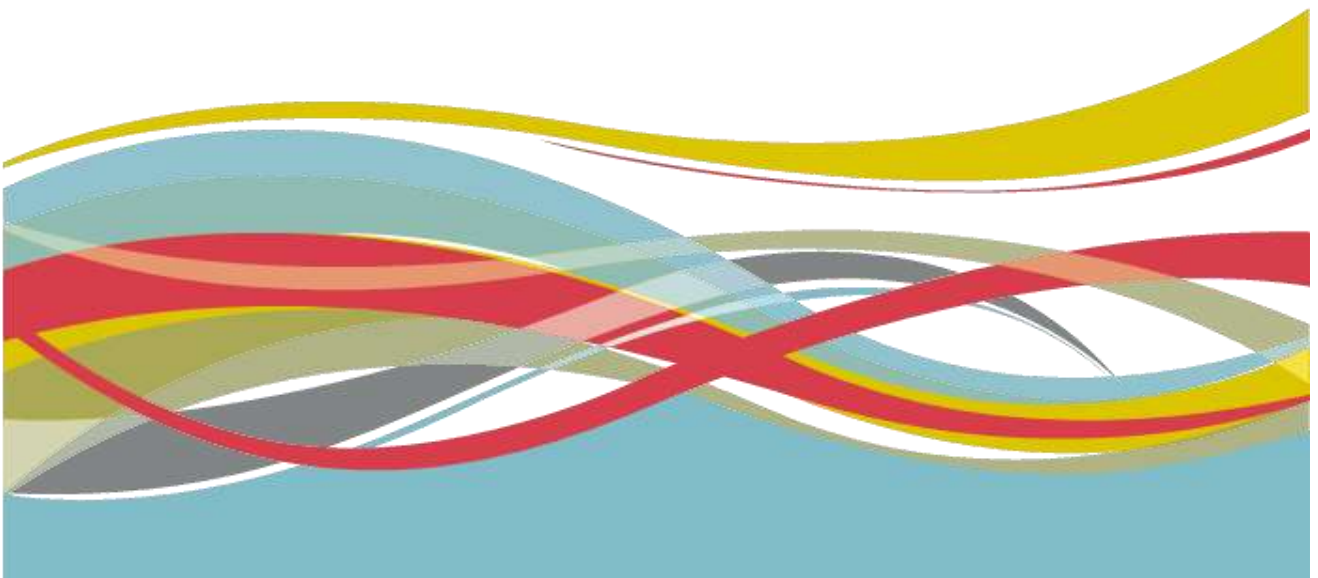




**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
25 AUGUST 2020



ORDINARY COUNCIL MEETING, 25 AUGUST 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
21 August, 2020

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **25 August, 2020** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

AGENDA

TUESDAY 25 AUGUST 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 July 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 72/2003(3) - SECTION 4.55(2) MODIFICATION - ALTER RESTAURANT (MCDONALDS) HOURS OF OPERATION BY MAINTAINING 5AM DRIVE-THRU OPENING HOURS

Attachments:	<p>A. DA 72/2003(3) Section 4.55(2) Modification Assessment Report</p> <p>B. DA 72/2003(3) Section 4.55(2) Recommended modified conditions of consent</p> <p>C. DA 72/2003(2) 9 April 2019 Notice of Determination</p> <p>D. DA 72/2003(3) Statement of Environmental Effects</p> <p>E. Applicant's Table of Compliance with DA 72/2003(2) conditions of consent</p> <p>F. DA 72/2003(3) submissions recieved through notification of this Section 4.55(2) modification</p> <p>G. DA 72/2003(3) Applicant's response to submissions</p>
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

On 9 April 2019 Council approved the operation of the Muswellbrook McDonalds drive-thru from 5:00am, 7-days a week, for a 12-month trial period. This trial period has now concluded, and McDonalds have lodged a section 4.55 modification application to seek approval for the 5:00am drive-thru trading on a permanent basis. This report has been prepared to inform Council in determining the section 4.55(2) application.

This application has been reported to Council due to the interest from Council and the community in the determination of the previous application for the site.

OFFICER'S RECOMMENDATION:

Council approve the modification of DA 72/2003 to allow drive-thru trading to commence at 5:00am, 7-days a week, in accordance with the modified conditions of consent in Attachment B.

Moved: _____ **Seconded:** _____

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

DESCRIPTION OF PROPOSAL

The section 4.55(2) modification application relates to the operation of the Muswellbrook McDonalds restaurant.

On 9 April 2019, Council determined an application to temporarily modify the development consent to allow the restaurant's drive-thru service trading hours to open at 5:00am, 7 days a week, for a 12-month trial period.

The 12-month trial period has concluded and this application to modify DA 72/2003 has been lodged with Council to seek approval for the continuation of the 5:00am drive-thru trading hours. The Proponent's supporting documents are provided in Attachment D, E & G.

ASSESSMENT SUMMARY

Council Officers have considered the proposed development against the relevant matters prescribed by Section 4.55(2) and Section 4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Development Assessment Report is provided in Attachment A.

COMMUNITY CONSULTATION

The proposed development was publicly notified in accordance with the requirements of the Muswellbrook Community Participation Plan. Notification of the proposed modification were provided to thirteen (13) individuals who had made submissions in relation to the previous application for the alteration of the premises' approved operating hours.

Three (3) submissions were received by Council. One (1) submission objects to the proposed development and operating hours. Redacted copies of the submissions are provided in Attachment F.

Council Officers also consulted directly with NSW Police in relation to this development application, who provided a response advising that they had no concern with the proposal and were not aware of any issues related to the 12-month trial period of the 5:00am drive-thru operation.

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 the assessment of the proposed modification against the provisions of Section 4.55 and 4.15 of the *Environmental Planning and Assessment Act 1979*.

Council Officers are satisfied that the proposed modification may be supported by Council. In forming this view Council Officers have observed that Council did not receive any specific complaints related to noise and sleep disturbances through the 12-month trial period of the 5:00am drive-thru operation.

SECTION 4.55 (2) ASSESSMENT REPORT

ADDRESS: Lot: 100 DP 793194, 83-89 Maitland Street
Muswellbrook

APPLICATION NO: 72/2003(3)

PROPOSAL: Pursuant to section 4.55(2) of the EP & A Act 1979, to modify a consent - alter hours of operation of restaurant drive-thru by permitting drive-thru operating hours to commence at 5:00am on a permanent basis.

OWNER: McDonald's Australia Limited

APPLICANT: McDonald's Australia Limited

ADDRESS: McDonald's Australia Limited C/- KDC P/L
Suite 2, 125 Bull Street
NEWCASTLE WEST NSW 2302

AUTHOR: Mr H A McTaggart

DATE OF REPORT: 22 July 2020

DATE LODGED: 6 April 2020

SUMMARY

KEY ISSUES: Noise Impacts, Safety, Security and Crime Prevention, suitability of the site, public interest

SUBMISSIONS: Three (3)

RECOMMENDATION: Approval subject to recommended conditions

1. SITE AND LOCALITY DESCRIPTION

This Section 4.55(2) modification relates to land identified as Lot 100 DP 793194 (83 – 89 Maitland Street), Muswellbrook.

The subject site is zoned B2 Local Centre under the Muswellbrook LEP 2009 and has frontage to both the New England Highway (a classified state road) and Thompson Street. Vehicles are able to enter from Thompson Street and the New England Highway and the site has a single vehicle exit point located off Thompson Street.

A McDonald's restaurant currently operates from the site. A search of Council's records identified that a total of ten (10) development applications had been approved in relation to the premises since 1995.

Currently the McDonald's restaurant at the site includes:

- Dine in restaurant and McCafe facilities;
- Drive thru takeaway facilities;
- A car park area with eighty five (85) off-street car parking spaces; and
- Landscaping.

Although the subject land is zoned B2 Local Centre the site is located at an interface between the B2 Local Centre and R1 General Residential zones. The site adjoins an established residential area to the north-west and hotel or motel accommodation to the south-east. North-east of the site on the opposite side of the New England Highway is the Muswellbrook Golf Course and disused site zoned RU3 Forestry.

The image below identifies the subject site in relation to its local context.



2. DESCRIPTION OF PROPOSAL

Council has received an application to modify the development consent issued for DA 72/2003 pursuant to Section 4.55(2) of the *Environmental Planning and Assessment (EP&A) Act 1979*. Council granted development consent to DA 72/2003 on the 16 June 2003 for Restaurant Alterations/Additions.

Condition 1.11 of the Notice of Determination restricted the operating hours of the premises to

between 6:00am and 10:00pm Monday to Thursday, Sunday and on public holidays and between 6:00am and 11:00pm for Fridays and Saturdays.

On 9 April 2019, Council granted approval to the modification of DA 72/2003 to permit the restaurants drive thru to operate for extended trading hours starting at 5:00am, 7 days a week, for a 12-month period. This Section 4.55(2) modification application seeks Council's to continue the 5:00am start time for drive-thru trading hours.

RELEVANT HISTORY

A search of Council's records identified a number of development applications for alterations and additions, minor works and improvements to the McDonald's restaurant premises.

DA	Description	Determination and date
DA72/2003 (1)	Alterations and Additions to McDonald's Restaurant and McCafe	Approved 16 June 2003
DA 332/2008	Extend Trading Hours of McDonald's Restaurant to 5am to midnight 7 days a week and change of hours of drive-thru facility to 24 hours per day 7 days a week	Refused by Council 9 February 2009
Section 96(1a) modification DA 72/2003(2)	Section 96(1a) modification amend condition 1.11 – alter hours of operation	Refused by Council 12 December 2017
Section 8.2 Review of DA 72/2003(2)	A section 8.2 Review application was lodged for the review of Council's determination of the Section 96(1a) determination of DA 72/2003	No determination required decision timeframe lapsed.
DA 72/2003 Section 4.55(2)	modification amend condition 1.11 – alter hours of operation	9 April 2019 Council approved a 12-month trial period for the extended drive-thru operating hours starting at 5:00am-

3. REFERRALS

Internal Referrals

Referral of the application internally to Council Officers or Sections was not required to progress the assessment of the application.

The previous section 4.55(2) modification, which established the trial period for the extended drive-thru operating hours, was referred to Council's Community Infrastructure Department and the former Executive Manager Development and Innovation. Comments received do not present an issue for permanent change in opening hours.

External Referrals

NSW Police

The proposed development was referred to the NSW Police for comment on the 28 April 2020 for comment. The NSW Police advised:

- That they had no concern in relation to the application by McDonalds to continue the 5:00am drive-thru trading hours
- That they were not aware of any problems or Police Reports identifying issues with the 5:00am drive thru trading trial period.

SUBMISSIONS

The proposed modification was notified in accordance with Council's Community Participation Plan

and to all individuals who made a submission to Council in relation to the temporary extension of opening hours.

Council received a total of **three (3)** submissions in relation to the application. The issues raised by the submitters are considered and commented on under a later heading of this assessment report. Only one of the submissions objects to the proposed development.

4. SECTION 4.55 CONSIDERATIONS

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

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

Planning comment:

Council Officers are satisfied that the modified development would remain substantially the same as the development previously approved by Council. In forming this position Council Officers have observed that:

- The use of the premises would remain consistent with its previous approved use;
- There would be no changes to the existing building; and
- The change in operating hours is relatively minor.

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

Planning comment:

This application does not require approval or concurrence from any public authority or the Minister of Planning.

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

Planning comment:

The proposed modification has been notified in accordance with Council's Community Participation Plan.

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

Planning comment:

A total of three (3) submissions were received in relation to the proposed development. Issues raised by these submissions have been considered under the submitter concerns heading of this report.

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

Planning comment:

Section 4.15 of the Environmental Planning and Assessment Act 1979 prescribes matters for consideration when determining a development application. Council Officers have completed an assessment of relevant Section 4.15 matters in relation to the proposed development under the heading below.

5. ASSESSMENT OF SECTION 4.15 CONSIDERATIONS

This Section of the assessment reviews the proposed modification against the relevant development assessment matters prescribed by Section 4.15 of the Environmental Planning and Assessment Act 1979.

S 4.15(1)(a)(i) The provisions of any environmental planning instruments

The Muswellbrook Local Environmental Plan 2009

Permissibility

The proposed development was previously been approved by Council under the provisions of the now repealed Muswellbrook LEP 1985.

Under the now in force Muswellbrook LEP 2009 the land subject to this development application is zoned B2 Local Centre. Under the Muswellbrook LEP 2009 the use of the premises is best defined as a food and drink premises and sub-categorised as a restaurant or café. The land use definitions for each are as follows:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,*
- (b) take away food and drink premises,*
- (c) a pub,*
- (d) a small bar.*

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

Under the Muswellbrook LEP 2009 a food and drink premises is a further sub-category of a 'commercial premises'. Commercial premises are permitted with consent in the B2 Local Centre zone.

Land use zoning objectives

Clause 2.3 of MLEP 2009 requires a consent authority to have due regard to the land use objectives of a zone when determining a development application.

The land use zone objectives for the B2 Local Centre zone are as follows:

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

It is considered that the proposed modification would be compatible with the land use zoning objectives. The extended trading hours for the premises would support the retail, trade and business

development directions set out in the land use zoning objectives.

State Environmental Planning Policies

The State Environmental Planning Policies have been considered in relation to the proposed Section 4.55 modification. It is considered that the proposed development would have limited consequences in relation to these environmental planning instruments.

S 4.15(1)(a)(ii) The provisions of any draft environmental planning instruments

There are no draft Environmental planning instruments that relate to the proposed modification.

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

The Muswellbrook Development Control Plan (DCP) is the development control plan relevant to all development in the Muswellbrook Local Government Area.

The provisions of the DCP have been considered in relation to the proposed modification.

The DCP does not include any specific provisions relevant to the trading hours of commercial premises.

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

There are no planning agreements relevant to approved development or proposed modification.

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

There are no specific matters prescribed by the Environmental Planning and Assessment Regulation 2000 relevant to the assessment of this application.

S 4.15(1)(b) likely environmental impacts

Access, transport and traffic

The proposed development involves the extension of McDonald's trading hours. The proposal would not result in any substantive change to the amount of traffic generated by the development and the management of traffic at the site.

Waste Management

The premises would continue to be managed generally in accordance with existing waste management procedures.

As part of Council's determination of the extended trading hour trial period the operator was required to prepare and enact a waste minimisation management plan in accordance with the requirements of Council's DCP. This plan has been implemented with litter patrols to collect waste discarded by customers in the vicinity of the development site.

A submission received by Council suggests that litter from the site remains a problem in the locality. This concern is acknowledged by Council Officers, while at the same time it is considered that the 1 hour extended drive-thru period is unlikely to be significantly contributing to litter issues in the locality.

Odour and air quality

The extension of trading hours would increase the timeframe that site kitchen is in use. Odour from the early operation of the premises was not identified as an issue of community concern through the assessment and notification of the previous application for the 12-month trial period of the 5:00am drive-thru operation.

Council's Assessing Officer is satisfied that the proposed modification is unlikely to have any

significant impact related to odour emissions.

Noise Impacts

Noise impacts associated with the proposed development was a key consideration for Council in determining the 5:00am drive-thru opening trial period. As part of this modification application a Noise Impact Assessment was submitted by the proponent and an independent Acoustic Engineer was engaged by Council to peer review this and accompanying documents related to noise impacts.

As part of its determination of this Section 4.55 modification Council established a requirement for the applicant to implement the following regarding managing noise issued:

- Keep a record of any intrusive noise or odour complaints received through the trial period.
- Notify nearby residents in writing of the contact information/process for making complaints.
- Enact a process for investigating and managing complaints in consultation with Council if a large quantity of noise complaints are received within a short period of time. This process is setout in condition 1.1A(c).
- Install signage, in consultation with neighbouring residents, advising customers of their responsibility to avoid excessive noise that may disturb the amenity of the local neighbourhood.
- Prepare and enact a plan to manage noise from vehicle antenna through the restaurant drive-thru.

The applicant has completed and complied with these noise mitigation measures through the trial period and has submitted a compliance table outlining the measures implemented to comply with each requirement (see attachment E of Council report).

Through the 12-month trial period Council did not receive any specific noise complaints in relation to the extended operating hours at the premises. A Council Officer did receive a single verbal complaint in relation to the premises operation, which was general in nature and did not advise of any incidents related to the early trading hours.

In view of the mitigation measures implemented, and the limited complaints received by Council or the NSW Police through the trial period, Council Officers are of the view that the additional 1 hour morning drive-thru trading has not had a significant impact on the amenity of the locality.

Safety, security and crime prevention

Matters related to safety, security and crime prevention have been considered in detail through the assessment of this development application.

To inform Council's consideration of these issues the applicant has prepared and submitted a plan of management that included the following:

- 24 hour CCTV Surveillance with 60 day viewing retention,
- Car parking closures in accordance with a car parking closure plan during drive-thru only operating hours,
- Incident reporting
- Registration of complaints,
- The adoption of noise management procedures,
- The carrying out of regular litter patrols, four (4) per day minimum within a specified area of the premise's immediate locality.

This plan of management was referred to the NSW Police for consideration. They supported the extended trading hours, subject to the implementation of the security measures and a temporary trial period.

Noting that the NSW Police are satisfied with the security measures proposed to manage anti-social behaviour Council Officers are generally satisfied with the proposed development from a safety security and crime prevention perspective.

Social and Economic Impacts

The proposed continuation of 5:00am trading hours will have moderate positive economic outcomes related to the additional commercial activity and trading hours. As discussed in previous applications for adjustment of trading hours these positive impacts need to be balanced against any adverse social impacts to the locality.

In this instance Council Officers are satisfied that the proposal is unlikely to have any significant adverse social impacts and thereby may be supported.

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

The site is zoned B2 Local Centre under the Muswellbrook LEP 2009. Council Officers are satisfied that the sites zoning and location is suitable to support is commercial land use, and acknowledges the successful operation of the 12-month trial period as evidence that the site is suited to supporting the extended 5:00am drive thru trading hours.

S 4.15(1)(d) any submissions made

The proposed development was publically advertised and notified in accordance with the requirements of the Muswellbrook Community Participation Plan. A total of three (3) submissions, including one (1) objection, were received by Council in relation to the development.

Copies of submissions received have been included as attachments to this report.

The content of the submissions received have been considered by Council's Assessing Officer. Concerns raised by the submitters in relation to the proposed development have been summarised and commented on in the table below.

Issue Raised	Planning Comment
<p>Size and location of signage could be improved to better communicate awareness of neighbourhood amenity to customers.</p> <p>Recommended McDonalds consider second and larger sign at Thompson St exit.</p>	<p>McDonald's installed signage at the site in accordance with the consent which permitted the 12-month trial of 5am drive-thru trading.</p> <p>Council Officers have inspected the signage at the site in context with the approved signage plan and concern raised by the submitter. Council Officers are satisfied that signage was installed at the site in accordance with the approved signage plan but agree with the submitters assertion that signage could be improved by the installation of an additional sign adjacent the Thompson St exit. A requirement for the inclusion of such a sign has been put forward in the recommended conditions of consent.</p>
<p>Advice provided that 4am and 5am traffic entering the site has caused sleep disturbance.</p>	<p>In its determination of the extended trading hours under DA 72/2003 Council established a protocol for the reporting and management of noise impacts associated with the extended trading hours.</p> <p>Throughout the 12 month trial period no noise disturbances were logged with McDonalds and no specific noise disturbances were reported to Council.</p> <p>Although no specific noise disturbances were reported Council Officers do not refute the submitters concerns that they have been disturbed by the extended trading hours.</p> <p>Should Council resolve to support this application it</p>

Issue Raised	Planning Comment
	is recommended that any determination remains subject to conditions of consent related to the management of noise impacts and the requirement for McDonalds to continue to record and act to mitigate any noise impacts remains current.
Poorly managed traffic at the site – trucks and buses park in no parking areas. Photos provided showing evidence of vehicles parked in unsuitable locations on-site.	The proposed modification would have minimal impact on the current traffic conditions. The extended drive-thru trading hours is not anticipated to increase the likelihood of illegal vehicle parking at the site.
Concern regarding the use of the car park by an individual free camping at the site disturbing the area and leaving rubbish.	<p>Council has been made aware of occurrences where an individual occupied a caravan in the Thompson St road reserve.</p> <p>This person has been made aware that they are not able to camp overnight on a public road. Should the person camp at the site in the future the matter should be reported to Council or the NSW Police.</p> <p>The proposed modification to permit the early hours trading is not considered to increase the likelihood of this or any other individual seeking to illegally camp in the area.</p>
<p>Concern regarding management of litter at the site.</p> <p>Photo evidence of litter at the site was included.</p>	<p>Through the 12 month trial period, McDonalds has been required to carry out litter patrols at the site outlined in their plan of Management. The continued carrying out of these patrols would be required as part of any approval for this application.</p> <p>McDonalds has acknowledged that the successful completion of the patrols relies on the individuals tasked to undertake them. McDonald's has committed to identifying and managing these issues to ensure that litter is managed to a high standard.</p> <p>In respect to this application Council Officers recommend that should Council approve this application they do so subject to the continued completion of litter patrols on-site in accordance with the Management Plan requirements.</p>

S 4.15(1)(e) The public interest

Council Officers acknowledge that these trading hours may result in some intermittent impacts to the amenity of neighbouring residents. However, in view of the outcomes of the 12-month trial period, Council Officers are satisfied that public interest considerations are acceptable.

6. CONCLUSION

The Section 4.55(2) modification request to DA 72/2003, for the continuation of 5:00am start time for drive-thru trading hours at the Muswellbrook McDonalds Restaurant, has been assessed against the relevant heads of consideration pursuant to Section 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979*.

It is considered that the proposed modification of the DA 72/2003 would be in accordance with the relevant development assessment provisions of the Environmental Planning and Assessment Act 1979 and may be supported by Council.

It is recommended that where Council grants consent to the modification application subject to conditions, which are consistent with those imposed for the 12-month trial period.

7. RECOMMENDATION

That Council grant approval to the modification of the DA 72/2003 allow for drive thru trading to commence at 5:00am daily.

DA 72/2003 SECTION 4.55(2) APPLICATION – PROPOSED MODIFIED CONDITIONS OF CONSENT

In accordance with the Recommendation of the Council Report, Condition 1.1 and 1.11A should be modified to read as follows (all other conditions of consent remain unchanged and as set-out in Attachment C):

Condition 1.11

- (a) The hours of operation are restricted from 6.00am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 11.00pm Friday and Saturday;*
- (b) In addition to (a) above, the drive-thru may operate between 5.00am and 6.00am 7 days a week.*

Condition 1.11A

At all times the person acting with this consent shall comply with the following:

- (a) The operation of the premises shall comply with the McDonald's Plan of Management dated April 2020.*
- (b) The proponent shall keep a detailed record of complaints which are to be documented in a register maintained for each 12-month period of the premise's operation. Registers are to be maintained on-site for a period of not less than 5 years and may be inspected by Council Officers and other relevant regulatory personal. Data contained in the complaint register is to include time, location and nature of any intrusive noise, odour or other reported issue that causes a disturbance to an adjoining landowner. The person acting with this consent is to take reasonable steps to inform nearby residents and interested persons on how to make any complaints in relation to the operation of the premises.*

Council would view an annual letter drop to neighboring properties advising of the contact information and procedure for making complaints as reasonable steps.

- (c) If noise complaints become regular and/or a significant increase in complaints is identified in a 12-month period, the person acting with this consent is required to complete the following:*
 - (i) Advise Council of the nature and number of complaints being received;*
 - (ii) Unless otherwise directed by Council the proponent shall engage an appropriately qualified person to carry out attended noise monitoring at a location that is representative of the location and/or time period during which complaints have been made. Noise monitoring shall be carried out in accordance with the Noise Policy for Industry (or any superseding Policy) and relevant Australian Standards;*
 - (iii) The outcomes of any noise monitoring shall be reported to Council. If the noise monitoring identifies any exceedance to the recommended PSNL during attended noise monitoring, then steps to evaluate feasible and reasonable noise control shall be taken in accordance with the Noise Policy for Industry. After noise controls have been implemented, attended*

noise monitoring shall be repeated to determine whether noise control has been effective in reducing site noise levels;

- (iv) Council may not direct the person acting with this consent to carry out the steps prescribed by (ii) or (iii) above where it is not satisfied as to the validity of complaints received or where it is concerned that generic, vague or vexatious complaints are being made on a regular basis. Where the proponent carries out attended noise monitoring in accordance with (ii) and (iii) within the preceding 6 months or on more than 2 occasions within previous 12-month period and no noise exceedances are identified Council may advise the person acting with this consent that they are not required to carry-out further attended noise monitoring.*

- (d) At all times the person acting with this consent must carry out the development in accordance with the requirements of the approved waste minimisation and management plan.*

- (e) The person acting with this consent must consult local residents through the preparation of the plan. The person acting with this consent must comply with the recommendations of this plan and install all required signage. With the exception that the following additional signage is to be installed at the site:*
 - i) An additional 'neighborhood sign' is to be installed at the sites Thomspson Street exit. The sign is to be located at the intersection kerb at a location that it is easily visible to vehicle turning right from the site.*

 - ii) This 'neighborhood sign' is to have minimum dimensions of 450mm by 750mm, or as otherwise agreed by Council.*

- (f) In accordance with the Management Plan requirements lights at the premises other than security lights to be turned off each night at the close of business.*

- (g) At all times the drive-thru ceiling lining and signage, installed in accordance with the requirements of the MAC Consulting letter dated 15 June 2019, is to be maintained as part of the development to manage any noise from vehicle antennas in the drive-thru.*



Enquiries
Please ask for
Direct
Our reference
Your reference

Mr H A McTaggart
02 6549 3860
DA 72/2003

MUSWELLBROOK SHIRE COUNCIL

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

DEVELOPMENT APPLICATION:	72/2003
APPLICANT NAME:	McDonalds Australia Limited
APPLICANT ADDRESS:	McDonald's Australia Limited C/- KDC P/L Suite 2B, 125 Bull Street NEWCASTLE WEST NSW 2302
LAND TO BE DEVELOPED:	LOT: 100 DP: 793194 83-89 Maitland Street MUSWELLBROOK
PROPOSED DEVELOPMENT:	Restaurant Alterations and Additions

DATE OF PREVIOUS DETERMINATION 16 June 2003

DATE OF SECTION 4.55 MODIFICATION 9 April 2019
DETERMINATION:

DETERMINATION: Consent granted subject to conditions described below.

CONSENT TO OPERATE FROM: 9 April 2019

CONSENT TO LAPSE ON: 9 April 2024 if work has not commenced in accordance with Section 4.53(4) of the Environmental Planning and Assessment Act 1979.

DETAILS OF CONDITIONS:

Muswellbrook Shire Council ABN 86 864 180 944

Address all communications to The General Manager Mail PO Box 122 Muswellbrook NSW 2333 Phone 02 6549 3700
Email council@muswellbrook.nsw.gov.au Web www.muswellbrook.nsw.gov.au

SCHEDULE 1
SUMMARY OF NEW AND MODIFIED CONDITIONS OF CONSENT

This schedule has been prepared as a summary of changes to the development consent previously issued for DA 72/2003 dated 16 June 2003.

The schedule lists conditions the new and altered conditions of consent to that previous determination. Should there be any discrepancy between this schedule and the conditions listed in Schedule 2 the conditions referenced in Schedule 2 take precedence over the conditions included in this Schedule.

The new and modified conditions of consent are as follows:

Condition 1.11 (modified condition):

- (a) *The hours of operation are restricted from 6.00am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 11.00pm Friday and Saturday;*
- (b) *In addition to (a) above, the drive-thru may operate between 5.00am and 6.00am 7 days a week for a trial period of 1 year from the date of determination of the Section 4.55 modification (being 9 April 2019)*
- (c) *The extended trading hours outlined in (b) must cease on or before 9 April 2020.*
- (d) *At or prior to the conclusion of the trial period referenced in (b) and (c) a further application may be lodged to continue the 5:00am – 6:00am operating hours. Where such an application is lodged the 5:00am – 6:00am operating hours may continue for a maximum period of either 6 months or until that application is determined by Council. Where that application is determined by refusal the 5:00am – 6:00am trading must conclude immediately regardless of whether the 6 month period has expired.*

Condition 1.11A (new condition):

For the duration of the 1 year trial period for the 5:00am – 6:00am drive-thru operating hours the person acting with this consent shall comply with the following:

- (a) *The operation of the premises shall comply with the McDonald's Plan of Management dated June 2018 and submitted to Council with the exception of the following:*
 - (i) *The premises shall not be operated on a 24 hour basis.*
 - (ii) *The car park closure plan is not to be deployed in relation to the operation of the premises.*
 - (iii) *It will not be necessary for an after sunrise litter patrol to be carried out as set out in 3.6 Cleaning the Surrounding Public Domain.*
 - (iv) *Litter patrols are to be carried out on the western side of the New England Highway adjacent to the site and on both sides of the New England Highway following the commission of the Thompson Street/New England Highway signals.*

An updated Plan of Management should be prepared to remove references to requirements that conflict (i), (ii), (iii) and (iv) and provided to Council for approval.

- (b) The proponent shall keep a detailed record of complaints during the trial period including date, time, location and nature of any intrusive noise, odour or other reported issue that causes a disturbance to an adjoining land owner. Within 1 month of the date of this consent the person acting with this consent should take reasonable steps to inform nearby residents and interested persons on how to make any complaints in relation to the operation of the premises. Reasonable steps would constitute the carrying out of a letter drop to neighbouring properties and nearby properties.
- (c) If noise complaints become systematic the proponent is required to complete the following:
 - (i) Advise Council of the nature and number of complaints being received
 - (ii) Unless otherwise directed by Council the proponent shall engage an appropriately qualified person to carry out attended noise monitoring at a location that is representative of the location and/or time period during which complaints have been made. Noise monitoring shall be carried out in accordance with the Noise Policy for Industry (or any superseding Policy) and relevant Australian Standards.
 - (iii) The outcomes of any noise monitoring shall be reported to Council. If the noise monitoring identifies any exceedance to the recommended PSNL during attended noise monitoring then steps to evaluate feasible and reasonable noise control shall be taken in accordance with the Noise Policy for Industry. After noise controls have been implemented, attended noise monitoring shall be repeated to determine whether noise control has been effective in reducing site noise levels.
 - (iv) Council may not direct the person acting with this consent to carry out the steps prescribed by (ii) or (iii) above where it is not satisfied as to the validity of complaints received or where it is concerned that generic, vague or vexatious complaints are being made on a regular basis. Where the proponent carries out attended noise monitoring in accordance with (ii) and (iii) on 3 occasions during the 1 year trial period and no noise exceedances are identified Council will not direct the proponent to carry-out further attended noise monitoring. Further noise monitoring may offcourse be carried out by the proponent on a voluntary basis at their own discretion and to inform them in making any further application for the alteration of trading hours in accordance with condition 1.11(c).
- (d) Within three (3) months of the date of this approval, the person acting with this consent shall prepare and submit to Council's satisfaction for approval, a waste minimisation action plan in relation to the premises. The plan must be prepared in accordance with provisions of section 24 of the Muswellbrook Development Control Plan that relate to waste management and recycling for commercial developments. At all times the person acting with this consent must carry out the development in accordance with the requirements of the approved waste minimisation and management plan.
- (e) Within three (3) months of the date of this approval the person acting on this consent shall prepare and submit to Council's satisfaction a local resident signage plan in an effort to inform customers of the impact that traffic has on

the local residential neighbourhood. The person acting with this consent must consult local residents through the preparation of the plan. The person acting with this consent must comply with the recommendations of this plan and install all required signage.

- (f) In addition to the requirements of Condition 1.11A(a) the management plan is to be amended to require lights at the premises other than security lights to be turned off each night at the close of business and the person acting with this consent is to ensure that the premises is operated in accordance with this requirement at all times.*
- (g) In addition to the requirements of Condition 1.11A(a) to the extent the Management Plan does not require noise from an antenna to be managed in the drive thru that the management plan be amended to manage antenna noise and all measures put forward for management of this noise source implemented by the person acting with this consent.*

SCHEDULE 2 DEVELOPMENT CONSENT CONDITIONS

This Schedule lists the conditions of consent for DA 72/2003 as modified by Council's determination of the Section 4.55(2) modification dated 9 April 2019.

The conditions of consent are as follows:

PLANNING MATTERS

- 1.1 The development must be carried out in accordance with the development Application and accompanying plans (SP00, SP01, 01,, D03, A01, A02, A04 and A06A), drawings and other documents as amended by conditions of this consent.
Note: Any amendment to the development or to these conditions will require the consent to the Council.
- 1.2 The application, plans and specifications complying with the relevant section of the Environmental Planning and assessment Act, 1997, Local Government Act, 1993 and Regulations and the Building Code of Australia.
- 1.3 All proposed building, site works or property improvement indicated on the submitted plans or otherwise required under the terms of this consent are to be completed prior to occupation of the premises.
- 1.4 All parking bays being permanently marked out on the pavement surface and being clearly indicated by means of appropriate signs.
- 1.5 A suitable loading bay, with capacity to accommodate the largest delivery vehicles likely to deliver goods to or from the premises, being provided in the previously approved position and in a manner which does not cause obstruction to the vehicular access driveway or parking area, such loading bay to be indicated on plans submitted with the required Construction Certificate
- 1.6 All parking and loading bays being permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs.
- 1.7 The vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of suitable signs and pavement markings.
- 1.8 All vehicular movement to and from the site is to be in a forward direction.
- 1.9 A coach is the maximum sized vehicle that may access the development
- 1.10 On-site car parking accommodation is to be provided for a minimum of sixty five (65) vehicles and such, in accordance with the details indicated on the

submitted plans except as otherwise provided by the conditions of this consent.

- 1.11
- (a) The hours of operation are restricted from 6.00am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 11.00pm Friday and Saturday;
 - (b) In addition to (a) above, the drive-thru may operate between 5.00am and 6.00am 7 days a week for a trial period of 1 year from the date of determination of the Section 4.55 modification (being 9 April 2019)
 - (c) The extended trading hours outlined in (b) must cease on or before 9 April 2020.
 - (d) At or prior to the conclusion of the trial period referenced in (b) and (c) a further application may be lodged to continue the 5:00am – 6:00am operating hours. Where such an application is lodged the 5:00am – 6:00am operating hours may continue for a maximum period of either 6 months or until that application is determined by Council. Where that application is determined by refusal the 5:00am – 6:00am trading must conclude
- 1.11A
- For the duration of the 1 year trial period for the 5:00am – 6:00am drive-thru operating hours the person acting with this consent shall comply with the following:
- (a) The operation of the premises shall comply with the McDonald's Plan of Management dated June 2018 and submitted to Council with the exception of the following:
 - (i) The premises shall not be operated on a 24 hour basis.
 - (ii) The car park closure plan is not to be deployed in relation to the operation of the premises.
 - (iii) It will not be necessary for an after sunrise litter patrol to be carried out as set out in 3.6 Cleaning the Surrounding Public Domain.
 - (iv) Litter patrols are to be carried out on the western side of the New England Highway adjacent to the site and on both sides of the New England Highway following the commission of the Thompson Street/New England Highway signals.An updated Plan of Management should be prepared to remove references to requirements that conflict (i), (ii), (iii) and (iv) and provided to Council for approval.
 - (b) The proponent shall keep a detailed record of complaints during the trial period including date, time, location and nature of any intrusive noise, odour or other reported issue that causes a disturbance to an adjoining land owner. Within 1 month of the date of this consent the person acting with this consent should take reasonable steps to inform nearby residents and interested persons on how to make any complaints in relation to the operation of the premises. Reasonable steps would constitute the carrying out of a letter drop to neighbouring properties and nearby properties.

- (c) If noise complaints become systematic the proponent is required to complete the following:
- (i) Advise Council of the nature and number of complaints being received
 - (ii) Unless otherwise directed by Council the proponent shall engage an appropriately qualified person to carry out attended noise monitoring at a location that is representative of the location and/or time period during which complaints have been made. Noise monitoring shall be carried out in accordance with the Noise Policy for Industry (or any superseding Policy) and relevant Australian Standards.
 - (iii) The outcomes of any noise monitoring shall be reported to Council. If the noise monitoring identifies any exceedance to the recommended PSNL during attended noise monitoring then steps to evaluate feasible and reasonable noise control shall be taken in accordance with the Noise Policy for Industry. After noise controls have been implemented, attended noise monitoring shall be repeated to determine whether noise control has been effective in reducing site noise levels.
 - (iv) Council may not direct the person acting with this consent to carry out the steps prescribed by (ii) or (iii) above where it is not satisfied as to the validity of complaints received or where it is concerned that generic, vague or vexatious complaints are being made on a regular basis. Where the proponent carries out attended noise monitoring in accordance with (ii) and (iii) on 3 occasions during the 1 year trial period and no noise exceedances are identified Council will not direct the proponent to carry-out further attended noise monitoring. Further noise monitoring may ofcourse be carried out by the proponent on a voluntary basis at their own discretion and to inform them in making any further application for the alteration of trading hours in accordance with condition 1.11(c).
- (d) Within three (3) months of the date of this approval, the person acting with this consent shall prepare and submit to Council's satisfaction for approval, a waste minimisation action plan in relation to the premises. The plan must be prepared in accordance with provisions of section 24 of the Muswellbrook Development Control Plan that relate to waste management and recycling for commercial developments. At all times the person acting with this consent must carry out the development in accordance with the requirements of the approved waste minimisation and management plan.
- (e) Within three (3) months of the date of this approval the person acting on this consent shall prepare and submit to Council's satisfaction a local resident signage plan in an effort to inform customers of the impact that traffic has on the local residential neighbourhood. The person acting with this consent must consult local residents through the preparation of the plan. The person acting with this consent must

comply with the recommendations of this plan and install all required signage.

(f) In addition to the requirements of Condition 1.11A(a) the management plan is to be amended to require lights at the premises other than security lights to be turned off each night at the close of business and the person acting with this consent is to ensure that the premises is operated in accordance with this requirement at all times.

(g) In addition to the requirements of Condition 1.11A(a) to the extent the Management Plan does not require noise from an antenna to be managed in the drive thru that the management plan be amended to manage antenna noise and all measures put forward for management of this noise source implemented by the person acting with this consent.

- 1.12 The proposed addition is to be designed and constructed in an architectural style, using external materials and finishes that are consistent with the character and appearance of the existing development, to present an overall integrated appearance.
- 1.13 The construction of the premises, the manufacture and installation of fixtures, fittings and equipment for food premises will be required to comply with Council's Food Code.
- 1.14 The implementation of this development shall not adversely affect the amenity of the neighborhood by reason of the emission or discharge of noise, odor, vibration, fumes, vapour, steam, smoke, soot, ash, dust, waste water, waste products, grit, oil or other harmful products during both construction and the subsequent operation of the development.
- 1.15 The use of the premises, equipment, machinery and ancillary fittings shall not give rise to an "Offensive noise" as defined under the provisions of the Noise Control Act, 1975.
- 1.16 Any/The external waste storage area(s) shall be located behind the building and screened from public view by means of fencing, mounding or other approved means.
- 1.17 All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to council.
- 1.18 Two (2) "No Entry" signs should be erected adjacent to the Thompson Street ingress to the site (facing carpark) to discourage vehicles from exiting the site via this ingress. These signs should be located inside this site and must not project into the road reverse (see plan attached as Appendix A)
- 1.19 Four (4) additional pavement arrows should be painted in the car park aisles to reinforce the internal circulation of traffic on site. The location of these

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Muswellbrook Shire Council

additional pavement arrows in shown in red on the attached plan (attached as Appendix A)

- 1.20 Plans and specifications showing details of all food preparation and storage areas, layout deposition, construction and method of installation of all fittings, together with floor, wall and ceiling finishes, are to be submitted with the Construction Certificate.
- 1.21 Any signage other than that included in Drawing Number A06A, requires a separate Development Application

BUILDING MATTERS

- 2.1 This consent is for the development only, prior to the commencement of any construction work a Construction Certificate application must be submitted to and approved by Council or an Accredited Certifier. Plans submitted with the construction certificate are to be amended to incorporate the conditions of the Development Consent and are to show compliance with the Building Code of Australia.
- 2.2 All building work must be carried out in accordance with the requirements of the Building Code of Australia.
- 2.3 The proposed development is to comply with the provisions of the Disability Discrimination act and Australian standards AS 1428.1.
- 2.4 The following essential services are to be installed in the building:
- Schedule
Portable fire extinguishers as per section E1.6 Building Code of Australia
Emergency lighting as per Section E4.4, Building Code of Australia Exit Signs as per section E4.8 Building Code of Australia.
- 2.5
- (a) The Owner of the building must cause the Certifying Authority to be given a certificate in relation to each essential service installed in the building prior to the building being occupied.
 - (b) The owner of the building shall cause the Council to be given a certification in relation to each essential service installed in the building at least once in each period of twelve (12) months after the first certificate.
 - (c) The certificate is to state for each essential service that:
 - i. The service has been inspected and tested by a person who is competent to carry out such inspection and tests;
 - ii. The service was or was not (at the date on which it was inspected and tested) found to have been designed, installed and to be capable of operating, to a standard not less than that required by or under the regulations.

- (d) This requirement shall be drawn to the attention of any subsequent owner of the building.
- 2.6 External access to a building required to be accessible must be in accordance with this Part and A 1428.1, and must be provided to and within the entrance floor-
- (i) From the allotment boundary at the main point of entry; and
 - (ii) From any accessible carparking space on the allotment; and
 - (iii) From any adjacent and associated accessible building on the allotment; and
 - (iv) Though the principal public entrance.
- 2.7 Portable fire extinguishers must be provided in accordance with AS 2444.
- 2.8 An exit sign must be clearly visible to persons approaching the exit, and must be installed on, above or adjacent to each door providing direct egress from a passageway to a road or open space.
- 2.9 One wheelchair accessible unisex facility constructed in accordance with AS 1428.1 is required, and must be located so that it can be entered without crossing an area reserved for one sex only. Detailed plans, showing compliance with AS 1428.1 are to be submitted to the Principal Certifying Authority prior to the Construction Certificate being issued.
- 2.10 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 certifying authority.
- 2.11 **INSPECTION:** At the following stages of construction, inspections are required:
- a) Trenches (with reinforcement steel in position) and pier holes
 - b) Slabs (with reinforcement steel in position)
 - c) Framework, including damp proofing, flashings and floor, wall and roof construction prior to the fixing of any linings. Brick veneer external skin will be completed, wall ties nailed onto the frame and roof fully loaded
 - d) Completion of the building prior to occupation or use
 - e) Sewer drains- with all pipes laid prior to back filling. Drainage Plan to be provided before inspection will be carried out.
- Should Council be nominated as the principle Certifying Authority, 24 hours' notice is required to enable inspections to be carried out.
- NB.** All inspection enquiries and times should be directed to Council's Customer Service officer on (02) 6549 3700.
- 2.12 Work on the project is to be limited to the following hours:

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Muswellbrook Shire Council

MONDAY TO FRIDAY 7:00 am TO 6:00 pm
SATURDAY 7:00 am TO 6:00 pm

No work is to be carried out on Sunday and Public Holidays.

The builder/ Contractor shall be responsible to instruct and control sub-contractors regarding the hours of work

- 2.13 The footpath is not to be used for construction purpose or the placing of building materials without prior consent from council
- 2.14 All rubbish is to be stored within a temporary caged enclosure. This enclosure should not be visually obtrusive and is to be completely removed at the completion of the works.
- 2.15 Structural engineer's plans and details for design and construction of the building shall be submitted to the Principle Certifying authority prior to a Construction Certificate being issued.
- 2.16 All new Hot water installation shall deliver hot water at the outlet of all sanitary fixtures used primarily for personal hygiene purposes, at the temperature not exceeding 50 degrees Celsius. The hot water temperature limiting device shall be adequately maintained or replaced when defective.
- 2.17 Erosion and sedimentation controls are to be in place prior to the commencement of site works and are to be maintained throughout the construction activities until the site is stabilized. Additional controls may be required as directed by council officers. Infringement notices will be served for non-compliance
- 2.18 Stormwater is to be disposed of to an approved disposal area

REASON FOR IMPOSITION OF CONDITIONS:

The Reason for the imposition of the conditions is to:

- (i) Comply with the Environmental Planning And assessment Act 1979 and Regulations 2000, The Local Government Act, 1993, and the Building Code of Australia;
- (ii) Ensure the development is carried out to standards as determined by State Government Authorities;
- (iii) Comply with Council's Codes and Development Control Plans;
- (iv) Confirm and clarify the terms of Council's approval;
- (v) Ensure the development is within the public interest, to minimize community costs with regard to infrastructure and to protect the amenity of the area; and
- (vi) Protect the environment, ensure that developments are sustainable and to reduce cumulative effects.

ADVICE:

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Muswellbrook Shire Council

- Prior to construction work commencing you should ensure that all services have been clearly located by contracting "Dial Before you Dig" by telephoning 1100

RIGHT OF APPEAL:

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

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

APPROVED BY COUNCIL AND SIGNED ON BEHALF OF THE CONSENT AUTHORITY

Hamish McTaggart
Senior Development Planner
Date: 15 May 2019



ABN 61 148 085 492

Suite 2B, 125 Bull St
Newcastle West 230202 4940 0442
reception@kdc.com.au
kdc.com.au

Our ref: 19221.1

31 March 2020

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

Dear Sir/Madam,

**RE: Proposed S4.55(2) to DA72/2003/4 – McDonald's Muswellbrook at 83-89 Maitland Street,
Muswellbrook NSW 2333**

1 INTRODUCTION

KDC Pty Ltd (KDC) acts on behalf of its client McDonald's Australia Limited (McDonald's) in preparing this supporting Statement of Environmental Effects (SEE) for the proposed s4.55(2) modification to DA 72/2003/4 to make permanent the existing trial trading hours of the McDonald's operation located at 83-89 Maitland Street, Muswellbrook NSW 2333 (the site).

The modification application seeks a permanent consent for 5.00am to 6.00am trading on Monday to Sunday for the drive-thru only, following the trial period for these extended hours. This SEE describes the site, its environment, the proposed modification and an assessment of the proposal in terms of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A 1979).

1.1 MCDONALD'S AUSTRALIA

There are approximately 995 McDonald's operations Australia wide, the vast majority of which are either owned or operated by members of the local business community. McDonald's Australia serves approximately 1.2 million people a day and provides job opportunities for over 100,000 people Australia wide.

Since 2002, McDonald's Australia has implemented a number of alternative healthy eating options and choices. McDonald's Australia is a well-known and respected company across Australia, known for its food product, well trained staff and new and improved designs.

McDonald's Australia not only provides employment opportunities and a high standard of food and service, it also works closely with and supports a number of charities and local groups. This is mainly through major sponsorship, supporting local teams, providing educational, environmental, artistic and sporting programs and charity work (i.e. Ronald McDonald House charity, 'Clean up Australia Day').

19221.1_SEE_Muswellbrook_March2020



1.2 CONSULTATION

Council

Ongoing informal consultation with the Muswellbrook Council Development Coordinator has occurred, via email. The applicant confirmed the 9 April deadline for the lodgement of a modification application, in regard to the trial extension of hours.

Regarding the 12 month trial period and Muswellbrook McDonald's compliance with the conditions of consent, Council have advised that they had received no written complaints during the trial period. Also discussed was the documentation required for the modification, including a Statement of Environmental Effects, updated PoM and demonstration of compliance with the Notice of Determination (NoD). Requested documentation including the Plan of Management, and NoD Compliance table are appended to this Report

Community Consultation

Muswellbrook McDonald's have had ongoing engagement and discussion with the local residents of Muswellbrook who live within the immediate vicinity of the site. On four (4) separate occasions between the 20th November 2019 and the 13th March 2020 discussion with nearby residents have occurred. On each occasion the residents were provided an opportunity to discuss the trial period and state if they had any concerns or wanted to raise any issues they have experienced. On all four occasions no issues were identified by the local residents. McDonald's Muswellbrook is an active member within the Muswellbrook community and therefore will continue to have these ongoing discussions with local residents to ensure minimal disturbance is caused by the modification.

2 BACKGROUND

2.1 SITE SURROUNDS AND ANALYSIS

The site is within the Local Government Area (LGA) of Muswellbrook. The site is located at 83-89 Maitland Street Muswellbrook NSW 2333 and is legally identified as Lot 100 in DP 793194 (refer to Figure 1 and 2). The site has an approximate area of 6,364m² with the existing McDonald's operation including dual lane drive-thru and carpark currently occupying the entire site.

The McDonald's is situated on the corner of Thompson Street and Maitland Street. The McDonald's holds a street frontage to Maitland Street of approximately 110 metres, while it also holds a street frontage with Thompson Street of approximately 85m. Access to the site is provided via Maitland Street a state classified road and a separate ingress off Thompson Street. There is one egress only onto Thompson Street along the western border of the site. Refer to Photographs 1 – 3 which depict the ingress and egress to the site.

The land within the vicinity of the site is primarily utilised for commercial and residential purposes. The closest residential dwellings are located to the west and south-west of the site across from Thompson Street. Directly east of the site, the McDonald's shares a border with a short term tourist accommodation. To the north of the site, across the classified road is a forest nursery whilst further to the east is a service station which operates 24 hours, 7 days a week. Directly south of the site undeveloped Lot 101 in DP 793194 further separates the site from residential dwellings.

Figure 1 – Site Aerial (Source: Six Maps)



Figure 2 – Cadastral Plan (Source: Six Maps)





Photograph 1 – Egress of Site onto Thompson Street (Source: Google Street View)



Photograph 2 – Ingress to the Site from Thompson Street (Source: Google Street View)



Photograph 3 – Ingress to the Site from Maitland Street (Source: Google Street View)





2.2 RELEVANT SITE HISTORY

16th June 2003 – Consent was granted for the alterations and additions of the Muswellbrook McDonald's operation, under DA72/2003. Condition 1.11(a) stipulated the operating hours are permitted to be between 6.00am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 11.00pm Friday and Saturday

9th April 2019 – Consent was granted to the modification of the original consent under DA72/2003/4. The modification allowed an extension of the operating hours of the Muswellbrook McDonald's to allow 5.00am to 6.00am trading on Monday to Sunday for the drive-thru only for a trial period of 12 months. The NoD came attached with several conditions which Muswellbrook McDonald's have achieved in order to progress with the trial period. These conditions included an updated Plan of Management (Appendix B) and the implementation of a signage plan which was prepared in consultation with local residents. Refer to Appendix A for the NoD compliance table and Photograph 4 which demonstrates the signage compliance at the site.

Photograph 4 - Muswellbrook McDonald's Exit Door Sign



3 PROPOSAL

The proposed modification seeks to amend Condition 1.11 of consent DA 72/2003/4 to make permanent the 5.00am to 6.00am drive-thru only trading period. The proposal does not seek to change the trial operational hours, rather is seeking a permanency to extended hours that relate to the existing trial.

The current conditions states:

Condition 1.11

- a) *The hours of operation are restricted from 6.00 am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 10.00pm Friday and Saturday;*
- b) *In Addition to (a) above, the drive-thru may operation between 5.00am and 6.00am 7 days a week for a trial period of 1 year from the date of determination of the Section 4.55 modification (being 9 April 2019) 2019*
- c) *The extend trading hours outlined in (b) must cease on or before 9 April 2020*
- d) *At or prior to the conclusion of the trial period referenced in (b) and (c) a further application may be lodged to continue the 5:00am – 6:00am operating hours. Where such an application is lodged the 5:00am – 6:00am operating hours may continue for a maximum period of either 6 months or until that application is determined by Council.*



Where that application is determined by refusal the 5:00am – 6:00am trading must conclude immediately regardless of whether the 6 month period has expired.

The proposed modified condition is detailed below.

Condition 1.11

- a) The hours of operation are restricted from 6.00 am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 10.00pm Friday and Saturday;*
- b) In Addition to (a) above, the drive-thru may operation between 5.00am and 6.00am 7 days a week for a trial period of 1 year from the date of determination of the Section 4.55 modification (being 9 April 2019) 2019*
- c) The extend trading hours outlined in (b) must cease on or before 9 April 2020*
- d) At or prior to the conclusion of the trial period referenced in (b) and (c) a further application may be lodged to continue the 5:00am – 6:00am operating hours. Where such an application is lodged the 5:00am – 6:00am operating hours may continue for a maximum period of either 6 months or until that application is determined by Council. Where that application is determined by refusal the 5:00am – 6:00am trading must conclude immediately regardless of whether the 6 month period has expired*

3.1 JUSTIFICATION

The proposed amendment to the trading hours of the McDonald's operation at 83-89 Maitland Street, Muswellbrook NSW 2333 is considered to be of minor impact in terms of noise and other associated environmental/amenity impacts. No complaints were received during the previous trial period, and good performance was demonstrated with the operation trading in accordance with the previously approved Plan of Management.

The Muswellbrook McDonald's is a progressive commercial premise, continually adapting over the years in response to customer demand and public needs. With this in mind, the proposed permanent extension of the trial trading hours is in response to continued customer demand for these services. Furthermore, the purpose of the trading extension is to provide key services to the community during the early morning trade, particularly as there limited take away food and drinks premises within the locality that are currently open to customers within these hours. The proposal will provide a convenient service for local residents and passing traffic to access a food premise during the early morning. The site is located along Maitland Street, and therefore experiences high early morning traffic in relation to the surrounding mining industry. As such this proposed extension can continue to provide an early morning service to residents and passing traffic

4 PLANNING ASSESSMENT

Compliance with all legislative requirements under various Environmental Planning Instruments (EPI's) remains unchanged under this application. The proposed amendments do not change the overall design, function or impact of the development (as approved).

The following legislation, EPI's and Development Control Plan (DCP) are relevant to the proposed application and have been addressed below:

- + Environmental Planning and Assessment Act 1979;
- + Muswellbrook Local Environmental Plan (LEP) 2009; and
- + Muswellbrook Development Control Plan (DCP) 2009

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

It is considered that the proposed modification of the development consent is substantially the same development as for which the original consent was granted, and accordingly that the approval path for the proposed modification is a s4.55 (2) Other modifications under the EP&A Act 1979.

In determining an application for modification of a consent under Section 4.55 of the EP&A Act 1979, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The relevant matters for consideration are addressed throughout this SEE.

4.2 MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

Under the provisions of the Muswellbrook Local Environmental Plan (LEP) 2009, the site is zoned B2 Local Centre (refer to Figure 3).

Figure 3 - Land Zoning Map Extract from Muswellbrook LEP 2009 (LZN-008A)



The proposed modification will not alter the approved use and built form of the premises. A McDonald's operation is defined under the LEP as a 'food and drink premises', which has a higher order definition as a commercial premise. A commercial premise is permitted in the B2 Local Centre zone with consent and therefore the McDonald's operation is permitted with consent under the LEP. The existing operation on the site will remain consistent with the objectives of the sites B2 zoning, ensuring a mix of compatible land uses within the zone.

4.3 MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009

The proposed modification has been prepared having regard for the provisions of Muswellbrook DCP 2009. The modification meets all of the relevant controls contained within the DCP. An assessment of the development controls has been carried out and a table of compliance can be located below at Table 1.

It is noted that the overall building design, including signage, remains unchanged and the operational arrangements on site in regard to waste management, deliveries, access and car parking also remain generally unchanged by this application.



Table 1 – Muswellbrook DCP 2009 Compliance Table

Control	Requirement	Comment	Compliance
Section 2 – Submitting an Application			
2.4 Applications for Modifications to a Development Consent	<p>An application for a modification to a development consent under Section 96 of the Environmental Planning and Assessment Act 1979 must be accompanied by the following information (as a minimum):</p> <ul style="list-style-type: none"> • A completed application form • A statement outlining the proposed modification/s and identifying the relevant conditions of consent that are to be amended; • Plans highlighting the proposed modifications (coloured or clouded); • A statement addressing the potential impacts of the proposed modification/s. • Proposed wording of amended conditions. 	<p>This proposal is for a modification in accordance with S4.55(2), which was previously known as Section 96 of the EP&A Act.</p> <p>This application complies with the requirements of the Muswellbrook DCP for a modification, with a completed application form, Statement of Environmental Effects and the proposed wording of amended conditions included.</p>	Y

5 ASSESSMENT OF PLANNING ISSUES

As discussed in Section 3, the proposed permanency of the trial trading hours is in direct response to continued customer demand at the Muswellbrook McDonald's. Given that there are limited takeaway food and beverage premises located within the general vicinity of the area offering services to early morning customers, McDonald's seeks to satisfy demand for this type of service. The proposal, and the ongoing adoption of mitigation measures currently implemented at the site, is expected to result in minimal adverse impacts on the environment and the amenity of the surrounding area. The proposal will provide a convenient service for local residents, visitors and passing traffic to access its services throughout the day and early morning.

5.1 AMENITY

The proposal is expected to cause minimal adverse impacts on the general amenity of the surrounding premises. It has been highlighted through the trial period for extended hours that the operation has successfully implemented mitigation measures that has ensured no ongoing adverse amenity impacts on the closest residential receivers during this time. It is emphasised that the Muswellbrook McDonald's had an exemplary record during the trial period and therefore have proven that the proposed permanency of the trial hours can be managed to ensure minimal impact to the surrounding amenity.

5.2 NOISE

During previously granted trial period for extended hours, the operation has successfully implemented mitigation measures to ensure that no adverse acoustic impact resulted from the early morning trading period. Refer to Appendix A which demonstrates the Muswellbrook McDonald's compliance with the Conditions of Consent for DA 72/2003/4.



5.3 ODOUR

The proposal will have minimal impact on surrounding premises from potential odours associated with cooking and waste storage on the premises. The operation will continue to operate in accordance with the Food Standard Code and relevant Australian Standard.

5.4 TRAFFIC AND PARKING

The proposed permanency to the trial period relating to trading hours is not likely to result in any significant impacts on traffic movements on the surrounding road network, as the drive-thru will predominantly capture passing trade. The proposed modification provides an opportunity for residents and visitors to continue to be able to access the McDonald's operation outside peak traffic hours in the early morning. There are no changes proposed to the existing access or car parking arrangements.

5.5 LIGHTING

This proposal will not alter the existing approved lighting at the site, which has been design to the Australian lighting standards.

5.6 SAFETY AND LIGHTING

The proposal will have minimal impact on the existing safety and security of the McDonald's operation. McDonald's will ensure the safety and security of the site through the existing Plan of Management (attached at Appendix B) which deals with such matters as the amenity of the neighbourhood, lighting, surveillance equipment, vandalism, noise, anti-social behaviour and security. A number of measures are used to ensure the safety and security of the site, including:

- + CCTV surveillance;
- + control and monitoring of access;
- + activity and space management; and
- + training in emergency situations and on cash handling.

By utilising these measures throughout the operation, the premises will upkeep the safety of the site.

Given McDonald's compliance with the relevant consent conditions (refer to Appendix A) and good track record during the trial period, it is considered that the modification will not detract from the safety and security of the area.

5.7 PUBLIC INTEREST

The proposal is considered to be in the public interest as it will deliver a number of public, social and economic benefits with minimal adverse impacts. The proposal will allow McDonald's to continue to provide low cost, convenient fast-food services to service the needs of neighbouring businesses, local community and tourists. Furthermore, the trial period has demonstrated that the early morning operating of the Muswellbrook McDonald's will not impact the security of the surrounding area and can provide a positive early morning trading local business.



6 CONCLUSION

The proposed s4.55(2) modification application at 83-89 Maitland Street, Muswellbrook NSW 2333 seeks a permanent consent for 5.00am to 6.00am trading on Monday to Sunday for the drive-thru only, following the trial period for these extended hours.

The proposed modification will not change the overall design, use or function of the approved McDonald's operation. It is considered that the proposed permanency of the trial operating hours is appropriate given the demand for an early morning trading food and beverage facility in the area, and the operator's compliancy with all of the conditions of consent outlined in DA 72/2003/4 (as modified).

The proposal will not result in any unreasonable amenity or environmental impacts. Furthermore, the premises will continue to operate in accordance with the Plan of Management submitted with this application to ensure the safety and security of the site is maintained.

Given the merit of the proposal and the absence of any significant adverse impacts, the modification is considered to be worthy of Council's support.

Yours sincerely

A handwritten signature in black ink, appearing to read 'YANNIS COMINO', written over a light blue rectangular background.

Yannis Comino
Town Planner
KDC Pty Ltd

Appendices

Appendix A - Notice of Determination Compliance Table

Appendix B - Plan of Management

Appendix C - CPTED



DA 72/2003/4 CONDITIONS OF CONSENT COMPLIANCE

Conditions of Consent	Comment	Compliance
Condition 1.11		
<p>a) The hours of operation are restricted from 6.00 am to 10.00pm Monday to Thursday, Sunday and Public Holidays, and 6.00am to 10.00pm Friday and Saturday;</p> <p>b) In Addition to (a) above, the drive-thru may operation between 5.00am and 6.00am 7 days a week for a trial period of 1 year from the date of determination of the Section 4.55 modification (being 9 April 2019) 2019</p> <p>c) The extend trading hours outlined in (b) must cease on or before 9 April 2020</p> <p>d) At or prior to the conclusion of the trial period referenced in (b) and (c) a further application may be lodged to continue the 5:00am – 6:00am operating hours. Where such an application is lodged the 5:00am – 6:00am operating hours may continue for a maximum period of either 6 months or until that application is determined by Council. Where that application is determined by refusal the 5:00am – 6:00am trading must conclude immediately regardless of whether the 6 month period has expired.</p>	<p>The Muswellbrook McDonald's has complied with Condition 1.11b throughout the extended trading hours trial period. The McDonald's since the 9 April 2019 has successfully and safely operated with a 5am – 6am early morning trade for Drive-Thru only. During this extended hour of morning trade, only the Drive-Thru component of the McDonalds has been open to the public, and is therefore been compliant with this condition.</p> <p>Furthermore, it is noted that the trial period will cease on the 9 April 2020. As per condition 1.11d, a further application may be lodged with Council to continue the 5am – 6am trade . This application seeks to make the extended morning trading period permanent.</p>	Y
Condition 1.11A		
<p>For the duration of the 1 year trial period for the 5:00am-6:00am drive-thru operating hours the person acting with this consent shall comply with the following:</p> <p>a) The operation of the premises shall comply with the McDonald's Plan of Management dated June 2018 and submitted to Council with the exception of the following:</p> <ol style="list-style-type: none"> The premises shall not be operated on a 24 hour basis. The car park closure plan is not be deployed in relation to the operation of the premises. It will not be necessary for an after sunrise litter patrol to be carried out as set 	<p>An updated PoM was prepared under the requirement of NoD. Refer to Appendix B for the updated PoM.</p>	Y




<p>out in 3.6 Cleaning the Surrounding Public Domain.</p> <p>iv. Litter patrols are to be carried out on the western side of the New England Highway adjacent to the site and on both sides of the New England Highway following the commission of the Thompson Street/ New England Highway signals.</p> <p>An updated Plan of Management should be prepared to remove references to requirements that conflict (i), (ii), (iii) and (iv) and provided to Council for approval</p>		
<p>b) The proponent shall keep a detailed record of complaints during the trial period including date, time, location and nature of any intrusive noise, odour or the reported issue that causes a disturbance to an adjoining land owner. Within 1 month of the date of the consent the person acting with this consent should take reasonable steps to inform nearby residents and interested person on how to make any complaints in relation to the operation of the premises. Reasonable steps would constate the carrying out of a letter drop to the neighbouring properties and nearby properties.</p>	<p>McDonald's Muswellbrook have implemented systems to ensure that during the trial period any complaints would be recorded using the Donesafe system. Muswellbrook McDonald's have also had ongoing discussions with local residents to provide opportunity for input on how the trial has impacted upon them. Of note, no resident has raised any concerns during discussions held within the trial period.</p>	Y
<p>c) If noise complaints become systematic the proponent is required to complete the following:</p>	<p>As stated above, above, McDonald's has not received any complaints from residents in regard to the trial period.</p>	Y
<p>(i) Advise Council of the nature and number of complaints being received</p> <p>(ii) Unless otherwise directed by Council the proponent shall engage an appropriately qualified person to carry out attended noise monitoring at a location that is representative of the location and/or time period during which complaints have been made. Noise monitoring shall be carried out in accordance with the Noise Policy for Industry (or any superseding Policy) and relevant Australian Standards</p>	<p>As there has been no noise complaints, this condition has not been required to be implemented. Noise emissions have been mitigated through the adoption of control recommendations provided by Muller Acoustic Consulting (MAC170483LR01). These adopted recommendations included :</p> <ul style="list-style-type: none"> • Installation of a sign at the drive-thru entry specifying that all antennas/flags above the specified drive-thru entry height should be removed prior to entering; and/or- • The ceiling of the drive-thru is lined with loaded vinyl (such as Wavebar) or hard wearing rubber/pvc matting. 	Y
<p>(iii) The outcomes of any noise monitoring shall be reported to Council. If the noise</p>	<p>As stated above no noise monitoring was required, as no complaints were received in regard to noise emissions.</p>	Y



<p>monitoring identifies any exceedance to the recommended PSNL during attended noise monitoring then steps to evaluate feasible and reasonable noise control shall be taken in accordance with the Noise Policy for Industry. After noise controls have been implemented, attended noise monitoring shall be repeated to determine whether noise control has been effective in reducing site noise levels.</p>		
<p>(iv) Council may not direct the person acting with this consent to carry out the steps prescribed by (ii) or (iii) above where it is not satisfied as to the validity or complaints received or where it is concerned that generic, vague or vexatious complaints are being made on a regular basis. Where the proponent carries out attended noise monitoring in accordance with (ii) and (iii) on 3 occasions during the 1 year trial period and no noise exceedances are identified Council will not direct the proponent to carry out further attended noise monitoring. Further noise monitoring may of course be carried out by the proponent on a voluntary basis at their own discretion and to inform them in making any further application for the alteration of trading hours in accordance with condition 1.11 (c)</p>	<p>Through the implementation of mitigation measures as recommended by the Acoustic certifiers Muller Acoustic, the Muswellbrook McDonald's successfully reduced potential noise emissions. Therefore, no complaints have been made and as such no further acoustic investigation have been required.</p>	<p>Y</p>
<p>d) Within three (3) months of the date of this approval, the person acting with this consent shall prepare and submit to Council's satisfaction for approval, a waste minimisation action plan in relation to the premises. The plan must be prepared in accordance with provisions of section 24 of the Muswellbrook Development Control Plan that relate to waste management and recycling for commercial developments. At all times the person acting with this consent must carry out the development in accordance with the requirements of the approved waste minimisation and management plan</p>	<p>On the 8 August 2019, the applicant provided Council via email with the required Waste Minimisation Plan. This plan was prepared in accordance with the Muswellbrook DCP and was provided to Council within the identified time period.</p>	<p>Y</p>
<p>e) Within three (3) months of the date of this approval the person acting on this consent shall prepare and submit to Council's satisfaction a</p>	<p>On the 8 August 2019, the applicant provided Council via email with the required local resident signage plan. This signage plan was prepared</p>	<p>Y</p>




local resident signage plan in an effort to inform customers of the impact that traffic has on the local residential neighbourhood. The person acting with this consent must consult local residents through the preparation of the plan. The person acting with this consent must comply with the recommendations of this plan and install all required signage	with consultation with local residents. The recommendations were installed as required.	Y
f) In addition to the requirements of condition 1.11A(a) the management plans is to be amended to require lights at the premises other than security lights to be turned off each night at the close of business and the person acting with this consent is to ensure that the premises is operated in accordance with this requirement at all times	The updated PoM has been amended to ensure the lights at the premises, other than security lights, be turned off each night at the close of business. Refer to Appendix B of the SEE.	y
g) In addition to the requirements of condition 1.11A(a) to the extent the management plan does not require noise from an antenna to be managed in the drive thru that the management plan be amended to manage antenna noise and all measure put forward for management of this noise source implemented by the person acting with this consent	The updated PoM has been amended to manage antenna noise. Refer to Appendix B of the SEE.	



General Manager
Muswellbrook Shire Council

Re Proposed Development Application
Nº 2003/72

Thank you for your correspondence to me RE McDonalds Development application. As I have not had any problems within the 12 months trial if they continue to operate in the same manner I would have no objection with this application



MUSWELL BROOK SHIRE COUNCIL

MR. H. A M^CTAGGART

DEAR SIR

WITH REGARDS TO DEVELOPMENT MODIFICATION
12 MONTHS TRIAL OF M^CDONALDS OPERATING
HOURS I HAVE NO OBJECTION TO THE OPENING
HOURS FROM 5 AM.

I DO HAVE CONCERNS THAT THE SIGNAGE
ON THE EXITS ARE NOT ADEQUATE AS THEY
ARE "TOO" SMALL. THEY ARE NOT MUCH
BIGGER THAN AN A4 SIZE AND THE
WRITING IS TOO SMALL TO SEE FROM A
CAR. ALSO THERE IS ONLY 1 ON THE THOMPSON
ST. EXIT BESIDES THE ONE IS ON THE
LEFT DIRECTION & NONE ON THE RIGHT
SIDE OF THE EXIT. TURNING TOWARDS THE
HIGHWAY. IT IS A VERY WIDE DRIVEWAY.
I DO NOT HAVE E-MAIL SO DO HOPE THIS
LETTER IS ACCEPTABLE

Hamish McTaggart

From: 
Sent: Monday, 18 May 2020 3:09 PM
To: Muswellbrook Shire Council
Subject: McDonald's Muswellbrook

Over the past 12mths nothing has really changed with the amount of rubbish let in bins at Muswellbrook McDonald's.. We have to put up with rubbish every day coming from McDonald's blowing around Thompson street & into Shaw Crescent!

Secondly I have been woken around 4am
From workers turning up for the new proposed 5am opening!
Cars turning up way before the 5am opening time & causing noise that sometimes wakes my family!

The only difference that has been made is the sound proofing to the drive-through!!

The signs that were made to warn people are so small that most people wouldn't see them!

Traffic conditions are still bad near misses Trucks & busses parking in the NO PARKING area outside the the ENTRY & EXIT blocking the safe exit & entry..

As a home owner for the past 8 years I'm totally disgusted in the way residents have been treated over the last few years with the recommendations of new opening hours that do not suit this area and to increase more traffic & rubbish in the area..

Muswellbrook McDonald's is not a suitable area for when trains are transshipping and having six or more buses at a time pull up blocking entry and exit and making it unsafe for their own customers and local residents driving along Thompson Street.

Muswellbrook McDonald's is not a suitable area for the truck driving company that runs their business from time to time parking large trucks in the bus loading area or parked outside the exit driveway blocking the safe view Of oncoming traffic.

Muswellbrook McDonald's is not a suitable area for the guy that is free camping for over the past 12 months he's been coming and going and causing noise and rubbish left behind where he parks he also Parks outside the exit blocking clear view for people leaving McDonald's it's nearly caused accidents on a number of occasions police & Council have been informed A number of times and he has been issued with move on orders from the local Ranger but still continues to free camp at Muswellbrook McDonald's

I myself and local residents in the area are fed up with all the above issues related to rubbish and parking of large vehicles inside and outside of McDonald's that cause more chaos in Thompson St & Shaw Crescent.

Not once over the past 12 months have i been contacted by any management or staff of Muswellbrook McDonald's regarding the amended times and issues that still occur.

I'll send photos that have been taken over the last six months of rubbish and vehicles





Sent from my iPhone

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

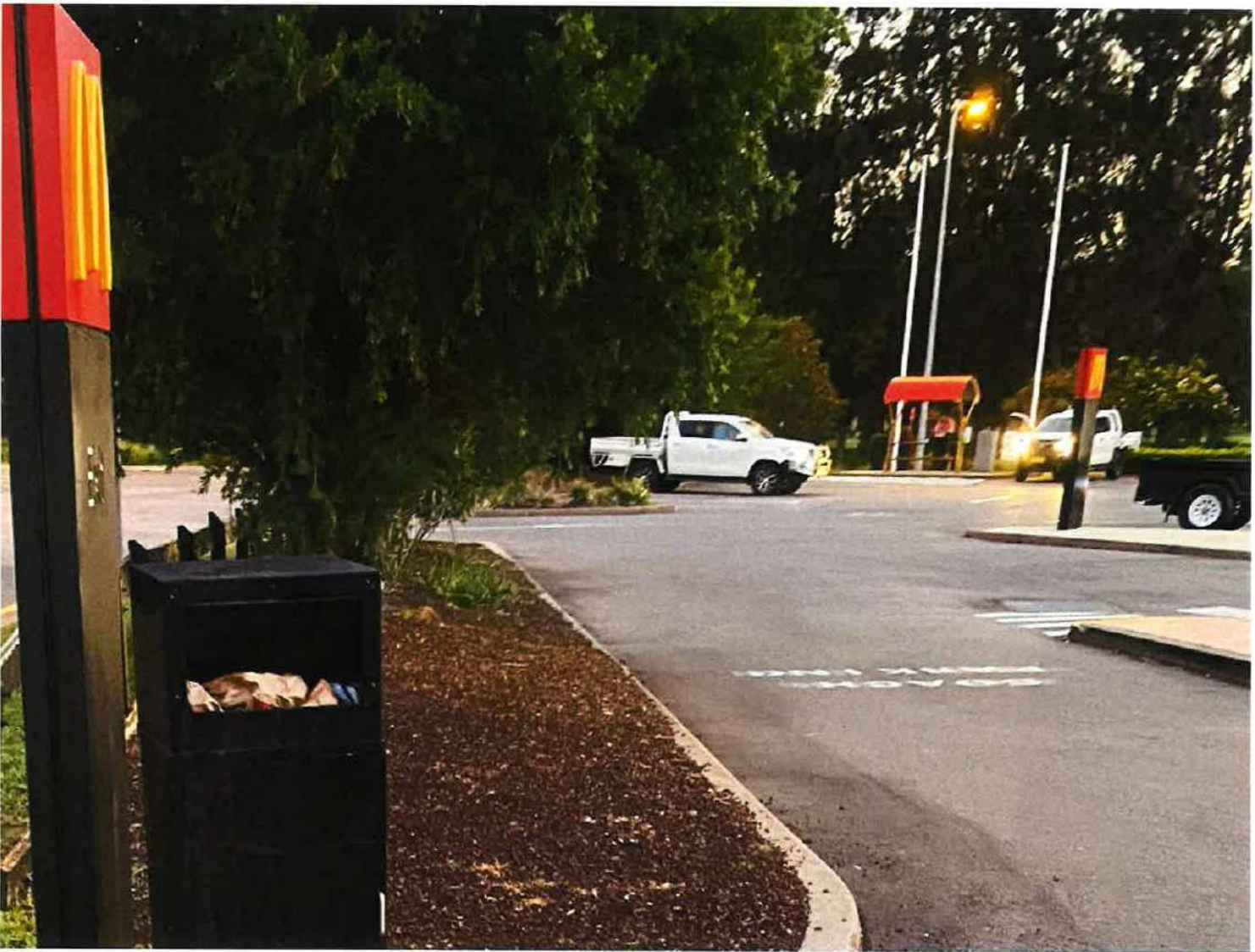
Hamish McTaggart

From: [REDACTED]
Sent: Monday, 18 May 2020 3:16 PM
To: Muswellbrook Shire Council
Subject: Muswellbrook McDonald's



1

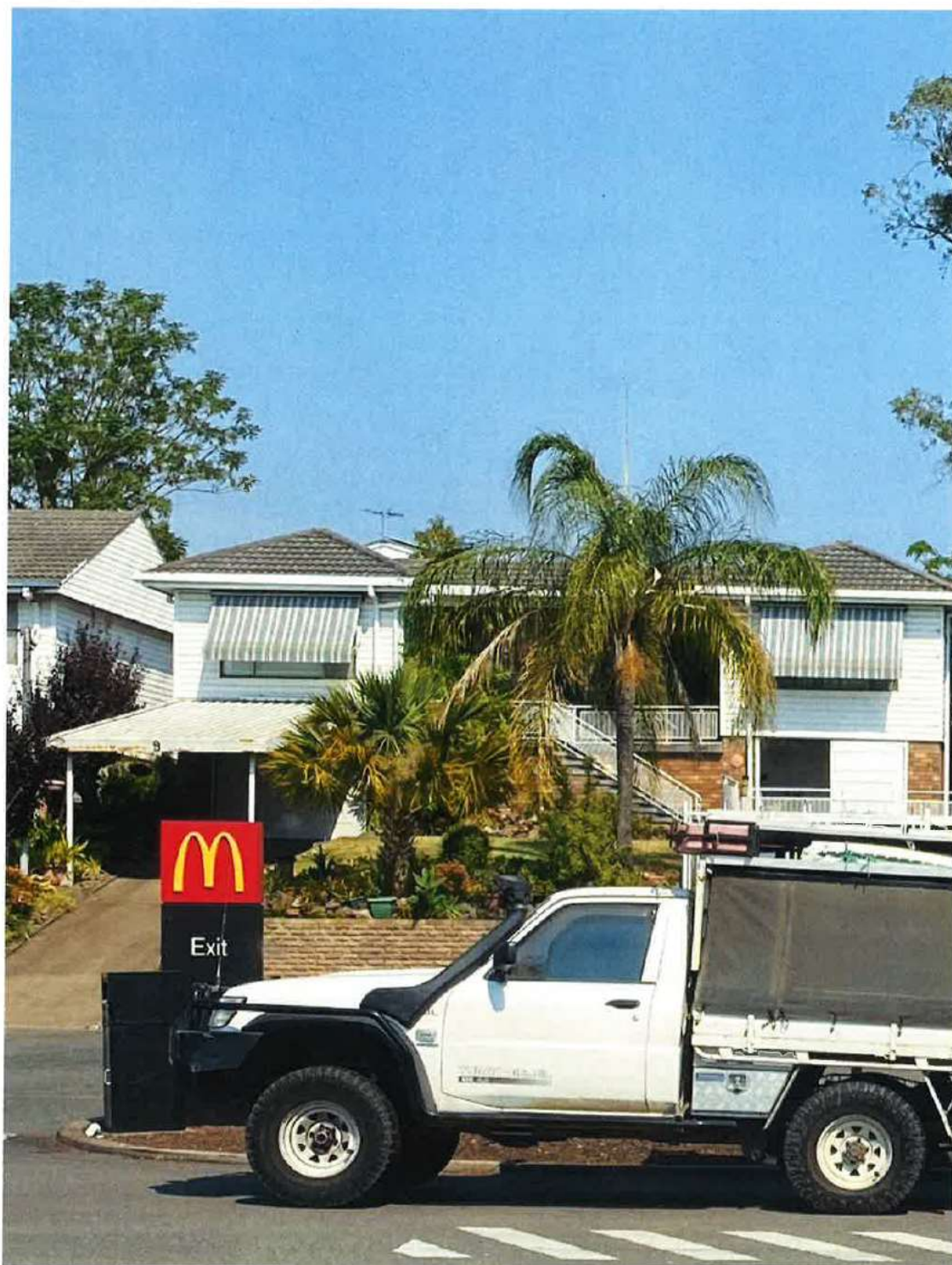




3



4







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Sent from my iPhone

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Our ref: 19222.1

23 June 2020

Muswellbrook Shire Council
PO Box 122
Muswellbrook NSW 2333



ABN 61 148 085 492

Suite 2B, 125 Bull St
Newcastle West 2302

02 4940 0442
reception@kdc.com.au
kdc.com.au

Attention: Hamish McTaggart

RE: Response to Submissions for the S4.55(2) Modification 72/2003/5 – To make a 12 month trial of Extended Hours of Operation permanent at 83-89 Maitland St, Muswellbrook

This letter has been prepared by KDC Pty Ltd in response to the public submissions received by Council during the notification period for the S4.55(2) Modification 72/2003/5 for the Muswellbrook McDonalds at 83-89 Maitland St, Muswellbrook. Three (3) submission were received during the notification period of the application and two (2) of the submissions were in support of the actions undertaken by the McDonald's during the trial period.

The concerns received have been addressed below:

SIGNAGE

The most consistent concern raised from the submissions received during the notification period were in regard to the additional signage installed at the site, as per the requirements of condition 1.11A(e) of the Notice of Determination (NoD) for DA72/2003. The installed signage was formulated in compliance with the condition at the Muswellbrook McDonald's. On 4 June 2019 between 10:30am to 12:00pm representatives of McDonald's notified the surrounding residents and business owners of the proposed site signage. McDonald's representatives provided a letter to the owners outlining the site signage and options for giving feedback on the proposal. Furthermore, each owner received a copy of the signage plan identifying the signage locations and a copy of signage options identifying the proposed signs.

McDonald's welcomed feedback from the surrounding owners in regard to the signage, provided contact details and outlined the pathways for residents and business to do so. In addition, the signage along with other additional NoD requirement details were provided to Council via email on 12 August 2019 to demonstrate compliance with the Notice of Determination. Council determined that the signage details and proposed layout were satisfactory and demonstrated compliance with the NoD on 23 August 2019 via email.

Only one response was received by McDonald's from surrounding owners. The response was from a nearby resident who voiced their verbal approval and did not have any concerns with the proposed signage. McDonald's has taken the required actions at each stage to ensure appropriate signage was installed. Therefore, it is considered the signage which was deemed sufficient and satisfactory by Council and neighbouring residents under 12 months ago is complying with the NoD and therefore acceptable for the current application.

NOISE

During the 12 month trial period noise mitigation measures were installed throughout the drive-thru as per the acoustic advice provided by Mueller Acoustic Consulting (15 June 2019). The noise mitigation measures include:

- + A sign at the drive-thru entry specifying that all antennas/flags above the specified drive-thru entry height should be removed prior to entering; and
- + The ceiling of the drive-thru is lined with loaded vinyl matting.

19221.1_ResponsetoSubmission_Muswellbrook_June2020



During the 12 month trial, McDonald's did not receive any complaints from neighbouring businesses or residents regarding noise, with each neighbour at the beginning of the trial provided contact details to lodge complaints. McDonald's acknowledge the possibility for noise pollution and therefore adhere to the policies and programmes outlined in the Plan of Management (August 2019) to ensure noise levels are kept at an acceptable level. The contact details provided by McDonald's remain current for neighbours to contact the store if they believe their amenity is being impacted, as no complaints have been received to date it is considered there has been no negative impact.

RUBBISH

During the 12 month trial period Muswellbrook McDonald's has adhered to the Council approved Plan of Management. Within the Plan of Management the litter patrol path is outlined which is regularly carried out on the western side of the New England Highway adjacent to the site and on both sides of the New England Highway, extending beyond the boundaries of the site. The litter patrol is undertaken at the following times:

- + After the breakfast period (approximately 11am);
- + After the lunch period (approximately 3pm); and,
- + Before Sunset.

It is noted, however, the litter patrols are weather permitting and as such have not been undertaken at every period outlined above during the 12 month trial period. Overall, the litter control and management can be difficult as it largely relates to individuals' actions, however McDonald's provide management of this where possible and within reason to ensure little can be controlled within the site and within close proximity of the site.

TRAFFIC

During the 12-month trial period McDonald's have not received any complaints regarding traffic within or outside of the site. Furthermore, staff have not been made aware of any traffic circulation problems within the boundary of McDonald's. The extended trading hours has not resulted in any changes to the existing car park layout as approved by Council.

TRESPASSING

It is noted a submission referred to a trespasser who utilised the McDonald's carpark overnight on a consistent basis and as such, McDonald's has investigated this concern. McDonald's spoke with resident across from the site to identify if neighbours had noted this occurrence. The residents across the road confirmed that the overnight 'camping' was occurring on a vacant parcel of land up the road from the site and was not trespassing on the McDonald's. To confirm, McDonald's reviewed their recent CCTV footage and there was no evidence of overnight trespassing. McDonald's investigation concluded there was no trespassing occurring directly on the site, however, McDonald's can confirm that if any trespassing on site is identified in the future, it will be reported to the Police.

We trust that the information provided is sufficient, however, if any further clarification or information is needed, please contact the office on (02) 4940 0442.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Yannis Comino'.

Yannis Comino
Graduate Planner
KDC Pty Ltd

10.2 DA 8/2020 - NOTIFICATION OF DRAFT PLANNING AGREEMENT

Attachments:	A. Draft Planning Agreement - DA 2020/8
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Hamish McTaggart - Co-Ordinator - Development
Community Plan Issue:	<i>The road, footpath and cycleway networks are integrated and allow for the safe movement of residents around the Shire</i>
Community Plan Goal:	<i>Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.</i>
Community Plan Strategy:	<i>Deliver the Capital Program substantially on time, on budget and in accordance with relevant design and construction standards.</i>

PURPOSE

The report has been prepared to provide Council with a copy of a draft planning agreement required by condition (20) of the Notice of Determination for DA 2020/8, prior to a public notice being given that the proposed agreement is available for inspection, as required by s7.5 of the *Environmental Planning and Assessment Act 1979*.

DA 2020/8 involves the construction of a dwelling at Lot 2 DP 1234634, Honey Lane, Sandy Hollow, and was determined by the Development Assessment Committee at its meeting conducted 1 June 2020.

OFFICER'S RECOMMENDATION:

Council resolve to notify the draft Planning Agreement, provided in Attachment A, for public inspection for a period of no less than 28 days.

Moved: _____ **Seconded:** _____

☐ Cr J. Ledlin

☐ Cr G. McNeill

☐ Cr J. Foy

☐ Cr R. Scholes

☐ Cr S. Reynolds

☐ Cr B.N. Woodruff

☐ Cr S. Ward

☐ Cr J.F. Eades

☐ Cr M. Bowditch

☐ Cr M.L. Rush
REPORT

At the 1 July 2020 meeting of the Development Assessment Committee, the Committee determined DA 2020/8 to approve construction of a dwelling at Lot 2 DP 1234634, subject to conditions. Condition 20 requires the owners of the land to enter into a Planning Agreement with Council for the payment of a financial contribution of \$5,000 for the upgrade and maintenance of Honey Lane.

A draft planning agreement and explanatory note has been prepared. A copy of the Draft Planning Agreement was provided to the landowners on 29 July 2020 with a request for comment to be provided by 7 August 2020. No comments have been received. The draft planning agreement is therefore attached for Council's review.

It is a statutory requirement for the Planning Agreement to be made available to the public for a period of 28 days before it may be finalised.

LEGAL IMPLICATIONS

A planning agreement is a voluntary agreement between a planning authority and a person (the **Proponent**) who, in this instance, has made a development application.

DA 2020/8 was conditionally approved by the Development Assessment Committee, subject to a condition (condition 20) which required the applicant to make a monetary contribution of \$5,000, to be used by Council for the upgrade and maintenance of Honey Lane.

OPTIONS

Council may:

- A. Resolve to publicly notify the draft planning agreement. This is recommended, as the planning agreement is a requirement of condition (20) of DA 2020/8;
- B. Resolve to not proceed with the draft planning agreement.

CONCLUSION

A draft planning agreement has been prepared to enable the Proponent to comply with condition (20) of the consent for DA 2020/8. Section 7.5 of the *Environmental Planning and Assessment Act 1979* requires Council to provide a copy of the draft planning agreement to the public for inspection prior to finalising the agreement.

Voluntary Planning Agreement

Muswellbrook Shire Council

ABN 86 864 180 944

Shawn Cox and **Nicole Cox**

Parties

Muswellbrook Shire Council ABN 86 864 180 944 of 157 Maitland Street, Muswellbrook NSW 2333 (**Council**)

Shawn Cox and **Nicole Cox** of 36 Goulburn Drive, Sandy Hollow NSW 2333 (**Owner**)

Background

- A On 24 January 2020, PPR Constructions Pty Ltd (ACN 155 061 939) t/as Austam Homes lodged a development application with Council to carry out the Development on the Land.
- B On 26 May 2020, by letter to Council, the Owner offered to make development contributions towards the upgrade and maintenance of Honey Lane if Consent was granted for the Development and the Owner was to apply for a Construction Certificate in respect of the Development.
- C On 1 June 2020, Council granted Consent to the Development.
- D Condition 20 of the Consent requires the Owner to enter into a planning agreement with Council to enable the payment of monetary contributions to Council for the upgrade and maintenance of Honey Lane.
- E The Owner and Council have agreed to enter into this planning agreement.

Operative provisions

1 DEFINITIONS AND INTERPRETATION

- 1.1 In this planning agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Authority means a government, semi-government, local government, statutory, public, ministerial, civil, administrative, fiscal or judicial body or other authority or body and includes, where applicable, a certifier under the Act.

Business Day means a day of the week that is not a Saturday, Sunday or public holiday in New South Wales.

Consent means the development consent to DA 2020/8 granted by the Council in respect of the Development.

Construction Certificate has the same meaning as in the Act.

Contribution means an amount of \$5,000 adjusted in accordance with clause 5.2.

Council means Muswellbrook Shire Council.

CPI means the Consumer Price Index - All Groups Sydney or if this index is not available or is discontinued or suspended, such other index that represents the rise in the cost of living in Sydney, as Council reasonably determines.

Dealing means a sale, transfer, assignment, charge, encumbrance or similarly dealing with a right, title or interest in the Land or rights or obligations under this planning agreement but does not include the leasing of retail tenancies within the shopping centre on the Land which are entered into in the ordinary course of business.

Development means the construction of a new dwelling on the Land as described more fully in DA 2020/8 lodged with Council on 24 January 2020.

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System (Goods and Services Tax) Act 1999* (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Honey Lane means the public road known by that name and located in Sandy Hollow, New South Wales.

Interest means any easement, covenant, restriction, equitable interest, caveat or any other interest in land, howsoever described.

Land means Lot 2 in DP1234634 and known as Lot 2 Honey Lane, Sandy Hollow, New South Wales.

Law means:

- (a) the common law including principles of equity; and
- (b) the requirements of all statutes, rules, environmental planning instruments, ordinances, codes, regulations, proclamations, by laws or consents by any Authority,

presently applying or as they may apply in the future.

Party means a party to this planning agreement, including their successors and permitted assigns.

Public Facilities means the upgrade and maintenance of Honey Lane at Council's absolute discretion.

Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

1.2 In the interpretation of this planning agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this planning agreement;
- (b) If the day on which any act, matter or thing is to be done under this planning agreement is not a business day, the act, matter or thing must be done on the next business day;

- (c) A reference in this planning agreement to dollars or \$ means Australian dollars and all amounts payable under this planning agreement are payable in Australian dollars;
- (d) A reference in this planning agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision unless otherwise stated;
- (e) A reference in this planning agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced;
- (f) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this planning agreement;
- (g) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency;
- (h) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;
- (i) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders;
- (j) References to the word 'include' or 'including' are to be construed without limitation;
- (k) A reference to this planning agreement includes the agreement recorded in this planning agreement; and
- (l) A reference to a party to this planning agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns

2 PLANNING AGREEMENT UNDER THE ACT

The Parties agree that this planning agreement is a planning agreement governed by Subdivision 2 of Division 7.1 of Part 7 of the Act.

3 APPLICATION OF THIS AGREEMENT

This planning agreement applies to the Land, the Development approved by the Consent and the Public Facilities.

4 OPERATION OF THIS AGREEMENT

4.1 Commencement

This planning agreement commences on execution.

4.2 Term

The planning agreement will continue until the fulfilment by the parties of all of their obligations under this planning agreement.

5 DEVELOPMENT CONTRIBUTIONS TO BE MADE UNDER THIS AGREEMENT

5.1 Within either, six (6) months of the determination of DA 2020/8 or one (1) month of this planning agreement being entered in to, whichever is later, the Owner must pay the Contribution to Council by electronic funds transfer to Council's nominated bank account.

5.2 Within 5 Business Days of receipt of each of the payments required in clause 5.1, Council must issue a letter to the Owner acknowledging receipt of that payment.

6 APPLICATION OF DEVELOPMENT CONTRIBUTIONS

Council must apply the Contribution to the cost of providing the Public Facilities.

7 APPLICATION OF 7.11 AND 7.12 OF THE ACT TO THE DEVELOPMENT

This planning agreement does not exclude the application of section 7.11 or section 7.12 of the Act to the Development.

8 DISPUTE RESOLUTION

8.1 Notice of Dispute

If a Party claims that a dispute exists under this planning agreement (**Claimant**), it must give written notice to the other Party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (**Claim Notice**). No Party may commence court proceedings (except for proceedings seeking interlocutory relief) regarding a dispute unless it has first complied with this clause 8.

8.2 Response to Notice

Within 10 Business Days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

8.3 Negotiation

The nominated representatives must:

- (a) meet to discuss the matter in good faith within 10 Business Days after service by the Respondent of notice of its representative; and
- (b) use reasonable endeavours to settle or resolve the dispute within 30 Business Days after they have met.

8.4 Further Notice if not settled

If the dispute is not resolved within 40 Business Days after the nominated representatives have met, any Party may give to the other Parties a notice calling for determination of the dispute (**Dispute Notice**) by mediation under clause 8.5.

8.5 Mediation

If a Party gives a Dispute Notice calling for the dispute to be mediated:

- (a) the relevant Parties to the dispute must agree the terms of reference of the mediation within 10 Business Days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators & Mediators Australia (NSW Chapter) apply);
- (b) the Mediator will be agreed between the Parties, or failing agreement within 10 Business Days of receipt of the Dispute Notice, either Party may request the Chair of the Institute of Arbitrators & Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) the Mediator appointed under this clause 8.5 must:
 - (i) have reasonable qualifications and practical experience in the area of the dispute; and
 - (ii) have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;
- (d) the Mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (e) the Parties must within 10 Business Days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (f) the Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- (g) in relation to costs and expenses:

- (i) each Party will bear their own professional and expert costs incurred in connection with the mediation; and
- (ii) the costs of the Mediator will be shared equally by Council and the Owner unless the Mediator determines a Party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that Party.

8.6 Litigation

If the dispute is not finally resolved in accordance with this clause 9, then any Party is at liberty to litigate the dispute. Subject to this clause, this planning agreement may be enforced by any Party in any court of competent jurisdiction.

9 REVIEW OF THIS AGREEMENT

The Parties agree that from time to time it may become necessary to review this planning agreement, but any amendment to this planning agreement shall only be effective if it is in writing, signed by all Parties and registered under section 93H of the Act.

11 NOTICES

- 11.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this planning agreement is only given or made if it is in writing and sent in one of the following ways:

- (a) Delivered or posted to that Party at its address set out below.
- (b) Emailed to that Party at its email address (if any) set out below.

COUNCIL

Attention: Executive Manager Environment and Planning Services

Address: Muswellbrook Shire Council, PO
Box 122, Muswellbrook, NSW 2333

Email: council@muswellbrook.nsw.gov.au

The Owner

Attention: Shawn and Nicole Cox

Address: 20 Honey Lane, Sandy Hollow, NSW 2333

Email: nikkicox2011@hotmail.com

- 11.2 If a Party gives the other Party 5 Business Days notice of a change of its address or email address, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or emailed to the latest address or email address.
- 11.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
- (a) If it is delivered, when it is left at the relevant address;

- (b) If it is sent by post, 6 business days after it is posted;
 - (c) If it is sent by email, as soon as the sender receives from the sender's internet service provider a report of an error free transmission to the correct email address.
- 11.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a Business Day, or if on a Business Day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

12 ASSIGNMENT AND DEALINGS

- 12.1 The Owner must not enter into any Dealing unless, prior to any such Dealing:
- (a) the Owner gives Council notice in writing of the proposed Dealing as soon as reasonably practicable prior to any such Dealing taking effect; and
 - (b) the Owner ensures that the purchaser, transferee, assignee or chargee (as appropriate) enters into with Council, prior to any such Dealing taking effect, a deed in favour of Council in a form and substance acceptable to Council (acting reasonably) (**Assignment Deed**) whereby:
 - (i) the purchaser, transferee, assignee or chargee (as appropriate) becomes contractually bound with Council to perform all of the Owner's obligations under this planning agreement;
 - (ii) the Owner is released from any obligations under or by virtue of this planning agreement which at the time of the Dealing are required to be performed or satisfied by the Owner at any time from or after the date on which that Dealing takes effect under this planning agreement; and
 - (iii) if Council considers that the purchaser, transferee, assignee or chargee (as appropriate) is not financially capable of complying with this planning agreement, Council may elect in its sole discretion to require the Owner to ensure that the incoming purchaser, transferee, assignee or chargee (as appropriate) provides a bank guarantee in a form acceptable to Council in an amount equal to the Contribution that has not been paid to Council (**Bank Guarantee**). Any Bank Guarantee is to be returned to the purchaser, transferee, assignee or chargee (as appropriate) when payment of the Contribution has been made in full.
- 12.2 If an Assignment Deed is not entered into as contemplated pursuant to this clause 12, the Owner will remain liable for the obligations under or by virtue of this planning agreement.

13 BREACH

- 13.1 If Council reasonably considers that the Owner is in breach of any obligation under this planning agreement, it may give written notice to the Owner:
- (a) specifying the nature and extent of the breach,
 - (b) requiring the Owner to:
 - (i) rectify the breach if it reasonably considers it is capable of rectification; or
 - (ii) pay compensation to the reasonable satisfaction of Council in lieu of rectifying the breach if it reasonably considers the breach is not capable of rectification;
 - (c) specifying the period within which the breach is to be rectified or compensation paid, being a period that is reasonable in the circumstances.
- 13.2 If the Owner fails to fully comply with a notice referred to in clause 13.1, Council may step-in and remedy the breach and recover its costs of doing so as a debt due in a court of competent jurisdiction, together with any compensation owing to Council under the Council's written notice given under clause 13.1.
- 13.3 For the purpose of clause 13.2, Council's costs of remedying a breach the subject of a notice given under clause 13.1 include the costs of Council's servants, officers, agents and contractors and all legal costs and expenses reasonably incurred by Council, by reason of the breach.
- 13.4 Nothing in this clause 13 prevents Council from exercising any rights it may have at law or in equity in relation to a breach of this planning agreement by the Owner, including seeking relief in a court of competent jurisdiction.
- 13.5 Nothing in this planning agreement prevents:
- (a) A Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this planning agreement or any matter to which this planning agreement relates; or
 - (b) Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this planning agreement or any matter to which this planning agreement relates.

14 COSTS

- 14.1 Each Party will bear its own costs incurred in relation to the preparation and negotiation of this planning agreement.
- 14.2 Legal and other costs to the Owner associated with the drafting, execution, stamping and registration of this planning agreement and documents under this planning agreement and the ongoing maintenance of the planning agreement and any future changes to the planning agreement initiated by the Owner and agreed by Council, shall be at full cost to the Owner and no cost to Council.

15 FURTHER ACTS

Each Party must promptly execute all documents and do all things reasonably required to affect, perfect or complete this planning agreement and the transactions incidental to it.

16 GOVERNING LAW AND JURISDICTION

This planning agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

17 JOINT AND INDIVIDUAL LIABILITY AND BENEFITS

- 17.1 Except as otherwise set out in this planning agreement, any agreement, covenant, representation or warranty under this planning agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

18 NO FETTER

- 18.1 Nothing in this planning agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise by Council of any statutory discretion or duty.

19 REPRESENTATIONS AND WARRANTIES

- 19.1 The Parties represent and warrant that they have power to enter into this planning agreement and comply with their obligations under this planning agreement and that entry into this planning agreement will not result in a breach of any Law.

20 SEVERABILITY

- 20.1 If a clause or part of a clause of this planning agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way.
- 20.2 If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this planning agreement, but the rest of this planning agreement is not affected.

21 MODIFICATION

- 21.1 No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this planning agreement.

22 NO WAIVER

- 22.1 A Party does not waive a right or remedy in connection with this agreement if it:
- (a) fails to exercise its right or remedy;
 - (b) only partially exercises the right or remedy; or

(c) delays in exercising the right or remedy.

22.2 A Party which exercises a single right or remedy or partially exercises a right or remedy maintains its right to:

(a) further exercise the right or remedy; or

(b) exercise another right or remedy.

22.3 A waiver is effective only if in writing and properly signed by or on behalf of the Party to be bound and is effective to the extent that the Party giving it expressly states in writing.

23 GST

23.1 If any Party reasonably decides that it is liable to pay GST on a supply made to the other Party under this planning agreement and the supply was not priced to include GST, then the recipient of the supply must pay an additional amount equal to the GST on that supply upon delivery of a tax invoice for the supply.

24 CONFIDENTIALITY

24.1 The Parties agree that the terms of this planning agreement are not confidential and this planning agreement may be treated as a public document and exhibited or reported without restriction by any Party.

25 ENTIRE AGREEMENT

This planning agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent, delegate or employee of that Party, before this Agreement was executed, except as permitted by Law.

26 SURRENDER OF RIGHT OF APPEAL

26.1 The Owner is not to commence or maintain, or to cause or procure the commencement or maintenance, of any proceedings in any court or tribunal or similar body appealing against, or questioning the validity of this planning agreement or the Consent, insofar as the subject-matter of the proceedings relates to this planning agreement.

27 EXPLANATORY NOTE

27.1 The Schedule contains the Explanatory Note relating to this planning agreement required by clause 25E of the Regulation.

27.2 Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this planning agreement.

Executed as an agreement

EXECUTED on behalf of)
MUSWELLBROOK SHIRE COUNCIL)
(ABN 86 864 180 944) by its authorised)
delegate pursuant to s377 of the *Local*)
Government Act 1993 in the presence of:

Signature:
Witness

Signature:
General Manager

Name:
PLEASE PRINT

Name:
PLEASE PRINT

EXECUTED by **SHAWN COX** in the)
presence of:)
)
)

Signature:
Witness

Signature:
Shawn Cox

Name:
PLEASE PRINT

EXECUTED by **NICOLE COX** in the)
presence of:)
)
)

Signature:
Witness

Signature:
Nicole Cox

Name:
PLEASE PRINT

Schedule: Explanatory Note

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under section 93F of the *Environmental Planning and Assessment Act 1979* (NSW)

1. Parties

Muswellbrook Shire Council ABN 86 864 180 944 of 157 Maitland Street, Muswellbrook NSW 2333 (**Council**)

Shawn Cox and Nicole Cox of 36 Goulburn Drive, Sandy Hollow NSW 2333 (**Owner**)

2. Description of Subject Land

Lot 2 in DP1234634 and known as Lot 2 Honey Lane, Sandy Hollow, New South Wales (**Land**).

3. Description of the Development

The construction of a new four-bedroom single-storey residential dwelling on the Land, in accordance with the development consent to DA 2020/8 granted by Council.

4. Summary of Objectives, Nature and Effect of the Draft Planning Agreement

4.1. Objectives of Planning Agreement

The objective of the Planning Agreement is to satisfy condition 20 of the Development Consent, which requires a planning agreement to be entered into with Council in relation to the provision of contributions for the maintenance and upgrade of Honey Lane in Sandy Hollow.

4.2. Nature and Effect of Planning Agreement

The Owner has undertaken in the Planning Agreement provide a monetary contribution of \$5,000.00 to the maintenance and upgrade of Honey Lane by Council.

5. Assessment of the Merits of the Draft Planning Agreement

5.1. The Planning Purposes served by the Planning Agreement

In accordance with section 7.4(2) of the Act, the Planning Agreement has the following public purposes:

- the provision of (or the recoupment of the cost of providing) public amenities or public services; and
- the funding of recurrent expenditure relating to the provision of public amenities or public services, affordable housing or transport or other infrastructure.

The Council has assessed the Planning Agreement and holds the view that the provisions of the Planning Agreement provide reasonable means of achieving the abovementioned public purposes. This is because the Planning Agreement will ensure that the Owner makes

appropriate development contributions to the upgrade and maintenance of transport infrastructure and services.

5.2. How the Planning Agreement promotes the Public Interest

The Planning Agreement promotes the public interest by ensuring that an appropriate contribution is made towards the upgrade and maintenance of transport infrastructure to enhance the safety and efficiency of Honey Lane.

5.3. How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Act by promoting the orderly and economic use and development of land.

The Planning Agreement promotes this object by requiring the Owner to make a monetary contribution towards the upgrade and maintenance of transport infrastructure.

5.4. Whether the Planning Agreement conforms with the Authority's Capital Works Program

The Planning Agreement relates to Council's Capital Works Program through the providing funds to be used for the maintenance and improvement for road infrastructure.

5.5. How the Planning Agreement promotes one or more elements of the Council's charter under Chapter 3 of the Local Government Act 1993

The Planning Agreement promotes the following principles of the Council's charter:

- Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way; and
- Councils should work with others to secure appropriate services for local community needs.

The Planning Agreement promotes these principles object by requiring the Owner to make a monetary contribution towards the upgrade and maintenance of transport infrastructure, which will assist in securing appropriate services to maintain and enhance transport infrastructure and which in turn facilitates Council to meet current and future local community needs in that respect.

5.6. Certain Requirements of the Planning Agreement to be complied with before issue of a Construction Certificate, Occupation Certificate or Subdivision Certificate

The objective of the Planning Agreement is to satisfy condition 20 of the Development Consent, which requires a planning agreement to be entered into with Council in relation to the provision of contributions for the maintenance and upgrade of Honey Lane in Sandy Hollow.

11 COMMUNITY INFRASTRUCTURE

11.1 CONCEPT DESIGN - EDDERTON ROAD RECONSTRUCTION CH 6.0 TO CH 10.6KM

Attachments:	A. Detailed Concept Design - Under Separate Cover
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Kellie Scholes - Manager - Roads, Drainage & Technical Services
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Implement prioritised (but responsive) rolling works program of maintenance.</i>

PURPOSE

To advise Council that a Detailed Concept Design has been prepared for the reconstruction of Edderton Road Ch 6.0km to Ch10.6km and to seek Council's endorsement of the Concept Design.

OFFICER'S RECOMMENDATION

Council endorses:

- (a) The Detailed Concept Design for the construction of Edderton Road Ch 6.0km to 10.6km, attached as A to the report; and**
- (b) The allocation of the amount of \$1,468,937 from the Edderton Road Reserve toward the construction of Edderton Road and the budget amended to include the additional funding for the project.**

Moved: _____ **Seconded:** _____

BACKGROUND

Edderton Road measures 15.0 km in length and is a two lane two way rural local road connecting the Golden Highway and Denman Road. This road has evolved from a typical country road with no sealed shoulder, and very little linemarking, into a major access road, which now serves Malabar Coal, Mt Arthur Coal and is an important link north south for the equine industry. The road is currently load limited to 14t and the sign posted speed limit varies between 80km/hr and 100km/hr. The road also serves as a bypass of Denman road for access to Bengalla, Mt Pleasant and Mangoola coal mines.

Traffic volumes are approximately 1,000 vpd including 18.5% heavy vehicles. Continuous development and expansion of the mines within the Shire has resulted in increased traffic volumes on the road, and it has become necessary to upgrade Edderton Road to a mine affected road standard to cater for the increased traffic and to improve safety. The realignment of 4.2km from Denman road is now complete and the upgrade to the following 1.7km section (Stage 2) has been approved for construction in the near future by Hunter Valley Energy Coal as part of an agreement with Council.

Council received funding from Restart NSW for the Resources for Regions Round 5 – Mine Affected Roads application which includes the rehabilitation of a section of Edderton Road following on from the Stage 2 works, as a project.

CONSULTATION

Local Government Engineering Services

Roads, Drainage & Technical Services Project Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Scholes

Councillor Woodruff

REPORT

The 2020-21 Capital Works Programme includes the project to reconstruct a section of Edderton road under the Resources for Regions Round 5 suite of works. Local Government Engineering Services was engaged by Council to undertake survey, investigation, geotech testing and design of a 4.6km section of the road starting at Ch 6.0km south of the intersection of Edderton and Denman Road. The detailed design incorporates pavement rehabilitation, widening and, where possible, improvements to the horizontal and vertical alignment.

A detailed concept has now been prepared and this report requests Council's endorsement of the design attached as A to the report.

The design includes widening of the pavement to incorporate 2 x 3.1m travelling lanes with a 1.5m sealed shoulder and 0.9m verge. The total sealed width is 11.0m with both centreline and edge lines line marked. All existing culverts will be upgraded and/or replaced. During the development of the concept, two options were considered:

1. Horizontal and vertical geometry designed to achieve complete compliance with a design speed of 100km/hr and to allow for a 250mm overlay pavement.
2. Horizontal and vertical geometry designed to achieve the 100km/hr where possible and to allow for a 250mm overlay pavement.

It was not possible to achieve conformance with option 1 without going outside the existing road reserve. Option 1 required extensive earthworks (in one location an 8.0m cut was required) resulting in greater than 20,000t of spoil. This would equate to a disposal cost of approximately \$2M and was considered to provide inferior cost benefit. The Option 2 design was further refined to achieve balanced earthworks whilst maintaining the road alignment within the existing road reserve and conforming with the cross-sectional dimensions required for the mine affected road standard.

The Detailed Concept for the proposed upgrade works has been designed to Austroads and RMS standards, and although this concept requires speed advisory signage to be installed at locations where the 100km/hr speed cannot be achieved, it will result in significant improvements to road safety and represent good value for money. The reduced design speed limit will not be inconsistent with the existing designs for Stage 1 and 2 upgraded sections of Edderton Road, as these sections have 80km/hr speed zones in some areas, and will therefore present a consistent road environment.

The final design will be provided to allow construction in four (4) x 1.0km (except for stage 4 which is 1.6km) to allow for a staged implementation as budget allows.

The estimated cost to construct the designed 4.6km is \$9,240,000.

CONCLUSION

The endorsement of the Detailed Concept design will allow construction works to be advertised for Tender.

SOCIAL IMPLICATIONS

The upgrading of this road to a Mine Affected Road Standard will have a major benefit for the road user in terms of safety and efficiency.

FINANCIAL IMPLICATIONS

The 2020-21 Budget includes the amount of \$2,505,739 for the Edderton Road project.

The scope and quantity of road construction work will be undertaken to the limit of the available budget.

Council endorsed for the use of the amount of \$1,231,063 from the Edderton Road Reserve to be used as the co-contribution for the grant, at the 25 February 2020 meeting of Council.

An amount of \$1,468,937 is remaining in the Edderton Road Reserve.

POLICY IMPLICATIONS

Designs for projects with an estimated cost greater than \$75K are to be reported to Council for endorsement prior to finalisation of the design.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with Item 19.03.04 of the Operational Plan: 'Investigate and recommend appropriate management treatments for road safety and traffic management.'

RISK MANAGEMENT IMPLICATIONS

The carrying out of progressive upgrades of Edderton Road will enhance its safety, through improvements enabled by design and construction considerations, for all road users.

11.2 HUNTER BEACH PROJECT

Attachments:	A. UAV and Topographic Survey - Hunter Beach and Karoola Park - Under Separate Cover B. Hunter Beach and Karoola Park Subject Areas C. Identified Weed Removal Areas D. Concept Vegetation Management Plan E. Vegetation Cross Sections F. Vegetation Species List - Under Separate Cover G. Hunter Beach Concept Design
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Peter Chambers - Chief Engineer
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>Undertake native area restoration works along Muscle Creek and Karoola Wetlands to improve native vegetation and vegetation connectivity across the Upper Hunter.</i>

PURPOSE

The report is submitted for Council's consideration of a number of concept design options related to the Hunter Beach project, and requests Council's approval of an option enabling the project to be tendered for detailed design and construction.

OFFICER'S RECOMMENDATION

- 1. Council endorses Option B for the development of Hunter Beach; and**
- 2. The detailed design for Option B will be submitted to Council for review and approval.**

Moved: _____ **Seconded:** _____

BACKGROUND

Muswellbrook Shire Council is developing an area between the Karoola Wetlands and the Hunter River known as 'Hunter Beach', off Aberdeen St, Muswellbrook, into a dedicated recreational area for the public and to enhance community connectivity. A concept design for this area was detailed as part of the Muswellbrook Urban Riparian Landcare Master Plan, which was adopted by Council in 2018.

The development proposes to provide enhanced river access and improvement of the natural amenity, including viewing areas and enhanced biodiversity and character of the site. The area is subject to the effects of flooding, and careful consideration is required in relation to the impacts of flood behaviour on the subject site.

CONSULTATION

Deputy General Manager

Manager Roads Drainage and Technical Services

Manager Works, Property & Building Services

Water and Wastewater team

Works - Parks

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

The Hunter Beach project is proposed to provide for the community and visitors a new access driveway, car park, steps and ramps for river access, walking paths, bank stabilisation, informal picnic areas, weed removal, re-vegetated areas, recreation and stormwater management infrastructure, with an integrated detention basin located upstream in Karoola Park.

Grant funding for this project was approved on 21 June 2019, with access to funding for construction from July 2020, and completion of works to be carried out by March 2021. The Project Scope under the funding deed includes establishing 'Hunter Beach', providing formalised river access from the Karoola Wetlands and rehabilitation of the site's vegetation. The Hunter Beach project has been developed in the Urban Riparian Master Plan to reconnect the community with the Hunter River and its ecology, as well as providing a recreation area close to, and accessible from, the Muswellbrook town centre.

In progressing this project, a detailed survey of the Hunter Beach site and the upstream Karoola Park area has been completed, and external expert consultants engaged to prepare a Review of Environmental Factors, Geotechnical Investigation and a Flood Investigation/Drainage Design. The drainage design will also include detailing of a detention basin upstream in Karoola Park to manage stormwater quality and quantity for stormwater flows draining towards Hunter Beach, and an opportunity for an integrated cycleway and a viewing platform.

Following these investigations, it is proposed to engage contractors to design and construct the remaining stages of Hunter Beach, in accordance with the advice provided by the consultants' reports and details. Gravel paths along the floodplain have not been recommended by the consultants.

Construction will commence upstream with the detention basin, embankment stabilisation, and extensive weed clearing works, followed by replanting/revegetation of native species, earthworks, car park facilities, steps and ramps, pathways, and as informed by the Review of Environmental Factors.

The total budget for the project is \$2,878,646, with a Restart NSW grant funded component of \$2,436,000.

Options and preliminary estimations for the works for the Hunter Beach project are indicated below, and are based on the endorsed Muswellbrook Urban Riparian Landcare Master Plan, and subject to discrete project final design based on Council's endorsed option.

OPTIONS**Option A**

Option A allows stabilisation works across the site to the top of the embankments up to approx. 7m in height, including extensive rock armouring for up to approximately 250m length of embankments in accordance with final design and as identified by the drainage design/flood consultant.

Estimate does not include the proposed pedestrian bridges in the endorsed Master Plan. Additional sandstone steps and ramps for access are proposed instead of the pedestrian bridges.

Preliminary cost estimate for Option A

Detailed design for the site	\$229,000
Extensive removal of weeds from the site (approx. 10Ha)	\$200,000
Follow up weed maintenance	\$67,000
Revegetation and landscaping for the site	\$308,000
Embankment stabilisation including associated earthworks and rock revetments	\$600,000
Detention Basin Construction	\$279,000
Full sealed car park and access road (1,700m ² 50mm AC + 2,250m ² 2-coat spray)	\$441,000
821m of Kerb	\$201,000

Access pathways, sandstone steps and ramps	\$459,000
Infrastructure incl. sandstone benches, BBQ facilities and volleyball nets	\$94,000
Total Project Budget	\$2,878,000

Option B

Similar to Option A, but with localised rock armouring to targeted existing unstable and higher risk embankment areas as directed by the drainage consultant and final design consultant. Rock armouring can be complemented with natural woody debris (secured tree logs) on less steep embankments. Proposal to reduce the sealed area of car park to typical parking demands with an allowance for overflow parking on gravel to the southern area of the car park.

The optimised rock armouring, reduced sealed car park surfacing, and removal of the pedestrian bridges will provide opportunities for increased amenities and facilities on site. Options include toilets, RV rest area, additional ramps and steps, viewing platforms, visitor information boards, additional biodiversity signposting and education facilities, entry statements, safety fencing, expanded recreational facilities and shared cycle paths from the site entrance.

Subject to detailed design and funding availability, the existing concrete channel between the proposed detention basin in Karoola Park draining towards Hunter Beach can also have naturalisation works undertaken.

Preliminary cost estimate for Option B

Detailed design for the site	\$229,000
Extensive removal of weeds from this approx. 10Ha site	\$200,000
Follow up weed maintenance	\$67,000
Revegetation and landscaping for the site	\$308,000
Embankment stabilisation including associated earthworks and rock revetments	\$322,000
Detention Basin Construction	\$279,000
Full sealed car park and access road (1,700m ² 50mm AC + 2,250m ² gravel)	\$441,000
565m of Kerb	\$125,000
200m ² RV Rest Area Gravel, Sandstone Benches and Landscaping	\$78,000
2.0m Shared Cycle Path 125mm thick and Cable Separation Barrier	\$103,000
2 x Concrete / Timber and Rail Viewing Platforms	\$57,000
Twin Toilet Block	\$108,000
Access pathways, sandstone steps and ramps	\$459,000
Infrastructure incl. sandstone benches, BBQ facilities and volleyball nets	\$94,000
Total Project Budget	\$2,870,000

Option C

Proposal for the inclusion of the large pedestrian bridge as per the endorsed master plan at a budget estimate of approximately \$1 Million of total funding for the project. The inclusion of the bridge would require a significant reduction in the overall scale of works for Hunter Beach to focus on key elements only and reduction in landscaping area. This would include embankment armouring to essential works only, and reduced carparking to 24 spaces only with no formal overflow parking. Some additional sandstone steps and ramps required for accessing embankments become obsolete with the inclusion of the bridge. The smaller pedestrian bridge across the Karoola Wetlands is not recommended, as the bridge does not lead to a safe path of travel along Aberdeen St.

Preliminary cost estimate for Option C

Detailed design for the site	\$229,000
Extensive removal of weeds from this approx. 10Ha site	\$200,000
Follow up weed maintenance	\$67,000
Revegetation and landscaping for the site	\$308,000
60m Pedestrian Bridge from centre of car park to adjacent embankment	\$933,000
Embankment stabilisation including associated earthworks and rock revetements	\$165,000

Detention Basin Construction	\$279,000
Car park and access road (1,700m2 50mm AC only)	\$210,000
300m of Kerb	\$63,000
Access pathways, sandstone steps and ramps	\$330,000
Infrastructure incl. sandstone benches, BBQ facilities and volleyball nets	\$94,000
Total Project Budget	\$2,878,000

CONCLUSION

Community Infrastructure are seeking endorsement from Council to proceed on this project in accordance with Option B outlined above.

SOCIAL IMPLICATIONS

The provision of the Hunter Beach development will provide considerable social benefits as a large recreational area, promoting a significant number of passive and active recreation opportunities including jogging, dog walking, aesthetic improvements to the biodiversity and vegetation of the area, access and views of the Hunter River, education and outdoor learning facilities, informal picnic areas, sandstone bench seats and barbeques. It also represents the first of several future interconnected cycle path areas along the Hunter River as per the endorsed master plan.

FINANCIAL IMPLICATIONS

The total budget for the project is \$2,878,646, with a Restart NSW grant funded component of \$2,436,000.

Tendering for design and construction works is under preparation and a final design for the site will be provided to Council prior to construction of new stages, with early construction of the proposed stormwater management basin enabled following an advanced detailed design.

POLICY IMPLICATIONS

All projects with a value greater than \$75K will have the concepts reported to Council for endorsement.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with item 190.3.05 of the Operational Plan: 'Deliver the Capital Program substantially on time, on budget and in accordance with relevant design and construction standards'.

RISK MANAGEMENT IMPLICATIONS

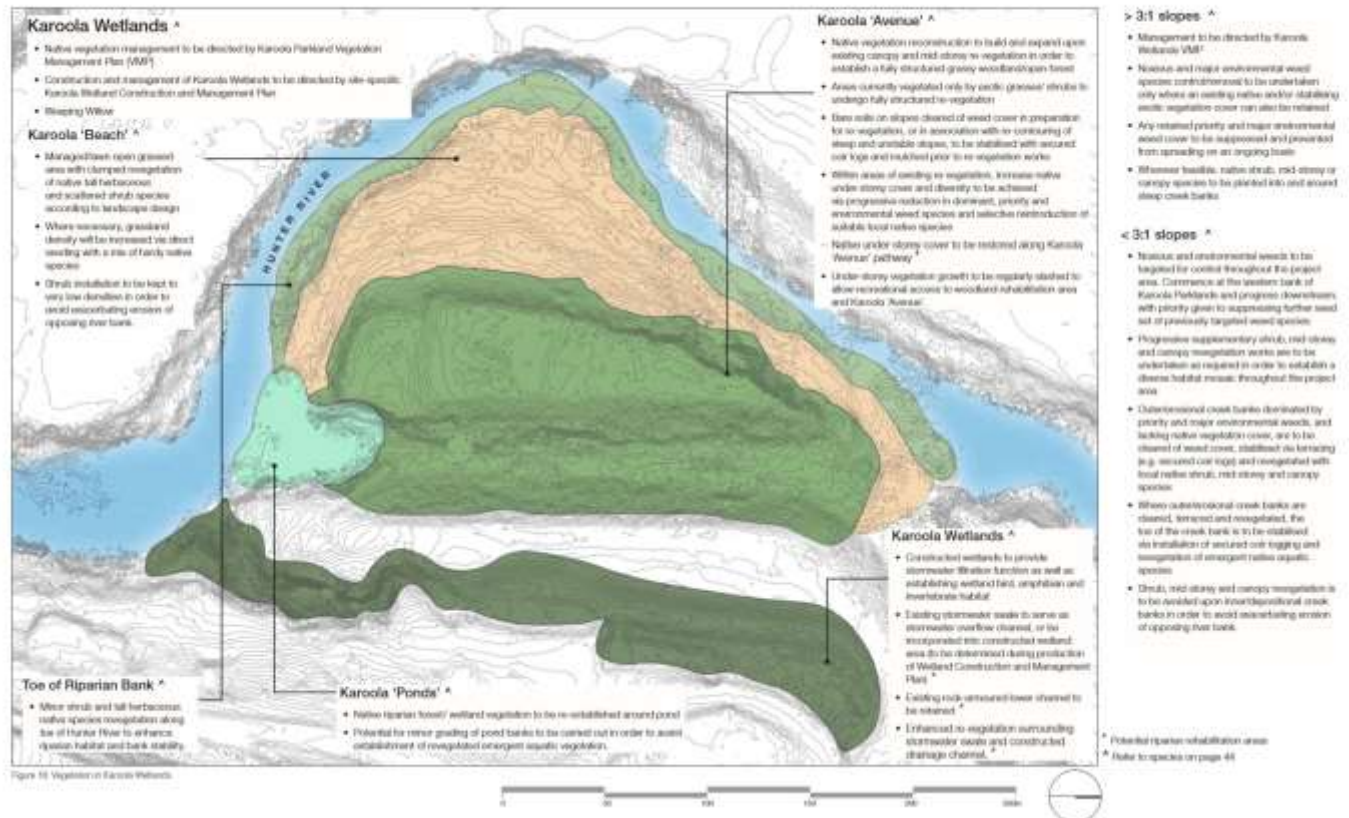
Nil known.



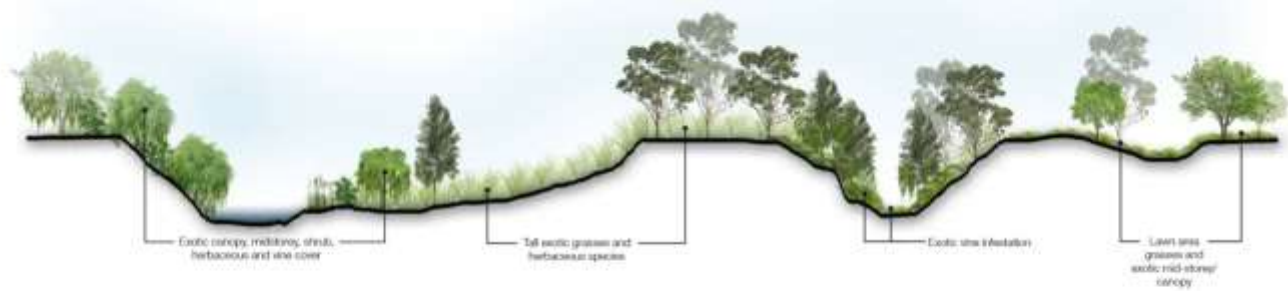




Precinct 1 - Karoola Wetlands



EXISTING



PROPOSED

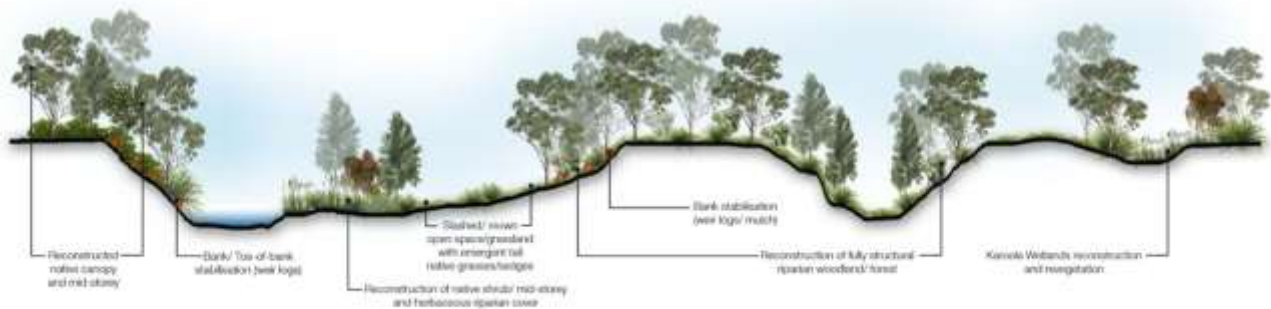
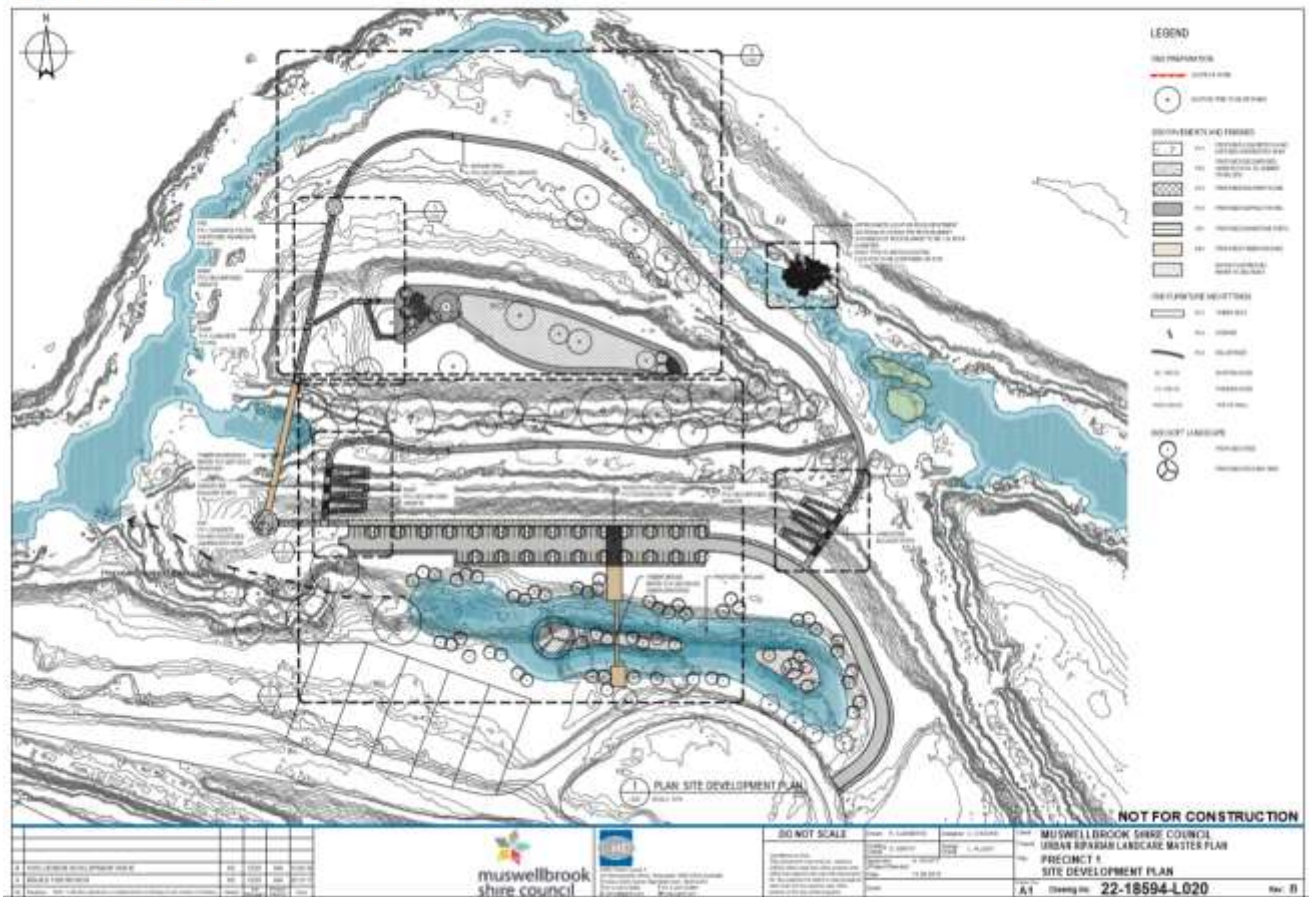


Figure 11: Section of vegetation in Kanaka Wetlands

6.2 Precinct 1



11.3 MUSWELLBROOK SEWAGE TRANSPORTATION STRATEGY

Attachments:	A. Existing System -Schematic B. Proposed System-Schematic
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Gamini Hemachandra - Project Engineer
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Provide Council with a list of proposed and alternative projects prior to construction.</i>

PURPOSE

Through Contract 2017-2018-0324, Council has developed a high level strategy for the long term improvement and augmentation of Muswellbrook's sewage transportation system. The report provides information relating to the key options provided by the strategy, and requests Council's consideration of enabling funding to facilitate the construction of the highest priority identified by the strategy, which is the replacement of Sewer Pumping Station 1, located at Sydney Street, Muswellbrook.

OFFICER'S RECOMMENDATION

1. Council approves the replacement of Sewer Pumping Station 1, Sydney Street, Muswellbrook, to be carried out in 2020-21.
2. In addition to the 2020-21 Sewer Transportation System Improvement Budget of \$1,000,000, Council approves the allocation of \$900,000 from the s64 Sewer Reserve to enable the replacement of Sewer Pumping Station 1.

Moved: _____ Seconded: _____

BACKGROUND

At the 10 April 2018 Ordinary Council Meeting, Council awarded Contract 2017-2018-0324-B1 for the design of a Muswellbrook sewerage transportation system strategy. Council's resolution in relation to the report was:

19.2 TENDER AWARD - DESIGN OF MUSWELLBROOK SEWERAGE TRANSPORTATION SYSTEM UPGRADE, CONTRACT NO. 10014051 (MSC 2017-2018-0324-B1)

RESOLVED on the motion of Crs Scholes and Foy that:

Council

1. *Accept the award of Contract No. 10014051 (MSC 2017-2018-0324-B1) for the Design of Muswellbrook Sewerage Transportation System Upgrade to Aurecon Australasia Pty Ltd for the amount of \$ 274,942.87 excluding GST and contingencies;*
2. *Approve related financial commitments including contingencies as detailed in the report;*
3. *Approve the further Contractual negotiation regarding a limitation on insurance liability and key personnel allocation, and delegate the finalisation of this matter to the Executive Manager Water*

and Waste.

The report provides Council with information relating to the proposed projects and network efficiencies arising from the Muswellbrook Sewage Transportation Strategy, and requests Council's consideration of enabling funding to facilitate the construction of the highest priority identified by the strategy, which is the replacement of Sewer Pumping Station 1, located at Sydney Street, Muswellbrook.

The primary issues the Muswellbrook Sewage Transportation Strategy seeks to address include:

- sewage septicity caused by extended sewage pumping station and rising main detention;
- transportation costs associated with multiple sewage pumping stations; and
- costs associated with double pumping for treatment and reuse.

CONSULTATION

Director Community Infrastructure;

Operations Manager Water and Wastewater;

Project Engineer Water and Wastewater; and

Former Project Manager Water and Wastewater.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

A strategic review of the transportation of sewage from Muswellbrook to the recycled water treatment works (RWTW) has been carried out under Contract 2017-2018-0324-B1. The transportation of sewage accounts for significant asset and operational costs, and the objective of the strategic review is to provide strategic guidance to determine the most practical and financially viable options of transporting sewage to the RWTW. Investigations included assessing the current sewage transportation system and comparing it to an array of options over a thirty year period, taking into account quantitative and qualitative factors associated with sewerage reticulation, sewage pumping stations, and chemical dosing stations.

The strategic review acknowledged that the existing sewer system had grown organically over time in response to historic, incremental growth associated with development, and that this growth has not always been reflective of strategic, efficient, and cost-effective considerations. The strategy has been developed to identify the optimal long term improvement requirements of the network that will create operational quality enhancement and cost reduction efficiencies over time.

A Net Present Value assessment was performed to compare the capital and operational costs of each option to the year 2041. Capital costs of proposed new infrastructure were based on preliminary estimates refined during concept development. Operational and maintenance costs of existing infrastructure were based on historical data. As energy costs are one of the highest operational costs associated with the transportation of sewage, the strategy seeks to achieve transportation along natural gravity lines wherever possible, following a line of least resistance approach to minimise pumping effort.

The Muswellbrook Sewage Transportation Strategy was carried out based on the following methodology:

- compile a sewerage demand model of Muswellbrook up to the designated design horizon of 2041;
- identify problems with the current system, and potential solution strategies;
- compile a flow balance model of the system which defines the various flow paths to the recycled water treatment works and measures detention times in pipes (long detention times lead to septicity problems);

- form high level strategies for how the system could be improved (including the base case do-nothing strategy);
- for each strategy, form a series of more detailed options, with a flow balance model for each;
- for each option, estimate the capital, operating and Net Present Costs (CAPEX, OPEX and NPC);
- for each option, make an assessment of the non-cost advantages and disadvantages;
- compare the options; and
- select a preferred, recommended option(s).

Proposed projects arising from the Muswellbrook Sewage Transportation Strategy

The objective of the projects listed below is to improve overall sewerage system efficiency, and to reduce the potential for septicity to occur, by following as much as possible the natural lie of the land. This will take advantage of natural gravity, and will assist to reduce energy and other operational costs associated with the pumping of sewage material.

The changes proposed are to the system of transporting sewage from the northern part of Muswellbrook to the recycled water treatment works.

The recommended work for the sewage transportation system is itemised below. Locations of sewage pumping stations and associated catchments are shown in the attachments.

Table 1: Non-prioritised list of proposed projects

Item No	Description	Length	Diameter	Estimated Cost
1	Divert flow coming to Sewage Pumping Station 6 (SPS6) to SPS 10 under gravity. This work requires construction of gravity main under the Muswellbrook to Werris Creek rail corridor and New England Highway. SPS 6 could be decommissioned and some minor modifications of SPS 10 will be required to manage additional loading from Catchment 6	Length of gravity main 96m with 70m under-bore	225mm	\$600,000
2	Divert SPS 2 to New SPS 2A to be constructed near existing SPS 9. Flow from existing SPS 3 to be directed to existing SPS 2 with the existing mains then under the Muswellbrook to Werris Creek rail corridor and New England Highway. This change makes SPS3 and SPS9 redundant, both being replaced by SPS2A	Length of gravity main- 302m Concrete Encased and through the Culverts	300mm	Cost-\$230,000 if allowed to go through the culverts like the existing rising main. If under-boring is required cost estimated to be \$700,000

Item No	Description	Length	Diameter	Estimated Cost
3	Construct a New Pumping Station (SPS 2A) to replace existing SPS9. Receives flow from Catchments 2,3,6,9 and 10.	N/A	N/A	\$1,600,000
4	Construct a new Rising Main from SPS 2 A to a new receiving Manhole on Aberdeen Street near Kayuga Bridge	455m	225mm	\$250,000
5	Construct a new Gravity Main from receiving Manhole of SPS2A to Lower William Street to direct flow to Muscle Crook Crossing	1370m	300mm	\$1,000,000
6	Modify SPS8 in order to change the direction of Rising main to flow into SPS1 Catchment rather than to SPS4	N/A	N/A	\$100,000
7	Construct a Rising Main from SPS 8 to Brook Street	65m	200mm	\$50,000
8	Construct a gravity main in the median of Brook Street from the receiving Manhole of SPS 8 to Bridge Street	470m	225mm	\$225,000
9	Construct a new Sewer Pumping Station 1 (SPS1) near the existing SPS 1	N/A	N/A	\$1,750,000
10	Decommissioning	N/A	N/A	\$100,000
Note: Estimates are based on 2019 construction rates.				
Estimated Total				\$6,375,000

The new concept will make pumping Stations 3, 6 and 9 redundant, while replacing Sewer Pumping Station 1 and Sewer Pumping Station 2 with new Pumping Stations.

Construction of the above works can be staged and prioritised, as the works are interrelated and dependent upon availability of supporting new work. For example, any changes to allow more flow into Sewer Pumping Station 1 catchment should not occur without first replacing Sewer Pumping Station 1 with a larger pumping station with emergency storage. The replacement of Sewer Pumping Station 1 is considered to be the highest priority arising from the Muswellbrook Sewage Transportation Strategy.

Similarly, diversion of Catchments 2 and 3 to Catchment 9 requires a new Sewer Pumping Station 2, including construction of a new rising main and gravity main which can be constructed without interrupting the existing system.

Table 2: Proposed sequence of prioritised works

Stage	Item No	Work	Year
1	Item 9	Sewer Pumping Station 1 replacement	2020-21
2	Items 3,4 and 5	New Sewer Pumping Station 2, rising main and gravity main from Aberdeen Street to Lower William St	For future budget consideration
3	Items 6,7 and 8	Modifications to Sewer Pumping Station 8, new rising main and gravity main	For future budget consideration
4	Items 1 and 2	Divert Catchments 6 to Catchment 10 and catchments 2 and 3 to catchment 9.	For future budget consideration
5	Decommissioning	Convert suitable infrastructure other uses such as recycle water transportation. Existing Rising main from SPS 3 to SPS 4 may be used to transport recycle water from golf course to Karoola Park, this is dependent on existing pipe condition	For future budget consideration

In addition to above changes the existing transportation system in South Muswellbrook mainly around Catchments 4 and Catchments 5 will require some modifications depending upon the expansion of the residential areas. Both Pumping Stations could be used in combination to meet the future inflow from new developments to Muswellbrook East

Maps showing the current system and proposed changes are attached for reference.

Replacement of Sewer Pumping Station 1, Sydney Street, Muswellbrook



The replacement of Sewer Pumping Station 1, located adjacent to the greyhound racing facility, Sydney Street, Muswellbrook, is considered to be the highest project priority arising from the Muswellbrook Sewage Transportation Strategy.

Sewer Pumping Station 1 is one of Muswellbrook's oldest sewer pumping stations, and it is the main pumping station pumping sewage to the new Recycled Treatment Works. The replacement of the existing sewage treatment plant is considered to be necessary in order to appropriately ensure the ongoing capacity of the sewage reticulation system to pump sewage effectively and efficiently to the recycled water treatment works and to reduce the potential for septicity to occur.

Septicity is generally caused by the retention of sewage material within wastewater retention systems such as pipes and pumping stations, and occurs when the micro-organisms in sewage or sludge have utilised all the dissolved oxygen and any nitrates that may be present. The potential effects of septicity are increased generation and emission of odour, and eventual infrastructure degradation caused by the production of corrosive compounds (*Source: 'Septicity occurrence and mitigation within wastewater transfer systems'*, Gore, M, & McLaughlin, M, 2009, 3rd Annual WIOA NSW Water Industry Engineers & Operators Conference, Tamworth, NSW).

The importance of the proposed replacement of the existing Sewer Pumping Station is the potential impact of septicity impacted sewage material being conveyed to the new recycled water treatment works, thereby having a negative effect on the efficiency and effectiveness of the new plant in producing high quality recycled water.

The Muswellbrook Sewer Transportation Strategy estimates, at 2019 construction costs, the cost of replacing Sewer Pumping Station 1 at \$1,750,000. Discussion with Council's Water & Wastewater engineering team has considered an estimated construction cost of \$1,900,00 to be more accurate in relation to 2020 construction costs, with consideration of the inclusion of a small contingency amount.

Should Council approve the replacement of Sewer Pumping Station 1 to be carried out in 2020-21, it is proposed that funding to enable the project be sourced from an existing 2020-21 capital budget allocation of \$1,000,000, under ledger number 6340.4485.504 - Transportation System Improvement, and an additional \$900,000 sourced from the s64 Sewer Reserve, which currently has an unallocated reserve amount of \$1,900,000. It is proposed that any unexpended funds be returned to this Reserve.

OPTIONS

Council could decide to approve or not approve the replacement of Sewer Pumping Station 1.

CONCLUSION

Ongoing improvements to Muswellbrook's sewerage transportation system is important for the purpose of saving energy and other operating expenses, while ensuring efficient transportation of sewage to the Muswellbrook recycled water treatment works.

With regards to the proposed suite of projects arising from the Muswellbrook Sewage Transportation Strategy, it is suggested to further analyse the proposed changes in terms of cost and benefits on a project by project basis. However, as the highest priority, it is considered necessary to replace the existing Sewer Pumping Station 1.

SOCIAL IMPLICATIONS

Safe and efficient transportation of sewage reduces the risk of infrastructure failure resulting in environmental breaches, and reduces the potential for incidents of septicity, odour issues and sewage overflow events to occur.

FINANCIAL IMPLICATIONS

it is proposed that funding to enable the replacement of Sewer Pumping Station 1 be sourced from the existing 2020-21 capital budget allocation of \$1,000,000, under ledger number 6340.4485.504 - Transportation System Improvement, and an additional \$900,000 be sourced from the s64 Sewer

Reserve, which is budgeted to have an unallocated reserve amount of \$1,915k as at 30 June 2021. It is proposed that any unexpended funds be returned to this Reserve.

With respect to the applicability of the s64 Sewer Reserve (*s64 NSW Local Government Act*) making a contribution to the project, it is noted that s64 Contributions are levied from development to recover part of the infrastructure costs incurred in servicing new developments or additions/changes to existing developments which impose a loading on Council's water supply and/or sewerage infrastructure.

POLICY IMPLICATIONS

Developer Servicing Plan – Sewerage Services (April 2012)

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

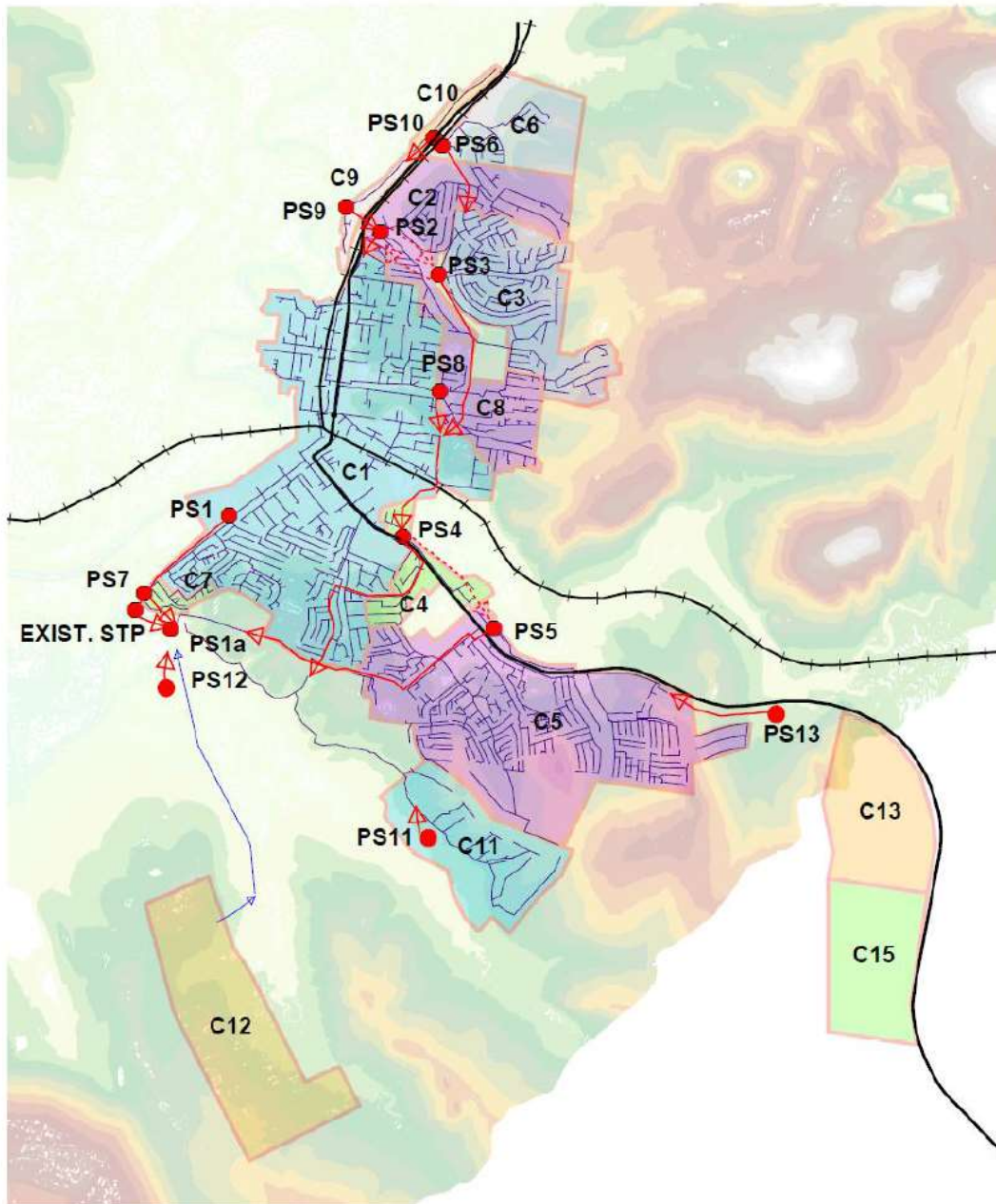
OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with item 20.01.06 of the Operational Plan: 'Implement and monitor effluent reuse arrangements with relevant stakeholders to ensure secure and cost effective effluent disposal.'

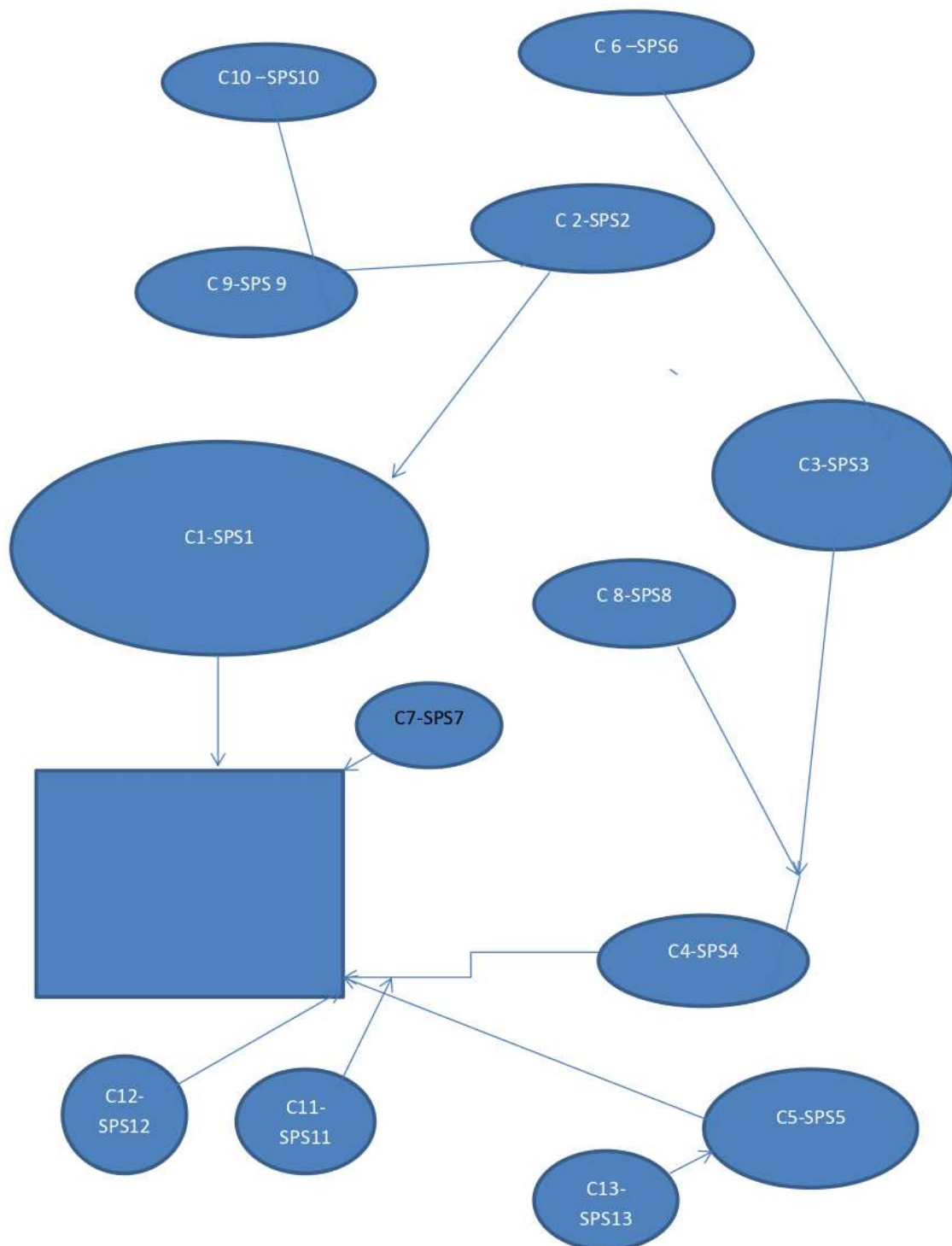
RISK MANAGEMENT IMPLICATIONS

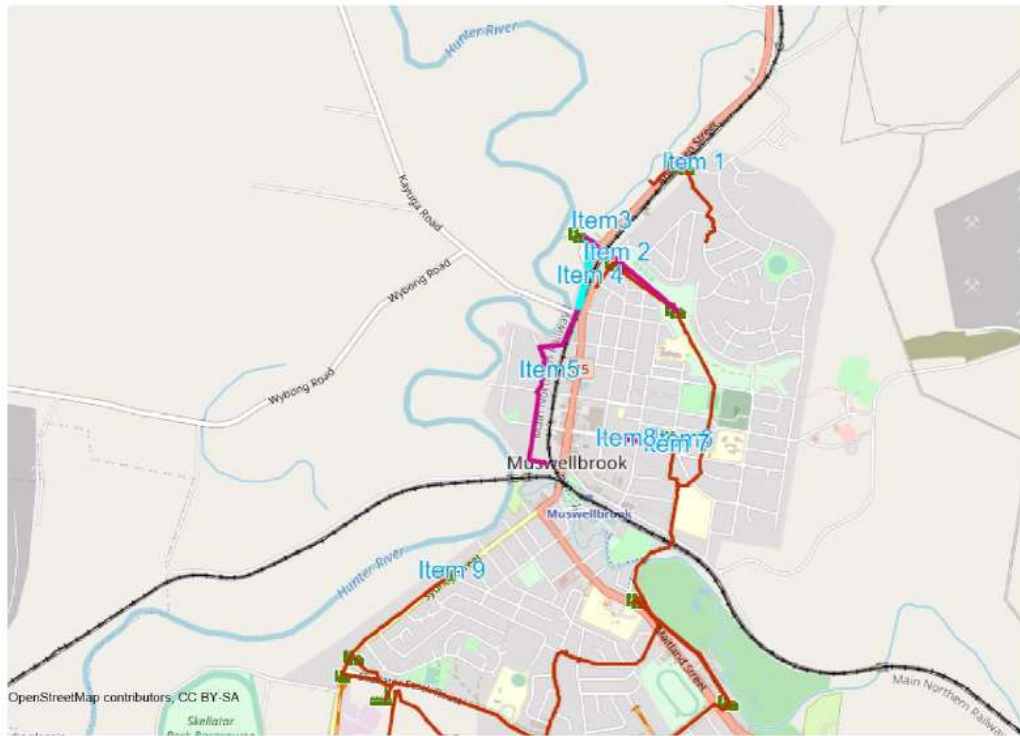
Replacement of Sewer Pumping Station 1, located in Sydney Street, Muswellbrook, is considered to be a high priority in order to appropriately reduce the risk of failure in transporting sewage from Muswellbrook to the recycled water treatment works.

Existing Transportation system



Existing Transportation system





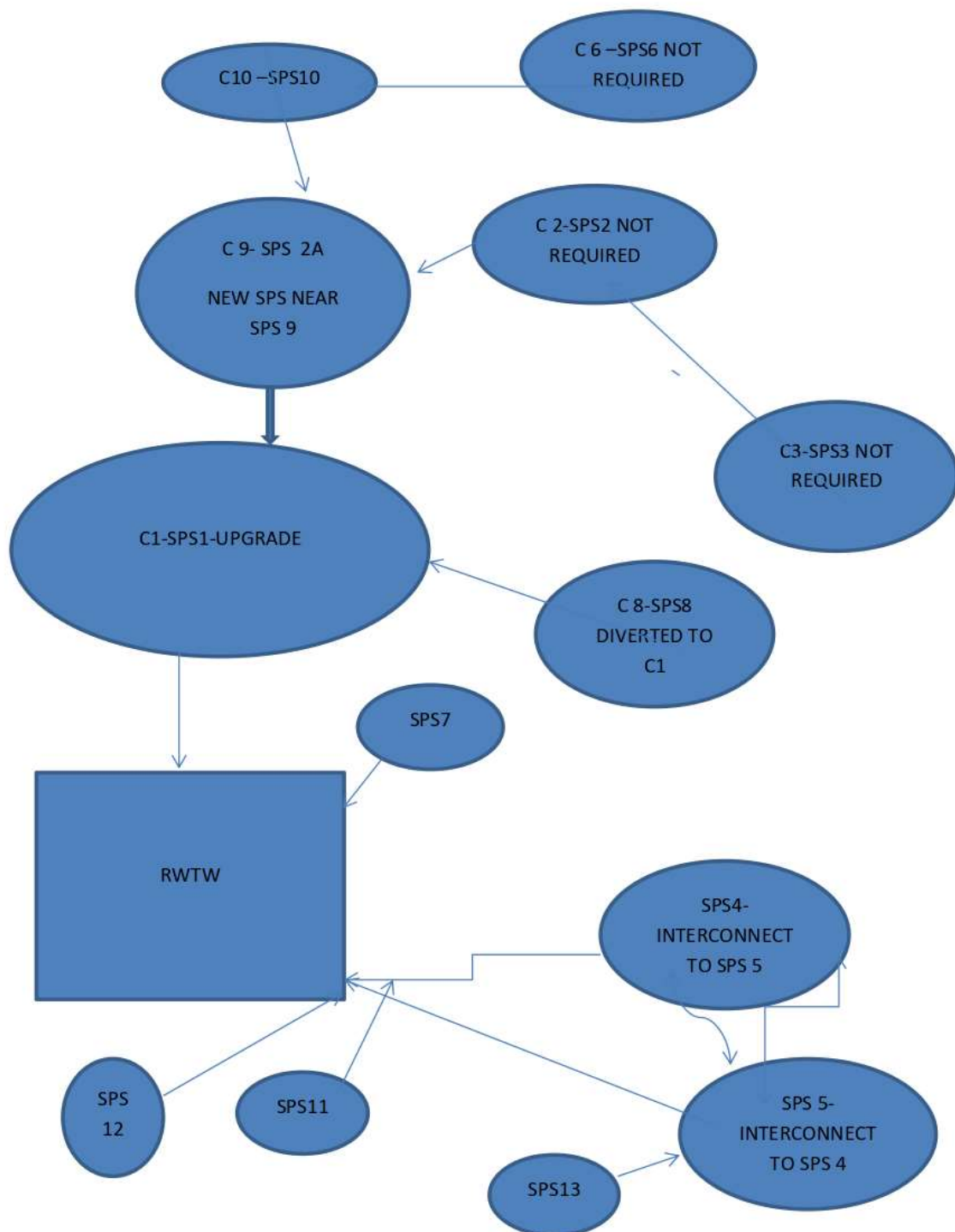
Proposed Rising Mains

Existing Rising Mains

Proposed Gravity Mains

Proposed Changes

Proposed Transportation System



11.4 2019-20 QUARTER FOUR COMMUNITY INFRASTRUCTURE PROJECT STATUS REPORT

Attachments:	A. CURRENT 2019-2020 CI Capital Works
Responsible Officer:	Fiona Plesman - General Manager
Author:	Derek Finnigan - Deputy General Manager
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 submit for Council's information the status of Community Infrastructure major projects updated to 30 June 2020.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

The report presents in tabular form the status of the 2019-20 Quarter Four Community Infrastructure Project Status Report updated to 30 June 2020.

2019-2020 Projects

PROJECT	PROJECT STAGE (I) DESIGN (D) CONSTRUCTION (C) Final (F)	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	PROJECT STATUS at 30 June 2020
Roads and Drainage Capital Works								
Bridges Renewal. Williams Bridge. [3530.5853.504]	C	\$1,300,000	Mar-20	Jun-20	Dec-20	May-20		Funding to the value of \$650K has been received from Transport NSW (Bridges Renewal Program.); funding for a further 25% under the Fixing Country Roads program has been received and funding to the value of \$100,000 from drought recovery was also received. Tenders for the construction of the bridge closed 11 March, 2020. Council has awarded the Tender to Waeger Constructions and they have been engaged for the construction of an alternative design. Design has commenced. Construction will commence next financial year to be completed December 2020. Update 25 August 2020: Contingency planning in relation to providing access across Martindale Creek during the construction phase of the project is being carried out. A Community information meeting held on site Thursday, 20 August 2020.
Denman Revitalisation. [3550.4261.504] 2019-2020. 0408 Amenities Block 2019-2020-0409 Memorial Park	C	\$2,500,000	Aug-18	Jun-20	Stage 1 and 2 Complete Stage 3 Sept 2020	11-2019 Stage 3		Stage 3 is the upgrade of Memorial Park, including the construction of a long vehicle parking bay in Paxton St. Part A: Civil works in Paxton St to construct drainage, AC surfacing and bus layby is complete. Advice letters have been sent to surrounding properties, RSL and businesses as part of the consultation process. Part B is the upgrade of Memorial Park, which has been completed in early August. A concept for the amenities block has been received and was reported to the 30 June 2020 Ordinary Council meeting. Council received a grant from stronger communities for \$200,000 for the playground and an additional grant application was submitted for NSW Gov Everyone Can Play programme to seek additional playground funding. This grant application was, unfortunately, unsuccessful. A further grant funding application has been made. The project is continuing. A brief for the playground has been written and will be placed on vendor panel to seek tenders for the supply and install.
Drainage Devices. [3540.4065.504]	C	\$161,950	Feb-20	Jun-20				Design drawings are being finalised with tender documents being prepared in preparation for construction.
Footpath and Cycleway Renewal. [3500.4072.504]	F	\$160,000	Aug-19	Dec-19	Nil	Oct-19	Nov-19	Construction completed in accordance with adopted capital program for 2019-20. A section of footpath adjacent to the Anglican Church in Muswellbrook is completed.
Active Transport Programme Cycleway Wilkinson Ave Olympic Park to Haydon St.	F	\$269,280	Sep-19	Nov-19	Nil	Aug-19	Nov-19	Project construction complete.
Heavy Patching Program [3500.4035.504]	F	\$200,000	Oct-19	Jun-20	Nil	Aug-19	Nov-19	Capital programs for 2019-20, program adopted by Council and works have been completed.
Hunter Beach	I	\$2,736,000	May-20	Jun-21				The primary objectives of stage 1 of the project include: 1. Detention dam in Karoola PK; 2. Bed and bank stabilisation work; 3. Construction of pathway to the beach; 4. Construction of car park; and 5. Access from Aberdeen St. REF and Geotech engaged and investigations underway (8 weeks), Drainage consultant GHD commenced (12 weeks). Larger package of works for remainder of site to be composed and prepared based on consultants findings, prepared early in new FY. A report providing design concepts for the consideration of Council will be submitted to the 25 August 2020 Ordinary Council meeting. Tender for design and construction within two weeks of Council Meeting, informed by consultant investigations.
Kerb and Gutter Replacement [35660.4065.504]	F	\$130,000	Aug-19	Dec-19	Nil	Aug-19	Feb-20	Construction completed in Cabernet, Cypress, Maitland St, Queen St (three locations), Hill St, Hunter Tee and Foley St in accordance with adopted capital program for 2019-20. Construction now completed at McClintock Drive. This program will continue in accordance with the adopted list until funding is expended.
New Footpath Cycleway. [3500.4073.504]	F	\$43,000	Aug-19	Sep-19	Nil	Aug-19	Aug-19	Construction of a section of footpath adjacent to St Matthias Church in Palace Street, Denman has been completed.
R4R R5 - Thompson St - New England Hwy Signalisation	C	\$910,000	Feb-20	Jul-20	Dec-20			Concept design has been reported to August 2019 Council meeting and endorsed. RMS has provided comment. Tenders have been evaluated and reported to the 28 April 2020 Ordinary Council meeting, whereby the matter was delegated to the General Manager. Negotiations with the preferred tenderer are being undertaken. Preferred tenderer providing final traffic management plan, including comments from TNSW prior to advancing engagement. A report providing further information in relation to the tender will be submitted to the 25 August 2020 Ordinary Council meeting.
Bylong Valley Way /Widden Intersection Curve safety improvements	C	\$259,000	Jul-19	Jun-20	Nil	Jul-19	Oct-19	Project complete.
R4R R5 Edderton Road 9.9km to 11.0km and 11.4km to 14.6km []	I and D	\$2,595,468	Mar-20	Jun-20	Dec-20	Apr-20		Following the review of the Mine Affected Roads Network Plan, the scope of work for this project has changed to focus on the section of Edderton road north of Saddlers Creek. Additional survey, environmental assessment and design is to be carried out and Tender documents modified. Tenders have been received and contract awarded for the investigation and design for Stage 3. Survey and geotech complete. REF and Design commenced. Concept design options are being considered and reviewed currently.
R4R R5 Wybong Road (ch 20.6 to 21.5km and 22 to 23.7km). [3500.4221.504]	C	\$1,900,000	Oct-19	Apr-20		Oct-19	May-20	Works started 25 October 2019 with site establishment, clearing and earthworks. The project program extends to April 2020. Practical Completion has been achieved on section 20.6 to 21.5km. Practical Completion for 22.0km to 23.7km has been achieved. The project is now complete.
Regional Road Repair Programme and R4R R5 safety improvements	D and C	\$1,400,000	Mar-20	May-20	Aug-20	Apr-20		REPAIR programme. 1 confirmed project value = \$220,000 chainage 6.8km Bylong Valley Way. The aim is to carry out linemarking during 2020-21; identify areas where the width needs to be increased in order to accommodate linemarking. Tenders have been received and reported to March Council, with Tender awarded to Robson Civil. Works have commenced and are continuing with RBC crown units to be installed next week. Update 25 August 2020: The project was completed in July.
Road Resealing Program. [3500.4030.504]	C	\$577,898	Nov-19	Mar-20		Nov-19	May-20	Programme has been reported to Council. Road sealing works commenced mid November 2019. Works are now completed.
Rural Regravelling Program. [3500.4055.504]	F	\$336,000	Sep-19	Oct-19	Nil	Sep-19	Oct-19	Work completed at Albano Rd to regrade and gravel the 12 km of road. Yarrawa road complete 3/4.
Safety Device Renewal. [3590.4145.504]	F	\$138,137	Nov-19	Dec-19	Nil	Nov-19	Dec-19	Works completed.
Sandy Hollow Village Streetscape. [3550.4257.504]	I and D	\$54,293	Apr-20	Jun-20				Pocket park/playground concepts are being developed to provide play equipment with minimum maintenance requirements. Survey of site undertaken and landscape design is being prepared. Concept included in quotes for Wollombi and Hunter Park master plans. Quotations have been accepted and contractor engaged
Replacement of culvert. Mangoola Rd.	I and D	\$455,000	Feb-20	Jun-20				Approved by Council at the 30 July 2019 Ordinary Council Meeting. Tender documentation has been prepared. 25 August 2020 update: The work is scheduled to be carried out in the first half of 2020-21.
Recreation, Property & Buildings								
Denman Memorial Hall Restoration (3910.5889)	F	\$2,465,728	Oct-18	Feb-19	Apr-19	Oct-18	Oct-19	Demolition and removal of asbestos at VRA Building on Paxton Street is complete. EOI was reissued for a café/ wine bar on two occasions with no submissions received. It is planned for the Hospitality Coordinator to progress this matter. Furniture including tables and chairs for community events procured.

2019-2020 Projects

PROJECT	PROJECT STAGE (I) DESIGN (D) CONSTRUCTION (C) Final (F)	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	PROJECT STATUS at 30 June 2020
Denman Recreational Vehicle (RV) Destination	C	\$118,270	Aug-18	Sep-19		Aug-18	Sep-19	Practical completion of this phase of the project has been completed. The Denman Tourist Park Master Plan has been adopted by Council. Draft style guide produced and informing Mens Shed Development Application for Heritage Shed. Plan of Management for Denman Park being prepared.
Denman Children Centre	D&C	\$720,000	Jun-18	Mar-20		Jun-18		Staff requested meetings with Denman Childrens Centre to progress project. 25 August 2020 update: A Memorandum of Understanding is currently being drafted to outline responsibilities.
Denman Heritage Village	D&C	\$250,000	Feb-19					Deed for Heritage items executed. Denman Heritage Museum Advisory Committee are progressing the concept design to amend the Development Application.
Denman Lookout Nature Trail - Reg Thornton Memorial Drive	C	\$207,000	Jun-19	Aug-20	Feb-20	Jul-19		Trail complete. Awaiting signage and toilet block.
Karoola Netball Courts	F	\$184,000	Aug-19	Dec-19	Feb-20	Dec-19	May-20	Project is complete.
Muswellbrook Animal Shelter (3910.5587)	D&C	\$1,200,000	May-19	Mar-20		Dec-18		DA expected to be reported to Council in August 2020.
Muswellbrook Aquatic Centre - Stage 1 (3700.5442)	C	\$3,250,000	Nov-18	Oct-19	Mar-21	Nov-18		Works have commenced for the indoor pool hall.
Muswellbrook Aquatic Centre - Outdoor Pool	D&C	\$800,000	Aug-20	Dec-20				Tenders closed 11 August 2020, and will be reported to the 25 August 2020 Ordinary Council meeting.
Muswellbrook Rail Noise Abatement (3950.4168)	F	\$1,950,000	Jul-18	Oct-19	Jun-20	Jul-18	Apr-20	Rail Noise Abatement completed with final landscaping works.
Regional Entertainment and Conference Centre (3690.5433)	D	\$15,000,000 (Est)	Dec-18	Sep-21		Dec-18		Concept design being reviewed to be submitted to Council for endorsement.
Upper Hunter innovation Precinct Stage 2 (3690.6438) (Includes Innovation Hub and Weidmann Café)	D	\$3,600,000	Jul-19	Sep-20	Jun-21	Jul-19		DA awarded at June Ordinary Council Meeting. Architect engaged for detailed design, and draft construction documentation being prepared.
Commercial Building	D	\$95,000	Oct-19	Feb-20		Jul-19		Concept developed to be reported to Council.
Victoria Park and Cemetery Improvements	C	\$517,613	Dec-18	Feb-19		Jan-19	May-20	Fencing of the cemetery has been investigated and quotes have been received. Field 1 works currently in establishment period.
Arts Centre - Lighting & Air-conditioning	D&C	\$251,015	Nov-18	Feb-20		Nov-18		Lighting installation complete. Internal access between gallery and café complete. Airconditioning works near completion. Audio requirements to be procured. A conceptual design for Conservatory has been received and RFQ for architect resulted in one response. RFQ was being reassessed for a reduced scope and architect engaged.
Relocation of Council Administration Centre	C	\$1,200,000	Mar-19	Dec-19	Oct-20	Mar-19		Works underway. Fire engineering solution is being developed to address compliance with BCA.
Denman Recreation Area - Drainage	F		Aug-18	Dec-19		Oct-19	Oct-19	Works completed. Field open.
Community Infrastructure Depot	D	\$300,000	May-19	Mar-20		Jul-19		The plan has been revised to include feedback from staff. Principal Design Consultant RFQ prepared to be issued.
Muswellbrook Indoor Sport and Use Centre	D					Oct-19		Upper Hunter Youth Services was awarded Stronger Country Community grant funding of \$500k. Stakeholder consultation and preliminary design progressing to value manage. 25 August 2020 update: A report was submitted to the 28 July 2020 Ordinary Council meeting, where Council resolved as follows: <i>RESOLVED on the motion of Crs Woodruff and Bowditch that:</i> <i>Council:</i> <i>1. Endorses the revised Muswellbrook Youth Venue concept plan to progress to Development Application; and</i> <i>2. Considers options identified to enable provision of the required additional project funding.</i>
Denman Storage Shed Complex - Design Stage	D	\$ 40,000.00	Apr-20	Apr-21				Contract awarded to Conybeare Morrison International Pty Ltd.
Olympic Park Master Plan								
Olympic Park Master Plan Works SRV	D	\$6,110,000	Jul-19	Dec-19		Sep-18		The Amended Master Plan report was not adopted in the February Extraordinary Council meeting and the original plan remains in place. The focus areas are the bridge over Muscle Creek, grandstand design, and field improvements. A Plan of Management is being prepared.
Olympic Park - Wilkinson Bridge	I	\$2,500,000	Mar-20	Jun-21		Mar-20		Review of Environmental Factors is being prepared together with bridge concept options for Council's consideration. 25 August 2020 update: A report providing a number of bridge concept design options will be submitted to the 25 August 2020 Ordinary Council meeting.
Olympic Park - Grandstand & Amenities	D	\$50,000	Mar-20					Design consultant engaged and is progressing concept design.
Olympic Park - Intelligent Lighting	D	\$124,313	Mar-20					Request for Quotations underway. Works planned to be completed before end October.
Olympic Park - Velodrome Fence	D&C	\$100,000	Jun-20	Nov-20				Fencing contract awarded.
Recreation, Property & Buildings - Minor Works								

2019-2020 Projects

PROJECT	PROJECT STAGE (I) DESIGN (D) CONSTRUCTION (C) Final (F)	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	PROJECT STATUS at 30 June 2020
Accessibility Upgrades	C	\$30K	April 2020	Jun-20			Jun-20	Upgrade to CWA footpath, preliminary review complete and estimate received. New automatic door installed at Denman Library. New front doors installed at Muswellbrook Child Care and MOOSH to upgrade accessibility compliance and assist with paths of travel.
Fire Safety Improvements	D	\$15K	April 2020	Jun-20			Jun-20	Emergency Lighting, Exit lighting and smoke alarm defects repaired at Muswellbrook Childcare Centre, QEII, Art Gallery, Senior Citizens Hall, Stan Thieess Centre, Muswellbrook Waste Depot, Muswellbrook Water & Waste, Muswellbrook Library and the Administration Centre. 6 Monthly Fire inspection completed.
Muswellbrook Regional Library	F	\$15K	Dec 2019	Dec 2019		Dec-19	Dec-19	Plumbing and sewer audit and repairs completed.
Denman Library	F	\$10K	April 2020	June 2020			May-20	Complete face lift, including new carpet installation, newly painted and new double rear doors installed.
Stan Theiss Centre	F	\$5K	April 2020	Jun-20			May-20	Carpet removed and disposed.
Muswellbrook Child Care Centre	F	\$5K	April 2020	Jun-20			Jun-20	Office carpet replaced. New front door installed for accessibility compliance and assist with paths of travel. Rear non-complying sliding screen doors removed to assist with paths of travel compliance and new screen door installed.
MOOSH	F	\$5K	April 2020	Jun-20			Jun-20	Rear paver removed and replaced with concrete pad/ramp.
Hunter Park Master Plan	D	\$5k	April 2020	Aug-20				Consultant has been engaged and has conducted site visit.
Wollombi Park Master Plan	D	\$5k	April 2020	Aug-20				Consultant has been engaged and has conducted site visit.
Highbrook Playground Landscaping	F	\$40k	May 2020	Jun-20			Jun-20	Irrigation and landscaping works complete
Muswellbrook Cemetery Fencing	I	\$0						Quote received \$250k approx. Staging plan for fencing is being prepared.
Water								
Mains Renewal and Replacement (5320.4340)	D/C	\$1,005,556	Dec-19	Jun-20	Aug-20	Jan-20		Works 90% Complete by end of Financial Year, Covid had some impact on progress during the project. Remainder of Budget carried over with some rehab work to complete in the coming weeks.
375 main Augmentation	C	\$100,000	Apr-20	June 2020			May-20	Valves successfully installed during a shutdown on 28/4/2020. Work Complete including Rehab on excavation and concreting to Traffic Island
Reticulation - Rail Underboring [5340.4377]	D/C	\$991,996	Dec-19	Jun-20		Jan-20	Jun-20	Works Complete and commissioned
Reservoir Renewal and Replacements [5310.4321]	D	\$1,194,575	Apr-19	Dec-19		May-19	Oct-19	The works have been completed.
Replacement of Water Meters Programme [5320.4376]	C	\$71,750	Jul-19	Jun-20		Jul-19	Jun-20	Meters replaced as required during the year
Muswellbrook Water Treatment Plant Replacements [5310.4560]	I/D/C	\$978,412	Jul-19	Jun-20		Jul-19	Jun-20	Recarb Panel Installed and commissioned last week of June Work on Clarifier Hood Repair or replacement is progressing No 1 High Lift Pump will be ordered July/August Minor Improvements to Chemical Dosing Systems completed
System Plant Asset Renewals [5340.4400]	I/D/C	\$509,500	Jul-19	Jun-20		Jul-19	Jun-20	Planned work includes: 1. Queen Street WPS Pump 2 - Complete 2. Sandy Hollow Clear Water Tank - design review being completed 3. Sandy Hollow Raw Water Tank - design review being completed 4. Sandy Hollow Intermediate Tank - design review being completed 5. Sandy Hollow Permeate Tank - design review being completed 6. Sandy Hollow Plumbing - design review being completed 6. Denman Res 1 Access Road - Work Completed 7. Denman WTP Stormwater improvements - Work Completed 8. Muswellbrook High Lift Pump Drive Cooling Duct work- Work Completed May 2020 10. Minor Capital Replacements - Air Lines replaced had been causing process issues 11. Common Road WPS Improvement works - Complete 12. Denman Membrane Feed Pump - Complete 13. SCADA & Telemetry - Progressing with upgrades
Construction of two water fill points 5310.4405	I/D/C	\$290,715	May-19	Aug-19		Dec-19	Jun-20	Commissioned June 2020 - Work Completed
Muswellbrook Fluoride Upgrade 5310.4577	D/C	\$258,980	Jan-20	Jun-20	Jun-21			Design complete tender documentation being prepared. Tender Spec being reviewed by DPIE, Delayed due to Covid and Key personnel within DPIE. Will re-report for budget approval in 20-21 FY. Fully reimbursable to Council from Dept Of Health once complete.
South Muswellbrook Water Main 5310.4579	I/D/C	\$1,800,000 (\$900,000)	Jan-20	Jun-21	Aug-20			Part 1 - Coal Road to Rail Bridge/Olympic Park Part 2 - Rail Bridge to Cassidy Avenue Stage 1 design complete Review of Environmental Factors and geotechnical investigation work is being completed ready for construction in 2020-21.
Sewer								
Construction - RWTW [6310.4472]	C	\$2,969,856	May-17	Mar-19				Process commissioning successfully completed on 6th Dec. Acceptance testing commenced and completed on 13th Dec. Plant Operational Handover completed on 16th December 2019. Civil work commenced 10th Dec and expected to be completed by mid March. Demolition works have been completed. S60 approval process and EPL License application underway. Awaiting contractor's final proposal to inspect IDEA cracks and repair if required.
Mains Renewal [6310.4437]	D/C	\$1,185,573	Jul-19	Jun-20		Jul-19	Mar-20	Skellatar Stock Route construction is complete. Manhole relining and repairs - complete
Denman Treatment Plant Upgrade [6310.4473]	C	\$200,000	Jul-19	Jan-20		Jul-19	Jun-20	Business case development progressing. Report being finalised, some delays with responses from regulators
Transportation System Improvement [6340.4485]	D/C	\$1,193,872	Sep-18	Jun-20	Jul-20	Sep-18		Transportation System Report and Concept Complete, and will be reported to the 25 August 2020 Ordinary Council meeting. Possibility of SPS1 construction next FY being considered, package plant design on same site.
Sewer Plant & Equipment [6340.4380]	C	\$73,543	Jul-19	Jun-20		Jun-20	Jun-20	Replacement of various items of plant and equipment for newworks and treatment operations. Portable Generator. Replacement Plumbguards.
System Plant Asset Renewals [6340.4488]	IDC	\$400,161	Jul-19	Jun-20		Jul-19	Jun-20	MSPS7 Guide Rails and Outlet Pipework - Completed MSPS5 Pump - Planned for replacement 20-21 FY SPS4 Odour Control Overhaul - Complete Sewer Treatment Minor Capital, various minor works to improve safety and operability in Pumping Stations and Treatment Works

11.5 REVIEW OF CEMETERY POLICY

Attachments:	A. Draft - General Cemetery, Lawn Cemetery, Memorial Walls Policy
Responsible Officer:	Fiona Plesman - General Manager
Author:	Matthew Lysaught - Manager - Works, Property & Building
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Provide to Council designs and associated estimates for the forward financial year.</i>

PURPOSE

To consider a review by staff of Council's *Cemeteries – General Cemetery, Lawn Cemetery, Memorial Walls Policy No. C10/2*.

OFFICER'S RECOMMENDATION

Council:

- 1. Endorse the reviewed Draft General Cemetery, Lawn Cemetery, Memorial Walls Policy to be placed on public exhibition for a minimum period of 28 days; and**
- 2. A further report be prepared for Council after public exhibition.**

Moved: _____ **Seconded:** _____

BACKGROUND

Council's *Cemeteries – General Cemetery, Lawn Cemetery, Memorial Walls Policy No. C10/2* has been reviewed and updated to reflect current legalisation and improved practices.

CONSULTATION

Customer Service & Administration Team Leader

Manager Integrated Planning, Risk and Governance

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

Councillor Spokesperson for Utilities – Deputy Mayor, Cr Scholes

REPORT

The existing policy is longstanding but mostly limited to monument presentation standards. The attached Draft General Cemetery, Lawn Cemetery, Memorial Walls Policy is broader in objectives in describing roles and responsibilities of Council as cemetery operator, Funeral Directors, and Right of Interment holder.

An important change proposed in the draft policy is the requirement that 'the Funeral Director is to organise payment for the Right of Interment, should the deceased not already hold this Right.

OPTIONS

Council may like to propose amendments to the draft policy.

CONCLUSION

It is recommended the reviewed Draft General Cemetery, Lawn Cemetery, Memorial Walls Policy to be placed on public exhibition for a minimum period of 28 days.

SOCIAL IMPLICATIONS

The policy considers interment options to meet the needs the community.

FINANCIAL IMPLICATIONS

Improvement in the payment management for interment rights.

POLICY IMPLICATIONS

Cemeteries – General Cemetery, Lawn Cemetery, Memorial Walls Policy No. C10/2.

STATUTORY IMPLICATIONS

Cemeteries and Crematoria Act 2015 No 105

Public Health Regulation 2012

Local Government Act 1993

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

‘19.1 Improve and maintain civic precincts’, *Muswellbrook Shire Council Operational Plan 2020 – 21*

RISK MANAGEMENT IMPLICATIONS

The draft policy provides describes roles and responsibilities to reduce operational risks in the management of cemeteries.

GENERAL CEMETERY, LAWN CEMETERY, MEMORIAL WALLS POLICY

Reference Number #

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Policy Objective

Muswellbrook Shire Council is committed to providing a range of interment options that will best suit the immediate and ongoing needs of our community. This policy is designed to describe the roles and responsibilities of person or body who exercise a function in cemeteries operated by Council.

Scope

Muswellbrook Shire Council is the operator for the following cemeteries within its Shire.

Muswellbrook Shire Council undertakes to provide and maintain the following Cemeteries:

- Muswellbrook General Cemetery
- Muswellbrook Lawn Cemetery
- Muswellbrook Memorial Walls
- Denman General Cemetery
- Denman Lawn Cemetery
- Denman Memorial Wall
- Giants Creek General Cemetery

Definitions

TERM	DEFINITION
Cemetery	A building or place used primarily for the interment and memorialisation of human remains (whether or not it contains an associated building for conducting memorial services).
Function	Includes a power, authority or duty, and exercise a function includes perform a duty.
Funeral Director	Person who, in the conduct of operating a business or a service engages, for the purpose of burial or cremation, in the collection, transport, storage, preparation or embalming of bodies, or engages in the conduct of exhumations.
Holder	The person recorded in the cemetery operator's register in relation to that cemetery as the holder of the interment right.
Interment	The placement of human remains in a mausoleum, vault, columbarium or other structure designed for the placement of such remains, or the burial in the earth of human remains (directly in the earth or in a container).
Operator	The person or body responsible for the management of the cemetery.

Policy Statement

All Rights of Interment for allotments in cemeteries operated by Muswellbrook Shire Council are classified as "Perpetual Right of Interment".

No interment will be approved unless Council has received full payment for the Right of Interment and/or permission is given by the Right of Interment holder.

It will be the responsibility of the Funeral Director to organise payment for the Right of Interment, should the deceased not already hold this Right.

All allotments referred to in the policy will be 1.2 m x 2.4 m and can accommodate a single or double depth burial.

Interment of Ashes is also permitted in any of our cemeteries provided Council's requirements are met.

Niche sizes as follows:

Walls 1 & 2 Muswellbrook and Giants Creek	152mm (wide) x 114mm (high)
Wall 3 Muswellbrook & Wall 1 Denman	160mm (wide) x 205mm (high)

Fees and Charges

Muswellbrook Shire Council will review fees and charges annually.

Fees and Charges will be set out in Council's Adopted Operational Plan – Fees and Charges.

Muswellbrook Shire Council does not include in its Fees and Charges any provision for monumental plaques or head stones.

Work in Cemeteries Operated by Muswellbrook Shire Council

Written approval from Council is required before any work is carried out in any of Council's Cemeteries.

This includes but is not limited to:

- Interment (burial), of either a body or ashes in an allotment
- Erection of a monument
- Repair to a monument
- Installation of plaque
- Installation of ashes in a Memorial Wall

Council will require the person or company undertaking any works to complete the relevant forms, provide any relevant documents and pay the prescribed fee.

Any person or company wishing to do work to an interment site will also need to have the permission of the Right of Interment holder before approval will be granted by Muswellbrook Shire Council.

Grave Digging

Muswellbrook Shire Council does not provide a grave digging service. This should be arranged with the funeral director at the time of arrangement.

Lawn Cemeteries

The fee for the Right of Interment in Council's Lawn Cemeteries provides for the following:

- Right of Interment in the stated allotment
- Fixing of a concrete sloper desk
- Fixing of a flower box
- Provision of turf landscaping and perpetual maintenance

The standard for plaques and other information pertaining to Lawn Cemeteries:

- Material Bronze with brown stoved enamel finish or granite/marble
The size of plaque must be within the sizes set below:
Maximum 559 mm x 305 mm x 50 mm
- Lettering Raised bronze lettering on enamel plaques

- All flowers are to be placed in the flower box provided by Council
- Lawn area of the cemetery is to remain clear of flowers and any other adornment
- Small mementos are allowed on the concrete apron of a grave
- Adornments to sloper desks are not to be attached
- Where requested, sloper desks of granite or marble may be used in place of concrete sloper desks following approval of a Monumental Permit Application lodged with Muswellbrook Shire Council.

Memorial Walls

Installation of Ashes and ordering of plaques is organised solely through Muswellbrook Shire Council. The relevant fees and charges will apply and the application must meet all Council's requirements.

The standard of the bronze plaque for memorial walls will be as follows:

- Material: Bronze with brown stoved enamel finish
- Size: Walls 1 & 2 Muswellbrook and Giants Creek: 152mm (wide) x 114mm (high)
Wall 3 Muswellbrook & Wall 1 Denman: 160mm (wide) x 205mm (high)
- Lettering: Raised bronze lettering
- Edging: Bevelled edge
- Adornments: Approved proprietary brand of flower vase.

Legislation

Cemeteries and Crematoria Act 2015 No 105

Public Health Regulation 2012

Local Government Act 1993

Authorisation Details

Authorised by:	
Minute No:	
Date:	
Review timeframe:	
Department:	
Document Owner:	

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made

12 CORPORATE AND COMMUNITY SERVICES

12.1 MUSWELLBROOK SHIRE COUNCIL APP

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>Genuine and well informed community participation in decision making</i>
Community Plan Goal:	<i>Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.</i>
Community Plan Strategy:	<i>Undertake a comprehensive community consultation program as per the Community Engagement Strategy.</i>

PURPOSE

To gauge Council's interest in pursuing the development of a dedicated Muswellbrook Shire Council App to support Council's communication and engagement with the community.

OFFICER'S RECOMMENDATION

Council authorises the General Manager to pursue the development of a Muswellbrook Shire Council App to support Council's communication and engagement with the community.

Moved: _____ **Seconded:** _____

BACKGROUND

In response to a request from the Councillor Spokesperson for Community Engagement in reference to Tamworth Regional Council's MyTRC App, the following report has been prepared to outline the indicative financial and associated resources required for the development and ongoing management of a Muswellbrook Shire Council App.

CONSULTATION

External

Director Corporate and Governance, Tamworth Regional Council
Civica Account Manager

Internal

Chief Financial Officer
Manager Integrated Planning, Risk & Governance
Corporate Lawyer
Team Leader Information Services
Coordinator Customer Service & Administration
Design & Publications Officer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Reynolds, Councillor Spokesperson for Community Engagement.

REPORT

Tamworth Regional Council engages with its community via a dedicated App (MyTRC). Originally developed in 2017, the App underwent a program of enhancements in 2019 to expand its functionality.

In response to Council's inquiries to Tamworth Regional Council regarding the resource allocation required for the development and ongoing maintenance/ management of the MyTRC App, the following advice was provided:

Resource allocation for development of MyTRC (approximate values)

- cost of the App – \$30-35k/annum
- Graphic Design staff (0.5FTE for two months)
- Communications Staff – (0.5FTE for three months)
- IT Staff (BA) – 1 FTE six months
- IT Staff (tech) - 1 FTE four months
- Management input as required
- business users as required

Ongoing resource allocation for maintenance of MyTRC (approximate values)

- cost of the App – \$30-35k/annum
- reviewing / updating information – 2-3 hrs/week (not every week)
- costs of upgrades vary according to the new functionality added

Breakdown of in-house and outsourced components of App development

- App was developed by an external service provider
- In house tech staff developed waste calendar and web pages as required

Description of App functionality

- ability to lodge service requests and report issues (highlights top issues for reporting) – automatically sends text/email to acknowledge lodgement and provides customer with reference id.
- publishes current dam levels
- publishes current water restrictions
- links to website for latest news
- links to Community Engagement platform
- publishes waste collection days and sends notifications to remind customers the day before
- displays contact details
- displays Sporting field status (Open/Closed etc.)

Council currently addresses some of the functionality provided by the MyTRC App with a mobile accessible Online Services Portal. The ongoing redevelopment of Council's website includes mobile accessibility, which will therefore address the majority of the remaining functionality provided by the MyTRC App.

However, a dedicated Council App has the potential to provide additional functionality including:

1. Ability for users to download the App from a familiar source ie the AppStore;
2. Constant visibility of Council's brand on users' mobile devices;

3. Instant access to content at one touch via links within the App to Council's website and Online Service Portal;
4. Council's ability to issue instant updates (eg changes to Council service operations due to COVID-19 Public Health Orders) or push notifications tailored to users' interests (eg Australia Day Award Nominations opening and closing dates and/or bulk waste collection dates).

There are members of the community for whom primary access to information is through use of their telephones and other mobile devices. It is possible that the roll out and ongoing investment in the maintenance of an app would improve community awareness of Council news and information, and contribute to an increase in the reporting of service requests and interaction between Council and the community more broadly.

OPTIONS

- 1) Council authorises the General Manager to pursue the proposal further;
- 2) Council opts to continue utilising the existing Online Services Portal and Council website to address Council's communication and community engagement requirements;

CONCLUSION

Although Council currently addresses the majority of the functionality offered by the MyTRC App, a dedicated Muswellbrook Shire Council App has the potential to provide additional functionality and is recommended for further investigation by Council staff.

SOCIAL IMPLICATIONS

The roll out and maintenance of a dedicate mobile device app may improve the interactions Council has with its communities and build awareness of factual information through direct communication between Council and members of the public.

FINANCIAL IMPLICATIONS

Financial commitment for development and ongoing maintenance and management of the MyTRC App is estimated at \$30,000 to \$35,000 per year. No budget allocation has been identified at this stage of the investigation into the roll out of such an app.

POLICY IMPLICATIONS

Investigation of the roll out of such an app presents no known policy implications. Should Council proceed it would be consistent with Council's Community Engagement Strategy.

STATUTORY IMPLICATIONS

There are no known statutory implications.

LEGAL IMPLICATIONS

There are no known legal implications.

OPERATIONAL PLAN IMPLICATIONS

Investigation of the roll out of such an app presents no known Operational Plan implications. Should Council proceed it would be consistent with Council's Operational Plan.

RISK MANAGEMENT IMPLICATIONS

There are no identified risk management implications at this stage and none expected should Council approve further investigation into the roll out of such an app. The roll out of an app as described may improve Council's reputation as a local authority within its community.

12.2 2019/2020 OPERATIONAL PLAN 30 JUNE QUARTERLY REVIEW

Attachments:	A. 2019-20 Operational Plan Q4 Council Review - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
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 2019/2020 Operational Plan has been reviewed over the months of 1 April 2020 to 30 June 2020.

OFFICER'S RECOMMENDATION

The 2019/2020 Operational Plan Review dated 30 June 2020 be noted.

Moved: _____ Seconded: _____





BACKGROUND

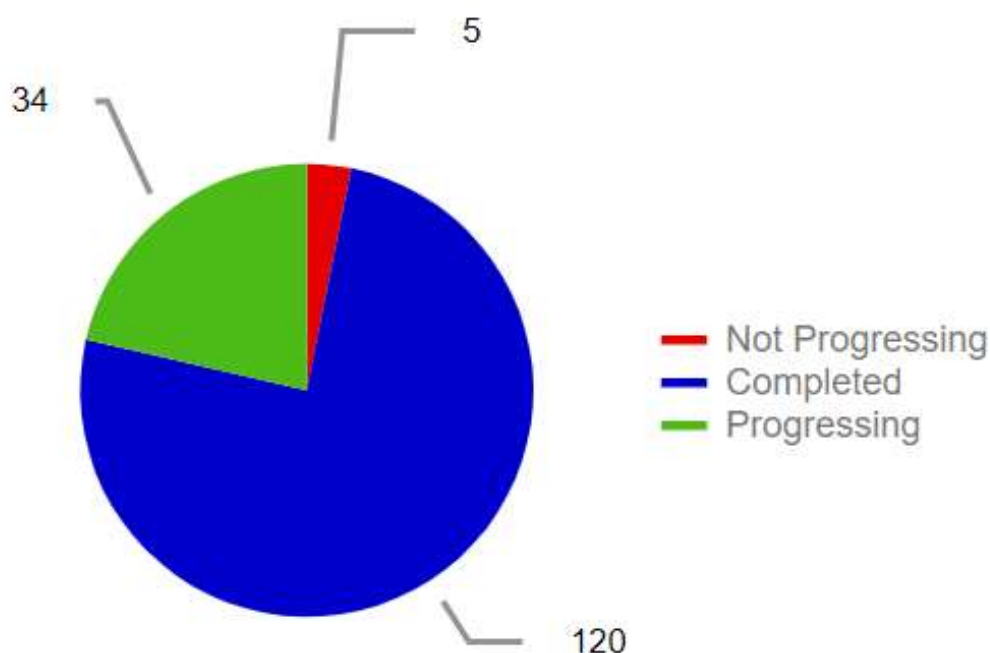
The *Local Government Act 1993* requires Council to review its Operational Plan.

REPORT

Please refer to the Q4 2019-2020 Council Review (attached under separate cover) for the full Operational Plan review for the period to 30 June 2020.

Following, are overview charts indicating the status of Operational Plan items by Principal Activity Area.

Overall - of the 159 activities:	
	3% are not progressing;
	0% are not due to start;
	21% are progressing;
	76% 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 did not progress during March 2020, due to the limitations of the Public Health Order current at that time. Instead planning continues for events which will possibly be held in October/November, 2020 as restrictions are reduced.
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 finalised 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	The continual closure of the Denman and Muswellbrook Aquatic Centres due to Covid 19 restrictions has halted the service deliveries in age appropriate activities at both Centres. Attendance had increased approximately 2.5% during 2019/20.
16.1.2 Seek funding to review Council's Heritage Inventory 1996	Council continues to seek NSW State funding to progress a review of the Heritage Inventory
19.3.7 Undertake a comprehensive review of Council's Development Contribution Plans	A full review of Council's Development Contributions Plans is scheduled for 2020/2021

The actions reported as **progressing** are as follows:

ACTION	STATUS
1.1.1 Complete refurbishment work on the Innovation Hub.	Development Approval for refurbishment work awarded at the June 2020 Ordinary Council Meeting following Heritage Council general terms of approval. Architect to be engaged for detailed design, and draft construction documentation being prepared for tender.
2.2.5 Development of comprehensive investment prospectus.	The Upper Hunter regional website is now live and provides a virtual overview of the economic opportunity in the Muswellbrook Shire.
2.2.6 Implementation of key recommendations in the Upper Hunter Tourism Strategy.	Progress in implementation of the Upper Hunter Tourism Strategy has been limited in 2020 due to COVID-19.
2.3.1 Finalise the Local Strategic Planning Statement (LSPS)	Council resolved to exhibit the Draft Local Strategic Planning Statement at the on 30 June 2020 Meeting.
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	Preliminary parking survey work for the Muswellbrook Town Centre is being undertaken by Community Infrastructure.
2.4.4 Construct additional gateway access to Olympic Park	Review of Environmental Factors is being prepared together with bridge concept options for Council's consideration.
2.5.1 Develop an Agribusiness Development Strategy for Upper Hunter.	The focus of council's work to extend intensive agribusiness in the Shire has been focused on an application to the Growing Local Economies fund to construct a new water pipeline between Denman and Sandy Hollow to provide water security to support the development of intensive agribusiness in the west of the Muswellbrook Shire.
2.5.2 Develop strategy for 'Food Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism	The Food Upper Hunter project has been impacted by the drought, bushfires and then coronavirus. Resources have been allocated to working on projects to support existing small businesses. The new Upper Hunter Website, now live promotes existing industry and business. Muswellbrook Shire Council is working with Upper Hunter Council on extending and expanding the Buy Local campaign.
3.1.1 Construct the Upper Hunter Innovation Precinct - Stage 2.	Development Approval for works awarded at the June 2020 Ordinary Council Meeting following Heritage Council general terms of approval. Architect to be engaged for detailed design, and draft construction documentation being prepared for tender.

ACTION	STATUS
5.5.5 Construction of Hunter Beach project	Review of Environmental Factors and Geotech engaged and investigations underway. Drainage consultant commenced. Package of works to be composed and prepared based on consultants findings to prepared early in the new financial year.
5.5.6 Support the expansion of the Hunter Park Family Centre during their planning phase	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, the Covid19 pandemic slowed the delivery of this program and both organisations concentrated on different operating protocols and foci due to the Public Health Order.
5.6.3 Include responsive adaptive actions in the Information Services Strategy	Implemented Minecast and Crowd Strike, these are both next generation platforms and will set council up for a transition to cloud based infrastructure in the future. AP work flow has been order and due to completed in the second half of the Year.
5.6.4 Implementation of Disaster Recovery infrastructure and the review of Disaster Recovery Plan	Further fine tuning and incremental improvements being made to improved the system where possible. Plan in development.
5.6.5 Continued implementation of Asset Management System phase 2 - financial components.	The major asset classes have been successfully uploaded in the Asset Management System. Further progress has slowed down due to the departure of a key resource. Progress will resume in 2020/21.
5.6.7 That the needs of people with varying abilities are a constant consideration in Council's plans and strategies.	Council's style guide is nearing completion and will be launched in the later half of 2020.
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.	Work on the Children's Services plan did not continue to finalisation during 2020.
10.2.1 Work with the Aboriginal community to improve access to cultural and educational activities.	The development of the Aboriginal Reconciliation Action plan has been considered and discussions held with the Aboriginal Community regarding a Community Cultural Hub. These discussion have been suspended ceased, the development of an Aboriginal Treaty has commenced with the Aboriginal Community.

ACTION	STATUS
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 Local Strategic Planning Statement is on exhibition and progressing in consultation with the NSW Department of Planning.
14.1.3 Seek funding to deliver the Muswellbrook Shire Renewable Energy Action Plan	Projects currently on hold waiting for development of new sites e.g. Animal Shelter & Sustainability Hub.
14.1.5 Conduct a community education program to reduce the volume of food and green waste.	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	Collecting data for all Council activities difficult, considering starting with discrete sites where water use is monitored
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	Grant funding for removal of weed trees that attract Flying Foxes. .
16.1.1 Complete the adaptive reuse works of Loxton House.	Development Approval for refurbishment work awarded at the June 2020 Ordinary Council Meeting following Heritage Council general terms of approval. Architect to be engaged for detailed design, and draft construction documentation being prepared for tender.
16.3.1 Funding allocation for heritage conservation and restoration is made available annually through the Local Heritage Grants Fund	Two grant projects completed.
19.3.1 Design and construct the New Animal Care Facility	Development application is being progressed as per the adopted master plan and is expected to be considered by Council in August.
19.3.8 Muswellbrook Bypass is Built	The Muswellbrook bypass committee meets regularly to work with Transport for NSW on planning for the Bypass and to plan for the Bridge Street upgrade post the Bypass. Council meets with Transport for NSW for briefings on progress on the Muswellbrook Bypass project and is confident the Bypass will be delivered in 2026.

ACTION	STATUS
22.1.8 Develop Climate Change Resilience Policy	A Climate Change Resilience Policy is currently in development and is anticipated for completion during the first half of 2020-21.
23.1.1 Continue a comprehensive community consultation program as per the Community Engagement Strategy.	Council undertook community consultation in relation to all community infrastructure projects and a community survey and forum in relation to the new Aquatic Centre.
24.2.10 Continue to review, update and revoke policies in accordance with the policy framework management strategy	Policy reviews are continuing in line with the policy framework management strategy and available resources.
24.2.12 Implement the Muswellbrook Shire Council Workforce Plan 2017-2021	The workforce plan of 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 2019 Performance appraisal system was completed by 100% of staff and staff are currently completing the 2020 review. 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 continue to be added to the Pulse Learning program and now HR will be working on putting together a complete 12 month training plan with budget allocations.
25.1.1 Construct a new Works Depot with consideration of opportunities for operational efficiencies	Preliminary concept design progressing for planning approval.

12.3 AUTHORISATION PURSUANT TO SECTION 226 OF THE LOCAL GOVERNMENT ACT 1993

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Joshua Brown - Manager - Integrated Planning & Governance
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Effective governance of Muswellbrook Shire</i>

PURPOSE

To advise of the Mayor's exercise of his delegation under section 226(d) of the *Local Government Act 1993* (NSW).

OFFICER'S RECOMMENDATION

Council note the information provided.

Moved: _____ **Seconded:** _____

BACKGROUND

Section 226 (d) of the *Local Government Act 1993* provides for the Mayor to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council. Since the last ordinary meeting of the Council, the Mayor has exercised his delegation on three occasions.

CONSULTATION

General Manager

REPORT

The authorisation was made on 28 July 2020 to engage Collins & Turner Architects as the Principal Design Consultant to allow Council to fulfil the grant requirements under the Infrastructure NSW funding agreement for the Tertiary Education Centre – Stage 2 Project. The reason for urgency was to ensure the condition of the agreement was met before 30 July 2020. Council was not scheduled to meet again until August 2020.

CONCLUSION

It is recommended that Council notes the information provided in the report.

12.4 MEW MODEL CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT

Attachments:	A. New Model Code of Conduct and Procedures - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Joshua Brown - Manager - Integrated Planning & Governance
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

Council is required to review and adopt a new Model Code of Conduct.

OFFICER'S RECOMMENDATION

Council adopts the new Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct.

Moved: _____ **Seconded:** _____

BACKGROUND

Pursuant to s440 of the *Local Government Act 1993* (the Act), the Office of Local Government has issued an updated Model Code of Conduct for Local Councils in NSW (**Code**) and Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (**Procedures**). The new Code and Procedures were gazetted on 7 August 2020 and prescribed on 14 August 2020.

The new Code increases the powers of the Office of Local Government (OLG) to impose penalties, suspend the payment of fees, and to disqualify from office councillors in breach of the code.

CONSULTATION

General Manager

Corporate Lawyer

REPORT

The Model Code of Conduct is prescribed under section 440 of the *Local Government Act 1993* (**the Act**) and the Regulation. Council's current Code of Conduct and Procedure are the Model Code and Procedure that OLG released in 2018.

The new 2020 Model Code and Procedures have now been prescribed under the Regulation, and Council is required to adopt them.

Council's Corporate Lawyer has made the following observations with respect to the new Model Code and Procedure.

The primary amendment to the Model Code of Conduct is that cl 9.9 of the 2018 Model Code has been deleted. That clause read: "9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code."

Grounds of harassment and discrimination

In clause 3.6 of the New Model Code, the grounds of harassment and unlawful discrimination have been refined to remove reference to '*domestic status*' (which has been replaced with '*marital or relationship status*'), '*homosexuality*' (which has been replaced with '*sexual orientation*'), '*transgender status*' (which has been replaced with '*gender identity or intersex status*'), '*carer's responsibilities*' (which has been replaced with '*family responsibilities*'), and '*infectious disease*' (which has been removed completely). The meaning of the ground of '*race*' is also set out with more specificity, with additional detail as to its meaning provided in parentheses.

Clause 3.6 of the New Model Code now reads as follows:

'You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.'

Gifts and benefits

Part 6 of the New Model Code covers gifts and benefits.

In clause 6.2, two further items have been added to the items that **do not** constitute a gift or benefit under Part 6 of the New Model Code. These are:

- items with a value of \$10 or less, and
- a benefit or facility provided by the council to an employee or councillor.

The monetary value limit for gifts and benefits to be considered of token value has been **increased from \$50 to \$100** inclusive of GST (see clauses 6.8-6.11).

Turning to the Model Procedures, the primary amendments are:

- Council is no longer required to establish a panel of conduct reviewers *by resolution* and may, without requiring a council resolution, enter into an arrangement with other councils to share a panel of conduct reviewers (see cll 3.1. and 3.2);
- Council can terminate the panel of conduct reviewers at any time and does not require a resolution to do so (see cl 3.10);
- A slight formal amendment to cl 4.4;
- A slight nomenclature amendment in cl 6.2b);
- In cl 6.22b), a conduct reviewer may determine to investigate a matter only where they are satisfied *inter alia* that "*the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven*". This arguably represents a significant deviation from the "sufficiently serious" test as the corresponding element in the predecessor cl 6.22b);
- Amendments to cl 6.23 in consequence of those made to cl 6.22b);
- Clause 7.36 now prescribes the minimum information which an investigator's final report must contain, as opposed to prescribing the types of recommendations an investigator may make where the conduct investigated is determined to constitute a breach of the code of conduct;
- Clause 7.37 permits an investigator to make certain recommendations in circumstances where the conduct has been determined to constitute a breach of the code of conduct, including disciplinary action or further referral to the OLG for further action;
- Consequential relocation of provisions and amendments to Part 7;
- The insertion of a new cl 7.45 which requires the referral of the investigator's report to the OLG instead of reporting it to Council if it is apparent to the complaints coordinator that the Council will not be able to form a quorum to consider the report;

- Council's powers to impose sanctions upon an infringing party, following consideration of a final investigation report, have been curtailed by cl 7.58 (which replaces cl 7.59 in the 2018 Model Code);
- Clause 8.19 inserts new and more stringent procedural requirements for Council to meet where the OLG recommends that a Council decision to impose a sanction be reviewed.
- the minimum time period for the provision of written submissions by complainants, respondents and affected persons to an investigator has been amended to '*a period of not less than 14 days*' (see clauses 7.4(e), 7.7, 7.8(c), 7.27 and 7.28).

The 2020 Model Procedures funnels disciplinary action for breaches of the Code of Conduct (where such a breach has been made out) down one of three paths:

- in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or;
- in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the Act, or;
- in the case of a breach by a councillor, that:
 - the councillor be formally censured for the breach under section 440G of the Act, and
 - the matter be referred to the Office for further action under the misconduct provisions of the Act.

The remainder of the amendments appear to be an attempt to streamline the processes and to ameliorate some poor drafting in the previous iteration.

OPTIONS

Council must adopt the proposed Model Code of Conduct and Procedures.

CONCLUSION

It is recommended that Council adopts the proposed Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

The *Local Government Act 1993* requires Council to adopt the Model Code of Conduct and Procedure.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

The Model Code and Procedure will reduce Council's governance risk.

12.5 REPORT ON INVESTMENTS HELD AS AT 31 JULY 2020

Attachments:	A. Investment Portfolio and Cash as at 31 July 2020 B. Issuer Trading Limits as at 31 July 2020
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

PURPOSE

To present the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

The information showing Council's investments as at 31 July 2020 be noted.

Moved: _____ Seconded: _____

REPORT

Clause 212 (1) of the Local Government (General) Regulation 2005, requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

The funds, invested under Section 625 of the Local Government Act, as at 31 July 2020 are shown in the attachments.

COMMENT:

As at 31 July 2020, there are four issuers whose individual portfolio trading limits have been exceeded. Overall, however, none of the security rating group trading limits have been exceeded and on that basis, it is recommended that special action is not taken to resolve these individual trading limit discrepancies.

The three issuers are noted in the table below:

Issuer name	Trading limit exceeded (\$)	Trading limit exceeded (%)	Type of security	Detail
AMP Bank Ltd	\$334k	6%	Term deposit	The earliest-maturing holding is a \$1m term deposit which matures on 07 August 2020. It is recommended that Council allows this issuer to remain in discrepancy as this security offers some of Council's better yielding interests and overall Council's security rating group trading limits have not been exceeded.

Issuer name	Trading limit exceeded (\$)	Trading limit exceeded (%)	Type of security	Detail
Bank of Queensland Ltd	\$334k	6%	Floating Rate Note	The earliest-maturing holding is a \$1m floating rate note which matures on 26 October 2020. It is recommended that Council allows this issuer to remain in discrepancy as this security offers some of Council's better yielding interests and overall Council's security rating group trading limits have not been exceeded.
Bendigo and Adelaide Bank Ltd	\$334k	6%	Floating Rate Note	The earliest-maturing holding is a \$3m floating rate note which matures on 18 August 2020. It is recommended that Council allows this issuer to remain in discrepancy as this security offers some of Council's better yielding interests and overall Council's security rating group trading limits have not been exceeded.
Members Equity Bank Ltd	\$334k	6%	At call account	There was \$3m parked in a ME Bank "at call account" because the interest rate offered was 0.85% vs 0.34% for Council's day-to-day account. This will be resolved next month.

Council's weighted running yield is 1.43% 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		3,030,000.00	1.00000000	3,030,000.00	100.000	0.000	3,030,000.00	5.31%	0.85%	
	Westpac Bus Prem At Call		126,059.31	1.00000000	126,059.31	100.000	0.000	126,059.31	0.22%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.18%	0.34%	
			3,256,059.31		3,256,059.31			3,256,059.31	5.71%		0.81%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	102.455	0.679	2,578,350.00	4.52%	1.68%	
			2,500,000.00		2,500,000.00			2,578,350.00	4.52%		1.68%
Floating Rate Deposit											
	ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.036	1,000,356.79	1.75%	1.30%	
			1,000,000.00		1,000,000.00			1,000,356.79	1.75%		1.30%
Floating Rate Note											
	AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	100.100	0.165	2,005,300.00	3.51%	1.18%	
	Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	1,000,000.00	1.00000000	1,000,000.00	100.125	0.284	1,004,090.00	1.76%	1.21%	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.285	0.139	2,008,480.00	3.52%	1.15%	
	BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	1,000,000.00	1.00000000	1,000,000.00	100.210	0.014	1,002,240.00	1.76%	1.27%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.566	0.227	1,007,930.00	1.77%	1.11%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	101.167	0.276	507,215.00	0.89%	1.15%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	101.206	0.034	1,012,400.00	1.77%	1.13%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	101.369	0.003	506,860.00	0.89%	1.20%	
	BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	3,000,000.00	1.00000000	3,000,000.00	100.040	0.243	3,008,490.00	5.27%	1.19%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	101.257	0.013	506,350.00	0.89%	1.15%	
	CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	101.048	0.292	1,013,400.00	1.78%	2.05%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.848	0.192	1,515,600.00	2.66%	1.35%	
	CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	100.330	0.023	1,505,295.00	2.64%	1.22%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.050	0.189	1,002,390.00	1.76%	1.03%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	101.816	0.099	2,038,300.00	3.57%	1.04%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	101.388	0.355	508,715.00	0.89%	1.48%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	100.919	0.293	4,554,540.00	7.98%	1.22%	
	Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.399	0.161	1,508,400.00	2.64%	1.50%	
	Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.885	0.202	758,152.50	1.33%	1.60%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.349	0.178	2,010,540.00	3.52%	1.25%	
	RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	100.720	0.250	1,009,700.00	1.77%	1.60%	
	SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	4,000,000.00	1.00000000	4,000,000.00	100.229	0.041	4,010,800.00	7.03%	1.33%	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	101.234	0.222	1,014,560.00	1.78%	1.14%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	650,000.00	1.00000000	650,000.00	100.535	0.003	653,497.00	1.15%	0.97%	
			35,400,000.00		35,400,000.00			35,673,244.50	62.51%		1.26%

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
Term Deposit										
AMP 1.75 07 Aug 2020 122DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.551	1,005,513.70	1.76%	1.75%	
AMP 1.65 29 Oct 2020 183DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.420	2,008,408.22	3.52%	1.65%	
AMP 1.6 30 Nov 2020 185DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.276	1,002,761.64	1.76%	1.60%	
Auswide 1.55 10 Nov 2020 180DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.331	1,504,968.50	2.64%	1.55%	
BOQ 1.5 30 Oct 2020 178DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.358	1,003,575.34	1.76%	1.50%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.363	1,003,632.88	1.76%	3.40%	
ME Bank 1.4 13 Nov 2020 184DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.303	3,009,090.42	5.27%	1.40%	
MYS 1.8 17 Sep 2020 182DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.661	2,013,216.44	3.53%	1.80%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.377	2,007,543.56	3.52%	3.53%	
		14,500,000.00		14,500,000.00			14,558,710.70	25.51%		1.98%
Fixed Interest Total		56,656,059.31		56,656,059.31			57,066,721.30	100.00%		1.43%

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		31 Jul 2020	31 Dec 2020	3,030,000.00	1.00000000	3,030,000.00	100.000	0.000	3,030,000.00	5.31%	LC92657	
Westpac Bus Prem At Call		31 Jul 2020	31 Dec 2020	126,059.31	1.00000000	126,059.31	100.000	0.000	126,059.31	0.22%	LC92495	
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	0.18%	LC64506	
				3,256,059.31		3,256,059.31			3,256,059.31	5.71%		
Fixed Rate Bond												
BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	9 Jun 2020	6 Sep 2024	2,500,000.00	1.00000000	2,500,000.00	102.455	0.679	2,578,350.00	4.52%	LC88979	
				2,500,000.00		2,500,000.00			2,578,350.00	4.52%		
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	0.036	1,000,356.79	1.75%	LC37873	
				1,000,000.00		1,000,000.00			1,000,356.79	1.75%		
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	100.100	0.165	2,005,300.00	3.51%	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	100.125	0.284	1,004,090.00	1.76%	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	100.285	0.139	2,008,480.00	3.52%	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	100.210	0.014	1,002,240.00	1.76%	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	100.566	0.227	1,007,930.00	1.77%	LC54760	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	5 Feb 2018	3 Feb 2023	500,000.00	1.00000000	500,000.00	101.167	0.276	507,215.00	0.89%	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	101.206	0.034	1,012,400.00	1.77%	LC74377	
BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	2 Jun 2020	30 Oct 2024	500,000.00	1.00000000	500,000.00	101.369	0.003	506,860.00	0.89%	LX88585	
BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	24 Oct 2017	18 Aug 2020	3,000,000.00	1.00000000	3,000,000.00	100.040	0.243	3,008,490.00	5.27%	LC52384	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	25 Jan 2018	25 Jan 2023	500,000.00	1.00000000	500,000.00	101.257	0.013	506,350.00	0.89%	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	101.048	0.292	1,013,400.00	1.78%	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	100.848	0.192	1,515,600.00	2.66%	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	100.330	0.023	1,505,295.00	2.64%	LX80050	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	24 Feb 2020	24 Feb 2023	1,000,000.00	1.00000000	1,000,000.00	100.050	0.189	1,002,390.00	1.76%	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	101.816	0.099	2,038,300.00	3.57%	LX84919	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	21 Nov 2019	6 Feb 2023	500,000.00	1.00000000	500,000.00	101.388	0.355	508,715.00	0.89%	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	100.919	0.293	4,554,540.00	7.98%	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	100.399	0.161	1,508,400.00	2.64%	LC56706	
Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	14 Dec 2018	14 Dec 2021	750,000.00	1.00000000	750,000.00	100.885	0.202	758,152.50	1.33%	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	100.349	0.178	2,010,540.00	3.52%	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	100.720	0.250	1,009,700.00	1.77%	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	100.229	0.041	4,010,800.00	7.03%	LC52427	

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
UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	21 May 2020	21 Nov 2022	1,000,000.00	1.00000000	1,000,000.00	101.234	0.222	1,014,560.00	1.78%	LC87881	
UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	30 Jul 2020	30 Jul 2025	650,000.00	1.00000000	650,000.00	100.535	0.003	653,497.00	1.15%	LX91825	
				35,400,000.00		35,400,000.00			35,673,244.50	62.51%		
Term Deposit												
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	0.551	1,005,513.70	1.76%	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	0.420	2,008,408.22	3.52%	LC86511	
AMP 1.6 30 Nov 2020 185DAY TD		29 May 2020	30 Nov 2020	1,000,000.00	1.00000000	1,000,000.00	100.000	0.276	1,002,761.64	1.76%	LC88554	
Auswide 1.55 10 Nov 2020 180DAY TD		14 May 2020	10 Nov 2020	1,500,000.00	1.00000000	1,500,000.00	100.000	0.331	1,504,968.50	2.64%	LC87856	
BOQ 1.5 30 Oct 2020 178DAY TD		5 May 2020	30 Oct 2020	1,000,000.00	1.00000000	1,000,000.00	100.000	0.358	1,003,575.34	1.76%	LX86912	
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	0.363	1,003,632.88	1.76%	LC38034	
ME Bank 1.4 13 Nov 2020 184DAY TD		13 May 2020	13 Nov 2020	3,000,000.00	1.00000000	3,000,000.00	100.000	0.303	3,009,090.42	5.27%	LC87793	
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	0.661	2,013,216.44	3.53%	LX84950	
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	0.377	2,007,543.56	3.52%	LC51535	
				14,500,000.00		14,500,000.00			14,558,710.70	25.51%		
Fixed Interest Total				56,656,059.31		56,656,059.31			57,066,721.30	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 Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or 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	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	100.00	0.00	0	6.00	334,394
ANZ Banking Group Ltd	AA+ to AA-		1,000,000.00	Book	30.00	% of 56,656,059.31	16,996,817.79	6.00	94.00	15,996,818	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	79.00	21.00	1,165,606	0.00	0
Bank of Queensland Ltd	A+ to A-		6,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	100.00	0.00	0	6.00	334,394
Bendigo & Adelaide Bank Ltd	A+ to A-		6,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	100.00	0.00	0	6.00	334,394
Credit Suisse Sydney	A+ to A-		1,000,000.00	Book	20.00	% of 56,656,059.31	11,331,211.86	9.00	91.00	10,331,212	0.00	0
Credit Union Australia Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	53.00	47.00	2,665,606	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	18.00	82.00	4,665,606	0.00	0
Members Equity Bank Ltd	BBB+ to BBB-		6,030,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	100.00	0.00	0	6.00	364,394
MyState Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	35.00	65.00	3,665,606	0.00	0
National Australia Bank Ltd	AA+ to AA-		2,000,000.00	Book	30.00	% of 56,656,059.31	16,996,817.79	12.00	88.00	14,996,818	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	88.00	12.00	665,606	0.00	0
P&N Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	35.00	65.00	3,665,606	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		4,250,000.00	Book	10.00	% of 56,656,059.31	5,665,605.93	75.00	25.00	1,415,606	0.00	0
Rabobank Nederland Australia Branch	AA+ to AA-		1,000,000.00	Book	20.00	% of 56,656,059.31	11,331,211.86	9.00	91.00	10,331,212	0.00	0
Suncorp Bank	A+ to A-		4,000,000.00	Book	20.00	% of 56,656,059.31	11,331,211.86	35.00	65.00	7,331,212	0.00	0
UBS Australia Ltd	AA+ to AA-		1,650,000.00	Book	20.00	% of 56,656,059.31	11,331,211.86	15.00	85.00	9,681,212	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		226,059.31	Book	30.00	% of 56,656,059.31	16,996,817.79	1.00	99.00	16,770,768	0.00	0
			56,656,059.31				158,636,966.07			103,348,484		1,367,576

2 Security Rating Group Trading Limits

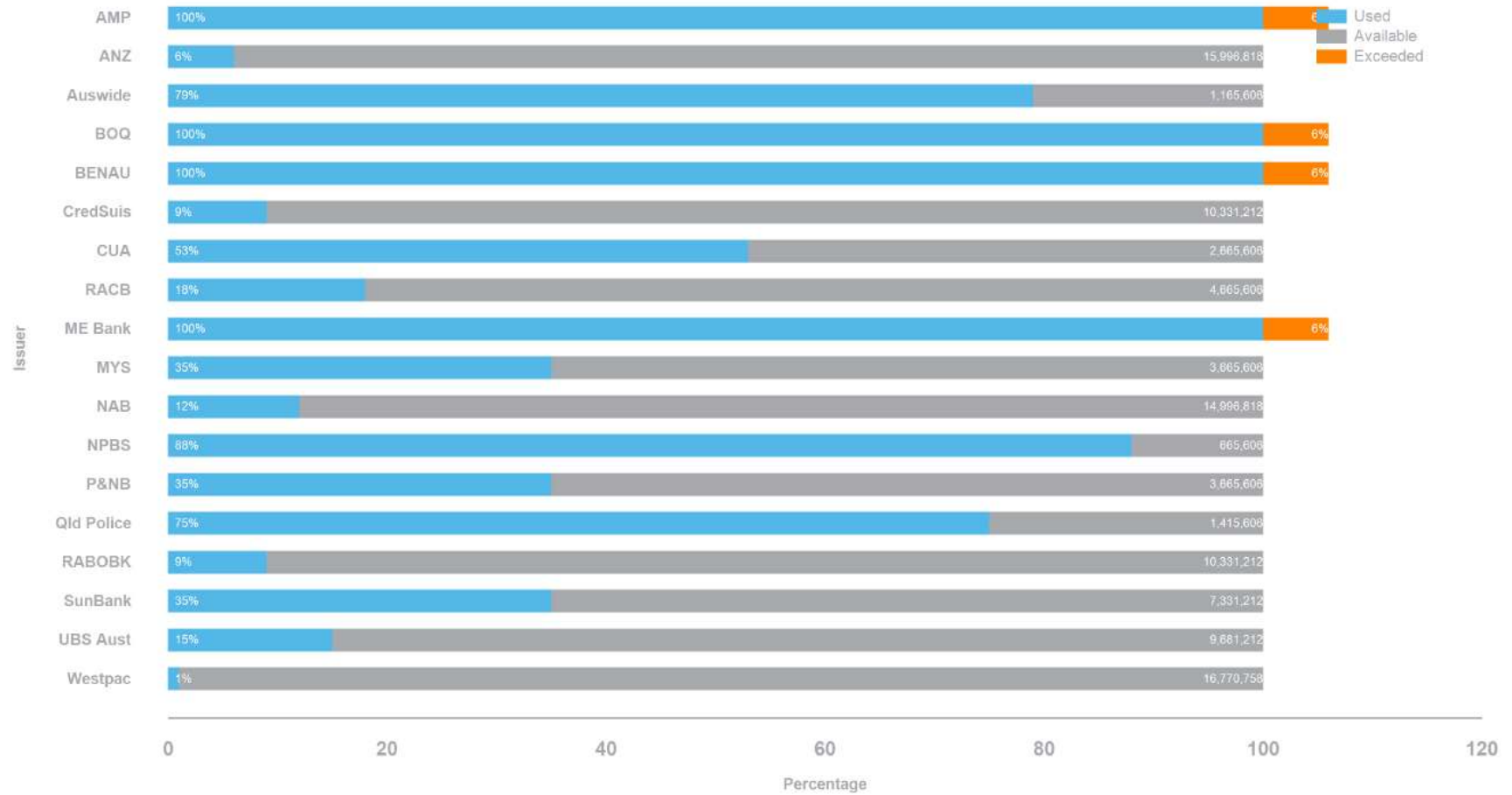
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 56,656,059.31	56,656,059.31	5.00	95.00	53,656,059	0.00	0
A+ to A-	5,150,000.00	Book	70.00	% of 56,656,059.31	39,659,241.52	13.00	87.00	34,509,242	0.00	0
A1+	226,059.31	Book	100.00	% of 56,656,059.31	56,656,059.31	0.00	100.00	56,430,000	0.00	0
A1	6,000,000.00	Book	70.00	% of 56,656,059.31	39,659,241.52	15.00	85.00	33,659,242	0.00	0
A2	19,500,000.00	Book	60.00	% of 56,656,059.31	33,993,635.59	57.00	43.00	14,493,636	0.00	0
A3	1,500,000.00	Book	60.00	% of 56,656,059.31	33,993,635.59	4.00	96.00	32,493,636	0.00	0
BBB+ to BBB-	21,280,000.00	Book	60.00	% of 56,656,059.31	33,993,635.59	63.00	37.00	12,713,636	0.00	0
	56,656,059.31				294,611,508.41			237,955,451		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	30,256,059.31	Book	100.00	% of 56,656,059.31	56,656,059.31	53.00	47.00	26,400,000	0.00	0
1-3 Year	13,750,000.00	Book	100.00	% of 56,656,059.31	56,656,059.31	24.00	76.00	42,906,059	0.00	0
3-5 Year	12,650,000.00	Book	100.00	% of 56,656,059.31	56,656,059.31	22.00	78.00	44,006,059	0.00	0
	56,656,059.31				169,968,177.93			113,312,116		0

Issuer Trading Limits






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Report Code: TSSBP125EXT-00.18
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 July 2020
Balance Date: 17 August 2020 (but 31 Jul 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

12.6 JULY 2020 MONTHLY FINANCIAL REPORT

Attachments:	A. July 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 Council's approved budget at an organisational level for the month ending 31 July 2020.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 31 July 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 July 2020

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 8% target	YTD Actuals	July Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(2,076,430)	-102%	2,116,732	2,116,732	(1323%)	
less SRV budgeted profit	(1,017,305)		42,188	42,188		
SRV adjusted Grand Total	(1,059,125)		2,074,544	2,074,544		

Revenue

Rates and Charges	(21,576,792)	0%	0	0	(100%)	100% of the annual rates and charges are booked in the system in August 2020.
User Charges and Fees	(7,379,255)	1%	(107,120)	(107,120)	(82%)	\$499k YTD budget deficit driven by individual work orders (\$64k), mixed waste (\$176k), DECCW levy (\$124k), Upper Hunter shire fees (\$35k), Aquatic Centre (\$62k).
Interest and Investments Revenues	(626,971)	-6%	39,669	39,669	(177%)	\$40k debit balance is a result of the reversal of accrued interest as at 30 June 2020.
Other Revenues	(2,873,561)	6%	(161,661)	(161,661)	(32%)	\$75k YTD budget deficit mainly driven by lower than budgeted plant cost recovery (\$68k).
Operating Grants and Contributions	(7,385,954)	5%	(377,869)	(377,869)	(38%)	\$229k YTD budget deficit mainly due to the timing of receiving the Financial Assistance Grant.
Internal Revenue	(7,195,717)	4%	(305,730)	(305,730)	(48%)	
Total Revenue	(47,038,250)	2%	(912,711)	(912,711)	(76%)	

Expenses

Wages and Salaries	12,328,362	7%	919,584	919,584	9%	There are YTD wages overruns in some individual areas, eg. Economic Development, Environmental Planning, Cultural, Roads & Drainage - Works, Property & Building Services, Recreation, Technical Services.
Materials and Contracts	16,176,905	4%	656,392	656,392	51%	
Other Costs	3,285,563	18%	588,072	588,072	(118%)	\$318k YTD overspend due to the payment of annual insurance.
Borrowing Costs	1,365,639	0%	0	0	100%	
Overheads	2,241,734	7%	151,811	151,811	18%	
Depreciation	9,563,617	7%	713,584	713,584	9%	
Total Expenses	44,961,820	7%	3,029,443	3,029,443	18%	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 31 July 2020

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 8% target	YTD Actuals	July Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	0	#DIV/0!	408,964	408,964	#DIV/0!	

Revenue

Rates and Charges	(1,637,172)	0%	0	0	(100%)	100% of the annual water rates are booked in the system in August 2020.
User Charges and Fees	(4,169,994)	0%	(4,854)	(4,854)	(99%)	This is a timing issue as the water bills will not be issued until late September 2020.
Interest and Investments Revenues	(305,166)	-7%	22,256	22,256	(189%)	\$22k debit balance is a result of the reversal of accrued interest as at 30 June 2020.
Operating Grants and Contributions	(36,790)	0%	0	0	(100%)	No grants have been received.
Total Revenue	(6,149,122)	0%	17,402	17,402	(103%)	

Expenses

Wages and Salaries	1,001,421	8%	75,697	75,697	8%
Materials and Contracts	1,327,849	2%	29,659	29,659	73%
Other Costs	310,292	6%	19,665	19,665	23%
Borrowing Costs	83,791	0%	0	0	100%
Overheads	1,492,132	7%	111,011	111,011	9%
Depreciation	1,933,637	8%	155,530	155,530	2%
Total Expenses	6,149,122	6%	391,562	391,562	23%

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 31 July 2020

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 8% target	YTD Actuals	July Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	0	#DIV/0!	404,184	404,184	#DIV/0!	

Revenue

Rates and Charges	(4,639,141)	0%	0	0	(100%)	100% of the annual sewer rates are booked in the system in August 2020.
User Charges and Fees	(502,682)	0%	0	0	(100%)	No sewer effluent reuse revenue or other sewer revenue has been raised in July 2020.
Interest and Investments Revenues	(64,063)	-10%	6,583	6,583	(225%)	\$7k debit balance is a result of the reversal of accrued interest as at 30 June 2020.
Operating Grants and Contributions	(35,875)	0%	0	0	(100%)	No grants have been received.
Total Revenue	(5,241,761)	0%	6,583	6,583	(102%)	

Expenses

Wages and Salaries	832,043	9%	74,709	74,709	(9%)	Wages are \$6k over YTD budget due to overtime.
Materials and Contracts	689,507	1%	9,392	9,392	83%	
Other Costs	324,367	12%	38,891	38,891	(46%)	\$12k over YTD budget due to the payment of annual insurance.
Borrowing Costs	726,218	8%	56,181	56,181	6%	
Overheads	816,725	8%	68,061	68,061	(1%)	
Depreciation	1,852,901	8%	150,367	150,367	1%	
Total Expenses	5,241,761	8%	397,601	397,601	8%	

Muswellbrook Shire Council
Future Fund
For the Month Ending 31 July 2020

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 8% target	YTD Actuals	July Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(2,521,878)	21%	(535,924)	(535,924)	155%	

Revenue

User Charges and Fees	(6,729,959)	15%	(995,060)	(995,060)	80%
Internal Revenue	(259,361)	0%	0	0	-100%
Total Revenue	(6,989,320)	14%	(995,060)	(995,060)	73%

Expenses

Wages and Salaries	232,417	7%	15,127	15,127	21%
Materials and Contracts	1,943,762	3%	64,715	64,715	59%
Other Costs	710,835	45%	322,644	322,644	(452%)
Borrowing Costs	945,748	0%	3,760	3,760	95%
Overheads	0	#DIV/0!	0	0	#DIV/0!
Depreciation	634,680	8%	52,890	52,890	(1%)
Total Expenses	4,467,442	10%	459,136	459,136	(25%)

\$264k over YTD budget due to the payment of annual insurance.

12.7 REPORT UPDATING ERRORS IN MT ARTHUR'S VOLUNTARY PLANNING AGREEMENT MINUTES FOR 2020/2021 AND ASSOCIATED COUNCIL REPORT ON 30 JUNE 2020

Attachments:	Nil
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>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To correct typographical errors in the Minutes of the Mt Arthur Community Funding Investment Committee Meeting held on 10 June 2020 and consequential errors reported on in a Council Report on 30 June 2020.

OFFICER'S RECOMMENDATION

Council correct Minute 410 to the following:

1. The Minutes of the Mangoola Community Funding Investment Committee Meeting held on 22 May 2020, the Mt Arthur Community Funding Investment Committee Meeting held on 26 June, 2020 be received and the recommendations contained therein ADOPTED.
2. The Minutes of the Mt Arthur Community Funding Investment Committee Meeting held on 10 June 2020 be received and approving the following contributions:
 - a. \$388,407 for the Tertiary Education Centre Stage 2.
 - b. \$179,593 for the Outdoor Pool Refurbishment
 - c. endorses a reduction in the allocation for the older pool by \$20,000 and transferring that \$20,000 to progressing the Karoola Park Masterplan.

Moved: _____ Seconded: _____

REPORT

Staff advise that the minutes of the Mt Arthur Community Funding Investment Committee on 10 June 2020 were not accurate. The funding allocations agreed on at Mt Arthur's Community Funding Investment Committee on 10 June, 2020 were as follows:

Funding Allocations:

Mt Arthur Community Funding Investment Committee

1. \$388,407 for the Tertiary Education Centre Stage 2.
2. \$179,593 for the Outdoor Pool Refurbishment

3. endorses a reduction in the allocation for the older pool by \$20,000 and transferring that \$20,000 to progressing the Karoola Park Masterplan.

The Minutes of the above Committee Meeting from 10 June, 2020 incorrectly record the funding allocation as follows:

Mt Arthur Community Funding Investment Committee

1. \$288,407 for the Tertiary Education Centre Stage 2.
2. \$179,000 for the Outdoor Pool Refurbishment

This error was further incorrectly reported to Council on 30 June 2020, as follows:

1. \$288,407 for the Tertiary Education Centre Stage 2.
2. \$179,000 for the Outdoor Pool Refurbishment
3. endorses a reduction in the allocation for the older pool by \$20,000 and transferring that \$20,000 to progressing the Karoola Park Masterplan.

The recommendation corrects this error.

12.8 COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
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 in the Community Services section.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT**MUSWELLBROOK REGIONAL ARTS CENTRE**

There are 6 exhibitions scheduled for this financial year, the next scheduled exhibition is:

Found Narrative: Untethred Fibre Artists

Figments: Teresa Byrne

Two Artists Two Journeys: John Galloway and Naomi Norris

The Space Between: The Art of Meditation (from the collections)

The Arts Centre Team are considering what format the exhibition opening will follow due to the implementation of the NSW Health COVID 19 Regulations, the access of artist from out of the area.

The Bengalla Mining Company sponsorship for the 2021 Muswellbrook Art Prize has been confirmed.

To enhance the Muswellbrook High School exhibition of this year's HSC works Exhibition: *Ignite 2021: Upper Hunter HSC Visual Arts*, planning is occurring to run educational programs throughout the year for various age groups.

Looking forward our exhibition schedule includes the following major exhibitions:

- 48th Muswellbrook Art Prize
- Rebecca Rath
- Hanna Kay
- Scott Cooper
- Viola Bromley – Muswellbrook Local Art Prize.

COMMUNITY SERVICES

- Governance support to Upper Hunter Youth Services Management Committee and Management Team around human resources and service development issues;
- The Aboriginal Oral History Project is nearing completion, the housing of the interviews on the subdomain of the workingwithindigenoustralians.info/ is being developed. A tentative launch date pending COVID 19 restrictions will be during NAIDOC Week 2020 which has been deferred to 8-15 November, the theme this year is Always Was, Always Will Be.
- Facilitation of the Upper Hunter Community Services Interagency and Early Year Development Network distribution of relevant information;
- Discussions have commenced with 2 Rivers Pty Ltd to progress the Treaty Document Project. A draft workplan and communication plan will be developed for consideration in the next few weeks;

MUSWELLBROOK AND DENMAN LIBRARIES

- Muswellbrook and Denman Libraries have continued to provide services to the community while implementing their COVID-19 action plan.
- Usage is slowly picking up as community members access facilities.
- The Muswellbrook Library this month hosted the Muswellbrook Highschool Year 12 students trial HSC exams, in the Library Seminar rooms and 6 x students used the Local Studies room, during this time.
- The Home Library Delivery service has recommenced where the delivery of books and resources are provided to our isolated community members on a fortnightly basis. Home Library Service have delivered 357 items during the month.
- Baby Rhyme Time for ages 0-2 years and Storytime for 2-6 years is again running on a weekly basis every Monday and Thursday mornings with limited numbers due to our COVID-19 restrictions.
- The Upper Hunter Regional Library has been innovative in delivering StoryBox each week. This digital space is usually a well-known face or author sharing a story online.
- During the COVID restrictions there has been an increase in the usage of our ebooks and emagazines. Online book borrowing 'click and collect' has increased as well as people accessing online author talks and book club.
- The library has continued to build engagement with library members via their website and social media as part of an increased commitment to promote library services. The libraries online virtual events have been popular with hopes to host author talks virtually each month as part of regular programming.
- Online collections remain popular with a 2% increase in digital loans over the past month. Physical Loans have increased by 26.83% over the past month and 46 new library members have registered.

12.9 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 July to 7 August 2020)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/11/2	S4.55(1A) Modification - Alterations and additions to the Muswellbrook Aquatic Leisure	1 Wilkinson Avenue Muswellbrook	-
2020/38/2	S4.55(1) Modification - New Dwelling	Sandy Creek Road McCullys Gap	-
2020/63	Change of use of a shop to a recreation facility (indoor)	72-78 Brook Street Muswellbrook	-
2020/56	Dwelling House	86 Babbler Crescent Muscle Creek	452,700

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2020/45	Replacement of current Holden Signage with new Ford Signage	15-17 Rutherford Road Muswellbrook	85,000
2008/66/3	S4.55 (1A) Modification to change the use of a shed to a dwelling	1060 Sandy Creek Road McCullys Gap	-
2020/28	Alterations and additions to two (2) existing dwellings and their strata subdivision	39 Market Street Muswellbrook	181,610

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2020/79	Residential Shed	13a Grey Gum Road Denman	07/08/2020	25,600
2020/78	Residential Shed	63 Calgaroo Avenue Muswellbrook	07/08/2020	12,862
2020/80	Relocated Dwelling	Bylong Valley Way Baerami	04/08/2020	40,000
2020/75	Residential Shed	38 Stockyard Parade Muswellbrook	03/08/2020	96,742
2020/76	New Dual Occupancy Dwelling	29 Pendula Way Denman	31/07/2020	465,000
2020/74	Ancillary Development - Shed	10 Finnegan Crescent Muswellbrook	31/07/2020	198,000
2020/77	Change of use to a Hair and Beauty Salon	17 Bridge Street Muswellbrook	30/07/2020	3,800
2018/78/3	S4.55(1A) Modification - Alterations to site plan, additional car parks	147 Bridge Street Muswellbrook	28/07/2020	-
2020/73	Residential Shed	39 Pamger Drive Muswellbrook	27/07/2020	40,000
2020/72	Residential Shed	23 Osborn Avenue Muswellbrook	24/07/2020	11,300
2020/71	Residential Shed	5 Malbec Street Muswellbrook	22/07/2020	15,999
2016/37/2	S4.55(1A) Modification – NEW TWO (2) STOREY DWELLING AND RETAINING WALLS	3 Lou Fisher Place Muswellbrook	22/07/2020	-
2020/70	Residential Shed	45 Wanaruah Circuit Muswellbrook	13/07/2020	9,500
2019/24/2	S4.55(1) Modification - New Dwelling and Ancillary Development (Shed)	15 Babbler Crescent Muscle Creek	13/07/2020	-
2020/68	Residential Shed	52 Calgaroo Avenue Muswellbrook	08/07/2020	14,500
2020/69	Commercial alterations and additions to fitout an existing shop premises for use as a bakery and cafe	72-78 Brook Street Muswellbrook	07/07/2020	100,000
2020/67	Residential Shed	36 Top Knot Place Muswellbrook	07/07/2020	32,900

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2020/66	Dwelling Alterations (Attached Outdoor Leisure Room)	85 Humphries Street Muswellbrook	07/07/2020	35,950
2020/65	Residential Shed	13b Grey Gum Road Denman	06/07/2020	35,000
2020/64	Change of use of a restaurant to a health services facility (chiropractic practice)	26 Sowerby Street Muswellbrook	03/07/2020	10,000
2020/62	Residential Shed	3 Jillaroo Way Muswellbrook	24/06/2020	24,000
2020/61	Residential Shed	15 Grey Gum Road Denman	22/06/2020	49,700
2020/60	Dwelling House	190 Woodland Ridge Road Muscle Creek	19/06/2020	377,993
2020/59	Signage	49-51 Maitland Street Muswellbrook	19/06/2020	7,500
2020/58	Commercial Alterations and Additions	4 Lorne Street Muswellbrook	16/06/2020	45,000
2020/57	Amenities Building	St James Crescent Muswellbrook	16/06/2020	242,000
2020/55	Commercial Fitout Additions and Alterations	20 Ogilvie Street Denman	12/06/2020	49,720
2020/54	Change of use - refrigeration and electrical sales, service and warehousing (light industry)	74 Aberdeen Street Muswellbrook	05/06/2020	50,000
2020/53	Dwelling House	81 Babbler Crescent Muscle Creek	02/06/2020	425,995
2020/52	Dwelling House	20 Tindale Street Muswellbrook	02/06/2020	283,094
2020/51	Residential Shed	5 Arlingham Close Muswellbrook	29/05/2020	25,350
2020/49	Electricity Generating Works (Solar Farm)	Denman Road Muswellbrook	21/05/2020	26,131,000
2020/48	Use of Shipping Container as a Residential Shed	54 Ironbark Road Muswellbrook	18/05/2020	1,200
2020/43	Animal Boarding Establishment and Community Facility	127-129 Sydney Street Muswellbrook	07/05/2020	2,550,000
2020/41	Residential Shed and Carport	53 Virginia Street Denman	06/05/2020	18,000
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
2020/32	Change of Use of Existing Buildings for Vehicle Repair Station	Golden Highway Sandy Hollow	08/04/2020	3,500
2003/72/5	S4.55(2) Modification - To Make Previously Approved 12 Month Trial of Extended Hours of Operation of	83-89 Maitland Street Muswellbrook	06/04/2020	-

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
	Restaurant Drive-thru (McDonald's) Permanent.			
2020/22	Industrial Hard Stand Area	38-40 Enterprise Crescent Muswellbrook	19/02/2020	73,500
2020/7	Additions and Alterations to existing Hotel	184 Bridge Street Muswellbrook	24/01/2020	110,000
2020/5	Change of Use from a Restaurant to a Community Facility	29 Sydney Street Muswellbrook	20/01/2020	-
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
2019/93	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
2019/54	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) Lots and the carrying out of associated civil work including roads, drainage and tree removal	8911 New England Highway Muswellbrook	14/02/2019	5,142,236
2019/2	The construction of multi dwelling housing comprising a total of Sixteen (16) units and the carrying out of associated site works, including internal private roads, stormwater drainage, landscaping and tree removal.	19 John Howe Circuit Muswellbrook	14/01/2019	4,414,300
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
2020/79	Residential Shed	13a Grey Gum Road Denman	07/08/2020	25,600

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)

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Applications Received (new installation)	0	0	1	2	0	0	0	2	0	3	0	3	1
Applications Approved (new installation)	0	0	0	1	3	1	0	3	1	0	0	3	1
Inspections (new system)	0	0	1	1	1	0	0	3	0	1	1	0	1
Inspections (existing system)	2	3	0	11	1	0	1	0	6	0	0	0	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.

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Applications Received (new businesses)	1	1	0	0	1	2	0	1	1	0	1	2	2
Inspections (new businesses)	1	0	0	1	0	2	1	1	1	0	1	0	2
Inspections (existing businesses)	0	0	0	6	1	0	10	0	4	1	1	35	3
Reinspections	2	0	0	0	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)

	Jul	Aug	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Total Sites Inspected	7	6	7	7	6	7	4	4	6	5	4	4
Total non-compliant and educated	0	1	0	1	0	0	0	0	0	1	0	0
Total compliance after education	0	1	0	1	0	0	0	0	0	1	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)

	Jul	Aug	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Total Investigations	7	4	3	2	4	7	8	2	9	4	6	7
Total Clean up by Council - insufficient evidence	3	4	2	2	4	7	2	0	5	1	5	2
Total Clean Up by individual	4	0	0	0	0	0	6	2	0	0	1	3
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	1

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)

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Applications for Compliance Certs.	2	3	6	3	3	3	2	4	4	3	1	4	4

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	7	10	8	3	2	5	7	6	6	3	6	8	5
Initial Inspections	5	8	8	2	1	3	7	5	5	2	5	8	2
Re-inspections	2	2	0	1	1	2	0	1	1	1	1	0	3

Compliance Certs / Occ. Certs issued	4	5	4	6	8	7	3	0	4	1	6	5	3
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Total Pools in Council's Swimming Pool Register = 923

Compliance as at 30 June 2017 = 63.7%

Compliance as at 30 June 2018 = 65.7%

Compliance as at 30 June 2019 = 43.0%

Compliance as at 30 June 2020 = 26.7%

Current Compliance = 26%

That is, 240 out of 923 pools have a valid Compliance Certificate or Occupation Certificate.
N.b. Certificate is valid for 3 years.

Percentage of pools inspected during Financial Year 2020/2021 = 0.2%

That is, 2 out of 923 pools have had at least one inspection carried out during FY 2020/2021.

SUSTAINABILITY**Healthy Towns Challenge**

Work continues on the Healthy Towns Challenge. This has involved planning for signage along pathways to encourage physical activity, a seed library, after school gardening program with PCYC and gardening workshops.

Rehabilitation of Muscle Creek Planning

Planning has begun for the implementation of the NSW Environmental Trust's Restoration and Rehabilitation grant to restore the endangered Hunter River Redgum ecological community along Muscle Creek.

Waste Education and Engagement Planning

A new Waste Education and Engagement Plan is being developed. This plan will guide work in this area for the next five years. A separate Food Organics Garden Organics (FOGO) plan will also be developed. This will be a crucial part of the successful implementation of the FOGO system.

Denman – Don't be a Tosser

As part of the Denman – Don't be a Tosser project, new bin enclosures have been installed at the Denman skate park and at the football ground. A bin stand has also been installed at the dog park. This infrastructure is one part of a larger program aimed at reducing litter in Denman.

Hunter Joint Organisation of Councils (HJOC) – Don't be a Tosser Project

Council staff have been assisting the HJOC to run an anti-litter project focus on sporting fields. Part of this project is signage and conducting public bin audits. These audits found several public bins damaged or missing. This can lead to more litter. Sustainability staff will work with other Council staff to address these issues.

Museum in a Box

This term museums have only been hired for a short period and have been shared with Muswellbrook Girl Guides, Muswellbrook High School, Muswellbrook Preschool and Goodstart Early Learning Centre.

Kookaburra Statue

The Kookaburra Statue commissioned from Mark Ray for Denman has been completed. Council resolved to place the statue in the Memorial Park in Denman in conjunction with the upgrades that have been undertaken by CI. The Sustainability unit is working with the CI team to design a base for the statue and to have the statue installed.

Muswellbrook Connect

The Sustainability Unit continues to engage with the community 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.

Sustainable Futures – Muswellbrook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,140 page likes and 1,162 page followers. Sustainability topics include promoting the Community Recycling Centres, correct waste management practices, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.

Waste Trails

The Sustainability Unit is working with Monash University on research aimed at determining what messages work around waste. The trials have now started.

Free Seedlings for the community

In recent months the Penguin Garden Club, supported by Muswellbrook Shire Council, have given away over 500 free seedlings from the Sustainability Hub on Wilkinson Ave. Nothing was expected in return. But this month people who had taken the seedlings gave the group some things in return. A large bale of hay and some nice pots were donated to the Hub.

Books for Worms

When the Muswellbrook Library embarked on preparations for an extensive stocktake Council's sustainability unit and their willing team of workers from the community garden were on hand to help. Weeding out damaged and deleted items from the collection left a pile of books to be disposed of. Three wheelie bins were filled and the gardeners removed each page of the books and turned the pages into food for their worm farms. Books were also donated to child care centres and aged care facilities and will be used for craft projects and to make seed envelopes.

Sustainability Hub

Warrior Disability Services continue to run the composting system at the Sustainability Hub. This involves collecting coffee and food waste and transforming it into valuable compost that is used in the garden. On average this equates to 2700 litres of waste diverted from landfill.

The Penguin Garden Club and Muscle Creek Landcare group continue to meet at the Sustainability Hub. The Garden Club gets an average of 8 people to each activity twice a month. The Landcare group averages 4 people in attendance each month.

**Aquatic Centre Listening Post**

Sustainability staff assisted by attending a community listening post to seek to community's feedback on upgrades to the Aquatic Centre.

Community Based Social Marketing (CBSM).

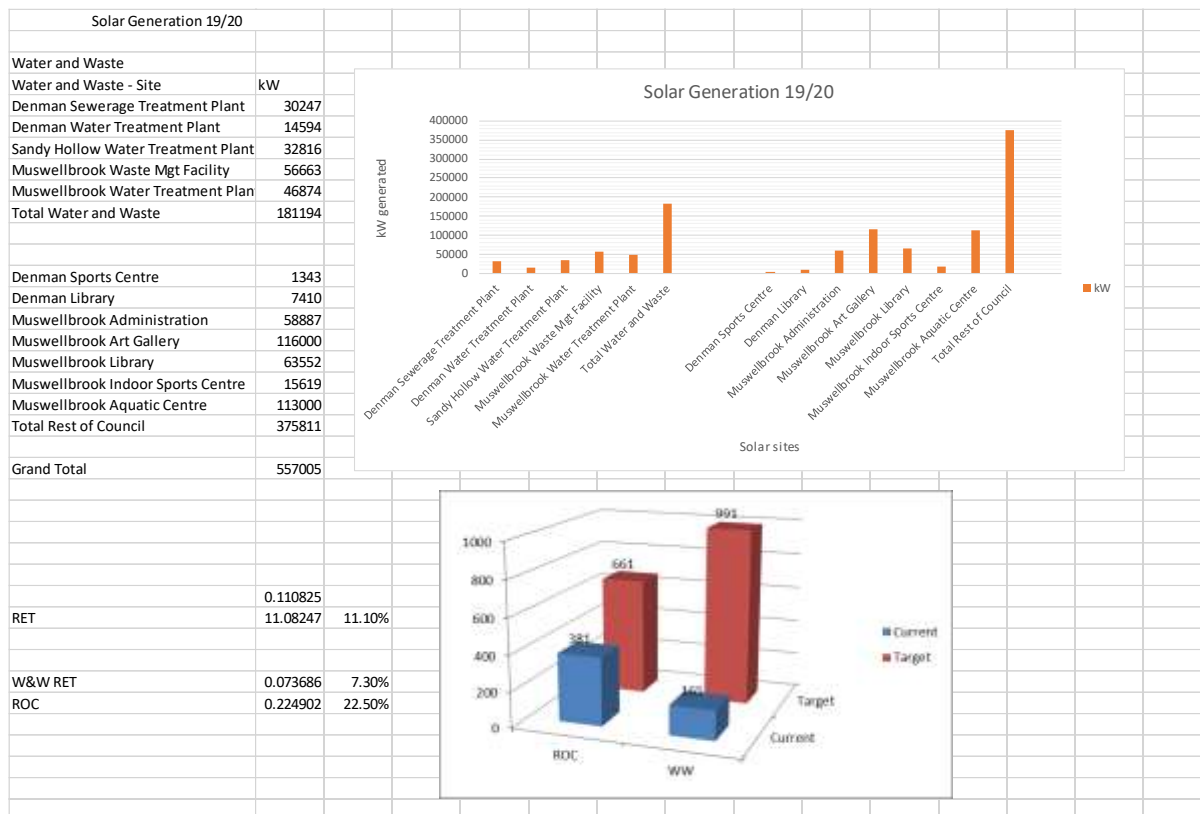
Sustainability staff completed training in CBSM. This training will assist staff to engage with the community to encourage sustainable behaviour change.

Annual Reporting

Sustainability Staff have been assisting in compiling data about events, water and electricity consumption for annual reporting purposes.

Electricity Consumption and Renewable Energy Data Collation

Sustainability staff have been compiling electricity data and renewable energy target data. Please see the following page for graph and data. The RET is due to be met in 2025.



Energy Monitors

Plug in energy monitors have been purchased and are currently installed in a few locations with high energy usage to understand which appliances are high energy users so they can be replaced if possible.

Air Quality Monitoring

PM 2.5 air quality monitoring continues with staff changing air quality filters on a weekly basis.

Flying Fox Monitoring

Flying Fox monitoring will resume in August depending on location of flying foxes. At the time of writing this report the camp is behind the aquatic centre alongside Muscle Creek. The official national census may resume in November.

13 REPORTS FROM COMMITTEES

13.1 AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON WEDNESDAY 20 MAY, 2020

Attachments:	A. Final Minutes of the ARIC Meeting 20.5.20
Responsible Officer:	Joshua Brown - Manager - Integrated Planning & Governance
Author:	Leonie Nash - Risk & Improvement Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To inform Council of a meeting of the Audit, Risk and Improvement Committee held on 20 May, 2020.

OFFICER'S RECOMMENDATION

The minutes of the Audit, Risk and Improvement Committee meeting on Wednesday 20 May, 2020 be noted.

Moved: _____ Seconded: _____

REPORT

The Manager Integrated Planning, Risk and Governance reports that the Audit, Risk and Improvement Committee met on Wednesday 20 May, 2020.

The minutes of the meeting are attached for the information of the Councillors.

The next meeting of the Audit, Risk and Improvement Committee is scheduled for 15 September, 2020.

PRESENT: Mr M. Morley (Chair), Mr P. Quealey, Cr R. Scholes, Ms F. Plesman (General Manager), Ms N. Cowley (Chief Financial Officer), Ms M. Cleary (Coordinator Integrated Planning and Improvement), Mr Joshua Brown (Manager Integrated Planning, Risk and Governance), Mr Matthew Lysaught (Manager Works, Property and Building Services)

IN ATTENDANCE: Ms L. Nash (Risk and Improvement Officer)

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The apologies for inability to attend the meeting submitted by Mr D. Finnigan be ACCEPTED.

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 3 March 2020, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 RISK MANAGEMENT

5.1.1 Risk Management

No report required for this meeting

5.1.2 Business Continuity

No report required for this meeting

5.1.3 Major Project Risk

Mr Lysaught outlined the role of Council's Major Projects Group and the processes around meetings, recording of projects, discussions around project issues as well as the quarterly report to Council on these.

Mr Quealey requested a high level overview of Council's current major projects.

Mr Lysaught provided the committee with an overview which included Muswellbrook Aquatic Centre and major roads projects including intersection traffic lights.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK AND VIA VIDEO CONFERENCE ON WEDNESDAY 20 MAY, 2020 COMMENCING AT 9.00AM.

Mr Lysaught went on to explain that the major projects across Roads, Property and Building are in either the investigation, design or construction stages.

Projects are categorised as < \$150,000 = minor project, > \$150,000 = major project.

Mr Quealey queried as to whether there may be any high residual risks that the community should be aware of.

Mr Lysaught assured the committee that project designs are developed with budget in mind.

Mr Morley questioned whether the major projects have their own separate risk register to which Mr Lysaught commented that the majority do, depending on the size and complexity of the project.

A request was put forward by Mr Morley that a copy of the Quarterly Status Report on major projects be presented to each ARIC meeting.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

1. The committee notes the report; and
2. The committee receives a copy of the Quarterly Status Report on Major Projects at each ARIC meeting.

5.1.4 Insurance Arrangements, Claims, etc.

No report required for this meeting

5.1.5 Fraud Control

Mr Morley queried whether Council currently has a Fraud and Corruption Prevention Policy.

Ms Cowley advised that there will be one developed in the next six (6) to twelve (12) months.

Mr Morley requested that, upon completion, this policy be brought back to the committee.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

1. The committee notes the report; and
2. The committee receive a copy of the draft Fraud and Corruption Prevention Policy on completion.

5.2 INTERNAL AUDIT

5.2.1 Internal Audit Plan Update

No report required for this meeting

5.2.2 Procurement of Internal Audit Services

This information has been provided as a separate report to this meeting.

5.2.3 Internal Audit Reports

No report required for this meeting.

5.2.4 Internal Audit Recommendation Status Report

A general discussion took place around closing off recommendations and internal audit actions that still require an update or response.

Ms Cowley was of the view that the report presented to this meeting may not be accurately updated.

Ms Plesman advised the meeting that an updated report on internal audit actions would be forwarded to the committee.

Ms Cowley provided the meeting with a briefing around the current External Audit taking place.

Timeframes around reporting on the External Audit recommendations were discussed as well as the presentation by the External Auditors to Council's Audit, Risk and Improvement Committee meeting in December 2020.

Mr Morley requested a copy of Council's Audit Engagement letter which Ms Cowley confirmed would be sent out to the committee.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

1. The committee notes the report
2. The committee is to receive an updated Internal Audit recommendations status report; and
3. The committee is to receive a copy of the Audit Engagement Letter

5.2.5 Internal Audit Charter

No report required for this meeting

5.2.6 Internal Audit Performance

No report required for this meeting

5.2.7 Commitment to Ethical and Lawful Behaviour

No report required for this meeting

5.3 EXTERNAL AUDIT

5.3.1 External Audit

No report required for this meeting

5.3.2 Annual Financial Statements

No report required for this meeting

5.3.3 External Audit Reports

No report required for this meeting

5.3.4 Review Financial Information in Annual Report

No report required for this meeting

5.3.5 Performance Management Framework

The information has been provided as a separate report at this meeting

5.4 LEGISLATIVE COMPLIANCE

5.4.1 Updates of Relevant New/Amended Legislation

No report required for this meeting.

5.4.2 Systems for ensuring Council complies with key legislation

No report required for this meeting.

5.5 GOVERNANCE AND INTERNAL CONTROL

5.5.1 Internal Control Framework

No report required for this meeting

5.5.2 Update on New/Amended Policies and Procedures

No report required for this meeting

5.5.3 Auditor General and Other Reports

No report required for this meeting

5.5.4 Delegations of Authority

No report required for this meeting

5.5.5 Fraud and Corruption Prevention

No report required for this meeting

5.6 PERFORMANCE MANAGEMENT AND IMPROVEMENT

5.6.1 Quarterly Delivery/Operational Plan and Budget Reviews

No report required for this meeting

5.6.2 Service Delivery Reviews

Mr Quealey queried whether the Service Delivery Review on Council's Aquatic and Fitness Centres takes into consideration the new redevelopment and will the redevelopment fix any concerns or issues identified through the Service Delivery Review.

Ms Plesman advised on this.

Cr Scholes stated that there were some concerns on costs and budgets.

Mr Morley asked whether any significant changes had come about through the completion of the Service Delivery Review at the Water and Waste Water facility.

Ms Plesman advised that there would likely be changes to the management structure and cost recovery of services.

Mr Morley suggested that there be clear timeframes and an action plan built around the recommendations that come from Service Delivery Reviews.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

1. The committee notes the report; and
2. Once the recommendations from the Water and Waste Water Service Delivery Review are agreed to, an action plan and timeframe are to be established.

5.7 GENERAL BUSINESS

5.7.1 Review of Audit Committee Charter

No report required for this meeting

5.7.2 Quarterly Report on Work of Committee to Council

No report required for this meeting

5.7.3 Annual Report to Council on Audit Committee Activities and Performance

No report required for this meeting

5.7.4 Performance Assessment of Committee and members – Self Assessment

No report required for this meeting

5.7.5 ARIC Meeting Actions Progress Update

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The committee notes the report.

5.7.6 ARIC Forward Meeting Plan

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

The committee notes the report.

5.8 COVID-19 WORKPLACE HEALTH AND SAFETY COMPLIANCE

Ms Plesman provided an outline of measures introduced to date in response to the COVID-19 pandemic.

Ms Plesman proceeded to advise on the process of re-opening some Council services and assured the committee that we have maintained a regular, weekly meeting schedule with the Local Area Commander and Emergency Services within Muswellbrook.

Mr Morley queried whether Council anticipates any significant financial impacts due to COVID-19.

Ms Plesman provided the meeting with an outline of the areas impacted although considered that Council and the more dominant mining industry have not been severely impacted to date.

Ms Cowley also confirmed that a conservative assessment of the impact on Council had been made and that we have been able to reduce external expenditure.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The committee notes the report.

5.9 INTERNAL AUDIT STRATEGY 2020/21

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

The committee notes the report.

5.10 PERFORMANCE MANAGEMENT SYSTEM

Ms Plesman provided the committee with an overview of Council's Performance Assessment System which is the Individual Work Plan (IWP) within the Performance Management Module of PULSE.

Ms Plesman pointed out that this is the same software that Council utilises for the Delivery Program as well as Internal Audit and it was selected for the purpose of integration.

A discussion took place around "level progression" and which levels of staff the IWP applies to.

RECOMMENDED on the motion of Mr Quealey and Cr Scholes that:

The committee notes the report.

5.11 INTERNAL AUDIT RESOURCING

A general discussion took place around how many audits may be conducted moving forward.

Ms Plesman advised the committee that Council will keep assessing where we are up to with progression of audits.

RECOMMENDED on the motion of Cr Scholes and Mr Quealey that:

The committee notes the report.

6 DATE OF NEXT MEETING

15 September 2020

7 CLOSURE

The meeting was declared closed at 10.45am.

.....

Mr M. Morley

Chairperson

**13.2 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON MONDAY, 10 AUGUST 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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 10 August 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 10 August 2020 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 10 August 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.

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff, Cr R. Scholes and Cr J. Ledlin (Phone).

IN ATTENDANCE: Cr J. Foy, Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mrs M. Sandell-Hay, Mrs S. Drayton, Mr R. Beckingham and Mr I. Webber.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Minutes of the Development Assessment Committee held on 13 July 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 R. Scholes – Declared a significant non-pecuniary interest in Item 6.2. Cr Scholes advised the meeting that he is a friend of the proponent and some of the submitters.

4 PUBLIC PARTICIPATION

RECOMMENDED on the motion of Crs Rush and Woodruff that:

Public Participation take place prior to each item.

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 2019-93 - CHANGE OF USE OF RETAIL PREMISES, ALTERATION TO FRONT OF BUILDING AND SIGNAGE

Mrs Drayton and Mr Beckingham entered the meeting at 4.12pm.

Discussion took place on this item, in particular, window removal, brick removal, replacement aluminium framed windows and the possibility of restoring the building when no longer used as retail premises.

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The item be adjourned for 15 minutes to allow staff the opportunity to provide Conditions relating window & brick removal and restoration of building.

Mrs Drayton and Mr Beckingham left the meeting at 4.19pm

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The meeting be adjourned to allow an informal workshop with the applicant of 6.2 to be undertaken.

Disclosure of Interest

Cr Scholes declared a significant non-pecuniary interest in Item. 6.2. Cr Scholes left the meeting and therefore took no part in discussion or voting on this matter.

The meeting adjourned at 4.20pm.

The meeting resumed at 4.45pm

6.2 PP009 - REZONING - IRONBARK RIDGE

Public Participation

Mr Webber entered the meeting at 4.45pm.

RECOMMENDED on the motion of Crs Woodruff and Ledlin that:

This item be considered at the next Development Assessment Committee that Mr Cole can attend on behalf of the proponent.

Cr Scholes returned to the meeting room at 4.46pm

6.3 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

RESUMPTION OF STANDING ORDERS

6.1 DA 2019-93 - CHANGE OF USE OF RETAIL PREMISES, ALTERATION TO FRONT OF BUILDING AND SIGNAGE

RECOMMENDED on the motion of Crs Rush and Scholes that:

This item be considered at an Extra-Ordinary meeting of the Committee scheduled for 4.30pm on Thursday 13 August, 2020.

8 DATE OF NEXT MEETING

13 August, 2020

8 CLOSURE

The meeting was declared closed at 5.07pm.

.....

Cr M. Rush

Chairperson

**13.3 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON THURSDAY, 13 AUGUST 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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 13 August 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Thursday 13 August 2020 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Development Assessment Committee met on Thursday 13 August 2020.

The Minutes of the meeting are attached for the information of the Councillors.

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff, Cr R. Scholes and Cr J. Ledlin.

IN ATTENDANCE: Cr J. Foy, Ms F. Plesman, Ms S. Pope (Assistant Director – Environment & Community Services), Mr H. McTaggart (Co-Ordinator Development), Mrs M. Sandell-Hay, Mrs S. Drayton, Mr J. Drayton, Mrs K. Beckingham, Mr M. Cole and Mr I. Webber.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Cr R. Scholes declared a significant non-pecuniary interest in item 5.2. Cr Scholes advised the Committee that he is personal friends with the proponent and is friends with a number of submitters.

RECOMMENDED on the motion of Crs Rush and Scholes that:

Public Participation be held at the beginning of each item.

3 BUSINESS

3.1 DA 2019-93 - CHANGE OF USE OF RETAIL PREMISES, ALTERATION TO FRONT OF BUILDING AND SIGNAGE

Mrs Drayton, Mr Drayton and Mrs Beckingham entered the meeting at 4.42pm.

A copy of the amended conditions were provided to the Applicants. Discussion took place on the proposed conditions.

Motion

That within six (6) months of the cessation by the applicant of the use of the building as proposed in the application the applicant shall do all actions necessary to reinstate the building back to its original form.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The meeting adjourn to allow staff to redraft the conditions.

The Meeting adjourned at 4.52pm

The Meeting resumed at 5.31pm

Mr & Mrs Drayton and Mrs Beckingham returned to the meeting.

A copy of the amended Conditions were distributed to those present.

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Development Assessment Committee Approve DA 2019/93 for the change of use to a retail premises, building alterations and signage at Lot 60 DP 847718, 19 Bridge Street Muswellbrook, in accordance with the plans set-out in Attachment C of the Report, and subject to recommended conditions of consent contained in Attachment A as amended below:

- **Condition 1**, is to be modified to delete the words, 'and marked in red', and delete the

note following the condition.

- **Condition 2**, the wording in condition 2 is to be deleted and replaced with

2. Limitation to the scope of the approved works

No approval is granted to the installation of aluminium frame windows in the building façade. Windows installed in the building façade are to be timber frame windows.

- New prior to Construction Certificate Condition, **condition 7**

7. Window design details

Prior to the issue of a Construction Certificate the person acting with this consent is to submit revised design plans to Council for the installation of windows in the building façade. The revised plans are to detail the use of timber frame windows in the place of the aluminium framed windows proposed. These plans are to be approved by Council in writing and documentary evidence that this approval has been obtained, and that the window design included in construction plans is consistent with this approved design, is to be provided to the Certifying Authority with any application for a Construction Certificate for works that include the window installation.

- New prior to Construction Certificate Condition, **condition 10** (condition 11 after renumbering)

10. Retention of original materials

Through the carrying out of building works, care is to be taken to avoid any damage occurring to the original timber frame windows or bricks removed to allow installation of new windows. The windows and original brickwork are to be securely stored in accordance with the requirements of this consent

- New at all times condition, **Condition 19** (condition 21 after renumbering)

19. Storage and safekeeping of original building material

The timber framed windows and original brickwork removed through the carrying out of this development are to be retained by the person acting with this consent and are to be securely stored at the premises, or a suitable alternative secure and dry location agreed to by Council in writing.

- New condition 20 included under a new heading **CONDITIONS TO BE COMPLIED WITH AT THE CONCLUSION OF THE DEVELOPMENT** (condition 22 after renumbering)

20. Reinstatement of windows and removal of awnings

Within six (6) months of the cessation of the use of the premises for the approved purpose by the person acting with this consent is to remove the windows and window awnings approved as part of this development and reinstate the original timber frame windows and associated brickwork to the satisfaction of Council's General Manager.

- Renumbering of conditions to account for the newly created and modified conditions.

In Favour: Crs J. Ledlin, M. Rush, R. Scholes and B. Woodruff.

Against: Nil.

Mr & Mrs Drayton and Mrs Beckingham left the meeting at 5.32pm

3.2 PP009 - REZONING - IRONBARK RIDGE

Disclosure of Interest

Cr Scholes declared a significant non-pecuniary interest in this item. Cr Scholes advised the meeting that he is a personal friend of the proponent and is friends with a number of submitters. Cr Scholes left the meeting at 5.32pm and therefore took no part in discussion or voting on this item.

Mr Cole and Mr Webber entered the meeting at 5.32pm

RECOMMENDED on the motion of Crs Rush and Woodruff that:

This matter be considered at the next Development Assessment Committee after the Proponent supplys new information on a potential lot layout for the subdivision.

4 CLOSURE

The meeting was declared closed at 5.34pm.

.....

Cr M. Rush

Chairperson

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

16 COUNCILLORS REPORTS**17 QUESTIONS FOR NEXT MEETING****18 ADJOURNMENT INTO CLOSED COUNCIL**

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

19 CLOSED COUNCIL**RECOMMENDATION**

Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:

19.1 CONTRACT 2019-2020-0381 THOMPSON STREET/NEW ENGLAND HIGHWAY, MUSWELLBROOK, INTERSECTION UPGRADE AND SIGNALISATION

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 REQUEST FOR REVIEW OF WATER USAGE

Item 19.2 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.

19.3 RURAL FIRE SERVICE STATIONS

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 29 SEPTEMBER 2020