



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
29 OCTOBER 2019



ORDINARY COUNCIL MEETING, 29 OCTOBER 2019

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
25 October, 2019

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **29 October, 2019** commencing at 6.00pm.

Fiona Plesman
GENERAL MANAGER

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19.3	CONTRACT 2019-2020-0383 MUSWELLBROOK WATER MAIN RENEWAL PROGRAM <i>Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.4	CONTRACT 2019-2020-0392 - CONSTRUCTION OF TWO NEW NETBALL COURTS <i>Item 19.4 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 29 OCTOBER 2019**

- 1 ACKNOWLEDGEMENT OF COUNTRY**
- 2 CIVIC PRAYER**
- 3 APOLOGIES AND LEAVE OF ABSENCE**

Moved: _____ **Seconded:** _____

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **24 September 2019**, and the Extra Ordinary Meeting held on **8 October 2019**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ **Seconded:** _____

- 5 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Section 451 of the Local Government Act requires that if a councillor or member of a council or committee has a pecuniary interest in any matter before the council or committee, he/she must disclose the nature of the interest to the meeting as soon as practicable and must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of financial gain or loss (see sections 442 and 443 of the Local Government Act).

A non-pecuniary interest can arise as a result of a private or personal interest which does not involve a financial gain or loss to the councillor or staff member (eg friendship, membership of an association, or involvement or interest in an activity). A councillor must disclose the nature of the interest to the meeting as soon as practicable.

Council's Model Code of Conduct now recognises two forms of non-pecuniary conflict of interests:

- Significant
- Less than significant

A Councillor must make an assessment of the circumstances and determine if the conflict is significant.

If a Councillor determines that a non-pecuniary conflict of interests is less than significant and does not require further action, they must provide an explanation of why it is considered that the conflict does not require further action in the circumstances.

If the Councillor has disclosed the existence of a significant non-pecuniary conflict of interests at a meeting they must not be present at, or in sight of, the meeting, when the matter is being discussed, considered or voted on.

6 PUBLIC PARTICIPATION**7 MAYORAL MINUTES****8 GENERAL BUSINESS****9 BUSINESS ARISING**

Nil

10 ENVIRONMENTAL SERVICES

10.1 DA 47/2019 - SCHOOL - EARLY EDUCATION CENTRE

Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Atef Kazi - Project Planner
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>
Attachments:	<ul style="list-style-type: none"> A. DA 47/2019 - Section 4.15 Assessment - Under Separate Cover B. DA 47/2019 - Recommended Conditions of Consent - Under Separate Cover C. DA 47/2019 - Architectural Drawings to Accompany Development Application - Under Separate Cover D. DA 47/2019 - Revised Site Plan - Under Separate Cover E. DA 47/2019 - Landscape Plans - Under Separate Cover F. DA 47/2019 - Statement of Environmental Effects - Under Separate Cover G. DA 47/2019 - Submission - Under Separate Cover H. DA 47/2019 - Request to Waive Section 7.12 Contributions (Former Section 94A Contributions) - Under Separate Cover I. DA 47/2019 - Request to Waive Section 64 Contributions - Under Separate Cover

PURPOSE

This Development Application for an early education centre facility and two lot subdivision, involving Lot 1 DP 1070178, 111 Skellatar Stock Route, Muswellbrook, has been assessed by Council officers. A copy the Section 4.15 Assessment Report and recommended conditions of consent are attached for Council's information.

Delegations issued to the General Manager and the Development Assessment Committee includes limitations based on the total Capital Investment Value of a development. The General Manager is limited to determining development applications with a value up to \$750,000 and the development Assessment Committee is limited to determining development applications with a value up to \$2,000,000. The Capital Investment Value for the proposed development is \$2,895,187.45.

Therefore, this report has been prepared to inform the Council in its assessment and determination of the development application.

RECOMMENDATION

Council:

- 1. Approve Development Application No. 47/2019, for the construction of a centre-based child care facility and the subdivision of one (1) Lot into two (2), on Lot 1 DP 1070178, subject to the recommended conditions of consent contained in Attachment B.**

2. Refuse the applicant's request that contributions and charges under Section 7.12 (formerly Section 94A) of the EP&A Act, and Section 64 under the Water Management Act, be waived.

Moved: _____ Seconded: _____

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates 111 Skellatar Stock Route, Muswellbrook (Lot 1 DP 1070178). The site contains a private primary school operated by the Maitland-Newcastle Catholic Church, known as St James Primary School.

The proposal seeks consent for the establishment of a new early education centre facility and the subdivision of the land into two lots. One lot would contain the centre based child care facility and the other the St James School.

The early education centre would provide care and early learning facilities for children between the ages of 0-5 years with a capacity for 104 children.

The proposal comprises:

- 6 playrooms catering to various age groups (0-5 years of age)
- Administration and staff areas
- Commercial kitchen
- Amenities and nappy change rooms
- Cot rooms
- Bottle preparation room
- Laundry
- Arts and craft preparation rooms
- Storage rooms
- Covered and open outdoor landscaped play areas
- Building services
- Carparking and driveways
- Forecourt and entry landscaping

An aerial and 3D image of the proposed development have been included below.





ASSESSMENT SUMMARY

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

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the *Muswellbrook Local Environmental Plan (LEP) 2009*.
- The proposed development has been considered against the requirements of the *State Environmental Planning Policy (SEPP) (Education Establishments and Child Care Centre Facilities) 2017*. Council Officers are satisfied that the proposed development would comply with all mandatory requirements of the SEPP and is compatible with the provisions of the planning guideline. Accordingly, Council Officers are satisfied that the development can be supported.
- The proposed development was considered against the provisions of other relevant SEPP's and there are no inconsistencies with their requirements which would prevent Council from granting development consent to the proposed development.
- Clause 26 of the SEPP (Education Establishments and Child Care Centre Facilities) 2017 suspends the consideration of various provisions/controls in Muswellbrook Development Control Plan (DCP) in relation to centre-based child care facilities. Council Officers have considered the development against the remaining relevant DCP provisions and are satisfied that the proposed development complies with those controls.
- The assessment found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.

REQUEST TO WAIVE SECTION 7.12 AND SECTION 64 CONTRIBUTIONS

This development application has been accompanied by a request for Council to waive developer contributions under Section 7.12 (formerly Section 94A) of the *Environmental Planning and Assessment Act 1979* and Section 64 of the *Water Management Act 2000*.

A brief description of the function of each contribution is provided below:

- **Section 7.12 Contributions:** Muswellbrook Shire Council adopted a Section 7.12 Contributions Plan titled the *Muswellbrook Shire Council Section 94A Development Contributions Plan 2010* on the 14 October 2009. This Plan provides Council with a mechanism to offset the increased demand on facilities resulting from new and increased development in the Local Government Area by charging a percentage contribution on new developments. Under the provisions of the Plan a developer contribution of 1% of the total Capital Investment Value of a development is applicable to development with an estimated value exceeding \$200,000. Where applied to this development application a contribution of **\$28,951.87** would need to be paid to Council related to the provision of new facilities prior to the issue of a Construction Certificate.
- **Section 64 Contribution** – Section 64 Contributions are Water and Sewage Headworks charged by Council to meet the *Muswellbrook Shire Council Development Servicing Plans for Water Supply and Sewerage 2012*. A contribution of **\$121,117.88** (subject to CPI fluctuation at the time of payment) will need to be paid to Council to support the provision of water supply and sewerage infrastructure.

The written requests from the applicant seeking to have the payments waived are included as attachments to this report. Council Officers have recommended that Council does not support waiving the Section 7.12 and Section 64 Contributions for reasons outlined in the table below:

Contribution Type	Applicants Submission	Planning Comments	Recommendation
Section 7.12	<ul style="list-style-type: none"> ➤ Clause 1.5 of the Muswellbrook Shire Council Section 94A Contribution Plan states that Council may consider exempting developments from the payment of this levee where the works are undertaken for <u>'charitable purposes or by a registered charity'</u> or are for <u>'childcare facilities'</u>. ➤ The applicant has advised that both the owner and operator of the facility are registered as charity organisations. ➤ The proposed development involves a child care facility which may be exempted from the payment of a Contribution by Council. 	<ul style="list-style-type: none"> ➤ The proposed development falls within the criteria set by Clause 1.5 of circumstances under which Council may consider the waiving of payment of a contribution. The Plan does not require Council to agree to any exemption for this type of development, but only establishes that Council may consider exempting the development at its discretion. ➤ Council considered and rejected a request for section 7.12 contributions to be waived in relation to DA 70/2014, which involved the construction of Seniors Housing in Kamilaroi and Cassidy Avenue, Muswellbrook. ➤ Council Officers searched Council records to identify if other child care centres have been granted a waiver to pay the contribution. DA 99/2015 (Child Care Centre 155 Maitland Street) and DA 99/2018 (Centre Based Child Care Facility Classroom, Turner Street Denman) included a contribution charge. ➤ While the proponent may be registered as a charity, the development is for a commercial/profit making purpose. The proposed development would compete with other child care providers in the Local Government Area and should be treated similarly. 	A Section 7.12 Contribution be levied on the development in accordance with the Muswellbrook Shire Council Section 94A Contributions Plan
Section 64	<ul style="list-style-type: none"> ➤ The applicant suggests that the exemptions possible under Council's 94A Plan establishes a precedent under which Council may consider an exemption to the application of a Section 64 Contribution. ➤ The submission re-iterates the 	<ul style="list-style-type: none"> ➤ Water and Sewerage Headworks charges is governed by the Muswellbrook Shire Council Development Servicing Plans for Water Supply and Sewage 2012. <ul style="list-style-type: none"> ➤ Part 3 of the Plan states '<i>Council and Crown Developments for essential services/education, health, community services and law and order</i>' may be exempt from a 	A Section 64 Contribution be levied on the development in accordance with the Muswellbrook Shire Council Development Servicing Plans for

Contribution Type	Applicants Submission	Planning Comments	Recommendation
	status of the owner and operator as a registered charity and the purpose of the development as a child care centre as grounds for the exemption.	<p>contribution under this plan. The proposed development is not a Council or Crown development.</p> <p>➤ The proposed development would have demand on the provision of water and sewerage services and affect the demand and servicing requirements for water and sewage services in the locality.</p>	Water Supply and Sewerage 2012

COMMUNITY CONSULTATION

Surrounding properties were notified of the development proposal between 7 July 2019 and the 27 June 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. One submission was received from the public in relation to the proposed development.

This submission raised concerns in relation to the safety of vehicle movements and parking at the site when children are picked up and dropped off. The submission has been attached to this report for Council's information.

The submission was reviewed by Council Officers when considering the Traffic and Parking Assessment submitted with the development application. Engineers from the Community Infrastructure Roads and Drainage Team raised no objection to the proposed development from a traffic perspective. Accordingly, Council's Assessing Officer is satisfied that the proposed development can be supported from a traffic management perspective.

A copy of the submission has been attached to this report for Council's information.

OPTIONS

The Development Assessment Committee may:

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

LEGAL IMPLICATIONS

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

CONCLUSION

DA 47/2019 is being reported to Council as it involves a submission from the public, a request for the exemption of contributions and the Capital Investment Value for the proposed development exceeds the delegations of the General Manager and Development Assessment Committee.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that Council grant development consent to DA 47/2019 subject to conditions of consent outlined in Attachment B.

10.2 DA44/2019 NEW RECREATIONAL BUILDING COMPRISING TWO SQUASH COURTS AND AMENITIES A GOLF PRO SHOP

Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Alisa Evans - Projects 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 2019-44 Proposed Squash Courts and Golf Pro Shop Plans B. DA 2019-44 Development Assessment report - 346144 C. DA 2019-44 Recommended Conditions of Consent

Documents referred to in assessment not attached:

- Local Environmental Plan 2009
- Development Control Plan 2009

APPLICATION DETAILS

Applicant:	Muswellbrook Golf Club Ltd
Owner:	Muswellbrook Golf Club Ltd
Proposal:	New Recreational Building Comprising Two (2) Squash Courts and Amenities and a Golf Pro Shop
Location:	Lot 256 DP 1030447 Bell Street Muswellbrook
Permissibility:	The proposed development is permissible as Recreation facilities (indoor) within the RE2 Private Recreation
Recommendation:	Approval

PURPOSE

This report has been prepared to inform the Council in determining Development Application (DA) 44/2019. This Development Application has been assessed by Council officers, a copy the Section 4.15 Assessment Report and recommended conditions of consent are attached for Council's information.

The matter is being reported to Council for determination as the development relates to food and drink premises used for, or proposed to be used for, the sale of alcohol.

RECOMMENDATION

That Council approve Development Application No. 44/2019, proposing a new Recreational Building comprising Two (2) Squash Courts, Amenities and a Golf Pro Shop, at Lot 265 DP 1030447 Bell Street Muswellbrook, subject the conditions in Appendix C to this 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

DESCRIPTION OF THE PROPOSED DEVELOPMENT

The proposed development relates Muswellbrook Golf Club, Bell Street Muswellbrook. The property is formally identified as Lot 265 DP 1030447.

The subject land is zoned RE2 Private Recreation and contains the Muswellbrook Golf Club buildings with a land area of 9562m².

The proposal is for the erection of new Recreational Building comprising:

- Two (2) squash courts;
- Pro shop with golf simulator; and
- Amenities.

on the lot containing Muswellbrook Golf Club (Registered Club).

ASSESSMENT SUMMARY

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

Key considerations and findings of the section 4.15 assessment include:

- The proposed development is in accordance with relevant provisions of the *Muswellbrook Local Environmental Plan (LEP) 2009*.
- The proposed development was considered against the provisions of relevant State Environmental Planning Policies (SEPP's). Council Officers did not identify any inconsistencies with the proposed development and the requirements of any SEPP which would prevent Council from granting development consent to the development.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP) and is in accordance with the requirements of the DCP.
- The assessment considered the environmental impacts that may result from the proposed development. It was found that the proposed development was unlikely to have any adverse environmental impacts that would prevent Council from granting development consent to this development application.
- The application was referred to Council's Environmental Health Officer, Water and Waste, and Community Infrastructure, and externally to the EPA. The assessment and recommended conditions of consent incorporate comments received.

The Lot subject to this development application is zoned RE2 Private Recreation pursuant to *Muswellbrook LEP 2009*. The land is generally flat and is flood affected. The development site is currently occupied by a gravelled golf cart storage area and putting green which will be removed to enable construction of the new facilities.

COMMUNITY CONSULTATION

The proposed development was notified and advertised between the 26 June 2019 and 26 June 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period. A letter of support was received from the public in relation to the proposed development.

OPTIONS

The Council may:

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

LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

Council has given a commitment to the Muswellbrook Golf Club that an amount of \$300,000.00 will be contributed towards the costs of constructing the facility. Approving the development application will progress this project further, and the requirement to pay this contribution will become more likely.

CONCLUSION

DA 44/2019 has been reported to the Council for determination as the development involves works on Lot 265 DP 1030447, which includes a food and drink premises that sells alcohol. The General Manager does not have delegations to determine such matters.

Council Officers have completed a Section 4.15 Assessment in relation to the proposed development and recommend that Council grant development consent to DA 44/2019 subject to recommended conditions of consent outlined in Attachment C.

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
Job No. 065-19 Sheets 00 to 07	A	P.B Eveleigh Plan Service	20/05/2019	11/06/2019

ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE
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2. Construction Management Program

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

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

and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;

- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

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

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION
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3. Building Code of Australia

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

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

4. Muswellbrook Shire Water and Waste Division

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

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

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

5. Parking for People with Disabilities

A total of two (2) car-parking spaces, for use by persons with a disability, shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

6. Off Street Car Parking

A minimum of sixty-eight (68) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted to the satisfaction of Council, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority for approval with the Construction Certificate.

7. Potential Flood Damage to Buildings

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

8. Section 7.12 Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$6,000.00 shall be paid to Muswellbrook Shire Council.

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

9. Access Requirements

Prior to the issue of a Construction Certificate the person acting with this consent shall provide Council with a design and linemarking plans for the vehicle access to the site between the edge of the Bell Street kerb and pavement and the property boundary, where access to the car park that services the proposed pro shop and squash courts is proposed. These design plans are to be provided to and approved by Council prior to the issue of a Construction Certificate and must demonstrate compliance with the following:

- a) The access design is to comply with the requirements of Council's Footpaths and Kerb and Guttering Policy F10/1 or any Policy which supersedes this document;
- b) The vehicle access pavement between the edge of the road pavement of (BELL STREET) and property boundary complies with the appropriate Australian Standard and is to be constructed with an even road base to ensure the safe movement of vehicles and pedestrians to and from the site;
- c) Linemarking is to be included on the access design in accordance with the relevant Australian Standard to manage safety of vehicles entering and exiting the site;
- d) The design plans should include site distance information and include traffic safety signs and related line marking where required to ensure vehicles leaving the site are aware to stop or give way where required due to site distances;
- e) The access design should be prepared in consultation with Council's Community Infrastructure Department; and

Prior to commencing construction of the driveway/vehicle crossing/layback, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

10. Car park lighting

Prior to the issue of a Construction Certificate the person acting with this consent should submit to the Accredited Certifier lighting design drawings detailing lighting installations for the car park immediately adjacent the squash courts and golf pro shop.

The design must be prepared in accordance with the requirements of Australian Standard AS 1158: Lighting for roads and public spaces and Australian Standard AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier.

11. Stormwater Management Plan

Prior to issue of the Construction Certificate, a stormwater management plan is to be prepared and approved by Council's Community Infrastructure Section demonstrating that all hardstandings and overflows from the development are collected and disposed of to:

- a) A registered stormwater easement; or
- b) The inter allotment stormwater pit located within the property boundary; or
- c) The existing stormwater drainage on site; or
- d) The kerb and gutter onsite.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

12. Sediment and Erosion Control

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

13. Site Sign

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

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

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

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

14. 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.

15. Damage to Public Infrastructure

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

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

16. Site Facilities

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

17. Section 68 Local Government Act Approval

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

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

18. Construction Hours

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

19. Demolition or Removal of Buildings

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

20. Erosion and Sediment Controls

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

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

21. Occupation

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

22. Disposal Information

Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;

- (a) the total tonnage of all waste and excavated material disposed of from the site;
- (b) the disposal points and methods used; and
- (c) a copy of all disposal receipts are to be provided

23. Asbestos & Other Hazardous Materials

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

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

24. Vehicle Access

Prior to the issue of any Occupation Certificate the vehicle access to the site from Bell Street is to be installed and/or upgraded in accordance with the access plan submitted to and approved by Council in accordance with the conditions of this consent.

25. Construction of Parking Areas

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

Car park lighting is also to be installed in accordance with the approved lighting plan and AS 1158 and AS 4282-1997.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

26. Hours of Operation

The recreation building may be open for business seven (7) days per week between the hours of 10.30am to 12midnight

Upon expiry of the permitted hours, all services (and entertainment) shall immediately cease, no person shall be permitted entry and all staff/employees on the premises shall be required to leave within the following half hour.

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:

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- 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 ASSESSMENT REPORT

Attached: Site Plan

REPORT TO THE GENERAL MANAGER

ADDRESS:	LOT: 265 DP: 1030447 REF: GOLF Bell Street MUSWELLBROOK			
APPLICATION No:	44/2019			
PROPOSAL:	New Recreational Building comprising Two Squash Courts, Amenities and a Golf Pro Shop.			
PLANS REF:	Drawings no.	Drawn by	Date	Received
OWNER:	Muswellbrook Golf Club Ltd			
APPLICANT:	Muswellbrook Golf Club Ltd Muswellbrook RSL & Golf Club 113 Bridge Street Muswellbrook NSW 2333			
AUTHOR:	Alisa Evans			
DATE LODGED:	11-06-2019			
AMENDED:	No Amendments			
ADD. INFO REC'D:	NA			
DATE OF REPORT:	17 October 2019			

SUMMARY

ISSUES: Flooding, Stormwater and Upgrading entry

SUBMISSIONS: One (1)

RECOMMENDATION: Approval subject to conditions

Documents reference to in the assessment but not attached:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Water Management Act 2000
- Building Code of Australia
- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No.55 – Remediation of Land
- State Environmental Planning Policy No.64 – Advertising and Signage
- Rivers & Drainage Channels Policy
- Contaminated Land Policy
- Interim Construction Noise Guidelines
- Hunter River Flood Study 2014
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (UPSS) Regulation 2014
- Protection of the Environment Operations (Noise Control) Regulation 2008
- Food Act 2003
- Public Health Act 2010
- Public Health Regulation 2012
- Telecommunications Act 1997
- Telecommunications in New Developments Policy
- Australia and New Zealand Food Standards Code
- Australian Standard 1428: 2009– Design for Access & Mobility
- Australian Standard 4674: 2004 – Design, construction and fit out of a food premises
- Australian Standard 2890.1: 2004 – Parking Facilities – Off Street Car Parking
- NSW Environment Protection Authority Noise Policy
- Floodplain Development Manual

1.0 BACKGROUND

The subject land currently operates as the Muswellbrook Golf Club (Registered Club) with main club house, 2 outbuildings (sheds), existing golf club and car parking. The golf course is located on the adjoining allotment.

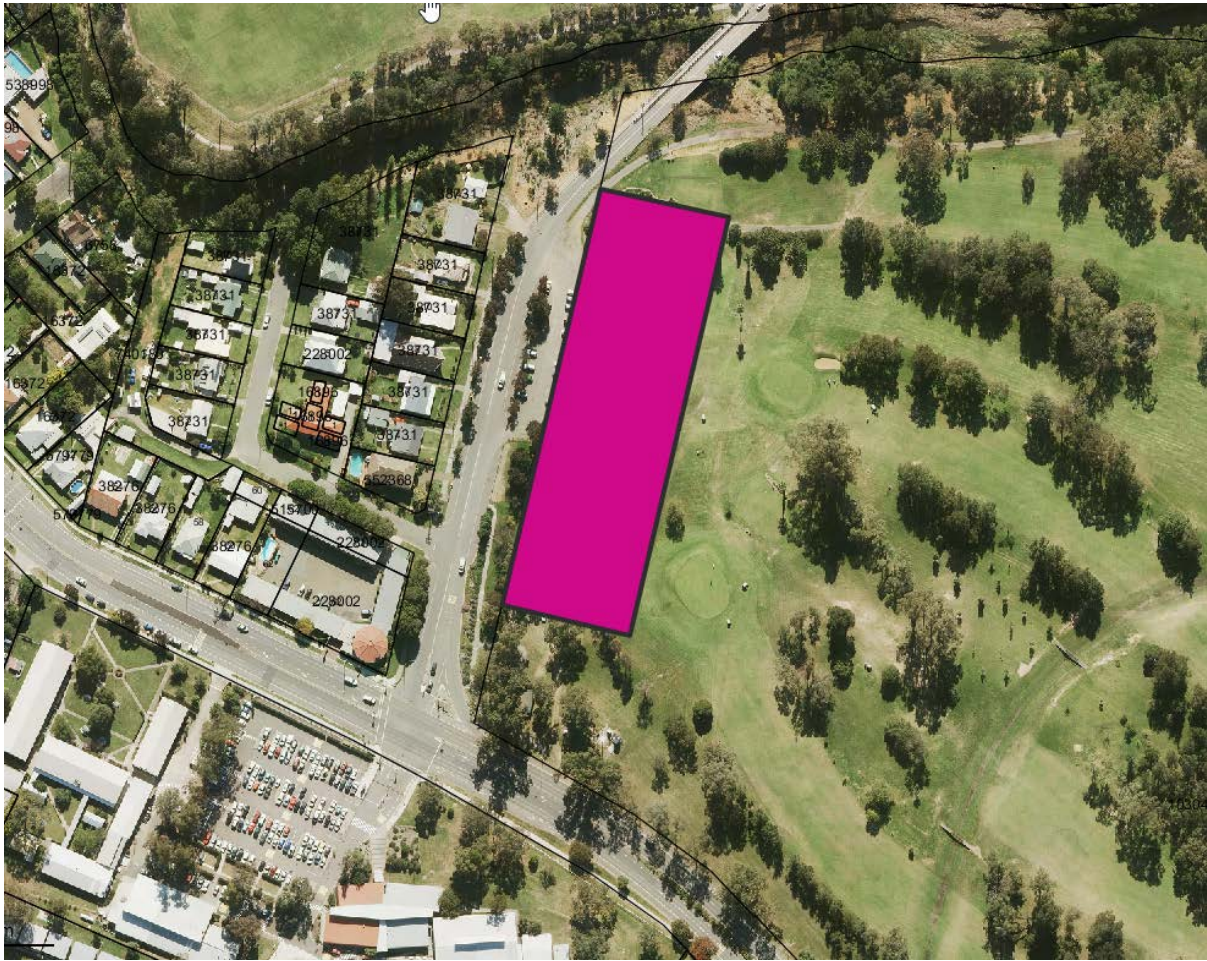
Development No	Application	Description	Approval Date
DA 49/2001		New Building	20/04/2001
DA 175/2007		Verandah	26/06/2007
DA 153/2008		Enclosure of Verandah Area for Storage Room	24/06/2008
DA 194/2008		New Golf Cart Shed	08/09/2008
DA 87/2010		Signage	Refused 11/10/2010
DA 58/2016		Demolition of Golf Club and PRO-Shop Construction	08/11/2016
DA 88/2018		Commercial Alterations & additions	12/02/2019

2.0 SITE AND LOCALITY DESCRIPTION

The proposed development relates to the Muswellbrook Golf Club site, Bell Street Muswellbrook. The property is formally identified as Lot 265 DP 1030447. The land has an area of 9562m².

The land is zoned RE2 Private Recreation. The land has road frontage to Bell Street and has 2 access points from the road. A large section of Bell Street is utilised for parking for the golf club. Muscle Creek is located to the north but does not border the allotment.

Adjacent the site is land zoned R1 General Residential. Adjoining uses include dwelling houses, a church and tourist accommodation (motel). The land is relatively flat and is identified as being flood liable.



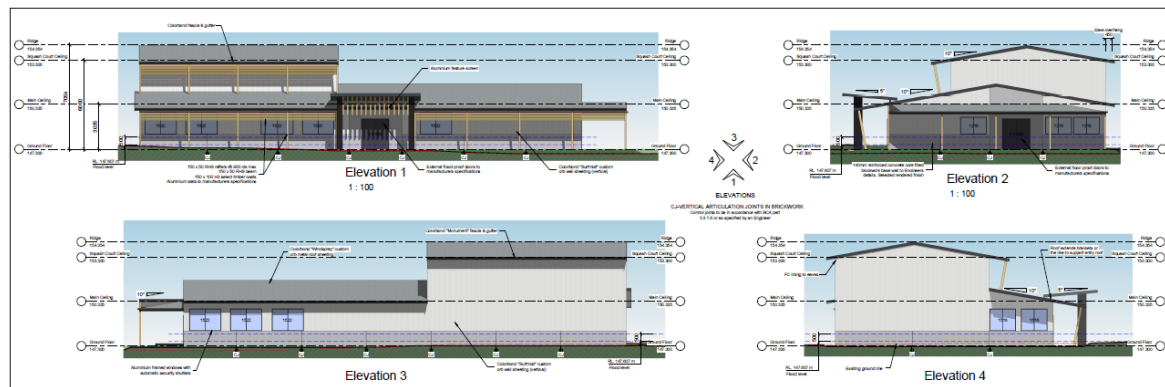
Aerial of Subject Land

3.0 DESCRIPTION OF PROPOSAL

The proposal is for the erection of New Recreational Building (Recreation facilities (indoor)), containing the following:

- Two (2) squash courts;
- Pro shop with golf simulator; and
- Amenities.

The new building containing the above will be constructed with a block base wall to 500mm height (rendered finish) with the retaining external walls with cladded custom orb wall sheeting (vertical). The roof will be pitched at 10% in colorbond "windspray" custom orb with Colorbond fascia and gutters in 'Monument'. The building is approximately 33m by 17m (inclusive of verandas).



Plan Extract from Detailed Plans

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the Application, 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:

- Detail Plans
- Statement of Environmental Effects

5.0 SPECIALIST COMMENTS

5.1 Internal Referrals

The application was referred to Council's Building Section, Water and Waste, and Community Infrastructure. Each section recommended standard conditions be placed on the development consent should the application be approved.

5.1 External Referrals

Department of Planning, Industry and Environment | Lands & Water (Natural Resources Access Regulator)

No requirements for General Terms of Approval and/or a controlled activity approval under the Water Management Act 2000 (Doc Id. 1027764).

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 RE2 Private Recreation pursuant to MLEP 2009. The proposal is best defined as recreation facilities (indoor), which is permitted with consent in the subject Zone.

Objectives of the RE2 Private Recreation Zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To encourage the development of public open spaces in a way that addresses the community's diverse recreation needs.*

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

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>1.1 Name of Plan</i>	Muswellbrook Local Environmental Plan 2009
<i>1.1AA Commencement</i>	The MLEP 2009 was gazette 17 April 2009.
<i>1.2 Aims of Plan</i>	Noted
<i>1.3 Land to which Plan applies</i>	The MLEP 2009 applies to the whole of Muswellbrook Local Government Area.
<i>1.4 Definitions</i>	Noted
<i>1.5 Notes</i>	Noted
<i>1.6 Consent authority</i>	The consent authority for this development is Muswellbrook Shire Council.
<i>1.7 Maps</i>	Noted.
<i>1.8 Repeal of planning instruments applying to land</i>	Noted.
<i>1.8A Savings provision relating to pending development applications</i>	Noted
<i>1.9 Application of SEPPs</i>	Noted
<i>1.9A Suspension of covenants, agreements and instruments</i>	Noted
<i>Part 2 Permitted or prohibited development</i>	
<i>2.1 Land use zones</i>	Noted
<i>2.2 Zoning of land to which Plan applies</i>	See above
<i>2.3 Zone objectives and Land Use Table</i>	See above
<i>2.4 Unzoned land</i>	Not applicable
<i>2.5 Additional permitted uses for particular land</i>	Not applicable
<i>2.6 Subdivision—consent requirements</i>	Not applicable
<i>2.7 Demolition requires development consent</i>	Not applicable
<i>2.8 Temporary use of land</i>	Not applicable
<i>Part 3 Exempt and complying development</i>	
<i>3.1 Exempt development</i>	Not applicable
<i>3.2 Complying development</i>	Not applicable
<i>3.3 Environmentally sensitive areas excluded</i>	Not applicable
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	The proposal does not seek to subdivide the land.
<i>4.1AA Minimum subdivision lot size for community title schemes</i>	Not applicable

4.2 Rural subdivision	Not applicable
4.3 Height of buildings	MLEP 2009 specifies a maximum building height of 12 m in relation to the land. The proposal does not involve building works over 7.05m.
4.4 Floor space ratio	MLEP 2009 does not specify a floor space ratio in relation to the land.
4.5 Calculation of floor space ratio and site area	Not applicable
4.6 Exceptions to development standards	Not applicable
Part 5 Miscellaneous provisions	
5.1 Relevant acquisition authority	Not applicable
5.2 Classification and reclassification of public land	Not applicable
5.3 Development near zone boundaries	Not applicable
5.4 Controls relating to miscellaneous permissible uses	Not applicable
5.5 Development within the coastal zone	Not applicable
5.6 Architectural roof features	The roof design is a gable roof at 10%. The ridge line for the height point is 7.054m above natural ground level.
5.7 Development below mean high water mark	Not applicable
5.8 Conversion of fire alarms	BCA consideration and will be assessed at CC stage
5.10 Heritage conservation	Not applicable
5.11 Bush fire hazard reduction	Not applicable
5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable
5.13 Eco-tourist facilities	Not applicable
Part 6 Urban release areas	Not applicable
Part 7 Additional local provisions	Not applicable

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

Land is not identified as being contamination. Standard provision applies to the development of the site.

3. State Environmental Planning Policy

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

- SEPP No. 21 Caravan Parks
- SEPP No. 30 Intensive Agriculture
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No. 36 Manufactured Home Estates
- SEPP No. 44 Koala Habitat Protection
- SEPP No. 55 Remediation of Land
- SEPP No. 62 Sustainable Aquaculture
- SEPP No. 64 Advertising and Signage
- SEPP No. 65 Design Quality of Residential Flat Development
- SEPP (Housing for Seniors or People with Disability) 2004
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (infrastructure) 2007
- SEPP (Mining, Petroleum Production and Extractive Industries) 2007
- SEPP (miscellaneous Consent Provisions) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Renting Housing) 2009
- SEPP (State and Regional Development) 2011

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 for a period of not less than fourteen days from 26 June 2019 to 26 July 2019. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period. A letter of support was received on the 31 July 2019 from Muswellbrook Squash Club Inc.

Section 13 – Flood Prone Land

The land is identified as flood liable land. It is required that the building be certified by a professional engineer that the structure will be able to withstand the impacts of flooding and does not adversely impact flood behaviour. This is consistent with the provisions of the DCP.

Section 16 – Car Parking and Access

Car parking and access was reviewed by Community Infrastructure. The design is generally in accordance with the DCP requirements. The applicant is required to submit detailed car park design prior to Construction Certificate (CC) being issued. A Section 138 Approval for use of the roadway for parking will be required prior to the issue of CC also.

Formally a total of 68 car parking spaces are provided on the site, with an additional 38 car parking spaces being provided within the road reserve (Bell Street). The proposed works generate demand for an additional 6 car parking spaces (3 per squash court). Historically the Muswellbrook Golf Club has utilised the road reserve for parking, the total car parks required for the proposed development is 94 car parking spaces.

In regards to the above the existing car parking provided is deemed adequate for the proposal.

Section 20 – Erosion and Sediment Control

Works will require adequate provisions for erosion and sediment control during works. Condition applied.

Section 25 – Stormwater Management

Stormwater will be conveyed to the street. Condition include for this requirement.

Section 94A Contributions Plan 2009

The estimated cost of the development is \$633,815.00. A developer contribution of \$6,000.00 will apply to the proposed development should the Application be approved.

The following sections of the Muswellbrook Development Control Plan 2009 were considered and found not to be applicable to the proposed development:

Section 1 - Introduction	Section 2 – Submitting an application
Section 5 – Subdivision	Section 6 – Residential Development
Section 7 – Village Zones	Section 8 – Rural Development
Section 9 – Local Centre Development	Section 10 – Industrial Development
Section 11 – Extractive Industries	Section 12 – Tourist Facilities and Accommodation
Section 13 – Flood Prone Land	Section 14 – Outdoor signage
Section 15 – Heritage Conservation	Section 16 – Carparking and Access
Section 17 – Sex Services Premises	Section 18 – Child Care Centres
Section 19 – Use of Public Footpaths	Section 20 – Erosion and Sediment Control

Section 21 – Contaminated Land	Section 22 – Land Use Buffers
Section 23 – Onsite Wastewater management systems	Section 24 – Waste Management
Section 25 – Stormwater Management	Section 26 – Site Specific controls
Section 27 – West Denman Urban Release Area	

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

There are no planning agreements relevant to the subject Application.

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

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

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

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

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

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report:

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

No submissions were received during the notification period.

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

The proposal is not contrary to the public interest.

NSW Legislation

There is a number of applicable legislation that needs to be considered and referred to in the assessment of this application. The applicable legislation has been listed at the start of the report. The assessment has considered these pieces of legislation.

Council Adopted and Draft Policies

The following policies have been adopted by Council and were considered in the assessment of the application.

D7/1 Development Cost Estimating

D25/1 Rivers and Drainage Channels
S28/1 Street Trading Policy
D6/1 Demolition Policy
C20/1 Contaminated Land Policy
S15/1 Building Over Existing Sewer Policy
R26/1 Retaining walls

5 CONCLUSION

It is recommended the application be approved subject to conditions of consent.

Signed by:



Alisa Evans
Development Planner

Date:

16/10/2019

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

Council has advised that \$300,000.00 from Council's Recreation reserve will be contributed towards the proposed works.

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
Job No. 065-19 Sheets 00 to 07	A	P.B Eveleigh Plan Service	20/05/2019	11/06/2019

**ANCILLARY MATTERS TO BE ADDRESSED TO THE SATISFACTION OF COUNCIL PRIOR TO THE
ISSUE OF THE CONSTRUCTION CERTIFICATE**

2. Construction Management Program

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

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

and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;

- i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;
- j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;
- k) proposed protection for Council and adjoining properties;
- l) the location and operation of any on site crane;
- m) the location of any Construction Zone (if required) approved by Council's Traffic Committee, including a copy of that approval; and
- n) location, identification, treatment and disposal of all hazardous materials on site.

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

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

3. Building Code of Australia

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

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

4. Muswellbrook Shire Water and Waste Division

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

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

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

5. Parking for People with Disabilities

A total of two (2) car-parking spaces, for use by persons with a disability, shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted to the Certifying Authority for approval with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act, and the relevant provisions of AS1428.1 and AS1428.4.

6. Off Street Car Parking

A minimum of sixty-eight (68) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted to the satisfaction of Council, in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. A certificate prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to the Certifying Authority for approval with the Construction Certificate.

7. Potential Flood Damage to Buildings

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

8. Flood Response Plan

A Flood Response Plan is to be prepared, by a qualified practising Engineer or other person qualified in preparing emergency response plans, for all buildings and facilities on the site to ensure the safety of patrons during flood events, and submitted to and approved by Council prior to the issue of any Occupation Certificate.

9. Section 7.12 Contributions

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development

Contributions Plan 2010, a contribution of \$6,000.00 shall be paid to Muswellbrook Shire Council.

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

10. Access Requirements

Prior to the issue of a Construction Certificate the person acting with this consent shall provide Council with a design and linemarking plans for the vehicle access to the site between the edge of the Bell Street kerb and pavement and the property boundary, where access to the car park that services the proposed pro shop and squash courts is proposed. These design plans are to be provided to and approved by Council prior to the issue of a Construction Certificate and must demonstrate compliance with the following:

- a) The access design is to comply with the requirements of Council's Footpaths and Kerb and Guttering Policy F10/1 or any Policy which supersedes this document;
- b) The vehicle access pavement between the edge of the road pavement of (BELL STREET) and property boundary complies with the appropriate Australian Standard and is to be constructed with an even road base to ensure the safe movement of vehicles and pedestrians to and from the site;
- c) Linemarking is to be included on the access design in accordance with the relevant Australian Standard to manage safety of vehicles entering and exiting the site;
- d) The design plans should include site distance information and include traffic safety signs and related line marking where required to ensure vehicles leaving the site are aware to stop or give way where required due to site distances;
- e) The access design should be prepared in consultation with Council's Community Infrastructure Department; and

Prior to commencing construction of the driveway/vehicle crossing/layback, within the road reserve, a permit for the work must be obtained from Council, under Section 138 of the Roads Act 1993.

11. Car park lighting

Prior to the issue of a Construction Certificate the person acting with this consent should submit to the Accredited Certifier lighting design drawings detailing lighting installations for the car park immediately adjacent the squash courts and golf pro shop.

The design must be prepared in accordance with the requirements of Australian Standard AS 1158: Lighting for roads and public spaces and Australian Standard AS 4282-1997, including the provision of current best practice energy efficient lighting and be approved by the Accredited Certifier.

12. Stormwater Management Plan

Prior to issue of the Construction Certificate, a stormwater management plan is to be prepared and approved by Council's Community Infrastructure Section demonstrating that all hardstandings and overflows from the development are collected and disposed of to:

- a) A registered stormwater easement; or
- b) The inter allotment stormwater pit located within the property boundary; or
- c) The existing stormwater drainage on site; or
- d) The kerb and gutter onsite.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT
--

13. Sediment and Erosion Control

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

14. Site Sign

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

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

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

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

15. 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.

16. Damage to Public Infrastructure

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

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

17. Site Facilities

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

18. Section 68 Local Government Act Approval

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
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19. Construction Hours

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

20. Demolition or Removal of Buildings

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

21. Erosion and Sediment Controls

The approved Sediment & Erosion controls shall be reinstated daily prior to workers leaving the site where modified at any time. Any sediment that escapes from the allotment shall be cleaned, collected and disposed of to

Council's waste management facility or the sediment shall be returned to the subject allotment on a daily basis.

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

22. Occupation

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

23. Disposal Information

Upon completion of works and prior to occupation, the person entitled to act on this consent shall provide to Council the following information;

- (a) the total tonnage of all waste and excavated material disposed of from the site;
- (b) the disposal points and methods used; and
- (c) a copy of all disposal receipts are to be provided

24. Asbestos & Other Hazardous Materials

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

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

25. Vehicle Access

Prior to the issue of any Occupation Certificate the vehicle access to the site from Bell Street is to be installed and/or upgraded in accordance with the access plan submitted to and approved by Council in accordance with the conditions of this consent.

26. Construction of Parking Areas

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

Car park lighting is also to be installed in accordance with the approved lighting plan and AS 1158 and AS 4282-1997.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

27. Hours of Operation

The recreation building may be open for business seven (7) days per week between the hours of 10.30am to 12midnight

Upon expiry of the permitted hours, all services (and entertainment) shall immediately cease, no person shall be permitted entry and all staff/employees on the premises shall be required to leave within the following half hour.

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:

- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.

- 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.

10.3 DEVELOPMENT ASSESSMENT COMMITTEE

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Joshua Brown - Manager - Integrated Planning & Governance
Community Plan Issue:	<i>Support Job Growth</i>
Community Plan Goal:	<i>Facilitate the expansion of and establishment of new industries and business.</i>
Community Plan Strategy:	<i>Provide advice in relation to strategic land use planning and development control and assessment to support the work of the Economic Development and Innovation function.</i>

PURPOSE

To consider amending the terms of reference of the Development Assessment Committee of the Council.

OFFICER'S RECOMMENDATION

Council adopt amended Terms of Reference for the Development Assessment Committee in the following terms:

Committee functions:

- (i) To determine development applications;
- (ii) To delegate the determination of any development application to the General Manager;
- (iii) To monitor the progress of development applications not yet determined;
- (iv) To recommend to Council the need to develop or amend policies in relation to planning related matters – including strategic planning.

Delegation

Council delegates to the Development Assessment Committee the determination of development applications under the *Environmental Planning and Assessment Act 1979* not otherwise delegated to the General Manager except where:

- (i) the development application is for, or in any way related to:
 - (a) power stations;
 - (b) mines; or
 - (c) subdivisions into more than five lots.
- (ii) the Committee is satisfied that, by reason of any perceived, anticipated or actual controversy, notoriety or opposition, the development application should in the Committee's view be determined by Council.

The Committee may sub-delegate the determination of development applications within its delegated authority, to the General Manager

Membership

The Planning and Development Assessment Committee be constituted as follows:

- (i) the Councillor Spokesperson for Planning (as Chair);
- (ii) the Councillor Spokesperson for Infrastructure;
- (iii) the Councillor Spokesperson for Utilities; and
- (iv) in the absence of any of the councillors set out in (i) to (iii) any other councillor nominated by the Committee Chair or Acting Chair (as the case may be).

Moved: _____ Seconded: _____

BACKGROUND

Council has delegated the authority to determine certain planning matters under the *Environmental Planning and Assessment Act 1979* to the General Manager. Council also has the power pursuant to s377 of the *Local Government Act 1993* to delegate the determination of planning matters to a committee.

CONSULTATION

General Manager

Acting Director Environment and Community Services

Assistant Director Environment and Community Services

Corporate Lawyer

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Members of the Development Assessment Committee

REPORT

Council has delegated the authority to determine certain planning matters under the *Environmental Planning and Assessment Act 1979* to the Development Assessment Committee. However, that delegation does not extend to the delegation by the Committee of certain matters to the General Manager. Such a delegation would build in a further efficiency in the approvals process, and it is recommended that Council make such a delegation by way of an amended to the Committee's Terms of Reference. A further amendment is recommended with the insertion of the words "the Committee is satisfied that," at the start of paragraph (ii) under Delegation. This is to ensure that the facts stipulated in the paragraph (ie controversy, notoriety or opposition) are not jurisdictional facts, but are matters that arise in the course of the Committee's consideration as to whether the Council should determine a development application.

OPTIONS

Councillors may elect to continue the present arrangements for the Development Assessment Committee.

CONCLUSION

It is proposed that the terms of reference for the Development Assessment Committee be amended to provide for a power to delegate the determination of certain development applications to the General Manager.

SOCIAL IMPLICATIONS

No known social implications.

FINANCIAL IMPLICATIONS

No financial implications

POLICY IMPLICATIONS

There are no known policy implications.

STATUTORY IMPLICATIONS

The establishment of such a committee and delegation of determinative powers under the *Environmental Planning and Assessment Act 1979* is consistent with the *Local Government Act 1993*.

LEGAL IMPLICATIONS

There are no known legal implications.

OPERATIONAL PLAN IMPLICATIONS

There are no known Operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

There are no known Risk Management implications.

10.4 AMENDMENT OF GENERAL MANAGER'S DELEGATIONS

Attachments:	A. Proposed Changes to the General Manager's Delegations
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Assistant Director - Environment & Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

The purpose of this report is to amend the Delegation of Authority to General Manager under Section 377 Local Government ("the Delegation") Act 1993, to delegate to the General Manager the functions, power, authorities and duties of the Council in respect of development outside the urban areas of the Muswellbrook Shire Council which are alongside or adjoin any waterway and minor modifications to approved development.

OFFICER'S RECOMMENDATION

Council resolve to amend the Delegation of Authority to General Manager to determine Development Application matters as provided in attachment A.

Moved: _____ **Seconded:** _____

BACKGROUND

The General Manager's Delegation currently includes a limitation in relation to Development Applications "which are for, or in any way related to ...(f) works alongside or adjoining any waterway".

The General Manager's delegations also do not extend to approving minor amendments to approved development or to correct errors in Notices of Determination.

CONSULTATION

General Manager

Acting Director Environment and Community Services

Assistant Director Environment and Community Services

Director Community Infrastructure

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The proposal to amend the Delegation has been discussed in general terms with the Mayor.

REPORTDevelopment adjacent to waterways

Clause 25 of the Muswellbrook Shire Council DCP 2009 and the Rivers and Drainage channels Policy sets a policy framework for consideration of development applications adjoining urban drainage systems.

The DCP and the Rivers and Drainage Channels Policy do not impose significant obligations in non-urban areas of the Shire. To streamline development processes, reduce reporting obligations and expedite approvals, it is proposed to delegate to the General Manager approval powers in respect of development in the non-urban areas of the Shire that are alongside or adjoin a waterway.

Minor Modifications to Approvals

Under Section 4.55 of the EP&A Act, an Applicant may seek to modify a consent to:

- correct minor errors, mis-description or miscalculations; and
- make minor changes to the approved development that have minimal environmental impact, such as changing the position of a doorway, a slight reduction in floor area.

To expedite the resolution of these minor errors, without a need to return the matter to the Development Assessment Committee or Council, it is proposed to delegate to the General Manager the authority to determine modifications that meet the criteria set out in s4.55(1) or 4.55(1A) of the Act.

Words that are proposed to be inserted are shown in Attachment A.

OPTIONS

Councillors may elect to continue the present arrangements for the General Manager

CONCLUSION

The proposed amendment will allow for development applications alongside waterways, but outside the urban areas of the Shire, to be dealt with by the General Manager and Planning Staff. This is consistent with staff delegations for developments in rural areas that do not adjoin a waterway. It would also allow staff to deal with minor modifications to approved development.

SOCIAL IMPLICATIONS

No known social implications.

FINANCIAL IMPLICATIONS

No financial implications

POLICY IMPLICATIONS

There are no known policy implications.

STATUTORY IMPLICATIONS

The establishment of delegation of determinative powers under the *Environmental Planning and Assessment Act 1979* is consistent with the *Local Government Act 1993*.

LEGAL IMPLICATIONS

There are no known legal implications.

OPERATIONAL PLAN IMPLICATIONS

There are no known Operational Plan implications.

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with the delegation of this planning power provided the requirements of the EP&A Act and Regulations are followed.



muswellbrook shire council

DELEGATION OF AUTHORITY TO GENERAL MANAGER

SECTION 377 LOCAL GOVERNMENT ACT 1993

Muswellbrook Shire Council:

- A. recognises that certain functions are conferred on the General Manager by the provisions of the Local Government Act 1993; and
- B. delegates, pursuant to section 377 of the Local Government Act 1993, to the person holding the position of General Manager (and to the person acting in that position from time-to-time), the functions, powers, authorities and duties of the Council contained in the legislation and matters specified in Schedule 1, subject to the limitations specified in Schedule 2.

This delegation commences on _____ and will remain in force until otherwise revised or revoked by resolution of Council in accordance with the Local Government Act 1993 (as amended).

SCHEDULE 1

1. The functions of the Council under:
 - (i) the Local Government Act 1993 and regulations made thereunder;
 - (ii) the Environmental Planning and Assessment Act 1979; and
 - (iii) All other legislation (including regulations, statutory rules and the like made thereunder) under which Council has powers, authorities, duties and functions, subject to section 381 of the Local Government Act 1993 (as amended).
 - (iv) Section 4.55(1) of the Environmental Planning and Assessment Act 1979(modifications involving a minor error, mis-description or miscalculation); and
 - (v) Section 4.55(1A) of the Environmental Planning and Assessment Act 1979 (modifications involving minimal environmental impact).

SCHEDULE 2

1. Council may by resolution direct the General Manager in the exercise of any function, power, duty or authority herein delegated.
2. The General Manager shall exercise these delegations in accordance with and subject to:
 - (i) The provisions of the Local Government Act 1993 (as amended); and

- (ii) All policies of the Council adopted by resolution and current at the time of the exercise of these delegations.
3. Except where Council by special resolution provides otherwise, the delegation to determine matters under the Environmental Planning and Assessment Act 1979:
- (i) in which the capital investment value of the development specified in the development application exceeds \$750,000; or
- (ii) which are for, or in any way related to:
- (a) food and drink premises used for, or proposed to be used for, the sale of alcohol;
 - (b) electricity generating works;
 - (c) mines and extractive industries;
 - (d) waste disposal facility;
 - (e) subdivisions into more than five lots;
 - (f) works alongside or adjoining any river or urban drainage system
_____ (excluding any waterway outside the urban areas of
Muswellbrook, Denman and Sandy Hollow);
- (iii) which anticipate any non-compliance with any development standard in Part 4 of the Muswellbrook Local Environmental Plan 2009 (or any equivalent LEP applicable to the Muswellbrook Local Government Area); or
- (iv) where the determination has been delegated to the Development Assessment Committee.

Note:

- For the avoidance of doubt and except where the context otherwise requires, terms used in this clause 3, Schedule 2 have the meanings ascribed to them in the Environmental Planning and Assessment Act 1979 and regulations and statutory instruments made thereunder (as amended) if they are defined.

END OF DELEGATION

[Insert Date Instrument of Delegation Made]

10.5 AMENDMENT TO MUSWELLBROOK DCP 2009 - SECTION 25 - STORMWATER MANAGEMENT AND COUNCIL'S RIVERS AND DRAINAGE CHANNELS POLICY

Attachments:	<p>A. Draft Section 25 - Water Management - Muswellbrook DCP 2009</p> <p>B. Draft Rivers and Drainage Channels Policy</p>
Responsible Officer:	Fiona Plesman - General Manager
Author:	Sharon Pope - Assistant Director - Environment & Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Provide efficient and effective Development Application, Complying Development Certificate, Construction Certificate and Occupational Certificate assessment services.</i>

PURPOSE

Muswellbrook Shire Council is committed to ensuring the responsible and orderly management of stormwater. Section 25 of *Muswellbrook DCP 2009*, *Muswellbrook Shire Council AUS-SPEC Planning and Design Specifications* and *Muswellbrook Shire Council's Policy – Rivers and Drainage Channels* all provide direction to staff and proponents of development on planning for and designing stormwater managements systems.

Changes have been identified for the DCP and Policy as a result of the Development Assessment Committee's determination of a number of development applications adjoining waterways and the Denman Levee.

The purpose of this report is to seek a resolution from Council to exhibit proposed changes to *Muswellbrook DCP 2009, Section 25 – Storm Water Management* and a revised Rivers and Drainage Channels Policy.

OFFICER'S RECOMMENDATION

That Council resolves to publicly exhibit amendments to:

1. *Muswellbrook DCP 2009, Section 25 – Stormwater Management*, as provided in attachment A; and
2. *Muswellbrook Shire Council Rivers and Drainage Channels Policy*, as provided in attachment B.

Moved: _____ Seconded: _____

BACKGROUND

Development applications that involve land that adjoins a waterway are currently determined by the Development Assessment Committee, unless they are a type that is required to be determined by

Council. Over the past nine (9) months there have been a number of applications that adjoin the Hunter River and the Denman Levee Bank, or have included urban drainage channels and piped drainage systems that did not have existing easements. Council staff and the Committee have identified that changes should be made to Muswellbrook DCP 2009 and the Rivers and Drainage Channels Policy.

A copy of the draft amendments to Section 25 of the DCP are provided in Attachment A. Words that are proposed to be deleted are shown with strikethrough, words that are proposed to be inserted are shown with grey highlight.

A review of the Muswellbrook Shire Council Rivers and Drainage Channels Policy are provided in Attachment B. Words that are proposed to be deleted are shown with strikethrough, words that are proposed to be inserted are shown with grey highlight.

REPORT

It is proposed to amend Section 25 of the Muswellbrook DCP 2009 Management and amend Council's Rivers and Drainage Channels Policy R25-1 to:

- Update references to current legislation;
- Include references to the Muswellbrook Urban Riparian Landcare Master Plan and the Muswellbrook Floodplain Risk Management Study and Plan 2019;
- Provide for easements in favour of Muswellbrook Council on developments sites neighbouring the urban stormwater system;
- Adopt a policy of Council reimbursing landholders for costs associated with creation of easements.
- Correct formatting errors;
- Provide clarification on certain matters regarding easements, piping of open drainage channels and requirements for pollution reduction devices; and
- Reference legislation, plans and policies that are relevant to planning for storm water management.

CONSULTATION

Consultation has occurred with the Community Infrastructure Department in preparing the proposed amendments.

There has been no consultation with anyone external to Council at this stage. The purpose of this report is to obtain a resolution to exhibit the draft changes for input from the community.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

The proposal to amendments have been discussed in general terms at the Development Assessment Committee.

OPTIONS

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

CONCLUSION

The community relies on access to Council policies to guide the planning and design of new development, and to make informed decisions regarding the purchase of properties and businesses.

Ongoing use of the current Section 25 of the Muswellbrook DCP 2009 - Water Management, and Council's Rivers and Drainage Channels Policy R25-1A, by Council staff and the Development Assessment Committee, has identified that they should be amended.

It is recommended that these draft changes be exhibited for community input.

SOCIAL IMPLICATIONS

Not Applicable

FINANCIAL IMPLICATIONS

The maintenance of watercourses on private property is the responsibility of the property owner. If the watercourse is located within an easement for drainage, or similar, benefiting Council, then Council is likely responsible for the maintenance of and improvements to the storm water system.

Council has an existing Policy requiring the creation of easements over urban drainage channels. The changes proposed to the DCP and Policy clarify who will be responsible for the cost of creating new easements, and in the case of minor development such as carports, that will be Council.

Costs will vary on a case by case basis, however money should be allowed in the annual budget for the need to register easements for drainage purposes.

POLICY IMPLICATIONS

Section 25 in the DCP is relatively comprehensive and includes many of the matters identified in the *Muswellbrook Shire Council Rivers and Drainage Channels Policy*. If there are inconsistencies between the Policy and *Muswellbrook DCP 2009* (as amended), the DCP will prevail.

The Policy needs to be retained as it covers operational matters and the rezoning of land.

LEGAL IMPLICATIONS

The principal purpose of a development control plan is to provide guidance to persons proposing to carry out development that requires development consent. Except in specific circumstances, the provisions of a development control plan are not taken to be statutory requirements.

There are limits on Council's ability to impose conditions of consent when approving development. In order to be valid, a condition must comply with both s4.17 of the *EP&A Act* and the three "Newbury tests", one of which is that the condition must fairly and reasonably relate to the development the subject of the DA.

The proposed changes to the DCP include clarification on the types of development where it is reasonable to apply the requirements of the Policy.

OPERATIONAL PLAN IMPLICATIONS

The proposed changes assist with efficient and effective development application, construction certificate and occupational certificate assessment services.

RISK MANAGEMENT IMPLICATIONS

There are no risks associated with the exhibition of amendments to the DCP provided the requirements of the *EP&A Act* and Regulations are followed.

Section 25 – Water Management

25.1 Preamble

Council recognises that stormwater is a valuable resource which, when managed appropriately can contribute to the attainment of quality environments and water conservation objectives. New urban development has the potential to be designed and constructed in a way that is complementary rather than antagonistic to the natural environment and the existing built environment. With reference to stormwater this is commonly referred to as water smart development.

Water smart development, is development that is carefully designed, constructed and maintained so as to minimise impacts on the natural water cycle and the existing urban form. It is part of the contemporary trend towards more sustainable solutions that protect the environment and cost less.

Water smart development can help counteract many negative impacts of urban development on the natural water cycle. By utilising appropriate measures in the design and operation of development, it is possible to:

- Maintain and restore natural water balance
- Reduce flood risk in urban areas
- Reduce erosion of water ways slopes and banks
- Improve water quality in streams and ground water
- Make more efficient use of water resources
- Reduce cost of providing and maintaining water infrastructure
- Protect and restore aquatic and riparian ecosystems and habitats.

The intent of this section is to foster the potential for water smart development and encourage more sustainable approaches to urban design and urban water management in Muswellbrook Shire.

The following legislation and policies are relevant to development to which this section of the DCP applies:

- Water Management Act 2000
- Protection of the Environment Operations Act 1997
- The Hunter-Central Rivers Catchment Action Plan 2013-2023
- Muswellbrook Shire Council Policy – Rivers and Drainage Channels

25.1.1 Aims

The aims of this section of the DCP are to:

- Ensure stormwater is controlled in a way that minimises nuisances and damage to the adjoining properties
- Manage natural drainage lines and water bodies to sustainably protect the health of the receiving waterway.
- Mitigate pollutants from entering waterways.

- Ensure appropriate easements are provided over existing drainage systems on private property.
- Assist in the efficient use of water.

Development specific design

This DCP section has been written to ensure that water management techniques employed in any new development in Muswellbrook Shire are appropriate to the type of development. This DCP section applies to any development that requires consent other than:

- changes to existing building facades;
- minor alterations and additions to residential buildings that increase floor area by less than 10%
- advertising signs; and
- changes of use, except for a change of use that may involve the use, storage or transportation of potential contaminants/polluting substances or changes to at-grade car parking areas that are exposed to rainfall events.

25.2 ALL DEVELOPMENT GENERAL

Development has the potential to increase the impermeable area of the site and this has an impact on the quantity, quality and frequency of stormwater flowing from the site. The rapid, concentrated collection and increased volume and discharge of stormwater can contribute to nuisance localised flooding, increased soil erosion, sedimentation of water ways and destruction of aquatic eco systems. Appropriate stormwater management is essential for maintaining the amenity of urban areas and health of the environment.

The general provisions of this section apply to all development proposals, and specific information on residential, non-residential and subdivision requirements will also apply to specific development proposals.

25.2.1 Applications

Objectives

- a) To ensure that stormwater discharges do not cause poor environmental outcomes or nuisance to adjoining or neighbouring lands.

Controls

~~Site discharge controls will overflow from time to time. Poorly managed overflows can cause difficulties beyond the site. Accordingly,~~

- i) Council requires that all impervious areas be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries.
- ii) Where the site falls away from the street and an interallotment drainage line exists, overflows are to be directed to that interallotment drainage line. Otherwise, the overflow may be directed to a dispersion trench subject to favourable geotechnical conditions. Design details for dispersion trenches shall

be obtained from an appropriately qualified civil engineer and submitted with applications for approval.

- iii) Overflows from paved areas adjacent to the property boundary must be re-directed by a kerb or formed gutter or table drain to drain into an approved piped system or away from neighbouring properties in a manner that will not cause a nuisance.

A Development Application is to be accompanied by information and concept or preliminary plans demonstrating compliance with the relevant requirements of this section of the DCP.

25.2.2 Existing Drainage Systems and Easements

Objectives

- a) To ensure that appropriate long term arrangements are in place to allow for continued use, rehabilitation and maintenance of existing drainage systems

Controls

- i) Where a drainage system serving other lands property is located on the development site, that system is to be protected by an easement in favour of the beneficiary of the drainage system in order to permit the continued use of the drain. At the same time, a drainage easement gives the beneficiary the right to maintain the pipes contained in the easement.
- ii) Where a drainage system that forms part of Council's urban stormwater system is located on the development site, that drainage system is to be protected by an easement, in favour of Council, in order to permit the continued use and maintenance of the system. "Council's urban stormwater system" is defined as any river, creek, drain, channel or swale channelling water within the urban areas of the Shire.
- iii) Easements shall contain terms including, but not limited to:
 - I. The occupier not obstructing the river, creek, drain channel or swale;
 - II. The occupier not running livestock within the area of the easement;
 - III. Council having the right to enter the property to undertake rehabilitation, repairs and maintenance to the site of the easement.
- iv) Registration of the Easement shall be required prior to the issue of the occupation certificate.
- iv) New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site.
- v) Where an existing drainage line runs under a proposed building, the drainage line and any associated easement is to be diverted around the building. Redundant easements are to be extinguished and new easements are to be created.
- vi) Where an existing drainage system across the site is being retained, access to the existing system is not to be affected by the proposed

development. Also, the development is to be designed so as not to degrade the structural integrity of the system. Vehicular and pedestrian access, and vehicle parking areas, may be constructed over a drainage system or easement, however the cost of maintaining or replacing these assets, particularly if damaged during a rainfall event, will be the responsibility of the landowner.

- vii) Where an existing drainage system across the site is in the form of an open channel, and the depths or velocity of water flowing through the channel in rainfall events poses a risk to life, the open channel is to be replaced by a suitably designed piped drainage system.

25.2.3 Flooding and Runoff Regimes

Objectives

- a) To ensure that post development runoff reflects pre-development conditions
- b) To ensure that development does not result in environmental damage within existing drainage courses and receiving waters

A. Replicating Natural Conditions

Developed catchments typically give rise to large percentages of impervious areas. While there is a general perception that this creates more runoff during heavy rain events, the effect of impervious areas on drainage networks is none more pronounced than during common rainfall. Lighter rain occurs more often than intense (flood producing) rain. However this light rain does not produce runoff from pervious surfaces. On the other hand, developed areas generate significant runoff from these light rain events. Natural creek systems tend to be scoured out by this larger number of runoff events. Whole ecosystems depend on creek beds and banks to survive and in turn these ecosystems deliver positive environmental values.

Controls

- (i) Development is to be designed so that runoff from low intensity, common rainfall is equivalent to the runoff from a natural catchment. This can be achieved by intercepting and storing runoff in extended storage detention basins and discharging at greatly reduced rates.
- (ii) Alternatively, existing degraded downstream streams can be sympathetically engineered to re-establish a natural riparian eco system that can cope with the changed hydrological regime.

B. Managing peak runoff

Runoff generated by more intense rainfall needs to be managed so that there is no downstream property damage or risk to public safety.

Controls

- (i) Developments are to be designed in accordance with "Australian Rain Fall and Run off" and the NSW Floodplain Development Manual.
- (ii) Designs to be prepared in accordance with the Muswellbrook Shire Council Handbook for Drainage Design Criteria and the quality assurance requirements of AUS-SPEC are satisfied.

25.2.4 Overflow disposal

Where site discharge controls are used in accordance with this section, overflows will be discharged from those controls from time to time.

In any case, Council has a traditional role in ensuring that discharges are managed appropriately so that they do not cause excessive nuisance to others.

Objectives

- a) To ensure that stormwater discharges do not cause excessive nuisance to adjoining or neighbouring lands

Controls

- (i) Development is to be designed so that overflows do not adversely affect neighbouring properties by way of intensification, concentration or inappropriate disposal across property boundaries. This can be achieved by securing appropriate easements over downstream properties or discharging overflows directly to the street system where feasible.
- (ii) Overflows from paved areas adjacent to the property boundary are to be directed by a kerb or formed gutter to drain away from neighbouring properties.

25.2.5 Pollutants

All litter that finds its way onto roads and into drainage systems ends up in creeks, rivers and the ocean. Litter is a continuing threat to healthy aquatic ecosystems and the visual amenity of waterways.

A number of key pollutants present a significant threat to waterways. Dissolved and absorbed pollutants and emulsified hydrocarbons can in some cases be toxic to aquatic ecosystems while nutrients can promote exotic plant growth, including toxic forms of algae. All of these represent a threat to visual amenity, aquatic ecosystems and to recreational values.

Objectives

- a) To ensure that stormwater generated from development does not result in pollution of water courses or receiving waters

Controls

- (i) Stormwater management systems are to be designed to capture and remove all litter larger than 5mm in size.
- (ii) Pollution reduction devices. The objective of pollution reduction devices e.g. Gross Pollutant Traps, is to remove contaminants such as oil, sediment and other pollutants before stormwater discharges into the receiving system beyond the site of the development. Pollution reduction devices must be installed for the following developments:
 - residential developments with more than five dwellings or new greenfield residential subdivisions

- all commercial developments that may involve the use, storage or transportation of potential contaminants/polluting substances or have at-grade car parking areas that are exposed to rainfall events.
- commercial developments on allotments greater than 2,000m² where the impervious area exceeds 50% of the area of the site
- all industrial developments

- (iii) The event mean concentration of specific pollutants is not to exceed that in the following table.

Pollutant	Maximum Event Mean Concentration
Sediment	100mg/L
Hydrocarbons	500ug/L
Total Nitrogen	1000ug/L
Ammonia	15ug/L
Phosphorus	100ug/L

Note 2: Council recognises that people are less likely to litter on their own dwelling site. Therefore litter traps are not required for houses and multi unit development comprising less than six dwellings.

- (iv) Pollution reduction devices are to be retrofitted to existing development where practical. Preliminary advice should be sought from Council should the applicant believe such measures are impractical.
- (v) Maintenance manuals are to be provided for stormwater management systems that include pollution reduction devices, on-site retention, bioretention rain gardens, bioretention swales, porous paving and sand filters within basins. The manual is to address maintenance issues including routine monitoring and maintenance as well as any associated components (such as vegetation, subsurface drainage, filter material, flush outs, etc.) of the system that could impact on device performance. Periodic monitoring and maintenance is to ensure the system functions as designed, and meets water quality and quantity targets as indicated in the DCP (see Table above) over the life cycle of the device. The manual is to be kept onsite

25.3 RESIDENTIAL DEVELOPMENT

Objectives

- a) For runoff from impermeable surfaces to be managed by stormwater source controls that;
- Contain frequent, low-magnitude flows,
 - Maintain the natural balance between runoff and infiltration, so as to promote appropriate groundwater, soil salinity and stream flow characteristics,
 - Remove some pollutants prior to discharge to receiving waters,
 - Prevent nuisance flows from affecting adjoining properties.

Controls

- (i) Stormwater drainage complies with AS 3500.3;
- (ii) Development applications comply with BASIX where it applies;
Further information on commencement dates and details of types of development requiring a BASIX Certificate or to produce a certificate for your proposed development go to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908;
- (iii) Gutters and down pipes are installed to collect roof water;
- (iv) Pits are installed to collect water from the low points in yards;
- (v) Down pipes and pits are to be connected to the 'discharge controls' for the site;
- (vi) The site discharge indicator for the development is at least 0.3 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator, and preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application;
- (vii) Soil and erosion plans are to be submitted in accordance with the provisions of section 20 of this DCP;
- (viii) For residential development incorporating 20 or more dwellings on the site, a comprehensive water cycle management strategy plan that responds to relevant issues and opportunities for achieving sustainable water cycle outcomes is required to be submitted with the development application; (see end of this section for requirements)
- (ix) Soil and water management plans are required to be submitted with the development application for all residential development where site disturbance is greater than 1,000m². (see end of this section for requirements)

Guidelines to refer to

Coombes,P.(2002). Water Smart Practice Note No.4 – Rainwater Tanks. LHCCREMS, Callaghan NSW.
Coombes,P.(2002). Water Smart Practice Note No.5 – Infiltration Devices. LHCCREMS, Callaghan NSW.
Donovan,I.(2003). Water Smart Practice Note No. 11 – Site Discharge Indicator. 2nd Edition.LHCCREMS, Callaghan NSW.

25.4 NON-RESIDENTIAL DEVELOPMENT

Objectives

- a) For runoff from impermeable surfaces to be managed by stormwater source controls that;
 - Contain frequent, low-magnitude flows,
 - Maintain the natural balance between runoff and infiltration, so as to promote appropriate groundwater, soil salinity and stream flow characteristics,
 - Remove some pollutants prior to discharge to receiving waters,
 - Prevent nuisance flows from affecting adjoining properties.

Controls

- (i) Stormwater drainage complies with AS 3500.3;
- (ii) Development proposals for this type of development are to demonstrate compliance with AUSPEC D5 and the Muswellbrook Shire Council Drainage Design Criteria.

- (iii) Development applications comply with BASIX where it applies; Further information on commencement dates and details of types of development requiring a BASIX Certificate or to produce a certificate for your proposed development go to www.basix.nsw.gov.au or phone the BASIX Help Line on 1300 650 908;
- (iv) Gutters and down pipes are installed to collect roof water;
- (v) Pits are installed to collect water from the low points in yards;
- (vi) Down pipes and pits are to be connected to the 'discharge controls' for the site;
- (vii) The site discharge indicator for the development is at least 0.5 determined under Water Smart Practice Note No. 11 – Site Discharge Indicator, and preliminary storm water design details demonstrating ability to comply with this requirement are to be submitted with the development application;
- (viii) Soil and erosion control plans are to be submitted in accordance with the provisions of section 20 of this DCP;
 - For non-residential development incorporating facilities to accommodate or employ more than 50 staff, or that involve the use of more than 1 hectare of land for commercial, industrial or special use purposes, a comprehensive water cycle management strategy plan that responds to relevant issues and opportunities for achieving sustainable water cycle outcomes is required to be submitted with the development application; (see end of this section for requirements)
- (ix) Soil and water management plans are required to be submitted with the development application for all non-residential development where site disturbance is greater than 1,000m². (see end of this section for requirements)
- (x) Industrial development buildings are to be provided with an onsite stormwater retention tank in accordance with the following table:

Roof Area	Required Tank Size (L)
Equal or less than 500m ²	10,000
More than 500m ²	22,500

The tank is to be fitted with appropriate water purifying and hydrocarbon / pollutant separation devices to ensure that water used and entering the stormwater system is clean.

Guidelines to refer to

Coombes,P.(2002). Water Smart Practice Note No.4 – Rainwater Tanks. LHCCREMS, Callaghan NSW.
Coombes,P.(2002). Water Smart Practice Note No.5 – Infiltration Devices. LHCCREMS, Callaghan NSW.
Donovan,I.(2003). Water Smart Practice Note No. 11 – Site Discharge Indicator. 2nd Edition.LHCCREMS, Callaghan NSW.

25.5 SUBDIVISIONS

This part of the section outlines the objectives and controls that are to be used to assess development proposals for the subdivision of land.

Aims

- a) Subdivisions are to be designed, constructed and maintained so that development is undertaken in a manner that addresses the following matters;
- b) Minimises adverse impacts on the natural water cycle;
- c) Takes into account site constraints and hazards;
- d) Reduces downstream flooding and drainage impacts;

- e) Promotes more efficient use of water;
- f) Removes water-borne pollutants prior to discharge to receiving waters;
- g) Controls soil erosion during and after the construction phase.

Controls

- (i) Muswellbrook Shire Council has adopted AUS-SPEC and the Muswellbrook Shire Council Handbook of Drainage Design Criteria as the engineering design and construction standard for subdivision works and infrastructure.
- (ii) All public stormwater management assets are to be installed outside the riparian zone of creek lines.
- (iii) A comprehensive water cycle strategy is required for large lot residential, residential, commercial and industrial greenfield or infill subdivisions of 20 or more lots, unless a comprehensive water cycle strategy was undertaken as part of rezoning studies for the site, and the methodology followed for that strategy is contemporary and proven.

25.5.1 Stormwater Collection

Objectives

- a) The major – minor principle is a philosophy of stormwater drainage advocated by Engineers Australia in *'Australian Rainfall and Runoff'*. It provides for robust, fail-safe design of drainage systems. The methodology is to design surface levels so that very large (major system) 1% AEP (100 year ARI) events can flow around buildings without relying on underground pipes and that the Major drainage system design and construction;
 - retains, and where practical, restores natural water courses, native riparian vegetation, wetlands and other natural landscape features,
 - incorporates effective measures to manage and treat stormwater and maintain healthy aquatic ecosystems,
 - satisfies acceptable risk management standards for public safety and flood protection.
 - within new developments local drainage shall be designed to avoid local flooding in accordance with the aims and objectives of the NSW Floodplain Development Manual. (April 2005)
- b) Pipe (minor) systems are installed to cater for frequent surface flows up to 20% AEP (5 year ARI). This balances cost of drainage and occurrence of inundation.

Controls

- (i) Surface levels are to be graded such that sites are generally free draining with sufficient overflow capacity to ensure that waters do not enter buildings when underground drainage systems are beyond their capacity;
- (ii) Drainage pits are to be installed so that nuisance water does not collect at low points;
- (iii) Gutters, down pipes and pits are to be connected to the stormwater management system for the site. Australian Standard 3500.3 sets appropriate standards for stormwater collection and is to be followed when constructing new development. AUS-SPEC provides more guidance on stormwater collection and is to be used in subdivision design;

- (iv) Public use areas satisfy relevant flood safety criteria as assessed with reference to the NSW Floodplain Development Manual;

25.6 PLANS

Erosion and sediment control strategy and plans

Sediment continues to be one of the major threats to waterways within the urban area. The construction phase of new development has the potential to generate more sediment than at any other time. Council therefore requires that appropriate erosion and sediment controls be applied during construction. Typically this means a combined strategy that manages materials handling, diversion of clean runoff around the site and filtering of dirty runoff generated by the site.

Erosion and Sediment Control Plans are required for all development as referred to in section 20 of this DCP.

Soil and Water Management Plans

Soil and water management are required for all development where site disturbance is greater than 1,000m².

Soil and water management plans usually contain a written report as well as a set of plans and are to detail the following:

- i) An assessment of the soil type, particularly its propensity to disbursement; and
- ii) An assessment of the constraints and opportunities on the site that limit the site's sediment generating potential through appropriate controls, including construction staging and timing; and
- iii) How upstream 'clean' water is diverted around the site using catch drains; and
- iv) How runoff generated within the site is intercepted to stop sediment leaving the site utilising sediment basins and flocculation if required; and
- v) How materials and waste are going to be managed on the site in order to eliminate their sediment generation potential; and
- iv) What specific maintenance requirements are applicable to the relevant controls.

Soil and Water Management plans are to comply with the Department of Housing's *'Managing Urban Stormwater: Soils and Construction'* (the "Blue Book").

Comprehensive Water Cycle Strategy Plans

A comprehensive water cycle strategy is the investigation of hydrological issues affecting the feasibility, performance, sustainability and implementation of development, and which considers or identifies:

- Relevant goals for water quality, natural water balance, water efficiency, vegetation conservation, flood risk management and erosion and sedimentation

- control (these should be consistent with goals contained in water management plans, catchment blueprint, stormwater management plan, and integrated water cycle management plan.)
- Design principles and management measures that are to be applied so as to meet relevant performance goals, including:
 - Proposed measures to manage site constraints and hazards such as flooding, slope stability, reactive soils, coastal hazards, erosion hazard, salinity, and land contamination,
 - Proposed measures to manage vegetation cover and dependent ecosystems such as wetlands and riparian corridors.
 - Proposed measures to manage water quality, flooding, stream flow, groundwater, soil salinity and water consumption.
 - A development strategy and infrastructure program that integrates water supply, sewerage, drainage, wastewater treatment and reuse, water quality control, flood risk management, open space provision and ecological protection issues.
 - Developer contribution arrangements.
 - A program for monitoring achievement of performance goals,
 - A maintenance schedule for stormwater source controls, with details of responsibilities and proposed enforcement mechanisms (such as covenants), Proposed educational, economic and community initiatives to minimise adverse impacts on the water cycle.

The following page no. is 26-1

Rivers and Drainage Channels Policy

TBA

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Policy Objective

Muswellbrook Shire Council is committed to ensuring the responsible and orderly management of rivers and urban drainage systems throughout the Shire and so enhance and improve them with respect to:

- a) natural environmental values;
- b) aquatic fauna habitat;
- c) water quality or availability;
- d) drainage and flood risk management;
- e) maintainability;
- f) accessibility; and
- g) visual amenity.

Risks being addressed

To define Council's obligations and expectations about maintenance, improvements and rehabilitation of rivers including urban drainage systems.

To provide development standards and guidelines for development that is proposed on land that includes or is adjacent to rivers and urban drainage systems.

To manage and affect ownership of rivers (including adjacent levees) and urban drainage systems in order to achieve better environmental outcomes in a financially sustainable manner.

Scope

The policy applies to development in the areas of the Shire which impact upon, adjoins or crosses rivers and urban drainage systems.

Definitions

For the purpose of this policy a river has the same meaning as in the Water Management Act 2000, being

“river includes:

- (a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved, and*
- (b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows, and*
- (c) anything declared by the regulations to be a river,*

whether or not it also forms part of a lake or estuary, but does not include anything declared by the regulations not to be a river.”

“urban drainage systems” shall mean any channel, drain or open swale channelling water, (including intermittent channels) including but not limited to Muscle Creek, Possum Gully, the Lorne Street Catchment and Sandy Creek.

Policy Statement

To define Council’s obligations and expectations about maintenance, improvements and rehabilitation of rivers including urban drainage systems.

To provide development standards and guidelines for development that is proposed on land that includes or is adjacent to rivers and urban drainage systems.

To manage and affect ownership of rivers (including adjacent levees) and urban drainage systems in order to achieve better environmental outcomes in a financially sustainable manner.

Delegations

Nil

Legislation

Local Government Act

Environmental Planning and Assessment Act

Biodiversity Conservation Act 2016

Fisheries Management Act 1994

Water Management Act 2000

Conveyancing Act 1919

References

Nil

Dispute Resolution

Nil

Associated Council Documentation

Muswellbrook Urban Riparian Landcare Master Plan 2018

Muswellbrook Floodplain Risk Management Management Study and Plan 2019**Attachments, procedures and guidelines**

Floodplain Development Manual (NSW Government)

Authorisation Details

Authorised by:	Council
Minute No:	
Date:	
Review timeframe:	
Department:	Planning, Environment and Regulatory Services
Document Owner:	

Details History

Version No.	Date changed	Policy type	Modified by	Amendments made

1. RIPARIAN CORRIDORS

A riparian corridor forms a transition zone between the land, also known as the terrestrial environment, and the river. Riparian corridors perform a range of important environmental functions such as:

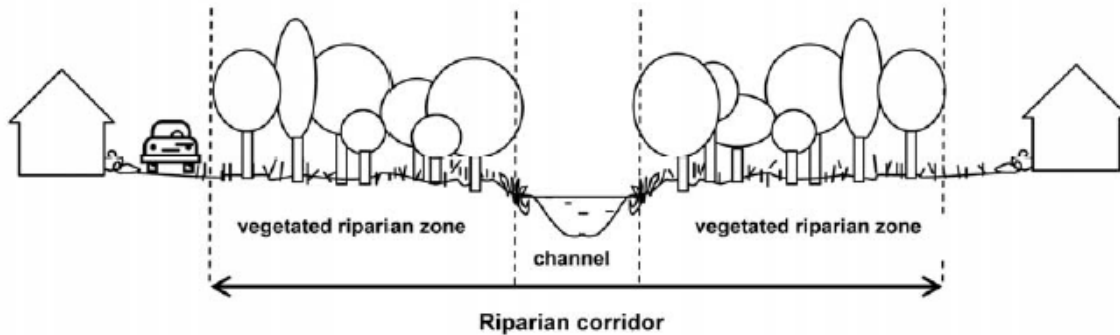
- providing bed and bank stability and reducing bank and channel erosion
- protecting water quality by trapping sediment, nutrients and other contaminants
- providing diversity of habitat for terrestrial, riparian and aquatic plants (flora) and animals (fauna)
- providing connectivity between wildlife habitats
- conveying flood flows and controlling the direction of flood flows
- providing an interface or buffer between developments and waterways
- providing passive recreational uses.

The protection, restoration or rehabilitation of vegetated riparian corridors is important for maintaining or improving the shape, stability (or geomorphic form) and ecological functions of a river.

The riparian corridor consists of:

- the channel which comprises the bed and banks of the river (to the highest bank) and
- the vegetated riparian zone (VRZ) adjoining the channel.

Figure 1 - Vegetated Riparian Zones (VRZ)



The NSW Officer of Water recommends a VRZ width based on an order as classified under the Strahler System of ordering rivers and using current 1:25 000 topographic maps (see Figure 2 and Table 1). The width of the VRZ should be measured from the top of the highest bank on both sides of the river.

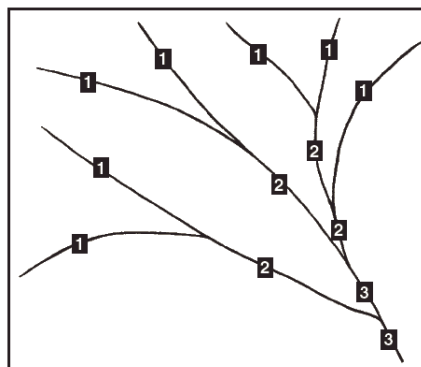


Figure 2 The Strahler System

Table 1 VRZ Zones

Types of Rivers	VRZ Width (Each side of river) for R1, R5, RU5, B2 and B5.	VRZ Width (each side of river) for RU1, RU3 and E3
Any fourth order ¹ river or greater including Hunter River Goulburn River	20 metres	40m + channel width
Any other river	12 metres	40m + channel width
an urban drainage system	3 metres	N/A

¹ As classified under the Strahler System of ordering rivers.

2.REQUIREMENTS FOR DEVELOPMENT ON LAND ADJACENT TO RIVERS AND RIPARIAN ZONES

- 2.1. Rivers must be maintained in as natural a state as is feasible, including the maintenance of riparian vegetation and habitat.
- 2.2. Where a development is associated with, or will affect a river, rehabilitation must occur to return that river, as much as possible, to a natural state.
- 2.3. Stormwater must be managed to minimise nutrient and sediment run-off entering constructed drainage lines or rivers.
- 2.4. Development within a Vegetated Riparian Zone (VRZ), as shown in ~~Figure~~ Table 1 – ~~Vegetated Riparian Zones~~ VRZ Zones, should be avoided where possible to retain its ecological processes. Where development is unavoidable within the VRZ, it must be demonstrated that potential impacts on water quality, aquatic habitat, and riparian vegetation will be negligible and can be managed effectively.
- 2.5. A Plan of Management must be submitted in accordance with State Government guidelines for development proposed within a VRZ.
- 2.6. Bushfire Asset Protection Zones must not be located within the Vegetated Riparian Zones.
- 2.7. Suitable public and/or Council access is to be provided for maintenance of the riparian corridor.
- 2.8. Where the riparian corridor or drainage reserve is to be in public ownership, the development is to be planned such that there are suitably sized interfaces between the corridor and a public road or public reserve. These interfaces, and any other points of access shall be provided with suitable vehicle barriers and heavy duty locked gates to control unauthorised vehicular access.
- 2.9. The riparian corridor or drainage reserve shall be connected to other reserve and natural areas in an approved manner that facilitates vegetated corridors of suitable habitat.
- 2.10. Development **abutting the Hunter or Goulburn Rivers, or a fourth order river**, together with the environmental assessment the following:
 - Detailed engineering survey of the river that extends sufficiently across the land and immediate upstream and downstream reaches and any lateral tributaries or drainage connections;
 - Confirmation of the tenure of the land and river;
 - Flood risk impact assessment by a suitably qualified engineer, including either detailed reference to an adopted formal flood study, floodplain risk management plan; OR provision of an adequate level of flood analysis and flood risk analysis by original work to a standard acceptable to Council;
 - Review of existing vegetation of the river that extends sufficiently across the land and immediate upstream and downstream reaches; and a statement addressing improvements or enhancements to be gained by the application; and
 - Review of existing interventions in the river that extends sufficiently across the land and immediate upstream and downstream reaches; for example: bed and bank works, buildings, retaining walls, fences, cut and fill works, drainage connections, services crossings, etc; and a statement about how the river is to be improved or enhanced by the application

3. GUIDELINES FOR DEVELOPMENT ASSESSMENT

3.1 The following may require development consent from Council, including any necessary Controlled Activity Approval from the NSW Office of Water or a Dredging Permit from Fisheries NSW as required:

- the removal of trees or vegetation;
- any works in locations that contain threatened species, or threatened ecological communities, or their habitats as listed under the ~~Threatened Species conservation Act 1995~~ *Biodiversity Conservation Act 2016* or the *Fisheries Management Act 1994*, or in Key Fish Habitat as mapped by Fisheries NSW; and
- works, including excavation, scour protection and engineered bed or bank stabilisation works.

In most instances, waterfront land and river activities will require a Controlled Activity Approval (CAA) pursuant to the *Water Management Act (WMA) 2000*.

3.2 Where the requirement for referral to the NSW Office of Water is not triggered, similar principles will be followed along a given river, or where relevant, adapted from those applied in similar situations; or apply standard consistent conditions to similar applications. For example requirements for waterway and vegetation restoration and improvement works to an approved design, and requirements for a waterway maintenance plan with a suitable bond held for an establishment period of at least two years.

3.3 In some instances waterfront land and river activities may require a permit under s.90 of the National Parks and Wildlife Act 1974 where the works may affect Aboriginal heritage.

3.4 Development assessment will also include:

- assessment of the flood information either by a suitably qualified council engineer, or a council appointed independent expert engineer.
- Assessment of flood risk; assessment of all the applicable waterway requirements in terms of: capacity, depth and velocity and potential impacts upstream and downstream, bed and bank stabilisation requirements; appropriate vegetation; water quality requirements, treatment of crossings and service crossings, maintainability, access, fencing, need for easements etc.
- Reference to the New South Wales Publication *Planning for Bushfire Protection 2006* to avoid creating fire risks within Asset Protection Zones.

4 GUIDELINES FOR REZONING PROPOSALS

The following section applies to future rezoning requests/planning proposals. Council considers that identification of rivers, drainage channels and riparian vegetation is a critical component of early stage in the land use planning process, and requires proponents to ensure that protecting and maintaining of rivers and drainage channels will be one of the factors to be considered in the preparation of overall stormwater management strategy for greenfield sites. The Planning proposal should:

- i. Identify existing rivers and **urban drainage systems**.
- ii. Determine appropriate riparian corridor width, in accordance with Table 1 of this Policy.

- iii. Take into consideration riparian vegetation connectivity and potential opportunities for future connectivity of riparian vegetation
- iv. Incorporate identified rivers, urban drainage systems and associated riparian zones into a concept plan
- v. Recognise potential social, economic and environmental benefits and potential land use activities within identified areas (i.e. easements, passive recreational areas)

5 OWNERSHIP OF RIVERS AND URBAN DRAINAGE SYSTEMS

Wherever possible rivers (including adjacent levees) and urban drainage systems are to be publicly accessible. Wherever possible easements for access and drainage must be created to the benefit of Council.

Council will consider the transfer of ownership to Council of rivers (including adjacent levees) and urban drainage systems ~~only~~ in circumstances where the outcomes of this policy will only be achieved through that dedication. Transfer will only be agreed to following rehabilitation of the river (including adjacent levees) and/or urban drainage system to a standard agreed to by Council. Transfer will only be agreed to at a nil cost to Council.

6 EASEMENTS AND RESTRICTIONS AS TO USER

Easements and restrictions as to user within the urban areas of the Shire will be required depending on the extent to which access to Council assets is required and to ensure minimisation of the risk to urban drainage and flooding.

~~Easements~~ ~~Drainage easements~~ are generally for the purpose of:

- (a) protecting Council's assets and other property from damage and to prevent injury;
- (b) ensure access to Council's works for operations, maintenance and rehabilitation;
- (c) alert owners of property that pipe work and/or other infrastructure is on their property and that special conditions apply; and
- (d) to facilitate construction and limit the future use of the land in a particular way so as to satisfy the above.

Where rivers are predominantly functioning as an integral part of an urban drainage system, (such as Possum Gully), easements to drain water in favour of council will be required for all new development. The size and alignment is to be guided by a stormwater study should one exist or by an assessment by Council's engineer based on the assessment of the application. Generally, it will involve at least the 'floodway area' as defined in the Floodplain Development Manual; however, in some instances additional lands may be required for riparian management reasons, and or maintenance/access considerations. Depending on location, easement for access may also be required.

Restrictions as to user may also be required to:

- a) control floor levels;
- b) impose flood plain risk management options;
- c) Impose conditions associated with land and waterway management to enhance flood plain risk management options.

In the case of rivers ~~that are predominantly draining large~~ in rural and natural catchments beyond the urban areas, ~~but which do receive a small proportion of flow from urban runoff, including Denman Creek, Muscle Creek, and the Hunter River,~~ easements to drain water in favour of Council will not be required over the river, but may be required over any lateral drainage systems. The size and alignment is to be guided by a stormwater study should one exist or an assessment by councils engineer based on the assessment of the application.

Depending on location, easements for access for rivercare, waterway and land management activities may also be required.

Where development other than subdivision is proposed in the R1, R5, RU5, B2 and B5 zones, and for development the cost of which is less than \$50,000, Council shall pay the reasonable costs of the Applicant for:

- a) Surveying costs;
- b) Legal fees;
- c) Mortgagee consent fees; and
- d) Registration fees;

For the creation and registration of the easement.

7 MAINTENANCE REQUIREMENTS

This policy recognises that rivers (including adjacent levees) and urban drainage systems and their associated vegetation should be left in as undisturbed a state as possible, unless extraordinary circumstances apply. Notwithstanding this, Council recognises that there are instances in which the condition of rivers may deteriorate as a result of inappropriate development, erosion and/or sedimentation, overgrowth with weeds or dumping or accumulation of rubbish. In such cases, it is recognised that maintenance and/or rehabilitation of these waterways may be required.

7.1 Drainage Easements

Council is responsible for the maintenance of all of its structures within private property where Council has acquired a drainage easement on such property.

7.2 Rivers

It is important that river and riparian areas are maintained by the landowner to the extent reasonably practical. Rivers form a valuable component of the environment and should be sensitively and effectively managed. A well-managed river also has high aesthetic values and provides valuable habitat.

In general, only minor maintenance activities are permitted. Such activities should occur with care and consideration of the physical and ecological integrity of the river and in accordance with relevant environmental legislation and guidelines.

Major maintenance work ie excavation, filling, diversion, scour protection, improvements etc, will require development consent including the necessary approvals from state government agencies under the Water Management Act 2000, the Fisheries Management Act 1994 and possibly the National Parks and Wildlife Act 1974.

Council will address significant incidences of bank and bed erosion/scour/siltation, if this damage is a direct result of Council's actions.

Easements, where required, are intended to give Council rights to drain water, install or maintain infrastructure, or intervene in land management matters that potentially impact on the viability of the river. The easement is not intended to imply that Council will maintain the vegetation or fencing, etc.

8 FENCING REQUIREMENTS

It is important that the river is maintained and utilised by the landowner to the extent reasonably practical. Fencing of private land along a river forms an interface between the built and natural environment and should be sensitively managed.

To this end the fencing shall achieve the following objectives:

- a) Lateral fencing shall allow for unimpeded passage of stormwater flows and floodwaters, and for overland flow to the river. Consideration of the risk associated with the fencing in respect to things like debris loadings, and potential to cause downstream issues if washed away;
- b) Longitudinal fencing along the easement or riparian zones shall be see-through and permeable and incorporate suitable gates to allow maintenance access.

9 APPLICATIONS OR REQUESTS FOR IMPROVEMENTS OR REHABILITATION

9.1 Within Drainage Easements

All requests for improvements in Council drainage easements within private property are to be received and assessed as to whether the work is of net benefit to the community and the environment and prioritised according to budget constraints. If Council is to contribute to the works, the property owner must contribute at least one-half of the cost of the work.

If the work is required to facilitate the development of the land, then the works, if approved, will be at the owner's full cost.

9.2 Within Rivers and Riparian Corridors

Owners wishing to make improvements or to rehabilitate rivers and or riparian corridors in private property are responsible for arranging and carrying out the work at their own cost.

The owner will need to obtain development consent from Council, including the necessary approvals from state government authorities under the Water Management Act 2000 and the Fisheries Management Act 1994.

Council may determine that an easement in favour of Council should be created over the improved riparian corridor and/or river in order to ensure drainage of a public road, in which case granting of the easement should be at no cost to Council.

9.3 Inter-allotment Drainage Easements (Benefiting private property owners)

In most cases all maintenance, improvements and rehabilitation works to drains in inter-allotment drainage easements within private property are the responsibility of property owners and users of the easement. These drains are usually 'private' drains and do not belong to Council. There are a few exceptions to this where the inter-allotment drainage easements

benefit Council by enabling the drainage of public land. In these cases the drain is in the ownership of Council.

If there is a problem, ie damaged or defective pipes or flooding to a lower property, Council (under Section 124 of the Local Government Act 1993) may direct the owners and users of the drain to undertake repairs or maintenance.

9.4 Within Public Reserves, Drainage Reserves, Public Road Reserves or Council owned land

- (a) Maintenance – Council is responsible for maintenance of rivers and drainage channels in council-managed public land.
- (b) Improvements and Rehabilitation – All requests for improvements and rehabilitation will be assessed to determine desirability, prioritised according to budget constraints, and considered for allocations of funds in Council's Works Programs.

10 UNAPPROVED DRAINAGE WORKS

Property owners are required to accept natural flows from adjoining properties and control and dispose of flows properly.

10.1 Unapproved Drainage Works on Council Land

If unapproved drainage works are carried out on Council land, Council may remove the works and recover costs from the owner that carried out the work.

10.2 Unapproved Drainage Works on Private Land.

- (a) If new unapproved drainage works are carried out on private land, Council may require the owner to remove the works at the owner's expense.
- (b) Maintenance – where existing unapproved drainage infrastructure is located on private owned land, Council will not maintain the infrastructure.

11 COMMUNITY INFRASTRUCTURE

11.1 CROWN LAND MANAGEMENT ACT

Attachments:	A. CCLM - Maps of Reserves B. CCLM - Interim Schedule
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Matthew Lysaught - Manager - Works, Property & Building
Community Plan Issue:	<i>Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community</i>
Community Plan Goal:	<i>Enhanced collaboration with Council's community and stakeholders to ensure Council and its elected arm is best placed to make decisions in the best interest of the community.</i>
Community Plan Strategy:	<i>Implement and maintain a diverse range of communication channels between Council and community stakeholders..</i>

PURPOSE

To ensure Council complies with the management of Crown Land(s) as per the new Crown Land Management Act 2016 (CLMA) and the Local Government Act 1993 (LG Act).

OFFICER'S RECOMMENDATION

The information contained in this report be **NOTED**.

Moved: _____ **Seconded:** _____

BACKGROUND

The Crown Land Management Act 2016 (CLMA), assented on 14 November 2016, came into effect on 1 July 2018.

Previously Councils managed Crown reserves under Crown lands legislation and managed Council owned Public Land under the Local Government Act 1993 (LG Act). With the CLMA, Councils manage Crown reserves under the LG Act as Council Crown Land Managers.

Ownership of this land will remain with the State, with the Minister for Lands and Forestry retaining certain oversight functions such as:

- dedicate or reserve Crown land;
1.
- appoint managers for dedicated or reserved Crown land;
2.
- sell or dispose of Crown land, subject to appropriate safeguards; and
3.
- give consent under specific circumstances for Councils to classify and manage land as if it were Operational Land.
4.

However, Council managed Crown Reserves will generally be classified as Community Land and categorised under the LG Act.

Whilst previously councils were appointed as Reserve Trust Managers, under the new Act there is a simplified two-tier reserve management structure with all Reserve Trust Managers automatically appointed as Crown Land Managers (CLMs) and Councils as Council Crown Land Managers (CCLMs).

Councils will manage Crown reserves as public land and may issue leases, licences and other estates for periods up to 20 years under provisions of the LG Act with no requirement for Minister for Lands consent except in certain circumstances (e.g. leases for periods 21 years and greater).

The CLMA requires Council to:

- Review the Interim Schedule of Crown Reserved land that Council is automatically appointed CCLM for that has been provided by the Department of Industry - Crown Land (DoI) and return the schedule confirming the classification and categorisation of each reserve;
5.
- Advise the Minister of the name and contact details for Council's appointed Native Title Manager;
and
6.
- Ensure all community land held by Council, and all Crown land held with Council as community land must have a Plan of Management (POM). Councils have been given a three (3) years period (to 30 June 2021) to complete approved POM for all Crown reserves.

Muswellbrook Shire Council received \$30,000 last Financial Year from the Office of Local Government as a contribution towards the preparation of POM.

REPORT

Interim Schedule of Crown Reserves

Muswellbrook Shire Council has been advised by DoI it is CCLM for the following fifteen Reserves (maps of the Reserves are attached):

1. Martindale Reserve, Martindale.
7.
2. Muswellbrook Senior Citizens, Muswellbrook.
8.
3. Denman Apex Lookout, Denman.
9.
4. Part Denman Golf Course, Denman.
10.
5. Hyde Park, Denman.
11.
6. McCullys Bush Fire, McCullys Gap.
12.
7. Baerami Bush Fire Brigade, Baerami.
13.
8. Weeraman Fields, Muswellbrook.
14.
9. Denman Park, Denman (Dedicated).
15.
10. Fitzgerald Park, Muswellbrook (Dedicated).
16.
11. Scott Street Reserve, Muswellbrook (Dedicated).
17.
12. Muswellbrook Regional Art Centre, Muswellbrook (Dedicated).
18.
13. Muswellbrook Golf Club, Muswellbrook.
19.
14. Castlerock Preservation of Trees and Resting Place, Muswellbrook.
20.
15. Muswellbrook Town Hall Site [front Lot at Simpson Park], Muswellbrook (Dedicated).

Council staff identified some anomalies in the information provided on the Department of Industry's new Crown Land Portal that Council is CCLM for, and has written to Crown Lands seeking clarification.

According to advice from DoI in May this year, Council also has management responsibility for nine reserves that have been devolved to Council under Section 48 of the LG Act. These include reserves for cemetery purpose being four in Muswellbrook (two of which are Dedicated) and one each in Denman, Wybong and Giants Creek (all Dedicated). There are also an additional two reserves for Public Recreation – in Powers Road, Wybong and a reserve adjacent to Queen Street, Muswellbrook consisting of seven parcels. Section 48 land cannot be leased or licensed by Council, cannot be used for any purpose inconsistent with its reservation or dedication (unless authorised by the Minister), and cannot have a POM in place to govern its use.

Classification and Categorisation

The CLM Act provides that Crown land managed by CCLMs as public land must be managed as if it were community land, unless the minister administering the CLMA has given written consent to classify the operational land.

All community land must be categorised to most closely relate to purposes for which the Crown land is reserved or dedicated. DoI has provided a guideline as to purposes and guidance categories to assist CCLMs to consider categories. Attached is a list of the categorisations suggested by DoI for all our reserves together with the gazetted purpose of each reserve. The Minister for Lands must approve community engagement strategies for proposed alterations or removals of the purposes for which dedicated or reserved Crown land is dedicated or reserved. The 'Guidance LG Act Categories' suggested by DoI can be accepted initially and the Department has advised changes to categories may be implemented within the POM to better relate to the purpose and use of the Crown land.

Crown land that is manifestly inconsistent with the categories of community land referred to in the LG Act may be classified as operational land, e.g. works depots, sewerage works, quarries and gravel pits, water infrastructure, etc. The onus is on Council managers to identify and satisfy the minister that such land under their management does not fall within any of the categories for community land under the LG Act, or could not continue to be used and dealt with as it currently can if it were required to be used and dealt with as community land. Under the CLMA, Council is required to confirm the classifications and categories of all land it is CCLM for, and seek ministerial approval to alter any classifications by submitting an appropriate form accompanied by sufficient justification as to why the land should be classified and managed as operational. If consent is given, CCLMs are not required to adhere to the procedural classification requirements of Chapter 2, Part 2 Division 1 of the LG Act. Written consent under the CLM Act provides authorisation for council to manage land as operational from that point forward. If consent is refused council must continue to manage the land as community land.

Plans of Management (POM)

POM will be informed by reserve purpose (through categorisation).

The following POM adoption process applies:

1. Council prepares new POM in accordance with the new Act (or adopts existing POM to include Crown land) and takes into account advice from Native Title Manager.
2. Either a), b) or c) will apply:
 - a) POM will not alter initial categorization of any reserve to which it applies; or
 - b) POM will alter initial categorization of any reserve to which it applies but would not require an *additional purpose* for the use of the reserve; or
 - c) POM will alter initial categorisation of any reserve to which it applies and would require an *additional purpose* for the use of the reserve.
3. If a) or b) apply, a draft POM is forwarded to the Minister (DoI) as representative of the owner of the land with a declaration form.
4. DoI review declaration and advise of any properly required provisions to include in POM.

5. Council undertakes public exhibition and in the case of b) and c) above must also include public hearing.
6. Written Native Title Manager advice is required prior to council adopting the POM.

Alternative 3.

1. If 2. c) applies, a draft POM is forwarded to Minister (DoI) with a request for consent to adopt POM.
2. The Minister will either consent or refuse to adopt the POM.
3. If consent is given, Council undertakes public exhibition including public hearing.
4. Written Native Title Manager advice is required prior to council adopting the POM.

Muswellbrook Shire Council has the below POM for Crown land, however there is a need for them to be updated:

- Denman Recreation Area.
- Weeraman Fields.
- Simpson Park.
- Olympic Park.

Plans of Management are not required for devolved Crown land that Council is responsible for managing under S.48 of the LG Act.

21. Native Title Considerations

An important change in the new CLM Act legislation is the recognition of Aboriginal and Torres Strait Islander peoples' involvement in the management of Crown land.

It is a requirement for CCLMs to employ or engage trained Native Title Manager/s who will be responsible for providing advice on certain dealings for land that may be affected by native title. The CLMA provides that Council only needs to obtain written Native Title Manager advice for activities on land for which they are the appointed CCLM. Land managed by Council under S.48 of the LG Act (devolved) does not require written Native Title Manager advice. The trained Native Title Managers must be qualified as having completed the prescribed one day training delivered by the Crown Solicitors Office and Department of Industry – Crown Lands. The Native Title Manager does not have to be a lawyer, however in certain circumstances it may be necessary for a Native Title Manager to seek legal or professional advice to inform their advice to assist council, as CCLM, to make a considered business decision regarding the proposed activity.

Council may not do any of the following without advice from a Native Title Manager that it complies with any applicable provisions of the native title legislation:

- Grant leases, licences, permits, forestry rights, easements or rights of way over the land;
22.
- Mortgage the land or allow it to be mortgaged;
23.
- Impose, require or agree to covenants, conditions or other restrictions on use (or remove or release, or agree to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land; or
24.
- Approve a POM for the land that authorises or permits any of the kinds of dealings referred to above.

Councils are required to comply with the provisions of the Native Title Act 1993 and will need to have sought their own native title advice in terms of any Plan of Management (POM). The CLMA requires that written Native Title Manager advice must be provided at the time of POM submission, addressing the affect adopting the POM would have on native title.

Native Title Manager advice is required to ensure that Council understands any procedural requirements and other implications that may be applicable under native title legislation.

From the commencement of the CLMA the State will remain responsible for native title compensation payable for actions it has undertaken prior to the commencement. From 1 July 2018 CCLMs will be responsible for native title compensation payable for actions they undertake on the reserves they are CCLM for.

Provided native title has not been extinguished, the following land and waters can be subject to native title:

- Land held under the Crown Land Management Act 2016 – e.g. Crown dedications and reserves;
25.
- National Parks;
26.
- Marine Parks;
27.
- State Forests; and
28.
- The sea and seabed, rivers, lakes and other inland waterways.

Crown land and waters are not subject to native title where native title has been extinguished by:

- The making, amendment or repeal of legislation that is inconsistent with the continued existence of native title rights and interests;
29.
- Government dealings in land that are inconsistent with the continued existence of native title rights and interests, such as the grant or vesting of freehold of the grant of certain leases; or
30.
- The establishment of public works including the creation of a public road.

Council land that may be subject to native title is land managed by council as CLMA or Crown land devolved to Council to be managed under the LG Act. Council may also encounter native title where council wishes to acquire an interest in Crown land or purchase land held by an Aboriginal Land Council subject to native title, for the purpose of road projects or other purposes.

Council land that is not affected by native title is community and operational land which has been vested in Council for an estate in fee simple. This vesting in fee simple has extinguished native title in the land.

Other Reforms

In conjunction with the CLMA, government is undertaking other reforms as follows:

1. Vesting of Crown Land in local Councils

- The CLMA includes provisions for the transfer of specified local lands to Councils under the Land Negotiation Program – staged three way negotiations between the State, Councils and Local Aboriginal Land Councils - which is being rolled out by Department of Industry – Crown Land.
- There will be no forced transfers.
- Crown land that is identified as State land, being land that is of significance to all the peoples of NSW, will not be available for transfer under this program.

The first round of the Land Negotiation Program EOIs has been completed (Muswellbrook Shire Council was unsuccessful in the initial EOI process). All successful applicants were notified of their inclusion in the program to 2020. Future opportunities to participate will be made available closer to the completion of the currently planned negotiations. In the meantime, and in very exceptional circumstances, it may be appropriate for the Department to consider a one-off or 'limited and unique' vesting of Crown land in a council.

2. Council Roads

- Crown Land Legislation Amendment Act 2017 passed Parliament in May 2017.

- Includes changes to Roads Act 1993.
- Councils able to close Council roads without approval of Minister for Lands.
- Stringent safeguards included to ensure a closure is appropriate and does not deny access to a property.

Council's Review of Crown Land

Staff at Council undertook a review of all Crown land within the Muswellbrook Local Government Area prior to commencement of the CLMA. A total of 481 Crown land parcels were confirmed. Each parcel was cross referenced with Council's property database and as well with a list of all reserves provided by DoI in 2014. A schedule with information available on each parcel was recorded with parcels of significance noted, e.g. biodiversity, heritage, and infrastructure.

With the requirement to review all Crown land within our local government area, staff are progressing a review of all Council's classification of Public Land.

Muswellbrook Shire Council – Council Crown Land Manager for:**Baerami Bush Fire Brigade Reserve No. 170115**Lot 114 DP 728996 (979 m²)

Reserve for Bush Fire Brigade Purposes

**Castlerock Preservation of Trees and Resting Place Reserve No. 83467**Lot 214 DP 750968 (8,094 m²)

Reserve for Preservation of Trees and Resting Place



Denman Apex Lookout Reserve No. 86615Lot 7003 DP 94059 and Part Lot 225 DP 1075155 (368,700 m²)

Reserve for Public Recreation

**Denman Park Reserve No. 570024**Lot 231 DP 729996, Lot 126 DP 750924 and Lot 1 DP 171274 (577,800 m²)

Dedication for Public Recreation



Fitzgerald Park Reserve No. 570025Lot 7010 DP 93327 (Does not include yellow shaded areas) (205,500 m²)

Dedication for Public Recreation

**Hyde Park Reserve No. 91158**Lots 7015-7016 DP 93264 (22,920 m²)

Reserve for Public Recreation



Includes Weeraman Oval Reserve No. 170168

Lots 7015-7016 DP 93313, Lot 7014 DP 93319, Lot 19 DP 752484 and Lots 2630-2631 DP 1142150 (296,200 m²)

Reserve for Environmental Protection and Public Recreation

**Martindale Reserve No. 79004**

Lot 7001 DP 93287 (36,423 m²)

Reserve for Public Recreation

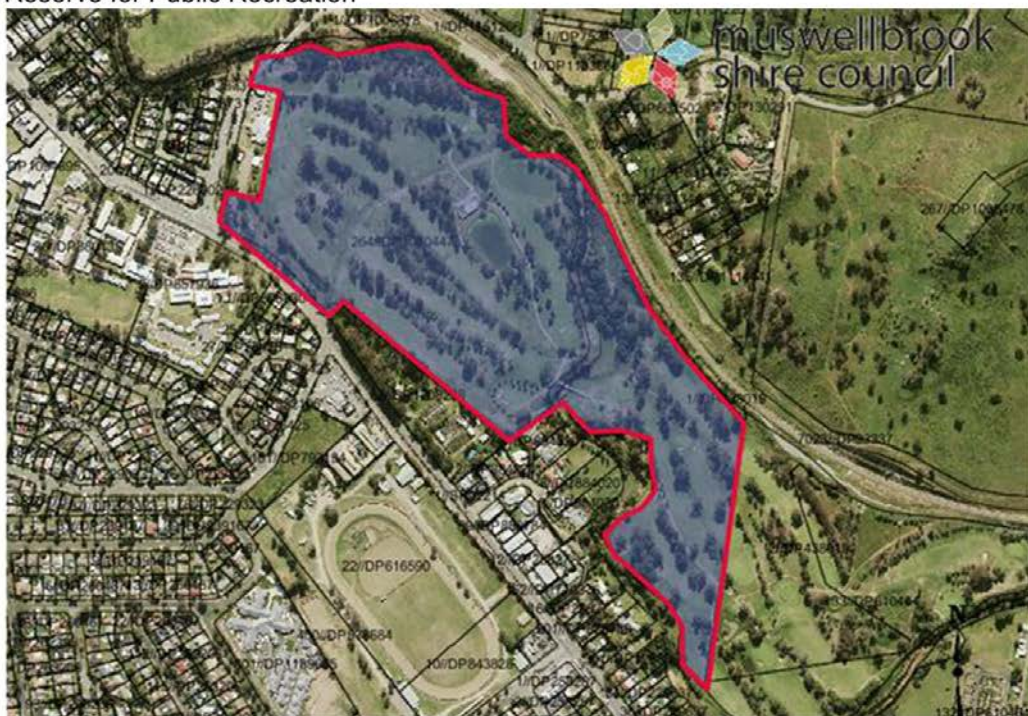


McCullys Bush Fire Reserve No. 170082Lot 1 DP 727267 (737 m²)

Reserve for Bush Fire Brigade Purposes

**Muswellbrook Golf Club Reserve No. 1010588**Lot 264 DP 1030447 (327,300 m²)

Reserve for Public Recreation



Muswellbrook Regional Art Centre Reserve No. 1000349Lot 16 Section 2 DP 758740 (1,214 m²)

Dedication for Local Government Purposes

**Muswellbrook Senior Citizens Reserve No. 81335**Lot 10 DP 833145 (632 m²)

Reserve for Senior Citizens Centre



Part Denman Golf Course Reserve No. 89855Lots 7007-7009 DP 93268 (70,500 m²)

Reserve for Public Recreation

**Scott Street Reserve No. 570078**Lot 1 DP 668247 and Lot 1 DP 668248 (21,750 m²)

Dedication for Public Recreation



Muswellbrook Town Hall Site Reserve No. 1000351 (*Front of Simpson Park*)

Lot 2 Section 11 DP 758740 (2,453 m²)

Dedication for Town Hall Site



Information received from NSW Department of Industry - Lands and Water Division on 6 June 2018 - Interim Schedule

Reserve Number	Reserve Type	Reserve Name	Gazetted Date	Management Type	Purpose	Guidance LG Act Category*	Lots	Suburb
570025	DEDICATION	FITZGERALD PARK	23/05/1879 0:00:00	RESERVE TRUST	Addition~Public Recreation	Park	Lot 264 DP 1030447 Parish Brougham County Durham, Lot 7010 DP 93327 Parish Rowan County Durham	MUSWELLBROOK
170082	RESERVE	MCCULLYS BUSH FIRE	22/07/1988	RESERVE TRUST	Bush Fire Brigade Purposes	General Community Use	Lot 1 DP 727267 Parish Rowan County Durham	MCCULLYS GAP
170115	RESERVE	BAERAMI BUSH FIRE BRIGADE	14/07/1989	RESERVE TRUST	Bush Fire Brigade Purposes	General Community Use	Lot 114 DP 728996 Parish Baerami County Hunter	BAERAMI
9022	RESERVE		22/06/1889 0:00:00	DEVOLVED TO COUNCIL	Cemetery		Lot 7008 DP 1050789, Lot 7028 DP 1050790 Parish Rowan County Durham	MUSWELLBROOK
9023	RESERVE		22/06/1889 0:00:00	DEVOLVED TO COUNCIL	Cemetery		Lot 7304 DP 1163152 Parish Rowan County Durham	MUSWELLBROOK
1025568	DEDICATION		28/09/1956	DEVOLVED TO COUNCIL	Cemetery Extensions		Lot 7309 DP 1163152 Parish Rowan County Durham	MUSWELLBROOK
170168	RESERVE	INCLUDES WEERAMAN OAL	16/02/1996	RESERVE TRUST	Environmental Protection~Public Recreation	Natural Area/Park	Lots 7015-7016 DP 93313, Lot 7014 DP 93319, Lot 19 DP 752484, Lots 2630-2631 DP 1142150 Parish Rowan County Durham	MUSWELLBROOK
1016929	DEDICATION		14/12/1886 0:00:00	DEVOLVED TO COUNCIL	General Cemetery		Lot 3 DP 668355, Lot 6 DP 668356, Lots 7006-7008 DP 1054467 Parish Wickham County Brisbane	GIANTS CREEK
1019848	DEDICATION		30/08/1902	DEVOLVED TO COUNCIL	General Cemetery		Lot 7300 DP 1147061 Parish Denman County Brisbane	DENMAN
1023888	DEDICATION		13/03/1877 0:00:00	DEVOLVED TO COUNCIL	General Cemetery		Lots 80-86 DP 750969 Parish Yarraman County Brisbane	WYBONG
1024108	DEDICATION		27/07/1863 0:00:00	DEVOLVED TO COUNCIL	General Cemetery		Lot 1 DP 1124484, Lot 1 DP 1155921, Lots 7305, 7308 DP 1163152 Parish Rowan County Durham	MUSWELLBROOK
1000349	DEDICATION	MUSWELLBROOK REGIONAL ART CENTRE	1/08/1958	RESERVE TRUST	Local Government Purposes	General Community Use	Lot 16 Section 2 DP 758740 Parish Rowan County Durham	MUSWELLBROOK
83467	RESERVE		29/09/1961	DEVOLVED TO COUNCIL	Preservation Of Trees~Resting Place		Lot 214 DP 750968 Parish Wybong County Brisbane	CASTLE ROCK
1010588	RESERVE	MUSWELLBROOK GOLF CLUB	3/12/2004	RESERVE TRUST	Public Recreation	Park	Lot 264 DP 1030447 Parish Brougham County Durham	MUSWELLBROOK
570024	DEDICATION	(Denman Park)	14/10/1881 0:00:00	RESERVE TRUST	Public Recreation	Park	Lot 1 DP 171274, Lot 231 DP 729996, Lot 126 DP 750924 Parish Denman County Brisbane	DENMAN
570078	DEDICATION	SCOTT STREET RESERVE	14/02/1873 0:00:00	RESERVE TRUST	Public Recreation	Park	Lot 1 DP 668247, Lot 1 DP 668248 Parish Rowan County Durham	MUSWELLBROOK
79004	RESERVE	MARTINDALE RESERVE	19/10/1956	RESERVE TRUST	Public Recreation	Park	Lot 7001 DP 93287 Parish Bureen County Hunter	MARTINDALE
86615	RESERVE	DENMAN APEX LOOKOUT	9/02/1968	RESERVE TRUST	Public Recreation	Park	Lot 7003 DP 94059, Lot 225 DP 1075155 Parish Denman County Brisbane	DENMAN
89855	RESERVE	PT DENMAN GOLF COURSE	2/07/1976	RESERVE TRUST	Public Recreation	Park	Lots 7007-7009 DP 93268 Parish Denman County Brisbane	DENMAN
91158	RESERVE	HYDE PARK	9/06/1978	RESERVE TRUST	Public Recreation	Park	Lots 7015-7016 DP 93264 Parish Denman County Brisbane	DENMAN
83812	RESERVE		27/04/1962	DEVOLVED TO COUNCIL	Public Recreation		Lot 177 DP 750915 Parish Brogheda County Brisbane	MANOBALAI

Reserve Number	Reserve Type	Reserve Name	Gazetted Date	Management Type	Purpose	Guidance LG Act Category*	Lots	Suburb
90880	RESERVE		26/08/1977	DEVOLVED TO COUNCIL	Public Recreation		Lot 7020 DP 93311, Lots 7017-7018 DP 93312, Lots 7024-7025 DP 93316, Lot 7022 DP 93318, Lot 198 DP 1153792, Lot 7303 DP 1155367 Parish Rowan County Durham	MUSWELLBROOK
81335	RESERVE	MUSWELLBROOK SENIOR CITIZENS	9/01/1959	RESERVE TRUST	Senior Citizen'S Centre	General Community Use	Lot 10 DP 833145 Parish Rowan County Durham	MUSWELLBROOK
* Guidance LG Act category denotes preliminary guidance to assist councils to assign what could be considered the most closely related categories of community land referred to in section 36 of the <i>Local Government Act 1993 to the purpose for which Crown land is reserved or dedicated</i> .								

Information noted on Department of Industry - Crown Land Manager Reserves Portal

1000351	DEDICATION	(Part Simpson Park)	13/1/1882	COUNCIL CROWN LAND MANAGER	Town Hall Site	Park	Whole: Lot 2 Secion 11 DP 758740 Parish Rowan County Durham	
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11.2 2019-20 WATER & WASTEWATER CAPITAL WORKS PROGRAMME

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Graham Chevis - Asset Manager Water and Waste
Community Plan Issue:	<i>A safe, secure and reliable water supply and sewerage services are provided to all residents that will ensure public health</i>
Community Plan Goal:	<i>Provide safe, secure, efficient and effective water, sewerage and waste services in compliance with regulatory requirements.</i>
Community Plan Strategy:	<i>Deliver the capital program substantially on time, on budget and in accordance with relevant design and construction standards.</i>

PURPOSE

The report provides detail of the 2019-20 capital works programme for Water and Wastewater.

OFFICER'S RECOMMENDATION

Council endorses the prioritised lists of work and the undertaking of the 2019-2020 Capital Works programmes for Water & Wastewater to the extent of funding available under each of the various programmes.

Moved: _____ **Seconded:** _____

BACKGROUND

Council's adopted 2019-20 budget includes a number of Capital Works programmes for Water and Wastewater. In order to achieve the best asset management outcomes for Council's water and wastewater assets, the report requests Council's consideration and endorsement of the capital works projects specified in the report.

CONSULTATION

Director Community Infrastructure
Project Engineer Water & Wastewater
Engineering Officer Water & Wastewater
Operations Manager Water & Wastewater
Operations and Process Engineer Water & Wastewater
Treatment Plant Supervisor
Network Supervisor

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

Council has allocated funds in the 2019-20 Budget for various Capital Works Programmes. It is proposed that funds be applied to the following projects, prioritised to the extent of funding under the relevant programmes:

Water Fund	Works to be performed
Mains Renewal and Replacement Ledger: 5320.4340 Budget: \$1,005,556	Upper Brook Street Water Main Renewal Lower Brook Street Water Main Renewal William Street Water Main Renewal Water Mains around WTP Scott Street Roger Street Water Main Renewal Miscellaneous Water System Asset Renewals
Reticulation - Rail Underboring Rail Crossing Water Mains Ledger: 5340.4377 Budget: \$991,996	Lower Hill Street Rail Crossing – Muswellbrook Turner Street Rail Crossing - Denman
Reservoir Renewal and Replacements Ledger: 5310.4321 Budget: \$1,194,575	Reservoir 5 refurbishment – Replacement of roof and internal coating
Water Treatment Plant Renewals and Replacements Ledger: 5310.4560 Budget: \$978,412	Chemical system Upgrade - Lime System, Chlorination, Ferric, Main Switch Electrical Panels (Design, Spec & Tender) Asbestos Removal from old water treatment plant Clarifier Channels June/July, Main Channel replacement Clarifier Mixing Zone Hood MWTP Lime Sludge Disposal/Reuse
Water System Plant Asset Renewals Ledger: 5340.4400 Budget: \$509,500	Common Road PS Pump(s) Sandy Hollow Clear Water Tank Sandy Hollow Raw Water Tank Sandy Hollow Intermediate Tank Sandy Hollow Permeate Tank Denman Site Access & Stormwater Upgrades Muswellbrook High Lift Pump Drive Cooling Duct Muswellbrook High Lift Pump No1 Wet End Denman River Electrical Panel Denman Membrane Feed Pump Telemetry System Upgrades

Water Fund	Works to be performed
Water Distribution Points Ledger: 5310.4405 Budget: \$290,715	Water Dispensing points for Muswellbrook and Denman
South Muswellbrook Water Main Duplication Ledger: 5310.4579 Budget: \$1,800,00	Duplication of South Muswellbrook Water Main
Muswellbrook WTP Fluoride Upgrade Ledger: 5310.4577 Budget: \$258,980	Replacement of Muswellbrook Fluoride Dosing System

Sewer Fund	Works to be performed
Mains Renewal Ledger: 6310.4437 Budget: \$1,185,573	SPS5 Rising Main Sewer Mains Major Repairs Sewer Manhole Repairs Muscle Creek and Sydney Street Improvements
Transportation System Improvement Ledger: 6340.4485 Budget: \$1,193,872	Concept Design for Muswellbrook Pumping Station rationalisation SPS1 Upgrade
Sewer Plant and Equipment Ledger: 6340.4380 Budget: \$73,543	Improvements and replacements various items of Sewer Plant and equipment to make work safer and easier for network crew.
System Plant Asset Renewals Ledger: 6340.4488 Budget: \$400,161	Muswellbrook SPS7 Pump & Guiderails Muswellbrook SPS5 Pump Denman STP Access Driveway Denman Site fencing and storage shed relocation SPS5 Electrical Panel design and

The works proposed for 2019-20 are considered to have the optimal mix of operational improvements and renewals along with longer term asset renewals.

OPTIONS

Many options have been considered in developing the above priority list, including the recent condition audit, previous option studies on the sewer reticulation system, and data regarding recurring sewer blockages and access problems.

Council may decide to endorse the proposed list of projects, or not to endorse the proposed list. Council may also decide to add to, or subtract from, the proposed list discrete projects not included in the report.

CONCLUSION

The proposed prioritised suite of projects is considered to provide the most beneficial use of Council's funds to ensure longevity and satisfactory performance of Council's water and wastewater assets.

SOCIAL IMPLICATIONS

The implementation of the Capital Works Program will provide positive impacts to the community through the provision of improved assets and system security for the supply of water and transport and treatment of sewage. It is acknowledged that there may be short term inconvenience during the construction phases of some of the projects identified in this programme, but these would be managed and minimised as much as possible for each discrete project.

FINANCIAL IMPLICATIONS

Council has allocated funds in the 2019-20 Budget for various Capital Work Programs. It is proposed that funds be applied to the attached priorities to the extent of funding under the programs listed above.

POLICY IMPLICATIONS

Not Applicable

STATUTORY IMPLICATIONS

Compliance with Department of Health

Compliance with Sewage Treatment Plant Environmental Protection Licences'

LEGAL IMPLICATIONS

Not Applicable

OPERATIONAL PLAN IMPLICATIONS

This report complies with item 21.1.2 of the Operational Plan: 'Deliver the Capital Programme substantially on time, on budget and in accordance with relevant design and construction standards'.

RISK MANAGEMENT IMPLICATIONS

Completion of these works will contribute to the reduction of the overall risk to Council from external agencies as well as from loss of supply of essential services to the community.

11.3 DESIGN FOR EDDERTON ROAD STAGE 2 UPGRADE WORKS

Attachments:	A. Edderton Road Stage 2 Upgrade Design Plans.docx
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

PURPOSE

To advise Council of the receipt of the Edderton Road Upgrade Works Design Drawings Revision J (Stage 2 Works – as outlined in the Edderton Road Realignment Deed) and to provide Council with comment on the satisfaction of the design.

OFFICER'S RECOMMENDATION

Council:

1. **Acknowledges receipt of the Edderton Road (Stage 2 Works – Upgrade Works) –Design Drawings Revision J and advise Hunter Valley Energy Coal that Council is satisfied with the plans.**
 - 1.

Moved: _____ **Seconded:** _____

BACKGROUND

The realignment of the northern portion of Edderton Road was approved and is subject to Condition 47, Schedule 3 of the Mount Arthur Mine Project Approval 09_0062. The Project Approval consent conditions also require the upgrade of “*the intersection of Edderton Road and the secondary site access road to the satisfaction of Council prior to using this road for deliveries to the relocated explosives facility.*”

Council has entered into a deed of agreement, the ‘Edderton Road Realignment Deed’ which includes provisions for Hunter Valley Energy Coal (HVEC) to undertake road upgrade works referred to as Stage 2 Works. The upgrade works will cover the section of Edderton road from the point where the realigned new road portion ties in with the existing alignment of Edderton Road heading south for a length of 1.75km, and will upgrade the existing road in terms of improved geometry, pavement strength and width (increasing the pavement width to 3.1m and shoulder width to 1.5m) and safety. These works are guided and undertaken as outlined in Section 10 of the Edderton Road Realignment Deed (the Deed).

The deed is conditional on a number of actions being completed including Muswellbrook Shire Council (MSC) giving HVEC notice whether the detailed design plans are satisfactory and construction being under taken in accordance with a S.138 Roads Act 1993 approval.

The report does not seek Council's approval with respect to any temporary closure of Edderton Road.

CONSULTATION

Sarah Bailey - NSW Principal - Approvals and Land Management Strategy & Development BHP Billiton

Michael McGroarty Lead Project Delivery BHP Billiton

Kellie Scholes- Manager Roads, Drainage and Technical Services

Imelda Williams – Traffic and Roads Status Officer MSC

Anthony Willis – Planning Lawyer

Russell Fitzgerald Technical Officer Roads & Drainage

Derek Finnigan – Director Community Infrastructure

GHD Civil Design Consultants

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

Council has received detailed design drawings for Stage 2 works for the upgrade of Edderton Road for a length of 1.75km south of the tie in point of the new realigned portion of the road. Refer to attachment A for selected drawings. The full set of drawings will be tabled at the meeting.

The design includes widening of the road along the 1.75km section of Edderton Road to incorporate 2 x 3.1m travelling lanes and 1.5m (min) sealed shoulders with extensive guardrail installation. There are seven (7) culverts that will be replaced. The upgrade will also incorporate the secondary site access road for deliveries of materials to the proposed relocated explosives facility on the mine site.

The proposed upgraded works have been designed to Austroads standards and will result in significant improvements to road safety in this location. Data for this section of Edderton Rd shows a high crash cluster and therefore the upgrade works are important for road users and the local community. The detailed design has been subject to a stage 3 Road Safety Audit with no non-conformances recorded.

As is consistent with most rural roads in NSW, the existing road alignment is not confined to the gazetted road corridor. As such, there will be further minor encroachment of the road outside of the existing gazetted road corridor as part of the upgrade works. The design has been modified as far as practicable (within Austroads limits) to ensure there is minimal impact on vegetation and minimal disturbance beyond the existing alignment. The maximum extent of the proposed upgrade works cannot be fenced in this location due to the potential impacts to heritage, threatened flora and fauna, that would be required as part of the fence construction.

OPTIONS

Option 1: Advise HVEC that Council is satisfied with the Edderton Road (Stage 2 Upgrade Works) – Design Drawings and to approve the plans.

Option 2: Advise HVEC that Council is not satisfied with the Edderton Road (Stage 2 Upgrade Works)– Design Drawings, stating the reasons for this.

CONCLUSION

The upgrade works will result in significant improvements to road safety in this location. Data for this section of Edderton Rd show a high crash cluster and therefore the upgrade works are important for the local community. It is recommended that Council approve the plans for the Edderton Road (Stage 2 Upgrade Works) – Design Drawings.

The report does not seek Council's approval to temporarily close any portion of Edderton Road. Any s138 temporary road closure application submitted by HVEC in relation to Edderton Rd will require a further report to Council. As a result, Council could consider approving the Stage 2 Upgrade Works – design drawings as recommended in the Officer's Recommendation.

A further s.138 application will be reported to Council for the construction of the Stage 2 Upgrade works.

SOCIAL IMPLICATIONS

Upgrading of the identified section of Edderton Rd will provide an enhanced level of service for road users.

FINANCIAL IMPLICATIONS

The cost to construct the proposed works including all necessary approvals to allow construction will be borne by HVEC.

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

A Section 138 approval will be required from Council to permit works on the existing road reserve. This requirement will be applicable to works covering the construction of Stage 2 Upgrade works.

LEGAL IMPLICATIONS

Council has entered into a deed of agreement with HVEC and in accordance with the Edderton Road Realignment Deed (the Deed) dated 3 July 2018 clause 10.2. (c) "Design of Stage 2 Works" HVEC must prepare detailed design plans for the Stage 2 Works in accordance with Austroads Guide to Road Design (being the agreed design standards for the Stage 2 Works) and lodge detailed design plans with MSC for approval under the terms of the deed. Council is required to give notice whether the detailed design plans are satisfactory to satisfy the requirements of the Deed.

OPERATIONAL PLAN IMPLICATIONS

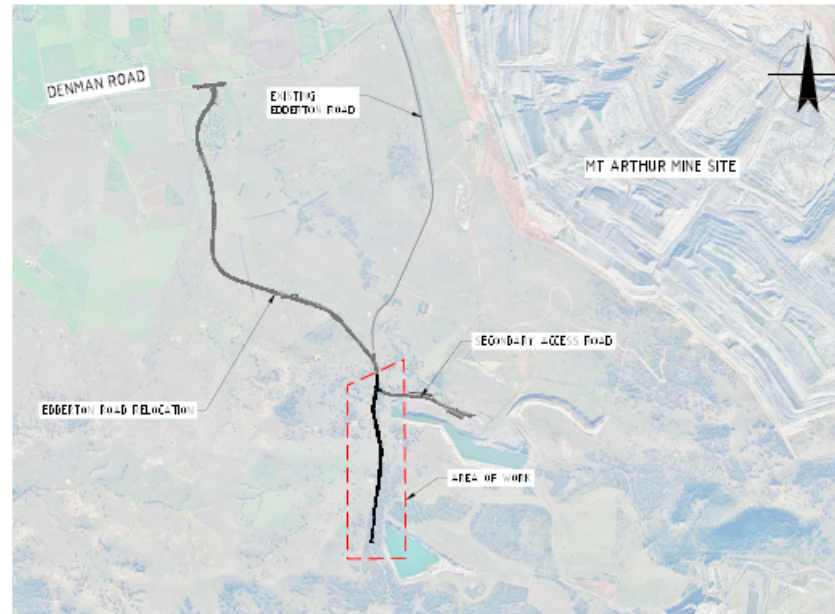
The submission of the report complies in principle with section 21.1.2 of the Operational Plan: 'Deliver the Capital Programme substantially on time, on budget, and in accordance with relevant design and construction standards'.

RISK MANAGEMENT IMPLICATIONS

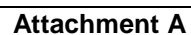
Conformance with design standards is required to mitigate risk from potential future traffic incidents.

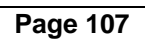
The applicant under the General Conditions of the s.138 Roads Act 1993 approval to undertake the upgrade work is to carry an appropriate level of insurance to indemnify council should any incident be identified related to the approval.

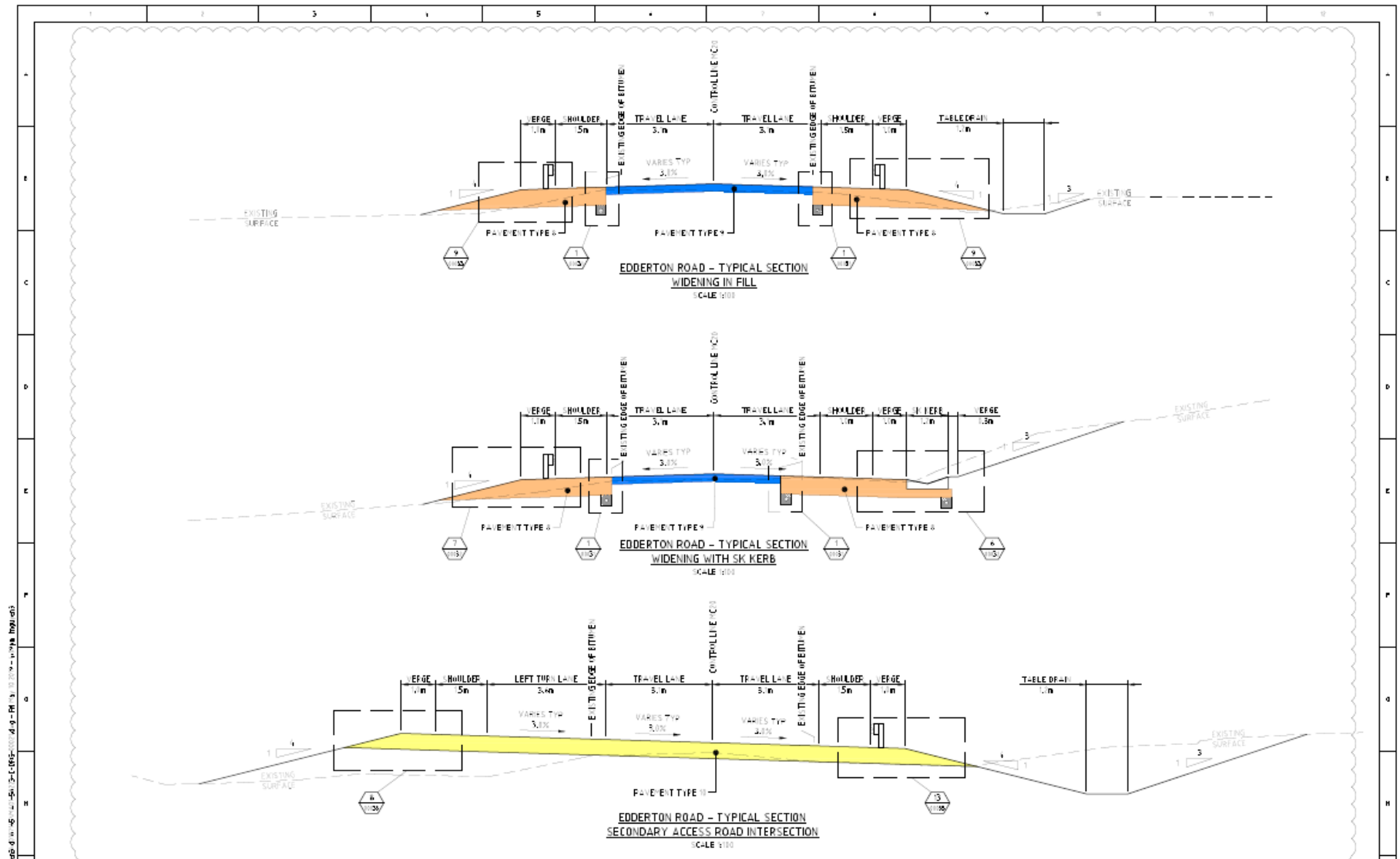
MT ARTHUR COAL WINDMILL PIT EXTENSION WORKS EDDERTON ROAD UPGRADE 58223



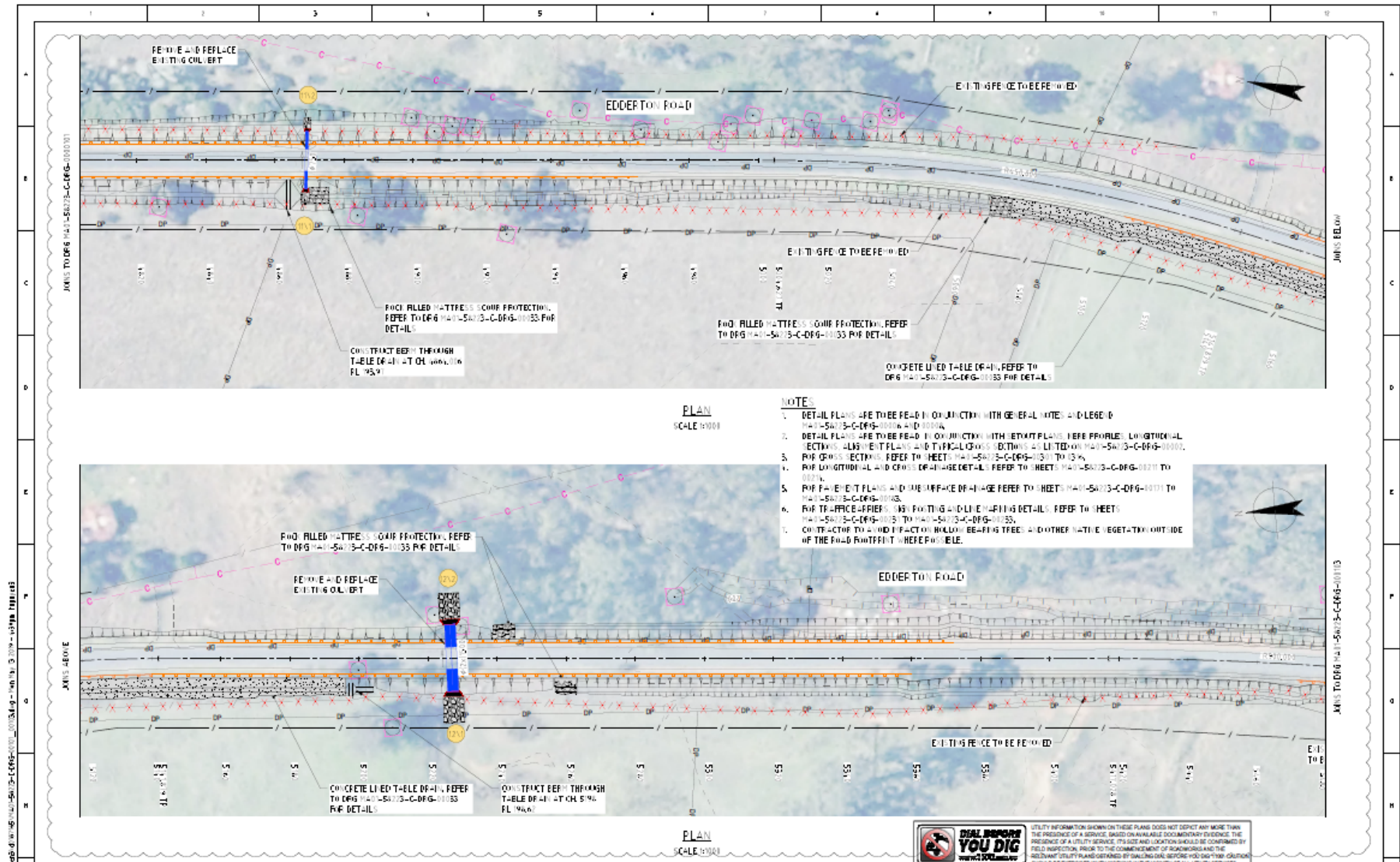
LOCALITY PLAN
SCALE 1:50,000

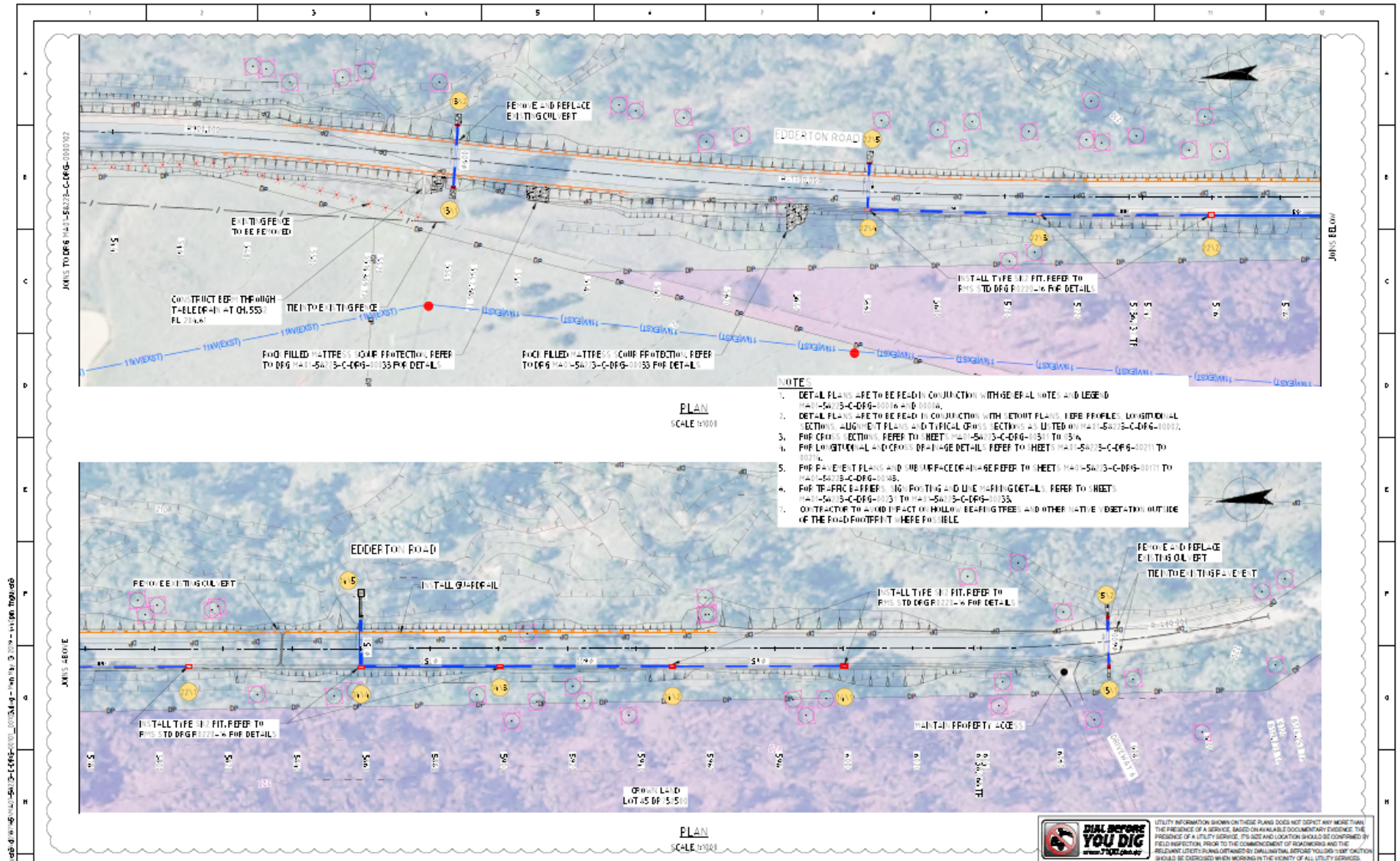


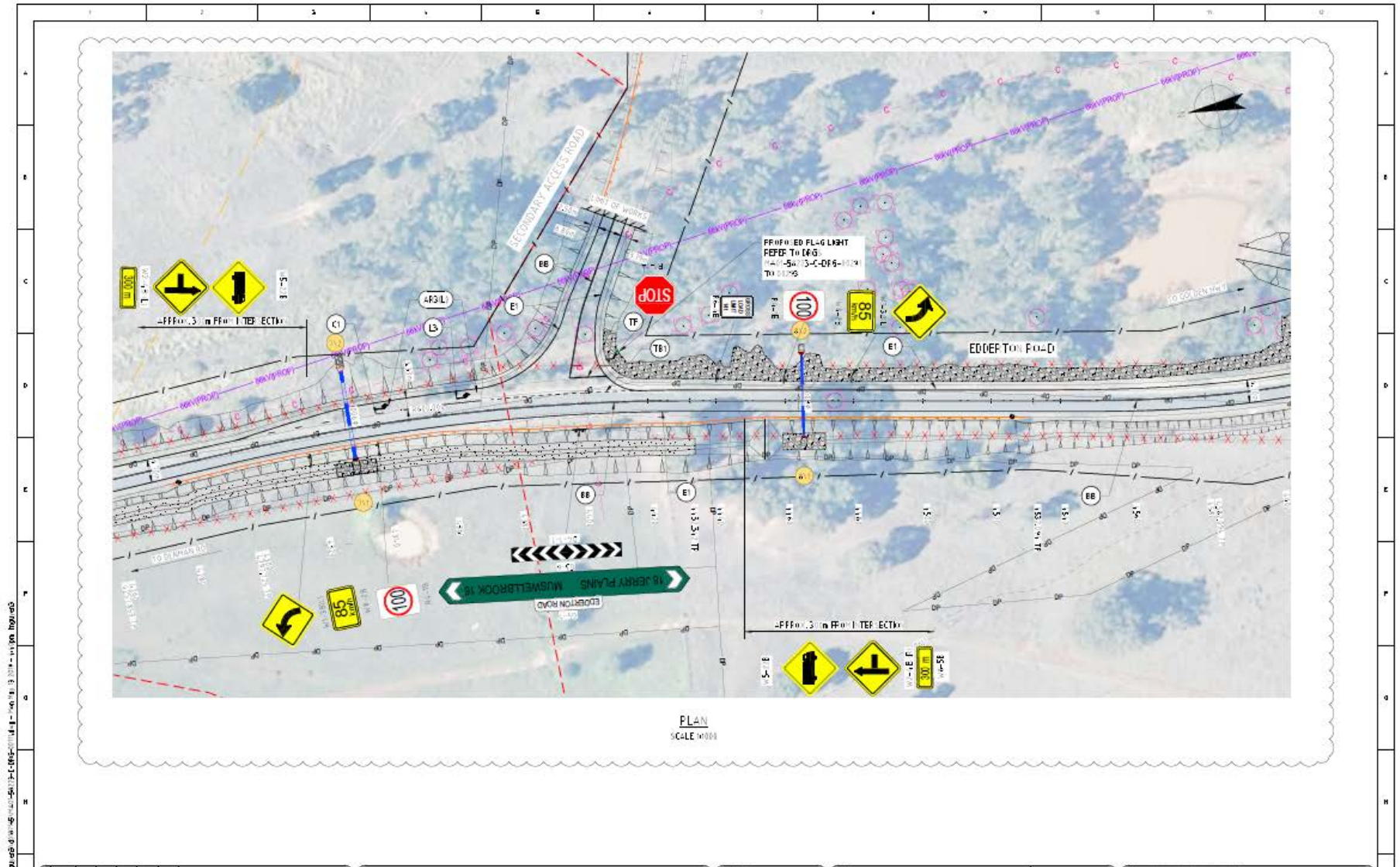


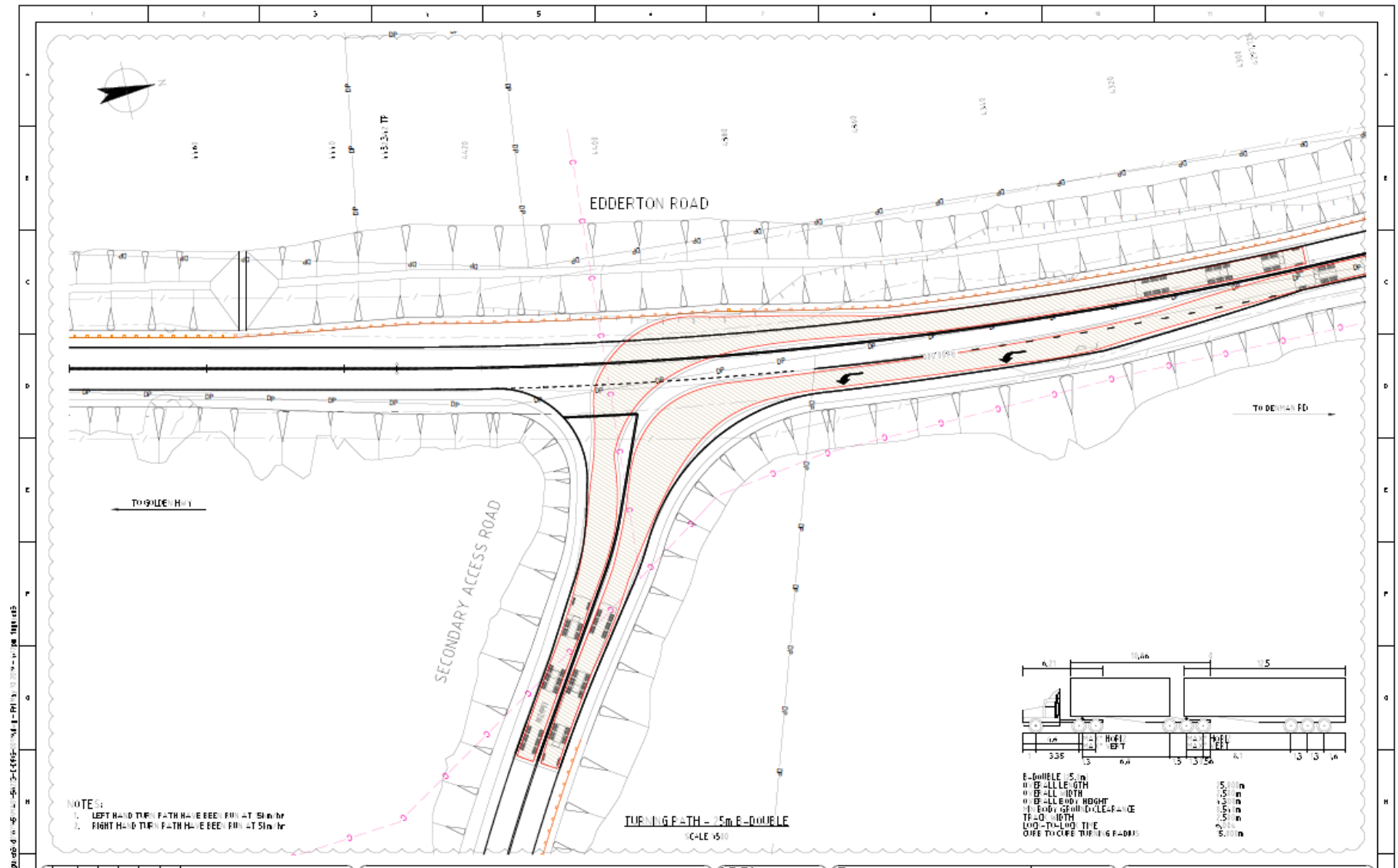


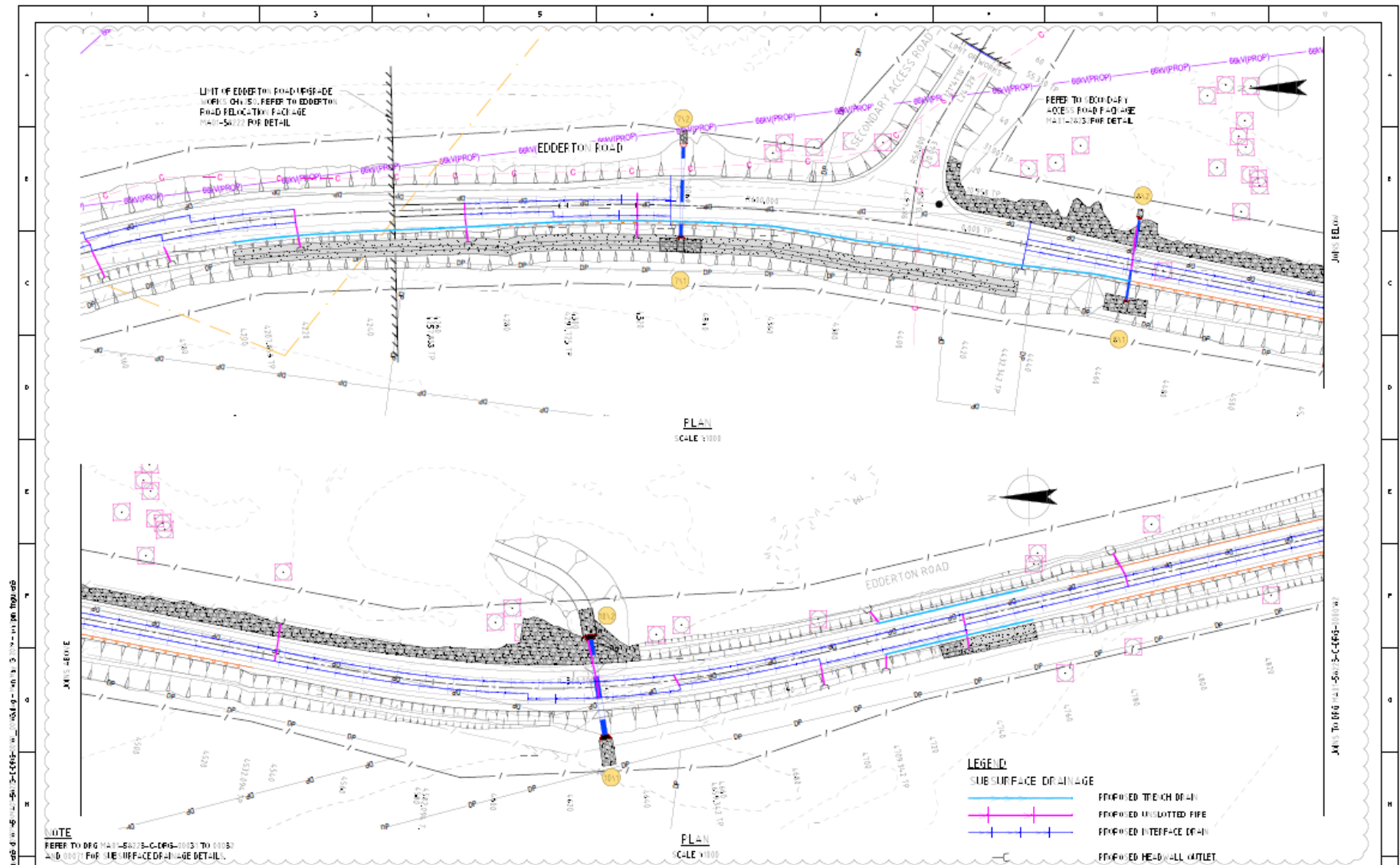


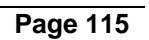


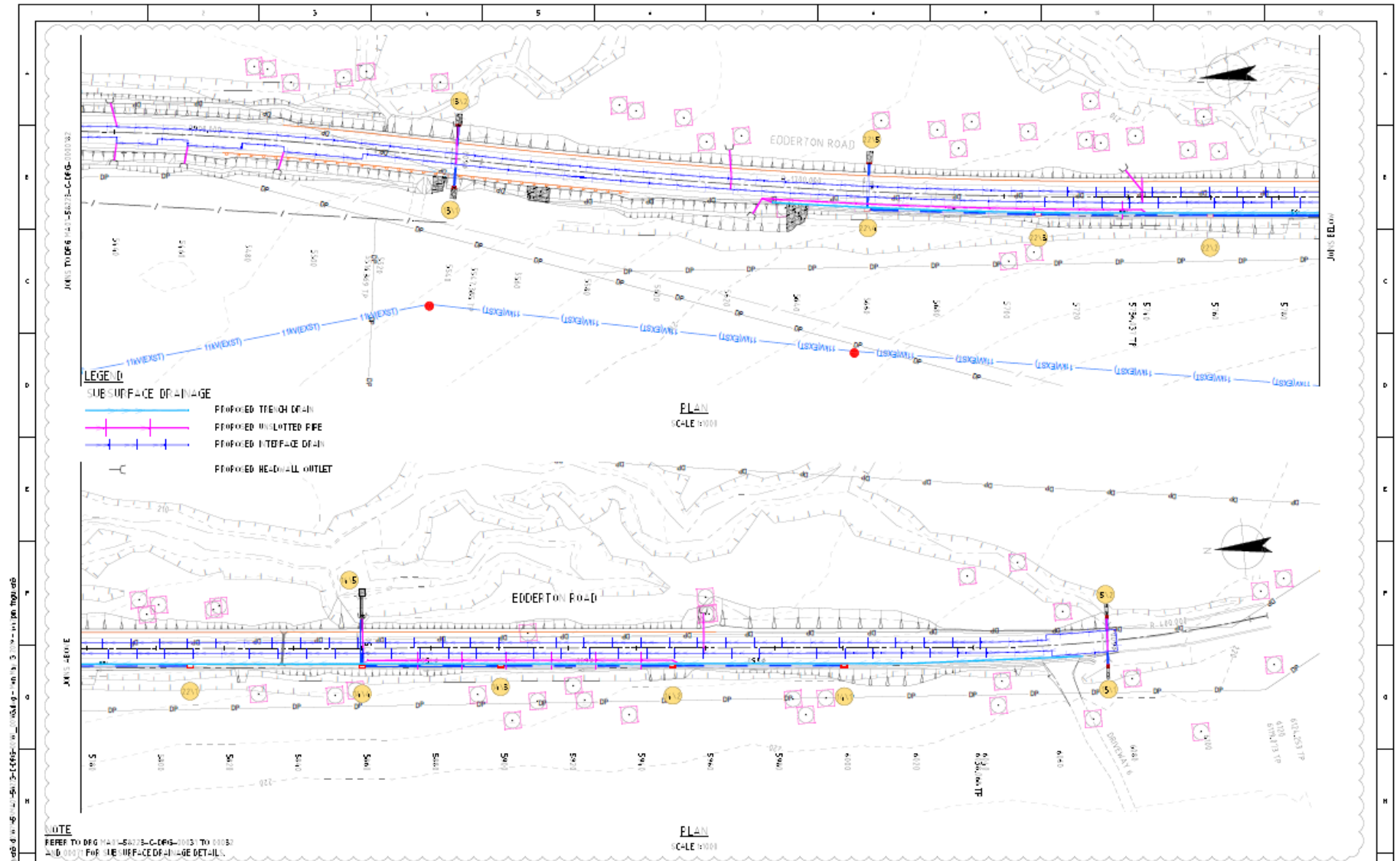












11.4 ESTABLISHMENT OF MANDATORY LEVEL 1 WATER RESTRICTIONS AT SANDY HOLLOW

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

PURPOSE

The report requests Council's approval to establish mandatory level 1 water restrictions at Sandy Hollow for an indefinite period of time based on future replenishment of water levels at Glenbawn Dam.

OFFICER'S RECOMMENDATION

- Council approves the establishment of mandatory level 1 water restrictions for Sandy Hollow town water supply from Monday 11 November 2019, following notification of the restrictions in a local newspaper; and**
- The mandatory level 1 water restrictions will apply until Council may with confidence revoke the restrictions.**

Moved: _____ **Seconded:** _____

BACKGROUND

The establishment of level 1 water restrictions for Muswellbrook and Denman were approved and implemented on 1 July 2019. The level 1 water restrictions were not imposed on Sandy Hollow at that time as its drinking water supply is sourced through an unregulated bore water source. Muswellbrook's and Denman's raw water supply to the water treatment plants is extracted from the Hunter River that is regulated through controlled discharge from Glenbawn Dam. Sandy Hollow's raw water source is not regulated and operates under a licensed quantity of 50 ML per annum. With the persisting drought conditions and the early arrival of hot, dry weather, a precautionary approach in ensuring water security for the community would be to establish mandatory level 1 water restrictions at Sandy Hollow.

CONSULTATION

The General Manager has been consulted.

Consultation has been carried out at the upper Hunter level, through collaboration with the Upper Hunter Water Alliance, comprising senior representatives from Muswellbrook, Upper Hunter and Singleton Councils.

Water & Wastewater senior staff members have been consulted.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

REPORT

A shallow bore approximately 12 – 15 m in depth, fitted with two pumps, located adjacent to the Goulburn River, is the primary source of raw water supply to the Sandy Hollow water treatment plant. Council has a water access licence to this unregulated, alluvial source of water supply for 50 ML per annum. The maximum daily water usage data at Sandy Hollow indicates that daily maximums can peak at 0.281ML per day. The Australian Government Bureau of Meteorology advises that rainfall is likely to be below average for the rest of October and November for New South Wales and the Hunter region (Source: <http://www.bom.gov.au/climate/outlooks/#/rainfall/summary>, accessed 18 Oct 2019), and it is anticipated that water consumption volumes will begin to increase if precautionary measures such as mandatory level 1 water restrictions are not established at Sandy Hollow. If the community, both residents and businesses, continue to use the drinking water without moderation, there is a possibility of exceeding the 50 ML limit in the water access licence.

Legislations and enforcement

Under Part 6, Division 1, Clause 137 (2) and (4) of the Local Government (General) Regulation 2005, Council may impose restrictions on water supply by a notice of the Council published in a newspaper circulating within the Council's area.

The establishment of mandatory level 1 restrictions at Sandy Hollow enables Council to enforce compliance with the restrictions nominated to be appropriate. Under Section 637 of the Local Government Act 1993, the Penalty which can apply is a maximum of 20 penalty units. The value of one penalty unit is \$110 as of 18 Sep 2019 prescribed in s17 of the Crimes (Sentencing Procedure) Act.

Council's current practice in relation to the enforcement of mandatory water restrictions includes the following measures:

1. The **first time** a person is found to be contravening water restrictions imposed by Council, they will be given a written warning. This warning will include a reminder of the particular restrictions in force, and a reminder of the consequences if they contravene the restriction again.
- 1.
2. If the person is found to be contravening the restrictions a **second time**, an 'on the spot' fine having a value of two penalty units will be issued by Council's Ordinance Officer.
3. If the same person is found to ignore the warning and contravene the restrictions a **third time**, their water supply may be restricted by installing an orifice plate at the just before the water meter.
- 2.
3. Council may also choose to prosecute the offenders under Section 637 of the Local Government Act 1993, for which the maximum penalty that may be applied is twenty penalty units.
- 4.
5. To align with the rest of the Shire in establishing level 1 water restrictions, there should be no moratorium on enforcement and the enforcement of penalties should come into effect from 1 November 2019. Information regarding penalties is to be extensively provided to the community at Sandy Hollow to ensure that full and widespread understanding of the mandatory level 1 water restrictions is attained.
- 6.
7. Should Council decide to introduce mandatory level 1 water restrictions at Sandy Hollow from 1 November 2019, a joint media release and radio advertising will be provided to inform the community about the mandatory level 1 restrictions. Sandy Hollow will be restricted to the current mandatory, level 1 water restrictions as detailed on Council's website.

OPTIONS

Council may decide not to approve the establishment of mandatory water restrictions at this time, but to rather implement voluntary water restrictions until 31 December 2019 and then approve establishment of mandatory level 1 water restrictions from 1 January 2020.

CONCLUSION

Muswellbrook Shire Council is strongly cognisant of the challenges Council and the community faces in appropriately managing our critically important water resource during periods of prolonged drought. In

order to demonstrate leadership to the local and wider community, it is considered appropriate to establish mandatory level 1 water restrictions to ensure present and future water security for our community.

SOCIAL IMPLICATIONS

While the establishment of mandatory level 1 water restrictions will moderate the ability of residents and business to use water without constraint, it is considered that greater present and future social benefit will result from proactive, appropriate measures undertaken in a timely manner to ensure water security now and into the future.

FINANCIAL IMPLICATIONS

The establishment of mandatory level 1 water restrictions will reduce water consumption, thereby reducing income generated from the community's unregulated water consumption.

POLICY IMPLICATIONS

The report complies with Council's 'Drought Management and Emergency Response Plan' (September 2014)

STATUTORY IMPLICATIONS

Specific statutory regulations, including the Local Government Water Service regulation 1999 and Local Government Act 1993 apply.

LEGAL IMPLICATIONS

Under Part 6, Division 1, Clause 137 of the Local Government (General) Regulation 2005, Council is empowered to restrict water supply (by public notice published in a newspaper circulating within the Council's area).

OPERATIONAL PLAN IMPLICATIONS

This report submission complies with item 20.1 of the 2019/2020 Operational Plan: 'Provide safe, secure, efficient and effective water, sewerage, and waste services in compliance with regulatory requirements'.

RISK MANAGEMENT IMPLICATIONS

The report's primary purpose is to manage the risk associated with insufficient water security by initiating proactive, appropriate, timely controls as a means of ensuring the community's water security now and into the future, and particularly during periods of sustained drought.

11.5 OLYMPIC PARK MASTER PLAN REVISION

Attachments:	A. Olympic Park Criterium Design B. Adopted - Stage 1 - Olympic Park Master Plan.pdf
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Paul Chandler - Technical Offer - Recreation & Property
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Maintain and continually improve community infrastructure across the Shire.</i>
Community Plan Strategy:	<i>Carry out regular asset inspection.</i>

PURPOSE

To report for Council's consideration, a revision of the Olympic Park Master Plan developed in consultation with the Muswellbrook Cycle Club and Olympic Park user groups.

OFFICER'S RECOMMENDATION

1.
 1. Council endorse the inclusion of the cycling criterium track in a revised Olympic Park Master Plan to be placed on public exhibition for a period of 28 days.
 - 2.
 2. At the conclusion of the period of public exhibition, the revised Olympic Park Master Plan be adopted.
 - 3.
 3. A revised program of works and cost estimate for the Olympic Park Project be prepared and reported to Council.

Moved: _____ Seconded: _____

BACKGROUND

The Muswellbrook Cycle Club, under a Licence, operated and managed The Ron King Velodrome, located in Wilkinson Avenue, Muswellbrook. In January, 2019 Council was advised that the cycle club was unable to maintain the facility due to membership numbers and funding (Attachment A). Following receipt of the letter, Council representatives have met with stakeholders and user groups in a series of meetings to explore options that would provide additional benefits to all stakeholders and also ensure the ongoing recognition of the important community contribution and legacy of Mr and Mrs King.

Through this consultation process a concept has been developed to revise the adopted Olympic Park Master Plan to include a cycling 'criterium' track (Attachment B).

The Stage 1 – Olympic Park Master Plan was adopted by Council on 13 February 2018 (Attachment C).

CONSULTATION

Mrs Pam King

Muswellbrook Cycle Club Executive Committee

Muswellbrook Rams Junior Rugby League Football Club
Muswellbrook Rams Senior Rugby League Football Club
Muswellbrook Touch Association
Manager Works, Property and Building Services
Technical Officer - Recreation and Property
Works Parks Coordinator

CONSULTATION WITH COUNCILLOR SPOKESPERSON

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

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

REPORT

In the development of the Olympic Park Master Plan the planning accommodated the use of the velodrome by the Muswellbrook Cycle Club into the future with consideration for the location of amenities, site fencing, and the approach and bridge into Wilder Street. However, the velodrome has been underutilised for a number of years with club membership low and maintenance of the facility managed by a small number of volunteers. The advice provided by the cycle club presented an opportunity to review Olympic Park planning. Council is currently maintaining the velodrome site at a minimal service level.

During the master plan process, the cycle club requested that Council consider a criterium track as an addition to the facilities at Olympic Park. A cycling criterium track is a self-contained road circuit for criterium races, and may range in length from a minimum 800 to 10,000 metres. They are not only used for competitive races but also but also to facilitate bicycle rider training, recreation, and social activities. It would provide an area for children to safely learn how to ride. Further, if located at Olympic Park a criterium track would allow for events such as triathlons and park runs to be held in the precinct, together with using the facilities at the Muswellbrook Aquatic Centre.

The road circuit criterium track also provides an opportunity to improve traffic management in the precinct during events and game days. In the attached design the road circuit has been designed to permit the controlled flow of traffic through Olympic Park from Wilkinson Avenue to Bell St. This potentially removes the immediate need for the construction of a bridge into Wilder St.

In 2018, Council was successful in grant funding for the Upper Hunter Region Mine Affected Roads Project (Regional Growth: Economic Activation Fund - Resources for Regions Program) and included in this program is the Wilkinson Avenue/Wilder Street (connection and bridge) at Olympic Park. Subject to NSW Government approval there may be an opportunity to redirect funding away from the construction of the bridge towards the construction of the criterium track.

Most times the through road (criterium track) would be closed with bollards, however as part of event and game day management would be opened at suitable times to allow traffic at reduced speed to move through the precinct. This would reduce or prevent the bottleneck that happens on the eastern end of Wilkinson Ave, and enable easier access to Bell St and the New England Highway.

Council representatives have facilitated a series of individual and group consultation meetings with Mrs Pam King, Muswellbrook Cycle Club, Muswellbrook Rams Junior Rugby League Football Club, Muswellbrook Rams Senior Rugby League Football Club, and Muswellbrook Touch Association.

OPTIONS

Council may choose to place the revised Olympic Park Master Plan on Public Exhibition, adopt the revised master plan and direct to proceed with design and construction of criterium track, or leave the master plan unchanged.

CONCLUSION

The inclusion of a cycling criterium track would expand the type of active and passive recreation activities available at Olympic Park, increase opportunity for competition events, and assist with traffic management for events and game days. It potentially removes the immediate need for the bridge into Wilder St.

It is recommended that Council endorse the inclusion of the cycling criterium track in a revised Olympic Park Master Plan to be placed on public exhibition for a period of 28 days.

Further, if Council is to endorse a revised Olympic Park Master Plan a revised program of works and cost estimates and allocation of funding will need to be prepared and submitted for Council's consideration.

SOCIAL IMPLICATIONS

The loss of the Ron King Velodrome will be disappointing for community members. However, the inclusion of a cycling criterium track will provide more passive and active recreation opportunities for the community.

FINANCIAL IMPLICATIONS

The total funding available for the Olympic Park project is \$5.51M for Stage 1 (includes stage 1 car park completed) and \$5.5M for Stage 2 (which is assumed to be funded by grants for the construction of a grandstand).

POLICY IMPLICATIONS

Nil known.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.


OPERATIONAL PLAN IMPLICATIONS

Operational Plan 2019-2020; Cl. 2.4.4 'Construct additional gateway access to Olympic Park' and Cl. 2.4.5 'Develop detailed design for the Olympic Park Precinct upgrade'

RISK MANAGEMENT IMPLICATIONS

Risks are managed through the successive phases of the project.



No.		Revision	Date	Survey	CLIENT MUSWELLBROOK SHIRE COUNCIL				PROJECTS NAME: PROPOSED OLYMPIC PARK CRITERIUM PATH CONCEPT	DRAWING TITLE: CONCEPT PLAN OPTION -03	Approved By:	Rev.	
04		DRAFT PLAN	18/09/19	Datum:— AHD	Scale:						Drawing No.	2019-013/Opt-3	04
03		FOR CONSULTATION	16/08/19		AS SHOWN								
02		FOR REVIEW	11/07/19		Designed AM								
01		FOR REVIEW	21/06/19		Drawn AM								
					Checked PC								
					Approved --								



OLYMPIC PARK PRECINCT MASTERPLAN

STAGE 1 STRUCTURE PLAN

The first stage undertakes the primary structural changes to Olympic Park including:

General Precinct Upgrades

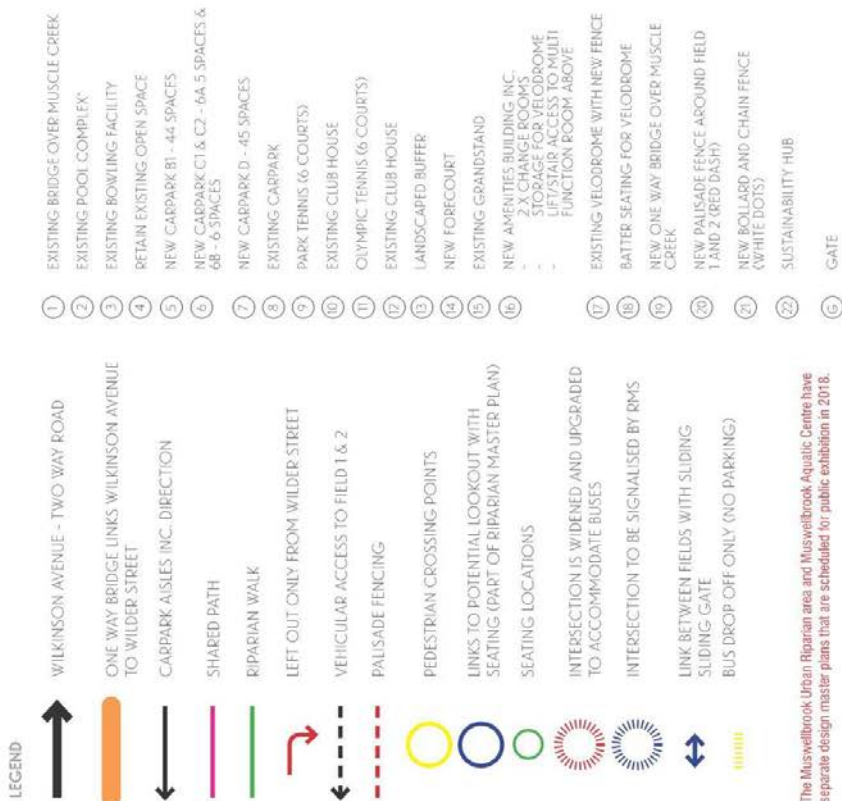
- Upgrade of Wilkinson Avenue
- Construction of a new bridge over Muscle Creek which provides a new egress from the precinct
- Carparking areas which provide a total of 100 spaces. This includes an allowance for future carparking expansions in Stage 2
- Relocation of the heritage gates to the football precinct forecourt at the eastern end of Wilkinson Avenue
- Intelligent lighting along Wilkinson Avenue and within each precinct. Intelligent lighting – where sensors and timers allow lighting fixtures to function at different times of the day and under varying atmospheric conditions. Lighting intensity will also vary automatically according to a range of factors and requirements
- Street trees and landscaping along Wilkinson Avenue
- Integrate outcomes of the Riparian Corridor Masterplan such as the Riparian Walk and seating/lookout areas
- Integrate outcomes of the Muswellbrook Aquatic Centre Masterplan
- New forecourt for the Rugby League Precinct

Rugby League Precinct

- Field improvement and drainage to Fields 1 and 2
- Irrigation and upgrades to Field 3. Field 3 to be used for touch football and training. Field 3 proposed as a public kick about space
- 1800mm high palisade fence to enclose Fields 1 and 2. The Palisade fence to be black to allow for visual permeability
- New Amenities Building including
 - 2 x change rooms
 - storage for velodrome
 - lift/stair access to multi-function room above

Ron King Velodrome

- New intelligent lighting to allow for night training and competition
- New fencing to secure the track
- Removal of storage facility and derelict brick structure.
- New storage area for the Velodrome to be incorporated into the new amenities building located within the Rugby League Precinct.



The Muswellbrook Urban Riparian area and Muswellbrook Aquatic Centre have separate design master plans that are scheduled for public exhibition in 2018.

**11.6 COMMUNITY INFRASTRUCTURE CAPITAL WORKS STATUS REPORT
FOR FIRST QUARTER OF 2019-2020**

Attachments:	A. 2019-2020 Capital Works Status Quarterly Report.xlsx
Responsible Officer:	Derek Finnigan - Director - Community Infrastructure
Author:	Matthew Lysaught - Manager - Works, Property & Building
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

The report presents in tabular form the status of Community Infrastructure capital projects for the first quarter of 2019-2020, updated to 30 September 2019.

OFFICER'S RECOMMENDATION

The information contained in the report be **NOTED**.

Moved: _____ **Seconded:** _____

REPORT

The attached table of capital projects is updated by the Community Infrastructure Section Managers on a weekly basis and reported to Council quarterly.

2019-2020 Projects

PROJECT	PROJECT STAGE: INVESTIGATION DESIGN OR CONSTRUCTION	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	STATUS at 30 September 2019
Roads and Drainage Capital Works								
Bridges Renewal. Williams Bridge. [3530.5853.504]	I	\$1,300,000	Mar-20	Jun-20				Funding to the value of \$650k. Council is seeking a funding source for a further 25% contributory funding. A grant proposal under the Fixing Country Roads program has been submitted. Tender documents have been prepared, however, tender will not be advertised for the construction until this funding is confirmed.
Denman Revitalisation. [3550.4261.504]	I, D & C	\$2,500,000	Aug-18	Jun-20				Stage 3 includes the upgrade of Memorial Park, and the construction of a long vehicle parking bay in Paxton St. Part A - Civil construction in Paxton St is scheduled to commence in November with works to be undertaken by Works. Construction planning and preparation is underway. Part B - is Memorial Pk upgrade. Community Consultation is continuing, the DDDA and RSL sub branch have been consulted. The construction drawings and tender documents are being finalised.
Drainage Devices. [3540.4065.504]	I & D	\$161,950	Feb-20	Jun-20				Design drawings are being finalised with tender documents being prepared in preparation for construction, pending property owners consent to enter property.
Footpath and Cycleway Renewal. [3500.4072.504]	C	\$160,000	Aug-19	Dec-19		Oct-19		Construction scheduled to commenced in accordance with adopted capital program for 2019-20. King St works are complete. A section of footpath adjacent to the Anglican Church in Muswellbrook is underway.
Active Transport Programme Cycleway Wilkinson Ave Olympic Park to Hayden St.	C	\$269,280	Sep-19	Nov-19		Aug-19		Design complete and project construction planning complete. Construction commenced 16 August 2019 and is progressing well (completion on track to meet scheduled PC date).
Heavy Patching Program [3500.4035.504]	-	\$200,000	Oct-19	Jun-20		Aug-19		Capital programs for 2019-20, program adopted by Council and works have commenced.
Hunter Beach	I	\$2,736,000	May-20	Jun-21				Brief for survey works is currently being prepared for seeking of quotations. Quotations for preparation of Review of Environmental Factors are being sought. The scope of work is to include stormwater drainage design to be carried out along Aberdeen St, from highway to Kayuga Bridge. It is also to include improving the access and visibility to Hunter Beach. Considering drainage improvements in Karoola Pk. The primary objectives of Stage 1 of the project include: 1. Bed and bank stabilisation work; 2. Construction of pathway to the beach; and 3. Construction of car park.
Kerb and Gutter Replacement [35660.4065.504]	C	\$130,000	Aug-19	Dec-19		Aug-19		Construction completed in Cabernet, Cypress, Maitland St, Queen St (three locations), Hill St, Hunter Tce and Foley St in accordance with adopted capital program for 2019-20. Construction now completed at McClintock Drive. This program will continue in accordance with the adopted list until funding is expended.
New Footpath Cycleway. [3500.4073.504]	C	\$43,000	Aug-19	Sep-19	N/A	Aug-19	Aug-19	\$43,000 funding identified for construction of a section of footpath adjacent to St Matthias Church in Palace Street, Denman with work completed.
R4R R5 - Thompson St - New England Hwy Signalisation	I & D	\$910,000	Jan-20	Jul-20				Awaiting comment from RMS re REF. Design and Construction Agreement. Preparation of Tender Documentation is continuing.
Bylong Valley Way /Widden Intersection Curve safety improvements	D & C	\$259,000	Jul-19	Jun-20		Jul-19	Oct-19	Project complete.
R4R R5 Edderton Road 9.9km to 11.0km and 11.4km to 14.6km []	I & D	\$2,595,468	Mar-20	Jun-20				Following the preliminary review of the MARNP the scope of work for this project has changed to focus on the section of Edderton road north of Saddlers Creek. Additional survey, environmental assessment and design is to be carried out and tender documents modified. This work has commenced.
R4R R5 Wybong Road (ch 20.6 to 21.5km and 22 to 23.7km). [3500.4221.504]	C	\$1,900,000	Oct-19	Mar-20		Oct-19		Works are scheduled to commence 25 October 2019.
Regional Road Repair Programme and R4R R5 safety improvements	D & C	\$1,400,000	Mar-20	Jun-20				REPAIR programme. 1 confirmed project value = \$220,000 chainage 6.8km Bylong Valley Way. RMS has offered us another site to the value of \$190,000. Use co-contribution for Resources for Regions for this. The aim is to carry out line marking during 2019-20; identify areas where the width needs to be increased in order to accommodate line marking. Design drawings for works are currently being prepared.
Road Resealing Program. [3500.4030.504]	I & D	\$577,898	Nov-19	Mar-20		Nov-19		Programme has been reported to Council. Road sealing works scheduled to commence mid November. Sand testing and design currently being undertaken. Preparatory works have commenced. Reseal preparation is being undertaken currently. Sealing contractor is booked to undertake resealing commencing Mon 18/11/19 through to Sat 30/11/19 on the roads adopted by Council.
Rural Regravelling Program. [3500.4055.504]	C	\$336,000	Sep-19	Oct-19		Sep-19		Work completed at Albano Rd to regrade and gravel the 12 km of road. Yarrawa road in progress.
Safety Device Renewal. [3590.4145.504]	C	\$138,137	Nov-19	Dec-19				Programme adopted by Council. The program will be rolled out as funding allows with priority 1 sites mostly located on Bylong Valley Way and Bureen Road to be undertaken. Quotations for implementation have been sought., with works programmed to commence late October.
Sandy Hollow Village Streetscape. [3550.4257.504]	I & D	\$54,293	Apr-20	Jun-20				Pocket park/playground concepts are being developed to provide play equipment with minimum maintenance requirements. Survey of site undertaken and landscape design is being prepared.
Replacement of culvert. Mangoola Rd.	I & D	\$455,000	Feb-20	Jun-20				Tender documentation has been prepared. Source of funding to be confirmed.

2019-2020 Projects

PROJECT	PROJECT STAGE: INVESTIGATION DESIGN OR CONSTRUCTION	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	STATUS at 30 September 2019
Recreation, Property & Buildings								
Denman Memorial Hall Restoration (3910.5889)	D & C	\$2,465,728	Oct-18	Feb-19	Apr-19	Oct-18	Aug-19	Project complete. EOI for commercial operators prepared to be reviewed.
Denman Recreational Vehicle (RV) Destination	D	\$118,270	Aug-18	Sep-19		Aug-18	Sep-19	Practical completion of this phase of the project has been completed. Funding has been directed to design of Heritage Village.
Denman Children Centre	D & C	\$720,000	Jun-18	Mar-20		Jun-18		Property & Building staff have prepared a draft Lease to progress project. Community Services are in communication with Denman Children Centre for review of draft lease and agreement of responsibilities.
Denman Heritage Village	D & C	\$250,000	Feb-19					Funding has been redirected from Denman Recreational Vehicle (RV) Destination project. Meeting held with DDHV and Jeff Wolfgang and a Deed for transfer of heritage items is progressing. Sunset Committee is being set up. RFQ for Architect closes 7 November.
Denman Lookout Nature Trail - Reg Thornton Memorial Drive	D & C	\$207,000	Jun-19	Dec-19		Jul-19		Public Works Advisory undertaking Project Management. Funding body has agreed to funding extension to 31 December 2019. PWA developed the tender specification and Tender is closing 24 October.
Karoola Netball Courts	D & C	\$184,000	Aug-19	Dec-19		Aug-19		Specification has been prepared. RFQ for construction called.
Muswellbrook Animal Shelter (3910.5587)	D & C	\$1,200,000	May-19	Mar-20		Dec-18		Engaging planning consultant to finalise design and submit DA. QS engaged and revised cost estimate received.
Muswellbrook Aquatic Centre - Stage 1 (3700.5442)	D & C	\$3,250,000	Nov-18	Oct-19	Sep-20	Nov-18		Aquatic Centre DA approved. Security works to be undertaken November. Architect has engaged specialist consultants including BCA, Fire and PCA services. Fire engineering solution underway. Tenders to be called early November.
Muswellbrook Rail Noise Abatement (3950.4168)	C	\$1,950,000	Jul-18	Oct-19		Jul-18		Contractor working on completion of defects reported in their inspection..
Olympic Park Master Plan Works SRV	D	\$2,150,000	Jul-19	Dec-19		Sep-18		Active Transport Program for cycle track is under construction. Amendment to Olympic Park Master Plan proposed. Feedback received from stakeholders was positive. The new concept will be reported to Council for approval.
Regional Entertainment and Conference Centre (3690.5433)	D	\$15,000,000 (Est)	Dec-18	Sep-21		Dec-18		Working with architect towards concept design and DA submission. Discussing revision of Precinct 1 Plan to include the new developments and CBD car parking study. Survey completed. A preliminary revised draft concept has been received.
Upper Hunter innovation Precinct Stage 2 (3690.6438) (Includes Innovation Hub and Weidmann Café)	D & C	\$3,600,000	Jul-19	Sep-20		Jul-19		Following refusal of DA by OEH, new architect has been appointed and is reviewing previous concept and preparing new concept design for OEH approval and DA approval.
Commercial Building TEC2	D	\$95,000	Oct-19	Feb-20		Jul-19		Architect appointed and is working on concept design.
Victoria Park and Cemetery Improvements	C	\$517,613	Dec-18	Feb-19		Jan-19		Irrigation is nearing completion. Field renovations underway. Cricket wicket installed. Further weed control underway to ensure quality of project outcomes.
Arts Centre - Lighting & Air-conditioning	D & C	\$251,015	Nov-18	Feb-20		Nov-18		Lighting installation complete. Technical Consultant for air conditioning is currently preparing the report for review. Tender to go out early November.
Relocation of Council Administration Centre	I, D & C	\$1,200,000	Mar-19	Dec-19	Mar-20	Mar-19		Awaiting DA approval. Revised traffic plan to include community and traffic committee feedback and Local Traffic Committee has considered plan.
Denman Recreation Area - Drainage	C	\$100,000	Aug-18	Dec-19		Oct-19	Oct-19	Works completed. Field opens 1 November.
Community Infrastructure Depot	D	\$300,000	May-19	Mar-20		Jul-19		Planning for design development is underway. Following staff feedback revised site plan is being drafted.
Sustainability								
Muscle Creek Nature Trail	C	\$100,000	May-19	Jun-19		May-19	Dec-19	Project complete. Landcare Major Projects Allocation funding. Works completed. Defects identified are being addressed.
Small Grant	C	\$40,000		Jun-20				Landcare Major Projects Allocation funding. To support Landcare groups with grants - 2 awarded and underway. Balance of \$26K to be rolled over to this FY. The next round of grant applications to open 1 November..
Possum Gully Stage 2	D	\$20,000		Mar-20				Meeting scheduled for 5/11/19 with Hunter Medical Practice to progress easement plan.
Infill Planting	C	\$40,000	Jul-18	Jun-20				.Landcare Major Projects Allocation. Infill planting of newly established planting sites. 2,000 trees have been planted and are being maintained. Additional planting required as part of Fish Habitat grant. \$15,000 remaining for mulching and maintenance.
Water								
Mains Renewal and Replacement (5320.4340)	D & C	\$1,005,556	Dec-19	Jun-20				Tenders have closed and are being evaluation to be reported to Council Meeting. Upper Brook St, Lower Brook St, William St, Scott St around MWTP and Hill Street
Reticulation - Rail Under boring [5340.4377]	D & C	\$991,996	Dec-19	Jun-20				Rail Under boring at Hill Street and Ogilvie Street to replace old water mains under the rail lines. Contract with Kerroc underway. Final approvals in with ARTC for review.
Reservoir Renewal and Replacements [5310.4321]	D	\$1,194,575	Apr-19	Dec-19		May-19		New roof and trusses for No. 5 Res at Muswellbrook - works underway with expected completion end of October.
Replacement of Water Meters Programme [5320.4376]	C	\$71,750	Jul-19	Jun-20		Jul-19		Ongoing replacement of water meters when identified as faulty or requiring replacement. Replacement is performed by operations Networks personnel as required.

2019-2020 Projects

PROJECT	PROJECT STAGE: INVESTIGATION DESIGN OR CONSTRUCTION	BUDGET FOR PROJECT	PLANNED START	PLANNED COMPLETION	PLANNED COMPLETION (EXTENDED)	ACTUAL START	ACTUAL COMPLETION	STATUS at 30 September 2019
Muswellbrook Water Treatment Plant Replacements [5310.4560]	I, D & C	\$978,412	Jul-19	Jun-20		Jul-19		List of work includes: 1. Chemical system upgrades - Chlorine, Ferric & Lime; 2. Main Electrical Panel Design work; 3. Clarifier Channel replacement; 4. Recarb Electrical Panel - Panel complete, installation to be progressed; 5. No1 High Lift Pump, motor was replaced but Pump performance is very poor, quotes sought to supply and install new pump; 6. Old WTW Asbestos removal - to be tendered; 7. Backwash Lagoon relocation away from river; 8. Clarifier Mixing Zone Hood; 9. Lime Sludge Reuse.
System Plant Asset Renewals [5340.4400]	I, D & C	\$509,500	Jul-19	Jun-20		Jul-19		Planned work includes: 1. Queen Stret WPS Pump 2; 2. Sandy Hollow Clear Water Tank; 3. Sandy Hollow Raw Water Tank; 4. Sandy Hollow Intermediate Tank; 5. Sandy Hollow Permeate Tank; 6. Sandy Hollow Plumbing; 6. Denman Res 1 Access Road; 7. Denman WTP Stormwater improvements; 8. Muswellbrook High Lift Pump Drive Cooling Duct work; 9. Muswellbrook High Lift Pump No1 Wet End; 10. Minor Capital Replacements; 11. Common Road WPS Improvement works; 12. Denman Membrane Feed Pump; 13. SCADA & Telemetry; 14. Other Minor condition based asset renewals based on previous condition audit. Ongoing works.
Construction of two water fill points 5310.4405	I, D & C	\$290,715	May-19	Aug-19				Grant funding provided for the construction of water fill points with 24 hour access at Muswellbrook and Denman. Public Works Advisory engaged. Locations confirmed as Caramere Rd (stand alone unit) and Merton St. Tender advertised Monday 30th September.
Muswellbrook Fluoride Upgrade	D & C	\$258,980	Jan-20	Jun-20				Design complete and Tender Specification being reviewed
South Muswellbrook Water Main 5310.4579	I, D & C	\$1,800,000 (\$900,000)	Jan-20	Jun-20				Part 1 - Coal Road to Rail Bridge/ Olympic Park. Part 2 - Rail Bridge to Cassidy Avenue. Stage 1 design complete. REF and geotec is underway. A report regarding the design of Stage 1 of the new water main planned to be submitted to the November Council Meeting.
Sandy Hollow Water Treatment project	I, D & C	\$369,000	TBC	TBC				The funding for the project is currently being held in Reserve.
Sewer								
Construction - RWTW [6310.4472]	C	\$2,969,856	May-17	Mar-19	Nov-19			Contractors forecast for completion of the project is November 2019. Contractor weekly round table meetings are being conducted to rule out any issues or concerns to expedite progress.
Mains Renewal [6310.4437]	D & C	\$1,185,573	Jul-19	Jun-20		Jul-19		SPS5 Rising Main replacement, Design is underway. Additional water hammer analysis has been requested. Works planned over coming months. Civil repairs and renewals to improve reactive workload of Networks team is progressing including manhole repairs, junction repairs, and minor main replacements.
Denman Treatment Plant Upgrade [6310.4473]	C	\$200,000	Jul-19	Jan-20		Jul-19		Business case development progressing. Draft report has been received and is being reviewed
Transportation System Improvement [6340.4485]	D & C	\$1,193,872	Sep-18	Jun-20		Sep-18		Concept design is almost complete. Work to progress SPS1 replacement is commencing. Scope of work now extended to include SPS1 not just design.
Sewer Plant & Equipment [6340.4380]	C	\$73,543	Jul-19	Jun-20		Jun-20		Replacement of various items of plant and equipment for Networks and treatment operations. Including portable generator, and replacement of plumbguards.
System Plant Asset Renewals [6340.4488]	I, D & C	\$400,161	Jul-19	Jun-20		Jul-19		MSPS7 Guide Rails and Outlet Pipework. MSPS5 Pump TBC. SPS5 Electrical Panel design. Sewer Treatment Minor Capital. Denman No2 Aerator Overhaul - Jet Aerator to be trialled.

12 CORPORATE AND COMMUNITY SERVICES

12.1 REGISTER OF PECUNIARY INTERESTS

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire Council is appropriately resourced to deliver infrastructure and services into the future</i>
Community Plan Strategy:	<i>A council that meets reporting timeframes</i>

PURPOSE

To consider a report which tables the register of pecuniary interests which is required to be prepared annually under Section 449 of the Local Government Act.

OFFICER'S RECOMMENDATION

The tabling of the Register of Pecuniary Interests for the period 1/7/2018 to 30/6/2019 be NOTED.

Moved: _____ Seconded: _____

BACKGROUND

Councillors, General Manager and Senior Staff holding those positions at 30 June, are required to lodge a completed Ordinary Return by the subsequent 30 September, in accordance with Section 449 of the Local Government Act. The form of the Return to be completed is specified at Part 1, Schedule 3 of the Act.

CONSULTATION

Not applicable.

REPORT

Under Section 450A, the General Manager must keep a Register of Returns containing the completed and lodged Returns of Councillors and designated persons. The Returns must be available for inspection by members of the public.

The General Manager must arrange for the tabling of Returns lodged under Section 449 no later than at the first meeting held after the last day of the period of lodgement. All required Returns have been completed and lodged for financial year ended June, 2019.

This is an important public record and is relied upon in complaints concerning any pecuniary interest breaches and issues relating to probity.

The Register is now complete for the year and will be tabled at the meeting.

OPTIONS

Not applicable.

CONCLUSION

Not applicable.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Section 450A of the Local Government Act requires the General Manager to maintain a Register of Returns containing the completed and lodged Returns of Councillors and designated persons.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.2 ADMINISTRATION CENTRE CLOSURE

Attachments: Nil
Responsible Officer: Fiona Plesman - General Manager
Author: Michelle Sandell-Hay - PA to the General Manager

PURPOSE

To amend the date for closure of the Administration Centre for the Staff Christmas Function.

OFFICER'S RECOMMENDATION

Council endorses the closure of Council offices on Friday 6 December, 2019 for the Staff Christmas Function.

Moved: _____ **Seconded:** _____

REPORT2019 Staff Christmas Function

Council resolved in August to close the Administration Centre on Friday 13 December 2019 or the staff Christmas Function. The Christmas Function is to express gratitude to staff for the work they have undertaken throughout the year. As a consequence of the venue for the event not being available on the original date, the closure date needs to be changed and it is proposed to hold the function on Friday 6 December, 2019.

12.3 HUNTER PARK FAMILY CENTRE COMMUNITY HUB UPDATE

Attachments:	Nil
Responsible Officer:	Fiona Plesman - General Manager
Author:	Carolyn O'Brien - Manager - Community Services
Community Plan Issue:	<i>Stabilise the tenancy turnover in the Shire's social housing</i>
Community Plan Goal:	<i>Continue partnership with government and community housing services to reduce the turnover of tenants in the Shire's social housing.</i>
Community Plan Strategy:	<i>Deliver the Stronger Families Stronger Communities Strategy with regard to people in social housing in partnership with other providers over two financial years.</i>

PURPOSE

To advise Council of the continuing need to include funding towards the Hunter Park Family Centre to reflect a resolution of the Ordinary Council meeting in May, 2018 and to provide an update of the progress of this Community project.

OFFICER'S RECOMMENDATION

Council endorse the continuing funding to support the Hunter Park Family Centre of up to \$20,000 from the General Fund in the 2019/20 budget as an operational carryover from the last financial year.

Moved: _____ **Seconded:** _____

BACKGROUND

Hunter Park Family Centre delivers valuable services to the vulnerable communities residing in the social housing cluster of South Muswellbrook. The Centre is ideally located in the vicinity of Hunter Park and delivered 2535 occasions of service from July 2017 to January 2018. This figure fluctuates according to the needs of the Community in this location and is sometimes limited by the current structure that homes this service.

The Centre achieves its outputs through individual appointments and referral to services, group work, training programs, supported playgroups and the provision of outreach services to the area such as the early childhood nurse and allied health services. In addition the venue provides a meeting place for all community members and a space for recreation and holiday activities.

Council previously resolved to provide funding of up to \$20K towards an extension of the Hunter Park Family Centre and this funding was placed in the Operational Budget of 2018/19. This funding was not carried over into the 2019/20 budget.

CONSULTATION

General Manager

Chief Financial Officer

Upper Hunter Community Services staff

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr. Rush was provided a copy of this report prior to its inclusion in the Business Paper for the Ordinary Council meeting, October, 2019.

REPORT

During the 2018/19 financial year, Upper Hunter Community Services (UHCS), a not for profit organisation, are progressing well with their proposed extension/expansion. The design of the new extension has reached final stages and Council has recently received an invoice from UHCS for the design work and this payment will be made once the funds are returned to the operational budget for this financial year as per Council's previous resolution (May, 2018) to;

Allocate funds of up to \$20,000 from the General Fund in the 2018/19 budget to meet half the expenses of the concept design costs and project readiness to Development Application stage.

Upper Hunter Services have met with Council's planning area to discuss the Development Application in preparation for its submission. In addition, State Government Agencies are assisting UHCS in readiness for expanding the footprint of the existing service to consolidate two lots into one or modify the existing plan across both lots to accommodate a Council easement. When this work has been completed a DA will be developed to progress the work to construction stage.

OPTIONS

Council has already made a commitment to financially support this project. Unfortunately, this operational cost was not incorporated into the 2019/20 budget. This administration error needs to be reversed to meet council resolution.

CONCLUSION

This worthwhile project will support and enhance the programs and projects that Hunter Park Family Centre and other partnering agencies conduct in the South Muswellbrook precinct.

SOCIAL IMPLICATIONS

The projects long term objective is to improve the health and well-being of people residing social housing.

FINANCIAL IMPLICATIONS

An allocation of funding in the 2018/19 budget of up to \$20,000 was made. Unfortunately, this operational funding has not been carried over into the 2019/20 budget. Once this has been remedied, accounts can be settled with Upper Hunter Community Services.

CHIEF FINANCIAL OFFICER'S COMMENTS

The unspent \$20k from prior year was returned to Unrestricted Cash at the end of 2018/19. Potential funding sources could be Section 94 – Social Infrastructure, Contingency Reserve or Unrestricted Cash.

POLICY IMPLICATIONS

Code of Conduct

STATUTORY IMPLICATIONS

This project does not have any statutory implications under the Local Government Act 1993. However, the design will need to accommodate a wide range of people with varying needs and abilities.

LEGAL IMPLICATIONS

The consolidation of lots will require Ministerial approvals.

OPERATIONAL PLAN IMPLICATIONS

6.1.1 Deliver the Stronger Families Stronger Communities strategy with regard to people in social housing in partnership with other providers over two financial years. (2017/18)

RISK MANAGEMENT IMPLICATIONS

To be determined throughout the project, although none have been identified at this point in time.

12.4 CONDUCT OF 2020 ELECTION

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

PURPOSE

The report provides advice of arrangements that are necessary to engage the NSW Electoral Commission to conduct the 2020 local government elections for Muswellbrook Shire Council.

OFFICER'S RECOMMENDATION**Council resolves:**

- 1. Pursuant to s296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer the 2020 election of the Council.**
- 2. Pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council conducted simultaneously with the 2020 election of the Council.**
- 3. Pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council, conducted simultaneously with the 2020 election of the Council.**

Moved: _____ **Seconded:** _____

BACKGROUND

The *Local Government Act 1993* ("the Act") requires that councils had until 1 October 2019 to resolve to enter into arrangements with the Electoral Commissioner, (or an electoral services provider) to administer the 2020 ordinary council elections; and 1 January 2020 to enter into those arrangements.

CONSULTATION

General Manager

Corporate Lawyer

REPORT

The *Local Government Act 1993* ("the Act") requires that councils had until 1 October 2019 to resolve to enter into arrangements with the Electoral Commissioner, (or an electoral services provider) to administer the 2020 ordinary council elections; and 1 January 2020 to enter into those arrangements.

Council has been unable to consider this matter until now as the local government sector had been awaiting the Government's response to recommendations of the NSW Independent Pricing and Regulatory Tribunal relating to the costs of elections, which was not released until 18 September 2019. The Office of Local Government (OLG) provided advice in its Circular 19-22 of 27 September 2019 (Circular) that councils "*must make a decision on the administration of their elections by 1 October 2019, or soon thereafter*".

Section 296(5) permits Council to enter into an arrangement for the Electoral Commissioner to administer an ordinary election less than 15 months before that election if:

1. The Council has resolved to do so (**First Limb**); and
2. The Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner (**Second Limb**).

In light of the foregoing and the Circular, the General Manager has written to the NSW Electoral Commissioner, submitting that the Second Limb of the statutory test is made out, and requesting that he confirm that he is satisfied that there are "*exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner*".

At the time of writing, the terms of the NSW Electoral Commission contracts had not been provided to Council. Notwithstanding the Electoral Commission

OPTIONS

1. Council endorse the model resolutions to enter into arrangements with the Electoral Commissioner to administer the 2020 ordinary council elections. (Recommended)
2. Council engage the private provider. (Not recommended)

CONCLUSION

It is recommended that Councillors endorse the proposed model resolution for the NSWEC to conduct the 2020 elections.

SOCIAL IMPLICATIONS

Not applicable

FINANCIAL IMPLICATIONS

Council will be required to allocate a funding source in the 2020/21 Budget to meet the costs of conducting the 2020 election.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Council has sought advice that the Electoral Commissioner is satisfied that there are exceptional circumstances that make it necessary or desirable for the election to be administered by the Electoral Commissioner notwithstanding the passing of the 1 October 2019 deadline.

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.5 REPORT ON INVESTMENTS HELD AS AT 30 SEPTEMBER 2019

Attachments:	A. Investment Portfolio and Cash as at 30 September 2019 B. Issuer Trading Limits as at 30 September 2019
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

PURPOSE

To present the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

The information showing Council's investments as at 30 September 2019 be noted and the exceeded trading limits of two issuers be accepted.

Moved: _____ Seconded: _____

REPORT

Clause 212 (1) of the Local Government (General) Regulation 2005, requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

The funds, invested under Section 625 of the Local Government Act, as at 30 September 2019 are shown in the attachments.

COMMENT:

As at 30 September 2019, there are two issuers whose portfolio trading limits have been exceeded. Overall, however, none of the security rating group trading limits have been exceeded and on that basis, it is recommended that special action is not taken to resolve these individual trading limit discrepancies.

The two issuers are noted in the table below:

Issuer name	Trading limit exceeded (\$)	Trading limit exceeded (%)	Type of security	Detail
P&N Bank Ltd	\$137k	5%	Term deposit	The earliest-maturing holding is a \$1m term deposit which matures on 05 June 2020. It is recommended that Council allows this issuer to remain in discrepancy as this security offers some of Council's better yielding interests and overall Council's A2 security rating group trading limits have not been exceed.
AMP Bank Ltd	\$1,274k	22%	Term	This trading limit breach will be

Issuer name	Trading limit exceeded (\$)	Trading limit exceeded (%)	Type of security	Detail
			deposit	resolved next month, on 21 October 2019 when \$3m will mature. As this is a high paying term deposit (2.7%), it is recommended that this deposit is not broken prematurely.

Council's weighted running yield is 2.15% for the month.

The Responsible Accounting Officer certifies that, apart from the above trading limit discrepancies, the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit										
Westpac Bus Prem At Call		1,908,204.91	1.00000000	1,908,204.91	100.000	0.000	1,908,204.91	3.31%	1.59%	
Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.17%	0.90%	
		2,008,204.91		2,008,204.91			2,008,204.91	3.48%		1.56%
Floating Rate Deposit										
ANZ 1.2 21 Jul 2022 2557DAY FRD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.444	1,004,437.42	1.74%	2.31%	
		1,000,000.00		1,000,000.00			1,004,437.42	1.74%		2.31%
Floating Rate Note										
AMP 1.06 10 Sep 2021 FRN	AU3FN0044657	2,000,000.00	1.00000000	2,000,000.00	99.740	0.115	1,997,100.00	3.46%	2.09%	
Auswide 1.05 12 Feb 2020 FRN	AU3FN0040747	1,500,000.00	1.00000000	1,500,000.00	100.084	0.271	1,505,325.00	2.61%	2.02%	
Auswide 1.1 06 Nov 2020 FRN	AU3FN0045621	1,000,000.00	1.00000000	1,000,000.00	100.177	0.315	1,004,920.00	1.74%	2.09%	
BOQ 1.05 12 Feb 2020 FRN	AU3FN0026381	1,000,000.00	1.00000000	1,000,000.00	100.200	0.271	1,004,710.00	1.74%	2.02%	
BOQ 1.17 26 Oct 2020 FRN	AU3FN0033023	1,000,000.00	1.00000000	1,000,000.00	100.641	0.400	1,010,410.00	1.75%	2.21%	
BOQ 1.02 16 Nov 2021 FRN	AU3FN0039418	1,000,000.00	1.00000000	1,000,000.00	100.561	0.245	1,008,060.00	1.75%	1.98%	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.582	0.307	504,445.00	0.87%	2.04%	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.097	0.436	1,005,330.00	1.74%	2.15%	
BENAU 1.1 21 Feb 2020 FRN	AU3FN0033486	1,500,000.00	1.00000000	1,500,000.00	100.260	0.228	1,507,320.00	2.61%	2.07%	
BENAU 1.1 18 Aug 2020 FRN	AU3FN0028361	3,000,000.00	1.00000000	3,000,000.00	100.531	0.238	3,023,070.00	5.24%	2.06%	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.679	0.385	505,320.00	0.88%	2.10%	
CredSuis 1.15 29 Apr 2020 FRN	AU3FN0027314	1,000,000.00	1.00000000	1,000,000.00	100.404	0.376	1,007,800.00	1.75%	2.17%	
CredSuis 1.95 09 Mar 2021 FRN	AU3FN0030458	1,000,000.00	1.00000000	1,000,000.00	102.058	0.170	1,022,260.00	1.77%	2.96%	
CUA 1.3 20 Mar 2020 FRN	AU3FN0034963	750,000.00	1.00000000	750,000.00	100.409	0.061	753,525.00	1.31%	2.22%	
CUA 1.25 06 Sep 2021 FRN	AU3FN0044269	1,500,000.00	1.00000000	1,500,000.00	100.878	0.148	1,515,390.00	2.63%	2.24%	
MACQ 1.1 03 Mar 2020 FRN	AU3FN0026605	750,000.00	1.00000000	750,000.00	100.288	0.152	753,300.00	1.31%	2.06%	
RACB 1.1 11 May 2020 FRN	AU3FN0042370	2,000,000.00	1.00000000	2,000,000.00	100.172	0.277	2,008,980.00	3.48%	2.06%	
ME Bank 1.25 06 Apr 2020 FRN	AU3FN0035333	500,000.00	1.00000000	500,000.00	100.324	0.548	504,360.00	0.87%	2.37%	
NPBS 1.35 07 Apr 2020 FRN	AU3FN0026969	1,000,000.00	1.00000000	1,000,000.00	100.423	0.571	1,009,940.00	1.75%	2.48%	
Qld Police 1.4 22 Mar 2021 FRN	AU3FN0041638	1,500,000.00	1.00000000	1,500,000.00	100.471	0.044	1,507,725.00	2.62%	2.32%	
Qld Police 1.5 14 Dec 2021 FRN	AU3FN0046389	750,000.00	1.00000000	750,000.00	100.944	0.097	757,807.50	1.31%	2.54%	
RABOBK 1.05 11 Feb 2020 FRN	AU3FN0026373	1,000,000.00	1.00000000	1,000,000.00	100.271	0.271	1,005,420.00	1.74%	2.02%	
RABOBK 1.5 04 Mar 2021 FRN	AU3FN0030409	1,000,000.00	1.00000000	1,000,000.00	101.454	0.176	1,016,300.00	1.76%	2.48%	
SunBank 1.25 20 Oct 2020 FRN	AU3FN0029195	4,000,000.00	1.00000000	4,000,000.00	100.855	0.453	4,052,320.00	7.03%	2.32%	
		30,750,000.00		30,750,000.00			30,991,157.50	53.76%		2.20%
Floating Rate TCD										
GB 1.5 29 Nov 2019 FloatTCD	AU3FN0033619	1,000,000.00	1.00000000	1,000,000.00	100.104	0.216	1,003,200.00	1.74%	2.47%	
		1,000,000.00		1,000,000.00			1,003,200.00	1.74%		2.47%
Term Deposit										

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
AMP 2.7 21 Oct 2019 180DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	1.176	3,035,284.92	5.26%	2.70%	
AMP 2.26 Feb 2020 184DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.192	2,003,835.62	3.48%	2.00%	
BOQ 3.4 21 Jun 2021 1826DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.941	1,009,408.22	1.75%	3.40%	
MACQ 1.85 07 Nov 2019 90DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.264	1,002,635.62	1.74%	1.85%	
MACQ 1.8 02 Dec 2019 91DAY TD		6,000,000.00	1.00000000	6,000,000.00	100.000	0.138	6,008,284.92	10.42%	1.80%	
MYS 2.45 04 Nov 2019 181DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.980	1,009,800.00	1.75%	2.45%	
MYS 1.75 09 Dec 2019 91DAY TD		1,500,000.00	1.00000000	1,500,000.00	100.000	0.101	1,501,510.28	2.60%	1.75%	
NAB 2.45 21 Oct 2019 180DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	1.067	4,042,690.40	7.01%	2.45%	
P&NB 3.83 05 Jun 2020 1827DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.228	1,012,276.99	1.76%	3.83%	
P&NB 3.53 21 Jun 2021 1826DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	0.977	2,019,535.90	3.50%	3.53%	
		22,500,000.00		22,500,000.00			22,645,262.87	39.28%		2.40%
Fixed Interest Total		57,258,204.91		57,258,204.91			57,652,262.70	100.00%		2.15%

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Report Code: TB3BP100EXT-01.14
Report Description: Portfolio Valuation As At Date
Parameters:
Term Deposit Interest Included
Cash Excluded

1 Issuer Trading Limits

Issuer	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd		7,000,000.00	Book	10.00	% of 57,258,204.91	5,725,820.49	100.00	0.00	0	22.00	1,274,180
ANZ Banking Group Ltd		1,000,000.00	Book	30.00	% of 57,258,204.91	17,177,461.47	6.00	94.00	16,177,461	0.00	0
Auswide Bank Limited		2,500,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	87.00	13.00	382,910	0.00	0
Bank of Queensland Ltd		5,500,000.00	Book	10.00	% of 57,258,204.91	5,725,820.49	96.00	4.00	225,820	0.00	0
Bendigo & Adelaide Bank Ltd		5,000,000.00	Book	10.00	% of 57,258,204.91	5,725,820.49	87.00	13.00	725,820	0.00	0
Credit Suisse Sydney		2,000,000.00	Book	20.00	% of 57,258,204.91	11,451,640.98	17.00	83.00	9,451,641	0.00	0
Credit Union Australia Ltd		2,250,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	79.00	21.00	612,910	0.00	0
Greater Bank Ltd		1,000,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	35.00	65.00	1,862,910	0.00	0
Macquarie Bank		7,750,000.00	Book	20.00	% of 57,258,204.91	11,451,640.98	68.00	32.00	3,701,641	0.00	0
Members Banking Group Limited t/as RACQ Bank		2,000,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	70.00	30.00	862,910	0.00	0
Members Equity Bank Ltd		500,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	17.00	83.00	2,362,910	0.00	0
MyState Bank Ltd		2,500,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	87.00	13.00	382,910	0.00	0
National Australia Bank Ltd		4,000,000.00	Book	30.00	% of 57,258,204.91	17,177,461.47	23.00	77.00	13,177,461	0.00	0
Newcastle Permanent Building Society Ltd		1,000,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	35.00	65.00	1,862,910	0.00	0
P&N Bank Ltd		3,000,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	100.00	0.00	0	5.00	137,090
QPCU LTD t/a QBANK		2,250,000.00	Book	5.00	% of 57,258,204.91	2,862,910.25	79.00	21.00	612,910	0.00	0
Rabobank Nederland Australia Branch		2,000,000.00	Book	20.00	% of 57,258,204.91	11,451,640.98	17.00	83.00	9,451,641	0.00	0
Suncorp Bank		4,000,000.00	Book	20.00	% of 57,258,204.91	11,451,640.98	35.00	65.00	7,451,641	0.00	0
Westpac Banking Corporation Ltd		2,008,204.91	Book	30.00	% of 57,258,204.91	17,177,461.47	12.00	88.00	15,169,257	0.00	0
		57,258,204.91				140,282,602.03			84,435,663		1,411,270

2 Security Rating Group Trading Limits

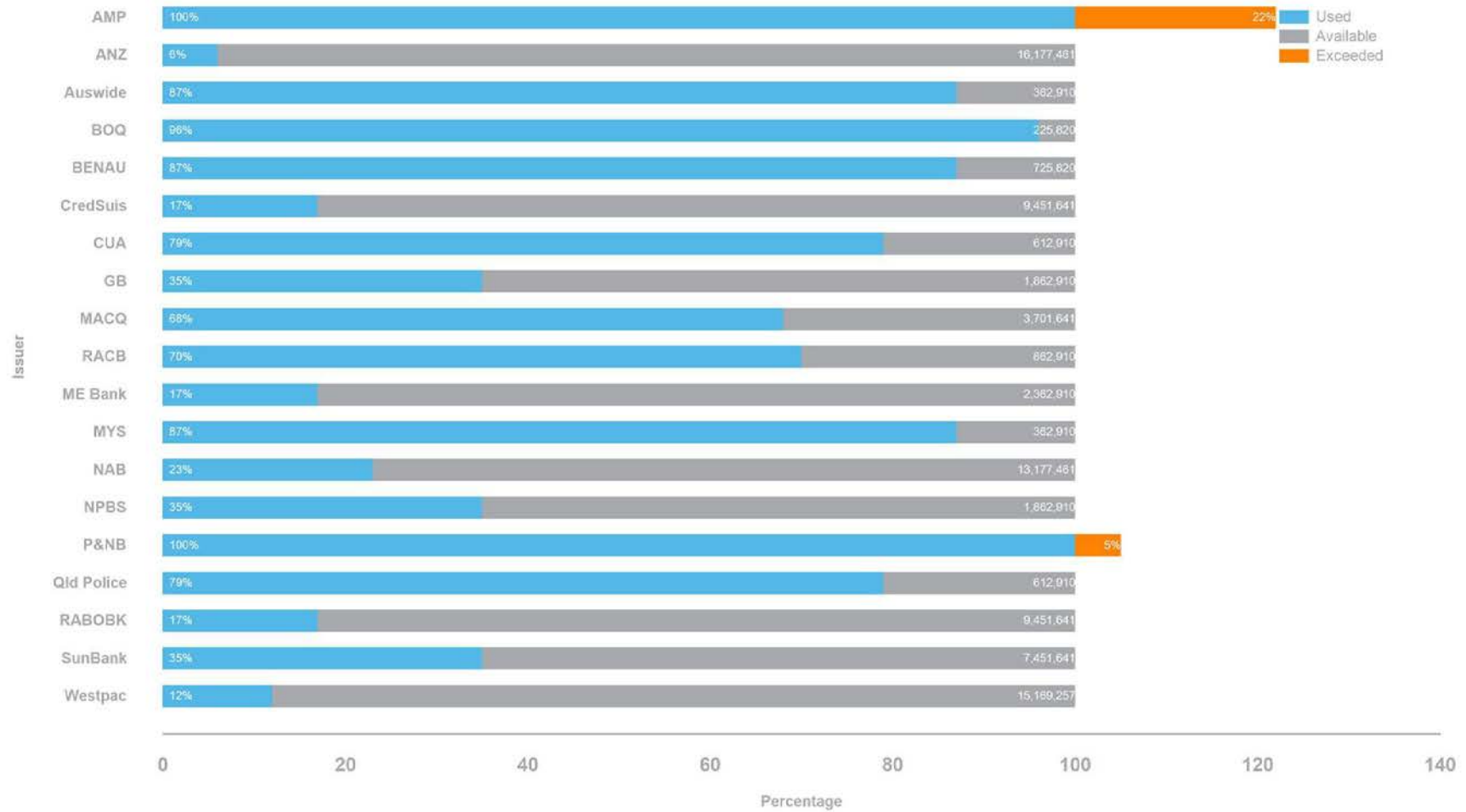
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AA+ to AA-	1,000,000.00	Book	100.00	% of 57,258,204.91	57,258,204.91	2.00	98.00	56,258,205	0.00	0
A+ to A-	10,000,000.00	Book	60.00	% of 57,258,204.91	34,354,922.95	29.00	71.00	24,354,923	0.00	0
A1+	6,008,204.91	Book	100.00	% of 57,258,204.91	57,258,204.91	10.00	90.00	51,250,000	0.00	0
A1	8,750,000.00	Book	80.00	% of 57,258,204.91	45,806,563.93	19.00	81.00	37,056,564	0.00	0
A2	21,750,000.00	Book	60.00	% of 57,258,204.91	34,354,922.95	63.00	37.00	12,604,923	0.00	0
BBB+ to BBB-	9,750,000.00	Book	30.00	% of 57,258,204.91	17,177,461.47	57.00	43.00	7,427,461	0.00	0
	57,258,204.91				246,210,281.11			188,952,076		0

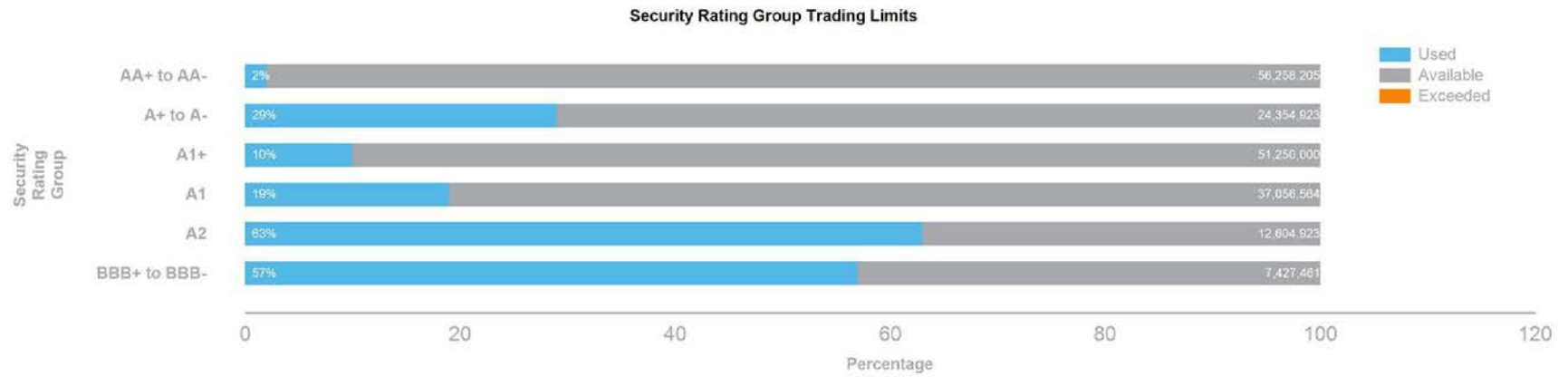
Notes

1. In instances where long securities have a term remaining which is less than 365 days, the issuer's short term rating is used instead of the security's (presumably long term) rating.

3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	36,508,204.91	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	36,508,205
1-3 Year	18,750,000.00	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	18,750,000
3-5 Year	2,000,000.00	Book	0.00	AUD	0.00	0.00	0.00	0	100.00	2,000,000
	57,258,204.91				0.00			0		57,258,205

Issuer Trading Limits






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Report Code: TBSBP120EXT-01.08
Report Description: Trading Limit Performance (Historical) As At Date
Parameters:
Balances are Settlement Date Based
Traded Face Value
Effects of Parent/Child Issuers Ignored
Hide Zero Holdings

12.6 SEPTEMBER 2019 MONTHLY FINANCIAL REPORT

Attachments:	A. September 2019 Monthly Financial Report
Responsible Officer:	Fiona Plesman - General Manager
Author:	Natalia Cowley - Executive Manager - Office of the Chief Financial Officer
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Work toward the achievement of the targets established in the Fit for the Future ratios.</i>

PURPOSE

To provide Council with a high-level overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any major variances to budget at an organisational level for the month ending 30 September 2019.

OFFICER'S RECOMMENDATION

The Financial Report for the month ending 30 September 2019 be noted.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the monthly financial performance details for Council's Funds.

Muswellbrook Shire Council
General Fund
For the Month Ending 30 September 2019

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 25% target	YTD Actuals	September Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(2,521,381)	648%	(16,335,968)	2,191,575	(1143%)	
less SRV budgeted profit	1,234,681		308,670	102,890		
SRV adjusted Grand Total	(1,286,700)		(16,027,298)	2,294,465		

Revenue

Rates and Charges	(20,458,503)	100%	(20,538,480)	(343)	(100%)	100% of the rating income for the year has been raised.
User Charges and Fees	(7,208,811)	18%	(1,280,733)	(499,518)	(17%)	\$521k YTD budget deficit due to no actual YTD revenue received for individual work orders (\$195k YTD deficit); \$216k YTD deficit for DECCW Levy; \$122k YTD deficit in mixed waste fees and \$53k YTD deficit across Aquatic Centre entry fees, kiosk and learn to swim - offset by \$59k YTD extra income collected from the onsite sewer.
Interest and Investments Revenues	(738,569)	16%	(121,513)	(90,473)	47%	\$63k YTD budget deficit due to the reversal of \$170k of 18-19's interest accrual, the income for which will eventuate throughout 19-20.
Other Revenues	(2,708,830)	18%	(494,811)	(199,200)	(12%)	\$182k YTD budget deficit due to \$216k plant cost under-recovery for the YTD.
Operating Grants and Contributions	(5,627,882)	22%	(1,245,337)	120,189	(126%)	The debit revenue balance for the month of September is due to \$216k of credit notes being raised for the Mine Affected Roads strategy.
Internal Revenue	(4,663,721)	19%	(863,742)	(287,914)	(26%)	
Total Revenue	(41,406,316)	59%	(24,544,616)	(957,259)	(72%)	

Expenses

Wages and Salaries	11,687,374	23%	2,670,442	1,028,183	(6%)	There are YTD wages overruns in some individual areas, eg. Planning & Regulatory Services; Waste Facility; Property & Building.
Materials and Contracts	12,442,797	14%	1,743,655	738,335	29%	
Other Costs	3,425,626	43%	1,460,354	602,340	(111%)	\$604k YTD budget overrun due to \$394k YTD budget exceedence on legal expenses; \$108k YTD budget overrun on insurance due to the 100% allocation of yearly insurance in the month of July; \$50k YTD budget overrun for plant operating costs and \$38k YTD budget overrun for park maintenance.
Borrowing Costs	509,227	7%	37,835	14,522	66%	
Overheads	1,953,399	16%	309,726	103,242	37%	
Depreciation	8,866,513	22%	1,986,636	662,212	10%	
Total Expenses	38,884,935	21%	8,208,648	3,148,834	3%	

*Report Contains Filters

Muswellbrook Shire Council
Water Fund
For the Month Ending 30 September 2019

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 25% target	YTD Actuals	September Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(71,594)	-2014%	(1,441,938)	(767,838)	(12770%)	
Revenue						
Rates and Charges	(1,595,684)	100%	(1,600,138)	0	(100%)	
User Charges and Fees	(4,068,286)	30%	(1,220,439)	(1,275,574)	276%	
Interest and Investments Revenues	(424,552)	3%	(12,754)	(3,111)	(91%)	This reflects the timing of actual receipts and the lower interest rate environment.
Operating Grants and Contributions	(35,893)	0%	0	0	(100%)	No operating grants have been received.
Total Revenue	(6,124,415)	46%	(2,833,331)	(1,278,685)	151%	
Expenses						
Wages and Salaries	1,017,793	30%	304,465	96,250	(13%)	\$50k over YTD budget due to extra hours worked.
Materials and Contracts	1,472,661	19%	277,147	108,590	12%	
Other Costs	331,081	24%	80,397	62,879	(128%)	
Borrowing Costs	106,482	0%	0	0	100%	
Overheads	1,286,476	22%	281,619	93,873	12%	
Depreciation	1,838,328	24%	447,765	149,255	3%	
Total Expenses	6,052,821	23%	1,391,393	510,847	(1%)	

Muswellbrook Shire Council
Sewer Fund
For the Month Ending 30 September 2019

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 25% target	YTD Actuals	September Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	300,000	974%	(2,921,412)	188,664	(655%)	
Revenue						
Rates and Charges	(4,521,580)	91%	(4,104,599)	(232,000)	(38%)	
User Charges and Fees	(459,200)	6%	(25,451)	(24,680)	(36%)	\$103k YTD budget deficit because there haven't been any invoices issued for sewer effluent reuse.
Interest and Investments Revenues	(62,500)	13%	(8,226)	(2,209)	(58%)	This reflects the timing of actual receipts and the lower interest rate environment.
Operating Grants and Contributions	(35,000)	0%	0	0	(100%)	No operating grants have been received.
Total Revenue	(5,078,280)	81%	(4,138,276)	(258,889)	(39%)	
Expenses						
Wages and Salaries	852,547	23%	199,545	77,859	(10%)	
Materials and Contracts	799,500	16%	130,384	56,587	15%	
Other Costs	324,969	15%	48,159	33,306	(23%)	
Borrowing Costs	766,469	24%	183,453	61,360	4%	
Overheads	839,594	25%	209,898	69,966	0%	
Depreciation	1,795,201	25%	445,425	148,475	1%	
Total Expenses	5,378,280	23%	1,216,864	447,553	0%	

Muswellbrook Shire Council
Future Fund
For the Month Ending 30 September 2019

Account Group	Annual Adopted Budget	YTD % Spend vs Budget - 25% target	YTD Actuals	September Monthly Actuals	Monthly Variance fav/ (unfav)	Variance comments
Grand Total	(1,433,840)	63%	(905,289)	(1,577)	-99%	

Revenue

User Charges and Fees	(6,469,775)	32%	(2,066,573)	(436,484)	-19%
Total Revenue	(6,469,775)	32%	(2,066,573)	(436,484)	-19%

Expenses

Wages and Salaries	226,748	21%	46,971	19,767	(5%)
Materials and Contracts	1,577,449	20%	310,822	89,252	32%
Other Costs	738,947	57%	423,165	277,722	(351%)
Borrowing Costs	1,415,591	19%	265,828	10,000	92%
Overheads	250,000	25%	62,499	20,833	0%
Depreciation	827,200	6%	51,999	17,333	75%
Total Expenses	5,035,935	23%	1,161,284	434,907	(4%)

\$238k over YTD budget due to the annual payment of rates and insurances.

12.7 DIRECTOR'S REPORT - ENVIRONMENT AND COMMUNITY SERVICES

Attachments:	Nil
Responsible Officer:	Sharon Pope - Assistant Director - Environment & Community Services
Author:	Kelly Lynch - Administration Officer Jade Richardson - Co-Ordinator - Customer Service & Administration Kim Manwarring - Co-ordinator - Community Partnerships Michael Brady - Sustainability Officer Tracy Ward - Sustainability Officer Carolyn O'Brien - Manager - Community Services
Community Plan Issue:	<i>A Council that is well managed, efficient and properly resourced and that is responsive to its communities and stakeholders</i>
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To provide an update on activities.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

ENVIRONMENTAL SERVICES

1. Statistical Information

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

Schedule 1: Development Applications Approved (16 September to 4 October 2019)

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2019/70	Roof Cover between Two Existing Industrial Buildings	30 Glen Munro Road Muswellbrook	\$16,354
2019/63	Dwelling Additions	1 Foley Street Muswellbrook	\$23,000
2019/62	New Single Storey Dwelling	96 Ironbark Road Muswellbrook	\$652,541
2019/61	New Single Storey Dwelling	119 Ironbark Road Muswellbrook	\$465,380

2019/51	Ancillary Development - Shed	27 Palace Street Denman	\$17,035
2019/25	Dwelling Alterations and Additions (Living Extension, Verandah, Deck and Shed)	58 Palace Street Denman	\$146,500

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/90	Rural Residential Subdivision - One (1) Lot into Twenty (20) Lots Incorporating New Roads	9 Yarrowa Road Denman	30/09/2019	\$2,828,700
2019/89	Storage Shed	Turner Street Denman	26/09/2019	\$37,220
2019/88	Alterations and Additions to Campbells Corner (local heritage item) and change of use for part of the building for use as a public administration building (Muswellbrook Shire Council Administration Centre)	60-82 Bridge Street Muswellbrook	25/09/2019	\$2,488,519
2017/91/3	S4.55 1(A) Modification - Signage	15-17 Rutherford Road Muswellbrook	24/09/2019	-
2019/87	Replacement Dwelling	Bureen Road Denman	20/09/2019	\$200,000
2019/86	Industrial Shed	29-33 Enterprise Crescent Muswellbrook	19/09/2019	\$164,200
2019/85	Change of Use from Warehouse to Place of Worship	2-4 Common Road Muswellbrook	19/09/2019	\$12,000
2019/84	Installation of Telecommunications Facility	1054 Sandy Creek Road Muswellbrook	19/09/2019	\$80,000
2019/83	Ancillary Development - Shed	82 Bell Street Denman	17/09/2019	\$18,430
2019/82	Hay Shed	284 Bureen Road Denman	16/09/2019	\$173,000
2019/81	Dwelling Alterations and Additions	15 Glendinning Street Muswellbrook	13/09/2019	\$80,000
2019/80	Strata Subdivision One (1) Lot into Two (2) Lots	4 Dixon Circuit Muswellbrook	12/09/2019	\$6,000
2019/79	Rural Workers Dwelling - Caretakers Residence	3367 Golden Highway Jerrys Plains	12/09/2019	\$467,285
2019/78	Ancillary Development - Garage	4 Wollombi Road Muswellbrook	06/09/2019	\$8,542
2019/77	Three (3) Rural Workers Dwellings and Machinery Shed	420 Dalswinton Road Dalswinton	06/09/2019	\$380,000
2019/76	Ancillary Development - Storage Shed	33 Forbes Street Muswellbrook	06/09/2019	\$21,696
2019/75	Ancillary Development - Garage	9 Forbes Street Muswellbrook	04/09/2019	\$24,825
2019/74	Deck with Roof	6 Koombahla Street Muswellbrook	02/09/2019	\$19,965

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2018/78/2	S4.55 (2) Modification - Food Outlet Building to be Decreased to 120m ² and Vacant land on Eastern part of the Block to be used as a Carpark with Bitumen Seal and Appropriate Lighting.	147 Bridge Street Muswellbrook	02/09/2019	-
2019/73	Relocation of Existing Dwelling, New Dwelling, Ancillary Development (Garage, Swimming Pool, Driveway, Tennis Court, Pergolas) and associated Landscaping.	Bylong Valley Way Baerami	29/08/2019	\$800,000
2019/72	Subdivision of One (1) Lot into Two (2) Lots	43 Paxton Street Denman	21/08/2019	\$10,000
2019/71	Installation of Relocated Dwelling	25 Osborn Avenue Muswellbrook	20/08/2019	\$89,000
2019/69	Ancillary Development - Carport	26 Queen Street Muswellbrook	16/08/2019	\$18,900
2019/68	Convert Part of Existing Garage into an Additional Bedroom	9 Manning Street Muswellbrook	14/08/2019	\$19,886
2019/67	Extension to existing Recreational Hall	420 Wybong P O Road Muswellbrook	12/08/2019	\$129,096
2019/66	Ancillary Development - Carport	7 Calgaroo Avenue Muswellbrook	08/08/2019	\$6,400
2019/65	Industrial Storage Shed	15 Strathmore Road Muswellbrook	06/08/2019	\$22,000
2019/64	Demolition of a Shed	21 Paxton Street Denman	06/08/2019	\$15,000
2019/59	Boundary Adjustment	4 Sheppard Avenue Muswellbrook	25/07/2019	\$10,000
2019/58	Farm Building - Stable	1472 Martindale Road Martindale	15/07/2019	\$100,000
2019/57	Demolition of Existing Shed and Replace with New Shed	36 Hunter Terrace Muswellbrook	15/07/2019	\$42,985
2019/54	Subdivision One (1) Lot into Three (3) Lots	52 Palace Street Denman	28/06/2019	\$10,000
2019/53	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway Muswellbrook	27/06/2019	\$4,875,600
2019/52	New Dwelling - Installation of a Manufactured Home	Giants Creek Road Sandy Hollow	27/06/2019	\$255,099
2019/50	Industrial Development - Asphalt Plant	43-45 Enterprise Crescent Muswellbrook	21/06/2019	\$415,800
2019/47	School - Early Education Centre	111 Skellatar Stock Route Muswellbrook	18/06/2019	\$2,895,187
2019/44	New Recreational Building Comprising Two Squash Courts and Amenities and a Golf Pro Shop	Bell Street Muswellbrook	11/06/2019	\$633,815
2019/41	Subdivision - Nine (9) Lots into Six (6) Lots	Castlerock Road Muswellbrook	09/05/2019	\$10,000

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2019/39	Boundary Adjustment	211 Kayuga Road Muswellbrook	01/05/2019	-
2019/37	Construction of Pipes and Pump Infrastructure to Return Seepage Water from Lake Liddell Dam Wall to Lake Liddell	New England Highway Muswellbrook	16/04/2019	\$250,000
2019/36	Installation of a 120m Tall Wind Monitoring Mast	Sandy Creek Road Mccullys Gap	16/04/2019	\$150,000
2019/30	Demolition of Existing Dwelling and Sheds, Construction of Additional Motel Units, Extension of Restaurant and Consolidation of Titles	26 Maitland Street Muswellbrook	02/04/2019	\$1,700,000
2019/16	Information and Education Facility (Museum)	Turner Street Denman	15/02/2019	\$265,000
2019/13	Subdivision One (1) Lot into One Hundred and Twenty Three (123) Lots and the carrying out of associated civil work including roads, drainage and tree removal	8911 New England Highway Muswellbrook	14/02/2019	\$5,142,236
2019/11	Alterations and Additions to Muswellbrook Aquatic and Leisure Centre	1 Wilkinson Avenue Muswellbrook	08/02/2019	\$4,990,670
2019/2	The construction of multi dwelling housing comprising a total of Sixteen (16) units and the carrying out of associated site works, including internal private roads, stormwater drainage, landscaping and tree removal.	19 John Howe Circuit Muswellbrook	14/01/2019	\$4,414,300
2018/117	Commercial Alterations and Additions (Expansion of Bottle Shop)	36 Sydney Street Muswellbrook	21/12/2018	\$500,000
2015/87/2	S4.55(1A) Modification - Subdivision of One (1) Lot into Nine (9) Lots Modification to carry out the Development in Two (2) Stages	Merriwa Road Sandy Hollow	17/12/2018	-
2018/54	Demolition of a Commercial Building and the Construction of a Two (2) Storey Building for Use as a Tertiary Education Establishment and Food and Drink Premises, Alterations and Additions to the 'Loxton House', Heritage Listed Item, and the Use of Level 1 of this Building as a Tertiary Education Establishment, Alterations and Additions to the Muswellbrook Public Library and Ancillary Works.	140 Bridge Street Muswellbrook	15/06/2018	\$3,556,300
2002/342/5	S96(2) Modification - Consolidate Two Consent Documents into One with Modified Conditions Where Applicable	8440 New England Highway Muswellbrook	28/02/2018	-

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE (\$)
2017/58/2	S96 (1A) Modification - Modify Condition 8	Jerdan Street Denman	19/02/2018	-
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017	-
2000/212/6	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	29/05/2017	-
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016	\$5,000

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

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

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications Received (new installation)	0	0	0	3	4	4	0	0	2	2	0	0	1
Applications Approved (new installation)	0	0	0	2	0	3	0	0	2	0	0	0	0
Inspections (new system)	0	0	0	1	0	0	0	0	0	0	0	0	1
Inspections (existing system)	1	0	0	0	0	0	0	0	16	47	2	3	0

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

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications Received (new businesses)	0	0	1	1	0	0	0	1	1	0	1	1	0
Inspections (new businesses)	1	0	2	1	0	0	0	0	1	0	1	0	0
Inspections (existing businesses)	0	7	9	6	10	9	4	7	6	30	0	0	0
Reinspections	0	0	1	0	1	1	1	0	0	1	2	0	0

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

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

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

Total compliance after education	1	1	1	0	0	0	1	0	6	2	0	1	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

14.1.11 Continue surveillance and regulation of illegal dumping on an ongoing basis through participation in the Hunter Central Coast Regional Illegal Dumping Squad

Illegal Dumping Statistics – 13 Month Analysis (2019/2020)

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Total Investigations	3	6	8	11	5	5	5	9	4	7	7	4	2
Total Clean up by Council - insufficient evidence	3	2	7	9	4	4	3	8	1	7	3	4	3
Total Clean Up by individual	0	3	1	0	1	1	1	0	3	0	4	0	2
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	0	0	0	0	0	0	0	0	0	0	0	0	0

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

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

	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
Applications for Compliance Certs.	1	1	2	1	1	5	4	4	2	2	2	3	6

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	5	2	3	2	1	12	8	9	2	8	7	10	8
Initial Inspections	1	1	3	1	1	11	7	8	2	6	5	8	8
Re-inspections	4	1	0	1	0	1	1	1	0	2	2	2	0

Compliance Certs / Occ. Certs issued	7	3	3	4	0	10	4	6	6	3	4	5	4
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Total Pools in Council's Swimming Pool Register = 913

Compliance as at 30 June 2017 = 63.7%

Compliance as at 30 June 2018 = 65.7%

Compliance as at 30 June 2019 = 43.0%

Current Compliance = 39.8%

That is, 363 out of 913 pools have a valid Compliance Certificate or Occupation Certificate.
N.b. Certificate is valid for 3 years.

Percentage of pools inspected during Financial Year 2019/2020 = 2.3%

That is, 21 out of 913 pools have had at least one inspection carried out during FY 2019/2020.

COMMUNITY SERVICES**Muswellbrook Regional Arts Centre**

Delivery Program Objective	18.2 Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre
Operational Plan Action (19/20)	Performance Measure Responsibility
18.2.1 Muswellbrook Regional Arts Centre to host a minimum of five exhibitions each year	Report monthly on the current exhibition program at the Muswellbrook Regional Arts Centre during 2019/20
18.2.2 Work with sponsors to investigate the annual delivery of the Muswellbrook Art Prize	Deliver and report on the annual outcomes of the Muswellbrook Art Prize before May 2020
18.2.3 Partner with local education providers to enhance the Muswellbrook Regional Arts Centre's exhibitions	Form at least two partnerships with education providers in the delivery of exhibitions at the MRAC during 2019/20
18.2.4 Muswellbrook Regional Arts Centre to host an Artist in Residence Program	MRAC hosts at least one Muswellbrook Shire Artist in Residence program in 2019/20

18.2.1 Muswellbrook Regional Arts Centre to host a minimum of five exhibitions each year

Exhibitions 1 September to 20 October 2019

- Hymns to a Passion: Gabrielle Jones
- Odyssey: 8 Artists
- Saplings: Goodstart Early Learning Muswellbrook
- Australian Art (1960s): Max Watters Collection

18.2.2 Work with sponsors to investigate the annual delivery of the Muswellbrook Art Prize

Bengalla Mining Company Pty Limited have confirmed their sponsorship of the Muswellbrook Art Prize to the value of \$30,000.

An adjudicator has been confirmed for the Muswellbrook Art Prize. The name of the adjudicator will be announced at the same time as finalists of the prize to prevent entrants creating art to appeal to a specific adjudicator.

Formatting of the Award Force program for entry to the prize has begun with entries anticipated to be accepted from November.

18.2.3 Partner with local education providers to enhance the Muswellbrook Regional Arts Centre's exhibitions

Muswellbrook High School will be exhibiting work from two programs - Heart to Heart: A journey through mindfulness, creativity and connection and Possum Skin Cloak: Years 7 to 10 boys.

The Acting Director of the Muswellbrook Regional Arts Centre met with Rosslyn Thomson, Administration Officer at Wanaruah Local Aboriginal Land Council regarding the 2020 NAIDOC Week – 6th to 12th July. It is proposed that the Muswellbrook Regional Arts Centre will partner with Wanaruah Local Aboriginal Land Council in the delivery of the 2020 NAIDOC Week art workshops. It is also proposed that the Muswellbrook Regional Arts Centre will host the exhibition of 2020 NAIDOC Art Competition Winners from 17th May until the close of NAIDOC Week, 12th July 2020.

The Acting Director of the Muswellbrook Regional Arts Centre met with representatives from Macquarie University regarding a rural education engagement event. The Arts Centre will host the event and visits from school groups, with Macquarie University liaising with local schools to organise visits.

18.2.4 Muswellbrook Regional Arts Centre to host an Artist in Residence Program

Consultation with NSW National Parks and Wildlife Service is ongoing regarding the Artist in Residence program. The project will potentially be postponed until 2020-2021.

The Acting Director of the Muswellbrook Regional Arts Centre met with Max Watters OAM to discuss the possibility of engaging an Artist in Residence to undertake a project focusing on the Watters' home and studio. Max was very receptive to the concept. Suitable artists will now be approached.

COMMUNITY PARTNERSHIPS

Operational Plan Action	Performance Measure	Update
Support to the Upper Hunter Youth Services Committee in the relocation of their facility at a new location	Report to Council on the progress of the Upper Hunter Youth Services in providing a new location for their service during 19/20	A considerable amount of support was provided to the submission of a partnership funding application under the Stronger Country Community Fund Program to build a purpose built Youth Centre.
Identify opportunities that provide affordable entertainment for young people in isolated communities	Seek funding through grants and partnerships which provides affordable entertainment for young people in isolated communities by 30 June 2020	No update on this action for August.
Deliver a Youth Week Event	Support Youth Week activities during 2019/20 in partnership with other organisations	The event will occur in 2020 and the preparation for the event has not yet commenced
Support the expansion of the Hunter Park Family Centre during their planning phase	Work with Upper Hunter Community Services on the expansion of the Hunter Park Family Centre and report on their progress to Council as required.	No update on this action for August.
Support the continued delivery of the Collaborative Impact Facilitators Project with respect to social housing tenants in partnership with other providers	Seek external funding to support the ongoing work of the Collaborative Impact Facilitators to reduce the turnover of tenancies in social housing and access to education opportunities.	The Collaborative Impact Facilitator Project ceased as of the 30 June no alternate funding has come available. This action is now completed.
Implement the actions as identified in the review of the Children's Services Strategic Plan to improve childcare. Early childhood education and preschool options across the Shire	Deliver the actions of the revised Children's Services Plan and report annually to Council on the progress of the plan during 2019/20.	The review of the Children's Services Plan has not yet commenced.
Deliver the ageing strategy in consultation with residents of Muswellbrook Shire	Incorporate Councils Ageing Strategy into policy development and the Integrated Planning and Reporting process.	Finalisation of the draft Ageing Strategy 2020-2022 has been completed and the Ageing Strategy will now be presented to MANEX and now the Manager meeting for consideration.
Partner with other community groups and organisations to deliver and promote a directory of Seniors Festival events	Support the delivery and promotion of Seniors Festival Events through the development of a Festival Guide.	Planning has commenced for the development of a local Seniors Festival Events brochure for Feb 2020.
Facilitate and support the Aboriginal	Provide reports to Council on the	No working Group meetings have

Operational Plan Action	Performance Measure	Update
Culture and Heritage Working Group	activities of the Aboriginal Culture and Heritage working group during 2019/20.	been convened or required in this quarter.
Review the currency of the workingwithindigenoustralians.info/ and make necessary changes to reflect changes in legislation and policy	workingwithindigenoustralians.info/ reviewed and necessary changes made to achieve information currency.	The review of the workingwithindigenoustralians.info/ website has occurred.
Monitor the conversation of the Aboriginal Reconciliation Mural and Aboriginal Artefact Project to ensure conservation occurs and required	Report on monitoring and maintenance of the Simpson Park Mural as this occurs.	The Widden Creek Aboriginal Artefact Project is complete. The inspection of the Mural is anticipated in 2020.
Work with the Aboriginal Community to improve access to cultural and educational activities	Seek funding for the design and construction of a cultural keeping space in partnership with the Aboriginal Community during 2019/20. Explore the development of an Aboriginal development Action Plan in partnership with the Aboriginal Reconciliation Committee.	The Cultural Community Hub Working Group will meet again this month to develop a communication plan to consulting wider with the Aboriginal Community.

Other activities as per the Community Workers Project Family and Community Services Project:

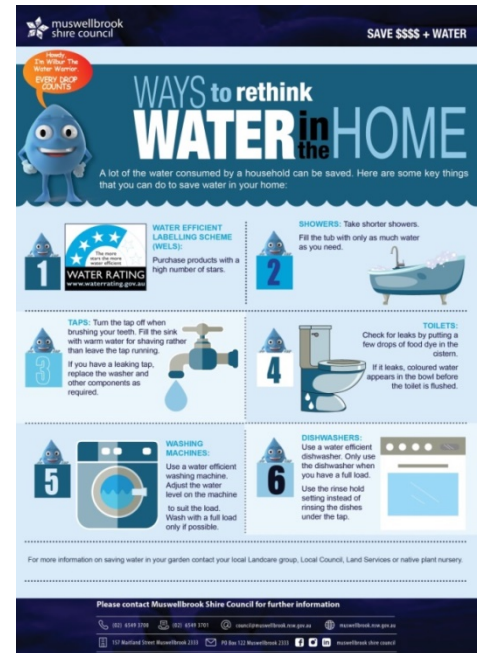
- Finalisation of the Local Drug Action Team Action Plan;
- Governance support to Drug & Alcohol Health Service Inc, Upper Hunter Youth Services Management Committee and Management Team around human resources and service development issues;
- Upper Hunter Community Services Interagency meeting was facilitated in partnership with Upper Hunter Shire Council, support was also provided to the Upper Hunter Domestic Violence Committee and the Upper Hunter Mental Health Network;
- Facilitation of the Aboriginal Reconciliation Committee and Aboriginal Oral History Reference Group which were provide with a presentation from 2 Rivers Pty Ltd of the Oral History Interviews and accompanying book;
- Planning of the 2019 Graffiti Removal Day has commenced, Graffiti Removal Day will be held on the 27 October and is a partnership project between Muswellbrook Shire Council and NSW Police – Hunter Valley Command. Various sites have been identified around the Muswellbrook Fair. An application for funding has been submitted to NSW Government Graffiti Removal Day Community Grants for \$750 to paint a Mural on the rear wall of the Muswellbrook Fair;

SUSTAINABILITY

Water Wise Promo

A series of fact sheets have been developed by the Sustainability Unit and will be distributed through rates notices, at community events, on social media and at Council facilities. These fact sheets cover the following topics:

- Water in the Home tips and facts
- Water in the garden
- Grey water
- Pool
- Water meters
- Water pollution
- Muswellbrook tap water vs bottled water
- Sewer system



Colour Run

On 13 October the Sustainability Unit helped the Muswellbrook Healthy & Well team put on a sustainable Colour Run. This event highlighted the types of actions the council could take to make our events more sustainable including:

- providing water refill stations instead of plastic bottles;
- collecting containers for return and earn;
- not having single use plastic;
- no helium balloons;
- a waste separation station supervised by Warrior Disability Services with composting, soft plastics, recycling and return and earn bins.



Marketplace School Holiday Activities

The Sustainability Unit ran school holidays activities at the Marketplace in partnership with Girl Guides Muswellbrook. While kids are completing sustainability education activities Council staff have the opportunity to engage parents with a range of Council information and projects.

Council Supports Water Wise Gardening

Council supported the Hunter Sustainability Landcare TEAM with their project restoring the garden at MOOSH. The Sustainability Unit used the opportunity to promote to the community how they can have a water wise garden.



Sustainability and Landcare Grants

The Sustainability Unit is currently preparing Sustainability and Landcare grants. It is proposed that the 2019 Sustainability Grants will offer community groups and schools the chance to apply for up to \$2000 in funding for projects relating to sustainability. This round of funding will open on 1 November and close 5:00pm, 22 November 2019.

Providing Grants is an excellent opportunity for Muswellbrook Shire Council to engage with local organisations on a variety of sustainability initiatives, including diversion of waste from landfill, sustainable use of water and energy efficiency.

It is proposed that the 2019 Landcare Grants will offer Landcare Groups, community groups and schools the chance to apply for up to \$10 000 in funding for projects relating to Landcare. This round of funding will open on 1 November and close 5:00pm, 22 November 2019. This round of funding is for projects such as tree planting, weed control and regeneration of natural areas, as well as Landcare education activities and events.

Guidelines for both grants are set out the Terms and Conditions of the grant. Grants are available on a matched funding (dollar for dollar) basis. In-kind support contributions (donated goods, services or volunteer work to support the project) will be considered but not preferred.

Grant Timeline for both grants

21 October – start promoting grants to the community and business.

1 November – applications open.

22 November – applications close.

25 to 29 November – Assess applications.

2 December – Notify applicants. Arrange site visit and project agreement to be signed

Parks and Natural Areas Meeting

The Sustainability Unit continues to work collaboratively with the Works Department in order to coordinate works on natural areas.

NAIDOC Family Fun Day

The Sustainability Unit attended the NAIDOC Family Fun Day on 21 September. This event allowed Council to engage with the community and support the local Aboriginal Land Council.

Conservation Volunteers Australia

Conservation Volunteers Australia (CVA) spent a week in Muswellbrook completing mulching and weeding work in Denman and Muswellbrook, activities at the Sustainability Hub and Denman Community Garden and at the Muscle Creek Landcare nursery.

Fish Habitat Stage 2 Project

A call for quotes has been sent to contractors regarding work Council is funding as part of the Fish Habitat Stage 2 project between the golf course and Muscle Creek. This work will involve stump grinding of Privet trees previously removed as part of Stage 1 of this project.

Sustainability Hub

Working with Muswellbrook Healthy and Well the Sustainability Unit ran another Picnic at the Hub on 9 October with 10 people in attendance.

Early Links group participated in a Picnic at the Hub. Twenty attendees learnt about reducing food waste, composting, worm farming and growing and eating local healthy food. The group also went on a tour of Muscle Creek to see the work Council and Muscle Creek Landcare volunteers have completed.

Warrior Disability Services continue to run the composting system at the Sustainability Hub. This involves collecting coffee and food waste and transforming it into valuable compost that is used in the garden. On average this equates to 2700 litres of waste diverted from landfill.

The new Sustainability Hub will better allow Council to showcase practical ways the community can be water and energy efficient and reduce waste going to landfill. The community members and groups using the Sustainability Hub are very keen to be relocated to the new site on Sydney Street. It is very difficult to make long term commitments with the knowledge that the current location is temporary. There are also resources such as more permanent shade and an aquaponics kit that can't be set up until the move is made. The Penguin Garden Club and Muscle Creek Landcare group continue to meet at the Sustainability Hub. The Garden Club gets an average of 10 people to each activity twice a month. The Landcare group averages 4 people in attendance each month.

Museum

Another Museum in a Box was hire from the Australian Museum that display spiders, slugs and snails. The museums have been lent to Goodstart Early Learning Centre, Muswellbrook Scouts, Muswellbrook Pre School and Tillies.



Muswellbrook Healthy and Well

The Sustainability Unit has formed a good working relationship with Muswellbrook Healthy and Well as part of the Act Belong Commit program. This has involved running events together and being a part of the steering committee.

Flying Fox Camp Management Plan – Grant received

The Sustainability Unit has received a small grant to commence actions in the Flying Fox Camp Management Plan. Washing line covers, car covers and a high pressure water cleaner will be purchased to give out to residences and businesses with a 300 metre radius of the camp. At present the camp is located near the railway bridge over the Hunter River on ARTC land. It did relocate for a short time last month and was impacting upon local motels and business. At the time there was little that could be done to assist the businesses. If the camp relocates closer to town, Sustainability staff will now be able to distribute to cover cars and washing lines to affected businesses and residents.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING HELD ON MONDAY, 23 SEPTEMBER 2019

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 23 September 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Monday 23 September 2019 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Development Assessment Committee met on Monday 23 September 2019.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff and Cr R. Scholes.

IN ATTENDANCE: Mr A. Irving (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services), Mr I. Dencker (Planning Officer) and Miss M. Meadows (PA to the Mayor).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Minutes of the Development Assessment Committee held on 11 September 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Mr P. Wild – In support of Item 6.3

5 BUSINESS ARISING

Nil

6 BUSINESS

RECOMMENDED on the motion of Crs Rush and Woodruff that:

Item 6.3 be considered first in the meeting proceedings.

6.1 DA 25/2019 DWELLING ALTERATION AND ADDITIONS (LIVING EXTENSION, VERANDAH, DECK AND SHED) - 58 PALACE STREET, DENMAN

RECOMMENDED on the motion of Crs Rush and Woodruff that:

1. Development Application No. 25/2019, involving dwelling alterations and additions (living room extension, and verandah, deck and shed) at Lot 1 & 2 DP 782847, known as 58 Palace Street, be approved subject to the recommended conditions contained in Appendix B and the following additional condition:

The provision of an easement over the piped waterway in favour of Council. The terms of any easement should include:

- A restriction on the carrying out of works or the installation of structures in the easement.
- Provide Council with the authority to enter the land to carry out the works associated with the management of the stormwater system.

2. Council shall pay the reasonable costs of the Applicant for the creation and registration of the easement, being:

- a) Surveying costs;
- b) Legal fees;
- c) Mortgagee consent fees; and
- d) Registration fees.

6.2 DA 51/2019 ANCILLARY DEVELOPMENT - SHED - 27 PALACE STREET, DENMAN

RECOMMENDED on the motion of Crs Rush and Scholes that:

That the Development Assessment Committee:

1. Approve Development Application No. 51/2019, involving the erection of a shed at Lot 2110 DP 864033, known as 27 Palace Street, Denman, is approved subject the recommended conditions of consent included in Attachment B and the following additional condition:

The provision of an easement over the Denman Levee Bank and riparian corridor land east of the Levee, in favour of Council. The terms of any easement should include:

- A restriction on the installation of structures and the carrying out of works by the land owner that could damage the Levee bank.
- A restriction on the grazing of stock on the Levee bank and riparian corridor without prior consent of the relevant public authority.
- Provide the relevant public authority with authority to enter the land to carry out works associated with the management of the Levee bank
- Provide Council with authority to enter the land to carry out revegetation works on the riparian corridor land.

2. Council shall pay the reasonable costs of the Applicant for the creation and registration of the easement, being:

- a) Surveying costs;
- b) Legal fees;
- c) Mortgagee consent fees; and
- d) Registration fees;

6.3 DA 342/2002 SECTION 4.55(2) MODIFICATION APPLICATION - WILDS GRAVEL QUARRY - 8440 NEW ENGLAND HIGHWAY, MUSWELLBROOK

RECOMMENDED on the motion of Crs Rush and Bowditch that:

The matter be considered at the next scheduled Development Assessment Committee.

6.4 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Rush and Scholes that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

7 DATE OF NEXT MEETING

TBA

8 CLOSURE

The meeting was declared closed at 5:15 pm.

.....
Chairperson

**13.2 REPORT OF THE DEVELOPMENT ASSESSMENT COMMITTEE
MEETING HELD ON TUESDAY, 8 OCTOBER 2019**

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Development Assessment Committee held on 8 October 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Development Assessment Committee Meeting held on Tuesday 8 October 2019 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Development Assessment Committee met on Tuesday 8 October 2019.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr M. Rush (Chair), Cr B. Woodruff and Cr R. Scholes.

IN ATTENDANCE: Mr A. Irving (Acting Director – Environment & Community Services), Ms S. Pope (Assistant Director – Environment & Community Services),.

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

The Minutes of the Development Assessment Committee held on 23 September 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 PUBLIC PARTICIPATION

Nil

5 BUSINESS ARISING

Nil

6 BUSINESS

6.1 DA 58/2019 FARM BUILDING - STABLE - 1472 MARTINDALE ROAD, MARTINDALE

RECOMMENDED on the motion of Crs Scholes and Woodruff that:

The Development Assessment Committee approve Development Application No. 58/2019, involving the erection of a farm building – stable at Lot 57, DP 706479, subject the recommended condition of consent included as Attachment B.

6.2 DA 52/2019 - INSTALLATION OF A MANUFACTURED HOME

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Development Assessment Committee approve Development Application No. 52/2019, the installation of a manufactured home as a replacement dwelling, at Lot 17 DP 750963, subject to the conditions in Attachment B, with the exception that condition (22) is to be deleted and condition (18) is to be amended to read:

(18) Existing Buildings Prior to this Consent

Prior to the issue of a Final Inspection Letter the existing dwelling on the site is to be demolished.

MINUTES OF THE DEVELOPMENT ASSESSMENT COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 8 OCTOBER, 2019 COMMENCING AT 4.00PM.

The demolition work required must be carried out in accordance with AS 2601-2001 the demolition of structures.

At 04:10pm Mr A Irving left the meeting and Ms Pope arrived at the meeting.

RECOMMENDED on the motion of Crs Rush and Scholes that:

Planning Staff be excused from the meeting to discuss item 6.3, with the exception of Ms Pope.

At 04:20pm Mr McTaggart and Mr Dencker left the Meeting

6.3 DA 342/2002 SECTION 4.55(2) MODIFICATION APPLICATION - WILDS GRAVEL QUARRY - 8440 NEW ENGLAND HIGHWAY, MUSWELLBROOK

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The matter be deferred to the next scheduled Development Assessment Committee Meeting to be held on Monday 21 October to allow staff time to make further amendments to the recommended conditions of consent.

At 04:40pm Mr Irving, Mr McTaggart and Mr Dencker returned to the meeting.

6.4 OUTSTANDING DEVELOPMENT APPLICATIONS

RECOMMENDED on the motion of Crs Woodruff and Scholes that:

The Committee note the undetermined Development Applications listed in Attachment A and the status of their assessment.

6.5 UPDATE ON REVISION OF RIVERS AND DRAINAGE CHANNELS POLICY AND SECTION 25 OF THE DCP

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The information contained in this report be noted.

7 DATE OF NEXT MEETING

21 October 2019

8 CLOSURE

The meeting was declared closed at 4:54 pm.

.....

Cr M. Rush

Chairperson

13.3 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 8 OCTOBER 2019

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

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 8 October 2019.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 8 October 2019 be received and the recommendations contained therein ADOPTED.

Moved: _____ **Seconded:** _____

REPORT

The Local Traffic Committee met on Tuesday 8 October 2019.

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

PRESENT: MS W. Wallace (RMS Newcastle), Mr G. de Boer (Representing Mr Michael Johnsen), Ms K. Scholes (Manager – Roads, Drainage & Technical Services).

IN ATTENDANCE: Mr A Mettam (MSC Ranger).

1 APOLOGIES AND LEAVE OF ABSENCE

Snr. Constable C. Dengate (NSW Police), (vote obtained electronically)

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDATION

That the Minutes of the Local Traffic Committee held on 21 May 2019, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 RELOCATE ACCESSIBLE PARKING ZONE PALACE STREET DENMAN

OFFICER'S RECOMMENDATION

Council use its delegated authority to relocated the accessible parking zone in Palace Street adjacent to the Anglican Church, Denman 10m to the north of the existing location.

VOTE: Unanimous Support

5.2 PARKING PROPOSAL ASSOCIATED WITH THE RELOCATION OF COUNCIL'S ADMINISTRATION CENTRE

OFFICER'S RECOMMENDATION

Council use its delegated authority to approve the following changes to the parking restrictions and linemarking as shown in the attached plan including:

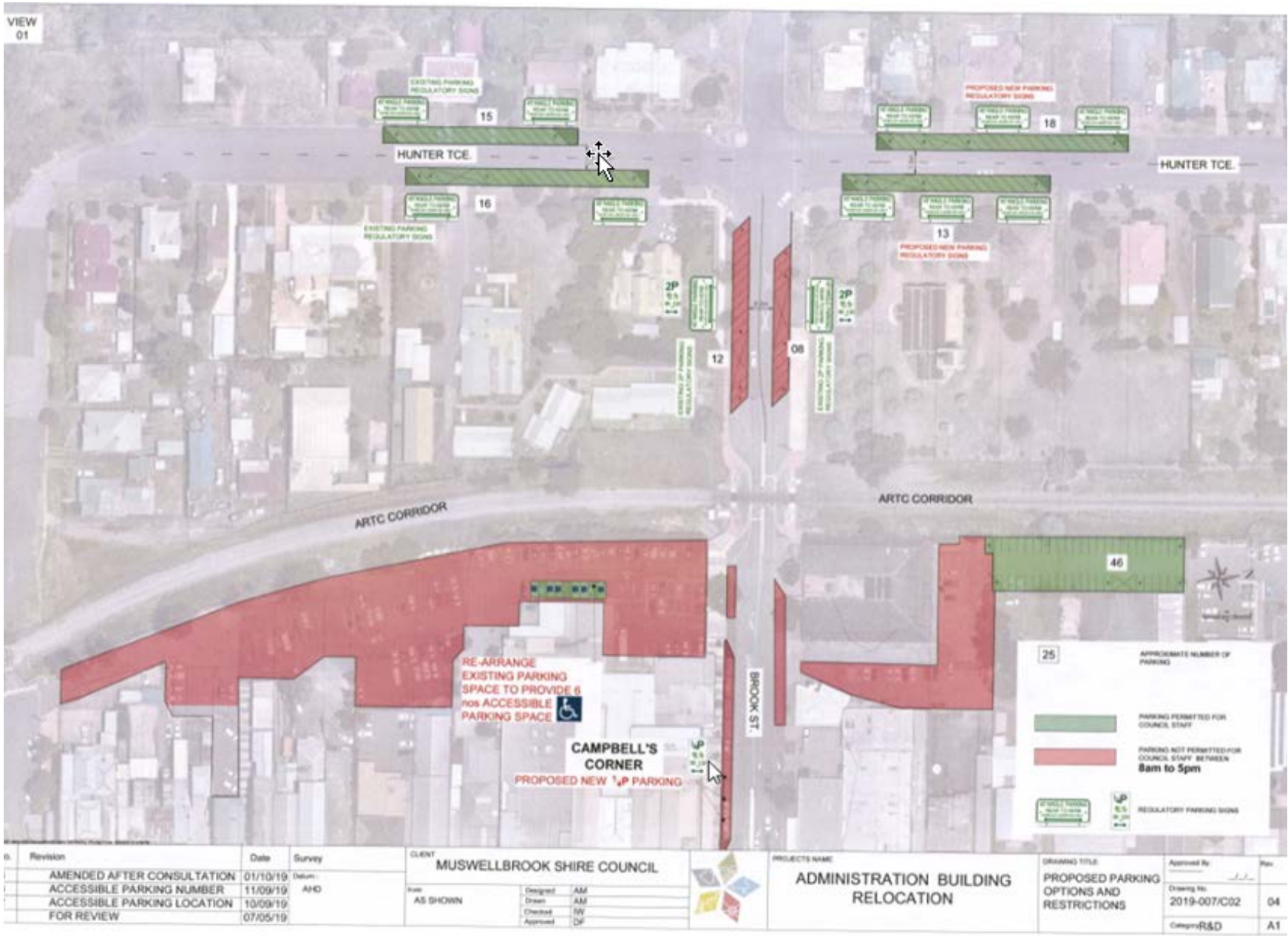
1. Install "15 minute parking" zone to accommodate 3 vehicles on the southern side of Brook Street west of the Bridge Street intersection to replace the current 1 hour parking zone at this location;
2. Install "45 degree rear to kerb" parking zone and associated line marking along Hunter Terrace north from Brook Street to the northern boundary of

38 Hunter Terrace and the northern boundary of St Aubins Church;

3. Line mark the existing 45 degree rear to kerb parking spaces along Hunter Terrace south of Brook Street
4. Centre line mark Hunter Terrace from Lower William to Lower Hill Street with S1 Line Marking
5. Install 3 additional “Accessible Parking” spaces and associated linemarking in the Campbells Corner Carpark adjacent to the current accessible spaces and
6. Line mark the affected driveways with the cross out “X”.

• .

VOTE: Unanimous Support



6 DATE OF NEXT MEETING

12 November 2019

7 CLOSURE

The meeting was declared closed.

.....
General Manager

.....
Chairperson

**13.4 REPORT OF THE ABORIGINAL RECONCILIATION COMMITTEE
MEETING HELD ON WEDNESDAY, 19 JUNE 2019**

Attachments:	A. MINUTES OF THE MUSWELLBROOK SHIRE COUNCIL ABORIGINAL RECONCILIATION COMMITTEE MEETING - 16 OCTOBER 2019.docx
Responsible Officer:	Fiona Plesman - General Manager
Author:	Kim Manwarring - Co-ordinator - Community Partnerships
Community Plan Issue:	<i>Further process the reconciliation in the Shire</i>
Community Plan Goal:	<i>Collaborate with the local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.</i>
Community Plan Strategy:	<i>Facilitate and support the Aboriginal Culture and Heritage working group.</i>

PURPOSE

To inform Council of a meeting of the Aboriginal Reconciliation Committee held on 19 June 2019.

OFFICER'S RECOMMENDATION

The minutes for the Aboriginal Reconciliation Committee meeting held on Wednesday 19 June 2019 be NOTED.

Moved: _____ Seconded: _____

REPORT

The Aboriginal Reconciliation Committee met on Wednesday 19 June 2019. The minutes of the meeting are attached for the information of the Councillors.

ACKNOWLEDGMENT OF COUNTRY

The Chairperson respectfully acknowledged the Local Aboriginal People who are the Traditional Owners and Custodians of the land on which this meeting takes place.

PRESENT: Cr Jacinta Ledlin (Chairperson), Aunty Gay Horton, Aunty Margaret Matthews, Uncle Johnny Matthews, Aunty Rhonda Griffiths, Mr Noel Downs, Mrs Kate Wood-Pahuru, Ms Emily, Representatives from RMS Brendon and David Nadler

IN ATTENDANCE: Ms Kim Manwarring.

APOLOGIES: **RESOLVED** to note the apologies lodged for non-attendance submitted by: Insp Jo Schultz, Ms Amanda Howard, Aunty Jean Hands, Ms Elizabeth Howard, Ms Tania Riley, Ms Allyson Stone, Uncle Barry French, Aunty Helen French and Ms Roz Thomson.

DECLARATION OF INTEREST: Nil.

MINUTES OF PREVIOUS MEETING:

RESOLVED to accept the minutes dated 19 June 2019.

Moved: Aunty Rhonda Griffiths **Seconded:** Aunty Margaret Matthews

BUSINESS ARISING:

(a) Aboriginal Oral History Project

Cr Ledlin provides an update on last week's meeting. The Aboriginal Oral History Project schedule has been needed to be flexible and the completion timeframe adjusted.

The Advisory Group viewed interview snippets as well as the draft booklet.

An additional interview of two Aboriginal Community Members was held in lieu of the planned interviewee's not being available.

2 Rivers Pty Ltd have presented a list of titles that had been compiled from people's stories.

RESOLVED that the title of the filming and booklet be: **'In our own words'**

The next Advisory Group meeting will be held late November/early December to finalise the project.

(b) Community Cultural Hub

Unfortunately today's meeting was not held due to the Singleton representatives no being able available.

RMS Representatives were introduced to the meeting. David and Brendon gave an overview of projects and grant monies.

CORRESPONDENCE:

NSW Electoral Commission is running the NSW Aboriginal Land Council Election 2019
<https://eoi.elections.nsw.gov.au/EOI/?EEID=CB1901;>

Closing the Gap Consultation, Muswellbrook RSL, 24 October 11am-3pm.

GENERAL BUSINESS:

i. Muswellbrook Shire Council – Strategic Planning Workshop

Cr Ledlin raised that Council will be planning for the our Operation Plan outcomes; time has been allocated Agenda to provide an overview of the achievements of the Aboriginal Reconciliation Committee; current projects and future projects.

Building on this year's NAIDOC Theme; Voice. Treaty. Truth., these key elements set out the reforms in the Uluru Statement of the Heart which is the unified position of the First Nations Australians.

The Aboriginal Reconciliation Committee RESOLVED to endorse the following motions:

Muswellbrook Shire Council endorses the Uluru Statement from the Heart and further to this Muswellbrook Shire Council embarks upon exploration of a Treaty Agreement specific to Muswellbrook with our Aboriginal Community.

Moved: Aunty Rhonda Griffiths **Seconded:** Mrs Kate wood Pahuru

ii. Redbourneberry Hill

Aunty Margaret spoke about a section of land in this area which is significant in the history of local Aboriginal people, this land will be handed back to the Aboriginal Community.

NEXT MEETING: November/late December 2019.

AS THERE WAS NO FURTHER GENERAL BUSINESS THE MEETING WAS CLOSED AT 2:50PM

14 NOTICES OF MOTION / RESCISSION

Nil

15 QUESTIONS WITH NOTICE

Nil

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

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

19 CLOSED COUNCIL**RECOMMENDATION**

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

19.1 TRIAL OF ALTERED HOURS OF OPERATION AT THE MUSWELLBROOK WASTE MANAGEMENT FACILITY AND THE DENMAN WASTE TRANSFER STATION

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 CONTRACT 2018-2019-0366 REVIEW OF MINE AFFECTED ROADS NETWORK PLAN: COMPLETION OF STAGE 1 OF THE REVIEW

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.3 CONTRACT 2019-2020-0383 MUSWELLBROOK WATER MAIN RENEWAL PROGRAM

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.4 CONTRACT 2019-2020-0392 - CONSTRUCTION OF TWO NEW NETBALL COURTS

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.5 FUTURE FUND COMMITTEE AND POLICY

Item 19.5 is classified CONFIDENTIAL under the provisions of Section10A(2)(a) of the local government act 1993, as it deals with personnel matters concerning particular individuals (other than councillors), and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 12 NOVEMBER 2019