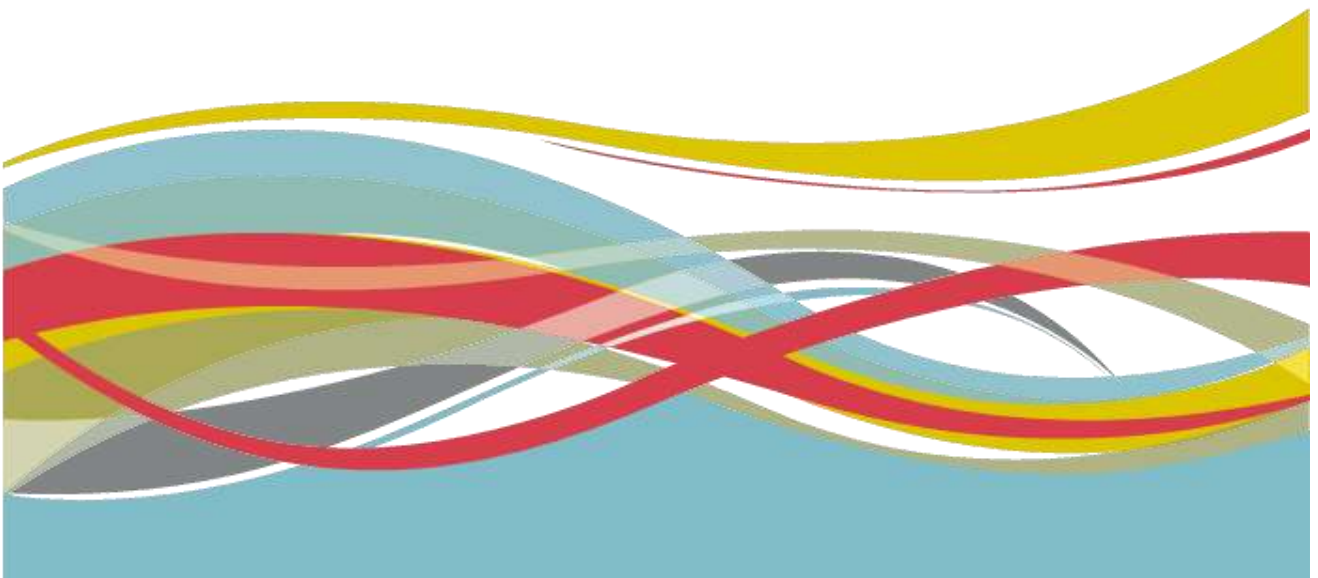




**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
27 APRIL 2021



ORDINARY COUNCIL MEETING, 27 APRIL 2021

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
23 April, 2021

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **27 April, 2021** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

Order of Business

ITEM	SUBJECT	PAGE NO
1	ACKNOWLEDGEMENT OF COUNTRY	6
2	CIVIC PRAYER	6
3	APOLOGIES AND LEAVE OF ABSENCE	6
4	CONFIRMATION OF MINUTES OF PREVIOUS MEETING	6
5	DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST	6
6	PUBLIC PARTICIPATION	7
7	MAYORAL MINUTES	7
8	GENERAL BUSINESS	7
9	BUSINESS ARISING Nil	7
10	ENVIRONMENTAL SERVICES	8
10.1	DA 2019/2 - CONSTRUCTION OF MULTI-DWELLING HOUSING COMPRISING SIXTEEN (16) DWELLINGS AND ASSOCIATED SITE WORKS - 19 JOHN HOWE CIRCUIT, MUSWELLBROOK	8
10.2	INTENTION TO USE DELEGATIONS TO REFUSE DA 2020/58 - EXTENSION TO REPCO BUILDING	71
10.3	ADOPTION OF REVISED BUSH FIRE PRONE LAND MAP	73
10.4	WAR ON WASTE GRANTS FOR COUNCIL APPROVAL	79
10.5	PLANNING AND ENVIRONMENTAL SERVICES	88
11	COMMUNITY INFRASTRUCTURE	98
11.1	MUSWELLBROOK COAL COMPANY S.138 ROADS ACT APPROVAL AND ROUTINE MAINTENANCE PLAN FOR MUSCLE CREEK ROAD	98
11.2	BRIDGE STREET RAIL BRIDGE REPLACEMENT PROJECT STATUS UPDATE	101
11.3	MAJOR PROJECTS STATUS REPORT	110
12	CORPORATE AND COMMUNITY SERVICES	114
12.1	AUTHORISATION UNDER SECTION 226 OF THE LOCAL GOVERNMENT ACT	114
12.2	INTERNAL AUDIT PROCUREMENT AND TENDERING	115
12.3	PUBLIC EXHIBITION OF THE DRAFT 2021/22 OPERATIONAL PLAN AND FEES AND CHARGES	117
12.4	COMMUNITY GRANTS PROGRAM - ROUND 1 2021	119
12.5	REPORT ON COUNCIL GRANT FUNDING APRIL 2021	121

12.6	REPORT ON INVESTMENTS HELD AS AT 31 MARCH 2021	123
12.7	MARCH 2021 MONTHLY FINANCIAL REPORT	134
12.8	COMMUNITY SERVICES	139
13	REPORTS FROM COMMITTEES	142
13.1	AUDIT, RISK AND IMPROVEMENT COMMITTEE - 16/03/2021	142
14	NOTICES OF MOTION / RESCISSION	150
	Nil	
15	QUESTIONS WITH NOTICE	150
	Nil	
16	COUNCILLORS REPORTS	150
17	QUESTIONS FOR NEXT MEETING	150
18	ADJOURNMENT INTO CLOSED COUNCIL	150
19	CLOSED COUNCIL	150
19.1	SANDY HOLLOW HEAVY VEHICLE REST AREA <i>Item 19.1 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>	
19.2	APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4 <i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.3	APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4 <i>Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.4	REQUEST FOR QUOTES FOR LIGHT FLEET <i>Item 19.4 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>	
19.5	TENDER (PANEL) T272021 SUPPLY AND DELIVERY OF ROADBASE MATERIALS <i>Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.6	SALE OF INDUSTRIAL LAND <i>Item 19.6 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>	

20	RESUMPTION OF OPEN COUNCIL	152
21	CLOSURE	152
DATE OF NEXT MEETING: TUESDAY 25 MAY 2021		152



**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 27 APRIL 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 **30 March 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 2019/2 - CONSTRUCTION OF MULTI-DWELLING HOUSING COMPRISING SIXTEEN (16) DWELLINGS AND ASSOCIATED SITE WORKS - 19 JOHN HOWE CIRCUIT, MUSWELLBROOK

- Attachments:**
- A. DA 2019-2 - Section 4.15 Assessment
 - B. DA 2019-2 Recommended Conditions of Consent
 - C. DA 2019-2 Proposed Site Plan
 - D. DA 2019-2 Proposed Landscape Plan
 - E. DA 2019-2 Proposed Turning Path Analysis Plan
 - F. DA 2019-2 Proposed Solar Access Plan
 - G. DA 2019-2 Proposed Site Analysis Plan
 - H. DA 2019-2 Proposed Elevations Plan(1)
 - I. DA 2019-2 Proposed Elevations Plan(2)

Responsible Officer: Derek Finnigan - Deputy General Manager

Author: Hamish McTaggart - Co-Ordinator - Development

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: *Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.*

PURPOSE

The report relates to the determination of DA 2019/2, involving the construction of sixteen (16) multi dwelling housing dwellings and associated site works, including internal private roads, stormwater drainage, and landscaping.

A total of 108 public submissions were received in relation to the application. The General Manager does not have delegation to determine development applications with this number of submissions. The application is therefore being reported to Council for determination.

OFFICER'S RECOMMENDATION

Council approves Development Application 2019/2 sixteen (16) multi dwelling housing dwellings and associated works at 19 John Howe Circuit, Muswellbrook (Lot 514 DP 1089307), subject to the recommended conditions of consent in Attachment B.

Moved: _____ **Seconded:** _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development involves multi-dwelling housing, comprising sixteen (16) residential units, at 19 John Howe Circuit (Lot 514 DP 1089307).

The subject site is zoned R1 General Residential and is currently vacant of any development. The site was created in 2005 as a result of a Council approved subdivision (DA 384/2003) and has remained vacant since creation. Two approvals were previously issued for the further subdivision of the land which have not been acted on.

Following notification of the original development proposal, the following key changes to the development have been made:

- A reduction in the total number of proposed units from twenty-one (21) to sixteen (16);
- Exclusion of two properties (15 and 17 Bloodwood Road., Lot 210 and 211 DP 1078158) from the development site; and
- Alterations to site access arrangements to obtain vehicle access from John Howe Circuit and not Bloodwood Road.

The amended proposal before Council involves:

- Construction of multi-dwelling housing comprising a total of sixteen (16) three (3) bedroom dwellings;
- Construction of internal vehicle access road and parking;
- Construction of stormwater infrastructure;
- Associated Earthworks;
- Removal of Vegetation; and
- Landscaping.

A site plan showing the layout of the proposed development has been included below along with a locality plan that identifies the site in context with the wider area.

The complete plan-set for the proposed development has been provided in attachments C-I. Floor plans for the proposed development have been redacted in line with privacy legislation that restricts Council making floor plans publicly available. An unredacted set of floor plans will be made available for the viewing of Councillors.





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 R1 General Residential and the proposed development of multi dwelling housing is permissible with consent within the zoning. An Aboriginal Archaeological Due Diligence Assessment was submitted with the proposal. This report did not identify any items or places of significance within the study area to be affected by the development. A Biodiversity Development Assessment Report (BDAR) prepared by Firebird Ecosultants Pty Ltd was submitted with the application. Council Officers are satisfied that the proposed development would not have a serious and irreversible ecological impact and could be supported where 13 ecosystems credits and various species credits are retired under the Biodiversity Assessment Method (BAM). The recommended conditions of consent include requirements for the retiring of these credits.
- Council's Water and Wastewater Officers advised that they were satisfied that the proposed development could be supported with conditions. ➤ A Traffic Assessment by SECA Solutions was

submitted with the application. The Traffic Assessment supports the proposed development. Council's Engineers raised no objection to the proposed development.

- The proposed development has been assessed against the provisions of the Muswellbrook Development Control Plan (MDCP) 2009. The proposed development complies with the relevant MDCP provisions specific to multi dwelling housing (Section 6.2.5), including density and open space requirements. The proposed development complies with the majority of MDCP development standards for Residential development, but with a variation to controls in section 6.3.1 and 6.3.4. Council Officers are satisfied that the variation of these controls can be supported. These MDCP non-compliances and merit assessments are outlined in greater detail in the attached Section 4.15 Assessment Report.
- Council Officers considered the proposed development against other relevant sections of MDCP 2009, such as sections 16 (Car Parking and Access), 20, 24, and 25. Council Officers are satisfied that the proposed development complies with the relevant requirements.
- Council received a total of 108 submissions in relation to the proposed development. A review of the submissions and a summary of key issues has been provided in the Section 4.15 Assessment report. Council Officers are of the view that potential impacts are reasonable, and the development is compatible with the residential development density standards set by Council.
- Council Officers have not identified any environmental impact that would warrant the refusal of the proposed development.

CONSULTATION

The proposed development was notified on two occasions. In response to the initial notification of the development, the number of submissions received was calculated to be 79. The second notification of the development was carried out following the submission of revised plans. 108 submissions were received in response to the second notification.

The main issues raised in the submissions were:

- Development is out of character with the locality.
- Adverse social impacts.
- Impact on property values.
- Overlooking and disruption to breezes.
- Traffic generation.
- Impact on Flora and Fauna.
- Impact of earthworks on adjoining properties.
- Impact on water and sewer.
- Waste collection.

Council Officers have considered the matters raised in the submissions. A table has been included in the 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.

Submissions have been made available to Councillors under separate cover.

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 policy and legislation.

Council Officers recommend that Council grants development consent to the proposed development subject to the recommended conditions of consent contained in Attachment B.

DEVELOPMENT ASSESSMENT REPORT**REPORT TO THE GENERAL MANAGER**

ADDRESS:	LOT 514 DP1089307 19 John Howe Circuit MUSWELLBROOK
APPLICATION No:	2/2019
PROPOSAL:	Multi dwelling housing comprising Sixteen (16) dwellings and the carrying out of associated site works.
OWNER:	Raj & Jai 4 Pty Ltd
APPLICANT:	Raj & Jai Construction Pty Ltd Po Box 270 WENTWORTHVILLE NSW 2145
AUTHOR:	Mr H A McTaggart
DATE LODGED:	14/01/2019
AMENDED:	31 July 2019
ADD. INFO REC'D:	31 July 2019 17 February 2020
DATE OF REPORT:	11 April 2021

1.0 SITE DESCRIPTION

The development application applies to Lot 514 DP 1089307. The street address of this property is 19 John Howe Circuit, Muswellbrook.

Characteristics of the site are:

- An area of 8,282m².
- The land has direct frontage to John Howe Circuit.
- The land slopes up steeply from John Howe Circuit.
- The land is zoned R1 General Residential under the Muswellbrook Local Environmental Plan 2009.
- Adjoining land is zoned R1 General, and RE1 Public Recreation. The RE1 Public Recreation zoned land was created as part of the same subdivision as the development site (DA 384/2003), this land is owned and managed by Muswellbrook Shire Council.
- The site includes clusters of mature vegetation. A Biodiversity Development Assessment Report was submitted with the proposal and reviewed by Council's Ecologist and Sustainability Team Leader.
- An aboriginal archaeological due diligence assessment was carried out for the site.

The subject site is identified in the aerial image below.



Image.1 locality Plan

The land subject to this development application was created under the Council approved subdivision of DA 384/2003. Since its subdivision the land has remained vacant.

Council's records identify previous development approvals and concept developments for the site that were not acted on. Details have been included below:

Development Application	Date lodged	Details of the Development	Determination
DA 79/2006 - Consolidation of three (3) lots and subdivision into four (4) lots	8 March 2006	This development application included the properties at 15-17 Bloodwood Road. The application gained approval for the consolidation of the 3 lots and their re-subdivision into 3 lots with direct frontage to John Howe Circuit and 1 lot with frontage to Bloodwood Road.	Approved subject to conditions
DA 253/2007 – subdivision of one (1) lot into four (4) lots	23 July 2007	This development application approved the subdivision of the subject site into four lots with frontage to John Howe Circuit, and associated works.	Approved subject to conditions

2.0 DESCRIPTION OF PROPOSAL

The proposed development involves multi-dwelling housing, comprising sixteen (16) dwellings at 19 John Howe Circuit.

Each dwelling is three (3) bedrooms, with combined living, kitchen and dining area, a laundry, bathroom and garage. All dwellings are single-storey and dwellings 4 and 5 have been designed to provide accessible housing options.

Nine (9) of the proposed dwellings would have a two (2) car garage, seven (7) have single car garages. There is stacked parking in front of five (5) of garages. An additional five (5) visitor parking spaces and a wash bay would also be provided on the site.

Access is to be provided to the development site from a newly constructed private vehicle access from John Howe Circuit. No vehicle access would be provided to the development from Bloodwood Road. To construct the proposed access, and the development generally, it will be necessary for the proponent to carryout extensive earthworks. These earthworks have been detailed in civil plans in relation to the proposal. The earthworks will alter the natural ground level of the development site by up to 3.75m in some locations (principally around the driveway area).

To support this reshaping of the site retaining walls are proposed at various locations of the site. The civil plans submitted include details of all retaining wall locations and maximum proposed heights. Most of the retaining walls will be less than 1m in height, apart from some walls adjoining paths of travel within the site and the public reserve south of the site. Retaining walls along the parts of the access driveway where the greatest alterations to the site levels are proposed will be benched with 1m height and 1m depth.

A site plan, elevation plan and cut and fill plan have been included below to provide some context for the scope of the proposed development



Image.2 Site Plan



Image.3 Elevation Plan

Levels Table		
No	From Level	To Level
1	-3.722	-3.500
2	-3.500	-2.500
3	-2.500	-1.500
4	-1.500	-1.000
5	-1.000	-0.500
6	-0.500	0.000
7	0.000	0.500
8	0.500	1.000
9	1.000	1.500
10	1.500	2.000
11	2.000	3.000
12	3.000	3.250

BULK EARTHWORKS PLAN
SCALE 1:300

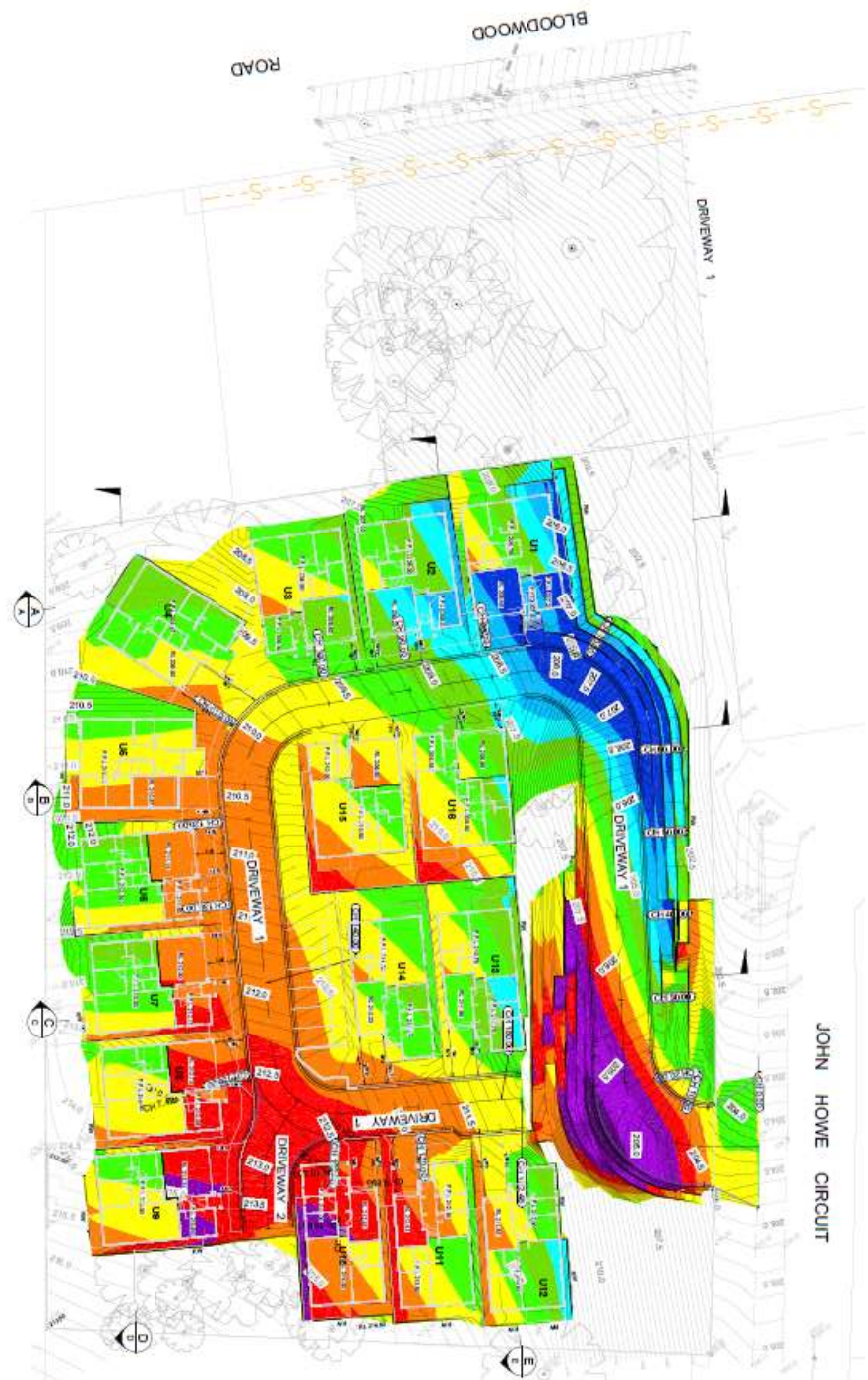


Image.4 Cut and Fill Plan

The original development application involved the construction of twenty-one (21) dwellings, with access via Bloodwood Road and included two (2) additional parcels of land along that street frontage. The amended development application is for sixteen (16) dwellings.

3.0 REFERRALS

3.1 External Referrals

Wanaruah Local Aboriginal Land Council

The development application was reviewed and commented on by the Wanaruah Local Aboriginal Land Council.

Initial comments were received on the 7 February 2019. These comments raised concerns regarding aboriginal artefacts uncovered in the vicinity of the development site during the carrying out of the 2003 subdivision. In investigating this issue, the Assessing Officer met with Wanaruah Local Aboriginal Land Council representatives and reviewed the development application files related to the subdivision of the site.

Additional information was requested from the applicant and a Cultural Due Diligence Assessment for the proposed development was prepared in line with the NSW OEH Due Diligence Code of Practice. This report and its findings were referred back to the Wanaruah Local Aboriginal Land Council who made no further comment in relation to the development application.

3.2 Internal Referrals

Water and Waste

The applicant engaged GCA Engineering Solutions to provide a response to Council's request for further information around water servicing requirements. A servicing plan for the revised development was provided on the 31 October 2019 along with a concept servicing plan.

This documentation was reviewed by Council's Water and Waste Project Engineer. Council's Water and Waste Officer has no objection from a water servicing perspective subject to the imposition of conditions regarding design and construction.

Conditions related to the preparation of detailed design documents for service extension and their construction have been included in the recommended conditions of consent.

Building Surveyor

Council's Building Surveyor recommends the need for an internal hydrant where the Proponent cannot demonstrate adequate site coverage from the existing and proposed street hydrants.

These comments have been adopted into the recommended conditions of consent.

Ecologist and Sustainability Team Leader

In response to this request for additional information and in line with the requirements of the Biodiversity Conservation Act 2016, a Biodiversity Development Assessment Report (BDAR) was prepared by the Proponent.

The BDAR considered the impact of that disturbance on ecological communities in line with the relevant provisions of the Biodiversity Conservation Act 2016 and related guidelines. The BDAR impact summary identified:

- No species that were potential '*serious and irreversible impact entities* on the development site.

- To comply with the Biodiversity Conservation Act 2016 requirements under the Biodiversity Assessment Method (BAM) it would be necessary for the developer to retire 13 ecosystem credits and 13 species credits.

Council's Ecologist and Sustainability Team Leader confirmed that the relevant ecological issues had been considered and that the proposed development could proceed subject to recommended conditions of consent, including conditions of consent related to the retirement of credits.

Conditions put forward by Council's Ecologist and Sustainability Team Leader have been included as recommended conditions of consent.

Community Infrastructure

Council's Engineers raised no objection to the proposed development and put forward the following comments:

- Brushbox Trees have been planted across the frontage of the subdivision in Bloodwood Road, above an existing tabledrain.
- There is no footpath fronting the proposed development on either side of the road.
- Proposed driveway grades are compliant with maximum permissible grades and transitions as per Fire Fighting Vehicle / Service Vehicle Requirements
- Pipe grades into stormwater treatment devices or on-site detention tanks should not exceed 5% maximum grade. A drop structure pit can be included upstream of such a device of at least 2.4m if a lower grade is not possible.
- Structural design for on-site detention tank to be provided for CC design, including structural design for concrete lid. A minimum of one grate is to be provided for the tank.
- Stormwater pipes greater than 5% grade should have trench stops/bulk heads (as per AUSPEC 0074 Stormwater Drainage Design Section 6) and with centres of Xm where $X = 100 / \text{Grade (\%)}$ of the pipe. Pipes greater than 15% in grade should have concrete bulkheads designed.
- A stormwater trench grate is to be provided across the width of the bottom of the driveway, connected to a stormwater pit, and drained towards a new pit and lintel in Bloodwood Rd as per diagram. The outlet pipe from the on-site detention system to be drained at 90 degrees towards Bloodwood Rd, before draining to the proposed lintel pit. Subsoil drainage is required along new proposed mountable kerb across frontage of property.
- Proposed drainage to connect to the existing lintel pit near the corner of John Howe Circuit as per diagram.
- Footpath in accordance with Council's DCP to be provided for the width of the property and connecting pram ramps between proposed footpath and existing footpath.
- A s68 permit is required prior to construction
- A s138 permit is required prior to construction

These comments have been reviewed by Council Officers and have informed the recommended conditions of consent.

4.0 ASSESSMENT

Section 4.15 Matters for Consideration

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

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

1. **Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

Land Use Zone and Permitted Land Use

The development site is zoned R1 General Residential pursuant to MLEP 2009. The proposal is best defined as **multi dwelling housing**, which is permitted with consent in the R1 General Residential Zone.

The land use table for the R1 General zone has been included below:

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Sewage reticulation systems; Shop top housing; Tank-based aquaculture; Water recycling facilities; Water supply systems

4 Prohibited

Any development not specified in item 2 or 3

Objectives of the R1 General Residential Zone

- *To provide for the housing needs of the community.*

Planning Comment: the proposed development will provide an additional housing option for the community. The proposal is compatible with this land use zone objective.

- *To provide for a variety of housing types and densities.*

Planning Comment: the proposed multi-dwelling housing will provide a different housing product at a greater density than some sites in the locality, but at a density which remains consistent with Council Development Control Plan requirements. Council Officers are therefore satisfied that the proposed housing would be supportive of the achievement of this land use zone objective.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Planning Comment: Council Officers are satisfied that the services, utilities, private open space and level of amenity to be provided to each unit in the development meets Council's minimum requirements for this type of housing stock.

- *To enable sensitive infill development of other housing types.*

Planning Comment: this is an application for an 'infill' development. Council Officers acknowledge community concern regarding the likely impacts of the development but consider the proposed development to be consistent with Council controls for multi-unit development. At its core this objective is supportive of enabling infill development of alternate housing stock where due regard has been given to its context and setting and relationship to adjoining uses.

- *To allow people to carry out a reasonable range of activities from their homes, where such activities do not adversely affect the living environment of neighbors.*

Planning Comment: Not applicable in this instance.

- *To promote the principles of ecological sustainable development including energy and water efficient subdivision and housing design.*

Planning Comment: BASIX Certificates have been prepared in relation to the dwellings proposed in line with the legislative requirements governing this assessment issue. Ecological issues have been appropriately considered.

- *To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.*

Planning Comment: the proposed development does not involve a non-residential use and thereby would not contravene this objective.

- *To ensure that development is carried out in a way that is compatible with the flood risk of the area.*

Planning Comment: Not applicable in this case.

Summary Comment:

Council Officers are satisfied that the development would be compatible with all land use zone objectives and is permissible with consent under the R1 general Residential land use table.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>Part 2 Permitted or prohibited development</i>	
<i>2.3 Zone objectives and Land Use Table</i>	The proposed development is compatible with the relevant land use objectives and thereby can be supported under the provisions of this Clause. Complies
<i>Part 3 Exempt and complying development</i>	
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The proposed development does not involve the subdivision of land. Not relevant
<i>4.3 Height of buildings</i>	The maximum building height applicable to the

	<p>land under the provisions of the Muswellbrook LEP 2009 is 8.5m.</p> <p>The proposed plans indicate that the maximum height of any proposed dwelling would be 4.9m. When considered in context with the proposed site filling, all buildings would remain below the 8.5m maximum building height. The 8.5m maximum building height has been marked on the proposed section plan for reference when reviewing development heights.</p> <p>Complies</p>
4.4 Floor space ratio	<p>The permitted Floor Space Ratio for the site is 0.5:1.</p> <p>The gross floor area for the development would be 1909m² and the total site area 8282m². The floor space ratio has thereby been calculated as 0.23:1.</p> <p>Complies</p>
Part 5 Miscellaneous provisions	
Part 6 Urban release areas	
Part 7 Additional local provisions	
7.1 Terrestrial biodiversity	<p>The land subject to this development application is not mapped as 'biodiversity'.</p> <p>Not relevant</p>
7.6 Earthworks	<p>This clause requires a consent authority to take the following matters into consideration before granting development consent to development involving earthworks:</p> <ul style="list-style-type: none"> a) <i>the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,</i> b) <i>the effect of the proposed development on the likely future use or redevelopment of the land,</i> c) <i>the quality of the fill or of the soil to be excavated, or both,</i> d) <i>the effect of the proposed development on the existing and likely amenity of adjoining properties,</i> e) <i>the source of any fill material or the destination of any excavated material,</i> f) <i>the likelihood of disturbing relics,</i> g) <i>the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.</i> <p>Council Officers are satisfied that the proposed earthworks can be carried out satisfactorily and where appropriate conditions of consent have been recommended to ensure measures are put in place to control the earthworks.</p> <p>Council Officers are satisfied that the proposed</p>

	<p>earthworks are unlikely to have a detrimental impact on the amenity of a neighboring properties.</p> <p>Complies</p>
--	--

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

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

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

Council Officers are satisfied that the development site is unlikely to be subject to any significant contamination requiring remediation as part of this development. Council Officers have observed:

- The site subject to this development application was created as part of a Council approved residential subdivision in 2005 (DA 384/2003). The consideration of potential site contamination issues was a relevant assessment consideration at the time the land was subdivided. No issue around site contamination arose through the assessment of that application.
- Following the subdivision of the land in 2005 the site has remained vacant. Council has no record of any activities being carried out on the land with the potential to cause its contamination.
- Council Officers have inspected the site as part of the assessment of this development application and did not identify any visible evidence that suggested that the land may be subject to significant contamination which would require remediation under the SEPP.

3. **State Environmental Planning Policy (Koala Habitat Protection) 2020**

The Biodiversity Development Assessment Report submitted with the development application does not consider the site to comprise a potential or core koala habitat. This SEPP does not have further implications for the assessment of this application.

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

There are no draft EPIs relevant to the subject Application.

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

Section 3 – Site Analysis

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 6 – Residential Development

Note: The DCP requirements Section of the Table has been prepared to reference DCP requirements relevant to the proposed development and/or include a summary of relevant controls rather than reference to all controls.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
<u>DCP REQUIREMENTS</u>	<u>COMPLIES</u>	<u>PLANNING COMMENT</u>
6.1.1 Context (i) Undertake a site analysis in accordance with Section 3 of this DCP. (ii) Design the development to respond to the issues identified in the site analysis.	YES	The development site is affected by design constraints, particularly in relation to the site gradient. The development has responded to this issue in the design and layout proposed.
6.1.2 Front Setbacks This section of the DCP prescribes a minimum building line setback for new residential development fronting local streets of 4.5m.	YES	The setback of the proposed residential units from the sites John Howe Street frontage would be approximately 16m.
6.1.3 Side and rear setbacks This section of the DCP specifies minimum side and rear setbacks for new development in the R1 Residential zone. Under these provisions single storey residential dwellings should be setback 0.9m from side and rear boundaries	YES	The proposed plans indicate that the minimum side/rear building setback for the development would be 4m.
6.1.4 Building Height and Scale (i) Where a building is part of a uniform group of buildings of similar character locate any additions or alterations to the rear and not visible from the street or any public place. (ii) Where a building is to be located amongst buildings having a consistent façade repeat the size, location and proportions of window, door openings and other distinctive features such as roof form. (iii) Dual occupancies, multi dwelling housing and residential flat building developments must be designed and constructed in a form and scale that resembles the detached character of dwelling-houses in the surrounding neighbourhood. (iv) Finishes which are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative	YES	<ul style="list-style-type: none"> ➤ The design of the proposed buildings would be compatible with the existing neighbourhood and streetscape. The proposed buildings would have a modern appearance with design variations between the four different building types proposed and the inclusion of landscaping. ➤ The proposed buildings have fenestration similar to nearby dwellings. ➤ All proposed residential building would be single storey. Consequently, their height, bulk and scale is compatible with existing residential buildings in the locality. ➤ The proposed dwellings have been designed to include various finishes and distinctive design elements in line with DCP controls.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>treatments.</p> <p>(v) Traditional relationship of roof mass to wall ratio, roof pitch and design, length of unbroken ridgelines, parapets, eaves and roofwater guttering detailing.</p> <p>(vi) The amount and length of unbroken roof ridge lines, unpunctuated facades, fencing and repetitive form should be minimized</p>		
<p>6.1.5 Front Fencing and Retaining Walls</p> <p>The DCP controls from this section that relate to the assessment of this development application have been included below.</p> <p>(v) Terracing and retaining walls are not more than 1.5 metres in height below or 1 metre above existing ground level within the front setback.</p> <p>(vi) Slopes between retaining walls/terracing shall be landscaped and are not to be greater than 4 horizontal to 1 vertical.</p>	YES	<p>Retaining walls are proposed as part of the proposed development support the development and stabilise required earthworks.</p> <p>The plans indicate that all of the proposed retaining walls would comply with the requirements of this Section of the DCP. Proposed retaining walls would be no greater than 1m in height (with the exception of a limited number of 2m retaining walls required to support stairways within the site).</p> <p>The spacing of the proposed retaining walls would also be consistent with the requirements of both this Section of the DCP and Council's Retaining Walls Policy with all retaining walls spaced 1m apart.</p>
<p>6.1.6 Garages Carports and Sheds</p> <p>This Section of the DCP restricts garages and carports from being located forward of a building line and includes provisions related to their design and construction to ensure that they do not detract from the dwelling to which they relate.</p>	YES	<p>All garages would be attached to dwellings and would not be located forward of the John Howe Circuit building line.</p>
<p>6.1.7 Dwelling Entry</p> <p>(i) Create an address to the street or any public access-point by incorporating the front door and/or windows of habitable rooms in the façade facing the street or public access-point.</p> <p>(ii) Provide an entry that is clearly identifiable from the street, has adequate lighting and has direct access to the street frontage – do not conceal or recess dwelling entries.</p>	YES	<p>Each of the proposed dwellings incorporate building entry points orientated toward the internal access road. While the development site and site access would be identifiable and clearly visible from the John Howe Circuit Road Reserve.</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>6.1.8 Accessibility and Adaptability</p> <p>(i) Provide a minimum of 10% (or part thereof) of dwellings as adaptable housing designed in accordance with the provisions of AS4299.</p> <p>(ii) The required adaptable housing units are to be designed with accessible features for people with disabilities, and to incorporate level entries and wider doorways and corridors, slip resistant surfaces, reachable power points, disabled toilet, and lever door handles and taps; such features to be designed generally in accordance with Australian Standard 4299.</p> <p>(iii) Integrate the adaptable housing components, do not isolate them or use a different standard of materials and finishes - show proposed adaptable units on any development application plans submitted.</p>	YES	<p>The proposed plans indicate that two (2) of the sixteen (16) dwellings would be designed to provide accessible housing options.</p> <p>This ratio would exceed the accessibility requirement of this Section of the DCP.</p>
<p>6.1.9 Reflective Materials Restricts the use of reflective materials building design.</p>	YES	<p>Council Officers have reviewed the building design and composition. Officers are satisfied that the proposed building materials would be in accordance with this section of the DCP.</p>
<p>6.2 Usable Urban Spaces</p> <p>(i) In multi dwelling housing or residential flat buildings, provision of a minimum of 35m² of principal private open space shall be provided per dwelling which is located at or near ground level and directly accessible from the living area.</p> <p>(ii) Narrow elongated areas with any dimension less than 4m shall not be included as part of the principal private open space.</p> <p>(iv) Screening is to be provided where necessary to maintain privacy.</p>	YES	<ul style="list-style-type: none"> ➤ All proposed dwellings will have a private open space area in excess of 35m². The minimum private open space proposed is 43m². ➤ All private open space areas would have a width >4m. ➤ Fencing is proposed along the boundary of open space areas.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>6.2.2 Car Parking</p> <p>(i) Provide on-site carparking in accordance with AS2890.1 and Section 16 of this DCP.</p> <p>(iii) Design access ways and driveways for multi dwelling housing and residential flat buildings to enable vehicles to:</p> <ul style="list-style-type: none"> ➤ Enter the parking space or garage in a single turning movement. ➤ Leave the parking space in no more than two turning movements. ➤ Avoid queuing on public roads <p>(iv) Comply with AS 1428 - Design for Access and Mobility for multi dwelling housing and residential flat buildings where adaptable housing units are to be provided.</p> <p>(v) Provide manoeuvring space on site for multi dwelling housing and residential flat buildings to allow cars to enter and leave the site in a forward direction.</p> <p>(vi) Provide separate driveway and pedestrian access for multi dwelling housing and residential flat buildings.</p> <p>(vii) Designate disable and visitor carparking for multi dwelling housing and residential flat buildings as common property in any strata plan.</p>	YES	<ul style="list-style-type: none"> ➤ The rate of off-street car parking is in accordance with Section 16 of the DCP. ➤ Turning circle plans have been provided. Council Officers are satisfied that the vehicle manoeuvring areas are adequate to support the largest vehicles anticipated to access the site. ➤ The two (2) proposed accessible units would be provided with a wider garage parking space to comply with accessible parking requirements. ➤ Separate vehicle and pedestrian access would be provided for the proposed development to John Howe Circuit. ➤ The proposed development does not involve the strata subdivision of the site.
<p>6.2.3 Landscaped Area</p> <p>(i) Residential development must not be carried out in a R1 Residential or RU5 Village zone unless a minimum of 35% of the total site area is "landscaped area" as defined in the LEP.</p> <p>(ii) Do not break landscaped area into a series of small fragmented areas that are unusable.</p> <p>(iii) Retain existing mature vegetation and trees and show what measures are to be implemented to protect this vegetation during construction.</p>		<ul style="list-style-type: none"> ➤ A landscape plan has been prepared in relation to the proposed development. ➤ 45% of the site area will be retained as landscaped area. ➤ A portion of existing vegetation located in the south-western corner of the site will be retained. ➤ A Biodiversity Development Assessment Report has been prepared by an accredited ecologist to consider the impacts of this disturbance against the Biodiversity Conservation Act 2016. This report was reviewed by Council's Ecologist and

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
(iv) Landscaped area is located to the rear or northern boundary of the site (v) Use pervious material or stepping stones where pathway is incorporated in side setback. (vi) For dual occupancies, multi dwelling housing and residential flat buildings, a landscape plan is to be submitted (vii) The selection of tree species indicated on the landscaping plan must be in a scale with the size of the proposed building/s. For example, buildings of 2 storeys must include trees with an achievable mature height of at least 8 metres.		Sustainability Team Leader who was satisfied that the biodiversity impacts of the proposed development had been properly considered against this legislation and that impacts would be off-set by the retiring of credits in line with this legislation.
6.2.4 Landscaping (i) Include locally occurring native species to extend habitats for fauna and reduce water and fertilizer requirements. (ii) Minimise disturbance of natural ground levels, native vegetation and topography in the vicinity of identified significant trees.	YES	A landscape plan has been submitted in relation to the proposed development and contains appropriate species.
6.2.5 Dual Occupancy Housing, Multi Dwelling Housing and Secondary Dwellings (i) The residential density of dual occupancy developments and multi dwelling housing on residentially zoned land must be no greater than 60 persons per site hectare. (ii) Dual occupancy and multi dwelling housing must be located on significantly regular, rectangular or square, shaped lots and not on battle-axe lots. (iii) Each dwelling is to be designed so that the access way to the front door is clearly identifiable from the public street. (iv) Each dwelling with a street frontage is to be designed so that the front door faces the street. (v) Each dwelling must provide a	YES	i) The DCP provides the following bedroom to person ratio for dwellings: <ul style="list-style-type: none"> • One (1) bedroom dwelling = 1.23 persons • Two (2) bedroom dwelling = 1.79 persons • Three (3) bedroom dwelling = 2.52 persons • Four (4) or more bedroom dwelling = 3.02 persons <p>The total occupancy rate (2.52 x 16) would be 40.32. The area of the development site is 8,282m². Using the density standard ratio of 60 (persons):10,000(m²), which equates to 1(person):166.666...(m²) the maximum density ratio for a</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>ground level with at least one habitable room, which must have an adjacent external living area located on ground (car parking is not considered as a ground level). A ground level comprising solely car parking is not acceptable.</p> <p>(v) Each dwelling must have an external living area.</p> <p>(vi) Dual occupancy and multi dwelling housing is to be compatible with residential streetscape character.</p>		<p>8,282m² site would be 49.7(persons):8,282(m²). The proposed density of 40.32(persons):8,282(m²) complies with the maximum density requirements of 6.2.5(i).</p> <p>ii) The lot has a rectangular shape and is not a battle axe.</p> <p>iii) All front doors are clearly identifiable from the internal access road of the development.</p> <p>iv) All proposed dwellings are orientated toward the internal access road.</p> <p>v) The ground floor of all proposed dwellings include habitable rooms.</p> <p>vi) The proposed dwellings would have a modern style and would not exceed a single-storey height. Council Officers are satisfied that the appearance of the proposed development would not contravene the residential character of the locality.</p>
<p>6.3.1 Topography</p> <p>(i) Finished ground levels are no greater than 1.5 metres below or 1 metre above ground level (existing).</p> <p>(ii) Locate habitable rooms (not including bathrooms, laundries and storerooms) above the ground level (existing).</p> <p>(iii) Retaining walls are no greater than 1.5 metres below or 1 metre in height above ground level (existing).</p>	<p>Partial Non-compliance</p> <p>Recommended to support as development is consistent with the related DCP objective.</p>	<p>The location of proposed habitable rooms and the maximum height requirements for retaining walls would comply with the requirements of S 6.3.1(ii) and (iii).</p> <p>However, earthworks related to the proposed development and site regrading would not be strictly in accordance with the requirements of 6.3.1(i) which requires alterations to finished ground levels to no greater than 1.5m below and 1m above existing levels.</p> <p>To manage the steep slopes and grade changes within the site and the adjoining John Howe Circuit, the applicant has proposed earthworks with a maximum depth of cut proposed 3.723m below existing ground level and fill 3.5m above existing ground level. This depth of cut and height of fill would be the extremes of the proposed earthworks with the bulk of site reshaping between 1m cut and 1m fill.</p> <p>Officers are obliged to undertake a merit based review of the proposal compatibility with a flexible approach to the application of this standard in line</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
		<p>with the requirements of Section 4.15(3A)(b) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Section 4.15(3A) of the Act prescribes the following:</p> <p>(3A) <i>Development control plans</i> If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—</p> <p>(b) <i>if those provisions set standards with respect to an aspect of the development and the development application does not comply with those standards—is to be flexible in applying those provisions and allow reasonable alternative solutions that achieve the objects of those standards for dealing with that aspect of the development</i></p> <p>The DCP objectives that relate to S6.3.1 Topography are as follows:</p> <p>(a) <i>Natural topography and landform are maintained. The amount of excavation is minimised.</i></p> <p>Council Officers have made the following observations regarding the relationship of the proposed development with this DCP objective:</p> <ul style="list-style-type: none"> ➤ The bulk of the proposed earthworks would not exceed the 1.5m cut and 1m fill requirements. ➤ The main areas where cut and fill works will exceed the DCP requirements are adjacent to John Howe Road. Earthworks required at this location relate to the establishment and grading of a vehicle access between the site and John Howe Circuit. ➤ In the south western portion of the site a cut with a maximum depth of 3m is proposed. The works would not adjoin a property boundary and would lower the finished ground

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
		<p>level. The reduction of the finished ground level will reduce any overlooking.</p> <ul style="list-style-type: none"> ➤ Earthworks have been designed to minimise their extent and impact on adjoining properties where possible whilst facilitating the proposed development by seeking to avoid raising the ground level adjacent established residential properties where possible and through the use of retaining walls to avoid unnecessary cut or fill outside building pad and accessway areas. ➤ The regraded site will maintain a fall to John Howe Circuit and there would not be significant finished ground level changes along the site boundaries with adjoining residential properties. ➤ The previous Council approved subdivision for the for the four (4) lot residential subdivision of the site (DA 253/2007) required the carrying out of extensive earthworks to provide access between the site and John Howe Circuit. ➤ Noting the steep contour changes between the site and John Howe Circuit Council Officers do not think it would be possible for suitable vehicle access to be provided to the development site without the carrying out of earthworks that exceed the DCP minimum requirements. ➤ Stormwater drainage infrastructure has been proposed as part of this development application to drain all hard stand areas, proposed residential units and their related private open space to John Howe Circuit. <p>Officers are satisfied that the proposed earthworks</p> <ul style="list-style-type: none"> ➤ maintain the natural topography/fall of the site toward John Howe Circuit ➤ Are required to facilitate the development and provide vehicle access to the site. ➤ Have been designed so to

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
		minimise the amount of excavations and the environmental impact of those excavations on adjoining established residential properties.
<p>6.3.2 Solar Access</p> <p>Requires preparation of site analysis in accordance with Section 3 of the DCP and includes provisions related identifying and restricting overshadowing impacts of development.</p>	YES	Shadow diagrams indicate that the proposed development would remain consistent with the DCP requirements and would not significantly restrict sunlight to private open spaces of adjoining residential land or result in excessive overshadowing.
<p>6.3.3 Visual Privacy</p> <p>(iii) For multi dwelling and residential flat buildings, provide adequate separation between habitable rooms, balconies and non-habitable rooms, within the development and to adjoining development as follows:-</p> <ul style="list-style-type: none"> ➤ Separation between windows in habitable rooms – 12m ➤ Separation between habitable balconies /outdoor spaces and non-habitable rooms – 9m ➤ Separation between non-habitable rooms – 6m <p>Note: The above separation distances can be reduced where suitable screening structures (in addition to landscaping) is provided to obscure direct views</p>	YES	From a review of aerial images, Council Officers are satisfied that the bulk of dwellings would be setback in excess of 12m from dwellings on adjoining lots. The closest setback identified is approximately 11m. At that location privacy impacts would be somewhat mitigated by the proposed dwelling's finished floor level being below the ground level height of the adjoining property due to the proposed earthworks. Privacy impacts would be further managed at this location and across the site using landscaping and fencing.
<p>6.3.4 Acoustic Privacy</p> <p>(i) Site layouts ensure parking areas, streets and shared driveways have a line of sight separation of at least 3m from bedroom windows.</p> <p>(ii) Openings of adjacent dwelling are separated by a distance of at least 3m.</p> <p>(iii) Shared walls and floors between dwellings are constructed to limit noise transmission.</p> <p>(iv) Dwellings adjacent to high levels of uncontrollable external noise are designed to</p>	<p>MINOR NON-COMPLIANCE</p> <p>Recommended to be supported</p>	<p>Council Officers recommend this minor DCP variation be supported as:</p> <p>i) The majority of dwellings would be setback in excess of 3m from parking areas. Three dwellings, 10, 15 and 16, do not achieve this requirement. In each instance each of these proposed dwellings would maintain a reasonable setback from the internal access road and have other bedrooms with setbacks that exceed the minimum setback requirement. The acoustic impact between the on-site vehicle access and these bedrooms is not likely to be significant.</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>minimise the entry of that noise.</p> <p>(v) Site layout and design separates active recreational areas, parking areas, vehicle access ways, and service equipment areas from bedroom areas of dwellings.</p>		<p>ii) The front elevation of adjacent dwellings would be separated by in excess of 3m. All side setbacks would comply with the BCA minimum setback requirements.</p> <p>iii) The proposed units do not include any shared walls requiring fire separation and acoustic treatment.</p> <p>iv) The site is not located adjacent any premises or transport link considered likely to generate substantive noise impacts.</p> <p>v) The site layout design adheres to the relevant density standards and the orientation and separation of the proposed units does not promote potential noise impacts.</p>
6.4.1 Energy Conservation	YES	BASIX Certificates have been submitted detailing the energy efficiency construction in accordance with the relevant requirements.
6.4.2 Stormwater Management	YES	The proposed plans include a stormwater detention system. Overflow stormwater from the development will be directed to the John Howe Circuit stormwater drainage in accordance with the DCP requirements.
<p>6.4.4 Security, Site Facilities and Services</p> <p>Requirement for cloths drying spaces, mail boxes and garbage storage areas.</p>	YES	<ul style="list-style-type: none"> ➤ Each dwelling will be provided with adequate on-site space for garbage stores. ➤ The proposed plans identify secure mailbox location for all proposed dwellings ➤ The rear yard/private open space for each dwelling will have suitable sunlit areas for cloths drying facilities.

Section 16 – Car Parking and Access

The DCP requires off-street car parking to be provided for multi-dwelling housing at the following rates:

DCP Requirement	Proposed	Compliance
<p>Cars</p> <p>1-bedroom or studio: 1 space per unit 2-bedroom: 1.5 space per unit (the 0.5 space to remain as common property) 3-bedroom or</p>	<p>The DCP requires off-street parking at a rate of 2 spaces per 3-bedroom unit with – total 32, with 1 visitor space per 5 units.</p> <p>Accordingly, a total of 36 off-street</p>	<p>YES - a total of 36 car parking spaces would be provided to the development.</p>

DCP Requirement	Proposed	Compliance
<i>more: 2 spaces per unit Visitors 1 per 5 units or part thereof</i>	parking spaces are required for the development. 25 parking spaces would be garaged spaces, 6 would be stacked parking external to a garage and 5 provided as visitor parks within a separate area.	
Bicycles <i>Residents: Minimum 1 space per 5 units or part thereof Visitors: Minimum 1 space per 10 units or part thereof</i>	A total of seven (7) bicycle parking spaces are required. A total of eight (8) have been proposed.	YES
Car Wash Bay <i>Any development containing 10 dwellings or more shall provide a minimum of 1 car wash bay/area</i>	The proposed development requires a single wash bay. One such wash bay has been proposed.	YES

Section 20 – Erosion and Sediment Control

This Section of the DCP requires Erosion and sediment control plans and soil and water management plans to be prepared as the development involves a disturbance area >2500m². The stormwater/civil plans submitted with this development application provide some preliminary detail for erosion and sediment control plans to be employed through the carrying out of the development.

To ensure that suitable erosion and sediment control measures are employed in line with this section of the DCP through the carrying out of the development a condition of consent is recommended.

Section 24 – Waste Management

A waste minimisation management plan has been submitted in relation to the proposed development. The waste management measures proposed are generally in accordance with the DCP requirements and no objection is raised to the measures proposed. As the operational waste management provisions were prepared in relation to a 21-unit development, a revised plan detailing waste management provisions for the amended 16-unit development is required as a condition.

Section 25 – Stormwater Management

A stormwater management plan has been prepared in relation to the proposed development. The stormwater management plan includes anticipated runoff calculations and details stormwater infrastructure to convey stormwater from the proposed development to John Howe Circuit.

The proposed stormwater management plan was reviewed by Council Engineers and supported as adequate.

Section 94 Contributions Plan 2001

Under this plan Section 7.11 Contributions (formerly S 94) are applicable for each additional dwelling as follows:

Open Space: \$2,012.00

Roads and Drainage \$1,084.50

The rate of contributions applicable to the proposed development would be subject to the CPI changes at the time of payment.

Section 94A Contributions Plan 2009

A section 94 developer contribution was applied to the subdivision of the land by Council.

Under the provisions of Council's Section 94A contribution plan Council is not able to apply a Section 94A contribution to the development of land where a contribution under its Section 94 plan has previously been charged to the subdivision of the site. Accordingly, a Section 94A (now S7.12) contribution cannot be charged to the development.

It is recommended that a Section 7.11 Contribution be applied to the development in line with Council's Section 94 Contributions Plan.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

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

Context and setting

In considering this issue Council Officers have observed that:

- The proposed dwellings are of a contemporary modern design. The design and appearance of the proposed units would not be similar to residential development in the locality and would not have an adverse visual impact.
- All proposed units would be single storey. The height bulk and scale of any of the proposed units is compatible with the height, bulk or scale of adjoining dwellings.
- The height and depth of the proposed cut and fill exceeds the maximum height and depth controls put forward by Council's DCP. Council Officers consider that the earthworks are compatible with the related DCP objective and the earthworks proposed has been designed in a manner that maintains the site's drainage patterns toward John Howe Circuit, and avoids significant adjustments to the sites ground level adjacent neighbouring residential properties. Earthworks would be held in place through retaining

walls designed in accordance with Council's Retaining Wall Policy.

Access Traffic and Transport

The Proponent submitted a Traffic Impact Assessment in relation to the proposed development.

The Traffic Impact Assessment put forward the following conclusions and recommendations in relation to the proposal:

The above assessment has concluded that:

- *the additional traffic generated by the development is minimal and well within the capacity of the surrounding roads and intersections.*
- *parking is provided in accordance with the Muswellbrook Shire Development Control Plan with additional on-site parking (an extra 2 spaces) provided for visitors.*
- *Sight lines for the proposed driveway have been reviewed on site and found acceptable.*
- *The proposed driveway access has been designed to allow for two-way movements and provide sufficient width to enable the B99 design vehicle to pass a medium rigid garbage truck. Review of the driveway grades is required as part of the detailed design to ensure access for waste vehicles is provided in accordance with AS2890.2.*

This report and its findings were reviewed by Council Community Infrastructure Engineers who raised no objection to the proposal from a traffic impact perspective. These comments have been included under the referrals heading of this report.

Utilities

As part of the development electrical, telecommunications, water and sewage services would be provided to the premises.

Comments provided by Water and Waste Officers indicate that the development can be supported from a water and sewage servicing perspective and recommend the imposition of standard conditions of consent regarding the administration of water and sewage connections.

Flora and Fauna

The Proponent engaged an accredited ecologist to prepare a Biodiversity Development Assessment Report (BDAR) in relation to the proposal.

The BDAR submitted reviewed the proposed development against the assessment criteria under the Biodiversity Conservation Act 2016 which provides a framework for reviewing ecological impacts of a development and a process for managing environmental impacts through biodiversity off-sets and credit transactions.

The BDAR impact summary identified:

- No species that were potential '*serious and irreversible impact entities*' within the development site.
- To comply with the Biodiversity Conservation Act 2016 requirements under the Biodiversity Assessment Method (BAM) it would be necessary for the developer to retire 13 ecosystem credits and 13 species credits.

The BDAR was reviewed by Council's Ecologist and Sustainability Team Leader who recommended conditions of consent which included a requirement for the retirement of credits in line with the Biodiversity Conservation Act 2016.

Heritage

Wanaruah Local Aboriginal Land Council provided initial comments raising concerns about aboriginal artefacts uncovered in the vicinity of the development site during the carrying out of the 2003 subdivision that created the land and the possibility that previously undisturbed artefacts remain on the site of the development.

In investigating this issue Council's Assessing Officers met with Wanaruah Local Aboriginal Land Council representatives and reviewed the development application files related to the subdivision of the site. Council Officers required the applicant to engage a suitably qualified person to complete a Cultural Due Diligence Assessment in line with NSW OEH Due Diligence Code of Practice.

The Proponent engaged Domic Steele Consulting Archaeology to prepare an Aboriginal archaeological due diligence assessment. The methodology for this assessment was set out in accordance with the relevant OEH standards and included a site inspection. The investigation did not identify any sites, objects or areas of potential aboriginal significance and advised that the proposed development was unlikely to have an adverse impact on the aboriginal archaeological values of the place. The recommendations of the report have been included below.

6.1 Basis for recommendations

The study area contains no documented Aboriginal sites or objects, or any specific areas of potential Aboriginal archaeological sensitivity as evaluated in this report. As a result, it is assessed that the proposed activity is unlikely to have an adverse impact upon the Aboriginal archaeological values of the place. It is therefore concluded there are no Aboriginal archaeological constraints for the development proposal proceeding as planned subject to the recognition of the following considerations:

- *Recognition of the legal requirements and automatic statutory protection provided to Aboriginal 'objects' and 'places' under the terms of the National Parks and Wildlife Act of 1974 (as amended).*

6.2 Recommendations

- *No further Aboriginal archaeological heritage assessment is required.*
- *In the (largely) unexpected circumstance that any Aboriginal objects are unearthed during development, the activities should temporarily cease within the immediate vicinity of the find locality, and OEH be contacted to advise on the appropriate course of action to allow the LALC to record and collect the identified item(s).*
- *If human skeletal remains are discovered the Coroners Act 2009 requires all works to cease on the site and the Police should be contacted, along with the OEH and LALC, to establish and enable the appropriate course of management action to be implemented.*

This report and its findings was referred back to the Wanaruah Local Aboriginal Land Council who made no further comment in relation to the development application.

In view of the findings of the Aboriginal Archaeological Due Diligence Assessment and noting that documentation related to the 2003 subdivision approval did not identify any specific archaeological finds on the site subject to this application Council Officers are

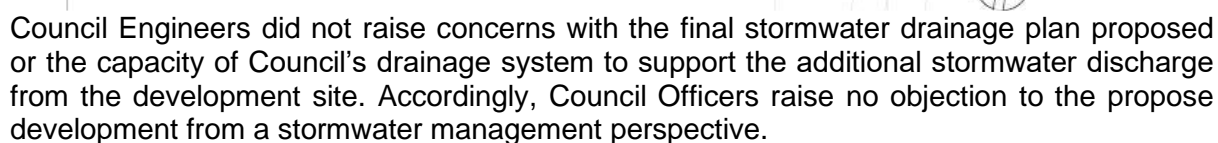
satisfied that the proposed development is unlikely to have a significant adverse impact on an items or places of aboriginal cultural significance and the development may proceed in accordance with the recommendations of the due diligence assessment.

Stormwater

A stormwater management report and plan has been prepared in relation to the proposed development. These documents, the stormwater modelling and proposed stormwater management procedures have been reviewed by Council Roads and Drainage Engineers referred the proposed development.

The stormwater drainage system proposed would collect water from all roofed and hardstand areas within the site and convey water back to Council's John Howe Circuit stormwater system via a filtration chamber.

The image below is the stormwater drainage layout proposed for the development taken from the stormwater management plan. The proposed stormwater drainage is marked in blue on the plan.



A social impact assessment prepared in line with standard requirements for Social Impact Assessment was submitted with the application. Sections 7 and 8 of the Social Impact Assessment examine the anticipated social impacts of the proposed development and proposed mitigation measures. The report concludes that although the proposal will have some negative impacts, it will have an overall positive social outcome. The conclusions of the report have been included below.

- *Increase housing supply in the locality, which may assist with housing affordability;*

- *Improve residential amenity by replacing a vacant site with an architecturally designed development that will complement the neighbourhood; and*
- *Generate economic benefits by creating employment opportunities during the construction, cleaning / maintenance, and ongoing operation phases.*

Overall it is considered that the proposal will generate positive social impacts.

Council Officers have reviewed both the Social Impact Assessment and the concerns raised by submitters through the assessment of the development applications. While Council Officers acknowledge the proposal has the potential to impact the social dynamic of the neighbourhood within which the multi-unit housing is proposed Officers acknowledge that the provision of additional housing options will have positive social outcomes for Muswellbrook.

Economic Impacts

The proposed development would support employment opportunities in the construction industry and provide additional housing opportunities for residents of the Muswellbrook Local Government Area.

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

The site subject to this development application is zoned R1 General Residential under the Muswellbrook LEP 2009. The land use zoning objectives are supportive of this residential development. The development complies with relevant density standards imposed by the Muswellbrook LEP 2009 and DCP for multi dwelling housing developments.

The landholding is not subject to any 88B instruments that would restrict the construction of multi-dwelling housing or dual occupancy developments, something that was imposed on adjoining properties at the time the land was subdivided in 2003.

Council Officers have also considered the site attributes and hazards through the assessment of the application. Council Officers are satisfied that the site is not subject to any hazards, such as bushfire, flooding or mine subsidence, that would impact the development. The development is unlikely to have significant impact on biodiversity, heritage items or places of Aboriginal cultural significance.

In view of the above the proposed development is considered to be compatible with the proposed development and can be supported by Council as being in accordance with Section 4.15(1)(c) of the EP&A Act 1979.

Section 4.15(1)(d) any submissions made

The proposed development was notified on two occasions.

The development application as initially lodged was notified to adjoining residents and advertised in the Hunter Valley News between the 16 January 2019 and the 15 February 2019. The notification period was extended beyond the minimum required 14 day notification period to provide individuals additional time to review and comment on the development application through the January holiday period.

79 submissions received through this notification.

Following the initial notification, the applicant amended the scope of the proposed development to reduce the total number of proposed dwellings to sixteen (16) and remove two (2) lots from the development application site and change access to the development.

The development application as amended was renotified to all previous submitters, adjoining

property owners and advertised in the Hunter Valley News between 24 July and 22 August.

108 submissions received through this notification process. Some of the submissions were made via a proforma letter.

Concerns raised by submitters have been summarised and commented on in the table below. A document containing copies of all submissions can be provided to Councillors under separate cover.

Submitter Concern	Planning Comment
<p>Concern regarding the ability for the proposed development to be adequately serviced via waste collection due to development design and density.</p>	<p>The proposal was referred to waste collection contractors JR Richards. JR Richards currently hold the contract for kerb side collection in the Muswellbrook Township.</p> <p>Turning circle information for the largest service vehicles proposed to access the site, including a side pickup garbage loader, were reviewed by Council Engineers and the waste contractor.</p> <p>JR Richards Regional Operations Manager provided advice to indicate that the site could be accessed for waste collection. Final comments provided have been referenced below:</p> <p><i>'we note that the proposed T section and the street passing are typical for service access to sites. We do note that access may be limited if there is on street parking'.</i></p> <p>On-street parking would be impractical for occupants given the slope of the site. However, if an issue was identified in the future with on-street parking, Council could consider options including the establishment of a no-parking zone to ensure site access is not inhibited.</p>
<p>The proposed development would be out of character with the local area and established residential development</p>	<p>This development is different to the type of detached dwelling development that adjoins the development site.</p> <p>However, State Government policies and the zone objectives for this site encourage multi-dwelling houses to provide a range of housing types to meet the needs of different households.</p> <ul style="list-style-type: none"> - The proposed dwellings would be a contemporary design and appearance. - All dwellings will be single storey and thereby comparable in height, bulk and scale to neighbouring single storey residential properties. - The proposed dwellings would comply with the relevant density standards imposed by the Muswellbrook LEP and DCP. - The earthworks involved in the carrying out of the development and the establishment of the site would respond to the existing topography and drainage patterns of the site.

Submitter Concern	Planning Comment
The proposed development would affect the value of adjoining properties.	<p>Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> specifies the matters that a Council can consider when determining a development application.</p> <p>The impact of the development, either positive or negative, on prices of adjoining land is not something a consent authority can use to inform its decision making on a development application.</p>
Concern related to the impact of additional traffic movements that will result from the development on the amenity of residents of John Howe Circuit, Jenkins Street and Bimbadeen Drive.	The proposed development would increase vehicle movements in the local street network. A Traffic Impact Assessment was submitted in relation to the proposed development. This assessment indicates the local road network has sufficient capacity to accommodate the additional traffic movements. This document was reviewed by Council's Engineers who did not raise concern with the impact of the proposal on Council's local road network.
<p>Concern that the density of the proposed development is not in keeping with the existing locality by virtue of the density of development proposed.</p> <p>A number submitters raising this concern also express concern that approving the development will set an undesirable precedent for development that would not be compatible with previous Council decisions. In particular decisions that saw 6 applications for dual Occupancies in the locality refused in 2010 (DA 48/2010, DA 49/2010, DA 50/2010), DA 53/2010, DA 58/2010 and DA 59/2010).</p>	<p>The proposed dwellings comply with the relevant density standards imposed by the Muswellbrook LEP and DCP.</p> <p>Council Officers acknowledge that in 2010 the Council refused the development applications referenced contrary to the recommendations of staff. In line with legislation, Council Officers are required to carry out a comprehensive assessment of this development application against the relevant planning controls.</p> <p>The sites subject to the 2010 refusals were each affected by a covenant listed to the benefit of Council that limited the density of development that could be permitted on those sites.</p> <p>The terms of the covenant affecting the 2010 sites was as follows:</p> <p><i>'the registered proprietor shall not seek approval from Council for, and shall not establish upon the lot burdened any dwelling characterised by Council as a medium density dwelling including dual occupancy'</i></p>

The covenant provided Council with strong grounds to refuse the 2010 applications.

The land subject to this development application is not affected by the same or a similar covenant.	
Potential impact on flora and fauna	The proposed development has been considered against the provisions of the Biodiversity Conservation Act 2016. A BDAR has been prepared in relation to the development application which was reviewed by Council's Ecologist and

	Sustainability Team Leader. Where the proposal is carried out in accordance with the BDAR it would be in accordance with the Biodiversity Conservation Act 2016 and would not have a significant adverse ecological impact.
Concern regarding the potential visual impact of the development - visible from the Highway and will have an adverse impact on people entering Muswellbrook particularly when viewed in context with the existing Eastbrook Estate development.	Due to the setback from the Highway, the proposed development would have minimal visual impact. The subject site and proposed buildings would have the appearance of modern single storey dwellings.
Request for Council to consider alternates to permitting the development such as: <ul style="list-style-type: none"> - Council Purchasing the land and zoning it for Public Recreation - The owners of adjoining land along Coolibah Close jointly purchasing the land and comprising it into their various holdings - Permitting a smaller scale subdivision of the land consistent with the subdivisions previously approved 	Under the <i>Environmental Planning and Assessment Act 1979</i> staff must assess the development application that has been submitted. These options are separate to the application and would need to be pursued by a non-regulatory area of Council or by the adjoining owners.
The proposed development contradicts representations made by the original Eastbrook Links developer to purchasers in the area. The development is not consistent with restrictive covenants imposed on surrounding blocks.	Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> specifies the matters that a Council can consider when determining a development application. This does not include representations made by a developer or estate agent at the time of sale of property. The land subject to this development application is not subject to any covenant that restricts the development of the site for multi-dwelling housing. This contrasts with nearby land in John Howe Circuit and Bloodwood Road where covenants limit development to a dwelling house.
Concern that the proposed development would have an adverse social impact.	A Social Impact Assessment was prepared and submitted in relation to the proposed development. This document was reviewed by Council Officers through the assessment of the DA. Council Officers are of the view that the proposal can be supported from a social impact perspective due to the provisions of a more diverse range of housing in Muswellbrook.
Concern that the SoEE does not correctly assessed against the DCP density standard of 60 persons per hectare (or 1 person per 166.7m ²).	It is acknowledged that the language in this section of the DCP is not as user friendly as it could be.

<p>The number of bedrooms proposed would potentially allow for an occupation rate that exceeds the 60 person per hectare density standard</p>	<p>The development site has an area of 8,282m². To determine the density of people permitted on this site 166.7 is divided into the area of the site (8,282/166.7).</p> <p>This equates to 49.7 people for this site.</p> <p>The following occupancy rates are prescribed in the DCP:</p> <p><i>One (1) bedroom dwelling = 1.23 persons</i> <i>Two (2) bedroom dwelling = 1.79 persons</i> <i>Three (3) bedroom dwelling = 2.52 persons</i> <i>Four (4) or more bedroom dwelling = 3.02 persons</i></p> <p>Given each of the 16 dwellings would have 3 bedrooms, the total proposed occupancy rate for the site is 2.52 x 16 = 40.32 people.</p> <p>This complies with the density standard set out in the DCP.</p>
<p>There is no demonstrated demand for the type of medium density housing proposed.</p>	<p>The demand for all types of housing, for rent or purchase, is currently high in most regional locations including Muswellbrook.</p>
<p>A decision to approve the application for this type of housing would conflict with Council objectives to attract people to the area and approve liveability.</p>	<p>The demand for all types of housing, for rent or purchase, is currently high in most regional locations, including Muswellbrook.</p>
<p>The two most southern proposed units would overlook the rear yard and windows of 12 Coolibah Cl and have a significant adverse impact on privacy and noise.</p>	<p>While there is potential for some overlooking and visual impacts all setbacks comply with DCP minimum requirements and thereby the proposal has not been recommended for refusal due to these issues.</p> <p>To minimise overlooking issues, recommended conditions have been put forward to require secure fencing between the proposed development and all adjoining sites.</p>
<p>Development has the potential to increase safety issues for adjoining residents and the cost of home and contents insurance</p>	<p>Section 4.15 of the <i>Environmental Planning and Assessment Act 1979</i> specifies the matters that a Council can consider when determining a development application and the possible impacts on insurance costs, due to the people living nearby, is not included as a consideration.</p>
<p>Proposed development has the potential to affect the neighbouring properties enjoyment of the south westerly prevailing breeze.</p>	<p>Although the proposed development will alter the outlook from Coolibah Close properties, it will not significantly overshadow these adjoining properties or impinge on their amenity by creating a</p>

	<p>sense of enclosure or impacting on breezes.</p> <p>All proposed buildings would be single storey and the finished floor level for their construction would be comparable to the existing ground level.</p>
Result in the loss of any rear vehicle access for the properties backing onto the site from Coolibah Close and Bloodwood Road.	The site subject is not affected by any easements that provide a legal point of access to neighbouring properties fronting Coolibah Close and Bloodwood Road. Accordingly, access to adjoining properties over the subject site appears be on an informal basis and that access could be denied at any time irrespective of the outcome of this development application.
Concern about the potential for the proposed development and earthworks to impact the structural integrity of adjoining properties through building vibrations.	Council Officers have recommended a condition of consent related to the carrying out of the development to ensure the potential for damage to neighbouring properties is minimised and any damage rectified if it occurs. Proposed earthworks will be of a short duration.
Concern regarding the retaining wall failures in other areas of Eastbrook Links and the potential for similar failures for walls installed as part of this development.	All retaining walls proposed would be of a masonry construction and would comply with requirements of Council's Retaining Wall Policy. Detailed engineering designs for all retaining walls will need to be submitted for certification with any Construction Certificate application.
Concern about the potential impact of the development on water pressure and sewage blockages.	The proposed development has been considered by Council Water and Waste Officers who have advised that the proposal is not anticipated to have any significant adverse impact on water pressure in the locality or on the operation of the sewerage system.

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

The proposed development is in the public interest. This view has been informed by the following consideration:

- The proposed development is permissible with consent in the R1 General Residential zone under the provisions of the Muswellbrook LEP 2009.
- The proposed development would be carried out in accordance with the relevant provisions of the Muswellbrook LEP 2009 and other applicable environmental planning instruments
- The proposed development meets the density standard by providing housing for 40.3 people rather than the 49.7 people permitted and complies with the other multi-unit dwelling specific requirements of the Muswellbrook DCP.
- Having regard to the local assessment criteria prescribed by Council through the Muswellbrook LEP 2009 and DCP the proposed development is considered unlikely to have a significant adverse environmental or social impact.

- Although 108 submissions have been received in relation to the proposed development, Council Officers have not identified sufficient impact to substantiate a decision to refuse consent to the proposal.
- The proposed development would support additional economic activity in the Muswellbrook locality.

5 CONCLUSION & RECOMMENDATION

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 2019/2 Recommended Conditions of Consent:**IDENTIFICATION OF APPROVED PLANS AND PROPOSED DEVELOPMENT****(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
Location and Site Analysis Plan A00	B	The Bathla Group	4 June 2019	30/07/2019
Site/Ground Floor Plan A01	B	The Bathla Group	4 June 2019	30/07/2019
Elevations and Section A02	B	The Bathla Group	4 June 2019	30/07/2019
Elevations and Colour Schedule A03	B	The Bathla Group	4 June 2019	30/07/2019
Solar Access A04	B	The Bathla Group	4 June 2019	30/07/2019
Unit Types and Turning Paths A05	B	The Bathla Group	4 June 2019	30/07/2019
Site and Landscape Plan A01	A	The Bathla Group	30 May /2019	30/07/2019
SS01 Design Vehicle	B	SECA Solution	21 May /2019	30/07/2019
HU180034-01-101	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-111	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-201	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-301	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-302	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-303	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-304	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-305	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-501	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-701	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-801	C	Baker Ryan Stewart	26 June 2019	30/07/2019
HU180034-01-802	C	Baker Ryan Stewart	26 June 2019	30/07/2019

(2) Development in Accordance with Documentation

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

Title	Written by	Date
Letter Amending DA and SoEE	The Bathla Group	15 May 2019
Biodiversity Assessment Report	Firebird Ecosultants Pty Ltd	January 2020
Water Servicing Strategy Statement	GCA Solutions	31 October 2019
Stormwater Management Report	Baker Ryan Stewart	June 2019
Aboriginal Archaeological Due Diligence Assessment	Dominic Steel Consulting Archaeology	May 2019
Social Impact Statement	Baker Ryan Stewart	August 2019
Crime Prevention Through Environmental Design Report	Harris Crime Prevention Services	June 2019
Traffic Statement	SECA Solutions	27 May 2019

(3) Footpath Construction Requirements

As part of the carrying out of this development a pedestrian footpath is to be constructed along John Howe Circuit, on the opposite side of the road to the development site, for the entirety of its frontage.

Prior to the carrying out of these works design details for the footpath construction are to be provided and a Section 138 permit obtained in accordance with the requirements of this consent.

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) Home Building Act

(1) Building work that involves residential building works (under the meaning and exemptions of the *Home Building Act 1989*) must not be carried out unless the Principal Certifying Authority for the development which the work relates:

- (a) In the case of work being carried out by a licensed builder :
 - (i) Has been informed in writing of the licensee's name and license number, and;
 - (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
- (b) In the case of an Owner Builder:

- (i) Has been informed in writing of the persons name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
- (2) A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
- (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.

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

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

(6) Construction Certificate Requirement

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

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

(7) 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.

Documents and information addressing the following will need to be provided with any Notice of Requirement application to the satisfaction of Council Water and Waste Officers for approval:

- Plans are prepared, submitted to and approved by water authority for extension
- An arborist report prepared and submitted to Council relating to street trees in John Howe and the potential for the service extensions to impact trees. The arborist report is to inform service extension design so to minimise damage to the root system of any street tree.

- Details are to be provided to Council of any street trees to be removed as part of the carrying out of the works and replacement trees to be planted in the road reserve. Replacement species are to be approved by Council's Parks and Gardens Division.

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.

(8) Ecosystem Credit Retirement Conditions

- a) Prior to issue of construction certificate, the class and number of ecosystem credits in Table [1] must be retired to offset the residual biodiversity impacts of the development.
- b) The requirement to retire credits in condition 2.1 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator.
- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of this condition must be provided to the consent authority prior to issue of construction certification.

Table [1] Ecosystem credits required to be retired – like for like

Impacted plant community type	Number of ecosystem credits	IBRA sub-region	Plant community type(s) that can be used to offset the impacts from development
Narrow-leaved Ironbark - Grey Box grassy woodland of the central and Upper Hunter (PCT 1691)	13	Hunter, Ellerston, Karuah Manning, Kerrabee, Liverpool Range, Peel, Tomalla, Upper Hunter, Wyong and Yengo. or Any IBRA subregion that is within 100 kilometers of the outer edge of the impacted site.	PCT's: 1691, 1603, 1605, 1691, 1692

(9) Species Credit Retirement Conditions

- a) Prior to issue of construction certificate the class and number of species credits in Table [2] must be retired to offset the residual biodiversity impacts of the development.
- b) The requirement to retire credits outlined in condition 2.4 may be satisfied by payment to the Biodiversity Conservation Fund of an amount equivalent to

the class and number of species credits, as calculated by the Biodiversity Offsets Payment Calculator.

- c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund in satisfaction of Table [2] requirements must be provided to the consent authority prior to issue of construction certification.

Table [2] Species credits required to be retired – like for like

Impacted species credit species	Number of species credits	IBRA sub-region
<i>Delma impar</i> / <i>Striped Legless Lizard</i>	10	Anywhere in NSW
<i>Diuris tricolor</i> / <i>Pine Donkey Orchid</i>	10	Anywhere in NSW
<i>Pterostylis chaetophora</i> / <i>Pterostylis chaetophora</i>	13	Anywhere in NSW

(10) 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.

Any Section 68 application is to be accompanied with detailed stormwater drainage design plans updated to include/address the following:

- Pipe grades into stormwater treatment devices or OSD tanks should not exceed 5% maximum grade. A drop structure pit can be included upstream of such a device of at least 2.4m if a lower grade is not possible.
- Structural design for OSD tank to be provided for CC design, including structural design for concrete lid. A minimum of one grate is to be provided for the tank.
- Stormwater pipes greater than 5% grade should have trench stops/bulk heads (as per AUSPEC 0074 Stormwater Drainage Design Section 6) and with centres of Xm where $X = 100 / \text{Grade (\%)}$ of the pipe. Pipes greater than 15% in grade should have concrete bulkheads designed.
- Stormwater pipes greater than 5% grade should have trench stops/bulk heads (as per AUSPEC 0074 Stormwater Drainage Design Section 6) and with centres of Xm where $X = 100 / \text{Grade (\%)}$ of the pipe. Pipes greater than 15% in grade should have concrete bulkheads designed.
- A stormwater trench grate is to be provided across the width of the bottom of the driveway, connected to a stormwater pit, and drained towards a new pit and lintel in Bloodwood Rd as per diagram. Outlet pipe from the on-site detention system to be drained at 90 degrees towards Bloodwood Rd, before draining to the proposed lintel pit. Subsoil drainage is required along new proposed mountable kerb across frontage of property.

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.

(11) Footpath Design Plans

Prior to the issue of a Construction Certificate the person acting with this consent is to prepare detailed design plans for the construction of a footpath for the length of the development site on the opposite side of John Howe Circuit, and submit these plans to Council for approval.

The footpath is to be designed in accordance with the requirements of Council's Development Control Plan and relevant Australian standards and should include connecting pram ramps between the proposed footpath and existing pedestrian areas.

Written evidence demonstrating that these plans have been approved by Council is to be provided to the Principle Certifying Authority prior to the issue of a Construction Certificate. Prior to the construction of the footpath a Section 138 permit is to be obtained from Council in accordance with the requirements of this consent.

Note: Where further information is required in relation to the footpath design requirements you are invited to contact Council Community Infrastructure Roads and Drainage Engineers on 6549 3700.

(12) Section 138 Approval Requirement

Prior to the issue of a Construction Certificate and the carrying out of any work within the John Howe Circuit Road Reserve a Section 138 permit is to be obtained from Council in accordance with the requirements of the Roads Act 1993.

Any Section 138 application must be accompanied by detailed design plans demonstrating that all required vehicle crossovers and associated works in the road reserve will comply with the relevant Australian Standards and Council requirements.

(13) Sediment Control Plan

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

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

control works or devices to be installed and maintained.

(14) Shoring and Structural Adequacy of Adjoining Property

Prior to the issue of a Construction Certificate for the development a Structural Certification Report is to be prepared by an appropriately qualified Civil Engineer to identify that the development would be carried out to manage and maintain the structural stability of adjoining structures, buildings and works in accordance with the requirements of Condition 7 and the related provision of Clause 98E of the Environmental Planning and Assessment Act 1979.

This report should:

- certify the structural adequacy of adjoining structures to withstand the proposed excavation and construction activities,
- identify measures to protect structures from damage during construction works,
- Where necessary identify measures to underpin and support the structural stability of buildings that may be affected by the carrying out of the approved works.
- This document should include observations of any existing structural dilapidation of adjoining buildings, structures or works.

(15) Fire Hydrant Coverage

Prior to the issue of a Construction Certificate the person acting with this consent must provide suitable evidence to the Certifying Authority to demonstrate that appropriate fire hydrant coverage will be provided to the development. This should be done either through the submission of plans showing that the relevant Building Code of Australia coverage and requirements of NSW Fire and Rescue's document 'Fire Hydrants for Minor Residential Development' will be achieved for all parts of the development site and proposed buildings or providing detailed design documents for the provision of a new internal hydrant to provide coverage within the site.

(16) BASIX Commitments

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

In this condition:

- (a) relevant BASIX Certificate means:
- (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or

- (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction certificate, the replacement BASIX Certificate; and
- (b) BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.

(17) Waste Minimisation Management Plan

Prior to the issue of a Construction Certificate the person acting with this consent must submit an updated Waste Minimisation Management Plan for the development. The updated plan must be prepared in relation to the sixteen (16) unit development approved.

The waste minimisation management plan before Council includes references to the development as a twenty-one (21) unit development.

The waste minimisation management plan is to be prepared in accordance with the requirements of the Muswellbrook Development Control Plan and documentary evidence is to be provided to the Principle Certifying Authority to demonstrate the document has been submitted to and approved by Council prior to the issue of a Construction Certificate.

(18) Section 7.11 Contribution

A contribution pursuant to the provisions of Section 7.11 of the Environmental Planning and Assessment Act 1979, as specified under the Muswellbrook Shire Council section 7.11 contribution plan for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

Contribution type	Amount per dwelling (2020/21 fees and charges)	Total for 16 dwellings (excludes 1 credit for existing lot)
Urban Roads and Drainage	\$1,084.50	\$16,267.50
Open Space and Community Facilities	\$2,012.00	\$30,180

All contributions required by this condition are to be paid to Council prior to the issue of a Construction Certificate. Suitable evidence provided to the Certifying Authority demonstrating their payment with a Construction Certificate application.

The above amount shall be adjusted for inflation by reference to the Consumer Price (All Ordinaries) Index and Council Fees and Charges applicable at the time of the payment of the contribution.

A copy of the Muswellbrook Shire Council section 7.11 contribution plan can be viewed at the office of Council.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

(19) 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.

(20) Stabilised access

Stabilised site access consisting of at least 200mm of aggregate at 30–60mm in size and a minimum of 3m in width must be provided from the road edge to the front of the building being constructed prior to the commencement of work. The stabilised access must be fully maintained and removed from the site when a permanent driveway has been constructed.

(21) 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 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.

(22) Water Meter

A water meter as issued and installed by Muswellbrook Water & Waste department must be connected to the town's reticulated water supply prior to any commencement.

(23) Identification of Boundaries

The boundaries of the development footprint will be delineated in the field using bunting / flagging tape to ensure inadvertent clearing / disturbance of the adjacent vegetation does not occur.

(24) Identification of hollow bearing trees

All hollow-bearing trees to be removed are to be clearly marked using bunting or flagging tape.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

(25) Management of Works Related to the Removal of Hollow Bearing Trees

The removal of hollow-bearing trees must be supervised by a qualified fauna ecologist or licenced fauna handler, to ensure that any displaced fauna are dealt with appropriately. Hollow-bearing tree removal must adhere to the following procedure:

- Hollow-bearing trees are to be gently nudged twice, with machinery in the presence of the ecologist, as nudging may encourage fauna to leave the trees.
- After each nudging, hollow-bearing trees would be left for a minimum of 10 minutes to allow time for any fauna to escape out of the trees and move safely away from machinery. The tree will be monitored by the ecologist during this time.
- Trees are to be removed by as carefully as possible, to reduce risk of injury to fauna.
- The trees are to be observed for escaping fauna throughout the nudging/felling process by the ecologist.
- Immediately following the felling of hollow-bearing trees, the ecologist will inspect the hollows to retrieve any young or injured fauna or identify the presence of nesting material that would indicate the hollow was being used.
- Any uninjured fauna are to be encouraged to relocate to adjacent habitat areas.
- Any injured or dependent young animals are to be captured and held in a quiet, cool, safe place until transferred to a vet or licensed native animal carer.

(26) Management of Worksite

Machinery would be cleaned prior to entering and leaving the site to ensure that weed seeds and propagules are not imported or exported.

(27) Weed Management

Weeds shall be managed according to the requirements of the Biosecurity Act; in that they are to be disposed of at a licenced waste management facility or similar. Weeds are not to be mulched and repurposed for any landscaping use.

(28) Environmental Management

All staff and contractors will be given training and site briefing to communicate environmental features to be protected and measures to be implemented.

(29) 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.

(30) Materials

In accordance with the provisions of the Muswellbrook Development Control Plan buildings are not to be constructed from reflective metal cladding. Zinalume or reflective white sheet metal cladding is not be used without the prior written approval from Council.

(31) 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.

(32) 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.

(33) 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.

Note: a minimum notice of 48 hours is required when booking an inspection. Inspection fees will be charged in accordance with Council's adopted fees

and charges and must be paid prior to the issue of the Construction Certificate.

(34) Erosion and Sediment Controls

The approved Sediment & Erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that escapes from the allotment shall be cleaned, collected and disposed of to Council's waste management facility or the sediment shall be returned to the subject allotment daily.

(35) Restriction on the import of fill

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

All fill must be free of contaminants and the person operating with this consent is to provide details of the location or premises that any fill used at the site has been obtained from and provide these details to the Principle Certifying and Council.

(36) Damage to Public Infrastructure

The applicant shall bear the cost of all restoration works to Council property damaged during 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.

(37) Discovery of Aboriginal Heritage

If Aboriginal objects are uncovered during work, excavation or disturbance of the area, work must stop immediately. The Environmental Protection and Regulation Group of the OEH is to be contacted. Aboriginal archaeological excavation must be co-ordinated with any proposed investigation of non-indigenous material.

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) Installation of Driveways

Prior to the issue of any Occupation Certificate, a sealed vehicular crossover shall be constructed between the property boundary and the road in accordance with Council's Footpath, Kerb & Guttering Policy (F10/1) and any S138 approval. The driveway is to continue from the property boundary to the garage in accordance

with the profile on the approved plans and is to be fully constructed and sealed prior to the issue of an occupation certificate.

(41) Connection to Sewer

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

(42) Biodiversity Conservation Act 2016 Requirements and Retirement of Credits

Prior to the issue of any Occupation Certificate A Biodiversity Assessment Method Calculator (BAMC) Report is to be provided to Council and the Principle Certifying Authority to demonstrate that the BAMC has been finalised.

(43) Footpath Construction Requirement

Prior to the issue of any Occupation Certificate the pedestrian footpath required by this consent is to be fully constructed to the satisfaction of Council as the Roads Authority in accordance with the approved plans, conditions of consent and Section 138 permit.

(44) 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.

Appropriate signage and line marking is to be installed on the turning bay opposite unit No9 to clearly identify that no car parking in this area is permitted.

(45) Damage to Adjoining Properties

All precautions must be taken to prevent any damage likely to be sustained to adjoining properties. Adjoining owner property rights and the need for owner's permission must always be observed, including the entering onto land for the purpose of undertaking works.

On completion of the works and prior to the issue of an Occupation Certificate, a certificate is to be prepared to the effect that that no damage has resulted to adjoining premises and is to be provided to Council and the Principal Certifying Authority.

Alternatively, if damage is identified which is considered to require rectification, the damage shall be rectified or a satisfactory agreement for rectification of the damage is to be made with the affected person/s as soon as possible and prior to the issue of a final Occupation Certificate.

(46) 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.

(47) Installation of Fencing

Prior to the issue of any Occupation Certificate 1.8m high secure fencing is to be installed along the dividing property boundaries of the development site and all

adjoining residential properties. This fencing is to be installed at full cost to the person acting with this consent.

(48) Cloths drying facility

Prior to the issue of an Occupation Certificate all dwellings are to be provided with an open-air clothes drying facility situated in a sunny location in accordance with the requirements of Council's Development Control Plan.

(49) Dwelling Numbering

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

To assist Council when applying for strata unit number allocations, a draft proposal for unit numbering within the strata scheme should be submitted for concurrence to Council, as these unit numbers will be used to maintain Council's property and mapping database.

(50) Letter Box Requirement

Prior to an Occupation Certificate being issued for the building works, the person acting upon this consent must provide a lockable mailbox for each of the dwellings. Mailboxes should be located at the front of the development site adjacent John Howe Circuit in accordance with the approved plans and any Australia Post requirements. All mailboxes are to be appropriately numbered and identifiable for mail deliveries.

No mailbox is to encroach on the Council road reserve.

(51) Street Trees

Prior to issue of an Occupation Certificate all street trees required to be replaced as part of the carrying out of water and sewer works are to be planted to the satisfaction of Council.

An inspection of the trees is to be organised with Council Officers to confirm that all required trees have been planted and established in good health. Where it is apparent that additional street trees have been damaged or removed as part of the carrying out of works or the street trees are not in good health new trees are to be reinstated to the satisfaction of Council.

Evidence is to be provided to the Certifying Authority to demonstrate compliance with this requirement.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(52) 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 approved Stormwater management plan

(53) Landscaping

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

(54) Vehicle Access

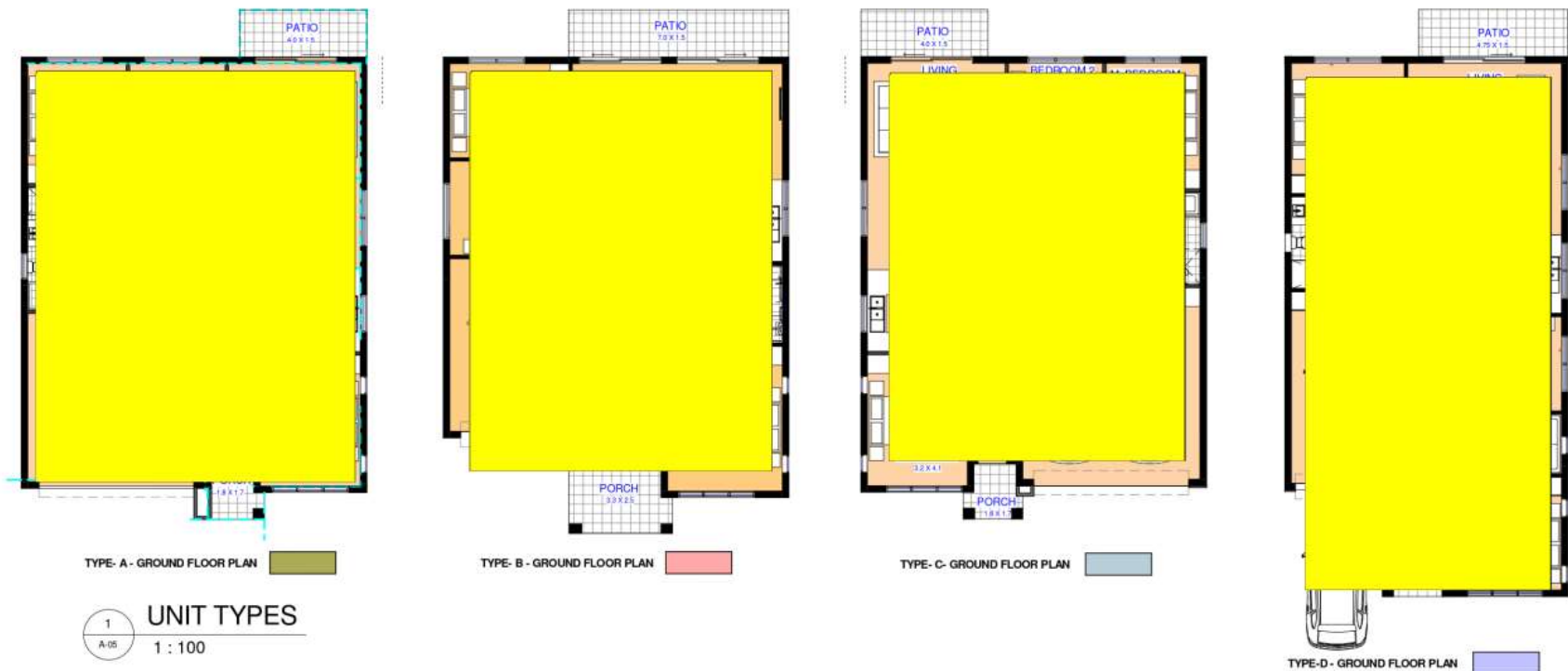
Vehicle access to and from the site is to be in a forward direction.

(55) Parking Management

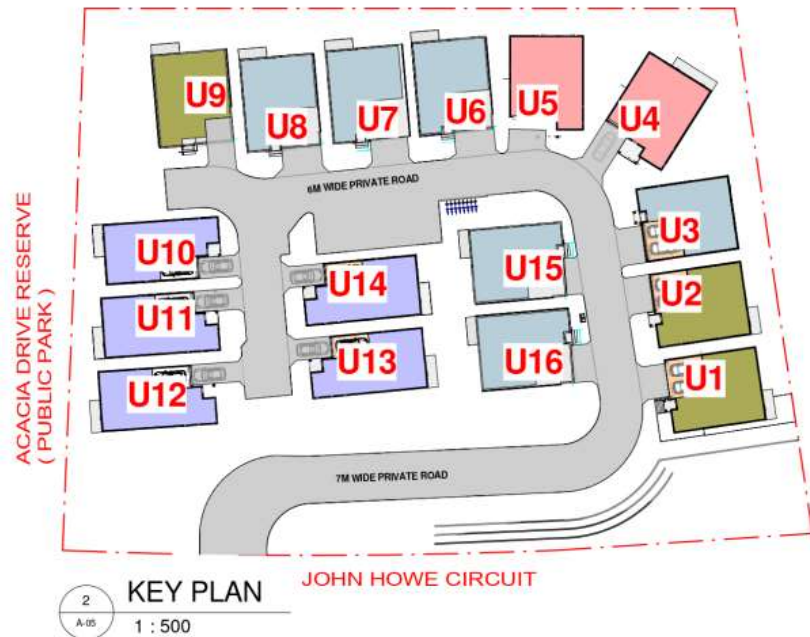
No parking is to be permitted in the vehicle turning bay opposite unit 9. Appropriate signage and/or line marking is to be installed as part of the development to identify that all vehicle parking in this space is prohibited.



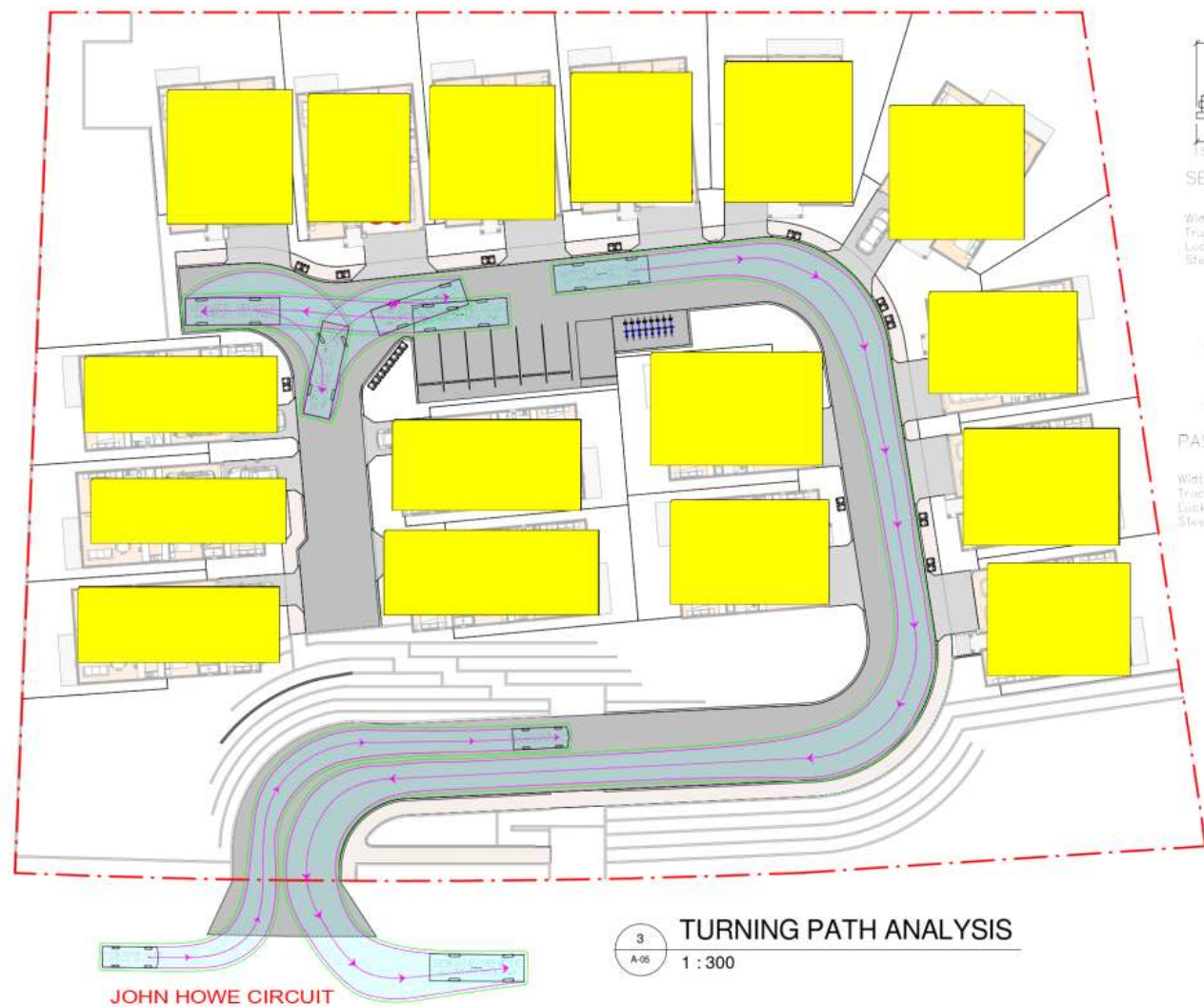




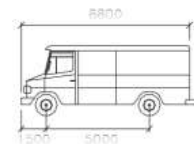
UNIT TYPES
1 : 100



KEY PLAN
2 : 500

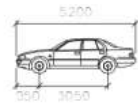


TURNING PATH ANALYSIS
3 : 300



SERVICE VEHICLE

Width : 1500
Truck : 5000
Lock to Lock Time : 6.0
Steering Angle : 38.7



PASSENGER CAR

Width : 1800
Truck : 1500
Lock to Lock Time : 8.0
Steering Angle : 33.6

UNIT TYPES			
TYPES	UNIT NO. S	NO. OF BEDROOMS	TOTAL UNITS
U1, U2, U3	3	3	3
U4, U5	3	2	2
U6, U7, U8, U9, U10, U11, U12, U13, U14, U15, U16	3	6	6
U17, U18, U19, U20, U21, U22, U23, U24, U25, U26, U27, U28, U29, U30, U31, U32, U33, U34, U35, U36, U37, U38, U39, U40, U41, U42, U43, U44, U45, U46, U47, U48, U49, U50, U51, U52, U53, U54, U55, U56, U57, U58, U59, U60, U61, U62, U63, U64, U65, U66, U67, U68, U69, U70, U71, U72, U73, U74, U75, U76, U77, U78, U79, U80, U81, U82, U83, U84, U85, U86, U87, U88, U89, U90, U91, U92, U93, U94, U95, U96, U97, U98, U99, U100	3	5	5
TOTAL NO. OF UNITS - 16			

Thermal Performance Specifications		
Project: 15-17 Bloodwood Road and 19 John Howe Circuit Muswellbrook NSW 2333		
BASIX Certificate: 962424M		

Building Elements	Material	Insulation Details
External Walls	Brick Veneer	R2 Bulk Insulation
External Wall Color	Various as per plan	
Internal Walls	Plasterboard on studs	N/A
Ceiling	Plasterboard	R2.5
Roof	Refer to Plans	Sarking
Floors	Concrete slab on ground	
Windows	Improved Aluminum Frame Single Glazed	Uval 5.91 SHGC 0.73

BASIX Specifications		
Project: 15-17 Bloodwood Road and 19 John Howe Circuit Muswellbrook NSW 2333		
BASIX Certificate: 962424M		

Water Commitments		
Shower Heads:	3 Star (>4.5 but <= 6 L/min)	
Toilets:	4 Star	
Kitchen and Bathroom Taps:	4 Star	
Rainwater Tank	2000L	
Energy Commitments		
Hot Water System:	Instantaneous 5 star	
Bathroom, Kitchen, Laundry Ventilation:	Individual Fans ducted	
Air Conditioning (Heating & Cooling):	1 phase cooling 5 Stars heating 5 Stars	
Cooktop and Oven	Gas Cooktop/ Gas Oven	
Please refer to BASIX report dated 3/12/2018 for detailed commitment requirements		

Certificate Number: 962424M

☐ single-dwelling rating

☒ multi-unit development (attach listing of ratings)

heating: _____ MJ/m²

cooling: _____ MJ/m²

Recessed downlights confirmation: ☐ Rated with ☒ Rated without

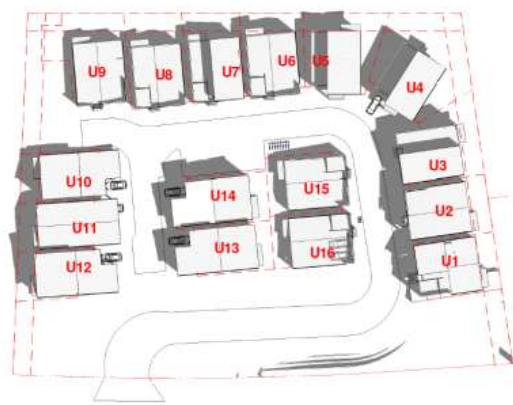
Assessor Name/Number: Ingrid Tyllan VICBDAN/13/1652

Assessor Signature: _____ Date: 03/12/2018

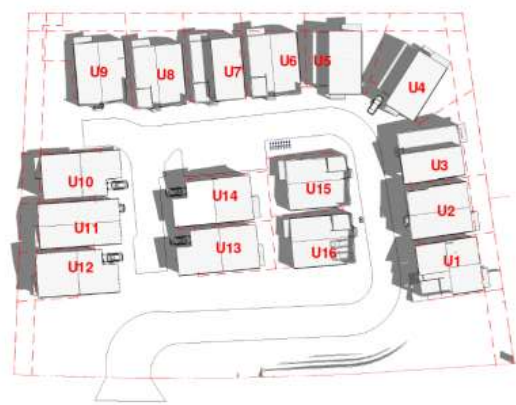
GENERAL NOTES: THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. WHOEVER SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DRAWING. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.		PROJECT: 19 John Howe Circuit Muswellbrook, 2333		DRAWING TITLE: UNIT TYPES & TURNING PATH ANALYSIS		PROJECT No: DATE: JUNE 2019 DRAWING No: A-05 REV: B	
REVISION 8 FOR DEVELOPMENT APPLICATION		LOT NUMBER:		Z:\Projects - Current\Eastbrook\05_Architectural\100_SK\REV\DA OPTION E.rvt			
FOR REVIEW							
REVISION							



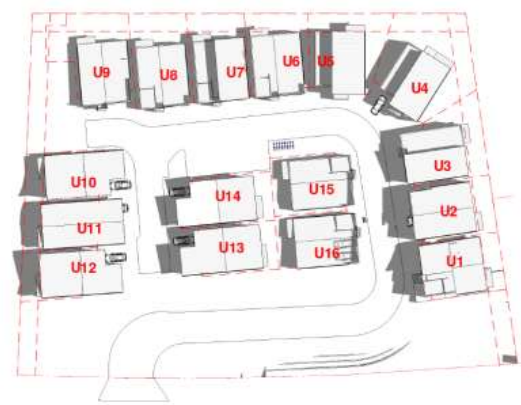
1 SITE PLAN - 9AM - 21 JUNE
A-04 1 : 750



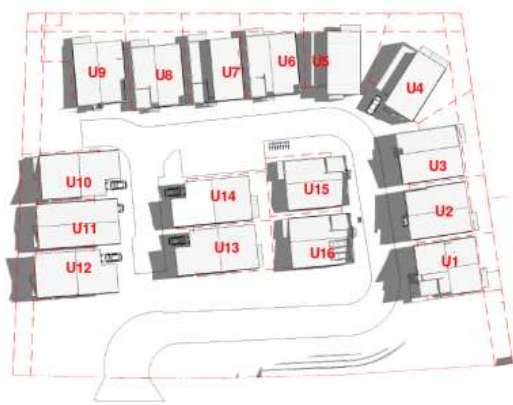
2 SITE PLAN - 10AM - 21 JUNE
A-04 1 : 750



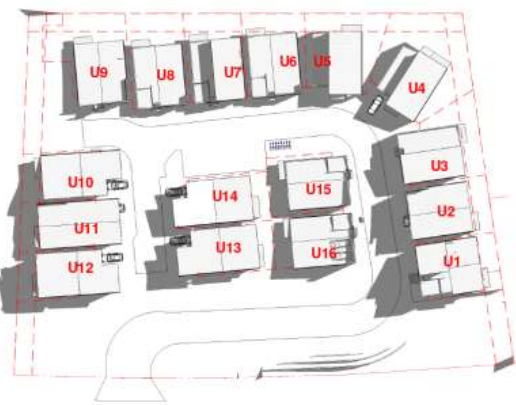
3 SITE PLAN - 11AM - 21 JUNE
A-04 1 : 750



4 SITE PLAN - 12PM - 21 JUNE
A-04 1 : 750



5 SITE PLAN - 1PM - 21 JUNE
A-04 1 : 750



6 SITE PLAN - 2PM - 21 JUNE
A-04 1 : 750



7 SITE PLAN - 3PM - 21 JUNE
A-04 1 : 750

GENERAL NOTES: THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & / OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.			NORTH: 	 137 Cedar Road, Chesham Surrey TW20 1JF 40 New 270 Shepperton Road TW20 2JF 1. 02 9438 2244 2. 02 9438 4242 info@bathla.com.au www.bathla.com.au	PROJECT: 19 John Howe Circuit Muswellbrook, 2333	LOT NUMBER:	DRAWING TITLE: SOLAR ACCESS	PROJECT No:	DATE: JUNE 2019	DRAWING No:	REV:
ISSUE	DATE	REVISION						DRAWN BY: KS/GH	SCALE: As indicated	A-04	B

PROPOSED MULTI-DWELLING DEVELOPMENT AT,
19 JOHN HOWE CIRCUIT, MUSWELLBROOK 2333
LOT 514, DP 1089307



1 ROOF PLAN / SITE ANALYSIS
A-00 1 : 300



- SITE BOUNDARY
- WIND DIRECTION
- TREES TO BE RETAINED
- TREES TO BE REMOVED
- PROPOSED DWELLING
- NEIGHBOURING PROPERTIES

Thermal Performance Specifications		
Project: 15-17 Bloodwood Road and 19 John Howe Circuit Muswellbrook NSW 2333		
BASIX Certificate: 982424M		
Building Elements	Material	Insulation Details
External Walls	Brick Veneer	R2 Bulk Insulation
External Wall Color	Various as per plan	
Internal Walls	Plasterboard on studs	N/A
Ceiling	Plasterboard	R2.5
Floors	Refer to Plans	Sarking
Windows	Improved Aluminum Frame Single Glazed	Uval 5.91 SHGC 0.73

BASIX Specifications	
Project: 15-17 Bloodwood Road and 19 John Howe Circuit Muswellbrook NSW 2333	
BASIX Certificate: 982424M	
Water Commitments	
Shower Heads:	3 Star (>4.5 but <= 6 L/min)
Toilets:	4 Star
Kitchen and Bathroom Taps:	4 Star
Rainwater Tank:	2000L
Energy Commitments	
Hot Water System:	Instantaneous 6 star
Bathroom, Kitchen, Laundry Ventilation:	Individual Fans ducted
Air Conditioning (Heating & Cooling):	1 phase cooling 5 Stars heating 5 Stars
Cooktop and Oven:	Gas Cooktop/ Gas Oven
Please refer to BASIX report dated 3/12/2018 for detailed commitment requirements	


DRAWING REGISTER			
SHEET#	DRAWING NAME	REV	DATE
A-00	LOCATION PLAN, SITE ANALYSIS & ROOF PLAN	B	04/06/2019
A-01	SITE / GROUND FLOOR PLAN	B	04/06/2019
A-02	ELEVATION & SECTIONS	B	04/06/2019
A-03	ELEVATIONS & COLOUR SCHEDULE	B	04/06/2019
A-04	SOLAR ACCESS	B	04/06/2019
A-05	UNIT TYPES & TURNING PATH ANALYSIS	B	04/06/2019

Energy Rating
Certificate Number: 982424M

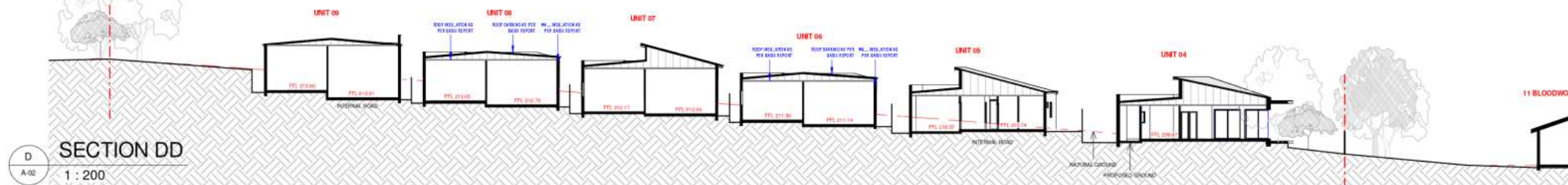
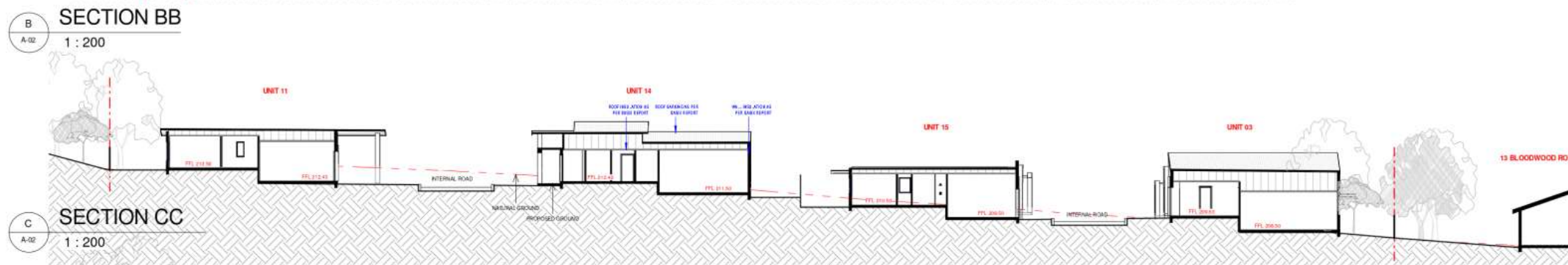
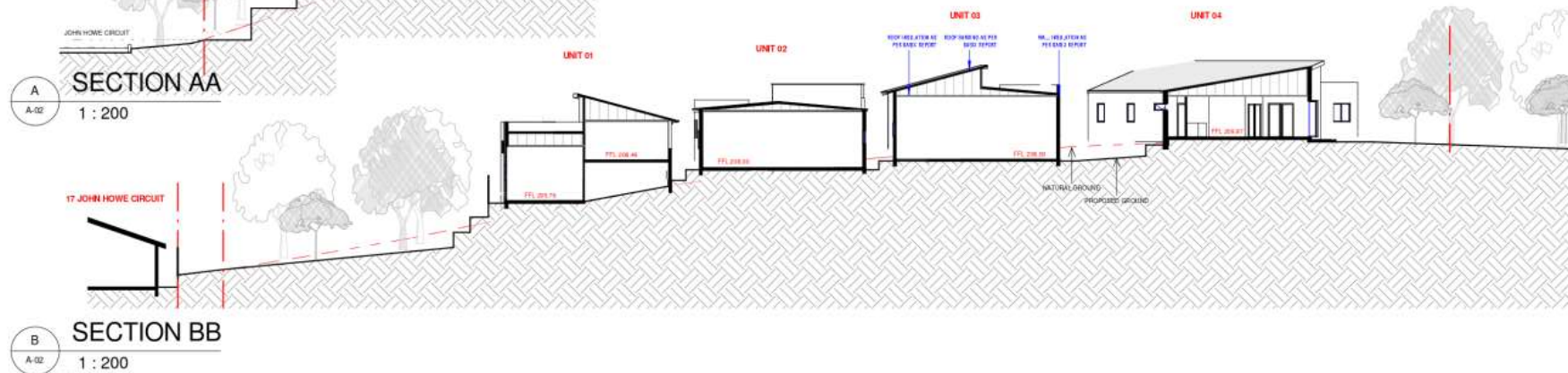
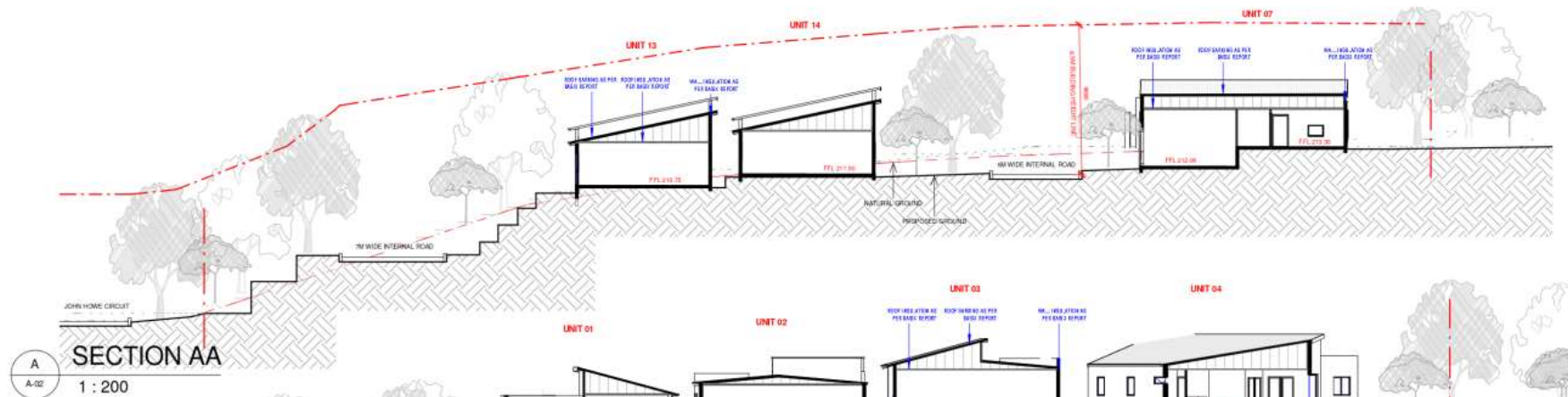
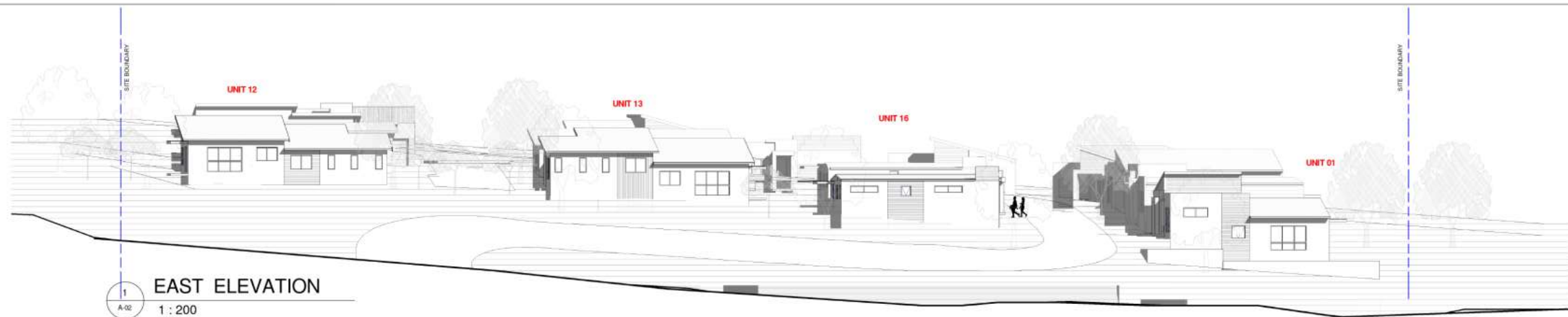
☐ single-dwelling rating
☒ multi-unit development (which listing of ratings)
Recessed downlights confirmation: ☐ Rated with ☒ Rated without

Assessor Name/Number: Ingrid Tyllie VIC/BDW/131652
Assessor Signature: _____ Date: 03/12/2018



COLOUR SCHEDULE						
NAME	SCHEME	A	SCHEME	B	SCHEME	C
1. METAL DECK ROOF		LIGHT GREY		LIGHT GREY		LIGHT GREY
2. GUTTER DOWNPIPE		SHARE GREY		SHALE GREY		SURFMIST
3. WALLS		LEXICON QUARTER		LINSEED		MILLER MOOD
4. PAINT FINISH MAIN		MILLER MOOD		COCONUT HUSK		COCOUNT HUSK
5. PAINT FINISH FEATURE-1		WHITE		WHITE		WHITE
7. CLADDING		DARK GREY HORIZONTAL		TAN HORIZONTAL		DARK GREY VERTICAL
8. ALUMINIUM WINDOW		DARK GREY		DARK GREY		WHITE
9. FRONT DOOR		TIMBER		GREY		GREY
10. GARAGE DOOR		TIMBER		DARK GREY		SURFMIST
11. WP1 - WALL PANEL-1		WEATHERTEX ECOWALL - SMOOTH PRIMED AND PAINT FINISHED		WEATHERTEX ECOWALL - SMOOTH PRIMED AND PAINT FINISHED		WEATHERTEX ECOWALL - SMOOTH PRIMED AND PAINT FINISHED
12. WP2 - WALL PANEL-2		TEXTURED PRIMED AND PAINT FINISH - TEXTURED PRIMED AND PAINT FINISHED		TEXTURED PRIMED AND PAINT FINISH - TEXTURED PRIMED AND PAINT FINISHED		TEXTURED PRIMED AND PAINT FINISH - TEXTURED PRIMED AND PAINT FINISHED
13. W1 - WALL		RENDER + PAINT FINISH LOWER GROUND FLOOR WALLS - HEBEL PANEL		RENDER + PAINT FINISH LOWER GROUND FLOOR WALLS - HEBEL PANEL		RENDER + PAINT FINISH LOWER GROUND FLOOR WALLS - HEBEL PANEL

GENERAL NOTES:		NORTH:		PROJECT:		DRAWING TITLE:		PROJECT No:		DATE:		DRAWING No:		REV:	
THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.		The Bathla Group		19 John Howe Circuit Muswellbrook, 2333		ELEVATIONS & COLOUR SHEDULE		Author		JUNE 2019		A-03		B	
ISSUE		DATE		REVISION		BY		SCALE		1 : 200		Z:\Projects - Current\Eastbrook\05_Architectural\00_SK\REVIT\DA OPTION E.rvt			



GENERAL NOTES: THIS DRAWING IS THE EXCLUSIVE PROPERTY OF THE DEVELOPER & THE REPRODUCTION OF ANY PART WITHOUT THE PRIOR WRITTEN CONSENT OF THE DEVELOPER IS A VIOLATION OF APPLICABLE LAWS. IN NO EVENT SHALL THE DEVELOPER BE HELD LIABLE FOR SPECIAL, COLLATERAL, INCIDENTAL OR CONSEQUENTIAL LIABILITY IN CONNECTION WITH THE USE OF THIS DIGITAL DATA ONCE RELEASED FROM THE DEVELOPER'S OFFICE. THIS DRAWING IS TO BE READ & UNDERSTOOD IN CONJUNCTION WITH THE STRUCTURAL, MECHANICAL, ELECTRICAL & OR ANY OTHER CONSULTANT'S DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO THE START OF ANY WORKS AND FOR ITS DURATION.			PROJECT: 19 John Howe Circuit Muswellbrook, 2333		LOT NUMBER:		DRAWING TITLE: ELEVATION & SECTIONS		PROJECT No: DATE: JUNE 2019		DRAWING No: A-02		REV: B	
ISSUE: DATE FOR REVIEW FOR REVIEW			REVISION		BY		SCALE: 1 : 200		Author		1 : 200		1 : 200	
DATE			REVISION		BY		1 : 200		Author		1 : 200		1 : 200	

10.2 INTENTION TO USE DELEGATIONS TO REFUSE DA 2020/58 - EXTENSION TO REPCO BUILDING

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

DA 2020/58 seeks approval for alterations and additions to the existing Repco building. The most significant aspect of the application is the enclosure of the existing front portico with new walls and shopfront glazing to increase the floor area. This will involve closure of the 'exit' driveway and limit vehicular access to the site to the current 'entry' driveway at the north-east corner of Lorne Street.

Staff are unable to support this development due to safety concerns regarding two-way traffic use of the driveway, insufficient space for vehicle movements and lack of adequate sight distances.

Staff have delegation to determine the application by refusal. It is the intention of staff to utilise this delegation once the assessment is finalised in the next week.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT

Council staff have been assessing DA 2020/58 since it was lodged in June 2020.

The proposal seeks approval for alterations and additions to the existing Repco building as described below:

1. Repaint Lorne Street Elevation a heritage style beige colour to reduce impact on Heritage property at No. 20 Maitland Road
2. Enclose existing front portico with new walls and shopfront glazing
3. Cut in new Repco entry and awning
4. New signs including a new pylon sign

Officers raised concern with the Applicant regarding entry and exit of vehicles being limited to the one entry at the north-east corner of Lorne Street:

1. Examination of the swept path analysis found inadequate space for conducting two-way movement for incoming and outgoing service vehicles.

2. The traffic assessment has not made any recommendations regarding traffic conflict at the driveway including the location of the loading doors (traffic from two directions).

The Applicant has been provided with several opportunities to address the issue of loading/unloading, safe vehicle access and parking provision, but has been unable to provide a safe, suitable outcome.

10.3 ADOPTION OF REVISED BUSH FIRE PRONE LAND MAP

Attachments:	A. Muswellbrook Draft Bush Fire Prone Land Map 2021 B. Muswellbrook Bush Fire Hazard Map 2004
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Executive Manager - Environment and Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

Bushfire mapping for Muswellbrook Shire was certified by the NSW RFS Commissioner on 22 March 2004. The Rural Fire Service (RFS) requests that bush fire prone land mapping be updated every 5 years, although in Local Government Areas where urban growth is slow this timeframe is not as critical.

The latest RFS *Guide to Bush Fire Mapping* was issued in November 2015. Shortly after, the RFS contacted Council to ask that we update the bush fire prone land map in accordance with that guide.

The RFS recently provided Council with a final draft bush fire prone land map for the Shire for adoption by Council. The purpose of this report is to seek formal adoption of the Map (see attachment A) by Council.

OFFICER'S RECOMMENDATION

Council:

- 1. Adopts the Muswellbrook Shire Bush Fire Prone Land Map provided in Attachment A; and**
- 2. Requests the Commissioner NSW RFS to certify the Bush Fire Prone Land map under section 10.3 of the *Environmental Planning & Assessment Act*.**

Moved: _____ **Seconded:** _____

BACKGROUND

Bush fire prone land is land that has been identified by Council and RFS staff as being capable of supporting a bush fire, grass fire or fire attack. Bush fire prone land maps are certified by the Commissioner of the NSW Rural Fire Service (RFS).

The current bush fire prone land mapping for Muswellbrook Shire was certified by the NSW RFS Commissioner on 22 March 2004 (see attachment B). The latest *RFS Guide to Bush Fire Mapping* was issued in November 2015. Shortly after, the RFS contacted Council to ask that Council update the Shire bush fire prone land map in accordance with the guide.

The main change resulting from the new guide is that grassland, pasture and cropping land that can support fire spreading across the landscape is now mapped as Category 2 bushfire vegetation, where previously only vegetation containing tree canopies were mapped as fire prone (these vegetation types are now classed as Category 1 bush fire vegetation). The reasons for this change are:

- Grass fires can start easily and spread quickly, not only destroying homes but also crops and livelihoods.

- Grass fires are very hot and can produce enough heat to kill anyone out in the open.
- As grass dries out or cures, it can catch fire more easily than woodland/forest vegetation.
- Fires in tall grass will have tall flames that may burn across trails, roads or fire breaks.
- Grass fires can move much faster than a bush fire, catching people off guard.

In November 2017, Council engaged consultants, EcoGeoSpatial to prepare new bush fire prone land maps for the Shire in accordance with the latest *RFS Guide to Bush Fire Mapping*. The mapping was completed and referred to the RFS for feedback in October 2018.

The RFS has recently provided Council with a final draft Map for the Shire based on the work by EcoGeoSpatial and RFS staff.

CONSULTATION

The draft bush fire prone land maps have been prepared in direct consultation with the RFS.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

Bush fire prone land mapping is used for three main purposes:

1. To guide the preparation of a Bush Fire Risk Management Plan for the Shire by the RFS;
2. To identify properties where new development should be planned in accordance with the guideline, *Planning for Bush Fire Protection*; and
3. To inform advice provided on Planning Certificates.

It is important for the RFS, Council staff, residents and visitors to have access to this information. For example, if you live in or near bush fire prone land you should have a bush fire survival plan.

Planning for Bush Fire Protection requires certain protective measures be met in order to make a building less likely to suffer damage or destruction from bush fires. It is not the intention of the measures to prevent the development of land in bush fire prone areas but to ensure the style, construction material or siting of new buildings minimises risk of damage or loss during a fire event.

In the new mapping, land in the Shire has been mapped as either Category 1 or Category 2 land except for:

- The urban areas of Muswellbrook, Denman and Sandy Hollow; and
- Water bodies such as Lake Liddell, Plashett Dam, the Hunter River etc.

OPTIONS

There are two options available for Council:

Option 1 – Adopt the revised bush fire prone land maps. This is the preferred option as the maps have been prepared in accordance with the latest *RFS Guide to Bush Fire Mapping*.

Option 2 – Not adopt the revised maps and continue to utilise the current bush fire prone land maps. This is not the recommended option as it would not satisfy the good faith provisions set out in s733 (2A) of the *Local Government Act 1993*.

CONCLUSION

The revision and updating of Council's bush fire prone land maps, to meet the latest *RFS Guide to Bush Fire Mapping* has been long awaited. The RFS recently provided Council with a final draft bush fire prone land map for the Shire for adoption by Council. It is recommended that Council formally adopts the bush fire prone land maps provided in attachment A.

SOCIAL IMPLICATIONS

Bush fire and grass fires are a potential hazard in the Shire due to the presence of vegetation that could support a fire.

Having current bush fire prone land mapping available for the RFS, Council staff, residents and visitors is important to encourage:

- Appropriate fire hazard reduction activities;
- Preparation of a bush fire survival plan by residents in fire prone locations; and
- Implementation of *Planning for Bush Fire Protection* guidelines when new development is planned.

Collectively, these actions can reduce the potential for loss of life and assets from fire activity.

FINANCIAL IMPLICATIONS

There are no financial implications.

POLICY IMPLICATIONS

Muswellbrook's Local Strategic Planning Statement includes the following:

Planning Priority 18: We adapt to climate change and build climate and hazard resilience.

Planning Principle: Land use, development and infrastructure decisions will not increase the population at risk or the demand on Emergency Services personnel and volunteers.

Action: Update bush fire hazard mapping.

STATUTORY IMPLICATIONS

The *Local Government Act 1993* requires Council to act in good faith regarding planning for and advising others about bush fire hazards.

LEGAL IMPLICATIONS

Under section 733 (2A) of the *Local Government Act 1993*, a council does not incur any liability in respect of:

- (a) any advice furnished in good faith by the council relating to the likelihood of any land being subject to the risk of bush fire or the nature or extent of any such risk, or
- (b) anything done or omitted to be done in good faith by the council in so far as it relates to the likelihood of land being subject to the risk of bush fire.

This applies to:

- (a) the preparation or making of an environmental planning instrument, including a planning proposal for the proposed environmental planning instrument, or a development control plan, or the granting or refusal of consent to a development application, or the determination of an application for a complying development certificate, under the [*Environmental Planning and Assessment Act 1979*](#), and
- (b) the imposition of any condition in relation to a development application;
- (c) advice furnished in a planning certificate; and
- (d) the carrying out of bush fire hazard reduction works.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with item 22.1.2 of the Operational Plan: 'Ensure currency of Bush Fire Risk Management Plan'.

RISK MANAGEMENT IMPLICATIONS

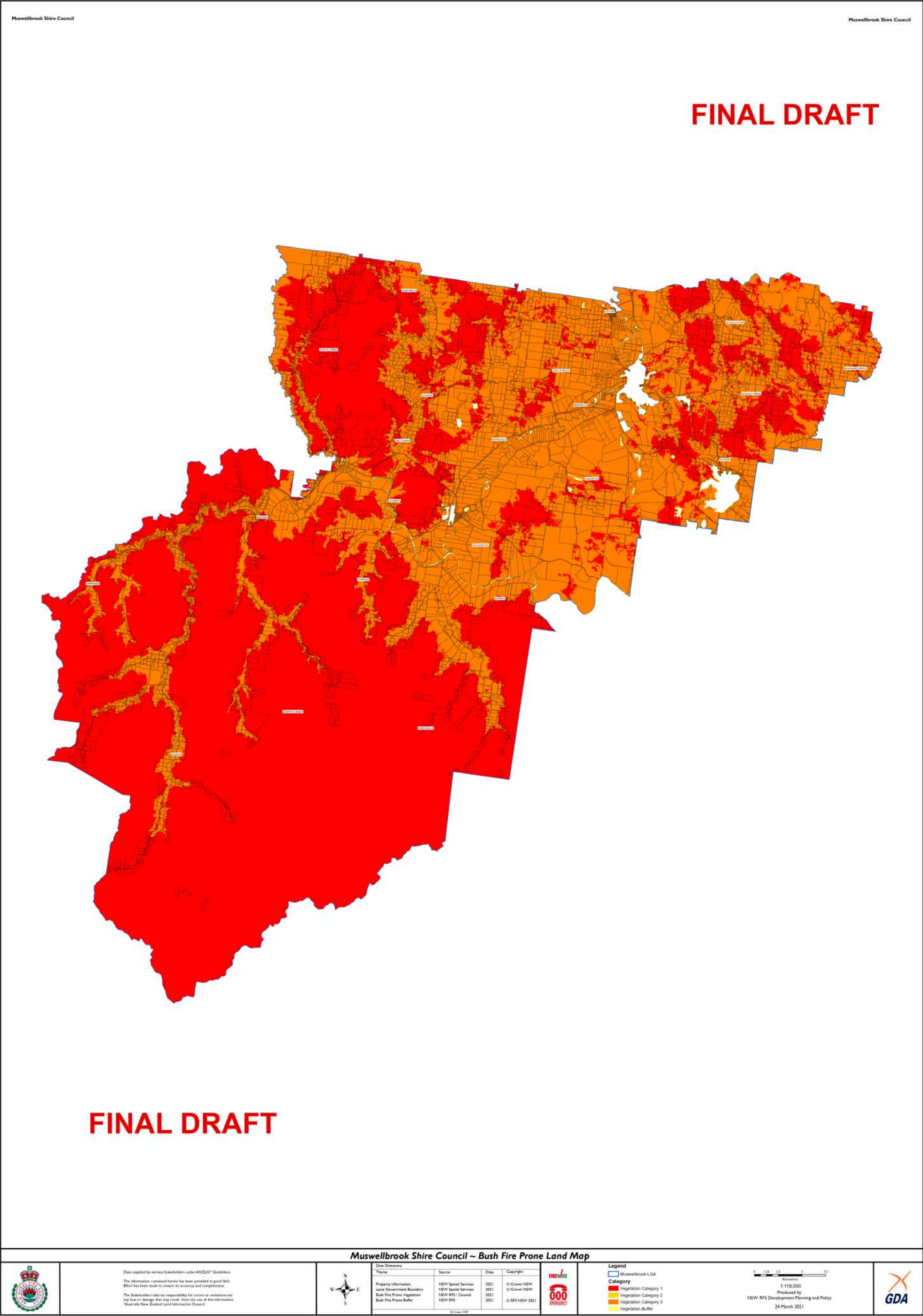
The new bush fire prone land maps will be utilised by the RFS to produce a Bush Fire Risk Management Plan for the Shire.

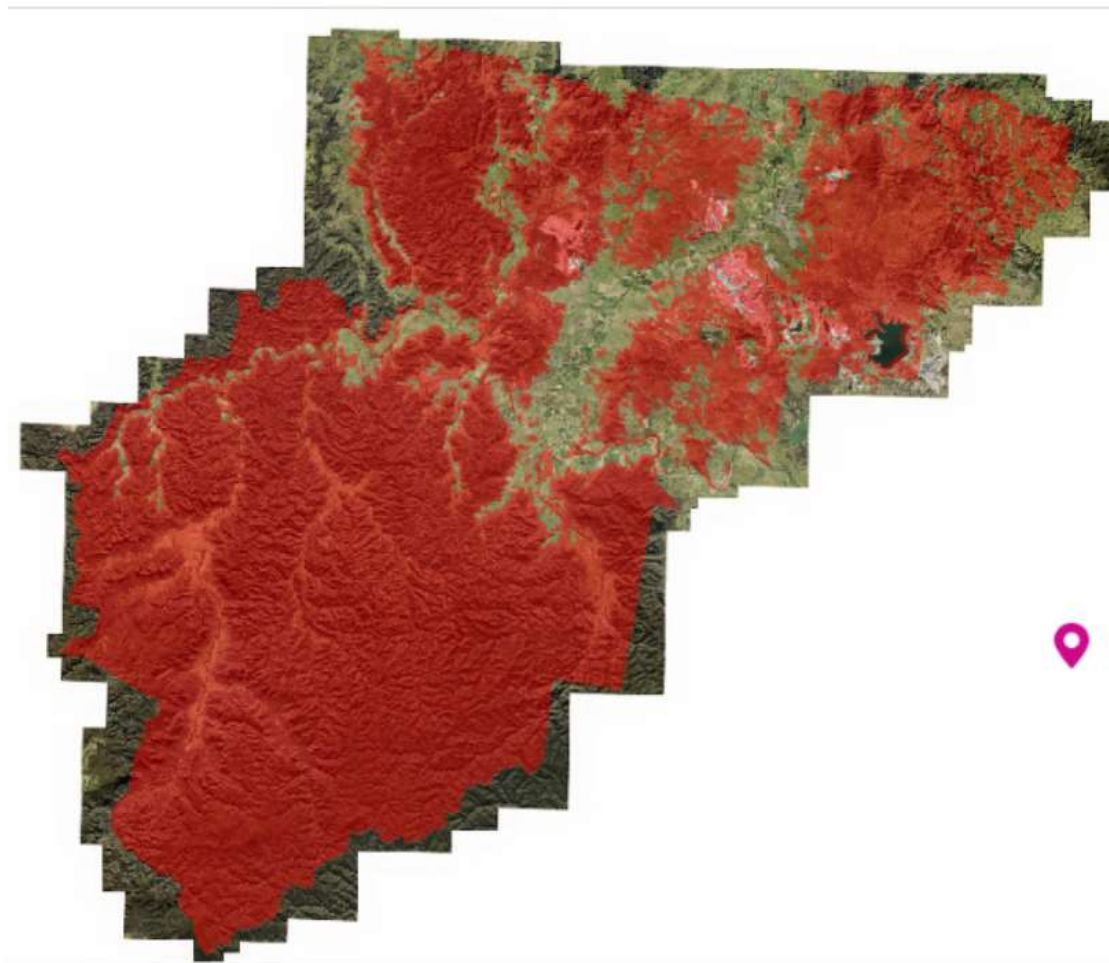
WASTE MANAGEMENT IMPLICATIONS

There are no waste management implications

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community awareness raising should occur at the start of the next bush fire season, encouraging people living in bush fire prone locations to prepare a bush fire survival plan.





Muswellbrook Shire Bushfire Hazard Map 2004

10 km

Scale = 1:489150.900

©Copyright to Muswellbrook Shire Council and LPI
NSW Aerial imagery by Sinclair Knight Merz P/L LPI or
Aerometrex



Printed 13-Apr-2021

To determine the zoning attributes applying to a property, a Section 149
certificate must be obtained or certified copies of the LEP maps can be obtained
from the following website: www.legislation.nsw.gov.au

DISCLAIMER: No responsibility is taken for any errors or omissions that may
be contained within this map and associated data. No guarantee is given as to
the accuracy of the information contained within this map. This is not a
Department of Planning certified copy of the maps accompanying the
Muswellbrook LEP 2009 and is for indicative purposes only. Muswellbrook
Shire Council takes no responsibility for reliance upon the information
contained on this map.

10.4 WAR ON WASTE GRANTS FOR COUNCIL APPROVAL

Attachments:	A. Local Government Legal - Advice
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Carry out actions under the Sustainability Action Plan as it relates to air quality, waste reuse and minimisation, electricity minimisation, Council's Renewable Energy Target and food waste minimisation.</i>
Community Plan Strategy:	<i>Support business and engage with the community in regard to waste minimisation and re-use..</i>

PURPOSE

OFFICER'S RECOMMENDATION

1. Council approve the following allocation of funding for the Business War on Waste Program:
 - a. Vines Restaurant Hollydene – Chicken Coup for reducing food waste - \$6,000 ex GST
 - b. Double Picc Café – Reusable Cup System - \$6,000 ex GST
 - c. United Pastoral Pty Ltd t/a Hollydene Wines – Glass Crushing Machine for Turning bottles into Sand - \$4,000 ex GST
2. Advise Wild Engineering of Council's decision.

Moved: _____ Seconded: _____

BACKGROUND

Local business and community groups were recently invited to apply for financial and practical support to join Council's *War on Waste* program. The program is aimed at diverting waste from landfill and reducing the amount of waste produced. This program is funded through the *NSW Better Waste and Recycling Fund*.

Small or medium business (as defined by the ATO), community groups, charities, childcare centres and schools based in the Muswellbrook Shire Local Government Area were eligible to apply for funding to assist with a waste reduction project. Grants of up to \$6,000 (*Business War on Waste*) or \$4,000 (*Community War on Waste*) were available on a matched funding basis. In-kind support contributions such as donated goods, services or work to support a project could be considered.

Nine applications were received and were assessed according to:

- the amount of waste reduction that is likely to occur as a result of the project, measured by the weight of waste likely to be diverted from landfill; and
- the level of awareness raising and education the project is likely to have, measured by the number of people likely to be impacted by the project.

Reducing waste not only keeps valuable materials out of landfill, it benefits the environment by reducing gas emissions and the need for new materials. Reducing and reusing can also save money at home and the workplace.

Council at its meeting held on 26 March, 2021 resolved as follows:

10.1 WAR ON WASTE GRANTS FOR COUNCIL APPROVAL

1 RESOLVED on the motion of Crs Rush and Woodruff that:

- 1. Council approves the allocation of funds as set out in the report for the Community War on Waste Program.*
- 2. The allocation of the Business War on Waste program be deferred for consideration at the April Ordinary Council Meeting.*

Council sought advice from Local Government Legal regards to Councils ability to provide a grant under its War on Waste program to businesses vs not for profit organisations. A copy of the advice from Local Government Legal dated 22 April, 2021 is attached for the information of Council.

CONSULTATION

Grant applications opened on 1 February and closed at 4pm on Monday, March 8, 2021. A total of nine (9) grant applications were received.

Internally the following staff have been consulted:

- Sustainability Team Leader
- Senior Coordinator Waste Operations
- Grants and Community Engagement Co-ordination Officer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT

In line with the Council motion of 26th March 2021 legal advice was sought from Local Government Legal (see attached). In line with this advice specifically Item 5 (3) (a) & (d) it is recommended that Council proceed to approve the allocation of funding for the Business War on Waste Program to:

- Vines Restaurant for the purpose of reducing food waste;
- Double Picc Café to fund the reusable cup system and
- Hollydene Wines to fund a glass crushing machine to turn bottles into sand.

Council received 4 applications for the *Business War on Waste* grant program. Grants were assessed based on the following criteria and conditions:

1. Grant applications had to be from local small to medium sized businesses (as defined by the ATO) that operate within the Muswellbrook Shire Local Government Area.
2. Grants were for any project with the diversion of waste from landfill as the major objective.
3. Applications will be assessed by:
 - a. the amount of waste reduction that is likely to occur due to the project. This can be measured by the weight of the waste likely to be diverted from landfill.
 - b. the level of awareness raising and education the project is likely to have. This can be measured by the number of people likely to be impacted by the project.

NB: The above requested information can be accurate estimates.

Officers assessed each application and determined an average rating between 1 = low rating 10 = high rating. Officers make the following recommendations:

Business War on Waste Grant Program (total funding pool \$36,000).

Application	Project	Average Rating	Officer's Recommendation
1. Vines Restaurant – Hollydene	Chicken coop for reducing food waste.	7.4	Approve grant for \$6,000 Ex GST.
2. Double Picc Cafe	Reusable cups system.	6.3	Approve grant for \$6,000 Ex GST.
3. Wild Engineering	Establishing a recycling facility for construction and demolition waste.	NA	Do not approve grant. Decision not to approve application as there was not enough information on what the grant funds would be used for. Also DA approval has not yet been granted. The project may not proceed in a reasonable timeframe.
4. United Pastoral Pty Ltd t/a Hollydene Wines	Glass crushing machine for turning bottles into sand.	6.2	Approve grant of \$4,000 Ex GST. with the condition that they seek approval from NSW EPA on application of crushed glass and comply with directions.
Total Recommended Funding			\$16,000 Ex GST.

OPTIONS

Council resolve to publish the recommended funding for the War on Waste – Business Program for 28 days ahead of the next ordinary meeting of Council.

CONCLUSION

In line with the Council motion of 26th March 2021 legal advice was sought from Local Government Legal (see attached). In line with this advice specifically Item 5 (3) (a) & (d) it is recommended that Council proceed to approve the allocation of funding for the Business War on Waste Program to:

- Vines Restaurant for the purpose of reducing food waste;
- Double Picc Café to fund the reusable cup system and
- Hollydene Wines to fund a glass crushing machine to turn bottles into sand.

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS**Ongoing Operational and Maintenance Costs Implications Associated with Capital Project****1. Financial Implications – Capital**

None

2. Financial Implications – Operational

Operational costs met from existing budget. There are no ongoing operating costs.

POLICY IMPLICATIONS

None

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

None

OPERATIONAL PLAN IMPLICATIONS**| SUPPORT INITIATIVES WHICH REDUCE THE COMMUNITY'S IMPACT ON THE ENVIRONMENT**

14.01.05 Conduct a minimum of two community education programs to reduce the volume of food waste going to the Waste Management Facility.

Action 14.01.07 Conduct a minimum of two education programs or events to engage businesses the broader community to minimise waste minimisation and encourage re-use.

RISK MANAGEMENT IMPLICATIONS

Not applicable

WASTE MANAGEMENT IMPLICATIONS

These grants highlight to the community and businesses, measures they could take to reduce their waste.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

There will be a requirement to promote these grant funded projects in order to encourage the community to undertake sustainable waste management. These promotional items will need to comply with requirements of the NSW Government.



LOCAL
GOVERNMENT
LEGAL

LOCAL GOVERNMENT LEGAL

ABN: 67 155 076 181

4 Sandringham Ave | PO BOX 3137 THORNTON NSW 2322

t (02) 4922 2301

f (02) 4966 0588

e admin@lglegal.com.au

w lglegal.com.au

Our Ref: RW:AR:210063

Your Ref: Fiona Plesman

21 April 2021

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

Only by email

Dear General Manager

Advice regarding Council's ability to give a grant to a business v not-for-profit entity

1. We refer to the email from Fiona Plesman to Rachael Webb on 14 April 2021 requesting advice in relation to the Council's ability to provide a grant to businesses and 'not-for-profit' organisations.
2. We have been provided with a copy of the report to the Council meeting on 30 April 2021 titled "War on Waste Grants for Council Approval", which provides the following background in respect of the War on Waste Grants Program (**WoW Program**):

Local business and community groups were recently invited to apply for financial and practical support to join Council's War on Waste program. The program is aimed at diverting waste from landfill and reducing the amount of waste produced. This program is funded through the NSW Better Waste and Recycling Fund.

Small or medium business (as defined by the ATO), community groups, charities, childcare centres and schools based in the Muswellbrook Shire Local Government Area were eligible to apply for funding to assist with a waste reduction project. Grants of up to \$6,000 (Business War on Waste) or \$4,000 (Community War on Waste) were available on a matched funding basis. ...

3. The report makes recommendations in relation to the Community WoW Program (total funding pool \$24,000 and total funding recommended \$10,629.03) to grant funding to 4 educational establishments for "food waste education and worm farming system" and a rugby club for a container deposit scheme system between \$1,073 to \$3,401 ex GST.



Liability limited by a scheme approved under Professional Standards Legislation

4. The report makes recommendations in relation to the Business WoW Program (total funding pool \$36,000 and total recommended funding \$16,000) to grant funding to 3 businesses, a restaurant for a chicken coop for reducing food waste, a café for reusable cups system and a company for glass crushing machine for turning bottles into sand.
5. A local council's power to grant financial assistance is regulated by section 356 of the *Local Government Act 1993* ("LG Act"), which provides as follows (our emphasis):

356 Can a council financially assist others?

(1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons **for the purpose of exercising its functions**.

(2) A proposed recipient **who acts for private gain** is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

(3) However, public notice is not required if—

(a) the financial assistance is part of a specific program, and

(b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and

(c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and

(d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area. ...

6. Our comments in respect of each of these requirements is set out in the following table:

S356(1)	In order for financial assistance to be granted, it must be done in accordance with a resolution of the Council.
356(1)	The criteria that financial assistance must be for the purpose of exercising the Council's functions, is clearly met given the objectives of the WoW Program and the Council's functions in relation to waste management and the environment.
356(2)	Sub-clause (2) makes it clear that an entity that "acts for private gain" can be eligible to be granted financial assistance.

	<p>Section 356 does not limit the entities to which financial assistance can be given, which includes charitable, community, sporting and private individuals and businesses.</p> <p>The meaning of “acts for private gain” is not defined in the LG Act or guidance. In this instance, we note the “Business” Wow Program was open to small to medium businesses, which in our opinion should be considered to act for “private gain” for the purposes of the provision.</p> <p>We have considered what is necessary in order for the requirement for the Council to give “public notice of the council’s proposal to pass the necessary resolution” to be satisfied.</p> <p>There may be an argument that if a decision to invite grant applications was the subject of a council resolution, or a publicly notified invitation for grant applications, such notice would satisfy this requirement.</p> <p>However, the conservative interpretation of this provision is that the public notice should include detail in relation to the proposal to pass the resolution, including details in relation to the recommended recipients of the funding.</p> <p>This means that at least 28 days’ public notice prior to the resolution must be given, unless the criteria in sub-clause (3) are met.</p>
356(3)(a)	<p>We are satisfied that the War on Waste Grant Program is a “specific program”.</p>
356(3)(b)	<p>The council’s draft Operational Plan includes the following information (our emphasis in underlining):</p> <p><i>Support initiatives which reduce the community’s impact on the environment</i></p> <p><i>Action 14.01.05 Conduct a minimum of two <u>community education programs</u> to reduce the volume of <u>food waste</u> going to the Waste Management Facility.</i></p> <p><i>Action 14.01.07 Conduct a minimum of two <u>education programs or events</u> to engage businesses the broader community to minimise waste minimisation and encourage re-use.</i></p> <p>It is arguable that while the WoW Program meets these two action items.</p> <p>However, the draft Operational Plan does not include details of the <u>specific</u> WoW Program.</p> <p>It is also arguable that the recommended grants under the Business WoW Program do not fall within these Actions in the Operational Plan because they are not “education programs or events”.</p>

356(3)(c)	This requirement is satisfied - the program's proposed budget does not exceed the threshold.
356(3)(d)	<p>The WoW Program does not apply uniformly to all persons within the council's area however the program was open to a wide group of applicants - incorporated community groups, registered charities, childcare centres and educational facilities with facilities in the Council's area and local small to medium sized businesses.</p> <p>It is arguable that the scope of eligible applicants means that the program applies to a "significant group of persons" within the area.</p>

7. The OLG Circular 06-32 – Provision of financial assistance under Section 356, provides as follows:

The department's Local Government Reform – Promoting Better Practice reviews of councils have identified evidence that some councils are providing financial assistance without complying with their obligations under this section and are failing to make considered and transparent decisions on grants of financial assistance. ...

The department encourages councils to achieve greater transparency and accountability by developing a policy on the granting of financial assistance to others.

The financial assistance or donations policy should cover issues such as:

- *Forms of application for financial assistance*
- *Assessment processes, including, where applicable, obtaining supporting information to establish the bona fides of applications*
- *Procedures for ensuring public notice is given and for dealing with any public submissions*
- *Establishing clear and transparent criteria for the assessment of applications for financial assistance*
- *A procedure for ensuring financial assistance is used by the recipient for the specified purpose.*

Policies should be applied with sufficient flexibility to ensure that the council strikes an appropriate balance between prudent financial management and its ability to effectively meet meritorious requests for financial assistance.

8. The OLG guidance emphasises that the purpose of s356 is to ensure transparency and accountability in decision-making when granting financial assistance. We have reviewed the Council's Financial Assistance Policy (F16-1) which substantially meets the recommendations in the Circular.
9. In summary, the entities to which a Council has power to grant funding is not confined. A council can grant funding to a business or other private entity. However, if a proposed recipient "acts for private gain", council must give 28 days' public notice before resolving to grant, unless specified circumstances apply.

10. There are arguments that could be made that it is not necessary to provide 28 days' public notice of the Council's proposal to pass a resolution to grant funding under the WoW Program (see the table above in relation to s356(2) and (3)(b)).
11. However, the prudent approach to ensure compliance with s356 of the LG Act would be to publicly notify the recommendations for grant funding for 28 days prior to the Council making such a resolution.

Yours faithfully

Local Government Legal



Rachael Webb
Special Counsel

10.5 PLANNING AND ENVIRONMENTAL SERVICES

Attachments: Nil

Responsible Officer: Sharon Pope - Executive Manager - Environment and Planning

Author: Michelle Reichert - Administration Officer
Chloe Wuiske - Administration Officer
Michael Brady - Sustainability Officer
Tracy Ward - Sustainability Officer
Jo Barker - Records 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 (18 March to 14 April 2021)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2021/17	Ancillary Developments - Carport and Garage	51 Palace Street Denman	\$ 22,000
2021/11	Ancillary Development - Shed	6 Honeyeater Close Denman	\$ 65,707
2019/86	S4.55 (1A) Modification - Industrial Shed - Minor decrease to FFL and increasing setback from southern side boundary.	29-33 Enterprise Crescent Muswellbrook	\$ -
2020/126	Office Premises	Maitland Street Muswellbrook	\$ 105,328
2020/121	Demolition of Shed	39-41 Ogilvie Street Denman	\$ 17,500
2020/117	Commercial Fit-out and Alterations and Change of use to Takeaway Shop	6 Maitland Street Muswellbrook	\$ 75,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2021/31	Garages carports and car parking spaces	1 Jeans Street	15/04/2021	\$ 11,148
2002/342/6	S4.55(2) Modification - Addition of 30,000tpa of Commercial and Demolition Waste sorting and processing (brick, tile, concrete, asphalt, glass). Recovered materials to be used as a substitute to quarry product for blending and concrete batching.	8440 New England Highway	13/04/2021	\$ -
2021/30	Change of operation hours (McDonalds)	83-89 Maitland Street	01/04/2021	\$ -
2021/29	Subdivision (Boundary Adjustment), Relocation of an Existing Dwelling and Construction of a New Dwelling	49 Carl Street Muswellbrook	01/04/2021	\$ 490,000
2021/28	Ancillary Development - Shed	16 Burgundy Street Muswellbrook	30/03/2021	\$ 19,843
2021/27	Dwelling	11 Roger Street Muswellbrook	29/03/2021	\$ 424,179
2021/26	Change of use from Aged Care Facility to Boarding House and Multiple Dual Occupancy Dwellings	59 Tindale Street Muswellbrook	26/03/2021	\$ 435,160
2021/25	Ancillary Development - Shed	119 Ironbark Road Muswellbrook	17/03/2021	\$ 29,531
2021/24	Two (2) Shipping Containers to be used for Storage	7 Billabong Close Muswellbrook	12/03/2021	\$ 15,000
2021/23	Dwelling with Attached Secondary Dwelling	18 Pendula Way Denman	10/03/2021	\$ 433,000
2021/22	Dwelling with Attached Secondary Dwelling	27 Pendula Way Denman	10/03/2021	\$ 431,000
2021/21	Ancillary Development - Shed	8440 New England Highway Muswellbrook	05/03/2021	\$ 162,240
2021/20	Dwelling	120 Hill Street Muswellbrook	02/03/2021	\$ 334,274
2021/19	Ancillary Development - Shed	113 Ironbark Road Muswellbrook	19/02/2021	\$ 41,500
2007/386/3	S4.55 (1A) Modification - Amend Condition 7 of Consent to extend period of temporary use of shed as dwelling	178 Beggary Creek Road Muswellbrook	19/02/2021	\$ -

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2021/18	Ancillary Development - Shed	10 Jillaroo Way Muswellbrook	17/02/2021	\$ 49,000
2021/16	Dwelling	29 Lou Fisher Place Muswellbrook	11/02/2021	\$ 375,000
2021/13	Educational establishment continuation of use (Demountable Classroom)	104 Hill Street Muswellbrook	05/02/2021	\$ -
2021/10	Entertainment Facility (Muswellbrook Regional Entertainment and Conference Centre)	30 Brook Street Muswellbrook	02/02/2021	\$26,998,400
2021/8	Ancillary Development - Shed	12 Octagonal Way Muswellbrook	02/02/2021	\$ 18,400
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
2011/1/2	S4.55(2) Modification - Liddell Ash Dam - Additional Borrow Area	New England Highway Muswellbrook	18/01/2021	\$ -
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
2020/133	Backpackers Accommodation	14 Haydon Street Muswellbrook	08/12/2020	\$ 679,975
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
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
2020/69	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

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
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
2019/54	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
2017/58/2	S96 (1A) Modification - Modify Condition 8	Jerdan Street Denman	19/02/2018	\$ -
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017	\$ -

20.1.12 Inspect onsite wastewater sewerage systems to ensure they are installed and maintained in compliance with regulatory requirements

On-site Wastewater Statistics - 13 Month Analysis (2019/2020)

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications Received (new installation)	0	3	0	3	1	0	0	0	2	4	0	0	1
Applications Approved (new installation)	1	0	0	3	1	3	1	0	0	4	0	0	0
Inspections (new system)	0	1	1	0	1	1	1	2	0	1	0	0	1
Inspections (existing system)	6	0	0	0	0	0	0	6	0	1	0	1	3

24.1.5 Registration and inspection of regulated premises (caravan parks, food outlets, skin penetration premises, hairdressers, mortuaries, air handling systems) in accordance with regulatory requirements to ensure public health and safety is protected.

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

4.01.01.1 Reduce the environmental impact of development on our community by carrying out regular inspection of building sites and monitoring waste.

Building Site Compliance Inspection Statistics – 13 Month Analysis (2019/2020)

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

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Total Investigations	2	9	4	6	7	3	0	3	2	3	2	4	5
Total Clean up by Council - insufficient evidence	0	5	1	5	2	1	0	3	2	3	2	4	5
Total Clean Up by individual	2	0	0	1	3	0	0	0	0	0	0	0	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	1
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	0	0	0	0	1	0	0	0	0	0	0	0	0

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

Swimming Pool Compliance Statistics – 13 Month Analysis (2020/2021)

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		Jan	Feb	Mar
Applications for Compliance Certs.	4	3	1	4	4	4	7	3	7	3		6	7	6

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	6	3	6	8	5	8	10	2	6	5		8	17	24
Initial Inspections	5	2	5	8	2	6	9	1	4	3		6	14	23
Re-inspections	1	1	1	0	3	2	1	1	2	2		2	3	1

Compliance Certs / Occ. Certs issued	4	1	6	5	3	3	7	2	10	5		8	8	6
--------------------------------------	---	---	---	---	---	---	---	---	----	---	--	---	---	---

Total Pools in Council's Swimming Pool Register = 934

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 = 17.2%

That is, 161 out of 934 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 = 7.3%

That is, 68 out of 934 pools have had at least one inspection carried out during FY 2020/2021.

SUSTAINABILITY

Highly Commended Award for Environmental Education

Sustainability Officer Tracy Ward was recently given a Highly Commended Award for Environmental Education from the Australian Association for Environmental Education - NSW.

This award was for Tracy's work over many years educating and raising awareness in our community about a variety of sustainability related topics. Here she is with her award sitting next to the newest member of the Sustainability team Sunny Spark who helps Tracy discuss energy related subjects.



Clean Up Australia Day

This year Clean Up Australia Day activities were held all over the Shire with over 540 community members participating. Community Clean Up Day was held in Denman, Business Clean Up Days were held at Acacia Drive water tower and Lake Liddell and School's Clean Up Day was held at local schools. Thanks to Muswellbrook 2nd Scout Group, Denman 1st Scouts Group, Denman Lions Club and Warrior Disability Services for their support.

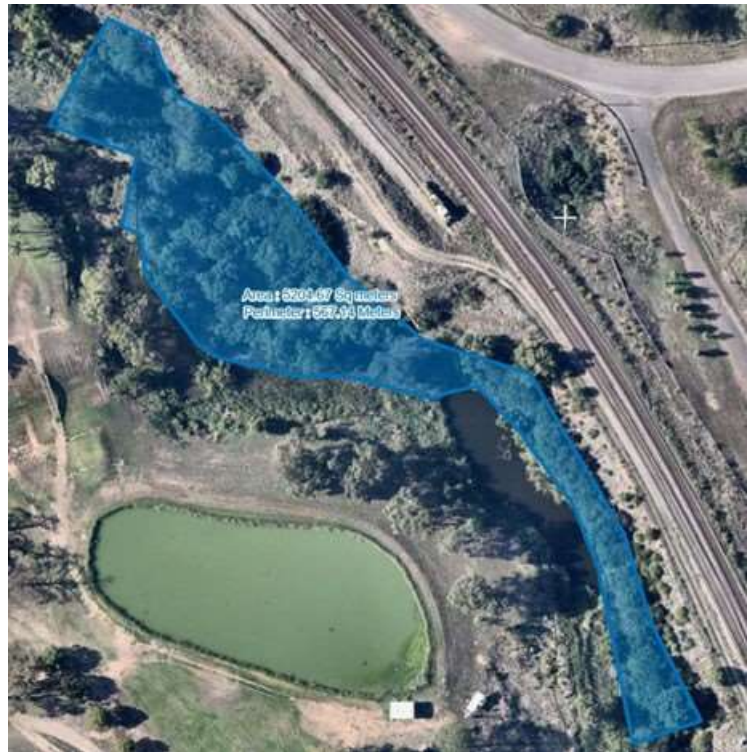


FOGO Community Engagement

Council continues to plan for the introduction of the FOGO system. The Sustainability Unit has been working with JR Richards and Upper Hunter Council on a community engagement plan. Successfully engaging the community on this system change will be crucial to its success.

Rehabilitation of Muscle Creek for Community and Environmental Benefit Project

This project is funded through the NSW Environmental Trust and through Council. Request for quotes were sent out to complete weed control works on a site between Muscle Creek and the railway corridor (see map). This work does present a number of difficult issues. These including the need to work on ARTC land, the very steep slope (see photo below) and the large amount of woody weeds.



Belltrees Public School

Belltrees Public School and Warrior Disability Services visited the Sustainability Hub. The visitors were involved in hands on learning experiences involving growing local healthy food, bees, composting and worm farming.

Green Caffein

The Green Caffein Program has started signing up cafes in Muswellbrook. This scheme is being run and delivered through the HJOC throughout our region. The scheme means you can stop using single use disposable coffee cups even if you are like me and keep forgetting to take them with you every time you want a coffee or tea. The scheme means you can stop using single use disposable coffee cups even if you are like me and keep forgetting to take them with you every time you want a coffee or tea.

ShareWaste App

The Sustainability Hub has registered for the ShareWaste App. This initiative connects people with products for compost with groups wanting these products.



Business and Community War on Waste Program

The Business and Community War on Waste Programs continued to be promoted throughout the community. This program, funded through the Better Waste and Recycling Fund from the waste levy, offers grants to community groups and local small to medium businesses. The aim of the program is to

divert waste from landfill. Council will use the organisations involved as examples of what others could do to reduce their own waste.

This grant program, as have similar programs in the past, was promoted through paid advertising on local commercial radio, newspaper advertisements and articles, online, social media and through the Muswellbrook Business Chamber.



Indian Mynas

Council is supporting Denman Men's Shed to investigate if they are able to start a trapping program.

Sustainable Futures – Muswellbrook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,268 page likes and 1,342 page followers. On average this page sees about 30 new page likes and 30 new followers each month.

This page continues to be a great way for Council to engage with the community around a range of sustainability topics.

Air Quality Monitoring Program

Weekly air quality monitoring continues.

Museums

Museums in a box continue to be a great way of engaging with educational groups. So far these museums have been used by 10 local educational groups.

Sustainable Schools Support Program



Staff have been working with local educational groups to offer support for sustainability activities. These activities include:

- Grants.
- Support for composting and worm farming systems.
- Tours of our waste facility. We end the session with a puppet show.
- We can visit groups to present on a range of topics especially around waste.
- We welcome visitors to the Sustainability Hub. Here we can show the students some practical waste reduction ideas.

Denman Pomaderris

Council are working with the Department of Planning, Industry and Environment to plant Denman Pomaderris at Denman Memorial Park and Hyde Park.

The Denman Pomaderris is critically endangered in NSW and Australia and unique to Denman. Recorded from a small number of sites along a single ridgeline near Denman.

Fabric Recycling

Staff received customer requests concerning the recycling of old fabrics. After some research it seems there are some opportunities to recycle fabrics that are not wanted by charities.

Ewaste Recycling

Staff researched a new opportunity to recycle e-waste as there are some issues with our current process.

11 COMMUNITY INFRASTRUCTURE

11.1 MUSWELLBROOK COAL COMPANY S.138 ROADS ACT APPROVAL AND ROUTINE MAINTENANCE PLAN FOR MUSCLE CREEK ROAD

Attachments:	A. MCC Muscle Creek Road RMAP 2020_Final - Under Separate Cover
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 submit for Council's consideration and approval an application under s.138 of the Roads Act 1993 for the maintenance of Muscle Creek Road and the Routine Maintenance Annual Plan as prepared by Muswellbrook Coal Company.

OFFICER'S RECOMMENDATION

Council delegates to the General Manager authority to sign the s.138 Roads Act 1993 approval and the Routine Maintenance Annual Plan for Muscle Creek Road as set out in the report

Moved: _____ Seconded: _____

BACKGROUND

Muswellbrook Coal Company's (MCC) Development Consent DA 205/2002 requires that the section of Muscle Creek Road from the internal haul road to the New England Highway is to be maintained by the applicant (MCC) to the satisfaction of Muswellbrook Shire Council as the relevant roads authority.

CONSULTATION

Muswellbrook Coal Company personnel and lawyer representation,
Manager & team from Council's Road Drainage & Technical Services,
Council's Corporate Lawyer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

Muswellbrook Coal Company (MCC) has been maintaining the section of Muscle Creek Road from their internal haul road to the New England Highway since the commencement of their 1989 Consent. MCC is to obtain a Section 138 Consent under the Roads Act 1993 and prepare a Routine Maintenance Annual Plan (RMAP) for Muscle Creek Road, which is generally on a yearly basis for minor maintenance activities. Council has undertaken extensive negotiations with MCC to update the RMAP and to bring it in line with the Transport for NSW QA Specification M3 Routine Services format. This is the accepted

measurable format that aims to assist with the development of an RMAP that best achieves customer levels of service, road safety and asset preservation objectives. This format is progressively being used across the Shire for other mining companies and entities that are required to undertake maintenance on Council Public Roads as part of their consent conditions. The MCC permit and updated RMAP is now due for renewal.

OPTIONS

Council may decide to:

- approve the delegation to the General Manager to issue the consent for works under Section 138 Roads Act 1993 and the RMAP;
- request modification to the permit and/or RMAP; or
- refuse the delegation

CONCLUSION

It is recommended that Council approves the Delegation to the General Manager to issue consent to allow for the continued maintenance of Muscle Creek Road by MCC.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

The cost of all works as outlined in the RMAP and s.138 permit will be the responsibility of the applicant.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. Financial Implications – Capital

Nil.

2. Financial Implications – Operational

Nil.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

The standard of Muswellbrook Coal's ongoing maintenance of the identified section of Muscle Creek Road will be monitored by Council staff on a regular basis.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable.

11.2 BRIDGE STREET RAIL BRIDGE REPLACEMENT PROJECT STATUS UPDATE

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Peter Chambers - Chief Engineer
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Carry out regular asset inspection.</i>

PURPOSE

The report submits for Council's review an update of information relating to the construction works associated with replacement of the current southern (Ulan Line) rail line bridge crossing at Bridge St, Muswellbrook, by the Australian Rail Track Corporation with a new concrete bridge, proposed to be carried out in November 2021, and to submit for Council's review a number of concept designs provided to enhance the heritage, cultural and aesthetic properties of the new concrete bridge.

OFFICER'S RECOMMENDATION

- 1. Council NOTES the information contained in the report; and**
- 2. Council recommends treatment Options 1 and 3 in the report be further developed, with a further report to be provided to Council providing detailed structure treatment options.**

Moved: _____ **Seconded:** _____

BACKGROUND

A report, entitled 'Replacement of Southern (Ulan Line) Rail Bridge Crossing Bridge Street, Muswellbrook: Bridge Concept Drawings' was submitted to the 26 May 2020 Ordinary Council meeting. The report provided information in relation to the Australian Rail Track Corporation's (ARTC) proposal to replace the Ulan Line rail bridge, which is the southern rail bridge crossing Bridge Street, Muswellbrook, between June 2020 and December 2021, and additional proposed treatment options for the bridge and adjacent retaining walls.

An outcome of the report has been further consultation with the ARTC project team with regards to treatment options so that the new bridge will retain as much as possible the important heritage, cultural, and aesthetic characteristics of the existing bridge.

CONSULTATION

Consultation has been carried out with the Australian Rail Track Corporation in relation to Council's requirement for the new bridge to duplicate as much as possible the existing bridge's cultural, heritage, and aesthetic characteristics.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

A report, entitled 'Replacement of southern (Ulan Line) rail bridge crossing Bridge Street, Muswellbrook: Bridge Concept Drawings' was submitted to the 26 May 2020 Ordinary Council meeting. The report provided information in relation to the Australian Rail Track Corporation's (ARTC) proposal to replace the Ulan Line rail bridge, which is the southern rail bridge crossing Bridge Street, Muswellbrook, proposed to be carried out in November 2021, and provided a number of concepts in relation to façade treatments to preserve and enhance the aesthetic, social, heritage and cultural aspects of the existing bridge, regarded as an iconic structure by the community.

Ongoing consultation has been carried out with the ARTC project team with regards to additional treatment options to further complement Council's endorsed option of the 26 May 2020. Council's resolution in relation to the report was:

11.7 REPLACEMENT OF SOUTHERN (ULAN LINE) RAIL BRIDGE CROSSING BRIDGE STREET, MUSWELLBROOK: BRIDGE CONCEPT DRAWINGS

RESOLVED on the motion of Crs Reynolds and Bowditch that:

1. Council *NOTES* the information contained in the report.
2. Council recommends treatment Option 4 in the report be further developed, with a further report to be provided to Council providing detailed structure treatment options.

Discussion in relation to potential suitable additional treatments has considered:

1. Painting of the outer face of the girders of the bridge;
2. Installing a truss façade panel to the outer face of the girder; and
3. A landscaping plan be provided to Council for both hard and soft landscaping elements.

The landscaping plan will be provided to Council in a future report. ARTC has committed to completing landscaping works around the abutments of the new Bridge St Underbridge, and within the licenced area of Fitzgerald Park. This work will occur following the retaining wall works, with works scheduled for completion by December 2021.

A timeline of the project is provided below:

- Permanent sheet pile retaining wall on eastern side of Bridge St (adjacent to Muscle Ck) was constructed in October 2020. Façade panel for new wall to be installed late 2021 following commissioning of the new bridge.
- Bridge Piling works completed in November 2020 – Overall included installation of 16 x 1500mm diameter concrete piles.
- ARTC is currently working on the construction of four concrete pile caps for the new bridge. The first of the four pile caps was completed in March 2021. The remaining three pilecaps are to be completed by May 2021.
- Commissioning of the new bridge is currently scheduled for either October or November, 2021. This has slipped from August 2021 due to the availability of precast bridge girders. The exact date will be confirmed within the next month.
- Upcoming rail possession works include:
 1. April 2021 rail possession (27 to 29 April) – Construction of concrete pile caps.
 2. May 2021 rail possession (25 to 27 May – Removal of temporary sheetpiles.
 3. August 2021 rail possession (10 to 12 August) – Installation of new bridge abutments.
 4. October 2021 rail possession (5 to 7 October), or November 2021 rail possession (23 to 26 November) – Removal of existing bridge & commissioning of new bridge.



Piling Works – September 2020



Construction of permanent retaining wall, Bridge St Muswellbrook (1 of 2) – October 2020



Construction of permanent retaining wall, Bridge St Muswellbrook (2 of 2) – October 2020



Piling Works – November 2020



Pile Cap - North Western side of Bridge St – Note Temporary sheetpiles supporting track - January 2021



Bridge St, Muswellbrook Construction Progress Aerial View – February 2021



Pile Cap – North Western side of Bridge St – Steel Fixing – March 2021



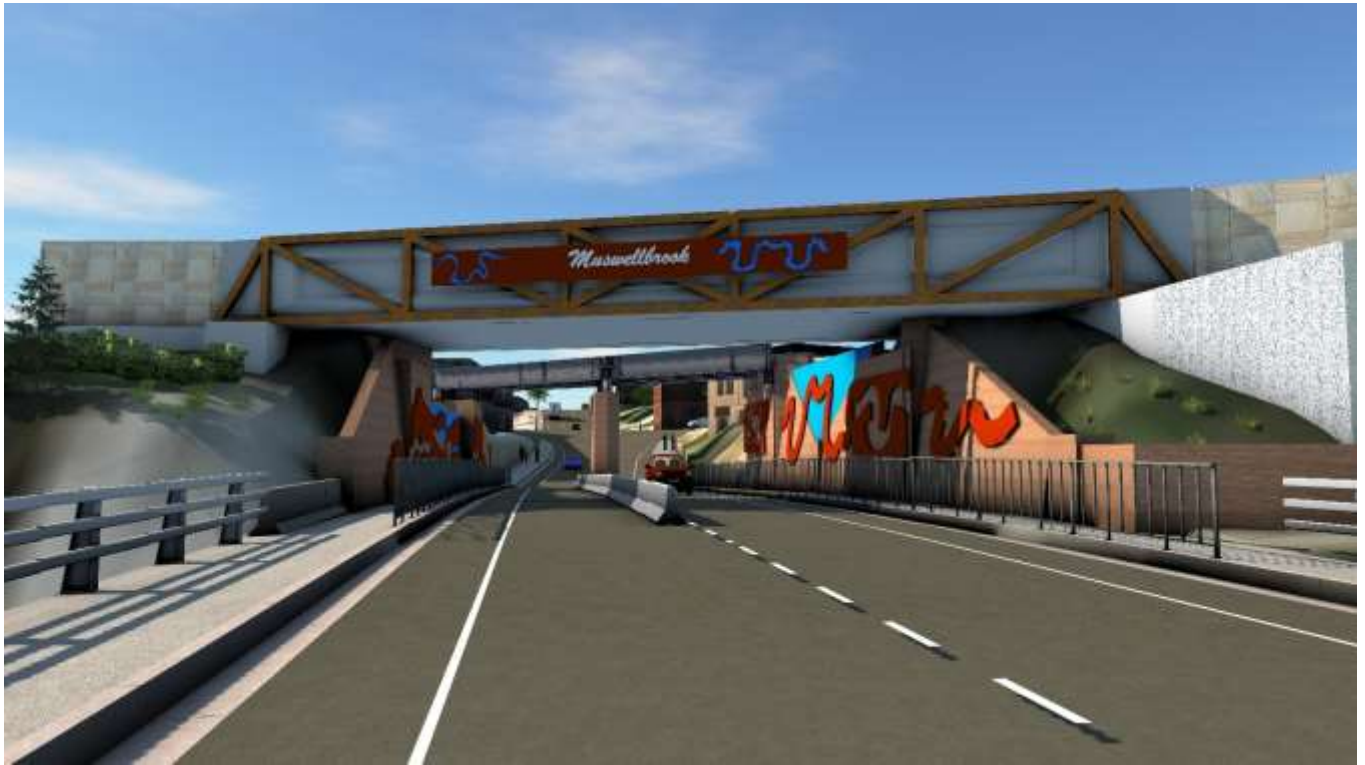
Pile Cap – North Western side of Bridge St – Concrete Pour – March 2021

Bridge façade concept options

Three concept options have been provided by ARTC in relation to enhancing the aesthetic properties of the bridge. These options are outlined below.

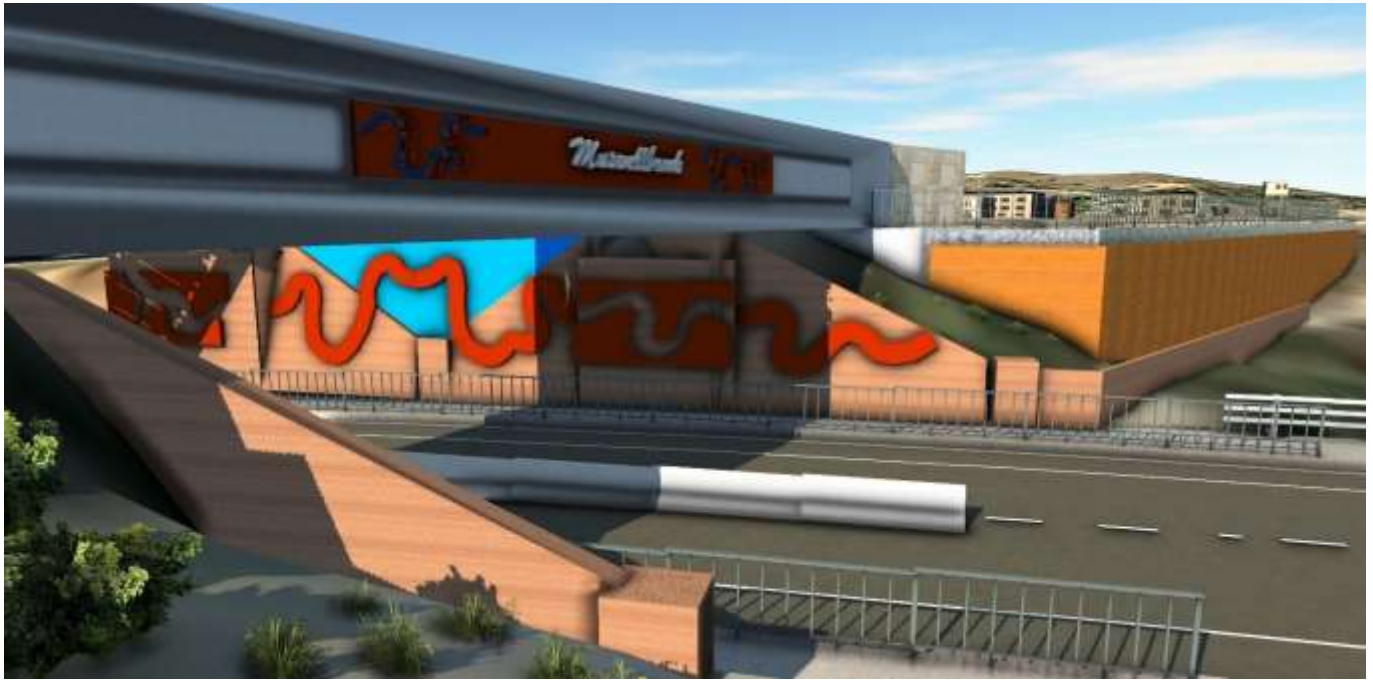
Options 1 and 2 refer directly to the bridge girder façade, and Option 3 refers to the retaining wall façade.

Option 1 – Truss Façade with Rusted Finish



Option 2 – Painted Bridge Girder



Option 3 – Weathered Steel Retaining Wall Façade**OPTIONS**

Council may decide a satisfactory option from a number of potential approaches:

1. Consider one of the two options provided above for the bridge girder for further development, or none of the options.
2. Consider the development of the weathered steel façade for the retaining wall, select a different finish, or not require any enhancement of the natural retaining wall facing.

CONCLUSION

The report has been submitted for the information and review of Council. A further report will be submitted to Council providing detailed treatment options for the bridge, retaining wall and ancillary structures, and additional landscaping plan for the areas of the retaining wall and the licenced area of Fitzgerald Park.

SOCIAL IMPLICATIONS

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

Ongoing collaboration between Muswellbrook Shire Council and Australian Rail Track Corporation ensures that any potential disruptions during construction are minimised, and ongoing project progress and construction activities can be communicated to the Muswellbrook community.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

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

RISK MANAGEMENT IMPLICATIONS

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

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Muswellbrook Shire Council will continue to provide updates on the construction for the replacement of the southern Ulan Rail Bridge works through its website and respond to any feedback from the community directly with its ongoing consultation with Australian Rail Track Corporation (ARTC). ARTC will also provide similar updates on their own website as part of their activities, in consultation with Muswellbrook Shire Council.

11.3 MAJOR PROJECTS STATUS REPORT

Attachments:	A. 2020-21 Major Projects List
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 provides a summary of the status of 2020-21 major projects updated to 27 April 2021.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Scholes

REPORT

The report is submitted for Council's information in relation to the status of major projects.

FINANCIAL IMPLICATIONS

The projects included in the Major Projects List are funded from Council's approved capital budgets.

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 27 April 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. Reseal preparation works on Widden Road are planned for April. A program of crack sealing works is scheduled to be undertaken in April.
Rural Road Regravelling	C	\$348,291	Aug-20	Jun-21		Aug-20		Works have been undertaken on Wells Gully Road, Beggary Ck Road, Yarrawa Road, and Horseshoe Road. Planned works for quarter 4 to include Castlerock Rd, Stairs Road, Giants Creek Road, and minor works at Yarrawa Road.
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 Street to Francis Street). Works completed in Cabernet Street, Chablis Close, Casuarina Close, Lower William, Queen, McClintock Drive, Towarri Street, Cousins Street, Rutherford Road, and Carl Street.
Footpath and cycleway renewal programme	F	\$150,000	Aug-20	Dec-21		Aug	Nov-20	Program complete. Works completed include Northerly Close, Brook Park, Bridge Street, Casuarina Close, Hunter Park, and King Street.
New footpath programme	C	\$1,547,955	Apr-21	Jun-21		Jan-21		Works planned post construction of signalised intersection at Thompson Street. 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. Footpath construction has been undertaken in Cook Street, Newman Street, Roger Street, Semillon Street and King Street with works continuing in King St between William and Brook, Brecht and in Karoola Park.
Safety devices programme	C	\$135,000	Aug-20	Dec-20		Jul-20		Works commenced on targeted locations at Bylong Valley Way. Work is 50% completed. The remaining work is programmed for May 21.
Mangoola Culvert Replacement	F	\$500,000	Aug-20	Oct-20		Nov-20	Feb-21	The project has been completed.
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	C	\$419,520	Oct-20	Jun-21		Oct-20		Investigation, design and safety audit is complete. Survey and geotech has been undertaken. Signage and guideposts have been ordered. Construction works are in progress.
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	F	\$1,191,649	Jul-20	Jun-21		Jul-20	Feb-21	Project Complete.
Hunter Beach	I & D	\$2,878,646	Jul-20	Mar-21	Dec-21			Council has endorsed a concept design for the project. No tenders were received in the first round of tendering. Separate engagement with Soil Conservation Services for embankment works and weed eradication has been carried out. Project to be separated into discrete projects that may be more attractive to a range of qualified and experienced tenderers. Tenders to be resubmitted. An extension of the funding deadline is currently being sought. Project expected to be tendered late April.
Rosebrook Bridge Replacement	D & C	\$1,633,500						Investigations and design works underway. The project is fully grant funded.
Thompson St Signals	I & D	\$1,473,409	Sep-20	Jun-21				Tenders received and negotiations with preferred tenderer have been undertaken. WAD received from TfNSW, with Principal Contractor, Project Verifier and Road Safety Auditor engaged. Stage 3 Road Safety Audit report received and is being reviewed by Transport NSW and Project Verifier. The design was submitted to TfNSW by the Project Verifier and has been reviewed by TfNSW who have required changes to the pavement design. The drawings are being amended in accordance with TfNSW requirement. The project will commence upon granting of approval by TfNSW.
Wilkinson St Bridge	I & D	\$1,104,205	Dec-20	Dec-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 the pre start meeting has been held. The hydraulic assessment has been undertaken to guide the final design which is being undertaken.
Edderton Road Safety Upgrade	C	\$2,564,535	Nov-20	Apr-22		Feb-21		KCE Pty Ltd are engaged to undertake the construction. Construction has commenced with clearing, culvert extensions, earthworks and subgrade preparation at the southern end of the limit of works undertaken. Subbase construction is being undertaken. Works are progressing well with the program submitted being a 14month project, expected to be completed in April 2022.
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	F		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 as needed. Heavy patching recently undertaken in Hill, Sowerby and Brook St, Scott St, Hunter Terrace and William St.
Yarrawa 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. The survey, and geotech works have been undertaken to inform the design. Design works are continuing with the IFC drawings scheduled to be received by Council in June 2021.
Rural Road Renewal	C	\$553,397	Apr-21	Jun-21				Improvements to Widden Valley Road.
WORKS, PROPERTY & BUILDING SERVICES (WP&BS)								

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 27 April 2021
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. Meeting held Tuesday, 9 March 2021. Council has received in principle agreement to the draft MOU.
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. Consultant has been engaged to prepare a Capital Expenditure Review.
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 was reported to the 23 February 2021 Ordinary Council meeting. Letter of Award has been issued to contractor. Site fencing being established and stakeholder meeting planned for 27 April.
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 April 2021. Indoor works programme has occupation in August. A meeting is being arranged with the General Manager and contractor to review the programme. Indoor pool and gym are open.
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. Pool is being prepared for winter.
Muswellbrook & Denman Indoor Sports Centre - Insulation & Amenities	D&C	\$299,250						Works being planned following the execution of funding agreements.
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 prepared for construction contractors to facilitate selective tender and closes 23 March. EOIs are currently being assessed.
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 complete and construction tender awarded. Site establishment has commenced.
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. Works on wicket to be completed by Wednesday, 21 April.
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 some further changes including recommendations on painting. Meeting held with architect on site Wednesday, 31 March.
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. Architect awarded design construction. Development Application expected in July.
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 before the end of April.
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. This included relocation of timekeeper and internal stairs.
Olympic Park - Intelligent Lighting	D	\$124,313	Mar-20	Dec-20				Specification placed on Vendor Panel (no submissions) and subsequent RFQ received were over \$150k. Tender documents being drafted.
WP&BS - General Recreation Programme 2020-2021								
Highbrook Park Grandstand	D&C	\$30,000						Contract has been awarded for completion before end of FY.
Volunteer Park - New Playground	D&C	\$40,000						Contract has been awarded for completion before end of FY.
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						Table tennis has been ordered and will be located in Simpson Park.
Weeraman Fields - Field Lighting	D&C	\$20,000						Lights arriving this week for installation.
WASTE								
Leachate Dam	D&C	\$500,000						Design and Construction Cost Estimates complete (\$500,000). Biodiversity Assessment RFQ issued and required prior to Development Application.
WATER								
Asbestos Removal Old WTP	C	\$372,664	Jul-20	Dec-20		Jul-20	Dec-20	Works completed.

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 27 April 2021
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. Works is scheduled to commence on site in the fourth quarter.
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 has 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	\$1,600,000	Jul-20	Jun-21				SPS1 Replacement - Geotech & solid classification has been performed to allow planning for excavated material management and improve tendering accuracy based on actual ground conditions. Investigation works also include potential for existing infrastructure to be reused/repurposed.
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.
System Plant Asset Renewals	I	\$275,090	Jul-20	Jun-21		Jul-20		Denman No2 Aerator. Denman Electrical Panel Upgrade. SPS5 Pump has been ordered. Electrical Panels SPS7; RWTW Minor Improvements and optimisation; SPS13 Pump replacement completed 3/12; Denman SPS Electrical Panel Upgrade.

12 CORPORATE AND COMMUNITY SERVICES

12.1 AUTHORISATION UNDER SECTION 226 OF THE LOCAL GOVERNMENT ACT

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Effective governance of Muswellbrook Shire</i>

PURPOSE

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

OFFICER'S RECOMMENDATION

Council note the information provided.

Moved: _____ Seconded: _____

BACKGROUND

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

CONSULTATION

General Manager.

REPORT

A delegation was exercised on 22 March, 2021 to authorise the General Manager to make a submission to the Department of Planning, Industry and Environment in respect of the Mt Pleasant Continuation Project

CONCLUSION

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

12.2 INTERNAL AUDIT PROCUREMENT AND TENDERING

Attachments:	A. FINAL MSC Procurement and Tendering 09.03.2021 - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To present to Council the *Final Procurement Review Internal Audit Report February 2021* conducted by KPMG.

OFFICER'S RECOMMENDATION

Council notes the *Final Procurement Review Internal Audit Report February 2021*.

Moved: _____ **Seconded:** _____

BACKGROUND

As per the *Strategic Internal Audit Plan 2020-2023*, Council undertook a Request for Quote process via Local Government Procurement during October to November 2020 to secure the services of an internal auditor to conduct a review of Council's procurement and tendering management.

KPMG was engaged on 10 December 2020 to conduct the review.

The final report was presented to the Audit, Risk and Improvement Committee at the meeting held on 16 March 2021.

CONSULTATION

Manex and Council officers

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Scholes – Councillor Member, Audit, Risk and Improvement Committee

REPORT

The key strengths noted by the auditors were that Council is committed to embedding and supporting best practice procurement throughout the organisation and that the workflow approval in the Authority system is designed so that approval by a delegated authority is required for purchase orders and invoices.

A review of the procurement function began in 2020 and resulted in a structural adjustment to the organisation moving procurement and contractor management into the governance and risk portfolio. The General Manager identified procurement as an area for internal audit to directly inform improvement in this area. Recruitment for a dedicated procurement officer was completed in August 2020 however due to COVID requirements the successful applicant did not start until November 2020. All areas identified by the internal audit as a risk to council have been actioned with new procurement systems and procedures now introduced in line with the revised policy. The new procurement officer has

introduced a new master control schedule for procurement. A procedure for the review of delegations of authority is underway.

The full audit report is attached for the information of Councillors.

CONCLUSION

It is recommended that Council notes the *Final Procurement Review Internal Audit Report February 2021*.

SOCIAL IMPLICATIONS

None identified.

FINANCIAL IMPLICATIONS

Manex has committed to the conduct of two internal audits in 2020/21 in accordance with Council's *Strategic Internal Audit Plan 2020-2023*.

POLICY IMPLICATIONS

None identified.

STATUTORY IMPLICATIONS

The transitional arrangements built into the Local Government Act mean that the requirement to have an Audit, Risk and Improvement Committee will not come into force until six months after the next ordinary elections in September 2021. Councils will therefore have until March 2022 to establish their Audit, Risk and Improvement Committees. Additionally, in accordance with the most recent advice from OLG, Council's will have until 2027 to achieve full compliance.

LEGAL IMPLICATIONS

Local Government Amendment (Governance and Planning) Act 2016

OPERATIONAL PLAN IMPLICATIONS

The *2020 - 2021 Operational Plan* includes:

Action 24.2.1 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes -

ii. Undertake budgeted internal audits to be reported to the Audit Risk & Improvement Committee

RISK MANAGEMENT IMPLICATIONS

The objectives of Council's internal audit function are to review and monitor organisational legislative compliance, risk management, fraud control, financial management, governance, IP&R, service reviews and external accountability.

12.3 PUBLIC EXHIBITION OF THE DRAFT 2021/22 OPERATIONAL PLAN AND FEES AND CHARGES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

This report details the proposed timetable and procedure for the public exhibition and adoption of the Draft 2021/2022 Operational Plan, 2021/2022 Revenue Policy, Fees and Charges and Budget.

OFFICER'S RECOMMENDATION

Council endorses the Draft 2021/22 Operational Plan, Budget and Fees and Charges for public exhibition for a period of at least 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration.

Moved: _____ **Seconded:** _____

BACKGROUND

Annually, pursuant to section 405 of the New South Wales *Local Government Act 1993*, Council is required to prepare an Operational Plan outlining the activities to be undertaken for the following financial year. A draft Operational Plan must be placed on public exhibition for at least 28 days and, after consideration of any submissions, the final draft must be adopted prior to the beginning of the financial year.

CONSULTATION

Councillors, Finance Committee, Manex, Managers and Council officers

CONSULTATION WITH COUNCILLOR SPOKESPERSON

All Councillors have been consulted during development of the Draft 2021/22 Operational Plan. Council's Finance Committee has overseen development of the 2021/22 Budget and Fees and Charges.

REPORT

The Draft 2021/22 Operational Plan, Budget and Fees and Charges will be made available **under separate cover**.

Council is required to place the Draft 2021/22 Operational Plan on public exhibition for at least 28 days.

The following timetable is suggested for the exhibition and endorsement of the 2021/2022 Operational Plan, Budget, Fees and Charges and Revenue Policy:

Tuesday 27 April 2021 – Council Meeting seeking approval that the Draft 2021/22 Operational Plan, Fees and Charges and Budget be placed on public exhibition;

- Wednesday 28 April 2021** – Draft 2021/22 Operational Plan, Fees and Charges and Budget be placed on public exhibition on Council's website and in hard copy at Council's Administration Centre and libraries;
- Draft 2021/22 Operational Plan, Fees and Charges and Budget on public exhibition be promoted on Council's Facebook page;
- Tuesday 25th May 2021** – Council Meeting seeking approval that the Draft 2021/22 Revenue Policy be placed on public exhibition;
- Friday 28 May 2021** – Draft 2021/22 Operational Plan public exhibition period closes;
- Tuesday 29 June 2021** – Council Meeting to consider submissions and determine the 2021/22 Operational Plan, Revenue Policy, Budget and Fees and Charges.

OPTIONS

Under Section 405 of the New South Wales Local Government Act 1993, Council is required to place its annual Draft Operational Plan on public exhibition for at least 28 days.

CONCLUSION

It is recommended that the Draft 2021/22 Operational Plan (including the Budget and Fees and Charges) be placed on public exhibition for 28 days, with details of all public submissions, received by close of the exhibition period, reported to Council for consideration at an ordinary meeting scheduled for 29 June 2021. Muswellbrook Shire Council's 2021/2022 Revenue Policy be placed on Public Exhibition for 28 days following the 25th May Ordinary Meeting of Council with details of all public submissions, received by close of the exhibition period and reported to Council for consideration at the ordinary meeting scheduled for 29 June 2021.

SOCIAL IMPLICATIONS

None identified

FINANCIAL IMPLICATIONS

The 2021/22 Operating and Capital Budget is also on exhibition.

POLICY IMPLICATIONS

None identified

STATUTORY IMPLICATIONS

Section 405 of the Local Government Act, 1993 details Council's obligations to prepare a plan (its ***operational plan***) that is adopted before the beginning of each year, detailing the activities to be engaged in by the council during the year as part of the delivery program covering that year which includes a statement of the council's revenue policy for the year covered by the operational plan. The Draft Operational Plan must be placed on public exhibition for a period of at least 28 days. During the period of public exhibition, the council must have for inspection at its office (and at such other places as it may determine) a map that shows those parts of its area to which each category and sub-category of the ordinary rate and each special rate included in the draft operational plan applies.

LEGAL IMPLICATIONS

None identified

OPERATIONAL PLAN IMPLICATIONS

The Draft Operational Plan is required to be prepared each year and placed on public exhibition for a period of at least 28 days.

RISK MANAGEMENT IMPLICATIONS

None identified

12.4 COMMUNITY GRANTS PROGRAM - ROUND 1 2021

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Ivan Skaines - Grants Officer
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Continue small grants dollar for dollar program.</i>

PURPOSE

To recommend the approval of grant recipients under Council's Community Grants Program, Round 1 2021.

OFFICER'S RECOMMENDATION

Council approve the three recommended grants in an amount of \$16,696 to be funded from the Sundry Donations Allocation, with any unspent amount to be carried over to 2021/22 financial year.

Moved: _____ **Seconded:** _____

BACKGROUND

Council receives numerous requests for financial assistance by community organisations or groups throughout the year. Council has approved the establishment of a Community Grants Program and the establishment of a robust and equitable process to determine funding outcomes. Council has also approved the incorporation of the Rural Halls Funding into the development of a Community Grants Program and adopted the Financial Assistance and Sponsorship Policy (MSC05E).

CONSULTATION

Councillors were consulted on the proposed list of Grantees. Council's Manager, Community Services has reviewed the applications.

REPORT

This report provides an overview of the first funding round for 2021. A set of guidelines for the Community Grants Program was developed in 2020, along with a simple application form.

A total of three applications were received for funding:

Calvary Muswellbrook Retirement Community - \$996 - 2 raised garden beds

Early Links Inclusion Support Service - \$2,500 - art therapy equipment and materials

Baerami Community Hall – Option1: a Termishield for \$13,200 initial outlay (annual maintenance approx. \$374) OR Option 2: bait stations for \$4,700 (\$2,783 annually)

The advice received from Community Infrastructure is that Option 1: the Termishield would have a quicker outcome and better guarantee, and would be less cost on-going.

Given the uptake of Option 1 for Baerami Community Hall, the total cost of the grant proposals recommended for funding is \$16,696 for the recommended Community Grants will be funded through the Sundry Donations Allocation. It is noted that in the event that the payment of grants is unable to be

completed by the end of financial year deadline, that the recommended action contemplates carrying any unspent balance into the 2021/22 financial year.

OPTIONS

1. Council supports the proposed list of successful applications for Round 1 (2021) of the Community Grants Program as recommended.
2. Council does not support the proposed list of successful applications for Round 1 (2021) of the Community Grants Program as recommended.
3. Council approves some but not all applications.

CONCLUSION

The establishment of the Community Grants Program has provided the opportunity for Council to provide financial assistance to local not-for-profit community organisations that work towards enhancing the social, cultural and recreational well-being of the communities of the Muswellbrook Shire.

Although few in number, the projects proposed for funding under Round 1 (2021) of the Program represent a diverse set of worthwhile initiatives across Muswellbrook Shire and are within the budget for this round of the Community Grants Program.

SOCIAL IMPLICATIONS

Local initiatives and projects that address priority issues in the community are supported.

FINANCIAL IMPLICATIONS

The total cost of the grant proposals recommended for funding is \$16,696 for the recommended Community Grants will be funded through the Sundry Donations Allocation. Use of this amount will leave the Sundry Donations allocation with a balance of \$2,779 for the financial year.

POLICY IMPLICATIONS

The Community Grants Program aligns with Council's Financial Assistance and Sponsorship Policy.

STATUTORY IMPLICATIONS

The proposal is consistent with section 356 of the *Local Government Act 1993*.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

This is in line with Council's Operational Plan goals and objectives.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.5 REPORT ON COUNCIL GRANT FUNDING APRIL 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 recently announced or to be announced shortly, and of some upcoming grant opportunities, including possible projects to be put forward for funding.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

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 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 are regularly consulted about grant applications.

REPORT**Grant applications submitted**

No grant applications have been submitted since the last report.

Upcoming grant and funding opportunities

The NSW Department of Planning, Industry and Environment – Crown Lands is inviting NSW Crown Land managers to apply for funding through the Crown Lands COVID-19 Recovery Support Program. The purpose of the funding program is to enhance public health and safety measures on Crown reserves by supporting upgrades to hygiene-related facilities and associated activities, identify opportunities to improve WHS practices, and to encourage increased visitation and event activation on Crown reserves. Applications close 30 April with the two main considerations being that proposals need to include quotes and the application needs to have all necessary planning and/or approvals for the proposed works.

Round 4 of the NSW Stronger Country Communities Fund will open on 1 May 2021.

Grant funding recently announced or to be announced shortly

Council has received notification of the outcomes of the Bushfire Community Recovery and Resilience Fund (upgrades to the Muswellbrook and Denman Indoor Sports Centres) and the NSW Fixing Local Roads Fund (upgrades to sections of Widden Valley Road and Mangoola Road), however we are under embargo until these are announced by the duty MP for the Upper Hunter.

We are still awaiting the outcome of our applications to the 2020/21 NSW Public Library Infrastructure Grants Program (improvements to the indoor Children's Section at Muswellbrook Library, and design and construction of a sensory garden adjacent to children's section) and the 2020 Fixing Country Roads Fund (the replacement of a culvert on Rosemount Road adjacent to the Defence Establishment Myambat), along with several grant applications submitted earlier this year.

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.

12.6 REPORT ON INVESTMENTS HELD AS AT 31 MARCH 2021

Attachments:	A. Portfolio Valuation as at 31 March 2021 B. Trading Limits Report as at 31 March 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

Information showing Council's investments as at 31 March 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 March 2021 are shown in the attachments.

COMMENT:

As at 31 March 2021, the portfolio trading limits had been exceeded with respect of AMP Bank Ltd by 3% which has improved since the last report. The final correction for this will be resolved in May 2021 when the AMP Bank Ltd investment matures.

Council's weighted running yield is 0.92% 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		5,250,000.00	1.00000000	5,250,000.00	100.000	0.000	5,250,000.00	7.87%	0.45%	
	ME Bank At Call		500,000.00	1.00000000	500,000.00	100.000	0.000	500,000.00	0.75%	0.55%	
	Westpac Bus Prem At Call		3,169,773.84	1.00000000	3,169,773.84	100.000	0.000	3,169,773.84	4.75%	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%	
			9,019,773.84		9,019,773.84			9,019,773.84	13.52%		0.42%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	102.717	0.115	2,570,800.00	3.85%	1.68%	
			2,500,000.00		2,500,000.00			2,570,800.00	3.85%		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	0.229	1,002,287.40	1.50%	1.21%	
			1,000,000.00		1,000,000.00			1,002,287.40	1.50%		1.21%
Floating Rate Note											
	AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	100.122	0.064	2,003,720.00	3.00%	1.11%	
	Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	1,000,000.00	1.00000000	1,000,000.00	99.999	0.106	1,001,050.00	1.50%	0.76%	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.477	0.042	2,010,380.00	3.01%	1.08%	
	Auswide 0.622 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.999	0.016	1,500,225.00	2.25%	0.63%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.540	0.121	1,006,610.00	1.51%	1.03%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	101.373	0.163	507,680.00	0.76%	1.06%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	102.083	0.205	1,022,880.00	1.53%	1.04%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	102.393	0.186	512,895.00	0.77%	1.11%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	101.398	0.189	507,935.00	0.76%	1.06%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.473	0.081	1,508,310.00	2.26%	1.28%	
	CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	101.854	0.201	1,530,825.00	2.29%	1.13%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.730	0.031	2,992,830.00	4.49%	0.52%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.620	0.090	1,007,100.00	1.51%	0.94%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	101.809	0.013	2,036,440.00	3.05%	0.97%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	101.559	0.197	508,780.00	0.76%	1.39%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	101.989	0.170	4,597,155.00	6.89%	1.13%	
	Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.687	0.067	755,655.00	1.13%	1.54%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	100.788	0.075	2,017,260.00	3.02%	1.19%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	100.000	0.019	1,500,285.00	2.25%	0.78%	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	101.273	0.108	1,013,810.00	1.52%	1.06%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	101.220	0.147	1,672,555.00	2.51%	0.87%	
			30,900,000.00		30,900,000.00			31,214,380.50	46.78%		1.00%
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	0.285	3,007,939.74	4.51%	0.70%	
AMP 0.7 18 Jun 2021 210DAY TD		800,000.00	1.00000000	800,000.00	100.000	0.251	802,009.86	1.20%	0.70%	
AMP 0.75 30 Nov 2021 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.249	1,002,486.30	1.50%	0.75%	
BOQ 0.5 20 May 2021 181DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.179	2,504,486.30	3.75%	0.50%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.627	1,026,268.49	1.54%	3.40%	
NAB 0.5 28 Oct 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.186	5,008,287.65	7.51%	0.50%	
NAB 0.43 19 Nov 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.114	5,005,713.70	7.50%	0.43%	
NAB 0.5 02 Dec 2021 365DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.163	2,504,075.35	3.75%	0.50%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	2.727	2,054,545.76	3.08%	3.53%	
		22,800,000.00		22,800,000.00			22,915,813.15	34.34%		0.92%
Fixed Interest Total		66,219,773.84		66,219,773.84			66,723,054.89	100.00%		0.92%

Disclaimer:

Laminar Capital Pty Ltd ABN 33 134 784 740 (AFSL 470686), its officers, employees, agents and associates ("Associates") from time to time hold interests in securities of, or earn brokerage, fees and other benefits from, corporations or investment vehicles referred to in documents provided to clients. All information contained herein is confidential and proprietary to Laminar Capital and, accordingly, this material is not to be reproduced in whole or in part or used for any purpose except as authorised by Laminar Capital. It is to be treated as strictly confidential and not disclosed directly or indirectly to any other person, firm or entity.

Distribution of this information to anyone other than the original recipient and that party's advisers is unauthorised. Any reproduction of these materials, in whole or in part, or the divulgence of any of its contents, without the prior consent of Laminar Capital is prohibited. Any securities recommendation or comments (including an opinion) contained in this document is general advice only and does not take into account your personal objectives, financial situation or needs. Laminar Capital is not acting in a fiduciary capacity. Recommendations or statements of opinion expressed may change without notice. You should not act on a recommendation or statement of opinion without first considering the appropriateness of the general advice to your personal circumstances or consulting your investment advisor to determine whether the recommendation or statement of opinion is appropriate for your investment objectives, financial situation or needs.

Laminar Capital believes that the information contained in this document is accurate when issued. Laminar Capital does not warrant that the information contained herein is accurate, reliable, complete or up-to-date, and, to the fullest extent permitted by law, disclaims all liability of Laminar Capital and its Associates for any loss or damage suffered by any person by reason of the use by that person of, or their reliance on, any information contained in this document or any error or defect in this document, whether arising from the negligence of Laminar Capital or its Associates or otherwise. No action should be taken on the basis of or in reliance on the information, opinions or conclusions contained in this document.

Laminar Capital acts as principal when we buy and sell fixed interest securities in the secondary markets. The yield that we quote to you incorporates any margin that we may receive. The margin is the difference between the price at which we, as principal, buy the security and the price at which we sell the security to you. Laminar Capital may also receive placement fees from Issuers for distributing securities on their behalf.

This document is not, and is not intended to be, an offer or invitation for subscription or sale, or a recommendation, with respect to any securities, nor is it to form the basis of any contract or commitment. This document does not purport to identify the nature of the specific market or other risks associated with these products. Before entering into any transaction in relation to the products, the investor should ensure that it fully understands the terms of the products and the transaction, relevant risk factors, the nature and extent of the investor's risk of loss and the nature of the contractual relationship into which the investor is entering. Prior to investing in these products, an investor should determine, based on its own independent review and such professional advice as it deems appropriate, the economic risks and merits, the legal, tax accounting characteristics and risk, and the consequences of an investment in them. This is not a substantive commentary or analysis by Laminar Capital and has not been prepared as a research product or comments by a research analyst.

LAMINAR CAPITAL PTY LTD
ACN 134 784 740
WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 5 RIALTO NORTH, 525 COLLINS STREET, MELBOURNE, VIC 3000 T 61 3 9001 6990 F 61 3 9001 6933
SYDNEY OFFICE: LEVEL 42, GATEWAY TOWER, 1 MACQUARIE PLACE, SYDNEY NSW, 2000 T 61 2 8094 1230 F 61 2 8094 1233
BRISBANE OFFICE: LEVEL 38, 71 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



Trading Limit Report 125
Muswellbrook Shire Council
As At 31 March 2021

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Already Traded (with Issuer Group) Face Value National	Limit For Book or Entry	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd	BBB+ to BBB-	6,800,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	100.00	0.00	0	3.00	178,023
ANZ Banking Group Ltd	AA+ to AA-	1,000,000.00	Book	30.00 % of 66,219,773.84	19,885,932.15	5.00	95.00	18,885,932	0.00	0
Auswide Bank Limited	BBB+ to BBB-	4,500,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	68.00	32.00	2,121,977	0.00	0
Bank of Queensland Ltd	A+ to A-	6,500,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	98.00	2.00	121,977	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-	3,000,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	45.00	55.00	3,621,977	0.00	0
Credit Union Australia Ltd	BBB+ to BBB-	3,000,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	45.00	55.00	3,621,977	0.00	0
Macquarie Bank	A+ to A-	8,250,000.00	Book	20.00 % of 66,219,773.84	13,243,954.77	62.00	38.00	4,993,955	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-	1,000,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	15.00	85.00	5,621,977	0.00	0
Members Equity Bank Ltd	BBB+ to BBB-	500,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	8.00	92.00	6,121,977	0.00	0
National Australia Bank Ltd	AA+ to AA-	14,500,000.00	Book	30.00 % of 66,219,773.84	19,885,932.15	73.00	27.00	5,385,932	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-	5,000,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	76.00	24.00	1,621,977	0.00	0
P&N Bank Ltd	BBB+ to BBB-	2,000,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	30.00	70.00	4,621,977	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-	4,250,000.00	Book	10.00 % of 66,219,773.84	6,621,977.38	64.00	36.00	2,371,977	0.00	0
UBS Australia Ltd	A+ to A-	2,650,000.00	Book	20.00 % of 66,219,773.84	13,243,954.77	20.00	80.00	10,593,955	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-	3,260,773.84	Book	30.00 % of 66,219,773.84	19,885,932.15	16.00	84.00	16,596,158	0.00	0
		66,219,773.84			152,305,479.83			89,283,725		178,023

2 Security Rating Group Trading Limits

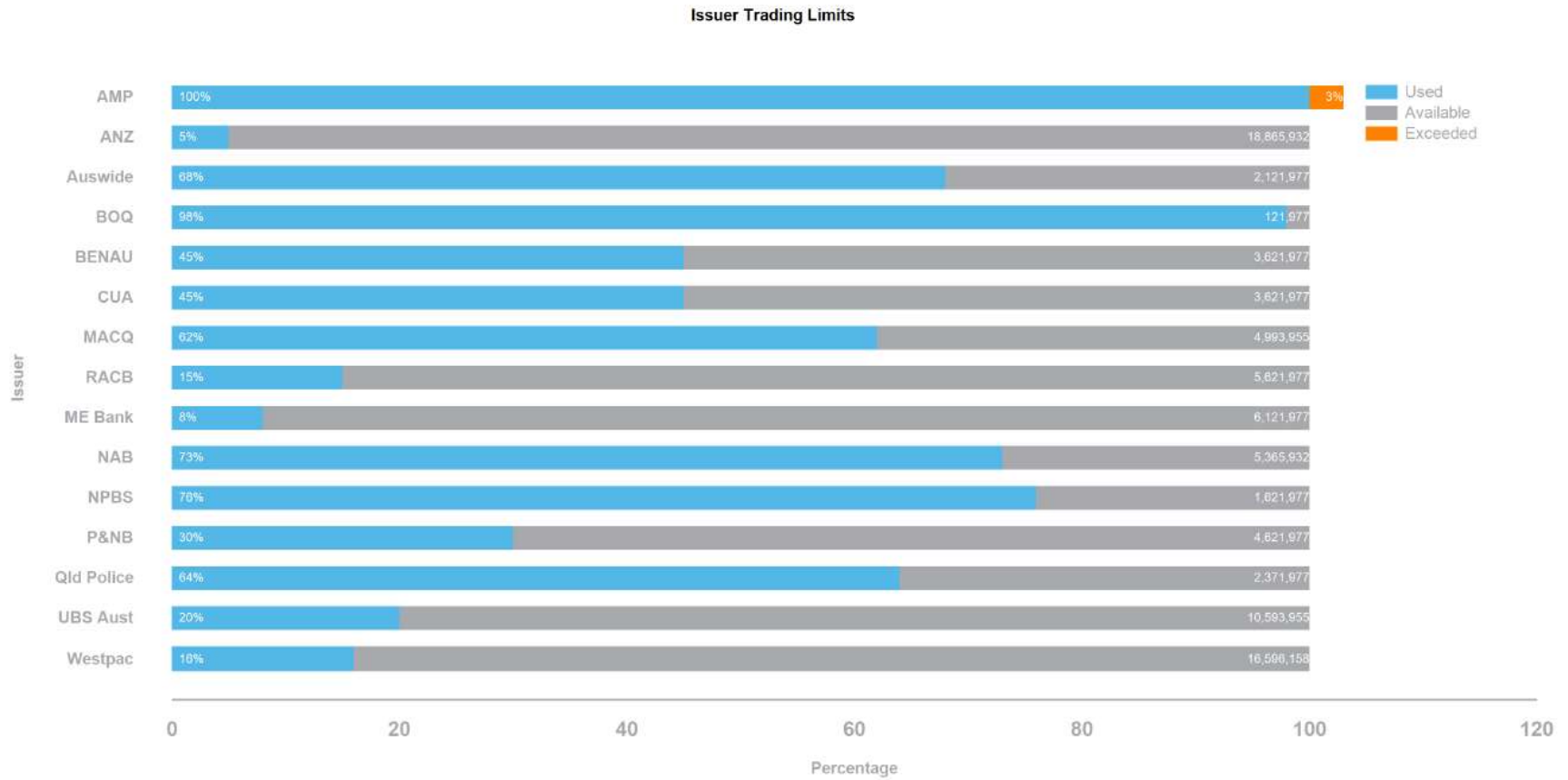
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 66,219,773.84	66,219,773.84	5.00	95.00	63,219,774	0.00	0
A+ to A-	15,900,000.00	Book	70.00	% of 66,219,773.84	46,353,841.89	34.00	66.00	30,453,842	0.00	0
A1+	15,769,773.84	Book	100.00	% of 66,219,773.84	66,219,773.84	24.00	76.00	50,450,000	0.00	0
A2	14,800,000.00	Book	60.00	% of 66,219,773.84	39,731,864.30	37.00	63.00	24,931,864	0.00	0
A3	750,000.00	Book	60.00	% of 66,219,773.84	39,731,864.30	2.00	98.00	38,981,864	0.00	0
BBB+ to BBB-	16,000,000.00	Book	60.00	% of 66,219,773.84	39,731,864.30	40.00	60.00	23,731,864	0.00	0
	66,219,773.84				297,988,982.28			231,769,208		0

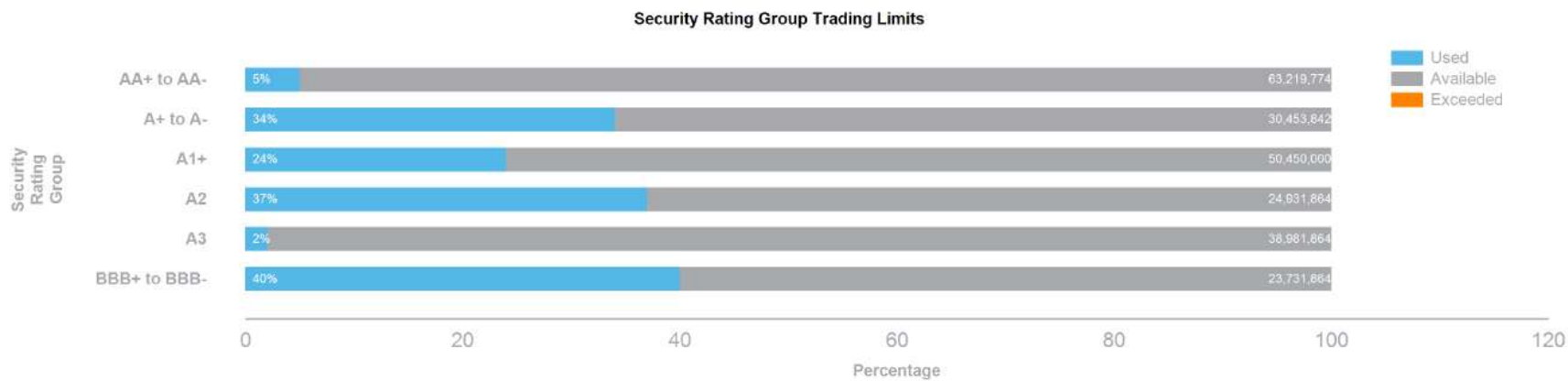
Notes

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	37,069,773.84	Book	100.00	% of 66,219,773.84	66,219,773.84	56.00	44.00	29,150,000	0.00	0
1-3 Year	14,500,000.00	Book	100.00	% of 66,219,773.84	66,219,773.84	22.00	78.00	51,719,774	0.00	0
3-5 Year	14,650,000.00	Book	100.00	% of 66,219,773.84	66,219,773.84	22.00	78.00	51,569,774	0.00	0
	66,219,773.84				198,659,321.52			132,439,548		0







Disclaimer:

Laminar Capital Pty Ltd ABN 33 134 784 740 (AFSL 470686), its officers, employees, agents and associates ("Associates") from time to time hold interests in securities of, or earn brokerage, fees and other benefits from, corporations or investment vehicles referred to in documents provided to clients. All information contained herein is confidential and proprietary to Laminar Capital and, accordingly, this material is not to be reproduced in whole or in part or used for any purpose except as authorised by Laminar Capital. It is to be treated as strictly confidential and not disclosed directly or indirectly to any other person, firm or entity.

Distribution of this information to anyone other than the original recipient and that party's advisers is unauthorised. Any reproduction of these materials, in whole or in part, or the divulgence of any of its contents, without the prior consent of Laminar Capital is prohibited. Any securities recommendation or comments (including an opinion) contained in this document is general advice only and does not take into account your personal objectives, financial situation or needs. Laminar Capital is not acting in a fiduciary capacity. Recommendations or statements of opinion expressed may change without notice. You should not act on a recommendation or statement of opinion without first considering the appropriateness of the general advice to your personal circumstances or consulting your investment advisor to determine whether the recommendation or statement of opinion is appropriate for your investment objectives, financial situation or needs.

Laminar Capital believes that the information contained in this document is accurate when issued. Laminar Capital does not warrant that the information contained herein is accurate, reliable, complete or up-to-date, and, to the fullest extent permitted by law, disclaims all liability of Laminar Capital and its Associates for any loss or damage suffered by any person by reason of the use by that person of, or their reliance on, any information contained in this document or any error or defect in this document, whether arising from the negligence of Laminar Capital or its Associates or otherwise. No action should be taken on the basis of or in reliance on the information, opinions or conclusions contained in this document.

Laminar Capital acts as principal when we buy and sell fixed interest securities in the secondary markets. The yield that we quote to you incorporates any margin that we may receive. The margin is the difference between the price at which we, as principal, buy the security and the price at which we sell the security to you. Laminar Capital may also receive placement fees from Issuers for distributing securities on their behalf.

This document is not, and is not intended to be, an offer or invitation for subscription or sale, or a recommendation, with respect to any securities, nor is it to form the basis of any contract or commitment. This document does not purport to identify the nature of the specific market or other risks associated with these products. Before entering into any transaction in relation to the products, the investor should ensure that it fully understands the terms of the products and the transaction, relevant risk factors, the nature and extent of the investor's risk of loss and the nature of the contractual relationship into which the investor is entering. Prior to investing in these products, an investor should determine, based on its own independent review and such professional advice as it deems appropriate, the economic risks and merits, the legal, tax accounting characteristics and risk, and the consequences of an investment in them. This is not a substantive commentary or analysis by Laminar Capital and has not been prepared as a research product or comments by a research analyst.

LAMINAR CAPITAL PTY LTD
ACN 134 784 740
WWW.LAMINARCAPITAL.COM.AU

MELBOURNE OFFICE: LEVEL 5 RIALTO NORTH, 525 COLLINS STREET, MELBOURNE, VIC 3000 T 61 3 9001 6990 F 61 3 9001 6933
SYDNEY OFFICE: LEVEL 42, GATEWAY TOWER, 1 MACQUARIE PLACE, SYDNEY NSW, 2000 T 61 2 8094 1230 F 61 2 8094 1233
BRISBANE OFFICE: LEVEL 38, 71 EAGLE STREET, BRISBANE QLD, 4000 T 61 7 3123 5370 F 61 7 3123 5371

Report Code: TSSBP125EXT-0018
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 31 March 2021
Balance Date: 6 April 2021 (but 31 Mar 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
Hide Issuer Parent Column

12.7 MARCH 2021 MONTHLY FINANCIAL REPORT

Attachments:	A. March 2021 Financial Results
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 March 2021.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 31 March 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 March 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 74.79% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,076,430)	(2,800,417)	236.6%	(6,625,637)	1,887,014	(909%)	
less SRV budgeted surplus	(1,017,305)	(1,017,305)		425,337	49,597		
SRV adjusted Grand Total	(1,059,125)	(1,783,112)		(7,050,974)	1,837,417		

Revenue

Rates and Charges	(21,576,792)	(22,220,742)	100.0%	(22,230,955)	(29)	(100%)	100% of the annual rates and charges are booked in the system in August 2020.
User Charges and Fees	(7,379,255)	(7,105,433)	64.7%	(4,596,438)	(450,270)	(92%)	The \$719k YTD budget deficit is primarily in the areas of Mixed waste, DECCW levy and Aquatic Centre (\$248k). Income above YTD budgets has been received in Scrap Metal Fees, Road Opening Permits, Upper Hunter Shire Council fees, Onsite Sewerage Fees, Construction Certificates Section149 and 603 certificates
Interest and Investments Revenues	(626,971)	(499,445)	66.8%	(333,386)	(73,314)	(80%)	The \$40k 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)	(2,474,357)	76.5%	(1,891,790)	(264,939)	(86%)	
Operating Grants and Contributions	(7,385,954)	(7,614,269)	41.4%	(3,155,445)	(194,952)	(97%)	The \$2.5m YTD budget deficit is primarily due to the timing of receiving the Financial Assistance Grant; Ethtec; Farm Productivity and SH27 maintenance. Income above YTD budgets has been received for the Block Grant; Better Waste Recycling; Bridge Street retaining Wall, Bushfire Subsidy and Pensioner Rates Subsidy.
Internal Revenue	(7,195,717)	(6,301,719)	43.7%	(2,751,570)	(305,730)	(94%)	The budget deficit is due to timing of internal transactions being processed.
Total Revenue	(47,038,250)	(46,215,965)	75.6%	(34,959,584)	(1,289,234)	(96%)	

Expenses

Wages and Salaries	12,328,362	11,994,719	68.6%	8,232,412	918,321	90%	There are minor YTD wages overruns in some individual areas e.g. Economic Development, Roads & Drainage - Works, Property & Building Services, Graffiti Removal, Denman Urban Areas; Recreation that are offset by savings in other areas.
Materials and Contracts	16,176,905	15,173,020	60.4%	9,168,842	1,019,693	91%	\$2.1M YTD underspend is driven by Farm Productivity Program, Waste Facility programs and some other minor savings in other programs.
Other Costs	3,285,563	3,518,540	72.0%	2,534,511	301,845	89%	
Borrowing Costs	1,365,639	1,256,721	10.2%	127,622	15,760	98%	
Overheads	2,241,734	2,241,734	60.9%	1,366,305	151,811	91%	
Depreciation	9,563,617	9,230,814	74.8%	6,904,255	768,818	89%	
Total Expenses	44,961,820	43,415,548	65.3%	28,333,947	3,176,248	90%	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 31 March 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 74.79% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	0	685,850	-65.2%	447,464	481,128	(742%)	
Revenue							
Rates and Charges	(1,637,172)	(1,637,172)	100.7%	(1,648,789)	(142)	(100%)	100% of the annual water rates have been booked in August 2020.
User Charges and Fees	(4,169,994)	(4,261,494)	50.2%	(2,139,985)	(30,402)	(99%)	The \$1m YTD deficit due to less water consumed for the water consumption period. Final meter readings are planned for April 2021
Interest and Investments Revenues	(305,166)	(188,483)	40.9%	(77,072)	(3,323)	(98%)	The \$64k YTD budget deficit is a result of the average interest being earned is lower than budgeted and timing of investment maturity's.
Operating Grants and Contributions	(36,790)	(35,430)	100.0%	(35,430)	0	(100%)	
Total Revenue	(6,149,122)	(6,122,579)	63.7%	(3,901,276)	(33,867)	(99%)	
Expenses							
Wages and Salaries	1,001,421	1,001,421	68.1%	682,382	61,043	92%	Wages are \$26k over the YTD budget in the areas of water meters, private works and water purchases as well as Water Treatment. This is offset by savings in wages in other areas.
Materials and Contracts	1,327,849	2,112,295	50.5%	1,066,843	172,349	89%	\$513k YTD underspend is due to underspend on Water Consultant activities, particularly the GLE pipeline as well as other savings in Payroll tax, Uniforms, Protective Equipment.
Other Costs	310,292	281,868	66.1%	186,282	18,251	91%	
Borrowing Costs	83,791	83,791	51.4%	43,096	0	100%	
Overheads	1,492,132	1,492,132	67.0%	999,099	111,011	90%	
Depreciation	1,933,637	1,836,922	74.6%	1,371,038	152,341	89%	
Total Expenses	6,149,122	6,808,429	63.9%	4,348,740	514,995	90%	

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 31 March 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 74.79% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	0	230,000	501.5%	(1,153,406)	367,231	(1816%)	
Revenue							
Rates and Charges	(4,639,141)	(4,639,141)	94.8%	(4,395,973)	(1,396)	(100%)	100% of the annual sewer rates are booked in the system in August 2020, the remaining 10% of the annual rates and charges are made up of the non-residential sewer charges which get booked with each water bill.
User Charges and Fees	(502,682)	(462,682)	56.3%	(260,291)	(28,527)	(92%)	The \$85k YTD budget deficit is due to lower sewer effluent reuse revenue.
Interest and Investments Revenues	(64,063)	(51,250)	44.0%	(22,527)	(3,369)	(91%)	The \$15k YTD budget deficit is a result of the average interest being earned is lower than budgeted and timing of investment maturity.
Operating Grants and Contributions	(35,875)	(35,875)	99.3%	(35,612)	0	(100%)	
Total Revenue	(5,241,761)	(5,188,948)	90.9%	(4,714,403)	(33,292)	(99%)	
Expenses							
Wages and Salaries	832,043	832,043	73.3%	609,809	59,124	90%	
Materials and Contracts	689,507	761,478	56.7%	431,710	62,684	89%	\$137k YTD underspend due to reduced maintenance costs, employee costs for uniforms, payroll tax credit received.
Other Costs	324,367	429,583	61.4%	263,640	30,239	91%	The \$57k saving is due to timing of the Electricity expense
Borrowing Costs	726,218	726,218	74.6%	541,691	58,069	89%	
Overheads	816,725	816,725	75.0%	612,549	68,061	89%	
Depreciation	1,852,901	1,852,901	59.5%	1,101,598	122,346	91%	\$284K underspend as RWTW capitalisation is still to be finalised.
Total Expenses	5,241,761	5,418,948	65.7%	3,560,997	400,523	90%	

Muswellbrook Shire Council
Future Fund
For the Month Ending 31 March 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 74.79% target	YTD Actuals	March Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,521,878)	(2,783,783)	84.4%	(2,349,133)	(341,719)	47%	
Revenue							
User Charges and Fees	(6,729,959)	(6,997,153)	77.1%	(5,394,589)	(563,597)	(89%)	The budget deficit is due to timing of internal transactions being processed.
Internal Revenue	(259,361)	(237,831)	0.0%	0	0	(100%)	
Total Revenue	(6,989,320)	(7,234,984)	74.6%	(5,394,589)	(563,597)	(90%)	
Expenses							
Wages and Salaries	232,417	232,417	66.5%	154,638	12,796	93%	The \$81k YTD overspend is due to the payment of annual insurance and rates and charges.
Materials and Contracts	1,943,762	1,859,426	55.5%	1,032,395	80,351	94%	
Other Costs	710,835	776,002	85.3%	662,066	62,691	89%	
Borrowing Costs	945,748	969,178	75.9%	735,726	14,860	98%	
Overheads	0	0	0.0%	0	0	0%	
Depreciation	634,680	614,178	75.0%	460,631	51,180	89%	
Total Expenses	4,467,442	4,451,201	68.4%	3,045,456	221,878	93%	

12.8 COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kim Manwarring - Manager - Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To provide an update on activities in the Community Services section.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

REPORT**MUSWELLBROOK SHIRE AQUATIC CENTRE – Denman and Muswellbrook**

- The Denman Outdoor Pool has closed for the winter season as of the 31 March, 2021.
- The Muswellbrook Outdoor Pool will close on the 19 April, 2021 the swimming season was extended due to the unavailability of the Indoor Pool. Patronage was reduced due to the weather; the Outdoor Pool will remain full of water and be winterised over the winter season.
- The Aquatic & Fitness Centre staff have used this time to focus on training and updating of operational procedures and preparing for the opening of the Fitness/Gym and the Indoor Swimming Pool to the public on the 19 April, 2021.
- The Muswellbrook Aquatic Centre will be open to the public for recreational swimming and will return to the delivery of the Learn to Swim program and Aqua Aerobics the week beginning the 19 April, 2021. There are currently 30 children booked into the Learn to Swim Program as at 18 April, 2021.
- The Gym will also reopen to the public, entry will be via the Boronia Building Carpark and due to the Indoor Pool construction site impact the Gym will function separate to the Aquatic Centre. It will be resourced and staffed accordingly.

MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK and DENMAN

- Muswellbrook and Denman Libraries have continued to provide services to the community while implementing their COVID-19 action plan.
- Usage is slowly picking up as community members access facilities.

- The Home Library Delivery service is continuing with the delivery of books and resources provided to our isolated community members on a fortnightly basis. Home Library Service usually delivers over 300 items during the month.
- Baby Rhyme Time for ages 0-2 years and Storytime for 2-6 years is running on a weekly basis every Monday and Thursday mornings. While we have limited numbers due to our COVID-19 restrictions most sessions are being booked out.
- The Library celebrated Adult learners' week by encouraging library members to learn something new. A display of DIY, tech help, language, craft and gardening books were made and online promotion of learning mindfulness via the library's range of eAudio books.
- The Library has recently launched the 'Muswellbrook Seed Library' in partnership with The Act Belong Commit Program, Muswellbrook Shire Council's Sustainability Hub and the Penguin Garden Club. The Seed Library has been funded as part of the NSW Healthy Towns Challenge. The seed library aims to exchange seeds across the community so that community members can successfully grow healthy food and plants in their own garden. Community members are encouraged to "borrow" seeds, grow some healthy home produce and donate the same or new seeds back.
- During the COVID restrictions there has been an increase in the usage of our ebooks and emagazines. The library has recently launched a new ePlatform called Indyreads which is supplied by the State Library NSW. This new collection will be a welcome addition to the library's online offering with a range of different titles with a focus on Australian content.
- The library has continued to build engagement with library members via their website and social media as part of an increased commitment to promote library services. The library hosted a successful virtual author talk and story time with local children's author Debbie Camps with 109 engagements on Facebook.
- Online collections remain popular with a 3.7% increase in users. Physical Loans have increased by 16% over the past month and 39 new library members have registered.
- Family history research inquiries have increased significantly over the last month with many emails requesting information and visits from researchers from across the state.

COMMUNITY PARTNERSHIPS

- The final report was provided to the Aboriginal Community Development Fund/MACH Energy for the 'In Our Own Words' Project, the Project has been highly successful with the housing of the project on the workingwithindigenoussaustralians.info.
- Another 200 hardcopy books have been reordered to keep up with the demand. The project will also be extended to bring the individual stories alive by working with participants to provide photos, documents and relevant material that will complement the stories;
- The 'In Our Own Words' Project has been submitted as a nomination for the upcoming NSW Local Government Excellence Awards in the Community Partnerships Category;
- The NSW Seniors Festival local brochure for the Muswellbrook area was launched this month, the brochure can be found Council website;
- Youth Week 2021 activities were held this month, the main event was held at the Upper Hunter Youth Services premises at the Showground Muswellbrook, the event was well attended by over 200 young people and their families it was a day of food, jumping castles and carnival rides.

MUSWELLBROOK ART GALLERY

- The Gallery has a series of Discovering Art Programs that we launched in the second week of the school holidays;
- *Young Art Sleuths* are awarded official *Muswellbrook Art Detective* badge of competition of a fun treasure hunt style activity, suitable for ages 4-10yrs and designed to tune their observation skills;
- The *Muswellbrook Art Hunt* is a free and interactive, self-guided walking tour and treasure hunt of ten local public art sites around the Muswellbrook CBD ie Blue Heeler Statue, Honeybee Mural etc

The *Muswellbrook Art Hunt* was a grant through the State Government Festival of Place Summer Fund.

- Visit muswellbrookarthunt.com.au or scan the QR code.
- Alongside the current exhibitions every Saturday the Gallery offers 'Saturday Art Tours' for a free guided tour of the exhibitions and permanent Collections.
- Every third Saturday of the month 'The Art Station' is held, this free activity is targeted at children and provides a place for children and adults alike to explore art making experiences, these sessions are linked back to the current exhibitions. The activity held on the 17 April was inspired by the 'A Dog is a Dog' exhibition and its focus was making puppy portraits and cardboard sculptures.

TOURISM AND EVENTS

- A significant amount of work has occurred this month with the Denman Visitor Information Centre, the centre continues to provide tourist information and facilities for a growing number of tourists to the area;
- The Easter Family Fun Day occurred Easter Saturday and was well attended with approximately 630 people attending over the 2 allocated sessions, the Family Fun Day is a highly successful local event and attended predominately by local residents. This year's highlight was the interactive Easter Bunny that wasn't shy to dance and join in on the carnival rides with the delighted children!

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON TUESDAY, 16 MARCH 2021

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Audit, Risk and Improvement Committee held on 16 March 2021.

OFFICER'S RECOMMENDATION

The Minutes of the Audit, Risk and Improvement Committee Meeting held on Tuesday 16 March 2021 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Audit, Risk and Improvement Committee met on Tuesday 16 March 2021.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Mr M. Morley (Chair), Mr P. Quealey, Cr R. Scholes, Ms F. Plesman (General Manager), Mr M. Plumridge (Chief Financial Officer), Mr D. Finnigan (Deputy General Manager), Ms M. Cleary (Coordinator Integrated Planning and Improvement) and Mr A. Pirillo (Governance and Improvement Officer).

IN ATTENDANCE: Ms A. Kilgannon (Director KPMG Enterprise), Ms P. Johnson (Manager KPMG Enterprise), Ms S. Cain-Frost (Partner KPMG Enterprise) and Ms L. Nash (Risk and Improvement Officer).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

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

The Minutes of the Audit, Risk and Improvement Committee Meetings held on 15 December 2020 and 17 December 2020, copies of which have 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 RISK MANAGEMENT

5.1 ENTERPRISE RISK MANAGEMENT INCLUDING FINANCIAL AND BUSINESS RISK MANAGEMENT

Mr Morley suggested that Council come back to the Committee with a roadmap on Risk Management developments including some feedback on timeframes around these developments.

Ms Plesman offered to provide copies of notifications and reminders, graphs with percentages of compliance, dot-point overviews of processes, outcomes via reports and evidence of developments taking place.

Mr Quealey asked whether Council's Fraud and Corruption Policy was being developed and has it been finalised to which Ms Plesman provided that it is currently being developed but is yet to be finalised.

Ms Plesman pointed out that, in terms of departmental risks, there are risk "processes" which MANEX discuss at meetings.

Ms Plesman requested further suggestion on what the Committee may like to see as evidence.

Mr Quealey suggested examples on what Council is using in regards to tracking and monitoring risks.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 16 MARCH, 2021 COMMENCING AT 9.00AM.

Mr Morley went on to ask if there was regular monitoring being carried out on Council's risks and asked if there might be evidence of this that can be provided.

Ms Plesman offered to provide MANEX reports, incident reports, accident reports and WHS reports.

Mr Morley suggested that rather than provide all of that detail to the Committee it would be more suitable to obtain a summary of the key risks and controls that are being monitored.

Mr Morley went on to offer anonymised examples of risk management processes and risk registers that could be forwarded to Council.

Ms Plesman indicated that Council would make enquiries of the practices used by other Councils.

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

The information contained in this report be noted.

5.2 CAPITAL WORKS STATUS REPORT

Cr Scholes advised the meeting that he had attended a MANEX meeting the day before at which he receives a regular fortnightly update on this report.

The report is also presented at the monthly Council meeting which Cr Scholes attends.

Mr Morley queried whether there are any projects that are a cause for concern in that they could result in budget blowouts or a problem in the future.

Mr Finnigan confirmed that at the moment Council is tracking well and that there are multi-year projects that are carrying over.

Mr Finnigan went on to offer an overview of Council projects.

Ms Plesman described how management have been talking about individual insurance on Works projects and discussing risks that can arise from these projects.

Mr Scholes offered an example of a Contractor potentially becoming an issue.

Mr Finnigan stressed that it is important that staff aren't burdened by the risk of failures in projects so we are upfront with what is insured and not insured

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

The information contained in this report be noted.

6 INTERNAL AUDIT

6.1 STRATEGIC INTERNAL AUDIT PLAN 2020-2023

Mr Morley informed the meeting that we are now closing off the loop by having the FINAL Strategic Internal Audit Plan 2020-2023 come back to the Committee.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 16 MARCH, 2021 COMMENCING AT 9.00AM.

Mr Quealey questioned whether currently having an SDR conducted on Plant and Fleet as well as a planned Internal Audit coming up for that section might be overkill.

Ms Plesman provided her reason for choosing to audit Plant and Fleet shortly which was that they would like to find out if there are areas that need improvement.

Mr Morley queried whether there was a timeframe to conduct the Plant and Fleet audit to which Ms Plesman offered to provide this at the next ARIC meeting due to the tender process currently being finalised.

Mr Morley cautioned to be mindful that both the Internal Audit and the SDR for Plant and Fleet don't end up informing of the same things.

Mr Morley informed that they should be complimentary of each other.

A discussion took place around the scope for the Procurement Audit which was conducted throughout December 2020 and January 2021 and Mr Morley recommended not going out to tender with a scope that is never going to match the budget available for the audit.

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

1. The information contained in this report be noted; and
2. The Audit, Risk and Improvement Committee endorses Council's Strategic Internal Audit Plan 2020-2023.

6.2 Q2 2020-21 INTERNAL AUDIT ACTION UPDATE

Mr Pirillo advised the meeting that this is reporting on Quarter 2 and provided the Committee with a brief overview on the number of actions completed, which ones were high risk and which were low risk.

Mr Quealey questioned the status of Action ML19-5 noting that it states that Council's Fraud Control Framework is said to be 100% complete, but queried whether there is still work to be done on it.

Ms Plesman provided that they have been completed and the Fraud Control Plan is underway.

Mr Morley asked whether it would be possible to keep Item ML19-5 open.

Mr Morley also noted that when Council reports on the next Financial Audit Management Letter, this should be included on the Agenda under "External Audit".

Discussion took place around AQC Dartbrook and what type of payment agreement had previously been put in place. Further discussion took place around the value of the mine and their ability to sell it.

Mr Morley raised one more item, E-1 which states that *"The website development team is on track to deliver a new Council website by the end of April 2021. All Council policies, including the complaint management manual are being reviewed to ensure accuracy prior to posting on the website."* and queried whether this would be ready by the end of April 2021.

Ms Plesman expressed her hopes that the new website would be "live" at the latest by May 2021, including the Policies and Procedures.

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

1. The information contained in this report be noted; and
2. The item in relation to Fraud Control remains as an open item.

6.3 INTERNAL AUDIT PROCUREMENT AND TENDERING

Note: As there were external presenters for this item this matter was brought forward and the matter was dealt with prior to item 5.1.

KPMG provided an overview of the Internal Audit Findings to the Committee.

Ms Johnson, Manager KPMG, advised that they are happy with the system and the workflow.

Ms Cain-Frost, Partner KPMG, agreed that there is a commitment to procurement at Council but the processes need timely revision and attention to some matters.

There is some non-compliance in the findings around procurement for amounts less than \$150,000.

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

1. The information contained in this report be noted; and
2. It is recommended that management remind all staff around the importance of record keeping management practices. This should be via a memo outlining all record keeping obligations in relation to procurement activities.

6.4 MANAGEMENT REVIEW OF OPEN ACTIONS FROM PREVIOUS AUDITS

A discussion took place around the report content.

Mr Morley advised that, moving forward, this report will not be required and can be removed from the Forward Meeting Plan 2021.

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

The information contained in this report be noted.

7 EXTERNAL AUDIT

Nil

8 LEGISLATIVE COMPLIANCE

Nil

9 GOVERNANCE AND INTERNAL CONTROL

9.1 PERFORMANCE MANAGEMENT

Ms Plesman pointed out that the report was straightforward and Council would be happy to received any feedback.

Ms Plesman briefly went on to explain that the Individual Work Plan (IWP) Goals for each staff member automatically link to the Operational Plan.

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

The information contained in this report be noted.

10 PERFORMANCE MANAGEMENT AND IMPROVEMENT

10.1 SERVICE DELIVERY REVIEW PROGRAM QUARTERLY UPDATE

Mr Pirillo advised that he would be happy to answer any questions.

Mr Quealey added that he appreciated the detail provided on Plant and Fleet Management.

A brief discussion took place around lease-back agreements for private motor vehicles and FBT contributions.

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

The information contained in this report be noted.

10.2 2020-2021 OPERATIONAL PLAN 30 DECEMBER QUARTERLY REVIEW

A discussion took place around the report content.

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

1. The information contained in this report be noted; and
2. The 2020/21 Operational Plan Review dated 30 December 2020 be noted.

11 GENERAL BUSINESS

11.1 ARIC MEETING ACTIONS STATUS UPDATE

Mr Morley queried, in relation to action # ARIC 30 on the list, whether the Committee could receive a brief overview at future meetings on how Council manages its delegations.

Mr Morley went on to question how the delegation is communicated to each staff member and, if there is change in legislation, how is the staff member made aware of this change and how is the delegation updated.

Ms Plesman advised that the staff member receives a copy of their delegations to sign off on and that there is a staff member that reports the delegations to the General Manager.

On further questioning Ms Plesman provided that there is a systematic process that updates Councils delegations and it is all electronic now, as are the invoicing and purchasing systems.

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

The information contained in this report be noted.

11.2 ARIC FORWARD MEETING PLAN 2021

Ms Nash informed the Committee that there were slight changes made to the Forward Meeting Plan document in order to reflect the new year.

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

The information contained in this report be noted.

11.3 REVIEW OF AUDIT, RISK AND IMPROVEMENT COMMITTEE CHARTER

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

The information contained in this report be noted; and

Section 4.5 (p.5) of the Audit Risk and Improvement Committee Charter is amended to state that the ARIC will:

Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and endorse the plan for the determination of Council;

11.4 BUSINESS CONTINUITY AND DISASTER RECOVERY

Ms Plesman assured the Committee that Council is feeling confident in these areas and are reviewing the BCP, particularly the section on COVID.

Ms Plesman told the Committee that Council were due to conduct another disaster recovery exercise where we will look at an earthquake scenario.

Mr Morley questioned whether Council found that their BCP was helpful and provided assistance in relation to the COVID pandemic.

Ms Plesman agreed that it was helpful and we can now include more local organisational information in the BCP in relation to COVID.

Mr Morley asked whether the Committee might receive feedback when Council undertakes their next disaster recovery exercise to which Ms Plesman replied that they definitely would.

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

The information contained in this report be noted.

12 DATE OF NEXT MEETING

Wednesday 2 June, 2021

13 CLOSURE

The meeting was declared closed at 11.00am.

.....

Ms F. Plesman

General Manager

.....

Mr M. Morley

Chairperson

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

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

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

19 CLOSED COUNCIL**RECOMMENDATION**

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

19.1 SANDY HOLLOW HEAVY VEHICLE REST AREA

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

19.2 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 APPLICATION UNDER UNDETECTED WATER LEAKS POLICY W5/4

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 REQUEST FOR QUOTES FOR LIGHT FLEET

Item 19.4 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.

19.5 TENDER (PANEL) T272021 SUPPLY AND DELIVERY OF ROADBASE MATERIALS

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.6 SALE OF INDUSTRIAL LAND

Item 19.6 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ Seconded: _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 25 MAY 2021