



**muswellbrook
shire council**

Muswellbrook Shire Council
ORDINARY COUNCIL MEETING

BUSINESS PAPER
12 SEPTEMBER 2017



ORDINARY COUNCIL MEETING, 12 SEPTEMBER 2017

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122

MUSWELLBROOK

8 September, 2017

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **12 September, 2017** commencing at 6.00pm.

Steve McDonald
GENERAL MANAGER

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19.2	REGIONAL CODE OF CONDUCT REVIEW PANEL 2017 <i>Item 19.2 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.</i>	
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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 12 SEPTEMBER 2017**

- 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 **8 August 2017**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Moved: _____ Seconded: _____

5 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

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

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

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

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

- Significant
- Less than significant

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

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

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

6 PUBLIC PARTICIPATION**7 MAYORAL MINUTES**

8 GENERAL BUSINESS

8.1 FIXING DAY AND HOUR OF REGULAR COUNCIL MEETINGS

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

PURPOSE

To consider scheduling arrangements for Ordinary Council Meetings and Meetings of the Infrastructure and Corporate Policy and Planning Committees for the coming year.

OFFICER'S RECOMMENDATION

1. Ordinary Meetings of the Council be held in the Council Chamber, Muswellbrook, on the second Tuesday of each calendar month commencing at 6.00pm.
2. No Council meeting be held in January, 2018 due to the holiday period.
3. The Council meeting scheduled to be held on 9 April, 2018 be held in the Denman RSL hall.
4. The Infrastructure Committee meetings be held in the Councillors Room, Administration Centre, Muswellbrook on the last Wednesday of each calendar month commencing at 4.30pm.
5. The Corporate Policy and Planning Committee meetings be held in the Councillors Room, Administration Centre, Muswellbrook on the last Wednesday of each calendar month commencing at the conclusion of the Infrastructure Committee.
6. As the April 2017 the Infrastructure and Corporate Policy & Planning Committee Meetings fall on a Public Holiday the meeting be held on Wednesday 18 April, 2017
7. As the December 2017 Infrastructure Committee and Corporate Policy and Planning Committee meetings fall on 27 December, 2017 during which time the Council Administration Centre will be closed, the meetings be held on 20 December, 2017.

Moved: _____ Seconded: _____

BACKGROUND

Council on an annual basis at this time of year considers the scheduling arrangements for Ordinary Council Meetings.

CONSULTATION

Not applicable.

REPORT

Council currently conducts an ordinary meeting on the second Monday of each month commencing at 6.00pm. These meetings deal with a full range of Council business, including consideration of

reports from Committees. It is proposed to amend these arrangements by holding the Monthly Council meeting on the second Tuesday of the month.

The Infrastructure and Corporate Policy and Planning Committees currently meet on the fourth Monday of each month commencing at 4.30pm. It is proposed to amend these arrangements by holding the Committee meetings on the last Wednesday of the month.

OPTIONS

Council may adopt the proposed schedule of meetings or a variation of the schedule.

CONCLUSION

It is proposed that Council conduct its Ordinary Meetings on the second Tuesday of each month commencing at 6.00pm and that the Infrastructure and Corporate Policy and Planning Committees meet on the last Wednesday of each month commencing at 4.30pm.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Meetings are conducted in accordance with Council's Code of Meeting Practice.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

9 BUSINESS ARISING

Nil

10 ENVIRONMENTAL SERVICES

10.1 DEVELOPMENT APPLICATION NO 58/2017 - CHANGE OF USE - CONTINUED USE OF A DWELLING, JERDAN STREET, DENMAN

Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
Community Plan Issue:	<i>Plan liveable and sustainable urban areas</i>
Community Plan Goal:	<i>All residents enjoy living in clean, safe and vibrant communities</i>
Community Plan Strategy:	<i>Plan for a diverse range of housing types which meet the changing needs of the community</i>
Attachments:	A. Conditions B. Submissions C. Plans

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
- Rivers & Drainage Channels Policy
- Hunter River Flood Study 2014
- Protection of the Environment Operations Act 1997
- Australian Standard 1428: 2009– Design for Access & Mobility
- Australian Standard 2890.1: 2004 – Parking Facilities – Off Street Car Parking
- NSW Environment Protection Authority Noise Policy
- Floodplain Development Manual

APPLICATION DETAILS

Applicant:	Ms M Melville
Owner:	Mr S Duncan and Ms M Melville
Proposal:	Change of use – continue use as a dwelling
Location:	Lot 1 DP 151236, 18 Jerdan Street, Denman
Permissibility:	The proposed development is permissible as a dwelling within the RU1 Primary Production Zone
Recommendation:	Approval

RECOMMENDATION

That Development Application No. 58/2017 proposing a change of use – continue use as a dwelling at Lot 1 DP 151236, 18 Jerdan Street, Denman be approved subject to the conditions in Appendix A to the report.

Moved: _____ Seconded: _____

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

PURPOSE OF REPORT

The application is being reported to Council due to two submissions being received and non-compliance with Section 8 Rural Development and Section 13 Flood prone land of the Muswellbrook Development Control Plan 2009.

1.0 BACKGROUND

The site contains the building known as the Masonic Lodge. In 2013 the site was sold to the current owner and they undertook a conversion from the Masonic Lodge to a dwelling. This work was undertaken without development consent.

When Council received the application for a change of use from a concrete batching plant to a landscape supply business on the adjoining property (DA 55/2016) a submission was received from the owners of 18 Jerdan Street. The assessment of DA 55/2016, raised questions from the Councillors as to whether there was development consent for the conversion of the Masonic Lodge to a dwelling. A search of Council's records could not lodge any approval relating to this.

In this regard, the owner of 18 Jerdan Street was sent a request to lodge a development application to allow for the continued use of the building as a dwelling. The Development Application was lodged with Council on 16 June 2017.

2.0 SITE AND LOCALITY DESCRIPTION

The site is located on the outskirts of Denman and fronts Jerdan Street, which connects to the Golden Highway.



3.0 DESCRIPTION OF PROPOSAL

The application is for the continued use of the building as a dwelling. As stated earlier, the owner of the site converted the Masonic Lodge to a dwelling without lodging a Development Application.

The applicant has advised the only parts of the building which have been converted are the old urinals into a shower, removal and relocation of the kitchen sink and the installation of an additional hand rail to the outside stairs in order to comply with BCA requirements.

There was no change to the external appearance of the building during the conversion.

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:

- Building Code of Australia Report
- Heritage statement

5.0 REFERRALS

5.1 Internal Referrals

The application was referred to Council's Building Section and Community Infrastructure. Each section reviewed the proposal and recommended conditions to be placed on the development consent should the application be approved. Further discussion relating to Council's Community Infrastructure Department's comments has been provided under Section 13 Flood Prone Land.

5.1 External Referrals

No external referrals were required.

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.

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned RU1 Primary Production pursuant to MLEP 2009. The proposal is best defined as change of use to a dwelling, which is permitted with consent in the subject Zone.

Objectives of the RU1 Primary Production Zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To encourage diversity in primary industry enterprises and systems appropriate for the area.*
- *To minimise the fragmentation and alienation of resource lands.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.*

- To maintain the rural landscape character of the land in the long term.
- To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not:
 - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or
 - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or
 - (c) visually intrude into its surroundings, except by way of suitable screening.
- To protect or conserve (or both):
 - (a) soil stability by controlling development in accordance with land capability, and
 - (b) trees and other vegetation, and
 - (c) water resources, water quality and wetland areas, and their catchments and buffer areas, and
 - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.

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

Relevant Clauses applicable under the Muswellbrook LEP 2009

Clause	Comment
4.1 Minimum subdivision lot size	MLEP 2009 specifies a minimum lot size of 80ha in relation to the land. The proposal does not seek to subdivide the land, and therefore this clause is not applicable.
4.3 Height of buildings	MLEP 2009 specifies a maximum building height of 12m in relation to the land. The proposal does not involve building works over 12m.
4.4 Floor space ratio	MLEP 2009 does not specify a floor space ratio in relation to the land. Therefore this clause is not applicable.
5.10 Heritage conservation	The site contains a Local Heritage Item as listed in Schedule 5 of the Muswellbrook Local Environmental Plan 2009.
7.5 Erection of dwelling houses on land in certain rural and environmental protection zones	<p>Council advised the landowner in correspondence dated 11 September 2012 that the subject site satisfied Clause 7.5(2)(e) of the Muswellbrook Local Environmental Plan 2009.</p> <p>This means that staff were satisfied the site had a dwelling entitlement and should the landowner wish to have a dwelling on the site, a development application would need to be submitted for consideration.</p>

2. State Environmental Planning Policy (Rural Lands) 2008

Pursuant to Clause 10 of SEPP (Rural Lands) 2008, it is considered that the proposed development is consistent with adjoining rural land uses and will not significantly diminish the agricultural and/or mining potential of the subject land.

3. Muswellbrook Development Control Plan 2009

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 28 June 2017 to 12 July 2017. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

Two (2) submissions were received during the notification period. The issues raised in the submissions are addressed in this Report.

Section 8 – Rural and Environmental Zone development

<i>8.1 Introduction</i>	<i>Comments</i>
<i>8.1.1 Dwelling Houses on existing parcels of land</i>	A search of Council's historical records were carried out in 2012 to determine if the site meant the "existing holding" definition under the MLEP. As a result of the searches, it was found the site does meet the criteria under Clause 7.5(2)(e) of the MLEP 2009. In this regard, no application was lodged with Council for the conversion of the old masonic hall to a dwelling. Hence, the application before Council is to consider the continued use of the building as a dwelling.
<i>8.2 Built Form</i>	
<i>8.2.1 Scenic Protection and Building Location</i>	The building has been on the subject site since approximately 1880 and is part of the current landscape. From a site inspection, it was noted there appears to have been extensions / modifications carried out to the building. These extensions / modifications may have been completed in the 1970s when the building was used by the Masonic Lodge.
<i>8.2.2 Setbacks</i>	The minimum building setback is 50m from the primary road. The site is approximately 1050m ² in area, and the building is existing, however the development does not comply with the setback requirements. Further, at the time the building was constructed, there were no setback requirements.
<i>8.2.3 Colours and Materials</i>	The applicant is not proposing to alter the external appearance of the building. General maintenance of the building has been undertaken and repainting has occurred over time.
<i>8.2.4 Car Parking and Access</i>	The applicant is not proposing any carparking spaces. There is sufficient space on site to park vehicles
<i>8.3 Environmental Matters</i>	
<i>8.3.1 Topography</i>	The site is predominately flat. There are no additional earthworks proposed, as the building is existing.

8.3.2 Vegetation	The applicant is not proposing to removal any vegetation. The building is existing.
8.3.5 Services	The site is not connected to Council's water or sewer system. In this regard, the site contains a septic tank and rainwater tanks.

Section 13 – Flood Prone Land

The Hunter River Flood Study 2014 indicates the subject site has a flood level (ie height of the water) range from 108.65AHD to 108.67AHD. Council's latest contour information (2013) indicates the current level of the site ranges from 107.25AHD to 107.75AHD. Therefore, should the site be inundated by a 100year storm event, there would be approximately 1m of water over the site. Further to this, the water will have a velocity ranging from 0.55m/s through to 1m/s.

The application was referred to Council's Community Infrastructure Department and the following comments were provided:

- *The site is flood liable. It becomes an island and then is inundated making it a high risk situation. The approximate Probable Maximum Flood level is currently assessed at 111.0 AHD and the 1 in 100 year level is 108.7AHD.*
- *Controls to reduce risk include early evacuation, flood warning system and fill or strong structure/ platform to be above PMF.*

The site has existing use rights and therefore, recommended approval subject to the following conditions.

1. *The Floor level must be Minimum 109.20 AHD and established by a surveyor and so certified prior to Floor framing inspection.*
2. *Building and foundation designs are to be certified by a structural engineer prior that:*
 - *The development does not result in increased flood hazard or flood damage to other properties,*
 - *Construction methods and materials for that part of the development below the 1% AEP flood levels (as determined by Council) should conform with the flood proofing code. (DCP Section 13.8), and*
 - *The development shall be able to withstand the force of flowing floodwaters, including debris and buoyancy forces.*
3. *A 6 meter square platform is to be constructed and certified to withstand flood debris loadings at 111.0 AHD. It is to be maintained free of overhead wires and trees to allow safe landing of a helicopter to effect a rescue. It must be attached to the dwelling by a ramp or stairs. (Reason: While the floor height is above the 1 in 100 year ARI, the site may be cut off by flood waters at a 1 in 20 ARI flood interval and rescue would be difficult should the need arise).*

In response to the above draft conditions, staff have agreed on imposing draft condition 1 and modified draft conditions 2 and 3. The reason why draft condition 3, as detailed above, has been modified, is due to the unreasonableness of the condition. In this regard, conditions regarding the requirement for a flood evacuation plan to be provided prior to the use of the building. The flood evacuation plan will need to state how the occupants of the building will be evacuated in a flood event. This flood evacuation plan will need to be approved by Council's Manager of Technical Services.

Further, the plans submitted with the application show the finished floor level is approximately 1.2m above the ground. If this is the case, there would only be 200mm freeboard before the water entered the building. This section of the MDCP 2009 requires habitable areas to have a minimum

clearance of 500mm to the known flood level. Therefore, the development does not comply with the DCP and a variation is sought.

In spite of the above, the building is existing and the applicant is not proposing to raise the floor. However, when the building was erected the intended use / purpose was non-residential which can be confirmed on the heritage inventory sheet relating to the property.

Consequently, as the applicant is seeking approval for a change of use to continue the use of the building as a dwelling, the finished floor level should be raised to comply with the 500mm clearance requirement. In this regard conditions will be imposed on the consent, if approved, requiring:

1. The applicant to provide a survey to confirm the finished floor level to be a minimum level of 109.17AHD prior to the issuing of any Occupation Certificate; and
2. The applicant to provide an Engineer's report to confirm the building is able to withstand floodwaters including debris and buoyancy forces prior to the occupation of the building.

Section 15 – Heritage Conservation

Schedule 5 of the Muswellbrook LEP2009 identifies Masonic Lodge (Heritage Item I14) as a local significance heritage item. In this regard, any works proposed to be undertaken on this site requires consideration of the heritage significance of the building.

The application lodged with Council will not be altering the external appearance of the building. It is acknowledged, there has been additions made to the building, which were not in keeping with the heritage nature of the building, which was likely to have occurred in the 1960 / 1970s. The applicant has indicated there have been internal alterations to the building to create two bedrooms, the relocation of the kitchen and conversion of the urinal to a shower. These alterations are shown on the submitted plans.

The internal materials of the building are more modern and do not have any heritage significance to the building. The external façade of the building will remain the same. Therefore, the proposed change of use for the continued use of the building as a dwelling should be supported.

Section 23 – On-site Sewage Management Systems

A search of Council's register has found the site contains an On-site Sewer Management system (WTA 395/2010). This system does not appear to have a current *Approval to Operate* as the register indicates this lapsed in 2010. Should the application be approved, conditions will be imposed on the consent requiring the applicant to lodge an *Approval to Operate*.

Section 25 – Stormwater Management

The applicant is not altering the stormwater disposal of the building. The site is not connected to Council's stormwater system and the submitted plans indicate the stormwater will be captured by rainwater tanks. The overflow / discharge point of these tanks will need to be a minimum of 3m from the building.

Section 94A Contributions Plan 2009

The Section 94A policy applies to the land. As the estimated cost is less than \$100,000, no payment is required.

Likely impacts of that development**Context and setting**

The adjoining properties contain dwellings and the proposed development is not inconsistent with the adjoining land.

Built Form

The building was built approximately 1880. At the time of construction there were no requirements for the floor level to be a minimum height with regard to flooding. The applicant submitted a Building Code of Australia Compliance report with the lodgement of the application. This report identified areas which needed to be addressed in order to convert the building to a Class 1a structure. The applicant will be required to implement the recommendations from this report prior to occupying the building.

Potential impact on adjacent properties

The change of use for the continued use of the building as a dwelling may have some minor impact on the adjoining property. The property to the north of the site has development consent for a landscape supply business and a gravel quarry. Submissions were received from this operator, which will be discussed later in the report.

Should the application be approved, subject to conditions, there is a potential for this dwelling to impact the current operations of the quarry with regard to possible mitigation measures / requirements.

Access, traffic and transport

The property is accessed off the Golden Highway and along Jerdan Street. There is an existing driveway for the site.

Waste

The site does not have access to Council's garbage collection service. In this regard, all the domestic waste generated by the property would need to be privately disposed of. It is considered that the development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

SUBMISSIONS

A total of two (2) submissions were received during the notification period and are attached as **Appendix B**.

Name	Address	Town
Mr and Mrs Duggan	"Fairview", 90 Stairs Road	Gungal NSW 2333
HDB (on behalf of Rosebrook Sand & Gravel Pty Ltd)	P O Box 40	Maitland NSW 2320

The concerns raised in the submissions are summarised below.

1. Illegal Occupancy of the building

Comment: The use of the Masonic Lodge as a dwelling became apparent with the assessment of the landscape supply business under Development Application 57/2016. As a result of this application, the owner of 18 Jerdan Street was contacted to confirm if an application for a change of use had been lodged with Council.

The response received confirmed there had been no development application lodged with Council for the change of use. In this regard, discussions were held over a number of months which provided the applicant guidance on what was required for the application and the subject application was lodged with Council for consideration.

2. Flood Hazard

Comment: The application was referred to Council's Community Infrastructure department for consideration and comment. Refer to the earlier section of the report for the detailed discussion.

3. Inconsistency with land use objectives for the RU1 Zone

Comment: The building was erected on the site in the 1880s. At this time, there were no zoning requirements or land use objectives relating to land. With the development and implementation of planning legislation and the like, the land has now been zoned RU1 Primary Production and has objectives applied to the zone. These objectives have been included in the report and are detailed earlier.

4. Inconsistent with the context and setting

Comment: The building was constructed in the 1880s. Due to the age of the building, it can be argued it is part of the character of the area. The applicant is not proposing any external changes to the building.

5. Inadequate consideration of s79C matters

Comment: The application has been assessed in accordance with the requirements of Section 79(c) of the Environmental Planning and Assessment act 1979.

6. Sterilisation of adjoining rural parcels

Comment: The approval of this application, in the opinion of staff, will not sterilise adjoining land. The adjoining land contains an extractive industry which has been in operation since the early 1990s. The other adjoining land is predominately used for cropping with occasional stocking of livestock. The subject site has an area of 1043m², which cannot be used for agricultural purposes.

7. Inadequate Heritage Statement

Comment: The applicant has provided a Heritage statement for the proposed development. As the majority of the work is located internally, the heritage statement focuses on internal changes. The information provided to Council with the lodgement of the application satisfies the intended change of use.

In this context, it is considered that the proposal is not contrary to the public interest.

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with two submissions being received.

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

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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 documentation

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.	Prepared by	Date
BCA Compliance Report	Building Wise	February 2017
BCA Compliance Report	Building Wise	April 2017
A100	Hugh Walker Designs	26 May 2017
A101	Hugh Walker Designs	26 May 2017
A103	Hugh Walker Designs	26 May 2017
A300	Hugh Walker Designs	26 May 2017
A301	Hugh Walker Designs	26 May 2017
A400	Hugh Walker Designs	26 May 2017
A500	Hugh Walker Designs	26 May 2017

2. Plans on Site

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

3. Limit to Demolition Works

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

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

4. Building Code of Australia

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

5. Home Building Act

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

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

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

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

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

6. Hot Water Installations

Hot water installations shall be in accordance with AS 3500 and shall deliver hot water to all sanitary fixtures used primarily for personal hygiene purposes, at a temperature not exceeding 50°C.

MATTERS TO BE COMPLETED

7. Colours, Finishes and Materials – Heritage Items (Alterations and Additions)

The colours, finishes and materials shall closely match the original colours, finishes and materials of the existing building. If there is any proposed change to the colours, finishes or materials of the existing building, written concurrence to the proposed changes shall be obtained from an experienced Heritage Architect or Conservation Planner prior to the changes being undertaken.

8. Floor Levels for Flooding

Habitable floor levels adjacent to overland flow paths and flood affected land are to be minimum 500mm above the 1 in 100 year flood level. Plans and certification prepared by an appropriately qualified person demonstrating compliance with this requirement are to be submitted to the Certifying Authority for approval within six months from the date of determination.

9. 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 within six months from the date of determination.

10. On-site Sewage Management

The development will require an On-Site Sewage Management System. Such a system requires approval from Council to install, construct or modify under Section 68 of the Local Government Act 1993. A current Approval to Operate will also be required before occupation of the building. Applications to install a system must be accompanied by a Wastewater Management Plan including a Site and Soil Assessment prepared by a suitably qualified person.

11. Vehicle Access to Dwellings

Vehicle access from the road to the proposed development shall be constructed in a base course comprising compacted fine crushed rock and metal material to a minimum depth of 150mm to allow all weather access by a two (2) wheel drive vehicle.

12. Street Numbering

The street number 18 shall be displayed and be visible from the front boundary within six months from the date of determination.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

13. Stormwater Disposal

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to an appropriately constructed discharge point at a distance of 3m clear of the proposed and any adjoining buildings. The discharge point shall be constructed to avoid erosion of the adjacent ground.

14. No Commercial Use

Nothing in this consent shall authorise the use of the building for commercial or industrial activities.

15. Single Occupancy

Nothing in this consent shall authorise the use of the premises other than for a single occupancy.

16. Impact on Amenity of Surrounding Area – Non Residential Areas

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

17. Flood Evacuation Plan

A Flood Evacuation Plan for users of the development is to be prepared by the applicant, submitted to Council for its record and maintained throughout the life of the development.

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:

(1) Location of Services

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

(2) Location of Mailbox

The mailbox erected to service the property shall not encroach on Council's footpath or kerb area.



PO Box 40, Maitland NSW 2320
1st Floor, 44 Church Street
Maitland NSW 2320

ABN: 35 078 017 508

T (02) 4933 6682

F (02) 4933 6683

W hdb.com.au

File Ref: 16/033

13 July 2017

The General Manager
Muswellbrook Shire Council
P O Box 122
Muswellbrook NSW 2333

Attention: Steve Mc Donald

DA 58/2017 - Use of Masonic Lodge as a dwelling

Dear Steve,

I refer to DA 58/2017 relating to residential use of Masonic Lodge located on Lot 1 DP151236 and hereby submit this letter of objection on behalf our client, *Rosebrook Sand and Gravel Pty Ltd*.

Rosebrook Sand and Gravel Pty Ltd is the leasee of the former Concrete Batching Plant Site (Lot 2 DP151735 and Lot 7 DP104792) adjoining the northern boundary of the Masonic Lodge site. A development application for landscape supplies business was approved by Council on 3rd January 2017, and our client is presently working on the conditions of consent to commence the works. The Cawsey Park Quarry operated by Rosebrook Sand and Gravel Pty Ltd is also located within 850m to the north-east of the Masonic Lodge.

It is understood that the Masonic Lodge has been used for residential purposes without development consent for several years and the owners have now lodged an application to formalise its use as a dwelling. In reviewing the supporting documentation for DA 58/2017, we note that a number of issues have been overlooked. Further to this, the proposal does not incorporate adequate mitigation measures to justify its co-existence with other land uses in its vicinity. Therefore I wish to bring to your attention the potential adverse impacts associated with the residential use of the Masonic Lodge, as provided below.

- **Illegal use of the premises** - DA 58/2017 relates to continued use of the Masonic Lodge as a dwelling when there is no evidence of any approval for the said use. The building is being illegally occupied without development consent.

It is understood that the site has a dwelling entitlement; however, this is only an indication that a 'dwelling house' is permissible on the site and does not guarantee an approval for a dwelling.





- **Proposed residential use is inconsistent with the context and setting** - Noting the establishment of the Masonic Lodge as a flour mill and its subsequent use as a butter factory and other rural based activities, the proposed change to a more sensitive residential use is contrary to its setting amidst other rural parcels which have long been associated with primary production industries. As such the proposal is likely to result in land use conflicts with other existing and possible future activities.

The Masonic Lodge is located on a relatively small sized rural parcel in a flood prone area. Given its spatial and locational constraints, it is a grave concern to our client that an adjoining residential use will lead to land use incompatibility jeopardizing the existing and potential primary production activities.

- **Inadequate Consideration of s79C matters** - Any DA for a dwelling should be subject to a full assessment under s79C of the Environmental Planning and Assessment Act 1979. DA 58/2017 clearly relates to an encroaching use as the surrounding primary production activities have been in existence long before the slow transition of the Masonic Lodge into the proposed residential use. Therefore the DA should take into consideration the existing and possible future uses and provide adequate ameliorative measures for any offsite impacts from surrounding areas. Considering the site's proximity to a future landscape supplies business and other existing primary industry activities, there is no demonstration of the building's capability to comply with relevant noise criteria set in the Industrial Noise Policy by NSW EPA.

The site's capability to provide the required visual and acoustic buffers to comply with the DCP, or alternative methods to meet the intended purpose, should be clearly demonstrated to avoid any land use conflicts with adjoining properties.

- **Flood Hazard** - The site is identified as a high hazard floodway in Hunter River Flood Study 2014. As such any habitable building will be required to comply with the Flood Planning Level. 1% AEP flood mapping shows depths of 1-2m across the site and the Masonic Lodge does not appear to meet the flood planning level requirements. Being a listed heritage item of local significance, it has limited opportunities for modification to meet the relevant flood standards.

The BCA compliance report by Buildingwise does not address relevant flood codes for Class 1a buildings. Approval of the building for residential use will be contrary to NSW Flood Risk Management Plan and Council will be held legally responsible for any flood damage incurred from the proposed change to residential use.

- **Inconsistency with land use objectives of RU1 zone** - The Masonic Lodge sits on a small sized property of approximately 1,050m², in an area dominated by quarrying and other primary production activities. Given the small size of the property, there will be no means for incorporating suitable mitigation measures to eliminate adverse impacts from existing operations in the area.

It is further noted that the change of use of the Masonic Lodge is not intended to enhance or support an existing primary production activity on the property. On the contrary establishment of a sensitive use near rural industrial uses may sterilize the development of rural parcels for primary production purposes.





- **Sterilization of adjoining rural parcels** - The DA relates to an existing structure which is closely located to the former concrete batching plant site where a landscape supplies business will be established in the near future. At present the closest dwelling is located more than 135m away from the site. Approval of DA 58/2017 will result in a dwelling less than 15m away from its southern boundary. The noise amenity criteria imposed on the landscape supplies development will be overly onerous and almost impossible to achieve at such close receptors. Similar restrictions may apply to any future non-residential uses on adjoining lands. Therefore the development potential of adjoining lands will be comprised by the proposed change of use to a dwelling.
- **Inadequate Heritage Statement** - While this issue may not be of relevance to our client's operations, I wish to point out that the Heritage Report does not address the impact of proposed external entry balustrades as required in the BCA compliance report.

Council is requested to give due consideration to the matters mentioned above and its impact on the existing and potential future uses, while assessing the DA. The Masonic Lodge was built to support rural based activities and it is severely constrained to incorporate mitigation measures to avoid impacts from adjoining rural activities for the proposed residential use.

Residential use of the Masonic Lodge is not consistent with the surrounding uses and could have adverse impacts on other activities which support the local economy. We therefore object to any form of residential use that affects the primary productivity and development potential in the locality.

Should Council consider the site suitable for residential use, it should be incumbent on the applicants to ensure that the use will not lead to land use conflicts. Furthermore, consideration should be given to requiring the applicants to show that any potential impacts of noise, dust and odour from surrounding sites, with due regard to any approved use, can be adequately managed on the site.

Yours sincerely

HDB Town Planning & Design

Leena Sebastian

Town Planner



12 July 2017

The General Manager

Muswellbrook Shire Council

P O Box 122

Muswellbrook NSW 2333

Attention: Steve McDonald

Re: DA 58/2017 Change of Use of Masonic Lodge

Dear Steve,

I refer to the DA 58/2017 regarding change of use of Masonic Lodge currently under assessment by Council and wish to object to the proposal for the following reasons:

Illegal Occupancy – Masonic Lodge does not have consent for use as a dwelling and it is noted that it has been illegally used for the purpose without adequate measures to mitigate flood impacts and other impacts from adjoining non-residential uses. Therefore the DA for continued residential use of the structure is legally flawed as it does not have an approved consent in the first instance.

Flood Hazard – The site is identified as a high hazard floodway in Hunter River Flood Study 2014. As such any habitable building will be required to comply with the Flood Planning Level. The Masonic Lodge as it exists does not meet these requirements. Being a listed heritage item of local significance, it has limited opportunities for modification to meet the relevant flood standards. Approval of Masonic Lodge for residential use will be contrary to NSW Flood Code and Council will be held legally responsible should any flood damages be incurred as a result of this change of use.

Inconsistency with land use objectives of RU1 zone – The Masonic Lodge sits on a small sized property of approximately 1050m², in an area dominated by quarrying and other primary production activities. Given the small size of the property, there will be no means for incorporating suitable mitigation measures to eliminate adverse impacts from existing operations in the area. It is further noted that the change of use of the Masonic Lodge is not intended to enhance or support an existing an existing primary production activity on the property.

We therefore request Council to consider the aforementioned issues while assessing this DA. Where Council is to consider the site suitable for residential use, it should be incumbent on the applicants to ensure that the use will not lead to land use conflicts. Furthermore, consideration should be given

to requiring the applicants to show that any potential impacts (noise, dust, odour) from surrounding sites can be adequately managed on the site.

Yours sincerely

E Duggan

R Duggan

Mr EL & Mrs RL Duggan

Esmal Pty Ltd

"Fairview"

90 Stairs Road

Gungah NSW 2333

PROPOSED CHANGE OF USE TO EXISTING BUILDING

18 JERDAN STREET DENMAN NSW 2328 LOT 1 DP151236

DRAWING SCHEDULE	
Sheet Number	Sheet Name
A000	COVERPAGE
A100	SITEPLAN
A101	FLOOR PLAN
A102	ROOF PLAN
A103	COMPLETED CHANGES PLAN
A300	ELEVATIONS
A301	ELEVATIONS
A400	SECTIONS
A500	3D
A800	NOTIFICATION PLAN



LOCATION PLAN OF SITE

REV	DESCRIPTION	DATE
1	ISSUE TO CLIENT	02.02.17
2	ISSUE TO CLIENT	26.05.17

CLIENT:
HWD FOR DUNCAN
DESIGNER:
HUGH WALKER-HWD

DRAWN: HW SCALE: DATE DRAWN: JAN 17 CHECKED: HWD

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LOT 1 DP151236

SHEET TITLE:
COVERPAGE

JOB NUMBER:
2017001

SHEET NUMBER:
A000

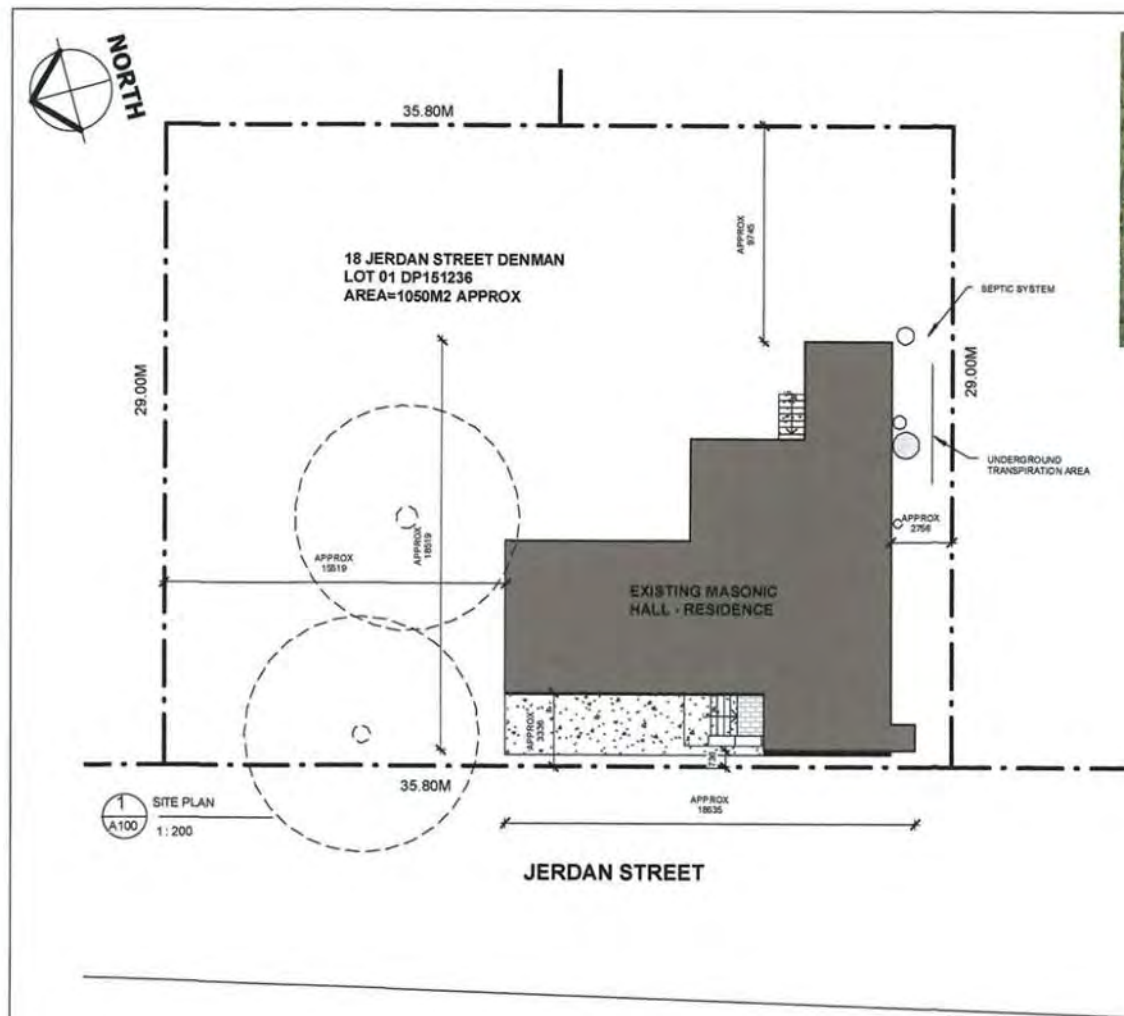
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FRONT ENTRY OF 18 JEROME STREET



SOUTHERN FACING SIDE AND PARTIAL EAST FACING REAR OF 18 JERDAN STREET

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1	ISSUE TO CLIENT	02.02.17	HWD FOR DUNCAN				18 JERDAN STREET DENMAN NSW 2326		
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			HUGH WALKER-HWD				SITEPLAN		
			DRAWN:	SCALE:	DATE DRAWN:	CHECKED:	JOB NUMBER:	SHEET NUMBER:	ISSUE:
			HW	1 : 200	JAN 17	HWD	2017001	A100	2

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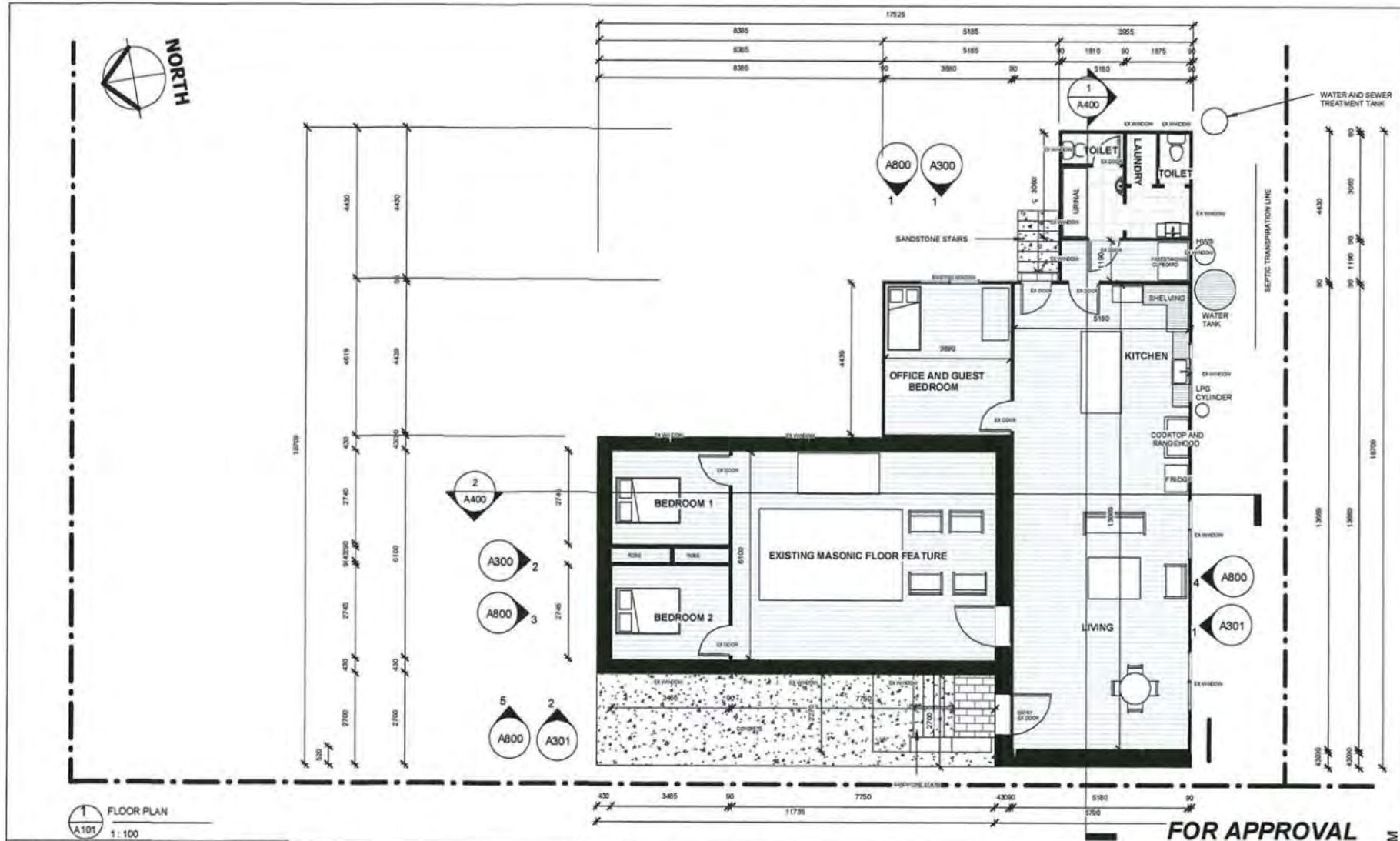
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SHEET TITLE: FLOOR PLAN		
JOB NUMBER: 2017001	SHEET NUMBER: A101	ISSUE: 2

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1
A102
ROOF PLAN
1:100

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ROOF PLAN

JOB NUMBER:
2017001

SHEET NUMBER:
A102

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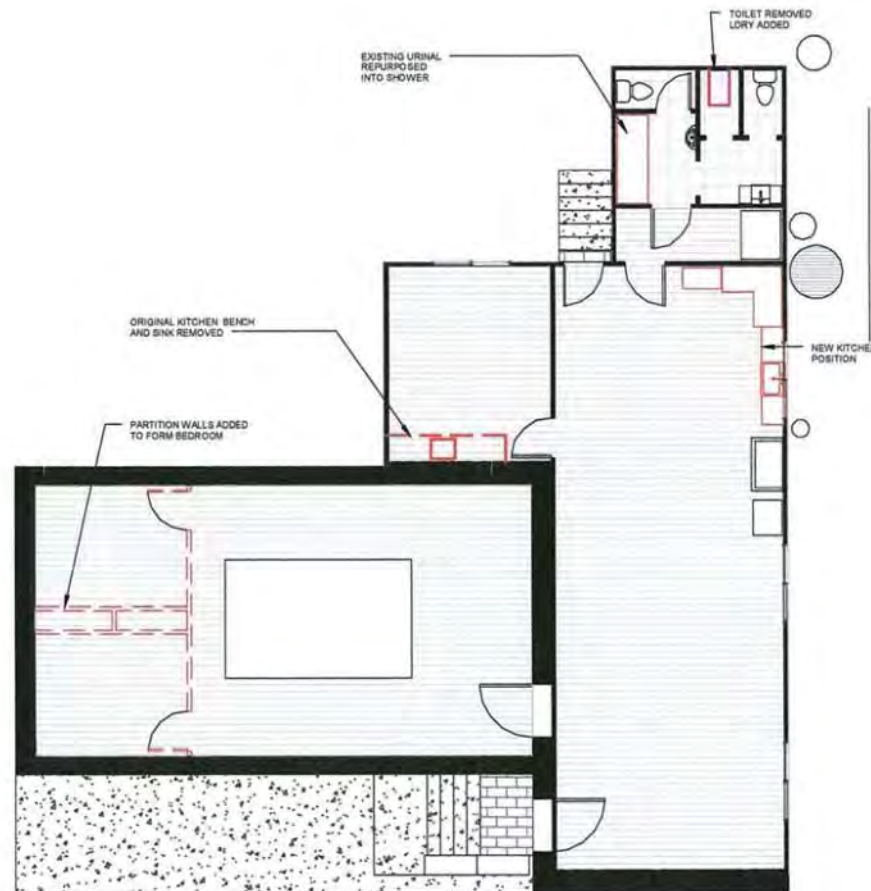
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1
A103
COMPLETED CHANGES PLAN
1 : 100

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1	ISSUE TO CLIENT	02.02.17
2	ISSUE TO CLIENT	26.05.17

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SHEET TITLE:
COMPLETED CHANGES PLAN

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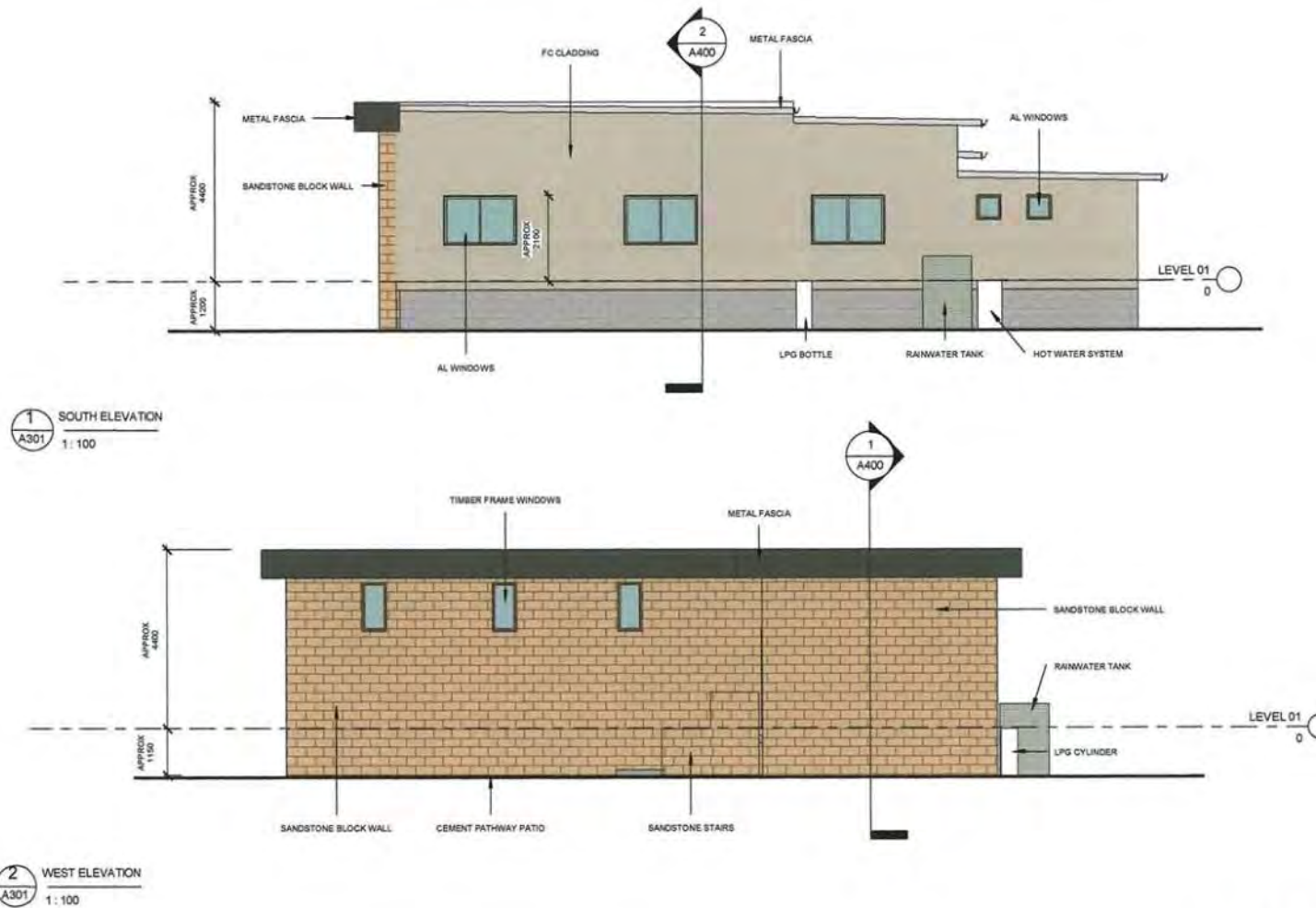
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LOT 1 DP151236

SHEET TITLE:
ELEVATIONS

JOB NUMBER:
2017001

SHEET NUMBER:
A301

ISSUE:
2

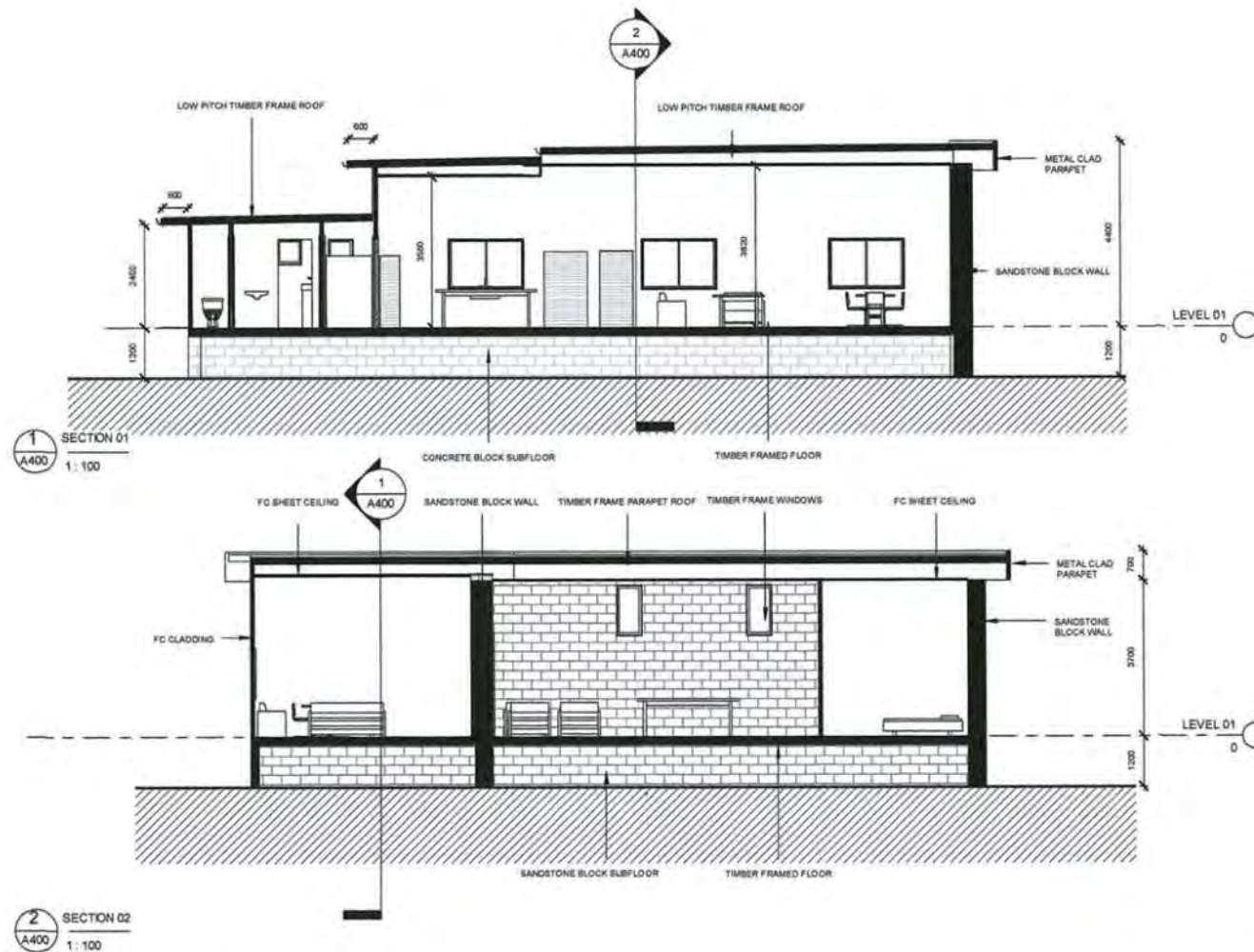
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			CHECKED:	A400	
			HW	2	
			JAN 17		
			HWD		

FOR APPROVAL



28/05/2017 9:33:43 AM



1 REAR VIEW
A500



2 FRONT VIEW
A500

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2	ISSUE TO CLIENT	26.05.17	DESIGNER:			SHEET TITLE:		
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			HW		JAN 17	HWD	2017001	A500
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FOR APPROVAL

26/05/2017 9:33:45 AM



10.2 DEVELOPMENT APPLICATION 69/2017 NEW FIRE STATION, VIRGINIA STREET, DENMAN

Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
Community Plan Issue:	<i>Develop Muswellbrook as a Regional Centre</i>
Community Plan Goal:	<i>Construct and maintain regionally significant infrastructure that facilitates regional service provision.</i>
Community Plan Strategy:	<i>Apply Shire Town Centre Masterplans, Development Control Plans and Regional Economic Development Strategies to support development of Muswellbrook as a Regional Centre.</i>
Attachments:	A. Draft Conditions B. Submissions C. Plans

Documents reference to in the assessment but not attached:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 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
- Contaminated Land Policy
- Interim Construction Noise Guidelines
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Noise Control) Regulation 2008
- 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

APPLICATION DETAILS

Applicant:	Public Works Advisory
Owner:	Muswellbrook Shire Council
Proposal:	New fire station shed
Location:	Corner of Virginia and Merton Street, Denman Lot 4 DP 1072683
Permissibility:	The proposed development is permissible as a <i>Community facility</i> within the RU5 Village zone
Recommendation:	Approval

RECOMMENDATION

That Development Application No. 69/2017 proposing a new fire station building next to existing fire station at Lot 4 DP 1072683, corner of Virginia and Merton Street be approved subject the conditions in Appendix A to the report.

Moved: _____ Seconded: _____

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

PURPOSE FOR COUNCIL REPORT

The application is being reported to Council for determination due to three submissions being received and non-compliance with Section 16 of the Muswellbrook Development Control Plan 2009.

AERIAL PHOTOGRAPH IDENTIFYING DEVELOPMENT SITE**1.0 BACKGROUND**

The application has been lodged with the agreement of Muswellbrook Shire Council. The Rural Fire Service has been discussing with Council, the possibility of constructing a new fire station for the Mangoola Brigade at a number of alternate sites. Due to constraints on alternate sites, it is proposed to construct a new shed on the subject site.

Further, a search of Council's records has found that the following applications have been lodged on the site:

- Building application 331/1991 – being for alterations to the SES building.
- Development Application 107/2015 – being for a temporary building.

A review of the development consent for DA 107/2015 has found the building was limited to be on the site for three years. In this regard, the approved building (being the green building in the photo below) is to be removed on the site by February 2018.

2.0 SITE AND LOCALITY DESCRIPTION

The site is located within the town of Denman. To the north and east of the site are residential properties. Directly to the south of the proposed site is land used by Council's Works Department, beyond this lot are more residential properties. To the west of the site is the railway line.

The site currently contains a number of sheds, these being the State Emergency Services, Mangoola fire station. The photo below indicates the location of the existing structures.



3.0 DESCRIPTION OF PROPOSAL

The applicant is proposing a new single storey fire station shed. The proposed shed will be approximately 15 x 20m in area and 6m in height.

The shed will comprise of the following:

- Multifunction area with kitchenette
- Office
- Three engine bays
- Outdoor drying rack
- Storeroom
- Unisex and accessible bathrooms

In addition, the development will also be providing five (5) carparking spaces and landscaping.

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.

5.0 REFERRALS**5.1 Internal Referrals**

The application was referred to Council's Building Section, Water and Waste and Community Infrastructure. As the development is defined as a Crown development, only certain conditions have been imposed on the consent. Refer to discussion later in the report regarding Crown developments.

5.1 External Referrals

No external referrals were required for this application.

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.

Environmental Planning and Assessment Act

The proposal is considered to be a Crown development, as it is being undertaken by a public authority. The following statutory provisions are relevant to Crown developments:

- Section 89 of the EP&A Act states that a consent authority (other than the Minister) must not refuse its consent to a Crown development application, except with the approval of the Minister, or impose a condition on its consent to a Crown development application, except with the approval of the applicant or the Minister.
- Pursuant to Section 109R(2) of the EP&A Act, the Crown is self-certifying and therefore a Construction Certificate will not be obtained and a Principal Certifying Authority will not be appointed for the development. However a Section 109R Certificate will be obtained.
- Pursuant to Section 109M(2) of the EP&A Act, an Occupation Certificate is not required for the occupation or use of a new building that has been erected by or on behalf of the Crown.
- Section 94 of the EP&A Act relates to contributions towards provision or improvement of amenities or services. The Department of planning Circular D6 provides a guide on the justifiable categories of Section 94 contributions towards off-site works for Crown developments.
- Section 94A of the EP&A Act relates to fixed development consent levies. In accordance with Circular D6, the levying of contributions from Crown development requires a clear nexus between the development developments and the works for which they are collected.

Section 79C Matters for Consideration**1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

Land Use Zone and Permitted Land Use:

The development site is zoned RU5 Village pursuant to MLEP 2009. The proposal is best defined as *Community Facility*, which is permitted with consent in the subject Zone.

Objectives of the RU5 Village Zone:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.*
- *To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.*
- *To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.*

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

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

Relevant Clauses applicable under the Muswellbrook LEP 2009

4.1 Minimum subdivision lot size	MLEP 2009 specifies a minimum lot size of 750m ² in relation to the land. The proposal does not seek to subdivide the land, and therefore complies with this development standard.
4.3 Height of buildings	MLEP 2009 specifies a maximum building height of 8.5m in relation to the land. The proposal does not involve building works over 6m.
4.4 Floor space ratio	MLEP 2009 specifies a floor space ratio of 0.5:1 in relation to the land. The proposal does not involve building works that would result in floor space greater than 50% of the site.

2. State Environmental Planning Policy (Infrastructure) 2007

The applicant has stated in the Statement of Environmental Effects that Clause 47(2) of the Infrastructure SEPP applies to the development. Clause 47(2) states:

47 Development permitted with consent

- (2) *Development for the purpose of an emergency services facility may be carried out with consent by or on behalf of the Ambulance Service of New South Wales, Fire and Rescue NSW or the NSW Rural Fire Service on land in any of the following land use zones or a land use zone that is equivalent to any of those zones:*

- (a) *RU6 Transition,*
- (b) *R1 General Residential,*
- (c) *R2 Low Density Residential,*
- (d) *R3 Medium Density Residential,*
- (e) *R4 High Density Residential,*
- (f) *R5 Large Lot Residential,*
- (g) *RE1 Public Recreation,*
- (h) *E3 Environmental Management,*
- (i) *E4 Environmental Living.*

However, upon review of this clause, it appears that RU5 Village is not included in the list of zones. Therefore, the Infrastructure SEPP does not apply to the development.

3. Muswellbrook 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 2 August 2017 to 16 August 2017. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

Three (3) submissions were received during the notification period.

Section 7 – Village Zones

7. VILLAGE ZONES	Comments
<i>Location</i>	The site currently contains two structures, one being used for the Mangoola Fire Brigade and the other used by the SES. The current Fire shed does not have sufficient room to house the fire trucks. Hence, the reason for lodging an application for this shed is to house the fire trucks and be in close proximity to the existing fire station.
<i>Design Guidelines</i>	The site is not located within a heritage conservation area or contains a heritage item. However, this clause requires new development to consider heritage colours. In this regard, the applicant has indicated the roof will be shale grey and the external walls will be surfmist, which is a creamy colour. The colours chosen will allow the building to blend in with the surrounding structures.
<i>Vehicle Parking</i>	The applicant has provided carparking for the development. Refer to the more detailed discussion under Section 16 of the DCP
<i>Signage and Use of Footpaths</i>	The applicant is not proposing to use the footpaths, however, there will be a small business identification sign proposed above the middle roller door, should the application be approved.
<i>Wastewater Disposal</i>	The development will be connected to Council's Sewer system. The application was referred to Council's Water and Waste Section for comments. They have advised a Notice of requirements will be required. This will be imposed as a condition of consent, should the application be approved.
<i>Form, Massing and Scale</i>	The proposed shed will be approximately 6m in height, which is a similar height to a single dwelling. The building is also setback further than the existing structures on site. The applicant is also proposing landscaping.
<i>Access</i>	Access to the site is off Merton Street. The applicant will be proposing to construct a new driveway crossover.
<i>Setbacks</i>	The proposed shed will be located approximately 20m from Merton Street, which will be well setback from the adjoining structures on site. The proposed building will be setback approximately 8m from the eastern boundary.
<i>Landscaping</i>	The supporting documentation indicates there will be landscaping along the whole eastern boundary fence and approximately 8m along the northern boundary. The purpose of the proposed landscaping is to screen the carparking area from adjoining residential properties. Should the application be approved, a condition will be imposed requiring the applicant to submit a detailed landscaping plan.

Section 16 – Car Parking and Access

<i>16.4 Design Guidelines for off-street vehicular parking areas</i>	
<i>16.4.1 Access to the site</i>	Access to the site is off Merton Street. Merton street does not have any kerb and guttering. The applicant is proposing to construct a new driveway crossover for the shed. This will require a Section 138 permit, should the application be approved.
<i>16.4.2 Car Park Design</i>	The applicant will be required to comply with the requirements of AS 2890 for the construction of the carparking area. The design of the carpark will allow for vehicles to enter and leave in a forward motion.
<i>16.4.3 Parking for people with disabilities</i>	The proposed carparking plan indicates one disabled carparking space for the development. A condition will be imposed on the development requiring the applicant to comply with AS 2890.
<i>16.4.4 Loading/Unloading Facilities</i>	The nature of the development does not require any loading or unloading.
<i>16.4.6 Construction Materials</i>	The applicant is proposing to construction the carparking spaces in concrete. Details will be required to be submitted with the Construction certificate.
<i>16.4.7 Landscaping</i>	The supporting documentation indicates there will be landscaping along the whole eastern boundary fence and approximately 8m along the northern boundary. The purpose of the proposed landscaping is to screen the carparking area from adjoining residential properties. Should the application be approved, a condition will be imposed requiring the applicant to submit a detailed landscaping plan.
<i>16.5 Qualifications and exceptions to parking standards</i>	
<i>16.5.1 Calculation of numbers</i>	See calculations below.
<i>16.5.4 Low intensity uses</i>	The proposed use of the shed will be for RFS brigade. Due to the nature of the fire brigades, the use of the shed appears to meet the criteria of a “low intensity use”. In this regard, the shed will have minimal use during the winter months and occasional use during the peak fire periods. The site is capable of providing overflow carparking in the event of large bushfires.
<i>16.6 Carparking schedule for specific land uses</i>	

The development complies with Section 16 of the Muswellbrook Development Control Plan regarding car parking, as follows:

<i>Land Use Requirement</i>	<i>Criteria</i>	<i>Required</i>	<i>Provided</i>
<i>Community facility</i>	1 space per 20m ² of gross floor area.	302m ² / 20 = 15.1 spaces However, this area includes the truck parking bays. So the useable floor area can be reduced, which will be 161m ² . 161m ² / 20 = 8.05 spaces Required spaces = 8 spaces	5 spaces, being a shortfall of three spaces

Justification of carparking spaces

The subject site is approximately 3000m² and has adequate area for overflow carparking should the need arise in peak periods. Further, as the development is defined as a “Crown Development”, Section 89 of the Environmental Planning and Assessment Act states that conditions cannot be imposed without consent of the Crown. In this regard, five carparking spaces are proposed and any additional formalised carparking would not be agreed to.

Section 20 – Erosion and Sediment Control

The site is predominately flat. A site inspection found that work has commenced on site and sediment and erosion control fencing is already in place. A condition will be imposed requiring these provisions be in place until the construction phase has been completed.

Section 21 – Contaminated land

A search of Council’s Contaminated Land Information System has not identified the site as being contaminated. However, the previous uses of the site have been for Council’s Denman depot. As a result of this previous use, the applicant has undertaken a geotechnical and contamination investigation. The conclusion of this investigation stated there are no remediation works required as the site is suitable for the intended purpose.

Section 25 – Stormwater Management

The stormwater generated by this development is proposed to be captured by rainwater tanks which are currently located on site. The overflow of these tanks will be directed to Council’s stormwater system.

Section 94A Contributions Plan 2009

A developer contribution of \$4,680.00 will apply to the proposed development should the Application be approved. However, as discussed earlier, as the development is defined as Crown development, Section 94A are not applicable.

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

SUBMISSIONS

A total of three (3) submissions were received during the notification period and are attached as **Appendix B.**

Name	Address	Town
Mr and Mrs Eaton	107 Virginia Street	Denman NSW 2328
Mr and Mrs Pope	13 Merton Street	Denman NSW 2328
Mr W Duggan	26 Merton Street	Denman NSW 2328

The concerns raised in the submissions are summarised below.

1. *Potential increase in noise during and after construction*

Planning Response: The development may generate additional noise during the construction phase of the development. Should the application be approved, a condition of consent will be imposed restricting the construction hours. With regard to the concern for increased noise

after construction, due to the nature of the proposed use, this would be minimal.

2. *Light spillage from the site*

Planning Response: The application is not proposing to have flood lights for security of the site. The existing Fire Station building does not have flood lights, however, there is a fluoro light above the roller door and the entry door. Should the application be approved, a condition will be recommended that the lighting of the new structure be consistent with the existing. These type of lights would not generate any additional light spillage compared to an outside on a residential property.

3. *Increase in traffic / upgrade of western end of Merton street*

Planning Response: The proposed development will not generate consistent additional traffic along Merton Street. It is acknowledged that in peak bushfire season, there may be additional traffic utilising Merton Street, however, this will not warrant the upgrade of the western end of Merton Street.

Council's Community Infrastructure Department have provided comments on the proposed development, none of which required Merton Street to be upgraded. The comments received will be incorporated into conditions of consent.

4. *Loss of privacy due to location of carpark area*

Planning Response: The proposed carparking area is located approximately 1.5m from the eastern boundary and the proposed building is approximately 8m from the boundary fence. The dwelling on the eastern side of the site is approximately 6m from the boundary. Therefore, the distance to the carparking spaces from the dwelling is nearly 8m.

5. *Increase in stormwater runoff*

Planning Response: The application has been referred to Council's Community Infrastructure Department for consideration and comment. Comments received state the development is to construct kerb and gutter for the full frontage of the site along Merton Street and discharge the stormwater to Council's approved stormwater system.

6. *Boundary fencing*

Planning Response: The site currently has a boundary fence which is 1.2m in height. The proposed development is not proposing any new fencing along the eastern boundary. The submitted documentation confirms there will be a substantial landscaping buffer along this boundary to reduce the potential impact of vehicles parking. Should the application be approved, conditions will be imposed regarding the location, type and size of landscaping to be provided along the eastern boundary.

Should the adjoining property owner wish to have a new fence constructed, they will need to follow the process outlined in the *Dividing Fences Act*. In this regard, the owner of the land is Muswellbrook Shire Council.

Therefore, it is considered that the proposal is not contrary to the public interest.

7. CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with three submissions being received.

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

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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 documentation**

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.	Drawn by	Drawing Date
Site Plan and Notification Plan	JPA&D Architecture	7 June 2017
Set out plan	JPA&D Architecture	7 June 2017
Elevations and Sections	JPA&D Architecture	7 June 2017
Site analysis Plan	JPA&D Architecture	7 June 2017
Statement of Environmental Effects	Public Works Advisory	June 2017

2. Plans on Site

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

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION**3. Compliance with Legislation**

All building work must be carried out in accordance with the provisions of the current version of the Building Code of Australia and AS 1428.1.

CONDITIONS TO BE ADDRESSED PRIOR TO COMMENCEMENT**4. Landscape Design Plan**

A landscape design plan in respect of the proposed landscaping is to be prepared and is to include botanical names, quantities, planted state of maturity of all proposed trees, shrubs and ground covers and to be in accordance with Council's Landscaping Guidelines.

5. 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.

6. 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

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.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

7. (1) 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.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO OCCUPATION OF THE BUILDING

8. Domestic Works as Executed Plans

Prior to the occupation of the building, a works as executed plan drawn on the NSW Fair Trading approved template detailing the layout and location of the sewer and stormwater pipe work is to be submitted to Muswellbrook Shire Council.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

9. Stormwater Disposal

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to an appropriately constructed discharge point at a distance of 3m clear of the proposed and any adjoining buildings. The discharge point shall be constructed to avoid erosion of the adjacent ground.

10. Impact on Amenity of Surrounding Area – Non Residential Areas

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

11. Parking for People with Disabilities

A total of one (1) car-parking space for use by persons with a disability shall be provided as part of the total car-parking requirements and be constructed in

accordance with Australian Standard AS2890.1 and the relevant provisions of AS1428.1 and AS1428.4.

12. Off Street Car Parking

A total of five (5) off-street car-parking spaces, together with access driveways, shall be constructed, paved and line marked in accordance with Australian Standard AS2890.1

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:

(1) Location of Services

Prior to construction work commencing you should ensure that all services have been clearly located and identified by contacting "Dial before you Dig" by telephoning 1100.

To General Manager

WAYNE DUGGAN
26 MERTON ST
DENMAN NSW 2328

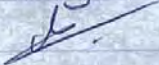
D/A. No - 69/2017


ON FACE VALUE I HAVE NO OBJECTION TO THE MANGOOKA FIRE STATION BEING ACROSS FROM ME AS LONG AS I CAN GET SOME CLARIFICATION ON THESE'S ISSUES:

- 1- As a shift worker I require 6 to 8 hr of sleep during daylight hours.
 - (a) I have concerns that noise in construction of building may impact this
 - (b) To a lesser extent, what noise levels expected when in operation (excluding callouts & emergency), are expected during training, meetings, etc.
 - (c) Will lighting be considered, eg Facing away from residents Homes.

- 2- Since the construction at Crindline St / Coldern Hwy there has been an increase in traffic on Merton St, and now with this new upgrade, will the western end of Merton St road be upgraded, and if so who is responsible for e.g. - roadworks
- drainage
- curb & guttering, etc.

Regards. Wayne Duggan

 5/08/2017
PH. 0407 03185

 This message was AutoForwarded.

From: stephen <popees27@bigpond.com>
To: Muswellbrook Shire Council
Cc:
Subject: lot:4dp:1072683 development application no :60/2017

To the General Manager

Our names are Stephen & Deborah Pope we are the owners of 13 Merton street, Denman (lot 31) next door to the proposed development of the new Rural Fire Station.

We are concerned about our privacy as the car park faces our main bedroom and bathroom & this being a fire station there will be activity 24 hours a day.

Will we have any issues with run off as we have been told by other locals it is quite bad, we have only been here a short time. Also this was not mentioned to us before we bought the house.

What we would like to see is a 2 meter plus solid fence along entire length of the side of the block, with a garden of high shrubs. This would give us back our privacy plus help to attend to the run off.

Regards

Stephen & Deborah Pope

Donna Watson

From: Les Eaton <honley@ozemail.com.au>
Sent: Tuesday, 15 August 2017 5:38 PM
To: Muswellbrook Shire Council
Subject: Development Application 69/2017
Attachments: IMG_1928.JPG; ATT00001.txt; IMG_1929.JPG; ATT00002.txt; IMG_1931.JPG; ATT00003.txt; IMG_1932.JPG; ATT00004.txt; IMG_1934.JPG; ATT00005.txt

Attn: General Manager

Dear Sir

We are writing in regards to the DA for a New Rural Fire Station in Merton Street, Denman.

We wish it to be known that we do not object to this DA as we are fully aware of the wonderful contribution that the Mangoola RFS makes to our community.

We do wish to raise the issue of the state of the road, parking, footpath and lack of drainage between Virginia and Paxton Street.

There are a number of points we are commenting on and these are:

1. As you can see by the following photos the "footpath" is basically unusable. In the last 4 months Denman has had almost nil rainfall and yet the footpath is constantly wet and boggy. The surface is uneven and rutted from vehicles having to turn on the grass.
2. As a result the footpath is not used for walking and people are forced to walk on the road. I actually sprained my ankle on this uneven surface in 2016 and was on crutches for a week. I can supply a picture of this if required. There is a school bus stop on the corner of Paxton and Merton Streets and children are walking on the road every day.
3. Since the intersection of Crinoline and Palace Street was upgraded we have experienced a major increase in heavy vehicle traffic in Merton Street due to these drivers unwillingness to use the new intersection.
4. We are not able to mow due to the uneven surface and the boggy conditions.
5. If you look at the picture below of the white vehicle on the road you will see there is insufficient width in the road to safely accomodate 2 vehicles and definitely not 2 vehicles as well as pedestrians.
6. When heavy rain does fall the watercourse is up to 3 meters wide and 400mm deep. Surely this is a safety issue for children and the elderly.

All of these photos were taken today, 15th August 2017.

We request that these issues are given your fullest consideration.

Yours Truly

Linda and Les Eaton
107 Virginia Street
Denman NSW 2328







Parameter			
1	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
2	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
3	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
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34	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
35	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
36	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
37	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
38	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
39	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
40	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
41	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
42	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
43	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
44	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
45	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
46	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
47	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
48	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
49	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
50	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
51	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
52	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
53	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
54	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
55	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
56	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
57	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
58	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
59	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
60	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
61	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
62	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion
63	cm ² /s	10 ⁻¹⁰ to 10 ⁻¹²	Diffusion

10.3 DEVELOPMENT APPLICATION NO 72/2017 - DEMOLITION OF DWELLING, 640 WYBONG ROAD, MUSWELLBROOK

Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
Community Plan Issue:	<i>Conserve the heritage and history of the Shire</i>
Community Plan Goal:	<i>New investment in heritage conservation and restoration made.</i>
Community Plan Strategy:	<i>Funding allocation for heritage conservation and restoration is made available annually through the Local Heritage Grants Fund.</i>
Attachments:	A. Draft conditions B. Submissions

Documents referred to in assessment not attached:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Building Code of Australia
- Local Environmental Plan 2009
- Development Control Plan 2009
- State Environmental Planning Policy No.55 – Remediation of Land
- Contaminated Land Policy
- Interim Construction Noise Guidelines
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Noise Control) Regulation 2008
- NSW Environment Protection Authority Noise Policy

APPLICATION DETAILS

Applicant:	MACH Energy Australia Pty Ltd
Owner:	Bengalla Mining Co Pty Ltd
Proposal:	Demolition of dwelling
Location:	Lot 1 DP 213293, 640 Wybong Road, Muswellbrook
Permissibility:	The proposed development is permissible as demolition within the RU1 Primary Production Zone
Recommendation:	Approval

RECOMMENDATION

Development Application No. 72/2017 proposing the demolition of a dwelling at Lot 1 DP 213293, 640 Wybong Road, Muswellbrook be **APPROVED** subject the conditions in Appendix A to the report.

Moved: _____ Seconded: _____

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

Aerial Photograph Identifying Development Site



PURPOSE OF THE REPORT

The application is being considered by Council due to three (3) submissions being received.

1.0 BACKGROUND

The subject site forms part of the Mount Pleasant Coal Mine consent area, which was originally issued by the Department of Urban Affairs and Planning (now Department of Planning and Environment) on 22 December 1999.

This consent required the Company to prepare a detailed history of the Mount Pleasant Area (being condition 35 of Schedule 3) as well as an oral history (being condition 3.3(4)). The historic heritage report and oral history report were prepared and submitted to the then NSW Department of Planning and Infrastructure. In 2014, the Department provided correspondence to the Company advising these reports had been approved.

Since the issuing of the original approval, the applicant has lodged a number of modifications to the consent. In this regard, the most recent modification was approved by the Department on 29 March 2017.

Condition 10 of this modified consent relates to demolition and states:

DEMOLITION

10. The Applicant must ensure that all demolition work on site is carried out in accordance with AS 2601-2001: The Demolition of Structures, or its latest version.

Therefore, staff's opinion was that the Company was not required to lodge a Development Application for the demolition of this dwelling with Council, as it was previously considered in the assessment undertaken by the Department of Planning.

In addition, the subject dwelling is not currently listed under the Schedule 5 Environmental heritage of Muswellbrook LEP 2009 as a local or state significance heritage item. It is also not identified in Council's heritage inventory 1996 as a heritage item.

2.0 SITE AND LOCALITY DESCRIPTION

The site is located on Wybong Road, Muswellbrook and is approximately 6km from town. The surrounding properties are rural in character and contain dwellings and associated structures relating to previous agricultural uses of the land.

The adjoining and surrounding properties are now owned by coal mining companies and form part of their mining lease areas.

3.0 DESCRIPTION OF PROPOSAL

The applicant is seeking consent to demolition an existing dwelling located at 640 Wybong Road, Muswellbrook (known as Berrywood Homestead). This dwelling is located within the approved open cut disturbance area and within the extent of the disturbance described in the current approved Mining Operations Plan for Mount Pleasant.

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:

- Documentation forwarded to the Department of Planning
- University of Queensland's Culture and Heritage Unit – Assessment of Six Historic Heritage sites, Mount Pleasant, Muswellbrook – dated October 2016
- Extracts of Veritas Archaeology and History Service Heritage report.

5.0 REFERRALS

No internal or external referrals were required.

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.

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned RU1 Primary Production pursuant to MLEP 2009. The proposal is best defined as a demolition, which is permitted with consent in the subject Zone.

Objectives of the RU1 Primary Production Zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To protect the agricultural potential of rural land not identified for alternative land use, and to minimise the cost to the community of providing, extending and maintaining public amenities and services.
- To maintain the rural landscape character of the land in the long term.
- To ensure that development for the purpose of extractive industries, underground mines (other than surface works associated with underground mines) or open cut mines (other than open cut mines from the surface of the flood plain), will not:
 - (a) destroy or impair the agricultural production potential of the land or, in the case of underground mining, unreasonably restrict or otherwise affect any other development on the surface, or
 - (b) detrimentally affect in any way the quantity, flow and quality of water in either subterranean or surface water systems, or
 - (c) visually intrude into its surroundings, except by way of suitable screening.
- To protect or conserve (or both):
 - (a) soil stability by controlling development in accordance with land capability, and
 - (b) trees and other vegetation, and
 - (c) water resources, water quality and wetland areas, and their catchments and buffer areas, and
 - (d) valuable deposits of minerals and extractive materials by restricting development that would compromise the efficient extraction of those deposits.

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

Relevant Clauses applicable under the Muswellbrook LEP 2009

2.7 Demolition requires development consent	Consent has been previously granted by the Department of Planning and Environment.
5.10 Heritage conservation	The subject dwelling is not a listed heritage item or within a Heritage conservation area as identified under the Muswellbrook LEP 2009.

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

The site is not listed on Council's Contaminated Land Information System as a contaminated site. The documentation provided to Council has confirmed the existing dwelling contains asbestos. As a result, the applicant has provided a hazardous material survey report and a waste management plan to address this issue.

Should the application be approved, a condition will be imposed on the consent requiring a clearance certificate to be provided to Council.

3. Muswellbrook Development Control Plan 2009

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 9 August 2017 to 23 August 2017.

Three (3) submissions were received during the notification period. The issues raised in the submissions are addressed in this Report.

Section 8 – Rural and Environmental Zone development

The subject application is for the demolition of an existing dwelling. The subject land is located within the approved Mount Pleasant open cut mining disturbance area.

Section 20 – Erosion and Sediment Control

Should the demolition of the existing dwelling be approved, conditions will be imposed regarding sediment and erosion control measures to be in place while the dwelling is being demolished.

Section 24 – Waste Management

The applicant has provided a Waste Management Plan which is for the whole Mount Pleasant site. Should the application be approved, suitable conditions regarding disposal of materials will be imposed on the consent.

The demolition of this dwelling and other structures within the Mount Pleasant Mining area have been already considered by the Department of Planning and Environment.

SUBMISSIONS

A total of three (3) submissions were received during the notification period, which are attached as **Appendix B**.

Name	Address	Town
Mrs Helen Ellis	69 Queen Street	Muswellbrook NSW 2333
Submission in confidence		
Muswellbrook Shire Local & family History Society	P O Box 450	Muswellbrook NSW 2333

The concerns raised in the submissions are summarised below.

- *Concern the site is not a listed local heritage item*

Comment: Berrywood Homestead is not currently listed under the Schedule 5 Environmental heritage of Muswellbrook LEP 2009 as a local or state significance heritage item. It is also not identified in Council's heritage inventory 1996 as a heritage item. A review of the existing heritage inventory which may result in additional items being added to the schedule within the LEP.

- *Removal of vegetation without consent*

Comment: The subject land is part of the Mount Pleasant Mining area. The Mount Pleasant mine is classified as State Significant Development and was assessed and determined by the Department of Planning. Therefore, the removal of vegetation had already been considered by the Department as a part of SSD approval process.

- *Loss of local heritage*

Comment: It is acknowledged that the dwelling is over 100 years old and has been a part of the rural character of the Wybong area. However, the dwelling is not a listed local heritage item under the Muswellbrook LEP 2009 or a State listed item. The applicant has indicated that significant items from the dwelling, for example the stained glass windows, will be removed and donated to the local historical society.

MAIN ISSUES RELATING TO THE APPLICATION

The main issue surrounding this application and the property is the potential heritage significance of the Berrywood Homestead.

In 2014, Veritas Archaeology and History Service were engaged by the Company to provide a documentation report of all the structures within the Mount Pleasant Mining Area and recommendations relating to these properties. In regards to the Berrywood Homestead, the recommendations were submitted stated that the structure should be retained and maintained in its current location. However, as a last resort the structure could be relocated.

In 2016, the Company engaged the University of Queensland's Culture and Heritage Unit to undertake a further assessment of six historic heritage sites. One of these sites was the Berrywood Homestead. The recommendations of this report stated:

Demolition of the 'Berrywood' homestead would be an adverse heritage impact. However, its assessed level of significance (in both this report and the VAHS 2014 report: local significance) does not warrant its relocation. The adverse impacts on the building's heritage values would be appropriately mitigated by the archival recording of the structure prior to, and during, its demolition applying the protocols contained in the guideline documents *How to Prepare Archival Records of Heritage Items* (Heritage Office 1998) and *Photographic Recording of Heritage Items Using Film or Digital Capture* (Heritage Office 2006) (photographic recording, as opposed to architectural drawings, would be sufficient).

Since the completion of the further heritage assessment, the Company undertook a structural review of the Berrywood Homestead to determine if relocation was able to be achieved. The review reveals that:

The house is in poor condition due to long-term deterioration. Observations of the house by several specialists, including builders, archaeologists and property relocation contractors; have identified substantial existing structural damage due to white ants, wood-rot and rodents. One of the property relocation contractors advised that the damage is too extensive to be able to safely relocate the structure.

The Applicant has advised should they proceed with the relocation of the structure it would cost more than \$500,000. In addition to the substantial cost for the relocation of the dwelling, as the structure contains asbestos and lead paint, there will be added cost for the disposal and replacement of these materials. It could then be argued that the replacement materials, which will be new, would potentially remove the heritage significance of the dwelling. As well as replacing the materials, it has been advised in the supporting documentation, that the dwelling may not survive the relocation process.

Further, below are comments received by the Applicant from the University of Queensland regarding the property:

Dr Andrew Sneddon at UQ Culture & Heritage Unit undertook a re-assessment of the house, it's significance and condition and noted the following (Enclosure A):

- The assessed level of significance does not warrant relocation.
- Recommendation for archival recording of the structure prior to, and during, demolition.
- Copy of archival record to be provided to local historic heritage society.

Heritage Division (NSW Office of Environment and Heritage) agrees that the house does not warrant their further consideration.

From the review of the extracts of the heritage reports submitted with the application and the Applicant's advice regarding the structural integrity of the building, it is recommended that the application for demolition be approved subject to conditions.

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with three submissions being received. The submissions have been discussed throughout the report and believed to be adequately addressed.

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

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

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 submitted documentation**

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT**2. 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 activities until the site is stabilised.

3. Site Sign

A sign must be erected in a prominent position on any work site on which work involving the 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 demolition work is being carried out, but must be removed when the work has been completed.

4. Photographic Survey

A digital photographic survey, prepared in accordance with the guidelines for archival recording published by the Office of Environment and Heritage – Heritage Branch Division, is to be submitted at the completion of demolition. The photographic survey is to be submitted in an unbound report format, which is to contain:

- (a) A front cover marked with:
 - the name/location of the property;
 - the date of the survey;
 - the name of the Company or persons responsible for the survey.
- (b) A layout plan of the existing building; identifying rooms and features shown in the photographs.
- (c) Photographs of the interior, exterior, and streetscape view of the building, labelled to indicate their location in relation to the layout plan in accordance with the Heritage Branch Guidelines requirements
- (d) Where colour is a feature of the building (for example, the building features

stained glass, leadlight or polychrome brickwork), additional colour photographs are to be included in the photographic survey report.

Three (3) copies of the complete set of documents provided in accordance with this condition are to be forwarded to Council, Upper Hunter Regional Library and Local & Family History Society.

5. Site Facilities

- a) 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.
- b) 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.
- c) 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.
- d) The provision of toilet facilities must be completed before any other work is commenced.
- e) 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.
- f) 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.
- g) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION

6. Demolition Hours

- (a) Subject to this clause, demolition 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) 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.

7. Dust Emission and Air Quality

- (a) Materials must not be burnt on the site.

- (b) Vehicles entering and leaving the site with soil or fill material must be covered.
- (c) Dust suppression measures must be carried out to minimise wind-borne emissions in addition odour suppression measures must also be carried out where appropriate so as to prevent nuisance occurring at adjoining properties.

8. **Excavation/Demolition**

- (a) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (b) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

9. **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) 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.
- (e) The work site must be left free of waste and debris when work has been completed.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

10. **Impact on Amenity of Surrounding Area – Non Residential Areas**

The implementation and intensity of this development shall not adversely affect the amenity of the neighbourhood by reason of excessive levels of illumination (internal or external), solar glare arising from the building materials utilised in any construction processes or fit-out, the emission of noises, noxious fumes, odours and waste.

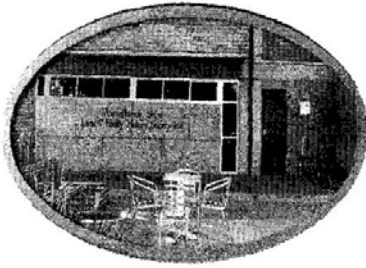
11. **Asbestos Clearance Certificate (Major Works)**

Within six months of the demolition, for building works where asbestos based products have been removed or altered, an asbestos clearance certificate signed by an appropriately qualified person (being an Occupational Hygienist or Environmental Consultant) must be submitted to the Principal Certifying Authority

(and a copy forwarded to Council) for the building work which certifies the following:-

- (a) the building is free of asbestos; or
- (b) the building has asbestos that is presently deemed safe.

The certificate must also be accompanied by tipping receipts, which detail that all asbestos waste has been disposed of at an approved asbestos waste disposal depot. If asbestos is retained on site the certificate must identify the type, location, use, condition and amount of such material.



MUSWELLBROOK SHIRE LOCAL & FAMILY
HISTORY SOCIETY Inc
ABN 34-631-778-680
(Founded 11th June 1958)
PO BOX 450
MUSWELLBROOK NSW 2333

20 August 2017

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

**Objection to DA72/2017 Demolition of House at 640 Wybong Road, Muswellbrook
Lot 1 DP213293**

Dear Sir

The above Society requests that the Council does not approve the demolition of the building on the following grounds:

Heritage Criteria Applicable to the Building

- Criterion A: The site is associated with a significant activity and historical phase i.e. the development of the dairy industry in this district
- Criterion C: The site shows technical achievement i.e. the construction of an early Federation style house as a rural homestead
- Criterion G: The site is outstanding because of its condition and internal features such as ceilings and windows

It is considered that the site has high local importance and should be on the local LEP.

The building is significant due to its condition and representation of style.

The building should be retained and maintained. As a last resort, the building could be relocated if that would preserve it.

There have been a number of buildings relocated within the Muswellbrook Shire which has successfully saved the structures.

Yours faithfully

Rob Tickle
Heritage Officer Consultant for
Muswellbrook Shire Local & Family History Society

69 Queen Street

MUSWELLBROOK. NSW 2333

21 August 2017.

The General Manager

Muswellbrook Shire Council.

Dear Sir,

RE: DA 72/2017

I wish to object most strongly to the proposed demolition of the "Berrywood" Homestead building located at 640 Wybong Road, Muswellbrook.

According to my information this house was built in 1910. It is a most attractive building and has been the home of a number of very prominent local citizens.

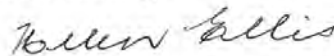
I have been told that there is no heritage listing for this building. When Bengalla Mine bought the property some years ago I believed some heritage factor was mentioned. Surely its 107 years of age and condition alone should have been factors warranting a form of protection now.

This property has been inhabited and the grounds well maintained until recent weeks.

Since this "application to demolish" was advertised the mature trees have been removed and some obvious internal parts have been removed also. I believe this is in breach of due process and pre-empting permission, and is also objectionable.

I trust these matters will receive your careful consideration. The loss of this lovely home, always very visible close to the road, would be most regrettable.

Yours faithfully,



(Mrs.) Helen Ellis

"OBJECTION IN CONFIDENCE"

Dear Sir / Madam,

I am writing to object to the demolition of a house at 640 Wybong Road, Muswellbrook. DA reference DA72/2017.

I believe the house is of great heritage significance to the area and should not be demolished. Houses like this should not be demolished.

The loss of heritage in the area will be a loss of amenity for the community and for visitors to the area.

10.4 SECTION 68 APPLICATION NO. 9/2017 - DENMAN PIG RACES - REQUEST TO WAIVE APPLICATION FEES

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Maintain the sporting and recreational facilities to standard.</i>

PURPOSE

The purpose of this report is for Council to consider a request from Westpac Rescue Helicopter Service Denman Volunteer Support Group, for the fees for an application for an activity approval under the Local Government Act 1993 that they have submitted recently, to be waived.

OFFICER'S RECOMMENDATION

1. Council waive the fee of \$311.50 payable by the Westpac Rescue Helicopter Service Denman Volunteer Support Group for the application 9/2017.
2. The fee amount to be allocated from the Sundries Donations budget.

Moved: _____ Seconded: _____

BACKGROUND

An application for an Activity Approval has been received for an annual community event at the Denman Sport and Recreation Area. The event is being organised by the Westpac Rescue Helicopter Service Denman Volunteer Support Group who are a non-for profit community organisation. Applications for activity approvals require the payment of a fee as resolved by Council in the annual adoption of fees. The applicant has included in their application a request that Council waive the fee on the basis they are non-for profit organisation and the events raise money for charity.

CONSULTATION

Discussions regarding the status of the Sundries Donations budget have taken place with the Co-ordinator Finance.

REPORT

Application 9/2017 for an Activity Approval has been received for an annual community event at the Denman Sport and Recreation Area. The event is the Annual Denman Pig Races. The event is being organised by the Westpac Rescue Helicopter Service Denman Volunteer Support Group who are non-for profit community organisation. Applications for activity approval require the payment of a fee as resolved by Council in the annual adoption of fees. The applicant has included in their application a request that Council waive the fee on the basis they are non-for profit organisation and the events raise money for charity.

The fee for the application is \$311.50.00. If the request for waiving is granted then this should be treated as a donation to the Westpac Rescue Helicopter Service Denman Volunteer Support Group. There are

adequate funds in the Sundries Donation budget to allocate this funding from. It is suggested that the request is a reasonable request given the events are charity events and the organiser is a non-for profit organisation.

OPTIONS

The options for Council are to waive the fees either in full or in part or refuse to waive the fee.

CONCLUSION

The request for the waiving of fees is a reasonable request given the events are charity events and the organiser is a non-for profit organisation. There are adequate funds in the Sundries Donation budget to allocate this funding from.

SOCIAL IMPLICATIONS

The waiving of the application fee assists in the success of these community events which contribute to the well-being of residents. The event supports a service that contributes to the safety of the community.

FINANCIAL IMPLICATIONS

There are adequate funds in the Sundries Donation budget to allocate this funding from.

POLICY IMPLICATIONS

No policy exists to guide this decision.

STATUTORY IMPLICATIONS

None applicable

LEGAL IMPLICATIONS

None applicable

OPERATIONAL PLAN IMPLICATIONS

None applicable

RISK MANAGEMENT IMPLICATIONS

None applicable

10.5 GAZETAL OF PLASHETT CLOSE, MUSWELLBROOK

Attachments:	A. Correspondence from NSW Finance, Services and Innovation
Responsible Officer:	Matthew Lysaught - Acting Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
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>Ensure all Infrastructure works activities undertake a competent Review of Environmental Factors (REF).</i>

PURPOSE

This matter is being reported to Council, due to an inconsistency in the gazettal of Plashett Close.

OFFICER'S RECOMMENDATION

That Council support the publishing of the Erratum Notice in the next available issue of the Government Gazette to correctly name the road "Plashett Close".

Moved: _____ **Seconded:** _____

BACKGROUND

In 1999, at the August Council meeting, it was resolved that:

That Council formally name the Road in the Council's "Calool Heights" Subdivision off Ironbark Road, South Muswellbrook as:

PLASHETT CIRCUIT

and advertise such road naming in the Government Gazette.

The new road name appeared in the Government Gazette on 20 August 1999.

After the gazettal of the new road name, it took until 2003 for construction to commence in that stage of the "Calool Heights" subdivision. As a result of time passing, the layout of the road, gazetted as "Plashett Circuit" had changed. Under the naming protocol of the Geographical Names Board (GNB), it was no longer appropriate to name the road a "Circuit" and the more suitable name was "Close".

At the Works Committee held 23 May 2003, it was supported that the road previously gazetted as "Plashett Circuit" should be renamed, in accordance with the GNB protocol, to "Plashett Close". Council adopted the minutes of the Works Committee on 10 June 2003.

However, the renaming of this road did not follow the legislative requirements of the Roads Regulation and was not officially gazetted.

DISCUSSION

The NSW Finance, Services and Innovation department has been in contact with Council seeking clarification of the road name. Their correspondence is attached as **Appendix A**.

In order to rectify the naming error, Council can publish an Erratum Notice in the Government Gazette. An example of this notice is:

ERRATUM

In the notice referring to the Naming of Public Roads in the Muswellbrook Local Government Area, Folio 6672, 20 August 1999, the road name Plashett Circuit was assigned with the incorrect road type. The correct road type for this road name is Plashett Close. This notice corrects that error.

There will be no impact on the residents located in Plashett Close, as the road is already signposted as “Plashett Close” and in Council’s system. The notice in the Government Gazette is a formality to ensure the correct names of roads are gazetted for all organisations to reference correctly.

CONCLUSION

It is recommended that Council support the publishing of the Erratum Notice in the next available issue of the Government Gazette to correctly name the road “Plashett Close”.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

From: Simone Reedy <Simone.Reedy@finance.nsw.gov.au> Sent: Thu 31/08/2017 1:00
To: Ian Kowalke
Cc:
Subject: Plashett Circuit, MUSWELLBROOK LPI-CRM:00980203
Message Erratum example 5.doc

Hi Ian,

I am just wanting to follow up with you if there had been any news regarding Plashett Circuit/Close?
I have been contacted several times by other organisations who are seeking clarification.

I have been in contact with the GNB and have attached an example erratum notice if Council were to change the road type to Plashett Close.

If Council chooses to go ahead with the erratum, you will need to:

- 1 Make sure that details have been confirmed before publishing this notice.
- 2 Publish the notice by emailing the notice to the NSW Government Gazette at nswgazette@pco.nsw.gov.au
- 3 Once the notice is published the gazette details will be captured in the NSW Online Road Naming System by the GNB and notification will be sent to Addressing Program to amend the road name in the topographic database.

If you have any questions regarding this process you can contact the GNB on 02 6332 8214 or via email at ss-gnb@finance.nsw.gov.au

Thanks Ian,
I hope you have a lovely afternoon.

Simone Reedy
Spatial Technician, Addressing Program
Spatial Services | Department of Finance, Services & Innovation
p 02 6332 8241
e simone.reedy@finance.nsw.gov.au | www.spatialservices.finance.nsw.gov.au
346 Panorama Avenue, Bathurst NSW 2795



**Finance,
Services &
Innovation**

Please consider the environment before printing this email

From: Simone Reedy
Sent: Wednesday, 9 August 2017 11:55 AM
To: 'Ian Kowalke'
Subject: Plashett Circuit, MUSWELLBROOK LPI-CRM:00980203

Good Morning Ian,

Are you able to please advise if there has been any resolution to the road naming issue for Plashett Circuit/Close MUSWELLBROOK?
I understand that Council has been contacted on several occasions regarding this issue.

The road signposted as PLASHETT CLOSE was gazetted as PLASHETT CIRCUIT on **20 August 1999** by Muswellbrook Council.

The DTDB, DCDB show the road to be PLASHETT CIRCUIT as per the gazettal.
GURAS, VALNET and Australia Post have all properties addressed to PLASHETT CLOSE.

If Council wish for the road to be named PLASHETT CLOSE then an erratum would need to be published for the 1999 gazette correcting the error.

You can contact the Geographical Names Board to find out more about publishing an erratum at SS-GNB@finance.nsw.gov.au.

However, if the previous gazettal is correct and you want the road to remain PLASHETT CIRCUIT then you should consider changing the road sign to reflect the correct road type and notify residents of the name change.

Thanks Ian, I hope you have a wonderful afternoon,

Simone

Simone Reedy
Spatial Technician, Addressing Program
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346 Panorama Avenue, Bathurst NSW 2795

10.6 DRAFT POLICY ON CONTROL OF OPEN BURNING

Attachments:	A. Draft Policy on Control of Open Burning
Responsible Officer:	Matthew Lysaught - Acting Director - Planning, Community & Corporate Services
Author:	Pathum Gunasekara - Acting Manager, Planning & Regulatory Services Lisa Potter - Environmental Officer
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>
Community Plan Strategy:	<i>Require all development proposals to avoid and mitigate against potential environmental impacts and facilitate improved environmental outcomes where possible.</i>

PURPOSE

The purpose of this report is to seek Council endorsement to draft policy on control of open burning to place it on public exhibition.

OFFICER'S RECOMMENDATION

- 1. The Draft Policy on Control of Open Burning be placed on public exhibition for a minimum of 28 days.**
- 2. A further report be prepared for Council after public exhibition.**

Moved: _____ **Seconded:** _____

BACKGROUND

Open burning is regulated across the NSW by the Protection of the Environment Operations (Clean Air) Regulation 2010. The intention of this Regulation is to manage air pollution issues associated with burning, with a view to protecting local and regional air quality, local amenity and human health.

Councils in NSW can restrict or control burning within their local government areas by choosing to list on Schedule 8 of the Regulation. The listing of Muswellbrook Shire Council as a Part 2 / Part 3 area on Schedule 8 of the above Regulation facilitates the burning of dead and dry vegetative material which accumulates on the prescribed parcels of land during normal use of that land, and that cannot reasonably be disposed of via mulching, composting, green waste services etc.

REPORT

Hunter Councils' Environment Division has developed a template policy on control of open burning to:

- Promote a more consistent approach to open burning regulation by councils, thereby reducing confusion in the community as to where open burning is and is not permitted.
- Provide councils currently without regulatory provisions with a greater capacity to manage the nuisance caused by inappropriate burning practices
- Enhance the capacity of landowners to complete legitimate bushfire hazard reduction activities and to remove the vegetation waste generated by these.

Council staff have used the Hunter Council's template as the basis for drafting an open burning policy for Muswellbrook Shire Council. The purpose of this policy is to provide a framework for council to appropriately manage open burning within the LGA, implementing the Regulation and Council's obligations under it.

The draft policy:

- provides a clear direction on the issuing of approvals to burn dead and dry vegetation material in the open in accordance with the Regulation 2010;
- outlines under what conditions, an approval is granted to burn dead and dry vegetative materials in the open will be granted;
- outlines what information must be submitted to Council;
- provides approval for a "class of persons" to undertake pile burns on specified land. This approval is provided to assist residents and land owners to conduct ongoing maintenance of their property and take responsibility to mitigate bush fire risks

A copy of draft policy is attached as *Appendix A* to this report for information of the Councillors.

CONCLUSION

It is recommended that Council place the draft policy on control of open burning on public exhibition for a minimum of 28 days.

SOCIAL IMPLICATIONS

The public exhibition of this policy will not have any social implications for Council.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

By supporting the public exhibition of the draft policy, Council will ensure their legislative obligations under the Regulation.

STATUTORY IMPLICATIONS

There are no statutory implications relating this policy.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

There are no direct links to Council's Operational Plan.

RISK MANAGEMENT IMPLICATIONS

Not applicable.



muswellbrook shire council

Control of Open Burning Policy

REFERENCE NUMBER

Authorisation Details:

Authorised by:	
Minute No:	
Date:	
Review timeframe:	
Department:	
Document Owner:	

Details History:

Version No.	Date changed	Modified by	Amendments made

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Policy on Control of Open Burning

A. SUMMARY

- A.1 This policy provides Muswellbrook Shire Council with direction on the issuing of approvals to burn dead and dry vegetative material in the open in accordance with the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- A.2 The policy outlines under what conditions an approval to burn dead and dry vegetative materials in the open will be granted, and what information must be submitted to Council.
- A.3 The policy provides approval for a "class of persons" to undertake pile burns on specified land. This approval is provided to assist residents and land owners to conduct ongoing maintenance of their property and take responsibility to mitigate bush fire risks.
- A.4 Pile burns are only one part of the suite of measures residents may need to undertake to help manage bush fire risk. Residents in bush fire prone areas should refer to information provided by the NSW Rural Fire Service for further assistance – www.rfs.nsw.gov.au

B. BACKGROUND

- B.1. Open burning is regulated across the State of New South Wales by the *Protection of the Environment Operations (Clean Air) Regulation 2010*. The intention of the Regulation is to manage air pollution issues associated with burning, with a view to protecting local and regional air quality, local amenity and human health.
- B.2. Councils in NSW can restrict or control burning within their Local Government Areas by choosing to list on Schedule 8 of the Regulation. There are three parts of Schedule 8. Councils can nominate for listing on any part depending on the controls seen as appropriate for that area.
- B.3. The listing of Muswellbrook Shire Council as a Part 2 / Part 3 area on Schedule 8 of the *Protection of the Environment Operations (Clean Air) Regulation 2010* facilitates the burning of dead and dry vegetative material which accumulates on the prescribed parcels of land during normal use of that land, and that cannot reasonably be disposed of via mulching, composting, green waste services etc.
- B.4. Part 2 of Schedule 8 states that a person must not burn any vegetation in the open or in an incinerator except in accordance with an approval.
- B.5. Part 3 of the Schedule states that a person must not burn anything (other than vegetation) in the open or in an incinerator except in accordance with an approval
- B.6. The burning of these materials can only occur under approved circumstances and under appropriate conditions detailed in section E of this policy.
- B.7. This policy does **NOT** provide:

- approval to burn the land for bush fire hazard reduction; or
- approval to clear vegetation; or
- approval to burn vegetation resulting from the clearing of land related to development consent under the *Environmental Planning and Assessment Act* (1979).

B.8. Muswellbrook Shire Council is allocated the authority to issue approvals for the burning of dead vegetation under Part 2 of Schedule 8 of the Regulation.

B.9. Under the regulation, council has the power to issue approval for a "class of persons" to burn vegetation, or, for all other residents, individually through the approval of an application to burn.

C. DEFINITIONS

C.1. **Schedule** refers to Schedule 8 (Local Government Areas in which burning is prohibited) in the *Protection of the Environment Operations (Clean Air) Regulation 2010* under the *Protection of the Environment Operations Act 1997*.

C.2. **Approval** means an approval to burn vegetation in Muswellbrook LGA.

C.3. **Domestic waste** means waste (other than vegetation) that is of a kind and quantity ordinarily generated on domestic premises.

C.4. **Excess vegetation** is defined as that above what is practical to utilize on site for rehabilitation of temporarily cleared areas or as mulch

C.1. **Open burning** (sometimes referred to as backyard burning or pile burning) is defined as the act of burning anything in the open air.

C.2. **Class of person** is any group of persons granted authority to burn excess vegetation in Muswellbrook LGA:

- That can not be reasonably be disposed of by Council's green waste service (where available) or mulching onsite, and
- in accordance with "Standards for Pile Burning", and
- under conditions specified in this policy, and
- following the submission to Council of the relevant information on the form provided by Muswellbrook Shire Council.

C.3. **Prohibited Article** means any of the following:

- tyres,
- coated wire,
- paint containers and residues,
- solvent containers and residues,
- timber treated with copper chromium arsenate (CCA) or pentachlorophenol (PCP).

D. POLICY STATEMENTS

- D.1. The burning of anything in Muswellbrook Shire Council local government area is prohibited except in accordance with an approval under Schedule 8 Part 2, or Part 3, of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.
- D.2. Council will provide approval for the open burning of dead and dry vegetative material to parcels of land that meet the prescribed criteria (Part 2). Such approval is intended for properties generally not in urban areas that have a large number of mature trees, which are likely to generate larger than average quantities of vegetative debris.
- D.3. Burning must minimise smoke impacts and ensure the fire is managed safely.
- D.4. The Environment Protection Authority may provide approval for any burning of material other than dry vegetation under Part 3 – this must be obtained prior to notifying Council or emergency services.
- D.5. Before granting the approval for open burning of dead and dry vegetative material Council has taken into consideration the following issues:
- The impact on regional air quality
 - The impact on local air quality
 - The feasibility of re-use, recycling or other alternative means of disposal
 - The views of the sector of the public likely to be affected by the proposed approval
 - The views of the Environment Protection Authority in relation to a proposed approval to any class of persons.

E. POLICY IMPLEMENTATION - PROCEDURES**E.1. Class of Person approval:**

A standing *class of person* approval for the burning of dead and dry vegetative material may be issued to the following land owners / managers under Section 13 (2) (a) of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

Land managers in these areas need to make application to burn a pile of dead vegetation on their property.

When the prescribed criteria for the land are fulfilled and the land manager agrees to comply with the "General Conditions of Consent", the application will be deemed to be approved.

Parcels of land must be:

- i. greater than **4000m²** in area; and
- ii. zoned **RU1 (Primary Production)** and **RU5 (Large Lot Residential)** under the Muswellbrook Local Environment Plan 2009.

- E.2. The relevant Application to Burn must be filled out and submitted to Council at least seven (7) days prior to the first proposed date of the pile burn.

- E.3. Council will keep a record of all applications for pile burning. Council will undertake random audits to ensure compliance with submitted information.
- E.4. **General conditions of consent**
- An open fire must be at least 20 metres from any dwelling.
 - Adequate water supplies must be immediately on hand to extinguish the fire if required.
 - Adjacent property owners must be given 24 hours notice (verbal or written) of an intention to burn.
 - An open fire must be supervised by a responsible adult at all times.
 - All combustible material within 4.5 metres of the fire must be removed.
 - Burning should only take place when weather conditions are suitable with winds under 15km/h and predicted to remain so.
 - Burning should not cause nuisance to neighbours or a smoke hazard to traffic.
 - The lighting of open fires is not permitted before sunrise or after sunset.
 - Activities must be undertaken in accordance with the NSW Rural Fire Service / Fire and Rescue NSW document "Standards for Pile Burning" [RFS "Standards for Pile Burning"](#)
 - Land managers/owners in a Fire & Rescue district (generally urban areas) must contact their local fire station 24 hours prior to the intended time of burning, and one (1) hour prior to lighting.
- E.5. Land , outside of the areas noted at E.1., will only be granted approval subject to an application and assessment of the burning proposal by either Council (Part 2 listing) or the Environment Protection Authority (Part 3 listing).
- E.6. Approval to burn under this policy is only for the purpose of disposal of dead and dry vegetative material through pile burning. Vegetative material must consist only of that which accumulates on the prescribed parcel of land during the normal use of the land.
- E.7. An "approval to burn "does **NOT** mean approval to burn for any other purpose such as:
- hazard reduction burning of the land, or
 - Land clearing, or
 - disposal of vegetation cleared in accordance with a development consent.
- E.8. Council can not approve the burning of domestic waste where a waste service is available.
- E.9. Council can not approve the burning of prohibited articles.

- E.10. During the Bushfire Danger Period (usually 1 October to 31 March), a Fire Permit must be obtained from the Rural Fire Service for open burning anywhere in a Rural Fire District.
- E.11. A Fire Permit must be obtained from Fire and Rescue NSW or the NSW Rural Fire Service for any open burning that might threaten a building (generally urban areas) at any time of year, for their respective fire districts.
- E.12. This approval does not remove the necessity or exempt the person from the requirement to obtain relevant permits or licences under other legislation including the *Rural Fires Act, 1997*, *Protection of the Environment Operations Act, 1997*, *Threatened Species Conservation Act, 1995*, or *Native Vegetation Act 2003*.
- E.13. No open burning can be undertaken on declared "No Burn Days" (related to air pollution) or "Total Fire Bans" (related to bush fire safety) that may be declared. This approval is suspended on such days.

It is the responsibility of the approval holder to identify whether one of these days is occurring prior to lighting their fire.

- E.14. It is intended to review this policy no later than two (2) years after the date of adoption.

RELATED POLICIES

Muswellbrook Local Environmental Plan 2009
Muswellbrook Development Control Plan 2009

Approval to Burn Application (located www.muswellbrook.nsw.gov.au).

11 COMMUNITY INFRASTRUCTURE

Nil

12 CORPORATE AND COMMUNITY SERVICES

12.1 MUSCLE CREEK COMMUNITY ART PROJECT

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Michael Brady - Sustainability Officer - Waste
Community Plan Issue:	<i>Plan liveable and sustainable urban areas</i>
Community Plan Goal:	<i>Sustainable planning, design and regulation support community needs</i>
Community Plan Strategy:	<i>Protect and maintain the environment in a sustainable manner</i>

PURPOSE

The purpose of this report is to propose a community art project as part of activating the Muscle Creek rehabilitation area. This community art project will involve installing and painting 30 two meter high “art” poles along an existing walking path adjacent to Muscle Creek.

OFFICER’S RECOMMENDATION

Council to support implementation of a Muscle Creek community art project to be implemented as part of the 2018/19 Operational Plan.

Moved: _____ **Seconded:** _____

BACKGROUND

Muscle Creek has been in the past a neglected and underutilised space. In more recent years the council has invested considerable effort and finances to make this area a space that will be highly used and valued by the community as a recreational and environmental asset. This project will enhance the Muscle Creek rehabilitation work as it will improve the aesthetics of the area and increase the community enjoyment of the walking paths and waterway. The council has also recently invested in a Landcare Hub on Wilkinson Ave and this art project provides a link with this facility. This art project hopes to encourage community members to be involved with this new facility.

CONSULTATION

The following people have been consulted Donna Watson and Ray Phelps - Planning and Regulatory Services, Carolyn O'Brien and Kim Manwarring – Community Services, Matt Lysaught and Paul Chandler Property and Building Services, Lyndall Gunning WHS Advisor, Elissa Emerson Public Programs Officer, Russel Fitzgerald Roads and Drainage. Sally Jackson – Unit Leader Muswellbrook Guides.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillors Rod Scholes and Jason Foy have been consulted about this proposal.

REPORT

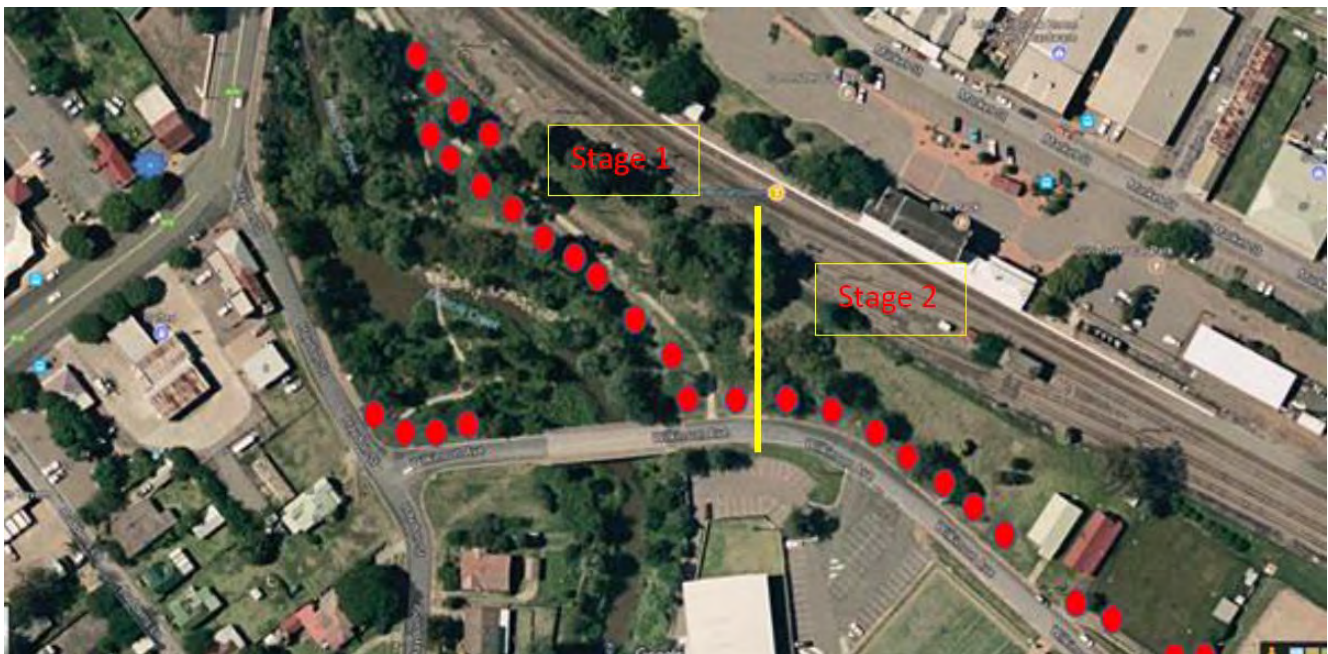
The Muscle Creek Community Art Project proposes to install 30 recycled telegraph poles 1 meter below ground with 2 meters above ground along an existing walking path that runs adjacent to Muscle Creek. The 30 recycled telegraph poles will come from the waste facility and are proposed to be erected between Bridge Street and Wilkinson Ave, Muswellbrook. The community will be invited to submit

designs of artwork based on one of three themes of Community Spirit, Sustainability or Aboriginal Heritage. After a selection process (by Council/Community panel), the selected designs will then be applied by the designers at community events before the end of 2018. This project will work around the upgrade at Fitzgerald Park as part of the Olympic Park Master Plan. The community events can take place at 2 separate stages, in line with the Olympic Park upgrade.

This project will have a number of significant benefits.

- It will increase the attractiveness of Muscle Creek and compliment other projects currently being undertaken. Including the renovation work by the Muscle Creek Landcare Group.
- It will increase awareness of the past and future works along Muscle Creek.
- It will give a sense of ownership to this area and encourage community members to become involved in future Muscle Creek projects.
- It will increase community enjoyment and connection with the area.

Figure 1: Pole Locations



Red dots show proposed pole locations. Yellow line separating stage 1 and 2. Main locations run from Bridge St to Wilkinson Ave.

OPTIONS

Option 1 – \$22 000 financial contribution from Council.

Option 2 – \$22 000 seek funding from an external grant.

Photo right: Example of similar project in Far North Queensland.

CONCLUSION

Council support implementation of a Muscle Creek community art project that will be planned, negotiated and selected in the 2017/18 operational period for implementation as part of the 2018/19 budget and Operational Plan.



SOCIAL IMPLICATIONS

- The event itself will bring together a variety of community groups to enjoy creating a long lasting public artwork.
- It will be an opportunity for community and school groups to be promoted in the community as artwork painted by these groups will include their names.
- The painting events will bring different community groups and members of the public together in a spirit of cooperation and achievement.

FINANCIAL IMPLICATIONS

A total of \$22 000 will be needed to cover all the costs of this project including:

- Transporting and cutting the poles - \$5000
- Digging holes and cementing in place - \$10 000
- Paint, brushes, anti-graffiti lacquer and other artwork materials - \$5000
- Food and drinks for community events - \$1000
- Promotional materials - \$1000

POLICY IMPLICATIONS

This project will fit within the requirements of the council's Public Art Procedures. Council staff involved with public art policy will continue to be consulted.

STATUTORY IMPLICATIONS

None have been identified.

LEGAL IMPLICATIONS

None have been identified.

OPERATIONAL PLAN IMPLICATIONS

This project will fit in with the works scheduled around the Olympic Park redesign and Fitzgerald Park upgrade works.

RISK MANAGEMENT IMPLICATIONS

A full risk assessment will be carried out to reduce the likelihood of any negative effects from the project.

Risk	Mitigation
The quality of the artwork may not gain wide acceptance.	This will be managed through a thorough selection process involving several staff members from a variety of backgrounds.
A lack of community interest and support before during and after project.	This will be managed through promoting and consulting relevant stakeholders at all stages of the project. A promotional strategy will be developed to ensure community support and interest.
Artwork could be vandalised.	This risk will be reduced through a high level of community input and ownership of the project. An anti-graffiti lacquer will cover each painting which allows graffiti to be easily removed.

Risk	Mitigation
Safety issues with poles near pathway.	The Roads and Drainage department have been consulted about this issue. Poles will be set back half a meter from paths.
Maintenance	Maintenance requirements have been factored into the scope and cost of this project.

12.2 RECYCLING FOR PUBLIC AREAS

Attachments:	A. Report for Council Public Area Recycling
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Michael Brady - Sustainability Officer - Waste
Community Plan Issue:	<i>Support initiatives which reduce the community's impact on the environment</i>
Community Plan Goal:	<i>Carry out actions under the Sustainability Action Plan as it relates to air quality, waste reuse and minimisation, electricity minimisation, Council's Renewable Energy Target and food waste minimisation.</i>
Community Plan Strategy:	<i>Develop 12 month waste minimisation targets for Council waste.</i>

PURPOSE

The purpose of this report is to present proposal to provide recycling in key public areas in Muswellbrook.

OFFICER'S RECOMMENDATION

Council:

- 1. Retrofit four existing bin enclosures in the Muswellbrook CBD area.**
- 2. A budget bid be considered as part of the 2018/19 Budget to purchase four dual Ecobins for installation in key Council managed facilities such as the Arts Centre, Aquatic Centre and Libraries in Muswellbrook and Denman.**

Moved: _____ **Seconded:** _____

BACKGROUND

Many local governments around NSW and Australia, such as Liverpool City Council, City of Sydney City Council and Port Stephens Council have successfully adopted public recycling to reduce the amount of recyclable materials entering the waste stream. Public area recycling helps the community dispose of waste responsibly by giving them the choice to recycle even when they are away from home in a way that is consistent to what they are doing at home. By providing these services the council can demonstrate the importance it places on waste reduction and research indicates that providing accessible and well-maintained bins has a large impact on litter prevention.

CONSULTATION

The following people were consulted in the preparation of this report:

Joann Polsen – Senior Technical Officer - Waste Reuse & Environment Operations

John Wisniewski – Operations Manager - Waste Reuse & Environment Operations

Matt Lysaught – Manager – Property & Building Services

Paul Chandler – Technical Officer – Recreation & Property

Kellie Scholes – Project Manager – Roads & Drainage

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Rod Scholes

Cr Jason Foy

REPORT

Currently Council staff are provided opportunities to recycle at their places of work however the general public are given extremely low opportunities, as there is only one recycling bin in a public area. All Council managed facilities such as parks, shopping centres, the aquatic centre and libraries do not provide the general public any opportunity to recycle.

By giving the Muswellbrook community the opportunity to recycle when they are in a public area Council is likely to see several benefits. Providing public recycling demonstrates Council's commitment to recycling as it becomes normal behaviour. If Council is willing to invest in public recycling the community is more likely to see it as important and be encouraged to recycle more at home and in public. Public recycling also allows Council to use public recycling bins as the delivery mechanism to deliver important messages about recycling.

This project will be implemented alongside a continual public education program aimed at reducing waste sent to landfill. Increasing the amount of recycling reduces the amount of waste sent to landfill. Reducing the amount of waste sent to landfill reduces the amount that council pays as part of the state government's landfill levy. The benefits of recycling includes reducing the amount of landfill space needed, conserving resources such as energy, water, timber and metals, reducing the need to manufacture items from raw materials and reduces greenhouse gas emissions that contribute to global climate change.

Although it is likely that some contamination will occur, as community members place non recyclables into the recycling bin, this is likely to improve over time with continual community education. Even if some contamination does occur public recycling still increases the amount of waste that is recycled.

This report recommends initially placing recycling bins in four existing enclosures in Muswellbrook's main street. This will allow Council to evaluate this process and promote its success and then implement public recycling into other Council managed facilities.

OPTIONS

The table in **Appendix A** outlines four options for public area recycling. The calculations are made for a ten year period. Estimation has been made on the number of replacement bins and services that would be required on average per year over 10 years.

These estimates have been made in consultation with Waste Reuse & Environment Operations and Property and Building Services who deliver similar services. Research has shown that a much lower rate of contamination is produced when a recycling bin is placed next to a general waste bin. Therefore the options are all based on a two bin system. i.e. Rubbish bin next to recycling bin.

Please note any option chosen must comply with the existing council Public Domain Manual relating to the main urban town area. Rating in the table below is calculated as 1 is the worst option and 20 is the best option.

Based on Appendix A the following is recommended;

Recommendation 1: The only option for the urban area that suite the council's urban master plan is to retrofit existing enclosures within the main urban area i.e. Option 4. Therefore Council should start by retrofitting the four existing bin enclosures in the urban town area using signs that will also be stuck to residents and public bins. **Cost over 10 years \$4455.72 + \$1000 signs = \$5455.72**

Recommendation 2: Council purchases four dual Ecobins and installs them in Council managed facilities such as the Arts Centre, Aquatic Centre and Libraries in Muswellbrook and Denman. After a period of six months a review could take place to investigate any issues and see if more bins could be installed in other places such as council managed shopping centres shopping centres. **Cost over 10 years \$30 142.88.**

CONCLUSION

This report provided an analysis of the possible options available to implement a public recycling. Recommendations 1 and 2 as outlined above offer the most cost effective and practical solutions to Council.

SOCIAL IMPLICATIONS

Public recycling helps Council to make recycling part of everyday normal life. Developing these social “norms” is a very important part of waste education programs.

FINANCIAL IMPLICATIONS

Recommendation 1 as above: **Cost over 10 years \$4455.72 + \$1000 signs = \$5455.72**

Recommendation 2 as above: **Cost over 10 years \$30 142.88.**

POLICY IMPLICATIONS

This project has taken into consideration the Muswellbrook CBD Master Plan and Sustainability Action Plan.

STATUTORY IMPLICATIONS**LEGAL IMPLICATIONS**

This report takes into account the Waste Avoidance and Resource Recovery Act 2001.

OPERATIONAL PLAN IMPLICATIONS

Reduce waste to landfill and enhance our recycling system.

RISK MANAGEMENT IMPLICATIONS

Risk	Mitigation
The public will dispose of the wrong items in the recycling bin.	This project will work alongside an community wide education campaign.
The recycling bins could be vandalised.	Only strong vandal resistant enclosures have been recommended. Consideration will be given to the location of any further public recycling bins.

OPTION	COSTING	DETAILS	RATING
<p><u>Option 1: Standard Rubbish and Recycling</u></p> <p><i>2 x Rubbish bins, 2 x Recycling bins (240L) per year. 70 services/year.</i></p> 	<p>4 bins x \$75 per year = \$300. 140 services / year x \$1.0398 = \$145.57 \$300 + \$145.57 = \$445.57 \$445.57 x 10 years = TOTAL \$4455.70</p> <p>Assumption: need 2 extra bins per year due to potential damage. \$150 x 10 = \$1500 = TOTAL after assumption \$5955.70</p>	<p>Stand-alone bins with no enclosure. High risk of damage. Low correct usage rate. Higher environmental impact due to number of replacement bins and services each year. Please note it is likely that the cost per year will be higher as more replacement bins will be needed.</p>	10/20
<p><u>Option 2: Ecobins</u></p> <p><i>Enclosures with custom signage: 2 x Rubbish bin 2 x Recycling bin (240L)/year. 70 services/year.</i></p> 	<p>1 x dual enclosure \$3080 + \$4455.70 as above TOTAL \$7535.70</p>	<p>These bins are durable and attractive and can be designed to suit requirements. Sensors can be installed at additional costs which detect when servicing is required. The signage panels on each bin can be changed to promote different messages. Lower risk of damage. Higher usage rate.</p>	13/20

OPTION	COSTING	DETAILS	RATING
<p>Option 3: Big Belly Solar Bins</p> <p>2 x recycling 2 x rubbish bins (240L) per year. 70 services/year.</p> 	<p>1 x dual enclosure = \$15768 + \$4455.70 as above Total \$20 241.70</p> <p>Assumption 1 recycling bin per year & 30 services/year. \$75 bin x 10 year = \$750 30 services x \$1.0398 = \$31.90 \$31.90 x 10 = \$319 \$750 + \$319 = \$1069 \$1069 + \$15 768 = TOTAL after assumption \$16 837</p>	<p>These bins come with a solar powered compactor and sensor which compacts the waste allowing more rubbish inside until it needs collecting. Very low risk of damage. Higher usage rate. Low environmental impact. Please note less replacement bins are likely needed and less services.</p>	12/20
<p>Option 4: Retrofit Current Enclosures</p> <p>2 x recycling 2 x rubbish bins (240L) per year. 70 services/year.</p> 	<p>4 bins x \$75 per year = \$300. 140 services / year x \$1.0398 = \$145.57 \$300 + \$145.57 = \$445.57 \$445.57 x 10 years = \$4455.70 \$4455.70 + \$1000 signs TOTAL \$5455.72</p>	<p>This option involves fitting already produced signage to the existing dual enclosures in the town area of Muswellbrook. One side of enclosure for standard waste and one for recycling. Medium risk of damage and contamination.</p>	14/20

12.3 FLYING FOX CAMP MANAGEMENT PLAN

Attachments:	A. Muswellbrook Flying Fox CMP v8
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Tracy Ward - Sustainability Officer – Projects
Community Plan Issue:	<i>Enhance native vegetation connectivity across the Upper Hunter</i>
Community Plan Goal:	<i>Support Landcare initiatives and programs to enhance native vegetation connectivity across the Upper Hunter.</i>
Community Plan Strategy:	<i>Undertake native area restoration works along Muscle Creek and Karoola Wetlands to improve native vegetation and vegetation connectivity across the Upper Hunter.</i>

PURPOSE

Council has been working with Hunter Councils to prepare a Flying Fox Camp Management Plan for the Shire's Grey Headed Flying Fox population. The Flying Fox Camp Management Plan has been developed in order for council to respond immediately to a significant increase in Grey Headed Flying Foxes to reduce impacts upon residents in the affected zones. This report is required to go out for public exhibition.

OFFICER'S RECOMMENDATION

- 1. Council approve the public exhibition of the Flying Fox Camp Management Plan.**
- 2. Council consider a budget bid of \$42,500 in the 2018/19 Operational Budget to implement the Flying Fox Camp Management Plan.**

Moved: _____ **Seconded:** _____

BACKGROUND

In 2016 Council agreed to work with Hunter Councils in a regional effort to produce a Camp Management Plan for Grey Headed Flying Foxes. The regional project also developed Flying Fox Camp Management Plans for Central Coast Council, Mid Coast Council, Singleton Council, Port Stephens Council and Upper Hunter Shire Council.

Muswellbrook Shire has been subject to an influx of flying foxes on a number of occasions since 2005, with the most recent influx seeing 32,000 animals roosting in trees along the Hunter River and Muscle Creek in August 2015.

Residents' main concerns about the flying fox camp were disease, odour, noise and faecal matter. Several studies have found that the disease concern is unwarranted for residents living in the general vicinity of the camp and education can allay these fears. Odour, noise and faecal matter can impact upon a resident's amenity. A 20 year review has shown that attempts to relocate flying foxes are ineffective and expensive so it is important that residents and flying foxes can coexist. The Camp Management Plan is now finalised and ready for public exhibition.

CONSULTATION

The following were involved with the development of the camp management plan.

Eva Twaroski – Hunter Councils

Bradley Nolan – Hunter Councils

Ian Kowalke – GIS Officer

Mark Scandrett – Sustainability Coordinator

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Rod Scholes

REPORT

The draft camp management plan is now ready for public exhibition. SEE ATTACHED.

A budget of \$42,000 is required to implement the Flying Fox Management Plan. This will provide resources for initial community response when there is an influx of flying foxes, which includes funding for car, swimming pool and washing line covers and a gurney that Council will offer for hire for the removal of bat faeces. A dollar value was assigned to all covers and multiplied by the number of occurrences in the possible affected zone. This does not include funding that may be required to assist individuals with large scale mitigation measures recommended in the plan such as tree removal in the affected zones.

OPTIONS

Do nothing. Council will be unprepared when the next major flying fox event occurs and may face community backlash.

Approve funding as requested in the Camp Management Plan so that Council is prepared to assist residents in the affected zones minimise the impacts of nearby flying foxes.

CONCLUSION

The Grey Headed Flying Fox is listed as a vulnerable species and has been recorded visiting the Muswellbrook Shire since 2005. The last influx saw 32,000 animals roosting along the Hunter River and Muscle Creek in April 2015. Residents in the affected zone main complaints were about odour, noise and bat droppings. Property modification as detailed in the camp management plan is seen as the most cost effective way of reducing the negative impacts of flying foxes upon residents in the affected zones.

SOCIAL IMPLICATIONS

Residents in the affected zone could feel that their health and wellbeing is at risk. If Council can be well prepared when the next influx occurs, residents will feel that Council is concerned for their health and wellbeing. Education packages are already prepared so that residents are well informed about the very low risk to health from flying foxes.

FINANCIAL IMPLICATIONS

G.I.S was used to ascertain the number of houses, washing lines, cars and swimming pools in the possible affected zone. The camp management plan requires \$42,500 for initial community response of influx of flying foxes. This includes funding for car, swimming pool and washing line covers and a gurney that Council will offer for hire for removal of bat faeces. A dollar value was assigned to all covers and multiplied by the number of occurrences in the possible affected zone.

IMPORTANT NOTE: This does not include funding that may be required to assist individuals with large scale mitigation measures recommended in the plan such as tree removal in the affected zones.

POLICY IMPLICATIONS

Sustainability Policy

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Biodiversity Conservation Act, 2016 – Part Four. As a species classed as vulnerable, the protection of the grey headed flying fox falls under this act.

OPERATIONAL PLAN IMPLICATIONS

Item 12.1.3 Undertake native area restoration works along Muscle Creek and Karoola Wetlands.

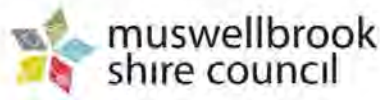
Restoration works in these areas may encourage flying foxes away from residential areas.

RISK MANAGEMENT IMPLICATIONS

Risk Type	Risk	Mitigation
Environmental	Residents removing roosting trees without permission to remove flying foxes.	Have plan in place to assist residents in affected zones.
Social	Poor public perception	Ensure that council is seen as caring for local resident's wellbeing by having plan in place.
	Creating false alarm.	Ensure that residents are aware that a plan exists for periods of flying fox influx
Financial	The absence of a plan or poorly implemented plan can lead to significant expense in response to flying fox issues such as those experienced in a number of regional towns.	A robust plan with an associate budget with several different mitigation methods that does not rely on relocation of the camp is recommended.



Prepared by The Hunter Joint Organisation of Councils for Muswellbrook Shire Council



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Disclaimer

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We acknowledge the broader input received from Local Council Officers undertaking similar Flying Fox Camp Management Plans in the Hunter Region, as their efforts may have influenced the creation of this Camp Management Plan (CMP).

We acknowledge input by the NSW Office of Environment and Heritage, and consultants Ecosure, in developing the template on which this Camp Management Plan was based. Peggy Eby also provided advice which was included in the template.

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Acronyms and Abbreviations

ABLV	Australian bat lyssavirus
BFF	black flying-fox (<i>Pteropus alecto</i>)
DoE	Commonwealth Department of the Environment
DPI	Department of Primary Industries (NSW)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EPA	Environment Protection Authority (NSW)
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Commonwealth)
GHFF	grey-headed flying-fox (<i>Pteropus poliocephalus</i>)
the Guideline	Referral guideline for management actions in grey-headed and spectacled flying-fox camps 2015 (Commonwealth)
HeV	Hendra virus
LGA	local government area
LGNSW	Local Government NSW
LRFF	little red flying-fox (<i>Pteropus scapulatus</i>)
MNES	matters of national environmental significance
NPW Act	<i>National Parks and Wildlife Act 1974</i> (NSW)
NPWS	National Parks and Wildlife Service (NSW)
OEH	Office of Environment and Heritage (NSW)
PEPs	protection of the environment policies
the Plan	Camp Management Plan
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
the Policy	Flying-fox Camp Management Policy 2015 (NSW)
SEPPs	State Environmental Planning Policies
SIS	species impact statement
TEC	threatened ecological community
TSC Act	<i>Threatened Species Conservation Act 1995</i> (NSW)

Executive Summary

In 2005, flying-foxes established a camp at Muscle Creek and a section of the Hunter River. Historically the camp has been occupied by the threatened grey-headed flying-fox (GHFF) with the population varying seasonally over time. In recent years, Little Red Flying-foxes (LRF) have also been occupying the site. The land occupied by the main camp area is owned by Council, Department of Infrastructure - Lands and Australian Rail Track Corporation (ARTC).

The Muswellbrook flying-fox Camp is located close to residential areas and unoccupied land zone RU1. The Camp's proximity to a caravan park and public facilities including walkways, recreational areas, sporting fields, clubs, hotels and the local hospital are the main areas of concern for the community and conflict increases when the number of flying foxes increase.

Grey-headed flying-foxes are listed as threatened species under both NSW and Commonwealth legislation, and disturbance to flying foxes and their habitat is limited by legislative requirements. This species is highly mobile and camp populations vary widely over time due to food resource availability.

The Muswellbrook flying-fox Camp Management Plan provides a tool to ensure appropriate management of the camp. This management plan outlines the issues of concern to the community caused by the presence of flying-foxes, and measures that will be taken to manage the land and reduce conflict with the local community. This approach may guide Council's approach in other locations in the local government area if flying-fox issues arise.

Experience in other areas has shown that attempts to move camps are generally unsuccessful, expensive, and likely to result in relocation of problems to neighbouring areas. Therefore, management actions proposed at Muswellbrook are primarily to reduce the impact of flying-foxes roosting close to residential dwellings and to reduce the risk of disease transmission to the local equine industry.

Preparation of the Plan included a community survey of residents throughout the community, and consultation with the NSW Office of Environment and Heritage.

The Camp Management Plan provides the framework for guiding Council's management actions on the land, and in responding to concerns of nearby residents.

Given the mobility of flying-foxes and the expected variability of the population of the camp over time, the focus of implementation actions is on:

- Providing residents with car covers and/or pool covers and/or clothesline covers, where they are directly affected by roosting Flying-foxes.
- Providing residents with access to a high powered water guernsey where they are directly impacted by roosting flying foxes.
- Education and awareness programs.

In the event that the flying-foxes no longer occupy the site or are present in low numbers, then many of the actions identified in the Plan may not be required. Alternatively, if the number of individuals at the camp increases, then it may be necessary to review actions.

1 Overview

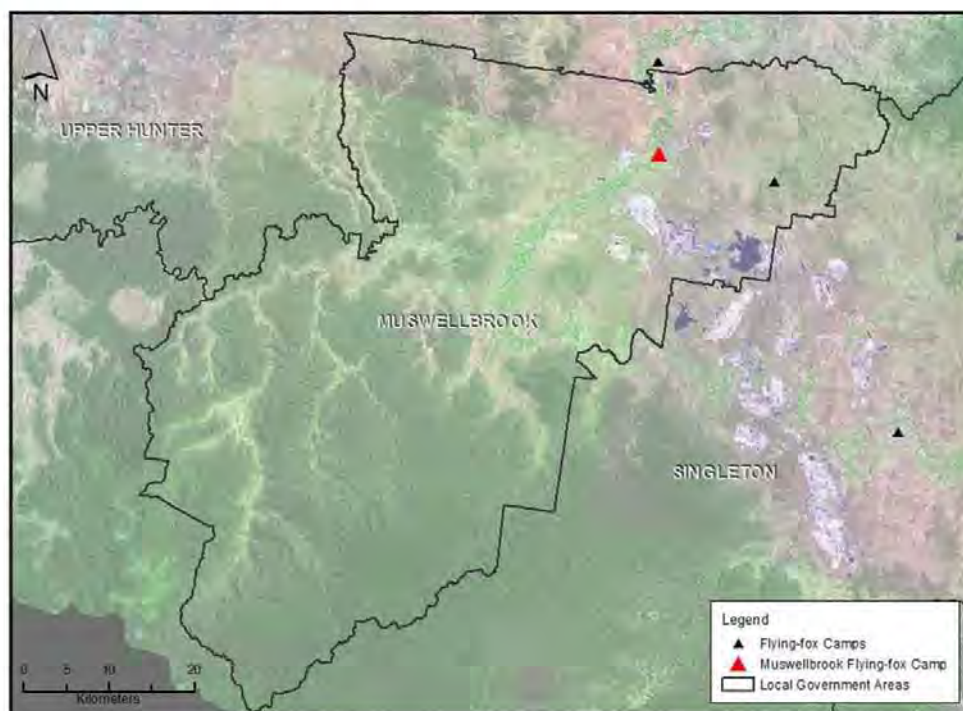
1.1 Background

This Camp Management Plan has been developed as part of a Hunter Regional project that has developed Flying-fox Camp Management Plans for Central Coast Council, Mid Coast Council, Muswellbrook Shire Council, Singleton Council, Port Stephens Council and Upper Hunter Shire Council. Participating in this project has enabled strong alignment with the actions of other Councils and the creation of active working relationships with these Councils, so that if any management action undertaken affects the roosting behaviours of Flying-foxes in one jurisdiction, a network of land management / ecology specialists can notify neighbouring Councils of any possible increased Flying-fox movements.

The plan has been prepared to identify actions that are available to reduce the impact of flying foxes on residents, particularly adjacent to the land occupied by the camp, while maintaining suitable habitat on the site to support the population of the grey-headed flying-fox, a listed threatened species. The plan also provides general guidance throughout the Muswellbrook local government area for flying-fox camps.

The purpose of this plan is to identify the various Flying-fox management activities to be undertaken at the Camp. If approved by OEH (in combination with other relevant license applications and legislative requirements), this plan will enable appropriate management of the Flying-fox habitat to reduce human/bat conflict. Included actions pose little to no direct impact to flying-foxes, and Council already has a s91 Licence as it is currently undertaking riparian management activities in the area. The plan operates for a period of 5 years.

Map 1: Flying-fox Camps in Muswellbrook LGA



1.2 Objectives

Mid Coast Shire Council has developed this Flying-fox Camp Management Plan to provide Council, and the community a clear framework for the management of the Muswellbrook Flying-fox Camp.

The objectives of this Camp Management Plan (the Plan) are to:

- minimise impacts to the community, while conserving flying-foxes and their habitat
- enable land managers and other stakeholders to use a range of suitable management responses to sustainably manage flying-foxes

The following Plan provides details on the Camp site, Flying-fox species, community inputs, management opportunities and an agreed Management Plan designed to achieve the above stated objectives.

The objectives of the plan are consistent with the Office of Environment and Heritage Flying-fox Camp Management Policy (OEH 2015).

1.3 Roles and Responsibilities

There are a number of organisations that have either a responsibility or role, in the management of issues related to the Muswellbrook Flying Fox Camp.

1.3.1 Muswellbrook Shire Council

The flying-fox camp at times extends onto Muswellbrook Shire Council managed land, and as the representative organisation of the local community Council plays an active role in developing management actions for the site. The Muswellbrook Flying-fox Camp Management Plan is being facilitated by Council on behalf of the Land Managers.

1.3.2 NSW Department of Industry - Lands

The NSW Department of Industry - Lands is a land owner of portions of Crown Land on which the Muswellbrook Flying-fox Camp is located, subsequently decisions about how to manage the flying-fox Camp should be made in conjunction with this agency.

1.3.3 NSW Office of Environment and Heritage

The Office of Environment and Heritage (OEH) is responsible for administering the Threatened Species Act 1995, and for ensuring the impact of any action affecting threatened species is properly assessed. Any application by DPI-Lands to disrupt the flying-foxes roosting site (the camp) is assessed by OEH Regional Operations Group Hunter Central Coast (ROG-HCC), Planning and Ecosystems and Threatened Species teams.

1.3.4 Wildlife Care Group

Injured or distressed flying-foxes are rescued and cared for by licenced wildlife rehabilitators.

2 Context

2.1 Local Context

2.1.1 Muswellbrook Flying-fox Camp and Surrounds

Grey-Headed Flying-foxes started visiting the Muswellbrook site in 2005 and typically roost in trees in the riparian zone surrounding Muscle Creek. Since 2011, Flying-foxes have predominantly roosted in trees near the caravan park at the junction of the Hunter River and Muscle Creek. A smaller roost site is also known to be commonly occupied adjacent to the Muswellbrook Aquatic Centre.

In August 2015, the population of grey-headed flying-foxes peaked at approximately 32,000 animals, they were observed roosting from Scott Street in the north to the Hunter River immediately west of the Caravan Park. Flying Foxes were also roosting on Muscle Creek between residential properties from Wilkinson Street to Wilder Street (Refer to Map 2). Flying Foxes were observed roosting on both sites of the creek, with the majority roosting along the eastern side of Muscle Creek.

Map 2: Muswellbrook Flying-fox Camp location and extent



2.1.2 Land Tenure, Land Use and Zoning

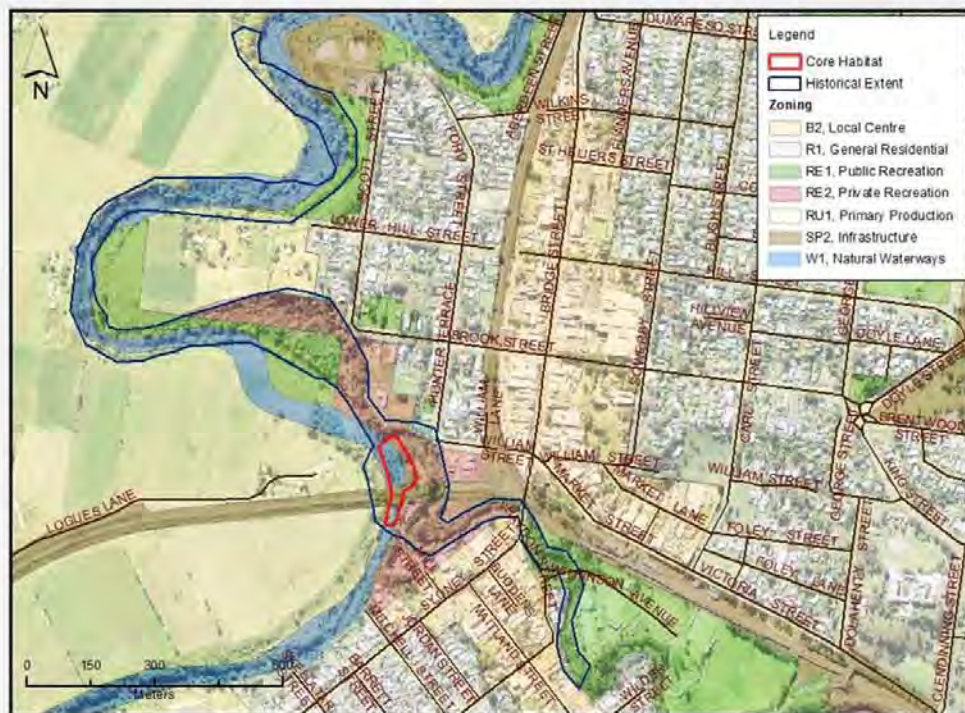
The Muswellbrook Flying-fox Camp is predominantly located on either Council Land, or Crown Land under the care and control of Council. Portions of the Camp also occur on land managed by Department of Industry – Lands, and ARTC. Land directly to the east of the camp is private residential, with land to the West of the River utilised for farming. Details of the land tenure surrounding the camp are shown in Map 3.

Map 3: Land tenure of the Muswellbrook Flying-fox Camp and surrounds



In addition to residential dwellings, a number of public facilities, services and businesses are located close to the Camp; these are a school, caravan park, disability services building, hotel, aquatic centre and other sporting facilities. Details of the land zoning surrounding the Flying-fox Camp are included in Map 4.

Map 4: Zoning of Land surrounding the Muswellbrook Flying-fox Camp



2.1.3 Flying-fox Population & Statistics

Scientific Committee Recommendation for Listing as a Nationally Vulnerable Species

Advice to the Federal Minister for the Environment and Heritage from the Threatened Species Scientific Committee (TSSC) on Amendments to the list of Threatened Species under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) recommended Grey Headed Flying-foxes should be listed as Vulnerable due to the decline in the National Population over the preceding years¹.

The Committee noted population size data obtained by fly-out count surveys contain a degree of error that is difficult to quantify (related to the survey methodology; and the comparability of the survey results for the purpose of calculating trends in population size or species abundance). Fly-out counts are acknowledged by the scientific community to be the best method currently available of obtaining reliable and reproducible estimates of abundance (if not actual population counts) for flying-foxes. The available data for 1989 and 1998-2001 has been obtained using the same survey techniques that are widely acknowledged to be appropriate for estimating the abundance of this species.

The data available from the fly-out counts conducted should be regarded as estimates of abundance, rather than precise population counts.

¹ <http://www.environment.gov.au/biodiversity/threatened/conservation-advice/pteropus-poliocephalus>, accessed 27 March 2017.

The surveys of 1998-2001 have been much more comprehensive than the 1989 survey in terms of the number of roosts and extent of geographical range included. Despite the significantly increased knowledge of the species roost sites and survey effort, the estimates of abundance obtained indicate a decline in the abundance of the species. Using the maximum estimate from the 1998-2001 surveys (400,000) and the minimum estimate of abundance in 1989 (566,000), the rate of decline since 1989 has been in the order of 30%.

A number of experts commented that the projected habitat clearance in northern NSW is the primary ongoing threat to Grey-headed Flying-foxes. One expert stated that annually reliable winter resources are limited in distribution to a narrow coastal strip in northern NSW and Queensland. These coastal areas are targeted for intensive residential development to cater for a projected 25% increase in the human population over the next decade. It was this argument that convinced the Editorial Panel of the Bat Action Plan to identify Grey-headed Flying-foxes as vulnerable, although the Editorial Panel was not unanimous in its decision.

Flying Fox Population at the Muswellbrook Flying Fox Camp

According to the CSIRO census, August is the peak month for flying-fox activity in Muswellbrook (see **Error! Not a valid bookmark self-reference.**). Anecdotal evidence from residents suggest that flying foxes have been observed at the site much longer than the census data suggests, and that typically the majority of animals are present during May – June with Flying-foxes typically leaving the camp in July, the population observation in August 2015 was an aberration from previous years.

Table 1: Flying-fox population data (source: CSIRO National Flying-fox census).

	Nov-12	Feb-13	May-13	Aug-13	Nov-13	Feb-14	May-14	Aug-14	Nov-14	Feb-15	May-15	Aug-15	Nov-15	Feb-16	May-16	Aug-16
Hunter Camps	15,387	131,768	44,519	23,649	15,172	97,769	27,533	7,681	130,269	335,279	105,926	112,624	138,593	309,962	176,703	66,784
Muswellbrook Camp GHFF	0	0	0	0	0	0	0	0	0	0	0	32000	1000	800	-	-
Muswellbrook Camp LRFF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Muswellbrook Camp BFF	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% of Hunter Region FF in Muswellbrook	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	28.4%	0.7%	0.3%	0%	0%

GHFF = Grey Headed Flying-fox; LRFF = Little Red Flying-fox; BFF = Black Flying-fox

Figure 1 provides a graphical presentation of the Flying-fox population data collected by the CSIRO census (presented Table 1).

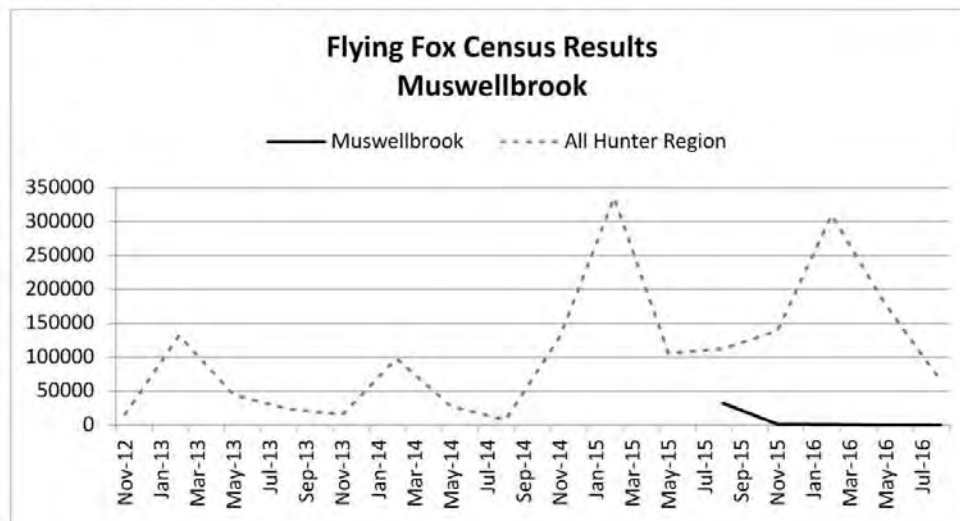


Figure 1: Graph of Flying-fox census results for the Muswellbrook Flying-fox Camp (source: CSIRO National Flying-fox census)

The location and extent of the camp has changed over time, see Map 5 for details on camp extent during census surveys.

Map 5: Camp extent boundaries as noted during CSIRO Flying-fox census activities



2.1.4 Community Interests and Issues Related to the Camp

Flying-foxes have been a constant issue discussed in local papers and media over the years, details of recent media coverage regarding Flying-foxes is included in Appendix 3: Media Coverage of Flying Foxes in the Hunter Region

The following list is a collation of the issues related to the camp that have been reported by the community. The list has been compiled from information collected via a range of reporting and consultation methods. Further discussion about community engagement efforts and outcomes can be found in Section 3.

Reported issues include:

- noise as flying-foxes depart or return to the camp
- faecal drop on outdoor areas, cars and washing lines
- odour
- Flying-foxes feeding on residential fruit trees at night
- fear of disease
- reduced general amenity
- impacts on businesses

The Office of Environment & Heritage has received limited complaints about the Muswellbrook Flying-fox Camp, whilst Council has only received a total of six complaints in the past three years. Despite the limited number of official complaints to Council there were a very large number of complaints on social media local community pages which cannot be recorded.

2.1.5 Management Response to Date

To date Council has monitored flying fox numbers and health of the population.

Council has undertaken a community consultation and education program and has distributed education brochures to residents in the affected zone. These education brochures are available on Council's website

Council is currently undertaking large scale revegetation works along Muscle Creek including weed removal and plantation of habitat and food trees.

There are further plans for a flying fox habitat restoration project at Muswellbrook Common which will include planting of food trees, roosting trees and weed removal away from residential areas.

2.2 Ecological Values of Flying Foxes, the Camp and Surrounding Areas

2.2.1 Flying-fox Species Profiles

There are two species of Flying-foxes that have been recorded utilising the Muswellbrook Flying-fox Camp. Details on these species follow.

Grey-headed flying-fox (*Pteropus poliocephalus*)



Figure 2: Grey-headed flying-fox indicative species distribution, adapted from OEH 2015a

The Grey-Headed Flying-fox (Figure 2) is found throughout eastern Australia, generally within 200 kilometers of the coast, from Finch Hatton in Queensland to Melbourne, Victoria (OEH 2015d). This species now ranges into South Australia and has been observed in Tasmania (DoE 2016a). It requires foraging resources and camp sites within rainforests, open forests, closed and open woodlands (including melaleuca swamps and banksia woodlands). This species is also found throughout urban and agricultural areas where food trees exist and will raid orchards at times, especially when other food is scarce (OEH 2015a).

All the Grey-Headed Flying-fox in Australia are regarded as one population that moves around freely within its entire national range (Webb & Tidemann 1996; DoE 2015). GHFF may travel up to 100 kilometers in a single night with a foraging radius of up to 50 kilometers from their camp (McConkey et al. 2012). They have been recorded travelling over 500 kilometers over 48 hours when moving from one camp to another (Roberts et al. 2012). Grey-Headed Flying-fox generally show a high level of fidelity to camp sites, returning year after year to the same site, and have been recorded returning to the same branch of a particular tree (SEQ Catchments 2012). This may be one of the reasons flying-foxes continue to return to small urban bushland blocks that may be remnants of historically-used larger tracts of vegetation.

The Grey-Headed Flying-fox population has a generally annual southerly movement in spring and summer, with their return to the coastal forests of north-east NSW and south-east Queensland in winter (Ratcliffe 1932; Eby 1991; Parry-Jones & Augee 1992; Roberts et al. 2012). This results in large fluctuations in the number of Grey-Headed Flying-fox in NSW, ranging from as few as 20% of the total population in winter up to around 75% of the total population in summer (Eby 2000). They are widespread throughout their range during summer, but in spring and winter are uncommon in the south. In autumn they occupy primarily coastal lowland camps and are uncommon inland and on the south coast of NSW (DECCW 2009).

There is evidence the GHFF population declined by up to 30% between 1989 and 2000 (Birt 2000; Richards 2000 cited in OEH 2011a). There is a wide range of ongoing threats to the survival of the Grey-Headed Flying-fox, including habitat loss and degradation, deliberate destruction associated with the commercial horticulture industry, conflict with humans, infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.). For these reasons it is listed as vulnerable to extinction under NSW and federal legislation.

Little red flying-fox (*Pteropus scapulatus*)



Figure 3: Little red flying-fox indicative species distribution, adapted from OEH 2015a

The Little Red Flying-fox (Figure 3) is widely distributed throughout northern and eastern Australia, with populations occurring across northern Australia and down the east coast into Victoria.

The Little Red Flying-fox forages almost exclusively on nectar and pollen, although will eat fruit at times and occasionally raids orchards (Australian Museum 2010). Little Red Flying-fox often move sub-continental distances in search of sporadic food supplies. The Little Red Flying-fox has the most nomadic distribution, strongly influenced by availability of food resources (predominantly the flowering of eucalypt species) (Churchill 2008), which means the duration of their stay in any one place is generally very short.

Habitat preferences of this species are quite diverse and range from semi-arid areas to tropical and temperate areas, and can include sclerophyll woodland, melaleuca swamplands, bamboo, mangroves and occasionally orchards (IUCN 2015). Little Red Flying-fox are frequently associated with other *Pteropus* species. In some colonies, Little Red Flying-fox individuals can number many hundreds of thousands and they are unique among *Pteropus* species in their habit of clustering in dense bunches on a single branch. As a result, the weight of roosting individuals can break large branches and cause significant structural damage to roost trees, in addition to elevating soil nutrient levels through faecal material (SEQ Catchments 2012).

Throughout its range, populations within an area or occupying a camp can fluctuate widely. There is a general migration pattern in Little Red Flying-fox, whereby large congregations of over one million individuals can be found in northern camp sites (e.g. Northern Territory, North Queensland) during key breeding periods (Vardon & Tidemann 1999). Little Red Flying-fox travel south to visit the coastal areas of south-east Queensland and NSW during the summer months. Outside these periods Little Red Flying-fox undertake regular movements from north to south during winter–spring (July–October) (Milne & Pavey 2011).

2.2.2 Muswellbrook Flying-fox Camp Description

Flying-foxes have predominantly roosted in trees near the caravan Park at the junction of the Hunter River and Muscle Creek. A smaller roost site is also known to be commonly occupied adjacent to the Community Swimming Centre (see Map 2).

Muscle Creek is adjacent to residential areas, parkland, a Caravan Park, Bowling Club and a Public Swimming pool. The vegetation along Muscle Creek has been extensively cleared and modified. Noxious weeds, environmental weeds and garden escapees dominate the riparian zone - there are extensive areas where the weed infestations cover 90 - 100% of the riparian Zone, however there are pockets of native canopy species, of River Oak (*Casuarina cunninghamiana*), Rough-barked Apple (*Angophora floribunda*) and White Cedar (*Melia azedarach*), as shown in Photograph 1.

In the main Flying-fox Camp area (see Map 5) the ground cover, shrub layer and vines are dense and weed infested. When the Flying-fox population increases, they roost in trees along the water course to the north, south and east of the core Camp area. There does not appear to be any known roosting sites outside of the vegetated riparian zone, however properties adjacent to the River may experience flying-foxes nearby when numbers peak.

The tree canopy in the core area is dominated by Willow, a number of native River Oak and Eucalypt species present (see Photograph 2). Willow trees provides a good lower to upper canopy foliage for the flying-foxes to roost in, and appears to be the most favoured roosting tree at this Camp. The Willow and River Oak are typically about 20m high with Eucalypts averaging 25m high, all trees provide significant roosting space and protection from heat.

The camp is a known breeding Camp for Grey-headed Flying-foxes.



Photograph 1: Main Flying-fox Camp Area (ARTC Land)



Photograph 2: Main Flying Fox Camp area

2.2.3 Ecological role of Flying Foxes

Flying-foxes, along with some birds, make a unique contribution to ecosystem health through their ability to move seeds and pollen over long distances (Southerton et al. 2004). This contributes directly to the reproduction, regeneration and viability of forest ecosystems (DoE 2016a). It is estimated that a single flying-fox can disperse up to 60,000 seeds in one night (ELW&P 2015). Some plants, particularly *Corymbia* spp., have adaptations suggesting they rely more heavily on nocturnal visitors such as bats for pollination than daytime pollinators (Southerton et al. 2004).

Grey-headed flying-foxes may travel 100 km in a single night with a foraging radius of up to 50 km from their camp (McConkey et al. 2012), and have been recorded travelling over 500 km in two days between camps (Roberts et al. 2012). In comparison bees, another important pollinator, move much shorter foraging distances of generally less than one kilometre (Zurbuchen et al. 2010).

Long-distance seed dispersal and pollination makes flying-foxes critical to the long-term persistence of many plant communities (Westcott et al. 2008; McConkey et al. 2012), including eucalypt forests, rainforests, woodlands and wetlands (Roberts et al. 2006). Seeds that are able to germinate away from their parent plant have a greater chance of growing into a mature plant (EHP 2012). Long-distance dispersal also allows genetic material to be spread between forest patches that would normally be geographically isolated (Parry-Jones & Augée 1992; Eby 1991; Roberts 2006). This genetic diversity allows species to adapt to environmental change and respond to disease pathogens. Transfer of genetic material between forest patches is particularly important in the context of contemporary fragmented landscapes.

Flying-foxes are considered 'keystone' species given their contribution to the health, longevity and diversity among and between vegetation communities. These ecological services ultimately protect the long-term health and biodiversity of Australia's bushland and wetlands. In turn, native forests act as carbon sinks, provide habitat for other fauna and flora, stabilise river systems and catchments, add value to production of hardwood timber, honey and fruit (e.g. bananas and mangoes; Fujita 1991), and provide recreational and tourism opportunities worth millions of dollars each year (EHP 2012; ELW&P 2015).

2.2.4 Flying Fox Habitat

Vegetation Communities

Vegetation assessments undertaken at the at Wilder Street, Wilkinson Street, Mill Street and Brook Street roosting sites identified the dominant tree, shrub and ground cover species within a 20 by 20 metre area. Overall, there was limited native species diversity identified within the rapid assessment sites, which is a result of past extensive clearing of the riparian zone, displaced by exotic species.

Threatened Species & Endangered Ecological Communities

The Muswellbrook Flying-fox Camp contains potential habitat for *Eucalyptus camaldulensis* an endangered population in the Hunter Catchment. The Camp also contains habitat for Hunter Floodplain Red Gum Woodland, listed as an Endangered Ecological Community under the TSC Act.. No other threatened species or populations were recorded during the site assessment. It is recommended that a detailed Flora and Fauna assessment be undertaken to identify location and extent of any threatened flora and fauna species which are likely to utilise the riparian habitats.

A list of threatened species known to occur within 10 km of the site and are likely to be found on site is provided in Table 2.

Table 2: Threatened species and ecological communities that are likely to occur at the site²

Species Name	Common Name	NSW Status	Commonwealth Status
Fauna			
<i>Falsistrellus tasmaniensis</i>	Eastern False Pipistrelle	V,P	
<i>Pteropus poliocephalus</i>	Grey-headed Flying-fox	V,P	V
<i>Chalinolobus dwyeri</i>	Large-eared Pied Bat	V,P	V
<i>Hieraetus morphnoides</i>	Little Eagle	V,P	
<i>Anthochaera phrygia</i>	Regent Honeyeater	E1A,P	CE
<i>Myotis macropus</i>	Southern Myotis	V,P	
<i>Circus assimilis</i>	Spotted Harrier	V,P	
<i>Dasyurus maculatus</i>	Spotted-tailed Quoll	V,P	V
<i>Saccolaimus flaviventris</i>	Yellow-bellied Sheath-tail-bat	V,P	
Flora			
<i>Eucalyptus camaldulensis</i>	Eucalyptus camaldulensis population in the Hunter catchment	E2	
EEC			
Endangered: Hunter Floodplain Redgum Forest Woodland in the Sydney Basin and New South Wales North Coast Bioregions		E3	

V= Vulnerable, P= Protected, E1A= Critically Endangered, CE, Critically Endangered, E2 = Endangered Population, E3= Endangered Ecological Community.

² Source: Atlas of Living in Australia 08/11/2016

Foraging Areas

Within the Camp

A mature stand of River Redgum (*Eucalyptus camaldulensis*), is located just north of Wilder Street, extending approximately 150m along Muscle Creek, .. River Redgums extend onto ARTC land north of the Caravan Park, and on Muscle Creek at the end of Gyarran Road, south west of Wilder Street (see Photograph 3) and within the Caravan Park grounds at Mill Street. River Redgum occurs intermittently along Muscle Creek, the extent and distribution of this species along the entire camp has not been comprehensively mapped.

Other suitable foraging species include Silky Oak (*Grevillea robusta*) Forest Redgum (*Eucalyptus tereticornis*) and Blakely's Redgum (*Eucalyptus blakelyi*) and Prickly-leaved Paperbark (*Melaleuca stypheloides*) which occur intermittently as scattered mature trees or small stands along Muscle Creek (see Photograph 3).

Flying-foxes are also known to feed on environmental weeds such as Small-leaved Privet, which is widespread at the Brook Street site.



Photograph 3: River Redgum an Endangered Population in the Hunter Catchment – preferred Flying Fox foraging habitat at Muscle Creek, near Wilder Street

Within 1km of the Camp

Populations of River Redgum occur within the golf course south west of the Flying Fox Camp.

Flying Foxes may opportunistically forage on species which occur in backyards including Silky Oaks, Cocos Palms and Broad-leaved Paperbark (*Melaleuca quinquenervia*). Suitable foraging habitat is less evident within residential areas closest to the business district. Flying Foxes will opportunistically feed on planted fruit trees when available.

Several small stands of remnant White Box, Narrow-leaved Ironbark (*Eucalyptus crebra*), Broad-leaved Ironbark (*Eucalyptus fibrosa*), Grey-Box (*Eucalyptus moluccana*), Forest Redgum and Rough-barked Apple occur in residential areas to the south and north of the creek that are likely to attract foraging Flying-foxes.

Within 6km of the Camp

There are a number of remnant native vegetation communities within 6km of the Camp which are known food sources for Flying-foxes, these are:

- Narrow-leaved Ironbark - Grey Box grassy woodland of the central and upper Hunter and associated with the Listed EPBC Act, Critically endangered: Central Hunter Valley eucalypt forest and woodland (Part)
- White Box - Narrow-leaved Ironbark - Blakely's Red Gum shrubby open forest of the central and upper Hunter and associated with the Listed TSC Act Endangered White Box Yellow Box Blakely's Red Gum Woodland (Part).
- Lower Hunter Valley Dry Rainforests - TSC Act Endangered Ecological Community
- Hunter Floodplain Redgum Woodland - TSC Act Endangered Ecological Community
- Central Hunter Ironbark-Spotted Gum-Grey Box Forest -TSC Act Endangered Ecological Community (Peake 2006).

Surrounding the Camp (20km)

The number of flying-foxes present in a camp is primarily driven by the amount and quality of food available in the local area, relative to that available within migration distance (Tidemann 1999; Eby 1991; Roberts et al 2012). Flying-foxes typically feed within 20 km of their roost (Tidemann 1999), and digital maps of feeding habitat for Grey-headed Flying-foxes have been used to summarise feeding resources within 20 km of the Muswellbrook camp (Eby and Law 2008).

The area surrounding the Muswellbrook camp has been heavily cleared for agriculture and mining. Approximately 17% of land within 20 km of the site supports native forests and woodlands, primarily in small remnant patches. While some dry rainforest occurs in the area, it is rare and rainforest fruits provide sparse food resources for flying-foxes during late summer and autumn.

Approximately 90% of forested land within 20km of Muswellbrook contains flowering trees visited by flying-foxes. In total, 10 species of trees in the flower diet of Grey-headed flying-foxes occur within feeding range of the Muswellbrook camp (Table 3). They vary considerably in the amount of nectar they secrete, the frequency and duration of flowering, their seasonal flowering schedules and their area of distribution. Interactions between these characteristics determine the influence they have on the presence of flying-foxes in the Muswellbrook camp and the size of the population. Species with restricted distributions or that produce relatively low volumes of nectar are likely to have a minor influence on the number of flying-foxes feeding in the area.

Three highly productive species are likely to have a substantial influence (Table 3): Spotted Gum, White Box and Grey Ironbark. Remnant vegetation immediately surrounding Muswellbrook and to the north contains box-ironbark grassy woodlands dominated by White Box. To the south and west lie woodlands dominated by Spotted Gum and Grey Ironbark.

The irregular influxes of flying-foxes to the Muswellbrook camp appear to be driven by flowering of Spotted Gum and White Box. Influxes in 2012 and 2015 were associated with significant flowering of White Box during late autumn and winter; a mass flowering of Spotted Gum coincided with the 2012 event. A resource bottleneck for Grey-headed flying-foxes occurs during winter and flowering of Spotted Gum and White Box are particularly attractive to Grey-headed Flying-foxes. The length of time the camp is occupied is likely to extend to spring and summer in years when Grey Ironbark flowers well.

Table 3: Characteristics of flowering trees in the diet of Grey-headed Flying-foxes that occur within 20 km of the Muswellbrook camp. Nectar abundance is scored in 4 categories from 0 to 1; the approximate frequency of flowering is also scored in 4 categories relating to % of years; duration of flowering is scored in months. Species likely to play a significant role in determining the number of flying-foxes present in the camp, as assessed by nectar abundance and area of distribution, are highlighted in grey. Species found in <1% of native vegetation have been excluded. See Eby and Law (2008) for further details

Species	Common Name	% area of native vegetation	flowering characteristics			bi-monthly flowering schedule					
			nectar abundance	frequency (% yrs)	duration (mth)	Dec-Jan	Feb-Mar	Apr-May	Jun-Jul	Aug-Sep	Oct-Nov
<i>Corymbia maculata</i>	Spotted Gum	25%	1	0.25	4-6			X	X		
<i>Eucalyptus albens</i>	White Box	20%	0.7	0.4	4			X	X	X	
<i>E. siderophloia</i>	Grey Ironbark	15%	1	0.7	2	X					X
<i>Angophora floribunda</i>	Rough-barked Apple	5%	0.5	0.4	1	X					
<i>E. acmenoides</i>	White Mahogany	10%	0.3	0.7	1	X					X
<i>E. fibrosa</i>	Broad-leaved Ironbark	10%	0.7	0.4	2	X					
<i>E. moluccana</i>	Grey Box	50%	0.3	0.7	2		X				
<i>E. propinqua</i>	Small-fruited Grey Gum	5%	0.5	0.4	2	X	X				
<i>E. punctata</i>	Large-fruited Grey Gum	20%	0.3	0.7	1	X	X				
<i>E. tereticornis</i> (inland)	Forest Red Gum	15%	0.5	0.4	2	X					X
						7	3	2	2	1	3

Roosting Areas

In August 2015, the population of grey-headed flying-foxes peaked at approximately 32,000 animals, they were observed roosting from Scott Street in the north to the Hunter River immediately west of the Caravan Park. Flying Foxes were also roosting on Muscle Creek between residential properties from Wilkinson Street to Wilder Street (Refer to **Error! Reference source not found.**). Flying Foxes were observed roosting on both sides of the creek, with the majority roosting along the eastern side of Muscle Creek.

This significant increase in Flying Foxes coincided with the widespread and abundant flowering of Spotted Gums (*Corymbia maculata*). It is likely that an expansion of the Camp will occur again during major flowering events.

During the November 2016 site assessments, Flying Foxes were only roosting in discrete locations areas along the Hunter River and Muscle Creek. (see Map 6). These areas were confined to:

- Wilder Street just south of the Public Swimming Pool,
- In the core Roosting area, west of the Caravan Park.

Map 6: November 2016 site inspections near Wilder Street



At the Wilder Street site, Flying-foxes were roosting in the very tops of River Oak trees. At the Caravan Park and on the ARTC land, Flying-foxes exclusively roosted in Willow Trees.

Between the Wilder Street and the Wilkinson sites, the native canopy and mid-storey species are open, and dominated by River Oak and River Redgum, which are known roosting habitat. Both Muscle Creek and the Hunter River contain widespread Willows, River Oak, providing suitable roosting habitat.

Potential Overflow Roosting Areas

The riparian zone throughout the Muswellbrook township is prime Flying-fox roosting habitat (see **Error! Reference source not found.**). There appears to be limited possible overflow areas within the township, other than along the riparian zone. It is possible however that there may be some large planted trees within the township that may be suitable enough for flying foxes to roost in if there were Camp capacity pressures or other reasons why they may feel they have to move camp e.g. disturbance at main Camp. Other potential overflow sites may continue further to the north of the camp and also towards Bell Street. Within this area the species and density of the vegetation is consistent with the existing roost area.

Map 7: Potential Flying-fox Camp overflow areas



2.2.5 Flying-foxes in Urban Areas

Flying-foxes appear to be roosting and foraging in urban areas more frequently. There are many possible drivers for this, as summarised by Tait et al. (2014):

- loss of native habitat and urban expansion -
- opportunities presented by year-round food availability from native and exotic species found in expanding urban areas
- disturbance events such as drought, fires, cyclones
- human disturbance or culling at non-urban roosts or orchards
- urban effects on local climate
- refuge from predation
- movement advantages e.g. ease of maneuvering in flight due to the open nature of the habitat or ease of navigation due to landmarks and lighting.

The vegetation along Muscle Creek is dominated by densely infested and widespread noxious and environmental weeds, providing suitable habitat for Flying-foxes. Further north, south and west of the camp, riparian vegetation is absent, making the riparian zone in Muswellbrook township the only reliable roosting habitat in the immediate vicinity.

The following threats and hazards to the Muswellbrook Flying-fox Camp have been identified:

- Natural food shortages – due to land clearing in combination with poor flowering seasons
- Fruit tree netting – females with young have been observed trapped in netting (2017)
- Limited potential roosting areas – may have to roost in less desirable areas if population grows.
- Heat events – recent heat waves have seen animal deaths throughout the region.
- Disturbance from local residents.
- Barbed wire – fencing across dams in particular poses a 'death-trap' to Flying-foxes
- Powerlines – when there are food shortages, Flying-foxes are more likely to forage in urban areas and there is therefore an increased risk of electrocution.
- Fireworks – Wildlife Rehabilitators often get calls to attend injured animals after fireworks have been set off.

2.2.6 Flying-foxes Under Threat

Flying-foxes roosting and foraging in urban areas more frequently can give the impression that their populations are increasing; however, the grey-headed flying-fox is in decline across its range and in 2001 was listed as vulnerable by the NSW Government through the TSC Act.

At the time of listing, the species was considered eligible for listing as vulnerable as counts of flying-foxes over the previous decade suggested that the national population may have declined by up to 30%. It was also estimated that the population would continue to decrease by at least 20% in the next three generations given the continuation of the current rate of habitat loss and culling.

The main threat to grey-headed flying-foxes in NSW is clearing or modification of native vegetation. This threatening process removes appropriate roosting and breeding sites and limits the availability of natural food resources, particularly winter-spring feeding habitat in north-eastern NSW. The urbanisation of the coastal plains of south-eastern Queensland and northern NSW has seen the removal of annually-reliable winter feeding sites, and this threatening process continues.

There is a wide range of ongoing threats to the survival of the Grey Headed Flying-fox, including:

- habitat loss and degradation
- conflict with humans (including culling at orchards)
- infrastructure-related mortality (e.g. entanglement in barbed wire fencing and fruit netting, power line electrocution, etc.)
- predation by native and introduced animals
- exposure to extreme natural events such as cyclones, drought and heat waves.

Flying-foxes have limited capacity to respond to these threats and recover from large population losses due to their slow sexual maturation, small litter size, long gestation and extended maternal dependence (McIlwee & Martin 2002).

2.2.7 Flying-foxes and Heat Stress

Heat stress affects flying-foxes when temperatures reach 42°C or more. Over the past two decades, a number of documented heat stress events have resulted in significant flying-fox mortality.

When ambient temperatures rise above 35°C flying-foxes tend to alter their behaviour to reduce

While there is conflicting advice about how or whether to intervene during a heat stress event at a flying-fox camp, it should be noted that human presence in a camp at such times can increase the stress and activity levels of flying-foxes present, potentially leading to greater harm. Any response to a heat stress event should be undertaken as an organised and monitored response. It is recommended that data is collected after the heat stress event and provided to scientists able to analyse the data and to help the Office of Environment and Heritage share best practice management techniques as they are developed. The data collected will help improve future advice on intervention during these events.

exposure to heat. A range of behaviours may be exhibited, depending on multiple variables in their environment. The impacts of heat stress events are likely to vary site by site, and can depend on conditions in the preceding days. Ambient temperature alone may thus not be a sound indicator of a heat stress event, and flying-fox behaviour may provide more reliable information. As flying-foxes experience heat stress, they are likely to exhibit a series of behaviours indicating progressive impact of that stress, including:

- clustering or clumping,
- panting,
- licking wrists and wing membranes
- descending to lower levels of vegetation or to the ground.

Some of these behaviours may occur outside of heat stress events.

The March 2016 Heat Wave saw temperatures exceed 46.8°C in Cessnock, but there were no recorded Flying-fox deaths at the East Cessnock Camp, most likely due to the condition of the Camp, and the ability for the Flying-fox population to move closer to the ground and seek cover in the thick mid and lower stories of vegetation on site.

Black Flying-foxes tend to start dying above ~42°C, and Grey-headed Flying-foxes above ~43°C

2.2.8 Human and Animal Health

Flying-foxes, like all animals, carry bacteria and other microorganisms in their guts, some of which are potentially pathogenic to other species. Direct contact with faecal material should be avoided and general hygiene measures taken to reduce the low risk of gastrointestinal and other disease.

Contamination of water supplies by any animal excreta (birds, amphibians and mammals such as flying-foxes) poses a health risk to humans. Household tanks should be designed to minimise potential contamination, such as using first flush diverters to divert contaminants before they enter water tanks. Trimming vegetation overhanging the catchment area (e.g. the roof of a house) will also reduce wildlife activity and associated potential contamination. Tanks should also be appropriately maintained and flushed, and catchment areas regularly cleaned to remove potential contaminants.

Public water supplies are regularly monitored for harmful microorganisms, and are filtered and disinfected before being distributed. Management plans for community supplies should consider whether any large congregation of animals, including flying-foxes, occurs near the supply or catchment area. Where they do occur, increased frequency of monitoring should be considered to ensure early detection and management of contaminants.

Flying-foxes, like all animals, carry pathogens that may pose human health risks. Many of these are viruses which cause only asymptomatic infections in flying-foxes themselves but may cause significant disease in other animals that are exposed. In Australia the most well-defined of these include Australian bat lyssavirus (ABLV), Hendra virus (HeV) and Menangle virus. Specific information on these viruses is provided in Appendix 5.

Outside of an occupational cohort, including Wildlife Rehabilitators and vets, human exposure to these viruses is extremely rare and similarly transmission rates and incidence of human infection are very low. In addition, HeV infection in humans apparently requires transfer from an infected intermediate equine host and direct transmission from bats to humans has not been reported. Thus despite the fact that human infection with these agents can be fatal, the probability of infection is extremely low and the overall public health risk is judged to be low (Qld Health 2016).

More detail on diseases and Flying-foxes can be accessed through Muswellbrook Shire Council.

2.3 Legislative and Regulatory Context

The Grey-Headed Flying-fox (*Pteropus poliocephalus*) is listed as a vulnerable species under the *Federal Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and is therefore considered a 'Matter of National Environmental Significance' and is therefore protected under federal law.

It is recognised that at the time of developing this Camp Management Plan, the NSW State Government was preparing to overhaul environmental protection legislation and some of the references below are likely to change post July 2017.

There are numerous State based legislative instruments that manage and control actions related to flying-foxes and their habitat, these are discussed in **Error! Reference source not found.**

In NSW, the grey-headed flying-fox was listed as vulnerable under the NSW *Threatened Species Conservation Act 1995* in 2001. This listing is based on scientific evidence indicating a significant decline in the population of the species and that it is "likely to become endangered unless the circumstances and factors threatening its survival or evolutionary development cease to operate" (NSW Scientific Committee 2001).

This means that if present processes continue the species could become extinct. A draft national recovery plan has also been prepared for the species (DECCW 2009, Geolink 2013). Provisions in the *Threatened Species Conservation Act 1995*, *National Parks and Wildlife Act 1974* and *Environmental Planning and Assessment Act 1979* mean that actions likely to adversely affect the species generally require approval or licensing, and that impacts on the species require assessment.

The NSW Office of Environment and Heritage (OEH) has prepared the 'Flying-fox Camp Management Policy' 2015, intended to empower land managers, primarily local councils, to work with their communities to manage flying-fox camps effectively. It provides the framework within which OEH will make regulatory decisions. The Policy encourages local councils and other land managers to prepare camp management plans for sites where the local community is affected.

Additionally, any activities undertaken on Department of Education property, will also need to comply with Local Development Consent and the Infrastructure SEPP.

Parliamentary Inquiry into flying-fox management in the eastern states

In 2016-17 the House of Representatives Standing Committee on the Environment and Energy undertook an inquiry into the increasing tensions being experienced by residents affected by flying-fox camps.

In order to gather evidence from the relevant stakeholders and experts within the agreed timeframe, the Committee conducted a roundtable public hearing in Canberra (February 2017). This enabled productive engagement with a wide range of experts and representatives of affected communities. The Committee also received a range of written submissions and correspondence outlining stakeholder experiences and community concerns about local flying-fox issues.

The Committee agreed that Flying-foxes act as important pollen and seed dispersers for a wide range of native vegetation across the east coast of Australia. Due to their ecological importance in maintaining some of Australia's most significant ecosystems, work needs to be undertaken to ensure the preservation of flying-fox species across the country.

The Committee further noted the reduction in suitable foraging and roosting habitat, among other factors, has impacted on the population size of several species, leading the Spectacled Flying-fox and Grey-headed Flying-fox to be listed as 'Vulnerable' under the *Environment Protection and Biodiversity Conservation Act 1999*. The expansion of human populations across coastal New South Wales and Queensland has led to flying-fox camps becoming increasingly located in urban and rural residential areas, possibly from movements of camps due to loss of natural habitat, or the expansion of human settlement into traditional flying-fox habitats.

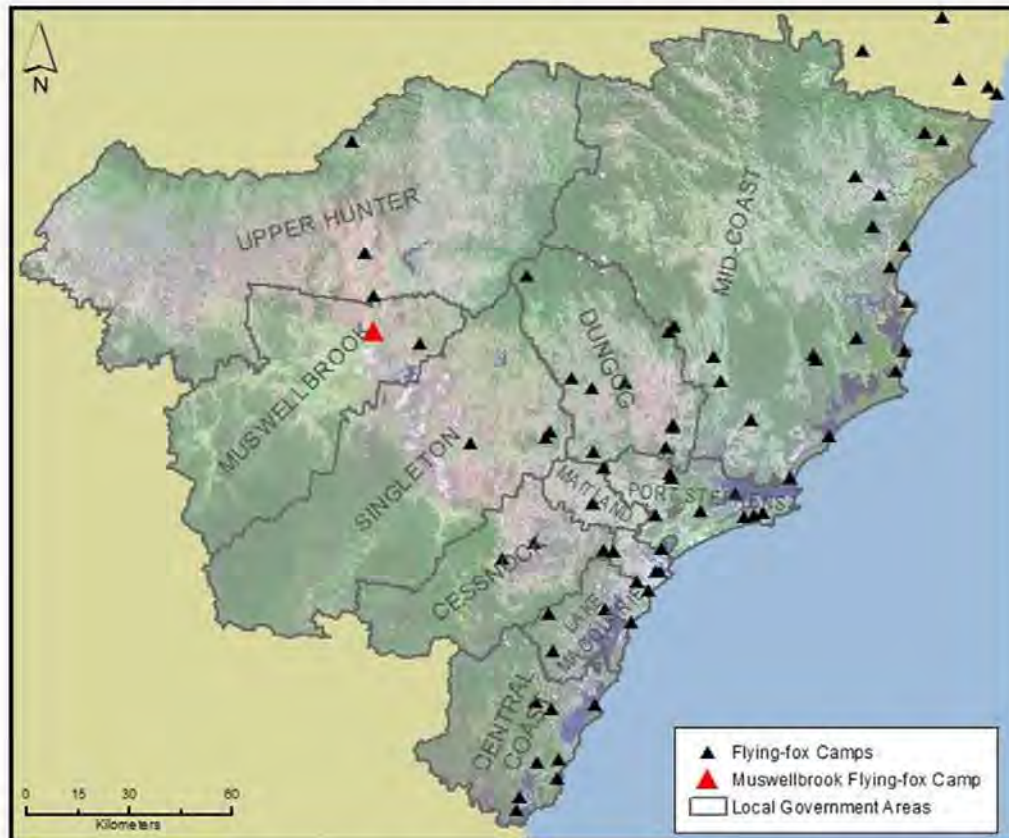
The Committee produced a number of recommendations that have been forwarded to the Commonwealth Department of Environment & Energy for consideration and action:

1. The Committee recommends that the Australian Government propose a national or eastern states flying-fox consultative committee or working group to the Council of Australian Governments. The consultative committee or working group would be responsible for centrally compiling information on referrals and management actions, and identifying priorities for legislative harmonisation, research and funding.
2. The Committee recommends that the Australian Government establish a dedicated funding pool for flying-fox research and conservation actions, to enable:
 - a. continued funding of the National Flying-fox Monitoring Program for at least the next 10 years;
 - b. committed funding for the priority actions outlined in the recovery
 - c. plans for both the Spectacled Flying-fox and Grey-headed Flying-fox;
 - d. targeted national research into flying-fox roosting behaviours and habitat loss impacts; and
 - e. any other research that allows for the timely evaluation of flying-foxes under the Environment Protection and Biodiversity Conservation Act 1999, informed by rigorous data, at the earliest opportunity.
3. The Committee recommends that the Department of the Environment and Energy develop, in consultation with relevant state and local governments, a tool that assists councils to make decisions on action, referral and education in the most appropriate way, relevant to the flying-fox impacts in their jurisdiction
4. The Committee recommends that the Department of the Environment and Energy, in consultation with other relevant organisations, develop a suite of education resources for Australian communities regarding flying-fox ecology, behaviour, environmental significance, health impacts, and management options. These resources should be promoted by the Australian Government to local councils, communities, businesses and all relevant stakeholders in affected jurisdictions and potentially affected jurisdictions

2.4 Regional Context

The Hunter & Central Coast Region is home to 59 known Flying-fox Camps (see Map 8), 54 of which have observed Flying-foxes roosting in them since 2012. It is highly likely that there are additional Camps throughout the vegetated areas (private land and National Parks / State Forest) of the region that are well away from human settlements and are currently unaccounted in the CSIRO National Flying-fox Camp Census..

Map 8: Known Flying-fox Camps throughout the Hunter & Central Coast region



The 2013 "Grey-headed Flying-fox Management Strategy for the Lower Hunter" developed by GEOLink stated that in the lower Hunter there were 6 Camps considered critical to Flying-fox survival in the Lower Hunter (these being: Millfield, Martinsville, Morisset, Blackbutt Reserve, Anna Bay, Medowie and Tocal). None of these Critical sites are managed via a Camp Management Plan and are currently not subject to conflict with Human settlements.

The 2013 Strategy also stated that a further six Camps (Black Hill, Belmont, Glenrock, Hannan Street, Italia Road and Raymond Terrace) were not critical to survival in the Lower Hunter, and reflecting on changes in Flying-fox roosting patterns in the past 4 years we now know that Black Hill and Hannan Street are no longer utilised as Camps, and the Raymond Terrace Camp is now listed as a Nationally Significant site given the number of Flying-foxes now utilising the site for roosting and mating / maternity activities.

During 2012-2017 Flying-fox roosting patterns have changing rapidly throughout the region, with a number of previously important Camps being abandoned, and small Camps becoming much more significant for roosting and breeding of Flying-foxes. The development of local Camp Management Plans, and a Regional Strategies will assist Councils to address community concerns and work to reduce the possibility of new areas of conflict arising with increased growth of the Hunter Region.

Ongoing research into Flying-fox behaviours appears to indicate that food shortages precede the abandonment of traditional camps, and the creation of new camps, and many more. Following the 2010 Flying-fox food shortage the number of Camps in Sydney increased from 7 to 22. Occupancy of these new camps did not appear to reduce when food supply increased, suggesting that once roosting and feeding patterns change, the roosting behaviour has been adapted and in most cases does not revert back to previous behaviours. This has also been played out in the Hunter region.

Overall the location and scale of Flying-fox Camps in NSW has changed significantly since 2002, when Camps were mostly found in the North of the State, in 2015 following both food shortages, and preferred food flowering events, the Flying-fox populations have spread both South and west, with a number of new camps being created inland, and on the NSW South Coast. Since 2015, the majority of new Camps created have been in vegetated areas quite close to human populations.

Regional Flying-fox Foraging Preferences

Work is currently being undertaken to identify key flying-fox foraging areas throughout the Region to progress work conducting in 2013. The incorporation of this information into Councils land use plans (and equivalent planning documents) will assist Council to, where possible, preserve areas of high value Flying-fox foraging vegetation, and potentially protect areas suitable for Flying-fox roosting that may have reduced conflict issues (i.e. not be located in close proximity to human settlements). Although Flying-foxes are wild animals and it is not possible to predict where they will choose to roost, if there are no alternatives to the current conflict Camp sites, it can be guaranteed the animals will not move on of their own accord.

Foraging models will be included in the Hunter & Central Coast Regional Flying-fox Management Strategy (expected to be completed in the later-half of 2017).

Management Actions at other Flying-fox Camps

As mentioned, there are 59 known Flying-fox Camps across the region, with occupation of the camps varying each season and across each year. Presently 7 Councils in the region are developing Flying-fox Camp Management Plans, to address Flying-fox / Human conflict issues.

The management of Flying-foxes across Councils is a prime issue at present, with Councils in the region participating in the development of a Regional Flying-fox Strategy (project being led by the NSW Office of Environment & Heritage), party to regional Flying-fox education projects, and participants in a National Australian Research Council Grant project seeking to "link" existing Flying-fox research and solidify knowledge about the species, its value to Australian ecology and how the species can best be supported.

All Councils in the Hunter & Central Coast are currently³ proceeding on the basis that Flying-fox management activities will not include Level 3 actions (dispersal or culling). There is an active understanding amongst Council staff and senior managers that any move to disperse Flying-foxes from one Camp will undoubtedly place stress on other Camps in the region, or more likely (based on research on previous dispersal activities) create a splinter Camp nearby and ultimately cause a new residential area to be in conflict with the Flying-foxes.

The region, Local Councils, the Office of Environment & Heritage, Hunter Local Land Services, NSW Department of Industry – Lands and wildlife rehabilitators are all actively working together to develop regionally consistent community engagement and education products in the hope that this can assist residents to understand why the Flying-foxes are in the region, how long they will stay on their migration, and ways that people can manage their property and level of interaction with them. Part of the engagement project will be to address previous negative media stories related to Flying-foxes.

³ Correct as at time of Camp Management Plan development

3 Community Engagement

Muswellbrook Shire Council undertook a community engagement process in the facilitation of this Camp Management Plan, details follow.

3.1 Stakeholders and Interest Groups

There are a range of stakeholders who are directly or indirectly affected by the flying-fox camp, or who are interested in its management. Stakeholders include those shown in Table 4.

Table 4: Stakeholders and Interest Groups in the camp and Plan

Stakeholder	Interest / Reported Impacts
Residents	Odour, noise and droppings
Business owners	Odour, noise and droppings
Indigenous community	Potential to use some LALC land for creation of flying fox habitat.
Schools	Odour, noise and droppings
Hospitals	Odour, noise and droppings
Airports	Airport managers have a responsibility to reduce the risk of wildlife–aircraft strike. Scone airport is just outside a 20 km radius from the camp.
Equine facilities and vets	Equine facility managers and local vets should be aware of Hendra virus risk and appropriate mitigation measures. Where feasible, all horse owners within 20 km of the camp should be included in such communications.
Orchardists and fruit growers	Fruit growers may be impacted by flying-foxes raiding orchards. While there are fruit trees within a 20 km radius, they are not being grown for commercial purposes.
Other/adjoining landholders; these may include government departments such as Crown Lands, Transport for NSW / Roads and Maritime Services, or neighbouring councils	Camp areas are a mix of council, Australian Rail and Track Corporation and crown land. Neighbouring councils of Singleton and Upper Hunter have also been impacted by flying foxes.
Civic leaders and influencers (including local, state and federal politicians)	Muswellbrook Mayor Martin Rush – 157 Maitland Road Muswellbrook 65493700 State MP Michael Johnsen - 20 Bridge St, Muswellbrook NSW 2333 Phone: (02) 6543 1065 Federal MP Joel Fitzgibbon - 3 Edward St, Cessnock NSW 2325 Phone:(02) 4991 1022
Local government	Local government has responsibilities to the community and environment of the area for which it is responsible in accordance with the Local Government Act 1993. Council is also responsible for administering local laws, plans and policies, and appropriately managing assets (including land) for which it is responsible.
Local Government NSW (LGNSW)	LGNSW is an industry association that represents the interests of councils in NSW.
OEH	OEH is responsible for administering legislation relating to (among other matters) the conservation and management of native plants and animals, including threatened species and ecological communities.

Stakeholder	Interest / Reported Impacts
Commonwealth Department of the Environment (DoE) (relevant to camps with grey-headed flying-foxes or other matters of national environmental significance)	DoE is responsible for administering federal legislation relating to matters of national environmental significance, such as the grey-headed flying-fox and any other federally-listed values of the camp site.
Wildlife Rehabilitators and conservation organisations	Wildlife Rehabilitators and conservation organisations have an interest in flying-fox welfare and conservation of flying-foxes and their habitat.
Researchers/universities/CSIRO	Researchers have an interest in flying-fox behaviour, biology and conservation.

3.2 Engagement Methods

Effort was made to engage with the community regarding the flying-fox camp to:

- understand the issues directly and indirectly affecting the community
- raise awareness within the community about flying-foxes
- correct misinformation and allay fears

The types of engagement undertaken included:

- media (print, social media)
- brochures and other educational material
- website pages and links
- direct contact with adjacent residents including letters, brochures and emails
- shopping centre engagement with information stand
- radio interview
- Flying Fox Engage online survey

Table 5: Details of Community Engagement Activities undertaken in the development of the Muswellbrook Camp Management Plan

Date	Consultation Activity
November 2016	<ul style="list-style-type: none"> • Brochure developed
November 2016	<ul style="list-style-type: none"> • Door knock in affected zone with brochures. 10 Face to Face conversations were held with 30 information brochures delivered. Brochures also left at
6 March 2017	<ul style="list-style-type: none"> • Media Release to local newspaper
27 March 2017	<ul style="list-style-type: none"> • Muswellbrook Chronicle's Facebook Page • http://www.muswellbrookchronicle.com.au/story/4555892/help-wanted-for-flying-fox-plan/?cs=1487
28 March 2017	<ul style="list-style-type: none"> • Radio interview on Upper Hunter ABC with Cecilia Connell.
31 March 2017	<ul style="list-style-type: none"> • Article "Help Wanted for Flying Fox Plan" appeared on page 6 of Muswellbrook Chronicle.
11 April 2017	<ul style="list-style-type: none"> • Community Engagement Stand at local shopping centre. Patrons were encouraged to ask questions and complete the Flying Fox Engage Survey.

3.3 Community Feedback on Management Options

The use of the FlyingFoxEngage online survey was the key engagement tool used to enable Council to receive direct feedback from the community on their experiences living near Flying-foxes and the values they place on them to provide some insight to Council on the management actions they would find acceptable to be employed on site.

Flying fox engage is an innovative engagement decision support system. The online Flying fox engage consultation tool was launched in March 2017 and remained open for submissions until the end of May 2017. During this consultation period the Flying Fox Engage website received 51 valid submissions.

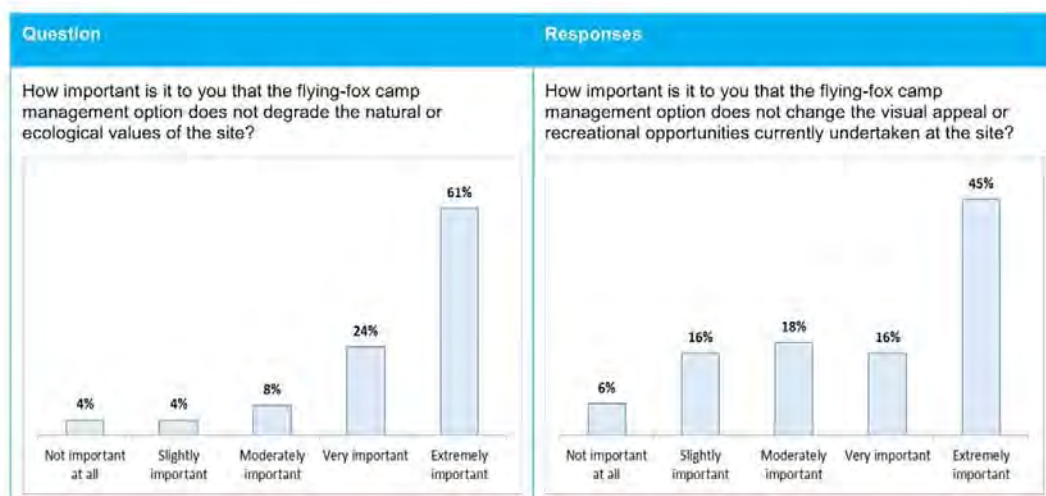
Flying Fox Engage is a relatively simple survey methodology that poses 12 questions to users, the responses to these questions then produces a ranked list of preferred management options that reflect the values of the survey respondent. The list is then able to be manipulated by the user to manually reorder the preferred list.

The initial ranked list of preferred management options is influenced by a weighting applied to each management option that relates to ease of implementation, cost of implementation, and impact of implementation. The weighting was determined by a panel of experts convened by OEH, and confirmed by Council officers based on any specific issues that affect or influence the Camp at Muswellbrook. Collated responses to the questions are included in Table 6.

Table 6: Collated responses to the questions posed in Flying Fox Engage

Question	Responses												
How important is it to you that the flying-fox camp management option reduces the impact of noise and odour from flying-foxes roosting at the camp on nearby residents?	<table border="1"> <thead> <tr> <th>Importance Level</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Not important at all</td> <td>12%</td> </tr> <tr> <td>Slightly important</td> <td>4%</td> </tr> <tr> <td>Moderately important</td> <td>18%</td> </tr> <tr> <td>Very important</td> <td>12%</td> </tr> <tr> <td>Extremely important</td> <td>55%</td> </tr> </tbody> </table>	Importance Level	Percentage	Not important at all	12%	Slightly important	4%	Moderately important	18%	Very important	12%	Extremely important	55%
Importance Level	Percentage												
Not important at all	12%												
Slightly important	4%												
Moderately important	18%												
Very important	12%												
Extremely important	55%												
How important is it to you that the flying-fox camp management option reduces the impact of the flying-fox excrement on the property of nearby residents?	<table border="1"> <thead> <tr> <th>Importance Level</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Not important at all</td> <td>8%</td> </tr> <tr> <td>Slightly important</td> <td>4%</td> </tr> <tr> <td>Moderately important</td> <td>18%</td> </tr> <tr> <td>Very important</td> <td>6%</td> </tr> <tr> <td>Extremely important</td> <td>64%</td> </tr> </tbody> </table>	Importance Level	Percentage	Not important at all	8%	Slightly important	4%	Moderately important	18%	Very important	6%	Extremely important	64%
Importance Level	Percentage												
Not important at all	8%												
Slightly important	4%												
Moderately important	18%												
Very important	6%												
Extremely important	64%												
How important is it to you that the flying-fox camp management option does not move the flying-fox camp to other areas that may also be near residents or businesses?	<table border="1"> <thead> <tr> <th>Importance Level</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Not important at all</td> <td>8%</td> </tr> <tr> <td>Slightly important</td> <td>10%</td> </tr> <tr> <td>Moderately important</td> <td>8%</td> </tr> <tr> <td>Very important</td> <td>12%</td> </tr> <tr> <td>Extremely important</td> <td>62%</td> </tr> </tbody> </table>	Importance Level	Percentage	Not important at all	8%	Slightly important	10%	Moderately important	8%	Very important	12%	Extremely important	62%
Importance Level	Percentage												
Not important at all	8%												
Slightly important	10%												
Moderately important	8%												
Very important	12%												
Extremely important	62%												
How important is it to you that the flying-fox camp management option ensures the risk of disease transmission remains low?	<table border="1"> <thead> <tr> <th>Importance Level</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Not important at all</td> <td>10%</td> </tr> <tr> <td>Slightly important</td> <td>8%</td> </tr> <tr> <td>Moderately important</td> <td>2%</td> </tr> <tr> <td>Very important</td> <td>10%</td> </tr> <tr> <td>Extremely important</td> <td>71%</td> </tr> </tbody> </table>	Importance Level	Percentage	Not important at all	10%	Slightly important	8%	Moderately important	2%	Very important	10%	Extremely important	71%
Importance Level	Percentage												
Not important at all	10%												
Slightly important	8%												
Moderately important	2%												
Very important	10%												
Extremely important	71%												





With all questions posed, the majority of respondents suggested they were extremely important. It was only questions related to management actions not disrupting businesses and residents, not harming flying-foxes and not changing the visual appeal of the site that respondent's views changed slightly, and more respondents suggested these were less important.

Based on the responses to the questions, Flying Fox Engage was able to rank the various management options that match the responses. Details of the preferred management actions before and after re-ranking is allowed is provided in Table 7.

Table 7: Top 10 community ranked Management Options based on Flying Fox Engage responses

Rank	Initial Result (values based ranking)	Re-ranked result (emotion based ranking)
1	Land-use planning	Land-use planning
2	Subsidising property modification to reduce the impacts of flying-foxes	Subsidising property modification to reduce the impacts of flying-foxes
3	Provision of flying-fox education and awareness programs	Health and safety guidelines to manage incidents related to the camp
4	Health and safety guidelines to manage incidents related to the camp	Guidelines for carrying out operations adjacent to camps
5	Guidelines for carrying out operations adjacent to camps	Provision of flying-fox education and awareness programs
6	Subsidising services to reduce the impacts of flying-foxes	Subsidising services to reduce the impacts of flying-foxes
7	Do Nothing	Research to improve knowledge of flying-fox ecology
8	Research to improve knowledge of flying-fox ecology	Revegetate and manage land to create alternative flying-fox habitat
9	Revegetate and manage land to create alternative flying-fox habitat	Do Nothing
10	Routine maintenance to improve the condition of the site	Routine maintenance to improve the condition of the site

As shown in Table 7, initial values based ranking suggests the community are in favour of Level 1 actions only, with the top 10 responses including low impact actions such as Council managing impacts through land use planning controls, provision of information to affected residents, appropriate management of the Camp site to reduce impacts (routing management) and possible subsidy to affected residents to reduce the impacts they experience. Even after re-ranking, all actions were the same (all Level 1) although in a slightly different order.

When considering just those residents within 300m of the Camp (directly impacted) based on information that could be extracted from the survey, the following preferred management list was created (see Table 8)

Table 8: Top 10 ranked Management Options based on Flying Fox Engage responses from directly affected residents

Rank	Initial Result (values based ranking)	Re-ranked result (emotion based ranking)
1	Land-use planning	Land-use planning
2	Subsidising property modification to reduce the impacts of flying-foxes	Subsidising property modification to reduce the impacts of flying-foxes
3	Provision of flying-fox education and awareness programs	Provision of flying-fox education and awareness programs
4	Health and safety guidelines to manage incidents related to the camp	Health and safety guidelines to manage incidents related to the camp
5	Guidelines for carrying out operations adjacent to camps	Guidelines for carrying out operations adjacent to camps
6	Subsidising services to reduce the impacts of flying-foxes	Subsidising services to reduce the impacts of flying-foxes
7	Do Nothing	Research to improve knowledge of flying-fox ecology
8	Research to improve knowledge of flying-fox ecology	Do Nothing
9	Revegetate and manage land to create alternative flying-fox habitat	Revegetate and manage land to create alternative flying-fox habitat
10	Routine maintenance to improve the condition of the site	Routine maintenance to improve the condition of the site

Once again, there are largely only level 1 actions, and the few level two actions are related to appropriate management of vegetation to reduce impacts on the properties. Management actions such as subsidies to affected residents was a prominent action, and unsurprising as these respondents are directly affected by the Camp's proximity to their homes.

In addition to providing preferential management action lists, respondents to the survey also answered a number of additional questions (see Table 9).

Table 9: Additional Flying Fox Engage Questions

Question	Responses	Number
Have you experienced the flying-foxes in the camp?	No, I have not experienced the flying-foxes	16
	Yes, flying-foxes from the camp roost in trees that are next to or overhang my home	3
	Yes, flying-foxes leaving and returning to the camp fly over my home	16
	Yes, flying-foxes stop me from using the area, surrounding services or businesses	1
	Yes, I enjoy visiting the flying-foxes	9
	Yes, my home is very close to the camp	2
Open ended Question and responses		
If you want to, you can comment on the flying-fox camp management options we have explored or you can suggest other solutions.	<ul style="list-style-type: none"> I want long-term options like planting roosting and foraging trees outside of urban centers. stop bulldozing their habitat for coal mines stop destroying habitat for mining What would be the natural Flying Fox population balancing factors? I hate them stop destroying their habitat with ...coal mines and intensive agriculture ... 	
If you want to, please provide comments about this flying-fox camp	<ul style="list-style-type: none"> Harmless. Concerned about increase in numbers. Noise and smell. Have to deal with droppings on vehicle, house and concrete. Do not want another Singleton Park experience It is relatively small and only present for part of the year. leave them there stop destroying habitat for mining I think that they should be moved from the urban area to another suitable site I have seen the destruction they have made in the community in several locations along Muscle Creek and the Hunter River Near hospital Hate them , whatever works Not bothering me Very smelly and very noisy leave it alone 	

The responses to these questions provided even greater understanding to the responses, as only 3 respondents (6%) had direct impact from roosting Flying-foxes, and 16 respondents (31%) experience flying-foxes flying over their homes as they head out and return from foraging. The implication to this is over two thirds of respondents have no direct impact from the presence of flying foxes, and are just interested in the management of the species. Given the lack of direct conflict experienced by the survey respondents, it is unsurprising that Level 1 actions were the ones included in the preference lists.

4 Management Opportunities

4.1 Site-specific analysis of camp management options

The NSW Flying-fox Camp Management Policy 2015 and Camp Management Plan Template 2016 provide details on acceptable management activities to manage and mitigate human / bat conflict at Camp Sites. The management actions are grouped into three levels, as discussed following.

Routine camp management actions (Level 1 actions)

Routine camp management actions should be clearly identified as Level 1 camp management actions in the camp management plan.

These include:

- removal of tree limbs or whole trees that pose a genuine health and safety risk, as determined by a qualified arborist
- weed removal, including removal of noxious weeds under the Noxious Weeds Act 1993 or species listed as undesirable by a council
- trimming of under-storey vegetation or the planting of vegetation
- minor habitat augmentation for the benefit of the roosting animals
- mowing of grass and similar grounds-keeping actions that will not create a major disturbance to roosting flying-foxes
- application of mulch or removal of leaf litter or other material on the ground.

Creation of buffers (Level 2 actions)

Creation of buffers can be effective as management actions to nudge flying-fox populations away from urban settlements. The intention is to create a physical or visual separation from the camp and actively manage vegetation structure and composition to discourage flying-foxes from roosting close to built areas.

Actions include:

- clearing or trimming canopy trees at the camp boundary to create a buffer
- disturbing animals at the boundary of the camp to encourage roosting away from human settlement.

Camp disturbance or dispersal (Level 3 actions)

Camp dispersal is an action that aims to intentionally move entire camps from one location to another by clearing vegetation or dispersing animals through disturbance by noise, water, smoke or light.

Camp dispersal can remove impacts on local communities and is supported by this policy. However, camp dispersal is challenging for a number of reasons:

- it can be expensive and can have uncertain outcomes.
- dispersal may result in relocating the animals rather than resolving the issue. Past disturbances in Australia have sometimes failed to remove flying-foxes from the area or have resulted in flying-foxes relocating to other nearby areas where similar community impacts have occurred.
- attempts to disperse camps are often contentious.
- disturbing flying-foxes may have an adverse impact on animal health.
- the cumulative impacts of flying-fox camp dispersals may negatively impact on the conservation of the species and the ecosystem services flying-foxes provide.

Table 10 provides details on the various management options available, an assessment of cost and effectiveness of the action to address the various conflict issues. The Table also provides details of the assessment undertaken by Council as to the suitability of the actions to be included in the Camp Management Plan. Section 4.2 provides details of the management actions that will be undertaken through the implementation of the Camp Management Plan.

Table 10: Analysis of management options

Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Suitability Determination
Level 1 Actions					
Education and awareness programs	Fear of disease Noise Smell Faecal drop	\$	Low cost, promotes conservation of FFs, contributes to attitude change which may reduce general need for camp intervention, increasing awareness and providing options for landholders to reduce impacts can be an effective long-term solution, can be undertaken quickly, will not impact on ecological or amenity value of the site.	Education and advice itself will not mitigate all issues, and may be seen as not doing enough.	This action was deemed suitable. Responses from Flying Fox Engage indicated a strong desire from the community for more information on Flying Foxes.
Property modification (e.g. car cover, pool cover, clothesline cover, air conditioners, double glaze windows, etc.)	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$-\$\$	Property modification is one of the most effective ways to reduce amenity impacts of a camp without dispersal (and associated risks), relatively low cost, promotes conservation of FFs, can be undertaken quickly, will not impact on the site, may add value to the property.	May be cost-prohibitive for private landholders, unlikely to fully mitigate amenity issues in outdoor areas.	This action was deemed suitable for residents adjacent to the Camp – to be limited to car covers, clothesline covers and pool covers.
Fully-fund/subsidise property modification	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$-\$\$	Potential advantages as per property modification, but also overcomes issue of cost for private landholders.	Costs to the land manager will vary depending on the criteria set for the subsidy including proximity to site, term of subsidy, level of subsidy. Potential for community conflict when developing the criteria, and may lead to expectations for similar subsidies for other issues.	This action has limited applicability due to funding constraints. Should funding become available, this option can be further explored. This was the second preference from Flying Fox Engage
Service subsidies (e.g. rate rebates, access to water gurney, etc.)	Noise Smell Faecal drop Health/wellbeing Property devaluation Lost rental return	\$-\$\$	May encourage tolerance of living near a camp, promotes conservation of FFs, can be undertaken quickly, will not impact on the site, would reduce the need for property modification.	May be costly across multiple properties and would incur ongoing costs, may set unrealistic community expectations for other community issues, effort required to determine who would receive subsidies.	This action was deemed suitable. Access to water gurney could be made available to residents within 300m of roosting sites.

Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Suitability Determination
Routine camp management	Health/wellbeing	\$	Will allow property maintenance, likely to improve habitat, could improve public perception of the site, will ensure safety risks of a public site can be managed. Weed removal has the potential to reduce roost availability and reduce numbers of roosting FFs. To avoid this, weed removal should be staged and alternative roost habitat planted, otherwise activities may constitute a Level 3 action.	Will not generally mitigate amenity impacts for nearby landholders.	This action was deemed suitable
Provision of artificial roosting habitat	All	\$-\$\$	If successful in attracting FFs away from high conflict areas, artificial roosting habitat in low conflict areas will assist in mitigating all impacts, generally low cost, can be undertaken quickly, promotes FF conservation.	Would need to be combined with other measures (e.g. buffers/alternative habitat creation) to mitigate impacts, previous attempts have had limited success.	This action was not deemed suitable
Protocols to manage incidents	Health/wellbeing	\$	Low cost, will reduce actual risk of negative human/pet-FF interactions, promotes conservation of FFs, can be undertaken quickly, will not impact the site.	Will not generally mitigate amenity impacts.	This action will be included as a risk management response by all responsible land managers
Research	All	\$	Supporting research to improve understanding may contribute to more effectively mitigating all impacts, promotes FF conservation.	Generally cannot be undertaken quickly, management trials may require further cost input.	This action was deemed more suitable to be included in a regional strategy or plan
Appropriate land-use planning	All	\$	Likely to reduce future conflict, promotes FF conservation. Identification of degraded sites that may be suitable for long-term rehabilitation for FFs could facilitate offset strategies should clearing be required under Level 2 actions.	Will not generally mitigate current impacts, land-use restrictions may impact the landholder.	This action was deemed suitable
Property acquisition	All for specific property owners Nil for broader community	\$\$\$	Will reduce future conflict with the owners of acquired property.	Owners may not want to move, only improves amenity for those who fit criteria for acquisition, very expensive.	This action was not deemed suitable due to excessive cost, and limited concern of impacts from neighbouring residents.
Do nothing	Nil	Nil	No resource expenditure.	Will not mitigate impacts and unlikely to be considered acceptable by the community.	Due to commitment of Council, this action is not suitable.

Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Suitability Determination
Level 2 Actions					
Buffers through vegetation removal	Noise Smell Health/wellbeing Property devaluation Lost rental return	\$--\$	Will reduce impacts, promotes FF conservation, can be undertaken quickly, limited maintenance costs.	Will impact the site, will not generally eliminate impacts, vegetation removal may not be favoured by the community.	Only weed species will be considered for removal (such as willows)
Buffers without vegetation removal	Noise Smell Health/wellbeing Damage to vegetation Property devaluation Lost rental return	\$	Successful creation of a buffer will reduce impacts, promotes FF conservation, can be undertaken quickly, options without vegetation removal may be preferred by the community.	May impact the site, buffers will not generally eliminate impacts, maintenance costs may be significant, often logistically difficult, limited trials so likely effectiveness unknown.	Could be undertaken but needs time to become effective.
Level 3 Actions					
Nudging	All	\$-- \$\$\$	If nudging is successful this may mitigate all impacts.	Costly, FFs will continue attempting to recolonise the area unless combined with habitat modification/deterrents.	Not deemed suitable due to excessive cost.
Passive dispersal through vegetation management	All at that site but not generally appropriate for amenity impacts only (see Section 8)	\$-- \$\$\$	If successful can mitigate all impacts at that site, compared with active dispersal: less stress on FFs, less ongoing cost, less restrictive in timing with ability for evening vegetation removal.	Costly, will impact site, risk of removing habitat before outcome known, potential to splinter the camp creating problems at other locations (although less than active dispersal), potential welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see Section 7.1), potential to impact on aircraft safety.	Not deemed suitable due to excessive cost and the likelihood of shifting the problem onto another section of the community, is high

Management Option	Relevant Impacts	Cost	Advantages	Disadvantages	Suitability Determination
Passive dispersal through water management	All at that site but not generally appropriate for amenity impacts only (see Section 8)	\$\$– \$\$\$	Potential advantages as per with passive dispersal through vegetation removal, however likelihood of success unknown.	Potential disadvantages as per passive dispersal through vegetation removal, however likelihood of success unknown.	Not deemed suitable for the site as on the Hunter River and cannot change water availability
Active dispersal	All at that site but not generally appropriate for amenity impacts only (see Section 8)	\$\$\$	If successful can mitigate all impacts at that site, often stated as the preferred method for impacted community members.	May be very costly, often unsuccessful, ongoing dispersal generally required unless combined with habitat modification, potential to splinter the camp creating problems in other locations, potential for significant animal welfare impacts, disturbance to community, negative public perception, unknown conservation impacts, unpredictability makes budgeting and risk assessment difficult, may increase disease risk (see Section 7.1), potential to impact on aircraft safety.	Not deemed suitable due to excessive cost and limited likelihood of success.
Early dispersal before a camp is established at a new location	All at that site	\$\$– \$\$\$	Potential advantages as per other dispersal methods, but more likely to be successful than dispersal of a historic camp.	Potential disadvantages as per other dispersal methods, but possibly less costly and slightly lower risk than dispersing a historic camp. Potential to increase pressure on FFs that may have relocated from another dispersed camp, which may exacerbate impacts on these individuals.	Not applicable to this Camp, however the plan should address the potential likely sites that may be established in the future.

4.2 Planned Management Approach

The planned management approach included in Table 11 have been determined after consideration of community views, ecological requirements and legislative / policy controls. The Actions have been grouped into the major thematic areas of:

- Governance
- Routine Management
- Infrastructure
- Restoration & Rehabilitation
- Monitoring
- Flying-fox Species Management
- Resident Assistance
- Community Education

The actions included in Table 11 are directly linked to the management actions discussed in Table 10, but have been directly tailored to actions that will be planned for implementation at the Flying-fox Camp, depending on conditions and funding provision. Responsibility for the implementation of these actions is indicated in the table.

Table 11: Management Actions

Action ID	Issue	Actions & guidelines	Responsibility	Trigger / Catalyst for commencement	Budget
1. Resident Assistance					
1.1	Car / Clothes-line / swimming pool covers	Provision of these items based upon selection criteria during times of high population occupancy	Muswellbrook Shire Council	Only applicable to properties within 300m of Camp boundary and only provided when 30000 animals present	Rebate for residents to purchase covers for car, clothes lines, and swimming pools Max expected costs for 300 meter radius 150 car covers = \$7500 150 clothesline covers = \$30000 Swimming pool covers - (20) \$4000 Gerni for loan at \$1000
1.2	Assistance with costs for tree removal	Based on limited species, and proximity to camp – roosting trees only	Muswellbrook Shire Council	Only applicable to properties within 300m of Camp boundary and only provided when 30000 animals present	To be determined on as needs basis.
1.3	Financial assistance with s91 licence fees.	Resident / business responsible for development of licence, and required to ensure it complies with the intent of the CMP	Muswellbrook Shire Council	Only applicable to properties within 300m of Camp boundary	Free of charge to residents. \$30 per application
1.4	Access to gurney / water cleaners to remove bat excrement	Access provided only when trigger reached	Muswellbrook Shire Council	Only applicable to properties within 300m of Camp boundary	Purchased in 2017/18 through recurrent budget

Action ID	Issue	Actions & guidelines	Responsibility	Trigger / Catalyst for commencement	Budget
2. Community Education					
2.1	Advice on backyard vegetation management	Advice on which trees residents may wish to remove (introduced or naturalised foraging species such as Cocos Palms, Poplars and Silky Oaks) Advice on trees to plant if residents want to encourage bats to forage in their properties. Advice on native fragrant trees that will assist to screen smells from Camp	Muswellbrook Shire Council Hunter Joint Organisation of Councils Office of Environment & Heritage Hunter Local Land Services	Will be delivered through regional Grant funded project	Funded by NSW Environmental Trust for 2017-19
2.2	Health and disease management	Develop consistent regional information regarding health concerns	Muswellbrook Shire Council Hunter Joint Organisation of Councils Office of Environment & Heritage Hunter Local Land Services	Will be delivered through regional Grant funded project	Funded by NSW Environmental Trust for 2017-19
2.3	Lifecycle and nomadic timing of bat arrival	Develop consistent regional information regarding Flying-fox nomadic behaviour	Muswellbrook Shire Council Hunter Joint Organisation of Councils Office of Environment & Heritage Hunter Local Land Services	Will be delivered through regional Grant funded project	Funded by NSW Environmental Trust for 2017-19
2.4	Implement Regional Flying-fox educational kit	Develop a community education kit to assist residents to understand Flying-fox movement patterns and reduce conflicts with Camps	Muswellbrook Shire Council Hunter Joint Organisation of Councils Office of Environment & Heritage Hunter Local Land Services	Will be delivered through regional Grant funded project	Funded by NSW Environmental Trust for 2017-19
2.5	How to manage dead or injured Flying-foxes	Information on who to call when sick, injured or dead Flying-foxes are seen	Muswellbrook Shire Council Office of Environment & Heritage	Protocol to be developed in 2017-18	NA
3. Restoration & Rehabilitation					
3.1	Assess native recruitment potential away from boundary	Assessment of vegetation condition improvement in core of site, to make boundary less attractive for roosting.	Muswellbrook Shire Council	To be undertaken in 2017-18	NA

Action ID	Issue	Actions & guidelines	Responsibility	Trigger / Catalyst for commencement	Budget
3.2	Rehabilitation of damaged areas (from Flying-fox occupation)	Removal of damaged vegetation and establishment of replacement vegetation.	Muswellbrook Shire Council	30000	As Required
3.3	Creation of wider vegetated areas in the riparian zone, away from residential properties	Planting of appropriate native species in the riparian zone to create Flying-fox roosting habitat	Muswellbrook Shire Council	Part of Riparian Planning	Operational Plan Budget for Landcare
3.4	Plant appropriate foraging species in areas of the Camp away from residential properties	strategically plant endemic foraging habitat trees away from residential areas along the southern side of the reserve.	Muswellbrook Shire Council	Part of Riparian Planning	Operational Plan Budget for Landcare
3.5	Manage buffer zone (APZ) to reduce conflict between residents and Flying-foxes	Planting of native fragrant trees and shrubs adjacent to dwellings to reduce the noise and smell directly behind	Muswellbrook Shire Council	Part of Riparian Planning	Operational Plan Budget for Landcare
3.6	Weed Control	Noxious and environmental weed control throughout the Camp area - targeting exotic tree species known to act as potential roosting and foraging habitat (e.g. Camphor Laurel as most on site are immature or have not reached maximum height)	Muswellbrook Shire Council	Part of Riparian Planning	Operational Plan Budget for Landcare
3.7	Dangerous Trees	Assessments for potentially dangerous trees	Muswellbrook Shire Council	30000	As Required
3.8	Buffer (Asset Protection Zones) Maintenance	Create buffer around APZ	Muswellbrook Shire Council	30000	As Required
4. Flying-fox Species Management					
4.1	Flying-fox rehabilitators response	Respond to calls of injured or dead Flying-foxes	Flying-fox rehabilitators	As required	NA
4.2	Rehabilitators alerts (notification of upcoming events, e.g. management activities, heat stress, etc.)	Council to notify rehabilitators of any events that will impact on Camp Site or Flying-fox population.	Flying-fox rehabilitators	As required	NA
5. Monitoring					
5.1	Flying-fox Census	Quarterly Flying-fox animal counts to assist with determining likely national population	CSIRO Muswellbrook Shire Council	Quarterly monitoring	CSIRO funded by Commonwealth Government
5.2	Wildlife / Rehabilitation rehabilitators data collection	Collection and provision of count information, and other data collected when responding to calls	Wildlife / Rehabilitation rehabilitators	State of environmental reporting	NA

Action ID	Issue	Actions & guidelines	Responsibility	Trigger / Catalyst for commencement	Budget
5.3	Hunter Bird Observers data collection	Collection and provision of count information, and other data collected	Hunter Bird Observers	As reported	NA
5.3	Muswellbrook Shire Council management data	Collection and dissemination of data related to Flying-foxes, and vegetation that may impact on local or regional Flying-fox populations	Muswellbrook Shire Council	Quarterly monitoring as part of CSIRO monitoring plus extra monitoring if numbers increase to 30000.	NA
6. Governance					
6.1	Land Use Planning	Review Land Use Planning provisions that impact on the Camp site (e.g. Re-zoning, DCP, s149 considerations)	Muswellbrook Shire Council	As per LEP and DEP review timeframes	Recurrent budget activity
6.2	Camp Management Plan review	Review currency and suitability of CMP	Muswellbrook Shire Council	Review in 5 years / when FF numbers increase past current capacity	Recurrent budget activity
6.3	Protocol Development	Fire	Rural Fire Service	To be undertaken in 2018-19	Funded by NSW Environmental Trust for 2017-19
		Heat Stress	Office of Environment & Heritage / Wildlife Rehabilitators		
		Community Response to dead / injured animals	Wildlife Rehabilitators		
		Equine	Hunter Local Land Services		

5 Assessment of Impacts to Flying Foxes

5.1 Flying-fox Habitat to be affected

Based on the actions included in Table 11 it is expected there would be little to no negative impacts on the Flying-fox population that utilises the Muswellbrook Flying-fox Camp.

The majority of actions approved in this Camp Management Plan are considered Level 1 (routine management actions), as the Land Managers have determined the cost and ongoing issues with drastic management actions including nudging, dispersal or culling are inappropriate for the Muswellbrook Camp and will not be undertaken whilst this current Camp Management Plan is in force.

It is expected that if Council is able to secure restoration and rehabilitation funding, the quality and condition of the site will increase, and encourage flying-foxes to move away from the margins of the site and nearby residential properties. These measures can be implemented at a time when flying-foxes are not present, and therefore will not disturb or harm individual flying-foxes.

5.2 Assessment of Impacts to Other Threatened Species or Communities

All required Environmental Assessments will be conducted by Council as part of its normal Environmental Assessment Legislative Responsibilities, prior to works being undertaken.

6 Evaluation and Review

The Plan will have a scheduled review annually, which will include evaluation of management actions against Actions included in Table 11.

The following will trigger a reactive review of the Plan:

- Flying-fox population in excess of 30,000 animals (counted utilising approved CSIRO monitoring methodology)
- changes to relevant policy/legislation
- new management techniques becoming available
- outcomes of research that may influence the Plan
- incidents associated with the camp.

Results of each review will be included in reports to Council, and the NSW Office of Environment & Heritage.

If the Plan is to remain current, a full review including stakeholder consultation and expert input will be undertaken in the final year of the Plan's life prior to being re-submitted to NSW Office of Environment & Heritage.

7 Plan administration

7.1 Monitoring of the camp

Muswellbrook Shire Council will continue to assist the CSIRO to undertake their quarterly Flying-fox census activities. Wildlife Rehabilitators can access the site as required to attend to the animals, and record information of relevance to Council, the Office of Environment & Heritage and CSIRO.

Additional monitoring and data collection will occur as opportunities arise.

7.2 Reporting

Quarterly reports (following publication of the CSIRO Census Count) will be developed by Muswellbrook Shire Council and submitted to Council providing details on management activities at the site, and the Flying-fox population during the quarter.

7.3 Funding commitment

Muswellbrook Shire Council has a responsibility to ensure appropriate funding is available to undertake management actions included in this plan. The Plan will operate from 2017 – 2027 and therefore each organisation should ensure ongoing funding, and forward planning for management actions be included in their annual budget development.

It is expected that an annual work plan, including budget items will be developed by the project team and implemented as required.

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12.4 AUSTRALIA DAY 2018

Attachments:	A. 2018 - Australia Day - additional award categories for consideration
Responsible Officer:	Joshua Brown - Co-Ordinator Executive Services
Author:	Brooke Wilton - Administration Officer
Community Plan Issue:	<i>Further process the reconciliation in the Shire</i>
Community Plan Goal:	<i>Raise awareness of the local Aboriginal community and an appreciation of their long traditions and culture.</i>
Community Plan Strategy:	<i>Work with the Aboriginal community to improve access to cultural and educational activities.</i>

PURPOSE

This report outlines the location, nominations received and event order of the 2017 Australia Day Ceremony as well as the location and preliminary event program for the 2018 Australia Day Ceremony.

SUB-COMMITTEE'S RECOMMENDATION

1. **Muswellbrook Shire Council host an Awards Ceremony, on Thursday 25 January 2018, in the Atherstone room, Upper Hunter Conservatorium of Music to present the following awards:**

- Young Citizen; and,
- Citizen of the year

The Awards Ceremony to commence at 6:00pm. The awards ceremony will be a ticketed event, tickets will be distributed to the nominees and their families, as well as official guests.

The Wakagetti Dance Group be invited to open the ceremony with a performance.

2. **The 2018 Australia Day Ceremony is held at Simpson Park on Friday, 26 January 2018. The ceremony will include a presentation of the following awards:**

- Young Citizen School achiever,
- Junior Sportsperson,
- Senior Sportsperson,
- Services to Sport,
- Youth Cultural Award,
- Cultural Contributor Award,
- Northoak Award for Primary Production,
- Environmental Award,
- Education Award; and,
- Social Inclusion Award

The Official Ceremony to commence at 10:00am and include a citizenship ceremony and presentation of awards. The Wakagetti Dance Group be invited to open the ceremony with a performance, conduct a smoking ceremony and a didgeridoo performance.

3. The Committee endorse a change to the name of the existing awards category, Northoak Award to Northoak Award for Primary Production;
4. All invitations are to include a dress code of “Smart Casual” for the events.
5. The Denman Rotary and Denman Lions Clubs be invited to host a free BBQ Lunch at the Denman Aquatic Centre;
6. The Denman District and Development Association be invited to host in conjunction with Muswellbrook Shire Council a family fun afternoon at the Denman Aquatic Centre,
7. Muswellbrook Apex Club be invited to jointly host a family fun afternoon be held at the Muswellbrook Aquatic Centre;
8. The Wanaruah Land Council be invited to make presentation of the Aboriginal Flag to the new Australian Citizen;
9. Council not register for the 2018 ambassador program;
10. An additional flag pole be installed at Simpson Park;
11. Council invite the 2017 Citizen of the Year, Tony Neate to deliver an address and assist with the presentation of the 2018 Citizen and Young Citizen awards at the 2018 Awards Ceremony;
12. The recipients of the 2018 Citizen and Young Citizen of the Year Award, be invited to give an address at the 2018 Official Australia Day Ceremony;
13. Council liaise with Cr Graeme McNeill regarding his availability to act as the Master of Ceremonies for the 2018 Official Australia Day Ceremony;
14. A Nominations Committee be established consisting of 2 Councillors, and such Staff as appointed by the General Manager;
15. A 2018 Australia Day Sunset committee be established consisting of 2 councillors, a representative from the Wanaruah Land Council and such staff as appointed by the General Manager;
16. Two new award categories be established, a Community Group Award and a Science Award;
17. An allocation of up to \$28,000 in total be considered in the September Budget Review;

18. The draft program outlined in the report be endorsed.**Moved:** _____ **Seconded:** _____**BACKGROUND**

Each year Council holds an Australia Day Ceremony which includes a Citizenship Ceremony, community performances, presentation of various awards and an address by the Australia Day Ambassador. The 2017 Australia Day Ceremony was held at the Muswellbrook Indoor sports Centre.

The following awards were presented at the 2017 Australia Day Ceremony:

- Young Citizen of the Year
- Young Citizen School Achiever
- Citizen of the Year
- Senior Sportsperson of the Year
- Junior Sportsperson of the Year
- Services to Sport Award
- Youth Cultural Award
- Cultural Contributor Award
- Northoak Award
- Environment Award
- Education Award
- Social Inclusion Award

A Citizenship Ceremony was conducted at the 2017 Australia Day Ceremony, where a total of 11 candidates become new Australian Citizens.

The Ceremony saw a variety of performances, including the Muswellbrook Town Concert Band, the Wakagetti Aboriginal Dance Group and Muswellbrook United Taekwondo. These performances showcased the local talent in our community and also increased the community's awareness of the groups.

In addition an estimated 400 local community members attended the 2017 Australia Day Event, which was made up of the Official Party, nominees, band and the audience.

At this stage, the total cost of the day was \$18,677.00.

CONSULTATION

General Manager

Acting, Director Planning, Community and Corporate Services

Aunty Jean Hands (Wanaruah Lands Council).

The Australia Day Sub-Committee consisting of the Mayor, Cr Bailey, General Manager and relevant staff met on 28 February, 2017 to review the Australia Day Service.

An Aboriginal Cultural Inclusion Meeting consisting of the General Manager, Mr McDonald, Cr Ledlin, Cr Rush, Aunty Jean Hands was held on Friday 21 July, 2017 to review the Australia Day Service.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Martin Rush

Cr Scott Bailey

Cr Jacinta Ledlin

REPORT

It is proposed that an Awards Ceremony be held on Thursday 25 January 2018, in the Atherstone Room, Upper Hunter Conservatorium of Music from 6:00pm where the following awards will be presented:

- Citizen of the Year; and,
- Young Citizen of the Year.

Muswellbrook Shire Council to invite the Muswellbrook Town Band or Alternative Band to perform at the Awards Ceremony.

Muswellbrook Shire Council invite 2017 Citizen of the Year, Tony Neate to give an address at the Awards Ceremony.

The awards ceremony will be an invitation only event, tickets will be issued to the nominees and a set number will be distributed to the families of the nominees. Tickets will also be issued to Official Guests and the media will be invited to cover the event.

Item
Official Ceremony, Welcome to Country, Performance by Wakagetti, Anthem and nomination certificates presented to nominees
Address by the 2017 Citizen of the Year, Anthony Neate
Presentation of the 2018 Citizen and Young Citizen Awards
Conclusion – followed by drinks and canapes at the Conservatorium

It is also proposed following consultation with Aunty Jean Hands, the 2018 Official Australia Day Ceremony be held at Simpson Park on Friday 26 January 2018.

It is also proposed that the official ceremony will commence at 10:00am and that the following award categories will be presented at the ceremony:

- Young Citizen School Achiever
- Junior Sportsperson of the Year Award
- Senior Sportsperson of the Year
- Services to Sport
- Youth Cultural Contributor Award
- Cultural Contributor Award
- Northoak Award for Primary Production
- Environmental Award
- Education Award
- Social Inclusion Award

Draft Programme, Friday 26 January 2018 commencing at 10:00am:

Item
MC to invite guests to be seated, a minutes silence to be held.
Ceremony begins with Didgeridoo Performance and Traditional dance by the Wakagetti Dance Group and Smoking Ceremony.
Welcome to Country, Introduction of Official Party, Flag Raising, National Anthem and Citizenship

Ceremony.
Cultural (including Education and Social Inclusion)
Sports Awards, Northoak and Environmental Awards
Performance – Muswellbrook Shire Concert Band
Address by the 2018 Citizen and Young Citizen
Participants Presentation
Conclusion

Muswellbrook Shire council invite a representative from Wanaruah to conduct the Welcome to Country.

Muswellbrook Shire Council engage Wakagetti Dance Group to open the ceremony with a traditional dance performance, smoking ceremony and didgeridoo performance.

Muswellbrook Shire Council Staff have contacted Mike Pritchard and invited him to participate in the 2018 Awards Ceremony as the Master of Ceremonies at the Upper Hunter Conservatorium of Music.

It is proposed that Council liaise with Councillor Graeme McNeill and invited him to participate in the 2018 Official Australia Day Ceremony at Simpson Park as the Master of Ceremonies.

It is also proposed that Muswellbrook Shire Council does not register for the 2018 Ambassador Program. This will equate to a cost saving of approximately \$300.00.

Muswellbrook Shire Council liaises with the Wanaruah Lands Council with regard to their involvement in the Citizenship Ceremony. It is proposed that both Aboriginal and Australian Flags are given to new citizens.

The Candidates who take part in the Citizenship Ceremony will receive Aboriginal and Australian Flags as well as a gift basket of local produce.

It will be a requirement for every significant guest speaker to acknowledge the Aboriginal Community.

Council has been asked to consider two new award categories for the Australia Day Ceremony. On Thursday 13 April 2017 an email was received from a community member suggesting the following new award categories:

1. Community Group Award; and ,
2. Science Award

A copy of the email is attachment to the report.

It is also proposed that Muswellbrook Shire Council develop a clear and precise marketing campaign for the 2018 Australia Day Event to reduce the overall cost of advertising. We plan to use the power of social media and Muswellbrook Shire Council's website. It is anticipated that a small percentage of our budget will be spent on radio advertising to capture all audiences.

A wet weather contingency plan will need to be established in the event of rain or extreme heat if the option 1 is endorsed. In the event of either weather issues, the Muswellbrook Regional Arts Centre will be booked and the Australia Ceremony will be held at the Arts Centre.

Given the location of the Australia Day Ceremony, the start time of the ceremony has been moved from 9:00am to 10:00am to allow additional time to set up the day of the event.

Council Staff are currently in the process of making enquiries for chairs at the event. We will need to find a supplier who can deliver to and from Muswellbrook as well as set up and pack up on the day (Australia Day Public Holiday). In the event that a supplier cannot be found, we will see hundreds of community members standing in the heat on Australia Day.

OPTIONSOption 1

Muswellbrook Shire Council hosts an Awards Ceremony, on Thursday 25 January 2018, in the Atherstone room, Upper Hunter Conservatorium of Music to present the Citizen and Young Citizen of the Year awards.

The Awards Ceremony to commence at 6:00pm with canapes served throughout the evening. The awards ceremony will be a ticketed event, tickets will be distributed to the nominees and their families, as well as official guests.

The 2018 Australia Day Ceremony is held at Simpson Park on Friday, 26 January 2018. The ceremony will include a presentation of the following awards:

- Young Citizen School achiever,
- Junior Sports person,
- Senior Sports person,
- Services to Sport,
- Youth Cultural Award,
- Cultural Contributor Award,
- Northoak Award for Primary Production,
- Environmental Award,
- Education Award; and,
- Social Inclusion Award

The Official Ceremony to commence at 10:00am and include a citizenship ceremony, presentation of awards and a performance from the Muswellbrook Shire Concert Band. The Wakagetti Dance Group be invited to open the ceremony with a traditional dance performance, a smoking ceremony and didgeridoo performance.

The Denman Rotary and Denman Lions Clubs be invited to host a free BBQ Lunch at the Denman Aquatic Centre. The DDDA be invited to host a Family Fun afternoon at the Denman Aquatic Centre. The Muswellbrook Apex Club be invited to jointly host a family fun afternoon be held at the Muswellbrook Aquatic Centre.

Free entry to the Muswellbrook and Denman Aquatic Centre will be available on the day.

An additional flag pole will need to be installed at Simpson Park to allow for both the Aboriginal and Australian flags to be raised at the ceremony. Mr Lysaught, Manager, Property and Building services has estimated the cost of the additional flag pole to be around \$2,000.

Council Staff will be required to communicate with the RTCA regarding train movements during ceremony times.

Option 2

Muswellbrook Shire Council hosts an Awards Ceremony, on Thursday 25 January 2018, in the Atherstone room, Upper Hunter Conservatorium of Music to present the Citizen and Young Citizen of the Year awards.

The Awards Ceremony to commence at 6:00pm with canapes served throughout the evening. The awards ceremony will be a ticketed event, tickets will be distributed to the nominees and their families, as well as official guests.

The 2018 Australia Day Ceremony is held at the Denman Indoor Sports Centre on Friday, 26 January 2018. The ceremony will include a presentation of the following awards:

- Young Citizen School achiever,
- Junior Sports person,

- Senior Sports person,
- Services to Sport,
- Youth Cultural Award,
- Cultural Contributor Award,
- Northoak Award for Primary Production,
- Environmental Award,
- Education Award; and,
- Social Inclusion Award

The Official Ceremony to commence at 9:00am and include a citizenship ceremony, presentation of awards and various performances from local groups. The Wakagetti Dance Group be invited to open the ceremony with a performance.

The Denman Rotary and Denman Lions Clubs be invited to host a free BBQ Lunch at the Denman Aquatic Centre and Muswellbrook Apex Club be invited to jointly host a family fun afternoon be held at the Muswellbrook Aquatic Centre.

Free entry to the Muswellbrook and Denman Aquatic Centre will be available on the day.

Option 3

The 2018 Australia Day Ceremony is held at the Denman Indoor Sports Centre. The Official Ceremony to commence at 9:00 on Friday 26 January 2018. The event will include a Citizenship Ceremony, presentation of Awards, a performance from the Muswellbrook Shire Town Concert Band and performances from various other local groups.

A free BBQ breakfast be held in conjunction with the Denman Lions and Denman Rotary Club (consultation still to occur), from 8:00am.

A family fun afternoon to be held at the Muswellbrook Aquatic Centre, held in conjunction with the Apex Club (consultation still to occur) to commence at 12 noon. This will include a jumping castle, petting zoo and inflatable water slide. (Weather permitting).

Free entry also be made available to the Community at the Denman Pool.

Option 4

The Committee may consider alternative arrangements to the proposed program for the 2018 Australia Day ceremony.

CONCLUSION

Not Applicable

SOCIAL IMPLICATIONS

Australia Day is an opportunity to engage the community and encourage participation in volunteering and community events.

FINANCIAL IMPLICATIONS

The 2017 Australia Day budget was \$18,500 and it is proposed to an increase to the budget allocation up to the amount of \$28,000 for the 2018 Australia Day Event. This increased allocation will allow an enhancement in the quality of the activities for families before, during and after the ceremony as well as cater for any price increases over the next financial year. This figure may also need to be taken into consideration if major changes are made to the event. It is recommended that the allocation of \$25,000 to be considered as part of the preparation of the 2017/18 Budget.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Provision for wet weather or extreme heat will need to be considered for the event in Simpson Park as difficulties will be encountered if the event needs to be moved.

From: Kevin Doherty
Sent: Thursday, 13 April 2017 9:10 AM
To: Steve McDonald
Subject: AUSTRALIA DAY AWARDS

Dear Steve,

Would it be possible for the Committee (?) that handles the Muswellbrook Shire Australia Day Awards to consider adding TWO new categories for future presentations.

1. Community Group:

In lead up to last year's Awards, I was hoping to nominate a local group for their outstanding long-term service to our community. Unfortunately, there was no category which suited the nomination. The nomination would related to the general excellence of service over many years; not for specifics such as the fairly narrow cultural or sporting sections.

Whilst my nomination would have been for that specific group and probably never repeated, I have every confidence that every year, our community would be able to celebrate other groups for their outstanding service beyond sport and culture.

2. Science Award (SMET):

Again, I make the point that sport and culture seem to get a guernsey at the Awards but academic excellence such as Science, Maths, Engineering and Technology miss out.

This is despite the fact our future (both locally and beyond) depend on the every greater dependency on these disciplines. I am also confident that a worthy SMET awardee would be identified from within the Muswellbrook Shire on an annual basis. It may well be that not every year would see a world shattering scientific discovery but the award would serve to raise the level of importance of SMET within our community and hopefully encourage more people, especially school students to follow a SMET path into the future.

I look forward to hearing from you

Regards

Kevin Doherty

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

12.5 UNION PICNIC DAY 2017

Attachments:	Nil
Responsible Officer:	Steve McDonald - General Manager
Author:	Michelle Sandell-Hay - PA to the General Manager
Community Plan Issue:	Community Leadership
Community Plan Goal:	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
Community Plan Strategy:	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

PURPOSE

To advise Council of the 2017 staff Union Picnic Day.

OFFICER'S RECOMMENDATION

Council endorse the staff Union Picnic Day as Friday 6 October 2017.

Moved: _____ **Seconded:** _____

BACKGROUND

The Local Government (State) Award has a provision for an annual Union Picnic Day.

CONSULTATION

Staff Consultative Committee

REPORT

Representatives of the United Services Union have applied to Council to grant Friday 6 October, 2017, as the Annual Union Picnic Day. According to the Local Government (State) Award Union Picnic Day shall be regarded as a holiday for employees who are financial members of the union.

Employees who are not financial members of the Union and who are required to work on Union Picnic Day shall be paid ordinary pay for their normal working day.

Employees who are not financial members of the Union and who are not required to work on Union Picnic Day may apply to the employer to take Annual Leave, Long Service Leave, Time off in Lieu or such other leave as may be approved by the employer.

The Council Administration Centre will remain open and some skeleton crews will be required to ensure that service areas will operate as usual. Union members who wish to work or are required to work in order to meet customer service levels will be appropriately compensated.

Appropriate advertising will take place to ensure the public are well aware of the Union Picnic Day and the impacts this may have around customer service levels.

OPTIONS

Union Picnic Day is an entitlement under the Local Government (State) Award for Council employees who are financial members of a union.

CONCLUSION

Following consultation with the Staff Consultative Committee it is proposed to grant Friday 6 October, 2017, as the Annual Union Picnic Day.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

12.6 RECREATION ASSET MANAGEMENT PLAN AND BENCHMARKING

Attachments:	A. Service Dashboard - Open Space Recreation and Public Toilets
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Matthew Lysaught - Manager, Property and Building Services
Community Plan Issue:	<i>Continue to improve the affordability, livability and amenity of the Shire's communities</i>
Community Plan Goal:	<i>Promote and facilitate increased participation in active and passive recreational activities.</i>
Community Plan Strategy:	<i>Maintain the sporting and recreational facilities to standard.</i>

PURPOSE

To provide Council an overview of and the key documents that form Council's Recreation Asset Management Plan.

OFFICER'S RECOMMENDATION

- 1. The information contained in this report be noted.**
- 2. A report be submitted to Council following the completion of the Yardstick Benchmarking.**

Moved: _____ **Seconded:** _____

BACKGROUND

Asset Management (AM) planning documents can tend to be been lengthy and unwieldy documents in communicating asset information. Council's Asset Management Policy adopted at the August 2017 Ordinary Council meeting, however, outlined a practical approach to how Council delivers best value, meets responsibilities, and procedures for AM. A series of Service Dashboards now forms the centrepiece of Council's Strategic Asset Management Plan (SAMP).

Best value is delivered when Council's assets:

- Perform in a way that meets the needs and aspirations of the community as expressed in the Community Strategic Plan (CSP) within resources amongst competing priorities;
- Are sustainable (social, environmental and economic over the long term);
- Have an acceptable level of risk;
- Upgraded or renewed to meet community service demands and standards; and
- Expanded from the development of land.

The SAMP defines a systematic approach to managing assets (based on the principles in ISO 55000 for Asset Management). It focuses on value and alignment of activities with objectives in the Community Strategic Plan. It provides assurance that assets are fit for purpose (and facilitates audits to verify this) and establishes a framework for continual improvement.

The Service Dashboards are designed to inform Council's Delivery Program supporting Council's decisions for both the Delivery Program and Operational Plan in particular the allocation of resources. The Service Dashboards are designed to communicate the longer-term implications of decisions and the 'big picture' of priorities and resourcing.

The Service Dashboards are intended to simplify Council's approach to AM, while supported by detailed technical planning and analysis. Service objectives are defined in detailed plans as well as Service Dashboards, Delivery Program and Operational Plans. Figure 1 below represents the AM procedure and relationship to the Integrated Planning and Reporting Framework.

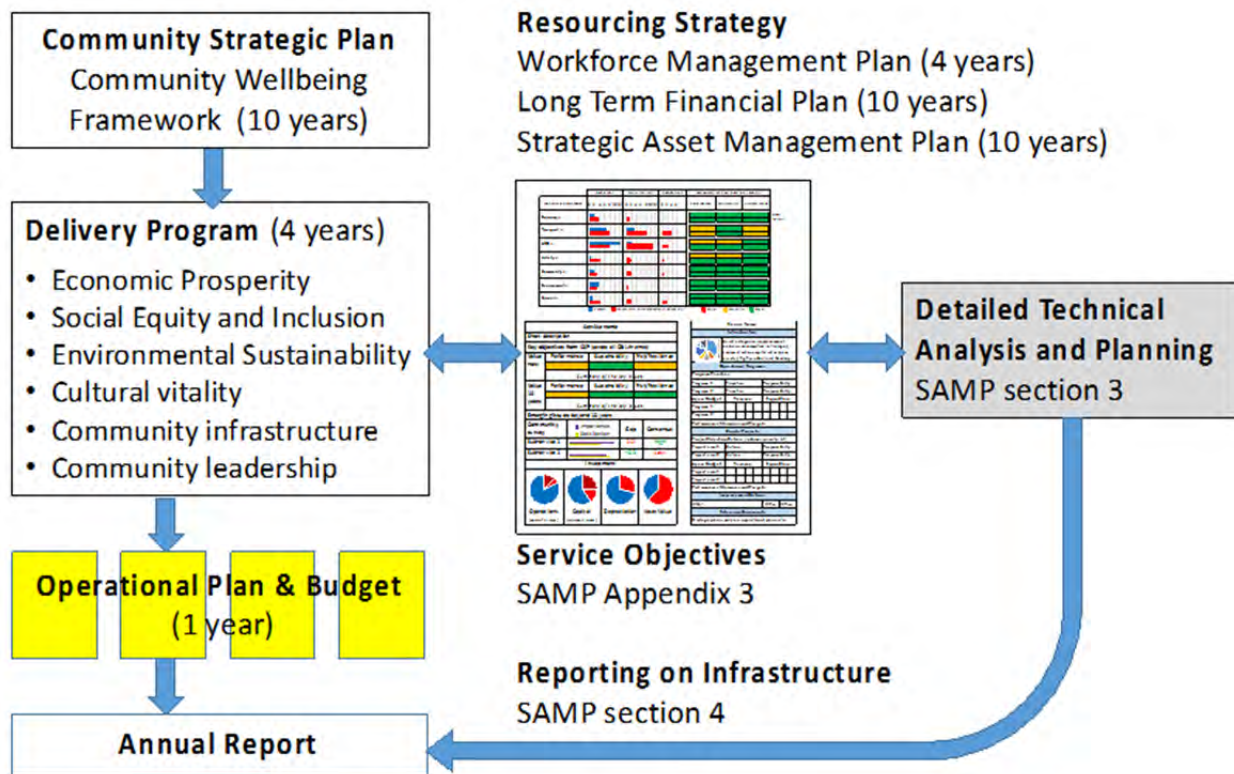


Figure 1

Basic categories of technical analysis, planning and management documentation include:

- *Asset registers* identifying all assets (sometimes in component parts) as well as location, quantities, materials, condition, age and other attributes;
- *Asset hierarchies* are a means of prioritising resources and effort to those assets that are more critical (e.g. differentiating between high use and low use parks);
- *Asset condition* assessments from visual inspections of buildings to automated laser/video assessments of roads to assess the condition of assets to determine how far it is through its useful service life;
- *Needs analysis and strategies* identify both the needs of the community and the performance that is required from infrastructure assets to meet these (usually expressed in terms of quality or condition, functionality and capacity);
- *Performance modelling* predicts the expected deterioration in performance of assets over time;
- *Asset valuations* consider both the 'fair value' of an asset (what it would be worth to sell on the open market – as required by accounting standards) and the expected service life; and
- *Capital works programs* identifying the priorities for future works.

CONSULTATION

Works Parks

Technical Officer – Recreation and Property

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokespersons for Sport, Recreation and Wellbeing

REPORT

Attached to this report is Council's *Service Dashboard – Open Space, Recreation and Public toilets*. This new format of documentation is designed to present a very high level overview of Council's functions, assets and budgets. Relevant information is drawn from more detailed sources (Council's Delivery Program, Operational Plan, Annual Financial Statements and Budgets) and so these other documents should be the final point of reference.

The Service Dashboards prepared cover most areas of Council's operations (with a focus on Council's infrastructure assets) including:

- Transport and Drainage
- Water Supply and Sewerage
- Waste Management
- Open Space, Recreation and Public Toilets
- Community Programs and Facilities

It is important to note that these documents will remain a work in progress and need further (and ongoing) refinement. Not all assets necessarily fit into areas covered precisely for e.g. Public Toilets could as easily sit with Community Facilities. However, the objective is to provide an overview of the assets, conditions, performance, risk, and operational and capital revenue and expenditure communicating this information efficiently and effectively.

Provided below is an overview of the key documents that address the categories of technical analysis, planning and management for recreation and collectively form Council's Recreation Asset Management Plan. This includes documents that cover the categories of:

- Asset Registers
- Needs Analysis and Strategies
- Benchmarking
- Capital Works Priorities
- Operations and Maintenance Management Plans/Systems

Asset Registers

Over the last 18 months the Asset Register and condition assessments of recreation assets have been comprehensively reviewed and updated. Assets are assessed on a scale from 1 to 5 where 1 = excellent, the asset considered new or as new, to 5 = very poor, requiring renewal.

In addition facilities are inspected on a periodic schedule with weekly and monthly inspections of playgrounds and an external audit undertaken annually with recommendations implemented.

Needs Analysis and Strategies***Recreation Needs and Management Study***

The draft *Recreation Needs and Management Study* is in a final form and is distributed separately to this report. In December 2011, the first study of this type for Muswellbrook Shire was completed which provided a number of recommendations to inform Council's planning and delivery over the following years.

The current draft study identifies that the majority of the recommendations from the 2011 study were implemented and completed by Council and user groups. A draft was presented to Council in December 2016 and was placed on public exhibition from December 2016 through to February 2017. There were some areas where the study was relatively quiet for example the problems of the outdoor pool leaking. Therefore Council resolved the following:

19.3 RECREATION NEEDS AND MANAGEMENT STUDY

177 RESOLVED on the motion of Crs McNeill and Green that:

Council:

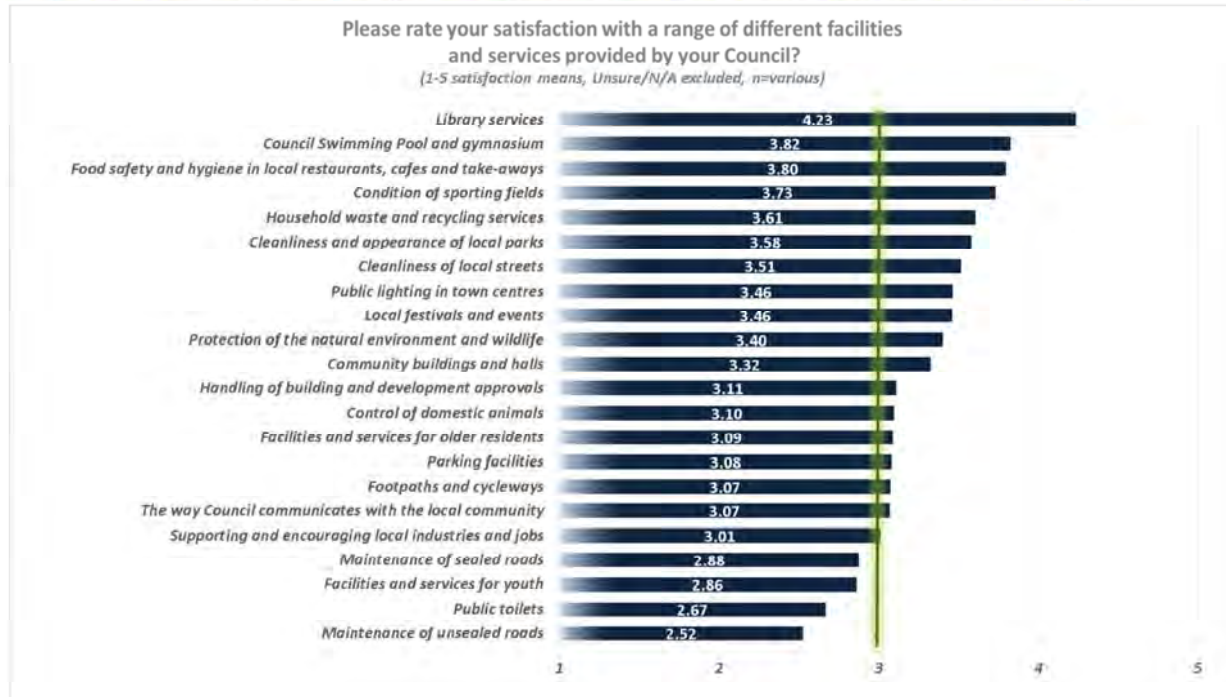
1. *Place the Draft Recreation Needs and Management Study on public exhibition from 16 December 2016 to the 3 February 2017; and*
2. *A report be submitted to Council following public exhibition.*
3. *A brief commentary be including with the exhibited documents from Council noting that Council also looks forward to receiving community feedback with respect to the following further recreation facilities:*
 - a) *the renewal or replacement of the Muswellbrook 50m outdoor Pool*
 - b) *A further upgrade of the aquatic centre to include children's interactive wet area.*
 - c) *A mountain bike track*
 - d) *Additional play elements catering to 0-5 year olds in the existing parks*

Input for the study throughout was primarily received from user groups through surveys and workshops rather than the community generally. Submission by user groups can be made available on request. Council also keeps records of membership numbers for user groups and sport codes tracking changes and trends to inform council's resource allocation.

However, the *Muswellbrook Shire Council Community Strategic Plan 2016 – Baseline Data* does provide some insight into the community's satisfaction more generally. Using a 5-point Likert scale where 1 = extremely dissatisfied and 5 = extremely satisfied, in June 2016 residents rated their satisfaction with 22 different services and facilities. The graph below shows the mean rating of each Council service or facility where 3 = neutral.

The aquatic centres, sporting fields and parks received mean ratings of 3.5 or higher out of 5. This information has been included in the Service Dashboard and will be again updated with results from Council's current Customer Satisfaction Phone Survey when completed.

Graph 1.2: Satisfaction with a range of facilities and services provided by Council, mean rating



As part of the same survey, the community having available and on offer more youth activities was the second highest item on the community's wish list.

Benchmarking

As part of the 2016 – 2017 Operational Plan, the following action was included:

'11.1.1 Ensure public infrastructure is able to cope with the Shire's planned growth needs through review and improvement of sporting and recreation infrastructure. a. Maintain grounds to a standard not less than benchmarked regional grounds.'

Yardstick Parks Benchmarking

As a result of the Operation Plan action to be achieved by June 2017 Council subscribed to *Yardstick Parks Benchmarking*. Developed in partnership with the Institute of Public Works Engineering Australasia (IPWEA) is an industry benchmarking tool that collects, share and compares vital information to measure current performance and drive future improvements.

The benchmarking collects and reports information to identify asset provision, costs, service delivery, strategic planning and asset management best practice. It allows Council to compare its parks (passive and active areas) against equivalent local government areas in Australia and New Zealand.

The benchmarking for 2016/2017 closed 18 August 2017 with an onsite audit to take place 13 September. The purpose of the audit process is to try to ensure consistency of answers across areas and provide clarification and assistance in adjusting any responses that need to be corrected. This process helps build Yardstick's reliability and accuracy for all members.

Contingent on any further information required or to be clarified by council and equivalents the results should be available in October.

Local Benchmarking

The *Yardstick Parks Benchmarking* subscription will be a useful tool to inform Council on resource allocation in terms of provision of active and passive recreation space, budget allocation, and the sophistication of council's asset management system. However, it does not provide the level of detail

required to benchmark service provision for codes and respective parks and facilities. Therefore a criteria of local benchmarking against Upper Hunter Shire, Singleton and Cessnock Local Government Areas (LGAs) has been developed by staff and distributed separately to this report.

Capital Works Priorities

A *Capital Works Priorities List* is being drafted to present to Council once the final *Recreation Needs and Management Study* is considered. It is informed by the experience of staff in asset management, liaising with user groups and Councillor Spokespersons.

The usefulness of a priorities list is often as a reference document when considering resource allocations including the awarding of Council grants program, and applying for external grants opportunities.

Often priorities are delivered in part with critical components of projects delivered for a good outcome as is regularly achieved through the annual General Recreation Programme budget allocation.

Operations and Maintenance Management Plans/Systems

The *Precinct Specification Manual* is a key working document for operations and maintenance of Council's parks (passive and active) reflecting best practice in the fields of:

1. Service intervention levels;
2. Urban landscape management practice;
3. Management of open space turf areas;
4. Management of sporting fields;
5. Maintenance of irrigation systems;
6. Playgrounds; and
7. Tree planting and maintenance.

This document was reported to Council in May 2017.

OPTIONS

Council could request additional or different information to be provided in the *Service Dashboard – Open Space, Recreation and Public toilets* and/or determine or identify different *Capital Works Priorities* not considered.

CONCLUSION

These key documents will remain works in progress and will continue to be further refined and updated as a suite of documents addressing the categories of technical analysis, planning and management for recreation and collectively forming Council's Recreation Asset Management Plan communicated through the Service Dashboard.

SOCIAL IMPLICATIONS

The provision of sport and recreation encourages active and passive recreation for all age groups and provides public amenity.

FINANCIAL IMPLICATIONS

The *Service Dashboard – Open Space, Recreation and Public toilets* provides budget allocations and the *Capital Works Priorities* provides cost estimates.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

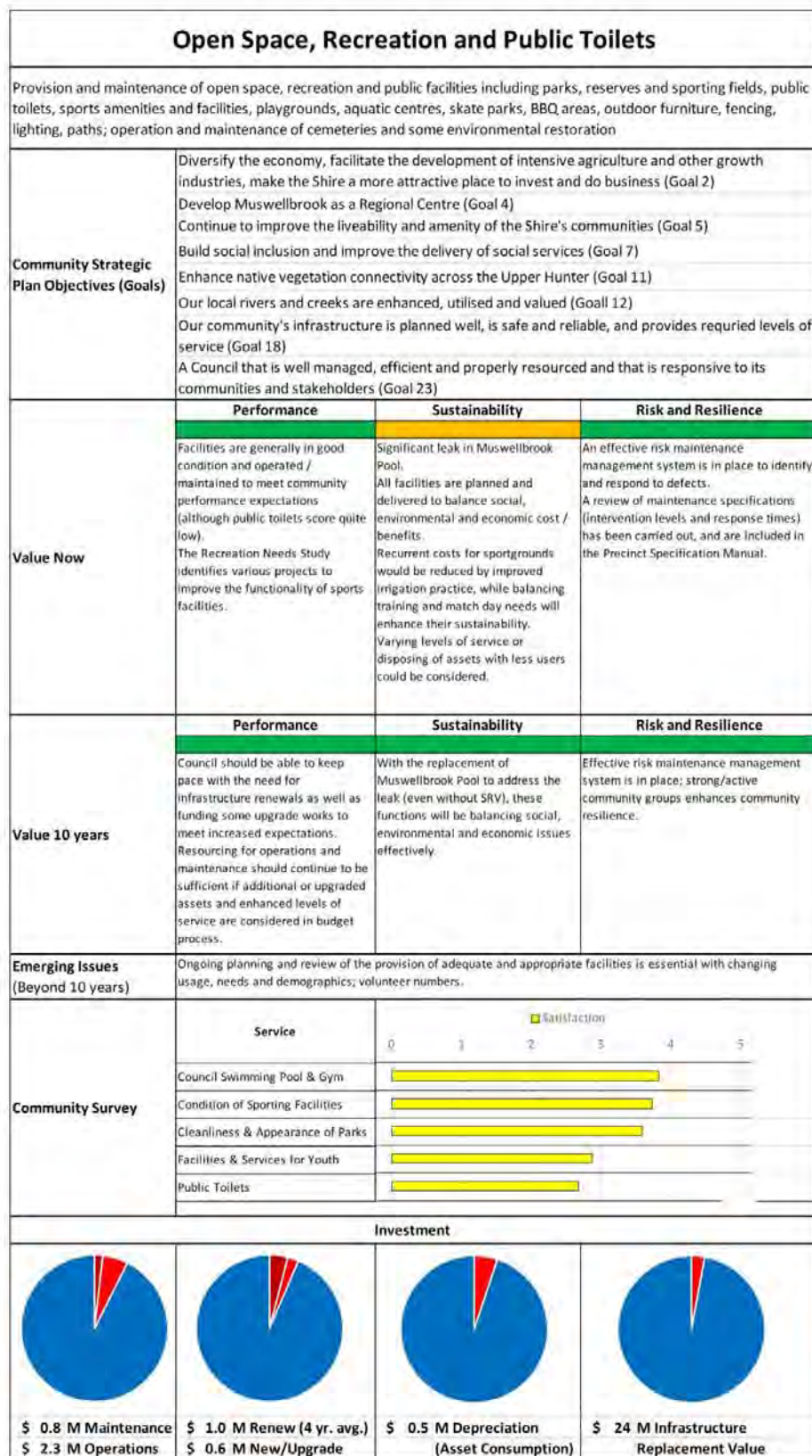
Not applicable


OPERATIONAL PLAN IMPLICATIONS

'5.5 Promote and facilitate increased participation in active and passive recreation activities', *Operational Plan 2017 - 2018*

RISK MANAGEMENT IMPLICATIONS

The management of risk forms a key part of condition assessments and planning.



Open Space, Recreation and Public Toilets								
Infrastructure								
	Asset Category		Value		Consumpt'n	Backlog	Renewal	Capital
	2 Aquatic Centres (buildings, pool, plant)		6.5		71%	35%	547%	547%
	2 Indoor Sports Stadiums		5.3		86%	0%	0%	0%
	20 Sports Buildings/Amenities		5.4		89%	0%	140%	350%
	Parks/Sports Structures & Equipment		6.7		79%	5%	28%	55%
	5 Public Toilets		0.4		91%	0%	0%	0%
TOTAL OPEN SPACE/REC./PUBLIC TLTS.		24.3		81%	11%	208%	238%	
Operational Programs								
Program Area		Priorities						Responsible
Maintenance and Operation of Aquatic Centres		Maintain and operate infrastructure to meet health standards, operate facilities in accordance with performance standards (opening hours) and regulations / codes of practice						Mgr. Aquatic. & Mgr. Prpty.
Maintenance of Buildings and Facilities		Maintain in accordance with maintenance specification (identify and respond to defects based on risk, efficient programming of work and impacts on use of the facility)						Mgr. Property
Cleaning of Public Toilets		Clean in accordance with cleaning schedule and in response to additional needs						Mgr. Prpty.
Maintenance of Parks, Reserves, Sportsfields, Cemeteries, Urban/Main St.		Maintenance and operations to achieve maintenance specifications in the Precinct Specification Manual, prioritising those facilities with higher usage / criticality if funds are limited						Mgr. Works
Program Area	Specific Revenue (other than General Rates)				Expenditure (excl. Depreciation)			
	2017/18	2018/19	2019/20	2020/21	2017/18	2018/19	2019/20	2020/21
Aquatic Centres	631,100	615,822	628,135	683,968	1,215,308	1,227,638	1,264,166	1,359,552
Indoor Sports Centres	37,000	37,740	38,494	39,264	63,834	65,161	66,511	67,893
Other Sport incl. Olympic Pk	41,000	41,670	42,359	43,069	429,540	385,134	394,651	404,413
Parks & Playgrounds Maint.	20,000	20,400	20,800	21,220	948,110	974,080	1,000,768	1,028,217
Cemeteries	57,000	58,140	59,302	60,488	118,350	121,349	124,423	127,582
Public Toilets					64,898	66,270	67,620	68,996
Urban Areas / Main Street					265,200	272,499	280,000	288,715
TOTAL	786,100	773,772	789,090	848,009	3,105,240	3,112,131	3,198,139	3,345,368
Program Area	Performance Measures and Targets						Target	
Maintenance of All Open Space, Recreational and Public Facilities	Target: compliance with maintenance schedule (programmed) and intervention standards and response times (reactive) in maintenance specifications						90%	
	Measure: report on maintenance accomplishments (by asset type) and number of customer requests (plus public liability incidents) with comparisons to previous years						Report	
	Measure: report on usage of open space, recreation and public facilities, with comparisons to previous years						Report	
Capital Projects								
Project Area	Selection Criteria (for Priority Projects List)						Responsible	
Open Space, Recreational Facilities & Public Toilets	Renewal and upgrade: based on priorities including performance objectives, deficiencies, current / expected usage, proximity / availability of alternative facilities, minimising maintenance cost & risk						Mgr. Property	
Project Area	Specific Revenue (other than General Rates)				Expenditure			
	2017/18	2018/19	2019/20	2020/21	2017/18	2018/19	2019/20	2020/21
Aquatic Centres					160,000	3,500,000	-	60,000
Denman Geothermal					100,000	-	-	-
Recreation Renewals					150,000	150,000	155,000	160,000
Sporting Grants - Large					100,000	100,000	100,000	100,000
Sporting Grants - Small					25,000	25,000	25,000	25,000
Cemeteries					100,000	105,000	90,000	90,000
Landcare Projects					250,000	250,000	250,000	200,000
Tree Management					75,000	75,000	75,000	65,000
TOTAL	-	-	-	-	960,000	4,205,000	695,000	700,000
Project Area	Performance Measures and Targets						Target	
All projects	Target: Completion of Projects in Operational Plan (% by value)						90%	
	Target: Variation from Budget in Operational Plan						10%	
	Measure: report on achievements						Report	
Improvement Action Plan								
What							Who	When
Submit Precinct Specification Manual for notation by Council							Mgr. Works	June 2017
Review classifications in asset system and budgets to facilitate planning and reporting (parks/sports, aquatic, cemetery, sports, community)							Mgr. Property	Aug 2017
Reference Documents								
Recreation Needs and Management Study, Maintenance Specifications, Specifications (NATSPEC) for Design, Construction and Maintenance, Management Plans for Parks/Reserves, Cemetery Management Plans, Guidelines for hiring sportsgrounds, parks and facilities, Lease and Licences, Facility User Group Meetings, Muswellbrook Shire Sport and Recreation Group, Precinct Specification Manual								

12.7 PROPOSED GENERAL BUILDING PROGRAMME

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Matthew Lysaught - Manager, 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>Maintain and continually improve asset management.</i>
Community Plan Strategy:	<i>Implement asset management system.</i>

PURPOSE

To provide Council with a list of proposed projects from the budget allocation for the General Building Programme.

OFFICER'S RECOMMENDATION

Council approve the proposed General Building Programme as outlined in the report.

Moved: _____ Seconded: _____

BACKGROUND

Each year the asset manager for Council's building assets presents to Council a list of proposed capital works for the General Building Programme. This report provides proposed projects for allocation by Council for 2017/18.

CONSULTATION

Technical Officer – Property and Building Services

Stakeholders and User Groups

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT2017/18 General Building Program

The proposed list of works for the General Building Programme includes:

Administration Carpark Lighting	\$17,000
--	-----------------

Installation of sufficient external lighting at the Administration Centre to illuminate carpark and footpaths where required. This project will be delivered in partnership with Council's Sustainability Unit.

Administration Centre Building Improvements	\$30,000
--	-----------------

A contribution towards the cost of new staff and councillors kitchen, and bringing forward the Administration Centre counter.

Arts Centre – Ramp Gallery	\$8,000
Renewal works in ramp area to create an inviting Ramp Gallery for exhibition use, this works will include floor replacement, paint and minor lighting works.	
Arts Centre - Access Security	\$18,000
The installation and programming of electrical fobs on doors reducing the use of keys and allowing for the centralised control of access to the Art's Centre building.	
Disability Action Inclusion List – Building Works	\$40,000
Under the NSW Disability Inclusion Act (2014) each council in NSW must have a Disability Inclusion Action Plan (DIAP) by 1 July, 2017. The guidelines recommend that Council prepare an Action List and include necessary building works. Staff have prepared this in consultation with users and disability service providers informed by previous access audits and prioritise projects.	
Muswellbrook Childcare Centre – Replacement Flooring	\$25,000
Flooring in classrooms is original flooring which is starting to deteriorate after 30 years. This is for removal of current floor and replacement with the same commercial grade flooring.	
Highbrook Park Playground – Amenities Upgrade	\$80,000
As the premier regional playground in Muswellbrook Shire, an upgrade of the current public conveniences would be beneficial for the high volume of use the facilities receive and for the overall appeal of the area for patrons. This would include new public toilets and a small kiosk for use by community groups.	
MOOSH – External Fabric	\$10,000
Externally the building is overdue for attention. Works would include repairs and painting of roof and existing painted surfaces.	
Stan Thiess Community Centre – Internal Fabric	\$30,000
New roller blinds and remove carpet to reveal the wooden flooring underneath which is more attractive to user groups. It would include minor refurbishment of the room currently being used by the Muswellbrook Shire Concert Band.	
Muswellbrook Library – External lighting	\$2,000
Provide sufficient lighting for staff to access the rear of the building and carpark at night.	
Muswellbrook Library – Floor replacement	\$10,000
Replacement of the floor covering at the lower ground entrance to the Muswellbrook Library.	
Works Depot – Concepts Design	\$30,000
Due to severe termite damage to the Works Depot Administration building, staff have been operating from temporary office buildings for almost 12 months. This allocation would allow for concept design of a suitable building and consideration of sites to support the functionality required for Works Depot operations.	
Total	\$300,000

OPTIONS

Council could identify and choose different projects.

CONCLUSION

The 2017/2018 General Building Programme list of projects has been prepared in consideration of assets condition and needs of users.

SOCIAL IMPLICATIONS

Provision of suitable buildings infrastructure is required to meet the needs of users.

FINANCIAL IMPLICATIONS

General Building Programme budget allocation for 2017/2018 is \$300K

POLICY IMPLICATIONS

Not Applicable

STATUTORY IMPLICATIONS

Not Applicable

LEGAL IMPLICATIONS

Not Applicable

OPERATIONAL PLAN IMPLICATIONS

'19.2 Maintain and continually improve asset management', *Operational Plan 2017 - 2018*

RISK MANAGEMENT IMPLICATIONS

There are a number of competing priorities for expenditure on Council buildings. The proposed projects include works to reduce risks and improve assets condition and improve the level of service for the user.

12.8 PROPOSED GENERAL RECREATION PROGRAMME

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Matthew Lysaught - Manager, 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>Maintain and continually improve asset management.</i>
Community Plan Strategy:	<i>Implement asset management system.</i>

PURPOSE

To provide Council with a list of proposed projects from the budget allocation for the General Recreation Programme.

OFFICER'S RECOMMENDATION

- 1. Council approve the proposed General Recreation Programme as outlined in the report.**
- 2. Award \$15,100 to the Early Rifle and Pistol Club Range funded from the remaining budget allocation of 2016/17 Large Capital Grants programme.**

Moved: _____ **Seconded:** _____

BACKGROUND

Each year the asset manager for Council's sport and recreation assets presents to Council a list of proposed capital works for the General Recreation Programme. This report provides proposed projects for allocation by Council for 2017/18.

The projects have been informed by asset condition reviews, draft Recreation Needs and Management Study, consultation with the Muswellbrook Shire Sport and Recreation Group, user group meetings, and discussions with Councillor Spokespersons..

This year the General Recreation Programme for 2017/18 has a funding allocation of \$250K which includes the Large Capital grants programme of \$100K.

CONSULTATION

Manager Cultural and Community Services

Technical Officer – Recreation and Property

Muswellbrook Shire Sport and Recreation Group

Aquatic Centre Manager

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Councillor Spokespersons for Sport, Recreation and Wellbeing

REPORT2017/2018 General Property and Recreation Program

The proposed list of works for the General Property and Recreation Program includes:

Karoola Park Softfall \$10,000

Renew damage softfall at Karoola Park.

Renew Softfall at Simpson Park \$15,000

Renew damage softfall at Simpson Park and remove the fence from around the Liberty Swing to facilitate use.

Denman Field Drainage and Top Dressing \$50,000

Denman Football Fields have been installed for over 18 months and now the fields have settled and require topdressing to create an even playing surface.

Toddlers play area at Highbrook Playground \$20,000

The smaller children's play area at Highbrook Park is dilapidated and in need of replacing. It is proposed that a new toddler and sensory play area be installed to replace the existing play area. This allocation is to match a \$20,000 grant application under the Australian Government Stronger Communities Grants Programme.

Dog Recreational Area \$30,000

It is proposed to fund one large dog park instead of two to ensure the first is delivered successfully. The recommended funds would allow the construction of a large open space for dogs to run and socialise. The provision of water, shade and seating would also be included as part of the project.

Rejuvenation of Sports Facilities \$15,000

It is proposed to undertake minor renewal works at Weeraman Fields and Highbrook Park facilities.

Muswellbrook Skate Park \$10,000

The works would include minor improvements to the skate park following consultation with users.

Grants Programmes

It is proposed to open the successful small and large capital grants applications on Friday 15 September 2017 and close 31 October 2017.

Carried over from last year's Large Capital Grants programme was \$15,100 pending a meeting with Early Arms Rifle and Pistol Club regarding their application. The club had applied for \$35,000 towards the construction of a 2wd all weather access road across a Legal Right of Carriage Way from Dolahenty's Road, McCullys Gap to the club site. The application required further clarification and following a meeting with the Early Rifle and Pistol Club Range an allocation of remaining funds of \$15,100 from the 2016/17 budget could be made available to the club.

OPTIONS

Council could identify and choose different projects.

CONCLUSION

The 2017/2018 General Recreation Programme list of projects has been prepared in consideration of assets condition and needs of users.

SOCIAL IMPLICATIONS

The provision of sport and recreation encourages active and passive recreation for all age groups and provides public amenity.

FINANCIAL IMPLICATIONS

General Recreation Programme budget allocation for 2017/2018 is \$150K

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

'5.5 Promote and facilitate increased participation in active and passive recreation activities', *Operational Plan 2017 - 2018*

RISK MANAGEMENT IMPLICATIONS

There are a number of competing priorities for sport and recreation funding. The proposed projects include works to reduce risks for people participating in active and passive recreation.

12.9 CODE OF CONDUCT REVIEW

Attachments:	A. Muswellbrook Shire Council - Code of Conduct 2017 - Draft for review
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Joshua Brown - Co-Ordinator Executive Services
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

For Council to consider minor amendments to the Code of Conduct

OFFICER'S RECOMMENDATION

That Council endorse the draft Code of Conduct for public exhibition for a period of 28 days.

Moved: _____ Seconded: _____

BACKGROUND

Council is required to adopt a Code of Conduct based upon the Office of Local Government (OLG) Model Code of Conduct. The OLG has made a minor amendment to the Model Code of Conduct.

CONSULTATION

General Manager

REPORT

The Office of Local Government has made a minor amendment to the Model Code of Conduct with respect to non-pecuniary conflicts of interest, where the interest of a person concerns the person's principal place of residence. It is recommended that Council's Code of Conduct be amended to reflect the change, which includes the addition of a new clause:

- 4.29 (b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence.

Two further amendments are included also. One a consequential amendment, changing the existing clause 4.29 (b) to 4.29 (c); and changes to all references to the 'Division of Local Government, Department of Premier and Cabinet' to 'Office of Local Government'.

The Local Government Act 1993 requires Councils to adopt the Model Code of Conduct, which may include provisions that supplement the model code. A council's adopted code has no effect to the extent that it is inconsistent with the model code as in force for the time being.

CONCLUSION

It is recommended that the draft Code of Conduct be endorsed for public exhibition for a period of 28 days.

SOCIAL IMPLICATIONS

No known social implications.

FINANCIAL IMPLICATIONS

No known financial implications.

POLICY IMPLICATIONS

No known policy implications.

STATUTORY IMPLICATIONS

Consistent with section 440(3) of the *Local Government Act* 1993: A council must adopt a code of conduct (the "adopted code") that incorporates the provisions of the model code. The adopted code may include provisions that supplement the model code.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

No operational plan implications.

RISK MANAGEMENT IMPLICATIONS

No known risk management implications.



muswellbrook shire council

Code of Conduct

Adopted by Council

~~xx/xx/2017,~~

Deleted: 11 February 2013

Minute No.

~~xxx,~~

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This Code of Conduct is based on the Model Code of Conduct prepared and issued by the **Office** of Local Government. The following amendment has been made to the Model Code;

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Part 5 - Personal benefit. Words have been added to clearly define the term "Token Value".

PART 1 INTRODUCTION

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code. For the purposes of section 440 of the Act, the Model Code of Conduct comprises all parts of this document.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the Act. The Act provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

A better conduct guide has also been developed to assist councils to review and enhance their codes of conduct. This guide supports this code and provides further information on the provisions in this code.

PART 2 PURPOSE OF THE CODE OF CONDUCT

The Model Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation.

The Model Code of Conduct has been developed to assist council officials to:

- a) understand the standards of conduct that are expected of them;
- b) enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (Section 439 of the Act); and
- c) act in a way that enhances public confidence in the integrity of local government.

PART 3 GENERAL CONDUCT OBLIGATIONS

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community (*Schedule 6A*).
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act (Section 439 of the Act).
- 3.3 You must treat others with respect at all times.

Fairness and equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 3.6 You must not harass, discriminate against, or support others who harass and discriminate against colleagues or members of the public. This includes, but is not limited to harassment and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Development decisions

- 3.7 You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.

- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Binding caucus votes

- 3.9 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.
- 3.10 For the purposes of clause 3.9, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.
- 3.11 Clause 3.9 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting or from voluntarily holding a shared view with other councillors on the merits of a matter.
- 3.12 Clause 3.9 does not apply to a decision to elect the Mayor or Deputy Mayor or to nominate a person to be a member of a council committee.

PART 4 CONFLICT OF INTERESTS

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person (Section 442 of the Act).
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter (Section 443 of the Act).
- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (Section 449 of the Act).
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (Section 451 of the Act).
 - c) designated persons immediately declare, in writing, any pecuniary interest. (Section 459 of the Act).
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 4.9 Where you are a member of staff of council, other than a designated person (as defined by Section 441 of the Act), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What are non-pecuniary interests?

4.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

4.11 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

4.12 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

4.13 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.12.

4.14 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

4.15 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household;
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship; and
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

4.16 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

4.17 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.

4.18 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

4.19 Despite clause 4.16(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff through the general manager, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 4.16(b) above.

Reportable political donations

4.20 Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.

4.21 Where a councillor has received or knowingly benefitted from a reportable political donation:

- a) made by a major political donor in the previous four years; and
- b) where the major political donor has a matter before council, then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 4.16(b).

4.22 For the purposes of this Part:

- a) a "reportable political donation" is a "reportable political donation" for the purposes of section 86 of the *Election Funding, Expenditure and Disclosures Act 1981*; and
- b) a "major political donor" is a "major political donor" for the purposes of section 84 of the *Election Funding, Expenditure and Disclosures Act 1981*.

4.23 Councillors should note that political donations below \$1,000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

4.24 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 4.21, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff through the general manager or appointing another person or body to make the decision in accordance with the law (see clause 4.19 above).

Loss of quorum as a result of compliance with this Part

4.25 Where a majority of councillors are precluded under this part from consideration of a matter the council or committee must resolve to delegate consideration of the matter in question to another person.

- 4.26 Where a majority of councillors are precluded under this Part from consideration of a matter and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the Act, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interests.
- 4.27 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:
- a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum; and
 - b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.
- 4.28 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to in accordance with the requirements of this Part.
- 4.29 A councillor, who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interests in the matter, is permitted to participate in consideration of the matter, if:
- a) the matter is a proposal relating to;
 - i. the making of a principal environmental planning instrument applying to the whole or a significant part of the council's area; or
 - ii. the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant part of the council's area;
 - ~~b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence; and~~
 - c) the councillor declares any interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part.

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Other business or employment

- 4.30 If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing (Section 353 of the Act).
- 4.31 As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties;
 - b) involve using confidential information or council resources obtained through your work with the council;
 - c) require you to work while on council duty; and

- d) discredit or disadvantage the council.

Personal dealings with council

4.32 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

PART 5 PERSONAL BENEFIT

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Token gifts and benefits

- 5.3 Generally speaking, token gifts and benefits include:
 - a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i. the discussion of official business;
 - ii. council work related events such as training, education sessions, workshops conferences;
 - iii. council functions or events; and
 - iv. social functions organised by groups, such as council committees and community organisations.
 - b) invitations to and attendance at local social, cultural or sporting events provided that the value of the benefit derived from the attendance would not exceed \$20.
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address).
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.
 - e) prizes of token value.

Gifts and benefits of value

- 5.4 Notwithstanding clause 5.3, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

How are offers of gifts and benefits to be dealt with?

- 5.5 You must not:
- a) seek or accept a bribe or other improper inducement;
 - b) seek gifts or benefits of any kind;
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty;
 - e) accept any gift or benefit of more than \$20; and
 - f) accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.6 For the purposes of clause 5.5(e), a "cash-like gift" includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.7 Where you receive a gift or benefit of more than \$20 that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or General Manager must ensure that any gifts or benefits of more than \$20 that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.

Improper and undue influence

- 5.8 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.
- 5.9 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

PART 6 RELATIONSHIP BETWEEN COUNCIL OFFICIALS**Obligations of councillors and administrators**

- 6.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to workforce policy.
- 6.2 Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (Section 352 of the Act)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (Schedule 6A of the Act)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.

Obligations of staff

- 6.3 The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 6.4 Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively;
 - c) carry out lawful directions given by any person having authority to give such directions;
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them; and
 - e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Obligations during meetings

- 6.5 You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 6.6 You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 6.7 You must not engage in any of the following inappropriate interactions:
- a) Councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues;
 - b) Council staff approaching councillors and administrators to discuss individual or operational staff matters other than broader workforce policy issues;
 - c) Council staff refusing to give information that is available to other councillors to a particular councillor;
 - d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council;
 - e) Councillors and administrators being overbearing or threatening to council staff;
 - f) Councillors and administrators making personal attacks on council staff in a public forum;
 - g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make;
 - h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community;
 - i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals; and
 - j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

PART 7 ACCESS TO INFORMATION AND COUNCIL RESOURCES**Councillor and administrator access to information**

- 7.1 The general manager and public officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the *Government Information (Public Access) Act 2009*.
- 7.2 The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 7.4 Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 7.5 Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 7.6 Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 7.7 Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty (see clause 7.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 7.8 In regard to information obtained in your capacity as a council official, you must:
 - a) only access council information needed for council business b) not use that council information for private purposes;
 - b) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council;

- c) only release council information in accordance with established; and
- d) council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 7.9 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 7.10 In addition to your general obligations relating to the use of council information, you must:
- a) protect confidential information;
 - b) only release confidential information if you have authority to do so;
 - c) only use confidential information for the purpose it is intended to be used;
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body; and
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

- 7.11 When dealing with personal information you must comply with:
- a) the *Privacy and Personal Information Protection Act 1998*;
 - b) the *Health Records and Information Privacy Act 2002*;
 - c) the Information Protection Principles and Health Privacy Principles
 - d) council's Privacy Management Plan; and
 - e) the Privacy Code of Practice for Local Government.

Use of council resources

- 7.12 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.13 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters;
 - b) the representation of employees with respect to grievances and disputes; and
 - c) functions associated with the role of the local consultative committee.
- 7.14 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any

other person or body.

- 7.15 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.16 You must not use council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.17 You must not use council letterhead, council crests and other information that could give the appearance it is official council material for:
- a) the purpose of assisting your election campaign or the election campaign of others; or
 - b) for other non-official purposes.
- 7.18 You must not convert any property of the council to your own use unless properly authorised.
- 7.19 You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 7.20 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 7.21 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 7.22 Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

PART 8 MAINTAINING THE INTEGRITY OF THIS CODE

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

- 8.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.
- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another council official;
 - b) to damage another council official's reputation;
 - c) to obtain a political advantage;
 - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions;
 - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions;
 - f) to avoid disciplinary action under this code;
 - g) to take reprisal action against a person for making a complaint under this code except as may be otherwise specifically permitted under this code;
 - h) to take reprisal action against a person for exercising a function prescribed under the procedures for the administration of this code except as may be otherwise specifically permitted under this code; and
 - i) to prevent or disrupt the effective administration of this code.

Detrimental action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code except as may be otherwise specifically permitted under this code.
- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code except as may be otherwise specifically permitted under this code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss;
 - b) intimidation or harassment;
 - c) discrimination, disadvantage or adverse treatment in relation to employment;
 - d) dismissal from, or prejudice in, employment; and
 - e) disciplinary proceedings.

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Office of Local Government.
- 8.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

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Disclosure of information about the consideration of a matter under this code

- 8.11 You must report breaches of this code in accordance with the reporting requirements under this code.
- 8.12 You must not make allegations of suspected breaches of this code at council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this code.

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a councillor, the general manager or an administrator are to be made to the Office of Local Government.
- 8.15 Complaints alleging a breach of this Part by other council officials are to be made to the general manager.

Deleted: Division

PART 9 DEFINITIONS

In the Model Code of Conduct the following definitions apply:

the Act	the <i>Local Government Act 1993</i>
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
administrator	an administrator of a council appointed under the Act other than an administrator appointed under Section 66 of the Act
Chief Executive	Chief Executive of the <u>Office</u> of Local Government
<u>committee</u>	<u>a council committee</u>
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
council committee	a committee established by resolution of council
"council committee member"	a person other than a councillor or member of staff of a council who is a member of a council committee
council official	includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council
councillor	a person elected or appointed to civic office and includes a Mayor
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

The Regulation the *Local Government (General) Regulation 2005*

The term "you" used in the Model Code of Conduct refers to council officials.

The phrase "*this code*" used in the Model Code of Conduct refers also to the

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procedures for the administration of the Model Code of Conduct prescribed under the Local Government (General) Regulation 2005.

12.10 RELATED PARTY DISCLOSURE POLICY AND PROCEDURES

Attachments:	A. Related Party Disclosures Policy B. Related Party Disclosures Procedures
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Joshua Brown - Co-Ordinator Executive Services
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Effective governance of Muswellbrook Shire</i>

PURPOSE

To consider the adoption of the Related Party Disclosure Policy and Procedures.

OFFICER'S RECOMMENDATION

Council adopt the Related Party Disclosure Policy and Procedures.

Moved: _____ **Seconded:** _____

BACKGROUND

Council is required to comply with Australian Accounting Standard AASB 124 Related Party Disclosures, which requires the disclosure of related party relationships, transactions and outstanding balances, including commitments in Council's Annual Financial Statement. The draft Related Party Disclosure Policy and Procedures provide a framework to ensure compliance with AASB 124.

CONSULTATION

The draft policy and procedures were placed on public exhibition.

REPORT

From 1 July 2016, AASB 124 Related Party Disclosures will apply to local government. This means Council must disclose related party relationships, transactions and outstanding balances, including commitments in the Annual Financial Statements. While these disclosures have been long-standing in the private sector, they are a new requirement for the public sector.

Establishment of a policy to define the parameters for related party transactions and the level of disclosure and reporting required for Council is necessary to achieve compliance with AASB 124. The draft Related Party Disclosure Policy and Procedures are attached.

What is a Related Party?

Parties are related where one can control or influence the other's financial and operating decisions. Council's related parties include *Key Management Personnel* (KMP) and *entities* that Council has control or significant influence over (for example joint ventures, subsidiaries, etcetera). Council's KMP have been proposed to include the Mayor, Councillors, General Manager, Directors, Managers and the Public Officer. AASB124 also requires the inclusion of the close family members of each KMP and the entities that KMP or their close family members control or jointly control as related parties.

The proposed determination of KMP is based on interpretation of AASB124 (that defines KMP as those persons that have the responsibility to *plan, direct and control* the activities of Council), based upon advice provided to Wollongong City Council and consultation with Office of Local Government (OLG).

New information needs to be collected from Council's KMP to comply with AASB 124

To comply with AASB 124, Council is required to collect information from its KMP to identify related party relationships and transactions. The proposed policy requires all KMP to provide a Related Party Disclosure for annual periods beginning on or after 1 July in each year notifying any existing or potential related party transactions between Council and related parties. After transactions are verified in Council's business systems the information will be added to a Register of Related Party Transactions.

Council's KMP are already required to make disclosures under various returns, however AASB124 also requires disclosure of material transactions in the financial statements. Under the policy, the Related Party Disclosures made by KMP and the Register of Related Party Transactions will not be available for public inspection, although the reporting of transactions and relationships will be. Where a material transaction has occurred, it will be disclosed in the financial statements, whilst other transactions will be disclosed in aggregate.

What will be disclosed?

The standard requires disclosure of **material** transactions with related parties. A **related party transaction** is a transfer of resources, services or obligations between a reporting entity and a related party, regardless of whether a price is charged. Disclosure will include:

- Remuneration information for KMP. To be reported at an aggregate level for the following categories:
 - (i) short-term employee benefits (including non-monetary benefits);
 - (ii) post-employment benefits;
 - (iii) other long-term benefits, and
 - (iv) termination benefits.
- Transactions between Council and KMP or entities owned or controlled by KMP or their close family members, and
- Transactions with Council and other related entities such as Joint Ventures, Subsidiaries, etc.

Privacy of information collected

Under the proposed policy, information collected about KMP in periodic Related Party Disclosures and the personal information contained in the Register of Related Party Transactions will not be available for inspection by the public, while the reported information will be publically available.

Public exhibition

The draft policy and procedure were placed on public exhibition for a period of 28 days. No submissions were received.

OPTIONS

It is recommended that the draft Policy and Procedures be adopted to assist Council comply with its obligations under the *Local Government (General) Regulation 2005*.

CONCLUSION

Council is required to comply with AASB 124. Introduction of a policy is a necessary step towards achieving compliance. It is recommended that Council adopt the Related Party Disclosure Policy and Procedures.

SOCIAL IMPLICATIONS

No known social implications.

FINANCIAL IMPLICATIONS

AASB 124 requires an additional disclosure in the notes to Council's Financial Statements, titled "*Related Party Transactions*". It is unlikely that this will impact Council's financial result.

Any financial implications will relate to indirect costs associated with researching, collecting and recording information which are expected to be minimal.

POLICY IMPLICATIONS

No known policy implications.

STATUTORY IMPLICATIONS

Endorsement of the draft Policy and Procedures will ensure compliance with the regulations.

LEGAL IMPLICATIONS

No known legal implications.

OPERATIONAL PLAN IMPLICATIONS

Consistent with 2016/17 Operational Plan - 2.2 Provide high quality and timely financial reporting

RISK MANAGEMENT IMPLICATIONS

Failure to comply with the requirements set by the Local Government (General) Regulation 2005 would expose Council to action by the Office of Local Government and NSW Audit Office.



muswellbrook shire council

Related Party Disclosure Policy

REFERENCE NUMBER

Authorisation Details:

Authorised by:	
Minute No:	
Date:	
Review timeframe:	
Department:	
Document Owner:	

Details History;

Version No.	Date changed	Modified by	Amendments made

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POLICY OBJECTIVE

The objective of this policy is to ensure compliance with the Australian Accounting Standards Board standard *AASB 124 Related Party Disclosures*, July 2015 ("AASB 124"), which is required under the *Local Government (General) Regulation 2005*.

POLICY STATEMENT

Council will comply with the disclosure requirements of AASB 124, which include:

1. identifying related party relationships, related party transactions and ordinary citizen transactions;
2. identifying information about the related party transactions for disclosure;
3. establish systems to capture and record the related party transactions and information about those transactions;
4. identifying the circumstances in which disclosure of the items in subparagraphs 1. and 2. are required; and
5. determining the disclosures to be made about those items in the General Purpose Financial Statements by aggregate or general description for the purpose of complying with AASB 124, except when separate disclosure is necessary for an understanding of the effects of related party transactions on the financial statements of the entity, in consideration of the following criteria:
 - a. the nature of the related party relationship;
 - b. the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);
 - c. whether the transaction is carried out on non-arm's length terms;
 - d. whether the nature of the transaction is outside normal day-to-day business operations;based on the factors and thresholds under the direction of the General Manager in consultation with Council's external auditor.

LEGISLATION

Local Government Act 1993
Local Government (General) Regulation 2005
Australian Accounting Standard AASB 124 Related Party Disclosures, July 2015
Government Information (Public Access) Act 2009
Privacy and Personal Information Protection Act 1998
Office of Local Government – Local Government Code of Accounting Practice and Financial Reporting – Update No 24, June 2016.

ASSOCIATED COUNCIL DOCUMENTATION

Access to Information Policy (Draft)
Access to Information Guidelines (Draft)
Related Party Disclosure Procedures (Draft)



muswellbrook shire council

Related Party Disclosure Procedures

REFERENCE NUMBER

Authorisation Details:

Authorised by:	
Minute No:	
Date:	
Review timeframe:	
Department:	
Document Owner:	

Details History;

Version No.	Date changed	Modified by	Amendments made

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These Procedures are based upon those adopted by Wollongong City Council, which has kindly provided permission for their adoption by Muswellbrook Shire Council.

PROCEDURE OBJECTIVE

The objective of this procedure is to ensure compliance with Council's Related Party Disclosures Policy and the Australian Accounting Standards Board standard *AASB 124 Related Party Disclosures*, July 2015 ("AASB 124"), which is required under the *Local Government (General) Regulation 2005*.

PROCEDURE

1. AASB 124 Disclosure Requirements

1.1 Disclosures

To comply with AASB 124, for annual periods beginning on or after 1 July 2017, Council will make the following disclosures in its General Purpose Financial Statements:

- a. Relationships between Council and its subsidiaries, irrespective of whether there have been transactions between them.¹
- b. Key management personnel (KMP) compensation in total and for each of the following categories:^{2,3}
 - i. short-term employee benefits;
 - ii. post-employment benefits;
 - iii. other long term benefits; and
 - iv. termination benefits.
- c. Amounts incurred by Council for the provision of KMP services that are provided by a separate management entity.⁴
- d. The information specified in Section 1.2 for related party transactions with the following persons during the periods covered by the Financial Statement:⁵
 - i. Council subsidiaries;
 - ii. entities who are associates of Council or a Council subsidiary;
 - iii. joint ventures in which Council or a Council subsidiary is a joint venture;
 - iv. Council's KMP;
 - v. other related parties, comprising:
 - a. a close family member of a KMP of Council;
 - b. entities controlled or jointly controlled by a KMP of Council;
 - c. entities controlled or jointly controlled by a close family member of a KMP of Council;
 - d. other entities as specified in AASB 124, paragraph 9(b)(iii), (iv), (v) and (vii).

1.2 Disclosed Information

For each category of related party transactions specified in Section 1.1(d), Council will disclose the following information in Council's General Purpose Financial Statements:

- a. the nature of the related party relationship;
- b. the amount of the transactions;
- c. the amount of outstanding balances, including commitments, and:

¹ AASB 124, paragraphs 13, Aus 13.1, 14-16

² AASB 124, paragraphs 17 and 17A

³ Note: This requirement is in addition and separate to the disclosure of senior management remuneration in Council's annual report, pursuant to the *Local Government (General) Regulation 2005*, cl 217.

⁴ AASB 124, paragraph 18A

⁵ AASB 124, paragraphs 18-24

- i. their terms and conditions, including whether they are secured, and the nature of the consideration to be provided in settlement; and
 - ii. details of any guarantees given or received;
- d. provisions for doubtful debts related to the amount of outstanding balances; and
- e. the expense recognised during the period in respect of bad or doubtful debts due from related parties.

1.3 Disclosed in Aggregate or Separate

For each related party category specified in Section 1.1(d), Council will disclose information specified in Section 1.2 for related party transactions of a similar nature in aggregate except when separate disclosure is necessary for an understanding of the effects of related party transactions on the Financial Statements of Council, having regard to the following criteria:

- a. the nature of the related party relationship;
- b. the significance of the transaction (individually or collectively) in terms of size or value (including where the materiality arises due to the fact that no consideration for the transaction is given or received by Council);
- c. whether the transaction is carried out on non-arm's length terms;
- d. whether the nature of the transaction is outside normal day-to-day business operations;

based on the factors and thresholds under the direction of the General Manager in consultation with Council's external auditor.

2. AASB 124 Disclosure Requirements

2.1 Identification

The General Manager⁶ is responsible for identifying Council subsidiaries, associates and joint ventures (incorporated and unincorporated) from the Related Entities Register, a document which is prepared to substantiate Note 19 of the Financial Statements "Interest in Other Entities".

2.2 Control or Joint Control

To determine whether Council has control or joint control of an entity, the General Manager is responsible for applying Australian Accounting Standards AASB 10 Consolidated Financial Statements and AASB 11 Joint Arrangements.

2.3 Associate or Joint Venture

To determine whether an entity is an associate of, or in a joint venture with, Council or a Council subsidiary the General Manager is responsible for applying AASB 128 Investments in Associates and Joint Ventures.

2.4 Electronic Investigation

The General Manager is responsible for investigating through Council's business system whether any identified Council subsidiaries, associates or joint ventures have an existing related party transaction with Council.

2.5 Information Extraction

The General Manager is responsible for identifying and extracting information specified in Section 1.2 against each existing related party transaction in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

⁶ The General Manager may delegate this responsibility in accordance with his/her delegation.

2.6 Manual Investigation and Recording of Information

For related party transactions that are not captured by Council's business systems, the General Manager is responsible for manually reviewing the transactional documentation and record the information specified in Section 1.2 for the subject transaction in the register of related party transactions.

3. Identifying Related Party Transactions with KMP and Their Close Family Members

3.1 Related Party Disclosures

KMP must provide a related party disclosure in the form set out in Attachment A, notifying any existing or potential related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members, subject to Section 3.5, to the General Manager by no later than the following periods during the financial year ("specified notification period"):

- a) 30 days after the commencement of the application of this Policy;
- b) 30 days after a KMP commences their term of employment with Council;
- c) 30 November each year;
- d) 30 June each year.

3.2 Related Party Disclosure Forms

At least 30 days before a specified notification period, the General Manager will provide KMP with a Related Party Disclosure Form (Attachment A) and a Privacy Collection Notice (Attachment B).

3.3 Suspected Related Party Transaction

If a KMP suspects that a transaction may constitute a related party transaction, the KMP should provide a related party disclosure to the General Manager for consideration and determination.

3.4 Other Notifications

The notification requirements in Section 3 are in addition to the notifications a KMP must make to comply with:

- a) the Code of Conduct for Councillors, the General Manager and other Senior Executive Officers who are KMP; and
- b) the disclosure of interests in a written return pursuant to section 450A of the *Local Government Act 1993* and *Local Government (General) Regulation 2005*.

3.5 Exclusions

The notification requirements in Section 3 do not apply to:

- a) related party transactions that are ordinary citizen transactions not assessed as being material or determined under Section 4; and
- b) the Mayor and Councillor expenses incurred and facilities provided during the financial year under Council Policy C421 - *Payment of Expenses and Provision of Facilities to Councillors*, the particulars of which are contained in Council's Annual Report pursuant to the *Local Government (General) Regulation 2005*, clause 217.

3.6 Information Extraction

The General Manager is responsible for identifying information specified in Section 1.2 against each notified related party transaction in Council's business systems for the purpose of recording the related party transactions and associated information in the register of related party transactions.

3.7 Other Sources of Information

To ensure all related party transactions are captured and recorded, the General Manager is responsible for reviewing, if required, other sources of information held by Council including, without limitation:

- a) a register of interests of a KMP and of persons related to the KMP;
- b) minutes of Council and committee meetings;
- c) Council's Contracts' Register.

3.8 Manual Investigation and Recording of Information

For notified related party transactions that are not captured by Council's business systems, the General Manager is responsible for manually reviewing the transactional documentation and record the information specified in Section 1.2 for the subject transaction in the register of related party transactions.

4. Ordinary Citizen Transactions

5.1 Non-material in Nature

A KMP is not required to notify in a related party disclosure and Council will not disclose in its Financial Statements, related party transactions that are ordinary citizen transactions assessed to be not material in nature.

5.2 Material in Nature

A KMP is required to notify in a related party disclosure and Council will disclose in its Financial Statements in accordance with Section 1, related party transactions that are ordinary citizen transactions assessed to be material in nature.

5.3 Materiality Assessment

The General Manager is responsible for reviewing and assessing the materiality of related party transactions that are ordinary citizen transactions to determine whether the disclosure of such transactions are necessary for an understanding of the effects of the related party transactions on the Financial Statements having regard to the criteria specified in Section 1.3.

5.4 Information Extraction

The General Manager is responsible for identifying information specified in Section 1.2 against each notified related party transaction that is an ordinary citizen transaction assessed as being material in nature in Council's business systems for the purpose of recording the related party transactions and associated information in a register of related party transactions.

5. Register of Related Party Transactions

6.1 Maintain a Register

The General Manager is responsible for maintaining and keeping up to date a register of related party transactions that captures and records the information specified in Section 1.2 for each existing or potential related party transaction (including ordinary citizen transactions assessed as being material in nature) during a financial year.

6.2 Contents of Register

The contents of the register of related party transactions must detail for each related party transaction:

- a) the description of the related party transaction;
- b) the name of the related party;

- c) the nature of the related party's relationship with Council;
- d) whether the notified related party transaction is existing or potential;
- e) a description of the transactional documents the subject of the related party transaction;
- f) the information specified in Section 1.2

The General Manager is responsible for ensuring that the information specified in Section 1.2 is disclosed in Council's Financial Statement to the extent, and in the manner stipulated by ASASB 124, subject to Section 1.3.

6. Information Privacy

7.1 Confidential

The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through an application under the *Government Information (Public Access) Act 2009*:

- a) information (including personal information) provided by a KMP in a related party disclosure; and
- b) personal information contained in a register of related party transactions.

7.2 When Consent is Required

Except as specified in this Policy, Council and other permitted recipients will not use or disclose personal information provided in a related party disclosure by a KMP or contained in a register of related party transactions for any other purpose or to any other person except with the prior written consent of the subject KMP.

7.3 Permitted Recipients

The following persons are permitted to access, use and disclose the information (including personal information) provided in a related party disclosure or contained in a register of related public transactions for the purposes specified in Section 6.4:

- a) the General Manager;
- b) the Responsible Accounting Officer, Director Planning, Corporate and Community Services, Coordinator Financial Services;
- c) an Auditor of Council (including an Auditor from the NSW Auditor General's Office);
- d) other officers as delegated in writing by the General Manager.

7.4 Permitted Purposes

A person specified in Section 6.3 may access, use and disclose information (including personal information) in a related party disclosure or contained in a register of related party transactions for the following purposes:

- a) to assess and verify a notified related party transaction;
- b) to reconcile identified related party transactions against those notified in a related party disclosure or contained in a register of related party transactions;
- c) to comply with the disclosure requirements of AASB 124;
- d) to verify compliance with the disclosure requirements of AASB 124.

An individual may access their personal information provided by a KMP in a related party disclosure or contained in a register of related party transactions in accordance with Council's *Privacy Management Plan*.

The following information is classified as confidential and is not available for inspection by or disclosure to the public, including through an application under the *Government Information (Public Information is classified as confidential and is not available for inspection by or disclosure to the public, including through an application under the Government Information (Public*

7. Government Information (Public Access) [GIPAA] Status

7.1 No Public Inspection

The following documents are not open to or available for inspection by the public:

- a) related party disclosures provided by a KMP; and
- b) a register of related party transactions.

7.2 Not GIPAA-accessible

A GIPAA application seeking access to:

- a) a document or information (including personal information) provided by a KMP in a related party disclosure; or
- b) personal information contained in a register of related party transactions;

will be refused on the grounds the document or information comprises information for which there is an overriding public interest against disclosure pursuant to Section 14 of GIPAA.

7.3 Transactional Documentation

A GIPAA application seeking access to and release of transactional information and documentation the subject of a related party transaction with Council will be considered, assessed and decided in accordance with Council's usual procedures regarding applications made under GIPAA.

8. Definitions

Each of the following expressions in bold bears the meaning shown below:

Arm's length terms

Terms between parties that are reasonable in the circumstances of the transaction that would result from:

- a) neither party bearing the other any special duty or obligation; and
- b) the parties being unrelated and uninfluenced by the other; and

each party having acted in its own interest.

Associate

In relation to an entity (the first entity), an entity over which the first entity has significant influence.

Close family members or close members of the family

In relation to a KMP, family members who may be expected to influence, or be influenced by that KMP in their dealings with Council will include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) dependents of that person or that person's spouse or domestic partner.

For the purpose of AASB 124, close family members could include extended members of a family (such as, without limitation, siblings, grandparents, uncles/aunts or cousins) *if* they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

Control

Control of an entity is present where there is:

- a) power over the entity; and
- b) exposure or rights to variable returns from involvement with the entity; and
- c) the ability to use power over the entity to affect the amount of returns received

as determined in accordance with AASB 10 *Consolidated Financial Statements, Paragraphs 5 to 18, Appendices A (Defined Terms) and B (Application Guidance)*.

Joint control

The contractually agreed sharing of control of an arrangement, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control.

Joint venture

An arrangement of which two or more parties have joint control and have right to the net assets of the arrangement.

Joint venturer

A party to a joint venture that has joint control of that joint venture.

KMP (Key Management Personnel)

Person(s) having authority and responsibility for planning, directing and controlling the activities of Council. Specific, KMP of the Council are the:

- a) Mayor;
- b) Councillors;
- c) General Manager;
- d) Directors;
- e) Public Officer.

Ordinary citizen transactions

Transactions that an ordinary citizen would undertake with Council, which is undertaken on arm's length terms and in the ordinary course of carrying out Council's functions and activities.

Examples of ordinary citizen transactions assessed to be not material in nature are:

- a) paying rates and utility charges;
- b) using Council's public facilities after paying the corresponding fees.

Related party

A person or entity that is related to Council pursuant to the definition contained in AASB 124, Paragraph 9. Examples of related parties of Council are:

- a) Council subsidiaries;
- b) KMP;
- c) close family members of KMP;
- d) entities that are controlled or jointly controlled by KMP or their close family members.

Related party transaction

A transfer of resources, services or obligations between the Council and a related party, regardless of whether a price is charged. Examples of related party transactions are:

- a) purchases or sales of goods;
- b) purchases or sales of property and other assets;
- c) rendering or receiving of services;
- d) rendering or receiving of goods;
- e) leases;
- f) transfers under licence agreements;
- g) transfers under finance arrangements (example: loans);
- h) provision of guarantees (given or received);
- i) commitments to do something if a particular event occurs or does not occur in the future;
- j) settlement of liabilities on behalf of Council or by Council on behalf of that related party.

Related party disclosure

A document entitled Related Party Disclosure by Key Management Personnel in the form set out in Attachment A.

Significant influence

The power to participate in the financial and operating policy decisions of another entity but is not control or joint control of those policies, as determined in accordance with AASB 128 *Investments in Associates and Joint Ventures, Paragraphs 3, 5 and 6*.

LEGISLATION

Local Government Act 1993

Local Government (General) Regulation 2005

Australian Accounting Standard AASB 124 Related Party Disclosures, July 2015

Government Information (Public Access) Act 2009

Privacy and Personal Information Protection Act 1998

Office of Local Government – Local Government Code of Accounting Practice and Financial Reporting – Update No 24, June 2016.

POLICY REFERENCE

Related Party Disclosure Policy (Draft)

ASSOCIATED COUNCIL DOCUMENTATION

Access to Information Policy (Draft)

Access to Information Guidelines (Draft)



Related Party Disclosure by Key Management Personnel

(This document is confidential and not GIPAA-accessible)

Name of Key Management Personnel: _____ Position: _____

Please read the Privacy Collection Notice provided with this notification, which explains what is a related party transaction and the purposes for which Council is collecting and will use and disclose, the related party information provided by you in this notification.

Please complete the table below **for each related party transaction with Council** that you, or a close member of your family, or an entity related to you or a close member of your family:

- a) has previously entered into **and** which will continue in the 2017/18 financial year; or
- b) has entered into, or is reasonably likely to enter into in the 2017/18 financial year.

Description of Related Party Transaction	Is transaction existing/likely?	Related Party's Name (Individual's or entity's name)	Related Party's Relationship (How related)	Description of Transaction Documents or Changes to the Related Party Relationship

I, _____, _____ notify that, to the best of my knowledge, information and belief, as at the date of this notification, the above list includes all existing and potential related party transactions with Council involving me, close members of my family or entities controlled or jointly controlled by me or close members of my family, related to the 2017/18 financial year. I make this notification after reading the Privacy Collection Noticed provided by Muswellbrook Shire Council, which details the meaning of the words "related party", "related party transaction", "close members of the family of a person" and, in relation to an entity, "control" or "joint control", and the purposes for which this information will be used and disclosed. I permit the Responsible Accounting Officer and the other permitted recipients specified in Council's Related Party Disclosure Policy to access the register of interests of me and persons related to me and to use the information for the purposes specified in that policy.

Signature of named Key Management Personnel: _____ Dated: _____

PRIVACY COLLECTION NOTICE

RELATED PARTY DISCLOSURES BY KEY MANAGEMENT PERSONNEL

Purpose of Collection, Use and Disclosure

Effective for annual periods beginning on or after 1 July 2017, Council must disclose certain related party relationships and related party transactions together with information associated with those transactions in its general financial statements, in order to comply with *Australian Accounting Standard AASB 124 Related Party Disclosures July 2015* (AASB 124).

Related parties include Council's key management personnel (KMP), their close family members, and any entities that they or any of their close family members control or jointly control.

A related party transaction is any transaction (whether a transfer of resources, services or obligations) between the reporting local government and any of the related parties, whether monetary or not.

If there is a related party transaction with Council applicable to a reporting financial year, AASB 124 requires Council to disclose in the financial statements the nature of the related party relationship and information about the transaction, including outstanding balances and commitments associated with the transaction. Disclosure in the financial statements may be in the aggregate and/or made separately, depending on the materiality of the transaction.

For more information about Council's disclosure requirements under AASB 124, please refer to Council's Related Party Disclosure Policy and Procedures.

Notifications by Key Management Personnel

In order to comply with AASB 124, Council has adopted a policy that requires all members of its KMP to periodically provide notifications to the General manager of any existing or potential related party transactions between Council and any of their related parties during a financial year, and any changes to previously notified related party relationships and transactions relevant to the subject financial year.

To this end, each KMP must provide a Related Party Disclosure, in the approved form, notifying any existing or potential related party transactions between Council and any related parties of the KMP, to the General Manager by no later than the following periods during a financial year:

- 30 days after the commencement of the application of this policy;
- 30 days after a KMP commences their term or employment with Council;
- 30 November (each year); and
- 30 June (each year).

Note, these related party disclosure requirements are in addition to the notifications KMPs are required to make to comply with Council's Code of Conduct, and disclosures relating to conflicts of interest (pecuniary and non-pecuniary) and Gifts and Benefits.

Council's Auditors may audit related party information as part of the annual external audit.

For privacy and right to information state of this information, please refer to Council's Related Party Disclosure Policy.

Who are KMPs?

KMPs are persons having authority and responsibility for planning, directing and controlling the activities of Council, directly or indirectly. For Muswellbrook Shire Council, KMPs include the:

- Mayor;

- Councillors;
- General Manager;
- Directors and Executive Managers;
- Public Officer.

Who are close family members of a KMP Person?

Close family members, or close members of the family, of a KMP are family members who may be expected to influence, or be influenced by, that person in their dealings with Council and include:

- a) that person's children and spouse or domestic partner;
- b) children of that person's spouse or domestic partner; and
- c) dependents of that person or that person's spouse or domestic partner.

Under AASB 124, close family members could include extended members of a family (such as, without limitation, a parent, grandparent, siblings, etc) *if* they could be expected to influence, or be influenced by, the KMP in their dealings with Council.

The following table may assist in identifying close family members:

Definitely a close family member	Maybe a close family member
Your spouse/domestic partner	Your siblings, if they could be expected to influence, or be influenced by, you in their dealings with Council.
Your children	Your aunts, uncles and cousins, if they could be expected to influence, or be influenced by, you in their dealings with Council.
Your dependents	Your parents and grandparents, if they could be expected to influence, or be influenced by, you in their dealings with Council.
Children of your spouse/domestic partner	Your nieces and nephews, if they could be expected to influence, or be influenced by, you in their dealings with Council.
Dependents of your spouse/domestic partner	Any other member of your family, if they could be expected to influence, or be influenced by, you in their dealings with Council.

What is an entity that I, or my close family member, control or jointly control?

Entities include companies, trusts, incorporated and unincorporated associations such as clubs and charities, joint ventures and partnerships.

Control

You control an entity if you have:

- power over the entity;
- exposure, or rights, to variable returns from your involvement with the entity and
- the ability to use your power over the entity to affect the amount of your returns⁷

⁷ AASB 10 Consolidated Financial Statements, paragraph 5-18, and Appendices A (Defined Terms) and B (Application Guidance)

Joint control

To jointly control an entity there must be contractually agreed sharing of control of the entity, which exists only when decisions about the relevant activities require the unanimous consent of the parties sharing control⁸.

⁸ AASB128 Investments in Associates and Joint Ventures, paragraph 3 (Definition).

12.11 2016/17 ANNUAL FINANCIAL STATEMENTS

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Lynn Payne - Co-Ordinator, Financial Services
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>A financially sustainable council</i>

PURPOSE

The 2016/17 Financial Reports are nearing completion and require a Council resolution in order to have them presented for audit in accordance with Section 413 of the Local Government Act.

OFFICER'S RECOMMENDATION**Council:**

1. **Authorise the submission of the 2016/17 General Purpose Financial Reports, Special Purpose Financial Reports and Special Schedules for Muswellbrook Shire Council to the Auditor; and**
2. **The Mayor, one other Councillor, General Manager and Responsible Accounting Officer be authorised to sign the reports upon completion of the audit.**

Moved: _____ **Seconded:** _____

BACKGROUND

Section 413 (1) of the Local Government Act states that a council must prepare financial reports for each year and must refer them for audit as soon as practicable after the end of that year.

Section 416 (1) states that a council's financial reports for a year must be audited within the period of four months after the end of that year i.e. by 31 October.

CONSULTATION

Not required.

REPORT

Council's Finance staff are finalising the 2016/17 Financial Reports and seek authorisation for them to be submitted to the auditor and then signed once completed, including the receipt of the Auditor's Report.

Council's audit is scheduled for the period 25 September to 29 September 2017 with the aim of ensuring that the completed and audited statements can be submitted to the Office of Local Government by the due date of 31 October 2017. Council will be presented with a final audited set of accounts for adoption at the November 2017 Council meeting.

OPTIONS

This resolution is necessary in order to allow the finalisation of the 2016/17 Annual Financial Statements.

SOCIAL IMPLICATIONS

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Section 413 of the Local Government Act provides for the referral of the draft financial statements for audit.

LEGAL IMPLICATIONS

Not applicable

OPERATIONAL PLAN IMPLICATIONS

Section 2.2 – Provide high quality and timely financial reporting.

RISK MANAGEMENT IMPLICATIONS

Not applicable

12.12 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

Attachments: Nil

Responsible Officer: Matthew Lysaught - Acting Director - Planning, Community & Corporate Services

Author: Chloe Wuiske - Administration Officer
Carolyn O'Brien - Manager, Community Services

Community Plan Issue: *Progressive leadership*

Community Plan Goal: *That Muswellbrook Shire is well led and managed*

Community Plan Strategy: *Operational efficiency*

PURPOSE

Monthly report to Council.

OFFICER'S RECOMMENDATION

The information contained in this report be noted.

Moved: _____ Seconded: _____

REPORT

PLANNING & REGULATORY SERVICES

1. Statistical Information

Note: Statistics for Section 149 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 (24 July 2017 to 25 August 2017)

DA No.	DESCRIPTION	PROPERTY	VALUE(\$)
2017/47/2	S96(1a) Modification - Stormwater to overflow to on-site tunnel trench	43 Stockyard Parade Muswellbrook	-
2017/68	New Dwelling	31 Finnegan Crescent Muswellbrook	310,500
2017/65	Signage	15-17 Rutherford Road Muswellbrook	43,725
2017/64	Farm Shed	1892 Denman Road Muswellbrook	98,126
2017/63	Demolish Sunroom and Replace with Brick Veneer Extension	17 Dangar Place Muswellbrook	88,817

DA No.	DESCRIPTION	PROPERTY	VALUE(\$)
2017/62	Storage of Shipping Containers, Driveway access, Temporary Road and Site Levelling, Erection of Sheltered Area and Security Fencing	24 Carramere Road Muswellbrook	300,000
2017/54	New Dwelling	56 Pine Ridge Row Denman	462,570
2017/44	New Double Sided Signage	8567 New England Highway Muswellbrook	47,200
2017/18	Alterations and Additions to Registered Club	15 Sydney Street Muswellbrook	4,000,000

Schedule 2: Development Applications Currently Being Assessed

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE(\$)
2017/77	New Dwelling	50 Ogilvie Street Denman	25/08/2017	198,000
2017/76	Renovations and Additions to Racing and Function Centre	16 Sheppard Avenue Muswellbrook	24/08/2017	4,000,000
2017/14/2	S96(1a) Modification: Remove Step and Increase Height of Retaining Wall to Maximum of 1.2m	42 Stockyard Parade Muswellbrook	16/08/2017	-
2017/75	Steel Storage Shed	71 Humphries Street Muswellbrook	07/08/2017	18,100
2011/253/3	S96(1a) Modification - Removal of Condition 34 of Consent	25 Sowerby Street Muswellbrook	02/08/2017	-
2017/74	Upgrade of Existing Dairy	895 New England Highway Muswellbrook	01/08/2017	258,257
2017/73	Caravan Park - Continuation of Use	1618 Merriwa Road Sandy Hollow	28/07/2017	-
2017/72	Demolition of House	640 Wybong Road Muswellbrook	28/07/2017	40,000
2017/71	Storage Shed	10 Enterprise Crescent Muswellbrook	26/07/2017	80,000
2017/70	Boarding House	14 Haydon Street Muswellbrook	26/07/2017	1,150,000
2017/69	New Rural Fire Station next to Existing Fire Station	Virginia Street Denman	24/07/2017	468,000
2017/67	Demolition of Existing Service Station & Construction of New Service Station	12-20 Sydney Street Muswellbrook	10/07/2017	1,998,653
2017/66	Refurbishment and Extension of Existing RSL Building	2-4 Isobel Street Denman	10/07/2017	3,666,099
1994/410/6	S96(1A) Modification – Approval to Extract Sand and Gravel up to a Limit of 150,000 Tonnes Per Annum for 24 Years	Dalswinton Road Dalswinton	06/07/2017	-
2017/61	Additions to existing Industrial Building	24 Strathmore Road Muswellbrook	26/06/2017	326,230
2017/60	Change of Use - Building Materials	7 Glen Munro Road	23/06/2017	

DA No.	DESCRIPTION	PROPERTY	RECEIVED	VALUE(\$)
	Recycling Depot	Muswellbrook		-
2017/59	Deconstruction and Rebuilding of Heritage Belfry	20 Brook Street Muswellbrook	20/06/2017	75,000
2017/58	Change of Use - Continue using as a Dwelling	Jerdan Street Denman	19/06/2017	-
2017/57	Construction of Ford and Isuzu Showroom, Vehicle Display and Signage	113 Maitland Street Muswellbrook	14/06/2017	445,459
2017/53	Extension to Existing Commercial Building	6 Wilkins Street Muswellbrook	31/05/2017	76,000
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	-
2003/72/2	S96(1a) Modification - Amend Condition 1.11 - Alter Hours of Operation	83-89 Maitland Street Muswellbrook	21/04/2017	-
2017/38	Garage, Awning & Driveway	45 Sowerby Street Muswellbrook	19/04/2017	30,000
2017/33	Converting a Shed to a Granny Flat	93 Queen Street Muswellbrook	07/04/2017	30,000
2017/25	Mobile Crushing Plant	11 Glen Munro Road Muswellbrook	21/03/2017	40,000
2017/21	Demolition	Brook Street Muswellbrook	13/03/2017	100,000
2016/111/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 Shaw Crescent Muswellbrook	10/03/2017	-
1995/10098/3	S96(2) Modification - Additional Small Irrigation Area & Amend Conditions	Savoy Parish County Durham	30/01/2017	-
2016/120	Resource recovery Facility	Coal Road Muswellbrook	24/11/2016	-
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016	5,000

4.07.01.1 - On-site sewage management systems meet regulatory standards. Ensure all on site sewage management systems have necessary approvals and inspections are to be carried out.

On-site Wastewater Statistics - 13 Month Analysis (2016/2017)

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Applications Received (new installation)	1	0	1	1	2	3	0	1	0	1	1	0	0
Applications Approved (new installation)	0	2	2	0	3	3	0	4	0	1	0	1	1
Inspections (new system)	2	5	1	0	1	0	0	0	0	0	0	0	0
Inspections (existing system)	50	8	33	51	61	83	4	31	8	6	31	14	26

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 (2016/2017)

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

4.06.01.1 - Increase surveillance and regulation of illegal dumping.

Illegal Dumping Statistics – 13 Month Analysis (2016/2017)

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Total Investigations	23	18	1	4	3	5	1	3	2	3	5	2	5
Total Clean up by Council - insufficient evidence	7	8	1	3	2	3	1	2	2	3	3	2	1
Total Clean Up by individual	4	3	0	0	0	2	0	0	0	0	0	0	3
Total Penalty Notices Issued	0	0	0	0	1	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	11	7	0	1	0	0	0	0	0	0	2	0	0

4.04.04.4 - Enhance public safety and wellbeing of the community by undertaking an inspection program for swimming pools within the Local Government Area

Swimming Pool Compliance Statistics – 13 Month Analysis (2016/2017)

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul
Applications for Compliance Certs.	3	0	2	0	2	1	3	2	3	2	1	0	1

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	31	15	23	18	25	17	20	19	42	25	19	8	19
Initial Inspections	24	13	21	14	19	17	15	16	27	19	1	4	17
Re-inspections	7	2	2	4	6	0	5	3	15	6	18	4	2

Compliance Certs / Occ. Certs issued	12	13	11	12	16	8	9	22	26	18	27	7	15
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Total Pools in Council's Swimming Pool Register = 862

Compliance as at 30 June 2017 = 63.7%

Current Compliance = 66.4%

(i.e. 573 out of 862 pools have a valid Compliance Certificate or Occupation Certificate.

Note: Certificate is valid for 3 years)

Percentage of pools inspected during Financial Year 2017/2018 = 1.9%

(i.e. 17 out of 862 pools have had at least one inspection carried out during FY 2017/2018. Council's program outlines that we will inspect 10% of pools per year).

DENMAN MEMORIAL POOL AND MUSWELLBROOK AQUATIC AND FITNESS CENTRE

5.3.2 Aquatic Centre and Gym programs are developed that increase social engagement and wellbeing for young people in our pool and gym.

Staff have commenced work on promotion of the "Everyone Get Moving after Winter" program. This will include general swimming opportunities from 6am to 7pm Monday to Friday, 8.30am to 4pm on Saturday and 10am to 4pm on Sundays at Muswellbrook Aquatic and Fitness Centre.

A survey is being developed to assess the most optimal activities and opening times of the Denman pool. This is being delivered in partnership with the Integrated Planning Unit at Council. Staff hope that we will be able to offer similar programs in Denman and Muswellbrook this year, but are seeking community support in Denman regarding this option.

The new term for swimming lessons will start on 9/10/2017 and all levels of ability are catered for patrons and members.

During the next school holiday period intensive swimming lessons will be held over both weeks of the school holidays. Because places will be limited booking will be essential.

In Muswellbrook Aqua aerobics continues on Monday and Wednesday mornings at 10am, Tuesday evenings at 6pm and Thursday evenings at 6.30pm.

Other events during the next school holiday period will include the "Whale Tail" on Tuesdays and Thursdays from 12 noon until 1.00pm and then again from 1.30pm to 2.30pm at a reasonable price of \$4.00 per person after pool entry payment.

The development of the 'Spring newsletter' for both centres is underway.

5.5.2 Continue the delivery of passive recreation and cultural activities in libraries, aquatic centres and the arts.

During July there were 1186 gym visits and 1388 pool visits to the Muswellbrook Aquatic and Fitness Centre.

During August there were 930 gym visits and 1256 pool visits to the Muswellbrook Aquatic and Fitness Centre.

These numbers reflect the seasonal use of the gym and pool at this time of year. However, Learn to Swim continues to attract approximately 400 learn to swim students each week which is equivalent to previous winter periods.

During July and over part of August, the Muswellbrook Aquatic and Fitness Centre surveyed existing pool and gym patrons to assess the needs of the existing user group. This will inform the 2018/19 business plan for this centre.

The General manager received a request to open the Denman pool at earlier times this year to meet the needs of the Denman Swimming club. This request is being assessed against current budgeting and available staffing, but is likely to proceed if this can be resourced.

COMMUNITY PARTNERSHIPS**5.3.5 Deliver a Youth Week Event**

Discussion has commenced regarding the 2018 Youth Week Event, held in partnership with human services organisations.

5.6.1 Seek funding that supports the delivery of leadership training in local sporting groups that raises awareness of providing sporting opportunities for people with disabilities.

Ability Links are organising “Have a go in the Brook” and community event at Stan Theiss Community Centre that will include community, sporting and hobby groups to gather during Social Inclusion Week, 1 December, 2017 to connect with other parts of the community and each other to be inclusive of all abilities, cultures, age groups, nationalities and the disadvantaged.

This event is not a expo; it will provide opportunities for communities to provide and participatory activity that describes the advantages of belonging to each group.

Prior to this event, workshops will be provided to raise awareness are Access and Inclusion, allowing a representative from each community, sporting or hobby group to gain valuable skills and knowledge to enhance each group’s potential to become ‘inclusive’.

In coming months, staff will be completing some work at the Stand Theiss centre to enhance the accessibility of this facility in preparation for this event.

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

Work continues with Government and Non-government partners to investigate early intervention initiatives in the social housing sector that will result in improve outcomes for tenants.

7.1.3 Develop a Social Equity and Inclusion Strategy that improves social indicators across the Shire

The Muswellbrook Shire Disability Inclusion Strategy, Plans and Actions document was endorsed by Council in June, 2017. Staff are now working with Government and non-government partners to deliver this strategy.

8.1.2 Support the Denman Children’s Centre Extension project

The Denman Children’s Centre committee presented the proposed extension project to Council’s August, 2017 Corporate Policy and Planning meeting.

The existing license with Council will be reviewed to potentially increase the parcel of land that the Denman Children’s Centre currently hold.

Consultation with other parts of the community will commence regarding the planned extension and a Development Application will be created in due course.

9.2.1 Review and revise the ageing strategy in consultation with residents of Muswellbrook Shire

A review of the Muswellbrook Shire Ageing strategy has commenced. There will be a period of community consultation during the review of this strategy.

9.2.4 Partner with other community groups and organisations to deliver a directory of Seniors Week events.

A grant application has been submitted to support the delivery of a directory of events during the Seniors Festival to be held in April, 2018.

10.2.1 Work with the Aboriginal community to improve access to cultural and educational activities.

Muswellbrook Shire Council has been working on an a grant application that delivers improved access to cultural and educational activities for Aboriginal people.

MUSWELLBROOK REGIONAL ARTS CENTRE**18.2.1 Deliver a minimum of five exhibitions each year.**

During the last week of August the Muswellbrook Regional Arts Centres was closed whilst staff commenced the de-installation the last exhibitions in preparation of five new exhibitions at Muswellbrook Regional Arts Centre which opened at 6pm on Friday, 1 September and will continue until to Sunday 24 October, 2017;

Urban Outlook

Drawn from the Max Watters Collection the exhibition speaks of our experience with the urban.

Included are paintings that depict the colourful domestic built environment - works by brothers Chris and Peter O'Doherty, so greatly influenced by their childhood experience of frequently moving house, alongside the interlocking dwellings of George Barker's *Glass House*. Likewise with a stacked and layered composition, *Born in the USA* by Ron Lambert is evocative of urban sprawl – a densely packed patchwork landscape that looks as if to smother the ground on which it stands.

8x10: Photographic Works by Muswellbrook High School

This exhibition highlights the magic of traditional photographic processes harks back to another time, before digital photography and all that goes with it. The students of Muswellbrook High School Stage 5 Photographic and Digital Media have experienced taking photographs using film, developing film and printing images using chemicals in the darkroom. They produced works of great skill and "beautiful mistakes" and have experienced deep learning through this process. Students enjoyed the "old fashioned" traditional photographic methods and gained a sense of autonomy in their learning.

Visitors to the exhibition will have the opportunity to vote for their favourite photograph in the 8x10 People's Choice Prize. The winner of the prize will be awarded a Eckersley's gift card to the tune of \$50.00. This prize has been made possible through the support and sponsorship of Eckersley's Art and Craft.

Michèle Heibel – For the love of the Hunter

In this collection of delicately etched works, Michèle Heibel explores her relationship with the Hunter Valley - the place she credits with reigniting her desire to draw after almost two decades of working and living in Sydney's busy CBD. We see the things that made her fall in love with the Hunter - the calm, steady presence of trees, the undemanding (yet ever-present) companionship of wildlife, the endless layers of light. And we touch on the more complex emotions that are released the moment a person commits to a place ... feelings such as the fear of loss, the urge to protect and the hope for a sound future.

Dorothy Wishney - Art of Contemplation

This exhibition brings together landscapes separated by 12,000 miles. Dorothy Wishney's early years in Scotland and study at The Glasgow School of Art gave her an affinity with the landforms of her homeland.

Australia, now her home for many years, introduced a different landscape, initially strange and overwhelming in its vastness.

Only on contemplation were similarities unveiled.

Essentially in both instances there was a feeling of permanency and ancient connections. Closer consideration of these locations found a common thread of landscapes of splendid isolation, landscapes reshaped by human activity and landscapes of regeneration.

This exhibition is a journey of visual discovery searching for the essence of place and engaging with the land.

Our Community – Goodstart Childcare Centre Muswellbrook

Goodstart Muswellbrook prides itself on being represented in Muswellbrook as well as throughout the wider Upper Hunter community. With this in mind, educators at Goodstart Muswellbrook asked the children what the community looks like through their own eyes, drawing inspiration from a local excursion along with photos and stories.

From these experiences, the children developed independent ideas about 'Our Community' and, using a variety of mediums that included crayons, chalk, pencil and paint, created some wonderfully inspirational images. Children range in age from 0-6 years and the resulting colourful artworks showcase just some of the diversity across the Muswellbrook community.

Work has also commenced on the promotion of the next exhibition;

Muswellbrook Local Art Awards 2017

29 October - 22 December 2017

Opening Night 6pm Saturday 28 October 2017

This exhibition will include the finalists of the 2017 Muswellbrook Local Art Awards, an annual competition which offers local artists from Muswellbrook, Singleton, and Upper Hunter Shires the opportunity to show off the cream of their work from the past twelve months.

18.2.4 Partner with local education providers on enhancing the MRAC's work with local education providers.

The current exhibition includes to local education providers, Muswellbrook High School and Goodstart Childcare Centre Muswellbrook.

18.2.6 Investigate opportunities to improve regional support and recognition of the Muswellbrook Regional Arts Centre. (Brad and Carolyn)**18.4.1 Provide ongoing financial membership and management support to Arts Upper Hunter.**

Payment has been made to Arts Upper Hunter regarding Muswellbrook Shire Council's financial membership of Arts Upper Hunter.

Current projects recently completed, on-going and promoted by Arts Upper Hunter include;

Murrurundi Photographic Prize, 2017

01 - 10 September 2017

Murrurundi RSL H

The Award Presentation evening was held on Friday 1 September 2017 at 6pm.

Cultural Sharing Day

03 September, 2017

Muswellbrook Indoor Sports Centre

The Wanaruah NAIDOC Committee who organised this event invited the community to the 2017 Cultural Sharing Day. Sunday 3 September 2017. Time: 10am to 3pm.

Blue Heeler Film Festival (FREE)

04 September – Movie Night at Muswellbrook Cinema – 'Everyone's a winner'

08 September - Highbrook Park

09 September – Gala Night, Two Rivers winery.

Caro String Quartet

10 September 2017

Small Forest Winery

Small Forest Wines presents a performance by the Caro String Quartet of works by Ravel, Piazzola and more. 3pm, cost \$40pp.

2017 - Upper Hunter Art Trail Weekend

The Upper Hunter Art Trail Weekend, November 18 and 19 is recognising the contribution of art and culture across the Upper Hunter and is encouraging visitor participation in following “the trail” which includes over forty sites that can be visited such as artist’s home studios, galleries, outdoor sculpture, museums and pop up exhibitions.

Towns on the trail include Maitland, Paterson, Vacy, Dungog, Singleton, Muswellbrook, Denman, Sandy Hollow, Aberdeen, Scone, Murrurundi and, in an exciting turn of events, the Merriwa silo mural project is due to be complete a week before the trail weekend. Visitors to the region can start anywhere along the trail.

The trail will include the “Great Arts Trivia Quiz” at Muswellbrook Regional Arts Centre on the Saturday night. With quizmaster Mike Pritchard from ABC Radio Upper Hunter, comedian Ethan Andrews, light refreshments and great prizes. Tickets to this event are \$20 and strictly limited. Participants are being encouraged to come along dressed as their favourite artist.

18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter

The following grant and art prize opportunities relating the arts and culture were available during September and October, 2017 and were promoted by Arts Upper Hunter:

- Dobell Exhibition Grant
- Museum & Galleries NSW Audience Development Fund
- The Shirl National Youth Portrait Prize 2017
- The Chelsea International Photography Competition
- Why Newcastle Short Film Competition
- Home Ground 2017
- CAL Visual Arts Fellowship
- Dance Rites
- Museum & Galleries Regional Partnerships
- Small Grants for Rural Communities
- Flickerfest 2017
- Spirit of the Land Festival

18.4.3 Cultural Infrastructure projects identified in the Cultural Plan are developed and funded.**UPPER HUNTER REGIONAL LIBRARY**

(Muswellbrook and Denman Branches)

5.3.1 Library programs are developed that increase social engagement with your people in our libraries.

Upper Hunter Regional Library is currently working on the Summer Reading program for the 2017/18 period. This program is themed ‘game on’. Library staff are investigating coding and stem projects and have purchased a high end virtual reality game console for this event.

Recent grant applications have been made for Grandparents Day. If successful, this grant will see Grandparents and Grandchildren of all ages engaged in ‘gaming’ activities at both Muswellbrook and Denman libraries.

5.3.6 Improve home library services to your people with mobility or accessibility issues.Home Library Service

The home library service has been extended to the Calvary Aged Care Facility.

Digital Loans:

During August, 2017 the Muswellbrook and Denman libraries completed;

eBook Loans: 64

Zinio Loans: 42

OneClick Loans: 47

Total Digital Loans: 153

5.5.2 Continue the delivery of passive recreation and cultural activities in libraries, aquatic centres and the arts.Library Events in August, 2017

Eighty three (83) people including children, parents and educators, attended the Multicultural Storytime. The baby rhyme time group stayed for the event together with the Good Start Learning Centre and Muswellbrook Childcare. This event included stories and rhymes read in Japanese, Chinese, Malaysian and Indian.

Local History Studies

3 x people attended the LS group meeting on 27th July 2017

13 people used the LS rooms from 20.7.17 to 25.8.17

2 x Transcription help with Danish translation on documents

2 x Research help with Muswellbrook cemetery records

3 x Research help with Muswellbrook Cemetery records & maps

Response to Kevin Waters – letter requesting photos of trains

2 x Research help with Cox Family

2 x Research help with Kayuga Cemetery

Storytime Total for the month of 19th July to 23rd August 2017	162 kids/babies
	120 adults

Computer booking Total for the month of 18th July to 23rd August 2017	998/ user
	1018.5/hour

Home Library (fortnightly/monthly)	7 members
	94 books

Mini Library (every 2 months delivery)	345 books/DVDs/CDs/Audiobooks/magazines
--	---

Book Week @ Muswellbrook	51 kids
	25 adults/teachers/carers

Crafty Hour every fortnight	18 adults
------------------------------------	-----------

Brain Training every fortnight (6 sessions)	5 adult for 1 st session
	6 adult for 2 nd session

Thinker Kruncher (Brain Training) Sessions

This program provides a “brain workout” using fun and challenging activities. The program is focussed on keeping our brain fit and healthy by involving participants in stimulating activities like solving puzzles, word association, general knowledge and motor skills. It is also a perfect opportunity to socialise and have fun whilst staying mentally healthy.

The session is held every fortnight and there have already been two sessions. The Muswellbrook Lioness Club are graciously piloting this program. Recent feedback suggests that this will be a successful library activity and that participants are enjoying the activities that have been organised for them. Positive outcomes thus far is that participants are stimulating their brain, have to think or concentrate especially when they are colouring in a picture using their non-dominant hand. They also commented that it also relaxes their mind, make them concentrate and that they are having fun.

13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 15 AUGUST 2017

Attachments:	Nil
Responsible Officer:	Derek Finnigan - Acting Director, Community Infrastructure
Author:	Imelda Williams - Traffic & Roads Status Officer
Community Plan Issue:	<i>Community Infrastructure</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 15 August 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 15 August 2017 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Local Traffic Committee met on Tuesday 15 August 2017.

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

PRESENT: Cr S. Reynolds (Chair), Mr T. Chapman (RMS Newcastle), Snr. Constable C. Dengate (NSW Police), Mr G. de Boer (Representing Mr Michael Johnsen), Mr P. Higgins (Manager Technical Services).

IN ATTENDANCE: Mrs I. Williams (MSC).

1 APOLOGIES AND LEAVE OF ABSENCE

Nil

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED that: the Minutes of the Local Traffic Committee held on 20 June 2017, 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 TEMPORARY ROAD CLOSURES REQUIRED FOR THE DEDICATION OF THE MEMORIAL TO THE CHARGE ON BEERSHEBA ON 31 OCTOBER 2017

RECOMMENDED that Council use its delegated authority to approve the road closure of Brook Street from the New England Highway to Sowerby Street for westbound traffic and from the New England Highway to the Marketplace access for eastbound traffic on Tuesday 31 October 2017 from approximately 2:30pm to 4:30pm subject to approval from the Roads & Maritime Services and further that consultation be undertaken with the affected businesses, emergency services, bus company, car park patrons and the closure be advertised in the local newspaper prior to the event.

VOTE: Unanimous Support

6 DATE OF NEXT MEETING

19 September 2017

7 CLOSURE

The meeting was declared closed.

.....
Cr S. Reynolds

Chairperson

13.2 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 30 AUGUST 2017

Attachments:	Nil
Responsible Officer:	Steve McDonald - 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>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Infrastructure Committee held on 30 August 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Infrastructure Committee Meeting held on Wednesday 30 August 2017 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Infrastructure Committee met on Wednesday 30 August 2017.

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 B.N. Woodruff (Chair), Cr M. Bowditch, Cr M. Green, , Cr G. McNeill and Cr R. Scholes.

IN ATTENDANCE: Mr S.J. McDonald (General Manager), Mr D. Finnigan (Acting Director, Community Infrastructure), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager, Economic Development & Innovation), Mr E. Ediriwickrama (Manager, Roads & Drainage), Mr P. Higgins (Manager, Technical Services), Mrs L. Payne (Co-Ordinator, Financial Services), Mrs C. O'Brien (Manager, Community Services) and Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

The apologies for inability to attend the meeting submitted by Cr. M. Rush, Cr S. Bailey, Cr J. Foy, Cr J. Ledlin, Cr J.F. Eades, Cr S. Reynolds and Cr S. Ward ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Scholes and Green that:

The Minutes of the Infrastructure Committee held on 26 July 2017, 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 LIST OF PROJECTS FOR INVESTIGATION AND DESIGN

RECOMMENDED on the motion of Crs Bowditch and Scholes that:

The following list of projects be included in the 2017-18 investigation and design program:

- Wilkins Street from Ford Street to Aberdeen Street;
- Stormwater drainage study – Scott Street area catchment;
- Yarrawa Road – unsealed section;
- Condition data collection – part of the road network; and
- Level 3 inspections of identified bridges.

Cr McNeill arrived at 4.46pm

5.2 CAPITAL WORKS PROGRAM

RECOMMENDED on the motion of Crs Scholes and Bowditch that:

1. The following priority lists of works be adopted and funds applied to these priorities to the extent of funding under the various programs:
 - Footpath Renewals as per Attachments A and B;
 - Kerb and Gutter Renewals as per Attachment C;
 - Reseals as per Attachments D, E and F;
 - Heavy Patching as per Attachment G;
 - New Footpath program be adopted as per Attachment H
 - Safety Devices as per Attachment I
 - Urban Renewal allocation to be utilised for rehabilitation of failed section of Humphries Street.
2. An amount of \$73,000 in the Rural Road Renewal allocation be utilised to supplement the funds required to implement Regional Road REPAIR grant funded project.

6 DATE OF NEXT MEETING

27 September, 2017

7 CLOSURE

The meeting was declared closed at 4.58 pm.

.....
Mr S. McDonald
General Manager

.....
Cr B. Woodruff
Chairperson

**13.3 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE
MEETING HELD ON WEDNESDAY, 30 AUGUST 2017**

Attachments:	Nil
Responsible Officer:	Steve McDonald - 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>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i>

PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Corporate Policy And Planning Committee held on 30 August 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 30 August 2017 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Corporate Policy And Planning Committee met on Wednesday 30 August 2017.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr R. Scholes (Chair), Cr M. Bowditch, Cr M. Green, Cr G. McNeill, and Cr B.N. Woodruff.

IN ATTENDANCE: Mr S.J. McDonald (General Manager), Mr D. Finnigan (Acting Director, Community Infrastructure), Mr P. Redan (Executive Manager, Water and Waste), Ms G. Bobsien (Executive Manager, Economic Development & Innovation), Ms L. Payne (Co-Ordinator, Financial Services), Mrs C. O'Brien (Manager, Community Services), Ms K. Manwarring (Co-Ordinator, Community Partnerships), Mrs M. Sandell-Hay (PA to General Manager) and 3 people in the public gallery.

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Bowditch and Woodruff that:

The apologies for inability to attend the meeting submitted by Cr M. Rush, Cr S. Bailey, Cr J. Foy, Cr J. Ledlin and Cr B.N. Woodruff be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Bowditch and Green that:

The Minutes of the Corporate Policy & Planning Committee held on 26 July 2017, 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 UPPER HUNTER LIBRARY NETWORK MEMBERSHIP POLICY

RECOMMENDED on the motion of Crs Woodruff and Green that:

Council adopt the Upper Hunter Library Network Membership policy which will be included for member information on the Upper Hunter Library Network website.

5.2 CLOSURE OF MUSWELLBROOK SHIRE COUNCIL OFFICES OVER CHRISTMAS/NEW YEAR PERIOD

RECOMMENDED on the motion of Crs McNeill and Green that:

Council APPROVE the closure of Muswellbrook Shire Council on the following dates:

* 9.00am – 5.00pm Friday 15 December, 2017; and

- * from close of business Friday 22 December 2017 to 7:00am Tuesday 2 January 2018.

5.3 STAFF HEALTH AND WELLBEING POLICY

Mr McDonald advised the meeting that the following amendments were proposed to the draft policy:

Dot point 1 under Policy Management had been amended to read:

- Limiting where reasonable (taking into consideration Clause 19b(iv)(d) of the Local Government State Award) the accrual of paid overtime, time-in-lieu and flexi-time to a maximum of 10 hours a week.

Dot point 3 under Managers have a responsibility to:

- Plan and manage rosters to ensure that staff do not work more than 10 hours overtime where reasonable (taking into consideration Clause 19b(iv)(d) of the Local Government State Award) in a work week.

RECOMMENDED on the motion of Crs Green and Woodruff that:

Council ADOPT the amended Staff Health and Wellbeing Policy – S25/41 as identified in the report.

5.4 2016/2017 OPERATIONAL PLAN - 30 JUNE 2017 QUARTERLY REVIEW

RECOMMENDED on the motion of Crs Woodruff and Bowditch that:

The 2016/17 Operational Plan Review dated 30 June 2017 be noted.

6 DATE OF NEXT MEETING

27 September 2017

7 CLOSURE

The meeting was declared closed at 5.03 pm.

.....
Mr S. McDonald
General Manager

.....
Cr R. Scholes
Chairperson

**13.4 REPORT OF THE ABORIGINAL RECONCILIATION COMMITTEE
MEETING HELD ON THURSDAY, 15 JUNE 2017**

Attachments:	A. 15/06/17 - Aboriginal Reconciliation Committee - Minutes
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
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 15 June 2017.

OFFICER'S RECOMMENDATION

The minutes for the Aboriginal Reconciliation Committee meeting held on Thursday 15 June 2017 be NOTED.

Moved: _____ **Seconded:** _____

REPORT

The Executive Officer reports that the Aboriginal Reconciliation Committee met on Thursday 15 June 2017.

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

MINUTES OF THE MUSWELLBROOK SHIRE COUNCIL ABORIGINAL RECONCILIATION COMMITTEE HELD ON THE 15 JUNE 2017, COMMITTEE ROOMS 1 & 2 COUNCIL ADMINISTRATION CENTRE, MAITLAND STREET, MUSWELLBROOK COMMENCING AT 1:35PM

ACKNOWLEDGMENT OF COUNTRY

The Chair 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	Muswellbrook Shire Council (Chair)
Ms Renee McDonald	Wanrauah Local Aboriginal Land Council
Ms Amanda Howard	Aboriginal Community Service Industry
Ms Robyn Cramps	Department of Family & Community Services
Ms Melissa Kelman	South Muswellbrook Public School

APOLOGIES:

RESOLVED that apologies for inability to attend the meeting submitted by Superintendent Insp Guy Guiana, Mr Barry French, Mr Ross Parua and Ms Jean Hands.

Moved: Ms Robyn Cramps Seconded: Cr Ledlin

IN ATTENDANCE: Ms Kim Manwarring.

DECLARATION OF INTEREST: Nil

Nil

a) Aboriginal Reconciliation Committee

Clr Ledlin thanked everyone for coming and introduced herself to the meeting. Clr Ledlin has been appointed as the Spokesperson for Aboriginal Reconciliation she has a strong commitment to pursuing Aboriginal Reconciliation in our local community.

Council has reviewed its Strategic Plan and has made an ongoing commitment to Aboriginal Reconciliation with its adoption of the Social Equity and Inclusion Principal Activity Area.

Hunter Valley Aboriginal Corporation and Police are supportive of the Committee and its goals.

The group reviewed the purpose of the Committee and resolved:

- The Committee has a purpose to meet;
- The current Terms of Reference is still relevant;
- The membership should be expanded to include other recognised Aboriginal Elders, The Girls Academy ;
- Meetings should be held quarterly;

Other things to include in the quarterly meetings:

- If people require transport this can be organised;
- Catering for the meeting.

Action: Letters of Invitation to be sent to The Girls Academy and Mr & Mrs G Boney.

b) Aboriginal Reconciliation Committee - Planning

There was general discussion around the strategies within the Muswellbrook Shire Council Operation Plan 2017-18, some of the key activities that the Aboriginal Reconciliation Committee are responsible for are:

- Facilitating the annual Aboriginal Flag Raising Ceremony in recognition of National Reconciliation Week;
- Inclusion in the Aboriginal Oral History project that has recently been funded through MACH Energy;
- Investigate the possibilities of an Aboriginal Native Arboretum Project to be explored with the local community;
- Assist in the development of a cultural spaces to improve access to cultural and educational activities;

c) Meeting Dates

- 14 September 2017;
- 14 December 2017;
- 8 March 2018;
- 13 June 2018

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 2:35PM.

Muswellbrook Shire Council Aboriginal Reconciliation Committee

Terms of Reference

Goals

- ☐ To encourage reconciliation between the Aboriginal and Torres Strait Islander communities and the wider community in Muswellbrook Shire.
- ☐ To increase awareness of the full history of the local area.
- ☐ To provide appropriate support for projects which encourage self determination.
- ☐ To pursue activities which enhance the preservation and awareness of Aboriginal customs and cultural heritage.
- ☐ To promote the contribution that the Aboriginal and Torres Strait Islander cultures make in the wider community.
- ☐ To encourage solutions to meet needs within the Aboriginal and Torres Strait Islander communities.
- ☐ To act as link for Government Departments and Council to seek the views of Aboriginal and Torres Strait Islander community members.
- ☐ To work with Council to encourage equitable access to Council and its services.

Associated Principal Activities:

Policy & Planning

Assets

Physical

Reconciliation Mural
Aboriginal Scarred
Tree

Intellectual

Muswellbrook Shire Council Aboriginal Document for Reconciliation
Wannin Thanbarran – A History of Aboriginal and European Contact
in Muswellbrook and the Upper Hunter Valley.
Muswellbrook Strategic Plan – sections relating to Aboriginal and
Torres Strait Islander people.

**13.5 REPORT OF THE WORLD WAR I CENTENARY WORKING GROUP
MEETING HELD ON THURSDAY, 3 AUGUST 2017**

Attachments:	Minutes of the WWI Centenary Working Group 3/08/17
Responsible Officer:	Steve McDonald - General Manager
Author:	Joshua Brown - Co-Ordinator Executive Services
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 inform Council of a meeting of the World War I Centenary Working Group held on 3 August 2017.

OFFICER'S RECOMMENDATION

1. The minutes for the World War I Centenary Working Group meeting held on Thursday 3 August 2017 be NOTED.
2. Council allocate a contingency of \$15,000 for the Battle of Beersheba Commemorative Events to be funded from the GST refund held by the RSL Sub-branch.

Moved: _____ Seconded: _____

REPORT

The Executive Services Coordinator reports that the World War I Centenary Working Group met on Thursday 3 August 2017.

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

COMMENT

The World War I Centenary Working Group has recommended that Council allocate a contingency of \$15,000 for the Battle of Beersheba Commemorative Events to be funded from the GST refund for the cost of the statue, which is held by the RSL Sub-branch. It is recommended that this recommendation be accepted.

MINUTES OF THE WORLD WAR I CENTENARY WORKING GROUP MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON THURSDAY 3 AUGUST, 2017 COMMENCING AT 2.00 PM.

PRESENT: Mr J. Colvin (Chair), Mr G. Cole, DCI T. Seymour, Cr M. Rush, Fr S. Dulley, Mr C. Ross, Mr S. McDonald

IN ATTENDANCE: Mr J. Brown, Mr Z. McKrell.

14 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Mr Ross and Mr Cole that:

The apologies for inability to attend the meeting submitted by Mr Andy Janssen. Mr D. Byron, the Hon Joel Fitzgibbon and Mr Michael Johnsen be ACCEPTED.

15 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Mr Cole and Mr Ross that:

The Minutes of the World War I Centenary Working Group held on 29 June 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

16 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

17 BUSINESS ARISING

The Working Group noted that works on the site are progressing well.

Cr Rush advised that the promotion of the events on social media have commenced and will continue with information to be posted regularly in the lead up to the commemorative events. The communications plan is being implemented with coverage on radio and in the print media planned.

Cr Rush suggested that an invitation be extended to the NSW Lieutenant Governor, the Hon Thomas Bathurst AC.

Mr Brown updated the Working Group on the research required to obtain the list of the names of the fallen in the 12th and 4th Regiments. An update on the status of this research will be provided to the next meeting.

Mr Cole confirmed that the 'Lone Charger' – a seventh horse with boots backward in stirrups – is available to participate.

18 BUSINESS

5.1 ACTION LIST UPDATE

RECOMMENDED on the motion of Mr Cole and Mr Ross that:

The report be noted.

5.2 TRAFFIC CONTROL ARRANGEMENTS

RECOMMENDED on the motion of DCI Seymour and Mr Ross that:

The Working Group endorse the making of arrangements for the closure of Brook Street

between Bridge and Sowerby Streets for the duration of the dedication of the memorial to the Charge on Beersheba on 31 October 2017 and refer the recommendation to the Muswellbrook Traffic Committee.

5.3 COMMEMORATIVE PLAQUE

RECOMMENDED on the motion of Mr Cole and DCI Seymour that:

The report be noted.

19 GENERAL BUSINESS

RECOMMENDED on the motion of Mr Ross and DCI Seymour that:

Council allocate a contingency of \$15,000 for the events to be funded from the GST refund held by the RSL Sub-branch.

RECOMMENDED on the motion of DCI Seymour and Fr Dulley that:

The RSL Club be approached to host light refreshments for VIPs and invited guests from 6.00 pm following the Church Service on 31 October 2017.

20 DATE OF NEXT MEETING

Thursday, 28 September 2017 at 2.00 pm

21 CLOSURE

The meeting was declared closed at 2.45 pm.

.....

Mr J. Colvin

Chairperson

22 NOTICES OF MOTION / RESCISSION

Nil

23 QUESTIONS WITH NOTICE

Nil

24 COUNCILLORS REPORTS**25 QUESTIONS FOR NEXT MEETING****26 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.

27 CLOSED COUNCIL**RECOMMENDATION**

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

19.1 AWARD OF TENDER FOR THE REHABILITATION OF BRIDGE STREET WATER RETICULATION MAINS 2016-2017-0289

Item 19.1 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) and 10A(2)(d)(I) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

19.2 REGIONAL CODE OF CONDUCT REVIEW PANEL 2017

Item 19.2 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.

19.3 MT ARTHUR'S PROPOSAL TO TEMPORARILY CLOSE EDDERTON ROAD AND PROVIDE AN ALTERNATIVE ROUTE FOR THE DURATION OF MINING.

Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(I) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

Moved: _____ **Seconded:** _____

28 RESUMPTION OF OPEN COUNCIL

29 CLOSURE

DATE OF NEXT MEETING: TUESDAY 10 OCTOBER 2017