



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
25 MAY 2021



ORDINARY COUNCIL MEETING, 25 MAY 2021

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
21 May, 2021

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **25 May, 2021** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

Order of Business

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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 25 MAY 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** 27 April 2021, and the Extra Ordinary Meeting **held on** 18 May 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

8.1 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:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

The report relates to the determination of DA 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 Colour
1	-2.722	-2.500
2	-2.500	-2.250
3	-2.250	-1.500
4	-1.500	-1.250
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	2.500
12	2.500	3.000

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

4.3 Height of buildings	<p>The maximum building height applicable to the 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) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality, b) the effect of the proposed development on the likely future use or redevelopment of the land, c) the quality of the fill or of the soil to be excavated, or both, d) the effect of the proposed development on the existing and likely amenity of adjoining properties, e) the source of any fill material or the destination of any excavated material, f) the likelihood of disturbing relics, g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area. <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 earthworks are unlikely to have a detrimental impact on the amenity of a neighboring properties.</p> <p>Complies</p>
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2. State Environmental Planning Policy No. 55 – Remediation of Land

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

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

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		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
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.	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>(iv) Finishes which are 'textured' rather than bland, through the use of light and shade, diversity in materials and finishes and appropriate decorative 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 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 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 (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</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</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>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>		Circuit Road Reserve.
<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</p> <p>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</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>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>		
<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</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

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>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> <p>(iv) Landscaped area is located to the rear or northern boundary of the site</p> <p>(v) Use pervious material or stepping stones where pathway is incorporated in side setback.</p> <p>(vi) For dual occupancies, multi dwelling housing and residential flat buildings, a landscape plan is to be submitted</p> <p>(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.</p>		<p>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 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.</p>
<p>6.2.4 Landscaping</p> <p>(i) Include locally occurring native species to extend habitats for fauna and reduce water and fertilizer requirements.</p> <p>(ii) Minimise disturbance of natural ground levels, native vegetation and topography in the vicinity of identified significant trees.</p>	YES	<p>A landscape plan has been submitted in relation to the proposed development and contains appropriate species.</p>
<p>6.2.5 Dual Occupancy Housing, Multi Dwelling Housing and Secondary Dwellings</p> <p>(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.</p> <p>(ii) Dual occupancy and multi dwelling housing must be located on significantly regular, rectangular or square, shaped lots and not on battle-axe lots.</p> <p>(iii) Each dwelling is to be designed so that the access way to the front door is clearly identifiable</p>	YES	<p>i) The DCP provides the following bedroom to person ratio for dwellings:</p> <p><i>One (1) bedroom dwelling = 1.23 persons</i></p> <p><i>Two (2) bedroom dwelling = 1.79 persons</i></p> <p><i>Three (3) bedroom dwelling = 2.52 persons</i></p> <p><i>Four (4) or more bedroom dwelling = 3.02 persons</i></p> <p>The total occupancy rate (2.52 x 16) would be 40.32.</p> <p>The area of the development site is 8,282m². Using the density standard</p>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
<p>from the public street.</p> <p>(iv) Each dwelling with a street frontage is to be designed so that the front door faces the street.</p> <p>(v) Each dwelling must provide a 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>ratio of 60 (persons):10,000(m²), which equates to 1(person):166.666...(m²) the maximum density ratio for a 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>

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
		<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 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 If a development control plan contains provisions that relate to the development that is the subject of a development application, the consent authority—</i></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.

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
		<ul style="list-style-type: none"> ➤ 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 level. The reduction of the finished ground level will reduce any overlooking. ➤ 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

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
		<ul style="list-style-type: none"> ➤ Are required to facilitate the development and provide vehicle access to the site. ➤ Have been designed so to minimise the amount of excavations and the environmental impact of those excavations on adjoining established residential properties.
6.3.2 Solar Access Requires preparation of site analysis in accordance with Section 3 of the DCP and includes provisions related identifying and restricting overshadowing impacts of development.	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.
6.3.3 Visual Privacy (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:- <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 Note: The above separation distances can be reduced where suitable screening structures (in addition to landscaping) is provided to obscure direct views	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.
6.3.4 Acoustic Privacy (i) Site layouts ensure parking areas, streets and shared driveways have a line of sight separation of at least 3m from bedroom windows. (ii) Openings of adjacent dwelling are separated by a distance of at least 3m. (iii) Shared walls and floors between dwellings are constructed to limit noise transmission.	MINOR NON-COMPLIANCE Recommended to be supported	Council Officers recommend this minor DCP variation be supported as: <ul style="list-style-type: none"> 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

MUSWELLBROOK SHIRE COUNCIL DCP SECTION 6 RESIDENTIAL DEVELOPMENT		
DCP REQUIREMENTS	COMPLIES	PLANNING COMMENT
(iv) Dwellings adjacent to high levels of uncontrollable external noise are designed to minimise the entry of that noise. (v) Site layout and design separates active recreational areas, parking areas, vehicle access ways, and service equipment areas from bedroom areas of dwellings.		and these bedrooms is not likely to be significant. 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. iii) The proposed units do not include any shared walls requiring fire separation and acoustic treatment. iv) The site is not located adjacent any premises or transport link considered likely to generate substantive noise impacts. 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.
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.
6.4.4 Security, Site Facilities and Services Requirement for cloths drying spaces, mail boxes and garbage storage areas.	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
Cars <i>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 more: 2 spaces per unit Visitors 1 per 5 units or part thereof</i>	<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 parking spaces are required for the development.</p> <p>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.</p>	YES - a total of 36 car parking spaces would be provided to the development.
Bicycles <i>Residents: Minimum 1 space per 5 units or part thereof Visitors: Minimum 1 space per 10 units or part thereof</i>	<p>A total of seven (7) bicycle parking spaces are required. A total of eight (8) have been proposed.</p>	YES
Car Wash Bay <i>Any development containing 10 dwellings or more shall provide a minimum of 1 car wash bay/area</i>	<p>The proposed development requires a single wash bay. One such wash bay has been proposed.</p>	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)(iiia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

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.



Council Engineers did not raise concerns with the final stormwater drainage plan proposed or the capacity of Council's drainage system to support the additional stormwater discharge from the development site. Accordingly, Council Officers raise no objection to the proposed development from a stormwater management perspective.

Social Impacts

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.

It can be concluded that the proposal will:

- *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 CI 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.	<p>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.</p>
Concern about the potential for the proposed development and earthworks to impact the structural integrity of adjoining properties through building vibrations.	<p>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.</p>
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.	<p>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.</p>
Concern about the potential impact of the development on water pressure and sewage blockages.	<p>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.</p>

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
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(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 licensees name and license number, and;

- (ii) Has received Home Owners Warranty Insurance for works where the contract price of the works exceeds \$20,000.
 - (b) In the case of an Owner Builder:
 - (i) Has been informed in writing of the persons name and Owner Builder permit number where the cost of works is greater than \$10,000, or;
 - (ii) Has been given declaration signed by the owner of the land that states that the reasonable market cost of the labour and materials is less than \$10,000.
 - (2) A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purposes of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.
 - (3) If arrangements for doing residential building work are changed while the work is in progress so that the information submitted to Council is out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council), has given the Council written notice of the updated information.
- Note: (1) The amounts referred to in point 1 may be subject to change as regulations are amended.
- (2) An owner that engages multiple licensees/contracts or contracts for part of the work and completes work themselves is considered an Owner Builder under the *Home Building Act 1989*.

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

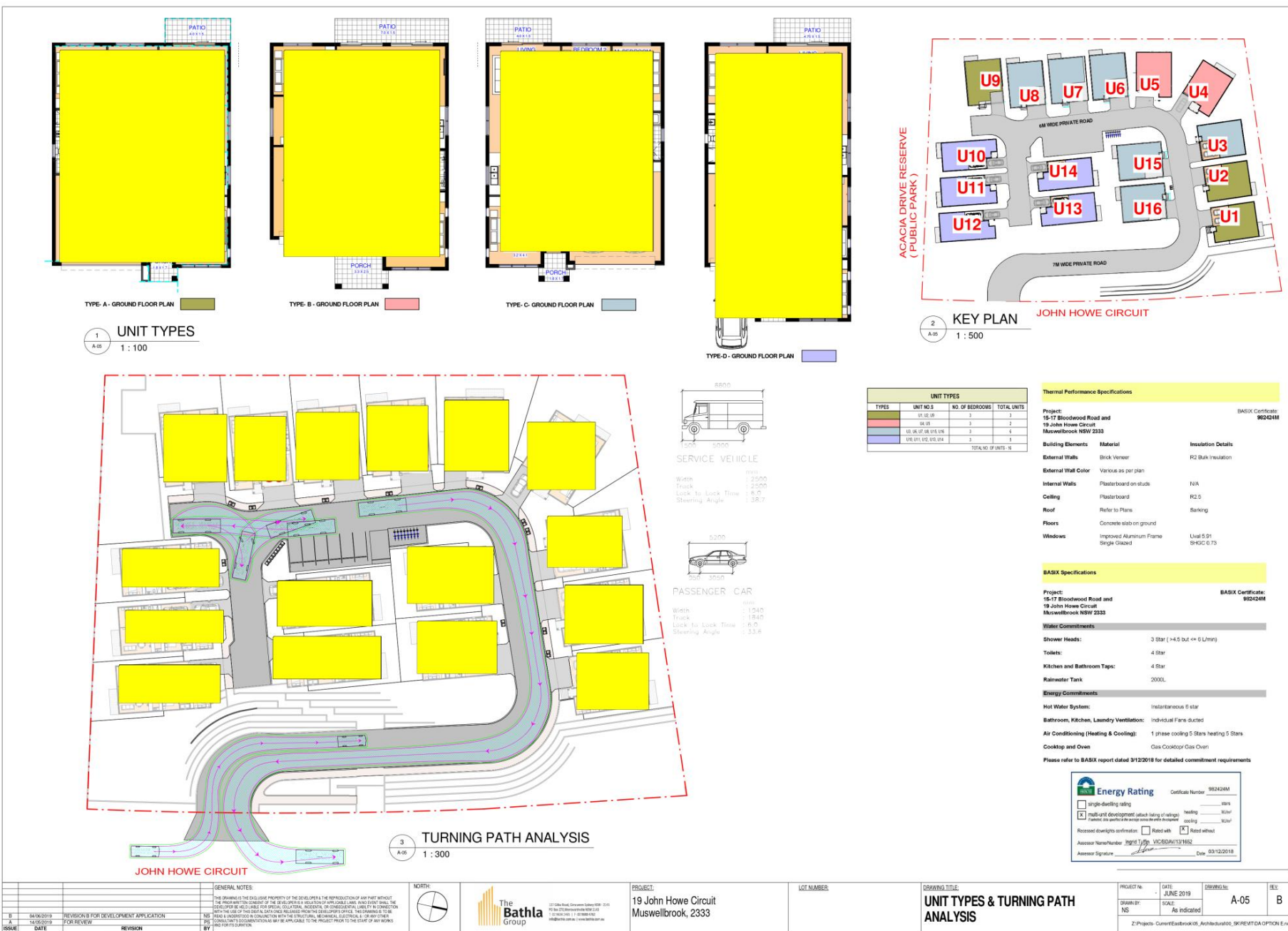
Vehicle access to and from the site is to be in a forward direction.

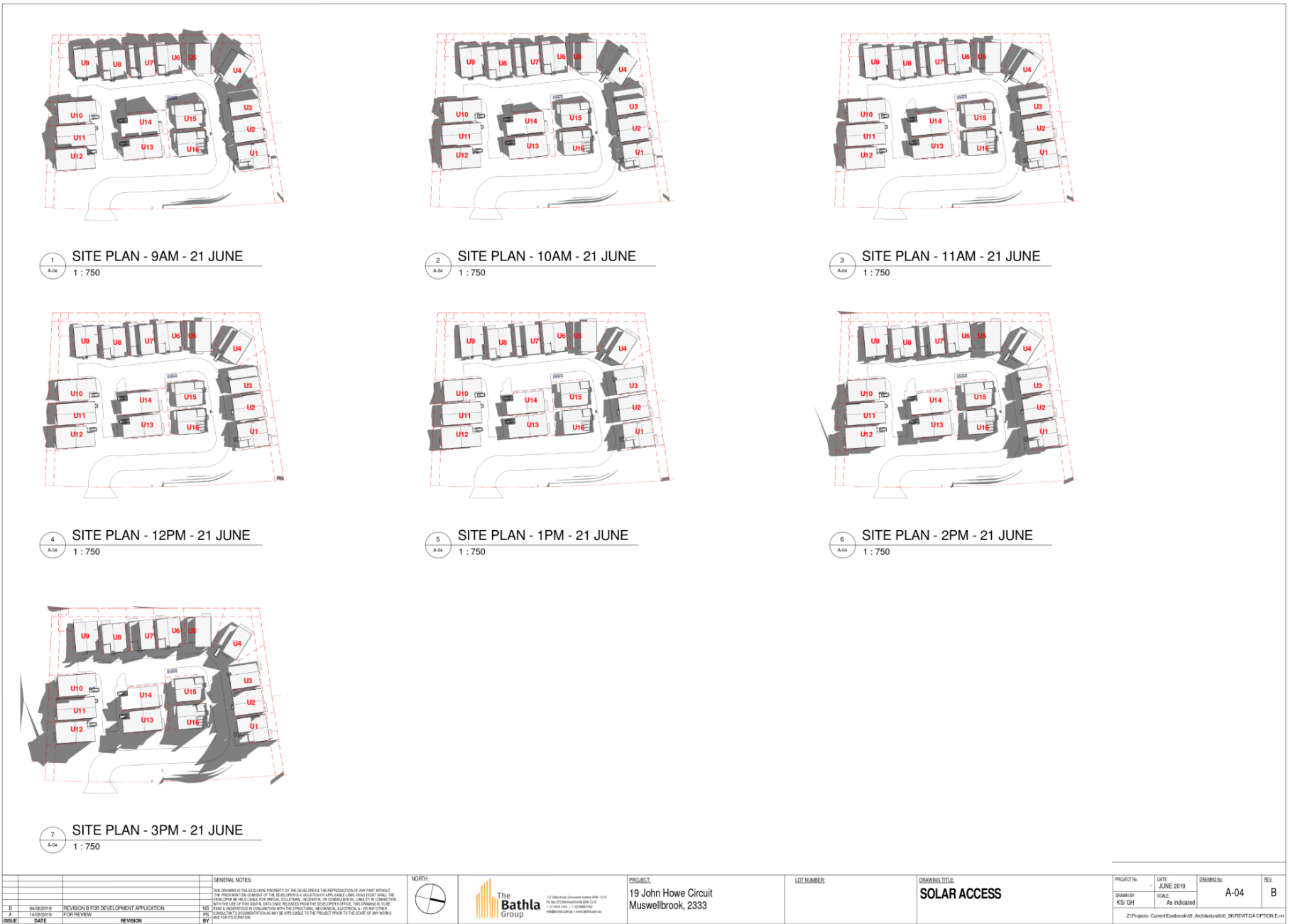
(55) Parking Management

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.









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



- 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:
902424M

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	Sealing
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:
902424M

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 31/12/2018 for detailed commitment requirements

Energy Rating Certificate Number: 902424M

☐ Single-dwelling rating



☒ Multi-unit development (actual rating of ratings)

Recent dwellings certification: ☐ Rated with ☒ Rated without



Assessor Name/Number: Nguyen Thi VIC/604137652

Assessor Signature: [Signature] Date: 03/12/2018

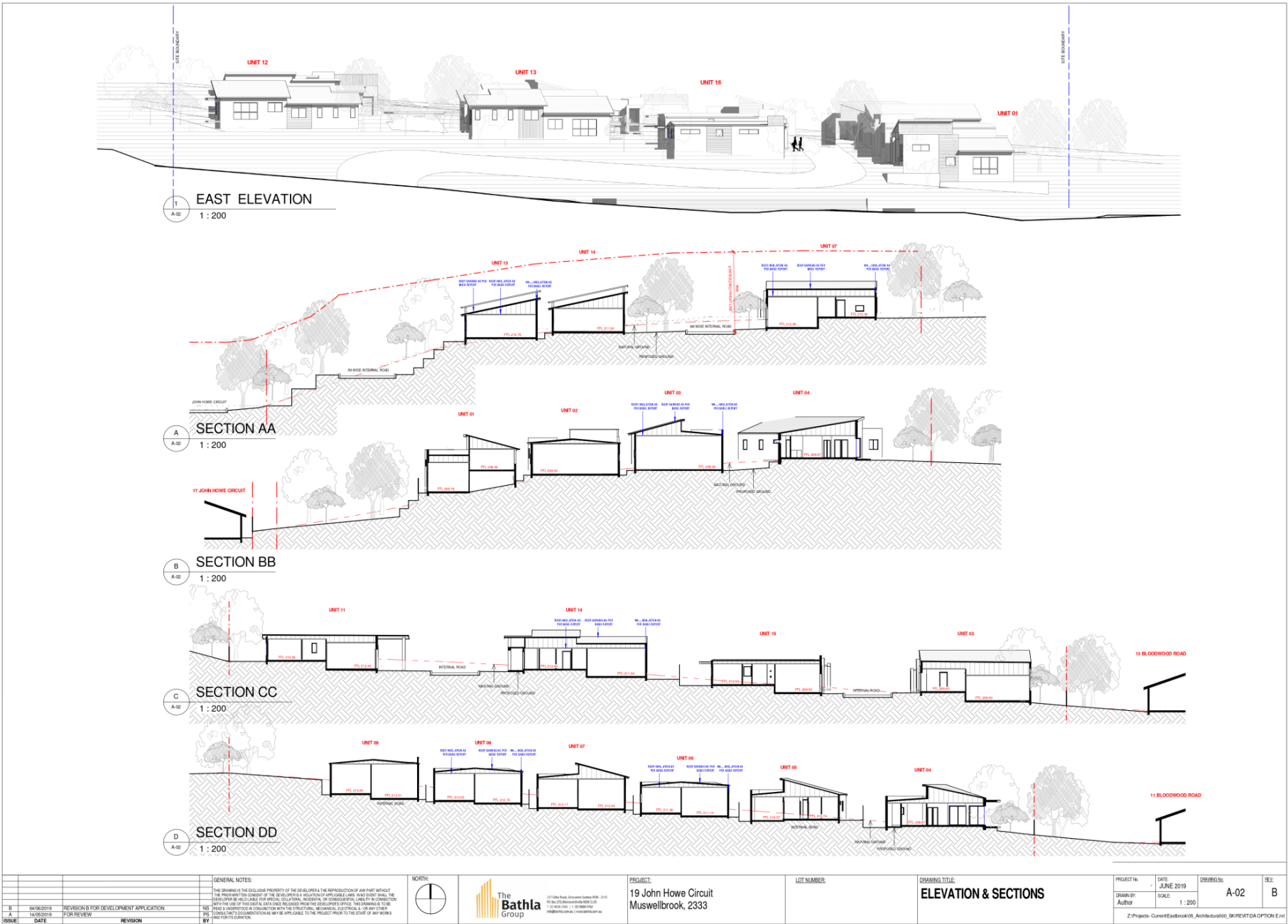
DRAWING REGISTER				
SHEET#	DRAWING NAME	REV	DATE	
A-00	LOCATION PLAN, SITE ANALYSIS & ROOF PLAN	B	04/06/2019	
A-01	SITE / GROUND FLOOR PLAN	B	04/06/2019	
A-02	ELEVATION & SECTIONS	B	04/06/2019	
A-03	ELEVATIONS & COLOUR SCHEDULE	B	04/06/2019	
A-04	SOLAR ACCESS	B	04/06/2019	
A-05	UNIT TYPES & TURNING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

				GENERAL NOTES:						PROJECT: 19 John Howe Circuit Muswellbrook, 2333		LOT NUMBER:		DRAWING TITLE: LOCATION PLAN, SITE ANALYSIS & ROOF PLAN		PROJECT No:		DATE: JUNE 2019		DRAWING No: A-00		REV: B	
				THE 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 AND MAY RESULT IN THE DEVELOPER BEING LIABLE FOR DAMAGES. THE DEVELOPER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE DEVELOPER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING. THE DEVELOPER IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS DRAWING.						233 Bathlab, Greenview Road VIC 3104 PO BOX 2000													



COLOUR SCHEDULE						
NAME	SCHEME	A	SCHEME	B	SCHEME	C
1. METAL DECK ROOF		LIGHT GREY		LIGHT GREY		LIGHT GREY
2. GUTTER DOWNPIPE		SHALE GREY		SHALE GREY		SURFMIST
3. WALLS		LEXICON QUARTER		LINSEED		MILLER MOOD
4. PAINT FINISH MAIN		MILLER MOOD		COCONUT HUSK		COCONUT 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 and the reproduction of any part without the prior written consent of the developer is a violation of applicable laws and every wall, the developer is not liable for any errors, omissions, or inaccuracies in connection with the use of this drawing. Any and all reliance on this drawing is at the user's risk. This drawing is not to be used in connection with the structural, mechanical, electrical, or any other engineering or construction work without the approval of the developer.		The Bathla Group		19 John Howe Circuit Muswellbrook, 2333		ELEVATIONS & COLOUR SCHEDULE		14/06/2019		JUNE 2019		A-03		B	
REVISION		DATE		BY		SCALE:		1 : 200		Z:\Projects - Current\Bathla\09_Architectural\09_3917\VT\DA\OPTION E.rvt					



9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 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:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To provide an update on activities in the Planning and Environmental Services sections

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

PLANNING & ENVIRONMENTAL SERVICES

1. Statistical Information

Note: Statistics for Section 10.7 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

Schedule 1: Development Applications Approved (15 April to 10 May 2021)

DA No.	DESCRIPTION	Property	VALUE (\$)
2021/24	Two (2) Shipping Containers to be used for Storage	7 Billabong Close Muswellbrook	\$ 15,000
2021/23	Dwelling with Attached Secondary Dwelling	18 Pendula Way Denman	\$ 433,000
2021/22	Dwelling with Attached Secondary Dwelling	27 Pendula Way Denman	\$ 431,000
2021/20	Dwelling	120 Hill Street Muswellbrook	\$ 334,274
2021/18	Ancillary Development - Shed and Retaining Walls	10 Jillaroo Way Muswellbrook	\$ 49,000

DA No.	DESCRIPTION	Property	VALUE (\$)
2021/6	Dwelling House	7 Finnegan Crescent Muswellbrook	\$ 304,875
2020/96	Recreation Facility (Outdoor) - Formula Kart Track	Hebden Road Hebden	\$ 90,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
2021/50	Pools / decks / fencing	106b Maitland Street Muswellbrook	11/05/2021	\$39,300
2021/49	Dwelling	25 Babbler Crescent Muscle Creek	07/05/2021	\$339,398
2021/48	Change of use to Beauty Salon Shop 12 and Shop 11	Bridge Street Muswellbrook	07/05/2021	\$1,000
2019/94/2	S4.55(2) Modification - Removal of existing garage and addition of Carport	133 Hill Street Muswellbrook	07/05/2021	\$ -
2021/47	Dwelling	48 Stockyard Parade Muswellbrook	06/05/2021	\$468,109
2021/46	Replacement of existing Retaining Wall	104 Victoria Street Muswellbrook	06/05/2021	\$9,000
2021/45	Rural Fire Service Shed	20 Dorset Road Kayuga	05/05/2021	\$800,000
2021/44	Manufactured Dwelling	299 Merriwa Road Denman	05/05/2021	\$299,230
2021/43	Dwelling	Peberdys Road Sandy Hollow	05/05/2021	\$158,550
2021/42	Secondary dwelling	35 Kingfisher Court Muscle Creek	03/05/2021	\$246,474
2021/41	Swimming Pool	12 Brook Street Muswellbrook	03/05/2021	\$64,343
2021/40	Ancillary Development - Shed	54 Cook Street Muswellbrook	30/04/2021	\$21,000
2021/39	Ancillary Development - Shed	21 Kenilworth Street Denman	28/04/2021	\$30,837
2021/37	Dwelling House	130 Bureen Road Denman	26/04/2021	\$542,930
2021/36	Manufactured Dwelling and Verandah	55 Ford Street Muswellbrook	26/04/2021	\$265,984
2021/35	Temporary Installation of Portable Building for Community Centre Office and Construction of new Community Centre	5 Jersey Place Muswellbrook	23/04/2021	\$850,000
2021/34	Alterations and additions to dwelling and swimming pool	84 Palace Street Denman	16/04/2021	\$170,000
2021/33	Continued Operation of Wind Monitoring Mast Development	Sandy Creek Road Mccullys Gap	15/04/2021	\$200,000

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
2021/32	Staged Development - Demolition, 23 Room Boarding House and Subdivision of One (1) lot in Two (2) Lots.	41 Maitland Street Muswellbrook	15/04/2021	\$645,000
2021/31	Ancillary Development - Carport	1 Jeans Street Muswellbrook	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 Muswellbrook	13/04/2021	\$-
2021/38	Dwelling	23 Pendula Way Denman	08/04/2021	\$374,305
2021/30	Change of operation hours (McDonalds)	83-89 Maitland Street Muswellbrook	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
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	\$-
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
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	1831 Merriwa Road Sandy Hollow	17/12/2020	\$1,500,000

DA No.	DESCRIPTION	Property	RECEIVED	VALUE (\$)
	and a Function Centre			
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
2020/82	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
2020/49	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 Two (2) 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 (2020/2021)

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Applications Received (new installation)	3	0	3	1	0	0	0	2	4	0	0	1	2
Applications Approved (new installation)	0	0	3	1	3	1	0	0	4	0	0	0	1
Inspections (new system)	1	1	0	1	1	1	2	0	1	0	0	1	1
Inspections (existing system)	0	0	0	0	0	0	6	0	1	0	1	3	14

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

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Applications Received (new businesses)	0	1	2	2	1	3	2	1	0	0	1	1	0
Inspections (new businesses)	0	1	0	2	1	2	2	0	0	0	0	0	1
Inspections (existing businesses)	1	1	35	3	0	0	0	5	2	2	1	4	9
Reinspections	0	0	0	0	0	0	0	0	0	3	3	0	0

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

Building Site Compliance Inspection Statistics – 13 Month Analysis (2020/2021)

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Total Sites Inspected	6	5	4	4	5	4	4	3	4	2	5	4	4
Total non-compliant and educated	0	1	0	0	0	2	0	1	1	0	1	0	1
Total compliance after education	0	1	0	0	0	4	0	3	4	0	5	0	4
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 (2020/2021)

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

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

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	3	6	8	5	8	10	2	6	5	8	17	24	20
Initial Inspections	2	5	8	2	6	9	1	4	3	6	14	23	13
Re-inspections	1	1	0	3	2	1	1	2	2	2	3	1	7

Compliance Certs / Occ. Certs issued	1	6	5	3	3	7	2	10	5	8	8	6	10
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Total Pools in Council's SPR = 937

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 = 17.0%

That is, 159 out of 937 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 = 8.6%

That is, 81 out of 937 pools have had at least one inspection carried out during FY 2020/2021.

SUSTAINABILITY

18 March to 14 April 2021

University of Newcastle Visits Sustainability Hub

The Sustainability Hub hosted students from the University of Newcastle. The students were researching how our community and Council are dealing with the issues created by climate change. It is pleasing to see these students ready to tackle the challenges and seize the opportunities of climate change.

**Community Volunteer Event Ends Stage 1 of the Muscle Creek Restoration Project**

It was all hands to the spades when more than 120 native plants were planted out on Tuesday morning as part of the Muswellbrook Urban Riparian Restoration Project. The “plant out” was organised by Council’s Sustainability Unit to showcase the hard work that has been, or is about to be completed, in the area between the Muswellbrook Golf Club and Muscle Creek.

Over 1.5 hectares of weed control has been undertaken and 1000 native species have been planted to replace the weeds. The revegetation works along the creek will improve the environmental and recreational values of the area. Thanks to all the project supporters including Muswellbrook Golf Club, Warrior Disability Services and Muscle Creek Landcare. The project is supported by the NSW Government through the Environmental Trust.

Muswellbrook Show

The Sustainability Unit attended the Energy Hub at The Upper Hunter Show. These community events allow face to face contact with locals about issues relating to sustainability. Residents also often ask about other Council projects.



Rehabilitation Project

Proposed work has been modified due to constraints regarding ARTC and steep slopes. Council have asked ARTC to accept to fund the required Protection Officers.

FOGO Engagement Plan

Council continue to work with Upper Hunter Council staff and external consultants on developing a community engagement plan for the introduction of a FOGO service.

Bird Watching

Muswellbrook Shire residents joined with Liz from the Hunter Bird Observers Club for a walk along Muscle Creek. It was great to see and hear so many different types of birds and have someone who could identify them.

The plan is to do more bird watching activities in the future. These events engage community members in the work Council does along Muscle Creek. They also monitor if the revegetation works have an impact on local wildlife.

Richard Gill School Students Visit Sustainability Hub

Richard Gill School visited the Sustainability Hub. The students were very knowledgeable but were keen to learn more about gardening, native plants, bees, composting and worms.

Community War on Waste

Agreements for the Community War on Waste program were sent out to five community groups. See separate Council report relating to these grants.

Air Quality Sensor Project

Council has advised we are willing to be included in a state-wide project to:

- 1) **Deploy and use low-cost environmental monitoring** in several LGAs to inform council policy, planning, services, and responses to air quality issues in their communities,
- 2) **Develop a repeatable methodology and best practise resources** that all councils can use when developing business cases, procuring sensing strategies and using air quality information.
- 3) **Build an ongoing community of practise** for air quality monitoring that benefits councils, state government and researchers, and
- 4) **Identify topics** for future research, policy and other initiatives relating to air quality in communities.

We are currently waiting to hear if the project will proceed.

Sustainable Futures – Muswellbrook

The Sustainable Futures – Muswellbrook Facebook has now received 1,286 page likes and 1,366 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. This includes promoting the Community Recycling Centres, correct waste management practices, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.



Sustainability Activities at the Library

Two activities were held at the Muswellbrook Library over the school holidays. A puppet show featuring the Waste Wranglers, Wilbur the Water Warrior, Sunny Spark and Warrior Disability Services proved popular, as did a native bee habitat creation workshop.

Men's Shed Management Meeting

A meeting with the Men's Shed committee was held to discuss any issues they have relating to Council.

TAFE Sign

A sign that will be located on Muscle Creek is in development.

Ewaste Recycling

Meetings were held with a business called Zolo who offer an ewaste recycling service.

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 with boxes on different themes being loaned out to groups each term. These museums have been used by 10 local educational groups.

Electricity Contracts

Sustainability Unit staff have been participating in discussions surrounding the next tender for electricity supply contracts. This includes exploring a 100% renewables option for the next contract.

Flying Foxes

Sustainability Unit staff have been in talks with Department of Planning, Industry and Environment about aiding local businesses affected by the recent influx of Little Red Flying Foxes. There is a pool of funds available to share amongst three other Councils. DPIE will allocate funds shortly.

11 COMMUNITY INFRASTRUCTURE

11.1 MAJOR PROJECTS STATUS REPORT

Attachments:	A. 2020-21 Major Projects List.xlsx
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 18 May 2021.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

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

FINANCIAL IMPLICATIONS

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

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with item 19.1.1 of the Operational Plan: 'Deliver the approved capital program substantially on time, on budget and in accordance with relevant design and construction standards'.

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 18 MAY 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 have commenced at Widden Valley Road.
Rural Road Regravelling	C	\$348,291	Aug-20	Jun-21		Aug-20		Works have been undertaken on Wells Gully Road, Beggary Ck Road, Yarrowa Road, and Horseshoe Road. Planned works for quarter four include Castlerock Rd, Stairs Road, Giants Creek Road, and minor works at Yarrowa 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. These works are currently in progress.
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.
TNSW 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	Mar-22			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 to be tendered in June.
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 complete. WAD received from TNSW, with Principal Contractor, Project Verifier and Road Safety Auditor engaged. Stage 3 Road Safety Audit report received. The design was submitted to TNSW by the Project Verifier and has been reviewed by TNSW who have required changes to the pavement design. The drawings have been amended in accordance with TNSW requirement. The project will commence upon granting of approval by TNSW.
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 received and reported to the 2 February 2021 Extra Ordinary Council Meeting. The hydraulic assessment has been undertaken to guide the final design.
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 14-month 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.
Yarrowa Road Improvements	I & D	\$5,000,000	Dec-20	Oct-21		Dec-20		Consultant has been engaged for the design works, which include a Road Safety Audit of the route. 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				Work has commenced on site at Widden Valley Road.
WORKS, PROPERTY & BUILDING SERVICES (WP&BS)								
Denman Children Centre	D & C	\$620,000	Jun-18	Mar-20		Jun-18		DA 99/2018 approved May 2019. Staff have engaged 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 was called and closed Thursday, 4 February and was reported to the 23 February 2021 Ordinary Council meeting. Letter of Award issued to contractor. Site established and stakeholder meeting held 27 April. Design is being amended and awaiting review.

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 18 MAY 2021
Muswellbrook Aquatic Centre (3700.5442)	C	\$6,825,524	Nov-18	Oct-19	Mar-21	Nov-18		Early works including site investigation, demolition, geotechnical and preliminary construction works are complete. Construction certificates are in place for all stages. Water play concepts ordered. Plumbing commenced for Indoor Pool and Balance Tanks line. Entrance footings and piles complete. LTS and water play slabs poured. Installed slab services to the balance tanks and detailed excavation for the entry kiosk, and stripped formwork for the pools. Existing Indoor Pool to be open by April 2021. Indoor works programme has occupation in August. A meeting has been held 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 filling 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 grant 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. EOLs have been assessed. Workshop to be held 14 May with contractors. Tenders to be called Monday, 17 May and close Tuesday, 8 June.
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. Demolition works are currently in progress.
Commercial Building	D	\$95,000	Oct-19	Feb-20	Dec-20	Jul-19	Dec-20	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. Design project complete.
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 carried out. The field being used for winter sport.
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 facade 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. Further design work underway and heritage architect engaged for recommended palette.
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.
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 in May.
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 to be issued
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 at Highbrook Park.
Weeraman Fields - Field Lighting	D&C	\$20,000						Lights arriving week commencing 3 May 2021 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.
Mains Renewal & Replacement	D/C	\$697,955	Jul-20	Jun-21		Jul-20		Works are currently in progress at Sowerby Street and Hill Street.
Reticulation - Rail Underbrings 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 - 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.

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 18 MAY 2021
SEWER								
Mains Renewal & Relocation	D	\$471,316	Jul-20	Jun-21				Manhole replacement carried out at the intersection of Mailland Street and Rutherford Road. RFQ prepared for relining of identified 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.

11.2 WATER AND WASTEWATER LEVELS OF SERVICE FOR THE THIRD QUARTER OF 2020 - 2021

Attachments:	A. January 2021 - March 2021 Water and Wastewater Levels of Service
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Irene Chetty - Operations Manager
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Ensure substantial achievement of Best Practice Water Supply and Sewerage Guidelines.</i>

PURPOSE

The report summarises the performance of water and wastewater services for the period 1 January 2021 to 31 March 2021, and includes a summary of drinking water and recycled water supplied to Council's customers.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report

Moved: _____ **Seconded:** _____

BACKGROUND

The levels of service performance indicators for water, sewerage and wastewater services are provided in this report for the third quarter of 2020-21, from 1 January 2021 to 31 March 2021.

CONSULTATION

Data from this report is extracted from the water, sewerage and wastewater treatment plants' performance monitoring database, service requests created for the networks team, the NSW Health drinking water database, recycled water analyses from National Association of Testing Authorities (NATA) laboratories Sydney Analytical Laboratory & Sonic Food Laboratory, as well as contributions from the Water and Wastewater operations team and Council's rates team.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

The information contained in the attached "January 2021 - March 2021 Water and Wastewater Levels of Service" pdf file, summarises the performance for each of the following report subject areas:

1. Levels of service for drinking water services;
2. Levels of service for wastewater services;
3. Drinking water (or potable) supply and quality;
4. Recycled (or re-use) water supply and quality; and

5. Drinking water consumption graphs for the towns of Muswellbrook, Denman and Sandy Hollow as accumulated monthly consumptions, 5-year accumulated averages, and accumulated monthly allocations.

Discussion items arising from the "January 2021 - March 2021 Water and Wastewater Levels of Service"

- Drinking water usage levels were similar to the October 2020 – December 2020 quarter. The usage levels were approximately 30% less than the usage levels for January – March 2020. The usage levels were impacted by Level 2 restrictions and a very wet summer season.
- Drinking water quality was satisfactory and within the Australian Drinking Water Guidelines (ADWG 2011). NSW Health reticulation verification testing was undertaken weekly, and the drinking water quality results were within the ADWG targets, thereby ensuring the supply of safe drinking water to the communities of Muswellbrook, Denman and Sandy Hollow.
- Denman water treatment does not treat total hardness (which is also called water softening) in the drinking water and therefore the total hardness levels are slightly elevated. The treatment process is currently under review for viable options in treating the total hardness; this will require detailed engineering investigation and design prior to implementing the water softening project.
- Sandy Hollow drinking water hardness remains high due to the inherent characteristics of the groundwater source, which is bore water.
- Dirty water complaints received were mostly related to colour and 'particulates' in the water. All water complaints are immediately attended to, tested and water mains flushed to ensure that the resident received safe drinking water.
- Response times to unplanned drinking water supply failures were reasonably completed, within the four hour target.
- The recycled water treatment works continues to deliver high quality recycled water, well within the limits of its Environment Protection Licence 1593.
- Denman recycled water storage ponds, being exposed to the environment, generally have high total suspended solids, due to algal growth which is exacerbated by nutrients such as phosphorus and nitrogen.
- In the Muswellbrook community, there were five sewerage overflows in the reticulation due to heavy rainfalls and around 16 failures due to blockages from roots, pipe damages and blocked boundaries.
- Odour complaints were related to exposed manholes and overflows in Muswellbrook. There were no odour complaints in Denman.
- Recycled water utilisation rates were approximately 96% in Muswellbrook and 43% in Denman.

OPTIONS

This report is submitted to Council for information purposes.

CONCLUSION

The levels of service for water, sewerage and wastewater services have reasonably met Council's targets.

SOCIAL IMPLICATIONS

This report provides information that highlights Council's performance in the levels of service in water, sewerage and wastewater services delivered to the communities of Muswellbrook, Denman and Sandy Hollow over the period 1 January 2021 to 31 March 2021. The stipulated levels of service delivered to the communities were delivered in accordance to statutory requirements such as the Australian Drinking Water Guidelines 2011, Environment Protection Licences 1593 and 5059, the Protection of the Environment Operations Act 1997, Dept. of Planning, Industry and Environment Water Benchmarking, and contract agreements with Mt Arthur Coal and Muswellbrook Golf Club.

FINANCIAL IMPLICATIONS

Although this report is for information purposes, Council should note that a reduction in drinking water usage levels will negatively impact the user fee revenue. This fall in revenue has been included in the March quarterly budget review.

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

This report is for information purposes and requests for funding of Capital Projects are generally submitted in separate reports to Council

2. *Financial Implications – Operational*

Breakdown and maintenance that may impact the levels of water, sewerage and wastewater services are funded through the relevant Operational Water and Sewer Funds.

POLICY IMPLICATIONS

MSC051 Water Drinking Quality Policy

Policy S15-2 - Liquid Trade Waste Policy

STATUTORY IMPLICATIONS

Specific statutory regulations, including the Local Government Act 1993, apply

LEGAL IMPLICATIONS

Council is required to make every effort to comply with the relevant statutory regulations and guidelines so that best management practices are achieved in the levels of service in water, sewerage and wastewater services delivered to the communities of Muswellbrook, Denman and Sandy Hollow.

OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies with Goal 20.1 of the Operational Plan 2020-21: "Provide safe, secure, efficient and effective water, sewerage and wastewater services in compliance with regulatory requirements".

RISK MANAGEMENT IMPLICATIONS

The reporting of water, sewerage and wastewater levels of service and performance indicators for the period of 1 January 2021 to 31 March 2021, is used as a tool to manage the risk of non-compliance to the regulators.

WASTE MANAGEMENT IMPLICATIONS

Water and Sewer Operations Team will be scoping work, in the next financial year, to de-sludge the Denman biosolids pond and de-sludge the waste lime evaporation ponds at the Muswellbrook Water Treatment Plant.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Nil.

LEVEL OF SERVICE PERFORMANCE INDICATORS - WATER SERVICES

Period: 1 January - 31 March 2021

Indicator	Description	Report Period	Year to Date	Performance Target
Availability of Supply	Reported Events Outside Standard			
Muswellbrook & Denman	Minimum Pressure kPa (when conveying 0.15 L/s/tenement)			200 kPa
	Maximum Static Pressure			850 kPa
Water Restrictions (2007 Drought Management Plan)				
Muswellbrook	Muswellbrook & Denman - Commenced Level 2 - Mandatory from 2 March 2020 continuing into early 2021	2	2	Restrictions result in no more than 20% reduction in consumption, are not required for more than 10% of the time and that the average frequency of restrictions is less than 5 in every 100 years (the level of service)
Denman		2	2	
Sandy Hollow	SH - commenced Level 2 restrictions from 2 March 2020 continuing into early 2021	2	2	
Peak Daily Demand (litres/assessment including commercial)				(= peak day consumption/no assessments)
Muswellbrook		1429.37		3000 litres/assessment
Denman		1604.05		3000 litres/assessment
Sandy Hollow		2500.00		3000 litres/assessment
Planned Interruptions to Supply (5 days notice to domestic, commercial & industrial customers)	Number of Interruptions	9.0	9.0	<1/1000 customers/year
	Average time to repair	8.0	8.0	Hours
	Average length of Interruptions	Not Available	Not Available	< 2 hours
	Maximum length of repair	8.5	8.5	< 4 hours
<i>Average length of interruption is not supplied as current systems do not allow accurate recording -</i>				
Unplanned Interruptions to Supply (due to main replacement - excluding service lines)	Number of Interruptions	2	2.0	Mbk - 50, Denman - 0, SH - 1 per year
	Average time to repair	2.0	2.0	Hours
	Average length of Interruptions	Not Available	Not Available	< 4 hours
	Number of Residences affected	51	51.0	1/connection/year
Water Quality - Reticulation				
Muswellbrook		<i>Averages</i>		<i>As per ADWG Guidelines 2011</i>
	Turbidity	0.18	0.24	5 NTU
	pH	7.89	7.78	6.5 - 8.5
	Total Hardness	97.23	105.46	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	1.62	1.62	0.2 - 5.0mg/l
Denman				
	Turbidity	0.15	0.17	5 NTU
	pH	8.09	8.12	6.5 - 8.5
	Total Hardness	185.33	203.28	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	1.01	0.96	0.2 - 5.0mg/l
Sandy Hollow				
	Turbidity	0.23	0.38	5 NTU
	pH	7.74	7.93	6.5 - 8.5
	Total Hardness	444.10	422.95	<200 mg/L
	E-Coli	100%	100%	100% Compliance
	Free Available Chlorine	1.44	1.49	0.2 - 5.0mg/l
Service Requests				
Muswellbrook	Main Break	10	10	Leaks 80/year
	Fitting Repair	11	11	
	Service Repair	27	27	
	Service Replacement	1	1	
	Meter replacement	58	58	
Denman	Main Break	3	3	
	Fitting Repair	8	8	
	Service Repair	5	5	
	Service Replacement	0	0	
<i>Meter replacements do not include those replaced during the bill read process</i>				
	Meter replacement	10	10	
Sandy Hollow	Main Break	3	3	
	Fitting Repair	0	0	
	Service Repair	1	1	
	Service Replacement	0	0	
<i>Meter replacements do not include those replaced during the bill read process</i>				
	Meter replacement	0	0	
Total Service Requests		137	137	
Supply Failure Response Times (unplanned)				
Muswellbrook, Denman & Sandy Hollow	Number where response time <1 hour	95%	95%	>95% - One job was 2hrs over the 1hrs allowed
(expressed as percentage)	Number where completion time <4 hours	95%	95%	>95% - One job was 10hrs over the 4hrs allowed
General Complaints - GC (Management)				
Water Quality (Dirty water, taste & odour)				
Muswellbrook		5	5	<1/1000 customers per year
Denman		0	0	
Sandy Hollow		0	0	
Pressure (not related to a main break)				
Muswellbrook		7	7	<10
Denman		0	1	<2
Sandy Hollow		0	0	<2
Other		73	73	Includes: Fire Flow and Pressure Tests Rehabilitation Works Special Meter reads
Service Provided				
Time to provide an individual connection to water supply in serviced area (90% of time)	New Services	13	13	Number
		85%	85%	Percentage installed within 5 Working Days

■ This Report has been prepared using information available at the time of collation and may not include a complete data set for the report period.

■ Performance Targets are those identified in the current 2005/2006 Strategic Business Plan.

■ Report Period and Year to Date in some cases will be the same due to the commencement of new report year

LEVEL OF SERVICE PERFORMANCE INDICATORS - WASTEWATER SERVICES

Period: 1 January - 31 March 2021

Indicator	Description	Report Period	Year to Date	Performance Target
Availability of Service				
Muswellbrook	Average Dry Weather Flow (ADWF)	2.75	2.56	3.6 MI per day
	Peak Wet Weather Flow (PWVF)	11.55	11.55	18.7 MI per day
	Rainfall	361.5	795.5	mm
Denman	Average Dry Weather Flow (ADWF)	0.41	0.38	0.3 MI per day
	Rainfall	413.00	748.50	mm
System Failures (causing overflow)				
Category 1	Failures due to rainfall and deficient design capacity			
Muswellbrook		5	6	2 per year
Denman		0	0	1 per year
Category 2	Failures due to pump or other breakdown			
Muswellbrook		0	0	1 per year
Denman		0	0	1 per year
Category 3	Failures due to blockages			
Muswellbrook	Roots Blocking Sewer	2	2	Muswellbrook - 100/year
	Foreign Objects in Sewer	0	1	
	Broken/Blocked Sewer Pipe	7	7	
	Blocked Junction	1	1	
	Blocked Boundary	6	6	
	TOTAL	16	17	
	Denman	Roots Blocking Sewer	2	
	Foreign Objects in Sewer	0	0	
	Broken/Blocked Sewer Pipe	0	0	
	Blocked Junction	1	1	
	Blocked Boundary	0	0	
	TOTAL	3	3	
Response Times (unplanned - to system failures)				
Muswellbrook & Denman	Occasions where response time < 1hr (%)	N/A	N/A	> 95%
	Occasions where completion time < 4 hrs (%)	N/A	N/A	> 95%
General Complaints (Non Urgent)				
Muswellbrook	Odour complaints(Sewer Treatment Works) for period	0	0	1 per year
	Odour complaints (other) for period	4	5	1 per year
Denman	Odour complaints(Sewer Treatment Works) for period	0	0	1 per year
	Odour complaints (other) for period	0	0	1 per year
Effluent Quality		Report Period		
		Min	Max	
Muswellbrook Wastewater HVEC & Golf Course	BOD	<2	<2	<20 mg/l
	SS	<2	8	<30 mg/l
Denman Wastewater EPA point 3	BOD	8	12	20 mg/l
	SS	26	55	30 mg/l
Muswellbrook Effluent Reuse (HVEC)	E-Coli	<10	<10	< 150/100mls (Contract)
Muswellbrook Effluent Reuse (Golf Course)	E-Coli	<10	<100	< 150/100mls
Denman Effluent Reuse (Golf Course)	E-Coli (Reuse Reservoir Outlet)	<10	<10	

■ This Report has been prepared using information available at the time of collation and may not include a complete data set for the report period.

■ Performance Targets are those identified in the current 2005/2006 Strategic Business Plan.

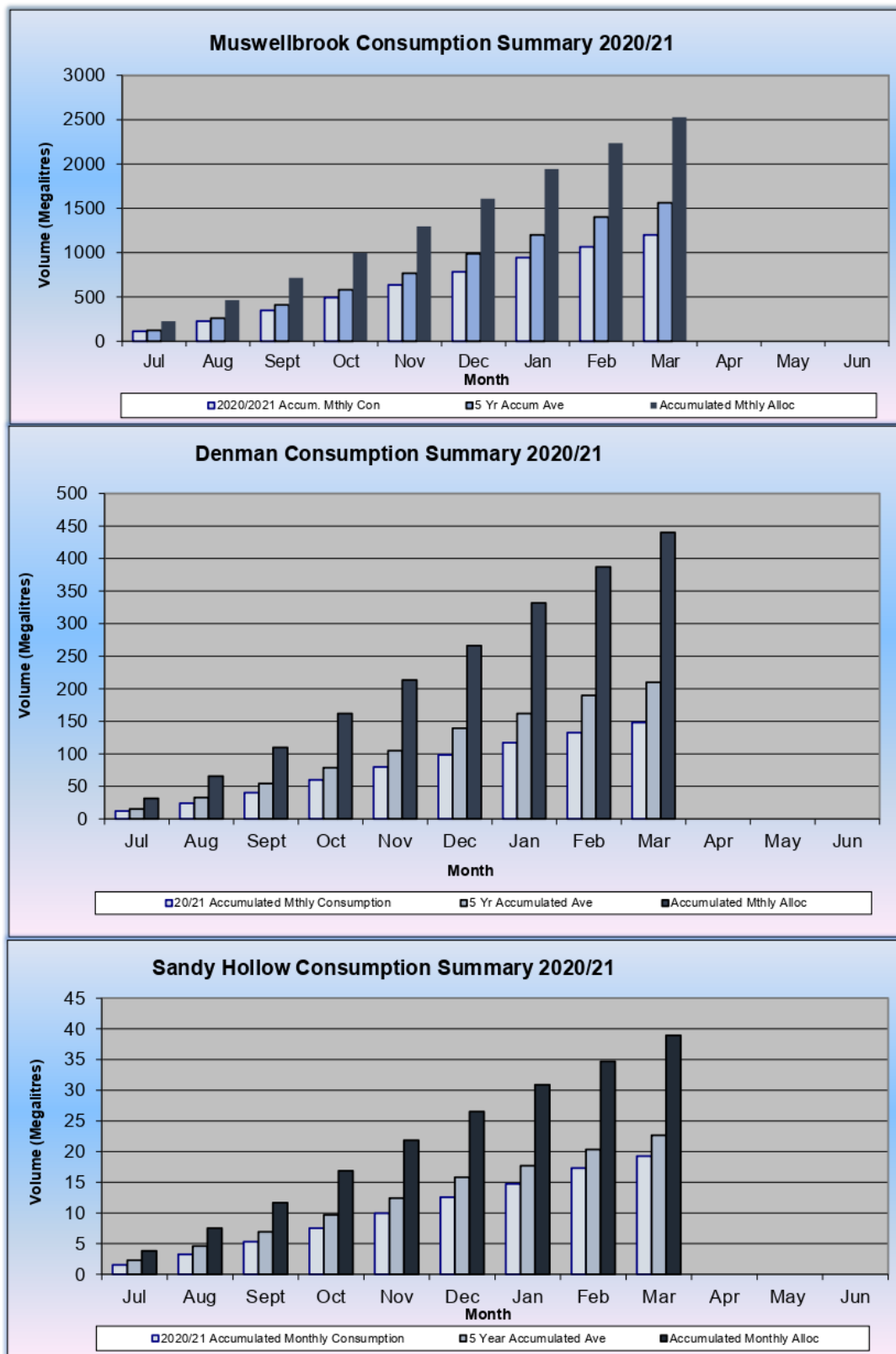
■ Report Period and Year to Date in some cases will be the same due to the commencement of new report year

POTABLE WATER AND WASTEWATER STATISTICS

Period: 1 January - 31 March 2021

WATER (it should be noted that water consumption data is treated water provided to the distribution system and does not include water losses from extraction and treatment processes. Extraction data is a licence requirement)					
	Report Period	5 Year Period Average	5 Year Peak for Period	5 Year Min. for Period	Description
Muswellbrook					
Consumption for Period	414.67	1562.07			ML
Annual Consumption to Period End	1198.44	1562.07			ML
Maximum Daily Consumption	7.28		14.16		ML
Minimum Daily Consumption	0.06			0.06	ML
Average Daily Consumption	4.60	5.71			ML
Rainfall for Period	340.50	486.96			mm
Yearly Rainfall to Period End	764.50	486.96			mm
Denman					
Consumption for Period	49.88	209.98			ML
Annual Consumption to Period End	148.27	209.98			ML
Maximum Daily Consumption	1.05		1.11		ML
Minimum Daily Consumption	0.29			0.26	ML
Average Daily Consumption	0.55	0.83			ML
Sandy Hollow					
Consumption for Period	6.69	19.25			ML
Annual Consumption to Period End	19.25	19.25			ML
Maximum Daily Consumption	0.17		0.17		ML
Minimum Daily Consumption	0.012			0.004	ML
Average Daily Consumption	0.08	0.09			ML
Muswellbrook					
Raw Sewage (ML)	248.82	336.48	11.55	0.00	Inflows to Wastewater Treatment Plant (ML)
Potable Water to Sewer (%)	60.00	21.54			Potable water consumption to WWTP (%)
Denman					
Raw Sewage (ML)	36.62	44.29	2.05	0.17	Inflows to Wastewater Treatment Plant
Potable Water to Sewer (%)	73.43	21.09			Potable water consumption to WWTP (%)
TREATED EFFLUENT					
Muswellbrook					
Quantity Reused (ML)	239.03	208.02			ML
Percent Effluent Reused	96.06	61.82			Total WWTP inflow for period reused (%)
Effluent discharged to the environment	0.00				ML
Denman					
Quantity Reused (ML)	15.69	28.25			ML
Percent of Effluent Reused	42.84	63.79			Total WWTP inflow for period reused (%)
Effluent discharged to the environment	0.00				ML

Please Note: the percent of effluent reused at the 5 year average for Denman has been amended to a 3 year average. Prior to the 3 year time frame usage



11.3 NATIONAL HEAVY VEHICLE REGULATOR STRATEGIC LOCAL GOVERNMENT ASSET ASSESSMENT PROJECT

Attachments:	A. SLGAAP pilot assessment framework - Under Separate Cover B. Condition assessment report
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>Carry out regular asset inspection.</i>

PURPOSE

The report is submitted to Council to provide information in relation to the National Heavy Vehicle Regulator's Strategic Local Government Asset Assessment Project.

OFFICER'S RECOMMENDATION

Council notes the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

The Strategic Local Government Asset Assessment Project (SLGAAP) commenced in 2019-20, with the Australian Government providing the National Heavy Vehicle Regulator with \$8 million in grant funding over two years.

The funding has been provided to assist local government road managers across Australia to undertake heavy vehicle assessments of on-road assets, such as bridges and culverts.

The SLGAAP aims to improve heavy vehicle access by:

1. Identifying current and potential key heavy vehicle routes on local roads;
2. Assisting local governments to better understand their road assets and make informed decisions about heavy vehicle movements; and
3. Creating a central database that contains information relating to the capacity of road assets and how different configurations of heavy vehicles may utilise the asset.

Muswellbrook Shire Council is one of twelve local government areas across Australia who have participated in the pilot phase of the programme.

CONSULTATION

National Heavy Vehicle Regulator

Manager Roads, Drainage and Technical Services

Asset Inspector

Technical Officer Works Quality

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**1. Strategic Local Government Asset Assessment Project description**

The National Heavy Vehicle Regulator (“**NHVR**”) is Australia’s heavy vehicle regulator for all heavy vehicles over 4.5 tonnes gross vehicle mass, and was established in 2013 as a statutory authority pursuant to the Heavy Vehicle National Law.

In 2019-20, the Australian Government provided NHVR with \$8 million in funding over two years to carry out the Strategic Local Government Asset Assessment Project (“**SLGAAP**”). The initial phase of the project is focused on the assessment of bridges and culverts that support Over Size Over Mass (“**OSOM**”) vehicle movements on local roads. The primary aim of the SLGAAP is to assist to improve the capability of local government by facilitating a review of key heavy vehicle routes and delivering a programme of local government road asset assessments, principally involving an assessment of bridges and culverts, to assist in improving heavy vehicle access across Australia.

The SLGAAP is being delivered in two phases:

1. Pilot Phase – tests the assessment principles with pilot councils; and
2. Round 1 delivery – assessments will roll out to a larger number of councils based on adjustments made from the Pilot Phase.

Twelve Councils nominated to participate in the Pilot Phase of the SLGAAP. These councils were:

New South Wales: Bega Valley Shire Council, Cessnock City Council, **Muswellbrook Shire Council**.

Queensland: Central Highlands Regional Council, Isaac Regional Council, Mackay Regional Council, Toowoomba Regional Council.

South Australia: Barossa Council.

Victoria: Glenelg Shire Council, City of Greater Dandenong, Pyrenees Shire Council.

Western Australia: Town of Port Hedland.

Muswellbrook Shire Council nominated for the pilot phase of the project due to the high number of OSOM vehicle movements experienced in the Shire. In the period May 2020 to May 2021, approximately 1,745 NHVR consent permits were processed.

2. Asset identification and assessment methodology

Seventeen (17) bridges and major culverts were identified for assessment under the SLGAAP. The table below provides details of the seventeen assets.

Table: Muswellbrook Shire Council assets nominated for assessment under the NHVR SLGAAP

Asset Number	Asset Name	Asset ID
1	Muscle Creek Bridge, Bell Street	Muscle Creek Urban Bridge (001)
2	Major culvert, Wybong Road	DWYBOR0403 (003)
3	Rosebrook Bridge, Wybong Road	Rosebrook Bridge (004)
4	Spring Creek Bridge, Wybong Road	Spring Creek Bridge (005)
5	Wybong Bridge, Wybong Road	Wybong Bridge (006)
6	Sandy Creek Bridge, Wybong Road	Sandy Creek Bridge (007)

Asset Number	Asset Name	Asset ID
7	Major culvert, Wybong Road	DWYBOR2301 (Maj Culv 008)
8	Major culvert, Wybong Road	DWYBOR3005 Maj Culv (009)
9	Major culvert, Wybong Road	DWYBOR0702 Maj Culv (010)
10	Major culvert, Wybong Road	DWYBOR1204 Maj Culv (011)
11	Rail Bridge, Muscle Creek Road	Muscle Creek Bridge (013)
12	Keys Bridge, Bengalla Road	Keys Bridge (014)
13	Major culvert, Kayuga Road	DKAYUR101 Maj Culv (017)
14	Major culvert, Kayuga Road	DKAYUR602 Maj Culv (018)
15	Major culvert, Muscle Creek Road	DMUSCR0101 (019)
16	Major culvert, Bengalla Road	DBENLR3210 (020)
17	Major culvert, Thomas Mitchell Drive	DTHOMD0601 (021)

The assessment of the identified assets included a combination of Tier 1 and Tier 2 inspections.

Tier 1 heavy vehicle access assessments are performed by comparing the bridge capability to the worst load action effects of an application vehicle on a given structure. The objective is to identify if the application vehicle's effects are more adverse than the structure's capability. Key inputs into a Tier 1 assessment include:

- Number and length of all spans.
- Continuity at each support including any pin locations (that is, cantilevers with drop in spans).
- Bridge capability.
- Bridge geometry.
- Historic bridge information.
- Information on bridge condition
- Current approved heavy vehicle gazettes, permits, etc.

The tier 1 assessment is essentially a desk top exercise.

Tier 2 heavy vehicle access assessments are focused on using structural engineering principles to identify the theoretical maximum load action effects the structure can withstand as governed by the capacity assessment. Because of this, considerable variance in results may be noticed between Tier 1 and Tier 2 assessments. Because of their more rigorous assessment methodology, it may be considered that Tier 2 assessments provide a superior assessment result than a Tier 1 assessment. Key inputs into a Tier 2 assessment include:

- Design drawings or As-Built drawings.
- Component geometries and material properties to construct analytical models (including any structural modifications).
- Site measurements (if necessary, to confirm drawings).
- Assessment vehicles.
- Level 2 structure condition.

The tier 2 assessment is carried out in order to understand the bridge capability, and is a non-invasive structural assessment process.

3. Project outcomes

Muswellbrook Shire Council nominated 17 assets for the SLGAAP, and provided information and data for 7 bridges and 10 culverts. The outcomes of the SLGAAP pilot phase includes the following:

- greater specificity with regards to loading and load-bearing axle configurations for OSOM loads accessing Council's bridge and culvert assets. This information will provide assistance to Council Officers assessing OSOM vehicle permit applications;
- the loading and load-bearing axle configuration information will be provided to those who wish to submit OSOM permit applications and will assist in ensuring that only suitable loads are permitted to travel over Muswellbrook Shire Council assets. Where permit applicants wish to convey loads that are not specifically permitted, the applicant will be required to provide a structural engineer's report verifying that the load may be safely conveyed over the nominated Council asset.

Continuing consultation will be carried out with NHVR in order to improve the interpretation and application of the data resulting from the project. Council will continue to be a key stakeholder in the SLGAAP.

OPTIONS

The report is submitted to Council for information purposes.

CONCLUSION

The National Heavy Vehicle Regulator's Strategic Local Government Asset Assessment Project provides structural engineering advice in relation to the capacity of identified Council assets to enable the passage of Over Size Over Mass vehicles over Council assets.

SOCIAL IMPLICATIONS

Nil known.

FINANCIAL IMPLICATIONS

The National Heavy Vehicle Regulator's Strategic Local Government Asset Assessment Project was carried out through Federal grant funding. Council was not required to provide any financial contribution to the project.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Local Government Act 1993

Roads Act 1993

LEGAL IMPLICATIONS

Muswellbrook Shire Council is the roads authority for all local roads in Muswellbrook Shire.

OPERATIONAL PLAN IMPLICATIONS

Submission of the report complies with item 21.1.5 of the Operational Plan: 'Manage over mass over size vehicle permits to minimise impact on Council road network efficiency'.

RISK MANAGEMENT IMPLICATIONS

The National Heavy Vehicle Regulator's Strategic Local Government Asset Assessment Project is being carried out in order to understand and mitigate the risk of Over Size Over Mass vehicles accessing Council assets.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Council officers have advised local transport companies of the outcomes of the Strategic Local Government Asset Assessment Project.

Major Culverts and Bridges Condition Assessment Report, Muswellbrook Shire Council

Australian Government has provided the National Heavy Vehicle Regulator (NHVR) with more than \$8 million in funding to assist road managers with the assessment of assets, bridges and culverts, on key local government heavy vehicle routes around mid of 2020.

The NHVR is delivering a set of asset assessments in partnership with Local Governments under a program of work known as the Strategic Local Government Asset Assessment Project (SLGAAP). Initially the project will concentrate on assessments of bridges and culverts that support OSOM vehicle movements and the access to the national road network.

The primary aim of the Strategic Local Government Asset Assessment Project (SLGAAP), is to increase the capability of local government by facilitating a review of key heavy vehicle routes and delivering a program of local government road asset (bridges and culverts) assessments to assist with improving heavy vehicle access in Australia.

Muswellbrook Council nominated 17 of major culverts and bridges for condition assessment along key heavy access routes in Muswellbrook as part of SLGAAP program in August 2020.

Council provided information and data for 7 bridges and 10 culverts for the assessment program and the SLGAAP completed the inspection and assessment as below

- complete a Tier 1 assessment for 17 assets; and
- complete a Tier 2 assessment for 15 assets.

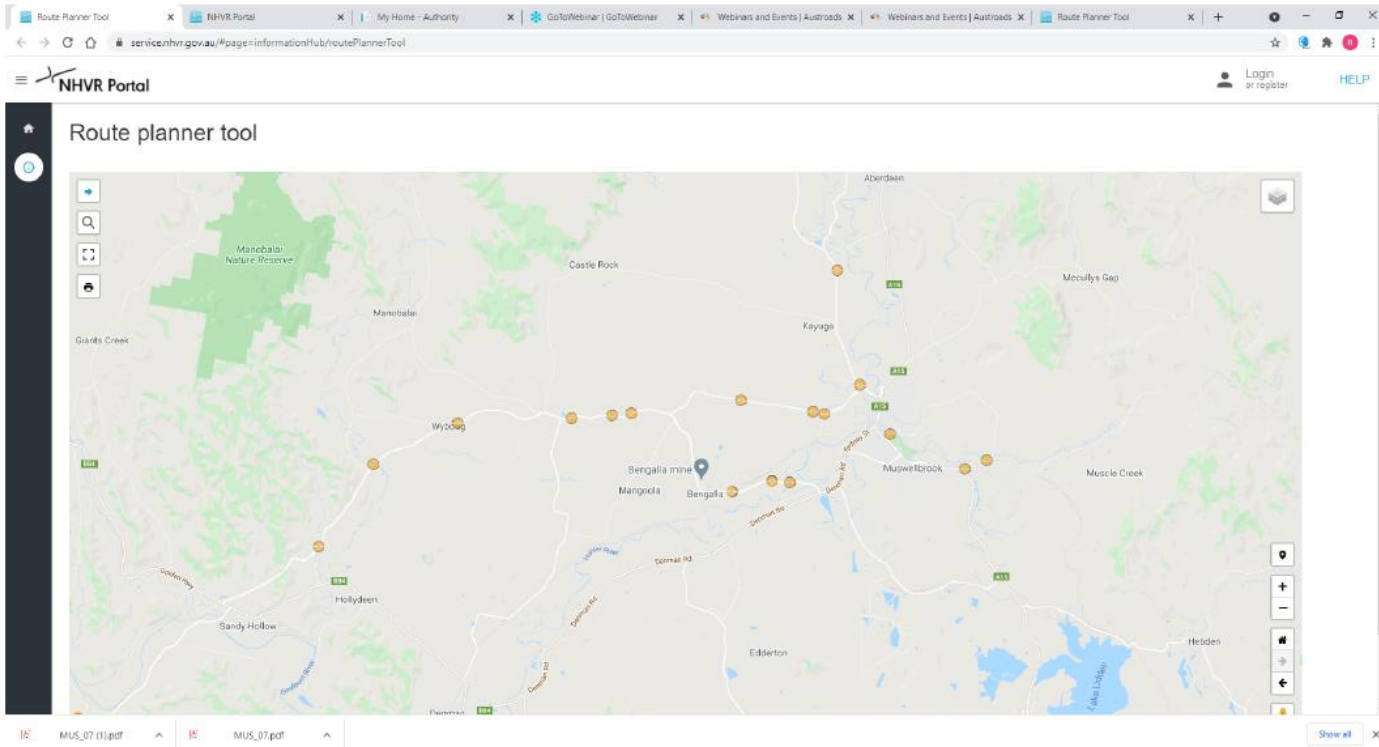
Asset Number	Asset Name	Asset ID details on provided reports
1	Muscle Creek Bridge, Bell Street	Muscle Creek Urban Bridge (001)
2	Major Culvert, Wybong Road	DWYBOR0403 (003)
3	Rosebrook Bridge, Wybong Road	Rosebrook Bridge (004)
4	Spring Creek Bridge, Wybong Road	Spring Creek Bridge (005)
5	Wybong Bridge, Wybong Road	Wybong Bridge (006)
6	Sandy Creek Bridge, Wybong Road	Sandy Creek Bridge (007)
7	Major Culvert, Wybong Road	DWYBOR2301 Maj Culv (008)
8	Major Culvert, Wybong Road	DWYBOR3005 Maj Culv (009)
9	Major Culvert, Wybong Road	DWYBOR0702 Maj Culv (010)
10	Major Culvert, Wybong Road	DWYBOR1204 Maj Culv (011)
11	Rail Bridge, Muscle Creek Road	Muscle Creek Bridge (013)
12	Keys Bridge, Bengalla Road	Keys Bridge (014)
13	Major Culvert, Kayuga Road	DKAYUR101 Maj Culv (017)
14	Major Culvert, Kayuga Road	DKAYUR0602 Maj Culv (018)
15	Major Culvert, Muscle Creek Road	DMUSCR0101 (019)
16	Major Culvert, Bengalla Road	DBENLR3210 (020)
17	Major Culvert, Thomas Mitchell Drive	DTHOMD0601 (021)

Pitt & Sherry (the consultant) engaged by NHVR to complete the assessments of nominated bridge and culvert assets under SLGAAP program and final assessments completed in early this year.

Outcome of the Assessment

Tier 1 and Tier 2 assessment reports of 17 assets are clearly specifying the type of heavy vehicles and their maximum weight limit which can safely traverse through the structures based on the current condition and their structural capacity of the assets. Council require to assess the permits case by case basis depend on the vehicle types, weight limits and location where heavy vehicle/OSOM vehicle want to access within Muswellbrook Shire Council. Council may require to impose condition or refuse the permits due to their axle weight exceeding the prescribed weight limits as in assessment reports. This will have impact on some local companies, businesses and mining operations as they need to find the alternate solution with additional cost and time to access along these routes as planned.

All assessment reports have been uploaded in NHVR portal for reference by all heavy vehicle and OSOM transport companies who are the permit applicants through NHVR portal. The summary of assessment reports and location of the assets are herewith attached with this report.



NHVR Route Planner showing locations of the Bridge and Culverts assessments completed and their individual assessment reports available to download

How to view your asset information:

1. Click on [NHVR Route Planner](#)
2. Select the 'Layers' tab
3. Select 'Assets' and the asset icons will display
4. Find the asset and click on the icon and a 'pop up' will display with the asset data and file links

11.4 SPORTSGROUNDS, PARKS, AND RECREATION FACILITIES SPONSORSHIP

Attachments:	A. Muswellbrook Football Club - Sponsors Signs
Responsible Officer:	Derek Finnigan - Deputy General Manager
Author:	Matthew Lysaught - Manager - Works, Property & Building
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Maintain the sporting and recreational facilities to standard.</i>

PURPOSE

The report is submitted to request Council's direction on sponsorship of sportsgrounds, parks, and recreation facilities.

OFFICER'S RECOMMENDATION

Council:

1. **Confirms that user group sponsorship on Council infrastructure should be temporary only;**
2. **Requests that a sponsorship policy for sportsgrounds, parks, and recreation facilities be drafted for Council's consideration; and**
3. **Approves the calling of Expressions of Interest for the naming sponsorship of major sportsgrounds.**

Moved: _____ **Seconded:** _____

BACKGROUND

Recently, a 10-year sponsorship naming agreement for Olympic Park with MACH Mount Pleasant Operations Pty Ltd (Mach Energy) expired. The agreement began with Coal & Allied Operations Pty Ltd in 2011 and was novated to Mach Energy in 2016 on the acquisition of Mount Pleasant. The annual fee was approximately \$20,000.

Further, Council has been approached by Muswellbrook Football Club to install fixed sponsors signs at Victoria Park, Muswellbrook. The letter forwarded to Council from Muswellbrook Football Club is attached as an appendix to the report.

Sponsorship by local businesses is an important part of ensuring the sustainability of user groups.

CONSULTATION

User Group Meeting – Victoria Park, Tuesday, 11 May 2021

Technical Officer – Recreation and Property

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Nil.

REPORT

Sponsorship at sportsgrounds requires two considerations from Council, these being whether development consent is required and owner's consent. The purpose of this reports is to seek Council's

direction as owner or Crown Land Manager for sponsorship arrangements of sportsgrounds, parks, and recreation facilities.

Council's licence for sportsground, parks, and facilities currently requires:

'Council approval is required for fixed signs and banners. Signage relating to gaming activities or gambling venues are strictly prohibited. Temporary match-day signs erected on sportsground fencing must be facing inwards toward the ground.'

It would help staff in their work to have guidance on how Council approval can be applied as owner. Consistent with this general licence condition it is recommended that there be a clear demarcation of Council's community infrastructure from user groups' (club) equipment or infrastructure for sponsorship, for example, goal pads, bespoke dugouts etc. This is not always clear as, over time, a semi-fixed asset on community or Crown Land can by default become Council's responsibility.

Applying this demarcation, user groups have autonomy over their equipment and infrastructure for sponsorship, subject to any development consent required or otherwise, and Council have control over any naming sponsorship of sportsgrounds, parks, and recreation facilities. Any sponsorship on Council infrastructure by user groups would be temporary only. The terms of the sponsorship will need to be clearly defined but would apply to the sport season and the sign made of material that could withstand weather conditions for the approved period of time.

Regarding the request from the Muswellbrook Football Club, this would mean that temporary sponsor signs would be approved around the new black fence around the bottom field facing inwards to the ground. The larger sign 3600 x 2400 mm would need to be temporary only and subject to any development consent.

Following Council's direction on sponsorship arrangements staff would recommend the following actions:

1. a sponsorship policy for sportsgrounds, parks, and recreation facilities; and
2. a call for Expression of Interest by Council for naming sponsorship of major sportsgrounds.

Any revenue generated by naming sponsorship by Council would be expended on recreation operational expenses.

OPTIONS

Council could accept the Officer's Recommendation or consider a range of alternative proposals, including no sponsorship at Council grounds and facilities, or could otherwise amend the recommendation.

CONCLUSION

It is recommended that a clear division between Council and user groups infrastructure is maintained and sponsorship on Council infrastructure by user groups is temporary only.

SOCIAL IMPLICATIONS

Improving the facilities and equipment of local sport and recreation user groups assists in encouraging increased participation in sporting and recreational activities, leading to improved health and social outcomes.

FINANCIAL IMPLICATIONS

To be determined.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

'5.5 Promote and facilitate increased participation in active and passive recreation activities,'
Muswellbrook Shire Council Operational Plan 2020 – 2021

RISK MANAGEMENT IMPLICATIONS

Ensuring the balance between financial support for local user group activities and the ambiance of community infrastructure for all users.

WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

To be determined.



Muswellbrook Football Club

PO Box 303, Muswellbrook NSW 2333

To Paul Chandler and Whom it May Concern,

I am writing to you in regards to getting some information and hopefully to receive an approval to install some fixed sponsorship signage at Victoria Park, Muswellbrook. We held a meeting last Thursday 29th April, where we discussed the potential to offer our Club Sponsors fixed signage to be installed on the new black fence around the bottom field. Given we only have 12 or so sponsors at the moment we would only be looking to use the Eastern fence for now but would hope to extend signage around the whole fence as we grow as a club. Please see below for a breakdown.

Below I have marked up a map which shows the proposed area for Stage 1 signage (orange), Stage 2 (blue) and future Stage 3 (pink). All signage is to be made from a premium quality composite panel called Alupanel. This is made from aluminium composite materials featuring two aluminium sheets, sandwiching a polyethylene core. Alupanel is rigid, lightweight and UV resistant for outdoor use.

They will be facing inwards to the Field; they will be securely fixed to the fencing and audited every 3 months for security and safety. I am more than happy to send a copy of my audit when completed throughout the year.

Stage 1 is all Major and Club sponsors which will be installed on the Eastern fence, signage as follows;

- 2400x1200mm 3mm alupanel signs (Major Sponsors)
- 1200x1200mm 3mm alupanel signs (Club Sponsors)

Stage 2 is going to be a NEW Ground Sponsor which will be installed on the tall (back stop) fence on Cook St end, signage as follows;

- 3600x2400mm (approx.) 3mm alupanel sign (Ground Sponsor)

Stage 3 is going to be for future sponsors which will continue on from stage 1, signage as follows;

- 2400x1200mm 3mm alupanel signs (Major Sponsors)
- 1200x1200mm 3mm alupanel signs (Club Sponsors)

I look forward to hearing from you as we would like to order our signs and get underway with offering these new packages.

Please see next page for marked map.



Muswellbrook Football Club

PO Box 303, Muswellbrook NSW 2333

Map for proposed signage, Stages are marked with corresponding colors as stated.



Kind Regards,

Broderick Adam-Smith
Grounds Officer & Council Liaison
Muswellbrook Football Club
grounds@muswellbrookfootballclub.com.au
0419 807 177



12 CORPORATE AND COMMUNITY SERVICES

12.1 FUTURE FUND COMMITTEE

Attachments:	A. Draft - MSC03E Future Fund Policy
Responsible Officer:	Fiona Plesman - General Manager
Author:	Aleksandar Mitreski - Policy Analyst Economic Transition & Innovation
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>

PURPOSE

To consider the review undertaken by staff of the Future Fund Policy and the adoption of recommended amendments. To also commence the process to make appointments to the Committee.

OFFICER'S RECOMMENDATION

- 1. Council note the review of the Future Fund Policy.**
- 2. Council adopt the amended Future Fund Policy.**
- 3. Council advertise an Expression of Interest for the independent members of the Committee and report back to Council.**

Moved: _____ **Seconded:** _____

CONSULTATION

General Manager

Manager Works, Property and Building

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokesperson for Finance

REPORT

The Future Fund Committee is an advisory committee only that advises the Council on the management of the Future Fund. Decisions about the acquisition, disposal, development and financing of assets are made by the Governing Body of Council (the 12 Councillors).

To manage sensitivities around the length of appointment terms, it is recommended that all appointments be for a period of 5 years. Although appointments can be made successively for periods of more than 5 years. As previously noted, it has been difficult to obtain a full mix of the desired skills for the Advisory Committee and it is recommended that in addition to the 3 independent members, that the General Manager is empowered to appoint 2 skilled member under delegation, noting that the Governing Body does not have the power to appoint staff officers directly. It is also recommended that the Chief Financial Officer be one of the direct appointments by the General Manager because the financial complexities, regulations and investment guidelines which are particular to local government.

The Schedule in the Policy has been amended to reflect the decisions made by Council in the last 12 months.

The Policy has been reviewed annually in its first 5 years, but it is suggested that a further review is not required for four years.

OPTIONS

Council can resolve to amend, leave the policy as it is or resolve something else.

CONCLUSION

It is recommended that Council resolves as recommended in this report.

SOCIAL IMPLICATIONS

The Future Fund Policy has been a key policy to ensure the Council is financially equipped to manage the risk of industrial transition in this Shire.

FINANCIAL IMPLICATIONS

\$25,000 is budgeted to attract independent professional members of the Committee, consistent with other professional committees of Council, including the Internal Audit Committee. Council committee members are not entitled to remuneration.

POLICY IMPLICATIONS

If the amended policy is adopted, the Future Fund Policy will not need to be reviewed for 4 years.

STATUTORY IMPLICATIONS

Local Government Act, 1993;

Local Government Regulations; and

Ministerial Investment Order.

LEGAL IMPLICATIONS

Nil.

OPERATIONAL PLAN IMPLICATIONS

Policies are reviewed on time.

RISK MANAGEMENT IMPLICATIONS

The Future Fund Policy ensures the professional management of risks associated with the Future Fund.



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DRAFT Future Fund Policy MSC03E

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Policy Background (Preamble)

Coal mining in the Shire has been as a key local industry and employer. Coal mining, and particularly thermal coal mining, has increased substantially from the turn of the millennium and, together with thermal coal power generation, accounts for a significant proportion of Shire employment.

Council acknowledges:

- the employment benefits derived from local coal mining;
- the importance of sustaining local employment and economic activity in the long-term after the period of intensive local coal mining finishes;
- the impact of intensive coal mining on local liveability; and
- the long-term sterilisation of land and the compromising of agricultural productivity following soil, vegetation and water disturbance associated with coal mining.

As thermal coal mining and thermal coal power generation become less significant as a local industry and employer, Council wishes to ensure that future generations enjoy some of the benefits of mining that occurred within the Shire by investing revenues associated with coal mining to generate a permanent dividend and, more particularly, to ensure that Council is in a position to:

- offset half the mining category of its general rating with dividends derived from investments associated with coal mining revenues;
- support local industry and facilitate new and emerging industries;
- improve landscape native vegetation connectivity and agricultural productivity.

So as to more transparently document how Council proposes to achieve these aims and these objectives, to most appropriately manage the investments of such revenues and to ensure the proper and orderly expenditure of such dividends, Council has resolved to create this Policy.

Policy Objective

1. The objective of this Policy is to:
 - (a) establish a Future Fund from;
 - (i) certain assets held in Council's Commercial Fund as at the date of the first adoption of this Policy,
 - (ii) certain other buildings held in the General Fund, and
 - (iii) such revenues as Council may from time to time determine to allocate to the Future Fund;
 - (b) set out the purposes of the Future Fund; and
 - (c) set out the provisions for ensuring the good governance of the Future Fund.

Risks being addressed

2. This policy aims to achieve the efficient, effective and responsible use of its present revenues associated with coal mining to address, or partly address, risks associated with the decline of thermal coal mining and thermal coal power generation in the longer term.

Constitution of the Future Fund

3. There is to be a Shire Future Fund (the **Future Fund**).
4. The Future Fund is to comprise the assets set out in the Schedule of this Policy as amended from time to time in accordance with this Policy.

Future Fund limited to holding certain assets

5. The Future Fund is only to hold the following types of assets:
 - (a) land;
 - (b) improvements to land; or
 - (c) cash investments made in accordance with the Local Government Act, 1993 (the Act).

Assets, which are residential, not to have street addresses disclosed

6. Assets which are residential dwellings are not to have street addresses disclosed in the Schedule.

Administration of the Future Fund*Primary purposes of the Future Fund*

7. The primary purposes of Future Fund are to:
- (a) generate a commercial dividend to Council's General Fund;
 - (b) grow the Future Fund; and
 - (c) maintain a diversified portfolio of assets including, but not limited to, the diversification of assets by character and geography.

Secondary purposes

8. The Future Fund is to have the following secondary purposes:
- (a) the improvement of the quality of commercial and residential buildings in the Shire having regard to, without limitation;
 - (i) principles of equal access,
 - (ii) principles of health and safety (including fire safety), and
 - (iii) energy efficiency.
 - (b) the maintenance of an appropriate number of car parks in the commercial precincts of the Shire;
 - (c) the reduction of the public subsidisation of car-parking provided to commercial activities in the Shire by the consolidation of publicly provided car-parking with adjoining privately provided car-parking;
 - (d) the preservation and maintenance of significant heritage items;
 - (e) the construction of planned public infrastructure, drainage, liveability or environmental facilities or embellishments (as the case may be);
 - (f) the development of;
 - (i) the aged care industry in the Shire,
 - (ii) liveability infrastructure and businesses in the Shire,
 - (iii) the tourism and, particularly, the eco-tourism industry in the Shire,
 - (iv) the intensive agricultural industry in the Shire,
 - (v) the renewable energy industry in the Shire,
 - (vi) innovative and growth industries, and
 - (vii) a town square in Muswellbrook's central business precinct;
 - (g) any matter set out in Council's Integrated Planning and Reporting Framework; and
 - (h) the furtherance of a function of Council set out in the Act.

Future Fund to have a Committee

9. There is to be a Future Fund Committee (the **Committee**) established under s355 of the *Local Government Act*, 1993.
10. The Committee shall be constituted by five persons, three of whom shall be appointed by Council as independent members and two of whom shall be appointed by the General Manager and who need not be independent.
11. Committee members must have one or more of the professional skills set out in clause 14 of this Policy.
12. In selecting members of the Committee, Council and the General Manager must have regard to achieving the full mix of skills set out in clause 14 of this Policy.
13. Committee members must not be appointed for a period of more than five years provided that nothing shall prevent a member being appointed for multiple terms, which combined, are more than five years.
14. A Committee member must have relevant qualifications and experience in any of the following professions:
 - (a) Strategic or development assessment planning;
 - (b) Accounting, finance or economics;
 - (c) The law; or
 - (d) Property or real estate management;
15. A staff member who is serving as a Committee member must not be remunerated except for the reasonable expenses relating to the work of the Committee.
16. The Committee shall select, from time to time, a Chairperson who shall chair meetings of the Committee.
17. A Committee member must agree that it is a condition of the appointment that they are bound by Council's Code of Conduct in the same way that a Councillor would be bound.

Acquisition, development, financing and disposal of assets in the Future Fund

18. The Committee shall review, not less than quarterly, the budget and assets in the Future Fund to ensure consistency with clauses 7 and 8 of this Policy.
19. The Committee may, after considering the matters set out in clauses 7 and 8 of this Policy and subject to the matters set out in clause 5 of this Policy, make such recommendation as to the acquisition, development, demolition or disposal of (whether or whole or in part) any asset (whether set out in the Schedule or not)—or anything properly incidental to those activities—to Council as it thinks fit.
20. Nothing in this policy prevents the Committee from recommending the use of loans to finance

the activities of the Fund.

21. Council may choose to adopt, vary or reject the Committee's recommendation.

Reporting

22. In August each year, the Committee shall provide a report to Council and Council shall provide a report to the community which sets out the performance of the Future Fund against its purposes.

Protocols

23. Council's General Manager may make protocols dealing with any aspect of this Policy not inconsistent with the Policy.

Review

24. This Policy is to be reviewed within the first twelve months and not less than every four years thereafter.

THE SCHEDULE

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	4 Year
Department:	Planning & Building Services
Document Owner:	Manager, Planning & Building Services

12.2 INTERNAL REPORTING AND PUBLIC INTEREST DISCLOSURES POLICY

Attachments:	A. Draft Internal Reporting and Public Interest Disclosures Policy
Responsible Officer:	Fiona Plesman - General Manager
Author:	Anthony Pirillo - Governance & Improvement Officer
Community Plan Issue:	<i>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</i>
Community Plan Goal:	<i>Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.</i>
Community Plan Strategy:	<i>Implement and maintain a diverse range of communication channels between Council and community stakeholders..</i>

PURPOSE

This report provides Councillors with details of the public exhibition of the draft Internal Reporting and Public Interest Disclosures Policy and recommends that Council adopt the Policy.

OFFICER'S RECOMMENDATION

Council ADOPTS the Internal Reporting and Public Interest Disclosures Policy provided in attachment A.

Moved: _____ **Seconded:** _____

BACKGROUND

The following report aligns with Council's commitment to reduce its governance risk and follows recommendations outlined in the Internal Auditor's report.

At the Ordinary Council Meeting held on Tuesday 29 September 2020 (Item 12.3 INTERNAL REPORTING AND PUBLIC INTEREST DISCLOSURES POLICY REVIEW), it was resolved that:

1. *Council endorse the reviewed Internal Reporting and Public Interest Disclosure Policy for a period of not less than twenty-eight (28) days.*
2. *Council adopt the Internal Reporting and Public Interest Disclosure Policy at the conclusion of the public exhibition period if no substantive changes are recommended in any submissions received.*

The draft Policy was placed on public exhibition between 10 February 2021 – 10 March 2021 for a period of 28 days.

No submissions were received during the public exhibition period.

CONSULTATION

Council staff

NSW Ombudsman

Community consultation via public exhibition of the Policy

REPORT

Council staff have undertaken a review of the Internal Reporting and Public Interest Disclosures Policy. As part of the review, the NSW Ombudsman has provided advice that Council's policy met each of the criteria required and recommended that it be reviewed in line with the Model Internal Reporting Policy for Local Government. The reviewed policy is based on that model policy.

Under the *Public Interest Disclosures Act 1994* (PID Act), the General Manager as the head of the public authority is responsible for ensuring that:

- the council has an internal reporting policy;
- the staff of the council and councillors are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures;
- the council complies with the policy and the council's obligations under the PID Act;
- the policy delegates at least one staff member as being responsible for receiving public interest disclosures. Clause 3.15 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* requires the complaints coordinator to be a disclosures coordinator. The Ombudsman recommends councils nominate more than one person as being responsible for receiving public interest disclosures.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined below and elsewhere in the policy will receive training on their responsibilities.

OPTIONS

Council may or may not adopt the Policy.

CONCLUSION

It is recommended that the Internal Reporting and Public Interest Disclosures Policy be adopted.

SOCIAL IMPLICATIONS

No known social implications.

FINANCIAL IMPLICATIONS

No known financial implications.

POLICY IMPLICATIONS

No known policy implications.

STATUTORY IMPLICATIONS

No known statutory implications.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

No known Operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

No known risk management implications.



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Internal Reporting and Public Interest Disclosures Policy

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Draft for Exhibition

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Policy Context

The objective of the Muswellbrook Shire Council Internal Reporting and Public Interest Disclosures Policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal. The policy sets out who wrongdoing can be reported to at Muswellbrook Shire Council (**Council**), what can be reported and how reports of wrongdoing will be dealt with by Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the *Public Interest Disclosures Act 1994 (PID Act)*.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised using the *Grievance or Dispute Resolution Procedure* (available on the staff HR Portal). If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with those procedures.

Policy Objectives

The objectives of this Policy are to:

- A. Provide the framework to encourage the reporting of all instances of wrongdoing at Muswellbrook Shire Council; and
- B. Provide clear guidance on the manner in which reports of wrongdoing will be managed at Muswellbrook Shire Council.

Policy Principles

The following principles set the foundation of this Policy:

- Council encourages the reporting of wrongdoing and protecting those who makes reports from instances of reprisal; and
- The community must have confidence in Council's decision-making processes and that Council will exercise its statutory functions appropriately.

Policy Scope

This policy applies to the following:

- Council staff and councillors, including the General Manager and the Mayor;
- permanent employees, whether full-time or part-time;
- temporary and casual employees;
- consultants;
- individual contractors working for Council;
- employees of contractors providing services to Council; and
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Muswellbrook Shire Council.

Roles and responsibilities

Council staff and councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports

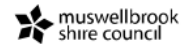
Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to Council's Code of Conduct. A breach of the Code of Conduct may result in disciplinary action.

The role of Muswellbrook Shire Council

Muswellbrook Shire Council has a responsibility to establish and maintain a working environment that encourages staff and councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.



Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, Council takes 'ownership' of the matter. Council's nominated officer will assess whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person who is the subject of a report. Decisions as to whether certain reports are to be investigated or not will be recorded with reasons for those decisions.

Council must report on its obligations under the PID Act and statistical information about public interest disclosures in its annual report and to the NSW Ombudsman every six months.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

Roles of key positions

General manager

The general manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Muswellbrook Shire Council complies with the PID Act. The general manager can receive reports from staff and councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC

Disclosures coordinator

The disclosures coordinator has a central role in Council's internal reporting system. The disclosures coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter. The disclosures coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the general manager)
- deal with reports made under Council's code of conduct in accordance with Council's adopted code of conduct procedures
- coordinate Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential

- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Council complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act

Disclosures officers

Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.

Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the disclosures coordinator or general manager for full assessment

Mayor

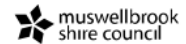
The Mayor can receive reports from staff and councillors about the general manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the disclosures coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC

Supervisors and managers

Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers should be aware of the internal reporting policy and are responsible for creating a work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do so



- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the disclosures coordinator or general manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the general manager, notify the Mayor

What should be reported?

Suspected wrongdoing within Muswellbrook Shire Council should be reported, together with any activities or incidents observed within Council that are believed to be wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *Government Information (Public Access) Act 2009 (the GIPA Act)*, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and in line with this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's Guideline B2: *What should be reported?*

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the Grievance or Dispute Resolution Procedure.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. Council will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust

Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. Examples may include:

- making a decision and/or taking action that is unlawful
- refusing to grant an approval for reasons that are not related to the merits of their application

Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, this could include:

- not following a competitive tendering process for a large-scale contract

- having had or no processes in place for a system involving large amounts of public funds

Breach of the GIPA Act

A breach of the GIPA Act is a failure to properly fulfil functions under that Act. For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation

Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in

Assessment of reports

All reports will be thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The disclosures coordinator is responsible for assessing reports, in consultation with the general manager where appropriate. All reports will be assessed on the information available to the disclosures coordinator at the time. It is up to the disclosures coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the disclosures coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

When will a report be treated as a public interest disclosure?

Muswellbrook Shire Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be made by a public official – under the PID Act, a public official includes employees, volunteers, individual contractors, certain employees of contracting companies and any other person performing a public official function for your public authority. If the reporter is not a public official the report is not likely to be a PID;
- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention;
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing;



- the report must be made to either the general manager or, for reports about the general manager the Mayor, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to a Member of Parliament or journalist (see section 9).

Reports by staff are not public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

Who can receive a report within Muswellbrook Shire Council?

Staff are encouraged to report general wrongdoing to their supervisor. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The General Manager will from time to time, appoint staff members as Disclosure Coordinators and Disclosures Officers, with contact details to be circulated among staff. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the appointed officers. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

If the report involves a councillor, it should make it to the General Manager. If the report relates to the General Manager, it should make it to the Mayor.

Who can receive a report outside of Muswellbrook Shire Council?

Staff and councillors are encouraged to report wrongdoing within Council, but internal reporting is not the only option available. Public interest disclosures may also be made to:

- An investigating authority.
- A Member of Parliament or a journalist, but **only** in the limited circumstances outlined below.

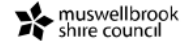
Investigating authorities

The PID Act lists several investigating authorities in NSW that staff and councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the general manager or the Mayor.

The relevant investigating authorities for Muswellbrook Shire Council are:

- the Independent Commission Against Corruption (ICAC) — for disclosures about corrupt conduct;
- the Ombudsman — for disclosures about maladministration;
- the Auditor-General — for disclosures about serious and substantial waste;
- the Information Commissioner — for disclosures about a breach of the GIPA Act;
- the Office of Local Government – for disclosures about local councils.

Contact should be made with the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.



Investigating authorities may discuss any such reports with Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the general manager
- a person nominated in this policy, including the Mayor for reports about the general manager
- an investigating authority

Further, Muswellbrook Shire Council or the investigating authority that received an initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if a report of wrongdoing is made to an MP or a journalist the report will need to be able to prove that they have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

Other external reporting

If a report of wrongdoing is made to a person or authority that is not listed above, or a report is made to an MP or journalist without following the steps outlined above, the reporter will not be protected under the PID Act. This may mean they will be in breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

How to make a report

Wrongdoing can be reported in writing or verbally. People are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record.

Can a report be anonymous?

There will be some situations where a reporter may not want to identify themselves when you make a report. Although these reports will still be dealt with by Council, it is best if reporters identify themselves. This allows Council to provide any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent a reporter from being identified by the subjects of the report or your colleagues. If Council does not know who made the report, it is very difficult for Council to prevent any reprisal should others identify the reporter.

Feedback to staff who report wrongdoing

Staff and councillors who report wrongdoing will be told what is happening in response to their report.

Acknowledgement

When a report is made, the disclosures coordinator will contact the reporter to confirm that the report has been received and to advise:

- the timeframe within which further updates will be provided
- the name and contact details of the people who can advise what is happening or handle any concerns the reporter may have

After a decision is made about how the report will be dealt with, the disclosures coordinator will send an acknowledgment letter to the reporter, providing:

- information about the action that will be taken in response to the report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that the reporter can access for support
- the disclosures coordinator must provide this information to the reporter within 45 working days from the date the report is made (s 6D(1A) PID Act). However, the disclosures coordinator will aim to provide this information within ten working days from the date the report is made. The disclosures coordinator will also advise if the report is to be treated as a public interest disclosure and provide with a copy of this policy at that time, as required by the PID Act

Please note, if a report is made which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of the staff member's day to day functions, they may not receive an acknowledgement letter or a copy of this policy.

Progress updates

While the report is being dealt with, such as by investigation or making other enquiries, the reporter will be provided with:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by the Council not to proceed with the matter
- advice that your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to discuss this matter beforehand

Feedback

Once the matter has been finalised the reporter will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether the reporter is likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings

Maintaining confidentiality

Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate Council will take steps to keep the identity of a reporter, and the fact they have reported wrongdoing, confidential. Council will discuss with the reporter whether it is possible to keep their identity confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect the reporter from reprisal in consultation with the reporter.

Where wrongdoing is reported, it is important that the reporter only discuss their report with those responsible for dealing with it. This will include the disclosures coordinator and the general manager, or in the case of a report about the general manager, the disclosures coordinator and the Mayor. The fewer people who know about the report, before and after it is made, the more likely it will be that Council can protect the reporter from any reprisal.

Any staff or councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Managing the risk of reprisal and workplace conflict

When a staff member or councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk to the reporter of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified; or
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

Protection against reprisals

Muswellbrook Shire Council will not tolerate any reprisal against staff or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the council's code of conduct which may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

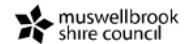
Responding to allegations of reprisal

If a reporter believes that detrimental action has been or is being taken against them or someone else in reprisal for reporting wrongdoing, they should advise the disclosures coordinator immediately. In the case of an allegation of reprisal by the general manager, this can alternatively report this to the Mayor.

- All supervisors must notify the disclosures coordinator or the general manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the general manager, the Mayor can alternatively be notified.

Where Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council will:

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter



- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the council's code of conduct (reprisal action) by a councillor or the general manager to the Office of Local Government
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force

If reprisal is alleged, the reporter will be kept informed of the progress and outcome of any investigation or other action taken in response to their allegation.

If the reporter has reported wrongdoing and is experiencing reprisal which they believe is not being dealt with effectively, they should contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing reported). Contact details for these investigating authorities are included at the end of this policy.

Protection against legal action

Where a public interest disclosure is made in accordance with the PID Act, the reporter will not be subject to any liability, and no action, claim or demand can be taken against the reporter for having made the public interest disclosure. The reporter will not have breached any confidentiality or secrecy obligations and they will have the defence of absolute privilege in defamation.

Support for those reporting wrongdoing

Council will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the disclosures coordinator.

Council acknowledges that making a report in the workplace can be difficult. Where a reporter is experiencing difficulties or requires support they can contact the Employee Assistance Program provider, AusPsych by telephone on 02 4926 1688 or email admin@auspsych.com.au. If additional support is required throughout the process, the disclosures officer should be contacted to arrange further support.

Sanctions for making false or misleading statements

It is important all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.



The rights of persons the subject of a report

Council is committed to ensuring staff or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

Those who are the subject of a report will be advised of the allegations made against them at an appropriate time and before any adverse findings. At this time they will be:

- advised of the details of the allegation
- advised of their rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against them
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against them

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject of the complaint.

Review

This policy will be reviewed by Muswellbrook Shire Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

Further information

Further information concerning public interest disclosures is available from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

Administrative arrangements

The General Manager may prepare and amend from time to time procedures, guidelines, forms and templates to assist in the administration of this Policy.



Associated Legislation and Regulations

Government Information (Public Access) Act 2009

Government Information (Public Access) Regulation 2018

Local Government Act 1993

Public Interest Disclosures Act 1994

Independent Commission Against Corruption Act 1988

Associated Council Documentation

Governance Policy

Code of Conduct

Grievance or Dispute Resolution Procedure

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	2 Years
Department:	Executive Services
Document Owner:	Manager Integrated Planning, Risk and Governance
Type (Internal/External)	External

Details History

Version No.	Date changed	Modified by	Amendments made

12.3 2020-2021 OPERATIONAL PLAN 31 MARCH QUARTERLY REVIEW

Attachments:	A. Q3 2020-2021 Council Review - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Melissa Cleary - Co-Ordinator - Integrated Planning
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

The adopted 2020/21 Operational Plan has been reviewed over the months of 1 January 2021 to 31 March 2021.

OFFICER'S RECOMMENDATION

The 2020/21 Operational Plan Review dated 31 March 2021 be noted.

Moved: _____ Seconded: _____





BACKGROUND

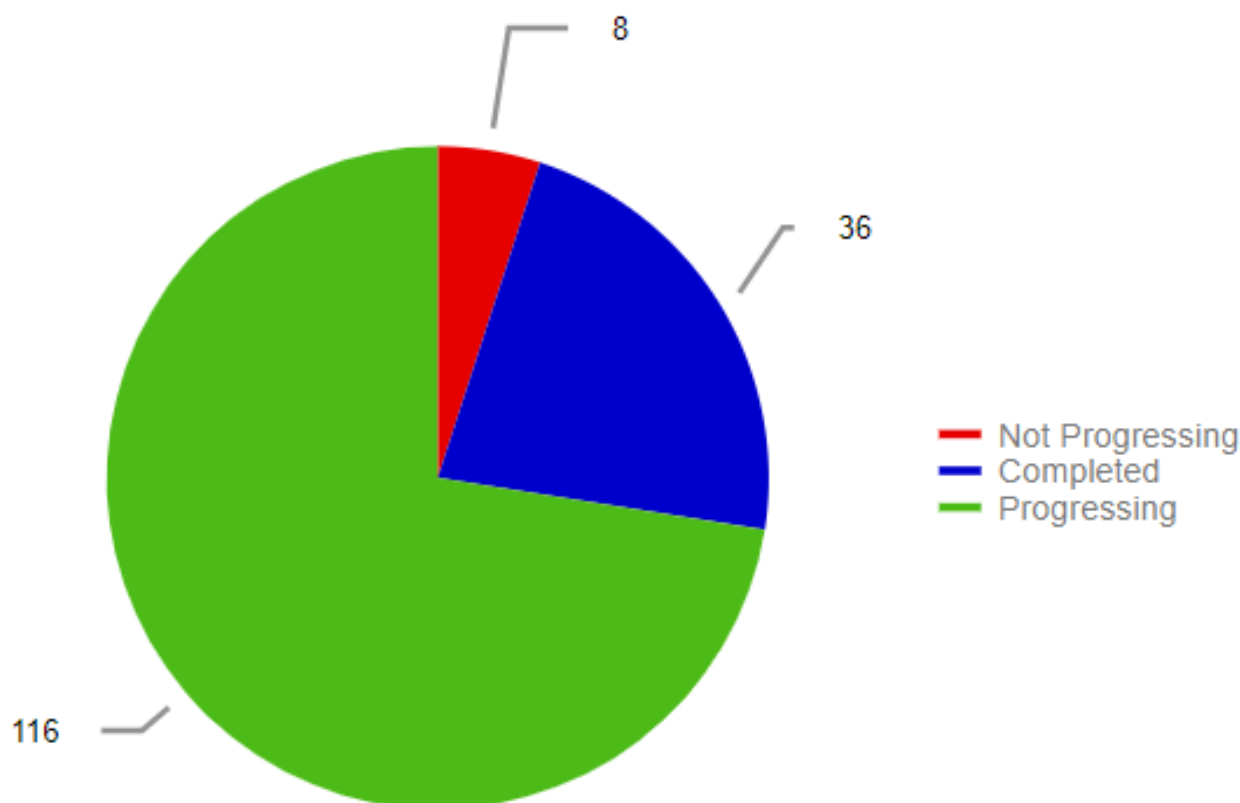
The *Local Government Act 1993* requires Council to review its Operational Plan.

REPORT

Please refer to the separate Quarterly Management Report – Q3, 2020/21 outlining the full Operational Plan review for the period to 31 March 2021.

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

Overall - of the 160 activities:	
	• 5% are not progressing;
	• 0% are not due to start;
	• 72.5% are progressing and on target;
	• 22.5% have been completed on or ahead of schedule.



The actions reported as **not progressing** are as follows:

ACTION	STATUS
1.1.2 Advance 2 projects/initiatives identified in the Hunter Bio-ethanol Industry Study	Council reviewed the bio-ethanol study and the status of the Hunter Pilot Bio-refinery. At the moment, due to a number of factors, there is limited potential for progressing additional projects. The bio-ethanol industry should be added to the agenda of the next Council's Strategic weekend and discussed further.
2.1.2 Implement stage 1 of a farming productivity program	The proposed farm productivity program was a program proposed to specifically support the farming community address the impacts of the 2017 to 2021 drought. This program will be referred to the Upper Hunter Economic Diversification Corporation for their advice and recommendation.
2.5.2 Develop strategy for 'Food Upper Hunter' in partnership with Upper Hunter Shire Council and Upper Hunter Country Tourism	Work with Upper Hunter Shire council on the Food Upper Hunter project has been delayed due to COVID-19. Muswellbrook Shire council and Upper Hunter council's will begin liaison in relation to this project in the 2021-2022 Operational Plan.
5.6.1 Seek external grant funding opportunities to support the interests and aspirations of the Shire's communities.	Council continues to aggressively seek funding opportunities. Council has applied for funds from the Building Better Regions Fund in March and is currently preparing to apply for funds via the next Resources for Regions fund. Council is working to meet all criteria to receive \$19.8M from the Growing Local Economies Fund in September 2021 to develop the Denman to Sandy Hollow

ACTION	STATUS
	water Pipeline.
24.2.1 Identify and implement business improvement measures to achieve efficiencies and better service delivery outcomes	Council has now completed an internal audit of Procurement as part of the internal audit program and a service delivery review of plant and fleet.
24.2.12 Implement the Muswellbrook Shire Council Resourcing Strategy	Council's Resourcing Strategy is scheduled to be reviewed in line with the 2022 to 2025 Integrated Planning and Reporting framework.
24.2.15 Engage with other levels of government to promote the interests of the Shire's communities	Council engages with Local Government NSW, Regional NSW, the Hunter Joint Organisation of Councils and local members of both the State and Federal Governments.
24.2.16 Contribute to regional strategic partnerships	Council's regional strategic partnerships are currently focused on the Upper Hunter Economic Development Corporation and working with Regional NSW and DPI Water to achieve development of the Denman to Sandy Hollow Pipeline and delivering the STEM Makerspace for the Shire.

There are not actions reported as **not due to start** in this reporting period.

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

ACTION	STATUS
1.1.1 Complete the design for a makerspace with educational and prototyping capabilities in the Muswellbrook TEC 2	Design for the Makerspace has been completed and tenders issued for construction.
2.1.4 Establish governance structure and promotion of business opportunities for the Hunter Pilot Biorefinery	The Upper Hunter Shared Access Bio Refinery is progressing towards completion. This project has been delegated to the Upper Hunter Economic Development Corporation (UHEDC) for monitoring and support as required.
2.2.1 Contribute to the Hunter transition efforts of the Hunter Joint Organisation	Muswellbrook Shire Council has successfully tendered for delivery of economic development services and the establishment of the Upper Hunter Economic Development Corporation.
2.2.2 Continue to work with the Hunter Joint Organisation and others to advance economic diversification that leverages the Shire's competitive and comparative	Muswellbrook Shire Council has successfully completed negotiations with the winning tenderer as part of outsourcing economic diversification and transition services for the Shire. The Upper Hunter

ACTION	STATUS
economic advantages	Economic Development Corporation has been formed.
2.2.4 Develop comprehensive investment prospectus.	Council has finalised a Future Fund Prospectus which provides a comprehensive overview of Council's investments and long term financial investment strategy.
2.2.6 Action opportunities identified in the BioValley Study	The Bio Valley Study is now complete.
2.3.1 Prepare the Local Strategic Planning Statement for public exhibition	The draft Local Strategic Planning Statement was exhibited for the period 8 July 2020 to 6 August 2020, and was adopted by Council at the 27 October 2020 Ordinary Council Meeting.
2.4.1 Seek commercial opportunities consistent with Muswellbrook's Town Centre Strategy	Concept designs for two new commercial buildings in the Civic precinct have been completed.
2.4.2 Implement the funded stages of the Muswellbrook Parking Strategy	All on ground works to implement the Muswellbrook Parking Strategy are now complete, with new line marking behind Campbells Corner and the Muswellbrook Plaza improving accessible parking in the town centre. New line marking in Hunter Terrace has increased available parking spaces. Investigation into provision of additional parking and optimising parking in the Market Street / Williams Street area has also been carried out to inform future programs of work.
2.4.3 Review parking strategy for Denman	The review of the parking strategy for Denman has included the preparation of a directional signage plan to direct buses and long vehicles such as caravans from the entrance to the town from the Golden Highway, to the appropriate parking areas within the town centre of Denman.
2.4.7 Facilitate improved accessible and pedestrian links to business and retail centres	Design and cost estimates have been prepared for improving access to the Marketplace.
2.5.1 Implement a Farm Productivity and Climate Change Resilience Policy	The Farm Productivity and Climate Change Resilience Policy was adopted by Council in 2019 and applied to Council's Revenue Policy as follows: Rates in the irrigable sub-category of the Farming category of the rates will be reduced to 75% and reduced further to 50% in the financial year following a 50% reduction in water allocation under the Hunter River Water Sharing Plan, and continue for one year after water access entitlements are restored.

ACTION	STATUS
4.1.1 Report against IPART granted SRV projects and programs	A report on SRV projects and programs was included in Council's 2019/2020 Annual Report now submitted to the Office of Local Government as required.
5.1.1 Report on the list of prioritised capital sport and recreation projects	The 2020-21 General Recreation programme was reported to the 27 October 2020 Ordinary Council meeting.
5.3.1 Develop Library programs that increase social engagement with young people in our libraries	The Muswellbrook Library in partnership with Muswellbrook Highschool have increased their collection based on the feedback from young people to include Manga & Graphic Novel Collections.
5.5.2 Continue matched funding Small Sport and Recreation Grants Programme.	The small capital grants programme for 2020-21 has been awarded.
5.5.3 Continue matched funding Large Sport and Recreation Grants Programme	The large capital grants programme for 2020-21 has been awarded.
5.5.6 Support the relocation of the Muswellbrook Amateur Theatrical Society to achieve storage and practice space for their organisation	Council purchased the vacant Roads and Traffic Authority Building and has now rented this facility at an affordable rate to the Muswellbrook Amateur Theatrical Society.
7.1.1 Continue to work with and promote the Muswellbrook Healthy and Well Program	Support has been provided to the Healthy & Well Program through the distribution of promotional materials through the Upper Hunter Community Services Interagency. The funding for this Program ceased in September 2020.
7.2.1 Apply Disability Access and Building Code of Australia (BCA) requirements to Development Applications and Construction Certificate applications across the Shire	Requirements are being implemented for new Development Applications, Construction Certificates, and Complying Development Certificates submitted to Council for approval.
10.1.2 Review the currency of the Working with ATSI website and make necessary changes to reflect changes in legislation and policy	The Working with Indigenous Australians website now has links to the Upper Hunter Working with Indigenous Australians website which is the websites sub domain that hold the 'In Our Own Words' Aboriginal Oral History recordings. The website has been reviewed ensuring that the information is accurate and current.
10.1.3 Monitor the conservation of the Aboriginal Reconciliation Mural and Aboriginal Artifacts project to ensure conservation occurs as required	The conservation of the Reconciliation Mural will be included in the 2021/22 budget. The Widden Creek Aboriginal Artefacts have been relocated to the new foyer of the Council Administration Centre.

ACTION	STATUS
14.1.5 Conduct a minimum of two community education programs to reduce the volume of food waste going to the Waste Management Facility	The Healthy Towns program has been delivered with YouTube stories, virtual seminars and Facebook posts. Seminars on establishing gardens, establishing household composting and encouraging children to garden have been completed. Outcomes on these projects have been provided to Councillors in an information report.
14.2.1 Investigate offsetting options for Council under the NSW Biodiversity Offset Scheme and prepare recommendations for Council's consideration	A report has been submitted to Council providing possible Biodiversity offset options.
16.3.1 Allocate funding for heritage conservation and restoration of heritage items through the Local Heritage Grants Fund	Report submitted to Council in December.
18.2.1 Muswellbrook Regional Arts Centre to host a minimum of five exhibitions each year	<p>2 exhibition have been held during this reporting period:</p> <ul style="list-style-type: none"> • The School Quadrangle: Garrie Collins • Ignite 2021: Muswellbrook High School • In Our Own Words: An Oral History Project • A dog is a Dog: From the Collections • Max Watters: Paintings and Drawings <p>Exhibitions 8 March to 1 May 2021</p> <ul style="list-style-type: none"> • Muswellbrook Art Prize 2021 • Art Tracks IV: Myths, Folklore and Wisdom • A dog is a Dog: From the Collections • In Our Own Words: Oral History Project • Max Watters: Paintings and Drawings
18.2.2 Work with sponsors to investigate the annual delivery of the Muswellbrook Art Prize	Muswellbrook Art Prize has been held and sponsorship has been provided accordingly.
18.4.1 Maintain ongoing financial membership and provide management support to Arts Upper Hunter	The Manager of Community Services is now a member of the Arts Upper Hunter Board.
18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter	3 of the 8 funded applications under the Country Art Support Program come from Muswellbrook LGA
18.5.1 Provide administration support to the Committee of the Upper Hunter Muswellbrook Eisteddfod	Upper Hunter Muswellbrook Eisteddfod unfortunately was cancelled in 2020 due to COVID 19.
19.3.2 Provide to Council a list of works proposed for design	The 2020-21 Capital Works Program was reported and endorsed by Council at the July 2020 meeting.

ACTION	STATUS
20.1.8 Provide a report to Council listing priorities for construction	A list of priority projects was reported to, and endorsed by Council at the September 2020 Ordinary Council meeting.
21.1.1 Provide a report to Council listing priorities for construction	The 2020-21 Capital Works Programme was reported to the July 2020 meeting of Council. This report provided to Council prioritised lists for construction works. Council endorsed the prioritised lists.
21.1.4 Carry out progressive linemarking of Bylong Valley Way	During the reporting period Bylong Valley Way has been linemarked for its entire length within Muswellbrook Shire.
24.2.11 Provide support services for the elected Council and executive	All council meetings are supported in line with Council Code of Conduct and Code of Meeting Practice.
24.2.13 Ensure compliance with all Recover at Work processes in accordance with requirements of regulators and insurer	All Recover at Work compliance is in accordance with regulators and insurer. Templates and procedures have been developed, all HR staff are qualified RTW coordinators. Covid-19 has placed restrictions on HR staff attending doctors visits with Recover at Work employees but all information and communication is completed regularly with injured employees and our insurer. Regular fortnightly conference calls are held with our insurer. All communication, and documentation is stored electronically in the Workers compensation file of the injured worker.

12.4 MARCH BUDGET REVIEW 2021

Attachments:	A. March 2021 Budget Review File - Under Separate Cover
Responsible Officer:	Fiona Plesman - General Manager
Author:	Matthew Plumridge - Chief Financial Officer
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

PURPOSE

To present the March 2021 Budget Review for endorsement.

OFFICER'S RECOMMENDATION

Council endorse the list of proposed changes for incorporation into the 2020/21 Budget.

Moved: _____ **Seconded:** _____

BACKGROUND

Council is required by Clause 203 of the Local Government (General) Regulation 2005 to revise the estimates at the end of the September, December and March quarters.

CONSULTATION

All Managers with budget responsibility, as well as the MANEX group.

REPORT

During the course of the financial year, Council is required to undertake Quarterly Budget Reviews at the end of the September, December and March quarters. The aim of these reviews is to:

- Include new and/or expanded projects and programs as adopted by Council in the budget, along with their related funding source.
- To make adjustments to original estimates in line with actual receipts and expenditures to date.

When completing Budget Reviews, staff aim to ensure that the net impact of all the proposed changes maintain the adopted budget.

Responsible Accounting Officer's Statement

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005.

It is my opinion that the Quarterly Budget Review Statement for Muswellbrook Shire Council for the quarter ended 31 March 2021 indicates that Council's projected financial position at 30/06/2021 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Matthew Plumridge 12/05/2021

Responsible Accounting Officer, Muswellbrook Shire Council

OPTIONS

Council can choose not to accept the proposed changes and/or to add changes of their own.

CONCLUSION

Not applicable

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

As outlined in the report.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.5 REPORT ON COUNCIL GRANT FUNDING MAY 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

- A new fundraising initiative - National Backyard Cricket - has raised funds this year in support of educational initiatives and programs at Australian Country Public Libraries, who can apply to receive a grant of \$500 to \$1,500. Library staff are being consulted to identify a program which suits the grant program and the deadline for applications is 31 May 2021.
- Round 4 of the NSW Stronger Country Communities Fund will close on Friday, 25 June 2021 with the funding available for projects in the Muswellbrook Local Government Area (LGA) being \$852,977 (Council and other projects). Our preferred project for funding is the upgrade of facilities at Victoria Park, Muswellbrook since Round Four includes up to \$50 million for projects that enhance female

participation in sport, including change rooms. The remaining \$50 million will be made available for high-quality community amenity and sports-related infrastructure projects and, to this end, Council is also assisting Denman and District Heritage Village in their application for funding to construct a new building.

- The Everyone Can Play (ECP) grant program enables the NSW Government commitment to renew, renovate and build inclusive play spaces to ensure people of all ages, abilities and cultural backgrounds can play. Applications also close Friday, 25 June 2021, and the current round of grant funding the following categories and amounts are up to \$75,000 for an upgrade to inclusive playspace and up to \$200,000 for a new inclusive playspace. The suggestion is to apply for funding to replace the Liberty Swing in Simpson Park, Muswellbrook with an inclusive piece of equipment, especially since a Masterplan for Simpson Park Playground has previously been completed.
- Council has been notified that for Round 8 of Resources for Regions a dedicated envelope of \$6,394,854 is available to the Muswellbrook Local Government Area. This is the total amount of funding allocated which is made up of a base amount of \$1 million, with further weighted funding based on the mining employment location quotient. Applications will close on 12 July 2021 and the recommendation is that the full allocation should go to the Regional Entertainment Centre.

Grant funding recently announced or to be announced shortly

- We have received \$299,250 under the Bushfire Community Recovery and Resilience Fund (BCRRF), Stream 2, Greater Sydney, Hunter & Central Region for upgrades to the Muswellbrook and Denman Indoor Sports Centres.
- We were successful in our application to the NSW Fixing Local Roads Fund and will receive \$553,396 for the upgrade of a section of Widden Valley Road. Our application for an upgrade of a section of Mangoola Road was unsuccessful.
- We were successful in receiving \$89,000 from the 2020/21 NSW Public Library Infrastructure Grants Program for improvements to the indoor Children's Section at Muswellbrook Library, and design and construction of a sensory garden adjacent to children's section.
- We were unsuccessful in our application for funding of \$1 million from the Your High Street Fund for Stage I of the Muswellbrook Civic Precinct.
- We have received \$50,000 to support the digital transformation of our planning processes and integration to the ePlanning portal through the Regional NSW Planning Portal Grant.

We are awaiting several announcements including the 2020 Fixing Country Roads Fund (the replacement of a culvert on Rosemount Road adjacent to the Defence Establishment Myambat). Our application was submitted at the end of last 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 APRIL 2021 MONTHLY FINANCIAL REPORT

Attachments:	A. April Monthly Finance Reports
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 30 April 2021.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 30 April 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 30 April 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 83.01% target	YTD Actuals	April Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,076,430)	(2,800,417)	194.2%	(5,437,659)	865,193	(471%)	
less SRV budgeted surplus	(1,017,305)	(1,017,305)		514,157	88,820		
SRV adjusted Grand Total	(1,059,125)	(1,783,112)		(5,951,816)	776,373		

Revenue

Rates and Charges	(21,576,792)	(22,220,742)	100.0%	(22,230,577)	378	(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)	81.5%	(5,792,079)	(1,176,701)	(80%)	
Interest and Investments Revenues	(626,971)	(499,445)	65.0%	(324,627)	(27,757)	(93%)	The \$90k 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)	85.9%	(2,124,381)	(164,396)	(92%)	
Operating Grants and Contributions	(7,385,954)	(7,614,269)	42.6%	(3,246,499)	(91,054)	(99%)	The \$3.1m 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)	48.5%	(3,057,300)	(305,730)	(94%)	The budget deficit is due to timing of internal transactions being processed.
Total Revenue	(47,038,250)	(46,215,965)	79.6%	(36,775,463)	(1,765,260)	(95%)	

Expenses

Wages and Salaries	12,328,362	11,994,719	75.1%	9,004,382	831,970	92%	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	66.2%	10,040,898	802,180	94%	\$2.5M 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	84.0%	2,953,843	55,804	98%	
Borrowing Costs	1,365,639	1,256,721	11.7%	146,989	19,367	98%	
Overheads	2,241,734	2,241,734	67.7%	1,518,117	151,812	92%	
Depreciation	9,563,617	9,230,814	83.1%	7,673,575	769,320	90%	
Total Expenses	44,961,820	43,415,548	72.2%	31,337,804	2,630,453	93%	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 30 April 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 83.01% target	YTD Actuals	April Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	0	685,850	-135.0%	925,989	497,612	(771%)	
Revenue							
Rates and Charges	(1,637,172)	(1,637,172)	100.7%	(1,648,789)	0	(100%)	100% of the annual water rates have been booked in August 2020.
User Charges and Fees	(4,169,994)	(4,261,494)	50.8%	(2,166,475)	(26,490)	(99%)	The \$1.3m YTD deficit due to less water consumed for the water consumption period and timing of meter readings and invoicing.
Interest and Investments Revenues	(305,166)	(188,483)	58.2%	(109,604)	(2,430)	(98%)	The \$47k 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)	64.7%	(3,960,298)	(28,920)	(99%)	
Expenses							
Wages and Salaries	1,001,421	1,001,421	75.2%	753,165	70,783	91%	
Materials and Contracts	1,327,849	2,112,295	59.3%	1,251,892	174,034	90%	\$502k 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	72.6%	204,720	18,438	92%	
Borrowing Costs	83,791	83,791	51.4%	43,096	0	100%	
Overheads	1,492,132	1,492,132	74.4%	1,110,110	111,011	91%	
Depreciation	1,933,637	1,836,922	82.9%	1,523,304	152,266	90%	
Total Expenses	6,149,122	6,808,429	71.8%	4,886,287	526,532	91%	

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 30 April 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 83.01% target	YTD Actuals	April Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	0	230,000	331.0%	(761,224)	388,873	(1929%)	
Revenue							
Rates and Charges	(4,639,141)	(4,639,141)	94.8%	(4,395,929)	44	(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)	65.2%	(301,636)	(41,345)	(89%)	The \$82k YTD budget deficit is due to lower sewer effluent reuse revenue.
Interest and Investments Revenues	(64,063)	(51,250)	60.3%	(30,887)	(1,910)	(96%)	The \$11k 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)	91.8%	(4,764,064)	(43,211)	(99%)	
Expenses							
Wages and Salaries	832,043	832,043	80.6%	670,240	60,431	91%	
Materials and Contracts	689,507	761,478	70.8%	539,180	97,711	85%	\$93k YTD underspend due to reduced maintenance costs, employee costs for uniforms, payroll tax credit received.
Other Costs	324,367	429,583	67.8%	291,433	27,793	92%	The \$65k saving is due to timing of the Electricity expense
Borrowing Costs	726,218	726,218	82.3%	597,379	55,688	91%	
Overheads	816,725	816,725	83.3%	680,610	68,061	90%	
Depreciation	1,852,901	1,852,901	66.1%	1,223,998	122,400	92%	
Total Expenses	5,241,761	5,418,948	73.9%	4,002,840	432,084	90%	

Muswellbrook Shire Council
Future Fund
For the Month Ending 30 April 2021

Account Group	Annual Adopted Budget	December Budget Review	YTD % Spend vs Budget - 83.01% target	YTD Actuals	April Monthly Actuals	Monthly Variance fav / (unfav)	Variance comments
Grand Total	(2,521,878)	(2,783,783)	99.2%	(2,762,357)	(412,899)	78%	

Revenue

User Charges and Fees	(6,729,959)	(6,997,153)	85.7%	(5,993,216)	(598,181)	(90%)	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)	82.8%	(5,993,216)	(598,181)	(90%)	

Expenses

Wages and Salaries	232,417	232,417	72.9%	169,361	14,723	92%	
Materials and Contracts	1,943,762	1,859,426	59.6%	1,107,721	75,205	95%	\$435k underspend in Development Applications expense
Other Costs	710,835	776,002	88.9%	689,874	27,808	96%	The \$46k YTD overspend is due to the payment of annual insurance and rates and charges.
Borrowing Costs	945,748	969,178	77.6%	752,089	16,363	98%	
Overheads	0	0	0.0%	0	0	0%	
Depreciation	634,680	614,178	83.3%	511,814	51,183	90%	
Total Expenses	4,467,442	4,451,201	72.6%	3,230,859	185,282	95%	

12.7 REPORT ON INVESTMENTS HELD AS AT 30 APRIL 2021

Attachments:	A. Investment valuation as at 30 April 2021 B. Trading Limit report as at 30 April 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 30 April 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 30 April 2021 are shown in the attachments.

COMMENT:

As at 30 April 2021, the portfolio trading limits had been exceeded with respect of AMP Bank Ltd by 7% and Bank of Queensland by 2%. As both of these investments mature in the month of May 2021 there should be no more investments outside the benchmarks from that time.

Council's weighted running yield is 0.95% 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	8.17%	0.45%	
	ME Bank At Call		500,000.00	1.00000000	500,000.00	100.000	0.000	500,000.00	0.78%	0.55%	
	Westpac Bus Prem At Call		674,234.93	1.00000000	674,234.93	100.000	0.000	674,234.93	1.05%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.16%	0.34%	
			6,524,234.93		6,524,234.93			6,524,234.93	10.15%		0.44%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	102.627	0.254	2,572,025.00	4.00%	1.68%	
			2,500,000.00		2,500,000.00			2,572,025.00	4.00%		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	0.031	1,000,305.75	1.56%	1.24%	
			1,000,000.00		1,000,000.00			1,000,305.75	1.56%		1.24%
Floating Rate Note											
	AMP 1.08 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	100.114	0.156	2,005,400.00	3.12%	1.11%	
	Auswide 0.75 07 Nov 2022 FRN	AU3FN0057345	1,000,000.00	1.00000000	1,000,000.00	100.498	0.169	1,006,670.00	1.57%	0.76%	
	Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	101.039	0.131	2,023,400.00	3.15%	1.08%	
	Auswide 0.622 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	100.002	0.067	1,501,035.00	2.34%	0.63%	
	BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.480	0.206	1,006,860.00	1.57%	1.03%	
	BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	101.330	0.250	507,900.00	0.79%	1.06%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	101.973	0.032	1,020,050.00	1.59%	1.07%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	102.343	0.000	511,715.00	0.80%	1.14%	
	BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	101.352	0.009	506,805.00	0.79%	1.09%	
	CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.388	0.187	1,508,625.00	2.35%	1.28%	
	CUA 1.12 24 Oct 2024 FRN	AU3FN0051033	1,500,000.00	1.00000000	1,500,000.00	101.850	0.013	1,527,945.00	2.38%	1.16%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.689	0.074	2,992,890.00	4.66%	0.52%	
	RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.595	0.167	1,007,620.00	1.57%	0.94%	
	NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	101.753	0.092	2,036,900.00	3.17%	0.97%	
	NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	101.491	0.313	509,020.00	0.79%	1.39%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	4,500,000.00	1.00000000	4,500,000.00	101.986	0.263	4,601,205.00	7.16%	1.13%	
	Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.746	0.194	757,050.00	1.18%	1.54%	
	Qld Police 1.15 06 Dec 2022 FRN	AU3FN0052072	2,000,000.00	1.00000000	2,000,000.00	101.039	0.172	2,024,220.00	3.15%	1.19%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	100.087	0.083	1,502,550.00	2.34%	0.78%	
	UBS Aust 1.05 21 Nov 2022 FRN	AU3FN0054151	1,000,000.00	1.00000000	1,000,000.00	101.226	0.195	1,014,210.00	1.58%	1.06%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	101.200	0.000	1,669,800.00	2.60%	0.90%	
			30,900,000.00		30,900,000.00			31,241,870.00	48.61%		1.01%
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	0.322	3,009,665.76	4.68%	0.70%	
AMP 0.7 18 Jun 2021 210DAY TD		800,000.00	1.00000000	800,000.00	100.000	0.309	802,470.14	1.25%	0.70%	
AMP 0.75 30 Nov 2021 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.310	1,003,102.74	1.56%	0.75%	
BOQ 0.5 20 May 2021 181DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.221	2,505,513.70	3.90%	0.50%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	2.906	1,029,063.01	1.60%	3.40%	
NAB 0.5 26 Oct 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.207	5,010,342.45	7.80%	0.50%	
NAB 0.43 19 Nov 2021 330DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.150	5,007,480.80	7.79%	0.43%	
NAB 0.5 02 Dec 2021 365DAY TD		2,500,000.00	1.00000000	2,500,000.00	100.000	0.204	2,505,102.75	3.90%	0.50%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	3.017	2,060,348.50	3.21%	3.53%	
		22,800,000.00		22,800,000.00			22,933,089.85	35.68%		0.92%
Fixed Interest Total		63,724,234.93		63,724,234.93			64,271,525.53	100.00%		0.95%

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Report Code: TBSBP100EXT-01.16
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded

1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value	Limit For Book or Entity Notional	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd	BBB+ to BBB-		6,800,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	100.00	0.00	0	7.00	427,577
ANZ Banking Group Ltd	AA+ to AA-		1,000,000.00	Book	30.00	% of 63,724,234.93	19,117,270.48	5.00	95.00	18,117,270	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	71.00	29.00	1,872,423	0.00	0
Bank of Queensland Ltd	A+ to A-		6,500,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	100.00	0.00	0	2.00	127,577
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	47.00	53.00	3,372,423	0.00	0
Credit Union Australia Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	47.00	53.00	3,372,423	0.00	0
Macquarie Bank	A+ to A-		8,250,000.00	Book	20.00	% of 63,724,234.93	12,744,846.99	65.00	35.00	4,494,847	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	16.00	84.00	5,372,423	0.00	0
Members Equity Bank Ltd	BBB+ to BBB-		500,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	8.00	92.00	5,872,423	0.00	0
National Australia Bank Ltd	AA+ to AA-		14,500,000.00	Book	30.00	% of 63,724,234.93	19,117,270.48	76.00	24.00	4,617,270	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	78.00	22.00	1,372,423	0.00	0
P&N Bank Ltd	BBB+ to BBB-		2,000,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	31.00	69.00	4,372,423	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		4,250,000.00	Book	10.00	% of 63,724,234.93	6,372,423.49	67.00	33.00	2,122,423	0.00	0
UBS Australia Ltd	A+ to A-		2,650,000.00	Book	20.00	% of 63,724,234.93	12,744,846.99	21.00	79.00	10,094,847	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		774,234.93	Book	30.00	% of 63,724,234.93	19,117,270.48	4.00	96.00	18,343,036	0.00	0
			63,724,234.93				146,565,740.34			83,396,654		555,154

2 Security Rating Group Trading Limits

Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	3,000,000.00	Book	100.00	% of 63,724,234.93	63,724,234.93	5.00	95.00	60,724,235	0.00	0
A+ to A-	15,900,000.00	Book	70.00	% of 63,724,234.93	44,806,964.45	36.00	64.00	28,706,964	0.00	0
A1+	13,274,234.93	Book	100.00	% of 63,724,234.93	63,724,234.93	21.00	79.00	50,450,000	0.00	0
A2	14,800,000.00	Book	60.00	% of 63,724,234.93	38,234,540.96	39.00	61.00	23,434,541	0.00	0
A3	750,000.00	Book	60.00	% of 63,724,234.93	38,234,540.96	2.00	98.00	37,484,541	0.00	0
BBB+ to BBB-	16,000,000.00	Book	60.00	% of 63,724,234.93	38,234,540.96	42.00	58.00	22,234,541	0.00	0
	63,724,234.93				286,759,057.19			223,034,822		0

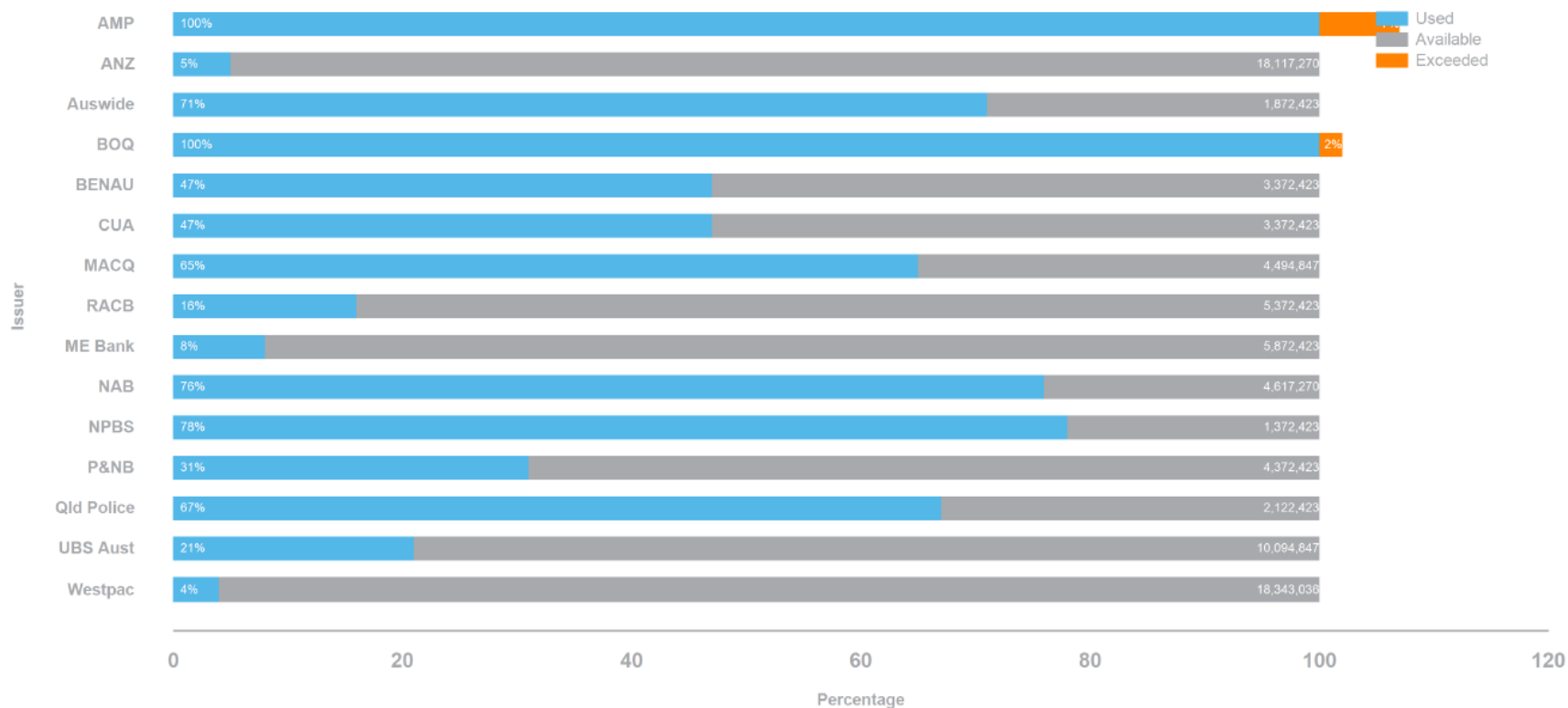
Notes

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.

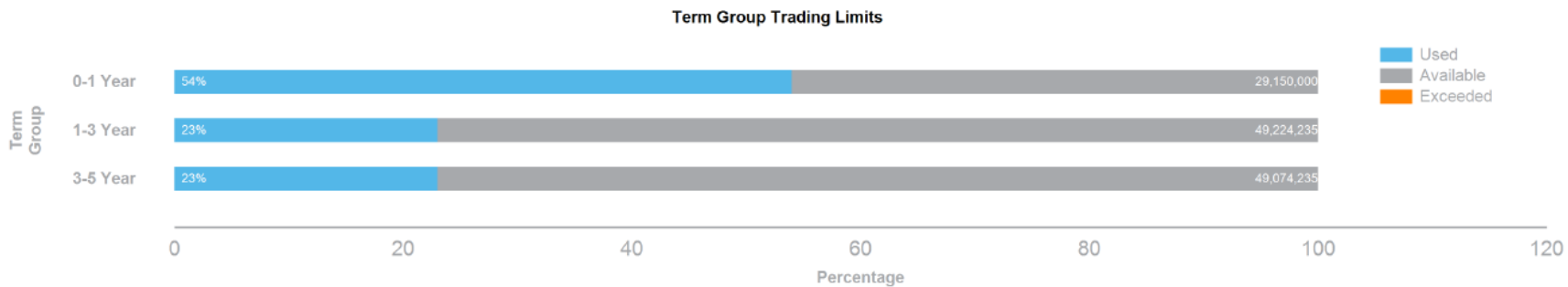
3 Term Group Trading Limits

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	34,574,234.93	Book	100.00	% of 63,724,234.93	63,724,234.93	54.00	46.00	29,150,000	0.00	0
1-3 Year	14,500,000.00	Book	100.00	% of 63,724,234.93	63,724,234.93	23.00	77.00	49,224,235	0.00	0
3-5 Year	14,650,000.00	Book	100.00	% of 63,724,234.93	63,724,234.93	23.00	77.00	49,074,235	0.00	0
	63,724,234.93				191,172,704.79			127,448,470		0

Issuer Trading Limits







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Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 30 April 2021
Balance Date: 5 May 2021 (but 30 Apr 2021 used instead)
Trading Entity: Muswellbrook Shire Council
Trading Book: Muswellbrook Shire Council
Report Mode: Bal Only
Using Face Value
Trading Entity and Book Limits
Effects of Parent/Child Issuers Ignored
Hide Zero Holdings

12.8 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 LIBRARIES – MUSWELLBROOK and DENMAN

April was an exciting month for the libraries with the return of school holiday programs.

During April 2021 the Muswellbrook Shire Libraries was attended by **1936 customers**. Over the same period, our library branches **loaned 5,727 items** and processed **3,253 returns**.

- **April Displays:** (see attached photos)

Anzac Day: The Muswellbrook Library hosted an ANZAC themed display by local resident Terry Gill during the month of April. The exhibit was very popular and had great feedback from members of the community. The library enjoyed a visit from Denman Aged care to view the collection and listen to a presentation by Mr Gill.

- **Providing opportunities that increase community literacy, both physical and digital**

Online Engagement:

The Library has continued a regular presence on its social media with posts to share information about library collections, library events and library online resources. Over the past month the library has had **6,568** post views and now has a combined like/follow total of **2,007**.

Digital Collections:

Our digital collections have continued to be popular across our three digital platforms, there have been **208 eAudio loans**, **224 eBook Loans** and **91 Digital magazine loans**.

- **Creating spaces and programs that meet the needs of members and library visitors**

Children's Programs

School Holidays: During school holidays our library service facilitated 4 activities focused around a nature theme. These activities were attended by **38 children and their carers**. The library partnered with Councils sustainability unit for two of these events.

Baby Rhyme time and story time continue to be popular programs at the Muswellbrook branch with two programs being held weekly. Attendance at these sessions throughout the month totalled **46 baby rhyme time attendees** and **6 story time attendees**.

Adult Programs

Muswellbrook and Denman Library continued their **book club, tech help and history help programs** in April. These programs were well received with **18 attendees** across these programs during April. Visits to the Regional History room at the Muswellbrook Library have increased due to the History help programming with attendees now regular users of the room. The library is looking forward to the return of our local crafting group to the Muswellbrook branch on a fortnightly basis.

Home Library Services

The home library service provides home delivery of library items to community members unable to visit our branches in person due to various reasons. This month the home library service has delivered **257 items** and facilitated the return of **223 items**. This program currently services **15 members** across the Muswellbrook Shire.

Click and Collect

The click and collect service at the Muswellbrook and Denman Libraries enables library customers to reserve and collect items via the customer web portal and also to submit 'profiles' for staff selection of items. This has been popular with customers wishing for a quick visit to the library. Library staff have been utilising their reader advisory skills in making and recommending selections for customers. This service has extended to attendees of the children's programs with library staff selecting items for collection ready at each session. Over the past month, staff at Muswellbrook and Denman have satisfied **139 reservations** through this service.

Wifi and Computer UsageComputer Usage:

Muswellbrook: 234 Denman: 32 *Wifi Usage:* Muswellbrook: 89 Denman: 110

- **Increasing and maintaining library memberships**

Muswellbrook: 53 new members

Denman: 3 new members



COMMUNITY PARTNERSHIPS

- The Muswellbrook Shire Council Aboriginal Reconciliation Committee met this month, preparations are underway for the annual Aboriginal Flag Raising Ceremony to celebrate National Reconciliation Week. This year's theme is **More than a Word** the ceremony will be held on the 3 June at Simpson Park commencing at 10am.
- 'In Our Own Words' Project has been chosen as a finalist in the NSW Local Government Excellence Awards, Community Partnerships – Population under 100k, the winners and highly commended will be announced on the 3 June.

MUSWELLBROOK SHIRE AQUATIC And FITNESS CENTRE – Denman and Muswellbrook

- The Muswellbrook Aquatic and Fitness Centre reopened to the public on the 19 April, there has been over **1112** visits to the Centre since the opening this includes entry for recreational swimming as well as the Learn to Swim program, Aqua Aerobics and Gym.
- The Muswellbrook Aquatic and Fitness Centre has **43** new registrations and Gym patrons are slowly returning. Gym Entry is via the Boronia Building Carpark requiring the operation of two separate sites to the Aquatic Centre.

MUSWELLBROOK ART GALLERY

- An Exhibition opening was held on the 8 May; **Mountain Songs** by Artist Rebecca Rath; **Coast – The Edge** a joint exhibition of Ian Skinner, Sally Burnside and Roger Skinner in the Max Water Gallery from the collection is **Twofold**. The exhibition opening was well attended with 40-50 people in attendance and it was officially opened by Mayor Rush.
- Artist in Residency** – 'The Wollemi Project' is scheduled for the week beginning 24 May. The Gallery Director will be accompanying three artists – Mark Dober (Castlemaine, VIC), Marie Mansfield (Sydney, NSW) and Rebecca Rath (Hunter Valley, NSW), to numerous sites on the fringes of Wollemi National Park to build the content of the body of works that will be produced from the **2021 Artist in Residency Project**.
- The Galley Team are working with **Muswellbrook High School** photography students to collate an exhibition for the June/July 2021.
- The following programs continue to engage a variety of people to the Gallery; **Muswellbrook Art Detective**, the **Muswellbrook Treasure Hunt**, the **Saturday Art Station**, **Saturday Art Tours** and this month **Art Eats** was held in partnership with the *Gallery Café* and *Upper Hunter Conservatorium of Music*.

TOURISM AND EVENTS

- Denman Visitor Information Centre has been operating now for approximately 6 months with the amazing support of Denman volunteers, April statistics are provided below:

April 2021	
Visitors from:	Number of visitors
NSW Other	209
Muswellbrook LGA	39
400km radius	139
Queensland	20
Victoria	24
Western Australia	4
Total Visitors	435

- This month a Citizenship Ceremony was held for 22 conferees, it was an enjoyable event held in at the Upper Hunter Conservation. Due to the relaxing of COVID regulations attendance was extended to family and friends.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE FINANCE REVIEW AND ADVISORY COMMITTEE MEETING HELD ON THURSDAY, 1 APRIL 2021

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Finance Review and Advisory Committee held on 1 April 2021.

OFFICER'S RECOMMENDATION

The Minutes of the Finance Review and Advisory Committee Meeting held on Thursday 1 April 2021 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Finance Review and Advisory Committee met on Thursday 1 April 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: Cr J. Ledlin (Chair) and Cr M. Rush.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer), Mr M. Lysaught (Manager – Works, Property & Building), Mr J. Hogan (Financial Controller) and Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The apologies for inability to attend the meeting submitted by Cr R. Scholes. be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The Minutes of the Finance Review and Advisory Committee held on 25 March 2021, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 FUTURE FUND LONG TERM FINANCIAL PLAN

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The information contained in this report be endorsed by the Finance Committee.

5.2 OPERATING BUDGET ESTIMATES 2021-22

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The information contained in this report be endorsed by the Finance Committee.

6 DATE OF NEXT MEETING

TBA

7 CLOSURE

The meeting was declared closed at 4.29pm.

MINUTES OF THE FINANCE REVIEW AND ADVISORY MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE LOXTON ROOM, ADMINISTRATION CENTRE, BRIDGE STREET, MUSWELLBROOK ON THURSDAY 1 APRIL, 2021 COMMENCING AT 4.00PM.

.....
Cr J. Ledlin

Chairperson

**13.2 REPORT OF THE FINANCE REVIEW AND ADVISORY COMMITTEE
MEETING HELD ON FRIDAY, 23 APRIL 2021**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Finance Review and Advisory Committee held on 23 April 2021.

OFFICER'S RECOMMENDATION

The Minutes of the Finance Review and Advisory Committee Meeting held on Friday 23 April 2021 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Finance Review and Advisory Committee met on Friday 23 April 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: Cr J. Ledlin (Chair), Cr M. Rush and Cr R. Scholes.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer), Mr M. Lysaught (Manager – Works, Property & Building) and Mr J. Hogan (Financial Controller).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Scholes and Cr Rush that:

The Minutes of the Finance Review and Advisory Committee held on 1 April 2021, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 PROPOSED 2021/2022 CAPITAL BUDGET

RECOMMENDED on the motion of Cr Rush and Cr Scholes that:

In principle support be given to the proposed 2021/2022 Capital Budget subject to further amendments being undertaken and resubmitted to the Committee for consideration.

5.2 INVESTMENT POLICY

RECOMMENDED on the motion of Cr Rush and Cr Scholes that:

This matter be deferred to a future meeting of the Committee.

5.3 FINANCIAL RESERVES MANAGEMENT POLICY

RECOMMENDED on the motion of Cr Scholes and Cr Rush that:

This matter be deferred to a future meeting of the Committee

6 DATE OF NEXT MEETING

TBD

7 CLOSURE

The meeting was declared closed at 4.45pm.

.....
Ms F. Plesman
General Manager

.....
Cr J. Ledlin
Chairperson

**13.3 REPORT OF THE FINANCE REVIEW AND ADVISORY COMMITTEE
MEETING HELD ON TUESDAY, 27 APRIL 2021**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Finance Review and Advisory Committee held on 27 April 2021.

OFFICER'S RECOMMENDATION

The Minutes of the Finance Review and Advisory Committee Meeting held on Tuesday 27 April 2021 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Finance Review and Advisory Committee met on Tuesday 27 April 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: Cr M. Rush (Chair) and Cr J. Ledlin (VC).

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer (VC)), and Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Cr Ledlin and Cr Rush that:

The apologies for inability to attend the meeting submitted by Cr R. Scholes be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The Minutes of the Finance Review and Advisory Committee held on 23 April 2021, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 PROPOSED 2021/2022 CAPITAL BUDGET

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The Finance Review Advisory Committee endorses the 2021/2022 Operational and Capital Budget for public exhibition.

6 DATE OF NEXT MEETING

TBD

7 CLOSURE

The meeting was declared closed at 4.09pm

.....
Ms F. Plesman

General Manager

.....
Cr M. Rush

Chairperson

**13.4 REPORT OF THE FINANCE REVIEW AND ADVISORY COMMITTEE
MEETING HELD ON THURSDAY, 13 MAY 2021**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Finance Review and Advisory Committee held on 13 May 2021.

OFFICER'S RECOMMENDATION

The Minutes of the Finance Review and Advisory Committee Meeting held on Thursday 13 May 2021 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Finance Review and Advisory Committee met on Thursday 13 May 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: Cr R. Scholes (Chair), Cr J. Ledlin (VC) and Cr M. Rush.

IN ATTENDANCE: Ms F. Plesman (General Manager), Mr D. Finnigan (Deputy General Manager), Mr M. Plumridge (Chief Financial Officer) and Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The Minutes of the Finance Review and Advisory Committee held on 27 April 2021, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 REPORT ON INVESTMENTS HELD AS AT 30 APRIL 2021

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

Information showing Council's investments as at 30 April 2021 be noted.

5.2 APRIL 2021 MONTHLY FINANCIAL REPORT

RECOMMENDED on the motion of Cr Rush and Cr Ledlin that:

The Financial Report for the month ending 30 April 2021 be noted.

5.3 MARCH BUDGET REVIEW 2021

RECOMMENDED on the motion of Cr Ledlin and Cr Rush that:

Finance committee endorse the list of proposed changes for incorporation into the 2020/21 Budget.

6 DATE OF NEXT MEETING

TBA

7 CLOSURE

The meeting was declared closed at 4.09pm.

.....
Cr R. Scholes

Chairperson

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

15.1 QUESTIONS WITH NOTICE

Attachments: Nil

Responsible Officer: Fiona Plesman - General Manager

Cr Graeme McNeill asked the following question with notice for the Council Meeting on 25 May, 2021, as follows:

Cr McNeill referred to the statement dated 21 April, 2021 on Council's website entitled "Statement concerning comments made by Cr Steve Reynolds" and noted that at no time prior to 24 February, 2021 did any Council document or representation refer to any request to refuse consent to the Mangoola Coal Continuation Project.

Cr McNeill also advised that documents on the IPC website lodged by Muswellbrook Shire Council including "Mine Lakes Advice Report – 24 November, 2020", "Muswellbrook Shire Council Critical Review of the Assessment of Impacts to Terrestrial Ecology – 27 November, 2020" and "Muswellbrook Shire Council Comments on recommended Conditions" which were made public on 1 March, 2021 and 4 March, 2021 make no request to Independent Planning Commission to refuse consent to the Mangoola Coal Continuation Operation Project. Cr McNeill further advised that the transcript of the IPC/Muswellbrook Shire Council hearing held on 24 February, 2021 contained the following statements made by Craig Leggett SC:

"Council does not want the Continued Operations Project to proceed. Council wants the IPC as the consent authority to refuse to grant consent to the Continued Operations Project."

"Council's starting point is, as I've said on a number of occasions, no approval should be granted."

1. Cr McNeill asked which Muswellbrook Shire Council officer or Councillor engaged the services of Messrs Jim Griffiths and Craig Leggett SC (Council's representatives) and on what date?
2. Cr McNeill also asked Muswellbrook Shire Council Officer or Councillor briefed either or both of the Council representatives to make the above statements collectively referring to a request by Council to "refuse to grant consent to the Mangoola Coal Continuation Project" and when was the authority granted to the Muswellbrook Shire Council officer or Councillor to provide such instructions (by resolution, delegation or Mayoral Minute)?

Cr McNeill also noted that the Department of Primary Industries – Environment referral letter to the Independent Planning Commission dated 29 January, 2021 contained the statement "While Muswellbrook Shire Council provided a detailed submission, it did not object to the Project."

RESPONSE BY GENERAL MANAGER

1. On 4 February 2021 Margaret Mason of the Independent Planning Commission notified Council that MSC was scheduled to appear via video conference to the IPC re the Mangoola Coal Continued Operations, at 11am on 24 February. The General Manager engaged the services of Jim Griffiths of Moray Agnew Lawyers Newcastle on 4 February to prepare representation to the IPC based on Council's submissions forwarded to the Department of Planning on 16 September 2019, 10 February 2020 and the expert advice commissioned by the General Manager on 5 August 2020. The General Manager requested Peter Tomasetti SC represent Council as he was very familiar with the Mangoola Mine, however as Mr Tomasetti was unavailable Mr Craig Leggett SC was engaged.
2. On 22 February a meeting was Chaired by the General Manager including Jim Griffiths, Sherie McCullough and Ziggy Andersons (expert advisers) ahead of the IPC hearing. Authority was

granted by Council at the Ordinary Council Meetings of 27 August 2019 and again on 30 June 2020 to delegate to the General Manager the responsibility to:

- Seek expert advice; and
- Prepare a submission to Department of Planning on the Mangoola Extension SSD.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ **Seconded:** _____

16 COUNCILLORS REPORTS

17 QUESTIONS FOR NEXT MEETING

18 ADJOURNMENT INTO CLOSED COUNCIL

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

19 CLOSED COUNCIL

RECOMMENDATION

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

19.1 MUSWELLBROOK GOLF CLUB RECYCLED WATER PRICING OPTIONS

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 CEMETERY PLANNING - POTENTIAL LOCATION AND PRELIMINARY CONCEPT

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 REQUEST FOR QUOTES FOR LIGHT FLEET

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

19.4 INTEGRATED WATER CYCLE MANAGEMENT STRATEGY

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

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 29 JUNE 2021