



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
26 MAY 2020



ORDINARY COUNCIL MEETING, 26 MAY 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
22 May, 2020

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **26 May, 2020** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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

19.5 GRANT FOR A BIOREFINERY

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.

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 26 MAY 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** 28 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 2019/87 - REPLACEMENT DWELLING - LOT 413 BUREEN ROAD, DENMAN

Attachments:	<p>A. DA 2019/87 Section 4.15 Assessment Report</p> <p>B. DA 2019/87 Recommended Conditions of Consent</p> <p>C. DA 2019/87 Proposed Plans</p> <p>D. DA 2019/87 Statement of Environmental Effects</p> <p>E. November 2018 Submission to Council regarding the Historical Ownership and Dwelling Entitlement Standing of the Land</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 Development Application (DA) 2019/87. This development application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report and recommended conditions of consent are attached for Council's information.

The development application is being reported to Council to consider matters related to the dwelling entitlement status of the land under Clause 7.5 of the Muswellbrook Local Environmental Plan (LEP) 2009. The development application has sought to rely on provisions of Clause 7.5 that allows for a new dwelling as a replacement to a lawfully erected dwelling.

OFFICER'S RECOMMENDATION

That Council approve DA No. 2019/87, for the erection of a replacement dwelling at Lot 413 DP 1251003, Bureen Road, Denman, subject to the recommended conditions of consent contained in Attachment B.

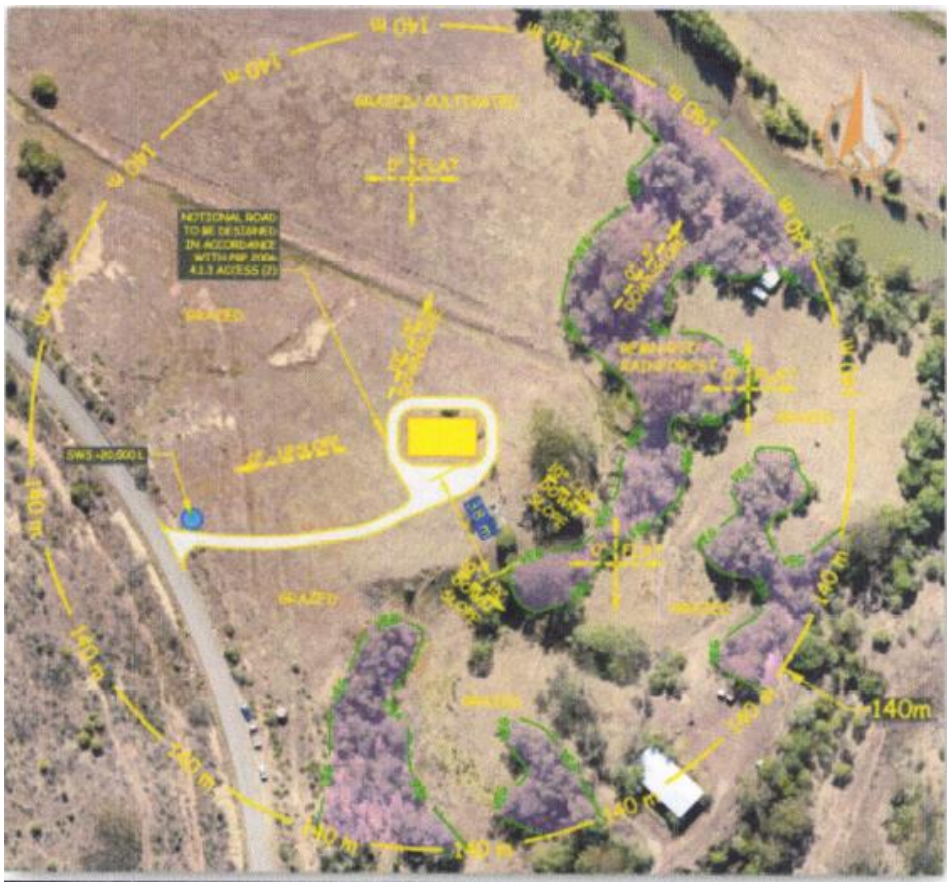
Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves the erection of a dwelling on Lot 413 DP 1251003. The lot has an area of 16.49ha and has frontage to Bureen Road and adjoins the Hunter River to the north east.

The land is zoned E3 Environmental Management under the provisions of the Muswellbrook LEP 2009. A minimum lot size of 80ha applies to the land. The applicant has advised that the proposed dwelling is intended as a replacement to a dwelling previously located on the site before it was damaged beyond repair by strong winds in the mid 1990's.

The proposed dwelling would comprise four bedrooms, kitchen, living area and amenities. A site plan identifying the location of the proposed dwelling on the land has been included below.



ASSESSMENT SUMMARY

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

Key considerations and findings of the section 4.15 assessment include:

- Council Officers are satisfied that the proposed development is in accordance with relevant provisions of the Muswellbrook LEP 2009.
- Council Officers are satisfied that a dwelling was previously located on the land and that the proposed dwelling may be viewed as a replacement dwelling pursuant to the provisions of sub-clause 7.5(3)(a).
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's) and there are no inconsistencies that would prevent Council from granting consent to the proposed development.
- The proposed development is in accordance with the requirements of the Muswellbrook Development Control Plan (DCP) 2009.
- To ensure that a safe vehicle access is provided for the dwelling, and at full cost to the developer, conditions of consent have been drafted to require the submission and approval of a vehicle access design prior to the issue of a Construction Certificate.
- The proposed development is unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.

CLAUSE 7.5 DWELLING ENTITLEMENT PROVISIONS

As the lot is zoned E3 Environmental Management, the erection of a dwelling is subject to the 'dwelling entitlement' provisions of Clause 7.5 of the Muswellbrook LEP 2009.

The applicant has sought to establish that Council may approve the erection of a dwelling on the land under the provisions of sub-clause 7.5(3)(a) as a replacement dwelling. The provisions of Clause 7.5(3)(a) are as follows:

(3) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if—

(a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house

The applicant has included information in their development application and a previous submission to Council seeking to establish that a lawful dwelling was previously located on the land. This information is attached for Council's information and has been reviewed by Council Officers. The dot points include a summary of the historic information provided regarding the former dwelling:

- Declarations have been provided by Peter Brown, Phil Goodwin Garry O'Hara, Dennis Lacey and William Ragan. Each of these individuals lived large parts of their life in the Bureen area. The statements provided by these individuals assert that there was previously a dwelling on the land subject to this application and that it was widely known as 'Conard Farm'.
- The declaration provided by William 'Bill' Ragan asserts that he has had a long association with 'Conard Farm'. He indicates that the land was owned by his family since the 1800's. Bill provided a sketch indicating previous buildings located on the land and asserts that an original cottage building was constructed on the land by his great-grandfather and the main house sought to be replaced by this application constructed by his great-grandfather and grandfather in 1890. Bill's father was then born at the farm in 1908, this is confirmed by Bill's birth certificate that has been provided and indicates his father's place of birth as 'Conard Farm'. Bill indicates his association with Conard farm continued through his younger life and that the land was eventually sold to Tom Moylan in 1965. Tom Moylan is a member of Bill's extended family.
- The information provided in the application and declarations relating to the 'Conard Farm' dwelling suggest that the dwelling was located on the land until it was damaged by wind and eventually destroyed in the mid-1990's.
- The remnants of the damaged building alleged to be the former dwelling remain on-site. Photos of the building remnants have been provided with the development application.
- The site was inspected by Council Officers and the building remnants observed. Present at the inspection was Bill Ragan whose family previously owned the land and resided in the dwelling. Council Officers interviewed Bill's about his recollections of the site and dwelling. Based on the observations from the site inspection and recollections of Mr Ragan Council Officers are satisfied that a dwelling was previously located on the land and that the building remnants observed are components of the former dwelling.

Sub-clause 7.5(3)(a) allows for the erection of a dwelling on land where:

'there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house'. The relationship of the proposal with this clause is considered below:

- In view of the evidence provided Council Staff acknowledge that there was a dwelling located on the land and evidence suggests this dwelling was constructed in 1890, a time at which a dwelling could be lawfully constructed without planning approvals.
- Council Officers have given consideration on whether the proposed dwelling may be viewed as a replacement dwelling under sub-clause 7.5(3)(a) given the dwelling has been uninhabitable since the mid-1990's. Council's Planning Lawyer has provided legal advice on this issue.

Council Officers have given consideration to the reasonable application of Clause 7.5, the land use zone objectives, the principles informing 'dwelling entitlement' provisions related to rural land fragmentation and the public interest in informing a position on this issue and the recommendation to Council:

- The proposed development does not appear to encourage the fragmentation of environmental protection zoned land. Most of the land that comprises the former holding is owned in a single ownership. It is recommended that all the land in Mr Moylan's ownership be consolidated into a single lot as a condition of consent.
- The owner of a dwelling damaged by natural weather events may not be in a financial position to repair that building immediately after the event. It is reasonable to be flexible when considering the timeframe from the event that a new building may be considered a 'replacement'.
- The proposed development is unlikely to have any significant impact on the environmental values of the land.
- The new dwelling will support the continued habitation and farming of the land and provide an additional residence in the Bureen locality.

A similar circumstance was considered by Council on 14 June 2016, for the replacement of two dwellings at 56 Pine Ridge Right of Way, Denman. In that example, the dwellings were thought to have been constructed in the 1970s, at a time when dwellings could be lawfully constructed without planning approval. Council accepted formal statutory declarations from past occupants of the dwellings to determine an approximate date for the construction of the dwellings and, accordingly, whether clause Sub-clause 7.5(3)(a) could apply.

COMMUNITY CONSULTATION

The proposed development was notified in accordance with the requirements of Section 4 of the Muswellbrook DCP for not less than fourteen (14) days between 2 October 2019 and 17 October 2019.

A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. No submissions were received by Council in relation to this development application.

OPTIONS

The Council may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that Council grant development consent to DA 2019/87 subject to conditions of consent outlined in Attachment B.

Based on the information provided, Council Officers have formed the view that a lawful dwelling was previously located on the land prior to the building being damaged and destroyed in the 1990's, and that

Council may consider the proposed dwelling as a replacement under Clause 7.5(3)(a) of the Muswellbrook LEP 2009.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 413 DP: 1251003 Bureen Road DENMAN
APPLICATION No:	87/2019
PROPOSAL:	Replacement Dwelling
OWNER:	Mr K W Moylan
APPLICANT:	Casson Planning and Development Services 5 Stanstead Close SCONE NSW 2337
AUTHOR:	Mr H A McTaggart
DATE LODGED:	20/09/2019
DATE OF REPORT:	13 May 2020

SUMMARY

SUBMISSIONS: Nil

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The lot subject to this development application is identified as Lot 413 DP 1251003. The subject land is near the south-eastern boundary of the Muswellbrook Shire Local Government Area and abuts the Singleton Local Government Area.

The lot is accessible via Bureen Road and adjoins the Hunter River to the north east.

The lot is zoned E3 Environmental Management and is subject to an 80ha minimum under the Muswellbrook Local Environmental Plan (LEP) 2009. The lot has an area of only 16.49ha. The land is identified as bushfire prone.

The subject site is identified in the image below.



- Information provided to Council suggests that a small cottage style house was built on the lot in 1869 and a main dwelling in 1890. The house was inhabited permanently up until the 1970's by Mr Ken Moylan, before then being inhabited on a more casual basis. The dwelling was damaged beyond repair by strong winds in the mid 1990's and collapsed. The remnants of the dwelling remain on the land. Council received correspondence from five individuals who were familiar with the area at the time the dwelling was situated on the land. Council Officers conducted an interview on-site with Mr William "Bill" Ragan whose family previously owned the land and resided at the dwelling until its sale to Mr Kevin Moylan in 1965.
- Pursuant to Clause 7.5(3)(a) of the Muswellbrook LEP 2009, Council may grant development consent for the erection of a dwelling on land where it is intended to replace an existing dwelling. In view of all the relevant facts and a legal opinion provided by Council's Planning Lawyer, Council Officers are satisfied that Council may grant development consent to the proposed dwelling as a replacement dwelling.

2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the erection of a new dwelling at the subject site. The proposed dwelling would be comprised of four bedrooms, amenities, a kitchen and living area.

The image below provides a 3D perspective of the dwelling.



3.0 SPECIALIST COMMENTS

5.1 Internal Referrals

Roads and Drainage

Council's Roads and Drainage Team do not raise an objection to the proposed development but express some concern with adequate site distances for the intended vehicle access location in accordance with the requirements of Council's Standard Rural Property Access requirements.

A recommended condition of consent has been prepared in line with the advice provided. The recommended condition of consent requires a design for a vehicle access to be prepared to the satisfaction of Council prior to the issue of a Construction Certificate and installed at the site prior to an Occupation Certificate.

Planning Lawyer

The proposed development was referred to Council's in-house Lawyer. A response to this referral was received on the 4 February 2020 and the legal opinion may be provided to Councillors under a separate cover on request.

4.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned E3 Environmental Management pursuant to Muswellbrook LEP 2009. The proposal is best defined as a dwelling house, which is permitted with consent in the subject Zone. The erection of a dwelling house is subject to additional permissibility considerations under the provisions of Clause 7.5 of the Muswellbrook LEP 2009 which has been considered under the heading below.

Clause 7.5 Dwelling Entitlement provisions.

Clause 7.5 of the Muswellbrook LEP 2009 restricts the erection of dwelling houses on land zoned E3 Environmental Management except where the land meets certain criteria:

- (2) *Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been erected, unless the lot is:*
 - (a) *a lot created in accordance with clause 4.1, or*
 - (b) *a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or*
 - (c) *a lot created before this Plan commenced that is at least the minimum lot size specified for that lot by the Lot Size Map, or*
 - (d) *a lot for which subdivision approval was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or*
 - (e) *an existing holding.*
- (3) *Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if—*
 - (a) *there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house, or*
 - (b) *the land would have been a lot or a holding referred to in subclause (2) had it not been affected by—*
 - (i) *a minor realignment of its boundaries that did not create an additional lot, or*
 - (ii) *a subdivision creating or widening a public road or public reserve or for another public purpose.*

Council Officers have identified:

- a) The lot was not subdivided in accordance with the subdivision provisions of Clause 4.1 of the Muswellbrook LEP 2009. The land was created by a subdivision that did not require development consent, as an 'exempt subdivision' under the boundary adjustment provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The land does not have a dwelling entitlement pursuant to Clause 7.5(2)(a)
- b) The exempt boundary adjustment that created the land was carried out in 2019. As the land was created after the coming into force of the Muswellbrook LEP 2009, the land does not have a dwelling entitlement pursuant to sub-clauses 7.5(2)(b).

- c) The area of the land is less than the minimum lot size of 80ha prescribed by the Muswellbrook LEP 2009. Therefore, the land is not benefited by a dwelling entitlement pursuant to sub-clause 7.5(2)(c).
- d) No approval for the subdivision of the land was granted prior to the coming into force of the Muswellbrook LEP 2009. Accordingly, the land is not benefited by a dwelling entitlement pursuant to clause 7.5(2)(d).
- e) The Muswellbrook LEP 2009 defines an existing holding as:
 - existing holding** means all adjoining land, even if separated by a road or railway, held in the same ownership:
 - (a) on 11 April 1974, and
 - (b) at the time of lodging a development application for the erection of a dwelling house under this clause and includes any other land adjoining that land acquired by the owner since 11 April 1974.

It has been identified that:

- Prior to the exempt boundary adjustment that created the lot, the majority of Lot 145 DP 1251003 was comprised into Part Lot 22 DP 753786. Sub-clause 7.5(3)(b)(i) allows for a property affected by a minor realignment of boundaries to still be considered to comprise an existing holding.
- On the 11 April 1974, Part Lot 22 DP 753786 (current Lot 145 DP 1251003) was held in the ownership of Mr K Moylan.
- Council rate books indicate that in 1974 Mr K Moylan also owned Part Lot 18, 19, 33* & 34* DP 753786 and two closed road reserves. Part Lots 33 and 34 are expressed as Lots 23 and 24 in Council's rates books but based on further ownership information it is understood that this is likely to be a typographical error.
- This collection of lots, being part Lot 18, 19, 22, 33 & 34 DP 753786 and two road reserves, comprised the entirety of an existing holding and when held in a single ownership have a single collective dwelling entitlement. This dwelling entitlement is extinguished where the entirety of the land is not held in a single ownership at the time a development application is lodged for a dwelling.
- At the present the entirety of the holding is not owned in a single ownership. The land that previously comprised Part Lots 18 and 19 DP 753786 (current Lot 412 DP 1251003) is held in a different ownership to the remainder of the lots which comprised the holding.

This development application seeks to establish that the erection of a dwelling is allowed by the provisions of sub-clause 7.5(3)(a). The information accompanying this development application has sought to demonstrate that a dwelling was located on the land until that dwelling was damaged and destroyed by a wind event in the mid-1990's and that the dwelling proposed is intended to replace this dwelling.

The below points are a brief summary of the information provided regarding the former dwelling:

- Declarations have been provided by Peter Brown, Phil Goodwin Garry O'Hara, Dennis Lacey and William Ragan. Each of these individuals lived large parts of their life in the Bureen area. The statements provided by these individuals assert that there was previously a dwelling on the land subject to this application and that it was widely known as 'Conard Farm'.

- The declaration provided by William 'Bill' Ragan asserts that he has had a long association with 'Conard Farm'. He indicates that the land was owned by his family since the 1800's. Bill provided a sketch indicating previous buildings located on the land and asserts that an original cottage building was constructed on the land by his great-grandfather and the main house sought to be replaced by this application constructed by his great-grandfather and grandfather in 1890. Bill's father was then born at the farm in 1908, this is confirmed by Bill's birth certificate that has been provided and indicates his father's place of birth as 'Conard Farm'. Bill indicates his association with Conard farm continued through his younger life and that the land was eventually sold to Tom Moylan in 1965 with the break-up of Bill's grandmother's estate. Tom Moylan is a member of Bill's extended family.
- The information provided in the application and declarations relating to the 'Conard Farm' dwelling suggest that the dwelling was located on the land until it was damaged by wind and eventually destroyed in the mid-1990's.
- The remnants of the damaged building alleged to be the former dwelling remain on-site. Photos of the building remnants have been provided with the development application.
- The site was inspected by Council Officers and the building remnants observed. Present at the inspection was Bill Ragan. Council Officers interviewed Bill about his recollections of the site and dwelling. Based on the observations from the site inspection and recollections of Mr Ragan, Council Officers are satisfied that a dwelling was previously located on the land and that the building remnants observed are components of the former dwelling.

Sub-clause 7.5(3)(a) allows for the erection of a dwelling on land where:

'there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house'.

In view of the evidence provided Council Staff acknowledge that there was a dwelling located on the land and evidence suggests this dwelling was constructed in 1890, a time at which a dwelling could be lawfully constructed without planning approvals or a paperwork trail pertaining to its construction.

Council Officers have considered whether the proposed dwelling may be viewed as a replacement dwelling under sub-clause 7.5(3)(a) given the dwelling has been uninhabited since the mid-1990's and that only remnants of the building now remain on the land. Council's Planning Lawyer has provided legal advice on this issue. It appears possible for Council to grant development consent to a replacement dwelling house even though the dwelling house it is intended to replace was removed or destroyed a significant time before the application was made.

Council Officers have given consideration to the legal advice provided, the reasonable application of Clause 7.5, the land use zone objectives, the principles informing 'dwelling entitlement' provisions related to rural land fragmentation and the public interest in informing a position on this issue and the recommendation to Council. These considerations have observed that:

- The proposed development does not appear to encourage the fragmentation of environmental protection zoned land. Most of the land that comprises the former holding is owned in a single ownership. It is recommended that this land is consolidated into a single lot as a condition of consent.

- The owner of a dwelling damaged by natural weather events may not be in a financial position to repair that building immediately after the event. It is reasonable to be flexible when considering the timeframe from the event that a new building may be considered a 'replacement'.
- The proposed development is unlikely to have any significant impact on the environmental values of the E3 Environmental Management zoned land.
- The construction of a new dwelling on land which a dwelling was previously located is not viewed as being contrary to the public interest. The new dwelling will support the continued habitation and farming of the land and provide an additional residence in the Bureen locality.

Council Officers are satisfied that the proposed dwelling could be viewed as a replacement dwelling to the previously destroyed dwelling pursuant to sub-clause 7.5(3)(a).

A similar circumstance was considered by Council on 14 June 2016, for the replacement of two dwellings at 56 Pine Ridge Right of Way, Denman. In that example, the dwellings were thought to have been constructed in the 1970s, at a time when dwellings could be lawfully constructed without planning approval. Council accepted formal statutory declarations from past occupants of the dwellings to determine an approximate date for the construction of the dwellings and, accordingly, whether clause Sub-clause 7.5(3)(a) could apply.

Objectives of the E3 Environmental Management

Clause 2.3 requires a consent authority to have regard to the land use zone objectives of the relevant land use zone when determining a development application. The land subject to this development application is zoned E3 Environmental Management and the relevant land use zone objectives have been listed below:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To maintain, or improve in the long term, the ecological values of existing remnant vegetation of significance including wooded hilltops, river valley systems, major scenic corridors and other local features of scenic attraction.*
- *To limit development that is visually intrusive and ensure compatibility with the existing landscape character.*
- *To allow agricultural activities that will not have an adverse impact on the environmental and scenic quality of the existing landscape.*
- *To promote ecologically sustainable development.*
- *To ensure that development in this zone on land that adjoins land in the land zoned E1 National Parks and Nature Reserves is compatible with the objectives for that zone.*

The proposed development involves the construction of a new dwelling. The proposed development would not involve any significant land clearing, and dwelling is clear of significant mature vegetation. As the proposed development involves a type of development permissible with consent within the land use zone and does not involve any significant clearing or impacts to the environmental values of the land the proposed development is compatible with the land use zone objectives.

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The land subject to this development application is zoned E3 Environmental Management and the land use zone objectives have been considered in relation to the proposed development under the sub-heading above. It is considered that the proposed development is compatible with the relevant land use zone objectives for the E3 Environmental Management land use zone. Complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.3 Height of buildings</i>	The height of buildings map identifies a maximum building height of 12m for the land subject to this development application. The maximum height of the proposed building will be 4.5m above ground level. Complies
<i>4.4 Floor space ratio</i>	The Floor space ratio map does not identify a maximum floor space ratio for the land subject to this development application. Not relevant.
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
<i>7.1 Terrestrial biodiversity</i>	A portion of the subject site, situated on the south western side of Bureen Road, is identified as biodiversity on the terrestrial biodiversity map. This part of the site is physically separated from the dwelling site by Bureen Road and will not be impacted by the proposed development. Complies
<i>7.5 Erection of dwelling houses on land in certain rural and environmental protection zones</i>	This clause has been extensively considered under the above heading 'Clause 7.5 Dwelling Entitlement Provisions'. Complies
<i>7.6 Earthworks</i>	The proposed development would involve the carrying out of earthworks associated with the construction of the dwelling. Council Officers are satisfied that proposed development would comply with the requirements of this clause where earthworks are carried out in accordance with Council standard conditions of consent related to erosion and sediment control. Complies

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

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

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

The subject land has been used for agricultural purposes from the mid 1800's to present. The former dwelling was constructed of timber. Council is unaware of any information which suggests the portion of the site proposed for development is subject to any contamination requiring remediation under the SEPP as part of this development application. Accordingly, Council Officers are satisfied that the proposed development can progress without any requirement to carry out further soil contamination investigations or remediation work under the SEPP.

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.

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 the 2 October 2019 to the 17 October 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received by Council in relation to this development application.

Section 8 – Rural and Environmental Zone development

This clause applies to the assessment of development applications in the E3 Environmental Management land use zone. The proposed development has been considered against the relevant controls which relate to this type of development in the table below.

	Comments
8.1 Introduction	
8.1.1 Dwelling Houses on existing parcels of land	Based on a review of all the available information Council Officers are satisfied that a dwelling may be permitted on the land under the provisions of Clause 7.5(3)(a). The dwelling entitlement status of the land is considered in detail under Section of this report entitled 'Clause 7.5 Dwelling Entitlement provisions'. Complies
8.2 Built Form	
8.2.1 Scenic Protection and Building Location	The proposed dwelling would not be out of character with the locality, outbuildings would not be located forward of the building line while the site selected for the proposed dwelling appears to be compatible with site constraints including the flood liability and bushfire threat. Complies
8.2.2 Setbacks	The proposed dwelling would be setback 90m from Bureen Road and in excess of 10m from all adjoining neighbouring properties. These setbacks comply with the minimum setback requirements specified by this clause. Complies
8.2.3 Colours and Materials	The proposed dwelling would be clad in materials compatible with this requirement. Complies.
8.2.4 Car Parking and Access	There is no issue with the opportunity for off-street car parking to be provided be provided in accordance with the requirements of the DCP. Vehicle access has been considered through the

	<p>assessment of this development application. A new vehicle access has been proposed to the property to directly service the dwelling.</p> <p>Council's Community Infrastructure Department raised some concern regarding the potential for the driveway locations to achieve the minimum sight distance requirements prescribed by Council's Standard Rural Property Access Drawing SD0041/1. A condition of consent has been recommended requiring the preparation of a vehicle access design to the satisfaction of Council prior to the issue of a Construction Certificate. Compliance to be administered through a condition of consent.</p>
8.3 Environmental Matters	
8.3.1 Topography	<p>The proposed development would not have a significant impact on the topography of the area and would comply with the requirements of this clause. Complies</p>
8.3.2 Vegetation	<p>The site subject to this development application is predominately clear of established vegetation and the proposed development would not involve the removal of significant mature vegetation. Complies.</p>
8.3.3 Riparian Buffers	<p>The proposed development would not interfere with any riparian corridors. Complies</p>
8.3.4 Management of Rivers, Creeks, Streams and Drainage	<p>The proposed development would not impact the flow path of any waters and thereby would not compromise the provisions of this clause. Complies</p>
8.3.5 Services	<p>Standard conditions of consent will be imposed with regards to the establishment of an on-site sewage system, and a supply of potable water will need to be provided to service the dwelling. Complies</p>

Section 13 – Flood Prone Land

The Muswellbrook Flood Risk Study and Plan 2018 identifies a portion of the lot as flood liable.

The flood mapping contained in this study suggests that the maximum flood height of the 1 in 100 year flood event at the site is approximately 92.5m AHD. Therefore a flood planning level (flood height +0.5 freeboard) of 93m AHD would apply to the land. Based on contour mapping of the site it appears that the portion of the land proposed for the dwelling is situated at approximately 100mAHD and would be well clear of the anticipated 1 in 100 year flood height.

Section 20 – Erosion and Sediment Control

The proposed development would involve the disturbance of soil associated with the construction of the dwelling. To comply with the requirements of Council's DCP it would be necessary for the person acting with this consent to prepare and erosion control plan prior to the issue of a construction certificate.

Section 24 – Waste Management

To ensure the proposed development is carried out in accordance with the waste minimisation requirements of this section of the DCP. It is recommended that a condition of consent is imposed to require the preparation and submission of a waste minimisation management plan prior to the issue of a Construction Certificate.

Section 94A Contributions Plan 2009

A Section 7.12 contribution is payable for development valued above \$100,000, but below \$200,001, at 0.5% of the total value of the proposed works.

The estimated value of the proposed development is \$200,000. In accordance with the provisions of Council's 94A Plan a developer contribution of \$1,000 would be applicable to the proposed development.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

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. Council Officers are satisfied that the proposed development is unlikely to have any significant environmental impacts that would substantiate a decision to refuse the development application.

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 advertised in accordance with the requirements of Council's DCP Chapter 4 Notification.

No submissions were received by Council in relation to the proposed development through the notification of the development application.

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

The proposed development is compatible with the public interest as it will support the continued agricultural use of the land and permit the construction of a new dwelling on land that formerly comprised a rural residence. The property subject to this development application has a long history of farming and agricultural use.

5 CONCLUSION

The application has been assessed in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979. 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
Development Co-ordinator

Date:

13/06/20

DA 2019/87 – RECOMMENDED CONDITIONS OF CONSENT:

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
Locality & Site Plan	-	Casson Planning and Development Services	19/09/2019	20/09/2019
Floor Plan, 3D, Section	-	Casson Planning and Development Services	19/09/2019	20/09/2019
Elevations	-	Casson Planning and Development Services	19/09/2019	20/09/2019

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

(2) Building Code of Australia

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

(3) Home Building Act

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

- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

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

(4) Bushfire Prone Developments

The following bushfire prevention measure shall be provided to the development:-

- (a) An asset protection zone is to be established in accordance with the Bushfire assessment report. The APZ shall extend for 20m from the dwelling in all directions.

This APZ should be maintained for the life of the development in accordance with Section 4.1.3, Appendix 2 and Appendix 5 of the NSW Rural Fire Service's document planning for Bushfire Protection, 2006.

- (b) A minimum of 20,000 litre dedicated water supply/tank exclusively for use for firefighting purposes shall be provided of non-flammable construction or shielded from the bushfire threat. A 65mm storz fitting and metal ball valve shall be installed in the tank for connection to local fire service appliances.

- (c) The dwelling is to be designed and constructed in accordance with AS3959 to achieve the Bushfire Attack Levels (BALs) specified below in accordance with the recommendations of the recommendations of the Bushfire Assessment Report prepared Bushfire Consultant Pty Ltd:

- i. The building is to be constructed to comply with AS3959 Construction of Buildings in Bushfire Prone Areas – **Bushfire Attack Level of BAL-12.5.**

- (d) Landscaping shall be in accordance with Appendix 5 of Planning for Bushfire protection, 2006.
- (e) Water (non-reticulated), electricity and gas are to comply with Section 4.1.3 of Planning for Bushfire Protection, 2006.
- (f) The landowner is to adhere to all other bushfire protection measures specified by the Bushfire Certificate prepared by Bushfire Consultant Pty Ltd.
- (g) The internal property access road shall comply with section 4.1.3 (2) Property Access Roads of "Planning for Bush Fire Protection 2006".

CONSTRUCTION CERTIFICATE REQUIREMENT

(5) Construction Certificate Requirement

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

Note: a construction certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work at the site.

(6) BASIX Commitments

Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled. Details and plans demonstrating compliance with these requirements are to be submitted to the Certifying Authority for approval with the Construction Certificate.

In this condition:

(a) relevant BASIX Certificate means:

- i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
- ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and

(b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

(7) Bushfire Attack Level Design

Prior to the issue of any Construction Certificate the person acting with this consent shall provide the Principle Certifying with construction plans to demonstrate that the component of the development for which a Construction Certificate is being sought has been designed in accordance with the relevant Bushfire Attack Level Construction requirement.

The bushfire attack level construction of the building shall be in accordance with the Bushfire Attack Levels specified by condition 5 of this consent (BAL-12.5)

(8) Vehicle Access

Prior to the issue of a Construction Certificate a design for suitable rural vehicle access, prepared by an appropriately qualified person, is to be submitted to and approved by Council in writing. The vehicle access design should:

- a) Generally, in accordance with the requirements of Council's Standard Drawing SD0041/1 – Rural Property Access.
- b) Where site distances cannot be achieved per standard drawing SD0041/1, additional design measures informed by a Traffic Engineer or other suitably qualified person are to be put forward. Any such measures must demonstrate to the satisfaction of Council that the proposed driveway will be adequate to provide safe vehicle access to and from the site, in accordance with Austroad standards. Measures put forward may include, suitable treatment adjacent the existing road pavement to provide turning space, new road safety signage and/or any other treatment recommended by a suitably qualified person.

The person acting with this consent will be required to construct the approved vehicle access at their cost in accordance with the requirements of this consent and any Section 138 application approved in relation to the works.

(9) Sediment Control Plan

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

- (a) all details to protect and drain the site during the construction processes;
- (b) all sediment control devices, barriers and the like;
- (c) sedimentation tanks, ponds or the like;
- (d) covering materials and methods;
- (e) a schedule and programme of the sequence of the sediment and erosion control works or devices to be installed and maintained.

(10) 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 \$1,000 shall be paid to Muswellbrook Shire Council, being 0.5% of the cost of carrying out the development.

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

(11) Site Waste Minimisation Management Plan

Prior to the issue of a Construction Certificate a Site Waste Minimisation Management Plan is to be prepared, submitted to and approved by Council in relation to the operation of the site. The Site Waste Minimisation Management Plan is to be prepared in accordance with the relevant provisions of Section 24 of the Muswellbrook Development Control Plan.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

(12) 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.

(13) 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.

(14) Site Facilities

- a. 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.
- b. 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.
- c. Each toilet provided must:
 - i. be a standard flushing toilet, connected to a public sewer, or
 - ii. if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - iii. an approved temporary chemical closet.
- d. The provision of toilet facilities must be completed before any other work is commenced.
- e. 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:
 - i. protect and support the building from damage, and
 - ii. If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- f. 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.
- g. 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.

(15) Materials – Reflectivity

In accordance with the provisions of the Muswellbrook Development Control Plan the external cladding of the building shall be constructed from factory pre-coloured, low reflective cladding. Natural colours, muted and earth tones should be used for major areas of the building, such as walls and roof, and restrict stronger colours to smaller features such as window frames, doors and decorative woodwork. Highly reflective glass and highly reflective metal cladding (such as Zinalume and white Colorbond) is not to be used without the prior written approval from Council.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

(16) Section 138 Approval for Rural Driveway Installation

Prior to the commencement of any works related to the installation of a driveway vehicle access the person acting with this consent shall obtain an approval under Section 138 of the Roads Act 1993 for the installation of a vehicle crossover and the carrying out of works on Bureen Road.

Note: information relating to Council's Section 138 application process can be obtained online from Council's website or by contacting Council Community Infrastructure Department on 65493700.

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

(17) Occupation

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

(18) On-site Sewage Management

The development will require an On-Site Sewage Management System. Such a system requires approval from Council to install, construct or modify under Section 68 of the Local Government Act 1993.

A current Approval to Operate will also be required before an Occupation Certificate can be issued. Applications to install a system must be accompanied by a Wastewater Management Plan including a Site and Soil Assessment prepared by a suitably qualified person.

(19) Bushfire

All identified matters relating to bushfire damage prevention shall be addressed and implemented prior to the release of any Occupation Certificate.

(20) Driveway Installation

Prior to the issue of an Occupation Certificate vehicle access is to be provided to the dwelling in accordance with the following.

- a) A sealed vehicle access is to be constructed between Bureen Road and the site in accordance with the requirements of this consent and any Section 138 Approval obtained in relation to the works.
- b) All weather all-wheel drive vehicle access is to be provided between Bureen Road and the dwelling site.

(21) Consolidation of Lots

The person acting with this consent must consolidate Lot 413 DP 1251003, Part Lot 33 DP 753786 and Part Lot 34 DP 753786.

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

(22) House Numbering

Prior to any Occupation Certificate or Final Inspection Letter being issued for the building works, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated street address or house number for the completed project. These are the numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(23) Stormwater Disposal

All stormwater from the development including all hard-stand areas and overflows from rainwater tanks is to be collected and disposed of to an appropriately constructed discharge point at a distance of 3m clear of the proposed and any adjoining buildings. The discharge point shall be constructed to avoid erosion of the adjacent ground.



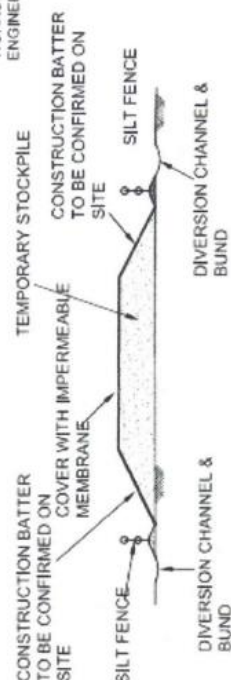
Certificate no.: 0004218681
Assessor Name: Gavin Chambers
Accreditation no.: VIC/BD/AV/13/1491
Certificate date: 19 Sep 2019



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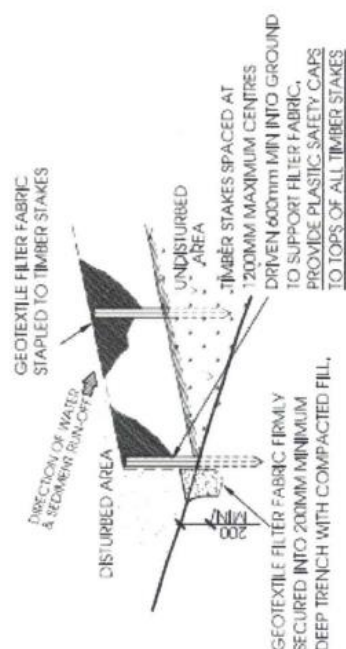
EROSION & SEDIMENT CONTROL NOTES:

1. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH "MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTION" - VOLUME 1, MARCH 2004 BY LANDCOM.
2. SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE SET IN PLACE PRIOR TO ANY WORKS COMMENCING.
3. ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED TO THE SATISFACTION AND DIRECTION OF THE COUNCIL'S ENGINEER.
4. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES BEFORE NO MORE THAN 75% OF THEIR CAPACITY IS LOST. NO SILT SHALL BE PLACED OUTSIDE THE LIMIT OF WORKS.
5. ALL DISTURBED AREAS SHALL BE STABILISED BY MEANS OF LANDSCAPING, TURF OR RE-VEGETATION AS SOON AS POSSIBLE.
6. THESE DRAWINGS OUTLINE THE MINIMUM MEASURES TO BE TAKEN TO CONTROL EROSION AND TO ARREST THE TRANSPORT OF SEDIMENT. ADDITIONAL MEASURES MAY BE REQUIRED TO SUIT STAGING OF WORKS OR AS DIRECTED BY THE SUPERVISOR OR COUNCIL'S ENGINEER.



TYPICAL TEMPORARY STOCKPILE

NOT TO SCALE




DETAIL - GEOTEXTILE FILTER

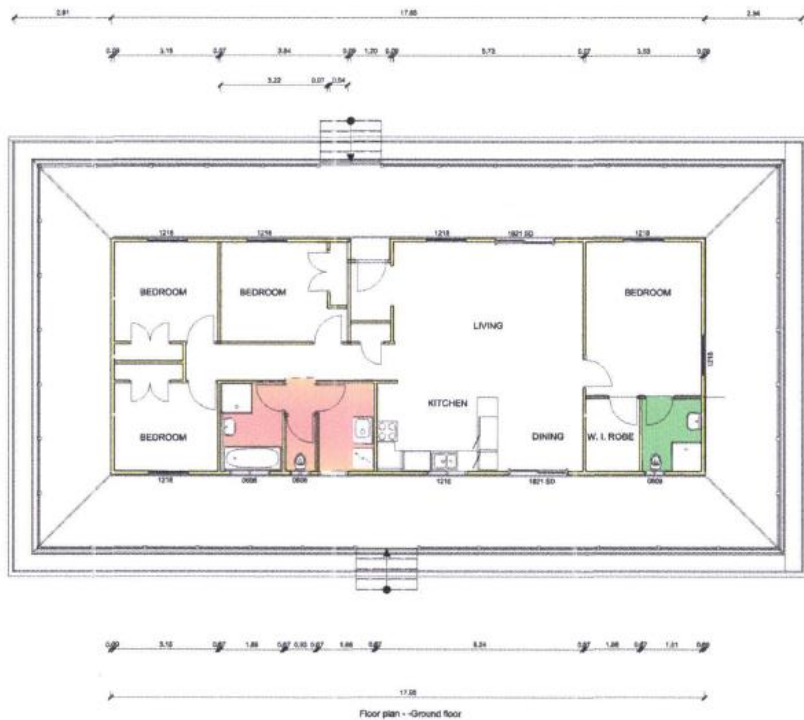
FABRIC FENCE. NOT TO SCALE.

EXACT LOCATION OF GEOTEXTILE FILTER FENCE TO BE DETERMINED ON SITE BY THE BUILDER AND RELEVANT COUNCIL ENGINEER.

EXACT LOCATION OF ALL EROSION AND
SEDIMENT CONTROL DEVICES TO BE
DETERMINED ON SITE BY THE BUILDER AND
THE RELEVANT COUNCIL INSPECTOR;



NOTES	<p>CLIENT</p> <p>Mr & Mrs P & L Waters</p> <p>PROPERTY</p> <p>1343 Bureen Road, Denman Lot 413 DP 1251003</p> <p>PROPOSAL</p> <p>Replacement Dwelling</p>	TITLE	Locality & Site Plan
		SCALE	Various
		DATE	17/09/19
		DRAWN	D C
AMENDMENTS		<div>  <p>CASSON PLANNING & DEVELOPMENT SERVICES</p> </div> <div> <p>David Casson 5 Stanstead Close, Scone NSW 2337 0427 597983 cassonpds@gmail.com</p> </div>	

[illegible]

Key Criteria for BAL-12.5	
Gaps >2 mm	Screened with 2 mm corrosion resistant metal screen
	Corrosion resistant steel, bronze or aluminium
	Grade A safety glass 4mm thick
Glass	Non combustible/bushfire resistant timber
Walls <400mm from a surface	Non combustible/bushfire resistant timber
Un-enclosed floor spaces <400 AGL*	Non combustible/bushfire resistant timber
Windows and doors construction	Non combustible/bushfire resistant timber
Windows and doors openable portions	Screened
Screens	2 mm corrosion resistant steel, bronze or aluminium
Roofs	Non combustible materials
	Fully sarked
	All gaps and penos screened
Decks	Non combustible/bushfire resistant timber
AGL* = Above Ground Level	

NOTES	<p>CLIENT</p> <p><i>Mr & Mrs P & L Waters</i></p> <p>PROPERTY</p> <p><i>1343 Bureen Road, Denman Lot 413 DP 1251003</i></p> <p>PROPOSAL</p> <p><i>Replacement Dwelling</i></p>	<p>TITLE</p> <p>Floor Plan, 3D, Section</p> <p>SCALE</p> <p>1:100, 1:200</p> <p>DATE</p> <p>04/9/19</p> <p>DRAWN</p> <p>DC</p>	 <p><i>David Casson 5 Stanstead Close, Scone NSW 2337 0427 597883 cassonpds@gmail.com</i></p>
AMENDMENTS	<p><i>BASIX commitments added (17/9/19)</i></p>		

5.1

NATIONWIDE
HOUSE

ENERGY RATING SCHEME

279.2 MJ/m²

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Certificate no.: 0004218681

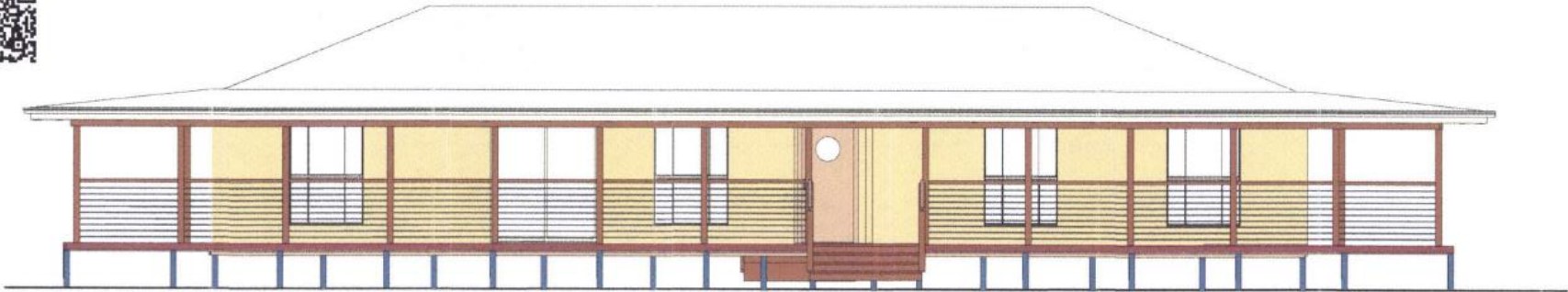
Assessor Name: Gavin Chambers

Accreditation no.: VIC/BDAV/13/1491

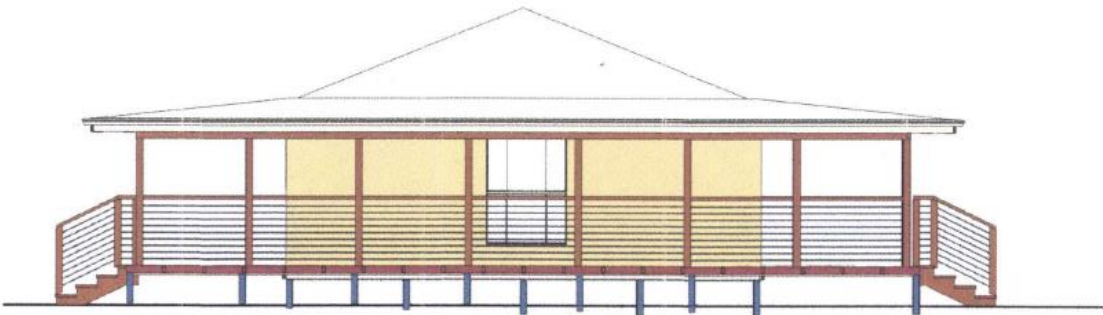
Certificate date: 19 Sep 2019

Dwelling Address: 1343 Bureen Road
Bureen, NSW
2328

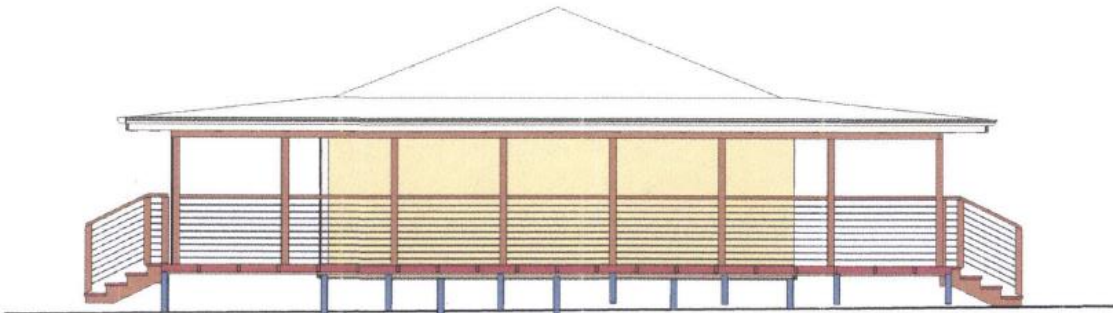




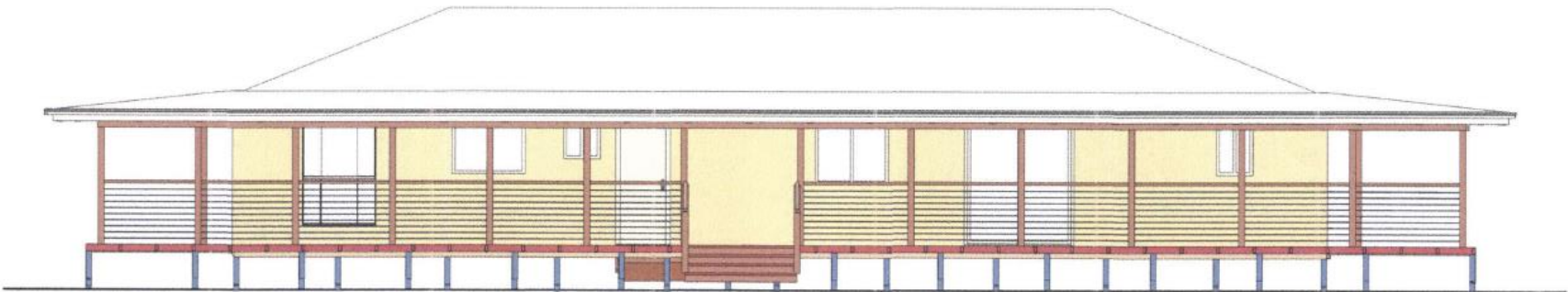
North elevation




East elevation



West elevation



South elevation

NOTES	CLIENT <i>Mr & Mrs P & L Waters</i>	TITLE Elevations	 CASSON PLANNING & DEVELOPMENT SERVICES
AMENDMENTS	PROPERTY <i>1343 Bureen Road, Denman Lot 413 DP 1251003</i>	SCALE 1:100 @ A3	David Casson 5 Stanstead Close, Scone NSW 2337 0427 597883 cassonpds@gmail.com
		DATE 17/09/19	
	PROPOSAL <i>Replacement Dwelling</i>	SHEET	
		DRAWN D C	



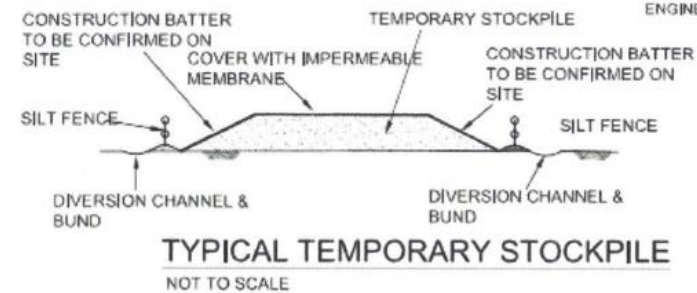
Certificate no.: 0004218681
Assessor Name: Gavin Chambers
Accreditation no.: VIC/BDV/13/1491
Certificate date: 19 Sep 2019
Dwelling Address: 1343 Bureen Road
Bureen, NSW 2328



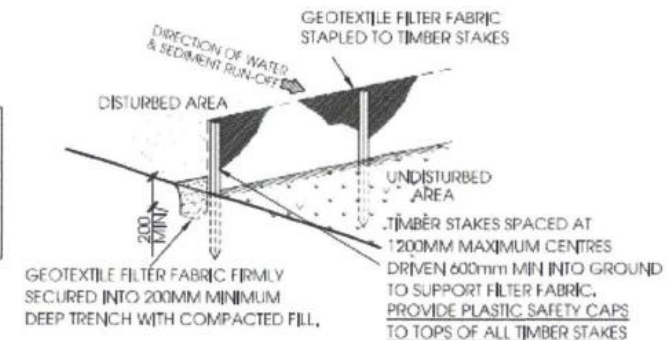
www.nathers.gov.au

EROSION & SEDIMENT CONTROL NOTES:

1. ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE IN ACCORDANCE WITH 'MANAGING URBAN STORMWATER - SOILS AND CONSTRUCTION - VOLUME 1' MARCH 2004 BY LANDCOM.
2. SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE SET IN PLACE PRIOR TO ANY WORKS COMMENCING.
3. ALL SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED TO THE SATISFACTION AND DIRECTION OF THE COUNCIL'S ENGINEER.
4. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM SUCH DEVICES BEFORE NO MORE THAN 1/60 OF THEIR CAPACITY IS LOST. NO SILT SHALL BE PLACED OUTSIDE THE LIMIT OF WORKS.
5. ALL DISTURBED AREAS SHALL BE STABILISED BY MEANS OF LANDSCAPING, TURF OR RE-VEGETATION AS SOON AS POSSIBLE.
6. THESE DRAWINGS OUTLINE THE MINIMUM MEASURES TO BE TAKEN TO CONTROL EROSION AND TO ARREST THE TRANSPORT OF SEDIMENT. ADDITIONAL MEASURES MAY BE REQUIRED TO SUIT STAGING OF WORKS OR AS DIRECTED BY THE SUPERVISOR OR COUNCIL'S ENGINEER.



EXACT LOCATION OF ALL EROSION AND SEDIMENT CONTROL DEVICES TO BE DETERMINED ON SITE BY THE BUILDER AND THE RELEVANT COUNCIL INSPECTOR.



DETAIL - GEOTEXTILE FILTER FABRIC FENCE. NOT TO SCALE

EXACT LOCATION OF GEOTEXTILE FILTER FENCE TO BE DETERMINED ON SITE BY THE BUILDER AND RELEVANT COUNCIL ENGINEER.

NOTES

AMENDMENTS

CLIENT

Mr & Mrs P & L Waters

PROPERTY

1343 Bureen Road, Denman
Lot 413 DP 1251003

PROPOSAL

Replacement Dwelling

TITLE

Locality & Site Plan

SCALE

Various

DATE

17/09/19


SHEET

DRAWN

D C



David Casson
5 Stanstead Close, Scone NSW 2337
0427 597883
cassonpds@gmail.com

<p>NOTES</p> <p>AMENDMENTS</p> <p><i>BASIX commitments added (17/9/19)</i></p>	<p>CLIENT</p> <p><i>Mr & Mrs P & L Waters</i></p>	<p>TITLE</p> <p>Floor Plan, 3D, Section</p>	 <p>CASSON PLANNING & DEVELOPMENT SERVICES</p> <p><i>David Casson 5 Stanstead Close, Scone NSW 2337 0427 597883 cassonpds@gmail.com</i></p>
	<p>PROPERTY</p> <p><i>1343 Bureen Road, Denman Lot 413 DP 1251003</i></p>	<p>SCALE</p> <p>1:100, 1:200</p>	
	<p>PROPOSAL</p> <p><i>Replacement Dwelling</i></p>	<p>DATE</p> <p>04/9/19</p> <p>SHEET</p>	
		<p>DRAWN</p> <p>D C</p>	

5.1

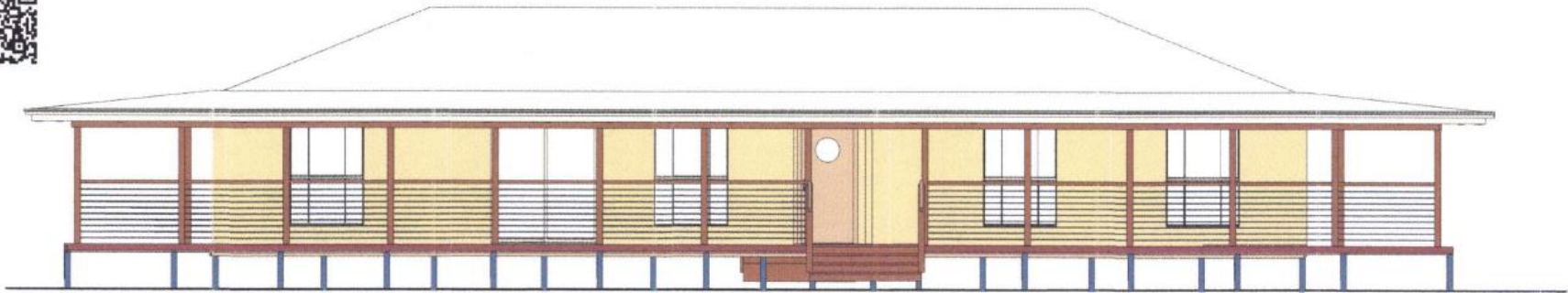
NATIONWIDE
HOUSE

ENERGY RATING SCHEME

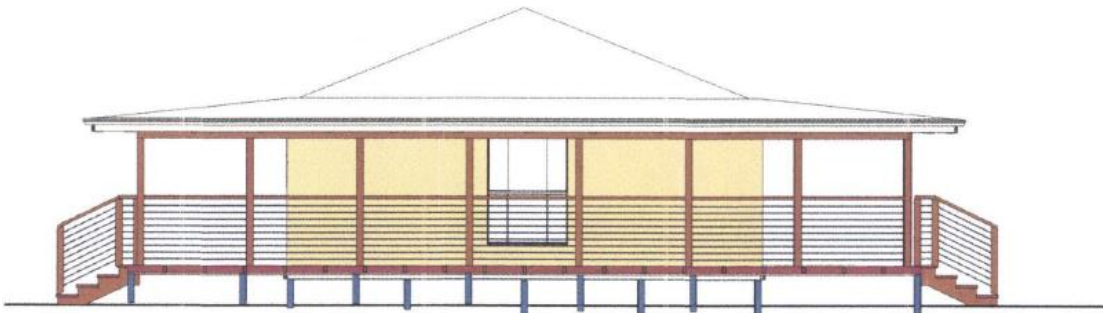
279.2 MJ/m²

www.nathers.gov.au

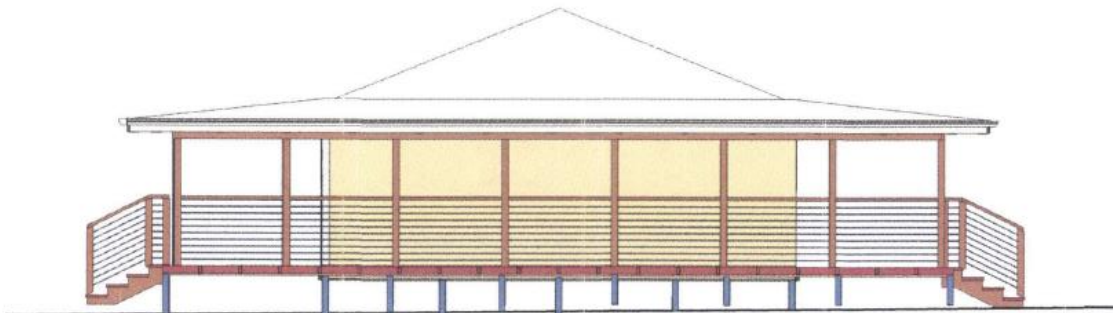
Certificate no.: 0004218681
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Accreditation no.: VIC/BDAV/13/1491
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Bureen, NSW 2328
www.nathers.gov.au



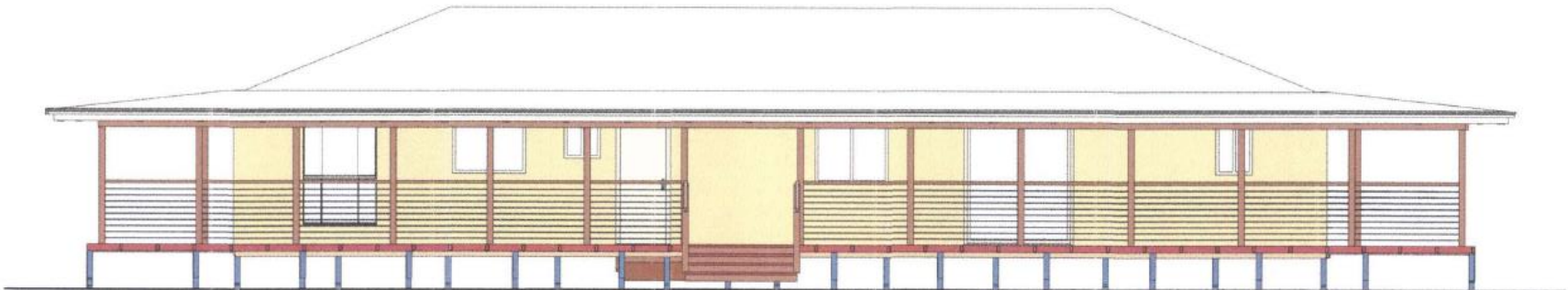
North elevation




East elevation



West elevation



South elevation

NOTES	CLIENT	TITLE	 CASSON PLANNING & DEVELOPMENT SERVICES
	<i>Mr & Mrs P & L Waters</i>	Elevations	
AMENDMENTS	PROPERTY	SCALE	David Casson 5 Stanstead Close, Scone NSW 2337 0427 597883 cassonpds@gmail.com
	<i>1343 Bureen Road, Denman Lot 413 DP 1251003</i>	1:100 @ A3	
	PROPOSAL	DATE	SHEET
	<i>Replacement Dwelling</i>	17/09/19	
		DRAWN	D C



CASSON
PLANNING &
DEVELOPMENT SERVICES

5 Stanstead Close

SCONE NSW 2337

0427 597883

cassonpds@gmail.com

ABN 86 701 207 702

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

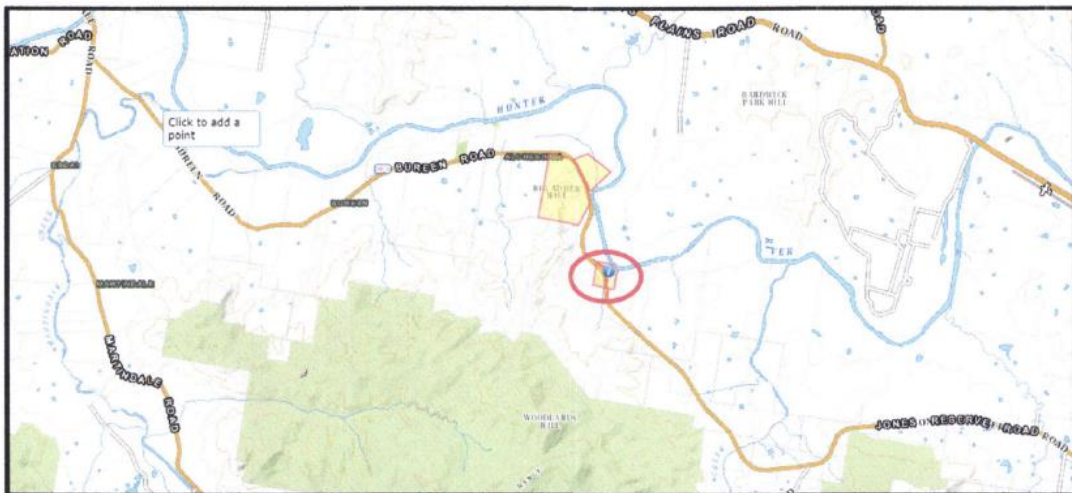
18th September 2019

Dear Sir

Proposed Replacement Dwelling

1343 Bureen Road, Bureen

Lot 413 DP 1251003



Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

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Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

1. INTRODUCTION

This report has been prepared by Casson Planning & Development Services to support a development application for a replacement dwelling on the subject land in accordance with the provisions of the Muswellbrook LEP.

The proponents wish to erect a dwelling on a location in very close proximity to where a dwelling was previously erected on the land. Evidence has been gathered from a number of independent persons who verify that a dwelling existed on 'Conard Farm' for a long period of time before its eventual demise in the 1990's.



Figure 1 Remains of the original dwelling

2. DETAILS OF LAND

2.1 Title and Existing Uses

Description:	Lot 413 DP 1251003, Bureen Road, Bureen
Owner:	Mr K Moylan
LGA:	Muswellbrook Shire
Parish:	Hunter

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen



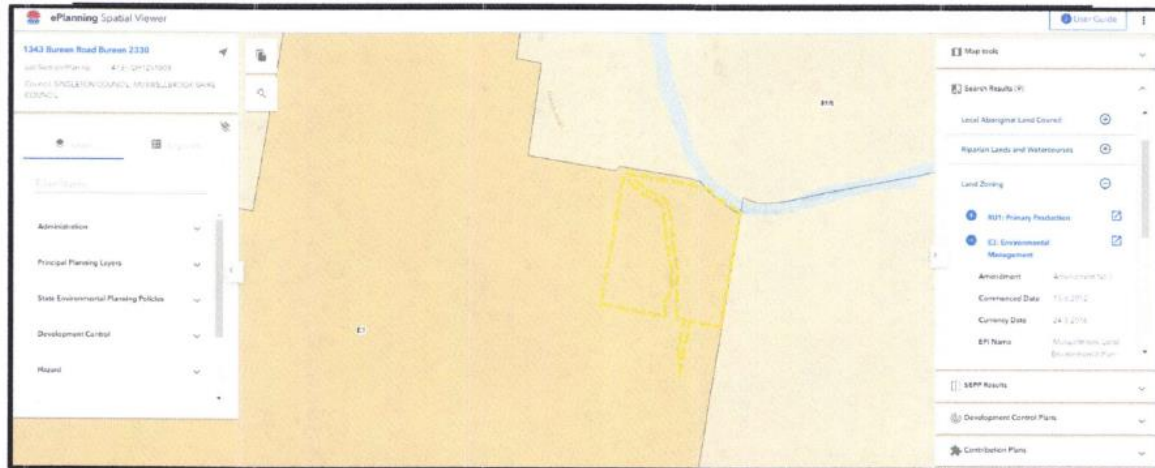
Figure 2 Subject land showing location of building remnants

2.2 Zoning and Planning Instruments

2.2.1 Muswellbrook Shire Local Environmental Plan 2009 (MLEP)

The MLEP the relevant environmental planning instrument. The zoning of the subject land is E3RU5 Village as shown below.

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen



The objectives of the zones are:

Zone E3 Environmental Management

Note.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 may apply to land within this zone.

1 Objectives of zone

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To maintain, or improve in the long term, the ecological values of existing remnant vegetation of significance including wooded hilltops, river valley systems, major scenic corridors and other local features of scenic attraction.
- To limit development that is visually intrusive and ensure compatibility with the existing landscape character.
- To allow agricultural activities that will not have an adverse impact on the environmental and scenic quality of the existing landscape.
- To promote ecologically sustainable development.
- To ensure that development in this zone on land that adjoins land in the land zoned E1 National Parks and Nature Reserves is compatible with the objectives for that zone.

2 Permitted without consent

Extensive agriculture; Home occupations

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

3 Permitted with consent

Air transport facilities; Animal boarding or training establishments; Bed and breakfast accommodation; Camping grounds; Caravan parks; Cellar door premises; Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Flood mitigation works; Home-based child care; Home businesses; Home industries; Information and education facilities; Intensive plant agriculture; Oyster aquaculture; Pond-based aquaculture; Recreation areas; Recreation facilities (outdoor); Research stations; Roads; Rural worker's dwellings; Secondary dwellings; Sewerage systems; Tank-based aquaculture; Water supply systems

4 Prohibited

Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

The erection of a dwelling is permissible within this zone. This application however relies on the provisions of Clause 7.5 (3)(a) of the MLEP:

(3) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:

(a) there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house

The subject land is part of a larger holding known locally as 'Conard Farm'. Anecdotal evidence has been gathered from various sources which verifies that a dwelling was on the land dating back to the 1870's at least. Documentation (copy of birth certificate) is available which confirms the Malcom Ragan (father of William Ragan born in 1941) was born at Conard Farm.

Letters have been obtained from the following confirming various memories of the presence of a dwelling on the farm. There are no other dwellings located on the property known as Conard Farm.

- Mr Phil Goodwin
- Mr Peter Brown
- Mr Garry O'Hara
- Mr Denis Lacey
- Mr William Ragan

This application seeks to replace the dwelling house which was erected on the subject land in accordance with the provisions of the clause. Clearly, at the time of the erection of the dwelling, there was no requirement to obtain an approval, therefore the previous dwelling was erected in accordance with the legal provisions at the time.

The photos below show the remnants of the building on site.

5 | Page

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen



It is suggested that the provisions of Clause 7.5(3)(a) are satisfied.

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

2.3 LOCALITY SKETCH

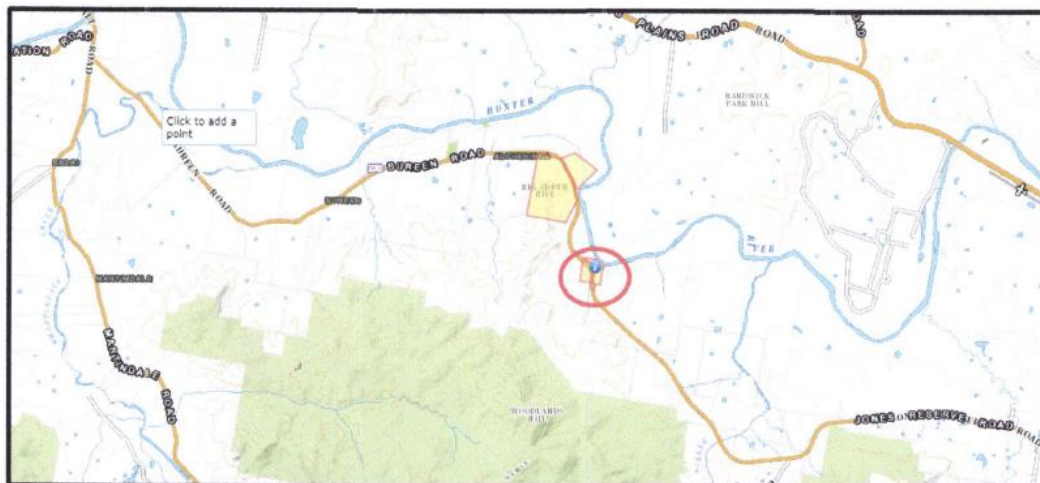


Figure 3 Locality Map (Source SIX Viewer 2019)

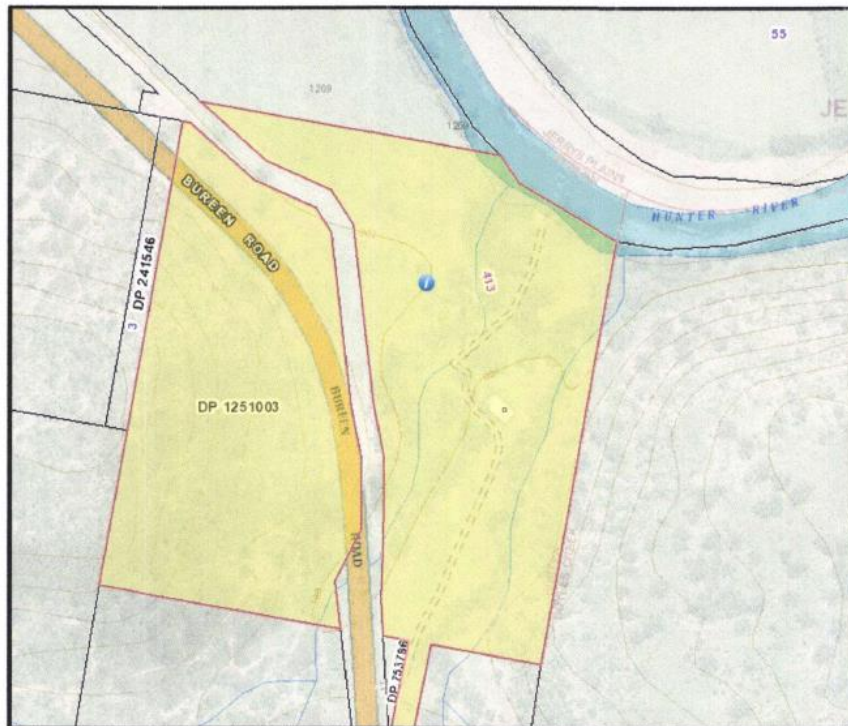
Other points under this plan will be discussed within the Statement of Environmental Effects

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

3. STATEMENT OF ENVIRONMENTAL EFFECTS

3.1 Flooding, Drainage, Landslip and Soil Erosion

The subject land has the Hunter River flowing along its north eastern boundary as shown below. Looking at the contour map below, the location of the proposed dwelling is some 10m higher than the Hunter River. The location of the proposed dwelling is in proximity of the building structure. Anecdotal evidence indicates that the location of the dwelling will not be subject to flooding.



There are no issues known with landslip or soil erosion at the site. Appropriate erosion and sedimentation control will be provided on site during the construction process. .

3.2 Bushfire Risk

The subject land is identified as having bushfire vegetation which required an assessment. A bushfire threat assessment report has been undertaken by Bushfire Consultant Pty Ltd – a copy of which is attached to this document. A BAL Certificate is included with the report which confirms Bushfire Attack Level of 12.5 is relevant to the site. The following recommendations are in section 6.7 of the report:

8 | Page

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

6.7 Recommendations

List of recommendations	
North elevation	Compliance with requirements of AS 3959 2009 Section 3 & Section-5 BAL-12.5
South elevation	Compliance with requirements of AS 3959 2009 Section 3 & Section-5 BAL-12.5
East elevation	Compliance with requirements of AS 3959 2009 Section 3 & Section-5 BAL-12.5
West elevation	Compliance with requirements of AS 3959 2009 Section 3 & Section-5 BAL-12.5
Establish and maintain an Inner Protection Area of ≥ 20 around the entire structure. Appendix 2 of this report detail maintenance procedures for this.	
Proposed gardens to be maintained and kept free of litter.	
Provide functioning garden hoses long enough to cross over each other, to each principle corner of the structure i.e. 4 hoses with nozzles.	
This is an isolated rural development > 10,000 m ² . No reticulated water supply is available within 60 metres of the structure. Accordingly the proposal shall provide a 20,000 litre firefighting capacity in accordance with PBP 2006 Table 4.2. This capacity can be comprised of dams, swimming pools, tanks or other static sources (RFS Fast Fact 3/08). Tanks shall have a 65 mm stortz fitting with a gate or ball valve shutoff. The supply can be plumbed into the domestic supply, conditional on a mechanism or method preventing the domestic use from using the firefighting capacity. The tank shall be non-combustible and on the non hazard side of the block. It shall have a hardstand all-weather road allowing a 15 tonne water tanker to within 4 metres of the tank. All above ground piping shall be metal.	
Provide a 3kW (5hp) (minimum) petrol/diesel portable fire pump set fitted with Stortz adaptors 2 (Minimum) x 20mm x 20m Stortz hose kits. 2 x Firefighting hose nozzles to suit hose. Occupants are to conduct regular drills with the pump set to ensure operational readiness.	
Place an SWS (Static Water Supply) sign in a prominent position near the front entrance to the property to alert responding firefighters to the presence of a firefighting water supply.	
All above ground water and gas pipes shall be metal.	
Gas cylinders, piping and fittings shall comply with AS 1596:2008. Relief vents shall be faced away from the structure.	
Provide a 4.5Kg Dry Chemical Powder (DCP) extinguisher. Provide a fire blanket in the vicinity of cooking appliances.	
Develop an appropriate emergency bushfire action plan. Additional information can also be found on either http://www.fire.nsw.gov.au/page.php?id=883 or http://www.rfs.nsw.gov.au/dsp_content.cfm?cat_id=4074	

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

3.3 Flora and Fauna

The proposed site for the dwelling is essentially grassland, however there may be one tree on or near the chosen site. If the construction work does require removal of a tree it would have minimal if any given the nature of the land.

3.4 Lot Shape and Size

The lot on which the dwelling is to be erected has an area of approximately 17ha. It is of somewhat irregular shape – however neither feature impact on the proposal.

3.5 Impact on adjacent properties

The subject land is within a rural region and the erection of the replacement dwelling would have no impacts on adjoining properties.

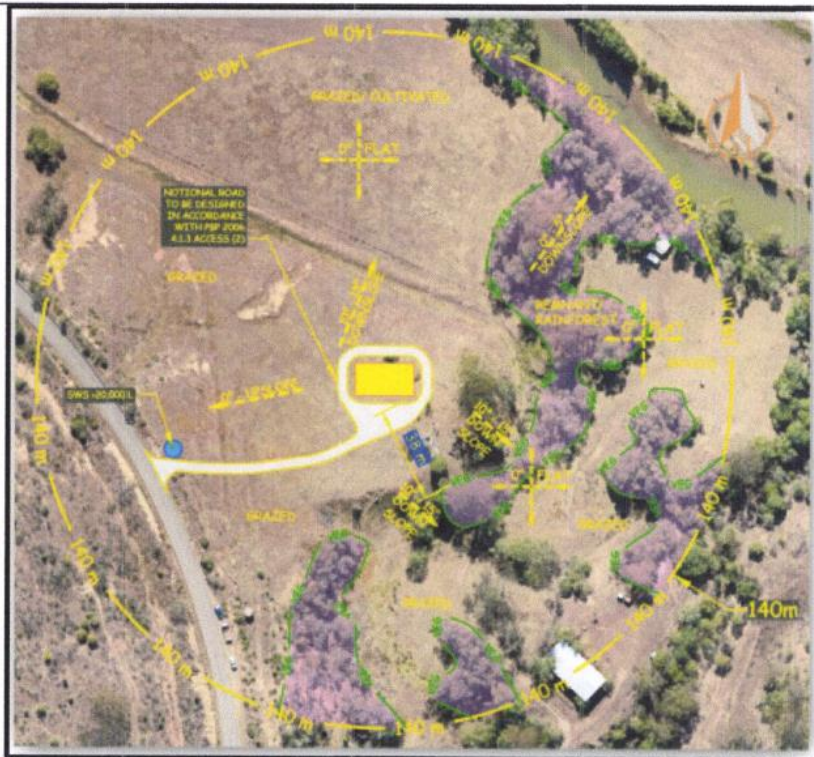
3.6 Traffic Considerations

This proposal is for a replacement dwelling. Notwithstanding that there has not been a dwelling occupied on the land for an extended period – there would be no concerns regarding the impact of the occupation of a dwelling and subsequent associated traffic.

There is an existing access point to the land. Review of SIX maps suggests that the initial section of the access off Bureen Road is constructed on the adjoining lot 33 DP 753786. While this is not a concern with the land in the same ownership – 'ideally' the access would be wholly within the subject lot OR a right of carriageway would be considered over the small section of road on the adjoining lot.

The Bushfire Consultant has indicated a new access point for the land which is considerably closer to the location of the proposed dwelling and shown below. The new access provides improved access for the dwelling and, if ever required, bush fire vehicle. A separate application under s138 will be submitted for the construction of the new access crossing.

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen



3.6.1 Traffic Generation

The application is for a replacement dwelling. There will be minimal additional traffic movements associated with the subsequent occupation of the dwelling. There are no concerns regarding adverse impacts in this regard.

3.6.2 Road Network

The existing sealed road network is adequate for the circumstances.

3.6.3 Parking

There is more than adequate area available for parking on the subject land.

3.6.4 Road Works Engineering Design

There is no proposed public work for this development. As mentioned above, a new access crossing is proposed.

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

3.7 Methods of Sewerage Effluent Disposal

The dwelling will utilise an on site sewerage management system. The Hunter river is well over 100m from the location of the proposed dwelling. Further application will be made to Council in this regard.

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

Power and telephone services are available to the development.

3.9 Social and Economic Effects

The construction and subsequent occupation of the replacement dwelling will have minimal but positive social and economic effects. Initial construction of the dwelling will provide potential opportunities for local tradesman and subsequent occupation of the dwelling supports the small rural community of the Bureen locality.

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

The development will not create any adverse noise impacts for the locality.

3.11 Archaeological/Heritage Items

The subject land is within a rural area. AHIMS searches (see attachment 5.2) has indicated no record of Aboriginal Places or Sites within 1km of the allotment.

4 CONCLUSION

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

- The proposal is for a replacement dwelling as per the provisions of the Muswellbrook LEP.
- The requirements of the relevant Clause have been satisfied – with evidence of a dwelling on site supported by remnants of the building and multiple letters from independent persons.

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

-
- There are no adverse impacts associated with the replacement dwelling
 - Bushfire assessment has confirmed BAL 12.5 construction is satisfactory for the site
 - A new access point to the subject land is proposed.

I believe this application complies with council's overall objectives for development within the zone and for the reasons abovementioned and detailed in this report should be approved.

Yours faithfully,



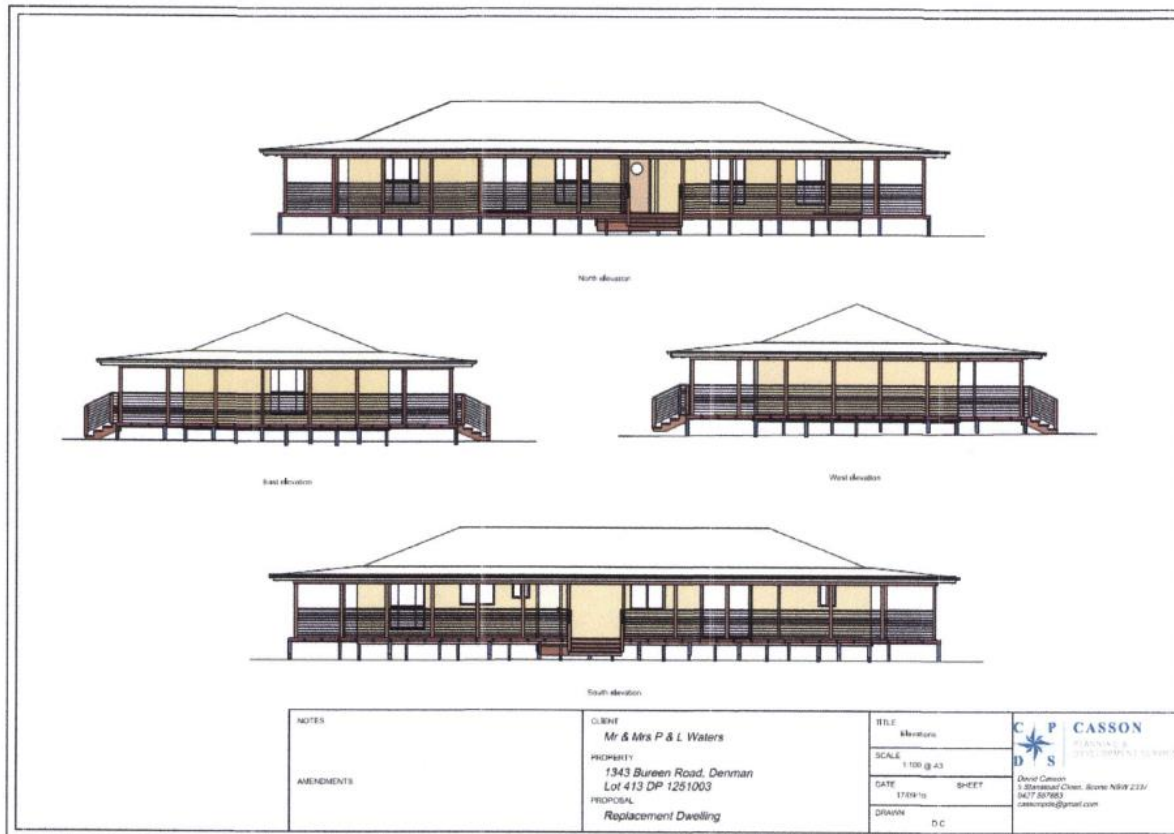
David Casson
Casson Planning & Development Services

5 ATTACHMENTS

- 5.1 Architectural Plans
- 5.2 AHIMS Search
- 5.3 BAL Certificate

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

5.1 Architectural Plans



Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

5.2 AHIMS Search



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Waters

Client Service ID : 445776

David Casson
5 Stanstead Close
SCONE New South Wales 2337
Attention: David Casson
Email: cassonpds@gmail.com

Date: 30 August 2019

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot: 22, DP:DP753786 with a Buffer of 200 meters, conducted by David Casson on 30 August 2019.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



CASSON
PLANNING &
DEVELOPMENT SERVICES

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen



Office of
Environment
& Heritage

AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : Waters

Client Service ID : 445777

David Casson

Date: 30 August 2019

5 Stanstead Close
SCONE New South Wales 2337

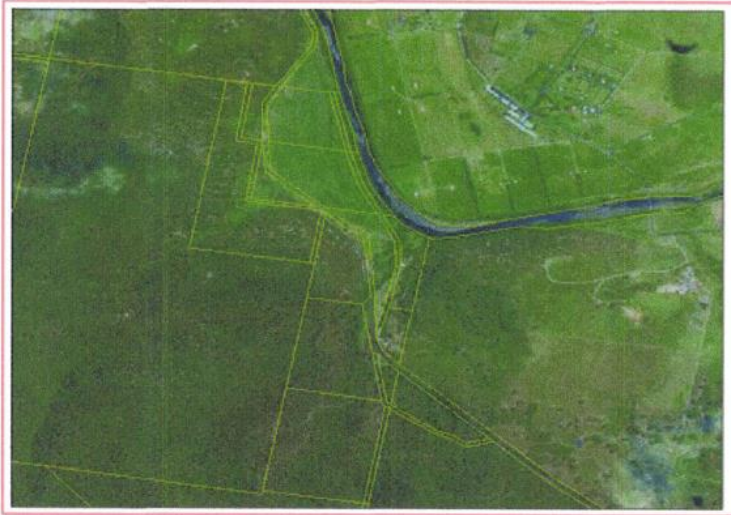
Attention: David Casson

Email: cassonpds@gmail.com

Dear Sir or Madam:

AHIMS Web Service search for the following area at Lot : 22, DP:DP753786 with a Buffer of 1000 meters, conducted by David Casson on 30 August 2019.

The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

0	Aboriginal sites are recorded in or near the above location.
0	Aboriginal places have been declared in or near the above location. *



CASSON
PLANNING &
DEVELOPMENT SERVICES

Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

5.3 BAL Certificate



BAL-Certificate

Job No. 0435

Phil & Leighanne Waters
311 Martindale Road
Denman
NSW 2328



Bushfire Consultant Pty Ltd
ABN 3214 4627 850
ACN 144 627 850
34 Regent Street
New Lambton
NSW 2305
02 4952 7376
0402 027 376
bushfireconsultant@gmail.com
www.bushfireconsultant.com.au

Bushfire Attack Level Risk Assessment under the Environmental Planning & Assessment Act 1979 Section 4.14 for 1343 Bureen Road, Bureen. NSW 2328. Site Visited: 13/8/2019

Bushfire Consultant Pty Ltd has visited Lot 413 DP1251003 and conducted an assessment of the surrounding vegetation and topographical features in accordance with the requirements of Planning for Bushfire Protection 2006 (PBP 2006)

This document certifies the proposed development site and proposed construction as having a Bushfire Attack Level of BAL-29 or less and that the development must conform to the specifications and requirements of Planning For Bush Fire Protection 2006.

Lot 413 DP1251003 is less than 100 metres from unmanaged bushfire prone vegetation and is captured by Muswellbrook Shire Council's Bushfire Prone Land map. Accordingly, a PBP 2006 method 1 calculation was performed (see below) and it was determined that all line of sight exposures of the proposal, to this bushfire prone vegetation, may be constructed to a minimum of AS 3959-2009 BAL-12.5. Shielded elevations shall be constructed to BAL-12.5

Direction	East
Fire danger Index (FDI)	100
Predominant Vegetation	Remnant/Rainforest
Separation Distance (metres)	38
Slope under Vegetation	Flat land - 0
Bushfire Attack Level (BAL)	BAL-12.5

For any further information regarding this BAL-Certificate please contact Barry Cleary via the contact details above.

Yours Sincerely

Barry Cleary AFSM
Design for Bushfire Prone Areas Post Grad Dip UWS 2009
Certificate IV Public Safety - Firefighting Supervision



Proposed replacement dwelling - Lot 413 DP 1251003, 1343 Bureen Road, Bureen

5.4 Letter of Support

P W Brown
974 Bureen Road
DENMAN NSW 2328

Mobile: 0407 061 022

8 July 2019

TO WHOM IT MAY CONCERN

RE: DWELLING AT CONARD FARM 1040 BUREEN ROAD DENMAN

My name is Peter William Brown, I was born in 1942 and have lived all my life on properties on Bureen Road Denman.

Since I was a little boy and to this date I have regularly travelled passed Conard Farm at 1040 Bureen Rd Denman to visit relatives in Jerrys Plains and conduct business in other areas beyond Jerrys Plains.

I am aware and can confirm that there was a house erected on Conard Farm and that people lived in the house and worked the farm.

To the best of my recollection the house was still standing approximately 25 years ago.

If required I would be pleased to confirm the terms of this letter personally.

Peter W Brown

A handwritten signature in black ink that reads "Peter Brown". The signature is written in a cursive, flowing style.

Garry O'Hara
"Danthonia"
570 Martindale Road
DENMAN NSW 2328

15 July 2019

To Whom It May Concern,

My name is Garry O'Hara & my family has been here since 1921 on the family property.

I am now 70 years of age & I have known Ken & the Moylan family all my life & for at least 3 generations, as various branches of the O'Hara family have lived on & around the Conard Farm area.

In this time, I can verify the house that was on the hill at Conard Farm.

As a young boy & then young adult, my father would take myself & my brother fishing down at the Hunter River on the Moylan property (Conard Farm). On many occasions Ken would join us.

Years later in the late 1980's – 1990's with a family of my own, my wife, four children & myself would still go fishing in the Hunter River on Ken Moylan's property (Conard Farm).

In all this time the house at Conard Farm was still there & was occupied.
It wasn't until the mid-1990's in a big storm that the house blew down.

Should you require further information etc regarding this letter, I can be contacted on the above address or on 0418202884.



Garry O'Hara

Denis Lacey
2 Bell Street
DENMAN NSW 2328

TO WHOM IT MAY CONCERN

I have been asked by Phil Waters and Ken Moylan to verify that there was a building (residential house) on the property known as Conlan Farm situated eastern end of Bureen Road heading towards Singleton from Denman.

From 1955 our family share farmed at Randwick Park which was next door to Woodlands Stud (now known as Darley) and across the river opposite to Conlan Farm.

As an adventurous 10 year old I used to play with the kids from Woodlands Stud and go down the farm across the river, up and explore the mountains. We would always stop at the old house, eat our fruit then off up the hill, then stop again at the old house for a spell on the way home. This house was owned by the Moylan family.

In 1973 myself, wife and young family moved to a dairy farm at Martindale Road/Bureen Road junction. Travelling to Singleton or further we would observe the old house, Conlan Farm, watching it slowly fall down to the ground in the early eighties.

I would like to confirm to whoever that there was definitely a house on Conlan Farm.

A handwritten signature in dark ink, appearing to read 'D.W. Lacey' followed by a flourish.

D.W. LACEY

Concord Farm House

To whom it may concern,

My Great Grandfather Michael Regan came out from Ireland in 1865 and settled at Doyles Creek.

He married and had seven children, one of which was my Grandfather William Regan.

William Regan married Annie O'Hara in 1901 and settled at Concord Farm. They had six children, all born at Concord Farm House.

My father Malcolm Ragan was the fourth youngest born in 1908.

Malcolm Ragan worked and lived at Concord Farm until 1941.

William and Annie Ragan, my Grandparents, moved to a property at Bureen around 1937.

My father married Rhona Almond 1938 and lived and worked at Concord Farm until 1941.

My father Malcolm moved to a farm at Bureen, moving the dairy and family using Concord Farm as a dry run for dairy cattle.

I was born at Bureen in 1941, William Ragan.

Tom Moyland later leased Concord Farm from my Grandmother.

Growing up on a Dairy farm at Bureen, my father and I would get fire wood and fence posts from Conard Farm on a regular basis.

We would go to Conard Farm House to sharpen the axes on a sandstone wheel outside the tack shed, which was about 40 metres from the house which still stood.

I remember lighting a fire for morning tea and lunch in the open fire place, boiling water for a billy.

While having tea, Malcolm my father would tell me stories of death adders (and many other stories). He would have to light the lantern and check the floor before he got out of bed.

This practice carried on until I was 16 years of age in 1956.

My Grandmother Annie Ragan's estate, Conard Farm was finalized and sold to Ken Moyland. Ken Moyland is part of the Ragan family. His mother Elma Ragan married Tom Moyland.

Conard Farm has been in the family name since the late 1800's through to present day.

NOTE: Malcom Ragan's, my fathers, place of birth is shown on my birth certificate that he was born at Conard Farm House, Conard Farm 1908.


William Ragan

22 Palace Street

Denman, NSW, 2328

PH: 0265472501

William Frederick Ragan





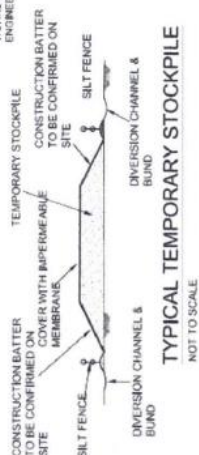
0004216881
Gavin Chambers
VIC/BDV131491
19 Sep 2019



Certificate no.:
Accreditation no.:
Certificate date:
Dwelling Address:
Bureau, NSW
2228
www.nationwide.gov.au

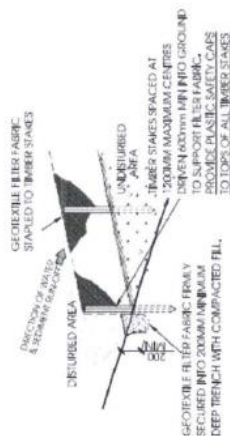
EROSION & SEDIMENT CONTROL NOTES:

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE IN ACCORDANCE WITH THE EROSION AND SEDIMENT CONTROL MANUAL, VOLUME 1, MARCH 2004 BY LANDCOM.
2. SOIL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE SET IN PLACE PRIOR TO ANY WORKS COMMENCING.
3. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED TO THE SATISFACTION OF THE COUNCIL'S ENGINEER.
4. THE CONTRACTOR SHALL REGULARLY MAINTAIN ALL SEDIMENT AND EROSION CONTROL DEVICES AND REMOVE ACCUMULATED SILT FROM THESE DEVICES AS SOON AS POSSIBLE.
5. ALL DISTURBED AREAS SHALL BE STABILISED BY MEANS OF LANDSCAPING, TURF OR RE-VEGETATION AS SOON AS POSSIBLE.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND TO AVOID THE TRANSPORT OF SEDIMENT TO WORKS OR AS DIRECTED BY THE SUPERVISOR OR COUNCIL'S ENGINEER.



TYPICAL TEMPORARY STOCKPILE

EXACT LOCATION OF ALL EROSION AND
SEDIMENT CONTROL DEVICES TO BE
DETERMINED ON SITE BY THE BUILDER AND
THE RELEVANT COUNCIL INSPECTOR.



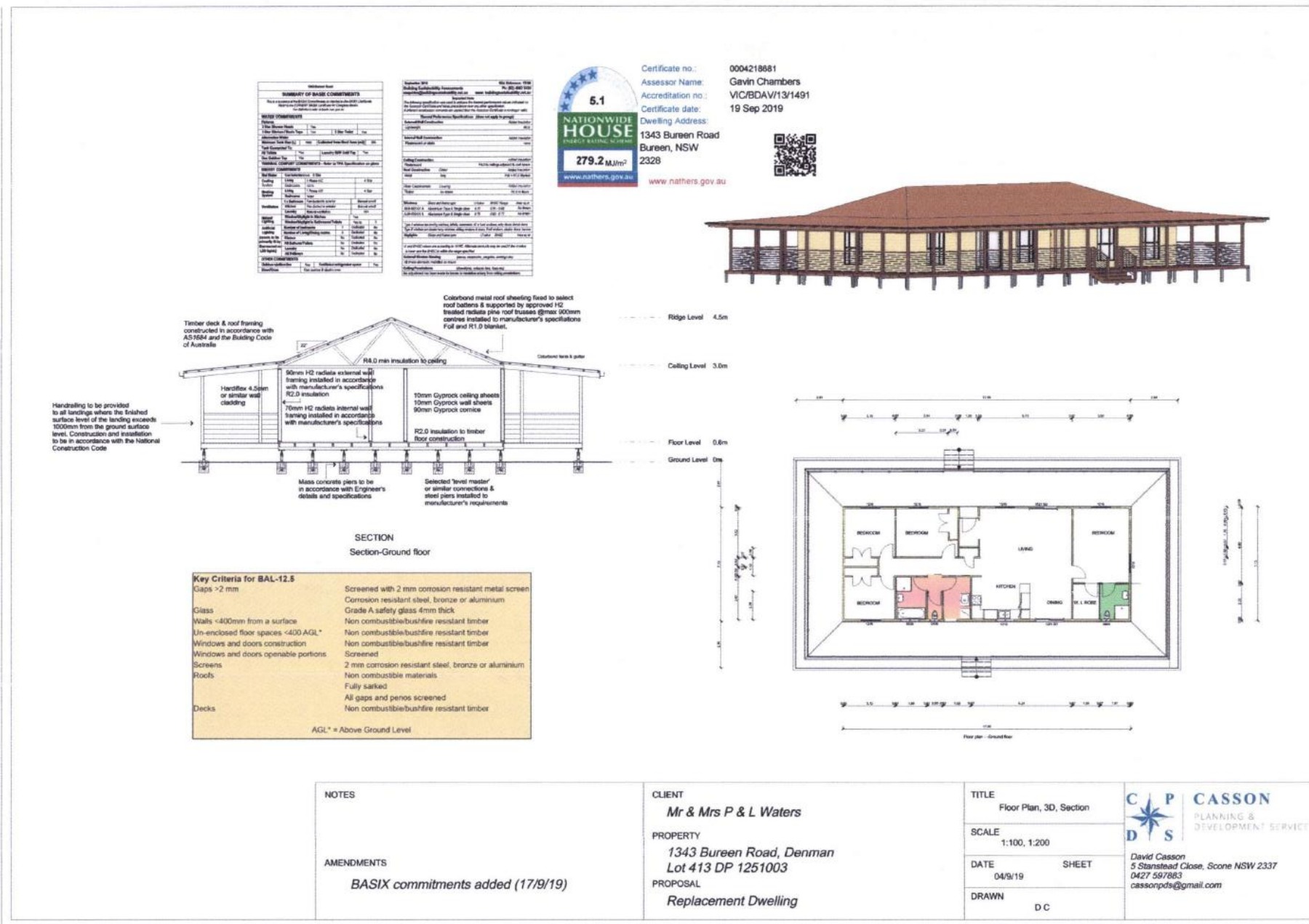
DETAIL - GEOTEXTILE FILTER

FABRIC FENCE. NOT TO SCALE

EXACT LOCATION OF GEOTEXTILE FILTER FENCE TO BE DETERMINED ON
SITE BY THE BUILDER AND RELEVANT COUNCIL ENGINEER.

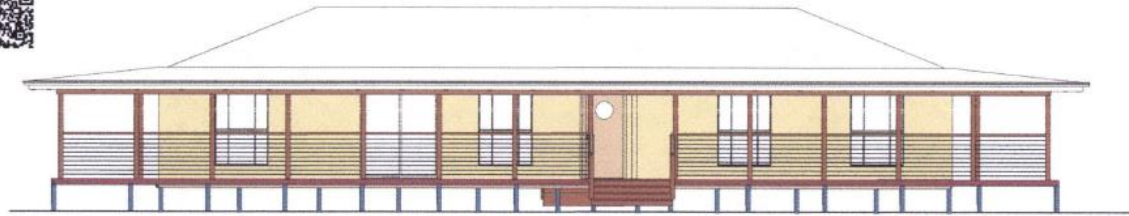


NOTES	CLIENT Mr & Mrs P & L Waters	TITLE Locality & Site Plan	C P CASSON PLANNING & DEVELOPMENT SERVICES
AMENDMENTS	PROPERTY 1343 Burren Road, Denman Lot 413 DP 1251003 PROPOSAL Replacement Dwelling	SCALE Various	David Casson 5 Strathairn Close, Scone NSW 2337 0427 597883 cassonpds@gmail.com
D C	DATE 17/09/19	SHEET	DRAWN





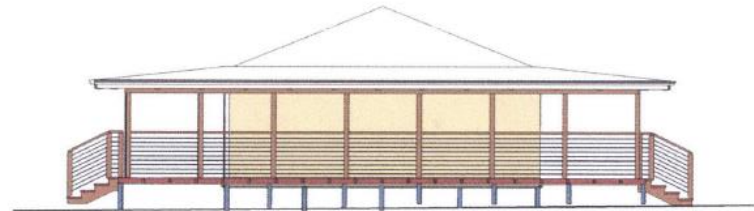
Certificate no.: 0004218681
 Assessor Name: Gavin Chambers
 Accreditation no.: VIC/BDAY/13/1491
 Certificate date: 19 Sep 2019
 Dwelling Address: 1343 Bureen Road
 Bureen, NSW 2328
 www.nathers.gov.au



North elevation



East elevation



West elevation



South elevation

NOTES

AMENDMENTS

CLIENT

Mr & Mrs P & L Waters

PROPERTY

*1343 Bureen Road, Denman
Lot 413 DP 1251003*

PROPOSAL

Replacement Dwelling

TITLE

Elevations

SCALE

1:100 @ A3

DATE

17/09/19

DRAWN

SHEET

D C

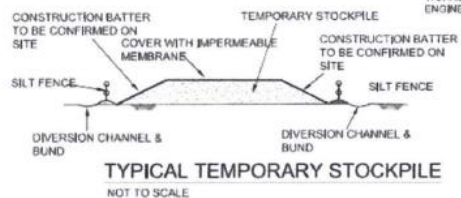
C P D S **CASSON**
 PLANNING &
 DEVELOPMENT SERVICES
 David Casson
 5 Stanstead Close, Scone NSW 2337
 0427 597883
 cassonpds@gmail.com



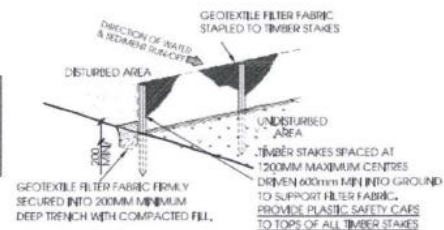
Certificate no.: 0004218681
 Assessor Name: Gavin Chambers
 Accreditation no.: VIC/BD4V/13/1491
 Certificate date: 19 Sep 2019

Dwelling Address:
 1343 Bureen Road
 Bureen, NSW
 2328

www.nathers.gov.au



EXACT LOCATION OF ALL EROSION AND SEDIMENT CONTROL DEVICES TO BE DETERMINED ON SITE BY THE BUILDER AND THE RELEVANT COUNCIL INSPECTOR.



EXACT LOCATION OF GEOTEXTILE FILTER FENCE TO BE DETERMINED ON SITE BY THE BUILDER AND RELEVANT COUNCIL ENGINEER.

NOTES

AMENDMENTS

CLIENT

Mr & Mrs P & L Waters

PROPERTY

1343 Bureen Road, Denman
 Lot 413 DP 1251003

PROPOSAL

Replacement Dwelling

TITLE

Locality & Site Plan

SCALE

Various

DATE

17/08/19

SHEET

DRAWN

D C



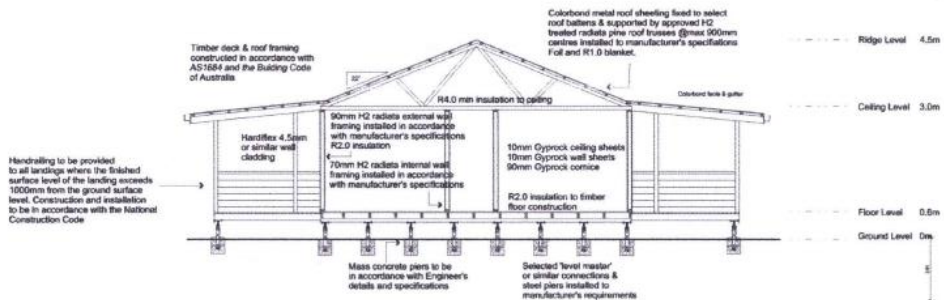
David Casson
 5 Stanstead Close, Scone NSW 2337
 0427 587883
 cassonpds@gmail.com

SUMMARY OF BASIX COMMITMENTS	
This is a commitment to the community and is not a contract. It is a statement of intent to the community and is not a contract. It is a statement of intent to the community and is not a contract.	
Project Name	1343 Buren Road, Denman NSW 2337
Client Name	Mr & Mrs P & L Waters
Project Address	1343 Buren Road, Denman NSW 2337
Project Type	Replacement Dwelling
Project Status	Approved
Project Date	17/9/19
Project Engineer	David Casson
Project Designer	David Casson
Project Architect	David Casson
Project Builder	David Casson
Project Council	Denman Shire Council
Project Council Officer	David Casson
Project Council Approval	17/9/19
Project Council Conditions	17/9/19
Project Council Notes	17/9/19
Project Council Comments	17/9/19
Project Council Actions	17/9/19
Project Council Review	17/9/19
Project Council Sign-off	17/9/19
Project Council Seal	17/9/19
Project Council Stamp	17/9/19
Project Council Signature	17/9/19
Project Council Date	17/9/19
Project Council Location	17/9/19
Project Council Contact	17/9/19
Project Council Email	17/9/19
Project Council Phone	17/9/19
Project Council Fax	17/9/19
Project Council Website	17/9/19
Project Council Social Media	17/9/19
Project Council Other	17/9/19

BASIX COMMITMENTS	
Project Name	1343 Buren Road, Denman NSW 2337
Client Name	Mr & Mrs P & L Waters
Project Address	1343 Buren Road, Denman NSW 2337
Project Type	Replacement Dwelling
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Project Council Review	17/9/19
Project Council Sign-off	17/9/19
Project Council Seal	17/9/19
Project Council Stamp	17/9/19
Project Council Signature	17/9/19
Project Council Date	17/9/19
Project Council Location	17/9/19
Project Council Contact	17/9/19
Project Council Email	17/9/19
Project Council Phone	17/9/19
Project Council Fax	17/9/19
Project Council Website	17/9/19
Project Council Social Media	17/9/19
Project Council Other	17/9/19



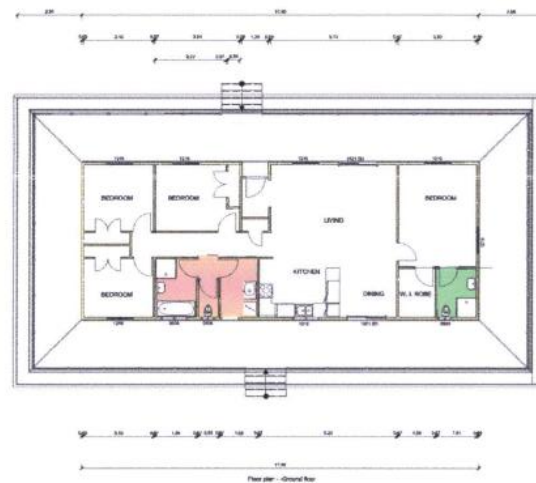
Certificate no.: 0004218681
 Assessor Name: Gavin Chambers
 Accreditation no.: VIC/BDAY/13/1491
 Certificate date: 19 Sep 2019
 Dwelling Address: 1343 Buren Road, Bureen, NSW 2328

SECTION
Section-Ground floor

Key Criteria for BAL-12.5	
Gaps >2 mm	Screened with 2 mm corrosion resistant metal screen
Glass	Corrosion resistant steel, bronze or aluminum
Walls <400mm from a surface	Grade A safety glass 4mm thick
Un-enclosed floor spaces <400 AGL*	Non combustible/bushfire resistant timber
Windows and doors construction	Non combustible/bushfire resistant timber
Windows and doors operable portions	Screened
Screens	2 mm corrosion resistant steel, bronze or aluminum
Roofs	Non combustible materials
Decks	Fully sarked
	All gaps and penos screened
	Non combustible/bushfire resistant timber

AGL* = Above Ground Level



NOTES

AMENDMENTS

BASIX commitments added (17/9/19)

CLIENT

Mr & Mrs P & L Waters

PROPERTY

1343 Buren Road, Denman
Lot 413 DP 1251003

PROPOSAL

Replacement Dwelling

TITLE

Floor Plan, 3D, Section

SCALE

1:100, 1:200

DATE

04/9/19

DRAWN

D C

C P S
CASSON
PLANNING & DEVELOPMENT SERVICE

David Casson
5 Starstead Close, Scone NSW 2337
0427 597883
cassonpds@gmail.com



Certificate no.: 0004218681
 Assessor Name: Gavin Chambers
 Accreditation no.: VIC/BDAY/13/1491
 Certificate date: 19 Sep 2019
 Dwelling Address: 1343 Bureen Road
 Bureen, NSW 2328
 www.nathers.gov.au



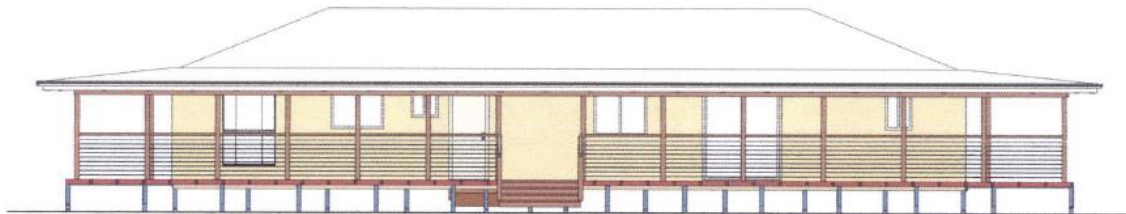
North elevation



East elevation



West elevation



South elevation

<p>NOTES</p> <p>AMENDMENTS</p>	<p>CLIENT Mr & Mrs P & L Waters</p> <p>PROPERTY 1343 Bureen Road, Denman Lot 413 DP 1251003</p> <p>PROPOSAL Replacement Dwelling</p>	<p>TITLE Elevations</p> <p>SCALE 1:100 @ A3</p> <p>DATE 17/09/19</p> <p>DRAWN D C</p>	<p>C P CASSON D S PLANNING & DEVELOPMENT SERVICES</p> <p>David Casson 5 Stanstead Close, Scone NSW 2337 0427 507883 cassoncpds@gmail.com</p>
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"CONARD FARM"

1040 BUREEN ROAD

DENMAN NSW

NOVEMBER 2018

CONTENTS

- 1: Rate Notice / Property Details
- 2: Plan of Site
- 3: Plan of Individual lots
- 4: Area of lots
- 5: Certificate of Title for lots
- 6: Deposited Plan for lots
- 7: Crown Land details
- 8: Crown Land Special Lease 77203 [1944/15]
- 9: Crown Land Licence 186532
- 10: Transfer to Kenneth William Moylan
- 11: History of "Conard Farm" and Dwelling

1 RATE NOTICE / PROPERTY DETAILS

Copy of Council Rate Notice for 2017/18 and New South Wales Valuer General- Land
Value Search 12 June 2018 with the property details for No 1040 Bureen Road
Denman highlighted.

Note the description of the land and property area is inclusive of the Freehold and
Crown land. This indicates that both Council and the Valuer General consider the
Property to incorporate the Freehold and Crown land.



2017/2018 Rates & Charges

Mr K W Moylan
"Keeragulla"
Tarcoon Road
BREWARRINA NSW 2839



Muswellbrook Shire Council ABN: 86 864 180 944
Post: PO Box 122 MUSWELLBROOK NSW 2333
Phone: 02 6549 3700
Email: council@muswellbrook.nsw.gov.au
Web: www.muswellbrook.nsw.gov.au
The land noted below has been rated by Council for the period 01/07/2017 to 30/06/2018.
Base date of valuation: 01/07/2016

Assessment/Reference No	115972
Issue Date	24/07/2017
Date Due	31/08/2017
Total Amount Due	\$2,306.69
Instalment Amount Due	\$1,340.69
Rating Category	Farmland

See reverse for payment options.
Arrears/Overdue amounts incur daily interest charges at 7.5% per annum until paid.

If the above postal address is incorrect, please notify Council in writing.

Property Details

BUREEN ROAD DENMAN NSW 2328
LOT 1 DP 103442 LOTS 1-3 DP 113661 LOTS 2-3 DP 241546 LOTS PT 22 PT 33 PT 34
89 95-96 DP 753786 LOT 63 99 DP 753794 EP: 45388 LI: 186532 SP: 77203

Receive your notices by email

Update your preferences at
muswellbrook.nsw.gov.au
Phone 02 6549 3700 for assistance.



Particulars of Rates and Charges	Cents in \$/charge	Rateable value/ No. of services	Sub-total (\$)	Instalment schedule:
Arrears Balance Brought Forward			\$1,018.53	31/08/2017
General Farmland Ad Valorem	0.00342848	251000.00	\$860.55	\$1,340.69
General Farmland - Base Amount (14.01%)	400.00	1.00	\$400.00	
Hunter Catchment Contribution	0.00011000	251000.00	\$27.61	30/11/2017
				\$322.00
				28/02/2018
				\$322.00
				31/05/2018
				\$322.00
Deduct any payments made since: 12/07/2017			Total Amount Due	
			\$2,306.69	

Instalments must be paid by due date.

TRANSFER TO Westpac Banking Corporation

MUSWELLBROOK, SHOP 1, 39-43 BRIDGE ST, NSW
Name: Mr K W Moylan
Location: BUREEN ROAD DENMAN NSW 2328
Account: 115972

RATES & CHARGES ACCOUNT

CREDIT

AMOUNT PAYABLE: \$2,306.69
INSTALMENT DUE: \$1,340.69



Bill Code: 7633
Ref No. 0115972

TELLER No.

No. OF CHQS.

DRAWER

PAID IN BY

FOR CREDIT OF

Note: This deposit will be transferred under the Bank's internal procedures.
The bank is not to be held responsible for delays in transmission.
Details of cheque (proceeds will not be available until cleared.)

BANK

BRANCH

CASH

CHQS

MUSWELLBROOK SHIRE COUNCIL - RATES

T/C

61 \$

<0115972

< 032=616: 11=7684< 61

12/2018

Land value search

**Valuer
General**

Land value search

NEW SOUTH WALES VALUER GENERAL - LAND VALUE SEARCH

PROPERTY NO: 3580575

LGA: MUSWELLBROOK

ADDRESS OF PROPERTY: 1040 BUREEN RD,
DENMAN NSW 2328

DESCRIPTION OF LAND: 1/103442 1, 2, 3/113661 2, 3/241546 PT 22, PT 33,
PT 34, 89, 95, 96/753786 63, 99/753794 ENCLOSURE
PERMIT 45388 LICENCE 186532 SPECIAL LEASE 77203

PROPERTY AREA: 472.85 HECTARES (CALCULATED)

PROPERTY DIMENSIONS: NOT AVAILABLE

VALUING YEAR: 01/07/2017 DATE VALUATION WAS MADE: 09/08/2017

ZONING USED FOR VALUATION: ENVIRONMENTAL MANAGEMENT

LAND VALUE AUTHORITY: 14A(1) - ANNUAL REVALUATION

GROSS LAND VALUE: \$276,000

DIVISION 3 AND 4 ALLOWANCES: NOT APPLICABLE

NET LAND VALUE: \$276,000

LAND VALUE BASIS: 14I - THE LAND VALUE IS THE FREEHOLD VALUE OF THE
LAND HAVING REGARD TO RESTRICTIONS IMPOSED BY A
LEASE FROM THE CROWN

OTHER ALLOWANCES/CONCESSIONS: NOT APPLICABLE

THE CURRENT LAND VALUE FOR RATING PURPOSES IN THE LOCAL GOVERNMENT AREA
OF MUSWELLBROOK IS THE VALUE AT 1 JULY 2016.

PRODUCED: 12 JUNE 2018 18:53:13 PROPERTY STATUS AT THIS DATE: CURRENT

THIS LAND VALUE SEARCH DOES NOT CONVEY A RIGHT OF OBJECTION TO THE LAND VALUE.

THE VALUES SHOWN ARE CURRENT FOR THE VALUING YEAR AS AT TODAY'S DATE.
THE VALUER GENERAL CONDUCTS ONGOING REVIEWS OF LAND VALUES
AND THEREFORE THE VALUES SHOWN MAY CHANGE.THE LAND VALUE RECORDED ON THIS LAND VALUE SEARCH HAS BEEN DETERMINED
UNDER THE VALUATION OF LAND ACT 1916 (AND THE HERITAGE ACT 1977, WHERE
APPLICABLE) FOR RATING AND TAXING PURPOSES. LAND VALUES HAVE REGARD TO
THE REQUIREMENTS OF RATING AND TAXING LEGISLATION AND SHOULD NOT BE USED
FOR ANY OTHER PURPOSE WITHOUT THE SPECIFIC AGREEMENT OF THE VALUER GENERAL.

*** END OF SEARCH ***

Councils use the Valuer General's land values in setting their rates. Land values are issued to councils
for rating at least every four years.Properties that are subject to Land Tax are generally taxed based on the average of the last three
years' land valuation.[New Search](#)[Print](#)<http://www.valuergeneral.nsw.gov.au/services/lvs.htm?execution=e1s2>

1/2

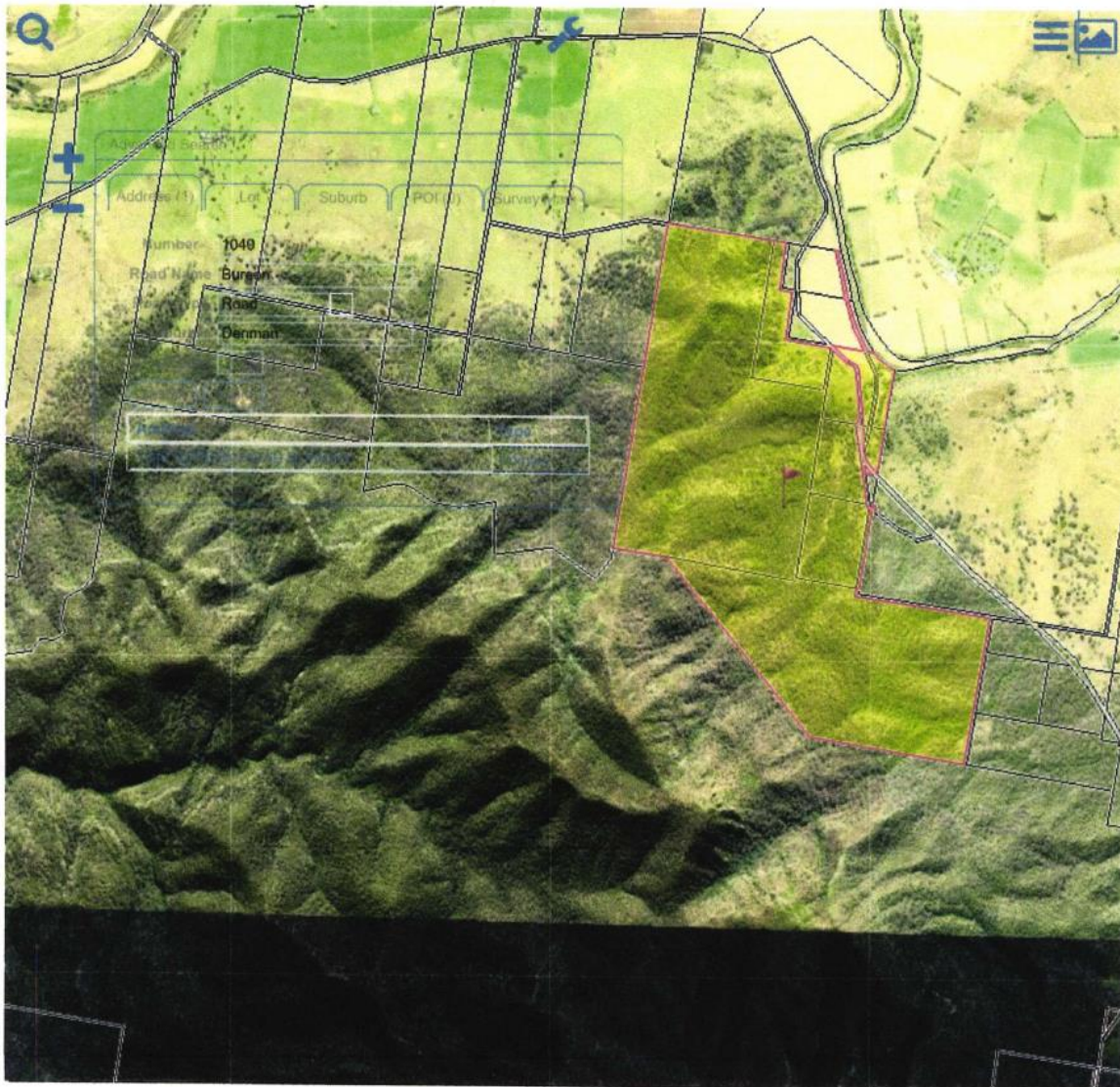
2 PLAN OF SITE

Plan showing boundaries of property No 1040 Bureen Rd Denman.

A search of the official New South Wales government web site for property No 1040 Bureen Road Denman shows that the boundaries include the Freehold & Crown land which indicates that it is inclusive as the one parcel of land. A copy of that search is attached.

SOURCE: maps.six.nsw.gov.au

SITE PLAN



No 1040 BUREEN ROAD DENMAN.



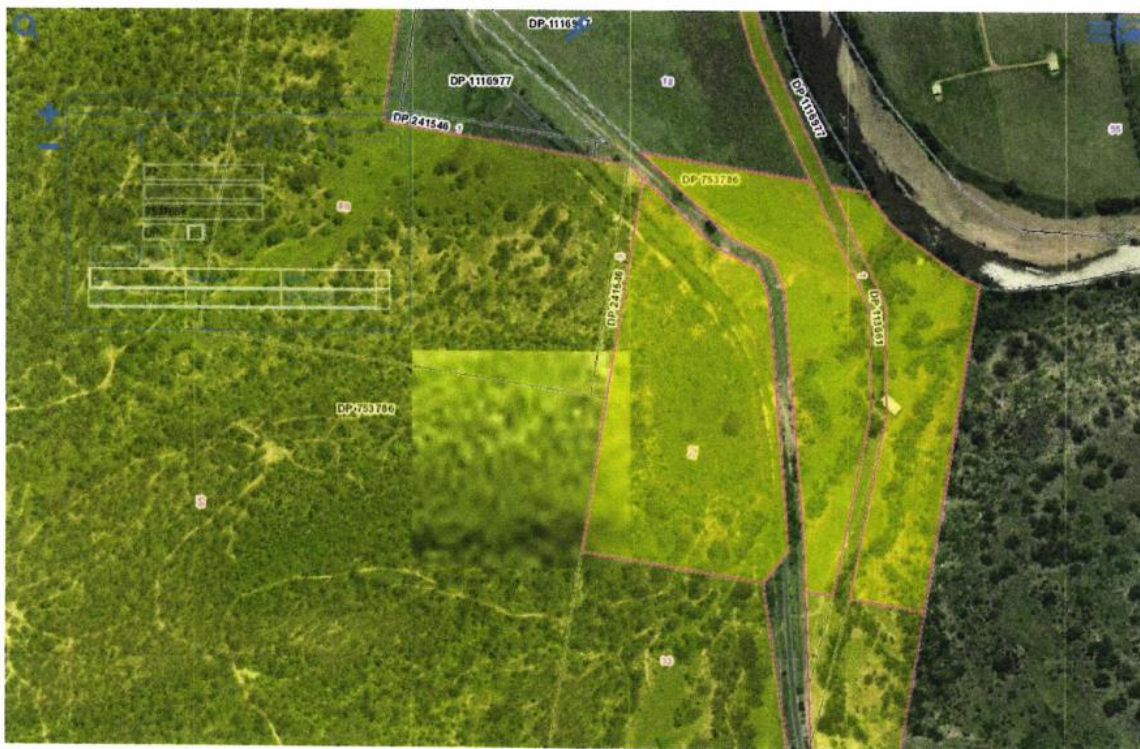
1:36,112
0 0.5 1km



3 PLAN OF INDIVIDUAL LOTS


A plan of each lot which is included as part of No 1040 Bureen Rd Denman.

SOURCE: maps.six.nsw.gov.au



LOT 22 DP 753786

1:4.514



0 50 100 μ m





LOT 33 DP 753786



1:4,514
0 50 100m





LOT 34 DP 753 786



1:4,514
0 50 100m





LOT 2 DP 241546



1:4,514
0 50 100m





LOT 3 DP 241 546



1:2,257
0 30 60m





LOT 1 DP 113661



1:9,028
0 0.1 0.2km





LDT 2 DP 113661



1:564
0 5 10m





LOT 3 DP113661



1:564
0 5 10m





LOT 89 DP 753 786




1:9,028
0 0.1 0.2km





LOT 95 DP 753 786

1:18,056



0 0.2 0.4 km





LOT 96 DP 753786

1:10,000
0 100 200 M

NSW

4 AREA OF LOTS

The area of each lot that forms part of No 1040 Bureen Rd Denman has been transposed from the Deposited Plan details to calculate the following areas.

Lot 22 DP 753786	40 acres	=	16.1874 ha
Lot 33 DP 753786	50 acres	=	20.2343 ha
Lot 34 DP 753786	50 acres	=	20.2343 ha
Lot 2 DP 241546	9347m2	=	0.9347 ha
Lot 3 DP 241546	4999m2	=	0.4999 ha
Lot 1 DP113661		=	3.165 ha
Lot 2 DP113661	250.4m2	=	0.02504 ha
Lot 3 DP113661	529.8m2	=	0.5298 ha
FREEHOLD LAND LOTS		=	61.81044 Ha

Lot 89 DP 753786	55acres 1 rood	=	22.2577 ha
Lot 95 DP 753786	503 acres	=	203.557 ha
Lot 96 DP 753786	404 acres 2 rood	=	163.493 ha
CROWN LAND LOTS		=	389.3077 Ha

FREEHOLD LAND LOTS = 61.81044 HA

CROWN LAND LOTS = 389.3077 HA

TOTAL SITE AREA = 451.11814 HA

5 CERTIFICATE OF TITLE

Attached is a copy of the registered Certificate of Title for each lot that is included as part of the land within property No 1040 Bureen Rd Denman.

These details are an exact copy of the official records held by the NSW Land Registry Services which were obtained on 13 September 2018 by Info Track P/L.



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 7388-51

SEARCH DATE	TIME	EDITION NO	DATE
13/9/2018	10:44 AM	-	-

VOL 7388 FOL 51 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA MUSWELLBROOK, SINGLETON
PARISH OF HUNTER COUNTY OF HUNTER
TITLE DIAGRAM SEE SCHEDULE OF PARCELS

FIRST SCHEDULE

KENNETH WILLIAM MOYLAN (T K78873)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- * 2 EXCEPTING LAND WITHIN LOT 33 BEING LOT A IN DP354903
- 3 LAND EXCLUDES THE ROAD(S) WITHIN LOTS 22, 33 & 34 SHOWN IN THE TITLE DIAGRAM AND THE ROAD WITHIN LOT 33 BEING LOT 1 IN DP42602

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 1-3 IN DP113661
LOT 22 IN DP753786
LOTS 33-34 IN DP753786

TITLE DIAGRAM

DP113661
CROWN PLAN 179.1538
CROWN PLAN 221.1538.

*** END OF SEARCH ***

CW

PRINTED ON 13/9/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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Received: 13/09/2018 10:44:04



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 11684-153

SEARCH DATE	TIME	EDITION NO	DATE
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13/9/2018	10:44 AM	2	29/4/2011

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
LOCAL GOVERNMENT AREA MUSWELLBROOK
PARISH OF HUNTER COUNTY OF HUNTER
TITLE DIAGRAM DP241546

FIRST SCHEDULE

KENNETH WILLIAM MOYLAN

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 2-3 IN DP241546.

*** END OF SEARCH ***

CW

PRINTED ON 13/9/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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Received: 13/09/2018 10:44:04



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 89/753786

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/9/2018	10:44 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 89 IN DEPOSITED PLAN 753786

AT HUNTER

LOCAL GOVERNMENT AREA MUSWELLBROOK

PARISH OF HUNTER COUNTY OF HUNTER

(FORMERLY KNOWN AS PORTION 89)

TITLE DIAGRAM CROWN PLAN 1474.1538

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000D
- * 2 EXCEPTING ANY ROADS AND RESUMED LAND
- * 3 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES
- * 4 SUBJECT TO THE CONDITIONS CONTAINED IN THE GOVERNMENT GAZETTE DATED 20.9.1963
- * 5 PART SPECIAL LEASE 1962/7 MUSWELLBROOK TO THOMAS HAROLD MOYLAN, KENNETH WILLIAM MOYLAN AND DOUGLAS FRANCIS MOYLAN. EXPIRES 31.12.1990
- * Y848605 TRANSMISSION APPLICATION TO KENNETH WILLIAM MOYLAN AND DOUGLAS FRANCIS MOYLAN AS TENANTS IN COMMON IN EQUAL SHARES
- * 6 SUBJECT TO THE PROVISIONS OF THE CROWN LANDS CONSOLIDATION ACT, 1913 PARTICULARLY AS REGARDS PAYMENT OF ANNUAL RENT AND OTHER DUES, RESTRICTIONS ON DEALINGS AND RESTRICTIONS ON SUBDIVISION - SEE CLAUSE 12 OF REGULATION 106 AND SECTION 257
- * 7 THIS FOLIO CANNOT BE DEALT WITH SEPARATELY FROM THE BALANCE OF THE ABOVE HOLDING WHICH COMPRISES LOTS 89 AND 95 IN DP753786

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

CW

PRINTED ON 13/9/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900.

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Received: 13/09/2018 10:44:05



LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 95/753786

SEARCH DATE	TIME	EDITION NO	DATE
-----	----	-----	----
13/9/2018	10:44 AM	-	-

CERTIFICATE OF TITLE HAS NOT ISSUED

LAND

LOT 95 IN DEPOSITED PLAN 753786
AT HUNTER
LOCAL GOVERNMENT AREA MUSWELLBROOK
PARISH OF HUNTER COUNTY OF HUNTER
(FORMERLY KNOWN AS PORTION 95)
TITLE DIAGRAM CROWN PLAN 2008.1538

FIRST SCHEDULE

THE STATE OF NEW SOUTH WALES

SECOND SCHEDULE (7 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000D
- * 2 EXCEPTING ANY ROADS AND RESUMED LAND
- * 3 EXCEPTING LAND BELOW A DEPTH FROM THE SURFACE OF 15.24 METRES
- * 4 SUBJECT TO THE CONDITIONS CONTAINED IN THE GOVERNMENT GAZETTE DATED 20.9.1963
- * 5 PART SPECIAL LEASE 1962/7 MUSWELLBROOK TO THOMAS HAROLD MOYLAN, KENNETH WILLIAM MOYLAN AND DOUGLAS FRANCIS MOYLAN. EXPIRES 31.12.1990
- * Y848605 TRANSMISSION APPLICATION TO KENNETH WILLIAM MOYLAN AND DOUGLAS FRANCIS MOYLAN AS TENANTS IN COMMON IN EQUAL SHARES
- * 6 SUBJECT TO THE PROVISIONS OF THE CROWN LANDS CONSOLIDATION ACT, 1913 PARTICULARLY AS REGARDS PAYMENT OF ANNUAL RENT AND OTHER DUES, RESTRICTIONS ON DEALINGS AND RESTRICTIONS ON SUBDIVISION - SEE CLAUSE 12 OF REGULATION 106 AND SECTION 257
- * 7 THIS FOLIO CANNOT BE DEALT WITH SEPARATELY FROM THE BALANCE OF THE ABOVE HOLDING WHICH COMPRISES LOTS 89 AND 95 IN DP753786

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

CW

PRINTED ON 13/9/2018

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LAND
REGISTRY
SERVICES

Title Search



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 96/753786

SEARCH DATE	TIME	EDITION NO	DATE
13/9/2018	10:44 AM	3	28/11/1994

LAND

LOT 96 IN DEPOSITED PLAN 753786
LOCAL GOVERNMENT AREA MUSWELLBROOK
PARISH OF HUNTER COUNTY OF HUNTER
(FORMERLY KNOWN AS PORTION 96)
TITLE DIAGRAM CROWN PLAN 2065.1538

FIRST SCHEDULE

ESTATE: PERPETUAL LEASE

KENNETH WILLIAM MOYLAN

(TA U822225)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE MEMORANDUM S700000C
- 2 EXCEPTING ANY ROADS AND RESUMED LAND
- 3 SUBJECT TO THE CONDITIONS CONTAINED IN THE GOVERNMENT GAZETTE DATED 30-4-1948, 17-11-1950, 18-12-1959 AND 18-12-1972
- 4 SPECIAL LEASE 1944/15 MUSWELLBROOK
- 5 SUBJECT TO THE PROVISIONS OF THE CROWN LANDS CONSOLIDATION ACT, 1913 PARTICULARLY AS REGARDS PAYMENT OF ANNUAL RENT AND OTHER DUES, RESTRICTIONS ON DEALINGS AND RESTRICTIONS ON SUBDIVISION - SEE SECTIONS 257 AND 75A

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

CW

PRINTED ON 13/9/2018

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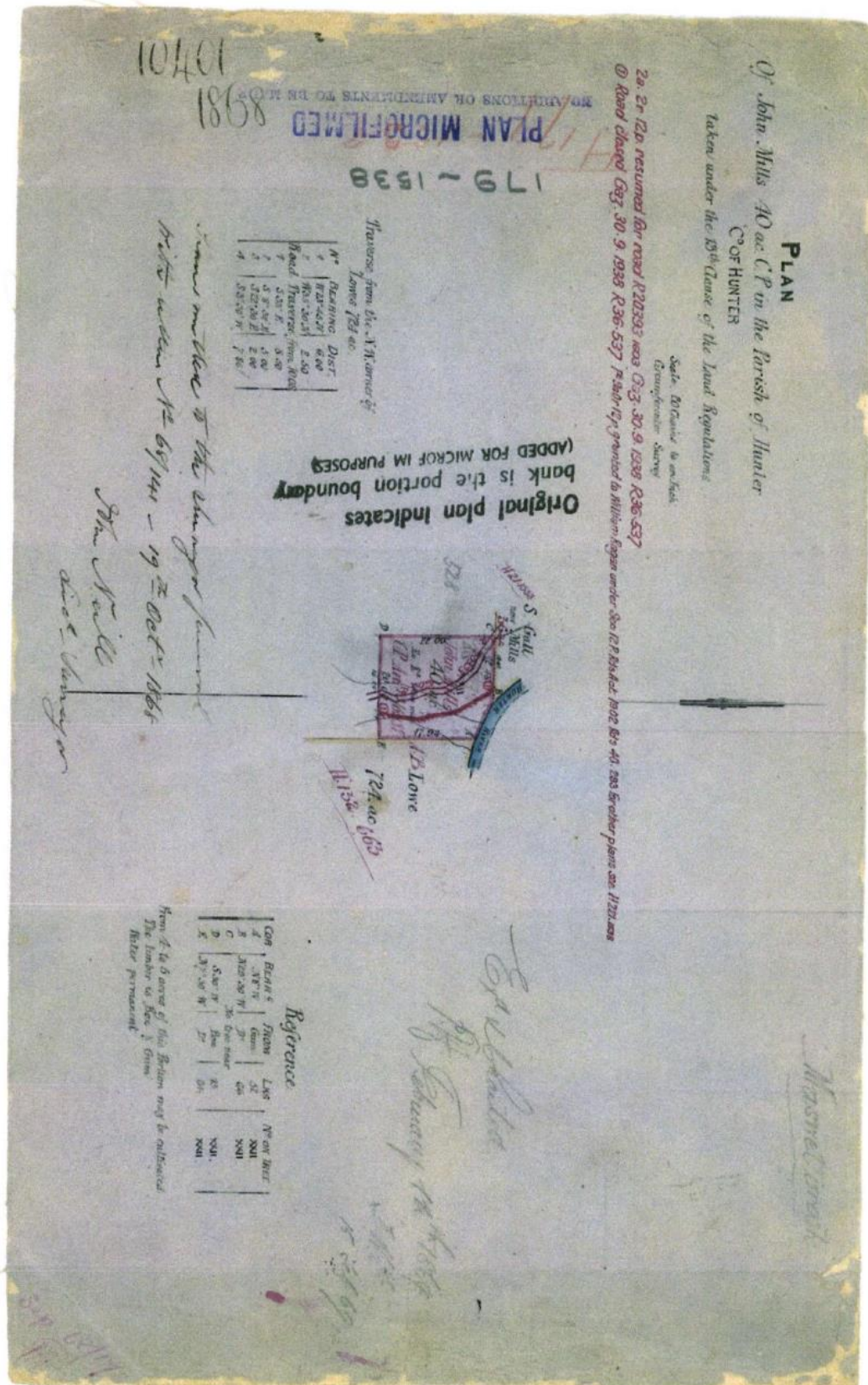
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Received: 13/09/2018 10:44:05

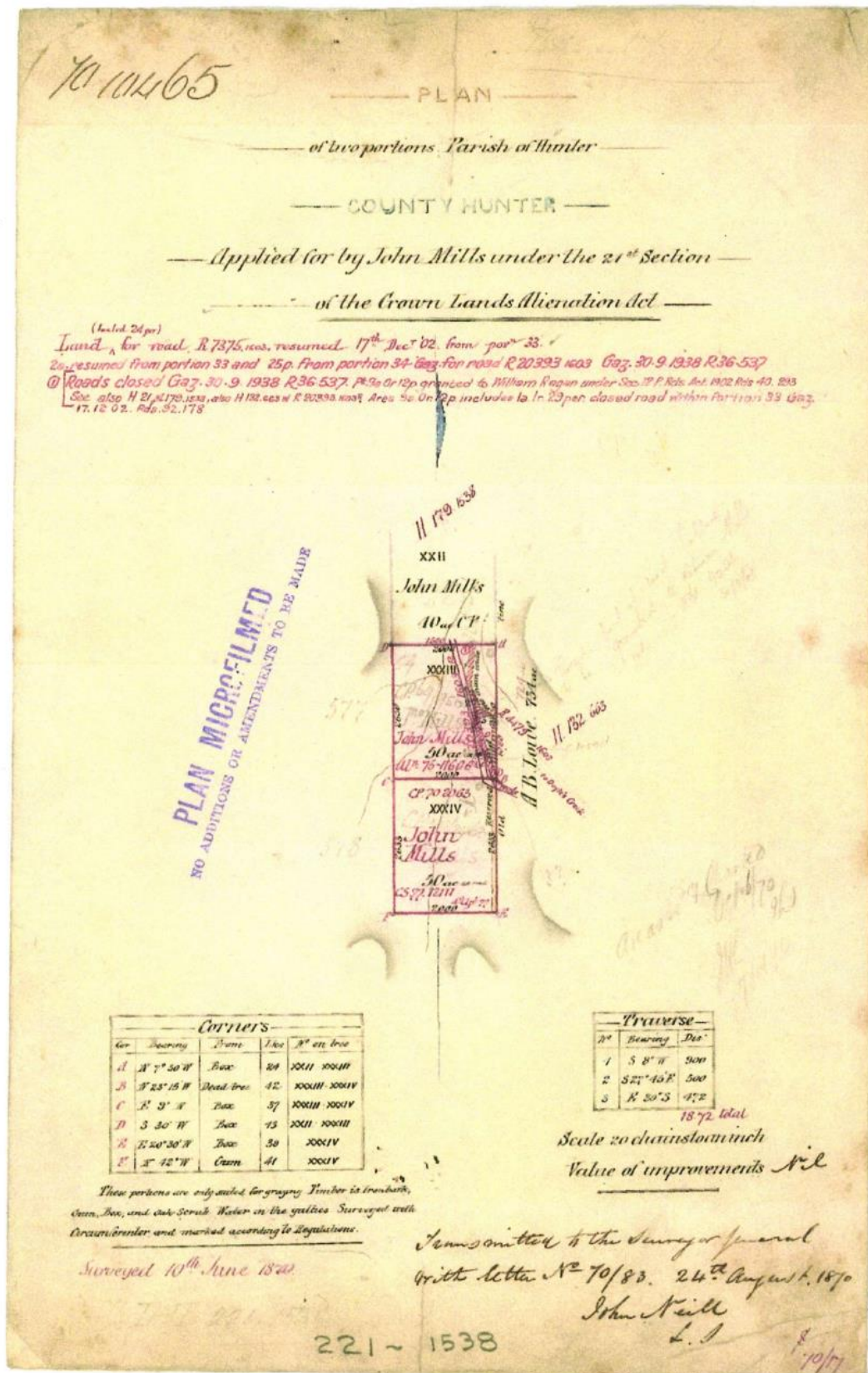
6 DEPOSITED PLANS

Attached is a copy of the registered Deposited Plan for each lot that is included
as part of the land within property No 1040 Bureen Rd Denman.

These details are an exact copy of the official records held by the NSW Registry
Service which were obtained on 13 September 2018 by Info Track P/L.



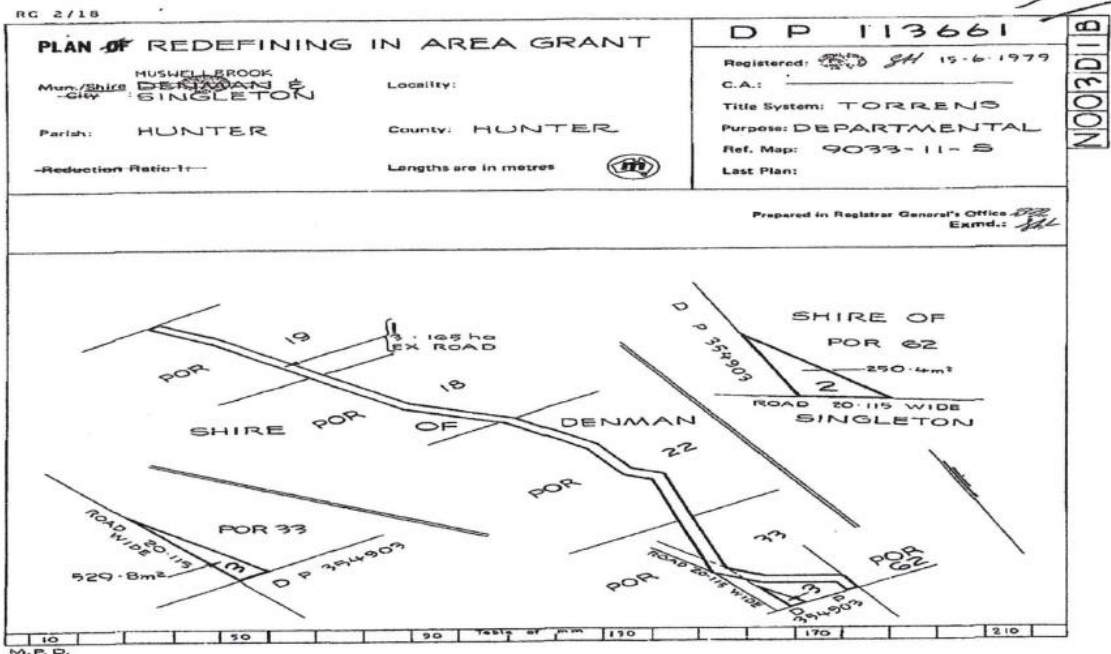
Req:R263026 /Doc:CP 00221-1538 p /Rev:24-Nov-2012 /Sta:OK,OK /Prt:13-Sep-2018 10:45 /Seq:1 of 1
Ref:GW /Src:M





Reg:R263023 /Doc:DP 0113661 P /Rev:23-Dec-1992 /Sts:OK OK /Fgs:ALL /Frt:13-Sep-2018 10:45 /Seq:1 of 1

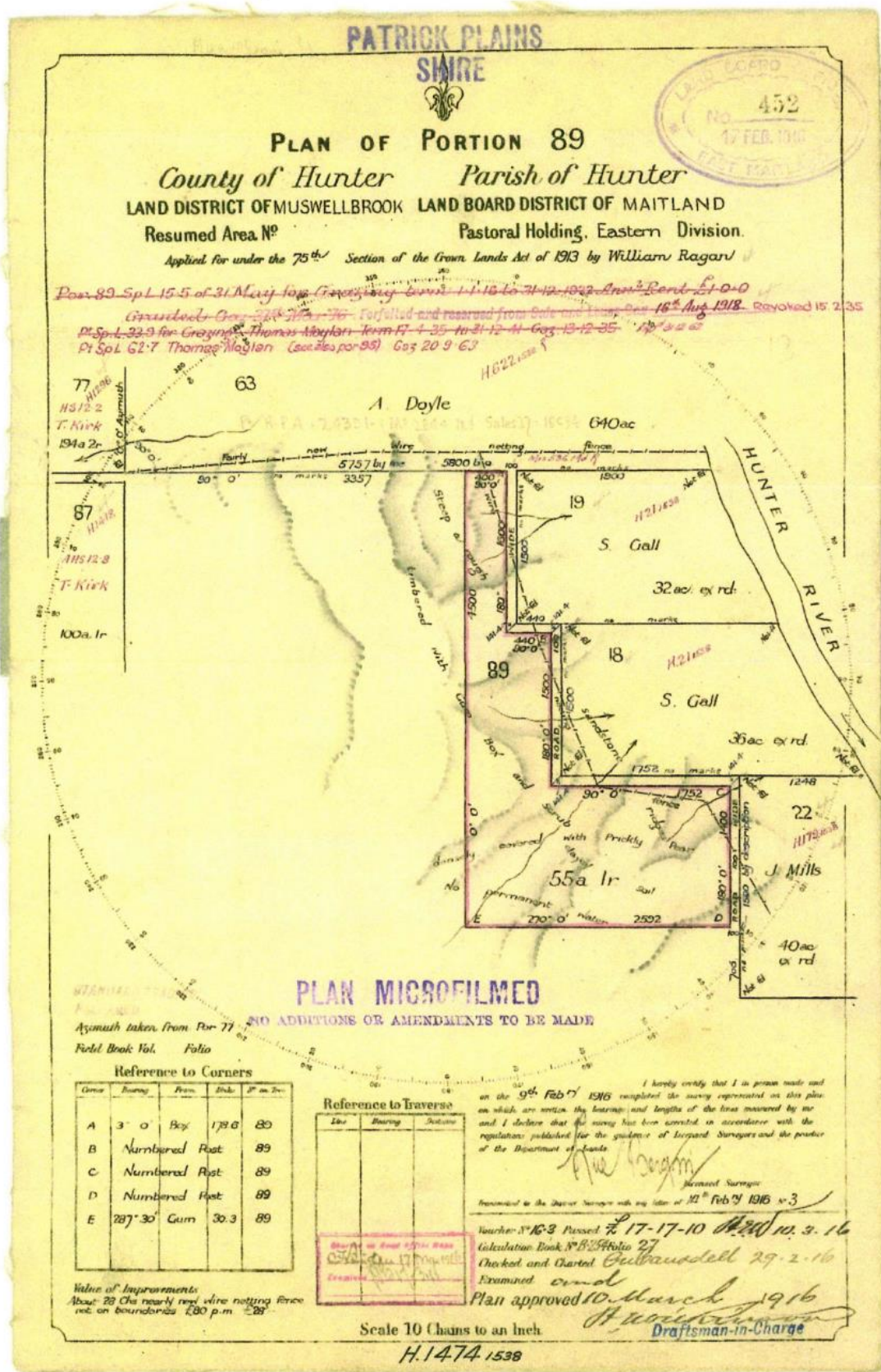
Ref:CN /Src:H



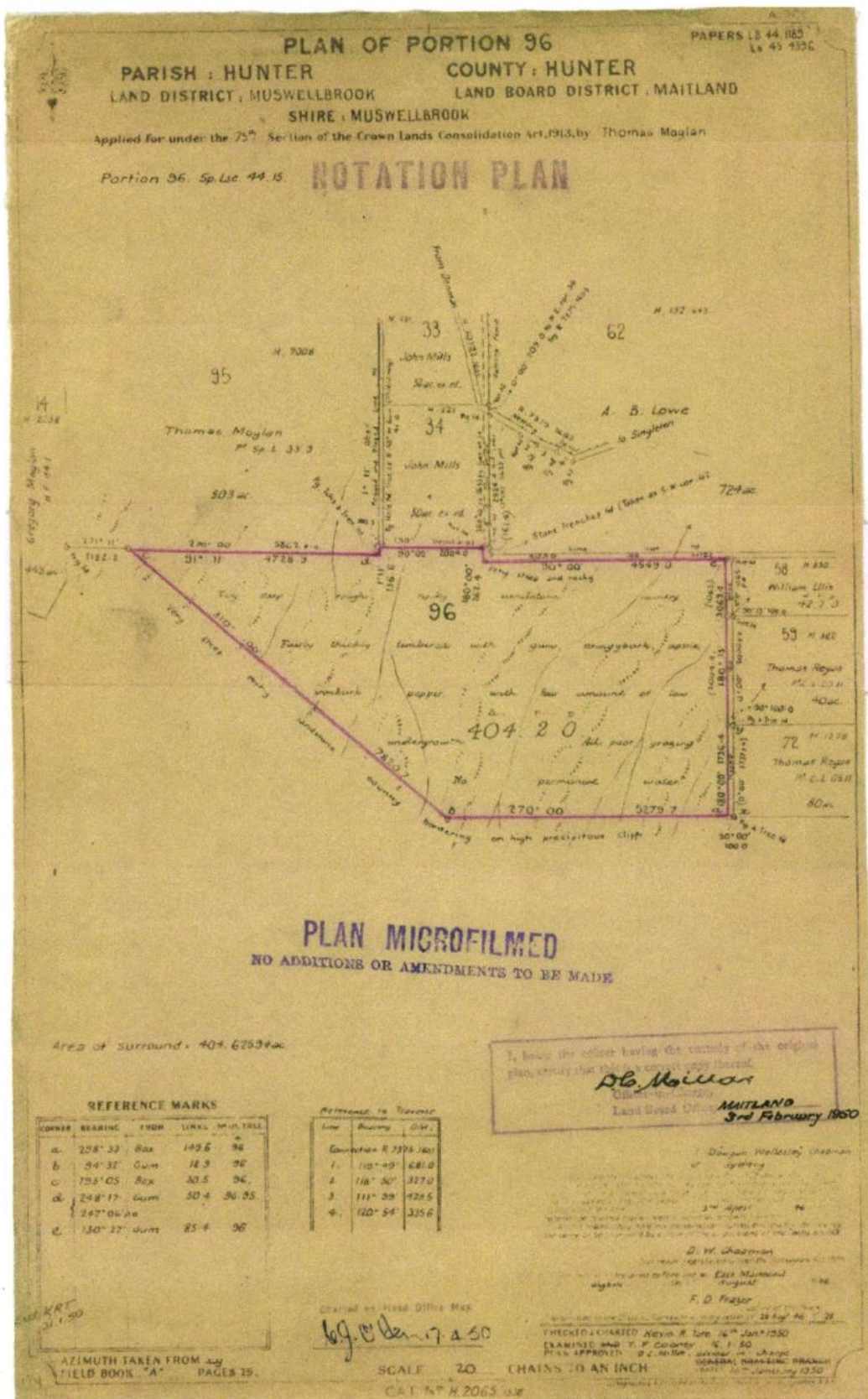
I, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 20th day of August, 1979

to _____

Req:R263036 /Doc:CP 01474-1538 p /Rev:24-Nov-2012 /Sta:OK,OK /Prt:13-Sep-2018 10:46 /Seq:1 of 1
Ref:CW /3rc:m



Req:R263039 /Doc:CP 02065-1538 p /Rev:24-Nov-2012 /Sta:OK,OK /Prt:13-Sep-2018 10:46 /Seq:1 of 1
Ref:CW /Src:M



7 CROWN LAND DETAILS

Attached is a copy of the Crown Lands Search Request for Lots 89,95,96
DP753786.

These results state that Licence 186532 [Lot 89 & 95 DP753786] is an
automatically transferrable licence to the associated freehold or leased land [Lot
96 DP753786].

Special Lease 77203 is a Perpetual Lease for Lot 96 [refer certificate of title] that
will transfer, on the purchase of the freehold land, to Mr & Mrs Waters.

4 October 2018

Infotrack Pty Ltd
GPO Box 4029
SYDNEY NSW 2001

Dear Sir/Madam

Re: Search Results (Sale of Property) Lots 89, 95-96 DP 753786 - Your Ref: CW - (Search ID 2877866)

I refer to your recent search request, this request has now been investigated, please find enclosed;

- Crown Tenure Reports
- Crown Tenure Diagram

The following information is related to the Crown Tenures identified as part of this search.

Special Lease 186532 has been identified as part of this search. You may be able to lodge a purchase application in respect of this lease. All applications for the purchase of a lease of Crown land are considered on their individual merits and, until approved, no guarantees can be given that an application will ultimately be successful.

A Special Lease may not be transferred if there is a debt to the Crown.

Special Lease 186532 has a restriction on transfer that prevents NSW Land Registry Services from recording a transfer of an affected title until Minister's consent has been granted. A "*Minister's Consent Application*" form is enclosed, please complete the form and return to the Department together with the fee of \$221.00.

This search has identified that Crown Reserve R89643 for the purpose of Future Public Requirements notified on the 07 Nov 1975 is associated with the subject land.

Licence 186532 authorises the use of Crown land for the purpose of Grazing over an area of 2259100m2.

Licence 186532 is an automatically transferrable licence as it provides a benefit to associated freehold or leased land. Should the associated land transfer, this licence will also transfer and the transferee will become liable for any rent, fees or any other debts incurred for this licence (including any arrears).

The transferee must notify the Department, in writing, of the transfer of associated land by completing and returning the enclosed "*Automatic Transfer: Notification of Transfer*" form together with the fee of \$68.00.

If the current holder does not wish to transfer the licence, a request to terminate must be submitted using the enclosed *Licence: Termination Statutory Declaration* form. The termination must be approved by the Department prior to the settlement date for the sale of the associated land otherwise the licence will automatically transfer.

The completion of a Land Management Strategy is required for all licences applications for the purpose of grazing, a copy is attached.

Please note:

- The 'Annual Payment – Rent' field on the financial statement for Licence 186532 is for the period ending on 17th February 2019 and is exclusive of GST.
- Rent on this account has been paid up until the 17th February 2019, therefore the outstanding balance as at the 2nd October 2018 is \$0 including GST.
- The 'Total Not Yet Due' field on the financial statement represents any interest and fines that have not yet been charged.

Any structures, use or occupation of Crown land that is not authorised in the licence, or exceed the area authorised, are considered unauthorised and compliance action may be undertaken with the incoming

licence holder/s.

The Purchaser(s) should also note that the Aboriginal Land Rights Act 1983 (ALRA) provides that the New South Wales Aboriginal Land and Local Aboriginal Land Councils may make claim(s) to claimable Crown land(s). A search of the Land Claim Register can be lodged with the Office of the Registrar ALRA)

http://www.alra.nsw.gov.au/pdf/forms/20180822_Land_Claim_Search_Request_August2018.pdf

Customers who receive personal information in response to this request are reminded that they may be subject to the provisions of NSW and/or Commonwealth privacy legislation regarding the storage, use and disclosure of personal information.

Should you have any further questions regarding this matter please do not hesitate to contact our office.

Yours faithfully


Molly Toshack

Department of Industry - Lands & Water Business Centre

Department
of Industry

Crown Land Search

Account Number	77203	ADDRESS FOR PAYMENTS
Issue Date	4th October 2018	PO Box 2155
Search Date	2nd October 2018	Dangar NSW 2309
Search ID	2877866	

Issued To Infotrack Pty Ltd - Sydney

Holding Details

Holding	Special Lease 77203 (Holding is now Current)
Registered Holder(s)	Kenneth William Moylan
Area	163.7ha
Purpose(s)	grazing
Land	Whole: Lot 96 DP 753786 Parish Hunter County Hunter
Text Description	N/A

Financial details

Total amount required to complete payment of all amounts as at 2nd October 2018 is \$4.88

Annual Payment - Rent	\$483.00
Regular Payment Dates	24 October each year (rent is payable yearly in advance)
Total Now Due	\$0.00
Total Not Yet Due	\$4.88
Less amount at Credit	\$0.00
Total as at 2nd October 2018	\$4.88

Please Note:

- * This statement shows the position of the account as at 02 Oct 2018. Any subsequent payments, debits or adjustments to the account are not reflected in these figures.
- * Interest for late payment, currently at the rate of 9.96% per year, is charged from the due date to the date of payment, on all amounts not received within 28 days of becoming due.
- * Annual rent is adjusted each year in line with the CPI.
- * The rent is subject to redetermination and the next redetermination date is 24 Oct 2016.
- * Annual rent is adjusted each year in line with the CPI.
- * All debt to the Crown must be paid prior to the transfer of the lease.
- * Failure to comply with conditions (including payment of rent/instalments) may result in forfeiture of this holding.
- * This lease may be a purchasable lease, all enquiries should be directed to leases@crowland.nsw.gov.au
- * Rent payable for this Special Lease is not subject to GST. However, GST may be payable on other services provided in relation to this holding.

Department
of Industry

Crown Land Search

Account Number	186532	ADDRESS FOR PAYMENTS
Issue Date	4th October 2018	PO Box 2155
Search Date	2nd October 2018	Dangar NSW 2309
Search ID	2877866	

Issued To Infotrack Pty Ltd - Sydney

Holding Details

Holding	Licence 186532 (Holding is now Current)
Registered Holder(s)	Kenneth William Moylan, Douglas Francis Moylan
Area	225.91ha
Purpose(s)	grazing
Land	Whole: Lots 89, 95 DP 753786 Parish Hunter County Hunter Title Associated: Lot 96 DP 753786 Parish Hunter County Hunter
Text Description	Crown land being Lots 89 and 95 DP 753786

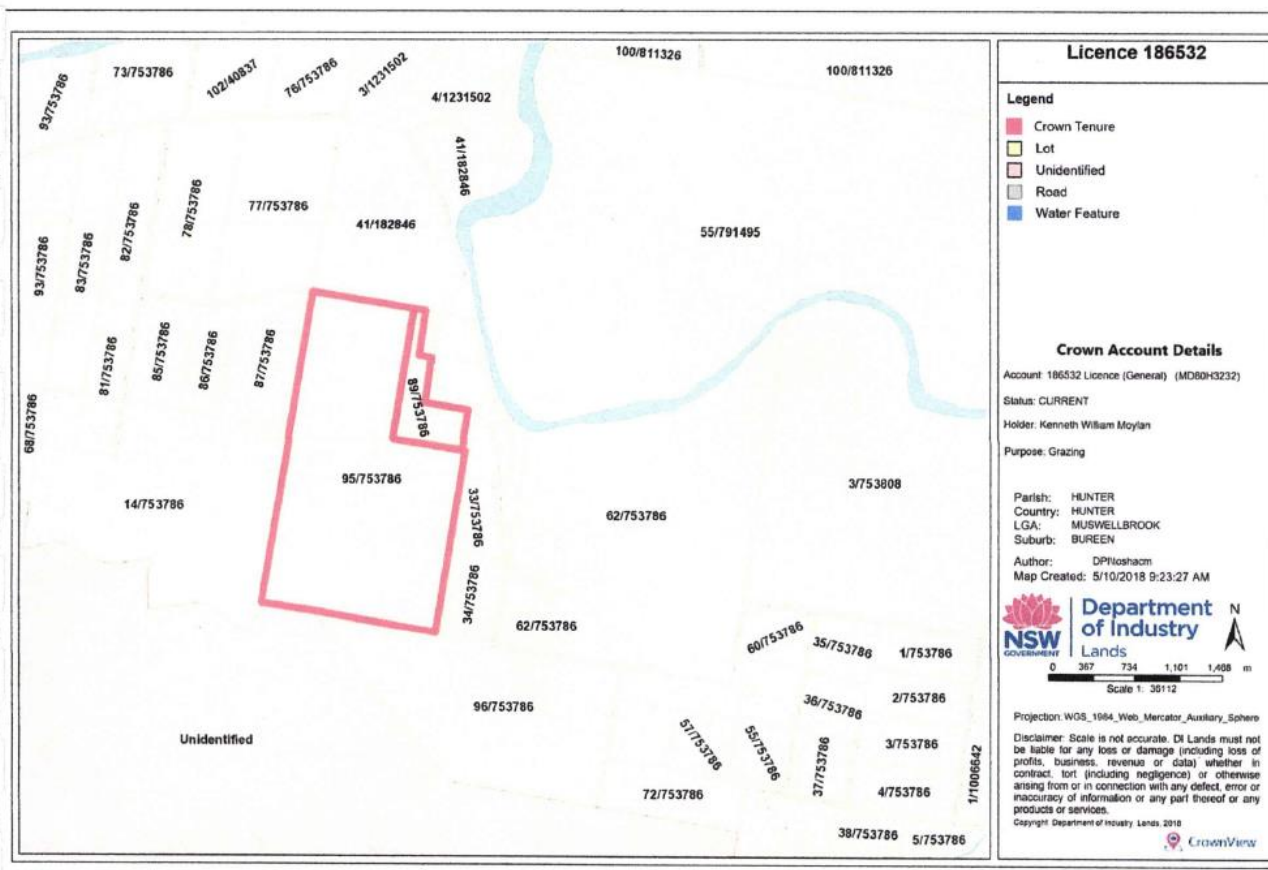
Financial details

Total amount required to complete payment of all amounts as at 2nd October 2018 is \$0.00

Annual Payment - Rent	\$486.00
Regular Payment Dates	18 February each year (rent is payable yearly in advance)
Total Now Due	\$0.00
Total Not Yet Due	\$0.00
Less amount at Credit	\$0.00
Total as at 2nd October 2018	\$0.00CR

Please Note:

- * This holding is automatically transferable as it provides a benefit to associated land.
- * A transfer fee is payable (check web site <https://www.industry.nsw.gov.au/lands>) for current fee
- * This statement shows the position of the account as at 02 Oct 2018. Any subsequent payments, debits or adjustments to the account are not reflected in these figures.
- * In the event of a transfer the purchaser will be responsible for payment of all amounts owing (including arrears).
- * The transferee must notify the Minister by written notice within 28 days from the date of transfer of associated land.
- * Alternatively, should the current holder not wish to transfer the licence, a request to revoke the licence must be approved by the Department PRIOR to the transfer of associated land.
- * Annual rent is adjusted each year in line with the CPI.
- * Rent payable for this Licence is subject to GST. GST may also be payable on other services provided in relation to this holding.



8 CROWN LAND SPECIAL LEASE 77203 [1944/15]

Attached is a copy of Crown Land Special Lease 77203 [1944/15] over Lot 96 DP 753786. This lease is issued in perpetuity and the current holder Kenneth William Moylan has agreed to transfer the lease to Mr & Mrs Waters.

Ross Mcdarmont

From: Astrid Leembruggen <astrid.leembruggen@crownland.nsw.gov.au>
Sent: Tuesday, 23 October 2018 5:27 PM
To: rossmcdarmont@gmail.com
Subject: Tenures - Grazing Licence 186532, Special Lease 77203 (1944/15) and EP 45388
Attachments: Li 186532.PDF; Enclosure Permit 45388.pdf; Special Lease 77203 (1944-15).pdf; REGULATION 106.pdf

Hi Ross,

Please find attached a copy of the requested tenures.

1. Grazing Licence 186532,
2. Special Lease 77203 (1944/15) and Regulation 106
3. Enclosure Permit 45388

Kind regards,

Astrid Leembruggen | Property Services Officer
NSW Department of Industry | Lands and Water Division
516 High St | Maitland NSW 2320
PO Box 2215 | Dangar NSW 2309
T: 02 4931 6550 | F: 02 4934 2252
E: astrid.leembruggen@crownland.nsw.gov.au
W: www.crownland.nsw.gov.au

The Crown Land Management Act 2016 commenced on 1 July 2018.
[Click here to find out more.](#)

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(678)

EXTENSION OF TERMS OF SPECIAL LEASES TO PERPETUITY

Sydney, 8th December

It is hereby notified that the terms of the Special Leases of the lands specified in the annexed Schedule have been extended to perpetuity.

The leases are subject to the provisions of the Crown Lands Consolidation Act, 1913, and the Regulations thereunder, and to the special conditions, provisions, exceptions, covenants, and reservations set out at the foot of the Schedule.

The annual rent shown is for the first ten years from the date of commencement of the lease in perpetuity only and

is subject to redetermination at the end of that period and at the end of each subsequent period of ten years.

Any amounts which have been paid in excess will be refunded upon application to the Under Secretary for Lands. If not claimed, the amounts will be appropriated to future charges as they fall due.

\$6 application fee has been paid in each case, and any amount payable by the lessee must be paid to the Under

Secretary for Lands, Sydney. A notice calling for payment of amounts falling due will be issued by the Under Secretary for Lands.

Non-payment will render the lease liable to forfeiture should forfeiture be declared all moneys lodged in application will become forfeited to the Crown.

Notice calling for payment of amounts falling due in future will be issued prior to the date upon which amounts become due and payable.

T. L. LEWIS, Minister for

SCHEDULE

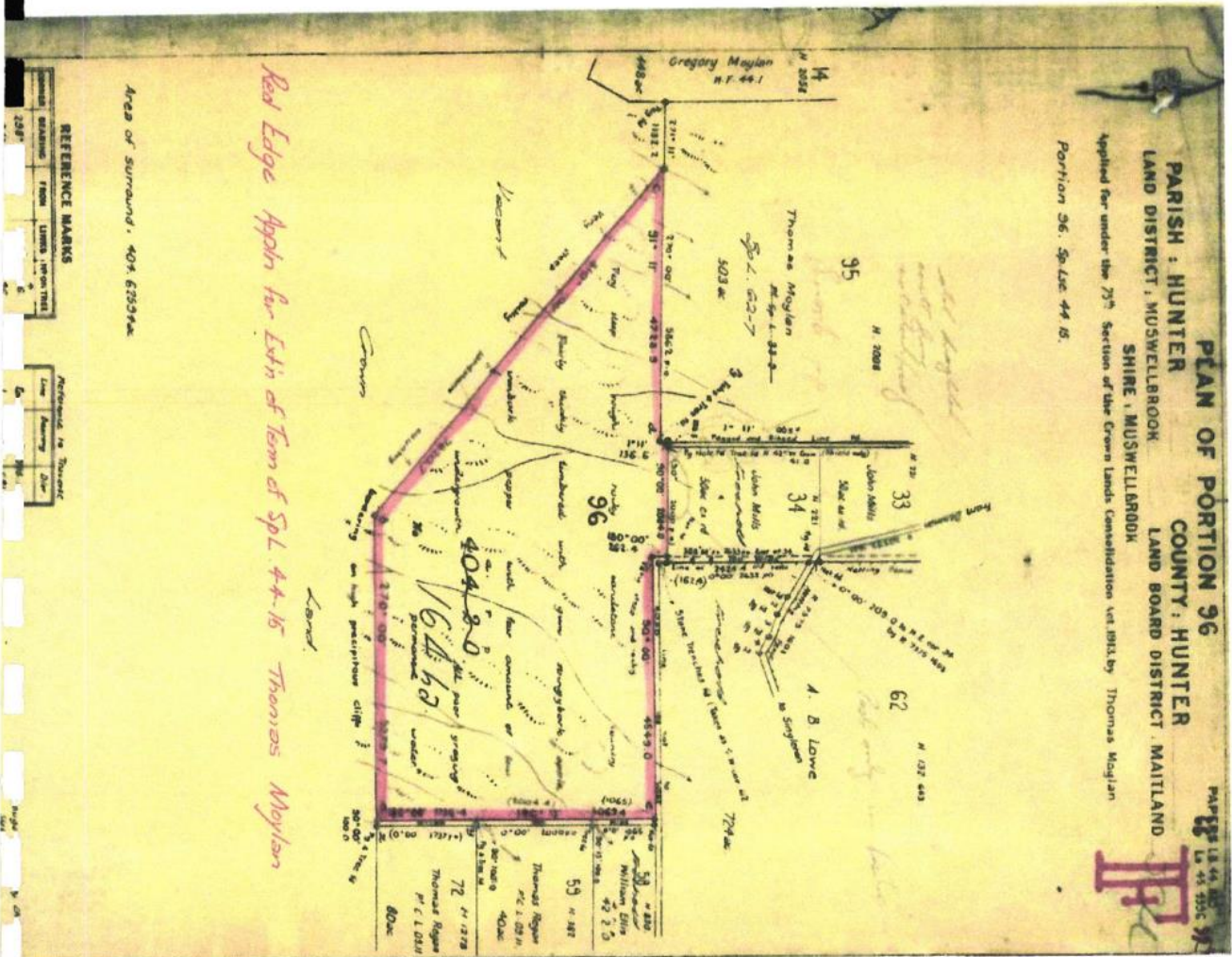
Reg. No. of papers	No. of lease	Name and address of lessee	Situation and area of land	Purpose of lease	Date of commencement of lease	Annual rent	(1) Stamp duty; (2) Amount of expenses	Rent for use and occupation prior to commencement of lease chargeable from—	Subsidiary accounts			m
									(1) Survey fee; (2) Crown improvements; (3) Road construction costs	No. of instalments	First instalment due on—	
Tenure 1972-6303	1944-15, Muswellbrook.	Moylan, Thomas, of Jones Reserve, via Denman 2328.	Parish Hunter, County Northumberland, portion 96. Area, 164 hectares.	Grazing ..	1 Jan., 1973 ..	25.00	(2) 12.00	De
1972-5946	1944-10, Narrandera.	Mather, James Allan, and Mather, Evelyn Mae.	Parish Conapaira, County Cooper, portion 61. Area, 8-018 hectares.	Grazing and access to water.	1 Nov., 1972 ..	11.20	(2) 12.00	(2) 276.00	6	19-7-73	Ca

SPECIAL CONDITIONS, PROVISIONS, EXCEPTIONS, COVENANTS, AND RESERVATIONS

Special Lease 1944-15, Muswellbrook. Thomas Moylan.—The lease shall be subject to subsections 1, 2, 5, 6, 9 to 12, 15 to 19, 24, 35 to 36, 38, 41, 42, 44, 59, 65, and 66 of Regulation No. 106 (as amended).

Special Lease 1944-10, Narrandera. James Allan and Evelyn Mae Mather.—The lease shall be subject to subsections 1, 2, 5, 6, 9 to 12, 13, 17 to 19, 24, 44, 59, and 65 of Regulation No. 106 (as amended), and to following special condition: The lessee shall not interfere with by ringbarking or otherwise any trees or saplings on the land leased except under the authority of a permit issued under the provisions of the Forestry Act, 1916, as amended by subsequent Acts, and Regulations thereunder, but the lessee, with the approval of the

District Surveyor, may take from the land leased such timber and other material for building and other purposes upon such land, as the District Surveyor may approve, provided the land is not comprised within a timber or forest reserve. Where the lease is for agricultural purposes other than the cultivation of natural grasses for grazing, such permit may be dispensed with when ringbarking or destruction of timber is necessary with a view to cultivation over any part or parts of the land leased, provided the area to be cultivated is defined and that not less than three weeks' notice in writing of the intention to ringbark or destroy the timber on that area is given to, and written permission is first obtained from, the Forestry Officer.





REGULATION 106

1. A breach of any conditions will render the lease liable to forfeiture.
2. The rent for each year shall be paid in advance to the Crown Land Agent of the 'District' or to the Under Secretary for Lands, Sydney, on or before the 31st December of the year preceding that for which it is due.
3. The area leased is exclusive of any roads, streets, or lanes within its boundaries.
4. The lease shall not confer any right to purchase the land.
5. The land leased shall be used only for the purposes for which the lease is granted.
6. The lessee shall within one year from the date of notification in the *Gazette* of the granting of the lease, enclose the land leased either separately or conjointly with other lands held in the same interest, with a substantial fence, and maintain such fence in efficient repair during the currency of the lease.
7. The right is reserved to the Minister to terminate the lease upon giving the lessee not less than one year's notice in writing to that effect. If the lease is terminated by the exercise of the foregoing reserved right, no compensation will be allowed in respect of such termination.
8. Upon forfeiture, surrender, expiration of the period of the lease, or termination of the lease by the Minister, all improvements on the land leased shall become the property of the Crown, and no compensation shall be payable therefore: Provided that on application within one month after such forfeiture, surrender, expiration or termination, the Minister may permit the former lessee to remove from such land any movable improvements effected by him or at his expense: Provided further, that, if directed by the Minister in writing to do so, the former lessee shall remove any structure or material from the land at his own and without compensation. In all cases where such permission or direction has been given, the movable improvements or structures or material, as the case may be, shall be removed within such time as the Minister may specify.
9. The lessee shall not remove any fixed improvements from the land leased during the currency of the lease, except with the consent in writing of the Minister first obtained.
10. The lessee shall pay all rates and taxes and all fees and charges under the Local Government Act 1919, as amended by subsequent Acts, upon the land leased during the currency of the lease.
11. All rights (except residence on land under cultivation) which are conferred by any Mining Act or Acts of New South Wales with respect to Crown Lands, are reserved with respect to the land leased.
12. The lessee shall hold and use the land leased *bon fide* in his or her own interest and shall not transfer, except by way of mortgage, or release of mortgage, assign or otherwise in any way deal with the lease or sublet or part with the possession of or take stock on agistment on the land leased or any part thereof, except with the consent in writing of the Minister first obtained.
13. The lessee shall keep any improvements, the property of the Crown, upon the land leased, in good repair during the currency of the lease, fair wear and tear excepted.
14. The right is reserved to the Minister to withdraw from the lease at any time, and from time to time, any land required for mining or any mining purpose, or for any public purpose, and the lessee shall not be entitled to any compensation whatsoever therefore, or for severance. In the event of any withdrawal as aforesaid, the lessee shall be entitled, subject to the approval of the Minister, to remove any movable improvements, or to a fair and reasonable compensation for his interest in any improvements belonging to him on the land so withdrawn. The amount of such compensation shall be ascertained by multiplying a sum representing the fair value of the improvements by a fraction of which the numerator shall be unexpired term of the lease, and the denominator the full term of the lease. In any case the Minister and lessee shall not agree as to the amount of compensation as aforesaid the matter shall be submitted for the determination of the Local Land Board; and the decision of the Board or the Land and Valuation Court, on appeal shall be final and conclusive.
15. All rights conferred upon the public in terms of any reservation in regard to the land leased are reserved.

16. The lessee shall not interfere with the right of the public to the use of any roads, streets, lanes or tracks within the land leased.
17. If the lease be for grazing purposes only, the land leased may be cultivated to the extent necessary for the growth and spread of pasture grasses, but no further.
18. The lessee shall throughout the currency of the lease effectually destroy or cause to be destroyed all of any of the following on the land leased, viz. Bathurst burr, noogoora burr, African box thorn, Mexican poppy, prickly-pear, lantana, blackberry, wild tobacco, fireweed, crofton weed, mint weed, St Johns wort serrated tussock, briars, and all scrub (except edible scrub), undergrowth, and such plants or weeds as are, or may from time to time be declared noxious under the Local Government Act 1919, as amended by subsequent Acts, in all municipalities and shires, or in the particular municipality or shire in which the land leased, or any part of it, is situated.
19. The lessee shall take effective steps to keep the land leased free from foxes, rabbits, and other noxious animals during the currency of the lease.
20. During the whole currency of the lease the land leased shall be open to the operation of miner's rights and business licences without interference or annoyance by the lessee, and the lessee shall post at each place of access to the land leased calico notices, indicating, for public information that such land is subject to the operation of miner's rights. Such notices shall be erected and maintained to the satisfaction of the District Surveyor.
21. The lessee shall when fencing the land leased and at any future time when required by the Minister, provide, and subsequently maintain convenient gates of access for the use of miners and persons authorised to obtain timber or other material from such land.
22. Mining operations may be carried on upon and in the lands below the land leased and upon and in the lands adjoining the land leased and the lands below the same and metals and minerals may be removed therefrom and Her Majesty the Queen and the Government of New South Wales and any lessee or lessees under any Mining Act or Acts of the said State shall not be subject to any proceedings by way of injunction or otherwise in respect of or be liable for any damage whatsoever occasioned by the letting down subsidence or lateral movement of the land hereby leased or any part thereof or otherwise howsoever by reason of the following acts and matters that is to say, by reason of Her Majesty or the said Government or any person on behalf of Her Majesty or the said Government or any lessee or lessees as aforesaid, having worked or now or hereafter working any mines or having carried on or now or hereafter carrying on mining operations or having searched for worked won or removed or now or hereafter searching for working winning or removing any metals or minerals under in or from the lands lying beneath the land hereby leased or any part thereof or on in under or from any other lands situated laterally to the land hereby leased or any part thereof or the lands lying beneath the same and whether on or below the surface of such other lands and by reason of the acts and matters aforesaid or in the course thereof Her Majesty the Queen reserves the liberty and authority for Herself and the Government of the said State and any person on behalf of Her Majesty or the said Government and any lessee or lessees as aforesaid to from time to time let down without payment of any compensation whatsoever any part of the land hereby leased and/or of the surface thereof.
23. The lessee shall enter into residence on the land leased within a period of six months from the date of notification in the *Gazette* of the granting of the lease. "Residence" for the purpose of this condition shall be taken to mean continuous and *bona fide* living on the land leased as the holder's usual home without any other habitual residence.
24. The lessee shall not reside nor permit any other person to reside on the land leased.
25. Any buildings erected on the land leased shall be painted by the lessee with not less than two (2) coats of paint within twelve (12) months after the notification in the *Gazette* of the granting of the lease, or after the date of erection, whichever is the later. Painting required by this condition shall be renewed at reasonable intervals, no interval to exceed five (5) years.
26. The lessee shall not erect or permit any person to erect any buildings on the land leased except in accordance with plans and specifications approved by the Council of the local government area within the buildings proposed to be erected.
27. Should kerbing and/or guttering and/or paving be constructed along the frontage of the land leased and a contribution towards the cost be made by the Crown, interest thereon shall be paid by the lessee to the Crown at the rate of 4 per centum per annum during the remainder of the term of the lease.
28. The lessee shall use the sanitary service (if any) provided by the Council of the local government area within which the land leased is situated.

29. The lessee shall erect gates on roads within the land leased when and where directed by the District Surveyor for public use and shall maintain same together with approaches thereto in good order to the satisfaction of the District Surveyor.
30. The lessee shall not erect or permit any person to erect any structure, except such gates as may be authorised, on roads within the land leased, and shall not cultivate or use such roads for any purpose not compatible with the use of the road by the public.
31. The Crown shall not be responsible to the lessee or his successors in title for provisions of access to the land leased.
32. The right is reserved to the public of free access along the bank of the watercourse adjoining the land leased.
33. The right is reserved to the Crown and duly authorised bodies and authorised employees thereof to enter upon the land leased with any material and equipment at any time and from time to time for the purpose of constructing or maintaining any duly authorised works without interference or annoyance by the lessee.
34. The lessee shall not erect or effect within the site of any defined or designed easement any buildings excavations or other works which shall interfere with the erection and maintenance of works envisaged in accordance with the purpose of such easement and compatible with the object thereof.
35. The lessee shall indemnify and keep indemnified the Crown from and against all actions, suits and claims and demands of whatsoever nature and all costs, charges and expenses in respect of any accident or injury to any person or property which may arise out of the construction or maintenance of works as may be authorised under the lease notwithstanding that the conditions of this lease shall in all respects have been observed by the lessee or that any such accident or injury shall arise from any act or thing which he may be licensed or compelled to do hereunder.
36. The lessee shall not interfere with by ringbarking or otherwise any trees or saplings on the land leased except under the authority of a permit issued under the provisions of the Forestry Act 1916 as amended by subsequent Acts and Regulations thereunder, but subject to the next succeeding condition, the lessee, with the approval of the District Surveyor may take from the land leased such timber and other material for building and other purposes upon such land, as the District Surveyor may approve provided that such land is not comprised within a timber or forest reserve. Where the lease is for agricultural purposes other than the cultivation of natural grasses for grazing, such permit may be dispensed with when ringbarking or destruction of timber is necessary with a view to cultivation over any part or parts of the land leased, provided the area to be cultivated is defined and that not less than three weeks notice in writing of the intention to ringbark or destroy the timber on that area is given to and written permission is first obtained from, the Local Forestry Officer.
37. Notwithstanding any other condition annexed to the lease the lessee shall carefully preserve all timber, scrub, vegetative cover and any regeneration thereof (excepting noxious plants) on the following parof the land leased –
 - (a) between the banks of and within strips at least one chain wide along each bank of any creek and/or defined watercourse;
 - (b) within strips at least one and a half chains wide on each side of the centre line of any depression, the sides of which have slopes in excess of one (vertically) in four (horizontally), i.e. approximately 14 degrees;
 - (c) where the slopes are steeper than one (vertically) in three (horizontally), i.e. approximately 18 degrees;
 - (d) within strips not less than three chains wide along the tops of any ranges and main ridges.

In addition to the foregoing requirements of this condition the lessee shall preserve on so much of the land leased as is not used for agricultural purposes, preferably in well distributed clumps or strips, not less than an average of seven trees (where possible, honey producing varieties) per acre, together with any other timber, scrub, vegetative cover or any regeneration thereof which may, from time to time, be determined by the Minister to be useful or necessary for soil conservation or erosion mitigation purposes or for shade and shelter.
38. The lessee shall preserve on the land leased an average of not less than seven matured or semi-matured trees of honey producing value to each acre for shade, shelter and honey provision.
39. Notwithstanding any other condition annexed to the lease the lessee shall not interfere with by ringbarking or otherwise any timber suitable for mining purposes. Before commencement of any timber treatment under a permit issued under the provisions of the Forestry Act 1916, as amended by subsequent Acts regulations thereunder, the lessee shall ascertain from the District Forester which

class and type of timber shall be preserved under this condition and the lessee shall not interfere with such timber in any way.

40. The lessee shall not carry out any burning off on the land leased except with the consent of the Minister in writing first obtained and after compliance with the requirements of the Bush Fires Act 1949 as amended by subsequent Acts. Any consent granted in accordance with this condition shall be subject to such conditions as the Minister may impose.
41. The lessee shall not overstock the land leased either wholly or in part, the decision as to overstocking to rest with the Minister. Should the Minister deem it necessary for maintenance of pastures or preservation of the fertility of such land or for the prevention of erosion thereon, he may determine the maximum number of stock that may be depastured on such land or any specified part of such land and the lessee shall not permit this number to be exceeded. Such determination may be varied by the Minister for such periods and on such further conditions as he may determine. The lessee shall furnish such returns relative to the stocking of such land as the Minister may require.
42. If at any time so directed by the Minister, the lessee shall, on such part or parts of the land leased as shall be specified in the direction adopt and maintain such agricultural or pasture improvement practices and install such soil erosion control structures as the Minister may in such direction specify in the interests of soil conservation and the mitigation or prevention of erosion.
43. If at any time so directed by the Minister, the lessee shall, on such part or parts of the land leased as shall be specified in the direction refrain from agricultural practices for such periods as the Minister may in such direction specify.
44. The lessee shall not remove or permit any person to remove gravel, stone, clay, shells, or other material for the purpose of sale from the land leased unless he is the holder of a quarry licence under regulations made under the Crown Lands Consolidation Act 1913, and has obtained the special authority of the Minister to operate on such land but the lessee may with the approval of the District Surveyor, take from the land such gravel, stone, clay, shells, or other material for building and other purposes upon such land as may be required from time to time.
45. The lessee shall not interfere with or permit any person to interfere with the marks in connection with the trigonometrical station erected on the land leased and the unrestricted rights of access to such station by authorised persons and also the right to clear sight lines to other such stations is reserved at all times.
46. The right is reserved to duly authorised persons to enter on the land leased and clear sight lines and carry out any necessary work for mapping purposes.
47. The lessee shall take all necessary precautions to preserve the trigonometrical station on the land leased and the cairn, mast and vanes which might be erected on such station.
48. The lessee shall not erect or permit any person to erect any structure or obstacles and shall not plant or permit any person to plant any trees on the said leased land which would make observations to and from trigonometrical stations difficult to effect.
49. Subject to tenant right, if any, held by the person who was the holder of any former leases over the land leased in any improvements effected during the currency of that lease, all improvements upon the land shall upon forfeiture, surrender, expiration of the period of this lease or termination of this lease by the Minister become the property of the Crown, and no compensation shall be payable therefore, but upon application within one month of such forfeiture, surrender, expiration or termination, the Minister may permit the former lessee to remove any movable improvements effected by him or at his expense. In all cases where such permission has been given the improvements shall be removed within such time as the Minister may specify.
50. A conviction of the lessee under the Public Health Act 1902 or the Dairies Supervision Act 1901, as amended by subsequent Acts respectively, will render the lease liable to forfeiture.
51. A conviction of the lessee under the Public Health Act 1902, the Noxious Trades Act 1902, or the Cattle Slaughtering and Diseased Animals and Meat Act 1902, as amended by subsequent Acts respectively, will render the lease liable to forfeiture.
52. The right is reserved to the Minister to at once terminate the lease if he is of the opinion that the purpose for which it is granted is not being carried out in a cleanly manner, or is being carried out in a manner offensive to persons in the neighbourhood, or in a manner such as to be a nuisance or injurious or dangerous to health.
53. The lessee shall not interfere with rifle practice by members of duly constituted Rifle Clubs or the Commonwealth Military Forces on the land leased.
54. The lessee shall not be entitled to charge rent for the use of the rifle range or any part thereof.

55. The lessee shall indemnify and keep indemnified the Crown whether in right of the State of New South Wales or the Commonwealth of Australia, from and against all actions, suits, claims and demands of whatsoever nature in respect of any accident or injury to any person or property, resultant upon rifle practice upon the rifle range on the land leased, and shall without right of compensation, accept all risks to which he or his property may be exposed by reason of the existence of such rifle range.
56. No compensation shall be paid to the lessee for any accident or injury to the lessee or his property resulting directly or indirectly from operations on the rifle range on the land leased.
57. The lessee shall erect any structure proposed to be erected on the land leased to the satisfaction of the Minister, and shall keep such structure and any existing structure in good order, and efficient and sanitary condition and in a thorough state of repair and free from rats and mice throughout the currency of the lease to the satisfaction of the Minister.
58. The lessee shall take all necessary steps to have the land leased declared a "Holiday Cabin District" under the provisions of Part VIB of Ordinance 71 under the Local Government Act 1919, as amended by subsequent Acts, and shall erect all buildings on the land leased in conformity with those provisions.
59. In the conditions annexed to the lease the expression "The Minister" means the Minister for Lands, and any power, authority, duty or function conferred or imposed upon the Minister by or under such conditions may be or performed either by the Minister or by such officers of the Department of Lands as the Minister may from time to time approve.
60. For the purpose of appraisalment of rent the term of the lease shall be divided into periods. The first period shall expire on 31st December next after the expiration of years from the date of commencement of the lease, and each succeeding period shall be for or for any unexpired term of less than years at the expiration of any period. The rent for the second and each succeeding period may be reappraised either upon reference by the Minister or at the request of the lessee made during the months of the affected period.
61. Any part of a reserve for travelling stock, camping or water supply within the land leased shall, during the whole currency of the lease, be open to the use of *bona fide* travellers, travelling stock, teamsters and carriers without interference or annoyance by the lessee and the lessee shall post in a conspicuous place, thereon notice-boards, indicating for public information the propose of such reserve. In fencing the lease, the lessee shall also provide gates and other facilities for the entrance and exit of travelling stock, teamsters and others; such notice-boards, gates and facilities to be erected and maintained to the satisfaction of the Stock Inspector. The lessee shall not overstock, wholly or in part, the area leased within such reserve; the decision as to overstocking to rest with the Minister.
62. The lessee shall not erect on the land leased any structural improvements other than fencing required under the conditions of the lease.
63. The lessee shall not interfere with by ring-barking or otherwise any trees or saplings on the land leased.
64. The lessee shall within one (1) year from the date of notification in the *Gazette* of the granting of the lease, or such further period as the Minister may allow, erect a dwelling on the land leased.
65. Upon forfeiture, surrender or other determination of the lease, all improvements on the land leased which are not the subject of tenant-right in any person shall become the property of the Crown, and no compensation shall be payable therefore: Provided that on application within one (1) month after such forfeiture, surrender or other determination, the Minister may permit the former lessee to remove from such land any movable improvements effected by him or at his expense: Provided further that, if directed by the Minister in writing to do so, the former lessee shall remove any structure or material from the land at his own cost and without compensation. In all cases where such permission or direction has been given, the movable improvements or structures or material, as the case may be, shall be removed within such time as the Minister may specify.
66. The right is reserved to the Minister to withdraw from the lease at any time and from time to time, any land required for mining or any mining purpose, or for any public purpose, and the lessee shall not be entitled to any compensation whatsoever therefore, or for severance. In the event of any withdrawal as aforesaid, the lessee shall be entitled, subject to the approval of the Minister, to remove any movable improvements, or to a fair and reasonable compensation for his interest in any improvements belonging to him on the land so withdrawn. In case the Minister and lessee shall not agree as to the amount of compensation as aforesaid the matter shall be submitted for the determination of the Local Land Board; and the decision of the Board or the Land and Valuation Court, on appeal, shall be final and conclusive.

67. Should kerbing and/or guttering and/or paving be constructed along the frontage of the land leased and a contribution towards the cost thereof be made by the Crown, the lessee shall pay to the Crown the amount of such contribution within three (3) months of being called upon to do so, or in equal annual instalments over such period as the Minister may allow with interest added at the rate of four per centum (4%) per annum.
68. For the purpose of appraisalment of rent the extended term of the lease shall be divided into periods. The first period shall be for years and each succeeding period shall be for years or for any unexpired term of less than years at the expiration of any period. The rent for the second and each succeeding period may be reappraised either upon reference by the Minister or at the request of the lessee made during the months of the affected period.

9 CROWN LAND LICENCE 186532

Attached is a copy of Crown Land Licence 186532 over Lot 89 & 95 DP 753786.
The current holder Kenneth William Moylan has agreed to transfer the licence to
Mr & Mrs Waters.

Lands Office ref.	L I C E N C E	Licence number
MD80 H 3232	Crown Lands Act 1989 - Section 34	LI 186532

MINISTER

The Minister for Lands and Forests, being the Minister administering the Crown Lands Act 1989, (hereinafter referred to as the Minister)

grants to

LICENSEE

name & address

~~THOMAS HAROLD~~, KENNETH WILLIAM AND DOUGLAS FRANCIS MOYLAN
JONES RESERVE, DENMAN, NSW, 2328
(hereinafter referred to as the Holder)

a Licence pursuant to the provisions of Section 34 of the Crown Lands Act 1989 in respect on the land described hereunder and subject to the terms and conditions contained in the following 10 pages and Schedule 1, and in any additional Schedules or documents referred to in Schedule 1.

EXECUTION

Dated this 18th day of FEBRUARY 19 91.

THE MINISTER

[Signature]
as delegate of the Minister

C.J. McKay
name and position

THE HOLDER

In consideration of the grant of this Licence I / we agree to be bound by the terms, conditions and provisions of the Licence.

Signed in my presence by the holder who is personally known to me

X [Signature]
signature of holder

X FE Almond
signature of witness

FRANK EDWARD ALMOND
name of witness (block letters)

BUREEN DENMAN 2328 FARMER
address & occupation of witness

DESCRIPTION OF LAND

DESCRIPTION OF LAND

CROWN LAND

PART 1	Local Govt. Area: Muswellbrook		Land District: Muswellbrook
	County: Hunter	Parish: Hunter	Locality:
	Portion No.: 89 & 95	Section:	Lots:
PART 2	Plan/diagram:		Area: 225.91 ha

TEXT DESCRIPTION:
Being the land previously held by the licensee under Special Lease 1962/7 Muswellbrook which expired on 31 December 1990.

Note - a Table of Contents appears at the end of this Licence (6.001)

1. Definitions

In this Licence unless the contrary intention appears:

"CLA" means the Crown Lands Act 1989

"Commencement Date" means the date on which this Licence is stated to commence.

"Holder" means the person described as the Holder on the front page of this Licence.

"Improvements" means all buildings structures facilities works plant and equipment situated on or in the land or which under the terms of this Licence are to be situated on or in the land.

"Land" means the land specified on the front page of this Licence under the heading "DESCRIPTION OF LAND" (including any submerged land and waterway) or where the context so admits any part thereof.

"Licence" means this Licence including the Schedules and Annexures hereto.

"Minister" means the Minister referred to on the front page of this Licence as the Minister and where not repugnant to the context includes the Successors of Minister and the servants and agents of the Minister.

"Premises" means the Land the Improvements and the Holder's Plant and where the context so permits any part of the foregoing.

"Regulations" means the Crown Lands Regulation 1989.

"Rent" means the rent provided for in this Licence.

"Term" means the period commencing on the "Commencement Date" and terminating on the "Termination Date".

"Termination Date" means the date on which the Licence is revoked or ceases to have effect in accordance with the provision of this Licence. (6.002)

2. Plurals and Genders

- (a) Words importing the singular number shall include the plural and vice versa.
- (b) Words importing the masculine gender shall include the feminine or neuter and vice versa.
- (c) Any reference to a person shall be deemed to include a reference to a corporation and vice versa. (6.004)

3. Contra proferentem

No rules of construction shall apply to the disadvantage of a party on the basis that that party was responsible for the preparation of this Licence or any part of it. (6.005)

4. Headings and Plans and Code Numbers

- (a) Headings (and subheadings within clauses) marginal notes the matter appearing in Column 1 of Schedule 1 and the Table of Contents have been inserted for guidance only and shall be deemed not to form any part of the Licence.
- (b) Any plan or diagram attached or annexed to this licence, which purports to depict the land shall be deemed not to form any part of the licence unless that plan or diagram is referred to in PART 2 in the DESCRIPTION OF LAND.
- (c) The code number appearing at the end of each clause of the Licence shall be deemed not to form part of the Licence. (6.006)

5. Clauses and Schedules

References to Clauses Parts and Schedules are references to clauses parts and schedules of this Licence. (6.007)

6. Statutes

- (a) A reference to a statute statutory instrument or ordinance includes amendments to that statute statutory instrument or ordinance whether by subsequent statutes statutory instruments or ordinances or otherwise and any statute statutory instrument or ordinance passed in substitution for the statute statutory instrument or ordinance referred to or incorporating any of its provisions.
- (b) A reference to a statute includes a reference to any regulation made thereunder. (6.008)

7. Joint and Several Covenants

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally. (6.009)

8. Severability

Any provision of this Licence which is prohibited or unenforceable in any jurisdiction shall as to such jurisdiction be ineffective to the extent of such prohibition or inability to enforce without invalidating the remaining provisions of such provision in any other jurisdiction. (6.010)

9. Applicable Law

This Licence shall be construed and interpreted in accordance with the law of New South Wales. (6.011)

10. Licence a "Holding" for purposes of the CLA

The Holder acknowledges that this Licence is a Holding within the meaning of the CLA and the Holder is a Holder within the meaning of that Act and the provisions of that Act relating to holdings and holders apply to this Licence and the Holder. (6.012)

11. Performance of Functions etc.

Any power authority duty or function conferred or imposed upon the Minister under this Licence may be exercised or performed by any person authorised by the Minister. (6.013)

12. Authorised Officer

Where under this Licence the Minister is empowered to authorise any person to perform or exercise any power authority duty or function under this Licence such person shall be validly authorised if he is authorised to exercise any power authority duty or function conferred by any Licence granted by the Minister or any Licence of a specified type or any Licence within a specified locality. (6.014)

13. Minister as Public Authority

The Minister and Holder acknowledge that nothing in this Licence can in any way restrict or otherwise affect the Minister's unfettered discretion as to the use of the Minister's statutory powers as a public authority. (6.015)

14. Approval by the Minister

- (a) In any case where pursuant to this Licence the doing or executing of any act matter or thing by the Holder is dependent upon the approval or consent of the Minister such approval or consent shall not be effective unless given in writing and may be given or withheld by the Minister in the Minister's absolute discretion and may be given subject to such conditions as the Minister may determine unless otherwise herein provided.
- (b) The Holder expressly agrees that any failure to comply with a condition imposed by the Minister will constitute a failure by the Holder to comply with a condition of this Licence. (6.016)

15. Opinion of the Minister

Any opinion to be formed by the Minister for the purposes of this Licence may be formed by the Minister on such grounds and material as the Minister determines to be sufficient after consultation if the Minister deems it necessary with any New South Wales Government Department or other public authority the Standards Association of Australia or any other body whose objects and functions are relevant. In forming any such opinion the Minister shall be deemed to be exercising merely administrative functions. (6.017)

16. Holder to pay Cost of Work

Whenever the Holder is required in this Licence to do or effect any act matter or thing then the doing of such act matter or thing shall unless this Licence otherwise provides be at the sole risk cost and expense of the Holder. (6.018)

17. Notices

- (a) All notices or communications required to be or which may be given or served by the Minister to or upon the Holder under this Licence or which may be convenient to be given or served in connection with this Licence shall be in writing and shall be sufficiently given or served if left at or sent by ordinary post addressed to the Holder at his address specified in Column 2 of Item 1 of Schedule 1 or at the Premises or at such other place as notified in writing by the Holder to the Minister.
- (b) All notices or communications required to be or which may be given or served by the Holder to or upon the Minister under this Licence or which may be convenient to be given or served in connection with this Licence shall be in writing and shall be sufficiently given or served if signed by the Holder or if the Holder is a corporation by the Secretary of the Holder or the person acting as such for the time being and if left at or sent by ordinary post addressed to the person specified in Column 2 of Item 2 of Schedule 1.
- (c) Any notice or communication given or served by post shall be deemed to have been duly given or served at the time when it would in the ordinary course be delivered. (6.019)

18. Manner of Payment of Rent and Other Moneys

The rent and other moneys payable in accordance with this Licence shall be paid to the Secretary, Department of Lands at the address specified in Column 2 of Item 3 of Schedule 1 or to such other person or at such other address as the Minister may from time to time direct by notice in writing served on the Holder. (6.020)

19. Time to be of the essence

The Minister and the Holder expressly agree that where in any provision of this Licence the Holder is given or allowed a specified time within which to undertake or do any act or thing or any power is conferred or any event occurs after the lapsing of a specified time time shall be the essence of the contract in that regard. (6.021)

20. Permitted Use

- (a) This Licence confers on the Holder a right to occupy the Premises for the purpose specified or referred to in Column 2 of Item 4 in Schedule 1.
- (b) The Holder will not use the Premises or allow them to be used for any purpose other than the purpose specified in Column 2 of Item 4 in Schedule 1. (6.023)

21. Holder not to Commit Nuisance etc.

The Holder will not at any time during the Term of this Licence:

- (a) carry on or permit to be carried on at the premises any noxious nuisance or offensive trade business.
- (b) do or permit to be carried on at the premises any act matter or thing which results in nuisance damage or disturbance to the Minister or owners or occupiers of adjoining or neighbouring lands or buildings.
- (c) use the premises for any illegal activity. (6.024)

22. No Residence on Premises

The Holder will not reside or permit any other person to reside on the premises. (6.025)

23. Premises not to be Used for Business Purposes

The Holder will not use the Premises or any part thereof for any business purpose calling or trade or permit any form of business calling or trade to be conducted therein. (6.026)

24. Commencement and Revocation of Licence

- (a) This Licence shall commence on the date specified or referred to in Column 2 of Item 5 of Schedule 1 and shall continue in force until it is revoked in accordance with the provisions of this clause.
- (b) The Minister may in his absolute discretion revoke this Licence at any time by serving on the Holder a notice in writing revoking this Licence.
- (c) A revocation made under this clause shall take effect on the date specified in the notice or where no date is specified in the notice on the date on which the notice is served on the Holder.
- (d) Except as may be expressly provided for in this Licence the Holder acknowledges and agrees that the Holder will not be entitled to any compensation costs or damages in respect of the revocation of this Licence. (6.027)

25. Payment of Rent (CPI)

- (a) For the purposes of this clause:

"Initial Rent" means the rent specified in Column 2 of Item 11 of Schedule 1.

"CPI Review Date" means each anniversary date of the Commencement Date.

"CPI Review Period" means the period between each CPI Review Date.

"Due Date" means each anniversary date of the Commencement Date.

"Market Rent Review Date" means the date of the expiration of each period of years as specified in Column 2 of Item 12 of Schedule 1 calculated from the Commencement Date.

"Market Rent Review Period" means the period between each Market Rent Review Date.

- (b) The Holder covenants with the Minister that the Holder will during the whole of the Term pay to the Minister in accordance with the provisions of this clause without demand free of exchange and without deduction whatsoever the rent hereinafter provided.
- (c) The Holder will pay to the Minister on the commencement Date the Initial Rent and thereafter shall pay on each Due Date rent in advance adjusted as hereinafter provided.
- (d) (i) On the CPI Review Date the rent shall be adjusted in accordance with the following formula:

$$R = B \times \frac{C}{D}$$

where:

R represents the adjusted rent;

B represents the annual rent payable during the year preceding the CPI Review Date;

C represents the Consumer Price Index number for the last quarter for which such a number was published before the CPI Review Date; and

D represents the Consumer Price Index number for the last quarter for which such a number was published before the immediately preceding CPI Review Date (or if there is no immediately preceding CPI Review Date then the Commencement Date).

- (ii) In this clause "Consumer Price Index number" in relation to a quarter means the number for that quarter appearing in the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician. In the event that such index be discontinued or abolished the Minister may at his absolute discretion nominate another Index.
- (iii) If the reference base for the Consumer Price Index is changed regard shall be had only to Index numbers published in terms of the new reference base or to Index numbers converted to the new reference base in accordance with an arithmetical conversion factor specified by the Australian Statistician.
- (iv) Any rent adjusted under this subclause shall be adjusted to the nearest whole dollar.
- (e) In addition to the indexation review provided for in subclause (d) on the first Market Rent Review Date after commencement and thereafter on each Market Rent Review Date the rent may be redetermined by the Minister pursuant to the provisions of Sections 142 and 143 of the CLA.
- (f) A redetermination of rent for the purposes of subclause (e) shall be deemed to have been made on the Market Rent Review Date if it is made at any time within the period of six months before the market Rent Review Date.
- (g) Where the Minister does not redetermine the rent as provided for in subclause (e) he may redetermine the rent pursuant to the provisions of Sections 142 and 143 of the CLA at any time prior to the next Market Rent Review Date and no succeeding Market Rent Review Date shall be postponed by reason of the operation of this subclause.
- (h) Where the Minister does not redetermine the rent on the First Market Rent Review Date or a Market Rent Review Date as provided for in subclause (e) the Holder may by notice in writing served on the Minister require that the Minister redetermine the rent pursuant to the provisions of Sections 142 and 143 of the CLA. Where the Holder requires the Minister to redetermine the rent under this subclause he shall pay on demand the costs of the Minister (or so much of the cost as the Minister may require) in making that determination.
- (i) Subject to the provision of subclause (j) a redetermination of rent as provided for in subclauses (e) (g) and (h) shall take effect and be due and payable from the date of issue of the notice of redetermination under Section 142 of the CLA even if an objection or appeal under that Section has been lodged. On the completion of the objection and appeal process any necessary adjustments shall be made.
- (j) A redetermination of rent made before its relevant Market Rent Review Date as provided for in subclause (f) shall take effect from the relevant Market Rent Review Date even if an objection or appeal under Section 142 of the CLA has been lodged. On the completion of the objection and appeal process any necessary adjustments shall be made.
- (k) The Holder acknowledges that the Minister may make a direction under Section 152 of the CLA in respect of any rent payable under this Licence. (6.031)

26. Continuing Obligation

The obligation of the Holder to pay the Rent shall be a continuing one during the term of this Licence and shall not abate in whole or in part or be affected by any cause whatsoever. (6.037)

27. Holder to Pay Rates etc.

The Holder will when the same become due for payment pay all (or in the first and last year of the term of this Licence the appropriate proportionate part) rates taxes (including Land Tax) assessments duties charges and fees whether municipal local government parliamentary or otherwise which are at any time during the currency of this Licence lawfully charged upon imposed or levied in respect of the Premises or on the Minister or the Holder on account thereof and will if required by the Minister produce to the Minister the receipts for such payments within ten business days after the respective due dates for payment AND in case such rates taxes duties and fees so covenanted to be paid by the Holder are not paid when the same shall become due the Minister may if the Minister thinks fit pay the same and any such sum or sums so paid may be recovered by the Minister as if such sums were rent in arrears. (6.039)

28. Holder to Pay Other Charges

The Holder will pay all other fees charges and impositions which are at any time during the Term payable in respect of the Premises or on account of the use and occupation of the Premises by the Holder. (6.040)

29. Holder to Pay for Services

The Holder will as and when the same become due for payment pay to the Minister or to any other person or body authorised to supply the same all proper charges for gas electricity water or other services supplied to or consumed in or on the Premises and will also pay all charges in respect of any telephone services connected to the Premises. (6.041)

30. Holder not to Impose Liability on Minister

Subject to any other provision of this Licence the Holder will not without the written consent of the Minister by any act matter or deed or by failure or omission cause or permit to be imposed on the Minister any liability of the Holder under or by virtue of this Licence even though the Holder is entitled so to do under any law present or future or otherwise. (6.042)

31. Holder not to undertake Development without consent notwithstanding any other provision of this Licence

The Holder will not undertake any development within the meaning of the Environmental Planning and Assessment Act 1979 contrary to the provisions of that Act or in breach of any restriction condition or prohibition imposed by an Environmental Planning Instrument or condition of a development consent. (6.043)

32. Development Consent

The Holder will not undertake any activity on or within the Premises for which consent is required under the Environmental Planning and Assessment Act 1979 or any Instrument made thereunder without first obtaining such consent and in accordance with any condition or requirement of that consent. (6.044)

33. Compliance with Statutes

- (a) The Holder will comply with the requirements of all statutes regulations or by-laws and requirements of all relevant public and local authorities in so far as they apply in relation to the use and occupation of the premises.
- (b) The Holder will forthwith on being served with a notice by the Minister comply with any notice or direction served on the Minister by a competent authority relating to the destruction of noxious animals or plants or pests or the carrying out of repairs alterations or works on or to the Premises. (6.045)

34. Holder not to deal with Licence or part with possession of Premises

Subject to any other provision of this Licence the Holder will not during the Term of this Licence transfer or create any interest in the Licence or authorise or permit any person to occupy the Premises. (6.047)

35. Revocation on the Request of the Holder

The Holder may at any time by notice served on the Minister request that this Licence be revoked and the Minister if he is satisfied that the Holder has complied with the conditions and provisions of this Licence or the CLA will as soon as practicable comply with such a request. (6.051)

36. Interest on Overdue Money

The Holder shall pay interest on any money due and payable under this Licence to the Minister at the rate prescribed from time to time under the provisions of Section 148 of the CLA and any such interest shall for the purposes of this Licence be deemed to be Rent in arrears. (6.052)

37. Failure to Pay Money or Undertake Works

- (a) Where under this Licence the Holder is required to pay any money to a third party and neglects to do so for a period of 14 days after the money became due and payable it shall be lawful for but not obligatory upon the Minister (and without prejudice to any rights and powers arising from such default) to pay such money as if it were the Holder and the Holder will reimburse the Minister in respect of any such payments on demand.
- (b) Where under this Licence the Holder is required to do or cause to be done any work or thing and the Holder neglects to do the work or thing for a period of 14 days after that work or thing was due or required to be done it shall be lawful for but not obligatory upon the Minister (and without prejudice to any rights and powers arising from such default) to do or effect such work or thing as if the Minister were the Holder and for that purpose the Minister the Minister's officers agents contractors and workmen may enter upon the whole or any part of the Premises and there remain for the purposes of doing or effecting any such work or thing and the Holder will reimburse the Minister for the cost of the doing or effecting the work or thing on demand. For the purposes of this clause the word cost shall include any sums paid for any insurance indemnities under the laws relating to workers compensation.
- (c) The Holder expressly agrees that any money or cost payable to the Minister under this clause shall constitute a debt owed by the Holder to the Minister and may be recovered by the Minister accordingly.
- (d) Where the Premises has a common boundary with other land owned leased or held by the Holder (hereinafter called the "other land"). The Holder irrevocably grants to the Minister the Minister's officers agents contractors and workmen a licence to enter upon the said other land for the purpose of gaining access to the Premises or for the purpose of undertaking any work or thing authorised permitted or contemplated by this Clause.

In exercising any power conferred by this subclause the Minister the Minister's servants employees and agents will not be liable for any reasonable damage suffered or occasioned to the other land or anything constructed thereon.
- (e) The Holder expressly agrees that the provisions of this clause shall continue after the expiration or sooner determination of this Licence and the Minister may make any payment or effect any work or thing authorised by this clause after the expiration or sooner determination of this Licence as if such expiration or sooner determination had not taken place. (6.053)

38. Indemnity

- (a) For the purposes of this clause the term Minister shall include Her Majesty the Queen Her heirs and Successors the State of New South Wales the Minister and the agents servants employees and contractors of Her Majesty Her Majesty's Heirs and Successors the State of New South Wales and the Minister.
- (b) The Holder agrees that the Holder will indemnify and keep indemnified the Minister from and against all actions suits claims and demands of whatsoever nature and all costs charges and expenses in respect of any accident or injury to any person or property which may arise out of the use of the Premises or the construction or maintenance of works as may be authorised under the Licence notwithstanding that the conditions of this Licence shall in all respects have been observed by the Holder or that any such accident or injury shall arise from any act or thing which he may be authorised or compelled to do hereunder.
- (c) The Holder expressly agrees that the obligations of the Holder under this clause shall continue after the expiration or other determination of this Licence in respect of any act deed matter or thing happening before such expiration or determination. (6.054)

39. Construction of Improvements

- (a) For the purposes of this clause "Improvement" means any building structure facility or work.
- (b) The Holder may construct erect or undertake any of the Improvements specified or referred to in Column 2 of Item 20 of Schedule 1.
- (c) Any Improvements constructed erected effected or undertaken shall be constructed erected effected or undertaken in accordance with the plans conditions and specifications contained or referred to in Column 2 of Item 21 of Schedule 1.
- (d) The Holder will not construct erect or undertake any Improvements on the Premises other than the Improvements specified or referred to in Column 2 of Item 20 of Schedule 1 or which may be authorised or required under any other provision of this Licence. (6.068)

40. Ownership of Improvements CLA

The Holder acknowledges that the provisions of section 174 of the CLA apply, namely:

- (a) On forfeiture, surrender or other determination of a holding all improvements on the land become, subject to this section and any provision or condition of the holding, the property of the Crown and no compensation is payable for those improvements;
- (b) On application made within 1 month of the forfeiture, surrender or determination the Minister may permit the former holder to remove from the land any improvements effected or owned by the holder or the holder's predecessors in title;
- (c) On removal of improvements under this section the Crown ceases to have (and shall be taken never to have had) any right to the improvements. (6.074)

41. Premises to be kept in clean and tidy condition

The Holder will at all times during the Term keep the Premises in a clean and tidy condition and will (subject to any other provision of this Licence) on the Termination Date leave the Premises in a clean and tidy condition. (6.088)

42. Certain Trees and Vegetation not to be interfered with

The Holder will not damage harm kill or destroy the trees and vegetation specified in Column 2 of Item 42 of Schedule 1. (6.105)

43. Holder to provide Security

- (a) The Holder will on or before the date specified in Column 2 of Item 44 of Schedule 1 lodge with the Minister the sum specified in Column 2 of Item 45 of Schedule 1 in cash as security for the fulfilment of the obligations of the Holder under this Licence. In the event that the Holder fails to fulfil any of his obligations under this Licence the said sum may be applied at the absolute discretion of the Minister towards the cost of fulfilling such obligations. For the purpose of this clause the Holder will be deemed to have failed to fulfil his obligations under this Licence if the Holder fails to comply with any condition covenant or provision of the Licence any provision of the CLA or regulations made thereunder or any condition requirement or direction imposed or given pursuant to a condition covenant or provision of this Licence or any provision of the CLA or regulations made thereunder.
- (b) The Holder will be entitled to provide by way of an alternative to the cash security required by subclause (a) of this clause security in the form of a banker's certificate (in such form and issued by such bank as the Minister may approve) or in such other form as the Minister may approve.
- (c) (i) Subject to sub-paragraph (ii) the Minister may at any time or times after the expiration of the period of years specified in Column 2 of Item 46 of Schedule 1 from the commencement of this Licence review the amount of security required in accordance with subclause (a) hereof and increase or decrease the amount to be lodged.
(ii) Not more than one variation in the amount of security shall be made under sub-paragraph (i) during any period of years as specified in Column 2 of Item 46 of Schedule 1.
- (d) Where the amount of security has been increased pursuant to clause (c) hereof the Holder will within two (2) months of being required so to do by the Minister lodge a further security in cash or in the form of a banker's certificate (in such form and given by a bank approved by the Minister) or other approved form of security for the amount of security required in which case the Minister shall where appropriate refund or release to the Holder the security previously lodged;
- (e) Where the amount of the security has been decreased pursuant to the clause (c) hereof:
(i) the Holder (if the security was by way of banker's certificate) will lodge if required by the Minister cash or a banker's certificate (in a form and given by a bank approved by the Minister) or other approved form of security for the amount of security required in which case the Minister shall release to the Holder the banker's certificate previously lodged;

- (ii) the Minister shall if the security was by way of cash refund or release to the Holder the difference between the amount of cash previously lodged as security and the amount of security now required.
- (f) The Holder expressly acknowledges that where the Holder has requested that the Minister consider granting a Licence over the Premises to a third person the Minister shall be entitled to retain any security lodged by the Holder pursuant to this clause until such time as a new Licence has been granted and shall be entitled to apply any such security in accordance with the provisions of this Licence. (6.109)

44. Land Not to be Cultivated

The Holder will not cultivate the Land. (6.110)

45. Overstocking

Where the Minister is of the opinion that the Holder is overstocking either the whole or part of the Land the Minister may from time to time direct the Holder by notice in writing that the number and type of stock that may be depastured on the Land or such part as may be described in the notice shall not exceed the number and type of stock specified in the notice and the Holder will ensure that the number and type of stock so specified shall not be exceeded. (6.112)

46. Holder to Eradicate Noxious Plants Animals etc.

The Holder will take steps to eradicate or control all noxious plants noxious animals and noxious insects on the Land which he may by law be required to eradicate or control. (6.115)

47. Soil Conservation Act

The Holder will comply with the provisions of the Soil Conservation Act 1938. (6.116)

48. Holder Not to Burn Off

The Holder will not carry out any burning off on the Land except with the prior consent of the Minister in writing and after compliance with the requirements of the Bush Fire Act 1949. Any consent granted in accordance with this condition shall be subject to such conditions as the Minister may impose. (6.118)

49. Holder to Fence

The Holder will within the period specified or referred to in Column 2 of Item 49 of Schedule 1 from the commencement enclose the Land whether separately or conjointly with other lands held in the same interest with a substantial fence and maintain such fence in effective repair during the Term of the Licence. (6.119)

50. Holder to provide Gates etc.

The Holder will if directed by the Minister erect and maintain gates in any fence constructed by the Holder or in any fence situated on the land for use by persons authorised to obtain timber or other material from such land. (6.120)

51. Minister not liable to provide Access

The Holder acknowledges that the Minister is not liable to provide access to the Premises over other land held by the Minister or any other land. (6.121)

52. Exterior Signs

The Holder will not without the consent of the Minister erect paint display affix or exhibit upon the exterior of the Premises or upon the interior of the Premises so as to be visible from the outside of the Premises any signs advertisements lights embellishments names notices or hoarding. (6.189)

53. Holder not to remove Materials

- (a) The Holder will not mine remove extract dig up or excavate any sand stone gravel clay loam shell or similar substance or permit any other person to undertake any such action without the prior consent in writing of the Minister and subject to such conditions as the Minister may determine.
- (b) Subclause (a) shall not apply to any removal digging up or excavation as may be necessary to construct or undertake any improvement authorised by or under this Licence provided that any such removal digging up or excavation is undertaken in accordance with the requirements of that authority.
- (c) The Minister and the Holder expressly agree that a failure by the Holder to comply with any condition imposed pursuant to subclause (a) shall constitute a failure by the Holder to comply with a provision or covenant of this Licence. (6.194)

54. Holder to Yield Up

The Holder will forthwith upon the revocation of this Licence peaceably surrender and yield up to the Minister the Premises in good condition reasonable wear and tear excepted together with all conveniences amenities and appurtenances relating thereto clear and free from rubbish and in good and substantial repair order and condition in every case having regard to the age of what is being surrendered or yielded up. (6.199)

55. No Right to Purchase etc.

The Holder expressly acknowledges that the grant of this Licence does not confer a right to purchase the land or to the grant of a lease or to the grant of a further licence. (6.200)

56. Special Conditions

The special conditions specified or referred to in Column 2 of Item 71 of Schedule 1 shall be deemed to be conditions and provisions of this Licence. (6.201)

SCHEDULE 1

Item	Code No	Column 1 - (description of variable particulars)	Column 2 - (particulars)
1	6.019	Holder's Address for service of notices	Jones Reserve, Denman, 2328
2	6.019	Minister's Address for service of notices	Department of Lands, PO Box 6, East Maitland 2323
3	6.020	Address for payment of Rent	as above
4	6.023	Purpose for which Premises may be used	Grazing
5	6.027	Commencement Date	Date specified on page 1 of the licence being the date of execution of the licence by the Minister
11	6.031	Initial Rent	\$130.00
12	6.031	Market Rent Review Period	Three (3) years
20	6.068	Improvements that may be constructed	Fencing
21	6.068	Improvements - plans conditions and specifications	Subject to any requirements of Muswellbrook Shire Council
42	6.105	Trees and vegetation to be preserved	All trees and vegetation within the premises excepting as approved in writing by the Forestry Commission of New South Wales
44	6.109	Date by which Security is to be provided	not applicable
45	6.109	Amount of Security to be provided	nil
46	6.109	Security Review Period	not applicable
49	6.119	Period within which Holder is to fence	Prior to stock being placed within the premises
71	6.201	Special conditions or provisions	nil
end of Schedule 1			

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Licence No. 186532 - 14

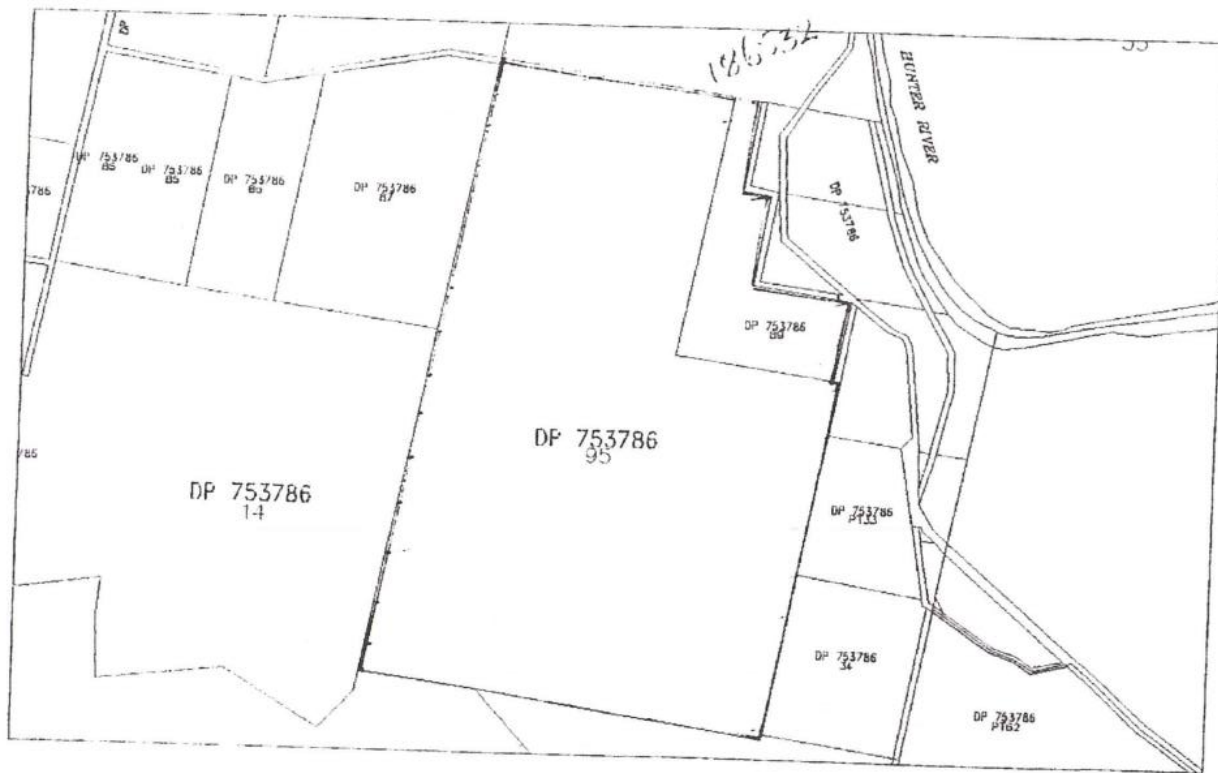
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Licence Capture Mailland

Map Sheet Number: 9033-25 Jerry's Plains

Account Number: 186532

Holding File: MD 80 H 3232



Parish: Hunter
Parish DP: 753786
County: Hunter

9/1

10 TRANSFER TO KENNETH WILLIAM MOYLAN

Attached is a copy of the original Certificate of Title for Lot 22,33,34 with the ownership being transferred to Kenneth William Moylan on the 30th July 1965 who is the current owner of the land.

184

Primary Appn. No.

Reference to Last Title

Vol. 6230 Fol. 245

New South Wales.

[CERTIFICATE OF TITLE.]



REGISTER BOOK.

VOL. 7388 Fol. 51

Issued on Order No. G731566

ANNIE TERESA RAGAN, of Jones Reserve near Denman, Widow, is now the proprietor of an Estate in Fee Simple, subject nevertheless to the reservations and conditions if any contained in the relevant Grants and also subject to such encumbrances liens and interests as are notified hereon in Those pieces of land in the Shire of Muswellbrook Parish of Hunter and County of Hunter shown in the plan hereon and therein edged red being the lands described in the Schedule hereunder.

SCHEDULE

Number of Portion	Date of Grant	Grant Reference	
		Volume	Folio
22	24th October 1873	171	140
33	31st March 1876	256	91
34	31st January 1879	426	152
9a.12p.Gt.	20th March 1942	5314	124

EXCEPTING THEREOUT :- (a) the land coloured yellow in the plan hereon transferred by Transfer No.D560590. _____
 (b) the roads coloured brown and pink in the plan hereon. _____
 (c) the minerals reserved by the Crown Grants. _____

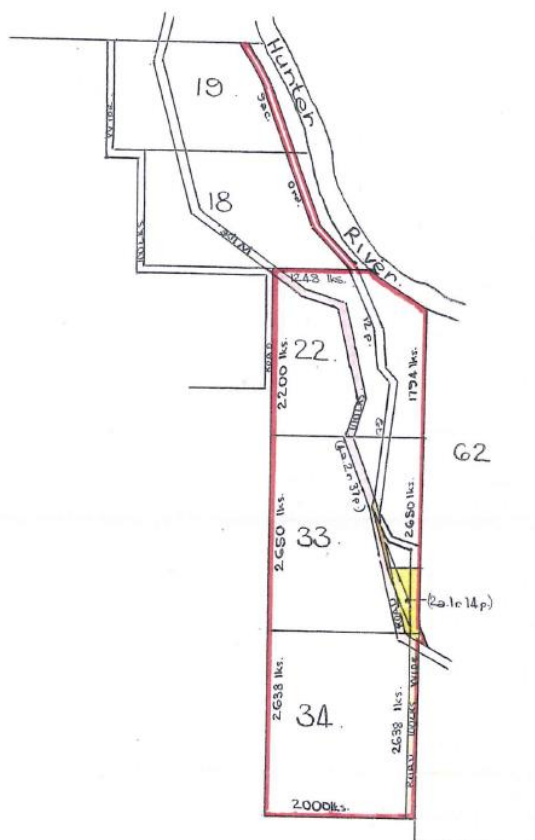
In witness whereof I have hereunto signed my name and affixed my Seal, this

Thirty-first day of October, 19 57

Signed in the presence of

J. W. Moss

Registrar-General.



Area 147ac 2rd 28per

THIS AREA DOES NOT INCLUDE THE AREA OF ROADS COLOURED BROWN BUT DOES INCLUDE THE AREA OF THE ROAD COLOURED PINK AND THE LAND COLOURED YELLOW.

Scale 20 Chains to one inch.

Alma Stewart Maglan, wife of Thomas Maglan of Denman, Farmer is

now the registered proprietor of the land within described. See Section 94 Application No. K 78872. Entered 19th August 1965.

Registrar General

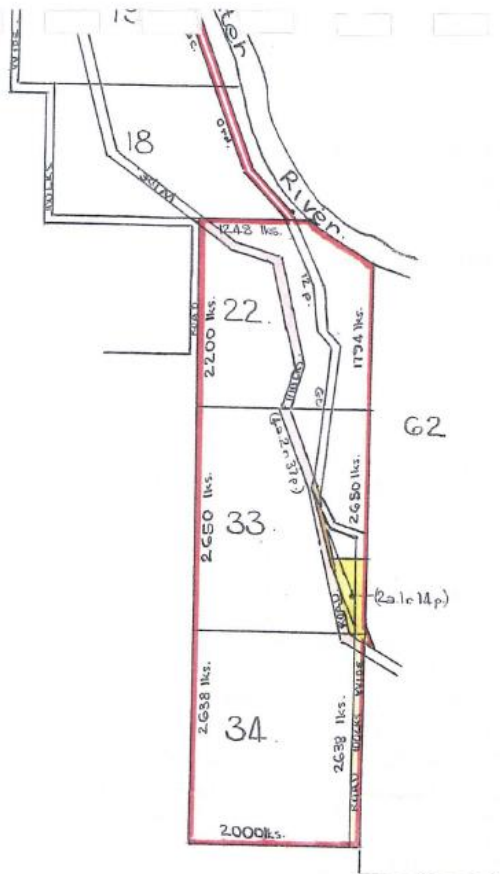
Harriet William Maglan of Denman, Farmer is

now the registered proprietor of the land within described. TRANSFER No K 78873 dated 30th July 1965. Entered 19th August 1965.

Registrar General

No. K 78874 MORTGAGE dated 3rd August 1965 to Bank of New South Wales. Entered 19th August 1965.

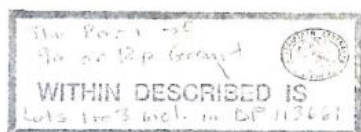
Persons are cautioned against altering or adding to



Area: 147ac 2 rd 28 per

THIS AREA DOES NOT INCLUDE THE AREA OF ROADS COLOURED BROWN BUT DOES INCLUDE THE AREA OF THE ROAD COLOURED PINK AND THE LAND COLOURED YELLOW.

Scale: 20 Chains to one inch.



now the registered proprietor of the land within described.
See Section 94 Application No. K-78872.
Entered 19th August 1965.
Jawatson
REGISTRAR GENERAL

Kenneth William Maydon of Deamon, Farmer
now the registered proprietor of the land within described.
No. TRANSFER No K-78873 dated 30th July 1965.
Entered 19th August 1965.
Jawatson
REGISTRAR GENERAL

No. K-78874 MORTGAGE dated 3rd August 1965.
to Bank of New South Wales.
Entered 19th August 1965.
Berkhanger 5820218 9-12-1981
Jawatson
REGISTRAR GENERAL

11 HISTORY OF "CONARD FARM" and DWELLING

Some detailed historical information and sketches of Conard Farm and the Dwelling that was built there has been provided by William "Bill" Fredrick Ragan who was born in 1941 and is a resident of Denman.

Bill's grandfather William Ragan was born at Conard Farm in 1871. He married Annie Teresa O'Hara in 1901 and had six children one being Bill's father Malcolm James Ragan who was also born at Conard Farm in 1908 [see copy of Bill's birth certificate attached]. Also, Bill's brother and two sisters were born at Conard Farm.

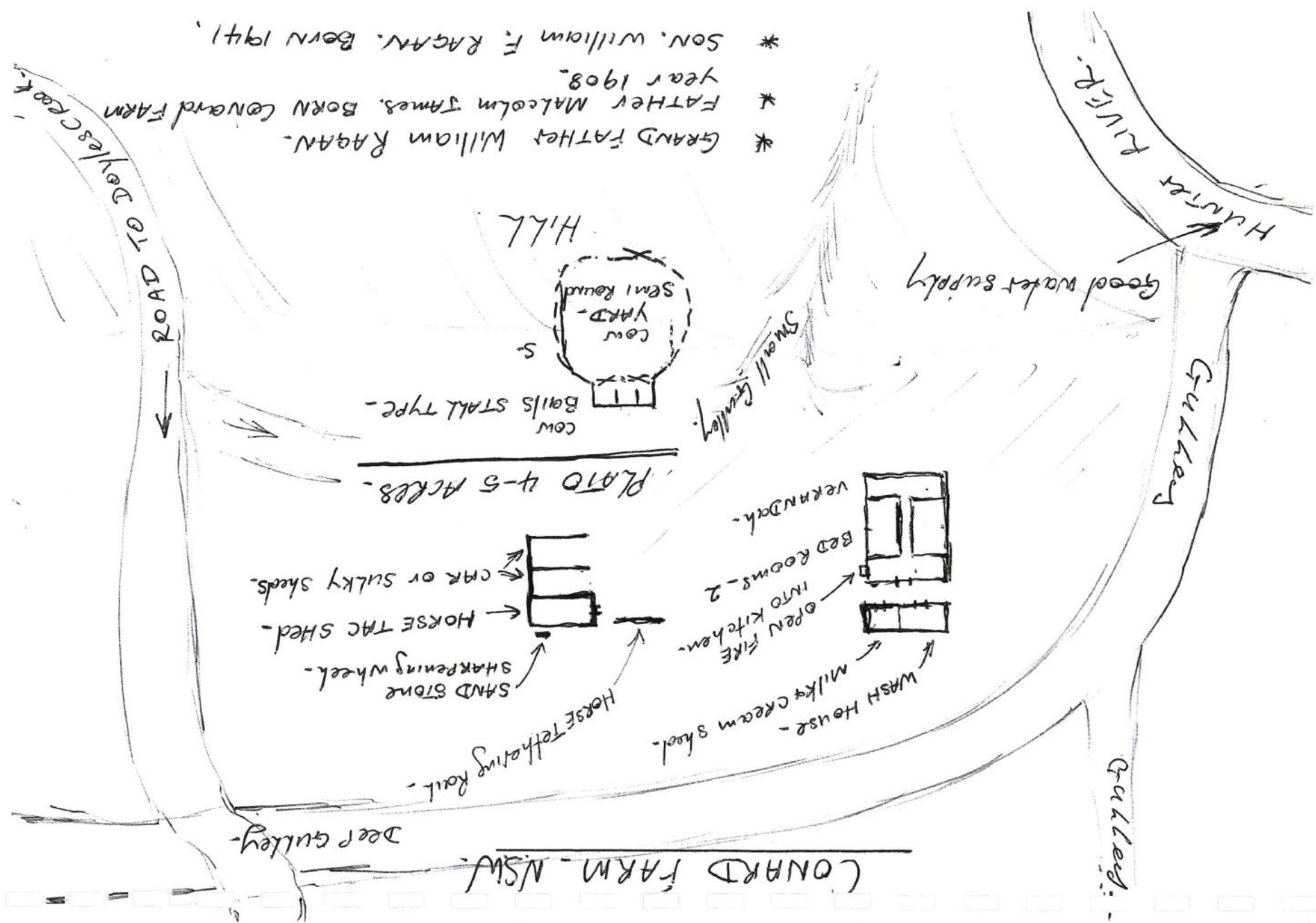
William and Annie continued to live and dairy at Conard Farm until 1937 when they moved to a farm further along Bureen Road. Conard Farm was then used as a grazing block until it was sold in 1965 to Ken Moylan.

The house at Conard Farm was then lived in by an older man until the 1970's. After that, the house was used occasionally as temporary accommodation by ferreter's as they passed through the area looking for rabbits.

As a young boy, Bill's father Malcolm took him to Conard Farm many times and he has a complete knowledge of the farm and the buildings that were built there. Bill has produced a site plan showing the location of the house, sheds, dairy and yards. He has also drawn a sketch of the house and other buildings as they stood on the farm.

Bill understands that the building shown as the wash house and milk and cream shed was built first as a house by his great grandfather Michael. His great grandfather and grandfather then built the main house in 1890. Bill's father Malcolm was born in this house in 1908.

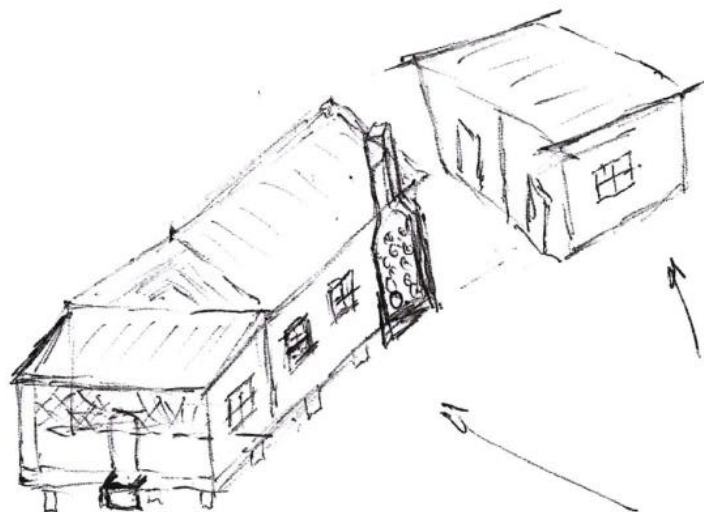
Also attached is a letter from Mr Phillip Goodwin who has lived in Denman all his life and has a direct connection with Conard Farm. He confirms the history and existence of a dwelling and its use for residential purposes at Conard Farm



- * GRAND FATHER William RAGAN.
- * FATHER MALCOLM James. BORN CONRAD FARM year 1908.
- * SON. William F. RAGAN. BORN 1941.

CONARD FARM

William Ragan GRAND FATHER. WAS BORN HERE 1871 MARRIED IN 1901.
MARRIED ANNIE TERESA O'HARA. 1901. GRAND MOTHER. MY FATHER MALCOLM BORN
HERE IN 1908 - WITH HIS BROTHER IN 1902 SISTER 2 off MILDRED 1903 ALMA 1905



MY GREAT GRAND FATHER Michael.
BUILT HERE around 1869.

House was built around 1890 -
on small PLATO about 4-5 ACRES.

HOUSE STOOD TILL AROUND 1960
BURNT DOWN BY SQUATTERS / CAMPERS.





C 025256

Registration of Births, Deaths and Marriages Act, 1973

CERTIFIED COPY**BIRTH REGISTERED IN NEW SOUTH WALES, AUSTRALIA**

Child Surname	RAGAN	
Other names	William Frederick	
Sex	Male	
Date of birth	28th June, 1941	
Place of birth	Fairholme Maternity Hospital Singleton Municipality	
Parents of Child Father—Surname	RAGAN	
Other names	Malcolm James	
Occupation	Farmer	
Age	33 years	
Place of birth	Conard Farm, N.S.W.	
Mother—Surname	RAGAN	
Maiden surname	ALMOND	
Other names	Rhona Beatrice	
Age	24 years	
Place of birth	Singleton, N.S.W.	
Date of marriage	27th July, 1939	
Place of marriage	Denman, N.S.W.	
Previous children of marriage	Pamela 1 year Living. None Deceased	
Informant	R.B. Ragan, Mother Jones Reserve, Denman	
Particulars of registration	E.J. Forrest District Registrar	Date 25th July, 1941 Number 421

I, Patrick Johnson
hereby certify that the above is a true copy of particulars recorded in a register kept by me.

Issued at Singleton
on 4th November, 1991

[Signature]
Local Registrar
sb



29th May 2013


Hello, my name is Sharon Regan and I am researching the family history of **Michael Regan** born approximately 1843 in Ireland. He came to Australia in 1865 on the Star of Brunswick and settled in Doyles Creek near Denman, NSW. He was a farm laborer. He married **Esther Forster** on 25 January 1869. Esther was born on 13 January 1845 in Glennies Creek, NSW. Michael died on 11 Feb 1913 in Denman, Muswellbrook and is buried in the Roman Catholic Cemetery Denman. Their seven children and families are:

1. **Mary Ann [b1883]** – 1897 married **Robert Killen** [b1870]. Their children are – Isabella E [b 1897] Augustus.W [b1901], Myra. H [b1904], Robert. N [b1905], Laura R [b1907], Percivel L [b1912] **Other family names connected to this family are- Jaeger**
2. **William [b1871]** – 1901 married **Annie Teresa O'Hara** [b1883]. Their children are- Harold W [b1902], Mildred M [b1903], Alma S [b1905], Malcolm J [b1908], Lorna B [b1912], Myree V [b1917]. I am told that William changed the spelling of his surname to Ragan. **Other family names connected to this family are –Ragan Moylan, Barwick, Goodwin**
3. **Michael Edward [b1873]** – 1896 married **Esther Mary Horner**. Their children are – Vera F [b1900], Corinda M [b1902], Ivy L [b1908], Eileen E [b1920]. **Other family names connected to this family are- Pittman, Kiem**
4. **Thomas Doyle [b1876]** – 1910 married **Charlotte Shrubbs**. Their children are- Daisy V [b1911], Stanley J [b1912], Lance A [b1914], John C [b1916], Edmund T [d1965]. **Other family names connected to this family are – Ede**
5. **Arthur Leonard [1878]** – 1904 married **Ethel M. Settle**. Their children are- Minnie M [b1905], Leonard T [b1904], Ethel M [b1908], Edna R [b1910]. **Other family names connected to this family are -Barclay**
6. **John Albert [b1881]** – 1903 married **Elizabeth Ham** [b1879]. Their children are – John A [b1904], Eric D [b1905], Alan A [b1908], Melba A [b1909], Muriel M [b1913]. **Other family names connected to this family are –McConachie, Fitzell. THIS IS MY FAMILY LINE.**
7. **George Cousins [b1885]** – 1904 married **Eliza Beer**. Their children are – Gladys R [b1905], Dulcie C [b1907], Olive M [b1909], Elizabeth E [b1918]. **Other family names connected to this family are – Beer, Perran, Dunn, Osborne**

I am writing hoping that you may be either related to this family group or may know about this family and be able to help me with my research. I am keen to find out more about Michael and Esther and their children as official records like births and death certificates only tell part of the story.

I have enclosed a stamp addressed envelope so you can write to me with any details. I can also be contacted by email at shazgan@bigpond.net.au so any piece of information would be greatly appreciated.

Yours sincerely,


Sharon Regan
27 Lansdowne Ave
Wagga Wagga
NSW 2650

P Goodwin

30 Almond St

Denman NSW 2328

Mobile 0429 420 781

2 November 2018

TO WHOM IT MAY CONCERN

I have been asked to provide an insight into that part of the history, as I know it, of "Conard Farm" at 1040 Bureen Rd Denman which is owned by Ken Moylan and who, as I understand, has agreed to sell it to Phillip and Leighanne Waters.

My grandparents William and Annie Ragan were married in 1901 and acquired Conard Farm. They lived in a house on the farm and raised their family one of the children being my mother Myree Ragan.

The house on the farm which they lived in was a timber slab house typical of that time and they ran the farm as a dairy.

As far as I am aware they lived in the house until about the 1940's. In the early to mid 1970's an elderly man lived in the house.

The house stood until the late 1980's early 1990's when it was damaged beyond repair by strong winds and fell down.

My grandparents owned Conard Farm until 1965 when it was sold from the estate of my grandmother Annie Teresa Ragan to the current owner Ken Moylan.

Phillip Goodwin



**10.2 AMENDMENT TO MUSWELLBROOK DCP 2009 - SECTION 25 -
STORMWATER MANAGEMENT AND COUNCIL'S RIVERS AND
DRAINAGE CHANNELS POLICY**

Attachments:	A. Draft Section 25 - Stormwater Management - Exhibition version B. Draft Rivers and Drainage Channels Policy - exhibition version
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Assistant Director - Environment & Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

In October 2019 Council resolved to prepare and exhibit changes to Section 25 of *Muswellbrook DCP 2009*, and to the *Policy – Rivers and Drainage Channels*, to provide direction to staff and proponents of development on planning for and designing stormwater managements systems.

No submissions were received to the proposed changes.

The purpose of this report is to seek a resolution from Council to adopt changes to *Muswellbrook DCP 2009, Section 25 – Storm Water Management* and the revised Rivers and Drainage Channels Policy.

OFFICER'S RECOMMENDATION

Council adopts:

1. Muswellbrook DCP 2009, Section 25 – Stormwater Management, as provided in attachment A, but with tracking of changes removed; and
2. Muswellbrook Shire Council Rivers and Drainage Channels Policy, as provided in attachment B, but with tracking of changes removed.

Moved: _____ Seconded: _____

BACKGROUND

In October 2019 Council resolved to prepare and exhibit changes to Section 25 of Muswellbrook DCP 2009, and to the Policy – Rivers and Drainage Channels, to provide direction to staff and proponents of development on planning for and designing stormwater managements systems. Some minor typographical and formatting/structure changes were made to the revised Muswellbrook Shire Council Rivers and Drainage Channels Policy following the 29 October 2019 Council meeting, but prior to exhibition.

A copy of the draft amended Section 25 of the DCP, as exhibited, is provided in attachment A. The revised Muswellbrook Shire Council Rivers and Drainage Channels Policy, as exhibited, is provided in attachment B. Words that are proposed to be deleted are shown with strikethrough, words that are proposed to be inserted are shown with grey highlight.

REPORT

It is proposed to amend Section 25 of the Muswellbrook DCP 2009 Management and to amend Council's Rivers and Drainage Channels Policy R25-1 to:

- Update references to current legislation;
- Include references to the Muswellbrook Urban Riparian Landcare Master Plan and the Muswellbrook Floodplain Risk Management Study and Plan 2019;
- Provide for easements in favour of Muswellbrook Council on developments sites neighbouring the urban stormwater system;
- Adopt a policy of Council reimbursing landholders for costs associated with creation of easements.
- Correct formatting errors;
- Provide clarification on certain matters regarding easements, piping of open drainage channels and requirements for pollution reduction devices; and
- Reference legislation plans and policies that are relevant to planning for storm water management.

CONSULTATION

Internal Consultation

Consultation has occurred with the Community Infrastructure Department in preparing the proposed amendments.

Public Consultation

The proposed changes to the DCP and the Policy were exhibited from Friday, 6 March 2020 until Monday, 21 April 2020. A notice was published in the Muswellbrook Chronicle and letters were sent to local surveying firms and planning consultancies. No submissions were received.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The proposed amendments have been considered previously by the Development Assessment Committee and Council.

OPTIONS

Option 1

That Council adopt Muswellbrook DCP 2009, Section 25 – Stormwater Management provided in attachment A and the Muswellbrook Shire Council Rivers and Drainage Channels Policy provided in attachment B. The final documents will have tracked changes removed.

Option 2

Council may choose not to accept the proposed changes and/or to make further changes.

CONCLUSION

The community relies on access to Council policies to guide the planning and design of new development, and to make informed decisions regarding the purchase of properties and businesses.

Ongoing use of the current Section 25 of the Muswellbrook DCP 2009 - Water Management, and Council's Rivers and Drainage Channels Policy R25-1A, by Council staff and the Development Assessment Committee, has identified that they should be amended.

No submissions were received regarding the draft documents during the notification period.

SOCIAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

The maintenance of watercourses on private property is the responsibility of the property owner. If the watercourse is located within an easement for drainage, or similar, benefiting Council, then Council is likely responsible for the maintenance of and improvements to the storm water system.

Council has an existing Policy requiring the creation of easements over urban drainage channels. The changes proposed to the DCP and Policy clarify who will be responsible for the cost of creating new easements, and in the case of minor development such as carports, that will be Council.

Costs will vary on a case by case basis; however, money should be allowed in the annual budget for the need to register easements for drainage purposes.

POLICY IMPLICATIONS

Section 25 in the DCP is relatively comprehensive and includes many of the matters identified in the *Muswellbrook Shire Council Rivers and Drainage Channels Policy*. If there are inconsistencies between the Policy and *Muswellbrook DCP 2009* (as amended), the DCP will prevail.

The Policy needs to be retained as it covers operational matters and the rezoning of land.

LEGAL IMPLICATIONS

The principal purpose of a development control plan is to provide guidance to persons proposing to carry out development that requires development consent. The proposed changes to the DCP include clarification on the types of development where it is reasonable to apply the requirements of the Policy.

OPERATIONAL PLAN IMPLICATIONS

The proposed changes assist with efficient and effective development application, construction certificate and occupational certificate assessment services.

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with the exhibition of amendments to the DCP provided the requirements of the EP&A Act and Regulations are followed.

Section 25 – Water Management

25.1 Preamble

Council recognises that stormwater is a valuable resource which, when managed appropriately can contribute to the attainment of quality environments and water conservation objectives. New urban development has the potential to be designed and constructed in a way that is complementary rather than antagonistic to the natural environment and the existing built environment. With reference to stormwater this is commonly referred to as water smart development.

Water smart development, is development that is carefully designed, constructed and maintained so as to minimise impacts on the natural water cycle and the existing urban form. It is part of the contemporary trend towards more sustainable solutions that protect the environment and cost less.

Water smart development can help counteract many negative impacts of urban development on the natural water cycle. By utilising appropriate measures in the design and operation of development, it is possible to:

- Maintain and restore natural water balance
- Reduce flood risk in urban areas
- Reduce erosion of water ways slopes and banks
- Improve water quality in streams and ground water
- Make more efficient use of water resources
- Reduce cost of providing and maintaining water infrastructure
- Protect and restore aquatic and riparian ecosystems and habitats.

The intent of this section is to foster the potential for water smart development and encourage more sustainable approaches to urban design and urban water management in Muswellbrook Shire.

The following legislation and policies are relevant to development to which this section of the DCP applies:

- Water Management Act 2000
- Protection of the Environment Operations Act 1997
- The Hunter-Central Rivers Catchment Action Plan 2013-2023
- Muswellbrook Shire Council Policy – Rivers and Drainage Channels

25.1.1 Aims

The aims of this section of the DCP are to:

- Ensure stormwater is controlled in a way that minimises nuisances and damage to the adjoining properties
- Manage natural drainage lines and water bodies to sustainably protect the health of the receiving waterway.
- Mitigate pollutants from entering waterways.

- Ensure appropriate easements are provided over existing drainage systems on private property.
- Assist in the efficient use of water.

Development specific design

This DCP section has been written to ensure that water management techniques employed in any new development in Muswellbrook Shire are appropriate to the type of development. This DCP section applies to any development that requires consent other than:

- changes to existing building facades;
- minor alterations and additions to residential buildings that increase floor area by less than 10%
- advertising signs; and
- changes of use, except for a change of use that may involve the use, storage or transportation of potential contaminants/polluting substances or changes to at-grade car parking areas that are exposed to rainfall events.

25.2 ALL DEVELOPMENT GENERAL

Development has the potential to increase the impermeable area of the site and this has an impact on the quantity, quality and frequency of stormwater flowing from the site. The rapid, concentrated collection and increased volume and discharge of stormwater can contribute to nuisance localised flooding, increased soil erosion, sedimentation of water ways and destruction of aquatic eco systems. Appropriate stormwater management is essential for maintaining the amenity of urban areas and health of the environment.

The general provisions of this section apply to all development proposals, and specific information on residential, non-residential and subdivision requirements will also apply to specific development proposals.

25.2.1 Applications

Objectives

- a) To ensure that stormwater discharges do not cause poor environmental outcomes or nuisance to adjoining or neighbouring lands.

Controls

~~Site discharge controls will overflow from time to time. Poorly managed overflows can cause difficulties beyond the site. Accordingly,~~

- i) Council requires that all impervious areas be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries.
- ii) Where the site falls away from the street and an interallotment drainage line exists, overflows are to be directed to that interallotment drainage line. Otherwise, the overflow may be directed to a dispersion trench subject to favourable geotechnical conditions. Design details for dispersion trenches shall

be obtained from an appropriately qualified civil engineer and submitted with applications for approval.

- iii) Overflows from paved areas adjacent to the property boundary must be re-directed by a kerb or formed gutter or table drain to drain into an approved piped system or away from neighbouring properties in a manner that will not cause a nuisance.

A Development Application is to be accompanied by information and concept or preliminary plans demonstrating compliance with the relevant requirements of this section of the DCP.

25.2.2 Existing Drainage Systems and Easements

Objectives

- a) To ensure that appropriate long term arrangements are in place to allow for continued use, rehabilitation and maintenance of existing drainage systems

Controls

- i) Where a drainage system serving other lands property is located on the development site, that system is to be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement.
- ii) Where a drainage system that forms part of Council's urban stormwater system is located on the development site, that drainage system is to be protected by an easement, in favour of Council, in order to permit the continued use and maintenance of the system. "Council's urban stormwater system" is defined as any river, creek, drain, channel or swale channelling water within the urban areas of the Shire.
- iii) Easements shall contain terms including, but not limited to:
 - I. The occupier not obstructing the river, creek, drain channel or swale;
 - II. The occupier not running livestock within the area of the easement;
 - III. Council having the right to enter the property to undertake rehabilitation, repairs and maintenance to the site of the easement.
- iv) Registration of the Easement shall be required prior to the issue of the occupation certificate.
- iv) New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site.
- v) Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created.
- vi) Where an existing drainage system across the site is being retained, access to the existing system is not to be affected adversely impacted by the proposed development. Also, the development is to be designed so as not to degrade the structural integrity of the system. Vehicular and

pedestrian access, and vehicle parking areas, may be constructed over a drainage system or easement, however the cost of maintaining or replacing these assets, particularly if damaged during a rainfall event, will be the responsibility of the landowner.

- vii) Where an existing drainage system across the site is in the form of an open channel, and the depths or velocity of water flowing through the channel in rainfall events poses a risk to life, Council may require the open channel is to be replaced by a suitably designed piped drainage system.

25.2.3 Flooding and Runoff Regimes

Objectives

- a) To ensure that post development runoff reflects pre-development conditions
- b) To ensure that development does not result in environmental damage within existing drainage courses and receiving waters

A. Replicating Natural Conditions

Developed catchments typically give rise to large percentages of impervious areas. While there is a general perception that this creates more runoff during heavy rain events, the effect of impervious areas on drainage networks is none more pronounced than during common rainfall. Lighter rain occurs more often than intense (flood producing) rain. However this light rain does not produce runoff from pervious surfaces. On the other hand, developed areas generate significant runoff from these light rain events. Natural creek systems tend to be scoured out by this larger number of runoff events. Whole ecosystems depend on creek beds and banks to survive and in turn these ecosystems deliver positive environmental values.

Controls

- (i) Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing runoff in extended storage detention basins and discharging at greatly reduced rates.
- (ii) Alternatively, existing degraded downstream streams can be sympathetically engineered to re-establish a natural riparian eco system that can cope with the changed hydrological regime.

B. Managing peak runoff

Runoff generated by more intense rainfall needs to be managed so that there is no downstream property damage or risk to public safety.

Controls

- (i) Developments are to be designed in accordance with “Australian Rain Fall and Run off” and the NSW Floodplain Development Manual.
- (ii) Designs to be prepared in accordance with the Muswellbrook Shire Council Handbook for Drainage Design Criteria and the quality assurance requirements of AUS-SPEC are satisfied.

25.2.4 Overflow disposal

Where site discharge controls are used in accordance with this section, overflows will be discharged from those controls from time to time.

In any case, Council has a traditional role in ensuring that discharges are managed appropriately so that they do not cause excessive nuisance to others.

Objectives

- a) To ensure that stormwater discharges do not cause excessive nuisance to adjoining or neighbouring lands

Controls

- (i) Development is to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. This can be achieved by securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible.
- (ii) Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.

25.2.5 Pollutants

All litter that finds its way onto roads and into drainage systems ends up in creeks, rivers and the ocean. Litter is a continuing threat to healthy aquatic ecosystems and the visual amenity of waterways.

A number of key pollutants present a significant threat to waterways. Dissolved and absorbed pollutants and emulsified hydrocarbons can in some cases be toxic to aquatic ecosystems while nutrients can promote exotic plant growth, including toxic forms of algae. All of these represent a threat to visual amenity, aquatic ecosystems and to recreational values.

Objectives

- a) To ensure that stormwater generated from development does not result in pollution of water courses or receiving waters

Controls

- (i) Stormwater management systems are to be designed to capture and remove all litter larger than 5mm in size.
- (ii) Pollution reduction devices. The objective of pollution reduction devices e.g. Gross Pollutant Traps, is to remove contaminants such as oil, sediment and other pollutants before stormwater discharges into the receiving system beyond the site of the development. Pollution reduction devices must be installed for the following developments:
 - residential developments with more than five dwellings or new greenfield residential subdivisions
 - all commercial developments that may involve the use, storage or

transportation of potential contaminants/polluting substances or have at-grade car parking areas that are exposed to rainfall events.

- commercial developments on allotments greater than 2,000m² where the impervious area exceeds 50% of the area of the site
- all industrial developments

- (iii) The event mean concentration of specific pollutants is not to exceed that in the following table.

Pollutant	Maximum Event Mean Concentration
Sediment	100mg/L
Hydrocarbons	500ug/L
Total Nitrogen	1000ug/L
Ammonia	15ug/L
Phosphorus	100ug/L

Note 2: Council recognises that people are less likely to litter on their own dwelling site. Therefore litter traps are not required for houses and multi unit development comprising less than six dwellings.

- (iv) Pollution reduction devices are to be retrofitted to existing development where practical. Preliminary advice should be sought from Council should the applicant believe such measures are impractical.
- (v) Maintenance manuals are to be provided for stormwater management systems that include pollution reduction devices, on-site retention, bioretention rain gardens, bioretention swales, porous paving and sand filters within basins. The manual is to address maintenance issues including routine monitoring and maintenance as well as any associated components (such as vegetation, subsurface drainage, filter material, flush outs, etc.) of the system that could impact on device performance. Periodic monitoring and maintenance is to ensure the system functions as designed, and meets water quality and quantity targets as indicated in the DCP (see Table above) over the life cycle of the device. The manual is to be kept onsite

25.3 RESIDENTIAL DEVELOPMENT

Objectives

- a) For runoff from impermeable surfaces to be managed by stormwater source controls that;
- Contain frequent, low-magnitude flows,
 - Maintain the natural balance between runoff and infiltration, so as to promote appropriate groundwater, soil salinity and stream flow characteristics,
 - Remove some pollutants prior to discharge to receiving waters,
 - Prevent nuisance flows from affecting adjoining properties.

Controls

- (i) Stormwater drainage complies with AS 3500.3;
- (ii) Development applications comply with BASIX where it applies;
Further information on commencement dates and details of types of development requiring a BASIX Certificate or to produce a certificate for your proposed development go to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908;
- (iii) Gutters and down pipes are installed to collect roof water;
- (iv) Pits are installed to collect water from the low points in yards;
- (v) Down pipes and pits are to be connected to the 'discharge controls' for the site;
- (vi) The site discharge indicator for the development is at least 0.3 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator, and preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application;
- (vii) Soil and erosion plans are to be submitted in accordance with the provisions of section 20 of this DCP;
- (viii) For residential development incorporating 20 or more dwellings on the site, a comprehensive water cycle management strategy plan that responds to relevant issues and opportunities for achieving sustainable water cycle outcomes is required to be submitted with the development application; (see end of this section for requirements)
- (ix) Soil and water management plans are required to be submitted with the development application for all residential development where site disturbance is greater than 1,000m². (see end of this section for requirements)

Guidelines to refer to

Coombes,P.(2002). Water Smart Practice Note No.4 – Rainwater Tanks. LHCCREMS, Callaghan NSW.
Coombes,P.(2002). Water Smart Practice Note No.5 – Infiltration Devices. LHCCREMS, Callaghan NSW.
Donovan,I.(2003). Water Smart Practice Note No. 11 – Site Discharge Indicator. 2nd Edition.LHCCREMS, Callaghan NSW.

25.4 NON-RESIDENTIAL DEVELOPMENT

Objectives

- a) For runoff from impermeable surfaces to be managed by stormwater source controls that;
 - Contain frequent, low-magnitude flows,
 - Maintain the natural balance between runoff and infiltration, so as to promote appropriate groundwater, soil salinity and stream flow characteristics,
 - Remove some pollutants prior to discharge to receiving waters,
 - Prevent nuisance flows from affecting adjoining properties.

Controls

- (i) Stormwater drainage complies with AS 3500.3;
- (ii) Development proposals for this type of development are to demonstrate compliance with AUSPEC D5 and the Muswellbrook Shire Council Drainage Design Criteria.

- (iii) Development applications comply with BASIX where it applies; Further information on commencement dates and details of types of development requiring a BASIX Certificate or to produce a certificate for your proposed development go to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908;
- (iv) Gutters and down pipes are installed to collect roof water;
- (v) Pits are installed to collect water from the low points in yards;
- (vi) Down pipes and pits are to be connected to the 'discharge controls' for the site;
- (vii) The site discharge indicator for the development is at least 0.5 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator, and preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application;
- (viii) Soil and erosion control plans are to be submitted in accordance with the provisions of section 20 of this DCP;
 - For non-residential development incorporating facilities to accommodate or employ more than 50 staff, or that involve the use of more than 1 hectare of land for commercial, industrial or special use purposes, a comprehensive water cycle management strategy plan that responds to relevant issues and opportunities for achieving sustainable water cycle outcomes is required to be submitted with the development application; (see end of this section for requirements)
- (ix) Soil and water management plans are required to be submitted with the development application for all non-residential development where site disturbance is greater than 1,000m². (see end of this section for requirements)
- (x) Industrial development buildings are to be provided with an onsite stormwater retention tank in accordance with the following table:

Roof Area	Required Tank Size (L)
Equal or less than 500m ²	10,000
More than 500m ²	22,500

The tank is to be fitted with appropriate water purifying and hydrocarbon / pollutant separation devices to ensure that water used and entering the stormwater system is clean.

Guidelines to refer to

Coombes,P.(2002). Water Smart Practice Note No.4 – Rainwater Tanks. LHCCREMS, Callaghan NSW.
Coombes,P.(2002). Water Smart Practice Note No.5 – Infiltration Devices. LHCCREMS, Callaghan NSW.
Donovan,I.(2003). Water Smart Practice Note No. 11 – Site Discharge Indicator. 2nd Edition.LHCCREMS, Callaghan NSW.

25.5 SUBDIVISIONS

This part of the section outlines the objectives and controls that are to be used to assess development proposals for the subdivision of land.

Aims

- a) Subdivisions are to be designed, constructed and maintained so that development is undertaken in a manner that addresses the following matters;
- b) Minimises adverse impacts on the natural water cycle;
- c) Takes into account site constraints and hazards;
- d) Reduces downstream flooding and drainage impacts;

- e) Promotes more efficient use of water;
- f) Removes water-borne pollutants prior to discharge to receiving waters;
- g) Controls soil erosion during and after the construction phase.

Controls

- (i) Muswellbrook Shire Council has adopted AUS-SPEC and the Muswellbrook Shire Council Handbook of Drainage Design Criteria as the engineering design and construction standard for subdivision works and infrastructure.
- (ii) All public stormwater management assets are to be installed outside the riparian zone of creek lines.
- (iii) A comprehensive water cycle strategy is required for large lot residential, residential, commercial and industrial greenfield or infill subdivisions of 20 or more lots, unless a comprehensive water cycle strategy was undertaken as part of rezoning studies for the site, and the methodology followed for that strategy is contemporary and proven.

25.5.1 Stormwater Collection

Objectives

- a) The major – minor principle is a philosophy of stormwater drainage advocated by Engineers Australia in '*Australian Rainfall and Runoff*'. It provides for robust, fail-safe design of drainage systems. The methodology is to design surface levels so that very large (major system) 1% AEP (100 year ARI) events can flow around buildings without relying on underground pipes and that the Major drainage system design and construction;
 - retains, and where practical, restores natural water courses, native riparian vegetation, wetlands and other natural landscape features,
 - incorporates effective measures to manage and treat stormwater and maintain healthy aquatic ecosystems,
 - satisfies acceptable risk management standards for public safety and flood protection.
 - within new developments local drainage shall be designed to avoid local flooding in accordance with the aims and objectives of the NSW Floodplain Development Manual. (April 2005)
- b) Pipe (minor) systems are installed to cater for frequent surface flows up to 20% AEP (5 year ARI). This balances cost of drainage and occurrence of inundation.

Controls

- (i) Surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity;
- (ii) Drainage pits are to be installed so that nuisance water does not collect at low points;
- (iii) Gutters, down pipes and pits are to be connected to the stormwater management system for the site. Australian Standard 3500.3 sets appropriate standards for stormwater collection and is to be followed when constructing new development. AUS-SPEC provides more guidance on stormwater collection and is to be used in subdivision design;

- (iv) Public use areas satisfy relevant flood safety criteria as assessed with reference to the NSW Floodplain Development Manual;

25.6 PLANS

Erosion and sediment control strategy and plans

Sediment continues to be one of the major threats to waterways within the urban area. The construction phase of new development has the potential to generate more sediment than at any other time. Council therefore requires that appropriate erosion and sediment controls be applied during construction. Typically this means a combined strategy that manages materials handling, diversion of clean runoff around the site and filtering of dirty runoff generated by the site.

Erosion and Sediment Control Plans are required for all development as referred to in section 20 of this DCP.

Soil and Water Management Plans

Soil and water management are required for all development where site disturbance is greater than 1,000m².

Soil and water management plans usually contain a written report as well as a set of plans and are to detail the following:

- i) An assessment of the soil type, particularly its propensity to disbursement; and
- ii) An assessment of the constraints and opportunities on the site that limit the site's sediment generating potential through appropriate controls, including construction staging and timing; and
- iii) How upstream 'clean' water is diverted around the site using catch drains; and
- iv) How runoff generated within the site is intercepted to stop sediment leaving the site utilising sediment basins and flocculation if required; and
- v) How materials and waste are going to be managed on the site in order to eliminate their sediment generation potential; and
- iv) What specific maintenance requirements are applicable to the relevant controls.

Soil and Water Management plans are to comply with the Department of Housing's *'Managing Urban Stormwater: Soils and Construction'* (the "Blue Book").

Comprehensive Water Cycle Strategy Plans

A comprehensive water cycle strategy is the investigation of hydrological issues affecting the feasibility, performance, sustainability and implementation of development, and which considers or identifies:

- Relevant goals for water quality, natural water balance, water efficiency, vegetation conservation, flood risk management and erosion and sedimentation

- control (these should be consistent with goals contained in water management plans, catchment blueprint, stormwater management plan, and integrated water cycle management plan.)
- Design principles and management measures that are to be applied so as to meet relevant performance goals, including:
 - Proposed measures to manage site constraints and hazards such as flooding, slope stability, reactive soils, coastal hazards, erosion hazard, salinity, and land contamination,
 - Proposed measures to manage vegetation cover and dependent ecosystems such as wetlands and riparian corridors.
 - Proposed measures to manage water quality, flooding, stream flow, groundwater, soil salinity and water consumption.
 - A development strategy and infrastructure program that integrates water supply, sewerage, drainage, wastewater treatment and reuse, water quality control, flood risk management, open space provision and ecological protection issues.
 - Developer contribution arrangements.
 - A program for monitoring achievement of performance goals,
 - A maintenance schedule for stormwater source controls, with details of responsibilities and proposed enforcement mechanisms (such as covenants), Proposed educational, economic and community initiatives to minimise adverse impacts on the water cycle.

The following page no. is 26-1

Rivers and Drainage Channels Policy

TBA

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Policy Objective

Muswellbrook Shire Council is committed to ensuring the responsible and orderly management of rivers and urban drainage systems throughout the Shire and so enhance and improve them with respect to:

- a) natural environmental values;
- b) aquatic fauna habitat;
- c) water quality or availability;
- d) drainage and flood risk management;
- e) maintainability;
- f) accessibility; and
- g) visual amenity.

Risks being addressed

To manage riparian corridors adjacent to rivers (including adjacent levees) and urban drainage systems in order to achieve better environmental outcomes, in a financially sustainable manner, and the safety of the community.

Scope

The policy applies to development in the areas of the Shire which impact upon, adjoins or crosses rivers and urban drainage systems. It defines Council's obligations and expectations about maintenance, improvements and rehabilitation of rivers including urban drainage systems.

Definitions

For the purpose of this policy a river has the same meaning as in the Water Management Act 2000, being

“river includes:

- (a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and*
- (b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows, and*
- (c) anything declared by the regulations to be a river,*

whether or not it also forms part of a lake or estuary, but does not include anything declared by the regulations not to be a river.”

“urban drainage systems” shall mean any channel, drain or open swale channelling water, (including intermittent channels) including but not limited to Muscle Creek, Possum Gully, the Lorne Street Catchment and Sandy Creek.

Policy Statement

1. THE ROLE OF RIPARIAN CORRIDORS

A riparian corridor forms a transition zone between the land, also known as the terrestrial environment, and the river. Riparian corridors perform a range of important environmental functions such as:

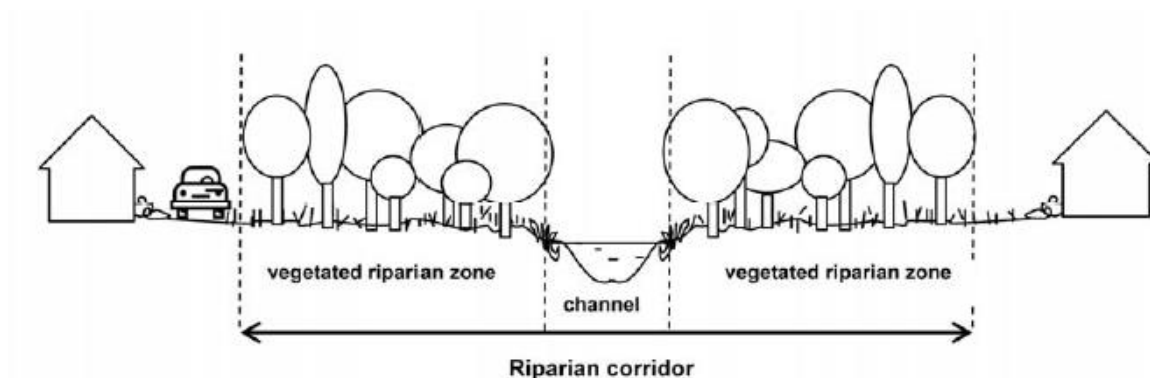
- providing bed and bank stability and reducing bank and channel erosion
- protecting water quality by trapping sediment, nutrients and other contaminants
- providing diversity of habitat for terrestrial, riparian and aquatic plants (flora) and animals (fauna)
- providing connectivity between wildlife habitats
- conveying flood flows and controlling the direction of flood flows
- providing an interface or buffer between developments and waterways
- providing passive recreational uses.

The protection, restoration or rehabilitation of vegetated riparian corridors is important for maintaining or improving the shape, stability (or geomorphic form) and ecological functions of a river.

The riparian corridor consists of:

- the channel which comprises the bed and banks of the river (to the highest bank) and
- the vegetated riparian zone (VRZ) adjoining the channel.

Figure 1 - Vegetated Riparian Zones (VRZ)



The NSW Officer of Water recommends a VRZ width based on an order as classified under the Strahler System of ordering rivers and using current 1:25 000 topographic maps (see Figure 2 and Table 1). The width of the VRZ should be measured from the top of the highest bank on both sides of the river.

Figure 2 The Strahler System

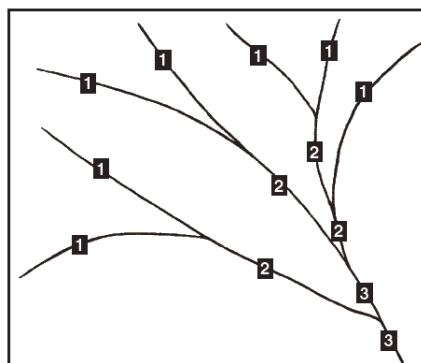


Table 1 Vegetated Riparian Zones

Types of Rivers	VRZ Width (Each side of river) for R1, R5, RU5, B2 and B5.	VRZ Width (each side of river) for RU1, RU3 and E3
Any fourth order ¹ river or greater including Hunter River Goulburn River	20 metres	40m + channel width
Any other river	12 metres	40m + channel width
an urban drainage system	3 metres	N/A

¹ As classified under the Strahler System of ordering rivers.

2. REQUIREMENTS FOR DEVELOPMENT ON LAND ADJACENT TO RIVERS AND WITHIN THE RIPARIAN VEGETATED ZONE

- 2.1. Rivers must be maintained in as natural a state as is feasible, including the maintenance of riparian vegetation and habitat.
- 2.2. Where a development is associated with, or will affect a river, rehabilitation must occur to return that river, as much as possible, to a natural state.
- 2.3. Stormwater must be managed to minimise nutrient and sediment run-off entering constructed drainage lines or rivers.
- 2.4. Development within a Vegetated Riparian Zone (VRZ), as shown in Figure-Table 1 – Vegetated Riparian Zones VRZ Zones, should be avoided where possible to retain its ecological processes. Where development is unavoidable within the VRZ, it must be demonstrated that potential impacts on water quality, aquatic habitat, and riparian vegetation will be negligible and can be managed effectively.
- 2.5. A Plan of Management must be submitted in accordance with State Government guidelines for development proposed within a VRZ.
- 2.6. Bushfire Asset Protection Zones must not be located within the Vegetated Riparian Zones.
- 2.7. Suitable public and/or Council access is to be provided for maintenance of the riparian corridor.
- 2.8. Where the riparian corridor or drainage reserve is to be in public ownership, the development is to be planned such that there are suitably sized interfaces between the corridor and a public road or public reserve. These interfaces, and any other points of access shall be provided with suitable vehicle barriers and heavy duty locked gates to control unauthorised vehicular access.
- 2.9. The riparian corridor or drainage reserve shall be connected to other reserve and natural areas in an approved manner that facilitates vegetated corridors of suitable habitat.

2.10 Development within the VRZ of the Hunter or Goulburn Rivers, or a fourth order river, together with the environmental assessment the following must be accompanied by:

- Detailed contour survey of the river that extends sufficiently across the land and immediate upstream and downstream reaches and any lateral tributaries or drainage connections;
- Confirmation of the tenure of the land and river;
- Flood risk impact assessment by a suitably qualified engineer, including either detailed reference to an adopted formal flood study, floodplain risk management plan; OR provision of an adequate level of flood analysis and flood risk analysis by original work to a standard acceptable to Council;
- Review of existing vegetation of the river that extends sufficiently across the land and immediate upstream and downstream reaches and a statement addressing improvements or enhancements to be gained by the application; and
- Review of existing interventions in the river that extends sufficiently across the land and immediate upstream and downstream reaches; for example: bed and bank works, buildings, retaining walls, fences, cut and fill works, drainage connections, services crossings, etc; and a statement about how the river is to be improved or enhanced by the application.

3. GUIDELINES FOR DEVELOPMENT ASSESSMENT

3.1 The following may require development consent from Council, including any necessary Controlled Activity Approval from the NSW Office of Water or a Dredging Permit from Fisheries NSW as required:

- the removal of trees or vegetation;
- any works in locations that contain threatened species, or threatened ecological communities, or their habitats as listed under the ~~Threatened Species conservation Act 1995~~ *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*, or in Key Fish Habitat as mapped by Fisheries NSW; and
- works, including excavation, scour protection and engineered bed or bank stabilisation works.

In most instances, waterfront land and river activities will require a Controlled Activity Approval (CAA) pursuant to the *Water Management Act (WMA) 2000*.

3.2 Where the requirement for referral to the NSW Office of Water is not triggered, similar principles will be followed along a given river, or where relevant, adapted from those applied in similar situations; or apply standard consistent conditions to similar applications. For example requirements for waterway and vegetation restoration and improvement works to an approved design, and requirements for a waterway maintenance plan with a suitable bond held for an establishment period of at least two years.

3.3 In some instances waterfront land and river activities may require a permit under s.90 of the National Parks and Wildlife Act 1974 where the works may affect Aboriginal heritage.

3.4 Development assessment will also include:

- assessment of the flood information either by a suitably qualified council engineer, or a council appointed independent expert engineer.
- Assessment of flood risk;
- assessment of all the applicable waterway requirements in terms of: capacity, depth and velocity and potential impacts upstream and downstream, bed and bank stabilisation

requirements, ~~appropriate vegetation~~; water quality requirements, treatment of crossings and service crossings, maintainability, access, fencing, need for easements etc.

- Reference to the New South Wales Publication Planning for Bushfire Protection 2019 to avoid creating fire risks within Asset Protection Zones.

4 GUIDELINES FOR REZONING PROPOSALS

The following section applies to future rezoning requests/planning proposals. Council considers that identification of rivers, drainage channels and riparian vegetation is a critical component of early stage in the land use planning process, and requires proponents to ensure that protecting and maintaining of rivers and drainage channels will be one of the factors to be considered in the preparation of overall stormwater management strategy for greenfield sites. The Planning proposal should:

- i. Identify existing rivers and ~~urban drainage systems~~.
- ii. Determine appropriate riparian corridor width, in accordance with Table 1 of this Policy.
- iii. Take into consideration riparian vegetation connectivity and potential opportunities for future connectivity of riparian vegetation
- iv. Incorporate identified rivers, urban drainage systems and associated riparian zones into a concept plan
- v. Recognise potential social, economic and environmental benefits and potential land use activities within identified areas (i.e. easements, passive recreational areas)

5 OWNERSHIP OF RIVERS AND URBAN DRAINAGE SYSTEMS

Wherever possible rivers (including adjacent levees) and urban drainage systems are to be publicly accessible. Wherever possible easements for access and drainage must be created to the benefit of Council.

Council will consider the transfer of ownership to Council ~~of the applicable VZR~~ of the river (including adjacent levees) or urban drainage system ~~only~~ in circumstances where the outcomes of this policy will only be achieved through that dedication. Transfer will only be agreed to following rehabilitation of the river (including adjacent levees) and/or urban drainage system to a standard agreed to by Council. Transfer will only be agreed to at a nil cost to Council.

6 EASEMENTS AND RESTRICTIONS AS TO USER

Easements and restrictions as to user ~~will be required within the urban areas of the Shire, depending on the extent to which access to Council assets is required and to ensure minimisation of the risk to urban drainage and flooding.~~

~~Easements~~ Drainage easements are generally for the purpose of:

- (a) protecting Council's assets and other property from damage and to prevent injury;
- (b) ensure access to Council's works for operations, maintenance ~~and rehabilitation~~;
- (c) alert owners of property that pipe work and/or other infrastructure is on their property and that special conditions apply; and

- (d) to facilitate construction and limit the future use of the land in a particular way so as to satisfy the above.

Where rivers are predominantly functioning as an integral part of an urban drainage system, (such as Possum Gully), easements to drain water in favour of council will be required for all new development. The size and alignment is to be guided by a stormwater/flood study should one exist, or by an assessment by Council's engineer based on the assessment of the application. Generally, it will involve at least the 'floodway area' as defined in the Floodplain Development Manual; however, in some instances additional lands may be required for riparian management reasons, and or maintenance/access considerations. Depending on location, easement for access may also be required.

Restrictions as to user may also be required to:

- a) control floor levels;
- b) impose flood plain risk management options;
- c) Impose conditions associated with land and waterway management to enhance flood plain risk management options.

In the case of rivers ~~that are predominantly draining large~~ in rural and natural catchments beyond the urban areas, ~~but which do receive a small proportion of flow from urban runoff, including Denman Creek, Muscle Creek, and the Hunter River,~~ easements to drain water in favour of Council will not be required over the river, but may be required over any lateral drainage systems. The size and alignment is to be guided by a stormwater study should one exist or an assessment by councils engineer based on the assessment of the application.

Depending on location, easements for access for rivercare, waterway and land management activities may also be required.

Where development, other than subdivision, is proposed in the R1, R5, RU5, B2 and B5 zones, and where the development cost is less than \$50,000, Council shall pay the reasonable costs of the Applicant for:

- a) Surveying costs;
- b) Legal fees;
- c) Mortgagee consent fees; and
- d) Registration fees;

For the creation and registration of the easement.

7 MAINTENANCE REQUIREMENTS

This policy recognises that rivers (including adjacent levees) and urban drainage systems and their associated vegetation should be left in as ~~undisturbed~~ **natural** a state as possible, unless extraordinary circumstances apply. Notwithstanding this, Council recognises that there are instances in which the condition of rivers may deteriorate as a result of inappropriate development, erosion and/or sedimentation, overgrowth with weeds or dumping or accumulation of rubbish. In such cases, it is recognised that maintenance and/or rehabilitation of these waterways may be required.

7.1 Drainage Easements

Council is responsible for the maintenance of all of its structures within private property where Council has acquired a drainage easement on such property.

7.2 Rivers

It is important that river and riparian areas are maintained by the landowner to the extent reasonably practical. Rivers form a valuable component of the environment and should be sensitively and effectively managed. A well-managed river also has high aesthetic values and provides valuable habitat.

In general, only minor maintenance activities are permitted. Such activities should occur with care and consideration of the physical and ecological integrity of the river and in accordance with relevant environmental legislation and guidelines.

Major maintenance work i.e. excavation, filling, diversion, scour protection, improvements etc., will require development consent including the necessary approvals from state government agencies under the Water Management Act 2000, the Fisheries Management Act 1994 and possibly the National Parks and Wildlife Act 1974.

Council will address significant incidences of bank and bed erosion/scour/siltation, if this damage is a direct result of Council's actions.

Easements, where required, are intended to give Council rights to drain water, install or maintain infrastructure, or intervene in land management matters that potentially impact on the ~~viability~~ health of the river. The easement is not intended to imply that Council will maintain the vegetation or fencing, etc.

8 FENCING REQUIREMENTS

~~It is important that the river is maintained and utilised by the landowner to the extent reasonably practical.~~ Fencing of private land along a river forms an interface between the built and natural environment and should be sensitively managed.

To this end the fencing shall achieve the following objectives:

- a) Lateral fencing shall allow for unimpeded passage of stormwater flows and floodwaters, and for overland flow to the river. Consideration of the risk associated with the fencing in respect to things like debris loadings, and potential to cause downstream issues if washed away;
- b) Longitudinal fencing along the easement or riparian zones shall be see-through and permeable and incorporate suitable gates to allow maintenance access.

9 APPLICATIONS OR REQUESTS FOR IMPROVEMENTS OR REHABILITATION

9.1 Within Drainage Easements

All requests for ~~improvements~~ **works** in Council drainage easements, within private property, are to be received and assessed as to whether the work is of net benefit to the community and the environment and prioritised according to budget constraints. If Council is to contribute to the works, the property owner must contribute at least one-half of the cost of the work.

If the work is required to facilitate the development of the land, then the works, if approved, will be at the owner's full cost.

9.2 Within Rivers and Riparian Corridors

Owners wishing to ~~make improvements or to rehabilitate~~ **undertake works in** rivers and or riparian corridors ~~in private property~~ are responsible for arranging and carrying out the work at their own cost.

The owner will need to obtain ~~development consent from Council, including the necessary~~ approvals from state government authorities under the Water Management Act 2000 and the Fisheries Management Act 1994.

Council may determine that an easement in favour of Council should be created over the ~~improved~~ riparian corridor and/or river in order to ensure drainage of a public road, in which case granting of the easement should be at no cost to Council.

9.3 Inter-allotment Drainage Easements (Benefiting private property owners)

In most cases all maintenance, improvements and rehabilitation works to drains in inter-allotment drainage easements within private property are the responsibility of property owners and users of the easement. These drains are usually 'private' drains and do not belong to Council. There are a few exceptions to this where the inter-allotment drainage easements benefit Council by enabling the drainage of public land. ~~In these cases the drain is in the ownership of Council.~~

If there is a problem, i.e. damaged or defective pipes or flooding to a lower property, Council (under Section 124 of the Local Government Act 1993) may direct the owners and users of the drain to undertake repairs or maintenance.

9.4 Within Public Reserves, Drainage Reserves, Public Road Reserves or Council owned land

- (a) Maintenance – Council is responsible for maintenance of rivers and drainage channels in council-managed public land.
- (b) Improvements and Rehabilitation – All requests for improvements and rehabilitation will be assessed to determine desirability, prioritised according to budget constraints, and considered for allocations of funds in Council's Works Programs.

10 UNAPPROVED DRAINAGE WORKS

Property owners are required to accept natural flows from adjoining properties and control and dispose of flows properly.

10.1 Unapproved Drainage Works on Council Land

If unapproved drainage works are carried out on Council land, Council may remove the works and recover costs from the owner that carried out the work.

10.2 Unapproved Drainage Works on Private Land.

- (a) If new unapproved drainage works are carried out on private land, Council may require the owner to remove the works at the owner's expense.

- (b) Maintenance – Council will not maintain unapproved drainage infrastructure located on private owned land.

Delegations

Nil

Legislation

Local Government Act, 1993

Environmental Planning and Assessment Act, 1979

Biodiversity Conservation Act 2016

Fisheries Management Act 1994

Water Management Act 2000

Conveyancing Act 1919

References

Nil

Dispute Resolution

Processes as set out in the Environmental Planning and Assessment Act 1979, the Local Government Act 1993

Associated Council Documentation

Muswellbrook Urban Riparian Landcare Master Plan 2018

Muswellbrook Floodplain Risk Management Management Study and Plan 2019

Attachments, procedures and guidelines

Floodplain Development Manual (NSW Government)

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	
Department:	Environmental and Planning Services
Document Owner:	Sharon Pope

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made

10.3 AMENDMENT OF DELEGATIONS - GENERAL MANAGER AND DEVELOPMENT ASSESSMENT COMMITTEE

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

PURPOSE

The purpose of this report is to amend the Delegation of Authority to General Manager and the Development Assessment Committee under Section 377 *Local Government Act 1993*, in relation to the determination of certain matters under the *Environmental Planning and Assessment Act 1979*.

A large number of applications currently referred to the Development Assessment Committee (DAC) for determination relate to properties that contain an urban waterway. Council has recently approved changes to policies on the management of urban waterways. A change to the delegations would allow compliant development proposals to be determined by staff with less need for additional reporting.

Several other minor changes are also proposed to allow staff to determine low impact development proposals and to clarify when proposals require approval by the Committee or Council.

OFFICER'S RECOMMENDATION

Council resolves to amend:

- A. The Delegation of Authority to General Manager to determine matters under the Environmental Planning and Assessment Act 1979 as provided in attachment A; and
- B. The Delegation of Authority to the Development Assessment Committee to determine matters under the Environmental Planning and Assessment Act 1979 as provided in attachment B.

Moved: _____ Seconded: _____

BACKGROUND

Changes were made to the General Manager's delegations in November 2018 and again in November 2019, reflecting that several informal policies needed to be reviewed and adopted to provide staff and the community with guidance on acceptable forms of development, particularly near urban waterways. The delegations also sought to delineate those proposals that should be determined by the Development Assessment Committee (DAC) or by Council.

CONSULTATION

General Manager

Manager - Integrated Planning, Risk & Governance

Development Coordinator

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The proposal to amend the Delegation has been discussed with the Mayor, Cr Woodruff and Cr Scholes at a Development Assessment Committee meeting in April 2020.

REPORT

Changes to Section 25 of the Muswellbrook Shire Council DCP 2009, and changes to the Rivers and Drainage channels Policy have recently been prepared and provide clear guidance for consideration of development applications adjoining urban drainage systems. As many applications that have been considered by DAC over the past twelve months have related to development near a waterway, an adjustment to the delegations would enable staff to determine compliant development with less need for additional reporting.

There have been several applications in the past twelve months that have highlighted that the current delegations require some development proposals with minimal environmental impact to be determined by DAC or Council. And yet, the standard practice of referring applications for Restricted Premises, or which received a number of objections during the notification period, to Council for determination, is not currently captured in the delegations.

The proposed changes to the delegations of the General Manger are shown in attachment A, and the delegations for DAC in attachment B. Strikethrough and grey highlight have been used to show deletions and additions.

OPTIONS

Option 1

That Council modify the Delegation of Authority to General Manager, as provided in attachment A, and the Delegation of Authority to the Development Assessment Committee as provided in attachment B. This is the preferred option as it will result in fewer minor applications being referred to DAC for determination. This could improve processing times for some application by 15 days

Option 2

Councillors may elect to continue the present arrangements.

CONCLUSION

The proposed amendment will allow for compliant development applications alongside waterways to be determined by the General Manager and Planning Staff. The changes also refine the delegations to ensure that development with minor environmental impact can be determined by staff, but to also capture current practices regarding Restricted Premises and applications that receive objections during the notification process.

SOCIAL IMPLICATIONS

No known social implications.

FINANCIAL IMPLICATIONS

No financial implications

POLICY IMPLICATIONS

There are no known policy implications.

STATUTORY IMPLICATIONS

The establishment of delegation of determinative powers under the *Environmental Planning and Assessment Act* 1979 is consistent with the *Local Government Act* 1993.

LEGAL IMPLICATIONS

There are no known legal implications.

OPERATIONAL PLAN IMPLICATIONS

There are no known Operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with the delegation of this planning power provided the requirements of the EP&A Act and Regulations are followed.



muswellbrook shire council

DELEGATION OF AUTHORITY TO GENERAL MANAGER

SECTION 377 LOCAL GOVERNMENT ACT 1993

Muswellbrook Shire Council:

- A. recognises that certain functions are conferred on the General Manager by the provisions of the Local Government Act 1993; and
- B. delegates, pursuant to section 377 of the Local Government Act 1993, to the person holding the position of General Manager (and to the person acting in that position from time-to-time), the functions, powers, authorities and duties of the Council contained in the legislation and matters specified in Schedule 1, subject to the limitations specified in Schedule 2.

This delegation commences on ~~26 November, 2019~~ 27 May 2020 and will remain in force until otherwise revised or revoked by resolution of Council in accordance with the Local Government Act 1993 (as amended).

SCHEDULE 1

- 1. The functions of the Council under:
 - (i) the Local Government Act 1993 and regulations made thereunder;
 - (ii) the Environmental Planning and Assessment Act 1979 including:
 - (a) Section 4.55(1) of the Environmental Planning and Assessment Act 1979 (modifications involving a minor error, mis-description or miscalculation); and
 - (b) Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (modifications involving minimal environmental impact). ;
 - (iii) All other legislation (including regulations, statutory rules and the like made thereunder) under which Council has powers, authorities, duties and functions, subject to section 381 of the Local Government Act 1993 (as amended).

SCHEDULE 2

- 1. Council may by resolution direct the General Manager in the exercise of any function, power, duty or authority herein delegated.
- 2. The General Manager shall exercise these delegations in accordance with and subject to:
 - (i) The provisions of the Local Government Act 1993 (as amended); and

- (ii) All policies of the Council adopted by resolution and current at the time of the exercise of these delegations.

3. Except where Council by special resolution provides otherwise, the delegation to determine matters under the Environmental Planning and Assessment Act 1979:

- (i) in which the capital investment value of the development specified in the development application exceeds ~~\$750,000~~ \$1,000,000 or

- (ii) which are for, or in any way related to:

- (a) restricted premises;
- (b) food and drink premises used for, or proposed to be used for, the sale of alcohol, but not including modification or alterations that will not increase the floor area or increase the trading hours of the premises;
- (c) electricity generating works;
- (d) mines and extractive industries, but not including businesses proposed on land zoned R1, R2, R5, B1, B2, B3, B4, B5, IN1 or IN2 that support mining and extractive industries;
- (e) waste disposal facility;
- (f) subdivisions into more than five lots;
- (g) works alongside or adjoining any river or urban drainage system

_____ (excluding any waterway outside the urban areas of Muswellbrook, Denman and Sandy Hollow) that anticipate non-compliance with Section 25 of Muswellbrook DCP 2009 or Council's Rivers and Drainage Channels Policy.

- (iii) which anticipate any non-compliance with any development standard in Part 4 of the Muswellbrook Local Environmental Plan 2009 (or any equivalent LEP applicable to the Muswellbrook Local Government Area);

- (iv) which have received more than one objection during the notification process; or

- (v) where the determination has been delegated to the Development Assessment Committee.

Note:

- For the avoidance of doubt and except where the context otherwise requires, terms used in this clause 3, Schedule 2 have the meanings ascribed to them in the Environmental Planning and Assessment Act 1979 and regulations and statutory instruments made thereunder (as amended) if they are defined.

END OF DELEGATION

27 May 2020

DELEGATION OF AUTHORITY TO DEVELOPMENT ASSESSMENT COMMITTEE

SECTION 377 LOCAL GOVERNMENT ACT 1993

Muswellbrook Shire Council delegates the following functions to the Development Assessment Committee:

1. The determination of development applications and modifications under the Environmental Planning and Assessment Act 1979 not otherwise delegated to the General Manager except where:
 - a) the development application is for, or in any way related to:
 - I. restricted premises;
 - II. food and drink premises used for, or proposed to be used for, the sale of alcohol, but not including modification or alterations that will not increase the floor area or increase the trading hours of the premises;
 - III. electricity generating works;
 - IV. mines and extractive industries but not including businesses proposed on land zoned R1, R2, R5, B1, B2, B3, B4, B5, IN1 or IN2 that support mining and extractive industries;
 - V. a waste disposal facility; or
 - VI. subdivisions into more than ten lots; or
 - b) the capital investment value of the development specified in the development application exceeds ~~\$2,000,000~~ \$3,000,000; or
 - c) Council received more than two objections during the notification process;
2. The determination of any development applications and modifications under the Environmental Planning and Assessment Act 1979 otherwise delegated to the General Manager, which the Development Assessment Committee, by resolution, elects to determine.
3. The determination of any development applications and modifications under the Environmental Planning and Assessment Act 1979 referred to the Development Assessment Committee by Council resolution.

10.4 COUNCIL OPTIONS UNDER THE NSW BIODIVERSITY OFFSETS SCHEME

Attachments:	Nil
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Ziggy Andersons - Ecologist and Sustainability Team Leader
Community Plan Issue:	<i>Enhance native vegetation connectivity across the Upper Hunter</i>
Community Plan Goal:	<i>Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.</i>
Community Plan Strategy:	<i>Conduct community engagement and education program that encourage native vegetation connectivity across the Upper Hunter.</i>

PURPOSE

The purpose of this report is to provide information to Council to address the Operational Plan Action 14.2.1 – Investigate offsetting options for Council under the NSW Biodiversity Offset Scheme.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

Background

The 2019-20 Operational Plan requires staff to provide Council with a report regarding possible biodiversity offset options under the NSW Biodiversity Offset Scheme.

To prepare this report, Council's Ecologist has:

1. Undertaken a preliminary investigation of council owned land and its potential suitability for establishing a Stewardship Agreement;
2. Reviewed public registers provided by the Biodiversity Conservation Trust who administer the Conservation Agreements and Biodiversity Conservation Fund as it relates to the Biodiversity Offset Scheme (BOS); and
3. Reviewed state significant development applications to ensure they adequately determine their credit obligations and advocating for them to commit to sourcing their offsets locally.

REPORT

Biodiversity Offset Scheme (BOS)

Under the current Biodiversity Conservation Act 2016 (BC Act), offsets areas are required when a development triggers entry into the Biodiversity Offset Scheme (all State Significant Developments automatically trigger entry). The development generates biodiversity credits which are calculated using

the Biodiversity Assessment Methodology (BAM). The number of credits required to offset a development is determined by the scale and significance of the impact. The developers must then:

- source credits from the open market,
- establish an offset site using a Stewardship Agreement and retire the relevant credits, or
- pay into the Biodiversity Conservation Fund (BCF).

Conservation Agreements, Covenants, and conditioned commitments are no longer allowable for securing offsets. Stewardship Agreements are the only mechanism that can be used to secure offsets for consents approved since commencement of the BC Act.

In relation to Councils rates, Stewardship Agreement sites do not incur rate exemptions.

There is quite a bit of detail regarding the Biodiversity Offset Scheme and the opportunities and processes for landowners to benefit from the scheme.

- For information on the scheme as a whole <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme>
- For Landowners wishing to understand what the process is for entering into the scheme <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity/biodiversity-offsets-scheme/how-it-works#landholders>
- For an indication of opportunities provided by the Biodiversity Conservation Trust (BCT) <https://www.bct.nsw.gov.au/cards/sell-biodiversity-credits-under-your-bsa>

The Biodiversity Offset Scheme (BOS) credit market under the BC Act 2016 is still in its infancy. In addition, each property is unique and will have different potential credit yield and management costs. Therefore, a clear picture of what returns (credit and financial) could be generated on a particular parcel of land is not available without going through the relatively lengthy and expensive assessment process.

Issues with the Current Scheme

The pricing model used to calculate the cost for developers to pay into the BCF has a fundamental flaw. The consequence of the flaw is that it has resulted in an approximate halving of the prices to offset an impact as well as the returns to landowners per hectare compared to the old BioBanking scheme that was in force under the Threatened Species and Conservation Act.

The pricing model used credit prices as traded under the BioBanking scheme but did not allow for the difference in credit yields between the old and the new methodologies. The old BioBanking scheme generated on average 9.4 credits per hectare, the new Biodiversity Offset Scheme generates on average 5 credits per hectare.

The Ecological Consultants of Australia (ECA) sent a letter to the Department of Planning Industry and Environment (DPIE) and the BCT to highlight that the reduced financial yield was impacting on the uptake of the scheme by landowners. The BCT responded and confirmed that the reason for the reduced financial yield per hectare was due to the pricing model not allowing for a difference in the credit yields of the two methodologies. Despite this, DPIE has left credit pricing within the BCF unchanged.

In the majority of cases it is cheaper for developers to pay into the BCF than establish their own stewardship sites or source credits from the open market. The second is that the BCT has to purchase credits as part of their role to source credits with payments made into the BCF at a per hectare rate much lower than what the market had previously been trading them for.

Opportunities to Landowners under the BOS

Current local Development Applications and State Significant Developments within the region and LGA have established demand for the credit types that can be generated by landowners within the Muswellbrook Shire. The Maxwell Underground project alone would result in approximately \$7.5 million dollars' worth of opportunities to landowners within Muswellbrook LGA if the applicant chooses to pay into the BCF.

Based on the previous BioBanking scheme, credits were selling for approximately \$2,400 per credit. Under the same scheme on average 9.4 credits were generated per hectare, and the one-off

management fund contribution (Part A) was approximately \$1,500 per hectare. This equated to an up-front payment of approximately \$21,000 per hectare going to the landowner (Part B) plus an annual in perpetuity payment to manage the offset areas once all credits were sold.

To date, based on a limited number of applications, the new scheme is generating on average only 5 credits per hectare. This means that based on the average price to pay into the BCF per credit the landowner would be receiving \$9,100 per hectare compared to the \$21,000 generated under the old scheme.

Establishing a stewardship site is expensive for landowners (approx. \$30k), with the potential financial returns not clearly understood until the Biodiversity Stewardship Agreement assessment process has been completed. Nonetheless, anecdotal evidence is suggesting that under the new scheme, from a financial viability perspective, 40-100 hectares is the minimum size that is financially viable for a developer to establish their own Stewardship Agreement, though there is no minimum area for a Stewardship Agreement.

Council Opportunities and Potential Role in BOS

Based on this preliminary investigation it was determined that Council does not control or own properties large enough to justify the expense to establish a Stewardship Agreement, nor does it have sites with sufficient biodiversity values to generate enough credits to cover the cost of establishing a Stewardship Agreement and generate financial returns.

Council could increase the likelihood that the Muswellbrook shire would benefit from the development in the region by:

1. Investigating and purchasing strategic parcels of land, placing them under stewardship agreements, and then selling the credits and property to recover costs (and potentially generate financial returns) like the Revolving Fund model already used by the BCT.
2. Assisting landowners to determine whether their property was suitable and financially viable for entry into the scheme. One way would be to pay a consultant to update existing State Vegetation Mapping covering the Upper Hunter area to align with current Plant Community Types so that it would be easier for landowners to complete Expressions of Interest (EOI). Another option would be to provide interest free loans to assist with landowners establishing Stewardship Agreements, however the BCT is already exploring this option.
3. Completing a Shire-wide Biodiversity Offset Strategy identifying plant community types, potential threatened species habitat, and locations and corridors that meet council's conservation objectives. The BCT has indicated that they would use a council endorsed Biodiversity Offset Strategy to help inform where they prioritise targeted landowner engagement for entry into the scheme, it would assist landowners with applying for the pending interest free loan scheme to be offered by the BCT, and would also assist landowners with developing EOIs for entry into the scheme.

This third option has additional benefits for decision making by Council and agencies, and consequently, is the preferred option. Council staff will scope the project in the 2020-2021 FY and identify what funding may be required in future years to complete a Shire-wide Biodiversity Offset Strategy.

11 COMMUNITY INFRASTRUCTURE

11.1 MT PLEASANT EXTENSION OF S.138 PERMITS FOR SKIPPENS ROAD AND ROSEBROOK LANE

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 request the extension of s138 Road Permits for Skippens Road and Rosebrook Lane.

OFFICER'S RECOMMENDATION

1. Council delegates to the General Manager authority to extend the s.138 Road Permits for Skippens Road (2018-0072) and Rosebrook Lane (2019-0066) for a 12 month period to 1 April 2021.
2. Council negotiates the closure and sale of Skippens Road and Rosebrook Lane within the timeframe of the twelve month extension of the s138 road permit.

Moved: _____ Seconded: _____

BACKGROUND

Council has previously approved road opening permits for MACH Energy, being:

- Skippens Road permit 2018-0072 for the construction of the private 22 KV power line; and
- Rosebrook Lane permit 2019-0066 for the construction and operation of mine works within Rosebrook Lane.

The works have been undertaken and the infrastructure is in place.

CONSULTATION

Original s138 Road Permits have been previously reported to Council and approved.

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 s138 permits were obtained for the purposes of allowing enabling works to be undertaken on the road reserves, however the consent period of the permits has now lapsed. The applicant has requested for the permits to be extended until the proposed road closures for both roads can be considered. Currently the road closure applications for both roads are being held in abeyance until the Mine Affected Road Network Plan is reviewed and updated.

At the 27 August 2019 Ordinary meeting of Council it was resolved that Council reconsiders the closure and sale of Skippens Lane and Rosebrook Lane following adoption of the reviewed and updated Mine Affected Roads Network Plan (MARNP). MACH Energy has requested a 12 month extension of the road permits to ensure the works are secured and that members of the public are prevented from accessing the roads.

OPTIONS

Council could approve or not approve the extension of the s. 138 Road Permits 2018-0072 and 2019-0066 to ensure the works are secured and that the public are prevented from accessing the roads.

CONCLUSION

It is recommended that the Road permits 2018-0072 and 2019-066 be extended for a period of 12 months to 1 April 2021.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

Council will negotiate the closure and sale of Skippens Road and Rosebrook Lane within the twelve month timeframe of the extended s138 permits.

All costs associated with a s138 permit will be borne by the applicant.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

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

Public access to these road reserves would be a risk. The applicant under the General Conditions of the current permits is to carry insurance to indemnify Council should any incident be identified related to the approval. Extending the s138 permits will extend this period of insurance.

11.2 MT PLEASANT MOD 4 RAIL LOOP - S138 ROAD OPENING

Attachments:	A. MACH Energy Mod 4 Rail Bridge over Wybong Overton Roads (Rev 1) B. MACH Energy Draft Special Conditions Rail Loop Mod 4 C. Table 1 Construction and Permanent Access Gates
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 advise Council of the receipt of an application for an s. 138 Roads Act 1993 approval by MACH Energy Australia Pty Ltd for the Mount Pleasant Operations Modification 4: Stage 2 Rail Loop works within the road reserves of Wybong Road, Skippens Road, Overton Road and Logues Lane, and recommend approval with conditions.

OFFICER'S RECOMMENDATION

- Council delegates to the General Manager authority to sign the S.138 Roads Act 1993 approval generally in accordance with the draft Special Conditions set out in the report**
- The Consent be provisional on a suitable form of security to be agreed with the General Manager prior to the commencement of construction of the mine owned asset infrastructure within Council road reserves and the use of Council road reserves to access construction sites.**
- As outlined in the draft Special Conditions, insurance, detailed design and Traffic Management Plans are to be submitted and certified by suitably qualified consultants and accepted by the General Manager.**

Moved: _____ **Seconded:** _____

BACKGROUND

A report was submitted to the 30 July 2019 meeting of Council to provide Councillors with information in the early stages of the project to seek any comment prior to the detailed design of the works within the road reserve being undertaken. The resolution of the report was for the "notation of the information provided". Previous concept plans were provided under DOC ID 1056707. MACH Energy has now applied to Council for a section 138 Roads Act 1993 seeking approval for the works to be undertaken in the road corridor.

CONSULTATION

Approval for the new infrastructure was sought as a modification (MOD 4) to the Mt Pleasant Mine Development Consent (DA 92/97) and as such considered by the Department of Planning and Environment (DP&E) under section 75W of the Environmental Planning & Assessment Act 1979. DP&E

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

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

MACH Energy has been granted consent to construct new rail infrastructure to service the Mount Pleasant Mine. The new rail loop will allow trains to depart from Muswellbrook to the Ulan Line, near Logues Lane, traversing the Hunter River floodplain via a viaduct prior to travelling north in parallel with Overton Road, a rail overbridge over Wybong Road (near its intersection with Overton Road) and onto the Mount Pleasant mine site. The rail alignment then heads west within the Mining Lease, parallel to Wybong Road, across Skippens Road reserve to a new train load out facility. Condition 39A of the Approval advises that the works be undertaken by no later than 31 October 2022. The overall infrastructure project is proposed to be completed over a 24 month period. It is expected that completion of the various elements will be carried out in stages, with the overall infrastructure to be commissioned by February 2022.

The construction has been planned with the objectives to minimise local road use by loaded heavy vehicles and where it is necessary to use local roads to control access to construction sites through approved access gates, to maintain one-directional construction traffic flow where possible to minimise any passing of larger vehicles on the narrow local roads. To achieve these objectives for construction vehicle movements, the work has been broken up into three (3) construction sites and is detailed in Appendix A of the Mount Pleasant Operation (MPO) Construction Environmental Management Plan;

Area 1 – North of Wybong Road - For construction of the overland conveyor, train load-out bin and rail loop infrastructure within MPO land on the northern side of Wybong Road.

Construction vehicles associated with activities on the northern side of Wybong Road (WA04/WA05) will access this area via Bengalla Link Road and through the MACH Energy main operations access. Exit will be via the same Main access. Gate 2 at Skippens Road is proposed to be used for larger loads only under traffic control and escort. This would be required to bring in the train load out bin segments.

Area 2 – Overton and Wybong Road intersection - For construction of the rail bridge over Wybong Road and Overton Road.

Construction Vehicles associated with the activities will access via Bengalla Link Road and Wybong Road (east) and gates 3,4 and 5 off Wybong and Overton Roads.

Area 3 – South of Wybong Road - For construction of rail infrastructure to the north of the viaduct through to Abutment A of the rail bridge and rail infrastructure to the south of the viaduct to tie into the main northern line.

Construction vehicles will access via Bengalla Link Road, Wybong Road (east) to Overton Road at Gate 5. All construction vehicles including deliveries will enter via Gate 5 off Overton Road and travel via internal access roads and exit via Gate 8 on Logues Lane. This is to facilitate a one way movement of heavy vehicles.

The S138 Roads Act 1993 application is for approval of the works which are proposed within the road reserve, including the movement of construction vehicles within the road reserve and the reinstatement and/or repair of public roads during and/or at the completion of the construction. These works are listed as follows with concept plans provided in attachment A:

1. Wybong Road – Construction of a rail overbridge near Overton Road intersection and associated road facilities.
2. Overton Road – Construction of a new private access driveway and privately-owned bridge to provide access to property.
3. Skippens Road –the rail loop will cross Skippens Road in 2 locations (MACH Energy has negotiated to close and purchase Skippens Road from Council, however to date this road has not been closed).
4. Logues Lane - various potential works to enable construction access for construction of the rail and viaduct on the floodplain. A relocated private access driveway will also be required due to relocation of the existing private level crossing.
5. Site Access Points – Construction of rural access points for construction purposes and permanent access points for future maintenance purposes on Wybong Road, Overton Road and Logues Lane. These are listed in the attached 'Table 1 – Access Schedule – Construction Access and Permanent Access Gates'.
6. Use of public roads for construction access – it is proposed to use Wybong road east from Bengalla Link road to Logues lane. Overton Road and Logues lane will be used to access the three main areas of construction over the length of the project.

Wybong Road rail over bridge

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

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

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

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

Design development of the bridge are ongoing, however a diagrammatic illustration has been included for illustration purposes in the attached sketch at Attachment 1. The following items will be constructed within the road corridor:

- a four-span T rail bridge carrying a single railway track;
- visual screening mounted to the rail bridge;
- support and head stocks (3 of);

- guard rails on Overton and Wybong Roads;
- F-type or equivalent road barrier on the northern side of Wybong Road;
- minor modifications to table drains;
- relocation of Ausgrid and Telstra services relocation (Ausgrid and Telstra); and
- underbore services under Wybong Road (for drainage/construction water)

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

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

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

Logues Lane

The scope of work for this application includes:

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

Upgraded Site Access Points

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

Access points shall be located and constructed to meet the minimum requirements of Muswellbrook Shire Council Rural Property Access Drawing Number 0041/1 Rev A dated 16/07/2012, however specific accesses may need to be widened (pending turning circles) at required locations to allow for larger vehicles to safely enter and exit.

OPTIONS

Council may decide to:

- approve the delegation to the General Manager to issue the consent for works under Section 138 Roads Act 1993 with the conditions recommended by staff and outlined in the “Special Conditions”;
- request modification to the conditions; or
- refuse the delegation.

CONCLUSION

This report covers a section 138 Roads Act 1993 application which is currently progressing to final design and is a result of conditions of consent imposed by the Department of Planning and Environment for the Mount Pleasant Operations Modification 4 dated 16 November 2018. It is recommended that Council approve the Delegation to the General Manager to issue consent for the works as outlined in the report and draft Special Conditions.

SOCIAL IMPLICATIONS

There will be short term negative impacts for the users of Wybong Road east due to disruption to the normal use of the road by construction vehicles and controlled traffic conditions.

FINANCIAL IMPLICATIONS

The cost of all works undertaken will be the responsibility of the applicant. Council will cover its costs through the s.138 Road Act 1993 Consent Conditions fees.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

Nil known.

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

Risks will be managed through a condition requiring the applicant to enter into a deed of agreement for the rail over bridge crossing Wybong Road, where it will be specified that only appropriately qualified and experienced consultants may submit and certify designs for infrastructure to be placed within Council's road reserves and Council staff acceptance of these designs and oversight of the construction. Works are required to comply with appropriate Standards, particularly Austroad standards and RMS guidelines 'Traffic Control at Work Sites' traffic management guidelines. A construction bond and removal will be imposed under the conditions of consent for the works at the time of the approval of s.138 Roads Act 1993 application.

Attachment A – Rail bridge over Wybong & Overton Roads

1.1 Location of the works

MACH Energy have been granted development consent to construct new rail infrastructure to service the Mount Pleasant mine. The new rail will extend from the existing Ulan Line and subsequently follow the alignment of Overton Road before crossing Wybong Road into the existing Mount Pleasant mine site. Refer **Error! Reference source not found.** below.

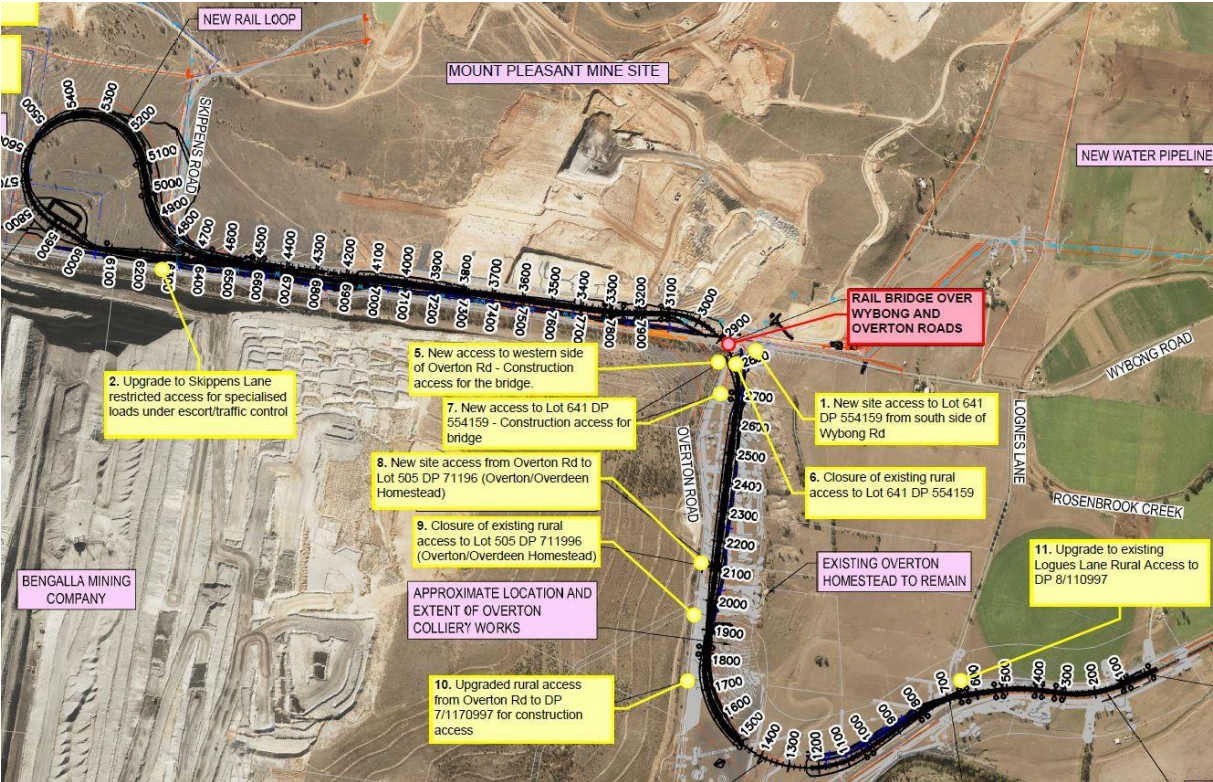








Figure 1 Site Locality Map

A preliminary rail grading design has informed the location and height of the rail bridge over Wybong Road and Overton Road. The location of the rail bridge generally compliments that of the initial Reference Design by Hatch (dated 19/12/17), however some adjustments have been made to suit the local constraints. Photos of the subject area are provided in Table 1.

Table 1 Reference Images

Description	Image
Overton Road and Wybong Road intersection facing south	

Description	Image
Overton Road facing south	 A photograph of a paved road curving to the right, bordered by green grass and trees under a blue sky with scattered clouds.
Overton Road facing north	 A photograph of a paved road curving to the right, bordered by green grass and trees under a blue sky with scattered clouds.
Wybong Road, east of Overton Road, facing west	 A photograph of a paved road curving to the right, bordered by green grass and trees under a blue sky with scattered clouds.
Wybong Road, west of Overton Road, facing west	 A photograph of a paved road curving to the right, bordered by green grass and trees under a blue sky with scattered clouds.
Wybong Road west of Overton Road facing east	 A photograph of a paved road curving to the right, bordered by green grass and trees under a blue sky with scattered clouds.
Wybong Road east of Overton Road facing east	 A photograph of a paved road curving to the right, bordered by green grass and trees under a blue sky with scattered clouds.

1.2 Scope of work

The scope of works for this application includes all works associated with the construction of the new rail bridge crossing Overton and Wybong Roads.

This includes the following items that will reside in the road corridor:

- A four-span super T rail bridge carrying a single railway track
 - Visual screening mounted to the rail bridge
 - Support columns and head stocks (3 off)
 - Guard rails on Overton and Wybong Roads
 - An F-Type or equivalent road barrier on the Northern side of Wybong Road
 - Minor modifications to road table drains
 - Services relocations (Ausgrid & Telstra)
 - Underbore of services under Wybong Rd (for drainage /construction water)
- Temporary traffic control and staging of the works will also be required.

Additional site accesses, or upgrades to existing access points are cover under the scope of work "Attachment A – Various Site/Rural Access Points".

1.3 Geometric design

A preliminary design of the rail bridge has been completed with the aim of meeting ARTC rail geometric requirements but also maintaining the intersection at Overton Road and Wybong Road in its current condition. The general arrangement of the bridge, including alignment, structural features and road hazard protection measures has given consideration to the attributes for the existing Wybong Road and Overton Road as described in Table 2.

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

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

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

As the rail bridge design does not affect sight distances, no road or intersection upgrades are proposed as part of the new rail bridge over either Wybong or Overton Roads.

Design development of the bridge is ongoing, the preliminary design is represented in the attached drawings; MACH-SKT-00-0022 & MACH-SKT-00-0023

Table 2 provides some further clarity on the attributes / criteria to be adopted in developing the design.

Table 2 Geometric Design Criteria

Criteria	Value	Reference Comments
Overton Road		
Road Type	High Speed Rural Road	As per direction from Muswellbrook Shire Council
Operating speed	100km/hr	
Traffic Volumes	Less than 750 vehicles per day	Assumed
Lane Width	3.50m	Austroads GRD Part 3 Note, existing edge of pavement to edge of pavement varies but typically 5.80m.
Shoulder Width	3.0	Assumed Austroads GRD Part 3
ClearZone Width	5.50m	Cross slope of 6:1 to flat Austroads GRD Part 6
Sight Line Position	5.00m from lane edge line	Austroads GRD Part 3
Reaction Time	2.0sec	Austroads GRD Part 3
Coefficient of Deceleration	0.36	Austroads GRD Part 3
Minimum vertical Clearance	5.40m	AS5100.1
Wybong Road		
Road Type	High Speed Rural Road	
Operating Speed	100km/hr	Existing sign posted speed limit
Traffic Volumes	750 to 1500 vehicles per day	Assumed
Lane Width	3.50m	Austroads GRD Part 3 Note existing pavement width varies with a maximum of 6.90m
Shoulder Width	3.00m	Assumed Austroads GRD Part 3
Clear Zone Width	7.50m	Cross slope of 6:1 to flat
Reaction Time	2.0sec	Austroads GRD Part 3
Coefficient of Deceleration	0.36	Austroads GRD Part 3
Minimum vertical clearance	5.40m	AS5100.1 assuming there is no other alternative route

1.4 Other design issues and considerations

In developing the preliminary design, the following considerations have also been made:

- Utilities/Services:
 - The existing Ausgrid overhead power cables (11kV) located on the northern side of Wybong Road at the Overton Road intersection will be relocated underground as it conflicts with the rail bridge structure. We are currently in discussions with Ausgrid on specific requirements and a new location for their asset which may be positioned within the road shoulder.
 - The existing MACH Energy owned 66kV and 22kV overhead power cables local to the new rail bridge structure will also be placed underground. An alignment for these assets is currently being considered concurrently to development of the rail bridge design. The underground cables will likely be positioned below the rail embankment beyond the bridge abutment and outside of the road corridor.
 - Existing Ausgrid overhead power cables crossing and extending from Wybong Road into Overton Road will be adjusted to suit the rail bridge structure and rail embankment. We are currently in discussions with Ausgrid on specific requirements and a new location for their asset.
 - Existing underground telecommunications infrastructure will be either relocated or removed pending further consultation with the asset owner (Telstra). If required, telecommunications infrastructure may be positioned within the road shoulder in a shared trench with the Ausgrid asset.
 - Construction water from the mine site will be required on the southern side of Wybong Road. It is proposed that an underbore be placed under Wybong Road on the eastern side of the Overton/Wybong Intersection. This will allow for construction water to be piped from Mount Pleasant Mine side of the Wybong road to infrastructure works on the eastern side of Overton road.
- Drainage:
 - The associated works are expected to have minimal impact to existing table drains and culverts along either Wybong Road or Overton Road and no major works have been proposed in this regard. Table drains may require local reshaping around barriers and bridge columns.
 - Water falling on the bridge deck will be conveyed to either abutment and either contained with the MACH Energy mine site surface water management system or redirected back into the Wybong road table drains. Possible drainage solutions may include the need for new drainage pipes under Wybong Rd. If this is required, the intention would be to install these via directional drilling or similar means to avoid the need to excavate through the existing road pavement.
 - Privately owned swales and culverts will be included within the MACH Energy mine site and details of these are being developed concurrently to the rail bridge design.
- Environment impacts:
 - Environmental impacts will be undertaken in accordance with the Mt Pleasant EA – MOD4 commitments and conditions of consent. A Construction Environment Management Plan (CEMP) and associated sub-plans will be developed for consultation and approval in parallel with the detailed design development of the works. The CEMP will be inclusive of (but not limited to), water, heritage, visual, noise, air quality and traffic management.
 - The rail bridge design will be developed to minimise disturbance to the existing trees on both the eastern and western sides of Overton Road. However, a number of existing trees will potentially be affected to enable the works.
-

Landowners and residents

- MACH Energy owns the land to the north side of Wybong Road (current mine location). The land on both sides of Overton Road is owned by Bengalla Mining Company (BMC). An easement between MACH and BMC is currently in place to allow for construction and operation of the new rail infrastructure on BMC land. MACH Energy and Bengalla Mining Company representatives will work together to ensure minimal disruption to the leasees who are currently utilising the affected properties.
- Security and Signage
 - Given the vertical clearance achieved between the existing road surface and the rail bridge structure, no signage on or leading up to the rail bridge is proposed.
 - Access to the northern bridge abutment for maintenance will be achieved via a private access road and walkway located within the MACH Energy mine site. This access will be fenced to deter unauthorised access to the bridge.
 - The southern abutment located adjacent to Overton Road is accessible via private road and walkway located within the rail corridor. This access will be fenced to deter unauthorised access to the bridge.
 - Except for the northern abutment and northern most column, access for maintenance of the rail bridge bearings will require the use of a boom/scissor lift located on the public land. During this time, traffic control will be required at the Wybong Road and Overton Road intersection.
 - An RMS standard F-Type barrier is proposed along the northern side of Wybong Road. A curved G4 barrier is proposed on the southern side of Wybong Road extending around to the western side of Overton Road. These measures aim to protect the bridge asset and vehicles from the hazard (columns).

Attached sketches:

MACH-SKT-00-0022

MACH-SKT-00-0023

MACH SKT-00-0002

Draft Special Conditions

1. Prior to commencement of any construction activity, all proposed temporary construction and permanent accesses are to be located, designed and constructed to meet minimum requirements of Muswellbrook Shire Council's rural property access drawing 0041/1 revision A dated 16/7/2012. Approved accesses are to be in accordance with those stipulated on Table 1 Construction and Permanent Access Gates.
2. All constructed temporary accesses are to be removed and decommissioned upon completion of construction and boundary fencing reinstated and all areas of disturbances within the road reserve to be reestablished to Auspec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
3. Gate 2- The use of gate 2 for access by general construction traffic is not permitted. Access to gate 2 from Wybong Road will only be permitted under traffic control for the purposes of facilitating access for large loads such as the delivery of train load out bin segments. The applicant is to notify Council staff of any proposed access.
4. Any oversize/overmass loads must have gained prior approval either through NHVR or directly to Council to travel on any local road.
5. The consent holder is required to facilitate other OSOM loads that have gained Council approval to travel on Wybong Road.
6. A Construction Traffic Management (and Vehicle Movement Plan) CTMP is to be developed in consultation with council. The CTMP is to be developed to specifically address each area/stage of Construction that is 1, 2 and 3 of the proposed construction works. These CTMP's are to be submitted for Council acceptance 4 weeks prior to each stage of the works or when changes to the CTMP are made.
7. All works impacting public roads will require a Traffic Guidance Scheme (TGS). All TGS plans are to be developed as per RMS "Traffic Control at Worksites Conditions" and to be accepted by Council prior to use. Any changes to the TGS's will require submission to council prior to the implementation of the changes.
8. Maintenance Management Plan: The applicant will be required to carryout a full maintenance regime in accordance with their existing RMP for Wybong Road from Gates 21, 21 to 150m east of Logues Lane, full length of Logues lane and full length of Overton Road during and post construction until such time as the rail infrastructure is removed on Council's Road.
9. Dilapidation report: A dilapidation report which records the conditions of the road pavement, drainage structures and other road related infrastructure must be compiled in consultation with Council MRD&TS for Wybong Road west of the main access the MTP to Logues Lane, including Overton & Logues Lane prior to commencement of any site work. On practical completion of the project the dilapidation report must be undertaken again and all defects identified. Any defects identified will be rectified to the pre work conditions or better at the full cost to the applicant or in accordance with clause 14 of the general condition of the 138 approval covered under "Restoration Fees"

10. Time frames: A schedule of works will be provided to Council in the form of a Gant chart detailing individual key work activities associated with the overall work project and completion of work stages. Specifically where this works impacts Council's road reserve. This is to be updated every 4 weeks and made available to Council. A liaison meeting should be scheduled as required.
11. Rail in Logues Road reserve: To facilitate the interface of the rail access 11 off Logues Lane will be subject to a separate S. 138 approval providing confirmation of the appropriate location of the access to comply with the sight distance requirements and design for the drainage for the surrounding location.
12. Bonds for the construction and removal of the infrastructure within Skippens Road, Wybong Road and Logues Lane.
Prior to the commencement of any construction works or ancillary works within any of Council's road reserves, the consent holder must provide to Council unconditional bank guarantee(s) that are:
- (i) in favour of Muswellbrook Shire Council;
 - (ii) for the amount(s) specified in the Schedule;
 - (iii) unlimited in time;
 - (iv) issued by a bank licensed to carry out business in Australia; and
 - (v) otherwise to Council's satisfaction.
- The bank guarantees provided pursuant to this condition in respect of Logues Lane and Skippens Road will be held until such time as the road is legally closed and transferred to the applicant or the infrastructure is removed from the road reserve to Council's satisfaction. The bank guarantee for Wybong Road rail bridge infrastructure will be held until such time as the infrastructure is removed from the Wybong Road reserve to Council's satisfaction.
13. The Consent Holder is to enter into a Deed of Agreement with Council for:
- a. the construction of the Rail Over Bridge on Wybong Road and associated infrastructure to be constructed within the road reserve of Wybong and Overton Roads;
 - b. the design and reconstruction of Overton Road to meet the standards of a RS1M road class and to Council's satisfaction;
 - c. the design and reconstruction of Wybong Road from the MTP entrance to Overton Road to meet the standards of a RS2M road class and to Council's satisfaction;
 - d. any other matter(s) as Council thinks fit.
14. School bus times Construction traffic is not to operate on Wybong Road during the school bus times. School bus times are to be confirmed by the applicant in consultation with the relevant bus companies and documented in the CTMP.
15. Inclement weather: Council as the road authority reserves the right to automatically suspend or decrease the construction traffic activity in the event of heavy or prolonged rain affecting their roads. Construction traffic movements are not permitted on public roads when fog conditions prevail and sight distances are compromised.

16. Dump truck access across Wybong Road will require a separate s. 138 approval to be lodged accompanied by a pavement design that will be constructed prior to use to limit the impact of the proposed 40t articulated truck movements. This is to include a road Maintenance Plan during the period of use and rectification plan on completion.
17. Culvert: The use of Wybong Road in relation to the Culvert at 2.7km from Kayuga Road requires a Structural Engineer's assessment of the culvert giving the load capacity of the structure and certifying its suitability for the nominated type and volume of construction traffic proposed.
18. The consent Holder is to advise Council's Technical Officer, Roads & Drainage on 0418 110010 fourteen days prior to commencing work to confirm inspections regime.
19. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least one 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.
20. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
21. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.
22. The Consent does not constitute approval of any environmental impacts and the Consent Holder is responsible for any such impacts and any approval that may be required in relation to the Works.
23. The Consent Holder must ensure that mud and dust from the Works is not carried on to the Road. It is recommended that a device (from the Soil Management book) be used to remove such materials prior to entering the roads.
24. This Consent is not valid until all fees listed on the Schedule of Details and the Bond amounts and terms in the Schedule are agreed on.
25. The Consent Holder is to enter into a Deed of Agreement or similar with Council for the construction of the rail over road bridge on Wybong Road.
26. Council reserves the right to reconsider and review the special conditions relating to the movement of construction vehicles on public road.

TABLE 1 - 5138 Application
ACCESS SCHEDULE - Construction Access and Permanent Access Gates

Access No	Access Name	Location Description - Purpose of Access	Action Post Construction 5138	Issues and Constraints
1	Temporary Construction Access	New site access to Lot 641. Lot 641 DP 554159 from south end of Wybong Road. MACH propose for this gate to provide maintenance access to Abutment A of the Wybong Rd rail bridge. It is also proposed to provide access to Overdeen Homestead residents via an access track. This access is also for the movement of 40t ADT trucks, travelling under traffic control between, south side of Wybong Road from abutment A of the rail bridge through to Gate 3 on the north side of Wybong Road. This will require approximately 2200 movements.	Council does not support the use of this access to remain post construction.	Once construction phase is completed Council does not support this access to remain in place as it would be an additional access to Wybong Road in an already congested area. At this location there is the Ausgrid access on the northern side of the road, the rail overbridge over Wybong and Overton Road intersection and the Overton Road intersection. Access to the properties that this gate would provide can be accessed directly from Overton Road new Access at Gate 8 and the proposed private rail bridge over the rail loop and internal access track. All maintenance work can be undertaken from Gate 8 and Access Gate 11 from Logues Lane.
2	Temporary Construction Access	Upgrade to Skippens Lane, restricted access for specialised loads under escort/traffic control.	To be decommissioned to the satisfaction of Council on completion of the construction of the rail loop or by 31 October 2022.	This access is to be constructed and maintained in accordance with Council Rural Road Access and is to be sealed. This access is only to be used for the delivery of oversize loads such as train load out bin segments under the required approvals. This gate is to be decommissioned at the completion of the rail loop or before 31 October 2022 but no prior to legal closure, sale and transfer of Skippens Road to MACH Energy. This will include reinstatement of boundary fencing, all disturbances within the road reserve to be reestablished to Auspec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
3	Permanent Access	Closure of old Bates Homestead rural access - DP 4/801249. Out of these existing accesses one is proposed to be closed and the other will remain for Bengala Mining company access to their pump station	At least one of these accesses must be closed post construction or by 31 October 2022.	The preferred access is to be constructed and maintained in accordance with Council Rural Road Access and is to be sealed prior to any construction of the rail loop taking place. The access proposed to be decommissioned must be done so prior to or at the latest at the completion of the construction of the rail loop or 31 October 2022. This will include reinstatement of boundary fencing, all disturbances within the road reserve to be reestablished to Auspec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
4	Permanent Access	Modification to BMC CW1 Pump Station entrance area. Out of these existing accesses one is proposed to be closed and the other will remain for Bengala Mining company access to their pump station	See conditions for access gate 3	See conditions for access gate 3
5	Permanent Access	New access to western side of Overton Road - This access will remain for inspection of Bridge bearings from behind the guard rails on Wybong and Overton Road	Remain after construction	The preferred access is to be constructed and maintained in accordance with Council Rural Road Access and is to be sealed prior to any construction of the rail loop taking place.
6	Temporary Construction Access	Closure of existing rural access to Lot 641 DP 554159	To be decommissioned	The access is to be decommissioned once access 7 has been constructed to the satisfaction of Council. This will include reinstatement of boundary fencing, all disturbances within the road reserve to be reestablished to Auspec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
7	Temporary Construction Access	New access to Lot 641 DP 554159 - Construction access for bridge.	To be decommissioned	This access is to be constructed and maintained in accordance with Council Rural Road Access and is to be sealed. This gate is to be decommissioned at the completion of the rail loop or before 31 October 2022. This will include reinstatement of boundary fencing, all disturbances within the road reserve to be reestablished to Auspec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
8	Temporary Construction Access	New access to Lot 505 DP 711996 to Overdeen Homestead residence. Note that MACH is exploring the option of providing main access through Access No 1 from Wybong Road to the main residence site. This gate will allow access for the western side of the property from Overton Rd as it will be cut off by the rail infrastructure. This entrance connects to the sealed section of Overton Road.	To remain post construction however may be dependent on suitability of Access 1. Council has advised Access 1 will not be approved	This access is to be constructed and maintained in accordance with Council's Rural Road Access and is to be sealed.
9	Temporary Construction Access	Closure of existing rural access to Lot 505 DP 711996 (Overton/Overdeen Homestead)	To be decommissioned	This access is to be decommissioned at the completion of the rail loop or before 31 October 2022. This will include reinstatement of boundary fencing, all disturbances within the road reserve to be reestablished to Auspec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.
10	Permanent Access	Upgraded access to DP 7/1170997. This connection point is to the un-sealed section of Overton Road. This gate will provide Ausgrid access (to 66kV) and MACH Energy access to Abutment B of the Viaduct.	To remain post construction	Prior to the commencement of construction the length of Overton Road that is currently unsealed south of Access Gate 10 is to be constructed to rural road standard RA3 and bitumen sealed prior to commencement of construction.
11	Permanent Access	Upgrade to existing Logues Lane Rural Access to DP 8/110997. This access will remain and be required for maintenance access of the rail infrastructure that sits on the floodplain. Including the viaduct.	To remain post construction	Prior to the commencement of construction this access is to be constructed to rural road standard RL1 and maintained in accordance with Council Rural Road Access and is to be sealed.
12	Permanent Access	Relocated passive level crossing access. This relocated crossing will provide private access for two residents on the southern side of the existing Muswellbrook Ulan railway. The existing level crossing will be closed post construction.	To remain post construction	The access is to be constructed to the rail corridor in accordance with Council Rural Road Access and is to be sealed. The construction in the rail corridor is to be constructed in accordance with the required standards for passive level rail crossings
13				
14				
15				
16				

11.3 BELGRAVE ROAD WORKS S138 ROADS ACT 1993 APPROVAL

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 seek the approval of Council for works along Belgrave Road for the relocation of the Ausgrid power lines currently located within the Mt Pleasant Mining Operations footprint.

OFFICER'S RECOMMENDATION

Council delegate to the General Manager authority to sign the s.138 Roads Act 1993 approvals for the following works on Belgrave Road:

- grading and minor road works; and
- removal and disposal of the redundant power line poles.

Moved: _____ Seconded: _____

BACKGROUND

The power line infrastructure that currently runs through the Mt Pleasant Mine Operations footprint and along Belgrave Road is in the process of being relocated further east adjacent to Kayuga Road. The power line is an existing, Ausgrid 66kV feeder supply for the Aberdeen township and beyond and is part of the State Electricity supply network. It does not supply any power to Mount Pleasant Mine. The reason for the removal of the infrastructure is that the feed for this power has been relocated outside of the approved Mount Pleasant mining footprint in conjunction with Ausgrid. Ausgrid is the asset owner. The infrastructure is being removed, and when it is inactive will no longer be required by Ausgrid. The soon to be redundant power poles are proposed to be removed once Ausgrid switches the power across to the new alignment. Several of the power poles are within the Belgrave Road Reserve and require a s.138 Roads Act 1993 approval for their removal.

CONSULTATION

Roads, Drainage & Technical Services, KCE, ARA Electrical, Ausgrid, MACH Energy

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

Work is proposed on Belgrave Road as part of the Ausgrid power line relocation through the Mt Pleasant Mine footprint. Road work is required on Belgrave Road to upgrade the road surface to allow the equipment in to remove the power poles. Council has received two s.138 Roads Act 1993 applications for the following works:

1. Regrading works and minor road maintenance on Belgrave Road to facilitate future works associated with removal of the power poles; and
2. Removal and disposal of redundant power poles, and reinstatement of the road reserve.

Once Ausgrid switches the power feed to the new infrastructure, the works to remove the redundant power poles will be undertaken in the following manner. A specialist service provider will excavate around the poles with an excavator, whilst holding the poles steady with their crane borer. This loosens up the ground to allow the whole pole to be lifted out of the ground and laid down. The hole is then backfilled and compacted. The poles will then be collected and transported by truck out of Belgrave Rd, across Castlerock road, and into the Mount Pleasant Mine to remove them from the Council road reserve.

OPTIONS

The works proposed are within the Belgrave Road reserve which is a Council Public Road. Approval is required under s.138 of the Roads Act 1993 for the works to be undertaken. The relocation of the power supply is to support the State Electricity supply network.

Council could decide to:

- approve the delegation to the General Manager to issue this consent for works under Section 138 Roads Act 1993;
- request modification to the conditions; or
- refuse the delegation

CONCLUSION

It is recommended Council approves the requested delegation to the General Manager to allow the works to proceed. The power line will be redundant once the electricity supply is switched over to the new alignment., and it is recommended that Council permits removal of the redundant infrastructure from the road reserve once it is no longer functional.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

All costs associated with the work will be the responsibility of the Mount Pleasant Mine Operations project.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Belgrave Road is a Council Public Road and Muswellbrook Shire Council is the roads authority in this instance.

LEGAL IMPLICATIONS

Council is the roads authority and is acting within its powers in accordance with the *Road Act 1993*.

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 work will be covered by the public liability insurance of the contractors undertaking the works.

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

Attachments:	A. Edderton Road Stage 2 Upgrade Work Special Conditions .docx B. Edderton Road Stage 2 Upgrade Design Plans.pdf
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.

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 Council Meeting.**

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, following its period of public exhibition, will be reported to the 26 May 2020 Ordinary Council meeting.

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".

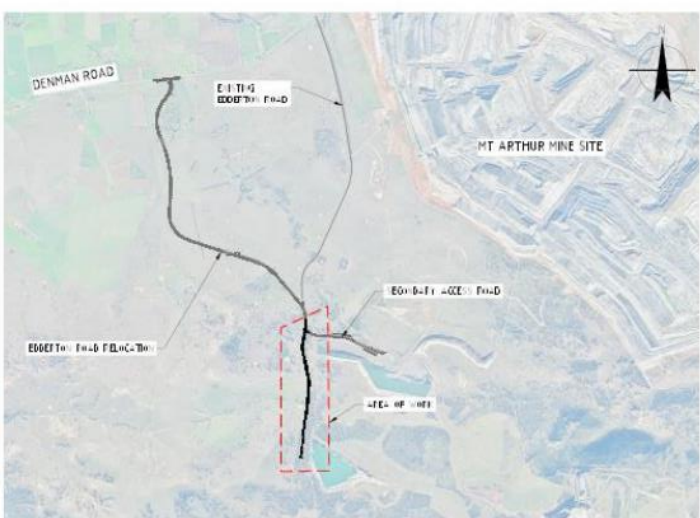
Draft Special Conditions

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

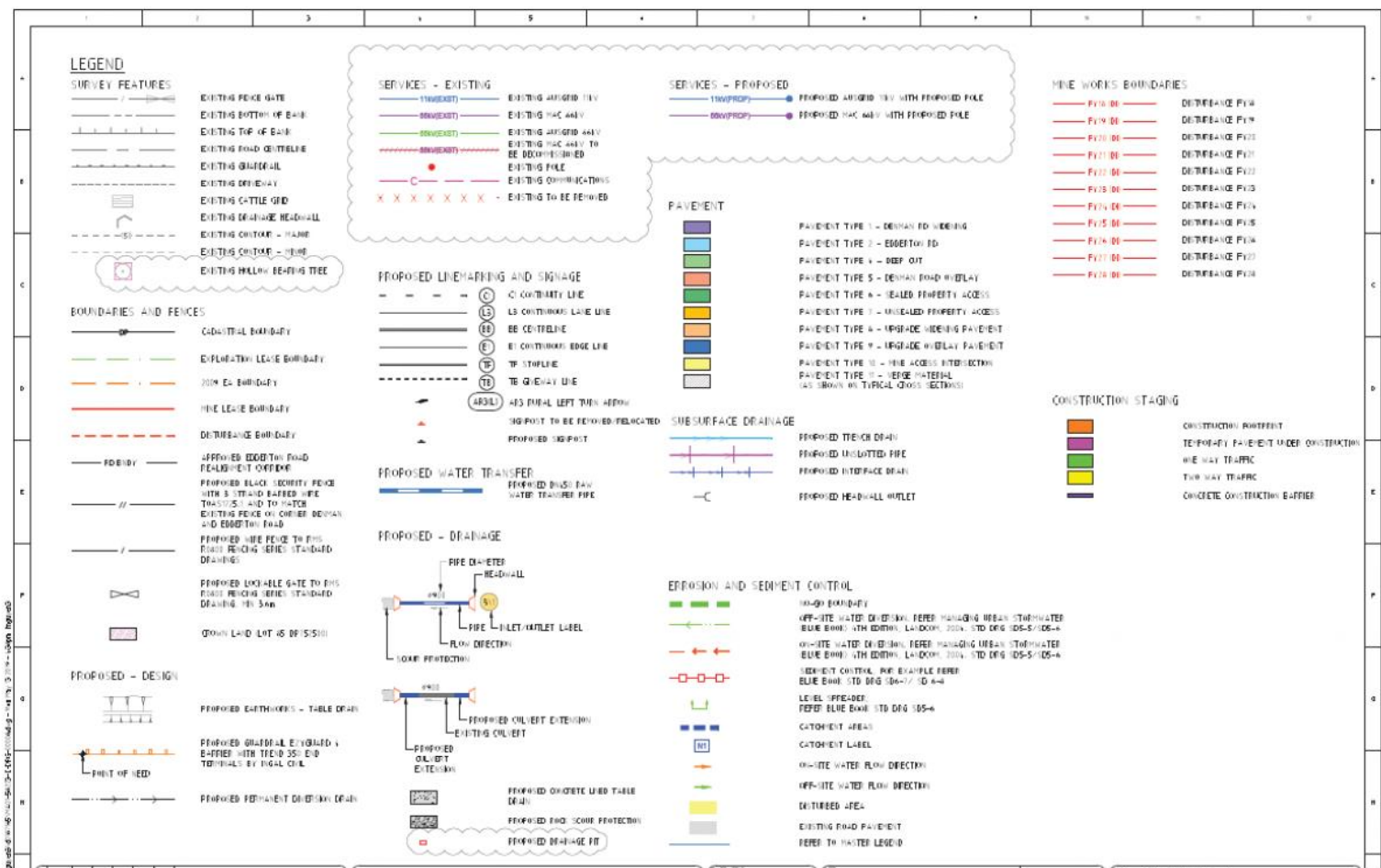
14. • Areas of native vegetation beyond the subject site must be signposted as no-go-zones to avoid inadvertent direct impacts
15. • A pre-clearance survey to identify HBTs, nests and other key habitat features within the subject site must be undertaken.
16. • Hollow-bearing trees that are located within 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:

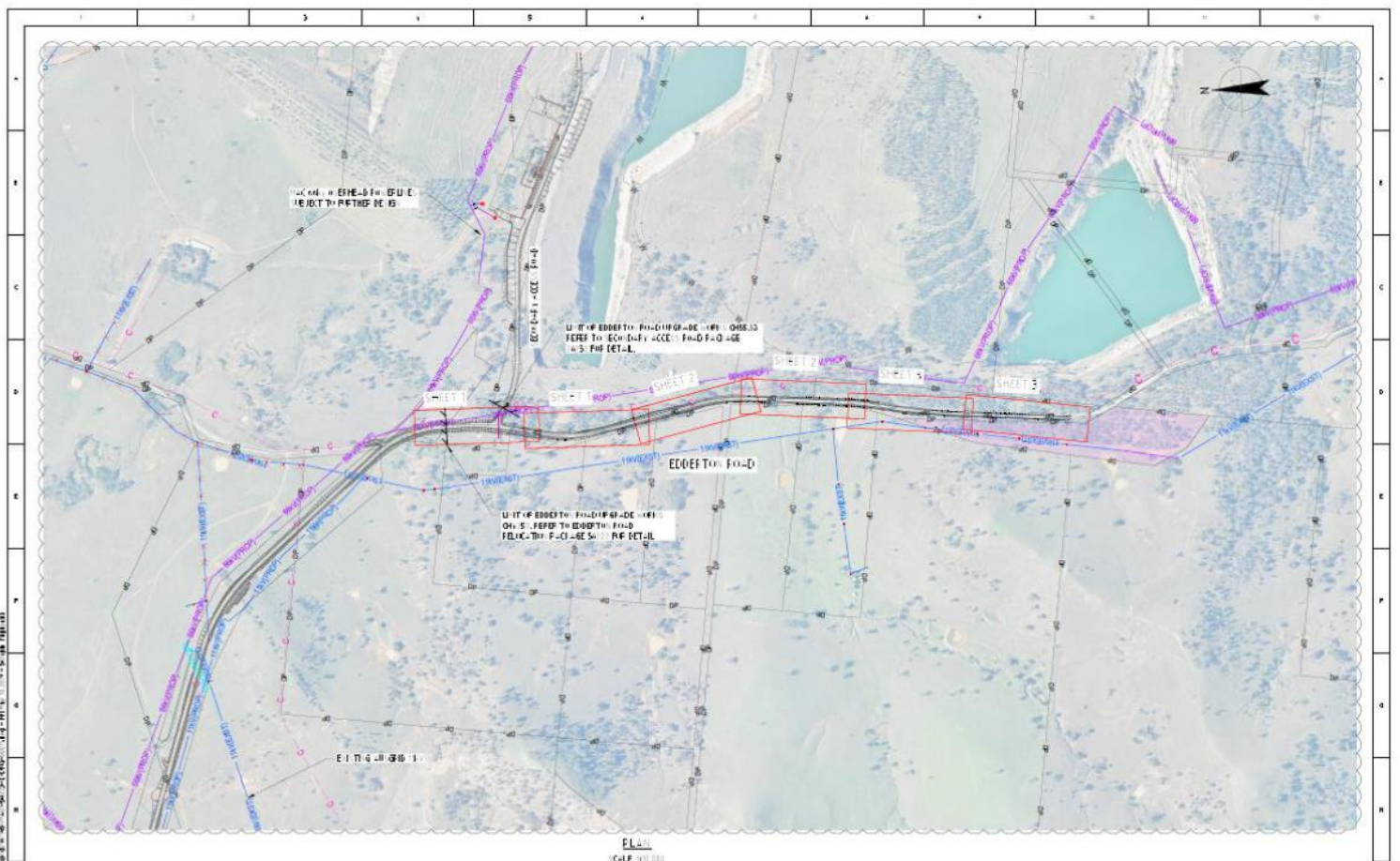
- Is independent of the Consent Holder, any consultant involved in preparation of the Design Documents, the contractor engaged by the Consent Holder to carry-out the works,
- Is a Chartered Engineer registered with the Institute of Engineers Australia,
- Is familiar with and experienced in using RMS's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

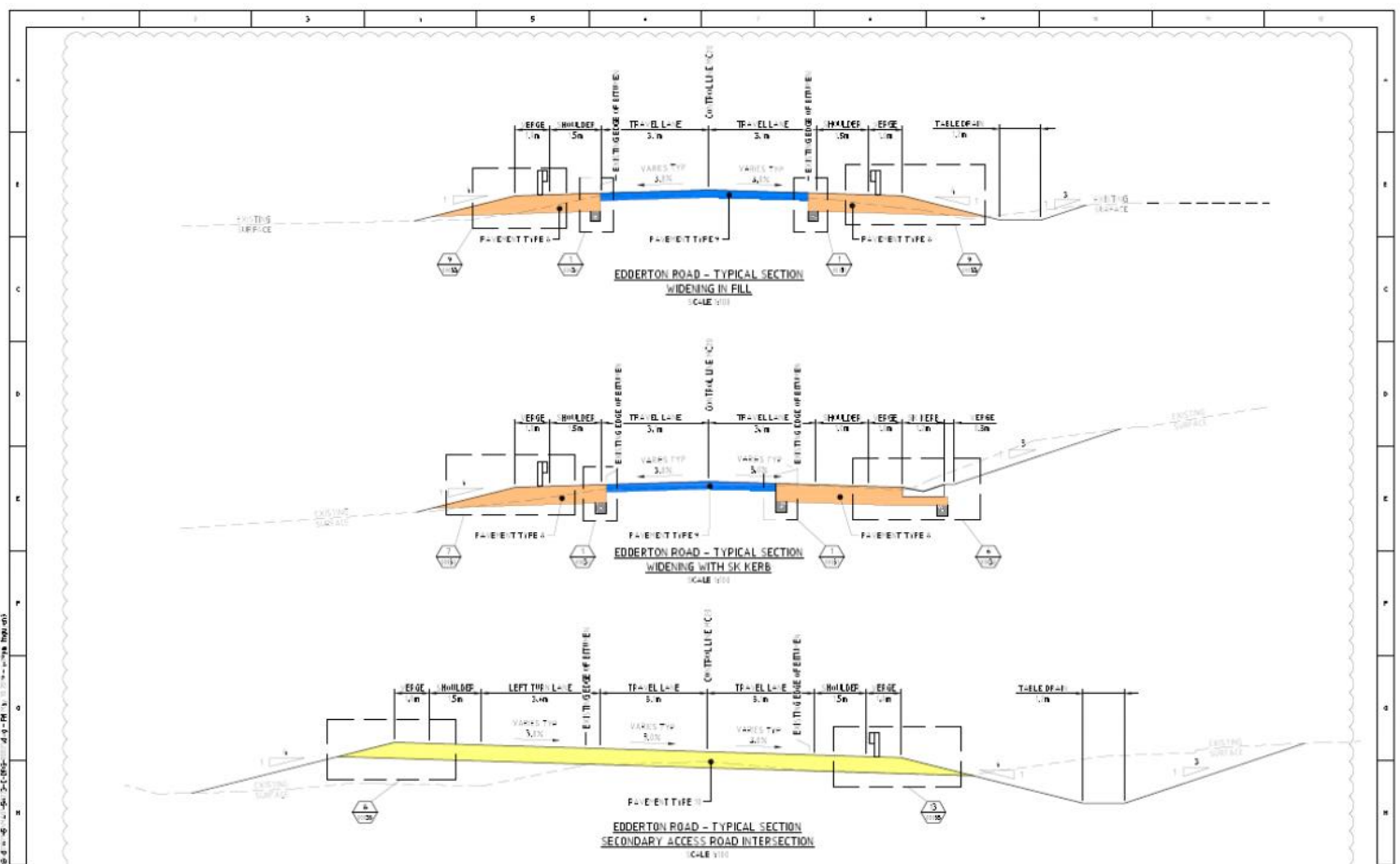
MT ARTHUR COAL WINDMILL PIT EXTENSION WORKS EDDERTON ROAD UPGRADE 58223

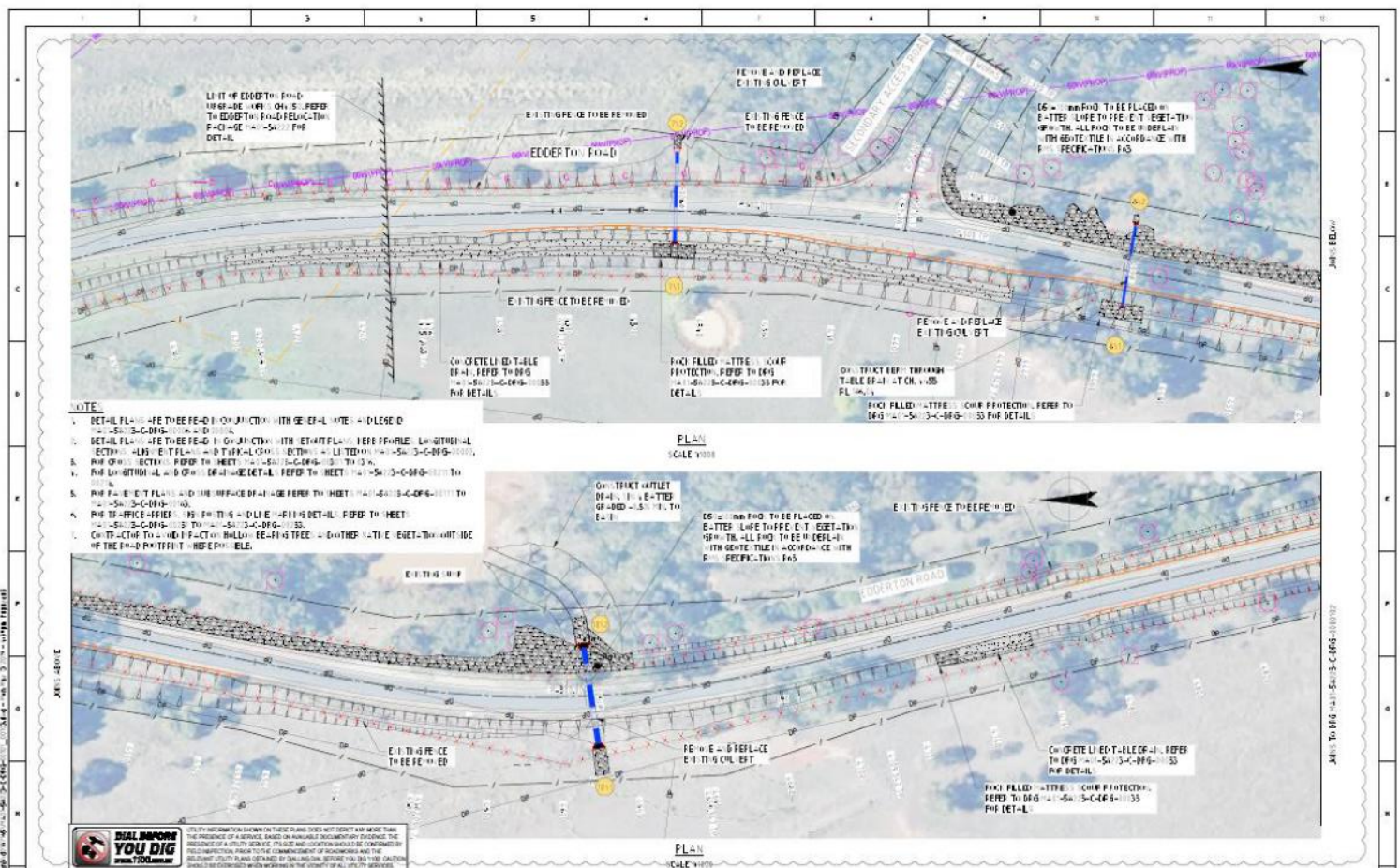


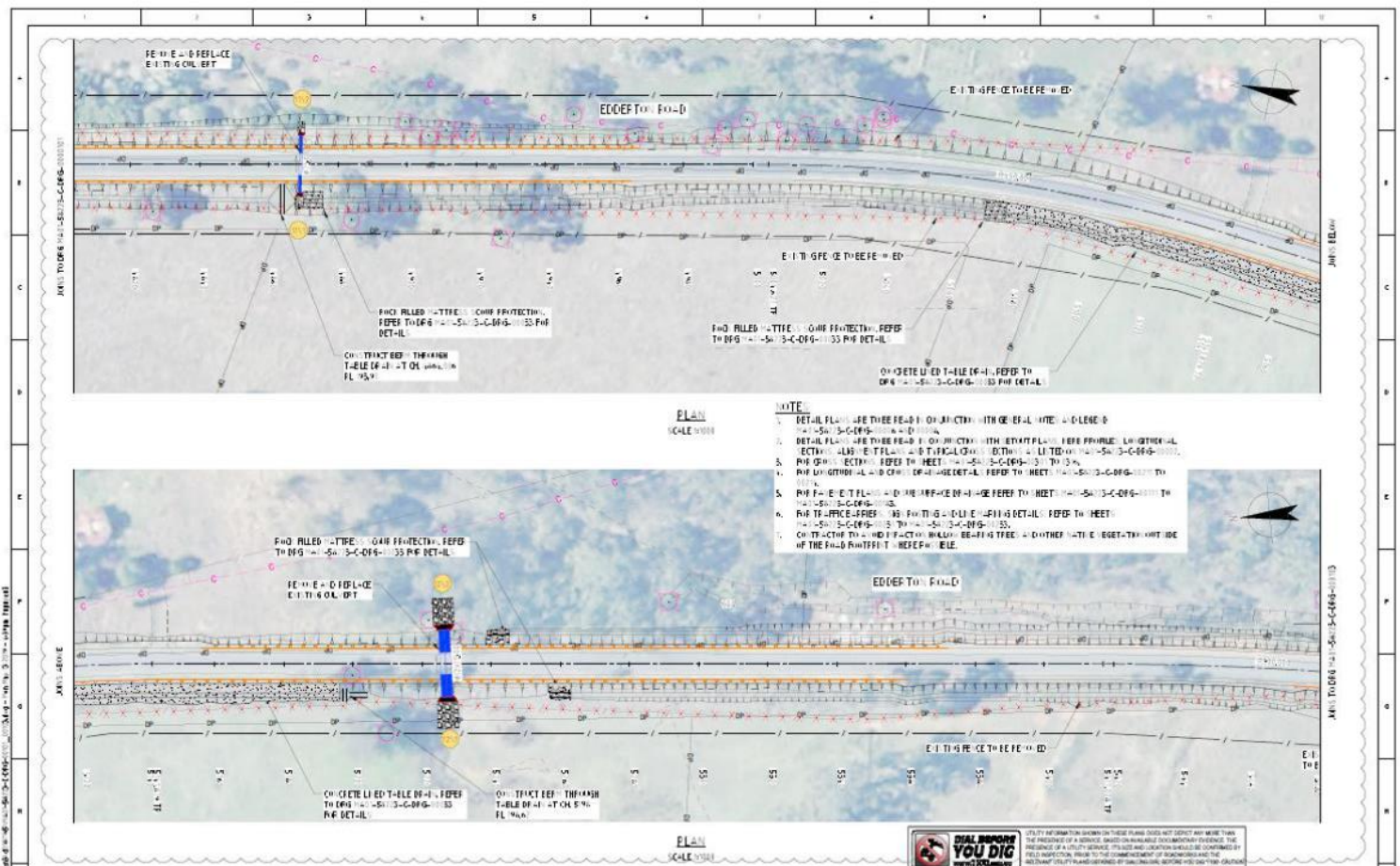
LOCALITY PLAN
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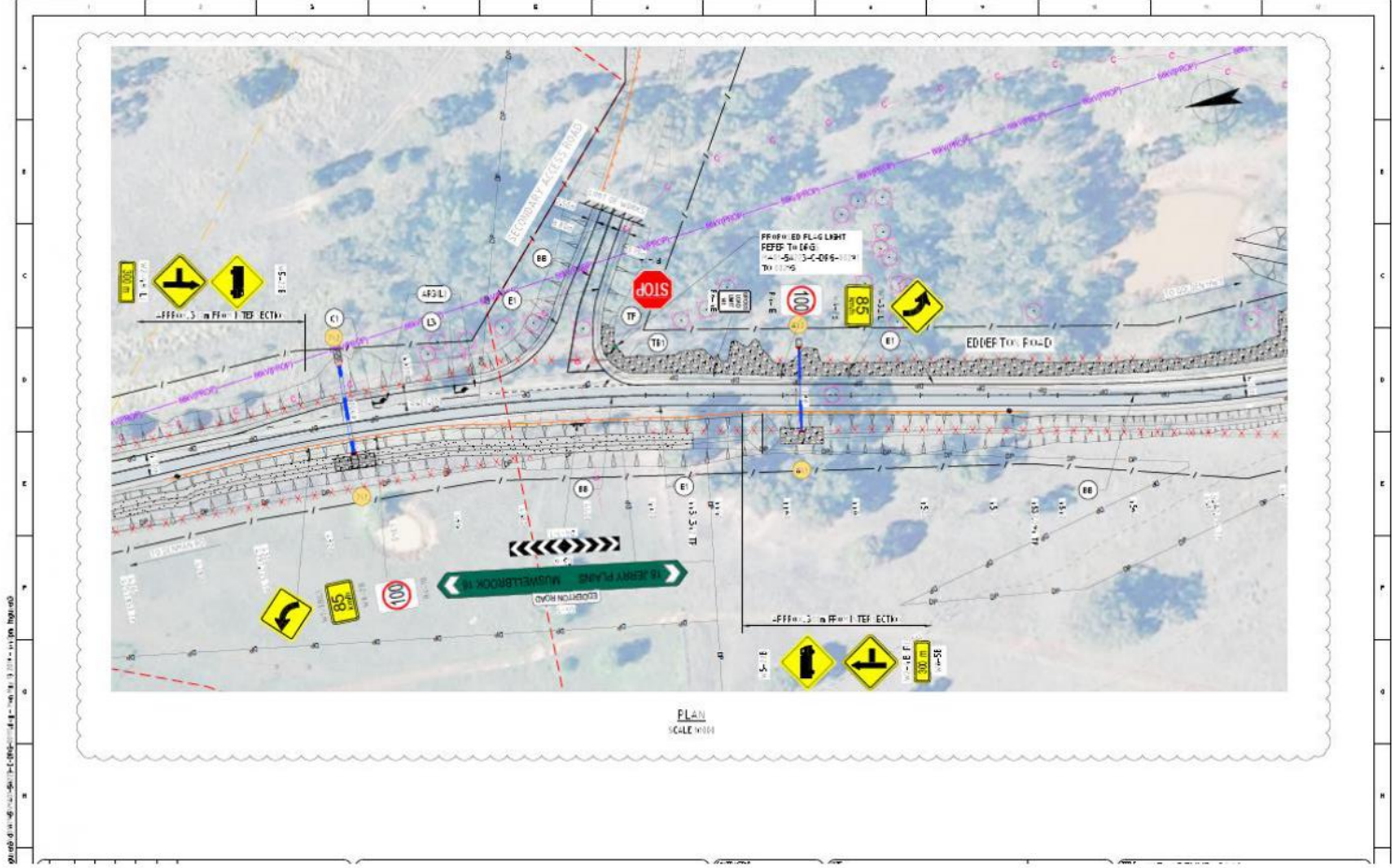


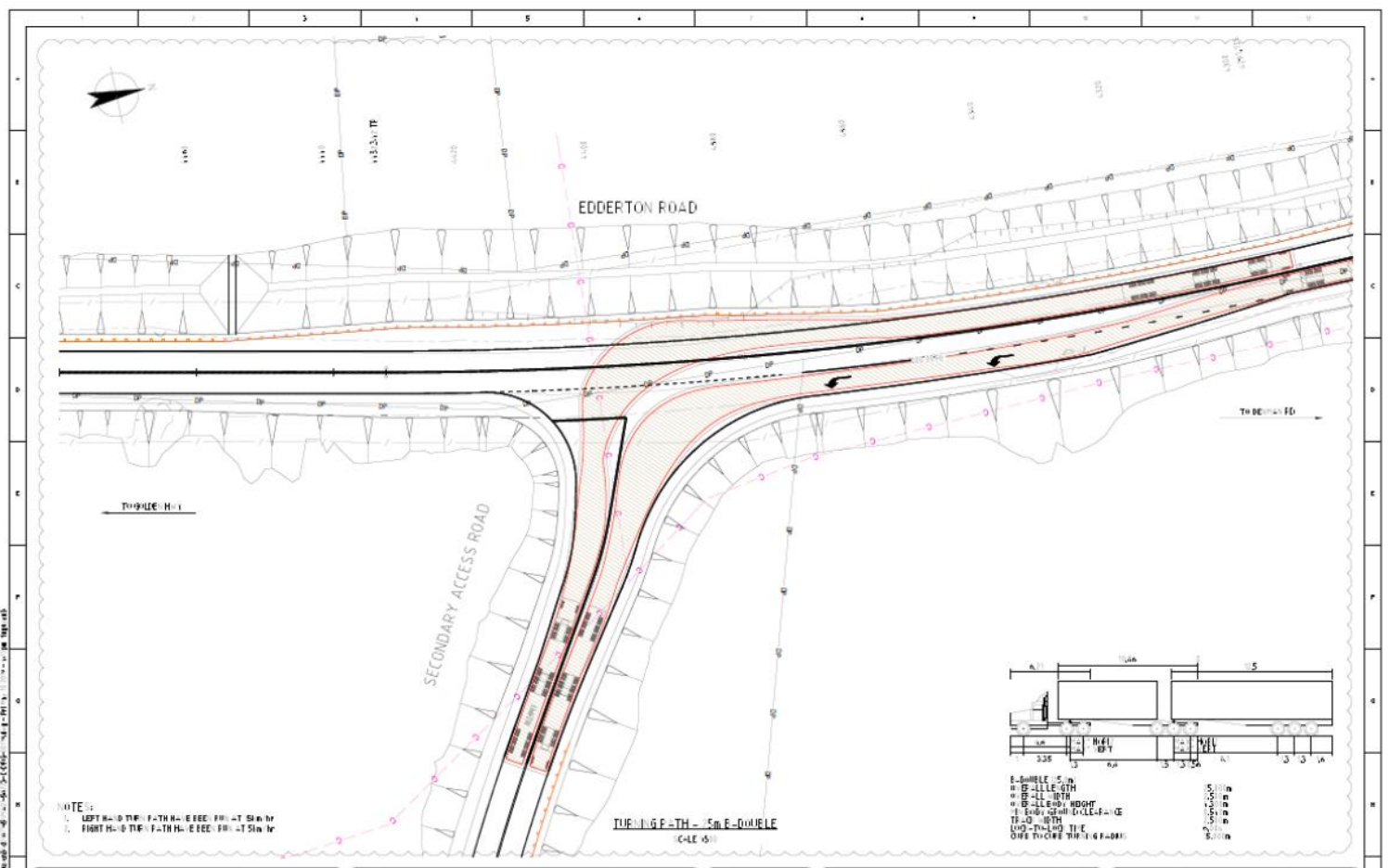


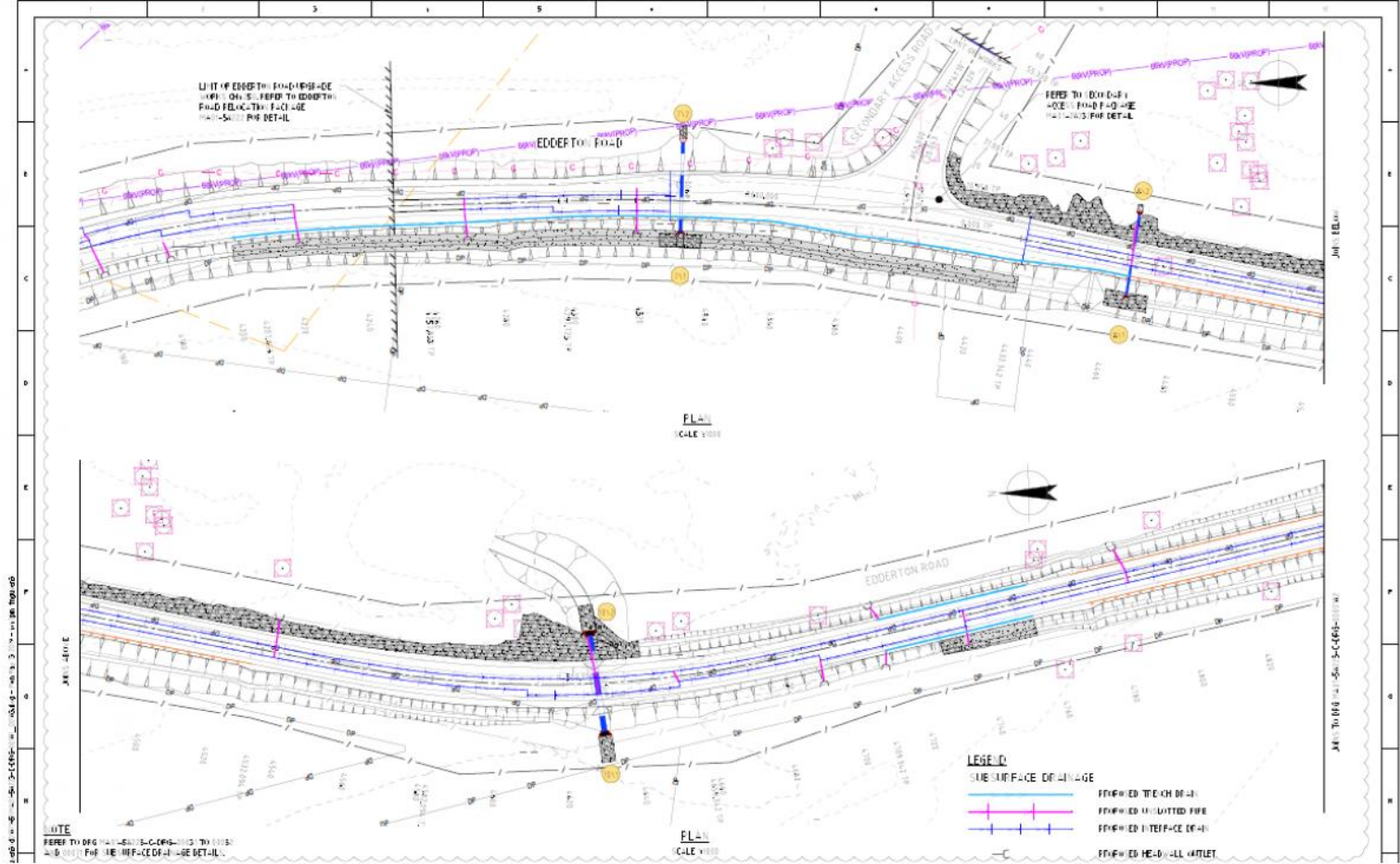


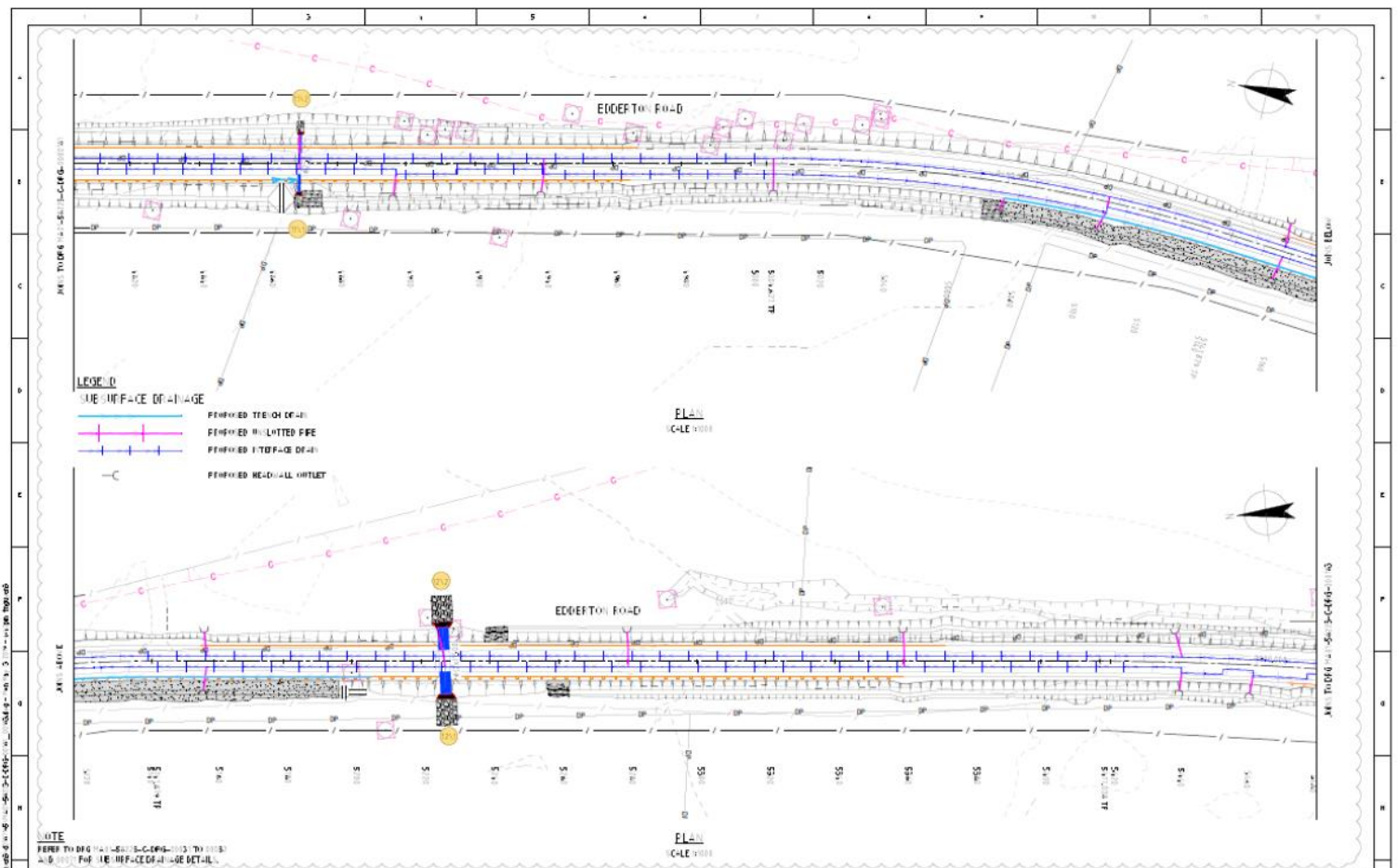


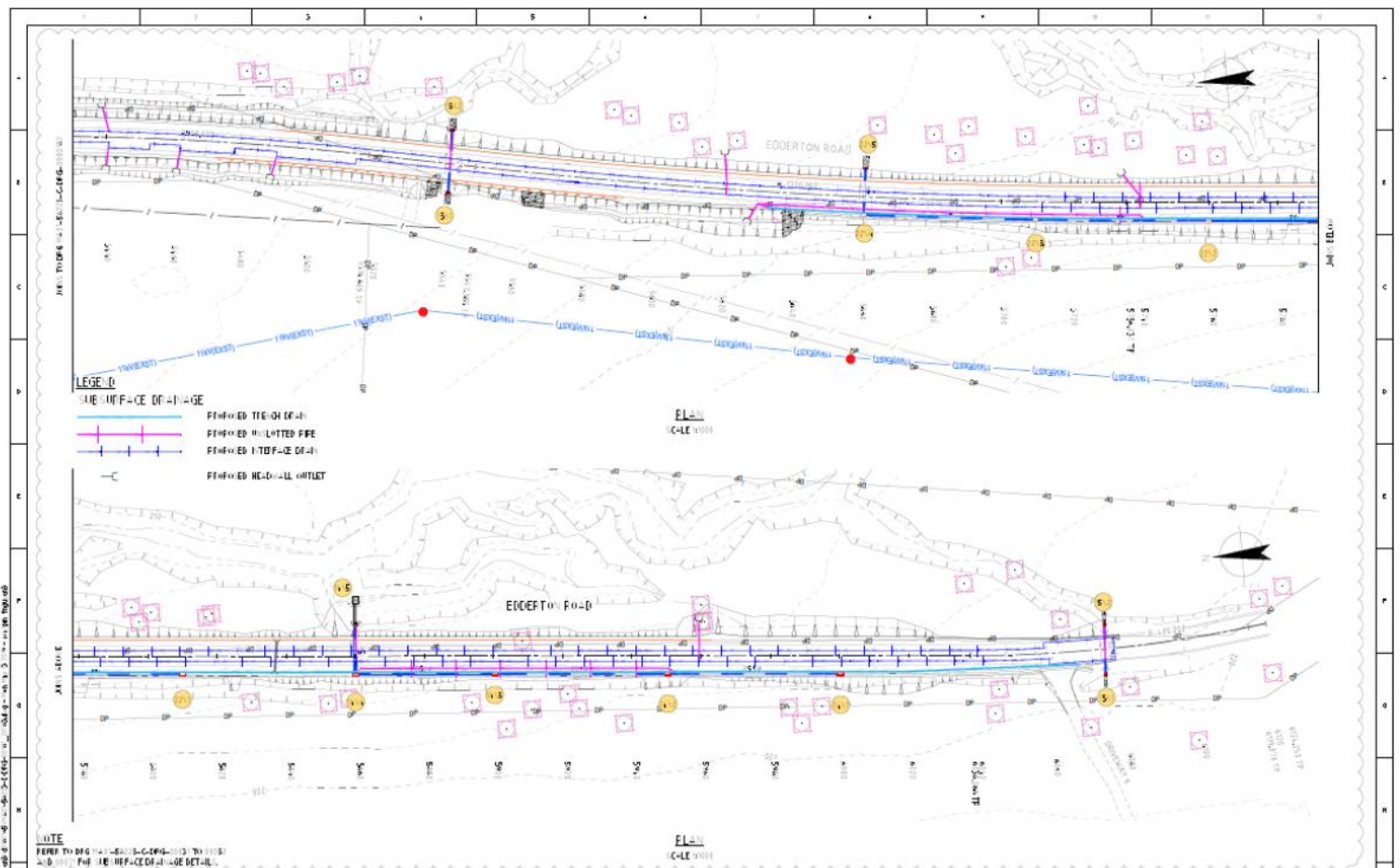












11.5 NEW STREET TREE PLANTING PROGRAMME

Attachments:	A. DRAFT Muswellbrook Shire - Street and Parks Tree List B. DRAFT Street Tree Application Form
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Paul Chandler - Technical Offer - Recreation & Property
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 propose the delivery of a new street tree planting programme with community engagement.

OFFICER'S RECOMMENDATION

Council adopt the Street Tree Application process to enhance tree planting programme

Moved: _____ **Seconded:** _____

BACKGROUND

Council currently has a Landscaping and Tree Management programme that staff implement annually. However, residents are generally not encouraged to plant street trees to prevent incorrect species being planted, damage to services, and to manage several risks.

CONSULTATION

Biodiversity and Sustainability Team Leader
Manager Works, Property and Building Services
Senior Works Coordinator
Works Coordinator Parks
Technical Officer – Recreation and Property

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokesperson for Utilities – Deputy Mayor, Cr Scholes
Councillor Spokesperson for Innovation, Land Use Planning and Heritage – Mayor, Cr Rush

REPORT

Street trees help make the area look established and feel more relaxed. They provide shade and shelter and help reduce summer water and electricity use for residences by reducing direct sunlight. They bring life to an area by providing feeding and nesting places for wildlife and can improve property values.

It is proposed to provide a new Street Tree Planting programme with greater community engagement forming part of Council's Landscaping and Tree Management programme. Attached is the *DRAFT Street Tree Application form*. The form would allow residents to apply to have street trees planted in front of their residents. The street tree program objective is to maintain and expand tree canopy in our residential areas.

Under the programme Council would supply and plant trees on the verge adjacent to the resident's property at no cost to the resident. The trees would then require watering approximately twice a week within the first year, to ensure that they have the best chance to establish, which residents would agree to undertake in return for being part of the programme. To further assist the residents during establishment, a brochure with information on how to care for the tree would be provided once planting is completed. Pruning and ongoing maintenance of the tree would remain the responsibility of Council.

Requests would be taken all year round and placed on a planting register, however, planting would generally only take place from June to August. If there is a high number of requests, then the attached *Muswellbrook Shire – Street and Park Tree List* document would be used for prioritising. Prioritisation would be considered in a manner similar to that in which Council manages hazardous trees, with responses prioritised. This 'Tree List' would also guide the selection of species to maintain consistency through each street and areas of town.

OPTIONS

Council could choose to continue with the current Landscaping and Tree Management programme.

CONCLUSION

It is expected that a street tree planting programme that aligns the community's wish for street trees with Council's planning and resourcing will be a more effective programme and expand tree canopy in our residential areas.

SOCIAL IMPLICATIONS

The ambition of the proposed programme is to provide a legacy for the community with aesthetically pleasing streets, reducing heat in warmer months, and benefiting the community's health and wellbeing.

FINANCIAL IMPLICATIONS

It is proposed to utilise the existing Landscaping and Tree Management Programme budget to fund the programme.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'19.2 Maintain and continually improve asset management', *Muswellbrook Shire Council Operational Plan 2019 - 2020*

RISK MANAGEMENT IMPLICATIONS

The delivery of the programme considers the management of risk.

Street Name	Are Trees There	Powerlines	Needs Trees
Aberdeen St	Yes	Yes	Yes
Acacia Dr	Yes	Yes	Yes
Adams St	Yes	No	Yes
Allyn Way	Yes	No	No
Almeria Gln	Yes	No	Yes
Angus Peebles Cl	Yes	No	Yes
Anzac Pde	Yes	No	No
Arlingham Cl	Yes	No	Yes
Armitage Ave	Yes	No	No
Barrett St	Yes	No	No
Barrington St	Yes	No	No
Beech St	Yes	Yes	Yes
Bell St	Yes	Yes	No
Belmore St	Yes	No	No
Bligh Ln	No	No	No
Bimbadeen Dr	Yes	No	Yes
Birrilee St	Yes	No	Yes
Black St	Yes	No	No
Blakefield Rd	No	Yes	No
Buddens Ln	No	No	No
Bligh St	Yes	No	No
Bloodwood Rd	Yes	No	No
Campion Ln	No	No	No
Dianella Dr	No	No	No
Bowman St	Yes	Yes	No
Bretch St	Yes	Yes	Yes
Brentwood St	Yes	Yes	No
Bridge St	Yes	No	No
Bronte Cr	Yes	No	Yes
Brook St	Yes	Yes	No
Dorans Ln	No	No	No
Burgundy St	Yes	No	Yes
Cabernet St	Yes	No	No
Calgaroo Ave	Yes	No	Yes
Campbell St	Yes	No	No
Paterson Pl	No	No	No
Carl Ln	Yes	Yes	No
Carl St	Yes	Yes	Yes
Carramere rd	Yes	Yes	No
Cassidy Ave	Yes	No	Yes
Casuarina Cl	Yes	No	Yes
Cedar Cl	Yes	No	Yes
Chablis Cl	Yes	No	Yes
Chardonnay St	Yes	No	No
Chenin Cl	Yes	No	Yes
Chivers CCT	Yes	No	No
Clarence Way	Yes	No	No
Claret Ave	Yes	No	Yes

William Ln	No	No	No
Billabong Cl	No	No	Yes
Coal Rd	Yes	Yes	?
Common Rd	Yes	Yes	No
Cook St	Yes	Yes	Yes
Boronia Drive	No	No	Yes
Bowfield Pl	No	No	Yes
Cousins St	Yes	No	Yes
Clendinning St	No	No	Yes
Cunningham St	Yes	No	No
Clifford St	No	No	Yes
Coolibah Cl	No	No	Yes
Coral St	No	No	Yes
Crete St	No	No	Yes
Cypress Pl	No	No	Yes
Dixon Cct	Yes	No	Yes
Dolahenty St	Yes	Yes	No
Dalwood Pl	No	No	Yes
Dangar Pl	No	No	Yes
Doyle Ln	Yes	Yes	No
Doyle St	Yes	Yes	No
Dumaresq St	Yes	Yes	Yes
Edinglassie Dr	Yes	No	Yes
Day St	No	No	Yes
Eucalypt Ave	Yes	No	Yes
Eurabbie Ave	Yes	No	Yes
Donaldson St	No	No	Yes
Fitzgerald Ave	Yes	No	No
Flanders Ave	Yes	No	No
Fleming St	Yes	Yes	Yes
Foley Ln	Yes	No	No
Foley St	Yes	Yes	No
Forbes St	Yes	Yes	Yes
Ford St	Yes	Yes	Yes
Francis St	No	Yes	Yes
Gamay Cl	Yes	No	No
George St	Yes	Yes	No
Glen Munroe Rd	No	Yes	Yes
Enterprise Cres	No	No	Yes
Gore St	Yes	No	No
Goruk Cl	Yes	No	Yes
Grant Miller St	Yes	No	No
Finnegan Cr	No	No	Yes
Gyarran St	Yes	No	No
Hakea Dr	Yes	No	Yes
Hastings St	Yes	No	No
Haydon St	Yes	No	No
Henry Dangar Dr	Yes	No	Yes
Hermitage Pl	Yes	No	Yes
Heron Ln	Yes	No	No

Hill St	Yes	Yes	Yes
Hillview Ave	Yes	Yes	No
Holdsworth Cr	Yes	No	No
Humphries St	Yes	No	No
Glenbawn Pl	No	No	Yes
Hunter St	Yes	Yes	Yes
Industrial Cl	Yes	Yes	No
Ironbark Rd	Yes	No	Yes
Isis Way	Yes	No	No
Isobella St	Yes	No	Yes
Jackaroo Cl	Yes	No	Yes
Jarraah Pl	Yes	No	Yes
Jeans St	Yes	No	Yes
Grevillea St	No	No	Yes
Hunt Pl	No	No	Yes
Jersey Way	Yes	No	No
Jillaroo Way	Yes	No	Yes
John Howe Crt	Yes	No	Yes
Jordan St	Yes	Yes	No
Kamilaroi St	Yes	No	No
Karoola Ave	Yes	No	Yes
Jenkins St	No	No	Yes
Keegan St	Yes	No	No
Jeune St	No	No	Yes
King St	Yes	Yes	Yes
Kingfisher Pl	No	Yes	No
Kokoda St	Yes	No	No
Koombahla St	Yes	Yes	No
Lae St	Yes	No	No
Lexia St	Yes	No	Yes
Karri Pl	No	No	Yes
Kennedy Cl	No	No	Yes
Lorne St	Yes	Yes	Yes
Lou Fisher Pl	Yes	No	No
Lynch St	Yes	No	No
Mahogany St	Yes	No	Yes
Maitland St	Yes	Yes	Yes
Malbec St	Yes	No	No
Manning St	Yes	Yes	Yes
Market Ln	Yes	Yes	No
Market St	Yes	Yes	No
Lohnro Pl	No	No	Yes
Mataro Ave	Yes	No	Yes
McClintock Dr	Yes	No	No
McGregor St	Yes	No	No
Lofberg Crt	No	No	Yes
Merlot St	Yes	No	Yes
Midanga Ave	Yes	Yes	No
Mill St	Yes	Yes	No
Millard Cl	Yes	No	No

Mitchell St	Yes	Yes	Yes
Muscle Creek Rd	Yes	No	No
Mussel St	Yes	No	No
Marlock Pl	No	No	Yes
Nardoo Cl	Yes	No	Yes
Newman St	No	Yes	Yes
Melaleuca Cl	No	No	Yes
Myall Cl	No	No	Yes
Nowland St	Yes	Yes	Yes
Oak Pl	Yes	Yes	No
Octagonal Way	Yes	Yes	No
Ooranga St	Yes	No	No
Osborn Ave	Yes	No	Yes
Pacific Way	Yes	No	No
Parkinson Ave	Yes	Yes	Yes
Northerly Cl	No	No	Yes
Peppermint Rd	Yes	No	Yes
Pinot St	Yes	No	Yes
Northview Cct	No	No	Yes
Queen St	Yes	No	Yes
Racecourse Rd	Yes	Yes	No
Reef Wy	Yes	No	Yes
Richmond St	Yes	No	No
Riesling St	Yes	No	Yes
Roger St	Yes	No	No
Plashett Cl	No	No	Yes
Rosella Cl	Yes	Yes	No
Ruth White Ave	Yes	Yes	Yes
Rutherford Rd	Yes	No	Yes
Sanray Cr	Yes	No	No
Saurtene Cl	Yes	No	No
Scott St	Yes	Yes	Yes
Semillion St	Yes	No	Yes
Rose Wy	No	No	Yes
Shaw Cr	Yes	Yes	Yes
Sheppard Ave	No	Yes	Yes
Shiraz St	Yes	No	Yes
Sepoy Cr	No	No	Yes
Silver Eye Rd	No	Yes	Yes
Skellatar St	Yes	Yes	Yes
Skellatar Stock Rt	Yes	Yes	Yes
Sowerby Ave	Yes	Yes	Yes
Sowerby St	Yes	Yes	No
Silky Oak Cl	No	No	Yes
St Heliers St	Yes	Yes	Yes
St James Cr	Yes	No	Yes
Stockyard Pde	Yes	Yes	Yes
Strathmore Rd	No	Yes	Yes
Sydney St	Yes	Yes	Yes
Sylvana St	Yes	No	Yes

St Andrews Pl	No	No	Yes
Tarakan Ave	Yes	No	Yes
Ted Clay St	Yes	No	Yes
Thiess Cres	Yes	Yes	No
Thomas Mitchell Dr	Yes	Yes	No
Tamar Wy	No	No	Yes
Thompson St	Yes	No	No
Tindale ST	Yes	Yes	Yes
Tobruk Ave	Yes	No	No
Tocal Wy	Yes	No	No
Top Knot pl	Yes	Yes	No
Towarri St	Yes	No	No
Traminer St	Yes	No	Yes
Tuart Cl	Yes	No	Yes
Turanville Ave	No	Yes	Yes
Upper William St	Yes	Yes	Yes
Valley Wy	Yes	No	Yes
Victoria St	Yes	Yes	No
View Pl	Yes	Yes	No
Wallarah Rd	No	Yes	Yes
Wannaruah Cct	Yes	No	No
Wandoo Cl	Yes	No	Yes
Tierney St	No	No	Yes
Wattle St	Yes	No	Yes
Waratah Cl	No	No	Yes
Wilder St	Yes	Yes	No
Wilga Gln	Yes	No	No
Wilkins St	Yes	Yes	No
Wilkinson Ave	No	Yes	Yes
Weemala Pl	No	No	Yes
William St	Yes	Yes	No
Wilson St	Yes	Yes	Yes
Wollombi Rd	Yes	No	Yes
Woodlands Ridge Rd	Yes	Yes	Yes
Woollybutt Wy	Yes	No	Yes
Wybong Rd	Yes	Yes	No
Yammanie Wy	Yes	No	Yes

Estimated Number of Trees	Comment	Priority 1-5
<10		3
>10		4
>10		4
-		5
<10		3
<10		3
-		5
<10		3
-		5
-		5
-		5
<10		3
-		5
-		5
-		5
>10		4
<10		3
-		5
-		5
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-		5
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-		5
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-		5
>10		4
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>10		4
		5
-	Small Culdesac	5
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<10		3
		5
<10		3
<10		3
<10		3
<10		3
		5
<10		3
-		5
-		5
<10		3

-	5
<10	1
Bypass will impact	5
-	5
Industrial Estate	4
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<10	1
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>10	2
-	5
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Industrial Estate	
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-	Rural
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>10	4
-	5
-	5
>10	4
<10	3
<10	1
>10	4
>10	4
>10	4
>10	The whole horse estate needs trees
>10	Rural
>10	4
>10	4
>10	4
<10	3
-	5
>10	2
<10	3
>10	4
>10	Rural
>10	4
>10	Industrial Estate
>10	4
<10	3

<10		1
<10		3
<10		3
-	Industrial Estate	5
-	Industrial Estate	5
<10		1
-	Tree planted last year	5
>10		4
-		5
-		5
-	Rural	5
-		5
<10		3
<10		3
>10		4
<10		3
<10		3
-		5
-		5
>10	Industrial Estate	4
-		5
<10		3
>10		2
<10		3
<10		1
-		5
-		5
-		5
>10	This can be completed in Olympic Park Works	4
>10		2
-		5
<10		3
>10		4
>10	Rural	4
<10		3
-	Rural	5
<10		3



Street Tree Application

Street Tree Programme

The street tree program aims to maintain and expand urban tree canopy in our residential areas.

Street trees help make the area look established and feel more relaxed. They provide shade and shelter and help reduce summer water and electricity use by reducing direct sunlight on residences. They bring life to an area by providing feeding and nesting places for wildlife and can even improve property values.

Through the Street Tree Programme, trees are supplied and planted on the verge at no cost to residents; Council will supply and plant the trees. The tree(s) will require watering approximately twice a week within the first year, to ensure that they have the best chance to establish which residents will be recommended to do. To further assist the residents during establishment, a brochure with information on how to care for the tree(s) is provided once planting is completed.

Pruning and ongoing maintenance of the tree is the responsibility of Muswellbrook Shire Council, and any requests for maintenance of verge trees can be lodged on Council website <https://muswellbrook.nsw.gov.au/>

Street Tree Application

Muswellbrook Shire Council takes requests for street trees year-round, however planting of the tree(s) only occurs in Winter (June to August). There is a limited number of trees available each year. Your request will be added to a tree planting register which will be used in prioritising and evaluating requests. Tree species will be given individually after request has been received. This will be consistent with Muswellbrook Shire Council Preferred Species list. Residents will be given an option dependent on location of property.

Please Note: If you have received a letter promoting the street tree program and do not want a street tree please fill out the mandatory fields below and check the box 'No, would not like a street tree'.

Street Tree Request/Decline Form

Having trouble printing out this online form? You can print off a hard copy form using the document link below.

INSERT DOCUMENT LINK



Street Tree Request/Decline Form

Property Owner Name

**If more than one owner, please enter all owners' names.*

Primary Contact Number

**Mobile or landline of primary owner for contacting.*

--

Address

**This is the address of the property where the tree's may or may not be planted.*

Would you like trees planted on your property verge?

--

Yes, I would like tree(s) planted on the verge.

--

No, I would not like tree(s) planted on the verge



Tree Selection

Are you willing to water the tree(s) while they are establishing? (Twice a week during summer for the first year, and additionally if the tree is wilting)

☐

Yes

☐

No

Are there any Power Lines on your verge?

☐

Yes

☐

No

Enter the number of trees required in the fields below. The number of trees available per resident is guided by the length of your road frontage boundary (in metres) divided by 10 metres.

1.
2.
3.



Tree Placement

Location Preference Details

Do you have a preference for the planting location of the tree(s) on the verge? If yes, enter tree planting location preference and/or any instructions for planting below, otherwise leave for Muswellbrook Shire Council to decide the best location. Describe location(s) looking in the direction of your house from the road. E.g. left, middle, right, next to left or right boundary, just left/right of driveway.

11.6 COUNCIL STANDING COMMITTEE ON INDUSTRIAL CLOSURES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Aleksandar Mitreski - Policy Analyst Economic Transition & Innovation
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>

PURPOSE

To consider the establishment of a Muswellbrook Coal and Liddell Closure Advisory Committee of the Council.

OFFICER'S RECOMMENDATION

1. The MUSWELLBROOK Coal Closure Committee and the Liddell closure Advisory Committee resolved to be constituted on 10 September 2019 be combined as the Council Standing Committee on Industrial Closures (the Closure Committee); and
2. The Function of the Closure Committee be to advise Council on how it should assist in the orderly closure of significant industries within the Shire of Muswellbrook.
3. The Closure Committee be constituted by:
 - (a) The Hunter Region Employment Facilitator, Federal Department of Employment, Skills, Small and Family Business (as Chair);
 - (b) The Council spokesperson for Innovation and Industry;
 - (c) The General Manager (or delegate);
 - (d) The Federal Member for Hunter (or delegate);
 - (e) A representative of the State Department of Regional NSW;
 - (f) A representative of the CFMMEU or such other or further union representation as the Committee thinks fit;
 - (g) Such employer delegates as the Committee thinks fit provided that, during the Muswellbrook Coal and Liddell industrial closures, each shall be entitled to two representatives each;
 - (h) A representative of the Muswellbrook Business Chamber;
 - (i) Such representatives of other local councils as the Committee thinks fit provided that, during the Muswellbrook Coal and Liddell industrial closures, Singleton and Upper Hunter councils shall be entitled each to a representative;
 - (j) A representative of the Australian Transitions Academy; and
 - (k) A representative of Samaritans or such other or further welfare organisation as the Committee thinks fit.
4. Any funding provided to any of the committees now being combined, be for the use of the

Closure Committee.

Moved: _____ Seconded: _____

BACKGROUND

In September 2019, Council established the Muswellbrook Coal Closure Committee and the Liddell Closure Committee (the **Committees**) as two separate committees. This report outlines the need for both committees to be joint into one and recommends the committee membership structure.

CONSULTATION

General Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The Councillor Spokesperson for Innovation and Industry

REPORT

The Committees have overlap of issues and timeline and have similar memberships.

Similarity and overlap of issues and timeline

The topics discussed in the Committees are the same or similar, especially when discussing issues relating to the broader community, local economy, as well as projects that Muswellbrook Coal Company (**MCC**) and AGL are both involved in, such as Bell's PHES project. The timeline for closure of both the mine and the power station, by 2023, is also similar.

Furthermore, the Liddell Closure Committee commissioned a study on Measures of Success for a closure of a coal mine and coal-fired power station. Expert academic team from the University of South Australia has been working on developing the study and is expected to be finalized by the end of May 2020. The study is relevant to both Committees as it will inform the members on what success of well-managed closure process looks like. The conclusions and recommendation from the study will be relevant to MCC and AGL as they are preparing their closure plans.

MCC staff has already participated in the work of the Liddell Closure Committee. MCC staff were guests at the second Liddell Closure Committee and they have also joined the Latrobe Valley fact finding tour which was officially organised by the Liddell Closure Committee.

Similar membership

Both Committees have similar membership. Originally Council decided on the below membership structure.

The Liddell Closure Committee is constituted by:

- a) The Council Spokesperson for Innovation and Industry;
- b) The General Manager (or representative);
- c) The State Member or his or her representative;
- d) The Federal Member or his or her representative;
- e) A representative of each of the CFMMEU, ETU and PSA;
- f) Two representatives from AGL Energy;
- g) A representative of Muswellbrook Chamber of Commerce;
- h) A representative of Singleton Council;
- i) A representative of Upper Hunter Shire Council;

- j) A representative of the Australian Transitions Academy; and
- k) The Hunter Region Employment Facilitator, Department of Employment, Skills, Small and Family Business.

The Muswellbrook Coal Closure Committee is constituted by:

- a) The Council Spokesperson for Innovation and Industry;
- b) The General Manager (or representative);
- c) The State Member or his or her representative;
- d) The Federal Member or his or her representative;
- e) A representative of each of the CFMMEU;
- f) Two representatives from Muswellbrook Coal;
- g) A representative of Muswellbrook Chamber of Commerce;
- h) A representative of the Australian Transitions Academy; and
- i) The Hunter Region Employment Facilitator, Department of Employment, Skills, Small and Family Business;
- j) A representative of Samaritans;
- k) A representative of Upper Hunter Community Services.

Proposed changes

Considering the similarity of topics discussed at the Committees and to prevent duplication of efforts of the committee members, staff recommends the following list of members to constitute the Council Standing Committee on Industrial Closures:

- a) The Hunter Region Employment Facilitator, Federal Department of Employment, Skills, Small and Family Business (as Chair);
- b) The Council spokesperson for Innovation and Industry;
- c) The General Manager (or delegate);
- d) The Federal Member for Hunter (or delegate);
- e) A representative of the State Department of Regional NSW;
- f) A representative of the CFMMEU or such other or further union representation as the Committee thinks fit;
- g) Such employer delegates as the Committee thinks fit provided that, during the Muswellbrook Coal and Liddell industrial closures, each shall be entitled to two representatives each;
- h) A representative of the Muswellbrook Business Chamber;
- i) Such representatives of other local councils as the Committee thinks fit provided that, during the Muswellbrook Coal and Liddell industrial closures, Singleton and Upper Hunter councils shall be entitled each to a representative;
- j) A representative of the Australian Transitions Academy; and
- k) A representative of Samaritans or such other or further welfare organisation as the Committee thinks fit.

After the State MP, Michael Johnsen, has resigned from the work of the Liddell closure Advisory Committee, the Department of Regional NSW have expressed their intention to participate. A Department of Regional NSW representative has already attended one meeting of the Liddell Closure Committee (as guest) and has confirmed their willingness to officially join the work of the Committee. This report regularises the membership of Regional NSW to the Closure Committee.

OPTIONS

Councillors may determine to establish the Closure Committee and its terms of reference as recommended, establish the Closures Committee with different terms of reference and membership, or not establish such a committee

CONCLUSION

It is recommended that the Council Standing Committee on Industrial Closures be established in the terms proposed.

SOCIAL IMPLICATIONS

The Closure Committee will enhance the consultation processes for the community.

FINANCIAL IMPLICATIONS

No known financial implications.

POLICY IMPLICATIONS

There are no known policy implications.

STATUTORY IMPLICATIONS

The establishment of such a committee is consistent with the *Local Government Act* 1993.

LEGAL IMPLICATIONS

There are no known legal implications.

OPERATIONAL PLAN IMPLICATIONS

There are no known Operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

There are no known Risk Management implications.

11.7 REPLACEMENT OF SOUTHERN (ULAN LINE) RAIL BRIDGE CROSSING BRIDGE STREET, MUSWELLBROOK: BRIDGE CONCEPT DRAWINGS

Attachments:	Nil
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 submit for Council's review a number of concept drawings provided by Australian Rail Track Corporation to enhance the heritage, cultural and aesthetic properties of the concrete bridge proposed to replace the existing Bridge Street, Muswellbrook, Ulan Line (southern) rail bridge, which is proposed to be carried out between June 2020 and December 2021.

OFFICER'S RECOMMENDATION

1. Council **NOTES** the information contained in the report.
2. Council recommends treatment Option 4 in the report be further developed, with a further report to be provided to Council providing detailed structure treatment options.

Moved: _____ **Seconded:** _____

BACKGROUND

A report, entitled 'Replacement of southern (Ulan Line) rail bridge crossing Bridge Street, Muswellbrook' was submitted to the 28 April 2020 Ordinary Council meeting. The report provided information in relation to the Australian Rail Track Corporation's (ARTC) proposal to replace the Ulan Line rail bridge, which is the southern rail bridge crossing Bridge Street, Muswellbrook, between June 2020 and December 2021.

An outcome of the report has been further consultation with the ARTC project team with regards to treatment options so that the new bridge will retain as much as possible the important heritage, cultural, and aesthetic characteristics of the existing bridge.

CONSULTATION

Consultation has been carried out with the Australian Rail Track Corporation in relation to Council's strong desire for the new bridge to faithfully reflect Council's strong desire for the new bridge to duplicate as much as possible the existing bridge's cultural, heritage, and aesthetic characteristics.

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

A report, entitled 'Replacement of southern (Ulan Line) rail bridge crossing Bridge Street, Muswellbrook' was submitted to the 28 April 2020 Ordinary Council meeting. The report provided information in relation to the Australian Rail Track Corporation's (ARTC) proposal to replace the Ulan Line rail bridge, which is the southern rail bridge crossing Bridge Street, Muswellbrook, between June 2020 and December 2021.

An outcome of the report has been further consultation with the ARTC project team with regards to treatment options so that the new bridge will retain as much as possible the important heritage, cultural, and aesthetic characteristics of the existing bridge.

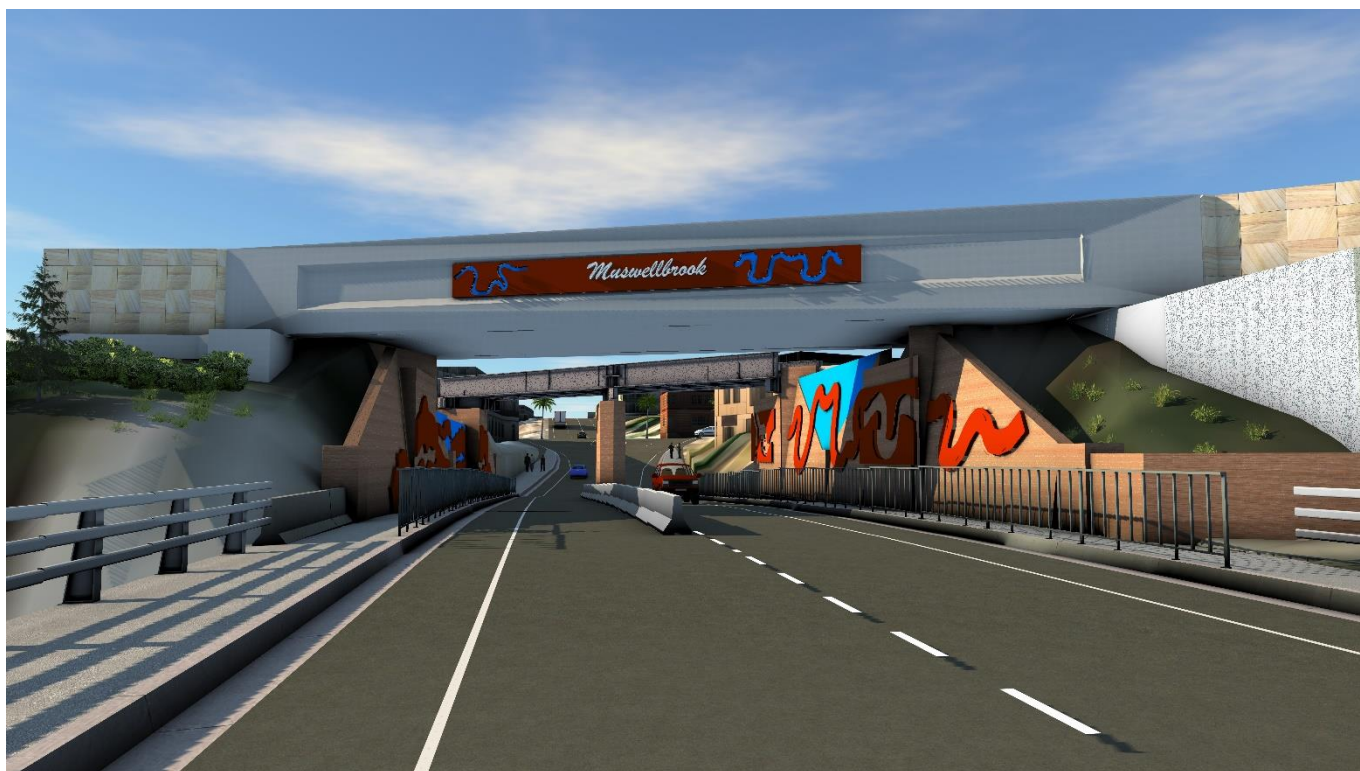
From the perspective of Muswellbrook Shire Council and the Muswellbrook community, a primary consideration of the project is to ensure as much as possible retention of the important heritage, cultural and aesthetic characteristics of the existing bridge, which is regarded as an iconic structure redolent of the social and industrial heritage of Muswellbrook.

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.

A number of concept options have been provided by ARTC in relation to enhancing the aesthetic properties of the bridge. These options are as follows:

Option 1:



Option 2



Option 3



Option 4



In relation to the colouration treatment of the concrete structures, the intention is for pigmentation of the concrete to be carried out. If this is not possible, an alternative solution is to paint the bridge structure in order to obtain a similar effect. Council staff will also discuss with the ARTC project team the potential for veneer sandstone plates to be utilised where possible.

OPTIONS

Council may decide a satisfactory option from a number of potential approaches:

- Not require any enhancement of the bridge, that is, the completed product will comprise natural concrete and signage;
- Consider one of the four options provided above for further development, or none of the options.

CONCLUSION

The report has been submitted for the information and review of Council. It is anticipated that a further report will be submitted to Council providing detailed treatment options for the bridge and ancillary structures.

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 and repairs. ARTC is proposing to replace the existing bridge with a new rail bridge that will meet future load requirements and increase network reliability.

12 CORPORATE AND COMMUNITY SERVICES

12.1 LOAN OF BLUE HEELER STATUE

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

PURPOSE

The purpose of this report is to recommend to Council that they endorse the loaning of the Blue Heeler Statue as a display item to Hunter Relics and Co, Aberdeen St, Muswellbrook for a period of twelve (12) months.

OFFICER'S RECOMMENDATION

Council endorse for a period of twelve (12) months, the loaning of the original fibre glass Blue Heeler Statue as a display item, to Hunter Relics & Co on Aberdeen St Muswellbrook, a photograph of which, is provided in attachment A.

Moved: _____ **Seconded:** _____

BACKGROUND

Muswellbrook Shire Council General Manager has requested that a report be prepared to seek Council endorsement for the original fibre glass Blue Heeler Statue (see attached image) to be loaned as a display item, to Hunter Relics and Co, Aberdeen St Muswellbrook, for a period of twelve (12) months.

CONSULTATION

Muswellbrook Shire Council General Manager.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Mayor Martin Rush.

REPORT

This report seeks Council endorsement to loan as a display item, the original Blue Heeler Statue (see attached image) to Hunter Relics & Co on Aberdeen St, Muswellbrook.

It is recommended to Council, that the Statue be loaned as a display item, for a period of twelve (12) months.

OPTIONS

Council may not endorse the recommendation contained in this report.

CONCLUSION

That Council having considered the information contained in this report, endorse the recommendation that Council loan for a period of twelve (12) months, the original Blue Heeler Statue as a display item, to Hunter Relics & Co, on Aberdeen St, Muswellbrook.



12.2 GOVERNANCE POLICY REVIEW

Attachments:	A. POLICY MSC00E - GOVERNANCE POLICY
Responsible Officer:	Fiona Plesman - General Manager
Author:	Anthony Pirillo - Policy Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To seek Council's adoption of the revised Muswellbrook Shire Council Governance Policy.

OFFICER'S RECOMMENDATION

Council adopt the revised Governance Policy provided in attachment A.

Moved: _____ **Seconded:** _____

BACKGROUND

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 first recommended amendment to the Governance Policy will ensure all future citizenship ceremonies are fully compliant with Commonwealth legislation and regulation.

The second recommended amendment expressly clarifies Council's position with regard to councillor representation on Community Consultative Committees (CCC). This is to codify current practice since the 2014 Muswellbrook Shire Council Coal Miners General Managers Forum, where a new structure for ongoing liaison with Council with respect to CCC operational matters was provided for.

The third recommended amendment to the Governance Policy sets out explicit rules in relation to the handing of third-party commercial-in-confidence information, where any member of the Elected Arm of Council, has a significant pecuniary interest in a party tendering to perform Council work or services.

Muswellbrook Shire Council is committed to ensuring the highest level of governance and legislative compliance.

CONSULTATION

General Manager;

Corporate Lawyer; and

Manager of Integrated Planning, Risk and Governance.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor Martin Rush.

REPORT

This report recommends three (3) separate amendments to the Governance Policy.

- i. **Representing the community:** On page 6 of the Policy, under 5.7 “The discharge of representative responsibilities”, it is recommended to Council, to include in the subheading “Representing the community”, the following amendment:

“Citizenship ceremonies will be conducted in accordance with all Federal Government regulations as amended from time to time”.

- ii. **Community Consultative Committees:** On page 6 and 7 of the Policy, under 5.7 “The discharge of representative responsibilities”, it is recommended to Council that a new section titled “Community Consultative Committees (CCC)” be added reflecting Council’s current practice, which reads:

“Where the Council is requested to appoint a representative to a Community Consultative Committee established in accordance with the *Community Consultative Committee Guideline: State Significant Projects January 2019* (as amended or replaced), any appointment will be on a limited basis. Unless expressly provided to the contrary by the instrument of appointment, it shall be a condition of all such appointments by the Council that the appointee is in no way empowered to make representations or do acts or things by or on behalf of, or that otherwise bind, the Council. Absent an express written delegation, the Governing Body cannot be taken to have delegated any of its powers or functions to an appointee.”

- iii. **Probity – the handling of third-party commercial-in-confidence information:** On page 11 of the Policy, it is recommended to Council under 5.16 “Fraud and Corruption”, that a new section be included titled “Probity – the handling of third-party commercial-in-confidence information”. The explicit text of the amendment shall read as follows:

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.

CONCLUSION

It is recommended that Council adopt the revised Governance Policy.

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 recommendations contained in this report are adopted.

STATUTORY IMPLICATIONS

No known statutory implications

LEGAL IMPLICATIONS

Comply with the following;

Australian Citizenship Act 2007 (Cth);

Australian Citizenship Ceremonies Code (2019); and

Community Consultative Committee Guideline: State Significant Projects January 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.

Risk of the perception of misrepresentation if Muswellbrook Shire Council's position on Community Consultative Committee (CCC) appointments by it is not expressly clarified and codified.



muswellbrook shire council

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.

Community Consultative Committees (CCC)

Where the Council is requested to appoint a representative to a Community Consultative Committee established in accordance with the *Community Consultative Committee Guideline: State Significant Projects January 2019* (as amended or replaced), any appointment will be on a limited basis. Unless expressly provided to the contrary by the instrument of appointment, it shall be a condition of all such appointments by the Council that the appointee is in no way empowered to make representations or do acts or things by or on behalf of, or that otherwise bind, the Council. Absence an express written delegation, the Governing Body cannot be taken to have delegated any of its powers or functions to an appointee.

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	21 May 2020	Policy Officer	Amendments to sections 5.7 & 5.16

12.3 2019-2020 OPERATIONAL PLAN 31 MARCH QUARTERLY REVIEW

Attachments:	A. 2019-20_Operational_Plan_Q3_Council_Review.docx
Responsible Officer:	Joshua Brown - Manager - Integrated Planning & Governance
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

The adopted 2019/20 Operational Plan has been reviewed over the months of 1 January 2020 to 31 March 2020.

OFFICER'S RECOMMENDATION

The 2019/20 Operational Plan Review dated 31 March 2020 be noted.

Moved: _____ Seconded: _____





BACKGROUND

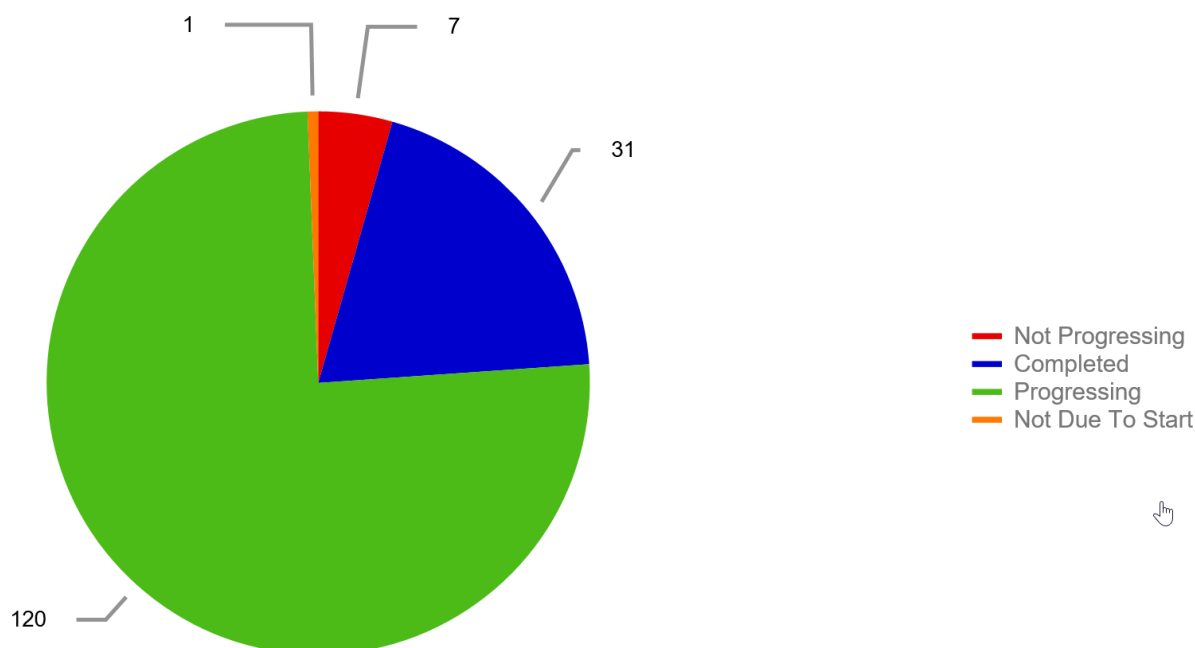
The *Local Government Act 1993* requires Council to review its Operational Plan.

REPORT

Please refer to the separate Quarterly Management Report – Q3, 2019/20 outlining the full Operational Plan review for the period to 31 March 2020.

Following, are overview charts indicating the status of Operational Plan items by Principal Activity Area.

Overall - of the 159 activities:	
	• 4.5% are not progressing;
	• .5% are not due to start;
	• 75% are progressing and on target;
	• 20% have been completed on or ahead of schedule.



The actions reported as **not progressing** are as follows:

ACTION	STATUS
5.3.5 Deliver a Youth Week Event.	Youth Week activities will not progress in their current form due to social distancing policies (Covid19). Planning continues for events which will possibly be held in October/November, 2020.
5.6.5 Continued implementation of Asset Management System phase 2 - financial components.	<p>The Asset Management System implementation is a multi-year project, which has progressed effectively during 18-19. Continued implementation efforts will be needed over the next few years to complete this project.</p> <p>Progress is starting to resume with staff coming on board and actions being taken to further continue deployment.</p>
6.1.1 Support the continued delivery of the Collaborative Impact Facilitators Project with respect to social housing tenants in partnership with other providers	The CREATE change Coalition has finalized their program of work and the role of the Collaborative Impact Facilitator has ceased. This operational plan action will not progress further.
9.2.3 Increase the membership of older people at both Muswellbrook and Denman Aquatic Centres, gym and Upper Hunter Regional Library Service	Recent closures due to Covid 19 have halted previous service deliveries in age appropriate activities at both Denman and Muswellbrook Aquatic Centres. There has been an attendance increase of approximately 2.5% during 2019/20.
16.1.2 Seek funding to review Council's Heritage Inventory 1996	Funding source has not been identified
19.3.7 Undertake a comprehensive review of Council's Development Contribution Plans	This project is currently unfunded.
23.1.1 Continue a comprehensive community consultation program as per the Community Engagement Strategy.	Council has not commenced a comprehensive community consultation program and there are no plans to host a community panel this year.

The actions reported as **not due to start** are as follows:

ACTION	STATUS
10.1.1 Facilitate and support the Aboriginal Culture and Heritage working group.	The Aboriginal Culture and Heritage Working Group has not been convened during 2019/20 and will only occur now if required.

The actions reported as **completed** are as follows:

ACTION	STATUS
2.4.3 Construct further stages of the Rail Noise Abatement Wall	Successful completion of Noise Walls 1, 3, & 4 in consultation with ARTC.
2.4.7 Development of Denman Walking Trail	Construction of the Denman Lookout Walking Trail is complete. The Denman Lookout walking trail is a key component of a larger Denman Walking Trail.
5.2.1 Deliver at least one piece of permanent public art as a part of the urban revitalisation project.	Public art mural installed in Marketplace laneway.
5.5.2 Continue matched funding Small Sport and Recreation Grants Programme.	Applications were awarded at the November 2019 Ordinary Council meeting.
5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	Applications were awarded at the November 2019 Ordinary Council meeting.
5.5.4 Continue user group consultation program and calendar.	Facility user groups meetings held monthly and the first biannual Muswellbrook Shire Sport and Recreation User Group meeting was held in September 2019. The next biannual meeting is to be held March 2020.
5.6.2 Address the actions identified in accessibility building and property audits.	Council approved General Building Renewal Programme 2019/20 includes works identified in accessibility building and property audits.
5.6.6 Continue implementation of Customer Request Management System (CRMS) and customer online transaction portal.	CRM and Customer transaction are now able to made. These items are now completed, any incremental improvements will be made over time.
7.2.2 Apply Disability Access and Building Code of Australia (BCA) requirements to Development Applications and Construction Certificate applications across the Shire	This has become "Business as Usual" for planning and building staff, with accessibility reports required for significant development proposals.
8.1.1 Progress the design of Upper Hunter Early Learning Centre and prepare for funding opportunities.	Design developed to the extent to support funding opportunities.

ACTION	STATUS
8.1.3 Construct a suitable crèche as part of the Muswellbrook Aquatic and Fitness Centre renewal.	Creche included in the design of the Muswellbrook Aquatic Centre upgrade.
9.2.1 Deliver the ageing strategy in consultation with residents of Muswellbrook Shire.	The Muswellbrook Shire Ageing Strategy has been adopted by Council and distributed throughout the community during the preparations for the Seniors Festival week, 2020. An action list identifying future work will be considered as part of the 2021/22 Operational Plan.
9.2.2 Partner with other community groups and organisations to deliver and promote a directory of Seniors Festival events	Seniors Festival Program developed and promoted in 2020.
10.1.2 Work with the Aboriginal community on the delivery of at least two events annually to celebrate and promote Aboriginal art and culture	The NAIDOC week 2019 exhibition at the Muswellbrook Regional Arts Centre included an Exhibition by local Aboriginal Artist Travis De Vries.
12.1.4 Continue Council's efforts running multiple National Tree Day planting events in Muswellbrook and Denman.	National Tree day held, details provided to Councillors in monthly Director's report.
14.1.4 Investigate opportunities for joint ventures with renewable energy innovators and power suppliers	Council successfully completed a Pumped Hydro Storage energy project with delivery the project taken up by AGL. AGL has announced that the Bells Mountain Pumped Hydro Storage Facility will be delivered by 2026.
18.1.1 Support and grow the Blue Heeler Film Festival in partnership with the School of Creative Industries at the University of Newcastle	Successful collaboration with the UoN in delivery of the Blue Heeler Festival has improved the quality of films entered and attracted participation from outside the Upper Hunter. It is expected that the 2020 Blue Heeler Festival will attract increased attendance at the event.
18.1.2 Development and implementation of several small scale cultural events to build interest in Muswellbrook's town centre and increase cultural activity	Council is focusing on the 2021 events program. 2020 events have been cancelled due to COVID-19.
18.2.2 Work with sponsors to investigate the annual delivery of the Muswellbrook Art Prize	A sponsorship agreement has been settled with Bengalla Mining Company regarding the Muswellbrook Art Prize to be held in March 2020.
18.2.3 Partner with local education providers to enhance the Muswellbrook Regional Arts Centre's exhibitions	There were more than two partnerships with education providers in the delivery of exhibitions at the MRAC during 2019/20.

ACTION	STATUS
18.4.1 Maintain ongoing financial membership and provide management support to Arts Upper Hunter	Membership to Arts Upper Hunter was arranged during Q1 of 2019/20.
18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter	The following groups received funding in the 2020 Country Arts Support Program (CASP). These groups included, Upper Hunter Youth Council, Scone Arts and Crafts, Cassilis District Development Group Incorporated (Cassilis DDG), Dungog Primary School P&C and Singleton Council.
19.2.5 Develop prioritised bus stop shelter upgrade and renewal program for Muswellbrook Shire	A report entitled 'Prioritised bus stop shelter upgrade and renewal programme' was submitted to the 24 September 2019 Ordinary Council meeting. The report provides a list of projects seeking grant funding under the Country Passenger Transport Infrastructure Grants Scheme.
19.3.2 Provide to Council a list of works proposed for design	The 2019-20 capital works programme was submitted and endorsed by Council at the July 2019 Ordinary Council Meeting.
19.3.9 Seek support for Council's infrastructure priorities for grant programs; e.g. Resources for Region	Council has successfully received funding as part of the Resources for Regions fund for road improvement projects across the Shire and completed a submission as part of the review of Resources for Region program.
19.4.1 Seek grant funding for projects which may arise out of the Floodplain Risk Management Plan	Council has successfully obtained grant funding for the establishment of an early flood warning system for Muscle Creek. This project has been identified as a high priority in the Floodplain Risk Management Plan.
20.1.2 Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines	Benchmarking report was submitted in October 2019. Substantial achievement of Best Practice Water Supply and Sewerage Guidelines has been achieved.
20.1.8 Review and update the Landfill Environmental Management Plan	The Landfill Environmental Management Plan has been reviewed and updated, and was reported to the 27 August 2019 Ordinary Council meeting.
22.1.1 Carry out a desk based exercise to test preparedness for a severe weather event.	A desk-based exercise has been carried out to test preparedness for a severe weather event. The exercise was carried out under the auspices of Muswellbrook Police and relevant response agencies following the September 2019 meeting of the Local Emergency Management Committee.

ACTION	STATUS
22.1.5 Review Council's Emergency Management Plan (EMPLAN)	A review of Council's Emergency Management Plan (EMPLAN) has been carried out, and the status of evacuation centres for Muswellbrook Shire has been updated.
24.2.13 Ensure compliance with all Recover at Work processes in accordance with requirements of regulators and insurer.	HR have completed all the improvement recommendations from the Statecover audit May 2018. HR had organized with Statecover to deliver training to Supervisors and managers in relation to initial injury and doctors visits. All RTW records are stored electronically no paper based records are kept on site. HR attend every doctors visit with correct paperwork to be authorized by all parties. HR have developed templates for the purpose of gathering and storing information along with a RTW information folder for injured workers outlining process, responsibilities and expectations. HR have a fortnightly phone conference with Statecover case worker and schedule in calendar regular catch ups with injured workers.



Council Review

Q3 – 2019/20 Operational Plan

Economic Prosperity

Plan for Local Economic Prosperity

Support job growth.

Facilitate the expansion of and establishment of new industries and business.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
1.1	Facilitate the expansion of and establishment of new industries and business.	1.1.1 Complete refurbishment work on the Innovation Hub.	Innovation Hub is available to provide subsidised rent for innovative and new businesses.	Progressing	January, 2020	Awaiting Heritage Council approval of design.
		1.1.2 Support Economic Development and Innovation initiatives of Council through the local planning framework.	Provide advice in relation to strategic land use planning and development controls to support Council's Economic Development and Innovation initiatives, as required and provide annual report to Council on related activities.	Progressing	Reported monthly to Council.	Comments and assistance provided to Council's Policy Analyst Economic Transition and Innovation Officer as requested.
		1.1.3 Review	Audit conducted and	Progressing	30 June, 2020	Council is working

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		environmental goods and services activity in region	report delivered			with the Hunter Joint Organisation on completing a study of the opportunities to establish Bio-Fuel production in the Upper Hunter, this study is under way. Council is also actively working with the HJO on the future of waste management including waste to energy.

Diversify the economy, facilitate the development of intensive agriculture and other growth industries, make the Shire a more attractive place to invest and do business.

Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
2.1	Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.	2.1.1 Support Economic Development and Innovation initiatives of Council through the local planning framework.	Provide advice in relation to strategic land use planning and development controls to support Council's Local Strategic Planning Statement, Local Environment Plan and Development Control Plan	Progressing	Annual report to Council	Planning and Environmental Health staff have provided advice in response to land use planning and development requirements, and prepared updates to incorporate into Council's Development Control Plan.

Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
2.2	Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.	2.2.1 Advocate for establishment of Upper Hunter Economic Development Corporation (UHEDC) to NSW Government. Apply for Ministerial approval and commence strategic planning process	UHEDC established	Progressing	30 June 2020	Council continues to actively work with the Hunter Joint Organisation of Councils (HJO) on the establishment of a Transitions Foundation. A constitution has been drafted with a letter from the HJO to the Minister seeking approval for the establishment of the Foundation to be known as Hunter 2050.
		2.2.2 Establish governance structure and promotion of business opportunities for the Hunter Pilot Biorefinery	Hunter Pilot Biorefinery Advisory Committee established	Progressing	30 June 2020	The due diligence process is now complete. A report was tabled to a closed meeting of Council in April, with Council supporting the public exhibition of an Expression of Interest in the establishment of the Pilot Bio-Refinery at Muswellbrook.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		2.2.3 Continue to work with the Hunter Research Foundation Centre and other economists to deliver economic modelling and evidence for the advancement of economic development in the Shire	Research studies and economic modelling provided to Council.	Progressing	30 June 2020	Council continues to actively participate in the closure of the Liddell power station and has initiated a sub-committee of council dedicated to prepare for the closure of Liddell Power station with a focus on input into plans for future economic use of the site. Council is working with the Office of Premier and Cabinet as a member of the Hunter Diversification Working Party, liaise with the Newcastle University's new Chair of Local Government, the HJO Transition Steering Committee on the establishment of the Hunter Transition Foundation.
		2.2.4 Delivery of Job	Two job creation	Progressing	30 June	Job Creation Fund

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Creation Fund Projects.	projects funded and delivered		2020	Projects are progressing: an EOI is now on public exhibition seeking a partnership for the delivery of the Pilot Bio Refinery Plant; Council is currently recruiting for a STEM teacher to work with local school and the new Richard Gill Music School Muswellbrook; Geotechnical works are underway in the development of the Bells Mountain Pumped Hydro Storage Facility (by AGL); Council continues to work with Office of Premier and Cabinet to seek funding for the Sandy Hollow Water Pipeline project to provide water security for new agricultural business development.
		2.2.5 Development of	Investment prospectus	Progressing	30 June	The 2019 Investment

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		comprehensive investment prospectus.	produced and dedicated page established on website		2020	Prospectus has not progressed any further. Council is contributing information on investment opportunities as part of the Hunter Innovation website, which is an initiative of the Department of Premier and Cabinet.
		2.2.6 Implementation of key recommendations in the Upper Hunter Tourism Strategy.	ii. Commission study into tourism accommodation in the Upper Hunter and exploration of Wollemi National Park access opportunities	Progressing	30 June 2020	COVID-19 Pandemic has slowed progress and delivery of key tourism events, the Denman Wine and Food Affair, the Blue Heeler Festival and the Easter Family Fun day as well as a range of exhibitions. Council is working with the Upper Hunter Council on extending the We Live Here program to improve on line purchase of local products.
			i. Wollemi walks produced and marketed on both Council and NSW Parks websites.		30 June 2020	
			iii. Partner with Destination NSW to investigate market opportunities in Western Sydney through Blue Mountains		30 June 2020	
		2.2.7 Formalise partnership	Memorandum of	Progressing	30 June	Council is working

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		with the University of Newcastle in the BioValley initiative	Understanding signed with University of Newcastle		2020	directly with Ethtec in the delivery of the Pilot Bio-Refinery - Council has called for Expressions of Interest in partnering with ETHTEC in the construction and management of the Pilot Bio-Refinery.

Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
2.3	Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.	2.3.1 Finalise the Local Strategic Planning Statement (LSPS)	Develop an interim Local Strategic Planning Statement endorsed by Council, in consultation with the Department of Planning and Environment.	Progressing	30 June 2020	New draft LSPS to be presented to GM and DPIE early April 2020.

Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
2.4	Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.	2.4.1 Seek commercial opportunities consistent with Muswellbrook's Town Centre Strategy	Seek opportunities to fund buildings providing commercial opportunities within the Muswellbrook Town Centre	Progressing	30 June 2020	New concept design prepared for new commercial and education building consistent with the Muswellbrook Town Centre Strategy.
		2.4.2 Review Council's Parking Study 2010 and develop a comprehensive parking strategy for Muswellbrook and Denman taking into account Council's endorsed strategies for both town centres	Existing Parking Study reviewed and a comprehensive parking strategy for Muswellbrook and Denman Shire developed for endorsement	Progressing	30 June 2020	This project is currently unfunded other than new parking survey work that is being undertaken by Community Infrastructure.
		2.4.3 Construct further stages of the Rail Noise Abatement Wall	In liaison with stakeholders and Australian Rail Track Corporation (ARTC), advocate for further grant funding to construct further stage	Completed	30 June 2020	Successful completion of Noise Walls 1, 3, & 4 in consultation with ARTC.
		2.4.4 Construct additional gateway access to Olympic Park	Construction of additional gateway access to be underway by June 2020	Progressing	30 June 2020	Proceeding with design and works as per master plan.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		2.4.5 Develop detailed design for the Olympic Park Precinct upgrade	Develop detailed design for construction subject to available funding	Progressing	30 June 2020	Proceeding with design and works as per master plan.
		2.4.6 Develop detailed design for Muswellbrook Aquatic Centre upgrade	Complete construction of stage 1 of Aquatic Centre	Progressing	30 June 2020	Design has been completed to proceed in one or multiple stages.
		2.4.7 Development of Denman Walking Trail	Walking trail constructed and launched	Completed	30 June 2020	Construction of the Denman Lookout Walking Trail is complete. The Denman Lookout walking trail is a key component of a larger Denman Walking Trail.

Develop agricultural industry opportunities in the Shire.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
2.5	Develop agricultural industry opportunities in the Shire.	2.5.1 Develop an Agribusiness Development Strategy for Upper Hunter.	Agribusiness Development Strategy developed and reported to Council for endorsement	Progressing	30 June 2020	This project has stalled and due to the coronavirus pandemic work on the Agribusiness Development Strategy for the Upper Hunter is on hold.
		2.5.2 Develop strategy for 'Food Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism	ii. Strategy delivered	Progressing	30 June 2020	The Food Upper Hunter project is on hold and staff resources have been allocated to working with Upper Hunter on the Virtual Mall project to support small local businesses.
			i. Forum held with producers/farmers		30 June 2020	

Facilitate greater access to higher education and participation in the knowledge and creativity economy.

Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and othe providers.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
3.1	Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and othe providers.	3.1.1 Construct the Upper Hunter Innovation Precinct - Stage 2.	Upper Hunter Innovation Precinct - Stage 2 is constructed	Progressing	31 January 2020	Awaiting Heritage Council approval of design.

Social Equity and Inclusion

Access to a wide range of community and government agencies appropriate for their age and needs.

Continue to improve the affordability, liveability and amenity of the Shire's communities.

Implement the outcomes of the Recreation Needs Study.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
5.1	Implement the outcomes of the Recreation Needs Study.	5.1.1 Maintain list of prioritised capital sport and recreation projects	Prioritised program reported to Council	Progressing	30 September, 2019	Council approved 2019-2020 General Recreation Program is nearing completion.

Continue town centre revitalisation projects.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
5.2	Continue town centre revitalisation projects.	5.2.1 Deliver at least one piece of permanent public art as a part of the urban revitalisation project.	Installation of a permanent piece of public art as a part of the urban revitalisation project in 2019-20	Completed	30 June 2020	Public art mural installed in Marketplace laneway.

Facilitate investment in entertainment opportunities, particularly for young people.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
5.3	Facilitate investment in entertainment opportunities, particularly for young people.	5.3.1 Library programs are developed that increase social engagement with young people in our libraries.	5% increase in youth memberships driven by library services and digital technologies in 2019/20.	Progressing	30 June 2020	There has been an increase in youth membership of 92 people since 1 July, 2019. The total increase, less dormant members will be calculated in the fourth quarter and reported to council as a percentage of youth memberships in the fourth quarter.
		5.3.2 Aquatic Centre and Gym programs are developed that increase social engagement and wellbeing with young people in Council's pools and gym	A 5% increase is achieved in youth memberships driven by Aquatic and Gym programs in 2019/20	Progressing	30 June 2020	There were 40 less enrollments in the Learn to Swim program in Q2 and Q3 of 2019/20. It is expected that the 5% increase in youth memberships during Q3 and Q4 will be impacted by the current closure of both Aquatic Centre facilities.
		5.3.3 Support the	Report to Council on	Progressing	30 June	Muswellbrook Shire Council

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Upper Hunter Youth Services Committee in the relocation and development of their facility at a new location	the progress of the Upper Hunter Youth Services in providing a new location for their service during 2019/20		2020	is providing support in both the development of project scope, building design and supporting administration functions of the Upper Hunter Youth Service is preparation for the successful outcome of a grant funding application that will assist in the service's relocation.
		5.3.4 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	Progressing	30 June 2020	The Community Services areas of Muswellbrook Shire Council continue to seek grants and partnerships that will provide affordable entertainment for young people in isolated communities. To date, not suitable grant opportunities have been identified and current closures in the Community Services area due to Covid19 will hinder planning in this area until staff return to normal duties.
		5.3.5 Deliver a	Support Youth Week	Not Progressing	30 June	Youth Week activities will not

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Youth Week Event.	activities during 2019/20 in partnership with other organisations		2020	progress in their current form due to social distancing policies (Covid19). Planning continues for events which will possibly be held in October/November, 2020.
		5.3.6 Expand the home library service to include young people with mobility or accessibility issues	Achieve a 20% increase in home library recipients through Home Library, Mini Libraries and digital technologies during 2019/20	Progressing	30 June 2020	The Home Library Service is being reviewed for delivery within the current Covid19 situation. A risk assessment of the service and resourcing strategies is currently being reviewed to replace the existing processes that rely heavily on volunteers.
		5.3.7 Explore opportunities to transform outcomes in line with the Muswellbrook Urban Riparian Landcare Master Plan through local planning instruments	Seek funding through grants and partnerships that deliver the Muswellbrook Urban Riparian Landcare Master Plan	Progressing	30 June 2020	New draft urban waterways and drainage channels, and revision to section 25 Of DCP 2009 on exhibition.

Promote and facilitate increased participation in active and passive recreational activities.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
5.5	Promote and facilitate increased participation in active and passive recreational activities.	5.5.1 Maintain the sporting and recreational facilities to standard.	Continue local and industry benchmarking and report to Council.	Progressing	October, 2019	Local benchmarking of sport and recreational facilities completed and will be reported to Council.
		5.5.2 Continue matched funding Small Sport and Recreation Grants Programme.	Open grants program	Completed	July 2019	Applications were awarded at the November 2019 Ordinary Council meeting.
		5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	Open grants program	Completed	July 2019	Applications were awarded at the November 2019 Ordinary Council meeting.
		5.5.4 Continue user group consultation program and calendar.	Respective Facility User Group meetings and Muswellbrook Shire Sport and Recreation User Group meetings held biannually	Completed	30 June 2020	Facility user groups meetings held monthly and the biannual Muswellbrook Shire Sport and Recreation User Group meetings held. Due to COVID-19 arrangements meetings have been suspended until further notice.
		5.5.5 Construction of	Construction underway	Progressing	30 June 2020	Geotech and Review of

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Hunter Beach project				Environmental Factors proceeding.
		5.5.6 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 the progress of this project to Council as required	Progressing	30 June 2020	Staff have been working with Upper Hunter Community Services to review the possibility of delivering Hunter Park Family Centre from other suitable locations in the Wollombi Road area that might have room for their service to expand.

Consider and deliver social inclusion principles across Council functions.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
5.6	Consider and deliver social inclusion principles across Council functions.	5.6.1 Seek external grant funding opportunities to support the interests and aspirations of the Shire's communities.	Identify and adequately prepare projects for future grant opportunities	Progressing	30 June 2020	Council continues to make applications for grants in line with the Community Strategic Plan and Delivery Program.
		5.6.2 Address the actions identified in accessibility building and property audits.	Deliver a prioritised capital works program	Completed	30 June 2020	Council approved General Building Renewal Programme 2019/20 includes works identified in accessibility building and property audits.
		5.6.3 Include	Council applies an	Progressing	30 June	New processes and

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		responsive adaptive actions in the Information Services Strategy	Information and Communication Technology Strategy to enable improved service delivery to the community, governance and business improvement in line with Council's Fit for the Future commitments		2020	<p>methods have been introduced with the introduction of the MS Office 365, this has allowed council to participate in MS Teams meetings (voice and video) and chat groups. A result of Covid-19 a number of projects have been undertaken to improve the IT systems, and enable work methods for the future. Some key items have been the implementation of a New Phone System (old system EOL in 2018), Increase internet speed, increase remote worker possibilities through additional VPN clients.</p> <p>An investigation has commenced on improving council digital security through the replacement of our current AV systems and Spam checking systems. This will be tied in with the end of contract for our Symantec package. on 30th June 2020</p>

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		5.6.4 Implementation of Disaster Recovery infrastructure and the review of Disaster Recovery Plan	Draft Information and Communications Technology (ICT) Disaster Recovery Plan is endorsed by MANEX	Progressing	30 June 2020	Backup to tapes are functional, and process is being adjusted for the best outcomes for council. The potential for a Second live system replication has been identified.
		5.6.5 Continued implementation of Asset Management System phase 2 - financial components.	i. Pilot asset classes utilising Capital Value Register (CVR) and Strategic Asset Management (SAM) module functionality	Not Progressing	30 June 2020	The Asset Management System implementation is a multi-year project, which has progressed effectively during 18-19. Continued implementation efforts will be needed over the next few years to complete this project.
			ii. Provide report recommendation for work order and General Ledger restructure		30 June 2020	
		5.6.6 Continue	Customers able to log	Completed	30 June	CRM and Customer

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		implementation of Customer Request Management System (CRMS) and customer online transaction portal.	service requests and other online transactions through online portal		2020	transaction are now able to made. These items are now completed, any incremental improvements will be made over time.
		5.6.7 That the needs of people with varying abilities are a constant consideration in Council's plans and strategies.	Develop a style guide for Muswellbrook Shire Council that considers the communication needs of people with varying abilities	Progressing	30 June 2020	Council's style guide is under development.

Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
5.7	Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.	5.7.1 Facilitate the provision of affordable housing opportunities through the development application process via changes to Council policies	Modify and report as required to Council on changes required to the Local Environment Plan and Development Control Plan to reflect amendments in the Affordable Housing SEPP	Progressing	30 June 2020	There were no changes to the Affordable Housing SEPP this quarter

Stabilise the tenancy turnover in the Shire's social housing.

Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
6.1	Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.	6.1.1 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 Facilitator to reduce the turnover of tenancies in social housing and access to education opportunities	Not Progressing	30 June 2020	The CREATE change Coalition has finalized their program of work and the role of the Collaborative Impact Facilitator has ceased. This operational plan action will not progress further.

Build social inclusion and improve the delivery of social services.

Facilitate and Implement improved disability access and inclusion across the Shire.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
7.2	Facilitate and Implement improved disability access and inclusion across the Shire.	7.2.1 Continue the internal oversight of the accessibility audit through the internal Accessibility Audit Committee	Meetings held internally as required to drive improvements in accessibility issues across the Shire based upon service requests and community consultation	Progressing	30 June 2020	The internal oversight of accessibility has not required a meeting of the internal Accessibility Audit Committee. Instead these matters are raised during Pre-DA meetings with the Planning Business Unit and through Construction Certificates.
		7.2.2 Apply Disability Access and Building Code of Australia (BCA) requirements to Development Applications and Construction Certificate applications across the Shire	Progress towards ensuring compliance with the disability access through BCA requirements during Development Applications and Construction Certificate processes	Completed	30 June 2020	This has become "Business as Usual" for planning and building staff, with accessibility reports required for significant development proposals.

Retention and expansion of quality and affordable child care services.

Facilitate investment in child care services across the Shire.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
8.1	Facilitate investment in child care services across the Shire.	8.1.1 Progress the design of Upper Hunter Early Learning Centre and prepare for funding opportunities.	Design developed to support grant funding opportunities	Completed	30 June 2020	Design developed to the extent to support funding opportunities.
		8.1.2 Implement the actions 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	Progressing	30 June 2020	Work has commenced on the review of the Children's Services Plan.
		8.1.3 Construct a suitable crèche as part of the Muswellbrook Aquatic and Fitness Centre renewal.	Complete construction of creche	Completed	30 June 2020	Creche included in the design of the Muswellbrook Aquatic Centre upgrade.

Facilitate opportunities to expand seniors' living.

Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
9.2	Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.	9.2.1 Deliver the ageing strategy in consultation with residents of Muswellbrook Shire.	Incorporate Council's Ageing Strategy into policy development and the Integrated Planning and Reporting process	Completed	30 June 2020	The Muswellbrook Shire Ageing Strategy has been adopted by Council and distributed throughout the community during the preparations for the Seniors Festival week, 2020. An action list identifying future work will be considered as part of the 2021/22 Operational Plan
		9.2.2 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	Completed	30 June 2020	Seniors Festival Program developed and promoted in 2020.
		9.2.3 Increase the	A 5% increase is	Not Progressing	30 June	Recent closures due

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		membership of older people at both Muswellbrook and Denman Aquatic Centres, gym and Upper Hunter Regional Library Service	achieved in aquatic centre program memberships at both Denman and Muswellbrook Aquatic Centres during 2019/20		2020	to Covid 19 have halted previous service deliveries in age appropriate activities at both Denman and Muswellbrook Aquatic Centres. There has been an attendance increase of approximately 2.5% during 2019/20.

Further the process of reconciliation in the Shire.

Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
10.1	Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.	10.1.1 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	Not Due To Start	30 June 2020	The Aboriginal Culture and Heritage Working Group has not been convened during 2019/20 and will only occur now if required.
		10.1.2 Work with the Aboriginal community on the delivery of at least two events annually to celebrate and promote Aboriginal art and culture	Provide support and report as required to Council on the delivery of two Aboriginal art and culture events during 2019/20	Completed	30 June 2020	The NAIDOC week 2019 exhibition at the Muswellbrook Regional Arts Centre included an Exhibition by local Aboriginal Artist Travis De Vries.
		10.1.3 Review the currency of the Working with ATSI website and make necessary changes to reflect changes in legislation and policy	Working with ATSI website reviewed and necessary changes made to achieve information currency	Progressing	30 June 2020	A quarterly review of the Working with ATSI website was conducted during Q3 of 2019/20 with no work required.
		10.1.4 Monitor the	Report on monitoring	Progressing	30 June	No work was required

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		conservation of the Aboriginal Reconciliation Mural and Aboriginal Artifacts project to ensure conservation occurs as required	and maintenance of the Simpson Park Mural as this occurs		2020	following the monitoring for maintenance of the Simpson Park Mural during Q3 of 2019/20.

Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
10.2	Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.	10.2.1 Work with the Aboriginal community to improve access to cultural and educational activities.	ii. Explore the development of an Aboriginal Development Action Plan in partnership with the Aboriginal Reconciliation Committee	Progressing	30 June 2020	The development of the Aboriginal Reconciliation Action plan has been considered and discussions held with the Aboriginal Community on a Cultural Keeping Space. This work has now morphed into conversations regarding the development of an Aboriginal Treaty. A scope of works has been developed to facilitate the delivery of this outcome and related documentation and actions list.
			i. Seek funding for the design and construction of a cultural keeping space in partnership with the Aboriginal Community during 2019/20		30 June 2020	
		10.2.2 Work with the Aboriginal Community on programs that support native tree plantings on Aboriginal Land that has been identified by the Wanaruah Lands Council as suitable.	i. Convene meetings to discuss the appropriate native tree plantings on identified Aboriginal Land	Progressing	30 June 2020	Funding opportunities not identified for this Action, although use of VPA money from Mine Projects is being considered
			ii. Seek external funding to achieve native tree plantings on Aboriginal Land		30 June 2020	

Environmental Sustainability

Environmental Sustainability to focus on the regeneration of mined land and urban riparian areas, increase our use of renewable energy and to monitor and manage our use of natural resources.

Higher quality final landforms with shallower voids and more emphasis on progressive rehabilitation with local workforce participation.

Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
11.1	Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce.	11.1.1 Review Council's Land Use Development Strategy and develop a Mining and Extraction Policy to inform Council's involvement in mining and extraction activity within the Shire	Council's Strategic Planning Statement is endorsed by the NSW Department of Planning and Environment and the Local Environment Plan is submitted to the NSW Department of Planning and Environment. These documents will inform Council's involvement in mining and extraction activity within the Shire	Progressing	30 June 2020	Council continues to liaise with the NSW Department of Planning towards finalising the Strategic Planning Statement. The statement is drafted and endorsed by Council and reflects councils mining and economic development policy.
		11.1.2 Review new	Review and report as	Progressing	30 June	Comments provided on

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		and modified consent applications approved by Department of Planning & Environment to ensure they are consistent with Council's Mining Policy	required during 2019/20 on revised Mine Operation Plans and Mine Rehabilitation Plans in a timely manner to ensure that Council's mining policy is met		2020	the Maxwell Underground SSD and the Mangoola Continuing Coal Operations SSD and updated conditions regarding rehab applied to Wild's Quarry.
		11.1.3 Provide advice to Community Consultative Committees operated by the mines within the Shire	Attend all Community Consultative Committee meetings and report on the outcomes of these meetings to Council as required	Progressing	30 June 2020	Council staff attend the Muswellbrook Coal, Bengalla, Mt Pleasant and Dartbrook CCC meetings. Councillors are representatives for the other mine CCCs.

Enhance native vegetation connectivity across the Upper Hunter.

Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
12.1	Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.	12.1.1 Support existing Landcare groups and investigate the creation of new Landcare groups within Muswellbrook Shire	Report monthly on the activities of the existing landcare groups and support establishment of new groups across the Shire as this occurs during 2019/20	Progressing	30 June 2020	Upper Hunter Region Land care Network provide Council with a monthly report on land care activities in the Shire. Efforts to grow local Land care Groups made difficult by bushfire season and now Covid 19 will also be a disruption to public gathering.
		12.1.2 Maintain rehabilitation works along Muscle Creek, Karoola Wetlands and Denman Wetlands to improve habitat quality and vegetation connectivity across the Upper Hunter	Rehabilitation work maintained	Progressing	30 June 2020	Works Parks programme the maintenance of rehabilitated riparian and re-vegetated areas.
		12.1.3 Maintain areas that have undergone rehabilitation activities to avoid degradation	Rehabilitation work maintained	Progressing	30 June 2020	Works Parks programme the maintenance of rehabilitated riparian and re-vegetated areas.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		12.1.4 Continue Council's efforts running multiple National Tree Day planting events in Muswellbrook and Denman.	Report on outcomes of the National Tree Day	Completed	April 2020	National Tree day held, details provided to Councillors in monthly Director's report.

Our local rivers and creeks are enhanced, utilised and valued.

Adopt an Urban Riparian Masterplan and implement actions.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
13.1	Adopt an Urban Riparian Masterplan and implement actions.	13.1.1 Plan a staged program of works and seek funding for the implementation of the Council adopted Muswellbrook Urban Riparian Landcare Master Plan (MURLMP)	Seek external funding to support the ongoing work of prioritised actions that deliver the Muswellbrook Urban Riparian Landcare Master Plan (MURLMP)	Progressing	30 June 2020	A number of grants have been received and are being spent on work along Muscle Creek, adjacent to the Aquatic Centre.

Support initiatives which reduce the community's impact on the environment.

Carry out actions under the Sustainability Action Plan

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
14.1	Carry out actions under the Sustainability Action Plan	14.1.1 Work towards developing a Muswellbrook Shire Catchment Management Plan which prioritises areas for remediation and identifies current and potential water pollution threats	Seek funding to develop a Muswellbrook Shire Catchment Management Plan that prioritises areas for remediation, access and improved water quality	Progressing	30 June 2020	A grant funding source for a Shire wide catchment management plan has not been identified.
		14.1.2 Monitor air quality for the Shire and advocate for improved quality, regulation and compliance	i. Provide quarterly presentations to Council on the outcomes of the Upper Hunter Air Quality Monitoring Network	Progressing	Quarterly to 30 June 2020	Staff email Councillors a copy of the Air Quality Monitoring Network seasonal newsletter with statistics quarterly. Air quality monitoring funded by Council but undertaken by ANSTO continues to occur.
			ii. Conduct and report weekly air quality monitoring at Council's air quality monitoring station to inform policy improvements for external regulators		Weekly to 30 June 2020	
		14.1.3 Seek funding	Implement and report	Progressing	30 June 2020	Delivery actions

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		to deliver the Muswellbrook Shire Renewable Energy Action Plan	quarterly on the delivery of the Muswellbrook Shire Council Renewable Energy Action Plan as funding is identified during 2019/20			reported as part of monthly Director's report to Council. Projects currently on hold waiting for development of new sites e.g. Campbells Corner, Works Depot and Sustainability Hub.
		14.1.4 Investigate opportunities for joint ventures with renewable energy innovators and power suppliers	One energy project/partnership recommended to Council	Completed	30 June 2020	
		14.1.5 Conduct a community education program to reduce the volume of food and green waste.	Conduct and report on the outcomes of an education program that facilitates community understanding of food and green waste that diverts waste from landfill	Progressing	30 June 2020	Education programs are ongoing, information on activities is provided in monthly Director's Report
		14.1.6 Implement procurement procedures to minimise waste and improve sustainability outcomes	Develop operational targets and a method of collecting and reporting on Council improvements in water use and waste minimisation	Progressing	31 December 2019	Collecting data for all Council activities difficult, considering starting with discrete sites where water use is monitored
		14.1.7 Support	Deliver and communicate	Progressing	30 June 2020	Grants offered to

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		business and engage with the community to promote waste minimisation and re-use	the results of the Council Sustainability and Landcare Grants			local Landcare Groups. Updates on progress provided in monthly Director Reports
		14.1.8 Encourage establishment, participation and maintenance of community gardens	Report monthly to Council on the community use of the Sustainability Hub and any new initiatives undertaken by the groups that use the Hub	Progressing	30 June 2020	Activities reported in the monthly Director's report to Council.
		14.1.9 Source funding and grant opportunities for energy, waste, and water sustainability projects as applicable	External funding, through grants, is identified for energy, waste and water sustainability projects within Muswellbrook Shire and project outcomes reported to Council	Progressing	30 June 2020	Staff are monitoring upcoming grant funding sources. Project outcomes are reported in the monthly Director's Report
		14.1.10 Continue	Work with community to	Progressing	30 June 2020	Regulatory staff

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		surveillance and regulation of illegal dumping on an ongoing basis	identify regular illegal dumping locations throughout the Shire and source grant funding that delivers projects that reduce the impact of littering in these locations during 2019/20			investigate reports of illegal dumping and arrange for material to be removed to the waste facility. Staff are collating information to determine if there are any regular illegal dumping locations.
		14.1.11 Implement the planned management actions outlined in the Flying Fox Management Plan including the establishment of a Grey-headed Flying Fox Habitat if external funding can be identified to assist in its establishment	Seek funding to implement the Flying Fox Management Plan and establish habitat as opportunities arise during 2019/20	Progressing	30 June 2020	Grant funding for car covers, clothesline covers and gurneys to wash driveways expended. A source of funds for habitat rehabilitation works not yet identified.

Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
14.2	Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.	14.2.1 Investigate offsetting options for Council under the NSW Biodiversity Offset Scheme	Report provided to Council regarding possible Biodiversity Offset Options	Progressing	30 June 2020	Council's Ecologist is preparing a report to Council for the fourth quarter.

Cultural Vitality

Increase the local variety, availability and access to the arts and cultural experiences.

Conserve the heritage and history of the Shire.

Support the conservation and restoration of the Shire's heritage items

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
16.1	Support the conservation and restoration of the Shire's heritage items	16.1.1 Complete the adaptive reuse works of Loxton House.	Adaptive reuse works completed	Progressing	31 January 2020	Awaiting Heritage Council approval of design.
		16.1.2 Seek funding to review Council's Heritage Inventory 1996	Deliver a revised thematic history and current inventory of the existing heritage items and amendments to Schedule 5 of the Muswellbrook LEP	Not Progressing	30 June 2020	Funding source has not been identified

New investment in heritage conservation and restoration made.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
16.3	New investment in heritage conservation and restoration made.	16.3.1 Funding allocation for heritage conservation and restoration is made available annually through the Local Heritage Grants Fund	Report to Council on the number of local Heritage Grant applications received and approved	Progressing	30 June 2020	Recipients working on projects.

Facilitate options to improve cultural activities in the Shire.*Construct a Regional Entertainment and Conference Centre (subject to a Special Variation).*

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
17.1	Construct a Regional Entertainment and Conference Centre (subject to a Special Variation).	17.1.1 Develop the detailed design of the Regional Entertainment and Conference Centre (RECC)	Progress detailed design to enable calling for construction tenders by December 2019	Progressing	31 December 2019	Schematic designs prepared for presentation,

Facilitate cultural activities and events which engage the community and visitors, and which create a 'sense of place' and identity.

Increase funding to the Blue Heeler Film Festival and the Noisy Heeler Festival with a view to engaging more locals and visitors.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
18.1	Increase funding to the Blue Heeler Film Festival and the Noisy Heeler Festival with a view to engaging more locals and visitors.	18.1.1 Support and grow the Blue Heeler Film Festival in partnership with the School of Creative Industries at the University of Newcastle	i. Collaboration signed with UON and promoted.	Completed	30 September 2020	The 2020 Blue Heeler Festival has been cancelled due to COVID-19.
			ii. Increased Blue Heeler Film Festival competition entrants.		10% increase on number of entries for 2018/19	
			iii. Increased attendance at the event		5% on 2018/19 tickets sold	
		18.1.2 Development and implementation of several small scale cultural events to build interest in Muswellbrook's town centre and increase cultural activity	At least three events co-ordinated and consolidated into the Upper Hunter Economic Development Corporation Strategic Plan.	Completed		Council is focusing on the 2021 events program. 2020 events have been cancelled due to COVID-19.

Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
18.2	Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre	18.2.1 Muswellbrook Regional Arts Centre to host a minimum of five exhibitions each year	Report monthly on the current exhibition program at the Muswellbrook Regional Arts Centre during 2019/20	Progressing	Monthly to 30 June 2020	The Exhibition program of the Muswellbrook Regional Arts Centre has included four exhibition periods during 2019/20 with progress reported to Council monthly or as required. The Muswellbrook Art Prize will be delivered over an extended period through digital platforms due to Covid 19.
		18.2.2 Work with	Deliver and report on	Completed	30 April 2020	A sponsorship

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		sponsors to investigate the annual delivery of the Muswellbrook Art Prize	the annual outcomes of the Muswellbrook Art Prize before May 2020			agreement has been settled with Bengalla Mining Company regarding the Muswellbrook Art Prize to be held in March 2020. The Muswellbrook Art Prize exhibition period has been extended due to Covid 19 and a report on the exhibition will be provided at the finish of this exhibition.
		18.2.3 Partner with local education providers to enhance the Muswellbrook Regional Arts Centre's exhibitions	Form at least two partnerships with education providers in the delivery of exhibitions at the MRAC during 2019/20	Completed	30 June 2020	There were more than two partnerships with education providers in the delivery of exhibitions at the MRAC during 2019/20.
		18.2.4 Muswellbrook	MRAC hosts at least	Progressing	30 June	Work has commenced

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Regional Arts Centre to host an Artist in Residence Program	one Muswellbrook Shire Artist in Residence program in 2019/20		2020	on the delivery of the 2019/20 Artist in Residence program. The artist's focus will be on Max Watters as his subject, this project will now be delivered over two financial years.

Support Arts Upper Hunter as the peak organisation of Artist endeavour.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
18.4	Support Arts Upper Hunter as the peak organisation of Artist endeavour.	18.4.1 Maintain ongoing financial membership and provide management support to Arts Upper Hunter	Attend board meetings, maintain membership and report monthly on the work of Arts Upper Hunter	Completed	100% attendance at board meetings in 2019/20	Membership to Arts Upper Hunter was arranged during Q1 of 2019/20. Board meetings have been attended during Q3.
		18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter	Report to Council the number of Local Artists who have received Community Art Support Program funding through Arts Upper Hunter as they occur	Completed	30 June 2020	The following groups received funding in the 2020 Country Arts Support Program (CASP). These groups included, Upper Hunter Youth Council, Scone Arts and Crafts, Cassilis District Development Group Incorporated (Cassilis DDG), Dungog Primary School P&C and Singleton Council.

Community Infrastructure

Expand on the infrastructure required for Muswellbrook to realise Regional Centre status, improve community facilities and improve accessibility to community facilities.

Our community's infrastructure is planned well, is safe and reliable and provides required levels of service.

Improve and maintain civic precincts.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
19.1	Improve and maintain civic precincts.	19.1.1 Deliver the capital program substantially on time, on budget and in accordance with relevant design and construction standards	Quarterly update provided to Council's Infrastructure Committee	Progressing	Quarterly to 30 June 2020	The Quarterly Project Status Report for the third quarter of 2019-20 will be submitted to the 28 April 2020 Ordinary Council meeting.
		19.1.2 Implement program of street and footpath sweeping under contract.	i. Program carried out within budget.	Progressing	30 June 2020	Contract is being implemented as programmed.
			ii. Contract performance to be monitored		30 June 2020	
		19.1.3 Carry out the management and removal of graffiti with compliance to Council's Graffiti Management Policy.	i. Non-offensive graffiti removed within three working days of identification and offensive graffiti removed within 24 hours of identification	Progressing	Biannual reports provided	Graffiti is being managed in accordance with Council's policy.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
			ii. Program carried out within budget.		30 June 2020	
		19.1.4 Carry out annual audit of Council's Best Practice Management of water supply and sewerage services	Result of audit to be reported to Infrastructure Committee	Progressing	30 March 2020	Quotations for the carrying out of the Best Practice Management Audit have been obtained. The Audit will be completed and reported to Council prior to end of the financial year.

Maintain and continually improve asset management.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
19.2	Maintain and continually improve asset management.	19.2.1 Co-ordinate and facilitate implementation of the Asset Management Improvement Strategy	Report to Infrastructure Committee biannually on the implementation of the Asset Management Improvement Strategy	Progressing	30 June 2020	A report regarding implementation of the Asset Management Improvement Strategy will be reported to the April meeting of the MANEX team.
		19.2.2 Monitor service levels achieved compared to Level of Service targets in asset management plans and in funded levels of Precinct Specification Manual	Report to Infrastructure Committee	Progressing	30 June 2020	Service levels are being monitored, and will be reported to MANEX for 2019-20.
		19.2.3 Progressively reduce passive mowing areas through the staged establishment of pockets of native vegetation	Report to Infrastructure Committee on achieved reduction in passive mowing area	Progressing	30 June 2020	Projects have been included in the Landscaping and Tree Management Programme 2019-2019.
		19.2.4 Advocate for the	Report to Infrastructure	Progressing	30 June	Follow up

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Denman and Muswellbrook levees to be included in the Hunter Valley Flood Mitigation Scheme	Committee		2020	communication with the NSW Office of Environment & Heritage was held in February and March 2020. Council is seeking for the formalisation of including the Muswellbrook and Denman levees in the Hunter Valley Flood Mitigation Scheme.
		19.2.5 Develop prioritised bus stop shelter upgrade and renewal program for Muswellbrook Shire	i. Report to Infrastructure Committee	Completed	30 June 2020	A report titled 'Prioritised bus stop shelter upgrade and renewal programme' was submitted to the 24 September 2019 Ordinary Council meeting. The report provides a list of projects seeking grant funding under the Country Passenger Transport Infrastructure Grants Scheme.
			ii. Seek grant funding opportunities to enable staged implementation of the program		30 June 2020	

Facilitate investment in high quality community infrastructure necessary to a regional centre.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
19.3	Facilitate investment in high quality community infrastructure necessary to a regional centre.	19.3.1 Design and construct the New Animal Care Facility	Construction tenders to be called in July 2019	Progressing	31 July 2019	Development application is being progressed as per the adopted master plan.
		19.3.2 Provide to Council a list of works proposed for design	Annual Report provided to Infrastructure Committee in August 2019	Completed	31 August 2019	The 2019-20 capital works programme was endorsed by Council at the 29 July 2019 Ordinary Council meeting.
		19.3.3 Provide to Council designs and associated estimates for the forward financial year	Designs and associated estimates provided to Infrastructure Committee in March 2020	Progressing	31 March 2020	Designs and estimates are being prepared, estimated and submitted to Council on a project by project basis.
		19.3.4 Investigate and recommend appropriate management treatments for road safety and traffic management	Report quarterly to the Local Traffic Committee and the Infrastructure Committee on the management treatments for road safety and traffic management	Progressing	Quarterly to 30 June 2020	Meetings of the Local Traffic Committee are conducted on a monthly basis. Management treatments are investigated and reported to Council on a project by project basis.
		19.3.5 Deliver the	i. Quarterly updated	Progressing	Quarterly to 30	Capital works projects

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Capital Program substantially on time, on budget and in accordance with relevant design and construction standards	project status report provided to Infrastructure Committee		June 2020	status are updated regularly, and reported quarterly.
			ii. Asset registers updated upon project completion		30 June 2020	
		19.3.6 Deliver timely, quality professional development engineering and assessment	i. Ensure new infrastructure provided by development meets specifications	Progressing	As required to 30 June 2020	Weekly and project-based meetings are held between Council's planning and engineering teams to ensure ongoing high quality professional engineering advice is provided in relation to the infrastructure aspects of development. Council is also recruiting to the position of Development & Design Engineer.
			ii. Deliver professional development engineering and assessments that meet the reporting timeframes of the Planning team		As required to 30 June 2020	
		19.3.7 Undertake a comprehensive review of Council's Development Contribution Plans	The comprehensive review of Council's Development Contribution Plans are completed and endorsed by Council	Not Progressing	30 June 2020	This project is currently unfunded.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		19.3.8 Muswellbrook Bypass is Built	Liaise with Roads and Maritime Services and NSW Government to support timely progress of the Muswellbrook Bypass	Progressing	As required to 30 June 2020	The Muswellbrook Bypass Committee is active and Chaired by the President of the Muswellbrook Chamber of Commerce. This committee will work closely with all key stakeholders including the RMS until the Bypass is complete. Completion expected 2026,
		19.3.9 Seek support for Council's infrastructure priorities for grant programs; e.g.Resources for Region.	Council successfully applies for Resources for Regions and other infrastructure funding programs	Completed	30 June 2020	The Grant program for 2019/2020 is complete with grants finalized. Grants are now focused on the 2020/2021 Capital projects.

Maintain and continually improve community infrastructure across the Shire.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
19.4	Maintain and continually improve community infrastructure across the Shire.	19.4.1 Seek grant funding for projects which may arise out of the Floodplain Risk Management Plan	Report to Infrastructure Committee grant funding opportunities, including any requirements for matching Council funding, for projects enabling the staged implementation of projects arising from the Floodplain Risk Management Plan	Completed	As required to 30 June 2020	Council has successfully obtained grant funding for the establishment of an early flood warning system for Muscle Creek. This project has been identified as a high priority in the Floodplain Risk Management Plan.
		19.4.2 Inspect Muswellbrook and Denman Levee Systems	Report of inspections provided to Infrastructure Committee	Progressing	30 June 2020	Service request works are carried out on the Muswellbrook and Denman levees throughout the year. An inspection of the levees will be carried out in the fourth quarter of 2019-20.
		19.4.3 Continue development of plans of management for Crown Lands.	Draft Plans of Management reported to Council	Progressing	30 June 2020	Report provided to the October Council meeting on the status of development. Internal working group formed to progress identified actions.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		19.4.4 Seek grant funding for replacement of Williams Bridge (a timber bridge) Martindale Road	Subject to grant funding availability, replacement of bridge to commence	Progressing	30 June 2020	A report providing detail of grant funding obtained to enable the replacement of Williams Bridge will be submitted to the 28 April 2020 Ordinary Council meeting.
		19.4.5 Implement prioritised (but responsive) rolling works program of maintenance.	i. Program carried out within budget	Progressing	Reviewed quarterly to 30 June 2020	A programme of maintenance works is prepared monthly and adjusted weekly
			ii. Asset registers updated as works program is implemented		As required to 30 June 2020	
		19.4.6 Carry out regular asset inspections	i. Programmed inspections carried out and works orders raised and prioritised within budget constraints	Progressing	30 June 2020	Programmed asset inspections are carried out by Council's Asset Inspector. A formal condition assessment of Council's road assets, and a range of Council's footpath and storm water assets are also being carried out by an external service provider.
			ii. Matters that are extensive or that require capital funding will be listed for consideration in future works programs		to 30 June 2020	
		19.4.7 Effectively	Responses to customer	Progressing	As required to	Responses to

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		manage customer service requests	service requests provided within agreed levels of service and budget constraints		30 June 2020	customer service requests are captured and provided within agreed levels of service and budget constraints.
		19.4.8 Implement construction waste avoidance and resource recovery strategy	Report on funded aspects of action plan to be provided to Infrastructure Committee	Progressing	30 June 2020	Waste avoidance and resource recovery strategies included as part of project and works management.

Utility services are operated as distinct business units within Council.

A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health.

Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
20.1	Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.	20.1.1 Operate in accordance with the New South Wales Environment Protection Agency (EPA) Licences	Ensure Muswellbrook and Denman Sewage Treatment Works comply with EPA guidelines	Progressing	30 June 2020	The Licence Variation application for the new recycled water treatment plant has been approved by the NSW Environment Protection Authority (EPA). The EPA annual licence return for the period 01 Mar 2019 - 29 Feb 2020 for MBK Sewer will be submitted online through eConnect EPA.
		20.1.2 Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines	Internal reporting and formal report to Department of Industry and Water	Completed	30 June 2020	Benchmarking report was submitted in October 2019. Substantial achievement of Best Practice Water Supply and Sewerage Guidelines has been achieved.
		20.1.3 Test and	i. Quarterly	Progressing	Quarterly to 30	Quarterly Report for

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		monitor water supply and sewerage system, including re-use systems, to ensure legislative compliance with health guideline and licence parameters	Infrastructure Committee report on Water & Wastewater Services Review		June 2020	the period Oct 2019 - Dec 2019 was submitted to the 31 Mar 2020 Ordinary Council Meeting. Due to the Covid-19 pandemic, NSW Health has provided an extension to the date of submission of the Annual Water Quality Report.
			ii. Annual Drinking Water Quality Report to NSW Department of Health		30 June 2020	
		20.1.4 Monitor higher risk zones and treatment works within the sewer system exposed to businesses with liquid trade waste discharges	i. Undertake appropriate and timely corrective actions to protect high risk zones and treatment works within the sewer system exposed by businesses with liquid trade waste discharges	Progressing	As required to 30 June 2020	This work is in progress. Site inspections are being carried out in compliance with Council's Liquid Trade Waste Register. A report is being prepared for submission to Council in relation to the status of all current liquid trade waste agreements in Muswellbrook Shire.
			ii. Report biannually to Infrastructure Committee on the corrective actions taken to protect Council infrastructure		Biannually to 30 June 2020	
		20.1.5 Undertake	Report biannually to	Progressing	30 June 2020	This work is in

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		inspections and approvals of liquid trade waste premises and agreements.	Infrastructure Committee on the appropriate and timely corrective actions implemented to ensure liquid trade waste approvals currency and compliance			progress. Site inspections are being carried out in compliance with Council's Liquid Trade Waste Register. A report is being prepared for submission to Council in relation to the status of all current liquid trade waste agreements in Muswellbrook Shire.
		20.1.6 Implement and monitor effluent reuse arrangements with relevant stakeholders to ensure secure and cost effective effluent disposal	Ensure quality meets contractual requirements.	Progressing	Quarterly to 30 June 2020	Council has entered into contracts with external customers for the purchase of recycled water produced from the new Muswellbrook recycled water treatment plant.
		20.1.7 Carry out construction of second water main servicing south Muswellbrook	Construction of new water main to be completed	Progressing	30 June 2020	Design progressing for the second water main servicing south Muswellbrook.
		20.1.8 Review and	Report to be provided	Completed	30 June 2020	The Landfill

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		update the Landfill Environmental Management Plan	to Council by June 2020			Environmental Management Plan has been reviewed and updated, and was reported to the 27 August 2019 Ordinary Council meeting.
		20.1.9 Carry out construction of new water treatment plant for Sandy Hollow	Construction of new water treatment plant to be completed	Progressing	30 June 2020.	Delays to the project have been caused by the lack of an affordable storage and distribution solution for the secondary water product produced by the envisaged new treatment plant. A status report will be submitted to the May 2020 Ordinary Council meeting.
		20.1.10 Implement appropriate studies and planning approvals for Food Organics and Garden Organics management	Provide report to Council regarding outcome of the trial of a Mobile Aerated Floor System to process kerbside organic material	Progressing	30 June 2020	A tender for the provision of preliminary engineering designs and Review of Environmental Factors in relation to

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
			Provide report to Council recommending any further actions to be taken in relation to the processing of Food Organics and Garden Organics		30 June 2020	the provision of Food Organics and Garden Organics was reported to the 17 December 2019 Ordinary Council meeting. A contract has been awarded to the successful tenderer and work on the preliminary engineering designs and Review of Environmental Factors is progressing.
		20.1.11 Inspect onsite wastewater sewage systems to ensure they are installed and maintained in compliance with regulatory requirements	Increase the inspection and compliance of onsite wastewater sewage systems	Progressing	25% more inspections conducted than during 2018/19	Inspections ongoing. Covid 19 restrictions will impact on inspections in the final quarter.
		20.1.12 Carry out business case for	i. Business case to be completed	Progressing	31 August 2019	The business case for the upgrading of the

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		upgrade of Denman sewer treatment plant	ii. Options report to be provided to Council		30 September 2019	Denman sewer treatment plant is currently under review, and is expected to be reported to Council during the fourth quarter of 2019-20.

The road, footpath and cycleway networks are integrated and allow for the safe movement of residents around the Shire.

Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
21.1	Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.	21.1.1 Provide a report to Council on options to be funded and the amounts necessary to achieve the Delivery Program priorities	i. Report on the funded program to be provided to Council	Progressing	30 August 2019	A report providing detail of the funded program was endorsed by Council at the July 2019 Ordinary Council meeting. Discrete reports related to capital projects are submitted for Council's consideration on a project by project basis.
			ii. Reports on further discrete projects funded by grants or other means to be reported to Council prior to construction		30 June 2020	
		21.1.2 Deliver the Capital Program substantially on time, on budget and in accordance with relevant design and construction standards	Capital project status report to be submitted quarterly to the Infrastructure Committee	Progressing	Quarterly to 30 June 2020	A Capital Works Quarterly Status Report for quarter three of 2019-20 will be submitted to the 28 April 2020 Ordinary Council meeting.

Community Leadership

To improve the community's participation in decision making and implement business improvement initiatives to improve service delivery.

Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community.

Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
22.1	Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.	22.1.1 Carry out a desk based exercise to test preparedness for a severe weather event.	Desk-based exercise carried out and report submitted to the Local Emergency Management Committee	Completed	30 June 2020	A desk-based exercise to test preparedness for a severe weather or earthquake event was carried out following the September 2019 meeting of the Local Emergency Management Committee.
		22.1.2 Ensure currency of Bush Fire Risk Management Plan.	Status of Bush Fire Risk Management Plan to be reported to the Local Emergency Management Committee	Progressing	30 June 2020	The Bush Fire Risk Management Plan is currently being reviewed by the regional Bush Fire Risk Management Committee.
		22.1.3 Meetings of the	Meetings held on a	Progressing	to 30 June 2020	Quarterly meetings of

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Local Emergency Management Committee are held regularly	quarterly basis			the Local Emergency Management Committee (LEMC) have been held in Muswellbrook in September 2019 and March 2020. The scheduled December 2019 quarterly meeting was cancelled due to the need for agencies to provide assistance in the management of bush fires in NSW. The next meeting of the LEMC is scheduled to be held in June 2020.
		22.1.4 Undertake	Council is represented at a	Progressing	30 June 2020	Council is facilitating

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		strategic advocacy with government and industry leaders to further the interests and aspirations of the Shire's communities	senior level on intergovernmental and industry bodies to progress Council's strategic goals			advocacy to further the Community Strategic Plan aspirations through key Advisory Committees and working closely through the Hunter Joint Organisation of Councils and State Departments, particularly the Office of Premier and Cabinet.
		22.1.5 Review Council's Emergency Management Plan (EMPLAN)	i. EMPLAN to be drafted into new template	Completed	31 March 2020	A review of Council's Emergency Management Plan (EMPLAN) has been carried out, and the status of evacuation centres for Muswellbrook Shire has been updated.
			ii. Report to be submitted to Local Emergency Management Committee		30 June 2020	
		22.1.6 Attend Regional Emergency Management Committee meetings	Host meetings on a six monthly basis	Progressing	Biannually to 30 June 2020	Attendance at Regional Emergency Management Committee meetings is occurring on a quarterly basis.
		22.1.7 Attend	Host meetings on a six	Progressing	Biannually to 30	Attendance at

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		Combined Muswellbrook-Singleton Bush Fire Risk Management Committee meetings	monthly basis		June 2020	meetings of the Combined Muswellbrook-Singleton Bush Fire Risk Management Committee is occurring on a quarterly basis.
		22.1.8 Develop Climate Change Resilience Policy	Draft Policy to be reported to Council by June 2020	Progressing	30 June 2020	A Climate Change Resilience Policy is currently in development.
		22.1.9 Infrastructure projects to consider emergency risk management in the design process	All infrastructure projects to include consideration of emergency risk management in the design process	Progressing	30 June 2020	Planning and design for capital project includes consideration of emergency risk management.

Genuine and well informed community participation in decision making.

Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
23.1	Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.	23.1.1 Continue a comprehensive community consultation program as per the Community Engagement Strategy.	i. Conduct community consultation in preparation for the forthcoming Community Strategic Plan, Delivery Program and End of Term Report	Not Progressing	30 June 2020	Council has not commenced a comprehensive community consultation program and there are no plans to host a community panel this year.
			ii. Continue the community panel engagement process to include service levels		30 June 2020	
			iii. Implement and maintain a diverse range of communication channels between Council and community stakeholders		30 June 2020	

Enhance Council's consultation and communication with the community to build awareness and understanding of Council's activities and community needs.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
23.2	Enhance Council's consultation and communication with the community to build awareness and understanding of Council's activities and community needs.	23.2.1 Promote Council and the Muswellbrook Shire and share information through a range of communications media	i. Build a new website that is accessible to all	Progressing	30 June 2020	Council continues to promote its work to the community and other key stakeholders. Over the first quarter Council's communications team published 47 stories in social and traditional media. Council's social media engagement over the period has seen a cumulative reach of 196,155 and resulted in direct engagement on 42,796 occasions.
			ii. Develop a Shire branding strategy		30 June 2020	
			iii. Promote Council's work to the community and respond to media enquiries using a range of media as appropriate		30 June 2020	

A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders.

Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
24.1	Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.	24.1.1 Manage Council's Future Fund.	Report performance of the Future Fund to the Future Fund Committee	Progressing	30 June 2020	Weekly Rent Reviews with Matt. Monthly Future Fund Reports to Council and Quarterly Council Reports.

Implement a comprehensive and targeted business improvement program.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
24.2	Implement a comprehensive and targeted business improvement program.	24.2.1 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes	i. Monitor and review the Audit, Risk & Improvement Committee Charter to ensure compliance with recommendations of Audit Office and Office of Local Government	Progressing	30 June 2020	Council has appointed an Audit, Risk and Improvement Committee, which has met in this quarter and is providing advice on a range of business improvement matters. Two service reviews commenced, however, Council has suspended the program as a response to managing COVID-19 risks.
			ii. Undertake two internal audits per year to be reported to the Audit Risk & Improvement Committee		30 June 2020	
			iii. Undertake two service reviews each year to be reported to the Audit Risk & Improvement Committee		30 June 2020	
			iv. Review Fraud and Corruption Prevention measures in place		30 June 2020	
		24.2.2 Ensure compliance with Council's statutory reporting obligations.	i. Provide timely responses to information requests	Progressing	30 June 2020	Council received no formal GIPA applications this quarter. Reviews of Council's Public Interest Disclosure and
			ii. Review Public Interest Disclosure systems		30 June 2020	

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
			iii. Review processes around Government Information (Public Access) Act		30 June 2020	Government Information (Public Access) Act processes continue.
		24.2.3 Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services	Reduce the average number of days to complete assessments of Development Application, Construction Certificates and Occupational Certificates	Progressing	Reduce assessment service times by 10% by 30 June 2020	New notification processes approved and better utilization of Trapeze has improved efficiency of staff. New part-time Project Planning and Building Surveyor will allow more focus on processing times.
		24.2.4 Deliver high quality, cost effective and competitive Principal Certifying Authority (PCA) certification services	Report statistics to Council of PCA certification services retained by Council and private certifiers	Progressing	Quarterly to 30 June 2020	Statistics reported to Council in the monthly Director's Report.
		24.2.5 Undertake	Report statistics to	Progressing	Quarterly to 30	Statistics reported to

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		site inspection of development sites subject to Development Application / Construction Certificate in accordance with statutory requirements	Council on DA and CC compliance site inspections		June 2020	Council as part of monthly Director's Report.
		24.2.6 Facilitate the registration and inspection of all 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	Report to Council the number of regulated premises (caravan parks, food outlets, skin penetration, hairdressers, mortuaries, air handling systems) registered and inspected in accordance with relevant legislation and regulations	Progressing	Quarterly to 30 June 2020	Statistics reported to Council in the monthly Director's report
		24.2.7 Facilitate	Maintain statistics on	Progressing	30 June 2020	Monthly statistics

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		the control of animals in accordance with the Companion Animals Regulations	incoming and outgoing animals, rescues, adoptions, return to owners and euthanasia's in accordance with regulations			recorded.
		24.2.8 Ensure statutory requirements relating to fire safety measures are implemented	Report annually on the number of reminder letters issued to owners of buildings on Council's register of fire safety measures and annual fire safety statements received by Council	Progressing	30 June 2020	Reminder letters being sent as premises fall due.
		24.2.9 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented	Report on the number of private swimming pools inspected and number of appropriate enforcement actions taken	Progressing	Quarterly to 30 June 2020	Registered public pools have been inspected. Pool safety fencing being inspected as part of new builds and as properties sell.
		24.2.10 Continue to	Policies are reviewed in	Progressing	30 June 2020	Policy reviews are

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		review, update and revoke policies in accordance with the policy framework management strategy	line with the Policy Review Schedule for 2019/20			continue in line with the policy framework management strategy.
		24.2.11 Provide support services for the elected Council and executive.	Business Papers are provided to Council in accordance with the Code of Meeting Practice	Progressing	30 June 2020	Business Papers are provided to Council in accordance with the Code of Meeting Practice. In response to COVID-19, meetings of the Council and its committees are increasingly by audio/visual means. Facilities have been made available to all councillors to participate in meetings in this format. Each councillor has access to business papers electronically.
		24.2.12 Implement	Review and revise the	Progressing	30 June 2020	The workforce plan of

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		the Muswellbrook Shire Council Workforce Plan 2017-2021	Muswellbrook Shire Council Workforce Plan in line with workforce data trends to ensure the workforce has the capacity to deliver the Delivery Program going forward			Attract, retain, engage and develop will continue to roll over until 2021. HR have completed projects with online onboarding, wider advertising and promotion of Muswellbrook Council has been achieved, and we will continue to build a better online profile. The Performance appraisal system was completed by 100% of staff. HR have met with staff and implemented recommended changes to the IWP Process as per feedback received. The amalgamation of all staff training is currently being completed. Staff training qualifications have been added to the system and now we will be working on putting together a complete 12 month training plan with budget allocations.
		24.2.13 Ensure	Provide reports to the	Completed	Quarterly to 30	HR have completed all

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
		compliance with all Recover at Work processes in accordance with requirements of regulators and insurer.	Audit, Risk and Improvement Committee (ARIC) on Recover at Work statistics to ensure compliance with the policy and program		June 2020	the improvement recommendations from the Statecover audit May 2018. HR had organized with Statecover to deliver training to Supervisors and managers in relation to initial injury and doctors visits. All RTW records are stored electronically no paper based records are kept on site. HR attend every doctors visit with correct paperwork to be authorized by all parties. HR have developed templates for the purpose of gathering and storing information along with a RTW information folder for injured workers outlining process, responsibilities and expectations. HR have a fortnightly phone conference with Statecover case worker and schedule in calendar regular catch ups with injured workers.

A sustainable Council that is best practice employer providing safe, happy and productive workplace.

Continue to prioritise safety and risk management initiatives, employee welfare initiatives, and upgrades to Council's works depot and waste management facility.

DP Strategy Code	DP Strategy	Action Name	Performance Measure	Status	Target	Comments
25.1	Continue to prioritise safety and risk management initiatives, employee welfare initiatives, and upgrades to Council's works depot and waste management facility.	25.1.1 Construct a new Works Depot with consideration of opportunities for operational efficiencies	Develop detailed design and seek funding opportunities to construct a new combined Works Depot and Water & Wastewater administration facility at the Recycled Water Treatment Plant Site	Progressing	30 June 2020	Preliminary concept design progressing for planning approval.
		25.1.2. Ensure Council meets all its Workplace Health and Safety obligations and responsibilities	i. Implement WHS Risk Assessment Action Plan in full	Progressing	30 June 2020	Council continues to meet Workplace Health and Safety obligations and responsibilities. Council's WHS team provides continuous monitoring and oversight of Council's health and safety performance.
			ii. Provide continuous monitoring of Council's WHS performance		30 June 2020	
			iii. Consider the needs of people with varying abilities in Council's plans and strategies		30 June 2020	

12.4 MARCH BUDGET REVIEW 2020

Attachments:	A. March Budget Review 2020 - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

PURPOSE

To present the March 2020 Budget Review for adoption.

OFFICER'S RECOMMENDATION

Council adopt the list of proposed changes and incorporate them into the 2019/20 Budget.

Moved: _____ **Seconded:** _____

BACKGROUND

Council is required by Clause 203 of the Local Government (General) Regulation 2005 to revise the estimates at the end of the September, December and March quarters.

CONSULTATION

Mayor, Cr Rush

Deputy Mayor, Cr Scholes

Finance Councillor Spokesperson, Cr Ledlin

All Managers with budget responsibility

REPORT

During the course of the financial year, Council is required to undertake Quarterly Budget Reviews at the end of the September, December and March quarters. The aim of these reviews is to:

- Include new and/or expanded projects and programmes as adopted by Council in the budget, along with their related funding source.
- To make adjustments to original estimates in line with actual receipts and expenditures to date.

When completing Budget Reviews, staff aim to ensure that the net impact of all the proposed changes maintain the adopted budget.

The table below shows the impact of the proposed changes on each of the individual funds:-

Description	General	Future	Water	Sewer	Consol
December 19 Adopted Operating Result	\$2,243,276 (surplus)	\$1,852,176 (surplus)	\$129,285 (surplus)	\$87,740 (surplus)	\$4,312,477 (surplus)

Net Operating Changes	(\$820,791)	(\$547,034)	Nil	Nil	(\$1,367,825)
Proposed March 20 Result – Budget Review	\$1,422,485 (surplus)	\$1,305,142 (surplus)	\$129,285 (surplus)	\$87,740 (surplus)	\$2,944,652 (surplus)
December 19 Adopted Capital Result	Nil	Nil	Nil	Nil	Nil
Net Capital Changes	(\$820,791)	(\$547,034)	Nil	Nil	(\$1,367,825)
Proposed Capital Result – March 20 Review	Nil	Nil	Nil	Nil	Nil

The proposed March 2020 Operating Budget Review outcome is a \$821k reduction on the December 19 adopted General Fund Operating Surplus mainly due to \$510k revenue reduction for plant cost recovery and \$335k revenue reduction for the Aquatic Centre associated with the COVID-19 pool closures. This operational decrease has been offset by \$528k capital reduction for large plant and \$293k capital reduction for Waste Management.

The Future Fund has decreased its operating surplus by \$547k as a result of a conservative estimate of \$739k revenue reduction as a result of COVID-19 impacts, offset by \$192k refund for a historical loan principal overpayment. This reduction has been funded through a Waste Reserve loan.

The Water and Sewer Funds' budgets have remained unchanged.

OPTIONS

Council can choose not to accept the proposed changes and/or to add changes of their own.

CONCLUSION

Not applicable

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

As outlined in the report.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.5 MARCH 2020 MONTHLY FINANCIAL REPORT

Attachments:	A. March 2020 Monthly Financial Report
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work toward the achievement of the targets established in the Fit for the Future ratios.</i>

PURPOSE

To provide Council with a high-level overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any major variances against the Council approved budget (December 2019 Budget Review) at an organisational level for the month ending 31 March 2020.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 31 March 2020 be noted.

Moved: _____ Seconded: _____

REPORT

Please refer to the attachment for the monthly financial performance details for Council's Funds.

Muswellbrook Shire Council
General Fund
For the Month Ending 31 March 2020

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 75% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(2,521,381)	(2,243,276)	400%	(8,975,126)	1,760,173	(1042%)	
less SRV budgeted profit	(1,234,681)	(1,234,681)		(1,502,184)	20,806		
SRV adjusted Grand Total	(1,286,700)	(1,008,595)		(7,472,942)	1,739,367		

Revenue

Rates and Charges	(20,458,503)	(20,458,503)	108%	(22,191,731)	53	(100%)	All of the rating income for the year has been raised.
User Charges and Fees	(7,208,811)	(7,235,489)	65%	(4,727,127)	(577,410)	(4%)	\$704k YTD budget deficit due to \$378k YTD deficit for DECCW Levy; \$235k YTD deficit in mixed waste fees; \$218k YTD deficit for individual work orders and \$95k YTD deficit across Aquatic Centre Learn to Swim and kiosk - offset by the following extra income collected for onsite sewer (\$18k YTD), Aquatic Centre Gym (\$22k), Muswellbrook Pool entry fees and yearly passes (\$26k YTD), debt collection recovery fees (\$31k YTD).
Interest and Investments Revenues	(738,569)	(761,569)	77%	(585,698)	(68,584)	8%	
Other Revenues	(2,708,830)	(2,615,539)	60%	(1,566,917)	(178,817)	(18%)	\$397k YTD budget deficit due to \$419k plant cost under-recovery for the YTD.
Operating Grants and Contributions	(5,627,882)	(5,737,430)	59%	(3,387,366)	(174,190)	(64%)	\$920k YTD budget deficit mostly due to the timing in receiving the Financial Assistance Grant (\$1,195k YTD deficit) - offset by the receipt of bushfire operational grants and block grants.
Internal Revenue	(4,663,721)	(6,041,812)	43%	(2,575,927)	(272,615)	(46%)	
Total Revenue	(41,406,316)	(42,850,342)	82%	(35,034,766)	(1,271,563)	(64%)	

Expenses

Wages and Salaries	11,687,374	11,730,877	69%	8,102,867	1,104,614	(13%)	There are YTD wages overruns in some individual areas, eg. Waste Management Facility; Economic Development.
Materials and Contracts	12,442,797	12,963,887	52%	6,700,458	898,772	17%	
Other Costs	3,425,626	4,426,432	74%	3,254,846	139,432	62%	
Borrowing Costs	509,227	509,227	26%	131,841	14,222	66%	
Overheads	1,953,399	1,953,399	59%	1,150,040	127,782	22%	
Depreciation	8,866,513	9,023,245	74%	6,719,588	746,914	1%	
Total Expenses	38,884,935	40,607,066	64%	26,059,640	3,031,736	10%	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 31 March 2020

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 75% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(71,594)	(129,285)	-654%	(845,725)	308,165	2960%	
Revenue							
Rates and Charges	(1,595,684)	(1,595,684)	100%	(1,599,580)	199	(100%)	\$208k YTD down, as the user charges for Dec-April 2020 are scheduled to be raised in May 2020.
User Charges and Fees	(4,068,286)	(4,255,837)	70%	(2,986,946)	(6,560)	(98%)	
Interest and Investments Revenues	(424,552)	(254,552)	79%	(199,983)	(25,040)	18%	
Operating Grants and Contributions	(35,893)	(35,137)	100%	(35,137)	0	(100%)	
Total Revenue	(6,124,415)	(6,141,210)	79%	(4,821,646)	(31,401)	(94%)	
Expenses							
Wages and Salaries	1,017,793	1,017,793	70%	713,428	42,077	50%	
Materials and Contracts	1,472,661	1,477,546	55%	812,892	62,208	49%	
Other Costs	331,081	342,991	70%	239,907	2,546	91%	
Borrowing Costs	106,482	106,482	51%	53,876	0	100%	
Overheads	1,286,476	1,286,476	65%	837,207	86,223	20%	
Depreciation	1,838,328	1,780,637	74%	1,318,611	146,512	1%	
Total Expenses	6,052,821	6,011,925	66%	3,975,921	339,566	32%	

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 31 March 2020

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 75% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	300,000	(87,740)	-1536%	(1,347,295)	319,884	4475%	
Revenue							
Rates and Charges	(4,521,580)	(4,521,580)	97%	(4,374,122)	108	(100%)	\$121k YTD budget deficit due to lower than expected sewer effluent reuse revenue, rental agistment fees and sundry income.
User Charges and Fees	(459,200)	(459,200)	49%	(223,988)	(10,669)	(72%)	
Interest and Investments Revenues	(62,500)	(62,500)	82%	(51,481)	(5,930)	14%	
Operating Grants and Contributions	(35,000)	(35,211)	100%	(35,211)	0	(100%)	
Total Revenue	(5,078,280)	(5,078,491)	92%	(4,684,802)	(16,491)	(96%)	
Expenses							
Wages and Salaries	852,547	852,547	70%	599,765	65,175	8%	
Materials and Contracts	799,500	809,495	49%	393,332	65,989	2%	
Other Costs	324,969	315,185	41%	129,257	70	100%	
Borrowing Costs	766,469	766,469	69%	531,464	24,863	61%	
Overheads	839,594	839,594	74%	622,045	62,317	11%	
Depreciation	1,795,201	1,407,461	75%	1,061,644	117,961	(1%)	
Total Expenses	5,378,280	4,990,751	67%	3,337,507	336,375	19%	

Muswellbrook Shire Council
Future Fund
For the Month Ending 31 March 2020

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 75% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(1,433,840)	(1,852,176)	86%	(1,585,162)	(261,520)	69%	
Revenue							
User Charges and Fees	(6,469,775)	(6,688,890)	76%	(5,100,886)	(511,375)	-8%	
Total Revenue	(6,469,775)	(6,688,890)	76%	(5,100,886)	(511,375)	-8%	
Expenses							
Wages and Salaries	226,748	226,748	72%	163,914	16,367	13%	
Materials and Contracts	1,577,449	1,729,401	67%	1,158,034	93,331	35%	
Other Costs	738,947	768,299	84%	647,761	58,143	9%	\$71k over YTD budget due to the annual payment of rates and insurances.
Borrowing Costs	1,415,591	1,205,066	74%	895,387	10,000	90%	
Overheads	250,000	288,000	65%	187,497	20,833	13%	
Depreciation	827,200	619,200	75%	463,131	51,181	1%	
Total Expenses	5,035,935	4,836,714	73%	3,515,724	249,855	38%	

12.6 REPORT ON INVESTMENTS HELD AS AT 30 APRIL 2020

Attachments:	A. Investment Portfolio and Cash as at 30 April 2020 B. Issuer Trading Limits as at 30 April 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 30 April 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 30 April 2020 are shown in the attachments.

COMMENT:

As at 30 April 2020, there are no individual or group portfolio trading limits that have been exceeded.

Council's weighted running yield is 1.79% 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		3,000,000.00	1.00000000	3,000,000.00	100.000	0.000	3,000,000.00	5.22%	0.85%	
Westpac Bus Prem At Call		963,836.32	1.00000000	963,836.32	100.000	0.000	963,836.32	1.68%	0.34%	
Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.17%	0.34%	
		4,063,836.32		4,063,836.32			4,063,836.32	7.06%		0.72%
Floating Rate Deposit										
ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.033	1,000,327.11	1.74%	1.33%	
		1,000,000.00		1,000,000.00			1,000,327.11	1.74%		1.33%
Floating Rate Note										
AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	99.850	0.230	2,001,600.00	3.48%	1.64%	
Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	1,000,000.00	1.00000000	1,000,000.00	100.097	0.464	1,005,610.00	1.75%	2.02%	
Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	99.444	0.195	1,992,780.00	3.46%	1.62%	
BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	1,000,000.00	1.00000000	1,000,000.00	100.228	0.011	1,002,390.00	1.74%	1.28%	
BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.123	0.385	1,005,080.00	1.75%	1.92%	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	99.872	0.456	501,640.00	0.87%	1.91%	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	99.273	0.032	993,050.00	1.73%	1.15%	
BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	3,000,000.00	1.00000000	3,000,000.00	100.202	0.395	3,017,910.00	5.25%	1.99%	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.003	0.010	500,065.00	0.87%	1.16%	
CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	101.129	0.352	1,014,810.00	1.76%	2.50%	
CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.535	0.272	1,512,105.00	2.63%	1.80%	
CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	98.802	0.020	1,482,330.00	2.58%	1.23%	
RACB 1.1 11 May 2020 FRN	AU3FN0042370	2,000,000.00	1.00000000	2,000,000.00	100.029	0.435	2,009,280.00	3.49%	2.01%	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.053	0.326	1,003,790.00	1.74%	1.83%	
NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	100.858	0.132	2,019,800.00	3.51%	1.38%	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	100.390	0.533	504,615.00	0.88%	2.28%	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	98.825	0.465	4,468,050.00	7.77%	1.98%	
Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	99.518	0.194	1,495,680.00	2.60%	1.86%	
Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	99.257	0.258	746,362.50	1.30%	2.09%	
Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.049	0.257	2,006,120.00	3.49%	1.70%	
RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	100.827	0.319	1,011,460.00	1.76%	2.05%	
SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	4,000,000.00	1.00000000	4,000,000.00	100.369	0.038	4,016,280.00	6.98%	1.35%	
		35,250,000.00		35,250,000.00			35,310,807.50	61.38%		1.74%
Term Deposit										
AMP 1.75 07 Aug 2020 122DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.110	1,001,102.74	1.74%	1.75%	
AMP 1.65 29 Oct 2020 183DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.005	2,000,090.42	3.48%	1.65%	
Auswide 1.62 14 May 2020 92DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.346	1,505,192.88	2.62%	1.62%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.925	1,029,249.32	1.79%	3.40%	

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
BVIC 1.88 01 Jul 2020 92DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.153	2,003,057.54	3.48%	1.86%	
HBS 1.9 19 Jun 2020 91DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.213	2,004,268.50	3.48%	1.90%	
MACQ 1.6 05 May 2020 92DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.381	1,003,813.70	1.74%	1.60%	
MACQ 1.6 21 May 2020 90DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.302	1,504,536.99	2.62%	1.60%	
MYS 1.8 17 Sep 2020 182DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.207	2,004,142.46	3.48%	1.80%	
P&NB 3.83 05 Jun 2020 182DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.463	1,034,627.40	1.80%	3.83%	
P&NB 3.53 21 Jun 2021 182DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	3.037	2,060,735.34	3.58%	3.53%	
		17,000,000.00		17,000,000.00			17,150,817.29	29.81%		2.17%
Fixed Interest Total		57,313,836.32		57,313,836.32			57,525,788.22	100.00%		1.79%

Section 2: FI Portfolio Valuation With Associated Latest Deal Information

Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Latest FI Deal Code	Notes of Latest FI Deal
At Call Deposit												
ME Bank At Call		29 Apr 2020	31 Dec 2020	3,000,000.00	1.00000000	3,000,000.00	100.000	0.000	3,000,000.00	5.22%	LC86508	
Westpac Bus Prem At Call		30 Apr 2020	31 Dec 2020	963,836.32	1.00000000	963,836.32	100.000	0.000	963,836.32	1.68%	LC86757	
Westpac Muswellbrook Trading Acct At Call		31 Oct 2018	31 Dec 2020	100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.17%	LC64506	
				4,063,836.32		4,063,836.32			4,063,836.32	7.06%		
Floating Rate Deposit												
ANZ 1.2 21 Jul 2022 2557DAY FRD		21 Jul 2015	21 Jul 2022	1,000,000.00	1.00000000	1,000,000.00	100.000	0.033	1,000,327.11	1.74%	LC37873	
				1,000,000.00		1,000,000.00			1,000,327.11	1.74%		
Floating Rate Note												
AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	23 Oct 2018	10 Sep 2021	2,000,000.00	1.00000000	2,000,000.00	99.850	0.230	2,001,600.00	3.48%	LC63758	
Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	7 Nov 2018	6 Nov 2020	1,000,000.00	1.00000000	1,000,000.00	100.097	0.464	1,005,610.00	1.75%	LC64354	
Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	17 Mar 2020	17 Mar 2023	2,000,000.00	1.00000000	2,000,000.00	99.444	0.195	1,992,780.00	3.46%	LC84611	
BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	26 Oct 2016	26 Oct 2020	1,000,000.00	1.00000000	1,000,000.00	100.228	0.011	1,002,390.00	1.74%	LC41646	
BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	16 Jan 2018	16 Nov 2021	1,000,000.00	1.00000000	1,000,000.00	100.123	0.385	1,005,080.00	1.75%	LC54760	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	5 Feb 2018	3 Feb 2023	500,000.00	1.00000000	500,000.00	99.872	0.456	501,640.00	0.87%	LX55025	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	18 Jul 2019	18 Jul 2024	1,000,000.00	1.00000000	1,000,000.00	99.273	0.032	993,050.00	1.73%	LC74377	
BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	24 Oct 2017	18 Aug 2020	3,000,000.00	1.00000000	3,000,000.00	100.202	0.395	3,017,910.00	5.25%	LC52384	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	25 Jan 2018	25 Jan 2023	500,000.00	1.00000000	500,000.00	100.003	0.010	500,065.00	0.87%	LX54945	
CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	9 Mar 2016	9 Mar 2021	1,000,000.00	1.00000000	1,000,000.00	101.129	0.352	1,014,810.00	1.76%	LC37862	
CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	3 Dec 2018	6 Sep 2021	1,500,000.00	1.00000000	1,500,000.00	100.535	0.272	1,512,105.00	2.63%	LC65378	
CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	29 Nov 2019	24 Oct 2024	1,500,000.00	1.00000000	1,500,000.00	98.802	0.020	1,482,330.00	2.58%	LX80050	
RACB 1.1 11 May 2020 FRN	AU3FN0042370	11 May 2018	11 May 2020	2,000,000.00	1.00000000	2,000,000.00	100.029	0.435	2,009,280.00	3.49%	LC58189	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	24 Feb 2020	24 Feb 2023	1,000,000.00	1.00000000	1,000,000.00	100.053	0.326	1,003,790.00	1.74%	LX83602	
NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	18 Mar 2020	26 Sep 2023	2,000,000.00	1.00000000	2,000,000.00	100.858	0.132	2,019,800.00	3.51%	LX84919	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040806	21 Nov 2019	6 Feb 2023	500,000.00	1.00000000	500,000.00	100.390	0.533	504,615.00	0.88%	LC79854	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	14 Apr 2020	4 Feb 2025	4,500,000.00	1.00000000	4,500,000.00	98.825	0.465	4,468,050.00	7.77%	LC85944	
Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	20 Mar 2018	22 Mar 2021	1,500,000.00	1.00000000	1,500,000.00	99.518	0.194	1,495,680.00	2.60%	LC56706	
Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	14 Dec 2018	14 Dec 2021	750,000.00	1.00000000	750,000.00	99.257	0.258	746,362.50	1.30%	LC65779	
Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	6 Dec 2019	6 Dec 2022	2,000,000.00	1.00000000	2,000,000.00	100.049	0.257	2,006,120.00	3.49%	LC80115	
RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	4 Mar 2016	4 Mar 2021	1,000,000.00	1.00000000	1,000,000.00	100.827	0.319	1,011,460.00	1.76%	LC37861	
SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	24 Oct 2017	20 Oct 2020	4,000,000.00	1.00000000	4,000,000.00	100.369	0.038	4,016,280.00	6.88%	LC52427	
				35,250,000.00		35,250,000.00			35,310,807.50	61.38%		
Term Deposit												

Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Latest FI Deal Code	Notes of Latest FI Deal
AMP 1.75 07 Aug 2020 122DAY TD		7 Apr 2020	7 Aug 2020	1,000,000.00	1.00000000	1,000,000.00	100.000	0.110	1,001,102.74	1.74%	LC85852	
AMP 1.65 29 Oct 2020 183DAY TD		29 Apr 2020	29 Oct 2020	2,000,000.00	1.00000000	2,000,000.00	100.000	0.005	2,000,090.42	3.48%	LC86511	
Auswide 1.62 14 May 2020 92DAY TD		12 Feb 2020	14 May 2020	1,500,000.00	1.00000000	1,500,000.00	100.000	0.346	1,505,192.88	2.62%	LX83445	
BOQ 3.4 21 Jun 2021 1826DAY TD		21 Jun 2016	21 Jun 2021	1,000,000.00	1.00000000	1,000,000.00	100.000	2.925	1,029,249.32	1.79%	LC38034	
BVIC 1.86 01 Jul 2020 92DAY TD		31 Mar 2020	1 Jul 2020	2,000,000.00	1.00000000	2,000,000.00	100.000	0.153	2,003,057.54	3.48%	LC85382	
HBS 1.9 19 Jun 2020 91DAY TD		20 Mar 2020	19 Jun 2020	2,000,000.00	1.00000000	2,000,000.00	100.000	0.213	2,004,268.50	3.48%	LX84976	
MACQ 1.6 05 May 2020 92DAY TD		3 Feb 2020	5 May 2020	1,000,000.00	1.00000000	1,000,000.00	100.000	0.381	1,003,813.70	1.74%	LC82871	
MACQ 1.6 21 May 2020 90DAY TD		21 Feb 2020	21 May 2020	1,500,000.00	1.00000000	1,500,000.00	100.000	0.302	1,504,536.99	2.62%	LC83775	
MYS 1.8 17 Sep 2020 182DAY TD		19 Mar 2020	17 Sep 2020	2,000,000.00	1.00000000	2,000,000.00	100.000	0.207	2,004,142.46	3.48%	LX84960	
P&NB 3.83 05 Jun 2020 1827DAY TD		5 Jun 2015	5 Jun 2020	1,000,000.00	1.00000000	1,000,000.00	100.000	3.463	1,034,627.40	1.80%	LC51534	
P&NB 3.53 21 Jun 2021 1826DAY TD		21 Jun 2016	21 Jun 2021	2,000,000.00	1.00000000	2,000,000.00	100.000	3.037	2,060,735.34	3.58%	LC51535	
				17,000,000.00		17,000,000.00			17,150,817.29	29.81%		
Fixed Interest Total				57,313,836.32		57,313,836.32			57,525,788.22	100.00%		

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Report Code: TBSBP100EXT-01.15
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded

1 Issuer Trading Limits

Issuer	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd		5,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	87.00	13.00	731,384	0.00	0
ANZ Banking Group Ltd		1,000,000.00	Book	30.00	% of 57,313,836.32	17,194,150.90	6.00	94.00	16,194,151	0.00	0
Auswide Bank Limited		4,500,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	78.00	22.00	1,231,384	0.00	0
Bank of Queensland Ltd		4,500,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	78.00	22.00	1,231,384	0.00	0
BankVic		2,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	35.00	65.00	3,731,384	0.00	0
Bendigo & Adelaide Bank Ltd		3,500,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	61.00	39.00	2,231,384	0.00	0
Credit Suisse Sydney		1,000,000.00	Book	20.00	% of 57,313,836.32	11,462,767.26	9.00	91.00	10,462,767	0.00	0
Credit Union Australia Ltd		3,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	52.00	48.00	2,731,384	0.00	0
Heritage Bank Ltd		2,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	35.00	65.00	3,731,384	0.00	0
Macquarie Bank		2,500,000.00	Book	20.00	% of 57,313,836.32	11,462,767.26	22.00	78.00	8,962,767	0.00	0
Members Banking Group Limited t/as RACQ Bank		3,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	52.00	48.00	2,731,384	0.00	0
Members Equity Bank Ltd		3,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	52.00	48.00	2,731,384	0.00	0
MyState Bank Ltd		2,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	35.00	65.00	3,731,384	0.00	0
National Australia Bank Ltd		2,000,000.00	Book	30.00	% of 57,313,836.32	17,194,150.90	12.00	88.00	15,194,151	0.00	0
Newcastle Permanent Building Society Ltd		5,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	87.00	13.00	731,384	0.00	0
P&N Bank Ltd		3,000,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	52.00	48.00	2,731,384	0.00	0
QPCU LTD t/a QBANK		4,250,000.00	Book	10.00	% of 57,313,836.32	5,731,383.63	74.00	26.00	1,481,384	0.00	0
Rabobank Nederland Australia Branch		1,000,000.00	Book	20.00	% of 57,313,836.32	11,462,767.26	9.00	91.00	10,462,767	0.00	0
Suncorp Bank		4,000,000.00	Book	20.00	% of 57,313,836.32	11,462,767.26	35.00	65.00	7,462,767	0.00	0
Westpac Banking Corporation Ltd		1,063,836.32	Book	30.00	% of 57,313,836.32	17,194,150.90	6.00	94.00	16,130,315	0.00	0
		57,313,836.32				171,941,508.96			114,627,677		0

2 Security Rating Group Trading Limits

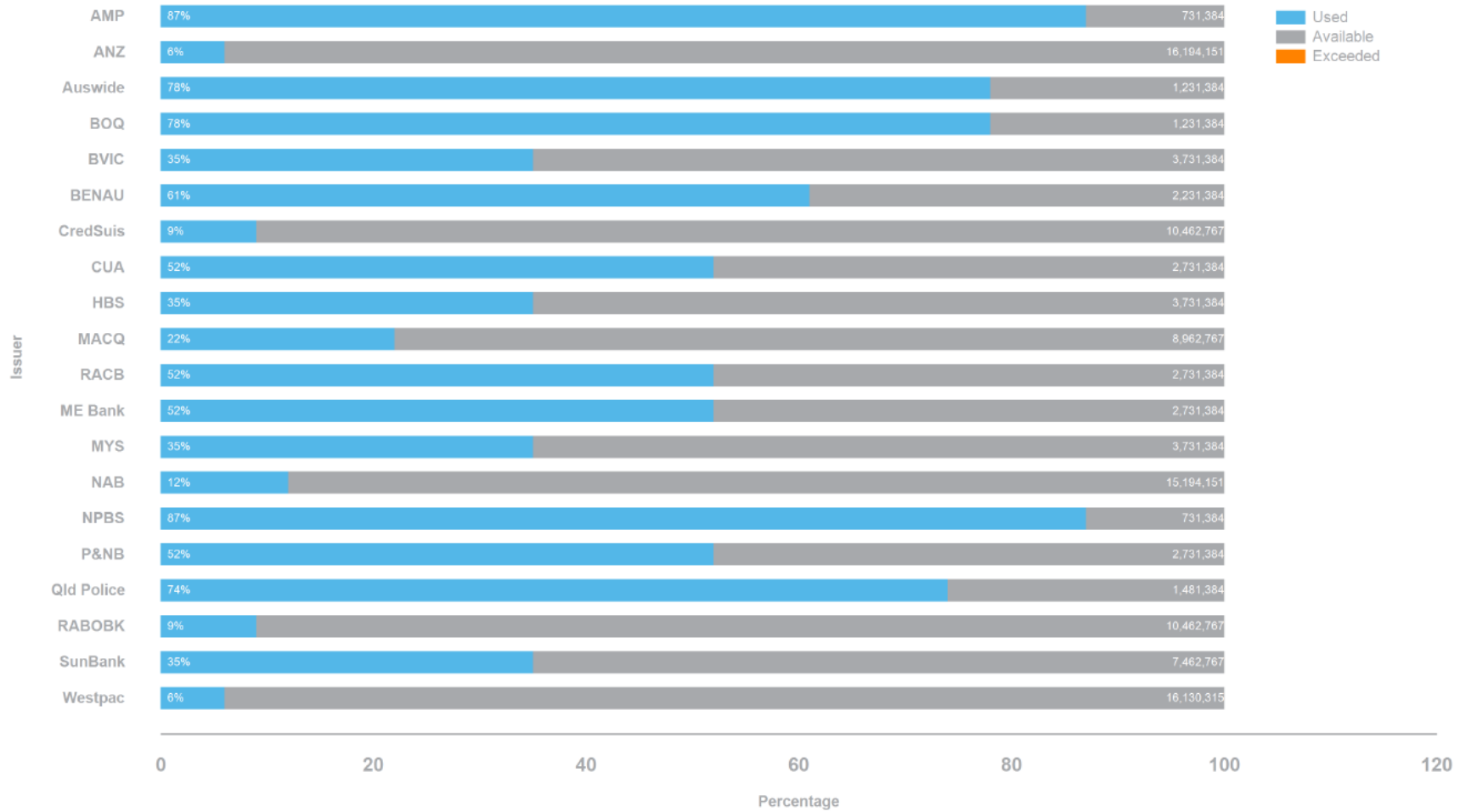
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 57,313,836.32	57,313,836.32	5.00	95.00	54,313,836	0.00	0
A+ to A-	4,000,000.00	Book	70.00	% of 57,313,836.32	40,119,685.42	10.00	90.00	36,119,685	0.00	0
A1+	1,063,836.32	Book	100.00	% of 57,313,836.32	57,313,836.32	2.00	98.00	56,250,000	0.00	0
A1	7,500,000.00	Book	70.00	% of 57,313,836.32	40,119,685.42	19.00	81.00	32,619,685	0.00	0
A2	19,500,000.00	Book	60.00	% of 57,313,836.32	34,388,301.79	57.00	43.00	14,888,302	0.00	0
A3	1,500,000.00	Book	60.00	% of 57,313,836.32	34,388,301.79	4.00	96.00	32,888,302	0.00	0
BBB+ to BBB-	20,750,000.00	Book	60.00	% of 57,313,836.32	34,388,301.79	60.00	40.00	13,638,302	0.00	0
	57,313,836.32				298,031,948.86			240,718,112		0

Notes

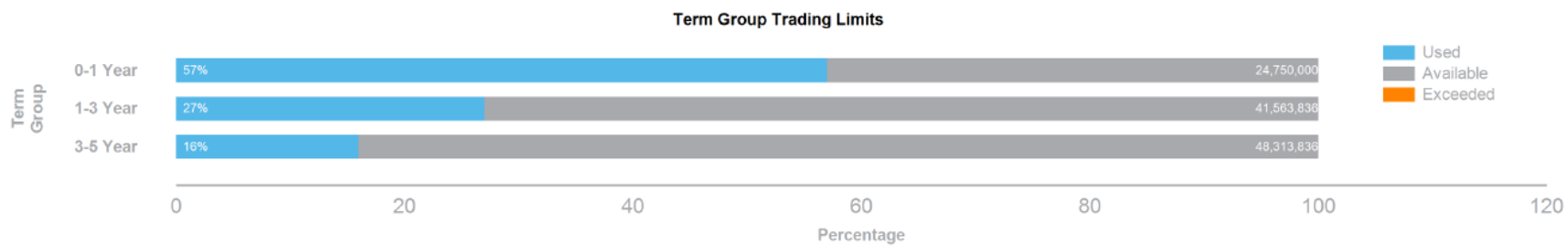
1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

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	32,563,836.32	Book	100.00	% of 57,313,836.32	57,313,836.32	57.00	43.00	24,750,000	0.00	0
1-3 Year	15,750,000.00	Book	100.00	% of 57,313,836.32	57,313,836.32	27.00	73.00	41,563,836	0.00	0
3-5 Year	9,000,000.00	Book	100.00	% of 57,313,836.32	57,313,836.32	16.00	84.00	48,313,836	0.00	0
	57,313,836.32				171,941,508.96			114,627,672		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: 30 April 2020
Balance Date: 7 May 2020 (but 30 Apr 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

12.7 PLANNING AND ENVIRONMENT SERVICES

Attachments:	Nil
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Ziggy Andersons - Ecologist and Sustainability Team Leader Michael Brady - Sustainability Officer Tracy Ward - Sustainability Officer Chloe Wuiske - Administration Officer Jo Barker - Records Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To provide an update on activities 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 (15 April to 11 May 2020)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2020/29	Patio	20B Grey Gum Road Denman	41,300
2020/27	Residential Shed	99 Woodland Ridge Road Muscle Creek	45,968
2020/26	Residential Shed	5 Honeyeater Close Denman	48,000
2020/24	Steel Storage Shed	53 Bimbadeen Drive Muswellbrook	32,200

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2020/23	Installation of Two (2) Rainwater Tanks	8 Ironbark Road Muswellbrook	2,000
2020/19	Dwelling Additions	11 Grevillea Street Muswellbrook	49,977
2020/13	Residential Shed	7 Honeyeater Close Denman	35,000
2020/11	Residential Shed	29 Palace Street Denman	12,350
2020/10	Single Residential Garage	1 Gyarran Street Muswellbrook	9,000
2019/99	Secondary Dwelling Appurtenant to Principle Dwelling	159 Martindale Road Denman	210,000
2019/89	Storage Shed	Turner Street Denman	37,220
2019/37	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell	New England Highway Muswellbrook	250,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2020/43	Animal Shelter	127-129 Sydney Street Muswellbrook	07/05/2020	2,550,000
2020/42	Demolition of Existing Dwelling and Preparation of Site for Rebuild	24 Martindale Street Denman	07/05/2020	25,000
2020/41	Residential Garage and Carport	53 Virginia Street Denman	06/05/2020	18,000
2020/40	Geotechnical Investigations (Earthworks) and Vegetation Clearing	Limestone Road Muswellbrook	27/04/2020	1,093,332
2020/39	New Dwelling	1984 Martindale Road Denman	21/04/2020	482,925
2020/38	New Dwelling	Sandy Creek Road Muswellbrook	20/04/2020	256,700
2020/37	New Dwelling, Swimming Pool and Alfresco Area	18 Angus Peebles Close Muswellbrook	20/04/2020	507,420
2020/36	Residential Outbuilding - Storage Space	540 Sandy Creek Road Muswellbrook	17/04/2020	20,000
2020/35	599 Lot Residential Subdivision and associated Civil Construction Work	8911 New England Highway Muswellbrook	15/04/2020	21,200,572
2020/34	Change of Use to Indoor Recreational Facility (Gymnastics Centre)	5 Glen Munro Road Muswellbrook	15/04/2020	10,000
2020/33	Two Lot Residential Subdivision	66-68 Paxton Street Denman	14/04/2020	6,000
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	83-89 Maitland Street Muswellbrook	06/04/2020	-

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	of Extended Hours of Operation of Restaurant Drive-thru (McDonald's) Permanent.			
2020/31	Hay Shed	1040 Bureen Road Denman	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
2020/25	Racetrack observation building	16 Sheppard Avenue Muswellbrook	28/02/2020	20,000
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
2020/12	Residential Shed	Honey Lane Sandy Hollow	04/02/2020	35,194
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
2019/93	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
2019/87	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
2019/16	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)	8911 New England Highway Muswellbrook	14/02/2019	5,142,236

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	Lots and the carrying out of 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)

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Applications Received (new installation)	0	2	2	0	0	1	2	0	0	0	2	0	3
Applications Approved (new installation)	0	2	0	0	0	0	1	3	1	0	3	1	0
Inspections (new system)	0	0	0	0	0	1	1	1	0	0	3	0	1
Inspections (existing system)	0	16	47	2	3	0	11	1	0	1	0	6	0

24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in

accordance with regulatory requirements to ensure public health and safety is protected.

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Applications Received (new businesses)	1	1	0	1	1	0	0	1	2	0	1	1	0
Inspections (new businesses)	0	1	0	1	0	0	1	0	2	1	1	1	0
Inspections (existing businesses)	7	6	30	0	0	0	6	1	0	10	0	4	1
Reinspections	0	0	1	2	0	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)

	Apr	May	Jun	Jul	Aug	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Total Sites Inspected	4	6	7	7	6	7	7	6	7	4	4	6
Total non-compliant and educated	0	2	2	0	1	0	1	0	0	0	0	0
Total compliance after education	0	6	2	0	1	0	1	0	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)

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

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.

Swimming Pool Compliance Statistics – 13 Month Analysis (2019/2020)

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

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	9	2	8	7	10	8	3	2	5	7	6	6	3
Initial Inspections	8	2	6	5	8	8	2	1	3	7	5	5	2
Re-inspections	1	0	2	2	2	0	1	1	2	0	1	1	1

Compliance Certs / Occ. Certs issued	6	6	3	4	5	4	6	8	7	3	0	4	1
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Total Pools in Council's Swimming Pool Register = 922

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 = 28.9%

That is, 267 out of 922 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 = 4.9%

That is, 46 out of 922 pools have had at least one inspection carried out during FY 2019/2020.

SUSTAINABILITY

Sustainability Update April 2020

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's Habitat Action Grant Program from the Department of Industry. Council provided in-kind support. Work involved weed control and revegetation on a 1.8ha 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 will need to be postponed.

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 a 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.

Sustainability Unit worked with the Works CI team to map out areas along Muscle Creek that council currently maintains, and areas that works can now take over the maintenance of, and what areas they could maintain if appropriate training and controls were provided (i.e. very steep slopes).

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
40 400 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 it's 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

(02) 4544 5180 (02) 4544 5701 council@muswellbrook.nsw.gov.au

117 Market Street Muswellbrook 2333 PO Box 122 Muswellbrook 2333

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 Trails

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. Staff are using this time to plan for 2020/21.

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. 110 residents attended and 3743 kg of household chemicals were collected.

Abandoned Trolleys

The Sustainability Unit ensures abandoned shopping trolleys are reported and collected.

12.8 COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Carolyn O'Brien - Manager - Community Services
Author:	Kim Manwarring - Co-ordinator - Community Partnerships
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To 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. More work has been completed on reducing the Quantity Surveyors original quotation.
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 Depart of Communities to defer the planned activities until after the COVID 19 health regulations are

		relaxed. Upper Hunter Youth Service our 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.	No action this month.
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 project this month, the commencement of an internal report.
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 workingwithindigenoustraditionalowners.info/ and make necessary changes to reflect changes in legislation and policy	workingwithindigenoustraditionalowners.info/ reviewed and necessary changes made to achieve information currency	<i>Review completed.</i>
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 report has been provided to Council regarding the conservation of the Mural.
Work with the Aboriginal Community to improve access to cultural and educational activities	Seek funding for the design and construction of a cultural keeping space in partnership with the Aboriginal Community during 2019/20	The Cultural Community Hub Working Group has resolved to support Wanarua Local Aboriginal Land Council and the development of their administration and cultural space infrastructure.

	Explore the development of an Aboriginal development Action Plan in partnership with the Aboriginal Reconciliation Committee	The Treaty Document Assessment Panel are currently considering the applications received.
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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 continuation of service delivery within the health constraints of COVID 19;
- Support has been provided to 2 Rivers to work toward finalising the Aboriginal Oral History Project inclusion of the final interview of a significant local Aboriginal Family;
- Administration of the network information through the Upper Hunter Community Services Interagency elist;

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON TUESDAY, 3 MARCH 2020

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Audit, Risk and Improvement Committee held on 3 March 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Audit, Risk and Improvement Committee Meeting held on Tuesday 3 March 2020 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Audit, Risk and Improvement Committee met on Tuesday 3 March 2020.

The Minutes of the meeting are attached for the information of the Councillors.

PRESENT: Mr M. Morley (Chair), Mr P. Quealey, Cr R. Scholes, Ms N. Cowley (Executive Manager – Office of the Chief Financial Officer), Ms M. Cleary (Integrated Planning Co-Ordinator), Mrs M St John (Governance and Improvement Officer) and Derek Finnigan (Director Community Infrastructure).

IN ATTENDANCE: Ms L. Nash (Risk and Improvement Officer)

1 APOLOGIES AND LEAVE OF ABSENCE

Ms Fiona Plesman (General Manager) and Mr Joshua Brown (Manager Integrated Planning, Risk and Governance).

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The Minutes of the Audit, Risk and Improvement Committee Meeting held on 20 November 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

4.1 GENERAL BUSINESS

Mr Morley suggested that pandemic implications addressed by Council's Business Continuity Plan should be undergoing discussion by Manex at this point. Mr Finnigan advised that Manex had begun considering potential implications from the escalating pandemic situation.

5 BUSINESS

5.1 SERVICE DELIVERY REVIEW PROGRAM UPDATE

Mrs St John provided the Committee with an overview of the current status of Council's Service Delivery Review Program to date.

Council's first two (2) Service Delivery Reviews have now been finalised and the next two (2) which are scheduled have now commenced, with all stages of the program on track.

Mr Quealey queried the outcomes that we are getting from these Service Delivery Reviews to which Mrs St John explained that, at this initial stage, we are simply capturing baseline data and benchmarking data to drive business improvement ideas.

Ms Cleary pointed out that one of the main things to come from the Service Delivery Reviews was an indication of the areas we are not collecting data in.

Mr Morley queried whether the Service Delivery reports have an executive summary and requested that committee members receive the summary rather than the whole report.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

1. The committee notes the report; and

2. The committee receive a summary of each Service Delivery Review report in future.

5.2 SERVICE DELIVERY REVIEW METHODOLOGY

A report was submitted to the Committee providing an update on the Service Delivery Review Methodology.

Mr Morley advised that the methodology seems sound and that Mrs St John has clarified that the Service Delivery Reviews are a very preliminary thing.

Mr Quealey pointed out that Council should not let a large amount of time pass before the second phase of Service Delivery Reviews commences.

Cr Scholes stressed that it should never become the case that Council cannot complete the rotation through one particular area due to needing to commence another new Service Delivery Review.

Mr Morley questioned whether there was a concrete plan in place for the next phase of consultation with the community.

Mr Finnigan reassured the Committee that it would be irresponsible to allow things to “sit on the shelf”.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

The Committee notes the report.

5.3 RISK MANAGEMENT

Mr Morley requested that we ensure the Audit, Risk and Improvement Committee is mentioned in the revised Enterprise Risk Management Policy and that he is aware that it is included in the Enterprise Risk Management Framework.

Mr Morley also suggested a number of areas in the ERM Framework requiring slight changes.

Mr Quealey described the Enterprise Risk Management Policy and Enterprise Risk Management Framework as a solid foundation where the challenge will be to get people integrated.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The Enterprise Risk Management Policy and Enterprise Risk Management Framework be endorsed by the committee subject to the minor changes suggested by members of the Committee.

5.4 2019-2020 OPERATIONAL PLAN 30 SEPTEMBER QUARTERLY REVIEW

A report was submitted to the Committee advising that the 2019/20 Operational Plan has been reviewed over the months of 1 July 2019 to 30 September 2019.

Ms Cleary outlined the content of the report to the committee.

Mr Quealey asked whether there was any data indicating why certain activities were at the status they were.

Mr Morley discussed implementing the “traffic light system”.

Mr Morley asked whether the format that the information is being provided to the committee in is the same as that provided at Council meetings.

Ms Cleary confirmed that this was the case.

Mr Morley pointed out that the role of the committee is to be satisfied that there is a system in place, that the system is being monitored and able to track progress on the activities.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

1. The committee notes the report; and
2. Management to explore options of providing a clearer or more visual indication on the status of each project (e.g. a traffic light indicator).

5.5 INTERNAL AUDIT CHARTER

A report was submitted to the Committee seeking the endorsement of the draft *Muswellbrook Shire Council Internal Audit Charter*.

Ms Cleary outlined that Council did not have an adopted Internal Audit Charter and that we have a draft version to go to Council for adoption on 31st March, 2020.

Mr Quealey expressed his preference at seeing a Three (3) Year Strategic Plan for Internal Audit rather than 12 months as it provides a more strategic point of view if mapped out over the next three (3) years.

Mr Morley provided suggested changes for the wording in Section ten (10) of the draft Internal Audit Charter to reflect that a three year strategic internal audit plan should be developed.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The Audit Risk and Improvement Committee endorses the draft *Muswellbrook Shire Council Internal Audit Charter* with the amendment to Section ten (10) to require that a three year strategic internal audit plan should be developed from which an annual program of audits should be derived each year..

5.6 MANAGEMENT REVIEW OF OPEN ACTIONS FROM PREVIOUS AUDITS

A report was submitted to the Committee providing an update on the requested management review of open actions from previous audits.

Mrs St John outlined the review of operations from previous audits to the committee explaining that non-relevant actions were closed off, a number of actions were amended and a smaller number were unachievable.

A general discussion took place surrounding the general records disposal schedule, document retention, records management strategy and what Council has in place around these.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

1. The committee notes the report
2. The Committee notes that Council is making the conscious decision to accept the risk of holding some records at an unsuitable off-site location given the high cost of digitisation and/or relocation; and

3. The Committee recommends that Council develop a longer term strategy for records management.

5.7 AUDIT AND IMPROVEMENT OUTSTANDING ACTIONS

A report was submitted to the Committee providing an update on outstanding actions in the Audit and Improvement hierarchy in Pulse.

The committee discussed and noted the report containing:

- Summary of Internal Audit Findings and Actions to date
- Summary of External Audit Findings and Actions to date; and
- Asset Management Action Plans

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

1. The committee notes the report
2. All External Audit Actions are to be reported at each meeting
3. All high risk Internal Audit Actions are to be reported at each meeting; and
4. All moderate risk Internal Audit Actions that have exceeded the action deadline are to be reported at each meeting.

5.8 ARIC FORWARD MEETING PLAN 2020

A report was submitted to the Committee concerning the Forward Meeting Plan 2020 which is to be considered at each meeting.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

The Committee note the information

5.9 SEPTEMBER BUDGET REVIEW 2019

A report was submitted to the Committee presenting the September 2019 Budget Review.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The Committee notes the report.

5.10 FINAL MANAGEMENT LETTER YEAR ENDED 30 JUNE 2019

A report was submitted to the Committee to discuss the Final Management Letter Year Ended 30 June 2019.

Ms Cowley explained to the committee that Council is not disputing the issues that the auditors have raised but rather dissatisfaction of the value received from them.

Mr Quealey advised that many of the issues raised across different Councils by the Audit Office of NSW were very similar.

Mr Morley suggested that these auditors attend one of Council's Audit, Risk and Improvement

Committee meetings.

Mr Morley requested that Ms Cowley make the auditors aware that it is an expectation of the Audit, Risk and Improvement Committee that they will come and present to our meeting.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

1. The Audit, Risk and Improvement Committee note the Final Management Letter Year Ended 30 June, 2019.; and
2. The Audit Office of NSW are to be advised that they need to provide a presentation to the ARIC at an appropriate time.

5.11 BUSINESS CONTINUITY PLANNING

A report was submitted to the Committee to review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether disaster recovery plans have been tested periodically.

Mr Morley suggested to the meeting that Council might extract action/management plans from the Business Continuity Plan, including policy type information. This would assist in not having to go through the entire document for a step by step plan at the time of a critical incident.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The Audit Risk and Improvement Committee note that Muswellbrook Shire Council has an endorsed Business Continuity Plan effective from November 2019

5.12 PERFORMANCE MANAGEMENT AGAINST OPERATIONAL PLAN

A report was submitted to the Committee providing an update on the adopted 2019/20 Operational Plan which has been reviewed over the months of 1 October 2019 to 30 December 2019.

Mrs St John advised the committee that the report that has been provided at this meeting is incorrect and that we will need to present the correct report at the next ARIC meeting.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

The correct report be re-submitted to the next ARIC meeting on 20th May, 2020.

5.13 DECEMBER BUDGET REVIEW 2019

A report was submitted to the Committee providing an update on December 2019 Budget Review.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The Committee notes the report.

5.14 PROPOSED STRATEGY FOR INTERNAL AUDITS 2020/21

A report was submitted to the Committee seeking the endorsement of the proposed strategy for internal audits for 2020/21.

Ms Cleary provided the committee with an overview of Council's 2015, Three (3) Year Strategic Internal Audit Plan.

Ms Cleary suggested that Council go on to complete the five (5) outstanding audit reviews.

Mr Quealey highlighted that maturity of the area of audit should be the focus before embarking on an Internal Audit.

The committee agreed that the next two (2) internal audits should be conducted on Payroll Processes and I.T. Control Environment and these should be early in the financial year.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

1. Council is to start making arrangements for the next two (2) Internal Audits early in the financial year; and
2. Council present to the next ARIC meeting a budget and strategy for future audits beyond the initial two (2).

6 DATE OF NEXT MEETING

20 May 2020

7 CLOSURE

The meeting was declared closed at 12.06pm.

.....
Mr M. Morley

Chairperson

**13.2 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 4 MAY 2020**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 4 May 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 4 May 2020 be received and the recommendations contained therein ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Development Assessment Committee met on Monday 4 May 2020.

The Minutes of the meeting are attached for the information of the Councillors.

PRESENT: Cr R. Scholes(Chair), Cr M. Rush and Cr B. Woodruff.

IN ATTENDANCE: Mr D. Finnigan (Director – Community Services). Ms S. Pope (Executive Manager – Environmental & Planning Services), Mr H. McTaggart (Co-Ordinator Development), Mr P. Williams and Mrs M. Sandell-Hay.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Rush that:

The Minutes of the Development Assessment Committee held on 6 April 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

Mr Paul Williams – Austam Homes – Item 6.3 raising concerns that the proponents for a dwelling house may be required to reconstruct and seal Honey land when previous consent conditions for subdivision applications, with access off Honey Lane, have only required proponents to reseal 30 metres of road near the intersection with the Golden Hwy. Also, this is a draft policy that is currently on exhibition and wasn't Council's policy at the time the dwelling house application was lodged.

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 11/2020 - PROPOSAL FOR ANCILLARY DEVELOPMENT - SHED - 29 PALACE STREET, DENMAN

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee approve Development Application No. 11/2020, proposing the erection of an ancillary development - shed on Lot 2109, DP 864033, known as 29 Palace Street, Denman, subject the conditions in Appendix B of this report.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

6.2 DA 2019/89 - STORAGE SHED - DENMAN GOLF CLUB - DENMAN RECREATION RESERVE, TURNER STREET, DENMAN

RECOMMENDED on the motion of Crs Rush and Woodruff that:

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 4 MAY, 2020 COMMENCING AT 4.09PM.

The Development Assessment Committee grant consent to DA 2019/89, involving the construction of a storage shed for the Denman Golf Club, at the Denman Recreation Reserve, Turner Street Denman (Part Lot 231 DP 729996), subject to the recommended conditions of consent contained in Attachment B and the inclusion of the following condition:

Prior to the issue of a Construction Certificate, a landscaping plan to provide screening of the shed, particularly adjacent to the Internal access road, is to be submitted and approved by Council. The landscaping shown in the approved plan is to be planted and maintained at all times.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

6.3 DA 8/2020 - NEW DWELLING HOUSE - LOT 2 HONEY LANE, SANDY HOLLOW

RECOMMENDED on the motion of Crs Rush and Woodruff that:

1. The matter be deferred to a future Development Assessment Committee at such a date to be determined by the General Manager.
2. The General Manager arrange for all parties who propose development with access from Honey Lane to be invited to a meeting for the purpose of agreeing to a Voluntary Planning Agreement or Contributions Plan for the upgrade of Honey Lane.
3. If the only party willing to meet is the applicant for DA 8/2020, the meeting may be held with the applicant.
4. The matter return to the Committee as soon as practicable after conclusion of this discussion about contribution to the upgrade of Honey Lane.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

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

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The meeting be adjourned for 15 minutes to allow staff to draft a condition requesting that decommissioning be undertaken in accordance with the Liddell Power Station Closure Plan.

At 4.44pm the meeting adjourned.

The meeting recommenced at 4.59pm

Draft consent condition were considered by the Committee.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The meeting be adjourned for a further 15 minutes to allow staff to make further changes conditions 16 and 17.

At 5.13pm the meeting adjourned.

The meeting recommenced at 5.28pm

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 4 MAY, 2020 COMMENCING AT 4.09PM.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee approve DA 37/2019, involving the Construction of Pipes and Pump Infrastructure to Return Seepage Water from the Lake Liddell Dam Wall to Lake Liddell (Lot 14 DP 119430, and Lot 102 DP 1053098), subject to the recommended conditions of consent contained in Attachment B, with the exception of conditions 16 and 17, and the inclusion of the following conditions instead:

(16) Decommissioning Requirement

The works permitted by this development will be removed and the site rehabilitated in accordance with the Liddell Power Station Closure Plan.

(17) Liddell Power Station Closure Plan

Within nine (9) months from the date of this consent, the person benefited by this consent will submit a Liddell Power Station Closure Plan prepared to Council's satisfaction for approval, setting out:

1. The practical steps in the decommissioning of the Liddell Power Station;
2. Rehabilitation and remediation measures ensuring the site is returned as reasonably as practical to its pre-existing land use;
3. A workforce redeployment strategy and other planning for the site's use and potential employment generating activities post closure; and
4. How the employees and the broader community will be supported during this process.

The person acting with this consent is to ensure the Liddell Power Station Closure Plan is implemented in full or as otherwise agreed by Council.

In Favour: Crs M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

6.5 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

7 DATE OF NEXT MEETING

18 May 2020

8 CLOSURE

The meeting was declared closed at 5.31pm.

.....

Cr R. Scholes

Chairperson

**MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE
MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION
CENTRE, MUSWELLBROOK ON MONDAY 4 MAY, 2020 COMMENCING AT 4.09PM.**

13.3 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 12 MAY 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 12 May 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 12 May 2020 be received and the recommendations contained therein ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Local Traffic Committee met on Tuesday 12 May 2020.

The Minutes of the meeting are attached for the information of the Councillors.

PRESENT: Cr S. Reynolds (Chair), Ms. W. Wallace (Transport for NSW Newcastle), Mr M. Kelly (Representing Mr Michael Johnsen), Mrs K. Scholes (Manager – Roads, Drainage & Technical Services).

IN ATTENDANCE: Mrs I. Williams (MSC), Ms A. Balding (MSC)

1 APOLOGIES AND LEAVE OF ABSENCE

The apologies for inability to attend the meeting submitted by Snr. Constable C. Dengate (NSW Police) be ACCEPTED.

No vote provided

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED that:

The Minutes of the Local Traffic Committee 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 subject to the following amendment to Item 5.2

Dot Point 6 to read “No FUELLING OF vehicles permitted, greater than 4.5GVM signage to be erected at the Bridge and St. Heliers Street access”.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 PROPOSED PARKING RESTRICTIONS SKELLATAR STOCK ROUTE

RECOMMENDED that:

Council use its delegated authority to approve the following signage on Skellatar Stock Route in accordance with the plan attached:

- “No Stopping” zone on the southern side of the road from the existing “No Stopping Zone for a length of 60m
- “Bus Zone” on the southern side of the road for a length of 50m
- “No Stopping” zone on the southern side of the road for a length of 110m
- “No Stopping” zone on the northern side of the road for a length of 80 between the access and egress driveways to St James School.
- Request the school to provide written educational material through the school newsletter or similar to advise parents and care givers of the students of the “Pick up” and “drop off” procedures at the school.

VOTE: Unanimous Support



7 DATE OF NEXT MEETING

9 June 2020

8 CLOSURE

The meeting was declared closed at 2.55pm.

.....

Cr S Reynolds

Chairperson

**13.4 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 18 MAY 2020**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 18 May 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 18 May 2020 be received and the recommendations contained therein ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Development Assessment Committee met on Monday 18 May 2020.

The Minutes of the meeting are attached for the information of the Councillors.

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff and Cr R. Scholes.

IN ATTENDANCE: Ms F. Plesman (General Manager), Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development, Mr P. Chambers (Shire Engineer) and Mrs M. Sandell-Hay.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Minutes of the Development Assessment Committee held on 4 May 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

Cr B Woodruff – Declared a non-pecuniary interest in Item 6.2. Cr Woodruff advised the Committee that his son owns a neighbouring property to that involved with DA 4/2020.

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 6/2020 - ANCILLARY DEVELOPMENT - CARPORT - 26 GEORGE STREET, MUSWELLBROOK

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee approve Development Application No. 2020/6, proposing carport on Lot B DP 371230, 26 George Street Muswellbrook, subject to the conditions in Attachment B to the report.

6.2 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.

8 DATE OF NEXT MEETING

1 June, 2020

8 CLOSURE

The meeting was declared closed at 4.11pm.

.....

Cr M. Rush

Chairperson

13.5 REPORT OF THE BENGALLA MINING COMPANY COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING HELD ON FRIDAY, 15 MAY 2020

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Bengalla Mining Company Community Funding Investment Committee held on 15 May 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Bengalla Mining Company Community Funding Investment Committee Meeting held on Friday 15 May 2020 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Bengalla Mining Company Community Funding Investment Committee met on Friday 15 May 2020. The Minutes of the meeting are attached for the information of the Councillors.

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

MINUTES OF THE BENGALLA MINING COMPANY COMMUNITY FUNDING INVESTMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON FRIDAY 15 MAY, 2020 COMMENCING AT 11.30AM.

PRESENT: Ms F. Plesman (Chair), Cr M. Rush, Mr C. Halfpenny, Ms F. Hartin and Mr J. Bancroft.

IN ATTENDANCE: Mr J. James (Hunter Joint Organisation of Councils -VC), Mr J. Archer (Hunter Joint Organisation of Councils -VC), Ms N. Cowley, Mr M. Lysaught (VC), Mr A. Mitreski and Mrs M. Sandell-Hay (VC).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Mr Halfpenny and Mr Bancroft that:

The Minutes of the Bengalla Mining Company Community Funding Investment Committee held on 26 March 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 VPA FUNDING

Hunter 2050 Foundation Presentation

Mr James thanked the Committee for allowing time to provide a presentation on the Hunter 2050 Foundation which is a strategic priority for the region.

Mr Archer then provided a brief presentation which included the purpose of the Foundation which is to drive the diversification process for the Hunter to encourage new businesses and new skills in the workforce to the area beyond the mining industry.

Mr James and Mr Archer left the meeting at 12.28pm

Tertiary Education Stage 2

Mr Lysaught provided a brief update on this project. Mr Lysaught advised the meeting that VPA funding had been expended which included the engagement of new architects which have provided detailed drawings for Stage 2 of this project which has also received Office of Heritage approval.

Mr Lysaught left the meeting at 12.5pm.

RECOMMENDED on the motion of Mr Halfpenny and Mr Bancroft that:

The Committee recommend to Council the allocation of:

1. \$250,000 indexed each year for 3 years for the Hunter 2050 Foundation Project provided that prior to the money being expended, Hunter Joint Organisation provide the Committee with a detailed plan of how the funds will be spent and that a detailed report

be provided annually to the Committee on the actual delivery plan and outcomes.

2. \$223,000 be allocated to the Tertiary Education Centre.

6 DATE OF NEXT MEETING

TBA

7 CLOSURE

The meeting was declared closed at 12.57pm.

.....

Ms F. Plesman

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 EXECUTION OF REFINANCING OF \$3.2M FUTURE FUND LOAN

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 MUSWELLBROOK AQUATIC CENTRE - OUTDOOR 50M POOL

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

19.3 REQUEST FOR REDUCTION IN SEWER CHARGES

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 2018-2019-0366 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local

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

19.5 GRANT FOR A BIOREFINERY

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 30 JUNE 2020