



**muswellbrook
shire council**

Muswellbrook Shire Council
**EXTRA ORDINARY COUNCIL
MEETING**

BUSINESS PAPER
28 JUNE 2018



EXTRA ORDINARY COUNCIL MEETING, 28 JUNE 2018

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
22 June, 2018

Councillors,

You are hereby requested to attend the Extra Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **28 June, 2018** commencing at 6.00 pm.

Fiona Plesman
ACTING GENERAL MANAGER

Order of Business

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10.1	Administrative Amendment to Muswellbrook Local Environmental Plan 2009 - Muswellbrook Bypass <i>Item 10.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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MUSWELLBROOK SHIRE COUNCIL

AGENDA

1 ACKNOWLEDGEMENT OF COUNTRY

2 CIVIC PRAYER

3 APOLOGIES AND LEAVE OF ABSENCE

4 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.

5 PUBLIC PARTICIPATION

6 ENVIRONMENTAL SERVICES

6.1 DA20/2018 FIRST USE & FIT OUT TO EXISTING COMMERCIAL BUILDING FOR 'REPCO'

Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Hamish McTaggart - Senior Development Planner Alisa Evans - Development Planner
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>
Attachments:	A. Appendix A - Conditions B. Appendix B - Plans C. Appendix C - Objection

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy (Exempt & Complying) 2008

APPLICATION DETAILS

Applicant:	W.A Brown Building Pty Ltd
Owner:	BK Property (NSW) Pty Ltd
Proposal:	First Use & Fit Out to Existing Commercial Building 'REPCO'
Location:	Lot A DP 332469, 4 Lorne Street Muswellbrook
Permissibility:	The proposed development is permissible as retail premise within the B2 Local Centre zone
Recommendation:	Approval

RECOMMENDATION

Development Application No. 20/2018 proposing First Use & Fit Out to Existing Commercial Building 'REPCO' at Lot A DP 332469, 4 Lorne Street Muswellbrook be approved subject the conditions in Appendix A to the report.

Moved: _____ Seconded: _____

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

Aerial Photograph Identifying Development Site



EXECUTIVE SUMMARY

DA 20/2018 was lodged on 6 March 2018 seeking approval for first use and fit-out to an existing commercial building at 4 Lorne Street Muswellbrook, as a retail premises. The premises is occupied by a 'REPCO' retail store. The subject land is zoned B2 Local Centre under Muswellbrook Local Environmental Plan 2009 and retail premises are permissible use with development consent in the zone.

A Council Report was previously tabled at Council's April 2018 Ordinary Council Meeting for the determination of Development Application (DA) 20/2018. At this meeting Council deferred the item to its May Meeting to allow Council to consider the DA at the same meeting as DA 110/2017, which has been lodged for installation of signage at the same site. The two applications were not reported to Council's May Meeting as public consultation for DA110/2017 had not been completed.

DA 20/2018 was advertised and notified between 14 March 2018 and 28 March 2018. One (1) submission was received objecting to the application within this period. The submission raised concerns relating to the impact of the proposed development on a heritage item and requested the matter be dealt with alongside other compliance issues with the site including signage, external colour schemes, screening. The submission has been included as an attachment to this report and the issues it raises are considered under the **6.0 Assessment** heading, **Section (1)(d) 4.15 Any submissions received** subheading of this report. It is considered that the matters raised by the submission do not warrant refusal of this DA.

REPORT

1.0 Background

The proposed development relates to the use of an existing commercial premises at 4 Lorne Street, Muswellbrook.

The building was constructed under DA107/2014. When development consent was initially granted in July 2014, it was for the construction of three (3) commercial units at the site. Development consent was later modified in March 2015, to reduce the number of commercial units to two (2) and alter the physical form of the building. It is understood that the current building at the site was constructed in accordance with the modified development consent referenced above for DA 107/2014, however the retail premises proposed under this application would occupy the entire building. A dividing wall constructed between the two (2) approved commercial premises was removed as part of works authorised by complying development certificate (CDC) 13/2018, a CDC issued by a private certifier.

Council has previously raised concerns with the proponent regarding the validity of this CDC particularly where it relates to the use of the premises. Council has also raised concerns with the proponent in respect to signage and the external paint colour scheme of the building.

A separate DA, DA 110/2017, has been lodged with Council in relation to the installation of signage at the premises, and this application also includes detailed comments on matters relating to the external colour scheme of the building.

A third DA, DA 108/2017 has also been lodged with Council for the extension of the building to infill the current awning area. This DA remains under assessment by Council Staff and additional information has been sought in relation to vehicle and pedestrian access.

When DA 107/2014 was approved, it was subject to conditions, including Condition No 43, which specified an external colour scheme for the premises, requiring neutral colours to off-set any impact on the adjoining heritage item, this requirement was informed by a Statement of Heritage Impact prepared by Carste Studio Pty Ltd.

The current colour scheme of the premises is not consistent with the colour scheme required by Condition 43, however a Final Occupation Certificate was issued by a Private Certifying Authority for the development dated 20 November 2017. Should Council wish to take further action in relation to the colour scheme, it may do so through the issue of Orders for the non-compliance with a development consent. DA 110/2017, being reported separately, does propose a change to the external colour scheme of the building.

Below is summary of other recent DA's submitted in relation to the site:

Application No.	Description	Approval Date	Approved by
DA107/2014	Three (3) commercial units	09/03/2015	Council
S96(1A) DA107/2014	Reduction in floor area and 3 to 2 units	30/10/2015	Under Delegations
CDC03/2016	Commercial fit-out for BWS Bottle Shop	13/01/2016	Private Certifier

DA105/2015	Signage	08/02/2016 (Refused)	Refused By Council
CDC13/2017	Alterations & first use within commercial premises	07/11/2017	Private Certifier
DA108/2017*	Extension to existing commercial building	Yet to be determined.	
DA110/2017	Proposed business identification signage	Yet to be determined	

***Note:** Council Officers have not finalised their assessment of DA 108/2017. This development application seeks to extend the commercial premises by enclosing the area below the existing awning along the sites Maitland Street frontage.

2.0 Site Description

The subject land is identified as Lot A DP 332469, 4 Lorne Street, Muswellbrook. The site is located at the corner of the New England Highway and Lorne Street and is zoned B2 Local Centre under Muswellbrook Local Environmental Plan 2009. The site is in close proximity to Muswellbrook's core business centre and other commercial and retail businesses. The site has a boundary to Muscle Creek and is identified as low/medium flood prone. Local Heritage Item I104, 'Hennor', is located at 18 – 20 Maitland Street, on the opposite side of Lorne Street.

3.0 Description of Proposal

The proposed development involves the first use and fit out as a 'REPCO' retail outlet. The use will occupy the entire 450m. sq. internal floor area of the building constructed under DA107/2014. The application proposes no external works. Colour and signage will be assessed under separate development application.

4.0 Adequacy OF Applicant's Submission

The applicant has provided adequate information to enable an assessment of the Application.

The applicant has included the following ancillary reports with the supporting documentation:

- Architectural Drawings
- Statement of Environmental Effects
- Site Waste Management and Minimisation Plan

5.0 Internal Consultation

Health and Building

The application was referred to Council's Building Section. A Building Surveyor reviewed the proposal and recommended standard conditions to be placed on the development consent should the application be approved.

External Referrals

No external referrals required for the internal fit-out of commercial premise.

6.0 Assessment

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

Section 4.15 Matters for Consideration

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

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

6.1 Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned B2 Local Centre pursuant to MLEP 2009. The proposal is best defined as *retail premise*, which is permitted with consent in the subject Zone.

Objectives of the B2 Local Centre Zone

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

It is considered that the development proposal meets the objectives of the Zone.

6.2 State Environmental Planning Policy

State Environmental Planning Policies applying to the Muswellbrook Local Government Area were considered and found not to be applicable to the proposed development.

6.3 Other Planning Policy**Section 4.15(1)(a)(ii) the provisions of any draft EPI.**

There are no draft EPIs relevant to the subject Application.

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

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

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 14 March 2018 to 28 March 2018. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

One (1) submissions were received during the notification period. The issues raised in the submissions are addressed in this Report.

Section 9 – Local Centre Development

The use is considered appropriate and complies with the DCP section.

Section 13 – Flood Prone Land

Flood risk was assessed under DA107/2014 and the retail premise is considered appropriate use of the commercial premise.

Section 14 – Outdoor Signage

The application proposes no external works or signage.

Section 15 – Heritage Conservation

The use is compatible with the locality. The external colours do not form part of this proposal and are not considered part of this assessment.

Section 16 – Car Parking and Access

The development complies with Section 16 of the Muswellbrook Development Control Plan regarding car parking as assessed under DA107/2014.

Section 24 – Waste Management

Waste management plan submitted with application and is considered compliant with the DCP.

Section 94A Contributions Plan 2009

A developer contribution of \$632.50 will apply to the proposed development should the Application be approved.

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

Noting the proposed development involves the use of a commercial premises approved by Council for construction under DA 107/2014 as a retail premises it was observed that the proposed development was unlikely to give rise to any significant environmental impacts which would prevent Council from granting development consent.

Potential impacts of the proposed development in relation to each of the possible areas of environmental impact listed in the table below have been considered through the assessment of this development application.

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

The proposed development is unlikely to result in any significant environmental impacts. However, the site adjoins Muscle Creek and there is potential for environmental harm if engine oils and chemicals are not adequately stored, and measures are not in place to manage any chemical spills.

To manage these issues it is recommended that Council endorse conditions of consent relating to:

- the construction of a bund within the premises, adjacent the roller door on the north eastern elevation, to contain any potential spills within the building. The recommended profile of the bund is similar to that of a speed bump, and
- the preparation of a spill management plan for the premises.

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

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

Section 4.15(1)(d) any submissions made

One (1) submission was received during the notification period. The submission states its objection to the development application due to its impact on the heritage item 'Hennor', on the opposite side of Lorne Street. The raises issues with building colour, signage and requests vegetation screening and that issues of compliance be considered holistically and simultaneously rather than at different points in time.

Planning Comment:

'Hennor' is a locally listed heritage item identified by the Schedule 5 of the Muswellbrook LEP 2009. Council previously approved the construction of the commercial premises at 4 Lorne Street. Refusal of the first-use application on heritage grounds would not be reasonable as the proposal does not change the built form of the premises or its relationship with the heritage item.

In respect to the request that compliance issues be dealt with holistically, the following advice is provided:

Signage – Development consent has not been issued for the signage installed at the site. Council has the opportunity to take regulatory action against any signage installations, however, the proponent has now lodged a development application, DA 110/2017 for the installation of signage at the site. This DA is the subject of a separate report to this Council Meeting. Should Council refuse development consent to a portion of or all of the signage proposed, Council may take regulatory action against the display of any signage at the site which requires and has not obtained development consent.

Colour – Condition No 43 of the development consent for DA 107/2014 stipulated an external colour scheme for the approved building, and this colour scheme was informed by a Heritage Impact Assessment, prepared by Carste Studio Pty Ltd, and submitted with that development application. The current colour scheme of the building is not in accordance with the condition of consent. The plans accompanying DA 110/2017 seek to establish a new external colour scheme for premises. Matters relating to the external painting of the building are therefore considered in greater detail in the Council Report relating to the assessment of that development application. If Council is dissatisfied with the colour scheme proposed by DA 110/2017 it may take regulatory action against the proposed developments breach of a condition No 43 of the Notice of Determination issued for DA 107/2014.

Landscaping – Condition No 10 of the Notice of Determination for DA 107/2014 required the submission of an amended landscaping plan detailing the planting of semi-mature trees adjacent the site within Lorne Street Road Reserve. To date no landscaping has been planted. The proposed plans accompanying DA 110/2017 include landscaping in Lorne Street. If Council approves the planting of vegetation as part of DA 110/2017, and that vegetation is subsequently planted, it would satisfy the intent of condition No 10 of DA 107/2014. If Council does not approve the proposed landscaping, or landscaping is not put in place along the Lorne Street road reserve, Council may take further regulatory action in relation to this issue.

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

The proposed development is permissible with development consent under the Muswellbrook LEP 2009 and would comply with the relevant provisions of that Environmental Planning Instrument and the Muswellbrook DCP. The proposed development would be compatible with the public interest.

5 CONCLUSION

The application has been assessed in accordance with the heads of consideration prescribed by Section 4.15 of the *Environmental Planning and Assessment Act 1979*. The proposed development is permissible with consent under the Muswellbrook LEP 2009, the Muswellbrook DCP and is unlikely to have any significant adverse environmental impacts. The submission received in relation to the proposed development raised concerns in respect to the adjoining locally listed heritage item 'Hennor', and other compliance issues related to the existing commercial building at the site. The issues raised by this submission have been considered throughout by Council's Assessing Officer and the application is recommended for approval, subject to conditions.

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

This matter has no specific legal implications for Council.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

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

Drawing No.	Revision	Drawn by	Drawing Date	Received
01	01	MMARSHALL	05/03/2018	06/03/2018
02	01	MMARSHALL	05/03/2018	06/03/2018

2. Plans on Site

A copy of all stamped approved plans, specifications and documents (including the Construction Certificate if required for the work incorporating certification of conditions of approval) must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

3. No Approval for Advertising Signage

This Consent does not grant approval to any signage that is not identified as exempt development. In this regard, all signage that is not exempt development will require the lodgement of a new Development Application.

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

4. National Construction Code

Should any building work, as defined by the Environmental Planning and Assessment Act 1979, be required as part of the carrying out of this development that work must be carried out in accordance with the provisions of the National Construction Code.

5. Fire Safety (First Use Involving No Building Work)

There are to be no alteration to the buildings existing Fire Safety Provisions.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

6. Issue of an Occupation Certificate

The building is not to be used or occupied for the approved use until an Occupation Certificate has been issued in until an Occupation Certificate has been issued by an appropriately qualified Accredited Certifier in relation to that use.

7. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of insert \$632.50 shall be paid to Muswellbrook Shire Council.

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

8. Spill Management

Prior to the issue of any Occupation Certificate a Spill Management Plan is to be submitted to and approved by Council. The spill management plan should be prepared in accordance with the NSW EPA's document *Environmental Guidelines Preparation of pollution incident response management plans*, and must address the following:

- **Risk Assessment** – identification of the likelihood or risk of chemical and oil spills,
- **Pre-emptive actions** – identification of actions to minimise the potential for chemical or oil spills, including safe storage and movement of materials,
- **Personal Protective Equipment** – identification of any equipment to be made available to staff for their protection and to assist in the management of spills,
- **Clean up procedure** – a procedure for cleaning up of spills,
- **Recording and reporting** – a procedure for the recording of any chemical spills which occur and reporting of large spills or spills which escape the confines of the site to appropriate authorities.
- **Review and monitoring** – establish parameters for the review and updating of the plan to ensure the spill management plan remains up to date, fit for purpose and in line with best practice.

A copy of the most up to date Spill Management Plan is to be kept on the site at all times the premises is in operation and all staff are to be made aware/trained in its spill management procedures.

9. Spill Control

Prior to the issue of any Occupation Certificate the person acting with this consent shall construct a concrete bund within the premises adjacent the roller door situated on the buildings north eastern elevation. The profile of the bund should be similar to that of a speed bump and it should be constructed in a manner that would prevent any oil or chemical spills from escaping the parameters of the building and entering into Council's stormwater drainage system.

10. Surrender of development consent

Prior to the issue of any Occupation Certificate the owners of the land are to provide written correspondence to Council confirming the surrender of the Complying Development Certificate NC170127 issued by BCA Certifiers dated 17 November 2017.

Note: at the time of this consent the land owner is listed as BK Property (NSW) Pty Ltd

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

11. Hours of Operation

Unless otherwise approved by Council in writing the premise may be open for business only between the following hours:-

Monday to Saturday 7am to 7pm (other than public holidays)
Sunday and public holidays 9am to 6pm

Upon expiry of the permitted hours, all operations shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour.

12. Delivery Hours

Unless otherwise approved by Council in writing deliveries, loading or unloading associated with the premises are to take place during road peak periods. Road Peak Periods for the New England Highway (Maitland Street) are between 4:30am and 9:30am, and between 2:30pm and 7:00pm daily.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application.
Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only, and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
 - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
 - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
 - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act, and may result in enforcement action being taken by Council if these requirements are not complied with.

RIGHT OF APPEAL:

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

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

DEVELOPMENT APPLICATION

FOR

FIRST USE 'REPCO'

LOCATED AT

No 4, LOT A LORNE STREET MUSWELLBROOK NSW 2333
DP 332469

APPLICANT

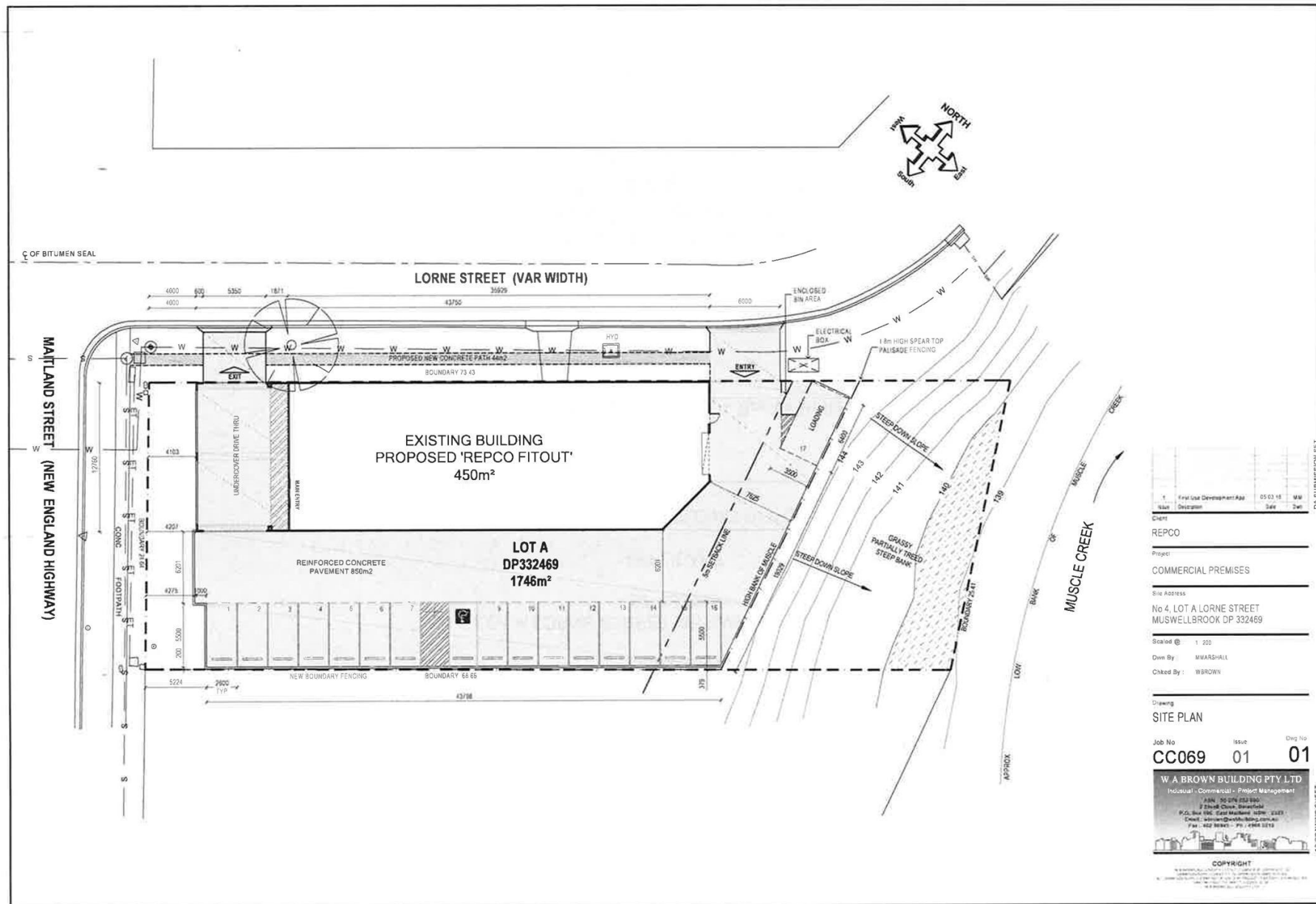
W.A. BROWN BUILDING PTY LTD

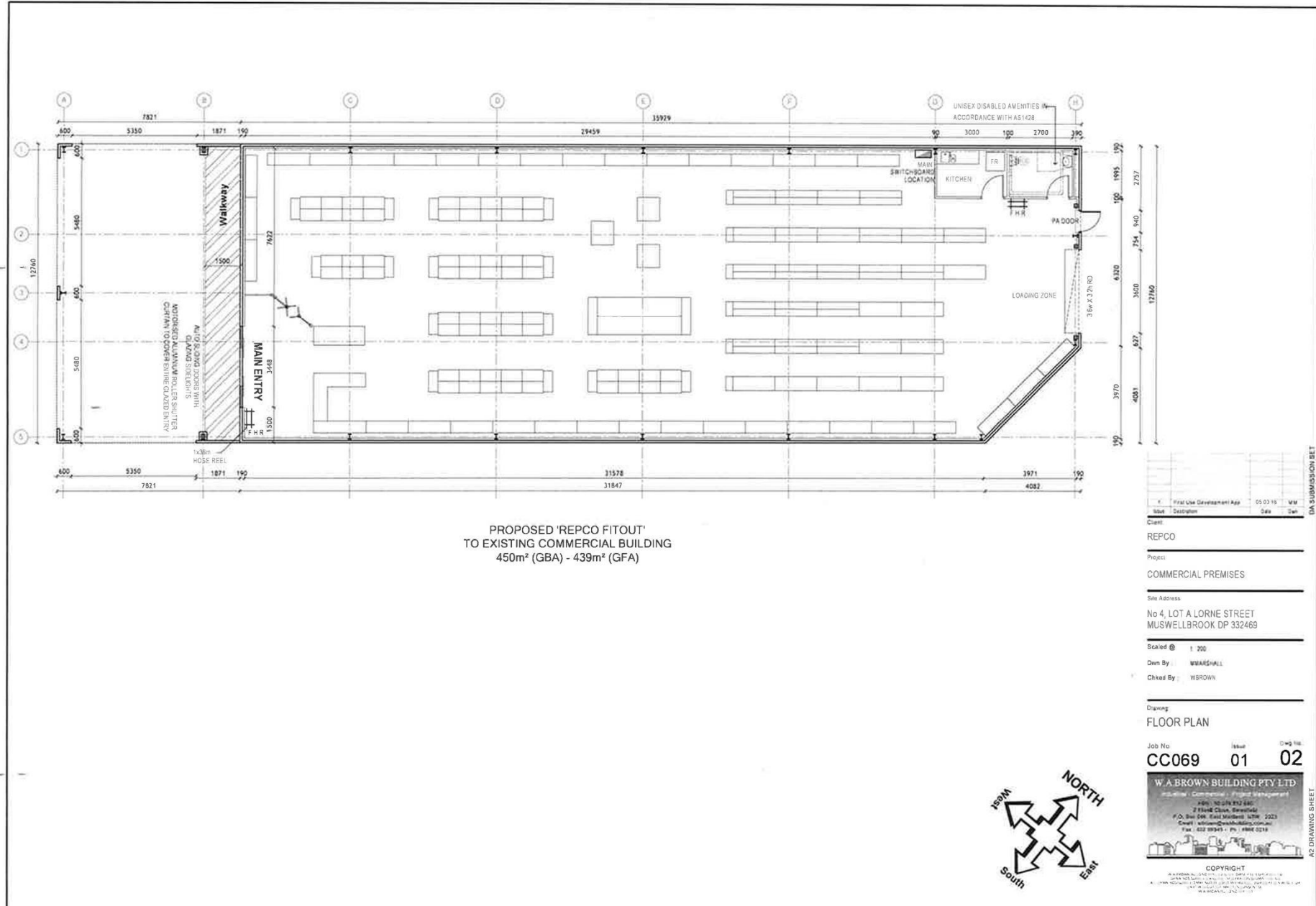
Architectural Drawings Supplied by W.A.Brown Building Pty Ltd

02	Floor Plan	DA Submission	05 03 18	MM	01
01	Site Plan	DA Submission	05 03 18	MM	01
No	Drawing	Description	Date	Dwn	Rev

Job No

CC069





Chloe Wuiske

From: Graeme McNeill <gus.mcneill@hotmail.com>
Sent: Wednesday, 28 March 2018 2:32 PM
To: Fiona Plesman
Subject: Fwd: Objection to DA 20/2018

Follow Up Flag: Follow up
Flag Status: Completed

Date: 28 March 2018 at 2:24:26 pm AEDT
To: Graeme McNeill <gus.mcneill@hotmail.com>
Subject: Objection to DA 20/2018

Reference: DA 20/2018
Premises: ALT:A DP 332469

Dear, Acting General Manager,

Thank you for providing us with the notice of proposed development at 4 Lorne St Muswellbrook.

We would like to object to this development application due to its impact on the heritage item "Hennor". Given the complexities involved in heritage impacts, we would like the opportunity to explain our objection in person, and to do so with the assistance of a subject expert, rather than attempt to put this detail in words with this notice of objection.

It is also our opinion, that this application is dealing with only one of a number of non-compliance issues with the building itself e.g. colour, signage and vegetation screening. We strongly believe it would be in the best interests of the heritage item, if all the issues of compliance were considered holistically & simultaneously, rather than individually and at different points in time.

Regards
Graeme & Rebecca McNeill
3 Lorne St Muswellbrook.

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6.2 DA110/2017 PROPOSED BUSINESS IDENTIFICATION SIGNAGE

Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Hamish McTaggart - Senior Development Planner
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>
Attachments:	A. DA 110-2017 Recommended Conditions of Consent B. DA 110/2017 Proposed Plans C. DA 110/2017 Statement of Environmental Effects D. DA 110/2017 Heritage Impact Statement E. DA 110/2017 Submission

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy (Exempt & Complying) 2008

APPLICATION DETAILS

Applicant:	W.A Brown Building Pty Ltd
Owner:	BK Property (NSW) Pty Ltd
Proposal:	Business Identification Signage
Location:	Lot A DP 332469, 4 Lorne Street Muswellbrook
Permissibility:	The proposed development is permissible as Signage within the B2 Local Centre zone
Recommendation:	Approval subject to conditions

RECOMMENDATION

Council determine DA No. 110/2017 for the installation of signage at Lot A DP 332469, 4 Lorne Street, Muswellbrook, by the granting approval to the signage, with the exception of the signage identified as lifestyle graphic 5 & 6 on the plans, and subject to the recommended conditions of consent.

Moved: _____ Seconded: _____



Cr J. Ledlin



Cr S. Bailey



Cr G. McNeill

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

Aerial Photograph Identifying Development Site**EXECUTIVE SUMMARY**

Development Application (DA) 110/2017 was lodged with Council on 19 December 2017. The development application seeks approval for the installation of twelve (12) signs on an existing commercial building located at 4 Lorne Street, Muswellbrook.

The proposed signage is to be installed on the north-western, south-eastern and south-western elevations of the existing building and would include six (6) business identification signs painted onto the upper building façade, displaying the corporate logo of the site operator, and six (6) business identification signs installed on the lower building elevations displaying images synonymous with the corporate branding of the site operator.

To reduce visual intrusion on an adjoining locally listed heritage item, 'Henkor', and to address a compliance issue relating to the colour scheme of the building, the application details an amended colour scheme for the building. The repainting of a building outside a heritage conservation area would normally constitute 'exempt development', however the building's colour scheme was a condition of consent when the building was originally approved.

In addition to changing the current paint scheme, the applicant has proposed landscape planting within Lorne Street. The planting of trees at this location would also meet the requirements of Condition 10 of the Notice of Determination for DA 107/2014.

One (1) submission was received objecting to the proposed outdoor signage due to its compatibility with Section 14 Outdoor Signage of Council's DCP and its impact on an adjoining heritage item.

An assessment of the proposed development has been carried out against the provisions of Council's DCP and the provisions of the State Environmental Planning Policy (Advertising and Signage). Based on that assessment, and the comments provided by Council's Heritage Advisor, it is recommended that Council grant development consent to the proposal, with the exception of Signs 5 & 6 (Lifestyle signage proposed to be installed on the buildings Lorne Street façade). Council has the ability to grant total or partial consent to a development application in accordance with Subsection 4.16(4) of the *Environmental Planning and Assessment Act 1979*.

REPORT

1.0 Background

The proposed development involves the installation of signage at a commercial premises at 4 Lorne Street, Muswellbrook.

The premises was approved for construction by Council under DA 107/2014 and an Occupation Certificate was issued by a Private Certifier on the 20 November 2017.

Following the issue of an Occupation Certificate for the premises, Council commenced regulatory action due to the developer's failure to comply with Conditions 10 and 43 of the Notice of Determination for DA 107/2014.

Condition 10, required the proponent plant landscaping within the Lorne Street Road Reserve, and Condition 43 stipulate an external colour scheme for the approved building. To date neither condition has been complied with.

This development application includes details of landscaping within the Lorne Street road reserve which would satisfy the requirements of Condition 10, and details of an alternative external colour scheme.

2.0 Site Description

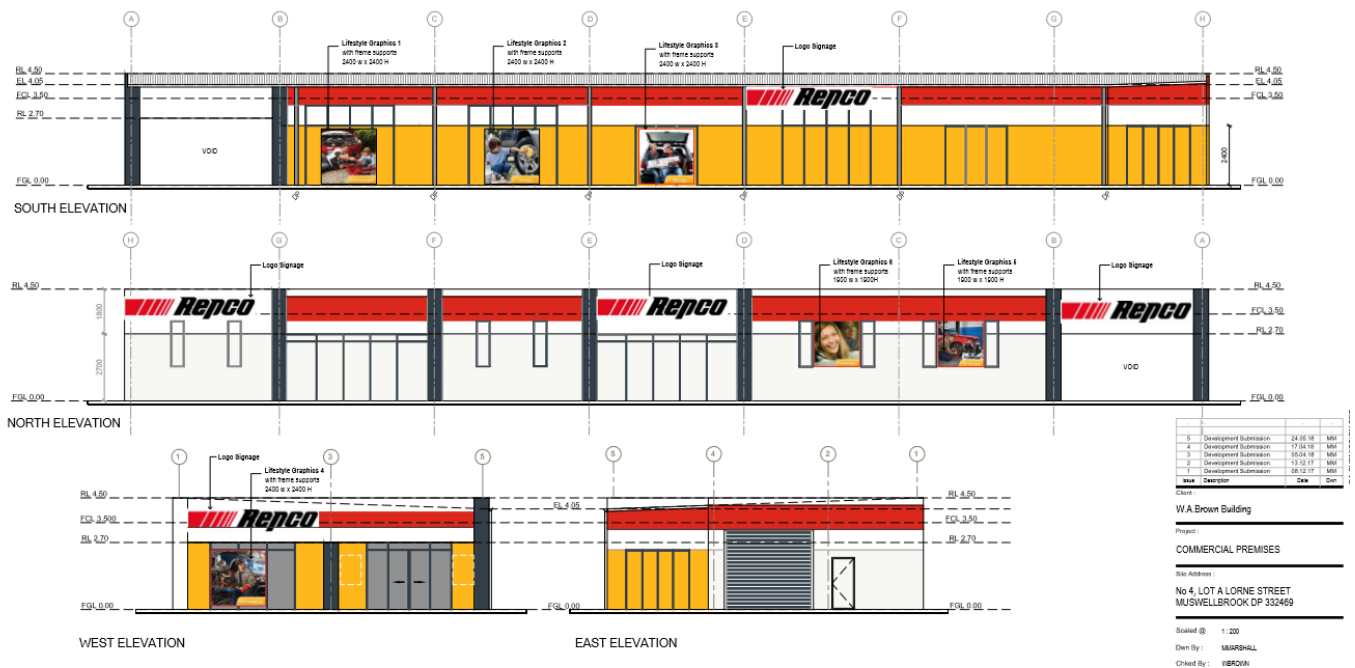
The subject land is identified as Lot A DP 332469, 4 Lorne Street, Muswellbrook. The site is located on the corner of the New England Highway and Lorne Street and is zoned B2 Local Centre under Muswellbrook Local Environmental Plan 2009. The site is in close proximity to Muswellbrook's core business centre and other commercial and retail businesses. The site has a boundary to Muscle Creek and is identified as low/medium flood prone. Local Heritage Item I104, 'Hennor', is located at 18 – 20 Maitland Street, on the opposite side of Lorne Street.

3.0 Description of Proposal

The proposed development involves the placement of advertisement signage on the building. The proposed development was partly amended by the applicant following a request for additional information by Council staff on the 24 April 2018.

The proposed development involves the installation of six (6) business identification signs displaying the corporate logo of the site operator, which would be painted onto the upper building façade, and six (6) business identification signs which would display images synonymous with the corporate branding of the site operator, to be located on the lower portion of the buildings elevations. In addition to the signage, the development plans include a new colour scheme for the premises and landscaping for the adjoining Lorne Street Road Reserve.

The figure below illustrates the proposed signage layout for the site.



4.0 Adequacy Of Applicant's Submission

The following documents have been submitted with the development application and have been included as attachments to this report.

- Site Plan and Elevations and Colour Selection
- Statement of Environmental Effects
- Heritage Impact Statement

The standard of information submitted is sufficient to enable the assessment of this development application.

5.0 Consultation

Heritage Advisor

The proposed development as originally submitted was referred to Council's Heritage Advisor who raised objection to the aspects of the proposed development. The concerns were conveyed to the applicant by Council Staff. Subsequently, the development application was amended and a Heritage Impact Statement submitted to Council for consideration. This information was again referred to Council's Heritage Advisor who provided the following comments:

I have considered the responses by WA Brown in their letter dated 18th April 2018 and the Heritage Impact Statement completed by Stephen Booker dated 19th April 2018. In respect to the my heritage advice provided 28/01/18 the following response is provided:

The heritage response provided by the applicant is contrary to the advice provided by the Muswellbrook Heritage Advisor in that bright colours and advertising material are not to be applied to the Lorne Street Elevation. It would be acceptable to allow for the upper most "Repco" sign (black text) and red band on white background to be retained. The lower portion of the Lorne Street wall can also include the black painted columns but the infill walls are to be of a neutral "off white colour."

These comments have been considered in the assessment of the development application and have informed the recommendation to Council that the development be approved, with the exception of the signs marked 'Lifestyle Graphics 5' and 'Lifestyle Graphics 6' on the proposed plans for the Lorne Street frontage. The heritage advice is supportive of the white painted colour scheme with black infill columns proposed for the buildings Lorne Street frontage.

Technical Manager of Recreation and Property

Under this proposal, trees would be planted within Council's Lorne Street Road Reserve so the matter was referred to Council's Technical Manager of Recreation and Property who raised no issue with the proposed plantings. Advice was also provided by Council's Sustainability Team Leader relating to the species of trees to be planted. *Callistemon viminalis* 'slim' was recommended and a condition requiring the planting of this species of vegetation has been recommended as a condition of consent.

NSW Roads and Maritime Services

As the proposed development involves the erection of signage adjacent to a classified state road, the New England Highway, the proposal was referred to the NSW Roads and Maritime Services (RMS) for comment. The NSW RMS provided a response to Council dated 23 March 2018 stating the following:

'Roads and Maritime has reviewed the information provided and raises no objection to or requirements for the proposed development as it is considered there will be no significant impact on the nearby classified (State) road network'

6.0 Assessment

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

Section 4.15 Matters for Consideration**Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)**

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

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**Land Use Zone and Permitted Land Use**

The development site is zoned B2 Local Centre pursuant to MLEP 2009. The proposal is best defined as *retail premise*, which is permitted with consent in the subject Zone.

Objectives of the B2 Local Centre Zone

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

It is considered that the development proposal is not contrary to the objectives of the Zone.

Clause 5.10 Heritage

The proposed development would be carried out in the vicinity of the 'Hennor', an item of Local heritage significance. A Heritage Impact Statement was submitted with the proposal. This statement has been reviewed by Council's Heritage Advisor who provided comments. This advice has been considered through the assessment of this development application and it has informed the recommendation that Council grant consent to part of the proposed development with the exception of some of the proposed signage on the Lorne Street facade.

2. **State Environmental Planning Policy**

State Environmental Planning Policy No 64 Advertising and Signage

SEPP No 64 applies to the Muswellbrook LGA and is of relevance to the assessment of development applications involving signage.

Clause 13 of the SEPP requires a consent authority to be satisfied of the following in relation to any proposed signage prior to granting consent to a development application to which the signage relates:

Aims of the Policy:

Part 3(1)(a) Aims	Planning Comment	Complies
Is compatible with the desired amenity and visual character of an area,	<p>The proposed signage has been reviewed in relation to the existing and desired amenity of the area. Matters considered:</p> <ul style="list-style-type: none"> ➤ the land is zoned B2 Local Centre and is located adjacent to a highly trafficked classified state road, ➤ The proposed signage would be installed on an existing commercial premises ➤ The density of signage proposed at the premises would not be such to overly clutter the shop front of the premises and would not have an untidy or unprofessional appearance, ➤ The premises is situated adjacent the 'Hannor' Local Heritage Item and Council's Heritage Advisor has provided comments advising against some of the signage on the Lorne Street elevation of the premises. <p>The majority of the signage proposed is in keeping with the desired character of the area, with the exception of the signs marked on the proposed plans as 'Lifestyle Graphics 5 & 6'. These two (2) signs are viewed as being incompatible with the heritage item 'Hannor'.</p>	Partially complies, with the exception of the signage marked on the proposed plans as 'Lifestyle Graphic 5' and 'Lifestyle graphic 6'
Provides effective communication in suitable locations	The proposed signage would communicate the business identity through the six (6) 'logo signs'. Staff are satisfied that each of these signs would be suitably located on the building's façade. No objection is raised in relation to the	Partially complies, with the exception of the signage marked on the proposed plans as 'Lifestyle Graphic 5' and 'Lifestyle graphic 6'

Part 3(1)(a) Aims	Planning Comment	Complies
	effectiveness of the communication of this signage, however it is considered that proposed 'Lifestyle Graphics 5 & 6' are in an un-suitable location. As discussed above, objection is raised to their location due to the incompatibility with the adjoining heritage item 'Hannor'.	
Is of high quality design and finish	From the information provided it is considered that all proposed signage would be of an acceptable design quality and would have a professional finish.	Complies

Schedule 1 Assessment Criteria:

Schedule Assessment Criteria	1	Planning Comment	Complies
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?		The proposed development is in a commercial area adjacent a well traffic classified road. Installation of some high quality signage at the site would not be contrary to the established or desired character of the locality. However, noting the proximity of the proposed development to a heritage item, Council must be satisfied that the installation of that signage would not have any significant adverse impact on the significance of that heritage item. The proposed development was referred to Council's Heritage Advisor, who raised objection to the installation of colourful signage on the premises Lorne Street frontage (the frontage adjacent the local heritage item). Council Officers view these signs as being contrary to the existing and desired character of the locality, while no objection is raised to the other signage proposed.	Partially complies, with the exception of the signage marked on the proposed plans as 'Lifestyle Graphic 5' and 'Lifestyle graphic 6'
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?		The proposed advertising signage is not inconsistent with the signage used on other commercial premises with frontage to the New England Highway in the vicinity of the site.	Complies
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or		The impact of the proposed development on this item of heritage significance has been considered by Council's Heritage Advisor who provided advice which was supportive of the proposed building colour scheme to be featured at the sites frontage adjacent this heritage item and the 'business logo signage' that would feature on this frontage. The majority of the proposed signage, with the exception of the colourful signage	Partially complies, with the exception of the signage marked on the proposed plans as 'Lifestyle Graphic 5' and 'Lifestyle graphic 6'

Schedule Assessment Criteria	1 Planning Comment	Complies
residential areas?	proposed on the Lorne Street elevation, being 'Lifestyle Graphics 5 & 6', is considered to be compatible with this requirement and would not detract from the visual amenity of this heritage item.	
Does the proposal obscure or compromise important views?	The proposed signage would have a negligible impact on any existing views.	Complies
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage would be located on the existing façade of the premises and thereby would not dominate the skyline or significantly restrict any existing vistas.	Complies
Does the proposal respect the viewing rights of other advertisers?	The proposed signage would not obscure or affect the signage of other advertisers in the vicinity of the development site.	Complies
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<p>The bulk of the proposed signage would present no issue in terms of its compatibility with the streetscape.</p> <p>Objection is raised to the compatibility of high colour signage on the Lorne Street elevation of the commercial premises due to its incompatibility with the adjacent heritage item.</p>	Partially complies, with the exception of the signage marked on the proposed plans as 'Lifestyle Graphic 5' and 'Lifestyle graphic 6'
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<p>The bulk of the proposed signage would present no issue in terms of its compatibility with the streetscape.</p> <p>Objection is raised to the compatibility of high colour signage on the Lorne Street elevation of the commercial premises due to its incompatibility with the adjacent heritage item.</p>	Partially complies, with the exception of the signage marked on the proposed plans as 'Lifestyle Graphic 5' and 'Lifestyle graphic 6'
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	All advertising would be placed on the façade of the existing commercial premises and staff are satisfied that the proposed signage arrangement would appear in an uncluttered and rational manner.	Complies
Does the proposal screen unsightliness?	As discussed the proposed signage would be fixed to the existing building and would not be unsightly.	Complies
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No proposed signage would protrude above the existing building.	Complies
Does the proposal	The proposed development includes	Complies

Schedule Assessment Criteria	1	Planning Comment	Complies
require ongoing vegetation management?		details of vegetation to be planted within the Lorne Street Road Reserve. The species selected has a limited growth height and is not anticipated to require significant maintenance in relation to ensuring the signage visibility.	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?		The signage proposed is compatible with the scale of the building on which it is proposed to be located.	Complies
Does the proposal respect important features of the site or building, or both?		The proposed signage would not disguise any prominent existing building features.	Complies
Does the proposal show innovation and imagination in its relationship to the site or building, or both?		The proposed signage would be designed to display the corporate branding of the site operators. The proposed signage would not adversely reflect on the standing of the existing building at the site.	Complies
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?		No safety devices, platforms or lighting has been proposed, nor is it considered that any would be required.	Complies
Would illumination result in unacceptable glare?		The proposed signage would not be illuminated.	Complies
Would illumination affect safety for pedestrians, vehicles or aircraft?		No illumination of the signage has been proposed	Complies
Would illumination detract from the amenity of any residence or other form of accommodation?		No illumination of the signage has been proposed	Complies
Can the intensity of the illumination be adjusted, if necessary?		No illumination of the signage has been proposed.	Complies
Is the illumination subject to a curfew?		No illumination of the signage has been proposed.	Complies
Would the proposal		The proposed signage would not alter the	Complies

Schedule Assessment Criteria	1	Planning Comment	Complies
reduce the safety for any public road?		current traffic conditions or affect the safety of any public road.	
Would the proposal reduce the safety for pedestrians or bicyclists?		The proposed signage would be fixed onto the existing building and would not affect the safety of pedestrians or cyclists.	Complies
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?		As stated above the proposed signage would not affect pedestrian safety, and would not obscure sightlines from public areas.	Complies

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

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

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified over the period of 21 December 2017 to 2 February 2018.

Following the submission of revised plans the proposed development was re-notified between the 27 April 2018 and the 16 May 2018.

A submission was received objecting to the proposed dated 16 May 2018. The content of this submission and the reasoning informing the objection is discussed under the Section 4.15(1)(d) of this report.

Note: additional revised plans have been received by Council on 25 May 2018 following the previous notifications of the development application. These revised plans remove any notation to the building extensions proposed under DA 108/2017 and do not make any changes to the scope of the development proposed by this application. These revised plans were requested by Council Officers to enable the consideration of this development application without any confusion being generated by the elements of the building extension proposed under DA 108/2017 being shown on the proposed plans.

Section 9 – Local Centre Development

The proposed development principle involves the installation of signage and also includes alterations to the building colour scheme and the planting of landscaping. The proposed development does not present any issue in relation to the majority of the DCP provisions under this Section.

Key controls outlined by this Section of the DCP which are of relevance are those stated under subsection 9.2.4 Signage and Advertising. The DCP controls specified by this part have been listed below along with comments from Council's Assessing Officer:

(i) *Proposed signage to be in accordance with Section 15 – Outdoor Advertising.*

The proposed development has been considered against the DCP requirements of this Part under a later heading of this report.

- (ii) *Signage should be compatible with the scale and character of development in the area and the number and size of signs should be limited to avoid clutter and unnecessary repetition.*

The proposed signage is considered to be generally compatible with the character of the area, however, objection has been raised with the location of colourful signage on the Lorne Street elevation due to the adjoining heritage item. It is recommended that development consent not be granted to this component of the proposed signage.

- (iii) *Signage should form an integrated part of the building façade, architectural design and scale of the building.*

The proposed signage would be compatible with the architectural form of the building it is to be located and acceptably integrated into the appearance of that building.

- (iv) *No signage is permitted on a building wall abutting or facing a residential area*

The specific term 'residential area' is not defined by the DCP and the most logical inference of that term is an area of residential zoned land. Land in this location is zoned B2 Local Centre. The neighbouring 'Hennor' locally listed heritage item is also zoned B2 Local Centre.

Summary comment:

Noting the above the proposed signage with the exception of 'Lifestyle Graphics 5 and 6' are considered to be compatible with the requirements of this Section of the DCP.

Section 13 – Flood Prone Land

The site subject to this development application is identified as flood liable. The proposed development does not seek to alter the floor area of the existing building and thereby does not present any issue.

Section 14 – Outdoor Signage

14.1 Signage design analysis

The proposed development presents no issue in relation to the commercial character of the locality with the exception of the graphic signs proposed to be located on the premises Lorne Street elevation.

14.2 Matters for consideration

The matters for consideration prescribed by SEPP 64 have previously been considered in the tables under the SEPP heading of this report. The majority of the signage with the exception of the graphic signs proposed to be located on the premises Lorne Street elevation are considered to be compatible with the SEPP Assessment Criteria.

14.3 Sign Design and Location

14.2.1 Design Scale and Size

The proposed signage has been considered against the design criteria referenced by this part and against the provisions of SEPP 64. It is considered that the bulk of the signage installation would be of an acceptable design scale and size and therefore in accordance with the provisions of this part, with the exception of the signs marked on the proposed plans as 'Lifestyle Graphics 5 & 6' objection is raised to this signage surrounding their compatibility with the character of the streetscape, in particular the nearby heritage item.

14.2.2 Location

The proposed signage locations would not conflict with any existing pattern of signage locations in the area and therefore would be in accordance with the signage location provisions of this part.

Restrictions

14.2.3 The DCP restricts the maximum area of any permanent advertisement panel to 6m², the maximum area of a panel sign proposed under this development application would be 5.76m².

Note it is observed that this Section of the DCP restricts the number of 'large' advertisement structures, however the DCP does not identify what comprises a large advertisement sign.

14.2.4 Inappropriate forms

The proposed development does not involve any signage identified as inappropriate.

14.2.5 Content

All proposed signage would be of a professional design and their displays would be in accordance with the DCP.

14.2.6 Pedestrian and Road Safety

The proposed signage would not affect road safety and would comply with the requirements of this part.

14.2.7 Signs in heritage and conservation areas

The proposed signage is not within a heritage conservation nor is it to be situated on a heritage item. Accordingly, the provisions of this part present no issue in relation to the proposed development.

14.2.8 Illuminated signs

The proposed signage will not be illuminated. Accordingly the provisions of this part present no issue in relation to the proposed development.

14.2.9 Roof or sky advertisements

The proposed development does not involve any roof or sky advertisement.

14.2.10 Wall signs

The proposed signage would comply with the DCP requirements expressed for wall signs by this part.

14.2.11 Special promotional advertisements

The proposed signage would not display any specials or promotional advertisement.

14.2.13 New technologies

The proposed development does not relate to this part.

14.2.14 A- Frame Signs

The proposed development does not include an A-Frame sign.

Section 15 – Heritage Conservation

The land subject to this development application is not located within a heritage conservation area and no items of identified heritage significance are located at the site. As discussed throughout this report the land adjoins the locally listed heritage 'Hennor'.

Staff have assessed the impact of the proposed development on this adjoining heritage item. It is recommended that Council not grant development consent to the installation of the 'lifestyle' signage on the Lorne Street elevation, but grant development consent to the other signage proposed.

Section 16 – Car Parking and Access

The proposed development would not affect the floor space of any existing business premises and thereby presents no issue in relation to this section of the DCP.

Section 24 – Waste Management

A waste minimisation plan is not required to accompany a development application for the installation of signage.

Section 94A Contributions Plan 2009

The cost of carrying out the proposed development would be less than \$100,000 and in accordance with Council's Section 94A Plan, a contribution would not be required.

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

There are no planning agreements relevant to this development application.

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

The Environmental Planning and Assessment Regulation 2000 presents no specific matters of relevance to the assessment of this development application.

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

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

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

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report. It is considered that the proposed development would not have a significant adverse environmental impact in any of the areas referenced below with the exception to the manner the proposed colourful Lorne Street Signage.

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

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

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

Section 4.15(1)(d) any submissions made

One (1) submission was received during the notification period. This submission has been included as an attachment to this report. The submission objects to the proposed development based on its compatibility with Sections 14 and 15 of the DCP. Planning comments are provided below:

Compatibility of the proposed development with Section 14 of the DCP

Planning Comment:

Council Officers have assessed the proposed development against this Section of the DCP and the provisions of SEPP 64 Advertisement Signage which are also referenced within Council's DCP. Comments relating to the assessment of the proposed development in relation to the DCP and SEPP have been included under previous headings of this Report. The assessment concluded that the proposed signage, with the exception of the two (2) proposed lifestyle graphic signs, proposed for the premises Lorne Street frontage, would be in accordance with the provisions of the SEPP and DCP requirements.

Compatibility of the proposed development with Section 15 of the DCP

Planning comment

The proposed development has been referred to Council's Heritage advisor to consider its impact on the adjoining heritage item.

The details of this referral and DA Assessment are outlined under the Referrals and DCP headings of this report.

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

It is considered that the proposed development would be compatible with the public interest subject to minor changes.

Council Adopted and Draft Policies

The Assessing Officer is unaware of any draft Policies of Council which present any issue in relation to this matter.

5 Conclusion

The application has been assessed in accordance with the provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. It has been identified that the majority of the proposed signage, with the exception of 'Lifestyle Graphics 5 & 6' are acceptable, while the proposed building colour scheme and landscaping (where the tree species is altered in accordance with staff recommendations) would be acceptable.

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

Should the applicant be dissatisfied with Council's determination they will have the opportunity to appeal its decision at the Land and Environment Court in accordance with the provisions of the Environmental Planning and Assessment Act 1979.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

IDENTIFICATION OF APPROVED PLANS

(1) **Development in Accordance with Plans**

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council's approval stamp, except where amended by the following conditions and as marked in red on the approved plans

Drawing No.	Revision	Drawn by	Drawing Date	Received
DA204-03-01 (site plan)	03	WA Brown Building Pty Ltd	24/05/2018	24/05/2018
DA204-05-03 (elevations/signage)	05	WA Brown Building Pty Ltd	24/05/2018	24/05/2018
Colour Selection	-	No Reference	No Reference	01/05/2018

Note1: the plan identified as DA204-05-03 (elevations/signage) has been marked in red to identify that no approval is granted for the signs identified as 'Lifestyle Graphics 5' and 'Lifestyle Graphics 6' on that plan.

(2) **Approved Colour Scheme**

At all times the approved signage is displayed at the premises the building shall be painted in accordance with the colour scheme identified on the approved plans.

(3) **Approved Landscaping**

Landscaping at the site is to be carried out in accordance with the landscaping identified on the approved plan DA204-03-01 (site plan) with the exception that the plant species planted within the road reserve adjacent the premises Lorne Street frontage shall be *Callistemon viminalis* "Slim".

(4) **Limitations to the approved signage**

No consent is granted or implied for the signage identified on approved plan DA204-05-03 (elevations/signage). This plan has been marked in red to identify the signage which development consent is not granted.

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

(5) **Building Code of Australia**

All building work must be carried out in accordance with the provisions of the National Construction Code Series.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

(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. If a certificate is issued for part of the works it must cover the works being undertaken onsite.

(7) Works within Road Reserve

Prior to the carrying out of any works within the Lorne Street Road Reserve the person acting with this consent shall obtain approval for those works from Council as the relevant Roads Authority under Section 138 of the Roads Act 1993. It is recommended consultation be carried with Council's Community and Infrastructure Department at your earliest convenience to discuss the information which Council requires with any Section 138 Application in addition to the following: requirements:

- Traffic Control Plan identifying how pedestrian and vehicle traffic is to be managed throughout the carrying out of works
- Public liability insurance to the value of \$20,000,000 The Policy is to note, and provide protection for Muswellbrook Shire for any incidents which may occur throughout the carrying out of the works.
- The Section 138 Approval should also cover the watering associated with the tree establishment specified by condition 13.

Note: Section 138 Application fees will need to be paid to Council at the lodgement of any Section 138 Application in accordance with Council's Fees & Charges

(8) Damage to Public Infrastructure

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

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

(9) Public Liability Insurance

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

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

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

(10) **Occupation**

In accordance with the Environmental Planning and Assessment Act an Occupation Certificate is to be obtained from the Principle Certifying Authority for the completion of building work for the approved signage installation.

(11) **Completion of Works**

Prior to the issue of any Occupation Certificate for the approved development the building is to be painted in accordance with the approved plans and the landscaping within the Lorne Street Road Reserve completed in accordance with plan DA204-03-01 (site plan), the requirements of this consent and any Section 138 Roads Act 1993 approval.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(12) **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign.

ESTABLISHMENT OF STREET TREES

(13) **Establishment of Trees**

The person acting with this consent shall undertake the following to ensure that landscaping within the Lorne Street Road Reserve is reasonably established prior to its hand over to Council.

The trees within the Lorne Street Road Reserve shall be watered as follows over an 8-week basis.

Time following tree planting	Watering Schedule
Weeks 1 & 2	Trees watered daily
Weeks 3 & 4	Trees watered 3 times a week
Weeks 5 & 6	Trees watered 2 times a week
Weeks 7 & 8	Trees watered daily

This work is to be carried out by or on behalf of the person benefited with consent.

Note: if there is any issue with carrying out the watering required by the watering schedule you are required to advise Council's Manager of Property and Buildings to discuss the issue and possible solutions.

(14) **Notice of Completion**

Council is to be provided with written Notice at the conclusion of the 8-week watering period set out above. At the conclusion of this period Council will assume ownership and maintenance of the trees within the Lorne Street Road Reserve.

DEVELOPMENT APPLICATION

FOR

SIGNAGE TO EXISTING COMMERCIAL BUILDING

LOCATED AT

No 4, LOT A LORNE STREET MUSWELLBROOK NSW 2333
DP 332469

APPLICANT

W.A.Brown Building P/L

Architectural Drawings Supplied by W.A.Brown Building Pty Ltd

02	Elevations	DA Submission	24.05.18	MM	05
01	Site Plan	DA Submission	24.05.18	MM	03
No	Drawing	Description	Date	Dwn	Rev

Job No
DA204

W.A.BROWN BUILDING PTY LTD

Industrial - Commercial - Project Management

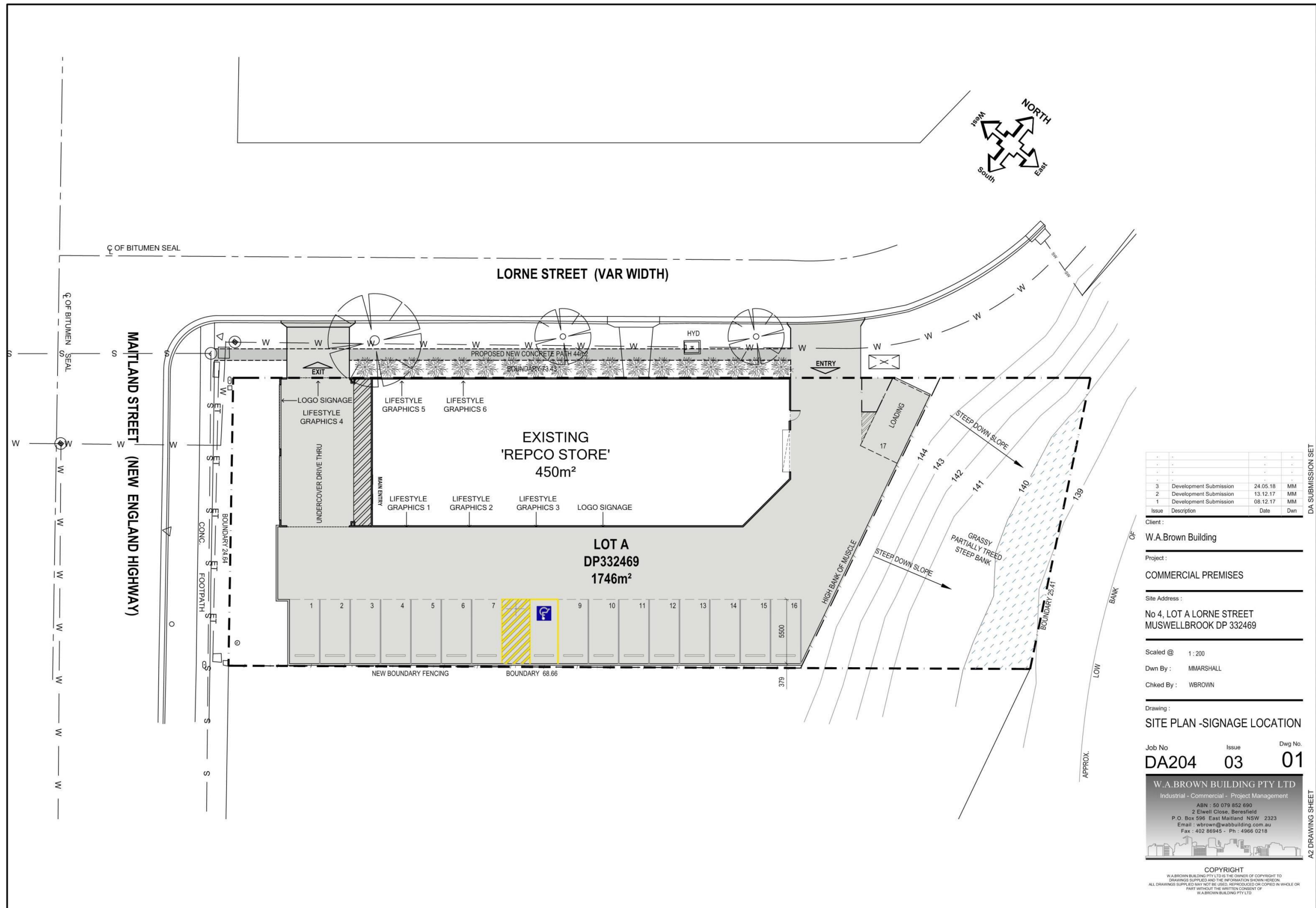
ABN : 50 079 852 690 - BLN 158375C

P.O. Box 596 East Maitland NSW 2323

Email : wbrown@wabbuilding.com.au

Mob : 0412 150 320 - Ph : 4930 5089





Issue	Description	Date	Dwn
3	Development Submission	24.05.18	MM
2	Development Submission	13.12.17	MM
1	Development Submission	08.12.17	MM

Client :
W.A.Brown Building

Project :
COMMERCIAL PREMISES

Site Address :
No 4, LOT A LORNE STREET
MUSWELLBROOK DP 332469

Scaled @ : 1:200

Dwn By : MMARSHALL

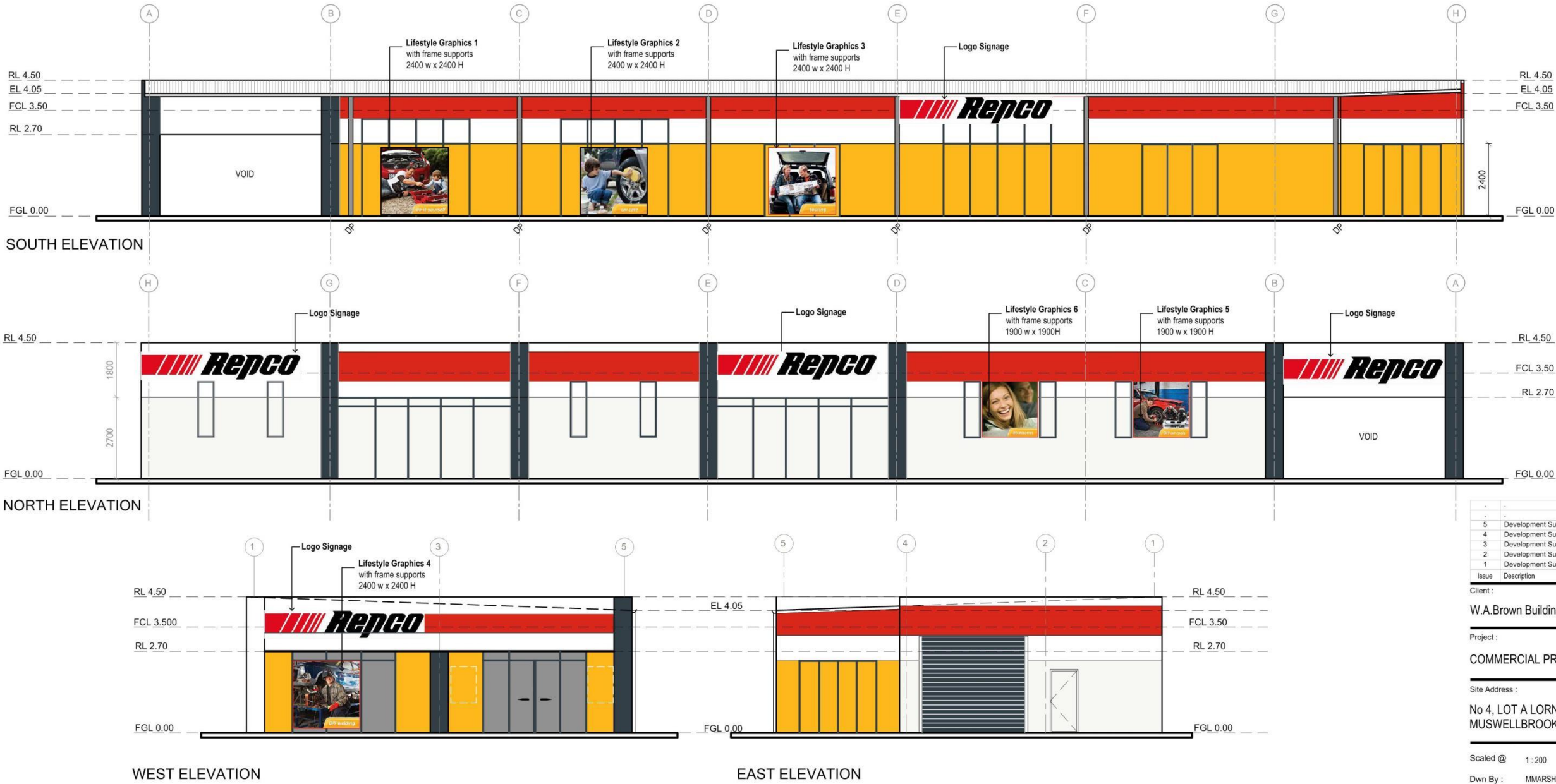
Chkd By : WBROWN

Drawing :
SITE PLAN -SIGNAGE LOCATION

Job No : DA204
Issue : 03
Dwg No. : 01

W.A.BROWN BUILDING PTY LTD
Industrial - Commercial - Project Management
ABN : 50 079 852 690
2 Elwell Close, Beresfield
P.O. Box 596 East Maitland NSW 2323
Email : wbrown@wabuilding.com.au
Fax : 402 86945 - Ph : 4966 0218

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W.A.BROWN BUILDING PTY LTD



Issue	Description	Date	Dwn
5	Development Submission	24.05.18	MM
4	Development Submission	17.04.18	MM
3	Development Submission	05.04.18	MM
2	Development Submission	13.12.17	MM
1	Development Submission	08.12.17	MM

Client :
W.A.Brown Building

Project :
COMMERCIAL PREMISES

Site Address :
No 4, LOT A LORNE STREET
MUSWELLBROOK DP 332469

Scaled @ : 1:200

Dwn By : MMARSHALL

Chkd By : WBROWN

Drawing :
ELEVATIONS - SIGNAGE

Job No : DA204
Issue : 05
Dwg No. : 03

W.A.BROWN BUILDING PTY LTD
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W.A.BROWN BUILDING PTY LTD

DA SUBMISSION SET

A2 DRAWING SHEET

Statement of Environmental Effects

Prepared by
W.A.Brown Building Pty Ltd
P.O.Box 596
EAST MAITLAND NSW 2323
Ph : 4966 0218

12th December 2017



PROPOSED DEVELOPMENT AND SUBJECT LOCATION

**4 Lorne Street,
Muswellbrook NSW 2333
Lot A DP 332469**

COUNCIL

**THIS STATEMENT HAS BEEN PREPARED IN ACCORDANCE WITH
MUSWELLBROOK SHIRE COUNCIL GUIDELINES**

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1.0 INTRODUCTION

This Statement of Environmental Effects relates to the proposed 'Signage' at 4 Lorne Street, Muswellbrook, Lot A DP332469. This Statement of Environmental Effects has been prepared to demonstrate environmental, social and economic matters associated with the proposal outlined below. This statement examines how the proposal fits the location and the planning merits of the development in accordance with Muswellbrook Local Environmental Plan 2009 and Muswellbrook Development Control Plan 2009. This statement provides the supporting documentation for the development application to seek consent for the development.

The objectives of this statement are the following:

- To provide a description of the subject site and the surrounding locality
- To provide a description of the proposed development
- To provide discussion of the relevant environmental planning instruments
- To provide an assessment of the potential environmental and social impacts

2.0 SITE DETAILS

The site is located at 4 Lorne Street, Muswellbrook NSW 2322 Lot A DP332469. The site currently contains an existing commercial building occupied by 'Repco'. A fast food outlet and commercial premises is located to the south-western boundary, a motel is adjacent on the north-eastern boundary and a local heritage item is located to the north-western side of Lorne Street known as "Hennor". Muscle Creek is located to the rear of the site.

- Owner: B.K. Properties (NSW) Pty Ltd.
- The property is located within the B2 Local Centre Zone in accordance with Muswellbrook Local Environmental Plan 2009.
- The property is 1746m².

Figure 1: Site Location



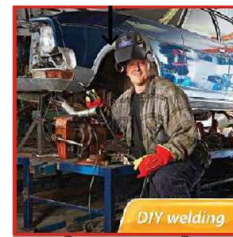
3.0 PROPOSED DEVELOPMENT

This Development Application seeks approval for twelve (12) signs to an existing commercial building currently occupied by 'Repco'. Repco is the largest seller and supplier of automotive parts and accessories in Australia and New Zealand. The proposed signage will allow community members to identify the nature of the commercial premises. The proposal is permissible within the current zoning and will not produce offensive or toxic waste. The proposed signage includes;

Six (6) 'Repco' Business Identification Signs



Six (6) Advertising Graphics



4.0 MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009

LEP Part 1 Preliminary

1.1 – 1.9A

The subject site is located within the Muswellbrook Local Government Area therefore the Muswellbrook Local Environmental Plan 2009 applies to this land. The proposal has been assessed under the LEP in conjunction with the Muswellbrook DCP 2009. The proposal is consistent with the aims of the Local Environmental Plan both generally and specifically.

LEP Part 2 Permitted or Prohibited Development

2.1 Land Use Zones - 2.2 Zoning of Land to which Plan Applies

The subject site is zoned 'B2 Local Centre' under the provisions of Muswellbrook Council LEP 2009.

2.3 Zone Objectives and Land Use Table

The proposed commercial premises extension is deemed as permissible, with consent, within the zone.

(1) Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*

Response: The proposal is for signage to an existing commercial premise that provides automotive services to the people who live, work and visit the local area.

- *To encourage employment opportunities in accessible locations.*

Response: The existing commercial development provides employment opportunities close to the town centre where it is accessible to public transport for local residents, the proposed signage will improve the businesses ability to function in this capacity.

- *To maximise public transport patronage and encourage walking and cycling.*

Response: The existing commercial premises is easily accessible by public transport, walking and cycling for people working and living in Muswellbrook.

- *To maintain the status and encourage the future growth of the Muswellbrook established business centre as retail, service, commercial and administrative centre while maintaining the centres compact form.*

Response: The proposed signage supports an existing business that contributes to the future growth of Muswellbrook through the provision of a commercial premises that contributes to the local economy.

- *To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.*

Response: The proposed signage will assist the existing commercial premises to continue providing its service functions to the business centre.

- *To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.*

Response: The subject site is located outside the heritage conservation area of the Muswellbrook business centre. The existing commercial premises and proposed signage is consistent with commercial premises within the immediate vicinity.

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

Response: The existing commercial premises provides sufficient parking within the site for the use of the development in accordance with Council's car parking requirements.

(2) Permitted without Consent

Home occupations.

(3) Permitted with Consent

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

(4) Prohibited

Any development no specified in item 2 or 3.

2.4 Unzoned Land

The subject site is not unzoned land.

2.5 Additional Permitted Uses for Particular Land

The proposed application does not request approval for an additional permitted use.

2.6 Subdivision – Consent Requirements

The proposed application is not for a subdivision.

2.7 Demolition Requires Development Consent

The proposed application does not request approval for demolition works.

2.8 Temporary Use of Land

The proposed application does not request approval for temporary use of the land.

2.6A, 2.6B

Repealed.

LEP Part 3 Exempt and Complying Development**3.1 Exempt Development**

The proposed application does not request approval for an exempt development.

3.2 Complying Development

The proposed application does not request approval for a complying development.

3.3 Environmentally Sensitive Areas Excluded

The subject site is not located in an environmentally sensitive area.

LEP Part 4 Principal Development Standards**4.1 Minimum Subdivision Lot Size**

The proposed application is not for a subdivision.

4.1AA Minimum Subdivision Lot Size for Community Title Schemes

The proposed application is not for a subdivision.

4.2 Rural Subdivision

The proposed application is not for a subdivision.

4.3 Height of Buildings

The proposed application is not for any building works. No signage is proposed above the existing roof line.

4.4 Floor Space Ratio

The proposed application is not for any building works or increase in floor area.

4.5 Calculation of Floor Space Ratio and Site Area

The proposed application is not for any building works or increase in floor area.

4.6 Exceptions to Development Standards

The proposed application does not require any exceptions to the development standards.

LEP Part 5 Miscellaneous Provisions**5.1 Relevant Acquisition Authority**

The subject site it is not public land.

5.2 Classification and Reclassification of Public Land

The subject site it is not public land.

5.3 Development near Zone Boundaries

The proposed application does not request approval for a land use permissible through an adjoining zone.

5.4 Controls Relating to Miscellaneous Permissible Uses

The proposed application is not for a miscellaneous permissible use.

5.5 Development within the Coastal Zone

The subject site it is not located in a coastal zone.

5.6 Architectural Roof Features

The proposed application does not request approval for an architectural roof feature.

5.7 Development below Mean High Water Mark

The subject site it is not located below the mean high water mark.

5.8 Conversion of Fire Alarms

The proposed application does not request approval to convert or alter a fire alarm.

5.9, 5.9AA

Repealed.

5.10 Heritage Conservation

The subject site is not located in a heritage conservation area and does not contain a heritage item under the Muswellbrook Council LEP 2011.

5.11 Bush Fire Hazard Reduction

The subject site is not located on land identified as bushfire prone land.

5.12 Infrastructure Development and Use of Existing Buildings of the Crown

The proposed application is not for the use of an existing building of the Crown.

5.13 Eco-tourist Facilities

The proposed application is not for an eco-tourist facility.

5.14 Siding Spring Observatory – Maintaining Dark Sky

Not Adopted.

5.15 Defense Communications Facility

Not Adopted.

LEP Part 6 Urban Release Areas**6.1 Arrangements for Designated State Public Infrastructure**

The subject site is not located in an urban release area.

6.2 Public Utility Infrastructure

The subject site is not located in an urban release area.

6.3 Development Control Plan

The subject site is not located in an urban release area.

6.4 Relationship between Part and Remainder of Plan

The subject site is not located in an urban release area.

LEP Part 7 Additional Local Provisions**7.1 Terrestrial Biodiversity**

The subject site does not contain terrestrial biodiversity.

7.2 Subdivision in Zone RU1 Primary Production and Zone E3 Environmental management

The proposed application is not for a subdivision.

7.3 Controls Relating to Rural Worker's Dwellings

The proposed application is not for a rural worker's dwelling.

7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village

The proposed application is not for a subdivision.

7.5 Erection of Dwelling Houses on land in Certain Rural and Environmental Protection Zones

The proposed application is not for erection of a dwelling house.

7.6 Earthworks

The proposed extension does not require earthworks.

7.7 Development at Muswellbrook Showground

The proposed development is not located within Muswellbrook Showground.

7.8 Events permitted on Public Reserves and Public Roads without Development Consent

The proposed development is not on a public reserve or public road.

5.0 SEPP 64 – ADVERTISING AND SIGNAGE

Schedule 1 Assessment

1 Character of the area
The proposed signage is consistent with the exiting commercial use and existing signage for commercial development in the immediate vicinity.
2 Special areas
The proposed signage is not located in an environmentally sensitive area, heritage area or conservation area.
3 Views and vistas
The proposed signage does not obscure or compromise important views. The proposed signage does not dominate the skyline or reduce the quality of vistas. The proposed signage respects the viewing rights of other advertisers.
4 Streetscape, setting or landscape
The proposed signage scale, proportion and form is consistent with existing commercial signage within the immediate vicinity and business centre. There is no unsightliness that requires screening. The proposed signage does not protrude above buildings, structures or tree canopies in the area and does not require ongoing vegetation management.
5 Site and building
The proposed signage is compatible with the scale, proportion and other characteristics of the existing commercial building.
6 Associated devices and logos with advertisements and advertising structures
No safety devices, platforms, lighting devices or logos been designed as an integral part of the signage. All signage is flush wall signage.
7 Illumination
The proposed signage is not illuminated.
8 Safety
The proposed signage will not reduce the safety for any public road, pedestrians or bicyclists. The proposed signage does not obscure sightlines from public areas.

6.0 MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009

DCP Section 1 – 4

The documentation required under the DCP has been submitted with this application.

DCP Section 5 Subdivision

The proposed application is not for a subdivision.

DCP Section 6 Residential Development

The proposed application is not for residential development.

DCP Section 7 Village Zones

The subject site is not zoned RU5 Village.

DCP Section 8 Rural Development

The subject site is not zoned RU1 Primary Production, E3 Environmental Management or W1 Natural Waterways.

DCP Section 9 Local Centre Development

9.1 Built Form

9.1.1 Building Design

The proposed works are for signage only therefore there will be no impact on the built form of the existing commercial building.

9.1.2 Building Height

The proposed works are for signage only therefore there will be no impact on the height of the existing commercial building. All signage is below the existing roof line.

9.1.3 Setbacks

The proposed works are for signage only therefore there will be no impact on the setbacks of the existing commercial building.

9.1.4 Accessibility

The proposed works are for signage only therefore there will be no impact on the accessibility of the existing commercial building.

9.2 Urban Landscape

9.2.1 Landscaping

The proposed works are for signage only therefore there will be no impact on the landscaping of the existing commercial building.

9.2.2 Car Parking

The proposed works are for signage only therefore there will be no car parking requirements generated as a result of the proposal.

9.2.3 Outdoor Eating Areas

The proposed development does not request approval for an outdoor eating area.

9.2.4 Signage and Advertising

The proposed signage is compatible with the scale of surrounding buildings and the locality and is consistent with existing commercial signage in the immediate vicinity and business centre. The proposed signage is in accordance with Section 14 – Outdoor Advertising of the DCP. All adjoining and adjacent land is zoned B2 Local Centre.

DCP Section 10 Industrial Development

The proposed application is not for an industrial development.

DCP Section 11 Extractive Industry

The proposed application is not for an extractive industry.

DCP Section 12 Tourist Facilities and Accommodation

The subject site is not zoned RU1 Primary Production and the proposed application is not for tourist facilities and accommodation.

DCP Section 13 Flood prone Land**6.1 Arrangements for Designated State Public Infrastructure**

The subject site is subject to flooding. A Flood Impact Assessment was prepared for the original building. The proposed works are for signage only and will have no impact on flooding.

DCP Section 14 Outdoor Signage**14.1 Signage Design Analysis**

The proposed signage is consistent with existing commercial signage placement in the immediate vicinity and business centre.

14.2 Matter for Consideration

A Schedule 1 Assessment under SEPP64 Advertising and Signage has been carried out above under Section 5.

14.3 Signage Design, Location and Content**14.2.1 Design, scale, size**

The proposed signage design, location and content is consistent with existing commercial signage placement in the immediate vicinity and business centre.

14.2.2 Location

The proposed signage location is consistent with existing commercial signage placement in the immediate vicinity and business centre.

14.2.3 Restrictions

The proposed signage numbers are compatible with the size of the building, length of the elevations and orientation of the premise.

14.2.4 Inappropriate forms

The subject site is not zoned R1 Residential, E3 Environmental Management, RE1 or RE2. The subject site is not located in a heritage conservation area. The proposed signage is not awning signage, horizontal projecting wall signage, flag pole signage, inflatable signage, moving or flashing signage, video signage, roof or sky signs or greater than 20m² or higher than 8m.

14.2.5 Content

The proposed signage is simple business identification signage and aesthetically pleasing graphics.

14.2.6 Pedestrian and road safety

The proposed signage will not reduce the safety for any public road, pedestrians or bicyclists.

14.2.7 Signs on heritage items and in conservation areas

The subject site is not a heritage item and is not located in a heritage conservation area.

14.2.8 Illuminated Signs

The proposed signage is not illuminated.

14.2.9 Roof or sky advertisements

The proposed signage is not roof or sky advertisements.

14.2.10 Wall signs

The proposed signage numbers are compatible with the size of the building, length of the elevations and orientation of the premise. The proposed wall signs integrate into the elevations of the existing commercial premises. The proposed signage is not greater than 10% of the overall elevation and is not greater than 20m. The proposed signage does not protrude off the associated wall.

14.2.11 Special promotional advertisements

The proposed signs are not special promotional advertisements.

14.2.12 Signage to assist disabled access

The proposed signage is not to assist disabled people however, it is to assist all patrons in identifying the existing business location and services.

14.2.13 New technologies

The proposed signage is not considered a 'new technology'.

14.2.14 A – Frame Signs

The proposed signage is not for A-Frame signage.

DCP Section 15 Heritage Conservation

The subject site is not located in a heritage conservation area and does not contain a heritage item under the Muswellbrook Council LEP 2011. The subject site is adjacent to a heritage item of 'Local' significance. The item is a residence known as "Hennor" built in 1885 and located at 20 Maitland Street, Muswellbrook. The proposal is for business identification of an existing commercial building and will have no additional impact on the existing streetscape. The existing commercial building and proposed signage are consistent with multiple commercial developments in the immediate vicinity.

DCP Section 16 Car Parking and Access**16.3 Non-Residential Development**

The proposed works are for signage only therefore there will be no car parking requirements generated as a result of the proposal.

DCP Section 17 Sex Services and Restricted Premises

The proposed application is not for a sex service premises or restricted premises.

DCP Section 18 Child Care Centres

The proposed application is not for a child care centre.

DCP Section 19 Use of Public Footpaths

The proposed application is not for outdoor dining or the display of goods on a public land.

DCP Section 20 Erosion and Sediment Control

The proposed works are for signage only therefore there will be no erosion and sediment impacts.

DCP Section 21 Contaminated Land

The subject site is not classified as contaminated land.

DCP Section 22 Land Use Buffers

The proposed application is not for a land use buffer.

DCP Section 23 On-Site Sewage Management System

The subject site is connected to Councils reticulated sewer system.

DCP Section 24 Waste Minimisation and Management

The proposed works are for signage only therefore there will be no waste generated during installation of the signage or on going as a result of the signage.

DCP Section 25 Stormwater Management

The proposed works are for signage only therefore there will be no stormwater generated as a result of the proposal.

DCP Section 26 Site Specific Controls

The proposed works are for signage only therefore there will be no earth works or increase in non-permeable surfaces as a result of the proposed works.

DCP Section 27 West Denman Urban Release Area

The subject site is not located in the West Denman Urban Release Area.

DCP Section 28 Muswellbrook Showground DCP

The subject site is not located in the Muswellbrook Showground.

7.0 CONCLUSION

This Statement of Environmental Effects has successfully demonstrated the environmental, social and economic matters associated with the proposed signage located at 4 Lorne Street, Muswellbrook Lot A DP332469. The proposed signage has been considered in terms of relevant State, Regional, and Local planning controls and legislation. The proposed signage is considered to be largely in accordance with each.

The proposal is considered to have a relatively low environmental impact on existing conditions being business identification signage for an existing commercial premise. Overall, the signage will contribute to the progress of local business.

The statement has proved compliance of the proposed signage with Muswellbrook Local Environmental Plan 2009 and Muswellbrook Shire Council Development Control Plan 2009. It is therefore considered the proposal is in the public interest and consent be given.

Our Reference: 18-18 Memo of meeting
Your Reference: 4 Lorne Street, Muswellbrook



carste
STUDIO

Architects and Heritage Consultants

ABN 16 122 39 44 50

ACN 122 39 44 50

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The General Manager, Muswellbrook Council

19th April, 2018

Heritage Impact Statement Revision of Signage and Colour Scheme: Repco tenancy. 4 Lorne Street, Muswellbrook.

Background

The building located at 4 Lorne Street, Muswellbrook was given Development Consent in 2014 and has been constructed.

carste STUDIO prepared the Statement of Heritage Impact for the building and a muted colour scheme was suggested as part of the recommendations to minimise the visual impact on the adjacent heritage item.

The commercial development is a permissible use in this location, however there are constraints on this specific site as a result of its proximity to the heritage item immediately to the north, despite there being similar development nearby which have adopted "vibrant" colour palettes.

REPCO took occupancy of the building and proceeded, with consent, to adopt a fully branded approach to the building.

The final result was as shown below in Figure 1.



Concerns Expressed by Council

A DA was lodged for the enclosure of the driveway / drive through area at the west; the original intention being to have a Bottle Shop tenant the property. This didn't eventuate, and Repco do not need this and initiated the DA.

As the trigger for colour assessment, the DA assessment raised the issue of the impact of the present colour scheme and its visual presentation particularly to the heritage item on the north side of the building. Concern was also raised in relation to the "lifestyle" panels on the north side. Council wanted to have the colour scheme toned down, particularly the yellow and also the limitation of placement and size of the "lifestyle" panels specifically on the Lorne Street facade.

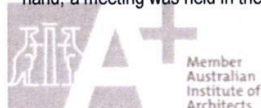
The Response

The issue was raised with carste STUDIO as the heritage consultants associated with the original development, and

Figure 1. The existing colour scheme: North Elevation (Lorne Street) and the West, (New England Highway) and East elevations.

drawings of the existing scheme and the originally recommended scheme were provided, together with a Memo of the Council's concerns.

Following the writer's review of the documents and having recently visited the site and seen the paint scheme first-hand, a meeting was held in the offices of W.A. Brown Building Pty Ltd to discuss the appropriate remediation.



stephen booker
B Sc (Hons) BArch (Hons) Dip Arch (Hons) Dip Arch (Hons) Dip Arch (Hons)
nominated architect
A190 NSW Reg No: 8873
director

Signage and Colour Scheme Revision. Statement of heritage Impact
4 Lorne Street, Muswellbrook

2

It was agreed that the current colour scheme is a radical departure from the original scheme approved in the 2014 Development Consent, comprising a strong yellow on the lower section of the walls on all sides and black pilasters with a red band running along the upper parapet.

The proposal is for REPCO to be inscribed on the upper parapet within the punctuated red band. The red band is to be broken up by diagonal white lines which start at a distance from the text widely spaced and as they get closer to the text they become closer and more "intense" suggesting speed and movement in a visual way. This is effective and should remain as it.

The yellow is too intense for the whole of building. Following review of the existing colour scheme and its intensity we propose that the full yellow colour should only remain on the west elevation and the rear of the building including the splayed wall at the east, which is out of view from the Lorne Street approach.

The writer recommended that the western most bay on the north side should be the full intensity yellow. These locations are of highest visibility from the New England Highway and the car park and of least view to the heritage item.

From the eastern extremity, the wall panels between the pilasters should be painted almost white, and the full intensity yellow is only used on the eastern most bay.

Lifestyle Images

In the 5th bay with 4 vertical slit windows, the "Lifestyle Images" can be located between the eastern and western-most pair. The size of the panels to be constrained by the height and width of the windows and spacing respectively.

The car park elevation can be treated as the client wishes with as many images as it requires. This will have no impact on the public domain but only within the REPCO car park.

Landscaping along the Lorne Street façade will help to tone down any visual impact on the north elevation.

The overall result on the critical locations is as below in Figure 2.

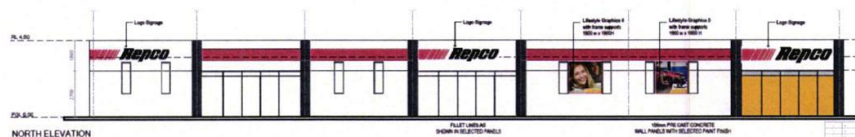


Figure 2. The revised colour scheme: North Elevation (Lorne Street) and the West,(New England Highway) and East elevations.



The car parking area and south eastern splay area remain as before, with little or no immediate visibility from the public domain.

carste STUDIO pty ltd

April 2017

Signage and Colour Scheme Revision. Statement of heritage Impact
4 Lorne Street, Muswellbrook

3

Heritage Comment

The impact of the worst case colour selection is already tangible and measurable in what exists on the site.

The aim of the heritage advice was to tone the impacts down whilst still retaining the essence of the REPCO branding requirements.

The important areas required for catching the passing eye are the north west, west and south west to a lesser extent. The south west elevation is barely seen from the New England Highway.

The car park and south eastern splayed wall are not seen from the public domain. No change in colour nor "lifestyle" images was seen to be required in this location.

The New England Highway (West Elevation) and the north western corner of the building where enclosed under the current DA, is the identifiably most prominent area of the building and where the concentration of colour and signage impact is needed. For this reason, the western end of the building has retained the full intensity yellow colour as the branded hallmark of REPCO.

To the north elevation, the wall below the red parapet is painted in a white colour and east end wall is treated the same. This minimises the negative visual impact on the broad section of the elevation and concentrates the intense yellow to the area most in the public view from the New England Highway.

The parapet sign with REPCO text and the diagonal white traces through the red band provide a continuous link around the building and are not visually intrusive at that position on the facades. The REPCO text breaks up the banding as too the white diagonal lines.

The use of "Repco Black" on the piers and the south face of the drive through infill punctuates the façade and provides visual articulation.

Conclusion

The suggestions made by the writer and the final colour selections made by WA Brown to address the solution, provides a successful downplaying of the former strong yellow, while still providing a continuity of approach to the colouration of the building. The red parapet band punctuated with text is a unifying element which does not dominate the façade presentation.

Viewed from the north west corner the colour now presented, minimises the intensity of the yellow on broad areas of the wall and limits it to its minimum effective location. The revised colour presentation, combined with landscaping along the base of the wall effectively softens the hard street edge. It is however imperative that the landscape be maintained.

The lifestyle images have been reduced in size and minimised in number, limited to the space between windows in the 5th bay from the east on the Lorne Street façade.

The approach now adopted provides a better solution than painting the building a completely neutral colour as originally proposed and highlighting the western end, as it treats the building holistically and addresses the previously intrusive elements at the locations that were of greatest concern.

I am in support of the proposed changes to the colour scheme and signage and recommend its approval being tangibly superior to the prevailing situation.

Yours faithfully



Stephen Booker
B.Sc.(Arch.), B.Arch., M.Herit. Cons., RAIA, M.ICOMOS, APTi, AAA
ARBNSW 4613
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carste STUDIO pty ltd

April 2017

Hamish McTaggart

From: Fiona Plesman
Sent: Wednesday, 16 May 2018 1:46 PM
To: Sharon Pope; Carolyn O'Brien; Alisa Evans; Hamish McTaggart
Subject: Doc 855619 Doc 853175 FW: Development Application 108/2017
Attachments: Repco Photos

Please lodge this as a formal objection

From: Graeme Mcneill
Sent: Wednesday, 16 May 2018 12:59 PM
To: Fiona Plesman
Subject: FW: Development Application 108/2017

Dear General Manager,

In relation to the above development application (DA) we would like to lodge our objection based on the following reasons;

We believe this DA is in conflict with the following sections of Muswellbrook Shire Council's DCP;

Section 14 Outdoor Signage;

14 a) Does not detract from significant views, vistas, & sensitive streetscapes.

14 b) Adds character to the street scape & compliments the architecture style of buildings

14.2 1 a) Compatibility to the character of the area.

14.2 2 a) The proposal does not detract from the amenity or visual quality of the residential area. (Please see attached photos from front door & main bedroom)

14.2.1 a) Signage should enhance the architecture of existing buildings streetscape & vistas.

Section 15 Heritage Conservation;

15.1.2 States heritage conservation will be in accordance with conservation best practice as set out in the Burra Charter. Article 8 of the Burra Charter refers to retaining an appropriate setting, including, visual & sensory. We strongly believe the signage proposed is very much in conflict with these conservation objectives.

Regards
Graeme & Rebecca McNeill

7 COMMUNITY INFRASTRUCTURE

7.1 DENMAN TOWN CENTRE UPGRADE WORKS CONCEPT

Attachments:	A. Denman Town Centre Masterplan – Under Separate Cover B. Issue Summary – Under Separate Cover C. Civil Concept – Under Separate Cover D. Paxton St Bus Bay - Under Separate Cover E. Landscape Concept_R - Under Separate Cover F. Staging Plan - Under Separate Cover G. Capark Option 1 - Under Separate Cover H. Carpark Option 2 - Under Separate Cover I. Carpark Option 3 - Under Separate Cover
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Kellie Scholes - Project 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>Improve and maintain civic precincts.</i>
Community Plan Strategy:	<i>Deliver the capital program substantially on time, on budget and in accordance with relevant design and construction standards.</i>

PURPOSE

To inform Council that the Denman Town Centre Conceptual Design drawings have been finalised and seek the Council's endorsement of these concepts prior to finalising the design and construction documentation.

OFFICER'S RECOMMENDATION

Council:

1. Endorse the Concept Designs for the Denman Town Centre Upgrade Project as detailed in this report and attached as C, D and E.
2. Endorse Option 1 for the Southern Carpark Layout
3. Approve the Concept Designs attached as C,D and E to be placed on public exhibition and appropriate consultation be undertaken and
4. Authorise the General Manager to enter into negotiations with the property owners of 35, 33 and 31 Ogilvie St to obtain an agreement to construct integrated parking over a portion of their land as detailed on Option 3 of the Southern Carpark Layout.
5. Authorise the use of unspent funds in the Investigation and Design allocation to undertake further investigation and designs of the Denman Masterplan works.

Moved: _____ Seconded: _____

BACKGROUND

Council endorsed the 'Denman Town Centre Masterplan dated November 2016' at the November 2016 meeting of Council. The Masterplan is attached as A to this report. This Masterplan broadly outlines Council's vision for upgrading the town centre in terms of streetscape, public domain assets and function, and provides a basis for the further development of civil and landscape designs for;

- reconstructing Ogilvie St to widen the footpaths, to activate street frontage and promote commercial and hospitality development within the civic node,
- implementing a one-way flow of traffic in the section from Palace to Paxton St,
- construction of a service road and carpark to the south of Ogilvie St from Palace to Paxton St. Formalising off-street parking.
- Improve connectivity between Memorial Park and the civic node of Ogilvie St,
- Expand Memorial Park to accommodate a children's play facility and for Commercial events,
- Create a viewing platform and plaza near the levee bank on the eastern end of Ogilvie St,
- Improve accessibility for road crossing,
- Inclusion of feature landscaping and pavements which link civic nodes and heritage buildings,
- New street tree planting.

Extensive stakeholder consultation was undertaken during the development of the Masterplan and during the initial exhibition period and subsequent re-exhibition period, where Council received twenty (26) submissions. The summary of submissions reported to Council when adopting the Masterplan in 2016 is attached as attachment B. The issues and concerns raised in these submissions have been reviewed and all except the following matters have been used to inform the Concepts presented.

1. Northern side service road – Not included in the concept,
2. Location of public art – Although the concepts proposed with support the inclusion of public art this matter is to be reported separately,
3. RV dump site – being investigated as part of the project to develop the Denman Rec area.

Council allocated an amount of \$ 200,000 in the 2017-2018 Capital Expenditure Budget for design and investigation to further develop the ideas outlined in the Masterplan and enable the implementation of the work as funding permits.

CONSULTATION

Council's Heritage Advisor – Ms Lillian Cullen – Heritage Streetscape Concepts

Water and Waste Staff – Shaun Guilfoyle and Graham Chevis – Water main replacement

Property owner – 31 Ogilvie St – Car parking options

Property owner – 33 Ogilvie St – Car parking options

Property owner – 35 Ogilvie St – Car parking options

Sustainability Team Leader – Nicholas Alexander - Vegetation species

Roads and Drainage Team – Construction staging and construction estimation

CONSULTATION WITH COUNCILLOR SPOKESPERSON

No specific consultation made with the Councillor Spokesperson as this report seeks Council's endorsement of the concept design plans.

REPORT

In accordance with the requirement of Council to report the Concept for any project with an estimated construction cost of greater than \$80,000 prior to finalising the design, concepts have been prepared for the streetscape work proposed for the Denman Town Centre project.

Informed by the Masterplan document, the concepts have been prepared following preliminary Civil and Landscape design and investigation. Concept designs have been prepared for the;

- Reconstruction of Ogilvie St,
- Construction of the service lane and carpark (southern side of Ogilvie St between Palace and Paxton St),
- Redevelopment of Memorial Park,
- Construction of a coach and caravan parking bay in Paxton St.

The Concepts have been developed and are presented in two (2) parts; Civil Design and Landscape Design, using an approach where the civil design has provided the road geometry and new surface levels as a foundation for the streetscape to be enhanced with the addition of hard and soft landscaping. Council engaged consultants ACOR to undertake the civil design component and Terras Landscape Architects to undertake the landscape component.

The Civil Design Concept drawings are attached as C to this report. The Concept achieves the following;

- Reconstruction of road pavement and kerb and gutter in Ogilvie St,
- Widening of footpaths and new footpath surfaces with improved grades and compliance with the Disability Discrimination Act requirements,
- Enhanced footpath widening in Ogilvie St (Palace to Paxton St) to achieve an increase in public space and facilitate one way flow of traffic, east to west.
- Retention of parallel parking in Ogilvie St,
- Renewal of existing AC water mains and galvanized water services with Dual 150mm PE/PVC-O water mains with PE/copper water services,
- Construction of a 6.5m wide service road on the southern side of Ogilvie St (Palace to Paxton St) to access public parking, improve circulation of traffic within the precinct and provide rear access to properties fronting Ogilvie St. The properties on the southern side of Ogilvie St do not have legal rear access currently,
- Construction of an off street parking area on the southern side of Ogilvie St,
- Construction of a parking bay for long vehicles in Paxton St adjacent to Memorial Park. Attached as D to the report,
- Improvements to the storm water drainage system. Including creation of an easement through private properties to cater for existing drainage paths. An easement to be created over 20 and 21 Ogilvie St to cater for stormwater overflows in major storm events.

The Landscape Concept drawings are attached as E to this report. The Concept achieves the following;

- Streetscape works which provide an improved footpath environment and visual amenity which is sympathetic to the heritage conservation area,
- Removal of the existing street trees and replacement in tree pits systems within the footpath area rather than on the roadway with the new Prunus Nigra trees,

- Reconstruction of the footpath surfaces using select concrete finishes which enhance the heritage streetscape. Concrete containing locally sourced river aggregate will be sand blasted to reveal the coloured stone which will mirror earlier concrete finishes. Use of native species where possible which support sustainable outcomes,
- Surfacing of the plaza area at the eastern end of Ogilvie St using coloured printing on Asphalt to reference 'Old Merton' street layout,
- Facilitating the existing heritage walk through hard landscaping features and public art.
- Redevelopment of Memorial Park space to include event lawn, paved plaza area, space for public art, enhancement of the memorial, linkage to Ogilvie St, new amenities, and a children's play area.

Planting of new trees – Prunus 'Nigra' trees in Ogilvie St.

This species has been selected for the following reasons;

- Small compact tree which has a visually appealing form appropriate for an urban setting
- Grows well in local conditions
- Suitable for planting under powerlines, awnings and adjacent to utilities
- Suitable for planting in containers
- Deciduous in winter
- Solid purple canopy presents at its best in May (wine and food month)
- Maroon foliage colour will compliment mass planting foliage colours of Maroon and White
- Flowers late winter early spring – pink blossoms
- Replacement stock readily available

Native species of street tree were considered for Ogilvie St, with small varieties of Brachychiton such as the 'Bella-donna' and 'Bidwilli' closely looked at. The suppliers advised that these varieties are slow growing and often hard to obtain and that they would need to be grown to order. This would make replacements difficult. The Brachychiton was considered to have several disadvantages for street tree planting in this location;

- listed as unsuitable for planting near water and sewer mains by Hunter Water
- has a non- uniform canopy
- aesthetically not at best in May
- Deciduous in summer
- Bella-donna grows to 8m and would be unsuitable for under powerlines.

Endorsement of the Concepts will allow further consultation to be undertaken, comments and feedback considered and the design finalized. Once the design is complete and the construction drawings finalised this project will be shovel ready and able to be implemented as funds permit. Some planning for construction has commenced on the basis of a staged implementation, based on the following stages; The Implementation Staging Plan attached as F to the report.

Stage 1 Service Road and Carpark

 Water main Construction Ogilvie St

Stage 2 Ogilvie St (Paxton St east side to Levee)

Stage 3 Ogilvie Street (Virginia St to Paxton St east side)

Stage 4 Memorial Park redevelopment, including bus bay in Paxton St.

The construction of the service road and southern carpark as the first stage of the project is in preparation for Stage 2 construction as the service road will facilitate access to properties and businesses within the block between Palace and Paxton St and the carpark will be available for use,

whilst this section of Ogilvie St is in construction. Also included in Stage 1 work is the installation of new water mains and water services for the entire length of Ogilvie St (Virginia St to the Levee). This installation work needs to be undertaken prior to the road reconstruction of Ogilvie St. The water mains will be installed using non-destructive direction drilling and this will allow for the situation of either part (just stage 2) or full road reconstruction (stage 2 and 3) depending on funding availability due to the fact that funding is currently not certain.

OPTIONS

Three (3) options have been prepared for the Southern Carpark layout.

Option 1 – attachment G.

- A single 6.5m road way,
- A wider footpath/shared zone of 4m;
- Trees incorporated into the shared zone to provide shade and softening. Trees have been located to align with property boundaries to allow clear access to properties for deliveries etc;
- A roll over type kerb to allow vehicular access to the Ogilvie St properties for deliveries, access etc.; With 'roll' type kerb enabling flexibility in location of the access,
- A 4.5m landscaped strip to the south to allow for softening and privacy to adjoining properties and area for any future cycleway linkage to the south;
- An additional footpath from the carpark entrance to Ogilvie Street along Paxton Street;
- 37 car parking spaces.

Option 2 – attachment H.

- Access via 6.5m wide service roadway and 3.3m circulation path,
- 45 car parking spaces,
- Minimal landscaping to adjoining southern boundary,
- Linkage to future cycleway through drainage overland flow path to the south.

Option 3 – attachment I.

This option provides additional parking spaces directly adjacent to the three properties 35,33 and 31 Ogilvie St by integrating parking on both private lands and land owned by Council. This option can be constructed to complement either parking layout in Option 1 or Option 2. Construction of parking lots in properties 35,33 and 31 would enhance either option by providing additional parking spaces and demonstrating how parking can be successfully integrated with private parking and access to adjoining businesses.

A total of twelve (12) spaces are created with this option. However, pending discussions with the property owners involved three (3) may be dedicated for use as rear access to their properties in lieu of the use of their land. Construction of this option would be dependent on obtaining consent from all three property owners and may be subject to Council agreeing to take responsibility for maintenance, covering all costs for construction, and Public Liability.

Initial consultation with each of the three (3) property owners have indicated that this option may be favourable to them should Council wish to proceed.

CONCLUSION

In comparison, Option 2 provides more available parking spaces; with 45 spaces opposed to Option 1 having 37 spaces. However Option 1 provides better landscaping shade and screening to the adjoining property. Option 1 provides a simpler arrangement for the circulation of traffic, more generous pedestrian access, and better facilitates the future connection of a cycleway to the south. Therefore it is

recommended to adopt the parking layout in Option 1 together with parking provisions within properties 35,33and 31 subject to negotiated agreement with property owners.

The endorsement of these Concepts will allow the design drawings and construction documentation to be completed in preparation for future construction. Once the design has been finalised quantities, construction methodologies and full costings can be determined.

Cost Estimates

Stage 1

The estimated cost of stage 1 work excluding installation of new water mains is \$ 1.28M. This cost includes an amount of \$ 435,000 for the disposal of waste materials to Council's Waste Management Centre at Muswellbrook. Staff are investigating alternatives to reduce this disposal cost. If successful in sourcing this alternative disposal site, then there would be about \$ 385,000 savings in the disposal cost. In order to be able to possible use of the alternative site, it will be required to undertake the soil classification tests to make sure the soil falls into Excavated Natural Material (ENM) or Virgin Excavated Natural Material" (VENM).

Cost of replacement of AC water mains is about \$ 730,000 and these works will be funded through the water fund.

Stage 2a – Paxton Street to Palace Street

The estimated cost of stage 2a work is \$ 2.9 M and includes a disposal of waste cost of about \$ 410,000. The above estimate does not include the cost require to obtain an easement to drain stormwater over the properties 21 and 23 Ogilvie St. If the alternative disposal site is available to Council, then the disposal cost would be reduces by about \$ 370,000.

Stage 2b – Palace Street to Levee

The estimated cost of stage 2b work is \$ 655,000. The above cost does not include the construction of a viewing platform. The concept design includes the access via steps and an access ramp. Once the concept design is endorsed by Council, the detail design including the structural design for the viewing platform can be undertaken and cost estimates prepared.

Stage 3

The estimated cost of the stage 3 work is \$ 2.5 M and includes a disposal of waste cost of about \$ 410,000. The total cost would be reduced by about \$ 370,000 if the alternative disposal arrangement is available to Council.

Stage 4 – Memorial Park

The estimated cost of the stage 4 work is \$ 1.1 M.

It is important to note that the estimates are based on the concept drawings only.

The estimates have been prepared based on each stage of construction and are presented below.

Stage	Total Est Cost (\$)	Est. Cost (Reduced Disposal Cost) (\$)
Stage 1 Car Park and Laneway	1,280,000	845,000
Stage 2a Palace to Paxton	2,900,000	2,530,000
Stage 2b Palace to Levee	655,000	

Stage 3 Paxton to Virginia	2,500,000	2,130,000
Stage 4 Memorial Park	1,100,000	
TOTAL ESTIMATED COST	8,435,000	

SOCIAL IMPLICATIONS

The renewal of the streetscape and provision of off street parking will have a positive impact on the Community due to improved parking availability, accessibility and amenity of public spaces. The landscaping will complement and enhance the heritage of the town therefore supporting the existing value of this aspect to the Community and interest for potential tourism.

FINANCIAL IMPLICATIONS

The 2018-19 proposed budget includes an allocation of \$2.5M for the Denman Masterplan works. Council can implement only stage 1 work with this allocation. Council has made a \$ 2.5 M grant application through the Resources for Regions Program. If Council receive the grant for these works, then it is possible to complete the works on stages 1, 2a and 2b.

Council has allocated an amount of \$ 200,000 for the Denman Masterplan Design works. The above funds have been spent to undertake the investigation and development of the Denman Masterplan Work designs. Funds are not available in this allocation to undertake further investigation required to identify the soil classifications. However, \$90,000 unspent funds are available in the Investigation and Design operational budget (0010.0540.500), and these funds can be used in the current financial year to undertake the above investigations.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not Applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

The proposed work supports item 19.3 in the Operational Plan to facilitate investment in high quality community infrastructure necessary to a regional centre.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

8 CORPORATE AND COMMUNITY SERVICES

8.1 MUSWELLBROOK SHIRE LOCAL STRATEGIC PLANNING STATEMENT

Attachments:	A. Draft Muswellbrook Local Strategic Planning Statement
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Sharon Pope - Executive Manager - Planning, Environment & Regulatory Services
Community Plan Issue:	<i>Diversify the economy, facilitate the development of intensive agricultur and other growth industries, make the Shire a more attractive place to invest and do business</i>
Community Plan Goal:	<i>Review the Local Environmental Plan and Development Control Plan to improve investment certainty for industry.</i>
Community Plan Strategy:	<i>Progress completion of an LEP and DCP.</i>

PURPOSE

Amendments made in March 2018 to the *Environmental Planning and Assessment Act 1979*, have introduced the requirement for each council to prepare a Local Strategic Planning Statement (the Statement). The Statement is to set out the 20-year vision for land-use in the local area. The Statement is to shape how development controls in the local area evolve over time.

While the timeframe for Muswellbrook to complete a Local Strategic Planning Statement is July 2020, the work Council has recently undertaken to prepare the *Muswellbrook Community Strategic Plan, 2017-2027* and the *Muswellbrook Local Environmental Plan 2009 Review Discussion Paper*, provides the information necessary to prepare the Statement. It is also timely to develop the Statement now, as Council is preparing a new Local Environmental Plan (LEP).

The purpose of this report is written to seek Council's endorsement of the draft Muswellbrook Local Strategic Planning Statement. (Attachment A).

OFFICER'S RECOMMENDATION

Council seek community feedback on the draft Muswellbrook Local Strategic Planning Statement by endorsing public exhibition for 56 days.

Moved: _____ **Seconded:** _____

BACKGROUND

As a result of recent changes to the *Environmental Planning and Assessment Act, 1979*, councils are now required to prepare a local strategic planning statement. The Statement is expected to be a succinct and easy to understand document that allows community members to contribute to and understand the future direction of land use in their area. The Statement is required to set out a 20-year vision for land-use in the Shire, the special character and values that are to be preserved and how change will be managed into the future.

The Statement will need to align with the regional and district plans, and Council's own priorities in the community strategic plan. The Statement will shape how the development controls in Muswellbrook Shire evolve over time. The Statement must identify the planning priorities for an area and explain how

these are to be delivered. They must also show how the council will monitor and report on how the priorities will be implemented.

Local strategic planning statements are different to community strategic plans as they will focus on the vision and priorities for land use in the local area, whereas community strategic plans (prepared under the *Local Government Act 1993*), have a broader focus on achieving the long term social, environmental and economic aspirations of the community. The two plans will be complementary.

Muswellbrook Shire Council is required to prepare a Statement by July 2020. Given Council is currently preparing a new LEP and DCP, it is an appropriate time to prepare a Statement. The work done to prepare the *Muswellbrook Community Strategic Plan 2017-27*, and the *Muswellbrook Local Environmental Plan 2009 Review Discussion Paper*, also means Council holds contemporary information and feedback from the community that would enable preparation of the Statement.

CONSULTATION

There has been no direct consultation with council staff or the community in preparing the draft Statement. There has, however, been substantial involvement by Council staff and the community in preparing *2017-27 Muswellbrook Community Strategic Plan 2017-27*, and the *Muswellbrook Local Environmental Plan 2009 Review Discussion Paper*, and the draft Statement is based on those documents.

The Discussion Paper was exhibited from 21 June to 22 September, 2017. A total of twenty-four submissions were received in response to public exhibition including from the coal and electricity sectors, community, local agricultural organisations, chambers of commerce and State Government Agencies. A workshop was held with key local stakeholders. The workshops were facilitated by the consultant. The participants were asked questions designed to develop a vision for the future and actions to achieve that vision.

The purpose of placing the draft Statement on public exhibition is to provide the community with an opportunity to comment on the Plan. Feedback received would be reported to Council.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

There has been no direct consultation with Councillors in preparing the draft Statement. There has, however, been substantial involvement by Councillors in preparing the *Muswellbrook Community Strategic Plan 2017 -27*, and the *Muswellbrook Local Environmental Plan 2009 Review Discussion Paper*, and the draft Statement is based on these documents.

REPORT

The requirement for Local Strategic Planning Statements in the Environmental Planning and Assessment Act creates the opportunity for Muswellbrook Shire Council to prepare such a Statement that sets a strong direction setting foundation for the new LEP and DCP, and to aid Council in being an advocate on behalf of the community for state and federal level funding and policy/legislation decisions.

The draft Statement (attachment A), is based upon the data collected and analysed, and stakeholder engagement undertaken for the *2017-27 Muswellbrook Community Strategic Plan*, and the *Muswellbrook Local Environmental Plan 2009 Review Discussion Paper*.

The following Vision is proposed in the draft Statement:

The Strategic Land Use Vision for Muswellbrook Shire is to facilitate a transition from being the State's primary coal mining centre to a more diversified economy based upon being:

- The State's major food bowl, through large scale food production and processing (agribusiness);
- An important location for equine and viticulture industries;
- The State's ongoing and innovative major energy centre
- A place that celebrates our natural, Aboriginal and non-Aboriginal heritage; and
- Served by the growing Regional Centre of Muswellbrook.

OPTIONS

Option 1

Council resolves to support preparation and public exhibition of a Local Strategic Planning Statement, as provided in Attachment A. This is the preferred option as Council is currently preparing a new LEP and DCP, making it an appropriate time to prepare the first Statement.

Option 2.

Council supports preparation of a Local Strategic Planning Statement but seeks changes to the draft Statement in attachment A prior to public exhibition. Councillors would need to identify areas requiring change.

Option 3

Council resolves not to prepare a Local Strategic Planning Statement at this time. This is not recommended as Council would need to commit resources in the 2019/20 financial year to prepare a Statement instead.

CONCLUSION

It is recommended that Council supports preparation and exhibition of a Local Strategic Planning statement. The work done to prepare the *Muswellbrook Community Strategic Plan 2017-27*, and the *Muswellbrook Local Environmental Plan 2009 Review Discussion Paper*, means Council holds contemporary information and feedback from the community that would enable preparation of the Statement

SOCIAL IMPLICATIONS

Preparation of the Statement is an opportunity for community members to contribute to and understand the future direction of land use in their area. The Statement is required to set out a 20-year vision for land-use in the Shire, the special character and values that are to be preserved and how change will be managed into the future.

FINANCIAL IMPLICATIONS

Preparation of the Statement will have no direct financial impact.

POLICY IMPLICATIONS

The draft Statement aligns with the Hunter Regional Plan, and Council's own priorities in the Community Strategic Plan. The draft Statement will shape how the development controls in the form of policies, the DCP and LEP, evolve over time.

STATUTORY IMPLICATIONS

Preparation of the Local Strategic Planning Statement will meet the new requirements set out in the Environmental Planning and Assessment Act. The Department of Planning and Environment haven't

released guidelines on the format that should be followed. The current draft Statement is based on verbal advice that it should be no more than 20 pages long and should include measurable actions.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

The draft Statement will shape how the development controls in the form of policies, the DCP and LEP, evolve over time. The intention is that the Statement will aid the implementation of the Community Strategic Plan.

RISK MANAGEMENT IMPLICATIONS

The most likely risk is a reputational risk if the Statement does not reflect the vision of the community. This is a low risk as the Statement is based on substantial community engagement, and there will be an opportunity for the community to provide feedback prior to Council finalising the Statement.

Muswellbrook Shire Council

Draft Local Strategic Planning Statement 2018 - 2038

Introduction

Muswellbrook Shire Council's Community Strategic Plan 2017-2027 captures the community's shared vision for the Shire. The Community Strategic Plan has had a direct influence in the development of the Muswellbrook Local Strategic Planning Statement. Council's engagement with the community to prepare the Community Strategic Plan, the Muswellbrook Local Environmental Plan 2009 Review Discussion Paper, and other Council policies, has identified that the community wants to see:

- Improvements to people's wellbeing, sense of safety and belonging
- Increased opportunities for creativity, jobs and investment
- Protection, conservation or re-use of heritage places and buildings
- Enhancement or protection of the Shire's natural assets
- Protection or improvement of the Shire's scenic qualities

The Local Strategic Planning Statement identifies the key outcomes Council aims to achieve when developing policies and making land use decisions, and in advocating to other levels of government regarding decisions that involve the Shire. This Statement advocates a balance between competing values and issues, and providing certainty for those who want to invest in new or expanding enterprises in the Shire or who want to live in our towns, villages and rural areas.

The location

Muswellbrook Shire is centrally located in the Upper Hunter Valley and at the junction of a number of significant environmental and physical infrastructure assets. These include:

- The junction of the Hunter and Goulburn River valleys
- The connection between the Blue Mountains (Wollemi National Park) and the Liverpool Ranges
- The junction of the Main Northern Railway line and the Ulan Valley railway line; and
- An important connection between the Golden Highway and the New England Highway.

Past land clearing has created a major discontinuity in natural vegetation along the Great Dividing Range and the Muswellbrook Shire Council area will play an important role in mending this discontinuity.

By road, Muswellbrook is approximately three hours from Sydney, three hours from Dubbo, two hours from Tamworth and 90 minutes from Newcastle.

The Community

The Shire is part of the country of the Wanaruah and Kamilaroi people, and remains the home of many aboriginal people. Europeans settled the area from 1819 and the town of Muswellbrook was surveyed in 1833.

The region is experiencing a period of sustained growth. Population numbers have grown despite fluctuations in the mining industry. Census data indicates 16,086 people were living in the Muswellbrook Shire Local Government Area in August 2016. It is expected that the population will grow in the short, medium and long term, with a projected population of approx. 20,000 by 2038. The population of Muswellbrook Shire tends to be a younger community, with the median age of people being 35 years (2016 ABS Census).

The towns and villages of the Shire offer cultural, recreational, educational and community facilities for residents and visitors. Muswellbrook and Denman are the largest towns in the Shire, followed by the village of Sandy Hollow, and the rural locations of Wybong, Baerami, Martindale, McCullys Gap, Widden, Muscle Creek Kayuga and Liddell.

Centrally located between the New England and Lower Hunter, Muswellbrook Shire has a geographical advantage in servicing the surrounding areas. A number of State Government Departments and Agencies have offices located in Muswellbrook Shire and have based regional and sub-regional operations here to service the Upper Hunter. These include, Corrective Services, Juvenile Justice and the Area Command for NSW Police. Muswellbrook District Hospital recently completed a significantly larger and more suitable emergency department and planning is currently nearing completion for stage two of development on the site.

To find out more about Muswellbrook Shire's Community Profile visit:

www.communityprofile.com.au/muswellbrook

The Economy

Since European settlement the Shire has become a location for agricultural and mining activity. There were 11,364 jobs in the Shire in 2016 and this is projected to increase to approx. 13,500 jobs by 2038. A significant number of these jobs are filled by people who do not live in the Shire. The total annual output of the Muswellbrook local government area (LGA) is estimated at \$7 billion. Revenue is primarily generated by the following industry sectors:

Mining

Coal mining commenced in Muswellbrook Shire in the late 1800s, initially as underground mining and then, from 1944, as open cut mining. Mining is now the biggest employer in the Shire.

There are currently three large mining operations in the Shire, BHP Billiton's Mount Arthur coal mine, New Hope Mining's Bengalla, and Glencore's Mangoola Coal mine. MACH Energy has commenced preliminary work on its Mt Pleasant project just north of Muswellbrook township.

Power Generation

AGL Macquarie is Australia's largest electricity producer and owns Liddell and Bayswater power stations. Both of these have closure plans for 2022 and 2035 respectively. They currently employ around 600 people on a permanent basis, and provide indirect employment for many more contractors for specialised work and major maintenance. The power stations generate the equivalent of 40% of the State's base-load electricity. AGL has embarked on a process of long-term energy transition with decarbonisation of its energy generation assets by 2050. As part of this decarbonisation strategy, AGL has developed a pathway to closure through the Hunter Energy Transition Alliance, a mechanism to align industry, business, government and university stakeholders in a shared plan for maintaining the region's position as an energy hub for NSW. AGL has announced its generation plan for the Upper Hunter and this includes a mix of high-efficiency gas peakers, renewables, battery storage, and efficiency upgrade at Bayswater Power Station and investigations into the feasibility of pumped hydro energy storage.

Existing power and poles network infrastructure connects Liddell and Bayswater to the National Grid, providing the Shire with a strategic advantage to attract investment in renewable energy and storage.

Education

Muswellbrook is developing as the centre of educational excellence in the Upper Hunter. In 2016 the Upper Hunter Tertiary Education Centre was opened, bringing the University of Newcastle to the region. The Centre houses TAFE and the University of Newcastle, in a range of training and industry engaged research activity. The Centre is also part of the university's 12N network of innovation hubs that aim to strengthen the links between business and research and foster an innovation culture in the region.

The recently opened Sam Adams College, a joint TAFE, Council and Federal Government initiative, is providing a 63 bed student accommodation facility for the Shire and to support student accommodation needs across the Upper Hunter sub-region.

Muswellbrook Shire is home to the Upper Hunter Conservatorium of Music. This organisation services the geographic area from Branxton in the South to Murrurundi in the north and Merriwa to the West and currently support music education for over 900 students.

Thoroughbred Industry

The equine industry began in the Upper Hunter Valley 150 years ago. The Hunter Valley's unique topography, soil, air, and water availability make it an ideal location for the horse breeding industry.

Muswellbrook Shire is home to the largest critical mass of thoroughbred rearing in Australia, located in an arc from Widden Valley through Sandy Hollow to Jerry's Plains. The equine industry is a significant employer alongside other agriculture, including dairy, beef and cropping. Land use certainty is a significant concern for the equine and agricultural sector associated with the environmental impacts from the proximity of coal mines to these horse studs.

Viticulture Industry

Land use conflict has played a role in the Upper Hunter viticulture industry, with significant reductions in operations since its peak in the 1980s. The remaining industry is small but internationally renowned for the quality and quantity of wine production and processing, and as a wine tourism destination. The earliest evidence of grape growing in the Upper Hunter dates back to 1860 when vines were planted at the meeting of Wybong Creek and the Goulburn River. Land use certainty is also a priority for this sector. The proximity of coal mines to vineyards continues to concern the industry due to potential air quality and water security impacts.

Dairy Industry

There are thirteen dairy farms in the Shire that range in size from 100 cows to 1000 cows. They are mostly located on river flats. These farms produce approx. 33 million litres of milk annually, with 70% transported to Sydney for processing, and 30% to southeast Queensland for consumption. The dairy industry has good potential for expansion and the main impediment is access to irrigable land for crops and pasture. Significant land with potential for irrigation is owned by coal mine companies as buffers to coal mines. There is growing momentum to identify key buffer lands for productive agricultural use.

To find out more about Muswellbrook Shire's Economic Profile visit:

www.economicprofile.com.au/muswellbrook

Regional Planning Context

The Hunter Regional Plan 2036 includes four goals and 27 directions. Three of these goals and ten of these directions are directly relevant to the Muswellbrook Shire. They are:

Goal 1 – The Leading Regional Economy in Australia	Goal 2 – A Biodiversity Rich Natural Environment	Goal 4 – Greater Housing Choice and jobs
Direction 4: Enhance inter-regional linkages to support economic growth Direction 5: Transform the productivity of the Upper Hunter Direction 9: Grow tourism in the region Direction 10: Protect and enhance agricultural productivity Direction 11: Manage the ongoing use of natural resources	Direction 14: Protect and connect natural areas Direction 15: Sustain water quality and security	Direction 16: Deliver infrastructure to support growth and communities

Direction 12: Diversify and grow the energy sector Direction 13: Plan for greater land use compatibility		
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Local Strategic Land Use Vision

The Strategic Land Use Vision for Muswellbrook Shire is to facilitate a transition from being the State's primary coal mining centre, to a more diversified economy based upon being:

- *The State's major food bowl, through large scale food production and processing (agribusiness)*
- *The regional location of tertiary education services*
- *An important location for equine and viticulture industries*
- *The State's ongoing and innovative major energy centre*
- *A place that celebrates its natural, Aboriginal and non-Aboriginal heritage; and*
- *Served by the growing Regional Centre of Muswellbrook.*

The Vision supports the NSW Government's plans to grow the economy, deliver infrastructure, reduce human impacts on the environment, and improve health and education across NSW. The Vision will be delivered through identified Outcomes and Actions. These Outcomes and Actions will assist in implementing the Hunter Regional Plan 2036, and are aligned with the Goals identified in Council's Community Strategic Plan.

Economic Prosperity

Goal 1: Support job growth

Goal 2: Diversify economy, facilitate the development of intensive agriculture and other growth industries, make the Shire more attractive place to invest and do business

Goal 3: Facilitate greater access to higher education and participation in the knowledge and creativity economy

Goal 4: Develop Muswellbrook as a regional centre

Goals from Muswellbrook Community Strategic Plan 2017-27

Desired Outcome	Actions
The economic focus of Muswellbrook transitions toward a world class "food bowl" producing high quality, clean and green products for the domestic and international markets through the establishment of large scale agribusiness.	<p>Council and state agencies will complete base level planning for a range of food production facilities, with industry needs for secure water supply, biosecurity, environmental management and support infrastructure identified.</p> <p>Council will identify potential locations for</p>

	<p>establishment of food processing facilities utilising the strong local workforce and capitalising on local infrastructure and transport networks.</p>
<p>There is growth and investment in equine, viticulture and dairy industries. There is also parallel growth in support industries and activities such as fodder production, veterinary services, horse racing and training, Vintner and cooking courses and experiential tourism. The uncertainty surrounding the impact of mines and quarries on the future of the equine, viticulture and dairy industries has been resolved.</p>	<p>Strategic agricultural land and associated water sources suitable for equine, viticulture and dairy activities have been identified by Council and state agencies, and planning controls at the state and local level have been modified to restrict mining, quarrying and coal seam gas extraction to avoid future conflicts.</p>
<p>Rural, mining and general industrial support services are available to the local community in well located and structured industrial areas.</p>	<p>Council will ensure there is an ongoing supply of industrial lands suitable for new industrial and manufacturing enterprises seeking to establish in the area and expansion of existing businesses that meet local needs.</p> <p>Council will prepare an infrastructure plan to guide investment in infrastructure that will support a wide range of agribusiness, mining and industrial activity.</p>
<p>A wide range of general farming activity continues to operate across the rural landscape with minimal conflict from residential uses.</p>	<p>Rural residential use will be provided for in planned estates, or in limited, dispersed subdivisions, in a way that ensures minimal conflict with general agricultural activities.</p>
<p>The University of Newcastle and regional incubation Programs have led to leading edge businesses being started and consolidated in Muswellbrook Shire - supporting and integrating with the Shire's transition to education, economic and employment diversification.</p>	<p>Planning controls are reviewed to introduce flexibility to allow for low impact, technology based businesses and industries, which may evolve in the future, to locate in the Shire.</p> <p>The Tertiary Education Centre and TAFE campuses are supported by Council to provide training and research to support local economic activity.</p>
<p>Coal mining continues, both as open cut and underground operations, within a defined footprint and based on world's best practice for mining, including best practice management of impacts on the local community and environment, during mining, and with focussed rehabilitation of the landscape and repurposing</p>	<p>The location and maximum extent of coal extraction areas is identified in state and local planning strategies and planning instruments, which also seek optimal production with acceptable social, economic and environmental impacts.</p> <p>State and local planning controls are prepared to</p>

<p>of infrastructure post mining.</p>	<p>encourage coal mines and quarries to maintain buffers to equine and viticulture operations.</p> <p>There will be investment by the mining companies and the State Government to ensure adequate infrastructure is in place to support ongoing mining activity, and to protect the community from the cumulative impacts of dust, noise and transport associated with this activity.</p> <p>Master planning will be undertaken by the mining companies, in partnership with Council, with a view to post-mining land uses focussed on facilitating a range of large scale agribusiness, food processing, industrial, tourism, recreation and other uses, and with consideration for local infrastructure requirements.</p> <p>Rehabilitation of coal mining land will be carried out to achieve land uses identified in master plans, and to provide opportunities for agricultural/horticultural production, bio-diversity offsetting and scenic and landscape values (existing and desired) of the Shire.</p>
<p>Tourism visitation increases through a focus on nature based experiences in local National Parks and nature reserves, wineries, rehabilitated mine sites, artificial water bodies, such as Lake Liddell, equine industry and the regional facilities of Muswellbrook.</p>	<p>Council will seek an increase in investment in tourism services and infrastructure.</p> <p>Council will actively engage with the National Parks and Wildlife Service to open northern access to, and promote visitation to the Wollemi National Park.</p> <p>The local tourism experience will be broadened to include experiential activity such as NP's, and insight of local major industries (mining and horse breeding).</p> <p>Planning controls will be reviewed to ensure that there are opportunities for a wide range of tourist accommodation and facilities.</p>
<p>Muswellbrook will strengthen and grow as the Regional Centre of the Upper Hunter, as a centre for:</p> <ul style="list-style-type: none"> • Excellence for education; • Retail, commercial, educational, cultural, arts, entertainment, and residential development; 	<p>Planning controls will be reviewed to increase opportunities for new mixed use development outcomes in line with the Muswellbrook Town Centre Strategy.</p> <p>There will be substantial investment in educational facilities and programs which</p>

<ul style="list-style-type: none"> Supporting the mining, agribusiness and agricultural sectors. <p>The urban design principles of the Muswellbrook Town Centre Strategy is achieved through new private development and public investment.</p>	<p>integrate with the Shire's economic and employment transition;</p> <p>Better pedestrian connections will be established between the Marketplace development and the main street.</p> <p>Provision will be made for the development of a main public square in Precinct 1.</p> <p>There will be consolidated public parking along the railway to service the town centre and to provide a buffer to railway activity.</p> <p>When the Muswellbrook Bypass is constructed, there will be a Highway Service Centre with direct access to the town, to meet the needs of the travelling public, provide employment opportunities and to enable the Muswellbrook community to promote itself to future visitors.</p>
<p>Muswellbrook will continue to fulfil its role as the health and medical centre of the Upper Hunter by maintaining the high-quality District Base Hospital services, supplemented with private health facilities.</p>	<p>There will be continued investment in the District Hospital to meet the on-going needs of the local and Upper Hunter communities and local industries.</p>

Social Equity and Inclusion

Goal 5: Continue to improve the affordability, liveability and amenity of the Shire's communities

Goal 9: Facilitate opportunities to expand seniors living

Goals from Muswellbrook Community Strategic Plan 2017-27

Desired Outcome	Actions
<p>There will be a wider choice of housing types in the Shire, to meet the needs of all residents including seniors, first time buyers, itinerant workforce, students and visitors to the area.</p>	<p>Planning controls are reviewed to increase opportunities for a variety of housing types.</p> <p>The availability of land for housing is monitored (Muswellbrook Urban Development Program) to ensure adequate supply.</p> <p>The Muswellbrook Residential and Rural Residential Strategy is reviewed, and updated if</p>

	<p>necessary, by the year 2024.</p> <p>The development pattern, scale and sequencing of urban release areas will be planned to integrate with infrastructure provision.</p>
<p>Denman will continue to develop as a significant District Centre with a distinctive lifestyle for residents, and providing a major destination for rural tourism focused on the adjacent Wollemi National Park, Manoboli Nature Reserve and the wine and equine industries and as a 'Gateway' to western NSW.</p>	<p>Planning controls will be modified to facilitate Denman's development as a district centre, with a well-defined town centre and public facilities servicing the needs of local and visitors.</p> <p>Planning controls will be reviewed to enable future development of the town to achieve heritage conservation, enhancement of the distinctive rural village characteristics, a range of residential opportunities, and an increased choice of tourist and visitor accommodation and facilities.</p>
<p>There is continuing investment in support of medical services and facilities for the overall needs of the population, and the aged population in particular.</p>	<p>Private health and wellbeing facilities are encouraged to establish in the main centres of Muswellbrook and Denman.</p>

Environmental Sustainability

Goal 11: Higher quality final landforms with shallower voids and more emphasis on progressive rehabilitation with local workforce participation

Goal 12: Enhance native vegetation connectivity across the Upper Hunter

Goal 13: Our local rivers and creeks are enhanced, utilised and valued

Goal 14: Support initiatives which reduce the community's impact on the environment

Goal 15: Support Federal and State initiatives to reduce human impact on climate change

Goals from Muswellbrook Community Strategic Plan 2017-27

Replanting, rehabilitation and protection of native vegetation in strategic locations within Muswellbrook Shire occurs to connect Wollemi National Park, Manobalai Nature Reserve and the Liverpool Range.	<p>Council will support and engage in projects that maintain or enhance the connection of the fragmented native vegetation from the Wollemi National Park to the Liverpool Ranges (e.g. Stepping Stones project and Great Eastern Ranges Initiative).</p> <p>Land uses in the corridor between Wollemi National Park and the Liverpool Ranges will be managed, though changes to planning controls and future development approvals, to limit new clearing and to encourage new planting.</p>
The landscape values of land outside urban areas, particularly land adjoin transport routes, is managed to provide a rural experience for visitors, potential wildlife corridors and a barrier to movement of airborne particulate matter from mining and agricultural activities.	Land use activities in non-urban areas will be managed, though changes to planning controls, and future development approvals, to maintain a farmland or a vegetated natural area aesthetic.
The production and distribution of sustainable energy occurs in the Shire, with a shift to alternative renewable energies such as wind, biomass, gas, solar, geothermal and pumped hydro sources.	Muswellbrook continues to generate and distribute energy to the Region and State through adaptive reuse of the existing infrastructure.
Attachment A	<p style="text-align: right;">Page 85</p> <p>Planning controls are reviewed to provide</p>

	<p>certainty of large scale renewable energy projects in appropriate locations.</p> <p>Support is provided for local research and investment into energy needs and innovative, nation-leading, alternative means of generation.</p> <p>Council is an active participant in the planning and transition of Liddell Power Station to a more diversified energy generation model.</p>
Opportunities for coal seam gas extraction on the previously disturbed areas of open cut coal mining, are utilised as an energy source to support local productive industries and energy.	Council will seek support from the state agencies to undertake a strategic assessment of the opportunity for CSG extraction within the mining footprint, and examine opportunities for its utilization in adaptive reuse and continued operation of the local power generation infrastructure.
Noise pollution and air quality is improved to benefit the health of people living in the Shire.	<p>Planning controls are reviewed to ensure buffers between potentially conflicting land uses are adequate when new development is considered.</p> <p>Council will seek support from state agencies to modify licences/approved air and noise pollution limits for existing development to lessen health impacts on the community.</p>

Cultural Vitality

Goal 16: Conserve the heritage and history of the Shire

Goals from Muswellbrook Community Strategic Plan 2017-27

Desired Outcomes	Actions
Council partners with the community to explore and protect the diverse heritage values of the Shire.	<p>An amended Thematic History for the Shire is completed to assist with the identification of items, places and stories that have value, to aid planning decisions and provide recommendation amendments to planning controls.</p> <p>Aboriginal objects, places and ancestral remains, living, traditional or historical practices, representations, expressions, beliefs, knowledge or skills and the associated environment, landscapes and materials that Aboriginal people</p>

	recognise as part of their culture and identity are recognised in the Shire's planning controls and land use decisions.
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Community Infrastructure

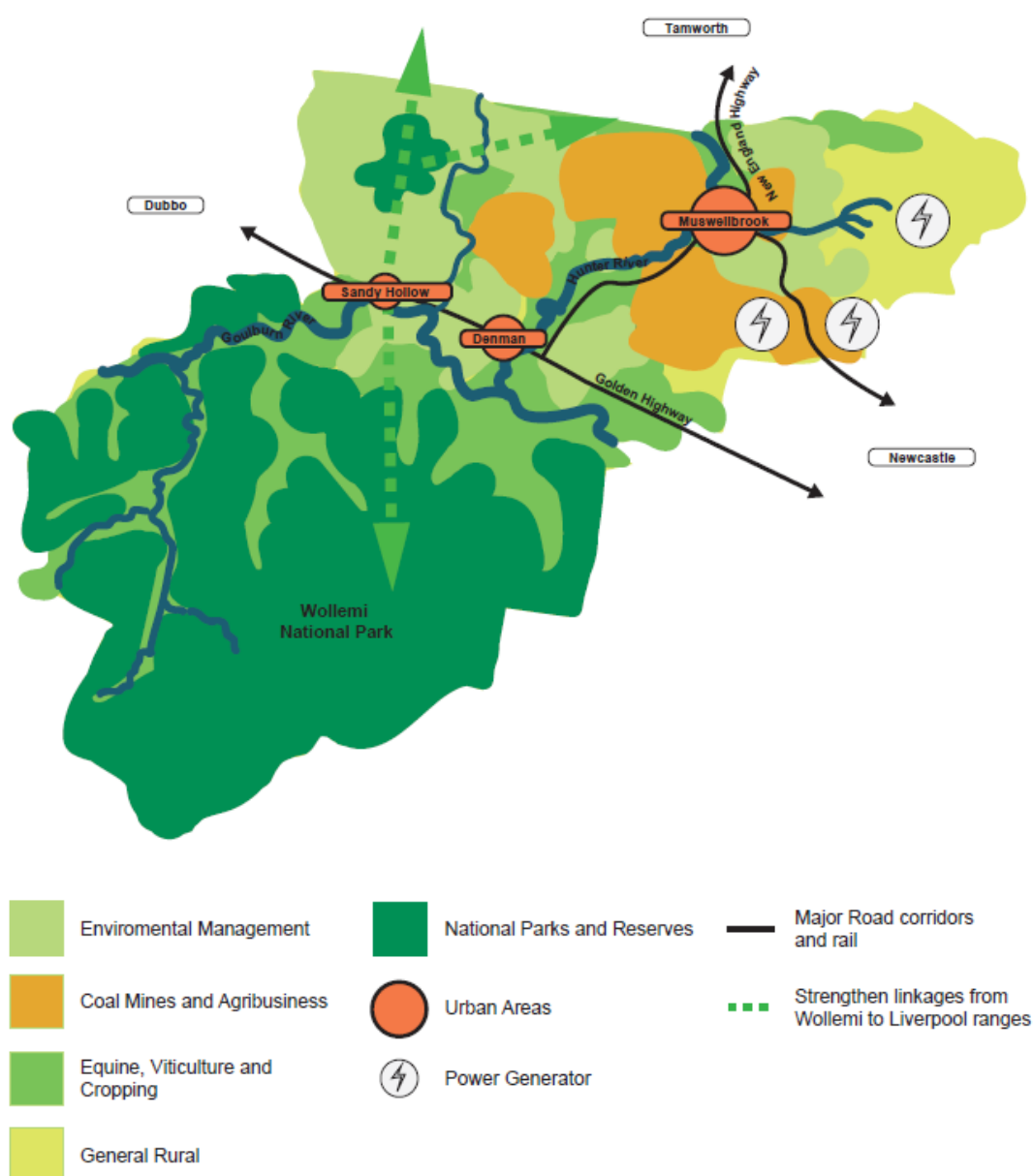
Goal 19: Our community's infrastructure is planned well, is safe and reliable, and provides required levels of service

Goal 21: The road, footpath and cycleway networks are integrated and allow for the safe movement of residents around the Shire

Goals from Muswellbrook Community Strategic Plan 2017-27

Desired Outcomes	Actions
Infrastructure required to support development in accordance with the Local Strategic Land Use Vision is provided or upgraded.	<p>There will be a vehicular bypass road of the Muswellbrook town by 2038.</p> <p>Council will work with WaterNSW and other stakeholders to achieve strategies for drought proofing and ensuring water security which enable the shire's economic and employment transition - and, in particular, supports the investment in agri-business.</p> <p>There will be a governance framework which enables prompt, authoritative advice to potential investors in economic development in the shire regarding water security.</p> <p>Council will prepare an infrastructure plan to guide investment in infrastructure that will support a expansion of residential, commercial/retail, agribusiness, mining and industrial activity.</p> <p>Development contributions plans will be reviewed to create contemporary documents with an updated schedule of works.</p>

Muswellbrook Local Strategic Planning Statement



Monitoring and Reporting

Progress on the Actions identified in this plan will be reported to the community at the same time as the end of term report on the Community Strategic Plan. Reporting on the delivery of the Outcomes is more difficult, as the results will often only be apparent a number of years after Actions are complete. Information on achievement of Outcomes will also be provided in the end of term report on the Community Strategic Plan if available.

8.2 2018/2019 COUNCILLOR FEES

Attachments:	A. OLG Circular 17-08 Determination of LGRT
Responsible Officer:	Carolyn O'Brien - Acting Director - Planning, Community & Corporate Services
Author:	Joshua Brown - Co-ordinator Executive Services
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Councillor Remuneration, Expenses, Facilities and Resources</i>

PURPOSE

The Local Government Remuneration Tribunal has released its report and determination of Mayoral and Councillor fees for 2018/2019.

OFFICER'S RECOMMENDATION

- Council approve the annual fee of \$11,860 for Councillors for 2018/2019; and**
- Council approval an additional fee of \$25,880 for the position of Mayor for 2018/2019.**

Moved: _____ **Seconded:** _____

BACKGROUND

The Local Government Remuneration Tribunal makes an annual determination setting fees for Councillors according to the category of council.

CONSULTATION

Chief Financial Officer

REPORT

The Local Government Remuneration Tribunal has made its determination under section 239 and 241 of the Local Government Act 1993 for the annual fees payable to Mayors and Councillors effective from 1 July 2018.

As in previous years, Muswellbrook Shire Council has been categorised as a "rural" council. The Tribunal's recommendations for remuneration for Council members in this category for 2018/2019 are listed below:

Council category	Councillor Annual Fee		Mayor Additional Fee	
	Minimum	Maximum	Minimum	Maximum
Rural	\$8,970	\$11,860	\$9,540	\$25,880

The fee set in 2017/2018 for Muswellbrook Shire Council was \$11,570 for Councillors with an additional fee of \$25,250 for the position of Mayor. These fees have been set at the top of the recommended range as Muswellbrook Shire is amongst the larger councils in the rural category.

The Tribunal's recommendation represents a 2.5% increase in the maximum Councillor and Mayoral fee for the 2018/2019 financial year.

OPTIONS

Should Council not fix a fee, Council must pay the minimum fee determined by the Local Government Remuneration Tribunal.

CONCLUSION

Council has previously endorsed the payment of fees to the maximum allowable by the Local Government Remuneration Tribunal, which reflects the level of activity Councillors perform as members of one of the larger councils in the rural category.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

The total amount budgeted for 18/19 Councillors' fees is \$163,202. The amount required based on this report is \$168,200. An additional \$5k provision will be made in the September quarterly review to accommodate the shortfall.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Sections 248 and 249 of the Local Government Act 1993 require councils to fix and pay an annual fee to councillors based on the determination of the Local Government Remuneration Tribunal.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Consistent with 2017/2018 Operational Plan 1.3: Provide resources for councillors.

RISK MANAGEMENT IMPLICATIONS

Not applicable.



Office of
Local Government

Circular to Councils

Circular Details	18-18 / 13 June 2018 / A597665
Previous Circular	17-08
Who should read this	Councillors / General Managers
Contact	Council Governance Team – 4428 4100 – olg@olg.nsw.gov.au
Action required	Council to Implement

2018/19 Determination of the Local Government Remuneration Tribunal

What's new or changing

- The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 2.5% to mayoral and councillor fees for the 2018/19 financial year, with effect from 1 July 2018.
- The Tribunal also reviewed the criteria that apply to the categories of councils and the allocation of councils into those categories. The categories enable the Tribunal to determine the maximum and minimum amounts of fees to be paid to mayors and councillors in each of the categories.
- The Tribunal found that there was no strong case to change the criteria or the allocation of councils into categories at this time.

What this will mean for your council

- Sections 248 and 249 of the *Local Government Act 1993* require councils to fix and pay an annual fee based on the Tribunal's determination of 2.5% for the 2018/19 financial year.

Key points

- The level of fees paid will depend on what category the council is in.
- A council cannot fix a fee higher than the maximum amount determined by the Tribunal.
- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

Where to go for further information

- The Tribunal's report and determination is available on the Office of Local Government's website www.olg.nsw.gov.au and on the NSW Remuneration Tribunal's website www.remtribunals.nsw.gov.au.

Tim Hurst
Acting Chief Executive

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9 ADJOURNMENT INTO CLOSED COUNCIL

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

RECOMMENDATION

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

10.1 Administrative Amendment to Muswellbrook Local Environmental Plan 2009 - Muswellbrook Bypass

Item 10.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

10 CLOSED COUNCIL

11 RESUMPTION OF OPEN COUNCIL

12 CLOSURE