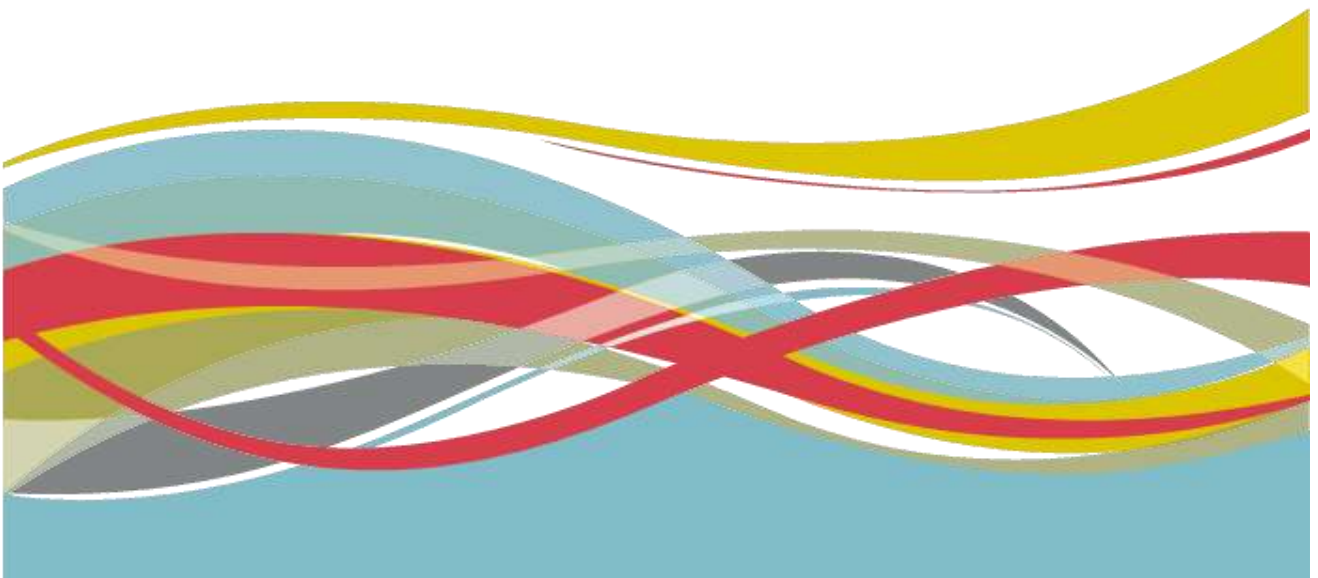




**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
22 DECEMBER 2020



ORDINARY COUNCIL MEETING, 22 DECEMBER 2020

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
17 December, 2020

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **22 December, 2020** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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19.1	INSTALLATION OF MAX WATTERS SCULPTURE <i>Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.2	CONTRACT 2019-2020-0423 SUPPLY AND DELIVERY OF 12,000 LITRE WATER CART <i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

19.3 CONTRACT 2020-2021-0443 COMMUNITY INFRASTRUCTURE DEPOT (RE-ISSUE)

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 PANEL TENDER FOR PROVISION OF LINEMARKING SERVICES

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 PANEL TENDER FOR TREE MAINTENANCE SERVICES

Item 19.5 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.6 DETERMINATION OF AUSTRALIA DAY 2021 AWARDS

Item 19.6 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

20	RESUMPTION OF OPEN COUNCIL	250
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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 22 DECEMBER 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 **24 November 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 16/2019 - INFORMATION AND EDUCATION FACILITY (MUSEUM) - TURNER STREET, DENMAN

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>
Attachments:	<p>A. DA 16/2019 Development Assessment Report</p> <p>B. DA 16/2019 Recommended Conditions of Consent</p> <p>C. DA 16/2019 - Proposed Plans</p> <p>D. DA 16/2019 - 3D vView Elevations Plan</p>

PURPOSE

This report has been prepared to inform Council in determining Development Application 16/2019 for a Museum in Denman. This Development Application has been assessed by Council Officers and a copy of the Section 4.15 Assessment Report is attached for Council's information.

The matter was previously reported to the Development Assessment Committee on the 15 July 2019 and revised plans for the development were received on the 10 November 2020.

The revised plans have been publicly notified and the matter is now being reported to this Meeting for determination as the earliest available Council or Development Assessment Committee Meeting.

RECOMMENDATION

Council approve Development Application 16/2019, involving the erection of an Information and Education Facility (Museum) at the Turner Street field part Lot 231 DP 729996, subject to the conditions in Appendix B to the report.

Moved: _____ **Seconded:** _____

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

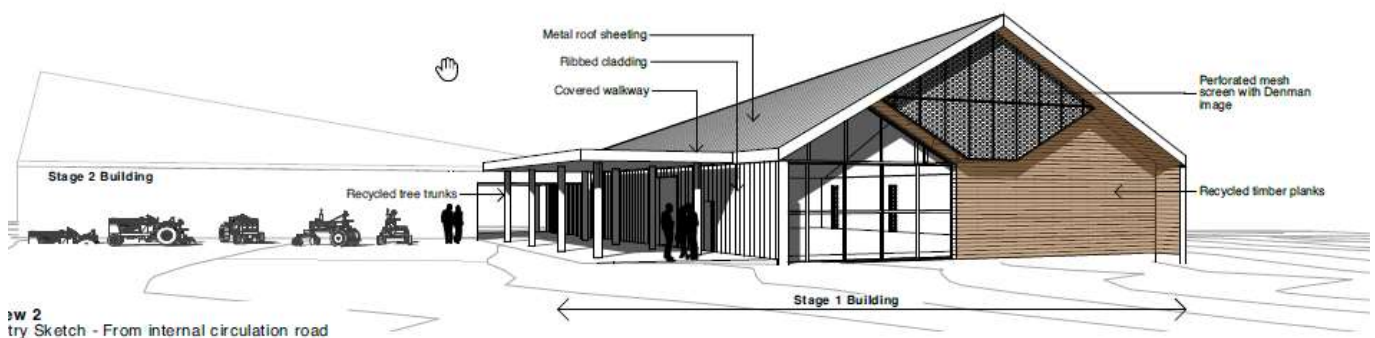
The proposed development involves the erection of an Information and Education Facility (Museum) at Turner Street field, Denman, to house a collection of machinery, tools and equipment for display to the public. The subject site is formally identified as part Lot 231 DP 729996. This property is known as the Denman Recreational Area.

The subject site is zoned RE1 Public Recreation under the Muswellbrook Local Environmental Plan (LEP) 2009. The proposal is defined as an 'information and education facility' (museum). This use is permissible with consent in the RE1 zone.

The original plans involved the construction of a colorbond clad barn style shed to be used for the purpose described above. However, the development application and building design was amended on 10 November 2020 and now involves

- The construction of a 20m x 33m building (total area 640m²), with a 6m wide attached walkway.
- The building will feature corrugated ribbed cladding on three elevations with recycled timber planks and a large glazed window on the final elevation as a key building feature. Metal sheet cladding would be used for the building roof, with a barn door entry, recycled tree trunks and a large mesh screen to include an image of Denman as other key features. The roof will have a gable end at the building's feature wall elevation and a skillion end at the opposite end of the building.
- In considering the likely environmental impacts of the proposed development Council Officers have given some consideration to the visual impacts of the proposed development and reviewed the proposed development against the *Denman Tourist and Recreational Park – Style Guide (27 September 2018)*. The design of the proposed development is compatible with the Style Guide as it includes timber planks and a steeply pitched roof. Colours have not been specified for the building; a condition of consent is recommended requiring the submission of a colour palette for approval prior to issue of a Construction Certificate. Council's Property and Building Team, as the manager of the Denman Recreation Reserve, has raised no issue with the location and design of the proposed development.
- There is also a proposed outdoor display area for large machinery.
- The proposed plans also reference a 'Stage 2' building option. The applicant has advised that they are not seeking approval for the 'Stage 2' structure. Any proposal to expand the premises and construct the Stage 2 will require the submission of a new development application.

The 3D image below provides a perspective view of the building proposed which includes the building's main feature wall.



ASSESSMENT SUMMARY

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

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- Staff are satisfied that the proposed development would comply with all mandatory requirements

of SEPPs.

- The assessment found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.

COMMUNITY CONSULTATION

The proposed development and original plans were publicly notified between 27 February 2019 and the 14 March 2019. One (1) submission was received in relation to the proposed development which raised concerns related to the aesthetics of the proposed development.

Following the receipt of revised plans the development application was renotified between 20 November 2020 and 4 December 2020, with adjoining owners including the previous submitter notified of the proposed development and new design.

No submissions were received in relation to the proposal and revised plans.

OPTIONS

Council may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development. The Section 4.15 Assessment recommends that the Council grants development consent to DA 16/2019 subject to the conditions of consent outlined in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	Lot 231 DP 729996 Turner Street DENMAN
APPLICATION No:	16/2019
PROPOSAL:	Information and Education Facility (Museum)
OWNER:	Muswellbrook Shire Council
APPLICANT:	Denman & District Heritage Village Inc. 34 Turner Street DENMAN NSW 2328
AUTHOR:	Mr H McTaggart
DATE LODGED:	15/02/2019
DATE OF REPORT:	10 December 2020

SUMMARY

RECOMMENDATION: Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

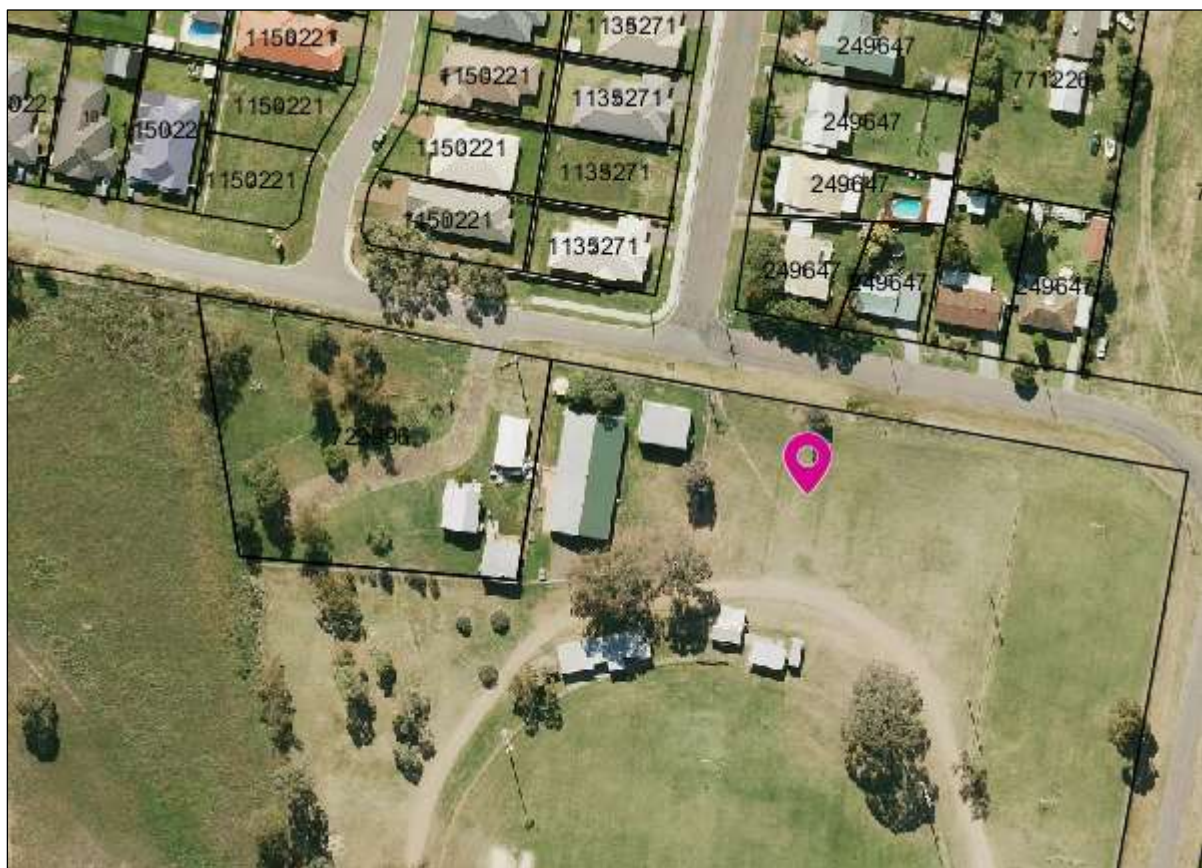
The land subject to this development application is identified as part Lot 231 DP 729996. The property is better known as the Denman Recreational Area.

The Denman Recreational Area includes sporting fields, recreational facilities and a golf course. This development application specifically relates to a portion of the land located at the north-eastern portion of the site adjacent the existing 'Denman Men's Shed'.

The land subject to this development application is zoned RE1 Public Recreation under the Muswellbrook Local Environmental Plan (LEP) 2009.

The Rec Area is identified as bushfire prone land, however subject site is not identified as bushfire prone. Based on assessment of the development application, and inspection of the site by staff, the part of the property subject to this development application is not considered to have a significant bushfire risk. The sporting fields and managed land separate the development site from likely fire threats.

The part of the Denman Recreational Area on which the development is proposed is can be viewed in the image below.

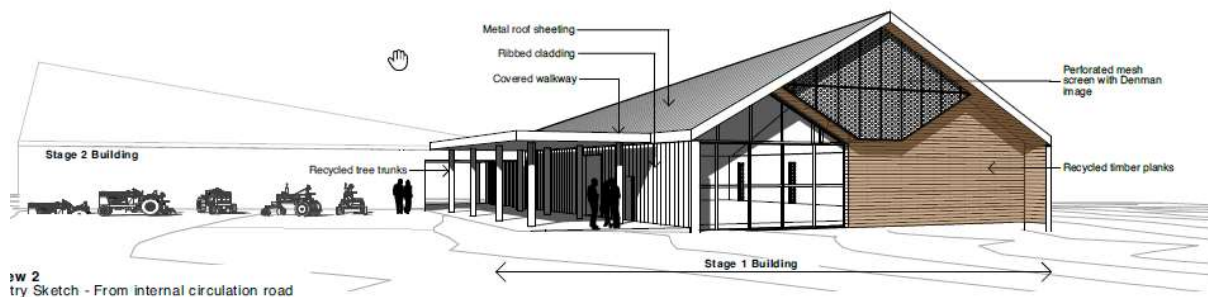


2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the erection of an Information and Education Facility (Museum) at Turner Street field, Denman, to house a collection of machinery, tools and equipment for display to the public.

The building proposed is illustrated in the architectural images below and involves:

- The construction of a 20m x 33m building (total area 640.2m²), with a 6m wide attached walkway.
- The building would be constructed in a unique architectural design and feature corrugated ribbed cladding on three elevations with recycled timber planks and a large glazed window on the final elevation as a key building feature. Metal sheet cladding would be used for the building roof, with a barn door entry, recycled tree trunks and a large mesh screen to include an image of Denman as other key features. The roof will have a gable end at the buildings feature wall elevation and a skillion roof at the opposite end of the building.
- In addition to the building the applicant has proposed outdoor areas to display large machinery and two accessible parking spaces.
- The proposed plans also reference a 'Stage 2' building option. The applicant has advised that they are not seeking approval for the 'Stage 2' structure. Any proposal to expand the premises and construct the Stage 2 will require the submission of a new development application.



A recommended condition of consent makes clear that the indicative Stage 2 building does not form part of this development application and a separate approval will be required should the building be proposed for construction in the future.

Internal Referrals

Building Section

Council's Building Surveyor commented the following:

There is no indication on the plans in relation to the provision of toilet facilities, I have spoken to Neville Bray this morning and he has said that they intend to use the facilities at the Men's Shed. I do not see this as being an issue as long as it is locked in with a condition of consent. There is no objection to the proposal from a Building viewpoint.

Heritage Advisor

The Heritage Advisor commented that the subject site was not a heritage item and was not located in a Heritage Conservation Area.

Parks

Council's Parks Section commented that the proposal would be consistent with Council's current adopted Master Plan and draft style guide for the development of the area.

Water & Waste

Council's Water & Waste Section commented the following:

Water reticulation main is not within the property. Water and waste is not responsible for any internal pipes. The Developer will need to coordinate with other users of the water pipe system and relocate internal piping as required.

Roads & Drainage

Council's Roads & Drainage department has requested that a parking plan of the site, at showing dimensions and location in context of the building and the path leading to the building main entry from the parking spaces, is required to be submitted.

Plans of the parking area and connectivity have been provided in the revised plans received.

Community Services

The Community Services department reviewed the application and provided the following comments:

The proposed construction of the Information and Education Facility lodged by the Denman & District heritage Village is in keeping of the community activities that are occurring in the vicinity of this development. Both the Heritage Village Shed and Men's Shed Denman Branch are operated by not for profit organisations and managed by volunteers. The construction of the Information and Education Facility will increase the capacity for community members to participate in community-based organisation and activities. This participation will potentially reduce social isolation and increase community connectedness for vulnerable groups such as ageing males.

External Referrals

3.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned RE1 Public Recreation pursuant to MLEP 2009.

The land use definition applicable to the proposed development is an information and education facilities:

Information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

The land use table for the RE1 Public Recreation zone indicates that development for the purpose of an information and education facility is permissible with consent.

RE1 Public Recreation Zone**2 Permitted without consent**

Environmental facilities; Environmental protection works

3 Permitted with consent

Air transport facilities; Aquaculture; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Flood mitigation works; Food and drink premises; Function centres; Information and education facilities; Kiosks; Markets; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Respite day care centres; Roads; Sewage reticulation systems; Signage; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
4.3 Height of buildings	<p>MLEP 2009 specifies a maximum building height of 12m in relation to the land.</p> <p>The proposed plans indicate that the height of the building would be no greater than 10m.</p> <p>An RL level has been included on the building elevations and a survey plan provided to identify the sites natural ground level.</p> <p>Complies</p>
4.4 Floor space ratio	<p>The Muswellbrook LEP 2009 does not specify a maximum Floor Space Ratio (FSR) for the land subject to this development application.</p>
<i>Part 5 Miscellaneous provisions</i>	
<i>Part 6 Urban release areas</i>	
<i>Part 7 Additional local provisions</i>	
7.1 Terrestrial biodiversity	<p>The subject site is not identified as 'biodiversity' by Council's Biodiversity Mapping. Hence this part of the MLEP 2009 is not applicable to this assessment.</p>
7.6 Earthworks	<p>This clause requires a consent authority to consider the following matters prior to granting consent to a development application involving earthworks.</p> <ul style="list-style-type: none"> a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, b) the effect of the proposed development on the likely future use or redevelopment of the land, c) the quality of the fill or of the soil to be excavated, or both,

	<p>d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>e) the source of any fill material or the destination of any excavated material,</p> <p>f) the likelihood of disturbing relics,</p> <p>g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>Each of the matters specified above have been considered through the assessment of the development application and Council Officers are satisfied that the proposed development could be carried out in accordance with the requirements of this Clause.</p> <p>To ensure that earthworks are appropriately completed, it is recommended that a sediment and erosion control plan be prepared, in accordance with 'The Blue Book' published by Landcom, and complied with during demolition and building work. This would be implemented through a condition of consent.</p>
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2. State Environmental Planning Policy No. 55 – Remediation of Land

It is understood that the subject site has historically been used for a variety of community and recreational pursuits. Council records do not indicate that the land has been subject to activities that may have caused contamination. The use is non-residential. It is considered that the proposed development can be supported without the need for any further investigations into soil qualities or contamination.

3. State Environmental Planning Policy No. 44 Koala Habitat

The SEPP requires a consent authority to consider whether a site is potential or core koala habitat prior to granting development consent to a proposed development. The SEPP defines a potential koala habitat site as having at least 15% coverage of koala feed trees and a core koala habitat as an area of land with a resident koala population. The portion of the site that would be disturbed under this development application does not have the type of foliage coverage that would establish it as a potential koala habitat. Accordingly, it has not been considered necessary for a substantive flora and fauna assessment to be carried out to establish whether the site is core koala habitat.

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

There are no draft EPIs relevant to the subject site.

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

Section 3 – Site Analysis

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

Section 4 – Notification

The proposed development and original plans were publicly notified between 27 February 2019 and the 14 March 2019. One (1) submission was received in relation to the proposed development which raised concerns related to the aesthetics of the proposed development.

Following the submission of revised plans, which made several changes to the appearance, the development application was renotified.

The renotification of the proposed development occurred between 20 November 2020 and 4 December 2020, with adjoining owners including the previous submitter notified of the proposed development and new design.

No submissions were received in relation to the proposal and revised plans.

Section 16 – Car Parking and Access

The DCP requires the provision of off-street parking at a rate of 1 space for every employee or staff member and provision for a drop off/pick up area.

The BCA requirements for car parking are a minimum of 1 space for people with accessibility restrictions. As the proposal would be run entirely by volunteers the number of staff members on site at any time is difficult to predict.

As the provisions of this part of the MDCP 2009 do not provided definitive controls for a development of this nature it is recommended that a sealed car parking area be located on site with connection to the proposed access way. The onsite car park should have a minimum of 5 spaces available for public and staff use, with one of these designed and marked as an accessible space. As the subject site is located within a public recreation area there is ample space in the surrounding fields and streets for overflow parking. This requirement would be implemented through conditions of consent should the proposal be approved.

Section 20 – Erosion and Sediment Control

This section of the MDCP 2009 states the requirements for Erosion and Sediment Control. A condition of consent will be imposed on any development consent requiring that appropriate methods of erosion and sediment control are put in place throughout the carrying out of the development in accordance with Council's standard requirements.

Section 24 – Waste Management

This section of the MDCP 2009 states the requirements for waste management. A waste minimisation management plan has not been provided. It is recommended that a Waste Management Minimisation Plan be required and the DCP objectives adhered to through the imposition of a condition. This would comply with the MDCP 2009.

Section 25 – Stormwater Management

Stormwater from the building is proposed to be discharged into Council's existing drainage system on Bell Street. This would comply with the requirements of the MDCP 2009.

Section 94A Contributions Plan 2009

The total value of the project was \$265,000.00. A contribution would be applicable at a rate of 1% the total capital investment value. A developer contribution of \$2,650 will apply to the proposed development should the Application be approved.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

The proposed development is considered be reasonably in accordance with the type of information and education facilities development expected within the Muswellbrook Public Recreation zone. Accordingly, the proposed development is considered unlikely to have any significant adverse environmental impacts in any of the following areas.

Context & Setting	Waste
Built Form	Energy
Potential Impact on Adjacent Properties	Noise and Vibration
Access, Traffic and Transport	Natural hazards
Public Domain	Technological hazards
Utilities	Safety, Security, and Crime Prevention
Heritage	Social Impact on Locality
Other land resources	Economic Impact on the Locality
Water	Site Design and Internal Design
Soils	Construction
Air & microclimate	Cumulative Impacts
Flora & fauna	

A key area of consideration for the assessment of the proposed development is bushfire.

Natural Hazards – bushfire protection

A bushfire assessment report has not been prepared in relation to the proposed development however there is considerable distance between the areas on the site which are bush fire prone, and the location of the proposed development. Due to the lack of dense vegetation on the subject site it is considered that bushfire would not be a threat to the proposed development.

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

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

Section 4.15(1)(d) any submissions made

The proposed development and original plans were publicly notified between 27 February 2019 and the 14 March 2019. One (1) submission was received in relation to the proposed development which raised concerns related to the aesthetics of the proposed development.

The renotification of the proposed development occurred between 20 November 2020 and 4 December 2020, with adjoining owners including the previous submitter notified of the proposed development and new design.

No submissions were received in relation to the proposal and revised plans.

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

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

5 CONCLUSION

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

planning provisions.

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

RECOMMENDATION

PURSUANT TO SECTION 4.16 OF ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 (AS AMENDED) that Council's Senior Development Planner, under delegated authority of Council as the consent authority, grant development consent to DA 16/2019 subject to standard conditions of consent and the conditions of consent recommended by this 4.15 Assessment.

Signed by:

Hamish McTaggart
Senior Development Planner

IDENTIFICATION OF APPROVED PLANS

(1) Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
A-000 Cover Page	A	BKA Architecture	10/11/2020	10/11/2020
A-010 – site analysis	A	BKA Architecture	10/11/2020	10/11/2020
A-100 Ground Floor Plan	A	BKA Architecture	10/11/2020	10/11/2020
A-500 3D Views	A	Cortana 3D	10/12/2020.	10/12/2020

(2) Stage 2 Building

No approval is granted or implied to the Stage 2 building shown on the development plans. Should any person wish to progress the construction of this building a separate development application will need to be lodged containing the full design details for the proposed structure.

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

(3) Building Code of Australia

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

CONSTRUCTION CERTIFICATE REQUIREMENTS

(4) Requirement for a Construction Certificate

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

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

ANCILLARY MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE**(5) Waste Management Plan**

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

(6) Section 4.17(1) Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$2,650.00 shall be paid to Muswellbrook Shire Council.

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

(7) Colours and Materials

Prior to the issue of a Construction Certificate detailed plans are to be submitted to Council for approval which includes specifications for all materials and colour schemes to be utilised in the building. Colour schemes proposed should be in keeping with the *Denman Tourist and Recreation Park Style Guide (27 September 2018)*. Details demonstrating compliance with this requirement and that colours and materials included with the Construction Certificate plans are in keeping with those approved by Council are to be provided to the Principle Certifying Authority with any Construction Certificate application.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**(8) Section 68 Local Government Act Approval**

Prior to the commencement of any works it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all water supply and sewer drainage works.

(9) Site Sign

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

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

- (c) showing the name, address and telephone number of the Principal Certifying Authority for the work.

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

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

(10) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

(11) Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the

applicant will be required to restore all damaged infrastructure at their expense.

(12) Materials

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

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

(13) Construction Hours

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

(14) Out of Hours Work Permits

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

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

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

(15) Sediment and Erosion Control

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the carrying out the development.

(16) Prohibition on Use of Pavements

Building materials and equipment must be stored wholly within the work site, unless prior written approval has been obtained from council. Equipment must not be operated on the footpath or roadway, unless prior written approval has been obtained from council.

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

(17) Occupation

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

(18) Allocation of Parking Areas

All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the issue of the Occupation Certificate.

(19) Connection to Sewer

The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(20) Stormwater Disposal

All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of to the kerb and gutter (piped).

Development Application

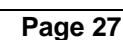
Denman Heritage Village - Musswellbrook Shire Council

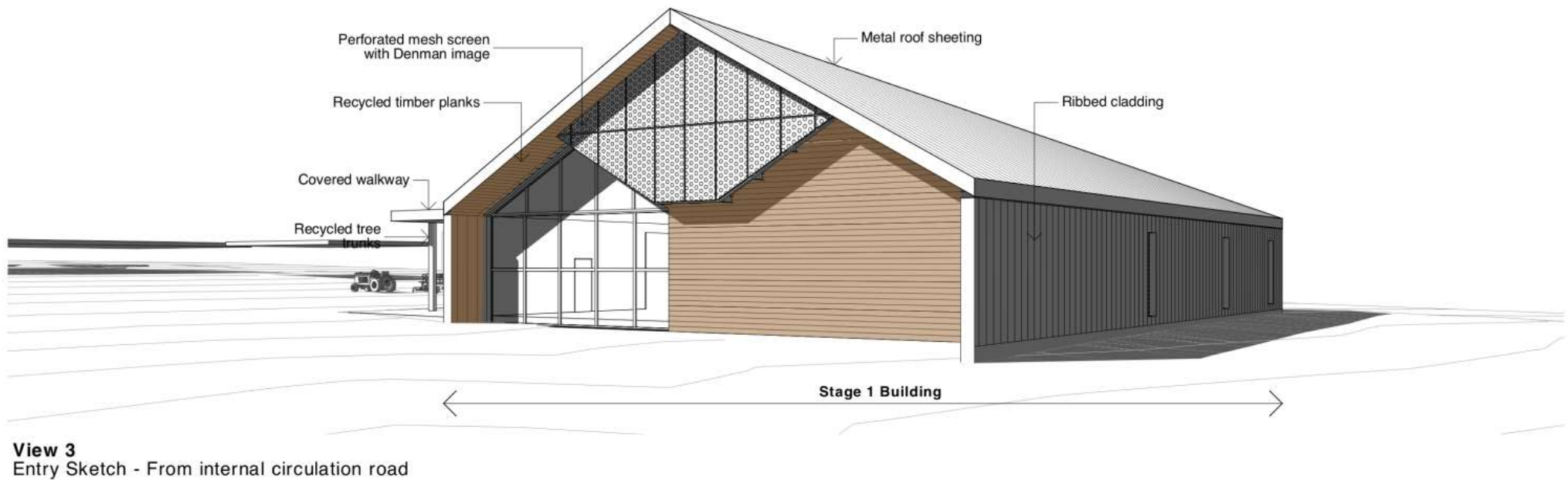
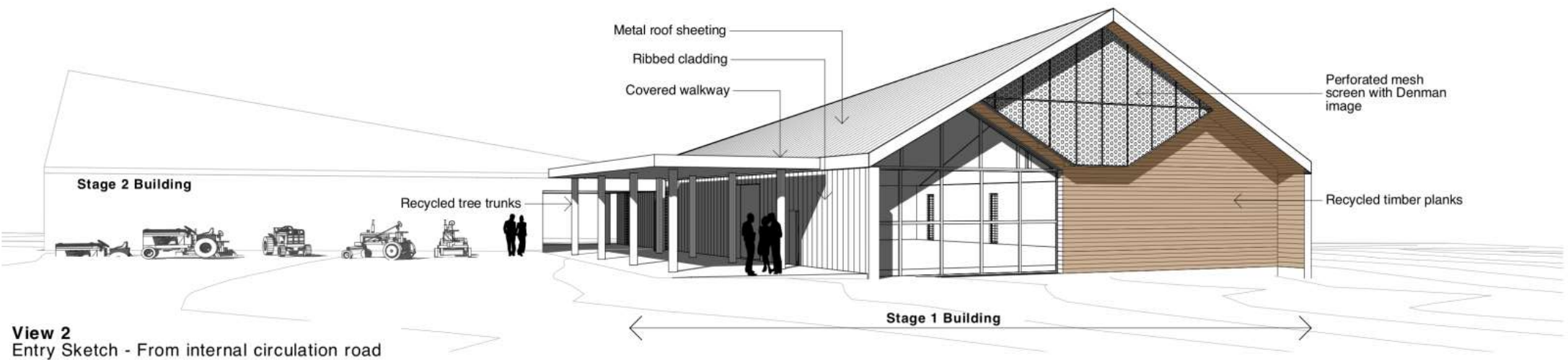
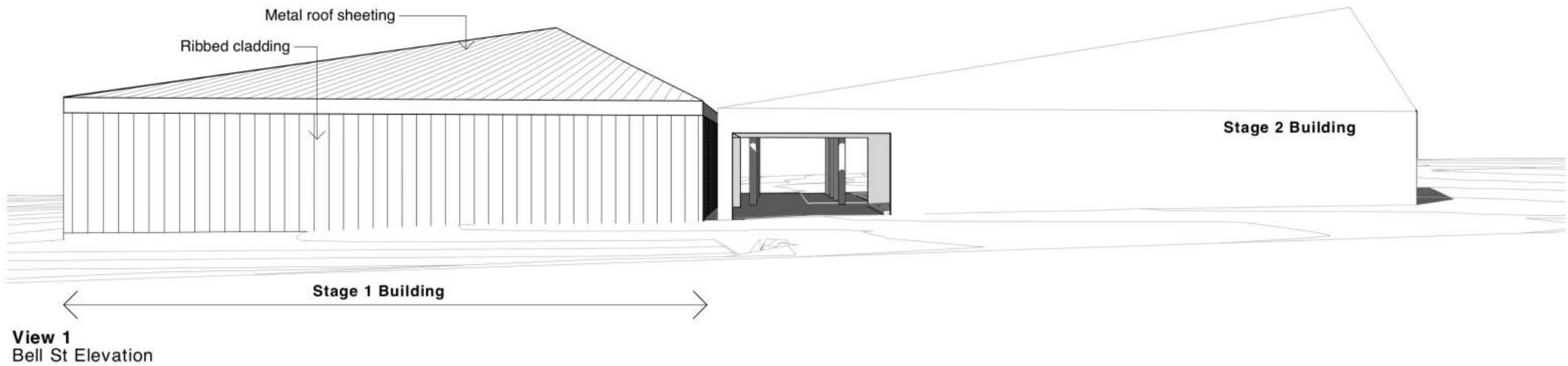
DRAWING REGISTER

Drwg No	Drwg Name	Drwg Scale
A-000	Cover Page	
A-010	Site Analysis	1:200
A-100	Ground Floor Plan	1:200
A-500	3D Views	

General Notes DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY ON CONSTRUCTION. All dimensions are in millimetres unless stated otherwise. An architectural drawing is to be read in conjunction with the relevant structural drawings. No structural elements are to be constructed or modified on site prior to the commencement of work. Any structural or mechanical components are to be constructed in accordance with the specifications of the relevant standards and codes of practice. The drawing is copyright and must not be reproduced, copied or used without the written permission of the architect. Any use of the drawing without the written permission of the architect is a breach of the copyright and may result in legal action. Any use of the drawing is limited to the specific project only and may not be used for any other purpose. The architect's responsibility is to these clients only and not to any third party who may rely on these documents.			<table><tr><th>Rev</th><th>Date</th><th>Issue</th></tr><tr><td>A</td><td>9/11/20</td><td>Development Application</td></tr></table>	Rev	Date	Issue	A	9/11/20	Development Application
Rev	Date	Issue							
A	9/11/20	Development Application							
Client Muswellbrook Shire Council									
Architect BKA Architecture SYDNEY 10 Bickmore St, Ultara NSW 2155 P: 02 9550 1000 F: 02 9550 1001 E: info@bka.com.au W: www.bka.com.au NEWCASTLE 10 Bickmore St, Ultara NSW 2155 P: 02 9550 1000 F: 02 9550 1001 E: info@bka.com.au W: www.bka.com.au BYRON BAY 10 Bickmore St, Ultara NSW 2155 P: 02 9550 1000 F: 02 9550 1001 E: info@bka.com.au W: www.bka.com.au									
North 	Scale at A1								
Status Development Application	Drawn TN								
Date 10/11/20	Checked JB / JK								
Project Denman Heritage Village									
Drawing Cover Page									
Project No. 19060	Revision A	Drawing No. A-000							







General Notes
DO NOT SCALE FROM DRAWING. USE FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE BEFORE ANY MANUFACTURE OR CONSTRUCTION.
All dimensions are in millimetres unless stated otherwise.
All architectural drawings are to be read in conjunction with the relevant consultant documents. All dimensions and levels are to be checked and verified on site prior to the commencement of work. Shop drawings or fabrication of any components. Refer all discrepancies to the Architect for determination. Drawings are not to be scaled, use only figured dimensions. The drawing is copyright and must not be retained, copied or used without the permission of BKA Architecture. This document has been prepared for and on behalf of the clients noted on the drawing. BKA Architecture's responsibility is to these clients only and not to any third party who may rely on these documents.

Rev	Date	Issue
A	9/11/20	Development Application

Client
Muswellbrook Shire Council

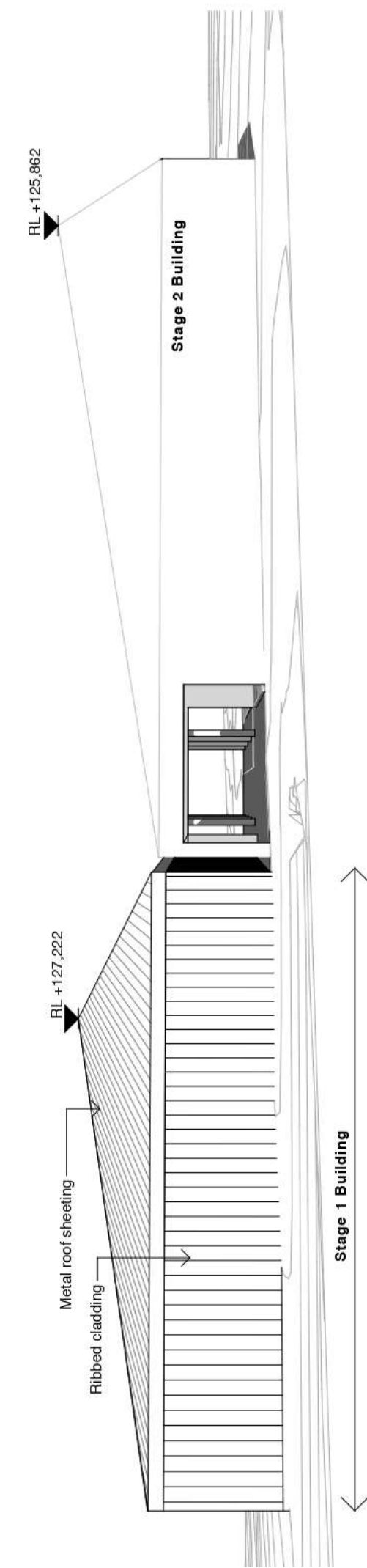
Architect
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T: +61 2 4988 1000

North 	Scale at A1
Status Development Application	Drawn TN
Date 10/11/20	Checked JB / JK

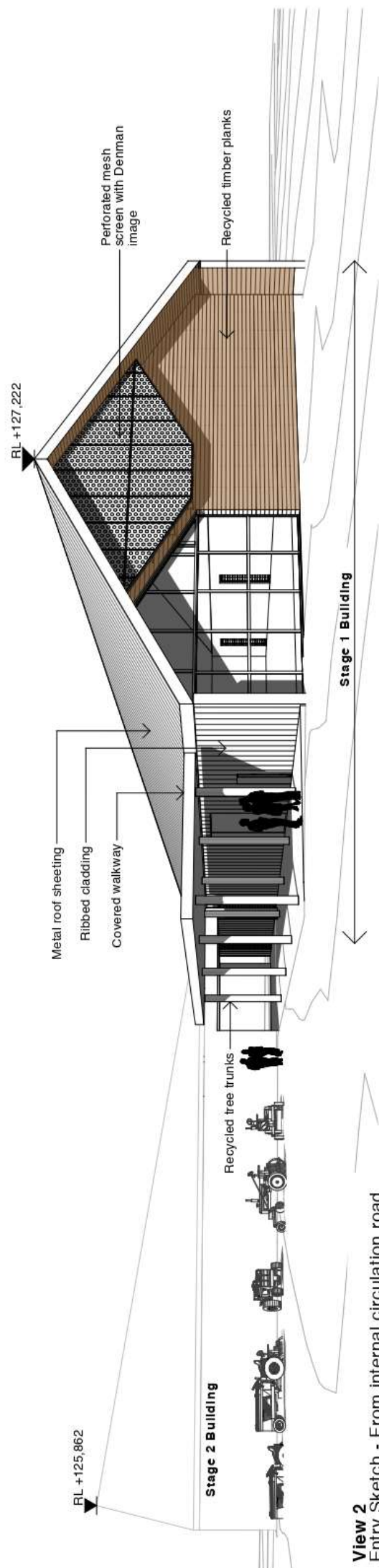
Project
Denman Heritage Village

Drawing
3D Views

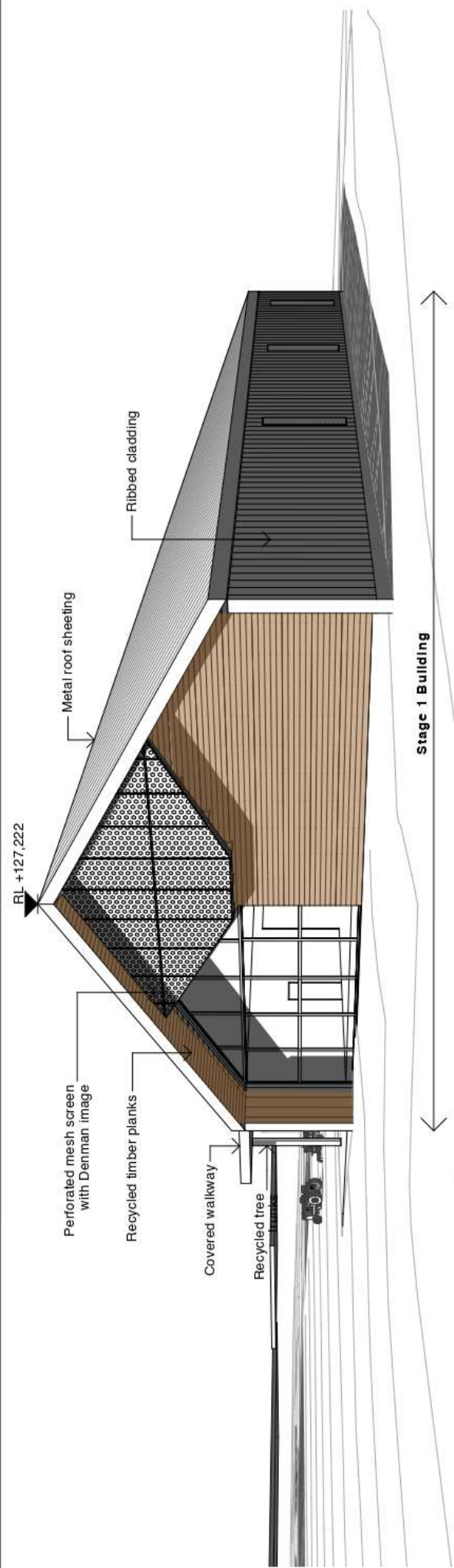
Project No.	Revision	Drawing No.
19060	A	A-500




View 1
Bell St Elevation



View 2
Entry Sketch - From internal circulation road



View 3
Entry Sketch - From internal circulation road

General Notes		
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All dimensions are in millimetres unless otherwise stated. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client.		
Rev	Date	Issue
A	9/10/23	Design Approval
Client		
Muswellbrook Shire Council		
Architect		
BKA Architecture		
SYDNEY NEWCASTLE BYRON BAY 77 Darling St, Newcastle NSW 1510 Tel: 02 4939 1000 E: info@bka.com.au R: 10/10/23		
North		
Shores	Development Application	
Date	10/1/20	
Project	Denman Heritage Village	
Drawing		
3D Views		
Project No.	Revision	Drawing No.
19060	A	A-500

10.2 DA 90/2019 - SUBDIVISION OF ONE (1) LOT INTO TWENTY (20) - 9 YARRAWA ROAD, DENMAN

Attachments:	A. DA 2019/90 Section 4.15 Assessment Report B. DA 2019/90 Recommended Conditions of Consent C. DA 2019/90 - Proposed Plans D. DA 2019/90 - Landscape Plan E. DA 2019/90 - NSW Heritage General Terms of Approval F. Redacted submission Microsoft Outlook - Memo Style.pdf
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

This report relates to the determination of DA 2019/90, involving a large lot residential subdivision of one (1) Lot into twenty (20) lots, and construction of associated infrastructure, to be carried out in 2 Stages. The land to which this application relates is Lot 1 DP 323945, 9 Yarrawa Road, Denman.

This development application is being reported to Council as delegations issued to Council Officers and the Development Assessment Committee do not enable the determination of subdivision applications involving the creation of twenty (20) Lots.

OFFICER'S RECOMMENDATION

- 1. Development Application No. 2019/90 involving the subdivision of one (1) Lot (Lot 1 DP 323945, 9 Yarrawa Road, Denman) into twenty (20) Lots BE APPROVED subject to the recommended conditions of consent contained in Attachment B.**
- 2. A Development Control Plan be prepared for the Yarrawa Road 'Urban Release Area', to which DA 2019/90 relates.**

Moved: _____ **Seconded:** _____

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

The proposed development involves the subdivision of 9 Yarrawa Road Denman (Lot 1 DP 323945) into twenty (20) large residential lots. The applicant has proposed the subdivision be carried out in 2 Stages with Stage 1 involving eleven (11) lots and stage 2 nine (9) lots.

The site subject to this application is located south west of the Denman township and was subject to an amendment to the Muswellbrook LEP 2009 which rezoned the land from RU1 Primary Production to R5 Large Lot Residential and adjusted the minimum lot size from 80ha to 4,000m².

The image below identifies the site location in relation to the Denman township and adjoining Two Rivers Winery.



Stage 1:

- Subdivision of the land into 12 lots, comprising 11 rural residential lots and 1 residue lot.
- Construction of a new intersection on Yarrawa Road.
- Construction of a two-way road with combined sealed lane width of 6 metres
- Extension of reticulated water utility services to service the new lots.
- Construction of stormwater drainage
- Landscaping
- The consolidation, via a boundary adjustment, of residue land in the south western corner of the site containing an existing vineyard into Lot 1 DP 1036050 (the property operated as the Two Rivers Winery and cellar door).
- The existing dwelling located at the property would be incorporated into proposed Lot 1.

- Subdivision of the residue lot, resulting from the Stage 1 subdivision, into nine (9) lots.
- Construction of a two-way road with a combined sealed lane width of 6 metres.
- Extension of reticulated water utility services to service the new lots.
- Construction of stormwater drainage
- Landscaping

The image below is the plan of subdivision and staging plan for the proposed development.

[illegible]

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is integrated development and required referral to NSW Heritage as development requiring an Aboriginal Impact Permit under the *National Parks and Wildlife Act 1974*. General Terms of Approval were issued by NSW Heritage on the 23 July 2020. Council Officers are satisfied that the development may proceed from a cultural impact perspective provided it is carried out in accordance with the Heritage NSW General Terms of Approval. These General Terms of Approval have been included in the recommended conditions of consent.
- The applicant has proposed that the lots be serviced by on-site sewage management systems rather than Council's reticulated sewage network to service the development. A Wastewater Report prepared by Woodlots and Wetlands Pty Ltd was submitted with the development application. The findings of this report were reviewed by Council's Senior Environmental Health Officer. Council's Senior Environmental Health Officer raised no objection to the proposed wastewater servicing arrangement subject to a condition of approval being imposed to register an 88B instrument on the title of all lots informing future owners of their responsibility to install and maintain an adequate on-site sewage management system.
- Council's Water and Waste Project Engineer provided referral comments which indicated that Council's water service could be extended to service the proposed development, subject to a Notice of Arrangement being obtained under the Water Management Act 2000. The requirements of Council's Water and Waste Division have been incorporated into recommended conditions of consent.
- A Biodiversity Assessment Report was prepared in relation to the proposed development. This report was reviewed by Council's Ecologist and Sustainability Team Leader who raised no objection to the proposed development from an ecological impact perspective, provided future development occur within the building envelopes referenced by the plans. A recommended condition of consent has been put forward to require an 88B instrument to be registered on the land to limit the location of future development in line with this requirement.
- The proposed development was referred to Council Community Infrastructure Engineers to consider impacts related to Council's road and stormwater network. Council's Chief Engineer put forward comments and a number of recommended conditions of consent that related to:
 - Acceptance of the proposed Basic Right turn treatment (BAR) for the proposed Yarrawa Road intersection.
 - A condition to restrict any private vehicle accesses directly onto Yarrawa Road. Proposed Lots 2 and 3 would need to be accessed via a right of way that connects to the internal access road.
 - A condition to provide vehicle access to proposed Lot 17 via an easement over proposed Lot 18.
 - Conditions related to the detailed design for stormwater infrastructure.
 - Conditions regarding the detailed design plans for any Subdivision Works Certificate, inspections and certification.The comments and recommended conditions provided by Council's Community Infrastructure Department have informed the recommended conditions of consent.
- The proposed development is in accordance with relevant provisions of the Local Environmental Plan (LEP).
- Under the provisions of the LEP the land subject to this development application is an Urban Release Area. Clause 6.3 requires a Development Control Plan (DCP) to be prepared for an Urban Release Area prior to a consent authority granting approval to an application for a subdivision within an Urban Release Area.

A draft DCP was submitted by the applicant with this development application for Council's consideration. At the 20 January 2020 Ordinary Council Meeting Council's Development Assessment Committee resolved not to progress a DCP for the area until it had determined an application for its subdivision. Sub-section 3.44(5) of the Environmental Planning and Assessment Act 1979 provides a pathway which overrides a requirement under an environmental planning instrument to put in place a DCP prior to the determination of an application.

If Council resolves to approve this development application, it is also recommended that Council resolve to progress the preparation of the DCP for the Yarrawa Road Urban Release Area subject to this approval.

- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP) and there are no provisions which would prevent Council from granting development consent to the proposed development.
-
- The proposed development was considered against the requirements of *Section 5 – Subdivision* in *Muswellbrook Development Control Plan 2009* related to the subdivision of Large Lot Residential zoned land. Council Officers were satisfied that the proposed development would be in accordance with all relevant provisions under this section of the DCP.
-
- Council Officers considered the proposed development against other relevant sections of Council's DCP, in particular sections 20, 22, 23, 24 and 25. Council Officers were satisfied that the proposed development would comply and where necessary that compliance could be managed through recommended conditions of consent.
-
- The proximity of the proposed development to the Two Rivers Winery and Cellar Door was considered through the assessment of the development application, along with the potential for the proposed subdivision and resultant lots to increase the potential for land use conflict with this adjoining premises. To mitigate this issue the proposal has incorporated a 100m wide buffer to restrict any dwellings being erected close to the Two Rivers Estate.

The DCP does not have a prescribed setback for dwellings from viticulture or wineries. The proposed setback matches the minimum setbacks required under the Singleton and Cessnock DCPs. Accordingly, Council Officers are satisfied that the proposed 100m setback would be an acceptable measure to mitigate against land use conflict and the impact of the Two Rivers continued operation on the future development of the proposed lots. A recommended condition of consent was put forward to restrict future development via a Section 88B instrument.

- Likely impacts of the proposed development were considered through the assessment of the proposed development. Council Officers are satisfied that the proposed development is unlikely to have any significant adverse environmental impact that may require the proposed development to be refused.
- Section 7.11 Contributions are applicable to the proposed development under the provisions of Council's Section 94 Contributions Plan. A recommended condition of consent has been proposed requiring the payment of these contributions to off-set increased demand for Council infrastructure and services in accordance with the provisions of that plan.

CONSULTATION

The proposal was notified in accordance with former Section 4 – Notification of the Muswellbrook DCP. One submission raising comments/concerns in relation to the proposed development was received.

The proposed development was renotified to the submitter following the receipt of additional information and alterations to the proposed design. No further correspondence was received from the submitter. Concerns raised in the submission related to traffic increases and safety along Yarrawa Road and an interest in any impact the proposed development will have on water pressure for existing reticulated

water users. A copy of the submission is attached for Council's information and the Section 4.15 Assessment evaluates these concerns in greater detail.

Council's Assessing Officer has noted:

- The ability for Council's reticulated water service to be extended to support the proposed development. Council's Water and Waste Division has indicated their satisfaction with the proposed development and have not identified any concern regarding water pressure.
- Council's Engineers have indicated their support for the proposed Yarrawa Road basic right turn treatment (BAR) intersection and internal road network design. Recommendations from Council Engineers have also included restricting any new private vehicle accesses directly from Yarrawa Road and requiring all internal accesses to be via the proposed internal access road.

Council Officers do not consider the matters raised by the submitter require Council to refuse development consent to the proposed development.

OPTIONS

Council may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

DA 2019/90 has been reported to Council for determination as it involves a subdivision of one (1) lot into twenty (20) lots.

Council Officers have completed an Assessment of the proposed development against the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979 and consider the proposed development to be in accordance with the relevant provisions.

In view of the findings of this assessment, Council Officers recommend Council grant development consent to the proposed development subject to the recommended conditions of consent contained in Attachment B and resolve to progress the preparation of a Development Control Plan to manage future development within this Urban Release Area.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 1 DP: 323945 9 Yarrawa Road DENMAN
APPLICATION No:	90/2019
PROPOSAL:	Subdivision of One (1) Lot into Twenty (20) Lots
OWNER:	Waebron Pty Ltd
APPLICANT:	Waebron Pty Ltd C/- 2 Yarrawa Road DENMAN NSW 2328
AUTHOR:	Mr H A McTaggart
DATE LODGED:	30/09/2019
AMENDED:	1 July 2020
ADD. INFO REC'D:	1 July 2020
DATE OF REPORT:	20 October 2020

SUMMARY**SUBMISSIONS:** One**RECOMMENDATION:** Approval subject to conditions

1.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to 9 Yarrowa Road, Denman (Lot 1 DP 323945).

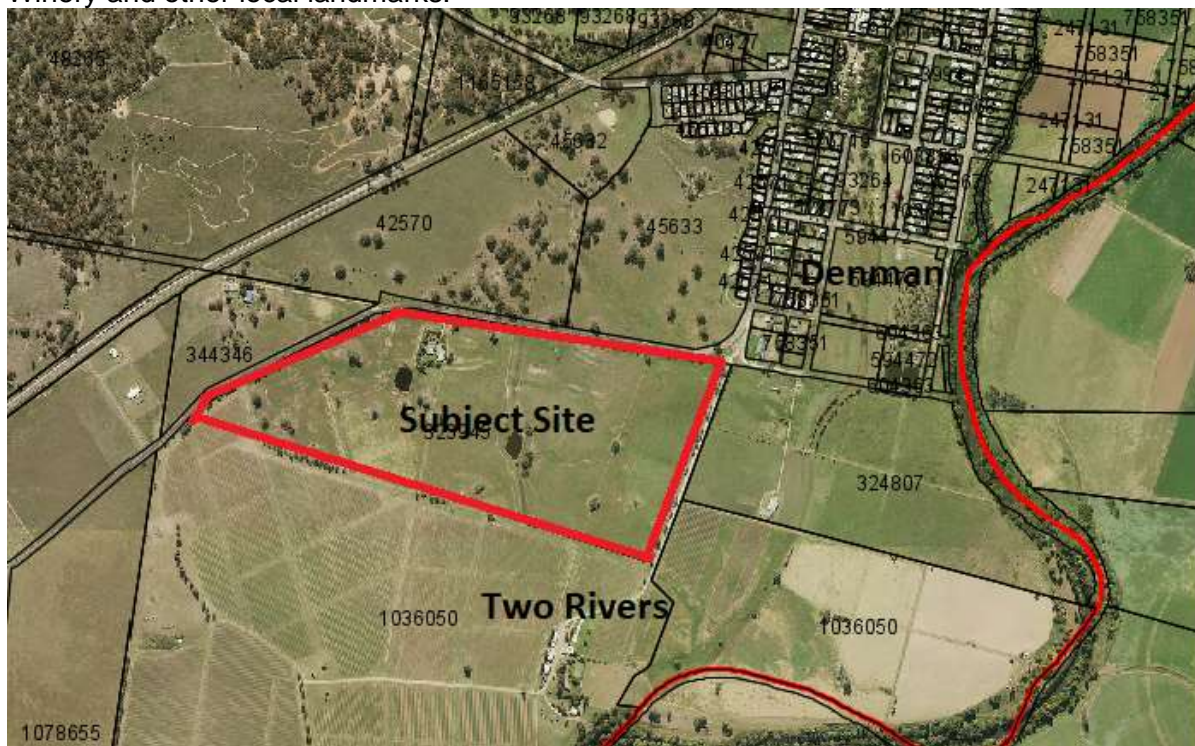
The subject site is located to the southwest of the Denman township and immediately north of the Two Rivers vineyard and cellar door. The land holding has a total area of 41.8 hectares and has a slight to moderate slope from the west to east. The low point of the site is its south eastern corner.

The site is largely clear of mature vegetation, due to longstanding agricultural uses. A dwelling, associated sheds, outbuildings, fencing and two farm dams are located on the site.

This development application follows a 2016 amendment to the Muswellbrook Local Environmental Plan 2009 (LEP 2009), involving the rezoning of the land from RU1 Primary Production to R5 Large Lot Residential and the adjustment of the lands minimum lot size from 80 hectares to 4,000m².

The subject site is not identified as bushfire prone land by Council's bushfire affected mapping.

The image below identifies the subject site in relation to the Denman township, Two Rivers Winery and other local landmarks.



2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the subdivision of the land into 20 lots, the construction of a new road and utility services. The proposed lots (excluding proposed lot 11 with a larger proposed area of 89,732m²) would range between 10,711m² and 29,043m² in area. The minimum lot size for under the LEP 2009 is 4,000m².

The proposed stages would comprise the following works:

Stage 1:

- Subdivision of the land into 12 lots, comprising 11 rural residential lots a residue lot that incorporates the remainder of the development site.
- Construction of a new BAL/BAR intersection on Yarrawa Road.
- Construction of a two-way road with combined sealed lane width of 6 metres
- Extension of reticulated water utility services to service the new lots.
- Construction of stormwater drainage
- Landscaping
- The consolidation, via a boundary adjustment, of residue land in the south western corner of the site containing an existing vineyard into Lot 1 DP 1036050 (the property operated as the Two Rivers Winery and cellar door).

The existing dwelling located at the property would be incorporated into proposed Lot 1.

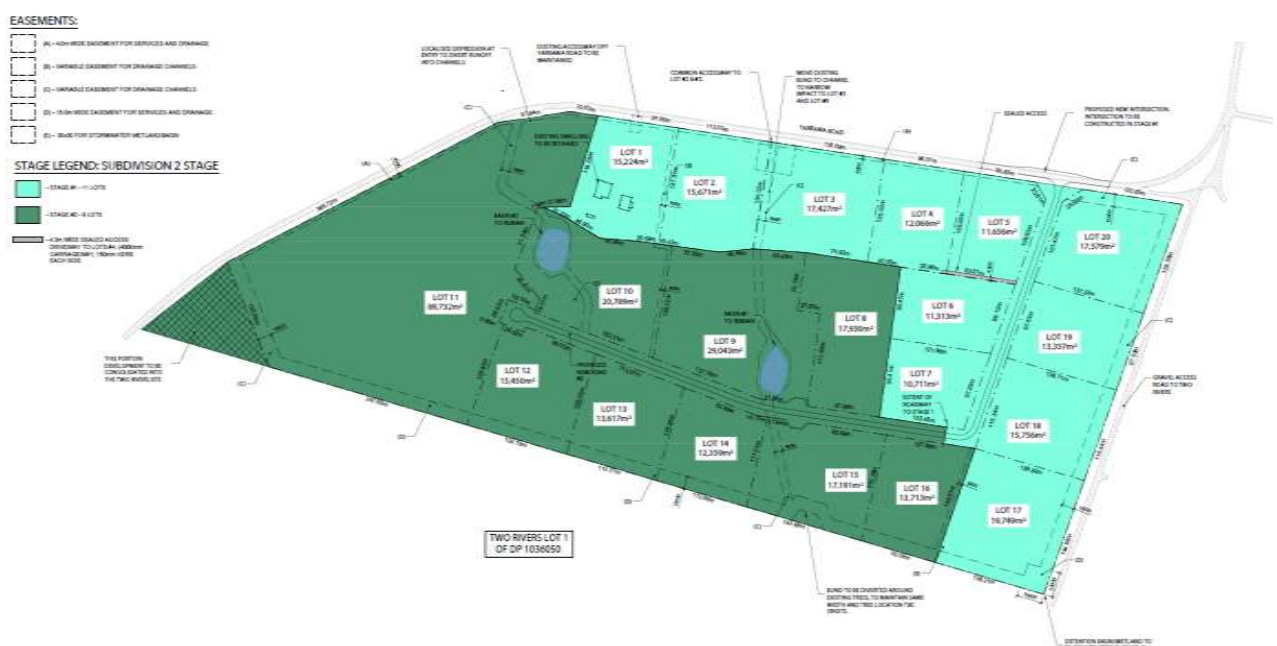
Stage 2

Subdivision of the residual development lot resultant from the Stage 1 subdivision into 9 lots.

- Construction of a two way road with a combined sealed lane width of 6metres.
- Extension of reticulated water utility services to service the new lots.
- Construction of stormwater drainage
- Landscaping

The image below is the plan of subdivision and staging plan for the proposed development.

The Stage 1 component of the development (except for the land to be consolidated into the Two Rivers Estate) is identified in the lighter green shade, while the Stage 2 component is identified in dark green.



The applicant has not proposed the extension of Council's reticulated sewage network to service the development. The applicant has proposed the development to be serviced by on-site sewage management systems. A Wastewater Report has been submitted with the development application to inform Council in considering the suitability of on-site sewage management systems.

3.0 REFERRALS

The development required referral to Heritage NSW as integrated development under the provisions of the Environmental Planning and Assessment Act 1979 and internal referrals to Council's Environmental Health Officer, Water and Waste, Roads and Drainage Teams. These referrals have been completed and the key comments and matters raised by the referrals have been included below along with comments related to the development assessment where required.

3.1 Integrated Development Referrals

NSW Heritage

The proposed development was referred to NSW Heritage on the 28 October 2019 who provided a response dated the 19 November 2019 requesting additional information in relation to the proposed development, the Aboriginal Cultural Heritage Assessment submitted and the potential for the development to impact culturally significant artefacts.

The applicant provided a response to this request for information on the 1 July 2020 which was provided to NSW Heritage for review.

On 23 July 2020 NSW Heritage provided a final response which included General Terms of Approval to the proposed development. The content of the General Terms of Approval are to be included in any development issued for the proposed development in accordance with the requirements of the EP&A Act 1979.

NSW Natural Resources Access Regulator

Referral to the NSW Natural Resources Access Regular (NRAR) was contemplated as the development is within 40m of a waterway. This was put to the applicant who provided a response indicating that based on the survey and site investigation work completed there was no evidence of a waterway on the site, the disturbance of which would require referral to NRAR. Given the applicants response and that they have not nominated the proposed development as this type of integrated development the applicant has not been referred to NRAR.

3.2 Other External Referrals

Wanaruah Local Aboriginal Land Council

Council Officers referred the proposed development to the Wanaruah Local Aboriginal Land Council (LALC) to provide the Wanaruah LALC the opportunity to review the application and comment on the Cultural Heritage Assessment Report and any concerns related to the impact of the development on items of cultural heritage. This referral was sent on the 28 October 2019. No comments were received.

3.3 Internal Referrals

Water and Waste

The proposed development was referred to Council's Water and Waste Division. Comments

provided in response to this referral indicated that water service could be extended to service the development subject to the approval of detailed design information through the submission of a Notice of Requirements under the Water Management Act 2000.

Standard recommended conditions of consent have been put forward regarding a Notice of requirements under the Water Management Act 2000 and for works to extend the water service to be completed in accordance with the requirements of Council's Water and Waste Division.

Ecologist & Sustainability Team Leader

The proposed development was referred to Council's Ecologist and Sustainability Team leader for comment. Following the review of the development application additional information was requested in relation to the biodiversity values of the site and the potential impact of the proposed development.

In response to this request for additional information the applicant provided a Biodiversity Assessment Report on 26 June 2020. This report was reviewed by Council's Ecologist and Sustainability Team Leader who provided final comments on the proposed development in an email dated 7 July 2020.

Council's Ecologist and Sustainability Team Leader observed that the 5-part test completed in the Biodiversity Assessment Report indicated that the development would not have a significant impact that would trigger a requirement for the submission of a Biodiversity Development Assessment Report. However, Council's Ecologist noted that this conclusion was reliant on any future dwellings being sited with the building envelopes shown on the subdivision site plan (drawing No 14-176-SKT03).

A recommended condition of consent has been put forward which requires the registration of a Section 88B instrument to restrict development outside the building envelopes where information is not submitted.

Senior Environmental Health Officer

Council's Senior Environmental Health Officer did not object to the arrangements proposed to manage on-site wastewater put forward by the on-site management of effluent report prepared by Woodlots and Wetlands Pty Ltd.

Council's Senior Environmental Health Officer recommended any approval for the proposed subdivision be subject to a condition of approval requiring the registration of an 88B instrument on future lots alerting potential purchases to their requirements related to the installation and management of an on-site sewage management system.

Community Infrastructure/Roads and Drainage

The proposed development was referred to Council's Community Infrastructure Department Roads and Drainage Division to consider impacts related to Council's road and stormwater network and the design requirements for any extensions to this infrastructure.

Council's Chief Engineer provided final referral comments on 2 December. These comments raised no objection to the proposed development and put forward several recommended conditions of consent. Comments and conditions received related to:

- Acceptance of the proposed Basic Right turn treatment (BAR) for the proposed Yarrawa Road intersection.
- A condition to restrict new private vehicle accesses to the new proposed lots directly from Yarrawa Road.

- A condition to provide vehicle access to proposed Lot 17 via an easement over proposed Lot 18.
- A condition related to the detailed design for stormwater infrastructure
- Conditions regarding the detailed design plans for any Subdivision Works Certificate and inspection test plan information and certification.

Requirements recommended by Council Engineers have been incorporated into recommended conditions.

4.0 ASSESSMENT

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

Section 4.15 Matters for Consideration

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

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned R5 Large Lot Residential pursuant to Muswellbrook LEP 2009.

Clause 2.6 of the Muswellbrook LEP 2009 permits the subdivision of land to which the Muswellbrook LEP 2009 applies with development consent. Accordingly, the proposed development is viewed as a type of development permissible with consent under the Muswellbrook LEP 2009 provisions.

Objectives of the R5 Large Lot Residential Zone

Clause 2.3(2) of the Muswellbrook LEP 2009 requires the consent authority to consider the relevant land use zone objectives when determining a development application. The land use zone objectives for the R5 Large Lot Residential zone are as follows:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

Council Officers are satisfied that the proposed development would be compatible with these objectives. The proposed development would enable an orderly subdivision of land rezoned by Council in 2016. Required public services have been accounted for through the design of the proposed development, except for reticulated sewerage services. The proposal is for individual lots to be serviced via on-site sewage management systems. A Wastewater Report submitted with the application demonstrates that this is a feasible method for managing wastewater at the site.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The land use zone objectives for the R5 Large Lot Residential zone have been considered in relation to the proposed development under the Objectives of the zone heading of the report. The proposed development is compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. Complies
<i>2.6 Subdivision—consent requirements</i>	<p>This Clause of the Muswellbrook LEP 2009 specifies development for the purpose of subdivision to be development permissible with consent under the provisions of the LEP.</p> <p>This clause enables Council to consider and approve the proposed development subject to its compliance with other relevant assessment criteria and LEP provisions.</p> <p>Complies</p>
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	<p>This Clause of the Muswellbrook LEP 2009 applies to development applications involving the subdivision of land and requires lots resulting from any subdivision to have an area not less than the minimum lot size shown on the relevant 'lot size map'. The Muswellbrook LEP 2009 'lot size map' that relates to the site indicates that a minimum lot size of 4,000m² is applicable to the subject site.</p> <p>The lots proposed under this development application would range in size between 10,711m² and 89,732m² and would all comfortably exceed the applicable minimum lot size.</p> <p>Complies</p>
<i>4.2 Rural subdivision</i>	This clause does not apply to land zoned R5 Large Lot Residential Not applicable
<i>4.3 Height of buildings</i>	<p>The maximum m building height applicable to the subject land is 8.5m. As the proposed development does not involve the construction of any new buildings this clause does not require detailed consideration as part of the assessment of this development application.</p> <p>Not relevant</p>
<i>4.4 Floor space ratio</i>	<p>The 'Floor Space Ratio Map' does not nominate an FSR for the land subject to this development application. Accordingly, this clause does not require further consideration as part of the assessment of this development application.</p> <p>Complies</p>
<i>Part 5 Miscellaneous provisions</i>	
<i>5.10 Heritage conservation</i>	This clause of the Muswellbrook LEP 2009 includes additional provisions relevant to the assessment and determination of development applications involving heritage items or aboriginal places of heritage significance.

	<p>This development application does not involve a heritage item listed under the Muswellbrook LEP 2009.</p> <p>Given the proposed development involved the subdivision of former agricultural land the applicant was required to carry out investigations to determine the likelihood of the development impacting items of cultural significance. A Heritage Assessment Report was prepared by the applicant and submitted with the development application. Following a request for further information an updated version of that report was submitted in July 2020. This Assessment recorded a total of 165 artefacts within the development site and indicated that it would be necessary for an Aboriginal Heritage Impact Permit to be obtained from Heritage NSW for the development to proceed.</p> <p>Consequently, Council Officers have assessed this development application as integrated development under the provisions of the Environmental Planning and Assessment Act 1979 and the requirements of this clause and referred the matter to Heritage NSW to consider the requirement for an Aboriginal Cultural Heritage Impact Permit under the provisions of the National Parks and Wildlife Act 1974 and provide General Terms of Approval where appropriate as the relevant public authority.</p> <p>NSW Heritage issued General Terms of Approval on 23 July 2020. These General Terms of Approval include requirements regarding an Aboriginal Heritage Impact Permit to be applied for and information required to support any such application. Through the assessment of the application Council has referred the development application to the Wanaruah Local Aboriginal Land Council and not received any feedback relating to the DA assessment.</p> <p>Through its assessment of the development application Council has complied with the requirements of this Clause of the Muswellbrook LEP 2009 and may determine the development application subject to a condition requiring the developer to adhere to the requirements of NSW Heritage specified by the General terms of Approval dated 23 July 2020.</p> <p>Complies</p>
<p><i>5.16 Subdivision of or dwellings on, land in certain rural, residential or environmental protection zones</i></p>	<p>This clause applies to development applications involving the subdivision of land zoned R5 Large Lot Residential.</p> <p>Where a development application is proposed involving a subdivision proposed to be used for a dwelling the following matters must be taken into consideration by the consent authority:</p> <ul style="list-style-type: none"> <i>(a) the existing uses and approved uses of land in the vicinity of the development,</i> <i>(b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,</i> <i>(c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),</i> <i>(d) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).</i>

	<p>In relation to these matters for consideration council Officers have observed the following:</p> <ul style="list-style-type: none"> - The development site is located on the interface between the Denman township, and RU5 Village zoned land and adjoining RU1 Primary Production zoned land. - The development site adjoins land used for agricultural grazing and viticulture, being the Two Rivers Winery and Cellar Door. - Through the 2016 rezoning of the land to R5 Council has indicated a preference for the land to be used for rural residential living. - Noting the economic, local and tourism significance of the adjoining Two Rivers Winery and Cellar Door this land use is viewed as a preferred and predominant land use in the vicinity of the development site. - The applicant has advised Council that they have considered the compatibility of the proposed development with adjoining agricultural uses through the design of the development and preparation of the development application. This informed their selection of larger rural residential lifestyle lots and the incorporation of a 100m buffer adjacent the subdivision boundary with the neighboring vineyard within which dwellings are to be restricted. <p>Council Officers are satisfied that the proposed development could be carried out in such a manner so as to avoid impacting the continued operation of the Two Rivers vineyard and cellar door and potentially complement this land use through the introduction of lifestyle rural residential housing into the area immediately adjoining this premises.</p> <p>Complies</p>
Part 6 Urban release areas	
6.1 Arrangements for designated State public infrastructure	<p>This Clause is relevant to the assessment of land designated as an urban release area. The land subject to this application is designated an urban release area. However, the proposed development is specifically exempted from the provisions of this Clause by sub-clause 6.1(3A) which references it as being land to which the clause does not apply. The provisions of that sub-clause have been included below:</p> <p><i>(3A) This clause does not apply to Lot 1, DP 323945, Yarrowa Road, Denman.</i></p> <p>Not Relevant</p>
6.2 Public utility infrastructure	<p>Water, electrical and telecommunications will be extended to service the proposed development. The applicant has proposed that the development be serviced by on-site wastewater systems and has provided a wastewater management report. Based on the information contained in that report, Council Officers are satisfied that the large lots proposed could be effectively serviced by aerated on-site wastewater management systems. Council Officers have also proposed recommended conditions of consent to ensure future landowners are aware of their requirement to</p>

	construct and maintain appropriate wastewater management systems to service any future dwellings. Complies
6.3 Development control plan	<p>This Clause of the Muswellbrook LEP 2009 restricts a consent authority from granting development consent to a development involving an urban release area, unless a development control plan that provides for the matters specified in subclause 6.3(3) has been prepared for the land.</p> <p>The applicant prepared a draft Development Control Plan which was lodged with Council concurrently with this development application. The draft DCP dealt with matters referenced by sub-clause 6.3(3) and was reported to the</p> <p>The 20 January 2020 Development Assessment Committee Meeting resolved:</p> <p>‘to prepare an amendment to Muswellbrook Development Control Plan 2009, to incorporate a section for the Urban Release Area identified as 9 Yarrowa Rd, Denman, following determination of a subdivision application for the site’.</p> <p>Noting the Development Assessment Committee’s decision not to progress the proposed Development Control Plan until this development application is determined it is relevant to observe the provisions of an Section 3.44 of the <i>Environmental Planning and Assessment Act 1979</i>, which relate to environmental planning instruments which include requirements for the preparation of Development Control Plans.</p> <p>Sub-section 3.44(5) of the Act includes a provision which overrides a requirement under an environmental planning instrument where the relevant planning authority refuses to make a development control plan or delays the making of such a plan by more than 60 days from the date of a submission of a draft development control plan.</p> <p>May proceed without further consideration of this clause in accordance with the provisions of Section 3.44 of the Environmental Planning and Assessment Act 1979.</p>
6.4 Relationship between Part and remainder of Plan	<p>There are no inconsistencies with the requirements of this Section, as they related to the proposed development and any other part of the instrument.</p> <p>Not relevant.</p>
Part 7 Additional local provisions	
7.1 Terrestrial biodiversity	The land subject to this development application is not identified as biodiversity by the Muswellbrook LEP 2009 terrestrial biodiversity map. Accordingly, the provisions of this clause do not require further consideration in relation to this development application. Not relevant
7.6 Earthworks	This clause requires a consent authority to consider the following matters prior to granting consent to a development application involving earthworks.

	<p>a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</p> <p>b) the effect of the proposed development on the likely future use or redevelopment of the land,</p> <p>c) the quality of the fill or of the soil to be excavated, or both,</p> <p>d) the effect of the proposed development on the existing and likely amenity of adjoining properties,</p> <p>e) the source of any fill material or the destination of any excavated material,</p> <p>f) the likelihood of disturbing relics,</p> <p>g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</p> <p>The proposed development would involve earthworks to support the construction of new roads, drainage channels and other infrastructure related to the subdivision. Council Officers are satisfied that the proposed development can be carried out in a manner consistent with the provisions of this clause, where earthworks are carried out in accordance with erosion control plans and conditions of consent related to the development.</p> <p>Complies</p>
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2. State Environmental Planning Policy No. 55 – Remediation of Land

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

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

As part of the rezoning of the site an Environmental Site Assessment was completed by RCA Australia in relation to the historical use of the site and limited soil and water sampling analysis carried out at the site to determine the likelihood of the land being subject to any remediation which would affect its rezoning or the future development of the site.

The conclusions of the report are:

This report has presented the findings of an assessment undertaken at Lot 1 DP 323945 in January 2015. The investigation comprised a site history review, inspection and interview with site personnel and a limited soil and water sampling and analytical programme for the purposes of characterising the potential for contamination at the site.

The site history review, inspection and interview indicated that potentially contaminating activities were limited to pesticide and herbicide use associated with grape growing, possible fertiliser use, some livestock aggregation areas and a possible petrol or diesel water pump.

Soil samples were collected from ten (10) locations and water samples for the two (2) dams present on site. Interpretation of results found that:

- *Zinc was identified at one soil sample location in excess of ecological criteria*

but well within human health criteria. The source of the zinc is unknown, however is not considered a contamination concern for the proposed development. It is recommended that the range of zinc concentrations in soil be considered when selecting landscaping plant species.

- Boron and copper were measured in concentrations in excess of the ecological criteria but well within human health criteria. It recommended that consideration be given to water quality during design and construction of the development, and should the dams be filled, ensure that there is no discharge to aquatic ecosystems.*

RCA considers that the site has been adequately characterised and is suitable for the proposed change in land use. Notification under the NSW Contaminated Land

There have not been significant changes to the use of the land in the preceding period Council Officers are satisfied that a further soil investigation in relation to the development would be unnecessary and the land is unlikely to be subject to any contamination under the SEPP which would require remediation for the proposed development to proceed.

3. State Environmental Policy (Vegetation in non-rural areas) 2017

The provisions of this SEPP are relevant to the clearing of vegetation in the R5 Large Lot Residential zone.

Clause 9 of the SEPP enables a Council to prepare Development Control Plan provisions to in relation to clearing of vegetation in non-rural parts of the LGA. Muswellbrook DCP 2009 does not contain vegetation clearing provisions. Accordingly, the clearing proposed would not contravene this SEPP.

In addition to the provisions of the SEPP, Council staff have considered the clearing against the relevant provisions of the Biodiversity Conservation Act 2016. A Biodiversity Assessment Report was submitted to Council which put forward recommendations to improve biodiversity outcomes for the development and concluded that the development did not require referral to additional government agencies to consider biodiversity impacts.

4. State Environmental Planning Policy (Infrastructure) 2007

Schedule 3 of the SEPP identifies various types of development as traffic generating development including subdivisions comprising 200 or more lots where the subdivision includes the opening of a public road and is not directly accessed via a classified public road. The proposed subdivision involves a total of 20 Lots. Accordingly, the proposed development does not require referral to Transport for NSW under the provisions of the SEPP.

5. State Environmental Planning Policy (Koala Habitat Protection) 2019

The SEPP requires a consent authority to consider whether a site is potential or core koala habitat prior to granting development consent to a proposed development. Where a development application involves an area of land in excess of 1 hectare without an approved Koala Plan of Management Council is required to assess, in accordance with the relevant guideline, whether the development is likely to have any impact on koalas or koala habitats.

The Biodiversity Assessment Report prepared by PEAK Land Management in relation to the proposed development considered the likelihood of the land subject to this development application comprising a potential or core koala habitat. This documents consideration of the SEPP concluded the land was not considered a potential or core koala habitat and that no further koala studies were required under the SEPP. These findings were reviewed by Council's Ecologist and Sustainability Team Leader.

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

There are no draft EPIs relevant to the subject Application.

Section 4.15(1)(a)(iii) the provisions of any development control planSection 3 – Site Analysis

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

Section 5 - Subdivision

	<i>Comments</i>
5.2 Approval Process	
5.3 General Requirements For Subdivision	
5.3.2 Special Considerations	<p>This section of the DCP sets out circumstances which require additional consideration for development applications involving a subdivision.</p> <p>Most of these circumstances relate to information and processes required to be followed for integrated development and development affected by various SEPP's. The proposed development has been considered against the <i>EP&A Act 1979</i> requirements for integrated development and various other SEPP's. The assessment of this development application has been carried out in accordance with these requirements and the proposal is therefore considered to be in accordance with this DCP requirement. Complies</p>
5.3.3 Adoption of AUS-SPEC	<p>This section requires design documentation for civil construction works accompanying a subdivision to be prepared in accordance with relevant AUSPEC provisions.</p> <p>The civil design plans have been considered by Council's Community Infrastructure Engineers and the proposed development has been conditioned to comply with the relevant construction requirements. Complies</p>
5.3.4 Buffers	<p>This section requires adherence to the buffers specified by Section 22 of the DCP when determining development applications for subdivisions.</p> <p>This section of the DCP has been considered and commented on in greater detail under a later heading of this report. Council Officers are satisfied that appropriate arrangements have been made to comply with the land use buffer requirements for this section. Complies</p>
5.4 Rural / Rural Residential Subdivision	This Section of The DCP applies to subdivision in the R5 Large Lot Residential zone.
5.4.1 Lot Size and Shape	The key controls established by this section that relate to the assessment of this development application are the building envelope requirements - a minimum building envelope of 2,000m ² , a minimum dimension of 30m and lot shape with a width to depth ratio that is not less than 1:4.

	Comments
	<p>The lots proposed by this subdivision are consistent with these minimum requirements:</p> <p>Lots have a minimum width of 83m.</p> <p>Sizeable building envelopes have been shown on the proposed plans and their siting has been informed by existing conditions including, the location of artefacts, natural vegetation and buffers to adjoining land uses to minimise the impact of potential new dwellings.</p> <p>The depth to width ratio of the proposed lots would be consistent with the 1:4 minimum ratio.</p> <p>Complies</p>
5.4.2 Roads and Access	<p>The requirements of this section have been summarised and commented on in the dot points below:</p> <ul style="list-style-type: none"> - Roads to be constructed in accordance with AUSPEC and other technical specifications referenced by this clause. Planning comments: Council Engineers have advised that they are satisfied with the proposed road access arrangement subject to detailed construction plans being provided in accordance with the recommended conditions of consent. - Restricts more than 3 Lots being accessed via a common right of carriage way where direct road frontage is not available and specifies that any right of way must be constructed to allow for two wheel drive access. Planning comment: To comply with requirements from Council's Community Infrastructure Department restricting access for lots from Yarrawa Road it will be necessary for a right of way to service three (3) lots. - Specifies requirements that relate to developments accessed via level crossings – Planning comments: this requirement is not relevant. <p>Complies</p>
5.4.3 Crown Roads	Not relevant - the proposed development does not relate to any undedicated Crown Road Reserves.
5.4.4 Soil and Water Management	<p>Council Officers are satisfied that the proposal would be in accordance with the relevant requirements.</p> <p>Complies</p>
5.4.5 Effluent Disposal	<p>The requirements of this clause have been summarised and commented on below</p> <ul style="list-style-type: none"> - Sewer disposal by on-site wastewater management systems permitted where sewer is not available within 75m of a development. <p>Planning Comment – The closest connection point for the development to Council's reticulated sewage system is 400m from the site. <u>This section has the effect of permitting on-site management of wastewater for this development.</u></p> <p>Planning comment: an investigation into the proposed method of wastewater collection and management has been submitted with the development application. This has been reviewed by Council's Senior Environmental Health Officer and has informed the view that on-site wastewater</p>

	Comments
	management for the development would be acceptable. Complies
5.4.6 Flora and Fauna	The applicant has prepared and submitted a Biodiversity Assessment Report in relation to the proposed development. This report was considered by Council's Ecologist and Sustainability Team Leader who raised no objection to the likely ecological impact of the proposed development and put forward recommended conditions of consent. Complies
5.4.7 Visual Amenity	Council Officers are satisfied that the proposed development would comply with these controls and that the development would not be located on a visually sensitive or prominent area or ridgeline. The larger lot sizes provide a useful transition from the standard rural lots and township. Complies
5.4.8 Heritage	The proposed development would comply with the requirements of this section that relate to protecting items of European and aboriginal cultural heritage. In relation to requirements regarding aboriginal cultural heritage, an Aboriginal Heritage Impact Statement has been prepared in relation to the proposed development in accordance with the section requirements and the appropriate assessment method followed with Heritage NSW. Council Officers consider that the impacts of the subdivision on heritage can be managed with building envelopes and s88B restrictions. Complies
5.4.9 Utility Services	Key requirements of this section have been summarised and commented on below: <ul style="list-style-type: none"> - Adequate water supply is to be made available for domestic and firefighting purposes. Planning comment: the proposed development would be serviced via a connection to Council's reticulated water supply, the proposal was referred to Council's Water and Waste Engineers who raised no objection to the servicing of the development by this means, subject to the extension of the water service being carried out in accordance with standard requirements. - Electricity service to be provided to all lots, except those considered remote by Council. Planning Comment: the applicant has indicated that they have consultant with AUSGRID who advised that the proposed development can be serviced by above ground power lines given the size of the lots. Where the application is approved a standard condition requiring a Notice of arrangement to be obtained to extend power to the lots prior to the issue of a Subdivision Certificate. - Requires connection to reticulated sewage where a connection point is available. Planning comment: the proposed development is located 400m from Council's reticulated sewage network. Clause 5.4.5 of this section of the DCP indicates developments are not required to connect where they are located more than 75m from that service. Accordingly, it is considered

	Comments
	that the proposed rural residential development may be permitted without the extension and connection of reticulated sewerage. Complies
5.4.10 Hazards	The subject land is not bushfire prone or flood liable and is not affected by any hazard constraints referenced by this clause. Complies
5.5 Residential Subdivision	Not applicable
5.6 Industrial Subdivision	Not applicable

Section 20 – Erosion and Sediment Control

This section sets out Council's requirements for the preparation of sediment and erosion control for the carrying out of development.

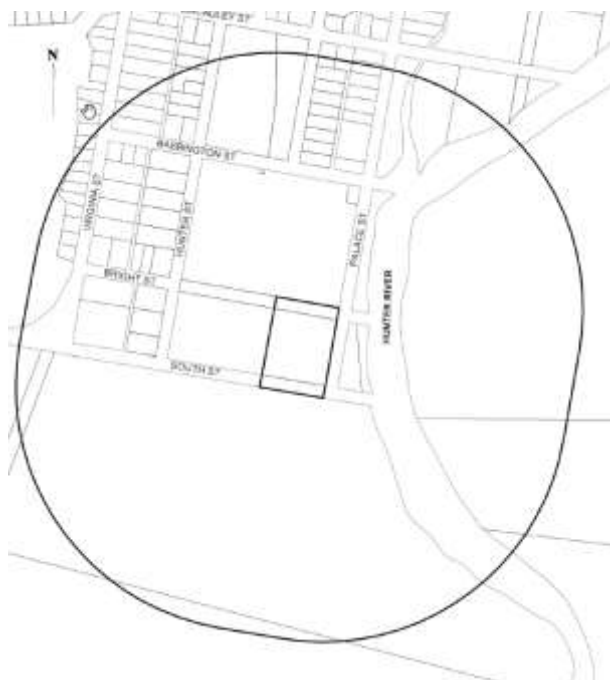
The applicant has prepared and submitted an Erosion Control Plan and Water Management Plan in line with the requirements of this Section.

Where the proposed development is carried out in accordance with these plans and conditions of consent related to the carrying out and management of earthworks Council Officers are satisfied that the development would be in accordance with the Section requirements.

Complies

Section 22 – Land use Buffers

Sub-section 22.4.1 identifies a land use buffer around the Denman and Muswellbrook Sewage treatment works and includes controls to minimise the opportunity for development that may affect their operations. The Denman sewage treatment plant land use buffer has been included below.



The Denman Sewage treatment land use buffer includes a small portion of the site subject to this development application.

The location of part of the site within the land use buffer area does not preclude its

subdivision. In this instance Council Officers are satisfied that the proposed subdivision would not generate land use conflict as the building envelopes proposed are not sited within the buffer area.

Section 22.4 recommended buffers for any proposed new intensive primary industry or potentially hazardous enterprises. These recommended buffers are shown in table 22.1. The table does not specify a specific buffer area for viticulture from adjoining dwellings. Regardless, the applicant has considered the proximity of the proposed development to the adjoining Two Rivers Winery and proposes to restrict any dwellings being constructed on a part of the land with 100m of the boundary to an adjoining winery.

Council Officers have reviewed the provisions of Singleton and Cessnock Development Control Plans. The Singleton DCP requires a setback of 100m for residential and tourist accommodation, the Cessnock DCP requires a setback of 50m.

The proposed 100m setback for future dwellings from adjoining viticulture is considered to be an acceptable measure to manage land use conflict between the proposed subdivision and this adjoining enterprise. The recommended conditions of consent will include provisions to ensure that the setback requirements are adhered to for future development.

Complies

Section 23 – On-site Sewage Management Systems

The area of all proposed lots exceeds the minimum lot size of 1200m² on which an on-site sewage management system may be permitted. A report in relation to the on-site management of wastewater has been prepared by a suitably qualified person which indicates that suitable on-site wastewater management systems can be installed to effectively service the proposed development.

Complies

Section 24 – Waste Management

A waste minimisation management plan is yet to be prepared in relation to the proposed development. To ensure that the proposed development is carried out in accordance with the requirements of this Section of the DCP it is recommended that a condition of consent is included in any approval for the development requiring the submission of a waste minimisation management plan to Council detailing how waste material from the carrying out of subdivision works is to be minimised in line with the DCP requirements.

Recommended conditions to achieve compliance

Section 25 – Water Management

To support the proposed development the applicant engaged RHM Engineering Services to prepare an Engineering Services Report and related plans regarding the servicing of the development. To manage stormwater associated with the development the applicant proposed to rely on overland drainage.

The image and key below identify proposed drainage channels to support the development.



The RHM Report and proposed plans was reviewed by Council Engineers who put forward further requirements regarding the design and construction of the stormwater infrastructure to ensure its compliance with this section of the DCP and Council requirements. The recommendations of Council Engineers regarding stormwater management have been incorporated into conditions of consent.

Recommended conditions to manage compliance

Section 94 Contributions Plan 2001

Council's Section 94 Contribution Plan requires the payment of Section 7.11 (formerly Section 94) developer contributions for subdivisions to off-set increased demand for Council infrastructure and services.

Recommended conditions of consent have been put forward to require the payment of relevant contributions as part of the development.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

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

on throughout this report. Some key potential environmental impacts related to the development have been summarised and commented on under the sub-headings below.

Context & Setting

The proposed development would be sited on the south western edge of the Denman Township. The proposed subdivision would provide a transition between the township and adjoining rural land.

The proximity of the proposed development to the adjacent Two Rivers winery and cellar door has been considered through the assessment of this development application. Council Officers are satisfied that appropriate consideration has been given to minimise the impact of the development on the existing operation of this premises. A 100m setback restricting the construction of any future dwellings within 100m of the sites boundary with the adjoining vineyard will be imposed on via an 88B instrument and through the provisions of a future DCP. This setback would minimise the potential for noise and spray drift impacts from the winery on future residents.

Traffic and Transport

A Traffic Impact Assessment was prepared by Seca Solutions and submitted in relation to the proposed development. This investigation considered the proposed development against the provisions of AUSTRROADS, Section 2.3 of the RTA Guidelines for Traffic Generating Development and the requirements of the Muswellbrook DCP.

Council's Community Infrastructure Department have advised that they are satisfied with the proposed intersection improvements to Yarrawa Road to manage traffic via a basic right turn treatment (BAR) and the proposed internal road access arrangement/design.

However, they were concerned with the proposed increase in vehicle accesses from Yarrawa Road in view of the roads speed limit. To address this issue, a condition of consent has been put forward to restrict vehicle access via Yarrawa Road and require lots designed with Yarrawa Road access to instead be serviced via a right of way connected to the internal access road.

Flora and Fauna

A Biodiversity Assessment Report by an appropriately qualified ecologist was provided. The findings of this assessment suggested that the proposed development would not have a significant impact on any threatened species, endangered ecological community, critical habitat, or endangered populations where the development is carried out in accordance with the recommendations of that report.

Council's Ecologist raised no objection to the findings of the report and required development to be limited to the proposed building envelopes. A recommended condition of consent to restrict future developments of the site to the approved building envelopes, where additional studies are not prepared to support the consideration of a development outside these areas.

Economic and Social Impacts

The construction of the proposed development would support employment opportunities and have a modest positive economic impact for the construction industry and Denman area. In the medium to long term it is considered that the proposed development would continue to have a positive social and economic impact as it would provide additional lifestyle housing opportunities in the Denman area and support the growth of the town.

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

The subject site is suitable for the proposed development.

Detailed investigations have been carried out into constraints that may affect the opportunity for the land to be developed. Examinations of flora and fauna, aboriginal heritage, past land uses, and the likelihood of contamination did not identify any site-specific issue or consideration that would make the site unsuitable for the proposed development. Furthermore, the site is not affected by any flooding or bushfire risk constraints that may limit the opportunity for its development. Council Officers are satisfied that the subject site is well suited to the proposed subdivision.

Section 4.15(1)(d) any submissions made

This development application was lodged with Council prior to the repeal of this Section of the DCP and the adoption of the Muswellbrook Community Participation Plan. In accordance with the DCP requirements, the proposed development was notified for a period not less than 21 days and featured in the Hunter Valley News, the local paper still in circulation at that time. The notification period commenced on the 16 October 2019 and concluded on the 7 November 2019.

During the notification of the development 1 submission was received.

Following the receipt of revised plans on the 2 July 2020 the proposed development was renotified to the submitter. No further submission or comments were received in relation to the proposed development.

The matters raised by the original submission have been considered and commented on in the table below:

Submitter issue	Planning Comment
Traffic safety due to traffic increases, suitability of 100km/per hour speed zone along Yarrawa road adjacent the development, potential for visibility to be impaired along that stretch of road by future development. The submitter references this concern has been informed by Yarrawa Road being a school bus route where the submitters children and others catch the local bus.	The safety and suitability of Yarrawa road has been considered by Council's Engineers. They have endorsed the recommended BAR Right turn to ensure that the proposed intersection is constructed to appropriate safety standards, while they have also recommended restricting any new private vehicle accesses from Yarrawa Road to manage the safety of this part of Council's Road network.
Concern regarding the introduction of a new intersection along Yarrawa road and the safety of this proposed intersection.	Council Engineers have accepted the adequacy of the proposed basic right turn treatment (BAR) recommended and its ability to support safe vehicle movements between the development sites internal road network and Yarrawa Road.
Concern as to whether the proposed development will impact the water pressure of existing residents using Council's water service in the area.	Council's Water and Waste Engineers have reviewed the proposed development. Council's Water and Waste Division provided recommended conditions of consent to be imposed where the development is approved. No concerns were raised about the impact on Council's reticulated water service, nor a concern that the

Submitter issue	Planning Comment
	additional 20 Lots would have any impact on overall water pressure. Headworks contributions would be applicable to the development to offset additional demand and service maintenance costs related to the development and increased service users.

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

The proposed development is compatible with the public interest. The proposal has been assessed against the relevant criteria of the Environmental Planning and Assessment Act 1979 and Council Officers are satisfied that:

- The proposed development complies with the relevant assessment criteria and may thereby be supported by Council,
- The proposed development will provide additional options for the construction of dwellings on large lifestyle lots
- GTA of approval have been issued by NSW Heritage related to the developments impact on aboriginal artefacts.
- The proposed development would contribute to Denman's identify as a vibrant community and prominent tourist destination.

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been notified to neighbouring property owners in accordance with the provisions of the Muswellbrook DCP.

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

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

Signed by:


Hamish McTaggart
Development Coordinator

Date:

DA 2019/90 – Recommended Conditions of Consent

IDENTIFICATION OF APPROVED PLANS**(1) Development in Accordance with Plans**

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
14-167-DA03 (Proposed Lot Layout)	D	RHM Consulting Engineers	01/06/20	01/07/20
14-167-DA06 (Onsite waste management plan, easements and building envelopes)	C	RHM Consulting Engineers	26/05/20	01/07/20
14-167-DA22 (Landscape Plan Overall Layout)	C	RHM Consulting Engineers	01/06/20	01/07/20
14-167-DA22 (Landscape Plan Details)	C	RHM Consulting Engineers	01/06/20	01/07/20

(2) Development in Accordance with Documentation

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

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

Title	Written by	Date
Statement of Environmental Effects	Orbit Planning	September 2019
Assessment of the Suitability of Lot 1 DP 323945 Yarrawa Road, Denman for onsite management of effluent following subdivision into 20 rural residential lots	Woodlot and Wetlands Pty Ltd	17 September 2019

Title	Written by	Date
Traffic Impact Assessment	SECA Solutions	9 September 2019
Engineering Services Report	RHM Consulting Engineers	23 August 2019
Biodiversity Assessment Report	PEAK Land Management	May 2020
Aboriginal Cultural Heritage Assessment	Insite Heritage Pty LTD	May 2020
Letter amending the development application	Orbit Planning	26 June 2020

(3) **Development in Accordance with the approved staging plan**

In accordance with the approved plans and documentation and as described below approval is granted to the carrying out of the development in 2 Stages.

Stage 1 and Stage 2 Works are to be carried out in accordance with the Staging Plan and information specified in the Orbit Planning correspondence dated 26 June 2020 and the approved plan titled 'Proposed Lot Layout and Staging Plan', drawing No 14-167-DA03.

For ease of reference the table below specifies the number of lots to be created in each stage of the development

Stage	Number of Lots
Stage 1	11 Lots and a residual lot for further development and subdivision as part of Stage 2.
Stage 2	9 Lots

(4) **No additional Lot Accesses from Yarrawa Road**

Approval is not granted to the provision of any additional vehicle accesses from Yarrawa Road to lots resulting from the subdivision.

The plans indicate that proposed Lots 2 and 3 were to be accessed via Yarrawa Road. The proposed vehicle access to these lots must be revised and plans submitted to and approved by Council showing an alternate vehicle access arrangement. It is recommended that consideration be given to extending the sealed accessway providing access to proposed Lot 4 to also service proposed Lots 2 and 3.

The width of any easement for access servicing multiple lots should be designed to allow for a formal 4m wide accessway (to allow a car and pedestrian to pass each other) and passing bays of an additional 3m width at least two locations along the shared access way. As a minimum construction standard it will be necessary for any vehicle accessway designed and constructed in accordance with this requirement to be sealed between the road and property boundary in accordance

with Council's Rural Access Policy and for the driveway from the property boundary, to the boundary of the final lot serviced by the easement, to be constructed and compacted with DGB20 base course or similar material.

Updated plans detailing a suitable access arrangement in line with the above, or as otherwise agreed by Council in writing are to be provided to submitted and approved by Council prior to the issue of a Subdivision Works Certificate for any Stage of the development.

(5) **Proposed Lot 17 Vehicle Access**

The submitted plans indicate that proposed Lot 17 will not have direct frontage to the newly constructed internal road.

Where this is the case, legal and practical access is to be provided to proposed Lot 17 via a 4m wide easement for access via proposed Lot 18.

Updated plans detailing this access arrangement and including design information for a 4m wide driveway to provide access to proposed Lot 17 are to be submitted and approved by Council prior to the issue of any Subdivision Works Certificate.

GENERAL TERMS OF APPROVAL PURSUANT TO SECTION 4.47 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

(6) **Heritage NSW General Terms of Approval**

At all times the development is to be carried out in accordance with the General Terms of Approval outlined in the 23 July 2020 correspondence from Heritage NSW and as referenced below:

1. *The proponent must make an application to Heritage NSW of the Department of Premier and Cabinet, within three years of development consent being granted, for an Aboriginal Heritage Impact Permit (AHIP) to authorise 'harm' to the registered Aboriginal sites that will be affected by the development. In doing so, the proponent will be required to provide additional information to support an AHIP application with reference to the following documents:*
 - *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW 2011)*
 - *Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)*
 - *Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010)*
2. *The proponent must maintain consultation with the registered Aboriginal parties (RAPs) through contact at least once every six months during the Aboriginal cultural heritage assessment process.*
3. *The proponent must not harm any Aboriginal sites/objects until an approved AHIP has been obtained from Heritage NSW.*

MATTERS TO BE COMPLETED PRIOR TO THE ISSUE OF ANY SUBDIVISION WORKS CERTIFICATE**(7) Subdivision Works Certificate Requirement**

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

(8) Geotechnical Investigation

A detailed Geotechnical Site Investigation Report is to be prepared by a suitably qualified consultant at the full cost to the consent holder. The Report is to be submitted with the Engineering Drawings accompanying the Subdivision Works Certificate for each stage of the development. The report shall fully assess the suitability of the site for the development and works proposed, including, but not limited to roads, drainage and all detention basins and wetland areas. All recommendations of the investigations shall be incorporated into the Engineering Plans. A pavement design for the internal road and intersection/BAR treatment on Yarrowa Rd Intersection is to be designed by a suitably experienced civil or geotechnical consultant and design submitted to Council as part of the CC works.

A certificate prepared by an appropriately qualified Geotechnical Engineer shall be submitted to the Certifying Authority for approval with the Subdivision Works Certificate, certifying that the existing subgrade on the site is capable of:

- a) withstanding the proposed construction and in-service loads to be imposed;
- b) withstanding the extent of the proposed excavation, including any recommendations for shoring works that may be required to ensure the stability of the excavation;
- c) maintaining the structural integrity of the base, walls and spillway of stormwater detention basins/wetlands to achieve design outcomes without damage, collapse or serious defects; and
- d) prevent ingress of moisture into road pavements where clay lining of embankments is proposed.

(9) Road Design Criteria

The proposed public road shall be constructed at the cost of the applicant, in accordance with Council's AusSpec specifications.

Detailed design plans and report information supporting the subdivision in conjunction with an Auspec design checklist are to be submitted to Council by an appropriately experienced and qualified consultant prior to the issue of any Subdivision Works Certificate.

Headwalls on culvert crossings beneath internal roads are to be sloped in accordance with the Muswellbrook Shire Council Development Control Plan to prevent collisions from drivers.

In accordance with the recommendations of the Biodiversity Report the road areas and stormwater swales should both be constructed so as to avoid all remnant old growth *Eucalyptus dawsonii* trees, and not disturb their root zones.

(10) Emergency Service Vehicle Design

Prior to the issue of a Subdivision Works Certificate for any Stage of the development, the person acting with this consent shall provide evidence to Council

through detain design information that the road design is sufficient to support access to the subdivision for emergency services and service vehicles (fire, rescue ambulance and waste collection vehicles).

Design information to demonstrate compliance with this condition should include swept path analysis for appropriate design vehicles (for reference local Council waste collection vehicles have a length of 9.9m).

(11) Design of table drains adjacent internal roads

Prior to the issue of a Subdivision Works Certificate a revised design for table drains adjoining internal roads is to be submitted to and approved by Council for the drains related to the Subdivision Works Certificate being applied for.

Council does not support the proposed 'V' shaped drain as these drains increase the potential for scouring and should only be considered in highly constrained situations.

The revised design for table drains should be for a trapezoidal table-drain with a minimum of a 0.6m base with maximum 1:4 batters for a single pipe crossing, where pipe diameter of the crossing is DN450 or less (allowing for the relevant blockage factors as listed in 12 (v) and entry/exit energy losses). Where stormwater discharges require larger pipes or twin pipes for capacity at driveway crossings, the base width should be widened accordingly to allow the installation of pipes as per AS 3725, and included as part of the DRAINS Model.

(12) Stormwater Design

Under MSC DCP 28, detailed stormwater management plans and a report is required to be prepared by a suitably qualified and experienced drainage/hydraulic engineer recognised by the industry. The plans are to include:

- i. Full DRAINS model analysis to be submitted to Council electronically for both the external and internal discharging stormwater towards the site and Yarrowa Rd for both the 1 in 20 ARI peak rainfall-runoff event and the extents, depths and velocities of the peak 1 in 100 ARI rainfall-runoff event for all proposed lots, existing and proposed channels / table-drains.
- ii. Easements for the drainage of water over all drainage infrastructure (including channels) of the development to be formed to include the extents of the 100-year ARI peak rainfall-runoff event passing through land not owned by Council and reflected on the subdivision plan of survey and form part of a Section 88B Instrument, to ensure all works necessary for drainage can be maintained at all times to prevent adverse construction on or storage within, these areas.
- iii. DRAINS modelling to demonstrate that post-development peak discharge does not exceed pre-development peak discharge for the 1 in 20 year ARI and the 1 in 100 year ARI events.
- iv. Subsoil drains proposed beneath road pavements have no formal below-ground drainage system to discharge to, and therefore are not accepted.
- v. Pipes and culverts to be designed with a 50% blockage factor.
- vi. Table drains off the proposed internal road and its intersection with Yarrowa Rd have unsatisfactory grades for conveyance and for major flow events, creating

risks of waterlogging and low stormwater conveyance including low grades between opposite sides of the table drain for culverts. Batters directly adjacent internal roads forming the table drains between the intersection and chainage 320 are to be designed with an impermeable clay layer overlaid with a 200mm topsoil layer to reduce impact of stormwater affecting road pavements and to the satisfaction of Council.

- vii. Appropriate rubble check dams with minimum 150-300 dia size to be designed and installed within all proposed channels and table-drains at minimum 30m centres to minimise erosion and reduce the export of Total Suspended Solids and nutrients towards the proposed wetland area, with modelling of the increase in flow depth within channels provided to Council and included in the MUSIC water quality design for the site.
- viii. Existing dams on site to be modelled and designed to drain completely as part of being repurposed into formal detention basins with a maximum depth of 1.5m and 1 in 4 batters max. Geotechnical investigation to review the existing dam composition and provide a stability analysis of the existing embankment walls to inform a detail design of the proposed detention basins, including low flow and high flow bypass incorporating a safety in design approach and risk assessment, as well as an all-weather access to be provided to basins for a maintenance vehicle (by others) to the satisfaction of Council.

Existing basins to be drained as required to allow a detailed survey to be undertaken including invert levels of the basin and volumetric capacities to existing spill level reported to Council.

Net volume of the repurposed detention basins to be equal to or greater volumetric capacity of the existing basin volumes on site, and 1 in 100 year ARI extents, depth and velocity impacts on adjacent residents and downstream lots and roads, with pre- and post-development results of the basin modelling in DRAINS to be provided to Council. Detention basins to be designed and reconstructed as part of Stage 1 works, with safe overland flow paths provided to the discharge point, with consideration by an Aboriginal Heritage Impact Permit (AHIP) prior to any works taking place.

Design of the proposed detention basins will be to the satisfaction of Council prior to approval of occupation certificates for Lots 9 and 10.

- ix. Details for end of catchment wetland / detention basin area are unsatisfactory. Wetland shape, depth, detention/retention details, volumetric capacity and discharge capacity to be demonstrated and modelled, including high-flow bypass management. MUSIC modelling to be provided to demonstrate compliance with Muswellbrook DCP 2009. Full design of this wetland must be provided for Construction Certificate to ensure adverse erosion effects and functionality are properly considered, with a report addendum for the design of this wetland to be provided to the satisfaction of Council, including media and plantings as required.

- x. Detail view of swale design to be provided to Council for realignment of drainage swale/channel along the southern boundary of Lot 15 at the intersection of Channel No.7 as part of the Subdivision Works Certificate, including consideration of revetment protection along the first bend of the channel headed east.
- xi. Reconstruction of earth mounds to existing channels as noted in Drawing 14-167 DA08 to be a maximum 1 in 4 batter for maintenance purposes.
- xii. A suitable access driveway to be provided for Lot 17 connecting the internal road via Lot 18. All the details to be provided for Councils satisfaction.
- xiii. Applicant to include open channel for drainage and associated easement for drainage within Lot 16 as part of stage 1 works to the legal point of discharge
- xiv. Documentation should be provided to demonstrate that the subdivision will not result in a net increase in stormwater over adjoining land. Should detailed stormwater modelling indicate an increase in stormwater runoff over adjoining land appropriate easement for the drainage of water within adjacent private property to be included from the legal point of discharge.
- xv. Applicant to provide an all-weather access and easement south and east along the adjacent boundaries toward the proposed detention basin / wetland. It should be designed as part of Stage 1 works, including appropriate concrete hardstand pad adjacent to the basin to Council's satisfaction, and included as part of the maintenance manual provided for the stormwater infrastructure of the site. ← To be considered in context
- xvi. (Alternative to xv): - Applicant to provide suitable access for a maintenance vehicle to Lot 17 at all times to allow maintenance of the stormwater detention basin / wetland area.

This stormwater design must be submitted to and approved by Council prior to the issue of a Subdivision Works Certificate and prior to obtaining a Section 68 approval for the carrying out of stormwater works related to the development.

(13) Inspection Test Plan

An Inspection Test Plan and Procedures (ITP) detailing the scope of works for all civil infrastructure shall be provided to Certifying Authority for approval with any Subdivision Works Certificate and prior to the commencement of any construction relating to that stage.

(14) Soil and Water Management Report

A Soil and Water Management Report is to be submitted to Council prior to the issue of any Subdivision Works Certificate. The Report is to be supported by Geotechnical Report(s) on the soil properties including salinity at the site and level of the proposed works.

Note: These plans are to provide designs that address the site conditions and mitigate the impact of the development.

(15) Waste Management Plan

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

(16) Proposed Street Names

Preferred street names for Council's consideration shall be submitted with the Engineering Drawings prior to lodging the application for a Subdivision Works Certificate. Street names shall be generally in accordance with the guidelines issued by the Geographical Names Board and Council's Road Policy.

(17) Provision of Water Service

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Subdivision Works Certificate application, detailing water extensions to be built and charges to be paid by the applicant.

Any charges identified in the 'Notice of Requirements' as requiring payment at Subdivision Works Certificate stage are to be paid prior to release of any Subdivision Works Certificate.

Note: Any Notice of Arrangement under the Water Management Act 2000 will require the proponent to pay Section 64 Headworks Contributions for the development. Council's Water Headworks are charged in accordance with Council's fees and charges. For reference the section 64 headworks charges currently applicable to development have been included below:

Stage	Number of new lots	Water Headworks Contribution Applicable per Lot	Total Contribution calculated for 104 child facility
Stage 1	11	\$7,193	\$79,123
Stage 2	8	\$7,193	\$57,544
Total			\$136,667

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

LOCAL GOVERNMENT AND ROADS ACT APPROVAL REQUIREMENTS
(18) Section 68 Local Government Act Approval of Water Service

Prior to the carrying out of any stormwater work a section 68 approval for the carrying out stormwater works is to be obtained from Council for the carrying out of

stormwater work related to the development. This approval should be sought prior to or alongside an application for a Subdivision Works Certificate.

Any Section 68 Approval for the carrying out of stormwater works will require stormwater to be managed in accordance with the Stormwater Management Plan required by this consent.

(19) Section 138 Roads Act Approval

Prior to the carrying out of any works on Council's Yarrawa Road reserve the person acting with this consent must obtain approval from Council under Section 138 of the Roads Act 1993. This approval should be sought prior to or alongside an application for a Subdivision Works Certificate.

It will be necessary for any Section 138 Application to be accompanied by information required by Council's Community Infrastructure Department, including a Safe Work Method Statement (SWIMS) and a copy of the public liability insurance of the principle contractor for the works.

Council's Community Infrastructure Department can be contacted on 65493700 to obtain further information in relation to their requirements for a Section 138 application.

PRIOR TO THE COMMENCEMENT OF ANY WORK

(20) Road Haulage Routes

Details of road haulage routes of road building and earth fill materials, and for water cartage, shall be submitted to and approved by Council prior to the release of any Subdivision Works Certificate.

A dilapidation survey of the approved route shall be used to determine any damage caused by the applicant and the rehabilitation required to restore Council assets.

(21) Sediment and Erosion Control

All required erosion and sedimentation techniques are to be properly installed prior to the commencement of any site works and maintained in a functional and effective condition throughout the construction activities until the site is stabilised.

(22) Site Sign

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

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

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

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

(23) **Damage to Public Infrastructure**

The applicant shall bear the cost of all restoration works to Council property damaged during the course of this development. The applicant shall submit in writing and/or photographic record, of any existing damage to Council property before commencement of work.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work it will be assumed that the infrastructure was undamaged and the applicant will be required to restore all damaged infrastructure at their expense.

(24) **Public Liability Insurance**

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

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

(25) **Site Facilities**

- (a) A garbage receptacle fitted with a tight-fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (b) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (c) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (d) The provision of toilet facilities must be completed before any other work is commenced.
- (e) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (f) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

(26) Water Meter

Prior to the commencement of any works where water is required to be drawn from a connection to Council's reticulated water service. A water meter as issued and installed by Muswellbrook Water & Waste department must be connected to the town's reticulated water supply.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK FOR**(27) Construction Hours**

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 6.00pm
 - ii. on a Saturday—8.00am to 1.00pm
- (b) Building construction must not be carried out on a Sunday or a public holiday.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24-hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

(28) Inspection Plan (Inspection, Test, Witness and Hold Points During Construction – Subdivisions)

The approved ITPs and test results (subgrade compaction, road materials, road and Lot fill compactions, water and sewer commissioning, Benkelman beam tests, concrete compressive strength tests) shall be held on-site and copies of test results provided to the Principal Certifying Authority as soon as they become available throughout the course of the construction. Defective materials and test results are to be rectified and tests repeated to the satisfaction of the Principal Certifying Authority.

(29) Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.
- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate to prevent nuisance occurring at adjoining properties.

(30) Services

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

(31) Restriction on the import of fill

Any fill imported to and used at the site is to be appropriately sourced from an approved quarry, landscaping supply business or reputable source. All fill must be free of contaminants.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE FOR EACH STAGE OF THE DEVELOPMENT**(32) Requirement for Subdivision Certificate**

Prior to the issue of a Subdivision Certificate the applicant shall submit an original plan of subdivision for Council's consent. The plan of subdivision must show street names and house numbers as allocated by Council. The following details are also to be submitted:

- a) Evidence that all conditions of consent have been satisfied.
- b) Evidence of payment of relevant fees.
- c) The 88B Instrument.
- d) All Surveyor's or Engineer's Certification required by the Development Consent.

(33) All Services Provided Within Lots

Prior to the issue of a Subdivision Certificate a Registered Surveyor shall provide Council with certification that all services (e.g. Drainage, stormwater water, electricity and telecommunications) as constructed are contained within appropriate easements to accommodate such services.

(34) Certificate of Compliance – Water Management Act 2000

Prior to the release of any Subdivision Certificate, the applicant shall obtain a Certificate of Compliance under Sections 305, 306 and 307 of the Water Management Act 2000 or its equivalent, from Council to verify that the necessary requirements for the supply of water and sewerage to the proposed lots the Stage of the development which a Subdivision Certificate is being applied for.

Pursuant to Section 109J of the environmental Planning and Assessment Act 1979, a Subdivision Certificate shall NOT be issued by a Certifying Authority unless all Section 64 Contributions have been paid and the Compliance Certificate has been signed by an authorised officer of the Council.

(35) Services within Lots – Subdivision

Notification of arrangements to connect services and utilities to each LOT shall be provided to the Certifying Authority with each Subdivision certificate for all lots that the Subdivision Certificate is being applied for:-

- (a) telecommunication services
- (b) electrical reticulation
- (c) reticulated water

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

Council will not require a service connections to be provided for the Stage 1 residual Lot at the time that the Stage 1 Subdivision Certificate is applied for.

(36) Public Road Dedication

All formed/constructed roads are to be dedicated as public roads on the Subdivision Certificate and Final Plan of subdivision together with the 0.5m road widening and any splay corners necessary for the roundabout or intersection construction.

(37) Street Numbering

Prior to issuing any Subdivision Certificate for the development, the person acting upon this consent must apply to Muswellbrook Shire Council and receive written confirmation of the allocated street numbers for the proposed lots. These are the street numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and Urban Addressing.

To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within development should be submitted for concurrence to Council at an early stage of construction, as these numbers will be used to maintain Council's property and mapping database, and the proposed street names must be formally agreed and adopted by Council.

Council will not require a street number to be obtained for the Stage 1 residual Lot at the time the Stage 1 Subdivision Certificate is applied for.

(38) Works as Executed plans

All civil works for each stage shall be completed to Council's satisfaction. On completion, "Works-as-Executed" (WAE) drawings are to be submitted to Council and approved, prior to the release of any subdivision certificate. The drawings shall be in the form of a marked-up copy of each approved Construction Certified Engineering Plan, and also in marked-up digital CAD format compatible with Council's asset database system. Digital data requirements shall be confirmed with Council's Asset Manager prior to provision of the WAE drawings.

All WAE drawings shall be individually certified as compliant with the design requirements of this consent by an appropriately qualified engineer or registered surveyor.

Line sheets/junction sheets are to be provided by the developer for all access chamber lengths covered by the WAE sewer main drawings.

(39) Digital Requirements for Work as Executed Plans

Requirements for the submission of electronic plans to Council

- (a) File format for drawings submitted is to be dxf.
- (b) Where possible the dxf is to be projected using real world co-ordinates. Council's preferred projection is MGA94 using the GDA94 datum, zone 56 south.
- (c) A text file listing the layers used and the themes placed on each layer is to be supplied.

- (d) Drawings must contain separate layers for each Asset/feature attributed blocks should contain attributes of assets e.g. Pipe diameter, materials, new or existing. the layer containing contour lines should not contain outlines for trees or roads.

A completed final approved set of WAE plans must be submitted in amendments are required. These plans are to show the current revision

(40) Easements, Rights-of-way and Restrictions-as-to-user

All easements, rights-of-way, right- of-carriageway, and restrictions on the use of the land as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant lots together with the following additional easements/rights-of-way/restrictions, naming Muswellbrook Shire Council as the sole authority empowered to release or modify the same:

- a) A restriction as to user affecting the R5 Large Lot zoned land to be incorporated into Lot 1 DP 1036050 (the Two Rivers Winery) prohibiting the erection of a dwelling on that land.
- b) A restriction as to user preventing the construction of a dwelling on any land within 100m of Lot 1 DP 1036050 (the Two Rivers Winery).
- c) A restriction as to user limiting the construction of a dwelling or building capable of generating wastewater without that building being connected to an on-site sewage management (OSSM) system approved by Council and designed in accordance with the recommendations of the Woodlots and Wetlands Pty Ltd report titled 'Assessment of the Suitability of Lot 1 DP 323945 Yarrowa Road, Denman for onsite management of effluent following subdivisions into 20 rural residential lots' dated 17 September 2019. In accordance with the recommendations of this report, Aerated Wastewater Treatment Systems (AWTS) should be the minimum standard of OSSM system provided to any dwelling. Alternate systems will only be considered where they would perform to an equal or greater standard and an application for their installation is accompanied by a wastewater report prepared by an appropriately qualified professional. Any person benefited by an approval to install and operate an OSSM system on the land is to adhere to all conditions of approval.
- d) A restriction as to user is to be imposed over general parts of the site where aboriginal artefacts were identified by the Aboriginal Cultural Heritage Assessment Report or have high potential to be identified. The restriction as to user is to restrict the erection of any structure and the carrying out of earthworks without approval having been obtained under the *National Parks and Wildlife Act 1974* from Heritage NSW (or the relevant public authority at the time of the works). A copy of the relevant approval is to be provided to Council prior to the carrying out of any works over the land affected.
- e) A restriction as to user restricting the subdivision of any lot into two (2) or more lots (this restriction does not need to be applied to the residual lot from the Stage 1 subdivision, which is to be subdivided in Stage 2).
- f) A restriction as to user is to be imposed prohibiting the erection of a dwelling, shed, carport, tennis court, pool or any other ancillary building outside the

building envelopes nominated on the approved Subdivision Site Plan (Drawing number 14-176-SKT03 from RMH consulting Engineers dated 5/5/2020). Council may only consider varying this restriction where a Biodiversity Assessment Report or other relevant ecological investigation has been carried out by an appropriately qualified person in relation to the development proposed outside the nominated building envelope.

- g) An easement for water supply is to be imposed wherever Council's reticulated water service traverses a lot in the subdivision.

(41) Easements over stormwater

The applicant is to register an easement to drain water covering all stormwater drains, associated detention basins and associated 'wetland' areas. The easement will restrict any development or works that would inhibit the stormwater drainage and permit Council to enter land to carryout rehabilitation, repairs and maintenance to the site of the easement.

This easement shall name Muswellbrook Shire Council as the sole authority empowered to release or modify the same.

(42) Inspection, Test, Witness and Hold Points During Construction – Subdivisions

The AUS-SPEC #1/NSW, 2004 Construction Specifications (which must be complied during all civil construction works as in force or amended at the time of design/construction) contain a number of Witness Points (WPs), Test Points (ITPs), Witness Points (WPs) and Inspection Points (IPs) throughout the construction period which require reference to or the attendance of a Council Officer.

All such points relevant to the scope of works for all civil infrastructure shall be assembled in a series of Inspection and Test Procedures (ITPs) and provided to Certifying Authority for approval with the Construction Certificate and prior to the commencement of construction.

The ITPs and test results (subgrade compaction, road materials, road and Lot fill compactions, water and sewer commissioning, Benkelman beam tests, concrete compressive strength tests) shall be held on-site and copies of test results provided to the Principal Certifying Authority as soon as they become available throughout the course of the construction. Defective materials and test results are to be rectified and tests repeated to the satisfaction of the Principal Certifying Authority, prior to the release of any subdivision certificate.

(43) Landscaping

Prior to the issue of a Subdivision Certificate all required landscaping that relates to the Stage of the development for which the Subdivision Certificate is being sought is to be installed in accordance with the approved landscape plans and as directed by this consent.

Council will not require all landscaping to be provided for the Stage 1 residual Lot at the time the Stage 1 Subdivision Certificate is applied for.

(44) Vehicle Access

Prior to the issue of any Subdivision Certificate vehicle access is to be constructed between the edge of the road and the property boundary for each lot in the Stage of the development for which the Subdivision Certificate is being sought.

Vehicle accesses are to be installed in accordance with Council's Footpath and kerb and guttering Policy NoF10/1 and Council's standard rural property access design drawing SD NO: 004/1, unless an alternate access design is prepared and approved by Council in writing.

Council will not require all landscaping to be provided for the Stage 1 residual Lot at the time the Stage 1 Subdivision Certificate is applied for.

(45) Maintenance Bond

Prior to the release of any linen plan of subdivision the applicant or person acting upon this consent is to lodge a Maintenance Bond for all works that are nominated to revert to the care and control of Council. The maintenance bond amount is to be a minimum of 5% of the total cost for the applicable stage of the development.

The bond shall be in place prior to the issuing of any subdivision certificate and shall remain in place for a required maintenance period of six (6) months from the date of Council's endorsement of the relevant linen plan.

Council will accept a bank guarantee for the purpose of any bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council.

(Note: Upon the expiration of the 6-month maintenance period, the applicant may apply for release of the bond. Council may deduct from the bonded amount the cost of any maintenance work required to be undertaken by Council as a result of incomplete or substandard works or the like.)

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR STAGE 1 OF THE DEVELOPMENT

(46) Section 94 Contributions

Prior to the issue of a Subdivision Certificate for Stage 1 of the development payment of a contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council Section 94 Contribution Plan, for the services detailed in column A and, for the amount detailed in column B, shall be made to Council.

Description	Calculation (per lot)	Payment required
Open Space and Community Facilities (Denman)	\$1,547.00 (x 11)	\$17,017.00
Roads and Drainage (Denman)	\$1,084.50 (x11)	\$11,929.50
	TOTAL PAYABLE	\$28,946.50

The s7.11 contribution shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council Section 94 Contribution Plan can be viewed at the office of Council 157 Maitland Street, Muswellbrook.

(47) Yarrawa Road Basic Right Turn (BAR) treatment

Prior to the release of a Subdivision Certificate for stage 1 of the development the basic right turn treatment for Yarrawa Road is to be fully constructed to the satisfaction of Council and in accordance with the requirements of this consent.

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE FOR STAGE 2 OF THE DEVELOPMENT

(48) Section 94 Contributions

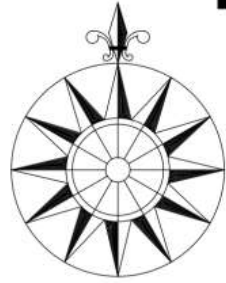
Prior to the issue of a Subdivision Certificate for Stage 2 of the development payment of a contribution pursuant to the provisions of Section 94 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council Section 94 Contribution Plan, for the services detailed in column A and, for the amount detailed in column B, shall be made to Council.

Description	Calculation (per lot)	Payment required
Open Space and Community Facilities (Denman)	\$1,547.00 (x 8)	\$12,376.00
Roads and Drainage (Denman)	\$1,084.50 (x8)	\$8,676.00
	TOTAL PAYABLE	\$21,052.00

The s7.11 contribution shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council Section 94 Contribution Plan can be viewed at the office of Council, Bridge Street, Muswellbrook.

A1 SHEET



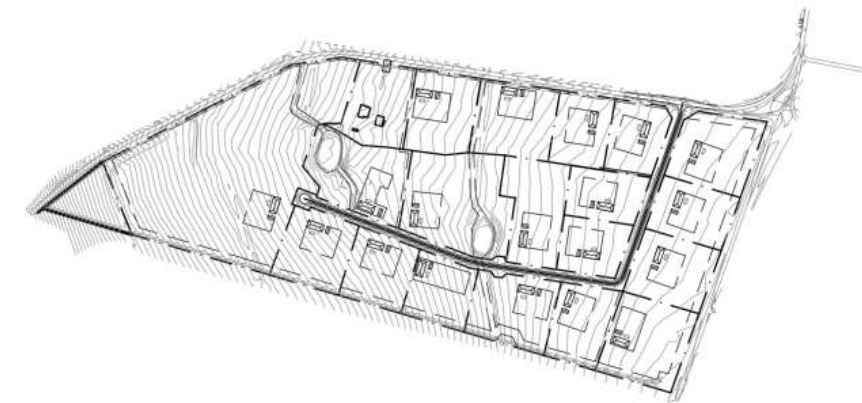
PROPOSED SUBDIVISION FOR TWO RIVERS WINES 9 YARRAWA ROAD DENMAN 2328



TWO RIVERS

LOCALITY PLAN

PROPOSED SUB DIVISION



DRAWING SCHEDULE:

DWG No	DRAWING TITLE	REV	DATE
14-167-DA00	COVER SHEET, LOCALITY PLAN & INDEX SCHEDULE	E	01/06/20
14-167-DA01	GENERAL NOTES	B	23/08/19
14-167-DA02	EROSION AND SEDIMENTATION CONTROL NOTES	B	23/08/19
14-167-DA03	PROPOSED LOT LAYOUT AND STAGING PLAN	D	01/06/20
14-167-DA04	STORMWATER MANAGEMENT PLAN	D	01/06/20
14-167-DA05	WATER RETICULATION LAYOUT PLAN	D	26/05/20
14-167-DA06	ONSITE WASTE MANAGEMENT PLAN, EASEMENTS & BUILDING ENVELOPES	C	26/05/20
14-167-DA07	PROPOSED BUND AND SWALE SECTIONS	D	01/06/20
14-167-DA08	CULVERT AND CHANNEL SCHEDULE	D	01/06/20
14-167-DA09	YARRAWA INTERSECTION AND ROAD SECTIONS	D	26/05/20
14-167-DA10	WATER DETAILS SHEET 1	C	26/05/20
14-167-DA11	ROAD PLAN AND LONG SECTION - ROAD 1 SHEET 1	C	26/05/20
14-167-DA12	ROAD PLAN AND LONG SECTION - ROAD 1 SHEET 2	C	26/05/20

DRAWING SCHEDULE:

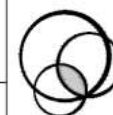
DWG No	DRAWING TITLE	REV	DATE
14-167-DA13	ROAD PLAN AND LONG SECTION - ROAD 1 SHEET 3	C	26/05/20
14-167-DA14	ROAD PLAN AND LONG SECTION - ROAD 1 SHEET 4	C	26/05/20
14-167-DA15	CROSS SECTION - YARRAWA ROAD SHEET 1	C	26/05/20
14-167-DA16	CROSS SECTION - ROAD 1 SHEET 1	C	26/05/20
14-167-DA17	CROSS SECTION - ROAD 1 SHEET 2	C	26/05/20
14-167-DA18	CROSS SECTION - ROAD 1 SHEET 3	C	26/05/20
14-167-DA19	CROSS SECTION - ROAD 1 SHEET 4	C	26/05/20
14-167-DA20	CROSS SECTION - ROAD 1 SHEET 5	C	26/05/20
14-167-DA21	CROSS SECTION - ROAD 1 SHEET 6	C	26/05/20
14-167-DA22	LANDSCAPE PLAN - OVERALL LAYOUT	C	01/06/20
14-167-DA23	LANDSCAPE PLAN - DETAILS	C	01/06/20

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
E	AMENDMENTS FOR BIODIVERSITY	01/06/20	CH				
D	AMENDMENTS FOR BIODIVERSITY	24/05/20	CH				
C	ISSUE FOR DA - AMENDMENTS	09/06/19	CH				
B	ISSUE FOR DA	23/08/19	CH				
A	PRELIMINARY ISSUE	29/07/19	CH				



TWO RIVERS WINES
9 YARRAWA ROAD
DENMAN 2328

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COVER SHEET, LOCALITY
PLAN & INDEX SCHEDULE

Scale
Horizontal:
0 1 2 3 4 5
SCALE 1:100 (A1)

CIVIL DRAWING			
Designed	BH	Approved on behalf of RHM Consulting Engineers	
Drawn	CH	Project Engineer/Director	Date
Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA00	E

A1 SHEET

GENERAL

- G1 If in doubt ASK.
- G2 These drawings shall be read in conjunction with Council specifications and other consultants drawings and specifications and such other written instructions as may be issued during the course of the contract. Any discrepancy shall be referred to the engineer prior to proceeding with the work.
- G3 Material & workmanship shall be in accordance with the relevant S.A.A. codes and relevant authorities.
- G4 All dimensions and reduced levels must be verified on site prior to the commencement of work.
- G5 Substitutions must be approved by the engineer.
- G6 Unless noted otherwise all levels shown are to the Australian Height Datum. Grid lines to MGA. Note correct factor apply.
- G7 Service information shown is based on plans supplied by authorities and is approximate only. Prior to the commencement of any works, the contractor shall locate all underground services and comply with all requirements of those authorities.
- G8 Existing surface contours, where shown, are interpolated and may not be accurate.
- G9 Prior to the placement of any fill, pavement or building the exposed subgrade shall be compacted to a minimum of 98 % standard compaction in accordance with test 'E1.1' of AS 1289 for the top 300mm. Any soft spots shall be removed and replaced with granular fill to the engineers approval and compacted in accordance with the compaction requirements set out below.
- G10 Grade evenly between finished surface spot levels. Finished surface contours are shown for clarity. Where finished surface levels are not shown, the surface shall be graded smoothly so that it will drain and match adjacent surfaces or structures.
- G11 Unless noted otherwise, all downpipes shall be connected to pits or main stormwater drains with uPVC pipes of the following sizes laid at a minimum gradient of 1 in 100:
A. 100 dia. for domestic construction.
B. 150 dia. for commercial / industrial construction.
- G12 Unless noted otherwise all main stormwater drains shall be constructed using one of the following types of pipes with rubber ring joints:
A. Class 2 RCP in accordance with AS 1342
B. uPVC in accordance with AS 1260
Any other types of pipe must be referred to the engineer for approval prior to use. If uPVC, or other pipes are to be used, approval must be given by the engineer for class, bedding and backfill requirements.
- G13 Generally for trenching works the contractor must:
A. Comply with the general provisions of the 'Occupational Health Safety Act 2000'.
B. Comply with the 'Occupational Health & Safety code of practise for safety precautions in trenching operations'.
C. Fill all work cover requirements.
- G14 Any structures, pavements or surfaces damaged, dirtied or made unserviceable due to construction work shall be reinstated to the satisfaction of the engineer.
- G15 Auspec Specification to apply
- G16 All concrete pipes to be class 2 reinforced rubber ring (RRRCP) U.N.O.
- G17 All culverts to have longitudinal sub-soil drains running along sides. Refer to details.
- G18 Seed mix to be used for re-vegetation to be 'Hunter Nuts Mix' to manufacturers specifications.
- G19 Hydro-mulch to be used to stabilise all disturbed areas and sprayed at manufacturer's specifications.
- G20 Refer to drawing no. 10-050 C18 for erosion control details & notes.

FILL TYPES

- FT1 General fill: well graded material max particle size 75mm
Select fill: Max particle size 75mm
: Proportion passing 0.075 sieve 25% Max
2% less than or equal to Plastic Index
less than or equal to 15%.
- FT2 Trenches over 1.5m deep shall always be shored. Trenches less than 1.5m deep shall be shored if unstable or if deemed necessary by relevant authority.
- FT3 If fill placed on surface which slopes more than 1:4 then the NGL shall be benched
- FT4 Tolerances: The finished surface levels shall have the following tolerances:
- under slabs and loadbearing elements +4, -25mm
- other ground surfaces +50mm, provided the area remains free draining and matches adjacent constructions
- FT5 Fill shall be placed in layers to thickness nominated by the engineer. Each layer shall obtain specified compaction before the next is placed. During placement of fill, the surface shall always remain free draining
- FT6 Fill against structures shall be placed and compacted simultaneously on both sides to avoid differential loading.
- FT7 Fill shall not be placed against concrete for fourteen days after concrete placement.
- FT8 Fill moisture content shall be between 85-110% of optimum moisture

DUST CONTROL NOTES:

- No earthworks shall be carried out during high winds or as directed by Singleton Council.
- During earthworks the contractor shall have a water cart or similar approved on site and must progressively water down excavation and fill areas to minimise dust.
- All vehicle travel paths and roads shall be regularly watered to minimise dust and dirt on road surfaces.

PAVEMENT

Base material

- P1 Use crushed rock or suitable gravels complying with the distribution types specified from particle size distribution table 1, column C and Other Properties table 1. Determine particle size distribution after compaction in the pavement.

Particle sized distribution table 1

Sieve (mm)	Percentage passing (by mass) for particle size distribution				
	A	B	C	D	E
53.0	100				
37.5	85-100	100			
25.0	70-90	80-100	100		
19.0	60-80	70-90	80-100		
13.2	48-72	58-80	70-90	85-100	
9.5	42-66	48-72	60-80	70-90	100
4.75	28-55	32-60	42-65	48-72	70-90
2.36	20-44	23-47	26-50	34-60	48-72
0.425	9-20	10-27	14-24	14-34	19-42
0.075	4-8	4-16	5-10	6-20	9-25

NOTE:

Unless noted otherwise all base course materials to RTA specification form 3051.

- P2 Base course to be dried back in accordance with RTA specifications.
- P3 Base course to be proof rolled under strict supervision of Geotechnical Engineer. If soft spots/ heaving is observed additional moisture testing is required. Placement of overlying asphalt must not proceed.
- P4 Benkelman beam testing at 15 metre intervals is required on the base course prior to the placement of wearing course. Deflection must not exceed 1.0mm.

Other Properties table 1

Property	Test Limit	Test Method
Liquid limit	30% max	AS 1289.3.1.1
Plasticity index	9% max	AS 1289.3.3.1
Linear shrinkage	5% max	AS 1289.3.4.1
Wet strength	80kN max	AS 1141.22
Wet/dry strength variation	45% max	AS 1141.22
Unconfined cohesion	1.0MPa min	AS 1141.52

Sub base material

- P5 Use crushed rock or suitable gravels complying with the distribution types specified from particle size distribution table 1, column C and Other Properties table 1. Determine particle size distribution after compaction in the pavement.

Particle sized distribution table 1

Sieve (mm)	Percentage passing (by mass) for particle size distribution				
	A	B	C	D	E
53.0	100				
37.5	85-100	100			
25.0	70-90	80-100	100		
19.0	60-80	70-90	80-100		
13.2	48-72	58-80	70-90	85-100	
9.5	42-66	48-72	60-80	70-90	100
4.75	28-55	32-60	42-65	48-72	70-90
2.36	20-44	23-47	26-50	34-60	48-72
0.425	9-20	10-27	14-24	14-34	19-42
0.075	4-8	4-16	5-10	6-20	9-25

- P6 Finer ratio: For all gradings, the percentage passing the 0.075 mm sieve must not be greater than two-thirds of the percentage passing the 0.425 mm sieve.

Other Properties table 1

Property	Test Limit	Test Method
Liquid limit	30% max	AS 1289.3.1.1
Plasticity index	9% max	AS 1289.3.3.1
Linear shrinkage	5% max	AS 1289.3.4.1
Wet strength	80kN max	AS 1141.22
Wet/dry strength variation	45% max	AS 1141.22
Unconfined cohesion	1.0MPa min	AS 1141.52

Tolerances

Item	Level Tolerance Absolute	Relative
Cut subgrade & fill subgrade	0 mm	20 mm
Base surface	(-5mm)	10 mm
Asphalt surface		
longitudinal direction	10 mm	5 mm
transverse direction	10 mm	10 mm
Thickness Tolerance		
Sub base and base	+ unspecified	
	- 10 mm	
Asphalt surface course	+ 10mm, -0mm	
Kerbs, Gutters, Strips	10mm	5mm

Wearing Course

- P8 Tack coat to be placed not less than 30 minutes or more than 2 hours before asphalt is placed.
- P9 Asphalt to be undertaken only in dry weather, on dry surface and pavement temp greater than or equal to 10°C.
- P10 Asphalt shall be greater than or equal to 120°C on placing. Reheating is not acceptable.
- P11 Compaction of asphalt shall be completed while the mix temperature is greater than or equal to 100°C. Compact to 98% Hubbard modified.
- P12 Transverse joints must be constructed if operation is stopped for more than 20 minutes or if pavement temperature drops below 90°C.
- P13 All asphalt surfacing shall be done in accordance with AS 2150.

Base Course

- P14 Layer thickness not less than 100mm not more than 200mm (compacted).
- P15 Equal layer thicknesses shall be used in multi layer construction.
- P16 Compaction - sub base 100 % STD
- base 98 % MOD
- P17 Moisture content of layers prior to the application of the sealing coat or next layer to be:
- Sub base less than 50MC
- Base course 1 % less than MOMC
- Geotechnical engineer to determine moisture content of material.
- P18 Compaction of sub grades:
- cut and fill subgrades (to depth 300mm) 100 % STD
- fill sub grades below 300mm 100 % STD
- replacement fill 100 % STD
- backfilling grub holes 100 % STD

PAVEMENT CONSTRUCTION

- BP1 Preparation for pavement clearing of site, stripping of topsoil, as described in 'earthworks' upon stripping of topsoil, subgrade shall be proof rolled in the presence of the geotechnical engineer.
- BP2 Subgrade shall be compacted to 98% standard dry density ratio at optimum moisture content \pm 2% in accordance with AS 1289 S.1.1.
- BP3 Lower base course shall be constructed from fine crushed rock DGB40 compacted to 95% standard dry density ratio at optimum moisture content \pm 2% in accordance with AS 1289 S.1.1.
- BP4 Base course shall be constructed from fine crushed rock DGB20 compacted to 98% modified dry density ratio at optimum moisture content \pm 2% in accordance with AS 1289 S.1.1.
- BP5 Base and sub-base materials shall comply with RMS QA specification No. 3051.
- BP6 Wearing surface shall consist of two coat bitumen spray seal. Refer council's specification for details.
- BP7 All conduits and mains shall be laid prior to laying final pavement.

TRAFFIC CONTROL

The contractor shall maintain day and night traffic control in accordance with the following standards:

- a) traffic control devices for work on roads AS 1742.2 and AS 1742.3

b) field guides HB81.4 night works HB81.1 daytime works

SURVEY

- SU1 All levels are to A.H.D.
- SU2 All chainages, levels and dimensions are in metres unless noted otherwise.
- SU3 Contractors shall arrange for the works to be set out by a registered surveyor.
- SU4 All State Marks (S.M.s and P.M.s) not to be removed / destroyed without prior consent of the Land and Property Information Services and notification to Council.

EARTHWORK NOTES

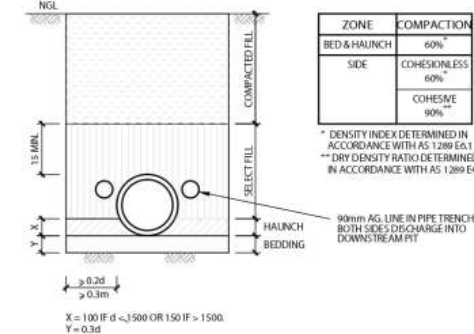
- If in doubt, then ask.
- All works in accordance to as 3798-2007 'guidelines on earthworks for commercial & residential developments'.
- Min compaction to all filled areas to be 98% std unless noted otherwise. Compaction under building platform to be 100% std.
- All cut material to be laid in row on the site for drying. This material should be inspected and assessed by the geotechnical Engineer to determine if the material is suitable for filling re-laid in accordance with as 3798
- The contractor must ensure adequate temporary drainage during the works to minimise the impact of wet weather. Such methods as the installation of pump pits, cross falls and sealing (compaction) of exposed surface falls part of the Earthworks contractor responsibilities.
- Sedimentation and erosion control must be put in place prior to construction and maintained throughout the works.
- Adopted boxcut depths are tabulated below.
- All imported fill to be clean, free of organic matter and approved by a geotechnical engineer. Recommended min parameter for imported fill includes:
- min aggregate size 20mm,
- max layer thickness 200mm,
- proportion passing the 0.075 sieve must be less than 25%,
- cbr strength of greater than 15%.
- Frequency of compaction testing in accordance with as 3798 table 8.1.
- Finished sub-grade should be inspected and proof rolled in the presence of a geotechnical engineer with all significant deflection to be over excavated and replaced with suitable fill.
- Final batter to be no steeper than 3 in 1 (horizontal to vertical). Unless noted otherwise.
- Moisture content of fill material to be replaced and maintained within 2% of standard optimum moisture content.

STORMWATER DRAINAGE

- SD1 Stormwater drainage shall be generally in accordance with AS 3500.3
- SD2 Pipes up to and including 300mm dia shall be upvc to AS 1254
- SD3 Pipes of 375mm dia and larger shall be concrete class 2 to AS4058, rubber ring jointed unless noted otherwise and be laid at a minimum grade of 0.5% u.n.o. Bedding material to AS 2032 or AS 3725 as appropriate.
- SD4 Minimum cover to pipes 300 mm generally & 450 mm in roadway areas. Unless noted otherwise
- SD5 Backfill trenches with approved fill, such as sandy loam, compacted in 200mm layers to 98% of standard density to AS 1289 S.1.1.
- SD6 Any pipes over 10% grade shall have concrete bulkheads at all points.
- SD7 Subsoil live pipes and fittings shall be perforated plastic to AS 3438 part 1. Lay pipes on floor of trench graded 0.5% min, and overlay with filter material extending to within 200mm of surface. Provide filter fabric of permeable polypropylene between filter material and topsoil. Connect subsoil drain to nearest downstream drainage structure.

SUPPORT FOR CONCRETE PIPES

BED & HAUNCH		SELECT	
SIEVE	WT PASSING %	SIEVE	WT PASSING %
19	100	19	100
2.36	100-50	9.50	100-50
0.60	90-20	2.36	100-30
0.30	60-10	0.60	50-15
0.15	25-0	0.075	25-0
0.075	10-0		

**REINFORCED CONCRETE**

- RC1 All workmanship and materials shall be in accordance with AS 3600 current edition with amendments, except where varied by the contract documents.
- RC2 Readymix concrete supply shall comply with AS 1379.
- RC3 Concrete Quality - minimum - refer to relevant drawings.
All the requirements of the RCSE Concrete Specification Document 1 (latest edition) shall apply to the formwork, reinforcement and concrete unless noted otherwise.
- | Element | Strength | Slump | Max. Agg. Size | Cement Type |
|-----------|----------|-------|----------------|-------------|
| Headwalls | 32 | 80 | 20 | Portland |
- Compressive strength
Sample, test, and assess to AS 1379. All testing to be conducted by a NATA registered laboratory.
- The minimum frequency of sampling of the concrete at each stage shall be in accordance with the following:
No. of batches supplied to the project per day
1
2 to 5
6 to 10
11 to 20
For each additional 10 samples 1
- A sample shall consist of four cylinders, two of which shall be tested at 28 days one at 7 days and one at 4 days. If the contractor requires early strength results, additional cylinders shall be taken in the sample as required and at the cost of the contractor.
- Other quality parameters
Sample, test and assess to AS 1379 Section 5.
Slump: Test not less than one sample for each batch before placing concrete from that batch in the work. Take the samples at the point of discharge on site.
Drying Shrinkage: The maximum total drying shrinkage limit for the concrete shall be an average of 0.070% at 56 days and no single result shall exceed 0.075%. Measurement shall be in accordance with AS 1012 Part 13 and be conducted by a NATA registered laboratory. Refer to relevant floor drawings for specific shrinkage requirement.
- Rejection: Remove the concrete from the site.
- RC4 No admixtures shall be used in concrete unless approved in writing.
- RC5 Depth of beams are given first and include slab thicknesses. Slabs and beams shall be cast together unless noted otherwise.
- RC6 Concrete sizes do not include thicknesses of applied finishes.
- RC7 No holes, chases or embedments other than those shown on the drawings shall be made in concrete elements without the Project Engineer's approval.
- RC8 Concrete shall be kept free of supporting masonry with a pre-greased galvanised steel slip joint, vertical faces shall be separated by 10mm Joxtex (or equal).
- RC9 Construction joints shall be located to the satisfaction of the Project Engineer. The Builder shall allow for all necessary construction joints.
- RC10 Conduits and pipes when cast in slabs or walls are to be placed between the reinforcement layers. Where there is only one layer of reinforcement, provide 50mm cover to conduit minimum.
- RC11 Provide upward camber to formwork of reinforced concrete cantilevers of L/200 where L is the projection beyond column or wall face, and to formwork of slabs where noted on plans. Maintain slab and beam depths as shown. Provide 0mm precamber to post tensioned slabs U.N.O. on plans.
- RC12 The finished concrete shall be a dense homogeneous mass, completely filling the formwork thoroughly embedding the reinforcement and free of dome pockets. All concrete including slabs on ground and footings shall be compacted with mechanical vibrators.
- RC13 Slabs and beams shall be constructed to bear only on the beams, columns, walls etc. shown on the drawings. All other building elements shall be kept 12mm minimum clear from soffits of structure.
- RC14 Curing of all concrete is to be achieved by keeping surface continuously wet for a period of 3 days, and prevention of loss of moisture for a total of 7 days followed by a gradual drying out. Approved sprayed on curing compounds that comply with AS 3799 may be used where floor finishes will not be affected. (refer Manufacturers Specifications). Polythene sheeting or wet hessian may be used to retain moisture where protected from wind and traffic.
- RC15 Construction support propping is to be left in place where needed to avoid overstressing the structure due to construction loading. No brickwork or partition walls are to be constructed on suspended levels until all propping is removed and the slab has absorbed of dead load deflection.

PAVEMENT SEALING

1.General

- a) Mineral aggregates to comply with clause 3 materials D.M.R. form 952 "specification for the supply and delivery of aggregate for use in plant mix."

- b) Bitumen binder shall comply with D.M.R. form 337 "Specification for Residual Bitumen."

2. Pavement preparation

- a) the existing surface to be sealed shall be dry and broomed before commencement of work to ensure complete removal of all superficial foreign matter.

- b) All depressions or uneven areas are to be tack-coated and brought up to general level of pavement before placing the first coat.

3.Tack coat

- a) The whole of the area to be treated with a two seal shall be lightly and evenly coated with rapid setting bitumen complying with RMS. form 305. Application rate for residual bitumen shall be 0.15 to 0.30 litres/square metre. Application shall be by means of a mechanical sprayer with a sprayer.

4. Compaction

- a) All compaction shall be undertaken using self propelled rollers.

- b) Initial rolling shall be completed before the mix temperature falls below 105°C.

- c) Secondary rolling shall be completed before the mix temperature falls below 60°C.

- d) Minimum characteristics value of relative compaction of a lot when tested in accordance with RMS. form 612 shall be 95%.

5.Finished pavement properties.

- a) Finished surfaces shall be smooth, dense and true to shape and shall not vary more than 10mm from the specified plan level at any point and shall not deviate from the bottom of a 3m straight edge laid in any direction by more than 5mm.

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**GENERAL NOTES
PLAN & INDEX SCHEDULE**

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Designed	BH	Approved on behalf of RHM Consulting Engineers	
Drawn	CH	Project Engineer/Director	Date
Datum		Drawing No:	Rev
Date	JULY 19	14-167 - DA01	B

A1 SHEET

GENERAL INSTRUCTIONS

1. THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE ENGINEERING PLANS, AND ANY OTHER PLANS OR WRITTEN INSTRUCTIONS THAT MAY BE ISSUED AND RELATING TO DEVELOPMENT AT THE SUBJECT SITE.
2. THE SITE SUPERINTENDENT WILL ENSURE THAT ALL SOIL AND WATER MANAGEMENT WORKS ARE LOCATED AS INSTRUCTED IN THIS SPECIFICATION.
3. ALL BUILDERS AND SUB-CONTRACTORS WILL BE INFORMED OF THEIR RESPONSIBILITIES IN MINIMISING THE POTENTIAL FOR SOIL EROSION AND POLLUTION TO DOWNSLOPE LANDS AND WATERWAYS.

CONSTRUCTION SEQUENCE

4. THE SOIL EROSION POTENTIAL ON THIS SITE IS TO BE MINIMISED. HENCE WORKS SHALL BE UNDERTAKEN IN THE FOLLOWING SEQUENCE :-
(A) INSTALL SEDIMENT FENCES
(B) CONSTRUCT OPEN SWALES AND CHANNELS AS NECESSARY AND DIRECTED BY THE SITE SUPERINTENDENT.
(C) CONSTRUCT STABILISED CONSTRUCTION ENTRANCE TO LOCATION AS DETERMINED BY SUPERINTENDENT.
(D) INSTALL SEDIMENT TRAPS AS SHOWN ON PLAN.
(E) UNDERTAKE SITE DEVELOPMENT WORKS IN ACCORDANCE WITH THE ENGINEERING PLANS. PHASE DEVELOPMENT SO THAT LAND DISTURBANCE IS CONFINED TO AREAS OF WORKABLE SIZE.

EROSION CONTROL

5. DURING WINDY WEATHER, LARGE, UNPROTECTED AREAS WILL BE KEPT MOIST (NOT WET) BY SPRINKLING WITH WATER TO KEEP DUST UNDER CONTROL.
6. FINAL SITE LANDSCAPING WILL BE UNDERTAKEN AS SOON AS POSSIBLE AND WITHIN 20 WORKING DAYS FROM COMPLETION OF CONSTRUCTION ACTIVITIES.

SEDIMENT CONTROL

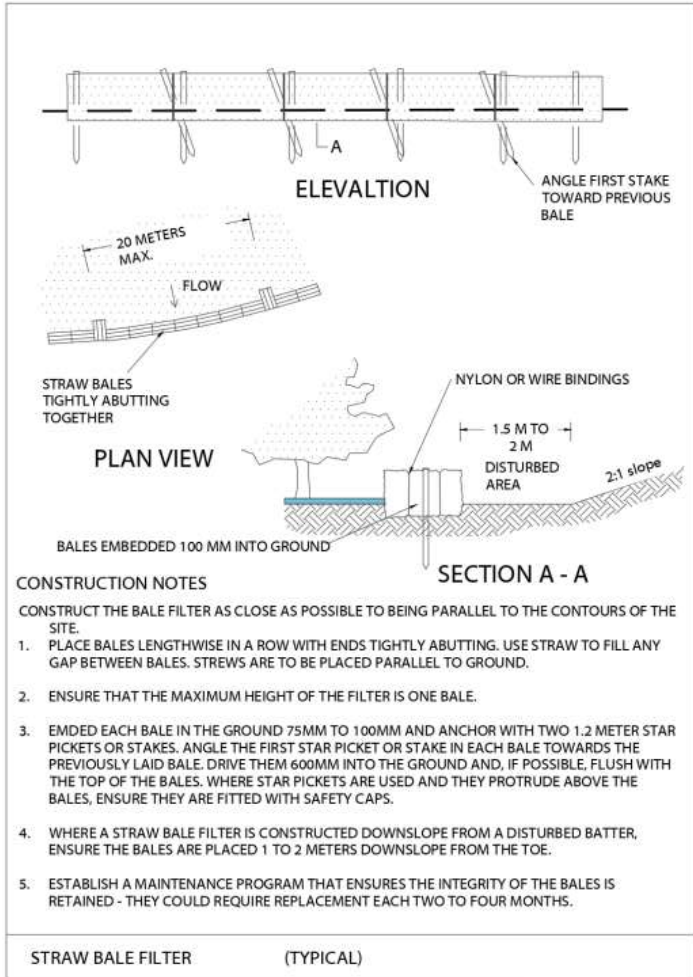
7. STOCKPILES WILL NOT BE LOCATED WITHIN 2 METRES OF HAZARD AREAS, INCLUDING LIKELY AREAS OF CONCENTRATED OR HIGH VELOCITY FLOWS SUCH AS WATERWAYS. WHERE THEY ARE BETWEEN 2 AND 5 METRES FROM SUCH AREAS, SPECIAL SEDIMENT CONTROL MEASURES SHOULD BE TAKEN TO MINIMISE POSSIBLE POLLUTION TO DOWNSLOPE WATERS, E.G. THROUGH INSTALLATION OF SEDIMENT FENCING.
8. ANY SAND USED IN THE CONCRETE CURING PROCESS (SPREAD OVER THE SURFACE) WILL BE REMOVED AS SOON AS POSSIBLE AND WITHIN 10 WORKING DAYS FROM PLACEMENT.
9. WATER WILL BE PREVENTED FROM ENTERING THE PERMANENT DRAINAGE SYSTEM UNLESS IT IS RELATIVELY SEDIMENT FREE, I.E. THE CATCHMENT AREA HAS BEEN PERMANENTLY LANDSCAPED AND/OR ANY LIKELY SEDIMENT HAS BEEN FILTERED THROUGH AN APPROVED STRUCTURE.
10. TEMPORARY SOIL AND WATER MANAGEMENT STRUCTURES WILL BE REMOVED ONLY AFTER THE LANDS THEY ARE PROTECTING ARE REHABILITATED.

OTHER MATTERS

11. ACCEPTABLE RECEPTORS WILL BE PROVIDED FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER.
12. ANY EXISTING TREES WHICH FORM PART OF THE FINAL LANDSCAPING PLAN WILL BE PROTECTED FROM CONSTRUCTION ACTIVITIES BY:
(A) PROTECTING THEM WITH BARRIER FENCING OR SIMILAR MATERIALS INSTALLED OUTSIDE THE DRIP LINE.
(B) ENSURING THAT NOTHING IS NAILED TO THEM.
(C) PROHIBITING PAVING, GRADING, SEDIMENT WASH OR PLACING OF STOCKPILES WITHIN THE DRIP LINE EXCEPT UNDER THE FOLLOWING CONDITIONS.
(I) ENCROACHMENT ONLY OCCURS ON ONE SIDE AND NO CLOSER TO THE TRUNK THAN EITHER 1.5 METRES OR HALF THE DISTANCE BETWEEN THE OUTER EDGE OF THE DRIP LINE AND THE TRUNK, WHICH EVER IS THE GREATER.
(II) A DRAINAGE SYSTEM THAT ALLOWS AIR AND WATER TO CIRCULATE THROUGH THE ROOT ZONE (E.G. A GRAVEL BED) IS PLACED UNDER ALL FILL LAYERS OF MORE THAN 300 MILLIMETRES DEPTH.
(III) CARE IS TAKEN NOT TO CUT ROOTS UNNECESSARILY AND NOT TO COMPACT THE SOIL AROUND THEM.

SITE INSPECTION & MAINTENANCE

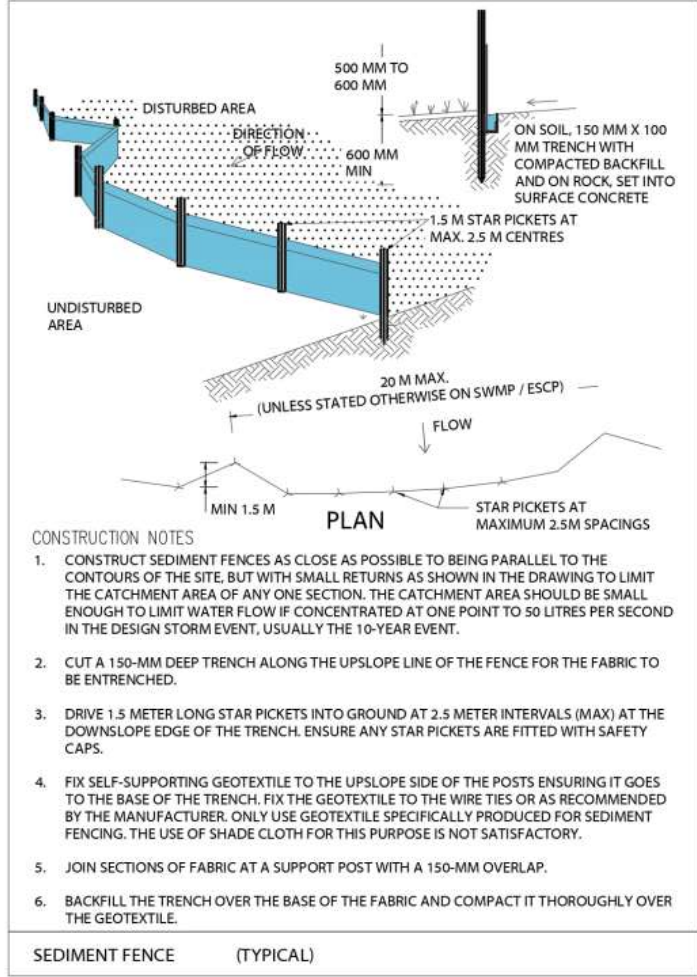
13. RECEPTORS FOR CONCRETE AND MORTAR SLURRIES, PAINTS, ACID WASHINGS, LIGHT-WEIGHT WASTE MATERIALS AND LITTER ARE TO BE EMPTIED AS NECESSARY. DISPOSAL OF WASTE SHALL BE IN A MANNER APPROVED BY THE SITE SUPERINTENDENT.



SEDIMENTATION AND EROSION CONTROL

- SE1. LAND DISTURBANCE SHALL BE LIMITED TO THAT NECESSARY FOR IMPLEMENTATION OF THE PLANS OF WORK AND LANDS NOT TO BE DISTURBED SHALL BE CLEARLY MARKED WITH BARRIER FENCES. SEDIMENT FENCING AND STRAW BALE FILTER SHALL BE PLACED AT REGULAR INTERVALS IMMEDIATELY DOWN SLOPE OF ALL UNPROTECTED DISTURBED LANDS
- SE2. INSTALL SEDIMENT FENCING AND STRAW BALE FILTER IN ACCORDANCE WITH DETAILS ABOVE AND LOCAL COUNCIL REQUIREMENTS.
- SE3. THE LOCATION OF "SILT" FENCES, SEDIMENT FENCES STRAW BALE FILTER AND OTHER DEVICES SHALL BE DETERMINED ON SITE IN CONJUNCTION WITH THE SUPERINTENDENT. VARIATIONS ARE PERMITTED TO BEST SUIT THE CIRCUMSTANCES
- SE4. INSTALL TEMPORARY CONSTRUCTION VEHICLE EXIT IN ACCORDANCE WITH TYPICAL DETAILS
- SE5. STRIP VEGETATION FROM ALL CUT AREAS AND DISPOSE OFF SITE
- SE6. STRIP TOPSOIL FROM ALL CUT AREAS AND STOCKPILE ON SITE
- SE7. EXCAVATE ALL CUT AREAS AND PLACE COMPACTED FILL WHERE REQUIRED.
- SE8. ALL ADJACENT LANDSCAPE AREAS ARE TO BE STABILISED AND VEGETATED WITHIN 20 DAYS OF COMPLETION.
- SE9. EXCAVATE, LAY AND BACKFILL DRAINAGE LINES. OPEN TRENCH LENGTHS ARE NOT TO EXCEED 25 METRES. WHERE TRENCHES ARE OPEN OVER NIGHT, PLACE TEMPORARY TURF LINED SWALE ALONG HIGHER SIDE OF TRENCH AND DIVERT POTENTIAL SURFACE WATER TO A SAFE LOCATION.
- SE10. CONSTRUCT DRAINAGE PITS AND INSTALL PIT PROTECTION MEASURES IN ACCORDANCE WITH DETAILS ABOVE, LOCAL COUNCIL AND ROADS AND TRAFFIC AUTHORITY STANDARDS.

NOTE: WHEREVER SEDIMENT AND EROSION CONTROL DEVICES ARE REMOVED EARLIER IN THE CONSTRUCTION SEQUENCE THAN AS SPECIFIED ABOVE, ENSURE THAT THE DISTURBED GROUND IS RE-VEGETATED TO REDUCE THE LIKELIHOOD OF EROSION AND SEDIMENT TRANSPORT FROM THE SITE. ENSURE ALSO THAT SEDIMENT LADEN WATER CAN STILL REACH SEDIMENTATION BASINS FOR TREATMENT.



SEDIMENT RUN-OFF CONTROL

- RC1. THE CONTRACTOR SHALL INSTALL AND MAINTAIN SOIL EROSION AND SEDIMENT CONTROL MEASURES GENERALLY IN ACCORDANCE WITH THE GUIDELINES OF THE N.S.W. DEPT. OF CONSERVATION AND LAND MANAGEMENT AS NECESSARY TO PREVENT RUN-OFF FROM SITE OF SEDIMENT RESULTING FROM THESE WORKS. SUCH MEASURES SHALL ALSO COMPLY WITH REQUIREMENTS OF COUNCIL.
- RC2. GRADE FINISHED SURFACE TO SHED WATER EVENLY WITHOUT CHANNELING (UNTIL PIPED STORMWATER SYSTEM IS ADDED IN LATER STAGE).

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SEDIMENTATION AND
EROSION CONTROL NOTES

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NOTE:

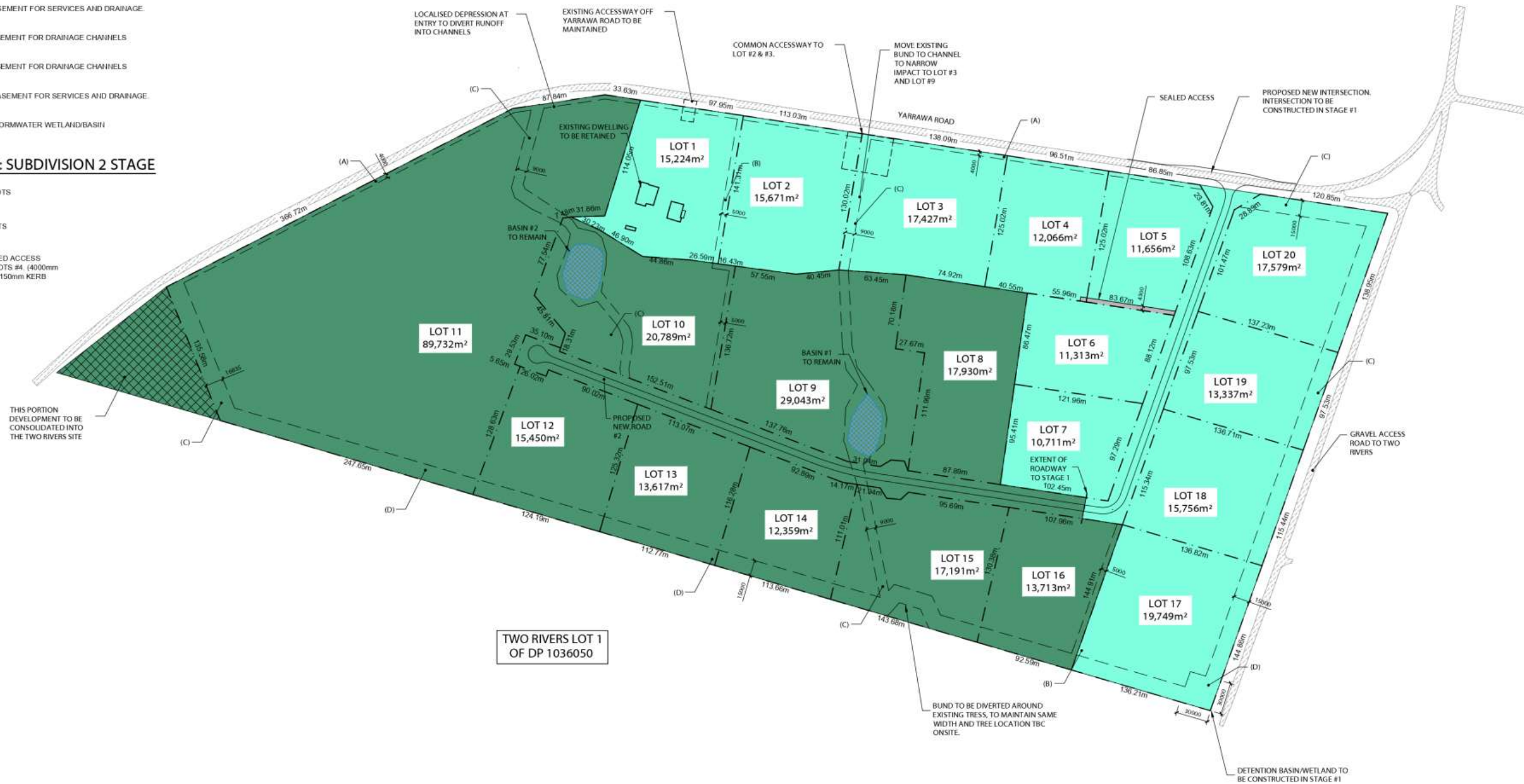
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3. REFER TO STORMWATER MANAGEMENT PLAN FOR CHANNEL LOCATION AND TYPES.
4. BASIN #1 AND #2 TO REMAIN AS THESE DRAINS FORM PART OF THE EXISTING FLOW CHANNELS. MAIN WORKS TO BASIN TO BE UNDERTAKEN IN STAGE #2.
5. PART OF ROADWAY TO BE CONSTRUCTED IN STAGE #2.
6. INFRASTRUCTURE AS NOTED TO INCLUDE STORMWATER, DRAINS, BASINS, ROADS AND INTERSECTION TO BE CONSTRUCTED IN THE STAGE SHOWN.

EASEMENTS:

- (A) - 4.0m WIDE EASEMENT FOR SERVICES AND DRAINAGE.
- (B) - VARIABLE EASEMENT FOR DRAINAGE CHANNELS
- (C) - VARIABLE EASEMENT FOR DRAINAGE CHANNELS
- (D) - 15.0m WIDE EASEMENT FOR SERVICES AND DRAINAGE.
- (E) - 30x30 FOR STORMWATER WETLAND/BASIN

STAGE LEGEND: SUBDIVISION 2 STAGE

- STAGE #1 - 11 LOTS
- STAGE #2 - 9 LOTS
- 4.3m WIDE SEALED ACCESS DRIVEWAY TO LOTS #4, (4000mm CARRIAGEWAY, 150mm KERB EACH SIDE)

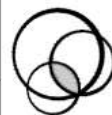


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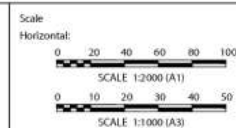
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PROPOSED LOT LAYOUT
AND STAGING PLANS



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Drawn	CH	Project Engineer/Director	Date
Datum		Drawing No:	Rev
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3. ONSITE DETENTION AT EACH OF THE DWELLING IS NOT REQUIRED.

LEGEND:

- EXISTING Ø450 ROAD CULVERT TO YARRAWA ROAD
- PROPOSED ROAD CULVERT (TWIN Ø450 OR SINGLE Ø600) REFER TO TABLE 2.0
- EXISTING DAMS TO REMAIN, BUT MODIFIED SLIGHTLY TO ALLOW FOR CONTROLLED OUTLETS.
- STORMWATER BUND TYPE #1
- STORMWATER SWALE AND BUND TYPE #2
- INTER-ALLOTMENT DIVERSION BUND TYPE #3
- STORMWATER SWALE AND BUND TYPE #4
- EXISTING ROAD
- PROPOSED NEW OPEN CHANNELS. REFER TO DWG DA07-DA08
- EXISTING CHANNELS AND SWALE TO BE MODIFY RE-USED. INLETS AND OUTLETS. REFER TO DWG DA07-DA08
- PROPOSED NEW 20MX20M WETLAND FOR WATER QUALITY AND TO CONTROL OUTLET FLOWS.
- LODGED ARTEFACTS, NOTE THE ARTEFACTS ARE TYPICALLY FOLLOWING FLOW PATHS
- PEAK 20ARI FLOWRATE TO INCLUDE INTERALLOTMENT AND CROSS CATCHMENT

BUND TYPES

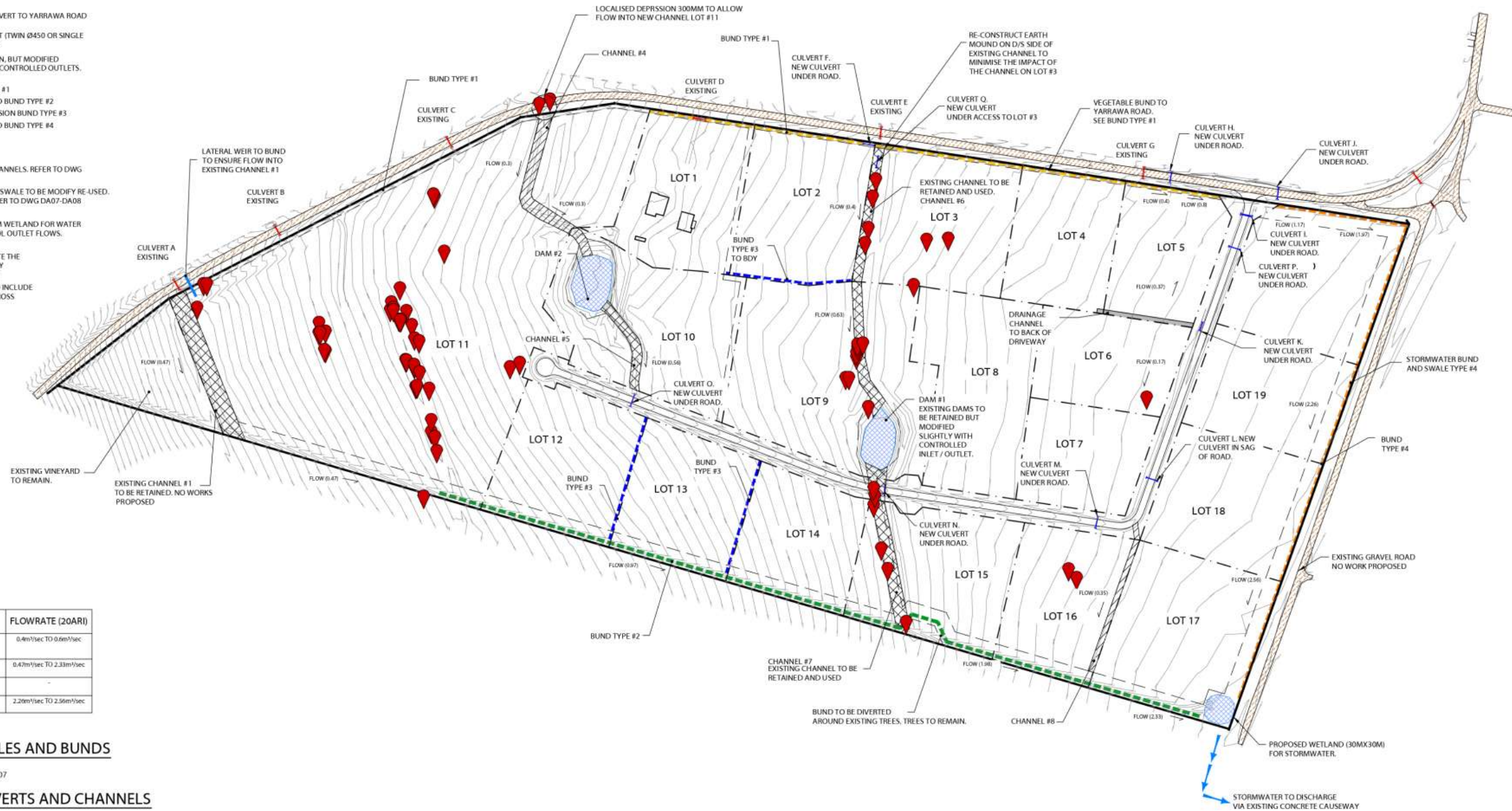
BUND TYPE	LONGITUDINAL GRADE	FLOWRATE (20ARI)
TYPE 1	2.5% TO 2.8%	0.4m³/sec TO 0.6m³/sec
TYPE 2	2.8% TO 3.2%	0.47m³/sec TO 2.33m³/sec
TYPE 3	NOT APPLICABLE	-
TYPE 4	0.35%	2.20m³/sec TO 2.50m³/sec

SCHEDULE FOR SWALES AND BUNDS

NOTE:- REFER TO DETAILS ON DWG DA07

SCHEDULE FOR CULVERTS AND CHANNELS

NOTE:- REFER TO DETAILS ON DWG DA08



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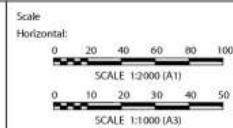
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PROPOSED LOT LAYOUT
STORMWATER
MANAGEMENT PLAN



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Drawn	CH	Project Engineer/Director	Date
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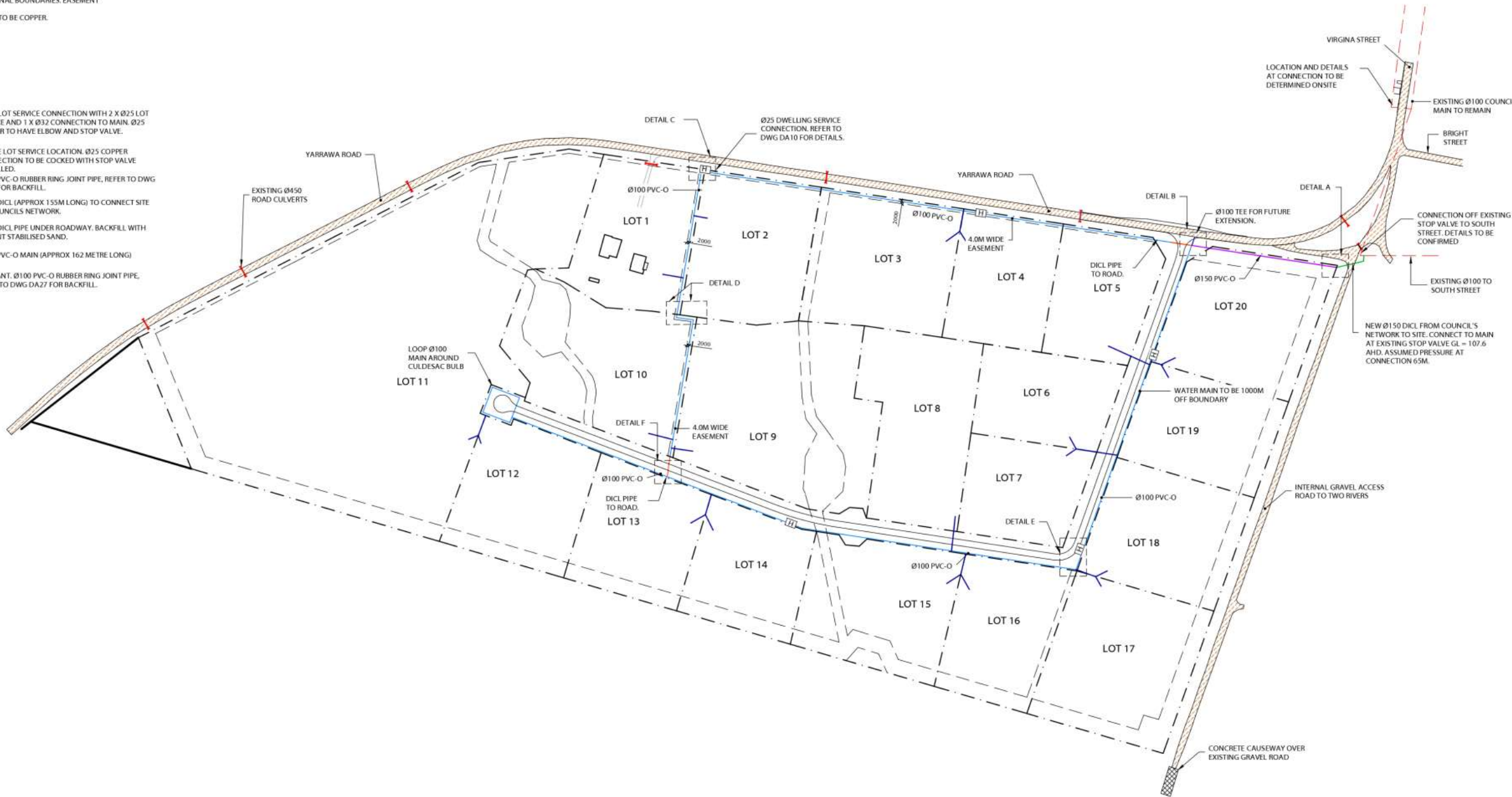
A1 SHEET

NOTE:

1. MINIMUM PIPE SIZE Ø100 PVC-O RUBBER RING JOINT UNLESS NOTED OTHERWISE.
2. WATER MAIN TO BE INSTALLED AT LEAST 750MM BELOW NATURAL GROUND LEVEL.
3. DI CL PIPE BENEATH ROAD. ENCASE PIPE BENEATH ON SAND/CEMENT BACKFILL.
4. MAIN TO BE LOCATED:
 - 1000M OFF BOUNDARY TO ROAD RESERVE
 - 2000M OFF INTERNAL BOUNDARIES. EASEMENT 4000M WIDE.
5. ALL LOT SERVICES TO BE COPPER.

LEGEND:

- Ø25 - DUAL LOT SERVICE CONNECTION WITH 2 X Ø25 LOT SERVICE AND 1 X Ø32 CONNECTION TO MAIN. Ø25 COPPER TO HAVE ELBOW AND STOP VALVE.
- Ø25 - SINGLE LOT SERVICE LOCATION. Ø25 COPPER CONNECTION TO BE COCKED WITH STOP VALVE INSTALLED.
- Ø100 PVC-O RUBBER RING JOINT PIPE, REFER TO DWG DA27 FOR BACKFILL.
- Ø150 DI CL (APPROX 155M LONG) TO CONNECT SITE TO COUNCILS NETWORK.
- Ø100 DI CL PIPE UNDER ROADWAY. BACKFILL WITH CEMENT STABILISED SAND.
- Ø150 PVC-O MAIN (APPROX 162 METRE LONG)
- H - HYDRANT. Ø100 PVC-O RUBBER RING JOINT PIPE. REFER TO DWG DA27 FOR BACKFILL.



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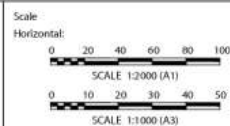
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**PROPOSED
WATER RETICULATION
LAYOUT PLAN**



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Drawn	CH	Project Engineer/Director	Date
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LEGEND:

- DENOTES AGRICULTURAL BUFFER ZONE. 100M OFFSET BETWEEN DWELLING AND THE VINEYARD BOUNDARY.
- DISPOSAL AREA FOR LOTS WITH RESTRICTION TO INCLUDE ARTEFACTS AND DRAINAGE CHANNELS/DAMS. NOTE, LOCATION CAN BE ALTERED PROVIDED CRITERIA AS LISTED BELOW IS MET. MINIMUM 3000M² PROPOSED BUILDING ENVELOPE.
- LODGED ARTEFACTS. NOTE THE ARTEFACTS ARE TYPICALLY FOLLOWING FLOW PATHS

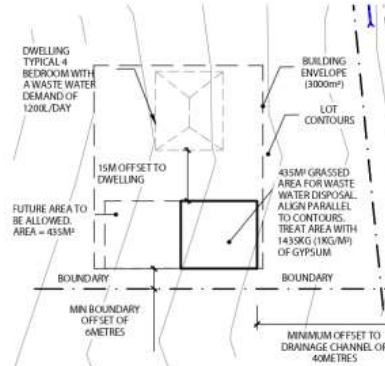
NOTE:

- MINIMUM AREA FOR ON-SITE DISPOSAL IS 435M² WITH AN ADDITIONAL 435M² TO BE ALLOWED FOR FUTURE USE. TOTAL AREA = 870M². (APPROX 30MX30M OR 45MX20M)
- ALL DISPOSAL AREAS TO BE TREATED WITH GYPSUM AT A RATE OF 435KG/435M² THAT IS 1KG/M².
- DISPOSAL AREA SHOULD RUN PARALLEL TO CONTOURS. REQUIRED OFFSETS FROM DISPOSAL AREA TO BE MINIMUM OF
 - TO DWELLING = 15METRES
 - TO DRAINAGE CHANNEL/DAM = 40METRES
 - TO PROPERTY/EASEMENT'S BOUNDARY = 6METRES
 - TO POOL = 6METRES

REQUIRED OFFSETS TO DISPOSAL AREAS:

- TO DWELLING: 15 METRES
- TO BOUNDARY: 6 METRES
- TO OPEN CHANNEL: 40METRES
- TO SWIMMING POOL: 6 METRES

ARTEFACTS WILL BE MANAGED IN ACCORDANCE WITH THE RECOMMENDATIONS ON THE INSITE HERITAGE ABORIGINAL CULTURAL HERITAGE ASSESSMENT REPORT.



TYPICAL DISPOSAL AREA

- LOCATION OF DISPOSAL AREA AND DIMENSIONS ARE VARIABLE AND SUBJECT TO COUNCIL APPROVALS.

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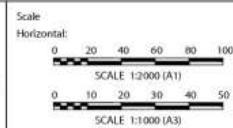
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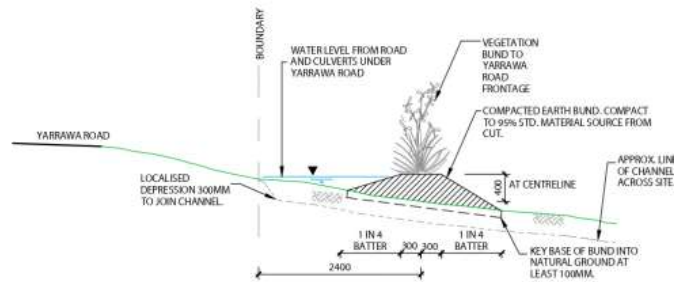
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ON-SITE WASTE
MANAGEMENT PLAN
EASEMENTS & SUGGESTED
BUILDING ENVELOPES



CIVIL DRAWING			
Designed	BH	Approved on behalf of RHM Consulting Engineers	
Drawn	CH	Project Engineer/Director	Date
Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA06	C

A1 SHEET

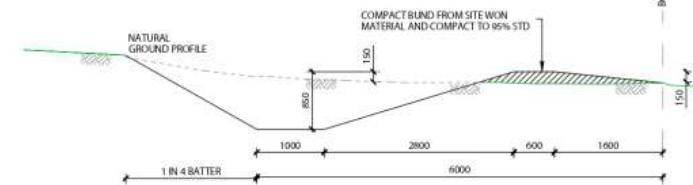


STORMWATER DIVERSION BUND - TYPE #1: YARRAWA RD FRONTAGE

SCALE 1:50 (A1)

NOTES:

1. $Q_{10} = 0.4$ TO 0.6 M³/SEC
2. VELOCITY = 0.8 TO 1.1 M/SEC
3. FLOW AREA APPROX 0.5 M²/SEC
4. LONGITUDINAL FALL 2.5% TO 2.8%
5. MANNINGS COEFFICIENT = 0.040
6. BUND TO BE GRASSED WITH A NATURAL LOCAL BLEND AND LANDSCAPED AS PER LANDSCAPE DESIGN PLAN
7. EXCLUDES LOT 11

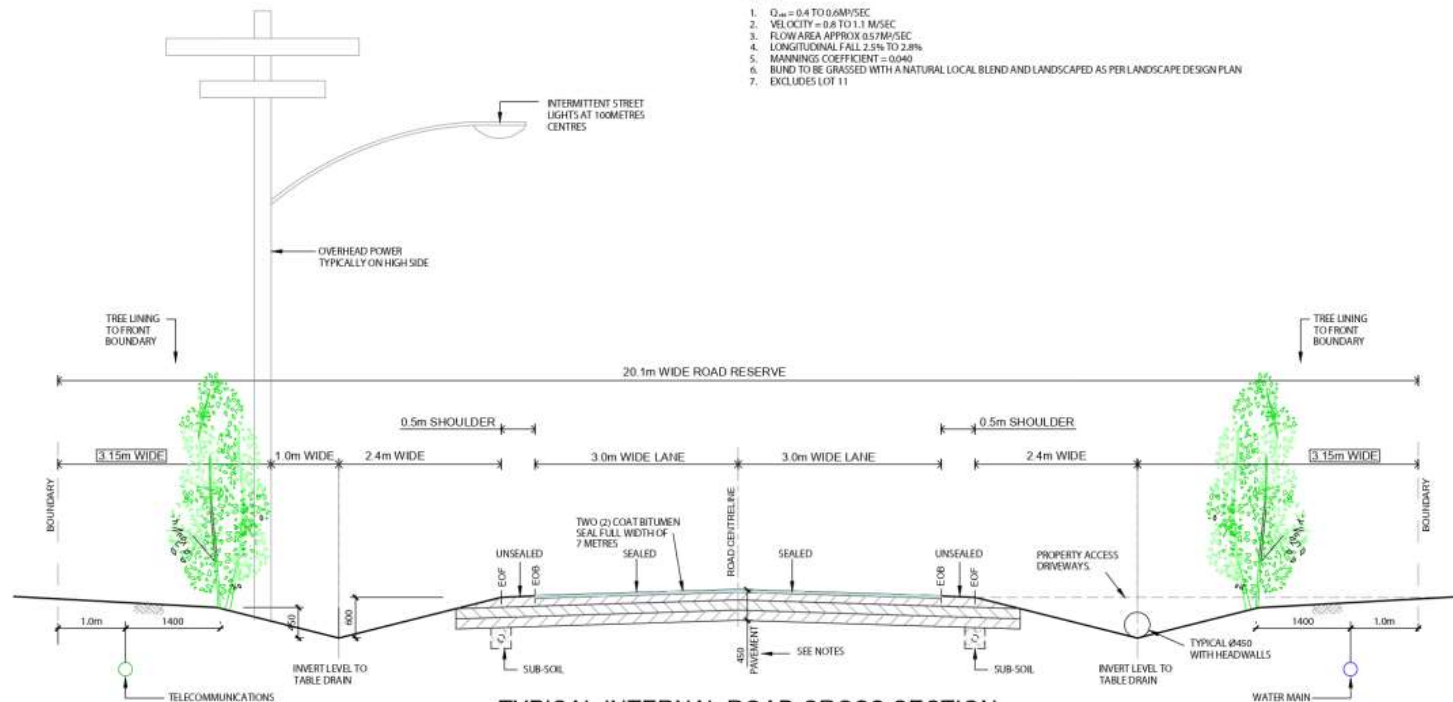


STORMWATER DIVERSION BUND AND SWALE TYPE #2 - SOUTHERN BOUNDARY

SCALE 1:50 (A1)

NOTES:

1. Q_{10} VARIABLE FROM 0.5 M³/SEC TO 1.0 M³/SEC
2. VELOCITY VARIABLE FROM 0.6 M/SEC TO 1.25 M/SEC
3. DEPTH VARIABLE 400 MM MAX
4. LONGITUDINAL GRADE = 2.8% AVERAGE
5. MANNINGS COEFFICIENT = 0.04
6. SWALE AND BUND TO BE SEED WITH A LOCAL GRASS BLEND AND LANDSCAPED AS SHOWN ON THE LANDSCAPE PLAN

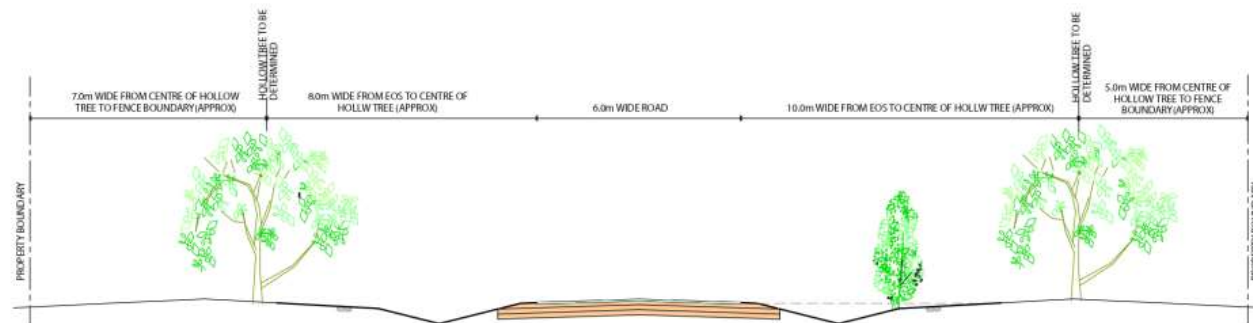


TYPICAL INTERNAL ROAD CROSS SECTION

SCALE 1:50 (A1)

PRELIMINARY ROAD COMPOSITION:
150MM BASE
150MM SUB-BASE
150MM STABILISED SUB-GRADE

SUBJECT TO CONFIRMATION BY GEOTECHNICAL ENGINEER



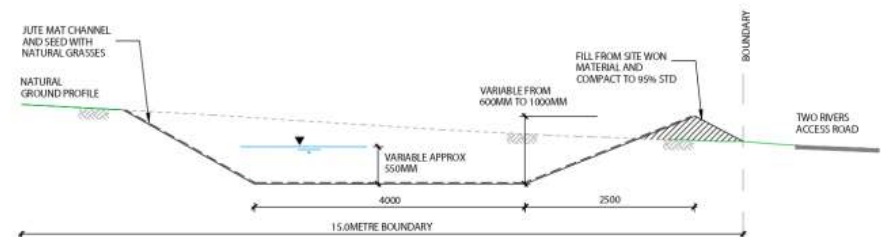
TYPICAL SECTION AT HOLLOW TREES AND ROAD

SCALE 1:100 (A1)

STORMWATER DIVERSION BUND - TYPE #3: INTERNAL BOUNDARY

SCALE 1:150 (A1)

NOTES: REFER TO STORMWATER PLAN FOR LOCATION



STORMWATER DIVERSION BUND AND SWALE TYPE #4 - EASTERN BOUNDARY (ALSO PART OF NORTHERN BOUNDARY)

SCALE 1:50 (A1)

NOTES:

1. CHANNEL TO EXTEND FROM ROAD 1 ON YARRAWA ROAD TO DAM #3 ON SOUTHEAST CORNER
2. Q_{10} FLOWRATE, VARIABLE FROM 1.0 M³/SEC TO 2.5 M³/SEC
3. VELOCITY AT 2049 = VARIABLE FROM 0.6 M/SEC TO 0.8 M/SEC (MAX VELOCITY DEPTH RATIO = 0.44 M/SEC)
4. DEPTH OF FLOW VARIABLE FROM 0.45 TO 0.55 METRES
5. LONGITUDINAL GRADE = 0.35%
6. MANNINGS COEFFICIENT = 0.04
7. SWALE AND BUND TO BE SEED WITH LOCAL GRASS BLEND AND LANDSCAPED AS SHOWN ON THE LANDSCAPE PLAN

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
D	AMENDMENTS FOR BIODIVERSITY	01/06/20	CH				
C	AMENDMENTS FOR BIODIVERSITY	26/05/20	CH				
B	ISSUE FOR DA	23/06/19	CH				
A	PRELIMINARY ISSUE	29/07/19	CH				



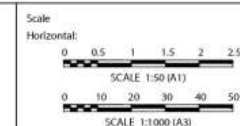
TWO RIVERS WINES
9 YARRAWA ROAD
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PROPOSED BUND AND SWALE SECTIONS



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A1 SHEET

CULVERT SCHEDULE

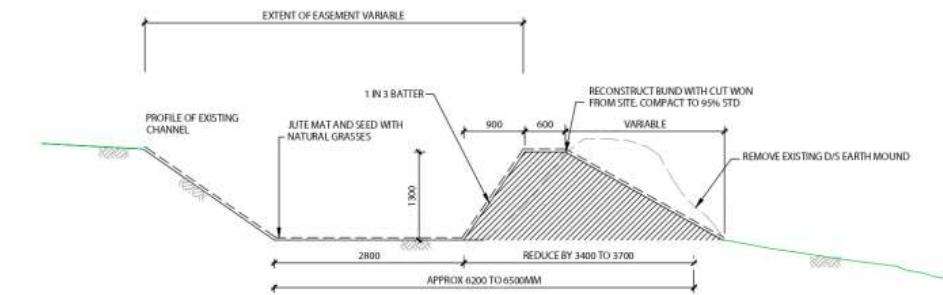
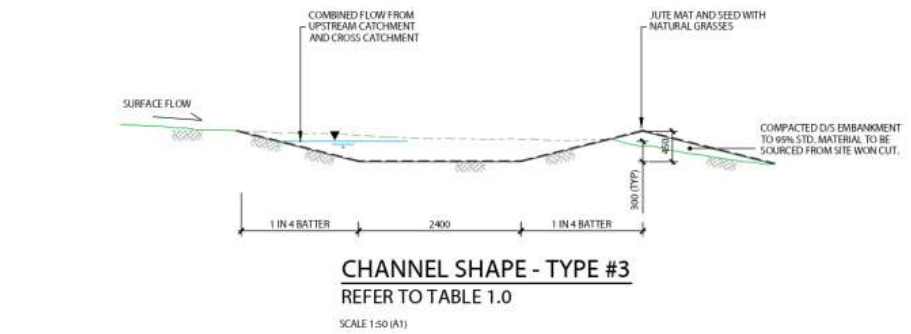
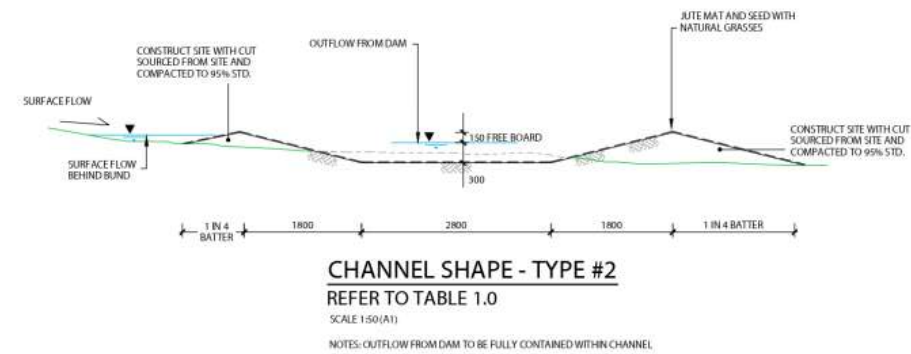
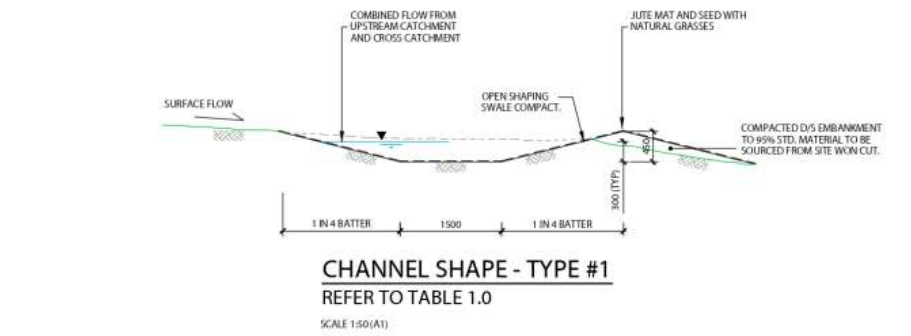
Culvert	Status	Size/Class	Flowrate (20ARI) (m3/sec)	Culvert Capacity (m3/sec)
A	Existing - To Remain (Yarrawa Road)	Ø450mm	0.335	0.395
B	Existing - To Remain (Yarrawa Road)	Ø450mm	0.266	0.395
C	Existing - To Remain (Yarrawa Road)	Ø450mm	0.266	0.395
D	Existing - To Remain (Access to Lot #1)	Ø450mm	0.390	0.395
E	Existing - To Remain (Yarrawa Road)	Ø450mm	0.100	0.395
F	New - Rural Access to Lot #2	Ø450mm Class 3	0.300	0.395
G	Existing - To Remain (Yarrawa Road)	Ø450mm	0.395	0.395
H	New Culvert under Yarrawa Road	Ø450mm Class 4	0.395	0.395
I	New Culvert under Internal Road	2 x Ø450mm Class 4	0.800	0.800
J	New Culvert under Yarrawa Road	Ø450mm Class 4	0.395	0.395
K	New Culvert under Internal Road	Ø450mm Class 4	0.180	0.395
L	New Culvert under Internal Road	Ø450mm Class 4	0.170	0.395
M	New Culvert under Internal Road	Ø450mm Class 4	0.350	0.950
N	New Culvert under Internal Road	2 x Ø450mm Class 4	0.630	0.800
O	New Culvert under Internal Road	2 x Ø450mm Class 4	0.560	0.800
P	New Culvert under Internal Road	Ø450mm Class 4	0.310	0.395
Q	New - Rural Access to Lot #3	Ø450mm Class 3	0.400	0.400

NOTE:
1. ALL CULVERTS SUBJECT TO DETAILED DESIGN
2. ALL PIPE CULVERTS TO BE RUBBER RING JOINTED
3. PRECAST HEADWALLS PERMITTED

CHANNEL SCHEDULE

Channel Number	Flowrate (20ARI) m ³ /sec	Longitudinal Fall (%)	Velocity (20ARI) m/sec	Type
#1 - Existing to remain unaltered.	0.47	0.65%	0.42	Existing Profile to remain unchanged - No Works to be undertaken.
#2 - Non Applicable.				
#3 - Existing to remain.	0.5	0.80% to 1.20%	0.70 to 1.40	Existing Profile to remain unchanged - No Works to be undertaken.
#4 - New Channel (To Dam #2).	0.56	0.77% to 2.50%	0.50 to 1.20	Type #2
#5 - Existing to Remain (Leaving Dam #2).	0.5	0.37%	0.43	Existing Profile*
#6 - Existing to Remain (To Dam #1).	0.40 to 0.63	0.26%	0.42	Existing Profile*
#7 - Existing to Remain (leaving Dam #1).	1.01	0.20%	0.44	Existing Profile*
#8 - New Channel (Between Lot #16 & #17).	0.35	0.80%	0.67	Type #1

* DENOTES - RECONSTRUCTION OF D/S EARTH MOUND TO EXISTING DRAINAGE CHANNELS. REFER TO ENCLOSED DETAILS.



REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
D	AMENDMENTS FOR BIODIVERSITY	01/06/20	CH				
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9 YARRAWA ROAD
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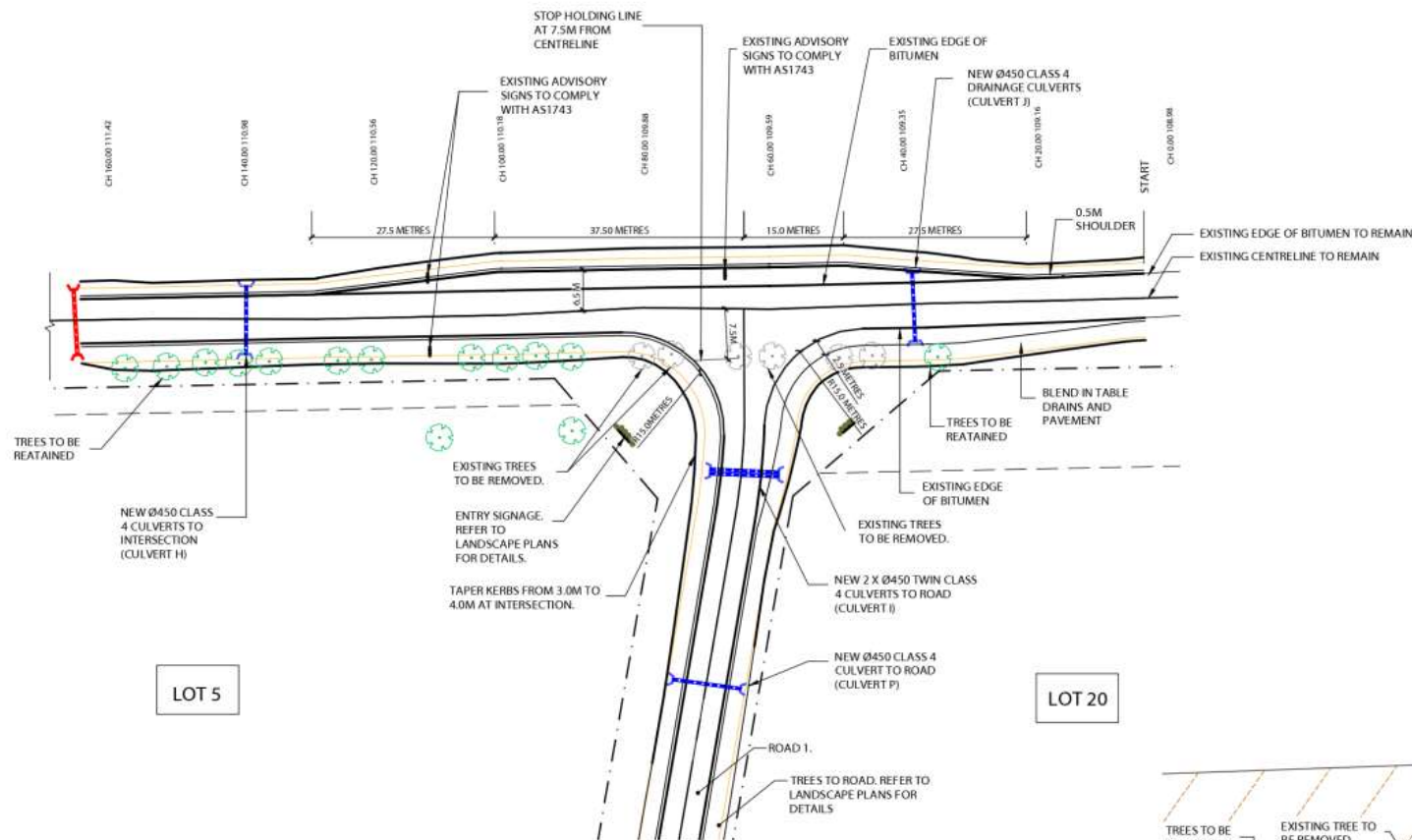
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CULVERT AND CHANNEL SCHEDULE

Scale
Horizontal:
0 0.5 1 1.5 2 2.5
SCALE 1:50 (A1)
0 10 20 30 40 50
SCALE 1:1000 (A3)

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A1 SHEET

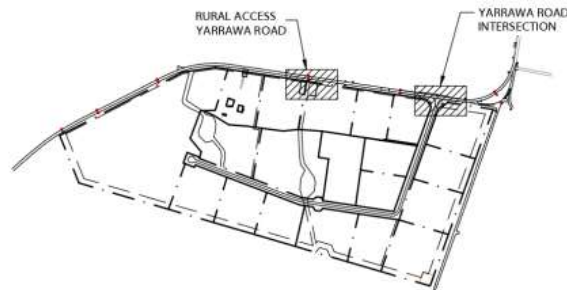


YARRAWA ROAD INTERSECTION

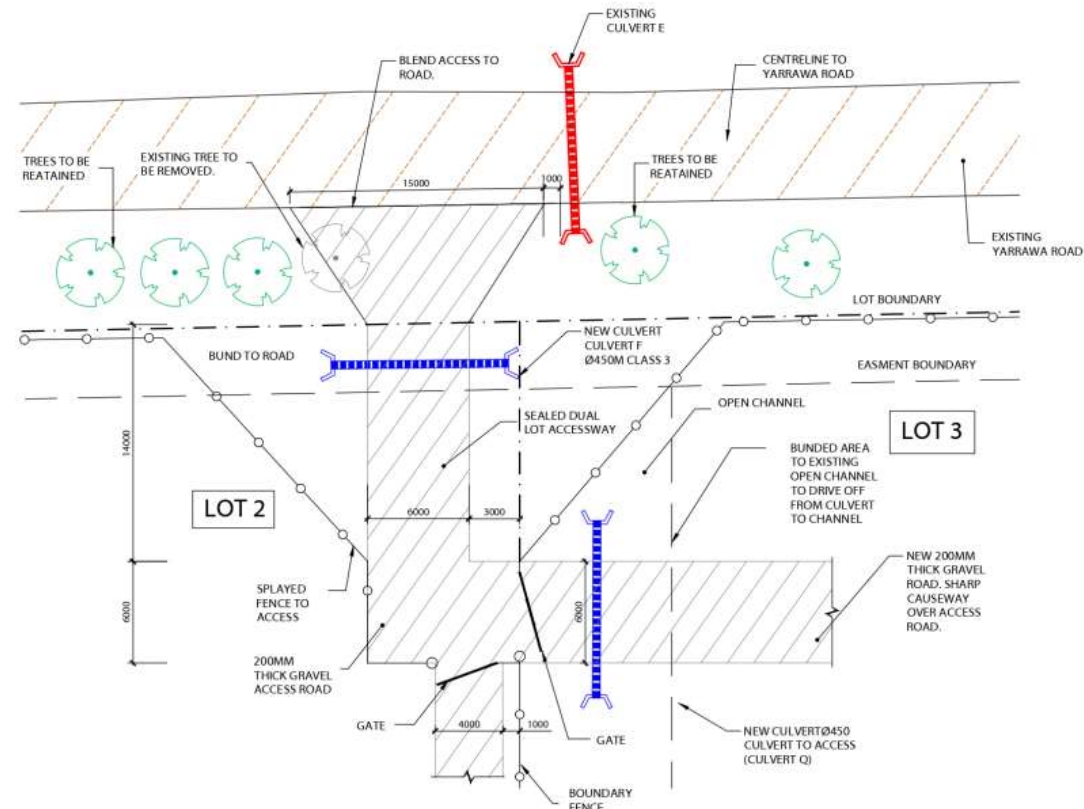
SCALE: 1:500 (A1)

NOTES:

1. REFER TO SECA SOLUTION REPORT FOR DETAILS ON INTERSECTION.
2. LINE MARKING AND SIGNAGE TO REFLECT RMS GUIDELINES AND AS 1743.
3. GUARD POSTS TO BE INSTALLED TO SHOULDER. REFER TO AS 3845.
4. REFER TO LANDSCAPE PLAN DRAWINGS FOR DETAILS AT ENTRY.



KEYPLAN FOR RURAL ACCESS



TYPICAL RURAL ACCESS OF YARRAWA ROAD

SCALE: 1:200 (A1)

NOTES:

ACCESS ROAD TO BE 200MM THICK GRAVEL TO BE ARRB SP#41 COMPACT TO 102% STD.

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
D	AMENDMENTS FOR BIODIVERSITY	24/06/20	CH				
C	ISSUE FOR DA- AMENDMENTS	09/06/19	CH				
B	ISSUE FOR DA	23/06/19	CH				
A	PRELIMINARY ISSUE	29/07/19	CH				



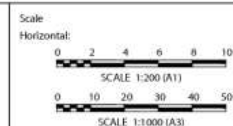
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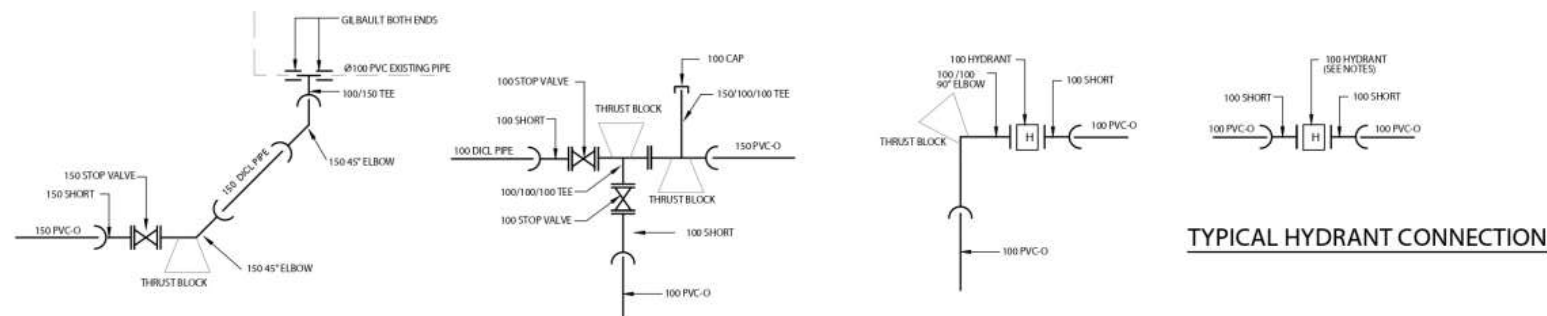


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**YARRAWA INTERSECTION
AND ACCESS ROAD
SECTIONS**



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TYPICAL HYDRANT CONNECTION

TRENCH CONDITION	WATER PIPE TRENCH	SEWER PIPE TRENCH
1. "IN COUNCIL ROADS" (cross section 1)		
a) COMPACTION TESTING SPACING (m)	100 (note 1)	100 (note 1)
b) MINIMUM RELATIVE COMPACTION REQUIRED (see note 2)		
- UP TO 0.5m FROM TOP OF PAVEMENT	95%	95%
- WITHIN 0.5m OF TOP OF PAVEMENT	90%	88%
c) LOCATION OF COMPACTION TESTS	75 ± 100mm Below top of pavement	75 ± 100mm Below top of pavement
2. "NOT IN ROADWAY" (cross sections 2&3)		
a) COMPACTION TESTING SPACING (m)	200	200
b) MINIMUM RELATIVE COMPACTION REQUIRED (see note 2)	95%	95%
c) LOCATION OF COMPACTION TESTS	75 ± 100mm Below bottom of topsoil layer	75 ± 100mm Below bottom of topsoil layer

NOTE 1: COMPACTION TEST SPACINGS SHALL BE 100m EXCEPT THAT A COMPACTION TEST IS REQUIRED FOR EVERY SECTION OF PIPELINE WHERE THE LENGTH OF THE PIPELINE EXCEEDS 50m

NOTE 2: a) MOISTURE CONTENT SHALL BE NO MORE THAN 1% ABOVE THE OPTIMUM MOISTURE CONTENT AS DETERMINED IN ACCORDANCE WITH A51289.
b) THE RELATIVE COMPACTION SHALL BE DETERMINED BY A51289 FOR STANDARD COMPACTIVE EFFORT.

1. ALL WATER RETICULATION TO BE CONSTRUCTED IN ACCORDANCE WITH MUSWELLBROOK COUNCIL'S REQUIREMENTS.
2. THE INTERNAL WATER RETICULATION LAYOUT SHOWN ON THESE PLANS IS INDICATIVE ONLY.
3. ALL INTERNAL WATER RETICULATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH AS3500.1 - NATIONAL PLUMBING AND DRAINAGE CODE - WATER SUPPLY.

1. ALL HYDRANTS AND PIPEWORK SHALL BE INSTALLED IN ACCORDANCE WITH AUSTRALIAN STANDARDS AS2491.1-1994 AND AS3500.1-1992.
2. ALL HYDRANTS ARE TO BE OF UNDER-GROUND TYPE WITH FITTINGS AND CONNECTIONS COMPATIBLE WITH THE LOCAL FIRE BRIGADE. ALL HYDRANTS MUST BE PHYSICALLY PROTECTED FROM DAMAGE CAUSED BY VEHICLES.

a) BEDDING SAND

BEDDING SAND SHALL HAVE A LOW PERMEABILITY AND HIGH STABILITY WHEN SATURATED AND SHALL HAVE A GRADING THAT FALLS WITHIN THE LIMITS SHOWN IN TABLE 1. THE BEDDING SAND SHALL BE COMPACTED TO A DENSITY INDEX OF 70% AS DETERMINED IN ACCORDANCE WITH AS 1289.

TABLE 1

SIZE SIZE APERTURE WIDTH (ASTM)	PERCENTAGE PASSING
9.5mm	100
6.7mm	90-100
0.425mm	40-90
0.150mm	0-10

N: APPROVED PRIMARY FINES OR APPROVED ROAD BASE BACKFILL

ONLY IMPORTED GRANULAR BACKFILL MATERIAL APPROVED BY THE SUPERINTENDENT SHALL BE USED. THIS FILL MATERIAL SHALL BE COMPACTED IN LAYERS NOT EXCEEDING 300mm THICK TO A RELATIVE COMPACTION OF NOT LESS THAN 95% OF THE STANDARD MAXIMUM DRY DENSITY OF THE MATERIAL AS DETERMINED IN ACCORDANCE WITH A5.1289 THE MOISTURE CONTENT OF THE FILL MATERIAL SHALL BE NO MORE THAN 1% ABOVE OPTIMUM MOISTURE CONTENT

d. SELECT FILL MATERIAL:

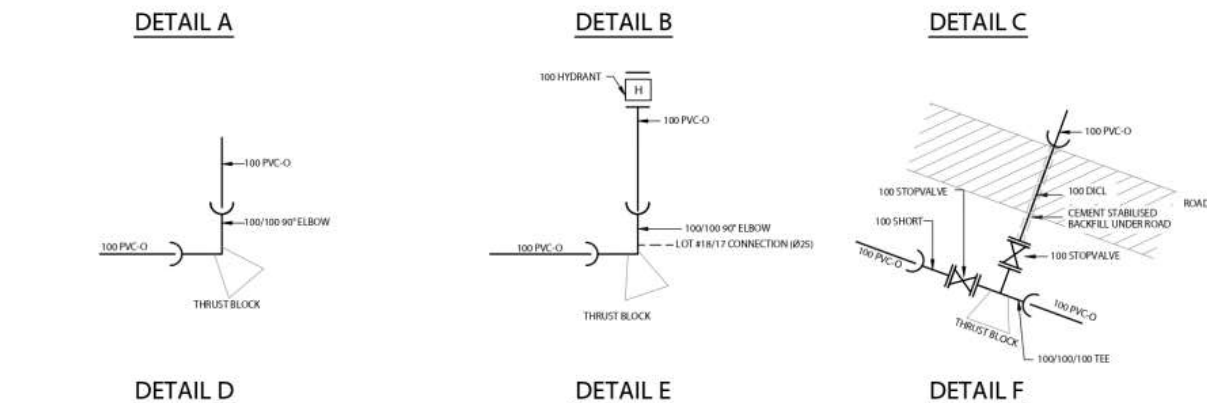
SELECT FILL MATERIAL IS ORDINARY EXCAVATED TRENCH MATERIAL THAT IS FREE OF VEGETABLE MATTER, HUMUS, LARGE CLAY LUMPS, ROCKS AND STONES LARGER THAN 25mm. SELECT FILL MATERIAL SHALL BE COMPACTED TO STANDARD DENSITY OF 80%.

d) ORDINARY EXCAVATED FILL MATERIAL

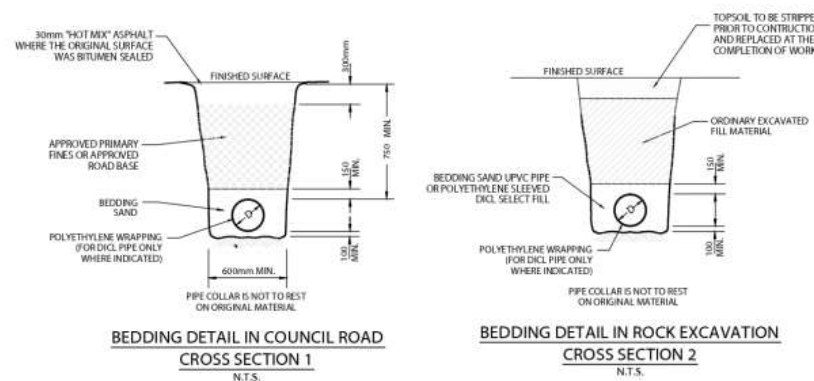
ORDINARY EXCAVATED FILL MATERIAL IS EXCAVATED TRENCH MATERIAL THAT IS FREE OF VEGETABLE MATTER, HUMUS, LARGE CLAY LUMPS AND ROCKS LARGER THAN 200mm. THIS FILL MATERIAL SHALL BE COMPACTED IN LAYERS NOT EXCEEDING 300mm. TO A RELATIVE COMPACTION OF NOT LESS THAN 95% OF THE STANDARD MAXIMUM DRY DENSITY OF THE MATERIAL AS DETERMINED IN ACCORDANCE WITH A51289. THE MOISTURE CONTENT OF THE FILL MATERIAL SHALL BE NO MORE THAN 1% ABOVE THE OPTIMUM MOISTURE CONTENT AS DETERMINED IN ACCORDANCE WITH A51289.

ii) INSPECTION AND TESTING OF WATER PIPE TRENCHES

COMPACTION TESTS SHALL BE UNDERTAKEN BY A NATA REGISTERED LABORATORY IN ACCORDANCE WITH TABLE 2. TEST CERTIFICATES SHALL BE ISSUED AND SHALL INDICATE THE FIELD OF OPTIMUM HUMIDITY CURVE, STANDARD SPECIFIC GRAVITY, DRY DENSITY, TYPE OF MATERIAL, METHOD OF COMPACTION AND THE RELATIVE COMPACTION FOR EACH TEST LOCATION. THE COMPACTION TEST IS DEEMED TO HAVE FAILED IF THE RELATIVE COMPACTION AT ANY LOCATION IS LESS THAN THAT SPECIFIED IN TABLE 2, AND IN THIS INSTANCE THE TRENCH SHALL BE RECOMPACTED EITHER SIDE OF THE FAILED TEST SITE TO A POINT MIDWAY FROM THE FAILED TEST SITE TO ADJACENT TEST SITE. AS NOTED BY THE SUPERINTENDENT AND SHALL BE RETESTED. THE LOCATION OF THE COMPACTION RE-TEST SITES ARE TO BE DETERMINED BY THE SUPERINTENDENT.

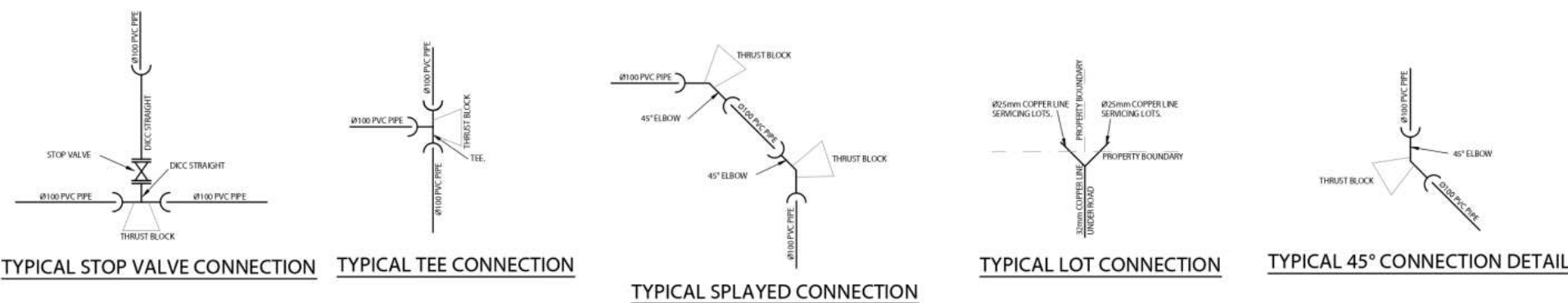


DETAIL D



BEDDING DETAIL IN COUNCIL ROAD
CROSS SECTION 1
N.T.S.

BEDDING DETAIL IN ROCK EXCAVATION
CROSS SECTION 2
N.T.S.



TYPICAL STOP VALVE CONNECTION

TYPICAL TEE CONNECTION

TYPICAL SPLAYED CONNECTION

TYPICAL LOT CONNECTION

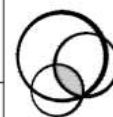
TYPICAL 45° CONNECTION DETAIL

C	AMENDMENTS FOR BIODIVERSITY	26/05/20	CH						
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WATER DETAILS
SHEET 1

Scale
Horizontal:



CIVIL DRAWING

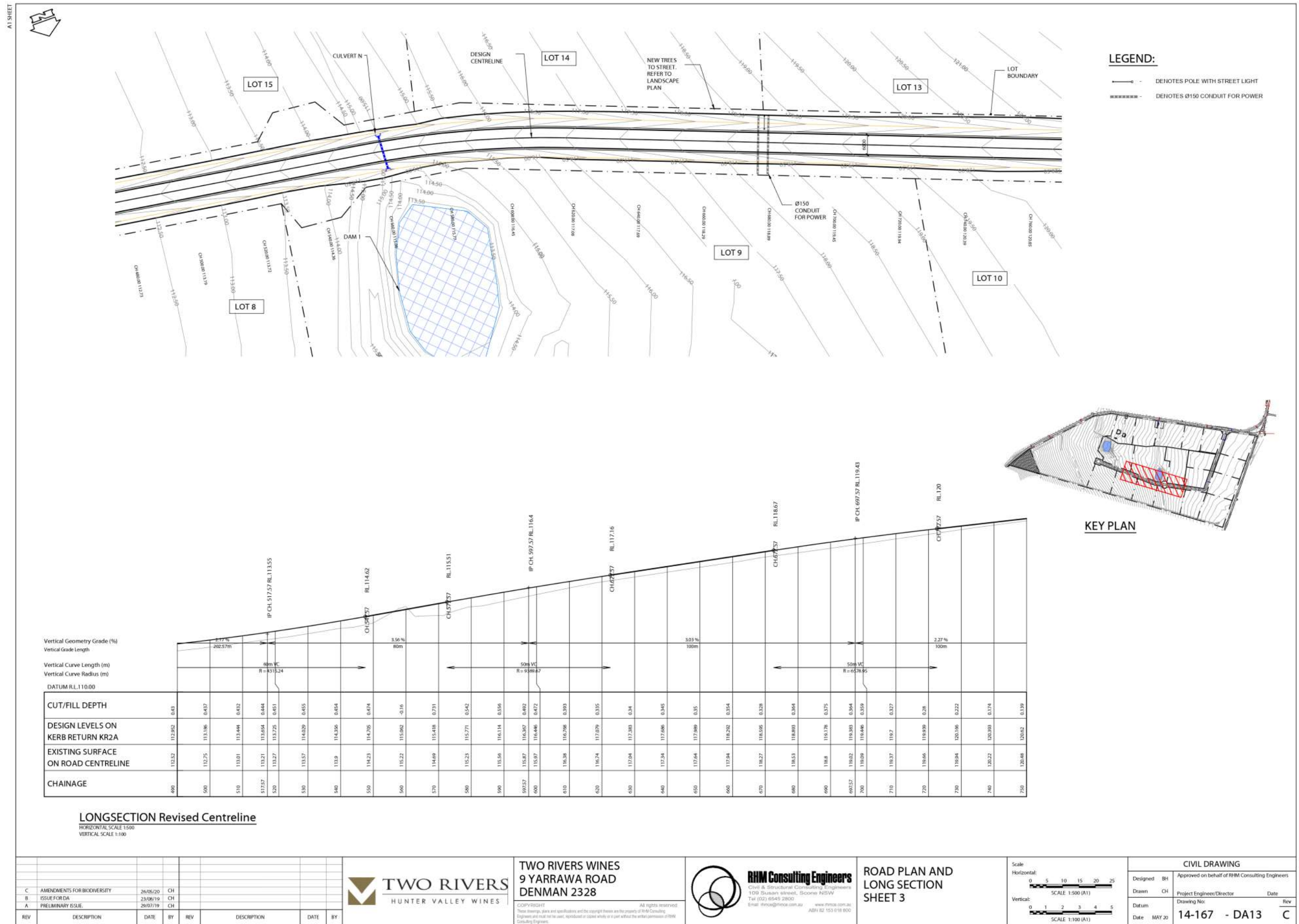
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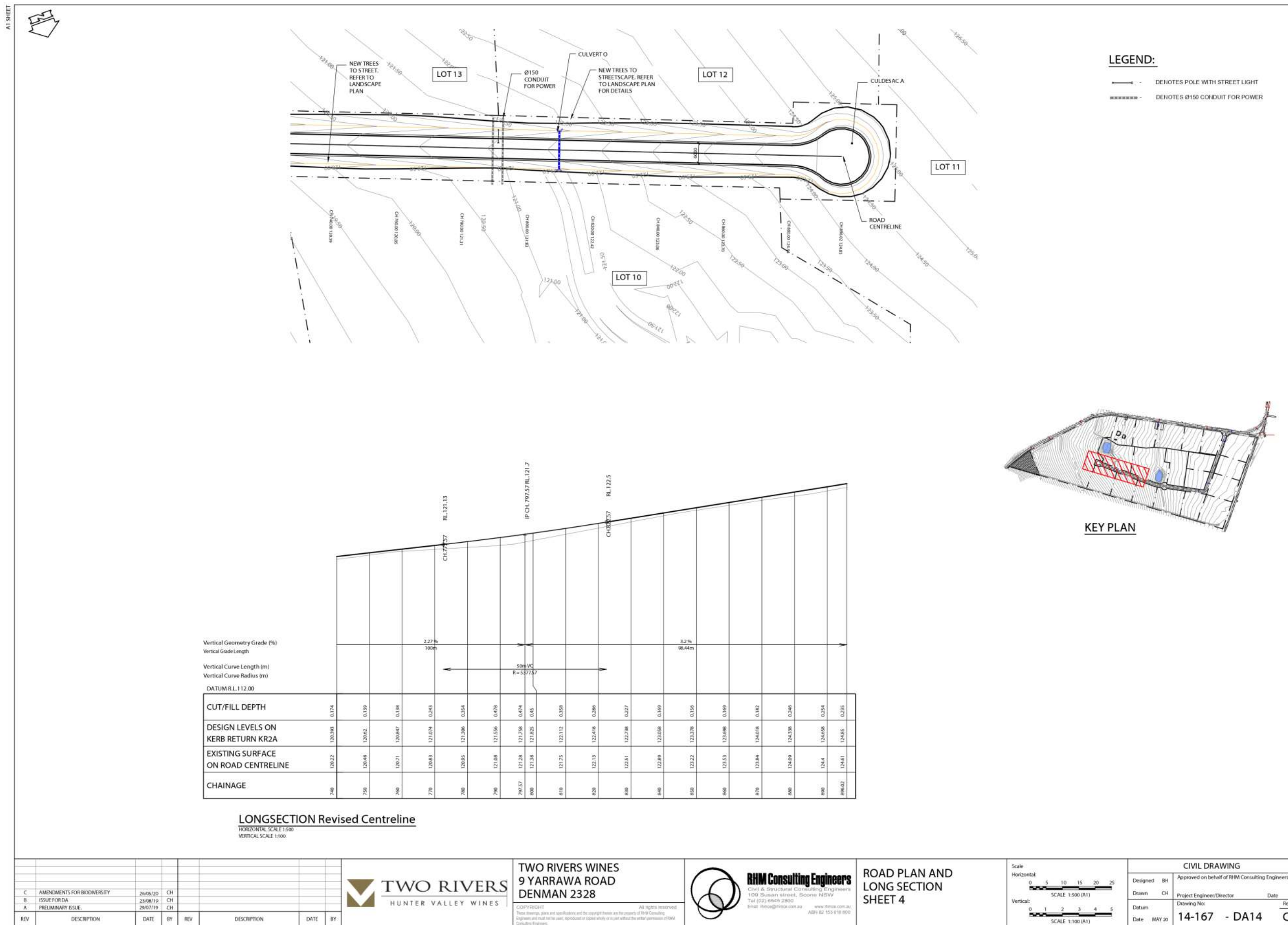
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99	99
100	100

Drawn	BH	Project Engineer/Director	Date

Datum	Drawing No:	F
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Date MAY 20 14-167 - DA10





A1 SHEET



SCALE: VERTICAL 1:100 (A1)
HORIZONTAL 1:100 (A1)



TWO RIVERS
HUNTER VALLEY WINES

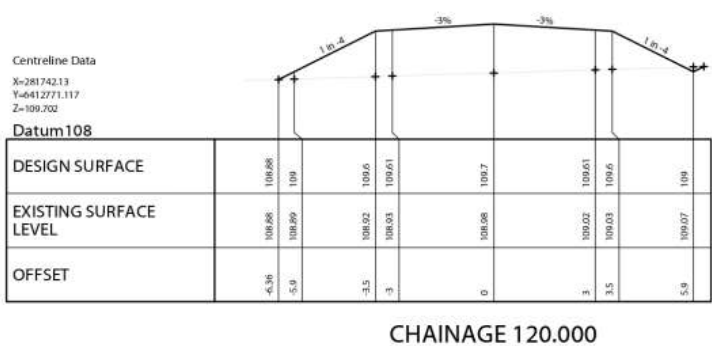
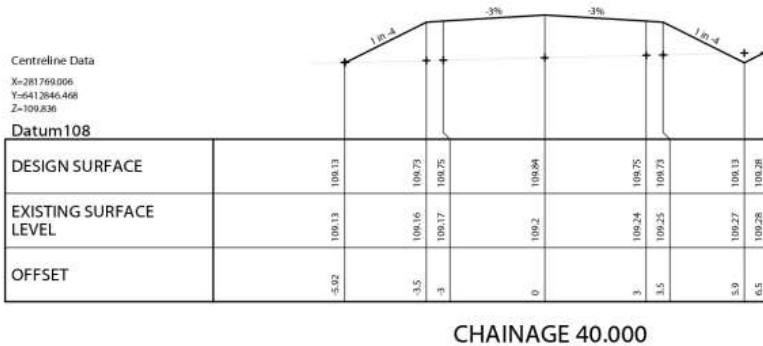
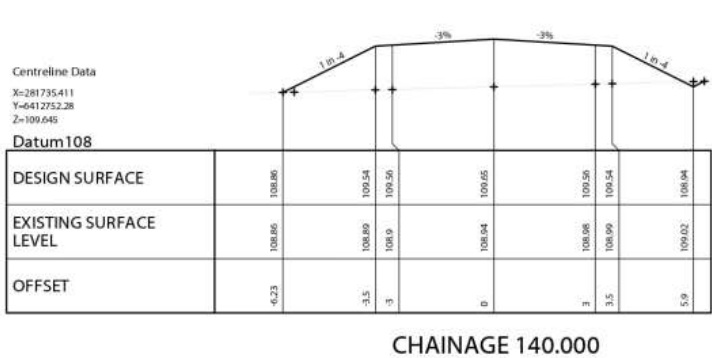
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Scale
Horizontal:
0 1 2 3 4
SCALE 1:100 (A1)
Vertical:
0 1 2 3 4
SCALE 1:100 (A1)

CIVIL DRAWING			
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Drawn	CH	Project Engineer/Director	Date
Datum		Drawing No:	Rev
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AT SHEET



CROSS SECTIONS - ROAD 1
SCALE VERTICAL 1:100 (A1)
HORIZONTAL 1:100 (A1)

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C	AMENDMENTS FOR BIODIVERSITY	26/06/20	CH				
B	ISSUE FOR DA	23/06/19	CH				
A	PRELIMINARY ISSUE	29/07/19	CH				



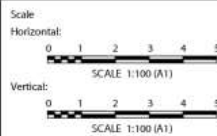
TWO RIVERS WINES
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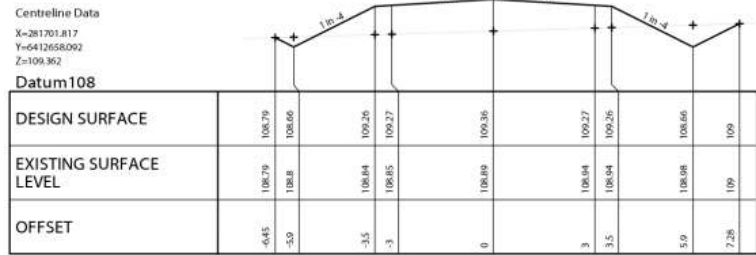
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CROSS SECTION
ROAD 1
SHEET 1



CIVIL DRAWING			
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Drawn	CH	Project Engineer/Director	Date
Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA16	C

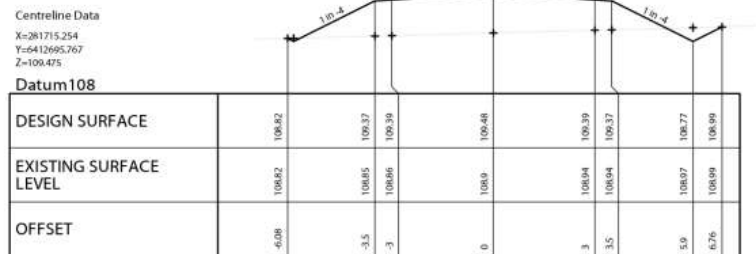
AT SHEET



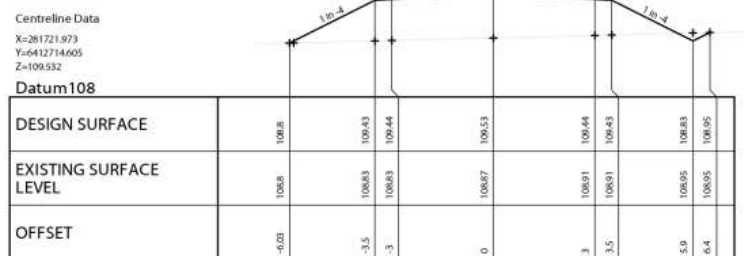
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CHAINAGE 220.000



CHAINAGE 200.000



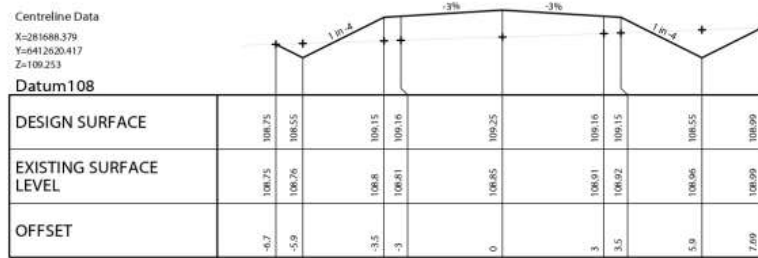
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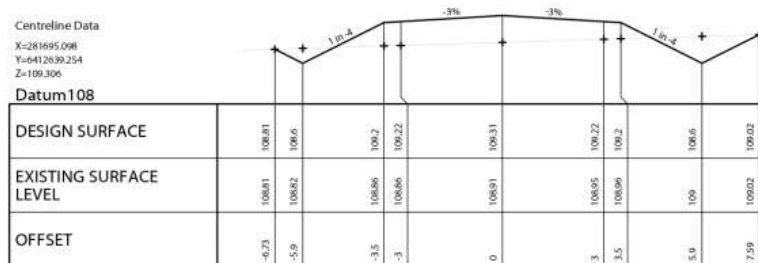
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CHAINAGE 300.000



CHAINAGE 280.000



CHAINAGE 260.000

CROSS SECTIONS - ROAD 1

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HORIZONTAL 1:100 (A1)

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
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B	ISSUE FOR DA	23/08/19	CH				
A	PRELIMINARY ISSUE	29/07/19	CH				

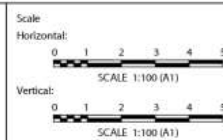


TWO RIVERS WINES
9 YARRAWA ROAD
DENMAN 2328

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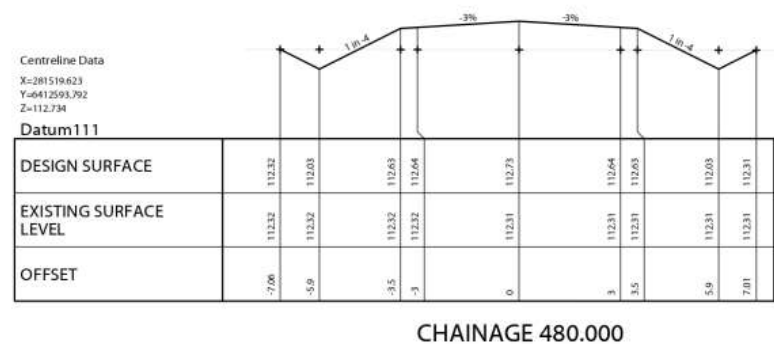
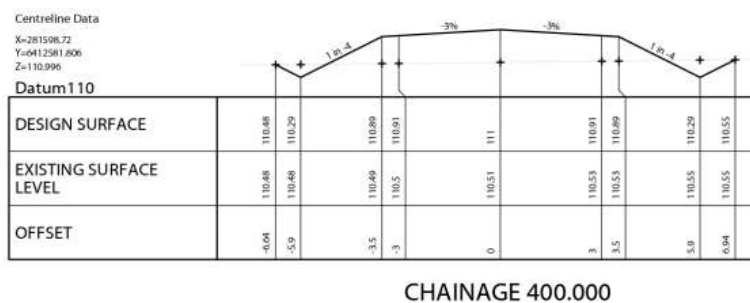


CROSS SECTION
ROAD 1
SHEET 2



CIVIL DRAWING			
Designed	BH	Approved on behalf of RHM Consulting Engineers	
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Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA17	C

A1 SHEET



CROSS SECTIONS - ROAD 1

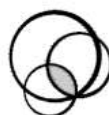
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B	ISSUE FOR DA	23/08/19	CH								
A	PRELIMINARY ISSUE.	26/07/19	CH								
REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY



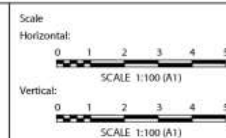
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CROSS SECTION
ROAD 1
SHEET 3



CIVIL DRAWING			
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Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA18	C

A1 SHEET

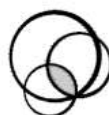


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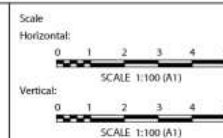


TWO RIVERS
HUNTER VALLEY WINES

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CROSS SECTION
ROAD 1
SHEET 4



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A1 SHEET



SCALE VERTICAL 1:100 (A1)
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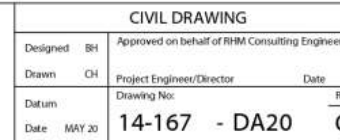


TWO RIVERS
HUNTER VALLEY WINES

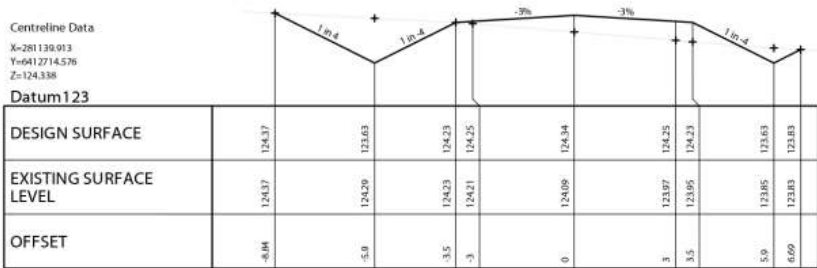
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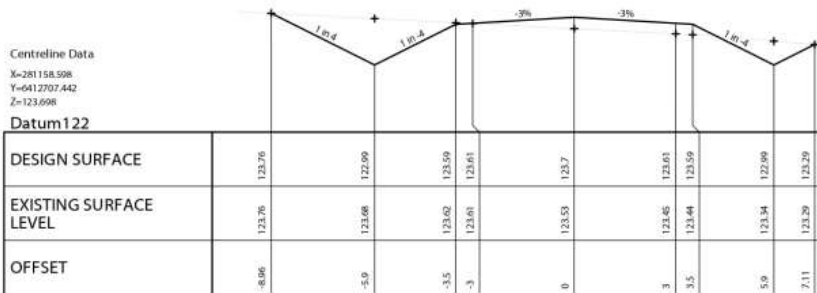
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ROAD 1
SHEET 5



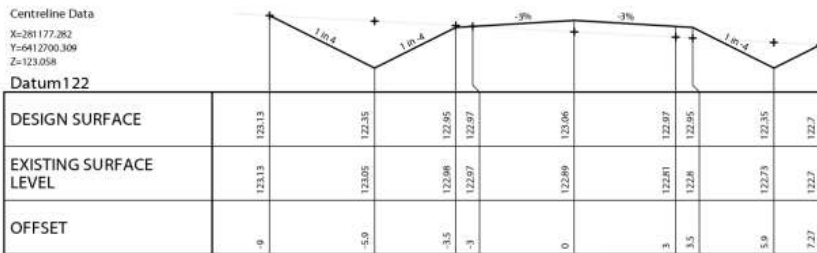
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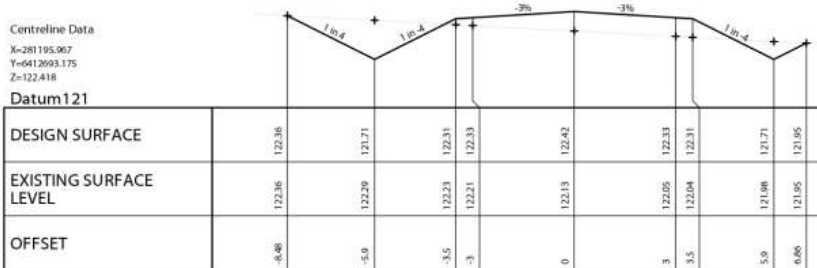
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CHAINAGE 860.000



CHAINAGE 840.000



CHAINAGE 820.000

CROSS SECTIONS - ROAD 1

SCALE VERTICAL 1:100 (A1)
HORIZONTAL 1:100 (A1)

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
C	AMENDMENTS FOR BIODIVERSITY	26/06/20	CH				
B	ISSUE FOR DA	23/06/19	CH				
A	PRELIMINARY ISSUE	29/07/19	CH				



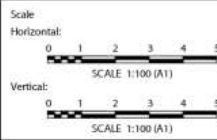
TWO RIVERS WINES
9 YARRAWA ROAD
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CROSS SECTION
ROAD 1
SHEET 6



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Date	MAY 20	14-167 - DA21	C

A1 SHEET

LEGEND:

- DENOTES LOMANDRA FILIFORMIS TO FRONT ENTRANCE SIGNS
- DENOTES EUCALYPTUS DAWSONII 50 METRES APART STAGGERED TO STREET PLANTING AND BOUNDARY TREE PLANTING
- DENOTES EXISTING TREES

SECONDARY ALTERNATIVE TREES:

- NARROW-LEAVED IRONBARK (EUCALYPTUS CREBRA)
- SPOTTED GUM (CORYMBIA MACULATA)
- GREY BOX (EUCALYPTUS MOLUCCANA)
- FOREST RED GUM (EUCALYPTUS TERETICORNIS)

SMALLER ALTERNATIVE PLANTS

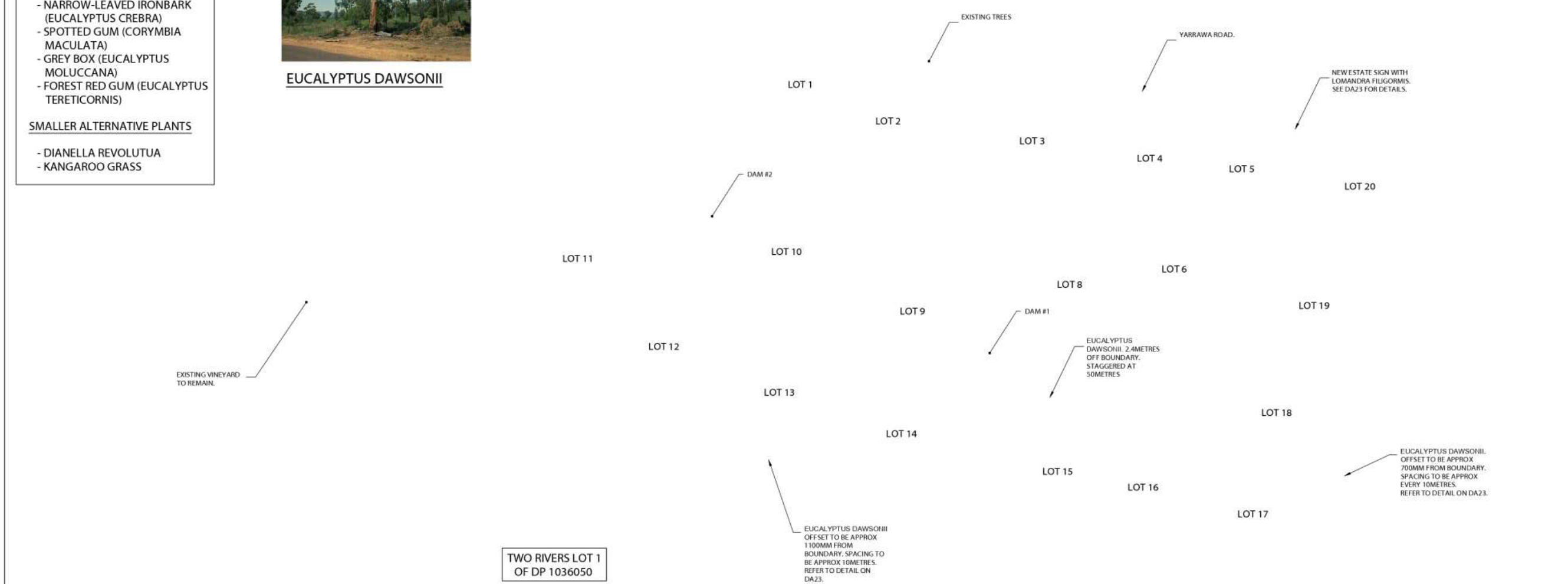
- DIANELLA REVOLUTUA
- KANGAROO GRASS



EUCALYPTUS DAWSONII



LOMANDRA FILIFORMIS



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C	AMENDMENTS FOR BIODIVERSITY	01/06/20	CH				
B	AMENDMENTS FOR BIODIVERSITY	26/05/20	CH				
A	ISSUE FOR DA	23/08/19	CH				



TWO RIVERS
HUNTER VALLEY WINES

TWO RIVERS WINES
9 YARRAWA ROAD
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LANDSCAPE PLAN
OVERALL LAYOUT

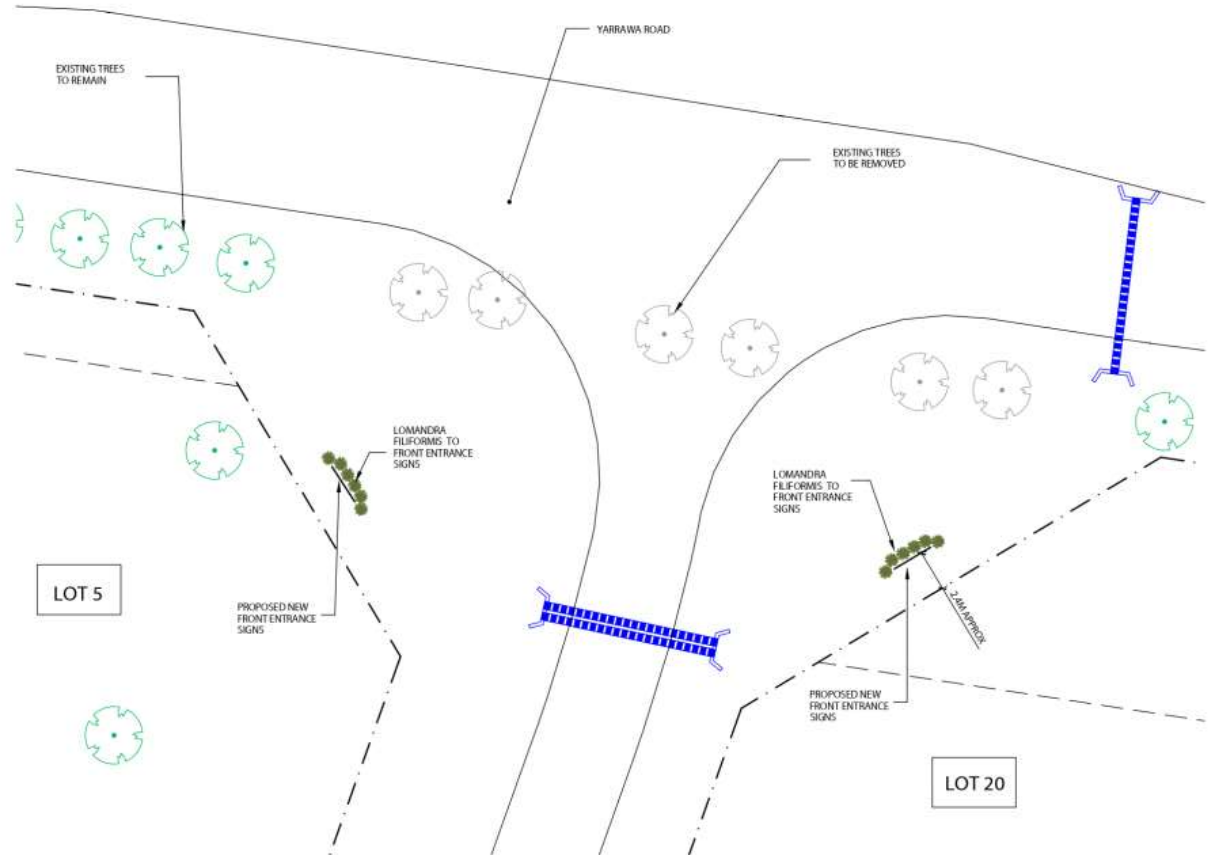
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0 10 20 30 40 50
SCALE 1:1000 (A3)

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Designed	BH	Approved on behalf of RHM Consulting Engineers	
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Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA22	C

A1 SHEET

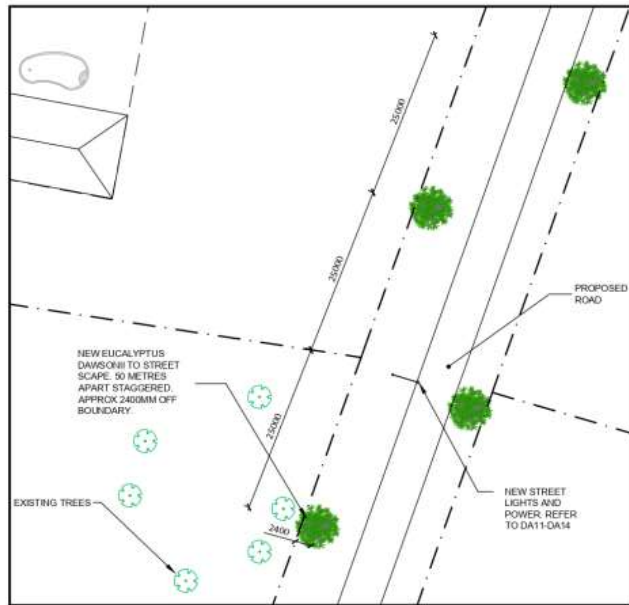
LEGEND:

- DENOTES LOMANDRA FILIFORMIS TO FRONT ENTRANCE SIGNS
- DENOTES EUCALYPTUS DAWSONII 50 METRES APART STAGGERED TO STREET PLANTING AND BOUNDARY TREE PLANTING
- DENOTES EXISTING TREES TO BE REMOVED
- DENOTES EXISTING TREES



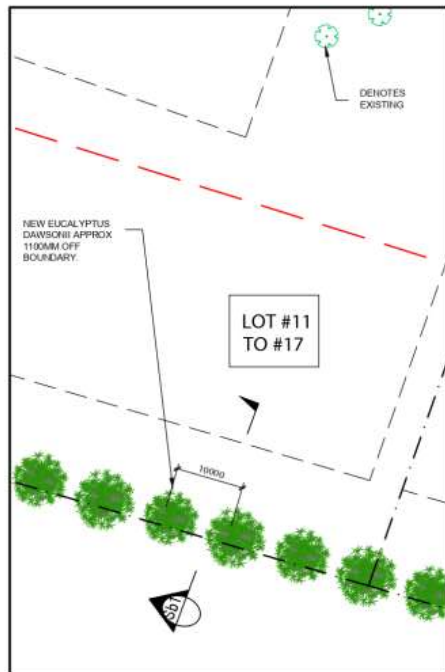
MAIN FRONT ENTRANCE LANDSCAPE PLAN

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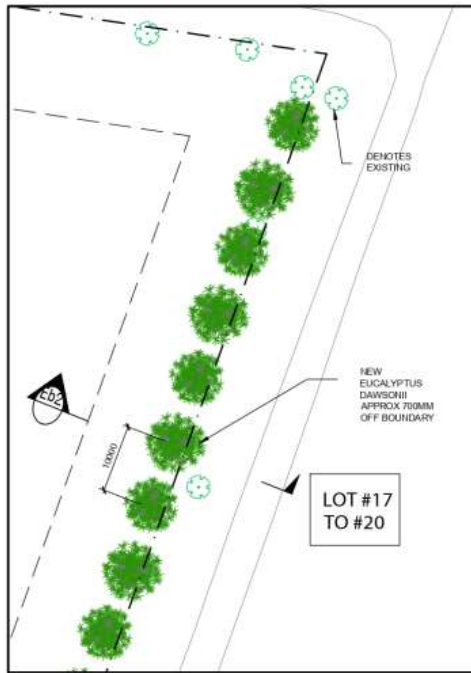
STREET LANDSCAPE PLAN

SCALE: VERTICAL 1:500 (A1)



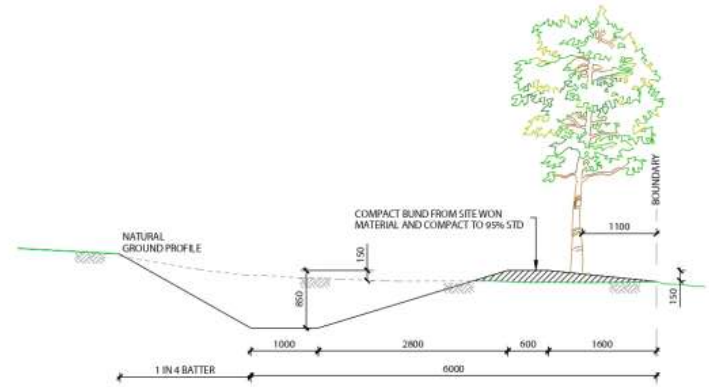
SOUTHERN BOUNDARY LANDSCAPE

SCALE: VERTICAL 1:500 (A1)



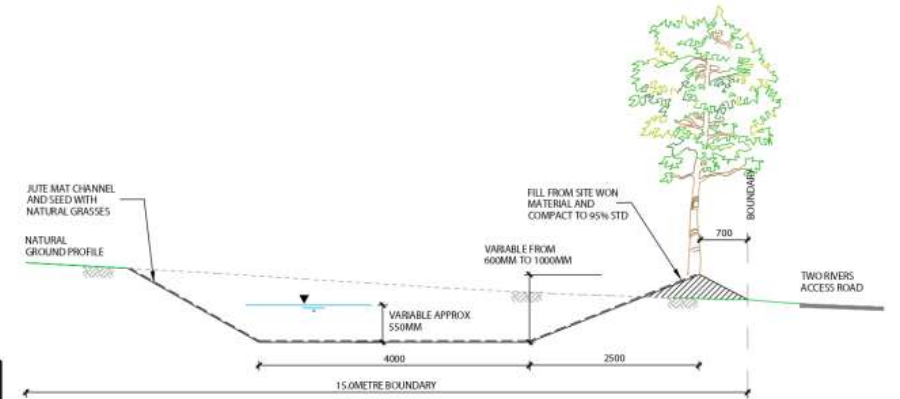
EASTERN BOUNDARY LANDSCAPE

SCALE: VERTICAL 1:500 (A1)



SECTION Sb1: LANDSCAPE - SOUTHERN BOUNDARY

SCALE 1:50 (A1)



SECTION Eb1: LANDSCAPE - EASTERN BOUNDARY

SCALE 1:50 (A1)



SIGNAGE TO SUBDIVISION

SCALE: VERTICAL 1:20 (A1)

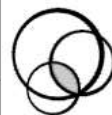
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REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
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B	AMENDMENTS FOR BIODIVERSITY	26/05/20	CH				
A	ISSUE FOR DA	23/08/19	CH				



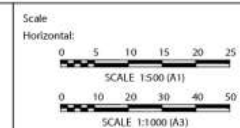
TWO RIVERS WINES
2 YARRAWA ROAD
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LANDSCAPE PLAN
DETAILS



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Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA23	C

A1 SHEET

LEGEND:

- DENOTES LOMANDRA FILIFORMIS TO FRONT ENTRANCE SIGNS
- DENOTES EUCALYPTUS DAWSONII 50 METRES APART STAGGERED TO STREET PLANTING AND BOUNDARY TREE PLANTING
- DENOTES EXISTING TREES



EUCALYPTUS DAWSONII



LOMANDRA FILIFORMIS

SECONDARY ALTERNATIVE TREES:

- NARROW-LEAVED IRONBARK (EUCALYPTUS CREBRA)
- SPOTTED GUM (CORYMBIA MACULATA)
- GREY BOX (EUCALYPTUS MOLUCCANA)
- FOREST RED GUM (EUCALYPTUS TERETICORNIS)

SMALLER ALTERNATIVE PLANTS

- DIANELLA REVOLUTUA
- KANGAROO GRASS



TWO RIVERS LOT 1
OF DP 1036050

REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
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A	ISSUE FOR DA	23/06/19	CH				



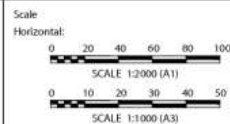
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LANDSCAPE PLAN
OVERALL LAYOUT



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Drawn	CH	Project Engineer/Director	Date
Datum		Drawing No:	Rev
Date	MAY 20	14-167 - DA22	C



Our ref: DOC20/551581
Senders ref: A- 2354 / CNR-2268

Hamish McTaggart
Development Coordinator
Muswellbrook Shire Council
Hamish.McTaggart@muswellbrook.nsw.gov.au

Dear Mr McTaggart

RE: DA 90/2019 at 9 YARRAWA ROAD, DENMAN NSW 2328 - CNR-2268 (MUSWELLBROOK SHIRE COUNCIL) A-2354

Please be advised that as of 1 July 2020, the Aboriginal Cultural Heritage Regulation functions under the *National Parks and Wildlife Act 1974* were transferred from the Department of Planning, Industry and Environment into Heritage NSW in the Department of Premier and Cabinet (DPC). As a result of these changes this letter contains advice on Aboriginal cultural heritage matters only.

I refer to your correspondence (1 July 2020) regarding the proposed development application detailed above, seeking General Terms of Approval with respect to the Aboriginal cultural heritage constraints identified for the proposed 9 Yarrowa Road, Denman development, Lot 1 DP 323945.

Aboriginal Cultural Heritage Regulation of NSW Heritage, Department of Premier and Cabinet (formally the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment) has reviewed the new information supplied by Muswellbrook Shire Council, including the revised development application plan and letter of submission as well as the updated Aboriginal Cultural Heritage Assessment Report (ACHAR) (May 2020), prepared by Insite Heritage. We note fourteen AHIMS registered Aboriginal sites will be impacted by the proposed development. As such, Heritage NSW requires Muswellbrook Shire Council to include a consent condition that requires the proponent to apply for an Aboriginal Heritage Impact Permit under section 90 of the *National Parks and Wildlife Act 1974* for any likely impacts to Aboriginal cultural heritage objects or values.

Heritage NSW is able to issue the following General Terms of Approval, to be included as consent conditions for the proposal:

1. The proponent must make an application to Heritage NSW of the Department of Premier and Cabinet, within three years of development consent being granted, for an Aboriginal Heritage Impact Permit (AHIP) to authorise 'harm' to the registered Aboriginal sites that will be affected by the development. In doing so, the proponent will be required to provide additional information to support an AHIP application with reference to the following documents:
 - Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW 2011)
 - Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)



- Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010)
2. The proponent must maintain consultation with the registered Aboriginal parties (RAPs) through contact at least once every six months during the Aboriginal cultural heritage assessment process.
 3. The proponent must not harm any Aboriginal sites/objects until an approved AHIP has been obtained from Heritage NSW.

If you have any further questions in relation to this matter, please contact Rebecca Ylt, Archaeologist, on 4927 3244 or via email at rebecca.ylt@environment.nsw.gov.au.


Yours sincerely

A handwritten signature in black ink, appearing to be 'SH' or similar initials.

Dr Samantha Higgs
Senior Team Leader
Aboriginal Cultural Heritage Regulation - North
Heritage NSW

23 July 2020

Hamish McTaggart

From: 
Sent: Monday, 4 November 2019 1:25 PM
To: Muswellbrook Shire Council
Subject: Development application 2019/90

To the General Manager.



Development application no: 2019/90

I am writing you with my concerns about the above development application.

1- Traffic generation.

With a proposed 20 blocks and houses being put forward, I'm concerned about the extra traffic along virginia street and yarrowa road, and if the road, speed limits and signage are set up for it. As a local parent, who's 3 children use and catch the local school bus along yarrowa road, I hope this is been considered. The 100km/hr speed limit, on an already busy road, is already a risk. Especially on the blind corner along the proposed lots 11,12 and 20. This is where our children catch the bus, and need to try and cross the road safely. Already this bend is hard for oncoming vehicles to see around the corner, even when obeying the speed limit. Any extra objects obstructing vision would be extremely hazardous.

2- Road access.

The new intersection proposed for stage 1 (main front entrance off yarrowa road). Has any consideration been made for vehicles entering and exiting the proposed development onto yarrowa road? With the extra traffic on an already busy stretch of road, I am concerned about this extra interaction, and the associated risks. This is extra relevant driving west along yarrowa road into the afternoon sun, where vision is severely obstructed.

Suggestions that may help reduce this could be extra lighting at the entrance. Reduced speed limits on this stretch of road. And widening the road to allow a turning lane into the proposed lots.

3- Water pressure.

Has the water pressure to residents already using the service been taken into account? Hopefully existing residents aren't disadvantaged by reduced town water pressure, because of the extra demand on the service. Without having town water ourselves, an opportunity to connect to the council's town water would defiantly interest us if the opportunity arose.

Kind regards



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10.3 DA 2000-212 - S96 1(A) MODIFY CONDITION OF CONSENT TO EXTEND PERIOD OF OPERATION AND AMENDMENT TO ACCESS (HAULAGE ROAD) - ROSEBROOK SAND AND GRAVEL - 2449 DENMAN ROAD, DENMAN

Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Alisa Evans - Projects Planner
Community Plan Issue:	<i>Higher quality final landforms with shallower voids and more emphasis on progressive rehabilitation with local workforce participation</i>
Community Plan Goal:	<i>Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce.</i>
Community Plan Strategy:	<i>Review rehabilitation plans to ensure improved rehabilitation outcomes for disused mining lands.</i>
Attachments:	<p>A. DA 2000-212 Amended Conditions of Consent 2020</p> <p>B. DA 2000-212 Assessment Report</p> <p>C. DA 2000-212 Submission</p> <p>D. DA 2000-212 Applicant's Response to Submission</p> <p>E. DA 2000-212 Current Notice of Determination</p>

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

APPLICATION DETAILS

Applicant:	Rosebrook Sand and Gravel Pty Ltd
Owner:	Rosebrook Sand and Gravel Pty Ltd
Proposal:	s96 1(A) Modification - Extension of Timeframe of Operations & Extraction Area and Amendment to Access
Location:	Lot 12 DP 1027580 and Lot 2 DP 449330, 2449 Denman Road, Denman
Permissibility:	The proposed development is permissible as extractive industry within the RU1 Primary Production
Recommendation:	Approve

RECOMMENDATION

That Council delegates approval of the s96 1(A) request for Development Application 2000/212, proposing an extended timeframe for quarry operations and a new haulage road, on Lot 12 DP 1027580 and Lot 2 DP 449330, 2449 Denman Road, Denman, to the General Manager.

Moved: _____ Seconded: _____

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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

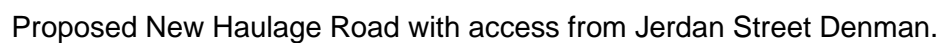
The proposed modification seeks to extend the period of operation of the Rosebrook Sand and Gravel Quarry, and to amend the access/haulage route to the quarry located at 2449 Denman Road Denman. If approved, the Quarry will continue to operate until 21 December 2035, and the new haulage road would move westward but still result in access off Jerdan Street, Denman. No increase to the production limit already approved for the site is proposed. The extension in timeframe allows the extraction to occur over a longer period.

The Quarry operation involves the crushing of river sand and rocks on site, with some, but not all, of the resulting product washed before being transported by road truck off site. Water is sourced from the quarry pit and is a closed system, with water from the washing plant remaining on site. The amendments in relation to application are:

1. The Rehabilitation Bond held for the site to be re-assessed in March 2021 and every 5 years thereafter;
2. The production limit for the site will be specified in the consent and remain at 200,000 Tonnes Per Annum (TPA);
3. No quarry material is to be extracted from within 200m from the high bank of the Hunter River for treatment or sale. This is to make the requirements of the NSW Department of Planning Industry and Environment - Water abundantly clear;
4. A minor revision of operating times has been provided to allow operations that will have no effect off site to start one hour earlier, but transport off site, extraction and crushing hours remain the same;
5. Developer Contributions to have CPI included;
6. The management plans to be combined into a single Landscaping and Rehabilitation plan to simplify the site's staged rehabilitation requirements;
7. A Closure Plan is now required to specify the end land use of the quarry, and how the site rehabilitation will satisfy the Closure objectives. The approved Closure Plan will be used to calculate the Rehabilitation Bond; and
8. Condition of consent for the carrying out of works for the new haulage road and decommissioning of the old haul road.



Photo of the Site



BACKGROUND

Development Application DA 212/2000 was approved in 21 December 2000. The current consent is due to expire December 2020, a copy of which is provided as Attachment E.

There have been 3 modifications sought and 2 granted since 2001. In February 2006 a modification was undertaken to allow the use of Jerdan Street for the transportation of quarry product. In February 2016, a second modification was granted to regularise aspects of the quarry access and the reconstruction of Jerdan St. An Application in 2014 to waive Sect. 94 contributions was refused.

The original application had a forecast production rate of 200,000 TPA which would have had the quarry resource exhausted by the end of the consent period. Production has fallen well short of this figure resulting in significant resource remaining on site.

ASSESSMENT SUMMARY

Council Officers have assessed the development application under the relevant heads of consideration under s96 1(A) of the *Environmental Planning and Assessment Act 1979*. A copy of the s96 1(A) Assessment is provided in Attachment B. The proposed use complies with relevant requirements of the *Muswellbrook LEP 1985* and *Muswellbrook LEP 2009*.

Key findings of the s96 1(A) assessment include:

- the proposed amendment to extend the operational life of the quarry and the proposed new haulage road is permissible with consent under the provisions of the *Muswellbrook LEP 1985* and *Muswellbrook LEP 2009*;
- the requested changes will have minimal environmental impact; and
- the development would still be substantially the same development.

At this stage, Transport for NSW staff have provided verbal advice that the changes are acceptable. When this information is forwarded in writing, any recommended conditions can be included in the Notice of Determination.

COMMUNITY CONSULTATION

The amendment application was received 25 May 2017, and was notified on 1 June 2017. Relevant government departments were notified. One submission was received on 27 June 2017 from Sparke Helmore on behalf of the owners of land to the east of the existing quarry. The submission objects to the modification application on several grounds. A detailed response to the points raised is provided in the s96 1(A) Assessment Report. Council staff consider that the matters raised do not require the amendment to be refused.

Advice from Transport for NSW has only been provided in a verbal form. It is proposed that Council delegate the determination of the s96 1(A) request to the General Manager to enable finalisation to occur once advice from Transport for NSW is received in writing.

OPTIONS

Council may:

- A) grant development consent to the proposed amendment subject to the recommended conditions of consent;
- B) grant development consent to the proposed amendment subject to different conditions of consent; or
- C) refuse development consent to the proposed development and nominate reasons for refusal.

LEGAL IMPLICATIONS

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

CONCLUSION

The changes requested in the s96 1(A) application will have minimal environmental impact and satisfies the requirements of the Act and the relevant planning policies and regulations. As the request would see quarrying activity continue until 21 December 2035, the conditions of consent have been reviewed to bring them in line with contemporary approaches to quarry approvals.

It is recommended that the determination of the modification be delegated to the General Manger so that the matter can be dealt with promptly once formal advice from Transport for NSW is received.

Council advises that the conditions of development consent have been amended and now comprise:

DEFINITIONS

Aboriginal item or object - Any item or object that provides evidence of the use of an area by Aboriginal people, as defined under the *National Parks and Wildlife Act 1974*

AEP - Annual Exceedance Probability

Annual Report – the report required by condition 59.

Applicant – Rosebrook Sand and Gravel Pty Ltd and any other person entitled to act on the consent

Council - Muswellbrook Shire Council

Development - The Development as described in the documents listed in condition 2

NRAR – Natural Resource Access Regulator

DPIE - Department of Planning, Industry and Environment

EPA - NSW Environment Protection Authority

EP&A Act - *Environmental Planning and Assessment Act 1979*

EPL - Environment Protection Licence under the POEO Act

Incident - A set of circumstances that:

- causes or threatens to cause material harm to the environment; and/or
- breaches or exceeds the limits or performance measures/criteria in this consent

Land - As defined in the EP&A Act, except where the term is used in the noise and air quality conditions of this consent, where it is defined as the whole of a lot, or contiguous lots owned by the same landowner, in a current plan registered at the Land Titles Office at the date of this consent.

Material harm to the environment - Actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial

Mitigation - Activities associated with reducing the impacts of the Development

OEH - Office of Environment and Heritage

POEO Act - *Protection of the Environment Operations Act 1997*

Privately-owned land - Land that is not owned by a public agency or the Applicant (including its directors or subsidiaries), another quarry-owning, or mine-owning company

Quarry materials - Includes all saleable quarry products, but excludes tailings and other wastes

Quarrying operations - The extraction, processing, stockpiling and transportation of extractive materials carried out on the site and the associated removal of vegetation, topsoil and overburden

Reasonable - Reasonable relates to the application of judgement in arriving at a decision, considering: mitigation benefits, cost of mitigation versus benefits provided, community views and the nature and extent of potential improvements

Rehabilitation - The restoration of land disturbed by the Development to a good condition and for the purpose of establishing a safe, stable and non-polluting environment

RFS - Rural Fire Service

Site - Lot 12 DP 1027580 and Lot 1 DP 221400 – 2449 Denman Road, Muswellbrook

General

1. Unless otherwise specified by the conditions of this development consent the development must be undertaken in accordance with the proposal contained in:
 - (a) the development application DA 212/2000;
 - (b) the accompanying document titled "Cawsey Park Quarry: Environmental Impact Statement" for Gates Pty Limited;
 - (c) the additional information supplied by ERM on behalf of Gates Pty Limited dated 15th December 2000.
 - (d) SEE Titled "Application to Modify DA 212/2000, Cawsey Park Quarry" by HDB dated May 2017.
 - (e) Response to submissions from HDB dated 17th July 2017
 - (f) Plan dated 19-3-2018 provided by HDB.
 - (g) Access Plan title 'Access Alignment for Quarry', drafted by FYFE dated 20 October 2020.

Where there is a discrepancy between the documents referenced by this condition the documents submitted with the most recent section 96 modification shall take precedence.

2. The applicant may carry out quarrying operations on the site until the 21st December 2035. All works associated with the development, including rehabilitation of the site, shall be completed on or before 21 December 2035.
3. In addition to meeting the specific performance measures and criteria established under this consent, the Applicant must implement all reasonable and feasible measures to prevent and/or minimise any material harm to the environment that may result from the construction, operation, or rehabilitation of the Development.

4. The applicant shall not produce or transport more than 200,000 tonnes of material per annum in total from this site.
5. The applicant shall lodge a bond or bank guarantee of \$50,000.00 with Council prior to the commencement of work, in assurance that rehabilitation requirements on the site are performed to the satisfaction of Council. Should rehabilitation not be completed to the satisfaction of Council the bond or bank guarantee can be used in full or part to undertake the outstanding rehabilitation works.
6. The value of the bond is to be reassessed every 5 years with the first assessment being provided to Council for review by 31st March 2021. The value of the bond is to be calculated and be an amount consistent with Council policy as available at the time of assessment.
7. The Applicant must ensure that all employees, contractors and sub-contractors are aware of, and comply with, the conditions of this consent relevant to their respective activities.

Requirements of Government Agencies

8. Prior to the commencement of operations as outlined in the Development Application DA 212/2000 and accompanying Environmental Impact Statement (EIS), the applicant shall obtain from the NSW Natural Resource Access Regulator (formerly Department of Primary Industries – Water), NSW Environment Protection Authority and the Transport for NSW (formerly Roads and Maritime Services) all statutory licenses and approvals as required under the relevant legislation.

Reason: To ensure compliance with the requirements of the Department of Primary Industries – Water, Environment Protection Authority and the Roads and Maritime Services.

9. At all times the applicant is to comply with the terms of the relevant approvals issued for the quarry's operation under the Water Management Act 2000 by the Natural Resource Access Regulator or the relevant public authority at the time of the approvals issue.
10. No quarry material is to be extracted from within 200m from the high bank of the Hunter River.
11. At all times the applicant is to comply with the requirements of the Environment Protection Authority License 12116 or its most up to date version.
12. At all times the applicant is to comply with the relevant requirements of the Transport for NSW.
13. At all times the applicant is to comply with the relevant requirements of the Office of Environment and Heritage

Hours of Operation

14. The use of plant and equipment and site operations shall be restricted to the hours of:

6.00am to 6.00pm Monday to Friday; and
6.00am to 12.00pm Saturday.
CLOSED SUNDAY

Note: Between 6:00pm and 7:00am no extraction, crushing or transport of material from the site is permitted.

Environmental Reporting

14. Within six (6) months of the commencement of the operations as outlined in the development application DA 212/2000 and accompanying Environmental Impact Statement, the applicant shall ascertain the requirements of Muswellbrook Shire Council in relation to the annual report in respect of the performance of the development and shall submit such a report to Council in respect to the calendar year ended 31st December and such reports shall be submitted outlining:

- (a) The performance of the development;
- (b) The production quantities of the development including markets and production types;
- (c) The implementation and effectiveness of environmental controls and conditions relating to the development;
- (d) Results of environmental monitoring;
- (e) Production operations and mining operations undertaken in the preceding 12 months;
- (f) Workforce characteristics of the development;
- (g) Any modifications or proposed work practices outlined in the Environmental Impact Statement required to mitigate adverse environmental effects;
- (h) Copy of all relevant licences and approvals required of the development by relevant authorities;
- (i) The applicant is to provide a complaints register for the recording of complaints with quarterly reports being submitted to Council identifying such complaints and the action taken to rectify such complaints.
- (j) Details on rehabilitation activities undertaken in the preceding 12 months;

The report shall be submitted to Council in the month of January throughout the life of the development.

Reason: To ensure compliance with development consent conditions and to assess the environmental performance of the development.

15. Section 94 Contributions

16. The applicant shall pay a contribution at the rate of \$0.04 per tonne of product sold.

- (a) The amount of this contribution shall be based on the tonnage produced. The applicant shall make the contribution in three monthly intervals, the first on 1 April 2021.

- (b) The Council reserves the right to inspect and to access the original records relating to any of the extractive material including number and types of laden truck and trailers and load quantities transported from the development and audited by any person nominated by its internal accountant at any time as and when a written request is required.

CPI increases will apply to these rates based on the amount paid in March 2018. The CPI is to be re-evaluated every 12 months in March.

Reason: To provide for public amenities and public services within the area in accordance with community expectations.

Access and Transport

17. Access to and from the quarry shall be via haul road detailed by plan titled 'Access Alignment for Quarry Lot 3 in DP 449330 dated 20 October 2020 and is to be completed by 30 June 2021. The haulage road will be undertaken and works carried out in accordance with the following details:

- a) The new access connecting to a Council Public road is to be designed and constructed to meet the minimum requirements of Muswellbrook Shire Council's rural property access drawing 0041/1 revision A dated 16/7/2012, including compliance with sight distance requirements, truck turning circles and controlled by Stop signs.
- b) The new access connecting at a Council Public road is to be constructed to include a gate which can be locked to prevent access to the public.
- c) The proposed accesses off Bullock Place are NOT to compromise Council's existing access to the water facility at Lot 23 DP787658.
- d) All works on public roads will require the applicant to make application for an S138 permit in accordance with the Local Government Act 1993. This permit will include the conditions by which any works can be undertaken.
- e) The portion of Bullock Place impacted by the haul road is to be designed and constructed to Council's road standard RC2 (as a minimum), which includes minimum sealed travel lanes of 6.2m with 1.5m shoulders having 1.0m minimum sealed shoulder. The design must address provision for maneuvering of plant and vehicles at the site for maintenance vehicles.
- f) The construction of the private haul road is to be sealed to Council's minimum standard.
- g) The applicant must, at its sole risk and expense, develop and carry out a maintenance regime, in accordance with its Road Maintenance Plan and to Council's satisfaction, for:
 - i. The section of Bullock Place impacted by quarry use; and
 - ii. the section of Jerdan St, from the intersection with the Golden Highway to the new access haul road, which is subject to the Applicant's works, during construction of the works authorised by this consent, for the life of the quarry including the period of rehabilitation and decommissioning.

- h) The existing haul road access off Jerdan St is to be decommissioned, drainage reinstated and reconstructed to Council's rural road access standard in accordance with drawing 0041/1 revision A.
 - i) Council is to benefit from the right of way access from Jerdan Street along the proposed haul road to Lot 12 DP 1027580.
 - j) The applicant is responsible for gaining consent from Crown Lands for any works undertaken on Crown owned/controlled land.
18. The intersection upgrading works is to be at Practical Completion Stage, as defined by Transport for NSW by a Works Authorised Deed, by **31 December 2021**.
19. The applicant is to obtain the Final Completion Certificate within the identified timeframe advised in the Works Authorisation Deed. This Certificate is to be submitted to Council within seven (7) days of being issued by Transport for NSW.
20. Jerdan Street is to be fully reconstructed from the Golden Highway to the quarry entrance to the appropriate standard as determined by Council. All works are to be undertaken at full cost to the developer.
21. The Applicant shall enter into an agreement with Council (at the applicants cost) to continue use of the access road across Council land and to protect infrastructure associated with the Denman town water supply.
22. The applicant shall undertake dust control measures in carrying out excavation, treatment, transport, disposal and site rehabilitation, including the use of water trucks, water spraying of working areas and roads.
23. All loads shall be suitably covered prior to transport vehicles leaving the site.
24. The Applicant shall erect signs on the entry and exit of the haul road prior to the commencement of work, advising truck drivers of the requirement to cover all loads.
25. The Applicant is to ensure the haul road between the weighbridge and Jerdan St is kept free of tracked sediment to prevent any sediment from the quarry being tracked onto Jerdan Street. There is to be no evidence of tracked material from the quarry tracked onto Jerdan Street.
26. The applicant is to enter into an agreement with Council, at the applicants cost, for Council's continued legal access to Council's water supply infrastructure located on the Hunter River.

Landscaping and Rehabilitation

27. The applicant is to submit an updated Rehabilitation, Landscaping and Closure Plan for the development by the 30 September 2021 as an update to the current Landscape and Rehabilitation Plan dated April 2004. Once established any such Plan is to be reviewed by a suitably qualified person every 3 years or as otherwise directed by Council in writing.

The updated Rehabilitation and Landscaping Plan is to be prepared in accordance with industry best practice, to the satisfaction of Council. The Plan must:

- a) provide details of the conceptual final landform and associated land uses for the site;
- b) considers the visual bund located on and adjacent to the quarry site and proposes works to be done to remove the visual bund as part of the remediation;
- c) include detailed performance and completion criteria for evaluating the performance of the rehabilitation of the site, including triggers for any necessary remedial action;
- d) Outline measures for ongoing erosion and sediment control and the planting of vegetation including species information to stabilise and screen the site;
- e) describe the short, medium and long term measures that would be implemented to:
 - manage remnant vegetation and habitat on site; and
 - ensure compliance with the rehabilitation objectives and progressively rehabilitate the site wherever possible;
- f) include a detailed description of the measures that would be implemented over the next 3 years (to be updated for each 3 year period following initial approval of the plan) including the procedures to be implemented for:
 - maximising the salvage of environmental resources within the approved disturbance area,
 - including tree hollows, vegetative and soil resources, for beneficial reuse in the enhancement of the conservation area or site rehabilitation;
 - restoring and enhancing the quality of native vegetation and fauna habitat in the conservation and rehabilitation areas through assisted natural regeneration, targeted vegetation establishment and the introduction of fauna habitat features;
 - protecting native vegetation and fauna habitat outside the approved disturbance area onsite; establishing vegetation screening to minimise the visual impacts of the site on surrounding receivers;
 - controlling weeds and feral pests;
 - controlling erosion;
 - managing bushfire risk;
- g) include a program to monitor and report on the effectiveness of these measures and progress against the performance and completion criteria; and
- h) include details of who would be responsible for monitoring, reviewing and implementing the plan.

The Applicant must implement the approved Rehabilitation Management Plan as approved by Council.

28. The applicant must rehabilitate the site in accordance with the updated Rehabilitation, Landscape and Closure Plan and in accordance with the objectives in Table.2

Table.2: Rehabilitation Objectives

Feature	Objective
Site (as a whole)	<ul style="list-style-type: none"> ○ Safe, stable and non-polluting ○ Final landform integrated with surrounding natural

Feature	Objective
	landforms as far as is reasonable and feasible, and minimising visual impacts when viewed from surrounding land
Surface Infrastructure	<ul style="list-style-type: none"> Decommissioned and removed, unless otherwise agreed by the Council; and Landscaped and revegetated using native flora species.
Quarry surrounds	<ul style="list-style-type: none"> Landscaped and revegetated using native flora species
Final voids/waterbodies	<ul style="list-style-type: none"> Voids may only be included in a final landform where an appropriately considered and detailed future community or productive use is put forward for any void.

29. The Applicant must rehabilitate the site progressively, that is, as soon as reasonably practicable following disturbance. All reasonable and feasible measures must be taken to minimise the total area exposed for dust generation at any time. Interim stabilisation measures must be implemented where reasonable and feasible to control dust emissions in disturbed areas that are not active, and which are not ready for final rehabilitation.

Heritage

30. If any item or object of Aboriginal heritage significance is identified on site, the Applicant must ensure that:
- all work in the immediate vicinity of the suspected Aboriginal item or object ceases immediately;
 - a 10 m buffer area around the suspected item or object is cordoned off; and
 - the OEH is contacted immediately.

Work in the vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the *National Parks and Wildlife Act 1974*.

31. If any object of non-Aboriginal heritage significance is identified on site, the Applicant must ensure that:
- All work in the immediate vicinity of the suspected item or object ceases immediately; and
 - A suitably qualified and experienced heritage professional or archaeologist is engaged to assess the find and identify if it has significance and how to manage this item within the Development.

All employees, workers and/or contractors involved in construction and/or excavation are to be made aware of this procedure as part of the site induction, including appropriate examples of what may be considered an unexpected find.

Area

32. The height of any stockpiled material shall not exceed 5 metres.

Reason: To protect the amenity of the area.

33. The stockpile and processing area is to be bunded.

Reason: To reduce the risk of floodwaters carrying soil and fines to the river.

Waste and Storage of Materials

34. The Applicant must:

- a) manage on-site sewage treatment and disposal in accordance with the requirements of its EPL, and to the satisfaction of Council;
- b) minimise the waste generated by the Development;
- c) ensure that the waste generated by the Development is appropriately stored, handled, and disposed of; and
- d) report on waste management and minimisation in the Annual Report, to the satisfaction of Council.

35. Except as expressly permitted by a licence under the *Protection of the Environment Operations Act 1997* for the site, the Applicant must not receive waste at the site for storage, treatment, processing, reprocessing or disposal.

36. The Applicant must ensure that all tanks and similar storage facilities (other than for water) are protected by appropriate bunding or other containment, in accordance with the relevant Australian Standards.

37. The Applicant shall dispose of all solid waste and putrescible matter from the site in a licenced Waste Management Facility.

38. Within three months of this approval, the Applicant is to prepare a Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the POEO Act or equivalent. The Applicant must keep the PIRMP on the premises at all times. The PIRMP must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire that may occur at the premises, or may be associated with activities that occur at the premises, and which are likely to cause harm to the environment). The PIRMP must be tested at least annually or following a pollution incident.

39. The Applicant shall carry out the Development in accordance with the PIRMP.

Environmental Monitoring

40. Unless otherwise permitted by the quarries Environmental Protection License the Applicant shall ensure that the noise generated by the development does not exceed 49 dB(A) Laeq at any time measured at the monitoring location on the western boundary of the quarry owned land.

41. In the event that water quality declines or reduces in volume to an extent that it may affect the water supply for Denman as a result of this development, or where Council has reason to suspect that this has or is occurring, the operator shall immediately cease work and take immediate rectification measures to return the river supply to an acceptable level.

The applicant will be responsible for all costs including weekly sampling until the quality of the supply is rectified.

42. Within three (3) years of this approval, the Applicant must prepare a revised Environmental Management Plan for the Development to the satisfaction of Council.

The Plan must include, but not be limited to:

- a) environmental management practices to be implemented at the site, including erosion and sediment control, water management, waste-water management, landscaping, dust management, noise management, visual treatments, rehabilitation, complaints procedures. Storm water management;
 - b) environmental monitoring program to be developed and implemented;
 - c) a contingency plan to manage any unpredicted impacts and their consequences and to ensure that ongoing impacts reduce to levels below relevant impact assessment criteria as quickly as possible;
 - d) a program to investigate and implement ways to improve the environmental performance of the Development over time;
 - e) a protocol for managing and reporting any:
 - incidents;
 - complaints;
 - non-compliances with statutory requirements; and
 - exceedances of the impact assessment criteria and/or performance criteria.
43. The Applicant must carry out the Development in accordance with the Environmental Management Plan as approved by Council.
44. To ensure that strategies, plans or programs are updated on a regular basis, and that they incorporate any appropriate additional measures to improve the environmental performance of the Development, the Applicant is to submit revised strategies, plans or programs for the approval of Council within three (3) years of the date of this approval, and every 3 years thereafter, unless Council directs otherwise.
45. Within 3 months of this approval, the Applicant must make the following information publicly available on request:
- the documents listed in condition 1
 - current statutory approvals for the Development;
 - all approved strategies, plans and programs required under the conditions of this consent; and
 - the Annual Report.

ASSESSMENT REPORT**Attached:**

REPORT TO THE GENERAL MANAGER

ADDRESS/WARD: Lot: 12 DP: 1027580, 2449 Denman Road Muswellbrook**APPLICATION NO:** DA 212/2000**PROPOSAL:** Pursuant to section 96 1(A) modification the EP&A Act 1979, to modify a consent for - extension of timeframe of operations & extraction area, and modified haulage route**OWNER:** Rosebrook Sand & Gravel Pty Ltd**OWNER ADDRESS:** Po Box 613
MAITLAND NSW 2320**APPLICANT:** Rosebrook Sand & Gravel Pty Ltd**ADDRESS:** C/- HDB Town Planning and Design
PO Box 40
MAITLAND NSW 2320**AUTHOR:** Report of Alisa Evans**DATE OF REPORT:** 15 December 2020**DATE LODGED:** 29-05-2017

SUMMARY**ISSUES:** Section 96 1(A) of the Environmental Planning and Assessment Act, 1979.**SUBMISSIONS:** Sparke Helmore Lawyers**RECOMMENDATION:** APPROVAL WITH AMENDED CONDITIONS

DESCRIPTION OF PROPOSAL

The proposed modification seeks to extend the period of operation of the Quarry, and to amend the access/haulage route to the quarry located at 2449 Denman Road Muswellbrook. If approved as requested, the Quarry would continue to operate until 21st December 2035, and the new haulage road would move westward but still result in access off Jerdan Street Denman. No increase to the production limit already approved for the site is proposed, the extension in timeframe allows the extraction to occur over a longer period.

The Quarry operation involves the crushing of river sand and rocks on site, with some, but not all the resulting product washed before being transported by road truck off site. Water is sourced from the quarry pit and is a closed system with water from the washing plant remaining on site. The amendments in relation to application are:

1. The Rehabilitation Bond held for the site to be re-assessed in March 2021 and every 5 years thereafter;
2. The production limit for the site will be specified in the Consent and remain at 200,000 TPA;
3. No quarry material is to be extracted from within 200m from the high bank of the Hunter River for treatment or sale. This is to make the requirements of DPI Water abundantly clear;
4. A minor revision of operating times has been provided to allow operations that will have no effect off site, to start one hour earlier, but transport off site, extraction and crushing hours remain the same;
5. Developer Contributions to have CPI included;
6. The management plans to be combined into a single Landscaping and Rehabilitation plan to simplify the site's staged rehabilitation requirements;
7. A Closure Plan is now required to specify the end land use of the quarry, and how the site rehabilitation will satisfy the Closure objectives. The approved Closure Plan will be used to calculate the Rehabilitation Bond; and
8. Condition of consent for the carrying out of works for the new haulage road and decommissioning of the old haul road.

RELEVANT HISTORY

The current Development Application DA 212/2000 was approved in 21 December 2000. The current consent is due to expire December 2020. There have been 3 modifications sought and 2 granted since 2001. In February 2006 a modification was undertaken to allow the use of Jerdan Street for the transportation of quarry product, replacing the planned haul road to the east over Crown land that was never built. In February 2016 a second modification was granted to regularise aspects of the quarry access and the re-construction of Jerdan St. An Application in 2014 to waive Sect. 94 contributions was refused.

The original application had a forecast production rate of 200,000 TPA and would have had the quarry resource exhausted by the end of the consent period. Production has fallen well short of this figure resulting in significant resource remaining on site. The Applicant claims that the extension of the Consent to 2035 is needed to extract the remaining resource.

In the Quarry Review undertaken by Council in 2016, together with other studies undertaken both by the Applicant and Council there were several matters found that were not consistent with the consent. These are covered in more detail below.

The current application was received on the 25th May 2017 and was notified on the 1st June 2017. Relevant government departments were notified. One submission was received on the 27th June 2017 from Sparke Helmore on behalf of the owners of land to the east of the existing quarry. The submission objects to the Modification Application on several grounds. There has been a long running dispute between the neighbours and Rosebrook Quarry management.

Modification 4 of Application 212/2000 has been assessed under the relevant planning regulations and policies and is now referred to Council to determine.

CONSIDERATION

Section 96 1(A) of the Environmental Planning and Assessment Act 1979 enables a consent authority to modify a development consent upon application being sought by the applicant or any person entitled to act on the consent, provided that the consent authority:

- is satisfied that the development to which the consent as modified relates is of minimal environmental impact;
- is satisfied that the development to which the consent as modified relates is substantially the same development;
- has notified the application in accordance with the regulations and has considered any submissions made concerning the proposed modification; and
- in determining the application for modification, has taken into consideration such matters referred to under Section 4.15(1) as are relevant.

Therefore, Council's assessment of the application to modify the subject development consent must consider the following issues:

Is the proposed development of minimal environmental impact?

The proposed extension of time is to extract material that has hasn't been extracted within the past 20 years as production has been at lower capacity than initially forecast.

Condition 1.2 of the original consent specified that the quarry operate and for 20 year from consent date and that a new DA been required if it was to continue. In reviewing the supporting information, it is reasonable that the extension of time be granted as it will have minimal environmental impact.

Is the proposed development as modified substantially the same development approved by the Council?

The nature of the quarry is unchanged. Its extraction rate has been lower than originally approved and the extension to 2035 reflects the quarry operation rate rather than a predicted rate detailed with the original Environmental Impact Statement.

The area subject to extraction will be unchanged and the means of extraction, stockpiling and transport remains unchanged. A change to the haul road is due to Government Agencies feedback.

Whether the application required the concurrence of the relevant Minister, public authority or approval body and any comments submitted by these bodies?

All relevant agencies have responded and provided appropriate responses, although the response from Transport for NSW is only verbal at present. No objections were raised to the modification.

Whether any submissions were made concerning the proposed modification.

The proposed modification was notified in the Hunter Valley News and to adjoining property owners.

The notification resulted in one (1) submissions which is summarized and addressed as follows:

Issues

The application is not s96 1(A) and should be a new DA and that Condition 1.2 shouldn't be allowed to be altered.

Responsible officer's comment

Council Officers have agreed that the extension of time could be modification.

The total quantity of material expected to be extracted will remain the same as the original approval and the process of extraction and operation will not change.

Relevant Government Agencies reviewed the application and raised no concerns in relation to the modification and outline that the

Issues**Responsible officer's comment**

existing conditions and documentation were satisfactory.

Modification detailing works and illegal constructed earth mound on adjoining land are detailed on plans and can not be considered as part of the proposal and should be removed and the plan is unacceptable to be included.

A plan of survey was undertaken to reflect the current layout and landform of site and adjoining land. The earth mound in question was constructed without consent and by previous owners/occupies of the operation.

The modification is not seeking to gain consent for these works. The earth mound is a separate matter to be resolved between the affected parties.

This matter does not form part of the application or is considered in the assessment.

Extraction has occurred on Crown land

During the operation of the Quarry an encroachment did occur. Extraction in that location has stopped and the site resurveyed to confirm site boundaries to ensure works remained clear on the subject land.

Development affects objector's land visually and ground water.

An inspection of objector's land was undertaken by Council Officers. No environmental issues have been reported from the quarrying activities and there is no evidence of any adverse impact from the site operations. Allegations about a drop-in water levels in a bore were investigated by Council in August 2016, and the neighbour was informed that the failure of the well is not the result of the quarrying operations.

The quarry is a large open area within the former bed of the Hunter River. The objector's land is elevated over the quarry. The quarry has a number of water ponds where sand has been extracted and ponds remain for water storage. The area of stockpiles is limited to the southern portion of the site and kept in tidy condition.

Any relevant considerations under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

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

It is considered that the proposal is not contrary to the public interest. The operation employs approximately six (6) people and provides economic and social benefits within the locality as well as a high-quality resource for use in construction and landscaping activities off-site.

NSW Legislation

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation throughout the report in their relevant sections, however, the following legislation has not been discussed in detail elsewhere in the report.

ENVIRONMENTAL APPRAISAL CONSIDERED

Statutory Controls

Complies

Policy Controls

Complies

Design in relation to existing building and natural environment

No proposed changes to the operation will occur. The haulage road will be amended to provide legal access to the quarry for current use and future land uses at the conclusion of the development.

Landscaping/Open Provision

Space No change

ENVIRONMENTAL APPRAISAL CONSIDERED

Traffic generation and Carparking provision	Complies
Loading and Servicing facilities	Yes, all loading is undertaken on-site within a designated loading area.
Physical relationship to and impact upon adjoining development (Views, privacy, overshadowing, etc.)	The quarry is a large portion of land visible from adjoining land. There are adequate buffers with the use and surrounding rural lands.
Site Management Issues	Inspection by staff have concluded the operation is managed in a satisfactory manner. Any issues raised have been address by the owners/operators appropriately.
All relevant S4.15 considerations of Environmental Planning and Assessment (Amendment) Act 1979	The previously EIS and subsequent modification supporting documents adequately addresses the matters under EPA Act.

As the request would see quarrying activity continue until 21st December 2035, the conditions of consent have been reviewed to bring them in line with contemporary approaches to quarry approvals.

REFERRALS TO GOVERNMENT AGENCIES

Transport for NSW (RMS)

Verbal advice is that the proposed new haulage road is supported.

Planning and Environment (Resource & Geoscience)

No concerns have been raised to the extension of time as the material is considered to be a regionally significant construction material resource.

Department of Industry (Lands & Forestry)

Raised concerns in relations to encroachment onto Crown Lands and Access over Crown land without a lease or licences.

Planners Response

The matters relating to the encroachment onto the Crown Land has been resolved by owners/operator having the subject land surveyed and boundaries clearly being defined to ensure that the works to not encroach into adjoining undefined land.

The proposed new haulage road resolves the issue of access over Crown Land.

CONCLUSION

That proposed s96 1(A) request is of minimal environmental impact and satisfies the requirements of the Act and the relevant planning policies and regulations.

RECOMMENDATION

That the application be approve subject to amended conditions.

Disclosure of Political Donations and Gifts:

No disclosures of a political donations or gifts have been made in relation to this application.

SOCIAL IMPLICATIONS

The development as presented will not result in any specific social implications for Council.

FINANCIAL IMPLICATIONS

This development as presented has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY IMPLICATIONS

The development as presented will not result in any specific policy implications for Council.

STATUTORY IMPLICATIONS

Statutory implications relating to assessment of the subject application have been addressed in the body of the report

LEGAL IMPLICATIONS

This matter has no specific legal implications for Council.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.



27 June 2017

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

Also by email
donna.watson@muswellbrook.nsw.gov.au

Attention: Donna Watson

Dear Donna

Proposed s96(1A) Application - DA 212/2000 - Cawsey Park Quarry (Consent)

We act for Doug and Jane Thrift, the owners of Lot 2 DP 1131139 (**Lot 2**). The Council has sent our clients a letter dated 1 June 2017 which attached:

- 1 Pages 24-28 of an application to modify DA 212/2000 – Cawsey Park Quarry prepared by HDB;
- 2 Cawsey Park Site Plan dated 1 February 2017.

Lot 2 is immediately to the east of the Cawsey Park quarry. Our clients object to the s96 application for the reasons set out below.

Based on the information that has been provided the Council should not treat the application as falling within s96(1A) of the *Environmental Planning and Assessment Act 1979 (EPA Act)* or any other part of s96 for that matter. The quarrying operations at the Cawsey Park quarry have had significant impacts on our clients' land. Quarrying has encroached onto Lot 2 and a bund associated with the quarry has been illegally installed on our clients' land without my consent. There is also a well on Lot 2 which has become unproductive as a consequence of effects on ground water caused by the Cawsey Park Quarry. This has materially diminished the productivity of Lot 2 and has devalued it significantly. The quarry also has a significant visual impact on our clients' property and, if the illegal bund that has been constructed on our clients' land was removed, would have a significant visual impact from the Golden Highway, the main road into Denman. The operation of the quarry has, from our clients' point of view, been unsatisfactory for many years and it has had a significant impact on our clients' property.

Although the material the Council has provided does not seem to show all of the detail of what is proposed there are a number of aspects of the application from the information that has been provided which are unacceptable.

The first aspect that is unacceptable is the incorporation of the FYFE plan dated 1 February 2017 into the development consent. This plan does significantly more than simply show realignment of a haul road and associated rearrangement of the processing area. The plan shows many other additional details including the bund illegally installed on Lot 2 and what appears to be an illegally installed bund on Crown land. Although the applicant says these aspects are not part of what is being applied for,

Newcastle

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

APM\GTB\60361682\1

that is not reflected in the condition that has been proposed. The plan appears to be attempting to regularise a wide variety of departures from the consent including excavations that have occurred on Lot 2. The Council must not approve the plan and should take steps to enforce the breaches of the EPA Act that have resulted in the illegal excavation of our client's land and the erection of the unauthorised bunds. Our clients do not consent to this application to the extent it applies to Lot 2 and the Council must consider this application as if those illegal bunds were not present.

The second, and perhaps most important, issue is the proposed amendment to Condition 1.2 of the Consent. Condition 1.2 of the original consent has two elements. The first is that it does not authorise operation after 20 years from the date of the consent. The second is that it required a new development application for operations beyond that point. This application seeks to breach of the second part of that condition. Both aspects of the condition are a fundamental part of the development consent granted and are not capable of modification in the manner proposed. The condition itself makes it clear a further development application is required for operations beyond 2020. The applicant has taken the benefit of the consent and, at the end of its life, is seeking to be relieved of its burden. There are substantial environmental issues that require full and proper examination before operations beyond 2020 should be permitted to occur. Among them is the serious impact that the quarry appears to be having on our clients' well on Lot 2. The extension of the quarry life in this way does not involve 'substantially the same development' as that for which consent was originally granted (as required by s96). It is both qualitatively and quantitatively different from what was originally approved. A 75% increase in the duration of the quarry without any further proper environmental assessment against the modern environmental standards is unacceptable to our clients – particularly when the performance history of the quarry has been so appalling.

The third aspect of the modification application that is unacceptable to our client is that it seeks a range of concessions about road works that are required by the consent. The original conditions required certain road works which the applicant has not done. The modification application seeks to avoid the construction of the intersection required by the consent and leave the relevant traffic treatment up to some future assessment by the RMS. The apparent purpose of this is to either avoid or delay construction of the road works and would, in any event, render the consent uncertain. Given the delay that has already occurred that is unacceptable to our client.

In summary:

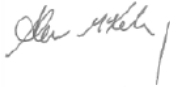
- 1 The quarry has had, and continues to have unsatisfactory impact on our clients' property.
- 2 The development consent as proposed to be modified is so fundamentally different from the consent originally granted that the application could not be regarded as 'substantially the same development'. It is therefore outside the modification power in s96 and must be refused. This is particularly the case as a result of the significant extension of time sought in breach of condition 1.2.
- 3 The environmental impacts of the modification are not minimal. It will continue to perpetuate the serious impacts on our clients' land including visual impacts and the serious ground water impacts that have occurred on our clients' well to date.
- 4 If the operation requires a further period to extract the remaining available resource then there is ample time to allow a designated development application to be lodged which properly assesses the impacts of the application on my property (and the environment) against contemporary standards. That is the process the development consent anticipates and it would be inappropriate for the Council, having properly impose condition 1.2, to modify it at this late stage.

Sparke Helmore Lawyers

I note Council has previously attended our clients' property to inspect the illegal work that has taken place. If the Council wishes to conduct another inspection (or have the impact on my well assessed) it is welcome to do so.

For all of these reasons our clients' submit that the Council must refuse this application. If the application is not refused our clients' will take further advice about the validity of the Council's determination.

Yours faithfully



Partner responsible:

Alan McKelvey

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File Ref: 16/033

17 July 2017

The Development Planner
Muswellbrook Shire Council
P O Box 122
Muswellbrook NSW 2333

Attention: Donna Watson

Response to Public Submission for s96(1a) Modification to DA 212/2000

Dear Donna,

I refer to your letter dated 27 June 2017 regarding a submission by Sparke Helmore on the proposed s96 (1A) Modification to DA 212/2000 and hereby submit this response on behalf of *Rosebrook Sand and Gravel Pty Ltd*.

For better understanding of the information provided, the issues raised by Sparke Helmore on behalf of Mr and Mrs. Thrift have been summarised below in italics followed by our response:

It is not acceptable to incorporate the plan by FYFE dated 1 February 2017 into the development consent as it includes a number of irregularities on neighbouring land into the consent. The quarrying activity has resulted in an unauthorised bund and illegal excavation on Lot 2.

DA 212/2000 is attached to Lot 12 DP 1027580 and it is to be noted that the submitted s96 (1A) application does not include any other adjoining properties. The adjoining parcels were included in the survey plan to contextualise the relationship between the subject site and to neighbouring properties.

The purpose of the plan is to inform Council of the actual site layout, as previously approved and the existing inconsistencies. Any changes proposed in this s96 Application are confined to subject site boundaries and clearly indicated on the plan.





This application does not seek to legitimise any historic transgressions whether agreed or disputed. Any rectifying works agreed upon by the parties will need to be addressed in a separate DA. For clarity, Attachment 1 outlines the quarry site as per DA 212/2000 which is the subject of this application.

HDB acknowledges the spillover of past excavation activities on to neighboring Crown Reserve and we have been liaising with Crown Lands to resolve this issue; however there is no evidence of any excavation on Lot 2 as claimed by Mr. Thrift.

Condition 1.2 does not consent to operation after 20 years of the date of consent and a separate DA is required beyond this period. A 75% increase in duration of the quarry without any proper environmental assessment against modern environmental standards is unacceptable particularly when the performance history of the quarry has been so appalling. There are substantial environmental issues that require proper examination for extension of operations beyond 2020. There will be serious impacts on Mr. Thrift's land including visual and groundwater impacts.

As emphasised in the s96 document, the proposed extension is sought to complete the extraction of approved quantities of reserves and the rehabilitation works thereafter. The timeframe stipulated in condition 1.2 is consistent with the proposal in Section 2.2 of the EIS to extract up to 200,000 tonnes over 20 years which was deemed adequate to extract the estimated in-situ reserves. It should be noted that condition 1.2 is based on production rates in accordance with condition 1.1 and as such any extension beyond the 20 year period would imply additional extraction and hence the need for a new DA. However with the current situation of the quarry not having been able to meet the production target, there is a need to continue the operation beyond 20 years to extract the approved quantities of materials under the existing consent.

Considering only 40% to 50% of estimated extraction has occurred over the past 16 years (note the quarry was approved in December 2000), the proponent's request to extend the operations to 2035 to allow the extraction of the remaining reserves and subsequent site rehabilitation is fair and reasonable. The proposed modification does not involve any changes to the extraction methods, site operations or any other aspects of the existing development. There are no additional impacts and the development is substantially same as originally approved proposal. Therefore the additional time does not trigger any impacts to warrant a new DA. The only change would be the spread out of extraction activities over a 35 year period as opposed to the originally proposed 20 years and hence an amendment to condition 1.2 is sought to facilitate the extension to timeframe without a new DA.





With reference to clauses 35 and 36 in Schedule 3 of Environmental Planning and Assessment Regulation 2000, the proposed modification is non designated and therefore an application to modify consent is submitted pursuant to s96(1A) of the Environmental Planning and Assessment Act.

HDB has discussed the s96(1A) pathway with Muswellbrook Council and the application is being submitted as per Council's advise.

The quarry complies with all relevant codes of practice and there have been no records of complaints or any operational issues associated with its operations to suggest adverse impacts or poor environmental management controls. The site's compliance with current environmental legislations and regulatory standards is ensured through regular compliance checks and licensing renewals undertaken by the EPA and the annual environmental report provided to the Council.

No environmental issues have been reported from the quarrying activities and there is no evidence of any adverse impact from the site operations. Mr. Thrift's allegations about the drop in water levels in his bore well was investigated by Council and in a letter dated 16 August 2016, he was informed that the failure of the well is not the result of the quarrying operations.

It is important to note that Mr Thrift's borewell is located hydraulically upgradient of the extraction pond and as provided in Hydrogeological Assessment (Section 4.5 of the EIS), the quarry will have minimal impact on wells located upslope of the development site. This is further substantiated by the enclosed groundwater data (sourced from DPI- Office of Water) for a monitoring well located downhill of the quarry site. Any potential impacts from the extraction will be evident in the monitoring well due to its location downhill. The recorded ground water levels in the period 2005 to 2016 vary between 100.822m AHD and 101.264m AHD. There is no progressive reduction in water levels to suggest any impact from the nearby extraction and the recorded levels appear to be consistent with the seasonal fluctuations. Given no impact on a well located downhill, the potential for any drawdown effect on a borewell at higher elevation is minimal thereby confirming Council's findings that the quarry has no impact on Mr Thrift's well.

In regard to the visual amenity of Mr. Thrift's site, the proposed modification will not alter the site layout or existing structures to have any adverse impact on Mr.Thrift's property or surrounding areas.

It is unacceptable that the application seeks a range of concessions on the road works that are required in the condition of consent. The application is seeks to avoid the intersection upgrade leaving it to some future assessment by the RMS.

As explained in the s96 document, the intersection upgrade is subject to RMS's review of the proposed design and subsequent execution of a WAD for undertaking the works. RMS'





involvement in the process has resulted in delays in executing this condition. It is unfair that this is being misconstrued as negligence on our client's part who has been liaising with RMS on this matter for a prolonged period of time. I wish to inform that our client is committed to resolving this issue and as an attempt to finalise the design, a meeting with Anna Zycki, the Regional Manager and Coordinator General, Transport for Newcastle is scheduled for 31st July 2017.

I trust this letter adequately addresses the issues raised in the public submissions and assists Council with the further assessment of the application. Should you require any further clarification, please do not hesitate to contact me,

Yours sincerely

HDB Town Planning & Design

A handwritten signature in blue ink, appearing to read 'Leena Sebastian', with a horizontal line underneath.

Leena Sebastian

Town Planner

Enc: Attachment 1 - Survey Plan showing the subject site boundary
Attachment 2 - Groundwater data for the monitoring well on Duggan's lane

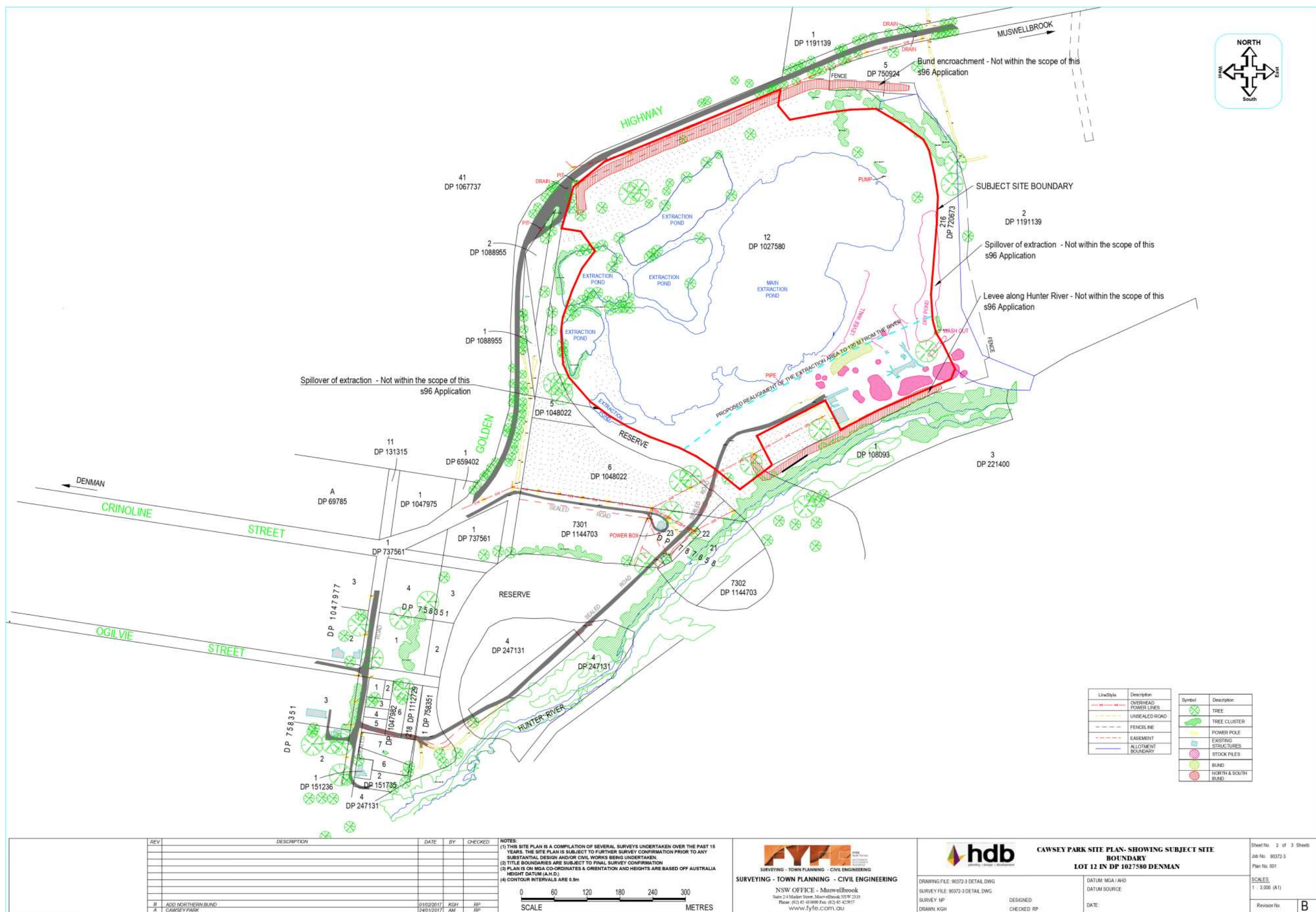




Attachment 1

Survey Plan showing the subject site boundary

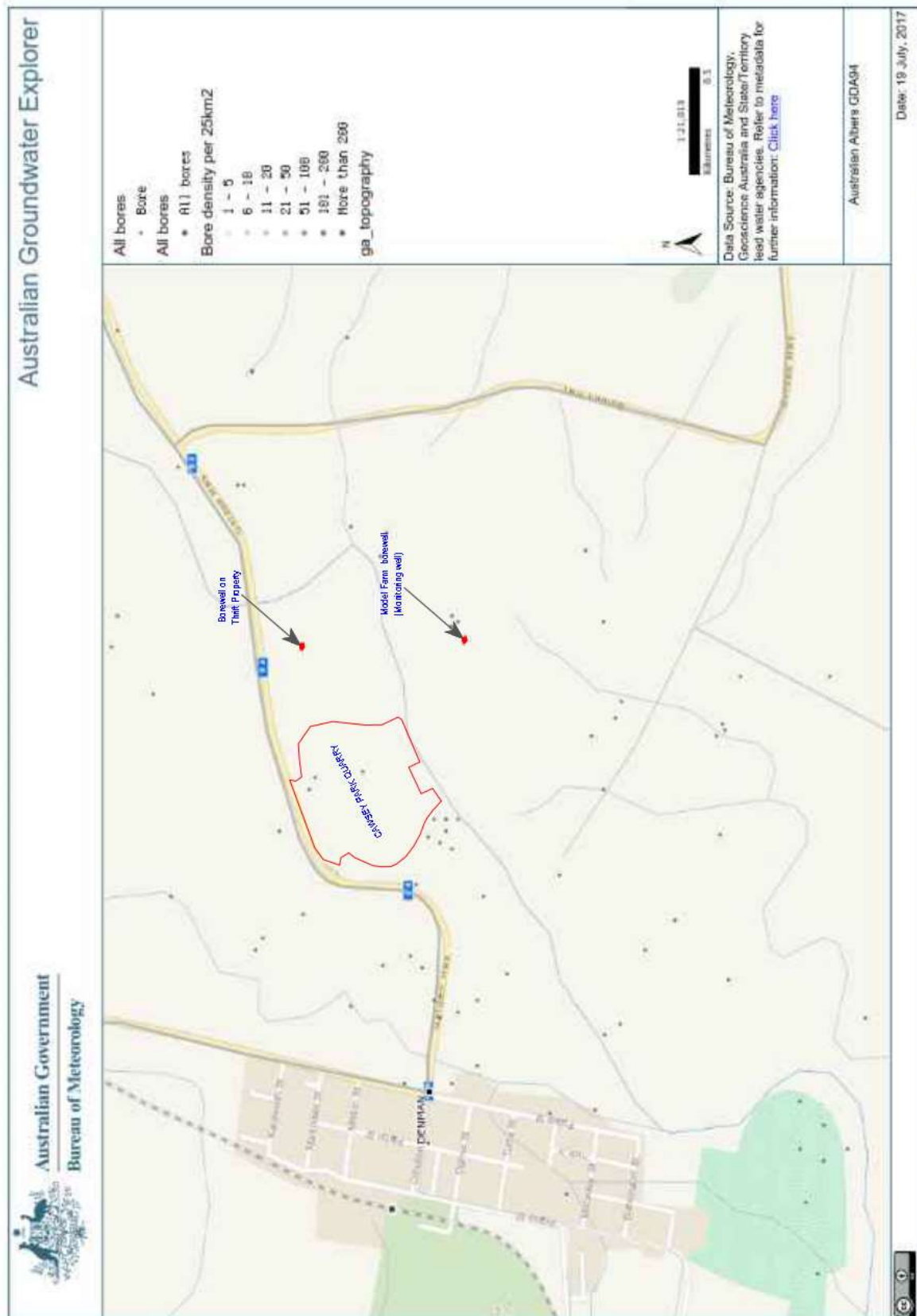







Attachment 2

Groundwater Data



 Department of Primary Industries Office of Water				About us		Water Management	Water Licensing	Urban Water	Real-time data	
Home · help · login · contact · customise State Overview Rivers and Streams favourites · search · find a site Dams favourites · search · find a site Groundwater favourites · search · find a site				Real Time Data - Rivers And Streams Real Time Data - Major Dams						
Real Time Data - Bore Richmond River Basin Bellinger River Basin Macleay River Basin Manning River Basin Hunter River Basin GW079058.1.1 Fordwich GW079796.1.1 Camns Whittingham GW079801.1.1 Kandoora Lane Whitt... GW080068.1.1 Dalgetys Parkville 1 GW080070.1.1 New England Highw... GW080071.1.1 Flame Tree Stud Sco... GW080073.1.1 Little Fields Middlebr... GW080074.1.1 Turanville Scone GW080077.1.1 Model Farm Dug... GW080433.1.1 Rockview Station Sc... GW080434.1.1 25 Wybong Rd Mus... GW080436.1.1 239 Allan Bridge Rd ... GW080437.1.1 283 Moodi Rd Scone GW080930.1.1 Scone Road Merrilwa... GW271004.1.1 Tortle Lodge Bylong ... GW271016.1.1 Carrigan Merrilwa GW271022.1.1 Arrowfield Stud Scone GW271027.1.1 Fidelity Segenhos R... GW271028.1.1 River Bend Quarey C...										
Go back Annual data Bore Water Level below Measuring Pt [110.00] Groundwater Level - AHD [115.00]										
Time and Date	GW080077.1.1 110.00 Bore level below MP	GW080077.1.1 115.00 CW Level - m AHD	Qual	Mean	Qual	Mean	Qual	Mean	Qual	Mean
00:00:00 01/01/2001			255							
00:00:00 01/01/2002			201							
00:00:00 01/01/2003			201							
00:00:00 01/01/2004			201							
00:00:00 01/01/2005	9.862		100	101.048						
00:00:00 01/01/2006			201							
00:00:00 01/01/2007			201							
00:00:00 01/01/2008	9.792		130	101.118						
00:00:00 01/01/2009	9.960		5	100.950						
00:00:00 01/01/2010	9.880		6	101.030						
00:00:00 01/01/2011	9.646		6	101.264						
00:00:00 01/01/2012	9.692		6	101.218						
00:00:00 01/01/2013	9.862		100	101.048						
00:00:00 01/01/2014	10.088		8	100.822						
00:00:00 01/01/2015	10.001		5	100.909						
00:00:00 01/01/2016	9.875		5	101.035						
00:00:00 01/01/2017			255							

☐ Indicates an increase or no change in GW level as compared to 2005 level

Groundwater Monitoring Data for Model Farm

Source – DPI- Office of Water

Identify Results

Bore ID	State	Bore Depth (m)	Drilled Date	Purpose	Status	Geology
GW062367.1.1	NSW	10	01/09/1984	Irrigation	Unknown	Unknown
GW037772.1.1	NSW	7.1	01/09/1971	Irrigation	Unknown	Unknown
GW058856.1.1	NSW	4.7	01/01/1983	Exploration	Proposed	Unknown
GW059190.1.1	NSW	13.4	01/07/1983	Irrigation	Unknown	Unknown
GW053844.1.1	NSW	11	01/11/1980	Irrigation	Unknown	Unknown
GW012984.1.1	NSW	6.6	01/11/1957	Irrigation	Unknown	Unknown
GW059189.1.1	NSW	9.5	01/05/1983	Irrigation	Functioning	Unknown
GW059191.1.1	NSW	11.7	01/08/1983	Irrigation	Unknown	Unknown
GW039427.1.1	NSW		01/06/1989	Exploration	Abandoned	Unknown
GW080085.1.1	NSW	14	26/06/2000	Monitoring	Abandoned	Unknown
GW059188.1.1	NSW	10.2	01/05/1983	Irrigation	Unknown	Unknown
GW039426.1.1	NSW		01/05/1989	Exploration	Abandoned	Unknown
GW059187.1.1	NSW	10.6	01/04/1983	Irrigation	Unknown	Unknown
GW060348.1.1	NSW	4	01/01/1985	Irrigation	Unknown	Unknown
GW013241.1.1	NSW	7.6	01/11/1955	Irrigation	Functioning	Unknown
GW013243.1.1	NSW	6.9	01/04/1953	Irrigation	Unknown	Unknown
GW080077.1.1	NSW	13	22/06/2000	Monitoring	Unknown	Unknown

Thrift Property

Model Farm
Duggans Road,
Denman

Page 1 of 1

Items per page: 20

Details of borewells in the vicinity of the subject site

Source- Australian Groundwater Explorer- Bureau of Meteorology

Mrs D L Watson
02 6549 3777
DA 212/2000

12 February 2016

Cardno (NSW/ACT) Pty Ltd
3/60 Beaumont Street
HAMILTON NSW 2303

Dear Sir/Madam

**Development Application No. 212/2000 - S96(1a) Modify Condition Of Consent
6.1 To Change Type Of Intersection**

Lot 12 DP 1027580 and Lot 1 DP 221400 – 2449 Denman Road Muswellbrook

I refer to your application received by Council on 17 November 2015, requesting an amendment to the subject development consent.

The application to amend the development consent was considered by Council pursuant to Section 96 of the Environmental Planning and Assessment Act 1979, and Council has now determined the application.

Council advises that the conditions of development consent have been amended and now comprise:

1.0 General

- 1.1 The Development must be undertaken in accordance with the proposal contained in:
- (a) the development application DA 212/2000;
 - (b) the accompanying document titled "Cawsey Park Quarry: Environmental Impact Statement for Gates Pty Limited;
 - (c) the additional information supplied by ERM on behalf of Gates Pty Limited dated 15th December 2000.

Unless otherwise specified in the terms of this development consent.

Reason: To confirm and clarify the terms of Council's approval.

- 1.2 The consent shall lapse twenty (20) years from the date of granting of this development consent. If operation is required beyond this point, a new development application will be required.

Reason: To confirm and clarify the terms of Council's approval.

- 1.3 The applicant shall lodge a bond or bank guarantee of \$50,000.00 with Council prior to the commencement of work, in assurance that all conditions are fully complied with. In the event that conditions are not adhered to, operations will cease on notification and the bond will be forfeited.

Reason: To confirm and clarify the terms of Council's approval.

2.0 Requirements of Government Agencies

- 2.1 Prior to the commencement of operations as outlined in the Development Application DA 212/2000 and accompanying Environmental Impact Statement (EIS), the applicant shall obtain from the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water**, Environment Protection Authority and the ~~Roads and Traffic Authority~~ **Roads and Maritime Services** all statutory licences and approvals as required under the relevant legislation.

Reason: To ensure compliance with the requirements of the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water**, Environment Protection Authority and the ~~Roads and Traffic Authority~~ **Roads and Maritime Services**.

- 2.2 Compliance with the requirements of the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water** in the General Terms of Approval contained in Annexure "A".

Reason: To ensure compliance with the requirements of the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water**.

- 2.3 Compliance with the requirements of the Environment Protection Authority in the General Terms of Approval contained in Annexure "B".

Reason: To ensure compliance with the requirements of the Environment Protection Authority.

- 2.4 Compliance with the requirements of the ~~Roads and Traffic Authority~~ **Roads and Maritime Services** in the General Terms of Approval contained in Annexure "C".

Reason: To ensure compliance with the requirements of the ~~Roads and Traffic Authority~~ **Roads and Maritime Services**.

- 2.5 Compliance with the requirements of the ~~NSW National Parks and Wildlife Service~~ **Office of Environment and Heritage** regarding the satisfactory resolution of issues listed in their correspondence dated 12 December 2000, and the provision of specific reports from the Wanaruah Tribal Council as detailed in the EIS for this project.

Reason: To ensure compliance with the requirements of the ~~NSW National Parks and Wildlife Service~~ **Office of Environment and Heritage**.

3.0 Hours of Operation

- 3.1 The use of plant and equipment and site operations shall be restricted to the hours of:
- 7.00am to 6.00pm Monday to Friday; and
7.00am to 12.00pm Saturday.

Reason: To protect the amenity of the area.

4.0 Environmental Reporting

- 4.1 Within six (6) months of the commencement of the operations as outlined in the development application DA 212/2000 and accompanying Environmental Impact Statement, the applicant shall ascertain the requirements of Muswellbrook Shire Council in relation to the annual report in respect of the performance of the development and shall submit such a report to Council in respect to the calendar year ended 31st December and such reports shall be submitted outlining:
- (a) The performance of the development;
 - (b) The production quantities of the development including markets and production types;
 - (c) The implementation and effectiveness of environmental controls and conditions relating to the development;
 - (d) Results of environmental monitoring;
 - (e) Production operations and mining operations undertaken in the preceding 12 months;
 - (f) Workforce characteristics of the development;
 - (g) Any modifications or proposed work practices outlined in the Environmental Impact Statement required to mitigate adverse environmental effects;
 - (h) Copy of all relevant licences and approvals required of the development by relevant authorities;
 - (i) The applicant is to provide a complaints register for the recording of complaints with quarterly reports being submitted to Council identifying such complaints and the action taken to rectify such complaints.

The report shall be submitted to Council in the month of January throughout the life of the development.

Reason: To ensure compliance with development consent conditions and to assess the environmental performance of the development.

5.0 Section 94 Contributions

- 5.1 The applicant shall pay a contribution in accordance with Council's adopted Development Control Plan No. 7 (Section 94 Contributions) in respect of all material produced from this site and transported on public roads.
- (a) The amount of this contribution shall be based on the tonnage produced. Calculations shall be made by a qualified civil engineer

employed by the applicant and approved by Council in accordance with the formula adopted by Council and attached (Annexure "D").

- (b) The applicant shall make the contribution in 5(a) at three monthly intervals, the first on 1 April 2001.
- (c) The Council reserves the right to inspect and to access the original records relating to any of the extractive material including number and types of laden truck and trailers and load quantities transported from the development and audited by any person nominated by its internal accountant at anytime as and when a written request is required.

The contributions required under this condition are allowed by and determined in accordance with the Muswellbrook Shire Development Contributions – Section 94 made by the Council on 13th December 1993, a copy of which may be inspected at the Office of the Council.

Reason: To provide for public amenities and public services within the are in accordance with community expectations.

6.0 Access and Transport

- 6.1 Access to and from the quarry shall be via the existing internal haul road to the ~~Jerden~~ **Jerden** Street concrete batching plant then along ~~Jerden~~ **Jerden** Street to the Golden Highway. The Jerden Street intersection with the Golden Highway is to be upgraded to an "AUR" "**BAR/BAL**" type intersection with a left turn deceleration lane in accordance with RTA – Road Design Guide to the RTA **RMS** and Council satisfaction.

Reason: To ensure compliance with the requirements of the ~~Roads and Traffic Authority~~ **Roads and Maritime Services** and Council.

- 6.1.1 **The intersection upgrading works is to be at Practical Completion Stage, as defined by the Roads and Maritime Service's Works Authorised Deed, by 12 February 2017.**

- 6.1.2 **The applicant is to obtain the Final Completion Certificate within the identified timeframe advised in the Works Authorisation Deed. This Certificate is to be submitted to Council within seven (7) days of being issued by Roads and Maritime Services.**

- 6.2 ~~Jerden~~ **Jerden** Street is to be fully reconstructed from the Golden Highway to the concrete batching plant to the appropriate standard as determined by Council. All works are to be undertaken at full cost to the developer.

Reason: To ensure compliance with the requirements of the Roads and Traffic Authority and Council.

- 6.2.1 **The upgrading of Jerdan Street is to be at Practical Completion Stage, as defined in Council's Section 138 Permit, by 12 February 2017.**

- 6.2.2 **The applicant is to obtain the Final Completion Certificate within the identified timeframe advised in the Section 138 Permit.**

- 6.3 The Applicant shall enter into an agreement with Council (at the applicants cost) to continue use of the access road across Council land and to protect infrastructure associated with the Denman town water supply.

Reason: To maintain the integrity of the internal access road and protect the infrastructure associated with the Denman town water supply.

- 6.4 The Applicant is to construct an extension of the internal access road from the processing area to connect to the existing road to the ~~Jerden~~ **Jerdan** Street concrete batching plant in accordance with the additional information supplied by ERM on behalf of Gates Pty Limited and dated 15th December 2000.

Reason: To protect the amenity of the area.

- 6.5 All trucks travelling between the concrete batching plant and quarry must use the internal access road and not Denman Road.

Reason: To protect the amenity of the area.

- 6.6 The applicant is **to do all that is necessary** ~~required~~ to enter into a Works Authorisation Deed with the ~~RTA~~ **Roads and Maritime Services by 12 August 2016, being six months**. In this regard the developer is to submit detailed design plans and all relevant additional information, as may be required in the ~~RTA's~~ **Roads and Maritime Services** Works Authorisation Deed documentation, for each specific change to state road network for the ~~RTA's~~ **Roads and Maritime Services** assessment and final decision concerning the work.

Reason: To protect the amenity of the area.

- 6.7 The applicant shall undertake dust control measures in carrying out transport, disposal and site rehabilitation, including the use of water trucks, water spraying of working areas and roads.

Reason: To minimise dust nuisance and to protect the amenity of the area.

- 6.8 All loads shall be suitably covered prior to transport vehicles leaving the site.

Reason: To minimise dust nuisance and to protect the amenity of the area.

- 6.9 The Applicant shall erect signs on the entry and exit of the proposed haul road prior to the commencement of work, advising truck drivers of the requirement to cover all loads.

Reason: To minimise dust nuisance and to protect the amenity of the area.

- 6.10 Compliance with the requirements of the ~~Roads and Traffic Authority~~ **Roads and Maritime Services** regarding the intersection of the proposed haul road and Denman Road.

Reason: To ensure compliance with the requirements of the ~~Roads and Traffic Authority~~ **Roads and Maritime Services**.

- 6.11 The Applicant is to install and operate a wash basin, shaker ramp or similar adjacent to the sealed section of the proposed haul road.

Reason: To minimise dust nuisance and to protect the amenity of the area.

- 6.12 The applicant is to enter into an agreement with Council, at the applicants cost, for Council's continued legal access to Council's water supply infrastructure located on the Hunter River.

- 6.13 Prior to works commencing on the upgrading of Jerdan Street, the applicant is to do all that is necessary to obtain a Section 138 Permit under the Roads Act 1993 by 12 August 2016, being six months.**

7.0 Landscaping and Rehabilitation

- 7.1 Submission of a detailed Rehabilitation and Landscaping Plan prior to operation and then annually for the first five years and then at a frequency to be determined by Council at that time. Such a plan shall be prepared in accordance with Muswellbrook Shire's Sediment and Erosion Control Policy and Code of Practice. The Plan shall address, but not be limited to:

- (a) progressive rehabilitation of the site;
- (b) final landform details;
- (c) erosion and sediment control for the entire site;
- (d) seeding and revegetation of disturbed areas;
- (e) visual amenity, including all existing bunding;
- (f) tree plantings;
- (g) screening;
- (h) maintenance of rehabilitation and landscaping works.

Reason: To ensure compliance with Council's Policies and Codes.

- 7.2 The Applicant shall dismantle all remaining screening and crushing equipment at the ~~Jerden~~ **Jerdan** Street concrete batching plant and rehabilitate the area in accordance with Council requirements within one year from the commencement of quarry operations.

Reason: To protect the amenity of the area.

- 7.3 All plants and trees used in the proposed landscaping and screening shall be watered by a suitable irrigation system maintained in good working order at all times.

Reason: To ensure that the landscape component is maintained to an acceptable standard.

- 7.4 Upon completion of site operations the site shall be rehabilitated to a satisfactory condition and in accordance with the details submitted in the development application DA 212/2000, accompanying Environmental Impact

Statement and in accordance with the Rehabilitation and Landscaping Plan submitted to and approved by Council in condition 7.1.

Reason: To confirm and clarify the terms of Council's approval.

- 7.5 The Applicant shall submit for the endorsement of Council and the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water** a detailed Soil and Water Management Plan prior to the commencement of site operations. This plan shall contain a design philosophy that reflects the need for:

- (a) The approved landscape site works to be completed prior to the commencement of operations;
- (b) Establishment of stable cover to prevent site erosion;
- (c) Use of Australian native plants (as appropriate and derived from the development site endemic seed collection, wherever possible);
- (d) Water management, in particular the measures to be taken to prevent water discharge to the Hunter River;
- (e) Maintenance of implemented landscape works.

Reason: To ensure compliance with Council's Policies and Codes.

8.0 Area

- 8.1 The height of any stockpiled material shall not exceed 3 metres.

Reason: To protect the amenity of the area.

- 8.2 The stockpile and processing area is to be bunded.

Reason: To reduce the risk of floodwaters carrying soil and fines to the river.

9.0 Environmental Monitoring

- 9.1 The Applicant shall install and operate noise monitors at the Buneewa and "R4" residences for the first three months after operations commence.

Reason: To protect the Buneewa and R4 residences from detrimental noise impact.

- 9.2 In respect of the properties known as "Buneewa" being Lot 215, DP 720673, Denman Road, Muswellbrook, and the property referred to as "R4" in the accompanying Environmental Impact Statement, in the event of exceedances of the EPA noise criteria in Annexure "B" of the development consent, the Applicant shall undertake any necessary noise mitigation measures to ameliorate potential impacts. In this regard, proper controls and measures shall be put in place to satisfactorily resolve noise complaints in respect to these properties. If in the event that the Applicant is unable to resolve the noise complaints, all works associated with noise generation affecting the properties shall cease.

Reason: To protect the Buneewa and Corona properties from detrimental noise impact.

- 9.3 If water quality declines or reduces in volume to an extent that it may affect the water supply for Denman as a result of this development, in Council's opinion, the operator shall immediately cease work and take immediate rectification measures to return the river supply to an acceptable level. The applicant will be responsible for all costs including weekly sampling until the quality of the supply is rectified.

Reason: To protect the source and quality of the Hunter River water supply to the Denman township.

- 9.4 Water testing is to be undertaken following a runoff event. Details of the testing are to be recorded and submitted annually to the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water** for record and reference purposes.

Reason: To comply with the requirements of the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water**.

10.0 Erosion and Sediment Control

- 10.1 Within three months after commencement of operations, the Applicant is to submit to and have approved by the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water** the following:

- (i) A 1:5000 scaled map for all Erosion and Sediment Control Works.
- (ii) Detailed design and supporting calculations on the clean water diversions and dirty water containment works.
- (iii) Detailed erosion and sediment control work specifications on the access road.
- (iv) Details on specifications of visual bund wall design.

And that the Applicant be required to enter into an agreement with Council, at his cost, with a bank guarantee of \$20,000 to ensure that this matter is completed within the three month period.

Reason: To comply with the requirements of the ~~Department of Land and Water Conservation~~ **Department of Primary Industries – Water**.

Advice

- 1. The Applicant should monitor the existing noise levels from the existing concrete batching plant to determine impact on adjoining properties and the township of Denman.
- 2. The Applicant should provide designated standing areas for trucks for the covering of loads prior to these vehicles leaving the site.
- 3. The Applicant should consider the use of the haul road as a means of egress from the site for both the concrete batching plant and the sand and gravel extraction operation.

It should be noted that this approval remains effective from the original date of consent, 21 December 2000.

Section 96 confers on an applicant who is dissatisfied with this determination a right of appeal to the Land and Environment Court under Section 96(6) of the Environmental Planning and Assessment Act 1979 (except in the case of State Significant Development). This appeal provision is pursuant to the Land and Environment Court Rules and is exercisable within sixty (60) days of the date of determination.

Should you require further information in relation to this matter, please contact me on 02 6549 3777.

APPROVED BY DELEGATED AUTHORITY

Donna Watson
Development Planner

10.4 DEVELOPMENT ASSESSMENT COMMITTEE REVIEW

Attachments:	A. Draft Delegations - General Manager
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Executive Manager - Environment and 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 purpose of the report is to recommend the disbandment of the Development Assessment Committee.

OFFICER'S RECOMMENDATION

Council resolves to:

- 1. Disband the Development Assessment Committee; and**
- 2. Amend the delegations to the General Manager in accordance with Attachment A of the report.**

Moved: _____ Seconded: _____

BACKGROUND

Muswellbrook Shire Council's Development Assessment Committee was established by Council resolution at the 14 August 2018 Ordinary Council Meeting. Council's resolution in relation to the report was:

10.3 DEVELOPMENT ASSESSMENT COMMITTEE

1 *RESOLVED on the motion of Crs Rush and Scholes that:*

- Council establish a Development Assessment Committee with the following functions:*
 - To determine development applications;*
 - To monitor the progress of development applications not yet determined;*
 - To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.*
- Council delegate to the Development Assessment Committee the determination of development applications under the Environmental Planning and Assessment Act 1979 not otherwise delegated to the General Manager except where: the development application is for, or in any way related to:*
 - (i) food and drink premises used for, or proposed to be used for, the sale of alcohol;*
 - (ii) electricity generating works;*

- (iii) mines and extractive industries;*
 - (iv) a waste disposal facility; or*
 - (v) subdivisions into more than ten lots; or*
 - (b) where the capital investment value of the development specified in the development application exceeds \$2,000,000; or*
- 3. *The Development Assessment Committee be constituted as follows:*
 - (i) the Councillor Spokesperson for Planning (as Chair);*
 - (ii) the Councillor Spokesperson for Infrastructure;*
 - (iii) the Councillor Spokesperson for Utilities; and*
 - (iv) in the absence of any of the councillors set out in (i) to (iii) any other councillor nominated by the Committee Chair or Acting Chair (as the case may be).*

The Delegations of the Committee and General Manager were adjusted by Council at the Ordinary Council Meeting held on 26 May 2020.

The changes to the delegations permitted development proposals compliant with policies on the management of urban waterways to be determined by staff along with other low impact development proposals.

CONSULTATION

The Review has been discussed by the Development Assessment Committee at the meeting held on 30 Nov 2020. The Development Assessment Committee resolved to:

- 1. Recommend to Council the disbandment of the Committee; and*
- 2. Should Council resolve to disband the Committee, delegations to the General Manager be adjusted in accordance with Attachment A of the report.*

REPORT

Given the low volume of matters that are now coming before the Committee, it is an opportune time to reconsider the benefit the Committee provides to Council and the community.

The new shed came before the Committee as a submission objecting to the proposal was received during the notification period. The shed complied with the provisions in the Development Control Plan (DCP). A minor change to the General Manager's delegations would allow development that receives less than five submissions and is compliant with the DCP and Local Environmental Plan, to be determined by staff. Similarly, a change to the General Manager's delegations would allow modifications of a minor nature to be determined by staff.

Matters outside the General Manager's delegations would be reported to Council for determination. If Council identifies that a matter requires more consideration and investigation/discussion, Council could defer the matter for consideration by a working group of Councillors and staff and ask for the matter to be returned to Council for determination at the completion of these discussions.

There is currently a working group of Councillors and staff who meet regularly to discuss mine and power generating activities. It may be an opportune time to upgrade that working group to a Committee that considers:

- a) All State Significant development applications, modifications and compliance;
- b) All electricity generating works;
- c) waste disposal facilities.

OPTIONS

The Options for Council are:

1. To resolve to disband the Committee and adjust the delegations to the General Manager in accordance with Attachment A; or
2. To retain the Committee and not adjust the delegations of the General Manager.

CONCLUSION

Given the low volume of matters that are now coming before the Development Assessment Committee it is an opportune time to reconsider the need for the Committee. It is recommended that the Committee be disbanded and the delegations to the General Manager be adjusted in accordance with Attachment A.



muswellbrook shire council

DELEGATION OF AUTHORITY TO GENERAL MANAGER

SECTION 377 LOCAL GOVERNMENT ACT 1993

Muswellbrook Shire Council:

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

This delegation commences on **xxxxxx** and will remain in force until otherwise revised or revoked by resolution of Council in accordance with the Local Government Act 1993 (as amended).

SCHEDULE 1

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

SCHEDULE 2

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

- (ii) All policies of the Council adopted by resolution and current at the time of the exercise of these delegations.
3. Except where Council by special resolution provides otherwise, the delegation to determine matters under the Environmental Planning and Assessment Act 1979:
- (i) in which the capital investment value of the development specified in the development application exceeds ~~\$1,000,000~~ \$3,000,000 or
- (ii) which are for, or in any way related to:
- (a) restricted premises;
 - (b) food and drink premises used for, or proposed to be used for, the sale of alcohol, but not including modification or alterations that will not increase the floor area or increase the trading hours of the premises;
 - (c) electricity generating works;
 - (d) mines and extractive industries, but not including businesses proposed on land zoned R1, R2, R5, B1, B2, B3, B4, B5, IN1 or IN2 that support mining and extractive industries;
 - (e) waste disposal facility;
 - (f) subdivisions into more than five lots;
 - (g) works alongside or adjoining any river or urban drainage system — (excluding any waterway outside the urban areas of Muswellbrook, Denman and Sandy Hollow) that anticipate non-compliance with Section 25 of Muswellbrook DCP 2009 or Council's Rivers and Drainage Channels Policy.
- (iii) which anticipate any non-compliance with any development standard in Part 4 of the Muswellbrook Local Environmental Plan 2009 (or any equivalent LEP applicable to the Muswellbrook Local Government Area);
- (iv) that despite the proposal complying with provisions in the Local Environmental Plan and Development Control Plan, the proposal received more than ~~one~~ five unique objections during the notification process; or
- (v) where the determination has been delegated to the Development Assessment Committee.

Note:

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

END OF DELEGATION

xxxxxxx 2020

10.5 NATURAL DISASTERS CLAUSE FOR DWELLINGS - LEP 2009

Attachments:	A. Natural Disaster Dwelling Clause Guidance Material
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Sharon Pope - Executive Manager - Environment and 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>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

The Department of Planning Industry and Environment (DPIE) has requested advice from Council on incorporating a new clause into Muswellbrook LEP 2009 to improve the approval process for a replacement dwelling house following a natural disaster.

The purpose of the report is to provide Council with information regarding this clause, and to resolve to opt-in to the introduction of the clause for land zoned RU1 Primary Production and E3 Environmental Protection in Muswellbrook Shire.

OFFICER'S RECOMMENDATION

Council write to the Minister for Planning to:

- 1. Confirm that Council agrees to have the clause inserted into Muswellbrook LEP 2009 by way of the Amending SEPP; and**
- 2. Advise that the proposed clause should apply in the RU1 Primary Production and E3 Environmental Management zones.**

Moved: _____ **Seconded:** _____

BACKGROUND

An issue identified in NSW following the bushfires of the 2019 Spring/Summer has been the complexity of approving replacement dwellings in rural areas. A new clause has been prepared for the Standard Instrument in response to regulatory challenges faced by homeowners seeking to rebuild homes following natural disasters.

Clause 5.9 of the Standard Instrument Order (the clause) has been prepared by the NSW Department of Planning, Industry and Environment (DPIE). The clause applies to development applications (DAs) where development consent is sought to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster.

5.9 Dwelling house or secondary dwelling affected by natural disaster

(1) The objective of this clause is to enable the repair or replacement of lawfully erected dwelling houses and secondary dwelling that have been damaged or destroyed by a natural disaster.

(2) This clause applies to land in the following zones—

(a) [set out the zones to which the clause is to apply],

(3) Despite any other provision of this Plan, development consent may be granted to development

on land to which this clause applies to enable a dwelling house or secondary dwelling that has been damaged or destroyed by a natural disaster to be repaired or replaced if—

(a) the dwelling house or secondary dwelling was lawfully erected, and

(b) the development application seeking the development consent is made to the consent authority no later than 5 years after the day on which the natural disaster caused the damage or destruction.

The clause will ensure that development consent can be granted for the repair or replacement of a dwelling that was damaged or destroyed by a natural disaster despite any provisions in Muswellbrook LEP 2009 which would otherwise prevent the Council from doing so. The clause intends to eliminate the need for applicants to:

- Prepare formal requests to vary a development standard; or
- Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone (applicants will need to demonstrate that the existing dwelling was lawfully erected).

DPIE have prepared guidance material on how the clause will operate. This is provided in Attachment A.

CONSULTATION

DPIE placed the proposed clause on exhibition for feedback in September 2020. Council staff made a submission on Council's behalf requesting that the clause consider all forms of natural disaster, not just bush fires. This feedback has been incorporated into the final clause and guidance material.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no consultation with Councillors in relation to the report.

REPORT

DPIE has asked all councils to provide formal confirmation that they wish to incorporate the Natural Disasters Clause into their LEP. If DPIE receive formal confirmation from Council, they will progress an amending State Environmental Planning Policy (Amending SEPP) which will insert the Clause into the relevant participating LEPs.

In order to provide formal confirmation, they require the following details:

- confirmation that Council agrees to have the final clause inserted into its LEP; and
- the zones where the proposed clause will apply.

This information must be provided by 15 February 2021.

The main zones where planning controls related to the erection of dwellings have changed between Muswellbrook LEP 1985 and Muswellbrook LEP 2009 Local Environmental Plans (LEP) are the RU1 Primary Production and E3 Environmental Protection zones, where minimum lot size requirements increased to 80ha. For this reason, it would be beneficial to include clause 5.9 into Muswellbrook LEP 2009.

OPTIONS

The options available to Council are:

1. To write to the Minister for Planning and advise that Council agrees to have the clause inserted into Muswellbrook LEP 2009 by way of the Amending SEPP.
2. To write to the Minister for Planning and advise Council does not want to have the clause

inserted into Muswellbrook LEP 2009.

CONCLUSION

The planning controls related to the erection of dwellings have changed between Muswellbrook LEP 1985 and Muswellbrook LEP 2009 Local Environmental Plans (LEP) are the RU1 Primary Production and E3 Environmental Protection zones, as the minimum lot size requirements increased to 80ha. For this reason, it would be beneficial to include clause 5.9 into Muswellbrook LEP 2009.

SOCIAL IMPLICATIONS

The loss of a dwelling is a stressful period for a homeowner. Simplifying the approval process for a replacement of dwellings will assist in reducing some of the stress experienced.

FINANCIAL IMPLICATIONS

Nil. The DPIE will automatically adjust Muswellbrook LEP 2009 to incorporate the new clause, no staff resources will be required.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

There are no statutory implications.

LEGAL IMPLICATIONS

There are no legal implications. The clause has been drafted by DPIE and Parliamentary Counsel.

OPERATIONAL PLAN IMPLICATIONS

There are no operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

Nil known.

Natural Disasters Clause

Guidance for Implementation



November 2020

Natural Disasters Local Environmental Plan Clause

Introduction

Clause 5.9 of the Standard Instrument Order (the clause) was introduced to support homeowners whose homes have been damaged or destroyed by natural disasters. The clause applies to development applications (DAs) where development consent is sought to repair or replace a dwelling house or secondary dwelling that was damaged or destroyed by a natural disaster.

The clause was prepared in response to regulatory challenges faced by homeowners seeking to rebuild homes following natural disasters where planning controls in Local Environmental Plans (LEP) have changed over time.

The clause will ensure that development consent can be granted for the repair or replacement of a dwelling that was damaged or destroyed by a natural disaster despite any provisions in the relevant LEP which would otherwise prevent the consent authority from doing so.

The clause intends to eliminate the need for applicants to:

- Prepare formal requests to vary a development standard; or
- Demonstrate the continuance of an existing use in circumstances where dwelling houses or secondary dwellings are no longer permitted with consent in the relevant zone (applicants will need to demonstrate that the existing dwelling was lawfully erected).

Natural Disasters

Natural disasters are naturally occurring, rapid onset events that cause serious disruption to life or property in a community or region, such as floods, bushfires, earthquakes, storms, cyclones, storm surges, landslides and tsunamis. A natural disaster can include a state of emergency declared under section 33 of the *State Emergency and Rescue Management Act 1989*.

The rebuilding or repair of damage or destruction caused by or because of any of these events is development to which the clause applies.

Varying Development Standards

The clause states that consent can be granted to the specified development in a zone where the clause applies despite any other provision of the relevant LEP. For this reason, it is not necessary for applicants to submit a request to vary a development standard where a development standard is contravened. DAs will still undergo a merit assessment to ensure that dwelling houses and secondary dwellings are of an appropriate size, location and design in the context of the site.

In situations where key planning controls or development standards have changed over time, removing the need to formally request a variation under clause 4.6 of the relevant LEP will save time and resources for applicants and consent authorities.

Merit Assessment

For DAs where the clause applies, the consent authority cannot refuse a DA on the basis it does not comply with a development standard or other provision in the applicable LEP.

The proposed development will be assessed on its merits against the relevant considerations under section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and any other applicable legislation.

Natural Disasters Clause

Guidance for Implementation



Any standards or provisions outlined in a State Environmental Planning Policy (SEPP) that are relevant to the DA continue to apply (including any concurrence or referral requirements). Development Control Plan (DCP) provisions also continue to apply.

Evaluation under section 4.15 of the *Environmental Planning and Assessment Act 1979* where the clause applies

For DAs where the clause applies, LEP provisions themselves must not be used as a reason for refusal. However, if the consent authority considers that the risk, or other environmental impact associated with the proposed development is inconsistent with the relevant considerations of section 4.15, the consent authority can refuse the application on that basis.

Example

Due to a period of local severe rains, a river floods and destroys two homes. Although this natural event is not subject to an emergency declaration under section 33 of the *State Emergency and Rescue Management Act 1989*, it is still considered to be a natural disaster and accordingly, the natural disasters clause could potentially be applied to rebuild the destroyed dwelling houses.

Council is unable to refuse the DA to rebuild the destroyed dwelling on the basis that it does not comply with a development standard in the applicable LEP – however, council will be able to undertake a merit assessment under section 4.15 of the EP&A Act. If council considers the site is unsuitable for redevelopment under section 4.15(1)(c) due to flooding concerns, then the DA may be rejected on this basis.

Other Applicable Legislation

The requirements of other applicable legislation referred to in a SEPP, or in the EP&A Act continue to apply to DAs where the clause applies. For example, section 4.14 of the EP&A Act continues to apply for development of bushfire prone land and all relevant requirements of *Planning for Bushfire Protection 2019* must be satisfied.

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 and the *Biodiversity Conservation Act 2016* will also continue to apply to development involving clearing of vegetation and development of land with high biodiversity values. Any relevant assessment and offsetting requirements under that Act must also be met.

Replace and Repair

The clause refers to the *repair* or *replacement* of a lawfully erected dwelling house or secondary dwelling that was damaged in a natural disaster. There is no requirement for the *replacement* or *repair* subject of a DA to be identical to the original dwelling which was destroyed or damaged.

Development consent can be granted for dwelling houses and secondary dwellings that are of a different size, location or design to the original dwelling under the clause. Changes to the design and location of a proposed dwelling may be required to meet the relevant provisions of a DCP, other environmental planning instruments, associated legislation or the requirements of the National Construction Code.

Lawfully Erected

To be a lawfully erected dwelling house or secondary dwelling, it must have been constructed under a valid development consent, building approval or another lawful planning pathway under the EP&A Act or equivalent historical planning legislation.

Natural Disasters Clause

Guidance for Implementation



Further Information

For more information:

Web: www.planningportal.nsw.gov.au/natural-disasters-clause

Phone: 1300 73 44 66

Email: disaster.recovery@planning.nsw.gov.au

10.6 LOCAL HERITAGE ASSISTANCE FUND

Attachments:	Nil
Responsible Officer:	Sharon Pope - Executive Manager - Environment and Planning
Author:	Alisa Evans - Projects Planner
Community Plan Issue:	<i>Conserve the heritage and history of the Shire</i>
Community Plan Goal:	<i>Support the conservation and restoration of the Shire's heritage items</i>
Community Plan Strategy:	<i>Support the conservation and restoration of the Shire's heritage items and require protection of Heritage items listed in the LEP in accordance with the Office of Environment and Heritage Protection Guidelines.</i>

PURPOSE

The purpose of this report is to allocate funds for Local Heritage projects.

Council has made provision in the 2020/21 Operational Plan for a Local Heritage Assistance Fund. The purpose of the Fund is to provide small grants to support the owners of heritage items in undertaking maintenance and repair works to those items. Council has two applications this year for works on buildings at:

- 33 Brentwood Street, Muswellbrook; and
- 5 Midanga Avenue, Muswellbrook.

OFFICER'S RECOMMENDATION

Council approve the request for a one-off cash contribution, from the Local Heritage Assistance Fund, of:

1. **\$2000 Repaint shutters and windows on Ground Floor at 33 Brentwood Street, Muswellbrook; and**
2. **\$2000 for Chimney conservation work at 5 Midanga Avenue, Muswellbrook.**

Moved: _____ **Seconded:** _____

BACKGROUND

The Local Heritage Assistance Fund program has run for a number of years as a tool to encourage owners of heritage items to keep properties in good maintenance and repair.

The Fund is open to projects which involve heritage listed buildings, buildings within the conservation area assessed as contributing to heritage value by the heritage advisor, and other buildings that are assessed as having heritage value in the Muswellbrook Shire local government area (not including a government or council owned building still used for a government or council purpose).

Council advises potential applicants that the maximum level of funding per project will be limited to \$2,000 based upon a dollar for dollar contribution. Applicants must at least provide matching funding or in-kind contribution.

A summary of the two applications is provided in the following Table:

Project address	Project description	Project cost	Applicant's contribution	Recommended funding
33 Brentwood Street, Muswellbrook	Repaint shutters and windows on Ground Floor	\$4700.00 (exclude	\$3170.00 + project	\$2000.00

	Local Heritage Item	GST)	management	
5 Midanga Avenue, Muswellbrook	Chimney conservation work on property. Chimney to be stabilised by re-laying loose bricks and replacing any missing bricks. All joints will be raked out to at least 20mm and repointed using a live based pointing mix matching the colour of the original pointing. All work is to be carried out from a boom-lift to avoid damaging the roofing.	\$4000.00 (exclude GST)	\$2400.00 + project management	\$2000.00
	Local Heritage Item			

CONSULTATION

The applications have been reviewed by Council Heritage Advisor, and she supports the works as preventing disrepair of the buildings.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The projects have been Councillor Martin Rush

REPORT

The following assessment criteria are considered by Council's Heritage Advisor when assessing applications. It is not necessary for each project to meet all criteria:

- a. that the proposed works involve maintenance or conservation repairs that do not involve extensive works that would otherwise require development consent;
- b. the applicant's ability to demonstrate technical and financial responsibility for the project, and demonstrated ability to complete the project prior to the end of March the following year;
- c. the degree to which the applicant is financially contributing to the project;
- d. projects which clearly complement broader conservation;
- e. objectives, e.g. projects which implement key findings of heritage studies or projects in designated heritage main street or conservation areas;
- f. projects which would encourage the conservation of other heritage items or older buildings;
- g. projects of demonstrated heritage value to the community; commonly the item concerned will appear on many heritage lists: e.g. the restoration of an important local heritage house;
- h. projects which are highly visible to the public, e.g. the replacement of a verandah to a building in a main street location;
- i. projects which have high public accessibility or in a prominent location, e.g. a local museum, church or a private home which is open to the public several times a year, or is in a prominent location;
- j. projects which are in an area which has received little or no funding;
- k. projects involving aspects of heritage which have received little or no funding e.g. historic gardens;
- l. projects subject to conservation controls where the owner is able to show hardship arising from conservation work required to the item; and
- m. urgent projects to avert a threat to a heritage item.

Both projects meet a number of these criteria. While both buildings have been provided with assistance in the past, the owners have demonstrated an ability to have the projects completed in the timeframe and for the works to be completed to a high standard.

OPTIONS

Council's 2018/19 budget includes an allocation for the Local Heritage Assistance Fund. There is \$15,000 in this budget.

Councillors have the following options with respect to this request:

1. Approve a cash contribution to the two applicants as requested;
2. Determine to provide a different amount of a cash contribution; or
3. Not approve a cash contribution to one or both of the applicants.

CONCLUSION

Council has received two applications for funding through the Local Heritage Assistance program for 2020/21. Council's Heritage Advisor recommends that they be approved as a grant of \$2000 each.

SOCIAL IMPLICATIONS

Maintenance of built heritage items contributes to ongoing understanding of the Shire's past and contributes to the sense of identity held by the community.

FINANCIAL IMPLICATIONS

A total \$15,000 is available in the Local Heritage Assistance Fund. This includes co-funding from the NSW Heritage.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Grants through the Local Heritage Assistance Fund are classified as a donation under the Local Government Act 1993.

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Funding is provided to the successful applicants on satisfactory completion of the works. Photos are required to be taken before work commences, and again at the completion of the project. Applicants are required to erect a sign acknowledging that the works have received a contribution from Council and the NSW Government. A report will be sent to the Heritage NSW along with an invoice for the matching grant funds.

RISK MANAGEMENT IMPLICATIONS

If the projects are not completed to the Heritage Advisors satisfaction the grants are not provided for the projects. As a result, there is minimal risk to Council.

10.7 RETAINING WALLS POLICY REVIEW

Attachments:	A. Revised Retaining Walls Policy
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Community Plan Strategy:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>

PURPOSE

Council adopted a Retaining Walls Policy on 10 August 2016. A review of the Policy has been carried out. The formatting of the Policy has been updated to reflect the current template, and the replacement of the phrase ‘fit for purpose’ with “designed and constructed to achieve the required outcomes” has occurred. No other changes to the existing Policy are proposed.

OFFICER’S RECOMMENDATION

Council adopts the reviewed Retaining Walls Policy provided in Attachment A, with no public exhibition period, as no substantive changes have been made to the Policy.

Moved: _____ **Seconded:** _____

BACKGROUND

The current Retaining Walls Policy was adopted by Council in August 2016. The requirements in the Policy remain valid today, and no substantive changes are proposed.

CONSULTATION

The reviewed Policy has been considered by MANEX. As no substantive changes are proposed to the content of the Policy it is not proposed to notify the revised Policy. MANEX supports this approach.

REPORT

The purpose of the Policy is to define Council's requirements for the construction standards for retaining walls proposed to be built on or within 1.0m of a property boundary and over 500mm in height. The Policy ensures that retaining walls are designed and constructed to achieve the required outcomes and do not impose unreasonable restrictions or maintenance costs on current and future owners.

The review identified that the provisions in the Policy remain valid and no substantive changes are proposed. The Policy has been updated to meet current formatting protocols, and the replacement of the phrase “fit for purpose” with “designed and constructed to achieve the required outcomes” has occurred.

Rather than require a 2-year review timeframe for this Policy, it is proposed that in the future this Policy be reviewed within 12 months of an Ordinary Council election. This allows incoming Councillors to

become familiar with Council policies and to vary them as required. This does not stop a review occurring at an earlier date if circumstances require.

OPTIONS

Council may or may not endorse the policy as recommended.

CONCLUSION

The current Retaining Walls Policy was adopted by Council in August 2016. The requirements in the Policy remain valid today. It is recommended that Council adopt the updated Policy.

SOCIAL IMPLICATIONS

The Policy is intended to ensure that retaining walls proposed to be built on or near boundaries are well designed and do not impose unreasonable restrictions or maintenance costs on current and future owners.

FINANCIAL IMPLICATIONS

Nil.

POLICY IMPLICATIONS

A review of Council's Retaining Walls Policy is the subject of this report.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with item 24.2.10 of the Operational Plan: 'Continue to review, update and revoke policies in accordance with the policy framework management strategy'.

RISK MANAGEMENT IMPLICATIONS

The Retaining Wall Policy assists to reduce the risks associated with the construction of retaining walls.



**muswellbrook
shire council**

Retaining Walls Policy

Policy R26/1

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Policy Objective

To define Council's requirements for the minimum construction standards for retaining walls proposed to be built on or within 1.0m of a property boundary and over 500mm in height, measured from the top of the footing to the top surface of the wall.

Policy Statement

Muswellbrook Shire Council is committed to ensuring that retaining walls proposed to be built on or near boundaries are designed and constructed to achieve the required outcomes and do not impose unreasonable restrictions or maintenance costs on current and future owners.

Risks being addressed

This Policy is addressing the risk of development on sloping sites failing over time causing damage to adjoining properties and risk to life.

Scope

This policy applies to retaining walls proposed to be built on or within 1.0m of a property boundary and over 500mm in height, measured from the top of the footing to the top surface of the wall.

Definitions

This policy applies to proposed retaining walls that are proposed to be built within 1.0m of a boundary.

For the purposes of this policy the term "boundary" includes:

- An allotment boundary to Torrens title land;
- A boundary to a community title or strata title lot; and
- any proposed boundary that is to be created through a subdivision of any land;

Application

1. Materials

All retaining walls covered by this policy must be constructed of materials that are durable and resilient with a minimum design life of at least 60 years such as masonry, concrete or stone. Treated pine is not permitted.

2. Structural Certification of Retaining Wall

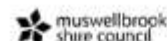
All retaining walls covered by this policy must be designed and certified as complying with Australian Standard AS4678 "Earth Retaining Structures" by a practising structural engineer where the design includes dead and live loads expected to arise from the intended use of the retaining wall in its location including but not limited to the installation of fencing, filling, plantings, parking of vehicles or the installation of typical light weight buildings that are ancillary to the primary use of the land.

3. Easements for Support

Suitable easements for support are to be registered on land within a distance of 1.0m of any retaining wall covered by this policy. The easements for support are to enable the protection of the structural integrity of the wall.

4. Restrictions as To User Not Permitted

Restrictions as to user that are aimed at overcoming a limitation in the structural capacity of a retaining wall, due to the design not including dead and live loads expected to arise from the intended use of the retaining wall in its location, including but not limited to the installation of fencing, filling, plantings, parking



of vehicles or the installation of typical light weight buildings that are ancillary to the primary use of the land, are not permitted.

5. Relationship to Development Control Plan (DCP)

This local planning policy supplements the Muswellbrook Development Control Plan 2009 (DCP). Where a provision of this Policy is inconsistent with the DCP, the DCP prevails.

Associated Council Documentation

This local planning policy supplements the Muswellbrook Development Control Plan 2009 (DCP). Where a provision of this Policy is inconsistent with the DCP, the DCP prevails.

Authorisation Details

Authorised by:	Council
Minute No:	41
Date:	10 August 2016
Review timeframe:	Within 12 months of a Council election
Department:	Planning, Environment and Regulatory Services
Document Owner:	Executive Manager Environmental and Planning Services

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made
2	xxxxxx		Sharon Pope	Updated formatting

10.8 PLANNING AND ENVIRONMENTAL SERVICES

Attachments: Nil

Responsible Officer: Sharon Pope - Executive Manager - Environment and Planning

Author: Chloe Wuiske - Administration Officer
 Ziggy Andersons - Ecologist and Sustainability Team Leader
 Michael Brady - Sustainability Officer
 Tracy Ward - Sustainability Officer
 Jo Barker - Records Officer
 Michelle Reichert - Administration Officer

Community Plan Issue: *A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders*

Community Plan Goal: *Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.*

Community Plan Strategy: *Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.*

PURPOSE

To provide an update on activities in the Planning and Environmental Services sections

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT**PLANNING & ENVIRONMENTAL SERVICES****1. Statistical Information**

Note: Statistics for Section 10.7 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

Schedule 1: Development Applications Approved (13 November to 9 December 2020)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2020/127	Ancillary Development - Shed	10 Lonhro Place Muswellbrook	11,300
2020/119	Boundary Adjustment - Consolidating Three (3) Lots into Two (2) Lots	196 Queen Street Muswellbrook	5,000
2020/115	Residential Shed	55 Ford Street Muswellbrook	26,300
2020/85	Primary Dwelling and Attached Secondary Dwelling	25 Pendula Way Denman	455,000
2020/51	Residential Shed	5 Arlingham Close Muswellbrook	25,350

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
2020/132	New Dwelling	2a Bimbadeen Drive Muswellbrook	02/12/2020	356,830
2020/131	Dwelling Additions and Swimming Pool	104 Osborn Avenue Muswellbrook	27/11/2020	198,000
2020/130	Dwelling House	11 Jillaroo Way Muswellbrook	26/11/2020	521,080
2020/129	New Dwelling	39 Stockyard Parade Muswellbrook	19/11/2020	348,979
2020/128	Ancillary Development - Shed	22 St James Crescent Muswellbrook	16/11/2020	13,945
2020/126	Office Premises	Maitland Street Muswellbrook	13/11/2020	55,000
2020/125	Ancillary Development - Shed	26 Anzac Parade Muswellbrook	09/11/2020	19,165
2020/124	Swimming Pool and Decking	21 Lou Fisher Place Muswellbrook	06/11/2020	16,000
2020/123	Hay Shed	480 Bureen Road Bureen	02/11/2020	92,220
2020/122	Dwelling House and change of Existing Dwelling to Secondary Dwelling	515 Martindale Road Martindale	29/10/2020	306,785
2020/121	Demolition of Shed	39-41 Ogilvie Street Denman	29/10/2020	17,500
2020/120	Ancillary Development - Carport	46 Shiraz Street Muswellbrook	29/10/2020	17,100
2020/117	Commercial Fit-out and Alterations and Change of use to Takeaway Shop	6 Maitland Street Muswellbrook	14/10/2020	75,000
2020/4	S4.55 (1a) Modification - Change of use to Bed and Breakfast as a Staged Development	32 Palace Street Denman	08/10/2020	-
2020/110	Ancillary Development - Shed	Foley Lane Muswellbrook	28/09/2020	81,120
2020/109	Dwelling House	Denman Road Muswellbrook	25/09/2020	735,110
2020/107	Ancillary Development - Shed	18 Wilson Street Muswellbrook	18/09/2020	25,000
2020/105	Ancillary Development - Shed with Attached Awning	15 Edinglassie Drive Muswellbrook	11/09/2020	40,000
2017/18	S4.55(1A) Modification - Proposed Stage 2A minor alterations to Elevations on South Eastern Corner of Club Building	15 Sydney Street Muswellbrook	08/09/2020	-

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
2020/102	Hotel Accommodation (Royal Hotel)	10 Ogilvie Street Denman	04/09/2020	20,000
2020/133	Boarding House/Hostel	14 Haydon Street Muswellbrook	26/08/2020	679,975
2020/96	Recreation Facility (Outdoor) - Formula Kart Track	Hebden Road Hebden	25/08/2020	90,000
2020/89	Service Station (Operating Hours - 24 hours, 7 days a week)	31 Maitland Street Muswellbrook	18/08/2020	2,128,496
2020/82	Commercial Fitout (Upgrade to Kitchen), Outdoor Dining and Amendments to Car Park)	10-16 Bridge Street Muswellbrook	11/08/2020	80,000
2020/81	Dwelling house	Foley Lane Muswellbrook	07/08/2020	382,145
2020/83	Subdivision of one lot (1) into three (3)	60-62 Palace Street Denman	03/08/2020	10,000
2020/73	Residential Shed	39 Pamger Drive Muswellbrook	27/07/2020	40,000
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
2020/58	Commercial Alterations and Additions	4 Lorne Street Muswellbrook	16/06/2020	45,000
2020/55	Commercial Fitout Additions and Alterations	20 Ogilvie Street Denman	12/06/2020	49,720
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
2020/36	Residential Outbuilding - Storage Space	540 Sandy Creek Road Muswellbrook	17/04/2020	20,000
2020/7	Additions and Alterations to existing Hotel	184 Bridge Street Muswellbrook	24/01/2020	110,000
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
2019/90	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

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
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	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	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	29/05/2017	-

20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements.

On-site Wastewater Statistics - 13 Month Analysis (2019/2020)

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

24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Applications Received (new businesses)	1	2	0	1	1	0	1	2	2	1	3	2	1
Inspections (new businesses)	0	2	1	1	1	0	1	0	2	1	2	2	0
Inspections (existing businesses)	1	0	10	0	4	1	1	35	3	0	0	0	5
Reinspections	0	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)

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Total Sites Inspected	7	6	7	4	4	6	5	4	4	5	4	4	3
Total non-compliant and educated	1	0	0	0	0	0	1	0	0	0	2	0	1
Total compliance after education	1	0	0	0	0	0	1	0	0	0	4	0	3
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

Illegal Dumping Statistics – 13 Month Analysis (2019/2020)

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

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented

Swimming Pool Compliance Statistics – 13 Month Analysis (2019/2020)

	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov
Applications for Compliance Certs.	3	3	2	4	4	3	1	4	4	4	7	3	7

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	2	5	7	6	6	3	6	8	5	8	10	2	6
Initial Inspections	1	3	7	5	5	2	5	8	2	6	9	1	4
Re-inspections	1	2	0	1	1	1	1	0	3	2	1	1	2

Compliance Certs / Occ. Certs issued	8	7	3	0	4	1	6	5	3	3	7	2	10
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Total Pools in Council's Swimming Pool Register = 931

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 = 19.1%

That is, 178 out of 931 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 = 2.4%

That is, 22 out of 931 pools have had at least one inspection carried out during FY 2020/2021.

SUSTAINABILITY

NSW Environmental Educators Award

Tracy Ward was awarded a Highly Commended Government Educator of the Year Award through the Australian Association for Environmental Education NSW Chapter. This was for all her work for over 10 years in the field of environmental education.

Sustainable Procurement Workshops

Work has continued investigating improving Council's procurement practices to make them more sustainable. To help achieve this staff have attended a series of sustainable procurement workshops.

Test Yourself pathway

Six signs and sandstone blocks were installed along Muscle Creek (See photo below), with an accompanying map on Council's website. The Test Yourself Muscle Creek Walkway encourages residents and visitors to walk along Muscle Creek and test themselves both physically and mentally.



TAFE Muscle Creek sign

Staff are working with the Polly Farmer Foundation to develop a sign that will be placed at Muscle Creek.

Waste Survey with Staff

Sustainability staff conducted a survey to gather attitudes towards waste. The results will not only help us tailor effect waste education programs but help us complete similar surveys with the community.

Aussie Backyard Bird Count

Staff promoted the Aussie Backyard Bird Count. This help encourage residents to develop an interest in their local environment.

Healthy Towns Challenge

As part of the Healthy Town Challenge 10,000 Steps, signage and walkways are being developed. This will be accompanied with a series of maps on Council's website. A major focus will be on encouraging people to use the Muscle Creek loop.

Other work on the Healthy Town Challenge continues. This project that finishes in December has involved the following initiatives.

- 10,000 steps walking routes.
- 10,000 steps community challenge.
- Weekly walking group
- GrandMaster Chef Challenge
- Online workshop –
- Pedometers
- Cooking program.
- Portable Water Refill Stations.
- Seed library
- Lifestyle Challenge
- Photo Competition

Denman - Don't be a Tosser

The "Denman – Don't be a Tosser" project continued with engagement aimed at encouraging the community to not litter.

Worm Farms and Compost Bins

The Sustainability Unit has been running an engagement program that focuses on reducing food waste going to landfill. During this period 5 worm farms and 6 compost bins have been sold to residents.

Special Waste Disposal Promotion

The Sustainability unit continues to promote the proper disposal of different types of waste. This month's focus was on household batteries and fatbergs. This photo shows Warrior Disability Services putting their recycling in the Community Recycling Station located outside Council's new Administration building at Campbell's Corner.



Bee Hotels

Fourteen bee hotels have been made and given out to community and school groups to encourage native bees.

Muswellbrook Connect

The Sustainability Unit continues to engage with the community online. 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. Each week a different theme is posted.

Videos were made about National Recycling Week, working with Warrior Disability Services to create a video to encourage the community to reduce their waste. The Sustainability Unit also created their own video encouraging groups and households to complete a waste audit.

Sustainable Futures – Muswellbrook

The Sustainable Futures – Muswellbrook Facebook page has now received 1,210 page likes and 1,275 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes 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.

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 meet at the Sustainability Hub. The Garden Club gets an average of 8 people to each activity twice a month.

Air Quality Monitoring Program

Weekly air quality monitoring continues. Council received results for the past 12 months during this period and there were 11 days with exceedances. There were particularly high exceedances in early January during the bushfires. While high nitrate levels (which are related to smoke) were detected in early January, soil levels were also elevated.

Water Tank rebate programs launched

In an effort to reduce the amount of treated water being consumed across the Shire (because water treatment costs Council a lot of money, and accounts for the second largest amount of energy consumed by Council) a water tank rebate program was launched for residents who are connected to town water supply. Residents are being offered a rebate of 20% up to \$1000 if the tank is connected to their home or \$500 if it is for their garden.

Solar Panel rebate program

In an effort to increase the amount of renewable energy being used in the Shire the Sustainability Unit has commenced a rebate program for residents who live in rural areas of the Shire offering a \$1000 rebate for any solar installed.

NB – Neither of these programs are retrospective.

Flying Fox Monitoring

Flying fox numbers have increased in Muswellbrook due to some local flowering events. There is a camp behind the Riverside Caravan Park and a second camp in Town. Funding was secured through LGNSW to remove weed trees on private property which Flying Foxes feed on. Flying fox faeces spreads weed tree seeds. The program is targeting Cocos Palms and Broad leaf privet, both prolific in the Muswellbrook Shire. This program has generated extraordinary interest in the Shire and there won't be enough funding to cover all requests. The Sustainability Unit will apply for more funding next year to offer this program again. Residents affected by flying fox faeces can be supplied with car and washing line covers and have access to high pressure water cleaners if their property is affected.

Upper Hunter Air Quality Monitoring Committee

The Sustainability Unit has commenced attending the quarterly Upper Hunter Air Quality Committee meetings. These meetings are with the EPA and will provide an opportunity for Council to voice concerns over air quality issues in our area. The committee is made up of local coal mines, residents and Muswellbrook and Singleton Shire Council representatives.

11 COMMUNITY INFRASTRUCTURE

11.1 CONCEPT DESIGN - SANDY HOLLOW POCKET PARK

Attachments:	A. Concept Plan B. Concept Image C. Concept Plant List D. Concept Tree List E. Proposed Galah Sculpture
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>Facilitate investment in high quality community infrastructure necessary to a regional centre.</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

To inform Council that a Concept Design has been prepared for the upgrading of the Sandy Hollow Pocket Park and recommend that the Concept Plan be endorsed.

OFFICER'S RECOMMENDATION

Council endorses the Concept Plan for the Sandy Hollow Pocket Park attached to the report as A, B, C and D.

Moved: _____ **Seconded:** _____

BACKGROUND

In consultation with the Sandy Hollow community, Council developed a streetscape concept plan for the village, with the aim to provide a strategic plan which would guide future streetscape and public domain infrastructure improvements within the village. It was intended that the plan would specifically improve pedestrian connectivity and enhance the village's appearance and identity. Council adopted the Concept and associated prioritised list reported to the Infrastructure Committees at its meeting conducted 23 March 2015.

In 2018 Council reviewed the list of works and the associated priorities for implementation of these works, adopted by Council in March 2015. The reviewed priorities were reported to the 31 January 2018 meeting of the Infrastructure Committee and were adopted by Council.

The priority works for implementation are;

- Priority 1 adjacent to the community hall– stage 1 Completed in 2015
- Priority 2 Footpath area adjacent to the community hall – stage 2 Completed in 2016
- Priority 3 Footpath area either side of the community hall Completed in 2017
- Priority 4 Footpath east of the hotel completed.
- Priority 5 Footpath west of community hall
- Priority 6 Post and rail fencing
- Priority 7 Pocket Park

- Priority 8 On-street parking improvements
- Priority 9 Road approaches arrival tree planting
- Priority 10 Footpath area adjacent to the Tourist Hotel

CONSULTATION

The Sandy Hollow Progress Association has endorsed the concepts proposed.

Biodiversity and Sustainability Team Leader

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Mayor Rush

Councillor Ledlin

REPORT

The Sandy Hollow Streetscape is a project included in the 2020-21 Capital Budget. In alignment with the adopted, prioritised list of works to be completed, the following works are proposed to be undertaken under the budgeted program:

Priority 5 Footpath west of community hall – the proposed works are to landscape the grassed areas of the footpath with low maintenance and drought tolerant plantings.

Priority 6 Post and rail fencing – construct post and rail fencing on the property boundaries extending west from the hall.

Priority 7 Pocket Park – upgrade the existing park on the corner of Goulburn Drive to provide low maintenance landscaping, street furniture and public art.

The upgrades to the park will require design drawings to be prepared. Prior to preparation of the drawings, Council is requested to consider the concepts for landscaping inclusions at the site.

A concept plan has been prepared for the proposed upgrading of the pocket park and this concept is attached to the report as A,B,C, and D. The landscaping elements proposed include the following;

- construction of paths;
- nature play area;
- provision of sandstone log seating;
- turfing;
- installation of an irrigation system;
- post and rail fencing;
- provision of low maintenance landscaping;
- installation of a water filling station and dog drinking bowl;
- installation of an item of public art in the form of a carved wooden horse head and a wooden galah (see attached sketch)

OPTIONS

The proposed concept aims to provide a sustainable, low maintenance space for passive recreation for both residents and visitors to rest and enjoy. Council could propose alternative landscaping elements.

CONCLUSION

The endorsement of the concept plan and proposed landscaping elements will allow the design drawings to be prepared and the works tendered for construction. It is proposed to deliver this program of works in the new year.

SOCIAL IMPLICATIONS

The proposed streetscape and park upgrade will provide value to Sandy Hollow and the wider community through improvements to access, community facilities, and help to strengthen the village's identity within the Shire.

FINANCIAL IMPLICATIONS

The 2020-21 Capital Budget includes an item – Sandy Hollow Village Centre with a budget of \$190,665. It is proposed to deliver streetscaping works to the value of the budget in accordance with the endorsed prioritised 'Sandy Hollow Streetscape' strategy and any adopted concepts.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

The report contributes to item 02.04.09 of the Operational Plan: 'Complete Sandy Hollow Town Centre / Central Village District Masterplan'.

RISK MANAGEMENT IMPLICATIONS

Projects are delivered in accordance with Council endorsed concepts and designs. Management of risk is carried out at every stage of the process.

3 SANDY HOLLOW POCKET PARK CONCEPT

Vision principles for Sandy Hollow are outlined following below:

Activate the edge

- Provide a permeable, comfortable, friendly park.
- Enable a high level of use across day
- Provide upgraded amenity to encourage passive recreation use within the park.

Concept proposals for upgrades to Hunter park are outlined following with the relevant masterplan items referenced on the plan this page:

- 1. Proposed pedestrian pavement upgrade**
 - Extension of council pavement to Goulburn Dr with motif.
 - Proposed kerb ramp to improve accessibility to park.
 - Proposed internal path connection to improve DDA access within the path and to proposed play equipment.
- 2. Proposed nature play space**
 - Wooden logs and stepping stones guide kids through a mulched bed filled with rock boulders and grasses.
- 3. Sandstone log seating with concrete pavement**
 - Horse shoe shaped sandstone bench seat with concrete pavement area, located adjacent to play equipment and eastern edge of park.
- 4. Existing turf area to be refurbished**
- 5. Install water reticulation system**
 - Installation of reticulation system to proposed garden beds and improved turf areas, control box and valve units within locale with smart capabilities.
- 6. Feature planting**
 - Proposed feature planting and screen planting to boundary edge.
- 7. Timber horse sculpture**
- 8. Post & rail fence**



Nature play



Sandstone log terraces



Equine theme concrete motif



INDICATIVE PARK PLANT LIST

HEDGE AND SHRUBS



Argentea nivalis 'Hot Flash' - Lily Paly



Doryopteris palmieri



Pityrodes leucosticta - Native Farghee



Eranthis hyemalis 'Blue Baby' - Blue Baby Bush

GRASSES



Lomandula longistylus 'Tartan' - Mah.



Lomandula longistylus 'Sungold' - Mid-west

GROUNDCOVERS



Gazania 'Double Gold' - Double Gold



Myrsine parviflora 'Fragrant'



Oxalis 'Jaspinea' 'Gold Cluster' - Gold Cluster



Stenandria alba 'Maui Clusters' - Maui Clusters

Street Trees and Park shade trees



Eucalyptus confertus - Blue Gum



Eucalyptus citriodora - Lemon Scented Gum



Fraxinus pennsylvanica 'Carmichael' - Green Ash



Eucalyptus sideroxylon Rosea - Mugga Ironbark

Park Feature Trees



Pyrus calleryana



Ulmus Glabra



Jacaranda mimosifolia

Kellie Scholes

From: Ziggy Andersons
Sent: Tuesday, 8 December 2020 12:56 PM
To: Kellie Scholes
Subject: Sandy Hollow Bird Statue

Heya Kellie,

Please see attached concept design for the council endorsed bird statue for Sandy Hollow, location to be determined.

We have decided on a Galah due its personality and easily distinguishable features.



Zig

Kind Regards,
Ziggy Andersons



Muswellbrook Shire Council | Ziggy Andersons | Ecologist and Sustainability Team Leader
T: 02 6549 3783 | E: Ziggy.Andersons@muswellbrook.nsw.gov.au | www.muswellbrook.nsw.gov.au

Note

The Muswellbrook Council Administration Centre has moved to
Campbell's Corner 60-82 Bridge Street Muswellbrook NSW 2333



11.2 PRELIMINARY WORKS: DENMAN TO SANDY HOLLOW WATER PIPELINE PROJECT

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Graham Chevis - Asset Manager Water and Waste
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>Recurrently fund and deliver quality and professional design, engineering, investigation and costing services.</i>

PURPOSE

The report requests Council's consideration of the transfer of funds and approval to proceed with environmental, surveying and other preliminary works in support of the Denman to Sandy Hollow Water Pipeline (GLE Water Pipeline) project.

OFFICER'S RECOMMENDATION

Council APPROVES:

1. the transfer of \$350,000 from the Water Fund Reserve to enable the carrying out of works detailed in the report, and to enable the engagement of an external project manager for the Denman to Sandy Hollow water pipeline project for a period of nine months; and
2. the creation of a discrete capital project ledger number to which the approved funds from the Water Fund Reserve will be transferred.

Moved: _____ Seconded: _____

BACKGROUND

Muswellbrook Shire Council has been conditionally successful in gaining an \$18.9M grant for construction of a Denman to Sandy Hollow water pipeline which incorporates potable water supply to a State Significant abattoir construction project. The grant funding is subject to a number of conditions which need to be met by September 2021.

The conditions are:

1. Council collaborating with the NSW Department of Planning, Industry and Environment - Water to ensure inclusion of this project in Council's Integrated Water Cycle Management (IWCM), and Council adopting the preferred scenario as outlined in the IWCM.

This work is currently being carried out, and it is anticipated that the final version of the IWCM will be reported to Council by May 2021.

2. Council achieving all of the remaining planning and regulatory approvals necessary for this project to proceed.
3. Council securing written agreement and in principle approval for the purchase of the required water volume and licence to enable the development to proceed.
4. Council securing a binding agreement with FJT Australia for development of the site, including a commitment to accept the water from Council.

In order to progress these matters in a satisfactory manner, a number of preparatory works are required to be carried out. The preparatory works required to be carried out include:

- Aboriginal Heritage assessments;
- environmental reports;
- survey of potential routes; and
- preliminary engineering and quantity surveying.

CONSULTATION

Consultation has been performed with the following Council officers and external advisor:

Project Engineer – Water and Wastewater

Biodiversity and Sustainability Team Leader

Senior Project Officer Water and Sewer Department of Planning, Industry and Environment - Water
Deputy General Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

In order to comply with the four funding conditions detailed in the 'Background' section of the report, the following works are recommended to be carried out, funded from the Water Reserve.

1. Survey: estimated cost \$100,000 - survey the proposed routes to allow the most appropriate route to be selected.

The two route options for the water pipe line are considered to be:

- (i) primarily locate the water pipeline in the road reserve of the Golden Highway from Denman to Sandy Hollow; and
 - (ii) locate the water pipe line in the road reserve along Rosemount Road, either towards the Golden Highway near Hollydeen, or traverse across private property and the rail corridor towards Hollydeen from a point near the entrance to Myambat Ammunition Depot
2. Aboriginal Heritage Assessment – estimated cost \$25,000;
 3. Flora & Fauna assessment – estimated cost \$25,000; and
 4. Native Title assessment (easement from Denman water treatment plant to Bell Street) - \$20,000

The total estimate of funds required to carry out these preliminary works is \$170,000

Further, in order to ensure the project is ready to commence once the grant funding is approved upon successful achievement of the four funding conditions, it would be advantageous to engage the services of an appropriately qualified and experienced external project manager to oversee the project during its preliminary phase, this is estimated at \$1000 per day, 20 days per month over 9 months, for an estimated cost of \$180,000.

OPTIONS

Council may decide to approve all, none or only a portion of the funding requested in order to carry out the identified works and the engagement of an external project manager to drive the preliminary aspects of this critically important project.

CONCLUSION

In order to carry out the required preliminary works to ensure the Denman to Sandy Hollow water pipe line project progresses in a satisfactory and timely manner, it is requested that Council considers the provision of funding from the Water Reserve to facilitate the carrying out of the works.

SOCIAL IMPLICATIONS

The proposed Denman to Sandy Hollow water pipeline will provide improved water security for communities such as Sandy Hollow, and will enable considerable economic diversification and job growth in the western sector of Muswellbrook Shire.

FINANCIAL IMPLICATIONS

Funding totalling \$350,000 is requested to be transferred from the Water Reserve for the carrying out of the works detailed in the report and to engage an external project manager to progress the preliminary aspects of the project in a professional and timely manner.

Sufficient funding is available in the Water Fund Reserve to permit the requested provision of funding.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known

OPERATIONAL PLAN IMPLICATIONS

This request supports the delivery of quality design, engineering and costing services

RISK MANAGEMENT IMPLICATIONS

Completion of these items through external companies and agencies reduces the risk of missing out on the conditional funding offered under Growing Local Economies (GLE)

11.3 SPORT AND RECREATION SMALL AND LARGE CAPITAL GRANTS PROGRAMME 2020

Attachments:	A. Small Capital Grant Application - Guidelines B. Large Capital Grant Application - Guidelines
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Paul Chandler - Technical Offer - Recreation & Property
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Continue small grants dollar for dollar program.</i>

PURPOSE

The sixth round of Council's Sport and Recreation Capital Grants Programme has closed. A total of sixteen applications were received from local sporting and community user groups. This report provides the detail of these applications under the Small and Large Capital Grants Programme and recommendations for the allocation of funds.

OFFICER'S RECOMMENDATION

Council:

- 1. awards the funding for the Small and Large Capital Grant applications as recommended and the remaining budget be allocated to General Recreation Minor Renewals; and**
- 2. approves the creation of a discrete General Recreation Minor Renewals ledger to which the identified residual funding may be allocated.**

Moved: _____ **Seconded:** _____

BACKGROUND

A report, entitled 'Sport and Recreation Small and Large Capital Grants Programme 2020' was submitted to the 24 November 2020 Ordinary Council meeting. Council's resolution in relation to the report was::

RESOLVED on the motion of Crs McNeill and Eades that:

The matter be deferred for consideration at the December Ordinary Council Meeting.

The 2020-21 Sport and Recreation Grants Programme has a funding allocation of \$75,000, which is comprised of \$25,000 for the Small Capital Grants Programme and \$50,000 for the Large Capital Grants Programme.

CONSULTATION

Manager Works, Property and Building Services

Technical Officer - Recreation and Property

Muswellbrook Shire Sport and Recreation Group

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Rush

Councillor Spokesperson for Sport, Councillor McNeill

Councillor Spokesperson for Community Engagement, Councillor Reynolds

A consultation meeting was held with the Mayor, the Deputy Mayor, the Councillor Spokesperson for Sport, the Councillor Spokesperson for Community Engagement, the General Manager, and staff on Tuesday, 8 December 2020 in order to review the recommendations contained in the report.

REPORT

The Sport and Recreation Capital Grants Programme has been a successful initiative of Council's. It has allowed local user groups to fund their user priorities using matched funding. Council's funding has also assisted user groups to attract additional funding from other organisation's grant programmes. Since 2015, Council has facilitated 53 user group projects.

Listed below under the respective programmes are the applications received for this round of funding and the recommendations for Council's consideration.

Small Capital Grants

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
The Brook Cricket Club	Purchase balls, new equipment, sanitiser, and stationery.	\$650	\$1,300	Recommended	\$650
Denman Little Athletics	A second-long jump adjacent to the existing long jump.	\$2,000	\$21,443	Not recommended for this programme round as the club has an outstanding grant acquittal.	-
Denman Pony Club	Replacing old timber railing on each of their stabling yards with steel cattle rail	\$1,989	\$3,975	Recommended	\$1,989
Denman Senior Rugby League Club	Purchase of new 3 door commercial fridge.	\$2,000	\$4,244	Recommended	\$2,000
Glen Gallic Shooting Club	Purchase of new archery targets.	\$1,437	\$2875	Recommended	\$1,437
Muswellbrook Junior Cricket Club	Purchase balls, new equipment, sanitiser, and stationery.	\$600	\$1,200	Recommended	\$600
Muswellbrook Netball Club	Purchase new upright freezer.	\$1,149.50	\$2,299	Recommended	\$1,149.50
Muswellbrook Rugby Union	Replace existing exterior	\$1,025	\$2,050	Recommended	\$1,025

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Club	veranda lighting and external floodlights to energy efficient LEDs. Update electrical sub board and install daylight switch.				
Muswellbrook Touch Football	Purchase of new club laptop.	\$1,000	\$2,000	Recommended	\$1,000
Total		\$11,850.50	\$41,386		\$9,850.50

Large Capital Grants

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Denman Pony Club	Fabrication and installation of covered deck/ veranda for access to serving counters for new canteen.	\$10,876	\$21,751.50	Recommended	\$10,000
Lake Liddell Recreation Area Reserve	Providing shaded seating for new splash pad.	\$5,000	\$10,000	Recommended	\$5,000
Muswellbrook Golf Club	Resurfacing and line marking car park.	\$50,000	\$100,320	Not recommended for this programme round due to other priorities.	-
Muswellbrook Park Tennis	Resurfacing of two tennis courts.	\$33,550	\$68,550	Recommended	\$32,500
Olympic Park Tennis Club	Replacement of court 6 surface.	\$19,787	\$39,564	Not recommended for this programme round as the club has an outstanding grant acquittal.	-

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Muswellbrook Senior Rugby League	Replacement of fridges.	\$2,500	\$5,000	Recommended	\$2,500
Richard Gill School	Install play equipment and an asphalt playing court.	\$26,887.50	\$53,775	Not recommended for this programme round due to other priorities.	-
Total		\$148,600.50	\$298,960.50		\$50,000

If funding is allocated as recommended in both the small and large programmes, there will be a budget allocation remaining of \$15,150 from the Small Capital Grants Programme. This allocation could partially fund a Large Capital Grant application that is currently unfunded or be allocated to general recreation minor renewals as in previous years.

OPTIONS

Council may choose to award the funding as recommended or prioritise other applications for funding.

CONCLUSION

It is recommended that Council allocate funds as identified, and the remaining budget be allocated to general recreation minor renewals.

SOCIAL IMPLICATIONS

Improving the facilities and equipment of local sport and recreation user groups assists in encouraging increased participation in sporting and recreational activities, leading to improved health and social outcomes.

FINANCIAL IMPLICATIONS

There is \$75,000 allocated in 2020/2021 Capital Budget. If Council fund the grants applications as recommended in the report, there will remain \$15,150. It is requested that the residual funding amount is allocated to a discrete General Recreation Minor Renewals ledger.

POLICY IMPLICATIONS

F16-1 Financial Assistance Policy

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Funding participants will be required to sign an agreement that outlines their rights and responsibilities regarding the funded project, reporting of works, administration of funds, and a post-project acquittal.

OPERATIONAL PLAN IMPLICATIONS

'05.05.02 Continue matched funding Small Sport and Recreation Grants Programme', and '05.05.03 Continue matched funding Large Sport and Recreation Grants Programme, *Muswellbrook Shire Council Operational Plan 2020 – 21*

RISK MANAGEMENT IMPLICATIONS

All applicants were required to show proof of capacity to match the requested funding and quotes for proposed items/activities.



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www.muswellbrook.nsw.gov.au

Sport and Recreation Small Capital Grants Program Guidelines

1. Grant applications will be considered from "not for profit" sporting and recreation groups in the Muswellbrook Shire Local Government Area that have an ABN.
2. All applicants will be notified of the funding round outcome within 10 working days of determination.
3. Grants are available on a matched funding (dollar for dollar) basis, up to a value of \$2,000 per project.
4. Grants will be payable to successful applicants on the provision of an invoice from the applicant.
5. Donated materials or voluntary labour will generally not be considered in assessing applicant contributions. However, if the applicant can provide independent evidence of their value such submissions will be considered on a case-by-case basis.
6. The successful applicant will be responsible for project management and all project costs in excess of the approved grant, with all works undertaken required complying with Council policy, including but not limited to Workplace Health and Safety, Volunteer and procurement policies. Works will be subject to inspection and verification
7. Grants are for maintenance, refurbishment, improvements or replacement of public sport or recreation facilities and equipment. 8. Applications may not be submitted for work that has already taken place.
8. Applications may not be submitted for work that has already taken place.
9. The number of grants given in any funding period is subject to the total annual funding pool.
10. Applicants will be required to acknowledge the funding provided by Council to be approved by Council Staff
11. Evidence of sufficient funds being held by the applicant to match the grant will be required before the grant is funded.
12. Council has the authority to approve grants of less than the amount being sought to applicant organisations
13. Accurate cost estimates/quotes must be submitted as part of an application.
14. Successful applicants must provide an acquittal of the monies received with evidence of expenses and photos of the project before and after submitted to Council's General Manager within 1 month of project completion.
15. The grant may only be used for the purpose specified in the funding agreement, unless written approval is received from Council.
16. Council reserves the right to publicise approved projects in any media form it chooses.
17. Funded projects must be completed within 12 months of the grant being approved.
18. These guidelines are subject to change from time to time.
19. If grants are for structures, relevant approvals must be in evidence before funding will be made available.
20. Funding received from Council must at a minimum be matched by the successful applicant.
21. Grant application period is from 1 September 2020 to 30 October 2020 only.



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Sport and Recreation Small Capital Grants Program Application

Your Organisation

Name of Organisation:

Contact name:

Position or office within Organisation:

Postal address:

Email address:

Phone number:

Organisation Facebook (optional):

Australian Business Number (ABN):

Application details

Where is your project located?

Please describe your project:

Why is this project needed?

Alternatively, please **attach** a detailed document describing your project and why it is needed for the Organisation.

Maximum 500 words – attach document



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What is the total cost of your project?

NOTE the total project cost must be at least double the amount of funding requested

attach cost estimates/quotes

Amount of grant funding requested?

NOTE the maximum funding for one project is \$2,000 and ALL funding must be matched by the applicant

Does your Organisation have the available funds to match the grant amount?

If yes, attached evidence

☐ Yes ☐ No

Does your project need Development Approval?

☐ Yes ☐ No

If yes, does your project have Development Approval yet?

☐ Yes ☒ No

I certify that the information provided in and supporting this application is true and correct and that I am legally authorised to sign this application for and on behalf of the applicant Organisation.

Applicant's signature

Position

Date



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Sport and Recreation Large Capital Grants Program Guidelines

1. Grant applications will be considered from "not for profit" sporting and community groups in the Muswellbrook Shire Local Government Area that have an ABN.
2. All applicants will be notified of the funding round outcome within 10 working days of determination.
3. Grants are available on a matched funding (dollar for dollar) basis, up to a value of \$50,000 per project.
4. Grants will be payable to successful applicants on the provision of an invoice from the applicant.
5. Donated materials or voluntary labour will generally not be considered in assessing applicant contributions. However, if the applicant can provide independent evidence of their value such submissions will be considered on a case-by-case basis.
6. The successful applicant will be responsible for project management and all project costs in excess of the approved grant, with all works undertaken required complying with Council policy, including but not limited to Workplace Health and Safety, Volunteer and procurement policies. Works will be subject to inspection and verification.
7. Grants are for construction, maintenance, refurbishment, capital improvements or replacement of public sport or recreation facilities only. Applications to purchase sporting equipment, small capital items such as administration materials or software, or uniforms will not be considered for funding.
8. Applications may not be submitted for work that has already taken place.
9. The number of grants given in any funding period is subject to the total annual funding pool.
10. Applicants will be required to acknowledge the funding provided by Council to be approved by Council Staff.
11. Evidence of sufficient funds being held by the applicant to match the grant will be required before the grant is funded.
12. Council has the authority to approve grants of less than the amount being sought to applicant organisations.
13. Accurate cost estimates/quotes must be submitted as part of an application.
14. Successful applicants must provide an acquittal of the monies received with evidence of expenses and photos of the project before and after submitted to Council's General Manager within 1 month of project completion.
15. The grant may only be used for the purpose specified in the funding agreement, unless written approval is received from Council.
16. Council reserves the right to publicise approved projects in any media form it chooses.
17. Funded projects must be completed within 12 months of the grant being approved.
18. These guidelines are subject to change from time to time.
19. If grants are for structures, relevant approvals must be in evidence before funding will be made available.
20. Funding received from Council must at a minimum be matched by the successful applicant.
21. Councillors Spokespersons for Sport, Recreation and Well-Being have the authority to prioritise applications following consideration of advice from Council staff officers and reference to the Guidelines.
22. Funding received under Council's Small Capital Grants program may not be used as the applicant contribution in an application to the Large Capital Grants Program.
23. Applications involving partnerships between clubs will be considered if the total funding provided is not the entire cost of the project; applicants must match funding requested of Council.
24. Grant application period is from 1 September 2020 to 30 October 2020 only.



**muswellbrook
shire council**

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Sport and Recreation Large Capital Grants Program Application

Your Organisation

Name of Organisation:

Contact name:

Position or office within Organisation:

Postal address:

Email address:

Phone number:

Organisation Facebook (optional):

Australian Business Number (ABN):


Application details

Where is your project located?

Please describe your project:

Why is this project needed?

Alternatively, please **attach** a detailed document describing your project and why it is needed for the Organisation.

 Maximum 500 words – attach document




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What is the total cost of your project?

NOTE the total project cost must be at least double the amount of funding requested

 attach cost estimates/quotes


\$

Amount of grant funding requested?

NOTE the maximum funding for one project is \$50,000 and ALL funding must be matched by the applicant

\$

Does your Organisation have the available funds to match the grant amount?

 If yes, attached evidence

☐ Yes ☐ No

Does your project need Development Approval?

☒ Yes ☐ No

If yes, does your project have Development Approval yet?

☐ Yes ☐ No

I certify that the information provided in and supporting this application is true and correct and that I am legally authorised to sign this application for and on behalf of the applicant Organisation.

Applicant's signature

Position

Date

11.4 WATER AND WASTEWATER LEVELS OF SERVICE FOR THE FIRST QUARTER OF 2020 - 2021

Attachments:	A. Quarterly Infrastructure Report - July to September 2020
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Irene Chetty - Operations & Processing 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>Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines.</i>

PURPOSE

This report summarises the performance of water, sewerage and wastewater services, including a summary on the quality of drinking water and recycled water supplied to Council's customers for the period 01 July 2020 to 30 September 2020.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The levels of service performance indicators for water, sewerage and wastewater services are discussed in this report for the first quarter of 2020 – 2021, from 1 July 2020 to 30 September 2020.

CONSULTATION

Data for this report is extracted from the water and wastewater treatment plants' performance monitoring database, service requests created for the networks team, NSW Health drinking water database, re-use analyses from NATA laboratories Sydney Analytical Laboratory & Sonic Food Laboratory, as well as contribution from Water and Wastewater Operations Team and Council's Rates Department.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

The information contained in the attached 'Quarterly Infrastructure Report – July to September 2020' summarises the performance for each of the following report subject areas:

- levels of service for water services;
- levels of service for sewerage and wastewater services;
- potable (or drinking water) supply and quality;
- re-use (or wastewater or re-cycled water) supply and quality; and

- drinking water consumption graphs for the towns of Muswellbrook, Denman and Sandy Hollow as accumulated monthly consumptions, 5-year accumulated averages, and accumulated monthly allocations.

Discussion items arising from the Quarterly Infrastructure Report July 2020 to September 2020

- Drinking water consumption was reduced by approximately twenty five percent in Muswellbrook and Denman in comparison to the same period for the last financial year. This is expected with the current level two mandatory water restrictions, currently imposed across the Shire.
- Drinking water quality generally met the requirements of the Australian Drinking Water Guidelines (2011). NSW Health verification testing is undertaken weekly, and was within guideline limits, therefore ensuring the supply of safe drinking water to the Muswellbrook, Denman, and Sandy Hollow communities.
- Sandy Hollow drinking water had high hardness. Hardness is an aesthetic quality; in this case, the high hardness is the result of an inherent characteristic of the raw water source (i.e. bore water).
- Muswellbrook had a high number of dirty water complaints which were mostly related to colour and 'particulates' in the water. These dirty water complaints mostly correlated to water main breaks and service repairs and it usually took several minutes of hydrant flushing to improve the water quality. Usually, water main breaks and repair work causes air entrainment, which will scour pipework and deposit debris into the drinking water if hydrant flushing is not done prior to returning a water main into service.
- Water service requests were responded ninety five percent of the time within an hour and the repair works were completed within the acceptable target of four hours.
- The recycled water (or re-use) quality, produced in Muswellbrook and Denman sewer treatment plants, were well within Council's Environment Protection Licence limits.
- There were no failures or service requests reported for the July – September 2020 period in the sewerage reticulation, that is, there were no emergency or unplanned works undertaken during this time in the sewerage network. There were no failures due to sewer blockages or blocked junctions or boundary traps.
- Re-use utilisation was around 95% in Muswellbrook and 56% in Denman.

OPTIONS

This report is submitted to Council for information purposes.

CONCLUSION

The levels of service for both water, sewerage and wastewater services have reasonably met Council's targets.

SOCIAL IMPLICATIONS

This report provides information that highlights Council's performance in the level of water, sewerage and wastewater services delivered to the communities of Muswellbrook, Denman and Sandy Hollow over the period 1 July 2020 to 30 September 2020. The stipulated levels of service delivered to the communities are delivered in accordance with statutory requirements such as the Australian Drinking Water Guidelines 2011, Environment Protection Licences 1593 & 5059, the Protection of the Environment Operations Act 1997, Dept. of Planning, Industry and Environment Water Benchmarking, and contract agreements with Mt Arthur Coal and Muswellbrook Golf Club.

FINANCIAL IMPLICATIONS

There are no financial implications. This report is submitted for information purposes to Council.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Specific statutory regulations, including the *Local Government Act*, apply.

LEGAL IMPLICATIONS

Council is required to make every effort to comply with the relevant statutory regulations and guidelines so that best management practices are achieved in its levels of service in water, sewerage and wastewater services.

OPERATIONAL PLAN IMPLICATIONS

The submission of this report complies with Goal 20.1 of the Operation Plan 2020-21 "Provide safe, secure, efficient and effective water, sewerage and wastewater services in compliance with regulatory requirements"

RISK MANAGEMENT IMPLICATIONS

The reporting of water, sewerage and wastewater levels of services and performance indicators for the period of July 2020 to September 2020 is used as a tool to manage the risk of non-compliance to the Regulators.

LEVEL OF SERVICE PERFORMANCE INDICATORS - WATER SERVICES

Period: 1 July - 30 September 2020

Indicator	Description	Report Period	Year to Date	Performance Target
Availability of Supply	Reported Events Outside Standard			
Muswellbrook & Denman	Minimum Pressure kPa (when conveying 0.15 L/s/tenement)			200 kPa
	Maximum Static Pressure			850 kPa
Water Restrictions (2007 Drought Management Plan)				
Muswellbrook	Level 1 - Voluntary to 30 August 2019	1	2	Restrictions result in no more than 20% reduction in consumption, are not required for more than 10% of the time and that the average frequency of restrictions is less than 5 in every 100 years (the level of service)
Denman	Mandatory from 1 September 2019	1	2	
Sandy Hollow	SH - commenced Level 1 restrictions 11/11/2019, Level 2 from 2 March 2020	1	2	
Peak Daily Demand (litres/assessment including commercial)				(= peak day consumption/assessment)
Muswellbrook		1116.51		3000 litres/assessment
Denman		1562.02		3000 litres/assessment
Sandy Hollow		1639.34		3000 litres/assessment
Planned Interruptions to Supply	Number of Interruptions	2.0	2.0	<1/1000 customers/year
(5 days notice to domestic, commercial & industrial customers)	Average time to repair	7.0	7.0	Hours
	Average length of Interruptions	Not Available	Not Available	< 2 hours
	Maximum length of repair	8.0	8.0	< 4 hours
Average length of interruption is not supplied as current systems do not allow accurate recording -				
Unplanned Interruptions to Supply	Number of Interruptions	2	2.0	Mbk - 50, Denman - 10, SH - 2 per year
(due to main replacement - excluding service lines)	Average time to repair	4.0	4.0	Hours
	Average length of Interruptions	Not Available	Not Available	< 4 hours
	Number of Residences affected	Not Available	Not Available	1/connection/year
Water Quality - Reticulation		Averages		As per ADWG Guidelines 2011
Muswellbrook	Turbidity	0.40	0.40	5 NTU
	pH	7.65	7.65	6.5 - 8.5
	Total Hardness	121.20	121.20	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	1.65	1.65	0.2 - 5.0mg/l
Denman	Turbidity	0.20	0.20	5 NTU
	pH	8.09	8.09	6.5 - 8.5
	Total Hardness	187.40	187.40	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	0.91	0.91	0.2 - 5.0mg/l
Sandy Hollow	Turbidity	0.61	0.61	5 NTU
	pH	7.97	7.97	6.5 - 8.5
	Total Hardness	391.15	391.15	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	1.57	1.57	0.2 - 5.0mg/l
Service Requests				Leaks 80/year
Muswellbrook	Main Break	11	11	
	Fitting Repair	27	27	
	Service Repair	29	29	
	Service Replacement	2	2	
	Meter replacement	58	58	
Denman	Main Break	2	2	
	Fitting Repair	6	6	
	Service Repair	3	3	
	Service Replacement	1	1	
Meter replacements do not include those replaced during the bill read process				
Sandy Hollow	Meter replacement	7	7	
	Main Break	0	0	
	Fitting Repair	1	1	
	Service Repair	0	0	
	Service Replacement	0	0	
Meter replacements do not include those replaced during the bill read process				
	Meter replacement	1	1	
Total Service Requests		148	148	
Supply Failure Response Times (unplanned)				
Muswellbrook, Denman & Sandy Hollow	Number where response time <1 hour	95%	95%	>95%
(expressed as percentage)	Number where completion time <4 hours	95%	95%	>95%
General Complaints - GC (Management)				
Water Quality (Dirty water, taste & odour)				
Muswellbrook		35	35	<1/1000 customers per year
Denman		0	0	
Sandy Hollow		0	0	
Pressure (not related to a main break)				
Muswellbrook		8	8	<10
Denman		1	1	<2
Sandy Hollow		0	0	<2
Other		207	207	Includes: Fire Flow and Pressure Tests Rehabilitation Works Special Meter reads
Service Provided				
Time to provide an individual connection to water supply in serviced area (90% of time)	New Services	1	1	Number
		100%	100%	Percentage installed within 5 Working Days

■ This Report has been prepared using information available at the time of collation and may not include a complete data set for the report period.

■ Report Period and Year to Date in some cases will be the same due to the commencement of new report year

LEVEL OF SERVICE PERFORMANCE INDICATORS - WASTEWATER SERVICES

Period: 1 July - 30 September 2020

Indicator	Description	Report Period	Year to Date	Performance Target		
Availability of Service						
Muswellbrook	Average Dry Weather Flow (ADWF)	2.49	2.49	3.6 MI per day		
	Peak Wet Weather Flow (PWWF)	8.62	8.62	18.7 MI per day		
	Rainfall	173.0	173.0	mm		
Denman	Average Dry Weather Flow (ADWF)	0.35	0.35	0.3 MI per day		
	Rainfall	173.00	173.00	mm		
System Failures (causing overflow)						
Category 1	Failures due to rainfall and deficient design capacity					
Muswellbrook		0	0	2 per year		
Denman		0	0	1 per year		
Category 2	Failures due to pump or other breakdown					
Muswellbrook		0	0	1 per year		
Denman		0	0	1 per year		
Category 3	Failures due to blockages					
Muswellbrook	Roots Blocking Sewer	0	0	Muswellbrook - 100/year		
	Foreign Objects in Sewer	0	0			
	Broken/Blocked Sewer Pipe	0	0			
	Blocked Junction	0	0			
	Blocked Boundary	0	0			
	TOTAL	0	0			
	Denman	Roots Blocking Sewer	0		0	Denman - 20/year
		Foreign Objects in Sewer	0		0	
Broken/Blocked Sewer Pipe		0	0			
Blocked Junction		0	0			
Blocked Boundary		0	0			
TOTAL		0	0			
Response Times (unplanned - to system failures)						
Muswellbrook & Denman	Occurrences where response time < 1hr (%)	N/A	N/A	> 95%		
	Occurrences where completion time < 4 hrs (%)	N/A	N/A	> 95%		
General Complaints (Non Urgent)						
Muswellbrook	Odour complaints(Sewer Treatment Works) for period	0	0	1 per year		
	Odour complaints (other) for period	2	2	1 per year		
Denman	Odour complaints(Sewer Treatment Works) for period	0	0	1 per year		
	Odour complaints (other) for period	0	0	1 per year		
Effluent Quality		Report Period				
		Min	Max			
Muswellbrook Wastewater	BOD	<2	<2	<20 mg/l		
HVEC & Golf Course	SS	<2	<2	<30 mg/l		
Denman Wastewater	BOD	<2	9	20 mg/l		
	SS	9	26	30 mg/l		
Muswellbrook Effluent Reuse (HVEC)	E-Coli	<10	<100	< 150/100mls (Contract)		
Muswellbrook Effluent Reuse (Golf Course)	E-Coli	<10	<10	< 150/100mls		
Denman Effluent Reuse (Golf Course)	E-Coli (Reuse Reservoir Outlet)	<10	10			

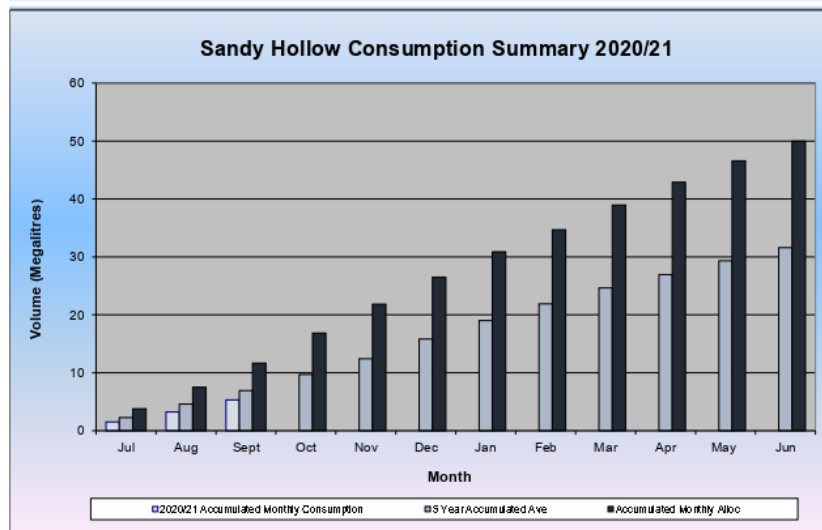
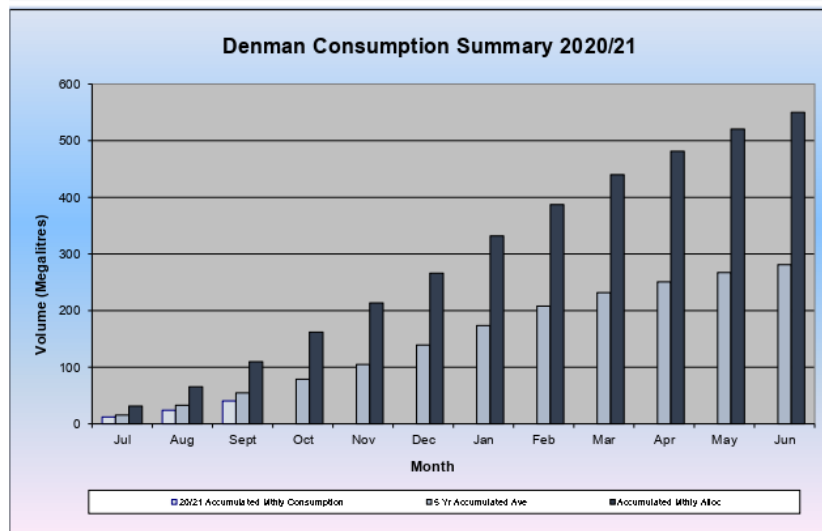
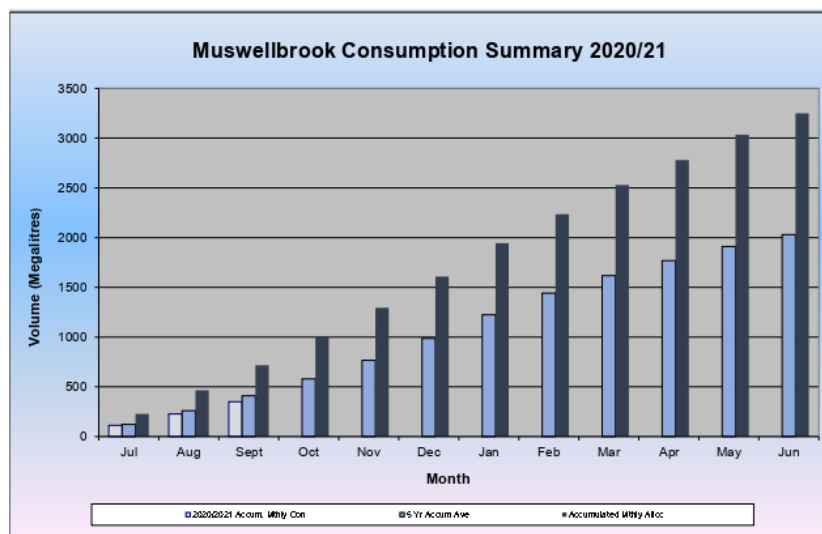
- This Report has been prepared using information available at the time of collation and may not include a complete data set for the report period.
- Report Period and Year to Date in some cases will be the same due to the commencement of new report year

POTABLE WATER AND WASTEWATER STATISTICS

Period: 1 July - 30 September 2020

WATER (it should be noted that water consumption data is treated water provided to the distribution system and does not include water losses from extraction and treatment processes. Extraction data is a flow not requirement)	Report Period	5 Year Period Average	5 Year Peak for Period	5 Year Min. for Period	Description
Muswellbrook					
Consumption for Period	349.51	410.37			ML
Annual Consumption to Period End	349.51	410.37			ML
Maximum Daily Consumption	5.74		10.41		ML
Minimum Daily Consumption	1.93			1.77	ML
Average Daily Consumption	3.80	4.47			ML
Rainfall for Period	162.50	99.06			mm
Yearly Rainfall to Period End	162.50	99.06			mm
Denman					
Consumption for Period	40.43	52.46			ML
Annual Consumption to Period End	40.43	52.46			ML
Maximum Daily Consumption	1.02		1.02		ML
Minimum Daily Consumption	0.26			0.26	ML
Average Daily Consumption	0.44	0.56			ML
Sandy Hollow					
Consumption for Period	5.31	5.31			ML
Annual Consumption to Period End	5.31	5.31			ML
Maximum Daily Consumption	0.10		0.10		ML
Minimum Daily Consumption	0.004			0.004	ML
Average Daily Consumption	0.06	0.07			ML
Muswellbrook					
Raw Sewage (ML)	228.69	355.71	8.62	1.58	Inflows to Wastewater Treatment Plant (ML)
Potable Water to Sewer (%)	65.43	86.68			Potable water consumption to WWTP (%)
Denman					
Raw Sewage (ML)	32.19	49.54	2.05	0.15	Inflows to Wastewater Treatment Plant
Potable Water to Sewer (%)	79.61	94.43			Potable water consumption to WWTP (%)
TREATED EFFLUENT					
Muswellbrook					
Quantity Reused (ML)	216.41	215.12			ML
Percent Effluent Reused	94.63	60.48			Total WWTP inflow for period reused (%)
Effluent discharged to the environment	0.00				ML
Denman					
Quantity Reused (ML)	18.02	27.82			ML
Percent of Effluent Reused	55.97	56.15			Total WWTP inflow for period reused (%)
Effluent discharged to the environment	0.00				ML

Please Note: the percent of effluent reused at the 5 year average for Denman has been amended to a 3 year average. Prior to the 3 year time frame usage was based on supply from the maturation pond and not the re-use reservoir which is more appropriate. The 5 year average raw sewage inflow has also been amended to 3 years for comparison accuracy.



12 CORPORATE AND COMMUNITY SERVICES

12.1 STATE SIGNIFICANT DEVELOPMENT COMMITTEE

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
Community Plan Issue:	<i>Higher quality final landforms with shallower voids and more emphasis on progressive rehabilitation with local workforce participation</i>
Community Plan Goal:	<i>Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce.</i>
Community Plan Strategy:	<i>Review Council's Land Use Development Strategy and develop a Mining Policy to inform Council's involvement in mining activity within the Shire.</i>

PURPOSE

Formalise the current Mine Matters working group of council to create a formal committee tasked to review state significant development and oversee submissions and responses relating to state significant development in the Muswellbrook Shire.

OFFICER'S RECOMMENDATION

Council

Council resolve on the formation of a State Significant Development Committee and nominate the following Councillors and staff as members of the Committee:

- Councillor Spokesperson Industry and Innovation
- Councillor Spokesperson Sustainability
- Councillor Spokesperson Community Services
- General Manager
- Executive Manager Environment and Planning
- Sustainability Team Leader
- Corporate Lawyer

Moved: _____ **Seconded:** _____

BACKGROUND

Throughout 2019 and 2020 a working group comprising councillors and staff have met weekly to review and prepare submissions to the Department of Planning, Independent Planning Commission and Resources Regulator in relation to state significant developments, mine expansions and other related industrial development matters.

CONSULTATION

Councillor Spokesperson Industry and Innovation

Councillor Spokesperson Sustainability

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Rush and Cr Scholes

REPORT

Muswellbrook Shire Council spends a significant amount of resources and time on providing comment, feedback and recommendations on state significant development proposals to government departments and the Independent Planning Commission to ensure intergeneration equity and positive legacy issues relating to industrial SSD's in the Shire.

A working group consisting of the General Manager, Executive Manager Environment and Planning, Sustainability Team Leader, Corporate Lawyer, Councillor Spokesperson Industry and Innovation Councillor Spokesperson Sustainability meet regularly to prepare submissions, consult with mining and power companies and Resources Regulator in relation to state significant developments include solar and wind farms. This report recommends this working party become a Committee of Council and as such report to Council on a quarterly basis.

OPTIONS

Continue with the Mine Matters Working Party.

CONCLUSION

It is recommended that the Mine Matters Working Party be formalised and that preparation of terms of reference be delegated to the General Manager.

SOCIAL IMPLICATIONS

The SSD Committee will look at social, health and wellbeing outcomes for the community.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

This committee will operate within council policy requirements.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

The SSD committee will contribute to CSP goals.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.2 2019/2020 ANNUAL REPORT

Attachments:	Nil
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

To seek Council's endorsement of the 2019/20 Annual Report.

OFFICER'S RECOMMENDATION

- 1. Council endorses the 2019/20 Annual Report including the audited Financial Statements;**
- 2. The General Manager be delegated authority to post the 2019/20 Annual Report on Council's website and forward a link to the Report to the NSW Office of Local Government, Minister for Local Government and the Minister for Disability Services.**

Moved: _____ **Seconded:** _____

BACKGROUND

Under section 428 of the *Local Government Act 1993*, Council is required to report against the Principal Activities from the preceding financial year's Operational Plan. The Annual Report is required to be submitted to the Minister for Local Government within 5 months of the end of the financial year (by 30 November). It must include a copy of the audited financial reports and be posted on Council's website.

Regulations have been made under section 747B of the *Local Government Act 1993* to temporarily modify the application of the Act in response to the COVID-19 pandemic, providing Councils with a one-month extension for the preparation and publishing of annual reports by 31 December 2020.

CONSULTATION

General Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT

The Annual Report is a requirement under the *Local Government Act* and the Integrated Planning and Reporting Framework. The Annual Report is a public document providing an overview of the work of Council. It is one of the key points of accountability between Council and its community.

The 2019/20 Annual Report is designed to be easy to read, informative and of interest to the community; the Annual Report is required to focus on delivery of the Operational Plan and Delivery Program and help the community understand how Council performs both as a service provider and community leader.

Copies of the Annual Report will be provided under separate cover.

A copy of the 2019/20Annual Report must be posted on Council's website with a link to the Report provided to the NSW Office of Local Government, Minister for Local Government and the Minister for Disability Services by 31 December 2020.

OPTIONS

It is a requirement under the *Local Government Act* to submit an Annual Report each year, including the audited Financial Statements.

CONCLUSION

The Annual Report and audited Financial Statements are provided for Council's endorsement prior to forwarding a link to the Report to the NSW Office of Local Government, Minister for Local Government and the Minister for Disability Services.

SOCIAL IMPLICATIONS

The Annual Report meets Council's legislative requirements under the *Local Government Act* and is an opportunity to provide information about Council to the community.

FINANCIAL IMPLICATIONS

The Annual Report includes the audited financial report for the 2019/20 financial year.

POLICY IMPLICATIONS

The Annual Report complies with the Integrated Planning Framework and associated policies.

STATUTORY IMPLICATIONS

The Annual Report must comply with statutory requirements under the *Local Government Act* 1993 and the *Local Government (General) Regulation* 2005.

LEGAL IMPLICATIONS

The Annual Report needs to meet requirements under the *Local Government Act*.

OPERATIONAL PLAN IMPLICATIONS

The Annual Report reports against each of the Principal Actions in the Operational Plan.

RISK MANAGEMENT IMPLICATIONS

The Annual Report has been prepared in a timely manner to ensure it is approved by Council and lodged on time as required by the legislation. This will eliminate the risk to Council's reputation for failure to comply with the statutory obligations in section 428 of the *Local Government Act*.

12.3 2019/2020 ANNUAL FINANCIAL STATEMENTS

Attachments:	A. 2019/2020 Financial Statements - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Daryl Hagger - 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 present and accept the General Purpose Financial Reports, Special Purpose Financial Reports, Special Schedules and Audit Reports for the year ended 30 June 2020.

OFFICER'S RECOMMENDATION

That Council receives the General-Purpose Financial Statements, Special Purpose Financial Statements, Special Schedules and Audit Reports for the year ended 30 June 2020.

Moved: _____ **Seconded:** _____

BACKGROUND

Council is required to accept the annual financial statements in accordance with Section 418 (3) of the Local Government Act 1993. The required notice in regard to advising that the statements will be considered at this meeting has been provided.

CONSULTATION

Finance Review Advisory Committee

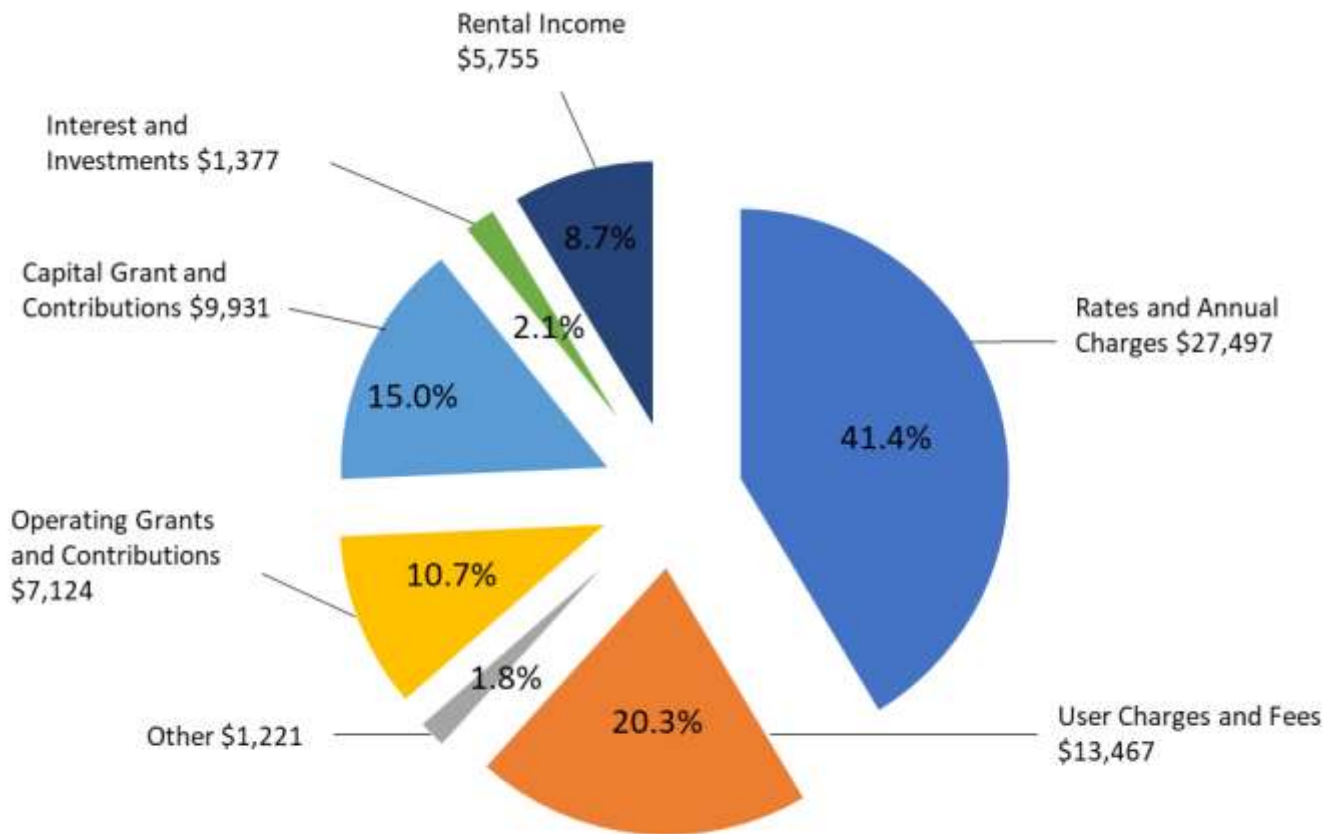
REPORT

A full copy of the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules, along with their respective Audit Reports has been provided for each Councillor.

Income Statement

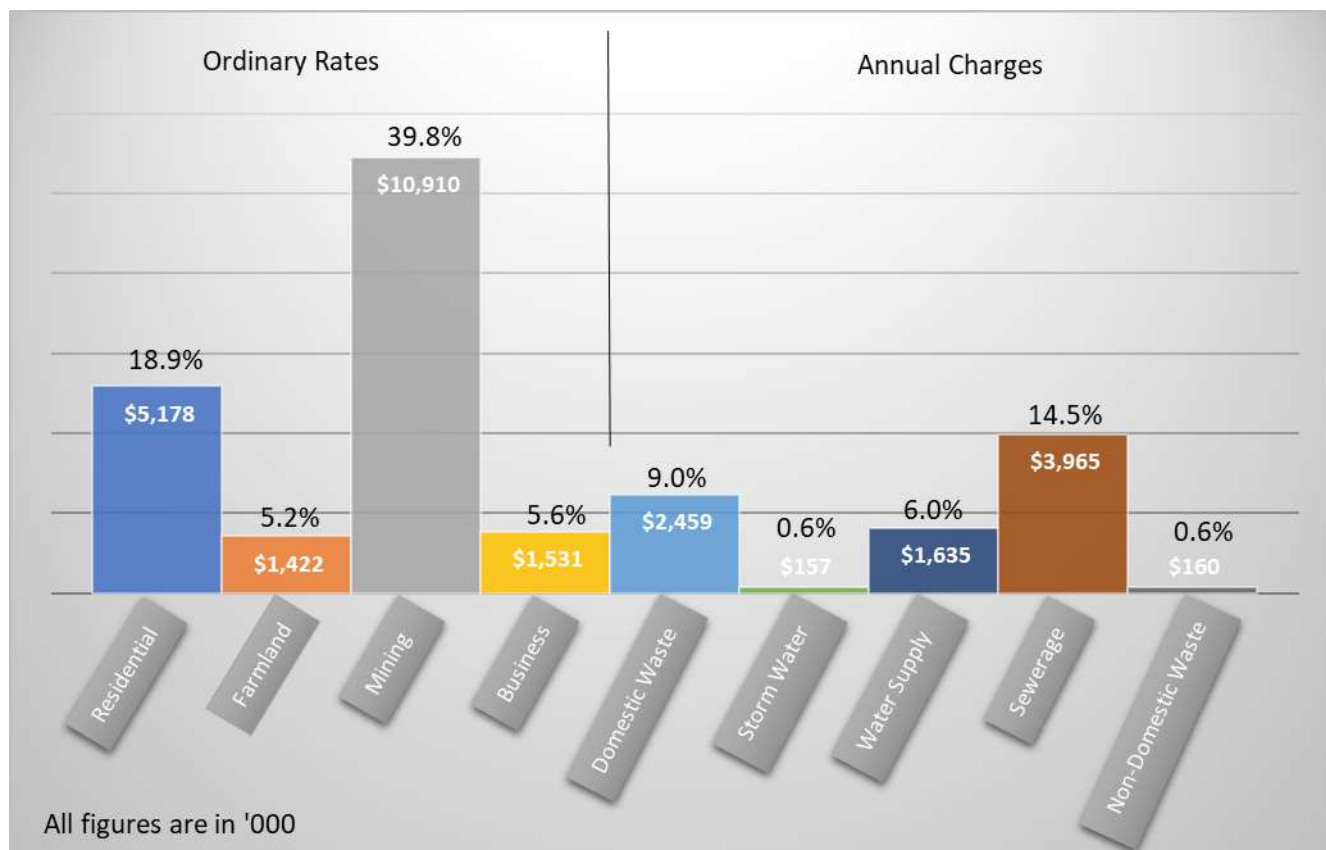
Overall, the net operating result for the General Purpose Financial Statements shows a surplus of \$15.43m (\$17.17m in 2019).

Council's sources of revenue, amounting to \$66.37m are broken down as follows:



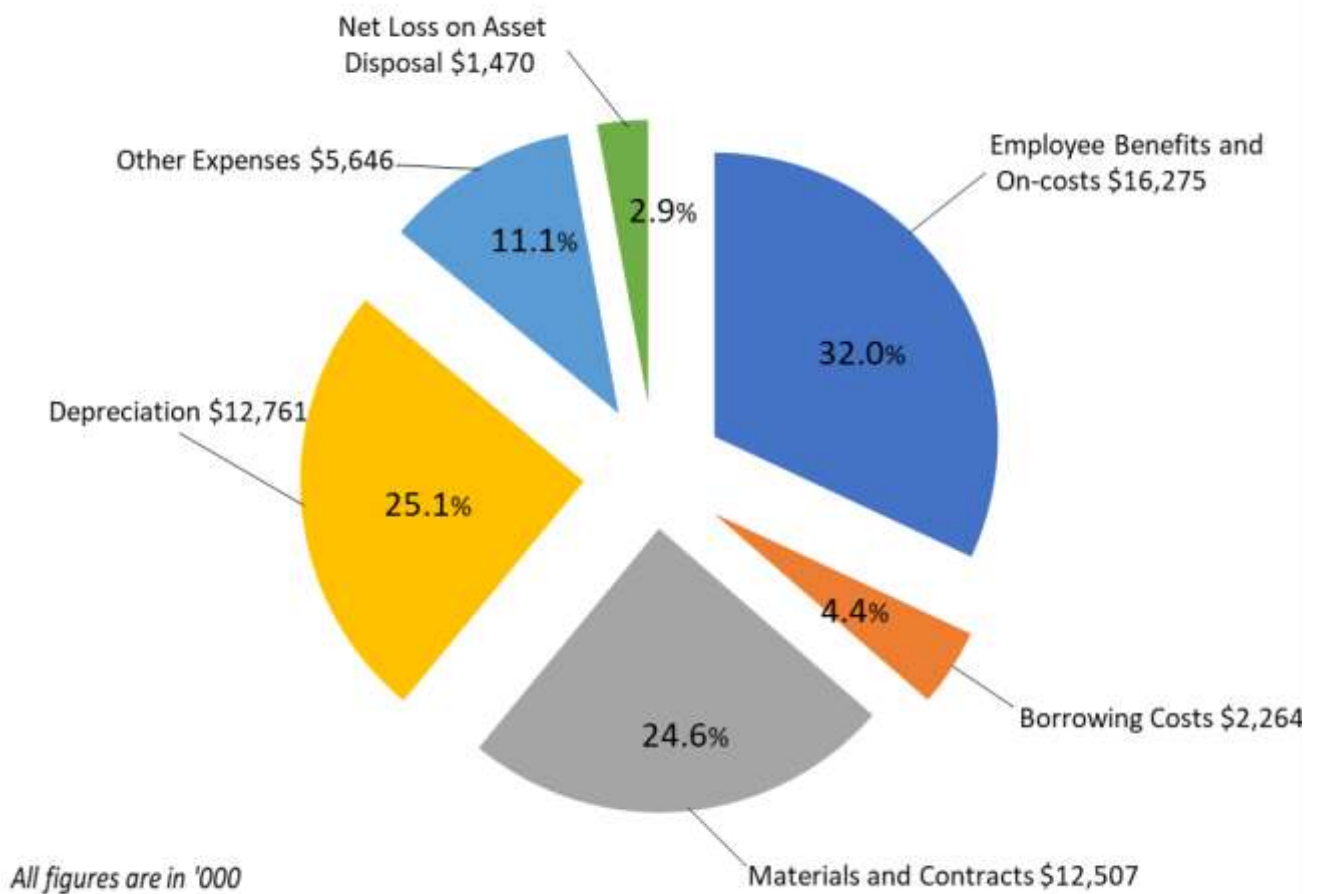
All figures are in '000

The breakdown of rates and annual charges, amounting to \$27.50m is shown in the graph below:



All figures are in '000

Council's expenses, amounting to \$50.94m are broken down as follows:

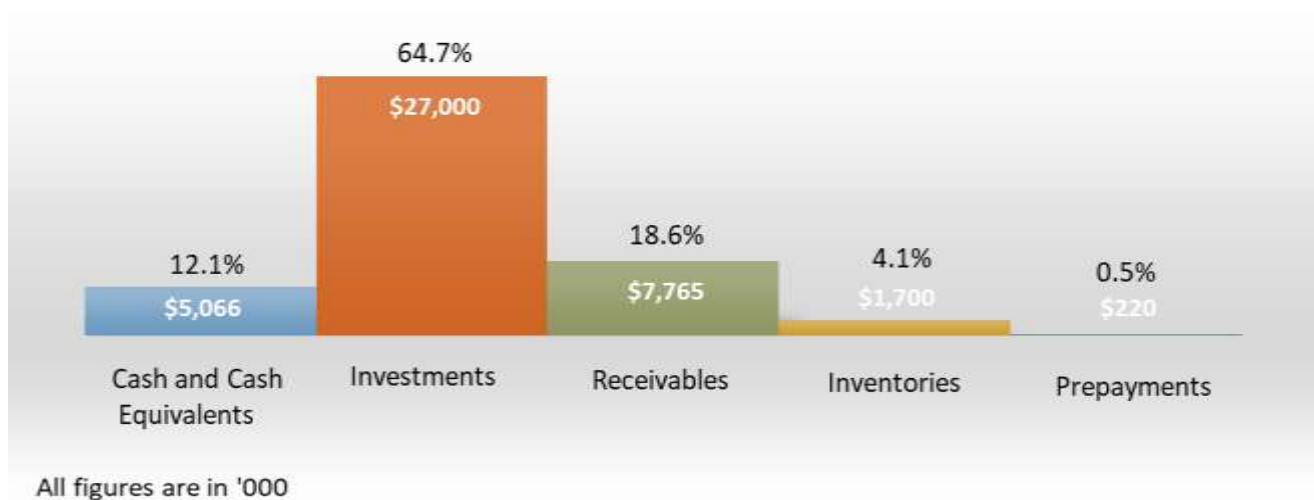


Council's total comprehensive income for the year is \$39.94m greater than the net operating result of \$15.43m due to \$39.94m gain on the revaluation of infrastructure assets (roads, bridges, footpaths and stormwater drainage).

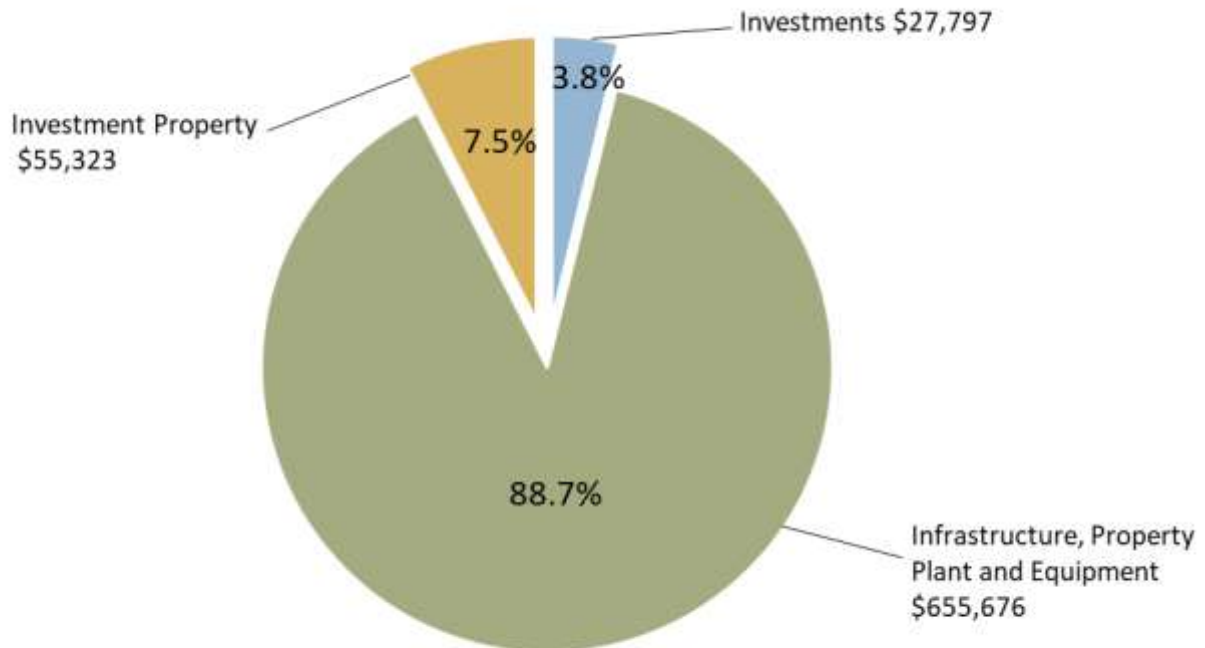
Statement of Financial Position

Council's total assets have increased by \$53.26m to \$781.59m since 30 June 2019 largely due to the investment in roads, water supply and sewerage network assets.

Council's current assets, amounting to \$41.75m are broken down as follows:



Council's non-current assets, amounting to \$739.84m are broken down as follows:



All figures are in '000

Total liabilities have decreased by \$0.71m to \$87.65m, driven by the reduction in borrowings of \$4.22m, whilst payables increased by \$1.52m, provisions increased by \$0.73m and contract liabilities increased by \$1.26m.



Performance Measures

Council has continued to perform well with respect to the consolidated local government industry indicators as shown in note 28a and Special Schedules (with respect to the two infrastructure ratios which are unaudited). Results are shown in the Table below including the previous two years ratios for comparison purposes.

Ratio	Purpose	Benchmark	2019/20 Result	2018/19 Result	2017/18 Result
Operating Performance Ratio	This ratio measures Council's achievement of containing operating expenditure within operating revenue.	>0.00%	12.38%	6.98%	13.03%
Own Source Operating Revenue Ratio	This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants and contributions.	>60.00%	74.30%	68.40%	65.83%
Unrestricted Current Ratio	This ratio assesses the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.	>1.50x	0.98x	0.73x	2.02x
Debt Service Cover Ratio	This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.	>2.00x	2.56x	2.80x	2.30x
Rates, Annual Charges, Interest and Extra Charges Outstanding Ratio	This ratio assesses the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.	<10.00%	10.13%	5.87%	7.70%
Infrastructure Renewals Ratio	This ratio assesses the rate at which these assets are being renewed relative to the rate at which they are depreciating.	>=100.00%	102.90%	78.27%	97.11%
Infrastructure Backlog Ratio	This ratio shows what proportion the backlog is against the total value of a Council's infrastructure.	<2.00%	2.93%	6.28%	5.54%

CONCLUSION

The results for the General Purpose Financial Statements, show a surplus of \$15.43m in the operating result from continuing operations.

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

The General Purpose Financial Statements indicate that Council is in a sound financial state and this is supported by the Auditor's Report.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.4 REPORT ON COUNCIL GRANT FUNDING DECEMBER 2020

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Ivan Skaines - Grants 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 advise Council of know of recent grant applications submitted, grant funding to be announced shortly and of some upcoming grant opportunities.

OFFICER'S RECOMMENDATION

The report be noted.

Moved: _____ Seconded: _____

BACKGROUND

Over the last 12 months, and particularly over the past month, Muswellbrook Shire Council has been very successful in obtaining grants which have been decided via competitive applications and, in addition, Council has continued to receive grant allocations from both State and Federal government sources for which we are required to nominate proposed projects for funding.

CONSULTATION

Grant applications are prepared in consultation with senior managers at Council and key staff in relevant sections.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Ledlin, as Spokesperson for Aboriginal Reconciliation, was consulted about the MACHEnergy grant application.

REPORT

Over the past month Council has applied for at least four grants, namely:

- MACHEnergy Aboriginal Community Development Fund - an application for \$479,151 for Muswellbrook Shire Council to employ an Aboriginal Cultural & Heritage Officer until end of February 2024.
- NSW Fixing Local Roads – the upgrade of a 2.6 kilometres section of Widden Valley Road (ch 11km to ch 13.58) involving pavement rehabilitation, shoulder widening, and re-sealing. Council applied for funding of \$553,397, and our contribution for the re-sealing component of the project is \$187,528, which is already budgeted for.
- NSW Fixing Local Roads – the upgrade of a one kilometre section of Mangoola Road (ch 12 to ch 13) involving pavement rehabilitation, shoulder widening, and re-sealing. Council applied for funding of \$387,050, and our contribution for the re-sealing component of the project is \$81,250, which is already budgeted for.

- The Bushfire Community Recovery and Resilience Fund (which is administered by Resilience NSW in partnership with National Bushfire Recovery Agency and Emergency Management Australia) – the upgrading of the Muswellbrook and Denman Indoor Sports Centres/Evacuation Centres via improved insulation and toilets and the emergency exits and the entrance at Muswellbrook Indoor Sports Centre. Council applied for funding of \$299,250 and assessment and approval is expected in February 2021.

In terms of outstanding grant applications, we anticipate an announcement from the NSW Minister of Transport about successful projects from the 2019 Fixing Country Roads Fund before Christmas. We applied for funding of \$850,000 for the replacement of the Rosemount Road culvert adjacent to the Defence Establishment Myambat. If unsuccessful in this round, we will re-submit the application for the 2020 Fixing Country Roads Fund, however this time we will be able to include the \$425,000 funding we received from the Federal Heavy Vehicle Safety and Productivity Program, and this co-contribution might improve our chance of success next round. We also anticipate an announcement about successful projects under the NSW Resources for Regions Program (Round 7) where Muswellbrook Shire Council was allocated almost \$3.8 million in funding.

Over the next month Council will apply for at least three grants, namely:

Summer Fund - NSW Planning, Industry & Environment is seeking expressions of interest from NSW Councils to boost free, small-scale activations and events in public spaces in and around high streets in local centres. Every council in NSW can sign up for up to \$10,000. This funding needs to contribute to free activations or events that enliven local public spaces from summer until the end of the Easter holidays on 18 April 2021. We are looking at seeking funding for a launch event for the 2020 Library Story Time program hosted at the Muswellbrook Arts Centre. Applications close 22 January 2021.

Bushfire Economic Recovery Fund - will provide \$250 million of further funding to support the social and economic recovery of communities affected by bushfire in 47 regional NSW Local Government Areas including Muswellbrook Shire. It will support projects that retain and create new jobs in regional areas, build resilience and increase preparedness for future bushfire seasons. The proposed project is the Denman Thermal Baths and Tourist Park. The application round will close on Thursday 28 January 2021.

Your High Streets – this program from the NSW Planning, Industry & Environment aims to enhance the amenity and functionality of high streets throughout NSW to support local business recovery, boost economic stimulus in response to the pandemic, improve the comfort and experience for the community, and enable permanent improvement projects. Grants of up to \$1 million are available for councils to deliver improvements for a high street by May 2022 and we are proposing to submit an application for the upgrade of the laneway between Bridge Street and Muswellbrook Marketplace. Applications close 29 January 2021.

OPTIONS

Council notes the applications submitted over the past month, the grant funding to be announced shortly and the applications to be submitted over the next month.

CONCLUSION

The funding received under these grant programs will offset expenditure that would otherwise be needed to be made by Council.

SOCIAL IMPLICATIONS

These projects address priority issues in the community and are well-supported.

FINANCIAL IMPLICATIONS

There are no co-contributions required for the three grant applications due in January.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

The projects funded by these grants are in line with Council's Operational Plan goals and objectives.

RISK MANAGEMENT IMPLICATIONS

Council will be required to outline possible risks associated with each project in preparing each grant application, along with risk mitigation strategies.

12.5 NOVEMBER 2020 MONTHLY FINANCIAL REPORT

Attachments:	A. November 2020 Monthly Financial Report
Responsible Officer:	Fiona Plesman - General Manager
Author:	Daryl Hagger - 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 30 November 2020.

OFFICER'S RECOMMENDATION

That the Financial Report for the month ending 30 November 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 30 November 2020

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 41.6% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,076,430)	(2,707,614)	480.3%	(13,005,254)	1,008,323	(547%)	
less SRV budgeted surplus	(1,017,305)	(1,017,305)		245,011	42,132		
SRV adjusted Grand Total	(1,059,125)	(1,690,309)		(13,250,265)	966,191		

Revenue

Rates and Charges	(21,576,792)	(22,220,742)	100.0%	(22,219,119)	(1,105)	(100%)	100% of the annual rates and charges are booked in the system in August 2020.
User Charges and Fees	(7,379,255)	(7,119,603)	32.4%	(2,304,359)	(430,809)	(85%)	The \$661k YTD budget deficit is primarily in the areas of Mixed waste (\$187k), DECCW levy (\$224k), Aquatic Centre (\$159k) and Individually Priced Works Orders (\$195k). Income above YTD budgets has been received in Section 149 and 603 Certificates (\$40k), Road Opening Permits (\$63k) Development Application fees (\$27) and Onsite Sewerage Fees (\$46).
Interest and Investments Revenues	(626,971)	(594,445)	35.9%	(213,447)	(101,095)	(59%)	The \$34k YTD budget deficit is a result of the average interest being earned is lower than budgeted and timing of investment maturity's.
Other Revenues	(2,873,561)	(2,390,701)	39.4%	(942,827)	(223,542)	(78%)	The YTD budget deficit is mainly driven by lower than budgeted plant cost recovery (\$87k).
Operating Grants and Contributions	(7,385,954)	(7,558,934)	26.3%	(1,988,928)	(851,340)	(73%)	The \$1.16m YTD budget deficit is primarily due to the timing of receiving the Financial Assistance Grant (\$529k); Ethtec (\$335k); Farm Productivity (\$374k) and SH27 maintenance (\$199k). Income above YTD budgets has been received for the Block Grant (\$64k); Better Waste Recycling (\$61k); Bridge Street retaining Wall (\$81k) and Pensioner Rates Subsidy (\$63k).
Internal Revenue	(7,195,717)	(6,251,719)	24.5%	(1,528,650)	(305,730)	(88%)	The budget deficit is due to timing of internal transactions being processed.
Total Revenue	(47,038,250)	(46,136,144)	63.3%	(29,197,330)	(1,913,621)	(90%)	

Expenses

Wages and Salaries	12,328,362	12,049,491	39.7%	4,779,669	1,067,216	79%	There are YTD wages overruns in some individual areas e.g. Economic Development, Roads & Drainage - Works, Property & Building Services, Recreation.
Materials and Contracts	16,176,905	15,136,791	34.9%	5,280,679	777,318	88%	
Other Costs	3,285,563	3,428,745	41.3%	1,416,824	133,767	91%	
Borrowing Costs	1,365,639	1,248,152	6.6%	82,056	17,074	97%	
Overheads	2,241,734	2,241,734	33.9%	759,058	151,811	84%	
Depreciation	9,563,617	9,323,617	41.5%	3,873,790	774,758	80%	
Total Expenses	44,961,820	43,428,530	37.3%	16,192,076	2,921,944	84%	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 30 November 2020

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 41.6% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	0	273,565	134.9%	(369,023)	391,767	(1618%)	
Revenue							
Rates and Charges	(1,637,172)	(1,637,172)	100.7%	(1,648,212)	0	(100%)	100% of the annual water rates have been booked in August 2020.
User Charges and Fees	(4,169,994)	(4,212,994)	23.5%	(990,614)	(37,389)	(98%)	The \$764 YTD deficit due to timing of water reads and less water consumed for the first water consumption period.
Interest and Investments Revenues	(305,166)	(288,483)	3.1%	(8,830)	0	(100%)	The \$111k YTD budget deficit is a result of the average interest being earned is lower than budgeted and timing of investment maturity's.
Operating Grants and Contributions	(36,790)	(36,790)	96.3%	(35,430)	(35,430)	131%	
Total Revenue	(6,149,122)	(6,175,439)	43.4%	(2,683,086)	(72,819)	(97%)	
Expenses							
Wages and Salaries	1,001,421	1,001,421	39.9%	399,877	76,740	82%	
Materials and Contracts	1,327,849	1,619,532	29.1%	471,496	91,170	86%	
Other Costs	310,292	318,491	31.4%	99,929	20,079	85%	
Borrowing Costs	83,791	83,791	12.0%	10,056	10,056	71%	
Overheads	1,492,132	1,492,132	37.2%	555,055	111,011	82%	
Depreciation	1,933,637	1,933,637	40.2%	777,650	155,530	81%	
Total Expenses	6,149,122	6,449,004	35.9%	2,314,063	464,586	83%	

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 30 November 2020

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 41.6% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	0	0	#DIV/0!	(2,245,874)	303,182	#DIV/0!	
Revenue							
Rates and Charges	(4,639,141)	(4,639,141)	89.8%	(4,164,398)	(390)	(100%)	100% of the annual sewer rates are booked in the system in August 2020, the remaining 10% of the annual rates and charges are made up of the non-residential sewer charges which get booked with each water bill.
User Charges and Fees	(502,682)	(502,682)	32.3%	(162,351)	(57,689)	(72%)	The \$47k YTD budget deficit is due to lower sewer effluent reuse revenue.
Interest and Investments Revenues	(64,063)	(51,250)	6.3%	(3,240)	0	(100%)	The \$18k YTD budget deficit is a result of the average interest being earned is lower than budgeted and timing of investment maturity's.
Operating Grants and Contributions	(35,875)	(35,875)	99.3%	(35,612)	(35,612)	138%	
Total Revenue	(5,241,761)	(5,228,948)	83.5%	(4,365,601)	(93,691)	(96%)	
Expenses							
Wages and Salaries	832,043	832,043	42.4%	353,102	74,326	79%	Wages are \$9k over the YTD budget due to overtime associated with sewer mains works.
Materials and Contracts	689,507	681,778	35.0%	238,645	22,936	92%	
Other Costs	324,367	319,283	45.2%	144,379	22,363	83%	The \$11k YTD overspend is due to the payment of annual insurance.
Borrowing Costs	726,218	726,218	40.1%	291,461	58,820	81%	
Overheads	816,725	816,725	41.7%	340,305	68,061	80%	
Depreciation	1,852,901	1,852,901	40.6%	751,835	150,367	81%	
Total Expenses	5,241,761	5,228,948	40.5%	2,119,727	396,873	82%	

Muswellbrook Shire Council
Future Fund
For the Month Ending 30 November 2020

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 41.6% target	YTD Actuals	November Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,521,878)	(2,763,281)	39.5%	(1,092,819)	(185,785)	(19%)	
Revenue							
User Charges and Fees	(6,729,959)	(7,016,653)	41.9%	(2,941,014)	(480,958)	(84%)	The budget deficit is due to timing of internal transactions being processed.
Internal Revenue	(259,361)	(237,831)	0.0%	0	0	(100%)	
Total Revenue	(6,989,320)	(7,254,484)	40.5%	(2,941,014)	(480,958)	(84%)	
Expenses							
Wages and Salaries	232,417	232,417	43.5%	101,059	18,257	81%	There are YTD wages overruns in commercial buildings and education division of approximately \$2k each.
Materials and Contracts	1,943,762	1,885,851	31.9%	601,772	128,556	84%	
Other Costs	710,835	769,077	69.5%	534,210	29,783	91%	The \$214k YTD overspend is due to the payment of annual insurance and rates and charges.
Borrowing Costs	945,748	969,178	35.8%	346,704	65,687	84%	
Overheads	0	0	0.0%	0	0	#DIV/0!	
Depreciation	634,680	634,680	41.7%	264,450	52,890	80%	
Total Expenses	4,467,442	4,491,203	41.2%	1,848,195	295,173	84%	

12.6 REPORT ON INVESTMENTS HELD AS AT 30 NOVEMBER 2020

Attachments:	A. Investment Portfolio and Cash as at 30 November 2020 B. Issuer Trading Limits as at 30 November 2020
Responsible Officer:	Fiona Plesman - General Manager
Author:	Daryl Hagger - 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

That information showing Council's investments as at 30 November 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.

Funds invested under Section 625 of the Local Government Act, as at 30 November 2020 are shown in the attachments.

COMMENT:

As at 30 November 2020, the portfolio trading limits had been exceeded with respect of AMP Bank Ltd by 3%, this will be corrected during December 2020.

Council's weighted running yield is 1.00% for the month.

The Responsible Accounting Officer certifies that, apart from the above trading limit discrepancy, the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit											
	MACQ At Call		9,600,000.00	1.00000000	9,600,000.00	100.000	0.000	9,600,000.00	14.40%	0.45%	
	ME Bank At Call		500,000.00	1.00000000	500,000.00	100.000	0.000	500,000.00	0.75%	0.55%	
	Westpac Bus Prem At Call		2,754,575.07	1.00000000	2,754,575.07	100.000	0.000	2,754,575.07	4.13%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.15%	0.34%	
			12,954,575.07		12,954,575.07			12,954,575.07	19.43%		0.43%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	103.700	0.399	2,602,475.00	3.90%	1.68%	
			2,500,000.00		2,500,000.00			2,602,475.00	3.90%		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	0.138	1,001,380.82	1.50%	1.26%	
			1,000,000.00		1,000,000.00			1,001,380.82	1.50%		1.26%
Floating Rate Note											
	AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	100.179	0.260	2,008,780.00	3.01%	1.17%	
	Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	1,000,000.00	1.00000000	1,000,000.00	100.000	0.051	1,000,510.00	1.50%	0.77%	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.559	0.231	2,015,800.00	3.02%	1.14%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.828	0.040	1,008,680.00	1.51%	1.04%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	101.676	0.082	508,790.00	0.76%	1.10%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	102.235	0.128	1,023,630.00	1.53%	1.11%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	102.712	0.098	514,050.00	0.77%	1.16%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	101.658	0.106	508,820.00	0.76%	1.11%	
	CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	100.512	0.458	1,009,700.00	1.51%	2.04%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.769	0.308	1,516,155.00	2.27%	1.34%	
	CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	101.847	0.113	1,529,400.00	2.29%	1.18%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.687	0.016	1,007,030.00	1.51%	0.95%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	102.203	0.174	2,047,540.00	3.07%	1.02%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	101.827	0.093	509,600.00	0.76%	1.40%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	101.887	0.082	4,588,605.00	6.88%	1.15%	
	Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.267	0.282	1,508,235.00	2.26%	1.49%	
	Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.944	0.335	759,592.50	1.14%	1.59%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.821	0.285	2,022,120.00	3.03%	1.24%	
	RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	100.374	0.379	1,007,530.00	1.51%	1.59%	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	101.559	0.020	1,015,790.00	1.52%	1.07%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	650,000.00	1.00000000	650,000.00	102.023	0.079	663,663.00	1.00%	0.93%	
			27,400,000.00		27,400,000.00			27,774,020.50	41.65%		1.20%
Term Deposit											

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
AMP 0.7 14 May 2021 182DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.033	3,000,978.09	4.50%	0.70%	
AMP 0.7 18 Jun 2021 210DAY TD		800,000.00	1.00000000	800,000.00	100.000	0.019	800,153.42	1.20%	0.70%	
AMP 0.75 30 Nov 2021 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.000	1,000,000.00	1.50%	0.75%	
BOQ 0.5 20 May 2021 181DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.014	2,500,342.48	3.75%	0.50%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.500	1,014,997.26	1.52%	3.40%	
NAB 0.85 16 Dec 2020 90DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.132	2,002,635.62	3.00%	0.85%	
NAB 0.8 24 Dec 2020 87DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.104	5,005,178.10	7.51%	0.60%	
NAB 0.5 26 Oct 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.000	5,000,000.00	7.50%	0.50%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.557	2,031,141.36	3.05%	3.53%	
		22,300,000.00		22,300,000.00			22,355,426.33	33.52%		0.98%
Fixed Interest Total		66,154,575.07		66,154,575.07			66,687,877.72	100.00%		1.00%

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Report Code: TBSBP100EXT-01.16
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-		6,800,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	100.00	0.00	0	3.00	184,542
ANZ Banking Group Ltd	AA+ to AA-		1,000,000.00	Book	30.00	% of 66,154,575.07	19,846,372.52	5.00	95.00	18,846,373	0.00	0
Auswide Bank Limited	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	45.00	55.00	3,615,458	0.00	0
Bank of Queensland Ltd	A+ to A-		6,500,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	98.00	2.00	115,458	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	45.00	55.00	3,615,458	0.00	0
Credit Suisse Sydney	A+ to A-		1,000,000.00	Book	20.00	% of 66,154,575.07	13,230,915.01	8.00	92.00	12,230,915	0.00	0
Credit Union Australia Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	45.00	55.00	3,615,458	0.00	0
Macquarie Bank	A+ to A-		9,600,000.00	Book	20.00	% of 66,154,575.07	13,230,915.01	73.00	27.00	3,630,915	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	15.00	85.00	5,615,458	0.00	0
Members Equity Bank Ltd	BBB+ to BBB-		500,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	8.00	92.00	6,115,458	0.00	0
National Australia Bank Ltd	AA+ to AA-		14,000,000.00	Book	30.00	% of 66,154,575.07	19,846,372.52	71.00	29.00	5,846,373	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	76.00	24.00	1,615,458	0.00	0
P&N Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	30.00	70.00	4,615,458	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		4,250,000.00	Book	10.00	% of 66,154,575.07	6,615,457.51	64.00	36.00	2,365,458	0.00	0
Rabobank Nederland Australia Branch	AA+ to AA-		1,000,000.00	Book	20.00	% of 66,154,575.07	13,230,915.01	8.00	92.00	12,230,915	0.00	0
UBS Australia Ltd	AA+ to AA-		1,650,000.00	Book	20.00	% of 66,154,575.07	13,230,915.01	12.00	88.00	11,580,915	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		2,854,575.07	Book	30.00	% of 66,154,575.07	19,846,372.52	14.00	86.00	16,991,797	0.00	0
			66,154,575.07				178,617,352.69			112,647,325		184,542

2 Security Rating Group Trading Limits

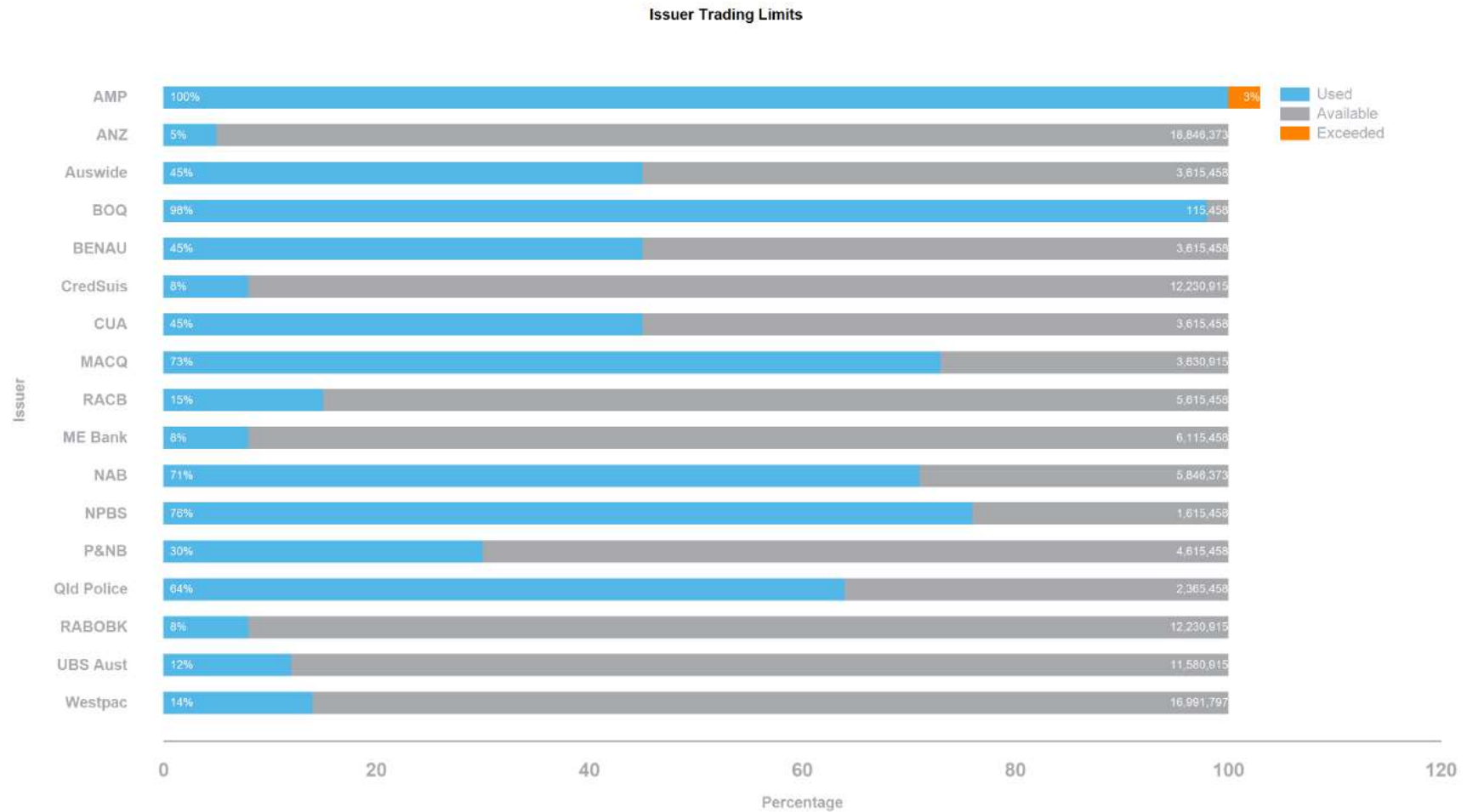
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 66,154,575.07	66,154,575.07	5.00	95.00	63,154,575	0.00	0
A+ to A-	13,750,000.00	Book	70.00	% of 66,154,575.07	46,308,202.55	30.00	70.00	32,558,203	0.00	0
A1+	14,854,575.07	Book	100.00	% of 66,154,575.07	66,154,575.07	22.00	78.00	51,300,000	0.00	0
A1	2,000,000.00	Book	70.00	% of 66,154,575.07	46,308,202.55	4.00	96.00	44,308,203	0.00	0
A2	14,800,000.00	Book	60.00	% of 66,154,575.07	39,692,745.04	37.00	63.00	24,892,745	0.00	0
A3	1,500,000.00	Book	60.00	% of 66,154,575.07	39,692,745.04	4.00	96.00	38,192,745	0.00	0
BBB+ to BBB-	16,250,000.00	Book	60.00	% of 66,154,575.07	39,692,745.04	41.00	59.00	23,442,745	0.00	0
	66,154,575.07				344,003,790.36			277,849,216		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	42,254,575.07	Book	100.00	% of 66,154,575.07	66,154,575.07	64.00	36.00	23,900,000	0.00	0
1-3 Year	13,250,000.00	Book	100.00	% of 66,154,575.07	66,154,575.07	20.00	80.00	52,904,575	0.00	0
3-5 Year	10,650,000.00	Book	100.00	% of 66,154,575.07	66,154,575.07	16.00	84.00	55,504,575	0.00	0
	66,154,575.07				198,463,725.21			132,309,150		0







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BRISBANE OFFICE: LEVEL 18, RIVERSIDE CENTRE 123 EAGLE STREET, BRISBANE QLD, 4000 T 61 7 3123 5370 F 61 7 3123 5371

Report Code: TSSBP125EXT-0018
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 30 November 2020
Balance Date: 1 December 2020 (but 30 Nov 2020 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: Bal Only
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Ignored
Hide Zero Holdings

12.7 STORE AND MATERIAL STOCKTAKE - 30 NOVEMBER 2020

Attachments:	Nil
Responsible Officer:	Daryl Hagger - Chief Financial Officer
Author:	Kate Collins - Finance Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

The Stocktake of Store and Materials was conducted on 30 November 2020. The results of the stocktake are reported below

OFFICER'S RECOMMENDATION

Council notes the report on the stocktake carried on 30 November 2020 and that an amount of \$6,005.24 be added to the inventory register.

Moved: _____ **Seconded:** _____

BACKGROUND

Twice a year Council staff undertake a stocktake of materials.

CONSULTATION

Storekeeper

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable.

REPORT

An inventory of Store and Materials has been undertaken and compared with the recorded level of Store and Materials on hand. This comparison has revealed the need to make a number of adjustments to the level of stores on hand.

With the short list of adjustments required as shown below:

1. It was required to add \$6,005.24 from the Works Depot Department, including the transfer from the Networks Department of \$5,439.36 that was previously not recorded as stock.

MSC LIVE 7.0

STOCKTAKE DISCREPANCY REPORT

Report Date: 01/12/2020 Page: 1

r_ic012 01/12/2020 13:12:16

Location 1 General Fund

Bin Number	Stock Item Description	Quantity		Transaction	Count		-----Discrepancy-----	
		Ord Unit	On Hand		Quantity	Quantity	Quantity	Value
6001	Pl Particulate Respirator Mask	EACH	-1.00	.00	.00	.00	1.00	5.00
7202	Gloves	PAIR	196.00	.00	193.00	-3.00	-14.45	
7213	Sunscreen	EACH	96.00	.00	92.00	-4.00	-68.33	
7221	Lens Cleaner (x100)	EACH	3.00	.00	1.00	-2.00	-80.41	
7225	Petrol-2 Stroke	LTR	-2.00	.00	.00	2.00	2.91	
7227	Oil-2 stroke	EACH	-2.00	.00	.00	2.00	687.27	
7229	WD-40	EACH	51.00	.00	26.00	-25.00	-114.79	
7230	Cartridge-Grease 450g	EACH	12.00	.00	11.00	-1.00	-4.07	
7254	Hand Sanitiser 50mL	EACH	26.00	.00	16.00	-10.00	-36.40	
7255	Sanitiser - Isopropyl surface cleaner30mL	EACH	1.00	.00	.00	-1.00	-.78	
7260	Armorall protectant 250mL	EACH	7.00	.00	5.00	-2.00	-27.79	
7356	Spray-Toro	EACH	-1.00	.00	.00	1.00	209.58	
10020	Water Meter 20mm	EACH	10.00	.00	20.00	10.00	411.61	
10025	Water Meter 25mm	EACH	1.00	.00	20.00	19.00	2528.52	
10080	Water Meter 80mm	EACH	4.00	.00	2.00	-2.00	-713.75	
10100	Water Meter 100mm	EACH	4.00	.00	2.00	-2.00	-813.75	
17194	PVC-M Series 2 pipe - 225mm - "blue brute"	EACH	1.00	.00	4.00	3.00	885.81	
17195	PVC-M Series 2 pipe - 250mm - "blue brute"	EACH	.00	.00	1.00	1.00	10.00	
17208	PVC-M Series 2 pipe - 375mm - "blue brute"	EACH	1.00	.00	.00	-1.00	-825.92	
18300	300mm Gibault Joint	EACH	8.00	.00	6.00	-2.00	-822.50	
31003	Repair Clamp PVC 100mm x 300mm	EACH	-2.00	.00	3.00	5.00	872.65	
50100	Hydrant Repair Kit - 100mm	EACH	-2.00	.00	4.00	6.00	60.00	
50800	Spring Hydrant 80mm	EACH	5.00	.00	7.00	2.00	218.65	
52000	Cast Iron Valve Cover - Water	EACH	11.00	.00	14.00	3.00	76.92	
60202	Ball Valve DZR M x F 20mm Lockable T-Handle	EACH	20.00	.00	23.00	3.00	62.17	
60203	Ball Valve 90 Degree F X F 20mm	EACH	13.00	.00	19.00	6.00	162.17	
60252	Ball Valve DZR M x F 25mm Lockable T-Handle	EACH	13.00	.00	22.00	9.00	213.30	
70200	Maincock - 20mm Standard TPFNR	EACH	2.00	.00	15.00	13.00	689.37	
70201	Elbow - 20mm male	EACH	4.00	.00	.00	-4.00	-50.40	
70500	Thread tape - pink 12mm x 10m	EACH	3.00	.00	30.00	27.00	85.05	
85331	Gibault Joint 225mm	EACH	.00	.00	8.00	8.00	2397.60	
Total:							6005.24	

A summary of the changes appears in the table below:

VALUE OF STOCK RECORDED BEFORE STOCKTAKE	VALUE OF STOCK RECORDED AFTER STOCKTAKE	VARIANCE
\$174,994.73	\$180,999.97	\$6005.24

OPTIONS

Not applicable.

CONCLUSION

An inventory of Store and Materials was undertaken which revealed the need to adjust the level of stores on hand and add an amount of \$6,005.24.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The total provision in the General Fund Stores be written on the inventory register is \$6,005.24.

The previous stocktake report that was submitted to the Council Ordinary Meeting on 30 June 2020 which showed an amount of \$1,676.63 to be written off.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.8 COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kim Manwarring - Manager - Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To provide an update on activities in the Community Services section.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

MUSWELLBROOK SHIRE AQUATIC CENTRE – DENMAN

There have been 2 309 visits to the Denman Aquatic Centre during November. This has been a significant increase (73%) from last year visits this has been due to the temporary closure of the Muswellbrook Aquatic Centre and a spike in hot weather.

The following programs are operating at the Denman Aquatic Centre:

- Learn to Swim Program with 24 children attending;
- Aqua Aerobics, 32 participants attending routine sessions during November;
- School Groups ie learn to swim, swimming carnivals, school induction days, school sport Attendance of 133 school aged children;

Preparation is underway to manage people on and off the Muswellbrook Aquatic Centre outdoor pool site pending its reopening in 2021.

COMMUNITY PARTNERSHIPS

- Governance support to Upper Hunter Youth Services Management Committee and Management Team;
- The Aboriginal Oral History Project launch 'In Our Own Words' has been rescheduled to the 9 January 2021 at 10:30am, the launch and exhibition of the project will be held at the Muswellbrook Gallery.

The exhibition will be installed in the Max Watters Gallery and will remain here for up to 4 months, this will provide ample time for members of the community, schools and groups to visit the exhibition.

Alongside the exhibition selected works from the Muswellbrook Council Collection will complement the stories, art works from local Aboriginal Artist such as Matt Stair, Uncle Les Elvin and Aunty Denise Hedges will be displayed. We are also in conversation with Muswellbrook Highschool about

including the possum skin cloaks in the exhibition space as well, the cloaks are significant as they were completed with the young women from the Highschool and recognised Elders.

- Work continues with 2 Rivers Pty Ltd with the development of the Treaty Project which will continue in January 2021.

MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK and DENMAN

This month the library was attended by **2410** customers in Muswellbrook. Over the same period, our library branches loaned **5,771** items and processed **3,396** returns.

- **Current Displays:** Summer Reading



- **Providing opportunities that increase community literacy, both physical and digital**

Online Engagement:

The Library has continued a regular presence on it's social media with posts to share information about library collections, library events and library online resources. Over the past month the library has had **700** post views and now has a combined like/follow total of **1934**.

Digital Collections:

Our digital collections have continued to be popular with a **1.3% increase** in members using Borrowbox. Across our three platforms, there have been **746 loans** of eBooks and eAudiobooks.

- **Creating spaces and programs that meet the needs of members and library visitors**

Children's Programs

The 2020/2021 Summer Reading program was launched on December 7th with participants receiving a new library bag and a book or a stem starter set. The library will be running two competitions during the Summer Holidays aimed at engaging participants creativity and imagination.

Baby Rhyme time and story time continue to be popular programs at the Muswellbrook branch with two programs being held weekly. Attendance at these sessions throughout the month totalled **105 baby rhyme time attendees** and **23 story time attendees**.

Adult Programs

Virtual Author Talks: The Muswellbrook and Denman Libraries have linked in with other NSW libraries in providing access to a series of virtual author talks. These will continue into the new year.

Home Library Services

The home library service provides home delivery of library items to community members unable to visit our branches in person due to various reasons. This month the home library service has delivered **492 items** and facilitated the return of **315 items**. This program currently services **84 members** across the Muswellbrook Shire.

Click and Collect

The click and collect service at the Muswellbrook and Denman Libraries enables library customers to reserve and collect items via the customer web portal and to submit 'profiles' for staff selection of items. This has been popular with customers wishing for a quick visit to the library. Library staff have been utilising their reader advisory skills in making and recommending selections for customers. This service has extended to attendees of the children's programs with library staff selecting items for collection ready at each session. Over the past month, staff at Muswellbrook and Denman have satisfied **187 reservations** through this service.

Wifi and Computer Usage:Wifi Usage:Muswellbrook: 94Denman: 91

- **Increasing and maintaining library memberships**

Muswellbrook: 40 new membersDenman: 8 new members**TOURISM AND EVENTS**

A considerable amount of work has occurred around the planning of Australia Day 2021 civic awards ceremony and the citizenship ceremony on the 26 January. We have 2 conferees for our ceremony on Australia and plans are underway to celebrate this at the Denman Aquatic Centre.

The Denman Visitor Information Centre opened this month and is being facilitated by a core group of volunteers. The Visitor Information Centre is providing a contact point for visitors to the area and is co-located with the Denman Craft Shop, this partnership is having some great outcomes for locals and tourist, the Centre is open Monday – Saturday.

Work continues with the Policy Analyst Economic Transition and Innovation position to develop the concept of a Visitor Information Point to be co located at the Muswellbrook Gallery as a trail project.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING HELD ON MONDAY, 30 NOVEMBER 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 30 November 2020.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 30 November 2020 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 30 November 2020.

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

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

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Ms S. Pope (Executive Manager –Environmental and Planning Services), Mr P. Chambers (Shire Engineer), Mr H. McTaggart (Co-Ordinator Development), Mrs M Sandell-Hay and Ms K. Jurd (Complete Planning Solutions).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Woodruff and Cr Scholes that:

The Minutes of the Development Assessment Committee held on 16 November 2020, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Ms K. Jurd (Complete Planning Solutions) – In support of Item 6.1

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 2020-85 - ERECTION OF A DWELLING WITH AN ATTACHED SECONDARY DWELLING - 25 PENDULA WAY, DENMAN

RECOMMENDED on the motion of Cr Woodruff and Cr Rush that:

The Development Application No. 2020/85, for the erection of a Dwelling House with an attached Secondary dwelling on Lot 34 DP 1182796 at 25 Pendula Way, Denman, BE APPROVED subject to the conditions in Attachment B.

6.2 MUSWELLBROOK COAL OLD PIT TOP REHABILITATION

RECOMMENDED on the motion of Cr Woodruff and Cr Rush that:

The information contained in the report be noted.

6.3 DEVELOPMENT ASSESSMENT COMMITTEE REVIEW

RECOMMENDED on the motion of Cr Rush and Cr Woodruff that:

The Development Assessment Committee resolves to:

1. recommend to Council the disbandment of the Committee; and
2. should Council resolve to disband the Committee, delegations to the General Manager be adjusted in accordance with Attachment A of the report.

6.4 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Cr Woodruff and Cr Rush that:

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

7 DATE OF NEXT MEETING

14 December 2020

8 CLOSURE

The meeting was declared closed at 4.18 pm.

.....
Cr R. Scholes

Chairperson

13.2 REPORT OF THE ABORIGINAL RECONCILIATION COMMITTEE MEETING HELD ON WEDNESDAY, 28 OCTOBER 2020

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>Further process the reconciliation in the Shire</i>
Community Plan Goal:	<i>Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.</i>
Community Plan Strategy:	<i>Work with the Aboriginal community to improve access to cultural and educational activities.</i>

PURPOSE

To inform Council of a meeting of the Aboriginal Reconciliation Committee held on 28 October 2020.

OFFICER'S RECOMMENDATION

The minutes for the Aboriginal Reconciliation Committee meeting held on Wednesday 28 October 2020 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Executive Officer reports that the Aboriginal Reconciliation Committee met on Wednesday 28 October 2020.

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

MINUTES OF THE MUSWELLBROOK SHIRE COUNCIL ABORIGINAL RECONCILIATION COMMITTEE MEETING HELD AT MUSWELLBROOK SHIRE COUNCIL ADMINISTRATION CENTRE, COUNCILLORS ROOM, CAMPBELLS CORNER 60-82 BRIDGE STREET, MUSWELLBROOK, 28 OCTOBER 2020 COMMENCING AT 1:15PM

ACKNOWLEDGMENT OF COUNTRY

The Chairperson respectfully acknowledged the Local Aboriginal People who are the Traditional Owners and Custodians of the land on which this meeting takes place.

PRESENT: Cr Jacinta Ledlin (Chairperson), Kylie Pascoe, Aunty Rhonda Griffiths, Kate Wood-Pahuru, Insp Guy Guiana, Noel Downs, Michael Stair, Andrew Horton, Aunty Colleen Stair, Amanda Howard.

IN ATTENDANCE: Kim Manwarring & Roz Thomson

14 APOLOGIES AND LEAVE OF ABSENCE

RESOLVED on the motion of Aunty Griffiths and Cr Ledlin that:

The apologies for inability to attend the meeting submitted by Aunty Margaret and Uncle Johnny Matthews, Tania Riley, Georgia Pascoe and Robyn Cramp be ACCEPTED.

15 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Ms Howard and Ms Wood-Pahuru that:

The Minutes of the Aboriginal Reconciliation Committee held on 27 November 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

16 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

17 BUSINESS

4.1 ABORIGINAL ORAL HISTORY PROJECT

The Community Partnerships Officer Roz Thomson provided the following update to the committee:

- The project is underway, books are being printed and should be delivered next week (first week of November).
- Video clips have been completed and will be available on the workingwithindigenoustranslators.info website;
- The exhibition will be held on the 12th November and due to COVID-19, it will be an invitation only event. Other members are welcome to visit the exhibition for 5 weeks, starting the 12th November 2020.
- Information on the layout of the exhibition was provided.

Cr Ledlin discussed an extension of the Aboriginal oral History Project: a high-quality feature piece/ performance piece regarding the Aboriginal Oral History Project. The project would be about truth telling, stories from this area, and an extension of the Wannin Thanbarran Aboriginal and non-Aboriginal History book.

Permission would need to be sourced from the Aboriginal Oral History Project participants to use their stories.

MINUTES OF THE MUSWELLBROOK SHIRE COUNCIL ABORIGINAL RECONCILIATION COMMITTEE MEETING HELD AT MUSWELLBROOK SHIRE COUNCIL ADMINISTRATION CENTRE, COUNCILLORS ROOM, CAMPBELLS CORNER 60-82 BRIDGE STREET, MUSWELLBROOK, 28 OCTOBER 2020 COMMENCING AT 1:15PM

4.2 TREATY PROJECT

Cr Ledlin provided the following update to the committee:

- The Treaty Project has commenced, and our first consultation was held with Council, Wanaruah Local Aboriginal Land Council and Hunter Valley Aboriginal Corporation representatives, the consultation was facilitated by 2 Rivers Pty Ltd.

Consultant with the Aboriginal Community is planned for the coming months.

4.3 FUTURE FOCUS

Cr Ledlin asked the committee, what they would like to see in the future of the Muswellbrook:

- The reintroduction of the Aboriginal Artist Prize that was previously held during NAIDOC Week;
- Continue to work towards a cultural centre/ hub and to support the Wanaruah Local Aboriginal Land Council model;
- Learner Drivers School for individuals without a license or access to services to obtain a license;
- Employment opportunities;
- Training such as dump truck courses, training that is outcome focused;
- Transport – some community members do not have transport which disadvantages the community for employment;
- Coordinate employment and training opportunities with mining companies;
- Community Education (not through TAFE or University) about cultural education;
- Discussion around a Corroboree that could be held biyearly or yearly.

4.4 ABORIGINAL EDUCATION & CULTURAL CENTRE

RESOLVED on the motion of Ms Howard and Ms Wood-Pahuru that:

A letter be forwarded to the Wanaruah Local Aboriginal Land Council Board, regarding the cultural centre and support from the Muswellbrook Shire Council Aboriginal Reconciliation Committee.

4.5 ABORIGINAL CULTURAL & HERITAGE OFFICER

An overview of a potential project was presented:

- To develop 'In Our Own Words' Project into an educational resource for schools and the community;
- Work with local government to implement culturally appropriate policy and procedures;
- Work with local Aboriginal Community Members to develop economic opportunities.

Application to cover:

MINUTES OF THE MUSWELLBROOK SHIRE COUNCIL ABORIGINAL RECONCILIATION COMMITTEE MEETING HELD AT MUSWELLBROOK SHIRE COUNCIL ADMINISTRATION CENTRE, COUNCILLORS ROOM, CAMPBELLS CORNER 60-82 BRIDGE STREET, MUSWELLBROOK, 28 OCTOBER 2020 COMMENCING AT 1:15PM

- Timeframe: 3 years;
- Wages, program monies, transport subsidy
- Estimated project cost: \$120,000 per year

Potential Funding Partner:

- Aboriginal Community Development Fund – MACH Energy and Muswellbrook Shire Council.

Discussion around involving the Aboriginal Reconciliation Committee on the interview panel for the Aboriginal Cultural Heritage Officer.

RESOLVED on the motion of Ms Howard and Ms Wood-Pahuru that:

The Aboriginal Reconciliation Committee pursue funding for an Aboriginal Cultural Heritage Officer through the Aboriginal Community Development Fund – MACH Energy.

4.6 INVITE TO PARTICIPATE IN THE ABORIGINAL RECONCILIATION COMMITTEE

The following groups were identified as potential participants:

- Muswellbrook Girls Academy;
- Muswellbrook Polly Farmers Foundation;
- Newcastle University (Wollotuka Institute – History Section);
- Representative from the local AECG (Aboriginal Education Consultative Group).

18 DATE OF NEXT MEETING

To be advised.

19 CLOSURE

The meeting was declared closed at 2.50pm.

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Cr J. Ledlin

Chairperson

20 NOTICES OF MOTION / RESCISSION

Nil

21 QUESTIONS WITH NOTICE

Nil

22 COUNCILLORS REPORTS**23 QUESTIONS FOR NEXT MEETING****24 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.

25 CLOSED COUNCIL**RECOMMENDATION**

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

19.1 INSTALLATION OF MAX WATTERS SCULPTURE

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 CONTRACT 2019-2020-0423 SUPPLY AND DELIVERY OF 12,000 LITRE WATER CART

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 CONTRACT 2020-2021-0443 COMMUNITY INFRASTRUCTURE DEPOT (RE-ISSUE)

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 PANEL TENDER FOR PROVISION OF LINEMARKING SERVICES

Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local

government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 PANEL TENDER FOR TREE MAINTENANCE SERVICES

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.6 DETERMINATION OF AUSTRALIA DAY 2021 AWARDS

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

26 RESUMPTION OF OPEN COUNCIL

27 CLOSURE

DATE OF NEXT MEETING: 23 FEBRUARY, 2021