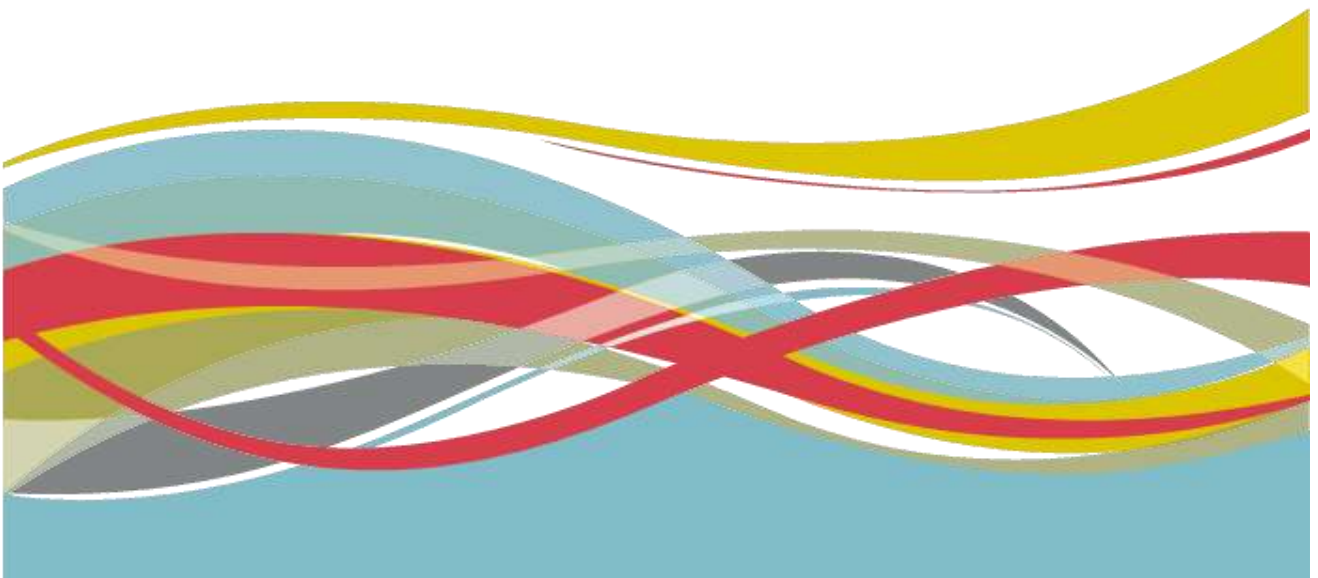




**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
23 FEBRUARY 2021



ORDINARY COUNCIL MEETING, 23 FEBRUARY 2021

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
19 February, 2021

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **23 February, 2021** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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19.1	REQUEST TO REMOVE WASTE MANAGEMENT CHARGE FROM ASSESSMENT <i>Item 19.1 is classified CONFIDENTIAL under the provisions of Section10A(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	TENDER 2020-2021-0452 DESIGN AND CONSTRUCTION OF ANIMAL SHELTER AND ASSOCIATED WORKS <i>Item 19.2 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.</i>	
19.3	TENDER 2020-2021-0439 - WATER MAIN REPLACEMENT MUSWELLBROOK - REVISED <i>Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(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>	
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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 23 FEBRUARY 2021**

- 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 **22 December 2020**, and the Extra Ordinary Meeting held on **2 February 2021**, 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 2020-89 SERVICE STATION, 31-33 MAITLAND STREET, MUSWELLBROOK

Attachments:	<ul style="list-style-type: none"> A. DA 2020/89 Section 4.15 Assessment B. DA 2020/89 Recommended Conditions of Consent C. DA 2020/89 Plans of proposed development D. DA 2020/89 Fill and Flood Plan E. DA 2020/89 Statement of Environmental Effects F. DA 2020/89 Noise Impact Assessment - Under Separate Cover G. DA 2020/89 Noise Impact Assessment Peer Review - Under Separate Cover H. DA 2020/89 Acoustic Engineer Correspondence Following Noise Impact Peer Review - Under Separate Cover I. DA 2020/89 Submissions J. DA 2020/89 Response to Submissions and Request for Additional Information
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

The report relates to the determination of DA 2020/89, involving the construction of a service station with proposed operation of 24 hours 7 days a week, at 31-33 Maitland Street Muswellbrook (Lots 3 and 4 DP 364391 and Lot B DP 36439).

The purpose of the report is to provide Council with information to determine the application. As ten (10) public submissions were received in relation to the development application the General Manager does not have delegation to determine the matter.

OFFICER'S RECOMMENDATION

Council approves Development Application No. 2020/89, involving the establishment of a service station at Lot 3 DP 364391, Lot 4 DP 364391 and Lot B 36439, 31-33 Maitland Street, Muswellbrook, subject to the recommended conditions of consent in Attachment B, which includes a condition limiting the 24 hour 7 day a week operating hours proposed to a 12 month trial period.

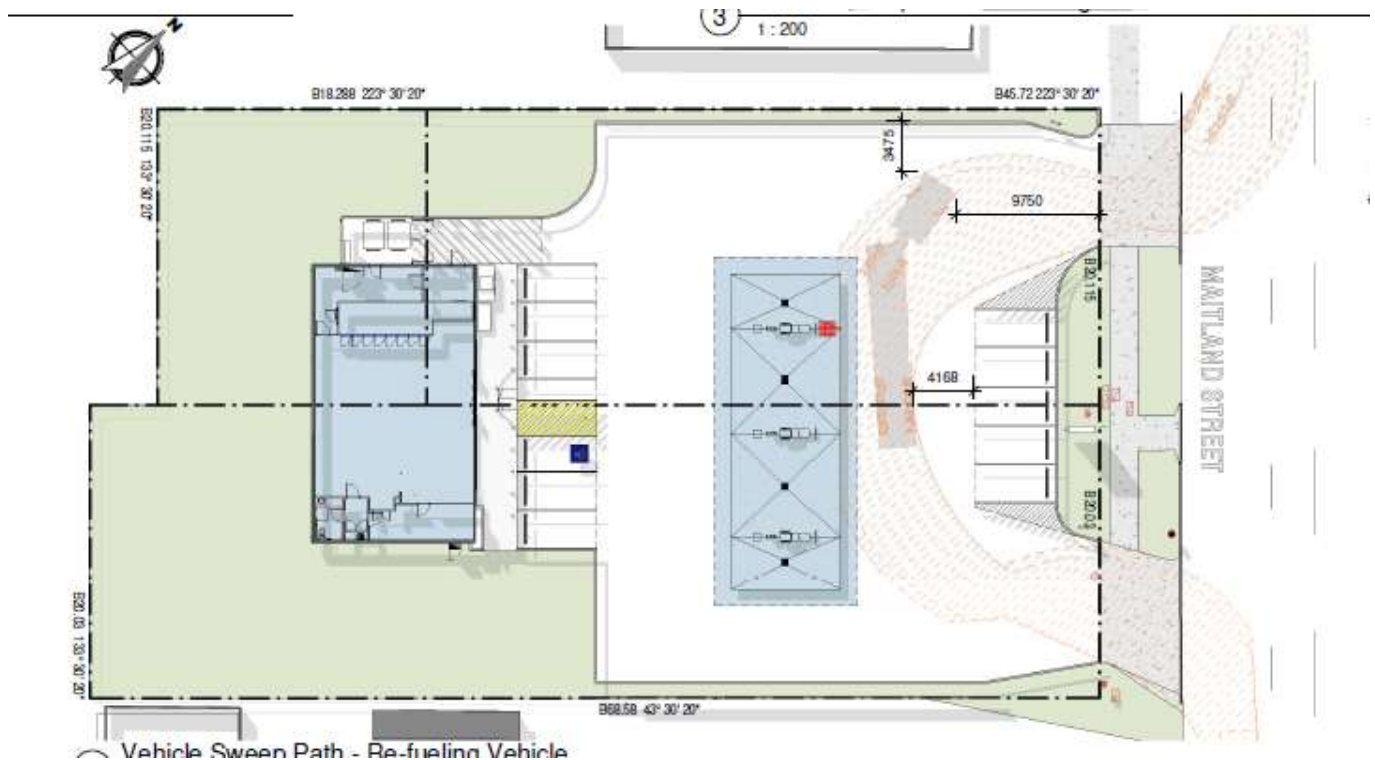
Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates to 31-33 Maitland Street Muswellbrook (Lots 3 and 4 DP 364391 and Lot B DP 36439) and involves:

- Demolition of two existing dwellings and related structures.
- Carrying out of earthworks. The proposed earthworks would involve 1,562,848m³ of site filling and 35m³ of cut, a net fill of 1,527,833m³. Filling is proposed to address development constraints related to the flood liability of the land and to create a level site.
- Construction of a new service station to include:
 - A refuelling canopy with an area of 227.5m².
 - Service station building with an area of 202m².
 - Two 90 kilolitre underground fuel tanks.
 - Vehicle entry/exits, refuelling and manoeuvring hardstand areas and eleven (11) off-street parking spaces
 - Loading bay and service area.
 - Landscaping.
 - Signage.
- approval for the service station to operate 24 hours 7 days a week.

A site plan and perspective drawing have been included below to provide an overview of the proposed development. Complete design plans have been included in attachment C.





② Perspective 02

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* (see Attachment A). Council Staff recommend that the development application be approved subject to the recommended conditions of consent provided in Attachment B.

Key considerations and findings of the section 4.15 assessment include:

- The proposed development complies with relevant provisions of the Muswellbrook Local Environmental Plan 2009 (MLEP 2009)). The site is zoned B2 Local Centre. This land use zone and its objectives promote commercial development, employment opportunities and prohibits residential development.
- The proposed development was referred to Transport for NSW for consideration in accordance with the requirements of Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007. Transport for NSW raised no objection to the proposed development and recommended conditions of consent. Their requirements have been incorporated into the recommended conditions of consent.
- Initial comments provided by the NSW Police made recommendations in relation to the safety and security of the proposed development and did not object to the proposed 24/7 trading. The applicant was advised of the NSW Police comments and provided an updated Crime Risk Assessment to address their requirements.
- A Noise Impact Assessment was submitted with the development application which indicated that the proposal would not exceed Noise Trigger Levels at any adjoining residence.

Council Officers requested that further information be provided in relation to this issue and that the applicant engage a third-party acoustic expert to provide a peer review of the Noise Impact Assessment. The peer review did not identify any significant issue with the methodology or findings of the Noise Impact Assessment. Given the available information, the proposed development is unlikely to have a significant adverse noise impact, and refusal of the development or its proposed 24/7 day a week operation is not recommended.

However, to ensure the proposal is carried out in a way that manages and mitigates this issue, Council Officers have put forward a number of consent conditions, including subjecting the proposed 24/7 trading to a 12-month trial period. A summary of the recommended Conditions of consent related to the management of potential noise impacts is provided below:

- limiting the proposed 24/7 trading to a 1-year trial period with an opportunity for this to be extended via a further application.

- Requiring a complaint register to be maintained throughout the trial period and specifying the terms of that register and a requirement for action to be taken to address complaints where they arise.
- Restrict noise emissions from the development and require noise monitoring to be carried out for the development within 3 months of the issue of an Occupation Certificate to demonstrate the premises is not emitting noise that exceeds the Project Noise trigger levels. Where the relevant noise criteria are not being met the condition specifies a requirement for action to be taken to address the identified cause of any noise exceedances and further testing to be carried out.
- Require the certification of any plant or equipment to be included in the development prior to a Construction Certificate to ensure noise emissions will not exceed 5dB(A).
- Requiring the construction of the proposed acoustic fence proposed, and implementation of noise control measures prior to the issue of an Occupation Certificate.

Council Officers' assessment of noise related impacts is discussed in greater detail under the likely environmental impacts of the development – noise and vibration heading of the attached Section 4.15 Assessment.

- The site is flood liable. A Flood Impact Assessment was prepared in relation to the proposed development by Eclipse Consulting Engineers.

Council Officers have considered the proposed development against the provisions of the Muswellbrook DCP 2009 (MDCP 2009). Council Officers are satisfied that the proposed development could be supported from a flood risk management perspective. The following measures are to be implemented in relation to flooding:

- The floor level for the service station convenience store building is to be 146.59m AHD, which is 1020mm above the anticipated flood height of the 1% flood event at 145.57m AHD.
- Flood data and survey information indicates that the maximum pre-development depth of flooding on the site is 280mm. The Flood Impact Assessment states that the proposed development would not increase the flood hazard of adjacent sites or their flood afflux by more than 100mm. This is consistent with the DCP requirement to ensure development does not increase flood affection on neighbouring properties by more than 100mm.
- Recommended conditions have been put forward to ensure all building materials below height of the 1% flood event are designed to withstand floodwaters.
- In response to the suitability of storing petrol on a site affected by flooding, the applicant confirmed the fuel tank locations would be above the anticipated height of the 1% flood event. The finished floor level for the fuel tank locations would be between 146.0m – 146.2m AHD.
- The site's Maitland St frontage would remain at ground level with the depths of fill increasing toward the rear of the site, where it would have a maximum depth of between 1m – 1.5m. The fill would be setback 1m from all boundaries and comply with Council's Retaining Wall Policy as well as other relevant Sections of MDCP 2009. Visual and streetscape impacts of the fill is acceptable in the Maitland St streetscape.
- A Risk Screening Analysis was prepared by HAZKEM Dangerous Goods Consulting and submitted with the application. The findings of this report concluded that fuel would be stored with appropriate setback distances as to not impose a significant risk to the community under the relevant guidelines. As a result, the proposed development is not deemed a 'potentially hazardous development'.

- The signage proposed as part of the development has been considered against the requirements of the State Environmental Planning Policy No.64 – Advertising and Signage, and signage related provisions of MDCP 2009. The proposed signage is consistent with these assessment instruments except for the business identification sign proposed to be installed on the rear (south-western) building elevation. Conditions of consent have been prepared noting no approval is given to this sign.
- The proposed development was considered against the requirements of *Section 9 – Local Centre Development* in *Muswellbrook Development Control Plan 2009* related to development within the B2 Local Centre zone. Council Officers were satisfied that the proposed development would be in accordance with all relevant provisions.
- Council Officers considered the proposed development against other relevant sections of MDCP 2009, in particular sections 13 (flood prone development), 14, 15, 16, 20, 24 and 25. Council Officers were satisfied that the proposed development would comply with the relevant requirements of each of these Sections and/or, where necessary, that compliance could be managed through recommended conditions of consent.
- Council Officers have not identified any environmental impact that would warrant the refusal of the proposed development.

CONSULTATION

The proposed development was publicly notified in accordance with the Muswellbrook Community Participation Plan.

The notification of the development occurred between 29 September 2020 and 21 October 2020.

A total of ten (10) submissions were received in relation to the proposed development. Six of the submissions received were outright objections to the proposed development, while four of the submissions put forward matters that needed to be considered or addressed.

Council Officers have considered the matters raised in submissions. A table has been included in the attached Section 4.15 Assessment report summarising submissions and detailing how the matters raised have been considered or addressed by Council Officers in their assessment of the application.

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 the determination at the Land and Environment Court.

CONCLUSION

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 grants development consent to the proposed development subject to the recommended conditions of consent contained in Attachment B.

DEVELOPMENT ASSESSMENT REPORT

ADDRESS:	LOT: 3 DP: 18699, LOT: 4 DP: 18699, Lot: B DP:364391 31 Maitland Street MUSWELLBROOK, 33 Maitland Street MUSWELLBROOK
APPLICATION No:	2020/89
PROPOSAL:	Service Station
OWNER:	Mrs D M Phillips
APPLICANT:	KLK Enterprises Pty Ltd C/- KDC Pty Ltd Suite 2, 125 Bull Street Newcastle West NSW 2302
AUTHOR:	Mr H A McTaggart
DATE LODGED:	18 August 2020
ADD. INFO REC'D:	18 December 2020
DATE OF REPORT:	8 February 2021

1.0 SITE DESCRIPTION

This development application relates to Lot 3 DP 364391, Lot 4 DP 364391 and Lot B 36439, being 31-33 Maitland Street, Muswellbrook.

The land has previously been developed for residential use. Two dwelling houses are located on the land along with outbuildings and minor site improvements related to each dwelling.

Although the land has previously been developed for residential purposes it is currently zoned B2 Local Centre under the Muswellbrook Local Environmental Plan 2009 (MLEP 2009). This land use zone promotes commercial development, employment opportunities and restricts residential development. The land adjoins other properties zoned B2 and R1 General Residential zoned land.

Physically the land adjoins a mixture of commercial and residential developments. A multi-tenanted commercial building is located immediately north of the site, while dwelling houses are situated to the south and west. East of the site on the opposite side of Maitland Street there is a further mixture of development types with a retail premises, two motels and a dwelling.

The site has direct frontage to Maitland Street, which forms part of the New England Highway Classified State Road.

The land is identified as flood liable by the by the Muswellbrook Flood Risk Management Study and Plan 2018.

The image below identifies the subject site in context with the adjoining locality.



2.0 DESCRIPTION OF PROPOSAL

The proposed development involves the construction and operation of a service station.

Aspects of the proposed development include:

- Demolition of the existing dwellings and related structures.
- Carrying out of earthworks. The proposed earthworks would involve 1,562.848m³ of site filling and 35.014m³ of cut, a net fill of 1,527.833m³. The applicant's Statement of Environmental Effects indicates the site filling was incorporated into the design to design to address development constraints related to the flood liability of the land and to create a flat site.
- Construction of a new service station to include:
 - A refuelling canopy with an area of 227.5m².
 - Service station building with an area of 202m².
 - Two, 90 kilolitre underground fuel tanks.
 - Vehicle entry/exits, refuelling and manoeuvring hardstand areas and eleven (11) off-street parking spaces
 - Loading bay and service area.
 - Landscaping.
 - Signage.
- Approval to operate 24/7 days a week.

3.0 REFERRALS

3.1 External Referrals

The proposed development was referred to the following external Government Agencies for comment/consideration.

Transport for NSW

The proposed development was referred to Transport for NSW (TfNSW) in accordance with the requirements of Clause 104 of the State Environmental Planning Policy (Infrastructure) 2007.

TfNSW raised no objection to the proposed development provided the following matters are addressed and included in Council's conditions of development consent:

Drainage:

- *TfNSW requires the pre-development discharge be calculated assuming whole site area is pervious (0% impervious).*
- *TfNSW will require Post Developed discharge from site is not to exceed Pre-Developed (fully pervious) discharge from site up to the 100 year rainfall event (detention calculations to be provided to TfNSW for the 1, 5, 10, 20, 50 and 100 year rainfall events).*
- *Storage from rainwater tanks is not to be included in detention calculations.*
- *The grated drains at the two accesses should drain to on site detention and not be directed to the Kerb and Gutter.*

Pavement:

- *The pavement in the shoulder will also need to be confirmed and may require reconstruction. Two geotechnical test pits should be undertaken (one in middle of each proposed access) to log pavement profile, and 10 day soaked subgrade CBR tests on each pit to determine whether pavement require reconstruction.*

Works Authorisation Deed:

- *... TfNSW will require the developer to enter into a Works Authorisation Deed (WAD) with TfNSW. TfNSW would exercise its powers and functions of the road authority, to undertake road works in accordance with Sections 64, 71, 72 and 73 of the Roads Act, as applicable, for all works under the WAD (Attachment A).*
- *All road works under the WAD shall be completed prior to issuing any Occupation Certificate for the development.*
- *All works associated with the subject development shall be undertaken at full cost to the developer and at no cost to TfNSW or Council, and to Council's requirements.*

These requirements have been reviewed by Council's Community Infrastructure Engineers and Planning Assessment Officers and have informed the recommended conditions of consent.

NSW Police

The NSW Police were referred the development application to consider safety, security and crime management.

Correspondence received from the NSW Police dated 2 November 2020 included recommendations in relation to:

- Site surveillance
- Lighting
- Landscaping
- Access control
- Space/activity management

These NSW Police recommendations were communicated to the applicant. In response, the applicant prepared and submitted an updated Crime Risk Assessment.

The updated Crime Risk Assessment was provided to the NSW Police who provided a further response that recommendations of that assessment should be implemented in full along with a further requirement to ensure the security of the point of sale/counter of the service centre building through measures to restrict customer entry.

Council Officers have recommended conditions of consent requiring the implementation of the Crime Risk Assessment recommendations and the implementation of additional access control measures put forward by the NSW Police.

3.2 Internal Referrals

Water and Waste

Water and Waste Officers raised no objection to the proposed development but advised the requirements for the provision of water and sewage services to the development to be obtained from Council prior to the issue of a Construction Certificate and for the related works to be completed as part of the development.

A condition is included that requires the developer to obtain and comply with a Notice of Requirements from Council's Water and Waste Team.

Senior Environmental Health Officer

The proposed development was referred to Council's Senior Environmental Health Officer who provided comments related to the management dangerous goods, underground petroleum storage system installation and the management of other potential environmental health impacts.

The Environmental Health Officer raised no objection to the proposed development. Conditions of consent in relation to the underground petroleum storage system installation, management of chemicals and food handling/Food Act compliance. Have been incorporated into recommended conditions of consent.

Building Surveyor

Council's Building Surveyor raised no objection to the proposal and that compliance with the Building Code of Australia may be resolved through the Construction Certificate process. A condition of consent has been included in relation to the carrying out of demolition works to ensure to Council requirements.

Liquid Trade Waste Officer

The proposed development was referred to Council's Liquid Trade Waste Officer to provide advice on any Liquid Trade Waste Agreement or servicing requirements for the development.

Based on a review of the proposed plans the development does not require a liquid trade waste agreement at this time for discharge into Council's reticulated sewerage system.

Community Services

The proposed development was referred to Council's Community Services Team to consider and provide any comments related to potential social impacts related to the development. No comments were received in response to this referral.

Community Infrastructure

The proposed development was referred to Council's Community Infrastructure Department to provide advice in relation to transport and engineering considerations.

Council's Community Infrastructure Section issued a request for additional information from the applicant. Based on revised documents and information, Council's Chief engineer provided the following observations in relation to the development application:

- The applicant needs to prevent the spread of gravel and sediment into the adjacent road by applying a shaker ramp or similar during construction
- Modified Soil/water (Erosion and sedimentation) control plan and work schedules need to be provided by the consultant as per MDCP 2009 - Section 20, to indicate stockpile locations, runoff control measures, and pit protection during construction in the proposed construction drawings
- Earthwork compaction and quality control should comply with AS 3798

- Pipe covers need to be stated in the drawings for pipes under trafficable areas, and it should be compliant with AS/NZS 2032.
- Any construction works within the road corridor to be undertaken under an S138 permit by Council. Existing kerb and gutter shall be saw cut for two accesses east of the site. The applicant shall construct the 'layback' following Drawing No 4 of MSC Footpath and Kerb and Guttering Policy No. F10/1
- Due to the proximity of the power pole adjacent to the entry driveway, CI recommends either a suitable barrier kerb to prevent errant truck turning movements along the northern edge of the entry driveway or relocation of the power pole. It is understood that if room allows, trucks entering the site conducting a wider turning movement when safe to do so across two lanes will have a narrower turning circle, reducing the risk to the power pole. It is anticipated that a refueling truck accessing the service station will be travelling at a low speed for the 90 degree turn into the service station, therefore the risk of a collision is considered small.
- The applicant has provided the above-ground detention details (Refer to Drawing No. C10-B) in the updated submitted civil drawings. It shows Post Development Discharge from the site in not exceeding Pre-Development discharge from the site up to the 100-year rainfall event. Pre-Development discharge was calculated assuming the whole site area as pervious/green field. Storage from rainwater tank was not included in detention calculation, as there was no rainwater tank proposed as part of this project. The updated civil drawing (Refer to Drawing No. 3B) modified the grated drains to connect with the boundary discharge pit instead of directed to the Kerb and Gutter. All stormwater connections to existing Council infrastructure is to be prepared and constructed in accordance with an S138 certificate.
- The applicant has submitted the "DRAIN" model as per CI requirements.
- The applicant has provided the detail of oil/water separator as per CI requirements. The proposed fuel spill capture unit is a SPEL Purceptor P.010.C1.2C.A with a minimum fuel spill capture of 2,500 Litres. This device must be maintained at all times.
- CI acknowledges that TfNSW has assessed this development for the largest expected vehicle turning movement (fuel tanker) and recommended that refueling activities occur outside of peak traffic times, to which CI also concur. CI also understands that as peak traffic times may change over time, we recommend review of peak times as required as part of the DA, and additionally request that refueling tankers be conditioned to exit north from site (left) and use Denman Rd/Thomas Mitchell Drive if returning southbound along the New England Highway. This reduces the risk of collisions by crossing three lanes of the highway, where insufficient space exists to install a median kerb line along Maitland Rd (comment by TfNSW). It is acknowledged some other businesses are permitted a right hand turn from their site onto the New England Hwy (Mobil Station Maitland St, Shell Service Station Bridge St, Osbourne Bus Company, Maitland St), however the DA conditions for these properties are understood to have been in place for many years, prior to the increase in traffic along the New England Hwy. No restrictions for a right-hand turn have been recommended by TfNSW for southbound refueling vehicles.
- The Service Station's proposed site layout needs to allow for stacking of vehicles at each of the six pumps without encroachment on the internal public access way.
- As part of the application for construction certificate, the applicant must submit an appropriate signage and pavement marking plan for traffic control on-site for the internal access way to give motorists clear directions as per Australian Standards.

These observations were reviewed in conjunction with Transport for NSW comments and have informed the recommended conditions of consent.

4.0 ASSESSMENT

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

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**

Land Use Zoning and permissibility

The subject site is zoned B2 Local Centre under the MLEP 2009.

The land use table for the B2 Local Centre identifies **service stations** as a type of development permissible with consent.

The B2 Local Centre land use table has been included below for reference.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

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

Objectives of the B2 Local Centre Zone

The relationship of the proposed development with the B2 Local Centre zone objectives and land use table has been considered below.

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

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

- To support business development by way of the provisions of parking and other civic facilities.

Clause 2.3 of the MLEP 2009 requires a consent authority to have regard to the relevant land use zoning objectives when determining a development application. Council Officers have considered the proposed development against the B2 Local Centre land use zone objectives referenced above. It is the view of Council Officers that the proposal would be in keeping with these land use zone objectives. The proposal would establish a new commercial premises, create additional employment opportunities and contribute to the character of the Muswellbrook commercial precinct. These outcomes would promote the achievement of a number of the B2 Local Centre land use zone objectives.

Relevant Clauses applicable under MLEP 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. Complies
<i>2.7 Demolition requires development consent</i>	This clause specifies that the demolition of buildings may be carried out with development consent. Complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The proposed development does not involve the subdivision of land. Accordingly, this clause, and the MLEP 2009 minimum lot size provisions do not require further consideration as part of the development assessment. Not relevant
<i>4.3 Height of buildings</i>	The maximum building height applicable to the land and proposed development under the provisions of the MLEP 2009 is 13m. The maximum height of any new building proposed as part of the development is 7.15m, however the definition of the maximum building height is inclusive of any filling imported to the site to raise the property above the natural ground level. The section information included with the development application suggests that fill height above ground level would be approximately 1.5m. Inclusive of the fill height the maximum building height would be approximately 9m comfortably below the prescribed maximum building height of 13m prescribed by this clause. Complies

4.4 Floor space ratio	<p>This Clause prescribes a maximum Floor Space Ratio (FSR) to development of 2:1. The proposed development would have a floor space ratio of 0.08:1.</p> <p>Complies</p>
Part 5 Miscellaneous provisions	
5.10 Heritage conservation	<p>The development site is not located within a heritage conservation area or include an item of environmental heritage.</p> <p>The locally listed heritage item 'Hennor' is the nearest item of environmental heritage to the development site.</p> <p>The development site is physically separated from this heritage item by Maitland St (the New England Highway). Given the separation between the development site and this item of environmental heritage the proposed development is considered unlikely to have any substantive impact on this heritage item. Therefore, Council Officers are satisfied that the proposed development may proceed in accordance with the requirements of this Clause.</p> <p>Complies</p>
Part 6 Urban release areas	
Part 7 Additional local provisions	
7.6 Earthworks	<p>This development application would involve the filling to a maximum depth of approximately 1.5m.</p> <p>Council Officers made the following observations in relation to the development's compatibility with the clause requirements referenced above:</p> <ul style="list-style-type: none"> - The proposed development will not compromise soil stability where relevant compaction and soil retention works are completed. - The proposed fill is unlikely to compromise any future development opportunities for the site - Having regard to the B2 Local Centre land use zoning of the site and locality, Council Officers are of the view that the proposed fill is unlikely to have a detrimental impact to the amenity of neighboring properties. The visual impact of the proposed development is considered and commented on further under the likely environmental impact heading of this report. - A recommended condition has been put forward to ensure all fill imported to the site is appropriately sourced clean fill. - The proposed fill is unlikely to result in the disturbance of any relics - The proposed fill is unlikely to adversely impact drinking water catchments. <p>Complies</p>

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

To review whether the proposed development would qualify as a hazardous or offensive development the applicant has engaged HAZKEM Dangerous Goods Consulting to prepare a Risk Screening Analysis.

The Risk Screening Analysis reviewed the quantity of dangerous goods proposed to be stored on-site and calculated a minimum setback distance for any dangerous good storage of 7.63m from neighbouring properties and 10.05 from neighbouring properties that include sensitive uses, such as residential. The proposed development would achieve these minimum setbacks.

As the proposed development would observe the minimum setback distances for dangerous goods identified by the Risk Screening Analysis, the site is not viewed as comprising a 'Potentially Hazardous' development under the provisions of SEPP 33. Accordingly, the proposed development may proceed without further assessment against the SEPP provisions that relate to 'potentially hazardous' and 'potentially offensive'.

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

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

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

Council records indicate that the site has a long history of residential use and was subdivided in 1939.

The applicant commissioned a Preliminary Site Investigation to be carried out in relation to the development by EP Risk. This study did not identify any site contamination requiring remediation under the SEPP, with the exception that it noted buildings on the site to potentially contain asbestos and lead paint. The removal of any such hazardous materials will need to be managed when completing the development and the undertaking of further surveys in line with the Preliminary Site Investigation Recommendations and recommended considerations of consent.

In view of the site history and Preliminary Site Investigation findings, Council Officers are satisfied that the subject is unlikely to be subject to contamination that would require remediation under the SEPP, while any asbestos removal is to be managed in accordance with Australian Standards.

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

The proposed development involves the construction of signage installations comprising:

- Freestanding pylon advertisement structure to include the business logo of the service station and fuel price information. Signage to be 7m tall by 2m wide.

- Two (2) Freestanding directional signs to include business logo. Signs to be 1.35m tall by 0.72m wide.
- Business identification signs displaying to be installed on the service station canopy and front elevation of the main service station building (non-illuminated)
- Internally illuminated light box business identification sign to be installed on the buildings front (north-east elevation)
- Business identification sign to be installed on the rear building elevation opposite the front elevation light box sign.

Council Officers have reviewed the proposed advertisement signage against the SEPP Objectives and the requirements of Schedule 1 of the SEPP. The findings are:

- The design of the proposed signs is compatible with the character of the area as an established business area and would not impact on significant views and vistas.
- The proposed signage would not be illuminated with the exception of the pylon sign and lightbox business identification sign. All illuminated signage would be orientated towards the New England Highway and are unlikely to result in any light emissions with the potential to impact on the amenity of the locality.
- With the exception of business identification sign proposed for the south western (rear) building elevation of the service station building, the proposed signs are considered to be suitably located in respect to the existing environment. It is considered that the proposed northern elevation wall sign is inappropriately located given the following:
 - The sign would not advertise the premises directly to a public area;
 - Vistas of this sign would be only observable from neighbouring premises; and
 - The orientation of signage directly toward neighbouring properties is considered to be intrusive and an unnecessary impact on the utility and enjoyment of this adjoining land.

The bulk and scale of the proposed signage is considered to be in accordance with the requirements of the SEPP, with the exception of the business identification sign proposed for the buildings south-west (rear) elevation. Accordingly, it is recommended that if development consent is granted to the proposed development a condition is imposed on the consent to restrict the construction of the south-west elevation business identification sign.

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

The proposed development does not relate to any draft environmental planning instrument. There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

Council Officers are satisfied that the proponent has adequately considered the provisions of this Section and prepared the documentation accompanying the development application in accordance with the requirements of this Section.

Section 9 – Local Centre Development

MDCP 2009 - SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>9.1.1 Built Form</p> <p>(i) The design of new buildings should reflect and enhance the existing character of local centres. (refer to section 15 of this DCP for further guidance on development in the Bridge Street area)</p> <p>(ii) Building design should relate to its retail/commercial/office function.</p> <p>(iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.</p> <p>(iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres</p> <p>(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.</p> <p>(vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.</p> <p>(vii) Blank building facades to streets or public places are to be avoided.</p> <p>(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings. (ix) Building designs should allow for passive surveillance of</p>	Yes	<p>The proposed development is considered to be compatible with the requirements of this Section of the DCP. This view has been formed based on the following considerations:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The contemporary design of the proposed development would be compatible with the design and appearance with other modern buildings in the vicinity of the development site including the adjoining commercial premises and the REPCO building opposite the site on the New England Highway. <input type="checkbox"/> The design of the proposed service station would support its intended use. <input type="checkbox"/> The information submitted with the development application indicates that new materials would be used in the development construction and that those materials would not be highly reflective. <input type="checkbox"/> The proposed development would have an active street frontage interface with Maitland St <input type="checkbox"/> Details of proposed signs have been included.

MDCP 2009 - SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>public places and streets.</p> <p>(ix) Building entrances should be well defined and well lit.</p> <p>(x) New residential development shall be located above street level.</p> <p>(xi) Incorporate areas for future signage into the building design.</p>		
<p>9.1.2 Height of Buildings</p> <p>(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.</p> <p>(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.</p> <p>(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.</p>	Yes	<p>The proposed development would comply with the requirements of this section of the DCP. This view has been formed based on the observations below:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The height of the proposed development would not exceed the maximum building height for the land specified by the MLEP 2009. <input type="checkbox"/> The proposed development would be sited adjacent to an existing commercial premise with a height comparable to a two-storey building. The height bulk and scale of the existing building is greater than that of the proposed service station. <input type="checkbox"/> The applicant provided 3D perspective drawings to provide a contextual view of the proposed development within its surrounds. The height of the proposed development would not be out of character with adjoining development. <input type="checkbox"/> The proposed service station building would be setback 10.6m from the nearest adjoining residential property and the proposed service station canopy 7.4m. Given the setback of the proposed structures from adjoining properties, Council Officers are satisfied that the proposed development is unlikely to cause any significant overshadowing.
<p>9.1.3 Setbacks</p> <p>(i) The front of buildings should be aligned to provide a continuous street frontage.</p> <p>(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.</p>	Yes	<p>The proposed development is in accordance with this Section of the DCP. This position has been informed by the following considerations:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Proposed buildings have an increased setback compared to neighbouring commercial premises,

MDCP 2009 - SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
(iii) New development should respect the setbacks of other buildings along the streetscape. (iv) Separation fencing is provided between development land and any rail corridor. (v) (Not included Relates to Rail Corridor Development)		however this setback is necessary to support the functionality of the development and vehicle turning circles. The forecourt refuelling area would be an active part of the development it is considered that the proposal would have the appearance of a continuation of the commercial street frontage. <input type="checkbox"/> An area has been reserved adjacent the site's Maitland St frontage for landscaping. <input type="checkbox"/> The development site is not situated adjacent a rail corridor.
9.1.4 Accessibility This Section of the DCP requires new commercial developments to be designed and constructed in a manner which comply with the relevant accessibility standard.	Yes	Should development consent be granted to the proposed development it would be subject to the works being carried out in accordance with the Building Code of Australia and Access to Premises Standard. The proposed development has also been referred to Council's Building Surveyor who raised no concerns in relation to the design of the proposed development from an accessibility perspective based on the review of the proposed plans.
9.2.1 Urban Landscaping (i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places. (ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area. (iii) Landscaping should be used to soften the impact of hard surfaces where necessary. (iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application	Yes	The plans include an area for landscaping along the site's Maitland St frontage and north west and south east elevations. Council Sustainability Officers reviewed the landscape plan and are generally happy with the landscaping and species proposed. It is recommended that additional landscaping be considered to soften the visual impact of the proposed development at its interface with adjoining residential zoned land, with vegetation screening along these site boundaries with native trees to grow to a mature height of 8m or more.
9.2.2 Car Parking	Yes	Council Officers are satisfied that the rate off off-street car parking proposed would meet the relevant DCP off-street car parking requirements.

MDCP 2009 - SECTION 9 LOCAL CENTRE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
9.2.3 Outdoor Eating Areas	NA	The proposed development does not involve any outdoor eating areas which would require assessment against the requirements of this sub-section.
9.2.4 Signage and Advertising	Yes	The proposed signage has been considered against the provisions of Section 14 of the DCP and the requirements of the SEPP Advertising Signage. Proposed signage would be in accordance with the signage requirements of this legislation and can be supported with the exception of the south west (rear) elevation business identification sign.

Section 13 – Flood Prone Land

The site subject to this development application is affected by the 1% (1 in 100 year) flood event. The flood level for the site during the 1% flood event was identified as 145.57m AHD.

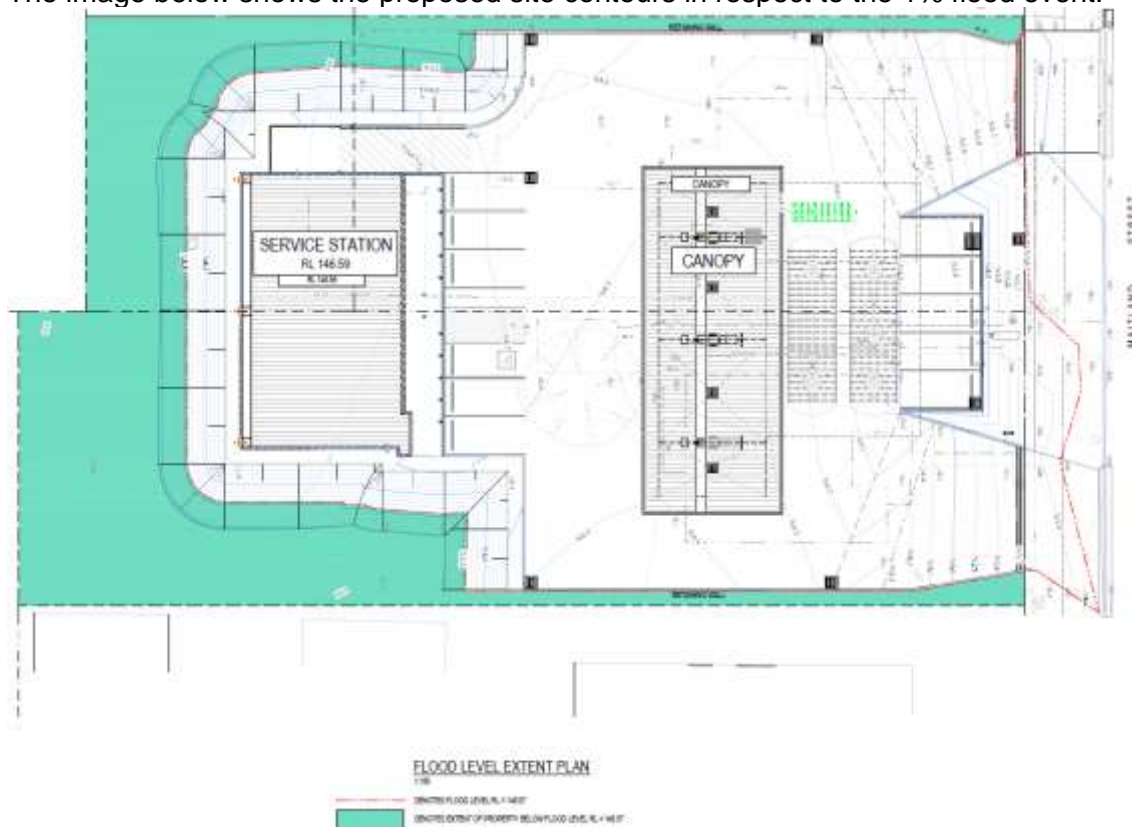
A Flood Impact Assessment was submitted with the application.

The proposed development has been considered against the relevant provisions of sub-section 13.4 of the DCP in the table below.

MDCP SUB-SECTION 13.4 NON-RESIDENTIAL FLOOD PRONE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
13.4a) <i>Floor levels for non-residential uses, excluding habitable areas, may be permitted below flood level provided the development is in accordance with the principles outlined in Section 13.1.</i>	Yes	The finished floor level of the convenience store would be 146.59m AHD and would exceed the anticipated height of the 1% flood event of 145.57m AHD.
13.4 b) <i>The floor level of all habitable areas of proposed development shall be at least 0.5m above the 1% AEP flood level except in the case of change of use of an existing building.</i>	Yes	The finished floor level of the convenience store would be 146.59m AHD and would exceed the anticipated height of the 1% flood event of 145.57m AHD.
13.4 c) <i>The development will not result in increased flood hazard or flood damage to other properties or increase afflux by more than 0.1 metres.</i>	Yes	The Flood Impact Assessment prepared by Eclipse Consulting observed that the maximum pre-development flood depth of water from the 1% flood to be 280mm. The report advises that the development would not increase the flood hazard of adjacent sites by more than 100mm.
13.4 d) <i>The construction methods and materials for that part of the development below the 1%</i>	Yes – to be administered by	The table submitted as Appendix C to the Statement of Environmental Effects advises that the development would comply with

MDCP SUB-SECTION 13.4 NON-RESIDENTIAL FLOOD PRONE DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<i>AEP flood level shall conform with the flood proofing code, Section 13.8.</i>	recommended condition	flood proofing code requirements. A standard condition of consent has been put forward to ensure engineering design details are provided to the Principle Certifying Authority prior to the issue of a Construction Certificate to demonstrate that the buildings have been designed to withstand the relevant flood forces.
<i>13.4 e) The proposed development can withstand the force of flowing floodwaters, including debris and buoyancy forces.</i>	Yes – to be administered by recommended condition	As referenced in the above column the propose development a condition of consent would be imposed to ensure any building elements below the height of the 1% flood event are designed and constructed to withstand the relevant flood forces.
<i>13.4 f) Provision shall be made for the safe storage and/or timely removal of goods, materials, plant and equipment in the event of a flood.</i>	Yes	Fuel stored at the site would be contained in underground fuel tanks situated between Maitland St and the proposed service station canopy. On the 18 November 2020 Council Officers issued the applicant with a request for additional information, which amongst other things, sought to clarify the relationship of fuel storage areas with the anticipated height of the 1% flood event. The applicant provided updated civil drawings that included a plan showing the anticipated extent of the 1% flood event in relation to the proposed development and detailed contour information. A copy of this plan has been included below for Council's information. This document indicates that the proposed fuel tanks will be located above the anticipated 145.57m AHD height of the 1% flood event. Council Officers are satisfied that the proposed development would be compatible with the requirements of this sub-section.
<i>13.4 g) A report be provided by a suitable qualified consulting engineer stating that the requirements outlined in (d) and (e) above have been incorporated in the design of the development.</i>	Yes – to be administered by recommended condition	A recommended condition of consent has been put forward to ensure that design details for all components of the proposed development below the 1% flood event are designed to withstand the relevant flood forces.

The image below shows the proposed site contours in respect to the 1% flood event.



Section 14 – Outdoor Signage

Council Officers are satisfied that the proposed signage, with the exception of the business identification sign to be installed on the northern elevation of the service station building, would be compatible with the controls of this Section of the DCP and DCP objectives. It is recommended that if development consent is granted to the proposed development that no consent is granted to south west (rear) elevation business identification sign.

Section 15 – Heritage Conservation

The site subject to this development application is not located within a Heritage Conversation Area or include an item of environmental heritage.

The nearest heritage item to the development site is 'Hennor' a locally listed item. This heritage item is situated on the other side of the New England Highway to the development site and the northern side of the Lorne Street. The image below identifies the location of this heritage item in relation to the development site.



Given the proposed development is physically separated from this heritage item by the New England Highway, Lorne Street and other commercial premises it is considered unlikely to have any substantive impact on the importance of this locally listed item.

Section 16 – Car Parking and Access

The DCP requires 1 car parking space to be provided for every 20m² of gross floor area of the convenience store.

The convenience store has a floor area of 202m². Under the DCP this would require a total of 10.1 off-street car parking spaces to be provided. A total of 11 off-street car parking spaces including 1 accessible parking space have been proposed, which is consistent with the DCP requirements.

Section 20 – Erosion and Sediment Control

An Erosion and Sediment Control Plan has been included in the civil plans accompanying this development application.

In referral comments Council's Community Infrastructure Division indicated that additional details of soil stockpiles and control measures that should be provided in a final sediment and erosion control plan. To ensure adequate sediment and erosion control measures are incorporated into the development a recommended condition of consent has been put forward requiring the submission of an updated plan addressing these requirements prior to the issue of a Construction Certificate.

Section 24 – Waste Management

This section of the DCP requires development applications to be accompanied by a waste minimisation management plan in relation to the construction and operation of the proposed development.

A waste minimisation management plan has been submitted with this development application which outlines anticipated waste streams and waste collection to be provided to the development. To manage operational waste the applicant has proposed a bin store to contain a general waste and recycling bin which are to be collected 2-3 times a week.

The waste minimisation plan submitted and the measures proposed are in accordance with the requirements of this section of the DCP.

Section 25 – Stormwater Management

The proposed development would increase stormwater runoff as a result of increased building footprint and car parking area.

The civil plans submitted with the development application included stormwater drainage plan designs. These plans were referred to Council's Community Infrastructure Department to consider the acceptability of the stormwater management system proposed and any impact of the development on Council's stormwater drainage network.

Council's engineers advised that the proposed stormwater management system would be unlikely to adversely impact Council's drainage system. Accordingly, no objection is raised to the development from a stormwater management perspective. Recommended conditions of consent have been put forward around the construction and operational management of the stormwater system.

Section 94 Contributions Plan 2001

Section 7.11 (Formerly Section 94) Contributions are not applicable to the proposed development.

Section 94A Contributions Plan 2009

In accordance with Council's Section 94A Contribution Plan a Section 7.12 (formerly Section 94A) developer contribution would be applicable to the proposed development at a rate of 1% of the total estimated capital investment value.

The proposed development would have a capital investment value of \$2,128,496 and thereby a contribution of \$21,284 would be applicable should the development application be approved.

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

There are no planning agreements relevant to the subject Application.

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

Division 8A of the Environmental Planning and Assessment Regulation 2000 applies to the development. The prescribed conditions of this Division of the Regulations will be applied to the development where appropriate.

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 the development

Key potential impacts of the proposed development have been considered and commented on under the sub-headings below.

Context and setting

The applicant has proposed to import fill to the development site to raise the floor level of the refuelling area and service centre building above natural ground level.

To properly consider the visual impact of the proposal in context with the existing streetscape, Council Officers requested additional design information and 3D perspective drawings.

These drawings indicate that the size, bulk and scale of the proposed development would not be similar to adjoining commercial premises and other service stations and retail outlets located along Maitland Street in the general area of the development site. The setback between the dwelling and the proposed development would manage the visual contrast between the two structures and reduce the developments overall visual impact.

The proposed development would be at natural ground level at the Maitland St boundary with fill placed on the site to raise the development toward its rear (southwest) elevation. At the high point, beneath the service station building, the development would have between 1m-1.5m of fill. The visual impact of this would be largely confined to the neighbouring properties, whilst being somewhat mitigated through the development setbacks and acoustic barrier screening.

In view of the above Council Officers consider that the proposed development would not have a significant adverse impact on the Maitland St streetscape and local context and setting that would warrant the refusal of development application. Accordingly, no objection is raised to the proposed development with regard to its visual impact or compatibility with the local context and setting.

Noise and Vibration

The construction of the proposed development has the potential to generate noise that would impact adjoining residential properties. This is reflected by the findings of the Noise Impact Assessment which recommends control measures to limit the potential for construction activities to cause noise disturbances to adjoining properties.

These disturbances will occur for a limited duration during construction. The Noise Impact Assessment recommends conditions of consent including the restriction of building works to between 7am – 6pm Monday to Friday, 8am – 1pm Saturday, with no work to be carried out on Sundays and public holidays.

The impact of noise related to the operation of the proposed development has been a key consideration through the assessment of this development application. The Noise Impact Assessment indicates that noise related to the proposed development would not exceed Project Noise Trigger Levels at any adjoining property and thereby would not have an unacceptable impact on adjoining residential or commercial premises.

Given the extended trading hours proposed as part of this development application Council Officers requested the applicant engage a third-party noise consultant to complete an independent peer review of the Noise Impact Assessment. The peer review did not raise significant issue with the Noise Impact Assessment. Following the peer review further information has also been provided by the author of the original Noise Impact Assessment to clarify comments made by the peer review. This information affirms that the anticipated noise emissions would be within the relevant guidelines.

Council Officers accept that acoustic modelling suggests that noise related to the operation of the proposed development would be consistent with the relevant guidelines and thereby is unlikely to have a significant adverse impact on the amenity of adjoining properties.

Rather than rely solely on models that indicate there won't be issues, Council Officers have recommended a number of consent conditions including limiting the proposed 24/7 hour trading to a 12 month trial period. A summary of the recommended Conditions of consent related to the management of potential noise impacts has been included below:

- limiting the proposed 24/7 trading to a 1 year trial period from the issue of an Occupation Certificate, with an opportunity for this to be extended via a further application.
- Requiring a complaint register to be maintained through the trial period and specifying the terms of that register and a requirement for action to be taken to take action to address complaints where they arise.
- Require noise monitoring to be carried out for the development within 3 months of the issue of an Occupation Certificate to demonstrate the premises is not emitting noise that exceeds the Project Noise trigger levels. Where the relevant noise criteria are not being met the condition specifies a requirement for action to be taken to address the identified cause of any noise exceedances and further testing to be carried out.
- Require the certification of any plant equipment to be included in the development prior to a Construction Certificate to ensure noise emissions will not exceed 5dB(A).
- Requiring the construction of the proposed acoustic fence, and implementation of noise control measures, prior to the issue of an Occupation Certificate.

Lighting

The proposed development involves the construction of two illuminated signs and the lighting of the service station and refuelling areas. Council Officers have reviewed the illuminated signage proposed against the requirements of the SEPP Advertising Structures and the provisions of Section 14 Outdoor Signage of Council's DCP. Council Officers are satisfied that the illumination of this signs won't have a significant adverse impact on the local area.

The outdoor lighting proposed has the potential to impact adjoining land through the night. To reduce the potential impact of lighting on adjoining land it is recommended that all lighting installations are carried out to comply with the requirements of Australian Standard AS4282.1997. Recommended conditions have been put forward to require the preparation of a lighting plan to comply with this Australian Standard for approval prior to the issue of a Construction Certificate, the implementation of that lighting plan and a requirement to monitor the lighting once implemented and make adjustments to the lighting arrangement to resolve any light spill issues.

Access and Transport

A Traffic Impact Assessment, prepared by SLR Consulting Australia, was submitted with the proposal.

The Traffic Impact Assessment came to the following conclusions in relation to the proposed development and its traffic impacts:

- *The development's car parking and loading/unloading provisions will be provided in accordance with the DCP requirements;*
- *The proposed design of access, car parking and servicing arrangements satisfies the relevant DCP and AS2890 requirements;*
- *The operational assessment conducted herein demonstrates that the proposed site access to Maitland Street will operate well within acceptable performance levels under the 'With Development' traffic scenario at the 10-year design horizon.*

The Traffic Impact Assessment and the impact of the development on the local and regional transport network was referred to Transport for NSW to consider as the road authority for the New England Highway (Maitland St) and Council Community Infrastructure Engineers as the local road authority. Comments received from these referrals raise no significant issue with

the proposed development, the Traffic Impact Assessment or the access arrangements proposed. Recommended conditions of consent were put forward by Transport for NSW and Council's engineers which have been incorporated into the recommended conditions of consent.

Safety and Security

To inform the assessment of these issues the proposed development was referred to the NSW Police who provided a response dated 2 November 2020 included recommendations in relation to:

- Site surveillance
- Lighting
- Landscaping
- Access control
- Space/activity management

The applicant was advised of the NSW Police comments in relation to the proposed development and provided Council with an updated Crime Risk Assessment incorporating the majority of NSW Police safety and security recommendations. Measures proposed to mitigate the risk of criminal activity occurring in relation to the development include:

- Passive site surveillance via the Maitland St frontage,
- Lighting
- CCTV cameras
- Secure entry and exit points
- lockable bin stores and back of house areas
- Intruder alarm system incorporating a duress facility
- Night pay window

Council Officers are satisfied that suitable safety and security measures would be incorporated into the proposed development to support its operation and minimise risk associated with the proposed late-night trading.

Heritage

The proposed development is not located within a Heritage Conservation Area and does not include a listed heritage item.

The nearest heritage item to the development site is 'Hennor' a locally listed heritage item situated north east of the site on the opposite side of the New England Highway and Lorne St intersection.

The relationship of the proposed development with this heritage item has been considered in greater detail under the DCP – Section 15 Heritage Section of this report. Council officers are satisfied that the proposed development is unlikely to have any substantive impact on the significance of this heritage item and thereby the development may be supported from a heritage impact perspective.

Natural Hazards

The site is flood liable. The flood level for the site during the 1% flood event was identified as 145.57m AHD. A Flood Impact Assessment has been prepared by Eclipse Consulting Engineers and submitted in relation to the proposed development.

Council Officers are satisfied that the proposed development could be supported from a flood risk management perspective. Information contained in the development application indicates that the following measures will be implemented in relation to flooding:

- The habitable floor level for the service station convenience store building would be 146.59m AHD, a minimum of 1020mm above the anticipated flood height of the 1% flood event at 145.57m AHD.
- Flood data and survey information indicates that the maximum pre-development depth of flooding on the site is 280mm. The Flood Impact Assessment specifies that the proposed development would not increase the flood hazard of adjacent sites or their flood afflux by more than 100mm. This would be consistent with the DCP requirement to ensure development does not increase flood affection on neighbouring properties by more than 100mm.
- Recommended conditions have been put forward to ensure all building materials below height of the 1% flood event are designed to withstand floodwaters.
- Consideration has been given to the suitability of storing petrol on a site affected by flooding. Additional information was provided by the applicant to confirm the fuel tank locations would be above the anticipated height of the 1% flood event. The finished floor level for the fuel tank locations would be between 146.0m – 146.2m AHD.

The proposed development is not identified as being affected by any further natural hazards that may affect the ability of the proposed development to proceed.

Technological Hazards

The proposed development involves the storage of dangerous goods. The applicant engaged HAZKEM Dangerous Goods Consulting to review the proposed storage arrangements and prepare a Risk Screening Analysis in relation to the proposed development. This risk screening analysis is considered in detail under the SEPP 33 Hazardous and Offensive Development of this report.

The risk screening analysis identified that the proposal would not comprise a 'potentially hazardous' development within the meaning of SEPP 33 and thereby may be supported by Council from a risk management perspective.

To ensure that the service station is constructed and managed in accordance with Council's requirements for managing hazards and chemical spills the application was also referred to Council's Senior Environmental Health Officer who recommended conditions of consent related to spill control and ensuring the construction complies with the requirements of the Underground Petroleum Storage System Regulation.

Social and Economic Impacts

The proposed development would support economic activity and provide new job opportunities for the Muswellbrook area. At the same time as having these positive economic and social impacts the proposal has the potential to have adverse impacts related to safety, security and criminal activity related to the proposed 24-hour operation. The applicant has put forward various measures to manage the risk of these adverse social impacts occurring in relation to the proposal. Where these proposed safety and security measures are incorporated into the development it is considered that the proposal may be supported from a social impact perspective.

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

The site is suitable to the proposed development. The subject site is zoned B2 Local Centre and adjoins other commercially developed land. Council Officers have observed the proximity of the development site to residentially developed, however the setbacks between

the proposed buildings and this land and noise mitigation measures proposed support the suitability of this site for the development proposed.

The flood liability of the land has been a key consideration for this development assessment and is a key consideration in considering the suitability of the site for development. It is considered that the flood risk for the site has been adequately addressed through the design of the proposed development. The finished floor level of the service centre building and refuelling area will be above the height of the 1% flood event, while the Flood Impact Assessment accompanying the development application confirms the development would not affect the flood hazard of adjoining land or raise the flood afflux at neighbouring properties by more than 0.1m.

Section 4.15(1)(d) any submissions made

In accordance with the requirements of the Community Participation Plan the proposed development was notified between the 7 September 2020 and the 29 September 2020.

In accordance with that plan and the Environmental Planning and Assessment Regulation 2000 amendments related to the notification of applications during the COVID-19 pandemic the application was notified online at Council's website and posted via the Council's Facebook. Written notices were posted to the owners of property in the vicinity of the development site.


A total of ten (10) submissions were received in relation to the proposed development. The submissions have been attached for Council's review.

Each of the submissions received have been considered by Council Officers in the assessment of the development and the reasoning provided for any objections to the proposed development have been summarised and commented on in the table below:

Issue Raised	Planning Comment
There are already several service stations in Muswellbrook and multiple 24/7 service stations a further service station is not required from a community or market perspective.	The proposed development has been assessed against the relevant assessment criteria under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> . Any decision to refuse the proposed development due to the perception that Muswellbrook already has a enough service stations would likely to be overturned by the Land and Environment Court.
Proximity of the development to the Lorne St traffic lights and the potential for vehicle queuing to access the site to impact traffic.	A Traffic Impact Assessment was prepared in relation to the proposed development which considers the likely traffic related to the proposed development and its impact on the surrounding road network. This report indicates that the proposed development is unlikely to adversely impact the road network. The findings of the Traffic Impact Assessment were referred to and reviewed by Council's engineers and Transport for NSW, both raised no objection to the proposed development from the perspective of its likely impact on the road network.
Visual impact of the 1.8m noise attenuation barrier on the immediate adjoining neighbour	Boundary fences up to a height of 1.8m can be constructed as exempt development under the provisions of the SEPP (Exempt and Complying Development Codes) 2008. The height of the proposed noise attenuation wall would be 1.8m and would thereby not exceed the height of a dividing fence that may be

Issue Raised	Planning Comment
	constructed along the property boundary.
Devaluation of adjoining residential properties	<p>The proposed development has been assessed against the relevant assessment criteria under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>. The design of the development, and proposed conditions of consent, minimise the impact the development may have on adjoining properties.</p> <p>The potential impacts of a development on the value of nearby land is not a relevant consideration for determining development applications under Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i>.</p>
Potential for anti-social behaviour related to the development and late-night trading	<p>The Crime Risk Assessment submitted with the development application has proposed a number of measures to reduce the risk of anti-social behaviour occurring in relation to the proposed development and its late night trading hours and support the safety of site users.</p> <p>Mitigation measures proposed include:</p> <ul style="list-style-type: none"> - Passive site surveillance via the Maitland St frontage, - Lighting - CCTV cameras - Secure entry and exit points - lockable bin stores and back of house areas - Intruder alarm system incorporating a duress facility - Night pay window <p>The proposal was referred to the NSW Police for comment. The assessment of the security measures proposed by the NSW Police informed the final Crime Risk Assessment, safety measures to be provided and recommended conditions of consent to ensure that measures are put in place to reduce the opportunity for criminal activities and anti-social behaviour to be carried out in relation to the proposed development.</p>
Impact of noise from and traffic noise related to the late-night trading proposed	<p>Based on all the available information, noise levels will be within acceptable limits.</p> <p>Council Officers have recommended a number of consent conditions, including limiting the proposed 24/7 trading to a 12-month trial period.</p> <p>Key considerations and recommendations in relation to noise impacts and management have been summarised below:</p> <ul style="list-style-type: none"> - An Noise Impact Assessment was prepared in relation to the proposed development by Muller Acoustic Consultants. This Noise Impact

Issue Raised	Planning Comment
	<p>Assessment concluded that the development could be supported from a noise impact perspective.</p> <ul style="list-style-type: none"> - An independent acoustic consultant peer reviewed this report. This peer review did not raise any significant issue with the Noise Impact Assessment. The peer review put forward comments for Council's consideration that were followed up and put forward compliance monitoring that Council may wish to condition. A recommended condition that related to the Peer Review compliance monitoring recommendation has been put forward. - The proposed development includes a proposed acoustic barrier to be constructed along the developments south eastern property boundary.
<p>Request that consideration be given to the installation of a large acoustic barrier along the rear elevation of the service station to minimise noise and light impacts.</p>	<p>A Noise Impact Assessment was submitted in relation to the proposed development and a peer review of that document completed by an independent Acoustic Consultant. The Noise Impact Assessment indicated that the project noise would not exceed Project Noise Trigger Levels for adjoining sites.</p> <p>Council Officers did not recommend additional acoustic barriers after considering the following:</p> <ul style="list-style-type: none"> - Acoustic treatment along this elevation was not recommended by either Acoustic Engineer who reviewed this application. - The installation of an acoustic barrier along the rear boundary may have limited impact given the elevation of the service station building and immediately adjoining forecourt area which would be approximately 1.57m above natural ground level at the service station building. - Noise from the forecourt will be attenuated by distance and the service station buildings. - The potential for an acoustic barrier to be constructed immediately adjacent the service station building on top of the proposed fill was considered. It was considered that this fencing could create an unoccupied area screened from public view to the rear of the service station building. The creation of such an area was considered to have the potential for negative safety, security and crime outcomes. - As an additional measure to manage the visual impact of the development, Council Officers have

Issue Raised	Planning Comment
	<p>recommended additional landscaping along the buildings rear elevation to include trees with 8m mature canopy height to screen the proposed development.</p>
<p>Concerns related to lights from vehicles exiting the development site shining into adjoining motel rooms and disturbing occupants late at night and in the early morning.</p>	<p>The proposed site access arrangement indicates that vehicles are to exit the site from the northern vehicle crossover. This image has been included below for reference</p>  <p>The exit point is not immediately opposite either the nearby Muswellbrook Motor Inn or Remington Hotel. Regardless it is acknowledged that there would be some potential for light spillage from vehicles exiting the site to ground floor motel rooms of either premises but these impacts would be largely mitigated by the separation distance between the sites, the brick fence and hedge screening in place at the Muswellbrook Motor Inn and landscaping along the Remington Street frontage.</p> <p>Council Officers are of the view that any impact from vehicular light spill on these commercial enterprises would be minimal and not unreasonable within the B2 business zoning.</p>
<p>Potential for fuel spills and fires to occur that would risk impacting nearby residential premises</p>	<p>A Preliminary Hazardous Analysis has been carried out in relation to the proposed development to determine whether the proposal presented a risk to the public as a potentially hazardous development. This report indicated that the setbacks of the development from adjoining property boundaries would be consistent with the Department of Planning Guidelines for the development not to be considered potentially hazardous and thereby not present a significant risk to the public. Accordingly, hazardous related to the development including those associated with fire or chemical spills are not considered to present a risk to the community that would substantiate the refusal of the development.</p> <p>Conditions of consent have been recommended to require spill kits and management practices to be incorporated for the development and the underground petroleum storage system to be designed, constructed and operated in accordance with relevant legislation and industry standards.</p>

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

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

- The proposed development is permissible with consent in the B2 local centre zone under the provisions of the MLEP 2009.
- The proposed development would be carried out in accordance with the relevant provisions of the MLEP 2009 and other applicable environmental planning instruments
- The proposed development would comply with the relevant requirements of the MDCP 2009.
- Where carried out in accordance with the recommended conditions of consent the proposed development is unlikely to have a significant adverse environmental impact.
- The proposed development would generate additional economic activity and employment opportunities in the Muswellbrook locality.
- The 24-hour operation of the proposed development has the potential to have adverse environmental and safety impacts if not carried out in accordance with recommended mitigation measures or previously unforeseen impacts are observed following the approval of the application. It is recommended that approval be granted for the 24-hour operation subject to a trial period and conditions.

5 CONCLUSION & RECOMMENDATION

The proposed development has been assessed against the relevant heads of consideration pursuant to Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development would be in accordance with the provisions of all relevant Environmental Planning Instruments, relevant Development Control Plans, the Environmental Planning and Assessment Act Regulations 2000, is unlikely to result in any significant adverse environmental impacts.

It is recommended that development consent be granted to the proposed development subject to the recommended conditions of consent pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979.

DA 2020/89 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
BC0167 02 Site Analysis & Demolition Plan	8	KDC	16/12/2020	18/12/2020
BC0167 03 Site Plan	8	KDC	16/12/2020	18/12/2020
BC0167 04 Elevations	8	KDC	16/12/2020	18/12/2020
BC0167 05 Vehicle Sweep Paths	8	KDC	16/12/2020	18/12/2020
BC0167 06 Site Elevation and Proposed Streetscape	8	KDC	16/12/2020	18/12/2020
BC0167 07 Perspectives	8	KDC	16/12/2020	18/12/2020
BC0167 08 Site Security Layout	8	KDC	16/12/2020	18/12/2020
BC0167 06 Building Layout	8	KDC	16/12/2020	18/12/2020
BC0167 13 North-east elevation, north-west elevation and details	8	KDC	16/12/2020	18/12/2020
BC0167 14 South-east, south-west elevations and section	8	KDC	16/12/2020	18/12/2020
BC0167 20 Car Canopy Floor Plans, Elevations and Details	8	KDC	16/12/2020	18/12/2020
C02-B Sediment and Erosion Control Plan	B	Eclipse Consulting Engineers	30/11/2020	18/12/2020
C03-B Stormwater Catchment Area Plan	B	Eclipse Consulting Engineers	30/11/2020	18/12/2020
C04-B Stormwater Drainage Plan	B	Eclipse Consulting Engineers	30/11/2020	18/12/2020
C05-B External Pavement Plan	B	Eclipse Consulting Engineers	30/11/2020	18/12/2020
C06-B Stormwater Details	B	Eclipse Consulting Engineers	30/11/2020	18/12/2020
C06-B Bulk Earthworks Cut and Fill Plan	B	Eclipse Consulting Engineers	30/11/2020	18/12/2020
C10-B Flood Level Extent Plan	B	Eclipse Consulting Engineers	30/11/2020	18/12/2020
000 Landscape Coversheet	B	Landscape Architects	20/7/2020	18/8/2020
101 Landscape Plan	B	Landscape Architects	20/7/2020	18/8/2020
501 Landscape Details	B	Landscape Architects	20/7/2020	18/8/2020

(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
Waste Management Plan	KDC	August 2020
Risk Screening Documentation	Hazkem Pty Ltd	July 2020
Traffic Impact Assessment	KLK Enterprises Pty Ltd	August 2020
Preliminary Site Investigation	EP Risk	24 April 2020
Noise Impact Assessment	Muller Acoustic Consulting	August 2020
Flood Impact Assessment	Eclipse Consulting Engineers	7 August 2020
Statement of Environmental Effects	KDC	August 2020
Letter responding to Request for additional information and amending application	KDC	17 December 2020
Crime Risk Assessment	KDC	17 December 2020

(3) Limitations on Approved Signage

Consent is not granted or implied for the business identification sign proposed for installation on the south-west (rear) elevation of the service station building.

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

(4) Building Code of Australia

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

(5) Access to premises standard

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

(6) Carrying out of demolition work

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

CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE CARRYING OUT OF ANY DEMOLITION WORKS

(7) Hazardous Material survey and Asbestos removal

Prior to the carrying out of any demolition work relating to the development:

- (a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works. (e.g. lead in paints, ceiling dust, glass fibre insulation or asbestos based products).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the conditions of this consent.

- (b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:
 - (i) The type of hazardous material;
 - (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
 - (iii) Proposed methods of containment; and
 - (iv) Proposed methods of disposal.
 - (v) Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.
- (c) where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.
- (d) the demolition must be undertaken in accordance with AS2601.
- (e) any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information)
- (f) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of AS 4361.2-1998 : *Guide to lead paint management - Residential and commercial buildings*. Particular attention must be given to the control of dust levels on the site.
- (g) Following completion of asbestos removal works a suitably qualified/licensed asbestos hygienist, must undertake a clearance inspection and issue an asbestos clearance certificate.
- (h) Tipping receipts demonstrating that all asbestos has been disposed of to an appropriately licensed facility are to be provided to the Certifying Authority.

Details demonstrating compliance with these requirements are to be approved by the Certifying Authority and submitted with the Construction Certificate. If all demolition works have not been completed the time a Construction Certificate is applied for any outstanding documentary evidence is to be submitted to the Certifying Authority at the time the works are completed and prior to the issue of the Occupation Certificate.

Notes:

1. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at [HYPERLINK "http://www.lead.org.au" www.lead.org.au](http://www.lead.org.au).
2. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

CONSTRUCTION CERTIFICATE REQUIREMENT

(8) Construction Certificate Requirement

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

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

(9) Construction Management Program

Prior to the issue of a Construction Certificate a Construction Management Program must be prepared, submitted to and approved in writing by the Council prior. The program shall include such matters as:

- a) a Safe Work Method Statement;
- b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;
- c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
- d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;
- e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;
- f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;
- g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;

- h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;
- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

All work and excavation, demolition or construction activities shall be undertaken in accordance with the approved Construction Management Program and any conditions attached to the approved plan. A copy of the approved Construction Management Plan, and any conditions imposed on that plan, shall be kept on the site at all times and made available to any officer of Council upon request.

(10) Landscape Design Plan

Prior to the issue of any Construction Certificate, an updated Landscape Plan is to be prepared and submitted to Council for approval in writing.

In addition to the landscaping contained on the Landscape Plan submitted with this application, the updated Landscape Plan is to include additional landscaping that complies with the following:

- landscaping is to be installed adjacent the south western boundary of the development site and the south eastern boundary from its corner with the south western boundary to the part of the site that is parallel with the service station convenience store building. The landscaping is to provide screening between the development site and these adjoining residential premises. Landscaping proposed should comprise native tree species with a mature canopy height of 6-8m.

Written confirmation demonstrating that the Landscape Plan has been approved by Council should be provided to the Principle Certifying Authority with an application for a Construction Certificate.

(11) Muswellbrook Shire Water and Waste Division

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained, prior to any Construction Certificate application, detailing water and sewer extensions to be built and charges to be paid by the applicant. Any charges identified in the 'Notice of Requirements' as requiring payment at construction certificate stage are to be paid prior to release of a Construction Certificate.

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

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

(12) Updated Sediment Control Plan

Prior to the issue of any Construction Certificate the person acting with this consent is to provide an updated Sediment and Erosion Control Plan for approval by the Certifying Authority. In addition to sediment and erosion control measures previously outlined the updated plan is to include details of the following measures:

- a) indicate soil stockpile locations
- b) runoff control measures
- c) stormwater pit protection during construction

(13) Underground Petroleum Storage System Design

Prior to issue of the Construction Certificate, the detailed design specification of the Underground Petroleum Storage System (UPSS) and leak detection system must be submitted to the Certifying Authority showing compliance with the UPSS Regulation and consistency with industry best practice as set out in Australian Standard AS 4897-2008: The design, installation and operation of underground petroleum storage systems. This includes, but is not limited to, provision of ground water monitoring wells, loss monitoring and mandatory pollution protection equipment comprising of non-corrodible secondary containment tanks and associated pipework and over fill protection devices.

(14) No External Service Ducts

Service ducts shall be provided within the building to keep external walls free of plumbing, drainage or any other utility installations. Details demonstrating compliance are to be provided in the Construction Certificate documentation.

(15) Section 7.12 Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$21,128,496 shall be paid to Muswellbrook Shire Council, being 1% of the cost of carrying out the development.

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

(16) Section 68 Local Government Act 1993 Approvals

Prior to the issue of a Construction Certificate the person acting with this consent shall obtain approval under Section 68 of the Local Government Act 1993 for the carrying out of stormwater works.

Documentary evidence is to be provided to the Principle Certifying Authority demonstrating that these approvals have been obtained prior to the issue of a Construction Certificate.

The person acting with this consent shall ensure that mandatory stage inspections prescribed by the Section 68 Approval are carried out by Council Officers at the relevant stage of development.

(17) Potential Flood Damage to Buildings

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

(18) Design and Construction of Service Station Forecourt

The service station is to be designed and constructed generally accordance with the Best Management Practice in Forecourt Design provisions of the NSW Environmental Protection Authority's Practice Note *Managing run-off from service station forecourts* or any document that supersedes this practice note.

Prior to the issue of a Construction Certificate detailed design plans should be provided to the principle certifying authority demonstrating the development design would be compatible with the design provisions of this document and that:

- a) The canopy extends to the maximum reach of fuel dispensing nozzles and has a 10 degree from vertical overhang reducing rainwater entering high contamination zones.
- b) Accessible spill kits are provided at the site
- c) Bunded areas are provided around the fuel dispensing areas and any hazardous chemical stores away from the refuelling area.
- d) Collection pits are provided the collection and management of high risk runoff from the refuelling zone.

(19) Noise from Mechanical Plant Adjacent to Residential Premises

In accordance with the recommendations of the Operational Noise Impact Assessment the person acting with this consent should consult with a qualified Acoustic Engineer when selecting heating, ventilation and air conditioning plant positions.

A certificate from an appropriately qualified Acoustic Engineer is to be submitted to the Certifying Authority for approval with the Construction Certificate certifying that the development and all sound producing plant, equipment, machinery or fittings will not exceed more than 5dB(A) above the background level during the day and evening and not exceeding the background level at night (10.00pm –6.00 am) when measured within a habitable room in any adjoining residential premises, and will comply with Environment Protection Authority Noise Policy.

(20) **Fit-out of any food preparation areas to be in accordance with relevant legislation and standards**

Prior to the issue of a Construction Certificate the applicant shall submit detailed design plans to the Principle Certifying Authority in relation to the fit-out of the all kitchen, food preparation, storage, handling and serving areas.

These plans should demonstrate that fit out of the food handling areas would comply with the requirements of Food Act 2003, Food Regulation 2015 and Australian Standards relevant design construction and fit out of food premises (AS4674)

(21) **Landscape Maintenance Strategy**

To ensure the survival, management and maintenance of the landscaping installed as part of the development, a landscape maintenance strategy is to be developed and submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate. The Strategy shall address maintenance issues, such as, but not limited to plant survival, irrigation, soil testing, weeding, staking, fertilising, remedial pruning and plant replacement.

(22) **Outdoor Lighting**

All lighting is to be designed and positioned to minimise any adverse impact on neighbouring premises.

Prior to the issue of a Construction plans a lighting plan is to be provided to the Certifying Authority demonstrating compliance with the above, that the outdoor lighting installations will comply with the relevant Australian Standards AS/NZ 1158.3.1:2005 Lighting for Roads and Public Spaces Pedestrian Area Lighting and Public Spaces Pedestrian Area (Category P) Lighting – Performance and Design Requirements AS 4282.1997 Control of the Obstructive Effects of Outdoor Lighting.

All lighting installations are to proceed in accordance with the approved lighting plan and the requirements of this consent.

(23) **Pavement Testing & Design**

The following pavement investigations are to be carried out in accordance with the requirements of Transport for NSW prior to the issue of a Construction Certificate and to inform the design plans for any Works Authorisation Deed and Section 138 Applications.

The pavement in the shoulder will also need to be confirmed and may require reconstruction. two geotechnical test pits should be undertaken (one in middle of each proposed access) to log pavement profile, and 10 day soaked subgrade CBR tests on each pit to determine whether pavement require reconstruction.

All relevant approvals for the carrying out of testing work on public plan are to be obtained where required prior to the carrying out of any test pit excavations.

(24) **Road Permits**

Prior to the issue of a Construction Certificate and the commencement of any works within the Maitland St/New England Highway Road Reserve the person acting with

this consent shall obtain the relevant approvals for the carrying out of these works from the relevant Roads Authority. Each of the following approvals will need to be obtained for works within the road reserve:

- a) As the New England Highway is a classified road State Road a Works Authorisation Deed (WAD) is to be entered into between the developer and Transport for NSW in accordance with Sections 64, 71, 72 and 73 of the Roads Act 1993.
- b) A section 138 application is to be obtained from Council prior to any construction works being carried out in the road corridor. Pavement/crossover designs accompanying any such application should include the following in addition to the details included in the initial development application:
 - i) Any Transport for NSW design requirements
 - ii) Existing kerb and gutter shall be saw cuts for two accesses east of the site.
 - iii) Design details for all redundant vehicle laybacks to be returned to kerb and gutter
 - iv) Consider design requirements of MSC Footpaths and Guttering Policy F10/1
 - v) Consider protective treatment for the power pole adjacent the entry driveway in line with the following:

Either a suitable barrier kerb to prevent errant truck turning movements along the northern edge of the entry driveway designed by the consultant or relocation of the power pole. It is understood that if room allows, trucks entering the site conducting a wider turning movement when safe to do so across two lanes will have a narrower turning circle, reducing the risk to the power pole. It is anticipated that a refueling truck accessing the service station will be travelling at a low speed for the 90 degree turn into the service station, therefore the risk of a collision is considered small.

Note: *The WAD process, including acceptance of design documentation and construction, can take time. The developer should be aware of this and allow sufficient lead time within the project development program to accommodate this process. It is therefore suggested that the developer work through this process as soon as possible with the Traffic for NSW. Approval of this development application does not guarantee the approval of any WAD by Transport for NSW.*

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**(25) 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.

(26) Control of Sediment entering roadways

During construction the person acting with this consent is to take all necessary precautions to prevent the spread of any gravel and sediment onto the adjoining roadways.

A shaker ramp or similar is to be installed at the site during earthworks and siteworks and until the fill has been stabilised and initial siteworks completed.

(27) 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.

(28) 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.

(29) 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.)

(30) Site Facilities

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

- If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

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

(31) **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.

(32) **Demolition or Removal of Buildings**

The following are to be complied with during the carrying out of all demolition works:

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

- (f) The work site must be left free of waste and debris when work has been completed.
- (g) Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility.
- (h) All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

(33) Materials

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

(34) 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.

(35) Applicant's Cost of Work on Council Property

The applicant shall bear the cost of all works associated with the development that occurs on Council's property.

(36) Mandatory Council inspections

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

(37) Dust Emission and Air Qualit

- (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 so as to prevent nuisance occurring at adjoining properties.

- (d) Throughout the carrying out of earthworks a watercart or suitable alternate water supply is to be maintain on-site at all times for the wetting down of any exposed fill, stockpiles and other material.
- (e) During high wind days and adverse weather conditions works related to the installation of fill at the site is to be halted. During adverse weather conditions it may be necessary for workers to remain on-site to carryout dust suppression measures and ensure all sediment and erosion controls remain in place.

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

(38) **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.

(39) **Final Compliance Certificate for Water Supply and Sewerage Works**

The final compliance certificate for water supply works is to be obtained from Muswellbrook Shire Council Water & Waste Department and a copy must be submitted to the Principal Certifying Authority prior to release of any Occupation Certificate.

(40) **Stormwater infrastructure**

Prior to the issue of an Occupation Certificate all stormwater management infrastructure is to be installed in accordance the stormwater management plan approved by Council, AS 3500.3, the provisions of the relevant Section 68 Approval and industry best practice.

(41) **Connection to Sewer**

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

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

(42) **Construction of Parking Areas**

Prior to the issue of an Occupation Certificate all parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall be fully constructed, sealed, line marked, sign posted in accordance with the approved plans and AS.2890.1 2004 Parking Facilities and the relevant provisions of AS1428.1 and AS1428.4.

Car park lighting is also to be installed to minimise light spill and is to be in accordance with AS 1158 and AS 4282-1997.

(43) Consolidation of Lots

The person acting with this consent must consolidate Lot 3 DP 18699, Lot B DP 364391 and Lot 4 DP 18699.

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

(44) Redundant Vehicle Crossings

Where a redundant layback will occur at the frontage of the property, a new concrete kerb and gutter must be constructed to replace the redundant layback prior to the issue of an occupation certificate.

(45) Installation of landscaping

Prior to the issue of any Occupation Certificate landscaping is to be installed at the site in accordance with the approved Landscape Plan, the requirements of this consent or as otherwise directed by Council in writing.

(46) Construction of Waste Storage Areas

Prior to issue of any Occupation Certificate the bin storage area is to be constructed in accordance with the approved plans and requirements of this condition or as otherwise specified by Council in writing.

In addition to the design information included on the approved plans the bin storage area is to be constructed in accordance with the following:

- The bin storage is to be discreetly located at the site and screened through the construction of a gated fence/screen enclosure.
- All internal walls of this enclosure are to have a smooth service and the enclosure is to coved flood/wall intersection.
- The floor is to be graded toward the centre of the enclosure to prevent the escape of waste.
- A tap is to be located in a close proximity to the waste storage area.

(47) Installation of Underground Petroleum Storage System

The Applicant shall not commission a new storage system unless properly designed, installed, equipped and tested in accordance with Part 2 of the Underground Petroleum Storage Systems (UPSS) Regulation 2014. The new storage system must:

- (a) be designed and installed by a duly qualified person in accordance with the EPA guidelines;
- (b) be equipped with the mandatory pollution protection equipment and a secondary leak detection system;

- (c) be tested in accordance with written by a duly qualified person to confirm equipment integrity; and
- (d) be certified by the person by whom the test was carried out by as having satisfied the test.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition prior to the issue of any Occupation Certificate for or in relation to the underground petroleum storage system.

(48) Emergency Spill Response Management Plan

Prior to the issue of any Occupation Certificate an Emergency Spill Response Management Plan is to be submitted to and approved by Muswellbrook Shire Council. The plan shall include but no be limited to the following:

- a) List of chemicals and maximum quantities to be stored at the site;
- b) Identification of potentially hazardous situations;
- c) Procedure for incident reporting;
- d) Details of spill stations and signage;
- e) Containment and clean-up facilities and procedures; and
- f) The roles of all staff in the Plan and details of staff training. The plan is to be to the satisfaction of council.

Documentary evidence should be provided to the Principle Certifying Authority demonstrating compliance with the requirements of this condition and the endorsement of the emergency response plan prior to the issue of any Occupation Certificate which relates to the service station.

(49) Construction of Refuelling Areas

Prior to the issue of any Occupation Certificate for the Service Station all refuelling areas are to be constructed, bunded and provided with emergency spill kits in accordance with the detailed design plans submitted with any Construction Certificate application.

(50) Evidence of Mandatory Council Inspections

Prior to the issue of an Occupation Certificate the person acting with this consent should provide the Principle Certifying Authority with documentary evidence that all mandatory Council inspections required under any Section 68 and 138 Approvals have been carried out. This evidence should include a satisfactory inspection report is to be obtained from Council confirming that the outcome of the inspection.

Where a mandatory inspection has not been carried out that relates to alterations to Council infrastructure it will be necessary for the person acting with this consent and the Principle Certifying Authority to confirm that Council does not require further details in relation to the construction of the relevant infrastructure or the carrying out of any improvements to the completed works.

(51) Food Shop Registration Requirement

Prior to the issue of an Occupation Certificate, the food premises must be registered with Council's Environmental Health section accordance with the Food Safety Standards, prior to commencement of food business operations.

Upon completion of the work and prior to the issuing of an occupation certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant construction requirements and Food Safety Standards.

(52) Noise Attenuation Barrier and Site Fencing

Prior to the issue of an Occupation Certificate the Noise Attenuation barrier shown on the proposed plans is to be fully constructed and fencing installed on the property boundary with adjoining residential and commercial properties.

(53) Directional Signage

Prior to the issue of any Occupation Certificate vehicle directional signage is to be installed at the premises to manage access to the site and clearly identify all entry and exit points. Where an access point is entry or exit only appropriate signage is to be installed to identify this to customers. Where there is a car park pedestrian crossing appropriate pedestrian signage should also be installed. All necessary signage installations must comply with the relevant Australian Standard.

(54) Service Station Counter Protection Screen

Prior to the issue of an Occupation Certificate an effective secure barrier/anti jump screen is to be installed above/across the service desk of service station convenience store. The anti-jump screen is to be installed along the full length of the service area and is to be constructed from secure materials so to prevent unauthorised access behind the counter from the customer area and prevent customers from potentially harming or harassing staff.

(55) Security Measures

Prior to the issue of an Occupation Certificate all physical security measures referenced by the Crime Risk Assessment dated 17 December 2020, including, but limited to CCTV cameras, lighting, security locks and alarms systems are to be installed at the premises. Details of the installation of these security measures are to be provided to the satisfaction of the Certifying Authority.

(56) Asbestos & Other Hazardous Materials

Prior to issuing any Occupation Certificate for building works where asbestos based products and other hazardous materials have been removed tipping receipts, which detail that all waste has been disposed of at an approved waste disposal depot shall be provided to the Principal Certifying Authority.

(Note: Further details of licensed asbestos waste disposal facilities can be obtained from www.dec.nsw.gov.au)

(57) Fuel System Operation Plan

Prior to the issue of any Occupation Certificate, a Fuel System Operation Plan (FSOP) in accordance with Regulation 18 of the UPSS Regulation 2019 must be submitted to and approved by the Certifying Authority. The FSOP must, as a minimum, address the following matters:

- a. Specific information about the storage system, including identifying the 'person responsible' for the system;
- b. Loss monitoring and detection procedures;
- c. Incident management procedures;
- d. Details about system maintenance;
- e. Current 'as built' drawings for the system;
- f. A plan of the storage site. The plan must also include information on storage system, all buildings and associated infrastructure, all fences and gates, all groundwater monitoring wells, any unsealed ground surfaces and all drainage and services;
- g. A copy of industry standards that have been followed in constructing and maintaining the UPSS; and
- h. A copy of the specifications of the design and installation of the system and any modification; and
- i. An inventory of employee site induction and incident management training that has been undertaken on site. Ongoing Operation

The FSOP must be held either electronically or in hardcopy form, either as a dedicated document or as part of other site management procedures, and must be available to the Council or other Appropriate Regulatory Authorities when requested.

(58) Flood Response Plan

A Flood Response Plan is to be prepared, by a qualified practising Engineer or other person qualified in preparing emergency response plans, for all buildings and facilities on the site to ensure that appropriate action during flood events to ensure the safety of staff, customers and the environment. The Flood Response Plan is to be submitted to Council for approval prior to the issue of an Occupation Certificate.

(59) Acoustic Barrier and Noise Attenuation Measures

Prior to the issue of any Occupation Certificate for the development all acoustic barriers and any other noise attenuation measures required are to be fully constructed and/or implemented.

(60) Completion of Driveways and works within the Maitland Street road Reserve

Prior to the issue of any Occupation Certificate for the development all works within the Maitland Street Road reserve are to be fully constructed in accordance with the requirements under the relevant Roads Act approvals to the satisfaction of the Roads Authority.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**(61) Stormwater Disposal**

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

(62) Hours of Operation –

The premises may operate 24 hours, 7 days a week on a trial basis for a period of 1 year. The date for the commencement of this trial period is to be taken to be a date nominated in writing by the applicant to Council prior to the issue of an Occupation Certificate for the premises and the date on which 24-hour operation of the premises is to commence. If no correspondence is received to nominate the commencement date for the trial period, the date of issue for the Occupation Certificate is to be taken to be the nominated date for the commencement of the trial period.

The 24-hour operation of the premises is not permitted on any days preceeding the nominated date for the commencement of the 24-hour, 7 day a week operating trial period.

At the conclusion of the 1-year trial period, the 24-hour, 7 day a week operation of the premises must cease and operating hours of 6am – 10pm Monday to Sunday are to be followed, unless a Section 4.55 modification has been lodged with Council for the continuation of the 24 hour, 7 day per week operation of the premises.

Where a Section 4.55 modification is lodged in line with the above, the development may continue to operate 24 hours, 7 days a week until that application is determined. If the Section 4.55 modification is refused by Council or withdraw the premises may no longer operate on a 24-hour, 7 day a week basis and may only operate between the hours of 6am – 10pm Monday to Sunday.

Note: the assessment of any application for the continuation of 24 hour a day operating times will be carried out in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979. Council will be particularly interested in any performance data from the 1 year trial period, compliance with the development consent requirements, outcomes of any noise monitoring, complaints received by the operator Council or NSW Police.

(63) Complaint Register

For the duration of the trial period and at any other time that the premises is operated on a 24 hour a day basis, the operation of the premises is to comply with the following:

- a) The person acting with this consent is to keep a detailed record of complaints received during late night/early morning trading (hours between 10pm and 6am). The record should include:
 - Name and address of the complainant (if provided).
 - the date and time of the complaint.
 - Date and time of the incident which the complaint relates to.
 - Details of the incident or issue that the complaint relates to.
 - Name of the employee who received the complaint.
 - Any remedial action taken to rectify or manage the issue that the complaint relates to.
 - Summary of any feedback provided to the complainant following remedial action (feedback should be provided during regular business hours except when responding to an emergency or where more immediate feedback is requested by a complainant).
- b) The register for complaints is to be kept at the premises at all times and is to be reviewed monthly by staff to ensure that all complaints are being reviewed, actioned and responded to where appropriate. Each complaint received should be reported to Management for investigation and follow up where necessary within 7 days of its receipt.
- c) The person acting with this consent is to take reasonable steps to inform nearby residents, business owners and interested persons on how to make any complaints in relation to the operation of the premises. Council would consider the completion of a letter drop to property owners in the immediate area and the inclusion of a sign visible from the entry of the premises with information for making complaints as reasonable steps to provide information on complaint making procedures.
- d) At the conclusion of the trial period a copy of the complaint register is to be provided to Council with any Section 4.55 application for the continuation of 24 hour trading hours.

(64) Noise Limitations

The noise levels generated by the development and use of the premises (not including the construction phase) shall not exceed the following criteria measured at the boundary of an adjoining residential receiver:

Day	47dB(A)Leq15min
Evening	45dB(A)Leq15min
Night	40dB(A)Leq15min

Certification from a qualified acoustic consultant that these requirements are being met is to be provided to Council within 3 months of the issue of an Occupation Certificate.

Certification provided to demonstrate that this requirement is being adhered to should

be supported by noise monitoring carried out at the site while the premises is being operated. Noise monitoring and any subsequent report is to be prepared in accordance with industry best practice. As a minimum noise monitoring carried out should include the premises 3 biggest trading nights.

Where noise monitoring indicates a discrepancy between the project noise and the criteria above the acoustic consultant should provide recommendations for noise attenuation or development adjustments to ensure the relevant noise criteria is achieved. All recommended measures are to be implemented and further noise monitoring carried out to demonstrate compliance with this condition and the subsequent reports provided to Council.

(65) Delivery Hours

Unless otherwise approved by Council in writing, no deliveries, loading, unloading or waste collection are to take place at the site before 7:00am or after 7:00pm on any day.

(66) Sign illumination

Unless otherwise approved by Council in writing the signage installed at the premises, with the exception of the pylon advertisement structure and the internally illuminated light box business identification sign, shall not be illuminated or flood lit.

None of the approved signage is to include any flashing or moving components.

(67) Landscaping

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

(68) Security Measures

At all times all safety, security and crime prevention Measures referenced by the Crime Risk Assessment are to be maintained at the site unless otherwise directed in writing by NSW Police or Council.

(69) Smoking

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

(70) Tyre Pump Noise Management

Any tyre pump installed at the site must not contain an audible alarm of beeping mechanism that creates intrusive noise.

(71) Lighting Installation

At all times the outdoor lighting installed at the premises is to be maintained in a manner to minimise impact on adjoining land. Outdoor lighting is to be installed and maintained in accordance with the approved outdoor lighting plan and the provisions of Australian Standard AS 4282:1997 Control of the Obstructive Effects of Outdoor Lighting.

Where the person acting with this consent becomes aware of a complaint or issue with outdoor lighting affecting the amenity of adjoining premises reasonable steps are to be taken to address the issue and minimise the impact of any light spill on adjoining land.

(72) Underground Petroleum Storage System Regulation

At all times the person acting with this consent is to ensure that the premises complies with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems Regulation) 2019.

(73) Graffiti Removal

All graffiti and any vandalism to the premises is to be removed within 24 hours of being noticed. Where this cannot be achieved due to contractor availability or the nature of the damage suitable arrangements are to be made within that time period for the removal of graffiti and repair of damage in a timely manner and as soon as practical.

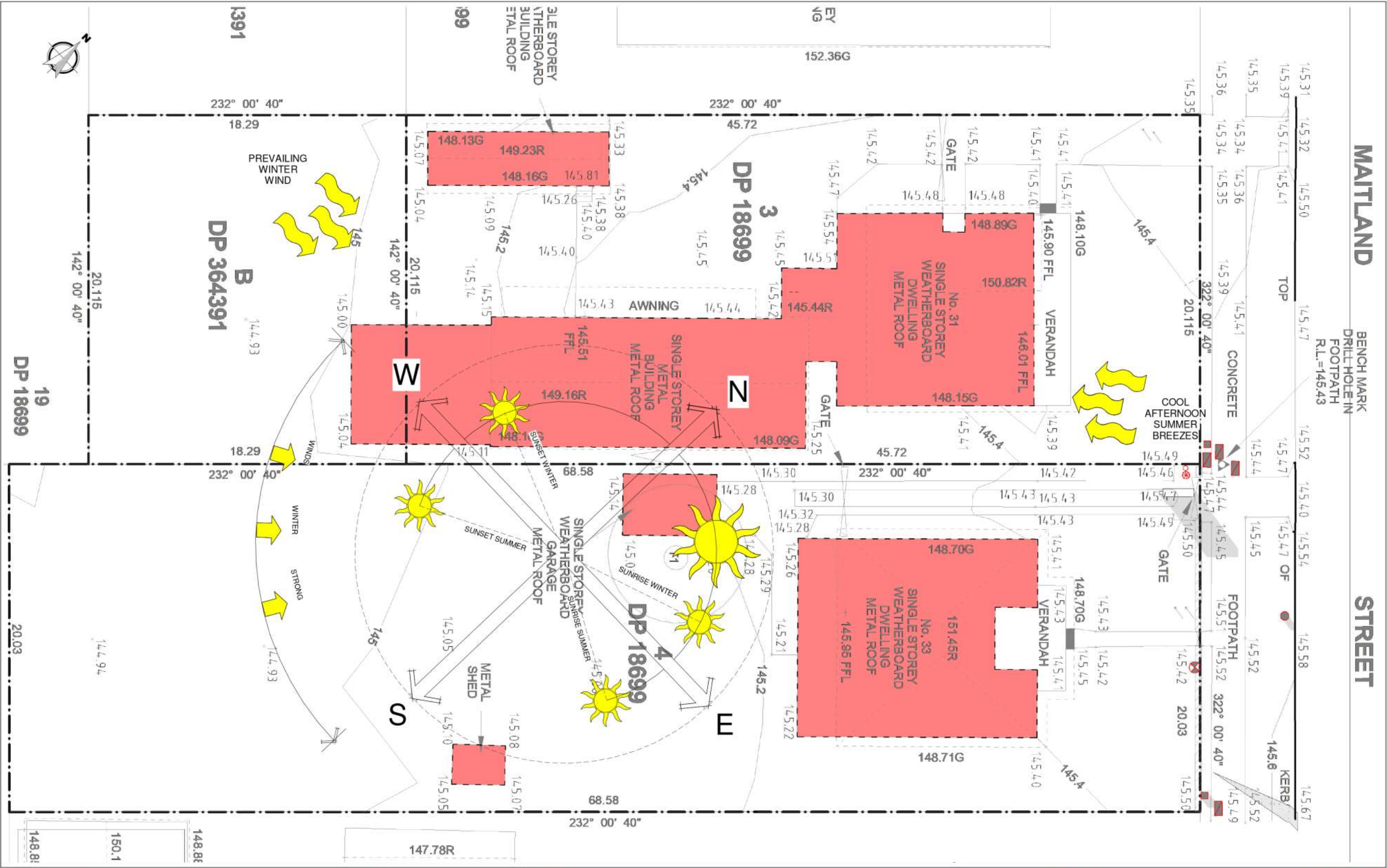
(74) Acoustic Barrier and Noise Attenuation Measures

At all times the person acting with this consent is to ensure that all acoustic barriers and noise attenuation measures shown on the approved plans or required by this consent are to be maintained at the site.

(75) Site refuelling requirements

At all times fuel deliveries to the site are to occur outside peak traffic times.

Refuelling tankers exiting the site should exit the site onto the site to the north (left). The southbound (right) exiting of refuelling tankers from the site is prohibited. Refuelling tankers that need to return south following the delivery of fuel to the site may do so by exiting to the north, before proceeding along Denman Road, Thomas Mitchell Drive and turning back onto the New England Highway south of Muswellbrook.



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Rev.	Description	Date	Issued by
5	DEVELOPMENT APPLICATION ISSUE	24.06.20	BSVA
6	Acoustic Barrier Added	21.07.20	BSVA
7	Development Application Issue	03.08.20	BSVA
8	Revision 8	16.12.20	

NOTES:

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Project:

SERVICE STATION

Lot: 3 - 4 - B DP: 364391 - 18699 No: 31 - 33 St: MAITLAND STREET Suburb: MUSWELLBROOK

Client:

KDC

Sheet Title:

Site Analysis & Demolition Plan

Project Status:

DEVELOPMENT APPLICATION ISSUE

Project No:

BC0167

DWG No:

02

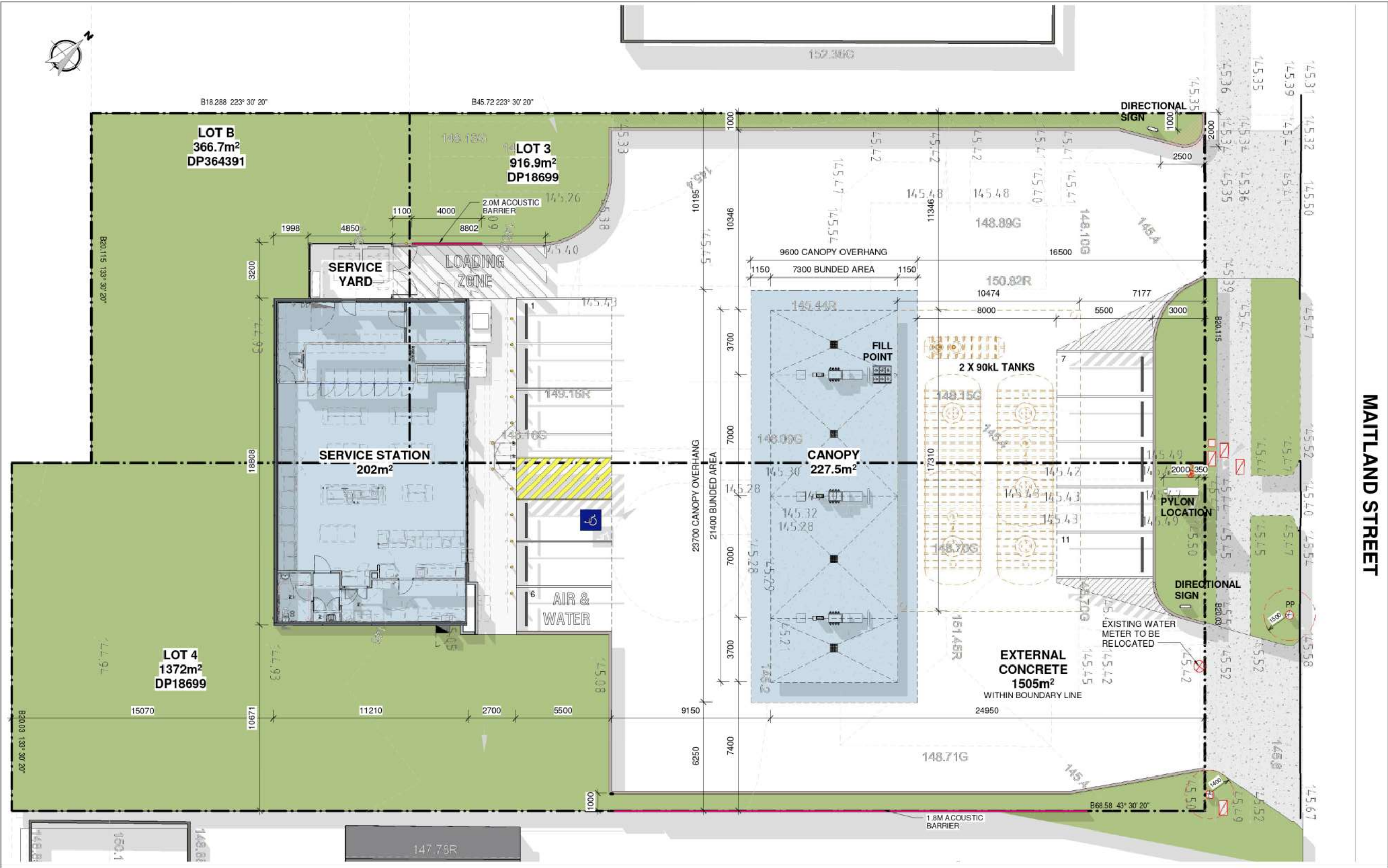
Scale:

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Revision:

8

MAITLAND STREET



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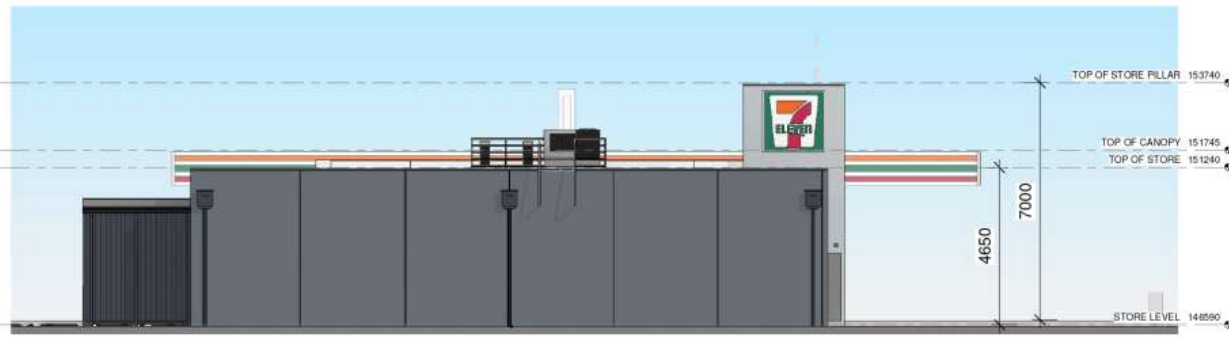
Rev.	Description	Date	Issued by
1	DRAFT ISSUE	11.03.20	BSVA
2	DRAFT ISSUE	23.03.20	BSVA
4	DRAFT ISSUE	02.06.20	BSVA
5	DEVELOPMENT APPLICATION ISSUE	24.06.20	BSVA
6	Acoustic Barrier Added	21.07.20	BSVA
7	Development Application Issue	03.08.20	BSVA
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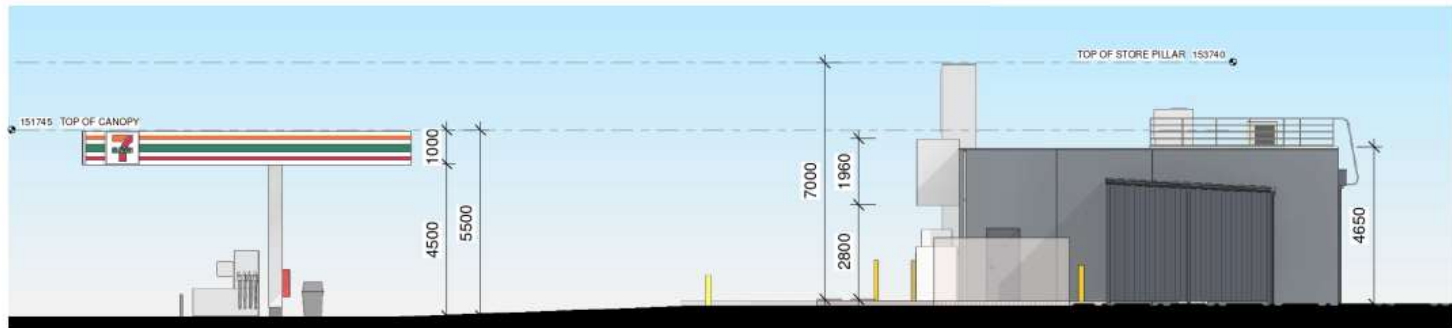
Project:				Sheet Title:		Project No:	
SERVICE STATION				Site Plan		BC0167	
Lot: 3 - 4 - B		DP: 364391 - 18699	No: 31 - 33	St: MAITLAND STREET		Suburb: MUSWELLBROOK	
Client:		Project Status:		Scale:		Revision:	
KDC		DEVELOPMENT APPLICATION ISSUE		1 : 100 on A1		8	
						DWG No: 03	



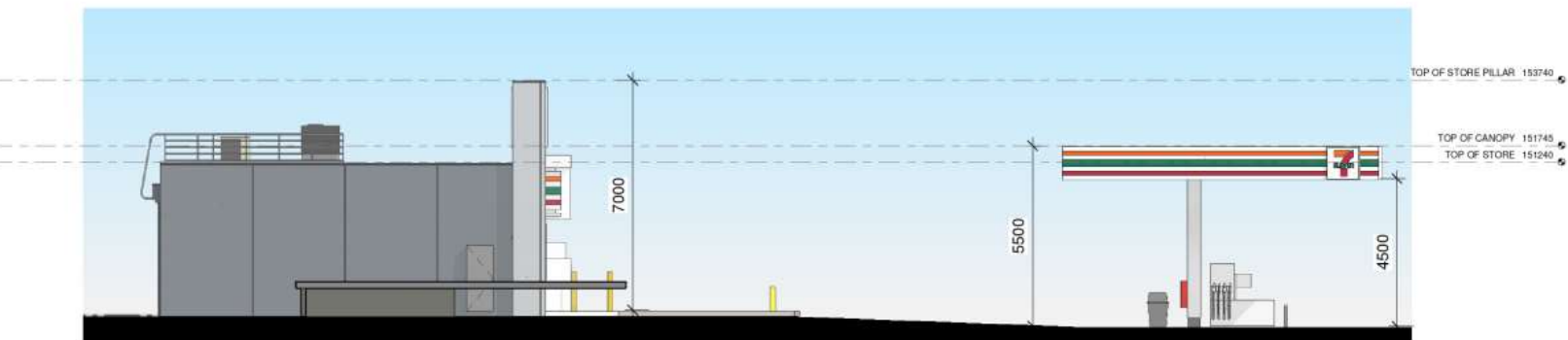
1 North East Elevation
1 : 100



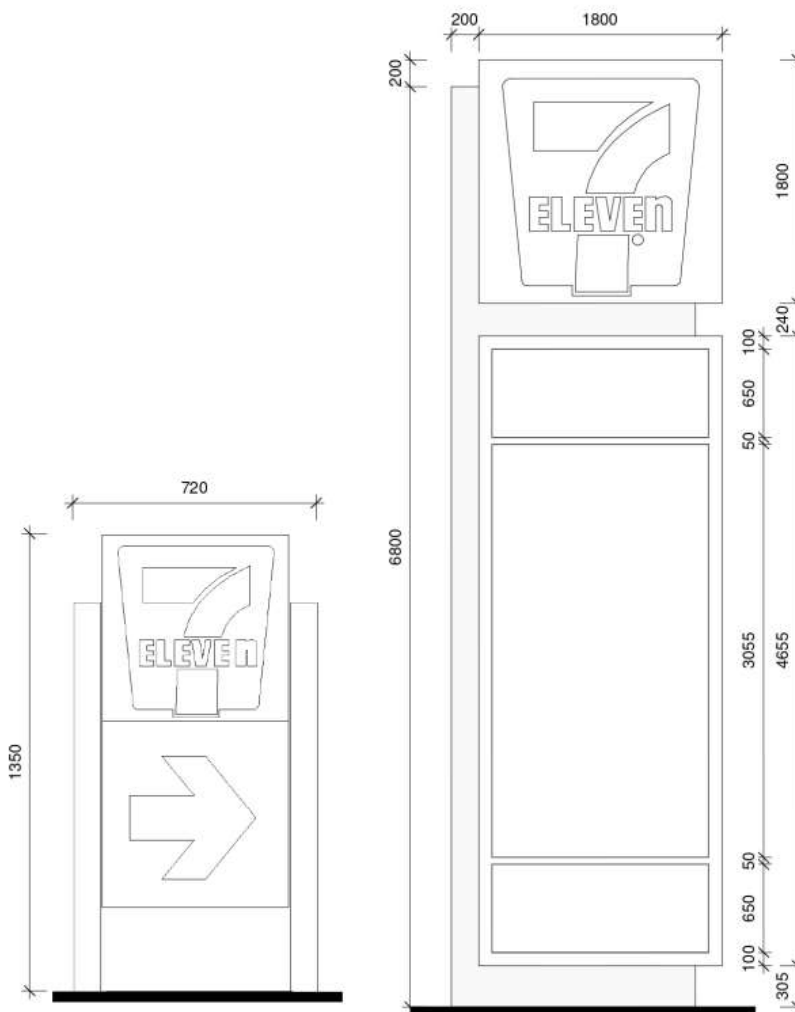
4 South West Elevation
1 : 100



2 North West Elevation
1 : 100



3 South East Elevation
1 : 100



6 Directional Sign
1 : 10

5 Pylon Details
1 : 25

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Project:

SERVICE STATION

Lot: 3 - 4 - B

DP: 364391 - 18699

No: 31 - 33

St: MAITLAND STREET

Suburb: MUSWELLBROOK

Client:

KDC

Project Status:

DEVELOPMENT APPLICATION ISSUE

Sheet Title:

Site Elevations

Scale:

As indicated on A1

Project No:

BC0167

DWG No:

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No: 31 - 33

St: MAITLAND STREET

Suburb: MUSWELLBROOK

Client:

KDC

Project Status:

DEVELOPMENT APPLICATION ISSUE

Sheet Title:

Vehicle Sweep Paths

Scale:

1 : 200 on A1

Project No:

BC0167

DWG No:

05

Revision:

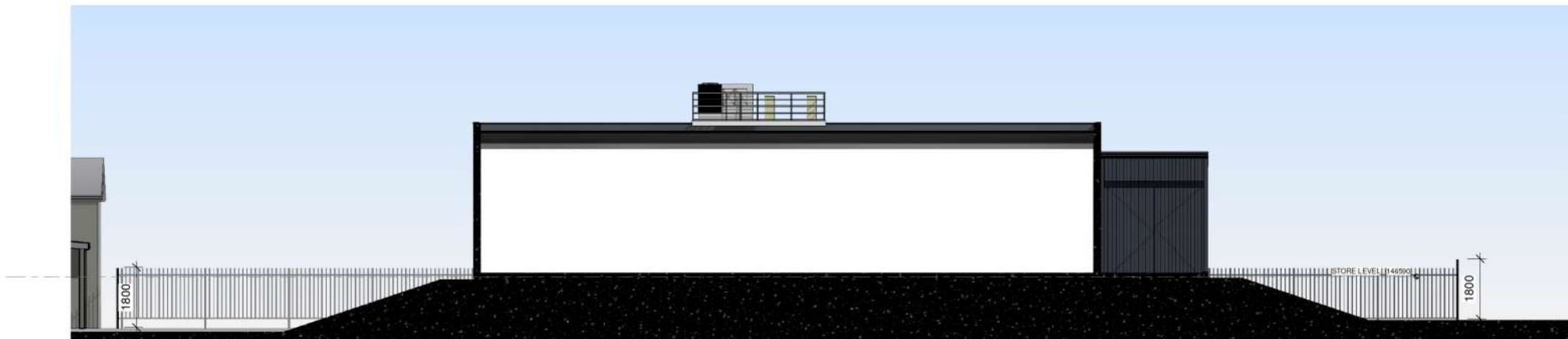
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1 Site Section 01
1 : 75



2 Site Section 02
1 : 75



3 Site Section 03
1 : 75

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8	Revision 8	16.12.20	

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Project:				Sheet Title:		Project No:	
SERVICE STATION				Site Elevation & Proposed Streetscape		BC0167	
Lot: 3 - 4 - B		DP: 364391 - 18699	No: 31 - 33	St: MAITLAND STREET	Suburb: MUSWELLBROOK		DWG No:
Client:		Project Status:			Scale:	Revision:	06
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1 Perspective 01



2 Perspective 02

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SERVICE STATION				Perspectives		BC0167	
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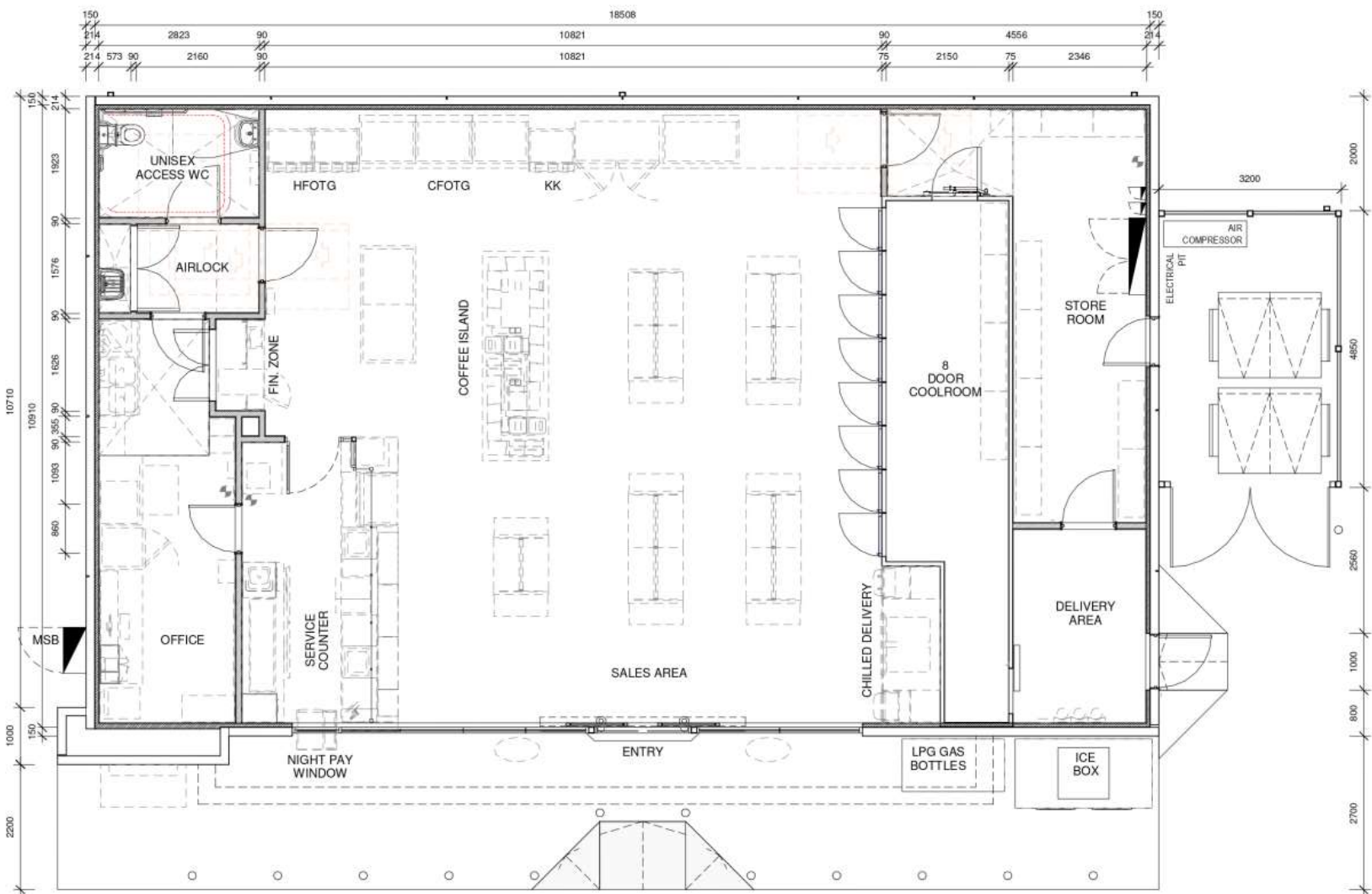
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SERVICE STATION				Site Security Layout		BC0167	
Lot: 3 - 4 - B	DP: 364391 - 18699	No: 31 - 33	St: MAITLAND STREET	Suburb: MUSWELLBROOK			
Client:				Project Status:		Scale:	
KDC				DEVELOPMENT APPLICATION ISSUE		Revision:	
				As indicated on A1		8	

DWG No:

08



1 Building Floor Plan
1 : 50 (A1)

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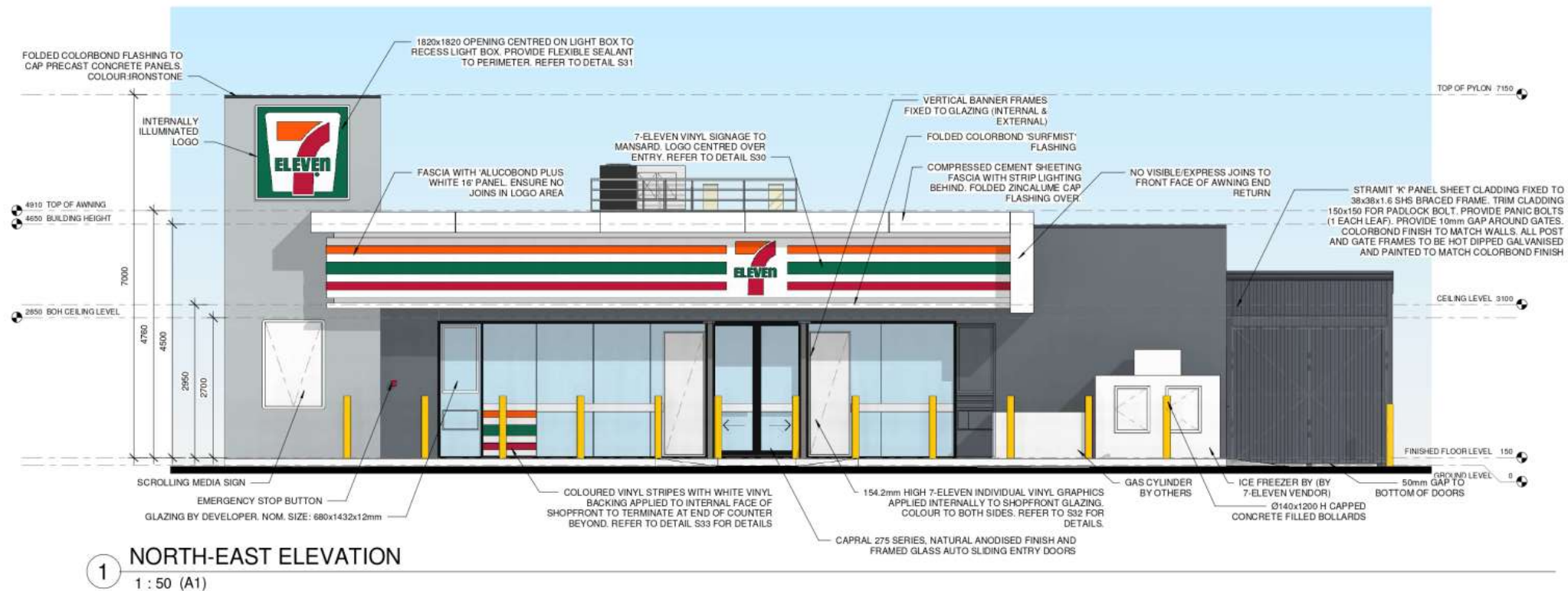
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8	Revision 8	14.12.20	

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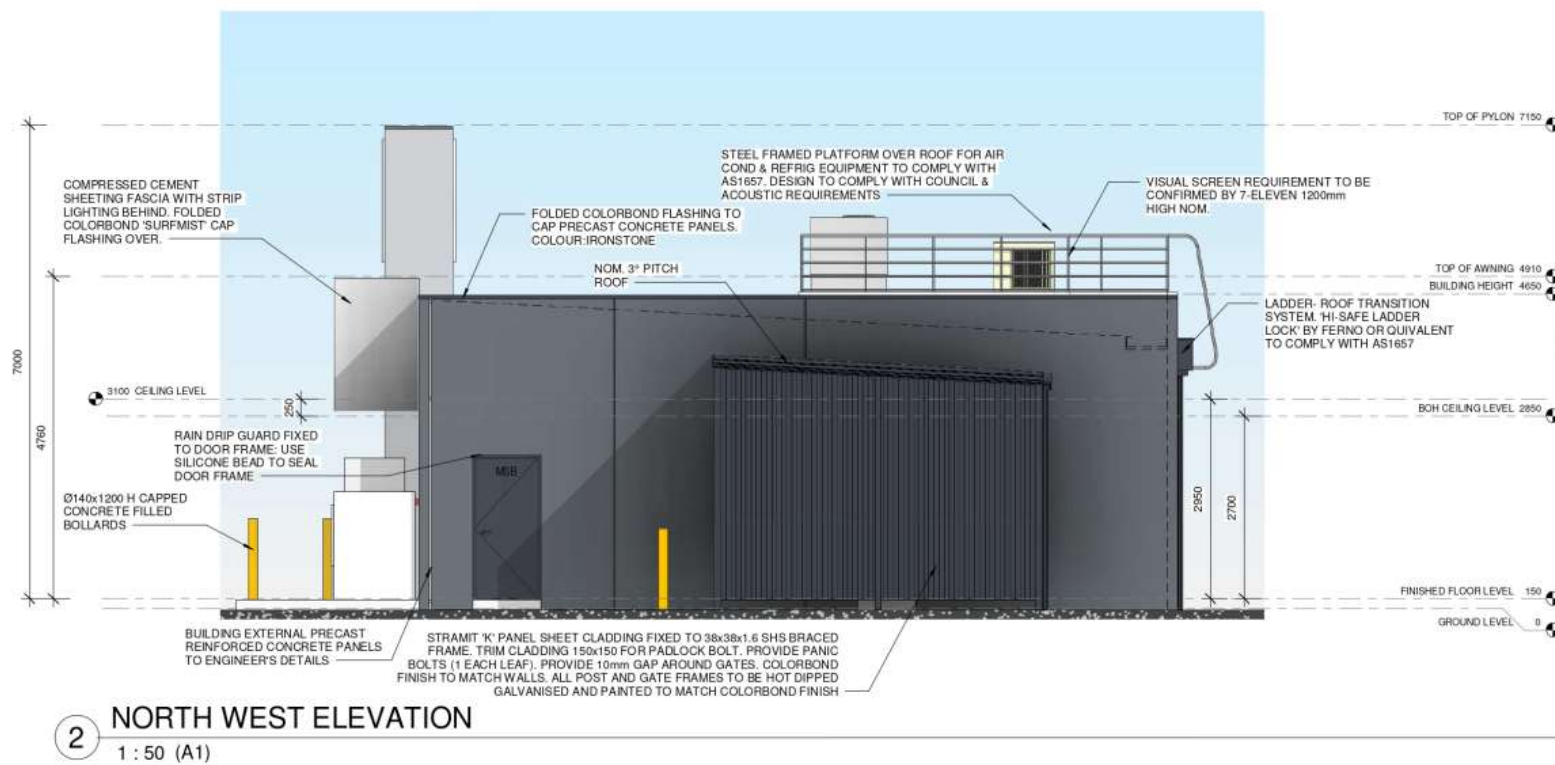
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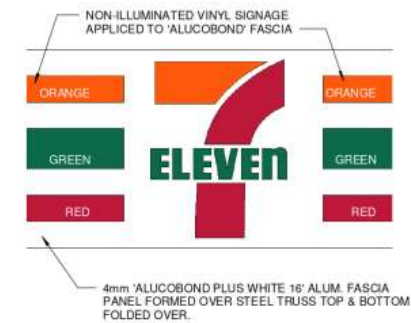
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SERVICE STATION		BUILDING LAYOUT PLAN		BC0167	
Lot: 3,4,B	DP: 364391-18699	No: 31-33	St: MAITLAND STREET	Suburb: MUSWELLBROOK	DWG No:
Client:	Project Status:		Scale:	Revision:	
KDC	DEVELOPMENT APPLICATION		1 : 50 on A1	8	06



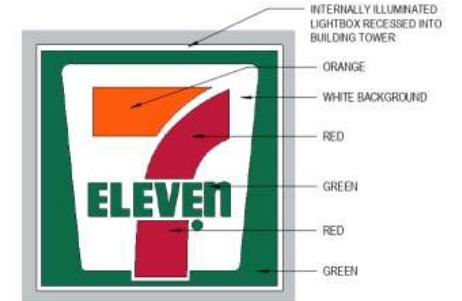
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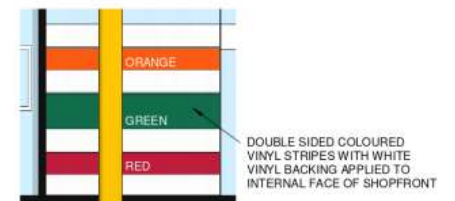
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3 DETAIL S30 - AWNING FASCIA DETAIL
1 : 20 (A1)



4 DETAIL S31 - TOWER LOGO
1 : 25 (A1)



6 DETAIL S33 - TYPICAL WINDOW FILM
1 : 20 (A1)

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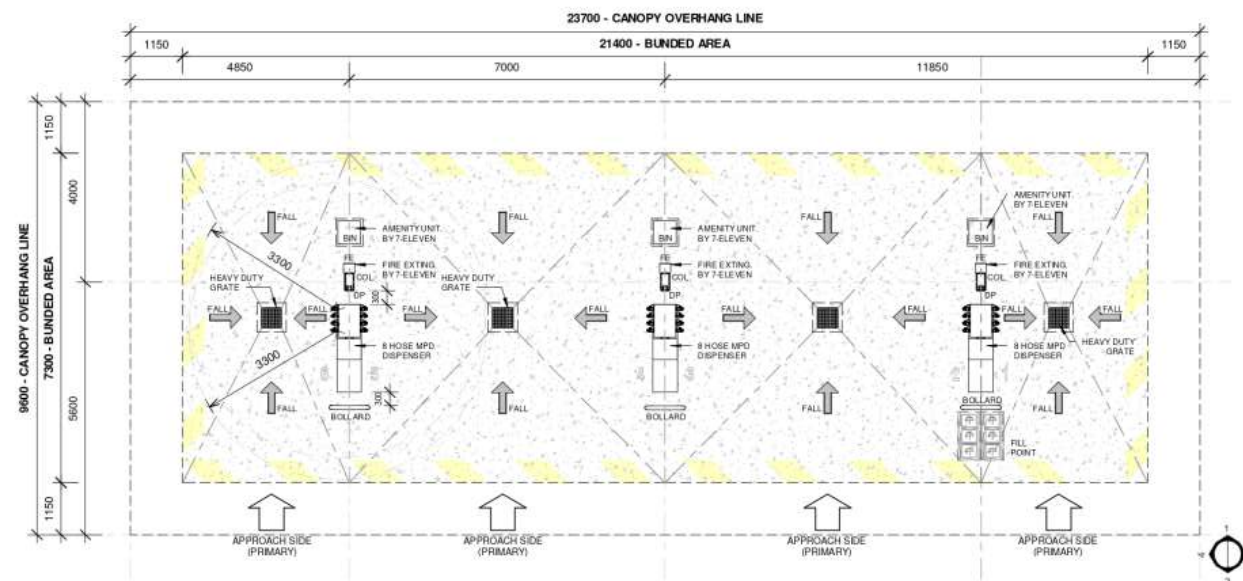
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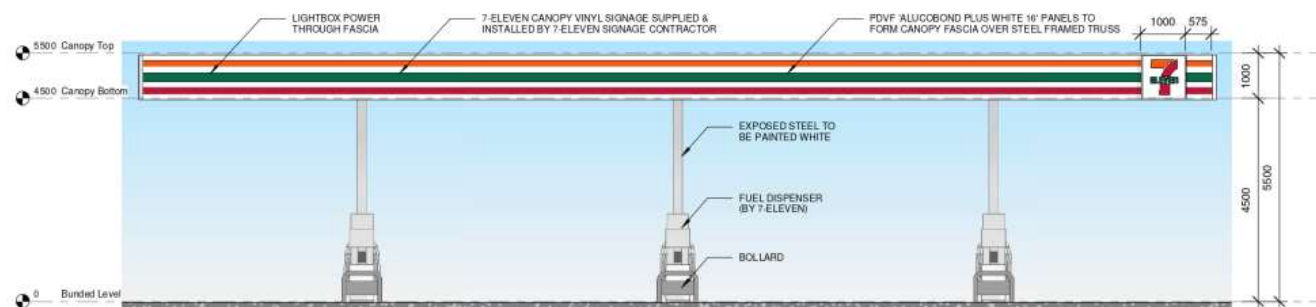
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Project:		Sheet Title:		Project No:	
SERVICE STATION		NORTH-EAST ELEVATION, NORTH-WEST ELEVATION & DETAILS		BC0167	
Lot: 3,4,B		St: MAITLAND STREET		Suburb: MUSWELLBROOK	
Client: KDC		Project Status: DEVELOPMENT APPLICATION		Scale: As indicated on A1	
DP: 364391-18699		No: 31-33		Revision: 8	
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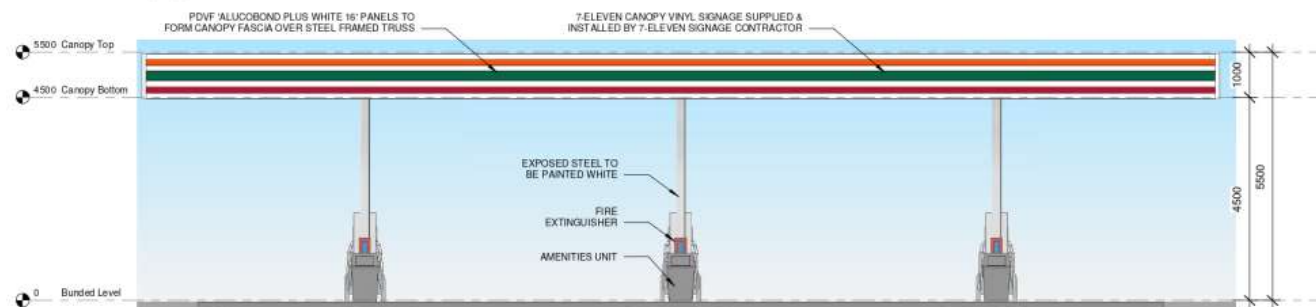
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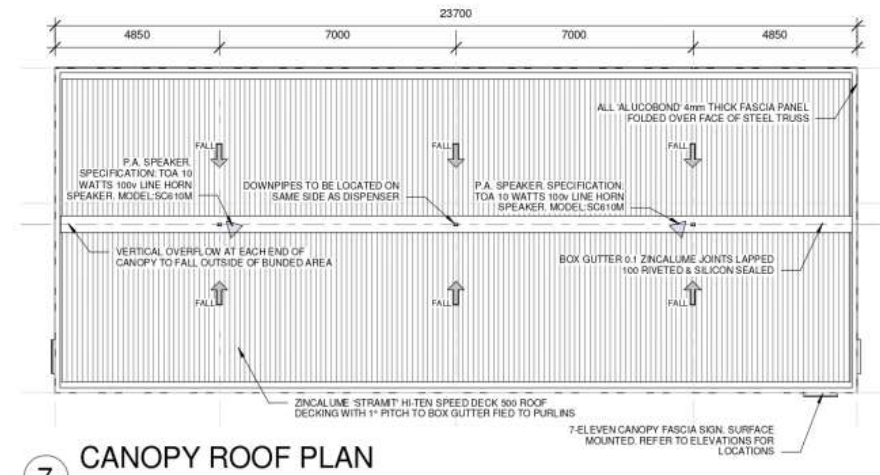
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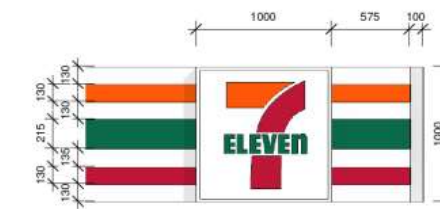
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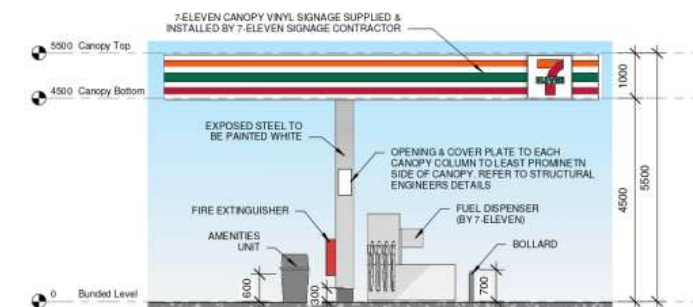
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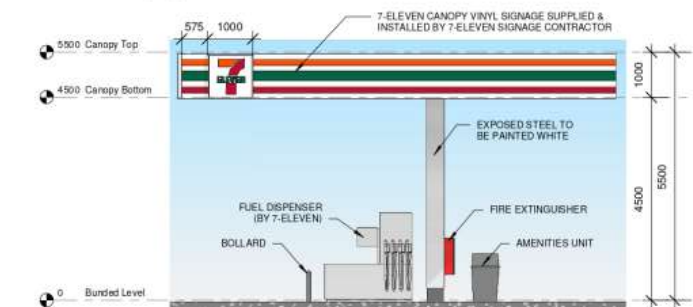
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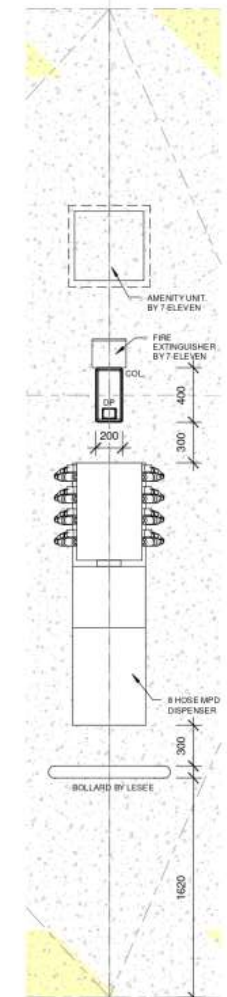
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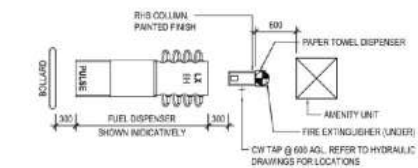
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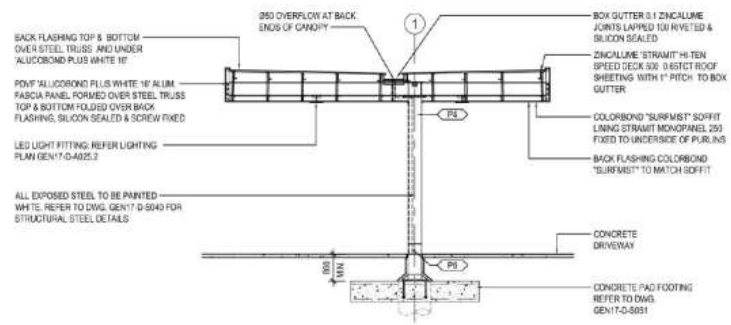
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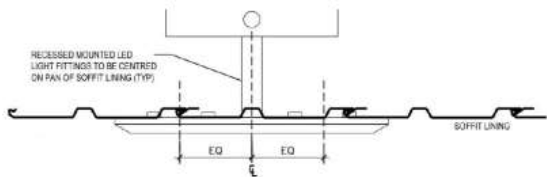
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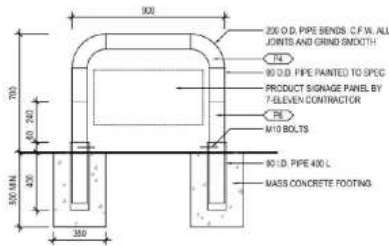
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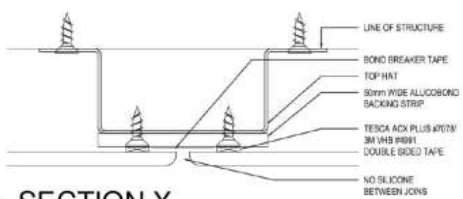
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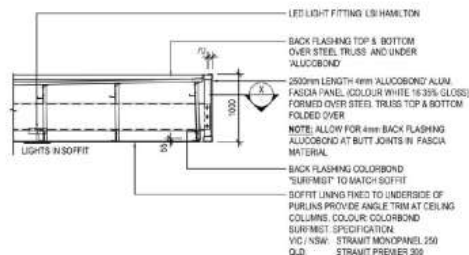
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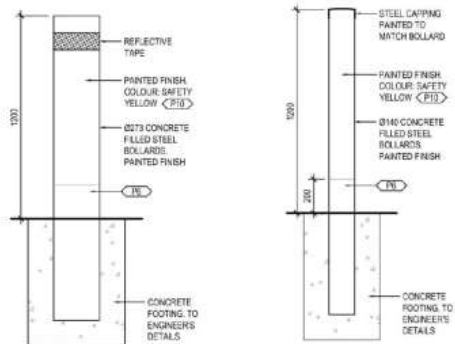
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2 SECTION X
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3 DETAIL 1
1 : 50 (A1)



6 STRAIGHT BOLLARD DETAIL
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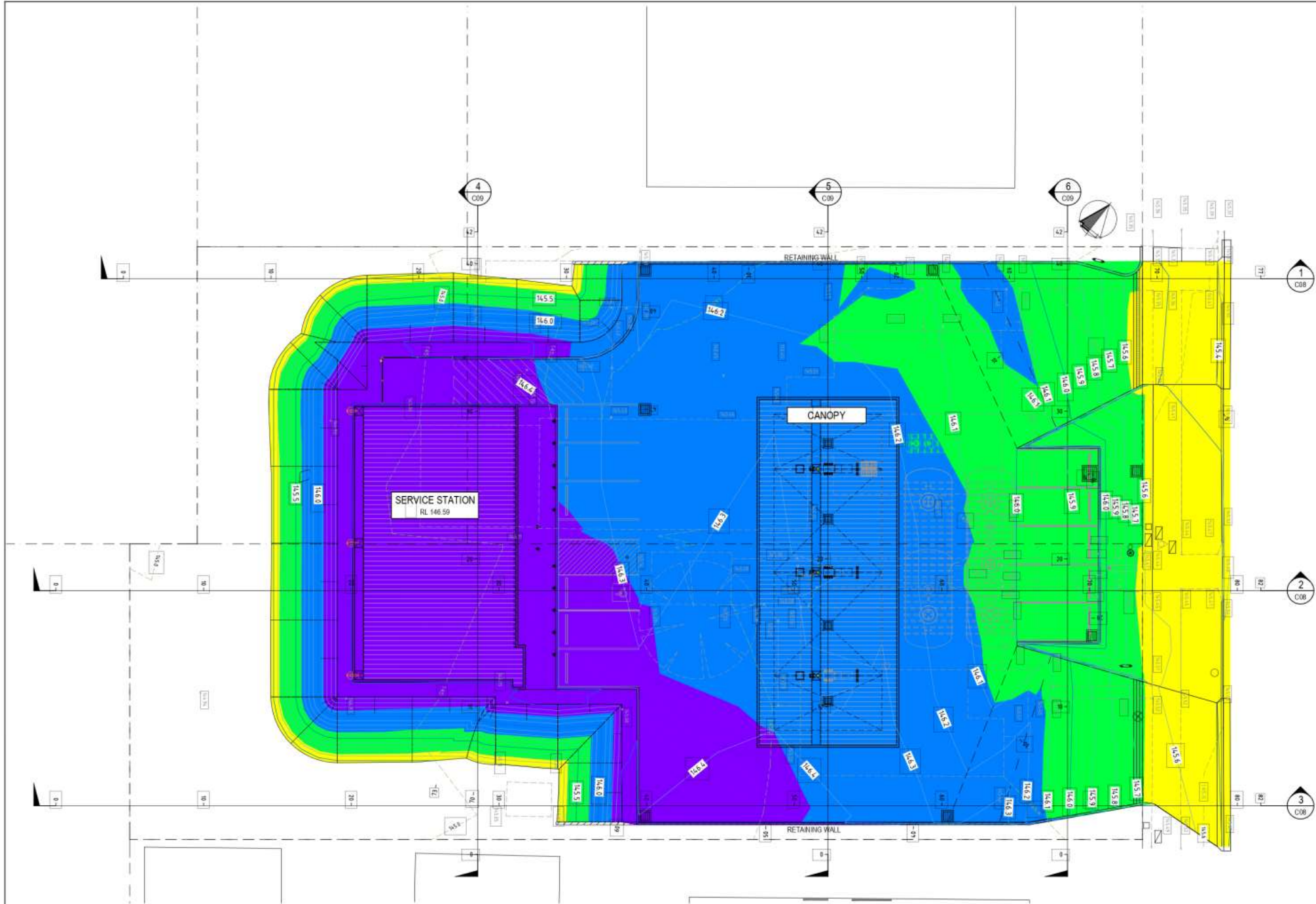
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Client: KDC			Project Status: DEVELOPMENT APPLICATION ISSUE			Scale: As indicated on A1		
						Revision: 8		



BULK EARTHWORKS CUT / FILL PLAN

1:150

Cut/Fill Summary

Name	Cut Factor	Fill Factor	2d Area	Cut	Fill	Net
bulk earthworks cut-fill proposed -0.2m	1.000	1.000	2350.157sq.m	35.161 Cu. M.	1572.101 Cu. M.	1536.940 Cu. M.<Fill>
Totals			2350.157sq.m	35.161 Cu. M.	1572.101 Cu. M.	1536.940 Cu. M.<Fill>

Range Details			
<input checked="" type="checkbox"/> Scale scheme to fit			
ID	Minimum Elevation	Maximum Elevation	Color Scheme
1	-1.000m	-0.500m	
2	-0.500m	0.000m	
3	0.000m	0.500m	
4	0.500m	1.000m	
5	1.000m	1.500m	

DA APPROVAL ONLY

NOT TO BE USED FOR CONSTRUCTION PURPOSES

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A	09.08.20	ISSUED FOR DA APPROVAL

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PROPOSED SERVICE STATION

31-33 Maitland St, Muswellbrook
For Brown Commercial Building

BULK EARTHWORKS CUT AND FILL PLAN

DESIGN SWH	DRAWN GOH	DATE APR 2020	PROJECT No. 10056
CHECKED	APPROVED	SCALE 1:150	DRG No. C07 - B



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PROPOSED SERVICE STATION

31-33 Maitland St, Muswellbrook

For Brown Commercial Building

FLOOD LEVEL EXTENT PLAN

DESIGN	DRAWN	DATE	PROJECT No.
SWH	GCH	APR 2020	10056
CHECKED	APPROVED	SCALE	DWG No.
		1:150	C10 - B

AT ORIGINAL SIZE



STATEMENT OF ENVIRONMENTAL EFFECTS

Demolition, Construction and Use of a New Service Station

31-33 Maitland Road, Muswellbrook

PREPARED FOR KLC ENTERPRISES PTY LTD | AUGUST 2020

KDC



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Statement of Environmental Effects

FINAL

Report Reference No.: 20180
Dated: 14 August 2020

Environmental Assessment

Prepared by: KDC Pty Ltd | ABN 61 148 085 492 | www.kdc.com.au

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

Kale Langford
Planner
KDC Pty Ltd

Reviewed by:

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

Clare Brennock
Client Director
KDC Pty Ltd

Address: Suite 2, 125 Bull Street, Newcastle West NSW 2302

In respect of: KLK Enterprises Pty Ltd

Application and Land Details

Applicant: KLK Enterprises Pty Ltd C/ - KDC Pty Ltd

Land to be developed: 31-33 Maitland Street, Muswellbrook NSW 2333

Project: Demolition, and Construction and Use of a Service Station

This Report has been prepared in accordance with the brief provided by our client and has relied upon the information collected at or under the times and conditions specified in the Report. All findings, conclusions or recommendations contained within the Report are based only on the aforementioned circumstances. Furthermore, the Report is for the use of the Client only and no responsibility will be taken for its use by other parties.



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EXECUTIVE SUMMARY

This Statement of Environmental Effects (SEE) is submitted to Muswellbrook Shire Council (Council) in support of a Development Application (DA) at 31-33 Maitland Street, Muswellbrook NSW 2333 (the site).

Specifically, the proposed development includes:

- + Demolition of the two existing dwellings and other associated site improvements;
- + Construction and use of a new service station with convenience store, overhead fuel canopy, underground fuel tanks and infrastructure, loading bay, garbage yard, and plant area;
- + Site landscaping;
- + Parking areas;
- + Signage including 7m high price board pylon sign addressing Maitland Street; and
- + Other minor works as illustrated on the proposed plans included at Appendix A.

The proposed service station development will provide a valuable service and facility within a highly accessible and convenient location in Muswellbrook and aims to provide for the day to day convenience and refuelling needs of the local community.

The proposed service station is permissible with consent within the B2 Local Centre zone, under the Muswellbrook LEP 2009. The proposed development will meet the objectives of the B2 zone as it will provide employment opportunities and contribute to the range of businesses in the area providing services to meet the needs of the people who live or travel through Muswellbrook. The development is compliant with the relevant LEP clauses, presenting no variations to any development standard.

The proposal is generally compliant with the requirements of DCP 2009 except for a minor non-compliance with regard to pylon signage area. This variation has been discussed in the body of this SEE and is considered reasonable in the circumstances given the nature of the development and surrounds, the envisaged future development of the local centre and overall DCP objectives satisfaction.

The proposed development incorporates high-quality building presentation and signage with an integrated overall approach to site development. The design of the development incorporates appropriate stormwater management, respects the natural environment, and minimises potential amenity impacts on neighbouring properties.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic, access and parking, noise, odour, visual amenity and waste and water management. Where necessary, mitigation measures are proposed to minimise these potential impacts and reduce potential risk associated with the development. Furthermore, it is in the interest of the operator to employ strict management procedures for the premises to ensure that the development is a safe, efficient, and pleasant environment in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support.



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1 INTRODUCTION

This Statement of Environmental Effects (SEE) is submitted to Muswellbrook Shire Council (Council) in support of a Development Application (DA) at 31-33 Maitland Street, Muswellbrook NSW 2333 (the site).

Specifically, the proposed development includes:

- + Demolition of the two existing dwellings and other associated site improvements;
- + Construction and use of a new service station with convenience store, overhead fuel canopy, underground fuel tanks and infrastructure, loading bay, garbage yard, and plant area;
- + Site landscaping;
- + Parking areas;
- + Signage including 7m high price board pylon sign addressing Maitland Street; and
- + Other minor works as illustrated on the proposed plans included at Appendix A.

This SEE has been prepared by KDC Pty Ltd (KDC) on behalf of KLC Enterprises Pty Ltd (KLC). It describes the site, its environs, the proposed development and provides an assessment of the proposal in terms of the matters for consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). It should be read in conjunction with the supporting information and Plans prepared by KDC appended to this report (Appendix A).

1.1 SITE HISTORY

A search of Council's online DA tracking system revealed no items relating to the two sites. However, based on available imagery, the two sites each contain a dwelling house along with associated site improvements such as driveway and sheds.

1.2 CONSULTATION WITH COUNCIL

Formal Pre-Development Advice was received from Council on 23 April 2020 from Council representatives Hamish McTaggart and Peter Chambers. Table 1 summarises the matters raised by Council in the advice letter and provides comments on each of the matters raised.

Table 1 – Consultation with Muswellbrook Shire Council

Matters Raised	Comments
<p>Flood Impact Assessment – the land subject to your enquiry is identified as flood liable by the Muswellbrook Flood Risk Management Study and Plan 2018 and is affected by the 1 in 100 year flood event.</p> <p>To inform the preparation of any development application consideration will need to be given to the impact of floodwaters to the development and surrounding land. A Flood Impact Assessment Report will need to be submitted with any development application for the site. This report will need to have regard to the provisions of Section 13 Flood Prone Land of the Muswellbrook DCP and environmental considerations related to the storage dangerous goods on flood affected land.</p>	<p>A flood impact assessment prepared in accordance with Section 13 of the Muswellbrook DCP has been provided at Appendix B.</p>



Further information about flood levels and flood velocities at the site can also be obtained through a Flood Certificate issued by Council, the cost of this service is \$162.	
Designated Development Considerations – Schedule 3 of the Environmental Planning and Assessment Regulation 2000 identifies certain types of development as designated development including ‘petroleum works’ located on a floodplain. As the subject site is flood liable it will be necessary for any person preparing a development application to consider whether the proposal is designated development as a ‘petroleum works’. If a view is formed that the development is not designated development information should be included in the statement of environmental effects outlining how this conclusion has been made.	The storage of fuel could be interpreted as ‘petroleum works’ which would trigger designated development in flood prone or in proximity to watercourses, however the storage capacity does not meet the tonnage requirements that trigger designated development, in addition fuel storage component is ancillary to the sale of fuel in the example of a service station and as a result the proposed development is not considered to be designated development.
SEPP No 33 Hazardous and Offensive Development – the proposed development may comprise a potentially hazardous or offensive development as defined by this SEPP. Accordingly, it will be necessary for any development application to be accompanied by a preliminary hazard analysis and/or risk screening assessment prepared by an appropriately qualified person demonstrating the development has been considered in accordance with the SEPP and the relevant Department of Planning and Environment guidelines and Hazardous Industry Planning Advisory Papers. The flood liability of the site should also be observed when considering hazard risks related to the development.	An assessment under SEPP33 has been provided at Appendix I. The storage of fuel and flood liability is assessed in the Flood Risk Assessment at Appendix B.
<p>Hours of Operation – Council will be interested in ensuring that any development of the site appropriately considers and addresses any impacts on the amenity of nearby residential premises. Council may refuse 24/7 operating hours where it is concerned that these operating hours will have an adverse impact on neighbouring residences.</p> <p>To inform Council in considering a proposal including 24/7 operating hours it would be necessary for the following reports/information to be included in a development application:</p> <ul style="list-style-type: none"> + Noise Impact Assessment + Light Pollution Impact Assessment + Crime Prevention Through Environmental Design Report 	A Noise Impact Assessment has been provided at Appendix I and a CPTED report provided at Appendix L. The design of lighting is to be located as to minimise light spill and be in accordance with all relevant Australian Standards.
Impact to the amenity of neighbouring properties – The potential for the proposed development to adversely impact the amenity of neighbouring residential properties will be a relevant consideration for Council in the assessment any development application.	All mitigation measures recommended by subconsultants in their assessments are to be implemented to ensure environmental impacts are minimised. This includes, but is not limited to, elements such as noise barriers, landscaping, and waste minimisation.



<p>Council will be interested in ensuring that the development is designed to mitigate the potential for noise, privacy and light-spill related impacts to impact neighbouring properties. The proposed plans and Statement of Environmental Effects should outline any measures to mitigate these impacts including detailing how any recommendations of technical reports are to be implemented.</p>	
<p>Traffic and Parking Impact Assessment – a Traffic and Parking Impact Assessment will need to be prepared in relation to the proposed development by an appropriately qualified traffic engineer. This document should consider the impact of the development on the traffic network and the adequacy of the proposed car parking arrangement. Noting the proposed development involves direct access from the New England Highway (a classified state road). The proposed development and any Traffic and Parking Impact Assessment will need to be referred to both the Transport for NSW and Council's Community Infrastructure Department for consideration.</p>	<p>A Traffic Impact Assessment has been provided at Appendix D and concludes the proposal can operate without adverse impact on the existing road network. .</p>
<p>Turning circle information – to ensure all vehicles accessing the site, including service vehicles, can manoeuvre and exit in a forward direction, turning circle diagrams should be prepared and submitted to Council with any application. These diagrams should demonstrate that the car park will have adequate dimensions to support the manoeuvring of light vehicles in accordance with Australian Standard AS 2890.1-1993 Parking Facilities, and that larger service vehicles will be able to safely navigate the site to required areas before exiting in a forward direction.</p>	<p>Vehicle swept paths have been provided at Appendix D demonstrating safe access and manoeuvring for a range of vehicles which will access the site with the largest being the 20m articulated fuel tanker.</p>
<p>Stormwater Management – Any application should be accompanied with a preliminary stormwater management plan showing the existing and proposed stormwater infrastructure including any stormwater drainage pits, roof drain ducts and discharge point details with calculation of the change in pre/post development discharges from the site due to increased impervious areas. The preliminary stormwater management plan should be prepared in accordance with Council's Development Control Plan requirements and include on-site water storage and gross stormwater quality improvement devices / spill control from the car park area. Any stormwater quality improvement devices should consider the requirement of ballast versus buoyancy of the system with respect to groundwater influence. The applicant should demonstrate suitable management and containment via this SQID system towards potential uncontrolled oil/fuel spills. The inclusion of suitable flame traps for proposed systems should also be noted.</p>	<p>Stormwater management plans have been provided at Appendix B.</p>



<p>Water and sewer servicing – consideration will need to be given to the water and sewer servicing requirements of the proposed development. Consideration should be given to the location of internal drainage lines in relation to the proposed development and any on-site Council infrastructure.</p> <p>In addition it will be necessary for the applicant to obtain a Notice of Requirements under the Water Management Act 2000 for the sewer and water servicing of the proposed development from Council in prior to the issue of any Construction Certificate for the development where it is approved. As part of any Notice of Requirements the developer would be required to pay Section 64 headwork's contributions for sewer and water services. Council's Water and Waste Division calculated the sewer and water headwork's contributions for the development based on Council's 2019-2020 fees and charges to be \$4,683. This figure has been provided as an indicative figure only, the total headwork's contributions applicable to the development will be re-calculated against Council's Fees and charges relevant at the time of payment.</p>	<p>Noted, the site is to be serviced by water and sewer as per Council requirements. The Notice of Requirement can be conditioned as part of the future consent.</p>
<p>Forecourt and fuel storage design requirements – the design of the service station forecourt area should be designed in accordance with best practice for managing spills and runoff from fuelling area. It is recommended that the best management practice in forecourt design provisions of the NSW Environmental Protection Authority's Practice Note Managing Run-off from Service Station Forecourts are reviewed in the preparation of detailed design plans. It will also be necessary for any detailed design plans for the premises to account for the fuel storage requirements of the Underground Petroleum Storage Systems Regulation.</p>	<p>The fuel forecourt and fuel storage design have been designed in accordance with the NSW Environmental Protection Authority's Practice Note Managing Run-off from Service Station Forecourts and the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.</p>
<p>Kitchen location and design – at the meeting Council was advised that the service station would not be a food premises requiring registration with Council or the food authority as a food shop. If this changes and it is intended for food to be produced for sale at the premises it will be necessary for kitchen areas to be designed in accordance with the Australian Standard for the fit-out of food premises. Council's Environmental Health Officer had concerns relating to the location of the toilet and air lock. If this design is to remain, no food preparation; storage including of packaged non-hazardous foods such as confectionery, drinks, or chips; or handling of food can be undertaken in "air lock" zone.</p>	<p>No food and drink component is proposed as part of this development application.</p>
<p>Landscaping – Where the development design includes garden spaces or areas of undeveloped grass land, Council Officers will be interested in a landscape plan being developed to identify how these parts of the site are to be</p>	<p>A Landscape Plan has been provided at Appendix H.</p>



<p>managed. Where landscaping is proposed as part of the development to mitigate any amenity or visual related impacts it would be Council's preference for a landscape plan to be submitted with a development application. Where landscaping is not pertinent to the assessment of the development application Council will accept the lodgement of the application without a landscape plan and would likely impose a condition of consent requiring the submission of a landscape plan prior to the approval of a Construction Certificate.</p>	
<p>SEPP No 64 Advertising Signage – where advertising signage is to be included as part of a development application for the site the design of that signage must be considerate of the SEPP requirements. Any development application involving advertisement signage should be accompanied by information to demonstrate that the SEPP requirements have been considered in its design and that the proposed signage is in accordance with the SEPP.</p>	<p>An assessment against SEPP64 has been provided in Table 2 at Appendix C.</p>
<p>Social impact considerations – any Statement of Environmental Effects submitted with the development application will need to give consideration to the potential social impacts of the development particularly its 24 hour operation. Detailed commentary on the potential social impacts (both positive and negative) associated with the proposed development should be included in any Statement of Environmental Effects for the development including:</p> <ul style="list-style-type: none"> + How the development may impact on the local area. + How the proposed development would impact on the local area, in terms of any likely changes to the population composition or size, employment opportunities and how the development be used by the community. + How the community may benefit from the proposed development. + What are the potential social and crime impacts of the development. This should include an overview of any social or crime issues in the vicinity of the proposed development and describe how any detrimental or adverse impacts associated with the development would be managed. 	<p>Potential social impacts have been discussed in Section 5.13. The section includes discussion on the points of interest raised by Council.</p>
<p>Heritage Considerations – the site subject to this development application is located in the vicinity of a locally listed heritage item 'Hennor', 18-20 Maitland Street. The proximity of the development to this heritage item should be taken into consideration in preparing the development design and the statement of environmental effects should review and comment on the impact of the development on this heritage item. Where Council is concerned by heritage impacts related to the development</p>	<p>Heritage impacts have been discussed in Section 4.4.1 relating to Clause 5.10 Heritage Conservation of the Muswellbrook Local Environmental Plan 2009 (LEP 2009).</p>



Council may request design changes or further information.	
Muswellbrook LEP 2009 , the proposed development should be designed to comply with all relevant development standards specified by the Muswellbrook LEP 2009. Information should be included in any Statement of Environmental Effects to inform Council in its assessment of the proposed development against the relevant requirements of the Muswellbrook LEP 2009.	The relevant provisions of the Muswellbrook LEP 2009 have been discussed in Section 4 of the SEE. The development has been developed in accordance with the LEP 2009 and is generally compliant.
Muswellbrook Development Control Plan – The proposed development should have regard to the requirements of the Muswellbrook Development Control Plan. Information should be included in any Statement of Environments to inform Council in its assessment of the proposed development against the relevant requirements of this Development Control Plan.	An assessment against the relevant provisions of the Muswellbrook Development Control Plan 2009 (DCP 2009) has been undertaken in Appendix 1 at Appendix C.
Environmental Impacts the information accompanying the development application should enable Council to fully consider all environmental impacts associated with the proposed development. It is recommended that any statement of environmental effects considers and comments on any environmental effects with the potential to occur as an outcome of the proposed development. In particular consideration should be given to the likely impacts of the proposed development on the amenity of neighbouring properties and measures that can be employed in the development design to mitigate anticipated impacts.	Noted, a range of potential environmental impacts have been assessed by qualified consultants and discussed throughout this SEE.



2 SITE ANALYSIS

2.1 SITE LOCATION AND CONTEXT

The site is located on the western side of Maitland Street which falls within the boundaries of the Muswellbrook Shire Local Government Area (LGA). Maitland Street forms part of the New England Highway and provides Muswellbrook connection to Tamworth to the north and Newcastle in the south.

The site is situated in a B2 Local Centre zone shared with residential properties and a range of other commercial operations located along Maitland Street. Adjoining the site to the south and west are residential dwellings, refer to Figure 1.

Figure 1 – Locality Plan (Source: Six Maps)



2.2 SITE DESCRIPTION

The site is legally described as Lots 3 and 4 DP18699 and Lot B DP364391, and generally referred to as 31-33 Maitland Street, Muswellbrook NSW 2333. The site has a 40.145m frontage to Maitland Street with an area of approximately 2,661m² as shown in Figure 2 below. Two dwelling houses along with associated site improvements are located on the site.



Figure 2 – Cadastral Plan (Source: Six Maps)





3 PROPOSED DEVELOPMENT

This section of the SEE provides a detailed description of the proposed development.

3.1 ELEMENTS OF PROPOSED DEVELOPMENT

The proposal aims to establish a service station on the site which will include the following:

- + Demolition of the two existing dwellings and other associated site improvements;
- + Construction and use of a new service station with convenience store, overhead fuel canopy, underground fuel tanks and infrastructure, loading bay, garbage yard, and plant area;
- + Site landscaping;
- + Parking areas;
- + Signage including 7m high price board pylon sign addressing Maitland Street; and
- + Other minor works as illustrated on the proposed plans included at Appendix A.

3.2 DEMOLITION

It is proposed to remove the existing two dwellings along with the associated site improvements.

As part of a site investigation undertaken as part of the Preliminary Site Investigation (see Appendix E), it was noted that the two dwellings had materials which potentially contain asbestos and lead paint. Appropriate hazmat investigations are to precede the demolition of the two dwellings.

All asbestos and materials painted with lead paint are to be removed by an appropriately licenced and experienced contractor with formal demolition occurring after these works have concluded.

Further, an unexpected finds protocol is to be implemented during the demolition and construction works to address any unidentified contamination or hazardous materials that may be encountered during the works.

Demolition waste has been identified as a waste stream and details are provided within the Waste Management Plan attached at Appendix J.

Demolition will be carried out in accordance with AS 2601 - 2001. Protection of the public and the environment in terms of dust and noise control will be considered and actioned prior to demolition commencing.

3.3 EARTHWORKS

Earthworks are proposed to establish the site to facilitate the proposed development suitable for its location on a flood prone site. To establish the site, both cut and fill is required through the site. A total cut of 35.014m³ is proposed whilst filling totals 1,562.848m³ resulting in a net fill of 1,527.833m³.

The proposed earthworks will result in a convenience store located at an RL of 146.59 AHD with a north east downward slope towards Maitland Street.

Other earthworks include drive-way access, the installation of fuel infrastructure and underground fuel tanks for the proposed service station.

Final levels provided within the civil engineering plans provided at Appendix B.



3.4 SERVICE STATION

The proposed development will establish a 7-Eleven service station, and will include:

- + Petrol filling area (appropriately bunded) with fuel canopy over, containing 3 double sided bowser;
- + Convenience store (GFA 202m²) comprising customer service counter and retail floor space, office, storeroom, cool room, amenities and screened plant equipment;
- + Night pay window;
- + Loading bay and garbage yard;
- + Signage; and,
- + Underground fuel tanks and associated infrastructure (further details below).

The building is of a simple, modern design, with colours and finishes to be consistent with the 7-Eleven's corporate theme. The nominated materials for the service station convenience store are identified on the Plans included at Appendix A and include precast concrete wall panels, metal parapet capping, compressed cement sheeting, alucobond cladding, and clear glass with powder coated frames.

Tank Details

There will be two underground double wall fiberglass fuel tanks (split compartment). Fuel tank capacity is indicated in Table 2.

Table 2 – Fuel Tank Capacity

Product	Compartment No.	Capacity
ULP	1	50,000L
E10 Petrol	2	30,000L
95 Petrol	3	30,000L
98 Petrol	4	30,000L
Diesel	5	40,000L
Total Capacity		180,000L

The underground fuel tanks are prefabricated off-site and will be transported to the site prior to their installation. The proposed installation of the tanks will take approximately one week. The ancillary works and commissioning of the new tanks will take approximately 4-5 weeks.

The design and installation of the underground storage systems will comply with AS 4897-2008 and the Protection of the Environment Operations (Underground Petroleum Storage Systems) Construction Management Regulations 2014.

Refer to Preliminary Hazard Analysis (PHA) prepared by Hazkem Pty Ltd at Appendix I, which provides further detail regarding the installation of the proposed underground fuel tanks and fuel infrastructure.

Operational Hours and Staff

The service station is proposed to operate in accordance with its existing 24-hour, 7 day a week trade. Approximately 2-3 staff will be present on site at any one time.



Deliveries and Servicing

The proposed delivery schedule is estimated to be as follows:

- + 1-3 fuel deliveries per week (20m articulated truck);
- + 1-2 dry goods deliveries per week; and
- + Daily fresh food deliveries.

Fuel deliveries will typically occur during the day (7am - 6pm) with very occasional deliveries in the evening or night. Tanker deliveries will be made using a large articulated vehicle as shown in the swept paths illustrated within the Traffic Impact Assessment (TIA) at Appendix D. Hazardous Substances will be transported to site by approved Petroleum Products Road Tankers.

Food and supplies for the convenience store will be delivered to the delivery bay and generally occur early morning and late evening. This ensures that fresh produce is available each day (sandwiches, sushi, donuts, fruit etc).

Waste Management

Waste will be stored in the designated service yard, where there will be a minimum of 2 bins provided (for the separation of general waste and recycling). Waste collection will be undertaken by a private contractor during daytime hours. The refuse area for the service station is located adjacent to the loading bay.

Further details on waste management are provided in the Waste Management Plan at Appendix J.

3.5 SIGNAGE

Proposed signage at the site comprises the following:

- + Internally illuminated, double sided 7m high pylon priceboard sign;
- + 3 x internally illuminated canopy fascia business identification signs;
- + 2 x internally illuminated blade wall business identification signs;
- + 2 x internally illuminated fascia business identification sign;
- + 2 x graphic spaces beside convenience store entry;
- + 1 x Scrolling posterboard sign; and
- + Other ancillary directional and pump signage in accordance with legislative requirements.

An integrated and simple approach to external signage is proposed at the site. Building signage is concise and the pylon sign meets legislative requirements for the appropriate display of fuel pricing. Refer to the Signage Elevation Plans at Appendix A.

3.6 LANDSCAPING

The site currently contains two dwellings with one major tree located within one of the lots. The remaining site consists of grass lawn.

A total of 964.8m² of landscape area is proposed totalling 36.26% of site area. Due to the shape of the lot and the type of development proposed, the landscaping scheme includes front and side boundary plantings designed to soften the built form when viewed from the street and neighbouring properties, while ensuring the functionality of the site.



The planting palette is based mainly on durable native species which will provide a low maintenance landscape. A plant selection of mainly hardy native species suitable to the local environment to enhance the local urban ecology and enhance the current landscape character of Maitland Street. The design promotes the safety of the community through the maximisation of natural surveillance.

Gynea Lily, Photinia, and Coastal Rosemary shrub plantings and groundcover plantings of Flax lily, Mat Rush, and Tussock Grass provide attractive textural contrast, help define entry points, indicate direction and contribute to the enhancement of the local landscape character.

Further details of the proposed plant schedule are provided within the Landscape Plans prepared by Site Image Landscape Architects at Appendix H.

3.7 VEHICULAR ACCESS AND PARKING

Site access will be provided via new separated access and egress crossovers to Maitland Street.

The proposed driveway crossings provide for the turning movements of cars and service vehicles (including petrol delivery tankers), in accordance with the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2 –2002.

Within the site, 11 dedicated parking spaces are provided including 1 disabled space at the front of the convenience store. Parking spaces will be typically 2.6 metres wide by 5.4 metres long. The disabled parking space will be 2.4 metres wide, with a 2.4-metre-wide adjacent area for clear access.

The one-way circulation aisles will be a minimum of 6.6 metres wide, and wider where aisles are used by service vehicles. These dimensions satisfy the requirements of the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 6: Off-street parking for people with disabilities), AS 2890.1:2004 and AS 2890.6:2009.3.11. The internal layout will provide for a petrol delivery tanker to enter the site, circulate and make deliveries before exiting in a forward direction onto Maitland Street. Swept paths are illustrated on within the TIA at Appendix D.

3.8 STORMWATER MANAGEMENT

The proposed development site has been designed to collect water runoff, filter and direct to the onsite detention (OSD) tank in the western portion of the site.

Specifically, the proposed stormwater management arrangement includes:

- + All stormwater runoff is directed to stormwater quality device prior to discharge to Council stormwater network;
- + Fuel forecourt drains to oil/water treatment device prior to discharge to Council stormwater network;
- + Aboveground OSD area to restrict post-development flows to below pre-development flows for rain events up to 1% ARI storm events; and
- + SPEL Stormstack or equivalent devices to be fitted to nominated stormwater pits.

Full details of proposed stormwater management arrangements are included within the Civil Drawings prepared by Eclipse Consulting Engineers and attached at Appendix B.

3.9 CONSTRUCTION MANAGEMENT

A Construction Management Plan will be prepared and submitted to the Certifier for approval prior to the issue of Construction Certificate(s).



4 RELEVANT LEGISLATION

The following legislation, Environmental Planning Instruments (EPIs), Development Control Plans (DCPs) and Strategies are relevant to the proposed development:

- + Environmental Planning and Assessment Act 1979;
- + Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019;
- + State Environmental Planning Policy 33 - Hazardous and Offensive Development;
- + State Environmental Planning Policy 55 – Remediation of Land;
- + State Environmental Planning Policy 64 – Advertising and Signage;
- + State Environmental Planning Policy (Infrastructure) 2007;
- + Muswellbrook Local Environmental Plan 2009; and,
- + Muswellbrook Development Control Plan 2009.

4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposal, as with all development applications, is subject to the provisions of the Environmental Planning and Assessment Act 1979 (EP&A Act). Section 4.15(1) of the EP&A Act, 1979 provides criteria which a consent authority is to take into consideration, where relevant, when considering a DA. An assessment of the subject DA, in accordance with the relevant matters prescribed under Section 4.15(1), is provided within this SEE.

It is noted, pursuant to Section 4.46 of the EP&A Act 1979, the proposed development does trigger integrated development.

Section 4.46 What is "integrated development"?

The site is located on Maitland Street which forms part of the New England Highway, a state classified road. The proposed works include separated entry and exit crossover points which may require approval under Section 138 of the Road Act 1993.

Accordingly, the proposed development is classified as Integrated Development pursuant to Section 4.46 of the EP&A Act and Section 138 of the Roads Act 1993.

4.2 PROTECTION OF THE ENVIRONMENT OPERATIONS (UNDERGROUND PETROLEUM STORAGE SYSTEMS) REGULATION 2019

The proposal process will comply with Part 2 Commissioning and decommissioning of storage systems of the POEO Regulation including instillation, use and record keeping. The new tanks have been designed and will be installed by duly qualified persons, and the system will include the mandatory pollution protection equipment. Furthermore, an equipment integrity test of the system will be carried out in accordance with the written directions of a duly qualified person, and the system will be certified, by the person by whom the test was carried out, as having satisfied the test.

The service station tanks will also fully comply with Part 4 Use of Storage Systems including the preparation of an environmental protection plan that complies with the Environmental Protection Authority (EPA) guidelines prior to the use of the site as a service station. It will be reviewed and updated as required and a copy will be kept on site at all times.



4.3 STATE ENVIRONMENTAL PLANNING POLICIES (SEPP)

4.3.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

This plan aims to ensure that in considering any application to carry out potentially hazardous or offensive development, the consent authority has sufficient information to assess whether the development is hazardous or offensive and to impose conditions to reduce or minimise any adverse impact.

A Risk Screening Analysis (RSA) for the proposed service station has been carried out by Hazkem Pty Ltd and is provided at Appendix I.

The calculated minimum distance from site boundaries is 7.63m with a minimum of 10.05m from sensitive uses such as residential. The proposed development meets the applicable minimum distances to site boundaries and as a result is not deemed to be potentially hazardous with no further analysis in the form of a Preliminary Hazard Analysis (PHA) required.

Accordingly, the proposed development is consistent with SEPP 33 requirements. Refer to the RSA report and attachments at Appendix I for further details.

4.3.2 STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDiation OF LAND

Clause 7(1) of the SEPP states:

- (1) *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.*

A Preliminary Site Investigation (PSI) was prepared by EP Risk to assess the contamination status at the site. The scope of works for the PSI comprised a desktop review of information pertaining to the contamination status of the site, a site inspection and preparation of the report (contained at Appendix E) documenting the findings of the investigation.

The PSI revealed that the site has been used for residential purposes since sometime before 1958. Prior to that time the site comprised of vacant land. Due to the historic use of the sites, the potential for contamination was assessed as being low for the proposed commercial use. .

4.3.3 STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISEMENT AND SIGNAGE

Clause 8 of SEPP 64 states the following:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*



The assessment criteria in Schedule 1 of the SEPP relates to matters for consideration such as character of the area; amenity of residential areas; views and vistas; streetscape, setting and landscape; site and building compatibility; illumination; and safety.

The proposed signage has been designed with consideration to the residential neighbouring land uses, and accordingly a minimal approach has been adopted. It is not anticipated the proposal will adversely cause or create impact to the vehicles travelling along adjacent roads.

It is considered that the proposal pylon sign and building/ fuel canopy signage satisfies the relevant criteria outlined within SEPP 64. Consistency of the development with Clause 3(1)(a) is discussed further in Section 5.4 of this report. A detailed assessment of the proposal against the Schedule 1 Assessment Criteria is provided in Table 2 at Appendix C.

4.3.4 STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

This Policy provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process.

Clause 101 Development with frontage to classified road

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*
 - (i) the design of the vehicular access to the land, or*
 - (ii) the emission of smoke or dust from the development, or*
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.*

The site has frontage to Maitland Street which is a regionally listed RMS classified road (State 9). The proposed development will make minor amendments to the access/egress of the site, however the minor relocation of cross over will not impact traffic movement along Maitland Road. The proposed use as a service station will not impact on the classified road in relation to the considerations outlined in subclause (b), nor is it a form of use that is sensitive to traffic noise or vehicle emissions. The proposal is consistent with the aims and provisions of Clause 101.

Clause 104 Traffic-Generating Development

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) In this clause, relevant size or capacity means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road)*



is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.

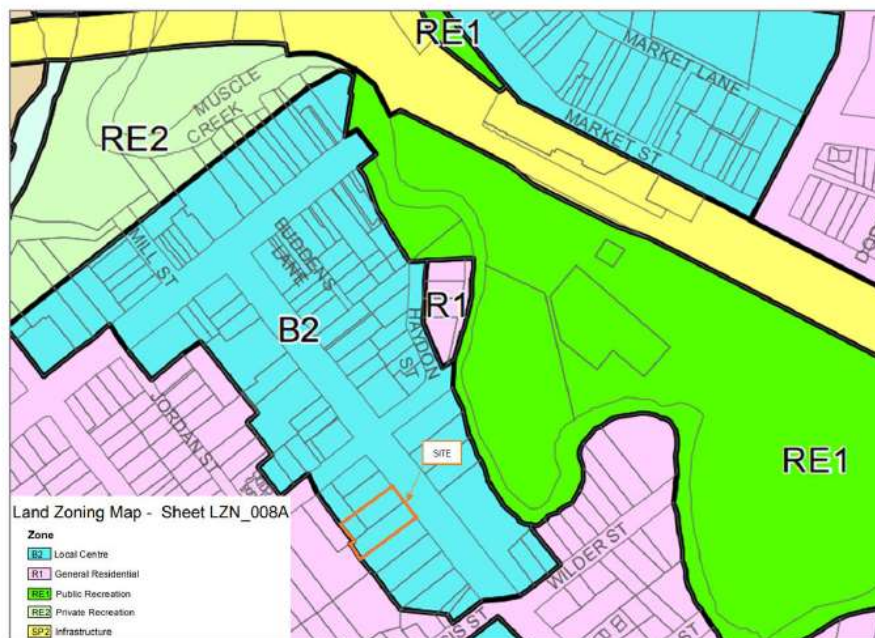
Under Schedule 3 the proposed service station is classified as a *Service stations without heavy vehicle refuelling or maintenance services* with access provided to a classified road and therefore requires referral to Roads and Maritime Services (RMS) under the Infrastructure SEPP. The proposed minor works to the existing access is ensure that the proposal meets the requirements with enhanced sightlines and minimisation of impacts on road function.

The proposed service station is considered to be consistent with the objectives and intent of the relevant clauses of SEPP (Infrastructure) 2007.

4.4 MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

The site is zoned B2 Local Centre under the Muswellbrook Local Environmental Plan 2009 (LEP 2009), as illustrated in Figure 3.

Figure 3 – LEP Zoning Map Extract (LNZ_008A)



The objectives of the B2 Local Centre zone are as follows:

1 Objectives of zone

- + *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- + *To encourage employment opportunities in accessible locations.*
- + *To maximise public transport patronage and encourage walking and cycling.*
- + *To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.*



- + To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.
- + To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.
- + To support business development by way of the provisions of parking and other civic facilities.

2 Permitted without consent

Home occupations

3 Permitted with consent

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

4 Prohibited

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

A service station is permissible with consent in the B2 Local Centre zone. The proposal is considered to satisfy the relevant objectives of the zone, allowing for the provision of a necessary retail service serving the needs of the community and enabling a land use that supports the retail and service functions of a business centre.

The proposed use as a service station is defined in the LEP:

Service station a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- b) the cleaning of motor vehicles,
- c) installation of accessories,
- d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- e) the ancillary retail selling or hiring of general merchandise or services or both.

4.4.1 RELEVANT CLAUSES

The relevant clauses of the LEP are discussed below.

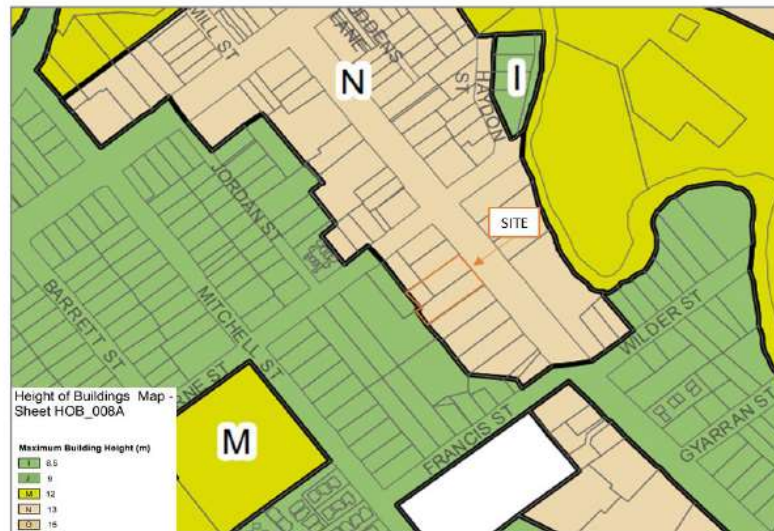
Clause 2.7 Demolition Requires Development Consent

Under this clause demolition works require consent. Demolition works included as part of this DA are described in Section 3.2 of this SEE.

Clause 4.3 Height of Buildings

The site is mapped with a maximum building height of 13m under the Muswellbrook LEP 2009, see Figure 4. The proposed blade wall architectural feature represents the highest component proposed at 7.15m above ground level which is compliant with the building height limitation.

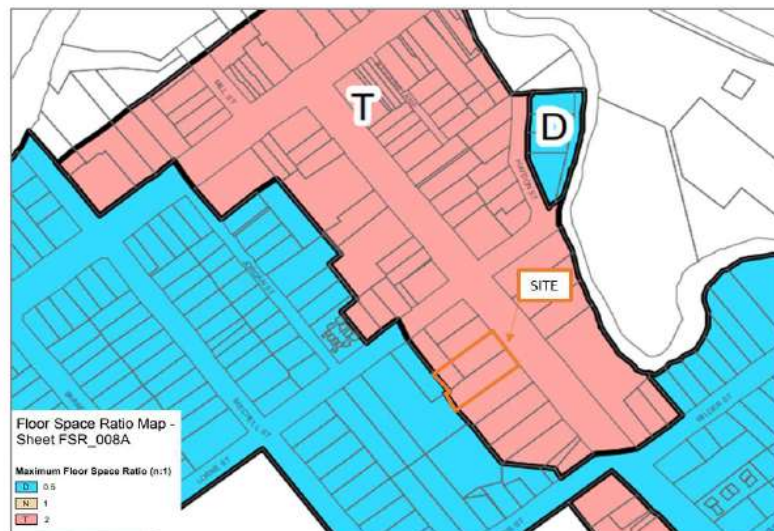
Figure 4 – Maximum Height of Buildings Map Extract (HOB_008A)



Clause 4.4 Floor Space Ratio (FSR)

The site is mapped with a maximum floor space ratio of 2:1 under the Muswellbrook LEP 2009, see Figure 5. The proposed development achieves a floor space ratio of 0.08:1, compliant with the floor space limitation.

Figure 5 – Maximum Floor Space Ratio Map Extract (FSR_008A)



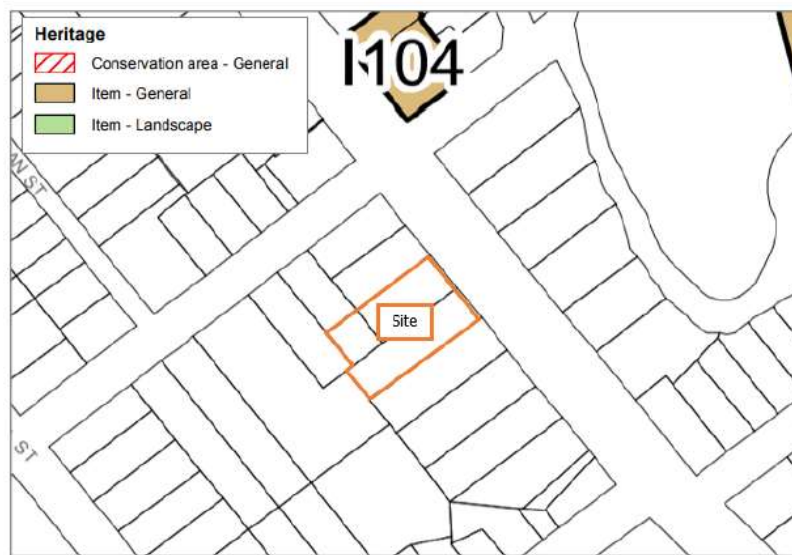


Clause 5.10 Heritage Conservation

The site is not mapped as a local or state heritage listed item nor is the site located within a heritage conservation area under the Muswellbrook LEP 2009, however the site is within proximity to a heritage listed item, refer to Figure 6. The site is noted as Local I104 Hennor Lot 3, DP 518666; Lot 12, DP 519525, 18–20 Maitland Street, Muswellbrook.

Due to the presence of modern commercial buildings adjacent to the heritage item and along Maitland Street more generally, the proposed development will not significantly increase the level of existing impact on the heritage significance of the nearby item and is considered appropriate in the context of the area.

Figure 6 – Heritage Map Extract (HER_008AA)



Clause 7.6 Earthworks

Earthworks is proposed as part of the development application in order to establish the development area on the site.

Before granting development consent for earthworks, the consent authority must consider the following matters—

- (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,
- (b) the effect of the proposed development on the likely future use or redevelopment of the land,
- (c) the quality of the fill or the soil to be excavated, or both,
- (d) the effect of the development on the existing and likely amenity of adjoining properties,
- (e) the source of any fill material and the destination of any excavated material,
- (f) the likelihood of disturbing relics,

The proposed earthworks have been engineered to minimise detrimental impacts on existing drainage or soil stability and will facilitate the proposed and potential future development on the site. The works are concentrated on the slope located towards the rear of the site and will have minimal impact on adjoining properties, refer to Appendix B for the proposed levels for the site.



4.5 MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009

The Muswellbrook Development Control Plan (DCP) 2009 applies to all land within the Muswellbrook Local Government Area (LGA), including the subject site.

The following Sections of the DCP 2009 are relevant to the proposed development:

- + Section 9 – Local Centre Development;
- + Section 13 – Flood Prone Land;
- + Section 14 – Outdoor Signage;
- + Section 16 – Car Parking and Access;
- + Section 20 – Erosion and Sediment Control;
- + Section 21 – Contaminated Land;
- + Section 24 – Waste Minimisation and Management; and
- + Section 25 – Water Management.

A non-compliance with the DCP is noted in relation to signage area of the proposed pylon sign. Variation to the pylon signage area control is considered acceptable in the circumstances taking into account the nature of the development and location of the site. These variations are discussed below.

A full assessment against the relevant components of the DCP is included in Table 1 at Appendix C.

4.5.1 VARIATION

With a signage area of 14m² on two sides, the proposed pylon sign exceeds the prescribed 3m² signage area for pole and pylon signs under Control 14.2.3 *Restrictions*. This exceedance is largely a result of the incorporation of the fuel priceboard which is an essential element of a service station development to meet fuel price advertisement requirements.

The objective of Control 14.2.3 is:

a) Restrictions on outdoor signage to avoid visual clutter and the proliferation of outdoor signs

The proposed pylon sign directly achieves this objective as it has been designed to incorporate the fuel priceboard into the single pylon sign structure avoiding the need for separated pylon and priceboard signs along the Maitland Street frontage. The reduced visual clutter and avoidance of signage proliferation is directly in line with the objectives of the control.

As the fuel priceboard is an essential requirement for the display of fuel pricing and the proposed pylon sign directly avoids the need for a separated second freestanding priceboard sign the proposed variation is considered to be appropriate in this instance.



5 ASSESSMENT OF PLANNING ISSUES

The following is an assessment of the environmental effects of the proposed development as described in the preceding sections of this SEE. The assessment considers only those matters under Section 4.15(1) of the EP&A Act 1979 that are relevant to the proposal.

5.1 COMPLIANCE WITH PLANNING INSTRUMENTS AND CONTROLS

Unless otherwise stated, the proposed development either complies with or is consistent with all relevant planning instruments and controls set out in Section 4 of this SEE, in that:

- + The proposal complies with the requirements of the POEO (UPSS) Regulations 2019;
- + Proposed signage is consistent with the criteria contained in SEPP 64 – Advertising and Signage;
- + A Risk Screening Analysis found that the proposal is non-hazardous and it complies with SEPP 33 - Hazardous and Offensive Development;
- + The proposal achieves compliance with SEPP 55 – Remediation of Land;
- + The proposal complies with the requirements of SEPP Infrastructure;
- + The proposed service station is permissible within the B2 Local Centre zone under the Muswellbrook LEP 2009; and,
- + The proposal is generally consistent with the objectives and relevant controls within Muswellbrook DCP 2009 with the exception of a minor non-compliance in relation to pylon signage area. A variation regarding this non-compliance has been requested, as justified at Section 4.5.1. A detailed assessment of the proposed development against the relevant provisions of the DCP is provided in Table 1 at Appendix C.

5.2 TRAFFIC, ACCESS AND PARKING

Traffic

A Traffic Impact Assessment (TIA) has been prepared by SLR at Appendix D. The anticipated rates of traffic likely to be generated from the proposed development are discussed in this report, having regard for the RTA 'Guide to Traffic Generating Development'.

Traffic generated by the proposed service station will have its greatest effects during weekday peak periods when it combines with other traffic on the surrounding road network. The total weekday evening peak hour vehicle trips for the development is 133 vehicle trips per hour (vtp) however a large portion (in the order of 80%) are assumed to be 'drop-in' trips already within the network resulting in a total of 27 new vehicle trips generated by the proposed development.

The additional traffic anticipated from the proposal has been assigned to the road network where it was found that the surrounding road network (both 2021 and in 2031) is capable of accommodating the expected additional traffic from the proposal.

Access and Internal Circulation

New separated entry and exit crossovers are proposed for the service station. The proposed driveways will provide for the turning movements of cars and service vehicles (including petrol delivery tankers), in accordance with Council controls and the Australian Standard for Parking Facilities (Part 1: Off-street car parking and Part 2: Off-street commercial vehicle facilities), AS 2890.1:2004 and AS 2890.2 –2002.



Suitable queuing areas exist from the bowsters to the site access to mitigate the risk of vehicles queuing back onto the road network.

The servicing facilities provided within the site are satisfactory and allow convenient servicing of the site, with forward entry and exit from the site for the fuel tankers and service vehicles. This has been demonstrated with the provision of swept turning paths on the plans at Appendix A.

Parking

The Muswellbrook DCP 2009 sets out the relevant on-site car parking rates for land uses within the Muswellbrook LGA. The car parking rate for service stations is provided below.

Service Station

6 spaces per work bay, plus

Plus 1 space per 20 m² of gross floor area of the convenience store, plus

Plus 1 space per 6.5m² of gross floor area OR 1 space per 3 seats if a restaurant facility is provided, whichever is greater.

Calculation:

No work bays proposed

No restaurant component

Convenience store is 202m² in GFA

202 / 20 = **11** (10.1) car parking spaces

A total of 11 car parking spaces including 1 accessible car parking space are proposed for the development, meeting the requirements of the DCP car parking rate. It is therefore considered the proposed development provides sufficient car parking space to meet onsite parking demand.

5.3 VISUAL IMPACT

The proposed works will make a positive visual contribution to the area given:

- + The proposed built form is of an appropriate height, scale and bulk suitable for the area and zoning;
- + The proposed development includes extensive boundary plantings, enhancing its appearance from surrounding properties and public areas;
- + Development at the site includes contemporary building design will contribute to the aesthetical improvement of the area;
- + A conservative amount of external signage is proposed in association with the development, in order to achieve an orderly and co-ordinated site presentation and not to create distraction to drivers; and,
- + New proposed landscaping elements will add to the visual interest of the site and enhance the local urban ecology.

5.4 SIGNAGE

An integrated and low-key approach has been adopted for signage within the site, which consists of:

- + Internally illuminated, double sided 7m high pylon priceboard sign;



- + 3 x internally illuminated canopy fascia business identification signs;
- + 2 x internally illuminated blade wall business identification signs;
- + 2 x internally illuminated fascia business identification sign;
- + 2 x graphic spaces beside convenience store entry;
- + 1 x Scrolling posterboard sign; and
- + Other ancillary directional and pump signage in accordance with legislative requirements.

All signage proposed is to be illuminated in accordance with the relevant Australia Standards. The location and dimension of signage is illustrated on the Signage Plans provided at Appendix A.

The proposed signs will be of a high quality and finish and will be illuminated at an acceptable level that will not result in unreasonable glare that would affect the safety of vehicles or pedestrians. Illuminated signage will not detract from the amenity of neighbouring development as signs are not excessive in height or scale and sufficiently distanced and/or screened by fencing to adjoining residential development.

Overall, the proposed signage is appropriate for the use and setting of the site and will contribute to the visual interest of the area. The proposed signage meets the objectives and provisions of SEPP 64 as demonstrated in Table 2 at Appendix C. Signage is generally consistent with the relevant matters for consideration as outlined in Section 14 of Council's DCP with a single variation proposed (refer to DCP compliance table at Appendix C).

SEPP 64 Assessment

The aims of the SEPP 64 are to ensure that signage:

- + *is compatible with the desired amenity and visual character of an area;*
- + *provides effective communication in suitable locations; and*
- + *is of high quality and finish.*

It is considered the proposed signs will be compatible with surrounding development and signage located along Maitland Street and the general area. The proposed signs will maintain visual amenity at the site with the signs to directly relate to the proposed service station on the site and serving as business identification only.

Overall, the proposed signage scheme will meet the objectives and provisions of SEPP 64. A detailed assessment of the proposal against the provisions of SEPP 64 – Schedule 1 is presented in Table 2 at Appendix C.

Transport Corridor Outdoor Advertising and Signage Guidelines

The Transport Corridor Outdoor Advertising and Signage Guidelines published by the Department of Planning and Environment (2017) provides clarification and assessment criteria for signage located within or visible from classified roads and works in conjunction with SEPP 64.

In accordance with Section 3.3.3 *Illumination and Reflectance* of the guideline, the proposal will:

- + Be of an appropriate luminance in accordance with applicable requirements;
- + Cast shadow on previously illuminated areas;
- + Is contained within the sign and will not cause glare;
- + Displays resembling traffic signs or signals, or giving instruction to traffic by using words including, but not limited to, words such as 'halt' or 'stop'; or
- + A method of illumination that distracts or dazzles such as flashing.



A detailed assessment of the proposal against the provisions of *Transport Corridor Outdoor Advertising and Signage Guidelines* is presented in Table 3 at Appendix C.

5.5 NOISE

Operational Noise

A Noise Assessment (NA) undertaken by Muller Acoustic Consultants measured and modelled the potential noise generation for the operation including sleep disturbance noise emissions (refer to Appendix F).

The NA includes recommendations for noise controls which are to be implemented and include:

- + Mechanical plant is located on the roof top of the project;
- + Construction of an impervious barrier along the northern edge of the loading bay. The barrier should be constructed to an RL of 2.0m above the relative ground level of the forecourt and consist of materials with a surface density of at least 10kg/m², and not contain any gaps (ie lapped and capped timber or equivalent); and
- + Construction of an impervious barrier along the southern edge of the forecourt. The barrier should be constructed to an RL of 1.8m above the relative ground level of the forecourt and consist of similar materials with the recommendations above.

The results of the NA demonstrate that emissions from the project would satisfy the relevant Project Noise Trigger Levels (PNTL) at all assessed receivers for all assessment periods during operation of the development. Furthermore, sleep disturbance is not anticipated, as emissions from impact noise are predicted to remain below the EPA screening criterion for sleep disturbance and awakenings.

Based on the modelling undertaken and the findings of the NA, it is recommended Council approve the project in terms of noise impact taking into consideration the proposal includes all the noise control and management strategies provided within the NA.

Demolition and Construction Noise

Modelled noise emissions from project construction and demolition activities identify that relevant noise management levels may be exceeded at a number of receivers. Hence, noise management measures as provided in the enclosed Noise Assessment (refer to Appendix F) are to be implemented to reduce potential impacts on surrounding receivers during construction activities.

Construction noise mitigation measures to be implemented include:

- + Where reasonable and feasible, implement boundary fences/retaining walls as early as possible to maximise their attenuation benefits to surrounding receivers;
- + Toolbox and induction of personnel prior to shift to discuss noise control measures that may be implemented to reduce noise emissions to the community;
- + Where possible use mobile screens or construction hording to act as barriers between construction works and receivers;
- + All plant should be shut down when not in use. Plant to be parked/started at farthest point from relevant assessment locations;
- + Operating plant in a conservative manner (no over-revving);
- + Selection of the quietest suitable machinery available for each activity;



- + Avoidance of noisy plant/machinery working simultaneously where practicable;
- + Minimisation of metallic impact noise;
- + All plant are to utilise a broadband reverse alarm in lieu of the traditional hi frequency type reverse alarm; and
- + Undertake letter box drops to notify receivers of potential works.

5.6 ODOUR

It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with activities undertaken on the site.

Stage 2 vapour recovery (VR2) equipment will be installed at the petrol tanks which is designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel.

VR2 systems are intended to limit the emissions of fuel vapour when vehicles refuel by recovering at least 85% of the displaced vapour. In accordance with Protection of the Environment Operations (Clean Air) Regulation, the VR2 system will be tested for vapour system recovery performance before commissioning, and whenever components required to ensure the integrity of the system are removed and replaced, for example, during maintenance.

During construction and earthworks, the following measures shall be implemented to minimise odours:

- + Covering of stockpiles;
- + Use of fine mist sprays and /or odour mitigating agent on impacted areas and materials; and
- + Adequate maintenance of equipment and machinery to minimise exhaust emissions.

5.7 LIGHTING

Appropriate lighting will be installed on the proposed premises, including lighting for the car parking and outdoor areas. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras.

It is considered that the proposed lighting will result in minimal impact on adjoining properties and the surrounding streetscape. Boundary fencing will further assist in blocking light from vehicle headlights. All external lighting will comply with AS/NZ 1158.3.1:2005 and AS 4282.1997 Control of the obtrusive effects of outdoor lighting.

5.8 SAFETY AND SECURITY

The development has been designed to and shall be managed to minimise and discourage criminal activity and ensure the safety of customers, staff, and the local community. The proposal has been designed to be consistent with Crime Prevention through Environmental Design (CPTED) principles.

A Crime Risk Assessment has been undertaken and is included at Appendix L. The purpose of the Crime Risk Assessment is to identify and assess crime risk associated with the proposed development which will trade 24 hours a day, and to minimise opportunities for crime through design. The Crime Risk Assessment has regard for the 4 key strategies (surveillance, access control, territorial reinforcement and activity and space management) of Crime Prevention and Public Safety.



5.9 MULTI-LEVEL RISK ASSESSMENT

The Risk Screening Analysis carried out by Hazkem Pty Ltd, see Appendix I, found that the distance from the remote fill and dispensing points to the site boundaries is greater than the minimum setback distance and therefore was not defined as hazardous in accordance with SEPP 33. No further analysis under a PHA was required.

All equipment will be installed to manufacturer's recommendations and will comply with all the relevant standards listed within. Specific safety features of the site have been included in the Preliminary Hazards Analysis, including all monitoring procedures.

5.10 LANDSCAPING

Landscaping is proposed including shrubs, groundcovers, grasses and turf with shrubs planted along the front and side boundaries and grasses and turf within the rear portion of the site. The landscape design plan meets Council's planning objectives in regard to streetscape, presentation, and public amenity.

The landscape design utilises the proposed built form and site structure to provide a visual pleasing site including:

- + Planting to soften the front streetscape;
- + A plant selection of mainly hardy native species suitable to the local environment to enhance the local ecology;
- + Planting beds to define entry points and indicate direction; and
- + Design which promotes the safety of the community through the maximisation of natural surveillance.

The landscaping proposed will help integrate the built form and hardstand areas on the site and provide a positive contribution to the overall landscape character of the area. A detailed Landscape Plan prepared by qualified consultant is included at Appendix H.

5.11 WATER MANAGEMENT

The proposed development site has been designed to collect runoff, filter and direct to the above ground onsite detention (OSD) in the north eastern portion of the site prior to discharge at a Council approved location.

All stormwater discharging from the operational apron/forecourt area and fill point area will be treated through the proposed underground treatment device. This is a compulsory environmental requirement under the Office of Water Guideline for discharges from premises with refuelling points in Non-Metropolitan NSW and the Protection of the Environment Operations Act 1997 (POEO Act). The Puraceptor collects polluted stormwater from the area under the canopy/fill areas and adequately separates pollutants from water before discharging into the stormwater system.

Full details of proposed Stormwater Management arrangements including DRAINS modelling results are shown within the Civil Drawings prepared by Eclipse Consulting Engineers attached at Appendix B.

5.12 SEDIMENT AND EROSION CONTROL

All sediment control devices will be constructed, placed, and maintained in accordance with respective Council specifications and Landcom "soil and construction" manual and as shown on the proposed Erosion and Sediment Control Plans at Appendix B.

Temporary contractors' vehicular access to the site will be restricted to a single point with a vehicle shaker grid and stabilised site access to reduce the likelihood of sediment being trafficked off site. Additional sandbag inlet traps are proposed along the kerbing of the site on Maitland Street.



5.13 SOCIAL AND ECONOMIC IMPACTS

An analysis of the social and economic impacts associated with the development of the site is detailed in this section to ensure that, where relevant, social and economic considerations are an integral part of the development assessment process.

The proposed establishment of a service station on the site is anticipated to have an ongoing positive social and economic impact on the local Muswellbrook area and the broader community.

The identified positive impacts are summarised below:

- + The proposal will generate direct employment opportunities with flow on employment multipliers benefitting the local community;
- + The development will be compliant with relevant disability standards, and will meet the needs of people with physical disabilities, sensory disabilities, and intellectual disabilities;
- + The proposal will provide needed services to the area meeting the daily needs of the surrounding residents, workers, and visitors;
- + No expected change in local community population and demographics;
- + The proposal will result in economic benefits associated with the construction works;
- + The proposal is consistent with the planning intent for business development along main roads;
- + Specific safety and security measures will be incorporated into the operational procedures of the development to ensure a safe and secure environment for patrons and staff; and
- + The development will have a positive impact on the environment by enhancing and improving the site and by ensuring minimal impact on downstream water quality as a result of the development.

Potential negative impacts are related to crime risk due to the proposed 24 hour operation. Due to these concerns the development has been developed in accordance with the Crime Prevention Through Environmental Design (CPTED) principles which aims to reduce opportunities for crime through site design which enables surveillance of the area by patrons and staff and minimisation of risk areas. A Crime Risk Assessment has been undertaken and is included at Appendix L.

5.14 BUILDING ACCESS

Access to the buildings will be compliant with the relevant legislation and criteria including The Building Code of Australia (BCA), the Disability Discrimination Act 1992 and AS1428 – Design for Access and Mobility to ensure that adequate pedestrian and disabled access is provided for the development. As illustrated on the proposed plans, access is made available throughout the site, carpark, building entrance and within the building.



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6 CONCLUSION

The proposed service station at 31-33 Maitland Street, Muswellbrook will provide a well-designed, modern facility compliant with relevant environmental standards and guidelines. With the growth of the Muswellbrook area, the new service station proposed under this DA will greatly assist in providing the services and facilities required to support that growth.

The proposed service station is permissible with consent within the B2 Local Centre zone, under the Muswellbrook LEP 2009. The proposed development will meet the objectives of the B2 zone as it will provide employment opportunities and contribute to the range of businesses in the area providing services to meet the needs of the people who live or travel through Muswellbrook. The development is compliant with the relevant LEP clauses, presenting no variations to any development standard.

The proposal is generally compliant with the requirements of DCP 2009 except for a minor non-compliance with regard to pylon signage area. This variation has been discussed in the body of this SEE and is considered reasonable in the circumstances given the nature of the development and surrounds, the envisaged future development of the local centre and overall DCP objectives satisfaction.

The proposed development incorporates high-quality building presentation and signage with an integrated overall approach to site development. The design of the development incorporates appropriate stormwater management, respects the natural environment, and minimises potential amenity impacts on neighbouring properties.

This SEE has addressed the potential impacts arising from the proposal on surrounding properties including traffic, access and parking, noise, odour, visual amenity and waste and water management. Where necessary, mitigation measures are proposed to minimise these potential impacts and reduce potential risk associated with the development. Furthermore, it is in the interest of the operator to employ strict management procedures for each premises to ensure that the development is a safe, efficient, and pleasant environment in which to work and visit.

Given the merit of the design and the absence of any significant adverse environmental impacts or planning issues, the DA is considered to be in the public's interest and worthy of Council's support

Hamish McTaggart


From: [REDACTED]
Sent: Tuesday, 15 September 2020 1:02 PM
To: Muswellbrook Shire Council
Subject: Ref DA 2020/ 89

To the General Manager,

On behalf of Phyllis Bengé of 35 Maitland St we wish to voice our objection to the proposed 7/ 11 Service Station proposed development on blocks that adjoin Mrs Bengé's property.

On last count there are already 8 service stations in Muswellbrook 2 in Maitland St that provide 24hr service. If this proposal was to go ahead there would be 3 alone approximately 300m apart in Maitland St. The proximity to the new Traffic Lights at Lorne, Haydon St with truck and vehicles entering and exiting in peak afternoons is also of concern. This street has high pedestrian traffic with children walking to and from school also customers to the Newsagents. Mrs Bengé is an active senior who likes to walk to the Newsagents having to contend with extra traffic crossing the foot path would be an unwelcome risk. Gardening is also a passion for Mrs Bengé, which you see when you drive past her house. So what joy will it be to have a 1.8 m high wall on her boundary not to mention the noise and the fumes of petrol and diesel? The other major concern is the devaluation of her property which could be substantial and the opportunity for anti social behaviour of customers who would attend the premises in the early hours of the morning. These are only a few concerns Mrs Bengé has and when speaking to other affected residents in the area the overwhelming majority is that this proposal is not wanted or needed when the town already has enough Service Stations.

Sent from my iPad Regards C Burgess POA for P Bengé




To The General Manager ,

I am writing this letter of objection in regards to a proposed new development by KLK Enterprises Pty Ltd to build a 7 Eleven Service Station that is planned to operate 24 hours / 7 days per week , Development Application No: 2020/89 .

I am a long term resident of Francis Street (35 yrs) and already have a Mobil Service Station less than 200 mtrs from my residence , and another 4 which , (1 already is a 24/7 operation) are less than 2 Kims from my home , and when you look at this town this Development will make 8 Service Stations in our town , I think we have enough already .

Aside from the amount of Service Stations that we already have , my main objection is the added traffic, and associated noise that will be generated by late night patronage to what I would consider to be a 24 Hr Grocery Store because that's exactly what they are , our area already gets a lot of traffic noise as it is , let alone adding to it with this type of development .

Yours Faithfully ,



Hamish McTaggart

From: [REDACTED]
Sent: Tuesday, 29 September 2020 11:40 PM
To: Muswellbrook Shire Council
Subject: Re: Development Application 2020-89

Subject: Development Application 2020-89 for a Service Station (Operating Hours - 24 hours, 7 days a week) at 31-33 Maitland Street MUSWELLBROOK

Hi There,

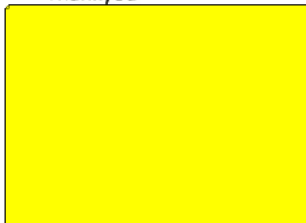
We are a small business operator of Mobil Muswellbrook business (49-51 Maitland Street, MBk). We would like to bring Few point to your attention and may not fall in your criteria of objections but it fits in the welfare of Muswellbrook community.

Mobil Muswellbrook always sells cheapest fuel in town, not just it is cheapest in town but also cheapest in area (Singleton to Tamworth). One of the main motto of ours is to support local community. We do not make much margin but are providing best quality fuel at cheapest price. We participate, promote and donate for locations events to bring the community together. We generate jobs for local community.

You must be thinking why I am writing all this. I want to bring to your attention one of the main reasons due to which ACCC rejects BP deal taking over Woolworths petroleum business. Which is monopoly of big company, which leads to anti-competitiveness in long run. Now you could argue that bringing another service station would create more competition and consumer will benefit from it. But too much competition kills competition in long run with closure of small/independent businesses who do not financial muscles like big company (7-Eleven, Caltex, BP or Shell etc). Muswellbrook town has 7 service stations and now opening another Mobil service station on Sydney Street, which is going to put strain on independents like us. Just for your information you might consider new Mobil (Sydney St) as independent but it is not really an independent as they own more than 50 service stations. By allowing this DA for 9th service station (7-Eleven) in Muswellbrook town will ensure closer of independent service stations like ours and will give command in hand of big companies to control fuel price and it is needless to say their only motive is to increase their profitability (which sky is the limit). They got muscle power to squeeze us in the beginning but selling fuel at price lower than our cost and once independent business shut down then they don't have any competition left and will bump prices. It is a known fact that Big companies do not compete with each other as their interests are aligned. Secondly, town already got two Mobil service station selling Mobil fuel. 7-Eleven also sell Mobil fuel. Do Muswellbrook needs another service station selling same brand fuel?

Covid has already impacted regional area and local business, bringing big companies businesses will kill small independent businesses which are already struggling due to bush fires and covid. Sales of almost every independent businesses is down and we are trying to keep our head above water and keeping our employees going so that we can come out of this difficult time together by supporting each other. Allowing another service station in town will create coming year difficult for independent businesses which in long run, will lead to loss of jobs and competition.

Thankyou



Hamish McTaggart

From: [REDACTED]
Sent: Monday, 28 September 2020 8:28 AM
To: Muswellbrook Shire Council
Subject: Development Application 2020/89 objection

Hi,

My wife Leesa and I wish to object to the above described DA (24/7 servo).

Reasons include:-

- Increased traffic flow in the area,
- Increased noise in the area,
- Likelihood of vehicle headlights shining into our rooms/property when exiting the servo at night,
- Seriously detrimental impact on our business and related livelihood as a result of the above,
- Already two servo's approx. 300m each side of the proposal,
- Residential allotment next door to the proposed would be negatively affected,
- Is there not enough servo's in Muswellbrook already (another one opening this week) ?

Please confirm receipt of this email.

Should you require anything further, please contact me via any of the means below.

Much appreciated.

Regards

[REDACTED]

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Hamish McTaggart

From: [REDACTED]
Sent: Friday, 25 September 2020 1:06 PM
To: Muswellbrook Shire Council
Subject: Development Application 2020/89

To Whom It May Concern,

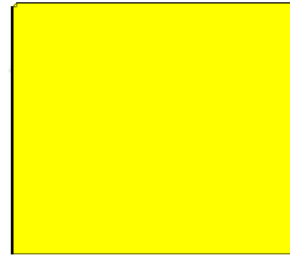
We wish to object to the **proposed development 2020/89** of a 7 Eleven Service Station at 31-33 Maitland Road Muswellbrook.

We are home owners who live in the proposed block and absolutely object to the construction of this building for several reasons:

1. The proposed development site is surrounded by residential housing would cause a major increase in traffic and noise especially if it operates 24/7
2. Muswellbrook does not need another service station. This would make 9 service stations for such a small town.
3. The 7 Eleven development would also mean that there was a service station on three adjacent blocks and all within roughly 200m of each other

Regards

[REDACTED]



Dear General Manager,

I am writing in regards to DA 2020/89 put forward by KKK ENTERPRISES PTY LTD.

We don't totally oppose this application, however we have several concerns, whilst we are not a direct neighbour, our backyard is very close, and we are concerned about the possibility of excess noise, that could be generated from this business, especially as it is proposed to be operating on a 24hours basis, and so we would like to see, an extra-large, acoustic barrier added to the back and sides of the service station to eliminate the potential of the noise being carried through to our backyard, where we spend most of our down time. This proposal also wishes to be open 24 hours seven days per week, to us this is also of great concern, as this could mean, that there would be NO break at all from potential noise, it would also mean, that there will obviously be many bright lights put in place therefore, we request that all lights installed, be facing down or toward the front of the development, so as not to light our backyard.

We are also concerned, about the flow of traffic, especially the south bound traffic, that would wish to cross the two north bound lanes, to access this business, and then return back across the two north bound lanes to return to the south bound lane, along with the newly installed BUT not yet functioning traffic lights at the intersection of Maitland St and Lorne St. We believe there will be an increased risk of accidents on this section of Maitland St.

We are finding it hard to believe that there is the need for yet another development of a service station for Muswellbrook, as this will be (if it goes ahead) the ninth garage in Muswellbrook and three of those existing ones, are already operating over 24 hours, not to mention, that, work is to begin on the bypass in only two years' time, which will take away the need for so many service stations.

Kind Regards



7th September, 2020

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



To Muswellbrook Shire Council,

We recently received notice of a proposed development of a service station that will be located at 31-33 Maitland Street Muswellbrook. This site joins our boundary fence and therefore we have some concerns regarding the development.

Overall we are not objecting and are not against the proposed development however we would like to address the following issues of concern to us and we would like these areas of concern be taken into consideration when council makes its determination for this development application:

- We are concerned about noise and lights from the proposed development into our property. We would suggest that an extra-large fence or wall (at least 8 foot high) be constructed along our boundary to help prevent lights and noise from coming into our property.
- We are concerned about the lights shining into our property at night. We would suggest that the lights be angled away from our property so that minimal light is entering.
- We are concerned about people gathering late at night in the area behind the proposed service station and therefore we feel an extra-large fence or wall would prevent people from scaling the fence into our property.
- We are concerned about the proposed 24 hours a day 7 days a week operating hours. We have a young family and the noise from traffic and people (particularly intoxicated people on weekend) using the premises late at night would disturb our children and our sleep. Our suggestion would be to enable the operating hours of 5am-10pm which would avoid the late night traffic and people loitering in the area.

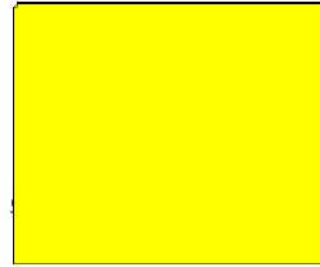
We hope that a solution to these concerns mentioned above can be sort and the development application can be determined.

Regards,





CASSON
PLANNING &
DEVELOPMENT SERVICES



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

28th September 2020

Attention: Hamish McTaggart

Dear Sir

Re: DA 2020/89 - Proposed Service Station (Operating 24 hours – 7days per week) – 31-33 Maitland St, Muswellbrook

I refer to the above application and wish to make the following submission in respect of the owners and operators of the Remington Hotel, located at 28-32 Maitland St, Muswellbrook.

Firstly, my clients wish to advise that this submission is not made as an objection to the development proceeding. The intent is to raise several matters which we respectfully request council take into consideration in their assessment and which we suggest will mitigate potential impacts on the operation of the Remington Hotel.

Vehicle Egress

There does not appear to be any commentary in the Traffic Impact Assessment regarding the path for vehicles exiting from the site. As you aware, vehicles leaving the Remington were required by RMS to either turn left at the Maitland St driveway, or exit to Wilder Street if they wish to make a right hand turn on to Maitland St.

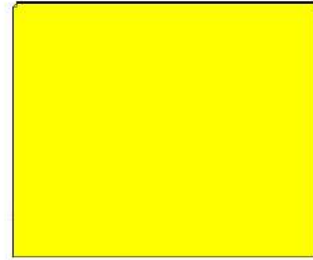
We assume that the RMS will have similar requirements, ie; vehicles can only turn left on leaving the service station and therefore not crossing Maitland St to travel south east. Our concern in this regard is potential impact of vehicle headlights which, if allowed to cross the road and travel towards Newcastle, would be shining in to our property during the turning motion.

Carparking

Along similar lines, vehicles which park in the allocated spaces at the front of the property will, at night, be directing their headlights over the road into our property. We note that landscaping is proposed along the frontage – we request that such landscaping be of a type / height / density, which will effectively screen or at least limit the illumination levels from vehicles using these carparks at night.



CASSON
PLANNING &
DEVELOPMENT SERVICES



24 hour operation

Our only issue with this aspect is related to the potential attraction to 'undesirable' customers attending the service station during the small hours of the night and then looking to other premises in the nearby location for potential mischief. Obviously the development has security measures proposed, and the Remington has its own measures in place. The intent of this notation is simply to ensure council gives the matter due consideration.

The owners and operators of the Remington are pleased to see additional commercial investment in Muswellbrook. As mentioned, this submission is not an objection, moreso a request to ensure that the subsequent operation of the 24 hour service station does not have negative impacts on their business.

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

Regards

Planning & Development Advisor

Hamish McTaggart

From: [REDACTED]
Sent: Sunday, 20 September 2020 4:13 PM
To: Muswellbrook Shire Council
Subject: Development Application No: 2020/89

Dear General Manager

I am writing in regards to development application number 2020/89. My name is Tiffany Hope and I own and reside at 12 Lorne St, Muswellbrook, making me a neighbour to this potential development. I am not opposed to the idea of the new development however I have some concerns.

I can see that there are 2 acoustic barriers already in the plans, however I would like to see one added to the boundaries of the landscaped area at the rear and sides of the development proposal to reduce the noise and the lights generated during the 24hr operation of the proposed business. I would also like to suggest that any lights are directed vertically down or facing away from my backyard.

I also have concerns about possible loitering at the rear of the proposed business and the possibility of people scaling my fence. Although it's not a foolproof solution can I suggest security cameras at the back of the proposed business to monitor any potential issues that may arise.

My best contact details are:

[REDACTED]

Kind regards

[REDACTED]

Gary Passfield

To:

Subject:

[REDACTED]
Service station development. 2020/89

To the general manager MBK shire council.

We would like to formally object to the development of said service station ref number 2020/89 at 31-33 Maitland St. As residents of 16 Lorne St there is enough service stations on Maitland St already, with there being four between the Prince of Wales corner and the southern town limits. There is already anti-social behaviour in our neighbourhood, and this twenty four facility will only lead to an increase in this as well as an increase in traffic stop/starts. It also close to residential homes where there is a risk of fuel spills and major fuel fires. Council may consider these low risk , but that risk is still relevant considering the behaviour of some drivers. We have also had numerous armed robberies in the paper shop next door to the proposed development and we feel that as a twenty four facility it will become a target as well. Bottom line is we don't need any more service stations in this part of Muswellbrook.

Regards

[REDACTED]

[REDACTED]

Our ref: 20180

17 December 2020

The General Manager
Muswellbrook Shire Council
PO Box 22
MUSSWELLBROOK NSW 2333



ABN 61 148 085 492

Suite 2B, 125 Bull St
Newcastle West 2302

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

Attention: Hamish McTaggart

Dear Hamish,

RE: Request for Further Information and Response to Submissions for DA-2020-89 for the Proposed 24/7 Service Station Located at 31-33 Maitland Street, Muswellbrook NSW 2333

This correspondence has been prepared by KDC Pty Ltd (KDC) on behalf of KLK Enterprises Pty Ltd (KLK) in relation to the proposed 24/7 Service Station (DA-2020-89). This letter provides a response to the issues raised in the submissions (10) received during the notification period, as well as further information as requested via email on 18 October 2020.

RESPONSE TO SUBMISSIONS

Council have advised that ten (10) submissions were received following notification of the application. KDC have compiled a list of issues raised in these submissions these are addressed below:

- + *Density – Submissions have raised the point that there are various service stations already operational within the suburb of Muswellbrook and that the density will affect local business.*

Comment: It is noted that throughout many of the public submissions received, service station density within the area of Muswellbrook was a concerning factor. Australian fuel markets are constantly undergoing significant change. As Australian fuel prices are not regulated by the Government and companies are free to set prices in the market, petrol prices closely follow international benchmark prices for refined petrol and continue to be amongst the lowest in countries in the OECD. As Australia operates in a free-market promoting competition and transparency is for the benefit of the local consumers. As the proposed 7-Eleven service station is an independent retail chain, due to their offerings they have solidified their presence not just in the fuel market but the retail component as well, therefore, these offerings together is why we consider that the density promotes competition, thus increasing the quality of products and offerings available.

- + *Traffic – Increased traffic flow leading to an increased risk of accidents in an area with high pedestrian traffic. Vehicle egress to be addressed on to Maitland Street.*

Comment: As per the traffic impact assessment which was submitted in support of the proposed DA, the additional traffic anticipated from the proposal was assigned to the road network where it was found that the surrounding road network (both in 2021 and in 2031) is capable of accommodating the expected additional traffic from the proposal. The servicing facilities provided within the site are satisfactory and allow convenient servicing of the site, with forward entry and exit from the site for the fuel tankers and service vehicles and a total of 11 car parking spaces including 1 accessible car parking spaces are proposed for the development, meeting the requirements of the DCP car parking rate. It is therefore considered the proposed development provides sufficient car parking space to meet onsite parking demand and is not considered to



As of October 2nd 2020, **KDC has joined the SLR Consulting team**. To learn more about SLR, and the additional expertise that we can now provide our clients, [take a read here >](#)



increase traffic flow to a point in which Maitland Street is incapable of accommodating and thus is considered to be satisfactory.

- + *Lighting – Light spill and vehicle headlights affecting the local amenity during late night hours. Request for site lighting to be directed in toward the site.*

Comment: Appropriate lighting will be installed on the proposed premises, including lighting for the car parking and outdoor areas. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras. It is considered that the proposed lighting will result in minimal impact on adjoining properties and the surrounding streetscape. Boundary fencing will further assist in blocking light from vehicle headlights. All external lighting will comply with AS/NZ 1158.3.1:2005 and AS 4282.1997 Control of the obtrusive effects of outdoor lighting.

- + *Anti-Social Behaviour – Loitering and physical measures to ensure patrons cannot scale over fences into surrounding residential properties CCTV to the rear requested. Request of reduction in hours.*

Comment: No reduction of hours is proposed.. Anti-social behaviour will be mitigated by a comprehensive CPTED report detailed at Enclosure A which has been updated in accordance with the NSW Police referral comments. Many of the NSW Police's comments relating to Crime Prevention have been adopted, and we are happy for Council to condition the likes of CCTV to be in accordance with the updated CPTED report.

Proposed CCTV demonstrated in Dwg No. 8 at Enclosure B, along with standard management practices adopted by 7-Eleven which are supported through the training and surveillance provided by staff working during the night-time period will help to reduce anti-social behaviour. Staff members undertake thorough training in the necessary dispute resolution tactics and understanding on how to de-escalate nuisance behaviour. Staff will be encouraged to assist with passive surveillance of all areas of the development and in particular the car park, by providing efficient reporting systems for any security or safety concerns on a 24-hour basis.

The 7-Eleven operation and staff will take all reasonable steps to control and manage crowds within the premises and outside of the premises. To affect this, the staff are required to remain vigilant and to act as crowd control if required to ensure any congregating or loitering inside and outside the store (i.e. car park) is able to be de-escalated.

- + *Noise impacts - Further intense land use within an area surrounded by residential properties. Request for further acoustic barriers.*

Comment: As per the peer review report, it is considered that the results of the NA demonstrate that emissions from the project would satisfy the relevant PNTL at all assessed receivers for all assessment periods once recommendations provided in the report are implemented. Refer to Enclosure C for further detail.

- + *Residential Amenity – Hazardous risk concerns (fuel spill and major fuel fires), noise concerns, odour concerns, lighting concerns, traffic concerns and the potential devaluation of surrounding properties.*

Comment: It was determined via the SEPP 33 Risk Screening document which supported the DA, that the site is deemed 'not potentially hazardous'. The proposed design sees all setback distances as required under SEPP 33 achieved and therefore the site and its current design are deemed to not impose a significant level of risk to the community or residential amenity. Standard management practices are in place if an unlikely event of such a manner is to occur.

It is considered that the results of the NA demonstrate that emissions from the project would satisfy the relevant PNTL at all assessed receivers for all assessment periods once recommendations provided in the Noise Assessment are implemented.



It is not expected that the proposal will have a significant impact on surrounding premises from any potential odours associated with activities undertaken on the site. Stage 2 vapour recovery (VR2) equipment will be installed at the petrol tanks which is designed to capture the displaced vapour and return it to the underground fuel storage tank or other appropriate vessel, this practice is in accordance with Protection of the Environment Operations (Clean Air) Regulation.

In accordance with the updated measures discussed in the updated CPTED report, it is considered that the 3 x sections provided at Dwg No.6 and 7 of the updated Architectural Plans, demonstrate the details of the noise attenuation barriers, retaining wall and contextual perspectives of adjoining uses and various details included within the proposed development and the impact is considered negligible.

Appropriate lighting will be installed on the proposed premises, including lighting for the car parking and outdoor areas. External lighting will contribute to the overall safety of the site, in conjunction with other security measures such as CCTV cameras. Refer to Dwg No. 8 of the updated Architectural Drawings for a Site security layout.

The proposed development provides sufficient car parking space to meet onsite parking demand and is not considered to increase traffic flow to a point in which Maitland Street is incapable of accommodating and thus is considered to be satisfactory.

As discussed above, it is considered that the residential impact is negligible. The site is zoned B2 and a service station is a permissible use, given that the site is located at the gateway of Muswellbrook, it is considered to be located appropriately, and thus there would be limited impact upon surrounding residential properties value, and further consideration of residential property value has to also consider the various other commercial uses within the B2 zone.

REQUEST FOR FURTHER INFORMATION

Council have highlighted concerns, which are summarised and responded to below:

Noise

As expressed in previous correspondence Council has a keen interest in ensuring that the potential impacts related to the 24/7 operating hours proposed are properly considered and that mitigation measures are imposed where appropriate.

To inform Council in considering potential noise impacts it is requested that an independent acoustic consultant independent of the company that prepared the Noise Impact Assessment submitted to Council is engaged to complete a peer review of that document. The brief provided to the consultant should be provided to Council with any peer review report.

The Acoustic Consultant engaged to complete this review should also be provided copies of the submissions received to review and advise on any additional noise attention measures to mitigate the concerns raised. In particular, Council Officers require consideration to be given to the proposed noise attenuation barrier being extended to attenuate noise from the site at residential properties west and north-west of the development site.

Comment: Please refer to Enclosure C which demonstrates a peer review report undertaken by a suitably qualified Acoustic Consultant. The project brief is attached at Enclosure D. It is considered that the results of the NA demonstrate that emissions from the project would satisfy the relevant PNTL at all assessed receivers for all assessment periods once recommendations provided in the Noise Assessment are implemented.

Visual Impact and Streetscape Compatibility

Council is interested in ensuring that new commercial buildings enhance the character of the streetscape within which they are sited. This interest is reflected through the provisions of Section 9.1.1 of the Muswellbrook DCP.



To enable the relationship of the proposed development and existing buildings in the streetscape to be reviewed it is requested that a site contextual plan/report be prepared and submitted. This plan should illustrate the proposed development in context with existing Maitland St streetscape. Plans prepared in response to this request must include an elevation or perspective drawings of the proposed development alongside the adjoining buildings at 27-29 and 35 Maitland Street.

Comment: Refer to Dwg No.6 of the updated Architectural Plans at Enclosure B which reflects the contextual perspectives of the streetscape at the proposed subject site, the render demonstrate that the proposal does not dominate the streetscape or surrounding developments.

Additional Amenity Impacts

Further consideration should be given to the relationship of the proposed development to the adjoining property and dwelling at 35 Maitland Street. To inform Council in considering this issue additional contextual plans will need to be prepared that include the footprint of the dwelling at 35 Maitland St, identify the dwellings north and west facing windows and contrast the location of this dwelling with a site plan of the proposed development. Three sections should be provided along the length of the property boundary with 35 Maitland St to show the height of the retaining wall, noise attention barrier or any other component of the proposed development adjoining the boundary comparative to the existing ground level of the neighbouring property.

While these plans are prepared consideration should be given to the potential visual and overbearing impact of the proposed development on this adjoining property. Where appropriate mitigation measures should be put forward to manage this potential impact.

Comment: In accordance with the measures discussed in the updated CPTED report, it is considered that the 3 x sections provided at Dwg No.6 of the updated Architectural Plans, demonstrate the details of the noise attenuation barriers, retaining wall and contextual perspectives of adjoining uses and various details included within the proposed development.

Retaining Walls

The proposed plans indicate that fill will be placed on the site and the ground level raised above that of neighbouring properties. The fill is to be held in place by retaining walls constructed along the sites northern and southern side boundaries. To ensure that the proposed retaining walls are consistent with Council's requirements it will be necessary for consideration be given to Council's Retaining Walls Policy R26/1. A copy of this policy has been attached.

The policy applies to retaining walls within 1m from a property boundary. Where the proposed retaining wall along the southern boundary is to remain in its current location within 1m from that boundary the provisions of this Policy will need to be considered in greater detail. In particular, it will be necessary for the requirements of the Policy related to the registration of easements for support to be considered and addressed.

Comment: Refer to the updated Civil drawings at Enclosure E which reflect that the retaining walls have been designed in accordance with Council's retaining wall policy and the proposed retaining walls have been offset and moved 1.0m from the boundary line, to satisfy Council's concern.

NSW Police Force

The proposed development was referred to the NSW Police Force. The NSW Police Force provided a response to this referral which raised several matters for consideration as part of the proposed development. A copy of this correspondence has been attached. Council requests that this correspondence be reviewed, and a response provided advising how the matters raised are to be addressed.



Comment: Refer to the updated CPTED report at Enclosure A, which has provided further measures in accordance with the NSW Police referral letter dated 2 November 2020.

Stormwater Drainage Design

As specified in previous correspondence Council's Roads and Drainage Team have requested the following additional information in relation to stormwater management at the premises:

- + *Details for above ground detention and extents of 1 in 100 event and depth to be provided*
- + *'DRAINS' model to be provided*
- + *DRAINS details to be consistent with consultants drainage layout*
- + *Sizing nomination of oil/water separator and model to be provided to demonstrate appropriate selection*

Comment: Refer to Drawing No. C10-B of the updated civil drawings at Enclosure E which shows the 1:100 year flood extent, and includes an updated DRAINS model which are consistent with the consultants drainage layout. The fuel spill capture unit is a SPEL Puraceptor P.010.C1.2C.A with a minimum fuel spill capture of 2,500 Litres. The data sheet is attached at Enclosure E. The updated civil drawings have been modified slightly to minimise the area of pavement by-passing the OSD.

Management of Flood Risk in relation to hazardous material storage

To inform the assessment of flooding considerations and risk in relation to the proposed development Council Officers are interested in clarifying the proposed finished floor level for the parts of the site where fuel tank refuelling caps are to be located or light vehicle fuelling is to occur. These areas should be a minimum of 0.5m above the anticipated height of the 1% flood event and/or information provided and measures put in place to manage the risk of any environmental pollution incidents occurring at the site as a result of a flood event.

Comment: The 1% AEP flood line and finished floor levels are shown on the last drawing in the updated Civil Drawings set, Drawing No. C10-B. It was determined via the SEPP 33 Risk Screening document which supported the DA, that the site is deemed 'not potentially hazardous'. The proposed design sees all setback distances as required under SEPP 33 achieved and therefore the site and its current design are deemed to not impose a significant level of risk to the community. Please refer to the SEPP 33 prepared by Hazkem Pty Ltd which was submitted as part of the original DA package.

Transport for NSW

Council has received comments from Transport for NSW in relation to the proposed development. These comments do not raise an objection to the development but put forward commentary to be considered by Council in its determination of the development application. The correspondence has been included as an attachment to this letter for you to consider with this request for information and provide any further information demonstrating how the matters raised in that correspondence are to be addressed. The comments provided by Transport for NSW raises additional stormwater management considerations that will need to be addressed along with the comments put forward by Council Roads and Drainage team.

Drainage:

- + *TfNSW requires the pre-development discharge be calculated assuming whole site area is pervious (0% impervious).*

Comment: This requirement is demonstrated on the updated Civil drawings at Drawing No. C04-B as the pre-development conditions used to design the on-site detention system.



- + TfNSW will require Post Developed discharge from site is not to exceed Pre Developed (fully pervious) discharge from site up to the 100 year rainfall event (detention calculations to be provided to TfNSW for the 1, 5, 10, 20, 50 and 100 year rainfall events).

Comment: This requirement is demonstrated on the updated Civil drawings at Drawing No. C04-B as the post-development flows show the rainfall events used to design the on-site detention system.

- + Storage from rainwater tanks is not be included in detention calculations.

Comment: There is no rainwater tank proposed as part of this project.

- + The grated drains at the two accesses should drain to on site detention and not be directed to the Kerb and Gutter.

Comment: The updated Civil plans have added a pre-development catchment plan (Drawing No. 3-B) indicating a greenfield site & have only 1 discharge point to the kerb now, with the driveway grated drains connecting into the boundary discharge pit.

Pavement:

- + The pavement in the shoulder will also need to be confirmed and may require reconstruction. Two geotechnical test pits should be undertaken (one in middle of each proposed access) to log pavement profile, and 10 day soaked subgrade CBR tests on each pit to determine whether pavement require reconstruction.

Comment: This condition will be addressed during the WAD approval process.

CONCLUSION

Overall, it is concluded that the issues raised by Council and public submissions have been adequately addressed or can be addressed via conditions of consent issued by Council in accordance with updated responses, plans and reports.

We trust that the information provided is sufficient however, if any clarification is needed or you require further information, please contact our office on (02) 4940 0442 and we will provide the additional information.

Yours sincerely

Mitchell Kennedy
Town Planner
KDC Pty Ltd

Enclosures

- Enclosure A** – Updated Crime Risk Assessment
- Enclosure B** – Updated Architectural Plans
- Enclosure C** – Noise Assessment Peer Review Report
- Enclosure D** – Noise Assessment Peer Review Brief
- Enclosure E** – Updated Civil Plans

10.2 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 2020 to 9 January 2021)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2020/132	New Dwelling	2a Bimbadeen Drive Muswellbrook	\$356,830
2020/130	Dwelling House	11 Jillaroo Way Muswellbrook	\$521,080
2020/129	New Dwelling	39 Stockyard Parade Muswellbrook	\$348,979
2020/128	Ancillary Development - Shed	22 St James Crescent Muswellbrook	\$13,945
2020/125	Ancillary Development - Shed	26 Anzac Parade Muswellbrook	\$19,165

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2020/124	Swimming Pool and Decking	21 Lou Fisher Place Muswellbrook	\$16,000
2020/123	Hay Shed	480 Bureen Road Bureen	\$92,220
2020/122	Dwelling House and change of Existing Dwelling to Secondary Dwelling	515 Martindale Road Martindale	\$306,785
2020/110	Ancillary Development - Shed	Foley Lane Muswellbrook	\$81,120
2020/107	Ancillary Development - Shed	18 Wilson Street Muswellbrook	\$25,000
2020/81	Dwelling house	Foley Lane Muswellbrook	\$382,145
2019/16	Information and Education Facility (Museum)	Turner Street Denman	\$265,000
2000/212	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	\$0
2017/18	S4.55(1A) Modification - Proposed Stage 2A minor alterations to Elevations on South Eastern Corner of Club Building	15 Sydney Street Muswellbrook	\$0
2019/90	Subdivision of One (1) Lot into Twenty (20) Lots	9 Yarrawa Road Denman	\$2,828,700
2020/4	S4.55 (1a) Modification - Change of use to Bed and Breakfast as a Staged Development	32 Palace Street Denman	\$0

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
2021/15	Ancillary Development - Shed	34 Brecht Street Muswellbrook	08/02/2021	\$30,425
2021/14	Ancillary Development - Shed	9 Jillaroo Way Muswellbrook	08/02/2021	\$35,000
2021/13	Educational establishment continuation of use (Demountable Classroom)	104 Hill Street Muswellbrook	05/02/2021	\$0
2020/62	S4.55 (2) Modification - Ancillary Development (Shed)	3 Jillaroo Way Muswellbrook	05/02/2021	\$0
2021/12	Farm building	154 Bureen Road Bureen	04/02/2021	\$22,842
2021/11	Ancillary Development - Shed	6 Honeyeater Close Denman	03/02/2021	\$65,707
2021/10	Entertainment Facility (Muswellbrook Regional Entertainment and Conference Centre)	30 Brook Street Muswellbrook	02/02/2021	\$26,998,400
2021/9	Inground Swimming Pool	264 Bureen Road Martindale	02/02/2021	\$40,000
2021/8	Ancillary Development - Shed	12 Octagonal Way Muswellbrook	02/02/2021	\$18,400

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
2019/86	S4.55 (1A) Modification - Industrial Shed - Minor decrease to FFL and increasing setback from southern side boundary.	29-33 Enterprise Crescent Muswellbrook	02/02/2021	\$0
2021/7	Dwelling House	12 Octagonal Way Muswellbrook	01/02/2021	\$435,764
2021/6	Dwelling House	7 Finnegan Crescent Muswellbrook	22/01/2021	\$304,875
2005/179	S4.55(1A) Modification – COMMERCIAL SUBDIVISION	10 Ogilvie Street Denman	21/01/2021	\$0
2011/1	S4.55(2) Modification - Liddell Ash Dam - Additional Borrow Area	New England Highway Muswellbrook	18/01/2021	\$0
2021/5	Dwelling Additions - Verandah and Carport	11 Powers Road Wybong	14/01/2021	\$100,000
2021/4	Dwelling House and Ancillary Development - Residential Shed	102 Ironbark Road Muswellbrook	08/01/2021	\$570,000
2021/3	New Dwelling and Retaining Wall	26 Pendula Way Denman	06/01/2021	\$323,693
2021/2	Ancillary Development - Carport	59 Adams Street Muswellbrook	05/01/2021	\$21,353
2021/1	Change of use from warehouse and retail to Vehicle Repair Station	15 Glen Munro Road Muswellbrook	05/01/2021	\$0
2020/136	Alterations and additions to a Heritage Item (Ellamara) and its use as Tourist Accommodation and a Function Centre	1831 Merriwa Road Sandy Hollow	17/12/2020	\$1,500,000
2020/135	Ancillary Development - Shed	89 Ironbark Road Muswellbrook	17/12/2020	\$19,350
2020/134	Change of use to Office Premises	35 Maitland Street Muswellbrook	15/12/2020	\$0
2020/133	Backpackers Accommodation	14 Haydon Street Muswellbrook	08/12/2020	\$679,975
2020/131	Dwelling Additions and Swimming Pool	104 Osborn Avenue Muswellbrook	27/11/2020	\$198,000
2020/126	Office Premises	Maitland Street Muswellbrook	13/11/2020	\$55,000
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
2020/109	Dwelling House	Denman Road Muswellbrook	25/09/2020	\$735,110
2020/105	Ancillary Development - Shed with Attached Awning	15 Edinglassie Drive Muswellbrook	11/09/2020	\$40,000
2020/102	Hotel Accommodation (Royal Hotel)	10 Ogilvie Street Denman	04/09/2020	\$20,000
2020/96	Recreation Facility (Outdoor) - Formula Kart Track	Hebden Road Hebden	25/08/2020	\$90,000

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
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
2020/83	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
2020/49	Electricity Generating Works (Solar Farm)	Denman Road Muswellbrook	21/05/2020	\$26,131,000
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
2019/54	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
2019/2	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	\$0
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017	\$0

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)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Applications Received (new installation)	0	2	0	3	0	3	1	0	0	0	2	4	0
Applications Approved (new installation)	0	3	1	0	0	3	1	3	1	0	0	4	0
Inspections (new system)	0	3	0	1	1	0	1	1	1	2	0	1	0

Inspections (existing system)	1	0	6	0	0	0	0	0	0	6	0	1	0
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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.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Applications Received (new businesses)	0	1	1	0	1	2	2	1	3	2	1	0	0
Inspections (new businesses)	1	1	1	0	1	0	2	1	2	2	0	0	0
Inspections (existing businesses)	10	0	4	1	1	35	3	0	0	0	5	2	2
Reinspections	0	0	0	0	0	0	0	0	0	0	0	0	3

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)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Total Sites Inspected	7	4	4	6	5	4	4	5	4	4	3	4	2
Total non-compliant and educated	0	0	0	0	1	0	0	0	2	0	1	1	0
Total compliance after education	0	0	0	0	1	0	0	0	4	0	3	4	0
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)

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

24.1.8 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are implemented.

Swimming Pool Compliance Statistics – 13 Month Analysis (2019/2020)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan
Applications for Compliance Certs.	2	4	4	3	1	4	4	4	7	3	7	3	6
Total compliance inspections (not inc. Final Insp. for Occ. Certs)	7	6	6	3	6	8	5	8	10	2	6	5	8
Initial Inspections	7	5	5	2	5	8	2	6	9	1	4	3	6
Re-inspections	0	1	1	1	1	0	3	2	1	1	2	2	2
Compliance Certs / Occ. Certs issued	3	0	4	1	6	5	3	3	7	2	10	5	8

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 = 17.3%

That is, 161 out of 933 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 = 3.3%

That is, 31 out of 933 pools have had at least one inspection carried out during FY 2020/2021.

SUSTAINABILITY

Renewable Energy Rebate Scheme

Council is offering \$1000 rebates for solar and or renewable energy installation for rural residents and businesses. This program will be available until May 31, 2021 or until the grants are exhausted.

Sustainable Procurement

A meeting with relevant staff was held investigating the best way to improve Council's procurement practices so that they more sustainable. It was decided that a report will go to MANEX then Council proposing the best way to implement this.

Social Enterprise

Staff attended workshops that focused on improving Council's procurement practices through the use of social enterprises. A report will be put to Council that proposes Council upgrade its procurement policy to include social enterprises.

10 000 Steps Signage and Pathways

10 000 Steps Signage and Pathways have been completed throughout the Shire. The street signs provide the distance, steps and destination of locations around town. They have proved popular in encouraging people to walk more in our local environment.

<https://www.muswellbrook.nsw.gov.au/index.php/10-000-steps-walking-routes-in-muswellbrook-shire>

Sunny Spark

A character named Sunny Spark has been developed and turned into a puppet. Sunny will be used alongside the Waste Wranglers and Wilbur the Water Warrior in education programs on sustainability topics.

Portable Water Refill Stations

Council now has portable water refill stations available to loan for free (deposit required). These stations provide cold, filtered water to users, reducing the need for single use plastic bottles. We hope these stations will be useful after COVID restrictions lift and we are able to have community events again.

Community Recycling Centres

Over the Christmas period many residents brought their used household batteries, broken mobile phones, smoke detectors and ink cartridges and put them in the mini Community Recycling Stations at Campbell's Corner. Great to see these items not going to landfill but instead being recycled. Mini Community Recycling Stations can also be found at the Muswellbrook Library and Denman Craft Shop.

Indian Mynas

Some residents in our Shire have noticed an increase in Indian Myna birds. These birds are a major pest as they outcompete native birds. Council is investigating appropriate control methods.

Hunter Sustainability Landcare TEAM

Council continues to support community groups interested in sustainability. Members of the Hunter Sustainability Landcare TEAM celebrated Christmas at the Sustainability Hub.

The TEAM is made up of the Denman Community Garden group, Penguin Garden Club and Muscle Creek Landcare.

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.

Sustainable Futures – Muswellbrook

The Sustainable Futures – Muswellbrook Facebook page continues to grow and has now received 1,239 page likes and 1,311 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.

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 most likely due to the bushfires.

Denman Don't be a Tosser

Denman Scouts and Warrior Disability Services have both adopted a site in Denman as part of the Denman Don't be a Tosser campaign.

The Denman - Don't be a Tosser project has seen the anti-litter message spread throughout the community. Muswellbrook Shire Council received a grant from the NSW Department of Planning, Industry and Environment to initiate the campaign.



11 COMMUNITY INFRASTRUCTURE

11.1 WOLLOMBI PARK AND HUNTER PARK CONCEPT PLANS

Attachments:	A. DRAFT Wollombi Park Concept Plan B. DRAFT Hunter Park Concept Plan
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>Maintain the sporting and recreational facilities to standard.</i>

PURPOSE

To report draft concept plans developed for Wollombi Park and Hunter Park and consideration for public exhibition.

OFFICER'S RECOMMENDATION

Council:

- 1. Places the draft concept plans for Wollombi Park and Hunter Park on public exhibition for a minimum period of 28 days;**
- 2. Hold a community engagement forum at Hunter Park; and**
- 3. A further report be submitted to Council following public exhibition.**

Moved: _____ **Seconded:** _____

BACKGROUND

In consultation with Upper Hunter Community Services, draft concept plans for Wollombi Park and Hunter Park have been prepared. The objectives of the plans include to:

- promote and enhance community identity and sense of belonging;
- provide active and passive recreation opportunities with safety and amenity for all users; and
- explore opportunities for residential development on Council vacant land at Wollombi Road.

CONSULTATION

The Future Fund Committee reviewed the draft Wollombi Park concept plan aspect of the residential development. Comment included support for a neighbourhood community centre and shop.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

Councillor Spokespersons were not consulted in the writing of the report, but in the reporting of the draft Wollombi Park concept plan to the Future Fund Committee.

REPORT**Wollombi Park Concept Plan - DRAFT:**

The draft Wollombi Park concept plan has been designed to accommodate a wide range of community activities with a primary focus on families and teenagers.

Open Space:

- Provides a variety of landscape settings and experiences to cater for personal fitness (walking, cycling, jogging, and exercise);
- Potential to cater for new active trends (skate and BMX uses, adventure playgrounds, for example, ninja warrior type);
- Provides a community gathering space;
- Has flexibility and adaptability in ability to cater for changing community needs;
- Provides safe and secure recreation environment including lighting; and
- Opportunities for a variety of facilities and caters for family use (playgrounds, kickabout, shaded seating, with some parking).

Connectivity:

- Provides safe community movement and connectivity throughout the site;
- Provides clear and identifiable pedestrian connections through site links and defined public streets and vehicular area roads;
- Provides improved clear connectivity to parkland area;
- Shows easy and safe residential access; and
- Provides area for small commercial space.

Culture and Place:

- Responds to and acknowledges/recognises local character and natural values;
- Contributes to local identity;
- Provides an attractive area for community events and experiences; and
- Contributes to a sustainable and vibrant community.

Integration:

- Development opportunities are cohesive with existing site form and character;
- Lot configuration and massing would manage the relationship of the development area to the adjoining park; and
- As the site is located on the periphery of Muswellbrook's local centre and retail facilities, opportunities could be considered for a local node for mixed use to improve commercial and community amenity.

Park Inclusions:

1. Finish levels of park to be raised to maximise surveillance;
2. New access road;
3. Multi-purpose playing court areas;
4. Basketball courts – custom mural on court surface with local artist;
5. Adventure playground with fitness equipment;
6. Picnic shelter and table setting;

7. Pump track circuit;
8. Bush regeneration margin to edge of shared path;
9. 2.5-3m shared access pathway;
10. Picnic shelter with barbeque facility and furniture;
11. Secondary paths to create loop;
12. Pedestrian lighting across pedestrian network;
13. Street trees along roadway;
14. Multi-purpose grassed activity/play areas – possible use of reuse water from facility;
15. Skate bowl/parkour facility; and
16. Large canopy shade trees and shaded seating throughout the site.

Hunter Park Concept Plan - DRAFT:

Hunter Park has been conceptually designed for families and younger children, considered in relation and complementary to its proximity to Wollombi Park and the features conceptually offered by the draft Wollombi Park Concept Plan. Hunter Park is more intimate than Wollombi Park, and is located central to residences in the Wollombi Road precinct. A new playground was constructed in Hunter Park in 2017.

Principles for Hunter Park include:

- Providing a permeable, comfortable, friendly edge to public frontages;
- Allowing high level use across day and evening;
- Encouraging coordination with community centre events to promote ownership and use within the park to assist activation; and
- The inclusion of contemporary public art that reflects the local community.

Park Inclusions:

1. Proposed pedestrian lighting including paths and basketball court;
2. Upgrade playground soft fall and new swings, including removal of the existing woodchip;
3. Multi-purpose playing court with public art. This feature has the potential to engage a local artist(s) to connect with community;
4. Sandstone log terrace seating with steel shade structure – with lighting to hold community events or workshops in conjunction with community groups;
5. Existing turf area to be refurbished; and
6. Installation of water reticulation system.

OPTIONS

Council could request changes to the draft concept plans prior to placing them on public exhibition. The draft concept plans aim to provide a recreational space for all community members, with low maintenance once constructed due to the extent of hard infrastructure.

CONCLUSION

Following public exhibition and community consultation a further report will be provided to Council for consideration.

SOCIAL IMPLICATIONS

Realisation of the improvements proposed in the plans will provide enhanced recreational and infrastructure for the Muswellbrook community.

FINANCIAL IMPLICATIONS

The implications of capital and operational expenses will be considered in the progressive realisation of the concept plans following adoption by Council.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with item 5.5 of the Operational Plan: 'Promote and facilitate increased participation in active and passive recreation activities'.

RISK MANAGEMENT IMPLICATIONS

The draft concept plans consider the management of safety through connectivity planning.



**MUSWELLBROOK
MASTERPLANS**

CONTEXT



CITY CENTRE 2KM

MUSWELBROOK FAIR 1.2KM

2.CONCEPT VISION - WOLLOMBI PARK

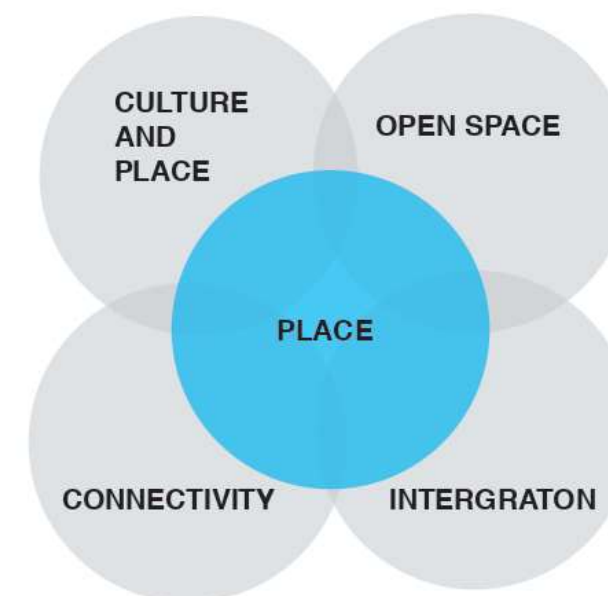
CONCEPT OBJECTIVES

The conceptual masterplans must provide a framework for the ongoing planning and design of a functional and attractive open space.

The Park concepts will cater for recreational use whilst also shaping and enhancing the character of the urban environment.

Guiding principles plan include:

- Promote and enhance community identity, pride and sense of belonging
- Provide for the safety and amenity of users within the public domain
- Explore subdivisional opportunities for new housing in Wollombi park lot 33
- Provide a concept masterplans compliant with Australian standards and council DCP's



STRATEGIES

The following design principles provide the basis for the conceptual design of the masterplans

OPEN SPACE

Provide a variety of landscape settings, experiences

- Cater for personal fitness (walking, cycling, jogging, cycling exercise)
- Potential to cater for new active trends (skate and bmx uses, adventure playgrounds)
- Provide community gathering space
- Provide flexibility and adaptability in to cater for changing community needs
- Provide safe and secure recreation environment recognise specific opportunities provided by the Wollombi site
- To provide opportunity for a variety of facilities cater for family use (playgrounds, kickabout, shaded seating, some parking)

CONNECTIVITY

- Provide safe community movement and connectivity through the site,
- Provide clear and identifiable pedestrian connections and through site links and defined public streets Vehicular area roads
- Provide improved clear to parkland area
- Provide easy and safe residential access
- Provide area for potential retail spaces

CULTURE AND PLACE

- Respond to and acknowledge/recognise
- Local character and natural values
- Contribute to the local identity
- Provide for worth while community experiences including community events
- Facilitate a sustainable and vibrant community

INTERGRATON

- Development opportunities to be cohesive with existing site form and character
- Lot configuration and massing should manage the relationship of the development area to the adjoining park
- The site is located on the periphery of muswellbrooks local centre and retail facilities, opportunities should be considered to local node for mixed used to improve commercial and community



SITE:

WOLLOMBI PARK - 35 WOLLOMBI RD

Existing Features

- Built form, existing residential massing and building heights to the north and west of the site are single detached storey dwellings

Landform:

- The site has a strong natural setting and visual connection to district views

Street frontages:

- The two sites are bound by Skellatar Stock Route Road and Wollombi Road

Existing site topography:

- Gently sloping to the south west and orientated to regional and district views along Skellatar Stock Route road

Identity:

- Strong connection to existing active pastoral agricultural land
- Character:
- Wollombi road site lot has a predominantly open grassland character with a few significant existing trees scattered through out the site
- Wollombi park is largely open sloping site, with an under utilised central recreational space. The open grassed area is sunken approximately 2m below the site boundary level.

Residential Access:

- located on existing region share path loop

Eastern boundary:

The eastern edge of the site is adjoined by existing open grass land with a few significant endemic tree species



35 WOLLOMBI ROAD SUBDIVISION

STREETSCAPE AND ACCESS ROAD

Alignment of the proposed access road through the site in accordance with the following DCP objectives and controls

- Junctions along residential streets are spaced to create safe and convenient vehicle movements.
- The street network is to create a convenient route for residents
- The street network is to facilitate walking and cycling within the neighbourhood and to local activity centres.
- The street network is to be orientated where practical, to promote efficient solar access for dwellings.
- The street network is to take into account existing topography and existing open space systems and natural constraints.

Streets are to be designed to allow on street car parking.

- Road reserve width to be maximised to enable on street parking, possible widths standard 20.1m and 23.5m road reserves 1.8m paths

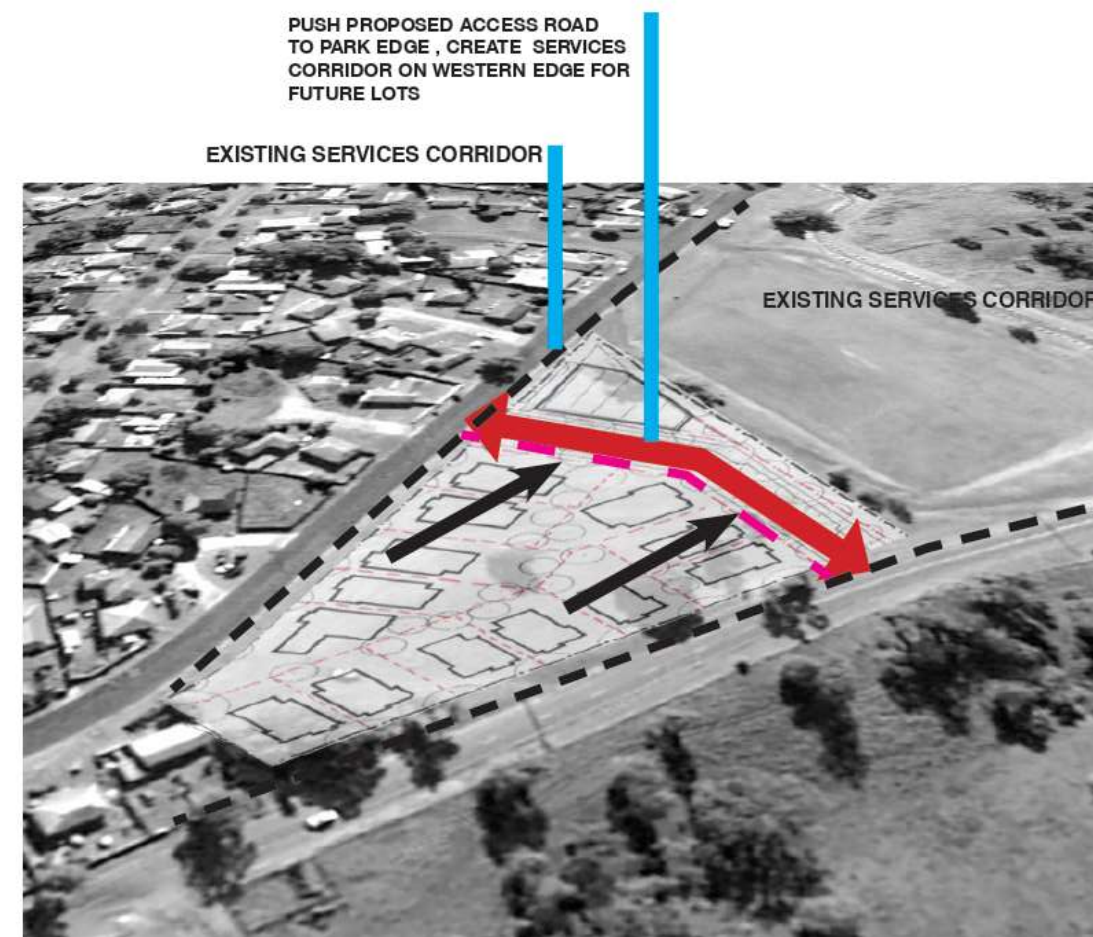
OBJECTIVES:

Lot configuration and sizes are in adhering with the relevant DCP objects and controls:

- Lot sizes and configurations are to be inline with R1 zoning and within 8.5m height limitations, following these controls each lot will create opportunities for varied single storey housing typologies
- Lots are to be configured to account for significant natural landscape elements and tree canopy or utility constraints and be designed to minimise environmental impact
- Site layout and building massing responds to the existing character and form, massing to be limited to single dwelling and duplex
- Frontage setbacks adhere to the 4.5m min
- Minimum lot size to be 600m²
- 35% of the total site area to be landscape and screening between lots

MIXED USE:

- Concepts indicate lot size 1150m² for redevelopment of mixed use- medical centre, retail/ take away food opportunities
- Concepts option indicate possible off street parking opportunities - road reserve could be adjusted allow angled parking 90° or 45°
- Building setback within site to be min 2m to achieved widened footway treatment also accommodate trees



35 WOLLOMBI ROAD - OPTION 1 - Individual dwellings

RESIDENTIAL DEVELOPMENT SITE AREA :

MIN LOT SIZE :600m

SINGLE DWELLING : 16 DWELLINGS

Lot 1: 677m2
 Lot 2: 660m2
 Lot 3: 660m2
 Lot 4: 660m2
 Lot 5: 796m2
 Lot 6: 708m2
 Lot 7: 653m2
 Lot 8: 793m2
 Lot 9: 728m2
 Lot 10: 681m2
 Lot 11: 808m2
 Lot 12: 600m2
 Lot 13: 835m2

MIXED USED COMMERCIAL SITE AREA
 :1150M2 Approx.GFA : 290m2

- Two street frontages positioned next to the park
- Increase passive surveillance to the park
- Offstreet parking approx 14 spaces
- DCP parking requirements notes 1 per 25m2 GFA
- Possible 2 car spaces
- Could facilitate a medical centre, or a combination of neighbourhood shop, retail and takeaway food

PROPOSED ROAD RESERVES

- Currently shown as a 20.8m road reserve to ensure on street parking can be enabled on both side of the street if required refer crosssection for road diet.

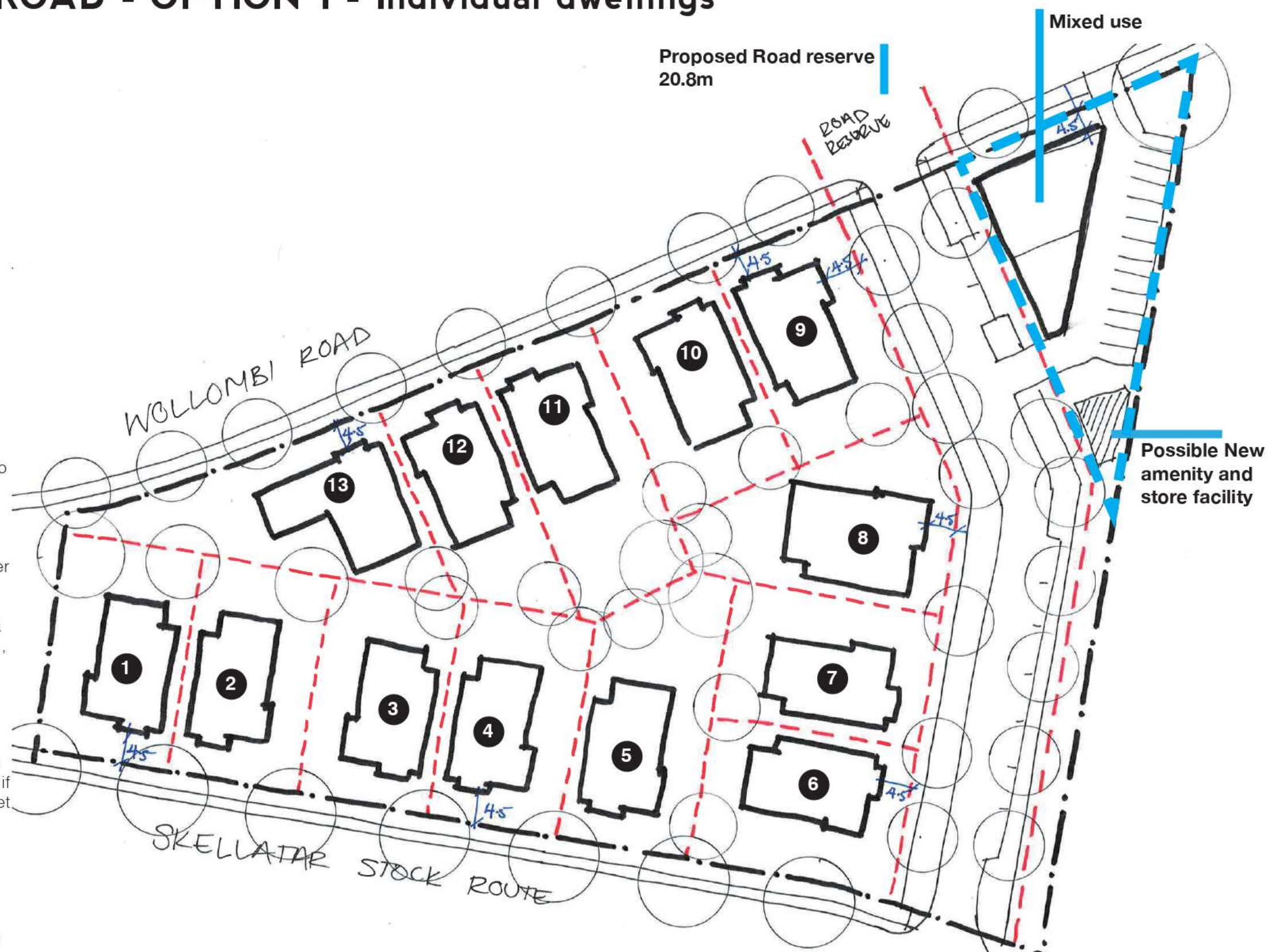
STREETSCAPE:

- Increased tree canopy to all streets

Wollombi - Endemic species

Access road - Signature feature tree could be an exotic species unique to the development identity

Skellatar Stock Route- Increased spacing for larger indigenous species to maintain existing character



35 WOLLOMBI ROAD- OPTION 2 - Duplex configuration

RESIDENTIAL DEVELOPMENT SITE AREA:

MIN LOT SIZE :600m
 SINGLE DWELLING : 16 DWELLINGS
 Lot 1: 500m²
 Lot 2: 500m²
 Lot 3: 500m²
 Lot 4: 500m²
 Lot 5: 550m²
 Lot 6: 550m²
 Lot 7: 545m²
 Lot 8: 545m²
 Lot 9: 660m²
 Lot 10: 660m²
 Lot 11: 525m²
 Lot 12: 525m²
 Lot 13: 687m²
 Lot 14: 618m²
 Lot 15: 773m²
 Lot 16: 755m²

MIXED USED COMMERCIAL MIXED USED COMMERCIAL SITE AREA:

1150M² Approx. GFA: 886m²

- Two street frontages positioned next to the park
- Also increased passive surveillance to the park
- Onstreet parking 14 spaces
- DCP parking requirements notes parking inline with 1per 25m² GFA
- Possible 13 car spaces,
- Could facilitate a medical centre, or a combination of neighbourhood shop, retail and takeaway food

PROPOSED ROAD RESERVES

- Currently shown as a 21m road reserve to ensure 90° on street parking can be enabled directly in front of proposed mixed use facility, also parallel parking can be achieved on both side of the street if required refer crosssection for road diet

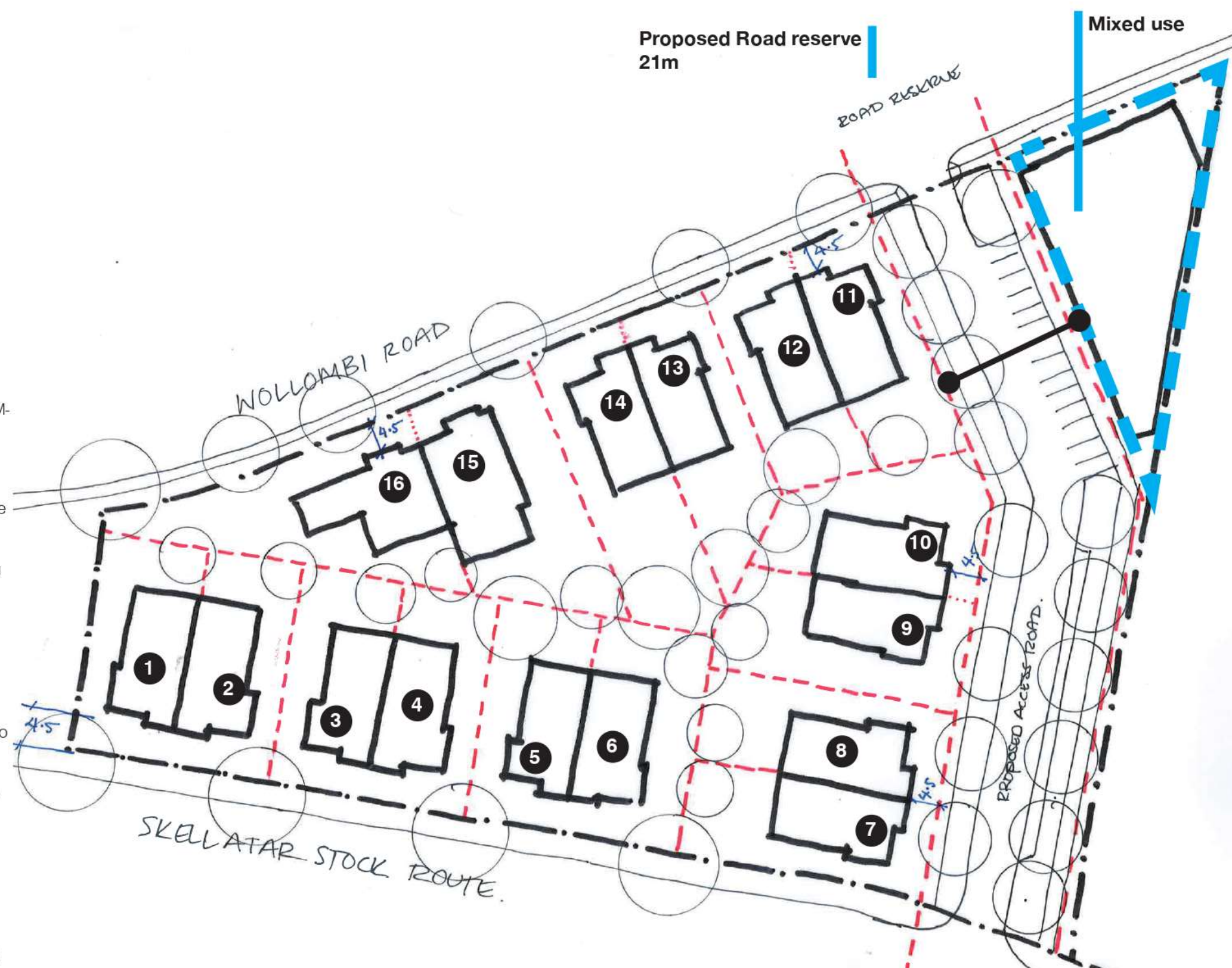
STREETSCAPE:

- Increased tree canopy to all streets

Wollombi - Endemic species

Access road - Signature feature tree could be an exotic species unique to the development identity

Skellatar Stock Route- Increased spacing for larger indigenous species to maintain the rural character



35 WOLLOMBI ROAD OPTION 3 - Individual dwellings

RESIDENTIAL DEVELOPMENT SITE AREA :

MIN LOT SIZE :600m
 SINGLE DWELLING : 16 DWELLINGS
 Lot 1: 677m²
 Lot 2: 660m²
 Lot 3: 660m²
 Lot 4: 660m²
 Lot 5: 796m²
 Lot 6: 708m²
 Lot 7: 653m²
 Lot 8: 793m²
 Lot 9: 728m²
 Lot 10: 681m²
 Lot 11: 808m²
 Lot 12: 600m²
 Lot 13: 835m²

MIXED USED COMMERCIAL SITE AREA

:1150M² Approx. GFA : 290m²

- Two street frontages
- Positioned next to the park
- Increase passive surveillance to the park
- Onstreet parking 14 spaces
- DCP parking requirements notes parking inline with 1per 25m² GFA, possible 14 car spaces,
- Could facilitate a medical centre, or a combination of neighbourhood shop, retail and takeaway food

PROPOSED ROAD RESERVES

- Currently shown as a 20.8m road reserve to ensure on street parking can be enabled on both side of the street if required refer crosssection for road diet

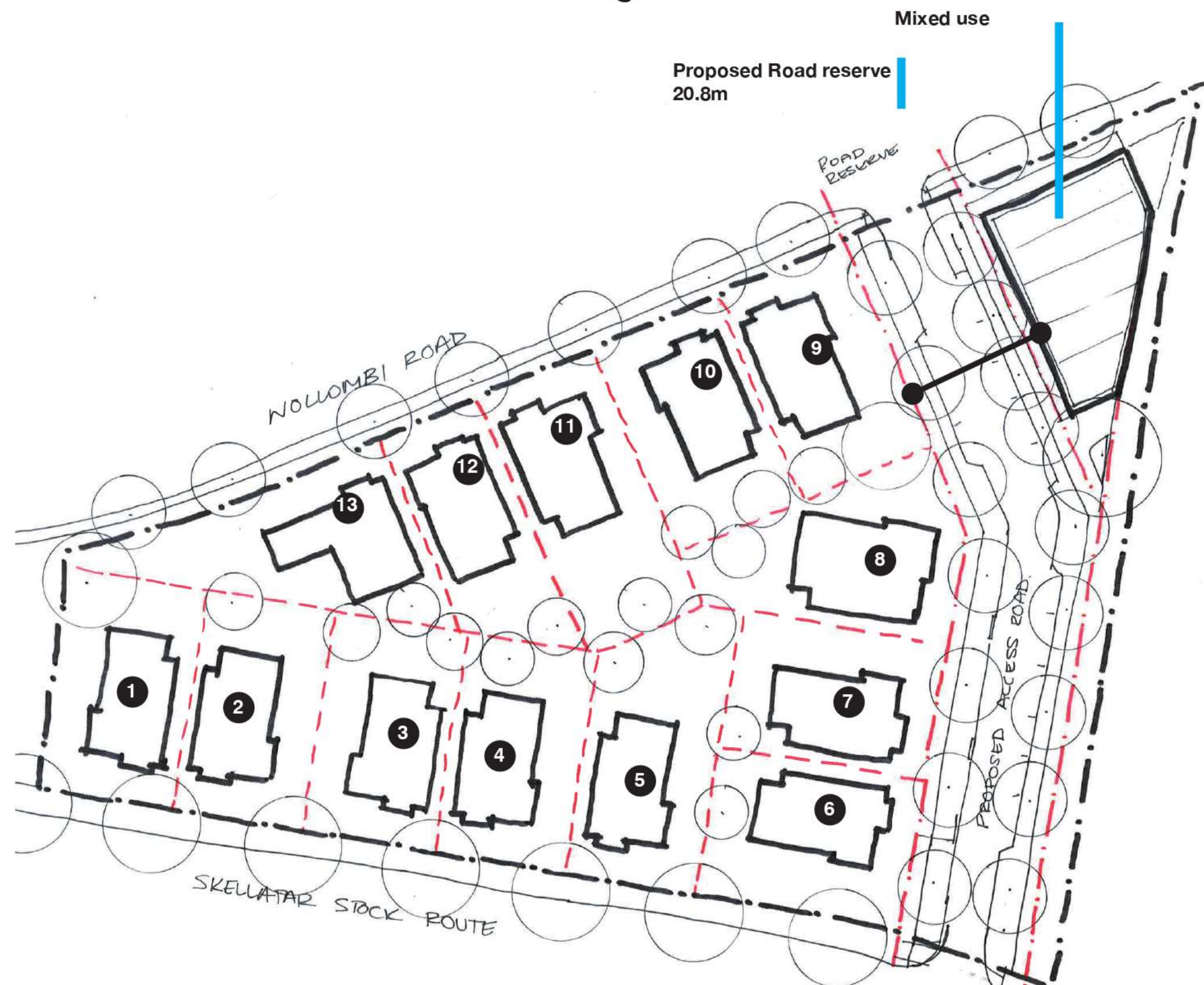
STREETSCAPE:

- Increase tree canopy to all streets

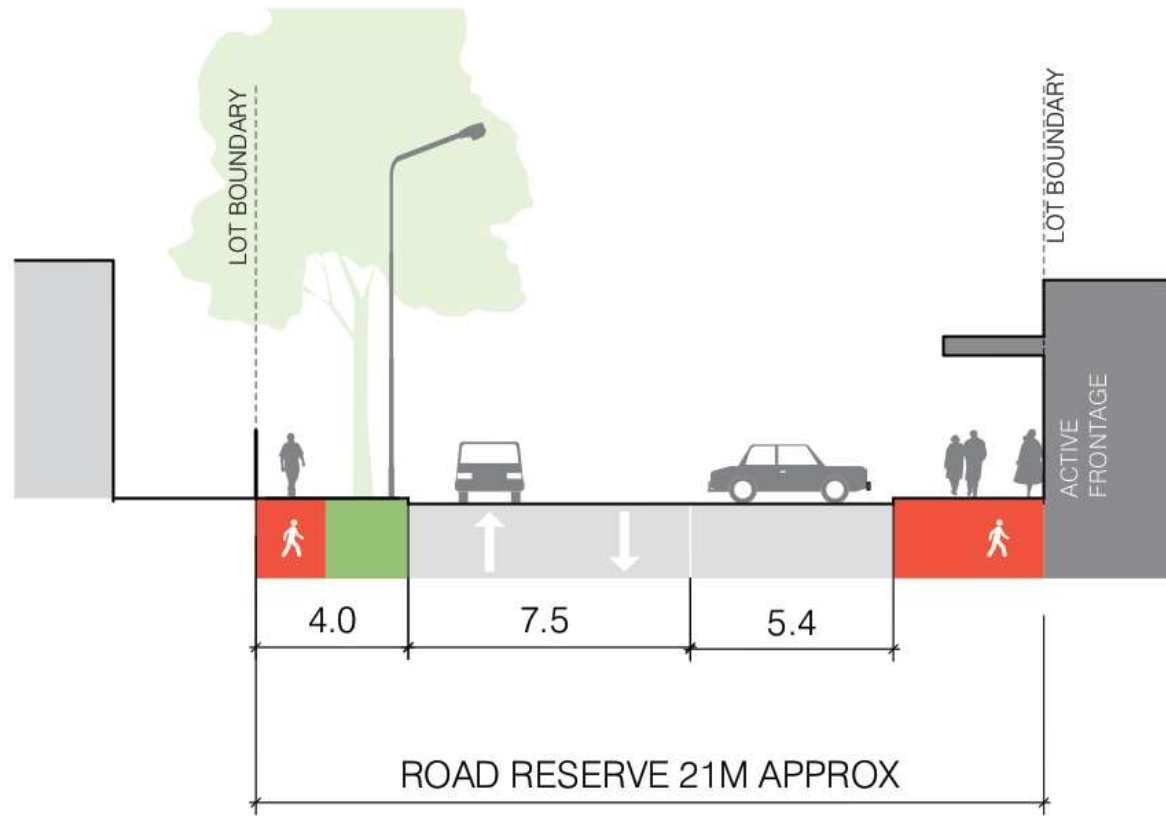
Wollombi - Endemic species

Access road - Signature feature tree could be an exotic species unique to the development identity

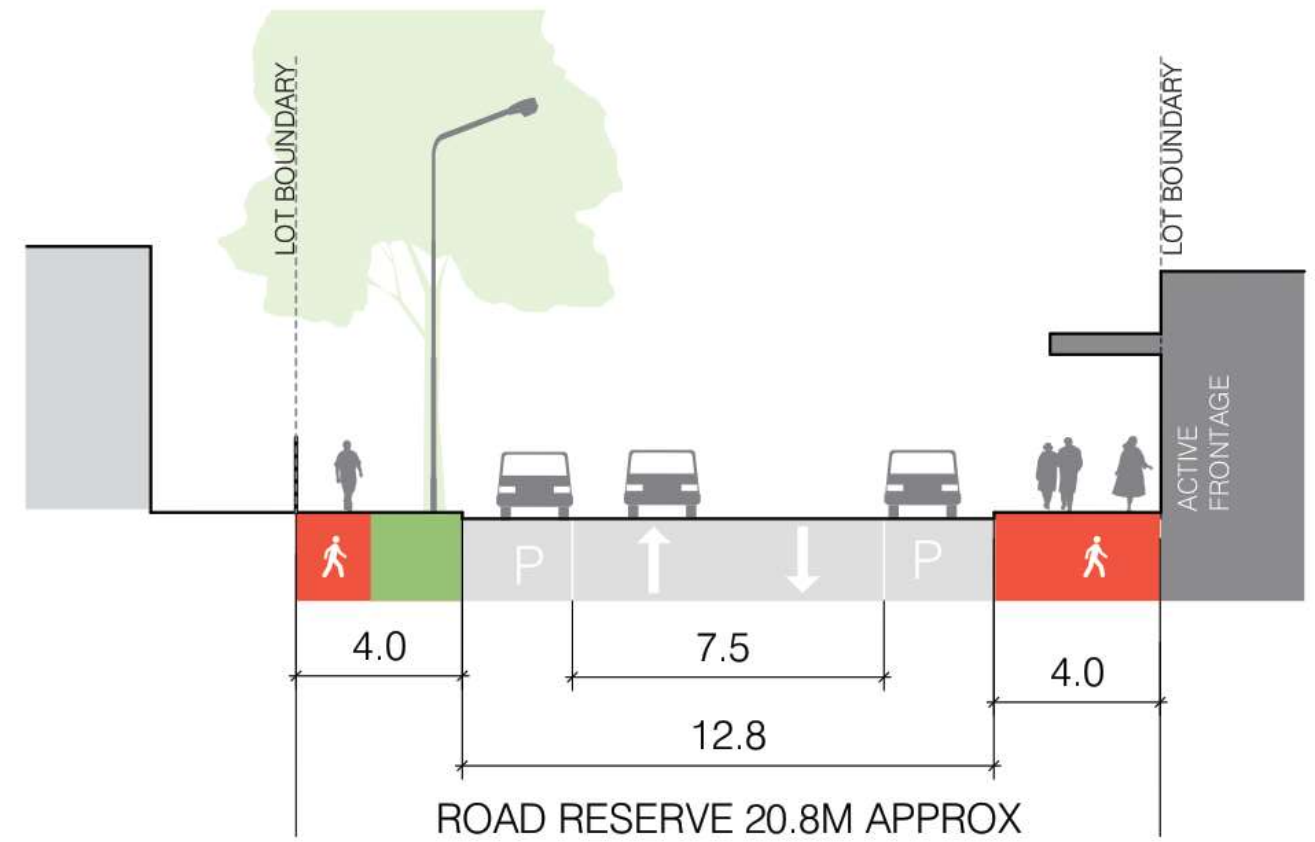
Skellatar Stock Route- Increased spacing for larger indigenous species to maintain the rural character



ROAD CROSS SECTION



PROPOSED ACCESS ROAD SECTION OPTION 2 90° PARKING

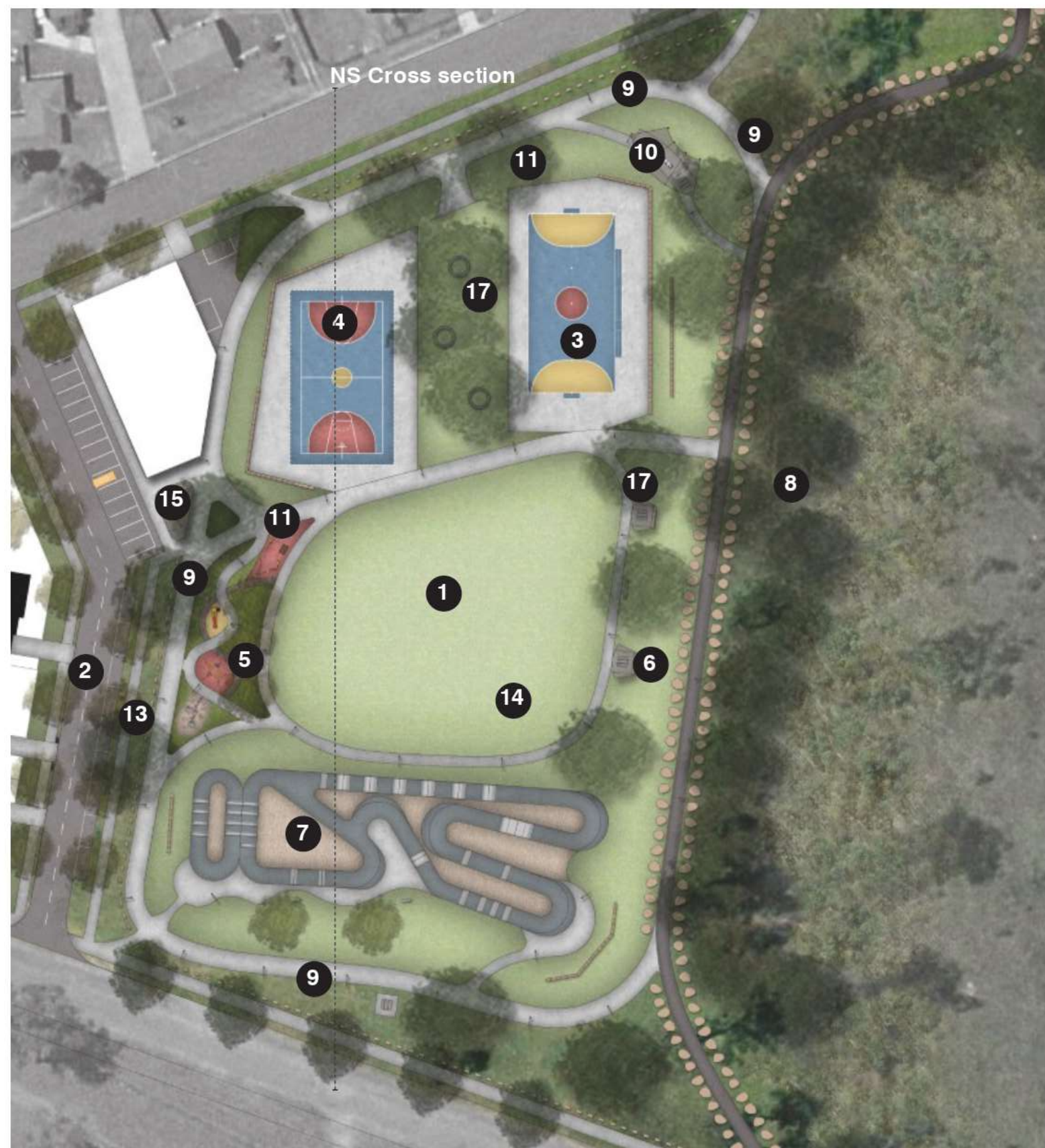


PROPOSED ACCESS ROAD SECTION OPTION 3

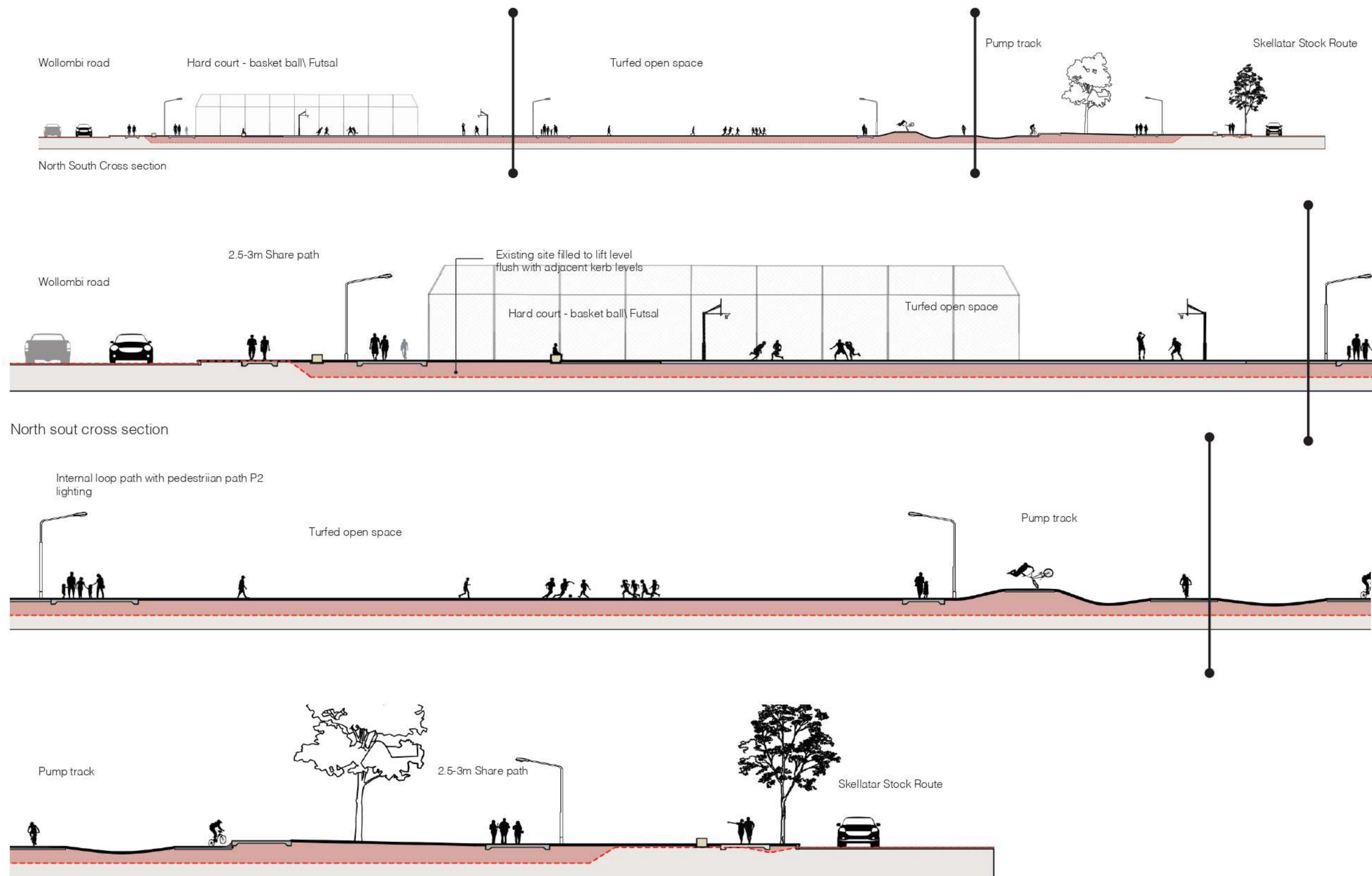
8 WOLLOMBI PARK

Concept proposals for the reconfiguration Wollombi park are outlined following with the relevant masterplan items referenced on the plan this page:

1. **Finish levels of park to be raised to maximise passive surveillance**
 - Existing levels with sunken oval to be filled and proposed finish level to be flush with surrounding kerbs of Wollombi Road and Skellatar stock route
 - Improve park universal access and opportunity for inclusive programmed activities
2. **New access road**
 - New access road connects Wollombi Rd and Skellatar Stock Route Road.
 - Defines western park edge to facilitate onstreet park
 - 90 degree parking to adjoining mixed use frontage
 - Parking on to southern section of roadway
3. **Multi-purpose playing court areas**
 - Futsal court with perimetre mesh fencing, sandstone log sitting on perimeter of court zone for viewing
4. **Basketball courts -custom mural on court surface with local artist, bound by sandstone log sitting wall**
5. **Adventure Playground**
 - Adventure integrated into landform and within tree canopy
 - Fitness equipment nodes and shaded seating stimulating activity
6. **Picnic shelter and table setting intergrated into existing landform**
7. **Pump track biking Circuit**
 - Concrete Track system integrated into filled hill zone and linking up to hilltop
 - Track structure to included rollers berms , various drop in zones pump bumps table tops , various hang out sports
 - various skill levels cater for novice, intermediate and expert -
8. **Bush regeneration margin to regional sharepath edge**
9. **2.5-3m Shared access / maintenance perimeter path to link up to existing share path, DDA compliant**
10. **Picnic shelter with BBQ facility funiture**
 - robust materials mild steel and aluminium
11. **Secondary pedestrian paths**
 - internal loop supporting pedestrian access paths from entry points
 - Possible multi use as internal kids learn to ride facility
12. **Proposed pedestrian lighting - P2 classification across pedestrians network, courts, and pump track, Event power located at base of power adjacent facility**
14. **Multi-purpose grassed activity /play areas**
 - Multi-use function - Lighting posts to be multifunction for event power connection
 - Destination family play, kick a ball space informal sports and activities
 - Integrated landscape experiences - topography / water
 - Local promenading
15. **Public amenities / facilities**
 - Centralised public toilets and store rooms to serve courts and pump track and general park use supported by shaded plaza
16. **Skate Bowl/Parkour Facility**
 - Skate Bowl integrated into landform
 - Parkour sculpture park integrated into landform
17. **Large canopy shade trees through site with insitu seat coordinated with amenity locations**



9 WOLLOMBI PARK



10 WOLLOMBI PARK



Outdoor Futsal court - with fencing



Example of public art mural on local sports court



Indicative concrete pump track image



Stoddart shelter powder coated mild steel



Aluminium ring bench setting



Astra woodville setting



Astra paris dda seat

INDICATIVE PARK PLANT LIST

HEDGE AND SHRUBS



Acmena smithii 'Hot Flush' - Lilly Pilly



Doryanthes palmeri



Pityrodia terminalis – Native Foxglove



Eremophila hygrophana 'Blue Bells' – Blue Emu Bush

GRASSES



Lomandra longifolia 'Tanika' – Mat-rush



Lomandra longifolia 'Sungold' – Mat-rush

GROUNDCOVERS



Gazania 'Double Gold' – Double Gold



Myoporum parvifolium 'Fineleaf'



Grevillea juniperina 'Gold Cluster' – Gold Cluster



Scaevola albida 'Mauva Clusters' – Fan Flower

Street Trees and Park shade trees



Lophostmeon confertus - Brush Box



Eucalyptus citriodora Lemon Scented Gum



Fraxinus pennsylvanica 'Cimmzam' – Cimmarron Ash



Eucalyptus sideroxylon 'Rosea' - Mugga Ironbark

Park Feature Trees



Pyrus calyryana



Ulmus Glabra



Jacaranda mimosifolia

1. HUNTER PARK CONCEPT PRINCIPLES

Principles for Hunter park are outlined following:

Activate the edge

- Provide a permeable, comfortable, friendly park edge to public frontages
- Enable a high level of use across day /evening
- Encourage coordination with community centre events to strengthen ownership and use within the park which will assist activation
- Produce contemporary public art that reflects the local community

Concept proposals for upgrades to Hunter park are outlined following with the relevant masterplan items referenced on the plan this page:

1. Proposed pedestrian lighting upgrade

- P2 classification across pedestrian network throughout central path and existing basketball half court, event power located at base of power adjacent facility

2. Upgrade playground softfall surfaces

- existing wood chip mulch to be removed and replaced with rubberised wetpour soft fall colour scheme to be coordinated with existing playground facilities colour scheme.

3. Multi-purpose playing court public art

- Enable opportunities for public artwork. Council to engage local artist in conjunction with Council led community to engage the local community and inform final artwork to reflect local community identity, instill pride, ownership and respect

4. Sandstone log terrace seating with mild steel shade structure

- powder coated mild steel shelter with lighting.
- Terrace seating area with concrete pavement area, to enable outdoor work shops or community meeting coordinated by drop community centre

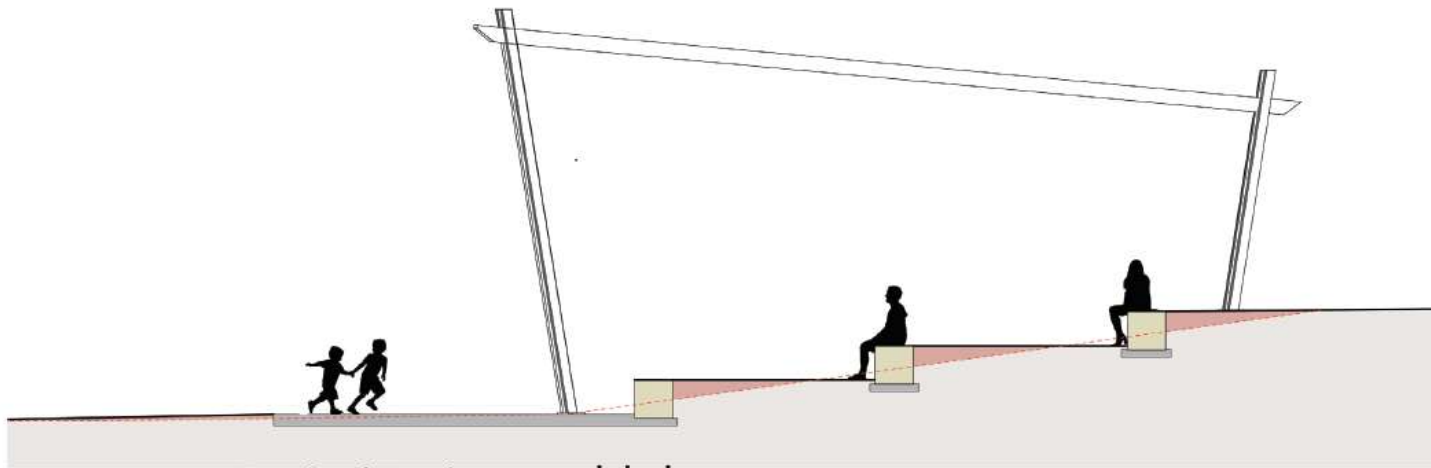
5. Existing turf area to be refurbished

6. Install water reticulation system

- Provide Irrigation to refurbish turf area



2. HUNTER PARK



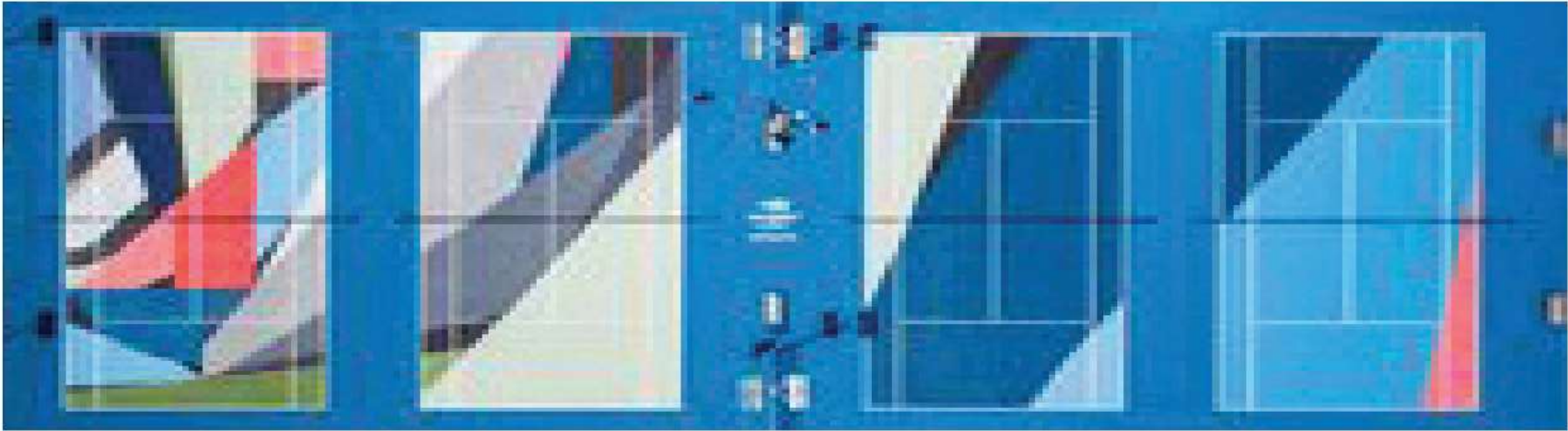
Typical cross section - Sandstone terraces and shade structure above



Stoddart steel shade structure



Sandstone log terraces



INDICATIVE COURT GRAPHIC

INDICATIVE PARK PLANT LIST

HEDGE AND SHRUBS



Acmena smithii 'Hot Flush' - Lilly Pilly



Doryanthes palmeri



Pityrodia terminalis - Native Foxglove



Eremophila hygrophana 'Blue Bells' - Blue Emu Bush

GRASSES



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Eucalyptus sideroxylon 'Rosea' - Mugga Ironbark

Park Feature Trees



Pyrus calyryana



Ulmus Glabra



Jacaranda mimosifolia

11.2 PROPOSED ROAD CLOSURE PART LOGUES LANE

Attachments:	A. Logues Lane Proposed Road Closure
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

The report requests Council's consideration of the closure and sale of a sliver of Logues Lane required for the Mt Pleasant Operation Rail Loop construction.

OFFICER'S RECOMMENDATION

Council:

1. Approves, subject to the relevant statutory processes and negotiation of the relevant agreement(s), the closure and sale of a small section of Logues Lane as identified in the report;
2. Approves staff to proceed with the road closure process in accordance with Division 3 Part 4 of the *Roads Act 1993* including advertising the proposal;
3. Deems that construction has taken place on Logues Lane and as such the land remains vested in Council upon closure, in accordance with s. 38E (2) (a) of the *Roads Act 1993*;
4. In accordance with s.43 *Roads Act 1993* money received from the proceeds of the sale of the land is to be set aside and only used for acquiring land for public roads or for carrying out road works on public roads;
5. Subject to resolution 1 above, delegates to the General Manager:
 - (a) the negotiation of the commercial terms of the contemplated sale of the roads; and
 - (b) the execution of all relevant documents required to carry out the road closure and sale process.

Moved: _____ Seconded: _____

BACKGROUND

The Mt Pleasant Operation Project was approved by the Minister for Urban Affairs and Planning on 22 December 1999 under DA 92/97. The development consent has subsequently been modified on four occasions, the most recent of which being the Mt Pleasant Stage 2 Rail Loop ("MOD4"). The modification was approved on 16 November 2018, and permits the:

- construction of new product coal transport infrastructure, including a rail spur, rail loop, coal conveyor and rail loading facility;
- construction of new water supply infrastructure, including a water pipeline, pump station and associated electricity supply, and

- demolition and removal of redundant rail and water supply infrastructure within the Bengalla development consent boundary.

CONSULTATION

Public consultation will be undertaken as part of the road closure process. Adjoining landowners, public utilities, public authorities and Local Aboriginal Groups will be referenced as part of this process.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

MACH Energy has been granted consent to construct new rail infrastructure to service the Mount Pleasant Mine. The new rail loop will allow trains to depart from the Muswellbrook to Ulan rail line, near Logues Lane, traversing the Hunter River floodplain over a viaduct prior to travelling north in parallel with Overton Road, over a rail overbridge on Wybong Road (near its intersection with Overton Road) and onto the Mount Pleasant mine site. Council approved the s.138 Road Act 1993 Permit for the works within the road corridor at the 26 May 2020 Ordinary Council Meeting. Council's resolution in relation to the report was:

11.2 MT PLEASANT MOD 4 RAIL LOOP - S138 ROAD OPENING

RESOLVED on the motion of Crs Scholes and Eades that:

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

Sections of Logues Lane run immediately parallel to the rail corridor. Due to the alignment of the Ulan Rail line there are limited options for the location of the rail spur to accommodate the new rail loop. Where the rail loop departs from the Muswellbrook to Ulan rail line the road reserve is approximately 60 metres wide. The proposed rail loop will impact a sliver of the Logues Lane road corridor as shown on the attached drawing. Approximately 770m² of the road reserve is required to accommodate the new rail loop. The road reserve at this location is on the sweeping bend of Logues Lane. The physical location of the formed road pavement is well removed from the area of road proposed to be closed and will not be impacted by this proposal. It is proposed to close this small unnecessary section of road with the intention to sell the land to the adjoining landowner, being MACH Energy.

OPTIONS

Option 1: Council agrees in principle to the closure and sale of the small section of Logues Lane as outlined in the report.

Option 2: Council does not agree to the closure and sale of the small section of Logues Lane.

CONCLUSION

Option 1 is considered the most viable option as the proposal will have minimal effect on Logues Lane. The road reserve is very wide at the proposed location and the existing road formation will not be impacted.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

All costs associated with the proposed closure will be paid by the applicant. Money received by Council from the proceeds of the sale of the land is not to be used by Council except for acquiring land for public roads or for carrying out road works on public road in accordance with s.43 (4) of the *Roads Act 1993*.

POLICY IMPLICATIONS

Meets the criteria under Council's Road Closure Policy as the section proposed to be closed is redundant for the purposes of a public road.

STATUTORY IMPLICATIONS

Roads Act 1993.

LEGAL IMPLICATIONS

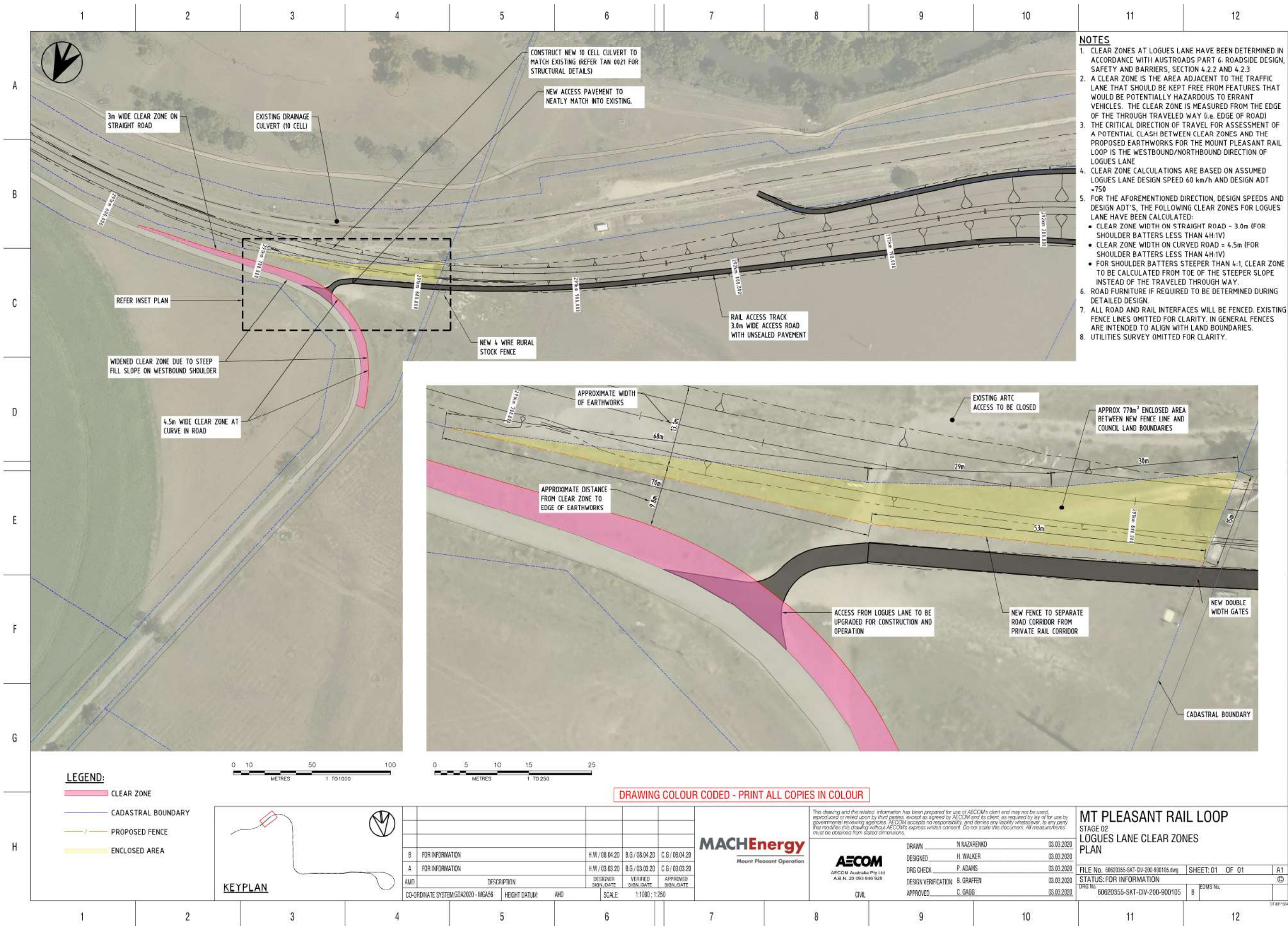
Council as the Roads Authority is acting within its powers. The road closure will be undertaken in accordance with Division 3 Part 4 of the *Roads Act 1993*.

OPERATIONAL PLAN IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

Nil known.



11.3 MAJOR PROJECTS STATUS REPORT

Attachments:	A. 2020-21 CI Major Projects
Responsible Officer:	Fiona Plesman - General Manager
Author:	Derek Finnigan - Deputy General Manager
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Implement prioritised (but responsive) rolling works program of maintenance.</i>

PURPOSE

The report presents in tabular form the status of capital major projects updated to 19 February 2021.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

REPORT

The attached table of major projects is updated by the section managers on a weekly basis, and is reported to Council monthly.

PROJECT	PROJECT STAGE INVESTIGATION (I) DESIGN (D) CONSTRUCTION (C)	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	STATUS AS AT 19 February 2021
ROADS AND DRAINAGE								
Urban Road Renewal - Brook St (south) King to Carl St	F	\$400,000	Aug-20	Dec-20		Aug-20	Dec-20	The project is complete.
Road Resealing Programme	C	\$500,000	Aug-20	Dec-20		Aug-20		Resealing works have been completed in the urban sector. Awaiting announcement of grant funding to carry out extensive reseal preparation works at Widden Road and Mangoola Road.
Rural Road Regravelling	C	\$348,291	Aug-20	Jun-21		Aug-20		Works have been undertaken on Wells Gully Road, Beggary Ck road and Yarrowa Road. Planned works for quarter 3 & 4 to include Castlerock Rd, and Yarrowa Rd.
Kerb and gutter replacement	F	\$130,000	Aug-20	Dec-21		Aug-20	Nov-20	Program complete. Work completed in Mitchell St, Muswellbrook to replace 130m K and G. Associated pavement rehabilitation works (Lorne St to Francis St). Works completed in Cabemet St, Chablis, Casuarina Cl, Lower William, Queen, McClintock Dr, Towarri, Cousins, Rutherford Road, and Carl St.
Footpath and cycleway renewal programme	F	\$150,000	Aug-20	Dec-21		Aug	Nov	Program complete. Works completed include Northerly Cl, Brook Pk, Bridge St, Casuarina Cl, Hunter Park, and King St.
New footpath programme	I & D	\$1,547,955	Apr-21	Jun-21		Jan-21		Works planned post construction of Signalised Intersection at Thompson St. The section of footpath identified for construction links the existing path adjacent to Muswellbrook Golf Club, Bell Street, to the new traffic lights. Additional funding has been received from the Active Transport Program for footpaths to be constructed in nominated locations to access Muswellbrook High and Public School. Whilst Investigation, design and preliminary planning is continuing to be undertaken in preparation for the commencement of construction at the various sites construction works have commenced in areas immediately adjacent to the Muswellbrook Public School and near Muswellbrook High in King St. Works completed in the vicinity of Muswellbrook Public School. Design returned for King St near Upper William St from consultant. Public consultation to be carried out in the third quarter of 2020-21.
Safety devices programme	I & D	\$135,000	Aug-20	Dec-20		Jul-20		Works commenced on targeted locations at Bylong Valley Way. Work is 50% completed.
Mangoola Culvert Replacement	C	\$500,000	Aug-20	Oct-20		Nov-20		The construction, installation and backfilling of the culverts is now complete. The reinstatement of the road pavement over the culverts is being undertaken with sealing of the road to be undertaken next week. This will see the completion of the project being delivered substantially under budget.
TfNSW Repair Programme 1.6km Bylong Valley Way	F	\$695,000	Mar-21	Jun-21		Nov-20	Dec-20	Project complete.
Sandy Creek Road Curve Improvements	I & D	\$419,520	Oct-20	Jun-21		Oct-20		Contractor has been engaged to carry out investigation, design and safety audit. Survey and geotech has been undertaken.
Rosemount Rd Culvert	C	\$425,000						The Rosemount Road culvert replacement project will be the subject of a discrete report to Council. Estimation is currently being undertaken to inform the potential cost of the project.
Denman Masterplan	C	\$1,191,649	Jul-20	Jun-21		Jul-20		The installation of the Play area in Memorial Park, is being undertaken with the laying of softfall completed on 9 February. Construction of the amenities block is in progress and is scheduled for completion late February.
Hunter Beach	I & D	\$2,878,646	Jul-20	Mar-21	Dec-21			Council has endorsed a modified concept design in the September Council Meeting. No tenders were received in the first round of tendering. Tenders will be called in February. Separate engagement with Soil Conservation Services for embankment works and weed eradication.
Rosebrook Bridge Replacement	D & C	\$1,633,500						
Thompson St Signals	I & D	\$1,473,409	Sep-20	Jun-21				Tenders received and negotiations with preferred tenderer complete. WAD received from TfNSW, with Principal Contractor, Project Verifier and Road Safety Auditor now engaged. Stage 3 Road Safety Audit report received and is being reviewed by Transport NSW and Project Verifier. Design has been amended following advice of the Project Verifier.
Wilkinson St Bridge	I & D	\$1,104,205	Dec-20	Jun-21		Sep-20		Concept options for a design and construct Tender, endorsed at September Council meeting. Tender advertised 4 November 2020 and pre tender meeting on 24 November. Tenders have been received and reported to the 2 February 2021 Extra Ordinary Council Meeting. The letter of acceptance has been sent to the Council endorsed Tenderer and a request for a pre start meeting to be programmed. Community consultation will be incorporated into the scheduling of the construction works.
Edderton Road Safety Upgrade	C	\$2,564,535	Nov-20	Jun-21				The Tender was advertised 10 November 2020 with pre tender meeting held 25 November. Tenders were reported to the 2 February 2021 Extraordinary Council meeting where Council endorsed for the recommended tenderer to be engaged. A letter of acceptance has been forwarded to KCE.
Hebden Road 3.85 - 4.95km	F		Sep-20	Oct-20		Sep-20	Dec-20	Project complete.
Kayuga Road 3.3-5.3km rehab failures	C		Aug	Dec		Aug-20	Jan-21	Project complete.
Williams Bridge Replacement	C		Aug-20	Dec-20		Oct-20	Dec-20	Project Complete with bridge opened to traffic 17 December 2020. Works to remove the side-track have been undertaken.
Heavy Patching	C	\$287,500	Jul-20	Jun-21		Jul-20		Works continuing. Scoping of further patches has been undertaken.
Yarrowa Road Improvements	I & D	\$5,000,000	Dec-20	Oct-21		Dec-20		Consultant has been engaged for the design works, which include a Road Safety Audit of the route.
WORKS, PROPERTY & BUILDING SERVICES (WP&BS)								
Denman Children Centre	D & C	\$620,000	Jun-18	Mar-20		Jun-18		DA 99/2018 approved May 2019. Staff have requested meetings with Denman Children's Centre to progress the project. Denman Children's Centre has been provided with a draft Memorandum Of Understanding.
Denman Heritage Village	D & C	\$250,000	Feb-19					Deed for Heritage items executed. Denman Heritage Museum Advisory Committee progressed the concept design with Council representatives to Development Application approval at the 22 December 2020 Ordinary Council meeting. The Committee is seeking grant funding to advance this project.
Denman Lookout Nature Trail - Reg Thornton Memorial Drive	C	\$207,000	Jun-19	Aug-20	Feb-20	Jul-19		Trail complete, artwork for signs being finalised.
Muswellbrook Animal Shelter (3910.5587)	D & C	\$2,500,000	May-19	Mar-20	Jun-21	Dec-19		DA approval provided at October Ordinary Council meeting. A design and construction tender has been called and closed Thursday, 4 February and will be reported to the 23 February 2021 Ordinary Council meeting.

PROJECT	PROJECT STAGE INVESTIGATION (I) DESIGN (D) CONSTRUCTION (C)	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	STATUS AS AT 19 February 2021
Muswellbrook Aquatic Centre (3700.5442)	C	\$6,825,524	Nov-18	Oct-19	Mar-21	Nov-18		Early works including site investigation, demolition, geotechnical and preliminary construction works are complete. Construction certificates are in place for all stages. Water play concepts ordered. Plumbing commenced for Indoor Pool and Balance Tanks line. Entrance footings and piles complete. LTS and water play slabs poured. Installed slab services to the balance tanks and detailed excavation for the entry kiosk, and stripped formwork for the pools. Existing Indoor Pool to be open by March. Works to be completed by June 21.
Muswellbrook Aquatic Centre - Outdoor Pool	D & C	\$1,500,000	Aug-20	Dec-20	Jan-21		Jan-21	Outdoor pool works walls, guttering and return pipe work complete. Concreting of the floor and waterproofing are complete. Shade structure and light poles are installed. Completion of tiling hindered by wet weather but work continued over Christmas period. All works complete with adjustments to operation of plant to accommodate changes in volume of water.
Regional Entertainment and Conference Centre (3690.5433)	D	\$15,000,000 (Est)	Dec-18	Dec-22		Dec-18		Options on the treatment of the stormwater culvert are being investigated and a second concept is being prepared for an improved path for drainage. Architect has reviewed design to within funding envelopes and has lodged Development Application. Cost estimate for precinct park works informed Capital Expenditure Review reported to the 2 February 2021 Extraordinary Council meeting. An EOI is being prepared for construction contractors to facilitate selective tender.
Upper Hunter innovation Precinct Stage 2 (3690.6438) (Includes Innovation Hub and Weidmann Café)	D & C	\$6,500,000	Jul-19	Sep-20	Jun-21	Jul-19		Construction tender called Monday, 26 October. Tender was called to be reported to November Council meeting. Request to extend tender approved. Tender closed 14 December. Addendum provided to ensure that Loxton House works is staged and is completed by 1 July 2021. Tender reported and considered at 22 December 2020 Ordinary Council meeting. Further tender responses and options prepared and reported to February Extraordinary Council meeting. Negotiations underway and expect to finalise award week commencing 22 February 2021.
Commercial Building	D	\$95,000	Oct-19	Feb-20	Dec-20 (DA approval only)	Jul-19		Pre-DA meeting held. Heritage consultant report received. All DA documentation completed and ready to be lodged in December, subject to approval of budget in relation to the QS estimate received. DA prepared and ready to be lodged.
Victoria Park and Cemetery Improvements	C	\$517,613	Dec-18	Feb-19		Jan-19	Jan-21	Field 1 outfield is complete with minor works on cricket wicket programmed.
Arts Centre Conservatory	D & C	\$100,000	Nov-18	Feb-20	Mar-21	Nov-18		Architect has consulted with heritage advisor to inform design development and draft concepts received. Design being progressed relies on glazing existing structure. Architect instructed to remove entry and exit, naming façade with the intent of only glazing existing structure. Advice will be sought on planning pathway following amended design.
Relocation of Council Administration Centre	D & C	\$1,200,000	Mar-19	Dec-19	Oct-20	Mar-19	Oct-20	All areas are now occupied. Acoustic certification required for Final Occupation Certificate.
Community Infrastructure Depot	D & C	\$220,000	May-19	Jun-21	Dec-21	Jul-19		Two submissions received for the RFQ for Principal Design Consultant and both were above allocated budget. RFQ brief was revised and reported to the December 2020 Ordinary Council meeting. Preliminary design workshop held with Works staff.
Muswellbrook Indoor Sport and Youth Centre	D	\$30,000	Oct-19	Dec-20		Oct-19		Upper Hunter Youth Services was awarded Stronger Country Community grant funding of \$500k. Stakeholder consultation and preliminary design progressing to development application. Surveying and final documentation being prepared. DA being prepared for lodgement.
WP&BS - Olympic Park Master Plan								
Olympic Park - Grandstand & Amenities	D	\$900,000	Mar-20					Design consultant engaged. Three concept designs have been developed and user groups consultation has taken place. Changes to design currently being discussed. QS has been received. Architect has amended design for stakeholder consultation.
Olympic Park - Intelligent Lighting	D	\$124,313	Mar-20	Dec-20				Request for Quotations complete. Works planned to be completed in March.
WP&BS - General Recreation Programme 2020-2021								
Highbrook Park Grandstand	D&C	\$30,000						Works programmed to be complete before winter season sport.
Volunteer Park - New Playground	D&C	\$40,000						Requests for Quotes are currently being sought.
Topdressing of Sports Fields	C	\$45,000	Nov-20	Dec-20		Dec-20	Dec-20	Complete.
Indoor Sports Centre - Outdoor Table Tennis Table	D&C	\$15,000						Quotes have been sought.
Weeraman Fields - Field Lighting	D&C	\$20,000						Works programmed to be complete before winter season sport.
WASTE								
Leachate Dam	D&C	\$500,000						Design and Construction Cost Estimates complete (\$500,000). Biodiversity Assessment (RFQ issued 12/02/2021) and prior to DA.
WATER								
Asbestos Removal Old WTP	C	\$372,664	Jul-20	Dec-20		Jul-20	Dec-20	Works completed.
Mains Renewal & Replacement	D/C	\$697,955	Jul-20	Jun-21		Jul-20		Planned work for 2020-2021 year - Sowerby St & Hill St stage 2 tenders closed end October - 9 tenders received and assessed. Report recommending alternative tenderer to be submitted to the 23 February 2021 Ordinary Council Meeting.
Reticulation - Rail Underbring Rail Crossing Water Mains	C	\$225,325	Jul-20	Dec-20			Dec-20	Works completed.
System Plant Asset Renewals	I	\$201,474	Jul-20	Jun-21		Jul-20		MWTP No 1 High Lift Pump - ordered and old pump removed. Clarifier Hood - search for original fabrication drawings unsuccessful with Public Works, contractors and internally. Measurement work has commenced, may need laser scanning to confirm fit into concrete structure. Order placed for Citect transfer and upgrade. Recarb Panel installation complete.
Muswellbrook Fluoride Plant Upgrade	D	N/A	Jul-20	TBC				DPIE have responded with a design change to improve operability and reliability. Scope changed and being reviewed. Cost estimate to be reviewed and agreement sought from Dept Health. A report will be provided to Council once complete. The cost of carrying out the Fluoride Plant Upgrade will be fully reimbursed to Council by NSW Health.
SEWER								
Mains Renewal & Relocation	D	\$471,316	Jul-20	Jun-21				Manhole replacement carried out at the intersection of Maitland Street and Rutherford Road. RFQ prepared for relining of very poor condition junctions. Detailed list being developed and to be agreed with Sewer Supervisor & Coordinator. New Engineering Officer is taking a lead in these projects. Condition Grade 4 & 5 list has been prepared for consideration for next FY work.
Transportation System Improvement	I	\$1,000,000	Jul-20	Jun-21				SPS1 Replacement - Geotech & soil classification has been performed to allow planning for excavated material management and improve tendering accuracy based on actual ground conditions.
Sewer Pump Station - Denman	I	\$107,625	Jan-21	Jun-21				Investigation Phase - Pump sizing to be reviewed, may be able to utilise SPS1 Pumps when removed/ replaced. SCADA Improvements being scoped.

PROJECT	PROJECT STAGE INVESTIGATION (I) DESIGN (D) CONSTRUCTION (C)	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	STATUS AS AT 19 February 2021
System Plant Asset Renewals	I	\$275,090	Jul-20	Jun-21		Jul-20		Denman No2 Aerator. Denman Electrical Panel Upgrade (very poor condition and many redundant components). SPSS Pump has been ordered. Electrical Panels SPS7; RWTW Minor Improvements and optimisation; SPS13 Pump replacement completed 3/12; Denman SPS Electrical Panel Upgrade.

11.4 WYBONG ROAD REHABILITATION DESIGN SUMMARY REPORT

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

MACH Energy is finalising the design for the rehabilitation of Wybong Road pavement from the Mount Pleasant Mine entry to Overton Road. This report provides a summary of the design for discussion and preliminary acceptance by Muswellbrook Shire Council (MSC).

OFFICER'S RECOMMENDATION

Council notifies MACH Energy that they are satisfied in principle with the Draft Issued For Construction design plans within the scope of works outlined in the "Rail Overbridge and Works Deed".

Moved: _____ **Seconded:** _____

BACKGROUND

As a condition of MACH Energy's (MACH) Section 138 approval 2021-0019 - 27/08/2020 (S138) for the Mt Pleasant Rail Loop Project, MACH Energy agreed to undertake works for the rehabilitation of Wybong Road, from the Mount Pleasant Operations (MPO) entry to the Overton Road intersection (~4.9km - see Figure 1). As per the S138 permit conditions, Wybong Road rehabilitation is required to be carried out prior to the peak construction traffic volumes associated with MACH Energy's works. The scheduled construction commencement for the Wybong Rd Rehabilitation, as per the Deed of Agreement "Rail Overbridge and Works Deed", is late March 2021.

An extract of the S138 special condition, relating to these works is provided below:

13. The Consent Holder is to enter into a Deed of Agreement with Council for:

...

b. the applicant to, as soon as practicable after the execution of the Deed of Agreement and prior to peak traffic loadings associated with the rail infrastructure construction, design and reconstruct the Wybong Road pavement only from the MTP entrance to Overton Road to meet the Council's RC1M standard to the Council's satisfaction.

...

MSC requested these works for the improved safety of the public road users. These works will formalise the road's travel lane widths and provide sealed shoulders throughout as well as upgrading the pavement materials to provide an up to date road surface for improved serviceability and a reduction in ongoing maintenance requirements. The Deed of Agreement outlines the design, reconstruction and maintenance requirements of MACH Energy in relation to the Wybong Road works.



Figure 1 – Wybong Road Rehabilitation – Location Plan

This report follows on from the “*Reconstruction of Part of Wybong Road from Mount Pleasant Mine Entrance to Overton Road*” report submitted to the 2 February 2021 Extraordinary Council Meeting, where Council approved the full closure of this section of Wybong Road to allow these works to be undertaken. Council’s resolution in relation to the report was:

6.1 RECONSTRUCTION OF PART WYBONG ROAD FROM THE MOUNT PLEASANT MINE ENTRANCE TO OVERTON ROAD

RESOLVED on the motion of Crs Scholes and Ward that:

Council approves the temporary closure of Wybong Road East from the Mount Pleasant Mine Entrance to Overton Road to allow for road reconstruction works to be undertaken.

CONSULTATION

General Manager

Manager Roads, Drainage and Technical Services

Roads, Drainage and Technical Services team General

GHD Designers

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

The Wybong Road Rehabilitation Project ("the project") involves the pavement rehabilitation of approximately 4.9 km of Wybong Road, from the Mount Pleasant Operations (MPO) entry to Overton Road. The project would tie into the existing upgraded pavement at the current MPO entry and the designed upgraded pavement associated with the MPO Rail 2 Project, east of Overton Road, as per the s.138 approval.

The design consists of 3.5 m travel lanes with 1 m sealed shoulders and pavement requirements as per the MSC RC1M standard. The design is consistent with the existing vertical or horizontal alignment of the road but will improve the driving surface and provide wider lane widths. This will provide improved safety and trafficability for road users.

MSC advised MACH what standards and specifications the Wybong Road design would require in line with the provision of the Deed of Agreement. This was used to develop the preliminary design which was provided to MSC for review and comment in December 2020. MSC's comments were considered as part of the next design phase Draft Issued for Construction (Draft IFC). The Draft IFC Design was reviewed with Council staff on 3 February 2021 with staff representatives of MSC, MACH Energy and GHD present. MSC provided comments during this review for consideration in the IFC Design phase.

A Safety in Design review was performed as part of the Draft IFC Design presentation. This review will take a risk based approach to the design, focusing on enhancing the safety of the road for road users, as well as reducing or facilitating serviceability and maintenance requirements over the life of the asset.

Pavement design

The pavement typically consists of an unbound granular overlay supplemented by full depth pavement at the widening locations. The existing pavement would be pulverised and recompact to form part of the pavement subgrade.

A typical section of the pavement design is presented in Figure 2.

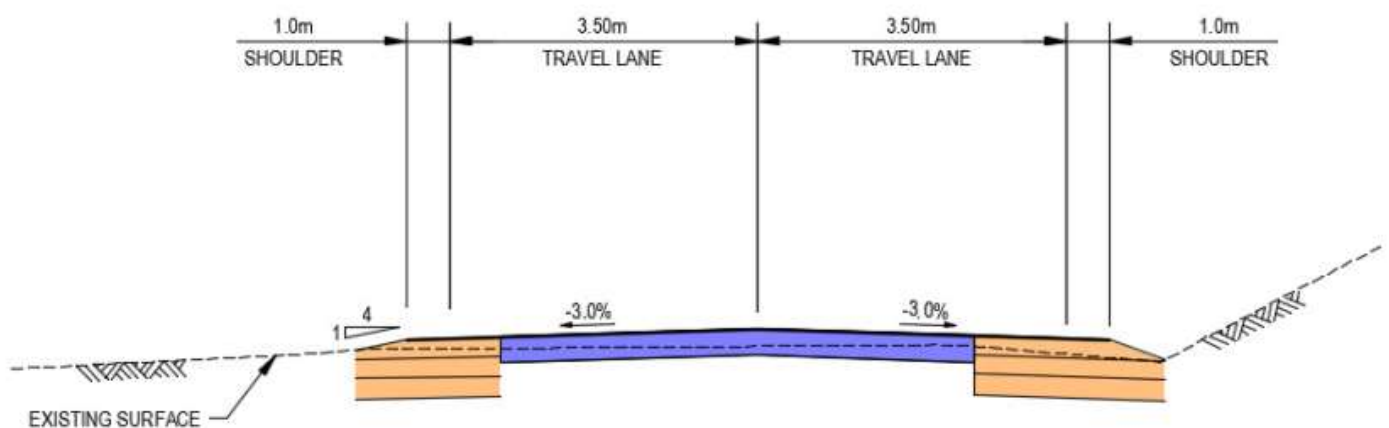


Figure 2 - Typical pavement cross section

The pavement design has been split into sections to better align with the varying subgrade quality along the road alignment. An example of the pavement detailed section is provided in Figure 3.

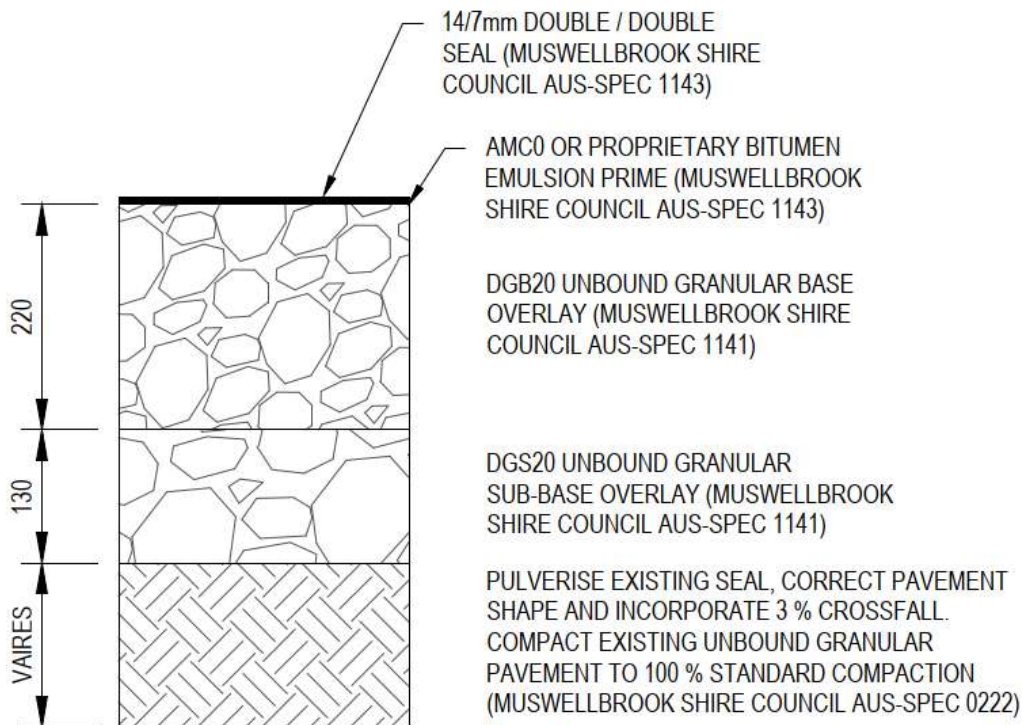


Figure 3 - Section 1 pavement overlay section.

Stabilised pavement was investigated, although was not deemed to be favourable due to excessive deflections observed from geotechnical investigations.

Culvert extensions

Nine (9) of the existing culverts require extensions to accommodate the wider pavement. Extensions range from 1 m to 2.4 m. Where possible, headwalls will be relocated and reused.

Traffic Barriers

A number of traffic barriers are identified as required based on Austroads risk score. The number and extent of these barriers will be further detailed and optimised, with the intention of reducing the extent of future maintenance requirements.

Safety

Additional road furniture will be installed as part of the project, including chevrons at the horizontal curves on Wybong Road.

A Safety in Design process has been undertaken with representatives from MSC, MACH Energy and GHD.

Community Notification

MACH Energy will undertake community notification for the temporary full closure of Wybong Road using its current Rail 2 Project Stakeholder Engagement Plan as a guide to the methods of communication. As advised to MSC in the 'Temporary full closure of Wybong Road' proposal, approved by MSC, this Community Notification would include:

- Maintain consistent messaging to all stakeholders - provide with maps indicating alternate route, timelines, project information, the who, why, where and when of the proposed road full closure and what the outcome of the proposed full closure will mean for road users. (e.g. better/safer road)
- Through MACH's monthly Rail Loop Community Information Sheet
- 1:1 near neighbour visits
- Letter drops to residents.

- 1:1 visit and communication via email and SMS with all emergency services, Police, Ambulance, Fire, RFS, SES.
- Presentation to the Muswellbrook Chamber of Commerce at their March 2021 meeting, held on the first Tuesday of the month.
- Email, WhatsApp (established local mining communication group) and SMS - four weeks prior to the proposed full closure advising both Bengalla and Mangoola workforces to ensure all shifts are prepared. As a courtesy advise BHP Mt Arthur and Muswellbrook Coal.
- Local newspaper, print and digital advertising.
- Local radio advertising.
- Update MACH Energy website and MSC's MACH Energy Project pages.
- SMS to already established local neighbour notification database.
- Update Community Hotline and Enquiries Hotline.
- Communicate with all local schools via telephone call/email/letter.
- Communicate with local bus service via telephone call/email/letter and provide regular updates.
- Communicate with ARTC.
- Communicate with local transport companies, Muswellbrook, Aberdeen, Scone, Denman, Sandy Hollow, Merriwa.
- Variable Message Boards will display advanced notice of the upcoming full closure as well as during the full closure.

MACH have already provided and will continue to provide communication with the public through its Community Consultative Committee (CCC) regarding the proposed full closure. The CCC has been advised of the possibility of the full closure over the previous two meetings.

All community notification material will be provided to MSC for review and comment prior to distribution.

OPTIONS

Option 1: Council can notify MACH Energy that they are satisfied in principle with the Draft IFC Design Plans within the scope of the works outlined in the Deed of Agreement "Rail Overbridge and Works Deed".

Option 2: Council can notify MACH Energy that they are not satisfied with the Draft IFC Design and identify any modifications required within the limitations of the scope of the works agreed to in the Deed of Agreement "Rail Overbridge and Works Deed".

CONCLUSION

Council staff respectfully request that Council consider Option 1 as the preferred option.

SOCIAL IMPLICATIONS

The construction is to take place under full road closure which is likely to inconvenience some road users during this time. However, with the high level of public consultation proposed to be undertaken by MACH Energy and associated notifications as outlined above, road users can factor this time into their schedule.

FINANCIAL IMPLICATIONS

All costs associated with the works will be the responsibility of MACH Energy.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

All works will be carried out under the provisions of the *Roads Act 1993*.

LEGAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

The road rehabilitation works will be undertaken under full road closure conditions of Wybong Road. This will result in improved safety to public road users in comparison to adopting a staged delivery approach with public traffic flow continuing under traffic control. The temporary full closure eliminates risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on unsealed pavements, which is exacerbated in wet conditions, driver distraction watching work crews/plant, as well as improving work force safety by removing interactions with public vehicles.

11.5 PRELIMINARY DESIGN FOR THE PLANNED UPGRADE OF THE INTERSECTION OF DENMAN ROAD AND THOMAS MITCHELL DRIVE, MUSWELLBROOK

Attachments:	A. Thomas Mitchell Drive Denman Road Intersection Sketch RC
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

The report provides for Council's information and review a preliminary design for the planned upgrade of the intersection of Thomas Mitchell Drive and Denman Road, Muswellbrook.

OFFICER'S RECOMMENDATION

Council notes the preliminary design provided by BHP Mt Arthur Coal for the planned upgrade of the intersection of Denman Road and Thomas Mitchell Drive, Muswellbrook.

Moved: _____ **Seconded:** _____

REPORT

BHP Mount Arthur Coal (**BHP**) is required to upgrade the Denman Road and Thomas Mitchell Drive (**TMD**) intersection in accordance with Project Approval and Modifications 09_0062 Mt Arthur Coal Mine – Open Cut Consolidation Project dated 26 September 2014.

In earlier consultation, Muswellbrook Shire Council (**Council**) had initially indicated its preference for a "seagull" design for the intersection upgrade, and BHP provided this concept to Transport for NSW (**TfNSW**) for comment and review. TfNSW advised that following internal consultation with their Assets, Design and Network Safety teams it was determined that TfNSW no longer supports seagull treatments on heavy traffic volume roads due to road safety issues.

For reference, in a seagull intersection, one or more lanes of traffic on the arterial road (Denman Road) , on the carriageway opposite the intersecting side road (Thomas Mitchell Drive), are free flowing, that is, one direction of traffic on the arterial is allowed to travel straight through without stopping. Those wishing to turn across traffic into the side road at the intersection drive into the turn lane, which forms one "wing" of the seagull. Here, they meet the opposite carriageway and the side road. Traffic wishing to turn across traffic out of the side road, cross the intersecting carriageway, drive up the other "wing" of the seagull, and merge onto the other carriageway. (similar treatment to that provided at the Thomas Mitchell Drive New England Highway intersection).

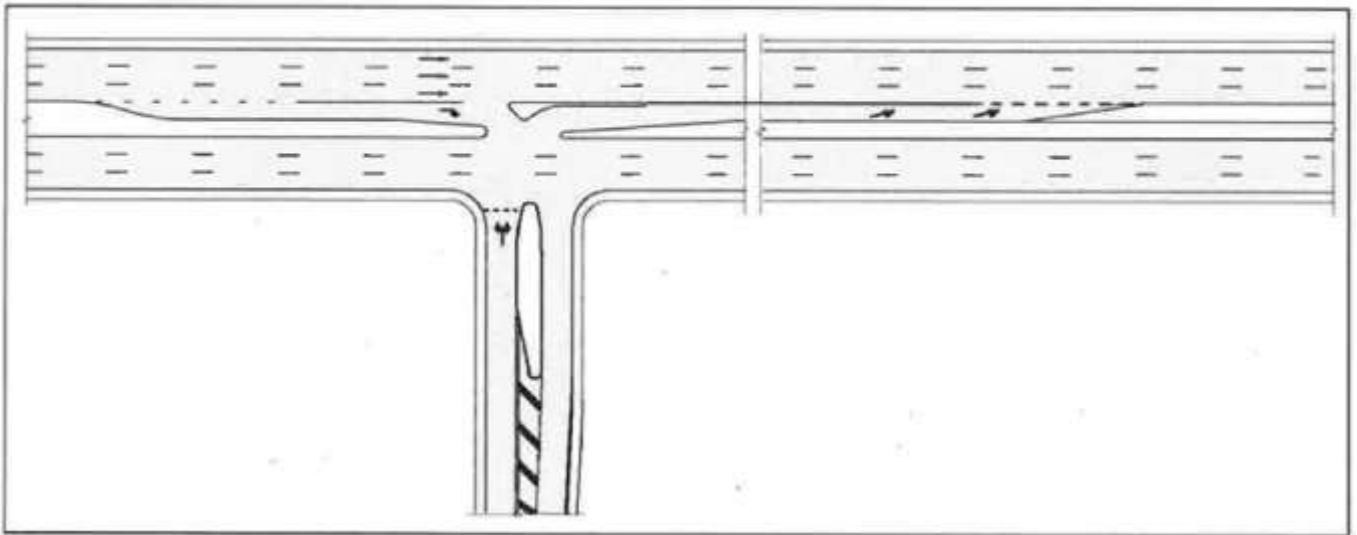


Figure: Example of standard seagull treatment

(Source: Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections)

The following intersection upgrade recommended treatments have been communicated to BHP in lieu of the seagull intersection design. The works, as indicated on the attached preliminary intersection layout sketch, will include:

- upgrading the right hand turn into TMD from the current Auxiliary Right turn (AUR) configuration to a Channelised Right Turn (**CHR**) configuration to provide safer movements by separating turning and through traffic;
- upgrading the left hand turn into TMD from the current Auxiliary Left turn (AUL) configuration to an offset Channelised Left Turn (**CHL**) configuration to provide better sight distance for vehicles turning out of TMD;
- moving the give way hold line on TMD forward to provide better sight distance for turning vehicles, including a mountable concrete median;
- road widening to accommodate additional lanes and paved shoulders to allow for cyclists and room for vehicles to pull into driveways - dedicated cycle lanes will not be provided due to lack of connectivity to existing network;
- medians for the CHR and CHL treatments will be painted rather than concreted to avoid introducing traffic hazards;
- new pavement where required repairs and road widening with an asphalt overlay over the existing pavement where feasible;
- new linemarking and signage for the extent of the works, including guardrails and other street furniture as required;
- new streetlighting to meet current standards;
- drainage works/improvements;
- upgrading/sealing, and/or relocation of private driveways within the extent of the works; and
- protection of or relocation of existing underground services.

The design will be developed to cater for 25/26m B-Double vehicles and will allow for oversized vehicles in accordance with the New South Wales Class 1 Load Carrying Combination (Hunter Region) Mass and Dimension Exemption Notice Operator's Guide. Construction staging will be considered as part of the design so the construction can be undertaken in a manner that avoids closing either road, and limits disruption to traffic. The design will be subject to an independent Road Safety Audit in accordance with TfNSW/Austroads guidelines.



UTILITY NOTES
1. CONTRACTOR TO LOCATE ALL SERVICES PRIOR TO COMMENCEMENT OF CONSTRUCTION AND LAISE WITH RELEVANT SERVICE AUTHORITIES TO DETERMINE PROTECTION OR RELLOCATION REQUIREMENTS.

LEGEND - EXISTING UTILITIES

- OVERHEAD ELECTRICITY
- POWER POLE
- LIGHT POLE
- UNDERGROUND ELECTRICITY
- OPTIC FIBRE
- WATERMAIN
- BH26 BORE HOLE LOCATION

PRELIMINARY

B	POSITION UPDATE		
C	CONCEPT UPDATED		29.01.21
rev	description	app'd	date

BHP
THOMAS MITCHELL DRE/DENMAN RD
CHR/CHL
INTERSECTION SKETCH



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date AUGUST 2020 rev no. C

approved (PD) SK001

**11.6 REVIEW OF MUSWELLBROOK WASTE AND RECYCLING FACILITY
LANDFILL CLOSURE PLAN**

Attachments:	A. 2218710-RPT-0- MSC_Muswellbrook_WRF_Closure_Plan_2011213.pdf - Under Separate Cover
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Joann Polsen - Senior Technical Officer 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 funding being provided from the Waste Reserve to carry out a review of the Muswellbrook Waste and Recycling Facility Landfill Closure Plan.

OFFICER'S RECOMMENDATION

Council allocates \$60,000 from the Waste Reserve for the carrying out of a review of the Muswellbrook Waste & Recycling Facility Landfill Closure Plan.

Moved: _____ **Seconded:** _____

BACKGROUND

A Landfill Closure Plan (the '**Plan**') (Project 2016-2017-0263) was commissioned in 2016-17 to provide Council with an integrated plan and design to allow for staged closure and final capping of the landfill void at the Muswellbrook Waste & Recycling Facility. The plan prescribes the staged filling of lifts within the landfill, as well as the leachate management and road infrastructure required to ensure stable and environmentally sensitive operation for the remainder of active landfilling and post-closure management.

The 2016-17 Plan included high-level cost estimates of the capital investment required, which were used to inform the Waste Reserve. However, Council's recent financial audit identified the need to review the Plan to more accurately align with the actual progression of the landfill, and to allow for structured drawdown of the Waste Reserve to fund the staged implementation of the closure plan.

CONSULTATION

Senior Coordinator Waste Operations

Asset and Financial Accountant

Financial Controller

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

A Landfill Closure Plan was commissioned in 2016-17 to provide Council with an integrated plan and design to allow for staged closure and final capping of the landfill void.

The Landfill Closure Plan provides Council with a detailed plan of the capital works required and estimated costs that will be incurred in the years leading up to and including, closure of the landfill, as well as post closure maintenance and monitoring.

The Plan was intended to facilitate Council's budgetary planning for the facility ensuring that sufficient monetary reserves are accumulated during the remaining life of the landfill. The Landfill Closure Plan includes high-level cost estimates of the investment required to facilitate staged closure and final capping of the landfill void.

The timeline for capital works in the Plan outlined establishment of Stage 1 works, including leachate storage and road infrastructure, to be completed prior to 2020. At the present time, Stage 1 works are only partially underway, with leachate storage pond construction planned to be achieved during 2021-22.

Due to the discrepancy between the Plan timeline and achieved works, Council's auditors have identified that Council needs to review the Plan, to align with actual progression of the landfill and capital works required to allow for staged closure and final capping of the landfill void.

The current Landfill Closure Plan anticipates the life of the void to extend to 2050.

OPTIONS

Council may decide to provide or not provide the funding allocation requested in the report.

CONCLUSION

An allocation of \$60,000 is requested from the Waste Reserve to enable an independent expert review of the Landfill Closure Plan to be carried out, as requested by Council's auditor in its 2019-20 External Audit Management letter.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

A review of the Landfill Closure Plan with detailed examination of likely capital costs will provide updated information in relation management of the Waste Reserve and will inform the timely staging of capital works and associated budgets. The allocation of \$60,000 from the Waste Reserve is requested such that if quotes for the work are more competitive than estimated, then the unused portion will be returned to the Reserve.

Sufficient funding exists in the Waste Reserve to enable the requested allocation of funding to occur.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with Item 19.2.1 of the Operational Plan: Coordinate and facilitate implementation of the Asset Management Improvement Strategy.

RISK MANAGEMENT IMPLICATIONS

Review of the Muswellbrook Waste & Recycling Facility Landfill Closure Plan will enable Council to be appropriately informed and prepared in relation to regulatory, legislative and industry changes. This will assist to ensure the ongoing management of Council's waste disposal void is carried out in a manner consistent with best practice.

11.7 WATER AND WASTEWATER LEVELS OF SERVICE FOR THE SECOND QUARTER OF 2020 - 2021

Attachments:	A. Quarterly Infrastructure Report - October to December 2020.pdf
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Irene Chetty - Operations Manager
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

The report summarises the performance of water and wastewater services, and includes a summary of the quality of drinking water and recycled water supplied to Council's customers, for the period 1 October 2020 to 31 December 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 provided in this report for the second quarter of 2020-2021, from 1 October 2020 to 31 December 2020.

CONSULTATION

Data for this report is extracted from the water, sewerage and wastewater treatment plants' performance monitoring database, service requests created for the networks team, NSW Health drinking water database, recycled water analyses from NATA laboratories Sydney Analytical Laboratory & Sonic Food Laboratory, as well as contributions from Water and Wastewater Operations team and Council's Rates Department.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

The information contained in the attached 'Quarterly Infrastructure Report – October to December 2020' summarises the performance for each of the following report subject areas:

- Levels of service for drinking water services;
- Levels of service for wastewater services;
- Drinking water (or potable) supply and quality;
- Recycled (or re-use) 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 October 2020 to December 2020.

- Drinking water consumption was reduced by thirty percent across the Shire in comparison to the same period for the last financial year, with level two water restrictions and a cool, wet summer season.
- Drinking water quality generally met the requirements of the Australian Drinking Water Guidelines (2011). NSW Health verification testing was undertaken weekly, and was within guideline limits, thereby ensuring the supply of safe drinking water to the Muswellbrook, Denman and Sandy Hollow communities.
- Denman drinking water hardness has slightly elevated hardness since the softening process at the treatment plant, which treats hardness in drinking water, is offline due to structural issues with the dealkaliser unit (i.e. softening process equipment). A design review and upgrade to this system will be required. This work will be planned and carried out in the 2021-22 financial year. Hardness is an aesthetic parameter and does not impact the health quality of the drinking water produced at Denman Water Treatment Plant.
- Sandy Hollow drinking water hardness remains high due to the inherent characteristics of the bore water raw water source.
- Muswellbrook had a high number of dirty water complaints which were mostly related to colour and 'particulates' in the water. These dirty water complaints were the result of water main breaks, service repairs and replacement work. Air entrainment occurs frequently when main breaks and service repair works are carried out, and is flushed out through hydrant flushing when charging the repaired pipework with clean drinking water.
- Response times to unplanned drinking water supply failures were within the one hour target. Repair work was completed within the acceptable target of hours.
- The Recycled Water Treatment Works continues to produce high quality recycled water, well within limits stipulated in the Muswellbrook Environment Protection Licence, 1593.
- Denman recycled water had high total suspended solids due to excessive algal growth in the disinfectant ponds. This is a natural phenomenon, especially in summer, when algal growth can flourish in warmer temperatures and high nutrient content is present in the recycled storage ponds.
- There was an increase in failures within the sewerage networks system due to root blockages, foreign objects, burst piping and blocked boundary traps. The response time to attend to these unplanned failures were well within one hour for every job and completed well within the acceptable time frame of four hours.
- Re-cycled water utilisation was 93% at Muswellbrook and 45% at Denman.

OPTIONS

The report is submitted to Council for information purposes.

CONCLUSION

The levels of service for water, sewerage and wastewater service have reasonably met Council's targets.

SOCIAL IMPLICATIONS

This report provides information that highlights Council's performance in the levels of service in water, sewerage and wastewater services delivered to the communities of Muswellbrook, Denman and Sandy Hollow over the period 01 October 2020 to 31 December 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 Licence 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

While there are no financial implications to this report, Council should note that continued reduction in drinking water usage levels will have a negative impact on user fee revenue.

POLICY IMPLICATIONS

MSC051 Water Drinking Quality Policy.

STATUTORY IMPLICATIONS

Specific statutory regulations, including the *Local Government Act 1993.*, 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 the levels of service in water, sewerage and wastewater services delivered to the communities of Muswellbrook, Denman and Sandy Hollow.

OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with Goal 20.1 of the Operational 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 October 2020 to December 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 October - 31 December 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	1	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	1	
	Level 2 - Mandatory from 2 March 2020			
Sandy Hollow	SH - commenced Level 1 restrictions 1/11/2019, Level 2 from 2 March 2020	1	1	
Peak Daily Demand (litres/assessment including commercial)				(= peak day consumption/no assessments)
Muswellbrook		1433.63		3000 litres/assessment
Denman		1618.08		3000 litres/assessment
Sandy Hollow		2500.00		3000 litres/assessment
Planned Interruptions to Supply (5 days notice to domestic, commercial & industrial customers)	Number of Interruptions	2.0	4.0	<1/1000 customers/year
	Average time to repair	7.0	7.0	Hours
	Average length of Interruptions	Not Available	Not Available	< 2 hours
	Maximum length of repair	8.5	8.5	< 4 hours
Average length of interruption is not supplied as current systems do not allow accurate recording -				
Unplanned Interruptions to Supply (due to main replacement - excluding service lines)	Number of Interruptions	7	9.0	Mbk - 50, Denman - 10, SH - 2 per year
	Average time to repair	5.0	4.8	Hours
	Average length of Interruptions	Not Available	Not Available	< 4 hours
	Number of Residences affected	33	33.0	1/connection/year
Water Quality - Reticulation				
Muswellbrook		Averages		As per ADWG Guidelines 2011
	Turbidity	0.13	0.27	5 NTU
	pH	7.82	7.73	6.5 - 8.5
	Total Hardness	92.70	109.00	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	1.59	1.62	0.2 - 5.0mg/l
Denman				
	Turbidity	0.16	0.18	5 NTU
	pH	8.18	8.13	6.5 - 8.5
	Total Hardness	233.55	210.00	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	0.95	0.93	0.2 - 5.0mg/l
Sandy Hollow				
	Turbidity	0.24	0.43	5 NTU
	pH	8.05	8.00	6.5 - 8.5
	Total Hardness	430.00	404.00	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	1.46	1.52	0.2 - 5.0mg/l
Service Requests				Leaks 80/year
Muswellbrook				
	Main Break	16	27	
	Fitting Repair	18	44	
	Service Repair	24	55	
	Service Replacement	1	3	
	Meter replacement	86	144	
Denman				
	Main Break	2	4	
	Fitting Repair	5	11	
	Service Repair	6	9	
	Service Replacement	2	3	
Meter replacements do not include those replaced during the bill read process				
Sandy Hollow				
	Meter replacement	14	21	
	Main Break	0	0	
	Fitting Repair	0	1	
	Service Repair	0	0	
	Service Replacement	0	0	
Meter replacements do not include those replaced during the bill read process				
	Meter replacement	1	2	
Total Service Requests		175	324	
Supply Failure Response Times (unplanned)				
Muswellbrook, Denman & Sandy Hollow (expressed as percentage)	Number where response time <1 hour	100%	95%	>95%
	Number where completion time <4 hours	95%	95%	>95%
General Complaints - GC (Management)				
Water Quality (Dirty water, taste & odour)				
Muswellbrook		56	91	< 1/1000 customers per year
Denman		0	0	
Sandy Hollow		1	1	
Pressure (not related to a main break)				
Muswellbrook		5	13	<10
Denman		0	1	<2
Sandy Hollow		0	0	<2
Other		151	358	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	0	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.

■ Performance Targets are those identified in the current 2005/2006 Strategic Business Plan.

■ 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 October - 31 December 2020

Indicator	Description	Report Period	Year to Date	Performance Target
Availability of Service				
Muswellbrook	Average Dry Weather Flow (ADWF)	2.46	2.47	3.6 Ml per day
	Peak Wet Weather Flow (PWWF)	5.53	8.62	18.7 Ml per day
	Rainfall	261.0	434.0	mm
Denman	Average Dry Weather Flow (ADWF)	0.36	0.37	0.3 Ml per day
	Rainfall	295.00	468.00	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	2	3	Muswellbrook - 100/year
	Foreign Objects in Sewer	2	3	
	Broken/Blocked Sewer Pipe	5	8	
	Blocked Junction	0	0	
	Blocked Boundary	4	7	
	TOTAL	13	21	
Denman	Roots Blocking Sewer	1	1	Denman - 20/year
	Foreign Objects in Sewer	0	0	
	Broken/Blocked Sewer Pipe	0	0	
	Blocked Junction	0	0	
	Blocked Boundary	0	0	
	TOTAL	1	1	
Response Times (unplanned - to system failures)				
Muswellbrook & Denman	Occasions where response time < 1hr (%)	100.0%	100.0%	> 95%
	Occasions where completion time < 4 hrs (%)	100.0%	100.0%	> 95%
General Complaints (Non Urgent)				
Muswellbrook	Odour complaints(Sewer Treatment Works) for period	0	0	1 per year
	Odour complaints (other) for period	0	1	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	7	14	20 mg/l
EPA point 3	SS	26	86	30 mg/l
Muswellbrook Effluent Reuse (HVEC)	E-Coli	<10	<100	< 150/100mls (Contract)
Muswellbrook Effluent Reuse (Golf Course)	E-Coli	<10	<100	< 150/100mls
Denman Effluent Reuse (Golf Course)	E-Coli (Reuse Reservoir Outlet)	<30	<100	

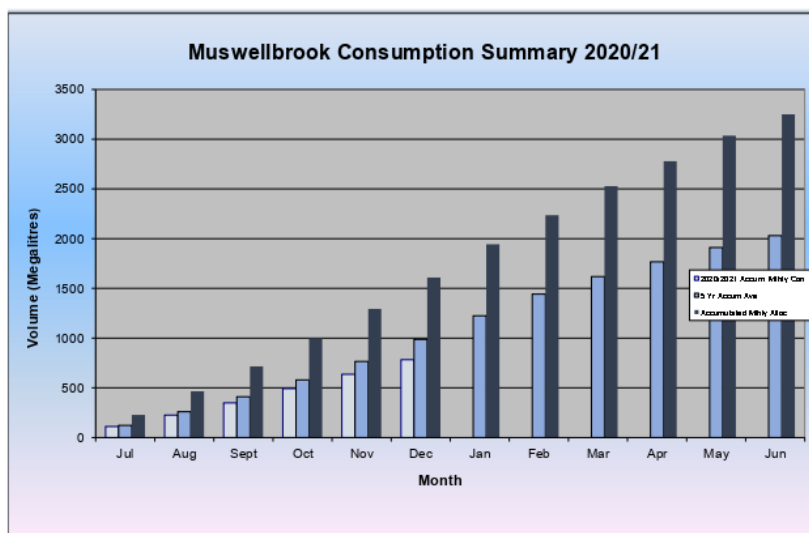
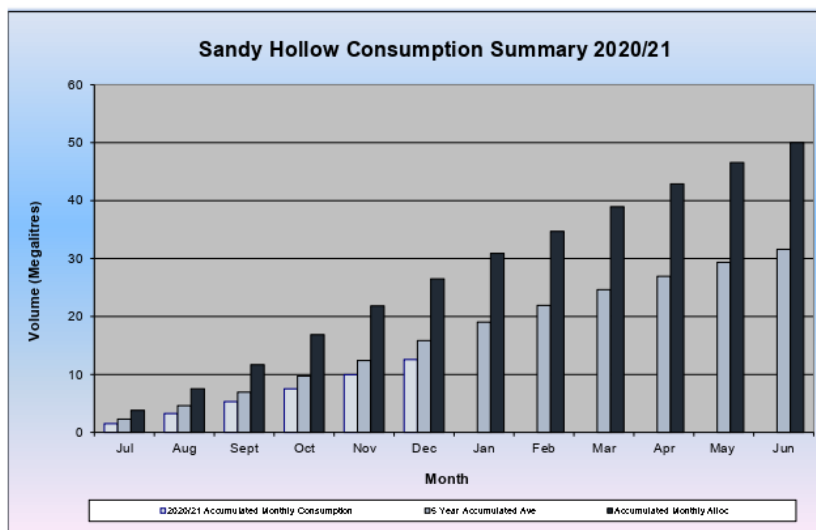
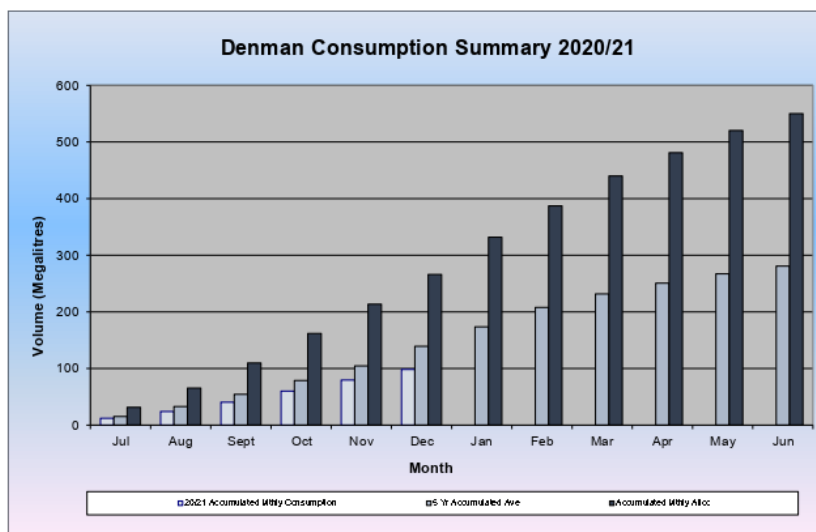
- This Report has been prepared using information available at the time of collation and may not include a complete data set for the report period.
- Performance Targets are those identified in the current 2005/2006 Strategic Business Plan.
- Report Period and Year to Date in some cases will be the same due to the commencement of new report year

POTABLE WATER AND WASTEWATER STATISTICS

Period: 1 October - 31 December 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 loss not requirement)	Report Period	5 Year Period Average	5 Year Peak for Period	5 Year Min. for Period	Description
Muswellbrook					
Consumption for Period	434.27	552.20			ML
Annual Consumption to Period End	783.78	552.20			ML
Maximum Daily Consumption	7.70		12.13		ML
Minimum Daily Consumption	1.93			0.00	ML
Average Daily Consumption	4.72	6.00			ML
Rainfall for Period	261.50	163.50			mm
Yearly Rainfall to Period End	424.00	163.50			mm
Denman					
Consumption for Period	57.96	52.46			ML
Annual Consumption to Period End	98.39	52.46			ML
Maximum Daily Consumption	1.11		1.11		ML
Minimum Daily Consumption	0.28			0.28	ML
Average Daily Consumption	0.63	0.87			ML
Sandy Hollow					
Consumption for Period	7.25	7.25			ML
Annual Consumption to Period End	12.56	7.25			ML
Maximum Daily Consumption	0.16		0.16		ML
Minimum Daily Consumption	0.016			0.016	ML
Average Daily Consumption	0.08	0.09			ML
Muswellbrook					
Raw Sewage (ML)	228.35	346.70	8.89	0.28	Inflows to Wastewater Treatment Plant (ML)
Potable Water to Sewer (%)	52.58	62.79			Potable water consumption to WWTP (%)
Denman					
Raw Sewage (ML)	35.91	51.17	1.24	0.17	Inflows to Wastewater Treatment Plant
Potable Water to Sewer (%)	61.95	97.53			Potable water consumption to WWTP (%)
TREATED EFFLUENT					
Muswellbrook					
Quantity Reused (ML)	211.43	208.02			ML
Percent Effluent Reused	92.59	60.00			Total WWTP inflow for period reused (%)
Effluent discharged to the environment	0.00				ML
Denman					
Quantity Reused (ML)	16.03	27.86			ML
Percent of Effluent Reused	44.64	54.45			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 2020-2021 OPERATIONAL PLAN 30 DECEMBER QUARTERLY REVIEW

Attachments:	A. Q2 2020-2021 Council Review.docx
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

The adopted 2020/21 Operational Plan has been reviewed over the months of 1 October 2020 to 30 December 2020.

OFFICER'S RECOMMENDATION

The 2020/21 Operational Plan Review dated 30 December 2020 be noted.

Moved: _____ Seconded: _____





BACKGROUND

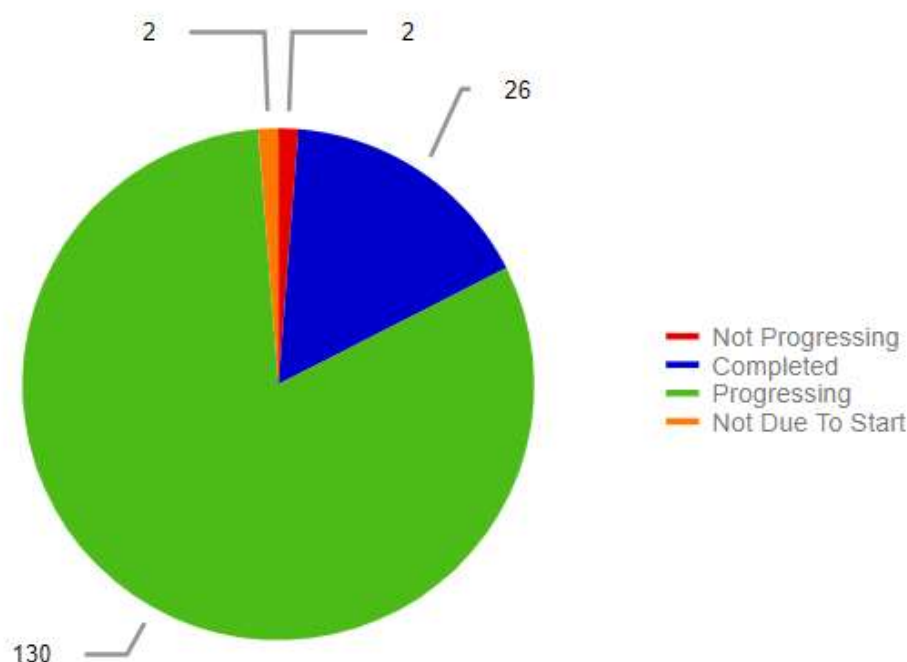
The *Local Government Act 1993* requires Council to review its Operational Plan.

REPORT

Please refer to the Q2 2020-2021 Council Review (attached under separate cover) for the full Operational Plan review for the period to 30 December 2020.

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

Overall - of the 160 activities:	
	1.5 % are not progressing;
	1.5 % are not due to start;
	81% are progressing;
	16 % have been completed on or ahead of schedule.



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

ACTION	STATUS
1.1.1 Complete the design for a makerspace with educational and prototyping capabilities in the Muswellbrook TEC 2	Design for the Makerspace has been completed and tenders issued for construction.
2.2.1 Contribute to the Hunter transition efforts of the Hunter Joint Organisation	Muswellbrook Shire Council has successfully tendered for delivery of economic development services and the establishment of the Upper Hunter Economic Development Corporation.
2.2.2 Continue to work with the Hunter Joint Organisation and others to advance economic diversification that leverages the Shire's competitive and comparative economic advantages	Muswellbrook Shire Council has successfully completed negotiations with winning tender as part of outsourcing economic diversification and transition services for the Shire. The Upper Hunter Economic Development Corporation has been formed.
2.2.4 Develop comprehensive investment prospectus.	Council has finalised a Future Fund Prospectus which provides a comprehensive overview of Council's investments and long term financial investment strategy.
2.2.6 Action opportunities identified in the BioValley Study	The Bio Valley Study is now complete.
2.3.1 Prepare the Local Strategic Planning Statement for public exhibition	The draft Local Strategic Planning Statement was exhibited for the period 8 July 2020 to 6 August

ACTION	STATUS
	2020.
2.5.1 Implement a Farm Productivity and Climate Change Resilience Policy	The Farm Productivity and Climate Change Resilience Policy was adopted by Council in 2019 and applied to Council's Revenue Policy as follows: Rates in the irrigable sub-category of the Farming category of the rates will be reduced to 75% and reduced further to 50% in the financial year following a 50% reduction in water allocation under the Hunter River Water Sharing Plan, and continue for one year after water access entitlements are restored.
4.1.1 Report against IPART granted SRV projects and programs	A report on SRV projects and programs was included in Council's 2019/2020 Annual Report now submitted to the Office of Local Government as required.
5.1.1 Report on the list of prioritised capital sport and recreation projects	The 2020-21 General Recreation programme was reported to the 27 October 2020 Ordinary Council meeting.
5.5.2 Continue matched funding Small Sport and Recreation Grants Programme	The small capital grants programme for 2020 - 2021 have been awarded.
5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	The large capital grants programme for 2020 - 2021 has been awarded.
5.5.6 Support the relocation of the Muswellbrook Amateur Theatrical Society to achieve storage and practice space for their organisation	Council purchased the vacant Roads and Traffic Authority Building and has now rented this facility at an affordable rate to the Muswellbrook Amateur Theatrical Society.
7.1.1 Continue to work with and promote the Muswellbrook Healthy and Well Program	Support has been provided to the Healthy & Well Program through the distribution of promotional materials through the Upper Hunter Community Services Interagency. The funding for this Program ceased in September 2020.
7.2.1 Apply Disability Access and Building Code of Australia (BCA) requirements to Development Applications and Construction Certificate applications across the Shire	Requirements being implemented for new DAs, CCs and CDCs being submitted to Council for approval.
10.1.2 Review the currency of the Working with ATSI website and make necessary changes to reflect changes in legislation and policy	The workingwithindigenoussaustralians.info website now has links to the upperhunter.workingwithindigenoussaustralians.info/Index1.html which is the websites sub domain that hold the 'In Our Own Words' Aboriginal Oral History

ACTION	STATUS
	recordings. The website has been reviewed ensuring that the information is accurate and current.
10.1.3 Monitor the conservation of the Aboriginal Reconciliation Mural and Aboriginal Artifacts project to ensure conservation occurs as required	The conservation of the Reconciliation Mural will be included in the 2021/22 budget. The Widden Creek Aboriginal Artefacts have been relocated to the new foyer of the Council Administration Centre.
14.1.5 Conduct a minimum of two community education programs to reduce the volume of food waste going to the Waste Management Facility	The Healthy Towns program has been delivered with YouTube stories, virtual seminars and Facebook posts. Seminars on establishing gardens, establishing household composting and encouraging children to garden have been completed. Outcomes on these projects provided to Councillors in an information report.
14.2.1 Investigate offsetting options for Council under the NSW Biodiversity Offset Scheme and prepare recommendations for Council's consideration	A report has been submitted to Council providing possible Biodiversity offset options.
16.3.1 Allocate funding for heritage conservation and restoration of heritage items through the Local Heritage Grants Fund	Report submitted to Council in December.
18.4.1 Maintain ongoing financial membership and provide management support to Arts Upper Hunter	The Manager of Community Services is now a member of the Arts Upper Hunter Board.
18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter	3 of the 8 funded applications under the Country Art Support Program come from Muswellbrook LGA
19.3.2 Provide to Council a list of works proposed for design	The 2020-21 Capital Works Program was reported and endorsed by Council at the July 2020 meeting.
20.1.8 Provide a report to Council listing priorities for construction	A list of priority projects was reported to, and endorsed by Council at the September 2020 Ordinary Council meeting.
21.1.1 Provide a report to Council listing priorities for construction	The 2020-21 Capital Works Programme was reported to the July 2020 meeting of Council. This report provided to Council prioritised lists for construction works. Council endorsed the prioritised lists.
24.2.11 Provide support services for the elected Council and executive	All council meetings are supported in line with Council Code of Conduct and Code of Meeting

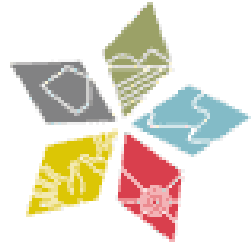
ACTION	STATUS
	Practice.
24.2.13 Ensure compliance with all Recover at Work processes in accordance with requirements of regulators and insurer	All Recover at Work compliance is in accordance with regulators and insurer. Templates and procedures have been developed, all HR staff are qualified RTW coordinators. Covid-19 has placed restrictions on HR staff attending doctors visits with Recover at Work employees but all information and communication is completed regularly with injured employees and our insurer. Regular fortnightly conference calls are held with our insurer. All communication, and documentation is stored electronically in the Workers compensation file of the injured worker.

The actions reported as **not progressing** are as follows:

ACTION	STATUS
1.1.2 Advance 2 projects/initiatives identified in the Hunter Bio-ethanol Industry Study	Council reviewed the bio-ethanol study and the status of the Hunter Pilot Bio-refinery. At the moment, due to a number of factors, there is limited potential for progressing additional projects. The bio-ethanol industry should be added to the agenda of the next Council's Strategic weekend and discussed further.
2.5.2 Develop strategy for 'Food Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism	This did not progress throughout the drought and then was impacted by COVID-19

The actions reported as **not due to start** are as follows:

ACTION	STATUS
18.1.2 Deliver the funded actions of the approved Events and Festival Strategy 2020-2024 during 2020/21 financial year.	The Events and Festival Strategy is in draft.
23.1.1 Undertake a community consultation program as per the Community Participation Plan in preparation for the new suite of Integrated Planning and Reporting documents	Council is yet to commence its community consultation program. It will be rolled out as part of the preparation of the review of the ten year Community Strategic Plan.



Q2 2020-2021 Council Review

1 October 2020 – 30 December 2020



Economic Prosperity

Plan for Local Economic Prosperity

Support job growth.

Facilitate the expansion of and establishment of new industries and business.





F1. Target: New growth achieved

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
1.1	Facilitate the expansion of and establishment of new industries and business.	1.1.1 Complete the design for a makerspace with educational and prototyping capabilities in the Muswellbrook TEC 2	Completed	100%	Design for the Makerspace has been completed and tenders issued for construction.	
		1.1.2 Advance 2 projects/initiatives identified in the Hunter Bio-ethanol Industry Study	Not Progressing	0%	Council reviewed the bio-ethanol study and the status of the Hunter Pilot Bio-refinery. At the moment, due to a number of factors, there is limited potential for progressing additional projects. The bio-ethanol industry should be added to the agenda of the next Council's Strategic weekend and discussed further.	

Diversify the economy, facilitate the development of intensive agriculture and other growth industries, make the Shire a more attractive place to invest and do business.

Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.




F2. Target: Facilitation leads to the establishment of new industries and business enterprise which diversify our economic base and create employment



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.1	Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise.	2.1.1 Complete the feasibility study for thermal baths in Denman	Progressing	60%	A feasibility study for thermal baths in Denman has been completed. Council is seeking grant funding to undertake development of the thermal baths as part of the Denman Tourist and Recreation Area.	
		2.1.2 Implement stage 1 of a farming productivity program	Progressing	20%	The farming productivity program is being assessed as part of the development of the 2021/2022 Operational Plan.	
		2.1.3 Implement the STEM initiative with NSW Department of Education	Progressing	80%	The STEM initiative is being progressed and will be delivered as part of the development of the Tertiary Education Centre Stage 2 Makerspace.	
		2.1.4 Establish	Progressing	60%	The Hunter Biorefinery	


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		governance structure and promotion of business opportunities for the Hunter Pilot Biorefinery			project is to be included in the establishment of the Innovation Hub as part of the development of the Tertiary Education Precinct Stage 2, this will be completed by the end of 2021.	

Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.

F3. Target: Research and innovation leads to the establishment of new industries.


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.2	Work with University of Newcastle on research and innovation in areas where the Upper Hunter has a competitive or comparative advantage.	2.2.1 Contribute to the Hunter transition efforts of the Hunter Joint Organisation	Completed	100%	Muswellbrook Shire Council has successfully tendered for delivery of economic development services and the establishment of the Upper Hunter Economic Development Corporation.	
		2.2.2 Continue to work with the Hunter Joint Organisation and others to advance economic diversification that leverages the Shire's competitive and comparative economic advantages	Completed	100%	Muswellbrook Shire Council has successfully completed negotiations with winning tender as part of outsourcing economic diversification and transition services for the Shire. The Upper Hunter Economic Development Corporation has been formed.	
		2.2.3 Deliver Job Creation	Progressing	70%	Council continues to	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		Fund Projects			work on long term job creation projects. Council has formed a Steering Committee to delivery the Growing Local Economies Upper Hunter Pipeline Project with the aim of expanding the opportunity for intensive Agriculture Industry within the Shire. A stakeholder workshop will be delivered in February and key deliverables reported to Regional NSW by July 2021.	
		2.2.4 Develop comprehensive investment prospectus.	Completed	100%	Council has finalised a Future Fund Prospectus which provides a comprehensive overview of Council's investments and long term financial investment strategy.	
		2.2.5 Implement key recommendations in the Upper Hunter Tourism Strategy.	Progressing	30%	COVID-19 has impacted progress. Visitor information services, including a trial of Visitor Information Kiosks are underway.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		2.2.6 Action opportunities identified in the BioValley Study	Completed	100%	The Bio Valley Study is now complete.	



Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.



F4. Target: New planning instruments lead to greater industry investment in the Shire




DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.3	Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.	2.3.1 Prepare the Local Strategic Planning Statement for public exhibition	Completed	100%	The draft Local Strategic Planning Statement was exhibited for the period 8 July 2020 to 6 August 2020.	



Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.

F5. Target: Implement the first stage of the Muswellbrook Town Centre Masterplan (Regional Entertainment and Conference Centre - subject to Special Variation) and the Denman town revitalisation project

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.4	Implement the Muswellbrook, Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.	2.4.1 Seek commercial opportunities consistent with Muswellbrook's Town Centre Strategy	Progressing	50%	Concept designs for two commercial buildings in the Muswellbrook Town Centre have been developed.	
		2.4.2 Implement the	Progressing	60%	New line marking	



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		funded stages of the Muswellbrook Parking Strategy			behind Campbells Corner and the Muswellbrook Plaza has improved accessible parking in the town centre. Information regarding accessible parking locations is being compiled to be placed on Council's web site as information to the users. New line marking in Hunter Terrace has increased available parking spaces. Investigation into provision of additional parking and optimising parking in the Market Street / Williams Street area is being carried out.	
		2.4.3 Review parking strategy for Denman	Progressing	50%	A directional signage plan has been prepared to direct bus and long vehicles to the appropriate parking areas within the town centre of Denman.	
		2.4.4 Construct the	Progressing	50%	A tender for the design	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		Wilder St Bridge as part of the Olympic Park Masterplan			and construction of the bridge and supporting road infrastructure was advertised and Tenders have been assessed by the evaluation panel. The Tender will be reported to the February Extra Ordinary Meeting of Council where a tenderer will be recommended for the contracted works.	
		2.4.5 Complete construction of funded stages of Muswellbrook Aquatic Centre upgrade	Progressing	50%	Outdoor pool refurbishment is complete and the indoor pool facilities construction is 50% complete.	
		2.4.6 Develop initial concept for a Denman CBD Walking Trail	Progressing	50%	Development of the Denman Walking trail has progressed with interpretive signage now installed in the Denman CBD.	
		2.4.7 Facilitate improved	Progressing	50%	Design and cost	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		accessible and pedestrian links to business and retail centres			estimates obtained for Council to consider improvements in pedestrian access to Marketplace.	
		2.4.8 Develop a concept design for a Changing Places facility at Simpson Park, Muswellbrook	Progressing	35%	Consultation with relevant sections of Council is being undertaken to develop the Concept for the changing places facility.	
		2.4.9 Complete Sandy Hollow Town Centre / Central Village District Masterplan	Progressing	50%	A concept plan for the Pocket park was endorsed by Council at the December 2020 meeting. The endorsement of this concept now allows the design and tender documentation to be prepared for the construction of the park and remaining street scape works to implement the Masterplan in Sandy Hollow.	

Develop agricultural industry opportunities in the Shire.

F6. Target: Develop agricultural industry masterplan



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
2.5	Develop agricultural industry opportunities in the Shire.	2.5.1 Implement a Farm Productivity and Climate Change Resilience Policy	Completed	100%	The Farm Productivity and Climate Change Resilience Policy was adopted by Council in 2019 and applied to Council's Revenue Policy as follows: Rates in the irrigable sub-category of the Farming category of the rates will be reduced to 75% and reduced further to 50% in the financial year following a 50% reduction in water allocation under the Hunter River Water Sharing Plan, and continue for one year after water access entitlements are restored.	
		2.5.2 Develop strategy for 'Food	Not Progressing	0%	COVID-19 impacted the initial progress of	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism			this project. This project will be reviewed in 2021 in collaboration with Upper Hunter Council.	

Facilitate greater access to higher education and participation in the knowledge and creativity economy.

Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and other providers.

F7. Target: Additional education and creativity infrastructure constructed to support improved access to higher education and participation in the knowledge and creativity economy

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
3.1	Through the Future Fund invest in additional education infrastructure, in partnership with Hunter TAFE, the University of Newcastle and other providers.	3.1.1 Construct the Upper Hunter Innovation Precinct - Stage 2.	Progressing	50%	Construction tenders called and closed with Council entering into negotiations with preferred tenderers.	
		3.1.2 Review the Muswellbrook and Denman Walk & Cycle Plan	Progressing	25%	An internal stakeholder group has been formed to undertake the review of the document with key items to address being the updating of the mapping, complying footpath and cycleway standards, incorporating any guiding masterplans and providing guiding principles for 'cooling cities' and provision of street furnishings.	

Develop Muswellbrook as a Regional Centre

Council will apply to IPART for a permanent continuation of IPARTs approved one-off Special Rate Variation for 2018/19 of 12.43% (plus 2.3% rate peg) and increasing the 2018/19 rate base for 2019/20 by IPARTs 2.7% rate peg

F8. Target: The special variation will support:

An additional allocation of \$300,000 per year for stormwater drainage and \$100,000 per year for roads and parks asset maintenance programs.

Development of the Olympic Park Sports Precinct and Regional Entertainment and Conference Centre with a combined value of \$26,010,000 (subject to receiving grants and voluntary planning agreements) is made up of:


an SRV contribution of \$11,800,000;

grants of \$10,500,000;

voluntary planning agreements contributions of \$3,710,000; and

annual operational maintenance and net yearly operational contributions of \$700,000.

An additional \$250,000 towards the Job Creation program and \$62,000 to offset a shortfall in rating revenues arising from a change in NSW Government policy with respect to biodiversity offsets.

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
4.1	Council will apply to IPART for a permanent continuation of IPART's approved one-off Special Rate Variation for 2018/19 of 12.43% (plus 2.3% rate peg) and increasing the 2018/19 rate base for 2019/20 by IPART's 2.7% rate peg	4.1.1 Report against IPART granted SRV projects and programs	Completed	100%	A report on SRV projects and programs was included in Council's 2019/2020 Annual Report now submitted to the Office of Local Government as required.	


Social Equity and Inclusion

Access to a wide range of community and government agencies appropriate for their age and needs.

Continue to improve the affordability, liveability and amenity of the Shire's communities.


Implement the outcomes of the Recreation Needs Study.

G1. Target: The recommendations from the Recreation Needs Study are implemented

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.1	Implement the outcomes of the Recreation Needs Study.	5.1.1 Report on the list of prioritised capital sport and recreation projects	Completed	100%	The 2020-21 General Recreation programme was reported to the 27 October 2020 Ordinary Council meeting.	





Continue town centre revitalisation projects.

G2. Target: Revitalisation projects completed

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.2	Continue town centre revitalisation projects.	5.2.1 Deliver at least one piece of permanent public art as a part of the urban revitalisation project.	Progressing	50%	Council is progressing the design of a sculpture of the artist Max Watters.	

Facilitate investment in entertainment opportunities, particularly for young people.


G3. Target: New entertainment opportunities provided

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.3	Facilitate investment in entertainment opportunities, particularly for young people.	5.3.1 Develop Library programs that increase social engagement with young people in our libraries	Progressing	90%	Young people usage of the library increased during this period due to the hosting of the HSC. Young people and teachers utilised the space prior to the HSC as study and meeting spaces.	
		5.3.2 Develop Aquatic Centre and Gym programs that increase social engagement and wellbeing with young people in Council's pools and gym	Progressing	0%	Programs at the Muswellbrook Aquatic and Fitness Centre have been placed on hold due to the reconstruction of the Aquatic facilities.	
		5.3.3 Support the Upper Hunter Youth Services Committee in the relocation and development of their facility at a new location	Progressing	50%	Development Application ready plans have been completed, the Development Application will be submitted in the first quarter of this calendar year.	
		5.3.4 Expand the	Progressing	40%	The Home Library	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		home library service to include young people with mobility or accessibility issues			Service has continued through the COVID 19 period, promotion and availability of services to people who are young with mobility issues is continually promoted and membership usage has increased.	







Improve access to waterways


G4. Target: Greater appreciation and interaction by the community with our local rivers and creeks

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.4	Improve access to waterways	5.4.5 Construct approved stages of the Hunter Beach project	Progressing	25%	Concept design endorsed by Council, construction design completed for detention basin. Tender for project submitted in October, whereby no tenders were received. Resubmission of tender will take place early 2021 with the project segmented into discrete sub-projects to enable a broader selection of tenderers to submit tenders for the project.	

Promote and facilitate increased participation in active and passive recreational activities.




G5. Target: Increased participation in recreation activities. Implement the Olympic Park Precinct Masterplan (subject to Special Variation)




DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.5	Promote and facilitate increased participation in active and passive recreational activities.	5.5.1 Maintain the sporting and recreational facilities to the standard specified in the Precinct Specifications Manual	Progressing	50%	Sporting and recreational facilities continue to be maintained to standard.	
		5.5.2 Continue matched funding Small Sport and Recreation Grants Programme.	Completed	100%	The small capital grants programme for 2020 - 2021 have been awarded.	
		5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	Completed	100%	The large capital grants programme for 2020 - 2021 has been awarded.	
		5.5.4 Continue user group consultation programme	Progressing	50%	Monthly and biannual user group meetings are held as programmed.	
		5.5.5 Develop strategy for a Recreational Vehicle Rest Stop and associated facilities to promote economic and tourism activity	Progressing	30%	Recreation vehicles included in the endorsed concept design for Hunter Beach, including amenities.	
		5.5.6 Support the	Completed	100%	Council purchased the	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		relocation of the Muswellbrook Amateur Theatrical Society to achieve storage and practice space for their organisation			vacant Roads and Traffic Authority Building and has now rented this facility at an affordable rate to the Muswellbrook Amateur Theatrical Society.	
		5.5.7 Prepare Plans of Management for Crown lands managed by Council as community land, and Council-owned public land managed as community land	Progressing	50%	Plans of Management are being prepared for Olympic Park and Denman Recreation Area together with a template to be applied for other Crown lands.	

Consider and deliver social inclusion principles across Council functions.


G6. Target: People with disability are continually included in improving the provision of accessible options across the Shire

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.6	Consider and deliver social inclusion principles across Council functions.	5.6.1 Seek external grant funding opportunities to support the interests and aspirations of the Shire's communities.	Progressing	60%	Council has applied for approximately \$10m between two substantial grants, in January 2021 the NSW Your High Street fund and Bushfire Local Recovery fund to fund development of the Muswellbrook Civic Precinct and the Denman Thermal Pools and Tourist Park; Council is applying for funds from the Building Better Regions Fund in March and successfully applied for funds from the Resources for Regions fund November 2020.	
		5.6.2 Address the actions identified in accessibility building and property audits and ensure all designs include accessibility considerations as a core component of the design process	Progressing	50%	Accessibility works are included in capital works programme and delivery.	
		5.6.3 Deliver responsive	Progressing	85%	Council will deliver a new	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		actions in relation to changing needs of Information Services, ensuring compatibility with current systems design and direction of the organisation			council website due to be launched in April 2021.	
		5.6.4 Implement Disaster Recovery infrastructure and the review of Disaster Recovery Plan	Progressing	90%	Disaster recovery is a key deliverable for the Information Services Team Leader.	
		5.6.5 Continued implementation of Asset Management System phase 2 - financial components.	Progressing	60%	Implementation of the new Asset Management system is continuing.	
		5.6.6 Consider all levels of abilities in the preparation of Council's plans and strategie	Progressing	25%	Progress of a style guide is linked to the delivery of a new council website planned for delivery in April 2021	

Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.


G7. Target: New affordable housing opportunities provided

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
5.7	Facilitate the provision of affordable housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009.	5.7.1 Update and maintain an urban development program to monitor supply of land for housing	Progressing	50%	No changes have been made to the Affordable Housing State Environmental Planning Policy in the past quarter.	

Stabilise the tenancy turnover in the Shire's social housing.


Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.

G8. Target: Reduction in the turnover of tenants residing in social housing

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
6.1	Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.	6.1.1 Advocate for improvement in the standard and condition of community housing in the Muswellbrook Shire with NSW state agencies	Progressing	40%	Council continues to advocate for the improvement of the standard and conditions of community housing in the Muswellbrook area..	


Build social inclusion and improve the delivery of social services.*Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services*

G9. Target: Improved social indicators across the Shire

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
7.1	Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services	7.1.1 Continue to work with and promote the Muswellbrook Healthy and Well Program	Completed	100%	Support has been provided to the Healthy & Well Program through the distribution of promotional materials through the Upper Hunter Community Services Interagency. The funding for this Program ceased in September 2020.	

Facilitate and implement improved disability access and inclusion across the Shire.




G10. Target: Disability and inclusion improved to targeted facilities

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
7.2	Facilitate and implement improved disability access and inclusion across the Shire.	7.2.1 Apply Disability Access and Building Code of Australia (BCA) requirements to Development Applications and Construction Certificate applications across the Shire	Completed	100%	Requirements are being implemented for new Development Applications, Construction Certificates, and Complying Development Certificates submitted to Council for approval.	

Facilitate opportunities to expand seniors' living.

Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.




G11. Target: Improved services for older residents

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
9.2	Facilitate discussions with other levels of Government to enhance the delivery of services to support older people to live in the Muswellbrook Shire.	9.2.1 Deliver funded components of the ageing strategy	Progressing	20%	Implementation of the strategies in the Ageing Strategy will commence in the first quarter of 2021.	
		9.2.2 Partner with other community groups and organisations to deliver and promote a directory of Seniors Festival events	Progressing	20%	Preliminary work has commenced for the compilation of the local Seniors Festival Events brochure.	
		9.2.3 Increase the membership of older people at both Muswellbrook and Denman Aquatic Centres, gym and Upper Hunter Regional Library Service	Progressing	40%	Progression in these areas is limited due to the impact of COVID 19 restrictions. Click and Collect and Home Delivery Library services were maintained for members. Muswellbrook and Denman Aquatic Centres will be fully operation in the first quarter of 2021.	

Further the process of reconciliation in the Shire.

Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.



G12. Target: Improved understanding and appreciation of the importance of the Aboriginal Community and their traditions and culture

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
10.1	Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.	10.1.1 Work with the Aboriginal community on the delivery of at least two events annually to celebrate and promote Aboriginal art and culture	Progressing	80%	Work continues with the Aboriginal Community regarding the Treaty Project. Community consultation will commence the first quarter of 2021. The Aboriginal Oral History Project launched the in Our Own Words Exhibition in January 2021 with 50 people attending this event.	
		10.1.2 Review the currency of the Working with ATSI website and make necessary changes to reflect changes in legislation and policy	Completed	100%	The workingwithindigenoussaustralians.info website now has links to the upperhunter.workingwithindigenoussaustralians.info/Index1.html which is the websites sub domain that hold the 'In Our Own Words' Aboriginal Oral History recordings. The website has been reviewed ensuring that the information is accurate and current.	
		10.1.3 Monitor	Completed	100%	The conservation of the Reconciliation Mural will be included in the	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		the conservation of the Aboriginal Reconciliation Mural and Aboriginal Artifacts project to ensure conservation occurs as required			2021/22 budget. The Widden Creek Aboriginal Artefacts have been relocated to the new foyer of the Council Administration Centre.	

Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.

G13. Target: Improved understanding and appreciation of the importance of the Aboriginal Community and their traditions and culture

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
10.2	Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.	10.2.1 Work with the Aboriginal community to improve access to cultural and educational activities.	Progressing	50%	The Aboriginal Reconciliation Committee met in October 2020, members were consulted on issues to be included in the Treaty Document. The Committee also supported an application for funding to MACH Energy for an Aboriginal Cultural and Heritage Officer at Muswellbrook Shire Council.	
		10.2.2 Meet with the Aboriginal Community to identify programs and projects that support native tree plantings on Aboriginal Land	Progressing	10%	No update on this strategy available.	



Environmental Sustainability


Environmental Sustainability to focus on the regeneration of mined land and urban riparian areas, increase our use of renewable energy and to monitor and manage our use of natural resources.

Higher quality final landforms with shallower voids and more emphasis on progressive rehabilitation with local workforce participation.

Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local workforce.

H1. Target: Improvements in final landforms and void depths





DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
11.1	Work in partnership with industry and other levels of government to achieve improved rehabilitation outcomes for disused mining lands and ongoing employment for the local	11.1.1 Develop a Mining and Extraction (Quarries) Policy to inform the calculation of environmental bonds, modifications and extensions and other relevant matters within the Shire	Progressing	20%	No further action in the last quarter.	
		11.1.2 Review new	Progressing	25%	Submissions provided	


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
	workforce.	State Significant Development and requests for modification of State Significant Development (where the approval authority is the Department of Planning, Industry & Environment) to provide input and submissions consistent with Council's policy position			on Bayswater Power Station Water and Ash management Upgrades, the draft Liddell Ash Dam Closure Plan and Dartbrook mine amendments.	
		11.1.3 Attend Community Consultative Committees operated by the mines within the Shire	Progressing	50%	Staff are attending meetings for Dartbrook, Mt Pleasant, Bengalla, Maxwell and Muswellbrook Coal mines. Councillors are attending Mangoola and Spur Hill Community Consultative Committees	

Enhance native vegetation connectivity across the Upper Hunter.

Target: Enhanced native vegetation connectivity across the Upper Hunter

Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
12.1	Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.	12.1.1 Support Landcare activities in the Shire	Progressing	50%	Council supports the role of Upper Hunter Landcare officer. Updates are provided in a Monthly report to Council.	
		12.1.2 Maintain rehabilitation works along Muscle Creek, Karoola Wetlands and Denman Wetlands to improve habitat quality and vegetation connectivity across the Upper Hunter	Progressing	50%	Maintenance works are being carried out to improve habitat quality and vegetation connectivity at Muscle Creek and Denman Wetlands.	
		12.1.3 Maintain areas that have undergone rehabilitation activities to avoid degradation	Progressing	50%	Rehabilitation works are being maintained at Muscle Creek.	
		12.1.4 Continue	Progressing	50%	A tree planting day was	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		Council's efforts running multiple National Tree Day planting events in Muswellbrook and Denman.			held at Highbrook Park in September 2020. No tree planting was carried out in the second quarter of 2020-21, as weather conditions were not suitable for establishing tubestock.	
		12.1.5 Obtain easements over Possum Gully in order to facilitate the carrying out of vegetation rehabilitation works	Progressing	50%	As reported at the September 2020 Ordinary Council meeting acquisition of a drainage reserve along Possum Gully is proceeding.	

Our local rivers and creeks are enhanced, utilised and valued.

Adopt an Urban Riparian Masterplan and implement actions.




H2. Target: Healthier waterways and greater recreational use by the community




DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
13.1	Adopt an Urban Riparian Masterplan and implement actions.	13.1.1 Plan a staged program of works for the implementation of the Council Muswellbrook Urban Riparian Landcare Master Plan (MURLMP)	Progressing	50%	Funding has been obtained to progress works at Muscle Creek and Hunter Beach.	





Support initiatives which reduce the community's impact on the environment.

Carry out actions under the Sustainability Action Plan

H3. Target: Actions carried out


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
14.1	Carry out actions under the Sustainability Action Plan	14.1.1 Develop a work program to prepare a Muswellbrook Urban Catchment Management Plan which prioritises areas for remediation and activities that reduce and slow urban stormwater runoff	Progressing	10%	Work has commenced on this project, and a work program is being developed.	
		14.1.2 Continue to monitor air quality for the Shire and advocate for improved quality, regulation and compliance	Progressing	50%	Air Quality newsletters emailed to Councillors when available. Australian Nuclear Science and Technology Organisation (ANSTO) supported air quality monitoring continues at the Muswellbrook Water Treatment site.	
		14.1.3 Deliver the funded components of the Muswellbrook Shire Renewable Energy Action Plan	Progressing	50%	Progress is being reported, potential sites for additional renewable energy installations have been identified.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		14.1.4 Investigate opportunities for joint ventures with renewable energy innovators and power suppliers	Progressing	60%	Council plans to install a solar array to supply energy to the new Reuse Water Treatment Works. Funding options and partnerships are under consideration.	
		14.1.5 Conduct a minimum of two community education programs to reduce the volume of food waste going to the Waste Management Facility	Completed	100%	The Healthy Towns program has been delivered with YouTube stories, virtual seminars and Facebook posts. Seminars on establishing gardens, establishing household composting and encouraging children to garden have been completed. Outcomes on these projects provided to Councillors in an information report.	
		14.1.6 Assist Council staff in implementing affordable procurement that minimises waste and improves sustainability outcomes	Progressing	70%	Procurement policy and procedure developed and available to staff. Environmental staff provide technical advice and assistance when establishing projects to minimise waste.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		14.1.7 Conduct a minimum of two education programs or events to engage businesses and the broader community to minimise waste minimisation and encourage re-use.	Progressing	50%	Use of YouTube clips/videos to send messages about waste reduction has occurred.	
		14.1.8 Encourage establishment, participation and maintenance of a minimum of one community garden	Progressing	50%	Monthly reports provided as part of the Planning, Environment and Regulatory Services information reported to Council on a monthly basis.	
		14.1.9 Continue surveillance and regulation of illegal dumping based on reports from the community and staff	Progressing	50%	Council's Rangers have focused on the removal of abandoned vehicles in the second quarter of 2020-21.	
		14.1.10 Implement the Flying Fox Management Plan and the funded management actions	Progressing	50%	Assistance being provided to residents who live near Flying Fox camps	

Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.

H4. Target: Development application process includes review of potential environmental impacts and mitigation requirements included in conditions

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
14.2	Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.	14.2.1 Investigate offsetting options for Council under the NSW Biodiversity Offset Scheme and prepare recommendations for Council's consideration	Completed	100%	A report has been submitted to Council providing possible Biodiversity offset options.	


Cultural Vitality

Increase the local variety, availability and access to the arts and cultural experiences.

Conserve the heritage and history of the Shire.

New investment in heritage conservation and restoration made.


Target: Funding allocation for heritage conservation and restoration is available

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
16.3	New investment in heritage conservation and restoration made.	16.3.1 Allocate funding for heritage conservation and restoration of heritage items through the Local Heritage Grants Fund	Completed	100%	Report submitted to Council in December.	

Facilitate options to improve cultural activities in the Shire.

Construct a Regional Entertainment and Conference Centre (subject to a Special Variation).



Target: Construction completed

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
17.1	Construct a Regional Entertainment and Conference Centre (subject to a Special Variation).	17.1.1 Develop planning of the Regional Entertainment and Conference Centre (RECC) towards Development Application approval	Progressing	50%	A Development Application has been prepared for assessment.	

Facilitate cultural activities and events which engage the community and visitors, and which create a 'sense of place' and identity.




Increase funding to the Blue Heeler Film Festival and the Noisy Heeler Festival with a view to engaging more locals and visitors.



Target: Increased attendance and participation at a variety of festivals and events

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.1	Increase funding to the Blue Heeler Film Festival and the Noisy Heeler Festival with a view to engaging more locals and visitors.	18.1.1 Develop an Events and Festival Strategy with Action Plan for the period 2020 to 2024.	Progressing	30%	A draft Events and Festival Strategy has been developed, this will be presented to MANEX in Q2.	
		18.1.2 Deliver the funded actions of the approved Events and Festival Strategy 2020-2024 during 2020/21 financial year.	Not Due To Start	0%	The Events and Festival Strategy is in draft.	

Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre


Target: A minimum of five exhibitions each year and the artist in residency completed

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.2	Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre	18.2.1 Muswellbrook Regional Arts Centre to host a minimum of five exhibitions each year	Progressing	80%	2 exhibitions have been held during this reporting period: PERCEPTION: Ros Elkin MEMOIR OF SURFACE: Bruce Tindale 40/40: Newcastle Printmakers Workshop TRANSIENT: Rebecca Delaney THE SCHOOL QUADRANGLE - Garrie Collins IGNITE 2021 - Muswellbrook High School A DOG IS A DOG - From the Collections IN OUR OWN WORDS - Aboriginal Oral History	
		18.2.2 Work with sponsors to investigate the annual delivery of the Muswellbrook Art Prize	Progressing	60%	Sponsorship for the 48th Muswellbrook Art Prize has been secured.	
		18.2.3 Partner with	Progressing	50%	In January 2021 the Arts	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		local education providers to enhance the Muswellbrook Regional Arts Centre's exhibitions			Centre hosted IGNITE 2021, exhibition of works from the Muswellbrook Highschool HSC Art Class.	
		18.2.4 Muswellbrook Regional Arts Centre to host an Artist in Residence Program	Progressing	30%	Work continues with the Artist in Residency Program to be completed in 2021.	
		18.2.5 Develop a strategy to attract major exhibitions to the Shire and associated budget and report to Council	Progressing	40%	A draft Business Plan has been reviewed and will be presented to MANEX in Quarter 2 of 2021.	



Continue the Public Art Program in the localities identified by Council

Target: One piece of public art is placed each financial year for five years (commencing 16/17)

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.3	Continue the Public Art Program in the localities identified by Council	18.3.1 Memorial for Max Watters	Progressing	30%	An Artist has been secured to complete the three dimensional sculpture of Max Watters in the forecourt of the Muswellbrook Gallery. Work will commence in January 2021.	


Support Arts Upper Hunter as the peak organisation of Artist endeavour.

Target: Financial support is provided each year

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.4	Support Arts Upper Hunter as the peak organisation of Artist endeavour.	18.4.1 Maintain ongoing financial membership and provide management support to Arts Upper Hunter	Completed	100%	The Manager of Community Services is now a member of the Arts Upper Hunter Board.	
		18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter	Completed	100%	3 of the 8 funded applications under the Country Art Support Program come from Muswellbrook LGA	

Investigate increasing the participation in the Upper Hunter Eisteddfod in partnership with Upper

Target: Participation in the Upper Hunter Eisteddfod is increased

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
18.5	Investigate increasing the participation in the Upper Hunter Eisteddfod in partnership with Upper	18.5.1 Provide administration support to the Committee of the Upper Hunter Muswellbrook Eisteddfod	Progressing	30%	Upper Hunter Muswellbrook Eisteddfod unfortunately was cancelled in 2020 due to COVID 19. The Upper Hunter Muswellbrook Eisteddfod was held in December.	





Community Infrastructure


Expand on the infrastructure required for Muswellbrook to realise Regional Centre status, improve community facilities and improve accessibility to community facilities.

Our community's infrastructure is planned well, is safe and reliable and provides required levels of service.

Improve and maintain civic precincts.





Target: Civic precincts and traffic safety devices and networks are well maintained and safe


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.1	Improve and maintain civic precincts.	19.1.1 Deliver the approved capital program substantially on time, on budget and in accordance with relevant design and construction standards	Progressing	50%	Work is progressing to deliver the Capital Program for Roads and Drainage. Capital project status reports are submitted to Council on a monthly basis.	
		19.1.2 Implement and monitor effectiveness of the street and footpath sweeping program under contract	Progressing	50%	Programme carried out within budget and performance monitored.	
		19.1.3 Carry out the management and removal of graffiti with compliance to Council's Graffiti Management Policy.	Progressing	50%	Graffiti removal works are carried out in accordance with policy and budget.	
		19.1.4 Carry out annual	Progressing	25%	The next Best Practice	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		audit of Council's Best Practice Management of water supply and sewerage services			Management audit will be undertaken in April 2021. This will be for the 2019-20 financial year.	
		19.1.5 Identify suitable location for new Muswellbrook cemetery and progress planning for future transition to new site	Progressing	25%	Potential future sites identified to develop draft concepts for Council's consideration.	

Maintain and continually improve asset management.





Target: Implement Councils asset management strategy



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.2	Maintain and continually improve asset management.	19.2.1 Co-ordinate and facilitate implementation of the Asset Management Improvement Strategy	Progressing	25%	Corporate Asset Management Steering Committee met in December to review priorities for facilitation of the Asset Management Improvement Strategy.	
		19.2.2 Monitor service levels achieved compared to Level of Service targets in asset management plans and Precinct Specifications Manual	Progressing	50%	Road Asset Management Plan has been drafted and currently undergoing review process. Valuation to bring Council Assets to a suitable standard has been reviewed under completion of Special Schedule 7.	
		19.2.3 Progressively reduce passive mowing areas through the staged establishment of pockets of native vegetation	Progressing	50%	Incremental reductions in passive mowing areas are being established as part of a review of the Precinct Specification Manual to be reported to Council.	
		19.2.4 Implement the funded components of	Progressing	40%	Council has been notified of the success of the Grant	


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		the bus stop shelter upgrade and renewal program for Muswellbrook Shire			funding applied for under the Country Passenger Transport Infrastructure Grants Scheme. This matter is to be reported to Council recommending acceptance of the grant, along with recommendations for the type, style and cost for the bus shelters to be implemented.	
		19.2.5 Progress the potential for Olympic Park and Highbrook Park to be irrigated by high quality recycled water	Progressing	25%	This action is to be progressed as part of field improvements for the stage upgrade of the Olympic Park Precinct.	

Facilitate investment in high quality community infrastructure necessary to a regional centre.

Target: High quality infrastructure is provided to support Muswellbrook as a Regional Centre





DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.3	Facilitate investment in high quality community infrastructure necessary to a regional centre.	19.3.1 Construct the funded stages of the new animal care facility	Progressing	50%	Construction of the Animal Shelter is out for Design and Construct tender.	
		19.3.2 Provide to Council a list of works proposed for design	Completed	100%	The 2020-21 Capital Works Program was reported and endorsed by Council at the July 2020 meeting.	
		19.3.3 Provide to Council designs and associated estimates for the forward financial year	Progressing	50%	Asset information and inspection data is continually collected, recorded and reviewed and along with condition assessment data is being used to inform the 2021-22 budget estimates and four (4) year projections currently being prepared. The designs and estimates will be provided to Council for the forward financial year on this basis.	
		19.3.4 Investigate and	Progressing	65%	In accordance with the	




DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		recommend appropriate management treatments for road safety and traffic management			2020-21 Road Safety Action Plan, which has been developed to investigate and recommend appropriate management treatments for road safety and traffic management in the Shire, works this quarter have focused on the design and implementation of Sandy Creek Road safety improvements. However, other areas of this plan have continued to be implemented with work on the 'Joe Rider Program', Motorcycling in the Hunter program, Safety around Schools education, and Helping the Learner Driver Workshops. .	
		19.3.5 Deliver the Capital Program substantially on time, on budget and in accordance with relevant design and construction standards	Progressing	50%	Status reports are currently provided to Council monthly.	
		19.3.6 Deliver timely,	Progressing	60%	Development	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		professional engineering assessment of proposed development			Assessments on track with requirements for compliance with Council's requirements and to meet best practise and ensure outcomes from projects meet Council expectations.	
		19.3.7 Conduct regular meetings of the Muswellbrook Bypass Advisory Committee	Progressing	40%	Meetings of the Muswellbrook Bypass Advisory Committee have begun and have informed council's submission to TfNSW on the Bypass Route and Design options.	

Maintain and continually improve community infrastructure across the Shire.

Target: Roads, footpath and cycleway networks, stormwater devices and kerb and guttering are well maintained, safe and meet relevant standards and the community's service expectations

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
19.4	Maintain and continually improve community infrastructure across the Shire.	19.4.1 Implement funded projects arising from the Floodplain Risk Management Plan	Progressing	35%	Detention Basin design for Hunter Beach completed and to be resubmitted for tendering as a discrete project. Embankment protection for Hunter Beach to be separately managed to protect future Hunter Beach project assets.	
		19.4.2 Inspect Muswellbrook and Denman Levee Systems	Progressing	50%	Periodic inspections are undertaken of Levee Systems.	
		19.4.3 Continue development of plans of management for Crown Lands.	Progressing	50%	Plans of Management are being prepared for Olympic Park and Denman Recreation Area together with a template to be tailored for other Crown lands.	
		19.4.4 Carry out a	Progressing	35%	Condition Assessment for	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		prioritised programme of asset condition inspections			roads, kerb and gutter and footpaths undertaken and completed by external consultant. Coordinated program of inspections revised to progress condition assessments, including for stormwater assets.	
		19.4.5 Effectively manage customer service requests	Progressing	45%	Implementation of the new CRM system is progressing. The next stage is linking GIS and CRM systems.	
		19.4.6 Implement construction waste avoidance and resource recovery strategy	Progressing	50%	Waste avoidance and resource recovery strategies are included in capital and operational projects.	
		19.4.7 Progress	Progressing	65%	Programmed fortnightly	



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		formalisation of Bengalla Link Road-Wybong Road route as an alternative over mass over size vehicle route			inspections have been carried out and works orders raised during the reporting period. Council participated in the National Heavy Vehicle Regulator (NHVR) pilot program to assess all major structures on this route and Bengalla Link - Wybong Road has been nominated by Council to be considered by Transport for NSW to be reclassified as a state road. All of these actions have been undertaken to progress the formalisation of this route as an alternative overmass oversize (OSOM) vehicle route.	


Utility services are operated as distinct business units within Council.



A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health.



Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.



Target: Council re-news, upgrades and maintains Councils water and waste utilities and facilities to agreed standards and within regulatory requirements

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
20.1	Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.	20.1.1 Operate in accordance with the New South Wales Environment Protection Agency (EPA) Licences	Progressing	50%	The NSW Environment Protection Authority annual licence return anniversary date for Muswellbrook is 01 Mar 2021. A mock drill has been arranged to test the Pollution Incident Response Management Plan on 27 Jan 2021. The Pollution Incident Response Management Plan is under review to include the new Recycled Water Treatment Works.	
		20.1.2 Ensure	Progressing	50%	A best practice water	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		substantial achievement of Best Practice Water Supply and Sewerage Guidelines			and sewerage supply report was submitted to Council at the October 2020 Ordinary Council Meeting. For financial year 2018-19, the audit review deemed Council as substantially compliant. The next audit for financial year 2019-20 will be undertaken in April 2021.	
		20.1.3 Test and monitor water supply and	Progressing	50%	The report "Quarterly Infrastructure Report -	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		sewerage system, including re-use systems, to ensure legislative compliance with health guideline and licence parameters			July to September 2020 " was submitted to the December 2020 Ordinary Council Meeting for information on the water and wastewater levels of service for the first quarter of 2020-2. Drinking water quality results were compliant to the Australian Drinking Water Guidelines. Water quality data is currently being reviewed for the Annual Water Quality Report.	
		20.1.4 Monitor higher risk zones and treatment works within the sewer system exposed to businesses with liquid trade waste discharges	Progressing	50%	Council's Liquid Trade Waste (LTW) has been updated and is current. Inspections of properties are carried out weekly.	
		20.1.5 Undertake	Progressing	50%	A report providing	





DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		inspections and approvals of liquid trade waste premises and agreements.			information regarding the status of liquid trade waste management was submitted to the July 2020 Ordinary Council meeting. A further status update report will be submitted to the March 2021 Ordinary Council Meeting. A review of Council's Liquid Trade Waste Policy has also been carried out.	
		20.1.6 Implement and monitor effluent reuse arrangements with relevant stakeholders to ensure secure and cost effective effluent disposal	Progressing	50%	Mandatory testing of re-use quality is undertaken, on a monthly basis, for both Muswellbrook and Denman sewer treatment as stipulated in the Environment Protection Licences EPL 1593 and EPL 5059. Daily monitoring is also being carried out by the Operations Staff.	
		20.1.7 Carry out	Progressing	10%	Design for stage one	


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		construction of second water main servicing south Muswellbrook			has been completed. Liaison with landholders is being carried out in order to formalise stage one of the project, from the Coal Road water reservoir to the intersection of Victoria Street and Bell Street.	
		20.1.8 Provide a report to Council listing priorities for construction	Completed	100%	A list of priority projects was reported to, and endorsed by Council at the September 2020 Ordinary Council meeting.	
		20.1.9 Implement appropriate studies and planning approvals for Food Organics and Garden Organics management	Progressing	55%	Preliminary Engineering Designs and Environmental Impact Study have been completed.	

The road, footpath and cycleway networks are integrated and allow for the safe movement of residents around the Shire.

Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.

Target: The Shires footpaths, cycleways and carpark are well planned, maintained, safe, assist community connectivity and meet the community's service expectations

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
21.1	Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.	21.1.1 Provide a report to Council listing priorities for construction	Completed	100%	The 2020-21 Capital Works Programme was reported to the July 2020 meeting of Council. This report provided to Council prioritised lists for construction works. Council endorsed the prioritised lists.	
		21.1.2 Deliver the Capital Program substantially on time, on budget and in accordance with relevant design and construction standards	Progressing	50%	Capital project status reports are submitted to Council on a monthly basis.	
		21.1.3 Develop concept design for transport route from Muswellbrook bypass linkage to Muswellbrook town centre	Progressing	20%	Investigation has commenced to inform the development of a concept design for the transport route.	
		21.1.4 Carry out	Progressing	50%	A contractor has been	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		progressive linemarking of Bylong Valley Way			engaged to implement the adopted linemarking plan for Bylong Valley Way. The work is scheduled to be carried out during the third quarter of 2020-21.	
		21.1.5 Manage over mass over size vehicle permits to minimise impact on Council road network efficiency	Progressing	50%	Overmass oversize vehicle permits have been managed to minimise the impact on Council's road network during the quarter, with 101 applications received and processed in October, 119 applications received in November, and 102 applications received in December 2020.	



Community Leadership



To improve the community's participation in decision making and implement business improvement initiatives to improve service delivery.



Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community.





E1. Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.

Target: Heightened levels of community satisfaction with Council's decision making processes and the maintenance of high standards of transparency and accountability

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
22.1	Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.	22.1.1 Carry out a desk based exercise to test preparedness for a severe weather event.	Progressing	50%	Desk based trial and exercise carried out in activating the new Local Emergency Operations Centre located at the Muswellbrook Library, 126 Bridge Street, Muswellbrook. The trial of the Emergency Operations Centre was carried out as a component of the meeting of the Muswellbrook Shire Local Emergency Management Committee conducted Thursday, 3 December 2020.	
		22.1.2 Ensure currency	Progressing	50%	The Bush Fire Risk	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		of Bush Fire Risk Management Plan.			Management Plan is currently under review.	
		22.1.3 Ensure meetings of the Local Emergency Management Committee are held regularly	Progressing	50%	Quarterly meetings of the Muswellbrook Shire Local Emergency Management Committee have been held in September 2020 and December 2020. The next meeting of the Committee is scheduled to be conducted in March 2021. In addition, fortnightly video meetings of the Committee continue to be conducted in relation to each agency's management of risk associated with Covid-19.	
		22.1.4 Undertake	Progressing	55%	Council's is working with	


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		strategic advocacy with government and industry leaders to further the interests and aspirations of the Shire's communities			the Department of Premiers and Cabinet and DPI Water on meeting the requirements to receive Growing Local Economies funding to build a new water pipeline from Denman to Sandy Hollow; working with TfNSW on the new Muswellbrook By Pass and Sandy Hollow Truck Stop and ARTC on construction of a new rail bridge over Bridge Street Muswellbrook.	
		22.1.5 Monitor effectiveness of Council's Emergency Management Plan (EMPLAN)	Progressing	50%	An internal review of Council's Emergency Management Plan (EMPLAN) was carried out in the second quarter of 2020-21.	
		22.1.6 Attend Regional Emergency Management Committee meetings	Progressing	50%	Meetings of the Regional Emergency Management Committee are attended by Council's Local Emergency Management Officer.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		22.1.7 Attend Combined Muswellbrook-Singleton Bush Fire Risk Management Committee meetings	Progressing	50%	Meetings of the Combined Muswellbrook-Singleton Bush Fire Risk Management Committee are attended by Council's Local Emergency Management Officer.	
		22.1.8 Develop Climate Change Resilience Policy	Progressing	50%	A Climate Change Resilience Policy for Muswellbrook Shire is currently being developed.	
		22.1.9 Ensure infrastructure projects consider emergency risk management in the design process	Progressing	50%	The planning of infrastructure projects includes consideration of emergency risk management.	
		22.1.10 Council will support the Shire's communities with a flexible and scaleable response to the impacts of the Novel Coronavirus (COVID-19) to reduce the social and economic impacts	Progressing	90%	Council continues to comply with NSW Public Health Orders and host regional response meetings to ensure a coordinated approach to COVID-19.	

Genuine and well informed community participation in decision making.


E2. Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.

Target: Increased participation of residents and other key stakeholders in consultation and decision making processes

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
23.1	Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.	23.1.1 Undertake a community consultation program as per the Community Participation Plan in preparation for the new suite of Integrated Planning and Reporting documents	Not Due To Start	0%		

E3. Enhance Council's consultation and communication with the community to build awareness and understanding of Council's activities and community needs.


Target: Greater awareness in the community of Councils activities

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
23.2	Enhance Council's consultation and communication with the community to build awareness and understanding of Council's activities and community needs.	23.2.1 Promote Council and the Muswellbrook Shire and share information through a range of communications media	Progressing	40%	Council's new website will be launched in April 2021.	

A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders.




E4. Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.


Target: Strong financial discipline maintained. Delivering approved programs complying with statutory obligations



DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
24.1	Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.	24.1.1 Manage Council's Future Fund.	Progressing	70%	Council has published a Future Fund prospectus and completed a Future Fund long term financial plan. Council purchased an additional property as part of a revised future fund strategy.	



E5. Implement a comprehensive and targeted business improvement program.




Target: Improve information systems and business processes to provide responsive and customer focused service delivery


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
24.2	Implement a comprehensive and targeted business improvement program.	24.2.1 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes	Progressing	50%	Council is successfully implementing an internal audit program and integrated service delivery review program.	
		24.2.2 Ensure compliance with Council's statutory reporting obligations.	Progressing	50%	Council is successfully meeting all statutory reporting obligations as required under the Local Government Act.	
		24.2.3 Provide	Progressing	50%	Processing times have	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services by ensuring more than 50% of applications are assessed within regulated time frames			improved during the second quarter of 2020-21.	
		24.2.4 Deliver high quality, cost effective and competitive Principal Certifying Authority (PCA) certification services with the aim that Council is the PCA for more than 50% of building projects annually	Progressing	50%	Statistics reported in the Planning and Environmental Services information report submitted to Council on a monthly basis. Council is currently the Principal Certifying Authority in more than 50% of cases.	




DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.5 Undertake inspections of development sites subject to Development Application / Construction Certificate in accordance with statutory requirements	Progressing	50%	Statistics reported in the Planning and Environmental Services information report submitted to Council on a monthly basis	
		24.2.6 Facilitate the registration and inspection of all regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, private water supply) in accordance with regulatory requirements to ensure public health and safety is protected	Progressing	50%	Statistics reported in the Planning and Environmental Services information report submitted to Council on a monthly basis.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.7 Facilitate registration, care and control of animals in the Shire in accordance with the Companion Animals Regulations with the aim that more than 50% of stray or surrendered animals scanned by Council staff are established to be microchipped and registered	Progressing	50%	More than 50% of animals arriving at the shelter in the last quarter were microchipped. Staff use Facebook posts to encourage owners to update contact/address details.	
		24.2.8 Ensure statutory requirements relating to fire safety measures are implemented through maintenance of a register, annual notices and follow up with businesses to record compliance	Progressing	50%	Annual letters are sent out, and Council staff are following up with businesses in relation to their Fire Safety Statements.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.9 Ensure statutory requirements under the Private Swimming Pools Program (Swimming Pool Act 1992) are achieved through annual inspection of a minimum of 30% of the pools in the Shire	Progressing	50%	Statistics reported in the Planning and Environmental Services information report submitted to Council on a monthly basis.	
		24.2.10 Continue to review, update and revoke policies in accordance with the policy framework management strategy	Progressing	60%	Council has reviewed and amended a full suit of financial management policies and information technology governance policies in last 5 months. Manex is leading a policy review process to ensure policies are current and support compliance.	
		24.2.11 Provide support services for the elected Council and executive	Completed	100%	All council meetings are supported in line with Council Code of Conduct and Code of Meeting Practice.	
		24.2.12 Implement the Muswellbrook Shire Council Resourcing Strategy	Progressing	50%	Council's Resourcing Strategy is scheduled to be reviewed in line with the Integrated Planning and Reporting framework.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.13 Ensure	Completed	100%	All Recover at Work	


DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		compliance with all Recover at Work processes in accordance with requirements of regulators and insurer			compliance is in accordance with regulators and insurer. Templates and procedures have been developed, all HR staff are qualified RTW coordinators. Covid-19 has placed restrictions on HR staff attending doctors visits with Recover at Work employees but all information and communication is completed regularly with injured employees and our insurer. Regular fortnightly conference calls are held with our insurer. All communication, and documentation is stored electronically in the Workers compensation file of the injured worker.	

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
		24.2.14 Provide clear, accessible and relevant information to the community	Progressing	50%	A community satisfaction survey is scheduled to be conducted in May 2021. Community Newsletters are distributed regularly and website and social media platforms provide regular information.	
		24.2.15 Engage with other levels of government to promote the interests of the Shire's communities	Progressing	60%	Council works closely with all levels of government and agencies to actively promote the interests of the Muswellbrook communities.	
		24.2.16 Contribute to regional strategic partnerships	Progressing	40%	Council is working closely with the regional water directorate and other local governments in the Upper Hunter to achieve regional goals.	

A sustainable Council that is best practice employer providing safe, happy and productive workplace.

E6. Continue to prioritise safety and risk management initiatives, employee welfare initiatives, and upgrades to Council's works depot and waste management facility.

Target: Initiatives and upgrades undertaken

DP Strategy Code	DP Strategy	Action Name	Status	Progress	Comments	Traffic Lights
25.1	Continue to prioritise safety and risk management initiatives, employee welfare initiatives, and upgrades to Council's works depot and waste management facility.	25.1.1 Ensure Council continues to meet each of its Workplace Health and Safety obligations and responsibilities	Progressing	60%	Council has a strong and active workplace health and safety culture; internal WHS committee meets regularly and staff value WHS.	

12.2 DECEMBER 2020 MONTHLY FINANCIAL REPORT

Attachments:	A. December 2020 Monthly Financial Report
Responsible Officer:	Fiona Plesman - General Manager
Author:	Matthew Plumridge - Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work toward the achievement of the targets established in the Fit for the Future ratios.</i>

PURPOSE

To provide Council with a high-level overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any major variances against Council's approved budget at an organisational level for the month ending 31 December 2020.

OFFICER'S RECOMMENDATION

That the Financial Report for the month ending 31 December 2020 be noted.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the monthly financial performance details for Council's Funds.

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

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 50.1% target	YTD Actuals	December Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,521,878)	(2,763,281)	55.2%	(1,525,320)	(432,232)	88%	

Revenue

User Charges and Fees	(6,729,959)	(7,016,653)	52.7%	(3,696,984)	(755,770)	(79%)	
Internal Revenue	(259,361)	(237,831)	0.0%	0	0	(100%)	The budget deficit is due to timing of internal transactions being processed.
Total Revenue	(6,989,320)	(7,254,484)	51.0%	(3,696,984)	(755,770)	(79%)	

Expenses

Wages and Salaries	232,417	232,417	49.4%	114,736	13,677	88%	
Materials and Contracts	1,943,762	1,885,851	37.5%	707,437	98,745	90%	
Other Costs	710,835	769,077	70.7%	543,532	7,766	98%	The \$158k YTD overspend is due to the payment of annual insurance and rates and charges.
Borrowing Costs	945,748	969,178	51.5%	498,871	152,167	69%	
Overheads	0	0	0.0%	0	0	#DIV/0!	
Depreciation	634,680	634,680	48.4%	307,088	51,183	84%	
Total Expenses	4,467,442	4,491,203	48.4%	2,171,664	323,538	86%	

12.3 JANUARY 2021 MONTHLY FINANCIAL REPORT

Attachments:	A. January Monthly Financial Report
Responsible Officer:	Fiona Plesman - General Manager
Author:	Matthew Plumridge - Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work toward the achievement of the targets established in the Fit for the Future ratios.</i>

PURPOSE

To provide Council with a high-level overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any major variances against Council's approved budget at an organisational level for the month ending 31 January 2021.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 31 January 2021 be noted.

Moved: _____ Seconded: _____

REPORT

Please refer to the attachment for the monthly financial performance details for Council's Funds.

Muswellbrook Shire Council
General Fund
For the Month Ending 31 January 2021

Account Group	Annual Adopted Budget	September Budget Review	YTD % Spend vs Budget - 58.63% target	YTD Actuals	January Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,076,430)	(2,707,614)	347.8%	(9,418,323)	1,796,268	(896%)	
less SRV budgeted surplus	(1,017,305)	(1,017,305)		329,234	42,057		
SRV adjusted Grand Total	(1,059,125)	(1,690,309)		(9,747,557)	1,754,211		
Revenue							
Rates and Charges	(21,576,792)	(22,220,742)	100.1%	(22,232,260)	(13,744)	(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)	44.5%	(3,171,324)	(400,480)	(90%)	The \$1M YTD budget deficit is primarily in the areas of Mixed waste (\$267k), DECCW levy (\$256k), Aquatic Centre (\$151k) and Individually Priced Works Orders (\$326k). Income above YTD budgets has been received in Road Opening Permits (\$54k) Upper Hunter Shire Council fees (\$62k) and Onsite Sewerage Fees (\$34k). Construction Certificates (\$22k), Section 149 and 603 certificates (\$49k).
Interest and Investments Revenues	(626,971)	(594,445)	38.3%	(227,532)	(29,298)	(92%)	The \$120k YTD budget deficit is a result of the average interest being earned is lower than budgeted and timing of investment maturity.
Other Revenues	(2,873,561)	(2,390,701)	59.9%	(1,431,803)	(226,315)	(84%)	
Operating Grants and Contributions	(7,385,954)	(7,558,934)	29.8%	(2,252,262)	(29,504)	(99%)	The \$2.18m YTD budget deficit is primarily due to the timing of receiving the Financial Assistance Grant (\$1.09m); Ethtec (\$468k); Farm Productivity (\$525k) and SH27 maintenance (\$278k). Income above YTD budgets has been received for the Block Grant (\$27k); Better Waste Recycling (\$61k); Bridge Street retaining Wall (\$81k), Bushfire Subsidy (\$259k) and Pensioner Rates Subsidy (\$43k).
Internal Revenue	(7,195,717)	(6,251,719)	34.2%	(2,140,110)	(305,730)	(92%)	The budget deficit is due to timing of internal transactions being processed.
Total Revenue	(47,038,250)	(46,136,144)	68.2%	(31,455,291)	(1,005,071)	(96%)	
Expenses							
Wages and Salaries	12,328,362	12,049,491	53.1%	6,397,212	839,925	88%	There are YTD wages overruns in some individual areas e.g. Economic Development, Roads & Drainage - Works, Property & Building Services, Graffiti Removal, Denman Urban Areas, Recreation.
Materials and Contracts	16,176,905	15,136,791	46.7%	7,066,683	842,723	91%	
Other Costs	3,285,563	3,428,745	60.1%	2,059,690	224,893	89%	The \$49k YTD overspend is due to the payment of annual insurance and rates.
Borrowing Costs	1,365,639	1,248,152	7.7%	95,816	0	100%	
Overheads	2,241,734	2,241,734	47.4%	1,062,682	151,812	88%	
Depreciation	9,563,617	9,323,617	57.4%	5,354,885	741,986	86%	
Total Expenses	44,961,820	43,428,530	50.7%	22,036,968	2,801,339	89%	

*Report Contains Filters

12.4 REPORT ON INVESTMENTS HELD AS AT 31 DECEMBER 2020

Attachments:	A. Investment Portfolio and Cash as at 31 December 2020 B. Issuer Trading Limits as at 31 December 2020
Responsible Officer:	Fiona Plesman - General Manager
Author:	Matthew Plumridge - 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 31 December 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 31 December 2020, the portfolio trading limits had been exceeded with respect of AMP Bank Ltd by 5% and Bank of Queensland by 1%, this will be corrected during March 2021.

Council's weighted running yield is 0.98% 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	14.73%	0.45%	
	ME Bank At Call		500,000.00	1.00000000	500,000.00	100.000	0.000	500,000.00	0.77%	0.55%	
	Westpac Bus Prem At Call		747,381.70	1.00000000	747,381.70	100.000	0.000	747,381.70	1.15%	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%	
			10,947,381.70		10,947,381.70			10,947,381.70	16.80%		0.45%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	103.555	0.545	2,602,500.00	3.99%	1.68%	
			2,500,000.00		2,500,000.00			2,602,500.00	3.99%		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	0.245	1,002,450.96	1.54%	1.26%	
			1,000,000.00		1,000,000.00			1,002,450.96	1.54%		1.26%
Floating Rate Note											
	AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	100.181	0.063	2,004,880.00	3.08%	1.10%	
	Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	1,000,000.00	1.00000000	1,000,000.00	100.001	0.116	1,001,170.00	1.54%	0.77%	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.459	0.041	2,010,000.00	3.08%	1.06%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.739	0.128	1,008,670.00	1.55%	1.04%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	101.588	0.176	508,820.00	0.78%	1.10%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	102.178	0.222	1,024,000.00	1.57%	1.11%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	102.612	0.196	514,040.00	0.79%	1.16%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	101.568	0.201	508,845.00	0.78%	1.11%	
	CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	100.348	0.119	1,004,670.00	1.54%	1.97%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.692	0.083	1,511,625.00	2.32%	1.27%	
	CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	101.804	0.213	1,530,255.00	2.35%	1.18%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.663	0.096	1,007,590.00	1.55%	0.95%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	102.071	0.005	2,041,520.00	3.13%	0.96%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	101.758	0.214	509,860.00	0.78%	1.40%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	101.890	0.179	4,593,105.00	7.05%	1.15%	
	Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.191	0.035	1,503,390.00	2.31%	1.41%	
	Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.866	0.071	757,027.50	1.16%	1.52%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.787	0.077	2,017,280.00	3.10%	1.17%	
	RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	100.248	0.112	1,003,600.00	1.54%	1.52%	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	101.474	0.111	1,015,850.00	1.56%	1.07%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	650,000.00	1.00000000	650,000.00	101.801	0.157	662,727.00	1.02%	0.93%	
			27,400,000.00		27,400,000.00			27,738,924.50	42.57%		1.17%
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	0.092	3,002,761.65	4.61%	0.70%	0.70%
AMP 0.7 18 Jun 2021 210DAY TD		800,000.00	1.00000000	800,000.00	100.000	0.079	800,629.04	1.23%	0.70%	0.70%
AMP 0.75 30 Nov 2021 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.064	1,000,636.99	1.54%	0.75%	0.75%
BOQ 0.5 20 May 2021 181DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.056	2,501,404.10	3.84%	0.50%	0.50%
BOQ 3.4 21 Jun 2021 182DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.788	1,017,884.93	1.56%	3.40%	3.40%
NAB 0.5 28 Oct 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.042	5,002,123.30	7.68%	0.50%	0.50%
NAB 0.43 19 Nov 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.008	5,000,412.35	7.67%	0.43%	0.43%
NAB 0.5 02 Dec 2021 365DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.040	2,500,993.15	3.84%	0.50%	0.50%
P&NB 3.53 21 Jun 2021 182DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.857	2,037,137.54	3.13%	3.53%	3.53%
		22,800,000.00		22,800,000.00			22,863,983.05	35.00%		0.92%
Fixed Interest Total		64,647,381.70		64,647,381.70			65,155,240.21	100.00%		0.98%



Portfolio Valuation Report
Muswellbrook Shire Council
As At 31 December 2020

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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: 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	Limit For Book or Entity Notional	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 64,647,381.70	6,464,738.17	100.00	0.00	0	5.00	335,262
ANZ Banking Group Ltd	AA+ to AA-		1,000,000.00	Book	30.00	% of 64,647,381.70	19,394,214.51	5.00	95.00	18,394,215	0.00	0
Auswide Bank Limited	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	46.00	54.00	3,464,738	0.00	0
Bank of Queensland Ltd	A+ to A-		6,500,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	100.00	0.00	0	1.00	35,262
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	46.00	54.00	3,464,738	0.00	0
Credit Suisse Sydney	A+ to A-		1,000,000.00	Book	20.00	% of 64,647,381.70	12,929,476.34	8.00	92.00	11,929,476	0.00	0
Credit Union Australia Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	46.00	54.00	3,464,738	0.00	0
Macquarie Bank	A+ to A-		9,600,000.00	Book	20.00	% of 64,647,381.70	12,929,476.34	74.00	26.00	3,329,476	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	16.00	84.00	5,464,738	0.00	0
Members Equity Bank Ltd	BBB+ to BBB-		500,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	8.00	92.00	5,964,738	0.00	0
National Australia Bank Ltd	AA+ to AA-		14,500,000.00	Book	30.00	% of 64,647,381.70	19,394,214.51	75.00	25.00	4,894,215	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	77.00	23.00	1,464,738	0.00	0
P&N Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	31.00	69.00	4,464,738	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		4,250,000.00	Book	10.00	% of 64,647,381.70	6,464,738.17	66.00	34.00	2,214,738	0.00	0
Rabobank Nederland Australia Branch	AA+ to AA-		1,000,000.00	Book	20.00	% of 64,647,381.70	12,929,476.34	8.00	92.00	11,929,476	0.00	0
UBS Australia Ltd	AA+ to AA-		1,650,000.00	Book	20.00	% of 64,647,381.70	12,929,476.34	13.00	87.00	11,279,476	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		847,381.70	Book	30.00	% of 64,647,381.70	19,394,214.51	4.00	96.00	18,546,833	0.00	0
			64,647,381.70				174,547,930.59			110,271,071		370,524

2 Security Rating Group Trading Limits

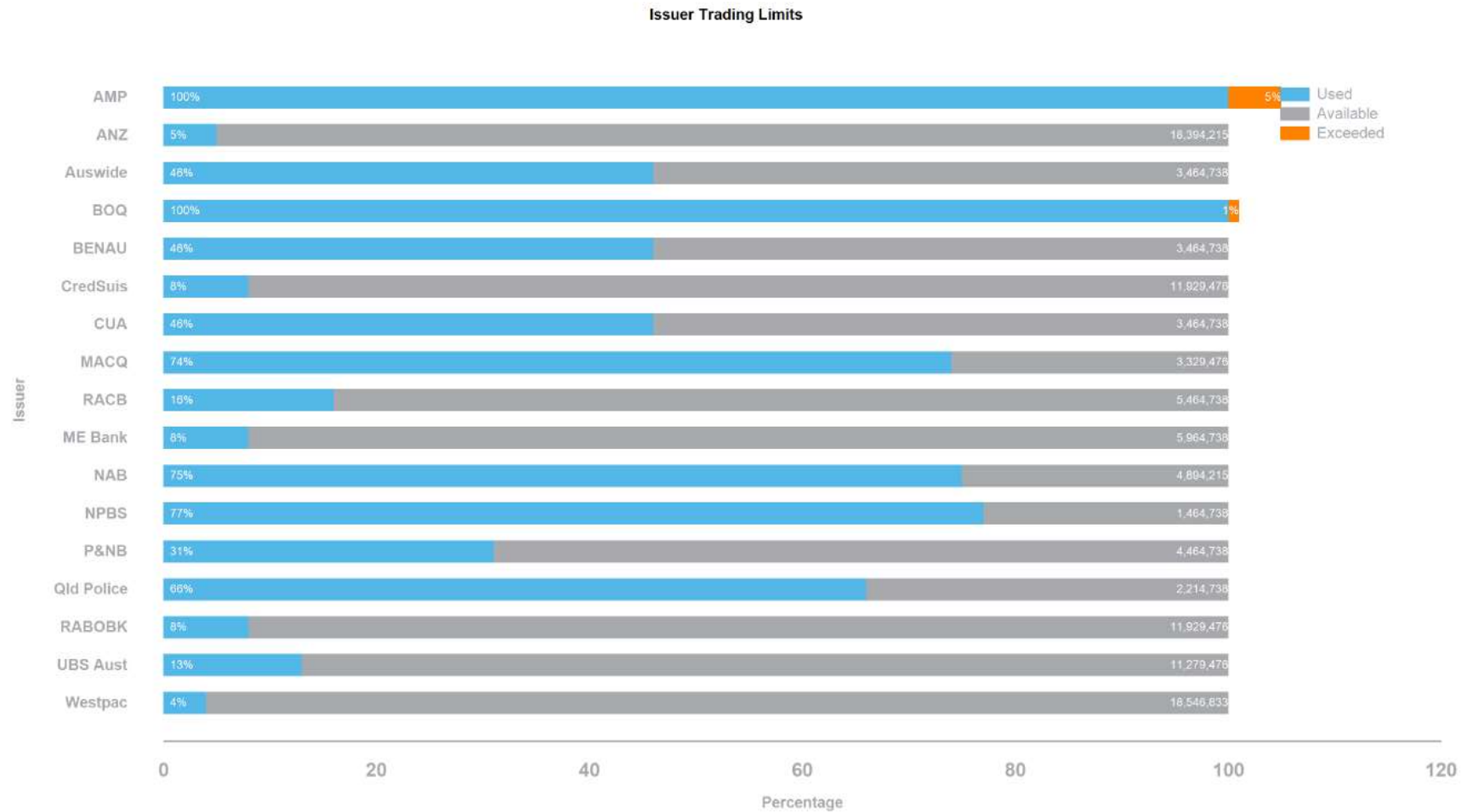
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 64,647,381.70	64,647,381.70	5.00	95.00	61,647,382	0.00	0
A+ to A-	13,750,000.00	Book	70.00	% of 64,647,381.70	45,253,167.19	30.00	70.00	31,503,167	0.00	0
A1+	13,347,381.70	Book	100.00	% of 64,647,381.70	64,647,381.70	21.00	79.00	51,300,000	0.00	0
A1	2,000,000.00	Book	70.00	% of 64,647,381.70	45,253,167.19	4.00	96.00	43,253,167	0.00	0
A2	14,800,000.00	Book	60.00	% of 64,647,381.70	38,788,429.02	38.00	62.00	23,988,429	0.00	0
A3	2,250,000.00	Book	60.00	% of 64,647,381.70	38,788,429.02	6.00	94.00	36,538,429	0.00	0
BBB+ to BBB-	15,500,000.00	Book	60.00	% of 64,647,381.70	38,788,429.02	40.00	60.00	23,288,429	0.00	0
	64,647,381.70				336,166,384.84			271,519,003		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	42,497,381.70	Book	100.00	% of 64,647,381.70	64,647,381.70	66.00	34.00	22,150,000	0.00	0
1-3 Year	11,500,000.00	Book	100.00	% of 64,647,381.70	64,647,381.70	18.00	82.00	53,147,382	0.00	0
3-5 Year	10,650,000.00	Book	100.00	% of 64,647,381.70	64,647,381.70	16.00	84.00	53,997,382	0.00	0
	64,647,381.70				193,942,145.10			129,294,764		0







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Report Code: TSSBP125EXT-0018
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 December 2020
Balance Date: 11 January 2021 (but 31 Dec 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

12.5 REPORT ON INVESTMENTS HELD AS AT 31 JANUARY 2021

Attachments:	A. Portfolio valuation report as at 31 January 2021 B. Trading limit report as at 31 January 2021
Responsible Officer:	Fiona Plesman - General Manager
Author:	Matthew Plumridge - 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 31 January 2021 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 31 January 2021 are shown in the attachments.

COMMENT:

As at 31 January 2021, the portfolio trading limits had been exceeded with respect of AMP Bank Ltd by 8% and Bank of Queensland by 3%, this will be corrected during March 2021.

Council's weighted running yield is 0.99% 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		7,350,000.00	1.00000000	7,350,000.00	100.000	0.000	7,350,000.00	11.56%	0.45%	
	ME Bank At Call		500,000.00	1.00000000	500,000.00	100.000	0.000	500,000.00	0.79%	0.55%	
	Westpac Bus Prem At Call		1,420,642.97	1.00000000	1,420,642.97	100.000	0.000	1,420,642.97	2.23%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.16%	0.34%	
			9,370,642.97		9,370,642.97			9,370,642.97	14.73%		0.44%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	103.464	0.690	2,603,850.00	4.09%	1.68%	
			2,500,000.00		2,500,000.00			2,603,850.00	4.09%		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	0.033	1,000,331.51	1.57%	1.21%	
			1,000,000.00		1,000,000.00			1,000,331.51	1.57%		1.21%
Floating Rate Note											
	AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	100.163	0.157	2,006,400.00	3.15%	1.10%	
	Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	1,000,000.00	1.00000000	1,000,000.00	100.000	0.182	1,001,820.00	1.58%	0.77%	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.526	0.131	2,013,140.00	3.16%	1.06%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.674	0.217	1,008,910.00	1.59%	1.04%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	101.521	0.269	508,950.00	0.80%	1.10%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	102.193	0.037	1,022,300.00	1.61%	1.04%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	102.625	0.006	513,155.00	0.81%	1.11%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	101.504	0.017	507,605.00	0.80%	1.06%	
	CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	100.191	0.286	1,004,770.00	1.58%	1.97%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.617	0.191	1,512,120.00	2.38%	1.27%	
	CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	101.798	0.019	1,527,255.00	2.40%	1.13%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.656	0.177	1,008,330.00	1.59%	0.95%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	102.032	0.086	2,042,360.00	3.21%	0.96%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	101.686	0.335	510,105.00	0.80%	1.40%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	101.967	0.277	4,600,980.00	7.23%	1.15%	
	Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.120	0.155	1,504,125.00	2.36%	1.41%	
	Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.797	0.200	757,477.50	1.19%	1.52%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.771	0.176	2,018,940.00	3.17%	1.17%	
	RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	100.127	0.241	1,003,680.00	1.58%	1.52%	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	101.444	0.202	1,016,460.00	1.60%	1.07%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	650,000.00	1.00000000	650,000.00	101.808	0.005	661,784.50	1.04%	0.88%	
			27,400,000.00		27,400,000.00			27,750,667.00	43.63%		1.16%
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	0.152	3,004,545.21	4.72%	0.70%	
AMP 0.7 18 Jun 2021 210DAY TD		800,000.00	1.00000000	800,000.00	100.000	0.138	801,104.66	1.26%	0.70%	
AMP 0.75 30 Nov 2021 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.127	1,001,273.97	1.57%	0.75%	
BOQ 0.5 20 May 2021 181DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.099	2,502,465.75	3.93%	0.50%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.077	1,020,772.60	1.60%	3.40%	
NAB 0.5 26 Oct 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.085	5,004,246.60	7.87%	0.50%	
NAB 0.43 19 Nov 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.045	5,002,238.35	7.86%	0.43%	
NAB 0.5 02 Dec 2021 365DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.082	2,502,054.80	3.93%	0.50%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	2.157	2,043,133.70	3.21%	3.53%	
		22,800,000.00		22,800,000.00			22,881,835.64	35.97%		0.92%
Fixed Interest Total		63,070,642.97		63,070,642.97			63,607,327.12	100.00%		0.99%

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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 63,070,642.97	6,307,064.30	100.00	0.00	0	8.00	492,936
ANZ Banking Group Ltd	AA+ to AA-		1,000,000.00	Book	30.00	% of 63,070,642.97	18,921,192.89	5.00	95.00	17,921,193	0.00	0
Auswide Bank Limited	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	48.00	52.00	3,307,064	0.00	0
Bank of Queensland Ltd	A+ to A-		6,500,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	100.00	0.00	0	3.00	192,936
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	48.00	52.00	3,307,064	0.00	0
Credit Suisse Sydney	A+ to A-		1,000,000.00	Book	20.00	% of 63,070,642.97	12,614,128.59	8.00	92.00	11,614,129	0.00	0
Credit Union Australia Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	48.00	52.00	3,307,064	0.00	0
Macquarie Bank	A+ to A-		7,350,000.00	Book	20.00	% of 63,070,642.97	12,614,128.59	58.00	42.00	5,264,129	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	16.00	84.00	5,307,064	0.00	0
Members Equity Bank Ltd	BBB+ to BBB-		500,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	8.00	92.00	5,807,064	0.00	0
National Australia Bank Ltd	AA+ to AA-		14,500,000.00	Book	30.00	% of 63,070,642.97	18,921,192.89	77.00	23.00	4,421,193	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	79.00	21.00	1,307,064	0.00	0
P&N Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	32.00	68.00	4,307,064	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		4,250,000.00	Book	10.00	% of 63,070,642.97	6,307,064.30	67.00	33.00	2,057,064	0.00	0
Rabobank Nederland Australia Branch	AA+ to AA-		1,000,000.00	Book	20.00	% of 63,070,642.97	12,614,128.59	8.00	92.00	11,614,129	0.00	0
UBS Australia Ltd	AA+ to AA-		1,650,000.00	Book	20.00	% of 63,070,642.97	12,614,128.59	13.00	87.00	10,964,129	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		1,520,642.97	Book	30.00	% of 63,070,642.97	18,921,192.89	8.00	92.00	17,400,550	0.00	0
			63,070,642.97				170,290,736.02			107,905,964		685,872

2 Security Rating Group Trading Limits

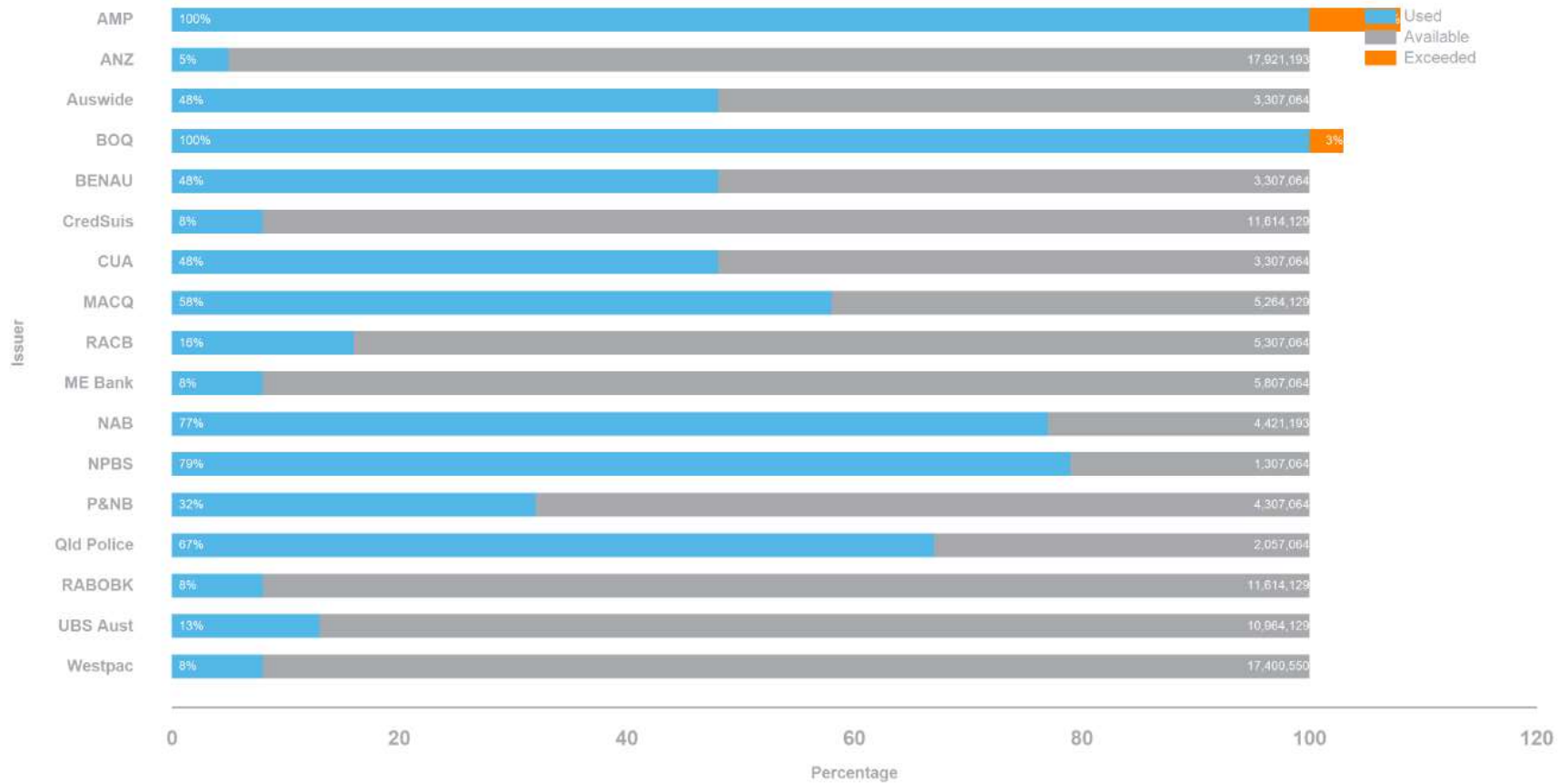
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 63,070,642.97	63,070,642.97	5.00	95.00	60,070,643	0.00	0
A+ to A-	11,500,000.00	Book	70.00	% of 63,070,642.97	44,149,450.08	26.00	74.00	32,649,450	0.00	0
A1+	14,020,642.97	Book	100.00	% of 63,070,642.97	63,070,642.97	22.00	78.00	49,050,000	0.00	0
A1	2,000,000.00	Book	70.00	% of 63,070,642.97	44,149,450.08	5.00	95.00	42,149,450	0.00	0
A2	14,800,000.00	Book	60.00	% of 63,070,642.97	37,842,385.78	39.00	61.00	23,042,386	0.00	0
A3	2,250,000.00	Book	60.00	% of 63,070,642.97	37,842,385.78	6.00	94.00	35,592,386	0.00	0
BBB+ to BBB-	15,500,000.00	Book	60.00	% of 63,070,642.97	37,842,385.78	41.00	59.00	22,342,386	0.00	0
	63,070,642.97				327,967,343.44			264,896,701		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	40,920,642.97	Book	100.00	% of 63,070,642.97	63,070,642.97	65.00	35.00	22,150,000	0.00	0
1-3 Year	11,500,000.00	Book	100.00	% of 63,070,642.97	63,070,642.97	18.00	82.00	51,570,643	0.00	0
3-5 Year	10,650,000.00	Book	100.00	% of 63,070,642.97	63,070,642.97	17.00	83.00	52,420,643	0.00	0
	63,070,642.97				189,211,928.91			126,141,286		0

Issuer Trading Limits






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Report Code: TSSBP125EXT-0018
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 January 2021
Balance Date: 4 February 2021 (but 31 Jan 2021 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: Bal Only
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Ignored
Hide Zero Holdings

12.6 REPORT ON COUNCIL GRANT FUNDING FEBRUARY 2021

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 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

For some time 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 (largely drought and bushfire targeted funding and including Resources for Regions) 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

Both the Mayor and Deputy Mayor have been consulted about grant applications over the past two months since the last report.

REPORT

Since the last report, Council has applied for at least four grants, namely the:

- 2020 Fixing Country Roads Fund for \$425,000 which included a co-contribution of \$425,000, being the funding we received from the Federal Heavy Vehicle Safety and Productivity Program, and this co-contribution might improve our chance of success (our application to the 2019 Fund was unsuccessful and didn't include a co-contribution).
- Summer Fund of \$10,000 for free, small-scale activations and events in public spaces in and around high streets in local centres to be run by 18 April 2021. We successfully applied for funding for the Muswellbrook Regional Arts Centre to conduct a fun Digital Treasure Hunt involving 10 public art and history sites around the Muswellbrook CBD during the autumn school vacation. A website would be developed to facilitate the Treasure Hunt.

- Bushfire Economic Recovery Fund supports projects that retain and create new jobs in regional areas, build resilience and increase preparedness for future bushfire seasons. We submitted an application for \$7.3 million for the Denman Thermal Baths and Tourist Park development on Thursday 28 January 2021, with Council providing a co-contribution of \$2 million including \$250,000 from Bengalla Mining Company via their State Voluntary Planning Agreement (SVPA) contributions.
- Your High Street Fund 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. On 29 January 2021 we submitted an application for \$1 million for Stage I of the Muswellbrook Civic Precinct with Council contributing \$2.3 million.

We anticipate there will be a public announcement shortly about whether our application for funding for Rosebrook Bridge has been successful as part of the NSW Fixing Country Bridges Program. In February we also anticipate hearing about the outcome of our application to the Bushfire Community Recovery and Resilience Fund for upgrades to the Muswellbrook and Denman Indoor Sports Centres. In March we anticipate there will be an announcement about the outcomes of the 2020/21 NSW Public Library Infrastructure Grants Program as we applied for funding for \$94,300 for improvements to the indoor Children's Section (including upgraded shelving and furniture) at Muswellbrook Library, and design and construction of a sensory garden adjacent to children's section.

Over the next month Council will apply for at least two grants, namely the:

- Regional Sports Facility Fund which assists eligible organisations to develop quality core sport infrastructure that will meet the current and future needs of the community, and supports the development of well-designed and utilised new and improved sport infrastructure projects that can directly impact and support participation and performance opportunities in sports at all levels. The project proposed for the application is the development of a grandstand and associated facilities as part of the implementation of the Olympic Park Masterplan with the maximum funding available being \$1 million. Applications close Friday, 26 February.
- Building Better Regions Fund Round 5 has two streams. The Infrastructure Projects Stream supports investment ready projects that provide economic and social benefits for regional and remote areas with this round focussing on tourism-related infrastructure projects. Grants are available for \$20,000 to \$10 million to cover 50% or more of eligible project costs. The Community Investments Stream supports new or expanded local events, strategic regional plans or leadership and capability strengthening activities that provide economic and social benefits to regional and remote areas with grants of \$5000 to \$1 million to cover 50% or more of eligible project costs. Applications close Friday, 5 March. One possible project for the Infrastructure Projects Stream is the Muswellbrook Regional Entertainment Centre.

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 co-contributions required as specified in the applications descriptions above.

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.

12.7 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 ARTS CENTRE**

There has been an increase of 26% of entries in the Muswellbrook Art Prize this equates to 881 entries.

The increase in entries has predominantly been for the Painting Prize there has been an increase of 70% compared with the previous 2 years, followed by the Ceramic Prize – 55% increase and last the Works on Paper Prize 30% increase.

The current exhibition is on display until the 27 February are: *The School Quadrangle* – Garrie Collins and *Art Tracks IV, Folklore, Wisdom. A Dog is a Dog* from the Collection and *In Our Own Words* is on display until the 1 May 2021.

MUSWELLBROOK SHIRE AQUATIC CENTRE – DENMAN

There have been **1572** visits to the Denman Memorial Pool during December – January.

The following programs are operating at the Denman Memorial Pool:

- Learn to Swim Program with **44** (December) **138** (January) children booked;
- Aqua Aerobics, **76** participants attending routine sessions;

There has been high participation of School Groups at the Denman Memorial Pool due to the transfer of school swimming carnivals from the Muswellbrook Outdoor Pool due to the reconstruction and COVID 19 capacity numbers at the present we have not been able to accommodate all schools that require a facility due to the high demand.

Attendance of **418** children aged 11-16yrs, **128** children aged 6 – 8yrs.

The Muswellbrook Outdoor Pool reopened on the 30 January, a prelaunch was held with the Muswellbrook Amateur Swimming Club. Due to technical issues the Pool needed be closed to the public on the 8 February and reopened the next week, free entry has been extended to the 19 February.

Attendance numbers at the Muswellbrook Outdoor Pool has been **361** up until 3pm 11 February 2021.

COMMUNITY PARTNERSHIPS

- Governance support has been provided to Upper Hunter Youth Services Management Committee and Management Team and Arts Upper Hunter and the Upper Hunter Community Services Interagency meeting;
- The Aboriginal Oral History Project 'In Our Own Words' was launched the event was well attended with over **70** community members being present. The exhibition is on display until 1 May 2021, this will give time for community members to come and enjoy the exhibition as well as extending invites to schools and community groups.
- Work continues with 2 Rivers Pty Ltd with the development of the Treaty Project, there will be a consultation held with the Aboriginal Community on the 24 February to explore the concept and scope of a local Treaty. More information will be provided as the Project progresses.

MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK and DENMAN

During January 2021 the Muswellbrook Shire Libraries was attended by **1758 customers**. Over the same period, our library branches **loaned 4,589 items** and processed **3,373 returns**.

- **Current Displays:** (see attached photos)
 - Home Grown – Celebrating Australia Day
 - Summer Reading at Denman
- **Providing opportunities that increase community literacy, both physical and digital**
 - Online Engagement:

The Library has continued a regular presence on its social media with posts to share information about library collections, library events and library online resources. Over the past month the library has had **1,138** post views and now has a combined like/follow total of **1,968**.
 - Digital Collections:

Our digital collections have continued to be popular with a **4.2% increase** in members using Borrowbox. Across our three digital platforms, there have been **1,206 loans**.
 - Literacy Programs: Muswellbrook Branch staff have been developing the Junior Literacy collection aimed at early reading skills. This will be launched as a program in March at both Muswellbrook and Denman branches.
- **Creating spaces and programs that meet the needs of members and library visitors**
 - Children's Programs

The 2020/2021 Summer Reading program was successful with **77 participants**. The library had a lot of positive feedback from the community and participants.

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 **38 baby rhyme time attendees** and **10 story time attendees**.

Denman Branch will be relaunching their story time programming during February.



- 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. The upcoming talks are scheduled through to March.
Denman Library will be re-launching Adult book club programming from March with planning and promotion underway.
Muswellbrook Book Club will be re-launching from March.
- 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 **85 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 also 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
Computer Usages:
Muswellbrook: 206
Denman: 3

Wifi Usage:
Muswellbrook: 126
Denman: 71
- **Increasing and maintaining library memberships**
Muswellbrook: 27 new members
Denman: 2 new members

TOURISM AND EVENTS

Australia Day 2021

The Australia Day Award Ceremony was held at the Denman Memorial Hall on Monday, 25 January. The ceremony was also live streamed to the Muswellbrook Shire Council Facebook Page. The award recipients were **Citizen of the Year Award - David Roe**, **Young Citizen of the Year - Hunter Ball** and the **Muswellbrook Shire Council Australia Day Awards** were for services to the wine and tourism industries **Brett and Linda Keeping** and for services to local health **Wendy Hordern**. Recipients of the Muswellbrook Shire Council Commendation Awards were **Jacinda Dever** and **the Muswellbrook Lioness Club**.

The Citizenship Ceremony was held at Denman Memorial Pool on Tuesday, 26 January followed by the Family Fun Day with free entry to the pool, live music, jumping castle and a food and Ice Cream Van, this event was attended by **275** people.

Visitor Information Centre

The Visitor Information Centre has been operational since the 30 November 2020 at Denman, a breakdown of the number of visitors including the area they are from that attended the visitor information centre since it opened in 2020.

Muswellbrook LGA 86	NSW 339	Queensland 82	Victoria 63
Western Australia 23	South Australia 12	Northern Territory 1	Tasmania 2
ACT 1	International 0		



13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 9 FEBRUARY 2021

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 9 February 2021.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 9 February 2021 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Local Traffic Committee met on Tuesday 9 February 2021.

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

PRESENT: Cr S. Reynolds (Chair), Cr M. Rush (Alt Delegate), Mr J. Smoother (Transport for NSW), Ms A. Sweeney (NSW Police), Mr M. Kelly (Representing Mr Michael Johnsen), Ms K. Scholes (Manager – Roads, Drainage & Technical Services).

IN ATTENDANCE: Mrs I. Williams (MSC), Ms A. Balding (MSC), Mr A. Mettam (MSC Ranger)

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED that:

The Minutes of the Local Traffic Committee held on 24 August 2020, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 MUSWELLBROOK PUBLIC SCHOOL NO STOPPING ZONE

RECOMMENDED that:

Council use its delegated authority to:

1. approve the installation of “No Stopping” zones and associated yellow edge line marking 10m either side of the intersection in Roger and Koombahla Streets; and
2. Take no action to install a “No Parking” drop off zone in Roger Street

VOTE:

6 DATE OF NEXT MEETING

9 March 2021

7 CLOSURE

The meeting was declared closed.

.....

Cr S. Reynolds

Chairperson

**13.2 REPORT OF THE FINANCE REVIEW AND ADVISORY COMMITTEE
MEETING HELD ON THURSDAY, 11 FEBRUARY 2021**

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To facilitate Council's adoption of recommendations of a meeting of the Finance Review and Advisory Committee held on 11 February 2021.

OFFICER'S RECOMMENDATION

The minutes for the Finance Review and Advisory Committee meeting held on Thursday 11 February 2021 be ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Finance Review and Advisory Committee met on Thursday 11 February 2021.

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

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

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer), Mr Mr J. Hogan (Financial Controller) and Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Rush and Cr Scholes that:

The Minutes of the Finance Review and Advisory Committee held on 22 January 2021, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 INTERNAL AUDIT BUDGET

RECOMMENDED on the motion of Cr Rush and Cr Scholes that:

It is recommended that the Finance Review and Advisory Committee recommends to Council a review of Council's *Strategic Internal Audit Plan 2020-2023* in order to reduce the number of internal audits to be conducted per year, in-line with the current budget and that the budget be increased in 2021/2022 be increased in order to complete the audits.

5.2 DECEMBER QUARTERLY REVIEW AND DRAFT 2021/2022 ESTIMATES

Mr Hogan provided the Committee with an overview of the December Quarterly review.

RECOMMENDED on the motion of Cr Rush and Cr Scholes that:

- i) The December Quarterly Review be noted
- ii) The draft 2021/2022 Estimates be resubmitted to the next Meeting for consideration subject to minor amendments.

5.3 DRAFT LONG TERM FINANCIAL PLAN

The meeting was advised that the Draft Future Fund Long Term Financial Plan was still being finalised and would be submitted to the next meeting of the Committee.

6 DATE OF NEXT MEETING

TBA

7 CLOSURE

The meeting was declared closed at 4.16pm.

.....

Ms F. Plesman

General Manager

.....

Cr J. Ledlin

Chairperson

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

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

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

19 CLOSED COUNCIL**RECOMMENDATION**

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

19.1 REQUEST TO REMOVE WASTE MANAGEMENT CHARGE FROM ASSESSMENT

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 TENDER 2020-2021-0452 DESIGN AND CONSTRUCTION OF ANIMAL SHELTER AND ASSOCIATED WORKS

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 TENDER 2020-2021-0439 - WATER MAIN REPLACEMENT MUSWELLBROOK - REVISED

Item 19.3 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.

19.4 REQUEST TO REMOVE WASTE MANAGEMENT CHARGE FROM ASSESSMENT

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 30 MARCH 2021