into the development design in accordance with this requirement. Complies
18.1.2 <i>Access and mobility</i>	It will be necessary for construction work to comply with the BCA and accessibility requirements. Complies
18.2 Air Quality	
18.2.1 <i>Drop off and pick up of children</i>	Car parking would be available to the development in accordance with the requirements of Section 16 of the DCP. The proposed parking arrangement is considered to be satisfactory and would not present an issue for the assessment of this application. Complies

Section 20 – Erosion and Sediment Control

The proposed development has included erosion and sediment control plans includes & details consistent with the requirements of the Muswellbrook DCP 2009. It is recommended

that where approved a condition of consent is imposed to require the development to be carried out in accordance with the submitted sediment and erosion control plan.

Section 24 – Waste Management

Section 5.3 of the Statement of Environmental Effects includes details of the waste anticipated to be generated by the development and methods proposed of managing that waste. This waste management statement indicates that suitable arrangements will be made for operational waste from the development including the provision of waste reciprocals and enclosed bin storage areas. A total of eight (8) general and eight (8) recycling bins will be provided to the development and green waste collected managed and disposed on by ground maintenance contractors.

Construction waste will be managed by contractors employed to carry out the proposed works in accordance with Council's waste management requirements. Council Officers are satisfied that the methodology for managing waste proposed would be in accordance with the DCP requirements. **Complies**

Section 25 – Stormwater Management

A Stormwater Management Plan has been provided in accordance with the provisions of this Section of the DCP.

This Stormwater Management Plan has been reviewed by Council's Community Infrastructure Department's Roads and Drainage Division. Comments received through this referral suggest that the stormwater management plan meets Council's requirements and would be an adequate method for managing stormwater associated with the development.

Complies

Section 94A Contributions Plan 2009

The capital investment value of the proposed development would be \$2,895,187.45.

A Section 7.12 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 \$28,951.74 and would be payable prior to the issue of a Construction Certificate.

The applicant has requested Council waive this contribution as a development related to a registered charity. A decision of Council on whether to waive the Section 7.12 is not a Section 4.15 Assessment consideration and a report will be prepared for Council to consider the applicants request for an exemption.

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

There are no planning agreements relevant to the subject Application.

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

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

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

The Application does not relate to 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.

Context & Setting

The proposed development would not adversely impact the sites existing context and context and setting. The building design has been subject to detailed consideration against the Child Care Centre Planning Guideline and Council staff are satisfied that the proposed development would be consistent with that guideline and in accordance with the relevant design requirements.

Potential Impact on Adjacent Properties

The proposed development would be adequately separated from sensitive residential receptors so as not to negatively impact the enjoyment of neighbouring residential properties.

Access, Traffic and Transport

The proposed development is not expected to generate an unreasonable amount of additional traffic, while parking facilities available at the site are suitable to support the proposed development.

Social and Economic Impact on Locality

The proposal would expand the capacity in Muswellbrook of early education and day care services, supporting its economic viability and the level of service available in the locality.

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

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

Section 4.15(1)(d) any submissions made

The proposed development was notified in accordance with the requirements of the Muswellbrook DCP between the 27 June 2019 and the 18 July 2019.

During the notification period one (1) submission was received in relation to the proposed development. Matters raised by the submission have been considered and commented on in the table below. The submission has been included as an attachment to the report.

Submitter	Concern	Planning Comment
Submitter 1	<p>Parking of cars and buses outside the school area and the risks which occur where children seek to access these vehicles outside the school grounds.</p> <p>Concern were also raised about the width of the road, visibility and its ability to handle additional traffic</p>	<p>The St James School has internal bus pick up areas.</p> <p>This development application has been accompanied by a Traffic and Parking Assessment prepared by qualified traffic engineers in relation to the proposed development in relation to the traffic and parking situation. The conclusions and recommendations of this document suggest that the proposed development</p>

Submitter	Concern	Planning Comment
		would comply with the relevant traffic and parking requirements. Council's Engineers from Council's Roads and Drainage Division have reviewed this document and have raised no issue with its findings or any objection to the development from a traffic perspective.

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

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

5 CONCLUSION

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions. Accordingly, it is recommended the application be approved subject to conditions of consent.

RECOMMENDATION

It is recommended the application be approved subject to conditions of consent.

Signed by:

Hamish McTaggart
Senior Development Planner

Atef Kazi
Project Planner

Enquiries
Please ask for
Direct
Our reference
Your reference

Mr H McTaggart
(02) 6549 3860
DA 47/2019

MUSWELLBROOK SHIRE COUNCIL

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION
Issued under the Environmental Planning
and Assessment Act 1979 (Section 4.18)

DEVELOPMENT APPLICATION:	47/2019
APPLICANT NAME:	Trustee of the Roman Catholic Church for Diocese of Maitland-Newcastle
APPLICANT ADDRESS:	C/O-Kurt Daley 841 Hunter Street NEWCASTLE WEST NSW 2302
LAND TO BE DEVELOPED:	LOT: 1 DP: 1070178 111 Skellatar Stock Route MUSWELLBROOK
PROPOSED DEVELOPMENT:	Centre-based child care facility and the subdivision of one (1) Lot into two (2)

DETERMINATION MADE ON:	29 October 2019
DETERMINATION:	29 October 2019 Consent granted subject to conditions described below.
CONSENT TO OPERATE FROM:	29 October 2019
CONSENT TO LAPSE ON:	29 October 2024 if work has not commenced in accordance with Section 4.53(4) of the Environmental Planning and Assessment Act 1979.
DETAILS OF CONDITIONS:	

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

The development being carried out in accordance with the development application and the Statement of Environmental Effects, drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions and as marked in red on the approved plans.

Drawing No.	Drawn by	Rev	Drawing Date	Received
A00	EJE Architecture	-	13 June 2019	21 June 2019
A01	EJE Architecture	3	18 October 2019	21 October 2019
A02	EJE Architecture	2	13 June 2019	21 June 2019
A03	EJE Architecture	2	13 June 2019	21 June 2019
A04	EJE Architecture	2	13 June 2019	21 June 2019
A05	EJE Architecture	2	13 June 2019	21 June 2019
A06	EJE Architecture	2	13 June 2019	21 June 2019
A07	EJE Architecture	2	13 June 2019	21 June 2019
A08	EJE Architecture	2	13 June 2019	21 June 2019
A09	EJE Architecture	2	13 June 2019	21 June 2019
A10	EJE Architecture	2	13 June 2019	21 June 2019
A11	EJE Architecture	0	13 June 2019	21 June 2019
A12	EJE Architecture	1	13 June 2019	21 June 2019
A14	EJE Architecture	0	13 June 2019	21 June 2019
L01	Terras Landscape Architects	D	14 May 2019	21 June 2019
L02	Terras Landscape Architects	D	14 May 2019	21 June 2019
L03	Terras Landscape Architects	D	14 May 2019	21 June 2019
L04	Terras Landscape Architects	D	14 May 2019	21 June 2019
L05	Terras Landscape Architects	D	14 May 2019	21 June 2019
L06	Terras Landscape Architects	D	14 May 2019	21 June 2019
L07	Terras Landscape Architects	D	14 May 2019	21 June 2019
L08	Terras Landscape Architects	D	14 May 2019	21 June 2019
L09	Terras Landscape Architects	D	14 May 2019	21 June 2019
L10	Terras Landscape Architects	D	14 May 2019	21 June 2019
L11	Terras Landscape Architects	D	14 May 2019	21 June 2019
L12	Terras Landscape Architects	D	14 May 2019	21 June 2019
C.100	Ambai Consultants	B	15 May 2019	21 June 2019
C.200	Ambai Consultants	B	15 May 2019	21 June 2019
C.300	Ambai Consultants	B	15 May 2019	21 June 2019
C.400	Ambai Consultants	B	15 May 2019	21 June 2019
Signage Location Mark-Up	EJE Architecture	2	13 August 2019	15 August 2019
Schedule of Signage	EJE Architecture	B	13 August 2019	15 August 2019
Signage Artwork	Unknown.	-	Undated.	15 August 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	EJE Architecture	June 2019
Traffic Impact Assessment	Intersect Traffic	14 March 2019

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

(3) Building Code of Australia

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

(4) Access to premises standard

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

CONSTRUCTION CERTIFICATE REQUIREMENT

(5) Construction Certificate Requirement

No works shall commence on site until 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

(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.

Any Notice of Requirements will require the payment of water and sewer headworks contributions prior to the issue of a Compliance Certificate. Water and sewer headworks contributions applicable under Council's current fees and charges for the development are specified the table below:

Headworks Contribution	ET calculated per child (total ET for	Contribution per 1 ET	Total Contribution
------------------------	---------------------------------------	-----------------------	--------------------

	104 additional child capacity centre)		calculated for 104 child facility
Water	0.06 (6.24)	\$7,052	\$44,004.48
sewer	0.095 (9.88)	\$7,805	\$77,113.4
Total			\$121,117.88

The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

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

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

(7) Fit-out to be in accordance with relevant legislation and standards

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principle Certifying Authority demonstrating that the 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)

(8) Liquid Trade Waste Agreement

Unless otherwise agreed to by Council in writing prior to the issue of a Construction Certificate, an application for a Section 68 Approval for Sewage Works and 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.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(9) Section 68 Local Government Act 1993 Approvals

Prior to the commencement of any water, sewage or stormwater works the person acting on 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) Materials

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

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

(15) 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.

(16) Out of Hours Work Permits

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

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

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

(17) 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.

(18) Mandatory Council inspections

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

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

(19) Occupation

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

(20) Footpath Construction Requirement

Prior to the issuing of any Occupation Certificate, the construction of a footpath along Ironbark Road for a length of 215m from Adams Street in the direction of Rutherford Road is to be completed to Council's Satisfaction.

(21) 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.

(22) 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.

(23) 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.

(24) Connection to Sewer

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

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

(25) 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:

- 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.

(26) Education and care service policies and procedures

Policies and procedures are to be prepared for the operation of the premises in accordance with the requirements of Section 168 of the Education and Care Services National Regulations.

Prior to the issue of an Occupation Certificate an emergency and evacuation policy and procedure are to be prepared in relation to the proposed facility in accordance with the requirements of Clauses 97 and 168 of the Education and Care Services National Regulations and industry best practice.

These documents are to be provided to the Principle Certifying Authority prior to or with any application for an Occupation Certificate and should be provided to Council for its information.

(27) Food Shop Registration Requirement

Prior to the issue of an Occupation Certificate, the food premises must be registered with Council's Environmental Health section in 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. Prior to the issue of an Occupation Certificate documentary evidence is to be provided to the Principle Certifying Authority that the premises has been inspected by Council's Environmental Health Officer and that this Officer was satisfied that premises fit out was achieved the relevant construction and food safety requirements.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(28) Stormwater Disposal

All stormwater from the development, including all hard standing areas and overflows from rainwater tanks, is to be collected and disposed of in accordance with the approved stormwater management plan and the requirements of any approval under Section 68 of the Local Government Act 1993.

(29) Trade Waste

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

(30) Smoking

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

(31) Illumination of Signage

Signs A, B and D marked on the approved signage location plan may be illuminated with up and/or down lighting.

All up and down lighting should be installed and managed so to minimise any light spill onto neighbouring properties.

The lighting of internally facing signs D and B shall be fitted with a timing device and the illumination of these signs is to cease every evening 8:00pm and is not to resume until 6:00am the following day.

(32) Landscaping

The landscaped area of the development is to be maintained at all times in accordance with the approved landscape plan or as otherwise approved by Council in writing.

(33) Operating Hours

Unless otherwise approved by Council in writing, the operating hours for the premises shall be limited to between 6:30am and 6:30pm Monday – Friday.

(34) Maximum centre capacity

Unless otherwise approved by Council in writing the maximum number of children permitted to attend the child care centre at any one time shall be 104.

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

(35) Restriction on the issue of a Subdivision Certificate

Prior to the issue of a Subdivision Certificate all works associated with the construction of the centre-based child care facility shall be completed and a Final Occupation Certificate obtained for the operation of the premises.

Evidence that a Final Occupation Certificate has been obtained for the development should be provided to Council with any Subdivision Certificate application.

(36) Location of Services

Prior to the issue of a Subdivision Certificate the applicant shall provide Council with documentation from a registered surveyor certifying that all services required to support each lot in the subdivision or an appropriate easement to be registered on the title in favour of the benefited lot.

(37) Easement for Vehicle Access

The plan of subdivision accompanying any Subdivision Certificate is to include provisions for the registration of a right of way

The plan of subdivision accompanying any Subdivision Certificate shall include provisions for the registration of an easement for a right of carriage over the lot that incorporates the St James Primary School to the benefit of the lot containing the centre-based child care facility.

The easement is to be located over the entirety of the loop road vehicle access and the off-street car parking spaces located along this access and adjacent the centre-based child care centre facility. The easement shall provide the benefited lot with the right to use the affected portion of the burdened lot for access and parking.

(38) Easement for Council Infrastructure

Where Council water and sewerage infrastructure is located within the boundary of either lot related to the subdivision an easement 3m in width is to be registered over the burdened land to the benefit of Council. The terms of the easement are to permit the location of the relevant service on the land and are to restrict the carrying out of works within the easement without the consent of Council.

(39) Compliance with the Building Code of Australia

The boundary of the lot containing the centre-based child care facility must be setback a minimum of 3m from the wall elevation of St James Hall Building as set-out in the approved site plan dated 18 October 2019 to comply with the fire separation requirements of the Building Code of Australia.

Prior to the issue of a Subdivision Certificate, documentation prepared by a Registered Surveyor is to be submitted to Council demonstrating that the development and plan of subdivision complies with this requirement.

REASON FOR IMPOSITION OF CONDITIONS:

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

(a) To encourage:

- (i)** The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
- (ii)** The promotion and co-ordination of the orderly and economic use of development of land;

- (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.
Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.


- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

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

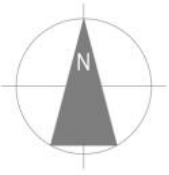
If you are dissatisfied with this decision, Section 8.7, 8.10 of the Environmental Planning and Assessment Act, 1979 give you the right to appeal to the Land and Environment Court within six (6) months after the date on which you receive this notice.

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



Hamish McTaggart
Co-ordinator – Development

Date: 13 November 2019



ARCHITECTURAL DRAWING SCHEDULE

A00	COVER SHEET
A01	SITE PLAN
A02	SITE ANALYSIS PLAN
A03	GROUND FLOOR PLAN
A04	ROOF PLAN
A05	NORTH & EAST ELEVATIONS
A06	SOUTH & WEST ELEVATIONS
A07	SECTION A-A & B-B
A08	SHADOW DIAGRAMS
A09	3D PERSPECTIVES
A10	3D PERSPECTIVES
A11	3D PERSPECTIVES
A12	SCHEDULE OF MATERIALS
A13	NOTIFICATION PLAN
A14	NOTIFICATION ELEVATIONS

**ST NICHOLAS
EARLY EDUCATION CENTRE**
ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK ROUTE, MUSWELLBROOK, NSW 2333
LOT 1 - DP1070178

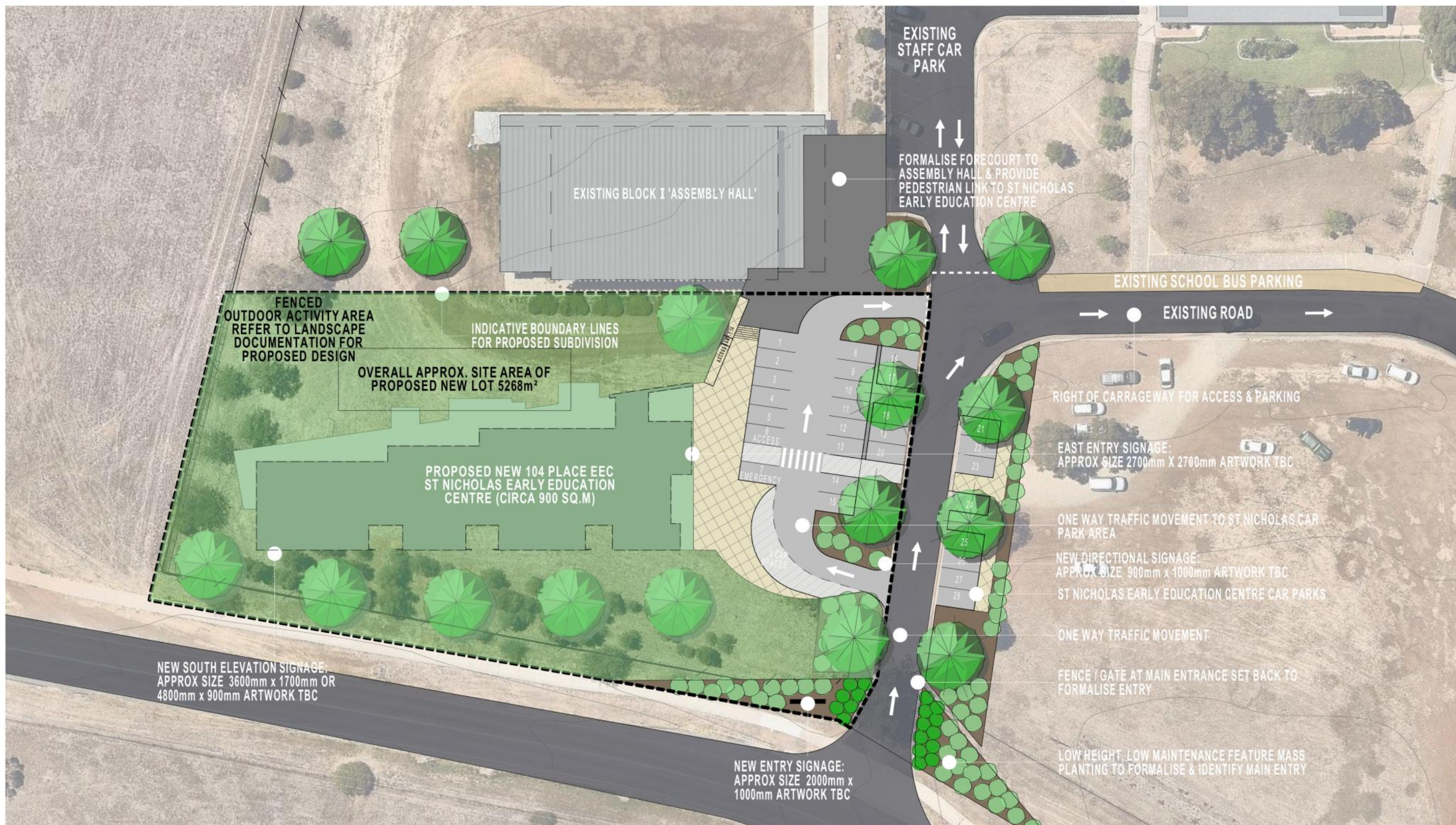
DA ISSUE

EJE ARCHITECTURE

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COMPLETION OF THE QUALITY ASSURANCE CHECKS IS VERIFICATION THAT THE DOCUMENT
CONFORMS WITH THE REQUIREMENTS OF THE QUALITY PROJECT PLAN, WHERE THE
QUALITY ASSURANCE CHECK IS INCOMPLETE, THIS DOCUMENT IS PRELIMINARY FOR
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FILE NAME: 12399 St Nicholas Childcare Muswellbrook DA 20190223.DWG 13/06/2019



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ABBREVIATIONS	
AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION
ACP	ALUMINUM COMPOSITE PANEL
ACS	SOLID SURFACE
ADJ	ADJUSTABLE SHELF
AHD	AUSTRALIAN HEIGHT DATUM
AL	ALUMINUM LOUVER
ALB	ALUMINUM BATTEN
ALS	VERTICAL ALUMINUM SCREEN
AP	ACCESS PANEL
AR	ARCHITRAVE
AS	AUSTRALIAN STANDARD
BA	BARGE BOARD
BAL	BALLAST
BC	BATHING TABLE
BCT	BENCH TOP
BF	BIFOLD DOOR
BG	BOX GUTTER

BH	BULKHEAD
BN	BURIED
BK	CONCRETE BLOCKWORK
BK	BROCKWORK
CPC	COLORBOND PARAMET CLIPPING
CPD	CUPBOARD
CR	CEMENT RENDER
CRN	CORNER
CRT	CURTAIN
CRR	CURTAIN RAIL
CS	COLORBOND GLASS
CFC	COMPRESSED FIBRE CEMENT
CH	COAT HOOK
CL	CONSTRUCTION / CONTROL JOINT
CL	CLADDING
CLS	CLOTHESLINE

COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION
CONC	CONCRETE
COS	CONFIRM ON SITE
CPC	COLORBOND PARAMET CLIPPING
CPD	CUPBOARD
CR	CEMENT RENDER
CRN	CORNER
CRT	CURTAIN
CRR	CURTAIN RAIL
CS	COLORBOND GLASS
CFC	COMPRESSED FIBRE CEMENT
CH	COAT HOOK
CL	CONSTRUCTION / CONTROL JOINT
CL	CLADDING
CLS	CLOTHESLINE

EP	EXHAUST FAN
EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION
EJ	EXPANSION JOINT
EUP	ELECTRICAL UNIT
ENS	ENCLUSE
EPS	EXPANDED POLYSTYRENE GLAZING SYSTEM
EQ	EQUAL SPACING
FAB	FABRIC / POLYESTER
FAN	FAN
FB	FACE BRICK
FC	FIBRE CEMENT SHEETING
FE	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
DI	DOOR STOP
EDB	ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION

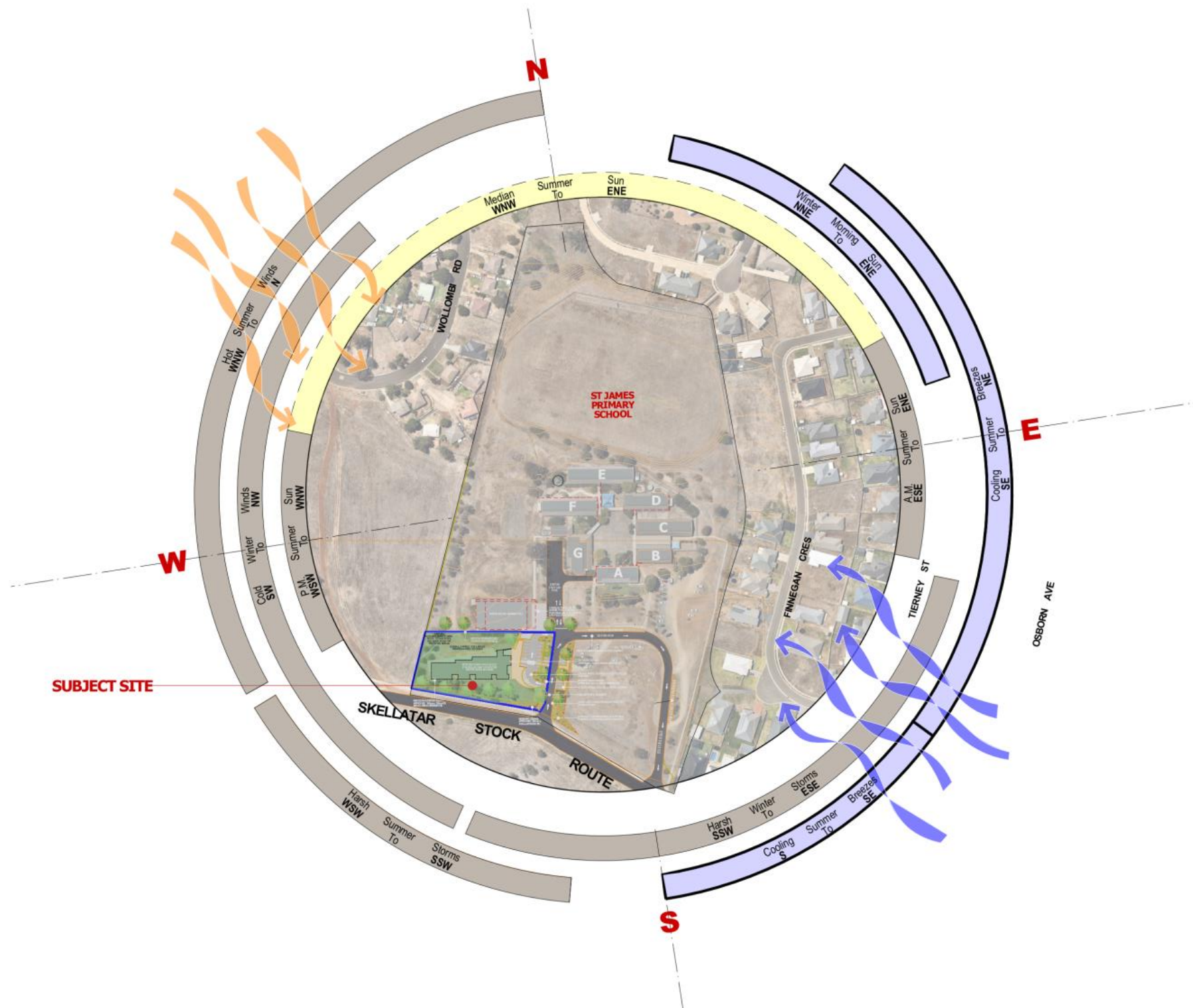
FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS
FL	FLASHING
FLM	FLAME RESISTANT
FR	FIRE RESISTANCE
FRP	FIREPLACE
FS	FIRE SHELTER
FT	FLOOR TILES
FW	FLOOR WASTE
G	GLASS
GA	GREASE ARRESTOR
GC	GARAGE GATE
GD	GRAVED DRAIN
GL	GLASS LOUVER
GR	GRABBAR
GRD	GRAVEL
GRV	GRATED PIT - REFER TO HYDRAULIC DOCUMENTATION

GT	GUTTER TRANSOM
GW	GLASS WINDOW
HA	HOME AUTOMATION CUPBOARD
HB	HAND BARN
HD	HINGED DOOR
HDR	HAND DRYER
HF	HIGHPOINT
HRL	HANGING RAIL
HT	HOT WATER TAP
HTR	HEATER
HWS	HOT WATER SYSTEM
HYD	HYDRAULIC
J	JOIST
KK	KICK
LB	LIVING BOARD
LD	ACCESS LADDER

LAL	DOWNLIGHT
LBY	LAUNDRY
LK	LOCKER SYSTEM
LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
LPN	PENDANT LIGHT
LPL	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
LST	LED STRIP LIGHT
LTB	LETTERBOX
LVR	LOUVER
LWL	WALL LIGHT
MC	METAL CLADDING
MD	MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION
MECH	MECHANICAL
MEL	MELANINE
M	MIRROR
MSS	METAL ROOF SHEETING
MW	MATWELL

LEGEND	
	EXISTING PREMISES
	NEW LANDSCAPED AREAS
	NEW ASPHALT

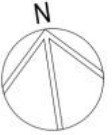
DESIREABLE	
	Limit Summer Sun Entry Promote Winter Sun Entry Promote Summer Breezes Entry
UNDESIREABLE	
	Screen Summer East Sun Entry Screen Summer West Sun Entry Screen Winter Storm Entry
CONTROLLED	
	Limit Summer Sun Entry Promote Winter Sun Entry



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REV	DATE	COMMENTS
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA

DRN	CHD	VRD
BdB	HN	

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333

CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

DRAWING: SITE ANALYSIS PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.







FILENAME: 12399 St Nicholas Childrens Mawellbrook DA 2019-06-12.jn

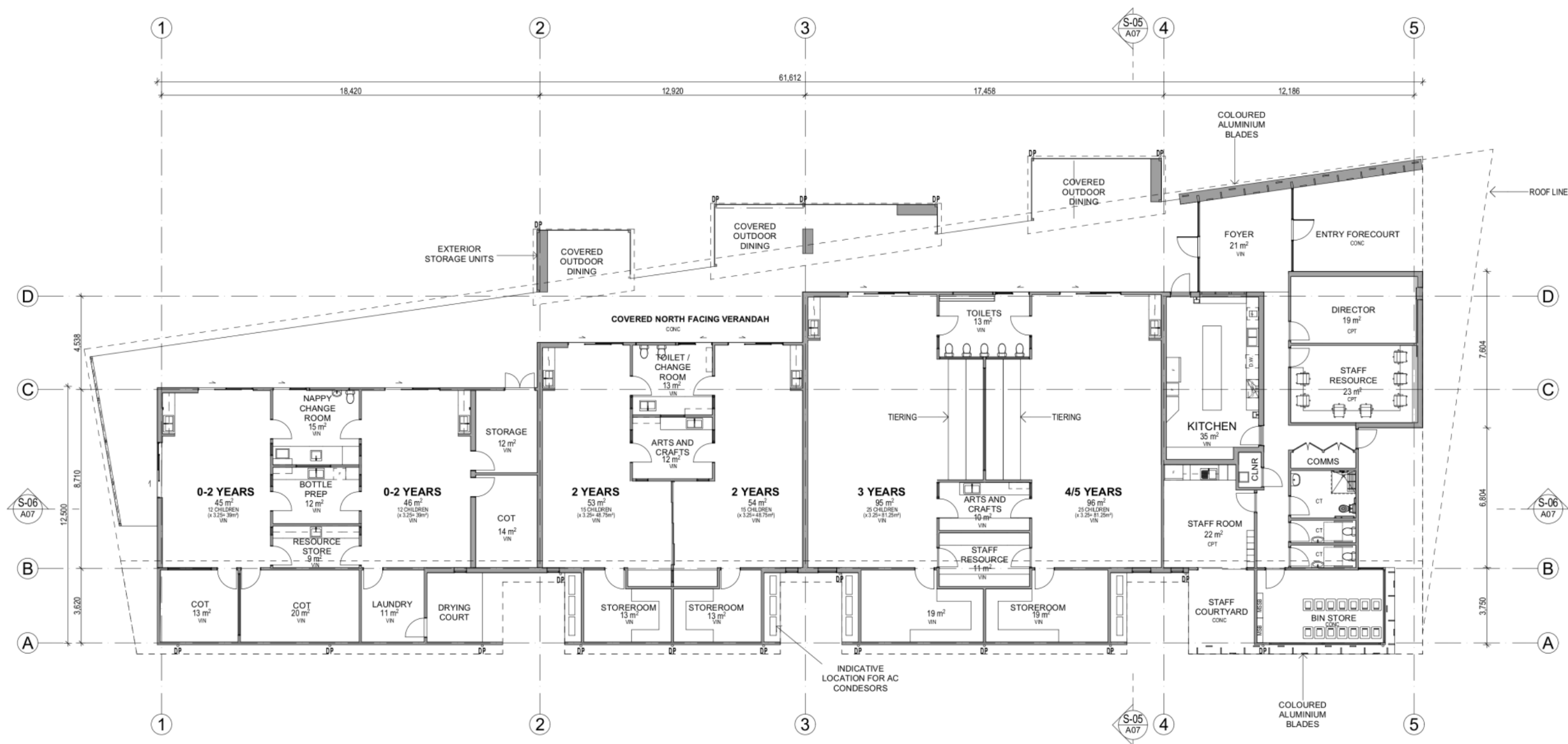
DRAWN: BdB DATE: 13/06/2019 SCALES @A1: 1:1731.69

PROJECT No: 12399 DA PHASE: A02 DRAWING No: 2 REV: 2

EJE architecture

ABBREVIATIONS													
AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION	BH	BULKHEAD	COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION	EF	EXHAUST FAN	FP	FIRE INDICATOR PANEL - TO CONSULTANTS REQUIREMENTS	GT	GUINTER WINDOW	LBL	DOWNLIGHT
AL	ALUMINUM COMPOSITE PANEL	BN	BRASS BAN	COC	CONCRETE	EG	EXISTS GUTTER - REFER TO HYDRAULIC DOCUMENTATION	FL	FLASHING	GU	GLASS THROUGH	LDR	LADDER
ALD	ALD SUBROCK	BSK	CONCRETE BLOCKWORK	CON	CONCRETE ON SITE	ELM	EXPANSION JOINT	FLM	FLAME	LC	LOCKER ALUMINUM CUPBOARD	LDS	LOCKER SYSTEM
ADJ	ADJUSTABLE SHELF	BRK	BRICKWORK	CPC	CONCRETE PARAPET CAPPING	ELP	ELECTRICAL PLATE	FR	FIRE RESISTANCE	MB	HAND BAGIN	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
ALH	ALUMINUM ALUMINUM HEIGHT DATUM	CPD	CUPBOARD	ENL	ENLIGHTEN	FRP	FIRE RESISTANCE	HR	HAND RAIL	PH	PORCELAIN	LN	LINE
ALU	ALUMINUM LAYOUT	BSB	BENCH SEAT	CPT	CARPET	EFP	EXISTS FLOORING	FS	FIRE RESISTANCE	HRD	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
ALB	ALUMINUM BATTEN	BSL	BENTLE STRAP	CR	CEMENT RENDER	EPP	EXISTS POLYURETHANE CLADDING SYSTEM	FT	FLOOR TILE	HO	HAND OVER	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
ALV	VERTICAL ALUMINUM SCREEN	BTB	BATH	CRN	CORNER	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
AP	ACCESS PANEL	CBP	CAPPING	CRU	CURTAIN	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
APC	ACCESS PANEL	CS	CORRUGATED STEEL	CUR	CURTAIN RAIL	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
AS	AUSTRIAN STANDARD	CBO	COLOR-BLOCKED GLASS	CS	GLASSER IN	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
BA	BALANCE BOARD	CBS	COMPRESSED FIBRE CEMENT	CVS	COVER	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
BAL	BALUSTRADE	CH	COAT HOOK	CW	COLD WATER	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
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BAL	BALANCE BOARD	CH	COAT HOOK	CW	COLD WATER	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
BAL	BALANCE BOARD	CH	COAT HOOK	CW	COLD WATER	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
BAL	BALANCE BOARD	CH	COAT HOOK	CW	COLD WATER	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
BAL	BALANCE BOARD	CH	COAT HOOK	CW	COLD WATER	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND RAIL	LP	LIGHT

LEGEND		WINDOW MARKER eg. WINDOW / LEVEL 1 / WINDOW N° 05		EXISTING RL
		LOUVRE MARKER eg. LOUVRE / LEVEL 1 / LOUVRE N° 05		PROPOSED RL
		DOOR MARKER eg. DOOR / LEVEL 1 / DOOR N° 05		
		LINE MARKING		



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REV	DATE	COMMENTS
A	11/01/2019	SKETCH DESIGN ISSUE
B	17/01/2019	SKETCH DESIGN PRESENTATION ISSUE
C	22/01/2019	SKETCH DESIGN FOR CLIENT REVIEW
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA

DRN	CHKD	VRFD
BdB	HN	
BdB	HN	
JJM	HN	
BdB	HN	<i>gaden</i>

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

SITE: ST JAMES PRIMARY SCHOOL,
SKELLATAR STOCK RTE,
MUSWELLBROOK, NSW 2333

CLIENT : CATHOLIC DIOCESE OF MAITLAND-
NEWCASTLE
PO BOX 756, NEWCASTLE
NSW, 2300

DRAWING: GROUND FLOOR PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME : 12399 St Nicholas Childcare Murrellbrook DA 2019-06-12.jpg

DRAWN: _____ DATE: _____ SCALES @ A1: _____

BdR 13/06/2019 1:100

BdB 13/06/2019 1:100

PROJECT No: **12399** PHASE: **DA** DRAWING No: **A03** REV: **2**



ABBREVIATIONS	
AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION
ACP	ALUMINIUM COMPOSITE PANEL
ACS	SOLID SURFACE
ADJ	ADJUSTABLE SHELF
AHD	AUSTRALIAN HEIGHT DATUM
AL	ALUMINIUM LOUVER
ALB	ALUMINIUM BATTEN
ALS	VERTICAL ALUMINIUM SCREEN
AP	ACCESS PANEL
AR	ARCHITRAVE
AS	AUSTRALIAN STANDARD
BA	BARGE BOARD
BAL	BALLUSTRADE
BC	BARY CHARGE TABLE
BCT	BENCHTOP
BF	BIFOLD DOOR
BG	BOX GUTTER

BH	BULKHEAD
BN	BARGE BOARD
BK	CONCRETE BLOCKWORK
BK	BROCKWORK
BOL	BOLLARD
BS	BENCH SEAT
BT	BOTTLE TRAP
BTH	BATHTUB
CP	CAPPING
CB	PREFINISHED STEEL
CBG	COLOR-BACKED GLASS
CFC	COMPRESSED FINE CEMENT
CH	COAT HOOK
CJ	CONSTRUCTION / CONTROL JOINT
CL	CENTRE LINE
CLD	CLADDING
CLS	CLOTHESLINE

COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION
CONC	CONCRETE
COS	CONFIRM ON SITE
CPC	COLORBOND PARAPET CAPPING
CPD	CUPBOARD
CPT	CARPET
CR	CEMENT RENDER
COR	CORNER
CRT	CURTAIN
CRR	CURTAIN RAIL
CS	CLEANERS BRK
CVS	COVER SHEETING
CW	COLD WATER
DP	DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION
DR	DOOR
DS	DOOR STOP
EDB	ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION

EF	EXHAUST FAN
EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION
EJ	EXPANSION JOINT
EUP	ELECTRICAL PLATE
ENS	ENLITE
EPS	EXPANDED POLYSTYRENE GLAZING SYSTEM
ED	EQUAL SPACING
FAB	FABRIC / UPHOLSTERY
FAN	CEILING FAN
FB	FACE BRICK
FC	FIBRE CEMENT SHEETING
FE	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
PH	FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION
PHR	FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION

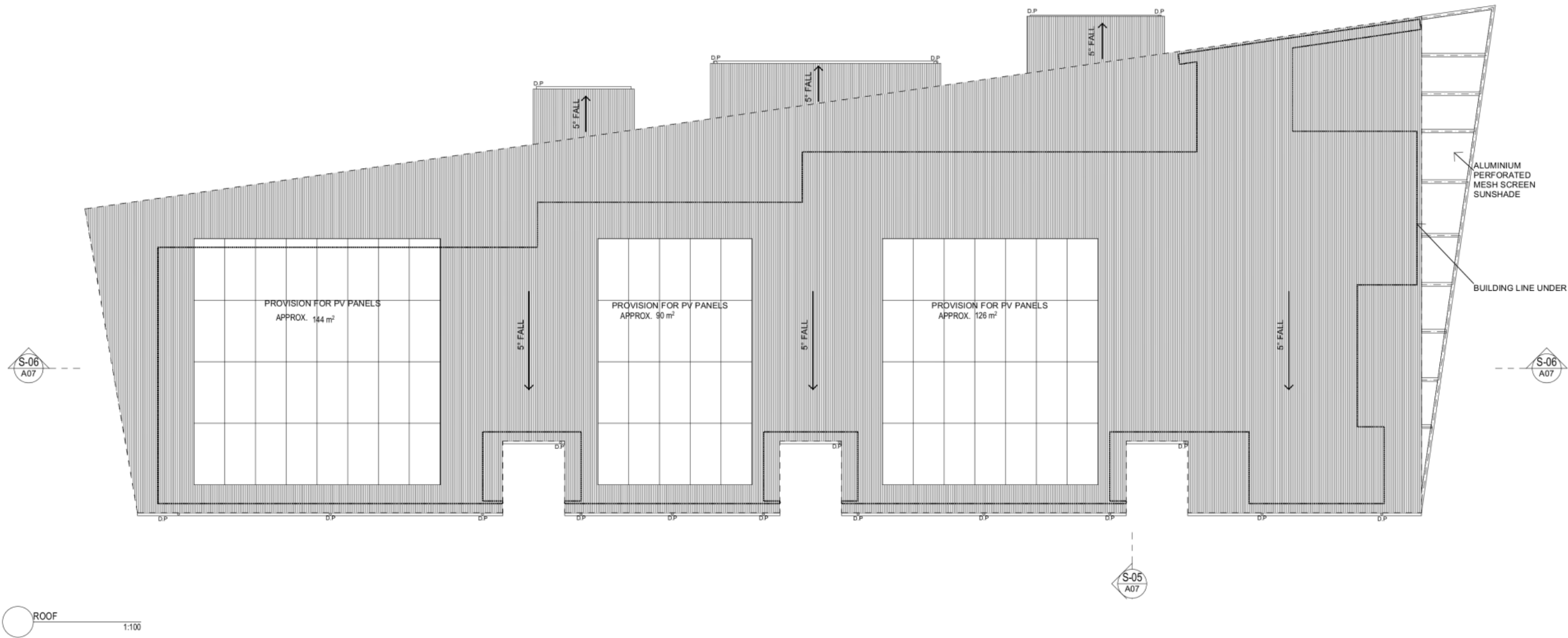
FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS
FL	FLASHING
FLM	VINYL FILM
FR	FIRE RESISTANCE
FRR	FIREPLACE
FS	FIRE SHELTER
FT	FLOOR TILES
FW	FLOOR WASTE
G	GLASS
GA	GREASE ARRESTOR
GC	GARAGE GATE
GD	GRAVED DRAIN
GL	GLASS LOUVER
GR	GRABRAIL
GRD	GARAGE DOOR
GRV	GRANITE
GRV	GRAVED PIT - REFER TO HYDRAULIC DOCUMENTATION

GT	GUTTER TRANSOM
GW	GLASS WINDOW
HA	HOME AUTOMATION CUPBOARD
HB	HAND BARN
HD	HINGED DOOR
HR	HAND DRYER
HP	HIGHPOINT
HRL	HANGING RAIL
HT	HOSE TAP
HTR	HEATER
HWS	HOT WATER SYSTEM
HYD	HYDRAULIC
J	JOIST
KK	KICK
LB	LIVING BOARDS
LD	ACCESS LADDER

LCL	DOWNLIGHT
LDF	LAUNDRY
LK	LOCKER SYSTEM
LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
LPN	PENDANT LIGHT
LPL	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
LST	LED STRIP LIGHT
LTB	LETTERBOX
LVR	LOUVER
LWL	WALL LIGHT
MC	METAL CLADDING
MCB	MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION
MCH	MECHANICAL
MEL	MELANINE
M	MIRROR
MRS	METAL ROOF SHEETING
MW	MATWELL

LEGEND	
WT.05	WINDOW MARKER eg. WINDOW / LEVEL 1 / WINDOW N° 05
L.05	LOUVER MARKER eg. LOUVER / LEVEL 1 / LOUVER N° 05
D.05	DOOR MARKER eg. DOOR / LEVEL 1 / DOOR N° 05
	LINE MARKING

0.00	EXISTING RL
0.00	PROPOSED RL



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REV	DATE	COMMENTS
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA

DRN	CHKD	VRFD
BdB	HN	

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333

DRAWING: ROOF PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 12399 St Nicholas Childrens Mawellbrook DA 2019-08-12.dwg

DRAWN: BdB DATE: 13/06/2019 SCALES @A1: 1:100

PROJECT No: 12399 DA PHASE: A04 DRAWING No: 2 REV: 2



AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION
ACP	ALUMINIUM COMPOSITE PANEL
ACS	SOLID SURFACE
ADJ	ADJUSTABLE SHELF
AHD	AUSTRALIAN HEIGHT DATUM
AL	ALUMINIUM LOUVER
ALB	ALUMINIUM MATTEN
ALS	VERTICAL ALUMINIUM SCREEN
AP	ACCESS PANEL
AR	ARCHITRAVE
AS	AUSTRALIAN STANDARD
BA	BARGE BOARD
BAL	BALLUSTRADE
BC	BARY CHAMISE TABLE
BCT	BENCHTOP
BD	BIFOLD DOOR
BG	BOX GUTTER

BH	BULKHEAD
BN	GARAGE BN
BK	CONCRETE BLOCKWORK
BK	BROCKWORK
CPC	COLORBOND PARAPET CAPPING
CPD	CUPBOARD
CP	CUPBOARD
BT	BOTTLE TRAP
BTH	BATHTUB
CB	CAPPING
CB	PREFINISHED STEEL
CBG	COLORBOND GLASS
CFC	COMPRESSED FIBRE CEMENT
CH	COAT HOOK
CJ	CONSTRUCTION / CONTROL JOINT
CL	CENTRE LINE
CLD	CLADDING
CLS	CLOTHESLINE

COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION
CONC	CONCRETE
COS	CONFORM ON SITE
CPC	COLORBOND PARAPET CAPPING
CR	CEMENT RENDER
CRN	CORNICHE
CRT	CURTAIN
CRR	CURTAIN RAIL
CS	CLEANERS SINK
CVS	COVER SHEETING
CW	COLD WATER
DP	DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION
DR	DOOR
DS	DOOR STOP
EDB	ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION

EF	EXHAUST FAN
EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION
EJ	EXPANSION JOINT
EUP	ELECTRICAL PLATE
ENS	ENLITE
EPS	EXPAND POLYSTYRENE GLAZING SYSTEM
EQ	EQUAL SPACING
FAB	FABRIC / POLYESTER
FAN	FAN
FB	FACE BRICK
FC	FIBRE CEMENT SHEETING
FE	FIRE EXTINGUISHER
FFL	FINISHED FLOOR LEVEL
FG	FIXED GLASS
FH	FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION
FHR	FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION

FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS
FL	FLASHING
FLM	VINYL FILM
FR	FIRE RESISTANCE
FRP	FIREPLACE
FS	FIRE SHELTER
FT	FLOOR TILES
FW	FLOOR WASTE
G	GLASS
GA	GREASE ARRESTOR
GC	GARAGE GATE
GD	GRAVED DRAIN
GL	GLASS LOUVER
GR	GRABRAIL
GRD	GARAGE DOOR
GRV	GRANITE
GP	GRADED PIT - REFER TO HYDRAULIC DOCUMENTATION

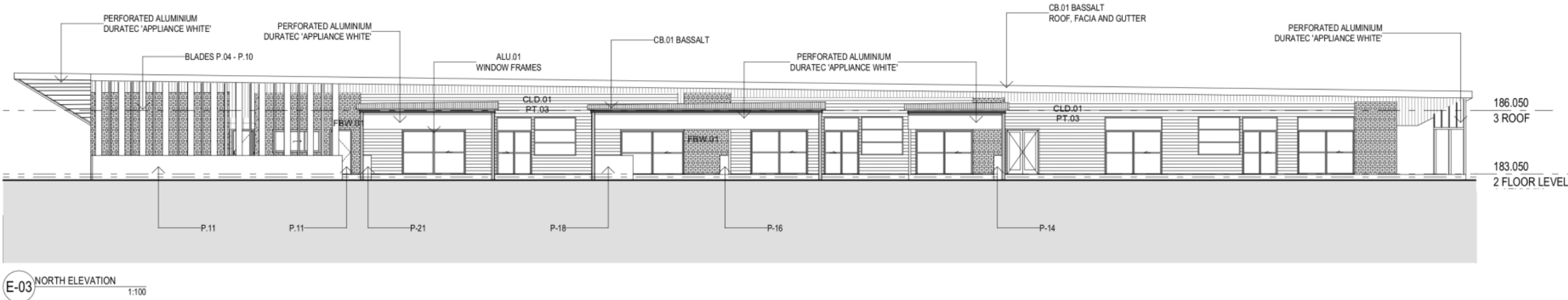
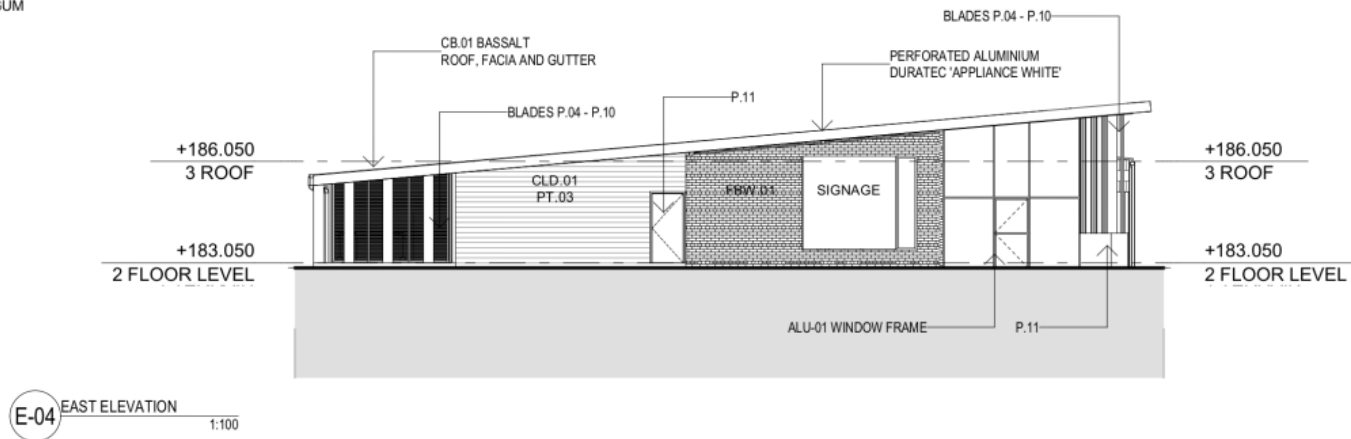
GT	GUTTER TRANSOM
GW	GLASS WINDOW
HA	HOME AUTOMATION CUPBOARD
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HD	HINGED DOOR
HDR	HAND DRYER
HF	HIGHPOINT
HRL	HANGING RAIL
HT	HOSE TAP
HTR	HEATER
HWS	HOT WATER SYSTEM
HYD	HYDRAULIC
J	JOIST
KK	KICK
LB	LIVING BOARD
LD	ACCESS LADDER

LCL	DOWNLIGHT
LX	LAUNDRY
LK	LOCKER SYSTEM
LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
LPN	PENDANT LIGHT
LPL	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
LST	LED STRIP LIGHT
LTB	LETTERBOX
LVR	LOUVER
LWL	WALL LIGHT
MC	METAL CLADDING
MD	MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION
MECH	MECHANICAL
MEL	MELANINE
M	MIRROR
MRS	METAL ROOF SHEETING
MW	MATWELL

WINDOW MARKER	eg WINDOW / LEVEL 1 / WINDOW N° 05
DOOR MARKER	eg DOOR / LEVEL 1 / DOOR N° 05

LEGEND

CLD.01	FIBRECEMENT WEATHERBOARDS -HORIZONTAL PAINTED
FBW.01	FACE BRICK -BOWRAL DRY PRESSED 'MURRAY' RAKED MOTAR JOINTS
FBW.02	FACE BRICK -PGH 'ALFRESCO' BRICK -CHOCOLATTO FLUSH MOTAR JOINTS
TD.01	TIMBER DECKING -COMPOSITE TIMBER DECKING EQUAL TO BLUEGUM
PT.03	PAINT DULUX - PN1C8 PAVING STONE
PT.11	PAINT DULUX - PG1F7 WESTERN MYALL
PT.14	ST NICHOLAS BRAND -GREEN (PMS3395)
PT.16	ST NICHOLAS BRAND -BLUE (PMS REFLEX BLUE)
PT.18	ST NICHOLAS BRAND -PINK (PMS226)
PT.21	ST NICHOLAS BRAND -ORANGE (PMS1665)



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St Nicholas Early Education
CHILDREN OF MAITLAND-NEWCASTLE

St James Primary School
MUSWELLBROOK

REV	DATE	COMMENTS
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA

DRN | CHKD | VRD |
BdB HN

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333

CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

DRAWING: NORTH & EAST ELEVATIONS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 12399 St Nicholas Chibara Muswellbrook DA 2019-08-12.jn

DRAWN: BdB DATE: 13/06/2019 SCALES @A1: 1:100

PROJECT No: 12399 DA PHASE: A05 DRAWING No: 2 REV: 2

EJE architecture

ABBREVIATIONS	
AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION
ACP	ALUMINIUM COMPOSITE PANEL
ACS	SOLID SURFACE
ADJ	ADJUSTABLE SHELF
AHD	AUSTRALIAN HEIGHT DATUM
AL	ALUMINIUM LOUVER
ALB	ALUMINIUM BATTEN
ALS	VERTICAL ALUMINIUM SCREEN
AP	ACCESS PANEL
AR	ARCHITRAVE
AS	AUSTRALIAN STANDARD
BA	BARGE BOARD
BAL	BALLUSTRADE
BC	BARY CHARGE TABLE
BCT	BENCHTOP
BF	BIFOLD DOOR
BG	BOX GUTTER

BH	BULKHEAD
BN	BOWRAL DRY PRESSED 'MURRAY' RAKED MOTAR JOINTS
BK	CONCRETE BLOCKWORK
BW	BROWWORK
CPC	COLORBOND PARAPET CAPPING
CPD	CUPBOARD
CR	CERMENT RENDER
CRN	CORNICHE
CRT	CURTAIN
CRR	CURTAIN RAIL
CS	CLEANERS SINK
CVS	COVERED SKirting
CW	COLD WATER
CP	DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION
CL	CENTRE LINE
CLS	CLOTHESLINE

COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION
CONC	CONCRETE
COS	CONFIRM ON SITE
CPC	COLORBOND PARAPET CAPPING
CPD	CUPBOARD
CR	CERMENT RENDER
CRN	CORNICHE
CRT	CURTAIN
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CP	DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION
CL	CENTRE LINE
CLS	CLOTHESLINE

EF	EXHAUST FAN
EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION
EJ	EXPANSION JOINT
EUP	ELECTRICAL PLATE
ENS	ENLITE
EPS	EXPANDED POLYSTYRENE GLAZING SYSTEM
EQ	EQUAL SPACING
FAB	FABRIC / INSULATORY
FAN	FAN
FB	FACE BRICK
FC	FIBRE CEMENT SHEETING
FE	FIRE EXTINGUISHER
FF	FINISHED FLOOR LEVEL
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PH	FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION
PHR	FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION

FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS
FL	FLASHING
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FS	FIRE SHELTER
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G	GLASS
GA	GREASE ARRESTOR
GC	GARAGE GATE
GD	GRAVEL
GL	GLASS LOAVES
GR	GRABRAIL
GRD	GRAVEL
GRV	GRAVEL
GP	GRAVEL PIT - REFER TO HYDRAULIC DOCUMENTATION

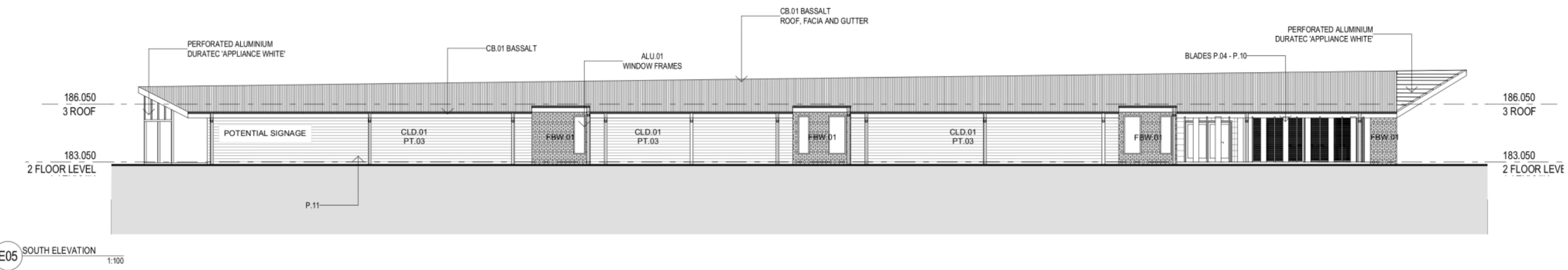
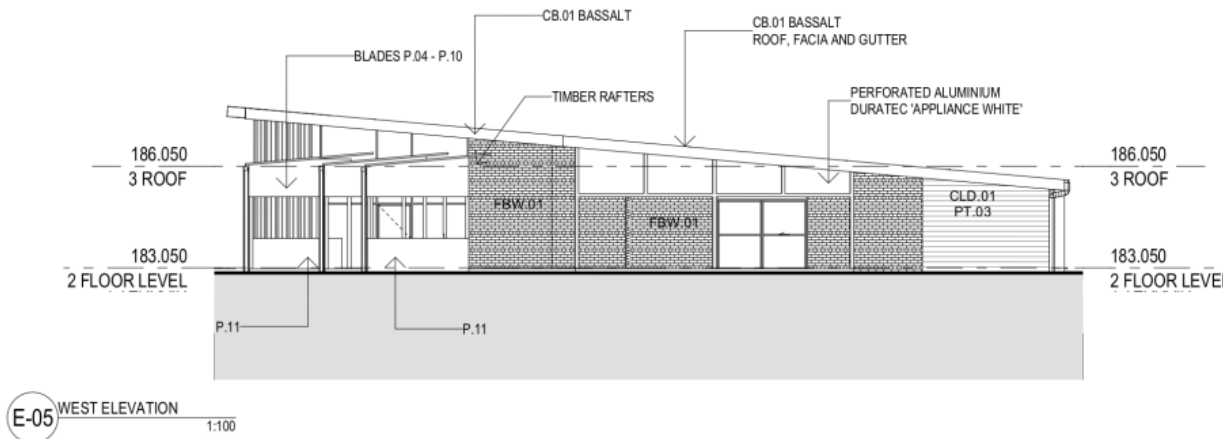
GT	GUTTER TRANSOM
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HT	HOSE TAP
HTR	HEATER
HWS	HOT WATER SYSTEM
HYD	HYDRAULIC
J	JOINT
KK	KICK
LB	LIVING BOARDS
LD	ACCESS LADDER

LCL	DOWNLIGHT
LX	LAUNDRY
LK	LOCKER SYSTEM
LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
LPN	PENDANT LIGHT
LPL	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
LT	LED STRIP LIGHT
LTB	LETTERBOX
LVR	LOUVER
LWL	WALL LIGHT
MC	METAL CLADDING
MD	MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION
MECH	MECHANICAL
MEL	MELANINE
M	MIRROR
MRS	METAL ROOF SHEETING
MW	MATWELL

LEGEND	
10.00	WINDOW MARKER eg WINDOW / LEVEL 1 / WINDOW N°05
01.00	DOOR MARKER eg DOOR / LEVEL 1 / DOOR N°05

LEGEND

CLD.01	FIBRECEMENT WEATHERBOARDS -HORIZONTAL PAINTED
FBW.01	FACE BRICK -BOWRAL DRY PRESSED 'MURRAY' RAKED MOTAR JOINTS
FBW.02	FACE BRICK -PGH 'ALFRESCO' BRICK -CHOCOLATTO FLUSH MOTAR JOINTS
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St Nicholas Early Education
MUSWELLBROOK

St James Primary School
MUSWELLBROOK

REV	DATE	COMMENTS
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA

DRN | CHKD | VRD |
BdB HN

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE
CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333
DRAWING: SOUTH & WEST ELEVATIONS

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 12399 St Nicholas Early Education Muswellbrook DA 2019-08-12.jn
DRAWN: BdB DATE: 13/06/2019 SCALES @A1: 1:100
PROJECT No: 12399 DA PHASE: A06 DRAWING No: 2 REV: 2

EJE architecture

ABBREVIATIONS		
AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION	
ACP	ALUMINIUM COMPOSITE PANEL	
ACS	SOLID SURFACE	
ADJ	ADJUSTABLE SHELF	
AHD	AUSTRALIAN HEIGHT DATUM	
AL	ALUMINIUM LOUVER	
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ALS	VERTICAL ALUMINIUM SCREEN	
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AR	ARCHITRAVE	
AS	AUSTRALIAN STANDARD	
BA	BARGE BOARD	
BAL	BALLUSTRADE	
BC	BARY CHAMFEL TABLE	
BCT	BENCHTOP	
BF	BIFOLD DOOR	
BG	BOX GUTTER	

BH	BULKHEAD	
BN	BRICKWORK	
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BOL	BOLLARD	
BS	BENCH SEAT	
BT	BOTTLE TRAP	
BTH	BATHTUB	
CAF	CAPPING	
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CS	COLOR-BACKED GLASS	
CFC	COMPRESSED FIBRE CEMENT	
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CJ	CONSTRUCTION / CONTROL JOINT	
CL	CENTRE LINE	
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CLS	CLOTHESLINE	

COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION	
CONC	CONCRETE	
COS	CONFORM ON SITE	
CPC	COLORBOND PARAPET CAPPING	
CPD	CUPBOARD	
CPT	CARPET	
CR	CEMENT RENDER	
COR	CORNER	
CRT	CURTAIN	
CRR	CURTAIN RAIL	
CS	CLEANERS BRK	
CVS	COVER SHEETING	
CW	COLD WATER	
DP	DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION	
DR	DOOR	
DS	DOOR STOP	
EDB	ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION	

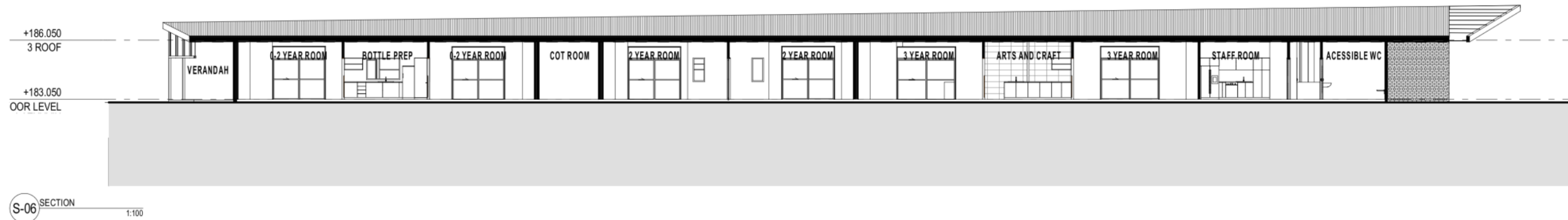
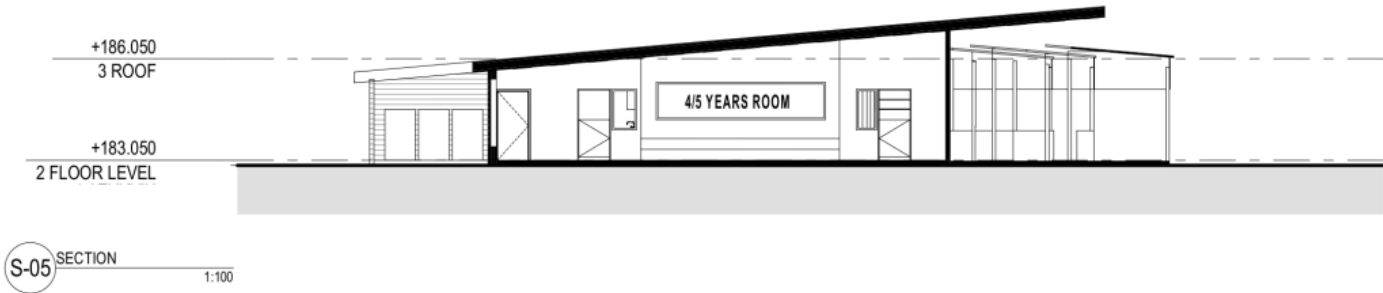
EF	EXHAUST FAN	
EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION	
EJ	EXPANSION JOINT	
EUP	ELECTRICAL PLATE	
ENS	ENCLITE	
EP	EPDM FLOORING	
ED	EXPANDED POLYSTYRENE GLAZING SYSTEM	
EQ	EQUAL SPACING	
FAB	FABRIC / UPHOLSTERY	
FAN	FAN	
FB	FACE BRICK	
FE	FIRE EXTINGUISHER	
FE	FIRE EXTINGUISHER	
FFL	FINISHED FLOOR LEVEL	
FG	FIXED GLASS	
FH	FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION	
FHR	FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION	

FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS	
FL	FLASHING	
FLM	VINYL FILM	
FR	FIRE RESISTANCE	
FRP	FIREPLACE	
FS	FIXED SHELF	
FT	FLOOR TILES	
FW	FLOOR WASTE	
G	GLASS	
GA	GREASE ARRESTOR	
GC	GARAGE GATE	
GD	GRATED DRAIN	
GL	GLASS LOAVES	
GR	GRABBAR	
GRD	GARAGE DOOR	
GRV	GRANITE	
GP	GRATED PIT - REFER TO HYDRAULIC DOCUMENTATION	

GT	GUTTER TRANSOM	
GW	GLASS WINDOW	
HA	HOME AUTOMATION CUPBOARD	
HB	HAND BARN	
HD	HINGED DOOR	
HR	HAND DRYER	
HP	HIGHPOINT	
HR	HANDRAIL	
HRL	HANGING RAIL	
HT	HOSE TAP	
HTR	HEATER	
HWS	HOT WATER SYSTEM	
HYD	HYDRAULIC	
J	JOCKERY	
KK	KICK	
LB	LIVING BOARD	
LD	ACCESS LADDER	

LDL	DOWNLIGHT	
LDL	LAUNDRY	
LP	LOCKER SYSTEM	
LP	LIGHT FITTING POCKET IN CONCRETE SLAB ROFFIT	
LPN	PENDANT LIGHT	
LPL	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION	
LST	LED STRIP LIGHT	
LTB	LETTERBOX	
LVR	LOUVER	
LWL	WALL LIGHT	
MC	METAL CLADDING	
MD	MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION	
MECH	MECHANICAL	
MEL	MELANINE	
M	MIRROR	
MRS	METAL ROOF SHEETING	
MW	MATWELL	

LEGEND	
1:100	WINDOW MARKER
1:100	eg WINDOW / LEVEL 1 / WINDOW N°05
1:100	DOOR MARKER
1:100	eg DOOR / LEVEL 1 / DOOR N°05



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REV	DATE	COMMENTS
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA

DRN | CHKD | VRFD |
BdB HN *[Signature]*

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333

CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

DRAWING: SECTION A-A & B-B

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.

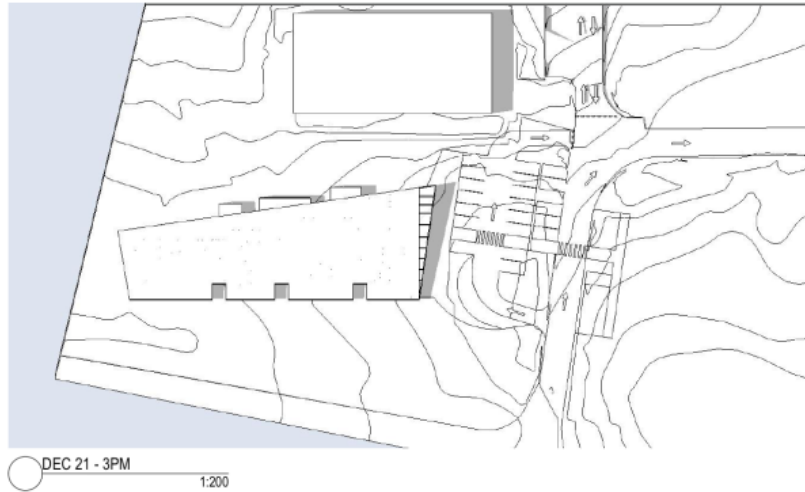
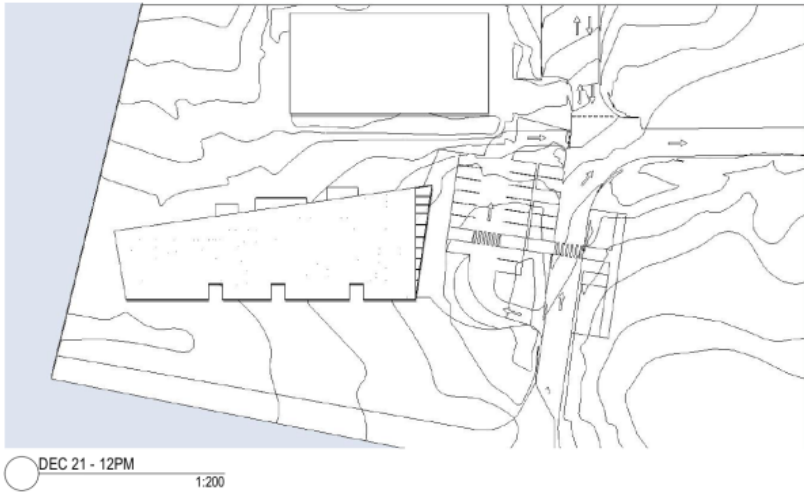
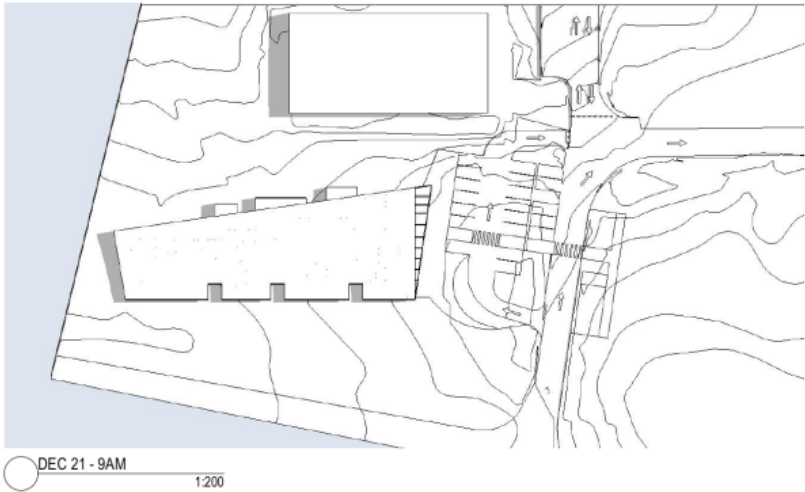
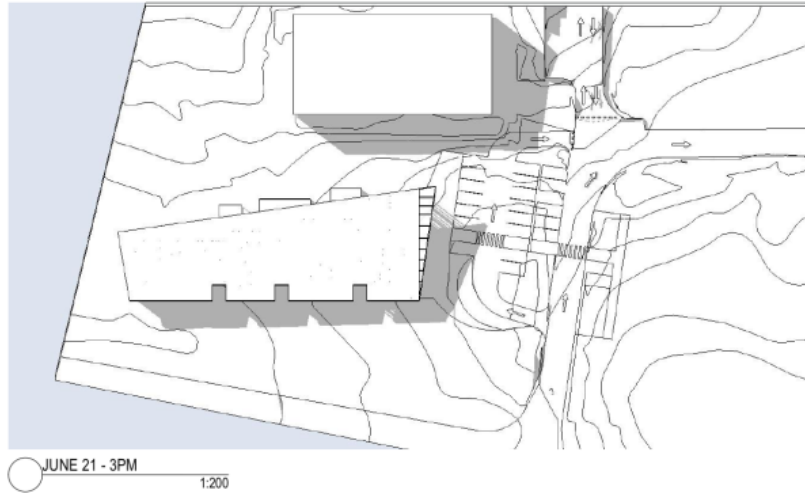
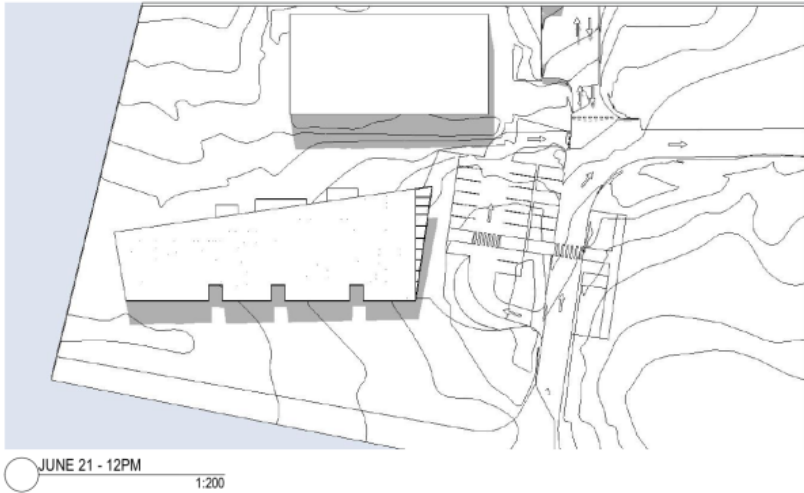
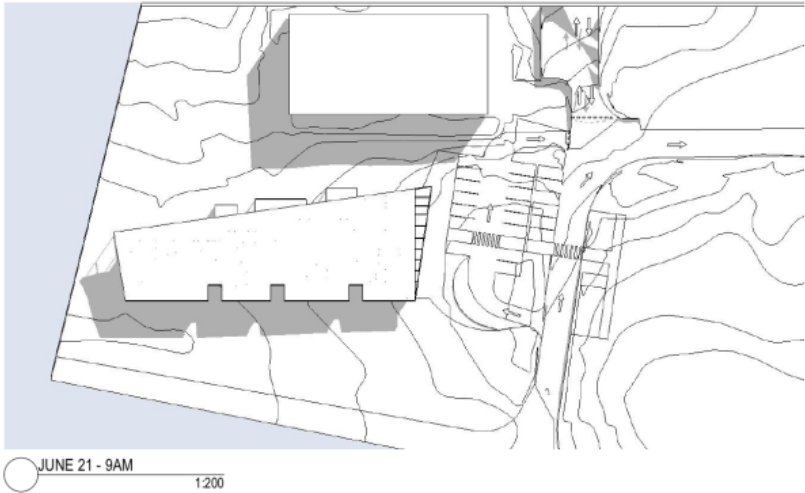
FILENAME: 12399 St Nicholas Childrens Mawellbrook DA 2019-06-12.dgn

DRAWN: BdB DATE: 13/06/2019 SCALES @A1: 1:100

PROJECT No: 12399 DA PHASE: A07 DRAWING No: 2 REV: 2

EJE architecture

ABBREVIATIONS	AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION	BH	BULKHEAD	COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION	EF	EXHAUST FAN	FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS	GT	GUTTER TRANSOM	L/L	DOWNLIGHT
	ACP	ALUMINIUM COMPOSITE PANEL	BN	BARGE BOARD	CONC	CONCRETE	EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION	FL	FLASHING	GW	GLASS WINDOW	LY	LAUNDRY
	ACS	SOLID SURFACE	BK	CONCRETE BLOCKWORK	COS	CONFORM ON SITE	EJ	EXPANSION JOINT	FM	VINYL FILM	HA	HOME AUTOMATION CUPBOARD	UK	LOCKER SYSTEM
	ADJ	ADJUSTABLE SHELF	BK	BROCKWORK	CPC	COLORBOND PARAPET CAPPING	EUP	ELECTRICAL PLATE	FR	FIRE RESISTANCE	HB	HAND BARN	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
	AHD	AUSTRALIAN HEIGHT DATUM	BOL	BOLLARD	CPO	CUPBOARD	ENS	ENULITE	FRP	FIREPLACE	HD	HINGED DOOR	LPN	PENDANT LIGHT
	AL	ALUMINIUM LOUVER	BS	BENCH SEAT	CPT	CARPET	EPS	EPDM FLOORING	FS	FIBRE CEMENT SHEETING	HR	HAND DRYER	LPN	PENDANT LIGHT
	ALS	ALUMINIUM SCREEN	BT	BOTTLE TRAP	CR	CEMENT RENDER	EP	EPOXY FLOORING	FT	FLOOR TILES	HR	HAND DRYER	LPN	PENDANT LIGHT
	AP	ACCESS PANEL	BTH	BATHTUB	CRT	CURTAIN	EQ	EQUAL SPACING	FW	FLOOR WASTE	HR	HAND DRYER	LPN	PENDANT LIGHT
	AR	ARCHITRAVE	CB	PREFINISHED STEEL	CRR	CURTAIN RAIL	FAN	FAN	G	GLASS	HT	HOSE TAP	LPN	PENDANT LIGHT
	AS	AUSTRALIAN STANDARD	CBG	COLORBOND GLASS	CS	CLEANERS BRK	FB	FACE BRICK	GA	GREASE ARRESTOR	HTL	HEATER	LPN	PENDANT LIGHT
	BA	BARGE BOARD	CFC	COMPRESSED FINE CEMENT	CVS	COVER SHEETING	FC	FIBRE CEMENT SHEETING	GC	GARAGE GRATE	HWS	HOT WATER SYSTEM	LPN	PENDANT LIGHT
	BAL	BALLASTRADE	CH	COAT HOOK	CW	COLD WATER	FE	FIRE EXTINGUISHER	GL	GLASS LOAVES	HYD	HYDRAULIC	LPN	PENDANT LIGHT
	BC	BAY CHAIRSE TABLE	CJ	CONSTRUCTION / CONTROL JOINT	CP	DOWNPIPE - REFER TO HYDRAULIC DOCUMENTATION	FF	FINISHED FLOOR LEVEL	GR	GRABBAR	J	JOCKERY	LPN	PENDANT LIGHT
	BCT	BENCH TOP	CL	CENTRE LINE	DR	DOOR	FG	FIXED GLASS	GRD	GARAGE DOOR	KK	KICK	LPN	PENDANT LIGHT
	BF	BIFOLD DOOR	CLO	CLOTHESLINE	DS	DOOR STOP	PH	FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION	GRV	GRANITE	LB	LIVING BOARD	LPN	PENDANT LIGHT
	BG	BOX GUTTER	CLS	CLOTHESLINE	EDB	ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION	PHR	FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION	GP	GRATED PIT - REFER TO HYDRAULIC DOCUMENTATION	LD	ACCESS LADDER	LPN	PENDANT LIGHT



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REV	DATE	COMMENTS
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA

DRN | CHKD | VRD |
BdB HN *[Signature]*

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE
CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333
DRAWING: SHADOW DIAGRAMS

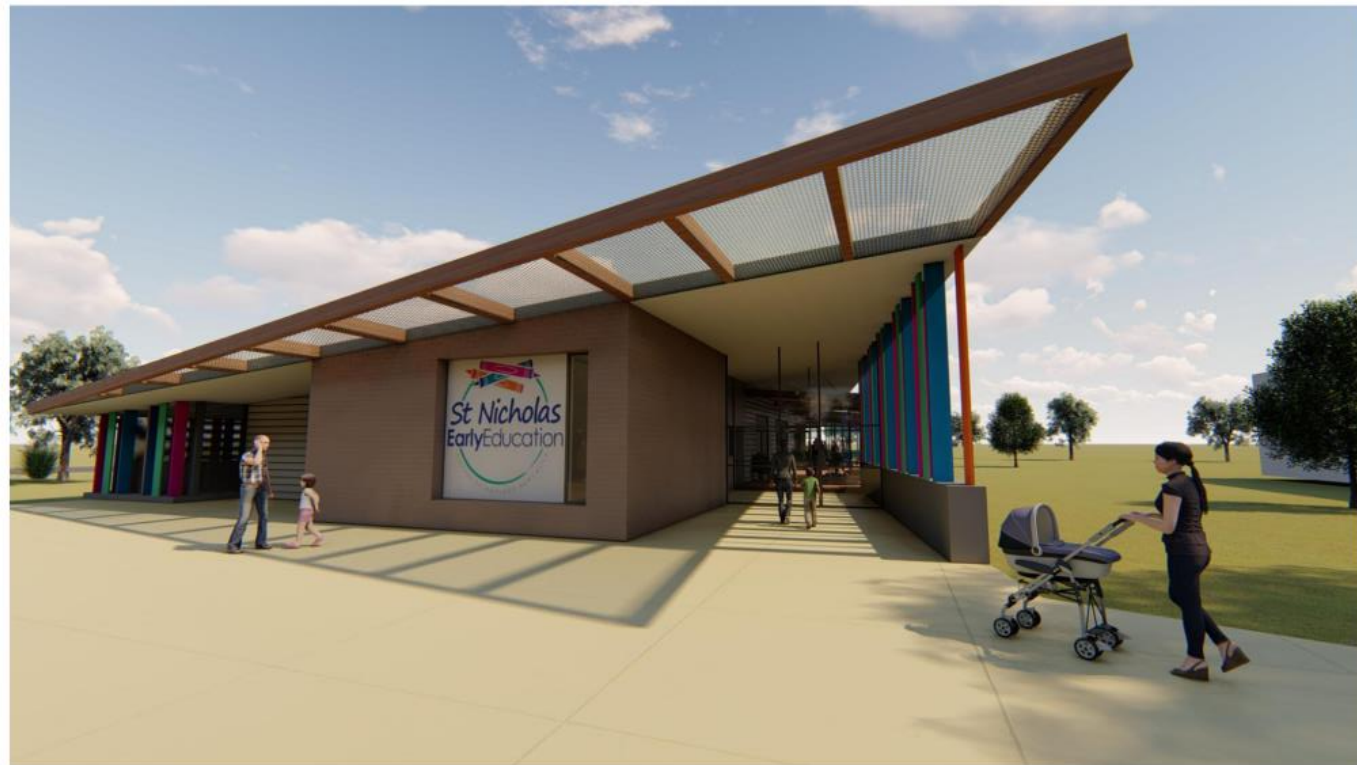
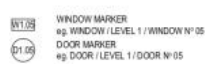
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FILENAME: 12399 St Nicholas Childrens Muswellbrook DA 2019-08-12.jn

DRAWN: **BdB** DATE: **13/06/2019** SCALE @A1: **1:200**

PROJECT No: **12399 DA** PHASE: **A08** DRAWING No: **2** REV: **2**



[illegible]

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REV	DATE	COMMENTS	DRN	CHKD	WFD
A	17/01/2019	SKETCH DESIGN PRESENTATION ISSUE	BdB	HN	
B	22/01/2019	SKETCH DESIGN FOR CLIENT REVIEW	JJM	HN	
1	12/03/2019	PRELIMINARY DA ISSUE			
2	4/06/2019	ISSUE FOR DA	BdB	HN	<i>gdr</i>

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

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MUSWELLBROOK, NSW 2333

CUSTOMER: CATHOLIC DIOCESE OF MAITLAND-
NEWCASTLE
PO BOX 756, NEWCASTLE
NSW, 2300

DRAWING: 3D PERSPECTIVES

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FILENAME : 12399 St Nicholas Childcare Museum Brook DA 2019-06-12.jpg

DRAWN : DATE : SCALES @A1

BdB **13/06/2019**

PROJECT No: **12399** PHASE: **DA** DRAWING No: **A09**

REV: **2** **EDE** architecture

WINDOW MARKER
eg. WINDOW / LEVEL 1 / WINDOW N° 05
DOOR MARKER
eg. DOOR / LEVEL 1 / DOOR N° 05



VISIONS
OF THE
FUTURE

REV. 2

EVE

architecture

AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION
ACP	ALUMINIUM COMPOSITE PANEL
ACS	SOLID SURFACE
ADJ	ADJUSTABLE SHELF
AHD	AUTORETURN HEIGHT DATUM
AL	ALUMINIUM LOUVER
ALB	ALUMINIUM BATTEN
ALS	VERTICAL ALUMINIUM SCREEN
AP	ACCESS PANEL
AR	ARCHITRAVE
AUS	AUTORETURN STANDARD
BA	BARGE BOARD
BAL	BALLUSTRADE
BC	BAY CHAIRSE TABLE
BCT	BENCH TOP
BF	BIFOLD DOOR
BG	BOX GUTTER

BH	BULKHEAD
BN	BUNGLE BN
BK	CONCRETE BLOCKWORK
BW	BROCKWORK
BOL	BOLLARD
BS	BENCH SEAT
BT	BOTTLE TRAP
BTH	BATHTUB
CAF	CAPPING
CB	PREFINISHED STEEL
CBG	COLOR BACKED GLASS
CFC	COMPRESSED FIBRE CEMENT
CH	COAT HOOK
CL	CONSTRUCTION / CONTROL JOINT
CL	CENTRE LINE
CLD	CLADDING
CLS	CLOTHESLINE

COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION
CONC	CONCRETE
COS	CONFORM ON SITE
CPC	COLORBOND PARAPET CAPPING
CPD	CUPBOARD
CPT	CARPET
CR	CEMENT RENDER
COR	CORNER
CRT	CURTAIN
CRR	CURTAIN RAIL
CS	CLEANERS BRUSH
CVS	COVER SHEETING
CW	COLD WATER
DP	DRAINPIPE - REFER TO HYDRAULIC DOCUMENTATION
DR	DOOR
DS	DOOR STOP
EDB	ELECTRICAL DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION

EF	EXHAUST FAN
EG	EAVES GUTTER - REFER TO HYDRAULIC DOCUMENTATION
EJ	EXPANSION JOINT
EUP	ELECTRICAL PLATE
ENS	ENCLITE
EPS	EXPANDED POLYSTYRENE GLAZING SYSTEM
EQ	EQUAL SPACING
FAB	FABRIC / UPHOLSTERY
FAN	FAN
FB	FACE BRICK
FE	FIRE EXTINGUISHER
FF	FINISHED FLOOR LEVEL
FG	FIXED GLASS
PH	FIRE HYDRANT - REFER TO HYDRAULIC DOCUMENTATION
PHR	FIRE HOSE REEL - REFER TO HYDRAULIC DOCUMENTATION

FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS
FL	FLASHING
FLM	VINYL FILM
FR	FIRE RESISTANCE
FRP	FIREPLACE
FS	FIRE SHEET
FT	FLOOR TILES
FW	FLOOR WASTE
G	GLASS
GA	GREASE ARRESTOR
GC	GARAGE CHUTE
GD	GRAVED DRAIN
GL	GLASS LOUVER
GR	GRANITE
GRD	GRAVEL
GRV	GRAVEL
GP	GRAVEL PIT - REFER TO HYDRAULIC DOCUMENTATION

GT	GUTTER TRIMMING
GW	GLASS WINDOW
HA	HOME AUTOMATION CUPBOARD
HB	HAND BISON
HD	HINGED DOOR
HDR	HAND DRYER
HF	HIGHPOINT
HRL	HANGING RAIL
HT	HOSE TAP
HTR	HEATER
HWS	HOT WATER SYSTEM
HYD	HYDRAULIC
J	JOIST
KK	KICK
LB	LIVING BOARDS
LD	ACCESS LADDER

LDL	DOWNLIGHT
LDT	LAUNDRY
LK	LOCKER SYSTEM
LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
LPN	PENDANT LIGHT
LPL	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
LST	LED STRIP LIGHT
LTB	LETTERBOX
LVR	LOUVER
LWL	WALL LIGHT
MC	METAL CLADDING
MD	MAIN DISTRIBUTION BOARD - REFER TO ELECTRICAL DOCUMENTATION
MECH	MECHANICAL
MEL	MELANINE
M	MIRROR
MWS	METAL ROOF SHEETING
MW	MATWELL

LEGEND

WINDOW MARKER
eg WINDOW / LEVEL 1 / WINDOW N° 05
DOOR MARKER
eg DOOR / LEVEL 1 / DOOR N° 05



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REV	DATE	COMMENTS
0	04/06/2019	ISSUE FOR DA

DRN	CHKD	VRD
BDB	HN	

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333

CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

DRAWING: 3D PERSPECTIVES

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 12399 St Nicholas Childrens Muswellbrook DA 2019-06-12.jn

DRAWN: BdB DATE: 13/06/2019 SCALES @A1:

PROJECT NO: 12399 DA PHASE: A11 DRAWING NO: 0 REV: 0

EJE architecture

ABBREVIATIONS															
AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION	BN	BULKHEAD	COL	COLUMN - REFER TO STRUCTURAL DOCUMENTATION	EP	EXHAUST FAN	FP	FIRE INDICATOR PANEL TO CONSULTANTS REQUIREMENTS	GT	GUTTER TRANSDUCER	LDL	DOWNLIGHT	LD	ACCESS LADDER
ADP	ALUMINIUM COMPOSITE PANEL	BN	GARAGE BN	CONC	CONCRETE	EG	EXPANSION JOINT	FL	FLUORING	GV	GLASS WINDOW	LEV	LAUNDRY	LV	VALVE
AS	ASBESTOS	BLK	CONCRETE BLOCKWORK	COS	CONCRETE ON SITE	EJ	ELECTRICAL JOINT	FLM	FLUORIMETER	HA	HAND AUTOMATIC CUPBOARD	LK	LOCKER SYSTEM	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
ADJ	ADJUSTABLE SHELF	SPK	SPRINKLER	CPC	COLORADO PAVEMENT CAPPING	ELP	ELECTRICAL PLATE	FR	FIRE RESISTANCE	HS	HAND SAWN	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT	LPN	PENDANT LIGHT
AHD	AUSTRALIAN HEIGHT DATUM	BOL	BOLTED	CPT	CUTTING	EP	EXPANDED POLYSTYRENE CLADDING SYSTEM	FS	FLOOR SHEET	HD	HINGED DOOR	MR	METAL ROOF	LT	LETTERBOX
AL	ALUMINIUM LOUVER	BS	BENCH SEAT	CRT	CEMENT RENDER	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
ALS	ALUMINIUM SLAT	BT	BOTTLE TRAP	CN	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
AP	ACCESS PANEL	CB	CAPPING	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
AR	ARCHITECTURE	CS	PREPARED STEEL	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
AS	AUSTRALIAN STANDARD	CBS	COLORADO BACKED GLASS	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
BA	BARGE BOARD	CBS	COLORADO BACKED GLASS	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
BAL	BALUSTRADE	CBS	COLORADO BACKED GLASS	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
BC	BENCH CHANGE TABLE	CBS	COLORADO BACKED GLASS	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
BCT	BENCH TOP	CBS	COLORADO BACKED GLASS	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
BF	BIFOLD DOOR	CBS	COLORADO BACKED GLASS	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX
BG	BOX GUTTER	CBS	COLORADO BACKED GLASS	CRT	CURTAIN	EQ	EQUAL SPACING	FT	FLOOR TILES	HR	HAND DRIVER	HT	HOT WATER TAP	LT	LETTERBOX



NOTIFICATION PLAN
1:500

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REV	DATE	COMMENTS
0	4/06/2019	ISSUE FOR DA

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE
CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333
DRAWING: NOTIFICATION PLAN

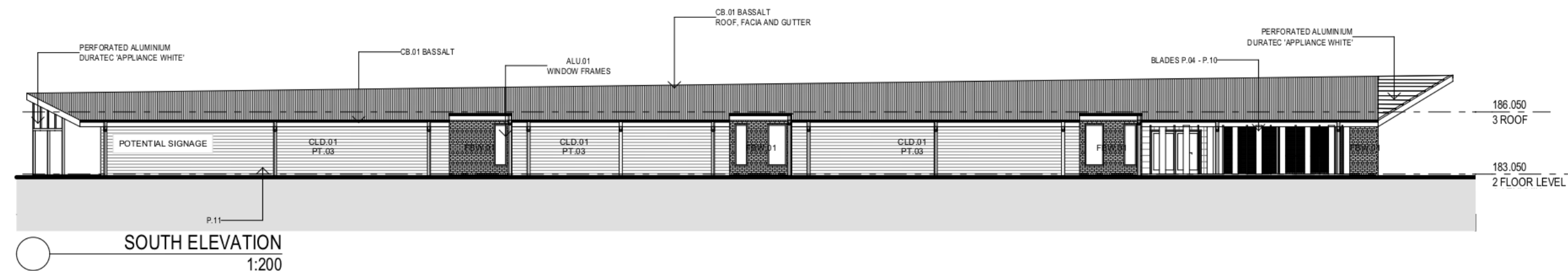
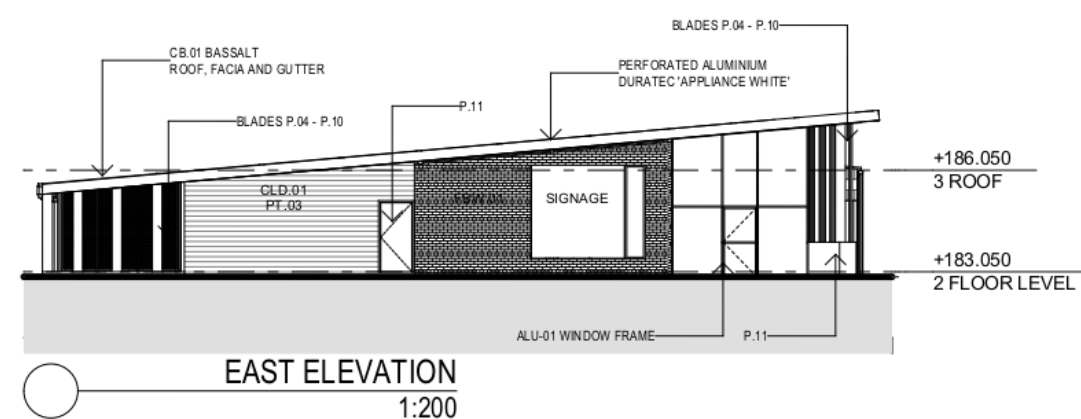
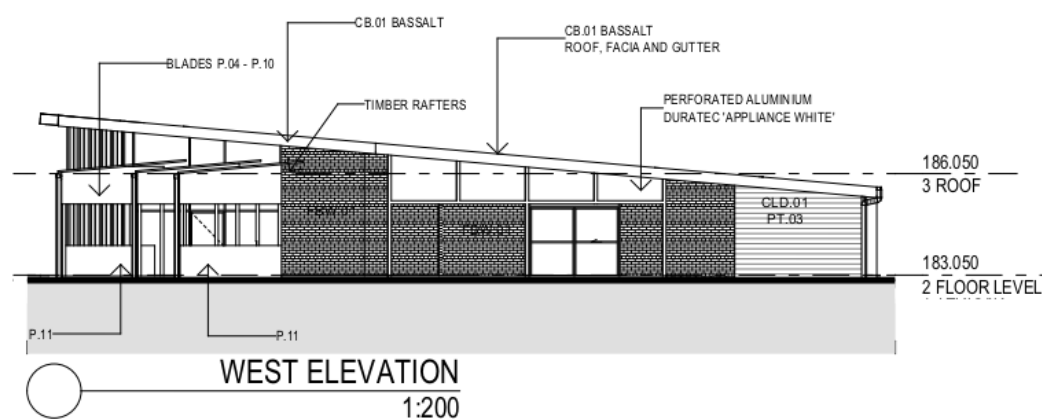
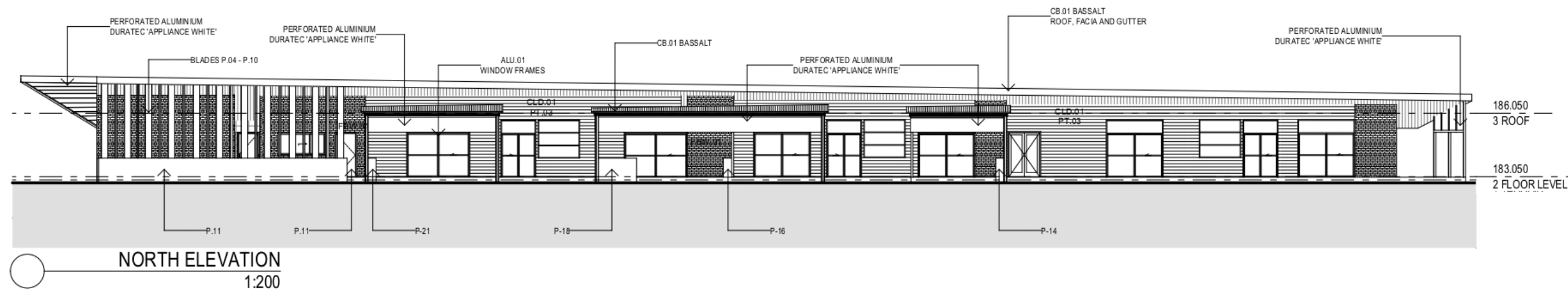
WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK. REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 12399 St Nicholas Early Education Centre DA 2019-06-12.ppt
DRAWN: DATE: SCALES @A3:
BdB **13/06/2019** **1:500**

PROJECT No: PHASE: DRAWING No: REV:
12399 DA A13 0

EJE architecture

ABBREVIATIONS													
AC	AIR CONDITIONING - REFER TO MECHANICAL DOCUMENTATION	BL	BULKHEAD	COL	COLUM - REFER TO STRUCTURAL DOCUMENTATION	EP	EXPANDED FURN	FP	FIRE INDICATOR PANELS - TO CONSULTANTS REQUIREMENTS	GT	GRATE TRANSOM	LDL	LOADING
AD	ALUMINUM COMPOSITE PANEL	BN	GAUGE BN	CON	CONCRETE	EG	EGRAVE GUTTER - REFER TO HYDRAULIC DOCUMENTATION	GL	GLASS	GW	GLASS WINDOW	LDY	LOADING
AL	ALUMINUM	BLK	CONCRETE BLOCKWORK	COG	CONCRETE ON SITE	EL	ELECTRICAL	FL	FLARING	HA	HOB AUTOMATION CUPBOARD	LDY	LOADING
ADJ	ADJUSTABLE SHELF	BK	BREKWORK	CPC	COLORBOND PAINT & CARPENTRY	ELP	ELECTRICAL PLATE	FR	FIRE RESISTANCE	HB	HAND BARS	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
AND	AND	BOL	BOLWORK	CPD	CUPBOARD	ENP	ENVELOPE	FRP	FIRE RESISTANCE	HP	HAND POINT	LP	LIGHT FITTING POCKET IN CONCRETE SLAB SOFFIT
ALU	ALUMINUM LOUVER	BS	BENCH SEAT	CPH	CORNER	EFP	ELECTRICAL FLOORING	FS	FLOOR SLAB	HR	HAND DRIVER	LP	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
ALUM	ALUMINUM	BSH	BENCH SHOTTER	CR	CORNER	EFP	ELECTRICAL FLOORING	FS	FLOOR SLAB	HR	HAND DRIVER	LP	LIGHT POLE - REFER TO ELECTRICAL DOCUMENTATION
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REV	DATE	COMMENTS
0	04/06/2019	ISSUE FOR DA

DRN | CHKD | VRFD | PROJECT: ST NICHOLAS EARLY EDUCATION
BdB HN *John* CENTRE

SITE : ST JAMES PRIMARY SCHOOL
SKELLATAR STOCK RTE,
MUSWELLBROOK, NSW 2333

CLIENT: CATHOLIC DIOCESE OF MAITLAND-
NEWCASTLE
PO BOX 756, NEWCASTLE
NSW, 2300

DRAWING: NOTIFICATION ELEVATIONS

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FILENAME : 12399 St Nicholas Childrens Museum Break DA 2019-06-12.plt

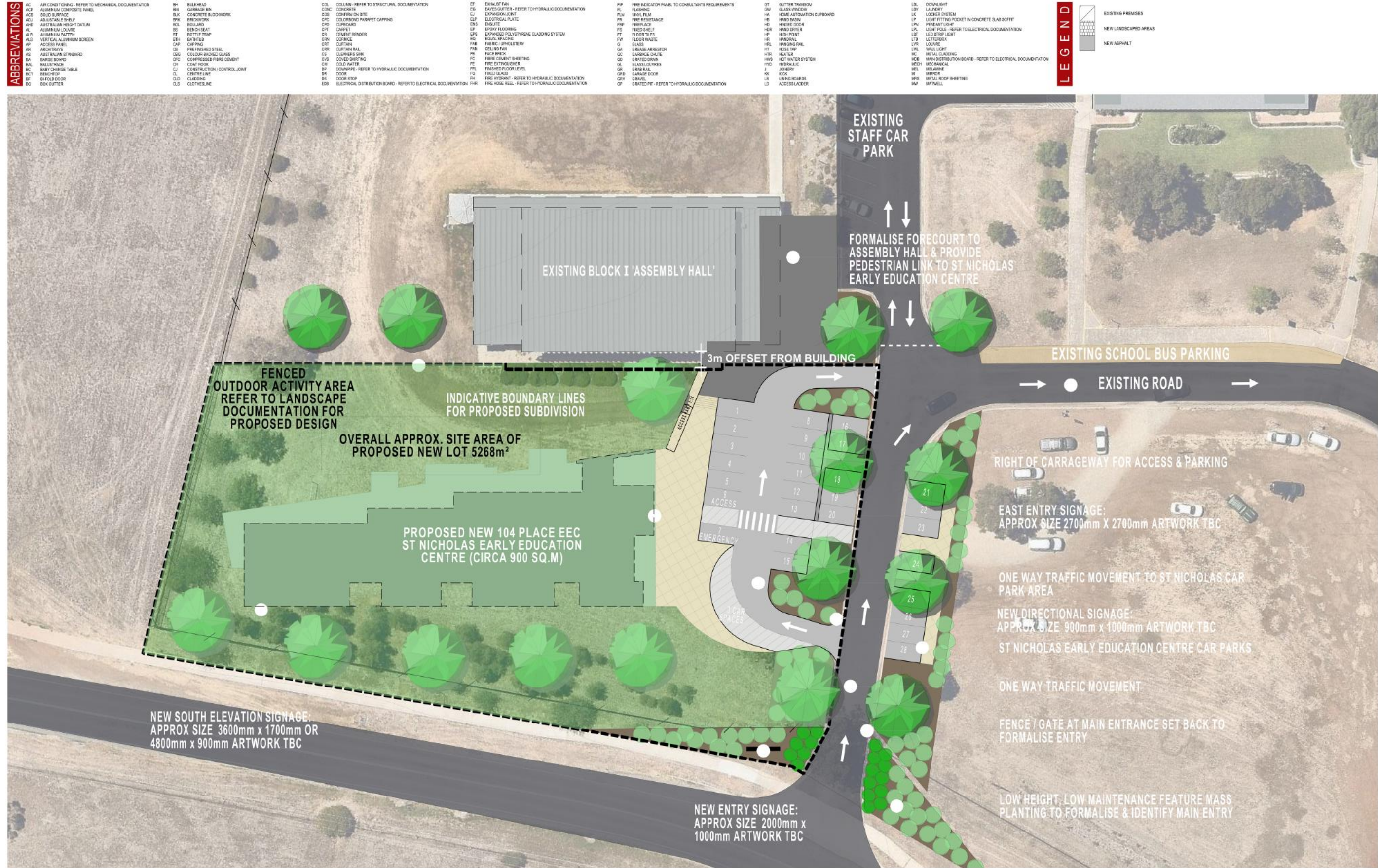
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BdB **13/06/2019** **1:200**

PROJECT No : PHASE : DRAINING No : REV :

12399 DA A14 0





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St Nicholas Early Education

St James Primary School
MUSWELLBROOK

REV	DATE	COMMENTS
A	11/01/2019	SKETCH DESIGN ISSUE
B	17/01/2019	SKETCH DESIGN PRESENTATION ISSUE
C	22/01/2019	SKETCH DESIGN FOR CLIENT REVIEW
1	12/03/2019	PRELIMINARY DA ISSUE
2	4/06/2019	ISSUE FOR DA
3	18/10/2019	BOUNDARY ADJUSTMENT

DRN	CHKD	VRFD
BdB	HN	
BdB	HN	
JUM	HN	
BdB	HN	

PROJECT: ST NICHOLAS EARLY EDUCATION CENTRE

SITE: ST JAMES PRIMARY SCHOOL, SKELLATAR STOCK RTE, MUSWELLBROOK, NSW 2333

CLIENT: CATHOLIC DIOCESE OF MAITLAND-NEWCASTLE
PO BOX 756, NEWCASTLE NSW, 2300

DRAWING: SITE PLAN

WORK IN FIGURED DIMENSIONS IN PREFERENCE TO SCALE. CHECK DIMENSIONS AND LEVELS ON SITE PRIOR TO THE ORDERING OF MATERIALS OR THE COMPLETION OF WORKSHOP DRAWINGS. IF IN DOUBT ASK, REPORT ALL ERRORS AND OMISSIONS.

FILENAME: 12399 St Nicholas Early Education Muswellbrook DA 2019-06-12.dwg

DATE: 13/06/2019

SCALE: 1:250

DRAWN: BdB

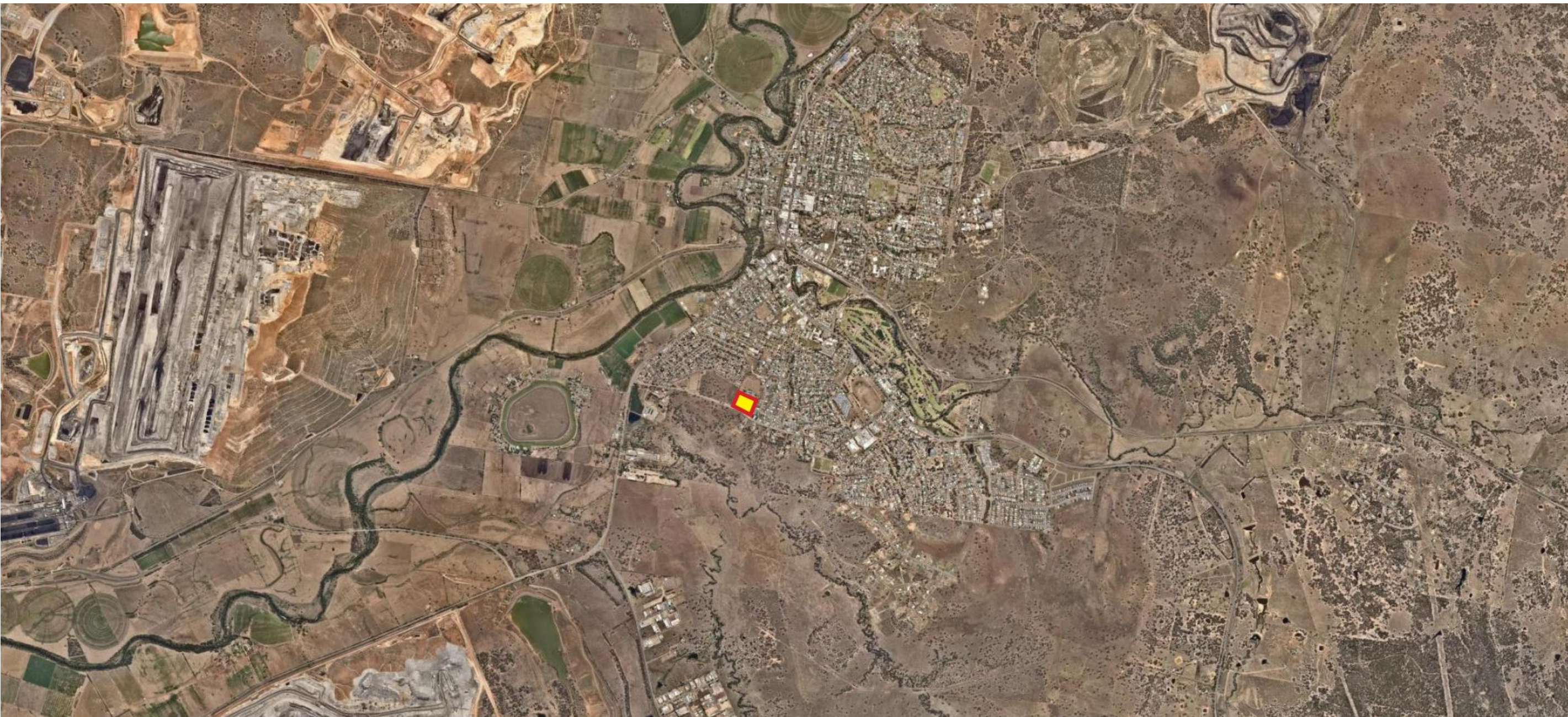
PROJECT NO: 12399 DA

PHASE: A01

DRAWING NO: A01

REV: 3

EJE architecture



landscape development application

Catholic Schools Office Diocese of Maitland-Newcastle
 St. Nicholas Early education Centre
 Skellatar Stock Rte, Muswellbrook NSW 2333



masterplan | 01

landscape area



D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
masterplan

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of
Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
JOB NUMBER: 12399.5 PHASE: DWG NO: L01 REV: D

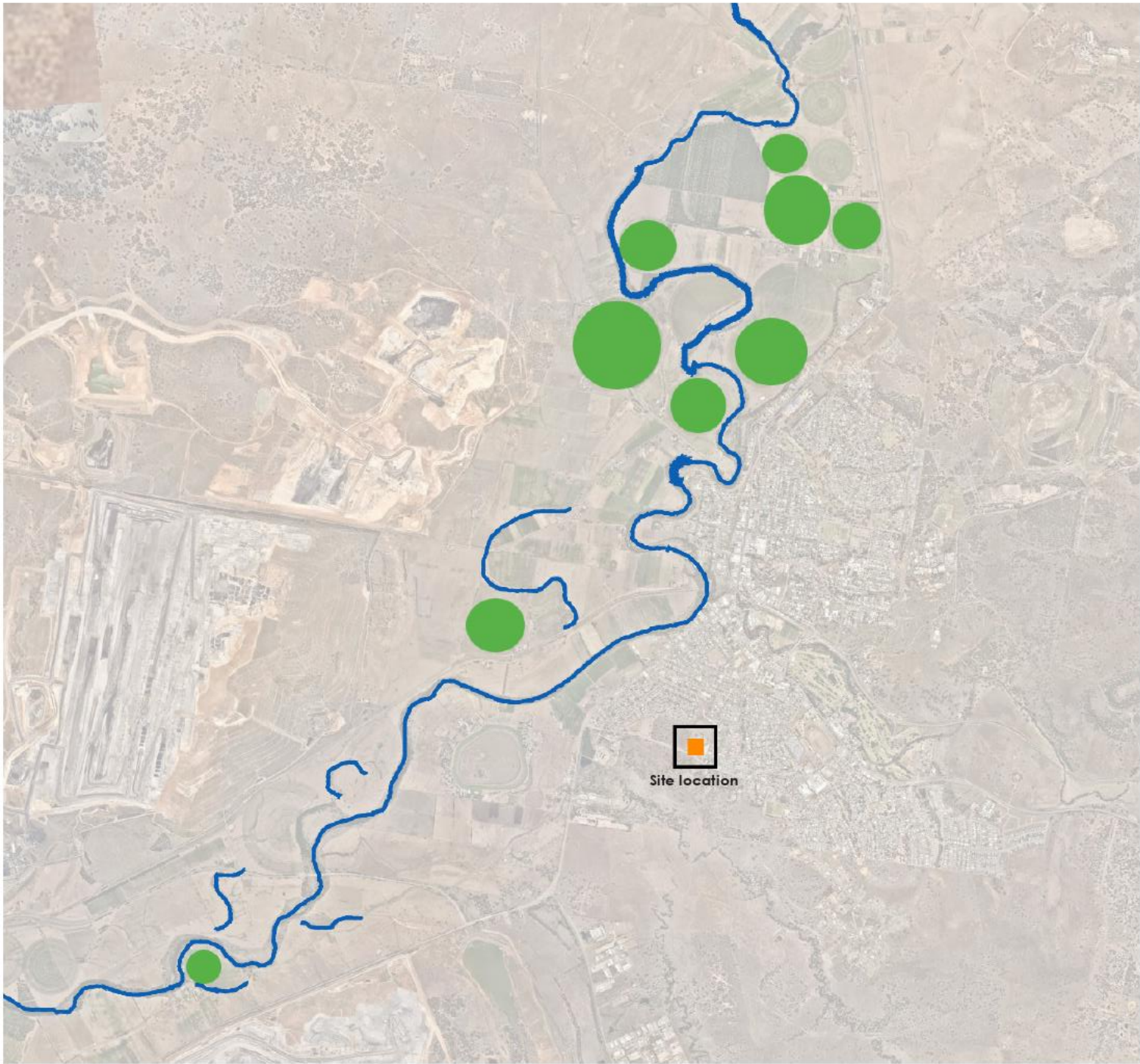


concept evolution

Site location

02

The hunter river and its watershed have influenced the use and settlement of the Muswellbrook area. The design is inspired from the meandering nature of the hunter river , ox bow lakes and agriculture fields in geometrical shapes along it.



D	14/05/2019	ISSUE TO CLIENT
REV	DATE	COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
Concept

SITE:
Skellatar Stock Rte, Muswellbrook

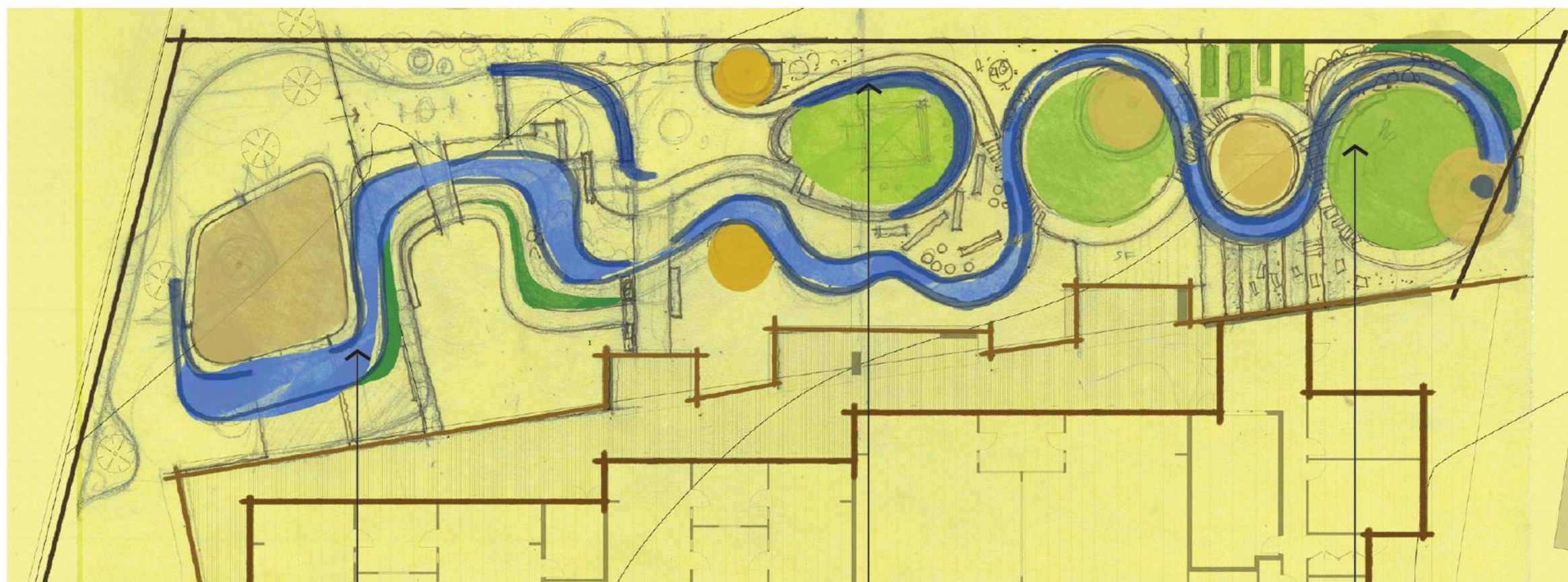
CLIENT:
Catholic Schools Office Diocese of Maitland-Newcastle

DRAWN:	DATE:	SCALE:
MA	14/05/2019	
JOB NUMBER:	PHASE:	DWG NO: REV:
12399.5	L02	D



concept evolution | 03

landscape sketch



meandering nature
of the hunter river
as the spine of the play space
as gravel path, water fountain spill and
planting bed

Landscape features like seating and sand-
stone logs depicting the ox bow lakes
around the river

Geometrical agriculture fields
along hunter river inspired the
shape of the play areas

D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
concept

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of
Maitland-Newcastle

DRAWN: DATE: SCALE:
MA 14/05/2019
JOB NUMBER: PHASE: DWG NO: REV:
12399.5 L03 D



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landscape architects
412 KING ST REEL NEWCASTLE NSW AUSTRALIA 2300
TERRAS COM AU PH 49 294 926 FAX 49 263 069

landscape areas

04

play space area



Outdoor play spaces

0-2 year olds: 30 children
Total play space: 340m²
(210m² required)
Sandpit 38m²
(15-30m² recommended)

2-3 year olds: 40 children
Total play space: 440m²
(280m² required)
Sandpit 47m²
(30m² recommended)

4-5 year olds: 50 children
Total play space: 475m²
(350m² required)
Sandpit 38m²
(30-40m² recommended)

D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
landscape areas

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of
Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
JOB NUMBER: 12399.5 PHASE: DWG NO: L04 REV: D



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Palisade fence
between play space
of 0-2 and 2-3 year

Sandstone blocks as
marker between play
space of age group
2-3 and 4-5 year

landscape plan | 05

play spaces



D 14/05/2019 ISSUE TO CLIENT
 REV DATE COMMENTS

PROJECT:
 St Nicholas early education centre

DRAWING:
 landscape plan

SITE:
 Skellatar Stock Rte, Muswellbrook

CLIENT:
 Catholic Schools Office Diocese of
 Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
 JOB NUMBER: 12399.5 PHASE: DWG NO: L05 REV: D



Synthetic turf play area within dense planting

Shaded sandbed and deck area

Fencing between 0-2 and 2-3 year group

Softfall area with basket swing

gravel bed as the spine of the play space as path, water fountain spill and planting bed

Sandstone block as mark between 2-3 year & 4-5 year

Open synthetic turf play area and timber deck outdoor classroom

Water play

landscape plan | 06

0-2 years play space



- Open synthetic turf area for free play.
- Sandpit enclosed by sandstone logs, with timber log for balancing and play. covered with tensile shade.
- Timber deck
- Gravel bed
- Natural path with sensory plants, balancing logs, mulch and stepping stones.
- Palisade fence with planting
- Soft fall area between building and sandpit
- Natural turf area
- Synthetic turf play area with shade trees and musical play elements



Sand play area and deck



Music play elements



Natural path

D	14/05/2019	ISSUE TO CLIENT
REV	DATE	COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
landscape plan: part 1

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of Maitland-Newcastle

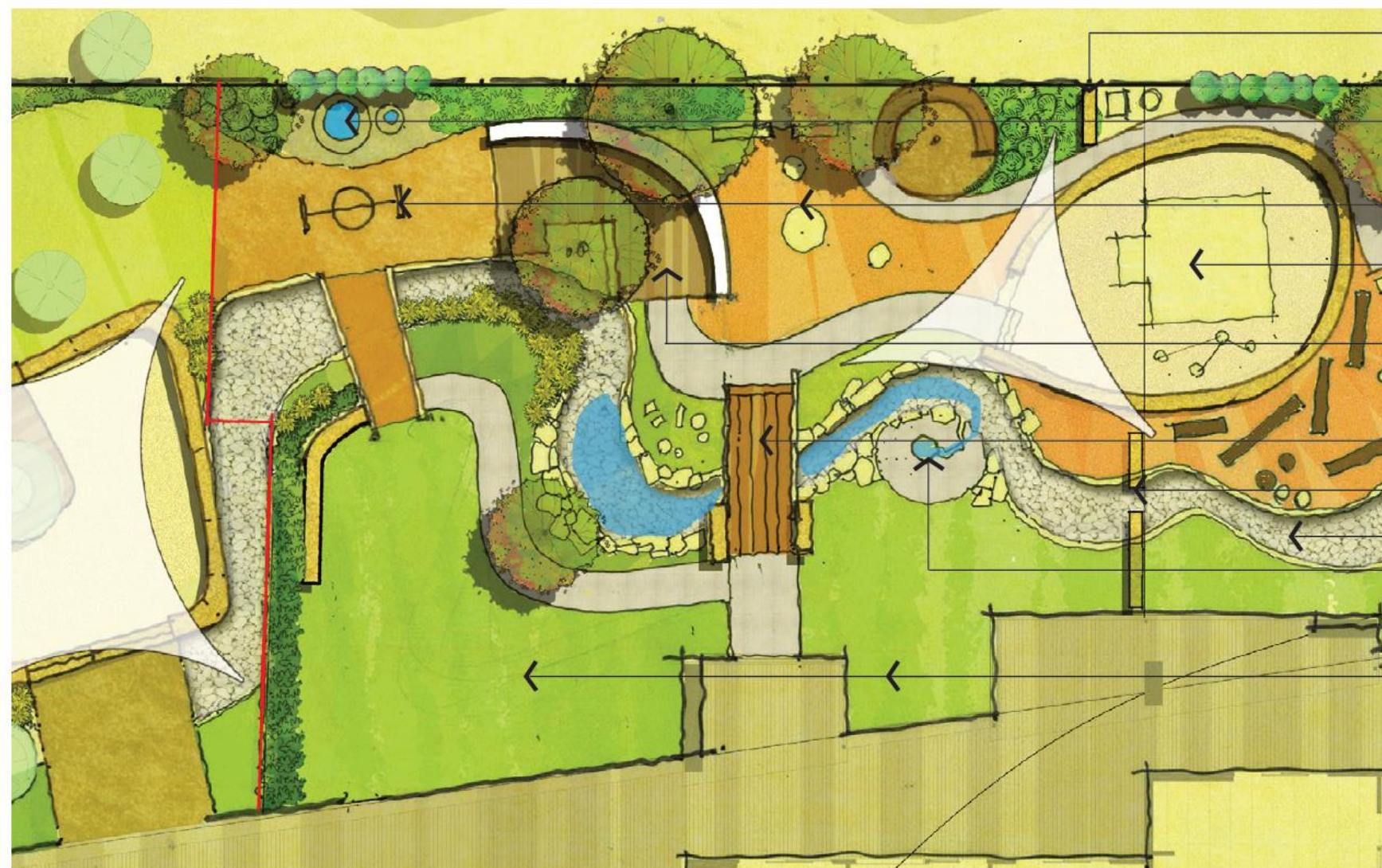
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MA	14/05/2019	
JOB NUMBER:	PHASE:	DWG NO: REV:
12399.5	L06	D



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landscape plan | 07

2-3 years play space



Sandstone block as marker between play space for different age group

Shallow water fountain at focal point with sensory plants, balancing logs, mulch and stepping stones.

Soft fall area with active play equipment and music pods

Cubby house on sandbed with partial tensile cover

Outdoor classroom with deck, and circular seat with feature shade tree in centre

Timber bridge over gravel swale

Sandstone block as marker between play space for different age group

Gravel bed

Water fountain play spills to ephemeral creek, with water recirculated through filtration system.

Open natural turf area for free play



D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
landscape plan: part 2

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
JOB NUMBER: 12399.5 PHASE: DWG NO: L07 REV: D



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1 TERRAS COM AB PH 49 294 926 FAX 49 263 069



continuous gravel bed



water play



play equipment: play stage



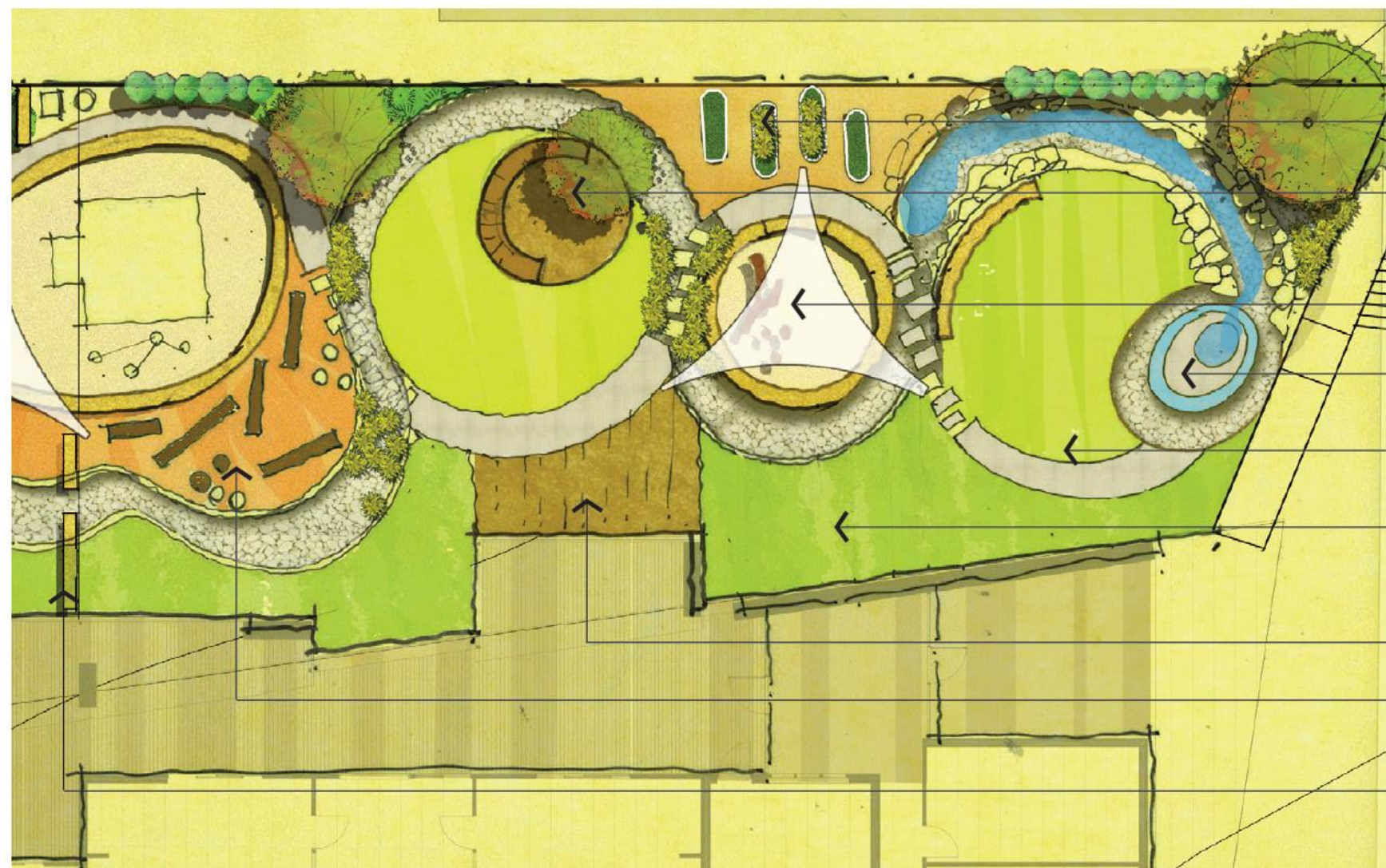
gravel bed and timber bridge



Outdoor classroom

landscape plan | 08

4-5 years play space



Raised veggie gardens

Outdoor classroom with deck, and timber circular seat within synthetic turf circle

Sandpit enclosed by sandstone logs, with timber log for balancing and play. covered with tensile shade.

Water fountain play spills to ephemeral creek, with water recirculated through filtration system.

Open synthetic turf area for free play

Natural path with sensory plants, balancing logs, mulch and stepping stones.

Soft fall area between building and open turf

outdoor active play area with natural elements

Sandstone block as marker between play space for different age group

D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
landscape plan: part 3

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
JOB NUMBER: 12399.5 PHASE: DWG NO: L08 REV: D



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Water fountain play



Outdoor active play



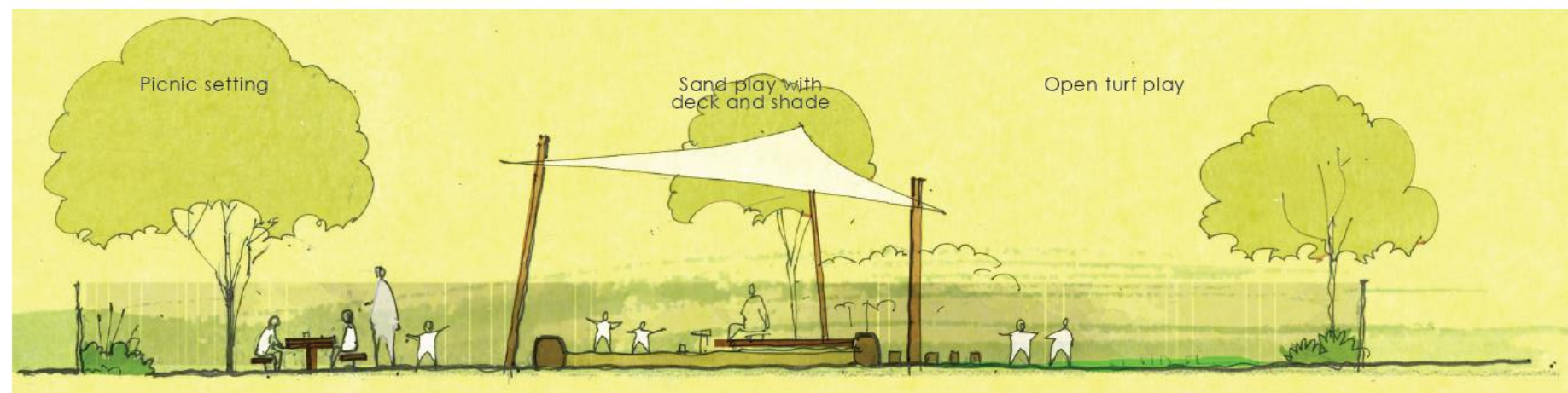
Outdoor active play



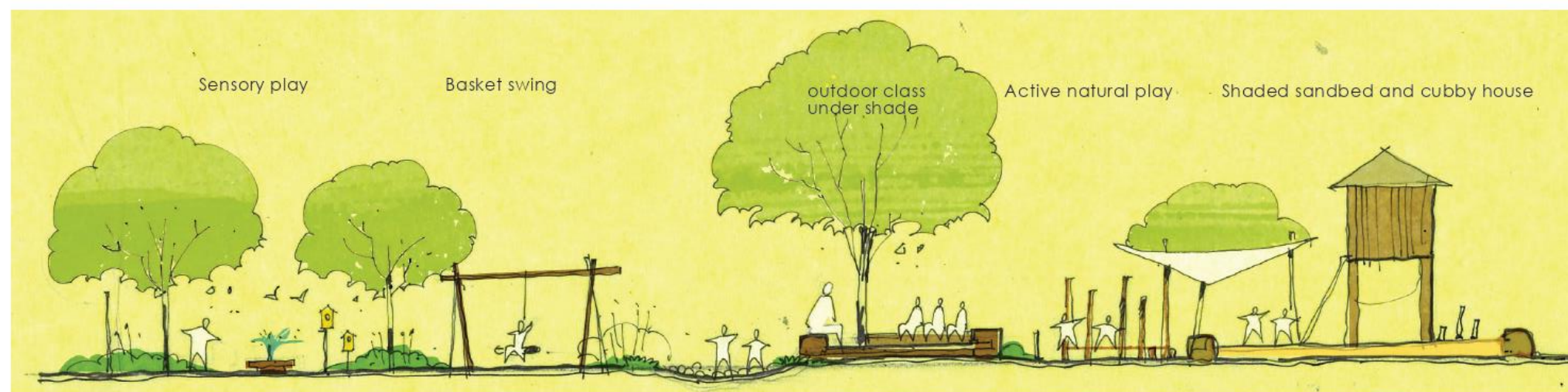
Veggie garden

landscape areas | 09

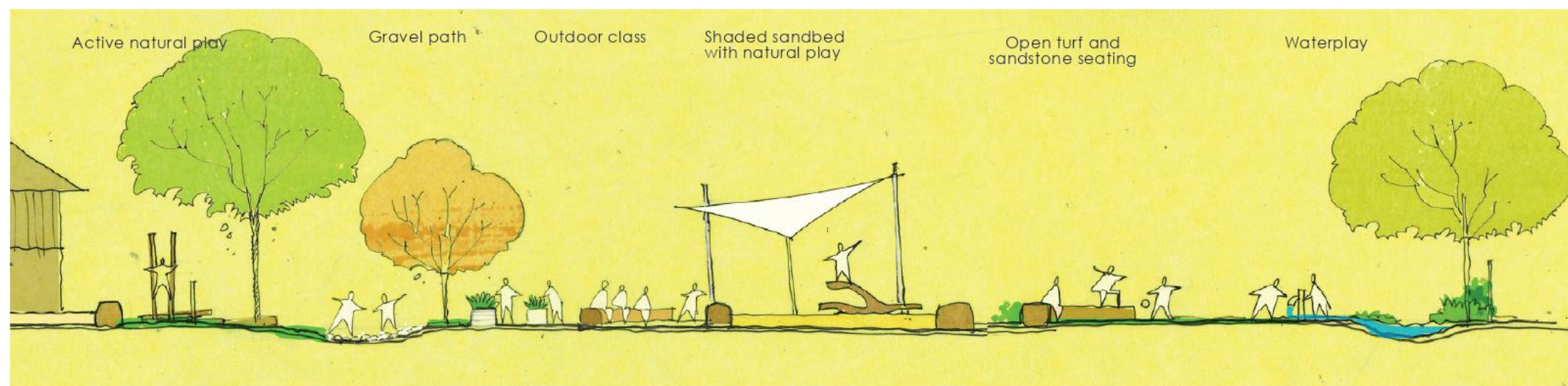
creative play area



0-2 years play space



2-3 years play space



4-5 years play space

D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
landscape areas

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of
Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
JOB NUMBER: 12399.5 PHASE: DWG NO: L09 REV: D



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1 TERRAS COM AU PH 49 294 926 FAX 49 263 069

planting palette | 10

play space area



Melaleuca linariifolia



westringia fruticosa



Pennisetum alopecuroides



Lomandra longifolia 'Tanika'



Hibbertia scandens



Acer palmatum 'Sango Kaku'



Banksia spinulosa 'Birthday Candles'



Dypsis lutescens



Dietes iridoides



Thymus x citriodorus



pistacia chinensis



Trachelospermum jasminoides



Gazania tomentosa



Dicksonia antarctica



Viola hederacea



Liriope muscari 'Variegata'



nandina domestica pygmaea



Dichondra repens



Lagerstroemia indica

D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
planting palette

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of
Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
JOB NUMBER: 12399.5 PHASE: DWG NO: REV: L10 D

terras
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412 KING STREET NEWCASTLE NSW AUSTRALIA 2300
1 TERRAS COURT AUSTIN TERRACE NSW 2161
TEL: 02 4929 9266 FAX: 02 4929 9267

landscape layout

11

site plan



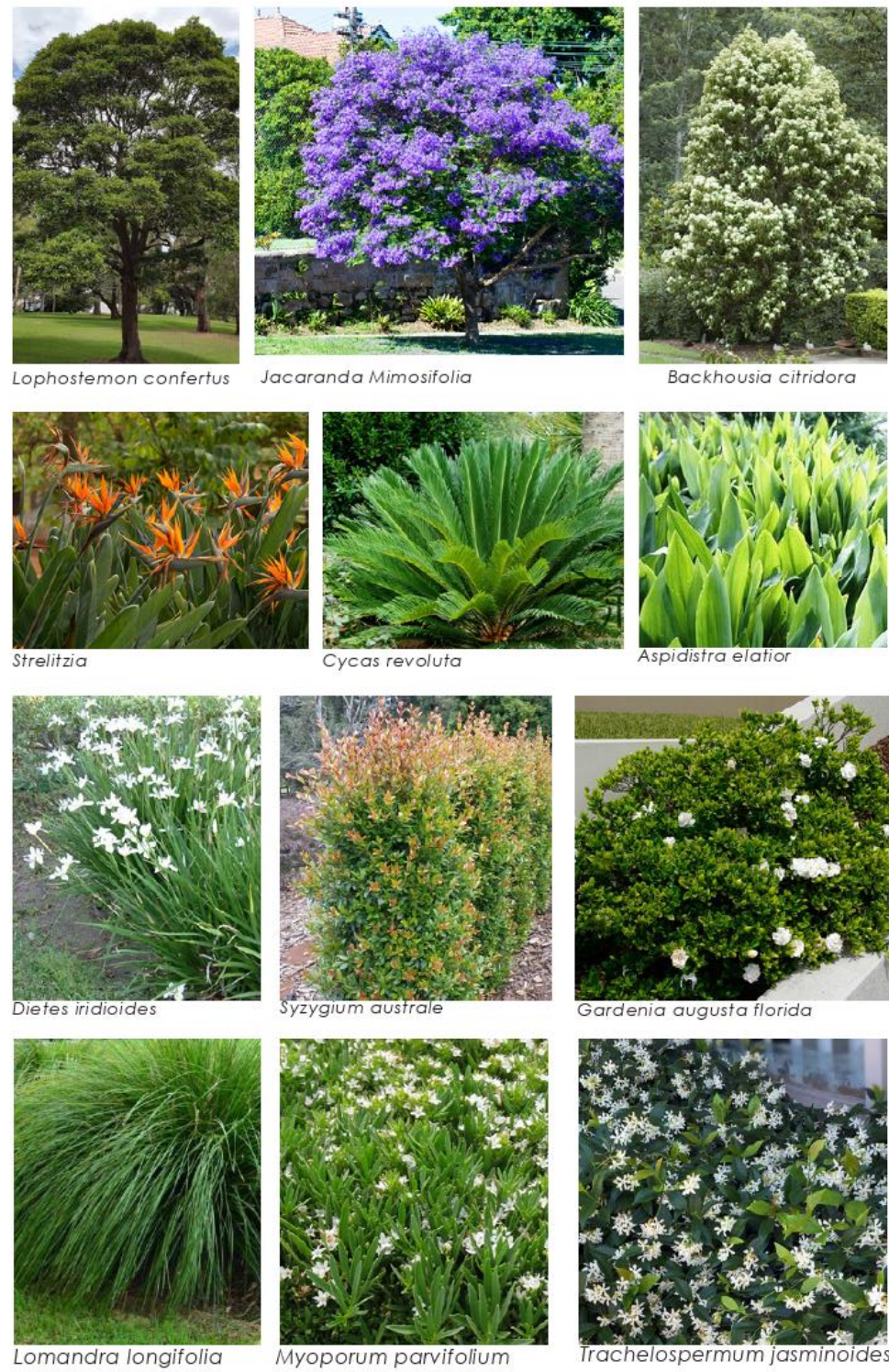
D	14/05/2019	ISSUE TO CLIENT
REV	DATE	COMMENTS
PROJECT:		
St Nicholas early education centre		
DRAWING:		
Site layout		
SITE:		
Skellatar Stock Rte, Muswellbrook		
CLIENT:		
Catholic Schools Office Diocese of Maitland-Newcastle		

DRAWN:	DATE:	SCALE:
MA	14/05/2019	
JOB NUMBER:	PHASE:	DWG NO: REV:
12399.5	L11	D



landscape layout | 12

planting palette: entry & parking area



Plant schedule

Trees			
No.	Botanical Name	Common Name	Height
01	Jacaranda Mimosifolia	Jacaranda	15
02	Lophostemon confertus	Brush Box	12
03	Backhousia citridora	Lemon myrtle	15
Feature plants			
04	Strelitzia reginae	Bird of paradise	1
05	Cycas revoluta	Cycas	1
06	Aspidistra elatior	Cast iron plant	0.7
Shrubs			
07	Syzygium 'Bronzed Aussie'	Lily Pilly	3
08	Dietes iridioides	Dietes	0.6
09	Gardenia augusta florida	Gardenia	1
Grasses & Groundcover			
10	Lomandra longifolia	Mat rush	0.7
11	Trachelospermum jasminoides	Star jasmine	0.3
12	Myoporum parvifolium	Creeping boobialla	0.3

D 14/05/2019 ISSUE TO CLIENT
REV DATE COMMENTS

PROJECT:
St Nicholas early education centre

DRAWING:
Planting palette: site

SITE:
Skellatar Stock Rte, Muswellbrook

CLIENT:
Catholic Schools Office Diocese of Maitland-Newcastle

DRAWN: MA DATE: 14/05/2019 SCALE:
JOB NUMBER: 12399.5 PHASE: DWG NO: L12 REV: D



11 COMMUNITY INFRASTRUCTURE

11.1 EDDERTON ROAD SECTION 138 ROADS ACT APPROVAL - COMPLETION OF STAGE 1 WORKS

Attachments:	A. Edderton Road Stage 1 Completion Works B. Draft Special Conditions
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Imelda Williams - Technical Officer - Traffic & Roads 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 recommend Council defers consideration of the s138 matter detailed in the report. Deferral of the matter will not practically inhibit progress in relation to the construction of the Edderton Road Stage 1 temporary road portion works, but will provide greater logical consistency in the manner in which the matter is progressively submitted to, and considered by, Council.

RESPONSIBLE OFFICER'S RECOMMENDATION

The matter be considered following or contemporaneously to Council approval determining Practical Completion of the newly constructed Edderton Road Stage 1 temporary road portion has been achieved.

Moved: _____ Seconded: _____

BACKGROUND

As set out in condition 47(d) of Hunter Valley Energy Coal's (HVEC) planning approval (PA09_0062), HVEC is required to realign Edderton Road and its intersection with Denman Road prior to mining within 200 metres of Edderton Road, to the satisfaction of Council and Roads & Maritime Services (RMS), now Transport for NSW (TfNSW). This condition was imposed in HVEC's planning approval in 2010. The detailed designs for Stage 1 (realigned section) were reported to Council at the 9 April 2019 Ordinary Council Meeting. Council's resolution in relation to the report was:

19.3 EDDERTON ROAD DESIGN FOR STAGE 1 TEMPORARY ROAD PORTION CONSTRUCTION WORKS

PROCEDURAL MOTION

- 1 RESOLVED on the motion of Crs Rush and Ward that:

Authority be delegated to the General Manager to determine this matter.

The Works Authorisation Deed for the Denman Rd and Edderton Rd intersection works was executed by RMS and HVEC on 17 June 2019.

The Edderton Road Relocation project has been planned in three main work areas:

1. Denman Road Intersection (subject to an RMS Works Authorisation Deed, Granted in June 2019 and nearing completion);
2. The main alignment from Chainage 40 to 4040 (subject to MSC approval, granted in May 2019 and nearing completion); and
3. Edderton Road Southern Tie-in s138 was approved at the 24 September 2019 Ordinary Council Meeting and is nearing completion. Council's resolution in relation to the report was:

19.1 EDDERTON ROAD REALIGNMENT SECTION 138 ROADS ACT, 1993 - APPROVAL FOR TIE IN WORKS

RESOLVED on the motion of Crs Rush and Woodruff that:

1. *Council delegate to the General Manager authority to sign the following Section 138 Roads Act 1993 approvals generally in accordance with the draft special conditions set out in attachment D in this report:*
 - (a) *for the tie in works proposed; and*
 - (b) *in accordance with the Stage 3 strategy notes detailed in the report.*
2. *The consent be provisional on a suitable form of security to the value of \$260,000 paid by the consent holder prior to the commencement of works.*
3. *As per the conditions outlined in 1 above, fees are to be paid, insurances provided, detailed design plans for the sidetrack and Traffic Control Plans are to be submitted and certified by a suitably qualified consultant and accepted by the General Manager.*
4. *It be expressed to the applicant that the issuing of the S138 approval does not guarantee that Council will approve any future application for a road opening or road closure submitted by HVEC or its related entities.*

CONSULTATION

GHD Consultants (Design);

Robson Civil (Construction);

Roads Drainage and Technical Services Section;

Council's Corporate Lawyer.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

This report does not deal with the 'Legal Closure' of Edderton Road. The Legal Closure of Edderton Road will be the subject of a future report to Council. The subject of this report considers the removal of traffic for constructability purposes, and to facilitate the proposed future movement of traffic onto the new realigned portion of Edderton Road for efficiency and safety reasons.

Construction of Stage one (1) Works has been completed, with Council staff currently reviewing the

submitted quality documentation prior to determining practical completion. To facilitate the future transition of traffic onto the new alignment, Council has received an application from HVEC which proposes works to enable this transition to occur.

As part of the current construction, it has been necessary to establish a side track at the location of the tie in where the new alignment and existing alignment of Edderton Road coincide. The side track was necessary due to the elevation difference between the new temporary road portion construction and the existing section of Edderton Road. This difference is designed to be absorbed by the upgraded Stage 2 section of Edderton Road during its construction. The side track has now been in use for some time.

The new realigned portion of Edderton Road can only be used by the public, that is, opened to traffic, when the following occurs:

- the intersection of Edderton and Denman Road has been completed to the satisfaction of RMS (now TfNSW) and Council;
- the tie in section of the new and existing alignment of Edderton Road is completed to the satisfaction of Council;
- the realigned portion has been completed to the satisfaction of Council and Council has determined Practical Completion. This will be the subject of a further report to Council;
- the side track adjacent to the tie in portion is decommissioned; and
- the plan to dedicate the realigned portion of Edderton Road as a public road has been registered with the NSW Land Registry Services.

The transition and removal of traffic from the existing, approximately 4.2 km length, alignment of Edderton Road can be facilitated through a Section 138 *Road Act 1993* approval. The s138 approval is the subject of this report. Once traffic has been diverted onto the new alignment, access to the existing alignment by the public will no longer be possible due to the construction limitations outlined above, including the required removal of the side track. Also, the use of the existing portion of Edderton Road by the public will no longer be necessary. The removal of traffic will also facilitate the completion of the Stage 1 works.

The existing intersection of Edderton Road and Denman Road is proposed to be decommissioned as part of this approval in order to physically deny access to the public. Plans for this work are attached to the report and include the following provisions:

- public notification of proposed changed traffic conditions, including variable message boards and advertising;
- initial soft closure under traffic control to enable the transition of traffic to the new aligned temporary road section; and
- permanent decommissioning works at the existing intersection, which include removal of existing line marking, guideposts, road pavement, and signage, installation of new line marking, and fencing of the road boundary.

Transport NSW (RMS) will be consulted by the applicant prior to works being undertaken on Denman Road.

OPTIONS

Option 1: Approve the s.138 *Roads Act 1993* application to prevent the public from using the existing portion of Edderton Road once the realigned portion has been completed to the satisfaction of

all parties as outlined in the report. Delegate to the General Manager authority to sign the Section 138 consent for the works generally in accordance with the Special Conditions outlined in the attachment.

Option 2: Approve the s.138 *Roads Act 1993* application to prevent the public from using the existing portion of Edderton Road once the realigned portion has been completed to the satisfaction of all parties as outlined in the report. Delegate to the General Manager authority to sign the Section 138 consent for the works generally in accordance with any amended Special Conditions as required by Council.

Option 3: That the matter be considered following or contemporaneously to Council approval determining Practical Completion of the newly constructed Edderton Road Stage 1 temporary road portion has been achieved.

CONCLUSION

It is recommended that Option 3 be approved by Council.

SOCIAL IMPLICATIONS

The necessity for the use of a side track during the period of construction has caused some delays and inconvenience to the road user. Opening the new, realigned section of Edderton Road to the public will provide an improved road surface for road users.

FINANCIAL IMPLICATIONS

Council will recoup any costs through the s.138 *Roads Act 1993* fees outlined in the Special Conditions. All costs associated with the construction are the responsibility of HVEC.

POLICY IMPLICATIONS

A Notice of Motion entitled 'Road Closure Resolution' was submitted to the 11 December 2018 Ordinary Meeting of Council. Council's resolution in relation to the Notice of Motion was:

'RESOLVED on the motion of Crs Rush and Scholes that:

Council delegate to the Development Assessment Committee the power to determine council's policy with respect to the subject matter of the motion.'

A report entitled 'Road Closure Resolution' was subsequently submitted to the 17 December 2018 meeting of the Development Assessment Committee. The committee's recommendation in relation to this matter was:

'RECOMMENDED on the motion of Crs Rush and Bailey that:

- 1. Without predetermining any particular application under Division 3 of Part 4 of the Roads Act 1993, Council adopts a general policy that significant alterations to the rural road network should not be resolved until after the adoption of a new Local Environment Plan – presently anticipated in May 2019.*
- 2. Review and finalisation of the Contributions Plan accompanying the Mine Affected Roads Strategy.'*

The minutes of 17 December 2018 meeting of the Development Assessment Committee were submitted to the 12 February 2019 Ordinary Meeting of Council through a report entitled 'Report of the Development Assessment Committee meeting held on Monday, 17 December 2018'. Council's resolution in relation to the report was:

'RESOLVED on the motion of Crs Woodruff and Foy that:

The Minutes of the Development Assessment Committee Meeting held on Monday 17 December 2018 be received and the recommendations contained therein ADOPTED.'

The reviewed Mine Affected Roads Network Plan is currently on public exhibition.

STATUTORY IMPLICATIONS

Any works undertaken within a road reserve require the roads authority approval through the S138 permit approval. Council is the roads authority for Edderton Road.

LEGAL IMPLICATIONS

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

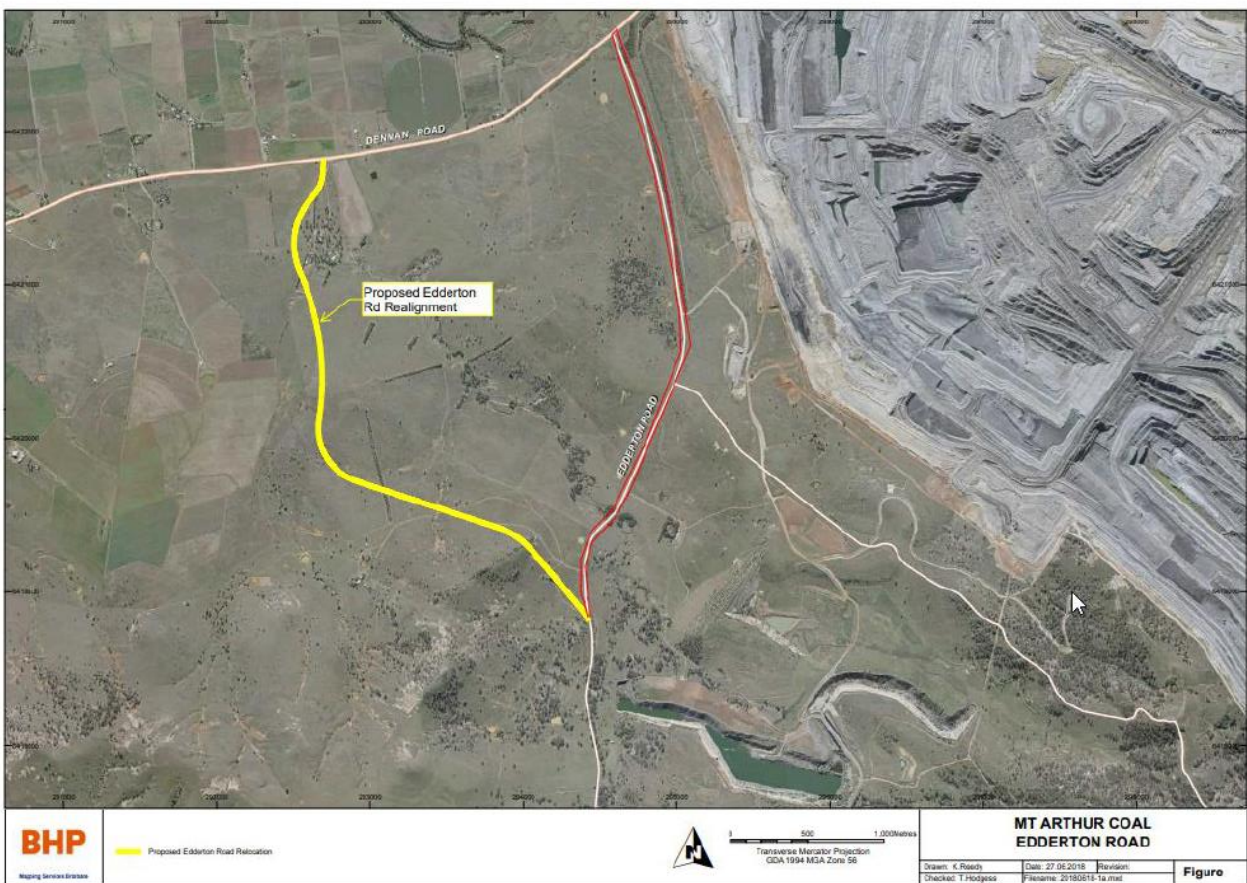
OPERATIONAL PLAN IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

Proposed works







CONSENT NO. 

muswellbrook
shire council

Muswellbrook Shire Council ABN 86 884 180 944
Ph 02 6549 3700 • Fax 02 6549 3701 • Email council@muswellbrook.nsw.gov.au
PO Box 122 Muswellbrook NSW 2333 • 157 Maitland Street, Muswellbrook
www.muswellbrook.nsw.gov.au

S138 Public Road Works and Structures Consent

Consent No (A) Valid from: To: **16 June 2020**

(B) Granted to the following:

Name	Hunter Valley Energy Coal		
Address	Thomas Mitchell Drive Muswellbrook NSW 2333	Phone	0467743639
		Email	sarah.k.bailey@bhpbilliton.com
ABN			

(C) In respect of the following proposed Works:

DA/CDC number (if applicable)	PA09_0062 Mod 1.
Name and location of road to be affected	Edderton Road
Details of work/activity to be carried out	<ul style="list-style-type: none"> public notification of proposed changed traffic conditions, including variable message boards and advertising; initial soft closure under traffic control to enable the transition of traffic to the new aligned temporary road section; and permanent decommissioning works at the existing intersection, which include removal of existing line marking, guideposts, road pavement, and signage, installation of new line marking, and fencing of the road boundary.
Details of proposed restoration works	
Including the road reserve:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Plan attached and marked Annexure "A":	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

(D) The Council consents to the Applicant placing, installing or erecting the Works within or across the Road under the conditions contained in this Consent.

The consent is granted under s138 of the *Roads Act* 1993.

The Council is a public roads authority for the Road under s7(4)(b) of the *Roads Act* 1993 (NSW).

CONSENT NO.

This Consent is subject to the conditions set out in the following pages and which are incorporated into this Consent:

- General Conditions annexed hereto;
- Additional General Conditions annexed hereto;
- Special Conditions annexed hereto.

The Special Conditions, Additional General Conditions and General Conditions have precedence in that order if there is any inconsistency between them.

Consented on behalf
of Muswellbrook
Shire Council by its
duly authorised
delegate

General Manager or delegate/
Manager Roads Drainage & Technical Services
Kellie Scholtes

Date

Office use only

Privacy notification

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998.

The intended recipients of the personal information may be:

- Officers within the Council
- Data service providers engaged by the Council from time to time
- Any other agent of the Council
- Financial institute involved in the process

The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, the Council may be unable to process your application.

Council is collecting this personal information from you in order to provide Council approved services.

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Address enquires concerning this matter to the Public Officer.

CONSENT NO.

General Conditions

1. Definitions:

- 1.1. In the Consent and any memoranda annexed to the Consent the following words have the following meanings:

“Act” means *Roads Act* 1993 (NSW)

“Business Hours” means the opening hours of Muswellbrook Shire Council Administration Centre;

“Claims” means any loss, damages, claims, demands, causes of action or suits of any kind;

“Consent Holder” is the person specified at (B) of the Consent;

“Consent Period” means the period specified at (A) of the Consent;

“Council” means Muswellbrook Shire Council;

“Council Officer” means the Muswellbrook Shire Council's nominated officer;

“Consent Fee” means the fee paid by the Consent Holder to Council for the administrative costs associated with the issue of the Consent and shown in the Specifications;

“Deed” means the Edderton Road Realignment Deed between Hunter Valley Energy Coal (HVEC) and Muswellbrook Shire Council (MSC) dated 3 July 2018

“Pipe work” means pipes, conduits, hoses, tubing, cables and wires;

“Plan” means the plan attached to the Consent and marked Annexure “A”;

“Restoration Fee” means a fee paid to Council in consideration for the Council restoring the Road surface after completion of the Work;

“Road” means the road described at (C) of the Consent.

“RMS” means Roads and Maritime Services;

“Service Conduit” means conduits used to run service wires and cables underground;

“Specifications” means Council's Technical Conditions 1151 and/or 1152, Council's CBD Specifications, and any other specifications contained in any Memoranda annexed to the Consent and listed at (D) of the Consent.

“Traffic Control Plan” is a plan to be submitted by the Contractor approved by Council in accordance with the RMS guidelines “Traffic Control at Work Sites”

“Traffic Management Plan” is a statement of how traffic, parking etc. will be managed on site.

“Works” means the plan of works described in the application, including any restoration whether by the Consent Holder or Council, and special instructions

2. Manner of Works

- 2.1. The Works must be conducted according to the Plan and the Specifications.

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- 2.2. The Consent Holder must complete any backfilling of trenching works in accordance with Council's AusSpec #1 Specification 306 – "Road Openings and Restoration" – as stipulated in Technical conditions 1151 and/or 1152.
- 2.3. Where Works are undertaken in the CBD, the Consent Holder must meet the Council's CBD specifications, at the Consent Holder's expense.
3. **Council Requirements**
 - 3.1. The Consent Holder must comply with all Council requirements in relation to the Works:
 - a) Contained in the Consent and Memoranda annexed to the Consent;
 - b) Contained in any notice in writing concerning the Works given to the Consent Holder by the Council; and
 - c) Any direction given to the Consent Holder by the Council.
4. **Legislation**
 - 4.1. The Consent Holder must observe all requirements with respect to the Works imposed by any statute, regulation or ordinance or otherwise imposed by a statutory or other authority.
5. **Term**
 - 5.1. The Works must not be carried out at any time other than during the Consent Period.
6. **Proceed Continuously**
 - 6.1. The Consent Holder must carry out the Works as expeditiously and safely as practicable and proceed continuously until completion.
7. **Layout of Work**
 - 7.1. All pipe work crossing the Road must be laid perpendicular to the direction of the Road unless otherwise consented to by Council and described in the Specifications or shown in the Plan.
 - 7.2. The pavement surrounding any excavation of the Road must be neatly saw-cut prior to excavation.
 - 7.3. The Consent Holder must ensure that any cut pavement maintains a neatly finished edge at all times.
8. **Advise Council**
 - 8.1. The Consent Holder must give the Council a minimum of five working days' notice prior to when the Works is to commence.
 - 8.2. The Consent Holder must notify Council as soon as the Work is completed if completion occurs during Business Hours.
 - 8.3. The Consent Holder must notify Council during the next Business Hours if the Work is

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completed outside of Business Hours.

9. Expense

- 9.1. The Works are carried out at the Consent Holder's expense.

10. Consent and Acknowledgement

- 10.1. The Consent must be signed for and on behalf of Council in order for consent to be granted.

11. Service Conduit

- 11.1. Any Service Conduit placed across the Road must have at least 400mm of fill cover in addition to the road pavement thickness.

12. Footpaths

- 12.1. Where any footpath is disturbed it must be restored to the original condition by the Consent Holder at the Consent Holder's cost.

13. Fee

- 13.1. The Consent is not valid unless the Consent Fee is paid.

14. Restoration Fees

- 14.1. Where Council is required to undertake Restoration works, determination of the Restoration Fees is governed by Section 67 of the *Local Government Act*.
- 14.2. Where a Restoration Fee is applicable the Consent Holder must pay the Restoration Fee:
- a) As soon as the Work is completed if completion occurs during Business Hours;
or
 - b) During the next Business Hours if the Work is completed outside of Business Hours.
- 14.3. If disturbance to the Road exceeds that shown on the Specifications, the Consent Holder must pay the additional cost to Council for restoration.

15. Indemnity and Insurance

- 15.1. The Consent Holder indemnifies and holds Council harmless against all Claims by any person arising in connection with any acts or performance of an obligation under this Consent.
- 15.2. Specific Indemnities: - Without limiting clause 15.1 the Consent Holder indemnifies and holds Council harmless against any Claim arising directly or indirectly out of the following:
- a) The construction and installation of the Works;
 - b) Conduct by the Consent Holder which amounts to a breach of any license, permit, approval or legislation;
 - c) Council granting consent to the Consent Holder to carry out the Works;
 - d) Failure to comply with any obligation of the Consent Holder under this Consent.
- 15.3. The Consent Holder must maintain a public liability insurance policy with an insurer

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approved by Council with a limit for any one event of not less than twenty million dollars (\$20,000,000).

- 15.4. The insurance must be on terms to the reasonable satisfaction of Council and name Council as an insured party

16. Traffic Management Plan

- 16.1. The Consent Holder must ensure that a Traffic Management Plan is in place whilst the Work is being carried out.
- 16.2. The appropriate traffic control measures must be established at the Consent Holder's cost.
- 16.3. The traffic control measures must be in accordance with the approved Traffic Control Plan prepared under the current RMS Guidelines "Traffic Control at Work Sites".
- 16.4. The Consent Holder must not interrupt or otherwise disturb the traffic flow on the Road without the written consent of Council.

17. Responsibility for Restoration works

- 17.1. Where the Consent Holder is not able to meet the standards required, the Consent Holder can either contract the services of another provider that can – or apply to Council's Works Department for a quote, and for the work to be undertaken by Council at the Consent Holder's expense.
- 17.2. Where council is required to undertake the restoration works, the Consent Holder is responsible for the Works until Council's road maintenance service provider completes the standard road pavement restoration. Where the Consent Holder undertakes to do the restoration work themselves, then the Consent Holder is responsible until Council agrees to the standard of that restoration work.

18. Responsibility in the event of absence or emergency

- 18.1. In the Consent Holder's absence from the site of the Works, or in the event of any emergency, Council may take such action as it considers, in its absolute discretion, necessary to prevent:
- a) Loss of or damage to the whole or any part of the Works;
 - b) Loss or damage to the Road or any property adjacent to the Works; or
 - c) To prevent personal injury to any person.
- 18.2. Any such action (under sub-clause 18.1) is at the Consent Holder's expense.

19. Safety

- 19.1. The Consent Holder must carry out the Work with due regard to the safety and rights of the public.
- 19.2. In addition to clauses 2, 3 and 4 the Consent Holder must comply with the requirements of the NSW Work Cover Authority, the Department of Industrial Relations & Employment, and the Police Service of NSW.

20. Relocation

- 20.1. If it is necessary in the reasonable opinion of Council:

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- a) To relocate or remove any portion of the Works; or
- b) Carry out any additional work for the safety and protection of the public,

the Consent Holder must relocate or carry out such removal or additional work as reasonably determined and directed by the Council.

- 20.2. Any such relocation and/or additional work required to be carried out is at the Consent Holder's expense.

21. Public Risk

- 21.1. Nothing in this consent shall be deemed to:

- a) Prejudice or affect the rights of the public to free passage upon or along the Road;
- b) Authorise any nuisance to, or permanent obstruction of, the Road or public places;
- c) Confer upon the Consent Holder exclusive right or title to that part of the Work within the boundaries of the Road, or
- d) In any way restrict or limit the powers of the Authority and the Council in respect of the Road.

22. Deemed Acknowledgement

- 22.1. Upon commencement by the Consent Holder of any part of the Work it shall be deemed that the Consent Holder has agreed with the Council to comply with the conditions of this consent.

23. Conditions for moving or grazing stock on Council roads

- 23.1. The Consent Holder is to comply with the following conditions if stock is being moved or grazed on Council roads at the site or near the site of the Works:
 - a) That stock warning signs as described in the *Local Land Act* 2013 indicating the presence of stock on the road shall be prominently displayed 200 metres before and after the section of road being used;
 - b) Stock signs must be displayed at all times when stock are on or adjacent to a roadway, and removed when stock are no longer present;
 - c) That the distance over which stock are being grazed does not exceed 2kms at any one time;
 - d) When stock are being moved along the road, warning signs shall be no further than 5kms apart;
 - e) That at least one person shall be attending the stock at all times;
 - f) That the stock may only be present on a public road during daylight hours.

CONSENT NO. **Additional General Conditions****1. Definitions:**

1.1. In this Memorandum the following words have the following meanings:

Defined terms - In addition to the meanings or values assigned in the Schedule of Details, in this document:

Approval means any consent, approval, authorisation, licence, registration, order, permission or concurrence required by law, including by a Legislative Requirement and any Council acceptance, condition or approval including those under this Consent, required for the commencement, execution or completion of the Works.

Authority means a Commonwealth, State or local government department, a Minister, body, instrumentality, trust or public authority in the exercise of a governmental regulatory function.

Business Day means any day not a Saturday, Sunday or public holiday in New South Wales, and also excluding Council Christmas closure for one (1) week in December.

Design Documents means a drawing, specification, document, calculation, software, sample, model, pattern and the like, required by this Consent or created for the construction of the Works.

Item means an item set out in the Schedule of Details.

Legislative Requirements includes an act, ordinance, regulation, by-law or order of a government or Authority, or an Approval of an Authority (including any condition or requirement under an Approval).

Management Plan means a detailed plan setting out how a nominated aspect of the carrying out of the Works will be managed and implemented to ensure the requirements of this Consent are met, and includes plans for Traffic Control, Traffic Management, Occupational Health and Safety, Quality, Inspection and Testing, and Environmental Management and the Construction Program.

Security has the meaning given in clause 6.1(e).

2. Consent Holder's Responsibilities

- 2.1. It is the Consent Holder's responsibility to maintain the Works in good condition with no cost to the Council during the service life.
- 2.2. The Council relies on the advice, skill and judgment of the Consent Holder and the Consent Holder's consultants and contractors in connection with:
- a) the correctness and reliability of the Schedule information, emailed with the application and in accordance with clause 4 Stage 1 Works –, of the Edderton Road Realignment Deed.
 - b) the correctness and suitability of the Design Documents;
 - c) the performance of the Consent Holder's obligations under this Consent;
 - d) the fitness for purpose of the completed Works; and
 - e) the fitness for purpose of each item of plant and equipment used either in the construction of, or forming a part of, the Works.
- 2.3. The Council makes no representation or warranty as to the Works and assumes no duty of

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care in respect of them or any information provided by the Council.

- 2.4. The Consent Holder must not carry out any modification of the Works without further approval from the Council.
- 2.5. It is Consent Holder's responsibility to conduct routine inspections of the Works during the service life and enter into a maintenance agreement with Council as required by the Consent.

3. Develop Documents and Management Plans

- 3.1. The Consent Holder must develop:
 - a) Design Documents required to construct the Works; and
 - b) Management Plans required by the Council; based on the Scope Drawing referred to in Item 1 and in accordance with RMS material and workmanship specifications; and especially the traffic management plan is to comply with the RMS Traffic Control at Work Sites manual.

4. Obtain Approvals

- 4.1. The Consent Holder must obtain:
 - a) all Approvals required for the design and construction of the Works; including Planning Approval, Local Government Act Section 68 approvals and any other approval required by law. Note: Planning and Section 68 approval are accepted as not required for Drainage in this case being approved under the DA and the Infrastructure SEPP. However, approvals remain the responsibility of the Consent Holder.
 - b) certification of all Design Documents by an independent engineer to the satisfaction of the Council; and
 - c) acceptance by the Council of the Design Documents, Management Plans.

5. Co-operation with Council

- 5.1. The Consent Holder must assist the Council to meet the Council's obligations under the Environmental Planning and Assessment Act 1979 (NSW) and other Legislative Requirements (including the requirement for the Council to make a final determination that the Works can proceed prior to acceptance of the Design Documents).
- 5.2. The Consent Holder must not without the Council's prior written approval make any modification to the Works or the Design Documents or Management Plans once approved by a Road or other Authority or after acceptance by the Council.
- 5.3. The Consent Holder must obtain the Council's prior written approval of proposed contractors and subcontractors and, to the extent required by the Council, must ensure that such contractors and subcontractors are:
 - a) suitably experienced in constructing similar works;
 - b) prequalified at a level and class appropriate for the work to be performed by them,
 - c) engaged by the Consent Holder under terms and conditions that ensure that the contractor will satisfy the Consent Holder's relevant obligations to the Council under this Consent.

CONSENT NO. **6. Commencement of Works on Site**

- 6.1. Pre-conditions - The Consent Holder must not commence construction of the Works, including bringing plant or materials onto the Site or implementing steps in a Management Plan, unless and until:
- a) it has complied with the Consent Holder's obligations under clauses 2 and 3 of this Memorandum;
 - b) it has taken out the insurances referred to in this Consent and provided evidence of those insurances to the satisfaction of the Council;
 - c) it has provided at least 10 Business Days prior notice of the proposed start date for the road occupancy at the Site, for approval by the Council;
 - d) it has agreed with the Council 's requirements for dedication and transfer of land necessary for the public road or the establishment of a suitable road reserve;
 - e) it has provided the Council with an unconditional bank guarantee in a form acceptable to the Council for 10% of the Estimated Cost of the Works set out in Item 3 of the Schedule (Security);
 - f) it has paid to the Council the amount nominated as Estimated Council Costs in Item 4 of the Schedule; and
 - g) the Council has completed any necessary environmental assessment and determined that the Works can proceed.

7. Construction of the Works

- 7.1. Consent Holder obligations - The Consent Holder must:
- a) implement the Works expeditiously, to the satisfaction of the Council and in accordance with the Construction Program, and control traffic in accordance with the Traffic Management Plan accepted by the Council;
 - b) at all times act in a lawful manner in respect of the Works;
 - c) allow people authorised by the Council access to the Site at all times and undertake any testing or permit examination of any documentation or tests of materials or workmanship that the Council requires;
 - d) obtain for the benefit of the Council all available product and work warranties from the Consent Holder's suppliers, contractors and subcontractors in respect of equipment and materials used in the Works or assign such benefit to the Council where the warranty is not in favour of the Council;
 - e) ensure that directions or other requirements of the Council given from time to time (including a direction to immediately stop work) are complied with;
 - f) ensure that a report is immediately sent to the Council's Representative of any injury to a person suffered in connection with the Works or while present at or adjacent to the Site and of any claims made pursuant to workers' compensation insurance and assist the Council to promptly investigate and monitor the incident; and

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- g) ensure that all subcontractors and workers engaged by the Consent Holder in connection with the Works are fully paid money properly due and payable to them under relevant awards, contracts and enterprise agreements.

7.2. The Consent Holder must not without the Council's prior written approval, use explosives at the Site or in relation to any part of the Works.

7.3. Step in by Council

- a) If the Council determines it is necessary to maintain traffic flows or for public safety, or if the Consent Holder breaches any condition of this Consent or a Management Plan, the Council may take control of all or any part of the Site and/or the Works for whatever period it considers is appropriate.
- b) The Council may undertake remedial, protective, or traffic control work that it considers is urgently required and recover or set-off the cost under clause 9.

7.4. Principal Contractor

- a) The Consent Holder is, for the purposes of the *Work Health and Safety Act 2011* considered a person conducting businesses or undertakings involving management or control of workplaces. The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.
- b) The Consent Holder must comply with all aspects of the *Work Health and Safety Act 2011* and the Regulations.

8. Completion

8.1. Practical completion - The Consent Holder must:

- a) give the Council 10 Business Days' notice of the date on which it anticipates practical completion will be reached;
- b) when it is of the opinion that practical completion has been reached, provide further notice to the Council together with a report of practical completion which includes:
- c) necessary acceptances or Approvals by other Authorities; and
- d) test results, identification of further work required to finally complete the Works, and such other information as the Council requires to assess practical completion; and
- e) provide "as built" drawings to the Council, within 4 weeks of practical completion.

8.2. Council 's response - Following receipt of the documents referred to in clause 8.1(b), the Council will inspect the Works and notify the Consent Holder of the date on which the Council is satisfied that practical completion has been reached (Date of Completion), or the reasons why it is not satisfied.

8.3. A notice that the Council is satisfied practical completion has been reached will not constitute an admission by the Council of the Consent Holder's performance of its

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obligations, or that that the Works comply with the requirements of this Permit.

- 8.4. Defect rectification - The Defects Liability Period commences on the Date of Completion. The Council may at any time before the end of the Defects Liability Period issue a list of defects or non-conforming work to the Consent Holder, and the Consent Holder must correct the items listed within the time frame nominated by the Council.
- 8.5. Final completion - At the end of the Defects Liability Period, the Consent Holder must notify the Council after the Works are finally complete (Final Completion Notice), which must include a statutory declaration in a form satisfactory to the Council (or such other documentation as the Council may require) that:
 - a) all contractors and workers engaged by the Consent Holder or a subcontractor in connection with the Works have been fully paid money, remuneration and other benefits properly due and payable to them; and
 - b) that relevant pay-roll tax and workers compensation premiums have been paid.
- 8.6. Maintenance -The Consent Holder shall maintain the works during the service life in satisfactory condition acceptable to Council in accordance with the consent conditions.
- 8.7. Following receipt of the Final Completion Notice), the Council may provide the Consent Holder with a statement:
 - a) showing the amount determined by the Council as owing by the Consent Holder to the Council (and attach an invoice for amounts not previously invoiced); and
 - b) setting out the balance of the Security still held by the Council.
- 8.8. The Council has no obligation to release the balance of the Security it holds until the Consent Holder has completed all its obligations under this Consent.

9. Costs and Payments

- 9.1. General - The Consent Holder must pay all of the Council's costs in connection with the Works and this Consent, including:
 - a) internal and external costs of reviewing documents or producing reports, obtaining or providing consents, Approvals or determinations and surveillance or administration;
 - b) legal costs associated with this Consent (including on termination), complying with Legislative Requirements or prosecuting or defending an action;
 - c) the cost of remedying a breach of this Consent by the Consent Holder or of taking emergency or special measures required by the Council.
- 9.2. **Adjustment of costs** - If the Council 's costs exceed the amount paid by the Consent Holder under clause 6.1(f), the Council may invoice the Consent Holder for the additional costs at any time and the Consent Holder must pay the full amount of the invoice within 10 Business Days from the date of the invoice.
- 9.3. To the extent that the Consent Holder does not comply with this clause, the Council may, without limiting other rights, call on the Security and set-off the amount owing against it.
- 9.4. **GST and other taxes** - The Consent Holder must pay all taxes (including GST, stamp duties, levies or government charges) in connection with this Consent and the Works. Costs

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referred to in this Consent, unless specifically described as GST inclusive, do not include an amount on account of GST. If a supply made by the Council in connection with this Consent is subject to GST, the Consent Holder must pay the Council the amount payable for the supply plus an additional amount equal to the GST payable by the Council.

10. Termination

10.1. Termination - The Council may terminate this Consent:

- a) immediately by written notice if the Consent Holder breaches any provision of this Consent and does not rectify that breach within 10 Business Days of receiving written notice from the Council requesting it to do so; or
- b) without prior notice if:
 - the Consent Holder fails to pay within 10 Business Days of the due date, an amount due and payable to the Council under this Consent or for any other service supplied to the Consent Holder or its related bodies corporate by the Council; or
 - a receiver, liquidator, provisional liquidator or administrator is appointed over any of the Consent Holder's undertakings or assets, or if the Consent Holder enters into an arrangement with its creditors.

10.2. Effects of termination - Termination does not affect the Consent Holder's accrued responsibilities and obligations, nor does it affect any conditions which expressly or by implication are intended to operate after termination.

11. General

- 11.1. No Restriction on Rights - Nothing in this Consent is deemed to in any way restrict or limit the powers of the Council or other relevant Authority or fetter the Council in the exercise of its statutory functions and in the event such exercise is undertaken in accordance with the law.
- 11.2. Assignment - The Consent Holder must not assign or encumber any right, obligation or interest under this Permit without the written approval of the Council.
- 11.3. Notices - A party notifying or giving notice under this Consent must do so in writing sent by prepaid registered post or facsimile and the original by post to the other party's Representative nominated in the Schedule at the address or facsimile number specified on the first page of this Consent.

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Schedule of Details

1. The Works	The works are the works within the Road Reserve of Edderton Road as detailed in the letter and application Hunter Valley Energy Coal dated 15 October 2019. Doc ID xx	
2. The Site	Edderton Road Stage 1 and associated areas as shown in the above documents.	
3. Estimated Cost of the Works	\$ Bond not required (GST inclusive)	[Clause 6.1(e)]
4. Estimated Council Costs	Plan Approval \$ 1,200 (GST inclusive) Construction Observation Traffic Control Plans \$ 570 (GST inclusive) Final Acceptance (WAE review etc) \$ 500 (GST inclusive) Total \$2,270 (GST inclusive)	[Clause 6.1(f)]
5. Defects Liability Period	12 Months	[Clause 8.4]
6. Consent Holder's Representative	Name.....Sarah Bailey..... Position..... NSW Approvals Principal HVEC Mobile Phone.....0467 743 639..... Office Phone..... Email sarah.k.bailey@bhpbilliton.com. Facsimile.....	[Clause 14.3]
7. Council's Representative	Name.....Kellie Scholes..... Position.....Manager Roads Drainage & Technical Services..... Mobile Phone.....0407 252 142..... Office Phone.....02 6549 3756..... EmailKellie.scholes@muswellbrook.nsw.gov.au..... Facsimile.....02 93005774.....	[Clause 14.3]

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Special Conditions

1. The works must not commence until MSC has advised the Consent Holder in writing that Practical Completion of Stage 1 works – in accordance with the Edderton Road Realignment Deed have been determined.
2. The Consent Holder is to advise Council's Engineering Officer Works Quality on 0418 110 010 five (5) days prior to commencing work to confirm inspections prior to commencement.
3. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least a week in advance, and incorporate reasonable access needs for those properties. The Consent Holder is to advise the general public of the Works by variable message board in the local area of the Works and advertisement in the local newspaper at least a week prior to site works.
4. The Variable Message Sign should have the wording "Changed Traffic Conditions" "Side Road Closed" "Edderton Road xxkm ahead" or similar depending on the direction of travel.
5. The Consent Holder must apply to Transport for NSW (formerly RMS) for a Right to Occupy Licence prior to any work being undertaken on Denman Road.
6. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
7. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.
8. This Consent does not constitute approval of any environmental impacts and the Consent Holder is responsible for any such impacts and any approvals that may be required in relation to the Works.
9. The Consent Holder must ensure that mud and dust from the Works is not carried on to the Road. (It is suggested that a device (from the Soil management book) may be required to remove such materials prior to entering the roads. Note: If required a shake down device should be placed off the existing road so that the public did not need to travel on it.)

11.2 EDDERTON ROAD STAGE 2 UPGRADE SECTION 138 ROAD ACT 1993 APPROVAL

Attachments:	A. Edderton Road Stage 2 Upgrade Design Plans B. Edderton Road Stage 2 Upgrade Work Special Conditions
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Imelda Williams - Technical Officer - Traffic & Roads 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 that a Section 138 Roads Act 1993 application for stage 2 upgrade works on Edderton Road has been received, and to request Council's approval of the Section 138 application.

RESPONSIBLE OFFICER'S RECOMMENDATION

Council

1. **Delegates to the General Manager authority to sign the subject Section 138 Roads Act approval generally in accordance with the draft special conditions specified in the report for the Edderton Road Stage 2 Upgrade Works;**
2. **Consent be provisional on a suitable form of security in the form of a cash bond or bank guarantee for an amount to be agreed with the General Manager prior to commencement of the road works; and**
3. **As per the conditions fees are to be paid, insurances provided and the work carried out in accordance with the detailed design plans accepted by Council at the 29 October 2019 Ordinary Meeting of Council.**

Moved: _____ **Seconded:** _____

BACKGROUND

Condition 47(e) of Hunter Valley Energy Coal's (HVEC) planning approval - 2010 (PA09_0062) requires HVEC to upgrade the intersection of Edderton Road (northern end of Stage 2) and the secondary site access road to the satisfaction of Council prior to using this access road for deliveries to the relocated explosives facility at this location.

Council has entered into a Deed of Agreement, the 'Edderton Road Realignment Deed' which includes provisions for Hunter Valley Energy Coal (HVEC) to undertake road upgrade works referred to as Stage 2 Works. The upgrade works will cover the section of Edderton road from the point where the realigned new road portion ties in with the existing alignment of Edderton Road heading south for a length of 1.75km, and will upgrade the existing road in terms of improved geometry, pavement strength and width

(increasing the pavement width to 3.1m and shoulder width to 1.5m), improved drainage and safety for road users. These works are guided and proposed to be undertaken as outlined in Section 10 of the Edderton Road Realignment Deed (the Deed).

At the 29 October 2019 Ordinary Council Meeting, Council resolved to accept the Design Drawings for the Stage 2 upgrade work as satisfactory. In relation to the report, Council resolved as follows:

11.3 DESIGN FOR EDDERTON ROAD STAGE 2 UPGRADE WORKS

RESOLVED on the motion of Crs Ward and Ledlin that:

Council acknowledges receipt of the Edderton Road (Stage 2 Works – Upgrade Works) – Design Drawings Revision J and advise Hunter Valley Energy Coal that Council is satisfied with the plans.

Construction of the proposed Stage 2 upgrade works require approval under Section 138 Roads Act 1993, as the work will be carried out within the existing Edderton Road corridor.

CONSULTATION

Consultants GHD (Design);

Robson Civil (Construction);

Manager Roads, Drainage and Technical Services; and

Council's Ecologist.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

At the 29 October 2019 Ordinary Council Meeting, Council resolved that the detailed design drawings for Stage 2 works for the upgrade of Edderton Road, for a length of 1.75km south of the tie in point of the new realigned portion of the road, were satisfactory. The relevant design drawings accepted as satisfactory are appended to the report as Attachment A.

The proposed upgrade works have been designed to Austroads standards, and will result in significant improvements to road safety at this location. Data for this section of Edderton Rd shows a high crash cluster and therefore the proposed upgrade works are important for road users and the local community. The detailed design has been subject to a stage 3 Road Safety Audit with no non-conformances recorded.

As is consistent with most rural roads in NSW, the existing road alignment is not confined to the gazetted road corridor. As such, there will be further minor encroachment of the road outside of the existing gazetted road corridor as part of the upgrade works. The design has been modified as far as practicable (within Austroads limits) to ensure there is minimal impact on vegetation and minimal disturbance beyond the existing alignment. The maximum extent of the proposed upgrade works cannot be fenced in this location due to the potential impacts to heritage, threatened flora and fauna, that would be required as part of the fence construction.

The project is supported by a Review of Environmental Factors (REF) undertaken by Eco Logical Australia. Works will be undertaken in accordance with recommendations contained within this document. This study includes a Flora and Fauna assessment which identifies impacts within the site. There will be a need to remove approximately 32 trees to construct the upgrade of the road to the required standards in terms of geometry and width and to replace the seven (7) culverts. The assessment of this impact is covered in the REF. Wherever possible, removal of existing vegetation will be minimised.

The scope of work includes:

- reconstruction of the existing Edderton Road from the tie in point of Stage 1- realigned portion for a distance of 1.75km south of the tie-in point;
- earthworks;
- replacement of 7 culverts;
- road pavement widening;
- installation of guardrail;
- construction of the secondary access road intersection;
- lighting of the intersection of the secondary access road; and
- linemarking and signage.

HVEC advises that the works are proposed to commence once Council approval is granted and that construction would be for a duration of approximately eight (8) months.

OPTIONS

As the proposed works are related to mining activity, the authority to approve the S.138 (of the Roads Act 1993) application requires the approval of Council. Therefore, Council is requested to consider the application from the applicant to undertake works on a public road. It is considered that the following options may apply:

Option 1:

Approve the s.138 Roads Act 1993 application for Edderton Road Stage 2 Upgrade Works in accordance with the 'draft' Special Conditions attached to the report. Delegate to the General Manager authority to sign the Section 138 consent for the works in accordance with the Conditions outlined.

Option 2

Approve the s.138 Roads Act 1993 application for Edderton Road Stage 2 Upgrade Works generally in accordance with the 'draft' Special Conditions (attached to the report) with additional conditions nominated by Council. Delegate to the General Manager authority to sign the Section 138 consent for the works in accordance with the Conditions outlined.

Option 3: Not approve the s.138 Roads Act 1993 application, as it does not comply with the Road Closure Resolution adopted by Council 12 February 2019.

CONCLUSION

It is recommended that Option 1 be approved by Council to allow the upgrade work to proceed.

SOCIAL IMPLICATIONS

The additional upgrade of this 1.75km section of road, which ties into the realigned portion of Edderton Road, will provide a safer, improved road environment for road users.

FINANCIAL IMPLICATIONS

Council will recoup any costs through the s.138 *Roads Act 1993* fees outlined in the Special Conditions. All costs associated with the construction are the responsibility of HVEC.

POLICY IMPLICATIONS

A Notice of Motion entitled 'Road Closure Resolution' was submitted to the 11 December 2018 Ordinary Meeting of Council. Council's resolution in relation to the Notice of Motion was:

'RESOLVED on the motion of Crs Rush and Scholes that:

Council delegate to the Development Assessment Committee the power to determine council's policy with respect to the subject matter of the motion.'

A report entitled 'Road Closure Resolution' was subsequently submitted to the 17 December 2018 meeting of the Development Assessment Committee. The committee's recommendation in relation to this matter was:

'RECOMMENDED on the motion of Crs Rush and Bailey that:

- 1. Without predetermining any particular application under Division 3 of Part 4 of the Roads Act 1993, Council adopts a general policy that significant alterations to the rural road network should not be resolved until after the adoption of a new Local Environment Plan – presently anticipated in May 2019.*
- 2. Review and finalisation of the Contributions Plan accompanying the Mine Affected Roads Strategy.'*

The minutes of 17 December 2018 meeting of the Development Assessment Committee were submitted to the 12 February 2019 Ordinary Meeting of Council through a report entitled 'Report of the Development Assessment Committee meeting held on Monday, 17 December 2018'. Council's resolution in relation to the report was:

'RESOLVED on the motion of Crs Woodruff and Foy that:

The Minutes of the Development Assessment Committee Meeting held on Monday 17 December 2018 be received and the recommendations contained therein ADOPTED.'

The Review of the Mine Affected Roads Network Plan is currently on public exhibition.

STATUTORY IMPLICATIONS

Any works undertaken within a road reserve require Council approval through the S138 permit approval.

LEGAL IMPLICATIONS

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

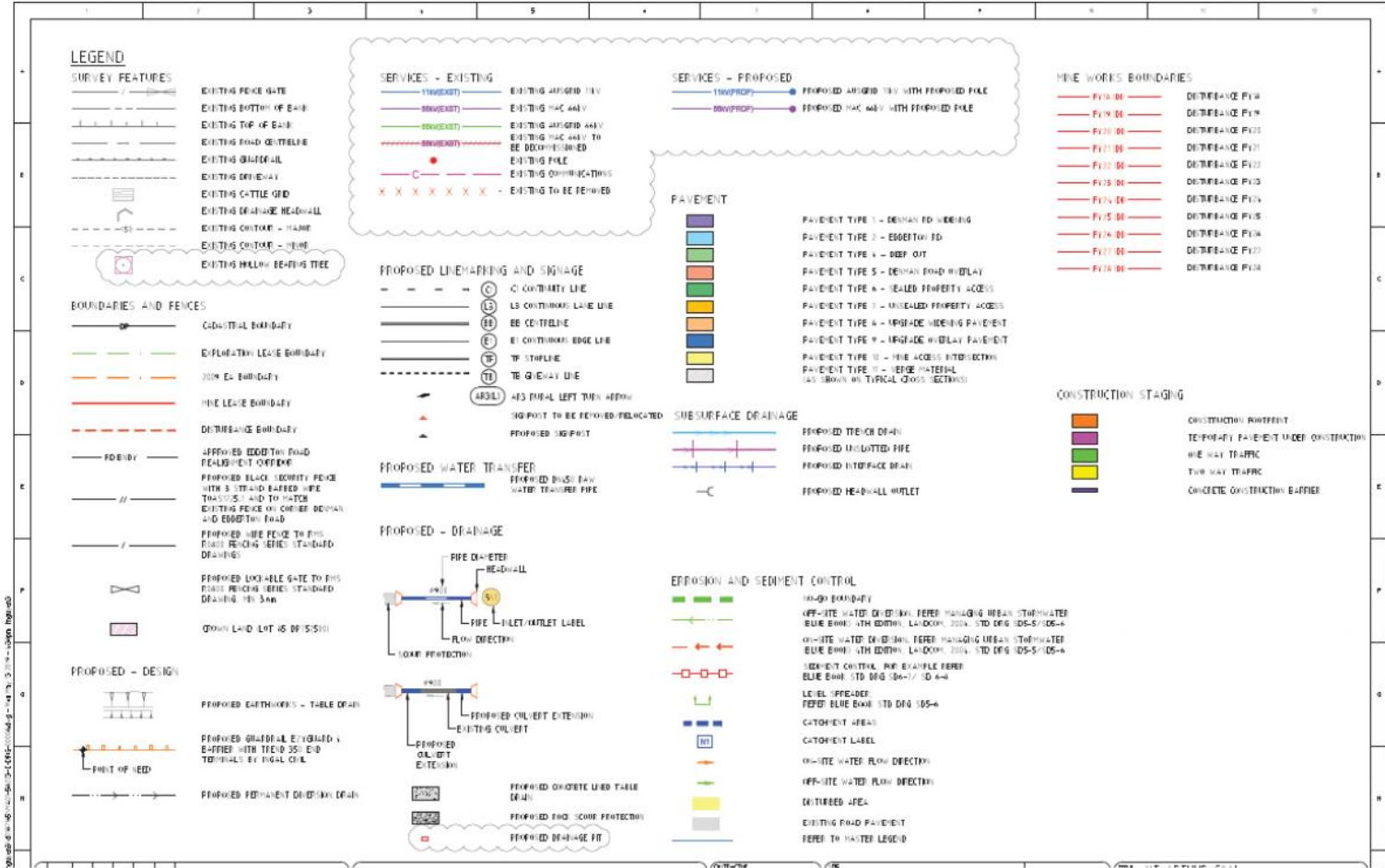
OPERATIONAL PLAN IMPLICATIONS

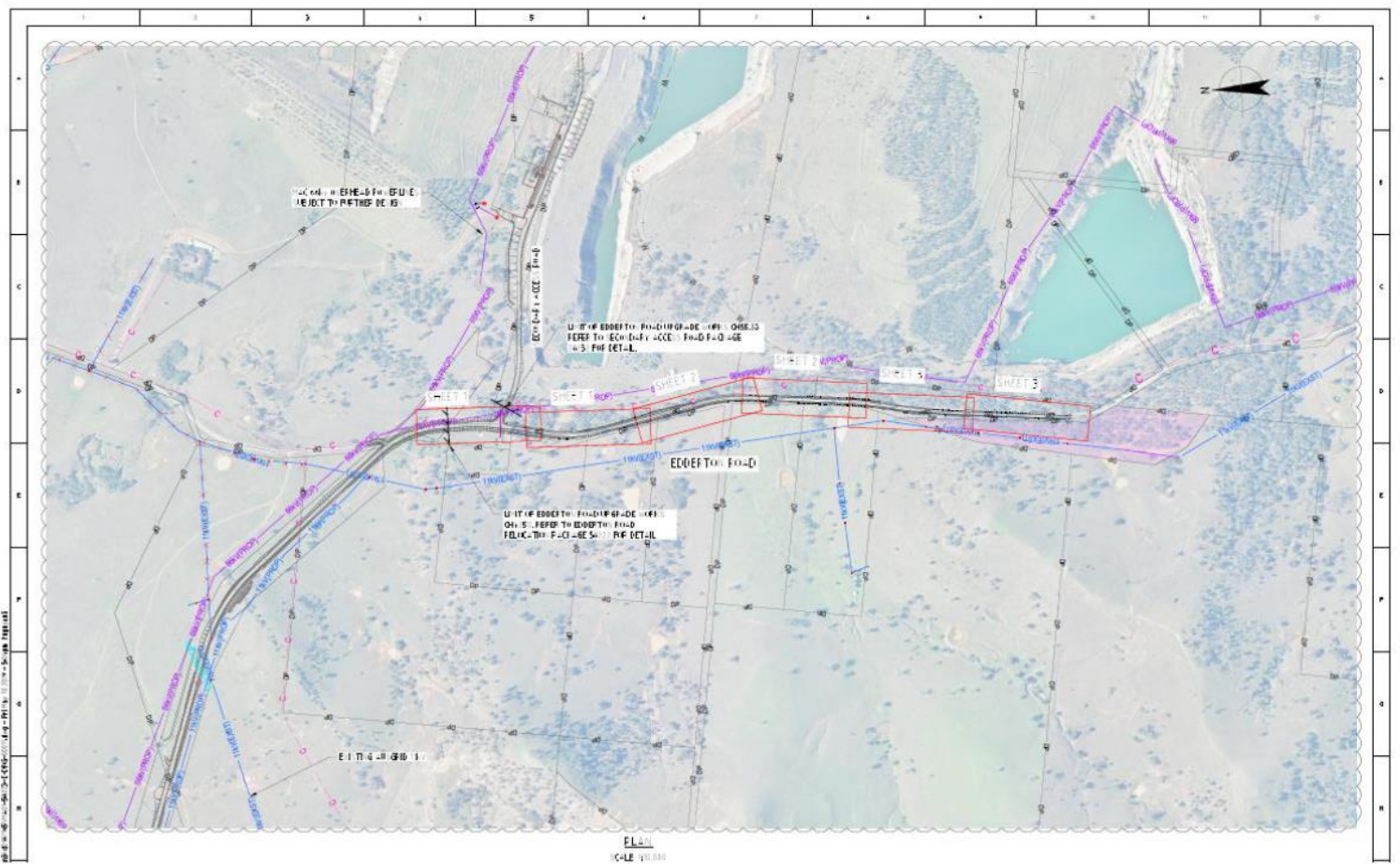
The submission of the report complies in principle with item 19.3.4 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management'.

RISK MANAGEMENT IMPLICATIONS

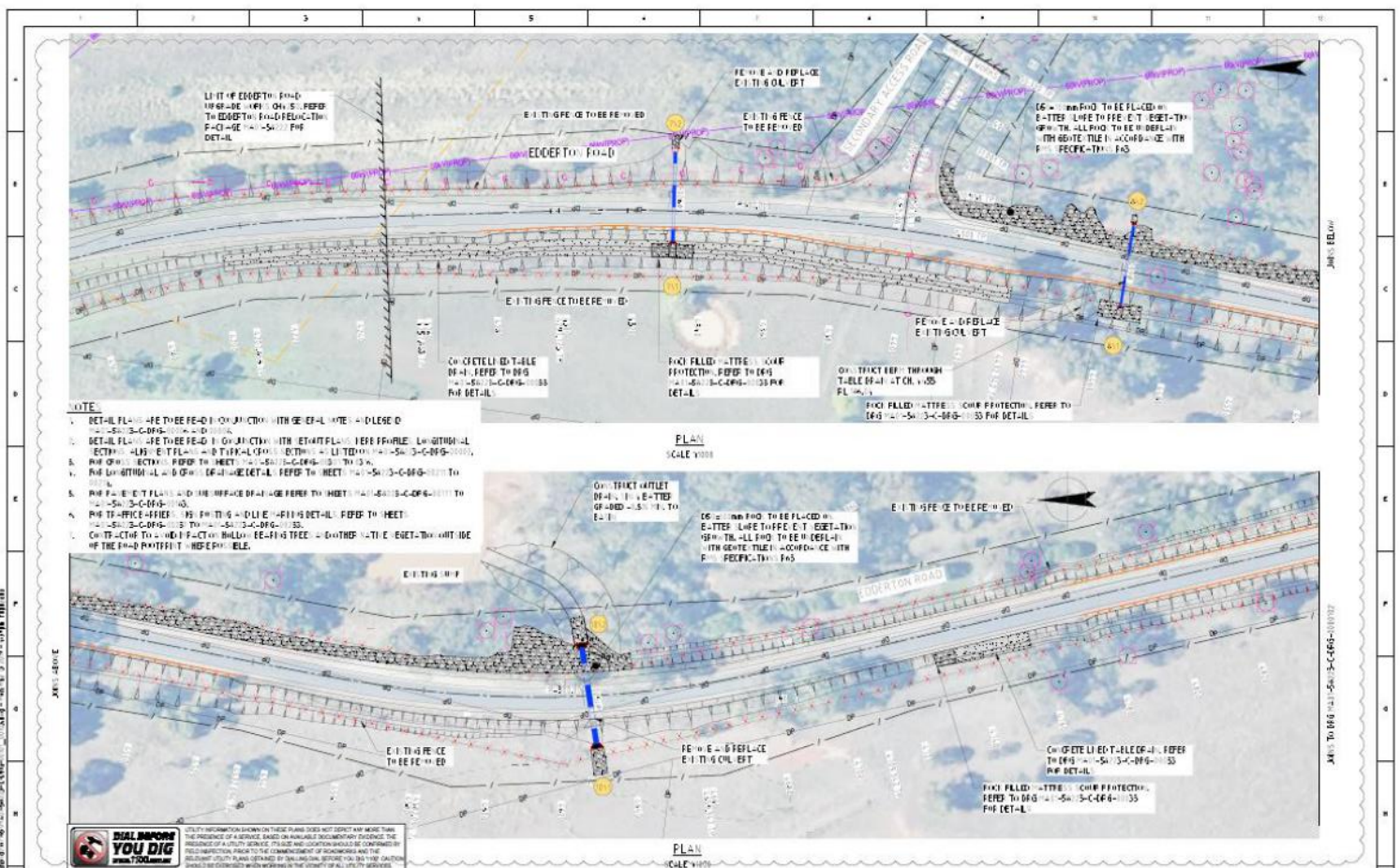
The applicant under the General Conditions is to carry Insurance to indemnify Council should any incident be identified related to the approval. Council will require a construction bond to be paid. Risks are managed by the use of qualified consultants required to submit and certify designs for works to be undertaken within Council's Road Reserves and Council staff acceptance of the designs and oversight of the construction. Works are required to comply with relevant standards, particularly RMS guidelines "Traffic Control at Work Sites".

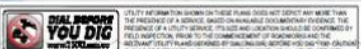




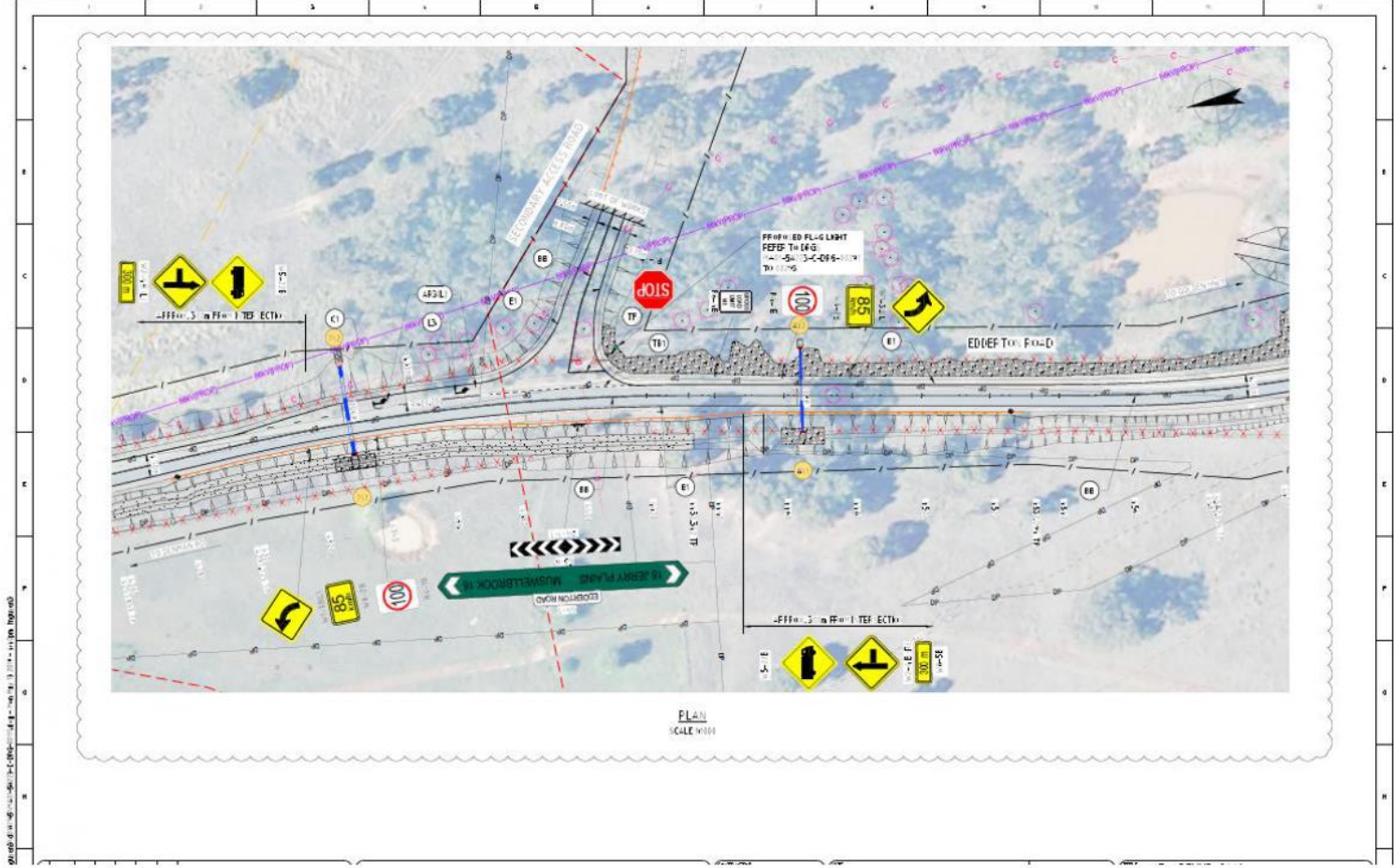


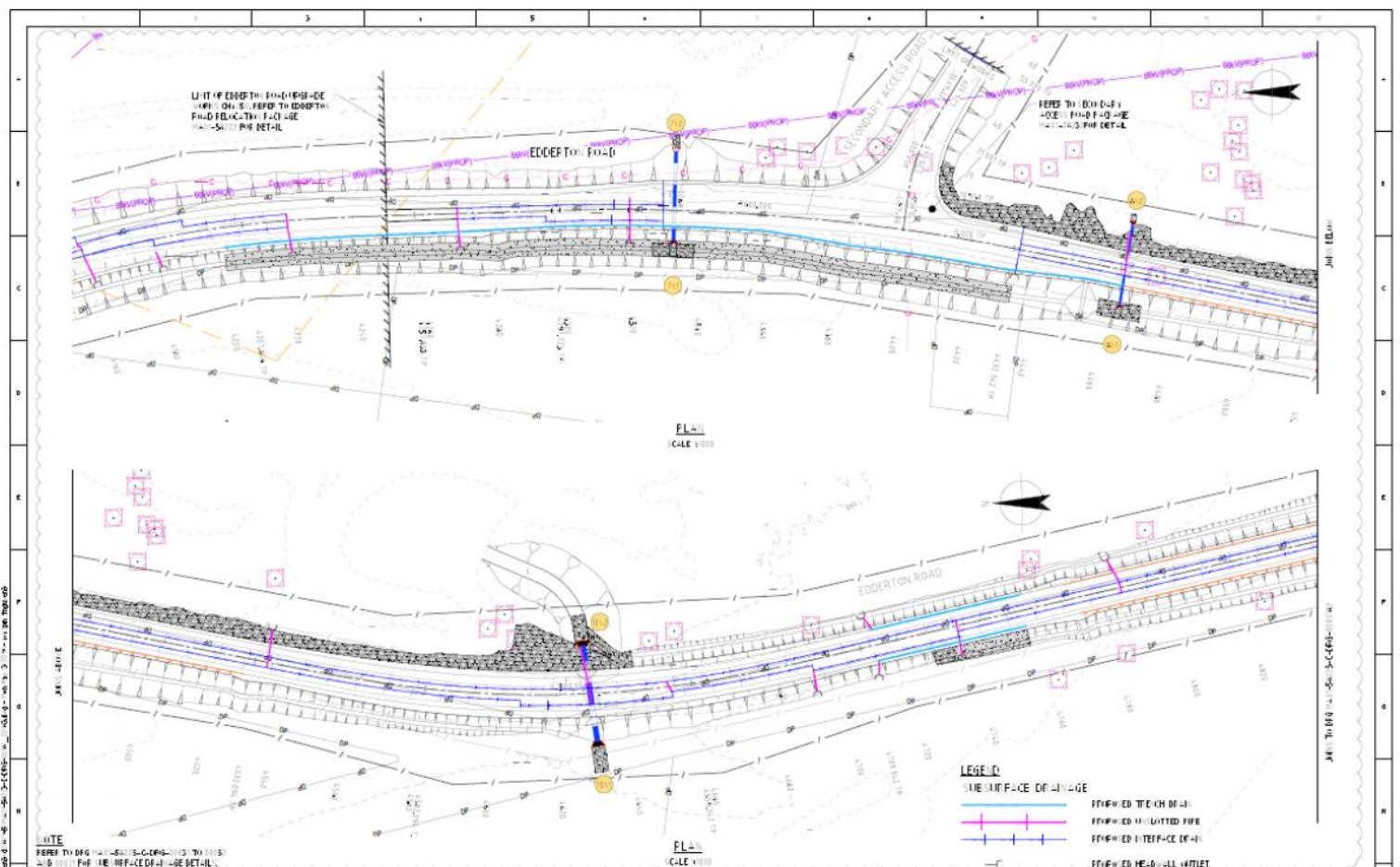


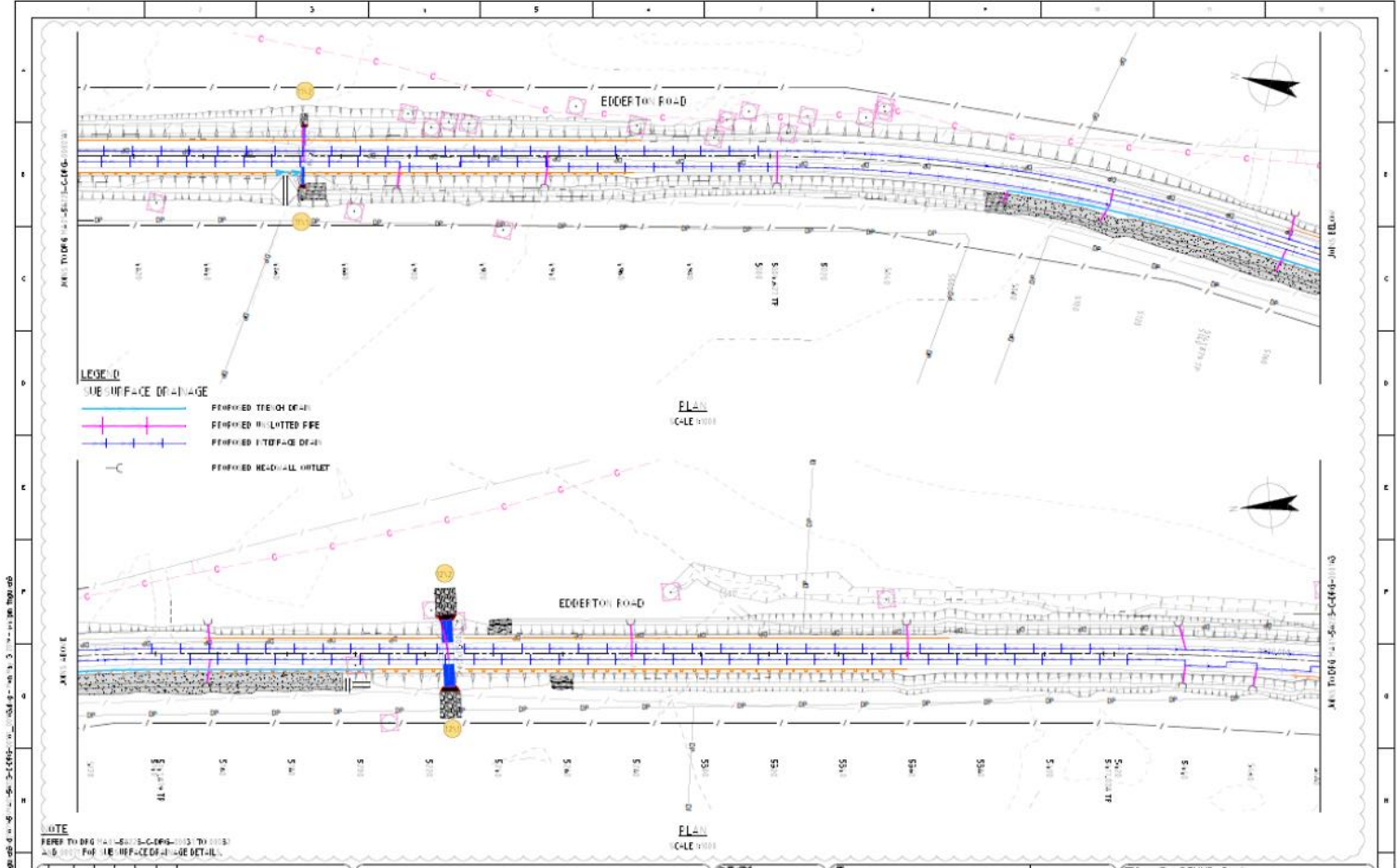


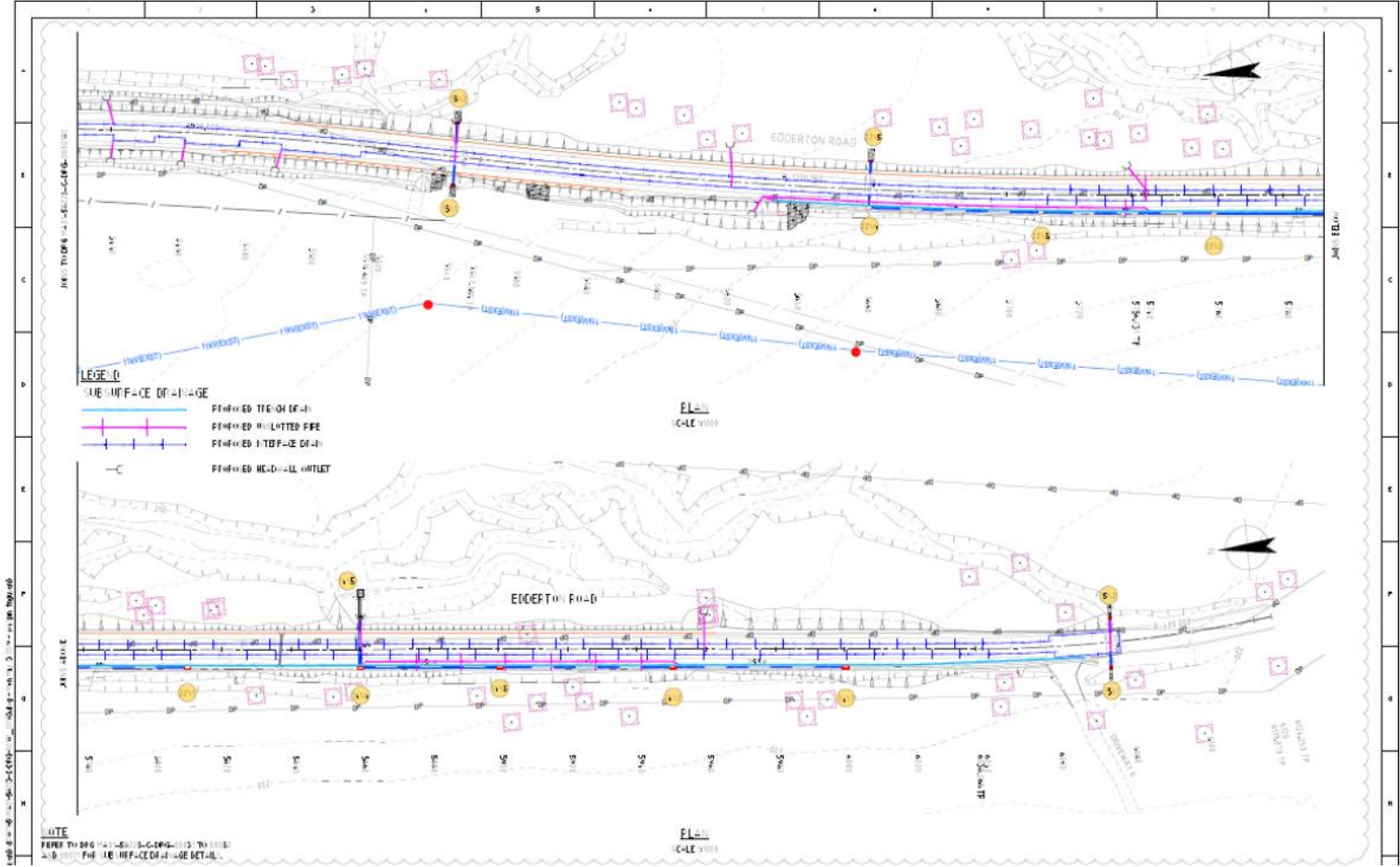












Draft Special Conditions

1. The works must be commenced within one month of the consent date.
2. The works must be completed in accordance with the Edderton Road Realignment Deed, and as soon as practicable once commenced .
3. Not later than 7 days following completion of the works the applicant must apply for a Section 138 Permit for ongoing maintenance in accordance with Clause 11 of the Deed.
4. Unnamed unformed roads must be fenced where access is available from public roads in use and providing signing to council's satisfaction.
5. The Consent Holder is to advise Council's Engineering Officer Works Quality on 0418 110 010 three days prior to commencing work to confirm inspections prior to commencement.
6. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least a week in advance, and incorporate reasonable access needs for those properties. The Consent Holder is to advise the general public of the Works by variable message board in the local area of the Works and advertisement in the local newspaper at least a week prior to site works.
7. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
8. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.
9. This Consent does not constitute approval of any environmental impacts and the Consent Holder is responsible for any such impacts and any approvals that may be required in relation to the Works.
10. The Consent Holder must ensure that mud and dust from the Works is not carried on to the Road. (It is suggested that a device (from the Soil management book) may be required to remove such materials prior to entering the roads. Note: If required a shake down device should be placed off the existing road so that the public did not need to travel on it.)
11. The Consent Holder is to advise Council's Ecologist seven(7) days prior to commencing vegetation removal to confirm inspections prior to commencement.
12. Vegetation removal must be timed to avoid the breeding seasons for local fauna species, including hollow-dependent species such as Squirrel Glider, and nest-building woodland birds;
13.
 - The boundary of vegetation nominated for removal must be clearly marked prior to any construction works commencing

14. • Areas of native vegetation beyond the subject site must be signposted as no-go-zones to avoid inadvertent direct impacts
15. • A pre-clearance survey to identify HBTs, nests and other key habitat features within the subject site must be undertaken.
16. • Hollow-bearing trees that are located within the 3m construction buffer must be retained where possible
17. • Clearing supervision must be undertaken by experienced and qualified ecologists / fauna spotter catchers for all HBTs and any other habitat features such as nests, possum dreys or culvert roosts etc.
18. • All fauna encountered during clearing must be released in adjacent suitable retained habitat if uninjured. Any injured fauna must be taken to a vet or specialist wildlife carer.
19. • A clearance supervision report must be prepared and provided to council following completion of vegetation removal and detail species encountered and their condition upon release, hollows removed, and non-compliances if they occur,
20. • Felled trees and hollows shall be used in offset / revegetation works in the immediate vicinity. A report must be provided to council demonstrating that this has occurred.
21. • All Hollows lost must be replaced at one nest box per hollow proposed for removal before any vegetation removal occurs. Nest boxes must match the size of hollow that was removed and of a type specifically designed for the threatened species known and likely to be impacted upon by the proposal. Nest boxes will be installed in the immediate vicinity of where they are removed from. A report will be provided to council showing the location and the type of each of nest boxes installed.
22. • Any seeding or planting in revegetation areas must use seed or stock from local provenance.
23. The subject site boundary must be clearly marked prior to any construction works
24. Council may require the Consent Holder to conduct safety audits and surveillance from time to time of the applicant's compliance with its health and safety obligations under this permit and all WHS Laws. If the Consent Holder is required to conduct an audit under this clause, it must do so with the time reasonably required by Council and promptly report to Council in writing on the outcome of the audit. Any corrective work or action which an audit or surveillance identifies as necessary to rectify any departure from the WHS Obligations must be undertaken by the Consent Holder at its expense and within a reasonable time, given the nature of the departure.
25. The Consent Holder must appoint a suitably qualified independent consulting engineer to perform Project Verifier services, being a person who:

- Is independent of the Consent Holder, any consultant involved in preparation of the Design Documents, the contractor engaged by the Consent Holder to carry-out the works,
- Is a Chartered Engineer registered with the Institute of Engineers Australia,
- Is familiar with and experienced in using RMS's QA specifications and
- Holds appropriate professional indemnity insurance.

11.3 MANAGEMENT OF CROWN LANDS

Attachments:	A. NSW Department of Industry - Interim Schedule - with Suggested Categories
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Matthew Lysaught - Manager - Works, Property & Building
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve asset management.</i>
Community Plan Strategy:	<i>Co-ordinate and facilitate implementation of the Asset Management Improvement Strategy.</i>

PURPOSE

To ensure Council complies with the management of Crown Land(s) as per the Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act).

OFFICER'S RECOMMENDATION

Council:

- 1. Appoint two Native Title Managers – Mr P Chambers and Mr M Lysaught and notify the Minister of the appointments;**
- 2. Council accept the Department of Industry suggestions for assigning initial categories (for community land Reserves) and notify the Minister of accepted categories; and**
- 3. Council approve the engagement of a suitably qualified contractor to prepare Plans of Management for Fitzgerald Reserve, Denman Recreation Area and a generic template for multiple reserves.**

Moved: _____ **Seconded:** _____

BACKGROUND

The Crown Land Management Act 2016 (CLM Act) gives Council greater freedom to manage Crown land than was possible under the previous legislation. Under the new legislation, Council can undertake a broader range of functions, which could previously only be undertaken with Ministerial consent.

In order to facilitate Council's obligations under the Act, Council has accountability to undertake various functions that require Ministerial notice. The Act requires Council to undertake some functions that were previously managed by Crown Lands.

CONSULTATION

Crown Land Management Committee

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORTNative Title Compliance

One of the functions that were previously managed by Crown Lands is native title compliance. Native title describes the rights which Aboriginal people have to land and waters according to their customary laws, but viewed from and recognised by the Australian legal system. Native title is recognised and protected by the *Native Title Act 1993* and does not create any rights or interests, it protects and regulates common law rights and interests determined to already exist. Native title is not Aboriginal land rights under the *Aboriginal Land Rights Act 1983*.

Under the CLM Act Councils are required to:

- Comply with all requirements of native title legislation in relation to land for which it is the Crown land manager (s 8.10);
- Engage or employ at least one Native Title Manager to ensure compliance with native title legislation (s 8.6(1));
- Obtain the written advice from their Native Title Manager that it complies with native title legislation when undertaking certain activities (s 8.7);
- Advise the Minister annually of who the council's native title Managers are (s 8.8); and
- Pay compensation or indemnify the State against compensation liabilities for acts undertaken by councils since 1 July 2018 that affect native title (s 8.12, 8.13).

Native Title Managers are engaged to ensure that councils comply with the relevant provisions of the Native Title Act 1993. To do this Native Title Managers:

- Review proposed actions on Crown land managed by Council where Council is the 'Council Crown Land Manager' (CCLM) or the land has been vested in Council;
- Identify relevant native title implications; and
- Report to Reserve Managers.

Native Title Managers are responsible for ensuring that councils comply with the requirements of the Native Title Act generally and are required to provide a written report that an act complies with native title legislation prior to Council:

- Granting leases, licences, permits, forestry rights, easements;
- Mortgaging land or allowing it to be mortgages;
- Imposing or agreeing to covenants, conditions or other restrictions on use in connection with dealings involving Crown land; and
- Approving Plans of Management.

Only people who maintain qualifications or have completed training approved by the Minister for Lands and Forestry can provide advice as a Native Title Manager, as required by Part 8 of the CLM Act.

As acts undertaken by Council on Crown land that Council is CCLM for occurs across the Community Infrastructure it is proposed that Council have the Chief Engineer and Manager Works, Property and Building Services appointed Native Title Managers. Mr Peter Chambers and Mr Matthew Lysaught have both completed the approved training for Native Title Managers.

Council's Planning Lawyer also has extensive knowledge of Crown lands and may act as the overarching liaison for native title management.

Initial Categorisation of Crown Reserves

Under s 3.23 of CLM Act, Council Crown Land Managers must assign one or more community land categories to Crown land in accordance with the community land categories referred to in s 36 of the LG Act.

Council should consider the following when assigning categories under the LG Act:

- Reserve purpose - Council managers should consider how these categories would ensure the land is used for the purpose for which it was originally set aside by its dedication or reservation.
- Current/existing use of the reserve - Council should apply categorisation based on existing/current use of the reserve only. The initial categorisation cannot be based on proposed or future use.
- Characteristics of the land - Council should describe the characteristics of the land, in particular when assigning a category of 'natural area' or 'area of cultural significance'.

The Department of Industry has provided a list of the reserves for which Council is CCLM and has suggested initial categories based on the reserve purpose (copy attached). Any change to categorisations to support current or future use can be made via the Plan of Management. Council must give written notice of initial categorisation to the Minister for approval.

Plans of Management

Section 3.6 of the CLM Act authorises councils appointed to manage dedicated or reserved crown land as CCLM to manage that land as if it were public land under the LG Act. Council therefore is required to manage these reserves as if they were community land.

Under the LG Act a Plan of Management (POM) must be adopted by Council for all community land.

POM must be prepared in accordance with the CLM Act. In the context of the CLM Act, POM are also a critical tool to ensure that any authorisation or restriction on the use of a Crown reserve is consistent with the *Native Title Act 1993*.

POM can be specific for one reserve or can be for multi-reserves that have the same or similar purpose and categorisation (with some restrictions under the LG Act). Council has the opportunity to include non-Crown community land that has similar purpose/ use into generic POMs together with land that we are CCLM.

Draft POM will have to be approved by the Minister. They then need to be placed on public exhibition and in some cases may also require a public hearing. Written Native Title Manager advice is required prior to Council adopting the POM.

The Department has placed a deadline of 30 June 2021 for compliant Plans of Management under the new legislation to be in place.

Of the fifteen reserves for which Council is CCLM and require POM, two locations have been identified as having the most diverse use, as well as the highest use – Denman Recreation Area and Olympic Park.

Three of the reserves for which Council is CCLM are Denman Apex Lookout, Denman Park and Part Denman Golf Course. Each of these have been reserved for the purpose of Public Recreation and can be amalgamated into the one POM.

Olympic Park, located within Fitzgerald Park Reserve is also reserved for the purpose of Public Recreation, although its usage is not as diverse as Denman Park reserve.

With the complex nature of preparing POM that comply with the CLM Act, LG Act and Native Title Act, and taking into account all the current and possible future uses for the land, it is considered to be appropriate to obtain a specialist service provider to carry out this task.

With a number of professional organisations and individuals specialising in preparation of POM it would be advantageous to have them prepare POMs for Denman Recreation Area, Fitzgerald Park and provide a template for a generic POM that could be used for multiple community and crown land reserves. The

estimated cost to undertake this work is between \$30k to \$50K. The preparation of plans for the remaining of the Crown reserves can be developed by Council's Property and Building Services team.

With regards to the appointment of two Native Title Managers for Muswellbrook Shire Council, this will provide opportunities for contingency planning, knowledge sharing, and increased capacity. In terms of responsibilities, it is considered appropriate that:

- the Manager Works, Property & Buildings will manage Native Title matters relating to property and buildings; and
- the Chief Engineer will consider Native Title from an engineering perspective, such as, roads, stormwater drainage, and water and sewer considerations.

Council's two Native Title Managers will work closely together, and will consult in a timely manner with Council's Corporate Lawyer, to ensure that Native Title matters are managed diligently and correctly.

OPTIONS

Council may choose to manage Crown Land management responsibilities differently.

CONCLUSION

The nominated staff for Native Title Managers have completed the approved training. The initial categorisation of land is suitable. New Plans of Management for Denman Recreation Area and Olympic Park are considered to be the highest priorities.

SOCIAL IMPLICATIONS

Crown Land provides passive and active recreation opportunities for the community.

FINANCIAL IMPLICATIONS

The development of Plans of Management are to be funded from existing budgets.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Crown Land Management Act 2016 (CLM Act) and the Local Government Act 1993 (LG Act)

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'19.4.3 Continue development of plans of management for Crown Lands', *Muswellbrook Shire Council Operational Plan 2019 - 2020*

RISK MANAGEMENT IMPLICATIONS

The development of Plans of Management includes the management of risks.

NSW Department of Industry - Suggested Categories

Reserve Number	Reserve Type	Reserve Name	Management Type	Gazetted Date	Purpose	Additional Purpose	Guidance LG Act Category	Lots	Suburb
570025	DEDICATION	FITZGERALD PARK	COUNCIL CROWN LAND MANAGER	23/05/1879	Addition~Public Recreation		Park	Lot 264 DP 1030447 Parish Brougham County Durham, Lot 7010 DP 93327 Parish Rowan County Durham	MUSWELLBROOK
170082	RESERVE	MCCULLYS BUSH FIRE	COUNCIL CROWN LAND MANAGER	22/07/1988	Bush Fire Brigade Purposes		General Community Use	Lot 1 DP 727267 Parish Rowan County Durham	MCCULLYS GAP
170115	RESERVE	BAERAMI BUSH FIRE BRIGADE	COUNCIL CROWN LAND MANAGER	14/07/1989	Bush Fire Brigade Purposes		General Community Use	Lot 114 DP 728996 Parish Baerami County Hunter	BAERAMI
170168	RESERVE	INCLUDES WEERAMAN OAL	COUNCIL CROWN LAND MANAGER	16/02/1996	Environmental Protection; Public Recreation	Community Purposes	Natural Area/ Park	Lots 7015-7016 DP 93313, Lot 7014 DP 93319, Lot 19 DP 752484, Lots 2630-2631 DP 1142150 Parish Rowan County Durham	MUSWELLBROOK
1000349	DEDICATION	MUSWELLBROOK REGIONAL ART CENTRE	COUNCIL CROWN LAND MANAGER	1/08/1958	Local Government Purposes	Tourist Facilities and Services	General Community Use	Lot 16 Section 2 DP 758740 Parish Rowan County Durham	MUSWELLBROOK
83467	RESERVE	PRESERVATION OF TREES & RESTING PLACE	COUNCIL CROWN LAND MANAGER	29/09/1961	Preservation Of Trees~Resting Place		Natural Area	Lot 214 DP 750968 Parish Wybong County Brisbane	CASTLE ROCK
1010588	RESERVE	MUSWELLBROOK GOLF CLUB	COUNCIL CROWN LAND MANAGER	3/12/2004	Public Recreation		Park	Lot 264 DP 1030447 Parish Brougham County Durham	MUSWELLBROOK
570024	DEDICATION	DENMAN PARK	COUNCIL CROWN LAND MANAGER	14/10/1881	Public Recreation	Community Purposes	Park	Lot 1 DP 171274, Lot 231 DP 729996, Lot 126 DP 750924 Parish Denman County Brisbane	DENMAN
570078	DEDICATION	SCOTT STREET RESERVE	COUNCIL CROWN LAND MANAGER	14/02/1873	Public Recreation		Park	Lot 1 DP 668247, Lot 1 DP 668248 Parish Rowan County Durham	MUSWELLBROOK
79004	RESERVE	MARTINDALE RESERVE	COUNCIL CROWN LAND MANAGER	19/10/1956	Public Recreation		Park	Lot 7001 DP 93287 Parish Burren County Hunter	MARTINDALE
86615	RESERVE	DENMAN APEX LOOKOUT	COUNCIL CROWN LAND MANAGER	9/02/1968	Public Recreation		Park	Lot 7003 DP 94059, Lot 225 DP 1075155 Parish Denman County Brisbane	DENMAN
89855	RESERVE	PT DENMAN GOLF COURSE	COUNCIL CROWN LAND MANAGER	2/07/1976	Public Recreation		Park	Lots 7007-7009 DP 93268 Parish Denman County Brisbane	DENMAN
91158	RESERVE	HYDE PARK	COUNCIL CROWN LAND MANAGER	9/06/1978	Public Recreation		Park	Lots 7015-7016 DP 93264 Parish Denman County Brisbane	DENMAN
81335	RESERVE	MUSWELLBROOK SENIOR CITIZENS	COUNCIL CROWN LAND MANAGER	9/01/1959	Senior Citizen'S Centre		General Community Use	Lot 10 DP 833145 Parish Rowan County Durham	MUSWELLBROOK
1000351	DEDICATION	(Part Simpson Park)	COUNCIL CROWN LAND MANAGER	13/1/1882	Town Hall Site		Park	Whole: Lot 2 Section 11 DP 758740 Parish Rowan County Durham	MUSWELLBROOK

11.4 COMMENCEMENT OF THE AMENDED FUTURE FUND SCHEDULE

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Matthew Lysaught - Manager - Works, Property & Building
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 adjust the date at which the recently amended Future Fund Schedule commences.

OFFICER'S RECOMMENDATION

The Future Fund Schedule (as amended 26 June 2019) commence on 1 July 2020.

Moved: _____ **Seconded:** _____

BACKGROUND

At the June 2019, Ordinary Council meeting an amended Future Fund Policy was reported to Council and included an amended Schedule of assets. The amended Schedule no longer included assets administered in two divisions being Commercial and Education Division, and consequently be only one Schedule of assets. The Council decision was:

RESOLVED on the motion of Crs Rush and Bailey that:

Council:

1. Place the amended Future Fund Policy on public exhibition for twenty eight (28) days.
2. Establish a Future Fund Committee under the Local Government Act 1993 Section 355 and adopts the Future Fund Committee Terms of Reference.

The Schedule was amended and consolidated to reflect investment properties that are held for sale by Council and that these properties on this Schedule would not be depreciated.

Then for administrative purposes the Schedule was reported to the 26 June 2019, Extraordinary Council meeting to ensure the amended and consolidated Schedule was applied to the 2018-2019 Financial Year.

The Council decision was:

RESOLVED on the motion of Crs Rush and McNeill that:

Council adopt the Schedule.

Following, at the July 2019, Ordinary Council the Future Fund Policy was adopted:

RESOLVED on the motion of Crs Rush and Green that:

Council adopt as amended the reviewed Future Fund Policy.

However, undertaking property valuations for the former Education Division assets has been problematic for financial reporting due to the nature of valuing education assets.

CONSULTATION

Chief Financial Officer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor Rush, Spokesperson for Innovation, Land Use Planning and Heritage

REPORT

The amended Schedule adopted at the 26 June 2019, Extraordinary Council meant that former Education Division assets e.g. Tertiary Education Centre would receive a market valuation as an investment property based on rental income rather than how the asset was previously valued as a community building and at cost replacement.

The difficulty is that due to the nature of these assets being to facilitate higher education the asset does not in all cases receive commercial rent and therefore the asset is potentially undervalued as the rental income is used to assess the market valuation.

It is requested that Council postpone the commencement date from which the amended Future Fund Schedule takes effect to 1 July 2020. This postponement is to allow a further review of the Schedule of assets, valuation methods, and any financial implications.

OPTIONS

Council could choose to not postpone the commencement of the schedule.

CONCLUSION

It is recommended to postpone the date to 1 July 2020 for the commencement of the amended Future Fund Schedule.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Postponing the commencement date of the amended Schedule provides opportunity to determine how best to treat the former Education Division assets for valuation purposes.

POLICY IMPLICATIONS

Future Fund Policy MSC03E and Schedule and former Policy F28-1 and Schedules.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'24.1.1 Manage Council's Future Fund', *Muswellbrook Shire Council Operational Plan 2019 - 2020*

RISK MANAGEMENT IMPLICATIONS

The Future Fund was established to manage risks associated with the decline of thermal coal mining and thermal coal power generation in the longer term.

11.5 EMULSION TANK BUDGET ALLOCATION

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Matthew Lysaught - Manager - Works, Property & Building
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Implement prioritised (but responsive) rolling works program of maintenance.</i>

PURPOSE

To request a budget allocation for the purchase of an emulsion tank.

OFFICER'S RECOMMENDATION

Council reallocate the budget for the purchase of an emulsion tank as identified in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

Council Works department's current supply of bitumen emulsion is through a Regional Procurement Contract #REGPRO221617 which has now lapsed and other supplier arrangements have been investigated including leaseback arrangements for the emulsion storage tank or an outright purchase.

Council has been using the current emulsion tank for approximately 20 years, which was a salvaged item that was reconditioned. In 2017, a problem occurred with the emulsion supply that grounded Council's road maintenance jet patcher. After investigation it was advised to replace the emulsion storage tank. As the emulsion bitumen supply contract has expired it is a good opportunity to replace the current tank with a mobile unit that is fully bunded and mechanical features to ensure proper storage of emulsion.

CONSULTATION

Procurement Coordinator

Senior Works Coordinator

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

The estimated cost to purchase a new tank is \$70k. It is requested to reallocate \$80k from the Works Depot relocation capital budget of \$300k to purchase a new tank. The requested budget would include any decommissioning of the old tank and site establishment of the new tank.

An outright purchase is the preferred option as it gives Council autonomy in managing supply arrangements for cleaning tank, Quality Assurance, Work, Health & Safety, and Environmental Management.

It is proposed to purchase a compact mobile emulsion storage unit with a capacity of 10,000 L that can be moved from site with minimal effort in consideration of planning for a new Community Infrastructure Depot.

OPTIONS

Council may consider alternative emulsion bitumen supply and budget options.

CONCLUSION

The budget reallocation for the purchase of a new emulsion tank is recommended.

SOCIAL IMPLICATIONS

The supply of bitumen emulsion will be used by Council's Works department for road repair and maintenance in Muswellbrook Shire Local Government area.

FINANCIAL IMPLICATIONS

It is proposed to reallocate \$80,000 from the Works Depot relocation Investigation & Design programme (5310.4578.500) capital budget for the purchase of an Emulsion Tank.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'19.4 Maintain and continually improve community infrastructure across the Shire', *Muswellbrook Shire Council Operational Plan 2019-20*

RISK MANAGEMENT IMPLICATIONS

Council purchasing an emulsion tank outright provides the opportunity to improve risk management.

**11.6 REPLACEMENT OF SOUTHERN (ULAN LINE) RAIL BRIDGE
CROSSING BRIDGE STREET, MUSWELLBROOK**

Attachments:	A. ARTC - Ulan Line rail bridge crossing Bridge St Muswellbrook - Concept design drawings
Responsible Officer:	Fiona Plesman - General Manager
Author:	Derek Finnigan - Director - Community Infrastructure
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Ensure all Infrastructure works activities undertake a competent Review of Environmental Factors (REF).</i>

PURPOSE

To provide Council with information relating to the replacement of the Bridge Street, Muswellbrook, Ulan Line (southern) rail bridge, to be carried out between June 2020 and December 2021.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The Australian Rail Track Corporation (ARTC) is proposing to replace the Ulan Line rail bridge, which is the southern bridge crossing Bridge Street, Muswellbrook between June 2020 and December 2021. The project proposes to remove this structurally fatigued rail bridge from the existing rail network and replace it with a new bridge that will meet future load requirements and increase network reliability.

Contemporaneous with replacement of the Ulan rail line bridge crossing Bridge Street will be construction of the Muscle Creek and Hunter River Ulan Line rail bridge. This bridge is being built offline, with the entire structure built outside of rail possessions. The works on this bridge will extend until approximately June 2022, and therefore ARTC will have a site presence until this time.

CONSULTATION

Consultation will be ongoing with Australian Rail Track Corporation project management staff throughout the duration of the project.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT**1. Project objectives**

The replacement of the southern (Ulan Line) rail bridge crossing Bridge Street, Muswellbrook, is part of a wider staged programme to replace three existing bridges (Hunter River, Muscle Creek, and Bridge Street rail bridges) on the Ulan Line in Muswellbrook. The rail bridges have all been identified for replacement, as in their current condition they pose a significant risk to the reliability of the network. The closure of any one of these bridges will result in the prevention of all rail access to and from the Ulan rail line.

Replacement of the southern (Ulan Line) rail bridge crossing Bridge Street, Muswellbrook, will involve the following key elements:

- construction of a new 26 metre long (minimum) single span concrete ballast top bridge to replace the existing Bridge Street southern rail bridge. The new bridge will be constructed on the existing rail alignment;
- demolition and disposal of the existing bridge superstructure, and central pier;
- reconditioning of a 100 metre long (approximately) section of existing track formation;
- Construction of a retaining wall to address embankment stability and to support rail track lift of approximately 600 mm. The wall will include a façade panel that is intended to be consistent with the heritage considerations associated with the rail bridge; and
- landscaping and rehabilitation works.

Whilst the primary objective of the project is to improve network reliability through the replacement of ageing infrastructure, secondary project objectives include:

- reduce track maintenance through the avoidance of direct fixation track;
- reduce structure maintenance through the use of low maintenance materials, such as concrete;
- maintain minimum structure clearances above Bridge Street (New England Highway);
- remove the requirements for a central pier; and
- reinstate normal traffic speed through the site.

2. Project timeframe

The proposed timeframe for the project includes the following:

- | | |
|-------------------------------------|-------------------------|
| 1. Site mobilisation | June 2020 |
| 2. Bridge substructure construction | July 2020 to April 2021 |

The main works will be undertaken during ARTC scheduled rail possessions as follows:

- | | |
|---------------------------------------|--|
| 1. Works for piling access | August 2020 |
| 2. Bridge piling works | September 2020, November 2020, and February 2021 |
| 3. Abutment and deflection wall | April 2021 |
| 4. Bridge superstructure construction | May 2021 to August 2021 |
| 5. Bridge commissioning | August 2021 |

This work includes demolition of the existing bridge, sliding of bridge superstructure into position, and the associated track works

- | | |
|------------------------------|------------------------------|
| 1. Site demobilisation works | August 2021 to December 2021 |
|------------------------------|------------------------------|

This work includes landscaping and all associated clean up works.

3. Indicative road closure requirements

Description	Indicative dates	Road closure requirements
Outside rail possession.	To be confirmed – Ad hoc throughout the project.	Closures restricted to outside peak traffic periods, that is, night time or agreed times during the day. Closures also likely to be restricted to single lane closures.
Rail possession 1, 2, 3 and 4 (Bridge piling / retaining wall works).	Possession 1 – August 2020 (4 to 6 August) Possession 2 – September 2020 (22 to 24 September) Possession 3 – November 2020 (17 to 20 November) Possession 4 – February 2021 (exact date to be confirmed)	Typically closures of this nature will be undertaken during daytime hours outside of school hours, or night time outside of peak traffic periods.
Rail possession 5 and 6 (Bridge abutment install / superstructure works)	Possession 5 – April 2021 (exact date to be confirmed) Possession 6 - May 2021 (exact date to be confirmed)	1 x continuous 24 hour road closure required to undertake heavy lifts over Bridge Street. Please note that there will be a total of 6 x heavy lifts in Possession 5, and 2 x heavy lifts and 10 x smaller lifts in Possession 6. Each heavy lift will be of 3-4 hours duration, with the actual lift taking in the order of 30 minutes to one hour. Therefore, there will be opportunities to have the road open for 3 out of every 4 hours during these closedown periods, with the detour only applied while the lift is in progress.
Rail possession 7 (Bridge commissioning)	August 2021 (exact date to be confirmed)	1 x continuous 48 hour road closure for bridge demolition and installation of new bridge.

4. Heritage considerations

From the perspective of Muswellbrook Shire Council and the Muswellbrook Community, a primary consideration of the project will be to retain as much as possible the aesthetic heritage qualities of the existing bridge, which is regarded as an iconic structure redolent of the social and industrial heritage of Muswellbrook.

Meetings have been conducted with the ARTC project team dedicated to the project, and discussion has been held regarding retention of the bridge's heritage qualities. Discussion in relation to potential suitable treatments has considered:

1. Cladding of the deflection walls (the walls extending out from the girders) with a sandstone effect façade;
2. Adding pigment to the concrete superstructure to provide a sandstone like effect; and
3. reinstatement of the existing 'Muswellbrook' signage.

ARTC's project team is currently in discussion with the bridge construction contractor to provide advice on the feasibility of the first two items. Agreement has already been reached on the third item, and the 'Muswellbrook' signage will be reinstated upon construction and placement of the new bridge.

A perspective view of the new bridge is currently being prepared, and will include the identified aesthetic heritage improvements (assuming that they are feasible) and the existing Council signage. It is anticipated that the perspective view of the new bridge will be submitted for Council's review at the 26 May 2020 Ordinary Council meeting.

OPTIONS

Council may decide to note the report or to not note the report.

CONCLUSION

The report is for the information of Council. It is anticipated that a further report, providing a perspective view of the new bridge, will be submitted for Council's review at the 26 May 2020 Ordinary Council meeting.

SOCIAL IMPLICATIONS

From the perspective of Muswellbrook Shire Council and the Muswellbrook Community, a primary consideration of the project will be to retain as much as possible the aesthetic heritage qualities of the existing bridge, which is regarded as an iconic structure redolent of the social and industrial heritage of Muswellbrook.

FINANCIAL IMPLICATIONS

The full cost of the project will be borne by the Australian Rail Track Corporation.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

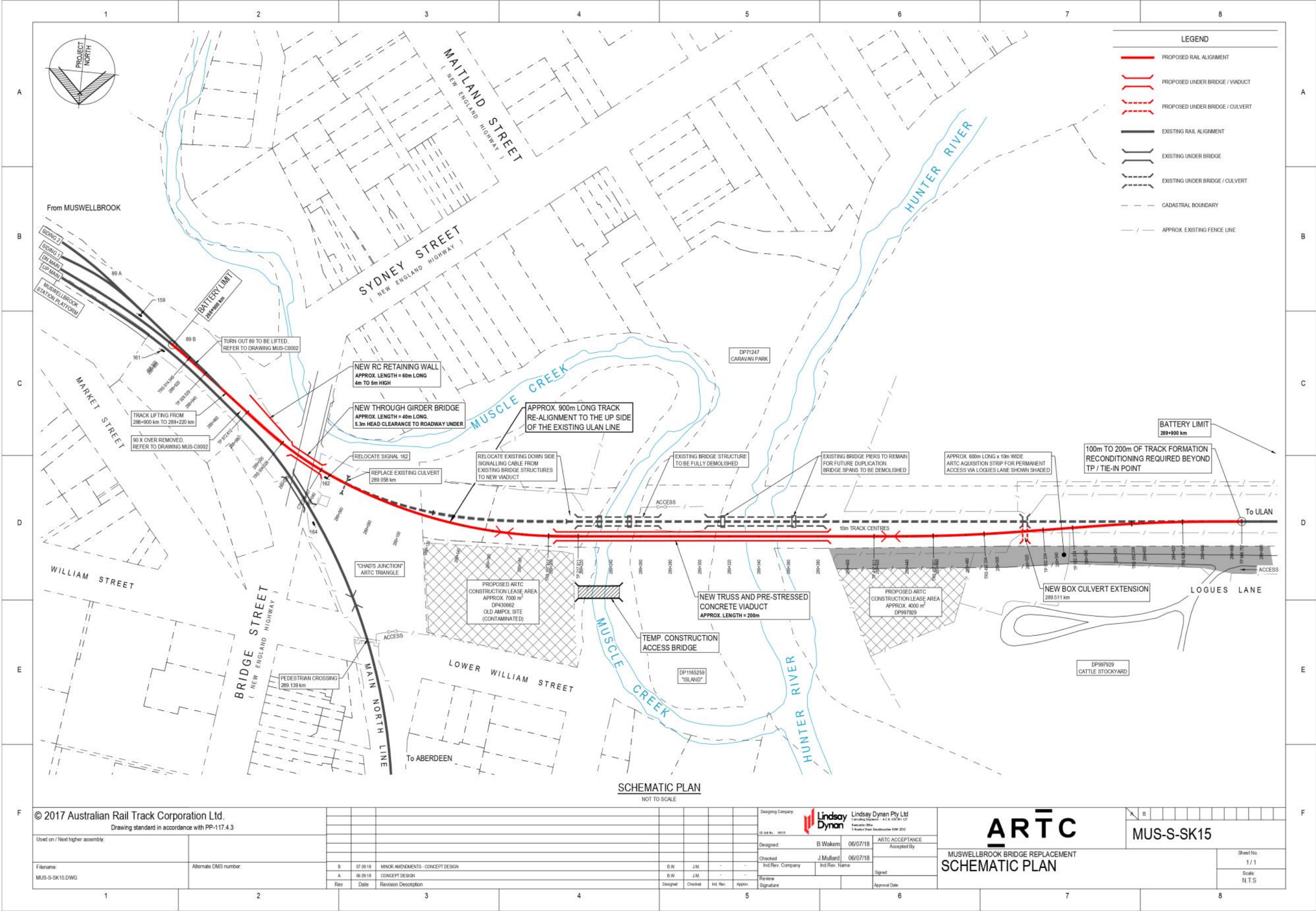
Nil known.

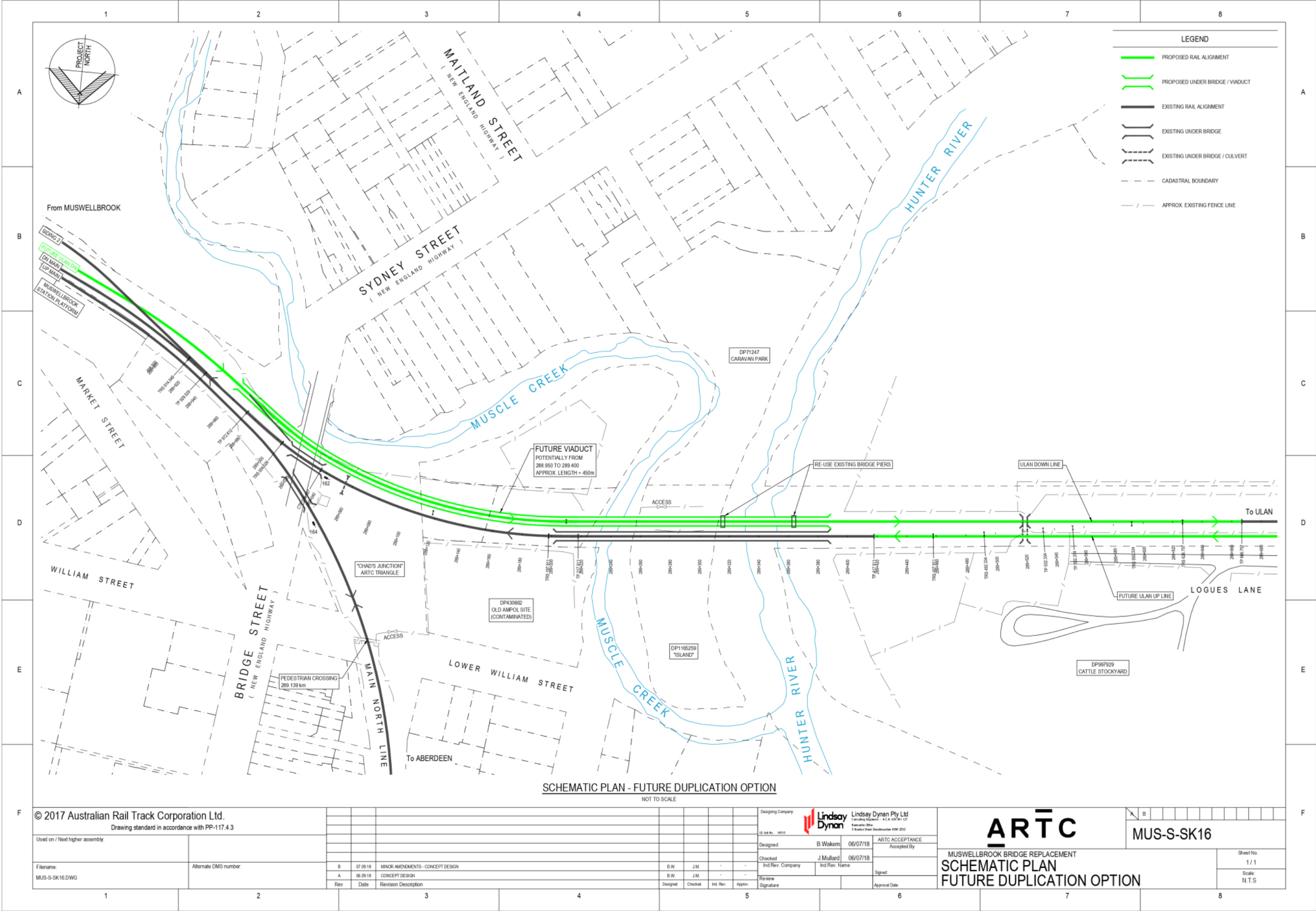
OPERATIONAL PLAN IMPLICATIONS

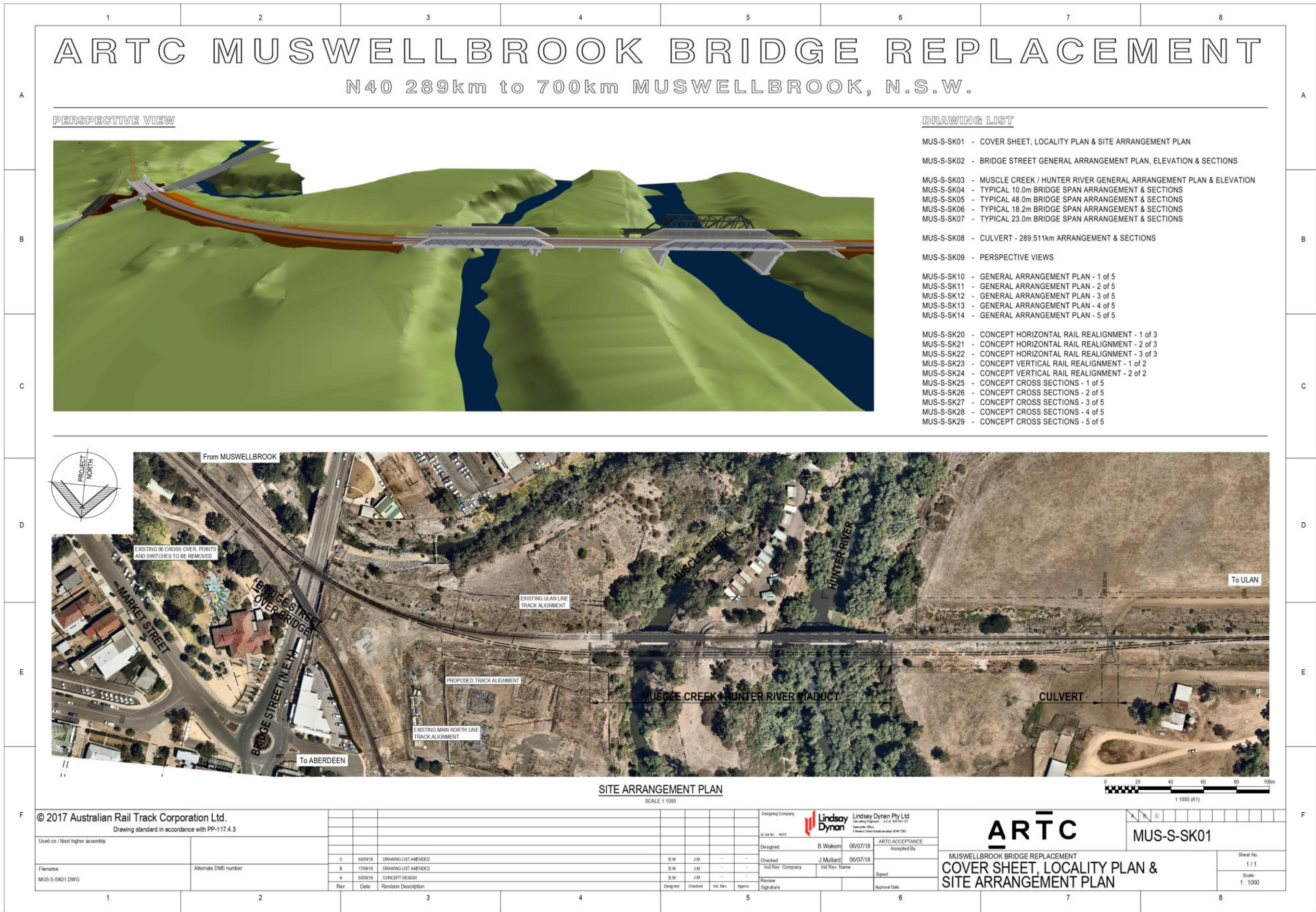
The submission of the report complies in principle with item 19.3.4 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management.'

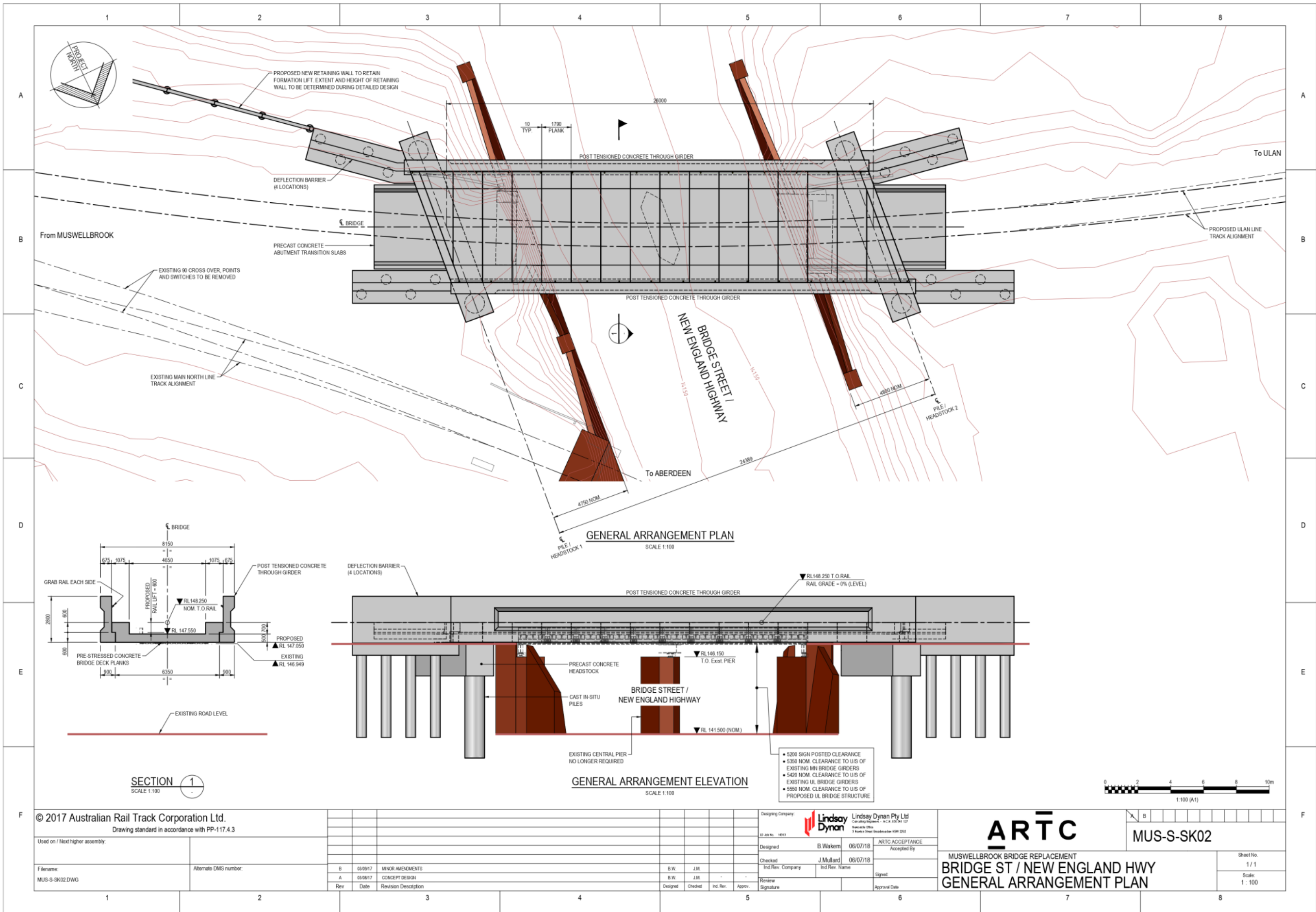
RISK MANAGEMENT IMPLICATIONS

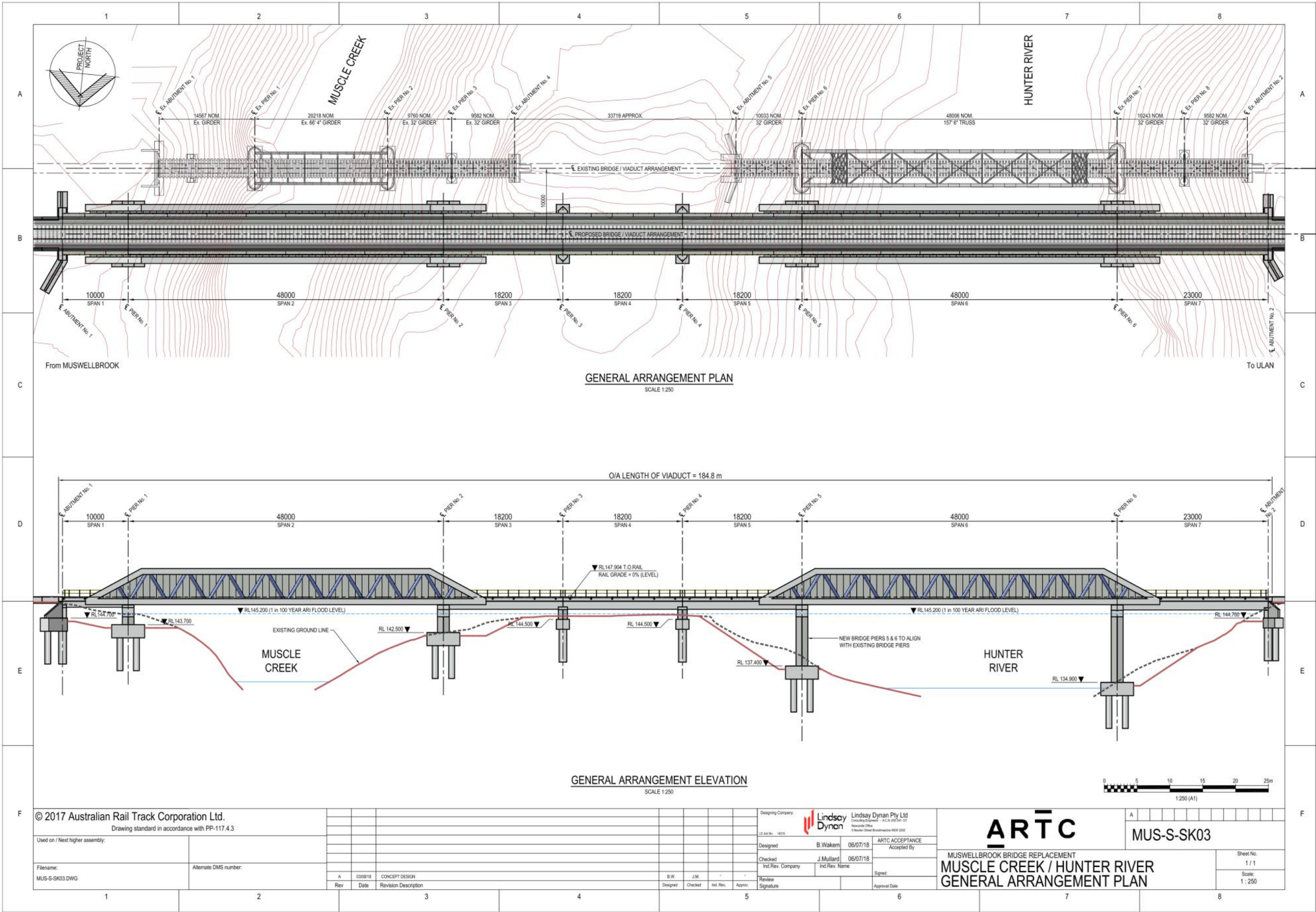
Some of the steel superstructure elements of the existing Ulan Line rail bridge crossing Bridge Street, Muswellbrook, are reaching the end of their theoretical fatigue life. This poses a risk to the reliability of the rail network and requires ongoing frequent maintenance repairs. ARTC is proposing to replace the existing bridge with a new rail bridge that will meet future load requirements and increase network reliability.

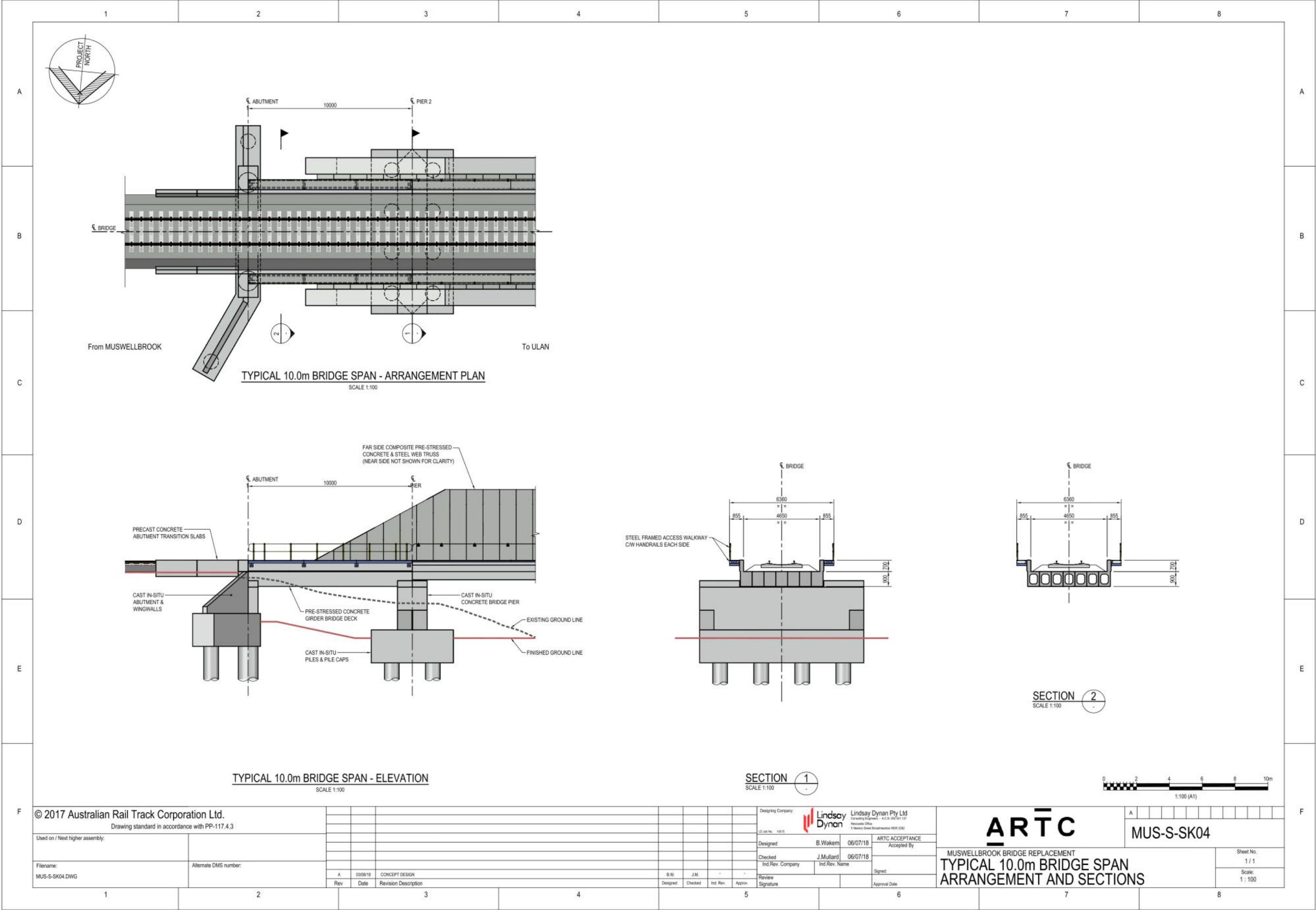


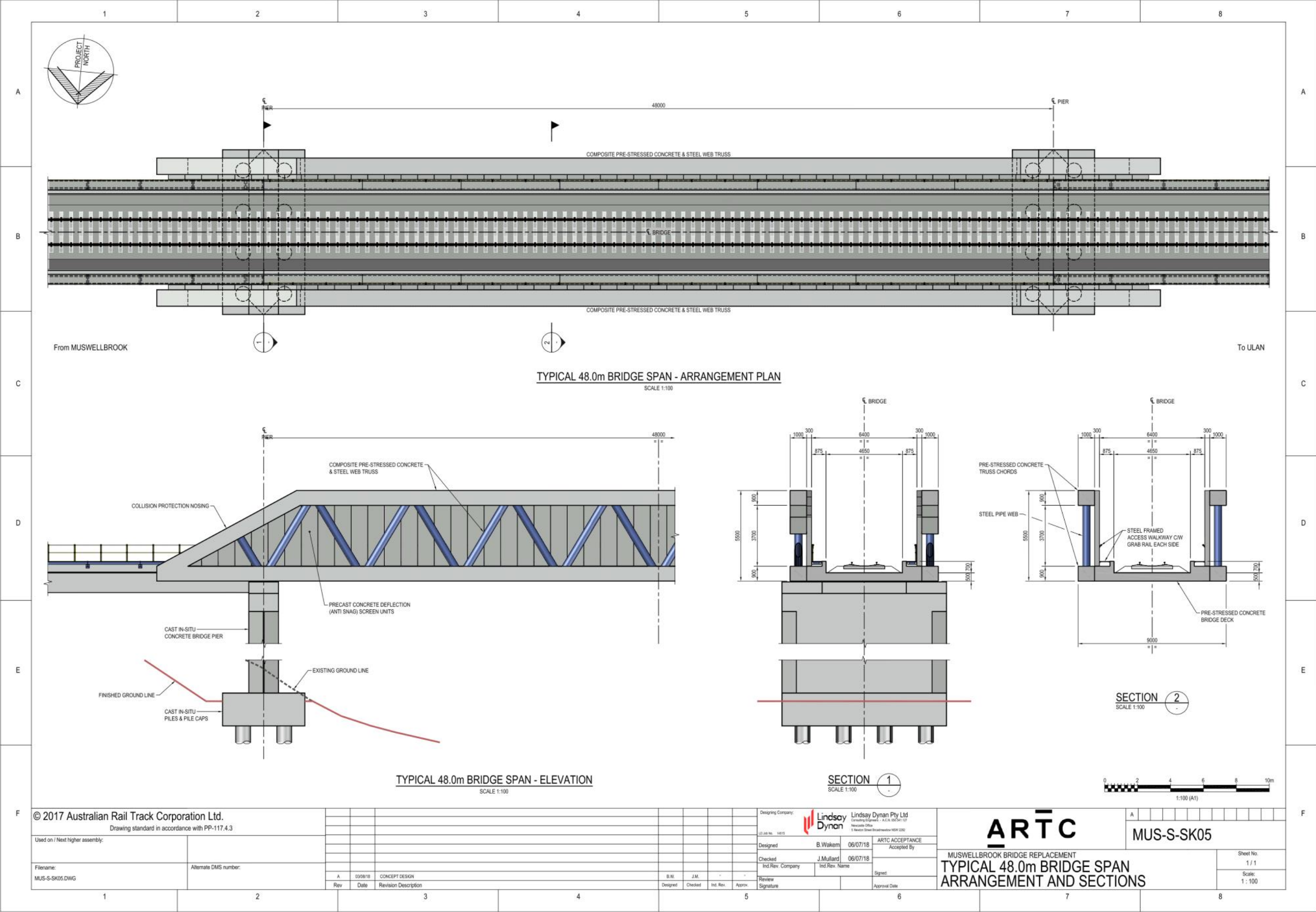


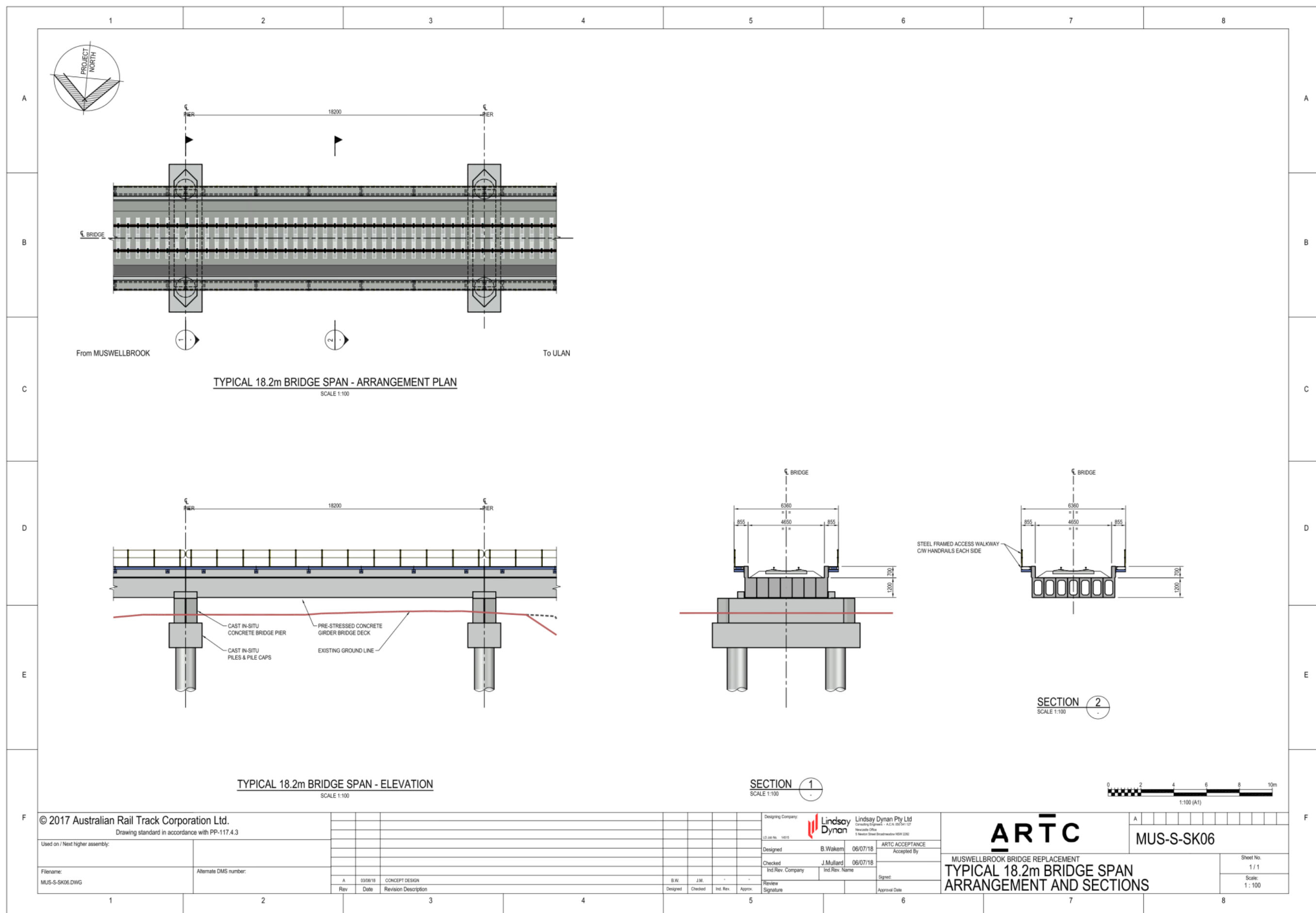


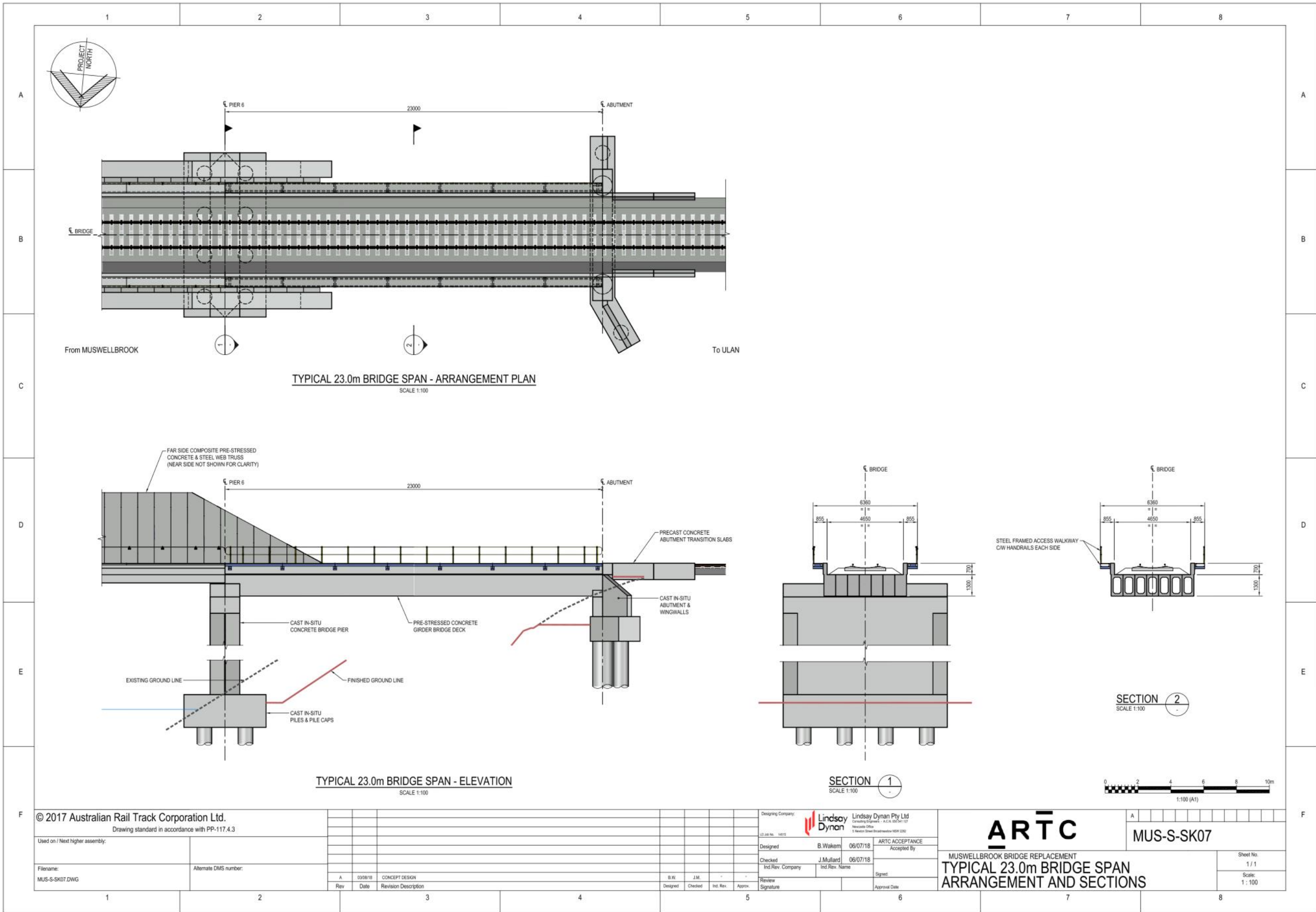


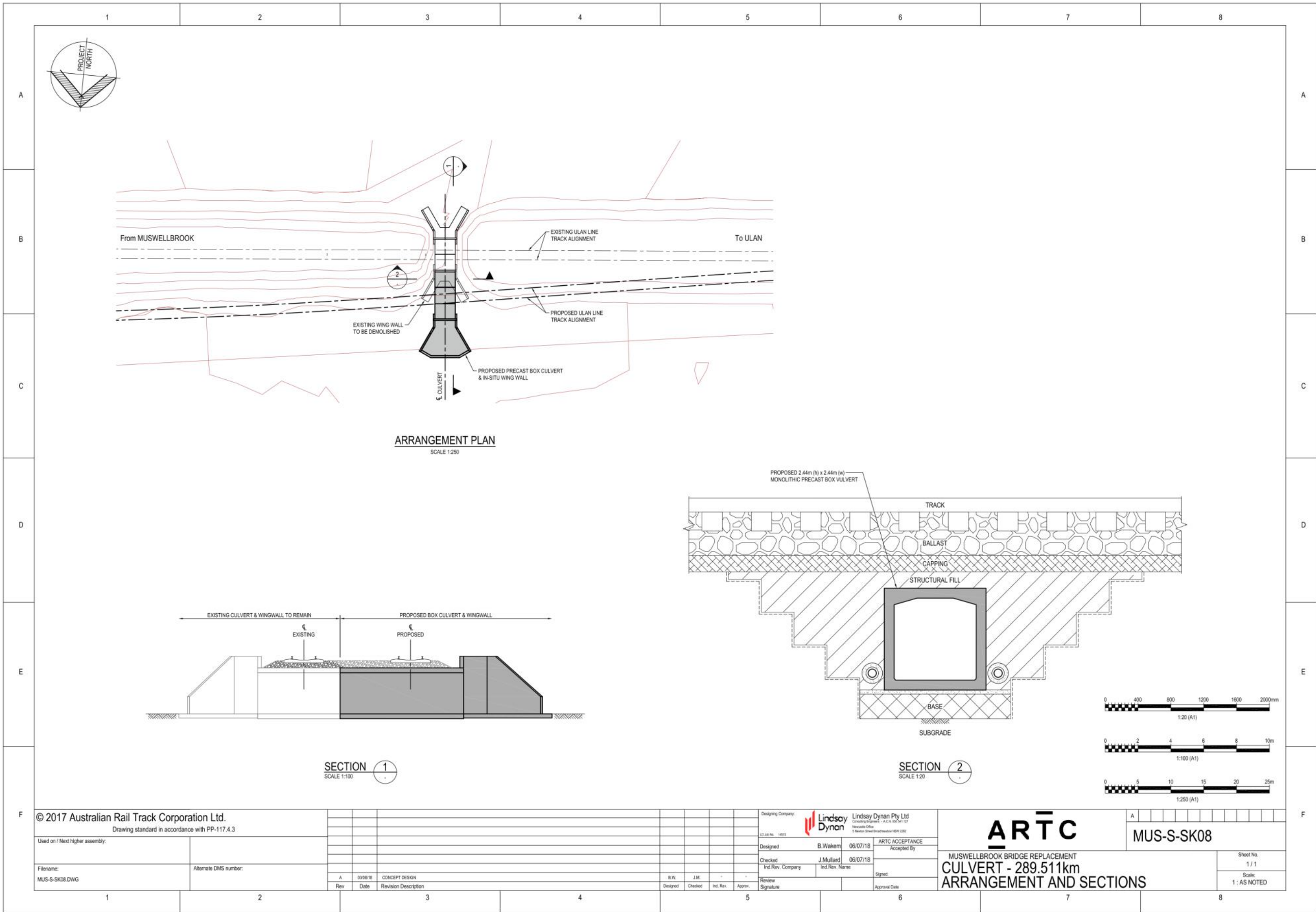


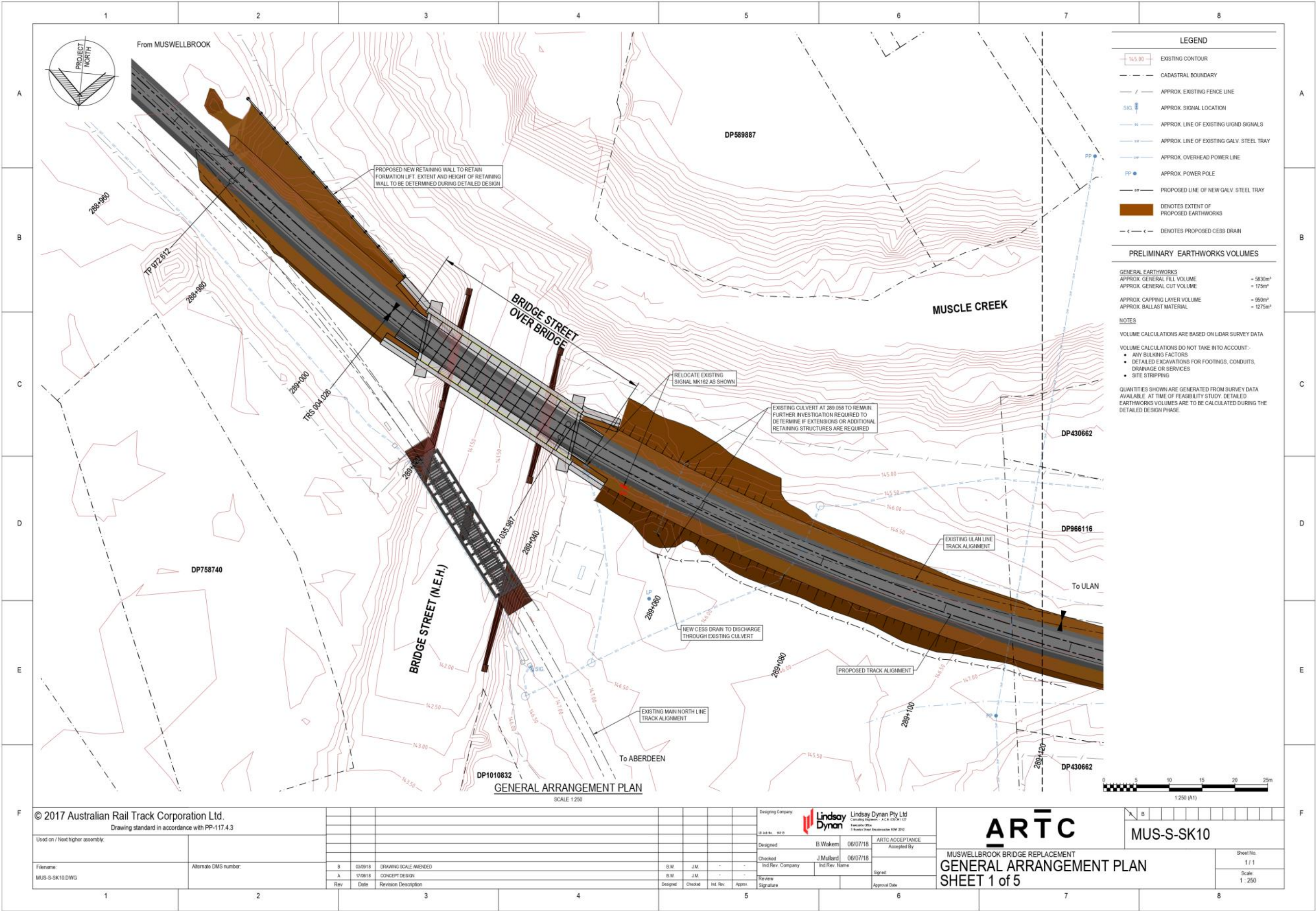


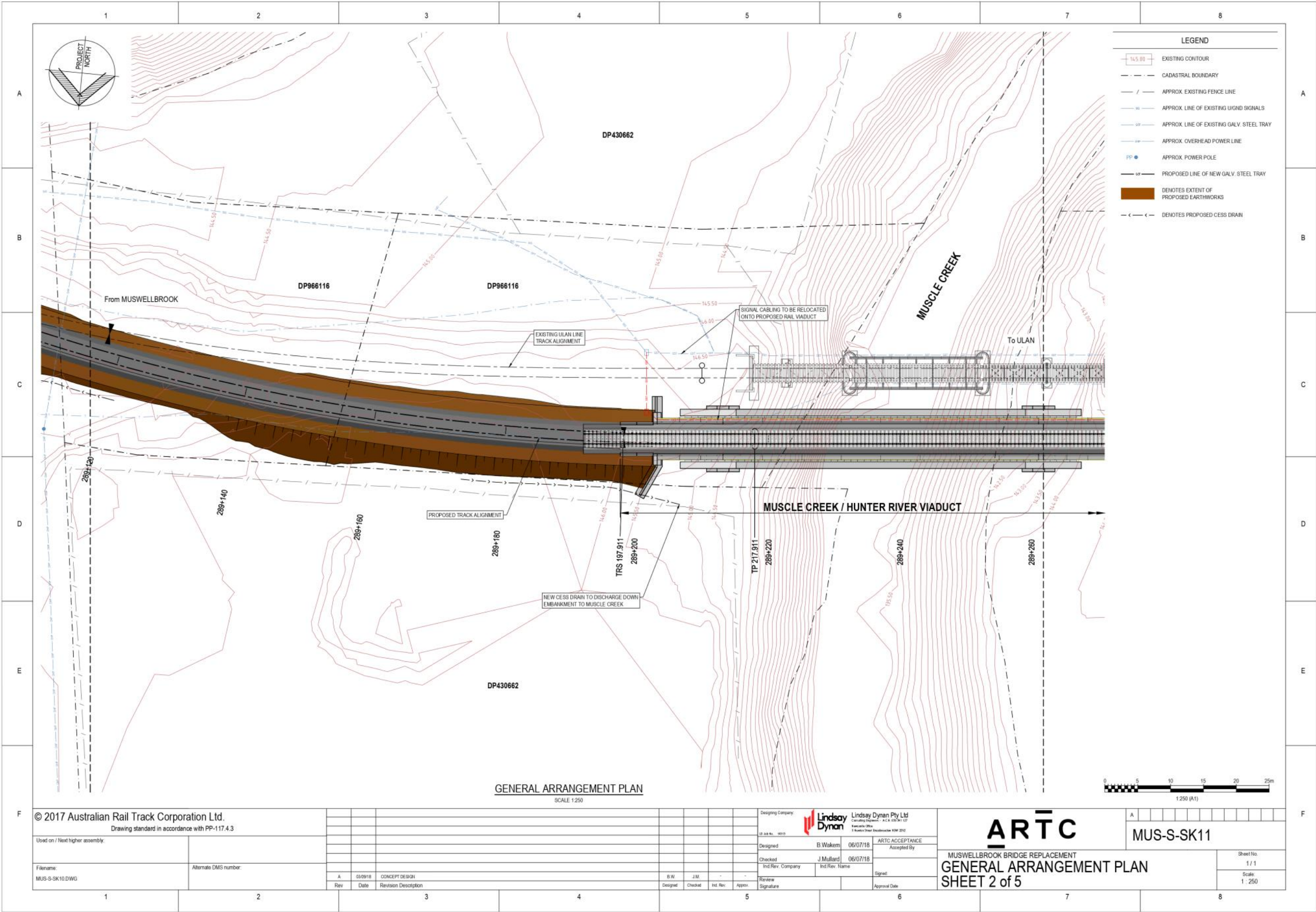




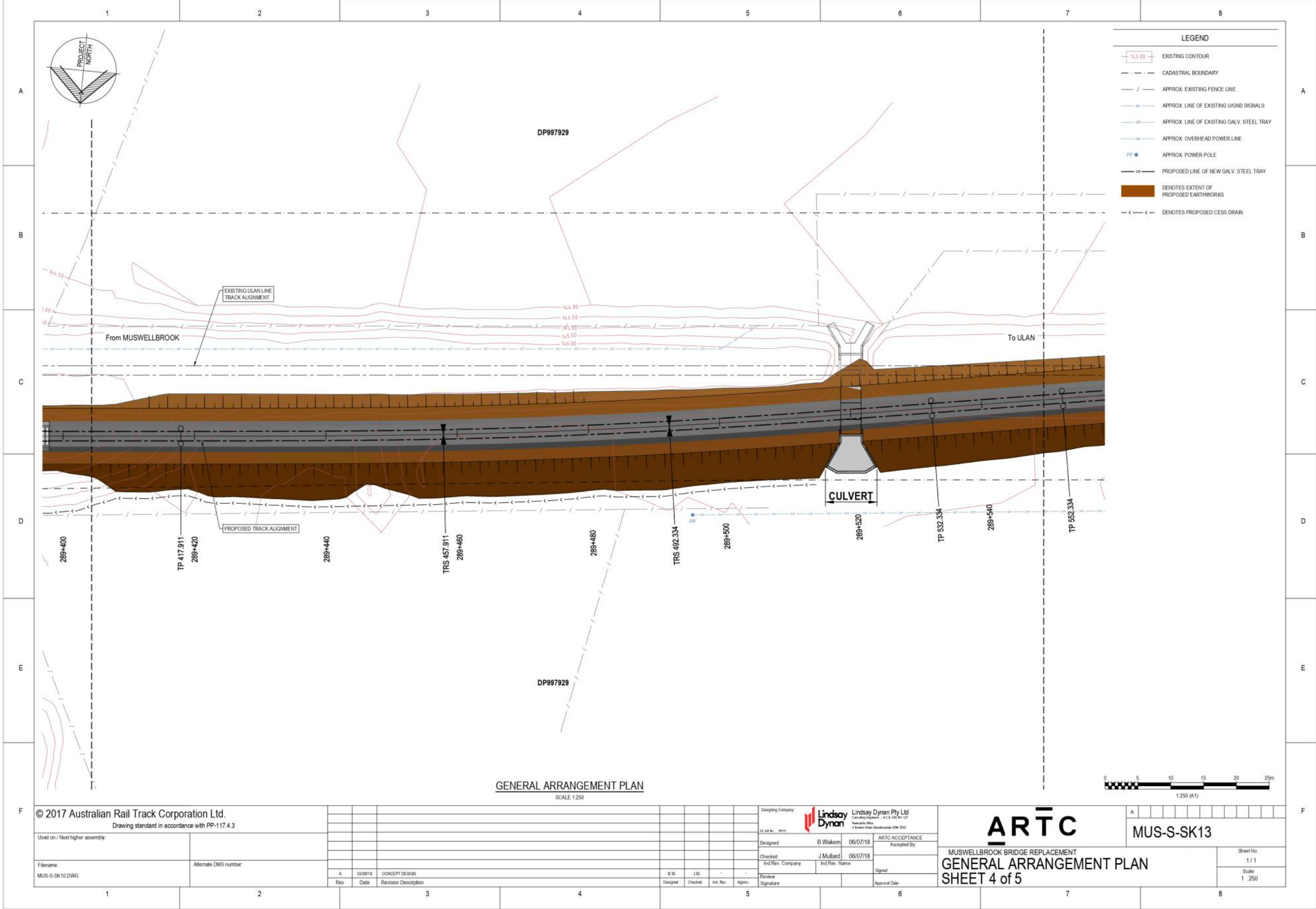


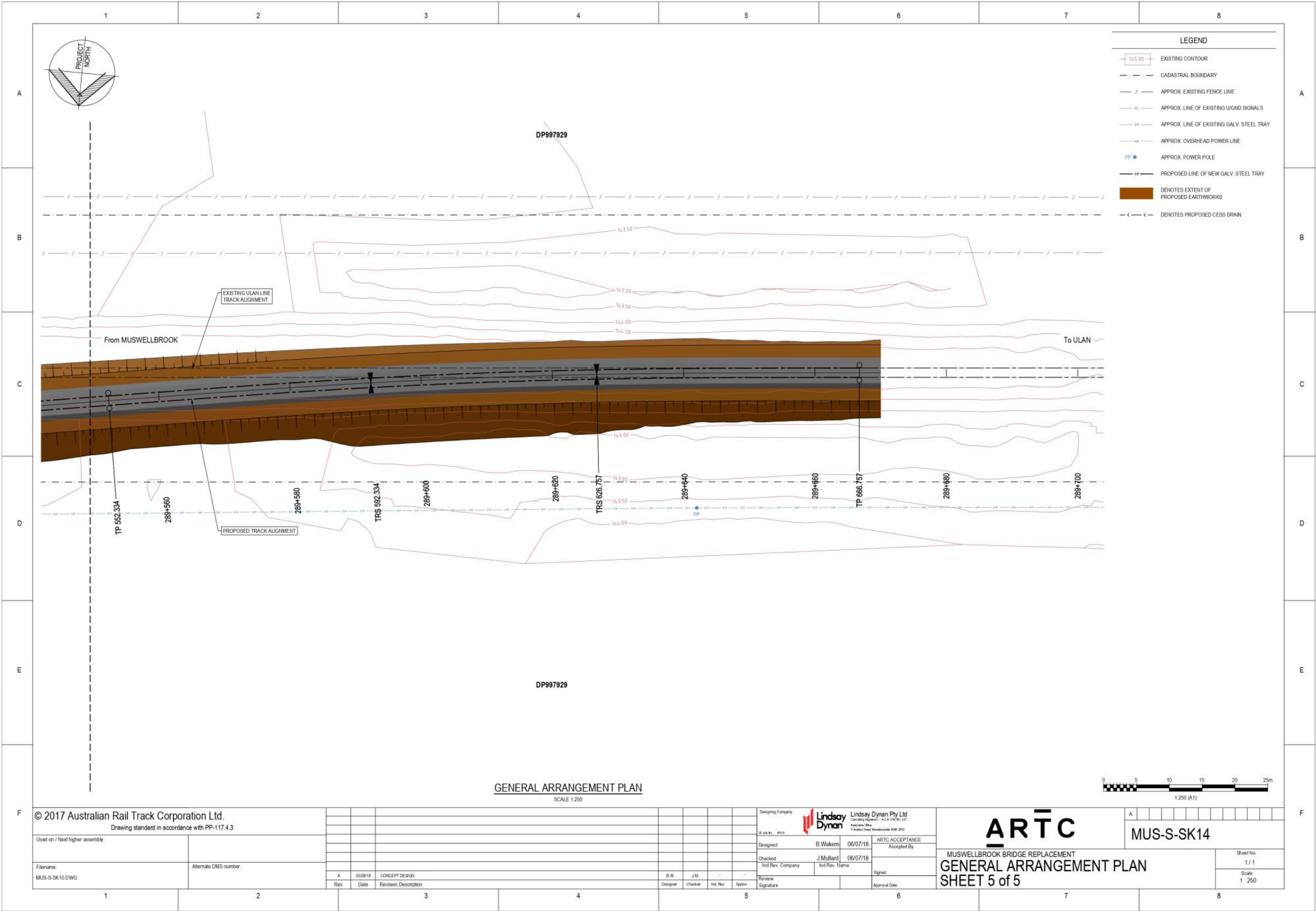


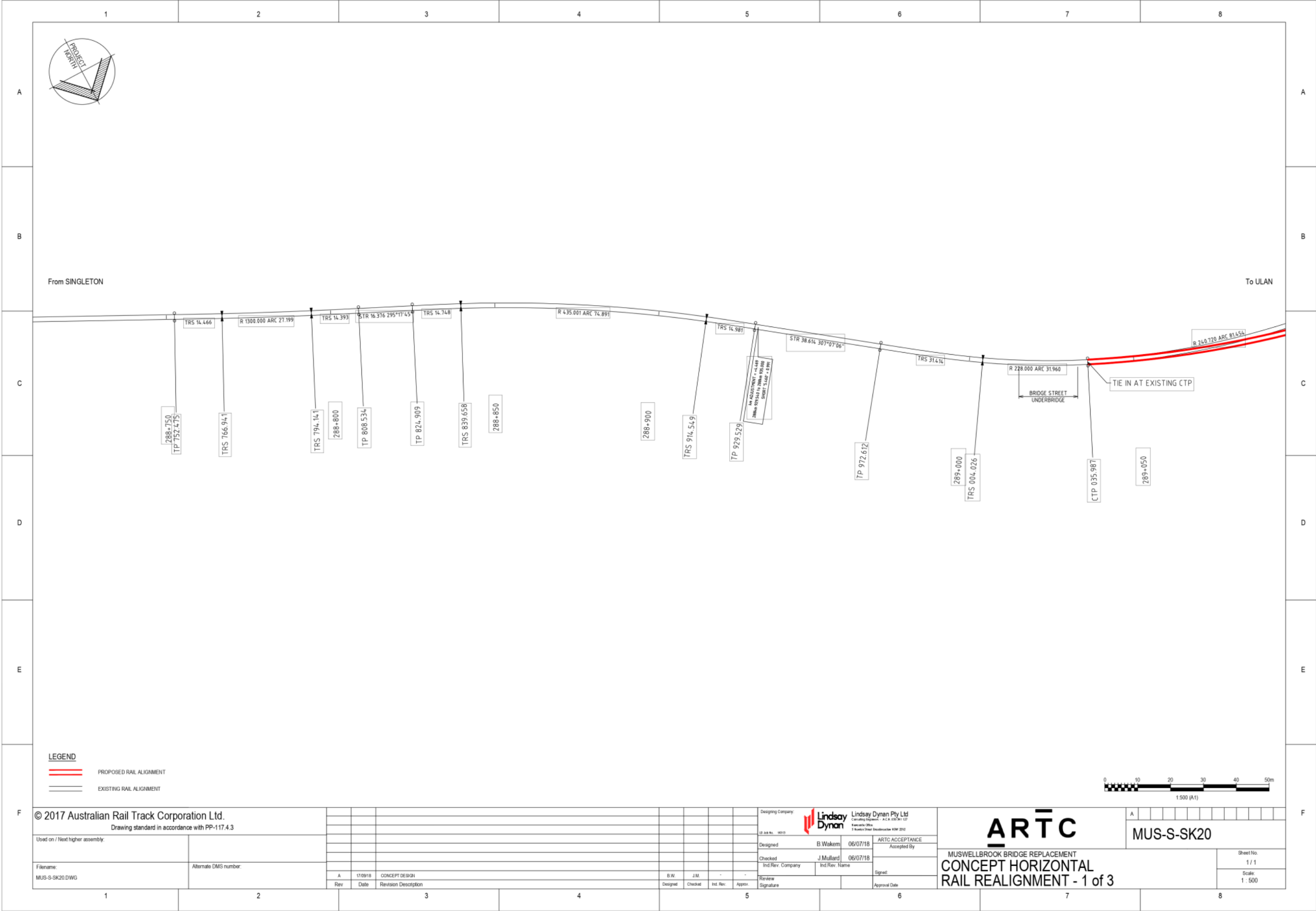




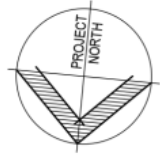


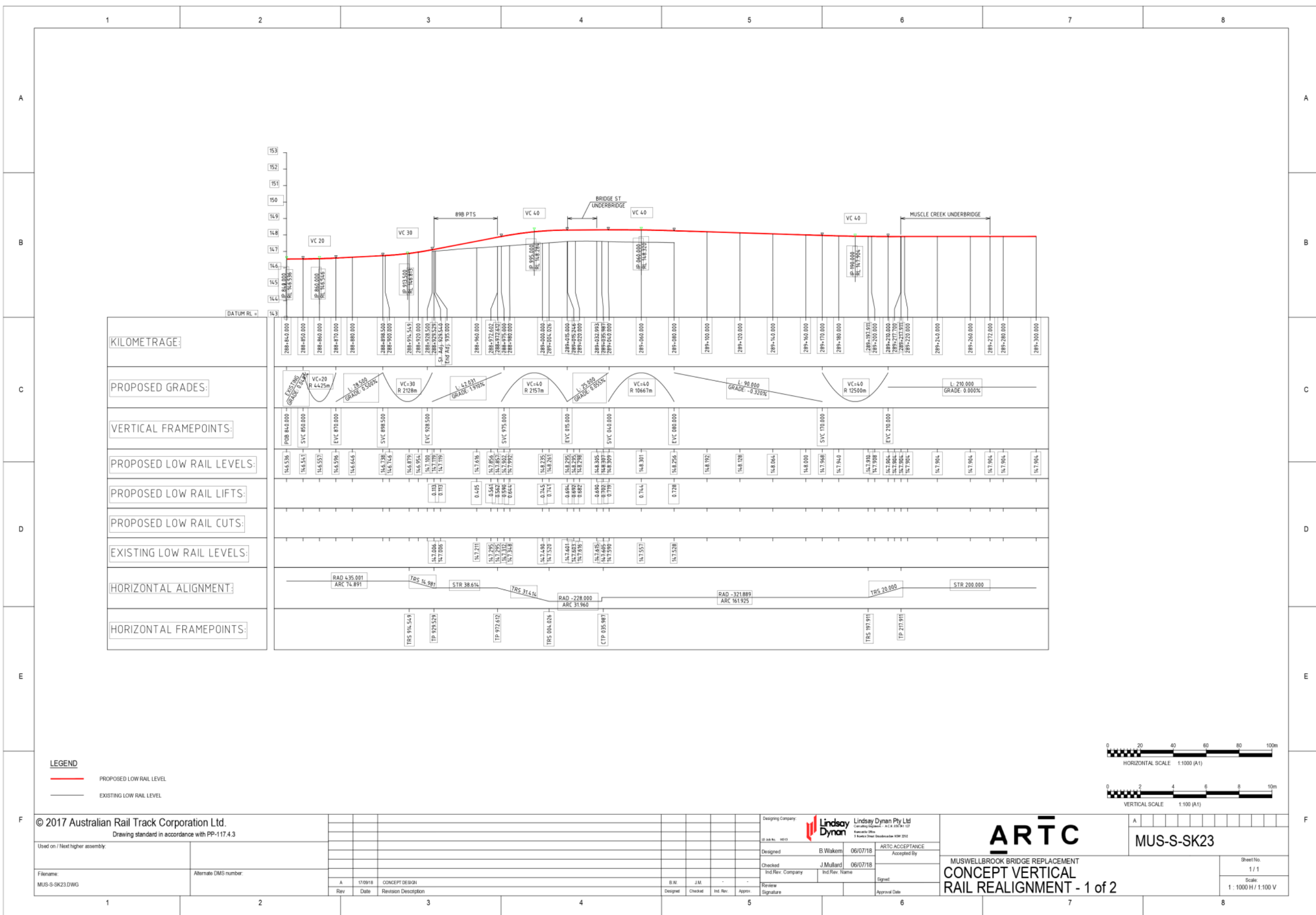


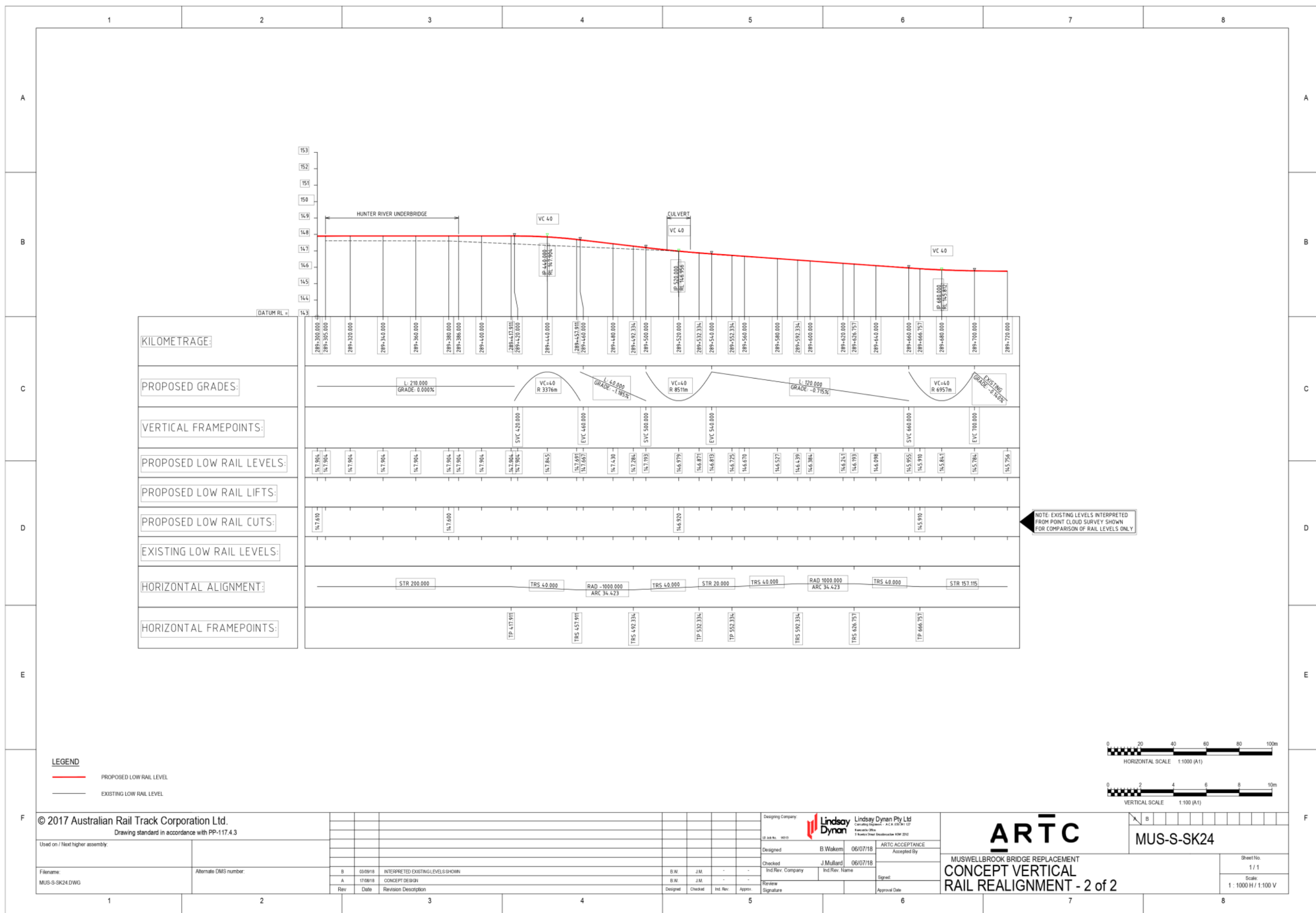


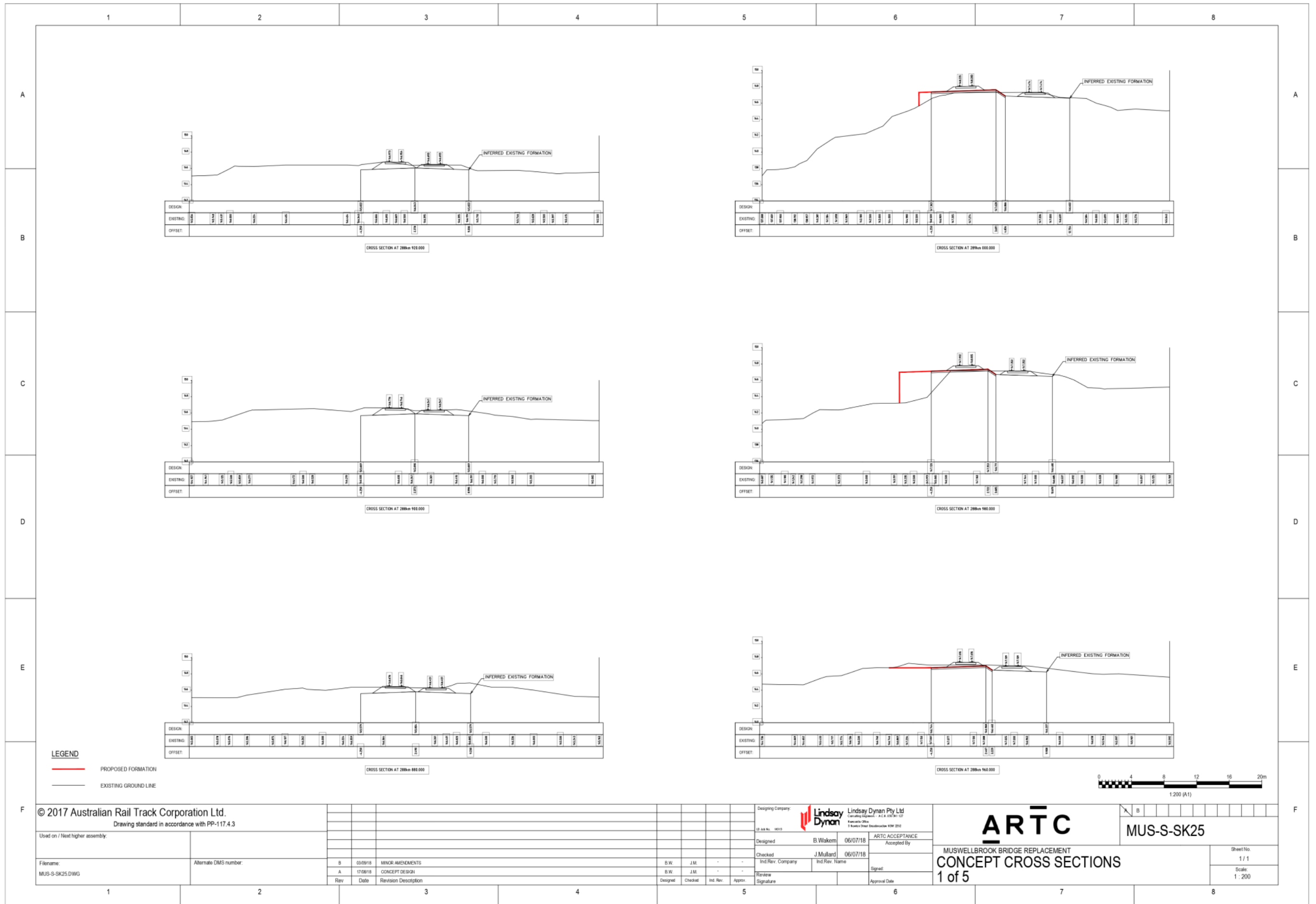


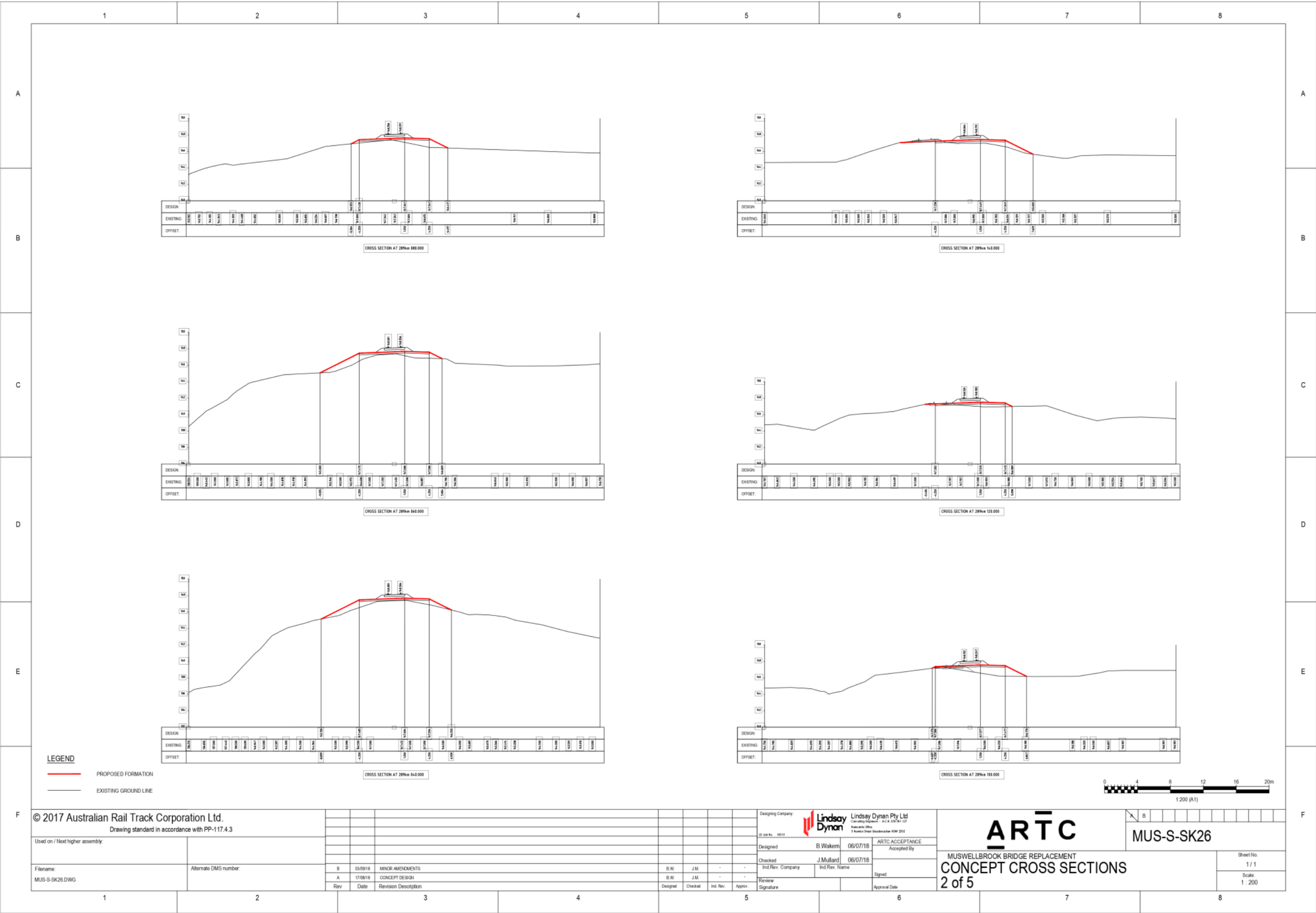


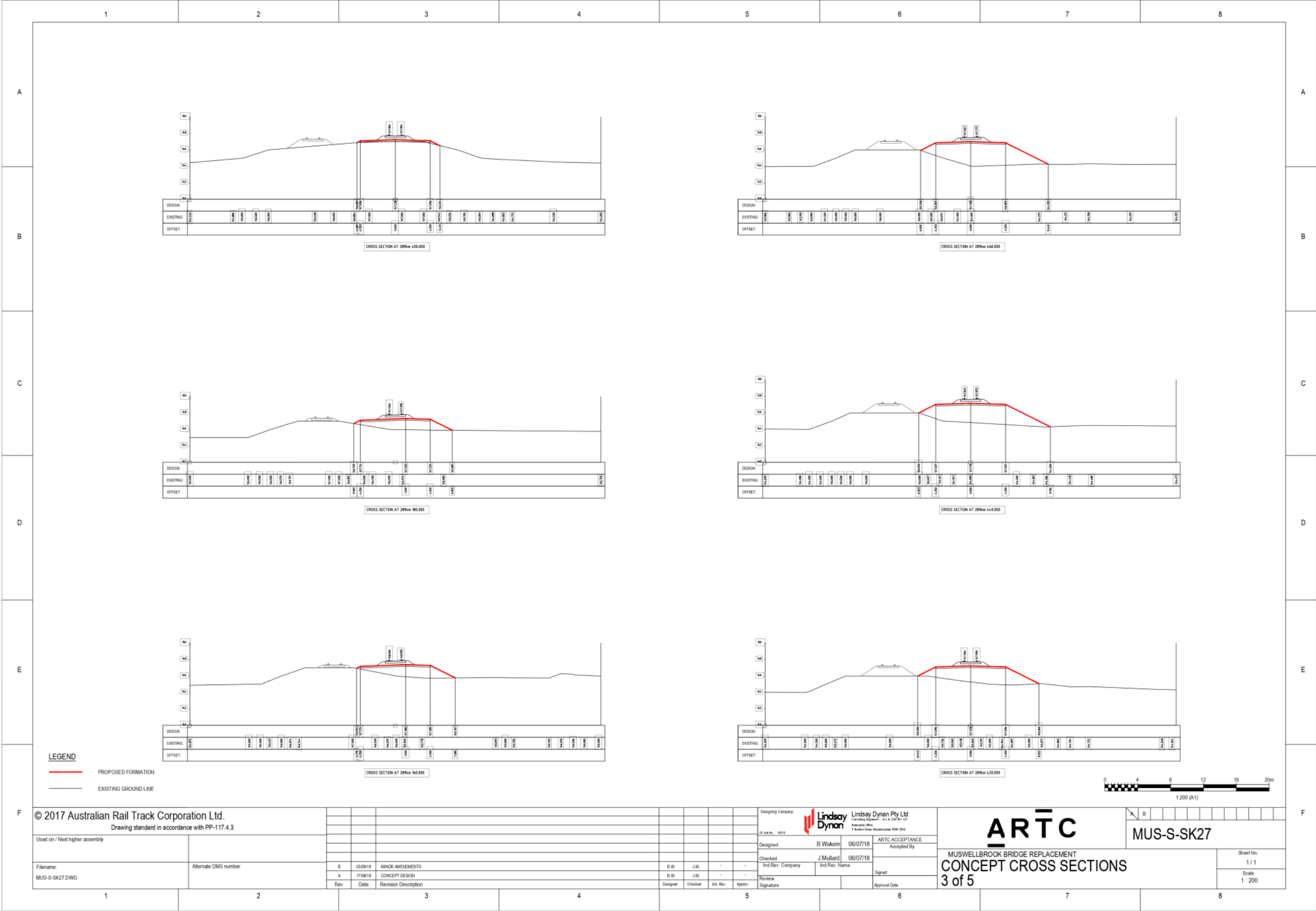




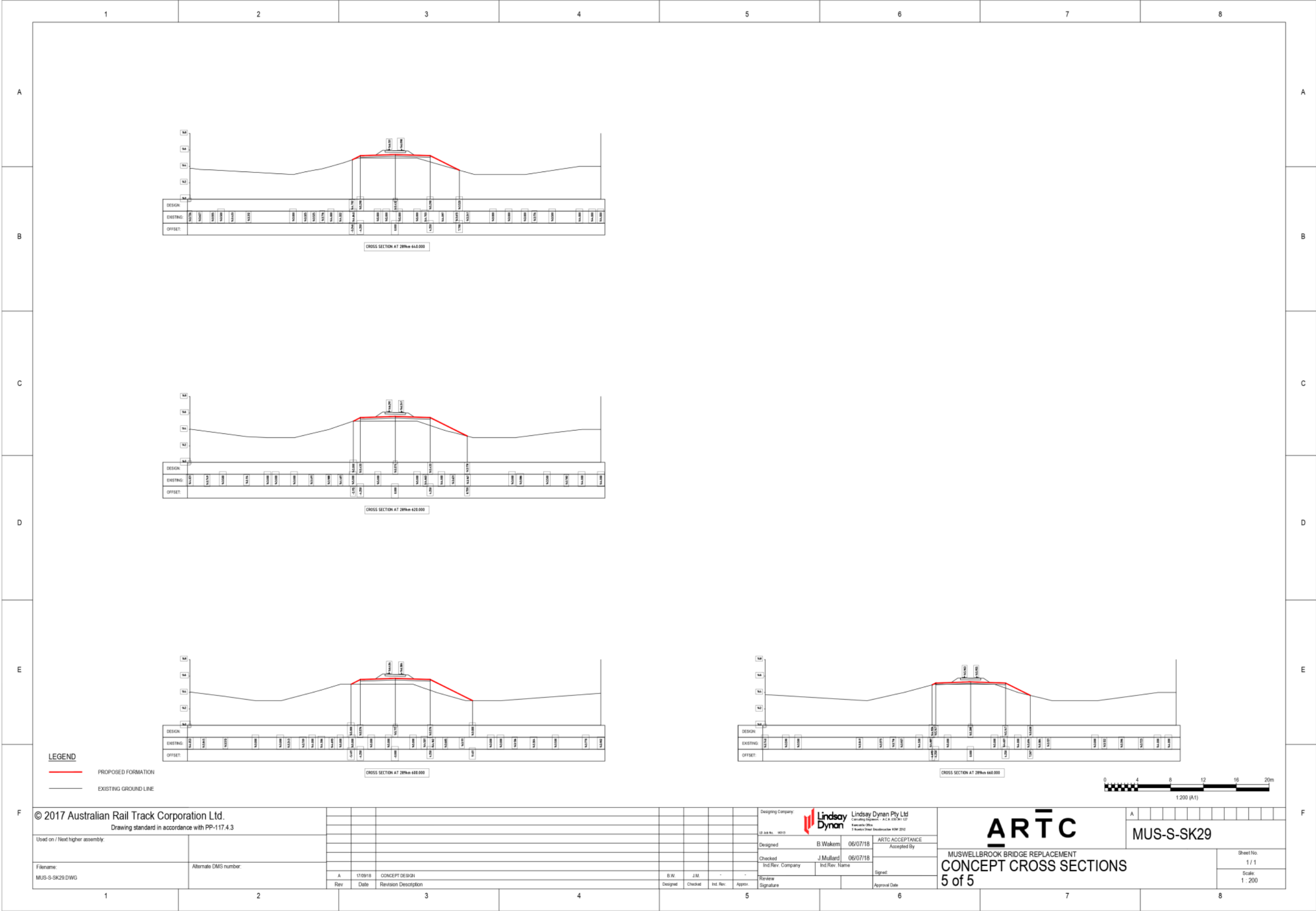












11.7 ADVERSE EVENT PLAN

Attachments:	A. Adverse impacts plan - 2020
Responsible Officer:	Fiona Plesman - General Manager
Author:	Derek Finnigan - Director - Community Infrastructure
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Implement prioritised (but responsive) rolling works program of maintenance.</i>

PURPOSE

The report recommends Council's consideration and adoption of the Adverse Event Plan provided as an appendix to the report.

OFFICER'S RECOMMENDATION

Council ADOPTS the Adverse Event Plan as attached to the report.

Moved: _____ **Seconded:** _____

BACKGROUND

Council has in place a Business Continuity Plan and Local Emergency Management Plan (EMPLAN) that provides high level guidance in relation to the management of events that may have an adverse impact upon Council business continuity and/or require an inter-agency response to manage a natural event such as flooding.

The intention of the Adverse Event Plan is to provide operational and community guidance for the appropriate management of events that do not require the activation of the Business Continuity Plan or the EMPLAN. An example of an event of this nature is a break in a major water main that impacts upon a significant segment of the community.

CONSULTATION

The General Manager

MANEX

Managers' Group

The draft Plan was peer reviewed by Council's insurer.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

The Adverse Event Plan is an operational document intended to provide guidance to Council staff in managing an adverse event that does not require the activation of Council's Business Continuity Plan or Local Emergency Management Plan (EMPLAN).

For the purposes of the Adverse Event Plan, an adverse event is considered to be an event that does not require the activation of Council's Business Continuity Plan or EMPLAN, but is considered to be of a serious nature in scale or influence, and causes some temporary loss or restriction of service to the community that requires a coordinated Council response.

An adverse event may require the General Manager to establish a Continuity Management Team in order to appropriately respond to and manage the identified adverse event. The Adverse Event Plan provides a framework and guidance to assist the Continuity Management Team in its duty to provide leadership and to ensure clarity in relation to management reporting lines and responsibilities to appropriately manage the adverse event.

OPTIONS

Council may decide to adopt or not adopt the draft Adverse Events Plan.

CONCLUSION

The draft Adverse Event Plan is considered to provide practical guidance for a range of operational events that do not require activation of the Business Continuity Plan or the EMPLAN, and it is recommended that the Plan is adopted by Council.

SOCIAL IMPLICATIONS

The Adverse Event Plan will provide operational guidance to ensure that the social aspects of an adverse event are appropriately considered and managed.

FINANCIAL IMPLICATIONS

The adoption of the Adverse Event Plan has no direct financial implication for Council.

POLICY IMPLICATIONS

The Adverse Event Plan is intended to complement Council's Business Continuity Plan and EMPLAN.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

The Adverse Event Plan is intended to contribute towards the fulfilment of a range of items contained in Council's Operational Plan.

RISK MANAGEMENT IMPLICATIONS

The Adverse Event Plan is intended to provide operational guidance to staff to ensure that that risk management measures associated with an adverse event are appropriately identified, mitigated and managed.



**muswellbrook
shire council**

Adverse Event Plan

Version Control

Version 1.0	DRAFT		

Muswellbrook Shire Council Adverse Event Plan

EXECUTIVE SUMMARY

For the purposes of the Adverse Event Plan, an adverse event is considered to be an event that does not require the activation of Council's Business Continuity Plan or Local Emergency Management Plan (EMPLAN), but is considered to be of a serious nature in scale or influence, and causes some temporary loss or restriction of service to the community that requires a coordinated Council response. An adverse event does not require the activation of Council's Business Continuity Plan and/or EMPLAN, or Council's Local Emergency Operations Centre, although this may become necessary should the adverse event escalate beyond the scope of the Adverse Event Plan.

An adverse event may require the General Manager to establish a Continuity Management Team in order to appropriately respond to and manage the identified adverse event. The Continuity Management Team is established to provide leadership, and to ensure clarity in relation to management reporting lines and responsibilities in relation to the management of an adverse event.

Throughout the management of an adverse event, staff welfare will be positively supported, not only from the perspective of work health and safety, but also from the perspectives of fatigue management and general staff welfare principles consistent with Council's SPIRIT values.

Each adverse event will require consideration of a communication plan specific to the requirements and impacts of the event. All external media communication will be carried out by Council's Executive Services Team, under the authorisation of the General Manager. Dependent upon the nature, scale, and anticipated duration of the adverse event, the General Manager may also provide updates to the community via the medium of the local radio stations.

Appropriate management of a number of specific adverse events are considered in the Adverse Events Plan. These include:

- flooding event;
- major water main break;
- power outage;
- surge in river turbidity; and
- drought.

In an adverse event, Council officers are authorised to carry out expenditure within their level of delegation. Should it become evident that the cost of an adverse event will exceed an approved budget, the General Manager may request a s226 authorisation from the Mayor to provide Council funding dedicated towards effective management of the event.

After each adverse event, a debriefing session will be carried out, and a record will be made of lessons learned and actions taken. The Adverse Event Plan will be reviewed to ensure inclusion of any identified improvements that should be made to the plan.

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1. Adverse event - introduction

For the purposes of this plan, an adverse event is considered to be an event that does not require the activation of Council's Business Continuity Plan or the Local Emergency Operations Centre at the request of the Local Emergency Operations Controller. That is, for the purposes of this plan, an adverse event may not involve a multi-agency response, but is considered to be of a serious nature in scale and influence, and causes some temporary loss or restriction of service to the community that requires a coordinated Council response. The Adverse Event Plan is complementary to, and supports, Council's Business Continuity Plan and Local Emergency Management Plan (EMPLAN). The aim of the Adverse Event Plan is to facilitate appropriate and effective management of an adverse event in order to return to normal operations as quickly as possible.

An adverse event could result from a sudden event with no warning (for example, a major power outage), or from an event that develops gradually (for example, a flooding event). An adverse event may or may not have the potential to develop into an event that requires the activation of Council's Business Continuity Plan or Local Emergency Operations Centre, but will require consideration of measures to be reasonably taken in order to control or mitigate the impacts of the adverse event. The decision to activate a Local Emergency Operations Centre is made by the Local Emergency Operations Controller (LEOCON), who is a designated senior officer of the NSW Police Force.

2. Decision making

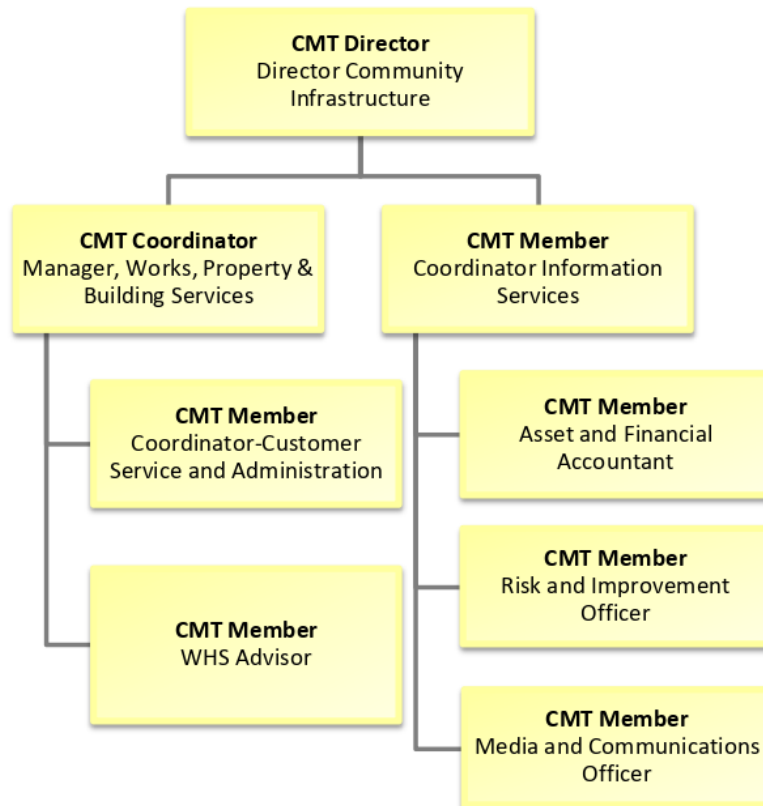
The Adverse Event Plan operates prior to, or without, the need to activate Council's Business Continuity Plan or Local Emergency Management Plan (EMPLAN). As a result, during a comparatively minor adverse event, normal day-to-day procedures and decision making may generally apply. Dependent upon the nature of the event, where the Adverse Event Plan is activated, it is anticipated that most of Council's functions may continue unimpeded throughout the duration of the adverse event.

If the event has the potential to require a multi-agency response, the Local Emergency Management Controller should be notified of the event. Accuracy of assessment and judgement will have a major bearing on any decisions made to escalate the response. It is understood that escalations made during the night can cause the event to have far greater effects than decisions made during daylight hours. To this end, it is important to consider escalating in anticipation. To do this we need a clear picture of the adverse event and likely scenario.

3. Establishment of Continuity Management Team

In the context of adverse event management that does not require the establishment of Council's Business Continuity Plan or Local Emergency Management Plan (EMPLAN), the Continuity Management Team will be established by the General Manager consistent with the purpose, structure, roles and responsibilities of the Continuity Management Team defined in Council's Business Continuity Plan.

3.1 Continuity Management Team structure:



In relation to an adverse event, dependent upon its nature, scale, and anticipated duration, not all members of the Continuity Management Team may be required. The composition of the Continuity Management Team in relation to an adverse event will be at the discretion of the General Manager in consultation with the CMT Director, and may include the responsible section Manager and other specialist staff designated to manage an effective and timely response to the adverse event.

The Continuity Management Team is established to provide leadership, and to ensure clarity in relation to management reporting lines and responsibilities. The focus of the Continuity Management Team is to manage the adverse event from corporate and practical perspectives, with a primary focus on ensuring sound work health and safety practice, and in providing guidance and support to managers and staff on site.

The Continuity Management Team will be responsible for ensuring the effective coordination of logistical requirements, and will include any requirement to place staff on standby, particularly with regards to work that will continue or be provided out of hours. Prior to responding to an adverse event, a documented Toolbox Meeting and induction is to be provided to all operational and other staff, advising particularly of work health and safety (WHS) and Code of Conduct

requirements. A further requirement of the induction process will be to advise supervisors and staff of the organisational communications process that will be established in the event of a failure of telecommunications. This is considered in section 4.3 and 4.4 of the Adverse Event Plan.

No matter the nature of the adverse event, our response with regards to management of WHS is 'business as usual'. The Continuity Management Team provides strong leadership in the understanding that WHS must never be compromised in subordination to operational efficiency.

Throughout the management of the event, staff welfare will be positively supported, not only from the perspective of WHS, but also from general welfare perspectives compliant with Council's SPIRIT values, including fatigue management and the provision of meals where necessary.

Upon receipt of a notification of an adverse event that will require the activation of the Adverse Event Plan, The Continuity Management Team (CMT) Director shall:

- consult with the General Manager to initiate the establishment of a Continuity Management Team;
- formally note all relevant details for information, planning, and record keeping purposes. A log of decisions and actions should be maintained for the duration of the adverse event;
- brief the Executive Services Team and determine appropriate media strategies;
- consult with the General Manager in relation to information that is to be provided to Councillors; and
- if it is determined that there is a need to do so, inform Council's insurer of the adverse event.

4. Communication and information

Each adverse event will require consideration of a communication plan specific to the requirements and impacts of the event. The evolving nature of an adverse event will require the collation of situational awareness information in the field, and the provision of regular updates of information to the Continuity Management Team Director. Approval of any media release or other information will be made by the General Manager before being provided to Council's Media and Communications Officer for dissemination to the community and other identified agencies, including Council staff and Councillors.

All external communication will be carried out by Council's Executive Services Team, under the authorisation of the General Manager. With regards to radio or other media interviews, the General Manager will generally perform this role, however may delegate the duty to alternative Council officers.

Should the adverse event result in a wide distribution of affected residents, consideration will be given to providing media information in relation to the promotion of good neighbour behaviour, whereby people are encourage to check on their neighbours' welfare throughout the extent of the impact of the adverse event.

4.1 Coordination with external agencies

Coordination with a range of external agencies may be required in order to appropriately prepare and inform, and to minimise as much as possible the impact of the adverse event on the community. This will be determined on a case by case basis, dependent upon the nature, scale and anticipated duration of an adverse event. Examples of agencies or entities that may commonly require consultation or provision of information include:

- Emergency services;
- Muswellbrook District Hospital;
- Osborn Transport;
- Schools;
- Impacted businesses.

A list of general contacts is provided in Council's Business Continuity Plan (Doc ID 1052111).

A list of contacts related to the Local Emergency Management Committee (LEMC) is provided in the LEMC Contact List (Doc ID = 1056106).

4.2 Management of after hours calls

Should an adverse event be of a nature and duration that has the effect of impacting upon a service to the community overnight, for example, a major water main break, it may be necessary to establish a modified after hours message to ensure that the community is able to access the most current information in relation to the adverse event.

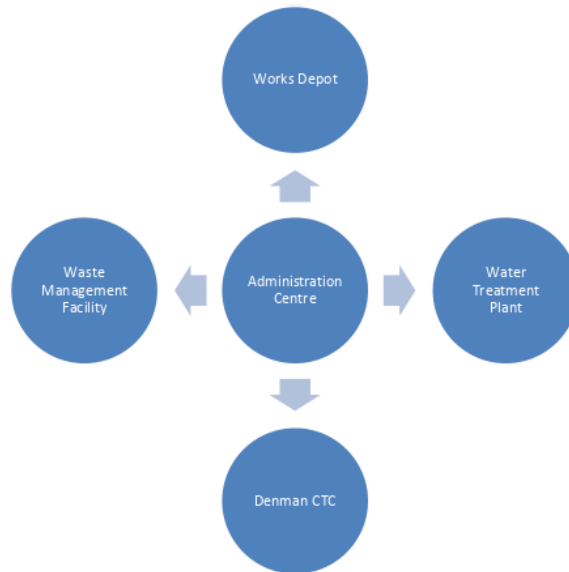
In a more widespread, serious event, it may be necessary to consider rostering of staff to provide information to callers, and to log customer requests for assistance.

This will be carried out in consultation with the General Manager and the Coordinator Customer Service & Administration.

4.3 Internal communication in the event of a telecommunications failure

In the event of a telecommunications failure, for example, overloading of the mobile phone network in the event of a major storm event, the following primary hub-and-spoke staff communication process will apply, and will be modified in response to the nature and scale of the event.

4.4 Example of hub and spoke communication channel:



The generic protocol for implementing the hub-and-spoke operational communication process is as follows:

1. Council's administration centre at Campbell's Corner, Bridge Street, Muswellbrook, will be the information hub. In the event that a failure of telecommunications is experienced, all supervisors responding to the adverse event will, as soon as it is possible to do so, meet with the Continuity Management Team at the administration centre.
2. The Continuity Management Team and responding supervisors will develop a suitable staff communications plan appropriate to the range and nature of the telecommunications failure. In its most rudimentary form, the staff communications plan will involve a number of communication 'spokes', for example at the Muswellbrook Works Depot and the Denman CTC. Communication would be physically relayed through these sites, and responding staff would receive their instructions at these sites and provide feedback and updated information to be relayed back to the administration centre 'hub'. It is envisaged that a constant physical flow of information will be maintained in this way until telecommunications service is restored.
3. Throughout the activation of a hub and spoke communication process, coordinators and supervisors will ensure adherence to Council's 'DRAFT Working Alone Protocol' (Doc ID 1030919), and will have a prominent and visible focus on maintaining work health & safety discipline, and will ensure staff welfare is maintained.
4. Due to the proximity of the Muswellbrook Library and Regional Arts Centre to the administration centre, it is anticipated that the administration centre

may also act as a hub for dissemination of information to these two important community facilities.

5. Examples of adverse events experienced in Muswellbrook Shire

5.1 Flooding event

Flooding is generally the most common adverse event experienced in Muswellbrook Shire. Generally, due to the prevailing topography of the Shire, even severe flooding will rise and subside over a matter of days.

Muswellbrook Shire Council has the responsibility to monitor flooding conditions, and to temporarily close public roads that are unable to be traversed due to flooding conditions. Muswellbrook Shire Council also maintains currency of information on its web and social media sites in relation to temporary road closures.

In preparation for a flood event, inspection and cleaning of urban drainage systems is carried out in the days preceding a predicted heavy rainfall event. A refresher toolbox meeting and induction of operational staff is also carried out to ensure that all responding staff are informed with regards to work health & safety requirements specific to the management of a flood event.

The operational management of flooding events in Muswellbrook Shire Council is guided by Council's Flood Response Guidelines (Doc ID 291677), which provide specific and detailed advice in relation to the management of a heavy storm or flooding event. The Flood Response Guidelines will be the primary reference document utilised by a Continuity Management Team established to manage a flooding event.

5.2 Major water main break

Water main breaks are a reasonably common occurrence, however generally do not require the activation of a Continuity Management Team. The Water & Wastewater team is engaged in an annual programme of replacing assets in a strategic manner to ensure that the range and duration of disruption to Council's customers caused by any water main break is minimised as much as possible.

In relation to a major water main break, such as a break in the south Muswellbrook water main, depending upon the anticipated range and duration of impact, it may be necessary to initiate Council's Business Continuity Plan. If this is not the case, a Continuity Management Team will be established under the Adverse Event Plan. The operational management of a major water main break under the Adverse Event Plan is guided by the South Muswellbrook Water Main Break Procedure (Doc ID 1009181). Whilst this procedure has been developed for the effective management of a break in the south Muswellbrook water main, the general principles contained in the procedure may be adapted for a break in any water main in Muswellbrook, Denman, or Sandy Hollow.

Timely and effective communication and flow of information to the community is essential to the successful management of a major water main break. Should it be anticipated that the duration of the break will extend beyond normal business

hours, it may be necessary for the after hours rostering of a communications and customer service team to be established.

5.3 Bush fire

A bush fire that requires a Council response will be carried out under instruction of the Rural Fire Service, and may require the activation of an Emergency Operations Centre, whether at the Hunter Valley Fire Control Centre at Bulga or location as notified by the Rural Fire Service.

Generally, the service that Council is required to provide in relation to bush fire is the temporary closure of identified local roads, and providing a presence at these closure points in order to provide direction and information to road users.

5.4 Power outage

Depending on the anticipated duration of a power outage, Council's Business Continuity Plan may need to be established, particularly in relation to Council's critically important financial, information technology, administration, and customer service areas.

With regards to infrastructure, the main risks associated with a power outage of extended duration are in the provision of drinking water and management of sewage. In a scenario whereby power is cut off at the Muswellbrook water treatment plant, and where the anticipated duration of the outage is indeterminate, it is anticipated that mandatory level six water restrictions will be established. Depending on the range of the power outage, water pressure levels may also be impacted. Under mandatory level six water restrictions, it is considered that the Muswellbrook reservoirs would have capacity to continue to provide water to the community for up to 72 hours.

There is also the potential for generators to be established in order to enable reactivation of the water treatment plant until power supply is restored.

In the event that either the Denman water treatment plant or Sandy Hollow water treatment plant become inoperative for a period of time, there is potential to increase drinking water production from the Muswellbrook plant that can be transported by water carrier to Denman or Sandy Hollow as a short term contingency in order to maintain water supply to the community.

5.5 Surge in river turbidity

A surge in river turbidity may be experienced as a result of heavy rainfall, particularly following a drought event. The primary risk associated with increased river water turbidity is in managing the treatment of raw water to ensure continuing compliance with the public health standards established under the Australian Government National Health and Medical Research Council Australian Drinking Water Guidelines.

There are two primary risks associated with the treatment of raw water in the production of drinking water associated with a surge in river turbidity:

1. Production of drinking water that is safe to drink and compliant with the Australian Drinking Water Guidelines.

Allied to this is the use of approved treatments to dose turbid raw river water that, whilst producing water that is perfectly safe to drink, and is compliant with the Australian Drinking Water Guidelines, may occasionally have some evidence of mild discolouration.

In the worst case scenario, where it is not possible to produce drinking water that is compliant with the Australian Drinking Water Guidelines, following consultation with NSW Department of Planning, Industry and Environment – Water and NSW Department of Health, the General Manager may issue a boiled water alert. This should be considered to be an option of last recourse.

2. During spikes in river turbidity that require suspension of the production of drinking water, it is critically important to manage reservoir water levels so that drinking water supply to the community is not exhausted. Should the spike in river turbidity be of a duration that is anticipated to deplete reservoir levels to critically low levels, mandatory level six water restrictions should be established as early as possible in order to maintain water storage levels.

In relation to Sandy Hollow water treatment, temporary suspension of the production of drinking water may require the augmentation of water reservoir storage levels through water transported by water carrier from Muswellbrook to the Sandy Hollow reservoir.

Whilst the management of river turbidity is an operational management responsibility, there may be a requirement to activate a Continuity Management Team to ensure that timely, consistent information and reassurance is provided to the community in relation to water quality as a critically important contributor towards maintaining Council's reputation in the community.

5.6 Drought

Muswellbrook Shire Council's contribution to the management of drought will generally take three forms:

1. The provision of free bulk water to the farming community, following a resolution of Council approving a budget amount for the provision of free water. Transportation of the water is generally carried out by various charities, who have been approved by Council to provide this service of behalf of the community;
2. Implementation of various levels of water restrictions, from voluntary water restrictions through to six levels of mandatory water restrictions approved by Council. Council's reference document in relation to drought management is the Muswellbrook Shire Council Drought Management and Emergency Response Plan (Doc ID 512065). Importantly, at the 11 February 2020 Extra

Ordinary Council meeting, Council resolved to adopt a policy of aligning the substance of water restriction levels with those established by Hunter Water. Further, Council adopted a policy of timing future changes in mandatory water restrictions for Muswellbrook, Denman, and Sandy Hollow town water supply to those established by Hunter Water when the conditions applied by Hunter Water are more conservative of water usage than those detailed in Council's Drought Management and Emergency Response Plan (September 2014).

3. The provision, on Council's web site and social media platforms, of relevant drought management and water saving advice, and links to NSW Government and Australian Government drought assistance information.

5.7 Adverse health event

Generally, an adverse, widespread health event such as an influenza or other epidemic event will require activation of Council's Business Continuity Plan.

In a localised health adverse event affecting only one internal Council service team, contingency planning will be necessary to ensure sustainable continuity of service delivery. For example, in Water & Wastewater operations, contingency planning involves the need for provision of on-site training and induction of water treatment operators and sewer operators from Council's Networks team to ensure a suitable contingent of staff is available to maintain the operational capacity of water and sewer functions during a localised adverse health event that temporarily reduces the staff establishment of Water & Wastewater operators.

5.8 Event resulting in severe injury or death

An adverse event of this nature will require immediate reporting to Safe Work NSW on 13 10 50.

Ongoing, sensitive staff and family welfare considerations will be a primary consideration should an event of this nature occur. At a minimum, Council's Employee Assistance Policy will be offered, as well as staff counselling sessions as soon as is practicably possible after the event. Any event of this nature will require individual consideration with regards to the most appropriate and considered response to ensure ongoing staff and family welfare.

With regards to practical management and recovery, Council's work health and safety policies and procedures will provide guidance and direction. Safehold is Council's internal system for work health and safety management, including administrative and record keeping requirements.

For a critical incident event, Council's 'Critical Incident – Protocol and Procedure – Version 1' (Doc ID 486025) may provide direction with regards to appropriate management immediately following the critical incident event.

6. Financial implications of an adverse event

In an adverse event, Council officers are authorised to carry out expenditure within their level of delegation. Should it become evident that the cost of an adverse event will be above an approved budget, the General Manager may seek a s226 authorisation from the Mayor to provide Council funding dedicated towards appropriate management of the event.

Should management of an adverse event cause an expenditure spike in the budget drawn upon to manage the event, a report to the next available Council meeting may be required in order to provide information relating to the reasons for the spike in expenditure. This should be carried out in consultation with Council's General Manager and Chief Financial Officer.

7. Recovery

When there is no longer an obvious need for significant coordination, systems will revert to business as usual.

After each event a debriefing session will be carried out, and a copy will be kept of lessons learned and action taken. The Adverse Event Plan will be reviewed to ensure inclusion of required improvements that need to be made to the plan.

Depending on the nature of the event, there may be a requirement to offer counselling support services to staff, and to reinforce Council's Employee Assistance Programme.

8. Test and review of the Adverse Event Plan

As the Adverse Events Plan is complementary to Council's Business Continuity Plan and EMPLAN, it is intended that the Adverse Events Plan test and review schedule is incorporated into the review of these documents.

9. Key documents**9.1 Business Continuity Plan (Doc ID 1052111)**

The objectives of the Muswellbrook Shire Council Business Continuity Plan are to provide a mechanism that enables Council and its officers to:

- identify business functions that are critical to Council in meeting its business objectives;
- develop resumption plans based on criticality of business functions rather than geographic location;
- build resilience within Council's operational framework;
- identify and document roles and responsibilities for key staff positions; and
- minimise the impact of function loss on stakeholders and the community.

The Business Continuity Plan provides a framework for management and staff to enable the implementation of an agreed response process.

9.2 Muswellbrook Shire Council Local Emergency Management Plan (EMPLAN) (Doc ID 1054063)

The objectives of the Muswellbrook Shire Council Local Emergency Management Plan (EMPLAN) are to:

- define participating organisation and functional area roles and responsibilities in preparation for, response to and recovery from emergencies;
- set out the control, coordination and liaison arrangements at the local level;
- detail activation and alerting arrangements for involved agencies; and
- detailed arrangements for the acquisition and coordination of resources.

9.3 Key adverse event plan supporting documents

Key document	Doc ID
20110629 – Social Media Policy.doc	365504
Business Continuity Plan	1052111
Critical Incident – Protocol and Procedure – Version 1	486025
DRAFT working alone protocol	1030919
Drought Management & Emergency Response Plan	512065
Fatigue Management Procedure	774723
Flood Response Guidelines	291677
Local Emergency Management Committee Contact List	1056106
Local Emergency Management Plan (EMPLAN)	1054063
Muswellbrook Shire Council – Code of Conduct 2013.doc	438850
Policy MSC01E – Procurement Policy.doc	919535
Policy WHSPOL – 01 – Work Health and Safety Policy.doc	779351
South Muswellbrook water main break procedure	1009181

11.8 ROAD DEVELOPMENT STANDARDS POLICY

Attachments:	A. DRAFT Road Development Standards Policy
Responsible Officer:	Fiona Plesman - General Manager
Author:	Derek Finnigan - Director - Community Infrastructure
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Carry out regular asset inspection.</i>

PURPOSE

To submit, for Council's consideration, a draft Road Development Standards Policy.

OFFICER'S RECOMMENDATION

- 1. Council endorses the draft Road Development Standards Policy for public exhibition for a period of 28 days; and**
- 2. Council ADOPTS the Road Development Standards Policy at the conclusion of the public exhibition period subject to receiving no public comment that materially affects the intent or application of the policy.**

Moved: _____ **Seconded:** _____

BACKGROUND

The Road Development Standards Policy has been developed in order to provide policy guidance to Council staff in relation to a range of road related matters.

CONSULTATION

Executive Manager Environmental and Planning Services

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The draft Policy has been forwarded to the Mayor, Councillor Rush, the Deputy Mayor, Councillor Scholes, and the Councillor Spokesperson for Infrastructure and Development, Assessment and Regulation, Councillor Woodruff, for review.

REPORT

The Road Development Standards Policy has been developed in order to provide guidance in the following areas:

- 1. The conditions under which Council maintains roads across the Shire;**
- 2. Council's policy on changing the status of an 'unmaintained' road to a 'maintained' road;**

3. Council's policy regarding requests for Council to take over the upgrade and maintenance of 'unmaintained' roads;
4. To provide a unique address for properties so that they can be easily identified and located;
5. To ensure the naming and numbering of rights of way is regulated; and
6. The closure of Council roads.

The Road Development Standards Policy is intended to complement Council's Development Control Plan.

OPTIONS

Council may determine to place the draft Road Development Standards Policy on public exhibition, amend the document prior to exhibition, or to not place the Policy on exhibition.

CONCLUSION

It is considered appropriate to place the draft Road Development Standards Policy on public exhibition for a period of 28 days.

SOCIAL IMPLICATIONS

The Policy ensures safe and high quality community infrastructure necessary to a regional centre.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the adoption of the Policy.

POLICY IMPLICATIONS

The draft Road Development Standards Policy is a new policy.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

The Road Development Standards Policy will apply to all local roads in the Shire of Muswellbrook, for which Council is the designated road authority.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies in principle with item 19.3.4 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management.'

RISK MANAGEMENT IMPLICATIONS

The Policy ensures safe and high quality community infrastructure necessary to a regional centre, and appropriately reduces the risk associated with a lack of policy guidance resulting in inconsistently applied development conditions.



muswellbrook shire council

Road Development Standards Policy

MSC MSC09E

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Policy Objective

To provide policy guidance regarding:

- The conditions under which Council maintains roads across the Shire.
- Council's policy on changing the status of an 'unmaintained' road to a 'maintained' road.
- Council's policy regarding requests for Council to take over the upgrade and maintenance of 'unmaintained' roads.
- To provide a unique address for properties so that they can be easily identified and located.
- To ensure the naming and numbering of rights of way is regulated.
- The closure of Council roads.

The Road Development Standards Policy is intended to complement Council's Development Control Plan.

Risks being addressed

This policy ensures safe and high quality community infrastructure necessary to a regional centre.

Scope

This policy applies to all local roads in the Shire of Muswellbrook, for which Council is the designated road authority.

Contents

1. Definitions
2. Policy Statement
 - 2.1 New Roads
 - 2.2 Road Maintenance
 - 2.3 Public Ramps
 - 2.4 Naming of Roads
 - 2.5 Property Addresses and Numbering
 - 2.6 Rights of Way
 - 2.7 Road Closures Requested by Development
 - 2.8 Dedication of Public Roads
3. Delegations
4. Legislation
5. Dispute Resolution
6. Associated Council Documentation

1. Definitions

Term	Definition
Formed road	A road that does not have gravel paving, but which is formed using a grader so that stormwater will drain off laterally.
Maintained road	A road specified in Council's Road Register as being maintained by Council.
Unformed road	A road reserve that has been cleared and open to use by the public.
Unmade road	A road reserve that has had no capital improvement including clearing, formation or gravel paving. An unmade road may be trafficable or un-trafficable in all weathers.
Unmaintained road	A road that is included, or not included, in Council's Road Register, and is not maintained by Council.

2. Policy Statement

2.1 New Roads

In a number of instances a new development will require:

- the construction of a new road for access, and the road will be dedicated to Council as a Public Road; or
- the reconstruction or upgrading of an existing Public Road.

The Standards that will apply are outlined in Muswellbrook DCP 2009, and engineering guidelines such as Auspec and Austroads.

It is Council's preference that residential subdivisions (for example, land zoned R1, R2, R5, B2, B3), created under Torrens and Community Title, be provided with a Public Road access that meets Council's standards. Any requests for residential subdivisions to be served by a Private Road that doesn't meet Council's standards will require justification as to why compliance with Council's standards are unnecessary or unreasonable in that instance.

In urban areas, access to new sub-divisions or dwellings will be required to be made from a sealed road compliant with Council's engineering guidelines such as Auspec and/or Austroads. Where an upgrade to an unsealed road is required, this may be carried out by the developer at its full cost, or in the case of multiple property access along the identified, affected length of road, through the development of a Developer Contributions Plan in order to fairly apportion costs between relevant property owners.

2.2 Road Maintenance

Council will only maintain the road network recorded in the Roads Register, and within Council's approved budget.

The responsibility and cost of maintenance of unmaintained roads, whether Formed, Unformed or Unmade roads rest with the land owners who use the road for access to private properties. Approval of a dwelling on a property accessed by an unformed road does not commit Council to any upgrade construction or repair of that road.

Land owners may make a written application to Council for approval to construct a formed road, at the cost of the land owners. Applications will be assessed, and may be granted conditional approval based on conditions outlined in the policy procedure.

The formation or construction of a road to Council standards does not automatically imply that Council will maintain the road. Council will only take over maintenance of the road:

- if it provides wider community benefits and satisfies the criteria outlined in Requests for Council take over section below; and
- following construction of the road in accordance with conditional approval and its acceptance by the authorised Council officer.

Land owners may make a written application for Council assume responsibility for the maintenance of a road. Council will consider applications on an individual basis and on the merits of each individual application, and usually only where land owners agree to pay the costs to upgrade an existing unmaintained road to Council standards. Council will take the following into consideration when making a decision:

- Availability of funds (budget allocation);
- Number of residents per km – as a minimum, must be greater than 5;
- Lot size and future sub-division potential;
- Traffic volume – must be greater than 40 average annual daily traffic (AADT);
- Public, recreational and emergency services use; and
- Existing road condition, and public safety and risk considerations.

Sections of road that provide access to 5 or less residences will not be considered for addition to the maintained road list.

Private individuals or Contractors may perform maintenance on public roads that are unmaintained if they obtain S138 permit from Council. Section 138 of the Roads Act (NSW) requires that all work undertaken within Council's road reserves must have Council consent prior to work being undertaken.

The only time a S138 permit is not required is when all works (including all loading and unloading with the use of machinery, shifting of the machinery e.g. backhoes, cranes, concrete trucks, mine vehicles etc) being undertaken are carried out within the boundaries of private property. Should this be the case, Council requires written notification to this effect.

Conversely, should consolidation of properties result in a maintained road providing access to one property only, without the road traversing any other property or providing a public benefit, Council may decide to remove that road from the register of maintained roads, and to no longer maintain the identified section of road.

2.3 Public Ramps

Part 9 Division 2, Roads Act (1993), Part 6, Roads (General) Regulations 2008 imposes statutory duty on Council to inspect, maintain and repair any part of a public road which is a roadway, a pathway, a shoulder or road infrastructure. For the purposes of this section, a Public Gate and/or a Stock Grid are considered an inherent component of a road and can therefore be regarded as road infrastructure.

Whilst Council has the control, care and management responsibility of its public roads, provisions of this policy transfer responsibility to the landowner for monitoring, maintenance and repair of any Public Gate and/or Stock Grid which are permitted for use. This maintenance responsibility includes the section of road 20 metres either side of the Stock Grid.

All costs associated with the construction, maintenance and repair of a Public Gate and/or Stock Grid, as well as the section of road 20 metres either side of the Stock Grid, is the responsibility of the owner of the land to whom the Public Gate and/or Stock Grid has been granted.

This policy also requires compliance check of a permitted Public Gate and/or Stock Grid to ensure that the liability insurance is held by the land owner. Council reserves the right to undertake any maintenance or removal of a Public Gate and/or Stock Grid at the landowner's expense where it may be deemed that it poses a hazard to other road users.

If Council determines that Public Gate and/or Stock Grid is not maintained to the appropriate standard, or that the Public Gate and/or Stock Grid is not warranted, Council may remove the Public Gate and/or Stock Grid and reinstate the road at the landowner's expense.

2.4 Naming of roads

Council will not accept the use of surnames of living private citizens or those in public office except when "special circumstances" are deemed by Council to warrant or justify such use.

(NOTE: "Special circumstances" will be considered in the naming of streets, accessways and parks and reserves after private citizens or those in public office where the following criteria designed to enhance the historical fabric of the Shire are met:

- a) the person after whom the street, accessway, park, or reserve is deceased or is no longer resident in the area;
- b) the person after whom the street, accessway, park, or reserve is proposed to be named has rendered exceptional services to the Shire.)

Council has a preference for the use of Aboriginal place names, the names of Australian flora and fauna, the names of geological rocks, minerals and elements related to the Shire, or places where former Shire residents have been involved in war or peace keeping efforts sanctioned by the Australian Government.

2.5 Property Addresses and Numbering

Council is committed to ensuring the health and wellbeing of its residents by making sure their place of residence can be quickly located in an emergency. Council will apply the property numbering

principles identified in the Comprehensive Property Addressing System established by the Geographical Names Board. Each property shall have an address that is linked to a single road name.

The Comprehensive Property Addressing System was established to ensure there was a uniform approach taken across the whole of NSW. The majority of properties in the Shire have been allocated a Property Address that conforms to this approach. Occasionally, however, an owner or Council will identify a property that doesn't have a correct Property Address, and in this case the owner may initiate a request for a Property Address.

If a private property in a rural location has more than one private road/driveway providing access to separate dwellings on the one property, each access should be provided with a separate Property Number, in order to make it easy for emergency Services to find the correct property.

In any new subdivision, the Property Addresses for new lots must be created at the time the subdivision is approved and registered.

2.6 Rights of Way

Council is committed to ensuring the health and wellbeing of its residents by making sure their place of residence can be quickly located in an emergency.

In consultation with the property owners serviced by the right of way, where it is considered necessary to ensure properties have a unique and identifiable address, Council will name existing Rights of Way (ROW).

If Council receives a request from a property owner to name a right of way, the cost of approved signage and the supply of rural address plates benefiting properties are to be borne proportionally by the property owners serviced by the right of way.

Where a subdivision application in a rural area proposes access by right of way, and that right of way:

- services or will service more than 1 property; and
 - the right of way exceeds 400 metres in length,
- a condition will be applied to the subdivision consent requiring;
- a) The Applicant to include a name for the right of way for Council's approval;
 - b) The Applicant to provide and erect, at its expense, a sign that bears the approved name of the right of way. The sign shall also include the words 'Private Road' in letters approximately 30mm high. The size and style of the sign is to be the same as Council's standard street signage;
 - c) New lots serviced by the ROW are to be given an address to the ROW; and
 - d) The erection of rural address plates to identify each property.

In the case of private roads in rural locations that provide access to a primary residence and a number of rural workers dwellings, the Owner should consider naming the private road as a ROW and providing each residence with a number based on distance from the Public Road, again to help emergency services locate the correct dwelling quickly.

Rights of Way are not maintained by Council.

2.7 Road Closures requested by Development

Road closures requested by private developers will comply with the Notice of Motion entitled 'Road Closure Resolution' adopted by Council at the 12 February 2019 Ordinary Council Meeting. The adopted Road Closure Resolution provides:



1. Without predetermining any particular application under Division 3 of Part 4 of the Roads Act 1993, Council adopts a general policy that significant alterations to the rural road network should not be resolved until after the adoption of a new Local Environment Plan;
2. Review and finalisation of the Contributions Plan accompanying the Mine Affected Roads Strategy.

2.8 Dedication of Public Roads

Where existing roads have minor deviation outside the public road reserve, no action will be taken to correct this unless reconstruction work of that section of road is undertaken, or adjoining property owners request the correction of the road boundary.

3. Delegations

The General Manager is the interpreter of this Policy and shall be the sole arbiter in respect to the application of this Policy.

Directors, Assistant Directors, and Executive Managers are responsible for the administration and implementation of this policy.

4. Legislation

Roads Act 1993

Roads (General) Regulations 2008

7. Dispute Resolution

The General Manager is the sole interpreter of this policy.

8. Associated Council Documentation

Muswellbrook Shire Council 2019-20 Operational Plan

Muswellbrook Shire Council Rural Road Status Report (as amended 1986)

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	2 years
Department:	

Document Owner:	
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Details History

Version No.	Date changed	Policy type	Modified by	Amendments made

12 CORPORATE AND COMMUNITY SERVICES

12.1 GOVERNANCE POLICY REVIEW

Attachments:	A. Policy MSC00E - Governance Policy
Responsible Officer:	Joshua Brown - Manager - Integrated Planning & Governance
Author:	Anthony Pirillo - Policy Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To seek Council's endorsement for the review of the Muswellbrook Shire Council Governance Policy.

OFFICER'S RECOMMENDATION

Council adopt the revised Governance Policy provided in attachment A.

Moved: _____ **Seconded:** _____

BACKGROUND

The two (2) key principles of the Governance Policy are to achieve the highest standards of governance and ensure compliance by councillors, Council staff and delegates with relevant legislation. The recommendation contained in this report will seek to revise the existing Governance Policy to ensure the highest level of compliance with up to date legislation.

Under Part 5 of the Governance Policy, section 5.7 "The discharge of representative responsibilities" councillors may need to attend a number of civic functions including citizenship ceremonies, where they have duties to discharge. Adopting the revised Governance Policy will ensure that councillors are able to discharge their civic duties in full compliance with relevant Commonwealth and NSW State legislation.

Under Part 5 of the Governance Policy, section 5.16 "Fraud and Corruption" a councillor who is employed by a potential tenderer for a Council project may disqualify their employer from bidding if they have access to commercially sensitive information. To avoid such a circumstance from arising, the General Manager shall have the authority to prevent such councillor from accessing the commercially sensitive material but must provide the councillor with sufficient background information so as to enable the councillor to exercise their decision making function. Whilst the policy position was previously recommended for inclusion in Council's suite of procurement policy, it is recommended that its inclusion as a key probity measure in the Governance Policy is highly appropriate.

CONSULTATION

Manager of Integrated Planning, Risk and Governance.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor Martin Rush

REPORT

Under the *Australian Citizenship Ceremonies Code (2019)* the Hon. David Coleman MP, Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, has recently advised of changes to the Australian Citizenship Ceremonies Code.

The Minister has informed Councils that, “individual Councils are to establish a Dress Code for ceremonies, to reflect the significance of the occasion, and provide a copy of the endorsed Dress Code to the Department of Home Affairs.

The recommended amendment to the Governance Policy will ratify this change as well as the others prescribed and will ensure all future citizenship ceremonies are fully compliant with Commonwealth legislation and regulation.

The second recommended amendment to the Governance Policy will preclude a councillor having access to third party commercially sensitive tender information if they are employed by a potential tenderer who is or may bid on a Council project.

Muswellbrook Shire Council is committed to always ensuring the highest level of governance and legislative compliance.

CONCLUSION

It is recommended that Council adopt the revised Governance policy.

SOCIAL IMPLICATIONS

The first recommended amendment to the Governance Policy reflects Muswellbrook Shire Council's commitment to social and cultural inclusion and diversity.

The second recommended amendment, Council as the governing body of Muswellbrook Shire should lead by example by demonstrating to the local community the upholding of strict standards of integrity and accountability.

FINANCIAL IMPLICATIONS

The financial cost of holding a citizenship ceremony is drawn from the existing budget(s) provided by Council.

POLICY IMPLICATIONS

The Governance Policy will be amended if the recommendation contained in this report is adopted.

STATUTORY IMPLICATIONS

No known statutory implications

LEGAL IMPLICATIONS

Comply with the following;

Australian Citizenship Act 2007 (Cth); and

Australian Citizenship Ceremonies Code (2019).

OPERATIONAL PLAN IMPLICATIONS

Under the guidelines contained in the *Australian Citizenship Ceremonies Code (2019)* Local Government is responsible for delivering citizenship ceremonies.

The second proposed amendment will aim to deliver on goal 24 of the Operational Plan:

- continue to review, update and revoke policies in accordance with the policy framework management strategy; and
- provide support services for the elected Council and executive.

RISK MANAGEMENT IMPLICATIONS

Risk of non-compliance with the Act and the Code if the recommendation contained in this report is not adopted.

Risk of fraud/corruption if commercially sensitive information is provided to a councillor(s) where that councillor is employed by a potential tenderer.



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Governance Policy MSC00E

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1. Policy Objective

The purpose of this document is to commit Council to sound governance and to document how governance is carried out by the Governing Body of the Council.

This policy, and the principles set out in the Policy, aim to:

- Achieve the highest standards of governance.
- Ensure the compliance of councillors, Council staff and delegates with relevant legislation.

2. Risks being addressed

This policy mitigates potential risks to the implementation of Council's Delivery Program and Operational Plan which may occur due to less than desirable governance.

3. Scope

This policy applies to all staff, councillors, and volunteers engaged directly by the Muswellbrook Shire Council, as well as all agents and contractors either engaged by Council or by an authorised contractor of the Muswellbrook Shire Council.

4. Definitions

Council means Muswellbrook Shire Council

Governing Body means the Governing Body of Council

Council Policies (or External policies) means all policies adopted by Council

Internal Policies means all policies that relate to Staff only

Procedures are a set of instructions that provide administrative control to give effect to Policies.

Guidelines are complementary, supporting information or advice or recommended practices

InfoXpert is Council's current electronic record keeping system.

Integrated Planning and Reporting Documents and Council's current electronic planning documents as required by Chapter 13 of the Local Government Act 1993.

Policy Register is Council's suite of adopted policies and procedures

Fraud by Australian Standards AS8001-2008, is defined as: "Dishonest activity causing actual or potential financial loss to any person or entity including theft of moneys or other property by employees or other persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for normal business purpose or the improper use of information or position for personal financial benefit." The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered "fraud" for the purpose of this definition.

5. Policy Statement

5.1 Key principles

The following key principles underpin the direction of the Governing Body:

- a) human health and safety;
- b) a diverse and competitive industrial base;
- c) the social benefits of work and the importance of full employment;
- d) the importance of education;
- e) ecologically sustainable development;
- f) financial sustainability;
- g) consultative and transparent processes;
- h) social inclusion and particularly reconciliation with Aboriginal peoples;
- i) social justice principles of equity, access, and participation; and
- j) a Council workforce encouraged to innovate, provided with flexible work arrangements and which is healthy, supported, and team-orientated.

Policies which are developed and decisions which are made should be guided by the above key principles.

5.2 Principal activities

The functions of the Council are to be divided into the principal activities set out in the following table:

	Principal activity	Function
1	Infrastructure	Local roads, bridges, footpaths, cycle ways, storm water drainage devices and related infrastructure.
2	Utilities	Muswellbrook Water and Waste and the Waste Management Centre.
3	Emergency Services	Emergency services, fire and flood prevention, protection and mitigation services and facilities.
4	Finance, Corporate Services & Integrated Planning	Preparation of the budget (including reviews and amendments) for Council adoption; the management of Council's commercial property fund and land and property development. Council policy, corporate services (other than finance), and integrated planning and reporting.
5	Innovation, Land Use Planning Heritage	Fostering innovation and heritage related matters.
6	Community Engagement	The planning and delivery of community services other than artistic or cultural related services or services relating to Aboriginal reconciliation.
7	Development Assessment & Regulation	Strategic environmental planning and the making of submissions in relation to developments of Regional or State significance.
8	Social Inclusion	Delivery of programs for social inclusion.
9	Aboriginal Reconciliation	The on-going reconciliation between Aboriginal and non-Aboriginal peoples.
10	Recreation & Wellbeing	The delivery of wellbeing programs and recreation services.
11	Sport	The delivery of sport services.
12	Arts	The delivery of community services related to arts and culture.
13	Events	Events organized by Muswellbrook Shire Council.
14	Sustainability	Ecological environment and sustainable development.

5.3 A shared model of responsibility

Council adopts a shared model of responsibility by electing a councillor to be Council's spokesperson in relation to each Principal Activity. Council has resolved on a shared model of responsibility to:

- a) maximise the effectiveness and efficiency of the Governing Body;
- b) promote team work among members of the Governing Body;
- c) draw on the unique experiences, capabilities and interests of members of the Governing Body; and to
- d) provide effective and efficient leadership between meetings of the Governing Body.

Council may delegate to a councillor who has been elected as Council's spokesperson in relation to a principal activity, responsibilities for consultation arrangements, communications, preparation of policies, and decision-making between meetings of the Council.

5.4 Policy development

Council is developing policies by using a comprehensive policy framework.

New Policy Development and significant changes to existing policy

When a new policy, procedure, or guideline is to be developed or if significant changes to an existing policy are suggested, either by councillors, Council staff, other organisations or members of the community, the following process is to be followed:

Category	Approve new and amendment		Approve consequential and minor amendment	
	Authority	Reporting requirement	Authority	Reporting requirement
Council Policy	Council	N/A	General Manager in consultation with MANEX	Council for information
Internal Policy and Procedure	General Manager in consultation with MANEX	Council for information	Department Head	MANEX for information
Guideline	Department Head	MANEX for information	Department Head	N/A

Policy Register

Council's Policy Register is public and should be as readily available as possible.

The Policy Register must be available and recorded in InfoXpert. All external policies must be made available on Council's website.

5.5 Delegations to Councillors

Any delegation concerning a decision-making function exercisable by a councillor, must include a requirement for consultation with each other councillor prior to the making of a decision, the obtaining and distribution of any advice provided by the General Manager, appropriate record keeping and the reporting of the decision made under delegated authority to the next Ordinary Council Meeting.

If a councillor believes that a decision made under delegated authority is:

- a) not likely to be supported by a majority of councillors; or
- b) likely to be controversial; or
- c) likely to benefit from significant further investigation or advice;

The councillor should refer the matter to the next Ordinary Council Meeting for determination rather than proceed to determine the matter under delegated authority.

A councillor must not make a decision under delegated authority if the councillor holds a pecuniary or significant non-pecuniary interest in relation to the matter.

5.6 Financial resourcing of the organisational structure

In addition to any statutory requirements, the Council requires the organisational structure to be presented to Council to allow Council to understand the resources required to provide for it.

5.7 The discharge of representative responsibilities

Councillors may be requested to attend a number of different events in a civic capacity and care should be taken to consider in what role the councillor is attending.

Representing the community

Where a councillor represents the Council at a ceremonial or commemorative occasion, the Council notes that, generally, the invitation is as a civic representative of the whole community rather than as a representative of the Governing Body. Councillors on these occasions should discharge their duties in a non-political and non-partisan manner. Citizenship ceremonies will be conducted in accordance with all Federal Government regulations as amended from time to time.

Representing the Governing Body

Where a councillor represents the Governing Body at an event other than on a ceremonial or commemorative occasion, the councillor should take care to distinguish between a personal position of that councillor and the position of the Governing Body. These events are important opportunities for the Governing Body to inform the wider community of its positions and policies and councillors should, where possible, take the opportunity to engage the community in discussion on those matters.

A personal event

Where a councillor attends a function or event in a personal capacity, care should be taken to distinguish between personal positions of that councillor and the position of the Governing Body.

5.8 Order of flags

Council will observe the protocols adopted by the Commonwealth for the flying of the Australian National Flag, the Aboriginal Flag, the Torres Strait Islander Flag and all other recognised flags.

5.9 Recognition of first peoples

It is Council's policy that the Chairperson of the Local Aboriginal Land Council be recognised as the holder of an honorary civic office. It is Council's policy that at Council events an appropriate acknowledgment of the local Aboriginal peoples as the traditional owners of the land take place and that an appropriate acknowledgement of elders, both past and present, takes place. Council acknowledges the local civic traditions of the Aboriginal people exist side by side with the European civic tradition adopted by Council.

5.10 Opening of Council term

The first Ordinary Council Meeting following a General Election will be marked by a formal opening of term. The Chairperson of the Local Aboriginal Land Council and a representative of the local clergy should be invited, on such occasions, to give a welcome to country and read the civic prayer (or variation) respectively. Representatives from community groups and associations should receive a written invitation to attend.

5.11 The honorary office of Emeritus Mayor

Council may resolve to appoint a person to the honorary office of Emeritus Mayor provided that the person:

- (a) has served as mayor for a minimum of three years;
- (b) has made an outstanding contribution to the Shire;
- (c) is retired from public life; and
- (d) is ready, willing and able to perform ceremonial functions on behalf of the Council.

The role serves as a mechanism for seamless transition between elected councils, the proper acknowledgement of contributions by retired mayors, and an encouragement to retired mayors to contribute to the further advancement of the Shire in retirement.

The creation of an office of Emeritus Mayor also provides a mechanism by which Council can be represented at significant community events where serving councillors are unable to attend. Such events are typically arranged by members of the community. Serving councillors may be reluctant to attend such events because of a desire to bring an impartial mind to the exercise of a responsibility concerning that member of the community (or a sponsor) in the future.

Any expenses incurred by the Emeritus Mayor in the performance of his or her representative function will be funded from the elected Mayor's allowance.

5.12 The use of Council's Coat of Arms

Use of the Council's Coat of Arms

The Shire's Coat of Arms is to be used generally where the whole community is the subject of the representation rather than the Governing Body or the corporate entity of Council. The Coat of Arms should be used on civic documents in which a ceremonial or commemorative function is certified.

No other body or organisation is permitted to use the Council's Coat of Arms without the written approval of the Council.

5.13 The Council's corporate logo

The Council logo

The Council's corporate logo is five lozenges, Green, Blue, Red, Yellow and Grey radiating equidistant and equispaced from the points of an unillustrated pentagon (in a ratio of 1:25) each lozenge containing one of: a stylised mineral, the meeting of mountains and a worked floodplain, the meeting of rivers, an Aboriginal meeting symbol and human hands, respectively, in white. The Corporate logo represents the coming together of a rich diversity of industry and human endeavour within the Shire. Individual segments represent the meeting of minerals and energy production, the Wollemi National Park and the rich alluvial flats, the Goulburn and Hunter Rivers, the traditional custodians of the land and rich human cultural diversity.

A lozenge was selected because the black lozenge is the heraldic representation of coal and is presented on Council's Grant of Arms.

Use of the Council logo

The Council's logo is to be used generally where the Governing Body or the Council as a corporate entity is the subject of the representation rather than the Shire community as a whole. The General Manager may authorise, from time to time, a protocol for the use of the corporate logo by Council officers.

5.14 Certain functions to be exercised independently of the Governing Body

In addition to functions required by law to be exercised for the Council by the General Manager or Public Officer, it is Council's policy that the following additional functions of Council have autonomy from the decision-making of the Governing Body:

- (a) The purchase of art works by or the selection of works for exhibition at, the Upper Hunter Regional Art Gallery;
- (b) The purchase of books or education material by the Upper Hunter Regional Library;
- (c) The investigation, prosecution or sanctioning of any person under any regulatory power other than a power relating to the Council's Code of Conduct or Code of Meeting Practice.

None of the above limits, however, the Governing Body's exercise of a budgetary function to limit or extend the resources applied to the above functions.

5.15 Gifts, Bribes & Benefits

It is the position of Council, where possible and regardless of the value, that gifts and benefits be respectfully declined. In a situation where it would be rude or inappropriate to do so, the gift or benefit must be reported to the General Manager, Public Officer or Mayor as soon as practicable after the event.

Under no circumstances should a gift be accepted over the token value.

For the purposes of this policy, a reference to a gift, bribe or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Under no circumstances is an offer of cash or cash like alternative (bribe), defined in Council's Code of Conduct, to be accepted.

For the purposes of this policy "token value" is described as goods and/or services with a value of less than \$20, as defined in Council's Code of Conduct.

i. Token value

Some examples of gifts and benefits having token value are cheap marketing trinkets or corporate mementos and may include the following:

- a) Inexpensive pens and pencils;
- b) Notepads;
- c) Key rings;
- d) Diaries; and
- e) Computer mouse pads.

ii. More than Token value

Some examples of gifts and benefits having more than token value include:

- a) Tickets to sporting events or other entertainment;
 - b) Goods and items donated to Council and employee functions;
 - c) Meals or hospitality over "token" value;
 - d) Discounted products for personal use;
 - e) Use of facilities such as gyms and holiday homes;
 - f) Free or discounted travel;
 - g) Free "training excursions";
 - h) Obtaining fly-buys, frequent flyer points etc. as a consequence of Council transactions; and
 - i) Lucky door prizes or competition prizes.
1. As a council official, you must not by virtue of your position acquire a personal benefit or advantage which has a monetary value, other than one of a token value.
 2. You must not seek or accept any payment, gift or benefit intended or likely to influence you, or that could be reasonably perceived by an impartial observer as intended or likely to influence you to:
 - i. act in a particular way (including making a particular decision);

- ii. fail to act in a particular circumstance; and
- iii. otherwise deviate from the proper exercise of your official duties.

You may, however it is not recommended, accept gifts or benefits of token value that does not create a sense of obligation on your part. Council officials must complete a Gifts, Bribes and Benefits declaration form for all gifts that could potentially be of token value.

It is Council's preferred position that:

- i. gifts and benefits not be offered to council officials;
- ii. gifts and benefits are not to be solicited;
- iii. gifts and benefits should be actively discouraged by council officials; and
- iv. people doing business with Council should understand that they do not need to offer gifts or benefits to council officials to get high quality service (Council policy Business Ethics B45/1 provides further information).

From time-to-time council officials may purchase gifts or provide certain benefits to visiting dignitaries, such as Government Ministers. A common sense approach to gifts or benefits provided in such situations should be exercised. The appropriateness of gifts being purchased should be meaningful and of local significance rather than a lavish gift which can create a sense of obligation on the other party.

- i. All gifts purchased for visiting dignitaries should be approved by the General Manager or Mayor and be within the council officials delegation of authority.
- ii. All gifts purchased for visiting dignitaries will be recorded in Council's Gifts Register in the same manner as a council official would receiving a gift.

The purchasing of gifts for awards or prizes part of a competition or event hosted or in conjunction with Council is not subject to this policy.

5.16 Fraud and Corruption

The Muswellbrook Shire Council is committed to protecting its revenue, expenditure and assets from any attempt by members of the public, contractors, agents, intermediaries, volunteers, Councillors and staff to gain financial or other benefits by deceit, bias or dishonest conduct.

The Council's commitment to fraud control will be managed by ensuring that fraudulent or corrupt activity is discouraged, conflict of interests are avoided, and auditing systems are in place to deter and/or identify corrupt activities.

In accepting its responsibility of good governance, Council will set the example for honesty and integrity in the provision of services to the community and the management of the council.

Roles and Responsibilities

Responsibility for fraud prevention rests with all levels of management, Councillors, staff, volunteers and agency or contractors who represent the Council and who collectively must accept ownership of the controls relative to this policy. All parties must comply with the policy.

Executive Group

The Executive Group has principal responsibility for fraud control to ensure compliance with the Standards and Guidelines and appropriate governance structures are in place.

Directors

Directors have a responsibility to;

- Identify risk exposures to corrupt and fraudulent activities within their department;
- Establish controls and procedures for prevention and detection of such activities;
- Provide guidance and instructions all staff relative to responsibilities and fraud reporting requirements;
- Maintain effective auditing and reporting on key financial systems;
- Undertake a risk assessment on fraud control every two years or when a major change occurs;
- Implement action plans identified in risk assessment to eliminate or reduce the risk of fraud;

Directors will ensure that all contractors working for their department are aware of Council's Fraud Policy and that it is incorporated into the contract. This will ensure that all contractors are made aware of their responsibilities and acceptable behaviour whilst conducting work for Council.

Staff/Contractors/Volunteers

Staff/contractors/volunteers shall assist in the identification of risk exposures to corrupt and fraudulent activities in the workplace and the immediate reporting of the possible activities.

Councillors

Councillors shall be aware of this policy along with what corruption is and the consequences associated when undertaking fraudulent activities.

Probity – the handling of third party commercial-in-confidence information

1. Where any member of the Elected Arm of Council has a significant pecuniary interest in a party tendering to perform Council work or services, Council shall delegate the determination of the tender to a Determination Committee consisting of at least three senior staff members selected by the General Manager and who have not been directly connected with the assessment of the tender.
2. For the purposes of 1, a significant pecuniary interest means:
 - (a) ownership – including part ownership; or
 - (b) control; or
 - (c) the holding of a senior management or executive position within the tendering party.
3. It shall be a condition of every tender that the tendering party shall not lobby, or attempt to lobby, whether directly or through a third party, a councillor or a member of staff with respect to the tender;
4. It shall be a condition of every tender that the tendering party shall not cause or attempt to cause, whether directly or indirectly or through any servant or agent the tender process to be brought into disrepute;
5. It shall be a condition of every tender that the tenderer shall ensure that any employee, servant or agent who is a councillor of the Council declares that pecuniary interest and requests the Council withhold confidential information relating to other tenderers from being made available to that employee, servant or agent;
6. It shall be a condition of every tender that any breach of conditions 3, 4 or 5 shall disqualify the tendering party which caused that breach.

Training

Councillors and staff members will be informed of Council's Policy and the consequences arising from fraud, and who to speak to if they suspect fraud is occurring. Training on the conduct of risk assessment will also be provided by the Risk management Committee. This policy shall be included in the induction program for new staff members.

Fraud Risk Assessment

The Council's commitment to fraud control will be met by identifying opportunities for fraud, and implementing risk avoidance, prevention, minimization procedures in day to day operations and showing coverage in Council's risk register.

6. Delegations

The Mayor and General Manager are authorised to interpret and implement this policy.

The Deputy Mayor is authorised to interpret and implement this policy together with the General Manager on matters involving the Mayor.

The General Manager is authorised, pursuant to Section 3 of the Local Government Act 1993, to allow a matter that does not conform with a policy to proceed if the General Manager is of the opinion that the variation from the Policy is of minor nature. Variations to a Procedure do not require Council endorsement if it does not significantly affect the policy.

7. Legislation

Local Government Act 1993

Government Information (Public Access) Act 2009

Crimes Act 1900

Australian Standard on Fraud control and Corruption controls (AS8001:2008)

Australian Standard in Risk management (AS 4360:2004)

ICAC Direct Negotiations: Guidelines for Managing Risks 2018

8. Dispute Resolution

A Councillor shall notify the Mayor in writing of any dispute in relation to this policy. A meeting shall be held between the Councillor, Mayor and the General Manager to discuss the dispute. A remedy should be reached within two weeks of the notification. If the matter remains unresolved, independent dispute resolution advice may be sought.

In any situation where a request, dispute or payment involves the Mayor, the Deputy Mayor will be required to authorise the process.

9. Associated Council Documentation

Procedure on Policy Development

Muswellbrook Shire Council Code of Conduct.

Muswellbrook Shire Council Procedures for Administration of the Code of Conduct

10. Authorisation Details

Authorised by:	Council
Minute No:	95
Date:	11/9/2018
Review timeframe:	2 Years
Department:	Executive Services
Document Owner:	Policy Officer
Type (Internal/External)	External

Details History

Version No.	Date changed	Modified by	Amendments made
2	15 April 2020	Policy Officer	Amendments to sections 5.7 & 5.16

12.2 ENTERPRISE RISK MANAGEMENT POLICY AND FRAMEWORK

Attachments:	A. DRAFT Enterprise Risk Management Policy B. DRAFT Enterprise Risk Management Framework for Muswellbrook Shire Council
Responsible Officer:	Fiona Plesman - General Manager
Author:	Leonie Nash - Risk & Improvement Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To present for adoption the draft Enterprise Risk Management Policy and draft Enterprise Risk Management Framework which was endorsed by the Audit, Risk and Improvement Committee at its regular meeting held on 3 March, 2020.

OFFICER'S RECOMMENDATION

1. Council endorses the Draft Enterprise Risk Management Policy and Framework for public exhibition for a period of 28 days.
2. In the event that there are no substantive changes recommended following the close of submissions, the Enterprise Risk Management Policy and Framework shall be **ADOPTED** at the close of the period of public exhibition.

Moved: _____ Seconded: _____

BACKGROUND

Enterprise Risk Management is the structured approach of aligning strategy, processes, people, technology and knowledge with the purpose of evaluating and managing risk. It is proposed that Council endorse for public exhibition and adoption the attached draft Enterprise Risk Management Framework and Policy to provide a consistent approach to risk management across all sections of Council.

CONSULTATION

Consultation has been undertaken with Council's Audit, Risk and Improvement Committee, which have endorsed the proposed framework and policy for adoption by Council.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Rod Scholes as a member of Council's Audit, Risk and Improvement Committee, was consulted on the proposed framework and policy.

REPORT

Council's Enterprise Risk Management Framework is an organisation wide commitment to a consistent approach to managing risks. The management of risk is a shared responsibility across the organisation and acceptance of risk ownership is required by each staff member at every level within the organisation.

Council's Enterprise Risk Management Framework establishes a consistent and structured approach to risk management with the aim of assisting Muswellbrook Shire Council (Council) to achieve its objectives and embed risk management in all key operational processes.

Council is exposed to significant uncertainties impacting the delivery of services and achievement of objectives for the community. Significant risks include:

- Increasing operating costs and increasing community expectations for service delivery in a rate-capped environment;
- Global financial trends with local implications – affecting employment, tourism, events, property values, rate income levels and people's ability to pay rates;
- Expectations of greater levels of community engagement, consultations and participation in decision making;
- The challenge of managing Council's ageing assets in a cost effective manner;
- The impact of climate change on Council assets, the community and the environment;
- The need to provide varied and increased services for an ageing population; and
- Council's ability to attract and retain skilled employees.

The ERM Framework provides a foundation for responding to these uncertainties through a structured approach that facilitates risk-informed decision making aligned with Council's strategic, operational and project-specific objectives."

Council's Enterprise Risk Management Policy is intended to define Council's objectives for and commitment to the effective management of risk across the organisation.

It is recommended that Council endorse an Enterprise Risk Management Policy in the following terms:

Muswellbrook Shire Council is committed to the systematic and proactive management of risks across the organisation. Council will consultatively establish, implement and continually improve an organisational wide risk management framework which is operationally integrated, that achieves legislative compliance and which reflects best practice including, but not limited to standards such as AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines.

Both documents have been reported to Council's Audit, Risk and Improvement Committee for consultation and endorsement. It is recommended that Council endorse the documents for a period of public exhibition and adoption.

OPTIONS

Councillors may or may not determine to endorse the draft framework and policy for public exhibition; and/or adoption. It is highly recommended that Council have in place the necessary infrastructure to oversee the consistent management of risk across the organisation.

CONCLUSION

It is recommended that Council endorse the draft Enterprise Risk Management Framework and Policy for public exhibition and adoption.

SOCIAL IMPLICATIONS

A sound Enterprise Risk Management Framework and Policy ensures that Council is better placed to provide ongoing support for the community.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the adoption of the draft documents. It is noted that a sound Enterprise Risk Management Framework and Policy is a vital tool in managing financial risks.

POLICY IMPLICATIONS

The draft documents provide the necessary policy framework necessary for enterprise risk management.

STATUTORY IMPLICATIONS

No known statutory implications.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

Consistent with Council's Operational Plan targets.

RISK MANAGEMENT IMPLICATIONS

A sound Enterprise Risk Management Framework and Policy is a vital tool in managing financial risks. Not having such a suite of documents guiding Council's management of risk is in and of itself a substantial risk to the organisation.



muswellbrook shire council

Enterprise Risk Management Policy

Reference Number

This document is a controlled document. Before using this document, check it is the latest version by referring to Council's EDRMS and ensuring you are using the Last Approved Version. Printed or downloaded versions of this document are uncontrolled.

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Policy Objective

Muswellbrook Shire Council (MSC) is committed to the systematic and proactive management of risks across the organisation. MSC will consultatively establish, implement and continually improve an organisational wide risk management framework which is operationally integrated, that achieves legislative compliance and which reflects best practice including, but not limited to, Standards such as AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines.

Scope

Through the application of this Policy, Council will ensure:

- the Council, Councillors, General Manager and Senior Management will be in a position to confidently make informed strategic, business and operational decision based on risk assessment;
- all reasonably foreseeable risks will be systematically identified, assessed, analysed, prioritised and considered for appropriate treatment;
- better identification and exploitation of opportunities;
- compliance with relevant legislation;
- reduction of costs and improved use of resources through more targeted and effective controls;
- improved protection of the public, our employees, volunteers, our assets and our financial integrity.

Definitions

TERM	DEFINITION
Risk	Effect of uncertainty on objectives (Note: an effect is a deviation from the expected and can be positive and/or negative)
Risk Management	Coordinated activities to direct and control an organisation with regard to risk
Council	Muswellbrook Shire Council
Hazard	A source of potential harm
Risk Assessment Matrix	A table used to measure the level of risk
Hierarchy of Control	A list of control measures, in priority order, that is used to eliminate or minimise exposure to hazards
Risk Appetite	Amount and type of risk that an organisation is willing to pursue or retain

Policy Statement

Risk exists in all aspects of Council's business. Risk can be described as any threat or occurrence that can potentially prevent Council from meeting its planned objectives.

Risk Management plays a key role in ensuring that Council achieves those objectives.

The level of risk that Council faces at any one time is the combination of the likelihood of an event happening and the consequence if it happened. Risk for Council is likely to occur in two areas:

Strategic Risk – risks that may have a significant impact on whether Council is able to achieve its strategic goals and objectives including the following risk areas:

- impact on reputation;

- managing stakeholder expectations;
- customer service delivery; and
- asset and resource management

Operational Risk – risks arising from and/or impacting on day to day operational activities which include but are not limited to the following:

- Corporate governance
- Financial management
- Legal and regulatory compliance
- Community consultation
- Employee education, training and competency testing
- Managing and maintaining physical assets
- Managing community services
- Managing human resources
- Information management and technology
- Contracting and purchasing
- Regulatory enforcement

Responsibilities

The Council, Councillors, the General Manager, Executive Managers, Managers, Coordinators and Employees are to be familiar with, and competent in, the application of the Enterprise Risk Management Policy, and are respectively accountable for the delivery of the Policy within their areas of influence and responsibility.

In specific terms the responsibility for the management of risk can be described as follows:

- the Council, Councillors, General Manager, Executive Managers are responsible for ensuring that the Enterprise Risk Management Policy is introduced across the whole of Council, and that the General Manager and Executive Managers regularly report on its implementation, improvement and operational effectiveness.
- the General Manager is responsible for the coordination of the Enterprise Risk Management Policy, and ensuring appropriate key personnel within the organisation are kept up to date with developments, and that each respective Executive Manager, Manager, Supervisor and Coordinator is responsible for the implementation of risk management processes throughout the organisation.
- the General Manager is responsible to ensure that risk management is integrated into all policies, procedures, instructions and education and training course modules and like documents.
- Managers and Coordinators at all levels, are required to create, promote and maintain an environment where managing risk is accepted as the personal responsibility of each employee in the achievement of their organisational and operational responsibilities.
- Managers and Coordinators are “risk owners” and are responsible for managing risks arising from or impacting on their area of operation.
- the Audit, Risk and Improvement Committee play a role in assisting in monitoring the identification and management of risk across Council.
- all employees are responsible for promoting and maintaining sound risk management practices within their job specification and particular area of responsibility; and
- an internal audit program is in place to ensure compliance against the Policy and provide regular reports to the General Manager through the respective group and Executive Managers.

Legislation

Work Health and Safety Act, 2011 NSW
Civil Liability Act, 2002 NSW
NSW Local Government Act 1993
State Emergency and Rescue Management Act 1989
Government Information (Public Access) Act 2009
AS/NZS ISO 31000:2018 Risk Management and Principles Guidelines

References

Enterprise Risk Management Framework
Business Continuity Plan

Dispute Resolution

The General Manager is the interpreter of this Policy and shall be the sole arbiter in respect to the application of this policy.

Associated Council Documentation

Audit, Risk and Improvement Committee Charter
Community Strategic Plan
Delivery Plan
Operational Plan

Authorisation Details

Authorised by:	
Minute No:	
Date:	
Review timeframe:	
Department:	
Document Owner:	

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made



ENTERPRISE RISK MANAGEMENT FRAMEWORK

DATE OF APPROVAL:

REVISION: 1

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INTRODUCTION

Background

The purpose of the Enterprise Risk Management (ERM) Framework is to establish a consistent and structured approach to risk management with the aim of assisting Muswellbrook Shire Council (Council) to achieve its objectives and embed risk management in all key operational processes.

Council is exposed to significant uncertainties impacting the delivery of services and achievement of objectives for the community. Significant risks include:

- Increasing operating costs and increasing community expectations for service delivery in a rate-capped environment;
- Global financial trends with local implications – affecting employment, tourism, events, property values, rate income levels and people's ability to pay rates;
- Expectations of greater levels of community engagement, consultations and participation in decision making;
- The challenge of managing Council's ageing assets in a cost effective manner;
- The impact of climate change on Council assets, the community and the environment;
- The need to provide varied and increased services for an ageing population; and
- Council's ability to attract and retain skilled employees.

The ERM Framework provides a foundation for responding to these uncertainties through a structured approach that facilitates risk-informed decision making aligned with Council's strategic, operational and project-specific objectives.

Mandate & Commitment

Council is committed to effectively and systematically managing risks in order to maximise opportunities and limit effects in accordance with *AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines*.

Council recognises that risk is inherent in all Council activities and processes and that ERM is essential for the efficient and effective governance of the organisation in its delivery of services to the community. Council also recognises that risk management cannot eliminate all risks, but will enable the management of risks to an acceptable level.

Council will integrate a structured approach to the management of risk throughout the organisation in order to promote and demonstrate good corporate governance, to minimise loss and to maximise opportunities to improve service delivery and customer value.

Council recognises that an organisation without a robust system for managing risks is vulnerable to uncertainties and lost opportunities and is unlikely to be resilient in the face of change or diversity.

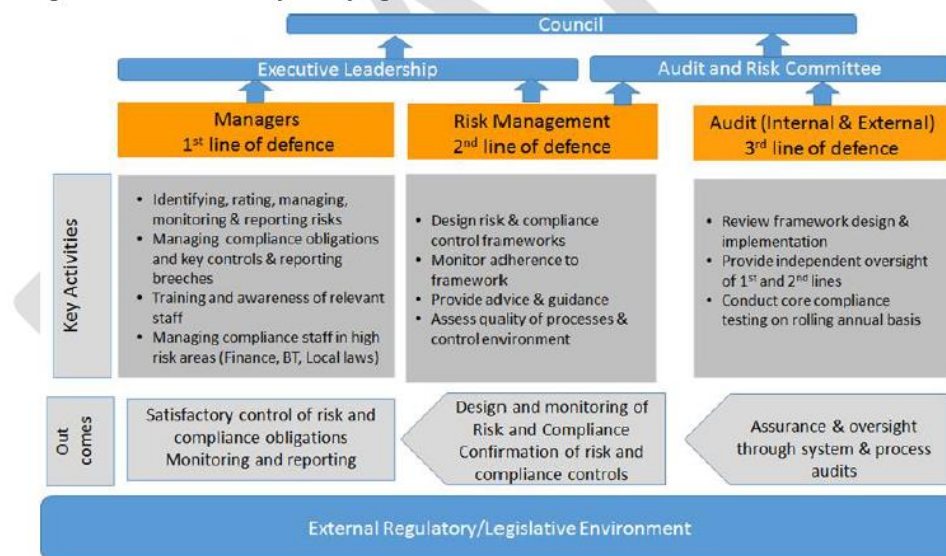
Objectives

Council will seek to meet the principles of risk management as listed in *AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines* with the objectives that risk management:

- Creates and protects value;
- Is an integral part of organisational processes;
- Is part of decision making;
- Explicitly addresses uncertainty;
- Is systematic, structured and timely;
- Is based on the best available information;
- Is tailored;
- Considers human and cultural factors;
- Is transparent and inclusive;
- Is dynamic, iterative and responsive to change; and
- Facilitates continuous improvement of the organisation.

Three Lines of Defence

The Three Lines of Defence model provides a simple and effective way to enhance communications on risk management and control by clarifying essential roles and duties.



ROLES AND RESPONSIBILITIES

Councillors

Councillors are responsible for making informed decisions that take the associated risks and opportunities into consideration. They must recognise the need to resource the management of risk in order to achieve Council's objectives.

General Manager

The General Manager is responsible for the implementation of the Risk Management Framework, and for ensuring that risks are effectively managed across all activities.

This includes:

- Supporting, promoting and participating in Council's Risk Management Program
- Ensuring that adequate resources are available to support effective and efficient risk management throughout the organization;
- Advising the Council on risks and opportunities, as appropriate; and
- Ensuring that risk management activities are aligned with Council's strategies and objectives.

Manex

Manex (Council's Executive Management Team) are responsible for driving risk management across the organisation and for the implementation within their respective areas of accountability in line with *AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines*. They are responsible for allocating appropriate resources for the implementation and maintenance of the risk management system, to assign responsibilities and accountabilities to managers and individual employees and to establish key performance measures for the management of risk across the organisation. They have responsibility for the development, ongoing review and refinement of strategic risks as well as operational risks within their areas of accountability.

Directors

The Director Environment and Community Services and Director Community Infrastructure are responsible for:

- Supporting, promoting and participating in Council's Risk Management Program in relation to the functions and services in their respective areas of responsibility;
- Ensuring that adequate resources are available to support effective and efficient risk management in their respective areas of responsibility;
- Actively contributing to the development and implementation of a strong enterprise risk management framework and risk management culture within their respective areas of responsibility;

- Ensuring that any operational decisions and recommendations go to Council and have appropriate regard to risk management;
- Identifying and managing risks in their respective areas of responsibility, in accordance with this framework, and all relevant policies and procedures; and
- Keeping the General Manager and Chief Financial Officer informed of any major risks or significant changes to the risk profile in relation to the delivery and their respective areas of responsibility.

Manager Integrated Planning, Risk and Governance

Reporting to the General Manager, the Manager Integrated Planning Risk and Governance is responsible for the coordination, development and implementation of Council's corporate governance framework, enterprise risk management, policy development, business development, business planning, privacy management and business continuity planning.

This includes:

- Developing and implementing a strong Enterprise Risk Management Framework and risk management culture within Council;
- Adopting a strategic approach in relation to Council's corporate governance and risk management;
- Remaining abreast of contemporary practices to drive improvement and cultural change;
- Coordinating and providing information to the Audit, Risk and Improvement Committee to ensure effective outcomes as per the respective committee charters;
- Coordinating Council's internal audit program;
- Developing, maintaining and providing guidance in relation to Council's corporate risk register (including the coordination of regular, systematic reviews); and
- Providing advice, guidance and recommendations to staff at all levels in relation to the effective management of risk.

Section Managers

Section Managers are responsible for:

- Supporting, promoting and participating in Council's Risk Management Program in relation to the functions and services in their respective section;
- Participating in the development of the corporate risk register and undertaking regular, systematic reviews of the risks relating to delivery of their respective section's functions;
- Identifying and managing risks in relation to delivery of their respective section's functions, in accordance with this framework and all relevant policies and procedures;

- Ensuring that adequate resources are available to support effective and efficient risk management in their respective section;
- Ensuring that any operational decisions and recommendations go to Council and have appropriate regard to risk management; and
- Keeping senior management and the Manager Integrated Planning, Risk and Governance informed of any major risks or significant changes to the risk profile in relation to the delivery of their respective section's functions.

Project Managers

Project Managers are responsible for:

- Supporting, promoting and participating in Council's Risk Management Program in relation to their role;
- Developing a project risk register and undertaking regular, systematic reviews of the risks relating to delivery of their projects;
- Identifying and managing risks in relation to delivery of their projects, in accordance with this framework and all relevant policies and procedures;
- Ensuring that adequate resources are available to support effective and efficient risk management, as part of project planning;
- Actively contributing to the development of a strong risk management culture within their project teams;
- Ensuring that any operational decisions and recommendations go to Council and have appropriate regard to risk management; and
- Keeping senior management and the Manager Integrated Planning, Risk and Governance informed of any major risks or significant changes to the risk profile in relation to the delivery of their respective section's functions.

Audit, Risk and Improvement Committee (ARIC)

The Audit, Risk and Improvement Committee are responsible for providing independent assurance to the Council in relation to risk management, internal control, governance and external accountability procedures, in accordance with its Charter.

The ARIC is responsible for reviewing and providing advice to management regarding:

- Council's compliance with relevant risk management standards;
- Council's risk management framework and procedures for identification and management of business and financial risks, including fraud;
- Council's approach to developing risk management plans for major projects or undertakings;
- Council's business continuity planning and preparedness; and

- The impact of the risk management framework on Council's control environment and insurance arrangements.

All staff, contractors and volunteers

All staff, contractors, volunteers and persons engaged to perform functions of Council are responsible for:

- Supporting, promoting and participating in Council's Risk Management Program within the scope of their influence and position description;
- Identifying, managing and escalating risks in relation to delivery of their respective functions in accordance with this framework and all relevant policies and procedures; and
- Ensuring that any actions taken have appropriate regard to risk management.

RISK MANAGEMENT PROCESS

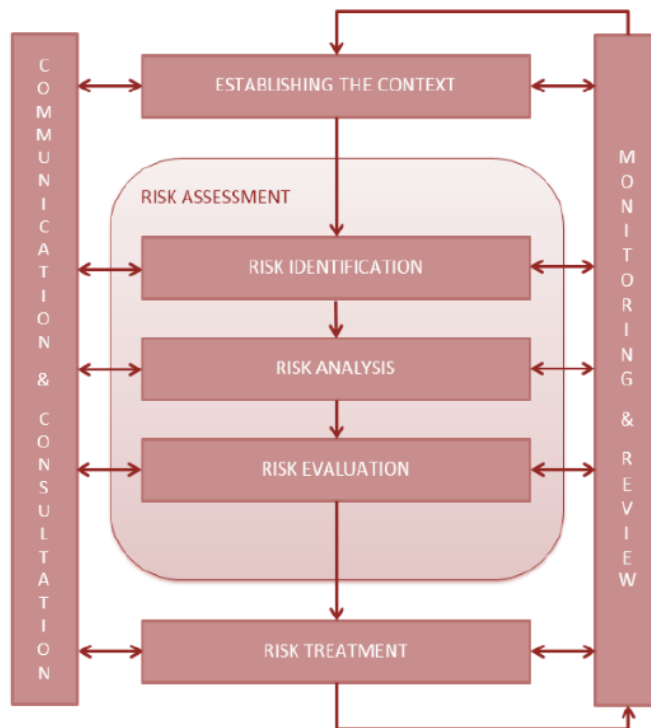
General

At Council, managing risk means actively coordinating activities to direct and control risk within Council and allowing the process to better enable Council to meet its objectives. Council's ERM Framework defines a consistent and structured approach for Council's risk management process that aligns with the requirements of *AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines*.

The following terms, as defined in *AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines*, will apply:

- **Risk** – the effect of uncertainty on objectives;
- **Risk Management** – the coordinated activities to direct and control an organisation with regard to risk;
- **Risk appetite** – amount and type of risk that an organisation is willing to pursue or retain;
- **Risk criteria** – terms of reference against which the significance of a risk is evaluated;
- **Risk assessment** – overall process of risk identification, risk analysis and risk evaluation;
- **Control** – measure that is modifying risk;
- **Risk register** – record of information about identified risks;
- **Risk profile** – description of any set of risks; and
- **Risk reporting** – form of communication intended to inform particular internal and external stakeholders by providing information regarding the current state of risk and its management.

The risk management process is illustrated below.



ISO 31000 (2018)

The five (5) key steps of the risk management process are:

- Communication and consultation;
- Establishing the context;
- Risk assessment (identify, analyse and evaluate risks);
- Treating risks; and
- Monitoring and review.

Communication and Consultation

Communication and consultation with relevant internal and external stakeholders are important elements at each step of the risk management process. Effective communication is essential to ensure that those responsible for implementing risk management and those with a vested interest understand the basis on which risk management decisions are made and why particular actions are required.

Where appropriate, consulting stakeholders with different experiences, beliefs, assumptions, needs and concerns about the risk ensures thorough and comprehensive consideration of the risk being assessed.

To ensure the currency, validity and usefulness of the integrated risk management program, we will provide risk reports to key stakeholders as detailed below:

Council – Council will consider reports concerning risk management from the Audit, Risk and Improvement Committee and give due consideration to risk management issues raised in Council reports.

Audit, Risk and Improvement Committee – The Audit, Risk and Improvement Committee will review Council's Enterprise Risk Management Framework, Strategic Risk Register and Business Continuity Plan to ensure the adequacy of our processes for managing risks.

Manex – Manex will review reports to Council and determine whether risks and risk treatments identified in reports to Council should be subject to further analysis and/or included in Council's risk database.

Establishing the Context

Establishing the context requires an examination of the external, internal (or organisational) and risk management environments in which risk identification, analysis and treatment options will be considered.

Establishing the external context is not only about considering the external environment, but also includes the relationship or interface between the Council and its external environment. This may include:

- Business, social, regulatory, cultural, competitive, financial and political environments;
- International, National and State industry trends and practices;
- Community trends;
- Council's strengths, weaknesses, opportunities and threats (SWOT); and
- Strategic relations with external bodies.

An understanding of Council as an organisation is important prior to understanding the risk management process, regardless of the level. Areas to consider include:

- Goals and objectives and the strategies that are in place to achieve them;
- Organisational culture;
- Strategic drivers;
- Internal stakeholders;
- Organisation structure; and
- Organisational resources such as people, systems and processes.

Council has established a number of risk categories. The risk categories reflect the types of risk consequences to which Council is exposed, and are integrated into Council's risk assessment process as defined in the Guideline. The risk categories will be applied to sort risks as a basis for comparison, reporting and decision making.



Risk Appetite

Council's risk appetite is defined as the amount and type of identified risk it is willing to pursue, retain, take or turn away from in the achievement of goals and objectives.

The following table outlines Council's risk appetite:

	Assessed Risk Level	Required Action
Unacceptable	Extreme	Immediate action required
	High	Prioritised action required
Acceptable	Medium	Planned action required
	Low	Action by routine procedure

The establishment of the Risk Appetite Statement is intended to guide Council in their actions and ability to accept and manage risks. Through the risk management framework and its risk appetite statement, the Council will formally establish and communicate its risk appetite.

Council applies the following categories to determine its risk appetite by "Risk Class".

Level of Risk Appetite	Description
Zero	No tolerance for accepting risk.
Minimal	Preference for options that avoid risk or have low inherent risk.
Moderate	Preference for safe options with low degree of residual risk and limited potential for reward.
Open	Willing to consider all options with a preference for prudent options and an acceptable level of reward.
Seeking Opportunity	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk.

The below table is a visual overview of Council's baseline risk appetite statement:

MUSWELLBROOK SHIRE COUNCIL'S RISK APPETITE STATEMENT					
Risk Class	Zero	Minimal	Moderate	Open	Seeking Opportunity
Service Delivery			✓		
Natural Environment/ Sustainability		✓			
Health & Safety		✓			
Reputation		✓			
Finance			✓		
Legal/Regulatory		✓			

MUSWELLBROOK SHIRE COUNCIL'S RISK APPETITE STATEMENT					
Risk Class	Zero	Minimal	Moderate	Open	Seeking Opportunity
Assets		✓			
Corporate Information/Systems			✓		

This visual overview demonstrates that Council has the lowest appetite for risks which may:

- compromise the financial sustainability of the organisation;
- compromise compliance with legislation and regulation;
- compromise the safety and welfare of Council employees, volunteers, contractors or members of the community;
- compromise the natural environment of the Muswellbrook Shire region;
- result in major disruption to the delivery of key Council services;
- result in widespread and sustained damage to Council's reputation; and
- result in significant loss of key Council assets.

Council has some appetite for risks associated with:

- Improving efficiency, reducing costs and/or generating additional sources of income
- Maintaining and where necessary improving levels of service to the community

Risk Identification

Risk identification is the process of identifying risks facing Council. This involves thinking through the sources of risks, the potential hazards, the possible causes and the potential exposure. The risk identification process should be systematic and comprehensive and should include those risks not directly under the control of Council.

The key questions when identifying risks are:

- What can happen?
- Where can it happen?
- When can it happen?
- Why can it happen?
- What is the impact?
- Who is responsible?

It's important to capture the identified risk in a manner that allows it to be fully understood by all stakeholders. In accordance with AS/NZS ISO 31000:2018, the wording to be used to describe a risk within Council is:

"There is a risk that (*something might occur or not occur or is present*) which leads to (*consequences with reference to particular objective*)".

The description can be extended to say what causes the risk and how the consequences might arise.

A variety of methods can be used to identify risks including:

- workshops;
- audits;
- physical inspections;
- brainstorming;
- examination of local or overseas experience;
- expert judgement;
- flow charting, business process reviews;
- interview/focus group discussion;
- operational modeling;
- past organisational experience;
- scenario analysis;
- strengths, weaknesses, opportunities and threats (SWOT) analysis;
- work breakdown structure analysis;
- review of incidents;
- periodic reviews of the risk register; and/or
- bow tie charts.

Risk Analysis

Risk analysis involves consideration of the causes and sources of risk, their potential consequences and the likelihood of those consequences occurring. Consequence and likelihood are combined to produce an estimate of the level of potential risk. Risks should be considered in the context of existing controls.

Consequence Descriptors

	INSIGNIFICANT	MINOR	MODERATE	MAJOR	EXTREME
SERVICE DELIVERY	Inability to deliver non-essential services within specification for a period of < 3 days.	Inability to deliver non-essential services within specification for a period of > 3 days but > 1 week.	Inability to deliver essential services within specification for a period of < 3 days. or Inability to deliver non-essential services within specification for a period of > 1 week.	Inability to deliver essential services within specification for a period of > 3 days but < 1 week. or Inability to deliver critical service within specification for a period of < 3 days.	Inability to deliver essential services within specification for a period of > 1 week. or Inability to deliver critical services within specification for a period of > 3 days.
NATURAL ENVIRONMENT/ SUSTAINABILITY	Single occurrence which causes environmental harm with no ongoing affect.	Repeated occurrences which cause environmental harm with no ongoing affect.	Single or repeated occurrences which cause ongoing environmental harm which is able to be remediated in < 2 years.	Single or repeated occurrences which cause ongoing environmental harm which is able to be remediated in > 2 years but < 5 years.	Single or repeated occurrences which cause ongoing environmental harm which cannot be remediated in under 5 years.

	INSIGNIFICANT	MINOR	MODERATE	MAJOR	EXTREME
ORGANISATION WELLBEING	Localised employee dissatisfaction resulting in a Staff Satisfaction rating drop of 5% Increase in turnover of personnel or absenteeism of < 5%	Localised employee dissatisfaction resulting in Staff Satisfaction rating drop of > 5% but < 10% Increase in turnover of personnel or absenteeism of > 5% but < 10%	Localised employee dissatisfaction resulting in Staff Satisfaction rating drop of > 10% but < 15% Widespread employee dissatisfaction resulting in Staff Satisfaction rating drop of < 5% Increase in turnover of personnel or absenteeism of > 10% but < 15%	Localised employee dissatisfaction resulting in Staff Satisfaction rating drop of > 15% Widespread employee dissatisfaction resulting in Staff Satisfaction rating drop of > 5% but < 10% Increase in turnover of personnel or absenteeism of > 15% but < 25%	Widespread employee dissatisfaction resulting in Staff Satisfaction rating drop of > 10% Increase in turnover of personnel or absenteeism of > 25%
HEALTH AND SAFETY	Any injury or disease which required first aid treatment only – no lost time.	Injury or disease requiring medical treatment and which is likely to result in a person being incapacitated from normal activity for a continuous period of < 7 days.	Injury or disease requiring medical treatment and which is likely to result in a person being incapacitated from normal activity for a continuous period > 7 days.	Total or permanently disabled.	Fatality.
REPUTATION	Complaint by one or a number of un-associated members of the general community.	Complaint by a group from the community which is escalated into the public arena. or Minor adverse local media attention.	Serious attention / concern from the public, State media or stakeholders which will be overcome within < 3 months.	Significant attention / concern from the public, National media or stakeholders which will take longer than 3 months to overcome.	Ministerial intervention / Appointment of Commissioners.
FINANCE	Negative financial impact (increased costs, lost revenue or direct loss) of < \$5k.	Negative financial impact (increased costs, lost revenue or direct loss) of > \$5k and < \$250k.	Negative financial impact (increased costs, lost revenue or direct loss) of > \$250k and < \$1M.	Negative financial impact (increased costs, lost revenue or direct loss) of > \$1M and < \$10M.	Negative financial impact (increased costs, lost revenue or direct loss) of > \$10M.
LEGAL / REGULATORY	Civil litigation or breach of contract which results does not result in legal remedy or Statutory breach which results in issue of a PIN notice.	Civil litigation or breach of contract which results in non-material legal remedy or Statutory breach which results in non-material fine or Imposition of Prohibition Notice.	Civil litigation or breach of contract which results in material legal remedy or Statutory breach which results in a material fine or Suspension of a non-material licence, permit etc.	Civil litigation or breach of contract which results in action taken in the Supreme Court or Federal Court or Statutory breach which results in a significant fine or Suspension of a material licence, permit etc.	Civil litigation or breach of contract which results in action taken in the Full Court or Statutory breach which may result in imprisonment.

	INSIGNIFICANT	MINOR	MODERATE	MAJOR	EXTREME
INFRASTRUCTURE / ASSETS	Localised damage to a single general asset which can be remedied within a short time frame.	Localised damage to a single general asset which can be remedied over a long time frame or Widespread damage to a single general asset which can be remedied over a short time frame.	Localised damage to a single critical asset which can be remedied over a short time frame or Widespread damage to a number of general assets which can be remedied over a short time frame.	Localised damage to a single critical asset which can be remedied over a long time frame or Widespread damage to a number of general assets which can be remedied over a long time frame.	Widespread damage to a number of critical assets which can be remedied over a long time frame or Total and permanent destruction of one of more critical assets.
CORPORATE INFORMATION / SYSTEMS	Loss of Low Risk data / information or systems.	Loss of Moderate Risk data, information or systems for a period of < 7 days.	Loss of Moderate Risk data, information or systems for a period of > 7 days.	Loss of High Risk data information or systems for a period of < 24 hours or Unauthorised access to sensitive / private information for < 1 week.	Loss of High Risk data, information or systems for a period of > 24 hours or Unauthorised access to sensitive / private information for > 1 week.

Likelihood Descriptors

Rating	Description	Likelihood of Occurrence	Probability
5	Almost Certain	It is expected to occur more than once a year.	Multiple times per year
4	Likely	Will probably occur at least once a year.	1 per year
3	Possible	Could occur at some time; possibly once every 5 years	1 in 2-3 years
2	Unlikely	Could occur at some time; possibly once every 10 years	1 in 3-5 years
1	Rare	May occur only in exceptional circumstances	1 in 5+ years

Level of Risk

		Rare	Unlikely	Possible	Likely	Almost Certain
		Event may occur in exceptional instances & needs unlikely factors to occur together. Risk unlikely to have occurred before.	Event unlikely to occur (in 1 in 5 year period). For risk to eventuate need single or couple of unlikely factors. Risk may have occurred before.	Event expected to possible occur in a 3 year period. Risk is unlikely to be part of business process. For risk to eventuate likely to need multiple factors to occur.	Event expected to occur at least annually. Risk is possible part of routine business process & can occur a number of times per annum.	Event expected to occur regularly per annum. This risk is part of daily business operation. If controls removed the risk would certainly eventuate on a daily to weekly basis.
Extreme	Likely to impact Council in such a way that it would take a significant amount of time to recover, if at all. Timeframes > 10 to 15 years, e.g. closure of whole business or significant part of it.	Medium	High	Catastrophic	Catastrophic	Catastrophic
Major	Would significantly challenge Council & take considerable amount of time to get over. It would take between 3 – 10 years to recover from.	Medium	Medium	High (17)	High (21)	Catastrophic
Moderate	Would need involvement from ELT to resolve. May take between 1 month & 1 year to	Low	Medium	Medium	High (18)	High (22)

	overcome & up to 3 years to recover from.					
Minor	Some impact which can be dealt with through some ELT involvement & in normal day-to-day operations. May need up to a few months to resolve & overcome.	Low	Low	Medium	Medium	High (19)
Insignificant	No real impact to Council & would be dealt with in the day-to-day operational process. Can be resolved in a few weeks.	Low	Low	Low	Low	Medium

Risks can be assessed from:

Inherent (Initial) Risk – overall raw, untreated risk or worst case scenario. It is determined by combining the likelihood and consequence ratings without reference to any existing controls.

Residual Risk – level of risk in light of existing controls. Ultimately, the level of risk will determine how a risk is treated.

Proposed Risk – level of risk that would remain if the additional or proposed controls were to be successfully implemented. For risks where the decision is made to accept the risk, the proposed risk level will be the same as the residual risk level.

Risk Evaluation

Risk evaluation involves comparing the level of risk found during the analysis process against the risk criteria to determine whether the risk is acceptable. It involves making decisions based on the risk rating about which risks are going to be treated and the priorities of those treatments. Treatment strategies will vary depending on the level of risk. It's important to strike a balance between the cost of eliminating or reducing a risk and any potential benefits or loss reduction.

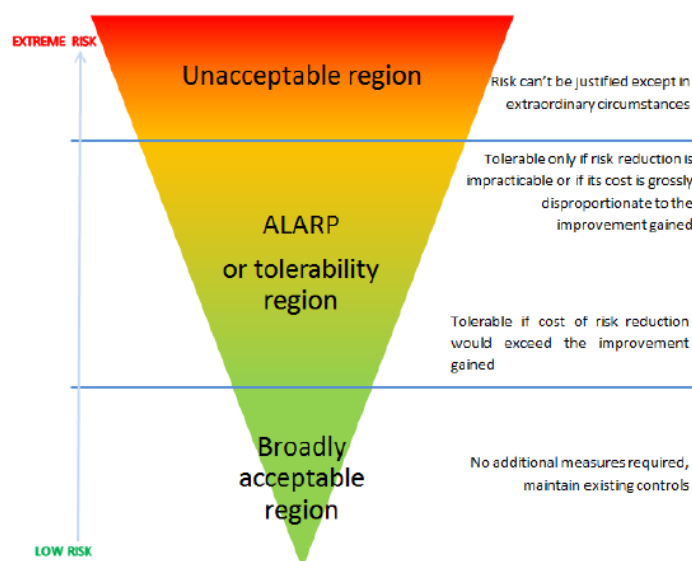
The higher the overall level of risk the greater level of management attention is required to reduce its probability and/or impact or manage the risk.

The ALARP (As Low As Reasonably Practicable) principle covers two main areas of risk—acceptability and tolerability. It involves weighing a risk against the effort, time and resources needed to control it. Application of the concept provides a better understanding of the level and significance of risks and, in turn, can be used to provide support in decisions relating to risk control measures. The application of this principle revolves around the following key aspects:

Intolerable region: an upper level above which risk is intolerable

Broadly acceptable region: a lower level below which the risk is broadly acceptable without further treatment as it is very small

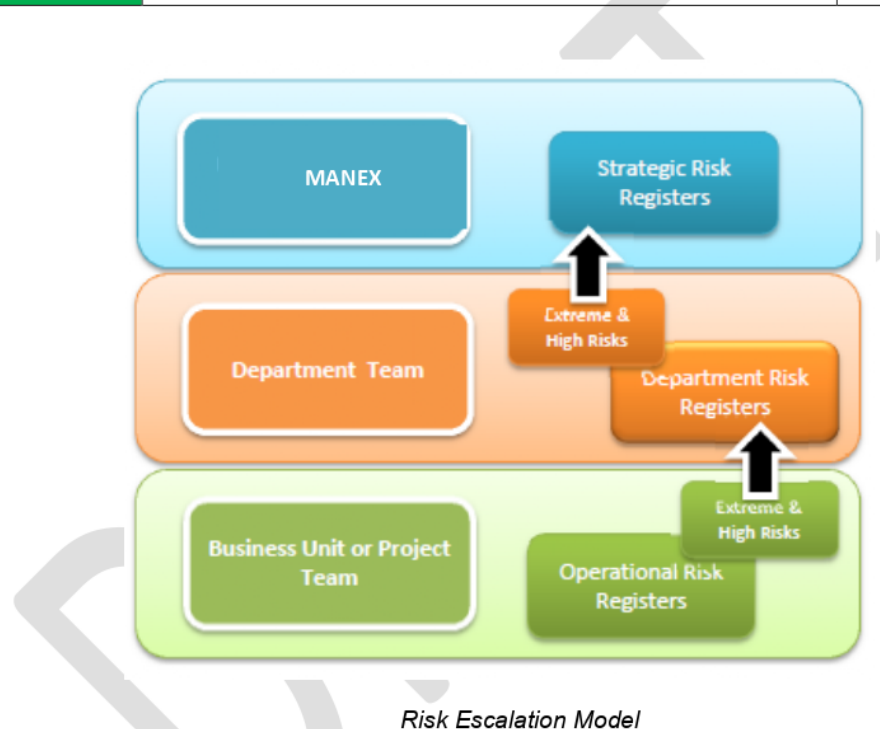
Tolerable region: a region between the upper and lower level where risk is tolerable providing it has been reduced to a level which is ALARP (as low as reasonably practicable)



Because Council's Risk Management Framework allows for risks to be assessed against criteria which are appropriate to the size of risk faced by individual sections, it's important to identify those risks which need to be monitored and controlled at a Department and/or organisational level. To achieve this, an escalation model is used whereby risks identified as "Extreme" or "High" at the Section, Business Unit or project level must be re-assessed at Department level as illustrated below. Similarly, those risks identified as "Extreme" or at a Department level must be escalated to MANEX to be re-assessed at an enterprise, or whole of organisation level.

RISK RATING	ACTION	RESPONSIBILITY FOR ACTION
CATASTROPHIC	<ul style="list-style-type: none"> Bring to the attention of the Director for immediate management action All possible treatments must be put in place to reduce the risk to an acceptable level Report quarterly to MANEX Report quarterly through the Audit, Risk and Improvement Committee 	Director
HIGH	<ul style="list-style-type: none"> Bring to the attention of the Manager for immediate management action Allocate actions and budget to minimise risk Report quarterly through the Audit, Risk and Improvement Committee 	Manager

RISK RATING	ACTION	RESPONSIBILITY FOR ACTION
MEDIUM	<ul style="list-style-type: none"> Identify management responsibility, monitor and review response action as necessary Allocate resources where existing controls are deemed inadequate 	Coordinator / Supervisor
LOW	<ul style="list-style-type: none"> Accept and monitor Manage through existing processes and procedures Report via routine internal reporting mechanisms 	Coordinator / Supervisor



Risk Treatment

Risk treatment involves selecting one or more options for modifying a risk by changing the consequences that could occur or their likelihood and implementing those options. Action is taken to eliminate or reduce the negative impacts or to maximise potential benefits.

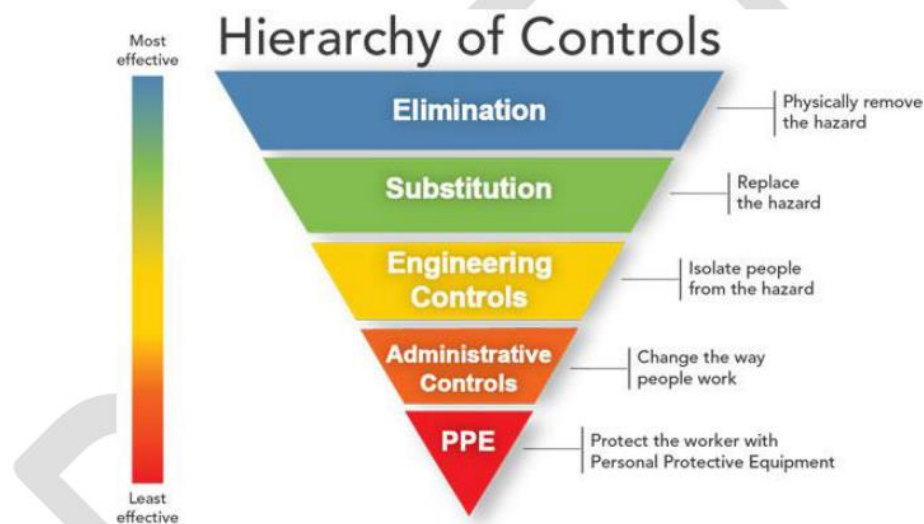
Risk treatments may include:

- avoiding the risk by deciding not to start or continue with the activity that gives rise to the risk;
- accepting the risk or taking the risk in order to pursue an opportunity;
- removing the risk source;

- changing the likelihood of the risk;
- changing the consequences of the risk;
- transferring or sharing the risk in full or in part; and/or
- retention of risk by informed decision.

Where controls exist and are considered effective to manage the risk so that it falls below the ALARP line, no further action is required except for periodic monitoring. Where existing controls fail to manage the risk to below the ALARP line, risk management plans should be developed and implemented to mitigate the risks to an acceptable level.

Elimination must be considered as the preferred treatment for risks. Where it isn't reasonable or practicable to eliminate the risk, control measures need to be implemented to reduce it to the lowest level possible. The hierarchy of controls is a list of control measures, in priority order, that can be used to eliminate or mitigate the risk.



Examples of generic risk controls which can reduce or transfer the risk include:

- documentation and implementation of plans, policies and procedures;
- segregation or separation of duties;
- authorisation or review of transactions or decisions;
- retention and protection of records;
- supervision or monitoring of operations;
- trend identification and review;
- delegations of authority;
- maintenance programs;

- management reviews;
- independent internal/external reviews;
- contingency plans;
- IT security;
- controls over information processing;
- training and communication;
- performance management/appraisal;
- staff rotation;
- expert advice/referrals;
- physical safeguards; and/or
- insurance policies.

Controls can be categorised as preventive, detective or corrective. Preventive controls tend to be proactive in that they are designed to keep errors or irregularities from occurring in the first place. Detective and corrective controls tend to be reactive, being implemented if the risk event occurs and acting to limit the damage. Examples of preventive, detective and corrective controls include:

Preventive	Detective	Corrective
segregation of duties	petty cash audits	IT back ups
policies & procedures	bank reconciliation	changes to IT access if role changes
training	stock takes	Disaster Recovery Plans
position descriptions	Internal audit	
passwords	reviews	
authorisation signatures		

Sample preventive, detective and corrective controls

Some controls are effective to reduce the likelihood of a risk event occurring while others are effective to reduce the consequence. For example, internal process controls can reduce the likelihood while an insurance policy can reduce the consequences.

As the residual risk level considers the likelihood and consequence of a risk occurring in light of existing controls, Council's risk register will document the effectiveness of each identified control as detailed below.

Effective	Control is effective in most circumstances; will have a significant effect in terms of reducing the likelihood and/or consequence; provides assurance that this risk will not occur
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Somewhat effective	Control is partially effective most of the time; will have some effect in terms of reducing the likelihood and/or consequence; some weaknesses/inefficiencies have been identified; improvements are required
Ineffective	Control is not effective; will not have any effect in terms of reducing the likelihood and/or consequence; little or no assurance that risk will not occur, many weaknesses/inefficiencies exist

Control effectiveness

As risk treatments are only effective if they are completed, all risk treatments must be adequately resourced and allocated to a responsible officer for implementation.

The risk register must be updated to reflect completion of the treatment and the risk must be reassessed as to whether these actions have been successful in reducing the likelihood and/or consequence.

Where a decision is taken to accept a risk, the risk is still to be recorded in the risk register along with the reasons behind the decision not to treat the risk.

Monitoring and Review

Monitoring of the risk management system will align with Council's business improvement approach and have the flexibility to adapt to the changing needs of the organisation. Compliance with the Risk Management Policy and the growth in maturity of our risk management system will be monitored by Manex.

As few risks remain static, they need to be regularly reviewed to ensure that the identified risk and associated treatments remain relevant and that changing circumstances don't alter priorities or expected outcomes.

Risk Owners are to monitor the accuracy, currency and status of the risks that have been allocated to them and report on them in accordance with the requirements of this Framework. This monitoring is to include obtaining assurance that the controls associated with the risk are effective.

All risk registers will be formally reviewed on a six (6) monthly basis. One of these reviews should coincide with the annual integrated planning and budgeting process. This helps determine work priorities and ensures appropriate resources are assigned to manage and control risks. Each risk register needs to be robust to ensure that the risk controls listed can be cross-referenced to Council's document management system and/or document convention.

Council's risk management framework, policies and practices will be reviewed at least once every two (2) years. This review should assess:

- the adequacy of risk management policies and procedures;
- compliance with risk management policies and procedures; and
- the effectiveness of policies, procedures and controls in mitigating risks.

The review may be included in the internal audit program but may also be conducted outside this process or through an alternative process that examines these aspects of risk management (e.g. Office of Local Government review, general review of governance).

Definitions

The following terms, as defined in AS/NZS ISO 31000:2018 Risk Management – Principles and Guidelines, will apply:

Consequences	Outcome of an event affecting objectives. (AS/NZS ISO 31000:2018)
Control	Measure that is modifying risk. (AS/NZS ISO 31000:2018)
Exposure	The risk exposure is a qualitative value of the sum of the consequences of an event multiplied by the probability of that event occurring.
Likelihood	Chance of something happening. (AS/NZS ISO 31000:2018).
Residual Risk	Risk remaining after risk treatment. (AS/NZS ISO 31000:2018)
Risk	Effect of uncertainty on objectives. (AS/NZS ISO 31000:2018)
Issue/Incident	An event that has occurred that has taken Council outside its target level of risk.
Risk Acceptance	An informed decision to accept the consequences and the likelihood of a particular risk.
Risk Analysis	A process to comprehend the nature of risk and to determine the level of risk. (AS/NZS ISO 31000:2018)
Risk Avoidance	An informed decision to withdraw from, or to not become involved in, a risk situation.
Risk Identification	Process of finding, recognizing and describing risks. (AS/NZS ISO 31000:2018)
Risk Register	A Risk Register provides a repository for recording each risk and its attributes, evaluation and treatments.
Risk Source	Element which, alone or in combination, has the intrinsic potential to give rise to risk. (AS/NZS ISO 31000:2018)
Risk Management	Coordinated activities to direct and control an organisation with regard to risk. (AS/NZS ISO 31000:2018)
Risk Management Plan	Scheme within a Risk Management Framework specifying the approach, the management components and resources to be applied to the management of risk coordinated activities to direct and control and organization with regard to risk. (AS/NZS ISO 31000:2018)

Risk Owner	Person or entity with the accountability and authority to manage a risk. Scheme within a Risk Management Framework specifying the approach, the management components and resources to be applied to the management of risk coordinated activities to direct and control and organization with regard to risk. (AS/NZS ISO 31000:2018)
Risk Retention	Intentionally or unintentionally retaining the responsibility for loss, or financial burden of loss within the organization. Scheme within a Risk Management Framework specifying the approach, the management components and resources to be applied to the management of risk coordinated activities to direct and control and organization with regard to risk. (AS/NZS ISO 31000:2018)
Risk Sharing	Sharing with another party, the burden of loss or benefit of gain, for a risk. (AS/NZS ISO 31000:2018)
Risk Treatment	Process to modify risk (AS/NZS ISO 31000:2018).
Stakeholder	Person or organization that can affect, be affected by, or perceive themselves to be affected by, a decision or activity (AS/NZS ISO 31000:2018).
Target Level of Risk	The highest level of risk for each category that Council is willing to accept without escalating the risk to an authorized person for acceptance.

Administration

Department	Integrated Planning, Risk and Governance
Responsible Officer	Manager Integrated Planning, Risk and Governance
Review Date	Two (2 years) from date of adoption
DOC ID	804361
Relevant Legislation	<ul style="list-style-type: none"> ▪ Local Government Act (NSW) 1993 ▪ AS/NZS ISO 31000:2018 Risk Management and Principles Guidelines
Related Policies/Procedures	<ul style="list-style-type: none"> ▪ Enterprise Risk Management Policy

12.3 REPORT ON INVESTMENTS HELD AS AT 31 MARCH 2020

Attachments:	A. Investment Portfolio and Cash as at 31 March 2020 B. Issuer Trading Limits as at 31 March 2020
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 31 March 2020 be noted.

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 31 March 2020 are shown in the attachments.

COMMENT:

As at 31 March 2020, there are no individual or group portfolio trading limits that have been exceeded.

Council's weighted running yield is 1.89% for the month.

The Responsible Accounting Officer certifies that, apart from the above trading limit discrepancies, the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit										
ME Bank At Call		150,000.00	1.00000000	150,000.00	100.000	0.000	150,000.00	0.26%	0.85%	
Westpac Bus Prem At Call		702,161.12	1.00000000	702,161.12	100.000	0.000	702,161.12	1.24%	0.34%	
Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.18%	0.34%	
		952,161.12		952,161.12			952,161.12	1.68%		0.42%
Floating Rate Deposit										
ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.393	1,003,931.51	1.77%	2.05%	
		1,000,000.00		1,000,000.00			1,003,931.51	1.77%		2.05%
Floating Rate Note										
AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	99.553	0.095	1,992,960.00	3.52%	1.64%	
Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	1,000,000.00	1.00000000	1,000,000.00	99.951	0.298	1,002,490.00	1.77%	2.02%	
Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	98.278	0.062	1,966,800.00	3.47%	1.62%	
BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	1,000,000.00	1.00000000	1,000,000.00	100.216	0.355	1,005,710.00	1.78%	2.05%	
BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.071	0.227	1,002,980.00	1.77%	1.92%	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	99.492	0.299	498,955.00	0.88%	1.91%	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	98.584	0.366	989,500.00	1.75%	1.88%	
BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	3,000,000.00	1.00000000	3,000,000.00	100.196	0.230	3,012,780.00	5.32%	1.99%	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	99.378	0.334	498,560.00	0.88%	1.93%	
CredSuis 1.15 29 Apr 2020 FRN	AU3FN0027314	1,000,000.00	1.00000000	1,000,000.00	100.078	0.345	1,004,230.00	1.77%	2.03%	
CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	101.122	0.145	1,012,670.00	1.79%	2.50%	
CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.319	0.124	1,506,645.00	2.66%	1.80%	
CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	98.512	0.369	1,483,215.00	2.62%	2.01%	
RACB 1.1 11 May 2020 FRN	AU3FN0042370	2,000,000.00	1.00000000	2,000,000.00	100.059	0.270	2,006,580.00	3.54%	2.01%	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	99.256	0.178	994,340.00	1.76%	1.83%	
ME Bank 1.25 06 Apr 2020 FRN	AU3FN0035333	500,000.00	1.00000000	500,000.00	100.019	0.504	502,615.00	0.89%	2.16%	
NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	99.474	0.019	1,989,860.00	3.51%	1.38%	
NPBS 1.35 07 Apr 2020 FRN	AU3FN0026969	1,000,000.00	1.00000000	1,000,000.00	100.022	0.521	1,005,430.00	1.78%	2.26%	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	100.083	0.342	502,125.00	0.89%	2.28%	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	3,500,000.00	1.00000000	3,500,000.00	98.299	0.303	3,451,070.00	6.09%	1.97%	
Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	99.783	0.041	1,497,360.00	2.64%	1.86%	
Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	99.803	0.086	749,167.50	1.32%	2.09%	
Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.034	0.117	2,003,020.00	3.54%	1.70%	



Portfolio Valuation Report
Muswellbrook Shire Council
As At 31 March 2020

RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1,000,000.00	1,000,000.00	100.667	0.151	1,008,180.00	1.78%	2.05%
SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	4,000,000.00	1,000,000.00	4,000,000.00	100.354	0.408	4,030,480.00	7.12%	2.06%
		36,750,000.00		36,750,000.00			36,717,722.50	64.85%	1.92%
Term Deposit									
AMP 1.75 20 Apr 2020 182DAY TD		1,300,000.00	1,000,000.00	1,300,000.00	100.000	0.777	1,310,097.26	2.31%	1.75%
Auswide 1.62 14 May 2020 92DAY TD		1,500,000.00	1,000,000.00	1,500,000.00	100.000	0.213	1,503,195.62	2.65%	1.62%
BOQ 3.4 21 Jun 2021 182DAY TD		1,000,000.00	1,000,000.00	1,000,000.00	100.000	2.645	1,026,454.79	1.81%	3.40%
BVIC 1.88 01 Jul 2020 92DAY TD		2,000,000.00	1,000,000.00	2,000,000.00	100.000	0.000	2,000,000.00	3.53%	1.88%
HBS 1.9 19 Jun 2020 91DAY TD		2,000,000.00	1,000,000.00	2,000,000.00	100.000	0.057	2,001,145.20	3.53%	1.90%
MACQ 1.6 05 May 2020 92DAY TD		1,000,000.00	1,000,000.00	1,000,000.00	100.000	0.250	1,002,498.63	1.77%	1.60%
MACQ 1.6 21 May 2020 90DAY TD		1,500,000.00	1,000,000.00	1,500,000.00	100.000	0.171	1,502,564.39	2.65%	1.60%
MYS 1.77 03 Apr 2020 122DAY TD		2,500,000.00	1,000,000.00	2,500,000.00	100.000	0.577	2,514,426.70	4.44%	1.77%
MYS 1.8 17 Sep 2020 182DAY TD		2,000,000.00	1,000,000.00	2,000,000.00	100.000	0.059	2,001,183.56	3.53%	1.80%
P&NB 3.83 05 Jun 2020 1827DAY TD		1,000,000.00	1,000,000.00	1,000,000.00	100.000	3.148	1,031,479.45	1.82%	3.83%
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1,000,000.00	2,000,000.00	100.000	2.747	2,054,932.60	3.63%	3.53%
		17,800,000.00		17,800,000.00			17,947,978.19	31.70%	2.17%
Fixed Interest Total		56,502,161.12		56,502,161.12			56,621,793.32	100.00%	1.89%

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Report Code: TSSBP100EXT-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		3,300,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	58.00	42.00	2,350,216	0.00	0
ANZ Banking Group Ltd		1,000,000.00	Book	30.00	% of 56,502,161.12	16,950,648.34	6.00	94.00	15,950,648	0.00	0
Auswide Bank Limited		4,500,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	80.00	20.00	1,150,216	0.00	0
Bank of Queensland Ltd		4,500,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	80.00	20.00	1,150,216	0.00	0
BankVic		2,000,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	35.00	65.00	3,850,216	0.00	0
Bendigo & Adelaide Bank Ltd		3,500,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	62.00	38.00	2,150,216	0.00	0
Credit Suisse Sydney		2,000,000.00	Book	20.00	% of 56,502,161.12	11,300,432.22	18.00	82.00	9,300,432	0.00	0
Credit Union Australia Ltd		3,000,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	53.00	47.00	2,850,216	0.00	0
Heritage Bank Ltd		2,000,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	35.00	65.00	3,850,216	0.00	0
Macquarie Bank		2,500,000.00	Book	20.00	% of 56,502,161.12	11,300,432.22	22.00	78.00	8,800,432	0.00	0
Members Banking Group Limited t/as RACQ Bank		3,000,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	53.00	47.00	2,850,216	0.00	0
Members Equity Bank Ltd		650,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	12.00	88.00	5,000,216	0.00	0
MyState Bank Ltd		4,500,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	80.00	20.00	1,150,216	0.00	0
National Australia Bank Ltd		2,000,000.00	Book	30.00	% of 56,502,161.12	16,950,648.34	12.00	88.00	14,950,648	0.00	0
Newcastle Permanent Building Society Ltd		5,000,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	89.00	11.00	650,216	0.00	0
P&N Bank Ltd		3,000,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	53.00	47.00	2,850,216	0.00	0
QPCU LTD t/a QBANK		4,250,000.00	Book	10.00	% of 56,502,161.12	5,650,216.11	75.00	25.00	1,400,216	0.00	0
Rabobank Nederland Australia Branch		1,000,000.00	Book	20.00	% of 56,502,161.12	11,300,432.22	9.00	91.00	10,300,432	0.00	0
Suncorp Bank		4,000,000.00	Book	20.00	% of 56,502,161.12	11,300,432.22	35.00	65.00	7,300,432	0.00	0
Westpac Banking Corporation Ltd		802,161.12	Book	30.00	% of 56,502,161.12	16,950,648.34	5.00	95.00	16,148,487	0.00	0
		56,502,161.12				169,506,483.36			113,004,319		0

2 Security Rating Group Trading Limits

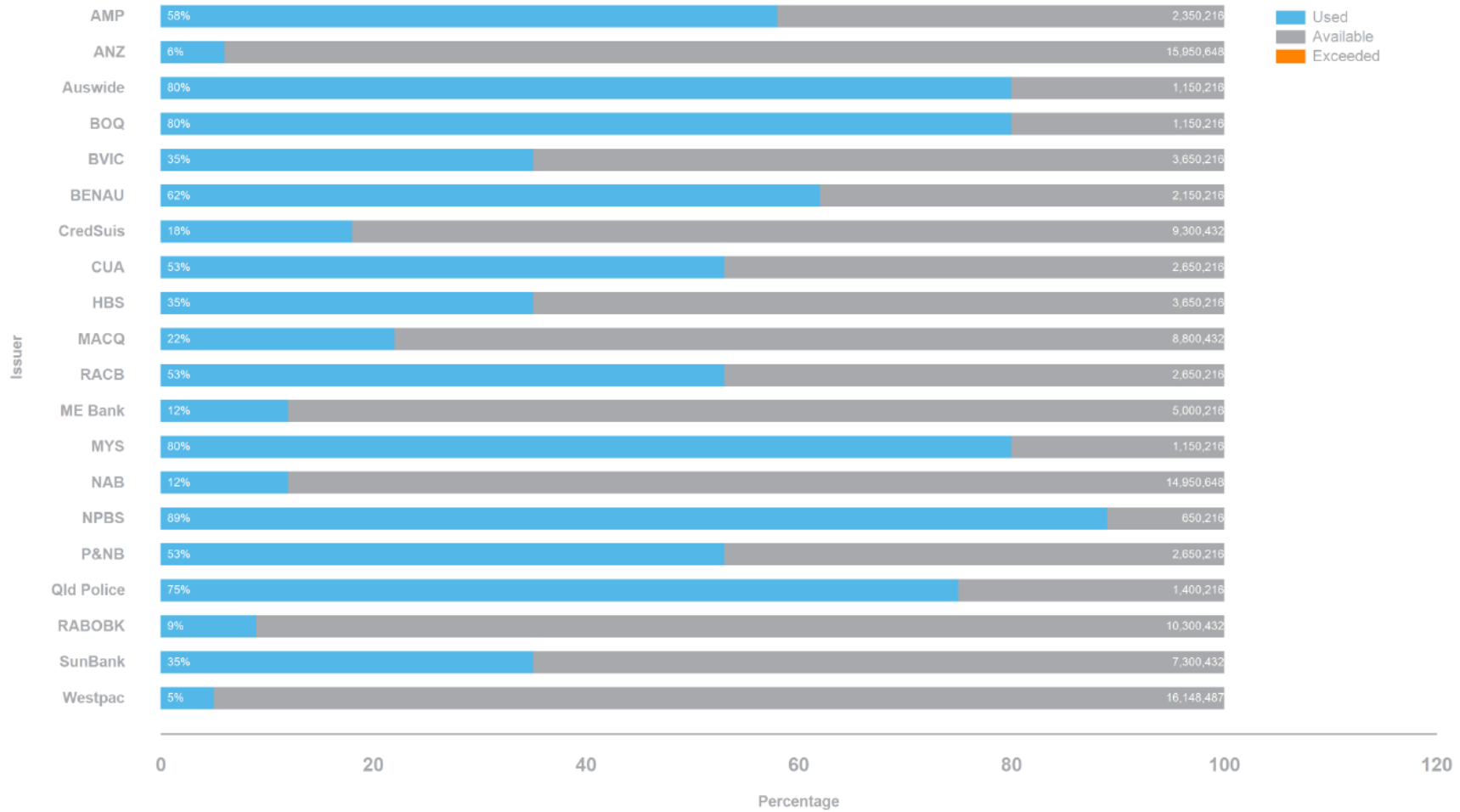
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 56,502,161.12	56,502,161.12	5.00	95.00	53,502,161	0.00	0
A+ to A-	4,000,000.00	Book	70.00	% of 56,502,161.12	39,551,512.78	10.00	90.00	35,551,513	0.00	0
A1+	802,161.12	Book	100.00	% of 56,502,161.12	56,502,161.12	1.00	99.00	55,700,000	0.00	0
A1	7,500,000.00	Book	70.00	% of 56,502,161.12	39,551,512.78	19.00	81.00	32,051,513	0.00	0
A2	22,800,000.00	Book	60.00	% of 56,502,161.12	33,901,296.67	67.00	33.00	11,101,297	0.00	0
A3	1,500,000.00	Book	60.00	% of 56,502,161.12	33,901,296.67	4.00	96.00	32,401,297	0.00	0
BBB+ to BBB-	16,900,000.00	Book	60.00	% of 56,502,161.12	33,901,296.67	50.00	50.00	17,001,297	0.00	0
	56,502,161.12				293,811,237.82			237,309,078		0

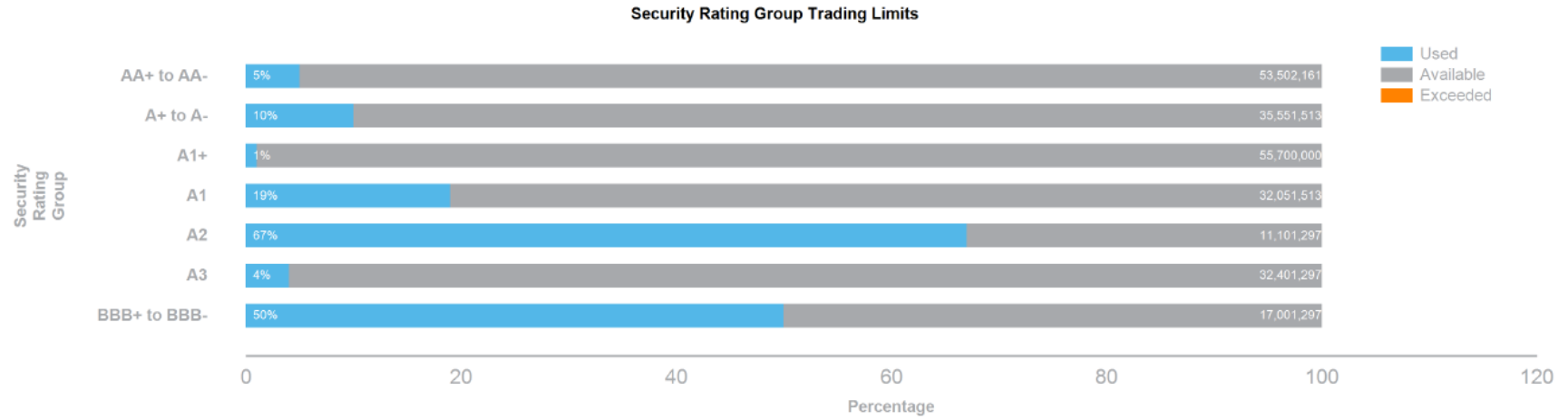
Notes

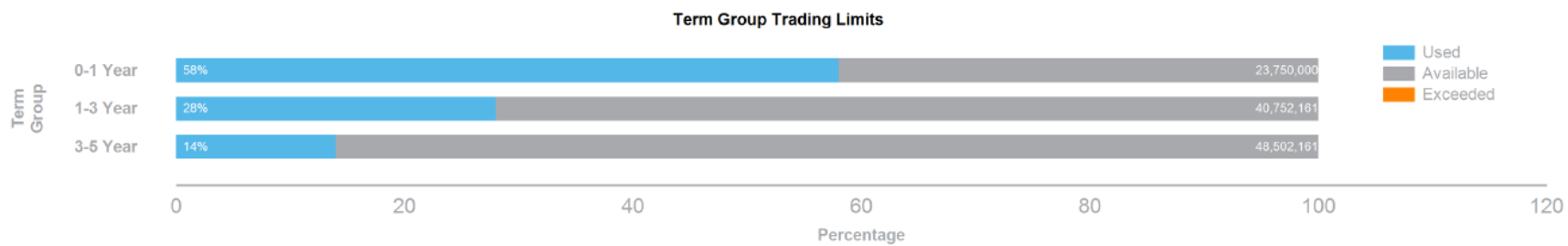
1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	32,752,161.12	Book	100.00	% of 56,502,161.12	56,502,161.12	58.00	42.00	23,750,000	0.00	0
1-3 Year	15,750,000.00	Book	100.00	% of 56,502,161.12	56,502,161.12	28.00	72.00	40,752,161	0.00	0
3-5 Year	8,000,000.00	Book	100.00	% of 56,502,161.12	56,502,161.12	14.00	86.00	48,502,161	0.00	0
	56,502,161.12				169,506,483.36			113,004,322		0

Issuer Trading Limits






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Report Code: TBSBP125EXT-00.07
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 March 2020
Balance Date: 14 April 2020 (but 31 Mar 2020 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: Bal Only
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Ignored
Hide Zero Holdings

12.4 PLANNING AND ENVIRONMENT SERVICES

Attachments:	Nil
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Chloe Wuiske - Administration Officer Jade Richardson - Co-Ordinator - Customer Service & Administration Michael Brady - Sustainability Officer Tracy Ward - Sustainability Officer Ziggy Andersons - Ecologist and Sustainability Team Leader
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 Planning and Environmental Services sections.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

PLANNING & 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 (13 March to 15 April 2020)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/77/2	S4.55(1A) Modification - Three (3) Rural Workers Dwellings and Machinery Shed	420 Dalswinton Road Dalswinton	-
2020/21	Rural Workers Dwelling	828 Bylong Valley Way Baerami	273,717
2020/18	Steel Shelter	241 Merriwa Road Denman	13,900
2020/16	New Dwelling	21 Finnegan Crescent Muswellbrook	385,335

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2020/15	Residential Shed	104 Osborn Avenue Muswellbrook	19,500
2020/14	New Dwelling	7 Honeyeater Close Denman	560,395
2020/9	Single Residential Garage	52 Palace Street Denman	27,548
2020/3	Demolition and Replacement of Dwelling	Widden Valley Road Denman	313,233
2020/1	Residential Garage and Carport	18 Grimes Close Denman	25,000
2019/91	Demolition of Existing Identification Sign and Erection of New Identification Sign	310 Richmond Grove Road Sandy Hollow	12,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2020/32	Change of Use of Existing Buildings for Vehicle Repair Station	Golden Highway Sandy Hollow	08/04/2020	3,500
2003/72/5	S4.55(2) Modification - To Make Previously Approved 12 Month Trial of Extended Hours of Operation of Restaurant Drive-thru (McDonald's) Permanent.	83-89 Maitland Street Muswellbrook	06/04/2020	-
2020/31	Hay Shed	1040 Bureen Road Denman Nsw	03/04/2020	52,945
2020/30	Partial Demolition and Rebuild of Fire Damaged Dwelling	148 Sydney Street Muswellbrook	27/03/2020	200,933
2020/28	Alterations and additions to two (2) existing dwellings and their strata subdivision	39 Market Street Muswellbrook	19/03/2020	181,610
2020/29	Patio	20b Grey Gum Road Denman	17/03/2020	41,300
2020/27	Residential Shed	99 Woodland Ridge Road Muscle Creek	13/03/2020	45,968
2020/26	Residential Shed	5 Honeyeater Close Denman	11/03/2020	48,000
2020/25	Racetrack observation building	16 Sheppard Avenue Muswellbrook	28/02/2020	20,000
2020/24	Steel Storage Shed	53 Bimbadeen Drive Muswellbrook	26/02/2020	32,200
2020/23	Installation of Two (2) Rainwater Tanks	8 Ironbark Road Muswellbrook	21/02/2020	2,000
2020/22	Industrial Hard Stand Area	38-40 Enterprise Crescent Muswellbrook	19/02/2020	73,500
2020/20	Residential Shed	28 Silver Eye Road Muswellbrook	17/02/2020	25,000
2020/19	Dwelling Additions	11 Grevillea Street Muswellbrook	13/02/2020	49,977

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2020/13	Residential Shed	7 Honeyeater Close Denman	04/02/2020	35,000
2020/12	Residential Shed	Honey Lane Sandy Hollow	04/02/2020	35,194
2020/11	Residential Shed	29 Palace Street Denman	03/02/2020	12,350
2020/10	Single Residential Garage	1 Gyarran Street Muswellbrook	03/02/2020	9,000
2020/8	New Dwelling	Honey Lane Sandy Hollow	30/01/2020	320,029
2020/7	Additions and Alterations to existing Hotel	184 Bridge Street Muswellbrook	24/01/2020	110,000
2020/6	Carport	26 George Street Muswellbrook	24/01/2020	1,900
2020/5	Change of Use from a Restaurant to a Community Facility	29 Sydney Street Muswellbrook	20/01/2020	-
2020/4	Old Denman Courthouse change of use to Bed and Breakfast, Carpark and addition of accessible bathroom.	32 Palace Street Denman	16/01/2020	46,585
2019/104	Change of use to warehouse and distribution premises with a new office and storage/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	6,114,757
2019/99	Secondary Dwelling Appurtenant to Principle Dwelling	159 Martindale Road Denman	08/11/2019	210,000
2019/93	Change of use to Retail Outlet, Alterations to front of building and Signage	19 Bridge Street Muswellbrook	24/10/2019	20,000
2019/90	Subdivision of One (1) Lot into Twenty (20) Lots	9 Yarrawa Road Denman	30/09/2019	2,828,700
2019/89	Storage Shed	Turner Street Denman	26/09/2019	37,220
2019/87	Replacement Dwelling	Bureen Road Denman	20/09/2019	200,000
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
2019/37	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
2019/16	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	8911 New England Highway Muswellbrook	14/02/2019	5,142,236

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	associated civil work including roads, drainage and tree removal			
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
2018/54	Demolition of a Commercial Building and the Construction of a Three (3) 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	4,983,672
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

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)

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications Received (new installation)	0	0	2	2	0	0	1	2	0	0	0	2	0
Applications Approved (new installation)	0	0	2	0	0	0	0	1	3	1	0	3	1
Inspections (new system)	0	0	0	0	0	0	1	1	1	0	0	3	0
Inspections (existing system)	0	0	16	47	2	3	0	11	1	0	1	0	6

- 24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.**

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications Received (new businesses)	0	1	1	0	1	1	0	0	1	2	0	1	1
Inspections (new businesses)	0	0	1	0	1	0	0	1	0	2	1	1	1
Inspections (existing businesses)	4	7	6	30	0	0	0	6	1	0	10	0	4
Reinspections	1	0	0	1	2	0	0	0	0	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)

	Mar	Apr	May	Jun	Jul	Aug	Oct	Nov	Dec	Jan	Feb	Mar
Total Sites Inspected	5	4	6	7	7	6	7	7	6	7	4	4
Total non-compliant and educated	1	0	2	2	0	1	0	1	0	0	0	0
Total compliance after education	1	0	6	2	0	1	0	1	0	0	0	0
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)

	Mar	Apr	May	Jun	Jul	Aug	Oct	Nov	Dec	Jan	Feb	Mar
Total Investigations	5	9	4	7	7	4	3	2	4	7	8	2
Total Clean up by Council - insufficient evidence	3	8	1	7	3	4	2	2	4	7	2	0
Total Clean Up by individual	1	0	3	0	4	0	0	0	0	0	6	2
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)

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

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	8	9	2	8	7	10	8	3	2	5	7	6	6
Initial Inspections	7	8	2	6	5	8	8	2	1	3	7	5	5
Re-inspections	1	1	0	2	2	2	0	1	1	2	0	1	1

Compliance Certs / Occ. Certs issued	4	6	6	3	4	5	4	6	8	7	3	0	4
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Total Pools in Council's Swimming Pool Register = 920

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 = 30.4%

That is, 280 out of 920 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 = 4.8%

That is, 44 out of 920 pools have had at least one inspection carried out during FY 2019/2020.

SUSTAINABILITY

Muswellbrook Connect

The Sustainability Unit has switched its community engagement focus online. Staff are working with Muswellbrook Healthy and Well in coordinating social media posts under the heading Muswellbrook Connect. This involves coordinating the development of locally produced materials aimed at making recommendation to local community members on what they can do at home around living healthy and sustainable lives.

Fish Habitat Action Grant

Work has now been completed on the Fish Habitat Action Grant project. This project was funded by a Recreational Fishing Trust Habitat Action Grant from the Department of Industry. Council provided in-kind support. Work involved weed control and revegetation on a 1.8 hectare site along Muscle Creek next to the Muswellbrook Golf Course. Weed and erosion control and revegetation also took place behind the Muswellbrook Aquatic Centre and above Sydney Street. Over 3000 native tube stock were planted on all sites. This work has seen a massive transformation of the Golf Club site with large amount of Privet and Green Cestrum controlled and replaced with natives.

Before



After

**Denman – Don't be a Tosser**

Work continues on the Denman – Don't be a Tosser grant funded project. Signs have been placed in prominent locations and products purchased for project partners. Work will soon begin to purchase and install bin enclosures and run more radio and online ads. School /community events and litter enforcement have been postponed due to COVID19.

Landcare Grants 2nd Round

Another round of Landcare Grants has been awarded. MOOSH received funds to upgrade their healthy food garden and attend Hunter Wetlands. PCYC will use the funds to run an after school garden club.

Weed Control on Muscle Creek Slopes

After heavy rain in February more weed control is needed between the Worker and Golf Clubs along Muscle Creek. Quotes are currently being sourced for these works.

Maintenance of National Tree Day Sites

Quotes are currently being sourced for National Tree Day sites in Karoola Park and Hyde Park. Corrective Services were going to maintain the Karoola Park sites. However this has been postponed due the COVID 19.

Discover Muscle Creek

A brochure has been developed that encourages the community to visit and learn more about Muscle Creek.

Why is it named Muscle Creek?

Alathyria profuga
AMS, 61855: Hunter River at Muswellbrook,
New South Wales, Australia [-32.267, 150.883]

Henry Dangar

In October 1824 surveyor Henry Dangar, marked on his field map the name "Muscle Brook" because of the large number of mussel fish shells he found on the banks of the creek, these shells being heaped up along the banks by Aboriginal people years before. The creek was continually referred to as Muscle Creek, the spelling often used by people who confused it with mussel shellfish, and muscle shellfish, an alternate spelling at the time.

Revegetation Works for Muscle Creek from 2016-2019

Project Area
90 000 m sq

Length 2 km

14,000 Planted Native Species

Area Weeded
48 480 sq km

350 Volunteer Hours

Thank you!

The revegetation of Muscle Creek is only possible with the support of external funding providers including the Recreational Fishing Trust's Habitat Action Grant Program from the Department of Industry and the NSW Government through its Environmental Trust. Muscle Creek Landcare and Muswellbrook Girl Guides have also supported the work along Muscle Creek. With more work in the future and with more support from locals and visitors, Muscle Creek will be transformed into a flourishing ecosystem.

You can help: Please don't litter, stay on paths, report damage and volunteer for Landcare.

muswellbrook shire council

132 4349 3700 132 4349 3701 @muswellbrook.nsw.gov.au

132 Market Street Muswellbrook 2131 PO Box 122 Muswellbrook 2131

muswellbrook shire council

Discover Muscle Creek
MUSWELLBROOK

Explore Muscle Creek using the pathways that will put you in touch with nature.

muswellbrook shire council

Waste Trials

The Sustainability Unit is working with Monash University on research aimed at determining what waste communication messages works in our local community.

Community Engagement

Community engagement work that was planned to occur in the coming months has been cancelled due to COVID 19. However staff are using this time to plan for the future.

Warriors Hair Composting

The Sustainability Unit continues to support Warrior Disability Services as they expand their composting system to include hair.

<https://www.muswellbrookchronicle.com.au/story/6687809/hair-a-dressing-the-environment/?cs=983&fbclid=IwAR3JR9m69PI08bQJVTwsu-vC07OCUM8xY8FkviUQV9bprvaHz76m2UjuqpA>

Household Chemical Clean Out

The Household Chemical Clean Out event was held in Muswellbrook on 22 March 2020.

Abandoned Trolleys

The Sustainability Unit ensures abandoned shopping trolleys are reported and collected.

Flying Fox Grant

The Sustainability Unit obtained a grant to purchase covers for cars and washing lines to protect the cars and washing of residents living close to a flying fox camp. High pressure washers were also purchased and are available for residents to hire from Council to clean bat faeces off driveways.

This grant is now in the acquittal phase with hire systems established for the high pressure washers and car covers and washing line covers delivered to affected businesses. There are some covers remaining in the Sustainability Unit for residents in case of any further influxes of flying foxes.

Hunter Beach

The Sustainability Unit is currently providing advice to the CI team in regards to the proposed weed removal, bank stabilisation, and replanting component of the Hunter Beach project. Comments on the applicability of the endorsed detailed site plan, a site investigation and preliminary weed map, and comments on potential ecological constraints for the proposed REF have been provided to CI.

Native Garden Bed Designs

The Sustainability Unit has partnered with Works, Property and Building Services to engage a landscape designer to develop a native garden bed planting design. The intent is to replicate the most common vegetation communities that occur within the Muswellbrook LGA, but in a more aesthetic way, to demonstrate that local native vegetation not only provide biodiversity values but can also be aesthetically pleasing. This will also showcase how local plant species can be incorporated into home gardens and promote waterwise gardening. The designs will be for use in council parks and gardens and include a detailed planting design so that they can be easily implemented with little technical expertise. These designs will also be used for National Tree Planting day events, and the first ones will be trialed as part of the Karoola Park development.

Denman Nature Trail

Quotes have been requested for information and interactive signage to be installed along the 'Nature Trail' that runs through Denman as well as into Hyde Park. The signs will provide details on plant and bird species that occur along the trail and in the park as well the habitat values of the wetlands and hollow bearing trees that are the centrepiece of the trail. A local woodworker has been contacted to discuss the commissioning of some large native animal based installations to beautify the space and engage with the younger members of the community.

HUB Relocation

A detailed scaled design has been finalised for the new HUB and has been distributed to the group for comment. To date the detailed layout and design has been well received and will be finalised in the following week. Once finalised this design will be provided to Works, Property and Building Services for use as part of the Animal Shelter/HUB Development Application and subsequent Construction Certificate and will assist contractors with quoting on and installing the required HUB infrastructure. The Sustainability Unit is currently requesting quotes for the relocation of the critical elements of the HUB.

Muswellbrook Shire Council Clean-Out Collection 'Snapshot' Results

The clean-out was held on 22 March 2020.

Summary:

Total of items collected: 3,743.00Kg

Number of people attended: 110

12.5 COMMUNITY SERVICES

Attachments: Nil

Responsible Officer: Fiona Plesman - General Manager

Author: Kim Manwarring - Co-ordinator - Community Partnerships
Carolyn O'Brien - Manager - Community Services

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

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

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

PURPOSE

To provide an update on activities undertaken by the Community Services section.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

COMMUNITY SERVICES

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	Upper Hunter Youth Services Inc was successful in securing \$550k through the Stronger Country Communities Fund this month. An internal meeting has been held to determine the next step in the process of delivering a new facility for Upper Hunter Youth Services, this will be guided by a pending report to Council.
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	As above and below.
Deliver a Youth Week Event	Support Youth Week activities during 2019/20 in partnership with other organisations	Approval has been granted by Department of Communities to defer the planned activities until after the COVID 19 health regulations are relaxed. Upper Hunter Youth Service our

Operational Plan Action	Performance Measure	Update
		lead agency is planning 4 events to celebrate youth week dates to be determined.
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.	Contact has been made with Upper Hunter Community Services this month, discussions centred on their options in regards progressing this project.
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. <i>This action is now complete.</i>
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	A small amount of work has occurred around this project this month, the document has been reviewed.
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	<i>This action is now complete.</i>
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	<i>This action is now complete.</i>
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	Recommendations from the workingwithindigenoustralians.info/ Reference Group review will now be implemented.
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	<i>The Widden Creek Aboriginal Artefact Project is now complete.</i> A quote from International Conservation Services has been requested.
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 Explore the development of an Aboriginal development Action	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.

Operational Plan Action	Performance Measure	Update
	Plan in partnership with the Aboriginal Reconciliation Committee	An assessment panel to assess the applications has been formed and assessment is currently taking place.

Other activities as per the Community Builders Department of Communities and Justice Project and other project activities:

- Governance support to Upper Hunter Youth Services Management Committee and Management Team around human resources and service development issues;
- All networks have been postponed until further notice;
- The Department of Communities and Justice Project Community Worker Project - Program Level Agreement, has been finalised;
- The final story for the Aboriginal Oral History Project, has needed to be renegotiated due to the corona virus health regulations, this interview will now be held via zoom;

LIBRARY

Library staff continue to work on the following programs and projects to support continued library services during the period of social distancing due to Covid19;

- Muswellbrook and Denman Home Library Services
- Communicating and assisting members in online Reading options – Borrowbox and RB Digital.
- Website Updates including links to relevant information about continued library services
- Social Media – Online Storytime with in the first week had 1.1K views and much positive feedback from the community
- Book Blog – which communicates the items that are available for loan, both digital and physical items
- Collection management – including weeding of the collection across all seven libraries in the Upper Hunter Library Network in preparation for a entire stocktake.

AQUATIC CENTRES

The Aquatic Centres are nearing the work associated with the winterisation of both Denman and Muswellbrook Outdoor Pools.

Work continues on reviewing Operating and Safety Manuals for both Denman and Muswellbrook Facilities in preparation for future opening.

Review of Safe Work Method Statements and safety procedures.

Review of Training Updates for staff that will be required for the continued operation of the pools following the relaxing of social distancing protocols.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING HELD ON MONDAY, 6 APRIL 2020

Attachments: Nil

Responsible Officer: Fiona Plesman - General Manager

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

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

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

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 6 April 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 6 April 2020 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Development Assessment Committee met on Monday 6 April 2020.

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

PRESENT: Cr B. Woodruff (Chair), Cr M. Rush (Phone) 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 (Shire Engineer), Mr H. McTaggart (Co-Ordinator Development), and Mrs M. Sandell-Hay (Video).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Scholes and Rush that:

The Minutes of the Development Assessment Committee held on 9 March 2020, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

5.1 GARAGE - RUTH WHITE AVENUE, MUSWELLBROOK

Ms Pope advised the meeting that a Construction Certificate had been lodged for the garage.

6 BUSINESS

6.1 DA 2020/9 PROPOSAL FOR ANCILLARY DEVELOPMENT - GARAGE - 52 PALACE STREET, DENMAN

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee approve Development Application No. 2020/9, involving the construction of a residential garage at Lot 345 DP 576669, 52 Palace Street Denman, subject the conditions in Attachment B.

6.2 DA 2020/18 - STEEL SHELTER - 241 MERRIWA ROAD, DENMAN

RECOMMENDED on the motion of Crs Scholes and Rush that:

The Committee approve Development Application No. 2020/18, involving the construction of a steel structure at Lot 1 DP 128061, 241 Merriwa Road Denman, subject the conditions in Attachment B.

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS

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.

6.4 DELEGATIONS TO STAFF

Cr Rush requested that a review of staff delegations be undertaken and reported to Council, in part to reflect the policy changes regarding easements over urban drainage channels and waterways, with more applications able to be delegated to staff for approval provided the policy is being implemented. Cr Rush advised that the review should not be limited to just the easement issue, staff may also consider other changes that may improve processes.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Delegations be reviewed and a report be submitted to Council.

7 DATE OF NEXT MEETING

20 April 2020

8 CLOSURE

The meeting was declared closed at 4.19 pm.

.....

Cr B. Woodruff

Chairperson

13.2 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 14 APRIL 2020

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 14 April 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 14 April 2020 be received and the recommendations contained therein ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Local Traffic Committee met on Tuesday 14 April 2020.

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

COMMENT

Nil.

PRESENT: Cr S. Reynolds (Chair), Ms W. Wallace (Transport for NSW), Snr. Constable C. Dengate (NSW Police), Mr M. Kelly (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

RESOLVED that:

The Minutes of the Local Traffic Committee held on 10 March 2020, 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 PARKING RESTRICTIONS STRATHMORE ROAD WATER DISPENSING STATION

RESOLVED that:

Council use its delegated authority to replace the existing “Truck Zone” signage with “No Parking - Vehicles Using Water Dispensing Station Excepted” zone for a length of approximately 25m on Strathmore Road adjacent to the new water dispensing station located 40m from the intersection of Carramere Road.

VOTE: Unanimous support

5.2 DA 2018-078 SERVICE STATION AND RESTAURANT 153 BRIDGE STREET

RESOLVED that:

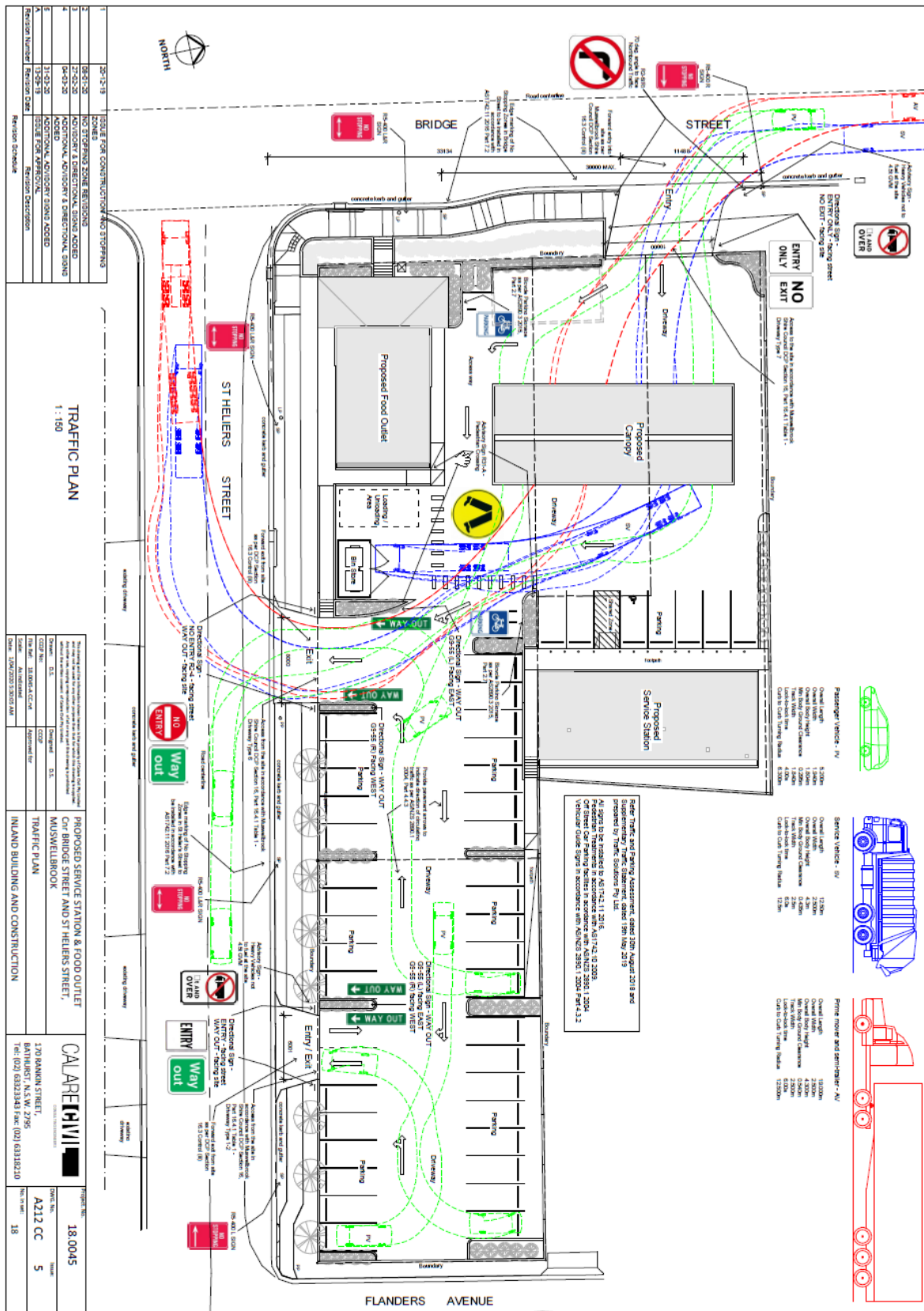
Council use its delegated authority to approve the following signage in accordance with the attached plan

- “No Stopping” on Bridge and St Heliers Street and associated continuous yellow unbroken line marking;
- “No Right turn” signage on Bridge Street angled at 70 degrees facing northbound traffic;
- “Entry only” and “No Exit” signage at the access points on Bridge and St Heliers Street;
- Directional arrow pavement marking within carpark;
- Pedestrian crossing and signage within carpark and
- No vehicles permitted, greater than 4.5GVM signage erected at the Bridge and St

MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD ELECTRONICALLY TUESDAY 14 APRIL, 2020

Heliers Street access.

VOTE: Unanimous Support



6 DATE OF NEXT MEETING

12 May 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 TENDER 2019-2020-0381 - THOMPSON STREET / NEW ENGLAND HIGHWAY, MUSWELLBROOK, INTERSECTION UPGRADE AND SIGNALISATION

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 TENDER 2019-2020-0411 - CONSTRUCTION OF WILLIAMS BRIDGE, MARTINDALE

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

19.3 CONTRACT 2019-2020-414 - MUSWELLBROOK REGIONAL ART GALLERY HEATING, VENTILATION AND COOLING REPLACEMENT/UPGRADE

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 COVID-19 WORKPLACE HEALTH AND SAFETY COMPLIANCE

Item 19.4 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.

19.5 REGIONS IN TRANSITION PROGRAM REPORT

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 26 MAY 2020