



muswellbrook  
shire council

Muswellbrook Shire Council

# ORDINARY COUNCIL MEETING

BUSINESS PAPER

TUESDAY 24 JANUARY 2023



**MUSWELLBROOK SHIRE COUNCIL**

P.O Box 122  
MUSWELLBROOK  
18 January, 2022

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the Training Room, Level 2, 87 Hill Street, Muswellbrook, NSW 2333 Australia on **Tuesday 24 January 2023** commencing at 6:00 pm.

Derek Finnigan

**ACTING GENERAL MANAGER**



# Council Meetings

## Meeting Principles

Council and committee meetings should be:

- Transparent:* Decisions are made in a way that is open and accountable.
- Informed:* Decisions are made based on relevant, quality information.
- Inclusive:* Decisions respect the diverse needs and interests of the local community.
- Principled:* Decisions are informed by the principles prescribed under Chapter 3 of the Act.
- Trusted:* The community has confidence that councillors and staff act ethically and make decisions in the interests of the whole community.
- Respectful:* Councillors, staff and meeting attendees treat each other with respect.
- Effective:* Meetings are well organised, effectively run and skilfully chaired.
- Orderly:* Councillors, staff and meeting attendees behave in a way that contributes to the orderly conduct of the meeting.

## Public Forums

The council may hold a public forum prior to each ordinary meeting of the council for the purpose of hearing oral submissions from members of the public on items of business to be considered at the meeting. Public forums may also be held prior to extraordinary council meetings and meetings of committees of the council.

To speak at a public forum, a person must first make an application to the council in the approved form. Applications to speak at the public forum must be received by no later than 9.00 am two (2) days prior to the day of the meeting before the date on which the public forum is to be held, and must identify the item of business on the agenda of the council meeting the person wishes to speak on, and whether they wish to speak 'for' or 'against' the item.

Approved speakers at the public forum are to register with the council any written, visual or audio material to be presented in support of their address to the council at the public forum, and to identify any equipment needs no more than 3 days before the public forum. The general manager or their delegate may refuse to allow such material to be presented.

Each speaker will be allowed 2 minutes to address the council. This time is to be strictly enforced by the chairperson.



## Declarations of Interest

### **Statement of Ethical Obligations**

Councillors are reminded of their oath or affirmation of office, made under section 233A of the NSW Local Government Act 1993, to undertake the duties of the office of Councillor in the best interests of the people of Muswellbrook Shire and Muswellbrook Shire Council and to faithfully and impartially carry out the functions, powers, authorities and discretions vested in them, under the Local Government Act 1993 or any other Act, to the best of their ability and judgment. Pursuant to the provisions of the Muswellbrook Shire Council Code of Meeting Practice and the Muswellbrook Shire Council Code of Conduct, Councillors are reminded of their obligations to disclose and appropriately manage conflicts of 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.





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- 1. Acknowledgement of Country**
- 2. Civic Prayer**
- 3. Apologies and Applications for a Leave of Absence or Attendance by Audio Visual Link by Councillors**
- 4. Confirmation of Minutes**

**Ordinary Council Meeting held in 20 December, 2022**

**RECOMMENDATION**

The Minutes of the Ordinary Council Meeting held on **20 December, 2022**, 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 or Non-Pecuniary Interests**

- 6. Mayoral Minute**

Nil

- 7. Public Participation**

- 8. Business Arising (From Previous Meetings)**

Nil



## 9. Business

### 9.1. Planning and Environment

#### 9.1.1. DA 2022-38 - 43 Maitland Street - Change of Use from Dwelling to Restaurant and Internal Fit-out

<b>Attachments:</b>	1. DA 2022 38 s4.15 Development Assessment Report [9.1.1.1 - 18 pages]
	2. DA 2022-38 Architectural Plans [9.1.1.2 - 8 pages]
	3. DA 2022-38 Statement of Environmental Effects [9.1.1.3 - 15 pages]
	4. DA 2022-38 Traffic and car parking report [9.1.1.4 - 9 pages]
	5. DA 2022-38 Redacted Submissions [9.1.1.5 - 4 pages]
<b>Responsible Officer:</b>	Sharon Pope - Director - Planning & Environment
<b>Author:</b>	Tanya Jolly – Project Planner
<b>Community Plan Issue:</b>	5 - Community Infrastructure
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	5.1.1 -Review, develop and maintain liveable town and village precincts.
	Not applicable

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#### PURPOSE

This report has been prepared to assist Council in the determination of development application (DA) 2022-38.

This development application seeks approval to the change of use of a dwelling to a restaurant. The site subject to the development application is 43 Maitland Street, Muswellbrook (Lot 9 DP 18699 and Lot 1 DP 379008).

The development application has been recommended for refusal by Council Officers and its determination has been reported to Council to enable Council's consideration of development assessment issues, including the proposed development's inconsistency with Council's Development Control Plan off-street car parking requirements.

#### OFFICER'S RECOMMENDATION

Council refuses DA 2022-38 for the change of use of a dwelling and fit out to restaurant at 43 Maitland Street, Muswellbrook (Lot 9 DP 18699 and Lot 1 DP 379008) for the following reasons:

1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is inconsistent with the car parking requirement under Section 16 of the Muswellbrook Development Control Plan 2009.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act



1979, the proposal is inconsistent with the Stormwater Management controls under Section 25 of the Muswellbrook Development Control Plan 2009.

3. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the application has not adequately demonstrated that the subject site is suitable for the development proposed.
4. Pursuant to Section 4.15(1)(e) the proposed development is contrary to the public interest as a development that is inconsistent with local planning controls, is likely to have adverse environmental impacts and creates the potential for land use conflicts.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

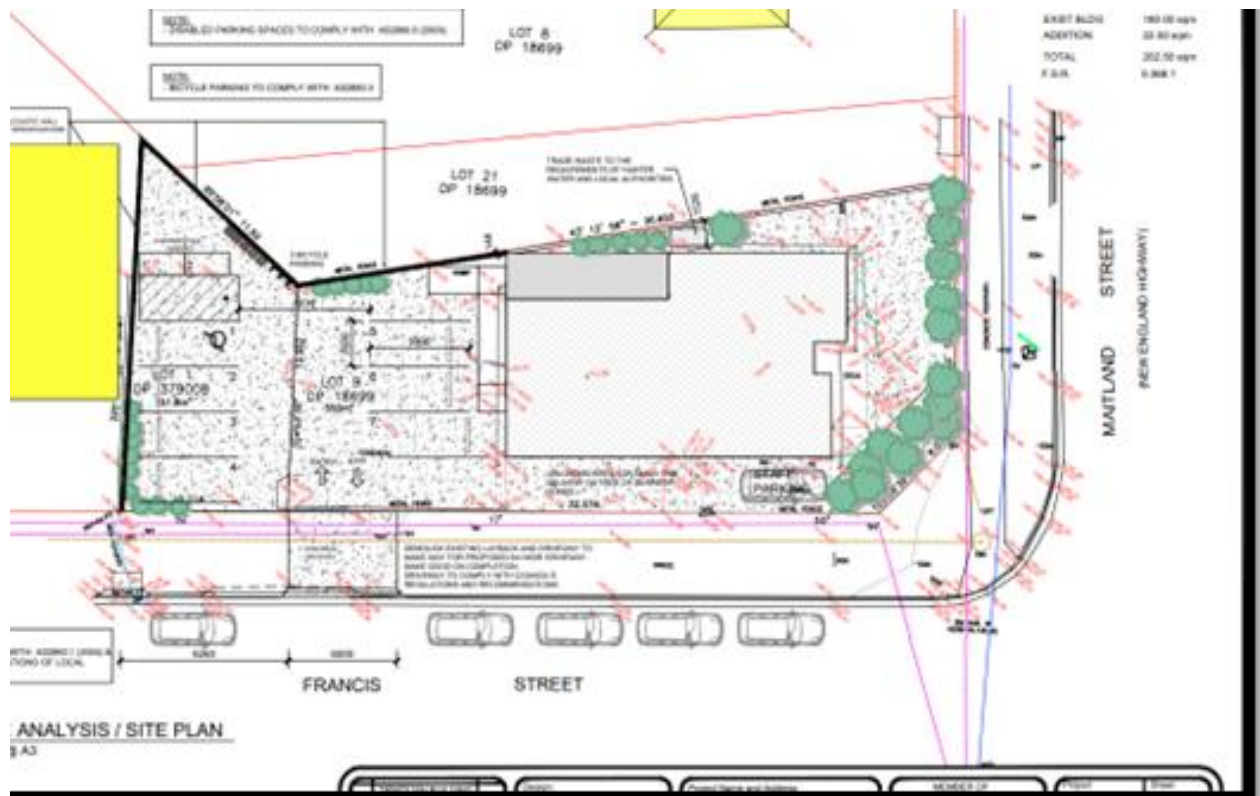
## DESCRIPTION OF PROPOSAL

The proposal seeks development approval for Change of use from Dwelling to Restaurant and Internal Fit out to accommodate the same. The Statement of Environmental Effects is included in attachment C.

The proposal involves:

- The removal of an existing shed on the site
- Demolition of internal walls of the existing building on the site and internal alterations.
- Construction of vehicle access road and parking.
- Associated Earthworks.
- Removal of Vegetation; and
- Landscaping.

A layout of the proposed development has been included below, full architectural plans are provided in Attachment B.



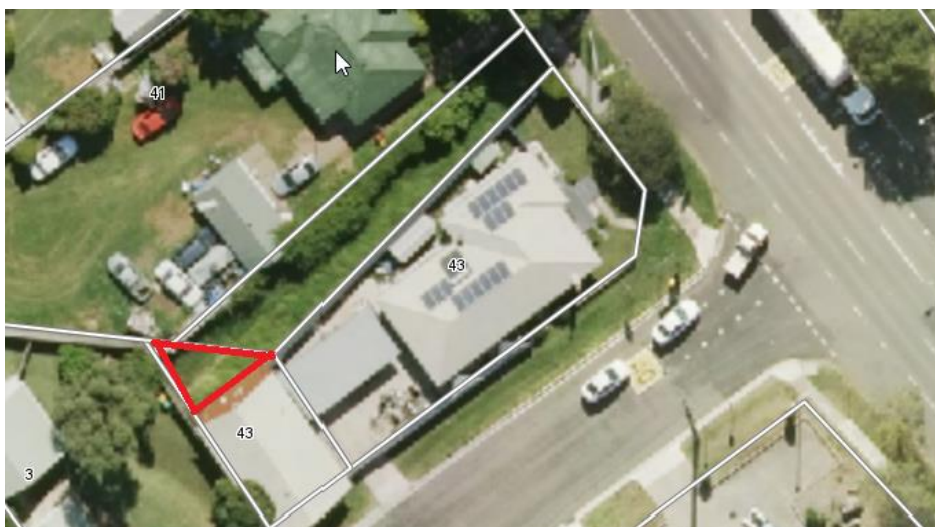


## ASSESSMENT SUMMARY

The proposal has been assessed against the relevant matters prescribed by s4.15 of the *Environmental Planning and Assessment Act 1979*. A copy of the Assessment Report is provided in Attachment A. Staff recommend that the application be refused.

A summary of the key assessment issues and findings are provided below:

- Under the Muswellbrook Local Environmental Plan (LEP) 2009, the site is zoned B2 Commercial Centre. Development for the purposes of a 'restaurant' is permissible with consent. Changes to employment zones across the State were notified in May and June 2022. The site is proposed to be zoned E3 Productivity Support when these changes are implemented, and only takeaway food and drink premises would be permitted in the proposed E3 zone.
- Two (2) public submissions were received objecting to the proposal. These submissions have been included in attachment E. The submissions raise concerns with parking, traffic generation, stormwater management and light and noise pollution.
- Council Engineers raised concerns related to the rate of off-street car parking proposed, the design of the car park and the lack of consideration of conflict between the location of overland stormwater infrastructure within the site and the location of waste storage and parking areas. Full comments from Council Engineers have been included under the Referrals Section of the attached Section 4.15 Assessment.
- The proposed development does not comply with the off-street car parking requirements of Section 16 of the Muswellbrook Development Control Plan (DCP). Section 16 of the DCP requires a total of 11 off-street car parking spaces to be provided to the proposed development. 7 off-street car parking spaces have been proposed of which 6 are considered practical. A merit based assessment has been carried out in relation to the DCP non-compliance which has been included in this report.
- The proposed development is inconsistent with Section 25.2.2 of the Muswellbrook DCP. This section includes provisions restricting the carrying out of the development that would compromise the integrity of Council stormwater infrastructure. A Council swale drain is located on the northern part of the site and is roughly identified in the image below.



The overland drain would be used to form part of the car parking spaces and waste storage area to be used as part of the development. This would be contrary to Section 25 of the DCP and is not supported by Council Officers.

As a consequence of the inadequate car parking and the potential for conflict between the





development design and Council's stormwater infrastructure, the proposed development is not considered to be in the public interest.

### **Car Parking Development Control Plan Assessment**

Section 16.3 and 16.6 of the DCP sets the rate at which off-street car parking is to be provided to various types of commercial development. The off-street car parking requirements relevant to restaurant development are:

*1 space per 7m<sup>2</sup> of gross floor area available for dining purposes*

A Traffic Parking and Access Assessment prepared by SECA Solutions was submitted with the application (see attachment D). This assessment stated the total available dining area of the development as 73m<sup>2</sup> (it is understood that this did not account for the circulation or for seating areas associated with takeaway collection).

The total required off-street car parking is thereby calculated to be 10.42 spaces and has been rounded up to 11 carparking spaces.

A total of 7 off-street car parking spaces would be provided as part of the development. The location of the set down area for the accessible car parking space conflicts with the location of an open top stormwater drain that intersects the site. Council Engineers do not support the filling or obstruction of this drain. Accordingly, the total constructable off-street car parking proposed has been taken to be 6 for the purpose of this assessment.

The applicant has acknowledged that the proposed development would not achieve the total 11 off-street car parking spaces required. The applicant's Traffic and Parking Assessment includes arguments in support of the relaxation of Council's DCP requirements to facilitate the development based on the on-street parking available due to the street frontage of the site.

The applicant has responded to requests for information and adjusted car parking layouts on several occasions through the development assessment process. While additional information and revised plans have been submitted, the non-compliance in the rate of off-street car parking remains.

To assist Council in informing its determination of this development application Council Officers have included merit based assessment of the issue below:

#### ***Reasoning supportive of a DCP Variation***

- Physical constraints including the location of a Council stormwater drain north of the site and the R1 General Residential zoning of land west of the site limit the ability for any additional off-street car parking spaces to be provided without demolition of the existing building located on the land. The current building is visually in keeping with adjoining residential uses.
- Council previously approved a development application to change the use of the dwelling located to an office and the existing shed was approved as retail space. The plans submitted with this development application included a total of five (5) off-street car parking spaces with an additional stacked car parking space to make a combined total of six (6) parking spaces.
- Council has approved variation of off-street car parking requirements for other development in the Shire.
- Due to the nature of development in Francis Street there is good on-street car parking provision that could cater for overflow parking.



### ***Reasoning un-supportive of a DCP variation***

- The proposed six (6) constructable off-street car parking spaces for a restaurant development is a significant shortfall of off-street car parking.
- The conflict between the stormwater drain location and car parking design remains an unresolved issue which requires satisfactory resolution for Council Officers to support the car park layout currently proposed.
- The alignment of the eastern row of parking spaces conflicts with the path of travel for vehicles exiting the site. Vehicles in parking space number 7 would restrict vehicles from exiting the site to the left and could cause conflict between vehicles entering and exiting the site. The safety consequence is considered likely to see patrons form a preference for the more easily accessed on-street parking.
- On-street car parking in Francis Street would exacerbate environmental impacts, particularly impacts related to noise and anti-social behaviour on the residents in this adjoining area.
- Comments provided by Council Engineers are unsupportive of the proposed development due to the conflict between the parking and waste areas, Council's swale drain, and congestion and inefficiencies in the car park design referenced above.
- In relation to Council's Development Control Plan Objectives, the proposed development:
  - a) Does not provide off-street parking on an equitable basis.
  - b) The design of the car park area would not function efficiently.
  - c) Due to the limited parking spaces, manoeuvrability issues and lack of consideration to the stormwater drainage the design is not considered to be visually attractive and constructed, designed and situated to encourage safe use.

Council Officers consider that the proposed development is inconsistent with both the DCP controls and objectives of Section 16 of the DCP and thereby should not be supported.

### **COMMUNITY CONSULTATION**

The proposal was publicly notified in accordance with the requirements of the Muswellbrook Community Participation Plan. Two (2) submissions were received by Council. Redacted copies of the submissions are provided as attachment E to this report.

### **OPTIONS**

Council may:

- A. Adopt the recommendation of Council Officers for the refusal of the proposed development.
- B. Resolve to grant development consent to the proposed development subject to conditions of consent.
- C. Defer the matter to facilitate additional discussion with the applicant related to the matters and reasons for refusal specified in this report. This has not been recommended as staff have already approached the Applicant on this matter several times and it appears parking cannot be resolved without demolishing the current building.

### **LEGAL IMPLICATIONS**

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





**DISCLOSURE OF POLITICAL DONATIONS AND GIFTS:**

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

**CONCLUSION**

The Section 4.15 Assessment Report identifies that the proposed development does not comply with the requirements of the Muswellbrook DCP 2009 and that it is likely to have adverse environmental impacts related to traffic, access and noise.

It is recommended the application be refused.

**Extended**  
**DEVELOPMENT ASSESSMENT REPORT**

**Attached:** Site Plan

**REPORT TO:**  
**COUNCIL**

<b>ADDRESS:</b>	LOT 9 DP 18699, Lot 1 DP 379008 43 Maitland Street MUSWELLBROOK
<b>APPLICATION No:</b>	2022/38
<b>PROPOSAL:</b>	Change of use from Dwelling to Restaurant and Internal Fitout
<b>OWNER:</b>	Mr C Haruhanwarodom
<b>APPLICANT:</b>	JPC Planning 2 Ocean Street TOWRADGI NSW 2518
<b>AUTHOR:</b>	Ms T Jolly
<b>DATE LODGED:</b>	13/04/2022
<b>DATE OF REPORT:</b>	06/01/2023

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**1. RECOMMENDATION**

It is recommended that development consent for DA 2022/38, for Change of use from Dwelling to Restaurant and Internal Fit, be refused.

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## 2. SITE LOCALITY AND DESCRIPTION

The subject site subject is Lot 9 DP 18699 and Lot 1 DP 379008, known as 43 Maitland Street MUSWELLBROOK.

The site has frontage to both Francis Street and the New England Highway. Existing vehicle access is to the site is via Francis Street.

The land is zoned B2 Local Centre and adjoins land within this land use zone to the north, south and east and land zone R1 General Residential to the west along Francis Street.

Changes to employment zones across the State were notified in May and June 2022. The site is proposed to be zoned E3 Productivity Support when these changes are implemented, and only takeaway food and drink premises would be permitted in the proposed E3 zone.

A dwelling and associated outbuildings are located on Lot 9 DP 18699.

A structure with a built form comparable to a workshop or shed is located on Lot 1 DP 379008. A search of Council's record system indicated that a development consent had been granted for the use of this building as a shop/office space. It was unclear whether this development had been completed as an Occupation Certificate was not located for the development. This building is proposed for demolition under this development application.

**Figure 1.** – Site Aerial Image (Source: Spectrum)



Flood Prone Land	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Bushfire Prone Land	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Terrestrial Vegetation	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Conservation Item	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Heritage Conservation Zone	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Contaminated Land	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

Mine Subsidence	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Classified Road Frontage	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Council Infrastructure within Site	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Other	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

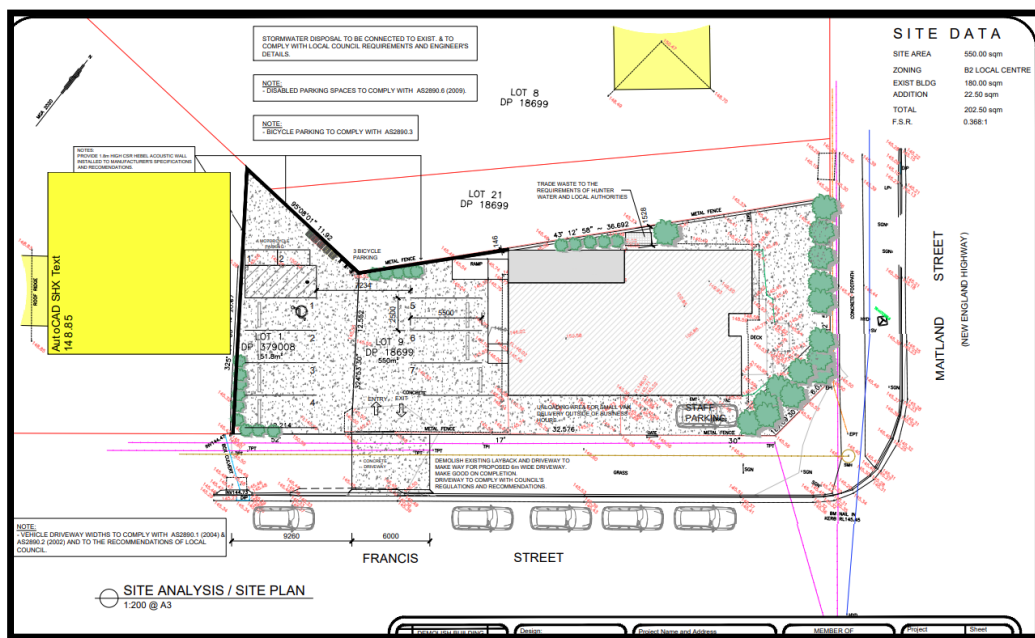
### 3. DESCRIPTION OF PROPOSAL

The proposed development involves the change of use the existing building to a restaurant and includes building alterations to establish the proposed use.

These building works include:

- The demolition of an existing shed and carport.
- Demolition of internal walls of the existing building and internal building alterations.
- Construction of vehicle circulation and parking areas.
- Construction of stormwater infrastructure.
- Landscaping.

**Figure 2. – Site Plan (Source: Applicant)**



Notification Required	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Notification Dates	05/05/2022 – 19/05/2022
Number of Submissions	2
Standard Local Development	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Regionally Significant Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Designated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Integrated Development	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>

### 4. RELEVANT HISTORY

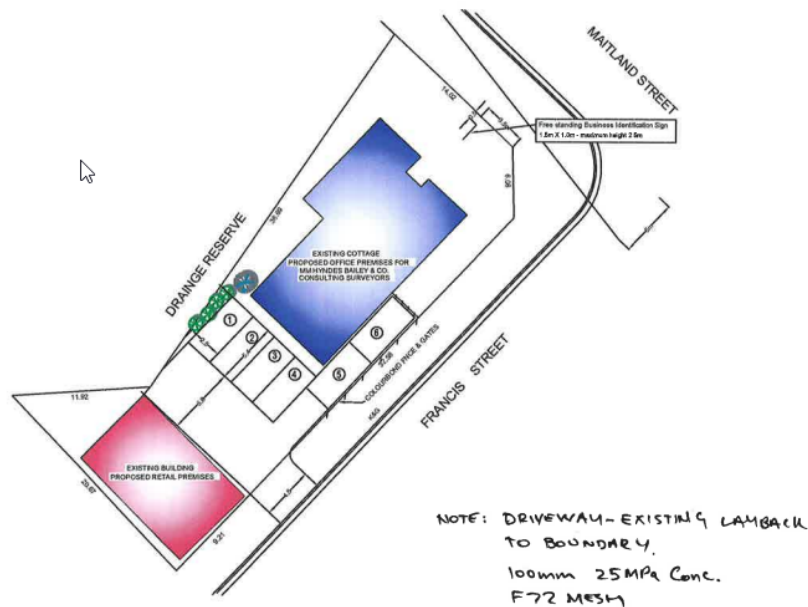
#### Relevant Development Applications

Council Officers have reviewed Council's electronic record keeping system to identify any recent development applications in relation to the subject site.

A development application was lodged in relation to the subject site in 2010 (DA 2010/25).

**DA 2010/25** - was approved by Council on the 10 May 2010 and involved the demolition of a garage and the change of use to an office and shop.

The application sought approval to change the outbuilding/workshop located at 3 Francis Street to an arts and crafts shop and the dwelling at 43 Maitland Road to an office. An excerpt from the approved plans has been included below which illustrates the buildings and their proposed use.



While the development application was approved by Council at a Council Meeting on the 10 May 2010 it is not clear whether the development was completed as no Occupation Certificate was issued in relation to the development.

Given that this approved development was not completed, Council Officers have referred to the existing building at 43 Maitland Street as a dwelling and the building at 3 Francis Street as an outbuilding for the purpose of this assessment.

It is noted that the change of use was permitted with 6 off-street parking spaces for the office. While relevant to the assessment the rate of off-street parking permitted for this development was not considered to be supportive of the variation to the Development Control Plan off-street parking requirements for this restaurant development, which is subject to different off-street parking ratios under the Muswellbrook Development Control Plan.

## 5. REFERRAL COMMENTS

### CI – Roads and Drainage

Comments from Council's Community Infrastructure Engineers to the final set of proposed plans were unsupportive of the proposed development and made the following observations:

- The alignment of the eastern row of parking spaces conflicts with the path of travel for vehicles exiting the site. Vehicles in parking space number 7 would restrict vehicles from exiting the site to the left and see vehicles to cross the invisible medium of site entry/exit and cause conflict between vehicles entering and exiting the site.
- The design of the parking plan has not accounted for the Council swale drain that intersects the northern part of the site. The proposed development must not interfere with or place obstructive fill within this drainage infrastructure. It is considered likely that the stormwater drain location would inhibit construction on the part of the site that includes the disabled parking space set down area, motorcycle parking, trade waste service installation and waste storage.

- The proposed development does not comply with the Muswellbrook Development control Plan. While site constraints may provide reasoning to consider a merit-based argument for the variation of the related DCP development standards, the parking design constraints referenced above suggest that the utility of the car parking space may be further inhibited by design constraints and that it may not be practical to construct the total parking proposed once the stormwater drain location is taken into consideration. Accordingly, the proposed development is not supported from a parking, access and infrastructure perspective.

#### CI – Water and Waste

Council's Water and Waste Section were referred the proposed development to consider impacts related to water and sewerage serviceability of the proposed development.

Comments provided primarily related to the need for a Liquid Trade Waste Agreement and related trade waste requirements. Should the development be approved it is recommended that standard conditions are imposed on the proposed development to require the applicant to enter into a Trade Waste Agreement with Council.

#### Environmental Health Officer

Council's Senior EHO reviewed the application on matters relating to food safety, did not have any objections and recommended the imposition of conditions of consent should the development be approved. These conditions related to Council's responsibilities under the Food Act and the design and management of food handling areas.

#### Building Surveyor

The application was referred to Council's Building surveyor who noted that the proposal changes the class of the building from a 1a (dwelling) to a class 6 (restaurant) and will require the building to be upgraded to comply with the fire safety and BCA Compliance requirement under Clause 64 of the *Environmental Planning & Assessment Regulation*. The Officer recommended several conditions to be imposed, should the application be approved.

### **6. ASSESSMENT - Section 4.15 Matters for Consideration**

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

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

##### **A. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009 are:

##### **Part 2 Permitted or prohibited development**

Land use Zone	B2 Local Centre
Proposed Use	Restaurant
Permissibility	<b>Permitted with Consent</b>
Zone Objective	<b>Complies with Objective</b>

#### Objectives of the B2 Local Centre Zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

- To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.
- To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.
- To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.
- To support business development by way of the provisions of parking and other civic facilities.

The proposed development is not contrary to the objectives under the B2 Local Centre Zone, if the development meets the development standards.

#### Part 4 Principal Development Standards

Relevant Clause	Control	Proposed	Compliance
4.1 Minimum subdivision lot size	No subdivision	proposed	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
4.3 Height of buildings	8.5m	No change	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
4.4 Floor space ratio	Split zoned, 0.5 and 2	No change	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
4.6 Exception to Development Standards			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Other			<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA

#### Part 5 Miscellaneous Provisions

Relevant Clause	Compliance
5.8 Conversion of fire alarms	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
5.10 Heritage Conservation	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
5.21 Flood planning	Yes

#### Part 7 Additional Local Provisions

Relevant Clause	Compliance
7.1 Terrestrial Biodiversity	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
7.3 Rural Workers Dwelling	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
7.4 Subdivision services	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
7.5 Dwellings in Rural or Conservation Zones	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
7.6 Earthworks	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA The development is not expected to require significant earthworks to carry out the proposed development.
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA

#### B. State Environmental Planning Policies Relevant to Muswellbrook Shire

SEPP (Biodiversity and Conservation) 2021
<p>Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA</p> <p>Chapter 2 Vegetation in non-rural areas</p> <p>This chapter aims to protect the biodiversity values of trees and other vegetation in non-rural areas of the State, and to preserve the amenity of non-rural areas of the State through the preservation of trees and other vegetation by outlining the types of clearing permitted with or without consent and relevant provisions for the same.</p>



<p>The proposal does not involve the clearing of any native vegetation and therefore this section of the SEPP does not need to be considered further.</p> <p>Chapter 3 Koala habitat protection 2020</p> <p>This Chapter applies in the Muswellbrook Shire Council local government area. This environmental planning instrument encourages the conservation and management of natural vegetation areas that provide habitat for koalas.</p> <p>Under Schedule 2 of this SEPP, the Central Coast Koala Management Plan is applicable within the Muswellbrook Shire Council. This Chapter applies to land in the following land use zones:</p> <p>(a) Zone RU1 Primary Production,  (b) Zone RU2 Rural Landscape,  (c) Zone RU3 Forestry.</p> <p>The proposed development is located on land zoned B2 Local Centre Zone.</p>
SEPP (Building Sustainability Index: BASIX) 2004
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p>The proposal is not defined as BASIX Affected Development.</p>
SEPP (Housing) 2021
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>
SEPP (Industry and Employment) 2021
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p>Chapter 3 Advertising and signage</p> <p>The proposal does not involve any signage and therefore, this chapter under the SEPP does not need to be considered further.</p>
SEPP No 65—Design Quality of Residential Apartment Development
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p>
SEPP (Planning Systems) 2021
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p>Chapter 3 Aboriginal land</p> <p>The proposed development is not located within the Aboriginal Land Application Map and therefore this section of the SEPP does not need to be considered further.</p>
SEPP (Primary Production) 2021
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA The proposal does not involve any Primary Production use as defined under this SEPP and therefore does not need to be considered further.</p>
SEPP (Resilience and Hazards (2021)
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p>Chapter 4 Remediation of Land</p>

This chapter under the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:

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

Council Officers are unaware of any activities which have carried out on the site likely to have caused the contamination of the land. No visual evidence of any contamination was observed by Council Officers during an inspection of the site. Furthermore, there are no known previous investigations regarding contamination on the subject land or land use restrictions issued by the EPA. The site has historically been used as a residential property, which is unlikely to have any significant contamination.

It is therefore considered that the subject site is unlikely to be affected by contamination requiring remediation in accordance with the SEPP. The proposed development may therefore proceed without the need to further consider the provisions of this SEPP

#### SEPP (Resources and Energy) 2021

Satisfactory: ☐ Yes ☐ No ☒ NA

#### SEPP (Transport and Infrastructure) 2021

Satisfactory: ☐ Yes ☐ No ☒ NA Chapter 2 Infrastructure This SEPP provides a planning framework and development controls for the efficient development, redevelopment or disposal of surplus government owned land and particular infrastructure development. The proposed development application does not involve any such development as outlined under part 2.3 of this SEPP and therefore does not need to be considered further. Chapter 3 Educational establishments and child care facilities The aim of this Chapter is to facilitate the effective delivery of educational establishments and early education and care facilities across the State. The proposal does not involve any educational establishments or child care facilities and therefore does not need to be considered further. Chapter 4 Major infrastructure corridors This chapter applies to all land: in a future infrastructure corridor; or within 25 in any direction of a future infrastructure corridor The proposal does not involve any development on the land to which this SEPP applies and therefore does not need to be considered further. Chapter 5 Three ports—Port Botany, Port Kembla and Port of Newcastle Not within applicable area. Chapter 6 Moorebank Freight Intermodal Precinct Not within applicable area.

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

Changes to employment zones across the State were notified in May and June 2022. The site is proposed to be zoned E3 Productivity Support when these changes are implemented, and only takeaway food and drink premises would be permitted in the proposed E3 zone.

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

##### Muswellbrook DCP 2009

#### Section 3 Site Analysis

Satisfactory: ☒ Yes ☐ No ☐ NA

Section 5 Subdivision	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Section 6 Residential Development	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Section 7 – Village Zones	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Section 8 – Rural development	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Section 9 – Local Centre Development	
Satisfactory: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
<b>9. LOCAL CENTRE DEVELOPMENT</b>	
<b>9.1 Built Form</b>	
<i>Building Design</i>	<p>The proposal does not involve the construction of a new building or the completion of any significant alteration to the building façade.</p> <p>Noting the limited scope of building alterations Council Officers are satisfied that the proposed development would be consistent with the development controls expressed under this Section.</p> <p><b>Complies</b></p>
<i>Building Height</i>	<p>The proposal does not involve any changes to the building height.</p> <p><b>Complies</b></p>
<i>Setbacks</i>	<p>The related development controls require commercial buildings to provide a continuous street frontage/consistent setback, while maintaining the ability for variations to allow for landscaping and access areas where necessary.</p> <p>Council Officers recognise that the building is setback from the site's street frontage and involves the re-purposing of an existing commercial building.</p> <p>Given site specific parameters and the ability for the front setback to be suitably landscaped Council Officers are satisfied that the proposed development would be in accordance with the DCP requirement that allows for landscaped setbacks.</p> <p><b>Complies</b></p>
<i>Accessibility</i>	<p>The proposed development would be required to provide accessible access in accordance with the Building Code of Australia and Access to Premises Standard.</p> <p>Comments from Council's Building Surveyor</p>

	<p>did not raise a concern with the ability for access to be achieved as part of the Construction works and Construction Certificate related requirements.</p> <p><b>Complies</b></p>
<b>9.2 Urban Landscape</b>	
<i>Landscaping</i>	<p>Landscaping has been provided for the site as per the DCP requirement.</p> <p><b>Complies</b></p>
<i>Car Parking</i>	<p>This Section of the DCP requires off-street car parking to be provided in accordance with Section 16 of the DCP alongside the provision of suitable accessible parking and manoeuvring areas.</p> <p>Detailed commentary is provided in relation to the proposed developments compatibility with Section 16 of the DCP under the related heading of this report.</p> <p><b>Does not Comply</b> (refer to Section 16 for additional commentary)</p>
<i>Outdoor Eating Areas</i>	None proposed.
<i>Signage and Advertising</i>	None proposed.
<b>Section 10 – Industrial Development</b>	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
<b>Section 11 – Extractive Industry</b>	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
<b>Section 12 – Tourist Facilities and Accommodation</b>	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
<b>Section 13 – Floodplain Management</b>	
Satisfactory: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA	
<p>The subject site is identified as being affected by the 1% in the Muswellbrook Flood Risk Management Study and Plan 2019.</p> <p>The proposal does not involve any changes to the floor level of the buildings.</p> <p>Under this section of the DCP, the minimum floor requirement of a brownfield site is - <i>“1% AEP flood level unless it is demonstrated that this would be impractical. Unsealed electrical installations to be located above the 1% AEP flood level”</i></p> <p>Given that the proposed development involves the change of use of the existing building Officers are satisfied that it would not be practical to increase the buildings finished floor level to address the 1% AEP. Noting that the proposed development would change the use of a residential dwelling in the flood area to a commercial premises overall the proposal is considered to reduce social impacts from flooding. This view has been formed by the fact that the site would no longer be permanent residence or occupied during flood events.</p> <p><b>Complies</b></p>	

<b>Section 14 – Outdoor Signage</b>
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p>The proposal does not involve the installation of any signs. As the proposed development is a change of use to a commercial facility, the Assessing Officer recommends including a condition requiring a development application to be lodged, should the proponent wish to install a non-exempt sign at the subject site later.</p> <p><b>Complies</b></p>
<b>Section 15 – Heritage Conservation</b>
<p>Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA</p> <p>The subject site does not contain a heritage item and is not within a Heritage Conservation area.</p> <p><b>Not relevant</b></p>
<b>Section 16 – Car Parking and Access</b>
<p>Satisfactory: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA</p> <p>Section 16.3 and 16.6 of the DCP sets the rate at which off-street car parking is to be provided to various types of commercial development.</p> <p>Under this Section the off-street car parking requirements relevant to restaurant development (and this proposed development) are:</p> <p style="text-align: center;"><i>“1 space per 7m2 of gross floor area available for dining purposes”</i></p> <p>A Traffic Parking and Access Assessment prepared by SECA Solutions was submitted in relation to the proposed development. This assessment stated the total available dining area of the development as 73m2 (it is understood that this did not account for the circulation and seating areas for delivery pickup/collection of takeaway food).</p> <p>The total required off-street car parking is calculated to be <math>73/7 = 10.42</math> and has been rounded up to 11 carparking spaces.</p> <p>The plans submitted with the proposed development suggest that a total of 7 off-street car parking spaces would be provided as part of the development. Although the proposed plans suggest a total of 7 car parking spaces would be provided it is not clear that all 7 could be physically constructed on the site. The location of the set down area for the accessible car parking space conflicts with the location of an open stormwater drain that intersects the site. Council Engineers do not support the filling or obstruction of this drain. Accordingly, the total constructable off-street car parking proposed has been taken to be 6 for the purpose of this assessment.</p> <p>The applicant’s Traffic and Parking Assessment includes some commentary arguing in support of the relaxation of Council’s DCP requirements to facilitate the development.</p> <p>In accordance with the provisions of the Environmental Planning and Assessment Act 1979 Council is required to conduct a merit based assessment of a non-compliance with DCP controls against the provisions of related DCP objectives.</p> <p>To assist Council in informing its determination of this development application Council Officers have included merit based assessment of the issue below:</p>

The DCP objectives for this Section of the DCP are as follows.

- a. To ensure adequate provision of off-street parking to maintain the existing levels of service and safety of the road network.*
- b. To ensure a consistent and equitable basis for the assessment of parking provisions.*
- c. To ensure the design of parking areas, loading bays and access driveways which function efficiently.*
- d. To ensure that parking areas are visually attractive and constructed, designed and situated so as to encourage their safe use.*
- e. To ensure that all traffic generating developments are generally in accordance with those sections of the Traffic Authority of NSW Policies and Guidelines, for traffic generating developments as adopted by this Code.*

#### **Reasons to support a DCP Variation**

- The site subject to this development application is zoned B2 Local Centre. This land use zone promotes commercial development. While the site has been zoned B2 Local Centre physical constraints including the location of a Council stormwater drain north of the site and the R1 General Residential zoning of land west of the site limit the ability for any additional off-street car parking spaces to be provided without demolition of the existing building located on the land.
- Council previously determined a development application involving the change of use of the dwelling located on the land to an office (at the time the existing shed now proposed for demolition was also approved as retail space). The plans submitted with this development application included a total of five (5) off-street car parking spaces with an additional stacked car parking space to make a combined total of six (6) parking spaces.
- Council has shown a tendency to vary its development control plan off-street car parking requirements to enable the redevelopment of commercial sites affected by site specific issues (such as this site) that inhibit a greater rate of off-street car parking that may comply with the DCP from being achieved.
- There is good availability of on-street car parking in Francis Street that would service overflow parking from the development.

#### **Reasons to not support a DCP variation**

- Five spaces is a significant shortfall of off-street car parking when considered in contrast to the DCP requirements.
- The current set of plans submitted by the applicant that do not account for the conflict between the accessible car parking space and stormwater drain reflect a poor understanding of the site. These plans were fourth submission of car parking related plans by the applicant responding to Council requests for information or plan amendments related to parking design issues.
- The alignment of the eastern row of parking spaces conflicts with the path of travel for vehicles exiting the site. Vehicles in parking space number 7 would restrict vehicles from exiting the site to the left and cause conflict between vehicles entering and exiting the site. In addition to the safety consequence of vehicles moving to the right hand side to exit the site. The congestion and inability of vehicles to easily manoeuvre within the car park is considered likely to see patrons form a preference for the more easily accessed on-street parking.
- The reliance of on-street car parking in the residential zoned Francis Street would exacerbate environmental impacts, particularly impacts related to noise and anti-social behaviour, on the residents in this adjoining area.
- Specifically in relation to Council's Development Control Plan Objectives, Council Officers

<p>are of the view that the proposed development:</p> <ul style="list-style-type: none"> <li>a) Does not provide off-street parking on an equitable basis.</li> <li>b) The design of the car park area would not function efficiently primarily owing to the conflict between the eastern row of car parking spaces and vehicle exit.</li> <li>c) Owing to the limited parking spaces, manoeuvrability issues and lack of consideration to the stormwater drainage the design is not considered to be visually attractive and constructed, designed and situated to encourage safe use.</li> </ul> <p><b>After having regard to all of the above merit assessment it is the view of Council Officers that The proposed development is inconsistent with both the DCP controls and objectives of Section 16 of the DCP and thereby should not be supported.</b></p> <p><b>This view has been informed by the significant shortfall in off-street car parking proposed to that which is required, the design and manoeuvrability issues with the final car park design proposed.</b></p>
Section 17 – Sex Services ad Restricted Premises
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Section 18 – Child Care Centres
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Section 19 – Use of Public Footpaths
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
Section 20 – Erosion and Sediment Control
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
The proposed development does not involve the carrying out of substantial earthworks. A condition of consent is recommended to manage the carrying out of earthworks.
Section 21 – Contaminated Land
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Section 22 – Land Use Buffers
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Section 23 – On-Site Sewage Management
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Section 24 – Waste Minimisation and Management Systems
Satisfactory: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
Council Officers have noted that the most recent proposed location for trade waste at the east of the property does not have vehicle access to remove grease from the grease arrester. Council Officers have requested further information regarding this but have not received a response from the applicant. Council Officers are unable to recommend the application for approval without adequate information regarding Trade waste management.
Section 25 – Stormwater Management
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
Section 25.2 of the Muswellbrook DCP includes provisions related to development applications



where Council's 'urban stormwater drainage' is located on the site subject to the development proposed.

In this instance a portion of a Council swale drain is located on part of the site marked in red below.



This stormwater drain provides inter-allotment drainage which ultimately flows to the Hunter River.

The proposed development has not considered the location of this drainage in the design submitted to Council and shows a car parking and waste storage area in conflict with the drain. The obstruction or compromise of this drainage infrastructure would conflict with the requirements of Section 25.2.2 of the DCP which includes the following

'New buildings are not to be constructed over or compromise the integrity of drainage lines or easements originating from outside the site.'

Council Engineers have also objected to any compromise of the stormwater drainage flow channel.

**Does not comply**

Section 26 – Site Specific Controls
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Section 27 – West Denman Urban Release Area
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Section 28 – Muswellbrook Showground
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

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

There are no planning agreements relevant to the subject Application.

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



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

#### Development Contributions

As the proposed development does not involve works over \$100,000, the proposal does not incur development contributions under the Muswellbrook Section 94A Contributions Plan 2010.

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

Not applicable - The Application does not relate to a coastal area.

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

##### Context and Setting

The subject site is located on B2 Local Centre zoned land and adjoined by R1 General Residential zoned land. The site is adjoined by a residential property to the North and West and commercial properties to the South and East.

The existing building on the site is a residential dwelling. The development seeks approval for the change of use of this dwelling to a restaurant. The Assessing Officer is satisfied that the proposed new use of the site is not contrary to the existing and future context of the locality, should the new development be carried out in accordance with the relevant legislation and development controls.

##### Built Form

The built form of the existing dwelling of the site is residential and does not reflect the proposed commercial use of the site. The applicant has proposed internal alterations to reflect these changes. The Assessing Officer has discussed the application with Council's building surveyor who has assessed the application and noted that the building will require several improvements to be carried to comply with the fire safety and BCA Compliance requirement under Clause 64 of the Environmental Planning & Assessment Regulation. The Officer recommended several conditions to be imposed, should the application be approved.

##### Potential Impact on adjoining properties

The adjoining property owner to the South-West of the site has raised an objection to the development as discussed under the submissions section of this report. The Assessing Officer does not have any objection to this type of change of use in the locality, however, the development in its current state is likely to have a significant negative impact on the locality as a commercial use without adequate car parking, leading to traffic, noise and safety issues.

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

Design issues affecting the utility of the off-street car parking area and conflicts between development parking and services and the location of Council's stormwater drainage infrastructure suggest that the plans before Council are poorly suited to the site.

#### **Section 4.15(1)(d) any submissions made**

The Application was notified to adjoining owners from 05/05/2022 to 19/05/2022. A notice was also placed on Council's website and Facebook page at the commencement of the notification period.

A total of two (2) submission was received during the notification period. The matters raised in the submissions are summarised below:

Submitter Concern	Planning Comment
Inadequate parking provision	Discussed under DCP Section 16 Assessment
Traffic generation and safety issues.	As above
Stormwater Management Issues	The proposed site is mostly hard stand space and does not involve any works that are likely to have a significant change in the stormwater generation on the site.
Impact on standard of living for adjoining dwelling	<p>The proposed use is permissible with consent in the subject site, however, reasonable consideration should be given to minimise the negative impact on adjoining properties.</p> <p>The Assessing Officer has reviewed the overall assessment of the application and agree that the proposed development is likely to have a negative impact on the locality that is beyond the reasonable acceptable standards.</p>
Light and Noise Pollution.	<p>The applicant responded to this comment stating that a 1.8m high acoustically rated fence/screen is proposed along the shared boundaries to mitigate the noise impact to adjoining dwelling.</p> <p>The operating hours of the restaurant is also proposed to be reduced to 9:30pm to reduce light spill late into the night.</p> <p>The Assessing Officer is satisfied that the proposed measures will satisfactorily address the issues raised if the development complies with the other development controls for the site that may add to light and noise pollution.</p>

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

It is considered that the proposal is not in the public interest as the development is inconsistent with Council's Development Control Plan for provision of parking and has not adequately considered the conflict between the development design and Council's stormwater drainage infrastructure.

#### **7. CONCLUSION**

The Section 4.15 Assessment Report identifies that the proposed development involves a change of use from a residential dwelling to a restaurant that does not comply with the requirements of the Muswellbrook DCP and that is likely to have adverse environmental impacts related traffic, access and noise.

It is recommended the application be refused for the following reasons:

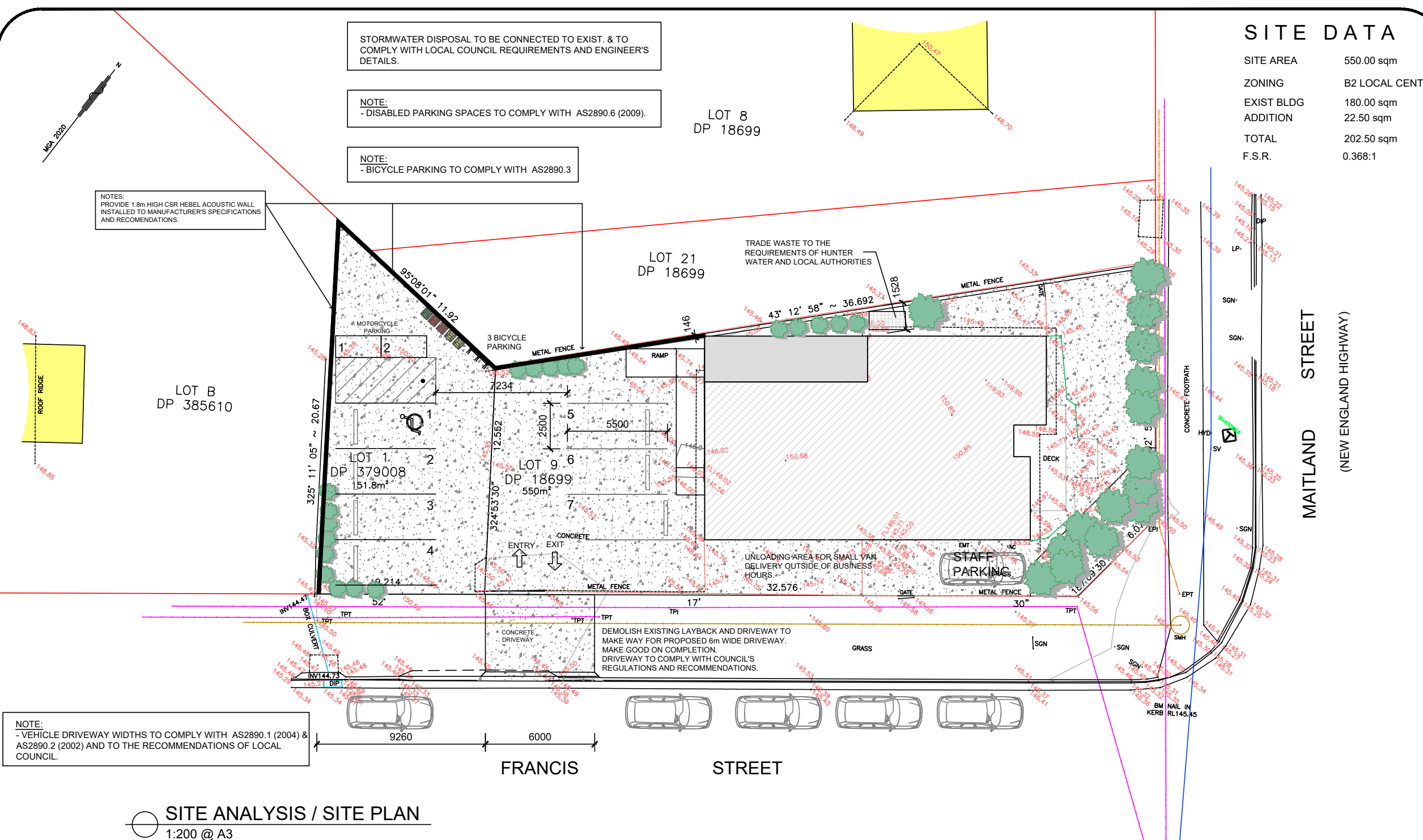
1. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is inconsistent with the carparking requirement under Section 16 of the Muswellbrook Development Control Plan 2009.
2. Pursuant to Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979, the proposal is inconsistent with the Stormwater Management controls under Section 25 of the Muswellbrook Development Control Plan 2009.
3. Pursuant to Section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979, the application has not adequately demonstrated that the subject site is suitable for the development proposed.
4. Pursuant to Section 4.15(1)(e) the proposed development is contrary to the public interest as a development that is inconsistent with local planning controls, is likely to have adverse environmental impacts and creates the potential for land use conflicts.

Signed by:

A handwritten signature in black ink, appearing to read 'Tang', with a horizontal line drawn through it.

**Ms T Jolly**  
**Planning Assistant**

Date: 05/12/2022




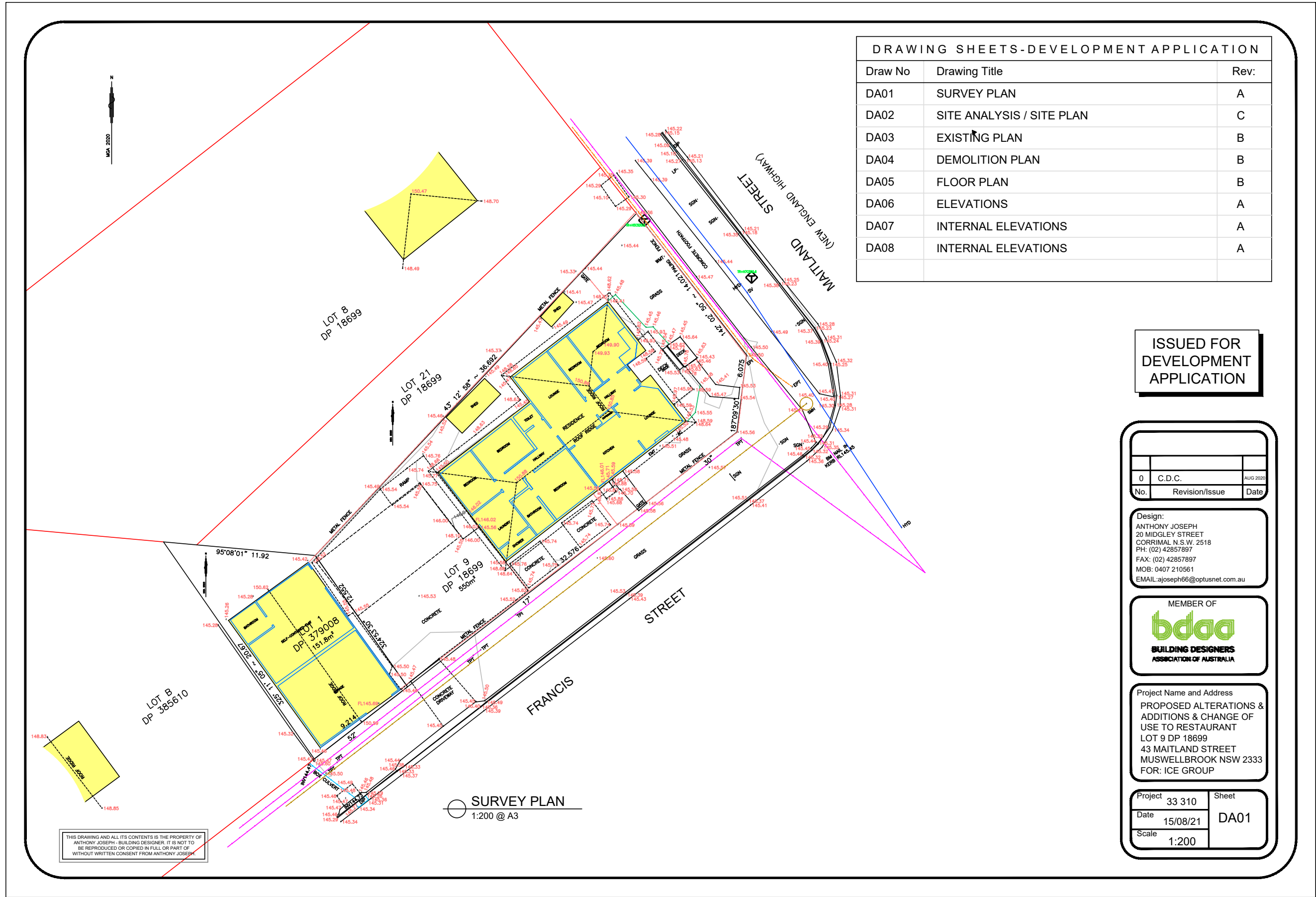
SITE DATA	
SITE AREA	550.00 sqm
ZONING	B2 LOCAL CENTRE
EXIST BLDG	180.00 sqm
ADDITION	22.50 sqm
TOTAL	202.50 sqm
F.S.R.	0.368:1

NOTE:  
- VEHICLE DRIVEWAY WIDTHS TO COMPLY WITH AS2890.1 (2004) & AS2890.2 (2002) AND TO THE RECOMMENDATIONS OF LOCAL COUNCIL.

 SITE ANALYSIS / SITE PLAN  
1:200 @ A3

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<table><tr><td>C</td><td>DEMOLISH BUILDING INCREASE PARKING ADD BINS</td><td>10-08-22</td></tr><tr><td>B</td><td>EXISTING FLAT ADDED</td><td>06-06-22</td></tr><tr><td>A</td><td>D.A.</td><td>...</td></tr><tr><td>No.</td><td>Revision/Issue</td><td>Date</td></tr></table>			C	DEMOLISH BUILDING INCREASE PARKING ADD BINS	10-08-22	B	EXISTING FLAT ADDED	06-06-22	A	D.A.	...	No.	Revision/Issue	Date	Design: ANTHONY JOSEPH 20 MIDGLEY STREET CORRIMAL N.S.W. 2518 PH: (02) 42857897 FAX: (02) 42857897 MOB: 0407 210561 EMAIL: a.joseph66@optusnet.com.au		Project Name and Address PROPOSED ALTERATIONS & ADDITIONS & CHANGE OF USE TO RESTAURANT LOT 9 DP 18699 43 MAITLAND STREET MUSWELLBROOK NSW 2333 FOR: ICE GROUP		MEMBER OF  BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA		Project 33 310	Sheet DA02
C	DEMOLISH BUILDING INCREASE PARKING ADD BINS	10-08-22																				
B	EXISTING FLAT ADDED	06-06-22																				
A	D.A.	...																				
No.	Revision/Issue	Date																				
									Date 15/08/21													
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DRAWING SHEETS-DEVELOPMENT APPLICATION		
Draw No	Drawing Title	Rev:
DA01	SURVEY PLAN	A
DA02	SITE ANALYSIS / SITE PLAN	C
DA03	EXISTING PLAN	B
DA04	DEMOLITION PLAN	B
DA05	FLOOR PLAN	B
DA06	ELEVATIONS	A
DA07	INTERNAL ELEVATIONS	A
DA08	INTERNAL ELEVATIONS	A

ISSUED FOR  
DEVELOPMENT  
APPLICATION

0	C.D.C.	AUG 2020
No.	Revision/Issue	Date

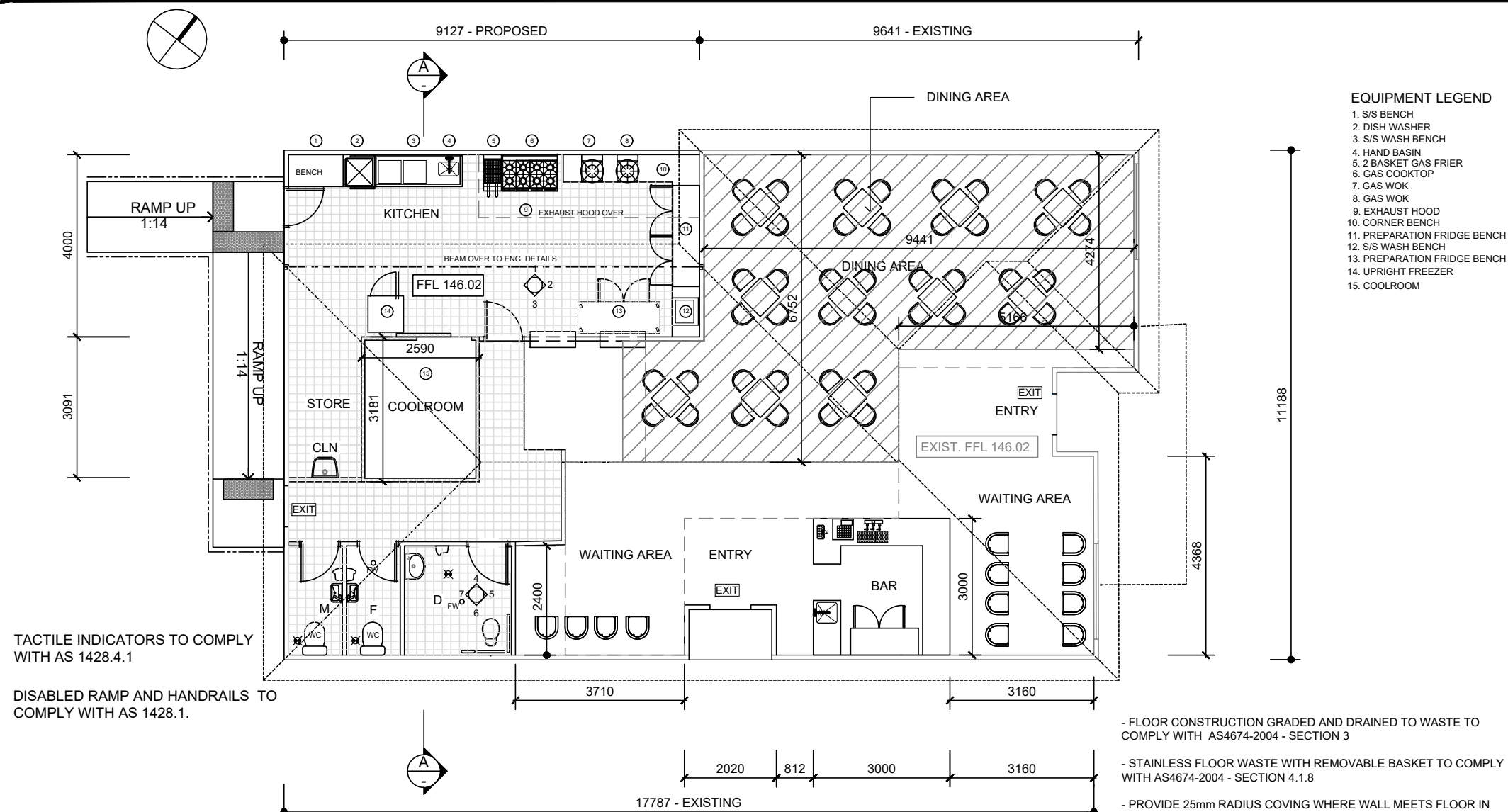
Design:  
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MEMBER OF  
**bdaa**  
BUILDING DESIGNERS  
ASSOCIATION OF AUSTRALIA

Project Name and Address  
PROPOSED ALTERATIONS &  
ADDITIONS & CHANGE OF  
USE TO RESTAURANT  
LOT 9 DP 18699  
43 MAITLAND STREET  
MUSWELLBROOK NSW 2333  
FOR: ICE GROUP

Project	33 310	Sheet	
Date	15/08/21		DA01
Scale	1:200		





ISSUED FOR  
DEVELOPMENT  
APPLICATION

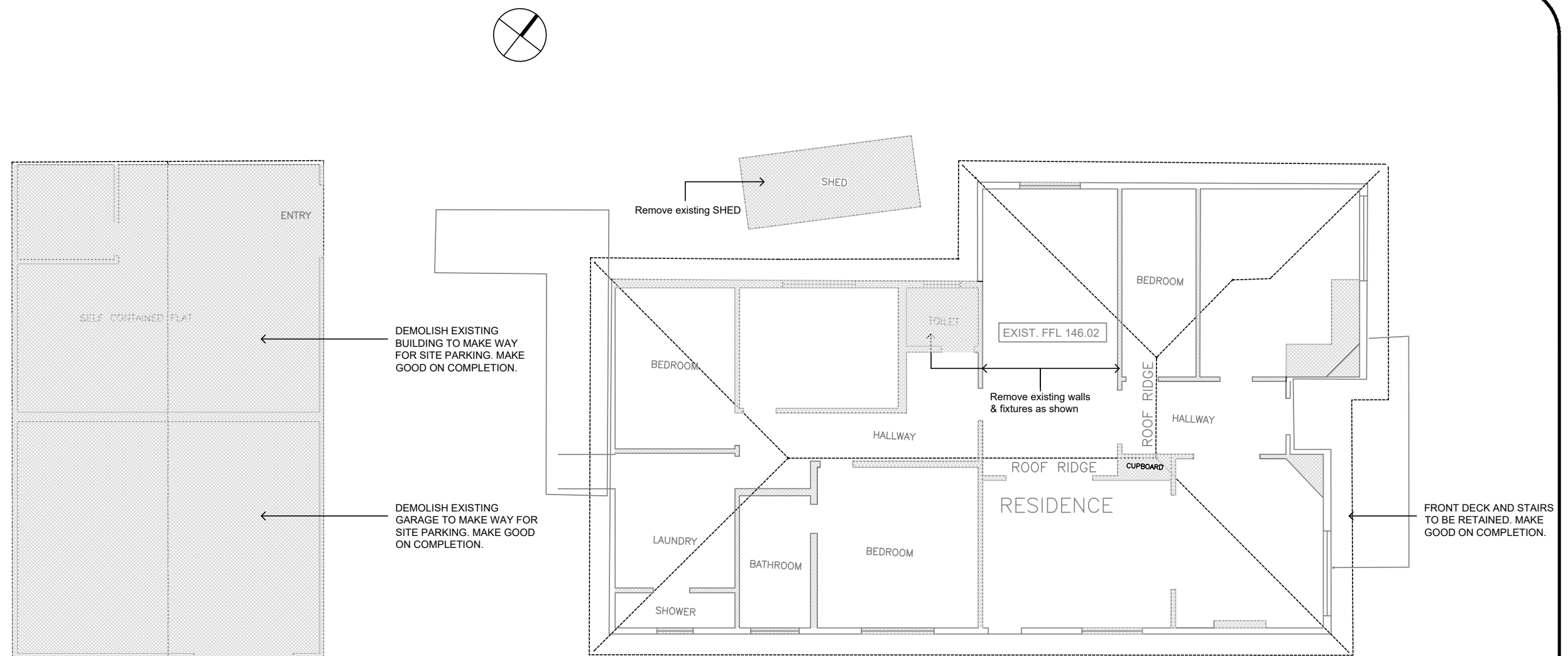
C	AMEND RAMP	10-08-22
A	DA	AUG 2020
No.	Revision/Issue	Date

Design:  
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MEMBER OF  
**bdaa**  
BUILDING DESIGNERS  
ASSOCIATION OF AUSTRALIA

Project Name and Address  
PROPOSED ALTERATIONS &  
ADDITIONS & CHANGE OF  
USE TO RESTAURANT  
LOT 9 DP 18699  
43 MAITLAND STREET  
MUSWELLBROOK NSW 2333  
FOR: ICE GROUP

Project	33 310	Sheet
Date	15/08/21	DA05
Scale	1:100	




LEGEND	
	EXISTING WALLS RETAINED
	EXISTING REMOVED

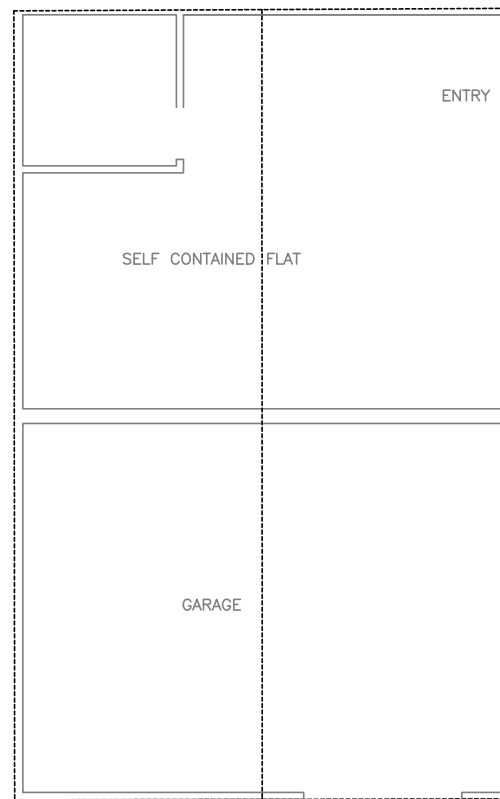
- NOTES:**
- Roof structure to house and deck to be removed - replace with new framing & Colorbond sheeting as specified.
  - Existing gutters, downpipes to be replaced to match new roof.
  - Allow for new insulation to existing floor, walls and roof as per SECTION J requirements.
  - Contractor to check conditions on site prior to commencing work.

**DEMOLITION PLAN**  
1:100 @ A3

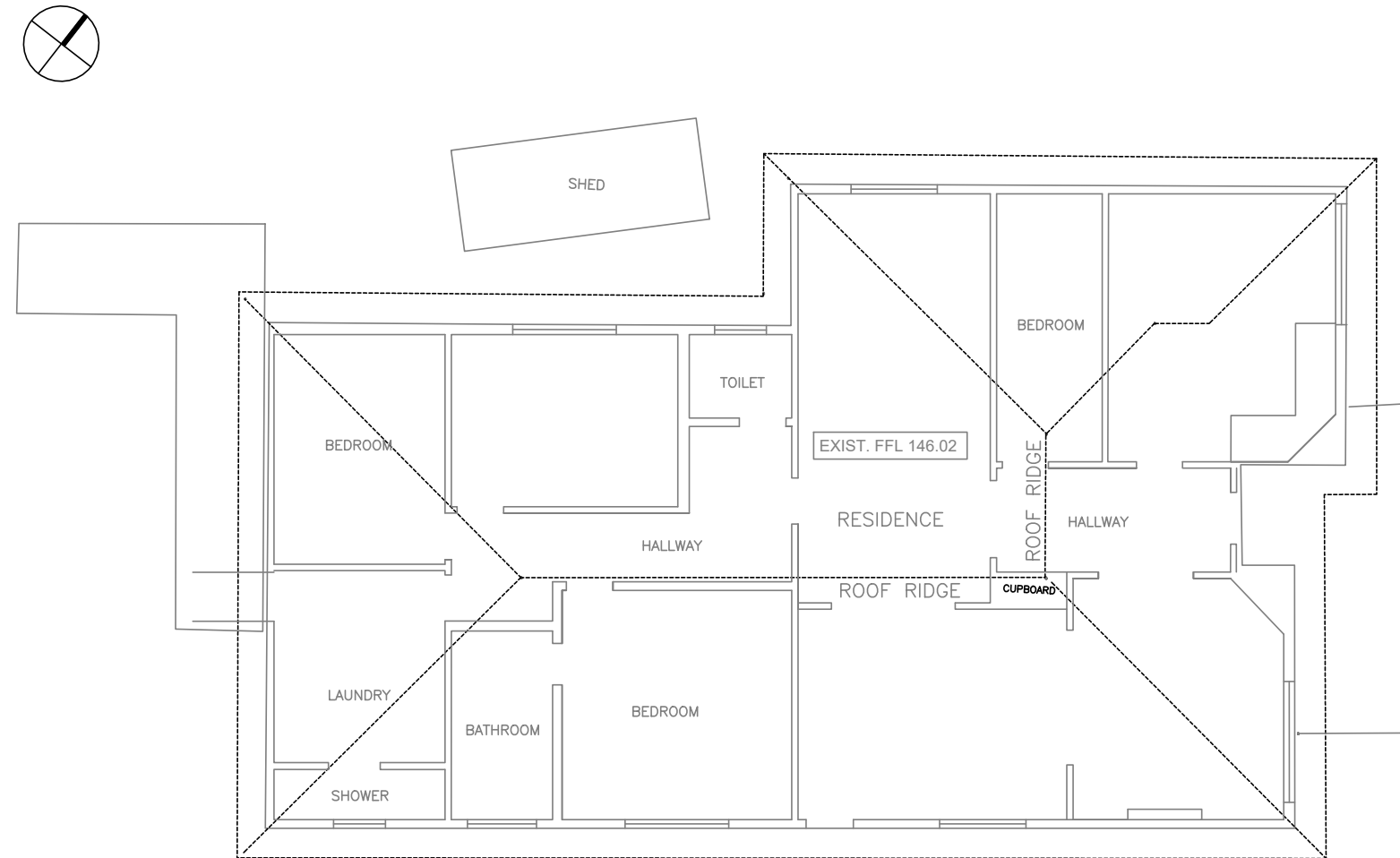
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C	DEMOLISH BUILDING	10-08-22					
A	D.A.	15-08-21					
No.	Revision/Issue	Date					






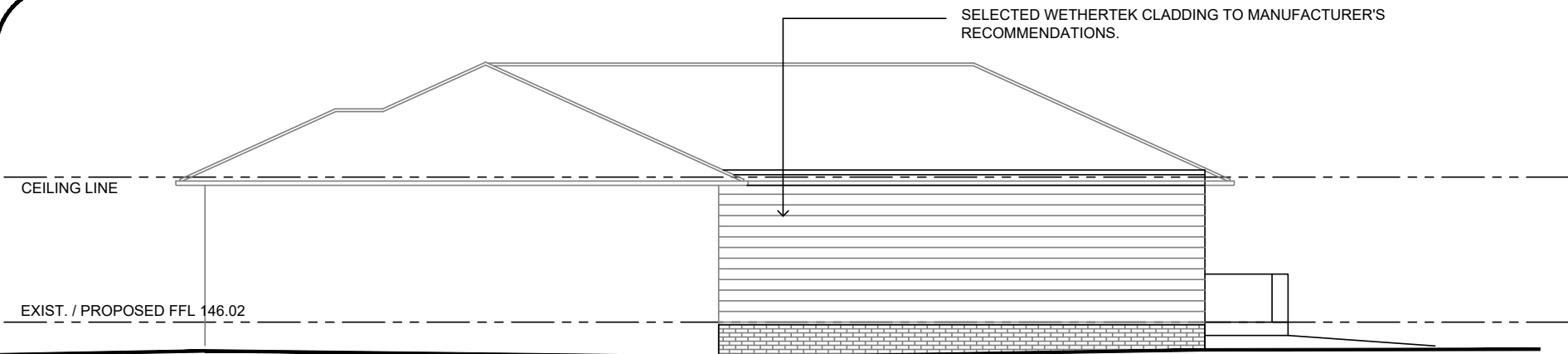
EXISTING GROUND FLOOR PLAN  
1:100 @ A3



EXISTING GROUND FLOOR PLAN  
1:100 @ A3

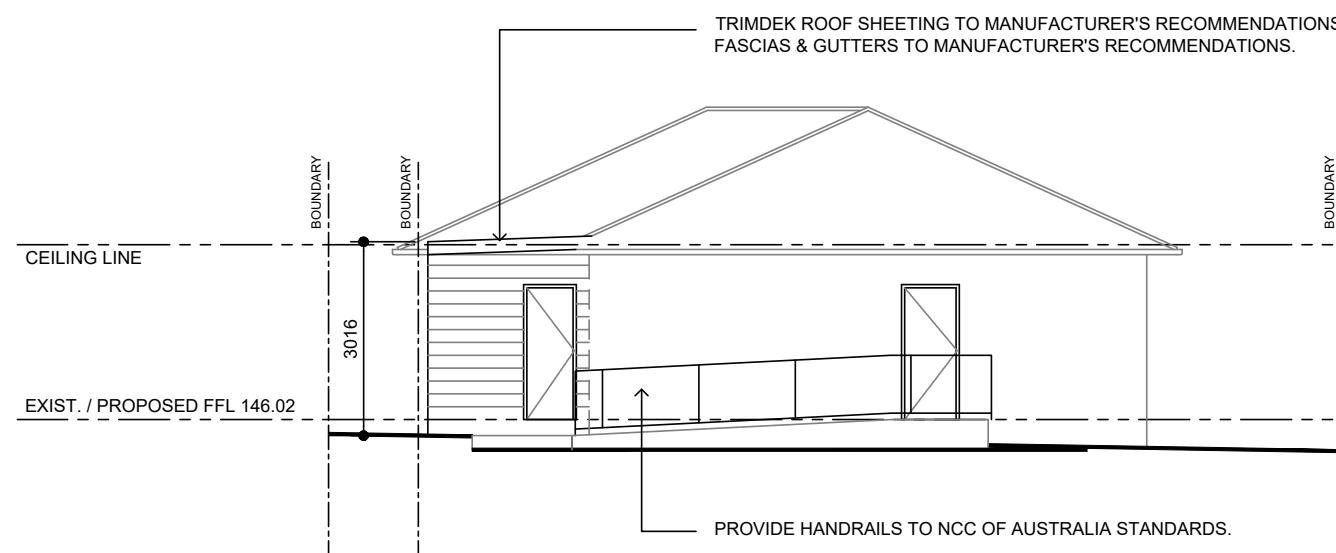
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No.	Revision/Issue	Date											

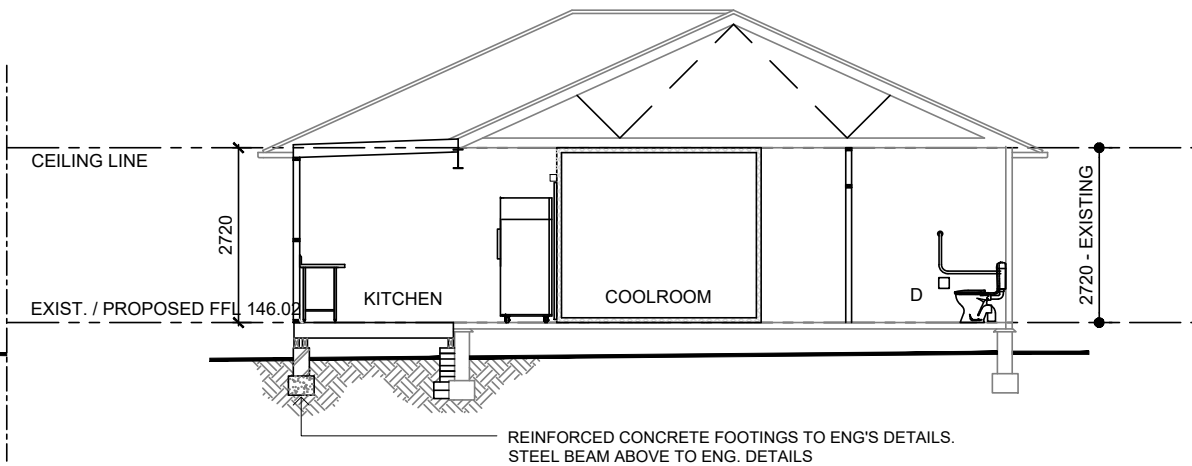


○ NORTH - WEST ELEVATION (SIDE)  
1:100 @ A3

ISSUED FOR  
DEVELOPMENT  
APPLICATION




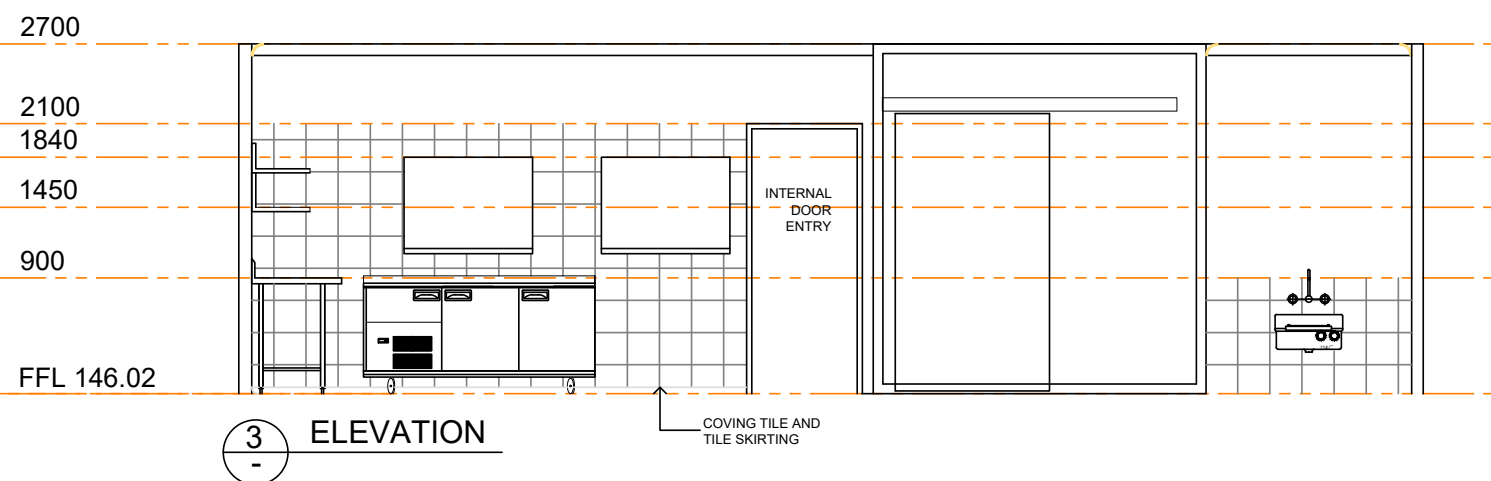
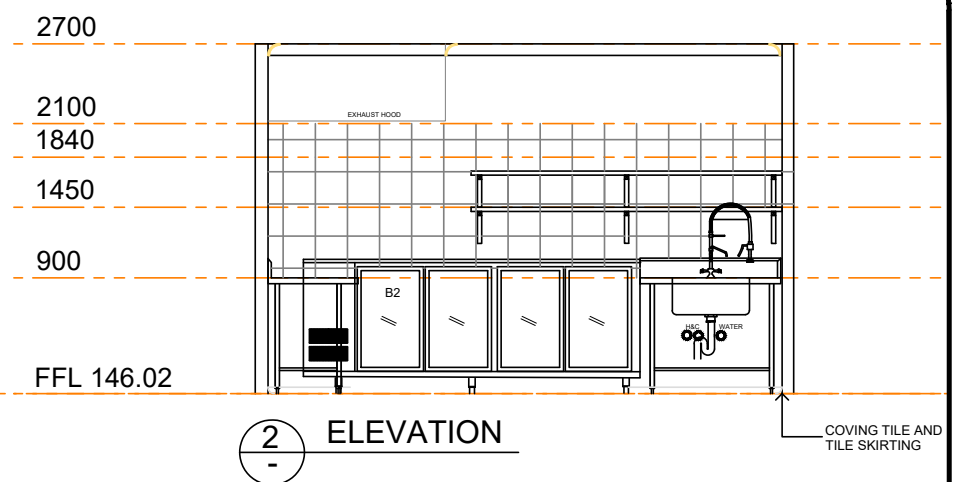
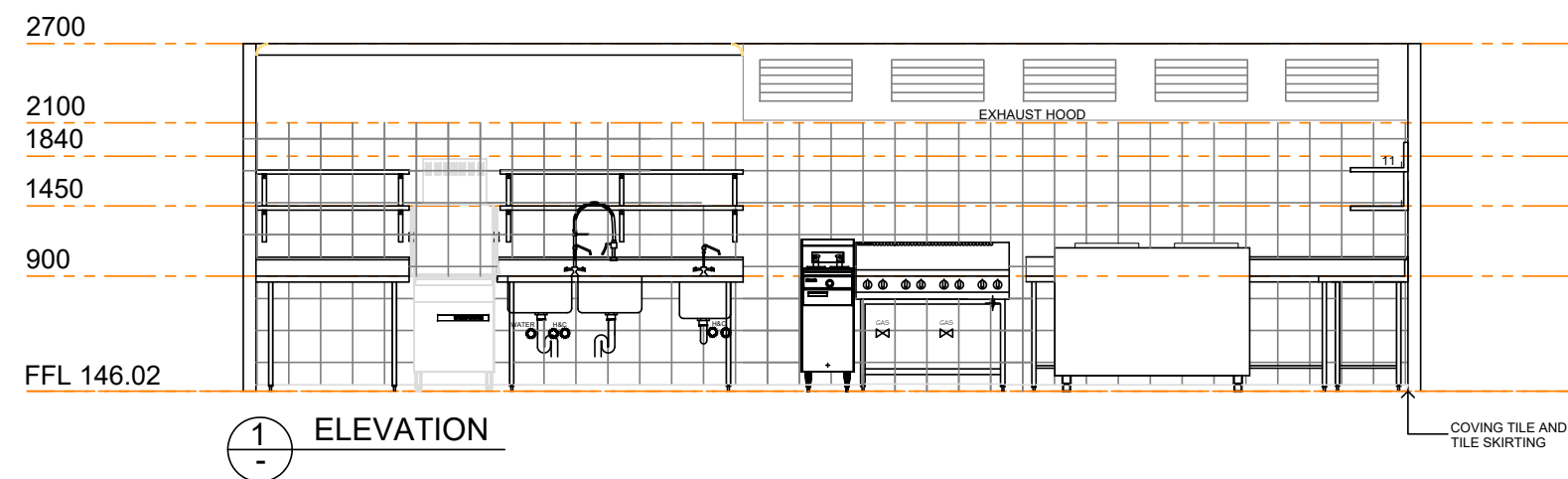
○ SOUTH - EAST ELEVATION (REAR)  
1:100 @ A3



○ SECTION A - A  
1:100 @ A3

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Project	33 310	Sheet	DA06																			
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ISSUED FOR  
DEVELOPMENT  
APPLICATION

0	C.D.C.	AUG 2020
No.	Revision/Issue	Date

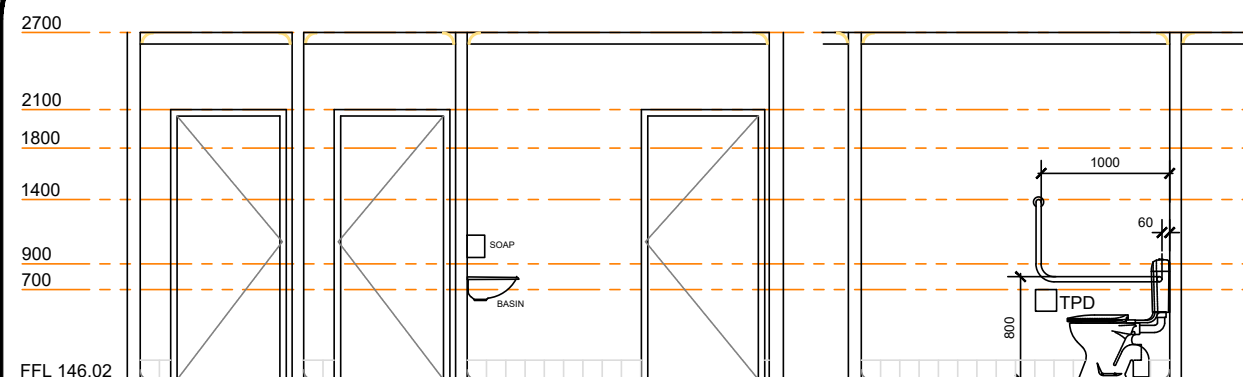
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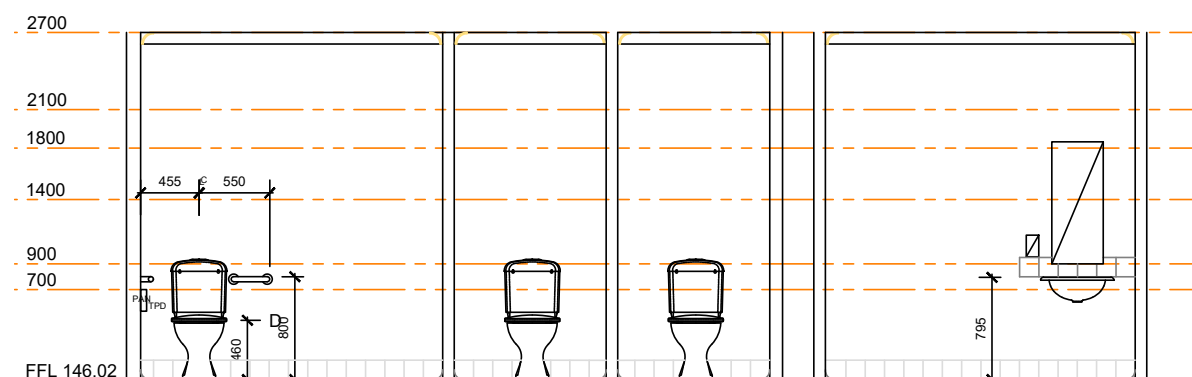
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4 ELEVATION

5 ELEVATION



6 ELEVATION

7 ELEVATION

ISSUED FOR  
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No.	Revision/Issue	Date

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# STATEMENT OF ENVIRONMENTAL EFFECTS

Commercial – change of use from dwelling house  
to restaurant



43 Maitland Street,  
Muswellbrook NSW  
2333

**Subject**

Statement of Environmental Effects

**In respect of**

Commercial – change of use from dwelling house to restaurant

**Property**

43 Maitland Street, Muswellbrook NSW 2333

**Prepared for**

Anthony Joseph

**Prepared by**

**JPC Planning**

Towradgi NSW 2518

**Contact**

**James Chappell**

BUrbRegPlan (UNE)

Principal Town Planner

**Dated**

April 2022

**Document Status Approved for Issue**

Version: 1

Author: James Chappell

Date: 04/04/2022

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<b>Proposal</b>	Commercial - change of use from dwelling house to restaurant
<b>Property</b>	43 Maitland Street, Muswellbrook NSW 2333

## 1 APPLICATION OVERVIEW

### 1 EXECUTIVE SUMMARY

#### Proposal

The proposal is for the change of use from a dwelling house to a restaurant, involving fit out and construction works.

#### Permissibility

The proposed commercial premises is a permissible use in the R1 General Residential/B2 Local Centre zone. The proposed premises is located on the B2 zoned portion of the site.

#### Notification and submissions

The application will require notification in accordance with the Muswellbrook Community Participation Plan.

#### Planning controls and compliance

The following planning controls apply to the proposal:

##### State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land

##### Local Environmental Planning Policies:

- Muswellbrook Local Environmental Plan (MLEP) 2009

##### Development Control Plans:

- Muswellbrook Development Control Plan 2009

##### Other policies

- Muswellbrook Development Contributions Plan

The proposal is satisfactory with regard to the applicable planning controls as discussed in the body of this report.

#### Likely impacts

There are not expected to be adverse environmental impacts on either the natural or built environments or any adverse social or economic impacts in the locality.

#### Main issues

- Parking and traffic impacts – refer to parking and traffic report submitted in support of the application submission in this regard.
- Acoustic impacts – refer to acoustic report submitted in support of the application submission in this regard.

#### Recommendation

It is recommended that the application be conditionally approved.

### 1.1 DETAILED DESCRIPTION OF PROPOSAL

The proposal comprises the following:

##### Use

- Commercial premises – restaurant.
- Staff numbers – rotating roster dependent on shift.
- Operating hours – Lunch (11:00 to 14:30), Dinner (17:00 to 22:00).



- 7 days a week operation.

#### Site preparation

- Demolition – refer to demolition plan.
- Tree removal – none proposed or required.
- Earthworks – associated with new hardstand carparking spaces.
- Remediation – none proposed or required.

#### Works / Construction / building details

- Internal mods to dwelling house to create restaurant.
- Small bar area – intention is to lodge an on-premises liquor licence application with ILGA at a later date.
- Waiting areas.
- Dining space.
- Separate commercial kitchen.
- Accessible amenities provided.
- Ramp access to the rear.

#### Traffic, parking and servicing

- Parking spaces – 7 spaces in total – 5 customer spaces and 2 staff spaces in stacked arrangement. Includes one disabled space.
- Deliveries restricted to 4 per week. 2 each on Tuesdays and Thursdays at 10:00 and 15:00.
- Access – via the existing crossover on Francis Street.
- Servicing – to be arranged via a private waste servicing provider.

## **1.1 BACKGROUND**

A formal pre-lodgement meeting was held for the proposal. An itemised response to the matters raised by Council is provided below:

**Traffic and Car Parking** – *The preliminary plans provided to Council indicated that a total of three (3) off-street car parking spaces would be provided for the proposed development. This would not comply with the requirements of Council's Development Control Plan (DCP) which requires off-street car parking to be provided for restaurants 7m<sup>2</sup> at a rate of 1 space per of gross floor area available for dining, based on the plans Council Officers have approximated the DCP floor area requirement for the proposal (as shown) to equate to fifteen (15) off-street parking spaces.*

*This issue of off-street car parking requires further consideration prior to moving forward with a development application for the site. Council Officers would be unlikely to support an application to change the use of the premises to a restaurant without further improvements to the rate of off-street parking proposed and additional informed reasoning to support any remaining parking shortfall through a Traffic Impact Assessment, prepared by a traffic Engineer.*

*It is also relevant to note that Maitland Road (New England Highway) adjacent the site is a Classified State Road and any alterations to the site access from the New England Highway may require referral to Transport for NSW.*

#### **Comment:**

Amended plans have been submitted under the final DA package detailing 7 car parking spaces for the premises. Our calculation of dining area (space available for dining tables and chairs) is 73m<sup>2</sup>. Requiring 10 spaces. The proposal therefore involves a shortfall of 3 spaces. Justification for the shortfall is included in the submitted traffic and car parking impact assessment report.

**Impact on adjoining residential locality** – *The subject site is located adjacent to a residential zone and residential dwellings. The potential impact of the proposed development on the amenity of neighbouring properties through noise, odour, light pollution and traffic, parking and access will be a*

*key consideration for Council Officers in any assessment of a development application for the site. The applicant should take steps wherever possible to address potential environmental impacts related to these issues as the progress the design of the proposed development. It will be necessary for the proposed plans and Statement of Environmental Effects to include suitable relevant information related to these issues to inform Council in its assessment of any development application.*

**Comment:**

Whilst this is considered a low-risk use, an acoustic report is being compiled with regard to potential noise impacts from the proposed change of use. The report has been commissioned and will be submitted as add info within a week or two. With regard to car parking impact, we refer assessment to our traffic engineers. We have submitted their report in this regard in support of the application submission. We consider the matter of odour to be of minimal concern for a restaurant, able to be dealt with via conditions of consent.

**Noise Impacts** – *of the potential neighbour impacts potential adverse noise impacts would be of particular interest to Council Officers when assessing an application for the site. To inform the assessment of this issue a Noise Impact Assessment should be prepared by a suitably qualified Acoustic Engineer in relation to the proposed development. The applicant should also have regard to this issue when selecting proposed operating hours which should be detailed in the application and Statement of Environmental Effects.*

**Comment:**

Whilst this is considered a low-risk use, an acoustic report is being compiled with regard to potential noise impacts from the proposed change of use. The report has been commissioned and will be submitted as add info within a week or two. The premises will be shut by 10pm at the latest and is not anticipated to create any unreasonable impacts in this regard.

**Stormwater management plan** – *Stormwater management for car park hardstand areas will need to be considered as design plans are progressed. A stormwater management plan may need to be prepared in relation to the proposed development as the plans are progressed and where additional alterations to the building footprint on-site are proposed. When designing the stormwater system for the site consideration should be given to Council's DCP requirements, opportunities for on-site stormwater detention and the improvement of stormwater quality through Stormwater Quality Improvement Devices.*

**Comment:**

The proposed design should require minimal amendment to the existing stormwater drainage system for the land. We consider that Council could look to condition the consent in this regard prior to CC if they would like further details on stormwater disposal. Stormwater disposal will remain via a kerb and gutter outlet. Additional net hardstand area on-site is minimal and on-site stormwater detention is unlikely warranted in this instance.

**Building Code & Fire Safety** – *When considering any development application for a change of use Council Building Inspectors are required to consider any fire safety and Building Code requirements needed to support the new proposed use. It is recommended that you have regard to relevant Building Code and design considerations as the plans are progressed.*

**Comment:**

All proposed works will be in accordance with the BCA. Where walls are required to be fire rated, this will be undertaken to the appointed certifiers satisfaction. Conditions of consent can be imposed in this regard to ensure compliance.

**Access to Premises Standard** – *it will be necessary for all 'affected parts' of the proposed development to comply with the Disability (Access to Premises — Buildings) Standards 2010. These accessibility requirements including, paths of travel, amenities and accessible parking spaces should be considered as design plans are progressed.*

**Comment:**

Full and free access has been provided to the premises including amenities, accessible parking spaces and ramp access.

**Design for Food Safety** – *The development will be required to comply with the requirements of Food Act 2003, Food Regulation 2015 and Australian Standards relevant design construction and fit out of food premises (AS4674). The proponent should be mindful of the relevant food safety design*

requirements as the project is progressed. Where the development application is approved Council will likely require detailed design plans to be prepared demonstrating compliance with the relevant food safety requirements prior to the issue of a Construction Certificate.

**Comment:**

Comments are noted in this regard. Internal elevation plans have been provided detailing compliance with the standard.

**Water and Waste Headworks** – As the proposal involves a change of use from a residential dwelling to a restaurant, it is expected that the works will create additional loading on Council's Infrastructure and therefore headworks charges will need to be paid. These charges will be calculated by Council's Water and Waste Section once the development application is lodged and will need to be paid as a Condition of Consent should the application be approved.

**Comment:**

Comments are noted in this regard.

**Waste Management Plan** – A Waste Management Plan should be prepared and lodged with the development application. Any waste management plan should consider the anticipated waste output of the development during the construction phase and operation and should detail how waste at the site is to be managed and disposed of at an appropriately licensed facility.

**Comment:**

A site waste minimisation and management plan has been compiled and submitted in support of the application submission.

**Sale of Alcohol/Police Referral** – the information accompanying the proposed development will need to indicate whether the proposed restaurant would involve the sale of alcohol. Where the proposed development involves the sale of alcohol the application would be referred to the NSW Police as part of its assessment and will likely require reporting to the elected Council for determination.

**Comment:**

The restaurant owner's plan to apply for an on-premises liquor licence at some point in the future. Council will have the opportunity to comment/object to the proposal in this regard during the community notification process under the liquor licence application.

**Signage, landscaping and Outdoor Lighting** – the plans and information accompanying any development application should include details of any signage, outdoor lighting and landscaping proposed as part of the development application.

**Comment:**

Proposed landscaped areas are depicted on the submitted site plan. No signage is proposed under the application submission. All signage will be installed in accordance with the Exempt Development SEPP. If additional signage is proposed in the future, this will be subject to a separate development application. Low impact security lighting will be utilised in the car parking areas. Conditions of consent can be imposed in this regard to limit any impact on adjoining properties. All lighting can be turned off at the close of premises each night.

**Proposed plans** – the development application is to be accompanied by suitable design plans. Plans submitted should include a site plan, details of existing buildings, proposed building alterations, the internal fit-out of buildings, details of parking provisions and any other information relevant to the operation of the premises.

**Comment:**

See attached architectural set.

**The Statement of Environmental Impacts** accompanying the development application should enable Council to fully consider all environmental impacts associated with the proposed development.

**Comment:**

Refer to details within this report.

## 1.2 SITE DESCRIPTION

The site is located at 43 Maitland Street, Muswellbrook NSW 2333 and the title reference is Lot 1 DP 379008.

The locality is characterised by a mix of different land uses, including both residential and commercial.



Figure 1: Aerial photograph



Figure 2: WLEP 2009 zoning map





**Figure 3: Site photograph**

### **1.3 CONSULTATION**

#### **1.3.1 INTERNAL CONSULTATION**

At Council's discretion

#### **1.3.2 EXTERNAL CONSULTATION**

None required

### **2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION**

---

#### **1.7 Application of Part 7 of Biodiversity Conservation Act 2016 and Part 7A of Fisheries Management Act 1994**

This Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 that relate to the operation of this Act in connection with the terrestrial and aquatic environment.

#### NSW BIODIVERSITY CONSERVATION ACT 2016

Section 1.7 of the Environmental Planning and Assessment Act 1979 (EP&A Act) provides that Act has effect subject to the provisions of Part 7 of the Biodiversity Conservation Act 2016 (BC Act).

Part 7 of the BC Act relates to Biodiversity assessment and approvals under the EP&A Act where it contains additional requirements with respect to assessments, consents and approvals under this Act.

Clause 7.2 of the Biodiversity Conservation Regulation 2017 provides the minimum lot size and area threshold criteria for when the clearing of native vegetation triggers entry of a proposed development into the NSW Biodiversity offsets scheme. For the subject site, entry into the offset scheme would be triggered by clearing of an area greater than 0.25 hectares based upon the minimum lot size of the WLEP 2009 R2 zoned land (i.e. less than 1 hectare minimum lot size).

No significant native vegetation is proposed to be cleared for the development. Therefore, the proposal does not trigger the requirement for a biodiversity offset scheme.

## **2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT**

### **2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

#### **7 Contamination and remediation to be considered in determining development application**

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

*(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*

*(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

*(4) The land concerned is:*

*(a) land that is within an investigation area,*

*(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*

*(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*

*(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*

*(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

**Comment:** A desktop audit of previous land uses does not indicate any historic use that would contribute to the contamination of the site. There are no major earthworks proposed and the proposal does not comprise a change of use. No concerns are raised in regard to contamination as relates to the intended use of the land and the requirements of clause 7.

### **2.1.2 MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN 2009**

#### **Part 2 Permitted or prohibited development**

##### Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned R1 General Residential/B2 Local Centre. The assessment has been undertaken in accordance with the requirements for development in the B2 zone, as the proposed premises is located wholly within this portion of the site.

##### Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

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

- To maximise public transport patronage and encourage walking and cycling.
- To maintain the status and encourage the future growth of the Muswellbrook established business centre as a retail, service, commercial and administrative centre while maintaining the centre's compact form.
- To enable a wide range of land uses that are associated with, ancillary to, or supportive of the retail and service functions of a business centre.
- To maintain the heritage character and value and streetscape of the business centre of Muswellbrook.
- To support business development by way of the provisions of parking and other civic facilities.

The proposal is satisfactory with regard to the above objectives. The proposal will add to the range of business/entertainment uses within the area, whilst providing employment opportunities to the local community in an accessible location.

The land use table permits the following uses in the zone.

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

The proposal is categorised as a commercial premises as defined below and is permissible in the zone with development consent.

#### Clause 1.4 Definitions

**Commercial premises** means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

**Business premises** means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis,

*and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

#### Clause 2.7 Demolition requires development consent

The proposal involves minor demolition of internal and external building elements. Conditions of consent can be imposed to ensure demolition is undertaken in accordance with the relevant Australian Standards.

### **Part 4 Principal development standards**

#### Clause 4.3 Height of buildings

The proposal does not alter the existing building height.

#### Clause 4.4 Floor space ratio

The proposal does not comprise any additional gross floor area.



## **Part 5 Miscellaneous provisions**

None applicable.

## **Part 6 Urban release areas**

Not applicable.

## **Part 7 Additional local provisions**

### Clause 7.6 Earthworks

(1) *The objectives of this clause are as follows—*

(a) *to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,*

(b) *to allow earthworks of a minor nature without requiring separate development consent.*

(2) *Development consent is required for earthworks unless—*

(a) *the work is exempt development under this Plan or another applicable environmental planning instrument, or*

(b) *the work is ancillary to other development for which development consent has been given.*

(3) *Before granting development consent for earthworks, the consent authority must consider the following matters—*

(a) *the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,*

(b) *the effect of the proposed development on the likely future use or redevelopment of the land,*

(c) *the quality of the fill or of the soil to be excavated, or both,*

(d) *the effect of the proposed development on the existing and likely amenity of adjoining properties,*

(e) *the source of any fill material or the destination of any excavated material,*

(f) *the likelihood of disturbing relics,*

(g) *the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.*

#### **Comment:**

The proposed earthworks are minor, relating to the construction of additional hardstand car parking spaces. There are no impacts anticipated in this regard.

## **2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT**

None applicable.

## **2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN**

### **2.3.1 MUSWELLBROOK DEVELOPMENT CONTROL PLAN 2009**

#### **SECTION 9 – LOCAL CENTRE DEVELOPMENT**

##### **BUILT FORM**

##### Building Design

(i) The design of new buildings should reflect and enhance the existing character of local centres. (Refer to section 15 of this DCP for further guidance on development in the Bridge Street area)

**Comment:** The exterior of the existing dwelling will remain much the same as existing, with only a small addition on the western elevation to match existing.

(ii) Building design should relate to its retail/commercial/office function.

**Comment:** The external building design is as existing.

(iii) Building materials should be of high quality and harmonise with surrounding development. The use of reflective materials is discouraged. Materials and colours should not dominate the streetscape.

**Comment:** The proposed materials of construction will not dominate the streetscape and are not highly reflective.

(iv) Awnings should be designed to integrate with the architecture of the building façade and provide for continuous shelter for pedestrians. Awnings should follow consistent heights above the footpath with a minimum height to the underside of the awning of 3.2 metres

**Comment:** Not applicable.

(v) Building facades should relate to the context of buildings in the area to achieve continuity and harmony. The continuity of commercial frontages should not be broken by parking areas, service and delivery areas etc.

**Comment:** Maintenance of the existing building façade will maintain the same interface between both public and private spaces.

(vi) Buildings should provide for 'activated street frontages' by incorporating active uses at street level including cafes and other retail activities.

**Comment:** Not applicable.

(vii) Blank building facades to streets or public places are to be avoided.

**Comment:** Not applicable.

(viii) The placement of windows should provide visual interest and variation to the building façade and relate to those of adjacent buildings.

**Comment:** Not applicable.

(ix) Building designs should allow for passive surveillance of public places and streets.

**Comment:** The design allows for passive surveillance of public spaces and the street.

(x) Building entrances should be well defined and well lit.

**Comment:** Each entrance will be well lit.

(xi) New residential development shall be located above street level.

**Comment:** Not applicable.

(xii) Incorporate areas for future signage into the building design.

**Comment:** Future signage will be subject to a separate development application where required above that permitted without consent under the Exempt and Complying SEPP.

(xiii) Shop top housing and serviced apartment development complies with relevant provisions within the Residential Flat Design Code published by the Department of Planning.

**Comment:** Not applicable.

#### Building Height

(i) Building heights comply with the building height limits prescribed by Muswellbrook LEP 2009.

**Comment:** Complies.

(ii) The height of buildings should be consistent with the character of the area, and include roof parapets where that is a characteristic in the surrounding streetscape.

**Comment:** As existing.

(iii) The height of buildings should not result in unreasonable overshadowing or compromise the privacy of adjoining properties.

**Comment:** As existing. No additional overshadowing proposed.

#### Setbacks

(i) The front of buildings should be aligned to provide a continuous street frontage.

**Comment:** As existing.

(ii) In some cases, front setbacks should allow for street landscaping and footpath widening where necessary.

**Comment:** Not applicable.

(iii) New development should respect the setbacks of other buildings along the streetscape.

**Comment:** As existing.

(iv) Separation fencing is provided between development land and any rail corridor.

**Comment:** Not applicable.

(v) Development adjacent to rail corridors identified in clause 31 of the LEP will require an acoustic report to be submitted to Council to address and indicate measures to mitigate potential impacts from noise and vibration.

**Comment:** Not applicable.

#### Accessibility

(i) New buildings or buildings undergoing alterations and additions or a change of use are required to provide equitable provision of access to and circulation within the premises for people with disabilities in accordance with the provisions of AS 1428.1.

**Comment:** Access and circulation has been provided within the premises in accordance with the AS.

(ii) Continuous accessible paths of travel shall be provided:

- from parking spaces, public streets and walkways to building entrance(s);
- between buildings, facilities and spaces that are on the same site;
- to connect the building entrance(s) with all spaces and facilities within the building; and
- to minimise travel distance between each accessible element of the building and of facilities within it.

**Comment:** Complies.

(iii) For the purposes of subsection 9.1.4(ii), access shall be provided to and within all the areas or facilities of the building where there is a reasonable expectation of access by any owner, occupier, employee, or visitor. It does not include any area if access would be inappropriate because of the particular purpose for which the area is used.

**Comment:** Complies.

(iv) Council may vary these provisions if compliance will cause major difficulties or unjustifiable hardship to a person or organisation. Each claim for unjustifiable hardship is determined on a case by case basis taking into account the following:

- Whether there is a benefit or a detriment to any person concerned;
- How it affects the disability of the person concerned; and
- The financial cost.

And considering the following circumstances:

- technical limits;
- topographical restrictions;
- safety, design and construction issues; and
- does not rely on the 'public domain' to solve access issues within the site.

**Comment:** Not applicable.

#### Landscaping

(i) Where appropriate, landscaping should be incorporated into building design to enhance the character of the streetscape and the amenity of buildings and public places.

**Comment:** Landscape beds have been detailed on the submitted site plan.

(ii) Landscaping should reflect the size and height of buildings and should be consistent with the character of the area.

**Comment:** Refer to submitted plans.

(iii) Landscaping should be used to soften the impact of hard surfaces where necessary.

**Comment:** Not applicable.

(iv) Where landscaping is proposed to be incorporated into a new development, a landscape plan detailing hard and soft landscaping works should be submitted with the development application.

**Comment:** Refer to submitted site plan.

#### Car Parking

(i) Car parking and loading facilities is to be provided in accordance with the parking rates prescribed by Section 17 – Car Parking.

**Comment:** The proposal provides 7 on-site car parking spaces, a shortfall of 3 spaces. Please refer to submitted traffic and car parking report for detailed justification in this regard.

(ii) The provision of parking spaces for people with disabilities is to be in accordance with AS 1428.1.

**Comment:** An accessible parking space has been provided.

(iii) All vehicles should be able to enter and exit a site in a forward direction.

**Comment:** All vehicles can enter and exit the site in a forward direction.

(iv) Car parking should be screened from residential areas.

**Comment:** The parking does not require screening in this instance.

(v) Vehicular access to properties fronting the New England Highway should be from laneways or shared driveways.

**Comment:** Not applicable.

(vi) Parking areas shall be sealed in accordance with Section 16.4.6 Construction Materials.

**Comment:** Noted.

#### Outdoor Eating Areas

Not applicable.

#### Signage and Advertising

None proposed under this DA.

### **SECTION 16 – CAR PARKING AND ACCESS**

Refer to submitted traffic and car parking assessment report.

#### **2.4 SECTION 4.15(1)(A) (IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4**

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

#### **2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)**

92 What additional matters must a consent authority take into consideration in determining a development application?

Conditions of consent are recommended with regard to demolition.

93 Fire safety and other considerations

Conditions of consent can be recommended to ensure the new use complies with the fire safety regs contained within the NCC.

94 Consent authority may require buildings to be upgraded

Conditions of consent can be recommended to ensure the new use and construction works comply with the fire safety regs contained within the NCC.

**2.6 SECTION 4.15(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT**

REPEALED

**2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT**

There are not expected to be adverse environmental impacts on either the natural or built environments. There are also not expected to be any adverse social or economic impacts in the locality.

**2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT**

Does the proposal fit in the locality?

The proposal is considered appropriate with regard to the zoning of the site and is not expected to have any negative impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the proposal.

**2.9 SECTION 4.15(1)(E) THE PUBLIC INTEREST**

The application is not expected to have any unreasonable impacts on the environment or the amenity of the locality. It is considered appropriate with consideration to the zoning and the character of the area and is therefore considered to be in the public interest.

**3 RECOMMENDATION**

---

Council's development consent is sought for change of use from a dwelling house to a restaurant.

The assessment provided above details the proposals lack of environmental impact on both the natural and built environment.

The proposal has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Muswellbrook Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposal involves no unreasonable variation to Council's DCP or LEP. It is concluded that the development proposal is satisfactory and warrants development consent, having regard to the following matters:

- The proposed development is permitted in the B2 Local Centre zone under Muswellbrook Local Environmental Plan 2009 and is consistent with the objectives for that zone. The proposal is consistent with the relevant development standards.
- The proposed development satisfies the objectives of relevant controls within Muswellbrook Development Control Plan 2009.
- It is considered there are no matters that warrant refusal of the proposal on grounds of it being contrary to the public interest.

It is therefore recommended that the development application be approved subject to appropriate conditions of consent.

**Issue of this letter is authorised by**

**James Chappell**

Town planner

JPC Planning

[www.jpcplanning.com.au](http://www.jpcplanning.com.au)

29 March 2022

P2361 IG Maitland St Muswellbrook

ICE Group  
98 Auburn Street  
Wollongong NSW 2500

**Attn: Mr David Zagby**

Dear David,

**Proposed new restaurant, 43 Maitland Street, Muswellbrook NSW**

### **Traffic, Parking and Access Assessment**

Further to your correspondence, we have reviewed the plans for the proposed project to convert an existing residential building to a restaurant located on the corner of Maitland Street and Francis Street in Muswellbrook and provide the following assessment with regards to traffic and parking impacts. Seca Solution has undertaken a review of traffic, access and parking demands and has completed a site visit to document the existing situation as it relates to the site.

This assessment has been completed with reference to the following:

- Muswellbrook Shire Council Development Control Plan 2009
- Austroads Guide to Road Design, Part 4A
- AS2890 Off Street Parking

Muswellbrook Shire Council is the road authority for this project. As the site is located with frontage to Maitland Street, that forms part of the New England Highway, any alterations to the site access connection fronting this road will require referral to TfNSW for review and concurrence. Maitland Street forms part of the classified road network in this location and is classified as MR9 (New England Highway).

The location of the site is shown below in Figure 1.

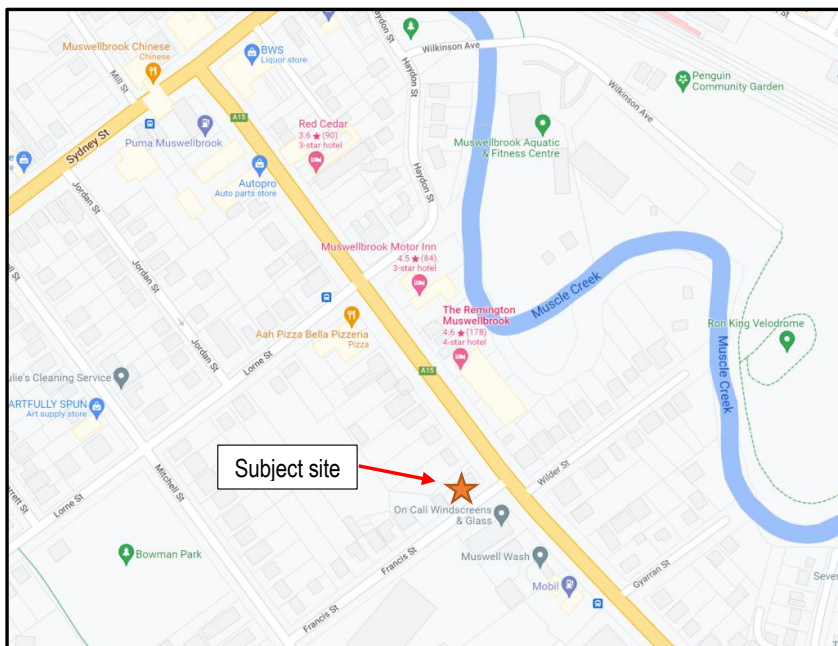


Figure 1 – site location

### Road Hierarchy

The site is located at 43 Maitland Street, Muswellbrook with frontage to both Maitland Street and Francis Street. Maitland Street in this location forms part of the State Road network, being the New England Highway. It provides two lanes of travel in both directions in the locality of the subject site with a marked kerb side lane for parking also provided in both directions. It operates under the posted speed limit of 50 km/h, with a school zone operating to the east of the site with the associated 40 km/h speed zone during the morning drop off and afternoon pick up periods. There are footpaths provided to both sides of the road as well as street lighting. There are no dedicated cycling facilities with cyclists able to ride in the marked parking lanes or able to use the local roads to avoid this section of the road network.

Francis Street is a local residential street providing direct access to existing residential lots on this road as well as connections to the other residential streets in this location. It provides a single lane of travel in both directions and its width permits kerb side parking to both sides whilst catering for the two way through traffic movements. No footpaths are provided along its length and there is limited street lighting. It operates under the posted speed limit of 50 km/h. Opposite the subject site there is a Catholic Care office facility and adjacent to this is a large electrical substation that fronts the majority of the length of Francis Street between Maitland Street and Mitchell Street.

### Traffic Flows

Traffic flows along Maitland Street (New England Highway) are reasonably high, reflective of both the local traffic demands as well as state and regional traffic movements. Traffic data provided by TfNSW web page would indicate that the daily traffic demands exceed 9,000 vehicles per day two-way. Traffic demands on Francis Street are much lower, reflective of local demands only and it does not provide an attractive through route for local traffic. Daily traffic demands on this road would be less than 1,000 vehicles per day.



### Road upgrades

There are no road upgrades proposed in the immediate locality of the subject site. It is noted that the intersection to the north of this site, being Maitland Street and Lorne Street, has been upgraded with traffic signals and allows for all turning movements and allows for pedestrian crossings on the 4 legs.

The major road upgrade in Muswellbrook is the construction of the Muswellbrook Bypass, which will see the through regional and state traffic movements diverted around Muswellbrook. This will significantly reduce the traffic flows adjacent to the subject site and remove a large number of heavy vehicles.

### Accident Data and Road Safety

A review of crash data (Transport for NSW Centre for Road Safety) indicates there have been no accidents recorded at the intersection of Maitland Street and Francis Street nor in the vicinity of the subject site in the past five years.

This length of road is well laid out with good forward visibility for road users.

### Parking Supply

On street parking is permitted along the majority of the length of Maitland Street as well as on Francis Street. This parking is not time limited and is typically used by local residents, with no commercial users in the immediate locality of the subject site.

On the southern side of Francis Street there is office space with an area of dedicated off street parking. Adjacent to this is a large electric substation with access to Francis Street that also provides for parking for staff / maintenance vehicles on site. It is considered that neither of these sites will generate much demand for on-street parking in this location.

### Site Access

Existing vehicle access to the subject site is provided on Francis Street only via a simple driveway cross over.

### Proposed Development

The proposed development allows for modifications to the existing dwelling to provide a new restaurant. The restaurant provides 73 m<sup>2</sup> of dining area and provides for table seating, as well as a waiting area and a small bar area for the patrons use only. This bar area is ancillary to the restaurant and is not available for people except those attending the restaurant. On site parking is provided to the rear of the site furthest from Maitland Street and a single driveway access to the site is provided off Francis Street. No vehicle access will be provided to Maitland Street.

The parking on site includes a single accessible parking space with associated clear space as per AS2890.6 and allows for bicycle and motorbike parking in accordance with the Council DCP requirements.

Servicing requirements for waste collection will be via a private contractor and will allow for the waste collection trucks to stand on Francis Street. General servicing for food and drink will typically be via a small van such as a Toyota Hi-Ace and these vehicles can park within the site in the parking spaces outside. These deliveries will be managed to occur prior to the busy periods for the restaurant when the on-site parking is available for these service requirements.

### Parking Assessment

The minutes from the pre DA meeting held with Council state that Council requires off-street car parking to be provided for restaurants at a rate of 1 space per 7m<sup>2</sup> of gross floor area available for dining. The DA plans show that the area available for dining is 73 m<sup>2</sup>, inclusive of the waiting area and bar area.

On this basis it can be seen that the proposed restaurant requires 10 or 11 parking spaces.

The plans for the project provides the following on-site parking provision:

- 2 staff parking spaces, in a stacked arrangement fronting Francis Street
- 4 patron parking spaces
- 1 accessible patron parking space

This gives a total of 7 parking spaces on site with all access via the driveway on Francis Street.

Whilst the on-site parking provision shows a shortfall of 4 parking spaces, parking is available on-street in the immediate locality of the subject site. On the site frontage to Francis Street, the kerb space available would allow for 3 cars to park. Opposite the subject site on Francis Street, there is over 150 metres of kerb space available for parking. This kerb space fronts the office use on the corner of Francis Street and Maitland Street and the majority of this kerb space fronts the electric sub station site. The office space opposite the subject site provides on site parking and the electric substation site also allows for on-site parking, with both of these typically not requiring on-street parking.

Of more importance, the parking demand for these two sites would be during the day for normal work hours 9 AM to 5 PM and would create little if any parking demand in the evening when the proposed restaurant would generate peak demands. Therefore on-street parking demands associated with the project can park on Francis Street and not have any impact for any residential demands.

It is also noted that parking is permitted on Maitland Street adjacent to the property in a marked parking lane. The site frontage would allow for 2 cars to park here without impacting any adjacent property on-street parking requirement.

### Traffic and Access Assessment

The RTA Guide to Traffic Generating Developments (2002) provides traffic generation rates for restaurants on the basis of 5 trips per 100m<sup>2</sup> in the evening peak. Allowing for the GFA of 73 m<sup>2</sup>, the proposal shall generate less than 5 trips per hour in the evening when the restaurant is busy.

The impact of 5 additional traffic movements in this location per hour would have a minimal impact on the operation of the local road network. Traffic from the north or south will typically travel along Maitland Street then turn into Francis Street to access the parking, with other traffic able to use the local street network to the west of the site and thus not impacting on Maitland Street.

These additional traffic movements shall have a minor impact upon Francis Street and the overall traffic flows on this road will remain low and well within the environmental limits provided by the RTA Guide to Traffic Generating Developments. Table 4.6 from this guide indicates that for a local residential street the environmental goal is 200 vehicles per hour with a maximum of 300 vehicles per hour. With the existing low demands on Francis Street, together with the flows generated by the proposal the overall traffic flows would remain at less than 100 vehicles per hour on this road.

Daily traffic flows provided by this guide indicates a rate of 60 trips per day per 100 m<sup>2</sup> GFA, giving a daily demand in the order of 44, with this equally split between 22 inbound and 22 outbound per day. These daily movements shall have a minor impact upon the local road network.

It is noted that the site is located adjacent to existing residential development and as such could appeal to these local residents who can walk to the site. These users would not generate any traffic movements nor need any parking spaces. The site is well located for pedestrian access via the footpaths on Maitland Street or via the local residential streets.

Access to the site shall be via a single driveway direct onto Francis Street. Francis Street in this location provides a straight alignment and has a width of 12 metres. The traffic entering and exiting the site via the driveway shall be able to do so in a single movement and given the very low traffic flows on Francis Street there will be negligible delays for this traffic turning into the site.

The area for the parking within the site shall allow a vehicle to be able to enter directly into a parking space and then manoeuvre within the site to then exit in a forward direction. There will be no requirement for a driver to reverse out of the site onto Francis Street.

For a driver exiting the site, the sight lines available shall allow for safe egress.

The intersection of Francis Street and Maitland Street is well laid out with straight approaches, allowing for good visibility for drivers approaching the intersection. For drivers approaching the site from the centre of Muswellbrook and turning right into Francis Street, the forward visibility allows them to modify their vehicle speed and turn right into the side road with minimal delays. Drivers travelling behind them can observe the vehicle wishing to turn right and slow down accordingly or move to the left hand lane to pass a vehicle propped waiting to turn right. At the peak operational demands for this restaurant, the traffic flows on Maitland Street are much lower and this right turn can occur in a safe manner.

## Conclusion

The proposed restaurant located on the corner of Francis Street and Maitland Street shall have a minor impact on the traffic demands and operation of the local road network in this location. Parking for the project allows for 7 spaces on site with the additional parking demands catered for on the site frontage to Francis Street and Maitland Street. The parking demands for the project, based on the DCP rate, is 11 spaces which requires 4 vehicles to park on-street in this location. These shall have a minor impact and will not create a lack of on-street parking for local residents in this location.

Access for the project shall be via the single driveway in Francis Street and allows for safe entry and exit movements. The internal layout allows vehicles to turn around within the site ensuring all vehicles can enter and exit the site in a forward direction.

From this assessment, the proposed restaurant should be approved on parking, traffic and access grounds.

Should you have any queries please feel free to contact me on 4032-7979;

Yours sincerely



**Sean Morgan**

**Director**



Photo 1 – View along Francis Street with subject site on left hand side of the photo, showing space for on-street parking



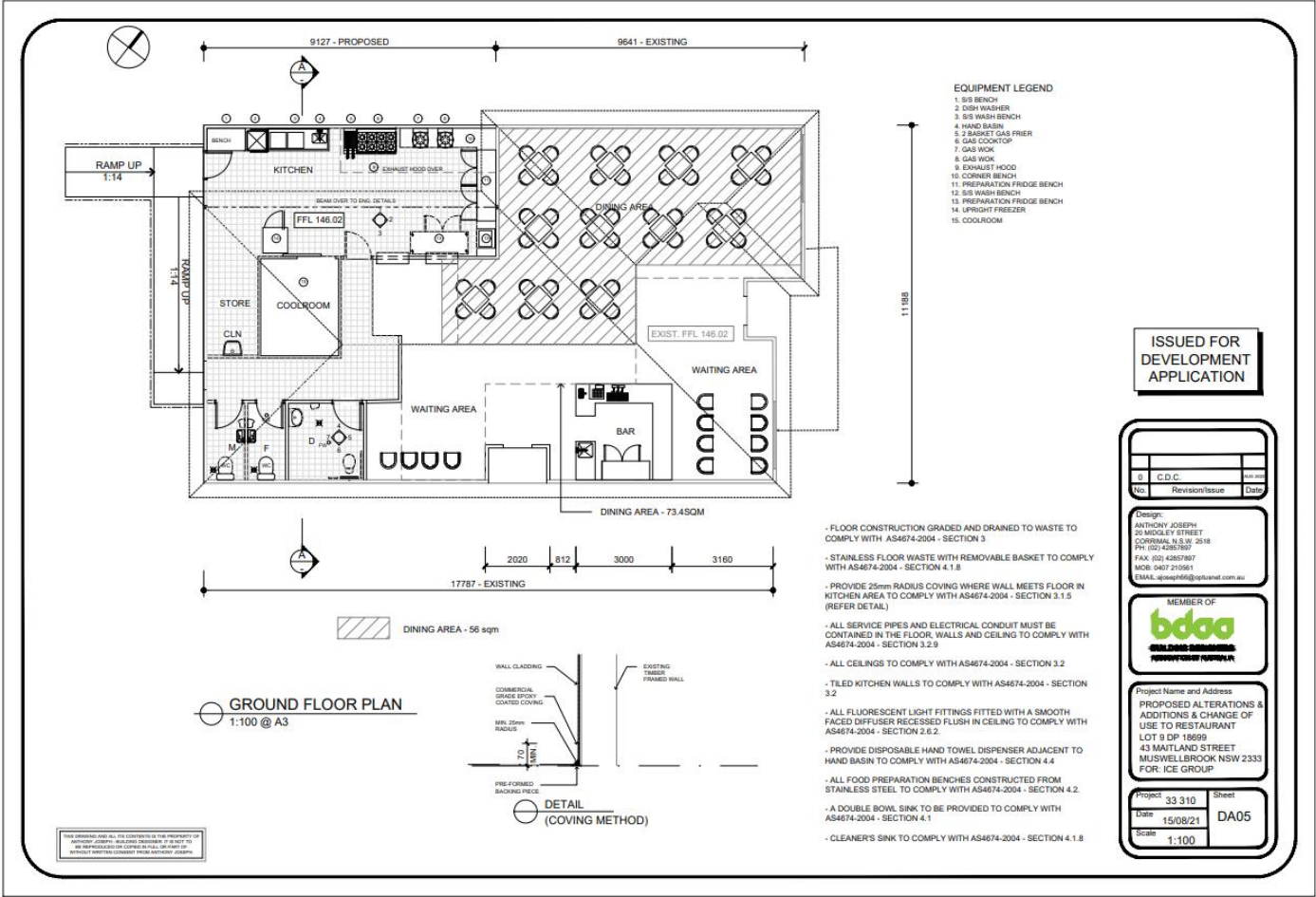
Photo 2 – View along Francis Street showing opportunity for on-street parking fronting the electric substation site





Photo 3 – View on site frontage to Maitland Street showing marked parking lane

Attachment A – Proposed Site Plan









Submission re: Da 2022/38

M.S.T. Jolly

Muswellbrook Shire Council

157 Maitland Street Muswellbrook N.S.W 2333

8/5/2022

The following is my Appraisal of adverse changes to my  
standard of living if this development takes place.

There is no Provision for customer parking on site,  
Consequently there would be traffic congestion along  
Francis ST.

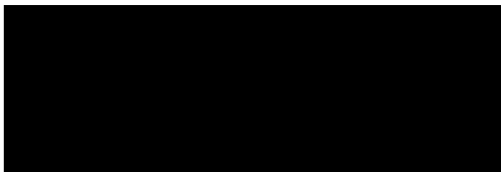
I see no details for managing rain water especially  
during heavy down pours.

Without the excess water from this proposed Development (DA 2021/32)

My property suffers a Maximum water run off to  
near flood levels during Extreme Weather events at  
Present.

I also wonder if I will be Adversely effected by

Light and Noise Pollution.



28-5-22

Dear Sir/Madam,

I would like to thank you for giving us the opportunity to view the proposed D.A. 2022/38 at 43 Maitland St Muswellbrook N.S.W. 2333. and 1 Francis St, Muswellbrook N.S.W. 2333. (Change of use from dwelling to restaurant and internal fitout.)

Firstly, it needs to be said, that due to the lack of information attached to the submission, sent to us, it is very difficult to make an informed decision.

There is no indication of the proposed number of patrons, they plan to be able to cater for, at the said premises, the hours of operation or if it will be a licenced restaurant, this will determine the size, scale and nature of many aspects of this development such as: Kitchen size, toilets needed, Parking requirements and size of rubbish disposal area necessary.

Obviously, there will need to be a commercial grade kitchen and cool room installed, however, the type, size and dimensions are not clearly shown on the plans. I feel there should be more transparency with this in the application, so as those people possibly affected by this D.A. can make a more informed decision on the impact this may have on us.

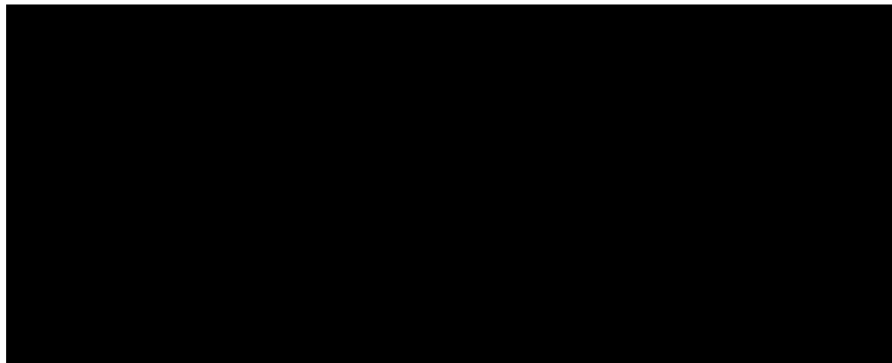
We, did not see anywhere on the D.A. the intention to update or add even one extra toilet, we feel this could become an issue for the many possible patrons and staff intended to utilise this development site in the future.

The D.A. that we received doesn't clearly show any provision for an allocated garbage bin storage area, and one would assume, they plan to entertain, a large number of guests, at their proposed restaurant, so therefore would need a larger garbage bin/space than a private resident would require, along with a management plan for the same as decomposing food waste can put out a foul odour, during the course of a week.

Then there is the issue of parking in this precinct, whilst the developer proposes, that two staff parking spaces on site I don't believe for one minute that there will only be two Staff required to run this restaurant, furthermore, the said staff parking is one behind the other so the first staff member to arrive needs to be the last staff member to leave as there is limited access at side of the building which does not appear wide enough to be able to accommodate this suggestion. The applicant also shows provision for five off street parking spaces, this in our opinion, is clearly not sufficient and with parking already limited on Maitland St due to no parking at all in front of the Remmington Motel. Then the development of the 7/11 service Station took out more street parking, leaving just a few parks in front of private residents, there are no parking spaces in Maitland St on the southern side of Francis St which means anyone wishing to use this proposed restaurant would be forced to park in Francis St, which concerns us greatly as this is where we live. The Catholic Care building on the corner of Maitland and Francis Streets has numerous offices within the building at times various meetings, which obviously brings with it, many visitors, that already park in Francis Street, also at school drop off and pick up times there are many parents of children that attend Muswellbrook South Public School, that, park in

Francis Street whilst they walk to take their children too, or collect their children from, the school due to the lack of parking in the general area. When contract truck drivers stay overnight at the Remmington Motel, they also park their trucks in Francis Street overnight, this is only adding to the congestion in the street we live in. If this proposal, goes ahead then, Francis Street, will be burdened by many more cars forced to park in this street. In 2016 Muswellbrook Council resealed Francis Street, and in the process, they made the street narrower by approximately 600mm, than it was originally and therefore making it impossible for there to be cars parked on both sides of the street, and have two lanes of traffic, flow easily through the street.

On the diagram, it shows two car parking spaces, where the building (1 Francis St) currently exists, and in accordance with the diagram the current building is only half of its, actual size, so I pose the question Is the building going to be demolished and a new smaller one built on the site, than a concrete car park, costructed to accommodate the two car parking spaces?



**9.1.2. DA 2022-5 Storage Premise**

- Attachments:**
1. DA 2022 5 Assessment [9.1.2.1 - 12 pages]
  2. DA 2022 05 Draft Conditions [9.1.2.2 - 12 pages]
  3. RFI No.2 - Revised Architectural Plans PA N-183169 (1) [9.1.2.3 - 8 pages]
  4. DA 2022-005 Storage Facility & Signage - objection [9.1.2.4 - 2 pages]

**Responsible Officer:** Derek Finnigan - Acting General Manager  
Sharon Pope - Director - Planning & Environment

**Author:** Alisa Evans – Development Planner

**Community Plan Issue:** 1 - Economic Prosperity

**Community Plan Goal:** Not Applicable

**Community Plan Strategy:** Not Applicable

Not applicable

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**APPLICATION DETAILS**

<b>Applicant:</b>	ELKN Pty Ltd
<b>Owner:</b>	Mr GO & Mrs KA Turner & Leslie Gunn Homes Pty Ltd
<b>Proposal:</b>	Storage Premise and Signage
<b>Location:</b>	Victoria Street Muswellbrook, Lot 2 DP 1006382
<b>Permissibility:</b>	The proposed development is permissible as Storage Premise within the B2Local Centre zone <a href="#">Definition from LEP Zone</a>

---

**PURPOSE**

This report has been prepared to inform Council on determining DA 2022-05 Storage Premise and Signage at Victoria Street Muswellbrook, Lot 2 DP 1006382.

The application was advertised in accordance with Council's Community Participation Plan and a submission was received within the period.

**OFFICER'S RECOMMENDATION**

Development Application No.2022-05, involving the establishment of a Storage Premise and Signage on Lot 2 DP 1006382 Victoria Street, Muswellbrook, be approved subject to the conditions of consent contained in Attachment B to the report.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_



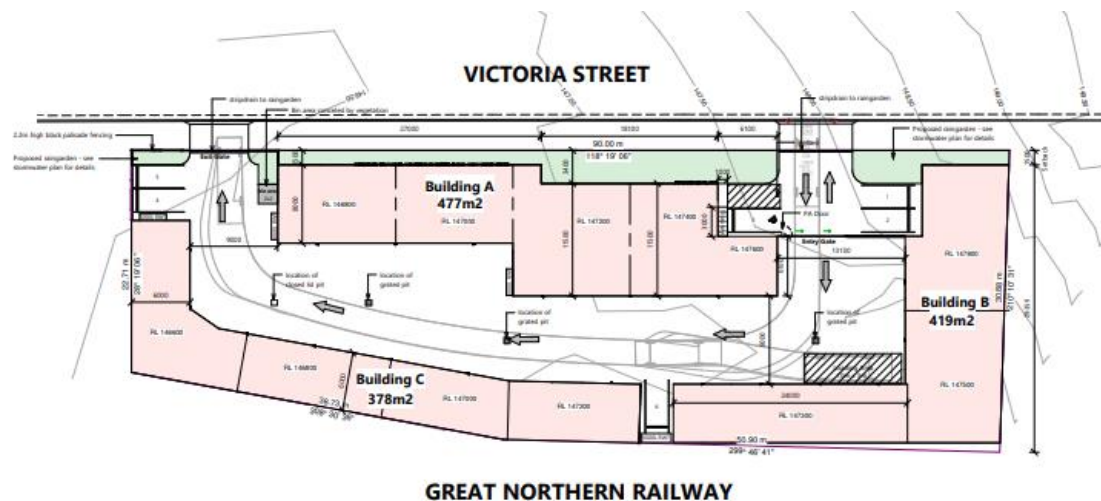
## DESCRIPTION OF THE PROPOSED DEVELOPMENT

DA 2022-05 was lodged 17 January 2022. The proposal seeks approval for a Storage Premise (self-storage) and signage at Victoria Street, Muswellbrook (Lot 2 DP 1006382).

The image below identifies the subject site.



A site plan from the development application has been included below showing the layout of the proposed development.



Allowable GFA for site = 1274m²  
Total GFA for site = 1274m²  
Total NLA for site = 1142m²

Site Plan - Proposed

The storage facility would include the following:

- Minor earthworks for the provision of the building slabs
- Five car parking spaces including one accessible parking space.
- Two vehicle crossovers onto Victoria Street.
- A one-way driveway through the site including provision for a medium rigid vehicle loading





and unloading area.

- Entrance and exit with automatic gates.
- Landscaping within the front setback area.

Three self-storage unit buildings include the following:

- Building A - 21 storage units - Office space (15m<sup>2</sup>) - An accessible toilet - Signage comprising two wall signs along the front façade.
- Building B - 18 storage units; and
- Building C - 28 storage units.

## ASSESSMENT SUMMARY

The proposal has been assessed against the relevant matters prescribed by s4.15 of the Environmental Planning and Assessment Act 1979. A copy of the Development Assessment Report is provided in Attachment A. Staff recommend that the application be approved subject to conditions.

A summary of the key assessment issues and findings are provided below:

- The land subject to this development application is zoned B2 Local Centre under the Muswellbrook Local Environmental Plan 2009. The proposed development is a type of development permissible with consent within this land use zoning.
- The proposed development complies with all other relevant provisions of the Muswellbrook LEP 2009 including building height and floor space ratio development standards.
- The proposed development has been considered against the provisions of the State Environmental Planning Policy (Resilience and Hazards) 2021 related to contamination and remediation under Part 3 Chapter 4 of this SEPP.

The proponent submitted a Preliminary Site Investigation Report. This report noted the previous railway related use of the site, and the demolition of buildings on the land, and concluded that further investigation was required to assess the presence or otherwise of contamination on the land.

While Council does not presently have conclusive information around the presence of any contamination on the site and the scope of any remediation requirements, Council Officers have put forward recommended conditions of consent to manage the issue and ensure that a comprehensive Contamination Assessment is carried out in relation to the site and complied with during the carrying out of the development. This is proposed to be managed via a deferred commencement condition and additional related conditions.

Council Officers consider it is acceptable to manage the contamination investigation and any remediation works in this manner, as:

- buildings demolished on the site were described as metal buildings while Council Officers are not aware of any fuel stores or other materials on the site that may cause the site to be subject to significant contamination requiring remediation;
  - the storage premises does not involve residential uses, so the remediation threshold, should contamination be identified, is unlikely to be as intensive as a residential or alternate commercial use; and
  - the development requires the site to be largely capped with concrete. Capping in this way is a common remediation action, and it would be possible to accommodate those works within the development design and completion.
- The site is located within the Muswellbrook Heritage Conservation Area and situated adjoining the rail corridor and within a short distance from a similarly designed bulky ARTC rail work depot. Noting the site's land use zone, the use of muted tones in the





building colour scheme, the rail corridor and nearby bulky development, the proposal is acceptable development for the site and unlikely to significantly impact on the significance of the wider heritage conservation area.

- The proposed development complies with the relevant provisions of the Muswellbrook Development Control Plan, including provisions related to development within the B2 zone and the provision of off-street parking.
- A Traffic Impact Assessment was submitted. This report concludes that the proposed development may be supported from the perspective of any traffic impact and that it would include suitable off-street parking and not impact Council's local road network.
- Council Engineers raised no objection to the proposed development and comments related to the final design and requirements for stormwater management and access have been incorporated into recommended conditions of consent.
- The application was referred to the ARTC. Their comments have been incorporated into recommended conditions of consent

### **COMMUNITY CONSULTATION**

The proposed development was publicly notified in accordance with the requirements of the Muswellbrook Community Participation Plan from the 27 January 2022 until 17 February 2022. One (1) submission was received in relation to the proposal.

The submission is attached for Council's information and the matters raised by the submission have been reviewed and commented on in the attached Section 4.15 Report. It is the view of Council Officers that the issues raised are not matters that would substantiate the refusal of the proposed development.

### **OPTIONS**

Council may:

- a) Grant development consent to the proposed application subject to the recommended conditions of consent;
- b) Grant development consent to the proposed development subject to alternate conditions of consent; or
- c) Refuse consent to the development application for the proposed development and nominate reasons for refusal.

### **LEGAL IMPLICATIONS**

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

### **CONCLUSION**

The application has been assessed by Council Officers in accordance with the relevant provisions of Section 4.15 of the Environmental Planning and Assessment Act 1979. Staff recommend that Council grants development consent to the proposed development subject to the conditions of consent recommended in Attachment B.

**Extended**  
**DEVELOPMENT ASSESSMENT REPORT**

**Attached:** Site Plan

**REPORT TO COUNCIL**

<b>ADDRESS:</b>	LOT 2 DP 1006382 Victoria Street MUSWELLBROOK
<b>APPLICATION No:</b>	2022/5
<b>PROPOSAL:</b>	Storage Facility & Signage
<b>OWNER:</b>	Mr G O & Mrs K A Turner & Leslie Gunn Homes P/L
<b>APPLICANT:</b>	Elkn Pty Ltd Currumbin Creek Road Currumbin Waters QLD 4233
<b>AUTHOR:</b>	Alisa Evans
<b>DATE LODGED:</b>	17/01/2022
<b>DATE OF REPORT:</b>	22/12/2022

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**1. RECOMMENDATION**

It is recommended that development consent be granted to DA 2022/5 subject to the recommended conditions of consent.

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## 2. SITE LOCALITY AND DESCRIPTION

The Site subject to this development application is LOT 2 DP 1006382 and known as Victoria Street MUSWELLBROOK.

**Figure 1.** – Site Aerial Image (Source: Spectrum)



Flood Prone Land	NO
Bushfire Prone Land	NO
Terrestrial Vegetation	NO
Heritage Conservation Item	NO
Heritage Conservation Zone	Yes
Contaminated Land	A preliminary investigation shows possible minor contamination. The applicant will be required to undertake sampling to identify the contamination and a remediation action plan.
Mine Subsidence	NO
Classified Road Frontage	NO
Council Infrastructure within Site	NO
Other (rail infrastructure adjoining)	YES

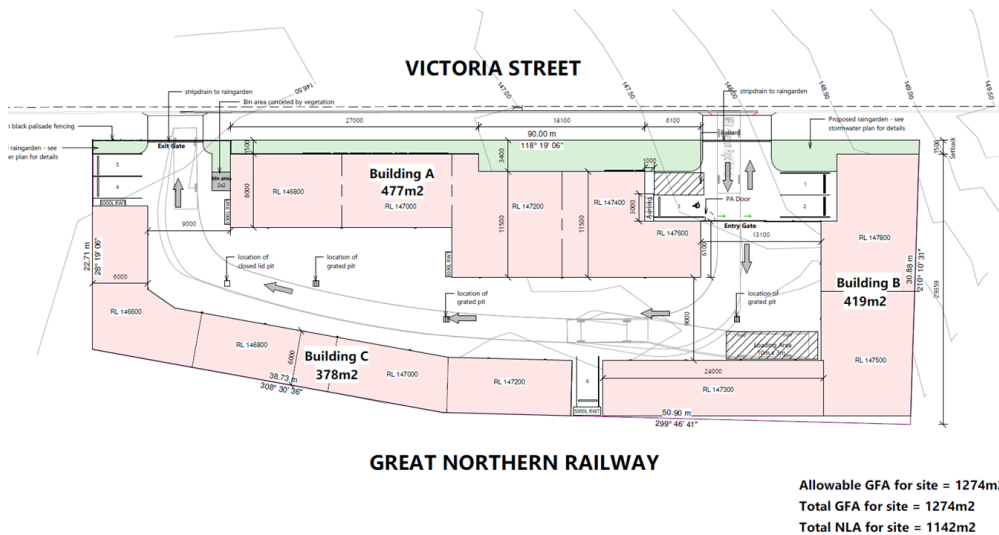
### 3. DESCRIPTION OF PROPOSAL

The proposal seeks development approval for Storage Facility & Signage.

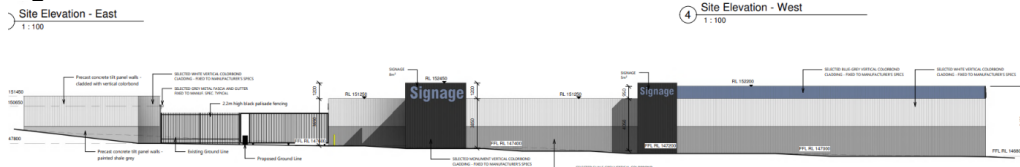
The proposal includes the following:

- Minor earthworks for the provision of the building slabs
- Five car parking spaces including one accessible parking space.
- Two vehicle crossovers onto Victoria Street.
- A one-way driveway through the site including provision for a medium rigid vehicle loading and unloading area.
- Entrance and exit with automatic gates.
- Landscaping within the front setback area.
- Three self-storage unit buildings including the following:
  - Building A - 21 storage units - Office space (15m<sup>2</sup>) - An accessible toilet - Signage comprising two wall signs along the front façade.
  - Building B - 18 storage units; and
  - Building C - 28 storage units.

**Figure 2. – Site Plan (Source: Applicant)**



**Figure 3. – Street elevation**



Notification Required	YES
Notification Dates	27/01/2022 to 17/02/2022
Number of Submissions	One (1)
Standard Local Development	YES
Regionally Significant Development	NO
Designated Development	NO

Integrated Development	NO
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#### 4. RELEVANT HISTORY

##### Previous Approvals

The land is vacant with no formal land use approvals. On occasion the land has been used as temporary storage for ARTC machinery.

#### 5. REFERRAL COMMENTS

<b>Internal Comments</b>	
CI – Roads and Drainage	Satisfactory: Yes
CI – Water and Waste	Satisfactory: Yes
Environmental Health Officer	Satisfactory: NA
Building Surveyor	Satisfactory: Yes
<b>External Comments</b>	
ARTC	Satisfactory: Yes

ARTC – advice and condition have been included in the consent. The matters detailed are in relation to stormwater, access/safety and lighting/reflective materials.

#### 6. ASSESSMENT - Section 4.15 Matters for Consideration

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

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

##### **A. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)**

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009 are:

##### **Part 2 Permitted or prohibited development**

Land use Zone	<b>B2 Local Centre</b>
Proposed Use	<b>Storage Premise and Signage</b>
Permissibility	<b>Permitted with Consent</b>
Zone Objective	<b>Complies with Objective</b>

##### **Zone B2 Local Centre**

##### **1 Objectives of zone**

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

## 2 Permitted without consent

Home occupations

## 3 Permitted with consent

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

## 4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3.

### Part 4 Principal Development Standards

Relevant Clause	Control	Proposed	Compliance
4.1 Minimum subdivision lot size	600m	NA	NA
4.3 Height of buildings	13m	6m	Yes
4.4 Floor space ratio	0.5:1  (GFA : site total area)	1274m <sup>2</sup> – development GFA 2548m <sup>2</sup> – site area  1274:2548 = 0.5:1	Yes
4.6 Exception to Development Standards			NA

### Part 5 Miscellaneous Provisions

Relevant Clause	Compliance
5.8 Conversion of fire alarms	Yes, BCA requirements
5.10 Heritage Conservation	Yes
5.21 Flood planning	NA

Clause 5.10 (4) applies to the application as the site is within the Muswellbrook Residential Heritage Conservation Area. The site is vacant with no contributing structures to the conservation area. The use proposed is commercial and design has been designed as a simple form with medium to dark tones. The has not previous use as having a residential use and the requirements to impose the characteristic to the site is not appropriate.

It is considered that the proposed works does not impact the heritage significance of the Muswellbrook Residential Heritage Conservation Area.



## Part 6 Urban Release Area

Not Applicable

## Part 7 Additional Local Provisions

Relevant Clause	Compliance
7.1 Terrestrial Biodiversity	NA
7.3 Rural Workers Dwelling	NA
7.4 Subdivision services	NA
7.5 Dwellings in Rural or Conservation Zones	NA
7.6 Earthworks	Yes, minor cut and fill will be undertaken to accommodate the building and grade the site to Victoria Street for stormwater management.

## B. State Environmental Planning Policies Relevant to Muswellbrook Shire

SEPP (Resilience and Hazards (2021) (SEPP 55 at lodgement)
<p>Satisfactory: Yes</p> <p>A preliminary investigation was undertaken and it was concluded that the site could potentially contain contamination due to unclear records and previous use as by railways.</p> <p>It is a low risk that the site would have significant contamination of the site and as such the applicant will be conditioned to do a detail contamination assessment (involving sample testing) in accordance with 'Consultants reporting on contaminated land Contaminated Land Guidelines'.</p> <p>If any contamination is found a remediation plan will be undertaken to ensure the site can be safely managed and is fit for purpose. Council records are not detail however no recorded use is highly likely to</p> <p>Overall the land use is not a sensitive use and it is low risk that any contamination will be significant. and the site will be capped with both the construction of buildings and hardstand area.</p>

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

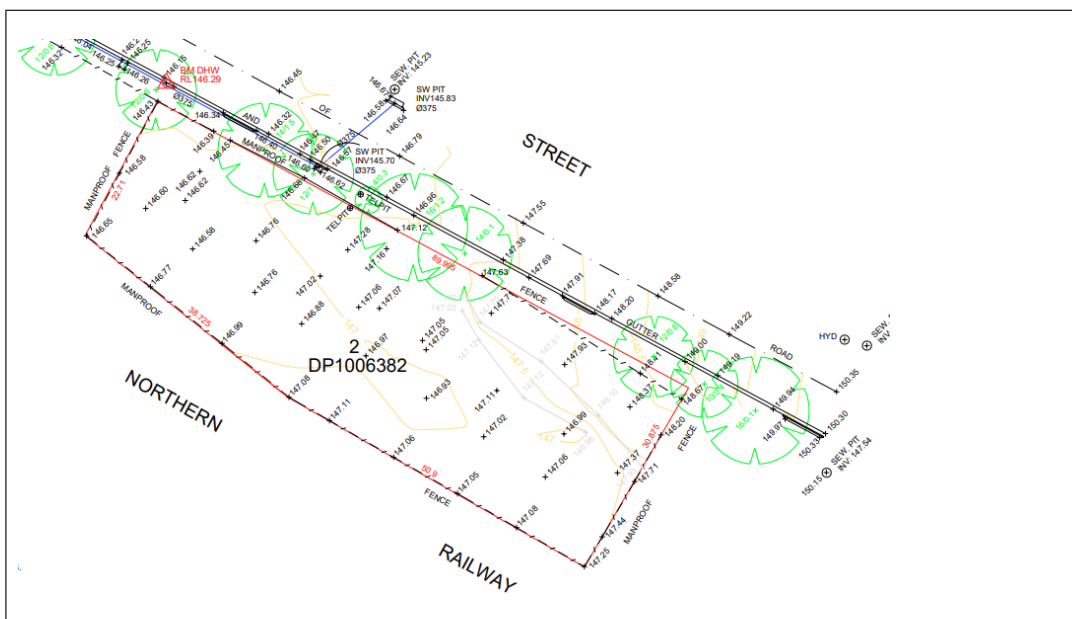
Proposed changes to employment zones were notified state-wide in May and June 2022. The subject site is intended to be zoned E1 Local Centre.

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

#### Muswellbrook DCP 2009

Section 3 Site Analysis
<p>Satisfactory: Yes</p> <p>Assessment observation - Site is vacant. Minor regrowth vegetation is remaining (gum tree saplings) and grass/weeds.</p> <p>The land slopes to the railway line that runs to the rear. Not adverse constraints identified in the analysis.</p>





#### Section 9 – Local Centre Development

Satisfactory: Yes

The development conforms with DCP chapter.

The development is a commercial use and will be utilised for storage units. The locality is mixed used with a railyard/depot, residential and commercial premises.

The development has been designed to be muted to balance the dwellings adjacent on Victoria Street. Access ways into the premises have been located to allow the large existing street trees to remain and maintain a strong present with the streetscape. Most structures are built to front boundary with them being for boundary or between 2m to 4m; however, the storage units have been setback and stepped back along the frontage to break the long facade on Victoria Street and add depth and allow for landscaping to place along the front of the site. Landscaping within the facility is not required.

Signage is all wall signage and is in neutral tones and is back lit.

#### Section 10 – Industrial Development

Satisfactory: NA

#### Section 11 – Extractive Industry

Satisfactory: NA

#### Section 12 – Tourist Facilities and Accommodation

Satisfactory: NA

#### Section 13 – Floodplain Management

Satisfactory: NA

#### Section 14 – Outdoor Signage

Satisfactory: Yes		
Wall signage is used for business identification the signage is over the recommended area under the DCP however, its scale is consistent with the development. Small directional signage will be used to direct customers and visitors.		
The signage does not interfere with access and is appropriate in its design, scale and size and is consistent with other commercial/businesses located within the locality.		
Section 15 – Heritage Conservation		
Satisfactory: Yes		
Section 16 – Car Parking and Access		
Satisfactory: Yes		
Under the DCP the closest definition that best suits car parking requirements is warehouse or distribution. The rate is as below:		
<table><tr><td>Warehouse or distribution centre</td><td>1 space per 300 m2 of gross floor area</td></tr></table>	Warehouse or distribution centre	1 space per 300 m2 of gross floor area
Warehouse or distribution centre	1 space per 300 m2 of gross floor area	
The site has a floor area of 1274m sq. so a total of 4.25 parks are required. The proposal has six (6) car parking spaces with one (1) being accessible. The carparks are proposed in accordance with AS2890.1/AS2890.2.		
Entry and exit to the premises allows for a circuit in and out and vehicles to travel in a forward direction.		
A Traffic Assessment Report was supplied with the application and the finding support the use and confirms the network has adequate capacity and safety requirements and standards are met.		
Section 20 – Erosion and Sediment Control		
Satisfactory: Yes		
Sediment control measures will be in place during construction		
Section 21 – Contaminated Land		
Satisfactory: Yes		
The applicant has submitted a preliminary assessment report in accordance with SEPP. It identified recommends testing be carried out prior to commencement but nothing in the desktop assessment excluded the use.		
Testing will be undertaken in accordance with EPA guidelines that will advise the applicant/proponent the required process and remediation to be undertaken if any.		
Section 24 – Waste Minimisation and Management Systems		
Satisfactory: Yes		
A Waste Management Plan has submitted with the application detailing the construction waste management and operational.		
Section 25 – Stormwater Management		
Satisfactory: Yes		

A detailed stormwater management has been reviewed and is generally compliant with the DCP and Community and Infrastructure requirements.
The site has adequate detention to ensure the proposal does not impact the existing infrastructure. Currently the stormwater from the site is unmanaged and its over land flows to the street and back to the railway corridor.
<b>Section 26 – Site Specific Controls</b>
Satisfactory: Not Applicable

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

There are no planning agreements relevant to the subject Application.

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

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

##### Development Contributions

The cost of works for the proposed development is \$1,304,330.00. A developer contribution of \$13,043.30 will apply to the proposed development involve works over \$100,000, the proposal does incur development contributions under the Muswellbrook Section 94A Contributions Plan 2010.

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

Not applicable - The Application does not relate to a coastal area.

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

##### **Access, Transport and Traffic**

Site has access from Victoria Street and has adequate sight distances and parking requirements.

##### **Utilities**

Site has access to all required utilities.

##### **Heritage**

Heritage has been discussed above under Clause 5.10 of MLEP 2009 and DCP 2009.

##### **Air/Microclimate**

Minor dust generated during construction will be managed by construction crew/staff. The site once constructed isn't likely to generate dust/odour.

##### **Flora and Fauna**

No significant vegetation.

##### **Noise & Vibration**

The site adjoins the railway corridor. The land use is not sensitive to noise or vibrations and is a compatible use. The building will act as an acoustic barrier for the adjacent residences.

The site will generate some noise however this isn't expected to be high or above the existing noise level.

#### **Technological Hazards**

Potential land contamination (contamination assessment), detailed above.

#### **Safety, Security & Crime Prevention**

The site will be fitted with a security alarm and monitor system. Lighting will be used for safety and staff will be located on site during operating hours.

The site will be fenced to limit access for unit occupiers.

#### **Economic Impact on the Locality**

The proposed development would create an additional business on previously undeveloped land. It is considered that the proposed development would have a modest positive social and economic impact.

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

The proposed development is compatible with surrounding land uses and site characteristics, subject to consent conditions.

#### **Section 4.15(1)(d) any submissions made**

The Application was notified to adjoining owners from 27 January 2022 and 17 February 2022. A notice was also placed on Council's website and Facebook page at the commencement of the notification period.

A submission was received during the notification period. The matters raised in the submissions are summarised below with planners comments in red:

- Whilst the zoning of the land permits the use of a storage facility on the site, the section of Victoria Street where the proposed storage facility is to be built is largely residential, noting the operations of ARTC. The proposal is for 67 storage units plus associated office and car space. This is not a small development.

The land is zoned B2 Local Centre. The surrounding land is mixed use. With residential dwelling, rail depot and workshop, education establishment and commercial premises. The development is compliant with the DCP and LEP controls. The colours are natural and signage isn't dominant. The application has considered Muswellbrook Heritage Conservation Area.

- Existing land use is noted as previously being used as a railyard and heavy equipment repairs. We have lived in Victoria Street for in excess of 20 years and cannot recall the site being used for this purpose. Essentially it has remained vacant with some railyard storage prior to the redevelopment of the current ARTC site and operations.

The site has been used as an overflow for ARTC for a number of years and storage of

large equipment and vacant when not being utilised. Regardless the proposed development is a permissible land use under MLEP 2009.

- The DA indicates that the site chosen is the preferred site for the facility. As far as we are aware other existing storage facilities in the town are located in industrial estate areas and we believe this should be determined as the preferred site for this facility.

The site is compatible with the use. The road network can accommodate safe access. The land adjoining a noise generating industry and the proposed use is not noise sensitive. While others are located in industrial estates the site location on the rail corridor within close proximity to the town centre and near mixed uses is also a compatible site for the proposed use.

- We believe that a storage facility on the proposed site in Victoria Street would lead to increased risk of crime in the area.

There is no data to contribute the storage premise is linked to increase crime.

The applicant has considered safer by design principles and applied them to the site. The site is fenced, and security system will be installed to deter offenders. Monitoring of site after hours will occur. Lighting will also be in place and its location on a well utilised road will allow and passive surveillance.

- The proposal indicates that the area does not contain any trees or vegetation. It would seem from the plans that it is intended that the large trees in front of the site are to be removed.

The land is vacant of vegetation other than saplings. The existing trees within the road reserve are to remain and the applicant has confirmed that the design can be achieved without the need for trees to be removed.

- In the past Victoria Street and Market Street have suffered episodes of flooding which are most likely exacerbated by inadequate drainage in the area. Will this development impact on current drainage issues?

Stormwater on site has been reviewed by the councils Chief Engineer to assess the proposed stormwater design and its management. It has a few minor amendments prior to the release of the S68 for stormwater works but the overall design can adequately manage the impacts of stormwater from the development. The development will not fix the existing stormwater issues within the proposed locality, but it isn't going to adversely increase the stormwater issues within the locality.

- Operating hours are 6am to 10pm, 7 days per week. This will significantly impact on residential neighbours due to increased noise and movements in the area. Lighting within and around the facility is likely to be disruptive to quality of life during the evening.

The locality is a major road within the Muswellbrook locality. It is an oversize vehicle route. The road is also a feeder into the main street and the high school located to the east. The road network is utilised 24/7. This use is not a high traffic generating use and the traffic report supports this. There will be lighting of the premise however the light will be in accordance with the Australian Standards. A condition will be placed that no flood lighting is to operate after hours.

- Access to the facility is by way of automatic gates. These gates can be extremely noisy and once again will impact on residential neighbours.

The gates will generate minor noise during operating hours of 6am to 10pm. The noise generated by the rail depot and the railway infrastructure exceed the noise generated by the gates opening and closing during opening hours. Noise impacts will likely decrease with the building becoming an acoustic barrier to nearby residence. The location of the objector also limits their likely impact as they are not directly adjacent the premises (map attached).

- The storage facility will increase traffic movements in the area in an already busy area. We note the traffic impact assessment and highlight that this is most likely not a true indication of traffic movements given schools and businesses were not operating at full capacity given the COVID restrictions. Victoria Street is also the alternative route for heavy and diverted traffic.

Storage units are usually utilised intermittently by users. They generally deposit their items, and they remain in storage and a period on time under their lease agreement. The road network is adequate for the development. The road is a major transport corridor for the Muswellbrook township. Vehicles entering and exiting can be well catered for within the network.

Council Officers have considered the matters raised in the submissions and consider that the proposal may be approved subject to conditions.

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

It is considered that the proposal is in the public interest.

#### **7. CONCLUSION**

The proposed development has been assessed against the relevant heads of consideration of Section 4.15 of the Environmental Planning and Assessment Act 1979. As outlined above it is considered that the proposed development would be in accordance with the relevant planning provisions.

Accordingly, it is recommended the application be approved subject to conditions of consent.

Signed by:

Alisa Evans

Date:

22/12/2022

#### DEFERRED COMMENCEMENT CONDITION

*In accordance with section 4.16(3) of the Environmental Planning and Assessment Act 1979 the consent will not operate until the applicant has provided information to the satisfaction of the Council that the following deferred commencement conditions is complied with. Upon receipt of written information from the application in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of the consent.*

*In accordance with Clause 95(3) of the regulation, a twenty four (24) month period is given from the date of the "deferred commencement" notice to lodge plans and evidence that satisfactorily address the required details. If not, then the "deferred commencement" will lapse and a new development application will be required.*

#### 1. Deferred commencement Contamination Assessment Condition

Prior to the commencement of this consent a Preliminary Contamination Assessment is to be prepared in relation to the development site and that report provided to Council for consideration and endorsement. Following Council's review and endorsement of that document and depending on its findings the development is to proceed in accordance with the provisions of A or B as set out below:

- a) Where the Preliminary Contamination Assessment finds that the site is unlikely to be subject to contamination requiring remediation under the provision of the State Environmental Planning Policy (Resilience and Hazards) 2021 for the development to proceed the development may be carried out in accordance with the conditions set out below and the recommendations/findings of the Preliminary Contamination Assessment.
- b) Where the Preliminary Contamination Assessment finds that the development is likely to be affected by contamination requiring the carrying out of remediation works under the provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 for the development to proceed a Remediation Action Plan is to be prepared in relation to the development. The Remediation Action Plan is to be submitted to Council for consideration and endorsement. Following the endorsement of that plan the development and all remediation work is to be carried out in accordance with that

#### IDENTIFICATION OF APPROVED PLANS

#### 1. Approved Plans and Supporting Documents

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Pln. No.	Rev. No.	Plan Title.	Drawn by.	Dated.
A-101, A-201, A-202,	5	Proposed Self Storage Facility	Storcard Self Storage Design	24/06/2022



A-301 to A-305,				
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Document Title.	Ver. No.	Prepared By.	Dated.
Self-storage Facility – Victoria Street, Muswellbrook –Waste Management Plan	1	MRA Consulting Group (MRA)	November 2020
Preliminary Site Investigation Report	V01	Geo-Logix Pty Ltd	25/11/2021

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

**Note:** an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

*Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development*

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

## 2. Contaminated Land Guidelines

Prior to the issue of any construction certificate, a Sampling and Analysis quality plan is to undertaken and reviewed and approved to determine if further detailed site investigation as detailed in 'Consultants reporting on contaminated land, contaminated Land Guidelines, prepared by NSW EPA dated 5 May 2020 or equivalent.

Note: If the sampling and analysis quality plan requires further detailed site investigation to be undertaken and a remedial action plan prepare, it is to be submitted to Council for endorsement.

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

## 3. Building Code of Australia

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

## 4. Access to premises standard

The building shall comply with the requirements of the Commonwealth Disability (Access to Premise Standard) 2010.

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

**5. Requirement for a Construction Certificate**

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all the works. If a certificate is issued for part of the works, it must cover the works being undertaken onsite.

**Note:** A Construction Certificate issued by an Accredited Certifying Authority must be deposited with Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

**Remediation Work**

Where site remediation works are required in accordance with the deferred commencement condition the plans submitted to the Certifying Authority with any Construction Certificate application are to detail all remediation work required by the deferred commencement condition and Remediation Action Plan.

**6. Section 7.12 Contributions**

Pursuant to section 4.17(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$13,043.30 shall be paid to Muswellbrook Shire Council.

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

**7. Section 68 Local Government Act Approval**

Prior to the issue of a Construction Certificate, it shall be necessary for the applicant to obtain a Section 68 Local Government Act approval for all stormwater, water supply and sewer drainage works.

Prior to the approval of a Section 68 Permit the proponent is to provide an updated Stormwater Management Plan which addresses the following design requirements from Council's Roads and Drainage Engineers:

- a. Stormwater pits with a pit depth greater than 0.6m require a minimum size of 600x600. Pits 3/1, 4/1, 5/1 and 6/1 are not currently compliant with this requirement.
- b. An updated stormwater management plan/DRAINS model is required to demonstrate compliance with the Muswellbrook Development Control Plan in relation to demonstrating that the 10% AEP event which indicates that it would be above the HGL in relation to pit 3/1.
- c. A secondary treatment device such as a Humeceptor should be considered in conjunction with the pit baskets proposed.

Note: The applicant must submit details of stormwater disposal to Council for approval. The flow of stormwater toward the rail corridor must not be increased by the proposed development. All approved details for the disposal of stormwater and drainage are to be implemented in the development.

## **8. Protection of External Walls and Openings**

Prior to the issue of the Construction Certificate, details are to be provided to the Principal Certifier demonstrating the external walls and openings exposed to the boundary are protected appropriately for the type of construction required to avoid the spread of fire in accordance with CP2 of Volume 1 of the NCCS/BCA.

## **Notice of Requirements – Water and Sewer Connection**

Prior to the issue of a Construction Certificate and the carrying out of any works associated with the provision of reticulated water and sewer to the development, a 'Notice of Requirements pursuant to the provisions of the Water Management Act 2000, is to be obtained from Council.

Any application for a Notice of Requirements will need to be accompanied by a design plan prepared by the applicant for assessment detailing any alterations reticulated water and sewer connections.

Any Notice of Arrangement under the Water Management Act 2000 will require the proponent to pay Section 64 Headworks Contributions for the development. Councils Water Headworks are charged in accordance with Council's fees and charges and Servicing Plan.

## **9. Vehicle Crossover Design and Section 138 Permit**

Prior to the issue of a Construction Certificate a Section 138 permit under the Roads Act 1993 is to be obtained from Council's Community Infrastructure Roads and Drainage Engineers.

Any application for a Section 138 Permit is to be accompanied by detailed design plans for sealed vehicle crossover prepared by a suitably qualified design engineer. Council Engineers have requested that any design include a typical section of the driveway demonstrating adequate pipe clearance to assess/check that pipe clearance is adequate under the driveway. Adjacent drainage infrastructure must also be shown in long sections.

## **10. Provision of Notice of Works to the ARTC**

Prior to the issue of a Construction Certificate the person acting with this consent is to provide documentary evidence to the Principle Certifying Authority to demonstrate that they have contacted the ARTC to notify them of the works to be carried out and that they have or are suitably engaged in the process of obtaining relevant approvals from the ARTC for the works should they be required in accordance with the related conditions of this consent.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

### 11. Australian Rail Track Corporation Requirements

Prior to the commencement of works at the site adjoining the Rail Corridor the person acting with this consent is to provide Notice to the Australian Rail Track Corporation (ARTC).

It will be a requirement from the ARTC that all works are carried out in a manner that conforms with the following:

- a) Where the existing boundary fence becomes redundant or is to be removed it will be necessary to consult with the ARTC around requirements for replacement rail safety barriers required.
- b) Any works that are hard up against or within 2m the boundary that backs on to the Rail Corridor will need to be reviewed by ARTC so we can highlight any potential risks to ARTC Operations. ARTC notes there are rail services that are close up to the boundary.
- c) No equipment or plant is permitted within the rail corridor without obtaining approvals from ARTC.
- d) The Developer is responsible to ensure that no concrete or spoil overspill is to be discharged on to any rail property.

Note: ARTC correspondence provide the following contact address for providing advance notice of the commencement of works within 25m of a rail corridor. [HVPPropertyServices@ARTC.com.au](mailto:HVPPropertyServices@ARTC.com.au) as the initial contact in the first instance to assist with obtaining and submitting an application for these works. Work within this proximity to a rail corridor has the potential to impact on the safety and operation of the rail network and thereby it is of paramount importance that the ARTC is contacted prior to the their commencement and that they are carried out in accordance with all relevant requirements.

### 12. Stabilised access

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

### 13. Water Meter

A water meter issued and installed by Muswellbrook Shire Council must be connected to the town's reticulated water supply prior to any commencement.

### 14. Damage to Public Infrastructure

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

*Note: This documentation will be used to resolve any dispute over damage to infrastructure. If no documentation is received prior to commencement of work, it will be assumed that the infrastructure was undamaged, and the*

*applicant will be required to restore all damaged infrastructure at their expense.*

#### **15. Vehicle Entry**

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

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK**

#### **16. Mandatory Inspections under Section 68 Local Government Act 1993**

The person acting with this consent shall ensure that all mandatory sewer, water, and stormwater inspections are carried out by Council at the relevant stages of construction in accordance with any Section 68 approval issued for the development.

Note: a minimum notice of 48 hours is required when booking an inspection. Inspection fees will be charged in accordance with Council's adopted fees and charges and must be paid prior to the issue of the Construction Certificate.

#### **17. 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.

#### **18. Erosion and Sediment Controls**

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

OR

Where construction or excavation activity requires the disturbance of the soil surface and existing vegetation, adequate measures for erosion and sediment control shall be provided. As a minimum, control techniques are to be in accordance with 'The Blue Book' published by Landcom provisions on Erosion and Sediment Control, or a suitable effective alternative method.

All required sedimentation control 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.

#### **19. Site Waste Minimisation**

Throughout the carrying out of building works the person acting with this consent shall take steps to minimise waste from the carrying-out of the development in accordance with the following objectives of *Chapter 24 Waste Minimisation and Management* of Council's Development Control Plan. Steps to be taken:

- Optimise adaptive reuse opportunities of existing building/structures.
- Maximise reuse and recycling of materials.
- Minimise waste generation.
- Ensure appropriate storage and collection of waste.
- Minimise environmental impacts associated with waste management.
- Avoid illegal dumping.
- Promote improved project management.

#### **20. No Work on Public Land**

The applicant shall not enter or undertake any work within adjoining public lands (i.e. Parks, Reserves, Roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

#### **21. Out of Hours Work Permits**

Where it is necessary for works to occur outside those hours allowed by these conditions, approval for such will be subject to written permission on each occasion from Council. Such occurrence shall be limited to two occasions per calendar month and shall only be approved if public safety or convenience is at risk. Any further variation shall require the lodgement and favourable determination of a modification application pursuant to Section 4.55 of the Environmental Planning and Assessment Act 1979.

Failure to obtain a permission for work outside of the approved hours will result in fines being issued, or Council pursuing any action required (including legal proceedings) to have the out of hours work cease, without prior warning.

It is recommended that applications be lodged as early as possible to allow sufficient time for determination by Council and to avoid disruption or delay due to conflicting priorities.

#### **22. 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) Demolition work must be undertaken in accordance with the provisions of AS2601- Demolition of Structures.
- (d) The builder is to ensure that persons working on the site comply with the WorkCover Authority's requirements.

### **23. Protection of Public Place**

- (1) If the work involved in the erection or demolition of a building:
  - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient; or
  - (b) building involves the enclosure of public land,

a hoarding and site fencing must be erected between the work site and the public place and be contained within the site boundary unless prior permission has been obtained in writing from Council.
- (2) If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with construction activity from falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or awning is to be removed when the work has been completed.
- (5) No access across public reserves or parks is permitted.

<b>CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE</b>
--

### **24. Occupation**

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

#### **Remediation Work**

Prior to the issue of an Occupation Certificate all required remediation work is to be completed to the satisfaction of the Certifying Authority and documentary evidence of the works completion provided to Council.

## **25. Construction of Parking Areas**

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

Provision shall be made for access to and within the building on the site for persons with a disability in accordance with the provisions of AS 1428 Part 1 prior to the issue of any Occupation Certificate.

### **CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

## **26. Stormwater Disposal**

All stormwater from the development including all hardstand areas and overflows from rainwater tanks is to be collected and disposed of in accordance with the stormwater management plan submitted and approved by council in accordance with the conditions of consent and related Section 68 Permit.

## **27. Hours of Operation –**

The storage facility and signage may only operate between the following hours:-

Monday to Sunday 6:00am to 10:00pm (local time)

Upon expiry of the permitted hours, no person shall be permitted entry and all customers on the premises shall be required to leave within the following 15 minutes and all signage is to cease illumination.

## **28. Loading Within Site**

All loading and unloading operations shall be carried out wholly within the confines of the site, always and within loading bays designated on the approved plans.

## **29. Vehicle Egress Signs**

Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

## **30. Illumination Intensity**

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that no light spill or nuisance is not caused to any nearby premises or the public domain.

Note: No lighting or reflective finishes are to impact the railway corridor.

### 31. Waste Collection

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

### 32. Lighting

No flood lighting is to be provided to the building.

#### 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:

- The security of fencing along the rail corridor is essential to prevent unauthorised entry. ARTC requests that Council imposes a condition of consent requiring that the boundary of the site with the rail corridor be fenced in a 1.8m mesh fence if applicable.
- ARTC wants to ensure that no lighting and external finishes of buildings which face the rail corridor have the potential to affect the safety of rail operations, that is, the temporary blinding effects or distraction caused by lighting and glare from reflective surfaces. The recommended measures associated with lighting and external finishes could include the use of non-reflective materials and landscaping along with adherence to AS4282-1997 *Control of Obtrusive Effects of Outdoor Lighting*.

- Whilst there is no immediate plan to build a rail loop, passing lane or track duplication in this vicinity, any development adjacent to, and including the subject land should consider that capital works of this nature may occur at any time to meet future railway operational requirements.
- ARTC requests that due to the proposed development being within 25m of the rail corridor that the proponent seek ARTC concurrence to carry out excavation and any other adjacent earthworks as it has the potential to impact on the safety and operation of the rail network. The proponent is requested to contact ARTC Property Officer on [HVPPropertyServices@ARTC.com.au](mailto:HVPPropertyServices@ARTC.com.au) in the first instance to assist with obtaining and submitting an application for these works.
- Where indicated by specific reference in a condition above, approval is also granted for Section 68 of the Local Government Act 1993 to carry out sewer drainage, water supply work and stormwater drainage.
- You are advised that changes to the external configuration of the building, changes to the site layout, density and unit configuration or internal changes to the proposed building or any changes to the proposed operation of a use **MAY** require the submission of a modification under Section 96 of the Environmental Planning & Assessment Act, 1979. Any such changes may need to be the subject of a separate Development Application. Please bear this in mind before preparing documentation in support of a Construction Certificate application. Council staff would be pleased to assist in identifying such changes which may require the submission of a modification of a Development Application under Section 4.55 of the Environmental Planning & Assessment Act.
- This document is a development consent only and does not authorise construction or subdivision works to commence. Prior to commencing any building, subdivision or associated construction works, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') are to be complied with:
  - (i) A Construction Certificate is to be obtained in accordance with Section 6.7 of the Act.
  - (ii) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 6.6(1) of the Act.
  - (iii) Council is to be notified at least two (2) days before the intention to commence building works, in accordance with Section 6.6(2) of the Act.
- The applicant may apply to the Council or an Accredited Certifier for the issuing of a Construction Certificate and to be the Principal Certifying Authority to monitor compliance with the approval and issue necessary documentary evidence or certificate/s.
- Failure to comply with any of the above requirements is an offence under the provisions of the Act and may result in enforcement action being taken by Council if these requirements are not complied with.

#### **RIGHT OF APPEAL:**

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

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



PROPOSED SELF STORAGE FACILITY



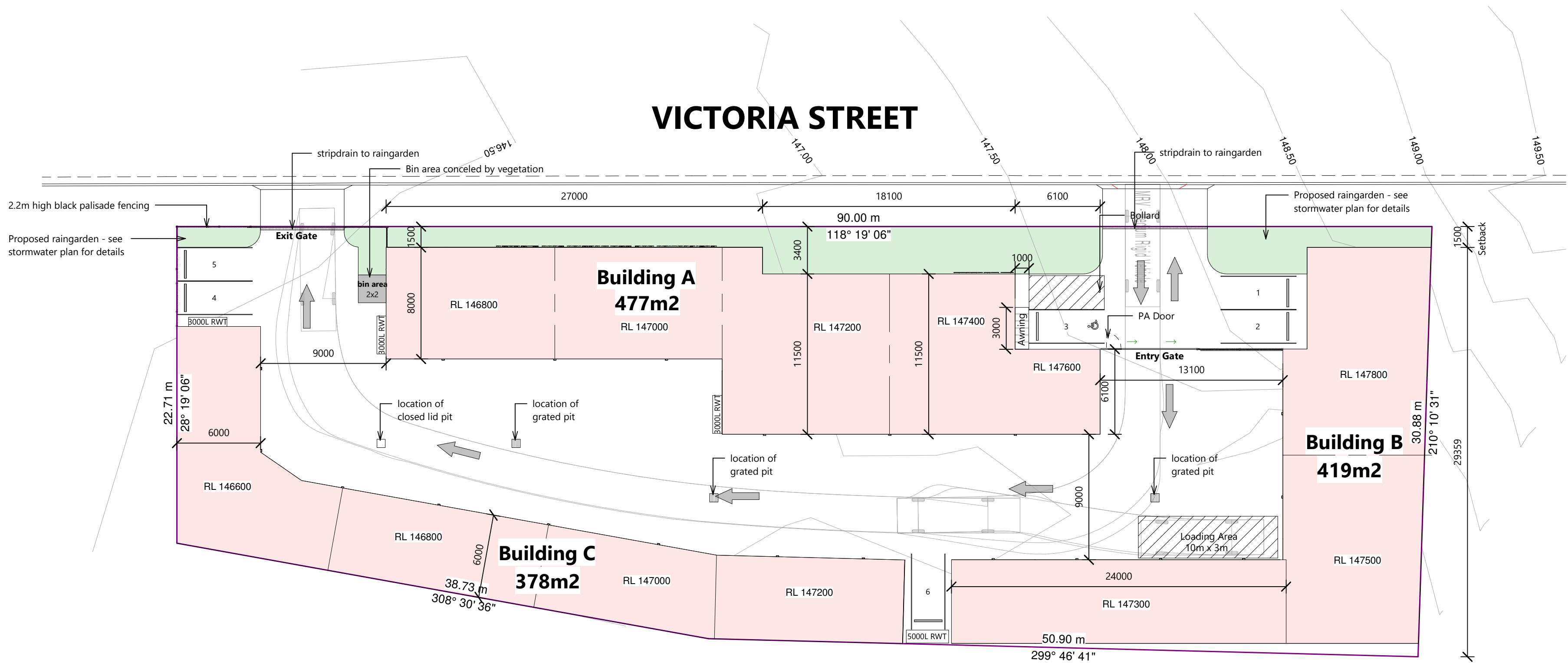
LOCALITY PLAN

R.P.D

LOT #	2
R.P.	DP1006382
STREET	Victoria Street
SUBURB	MUSWELLBROOK
LOCAL AUTHORITY	MUSWELLBROOK SHIRE COUNCIL
LOT AREA	2548m <sup>2</sup>
TOTAL G.F.A	1274 m <sup>2</sup>
SITE COVER RATIO	1274m <sup>2</sup> or 50 %
CAR SPACES PROVIDED	6
BCA CLASSIFICATION	CLASS 7b
CONSTRUCTION TYPE	TYPE C CONSTRUCTION
RISE IN STOREYS	1

SHEET INDEX

A-101	Site Plan
A-201	Unit Layout - Buildings A & C
A-202	Unit Layout - Building B
A-301	Elevations
A-302	Elevations
A-303	Sections
A-304	Roof Plan
A-305	Concept Landscape Plan



GREAT NORTHERN RAILWAY

Allowable GFA for site = 1274m2  
Total GFA for site = 1274m2  
Total NLA for site = 1142m2



1 Site Plan - Proposed  
1 : 200

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			1	Issued for Review	19/07/21		Project number	?
			2	Issued for DA	31/07/21		Drawn by	JR
			3	Amendments	24/08/21		Date	24/06/22
			4	Amended Building Heights	01/03/22			
			5	Amended Building Heights	24/06/22		Scale @ A1	1 : 200





Site Schedule - Building A	
Total Floor Area	477m <sup>2</sup>
Total Units	27
Average Unit Size	15.1m <sup>2</sup>
Net Lettable Area	408.7m <sup>2</sup>
Floor Space Ratio	85.6%

Unit Schedule - Building A			
Unit Depth	Unit Width	Unit Area	Qty
1500	1500	2.25 m <sup>2</sup>	3
1500	3000	4.50 m <sup>2</sup>	1
2450	1500	3.68 m <sup>2</sup>	4
2450	3000	7.35 m <sup>2</sup>	1
3000	3000	9.00 m <sup>2</sup>	2
4000	3000	12.00 m <sup>2</sup>	1
4250	2800	11.90 m <sup>2</sup>	1
4500	2450	11.03 m <sup>2</sup>	1
4500	3000	13.50 m <sup>2</sup>	3
6000	3000	18.00 m <sup>2</sup>	2
6000	4500	27.00 m <sup>2</sup>	2
8000	4000	32.00 m <sup>2</sup>	6

Site Schedule - Building C	
Total Floor Area	378m <sup>2</sup>
Total Units	16
Average Unit Size	23.6 m <sup>2</sup>
Net Lettable Area	378m <sup>2</sup>
Floor Space Ratio	100%

Unit Schedule - Building C			
Unit Depth	Unit Width	Unit Area	Qty
6000	3000	18.00 m <sup>2</sup>	7
6000	3500	21.00 m <sup>2</sup>	2
6000	4000	24.00 m <sup>2</sup>	4
6000	4500	27.00 m <sup>2</sup>	1
6000	4600	27.60 m <sup>2</sup>	1
6000	9850	59.10 m <sup>2</sup>	1


1 Ground Level - Buildings A & C  
1 : 100

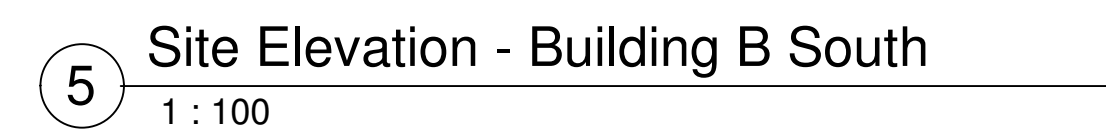


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			1	Issued for Review	19/07/21		Project number	?
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			3	Amendments	24/08/21		A-201	Scale @ A1 As indicated
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			5	Amended Building Heights	24/06/22		Date	24/06/22



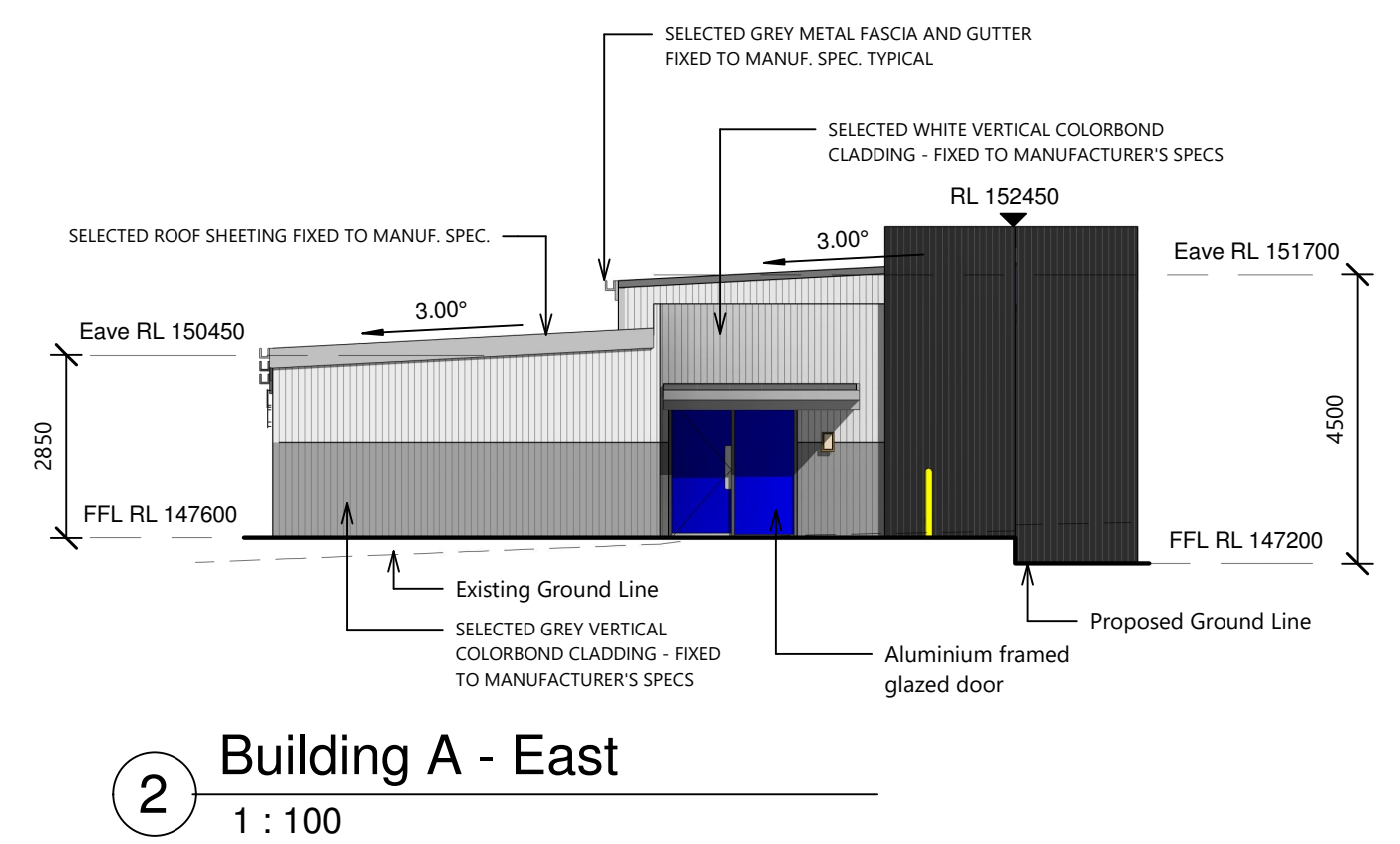
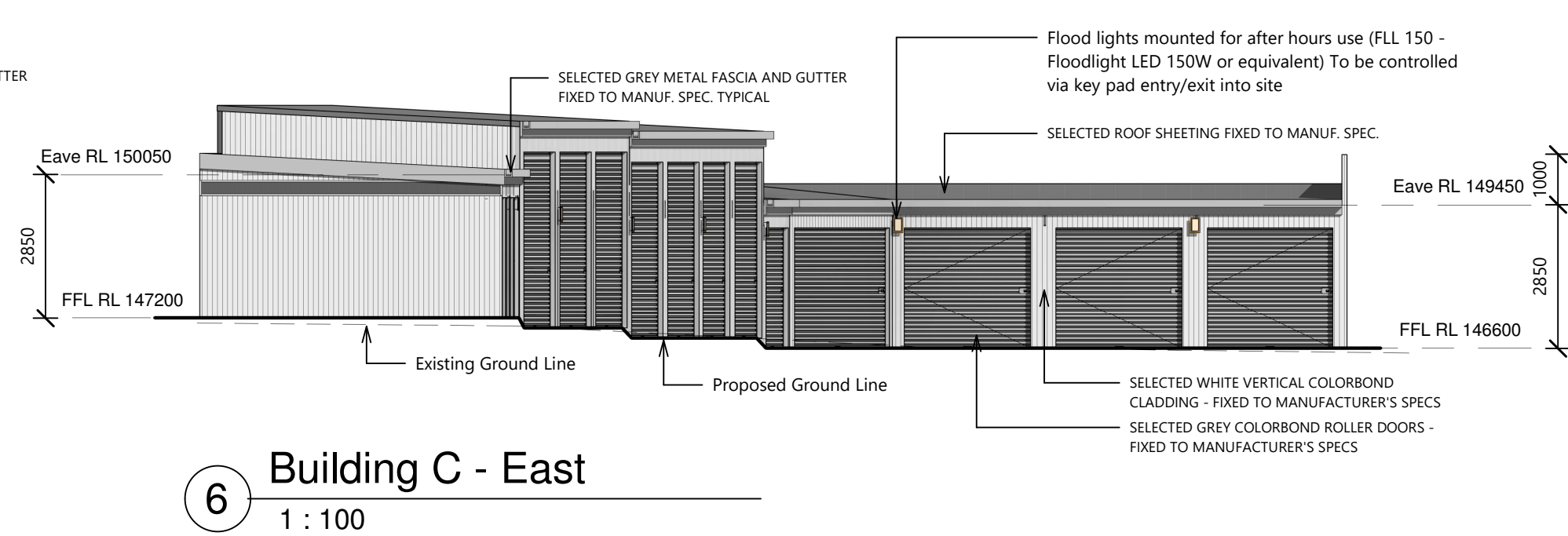
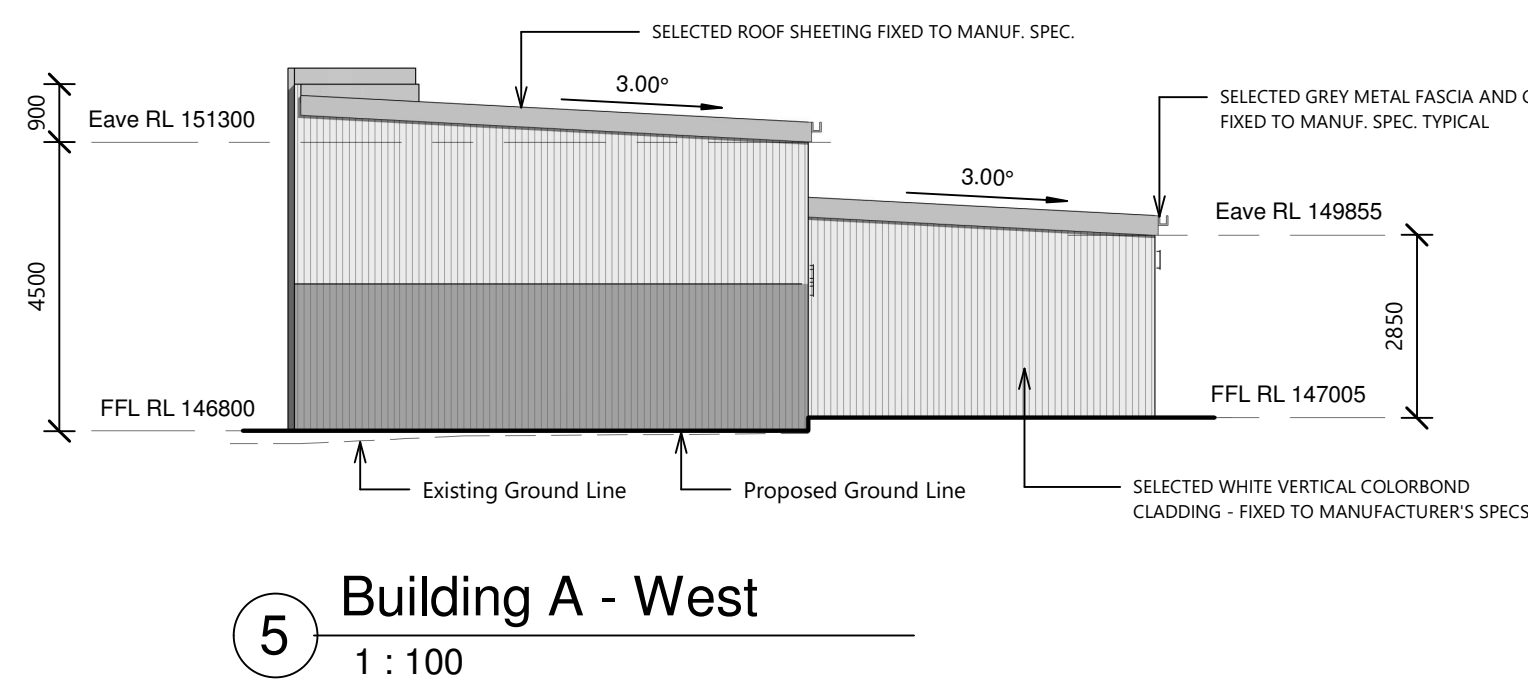
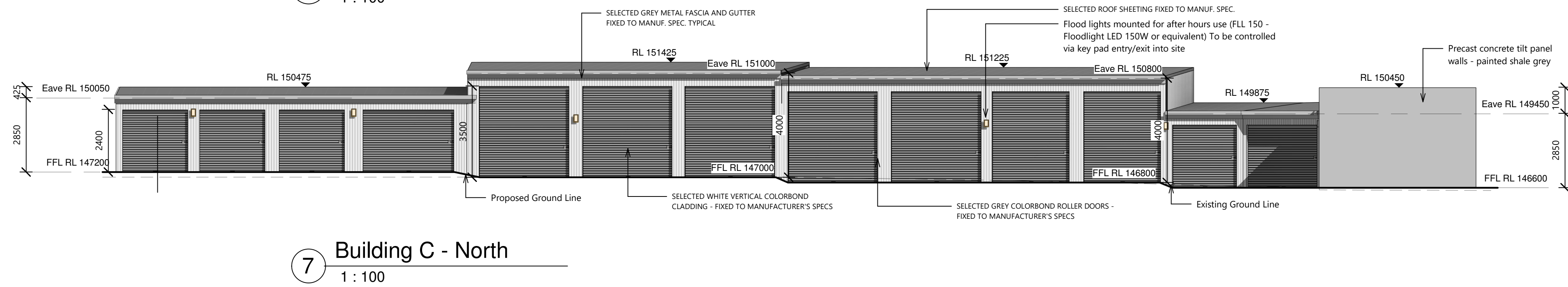
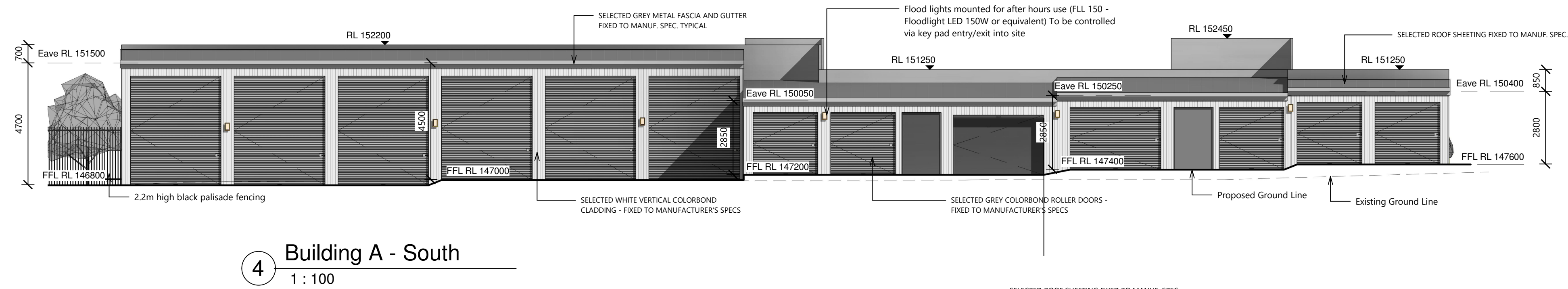
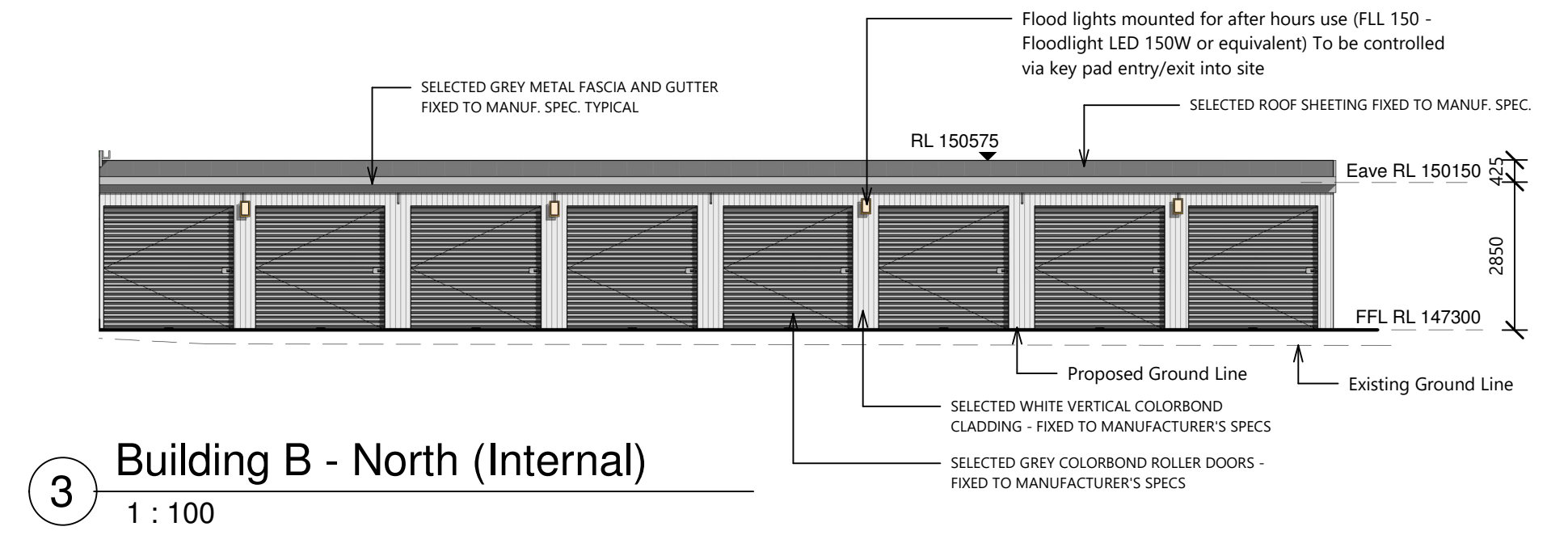
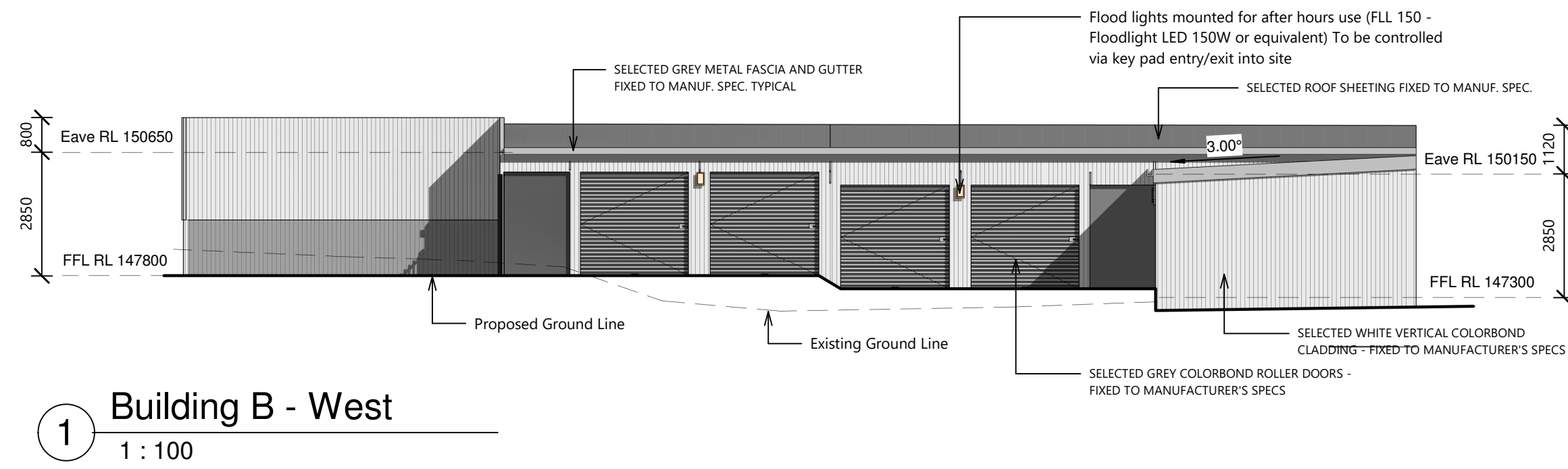
Unit Schedule - Building B			
Unit Depth	Unit Width	Unit Area	Qty
1500	1500	2.25 m²	3
2000	2000	4.00 m²	2
2000	2750	5.50 m²	1
2000	3000	6.00 m²	4
2000	3700	7.40 m²	1
2200	2000	4.40 m²	1
2300	2000	4.60 m²	1
2400	1500	3.60 m²	1
2440	3000	7.32 m²	1
2540	3000	7.62 m²	1
2640	3000	7.92 m²	1
2740	3000	8.22 m²	1
2750	4000	11.00 m²	1
2800	1500	4.00 m²	1
2840	2000	5.62 m²	1
2940	2000	5.88 m²	1
2940	3300	9.70 m²	1
3000	1800	5.40 m²	1
4000	2000	8.00 m²	1
4000	3000	12.00 m²	4
6000	3000	18.00 m²	9

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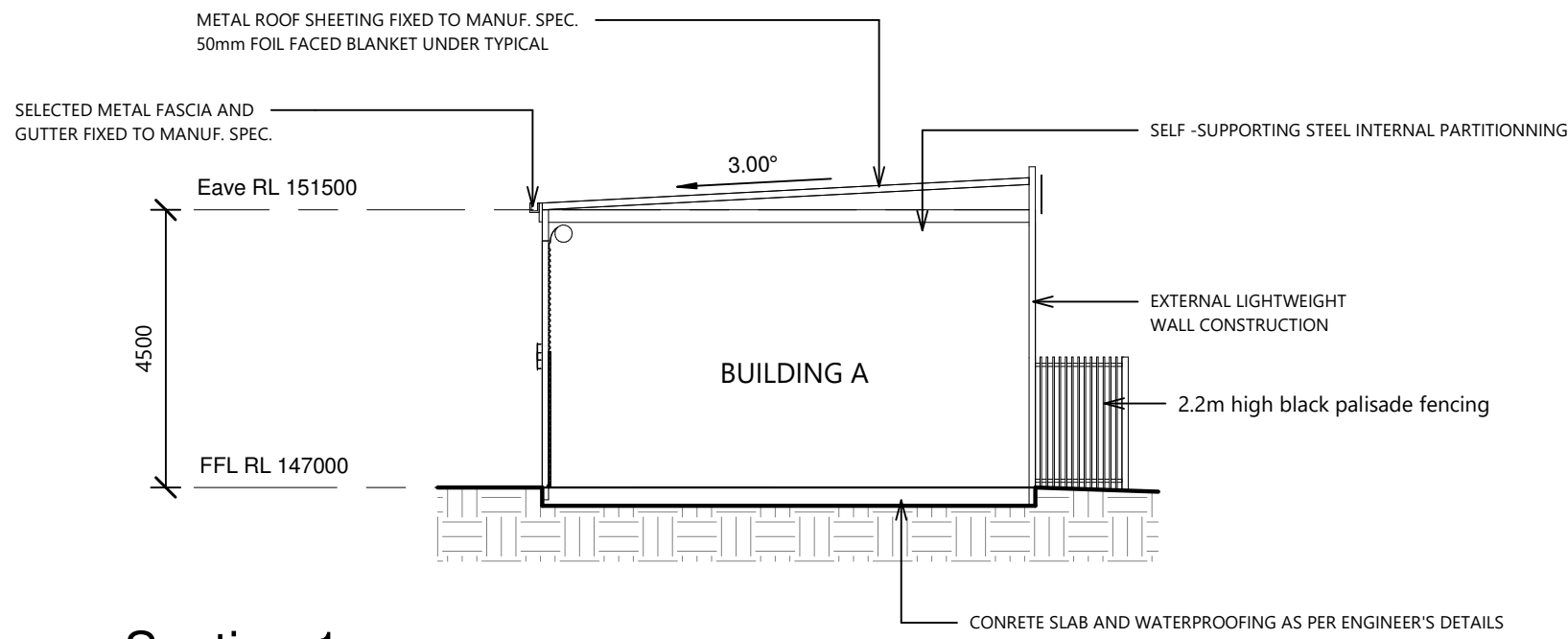


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			No.	Description	Date	<div>Muswellbrook</div> <div>Lot 2, Victoria Street, Muswellbrook</div>			<div>Elevations</div> <div>A-301</div>		
			1	Issued for Review	19/07/21						
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				Date			24/06/22	Scale @ A1	1 : 100		

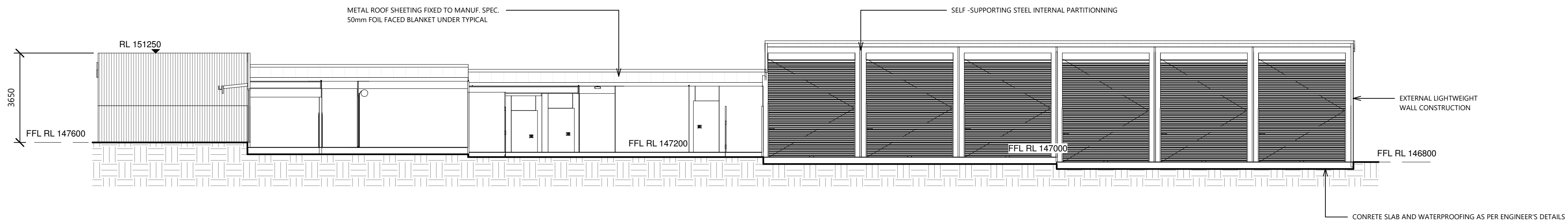




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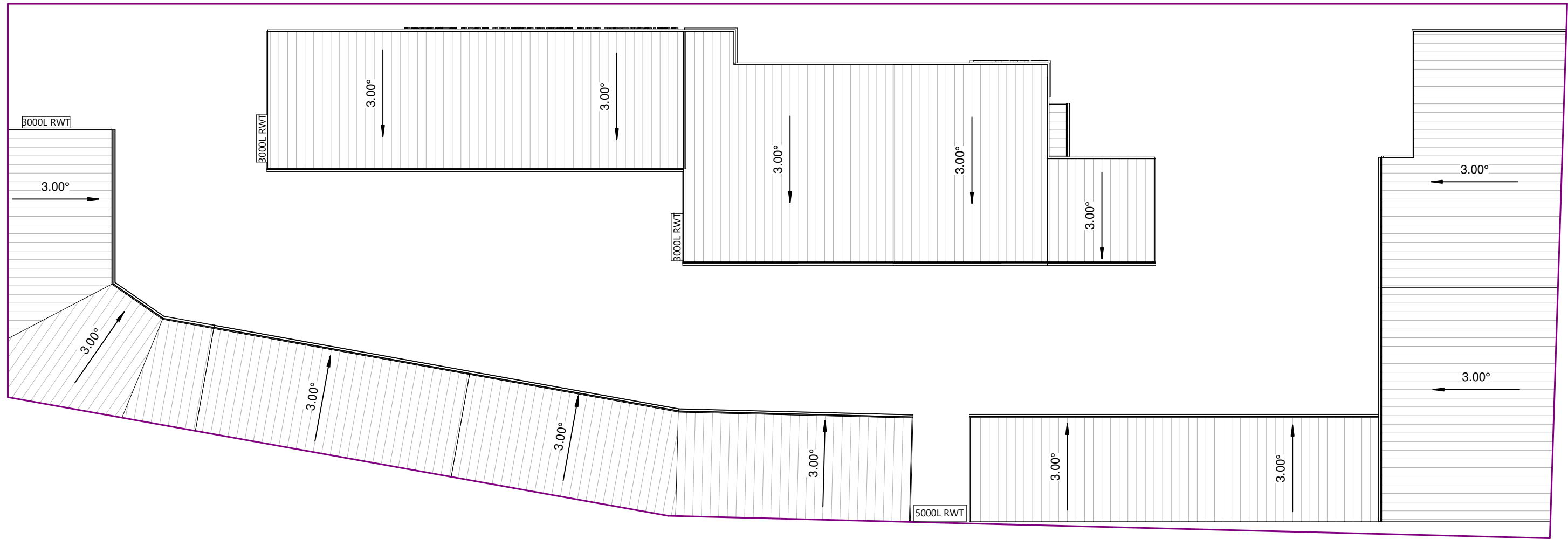


1 Section 1  
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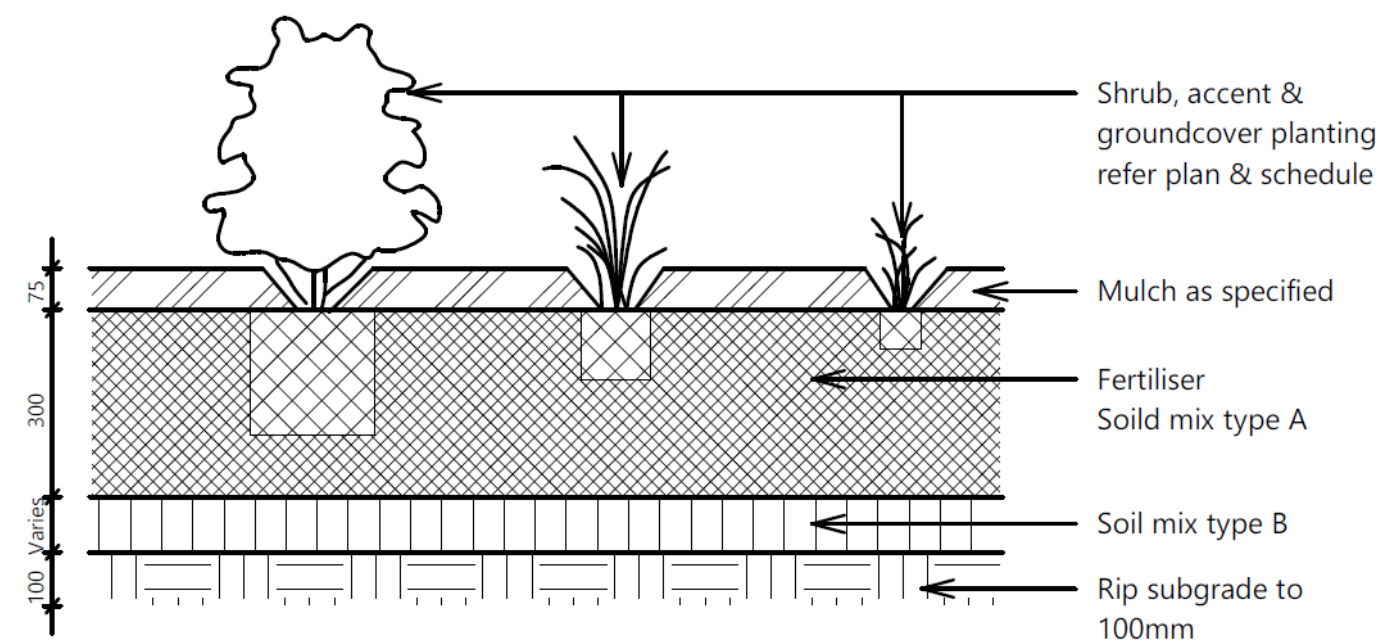
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			1	Issued for Review	19/07/21		Project number	?	A-303
			2	Issued for DA	31/07/21		Drawn by	Author	
			3	Amendments	24/08/21		Date	24/06/22	
			4	Amended Building Heights	01/03/22		A-303		Scale @ A1
			5	Amended Building Heights	24/06/22				
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			1	Issued for Review	19/07/21		Project number	?	A-304	
			2	Issued for DA	31/07/21		Drawn by	Author		
			3	Amendments	24/08/21		Date	24/06/22		
			4	Amended Building Heights	01/03/22					Scale @ A1
			5	Amended Building Heights	24/06/22					
							1 : 200			





Symbol	Name	Qty
	<i>Miscanthus Sinensis 'ADAGIO'</i>	8
	<i>Westringia (Westringia fruticosa)</i>	30
	<i>Kurrajong (BRACHYCHITON POPULNEUS)</i>	1

Total Landscaped Area: 176m<sup>2</sup> or 7%

- Soil / Brown Woodchip Mulch
- Grass Lawn



*Miscanthus Sinensis 'ADAGIO'*



*Westringia (Westringia fruticosa)*



*Kurrajong (BRACHYCHITON POPULNEUS)*



1 Concept Landscape Plan  
1 : 200

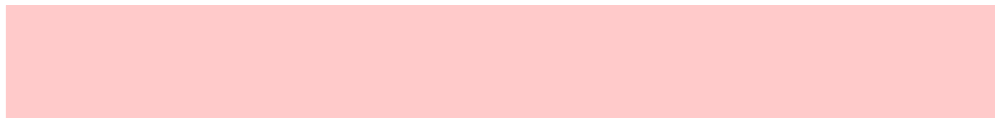


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			1	Issued for Review	19/07/21		Project number	?	A-305
			2	Issued for DA	31/07/21		Drawn by	Author	
			3	Amendments	24/08/21		Date	24/06/22	
			4	Amended Building Heights	01/03/22		Scale @ A1 As indicated		
			5	Amended Building Heights	24/06/22				



**From:**  
**To:**  
**Subject:**  
**Date:**

---



To whom it may concern,

We wish to make a submission regarding the above DA lodged with Council.

We have read the DA documentation and raise the following concerns:

- Whilst the zoning of the land permits the use of a storage facility on the site, the section of Victoria Street where the proposed storage facility is to be built is largely residential, noting the operations of ARTC. The proposal is for 67 storage units plus associated office and car space. This is not a small development.
- Existing land use is noted as previously being used as a railyard and heavy equipment repairs. We have lived in Victoria Street for in excess of 20 years and cannot recall the site being used for this purpose. Essentially it has remained vacant with some railyard storage prior to the redevelopment of the current ARTC site and operations.
- The DA indicates that the site chosen is the preferred site for the facility. As far as we are aware other existing storage facilities in the town are located in industrial estate areas and we believe this should be determined as the preferred site for this facility.
- We believe that a storage facility on the proposed site in Victoria Street would lead to increased risk of crime in the area.
- The proposal indicates that the area does not contain any trees or vegetation. It would seem from the plans that it is intended that the large trees in front of the site are to be removed.
- In the past Victoria Street and Market Street have suffered episodes of flooding which are most likely exacerbated by inadequate drainage in the area. Will this development impact on current drainage issues?
- Operating hours are 6am to 10pm, 7 days per week. This will significantly impact on residential neighbours due to increased noise and movements in the area. Lighting within and around the facility is likely to be disruptive to quality of life during the evening.
- Access to the facility is by way of automatic gates. These gates can be extremely noisy and once again will impact on residential neighbours.
- The storage facility will increase traffic movements in the area in an already busy area. We note the traffic impact assessment and highlight that this is most likely not a true indication of traffic movements given schools and businesses were not operating at full capacity given the COVID restrictions. Victoria Street is also the alternative route for heavy and diverted traffic.

We are supportive of development in the town and services being provided to the local area however we believe that there would be more suitable locations for this development. We are long term residents of Victoria Street and enjoy the area in which we live and believe that this development would be detrimental to our continued enjoyment. In conversations with some neighbours, we believe that they are in agreement with our submissions.

Please keep us informed of the progress of this development.

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### 9.1.3. Muswellbrook Hospital Stage 3 Redevelopment - Section 94A Contribution

<b>Attachments:</b>	1. Muswellbrook Hospital Stage 3 Concept Plan [9.1.3.1 - 1 page]
<b>Responsible Officer:</b>	Sharon Pope - Director - Planning & Environment
<b>Author:</b>	Theresa Folpp – Development Compliance Officer
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	Not Applicable
	Not applicable

---

#### PURPOSE

NSW Health is currently planning Muswellbrook Hospital Stage 3 development (the Project).

Health Infrastructure are investigating an option of a Complying Development Certificate (CDC) for a component of the Project, in doing so they have identified that the infrastructure may be subject to the provisions of Council's Section 7.12 Contribution Plan.

Health Infrastructure have written to Council requesting the hospital redevelopment be exempted from the application of a Section 7.12 Contribution.

This report has been prepared to assist Council in considering the request.

#### OFFICER'S RECOMMENDATION

Council waives any Section 7.12 Contributions for the Muswellbrook Hospital Stage 3 development that may have been required by the Muswellbrook Section 94A Contribution Plan.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### BACKGROUND

The Muswellbrook Hospital is located towards the eastern edge of town and approximately 1km from Bridge Street. The site is bounded by Brecht Street, Bowmans Street, Doyle Street and Brentwood Street.

Muswellbrook Hospital Stage 3 development (the Project) will include construction of the following facilities:

- Staff accommodation zone;
- Ground floor inpatient unit and maternity services;
- Sterilising services department;
- Operating theatre suite; and
- Relocation of Community Health spaces.

The concept plan for the Project is shown in **Attachment 1**.

The Project was set to commence in 2023 and is scheduled for completion in 2025.



## REPORT

### Planning Pathway

Similar proposals have generally been assessed under Part 5 of the *Environmental Planning & Assessment Act 1979*, however, Health Infrastructure are investigating an option of a Complying Development Certificate (CDC) for a component of the Project.

The CDC would apply to the relocation and upgrade of the Community Health spaces in the existing Stage 2 undercroft / shell space, refer **Attachment 1** 'Relocated Community Health Spaces'.

### Section 7.12 Contribution

Where the CDC pathway is pursued, Health Infrastructure has requested an exemption from Council's Section 94A Contributions Plan. An excerpt from Section 1.5 of the plan is provided below (emphasis added):

*Council may consider exempting other categories of developments, or components of developments from the requirement for a levy, but only by resolution of Council. There are no additional exemptions at the time of commencement of this plan.*

***For such claims to be considered, a development application will need to include a comprehensive submission presenting a case and a justified request for exemption.***

*Consideration will be given to requests for exemption for the following types of development:*

- *works undertaken for charitable purposes or by a registered charity;*
- *places of worship, **public hospitals**, police and fire stations;*
- *childcare facilities;*
- *libraries;*
- *other community or educational facilities.*

Health Infrastructure has provided the following justification:

- As a Crown Development, exemptions routinely apply for social infrastructure to ensure the funded outcomes are achieved and to avoid diversion of funds from the project;
- The Project does not involve new or additional gross floor area as it is a fit-out of undercroft spaces constructed in Stage 2. Stage 2 was the subject of a Review of Environmental Factors in 2016;
- No change to bedding numbers or employment is proposed as part of the Project; and
- No new or additional demand will be generated or imposed upon Council's infrastructure or services as a result of the Project.

Council Officers note that the development is for a 'public hospital', which is referenced in Section 1.5 of the plan.

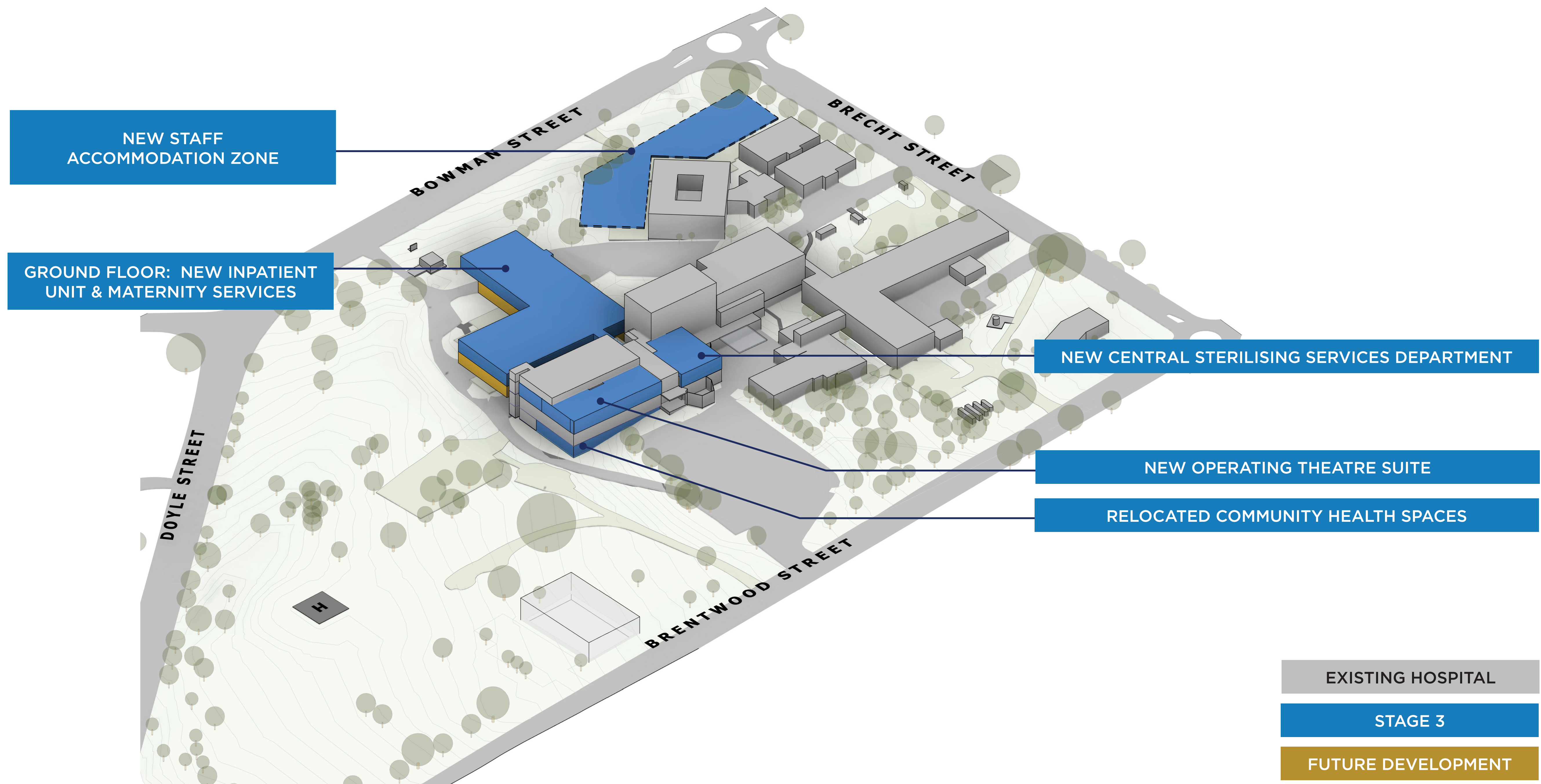
## SOCIAL IMPLICATIONS

The Project is in accordance with Council's Integrated Planning documentation, specifically Goal 5 of the Community Strategic Plan 'Effective and efficient infrastructure that is appropriate to the needs of the community'.

## FINANCIAL IMPLICATIONS

Whilst Council will not receive levies to put toward provision or augmentation of new public facilities, the Project will achieve positive social outcomes as those provided in Schedule 1 of the plan.









#### 9.1.4. Road Renaming Proposal - Denman Recreation Area

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Sharon Pope - Director - Planning & Environment
<b>Author:</b>	Tanya Jolly – Project Planner
<b>Community Plan Issue:</b>	<i>Not Applicable</i>
<b>Community Plan Goal:</b>	<i>Not Applicable</i>
<b>Community Plan Strategy:</b>	<i>Not Applicable</i>
	Not applicable

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#### PURPOSE

The purpose of the report is to discuss a proposal to name the road within the Denman Recreation area, located off Turner Street Denman, which provides access to the Denman Childcare centre and numerous sporting facilities, to “Denman Parkway” to allow easier identification of incident locations by first responders.

#### OFFICER’S RECOMMENDATION

Council supports the concept of a road naming proposal, for the road in the Denman Recreation area becoming Denman Parkway, and that staff take the following steps:

- to publicly notify the naming proposal for community input in accordance with the Muswellbrook Community Participation Plan; and
- should no objections be received, authorise the registration with the Geographical Names Board of the road name “Denman Parkway”; and
- should any objections be raised during the notification period, a further report be submitted to Council at the conclusion of the advertising and notification period.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### REPORT

The site is known as the Denman Recreation area and contains Lot 229 DP 729996, Part lot 231 DP 729996 and Lot 230 DP 729996.

The Lot 229 DP 729996 is currently being used as the entry road into the Denman Recreation Area. The road naming proposal has been prepared as Council was recently notified that first responders had difficulty locating the correct site for an incident at the Denman Child Care Centre.

The intention is that once the internal access road is named, the separate uses will be provided with a street number in accordance with property addressing guidelines of the Geographical Names Board, for example, the Child Care Centre would become 1 Denman Parkway.

The matter was discussed with the Geographical Names Board who recommended that sub-addresses be applied for the site in a logical sequence from how they are accessed from the entrance to the property.

Council Officers have reviewed the NSW Address Policy and User Manual to assist with an



appropriate solution to the matter, and found that providing the road that extends off Turner Street with its own unique name with sub-addresses for the internal sites would be ideal to minimise confusion in locating the sites as shown below.



### **FINANCIAL IMPLICATIONS**

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

### **POLICY IMPLICATIONS**

This matter has no specific policy implications for Council.

### **STATUTORY IMPLICATIONS**

Road naming procedures issued by the Geographical Names Board will be followed.



### 9.1.5. Monthly Report to Council - Planning, Environment and Regulatory Services

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Sharon Pope - Director - Planning & Environment
<b>Author:</b>	Emily Lane, Michael Brady – Coordinator - Customer Service and Administration
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

#### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### REPORT

#### PLANNING AND ENVIRONMENT

##### *Schedule 1: Development Applications Approved (01/11/2022-30/11/2022)*

DA NO.	DESCRIPTION	PROPERTY	VALUE
2022/133	Retaining Wall	15 Lou Fisher Place Muswellbrook	\$15,000
2022/130	Detached Secondary Dwelling	13 Merton Street Denman	\$208,370
2022/087	S4.55 (1a) Modification Single Storey Dwelling	63 Stockyard Parade Muswellbrook	\$410,935
2022/127	Ancillary Development - Shed	90-92 Palace Street Denman	\$19,800
2022/126	Ancillary Development - Shed	23 Pendula Way Denman	\$18,784
2020/043	S4.55 (1a) Modification – Modification of the Animal Boarding Establishment and Community Facility (Stormwater Drainage Infrastructure)	127-129 Sydney Street Muswellbrook	\$350,000
2002/205	S4.55(1a) - Extension of Coal Haulage Operations	Limestone Road Muswellbrook	\$0



DA NO.	DESCRIPTION	PROPERTY	VALUE
2022/120	Single Storey Dwelling	67 Stockyard Parade Muswellbrook	\$464,271
2022/117	Inground Swimming Pool & Associated Safety Barrier	9 Sepoy Crescent Muswellbrook	\$43,620
2022/115	Shed	11 Jillaroo Way Muswellbrook	\$63,000
2022/114	Dwelling- Single storey dwelling with attached garage	82 Babbler Crescent Muscle Creek	\$427,487
2022/105	Dwelling	20 Lou Fisher Place Muswellbrook	\$440,000
2022/099	Demolish Existing Garage and build New Garage	4 Hillview Avenue Muswellbrook	\$12,000
2022/057	Ancillary Development - Shed	29 Stockyard Parade Muswellbrook	\$30,980
2021/111	Ancillary Development - Shed	59 Sowerby Street Muswellbrook	\$21,000
2022/141	Change of Use and Food and Drink Premises	19-29 Rutherford Road Muswellbrook	\$11,000
1994/410	S4.55 (1A) Modification - Request to Extend Operational time of Existing Development.	Dalswinton Road Dalswinton	\$0

**TOTAL = 15*****Schedule 2: Development Applications Currently Being Assessed******As at 03/01/2023***

DA NO.	DESCRIPTION	PROPERTY	VALUE
2022/151	Residential Shed	60 Stockyard Parade Muswellbrook	\$40,000
2022/001	S4.55 (1a) Modification - Single Storey Dwelling	1490 Denman Rd Denman	\$735,110
2022/150	Detached Shed	121 Brook Street Muswellbrook	\$42,798
2022/149	Single Storey Dwelling	56 Stockyard Parade Muswellbrook	\$527,100
2022/143	Shed	9a Grey Gum Road Denman	\$65,000
2022/145	Change Of Use & Dwelling Alterations and Additions	47 Wanaruah Circuit Muswellbrook	\$12,000
2022/134	Ancillary Development - Shed	17 Stockyard Parade Muswellbrook	\$43,825





DA NO.	DESCRIPTION	PROPERTY	VALUE
2022/144	Construction of a Single Storey Dwelling	Kingfisher Court Muscle Creek	\$575,715
2022/146	Single Storey Dwelling with Attached Garage	23 Stockyard Parade Muswellbrook	\$441,569
2022/129	Home Based Hair & Beauty Business	100 Yarrowa Deviation Rd Yarrowa	\$5,000
2012/184	S4.55(1a) Modification of Development Determination - Condition 1	31 Strathmore Road Muswellbrook	\$0
2022/139	Single Storey Dwelling with Attached Garage	17 Stockyard Parade Muswellbrook	\$466,616
2022/138	Single Storey Dwelling with Attached Garage	24 Stockyard Parade Muswellbrook	\$570,795
2022/137	Inground Fibreglass Swimming Pool and Associated Safety Barriers	5 Paxton Street Denman	\$36,905
2022/132	Sixty Eight (68) Lot Subdivision and Child Care Centre	9036 New England Highway Muswellbrook	\$6,705,835
2021/069	S4.55 (1A) Modification- Ancillary Development Shed	8 Kenilworth Street Denman	\$0
2022/136	Ancillary Development- Carport, concrete slab, retaining wall and tank	65 Sowerby Street Muswellbrook	\$16,400
2022/124	Shed for Community Facility	17-19 Maitland Street Muswellbrook	\$182,720
2022/135	Commercial Storage Shed	15 Strathmore Road Muswellbrook	\$35,000
2022/131	Ancillary Development – Shed	69 Stockyard Parade Muswellbrook	\$19,800
2013/232	S4.55(1A)Modification- Subdivision of One (1) Lot into Ninety Nine(99)	212-216 Queen Street Muswellbrook	\$149,543
2022/128	Single Storey Dwelling	60 Stockyard Parade Muswellbrook	\$426,445
2021/045	S4.55 (1A) Modification - Category 2 Rural Fire Service Shed	20 Dorset Road Kayuga	\$800,000
2022/125	Two Storey Dwelling	207 Ferndale Road Yarrowa	\$189,871
2022/122	Subdivision of One (1) Lot into Two (2) Lots	59 Tindale Street Muswellbrook	\$20,000
2022/123	Single Storey Dwelling	59 Babbler Crescent Muscle Creek	\$520,385



DA NO.	DESCRIPTION	PROPERTY	VALUE
2022/109	Ancillary Development - Garage	9 Aberdeen Street Muswellbrook	\$73,507
2022/118	Ancillary Development - Shed	7 Shaw Crescent Muswellbrook	\$48,300
2022/107	Single Storey Attached Dual Occupancy & Two (2) Lot Strata Subdivision	48 Finnegan Crescent Muswellbrook	\$702,182
2022/111	Temporary Event (Charity Bike Show)	1-3 Ogilvie Street Denman	\$0
2022/012	S4.55 (1A) Modification Ancillary Development - Shed	7 Bronte Crescent Muswellbrook	\$0
2017/018	S4.55 (1A) Modification - Modification to Outdoor Gaming Area and Car Park Arrangement	15 Sydney Street Muswellbrook	\$0
2022/103	Detached Garage with Awning	32 George Street Muswellbrook	\$28,605
2019/005	S4.55 (1A) Modification - Revised Caravan Park Site Layout	9080 New England Highway Muswellbrook	\$0
2022/100	Dual occupancy	67a Queen Street Muswellbrook	\$540,000
2022/097	Ancillary Development - Shed	23 Adams Street Muswellbrook	\$13,000
2022/095	Staged Demolition of Existing Buildings and Construction of New Grandstand and Amenities.	3 Wilkinson Avenue Muswellbrook	\$9,455,600
2022/092	Subdivision of One (1) Lot into One Hundred & Ninety Four (194) Residential Lots	Almond Street Denman	\$18,284,734
2022/089	Single Story Dwelling with attached Garage	69 Stockyard Parade Muswellbrook	\$617,277
2021/158	S8.2 Review - Change of Use to Health Services Facility	79 Brook Street Muswellbrook	\$0
2022/081	Single Storey Dwelling	15 Lou Fisher Place Muswellbrook	\$321,670
2022/080	Remediation and Earthworks	Coal Road Muswellbrook	\$2,516,829
2022/076	Caravan Park, Two (2) Amenity Blocks, New Driveway area and Landscaping	66 Palace Street Denman	\$254,250
2022/075	Three (3) Lot Subdivision	18-22 Kenilworth Street Denman	\$15,000



DA NO.	DESCRIPTION	PROPERTY	VALUE
2022/045	Manufactured Home and Associated Structures	120 Yarraman Road Muswellbrook	\$417,100
2022/042	Single Storey Dwelling and Detached Secondary dwelling	62 Brentwood Street Muswellbrook	\$429,370
2002/205	S4.55 (1A) Modification - Changes in Rehabilitation Framework	Muscle Creek Road Muscle Creek	\$0
2022/038	Change of use from Dwelling to Restaurant and Internal Fit out	43 Maitland Street Muswellbrook	\$98,000
2022/030	Steel Framed Deck 7 Internal Fit Out	93a Hill Street Muswellbrook	\$30,000
2022/029	Single Storey Dwelling	10 Babbler Crescent Muscle Creek	\$472,370
2022/021	Single Storey Dwelling	25 Northerly Close Muswellbrook	\$396,515
2022/142	Shed	1559 Golden Hwy Sandy Hollow	\$37,766
2022/005	Storage Facility & Signage	Victoria Street Muswellbrook	\$1,304,330
2021/137	Change Of Use to Educational Facility	820 Rosemount Road Denman	\$0
2021/129	Animal Boarding & Training Facility	1949 Martindale Road Martindale	\$33,338,800
2021/125	Self Storage Facility	Turner Street Denman	\$3,555,527
2021/073	Temporary use of the land for receival and dismantling of rail wagons with off-site disposal	18 Strathmore Road Muswellbrook	\$50,000
2021/058	Organics Recycling Facility	252 Coal Road Muswellbrook	\$3,850,000
2020/102	Hotel Accommodation (Royal Hotel)	10 Ogilvie Street Denman	\$20,000
2020/083	Subdivision of one lot (1) into three (3)	60-62 Palace Street Denman	\$10,000
2020/007	Additions and Alterations to existing Hotel	184 Bridge Street Muswellbrook	\$110,000
2019/053	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway Muswellbrook N	\$4,875,600
2022/154	Multi dwelling housing - Five (5) single storey dwellings (Class 1a building classification Intended Use: Seniors independent living	47 Osborn Avenue Muswellbrook	\$1,550,000





DA NO.	DESCRIPTION	PROPERTY	VALUE
	units under provision of Housing SEPP		
2022/153	1 into 2 lot Torrens Title Subdivision	53 Ford Street Muswellbrook	\$0
2022/152	Building a verandah on the front of exiting dwelling	2 Paxton Street Denman	\$32,000
2022/148	Construction of a shed (farm building)	400 Yarrowa Road Denman	\$19,000
2022/147	Tyre recycling facility within an existing warehouse	12 Carramere Road Muswellbrook	\$2,200,000
2022/121	Construction of a single storey dual occupancy dwelling	12 Bimbadeen Drive Muswellbrook	\$675,000
2022/116	Farm Building	Golden Hwy Sandy Hollow	\$29,000
2021/035	Community Centre Extension	5 Jersey Place Muswellbrook	\$850,000
2010/219	Replacing the current septic tank and seepage trench with a new garden master aeration system	470 Dalswinton Road Dalswinton	\$12,000

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

**On-site Wastewater Statistics - 13 Month Analysis (2021/2022)**

	Dec 21	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Applications Received (new installation)	0	0	0	3	0	0	0	0	3	2	0	2	0
Applications Approved (new installation)	0	0	0	2	1	0	0	2	2	0	0	0	1
Inspections (new system)	0	3	0	2	0	1	0	0	0	0	0	2	1
Inspections (existing system)	0	14	3	7	0	18	39	1	1	0	0	1	1



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

	Dec 21	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Applications Received (new businesses)	0	0	1	1	0	0	1	3	3	7	1	1	3
Inspections (new businesses)	0	1	1	0	0	0	3	1	0	8	1	3	1
Inspections (existing businesses)	0	11	16	10	1	12	13	0	0	0	0	5	0
Reinspections	0	0	1	2	1	0	0	0	0	0	0	0	0

**4.1.1.1 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 (2021/2022)**

	Dec 21	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Total Sites Inspected		6	7	8	7	6	9	0	0	0	23	19	17
Total non-compliant and educated		1	0	0	0	0	0	0	0	0	0	0	0
Total compliance after education		1	0	0	0	0	0	0	0	0	23	19	0
Total Penalty Notices Issued		0	0	0	0	0	0	0	0	0	0	0	0

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

**13 Month Analysis (2021/2022)**

	Dec 21	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Total Investigations		1	2	4	6	5	3	3	7	1	0	1	0
Total Clean up by Council - insufficient evidence		1	2	4	6	5	3	2	7	1	0	1	0



	Dec 21	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Total Clean Up by individual		0	0	0	0	0	0	1	0	0	0	0	0
Total Penalty Notices Issued		0	0	0	0	0	0	1	0	0	0	0	0
Court Attendance Notice Issued		0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation		0	0	0	0	0	0	0	0	0	0	0	0

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

**13 Month Analysis (2022-23) – as at 08/11/2022**

	Dec 21	Jan 22	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Applications for Compliance Certs.	8	5	6	1	1	7	3	1	5	3	3	5	3	51
Initial Inspections	7	5	9	0	2	3	0	18	11	8	8	1	7	79
Re-inspections	2	1	5	0	0	1	0	6	7	9	1	3	3	38
Total compliance inspections (not inc. finals for OCs)	9	6	14	0	2	4	0	24	18	17	9	4	10	117
CCs/OCs issued	4	6	9	0	4	4	1	5	13	7	2	3	1	59
Fees invoiced	\$142 2	\$150 9	\$110 0	\$150	\$150	\$1400	\$498 6	\$284 5	\$2486	\$386 3	\$477	\$105 0	\$126 3	\$22701

**Total Pools in Council's SPR = 971**

(Note: 1106 records in SPR but 132 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

**Compliance as at 30 June 2019 = 43.0%**

**Compliance as at 30 June 2020 = 26.7%**

**Compliance as at 30 June 2021 = 20.8%**

**Compliance as at 30 June 2022 = 23.7%**

**Compliance as at 03 January = 25.1% (244 compliant out of 971 pools)**

(Note: Certificate is valid for 3 years)



**Percentage of pools inspected FY2022/2023 (as at 03 January) = 9.7%** (i.e. 9 out of 72 pools)

*(Council's program outlines that we will inspect 10% of pools per financial year – program commenced 29 April 2014)*

**Tourist/visitor accommodation or properties with pools where there are more than two dwellings**

8 out of 8 sites have valid compliance certificates.

**Key Date – 29 April 2014:**

Tourist and visitor accommodation, or properties where there are more than 2 dwellings, must have a swimming pool inspection at least once every 3 years.

**Key Date – 29 April 2016:**

Pools on properties intended to be leased require valid Compliance Certificate. Pools on properties intended to be sold require a valid Compliance Certificate or Certificate of Non-Compliance.

**SUSTAINABILITY**

17 November 2022 to 14 December 2022

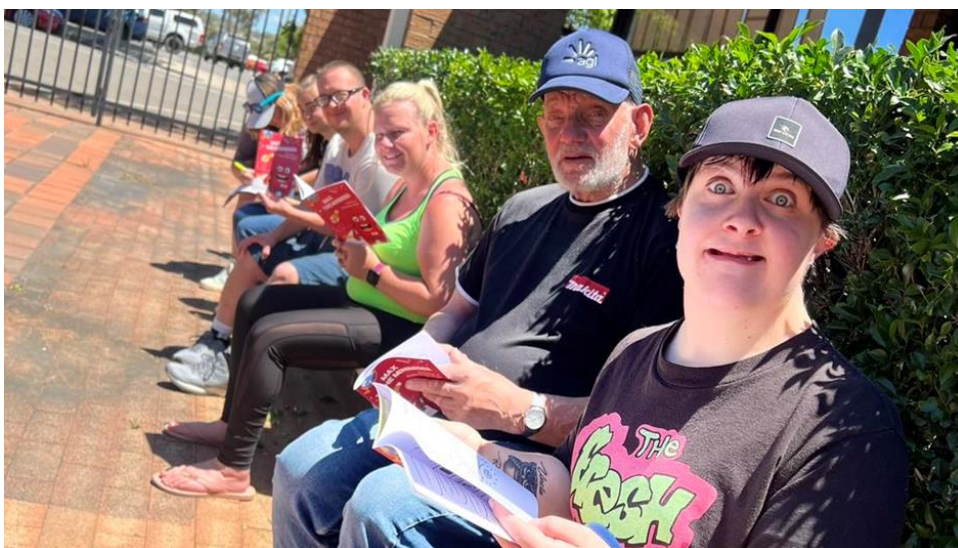
**Excellence in Environment Award**

Council won an award for works carried out at Muscle Creek at the recent Local Government NSW Excellence in the Environment Awards. Council was the winner of Division A – Natural Environment Protection, Enhancement: On-Ground Works category for the Rehabilitation of Muscle Creek project.

The project shares its success with the partnership of Muswellbrook Golf Club, Muswellbrook Girl Guides, Muswellbrook South Public School, Muscle Creek Landcare, Martindale Creek Catchment Landcare, Warrior Disability Services, Polly Farmer Foundation, 2<sup>nd</sup> Muswellbrook Scout Group, The Hunter Sustainability Landcare Team and the Hunter Region Bird Observers Club.

**Waste Activity Book**

An activity & colouring book created for the [Muswellbrook Shire Council](#) Sustainability Unit, written and illustrated by Warrior Disability Services was completed recently. The Sustainability Unit will hand these out at community events to help promote waste reduction.



**Natural Areas vs Parks**

The Sustainability Unit continues to educate the community about natural areas including Muscle Creek and Hyde Park Denman.

These areas are maintained differently to parks or open green spaces. For example, the grass is left longer to provide habitat for animals such as finches.

Natural areas are planned to increase the habitat for a wide range of native animals, they nevertheless also allow people to visit and enjoy the environment.



### Christmas Festival Muswellbrook Public

Sustainability staff attended the Muswellbrook Preschool Christmas Markets. Reece the Recycler, Max the Minimiser, Gene the Gardener and Wilbur the Water Warrior were all there to say hi.

Plenty of battery boxes, seeds from the Penguin Community Garden (in Muswellbrook) and activity books were given away. Really big thanks to Warrior Disability Services they have spent a lot of time packing seeds and working on the activity book. Thanks to them many community members loved receiving these prizes and will now be able to grow plants at home and read and complete activities about Max and his friends.



### Cultural Day

Sustainability staff attended a community cultural event run by Upper Hunter Community Services in Simpson Park.

### Muswellbrook Connect

Another Muswellbrook Connect program meeting was held on 23 November with 12 people





attending. The program is about different groups in our community supporting each other. A number of ideas were raised including using digital displays in community spaces such as the Marketplace and Campbell's Corner to promote community groups.



### **Book Giving**

Staff attend the Denman Children's Centre to hand out books donated to the centre.

### **Probus**

Staff gave a presentation about sustainability matters to a Probus meeting.

### **New Year's Eve**

Staff have been involved in attempting to make Council run events more sustainable. This work will continue in 2023.

### **Community Recycling Centre**

Mini Community Recycling Centres are located at Muswellbrook library, Campbell's Corner and Denman Craft Shop. They take household quantities of household batteries, mobile phone, ink cartridges and smoke detectors.

Keeping batteries out of landfill prevent fires in collection trucks and our landfill. All these items are recycled.

### **Sustainable Futures – Muswellbrook**

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,582 page likes and 1,687 page followers.

### **Rehabilitation of Muscle Creek Project**

Maintenance and weed control works have continued as part of the Rehabilitation of Muscle Creek Project. This has also involved preparing for erosion control and tree planting activities in September 2022 and March 2023. This project has been assisted by the NSW Government through its Environmental Trust.

### **Muscle Creek – AGL Muscle Creek Walkway Project**

Work continues for the development of 6 augmented reality (AR) experiences along the Muscle Creek walking loop. Maintenance work for the recently planted 1500 native seedlings continues. This work has many challenges as the steep slopes do not allow for mulch and makes getting water to plant roots more difficult.



## 9.2. Community Infrastructure

### 9.2.1. Denman to Sandy Hollow Water Pipeline Project - Council Funding Contribution

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - Acting General Manager
<b>Author:</b>	Derek Finnigan – Acting General Manager
<b>Community Plan Issue:</b>	5 - Community Infrastructure
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	5.1.4 - Maintain and continually improve community infrastructure across the Shire.  5.1.4.1 - Capital works programmes prioritised to demonstrate continual improvement in community infrastructure.

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#### PURPOSE

To submit for Council's consideration a potential reallocation of funding from projects contained in the Resources for Regions Round 9 grant funding programme to include the Denman to Sandy Hollow water pipeline project.

#### OFFICER'S RECOMMENDATION

Council approves:

1. Liaison to be carried out with Regional NSW or relevant NSW Government department in order to amend the funding and nominated projects as identified in the report for Round 9 of the Resources for Regions grant funding programme; and
2. Should Council's application to Regional NSW be successful, the following projects will be included in any further rounds of Resources for Regions or applicable Federal and State grant funding opportunities:
  - (i) Community Infrastructure Depot Enabling Resource Recovery and Recycling Precinct for Muswellbrook; and
  - (ii) Denman Recreation Reserve Works for Denman.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### BACKGROUND

A report, entitled '9.4.9 Denman to Sandy Hollow Water Pipeline Project' was submitted to the 22 November 2022 Ordinary Council Meeting. Council's resolution in relation to the report was:

9.4.9 *Denman to Sandy Hollow water pipeline project*

16.1 *RESOLVED on the motion of Cr B. Woodruff and Cr J. Drayton that:*

**Council:**

1) *Delegates to the Acting General Manager authority to execute a Funding Deed with The Treasurer as the Minister administering section 8(a) of the Restart NSW Fund Act 2011 (NSW) for the Denman to Sandy Hollow pipeline project;*

2) *Authorises the expenditure of Council funds in the amount of \$9,575,318.77 towards the Project;*

3) *Endorses obtaining a loan for the amount of \$9,575,318.77.*

**In Favour:** Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr J. Drayton, Cr L. Dunn, Cr R. Mahajan, Cr D. Marshall, Cr R. Scholes, and Cr B. Woodruff.

**Against:** Nil.

An internal Major Project Governance team, composed of senior staff members, has been formed to consider and provide assistance to the designated project managers for major projects. The Major Project Governance team considers and provides advice relating to, but not limited to:

- procurement;
- financial management, including project insurance and budget and expenditure management;
- risk management;
- work health and safety; and
- legal issues, potential and actual.

A meeting of the Major Project Governance team was held on Tuesday, 10 January 2023 to consider the funding of the Denman to Sandy Hollow water pipeline project. The team considered a number of options, and concluded that the option with the least financial imposition and risk to Council, from the perspective of Council's required financial contribution to the project, is to reconsider the allocation of the \$10,250,953 grant to be provided to Muswellbrook Shire Council announced under Round 9 of the Resources for Regions programme.

The report provides information in relation to this option.

**CONSULTATION**

Mayor Steve Reynolds

Asset Manager Water & Wastewater

Major Project Governance team

**REPORT**

In late 2022, The Hon. Paul Toole MP, Deputy Premier of NSW, announced that Muswellbrook Shire Council would receive \$10,250,953 in funding under Round 9 of the Resources for Regions programme. Projects nominated by Council under Round 9 of the Resources for Regions programme include:

**Table 1: Current approved projects under Round 9 of Resources for Regions**

<b>Project Title</b>	<b>Grant Value</b>
Community Infrastructure Depot Enabling Resource Recovery and Recycling Precinct for Muswellbrook.	\$4,838,247
Denman Recreation Reserve Works for Denman	\$2,249,301
Merton Street drainage for Denman	\$1,412,582
Reactivation of Campbells Corner Retail Space for Muswellbrook	\$974,686
Demolition prior to development of the Civic Pocket Park for Muswellbrook	\$425,000
Relocation of Sustainability Hub for Muswellbrook	\$351,137
<b>Total</b>	<b>\$10,250,953</b>

The majority of projects listed above are currently within the design and preparation phase. Because of this, it is suggested that, in order to mitigate any financial risk to Council and to facilitate the progression of physical works, an application is made to the Department of Regional NSW to modify the list of projects as follows:

**Table 2: Recommended amendment to projects under Round 9 of Resources for Regions**

<b>Project Title</b>	<b>Grant Value</b>
Denman to Sandy Hollow water pipeline	\$6,807,548
Community Infrastructure Depot Enabling Resource Recovery and Recycling Precinct for Muswellbrook.	\$100,000
Denman Recreation Reserve Works for Denman	\$180,000
Merton Street drainage for Denman	\$1,412,582
Reactivation of Campbells Corner Retail Space for Muswellbrook	\$974,686
Demolition prior to development of the Civic Pocket Park for Muswellbrook	\$425,000
Relocation of Sustainability Hub for Muswellbrook	\$351,137
<b>Total</b>	<b>\$10,250,953</b>

As may be seen from Table 2 above, it is considered that funding for only the following projects needs to be adjusted in order to achieve the total funding necessary to enable Council to call for tenders for the construction of the Denman to Sandy Hollow water pipeline:

1. Community Infrastructure Depot Enabling Resource Recovery and Recycling Precinct for



Muswellbrook; and

2. Denman Recreation Reserve Works for Denman.

With respect to both of the above projects, considerable design and estimating works remain to be done before physical work may commence on site. An allocation has been made to both projects to ensure design works can continue. In both cases it is unlikely work would be able to commence on site within the next 12 to 24 months. It is therefore recommended that consideration be given by Council to enable a more streamlined progression of Council projects through replacing the Community Infrastructure Depot and Denman Recreation Reserve Works with the Denman to Sandy Hollow water pipeline project. The additional benefit provided by this option is the considerable financial relief to be achieved, whereby Council's financial contribution to the project will be financed by grant funding and not through the taking out of a loan.

With respect to Council's funding contribution to the Denman to Sandy Hollow water pipeline project, it is considered that the nominated \$6,807,548 amount would be sufficient to enable Council to call for tenders for the carrying out of the project.

There are three primary risks associated with this option, identified as:

1. There is no guarantee Regional NSW or relevant NSW Government Department will approve Council's request to reallocate the funding as recommended;
2. There is a risk the nominated \$6,807,548 may not be sufficient to fully fund the Denman to Sandy Hollow water pipeline project from the perspective of Council's contribution towards the project, and that either additional funding may be required or that the project scope will need to be amended to remain within the available funding limit; and
3. At this point, there is no guarantee of future rounds of Resources for Regions grant funding being provided. Should this be the case, alternative sources of grant funding would be required to enable the carrying out of the Community Infrastructure Depot and Denman Recreation Works projects. The intention would be to develop both projects to a 'shovel ready' position that would enable both projects to be readily submitted with respect to future grant funding opportunities.

## OPTIONS

Council may decide to request a reallocation of the funding as recommended in the report or to not request a reallocation of the funding.

## CONCLUSION

In the current economic environment, there is considerable risk in obtaining a loan to provide the funding required as Council's contribution to the Denman to Sandy Hollow water pipeline project. Council's financial risk will be considerably mitigated should there be the opportunity to provide the required financial contribution through Round 9 of the Resources for Regions grant funding programme.

## SOCIAL IMPLICATIONS

The Denman to Sandy Hollow water pipeline will provide potable water infrastructure to manage water resources for the development of new and emerging industry sectors, particularly in agribusiness such as an abattoir and feedlot.

The water pipeline has the potential to unlock development and population growth in Sandy Hollow and Denman. There is also the potential for the pipeline to be extended to Merriwa in the future, assisting in the provision of water security to this community.





## FINANCIAL IMPLICATIONS

### **Ongoing Operational and Maintenance Costs Implications Associated with Capital Project**

#### **1. Financial Implications – Capital**

Council will receive a grant funding contribution of \$18,898,200 from the Growing Local Economies NSW Government grant programme for the Denman to Sandy Hollow water pipeline project.

As was reported to Council at the 22 November 2022 Ordinary Council Meeting, in order to fully fund the project, Council will be required to contribute an estimated \$9,575,318.77 to the project. However, it is considered that a \$6,807,548 reallocation of funding towards the project from the Resources for Regions will be sufficient to enable tenders to be invited for the project.

In the current economic environment, it is considered that this option provides the most financially viable option to secure Council's required financial contribution towards the project.

#### **2. Financial Implications – Operational**

Costs associated with the operation and maintenance of the pipeline are intended to be recovered from industrial and commercial users of the pipeline.

## POLICY IMPLICATIONS

Tenders for the design and construction of the Denman to Sandy Hollow water pipeline project will be called in compliance with Council's Procurement Policy, the Local Government Act 1993, and the Local Government (General) Regulation.

## STATUTORY IMPLICATIONS

Local Government Act 1993

Local Government (General) Regulation

## LEGAL IMPLICATIONS

Nil identified.

## OPERATIONAL PLAN IMPLICATIONS

The submission of the report complies in principle with item 5.4.1 of the Operational Plan: 'Capital works programmes prioritised to demonstrate continual improvement in community infrastructure'.

## RISK MANAGEMENT IMPLICATIONS

There are three primary risks associated with this option, identified as:

1. There is no guarantee Regional NSW or relevant NSW Government Department will approve Council's request to reallocate the funding as recommended;
2. There is a risk the nominated \$6,807,548 may not be sufficient to fully fund the Denman to Sandy Hollow water pipeline project from the perspective of Council's contribution towards the project, and that either additional funding may be required or that the project scope will need to be amended to remain within the available funding limit; and
3. At this point, there is no guarantee of future rounds of Resources for Regions grant funding being provided. Should this be the case, alternative sources of grant funding would be required to enable the carrying out of the Community Infrastructure Depot and



Denman Recreation Works projects. The intention would be to develop both projects to a 'shovel ready' position that would enable both projects to be readily submitted with respect to future grant funding opportunities.

**WASTE MANAGEMENT IMPLICATIONS**

Nil at this stage of the project.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Community information will be provided throughout the project. This will include a public information session to be held at the Sandy Hollow Community Hall in the first quarter of 2023.



## 9.3. Property and Place

### 9.3.1. Muswellbrook Shire Council Sport and Recreation Small and Large Capital Grants 2022-2023

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Derek Finnigan - Acting General Manager Matthew Lysaught - Director Property & Place
<b>Author:</b>	Paul Chandler – Recreation & Property Officer
<b>Community Plan Issue:</b>	5 - Community Infrastructure
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	5.1.4 - Maintain and continually improve community infrastructure across the Shire.  2.1.2.2 - Continue matched funding Sport and Recreation Grants Programmes.

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#### PURPOSE

To report applications for round seven of Council's Sport and Recreation Capital Grants Programme for the consideration of Council.

#### OFFICER'S RECOMMENDATION

Council:

1. Awards the funding for the grant applications as recommended in this report; and
2. The remaining budget be allocated to the Tommy Gill Chair installation.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### BACKGROUND

A total of eleven applications were received from local sporting and community user groups for round seven of Council's Sport and Recreation Capital Grants Programme.

The report provides the detail of these applications under both the Small and Large Capital Grants Programme and recommendations for the allocation of funds.

The 2022-23 Sport and Recreation Grants Programme has a funding allocation of \$115,000, which includes \$25,000 for the Small Capital Grants Programme and \$90,000 for the Large Capital Grants Programme.

#### CONSULTATION

Sport and Recreation Committee

Technical Officer - Recreation and Property

Director Property & Place

**REPORT**

The Sport and Recreation Capital Grants Programme has been a very successful initiative of Council's. It has facilitated local user groups to fund their user priorities using matched Council funding. Further, Council's funding has assisted user groups in attracting additional funding from other organisation's grant programmes. Since 2015 Council has facilitated 62 user group projects.

Listed below under the respective grant programmes are the applications received and recommendations for Council's consideration.

**Small Capital Grants**

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Glen Gallic Shooting Club	Purchase new bows for youth and children to use.	<b>\$510</b>	\$1,020	Recommended	\$510
Denman Swimming Club	Purchase new equipment for swimming lessons.	<b>\$2,000</b>	\$4,500	Recommended	\$2,000
Muswellbrook Swimming Club	Purchase capital equipment to assist club members in registering for swim lessons, time keeping, and collation of records.	<b>\$750</b>	\$1,498	Recommended	\$750
Denman Pony Club	Replacement of existing timber rails with steel rails.	<b>\$1,836</b>	\$3,672	Recommended	\$1,836
<b>Total</b>		<b>\$5,096</b>	<b>\$10,690</b>		<b>\$5,096</b>

**Large Capital Grants**

User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Muswellbrook RSL Golf Club	Two golf practice nets for the driving range	<b>\$11,966.75</b>	\$23,933.50	Not recommended due to other priorities.	\$0
Muswellbrook Netball Association	Additional covered seating area	<b>\$7,500.00</b>	\$15,000.00	Recommended	\$7,500



User Group	Purpose of funding:	Funding requested	Total project cost	Recommendation	Budget Allocation
Antique Truck and Machinery Club	Funding for the Antique Truck and Machinery display event 2023	<b>\$10,000.00</b>	\$20,000.00	Not recommended as not conforming with grant guidelines.  Application is for an event and not for public sport or recreation facilities.	\$0
Denman Sandy Hollow Junior Rugby League Club	Construct a roof over tiered seating at Denman grandstand	<b>\$37,500.00</b>	\$75,000.00	Recommended	\$37,500
Lake Liddell Area Reserve Land Manager	Upgrade roads and BBQ area in Caravan Park area	<b>\$44,000.00</b>	\$88,000.00	Recommended offer of part funding be made.	\$31,000
Denman Pony Club	Purchase a commercial mower for grounds maintenance	<b>\$14,000.00</b>	\$28,700.00	Recommended	\$14,000
Muswellbrook Junior Rugby League	Fully mobile Colour LED Scoreboard for sporting events and video screen for community cinema nights.	<b>\$23,886.50</b>	\$47,773.00	Not recommended in this round of funding.  Opportunity exists for project in the development of Olympic Park Precinct.	\$0
<b>Total</b>		<b>\$148,853.25</b>	<b>\$298,406.50</b>		<b>\$90,000</b>

If the funding is allocated as recommended in both the Small and Large Capital Grant Programmes, there will be a budget allocation remaining of \$19,904.

The remaining funds could be allocated from the Small Capital Grants Programme towards the Large Capital Grants Programme, to a general recreation minor renewals programme as has been the practice in previous years, or to a discrete project.

For example, Council has shaped the stockpile material next to the 50 m outdoor pool at the Muswellbrook Aquatic and Fitness Centre, but additional funds are needed to topsoil and turf the bank of approximately \$30,000. The balance of grant funding could be used towards this, but Council would still need to identify further budget. Council staff are reviewing options as part of the December Quarterly Budget Review.



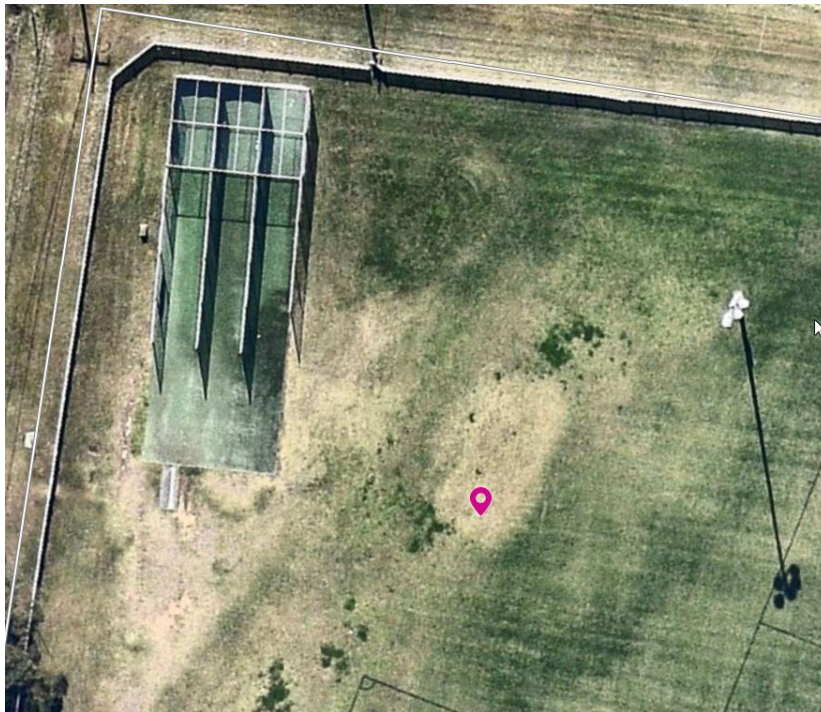
### Tommy Gill Chair

Another alternative project for the sport and recreation funding is the proposed Tommy Gill Chair at Victoria Park. Malcolm Gordon Gill otherwise known as Tommy Gill who passed away at the age of 85 on 6 March 2017. He was the founder of the Muswellbrook Junior Cricket, and a life member of the Muswellbrook District Cricket Association.

Tommy Gill was also a lifetime volunteer at Victoria Park as the umpire and curator and up until his passing the volunteer maintainer of Victoria Park Amenities.

Council has had a longstanding intention to place a chair in Tommy Gill's honour at Victoria Park, but field improvement work in recent years and no specific budget allocation for the project have delayed any installation.

Councillor McNeil discussed recently with former executives of both Muswellbrook Junior Cricket and Muswellbrook District Cricket Association, and staff discussed with Brook Cricket Club representative potential locations at Victoria Park for a chair in Tommy Gill's honour. A location near the cricket nets was the most supported.



Victoria Park corner of George and Cook Streets

It is proposed that a shelter and chair like the shelters used at the Bill Rose cricket grounds in Scone could be installed.



Bill Rose Sports Complex, Scone

Suitable options would include a skillion or hip roof with either a chair or table and chairs on a concrete slab. Provided below are illustrations only of each roof and chair options.



A small hip roof structure may be most suitable to correspond with the Stan Thesis Centre buildings at Victoria Park with colours to match and a chair more personal in honour of Tommy Gill.

However, Council may also consider the functionality of tables and chairs as well in this location. It is estimated that the slab, shelter, and chair(s) could be installed for approximately \$15,000.

It is recommended that Council allocate the budget allocation remaining of \$19,904 from the



grants programme to the Tommy Gill Chair installation.

### **OPTIONS**

Council may choose to award the funding as recommended or prioritise other projects.

### **CONCLUSION**

Council allocates the funds as recommended for the Small and Large Capital Grants Programmes, and the budget allocation remaining of \$19,904 be allocated to the Tommy Gill Chair installation.

### **SOCIAL IMPLICATIONS**

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

### **FINANCIAL IMPLICATIONS**

The 2022-23 Sport and Recreation Grants Programme has a funding allocation of \$115,000, which includes \$25,000 for the Small Capital Grants Programme and \$90,000 for the Large Capital Grants Programme.

### **POLICY IMPLICATIONS**

F16-1 Financial Assistance Policy

### **STATUTORY IMPLICATIONS**

Nil known.

### **LEGAL IMPLICATIONS**

Funding participants will be required to sign an agreement that outlines their responsibilities regarding the funded project, reporting of works, administration of funds, and a post-project acquittal.

### **OPERATIONAL PLAN IMPLICATIONS**

'2.1.2.2 Continue matched funding Sport and Recreation Grants Programmes', *Muswellbrook Shire 2022 – 2023 Operational Plan*

### **RISK MANAGEMENT IMPLICATIONS**

All applicants are required to show proof of capacity to match the requested funding and quotes for the proposed items.

### **WASTE MANAGEMENT IMPLICATIONS**

Nil known.

### **COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Together with informing grant applicants of the outcome a media release will be prepared.



### 9.3.2. Major Projects: Status Update

<b>Attachments:</b>	1. Major Projects Status Report [9.3.2.1 - 6 pages] 2. Major Projects Distribution [9.3.2.2 - 2 pages]
<b>Responsible Officer:</b>	Derek Finnigan - Acting General Manager
<b>Author:</b>	Matthew Lysaught – Director Property & Place
<b>Community Plan Issue:</b>	5 - Community Infrastructure
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire.  Not applicable

#### PURPOSE

To provide Council with the monthly Major Projects Status and Project Distribution reports.

#### OFFICER'S RECOMMENDATION

Council notes the report.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### BACKGROUND

A monthly tabular report is provided with status updates and information on major projects for areas of community infrastructure and a report on project distribution and resourcing to 30 June 2023.

#### CONSULTATION

Respective project managers.

#### REPORT

The Major Projects Status Report is attached for the information of Councillors as at 18 January 2023.

Each iteration of the report is reviewed to improve the communication of status updates against Council's Delivery Program and 2022 – 2023 Operational Plan. This now includes a supplementary report providing project distribution considering internal resources and projects or stages of projects to be completed by 30 June 2023.

In the attached version of the Major Projects Status Report new projects or projects that have significantly changed due to recent funding announcements have been highlighted.

#### OPTIONS

Council may request further information on respective projects.



## **CONCLUSION**

It is recommended that the information contained in the report be noted.

## **SOCIAL IMPLICATIONS**

To provide infrastructure that is well-planned and appropriate for the needs of our community.

## **FINANCIAL IMPLICATIONS**

Nil known.

## **POLICY IMPLICATIONS**

Nil known.

## **STATUTORY IMPLICATIONS**

Nil known.

## **LEGAL IMPLICATIONS**

Nil known.

## **OPERATIONAL PLAN IMPLICATIONS**

'1.4.1 Complete current infrastructure projects and identify future opportunities for the Shire',  
*Muswellbrook Shire 2022 – 2023 Operational Plan*

## **RISK MANAGEMENT IMPLICATIONS**

Risk implications are considered and assessed for major projects.

## **WASTE MANAGEMENT IMPLICATIONS**

Project plans consider and have waste management plans.

## **COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Subject to the type and scale of the project, Council consults and provides communications to the community and media.



PROJECT NUMBER	PROJECT	PROJECT STAGE INVESTIGATION (I) DESIGN (D) CONSTRUCTION (C)	GL Number	BUDGET ESTIMATE	FY BUDGET ALLOCATION	WORKS INSURANCE	PLANNED START	PLANNED COMPLETION	START	COMPLETION	STATUS AS AT 18 JANUARY 2023
MULTIPLE YEAR PROJECTS											
2019 Special Rate Variation											
TBA	Stormwater Drainage Projects	C	3540.1404.504	\$300,000	\$615,188	TBA					This funding is currently not formally allocated. Projects are to be prioritised and reported to Council. Merton St Denman is considered to be a high priority project for the consideration of Council in relation to this funding.
Olympic Park											
2019-2020-0417	Olympic Park Amenities and Grandstand	D & C	3710.7824.504	\$8,150,000	\$2,248,033	Existing Cover to \$2M	Jan-21	Dec-24	Jan-21		2022-23 Operational Plan Action: 1.4.1.2 Seek development approval for grandstand and amenities design for Olympic Park . Development Application has been submitted with the Regional Planning Panel. Approval is not expected until April 2023. Planned completion date has been amended to reflect anticipated approval. <b>Funding for Stage 2 Grandstand \$5.5m confirmed and awaiting Funding Agreement.</b> The Olympic Park Development Advisory Committee initial meeting held Tuesday 13 December 2022.
2021-2022-0520	Olympic Park Field Improvements	D	3710.1405.504	\$1,500,000	\$990,316	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		2022-23 Operational Plan Action:1.4.1.1 Commence Olympic Park field improvements. Draft drainage and irrigation designs have been completed. <b>Council to give consideration to request alignment of multiple grant funding sources for Olympic Park Projects from funding bodies.</b> Preliminary discussion has been held with NSW Sport regarding funding alignment.
TBA	Olympic Park Projects	D	3710.1405.504	TBD	\$171,301	Existing Cover to \$2M	Jul-22				Design for Olympic Park Funds to be allocated for investigation and design of other precinct stages including precinct landscape design.
Regional Entertainment and Conference Centre											
2020-2021-0463	Regional Entertainment and Conference Centre - ENABLING WORKS	D & C	3690.5433.504	TBD	TBD	TBA	Oct-21	Jun-26	Oct-21		2022-23 Operational Plan Action: 4.2.1.1 Begin precinct enabling works, and 4.2.1.2 Review design value management options for theatre and community hall. The project was reported to the 28 September 2021 Ordinary Council Meeting. Tender negotiations with preferred tenderer, as resolved at 28 September 2021 Ordinary Council meeting, did not result in award of tender. The development application was withdrawn in October to address planning issues raised for resubmission. Engaging consultant to prepare alternative concept design for Possum Gully Culvert relocation to cater for the Civic Precinct. It is planned that the concept will be communicated with ARTC to seek feedback. Development Application is being prepared for Demolition of Bridge Street buildings and pocket park.
2020-2021-0463	Regional Entertainment and Conference Centre	D & C	3690.5433.504	TBD	\$6,208,018	TBA	Oct-21	Jun-26	Oct-21		2022-23 Operational Plan Action: 4.2.1.1 Begin precinct enabling works, and 4.2.1.2 Review design value management options for theatre and community hall. The project was reported to the 28 September 2021 Ordinary Council Meeting. Tender negotiations with preferred tenderer, as resolved at 28 September 2021 Ordinary Council meeting, did not result in award of tender. The development application was withdrawn in October to address planning issues raised for resubmission. The Regional Entertainment Centre Development Advisory Committee met Wednesday 14 December 2022.
Other											
TBA	Civic Precinct (Town Square)	D & C	3690.5498.504	\$14,500,000	\$3,404,981	Council insured	Oct-21	Jun-26	Oct-21		2022-23 Operational Plan Action: 1.4.1.3 Develop Pocket Park design for the Muswellbrook Town Centre. Planning for demolition and scoping of the Pocket Park has commenced. <b>Funding of \$10.5m confirmed awaiting Funding Agreement.</b> Development Application is being prepared for Demolition of Bridge Street buildings and pocket park.
2021-2022-0500	Denman Heritage Village	D & C	3590.4222.504	\$1,830,871	\$1,809,525	Existing Cover to \$2M	Sep-21	Jul-23	Sep-21		Deed for Heritage items executed. Design and Construction tender awarded. Detail design being progressed with s68 approved and construction certificate approval required the inclusion of one accessible toilet and two ambulant toilets. Site establishment completed Monday, 24 October 2022. Excavation, foundation works and plumbing are completed. Report went to December Council meeting for request and approval of additional funding for variation to carry out design and construction of amenities as part of the construction certification. Steel is in fabrication and due onsite late February.
2019-2020-0404	Hunter Beach	D & C	3920.5904.504	\$3,173,029	\$3,128,232	Contractor insured	Jul-22	Feb-22	Aug-22		Works have commenced on site and are progressing well. Significant vegetation management underway and commencement of earthworks and driveway construction. 80% of final design endorsed by Council. Final design plans approved by Chief Engineer to allow infrastructure works to proceed. Draft landscaping plan lodged to November Ordinary Council meeting. Driveway, car park construction, and drainage are current stage of works.
2020-2021-0443	MSC Depot Construction	D & C	3910.5939.504	\$200,000	\$200,000	Council insured	Jul-21	Dec-23	Jul-21		2022-23 Operational Plan Action: 6.3.1.1 New Works Depot – tender for works called . Preliminary budget estimate has being prepared for the new proposed location at the Waste Management Facility. Architect and civil engineer coordinating designs to finalise concept and costs estimate. Concept and cost estimate reported to December 2022 Ordinary Council Meeting. <b>Resources for Regions Round 9 funding announced of \$4.8M.</b>

2020-2021-0452	Muswellbrook Animal Shelter	C	3910.5887.504	\$3,191,041	\$1,206,134	Council Insured	Feb-21	Mar-23	May-21		Building works materially complete. The Community Garden design has been accepted by stakeholders. Detail design for Hunter River stormwater discharge is complete and assessment approval received.
2019-2020-0413	Muswellbrook Indoor Sport Centre	D & C	3910.5844.504	\$1,242,452	\$1,205,944	Existing Cover to \$2M	Oct-19	Jun-23	Oct-19		Upper Hunter Youth Services was awarded Stronger Country Community grant funding of \$500k. Stakeholder consultation and preliminary design complete and Development Application approved. Call for Tenders for a detailed design early 2023 and concurrent land acquisition with Crown Land.
2020-2021-0448	Tertiary Education Centre - Stage 2 (Donald Horne Building) incl. Upper Hunter Innovation Hub and Weidmann Café	D & C	3690.5438.504	\$6,930,061	\$580,613	Council insured	Jul-19	Oct-23	Jul-19		Donald Horne Building nearing completion. Landscape works are being undertaken with completion expected late December, weather permitting. Loxton House works were placed on hold following structural works for design and tender review. The café design is progressing to accommodate the Blue Flame Restaurant. Staged OC process underway and ground works required to carry out external landscaping covered by recent Construction Certificate in progress.
2020-2021-0448	Tertiary Education Centre - Stage 2 (Donald Horne Building) incl. Upper Hunter Innovation Hub and Weidmann Café	D & C	3690.5438.504	\$6,930,061	\$580,613	Council insured	Jul-19	Oct-23	Jul-19		Donald Horne Building nearing completion. Landscape works are being undertaken with completion expected late December, weather permitting. Loxton House works were placed on hold following structural works for design and tender review. The café design is progressing to accommodate the Blue Flame Restaurant. Staged OC process underway and ground works required to carry out external landscaping covered by recent Construction Certificate in progress.
FUTURE FUND											
TBA	Marketplace Asset Renewal (incl. Lift)	D & C	3690.5540.504	\$331,194	\$331,194	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Heavy goods lift specification drafted for tender issue. Major tenant reviewing specification for advice in assisting in meeting needs of centre. Tenders to be called first quarter of this year.
N/A	Renewal of Existing Assets	D & C	3690.5421.504	\$326,805	\$326,805	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Combination of commercial building renewal projects and capital works for new tenancies. Major works to date included the warm shell to attract Best & Less tenancy to the Marketplace.
PLANNING, COMMUNITY AND CORPORATE SERVICES											
N/A	General Building Renewal Programme	C	3910.5819.504	\$250,000	\$250,000	Existing Cover to \$2M	Oct-22	Jun-23			Report endorsed September 2022 Ordinary Council Meeting. Request for Quote are out and activation of some projects contingent on grant funding will now commence.
TBA	General Design Programme	D	3910.5855.504	\$49,452	\$37,656	Existing Cover to \$2M	Jul-21	Dec-22	Jul-21		Architect has consulted with heritage advisor to inform design development and draft concepts received. Design being progressed relies on glazing existing structure. Advice sought on planning pathway. Heritage architect has provided finishes recommendations. Planning Consultant to be engaged to progress design to Development Application within available budget.
TBA	Reactivation of Campbells Corner Retail for Muswellbrook	D & C	TBA	\$974,686			Jan-23	Jul-24			<b>Resources for Regions Round 9 funding announced of \$974,686.</b> Development Application (DA) design being finalised. DA to be submitted February 2023 with Heritage, Building Code, Access and Statement of Environmental Effects reports.
TBA	Outdoor Pool Plant Upgrades	D	3700.5453.504	\$150,000	\$150,000	Existing Cover to \$2M	Sep-21	Mar-22	Sep-21	Mar-22	Tender Package completed. Tender subject to capital funding.
TBA	CBD Stage 7 (Town Centre)	D & C	3690.5479.504	\$1,685,796	\$1,630,345	Existing Cover to \$2M	Jan-22	Nov-22	Jan-22		A part funding allocation towards providing universally accessible pathways (including soft and hard landscaping) in accordance with NSW heritage requirements in the education precinct connecting Tertiary Education Centre 1, Loxton House, Donald Horne Building, Muswellbrook Library, and precinct car parking. Soft and hard landscaping are progressing. <b>Reallocation of Resources for Regions Round 7, \$2,850,318. Includes Public Domain Works, Loxton House Refurbishment, Hill St Construction, Part Bridge Street Footpath, Bridge Street Median, Marketplace Public Car park, and Marketplace laneway.</b> Loxton House Development Application (DA) modification package finalised and lodged.
2021-2022-0509	Denman Children Centre	D & C	3920.5658.504	\$1,229,714	\$1,229,714	Existing Cover to \$2M	Jun-18	Aug-23	Mar-21		Council auspice project. DA 99/2018 approved May 2019. Denman Children's Centre Memorandum of Understanding was developed March 2021. Both parties signed MOU to progress project in FY 21/22. Project manager awarded. Contracts for detailed design awarded. Building design being amended in line with flood risk assessment, the main impact is the requirement for an entry ramp into the new building. Civil design being finalised to facilitate S68 Permit. Construct-only tender documentation drafted for review with tender to be advertised in February 2023.
TBA	Denman Netball Courts	D & C	3710.7825.504	\$311,451	\$311,451	Existing Cover to \$2M	Oct-21	Jul-22	Sep-22		Project start dates delayed due to additional funding required. Denman Recreation Area user group consultation complete. Geotechnical investigations and tender documents preparation underway. Tenders to be called early 2023.
TBA	Denman Recreation Reserve Works	D & C	TBA	\$2,249,301			Jan-23	Apr-24			<b>Resources for Regions Round 9 funding announced of \$2,249,301.</b>

2019-2020-0406	Muswellbrook Aquatic Centre Upgrade	C	3700.5442.504	\$6,500,000	\$1,515,153	Contractor insured	Mar-20	Mar-21	Mar-20	Aug-22	Aquatic Centre officially opened Saturday 17 September 2022. Incomplete works being undertaken and defects being addressed. Formal notification of Council resolution to reject Renascent's Offer for Deed of Settlement underway.
2020-2021-0481	Karoola Park Plan of Management	I	3710.5532.504	\$30,000	\$30,000	Existing Cover to \$2M	Jul-21	Dec-22	Oct-21		Request For Quote for Plan of Management awarded. The inclusion of a Citizen Walk to be considered as part of draft Plan of Management.
TBA	Adventure Playground - Wollombi Rd (Pump Track)	I, D & C	3710.7831.504	\$480,000	\$480,000	TBA	Jan-23	Jun-23			Tenders to be called for design and construct contract early 2023.
TBA	Kayuga Rural Fire Station	D & C	3860.5415.504	\$650,000	\$591,293	Existing Cover to \$2M	Dec-21	Mar-23	Dec-21		External project manager engaged. Development approval received. Tender called for design and construction closing 27 June 2022. Direct negotiations with preferred tenderer to include cost savings identified. Additional funding being considered by RFS. An amendment to Development Approval submitted to reduce setback and include RFS supplied water tank. Revised tender amount to be reported to February 2023 Ordinary Council Meeting subject to funding.
TBA	Major Landcare Projects	I, D & C	3920.5617.504	\$171,286	\$171,286	Existing Cover to \$2M	Sep-22	Jun-23			Report endorsed September 2022 Ordinary Council Meeting.
TBA	Denman Indoor Sports Centre Upgrade	C	3910.5949.504	\$151,200	\$140,969	Existing Cover to \$2M	Jul-21	Dec-22			Works being delivered by Council's Building team. Delays have been experienced due to trade shortages and the nature of works.
TBA	Muswellbrook Indoor Sports Centre Upgrade	C	3910.5950.504	\$148,050	\$120,493	Existing Cover to \$2M	Jul-21	Dec-22			Works being delivered by Council's Building team. Delays have been experienced due to trade shortages and the nature of works. Insulation works completed.
TBA	Muscle Creek Nature Trail (AGL Macq Project)	C	3920.5946.504	\$237,500	\$140,238	Existing Cover to \$2M	Oct-21	Jun-22			Track options have been scoped to connect with Wilder St bridge works when complete.
N/A	General Recreation Programme	C	3710.5293.504	\$150,000	\$150,000	Existing Cover to \$2M	Sep-22	Jun-23	Sep-22		Report endorsed September 2022 Ordinary Council Meeting. Request for Quote are out and activation of some projects contingent on grant funding can now commence.
N/A	Landscaping and Tree Management Programme	C	3710.5311.504	\$90,000	\$90,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Street tree applications have been received and programmed for planting.
N/A	Major Large Capital Grants Programme (Dollar for Dollar Grant Programme)	C	3710.5494.504	\$90,000	\$90,000	Existing Cover to \$2M	Oct-22	Feb-23			Applications have closed and will be reported January 2023 Council meeting.
N/A	Cemetery General Programme	C	3722.5297.504	\$90,000	\$90,000	Existing Cover to \$2M	Jul-22	Sep-22			First stage of concrete path works complete.
N/A	Sport and Recreation Small Capital Grants	C	3710.5482.504	\$25,000	\$25,000	Existing Cover to \$2M	Oct-22	Feb-23			Applications have closed and will be reported January 2023 Council meeting.
ROADS AND DRAINAGE											
TBA	Bridges Renewal Program	I	3530.4131.504	\$95,000	\$42,281	Existing Cover to \$2M	Aug-21	Jun-23	Jul-22		Following the level 3 assessment of Bell St Bridge over Muscle Creek a prioritised program of works has been prepared. Works will be undertaken in accordance with this program to the limit of the available budget. The works in 2022-23 include geotechnical testing and assessment of the abutments, and monitoring of the movement of the bearings. The geotechnical testing and assessment have been completed and a report issued. The monitoring works are programmed to be undertaken in the new year.
TBA	Carpark Renewal Program	C	3580.4234.504	\$100,000	\$93,143	Existing Cover to \$2M	Feb-22	Jun-22	Feb-23		Consultation has occurred with the Manager Works, Property and Building, and Commercial Property Coordinator to undertake improvements to the Hill St Carpark to improve carparking provision and access to the Marketplace off Hill St. The concept plans were prepared for consultation and reported to the May 2022 meeting of Council. The IFC design drawings have been prepared in preparation for proposed construction upon notification of reallocation of funding from Resources for Regions. R4R Funding has been confirmed and Council will engage panel contractors to commence the construction in Feb 2023. Construction notification letters will be sent to the affected adjacent property owners and businesses.
TBA	CPTIGS - Bus Shelter Program	I and D	3500.2781.504	\$48,400	\$251,040	Existing Cover to \$2M	Mar-22	Jun-23	Aug-22		An in-kind source of funding for the upgrade of the Bus Stop in Tindale St has been provided through development in the street. Tender documents have been prepared for the design and installation of the shelters.
TBA	Drainage Devices Program	I	3540.4065.504	\$150,000	\$150,000	Existing Cover to \$2M	Feb-22	Jun-22			Program and concept design reported to Council.
TBA	Footpath & Cycleway Renewals	C	3500.4072.504	\$150,000	\$150,000	Existing Cover to \$2M	Aug-22	Jun-23	Aug-22		A prioritised program was reported and endorsed by Council July 202. This program of work has commenced with work in Maitland St Muswellbrook. Work on this program will continue in 2023.
TBA	Heavy Patching Programme	C	3500.4035.504	\$500,000	\$500,000	Existing Cover to \$2M	Aug-22	Apr-22	Aug-22		A prioritised program was reported and endorsed by Council July 2022 with nominated sites now being constructed to the limit of funding available.
TBA	Kerb & Gutter Replacement	C	3560.4065.504	\$150,000	\$150,000	Existing Cover to \$2M	Aug-22	Dec-22	Aug-22	Oct-22	A prioritised program was reported and endorsed by Council July 2022 with 100% of works now complete to the limit of available funding.

TBA	Large Plant Items	D	3985.5870.504	\$1,680,000	\$1,680,000	Contractor/ Council insured	Oct-21	Jun-23	Mar-22		The plant replacement programme priorities were endorsed by Council at the March 2022 Ordinary Council Meeting. The truck has been ordered for the Waste Management Facility, the Motor Grader was reported to the September Ordinary Council meeting, and the new tractor tender reported to the November 2022 Ordinary Council Meeting.
TBA	Merton Street Drainage for Denman	C	TBA	\$2,589,582	\$1,412,582		Jul-23	Oct-24			<b>Resources for Regions Round 9 funding announced \$1,412,582.</b> The design was endorsed by Council at the October 2022 meeting. The estimated cost to construct based on this design is \$2,589,582 the sources of funding to supplement the R4R R9 funding will be reported to Council. Once total funding is confirmed this project will be prepared for tender.
TBA	New Footpath & Cycleway	C	3500.4073.504	\$250,000	\$250,000	Existing Cover to \$2M	Feb-23	Jun-23			Prioritised program reported to Council for endorsement July 2022 with footpath priorities Maitland St and Turtle St Denman. Work has commenced to link the path to the new Signals at Thompson St. A grant application was submitted to the Active Transport program for the Turtle St footpath project. Work on this project will be put on hold until confirmation on the success of this application has been provided by Transport for NSW.
TBA	Purchase of vehicles	I	3900.5660.504	\$342,558	\$342,558	Council & Contractor insured	Jul-22	Jun-23	Jul-22		Light fleet programme prepared. Difficulty sourcing vehicles as per requirements and long delays in delivery of vehicles.
TBA	Regional Road Renewal Programme	C	3502.4135.504	\$614,000	\$614,000	Council & Contractor insured	Nov-22	Apr-23			Design for the rehabilitation of a section of Bylong Valley Way 5.9km to 6.6km has been prepared. A tender for the construction is currently advertised. Work is expected to commence early in the year.
TBA	Oakleigh Bridge Replacement	C	3530.4434.504	\$543,988	\$543,588	Council & Contractor insured	Dec-22	Apr-23	Dec-22		The Tender was awarded at the November 2022 meeting of Council. The contractor has commenced works on the construction. The base has been formed and poured.
	<b>Resources for Regions - Round 5</b>			<b>\$8,542,556</b>	<b>\$8,143,687</b>						
TBA	Edderton Road Safety Upgrade	C	3500.4257.504	\$2,508,232	\$2,427,544	Council & Contractor insured	Nov-20	Apr-22	Feb-21	Dec-21	Construction is complete.
TBA	Thompson St signalisation	D	3500.4277.504	\$2,100,845	\$1,402,428	Council & Contractor insured	Feb-22	Jan-23	May-22		Construction is continuing with the works in stage 4 of the four (4) stage project. Stage 4 works involve pavement and central median construction. The current program issued by the Contractor has final asphaltting being undertaken on the 19 and 20 January. The contractor is preparing to demobilise from the site in late January. The electrical works have not been completed so the commissioning of the lights can not occur until these works are undertaken.
TBA	UHSC - Murulla St causeway	I	3500.4282.504	\$1,192,578		Council & Contractor insured					This is an Upper Hunter Shire Council project. Murulla Street is located in Murrurundi. This project has not commenced.
TBA	Wilkinson St Bridge	C	3530.5888.504	\$2,740,901	\$1,023,357	Council & Contractor insured	Dec-20	May-22	Oct-21		Tenders for a design and construct contract were received and reported to the 2 February 2021 Extra Ordinary Council Meeting with the contract awarded to Saunders Civil Group. Construction of this project is now substantially complete. Work being undertaken currently is the construction of the road approaches, the connection to the existing roads and a roundabout for circulation at the Olympic Park precinct. Wet weather has impacted asphalt contractor and therefore the contractors availability. The asphaltting and linemarking works are programmed to be undertaken in January, which will see the completion of the project.
	<b>Resources for Regions - Round 6</b>			<b>\$1,108,627</b>	<b>\$1,108,627</b>						
TBA	Ridgelands Road	C	3500.4303.504	\$388,385		Council & Contractor insured	Oct-22	Jan-23	Oct-22	Dec-22	A contract for the construction was awarded to Hunter Wide Civil. The works are now complete.
TBA	Heavy Patching Programme	C	3500.4306.504	\$66,352		Council & Contractor insured	Aug-21	Mar-22	Aug-21	Oct-21	Project Complete.
TBA	Nandowra / Dartbrook Rd	D&C	3500.4421.504	\$403,732		Council & Contractor insured					This is an Upper Hunter Shire Council project. Project is complete.
TBA	Bylong Valley Way	D&C	3500.4422.504	\$250,158		Council & Contractor insured	Jul-21	Jun-22	Jul-21	Aug-21	Project Complete.
TBA	Road Resealing Program	C	3500.4030.504	\$892,655	\$892,655	Existing Cover to \$2M	Dec-22	Apr-23	Sep-22	Mar-23	The remaining urban roads are programmed to be sealed on 10 January (Queen and King St Muswellbrook). Preparatory works are being undertaken on Thomas Mitchell Drive in expectation of sealing in late January 2023 pending contractor availability.
TBA	Roads to Recovery Programme	I	3500.2068.504	\$577,898	\$577,898	TBA	Jan-22	Dec-22			This funding is currently not allocated. Projects are to be prioritised and reported to Council. Merton St Denman is considered to be a high priority project for the consideration of Council in relation to this funding.
TBA	Rosebrook Bridge Replacement	I	3530.4429.504	\$1,633,500	\$1,633,500	TBA	Jan-23	Jun-23	Jul-22		Project preliminaries such as geotechnical investigation, site survey and completion of a review of environmental factors for the project were completed. The design and construct tender was awarded to Waeger Constructions. The design of the bridge has commenced with 85% review to be provided late October. The submitted program has construction on site commencing site establishment 30 January 2023 and completion mid June 2023.

TBA	Rural Roads Regravelling	C	3500.4055.504	\$350,000	\$350,000	Existing Cover to \$2M	Aug-22	Jun-23	Aug-22		Grading undertaken on Wells Gully Road and planned to be undertaken on Rouchel Gap, St Heliers road and Dorset road.
TBA	Safety Audit Ridglands Road	I	3500.4270.504	\$47,272	\$47,272	Council insured					Works completed.
TBA	Safety Device Renewal	C	3590.4145.504	\$135,000	\$135,000	Existing Cover to \$2M	Jan-23	Jun-23			A prioritised program was endorsed by Council at the July 2022 Ordinary Council meeting. This program will be delivered in the first quarter of 2023.
TBA	Sandy Creek Rd Curve Improvements	C	3500.2066.504	\$246,506	\$246,506	Contractor insured	Jun-21	Dec-21	Jun-21	Sep-21	Works completed.
TBA	Widden Valley Rd pavement rehabilitation	C	3500.4424.504	\$553,397	\$553,397	Existing Cover to \$2M	Aug-21	Oct-21	Aug-21	Jun-22	Works completed.
TBA	Yarrawa Rd (Fixing Local Roads)	I	3500.2780.504	\$4,931,278	\$4,931,278	Council & Contractor Insured	September	Jun-22	Oct-21	Nov-22	This project is substantially complete. A double seal will be applied in March 2023.
SEWER CAPITAL BUDGET											
TBA	Access and Security Improvements	D&C	6340.4475.504	\$155,000	\$155,000	TBA	Jul-22	Sep-22	Jul-22	Sep-22	Security improvements across Council's assets. Fencing upgrade works carried out at a number of pumping station sites.
TBA	Mains Renewal And Replacement	I,D&C	6310.4340.504	\$589,431	\$589,431	TBA	Jan-23	Jun-23	Jul-22		Aberdeen Sewer Main replacement is in design stage. Lining of Doyle, Hill, Turanville, Wilson and George streets projects in design stage. Execution is planned in June 2023 completion by October 23.
TBA	Solar Array	I, D & C	6310.4493.504	\$1,800,000	\$1,800,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Sustainability initiatives associated with operation of the Raw Water Treatment Works. RFQ has been called and awarded for project management consultant to run the design and construct tender process including preparation of tender documentation.
TBA	Sewer Operational Contingency	I,D&C	6340.4494.504	\$150,000	\$150,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Sep-22	Contingency budget available to replace equipment and improve systems that have been impacted by the floods over the past year. Purchase orders were committed for the following equipment: a spare critical pneumatic valve positioner for the RWTW, a replacement motor and spare critical motor for the extraction fan for MSPS4 odour control system and a new control panel for the odour control system for MSPS4 (critical replacement since replacement parts are obsolete). In addition to the above purchases, final payment claim was made to Aurecon Australasia Pty Ltd for the RWTW project and critical proximity sensors were purchased and replaced the damaged sensors on the RWTW grit bins. UPS upgrade at the RWTW, replacement of pump at MSPS10, purchase of butterfly valve wafers (100mm, 150mm, 200 mm) and spare valve for RWTW. <b>Upgraded variable speed drive for the decanter in the bioreactor - Denman Sewer Treatment. Purchased two sets of pre-filter screens for the odour control systems at MSPS 4 and MSPS 5. Purchased two spare valve wafers for the RWTW as part of the critical spares inventory.</b>
TBA	System Plant Asset Renewals	I, D & C	6340.4488.504	\$650,000	\$650,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		The construction of a septage receival facility at the Muswellbrook recycled water treatment works is completed. Denman Sewer treatment plant dewatering/desludging of ponds is the main priority and dewatering system design and investigation is in process. Project planned to start by Jan 23 and completion by October 23. Smoke testing of sewer main and manholes is at investigation stage to stop ingress of storm water in sewer system. Muswellbrook Sewer Pump station 8 pipe works and valves are replaced. The works were awarded in July 2022 and completed in Aug 22. The electric panel is in the process of design and execution is likely to commence in May 23. Aerator at Denman Sewer treatment plant is design and in in process of procurement and fabrication, project completion is by June 2023. Denman Sewer Treatment plant Aerator required replacement, the contract for which is awarded in November 2022 and in process of fabrication. Likely completion including testing commissioning is by June 2023.
TBA	Transportation System Improvements	I, D & C	6340.4485.504	\$81,939	\$81,939	Existing Cover to \$2M	Jan-23	Feb-23			Project valve installation to cater for emergency break of recycle water main from dam in ARTC corridor (near railway line) in investigation stage and likely execution by Feb 23.
WATER CAPITAL BUDGET											
N/R	Asbestos Removal, Earth Work and Security	C	5310.4575.504	\$155,000	\$155,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Funding is used to carry out earthwork asbestos removal for water main projects. The projects include Bligh Street East earth removal, Turanville, Forbes and Lorne Streets. Bligh Street works are completed.
TBA	Denman to Sandy Hollow Pipeline	D & C		\$28,473,519				Jul-24			Funding Deed executed.
TBA	Mains Renewal And Replacement	I, D & C	5320.4340.504	\$748,278	\$748,278	Council & Contractor insured	Jul-22	Mar-23	Jul-22		Contract for the water main replacement program has been awarded. Under this program, water mains in Lorne St., Forbes St. and Turanville Ave are in progress were completed in September 2022. Bligh Street West/ East water main replacement were completed completed in Dec 2022 for completion. Design and investigation ongoing for Flanders Avenue and Bligh Lane. Execution is likely to start by Mid Jan 2023
TBA	Replacement of Water Meters	C	5320.4376.504	\$78,000	\$78,000	Council insured	Jul-22	Jun-23	Jul-22		Ongoing ageing water meter replacement programme.



TBA	System Plant Asset Renewals	I, D & C	5340.4400.504	\$891,376	\$700,000	Council & Contractor insured	Jul-22	Jun-23			Transformer at Muswellbrook water treatment plant required to be replaced - The design has been completed. Supplier has provided a quote, and work will take 25 - 30 weeks from date of issuing the Purchase Order. The Project will be designed and will be carried out in next FY. South Muswellbrook Main is new asset and is part of this programme. Review of environmental factor has been completed, survey and investigation is in process. Wilder street and Wilkinson street will be phase1 of this project. Project commence next financial year.
TBA	Upgrade Fluoride Dosing System	I, D & C	5310.4577.504	\$346,461	\$346,461	TBA	Oct-22	Jun-23	Jul-22	Jun-23	Tender Schedules have been advertised on Vendor Panel, Newcastle Herald and Sydney Morning Herald. The Hunter Valley News will advertise on 14/12/2022. There were a number of requests to extend the closing date. It was extended to 25 Jan 2022. A report will be submitted to Council in the February Ordinary Council Meeting with recommendations. <b>From the attendance at the pre-tender meeting which was held on 15/12/2022 and the site visit that occurred on 20/12/2022, there is a possibility that Council will receive around nine tender submissions. Closing date for the tender submissions is on 25 Jan 2022.</b>
TBA	Vehicle Replacement	C	5330.4370.504	\$100,000	\$100,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Difficulty in sourcing vehicles as per requirements and long delays in delivery of vehicles.
TBA	Vehicle - Equipment Replacement	C	5330.4378.504	\$117,394	\$117,394	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Programme being prepared.
TBA	Water Operations Contingency Project	I	5340.4406.504	\$117,686	\$117,686	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Jun-23	Contingency budget available to replace equipment and improve systems that have been impacted by the floods over the past year. Replacement of the electrical cables for the Denman River Pump1, a higher dose rate coagulant pump for the MWTP, a portable UVA laboratory meter (to test for dissolve organics in the raw water), four filter differential pressure transmitters for MWTP and a replacement Watson-Marlow coagulant dosing for DWTP were purchased in this quarter. Further to the above purchases, a new UF membrane module was purchased to replace a damaged module at the Denman Water Treatment Plan, a macrolite media recirculating pump was purchased to replace a failing, existing pump at the Sandy Hollow Water Treatment Plant and a critical spare helical gearmotor was purchased for the lime auger at the Muswellbrook Water Treatment Plant. Denman River Pump required a new motor and refurbishment after flood damage. A spare transfer pump was purchased for polymer dosing at the MBK WTP. <b>Replacement of a critical differential pressure transmitters was purchased for MBK WTP. Damaged UPS was replaced for the Ford Street Raw water pumping station, MBK Water Treatment. Critical spares were purchase for the clarifier de-sludging valves. A platform was fabricated for access to the Denman Raw Water Screen when river levels impeded access to clean the Denman River Screens during heavy rain events. A new isolation valve was installed for the clarifier sludge drain line into evaporation pond 1 at MBK WTP. A critical spare mono pump was purchased for the lime dosing plant at MBK WTP.</b>
TBA	Water Stop Valve Replacement Programme	I, D & C	5320.4379.504	\$285,627	\$250,000	Existing Cover to \$2M	Oct-22	Jun-23			The funds will be utilised for water main and valves replacement projects in Bligh Street east and Flanders Avenue, for which design is in process.
WASTE											
TBA	Waste & Recycling Centre Leachate Dam	D	3653.4530.504	\$498,212	\$498,212	Existing Cover to \$2M	Feb-23	Jul-23			Design and Construction Cost Estimates complete (\$500,000). Biodiversity Assessment RFQ issued and required prior to Development Application. Geotechnical report for project area received, triggered dam design revision due to lack of winnable clay on site. Revised design underway by consultant. Test pits required to determine if rock can be ripped to design depth. Quotes received.
TBA	FOGO Infrastructure	I		N/A		TBA					Preliminary Design and EIS complete. DA 2021/58 lodged June 2021. Further information on odour impacts as requested by NSW EPA was lodged in April 2022. Expression of Interest to be called FOGO.

PROJECTS 1 JANUARY 2023 - 30 JUNE 2023		Updated 18 January 2023				
PROJECT MANAGER	PROJECT					
Project Manager	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
Project Manager - Roads & Drainage	CBD Stage 7 Design (Footpath & Laneway)	CBD Stage 7 Design (Footpath & Laneway)	CBD Stage 7 Design (Footpath & Laneway)	CBD Stage 7 Design (Footpath & Laneway)	CBD Stage 7 Design (Footpath & Laneway)	CBD Stage 7 Design (Footpath & Laneway)
	Pocket Park Design	Pocket Park Design	Pocket Park Design	Pocket Park Design		
	Hill St Car Park (adjacent to Marketplace)	Hill St Car Park (adjacent to Marketplace)	Hill St Car Park (adjacent to Marketplace)	Hill St Car Park (adjacent to Marketplace)		
	Baerami Creek & Dry Creek Causeway Design and Construction	Baerami Creek & Dry Creek Causeway Design and Construction	Baerami Creek & Dry Creek Causeway Design and Construction	Baerami Creek & Dry Creek Causeway Design and Construction	Baerami Creek & Dry Creek Causeway Design and Construction	Baerami Creek & Dry Creek Causeway Design and Construction
		Design and Implementation of Bus Shelters	Design and Implementation of Bus Shelters	Design and Implementation of Bus Shelters	Design and Implementation of Bus Shelters	Design and Implementation of Bus Shelters
Project Manager - Roads & Drainage	Thompson St Signalisation	Thompson St Signalisation				
		Rosebrook Bridge	Rosebrook Bridge	Rosebrook Bridge	Rosebrook Bridge	Rosebrook Bridge
	Oakleigh Bridge	Oakleigh Bridge	Oakleigh Bridge			
		Rainbow Culverts Construction, Sandy Creek Rd	Rainbow Culverts Construction, Sandy Creek Rd	Rainbow Culverts Construction, Sandy Creek Rd	Rainbow Culverts Construction, Sandy Creek Rd	Rainbow Culverts Construction, Sandy Creek Rd
		Bylong Valley Way REPAIR Programme	Bylong Valley Way REPAIR Programme	Bylong Valley Way REPAIR Programme	Bylong Valley Way REPAIR Programme	Bylong Valley Way REPAIR Programme
		Hill Street Reconstruction	Hill Street Reconstruction	Hill Street Reconstruction	Hill Street Reconstruction	Hill Street Reconstruction
			New Footpath Construction Programme	New Footpath Construction Programme	New Footpath Construction Programme	New Footpath Construction Programme
		Heavy Patching Programme	Heavy Patching Programme	Heavy Patching Programme		
		Merton St Stomwater Drainage Design	Merton St Stomwater Drainage Design	Merton St Stomwater Drainage Design	Merton St Stomwater Drainage Design	
Project Manager - Property & Building Services	TEC II (Donald Horne building)	TEC II (Donald Horne building)				
	Aquatic Centre - Close Out	Aquatic Centre - Close Out				
	CBD Demolition Development Approval (Pocket Park)	CBD Demolition Development Approval (Pocket Park)	CBD Demolition Development Approval (Pocket Park)	CBD Demolition Development Approval (Pocket Park)	CBD Demolition Development Approval (Pocket Park)	CBD Demolition Development Approval (Pocket Park)
	Loxton House DA	Loxton House DA				
	Regional Entertainment Centre Design Review	Regional Entertainment Centre Design Review	Regional Entertainment Centre Design Review	Regional Entertainment Centre Design Review	Regional Entertainment Centre Design Review	Regional Entertainment Centre Design Review
	Town Centre Staging (External PM Support)	Town Centre Staging (External PM Support)	Town Centre Staging (External PM Support)	Town Centre Staging (External PM Support)	Town Centre Staging (External PM Support)	Town Centre Staging (External PM Support)
Project Manager - Property & Building Services	Denman Heritage Village Construction	Denman Heritage Village Construction	Denman Heritage Village Construction	Denman Heritage Village Construction	Denman Heritage Village Construction	Denman Heritage Village Construction
	Muswellbrook Indoor Sports & Youth Centre Detailed Design	Muswellbrook Indoor Sports & Youth Centre Detailed Design	Muswellbrook Indoor Sports & Youth Centre Detailed Design	Muswellbrook Indoor Sports & Youth Centre Detailed Design	Muswellbrook Indoor Sports & Youth Centre Detailed Design	Muswellbrook Indoor Sports & Youth Centre Detailed Design
	Denman Netball Courts Design & Construction	Denman Netball Courts Design & Construction	Denman Netball Courts Design & Construction	Denman Netball Courts Design & Construction	Denman Netball Courts Design & Construction	Denman Netball Courts Design & Construction
		Adventure Playground Wollombi Road Design & Construction	Adventure Playground Wollombi Road Design & Construction	Adventure Playground Wollombi Road Design & Construction	Adventure Playground Wollombi Road Design & Construction	Adventure Playground Wollombi Road Design & Construction
	General Recreation Programme	General Recreation Programme	General Recreation Programme	General Recreation Programme	General Recreation Programme	General Recreation Programme
Project Manager - Property & Building Services		Victoria Park Facilities Upgrade	Victoria Park Facilities Upgrade	Victoria Park Facilities Upgrade	Victoria Park Facilities Upgrade	Victoria Park Facilities Upgrade
	Muswellbrook Indoor Sports Centre Upgrade	Muswellbrook Indoor Sports Centre Upgrade	Muswellbrook Indoor Sports Centre Upgrade	Muswellbrook Indoor Sports Centre Upgrade	Muswellbrook Indoor Sports Centre Upgrade	
	Denman Indoor Sports Centre Upgrade	Denman Indoor Sports Centre Upgrade	Denman Indoor Sports Centre Upgrade	Denman Indoor Sports Centre Upgrade	Denman Indoor Sports Centre Upgrade	Denman Indoor Sports Centre Upgrade
Project Manager - Property & Building Services	General Building Programme	General Building Programme	General Building Programme	General Building Programme	General Building Programme	General Building Programme
	Public buildings accessibility Programme (incl. CWA footpath)	Public buildings accessibility Programme (incl. CWA footpath)	Public buildings accessibility Programme (incl. CWA footpath)	Public buildings accessibility Programme (incl. CWA footpath)	Public buildings accessibility Programme (incl. CWA footpath)	Public buildings accessibility Programme (incl. CWA footpath)
Project Manager - Works	Development of new Muswellbrook Cemetery Concept	Development of new Muswellbrook Cemetery Concept	Development of new Muswellbrook Cemetery Concept	Development of new Muswellbrook Cemetery Concept		
Project Manager - Works	Solar Array at Muswellbrook Recycled Water Treatment Plant	Solar Array at Muswellbrook Recycled Water Treatment Plant				
	MSC Depot Development Approval	MSC Depot Development Approval	MSC Depot Development Approval	MSC Depot Development Approval	MSC Depot Development Approval	
Project Manager - Works		Simpson Park Playground	Simpson Park Playground	Simpson Park Playground	Simpson Park Playground	Simpson Park Playground
						MSC Depot Development Approval
Project Manager - Community Infrastructure	Muswellbrook Animal Shelter	Muswellbrook Animal Shelter	Muswellbrook Animal Shelter	Muswellbrook Animal Shelter		
	RFS Sign Installation	RFS Sign Installation	RFS Sign Installation			
	Town Centre Enabling Works	Town Centre Enabling Works	Town Centre Enabling Works	Town Centre Enabling Works	Town Centre Enabling Works	Town Centre Enabling Works
		Marketplace Lift Construction Tender	Marketplace Lift Construction Tender	Marketplace Lift Construction Tender		
	Olympic Park Amenities & Grandstand - DA	Olympic Park Amenities & Grandstand - DA	Olympic Park Amenities & Grandstand - DA	Olympic Park Amenities & Grandstand - DA	Olympic Park Amenities & Grandstand - Detailed Design	Olympic Park Amenities & Grandstand - Detailed Design
Project Manager - Community Infrastructure	Hunter Beach	Hunter Beach	Hunter Beach			
	Muscle Creek and Possum Gully Catchment Study	Muscle Creek and Possum Gully Catchment Study	Muscle Creek and Possum Gully Catchment Study			
	Possum Gully Realignment	Possum Gully Realignment	Possum Gully Realignment	Possum Gully Realignment	Possum Gully Realignment	Possum Gully Realignment
Project Manager Water & Wastewater	Denman to Sandy Hollow Water Pipeline	Denman to Sandy Hollow Water Pipeline	Denman to Sandy Hollow Water Pipeline	Denman to Sandy Hollow Water Pipeline	Denman to Sandy Hollow Water Pipeline	Denman to Sandy Hollow Water Pipeline
			Solar Array at Muswellbrook Recycled Water Treatment Plant	Solar Array at Muswellbrook Recycled Water Treatment Plant	Solar Array at Muswellbrook Recycled Water Treatment Plant	Solar Array at Muswellbrook Recycled Water Treatment Plant
Project Manager - EXTERNAL	Kayuga RFS Station	Kayuga RFS Station	Kayuga RFS Station	Kayuga RFS Station	Kayuga RFS Station	Kayuga RFS Station

	Denman Childrens Centre	Denman Childrens Centre	Denman Childrens Centre	Denman Childrens Centre	Denman Childrens Centre	Denman Childrens Centre
	Campbells Corner Development Approval	Campbells Corner Development Approval	Campbells Corner Development Approval	Campbells Corner Development Approval	Campbells Corner Development Approval	Campbells Corner Development Approval
Project Manager - EXTERNAL	Loxton House Refrubishment & Fitout	Loxton House Refrubishment & Fitout	Loxton House Refrubishment & Fitout	Loxton House Refrubishment & Fitout	Loxton House Refrubishment & Fitout	Loxton House Refrubishment & Fitout

**9.3.3. Diesel, Rust and Dust Truck and Machinery Show 2023 - Fee Waiver**

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Matthew Lysaught - Director Property & Place
<b>Author:</b>	Paul Chandler – Recreation & Property Officer
<b>Community Plan Issue:</b>	2 - Social Equity and Inclusion
<b>Community Plan Goal:</b>	An inclusive and interconnected community where everyone enjoys full participation.
<b>Community Plan Strategy:</b>	2.1.3 - Consider and deliver social inclusion principles across Council functions.

**PURPOSE**

To consider a fee waiver request from the Antique Truck and Machinery Club Inc for the use of the Denman Recreation Area for The Diesel, Rust and Dust Truck and Machinery Show in Denman on 22 April 2023.

**OFFICER'S RECOMMENDATION**

Council reduces the grounds booking hire by half in support of this free community event.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**BACKGROUND**

Council has received a request from the Antique Truck and Machinery Club Inc to waive fees associated with The Diesel, Rust and Dust Truck and Machinery Show event planned for Saturday, 22 April 2023. Below is the written request.

*The Antique Truck and Machinery Club Inc would like to be considered for a fee waiver or reduction as we are a not for profit organisation and will primarily be holding this show so that the community will be able to see the fabulous vehicles of our Club members and help try to encourage more people into our local area and show what it has to offer and hopefully lend a helping hand to the local economy at the same time. As a not for profit organisation we do not maintain any kind of high funds capacity but rather provide our service to the community for as near to free as reasonably practicable with our own members contributing financially to run the show, along with any sponsorship we can secure along the way. With last years event being the success that it was and the entire community, residents and business alike, all seem to be of the formed opinion that it was a financial and social win for all. With that in mind if the fees can be either waived or reduced it would go a long way to helping us making our next event even better than the last.*

*Thanks for considering.*

*Wayne Turnbull*

*The Antique Truck and Machinery Club Inc. (Government Inc. 9889824) Secretary*



The request is being reported to Council as the decision to waive the fees is beyond the delegation of the Acting General Manager.

### **CONSULTATION**

Property Officer – Community

Technical Officer – Recreation and Property

Director – Property & Place

### **REPORT**

Applicable fees and charges for the use of the Denman Recreation Area sportsgrounds for this event includes grounds booking hire of \$1,235 including GST, Section 68 Local Government Act fee if required of \$349 not including GST, and Section 138 fee if required of \$175.50 not including GST applicable. Total fees and charges are \$1759.50.

Under Council's Financial Assistance Policy, the General Manager is delegated to be able to waive fees that comply with the principles of the policy up to the value of \$350. Council's Annual Revenue Policy further does provide a fee exemption for casual use to local registered charities.

It is recommended that Council reduce the grounds booking hire of \$1,235 by half (\$617.50) in support of this free community event. This will help facilitate the event but recover some costs in operational works required before and after the event.

### **OPTIONS**

Council could choose not to waive the fee or manage the consideration differently.

### **CONCLUSION**

It is recommended that Council reduce the grounds booking hire of \$1,235 by half in support of this free community event.

### **SOCIAL IMPLICATIONS**

The Diesel, Rust and Dust Truck and Machinery Show event will contribute to social inclusion in the community.

### **FINANCIAL IMPLICATIONS**

Council will forgo revenue of \$617.50 including GST to facilitate this event.

### **POLICY IMPLICATIONS**

Financial Assistance and Sponsorship Policy MSC05E

### **STATUTORY IMPLICATIONS**

Local Government Act 1993

### **LEGAL IMPLICATIONS**

Nil known.

### **OPERATIONAL PLAN IMPLICATIONS**

CSP Strategy 2.1: Improve the affordability, liveability and amenity of Shire communities,





*Muswellbrook Shire 2022 – 2023 Operational Plan*

**RISK MANAGEMENT IMPLICATIONS**

The booking will require the management and documentation of any associated risks.

**WASTE MANAGEMENT IMPLICATIONS**

Nil known.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Nil known.



## 9.4. Corporate Services

### 9.4.1. Monthly Financial Report - December 2022

<b>Attachments:</b>	1. Monthly Report - Dec 2022 [9.4.1.1 - 13 pages]
<b>Responsible Officer:</b>	David Walsh - Director - Corporate Services & Chief Financial Officer
<b>Author:</b>	Josh Hogan – Finance Manager
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

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### PURPOSE

To provide Council with an overview of the monthly financial performance of Council's General, Water, Sewer and Future Funds and to identify and explain any material variances against Council's approved budget at an organisational level for the month ending 31 December 2022.

### OFFICER'S RECOMMENDATION

Council notes the Financial Reports for the month ending 31 December 2022.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

### REPORT

Please refer to the attachment for the December 2022 details of:

- Monthly & YTD operating performance by Fund
- Project Spend
- Details of Current Loans
- Reserve Balances
- Outstanding Debtor Balances

### Overview

Rising electricity costs and other impacts of inflation continue to put significant pressure on Council's Budget and its capacity to deliver services. As stated in the September Quarterly Budget Review, management have taken steps to identify offsets for these rising costs. In addition to specific cuts, Management have also implemented measures including: a freeze on all non-essential recruitment, limiting overtime to only urgent, essential activities, a restriction on non-essential training and conferences, postponement of non-essential projects and purchases, and limiting discretionary spending where practicable.

Unfortunately, further additional costs are now projected, including around \$850k in legal costs. The aforementioned cost control measures need to be adhered to more stringently and adjustments to service levels may be necessary to help ensure Council's financial



sustainability. Offsets for these additional costs are being sought during the December Quarterly Budget Review process.

### General Fund

- **Revenue:**

- Mixed Waste Fees, which show an unfavourable variance for the year-to-date of \$466k (38%) against the YTD budget of \$1.23M. This will continue to be monitored and then updated accordingly in the December Quarterly Budget Review.
- Muswellbrook Aquatic Centre income shows an unfavourable variance of \$223k (48%) against the YTD budget of \$427k. This will continue to be monitored and then updated accordingly in the December Quarterly Budget Review.

- **Expenses:**

- Electricity costs have increased dramatically across all areas of Council and projections indicate an unfavourable impact of over \$1M for 22/23. This is due to the combined effect of major increases in pricing plus significant increases in electricity consumption at the new Aquatic Centre facilities. Council staff are exploring practical avenues to improve energy efficiency across the organisation as well as identify offsets in other areas.
- Legal expenses for the YTD of \$353k are already at 87% of the full-year budget and current estimates indicate an **additional \$850k will be required this financial year.**

These budgetary pressures will continue and service levels may need to be adjusted to ensure Council's continued financial sustainability. In addition to the offsets identified in the September budget review, stronger **organisation-wide cost-saving measures need to be implemented, and work to implement efficiency improvements must escalate immediately.**

### Water Fund

- User Charges show an unfavourable variance due to the timing of the billing periods. The second water billing account will be sent out at the beginning of 2023, which will indicate whether water consumption continues to remain low. Revenue projections will be adjusted accordingly.
- Water Mains costs and Water Treatment costs are trending high and will continue to be monitored.

### Sewer

- User Charges are showing an unfavourable result due to a delay in the commissioning of the Trade Waste Septage Receiving services.
- Sewer Treatment chemical and maintenance costs are trending high and are being monitored.

### Future Fund

- Overall, Future Fund costs are on track against the YTD projections.
- Other Costs show an unfavourable variance for the YTD due to the recognition of the full-year insurance and rates expenses at the beginning of the financial year.

### Capital Projects

Projects will be continually monitored to prevent unnecessary carryovers at year end and expected grant funding to be reviewed to ensure monies are received in a timely manner.

### CFO COMMENTS:

Council Officers are proactively seeking to identify savings across the organisation to ensure prudent fiscal management. In keeping with this approach, on the 22<sup>nd</sup> November, the



Acting General Manager issued an all-staff communique that outlined the below measures, which were made with immediate effect:

1. A review of budgets is currently being carried out by Council's Finance team in consultation with Managers and Directors. Where there is potential to do so, consideration will be given to reducing some budgets by around two per cent in order to set aside sufficient funding to enable Council to pay its electricity bills.
2. Overtime should be minimised as much as possible, particularly from works that are funded by Council revenue. All overtime should be approved at the Manager level from now on, please. Managers should consult closely with their Director regarding the use of overtime.
3. All recruitment will be put on hold. Currently advertised positions will continue, however no further recruitment will be possible until a further review of Council's financial position is carried out following the December Quarterly Budget Review. Should there be a position that is considered to be absolutely necessary to recruit to, a report should be submitted to Manex for consideration, please. In the first instance, please consult with your Manager and Director.
4. Attendance at conferences will not be permitted. If it is considered to be essential that you attend a conference, a brief report should be submitted to Manex for consideration, please. In the first instance, please consult with your Manager and Director.
5. Non-mandatory training will not be permitted. However, mandatory training will continue to be permitted. If you consider it essential that you attend a non-mandatory training course, a brief report should be submitted to Manex, please. In the first instance, please consult with your Manager and Director.
6. Non-essential projects and purchases may need to be delayed. Please consult with your Manager and Director about this. A roundtable meeting will be conducted with our Project Managers tomorrow to discuss what projects may be deferred and what is achievable to 30 June 2023.
7. All discretionary spending should be reduced or eliminated, please.

Council Officers will be ensuring prudent and conservative approach to financial management.

# Muswellbrook Shire Council

Financial Report - December 2022



Council Consolidated												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year			
<b>Revenue</b>												
Rates and Charges	\$22,010	\$2,566,304	(\$2,544,294)	-99%	\$30,118,397	\$15,397,824	\$14,720,573	96%	\$30,795,649	\$30,795,649	98%	Most of the Rates Revenue is levied and recognised at the start of the year. Due to this, a favourable year-to-date result will show for much of the year. * Rates & Charges are at 98% of the FY Budget * Overall revenue is at 65% of the FY Budget.
User Charges and Fees	\$1,026,466	\$1,709,436	(\$682,970)	-40%	\$8,199,613	\$10,256,614	(\$2,057,001)	-20%	\$20,513,229	\$22,132,232	37%	
Interest and Investments Revenues	\$182,140	\$42,533	\$139,607	328%	\$518,472	\$255,197	\$263,276	103%	\$510,393	\$630,393	82%	
Other Revenues	\$213,433	\$213,864	(\$431)	0%	\$1,242,501	\$1,283,184	(\$40,683)	-3%	\$2,566,369	\$2,463,777	50%	
Operating Grants and Contributions	\$328,867	\$607,749	(\$278,882)	-46%	\$2,185,950	\$3,646,493	(\$1,460,543)	-40%	\$7,292,987	\$7,336,750	30%	
Internal Revenue	\$295,371	\$343,687	(\$48,316)	-14%	\$1,892,226	\$2,062,124	(\$169,898)	-8%	\$4,124,249	\$4,124,249	46%	See individual funds for commentary specific to that fund
<b>Total Revenue</b>	<b>\$2,068,287</b>	<b>\$5,483,573</b>	<b>(\$3,415,286)</b>	<b>-62%</b>	<b>\$44,157,159</b>	<b>\$32,901,437</b>	<b>\$11,255,722</b>	<b>34%</b>	<b>\$65,802,874</b>	<b>\$67,483,048</b>	<b>65%</b>	
<b>Expenses</b>												
Wages and Salaries	\$1,102,788	\$1,399,321	\$296,533	21%	\$7,958,181	\$8,395,928	\$437,747	5%	\$16,791,856	\$16,395,060	49%	Other costs are high from a YTD perspective - at 57% against FY budget. Rates and Insurances are paid at the start of the year. Higher Electricity charges are also included.
Materials and Contracts	\$1,412,897	\$1,609,922	\$197,025	12%	\$9,276,228	\$9,659,534	\$383,306	4%	\$19,319,068	\$21,007,076	44%	
Other Costs	\$676,721	\$449,602	(\$227,119)	-51%	\$3,548,383	\$2,697,611	(\$850,772)	-32%	\$5,395,222	\$6,253,249	57%	
Borrowing Costs	\$346,623	\$185,607	(\$161,016)	-87%	\$936,096	\$1,113,643	\$177,547	16%	\$2,227,285	\$2,227,285	42%	
Overheads	\$321,027	\$379,510	\$58,483	15%	\$1,926,166	\$2,277,059	\$350,893	15%	\$4,554,118	\$4,554,118	42%	
Depreciation	\$1,332,504	\$1,266,708	(\$65,796)	-5%	\$7,285,879	\$7,600,249	\$314,370	4%	\$15,200,499	\$15,200,499	48%	See individual funds for commentary specific to that fund
<b>Total Expenses</b>	<b>\$5,192,560</b>	<b>\$5,290,671</b>	<b>\$98,111</b>	<b>2%</b>	<b>\$30,930,933</b>	<b>\$31,744,024</b>	<b>\$813,091</b>	<b>3%</b>	<b>\$63,488,048</b>	<b>\$65,637,287</b>	<b>47%</b>	
<b>Result</b>	<b>(\$3,124,273)</b>	<b>\$192,902</b>	<b>(\$3,317,175)</b>		<b>\$13,226,226</b>	<b>\$1,157,413</b>	<b>\$12,068,813</b>		<b>\$2,314,827</b>	<b>\$1,845,762</b>		



# Muswellbrook Shire Council

Financial Report - December 2022



General Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year			
<b>Revenue</b>												
Rates and Charges	\$18,390	\$1,964,382	(\$1,945,992)	-99%	\$23,336,143	\$11,786,292	\$11,549,851	98%	\$23,572,585	\$23,572,585	99%	
User Charges and Fees	\$824,241	\$693,038	\$131,203	19%	\$3,673,624	\$4,158,226	(\$484,602)	-12%	\$8,316,453	\$10,136,709	36%	Revenue commentary will focus on material exceptions and concerns * Most of the Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year.
Interest and Investments Revenues	\$134,122	\$28,352	\$105,770	373%	\$386,643	\$170,112	\$216,531	127%	\$340,223	\$460,223	84%	
Other Revenues	\$213,433	\$213,864	(\$431)	0%	\$1,242,501	\$1,283,184	(\$40,683)	-3%	\$2,566,369	\$2,463,777	50%	
Operating Grants and Contributions	\$328,867	\$601,572	(\$272,705)	-45%	\$2,106,619	\$3,609,434	(\$1,502,815)	-42%	\$7,218,869	\$7,262,632	29%	
Internal Revenue	\$295,371	\$312,449	(\$17,078)	-5%	\$1,772,226	\$1,874,693	(\$102,467)	-5%	\$3,749,386	\$3,749,386	47%	
<b>Total Revenue</b>	<b>\$1,814,424</b>	<b>\$3,813,657</b>	<b>(\$1,999,233)</b>	<b>-52%</b>	<b>\$32,517,756</b>	<b>\$22,881,942</b>	<b>\$9,635,814</b>	<b>42%</b>	<b>\$45,763,884</b>	<b>\$47,645,311</b>	<b>68%</b>	
<b>Expenses</b>												
Wages and Salaries	\$929,023	\$1,196,667	\$267,644	22%	\$6,880,420	\$7,180,003	\$299,583	4%	\$14,360,006	\$13,987,610	49%	Wages and Salaries and Materials and Contracts are on track against budget from a YTD perspective.
Materials and Contracts	\$991,052	\$1,224,712	\$233,660	19%	\$6,904,488	\$7,348,270	\$443,782	6%	\$14,696,540	\$16,620,554	42%	
Other Costs	\$523,663	\$303,270	(\$220,393)	-73%	\$2,457,121	\$1,819,617	(\$637,504)	-35%	\$3,639,235	\$3,969,044	62%	* Other Costs show an unfavourable variance against YTD budget due to the recognition of full-year insurance premium and rates costs at the start of the year and high Electricity costs.
Borrowing Costs	\$14,380	\$40,666	\$26,286	65%	\$67,946	\$243,995	\$176,049	72%	\$487,990	\$487,990	14%	
Overheads	\$134,250	\$192,732	\$58,482	30%	\$805,504	\$1,156,391	\$350,887	30%	\$2,312,783	\$2,312,783	35%	
Depreciation	\$959,432	\$855,611	(\$103,821)	-12%	\$4,910,272	\$5,133,665	\$223,393	4%	\$10,267,330	\$10,267,330	48%	
<b>Total Expenses</b>	<b>\$3,551,800</b>	<b>\$3,813,657</b>	<b>\$261,857</b>	<b>7%</b>	<b>\$22,025,751</b>	<b>\$22,881,942</b>	<b>\$856,191</b>	<b>4%</b>	<b>\$45,763,884</b>	<b>\$47,645,311</b>	<b>46%</b>	
<b>Result</b>	<b>(\$1,737,376)</b>	<b>(\$0)</b>	<b>(\$1,737,376)</b>		<b>\$10,492,005</b>	<b>(\$0)</b>	<b>\$10,492,005</b>		<b>(\$0)</b>	<b>(\$0)</b>		

# Muswellbrook Shire Council

Financial Report - December 2022



Water Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
Revenue	Monthly				YTD				Full Year			
Rates and Charges	\$2,788	\$157,663	(\$154,875)	-98%	\$1,896,625	\$945,978	\$950,647	100%	\$1,891,956	\$1,891,956	100%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year. * User Charges and Fees show an unfavourable variance against YTD Budget due to the levying and recognition of this revenue in line with the billing periods throughout the year.
User Charges and Fees	\$26,113	\$368,246	(\$342,133)	-93%	\$914,099	\$2,209,475	(\$1,295,376)	-59%	\$4,418,950	\$4,430,950	21%	
Interest and Investments Revenues	\$33,020	\$9,919	\$23,101	233%	\$89,813	\$59,517	\$30,296	51%	\$119,033	\$119,033	75%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$3,127	(\$3,127)	-100%	\$39,461	\$18,763	\$20,698	110%	\$37,526	\$37,526	105%	
Internal Revenue	\$0	\$20,939	(\$20,939)	-100%	\$0	\$125,632	(\$125,632)	-100%	\$251,263	\$251,263	0%	
Total Revenue	\$61,921	\$559,894	(\$497,973)	-89%	\$2,939,998	\$3,359,364	(\$419,366)	-12%	\$6,718,728	\$6,730,728	44%	
Expenses												
Wages and Salaries	\$102,464	\$110,366	\$7,902	7%	\$566,624	\$662,193	\$95,569	14%	\$1,324,386	\$1,299,986	44%	Overall costs on track against YTD projections at 50%. * All cost categories are at or below expected levels for YTD except Materials and Contracts, due to higher Water Main and Water Treatment expenses.
Materials and Contracts	\$203,417	\$161,839	(\$41,578)	-26%	\$1,178,352	\$971,035	(\$207,317)	-21%	\$1,942,071	\$1,967,018	60%	
Other Costs	\$41,263	\$30,512	(\$10,751)	-35%	\$175,542	\$183,073	\$7,531	4%	\$366,147	\$558,213	31%	
Borrowing Costs	\$17,780	\$7,122	(\$10,658)	-150%	\$21,338	\$42,733	\$21,395	50%	\$85,467	\$85,467	25%	
Overheads	\$86,445	\$86,446	\$1	0%	\$518,670	\$518,674	\$4	0%	\$1,037,348	\$1,037,348	50%	
Depreciation	\$185,693	\$163,609	(\$22,084)	-13%	\$975,148	\$981,655	\$6,507	1%	\$1,963,310	\$1,963,310	50%	
Total Expenses	\$637,062	\$559,894	(\$77,168)	-14%	\$3,435,674	\$3,359,364	(\$76,310)	-2%	\$6,718,728	\$6,911,341	50%	
Result	(\$575,141)	(\$0)	(\$575,141)		(\$495,676)	(\$0)	(\$495,676)		(\$0)	(\$180,613)		

# Muswellbrook Shire Council

Financial Report - December 2022



Sewer Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year			
<b>Revenue</b>												
Rates and Charges	\$832	\$444,259	(\$443,427)	-100%	\$4,885,629	\$2,665,554	\$2,220,075	83%	\$5,331,108	\$5,331,108	92%	* Rates Revenue is levied and recognised at the start of the year. As a result, a favourable year-to-date result will show for much of the year. * User Charges and Fees show an unfavourable variance against YTD Budget due to the levying and recognition of this revenue in line with the billing periods throughout the year.
User Charges and Fees	\$32,920	\$48,065	(\$15,145)	-32%	\$211,270	\$288,388	(\$77,118)	-27%	\$576,776	\$576,776	37%	
Interest and Investments Revenues	\$14,998	\$4,261	\$10,737	252%	\$42,016	\$25,568	\$16,448	64%	\$51,136	\$51,136	82%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$3,049	(\$3,049)	-100%	\$39,870	\$18,296	\$21,574	118%	\$36,593	\$36,593	109%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
<b>Total Revenue</b>	<b>\$48,750</b>	<b>\$499,634</b>	<b>(\$450,884)</b>	<b>-90%</b>	<b>\$5,178,785</b>	<b>\$2,997,806</b>	<b>\$2,180,979</b>	<b>73%</b>	<b>\$5,995,613</b>	<b>\$5,995,613</b>	<b>86%</b>	
<b>Expenses</b>												
Wages and Salaries	\$60,604	\$72,138	\$11,534	16%	\$396,718	\$432,829	\$36,111	8%	\$865,658	\$865,658	46%	Overall costs are below YTD projections at 48%. * Other Costs show recognition of full-year insurance premium costs at the start of the year and high Electricity costs.
Materials and Contracts	\$93,006	\$90,153	(\$2,853)	-3%	\$509,143	\$540,915	\$31,772	6%	\$1,081,830	\$1,068,898	48%	
Other Costs	\$61,694	\$37,612	(\$24,082)	-64%	\$325,297	\$225,672	(\$99,625)	-44%	\$451,344	\$752,728	43%	
Borrowing Costs	\$66,100	\$58,395	(\$7,705)	-13%	\$337,758	\$350,371	\$12,613	4%	\$700,742	\$700,742	48%	
Overheads	\$59,008	\$59,008	\$0	0%	\$354,048	\$354,049	\$1	0%	\$708,099	\$708,099	50%	
Depreciation	\$206,060	\$182,328	(\$23,732)	-13%	\$1,093,340	\$1,093,970	\$630	0%	\$2,187,940	\$2,187,940	50%	
<b>Total Expenses</b>	<b>\$546,472</b>	<b>\$499,634</b>	<b>(\$46,838)</b>	<b>-9%</b>	<b>\$3,016,304</b>	<b>\$2,997,806</b>	<b>(\$18,498)</b>	<b>-1%</b>	<b>\$5,995,613</b>	<b>\$6,284,065</b>	<b>48%</b>	
<b>Result</b>	<b>(\$497,722)</b>	<b>(\$0)</b>	<b>(\$497,722)</b>		<b>\$2,162,481</b>	<b>(\$0)</b>	<b>\$2,162,481</b>		<b>(\$0)</b>	<b>(\$288,452)</b>		

# Muswellbrook Shire Council

Financial Report - December 2022



Future Fund												
Account Group	Monthly Actuals	Monthly Budget	Monthly Var	Mth Var %	YTD Actuals	YTD Budget	YTD Var	YTD % Spend vs FY Budget	Full-Year Budget	September Review Budget	YTD as % of FY Budget	Variance Commentary (By material exception)
	Monthly				YTD				Full Year			
Revenue												
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$143,192	\$600,087	(\$456,895)	-76%	\$3,400,620	\$3,600,525	(\$199,905)	-6%	\$7,201,050	\$6,987,797	49%	
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$0	\$10,300	(\$10,300)	-100%	\$120,000	\$61,800	\$58,200	94%	\$123,600	\$123,600	97%	
Total Revenue	\$143,192	\$610,387	(\$467,195)	-77%	\$3,520,620	\$3,662,325	(\$141,705)	-4%	\$7,324,650	\$7,111,397	50%	
Expenses												
Wages and Salaries	\$10,697	\$20,151	\$9,454	47%	\$114,419	\$120,903	\$6,484	5%	\$241,807	\$241,807	47%	Overall costs are on track with YTD projections - with costs at 51% against FY budget. * Other Costs show an unfavourable variance against YTD budget due to the recognition of full-year insurance premium and rates costs at the start of the year and high electricity expenses.
Materials and Contracts	\$125,422	\$133,219	\$7,797	6%	\$684,245	\$799,314	\$115,069	14%	\$1,598,627	\$1,350,606	51%	
Other Costs	\$50,101	\$78,208	\$28,107	36%	\$590,423	\$469,248	(\$121,175)	-26%	\$938,496	\$973,264	61%	
Borrowing Costs	\$248,363	\$79,424	(\$168,939)	-213%	\$509,054	\$476,543	(\$32,511)	-7%	\$953,086	\$953,086	53%	
Overheads	\$41,324	\$41,324	\$0	0%	\$247,944	\$247,945	\$1	0%	\$495,889	\$495,889	50%	
Depreciation	(\$18,681)	\$65,160	\$83,841	129%	\$307,119	\$390,959	\$83,840	21%	\$781,919	\$781,919	39%	
Total Expenses	\$457,226	\$417,485	(\$39,741)	-10%	\$2,453,204	\$2,504,911	\$51,707	2%	\$5,009,823	\$4,796,570	51%	
Result	(\$314,034)	\$192,902	(\$506,936)		\$1,067,416	\$1,157,414	(\$89,998)		\$2,314,827	\$2,314,827		

# Muswellbrook Shire Council

Financial Report - December 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
<b>General Fund Projects</b>							
<b>Planning, Community and Corporate Services Projects</b>							
Adventure Playground - Wollombi Road	13,795	480,000	480,000	480,000	3%		
Aquatic Centres program	41,857	-	110,000	110,000	38%		
Art Acquisitions	1,200	-	70,000	71,200	2%		
Buildings New and Replacement	47,274	1,009,696	1,562,566	1,562,566	3%		
Bushfire Assets	18,493	591,239	591,239	591,239	3%		
Capital Works Contingency	-	-	100,000	100,000	0%		
CBD Stage 7 (Town Centre)	1,793,250	1,000,345	1,630,345	1,630,345	110%	(162,905)	Budget has been increased as part of the December Review due to the allocation of the Resources for Regions Round 7 grant funding.
Civic Precinct (Town Square)	1,018,918	2,762,782	3,404,981	3,404,981	30%		
Contribution to Future Fund	-	-	880,000	880,000	0%		
COVID 19	60,587	-	121,711	121,711	50%		
Denman Childrens Centre - Expansion	61,626	521,402	521,402	521,402	12%		
Denman Heritage Village	443,660	876,394	1,809,525	1,809,525	25%		
Denman Netball Courts	9,657	206,286	311,451	311,451	3%		
Future Fund Contribution	-	-	1,120,000	1,120,000	0%		
General Design Program	16,150	25,707	25,707	25,707	63%		
General Projects - Loans	-	-	149,999	149,999	0%		
Hunter Beach	924,675	3,128,232	3,128,232	3,128,232	30%		
Information Technology Strategy	48,191	-	200,000	200,000	24%		
Investigation and Design - Aquatic Centre	75,644	151,553	151,553	151,553	50%		
Karoola Park Citizens Walk Pathway	12,778	30,000	30,000	30,000	43%		
Library Books General Capital Purchases	49,848	25,225	83,725	83,725	60%		
Library Subsidy Projects	16,261	65,649	65,649	65,649	25%		
Local Priority Grant	-	51,240	62,240	62,240	0%		
Major Landcare Projects	73,822	46,286	171,286	171,286	43%		
Mbk and Dnm Indoor Sports Centre Upgrades	-	261,462	261,462	261,462	0%		
MSC Depot	35,096	-	200,000	200,000	18%		
Muscle Creek Nature Trail and Revegetation	52,221	140,238	140,238	140,238	37%		

# Muswellbrook Shire Council

Financial Report - December 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
Olympic Park Project	96,604	2,909,650	3,409,650	3,409,650	3%		
Performance and Convention Centre	42,901	5,581,007	6,208,018	6,208,018	1%		
Companion Animal Impounding Facility	590,521	1,206,134	1,206,134	1,206,134	49%		
Recreation Capital Works	164,348	364,834	859,834	859,834	19%		
Renewable Energy Target Works	-	-	250,000	250,000	0%		
STEM Equipment Replacement	-	-	-	-	0%		
Sport and Rereation Small Capital Grants	-	-	25,000	25,000	0%		
<b>Total Planning, Community and Corporate Services</b>	<b>5,709,377</b>	<b>21,435,361</b>	<b>29,341,947</b>	<b>29,343,147</b>	<b>19%</b>	<b>(162,905)</b>	
<b>Roads and Drainage Projects</b>							
Bridge St Footpath	31,912	-	64,304	64,304	50%		
Bridges Renewal program	4,910	42,281	42,281	42,281	12%		
Carpark Renewal program	-	93,143	93,143	93,143	0%		
CPTIGS - Bus Shelter	5,668	48,400	278,400	251,040	2%		
Developer Coordinated Works program	-	-	-	-	0%		
Drainage	-	300,000	615,188	615,188	0%		
Drainage Devices program	-	-	150,000	150,000	0%		
Drainage Channel - Lorne Street	810,485	711,573	711,573	711,573	114%	(98,912)	
Emulsion Tank	-	-	-	-	0%		
Flood Warning Systems	-	-	50,000	50,000	0%		
Footpath and Cycleway Renewal program	24,896	-	150,000	150,000	17%		
Heavy Patching program	359,463	-	500,000	500,000	72%		
Ironbark Road Footpath	-	-	-	-	0%		
Kerb and Gutter Replacement program	153,138	-	150,000	150,000	102%	(3,138)	
Kirk and Peberdy Bridges	-	-	80,322	80,322	0%		
Large Plant Items	72,755	1,170,000	1,680,000	1,680,000	4%		
Leachate Dam	7,185	482,980	482,980	482,980	1%		
LED Fire Danger Warning Signs (BSBR)	46,731	152,304	152,304	152,304	31%		
LISF - Roads Infrastructure Backlog	184,192	-	371,478	371,478	50%		
Mangoola Road Upgrade	-	-	-	-	0%		
Natural Disaster - ARGN 987	281,054	-	-	410,891	68%		
Natural Disaster Event - Baerami Creek Causeway	-	-	-	689,674	0%		
Natural Disaster Event - Widden Creek Bank	-	-	-	-	0%		



# Muswellbrook Shire Council

Financial Report - December 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
New Footpath and Cycleway program	-	-	250,000	250,000	0%		
Oakleigh Bridge Replacement (BSBR)	152,800	543,988	543,988	543,988	28%		
Purchase of Vehicles	147,409	92,558	342,558	342,558	43%		
Regional Road Renewal program	103,165	-	307,000	307,000	34%		
Replace Failed Fence	-	-	-	-	0%		
Resources for Regions - Mine Affected Roads	-	-	-	-	0%		
Resources for Regions - Round 5	2,137,131	2,425,459	2,425,459	2,425,459	88%		
Resources for Regions - Round 6	528,011	521,282	521,282	521,282	101%	(6,729)	
Resources for Regions Road Program	-	-	-	-	0%		
Road Design Program	-	-	-	-	0%		
Road Resealing program	524,164	92,655	892,655	892,655	59%		
Roads Capital Contingency	-	-	100,000	100,000	0%		
Roads to Recovery Program	-	-	577,898	577,898	0%		
Road Safety Program-School Zone	180,454	213,498	213,498	213,498	85%		
Rosebrook Bridge	70,044	1,543,391	1,543,391	1,543,391	5%		
Rosemount Road Culvert	-	-	-	-	0%		
Rural Road Pavement and Rehabilitation	-	-	-	-	0%		
Rural Road Regravelling Program	202,092	-	329,628	300,628	67%		
Rural Road Renewal program	-	-	-	-	0%		
Safety Audit Ridgeland Road	-	-	-	-	0%		
Safety Device Renewal program	-	73,120	193,120	193,120	0%		
Sandy Creek Road Curve Improvement	-	167,484	167,484	167,484	0%		
Sandy Hollow Village Centre	-	-	-	-	0%		
Transport Vehicles	71,777	52,258	152,258	152,258	47%		
Urban Road Renewal Program	-	-	372,000	372,000	0%		
Waste Management Facility	-	-	-	-	0%		
Widden Creek Bank	274,249	223,569	223,569	274,249	100%		
Widden Valley Road Pavement Rehab	-	7,211	7,211	7,211	0%		
Wilkinson Bridge	54,500	-	109,398	109,398	50%		
Yarrawa Road (Fixing Local Roads)	506,724	1,027,801	1,027,801	1,055,161	48%		
<b>Total Roads and Drainage</b>	<b>6,934,909</b>	<b>9,984,955</b>	<b>15,872,171</b>	<b>16,994,416</b>	<b>44%</b>		
<b>Total General Fund</b>	<b>12,644,286</b>	<b>31,420,316</b>	<b>45,214,118</b>	<b>46,337,563</b>	<b>28%</b>	<b>(12,198)</b>	
<b>Future Fund Projects</b>							

# Muswellbrook Shire Council

Financial Report - December 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
Donald Horne Building	103,019	-	150,000	150,000	69%		
Marketplace	2,131,492	-	3,768,747	3,768,747	57%		
Renewal of Existing Assets/New Acquisitions	243,427	-	657,999	657,999	37%		
Throsby ACT	259,999	-	520,000	520,000	50%		
Town Education Centre 2	582,108	580,613	580,613	580,613	100%	(1,495)	
Upgrade of Loxton House	275,000	-	275,000	275,000	100%		
<b>Total Future Fund</b>	<b>3,595,045</b>	<b>580,613</b>	<b>5,952,359</b>	<b>5,952,359</b>	<b>60%</b>		
<b>Sewer Fund</b>							
Access & Security Improvements RWTW	136,439	100,466	155,466	133,948	102%	(2,491)	
Asset Management Planning	-	-	-	21,518	0%		
Denman Treatment Plant Upgrade	-	-	-	-	0%		
Mains Renewal and Replacement	43,603	-	589,431	300,979	14%		
Muswellbrook Recycle Water Treatment Project	-	-	-	-	0%		
Operations Contingency Project	58,484	-	150,000	150,000	39%		
Sewer Plant and Equipment	-	-	-	-	0%		
Solar Array	26,018	-	1,800,000	1,800,000	1%		
System Plant Asset Renewals	267,429	-	650,000	650,000	41%		
Transportation System Improvement	40,111	81,939	81,939	81,939	49%		
Loan - Sewer RWTW	320,592	-	651,553	651,553	49%		
Skellatar Main	45,384	-	91,957	91,957	49%		
<b>Total Sewer Fund</b>	<b>938,060</b>	<b>182,405</b>	<b>4,170,346</b>	<b>3,881,894</b>	<b>22%</b>		
<b>Water Fund</b>							
Asbestos, Earthworks, Security	155,964	-	155,000	155,000	101%	(964)	
Depot - Investigation and Design	-	-	-	-	0%		
Laboratory Equipment	-	-	-	-	0%		
Mains Renewal and Replacement	741,325	448,278	748,278	748,278	99%		
Office Upgrade	7,976	-	-	-	0%	(7,976)	
Operations Contingency Project	85,844	-	117,686	117,686	73%		
Replacement of Water Meters program	19,835	-	65,000	65,000	31%		
Sandy Hollow Augmentation	12,288	-	25,427	25,427	48%		
South Muswellbrook Reservoir	164,600	-	350,197	350,197	47%		
System Plant Asset Renewals	399,241	191,376	891,376	791,376	50%		
Upgrade Fluoride Dosing System WTP	31,606	346,461	346,461	346,461	9%		
Vehicle Replacement	-	-	-	-	0%		

## Muswellbrook Shire Council

Financial Report - December 2022

Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	September Review Budget	YTD % Spend	Over Budget	Comments
Vehicle-Equipment Replacement	-	78,684	78,684	78,684	0%		
Water Fund Environmental Grants	-	-	-	-	0%		
Water Stop Valve Replacement	42,364	35,627	285,627	205,014	21%		
<b>Total Water Fund</b>	<b>1,661,043</b>	<b>1,100,426</b>	<b>3,063,736</b>	<b>2,883,123</b>	54%		
<b>Consolidated Total</b>	<b>18,838,434</b>	<b>33,283,760</b>	<b>58,400,559</b>	<b>59,054,939</b>	32% -	12,198	

## Details of Current Council Loans



Balance at 30/06/2021	Payment Type	2019/20 Repayments	2020/21 Repayments	2021/22 Repayments	2022/23 Repayments	2023/24 Repayments	2024/25 Repayments	2025/26 Repayments	2026/27 Repayments	2027/28 Repayments	2028/29 Repayments	2029/30 Repayments	2030/31 Repayments
<b>Water Fund</b>													
<b>\$1,007,297</b>	Principal	\$310,206	\$330,160	\$351,400	\$375,624	\$280,273	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Interest	\$87,745	\$67,791	\$46,551	\$23,815	\$4,977	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	<b>Total</b>	<b>\$397,951</b>	<b>\$397,951</b>	<b>\$397,951</b>	<b>\$399,439</b>	<b>\$285,250</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Sewer Fund</b>													
<b>\$15,619,999</b>	Principal	\$642,256	\$677,873	\$710,385	\$743,509	\$778,430	\$816,997	\$856,300	\$780,502	\$815,416	\$850,535	\$886,347	\$922,883
	Interest	\$761,835	\$726,218	\$693,706	\$660,582	\$625,661	\$587,094	\$549,281	\$509,827	\$474,913	\$439,794	\$403,982	\$367,446
	<b>Total</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,404,091</b>	<b>\$1,405,581</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>	<b>\$1,290,329</b>
<b>General Fund</b>													
<b>\$7,033,329</b>	Principal	\$592,931	\$614,941	\$715,625	\$747,212	\$589,049	\$398,903	\$411,895	\$425,955	\$440,494	\$455,537	\$471,112	\$400,583
	Interest	\$226,943	\$245,540	\$233,183	\$201,596	\$160,992	\$145,179	\$147,540	\$133,362	\$118,758	\$103,536	\$87,667	\$59,397
	<b>Total</b>	<b>\$819,874</b>	<b>\$860,481</b>	<b>\$948,808</b>	<b>\$948,808</b>	<b>\$750,041</b>	<b>\$544,083</b>	<b>\$559,435</b>	<b>\$559,318</b>	<b>\$559,252</b>	<b>\$559,073</b>	<b>\$558,780</b>	<b>\$459,980</b>
<b>Future Fund</b>													
<b>\$45,600,163</b>	Principal	\$4,822,070	\$5,116,650	\$5,447,178	\$4,270,338	\$3,546,155	\$3,608,444	\$3,699,073	\$3,788,145	\$2,781,513	\$2,095,246	\$1,306,313	\$1,010,380
	Interest	\$1,196,886	\$964,183	\$839,494	\$994,087	\$999,404	\$955,814	\$892,420	\$798,502	\$442,438	\$380,663	\$336,230	\$270,629
	<b>Total</b>	<b>\$6,018,956</b>	<b>\$6,080,833</b>	<b>\$6,286,672</b>	<b>\$5,264,425</b>	<b>\$4,545,559</b>	<b>\$4,564,258</b>	<b>\$4,591,493</b>	<b>\$4,586,647</b>	<b>\$3,223,952</b>	<b>\$2,475,910</b>	<b>\$1,642,544</b>	<b>\$1,281,009</b>
<b>\$69,260,789</b>		<b>\$8,640,872</b>	<b>\$8,743,355</b>	<b>\$9,037,522</b>	<b>\$8,016,763</b>	<b>\$6,984,940</b>	<b>\$6,512,431</b>	<b>\$6,556,509</b>	<b>\$6,436,294</b>	<b>\$5,073,533</b>	<b>\$4,325,312</b>	<b>\$3,491,652</b>	<b>\$3,031,318</b>

Purpose	Original Amount	Interest Rate	Balance at 1/7/2022	2022/23 Principal Repayments	2022/23 Interest Repayments	2022/23 Total Payments	Year of Final Payment	Notes (If any)
Water - South Muswellbrook Reservoir	\$1,100,000	6.03%	\$91,947	\$91,947	\$1,109	\$93,056	2022/23	
Water - Sandy Hollow Augmentation	\$300,000	6.09%	\$25,427	\$25,426	\$325	\$25,751	2022/23	
Water - South Muswellbrook Reservoir	\$3,200,000	6.61%	\$538,522	\$258,250	\$22,382	\$280,632	2023/24	
Sewer - Mains and Pump Stations	\$1,300,000	6.50%	\$406,758	\$91,957	\$21,805	\$113,762	2025/26	
General - Widden Bridge	\$1,750,000	6.00%	\$1,159,354	\$80,322	\$65,744	\$146,066	2034/35	
General - Smiths Bridge	\$1,573,967	4.28%	\$1,180,412	\$64,304	\$48,194	\$112,498	2024/25	
General - Roads Infrastructure Backlog	\$3,000,000	5.90%	\$573,423	\$371,478	\$33,832	\$405,310	2023/24	LIFS interest rate subsidy applies
General - Olympic Park Bridge	\$1,785,000	1.45%	\$1,641,582	\$109,398	\$23,093	\$132,491	2025/26	
Future Fund	\$3,300,000	1.60%	\$2,970,000	\$165,000	\$46,310	\$211,310	2024/25	
Future Fund - Seven Hills, Campbell's Corn	\$7,980,502	4.35%	\$7,980,502	\$672,758	\$339,944	\$1,012,702	2026/27	
Future Fund - Muswellbrook Marketplace	\$13,276,500	1.20%	\$12,200,896	\$625,546	\$143,216	\$768,762	2023/24	
Future Fund - Muswellbrook Marketplace	\$5,000,000	3.43%	\$739,277	\$739,277	\$12,582	\$751,859	2022/23	
Future Fund - Muswellbrook Marketplace	\$12,500,000	2.34%	\$9,285,643	\$1,338,923	\$209,160	\$1,548,083	2024/25	
Future Fund - Donald Horne building	\$2,500,000	4.80%	\$2,500,000	\$208,834	\$117,534	\$326,368	2026/27	
Sewer - Sewer Treatment Plant	\$7,000,000	4.49%	\$6,074,062	\$263,628	\$267,344	\$530,972	2038/39	
Sewer - Sewer Treatment Plant	\$10,000,000	4.50%	\$8,428,794	\$387,925	\$371,432	\$759,357	2037/38	
Covid 19	\$2,000,000	1.77%	\$1,762,933	\$121,711	\$30,732	\$152,443	2022/23	
Throsby ACT	\$7,800,000	1.86%	\$6,976,667	\$520,000	\$125,341	\$645,341	2025/26	
<b>TOTAL</b>	<b>\$85,365,969</b>		<b>\$64,536,199</b>	<b>\$6,136,684</b>	<b>\$1,880,079</b>	<b>\$8,016,763</b>		

## Reserves



		2022/2023 Original Budget		Carryovers	Projected Balance 30 June 2023
		Transfer to	Transfer From	Transfer From	
\$'000's	Balance as at 1 July 2022				
<b>Externally Restricted</b>					
<b>General Fund</b>					
Developer Contributions	1,299			(242)	1,057
Domestic Waste	881				881
Unexpended Grants (G)	4,098			(3,419)	679
Unexpended Loan	1,684			(1,684)	-
VPAs	3,725			(2,256)	1,469
<b>General Fund Total</b>	<b>11,687</b>			<b>(7,601)</b>	<b>4,086</b>
<b>Water Fund</b>					
Developer Contributions	7,671				7,671
Water	5,092			(1,100)	3,992
<b>Water Fund Total</b>	<b>12,763</b>			<b>(1,100)</b>	<b>11,663</b>
<b>Sewer Fund</b>					
Developer Contributions	3,520		(1,800)		1,720
Sewer	1,475			(182)	1,293
<b>Sewer Fund Total</b>	<b>4,995</b>		<b>(1,800)</b>	<b>(182)</b>	<b>3,013</b>
<b>Externally Restricted Total</b>	<b>29,445</b>		<b>(1,800)</b>	<b>(8,883)</b>	<b>18,762</b>
<b>Internally Restricted</b>					
<b>Future Fund</b>					
Future Fund	1,118				1,118
<b>Future Fund Total</b>	<b>1,118</b>				<b>1,118</b>
<b>General Fund</b>					
Asset Replacement	2,497			(417)	2,080
Carryover Works	2,917			(2,717)	200
Deposits, Retentions and Bonds	4,450				4,450
Drainage	143				143
Economic Development	1,910		(1,196)		714
Employee Leave Entitlements	1,132				1,132
Financial Assistance Grant	3,115		(3,115)		-
Insurances	33				33
Mine Affected Roads	2,353				2,353
Natural Disaster - Flood	1,000				1,000
Other	286			(114)	172
Other Legal	1,050				1,050
Plant Replacement	2,404		(350)	(793)	1,261
Risk Management	78				78
SRV	1,578			(820)	758
Stormwater	1,030				1,030
Waste Management	6,525	1,251		(1,125)	6,651
<b>General Fund Total</b>	<b>32,501</b>	<b>1,251</b>	<b>(4,661)</b>	<b>(5,986)</b>	<b>23,105</b>
<b>Internally Restricted Total</b>	<b>33,619</b>	<b>1,251</b>	<b>(4,661)</b>	<b>(5,986)</b>	<b>24,223</b>
<b>Unrestricted</b>					
<b>General Fund</b>					
Unrestricted	24				24
<b>General Fund Total</b>	<b>24</b>				<b>24</b>
<b>Unrestricted Total</b>	<b>24</b>				<b>24</b>
<b>Total</b>	<b>63,088</b>	<b>1,251</b>	<b>(6,461)</b>	<b>(14,869)</b>	<b>43,009</b>



## Debtor Balances as at 31 December 2022

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$32,216	\$10,070	\$71,414	\$55,818	\$209,746	\$379,264
Inspection Fees	\$12,975	\$0	\$0	\$0	\$0	\$12,975
Sam Adams College Rent	\$0	\$0	\$0	\$0	\$7,840	\$7,840
Council Properties - Future Fund *	\$206,735	\$19,683	\$65,966	\$96,535	\$99,111	\$488,029
Council Properties - Marketplace *	\$415,379	\$0	\$20,982	\$47,118	\$68,239	\$551,718
Council Properties - Education Fund	\$0	\$0	\$965	\$1,516	\$19,514	\$21,995
Recreation	\$0	\$78	\$105	\$385	\$2,555	\$3,122
Sundries**	\$360,516	\$0	\$60,142	\$194,721	\$2,125,833	\$2,741,212
Water Tanker Sales	\$612	\$84	\$15,225	\$12,353	\$19,850	\$48,124
Trade Waste Charges	\$684	\$0	\$0	\$0	\$0	\$684
Muswellbrook Sewer	\$62,853	\$72,133	\$37,114	\$40,464	\$32,920	\$245,484
GST Tax Debtor	\$0	\$0	\$0	\$0	\$224	\$224
<b>TOTAL</b>	<b>\$1,091,970</b>	<b>\$102,048</b>	<b>\$271,914</b>	<b>\$448,910</b>	<b>\$2,585,831</b>	<b>\$4,500,673</b>

\* \$120k+ balances include rent deferrals due to COVID, and other commercial receivables currently with debt recovery/legal services

\*\* Includes \$2.4M in Grants and VPA funding.



**9.4.2. Report on Investments Held as at 31 December 2022**

<b>Attachments:</b>	1. Portfolio Valuation Report - 31 December 2022 [9.4.2.1 - 5 pages]
	2. Trading Limit Report - 31 December 2022 [9.4.2.2 - 8 pages]
<b>Responsible Officer:</b>	David Walsh - Director - Corporate Services & Chief Financial Officer
<b>Author:</b>	Mandy Fitzgerald – Senior Financial Accountant
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
<b>Community Plan Strategy:</b>	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

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**PURPOSE**

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

**OFFICER'S RECOMMENDATION**

Council notes the Council's Investments as at 31 December 2022.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

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

Funds invested under Section 625 of the Local Government Act, as at 31 December 2022 are shown in the attachments.

**COMMENT:**

As at 31 December 2022, Council held \$66.38M in cash and investments with a weighted running yield of 3.19% for the month.

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

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
<b>At Call Deposit</b>										
Westpac Bus Prem At Call		10,635,183.11	1.00000000	10,635,183.11	100.000	0.000	<b>10,635,183.11</b>	15.98%	0.34%	
Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	<b>100,000.00</b>	0.15%	0.34%	
		10,735,183.11		10,735,183.11			<b>10,735,183.11</b>	16.13%		0.34%
<b>Fixed Rate Bond</b>										
BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	95.016	0.545	<b>2,389,025.00</b>	3.59%	1.68%	
NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		2,000,000.00	1.00000000	2,000,000.00	100.000	0.048	<b>2,000,960.00</b>	3.01%	1.10%	
NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		1,500,000.00	1.00000000	1,500,000.00	100.000	0.048	<b>1,500,720.00</b>	2.26%	1.10%	
SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	95.566	0.774	<b>1,926,800.00</b>	2.90%	1.80%	
		8,000,000.00		8,000,000.00			<b>7,817,505.00</b>	11.75%		1.46%
<b>Floating Rate Note</b>										
Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	2,000,000.00	1.00000000	2,000,000.00	100.080	0.140	<b>2,004,400.00</b>	3.01%	4.25%	
Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.664	0.094	<b>1,496,370.00</b>	2.25%	3.81%	
Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.209	0.675	<b>1,008,840.00</b>	1.52%	4.56%	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	500,000.00	1.00000000	500,000.00	100.045	0.652	<b>503,485.00</b>	0.76%	4.11%	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.216	0.804	<b>1,010,200.00</b>	1.52%	3.96%	
BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	100.195	0.700	<b>504,475.00</b>	0.76%	4.18%	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	500,000.00	1.00000000	500,000.00	100.032	0.749	<b>503,905.00</b>	0.76%	4.08%	
MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	98.523	0.217	<b>2,962,200.00</b>	4.45%	3.61%	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	1,000,000.00	1.00000000	1,000,000.00	100.035	0.408	<b>1,004,430.00</b>	1.51%	4.03%	
MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	98.665	0.158	<b>2,964,690.00</b>	4.46%	3.84%	
NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	2,000,000.00	1.00000000	2,000,000.00	100.352	0.034	<b>2,007,720.00</b>	3.02%	4.20%	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	500,000.00	1.00000000	500,000.00	100.070	0.660	<b>503,650.00</b>	0.76%	4.40%	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	5,500,000.00	1.00000000	5,500,000.00	99.800	0.653	<b>5,524,915.00</b>	8.30%	4.18%	
Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.699	0.098	<b>1,496,955.00</b>	2.25%	3.96%	
Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	99.846	0.330	<b>2,003,520.00</b>	3.01%	4.82%	
UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.842	0.661	<b>1,658,299.50</b>	2.49%	3.89%	
		27,150,000.00		27,150,000.00			<b>27,158,054.50</b>	40.81%		4.09%
<b>Term Deposit</b>										
AMP 4.2 15 Jun 2023 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	2.290	<b>4,091,594.52</b>	6.15%	4.20%	
AMP 4.45 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	1.987	<b>1,274,840.75</b>	1.92%	4.45%	
AMP 4.55 30 Nov 2023 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	0.386	<b>1,003,864.38</b>	1.51%	4.55%	
AUBANK 4.2 01 Aug 2023 386DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	1.991	<b>5,099,534.25</b>	7.66%	4.20%	
BOQ 4 21 Jul 2023 365DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	1.786	<b>1,272,328.76</b>	1.91%	4.00%	
JUDO 4.25 10 Jan 2024 457DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	0.955	<b>4,038,191.80</b>	6.07%	4.25%	

Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
NAB 4.05 13 Sep 2023 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	1.209	<b>4,048,378.08</b>	6.08%	4.05%	
		20,500,000.00		20,500,000.00			<b>20,828,732.54</b>	31.30%		4.20%
Fixed Interest Total		66,385,183.11		66,385,183.11			<b>66,539,475.15</b>	100.00%		3.19%

## Section 2: FI Portfolio Valuation With Associated Latest Deal Information

Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Latest FI Deal Code	Notes of Latest FI Deal
<b>At Call Deposit</b>												
Westpac Bus Prem At Call		30 Dec 2022	31 Dec 2020	10,635,183.11	1.00000000	10,635,183.11	100.000	0.000	<b>10,635,183.11</b>	15.98%	LC159745	
Westpac Muswellbrook Trading Acct At Call		31 Oct 2018	31 Dec 2020	100,000.00	1.00000000	100,000.00	100.000	0.000	<b>100,000.00</b>	0.15%	LC64506	
				10,735,183.11		10,735,183.11			<b>10,735,183.11</b>	16.13%		
<b>Fixed Rate Bond</b>												
BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	9 Jun 2020	6 Sep 2024	2,500,000.00	1.00000000	2,500,000.00	95.016	0.545	<b>2,389,025.00</b>	3.59%	LC88979	
NTTC 1.1 15 Dec 2025 - Issued 31 August 2021 - Muswellbrook Council Fixed		31 Aug 2021	15 Dec 2025	2,000,000.00	1.00000000	2,000,000.00	100.000	0.048	<b>2,000,960.00</b>	3.01%	LC111825	
NTTC 1.1 15 Dec 2025 - Issued 6 September 2021 - Muswellbrook Council Fixed		6 Sep 2021	15 Dec 2025	1,500,000.00	1.00000000	1,500,000.00	100.000	0.048	<b>1,500,720.00</b>	2.26%	LC112238	
SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	29 Sep 2021	30 Jul 2024	2,000,000.00	1.00000000	2,000,000.00	95.566	0.774	<b>1,926,800.00</b>	2.90%	LC112956	
				8,000,000.00		8,000,000.00			<b>7,817,505.00</b>	11.75%		
<b>Floating Rate Note</b>												
Auswide 1.05 17 Mar 2023 FRN	AU3FN0053567	17 Mar 2020	17 Mar 2023	2,000,000.00	1.00000000	2,000,000.00	100.080	0.140	<b>2,004,400.00</b>	3.01%	LC84611	
Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	22 Mar 2021	22 Mar 2024	1,500,000.00	1.00000000	1,500,000.00	99.664	0.094	<b>1,496,370.00</b>	2.25%	LC103798	
Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	7 Nov 2022	7 Nov 2025	1,000,000.00	1.00000000	1,000,000.00	100.209	0.675	<b>1,008,840.00</b>	1.52%	LC156236	
BOQ 1.05 03 Feb 2023 FRN	AU3FN0040549	5 Feb 2018	3 Feb 2023	500,000.00	1.00000000	500,000.00	100.045	0.652	<b>503,485.00</b>	0.76%	LX55025	
BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	18 Jul 2019	18 Jul 2024	1,000,000.00	1.00000000	1,000,000.00	100.216	0.804	<b>1,010,200.00</b>	1.52%	LC74377	
BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	2 Jun 2020	30 Oct 2024	500,000.00	1.00000000	500,000.00	100.195	0.700	<b>504,475.00</b>	0.76%	LX88585	
BENAU 1.05 25 Jan 2023 FRN	AU3FN0040523	25 Jan 2018	25 Jan 2023	500,000.00	1.00000000	500,000.00	100.032	0.749	<b>503,905.00</b>	0.76%	LX54945	
MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	8 Mar 2021	9 Dec 2025	3,000,000.00	1.00000000	3,000,000.00	98.523	0.217	<b>2,962,200.00</b>	4.45%	LC103387	
RACB 0.93 24 Feb 2023 FRN	AU3FN0053146	24 Feb 2020	24 Feb 2023	1,000,000.00	1.00000000	1,000,000.00	100.035	0.408	<b>1,004,430.00</b>	1.51%	LX83602	
MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	16 Jun 2021	16 Jun 2025	3,000,000.00	1.00000000	3,000,000.00	98.665	0.158	<b>2,964,690.00</b>	4.46%	LC107737	
NAB 0.93 26 Sep 2023 FRN	AU3FN0044996	18 Mar 2020	26 Sep 2023	2,000,000.00	1.00000000	2,000,000.00	100.352	0.034	<b>2,007,720.00</b>	3.02%	LX84919	
NPBS 1.4 06 Feb 2023 FRN	AU3FN0040606	21 Nov 2019	6 Feb 2023	500,000.00	1.00000000	500,000.00	100.070	0.660	<b>503,650.00</b>	0.76%	LC79854	
NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	12 Oct 2022	4 Feb 2025	5,500,000.00	1.00000000	5,500,000.00	99.800	0.653	<b>5,524,915.00</b>	8.30%	LC155163	
Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	22 Mar 2021	22 Mar 2024	1,500,000.00	1.00000000	1,500,000.00	99.699	0.098	<b>1,496,955.00</b>	2.25%	LC103942	
Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	6 Dec 2022	6 Dec 2025	2,000,000.00	1.00000000	2,000,000.00	99.846	0.330	<b>2,003,520.00</b>	3.01%	LC157907	
UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	10 Mar 2021	30 Jul 2025	1,650,000.00	1.00000000	1,650,000.00	99.842	0.661	<b>1,658,299.50</b>	2.49%	LC103504	
				27,150,000.00		27,150,000.00			<b>27,158,054.50</b>	40.81%		
<b>Term Deposit</b>												
AMP 4.2 15 Jun 2023 365DAY TD		15 Jun 2022	15 Jun 2023	4,000,000.00	1.00000000	4,000,000.00	100.000	2.290	<b>4,091,594.52</b>	6.15%	LC145780	
AMP 4.45 21 Jul 2023 365DAY TD		21 Jul 2022	21 Jul 2023	1,250,000.00	1.00000000	1,250,000.00	100.000	1.987	<b>1,274,840.75</b>	1.92%	LC147777	
AMP 4.55 30 Nov 2023 365DAY TD		30 Nov 2022	30 Nov 2023	1,000,000.00	1.00000000	1,000,000.00	100.000	0.386	<b>1,003,864.38</b>	1.51%	LC158134	
AUBANK 4.2 01 Aug 2023 386DAY TD		11 Jul 2022	1 Aug 2023	5,000,000.00	1.00000000	5,000,000.00	100.000	1.991	<b>5,099,534.25</b>	7.66%	LC147411	
BOQ 4 21 Jul 2023 365DAY TD		21 Jul 2022	21 Jul 2023	1,250,000.00	1.00000000	1,250,000.00	100.000	1.786	<b>1,272,328.76</b>	1.91%	LX147775	

Fixed Interest Security	ISIN	Latest FI Deal Settlement Date	WAL / Maturity Date Interim	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Latest Total FI Deal Value	Notes of Latest FI Deal
JUDO 4.25 10 Jan 2024 457DAY TD		10 Oct 2022	10 Jan 2024	4,000,000.00	1.00000000	4,000,000.00	100.000	0.955	<b>4,038,191.80</b>	6.07%	LC155160
NAB 4.05 13 Sep 2023 365DAY TD		13 Sep 2022	13 Sep 2023	4,000,000.00	1.00000000	4,000,000.00	100.000	1.209	<b>4,048,378.08</b>	6.08%	LX153816
				20,500,000.00		20,500,000.00			<b>20,828,732.54</b>	31.30%	
Fixed Interest Total				66,385,183.11		66,385,183.11			<b>66,539,475.15</b>	100.00%	

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Report Code: TBSBP100EXT-01.17  
Report Description: Portfolio Valuation As At Date  
Parameters:  
Term Deposit Interest Included  
Cash Excluded  
Settlement Date-Based Balances



## 1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value Notional	Limit For Book or Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AMP Bank Ltd	BBB+ to BBB-		6,250,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	94.00	6.00	388,518	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 66,385,183.11	19,915,554.93	0.00	100.00	19,915,555	0.00	0
Australian Unity Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	75.00	25.00	1,638,518	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	68.00	32.00	2,138,518	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	10,735,183.11	Book	30.00	% of 66,385,183.11	19,915,554.93	54.00	46.00	9,180,372	0.00	0
Bank of Queensland Ltd	A+ to A-		3,250,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	49.00	51.00	3,388,518	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	10,735,183.11	Book	30.00	% of 66,385,183.11	19,915,554.93	54.00	46.00	9,180,372	0.00	0
BankVic	BBB+ to BBB-		0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 66,385,183.11	19,915,554.93	0.00	100.00	19,915,555	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		3,000,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	45.00	55.00	3,638,518	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 66,385,183.11	19,915,554.93	0.00	100.00	19,915,555	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 66,385,183.11	13,277,036.62	0.00	100.00	13,277,037	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
Greater Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
Heritage Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
Judo Bank	BBB+ to BBB-		4,000,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	60.00	40.00	2,638,518	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00	% of 66,385,183.11	13,277,036.62	23.00	77.00	10,277,037	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		1,000,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	15.00	85.00	5,638,518	0.00	0
Members Equity Bank Ltd	A+ to A-	Bank of Queensland Ltd	3,250,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	49.00	51.00	3,388,518	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	45.00	55.00	3,638,518	0.00	0
National Australia Bank Ltd	AA+ to AA-		6,000,000.00	Book	30.00	% of 66,385,183.11	19,915,554.93	30.00	70.00	13,915,555	0.00	0
Newcastle Permanent Building Society Ltd	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	90.00	10.00	638,518	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 66,385,183.11	19,915,554.93	18.00	82.00	16,415,555	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 66,385,183.11	66,385,183.11	0.00	100.00	66,385,183	0.00	0
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
QPCU LTD t/a QBANK	BBB+ to BBB-		3,500,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	53.00	47.00	3,138,518	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 66,385,183.11	13,277,036.62	0.00	100.00	13,277,037	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 66,385,183.11	13,277,036.62	0.00	100.00	13,277,037	0.00	0

## 1 Issuer Trading Limits

Issuer	Issuer Rating Group (Long Term)	Issuer Parent	Already Traded (with Issuer Group) Face Value	Limit For Book or Entity Notional	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 66,385,183.11	3,319,259.16	0.00	100.00	3,319,259	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	3,000,000.00	Book	10.00	% of 66,385,183.11	6,638,518.31	45.00	55.00	3,638,518	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	10,735,183.11	Book	30.00	% of 66,385,183.11	19,915,554.93	54.00	46.00	9,180,372	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 66,385,183.11	13,277,036.62	15.00	85.00	11,277,037	0.00	0
UBS Australia Ltd	AA+ to AA-		1,650,000.00	Book	20.00	% of 66,385,183.11	13,277,036.62	12.00	88.00	11,627,037	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		10,735,183.11	Book	30.00	% of 66,385,183.11	19,915,554.93	54.00	46.00	9,180,372	0.00	0
			104,840,732.44				454,738,504.30			349,897,769		0
			(Excluding Parent Group Duplicates)	66,385,183.11								

## 2 Security Rating Group Trading Limits

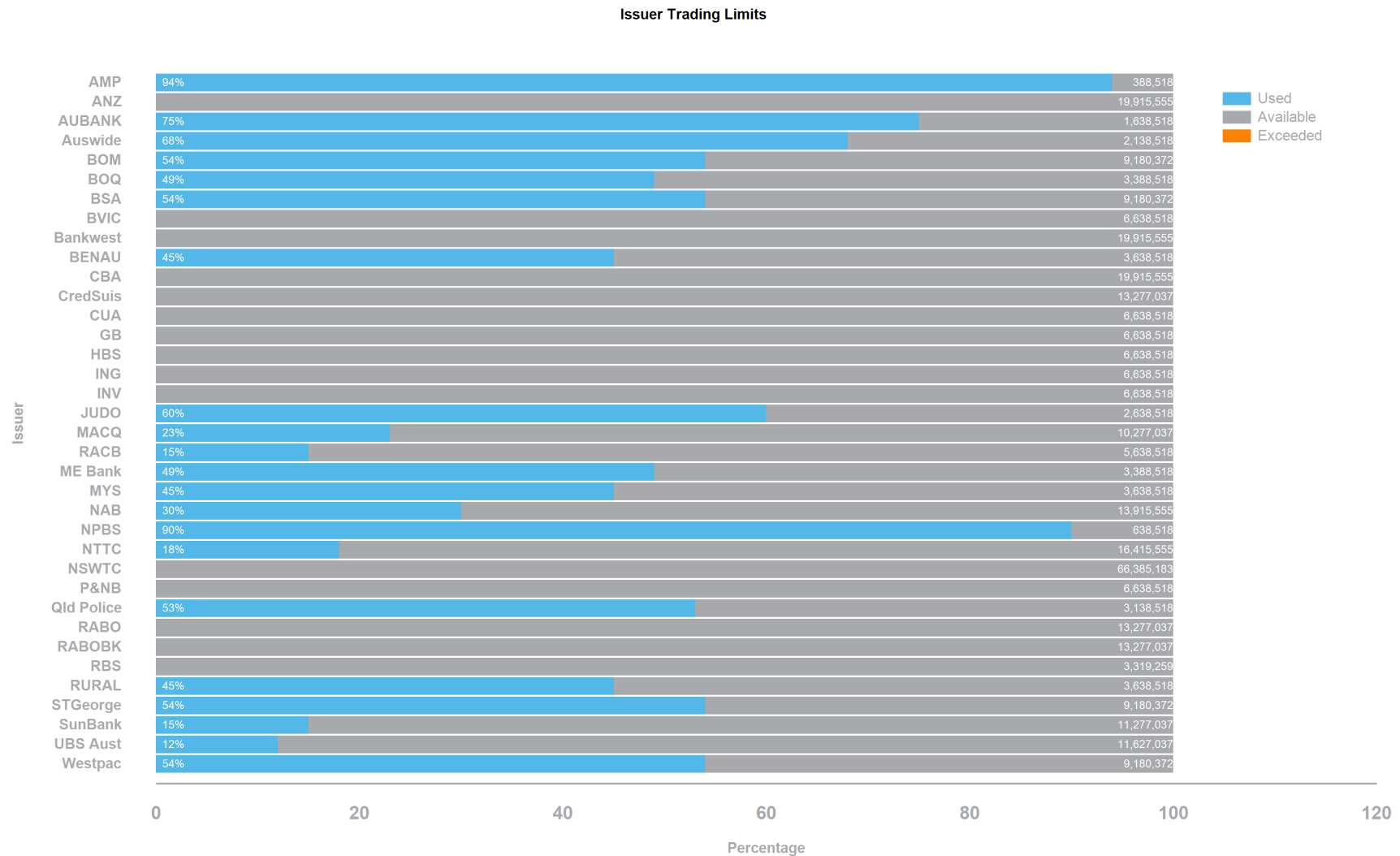
Security Rating Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
AAA	0.00	Book	100.00	% of 66,385,183.11	66,385,183.11	0.00	100.00	66,385,183	0.00	0
AA+ to AA-	3,500,000.00	Book	100.00	% of 66,385,183.11	66,385,183.11	5.00	95.00	62,885,183	0.00	0
A+ to A-	10,650,000.00	Book	70.00	% of 66,385,183.11	46,469,628.18	23.00	77.00	35,819,628	0.00	0
A1+	16,735,183.11	Book	100.00	% of 66,385,183.11	66,385,183.11	25.00	75.00	49,650,000	0.00	0
A1	0.00	Book	100.00	% of 66,385,183.11	66,385,183.11	0.00	100.00	66,385,183	0.00	0
A2	17,000,000.00	Book	70.00	% of 66,385,183.11	46,469,628.18	37.00	63.00	29,469,628	0.00	0
A3	0.00	Book	60.00	% of 66,385,183.11	39,831,109.87	0.00	100.00	39,831,110	0.00	0
BBB+ to BBB-	18,500,000.00	Book	60.00	% of 66,385,183.11	39,831,109.87	46.00	54.00	21,331,110	0.00	0
	66,385,183.11				438,142,208.53			371,757,025		0

### Notes

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

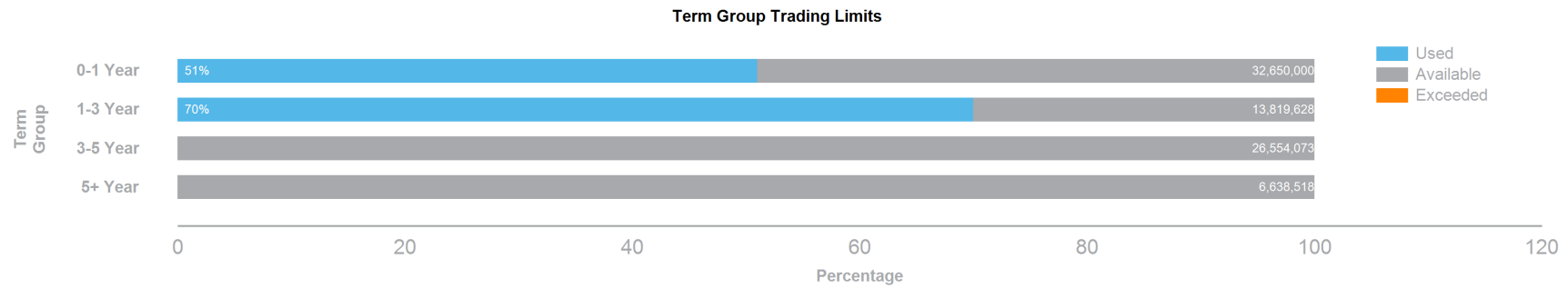
### 3 Term Group Trading Limits

Term Group	Already Traded Face Value Notional	Limit For Book or Trading Entity	Trading Limit	Trading Limit Type	Trading Limit Value	Trading Limit Used (%)	Trading Limit Available (%)	Trading Limit Available (Value)	Trading Limit Exceeded (%)	Trading Limit Exceeded (\$)
0-1 Year	33,735,183.11	Book	100.00	% of 66,385,183.11	66,385,183.11	51.00	49.00	32,650,000	0.00	0
1-3 Year	32,650,000.00	Book	70.00	% of 66,385,183.11	46,469,628.18	70.00	30.00	13,819,628	0.00	0
3-5 Year	0.00	Book	40.00	% of 66,385,183.11	26,554,073.24	0.00	100.00	26,554,073	0.00	0
5+ Year	0.00	Book	10.00	% of 66,385,183.11	6,638,518.31	0.00	100.00	6,638,518	0.00	0
	66,385,183.11				146,047,402.84			79,662,219		0









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Report Code: TBSBP125EXT-00.16  
Report Description: Trading Limit Performance As At Date  
Parameters:  
As At/Scenario Date: 31 December 2022  
Balance Date: 8 January 2023 (but 31 Dec 2022 used instead)  
Trading Entity: Muswellbrook Shire Council  
Trading Book: Muswellbrook Shire Council  
Report Mode: BalOnly  
Using Face Value  
Trading Entity and Book Limits  
Effects of Parent/Child Issuers Not Ignored



### 9.4.3. Report on Council Grant Funding and Community Engagement

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	David Walsh - Director - Corporate Services & Chief Financial Officer
<b>Author:</b>	Ivan Skaines – Grants and Community Engagement Officer
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

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#### PURPOSE

To advise Council of recent grant applications submitted, grant funding recently announced or to be announced shortly, and of upcoming grant opportunities. In addition, to provide updates on Council's other grants and community engagement activities.

#### OFFICER'S RECOMMENDATION

The information contained in the report be noted.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### BACKGROUND

For some time, Muswellbrook Shire Council has been successful in obtaining grants which have been decided via competitive applications and, in addition, Council has continued to receive grant allocations from both State and Federal government sources for which Council is required to nominate appropriate projects for funding.

#### CONSULTATION

Grant applications are aligned to projects identified by Council's Delivery Program and prepared in consultation with the Mayor, Council's senior managers and key staff in relevant sections. Councillors are regularly updated about grant applications via the Grants Advisory Committee.

#### REPORT

##### Grant applications recently submitted

- The **Essential Community Sport Assets Program** (ECSAP) is a key recovery measure of the Sport Infrastructure Recovery Fund to help communities assess, repair, reconstruct and build flood resilience into sport facilities enabling normal activities to return sooner. Council has submitted an application for resilience works at Karoola Park, including improvements to the stormwater drainage channel.
- The **NSW Infrastructure Betterment Fund** assists with rebuilding damaged and



destroyed infrastructure, such as bridges and stormwater drainage, in a more resilient way. Council submitted applications for funding for the sand filters at Muswellbrook Water Treatment Plant and the Hunter River intake at Denman.

- **Places to Play** offers \$16.7 million to provide more public open spaces for adventure and play, and will focus on the creation of inclusive water, nature and adventure play for people of all ages and abilities in NSW. Council's application was for unfunded aspects of the development of the Civic Pocket Park in Muswellbrook.
- The **Get NSW Active Program** provides Councils with funding for projects that create safe, easy and enjoyable walking and cycling trips. Council's application was for a 185 metre "missing link" path in Turtle Street, Denman, to provide a connection between the Denman Bowling Club, the buildings of the Anglican Parish of Denman, the passive recreation area of Denman Creek and Hyde Park, Merton Village and Merton Court and the Denman CBD.

### **Upcoming Grant and Funding Opportunities**

- Round Two of NSW's **Social Cohesion Grants** will focus on new and innovative activities that enhance volunteerism. This program is administered by the Department of Premier and Cabinet, and applications are due Monday, 6 February. NSW Social Cohesion Grants for Local Government programs aim to:
  - build resilience of local community leaders and groups;
  - track and measure social cohesion within the local area;
  - encourage civic engagement and participation;
  - enhance community cohesion and cultural inclusion;
  - enhance places and spaces that reflect diverse local character, stories and needs; and
  - build partnerships and networks to strengthen social cohesion within the community.
- The \$100 million **Regional Job Creation Fund (RJCF)** Round 3 will support existing regional NSW businesses or those seeking to relocate to regional NSW as they adapt to technological change, to meet evolving supply chain distribution demands and leverage their strengths to drive ongoing productivity and regional economic development. This program is administered by Department of Regional NSW and applications close Monday, 6 March 2023.

Funded projects will create and maintain regional jobs, diversify regional economies, and provide skills, and training opportunities, including for young people, Aboriginal and/or Torres Strait Islander individuals and people with a disability. This investment will lead to more sustainable employment and stronger and more resilient regional economies. Under Round 3, grants will range from \$100,000 to \$10,000,000 to help businesses create and retain jobs, including for young people and Aboriginal and/or Torres Strait Islander individuals and people with disability, to support ongoing economic prosperity in regional NSW.

This round will involve a two-stage application process. All EOIs (Stage 1) will be assessed against the Eligibility and Assessment criteria and suitable projects will be invited to progress to Stage 2, which will involve the completion of a Detailed Application.

- The next round of the Commonwealth **Saluting Their Service Commemorative Grants Program** applications closes Tuesday, 7 February. Funding of up to \$10,000 is available for local, community-based projects and activities (Community Grants) and funding of between \$10,001 and \$150,000 is available for major commemorative projects and activities that are significant from a national, state, territory and/or regional perspective (Major Grants).



- **Local Government Authority Arts & Cultural Projects Funding** supports Local Government arts and cultural projects that are essential to a contemporary, innovative and strong arts and cultural ecology in NSW. It aims to:
  - build on the commitment by Local Councils to deliver hard and soft infrastructure to support arts and cultural activities across the State;
  - provide funding for projects that deliver great arts and cultural outcomes for audiences;
  - support the employment of artists and arts, cultural and museum workers to produce new work; and
  - partner with others to create unique experiences, events, and activities.

Funding requests must deliver outcomes of significant merit in arts and culture (including innovation and experimentation) and funding is available for a wide range of project/s and/or series of events and activities, including but not limited to:

- commissioning new arts and cultural practice;
  - museum object displays, storytelling projects and/or methods of interpretation;
  - production, exhibition, presenting, publishing, or recording, touring and festivals;
  - promotion and marketing;
  - audience growth and development;
  - conservation and/or development of collections and archives (including Aboriginal Keeping Places); and
  - partnerships, capacity building and sustainability.
- The **Commonwealth Heavy Vehicle Safety Initiative** (HVSII) program supports implementable, value-for-money projects that deliver tangible improvements to heavy vehicle safety (the program is administered by the NHVR). Over the 7 rounds funded to date, successful projects are delivering outcomes aimed at making Australia's roads safer for all users. For Round 8, the NHVR is again engaging broadly with heavy vehicle industry participants to identify heavy vehicle safety projects to put forward to the Australian Government for consideration. Submissions close on 20 February 2023.
  - The NSW Government has opened the Waste and Sustainable Materials Strategy 2041 (WASM) **Litter Prevention Grants Program** for Councils, community groups and other key stakeholders to deliver litter prevention projects and develop strategic plans to address litter in their local environments. Up to \$10 million in funding is available in 3 streams from 2022 to 2027, these being:

Stream 1: Small-scale, on-ground projects, including a dedicated cigarette butt litter program

Stream 2: Strategic development and capacity building

Stream 3: Own It and Act strategic implementation

The cut-off date for expressions of interest for Intake 1 is Wednesday, 1 March 2023.

- Funding for **Disaster Ready Fund** (DRF) Round One: 2023-24 is now open and closes on Monday, 6 March 2023. Up to \$200 million in funding is available, with projects to commence from 2023-24. Projects under DRF Round One 2023-24 can target a broad range of natural hazards, and can include:

**(Stream 1) Infrastructure projects, such as:**

- investment in grey infrastructure;
- investment in green-blue infrastructure (including nature-based solutions);
- investment in hazard monitoring infrastructure; and
- business case development for future infrastructure (including investigation, modelling, concept and detailed design activities).

**(Stream 2) Systemic risk projects, such as:**

- supporting a better understanding of risk, through a better evidence base to understand and raise awareness of risk – to improve understanding of natural hazards and their potential impacts over time;
- strengthening decision making by enhancing governance networks and communities of practice, including the development and/or alignment of resilience and risk reduction strategies;
- adaptation projects that improve land use planning and development practice projects, including but not limited to the preparation of regional or local plans and updating land use planning instruments and building codes;
- projects that build the capacity and capability of businesses, community sector organisations and/or at-risk communities to improve their preparedness and resilience to the impacts of future disasters; and
- projects that enable and incentivise private investment in disaster risk reduction.

Only Australian states and territories are eligible to apply for funding in Round One 2023-24, and applicants are expected to provide at least a 50 per cent contribution for each project. States and territories are expected to work with local governments and communities to identify suitable proposals. The NSW government has nominated the NSW Reconstruction Authority as the lead agency, and as such has responsibility for coordinating proposals for their jurisdiction and submitting the applications to the National Emergency Management Agency.

- The **NSW Regional Investment Activation Fund** aims to drive increased productivity, innovation, and business competitiveness in regional NSW, activate new industries, promote industry cluster developments, and deliver new and sustainable employment opportunities. Key priority sectors include:
  - advanced manufacturing; technology-enabled primary industries and Food & Beverage services;
  - renewable energy, gas, recycling and waste management, and critical minerals;
  - ecotourism and visitor economy infrastructure, and freight, logistics and distribution;
  - health and aged care;
  - knowledge economy and innovation in professional and financial services; and
  - defence.

Stream 2 funding ranges from \$1 million to \$10 million (1:1 co-contribution basis). This stream provides flexibility to support projects that are time sensitive and strategically significant for a priority industry or location. There is a two-stage process, including EOI followed by a Detailed Application and applications are open until fully allocated or 31 December 2024, whichever occurs first.

**Grant funding recently announced**

- Council has been successful in receiving funding of \$7,119.25 for an **EV Destination Charging** point for the public carpark off Hill Street, Muswellbrook adjacent to Muswellbrook Marketplace and Marketplace carpark. This coincides with, and is being partly funded by the work that will be carried out in the Hill Street carpark;; and
- Council has been successful with its **Local Government Heritage Grant** application valued at \$25,000.

**Unsuccessful applications**

- We were unsuccessful with our application under the **Regional Housing Strategic Planning Round 1** which was to help fund an update of our s7.11 plan; and
- Council has received notification that our application for funding for **Regional NSW – Business Case and Strategy Development Fund** for the Denman Tourist Park was unsuccessful.





## Muswellbrook Shire Council Grants Portal

The report for data from June 2022 to December 2022 for Council's grant finding portal at <https://muswellbrook.grantguru.com.au/> is listed in the table below:

Indicator	Dec	Nov	Oct	Sep	Aug	Jul	Jun
Total unique portal visitors <sup>[1]</sup>	44	40	97	43	59	38	63
Number of page views <sup>[2]</sup>	128	165	250	134	242	242	248
Total cumulative registrations to the portal (via the sign-up form) <sup>[3]</sup>	83	82	81	79	76	71	63
Grant alerts sent per month to registered users	485	784	680	630	653	542	490

<sup>[1]</sup> A visitor is someone who has viewed your portal, but may or may not be registered - the same person is not double counted.

<sup>[2]</sup> Page views are the total number of a visitor's 'clicks' within your portal, and includes viewing grant information. Repeated views of a single page are counted.

<sup>[3]</sup> Registrations are people that have registered to your portal via the signup form and are still active.

Community interaction with the grant finding portal is generally positive. The number of registered users is continuing to increase.

## CONCLUSION

Council notes recent grant applications submitted, grant funding recently announced or to be announced shortly, upcoming grant opportunities and other grants and community engagement activities.

## SOCIAL IMPLICATIONS

Applications for funding submitted by Council address priority issues in the community.

## FINANCIAL IMPLICATIONS

The funding received under these grant programs will offset expenditure that would otherwise need to be committed by Council.

## POLICY IMPLICATIONS

Council will need to maintain any assets for which funding is obtained according to Policy A40-1 - Asset Management Policy.

## STATUTORY IMPLICATIONS

Council's grant applications align with the goals contained in the Muswellbrook Shire Community Strategic Plan and with a range of Federal and State strategy documents.

## LEGAL IMPLICATIONS

Where grant applications are successful, Muswellbrook Shire Council will be required to enter into a grant agreement with the funding body.



### **OPERATIONAL PLAN IMPLICATIONS**

The projects funded by these grants are in line with the Community Strategic Plan and Council's Delivery Program.

### **RISK MANAGEMENT IMPLICATIONS**

Council is required to identify risks and associated risk management strategies for each project in preparing the grant application.

### **WASTE MANAGEMENT IMPLICATIONS**

Nil.

### **COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

All grant funding announcements contained in this report are no longer under embargo.



## 9.5. Community and Economy

### 9.5.1. Public Exhibition of DRAFT Library Policy for Children and Young Persons - MSC33E

<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. DRAFT Library Policy for Children and Young Persons MSC33E [9.5.1.1 - 6 pages]</li><li>2. Policy L1 2 Children and Young People Library (Previous Policy) [9.5.1.2 - 4 pages]</li></ol>
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Lauren Allan, Chloe Wuiske – Technical Services Librarian
<b>Community Plan Issue:</b>	2 - <i>Social Equity and Inclusion</i> 6 - <i>Community Leadership</i>
<b>Community Plan Goal:</b>	An inclusive and interconnected community where everyone enjoys full participation. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
<b>Community Plan Strategy:</b>	2.6.1 - Engage with young people in the Shire to better inform projects and programs for youth and children. 6.2.5 - Implement a comprehensive and targeted business improvement program. 2.6.1.3 - Develop a cross Council Child Safe Action Plan in response to Child Safe Standards 6.2.5.2 - Review the policy management framework.

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#### PURPOSE

The purpose of this report is to present the *DRAFT Library Policy for Children and Young Persons* to Council for notice of intention to adopt after public exhibition.

#### OFFICER'S RECOMMENDATION

1. Council endorses the *DRAFT Library Policy for Children and Young Persons* for placement on public exhibition via Council's website for a period of 28 days.
2. A further report be submitted to Council for consideration once the exhibition period has been completed.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### BACKGROUND

Muswellbrook Shire Libraries is committed to serving the information and recreation needs of young people. The Library strives to provide a welcoming environment and provides targeted resources and programs to meet the needs of young people. The *DRAFT Library Policy for Children and Young Persons* (the policy) (attachment 1) provides guidance on the



management and provision of services to children and young people within Muswellbrook and Denman library branches and during community outreach programming by library staff.

The *Library Policy for Children and Young People* (attachment 2) was last adopted in 2015 and was due for review.

## CONSULTATION

Head Librarian

Manager Community Services

MANEX

## REPORT

A review of the existing *Library Policy for Children and Young People* has been completed to align it with current legislation and requirements. The updated policy reflects recommendations from the Child Safe Principles provided by the NSW Commission for Children and Young People.

The policy template has been updated and the name of the policy has been amended to *DRAFT Library Policy for Children and Young Persons - MSC33E*.

## OPTIONS

Council may:

1. Resolve to endorse the *DRAFT Library Policy for Children and Young Persons* for Public Exhibition via Council's website for a period of 28 days. This is the preferred option to ensure alignment with recently published Child Safe Principles.
2. Request amendments to the *DRAFT Library Policy for Children and Young Persons* and a further report be submitted to Council for consideration.

## CONCLUSION

It is recommended that Council endorses the *DRAFT Library Policy for Children and Young Persons* for Public Exhibition as per the recommendations to ensure alignment with recently published Child Safe Principles.

## SOCIAL IMPLICATIONS

Libraries can provide an important role for children and young persons developing social skills.

## FINANCIAL IMPLICATIONS

Nil known

## POLICY IMPLICATIONS

This policy was reviewed in line with Council's Policy Management Framework.

## STATUTORY IMPLICATIONS

Legislation relating to the *DRAFT Library Policy for Children and Young Persons* includes:

- *Library Act 1939*
- *Library Regulation 2018 (NSW)*
- *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*
- *Children and Young Persons (Care and Protection) Act 1998*



### **LEGAL IMPLICATIONS**

Nil known.

### **OPERATIONAL PLAN IMPLICATIONS**

2.6.1.3 - Develop a cross Council Child Safe Action Plan in response to Child Safe Standards

6.2.5.2 - Review the policy management framework.

### **RISK MANAGEMENT IMPLICATIONS**

Public Risk may be reduced through the implementation of the *DRAFT Library Policy for Children and Young Persons*.

### **WASTE MANAGEMENT IMPLICATIONS**

Nil known.

### **COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Public exhibition via Council's website will provide the Community with an opportunity to make submissions.



# DRAFT Library Policy for Children and Young Persons

MSC33E

## Authorisation Details

<b>Authorised by:</b>		<b>Internal/External:</b>	External
<b>Date:</b>		<b>Minute No:</b>	
<b>Review timeframe:</b>	4 years	<b>Review due date:</b>	
<b>Department:</b>	Community and Economy		
<b>Document Owner:</b>	Head Librarian		

## Details History

<b>Version No.</b>	<b>Date changed</b>	<b>Modified by</b>	<b>Amendments made</b>
V.1	Original		Adopted by Council 9/02/2015, Minute No. 20. Doc id 534132
V.2	21/11/2022	Head Librarian	Updates to current Legislation Additional reporting information Policy name changed from L1/2 to MSC33E.

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## Policy Objective

Muswellbrook Shire Libraries provide a wide range of services to young people. This policy provides guidance on the management and provision of services to children and young people in our libraries.

## Scope

This policy applies to all users of the Muswellbrook Shire Libraries.

## Definitions

<i>Muswellbrook Shire Libraries or "the Library"</i>	Refers to all branches of the library service including Muswellbrook and Denman and any outreach services.
<i>Child</i>	As per the <i>Children and Young Persons (Care and Protection) Act 1998</i> , this means a person under the age of 16 years.
<i>Unattended child</i>	A child using public library resources and facilities unsupervised by a parent or carer. A child left unattended in a Public Library may be classed as a child or young person at risk of harm under section 23 of the <i>Children and Young Persons (Care and Protection) Act 1998</i> and may be reported to an appropriate authority.
<i>Parent or Carer</i>	Includes the legal guardian of the child and a responsible person over the age of 16 years who has been delegated responsibility for the child by the parent or legal guardian.

## Policy Statement

### 1.0 Service Statement

Muswellbrook Shire Libraries is committed to serving the information and recreation needs of young people. The Library strives to provide a welcoming environment and provides targeted resources and programs to meet the needs of young people.

The Muswellbrook Shire Libraries services to young people include:

- Fiction, non-fiction and recreational books
- Magazines
- Computer games for in-library use (subject to observing copyright)
- CDs
- DVDs
- Computer and internet access
- Assistance from staff in accessing collections and information
- Homework help
- eBooks and eResources including streaming services
- Literacy programs
- School Holiday Programs
- Space for activities or study

## 2.0 Parental Responsibility Statement

### 2.1 Access to resources in a Library's General Collection

The Muswellbrook Shire Libraries' general collection may contain publications that have been classified 'Unrestricted', and films and computer games classified 'G (General)', 'PG (Parental Guidance)' or 'M (Mature)', in accordance with the Classification (Publications, Films and Computer Games) Act 1995 (NSW). This material is available to all library users, including young people, without restriction. The library has no censorship role in its choice of the library resources that form the collection.

While Library staff guide and assist young people in finding and accessing resources appropriate to particular interests and inquiries, Parents/guardians are responsible for ensuring that their child's selection and use of materials in the general collection accords with any restrictions the family may wish to set. Muswellbrook Shire Libraries encourages parents/guardians to consult with their child to develop clear rules regarding access to resources that accord with the family's personal values and beliefs.

### 2.2 Access to restricted materials classified as MA or R

Resources classified 'MA' may only be borrowed by persons under 15 years with the permission of their parent/guardian. Members under the age of 18 years are not permitted to borrow items with an 'R' rating.

### 2.3 Unattended children

For the purposes of this policy, children under the age of 13 must be supervised by a parent or carer.

Unsupervised children can be at risk in any public place, including public libraries. Muswellbrook Shire Libraries staff do not supervise children in the library, and there is a risk that unattended children may leave the library at any time, hurt themselves, or be approached by strangers. In addition, libraries do not have the facilities to attend to children who are sick, injured or hungry.

Children left unattended in a public library may be classed as a child or young person at risk of harm under s23 of the *Children and Young Persons (Care and Protection) Act 1998* and may be reported as such to the Director-General of the Department Family and Community Services. Parents who leave a child unattended in a public library are exposing their child to potential harm and may be committing an offence under section 228 of the *Children and Young Persons (Care and Protection) Act 1998 (NSW)*.

Young people left alone in a library can become distressed, bored or disruptive. Young people who disturb other library users may be removed from the library under clause 17 of the *Library Regulation 2018 (NSW)*.

## 2.4 Children at risk

Our aim is to produce a safe, enjoyable experience for all children who attend the Library. Library staff cannot supervise children whilst carrying out work responsibilities and are unable to provide the necessary degree of supervision desirable for young children. This responsibility remains the responsibility of the Parent or Carer.

If library staff consider children are at risk because they have been left in the library for a long period of time, they have been observed being left unattended at the library on a regular basis, or, they remain at the library at closing time, the following procedure will be followed:

- Parents/carers will be contacted in person or by telephone.
- If the staff are unable to contact the parents/carers after 15 minutes, then the staff will contact the Police, or another appropriate authority to come and collect the child.
- Staff must then submit an incident report and notify the Head Librarian.

Children must not be left alone with a staff member and staff will not drive the child home.

Parents/care providers who contravene this policy and leave children unattended on more than one occasion will be issued a letter from the Head Librarian accompanied by a copy of this policy.

## 2.5 Access to electronic resources

Muswellbrook Shire Libraries are an accredited eSmart Library service and are committed to guiding the smart, safe, and responsible use of digital technology and support wellbeing outcomes for all members of our community. The Library requires membership or proof of identification for any user of technologies within the Library branches.

Library staff are available to assist young people in the use of the Internet, and to recommend websites on particular subjects however parents/guardians are solely responsible for their children's use of the Internet and access to the libraries eResources.

## 2.6 Child Safe Principles

The *NSW Commission for Children and Young People* promote child-safe policies and practices by encouraging organisations to become more child safe. The Muswellbrook Shire Libraries is guided by the *Child Safe Principles* and *Children and Young Persons (Care and Protection) Act 1998* when identifying and reporting risks.

Muswellbrook Shire Libraries strives to recognise and abide by child safe principles in our policy and interactions with Children within our facilities. All staff working within the Muswellbrook Shire Libraries currently have a Working With Children Check.

## Legislation

*Library Act 1939*

*Library Regulation 2018 (NSW)*

*Classification (Publications, Films and Computer Games) Act 1995 (Cth)*

*Children and Young Persons (Care and Protection) Act 1998*

## References

Muswellbrook Shire Libraries *Library Membership Policy*

## Dispute Resolution

Any complaints are to be firstly directed to the Head Librarian. If the customer remains unsatisfied, they may write to the General Manager.



# muswellbrook shire council

## LIBRARY POLICY FOR CHILDREN AND YOUNG PEOPLE

Policy No. L1/2

### Authorisation Details:

<b>Authorised by:</b>	Council
<b>Minute No:</b>	20
<b>Date:</b>	9 February 2015
<b>Review timeframe:</b>	June 2016
<b>Department:</b>	Corporate & Community Services
<b>Document Owner:</b>	Manager, Community & Cultural Services

### Review History:

Version No.	Date changed	Modified by	Amendments made

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## **Library Policy for Young People**

### **L1/2**

#### **POLICY OBJECTIVES**

Upper Hunter Regional Library, Denman and Muswellbrook branches, provide a wide range of services to young people.

This policy provides guidance on the management and provision of services to children and young people in our libraries.

#### **POLICY STATEMENT**

Children and Young people are core public library clients in their own right, and are potentially the future adult users and supporter of public libraries. Upper Hunter Regional Library (Denman and Muswellbrook Branches) are committed to serving the information and recreation needs of children and young people.

Denman and Muswellbrook Branches strive to provide a welcoming environment, and provide targeted resources and programs to meet the needs of young people including;

- Fiction, non-fiction and recreational books
- Magazines
- Computer games for in-library use
- CD's
- Videos and DVD's
- Computer and internet access
- Assistance from staff in accessing collections and information
- Homework help
- EBooks
- Internet training
- Storytime
- Space and activities for study and connectivity

#### **LEGISLATION**

NSW public libraries operate under the Library Act 1939 and the library Regulation 2005 Clause 14 of the Library Regulation 2005 which defines the proper use of a library and, by extension, the scope of library services.

It is council's responsibility to ensure that all staff have current approval to work with children and young people through Working with Children checks on a biannual basis.

## **PROCEDURE**

### **1. Parental responsibility statements**

The following part to this policy defines the responsibilities of parents/guardians with regard to their child's use of Denman and Muswellbrook libraries, including access to resources and unattended children.

#### **1.1 Access to library resources**

The Denman and Muswellbrook branches of Upper Hunter Regional Library contain publications that have been classified 'Unrestricted' and films and computer games that have been classified 'G' (General), 'PG' (Parental Guidance) or 'M' (Mature) in accordance with the *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*. This material is available to all persons, including young people without restriction.

Parents/guardians are responsible for ensuring that their child's selection and use of materials in the Denman and Muswellbrook Libraries general collection accords with any restrictions the family may wish to set. Upper Hunter Regional Library encourages parents/guardians to consult with their child to develop clear rules regarding access to resources that accord with the family's personal values and beliefs.

Denman and Muswellbrook branches promote and support young people's access to information, including electronic information through its Internet facilities. Library staff are available to assist young people in the use of the Internet, and to recommend websites on particular subjects. A number of appropriate websites have been selected for inclusion in the libraries electronic collection as a 'white list'.

Parents and guardians are responsible for their child's use of the Internet, in line with the Upper Hunter Library Internet policy.

#### **1.2 Unattended children**

For the purposes of this policy, children under the age of **13** must be supervised by a parent/guardian.

Unsupervised children can be at risk in any public place, including public libraries. Denman and Muswellbrook library staff do not supervise children in the library, and there is a risk that unattended children may leave the library at any time, hurt themselves, or be approached by strangers. In addition, libraries do not have the facilities to attend to children who are sick, injured or hungry.

Children left unattended in a public library may be classed as a child or young person at risk of harm under s23 of the *Children and Young*

*Persons (Care and Protection) Act 1998* and may be reported as such to the Director-General of the Department Family and Community Services. Parents who leave a child unattended in a public library are exposing their child to potential harm, and may be committing an offence.

Young people left alone in a library can become distressed, bored or disruptive. Young people who disturb other library users may be removed from the library under clause 17 of the *Library Regulation 2005*.

**Author**

The Manager of Community and Cultural Services - with the guidance of the NSW State Library template for Library Policies relating to Young People.

**Date** November, 2014

**9.5.2. New Years Eve Post Event Report**

<b>Attachments:</b>	1. MBK NYE 2022 Facebook Statistics and Feedback [9.5.2.1 - 20 pages]
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Fiona Wilton – Economic Development Officer
<b>Community Plan Issue:</b>	1 - <i>Economic Prosperity</i> 4 - <i>Cultural Vitality</i>
<b>Community Plan Goal:</b>	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i> A culturally rich and diverse Community with strong identities, history and sense of belonging.
<b>Community Plan Strategy:</b>	1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise 4.3.1 - Develop and implement a program of Shire events to engage more locals and attract more visitors 4.3.1.1 - Council works in partnership with community groups to deliver a minimum of six events a year.

**PURPOSE**

To provide Council with post event information regarding the New Year's Eve event held at the Muswellbrook Showground on 31 December 2022.

**OFFICER'S RECOMMENDATION**

Council notes the information contained in the report.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**BACKGROUND**

Council received \$65,301 funding towards the New Year's Eve event from the Reconnecting Regional NSW – Community Events Program, as part of a \$25 million commitment by the NSW Government to promote economic and social recovery across all regional NSW through the delivery of COVID-Safe community events and festivals that are open for the entire community to attend for free.

**CONSULTATION**

Consultation has occurred with Muswellbrook Showground, Hunter Events Group, Police and various areas of Council.



## REPORT

### Event wrap up

New Year's Eve was a free event with a fun festive atmosphere with live music by Katie Jayne and The Collective, free children's amusements, food vendors and an amazing 10 minute fireworks display from Upper Hunter Fire Works. The event was held at the Muswellbrook Showground on Saturday 31 December 2022 from 5pm to 9.30pm and was attended by approximately 3,500 people.

Hunter Events Group was contracted to manage the event and we had a short 5 week lead in time once they were engaged.

A comprehensive event management plan was developed in consultation with key stakeholders. A week prior to the event we held an event coordination meeting between Council, Hunter Events Group, Muswellbrook Showground and the Police to finalise the event management plan and identify any further risks or issues to be addressed by the plan.

There were a number of food vans:

- Soft Serve Hunter
- Light Bulb Lemonades
- Lou Lou's Snack Shack
- Family Gozleme
- Crosdales BBQ
- Pampa Flame
- Sweetz'n'treats

A number of activations including:

- Fire Performances by Kiki at 7pm and 8:30pm
- Bubble Mermaids
- The Pretty Amazing Jono – Magic Stunt Magician

And free activities for the kids:

- Face painting
- Toddlers Jumping Castle
- Jumping Castle with Slides
- Blow-up Obstacle Course
- Giant maze
- GJ's By the Lake Laser Tag

### Security

In preparation for the event, the event team considered security measures and police presence at the event.

Twelve contracted security guards and two user paid police were in attendance as well as a strong police presence at the venue and in town.

Additional security measures were put in place including restricting access to the venue to two locations, conducting bag checks on entry, condition of entry regulatory signs and refusing access to persons under the age of 16 without being accompanied by an adult. These measures were promoted heavily through our facebook advertising.

The security guard received positive feedback from the community on their presence.

### Sponsorship

The event attracted sponsorship of \$15,000 from three companies being AGL, Muswellbrook Coal and Bengalla contributing \$5,000 each.

The sponsors were recognised through printing and online media, event banners, event



signage and stage mentions.

Due to the success of the event and overwhelming positive community feedback, comments have been received from sponsors regarding continued and increased sponsorship for the 2023 event.

#### Community Feedback

An event survey was conducted on the event evening and was also available for a week post the event through a facebook post. Ninety-two responses to the survey were received and the key feedback was as follows:

- Nearly 90% of respondents were satisfied (30.7%) or very satisfied with the event (58.2%).
- 78 of the 92 respondents were from postcode 2333.
- Over 60% of people heard about the event through social media.
- Over 70% attended with a family member or a child or teenager.
- 40% of respondents expected to spend between \$20 to \$50 at the event.
- Over 65% of people felt the event helped them to feel more connected to the Muswellbrook community.

With the majority of people hearing about the event through social media, the event page had a reach of 10,231. There was a great response to the event posts and a copy of the facebook post engagement is attached to this report for information.

Social media comments were all positive with one attendee calling Council on Tuesday following the event to advise Council of how impressed they were with the event.

#### Event Cost

The total cost of the event was \$135,000 including \$65,301 from Regional NSW and \$15,000 in sponsorship.

### **OPTIONS**

Council notes the report.

### **CONCLUSION**

The event was a great success and well received by the community. The security measures put in place ensured that the event was safe and family friendly.

### **SOCIAL IMPLICATIONS**

The event provided an accessible, family friendly free event that successfully celebrated the end of 2022 and beginning of 2023.

### **FINANCIAL IMPLICATIONS**

There are no financial implications in the provision of this report.

### **POLICY IMPLICATIONS**

Nil known.

### **STATUTORY IMPLICATIONS**

Nil known.

### **LEGAL IMPLICATIONS**

Nil known.





**OPERATIONAL PLAN IMPLICATIONS**

Nil known.

**RISK MANAGEMENT IMPLICATIONS**

Nil known.

**WASTE MANAGEMENT IMPLICATIONS**

Nil known.

**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Nil known.

## General Feedback

The below is general feedback from Facebook comments and from in-person comments during the event.

People asked for:

- Let people know specific security rules ahead of time – i.e. picnics yes, no open bottles of drink
- More food vans / vendors / market stalls
- More for the pre-teen age group e.g. amusement park type rides, dodgem cars

Great response to:

- The Amazing Jono was a big hit
- Fireworks display
- Great music
- The tables / chairs / shade
- Safe, family friendly atmosphere (positive response to extra security)


## Social Media Posts




The below posts are sorted by reach (highest to lowest).


### Facebook post reach




The number of people who saw your post at least once. Reach is different from impressions, which may include multiple views of your post by the same people. This metric is *estimated*.

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
MBK NYE 2022 - New Year's Eve at Muswellbrook Showground (event page)	13/12/2022 14:06	Facebook post	10231				
		Event page					

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>🔥 Don't miss it! Katie Jayne followed by The Collective will be singing in 2023 at Muswellbrook Showground. Kick off is at 5pm before a showstopping fireworks display at 9pm - with plenty to see and do in between.</p> <p>🎸 Katie Jayne and The Collective rocking the stage.</p> <p>🎪 Lots of free attractions and activities for the kids – face painting, giant maze, fire shows, a roaming magician, jumping castles, bubble mermaids – and more.</p> <p>🎆 A spectacular 10-minute fireworks display to close the celebration.</p> <p>🍷 A variety of food options available for purchase.</p> <p>⚠️ Remember! We want NYE to be a safe and family friendly event. Under 16s will need to be accompanied by a parent or guardian, and proof of age will be required. This is an alcohol-free event, and bags will be checked on the way in.</p> <p><a href="https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/">https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/</a></p> 	28/12/2022 19:00	Facebook post	9993	160	19	5	24


Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
 Muswellbrook Shire Council Published by Jo Msc · 4 d · 🌐 Our fireworks display kicks off at 9pm and runs for TEN MINUTES. Sydney's display only runs for 8 minutes. Just saying. 🎆👓 <a href="https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/">https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/</a>  	29/12/2022 19:00	Facebook post	9705	85	86	16	17



Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>🎆 We want NYE to be a safe and family friendly event.</p> <p>Under 16s will need to be accompanied by a parent or guardian, and proof of age will be required.</p> <p>This is an alcohol-free event with bags checks upon entry.</p> <p>Don't miss -</p> <p>🎆 Katie Jayne and The Collective rocking the stage.</p> <p>🎆 Lots of free attractions and activities for the kids – face painting, giant maze, magician, jumping castles, fire shows, bubble mermaids – and more.</p> <p>🎆 A spectacular 10-minute fireworks display to close the celebration.</p> <p>🎆 A variety of food options available for purchase.</p> <p><a href="https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/">https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/</a></p>  <p>The poster is for the MBK NYE 2022 event. It features a dark blue background with orange and white fireworks. The text 'FREE EVENT' is in orange, 'MBK NYE 2022' is in large white and orange letters. Below that, it says 'MUSWELLBROOK SHOWGROUND', '5PM TO 9:30PM', and 'SATURDAY 31 DECEMBER 2022'. At the bottom, it lists 'FOOD VANS   FREE KIDS ACTIVITIES', 'KATIE JAYNE &amp; THE COLLECTIVE', and 'ALCOHOL FREE EVENT'. Logos for sponsors like agl, muswellbrook shire council, and NSW are at the very bottom.</p>	23/12/2022 11:55	Facebook post	7387	49	57	27	19

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p> Muswellbrook Shire Council Published by Jo Msc · 22 December 2022 at 16:00 · 🌐</p> <p>New Year's Eve is going to be FIRE. 🔥👁️</p> <p>As in literal fire Shows at 7pm and 8.30pm. 👁️</p> <p>PLUS, we can't forget -</p> <ul style="list-style-type: none"> <li>🎸 Katie Jayne and The Collective rocking the stage.</li> <li>🎪 Lots of free attractions and activities for the kids – face painting, giant maze, a roaming magician, jumping castles, bubble mermaids – and more.</li> <li>🎆 A spectacular 10-minute fireworks display to close the celebration.</li> <li>🍽️ A variety of food options available for purchase.</li> </ul> <p><a href="https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/">https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/</a></p> <div>   </div>	22/12/2022 16:00	Facebook post	6462	65	77	21	13







Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>🙌 A huge thank you to our event sponsors! AGL, Bengalla, Muswellbrook Coal Company and NSW Government.</p> <p>Without their support, we couldn't be bringing you...</p> <p>🎸 Katie Jayne and The Collective rocking the stage.</p> <p>🎪 Lots of free attractions and activities for the kids – face painting, giant maze, a roaming magician, jumping castles, bubble mermaids – and more.</p> <p>🎆 A spectacular 10-minute fireworks display to close the celebration.</p> <p>🍔 A variety of food options available for purchase.</p> <p>5pm on New Year's Eve at Muswellbrook Showground. See you there!</p> <p>⚠️ Remember! We want NYE to be a safe and family friendly event. Under 16s will need to be accompanied by a parent or guardian, and proof of age will be required. This is an alcohol-free event, and bags will be checked on the way in.</p> <p><a href="https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/">https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/</a></p> 	26/12/2022 10:00	Facebook post	5787	40	15	5	18


Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>🗨️ The site is prepped and ready to party. Don't miss New Year's Eve at Muswellbrook Showground from 5pm tomorrow!</p> 	30/12/2022 16:57	Facebook post	5394	46		9	13
<p>🗨️ Hopefully everyone is set to enjoy New Year's Eve at Muswellbrook Showground tomorrow night - but make sure you've thought of your pets before you venture out. 🐱 🐶</p> <p>Our pets are often scared of fireworks displays, especially dogs and horses, but there are steps you can take to help your fur babies remain safe and sound.</p> <p>👉 Check out these tips from the RSPCA:  <a href="https://kb.rspca.org.au/.../how-should-i-care-for-my-.../">https://kb.rspca.org.au/.../how-should-i-care-for-my-.../</a></p> 	30/12/2022 16:00	Facebook post	3439	21	21	7	11


Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>🎩 Don't miss our roaming magician on New Year's Eve! Stunts, fire and magical entertainment at Muswellbrook Showground.</p> <p>PLUS, we can't forget -</p> <ul style="list-style-type: none"> <li>🎸 Katie Jayne and The Collective rocking the stage.</li> <li>🎪 Lots of free attractions and activities for the kids – face painting, giant maze, fire shows, jumping castles, bubble mermaids – and more!</li> <li>🎆 A spectacular 10-minute fireworks display to close the celebration.</li> <li>🍷 A variety of food options available for purchase.</li> </ul> <p><a href="https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/">https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/</a></p>  	23/12/2022 16:00	Facebook post	3067	13	21	4	7


Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>Sound check's well under way. Get your picnic baskets, bring a rug or chair and get down to Muswellbrook Showground!</p> <p><a href="#">Katie Jayne</a> sounds amazing. 🎵</p> 	31/12/2022 16:37	Facebook post Video 6 seconds	2990	28		4	2

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>See ya 2022. 🥳 It's been a big one.</p> <p>Join us this evening at Muswellbrook Showground to give 2022 the sendoff it truly deserves. 🥳</p> <ul style="list-style-type: none"> <li>🎵 Live music</li> <li>🍔 Food vans</li> <li>🎪 Free kids activities</li> <li>🎭 Roaming entertainment including magicians, bubble mermaids, fire shows and (of course)</li> <li>🎆 FIREWORKS at 9pm</li> </ul> <p>⚠️ Remember! We want NYE to be a safe and family friendly event. Under 16s will need to be accompanied by a parent or guardian, and proof of age will be required. This is an alcohol-free event with bag checks on the way in.</p>  <p>A vertical poster for the MBK NYE 2022 event. The background is dark blue with many colorful fireworks exploding. The text 'FREE EVENT' is in orange at the top. Below it, 'MBK NYE 2022' is written in large, bold, white and orange letters. At the bottom, in white, it says 'MUSWELLBROOK SHOWGROUND', '5PM TO 9:30PM', and 'SATURDAY 31 DECEMBER 2022'.</p>	31/12/2022 10:00	Facebook post	2780	18		2	3

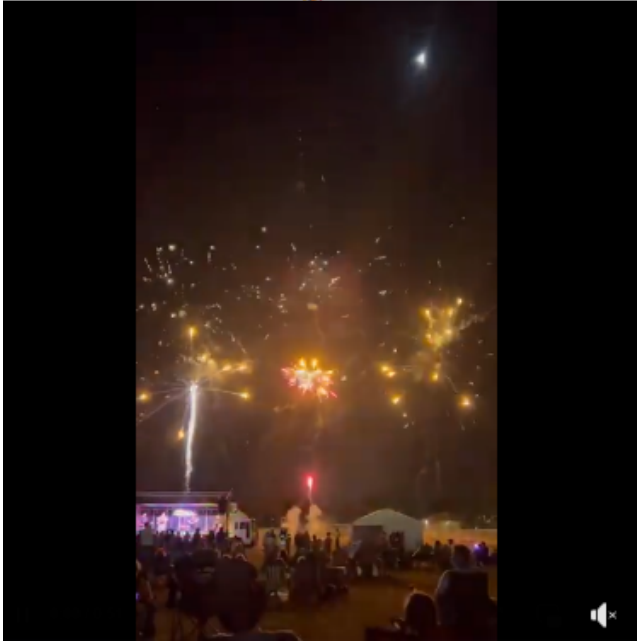



Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>We're counting down now! 🎆</p> <p>No dogs allowed, but bring your picnic blankets and chairs for the rest of the family to enjoy the festivities.</p> 	31/12/2022 12:43	Facebook post	2732	13		4	6

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>Well, Christmas is wrapped for another year, but New Year's Eve is just around the corner! Help us SING in the new year with...</p> <ul style="list-style-type: none"> <li>🎵 Live music</li> <li>🚚 Food vans</li> <li>🎪 Free kids activities</li> <li>🎭 Roaming entertainment including magicians, bubble mermaids, fire shows and (of course)</li> <li>🎆 FIREWORKS at 9pm</li> </ul> <p>Bring the family and a picnic rug to Muswellbrook Showground from 5pm. FREE entry and FREE entertainment for the whole family.</p> <p>⚠️ Remember! We want NYE to be a safe and family friendly affair. Under 16s will need to be accompanied by a parent or guardian, and proof of age will be required. This is an alcohol-free event, and bags will be checked on the way in.</p> <p><a href="https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/">https://www.muswellbrook.nsw.gov.au/event/mbk-nye-2022/</a></p> 	26/12/2022 19:00	Facebook post	2470	12	10	4	3



Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>The Amazing Jono, everyone! 🤩👏👏</p> 	31/12/2022 19:33	Facebook post  Video 13 seconds	1697	41		4	0


Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p> Call for food vans</p> <p>Do you have a food truck or local product that you want to bring along to Muswellbrook's New Year's Eve event? Email <a href="mailto:fiona.wilton@muswellbrook.nsw.gov.au">fiona.wilton@muswellbrook.nsw.gov.au</a></p> 	13/12/2022 16:00	Facebook post	1578	13		0	4


Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>DID YOU SEE THOSE FIREWORKS?! 🎆 A big thanks to everyone who made this New Year's Eve event spectacular. 🙌 Don't forget to take our survey and let us know if you enjoyed it: <a href="https://www.surveymonkey.com/r/SH7QDLY">https://www.surveymonkey.com/r/SH7QDLY</a></p> <p>And have a FANTASTIC new year! 🥳</p> 	31/12/2022 23:05	Facebook post  Video 51 seconds	1514	64	28	12	3

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>Did someone say bubble mermaids? 🧜‍♀️🧜‍♂️</p> <p>New Year's Eve at Muswellbrook Showground is underway! Come down and secure your spot before the spectacular fireworks event at 9pm.</p> 	31/12/2022 17:51	Facebook post  Video 6 seconds	1122	10		0	0



Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>New Year's Eve is looking like a blast. 🥳</p> <p>The Collective will be pumping out all your favourites from old, modern and country rock at Muswellbrook Showground before a spectacular fireworks display at 9pm!</p> 	21/12/2022 19:00	Facebook post  Video 23 seconds	1064	15		0	4
<p>🕒 MBK NYE 2022 survey closing TOMORROW!</p> <p>We'll be closing our New Year's Eve event survey soon. If you attended the event, please let us know your thoughts!</p> <p><a href="https://www.surveymonkey.com/r/SH7QDLY">https://www.surveymonkey.com/r/SH7QDLY</a></p> 	5/01/2023 16:19						

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
Muswellbrook Shire Council's video (Live recording of Fire Show)	31/12/2022 19:37	Facebook post	999	21		0	1
<p>Katie Jayne is kicking off our live music at Muswellbrook Showground on New Year's Eve!</p> <p>🥳 Can't wait, Katie!</p>  <p>Katie Jayne 16 December 2022 at 17:58 · 🌐 NYE in Muswellbrook! 5pm, see ya there 🥳 <a href="#">Muswellbrook Shire Council</a></p>	20/12/2022 17:19	Facebook post  Shared video 19 seconds	889	7		0	0

Content	Post time	Content type	Reach	Likes and reactions	Link clicks	Comments	Shares
<p>See you on New Year's Eve! 🎆</p>  <p>Muswellbrook Shire Council ► MBK NYE 2022 - New Year's Eve at Muswellbrook Showground 16 December 2022 at 10:12 · 🌐</p> <p>New Year's Eve at the Showground is set to be a fantastic evening with heaps of free activities for the kids!</p> <ul style="list-style-type: none"> <li>🎨 Face painting</li> <li>🏰 Jumping castles</li> <li>🌊 Water slides</li> <li>👉 ... See more</li> </ul>	16/12/2022 10:14	<p>Facebook post</p> <p>Video/animation 3 seconds</p> <p>Shared from event page</p>	585	6		1	0
Muswellbrook Shire Council's video (live recording of fire show)	31/12/2022 19:39	Facebook post	534	6		0	0
Muswellbrook Shire Council's video (video of fireworks posted to story)	31/12/2022 23:08	Facebook story		11			0

**9.5.3. Muswellbrook Lifestyle Video**

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Matthew Leman – Innovation Co-ordinator
<b>Community Plan Issue:</b>	1 - Economic Prosperity
<b>Community Plan Goal:</b>	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i>
<b>Community Plan Strategy:</b>	<i>1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise</i>
	Not applicable

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**PURPOSE**

To consider the creation of a lifestyle video for Population Attraction and Retention Support (PARS) for local businesses, and to promote the lifestyle and employment opportunities in Muswellbrook Shire.

**OFFICER'S RECOMMENDATION**

1. Council supports seeking indicative pricing for the development of a lifestyle video for the development of an externally produced tourism video and photographic package to showcase the lifestyle and employment opportunities of Muswellbrook Shire;
2. Council supports partnering with the Muswellbrook Chamber of Commerce and Industry and other businesses to support the funding and development of the video; and
3. A further report is to be submitted to Council with the outcome of the seeking an indicative price for the lifestyle video and options for the allocation of funds.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**BACKGROUND**

At the 5 April 2022 Ordinary Council Meeting, a Notice of Motion was received from Councillor McNeill, from which Council resolved as follows:

1. **MOTION Background:**

*Our Shire has some fantastic attractions, parks and other facilities. I feel it is essential that we promote these to drive economic benefit and tourism to our Shire and showcase what Muswellbrook Shire has to offer.*

2. **MOTION:**

*That the General Manager submits a report to the May 2022 ordinary meeting for the consideration of Council, which:*

1. *outlines a project plan for the development of an externally produced tourism*



- video and photographic package to showcase our Shire;*
2. *identifies specific Shire businesses and recreational facilities to be featured in the package;*
  3. *estimates the financial and associated resources required to complete the project;*
  4. *identifies an available source of funding in the adopted 2021/22 budget for allocation to the project.*

The Department of Regional NSW has identified and acknowledged the challenges business and services are facing in relation to labour shortages. This includes the attraction and retention of skilled workers, housing supply and lifestyle promotion. The Department of Regional NSW is looking to address these challenges through the Welcome Concierge Pilot Program.

The Muswellbrook Chamber of Commerce and Industry has also announced that they have secured funding to develop a promotional video to support local business and industry to attract staff and showcase the lifestyle benefits of the region.

Muswellbrook Shire is in a phase of economic diversification and a need has been identified for a multimedia marketing lifestyle video to attract and retain business and labour in the Shire as well as promotion of our lifestyle and employment opportunities.

The marketing video will highlight the following attributes of Muswellbrook Shire, including the Shire's:

- enviable lifestyle with all the conveniences and services you would expect from a large regional centre;
- relaxed pace of life and abundance of natural beauty;
- affordable housing with options to suit all lifestyles and budgets;
- attractive employment and business opportunities with a robust and innovative economy;
- extensive range of education facilities that cater from early childhood all the way through to the tertiary level;
- active arts and cultural scene with an Art Gallery and the Upper Hunter Conservatorium of Music;
- diverse range of community-based events;
- proud sporting culture with a vast array of sporting grounds, facilities and clubs;
- active health and wellness scene; and
- central location with short travel times to Newcastle, Sydney, Northern Tablelands and the Central West.

Currently no funds have been allocated to this project.

## **CONSULTATION**

Consultation has occurred with the Director Community and Economy, Muswellbrook Chamber of Commerce and Industry, the Melt, the University of Newcastle, Upper Hunter Country Tourism and Regional NSW.

## **REPORT**

An indicative cost will be sought for the provision of a 3–4 minute video and still photography for the creation of PARS content. This longer video will consist of four to five focus pieces. There will also be the production of several 30 Second 'Ads' that are based around each of the focus pieces. The PARS video will also include 'interview style' or 'success stories' for each of the focus areas.

To produce the video content, the successful consultant will be required to 'Story Board' video content, identify 'Assets' and organise 'talent'. This will transition to the filming of assets, including video and stills and then the editing and creation of final PARS content,



culminating with the launch of the promotional material. It should be noted that the indicative pricing will be for the development of content only and not an associated promotional campaign. The video will be free for local businesses to use to attract and retain staff and promote the Shire and their business.

Muswellbrook Chamber of Commerce and Industry has indicated they have secured \$10,000 to go towards the video. Council will also seek external funding from local businesses to produce the video.

## **CONCLUSION**

There is an identified need to promote and showcase what Muswellbrook Shire has to offer as a lifestyle and employment location to attract and retain staff in the Shire, as well as drive economic benefit and tourism.

It is recommended that Muswellbrook Shire Council supports the development of a lifestyle video in partnership with the Muswellbrook Chamber of Commerce and Industry and that Council identifies and allocates a source of funding for the project as well as seeks funding from other partners for the video.

## **SOCIAL IMPLICATIONS**

The proposed project is likely to have a positive social impact on the locality by providing increased opportunities for lifestyle and employment opportunities in Muswellbrook Shire.

## **FINANCIAL IMPLICATIONS**

### **Ongoing Operational and Maintenance Costs Implications Associated with the Project**

#### **1. Financial Implications – Capital**

Not applicable.

#### **2. Financial Implications – Operational**

The estimated cost to complete the PARS Video is \$75,000. Additional funding to be sourced from the Muswellbrook Chamber of Commerce and Industry, and other businesses.

Proposed funding sources for the project are yet to be allocated.

**CFO Comment:** No allocation exists in Council's budget to fund this video. All funding requirements would need to be identified externally, alternatively offset will need to be identified.

## **POLICY IMPLICATIONS**

This matter has no specific policy implications for Council.

## **STATUTORY IMPLICATIONS**

Nil known.

## **LEGAL IMPLICATIONS**

Nil known.

## **OPERATIONAL PLAN IMPLICATIONS**

No implications for the operational plan.

## **RISK MANAGEMENT IMPLICATIONS**

Nil.

## **WASTE MANAGEMENT IMPLICATIONS**

Not applicable.





**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

The community and local business will be involved in the creation of the video content.



## 9.1. Community Services

### 9.5.4. Community Services

<b>Attachments:</b>	{attachment-list-do-not-remove}
<b>Responsible Officer:</b>	Shaelee Welchman - Director - Community & Economy
<b>Author:</b>	Kim Manwarring – Manager – Community Services
<b>Community Plan Issue:</b>	6 - Community Leadership
<b>Community Plan Goal:</b>	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
<b>Community Plan Strategy:</b>	24.1.2 - Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.

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#### PURPOSE

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

#### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### REPORT

##### MUSWELLBROOK SHIRE LIBRARIES – MUSWELLBROOK AND DENMAN

The Muswellbrook and Denman Branches were attended by **1,473 customers** during December. During the month the library hosted festive themed activities for Junior members. The Library's Summer Reading Program opened for registrations from December 1<sup>st</sup> with Junior members reading to earn pool entry passes into the Muswellbrook Shire Aquatic Centres. The library awarded 15 pool entry passes during December.

##### **Increasing and maintaining library memberships**

Muswellbrook and Denman libraries registered **37 new members**.

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

###### Home Library:

The Muswellbrook Shire Libraries currently delivers personally selected books, DVDs and Audio books to homebound customers each fortnight. During the month of December this service conducted **1 delivery** and delivered **272 items**.

###### Online Engagement:

Over the past month the library has had **2,984** post views on Facebook. Throughout the month the library promoted our current new and recommended items, upcoming events and exhibits.

Collections:

During December the library added **135 new items** to the physical collections Over the month the library loaned **4,430 physical items** and there have been **195 eAudio loans, 177 eBook Loans and 90 Digital magazine loans.**

**Creating Spaces and Programs that Meet the Needs of Members and Library Visitors**

Program Type		
Type	No. of Programs	Attendance
Literacy and lifelong learning	11	102
Informed and connected citizens	0	0
Digital Inclusion	1	2
Personal development and wellbeing	2	15
Stronger and more creative communities	1	9
Economic and workforce development	0	0
<b>TOTAL</b>	<b>15</b>	<b>128</b>

Children's Programs

During the month of December the library hosted a number of Christmas themed children's activities including a Christmas Carol Storytime and Baby rhyme time. These sessions were attended by **53 children.**

**LEGO Club** sessions were hosted at Muswellbrook Branch and Denman Branch. LEGO club was attended by **22 children** across both branches with Christmas themed challenges.

Adults Programs:

The **Adult Craft Group** met once during December at the Muswellbrook Branch and was attended by **6 attendees.** This social groups shares crafts projects and provides important adult social connections to members of the Muswellbrook Community.

The **Bookclub** groups were hosted at Muswellbrook and Denman Branch and was attended by **15 attendees.** These groups meet monthly. The Library also promotes a new online bookclub 'Ben's Bookclub' with simultaneous use books available through our Libby App.

The **Writers Group** was attended by **7 attendees.**

Exhibitions:

The Muswellbrook Library hosted an exhibition of military memorabilia for Remembrance Day courtesy of shire local Terry Gill.

**COMMUNITY PARTNERSHIPS**

The 2022 Introduction to Wonnarua/Wanarruwa Language Program is now complete, a face-to-face workshop and a small graduation ceremony was held in December to acknowledge the 30 students who successfully completed the Language Program. Planning for the delivery of the 2023 Language Program will commence in February.



Nominations for Aboriginal Community Member representation on the Muswellbrook Shire Council Aboriginal Cultural Inclusion Committee close mid-February, once nominations have been received the Committee will meet to consider the applications.

### **PARTNERSHIPS & ENGAGEMENT**

An extensive amount of work has been carried out in preparation for the 2023 Australia Day Community Awards and Citizenship Ceremonies.

The Visitor Information Centre – Denman, Volunteers have been assisting a growing number of visitors to the area, the provision of local information of places to visit and eat has been most popular. The Community Services Officers have supported the Centre during December due to the declining number of Volunteers.

### **MUSWELLBROOK REGIONAL ARTS CENTRE**

The Arts Centre Team will open this years exhibitions with the '2023 Launch Party'. This local activity is designed to activate the Arts Centre Space, celebrating summer, the New Year, and exciting exhibitions with free food, music, and art activities for all ages.

The '2023 Launch Party' will be held on the 21 January between 11am-2pm and feature Live Portraits with artist Peter Lewis, Artist-led 'Play with Clay' experience with Erica Love, Live Music provided by Chris London.

Food will be provided by Muswellbrook Rotary Club other activities include balloon sculpting and Face Painting with Sparkles the Clown.

Entries close for the *Muswellbrook Art Prize* on the 13 January, finalists are in the running for a total of \$70,000 prize money across three prize categories: Painting (\$50,000 acquisitive), Works on Paper (\$10,000 acquisitive), and Ceramics (\$10,000 acquisitive). Bengalla Mining Company is the major sponsor for the Muswellbrook Art Prize.

### **MUSWELLBROOK FITNESS & AQUATIC CENTRE – MUSWELLBROOK & DENMAN**

The Muswellbrook Aquatic Centre 2022 Learn to Swim Program finished in December with over 200 patrons participating, there has been a significant demand for Learn to Swim in the first term of 2023

Muswellbrook Aquatic Centre will also provide a 2 week Intensive Learn to Swim program commencing mid-January there is currently 50 enrolments for this swimming program.



## 10. Minutes of Committee Meetings

### 10.1. Sport and Recreation Committee Meetings - 7/06/2022 and 29/11/2022

<b>Attachments:</b>	1. Minutes - Sport and Recreation Committee - 7/06/2022 [10.1.1 - 7 pages]
	2. Minutes - Sport and Recreation Committee Meeting - 29/11/2022 [10.1.2 - 3 pages]
<b>Responsible Officer:</b>	Derek Finnigan - Acting General Manager
<b>Author:</b>	Paul Chandler – Recreation & Property Officer
<b>Community Plan Issue:</b>	5 - Community Infrastructure
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	5.1.4 - Maintain and continually improve community infrastructure across the Shire.

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#### PURPOSE

To provide Council the Minutes of the following meetings of the Sport and Recreation Committee:

1. 7 June 2022
2. 29 November 2022

#### OFFICER'S RECOMMENDATION

Council NOTE the Minutes for the Sport and Recreation Committee meetings held on:

1. 7 June 2022
2. 29 November 2022

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

#### REPORT

The Technical Officer - Recreation & Property reports that the Sport and Recreation Committee met on:

1. 7 June 2022.
2. 29 November 2022

The Minutes of these meetings are attached for the information of the councillors.

**MINUTES OF THE MUSWELLBROOK SHIRE SPORT AND RECREATION GROUP MEETING**  
**HELD AT MUSWELLBROOK SHIRE COUNCIL ADMINISTRATION CENTRE**  
**TUESDAY 7 JUNE 2022 COMMENCING AT 6:03PM**

**PRESENT:**

Cr G. McNeill (Chairperson), Cr S. Reynolds (Mayor), Cr J. Lecky (Deputy Mayor), Cr R. Scholes (Sport and Recreation), Cr D. Marshall (Sport and Recreation), Peter Cooper (Muswellbrook Senior Rugby League and Muswellbrook Senior Cricket. Liaison with Muswellbrook Junior Cricket), Glen Kite (Muswellbrook Cycle Club), John Broadley (Muswellbrook Football Club and Muswellbrook Little Athletics), Brodern Adam-Smith (Muswellbrook Football Club and Muswellbrook Golf Club), John Marco (Muswellbrook District Junior Rugby League Football Club), Adam Regan (Muswellbrook Football Club), Mark McLaughlin (Muswellbrook Cats AFL Club), Pam King (Muswellbrook Park Tennis Club), Val Angel (Muswellbrook Park Tennis Club), Samantha Paterson (Muswellbrook Cats AFL Club), Mark Wicks (Denman Pony Club), Josh Kelly (Muswellbrook Netball Club), Paul Benkovic (Muswellbrook Touch Football), Alex Newton (Denman Tennis Club and Denman Little Athletics)

**IN ATTENDANCE:**

Mr D. Finnigan (Deputy General Manager), Mr P. Chandler (Technical Officer – Recreation and Property Services), Mr M. Lysaught (Director – Property and Place) and Mrs S. Medcalf (Administration Officer – Property and Building Services).

**MINUTES:**

The minutes of the Committee Meeting 3 March 2020 were not confirmed, with the intention these meetings be restarted. A copy of the previous minutes can be made available for attendees wishing to view them.

## INTRODUCTION:

Cr Reynolds welcomed everyone to the meeting and provided an overview on the purpose of the meetings, that is to discuss broad issues relating to Sport and Recreation, Council Projects, and general issues relating to all, and advised attendees that individual club or facility issues can be discussed at the User Group meetings to be held at each facility several times a year. Cr Reynolds then exited the meeting.

**ACKNOWLEDGEMENT**  
**OF COUNTRY:**

Cr Scholes acknowledged the traditional owners past and present.

**APOLOGIES:**

RESOLVED that apologies be accepted for the inability to attend the meeting submitted by: Stephen Thatcher (Muswellbrook Croquet Club), Pearl Garrett (Glen Gallic Shooting Club), Veronica Huggins (Muswellbrook Basketball), Jason Martin (Muswellbrook Football Club), Kris Agosto (Muswellbrook Squash Club), Kim Shackleton (Denman Little Athletics and Denman Rugby League Football Club), Peter Barry (Denman and Sandy Hollow Junior Rugby League Football Club), Virginia Chapman (Denman Rugby League Football Club), and Daryl Egan (Muswellbrook Golf Club).

Moved By: Cr McNeill

Seconded: John Broadley

**DECLARATION OF INTEREST:**

Cr McNeil explained the definition of a Declaration of Interest, both pecuniary and non-pecuniary, and advised attendees what is expected of them should they need to declare something.

No Declarations of Interest were presented.



**MINUTES OF THE MUSWELLBROOK SHIRE SPORT AND RECREATION GROUP MEETING**  
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**ITEMS TO BE DISCUSSED:**

**1. TERMS OF REFERENCE**

Cr McNeill read the Terms of Reference as adopted in 2017. It was acknowledged these terms have not changed much since then, so encouraged user groups to read through and email any suggestions for changes to Council for consideration and to move and second.

**COMMENTS:**

Cr McNeill asked user groups, when making their suggestions, to consider this Committee only has recommending powers and does not have full control over the budget.

Mr Marco inquired about the sports awards and how that process would work. Cr Scholes explained there have been some changes in recent years, specifically the strict categories have been dropped. Moving forward this committee will continue to be instrumental in selecting candidates.

**2. GENERAL CLEANLINESS**

Mr Chandler reminded all user groups about that they are responsible for the cleanliness of the facilities each time they use them and during their season.

The meeting was advised that Council has a biannual clean of the facilities done at the changeover of seasons. However, the facilities should always be maintained to an acceptable standard. Council is open to suggestions on how to make this process better if need be.

**COMMENTS:**

Mr Marco noted the changeover period between codes at Olympic Park is sometimes a long time, and requested a second clean be done prior to each season beginning.

Mr Chandler reminded clubs that Council staff are open to communication on this issue and would be happy to implement cleaning at an agreed upon time.

**3. MASTER PLAN UPDATES**

Mr Chandler advised that the master plans for the following have been adopted:

- Olympic Park – Grandstand and Amenities design,
- Muswellbrook Indoor Sports and Youth Centre,
- Karoola Park,
- Weeraman Field,
- Wollombi Park,
- Hunter Park,
- Draft Active Transport Strategy.

Mr Chandler provided an update with accompanying slides in relation to the above master plans as adopted by Council. He also explained briefly that an upgrade to Simpson Park would also be included but in the next financial year.

**COMMENTS:**

Mr Kelly asked if the Hunter Beach project would be included in this Master Plan. D. Finnigan gave a brief explanation of the project for those who were unaware, and advised the Hunter Beach Project stage one is included in another Urban Repair Master Plan.

**4. GENERAL RECREATION PROGRAM**

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P. Chandler gave a brief update on the status of some of Councils Projects and Grants Council has applied for. Further clarification was given on the below:

*Council Projects:*

- Recreational Needs and Management Study – out to tender. This will be an independent review and is influenced by the User Groups and the Community.
- Hydrowise Irrigation installation – Completed at Victoria Park. Controlled by an app and linked to the BOM to best manage water usage
- Top Dressing of Weeraman, Victoria Park and Denman Sports Fields – Complete
- Installation of CCTV across various sites Highbrook Park and Playground, Karoola Netball Facility, Denman Indoor Sports Centre/ skatepark and Muswellbrook Indoor Sports Centre – Currently underway in high profile areas and hopes to assist to minimise vandalism and increase safety.
- Smart Lock Installation Denman Indoor Sports Centre – Once cameras are installed the smart lock will be installed for use on a trial basis. This should streamline access and payment system through an app.
- Muswellbrook Outdoor Pool - Complete
- Muswellbrook Aquatic Centre Indoor Pool Upgrades – Nearing completion
- Victoria Park Field – Complete and cricket pitch renovations complete
- Highbrook Playground Landscaping and Irrigation – Complete
- Olympic Park Grandstand and Amenities Design – Complete. A noise impact assessment and traffic assessment is still to be done.
- Wollombi and Hunter Park Master Plan – Complete and adopted
- Memorial Park Denman – Complete
- Table Tennis Table installed at Highbrook Park
- Highbrook Grandstand upgrades to railing - Complete
- Volunteer Park Playground – Complete
- Weeraman Field Lighting replacing lights not working – Complete, replaced with LEDs

*Council Grants:*

- Muswellbrook Indoor Sports and Youth Centre - Adopted and DA assessment
- Olympic Park – Grandstand and Amenities Design – Adopted and DA submission
- Highbrook Park Lighting Upgrade – Unsuccessful
- Simpson Park Inclusive Playground – Design phase underway
- Denman Nature Trail – Complete
- Denman Memorial Park Playground – Complete
- Olympic Park Carpark Lighting – Wilkinson Avenue complete. Second stage has been ordered from Olympic Park entrance to Bell Street.
- Defibrillators at all sports facilities – Pending
- Hunter Beach – Works commenced
- Highbrook Park Softfall – Complete
- Denman Field Drainage – Complete
- Learn to Swim Pool – Complete
- Karoola Netball Courts – Complete
- Highbrook Spectator Area – Complete
- Weeraman Amenities – Complete

**MINUTES OF THE MUSWELLBROOK SHIRE SPORT AND RECREATION GROUP MEETING**  
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- Intelligent lighting at Olympic Park - Complete
- Re-surfacing of two courts at Olympic park – Complete
- Improvements to Denman and Muswellbrook Indoor Sports Centres – grant funded. Some of Muswellbrook is complete e.g. the refurb on the toilets. Denman not yet commenced.
- Improvements to the Stan Thiess Centre Victoria Park - Unsuccessful
- Upgrade of amenities at Victoria Park – underway to be completed next financial year
- Netball courts and club building Denman - unsuccessful
- Netball Courts at Denman – underway with a combination of Council and Grant funding
- Upgrade of the playground at Simpson Park – underway
- Pumptrack at Wollombi Park – successful
- New practice nets at Volunteer park – pending

Mr Chandler also advised the meeting of the list of successful club grants from 2020 and 2021.

**COMMENTS:**

Mr Marco explained he thought the lighting along the approach to Olympic Park may be incomplete as there are still dark areas.

Mr Chandler explained this is how the lighting system is designed and the carpark is intentionally brighter than the surrounding pathways.

Mr Kelly – Muswellbrook Netball and Ms Angel – Park Tennis Club both advised they do not currently have defibrillators.

**ACTION:**

Mrs Medcalf and Mr Chandler to liaise with these clubs to get defibrillators installed.

**5. PLANS OF MANAGEMENT**

M. Lysaught explained that Council recreation land is categorised as either community land or Crown Land and all Crown Land areas Council is required to have a Plan of Management (POM). Currently draft POMs have been prepared for Olympic Park and Denman Recreation Area. These plans will be placed on Public Exhibition after discussion at respective user group meetings. Copies will be sent out for review and we will be taking consultation with User Groups. A POM will be prepared for Weeraman Fields at a future date.

These POMs intend to capture all current and future use of the area and gives the community a long term understanding of how the area is to be used.

**COMMENTS:**

Cr McNeill asked for more details of the funding for the POMs and what other projects have been funded.

M. Lysaught advised Olympic Park will be fully funded. He would have to confirm the figure but believes the whole project to be about \$15million.

He also advised the Denman Netball Courts, Denman Heritage Village, Youth Centre and Simpson Park upgrades would be funded.

**MINUTES OF THE MUSWELLBROOK SHIRE SPORT AND RECREATION GROUP MEETING**  
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**ACTION:**

Mrs Medcalf to distribute copies of the POMs to respective User Groups prior to the next User Group Meeting.

**6. ADMINISTRATION UPDATES**

Mr Chandler provided a brief update on the following:

- Club Contact Details – Please provide a generic club email to Mrs Medcalf, this helps with committee changes and keeping the clubs updated.
- Bookings – User groups are to make sure that booking forms are completed and submitted to Council prior to the use of Council grounds. If possible, please keep Council updated as soon as practicable in relation to pre-season training.  
This helps with there being no overlap of users at fields. Council where possible will always alert users if there is an overlap.
- Electricity usage – clubs are charged electricity usage based on bookings. Council pays network and 10% of usage charges and the rest is divided fairly amongst user groups based on the number of bookings.
- Registration Numbers – Council confirms that we do not charge for Junior sport, however, we request that the clubs provide **all** true registration numbers as this information is used for benchmarking and helps Council ascertain user groups growth each season.

**7. GRANT ACQUITTALS**

Mr Chandler gave a brief explanation of the small and large capital grant process and that they have been largely successful over the last few years. This year's grant period will open in September and close in October.

Cr Scholes advised the importance of providing acquittals in a timely manner. If acquittals are not received, that makes the club ineligible to apply again for the next year. He also explained if a grant is given and then not needed, funds cannot be used for another project; the club must apply for formal extension, seek approval to use the funds in another manner, or return the unused funds. This is a requirement to maintain transparency.

Cr Scholes also confirmed clubs can submit a joint application for a shared facility.

**GENERAL BUSINESS:**

**Muswellbrook Cats AFL Club – Mark McLaughlin**

- Asked about road access to Olympic Park grounds from Bell Street.
- Has things to mention about Weeraman but will bring them up at the User Meeting.

**COMMENTS:**

Mr Chandler advised the access is being addressed by Peter Ball of Works

**Muswellbrook Park Tennis Club – Val Angel and Pam King**

- The club has had a few issues that have been resolved
- The club is hoping to restart its veteran's tournament.

**Denman Tennis Club – Alex Newton**

- The Denman Tennis Club has relaunched.

**MINUTES OF THE MUSWELLBROOK SHIRE SPORT AND RECREATION GROUP MEETING**  
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- Asked for the timeframe for the lights at the Denman Tennis courts to be repaired.
- Enquired about the facilities at the Indoor Sports Centre e.g. if the kitchen and toilets available for all users.

**COMMENTS:**

Mr Chandler explained the replacement of the lights at the tennis courts is a large job and won't be commenced until the new financial year, but hopefully by August.

The toilets are on the outside of the Indoor Sports Centre for all key holders. While in principle the centre is a shared facility, the kitchen area is generally for Squash.

**Muswellbrook Football Club – Brodern Adam-Smith**

- Was hoping for more of an individual update, but will wait until the scheduled user group meeting.
- Bench seats are broken as per the email sent to Mr Chandler.

**COMMENTS:**

P. Chandler noted the broken seats will be removed and addressed.

**The Brook Senior Cricket Club and Muswellbrook Senior Rugby League Club – Peter Cooper**

- Asked for confirmation on when soccer will be finished so the cricket pitch at Victoria Park can be prepped for the upcoming summer season.
- Asked if some mesh or other option be installed in and around under the grandstand at Olympic Park to deter pigeons.

**COMMENTS:**

Mr Adam-Smith advised soccer still has four games in the season, more if they make semi finals.

Mr Chandler agreed to have the pigeon issue inspected and addressed.

**Muswellbrook Junior Rugby League – John Marco**

- Noted during the renovations at Olympic Park that Touch football, junior Rugby and junior Cricket will need to be redistributed to another ground. The decision must be discussed with multiple clubs. He also noted Junior Rugby League is a very large club and questioned if another facility can accommodate it.
- Requested the User Groups be able to take part in the upcoming Council bulky waste pick up.
- Thanked Council for the grounds looking good at Olympic Park and expressed the relationship between this Council and the club is great.

**COMMENTS:**

Mr Chandler will liaise with Joann Poulson regarding the Bulky Waste pick up and provide a response.

**Muswellbrook Touch Football – Paul Benkovic**

- Echoed J. Marco's comments about the grounds looking good and the great relationship with Council.
- Asked if Senior Rugby League will move to Highbrook during the Olympic Park renovations, will Council be providing an upgrade to the lighting at Highbrook Park as currently only field 2 is lit.
- Noted many of the User Group representatives listed in the Agenda were outdated or incorrect.
- Asked if there is a listing of contacts of other User Groups that can be distributed.

**MINUTES OF THE MUSWELLBROOK SHIRE SPORT AND RECREATION GROUP MEETING**  
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**COMMENTS:**

Mr Chandler acknowledged the lighting at Highbrook Park is on the list for an upgrade, however this is unfortunately low on the budget priority list as it is estimated to cost \$4-5 thousand. Some alternative solutions can be considered for the User Group meeting.

Mrs Medcalf reminded groups they are responsible for advising of changes to committee contacts so our records can remain up to date.

Mr Newton advised he believes the Chamber of Commerce has a website with a local tourism and business directory that may be useful.

Cr McNeill noted the suggestion of a directory can be taken on board for the next Council meeting.

**Muswellbrook Netball Club – Josh Kelly**

- Asked the group in general had they experienced an increase or decrease in registrations in the last few years.

**COMMENTS:**

The group consensus was that numbers overall had dropped during Covid, and had recently picked up but plateaued lately. Female participation for many codes have increased dramatically.

**FURTHER GENERAL BUSINESS:**

**Traffic Management Plans**

Mr Chandler addressed that parking for large events has been a major issue and that Traffic Management Plans (TMP) need to be in place. Clubs will be expected to issue TMPs to other clubs who are travelling from outside the area to explain parking options. The meeting was also advised that the completion of the Wilder St bridge would alleviate some traffic congestion around Olympic Park and that some advice needs to be agreed upon about what constitutes an 'event' and will therefore need a TMP.

Mrs King noted the wheel stops in the car park at Olympic Park are black and therefore hard to see in the dark. They could be a trip hazard and requested reflective tape or paint be applied.

Mr Marco expressed he does not think a TMP will make a difference to congestion and that people will not want to park over at the TAFE or Bowman Park when attending events at Olympic Park.

**NEXT MEETING:**

The next Muswellbrook Shire Sport and Recreation Meeting is scheduled to take place **4 October 2022**. A schedule will be distributed to clubs.

**MEETING CLOSE:**

Cr. McNeill thanked the attendees for their time and input.

There being no further business the Chairperson declared the meeting closed at 7:40PM.

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Cr Graeme McNeill (**Chair**)



**MINUTES OF THE SPORT AND RECREATION COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 29 NOVEMBER 2022 COMMENCING AT 6:03pm.**

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**PRESENT:**

Cr A. Barry (Chair), Pam King (Muswellbrook Park Tennis), Val Angel (Muswellbrook Park Tennis), Yvonne Wright (Muswellbrook Touch), Matthew Jeans (Muswellbrook Amateur RSL Youth Swimming) and (Muswellbrook Little Athletics), Madison Ford (Swimming Club), Rhearne Hagan (Denman Jr Rugby League), Paul Benkovic (Muswellbrook Touch Football Association), Alex Newton (Denman Tennis Club), Jan Kamstra (Muswellbrook FC and Muswellbrook Amateur RSL Youth Swimming Club), Lee Hogan (Muswellbrook Football Club), John Marco (Muswellbrook Junior Rugby League), Martin Coward (Muswellbrook Junior Rugby League), Adrian Barwick (Muswellbrook Squash Club), Chris Agosto (Muswellbrook Squash Club), Mark McLaughlin (Muswellbrook Cats), Malcolm Ogg (Muswellbrook Amateur Athletics), Tony McTaggart (Olympic Park Tennis Club Inc).

**IN ATTENDANCE:** Mr D. Finnigan (Acting General Manager), Mr M. Lysaught (Director - Property & Place), Mr P. Chandler (Technical Officer Property & Building Services), Mrs K. Morris (Customer Service Team Leader)

## **1 Apologies**

RECOMMENDED on the motion of Yvonne Wright and Pam King that:

The apologies for inability to attend the meeting submitted by

Cr Graeme McNeill, Matt Lysaught (Muswellbrook Shire Council), Sarah Medcalf (Muswellbrook Shire Council), Greg Buckley (Muswellbrook Rugby Union), Adam Regan and John Broadley (Muswellbrook Football Club), Adam Greentree (Muswellbrook Amateur Cycle Club), Peter Cooper (The Brook Senior Cricket) be ACCEPTED.

## **2 Confirmation of Minutes of Previous Meeting**

RECOMMENDED on the motion of John Marco and Paul Benkovic that:

The Minutes of the Sport & Recreation Committee Meeting held on 07 June, 2022, 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 Interests**

Declarations of pecuniary interest - NIL

## **4 Business Arising**

Nil

## **5 Business**

### **5.1 Terms of Reference**

A report was submitted to the Committee providing an updated Terms of Reference.

Mr Chandler gave an overview of the meeting and the purpose of this Committee.



He then read the Terms of Reference.

RECOMMENDED on the motion of Chris Agosto and Yvonne Wright that:

The Terms of Reference adopted in 2017 be amended at dot point 5 to read "To identify and fully cost submission to any appropriate bodies for capital assistance funding."

## **5.2 Recreation Need & Management Study**

A presentation was provided by Access Environmental via MS Teams regarding the Recreation Need & Management Survey.

The Committee noted that a Workshop had been arranged for 7 December 2022.

The Committee noted the updates from Access Environmental.

## **5.3 Proposed General Recreation Capital Programme 2022**

Mr Chandler advised the Committee that the proposed General Recreation Capital; Grant Programme 2022 had been submitted to the September 2022 Council Meeting.

Items (1) and (4) were discussed by the Committee.

User Groups agreed to the proposed capital program.

Moved by: Ms Y Wright      Seconded by Mr M Ogg.

## **5.4 General Recreation Program**

The committee notes the updates from Mr Chandler.

Mr Chandler reminded the group to contact Mr Skaines (Grants Officer) if they need assistance in this area.

## **5.5 Council Small & Large Capital Grants**

Mr Chandler advised that these grants close at COB 30 November 2022.

Noted by Committee

## **5.6 Grant Aquittals**

Mr Chandler reminded the Committee of the requirement to provide an acquittal of the monies received from small and large capital grants within one (1) month of completion.

Mr Chandler further advised that if any groups have grant funding that has not been utilised, they must write to Council to change the purpose of the spending.

## **5.7 Master Plan Updates**

The committee notes the update from Mr Chandler



#### **5.8 Plans of Management**

The committee notes the report.

#### **5.9 General Cleanliness**

The committee notes the report.

#### **5.10 Administration Updates**

The committee notes the updates provided.

Mr P Chandler advised the following:

Contact Details - These should just be your committee members

Bookings - Mr P Chandler reminded of the importance of booking grounds for pre-season games and gala days. It is hard to maintain the fields to the correct standard without bookings.

Keys - Mr P Chandler advised that an automated key system was looking into but it was not at all cost effective.

### **6 Date of Next Meeting**

To be released in the 2023 meeting schedule.

### **7 Closure**

The meeting was declared closed at 7:44 pm.

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Mr D. Finnigan  
**Acting General Manager**

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Cr A. Barry  
**Chairperson**



**10.2. Olympic Park Precinct Development Committee Meeting - 13/12/2022**

<b>Attachments:</b>	1. Minutes - Olympic Park Precinct Development Committee - 13/12/2022 [ <b>10.2.1</b> - 2 pages]
<b>Responsible Officer:</b>	Derek Finnigan - Acting General Manager
<b>Author:</b>	Paul Chandler – Recreation & Property Officer
<b>Community Plan Issue:</b>	5 - <i>Community Infrastructure</i>
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	5.1.4 - Maintain and continually improve community infrastructure across the Shire.

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**PURPOSE**

To inform Council of a meeting of the Olympic Park Precinct Development Committee held on 12 December 2022.

**OFFICER'S RECOMMENDATION**

The Minutes for the Olympic Park Precinct Development Committee held on 12 December 2022 be noted and the recommendations contained therein ADOPTED.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

The Technical Officer – Recreation & Property reports that the Olympic Park Precinct Development Committee met on 12 December 2022.

The Minutes of these meetings are attached for the information of the Councillors.

**MINUTES OF THE OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON TUESDAY 13 DECEMBER 2022 COMMENCING AT 5:35PM.**

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**PRESENT:**

Cr A. Barry (Chair), Cr G. McNeill, Mr D. Finnigan (Acting General Manager), Mr M. Lysaught (Director - Property & Place), Mr J. Marco (Muswellbrook Junior Rugby League), Mr J. Dunn (Muswellbrook Senior Rugby League), Mr P. Benkovic (Muswellbrook Touch Association), Mr T. McTaggart (Olympic Park Tennis Club), Mr A. Greentree (Muswellbrook Amateur Cycle Club), Mrs P. King (Park Tennis Club) and Mr M. Jeans (Muswellbrook Amateur RSL Youth Swimming Club).

**IN ATTENDANCE:** Cr D. Marshall (VC) and Ms E. Lane (Coordinator Customer Service & Administration).

## **1 Apologies**

RECOMMENDED on the motion of Cr S. Reynolds and Cr A. Barry that:

The apologies for inability to attend the meeting submitted by Mr M. Jeans, Mr A. Greentree and Cr G. McNeill be ACCEPTED.

## **2 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

**Cr S. Reynolds** - Declared a non-pecuniary interest. Cr S. Reynolds advised the Committee that he provides commentary at the venue.

## **3 Business Arising**

Nil

## **4 Business Park Precinct Development Advisory Committee - Terms of Reference**

### **4.1 Olympic Park Precinct Development Advisory Committee - Terms of Reference**

Cr Reynolds provided an overview of the report.

Mr Benkovic asked how often the meetings would be.

Cr Reynolds advised the Committee that given the momentum of the grandstand development, monthly and as we get closer to April, fortnightly.

RECOMMENDED on the motion of Mr P. Benkovic and Mr J. Marco that:

1. The Committee adopts the 'Muswellbrook Shire Council Section 355 Committee Guidelines'.
2. Reports to Council recommending Council adopts the Olympic Park Development Advisory Committee – Draft Terms of Reference.
3. The Committee adopts ARTC as a stakeholder and as a member of the committee.
4. Mr Dunn step down as the nominated person for the Muswellbrook Senior Rugby League.



## OLYMPIC PARK PRECINCT DEVELOPMENT ADVISORY COMMITTEE MINUTES

5. Mr Mather be appointed as the nominated person for the Muswellbrook Senior Rugby League.

### 4.2 Olympic Park Precinct Upgrade Status

Mr M. Lysaught provided an overview on the report.

RECOMMENDED on the motion of Cr A. Barry and Mr P. Benkovic that:

1. The information contained in this report be noted; and
2. A report be submitted to Council recommending Council requests the multiple grant funding sources to assist in aligning milestones and deadlines.

## 5 Closed Council

RESOLVED on the motion of Cr S. Reynolds and Mr P. Benkovic that:

The Committee adjourn into Closed Committee and members of the press and public be excluded from the meeting of the Closed Committee, and access to the correspondence and reports relating to the items considered during the course of the Closed Committee be withheld unless declassified by separate resolution.

### 5.1 Olympic Park Precinct Development Advisory Committee - Independent Community Members

RECOMMENDED on the motion of Cr S. Reynolds and Mr P. Benkovic that:

1. The Committee recommends to Council that Mr Gus Mather be appointed as a member of the Olympic Park Development Advisory Committee as an independent community representative, and
2. Council seeks a second member as independent community representative invited through a further Expression of Interest.

## 6 Date of Next Meeting

To be confirmed

## 7 Closure

The meeting was declared closed at 6:13pm.

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Mr D. Finnigan  
**Acting General Manager**

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Cr A. Barry  
**Chairperson**





**10.3. Regional Entertainment Centre Development Committee Meeting - 14/12/2022**

<b>Attachments:</b>	1. Minutes - Regional Entertainment Centre Development Committee - 14/12/2022 [ <b>10.3.1</b> - 2 pages]
<b>Responsible Officer:</b>	Derek Finnigan - Acting General Manager
<b>Author:</b>	Michelle Sandell-Hay – Governance Officer
<b>Community Plan Issue:</b>	5 - <i>Community Infrastructure</i>
<b>Community Plan Goal:</b>	Effective and efficient infrastructure that is appropriate to the needs of our community.
<b>Community Plan Strategy:</b>	4.2.1 - Progress a Regional Entertainment and Conference Centre.

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**PURPOSE**

To provide Council the Minutes of the Regional Entertainment Centre Development Advisory Committee held on 14 December 2022.

**OFFICER'S RECOMMENDATION**

The Minutes for the Regional Entertainment Centre Development Advisory Committee held on 14 December 2022 be ADOPTED.

**Moved:** \_\_\_\_\_ **Seconded:** \_\_\_\_\_

**REPORT**

The Governance Officer reports that the Regional Entertainment Centre Development Advisory Committee met on 14 December 2022.

The minutes of the meeting are attached.

**MINUTES OF THE REGIONAL ENTERTAINMENT CENTRE DEVELOPMENT ADVISORY COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD VIA TEAMS/THE LOXTON ROOM, ADMINISTRATION CENTRE, 60-82 BRIDGE STREET, MUSWELLBROOK ON WEDNESDAY 14 DECEMBER 2022 COMMENCING AT 5:36PM.**

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**PRESENT:** Mr D. Finnigan, (Acting General Manager), Cr L. Dunn, Cr J. Lecky, Cr R. Scholes, Mr S. Delforce (MATS) and Mr A. French-Northam (UHCM).

**IN ATTENDANCE:** Mr M. Lysaught (Director - Property & Place), Mr D. Fernandes (Project Manager Property & Place), Cr D. Marshall, Cr D. Douglas, Cr B. Woodruff and Ms E. Lane (Coordinator Customer Service & Administration).

## **1 Apologies**

RECOMMENDED on the motion of Cr L. Dunn and Cr S. Reynolds that:

The apologies for inability to attend the meeting submitted by Ms V. French and Ms S. Welchman be ACCEPTED.

## **2 Disclosure of Any Pecuniary and Non-Pecuniary Interests**

Committee members will declare any pecuniary or non-pecuniary interests to that item.

## **3 Business Arising**

Nil

## **4 Business**

### **4.1 Regional Entertainment Centre Status**

Mr Lysaught provided an overview of the report.

Mr Lysaught advised that the budget estimate for the Regional Entertainment Centre has changed due to significant inflation. This being approximately 16% inflation over the past 18 months.

Cr Reynolds suggested that ARTC be a member of the committee.

Cr Lecky raised that she was concerned about the chances of elderly people falling and suggested retractable seating.

Concerns about a fly tower being installed were discussed. Factors including compliance checks every 12 months, cherry picker hire to reach for the checks and the continuation of maintenance expenses were raised.

Mr Lysaught suggested that Muswellbrook High School be removed as a member of the committee. Cr Reynolds also advised the Committee that this decision was made because one is a member then all should be a member.

Cr Dunn inquired as to why the orchestra part was taken out?

Mr Lysaught advised that it is a fixed orchestra. Some seats can be moved to make an orchestra pit for a 20 piece band.

RECOMMENDED on the motion of Cr R. Scholes and Cr L. Dunn that:

1. The information contained in this report be noted; and



2. A report be provided to the Committee on the Town Centre review of constructability, programming, and budget.
3. ARTC be added as a member to the committee.
4. Muswellbrook High School be removed as a member of the committee.

#### **4.2 Regional Entertainment Centre Development Advisory Committee - Terms of Reference**

RECOMMENDED on the motion of Cr R. Scholes and Cr L. Dunn that:

1. The Committee adopts the 'Muswellbrook Shire Council Section 355 Committee Guidelines'; and
2. Reports to Council recommending Council adopts the Regional Entertainment Centre Development Advisory Committee – Draft Terms of Reference.

### **5 Date of Next Meeting**

To be confirmed

### **6 Closed Council**

RESOLVED on the motion of Cr L. Dunn and Cr R. Scholes that:

The Committee adjourn into Closed Committee and members of the press and public be excluded from the meeting of the Closed Committee, and access to the correspondence and reports relating to the items considered during the course of the Closed Committee be withheld unless declassified by separate resolution.

#### **6.1 Regional Entertainment Centre Development Advisory Committee - Independent Community Members**

RECOMMENDED on the motion of Cr R. Scholes and Cr L. Dunn that:

The Committee recommends to Council that the community members who submitted an Expression of Interest be asked to provide a short summary of what they could contribute as an independent community representative on the Regional Entertainment Centre Development Advisory Committee.

### **7 Closure**

The meeting was declared closed at 6:15pm.

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Mr D. Finnigan  
**Acting General Manager**



## 11. Notices of Motion

Nil

## 12. Councillors Reports

## 13. Written Questions

## 14. Questions for Next Meeting

## 15. 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.

## 16. 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:

Moved: \_\_\_\_\_ Seconded: \_\_\_\_\_

- 16.1. **Additional Schedules to Regional Procurement Tender T152223HUN  
- Supply and Delivery of Bulk Water Treatment Chemicals**
- 16.2. **Tender 2022-2023-0541 - Cleaning Services for Muswellbrook Shire  
Council Buildings and Public Toilets - Revised**
- 16.3. **Request for Quotation - Golden Highway Asphalt Patching**
- 16.4. **Regional Recycling Solution - Memorandum of Understanding**



**16.5. Mangoola Coal Continued Operations Project - Yarraman Road Upgrade - Land Required for Road Purposes**

**16.6. Legal Costs**

**16.7. Class 1 Appeal**

**16.8. Animal Shelter Project - Program and Variations**

**17. Resumption of Open Council**

**18. Closure**

**Date of Next Meeting: 28 February, 2023**