

**10.1.3. DA 2023-79 - Camping Ground at 66 Palace Street, Denman**

Attachments:	1. Attachment A - Architectural Plans [10.1.3.1 - 11 pages]
	2. Attachment B - Development Assessment Report [10.1.3.2 - 32 pages]
	3. Attachment C - Recommended Conditions of Consent [10.1.3.3 - 8 pages]
	4. Attachment D - Submissions Redacted [10.1.3.4 - 8 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Tanya Alsleben (Project Planner)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.1.2 - Utilise best practice models of community engagement to ensure decision making is meeting the expectations of the community.
	Not applicable

PURPOSE

This report has been prepared to assist Council in the determination of DA 2023-79 for the use of the subject site as a camping ground with associated amenities, carparking, and landscaping.

The development application is being reported to Council for determination as:

- the application has raised a level of interest within the community in Denman; and
- the applicant requests a variation to the standard type of amenity blocks as required under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

OFFICER'S RECOMMENDATION

Council grants development consent to DA 2023-79 for the development, subject to the recommended conditions of consent included in Attachment C.

Moved: _____ **Seconded:** _____

BACKGROUND

1. The subject site was registered on 25 October 2021.
2. The unlawful use of the site as a caravan park commenced sometime in early 2020. Following several complaints regarding noise and privacy impacts, Council Officers commenced compliance action in early 2022.
3. This development application was lodged on 10 July 2023.



CONSULTATION

The Application was notified to adjoining owners in accordance with the Muswellbrook Community Participation Plan. A notice was also placed on Council's website and Facebook page at the commencement of the notification period.

A total of four (4) submissions were received during the notification period. One submission was in support of the application and did not object, however asked for matters of noise and light pollution to be adequately addressed.

The Concerns raised by the submissions have been discussed in the Assessment Report. A copy of the redacted submissions is provided in Attachment D.

ASSESSMENT SUMMARY

Council Officers have assessed the application under *Section 4.15 of the Environmental Planning and Assessment Act 1979* (see Attachment A). Council Officers recommend that the development application be approved subject to conditions.

To inform the assessment of the development application, the applicant submitted the following documentation to council:

- architectural Plans (see Attachment A); and
- a planning assessment report.

Key section 4.15 assessment issues and findings are:

The application was referred to Council's Water and Wastewater Section, trade waste Section, Roads and Drainage Section, Heritage Advisor, and Environmental Health Section. The Officers generally did not have any objection subject to conditions of consent.

- Council's Environmental Health Officer requested that a Noise Impact Assessment be provided to due to the potential capacity of the site to house up to 12 people per caravan (equating to a total of 132 people in total at maximum capacity).
- The Assessing Officer noted that while theoretically capable of accommodating over a hundred people, it is highly unlikely, as most caravans are 6 berth or less. The Assessing Officer recommends including a condition to restrict the maximum number of people on the site to 50. It is also noted that, given the "parking" sites are relatively close together, other patrons will effectively manage noise on the site by complaining to the Hotel Manager.
- The development was assessed against the requirements of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, and was found to be generally compliant, other than the type of construction proposed for the amenity blocks.
 - Clause 110 and 119 of the Regulation requires that all shower, laundry, and toilet facilities be constructed of brick or concrete masonry block.
 - The applicant has proposed to build these amenity buildings as demountable buildings with weatherboard cladding.
 - The Assessing Officer notes that this clause allows Council to vary its requirements, where necessary, to allow flexibility in developments.

As the subject site is not a typical camping ground, with only 11 camp sites and a relatively low impact development, the Assessing Officer is satisfied that the proposed



demountable buildings may be acceptable if they comply with the requirements for design and water proofing in accordance with the Building Code of Australia (BCA) and Australian Standards. This has been conditioned in the recommended conditions of consent

The application has also been consulted with Council's Heritage Advisor who did not raise any objections to these buildings in terms of Impact to the Heritage Significance in Denman.

- The proposed development was considered against the provisions of other relevant State Environmental Planning Policies (SEPP) and the development is compliant.
- The proposed development is in accordance with all relevant provisions of the Muswellbrook Local Environmental Plan (LEP) 2009.
- The proposed development was considered against the requirements of the Muswellbrook Development Control Plan (DCP). The proposal is generally in accordance with the DCP provisions.

OPTIONS

Council may:

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

CONCLUSION

DA 2023-79 has been reported to Council to determine DA 2023-79 for the use of the subject site as a camping ground, with an associated community building, carparking, and landscaping at 66 Palace Street, Denman

An assessment of the proposed development against the provisions of Section 4.15 of the *Environmental Planning and Assessment Act 1979* has been completed, and it is recommended that the development be approved subject to the conditions provided in Attachment B.

SOCIAL IMPLICATIONS

Subject to compliance with the conditions of consent, the proposed development is likely to have a positive impact on the Denman economy.

LEGAL IMPLICATIONS

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

PROPOSED CAMPING GROUNDS

66 PALACE STREET DENMAN NSW 2328
LOT 01 DP1277745

STAGE: FOR APPROVALS

DRAWING SCHEDULE	
Sheet Number	Sheet Name
A001	COVERPAGE
A002	SITE ANALYSIS PLAN
A003	LANDSCAPE PLAN
A004	SITE PLAN
A005	ROOF PLAN
A006	WASTE MANAGEMENT PLAN
A007	CAMPER TRAILER TURNING
A008	LIGHTING PLAN
A300	ELEVATIONS & SECTION
A400	COLOURS & MATERIALS
A500	3DS



Property Report

66 PALACE STREET DENMAN 2328



Property Details

Address:

66 PALACE STREET DENMAN 2328

Lot/Section /Plan No:

1/-/DP1277745

Council:

MUSWELLBROOK SHIRE COUNCIL

Summary of planning controls

Planning controls held within the Planning Database are summarised below. The property may be affected by additional planning controls not outlined in this report. Please contact your council for more information.

Local Environmental Plans	Muswellbrook Local Environmental Plan 2009 (pub. 15-6-2012)
Land Zoning	RU5 - Village: (pub. 4-7-2014)
Height Of Building	8.5 m
Floor Space Ratio	0.5:1
Minimum Lot Size	750 m²
Heritage	Denman Residential Heritage Conservation Area Significance: Local
	Royal Hotel Significance: Local
Land Reservation Acquisition	NA
Foreshore Building Line	NA

Detailed planning information

State Environmental Planning Policies which apply to this property

State Environmental Planning Policies can specify planning controls for certain areas and/or types of development. They can also identify the development assessment system that applies and the type of environmental assessment that is required.

This report provides general information only and does not replace a Section 10.7 Certificate (formerly Section 149)

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LOCATION MAP 01

LOCATION MAP 02

PLANNING CERTIFICATE

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ISSUED BY: HW	ISSUED TO: CLIENT	ADDRESS: 66 PALACE STREET DENMAN NSW 2328 LOT 01 DP1277745	SHEET NUMBER: A001
DESCRIPTION OF CHANGES		DRAWN: PLAY DESIGN STUDIO	JOB NUMBER: 2022041
FOR APPROVALS		CHECKED: PLAY	DATE DRAWN: APRIL 2022
			SCALE: ISSUE: 9

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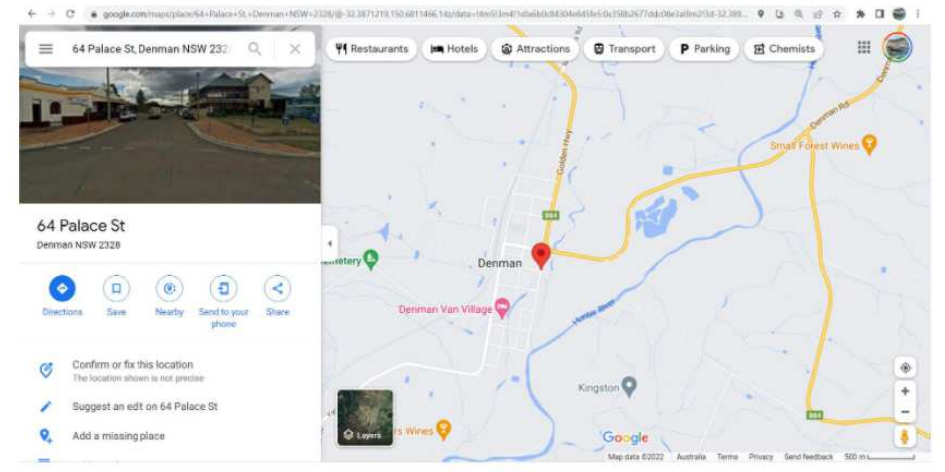
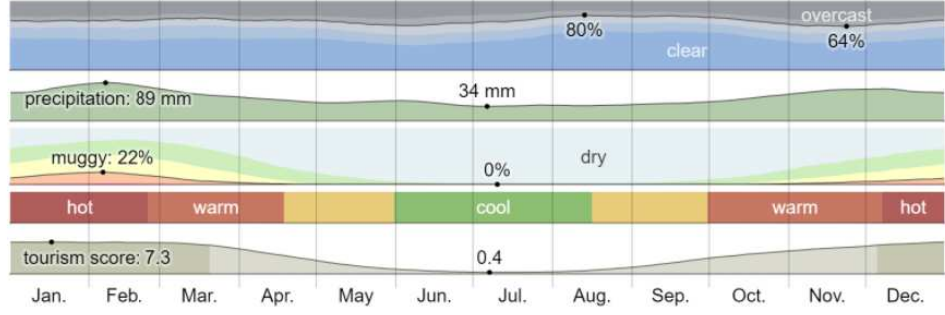
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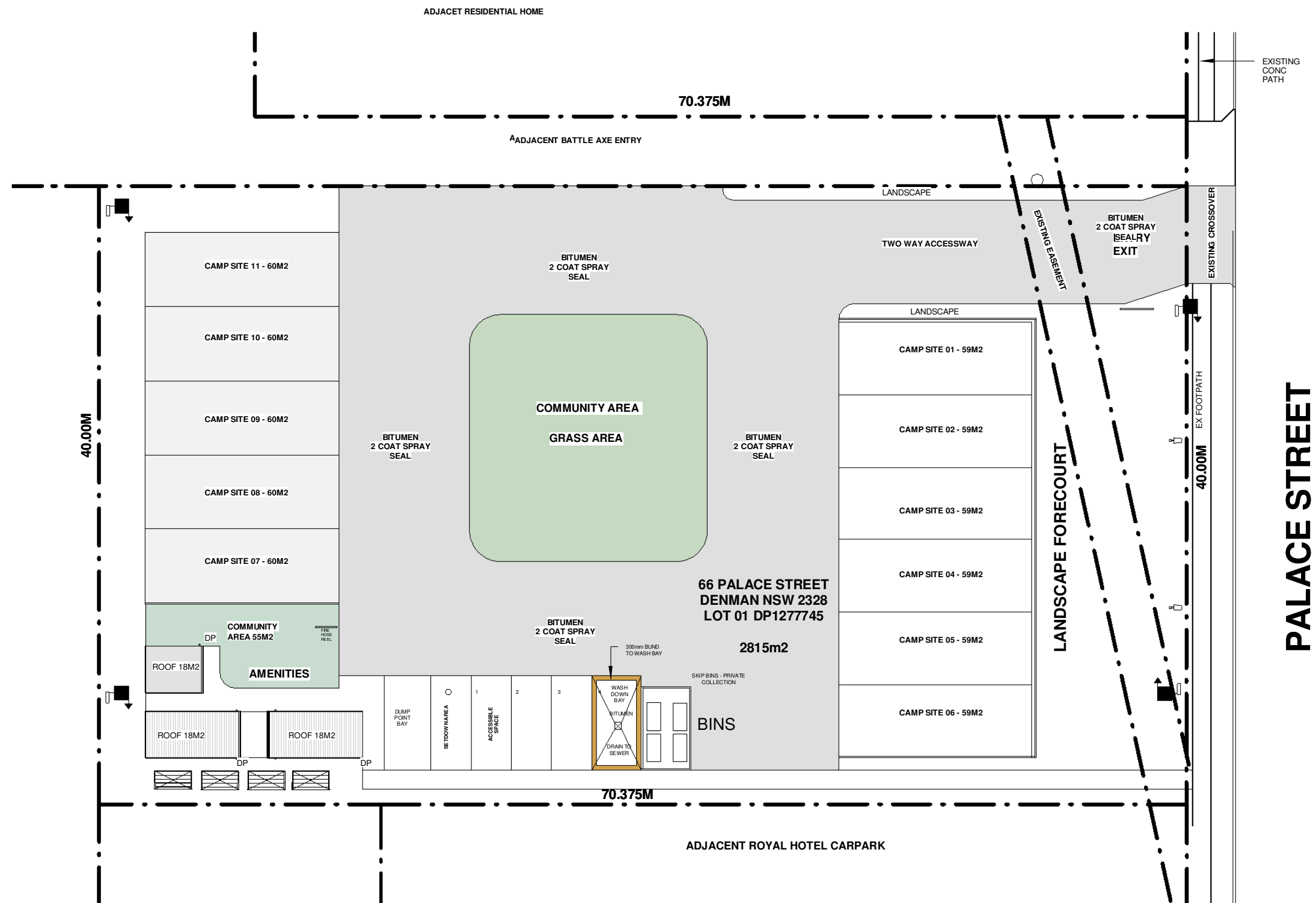
Attachment 10.1.3.1 Attachment A - Architectural Plans

Page 236



FOR APPROVALS

REV: 9	DATE: 27.09.2023	CLIENT: BDD FOR MARK ZIZZA	SHEET TITLE: SITE ANALYSIS PLAN	<div>PLAY DESIGN STUDIO</div> <div>LETS GET STARTED!!</div> <div>PHONE: 1300 411 030</div> <div>101 WARNE STREET WELLINGTON NSW 2820</div> <div>EMAIL: info@playdesignstudio.com.au</div> <div>WEB: www.playdesignstudio.com.au</div> <div><small>COPYRIGHT THIS DRAWING REMAINS THE PROPERTY OF PLAY DESIGN STUDIO PTY LTD. IT MAY ONLY BE USED FOR THE PURPOSES FOR WHICH IT WAS COMMISSIONED AND IN ACCORDANCE WITH THE TERMS OF ENGAGEMENT FOR THE COMMISSION. UNLAWFUL TO USE OR REPRODUCE IF ANY DISCREPANCIES OR CONFLICTS PLEASE CONTACT PTL FOR CLARIFICATION BEFORE PROCEEDING.</small></div>
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1 ROOF PLAN
A005 1 : 250

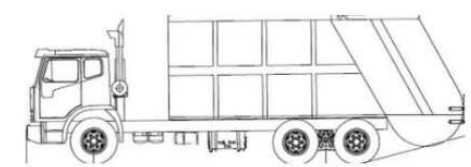
PALACE STREET

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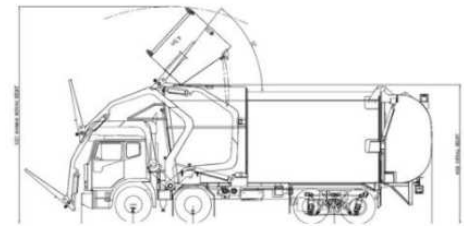
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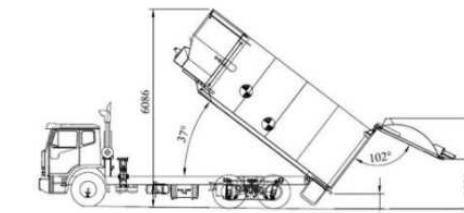
Diagram SC6.11.5.1—Indicative waste vehicle specifications



Rear Loading Collection Vehicle



Front loading collection vehicle



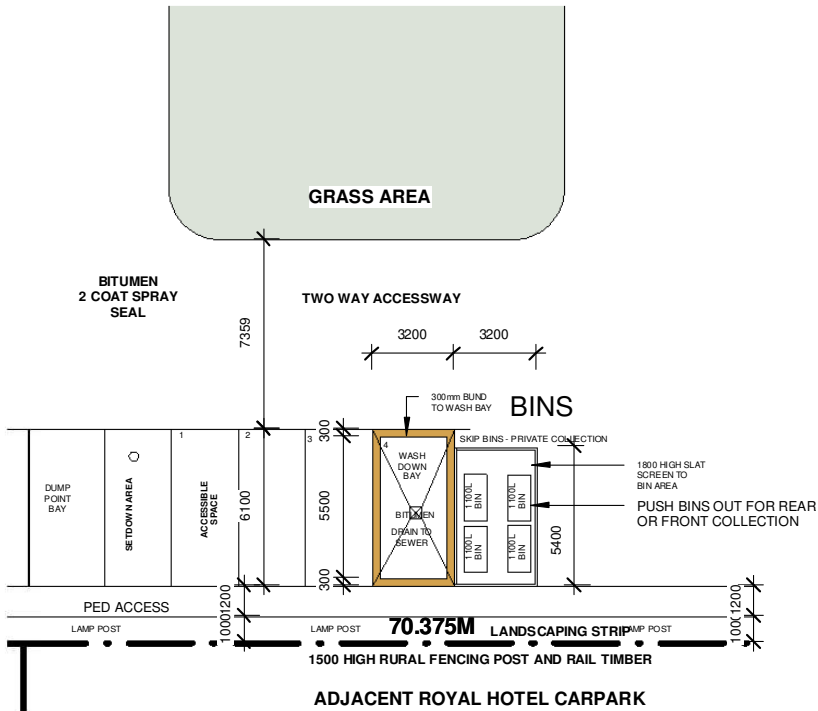
Side loading collection vehicle

	Side loading collection vehicle		Front loading collection vehicle		Rear loading collection vehicle	
	Waste Collection Vehicle	Recycling Collection Vehicle	Waste Collection Vehicle	Recycling Collection Vehicle	Waste Collection Vehicle	Recycling Collection Vehicle
Length Overall	8.7m	9.9m	9.90m	9.90m	9.84m	9.84m
Front overhang	1.42m	0.85m	1.42m	1.42m	1.50m	1.50m
Wheelbase	5.00m	5.30m	5.84m	5.84m	5.20m	5.20m
Rear overhang	2.30m	2.65m	2.64m	2.64m	2.30m	2.30m
Turning circle (kerb to kerb)	16.40m	18.70m	22.10m	22.10m	10.50m	10.50m
Turning circle (wall to wall)	11.00m	11.00m	23.66m	23.66m	11.50m	11.50m
Front of vehicle to collection arm	18.14m	19.20m				
Maximum reach of side arm	2.70m	3.30m				
Travel height	2.00m	1.70m	3.64m	3.64m	3.90m	
Clearance height for loading	4.00m	3.80m	6.10m	6.10m	3.90m	

1
A006

WASTE MANAGEMENT PLAN

1 : 250



PROCEDURE FOR WASTE COLLECTION

WASTE COLLECTION TYPICALLY BETWEEN 11AM AND 12NOON WHEN CAMPING GROUND IS MOST VACANT

BINS TO BE WHEELED OUT FOR COLLECTION TO FRONT OR REAR OF TRUCK

HAZARD LIGHTS AND ROAD CONES TO BE USED TO INDICATE HAZARD DURING PICKUP



4 WHEELED BINS

1100 LITRE COMMERCIAL BIN

Best in Class

Improved Handling

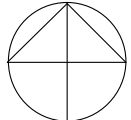
- Easy grip handles on all sides
- Optimum manoeuvrability
- Compatible with identification and weighing systems

Increased Safety

- Foot pedals on the front wheels lock the bin in position
- Increased stability
- Directional locks are ideal for use with towing equipment

Flexible Design

- Multiple lid options available
- Simple to install accessories
- Suitable for multiple commercial applications



NORTH

WASTE MANAGEMENT PLAN NOTES

GENERAL WASTE

ALL GENERAL WASTE TO BE STORED IN A SECURE BIN AREA ON SITE . WASTE TO COVERED AND SECURED AS NOT TO ALLOW WASTE TO BLOW OUT OF BIN AND STOP ANIMALS SCAVAGING WASTE BIN TO BE BEHIND SECURE FENCE OR TEMPORARY CONSTRUCTION FENCE. BIN TO BE LOCATED IN EASILY ACCESSIBLE LOCATION FOR WASTE COLLECTION TRUCK OR CONTRACTOR TO ACCESS

RECYCLABLE WASTE

ALL RECYCLABLE REUSEABLE MATERIALS INCLUDING

- EXCESS FRAMING TIMBER LENGTHS
- CLADDING SHEETS
- FLASHINGS
- WINDOWS AND DOORS
- ROOF SHEETS
- FITTINGS AND HARDWARE
- DECKING
- FIXINGS

TO BE TAKEN BY MARTIN BUILDING SERVICES TO BE REUSED ON OTHER PROJECTS OR STORED AT THE BUILDERS WORKSHOP FOR FUTURE USE

ADDITIONAL RECYCLABLE OR REUSEABLE WASTE TO BE STORED ON SITE IF OWNER/ BUILDER AGREE TO THE MATTER

STOCK PILES

ALL STOCKPILES TO BE LOCATED SECURELY BEHIND THE BUILDING LINE OR SITE FENCING. ALL LOOSE STOCKPILES TO BE SECURELY COVERED IF REQUIRED TO PREVENT DUST AND MATERIAL LEAVING SITE

STOCKPILES TO BE LOCATED IN ACCESSIBLE LOCATION FOR EASE OF DELIVERY AND COLLECTION

HAZARDARDOUS WASTE

ALL HAZARDARDOUS MATERIAL TO BE REMOVED FROM SITE BY A FULLY QUALIFIED PERSON/COMPANY ACCORDING TO ALL RELEVANT AUSTRALIAN STANDARDS, BCA REQUIREMENTS AND LOCAL AUTHORITY REQUIREMENTS.

HAZARDARDOUS WASTE TO BE REMOVED ACCORDING TO ANY RELEVANT HAZARDARDOUS WASTE REPORT

IF ANY UNKNOWN HAZARDARDOUS WASTE IS FOUND ON SITE ALL WORK MUST STOP IMMEDIATELY AND BUILDERS SERVICES NOTIFIED - AWAIT INSTRUCTION

ONSITE TOILET

AN ONSITE TOILET IS TO BE PROVIDED . TOILET LOCATED IN A SECURE LOCATION BEHIND THE BUILDING LINE.

TOILET TO BE MAINTAINED IN HYGENIC MANNER BY ALL PERSONS USING IT

ADVISE BUILDER OF ANY ISSUES

FENCING

SECURE SITE FENCING TO BE PROVIDED ON SITE AND MAINTAINED IN A SAFE AND SECURE MANNER.

ALL RELEVANT SAFETY SIGNAGE TO BE PLACED ON FENCE AT ENTRY

SITE TO BE FULLY SECURE ON ALL SIDES

ALL RELEVANT CONTACT NUMBERS AND APPROVALS TO BE LOCATED ON FRONT OF SITE FENCING

LOCAKBLE AND SECURE ENTRY GATE TO BE PROVIDED ON SITE

PROPOSED WASTE APPROX PER WEEK

CAMP GROUND - 12 SPACES - 3 X 240L PER WEEK
AMENITIES - 1 X 240L PER WEEK

PROPOSED RECYCLING APPROX PER WEEK

CAMP GROUND - 12 SPACES - 3 X 240L PER WEEK
AMENITIES - 1 X 240L PER WEEK

1 X 1100L BIN FOR WASTE PROVIDED - WEEKLY PICKUP
1 X 1100L BIN FOR RECYCLING PROVIDED - WEEKLY PICKUP
1 X 1100L BIN FOR GREEN WASTE PROVIDED - FORTNIGHTLY PICKUP

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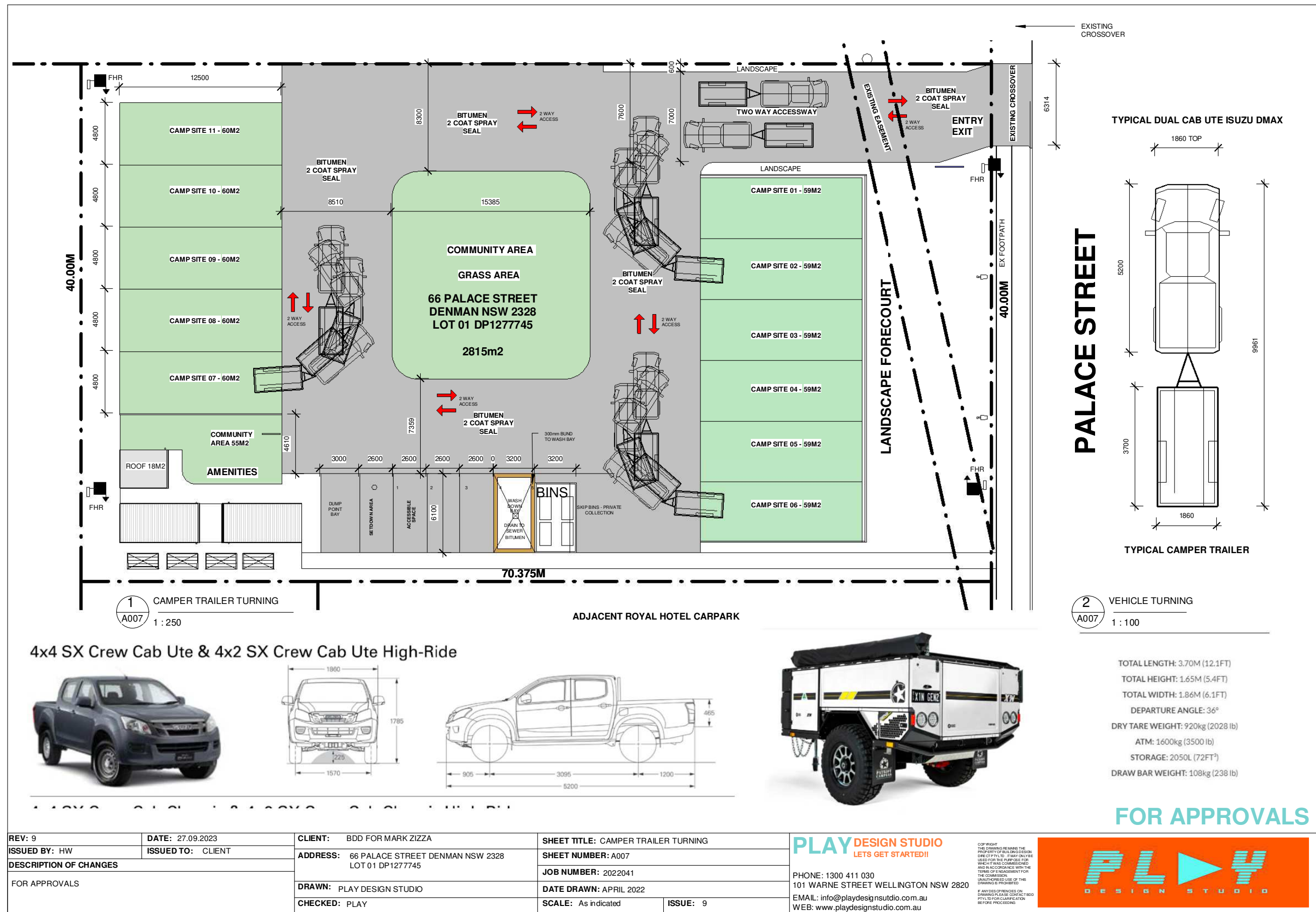
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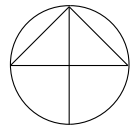
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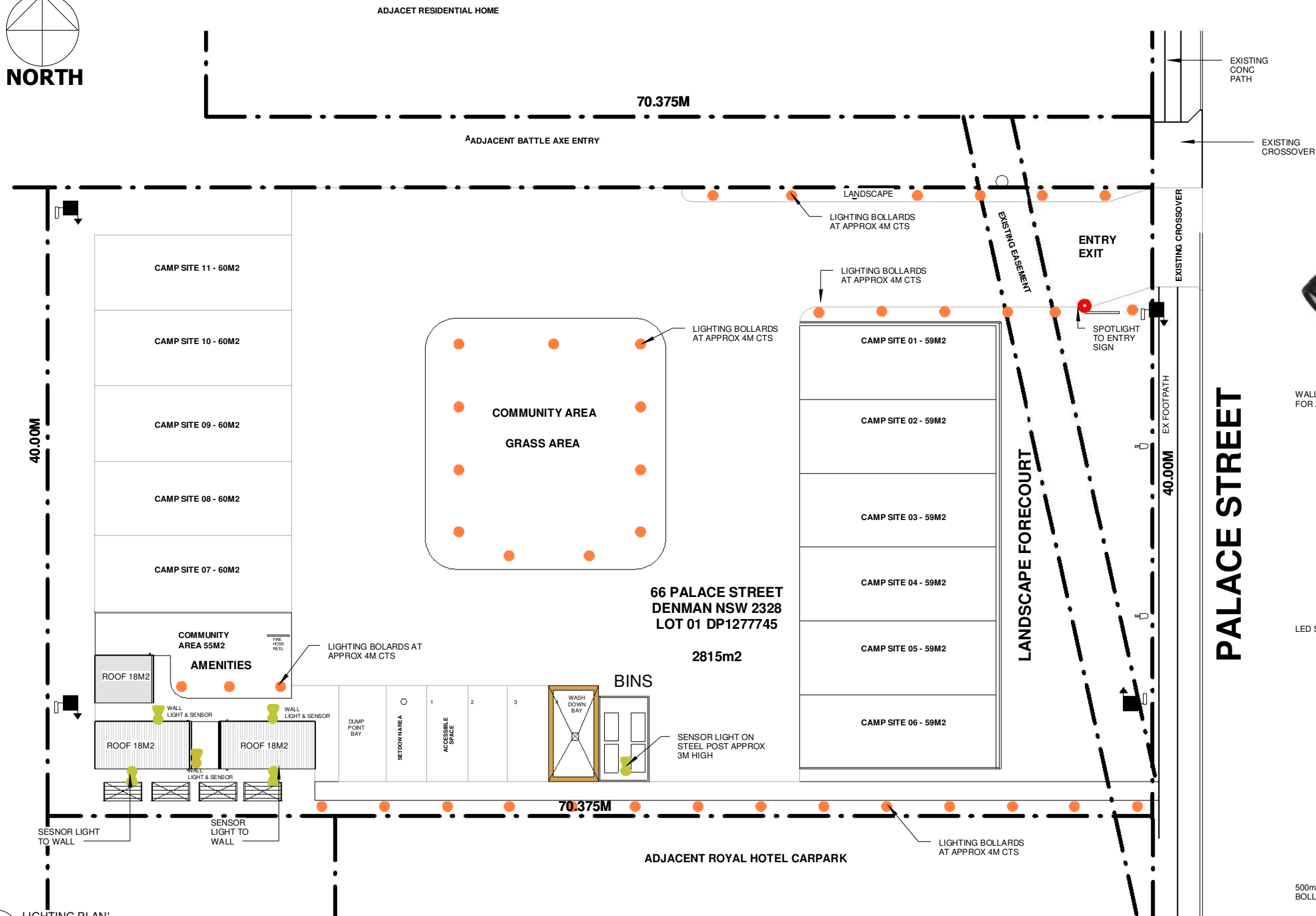
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NORTH



WALL OR POST MOUNTED LED BLACK SPOTLIGHT FOR AMENITY AREAS



LED SPOTLIGHT FOR ENTRY SIGNAGE



500mm HIGH BLACK ALUMINIUM LIGHTING BOLLARDS AT MAX 4M CTS

FOR APPROVALS

1 LIGHTING PLAN'
A008 1 : 250

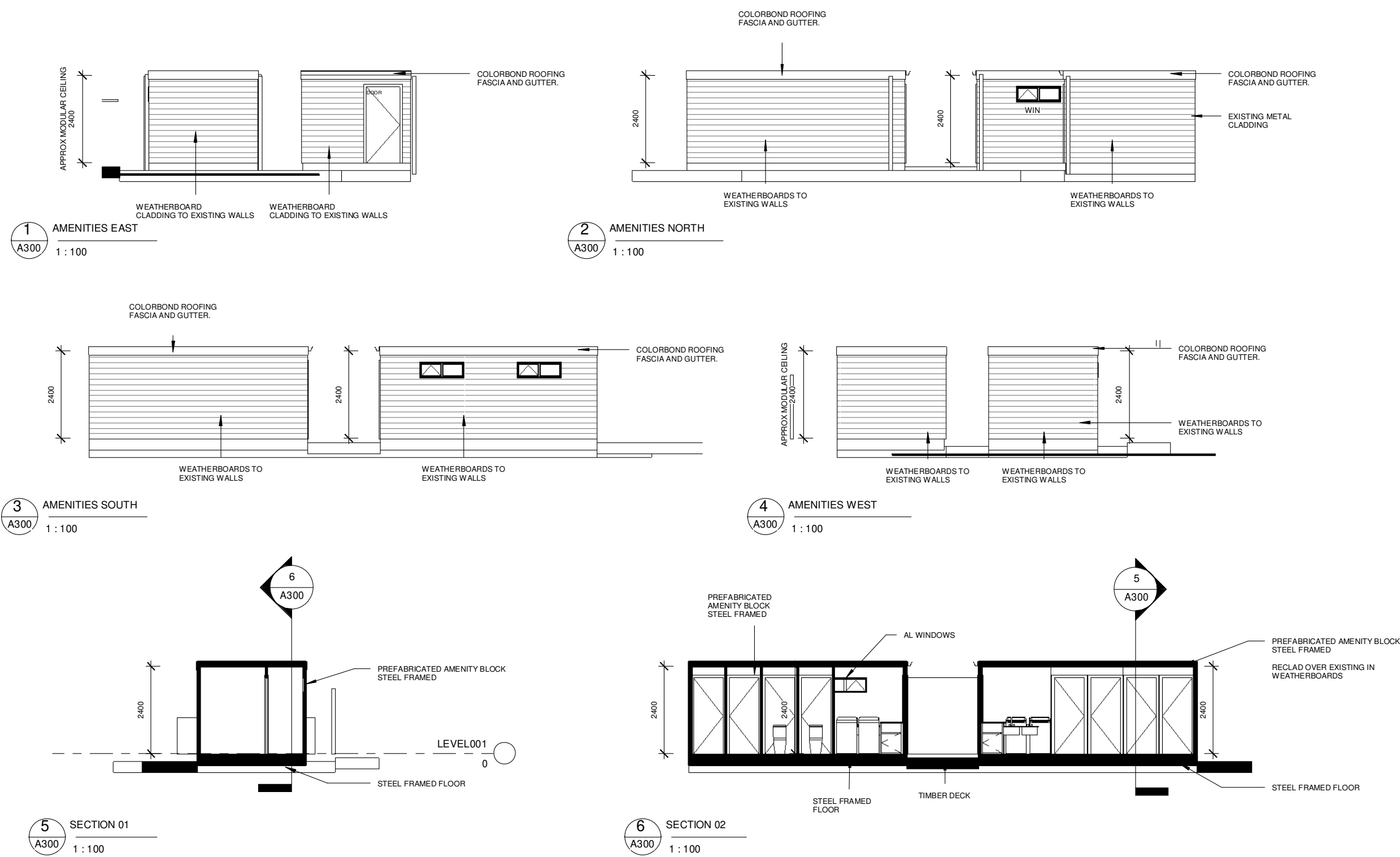
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DESCRIPTION OF CHANGES			JOB NUMBER: 2022041	
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WALLS DULUX HOG BRISTLE QUARTER



VIVID WHITE TO WINDOWS DOORS AND TRIM



WEATHERBOARD CLADDING JAMES HARDIE WEATHERBOARDS LINEA IN HOG BRISTLE QUARTER



HERTIAGE STYLE ALUMINIUM WINDOWS AND DOORS POWDERCOATED WHITE

COLOURS

- WALLS - DULUX HOG BRISTLE QUARTER
- ROOFS - COLORBOND SHALE GREY
- FASCIA GUTTERS - COLORBOND SURFMIST
- WINDOWS - WHITE POWDERCOAT
- DOWNPIPES - DULUX WHISPER WHITE
- SOFFITS - DULUX WHISPER WHITE



COLORBOND SHALE GREY ROOFING IN CUSTOM ORB



COLORBOND SURFMIST FASCIA



INSULATED PANEL ROOF WITH COLORBOND SOFFIT - HARDWOOD POSTS AND BEAMS

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DESCRIPTION OF CHANGES			JOB NUMBER: 2022041
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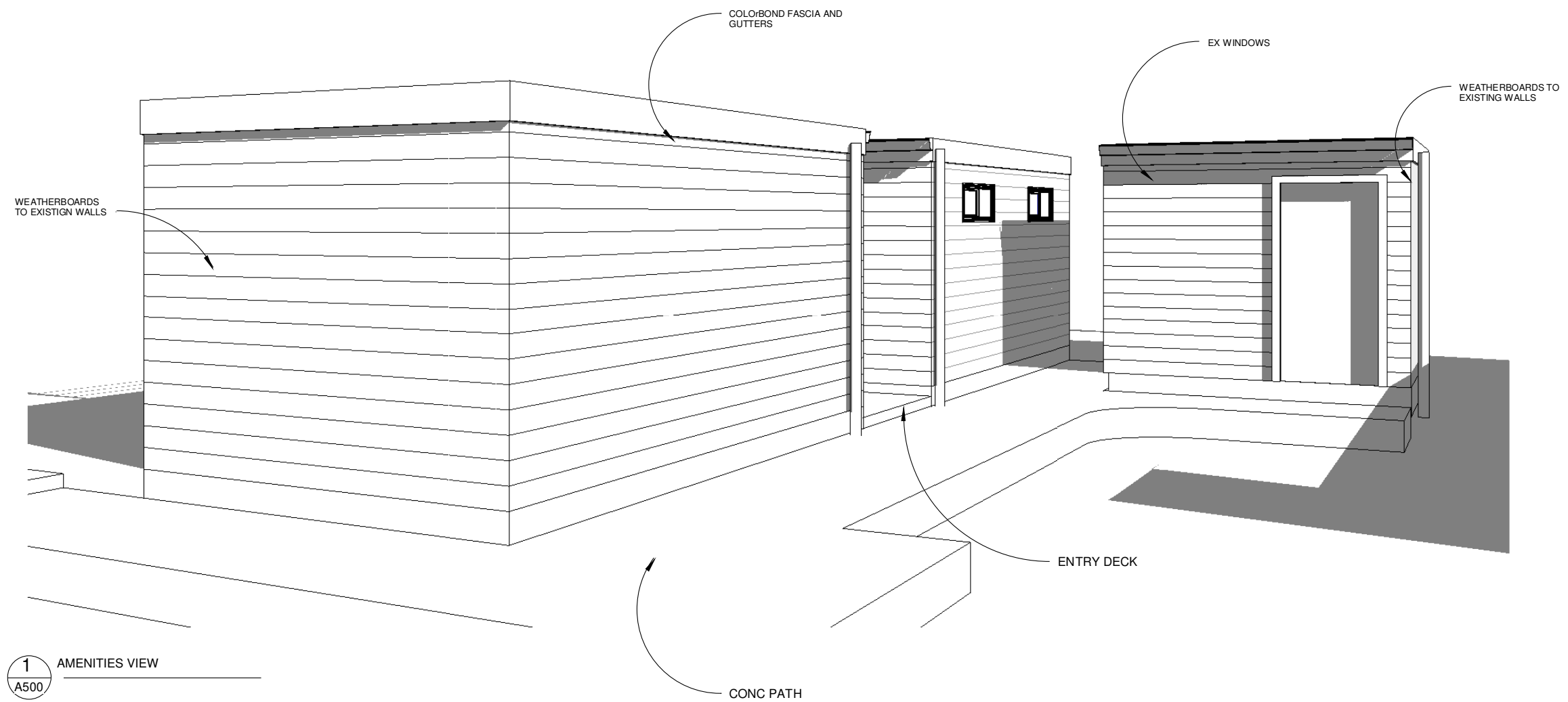
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Extended
DEVELOPMENT ASSESSMENT REPORT

Attached: Site Plan

REPORT TO: COUNCIL

ADDRESS:	LOT: 1 DP: 1277745, LOT: 1 DP: 997824 66 Palace Street DENMAN, 12 Ogilvie Street DENMAN
APPLICATION No:	2023/79
PROPOSAL:	Camping Ground Community Building and Amenities
OWNER:	Zizoom Pty Limited
APPLICANT:	Perception Planning Pty Ltd Po Box 107 Clarence Town NSW 2321
AUTHOR:	Tanya Alsleben
DATE LODGED:	10/07/2023
DATE OF REPORT:	06/10/2023

1. RECOMMENDATION

It is recommended that development consent be granted to DA 2023/79 for Camping Ground and Amenities, subject to the recommended conditions of consent.

2. SITE LOCALITY AND DESCRIPTION

The Site subject to this development application is:

- LOT: 1 DP: 1277745, 66 Palace Street Denman, and;
- LOT: 1 DP: 997824 12 Ogilvie Street Denman

The land is located within a heritage conservation area. A small portion of the site is identified as flood liable, however the site is protected by the Denman levee bank.

The majority of the proposed development would be carried out on Lot 1 DP 1277745, which is a regular shaped block with a total area of 2815m² located on land zoned RU5 Village. Lot 1 DP 997824 is also zoned RU5 Village.

Lot 1 DP 1277745 was created in 2021 by a subdivision (boundary adjustment) approved by Council under DA 2005/176. The land was vacant at the time of subdivision. While no use of the land has been approved, Council Officers are aware that the land had been made available for use informally for camping and caravan parking. Council Officers undertook compliance action in relation to this use of the site.

The most recent development consents issued in relation to this land are:

- DA 2021/156 – 1 June 2022 - subdivision/boundary adjustment between the two lots subject to this development application. The approved boundary adjustment is yet to be carried out.
- DA 2021/87 – 12 October 2022 - alterations and additions to the existing building on the site and to allow use as a restaurant. The off-street car parking required to support DA 2021/87 is not impacted by this development proposal.

Figure 1 below identifies the two lots subject to the development application, along with the plan of subdivision approved under DA 2021/156. Figure 2 identifies the location of the proposed development in context with the boundary adjustment/subdivision between the two subject Lots approved under DA 2021/156.

Figure 11. – Site Aerial Image (Source: NearMaps Image taken on 12 Feb 2023)



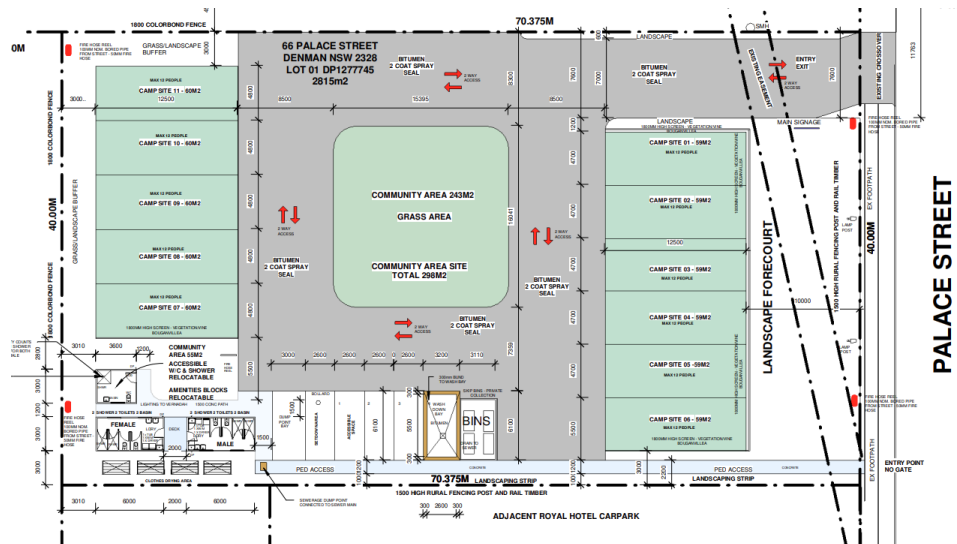


Figure 2 – proposed site layout.

Flood Prone Land	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Bushfire Prone Land	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Terrestrial Vegetation	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Heritage Conservation Item	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Heritage Conservation Zone	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Contaminated Land	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Mine Subsidence	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Classified Road Frontage	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Council Infrastructure within Site	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
Other	YES <input type="checkbox"/>	NO <input type="checkbox"/>

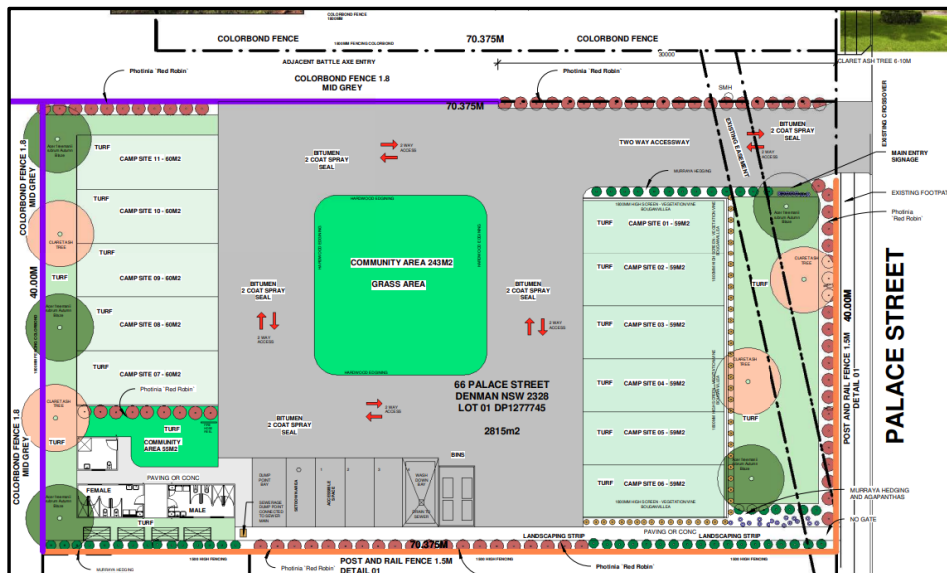
3. DESCRIPTION OF PROPOSAL

The proposal seeks development approval for the use of the site as a camping ground with associated amenities buildings, carparking and landscaping.

Specifically, the proposal involves:

- Approval for 11 short-term caravan/camping sites each measuring 59m² and 60 m²;
- Installation of a total of 3 amenity buildings (male, female and disabled);
- Landscaping treatments adjoining the proposed amenity and sites for screening purposes.
- 3 visitor parking spaces, including 1 disability parking located to the South of the community building.
- Installation of a Pylon Sign near the entrance of the site.
- Installation of a new sewer dump point, vehicle washdown bay and bin area.

Figure 2.3 – Site Plan (Source: Applicant)



Notification Required	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
Notification Dates	20/07/2023 – 03/08/2023
Number of Submissions	4
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

Previous Approvals

Formatted Account	Document Type	External Referen	Precis	Received Date	Determination Date
005.2023.0000079.001	Development Applications	PAN-349065	CAMPING GROUND, COMMUNITY BUILDING, AMENITIES	10/07/2023	
005.2023.0000003.001	Development Applications	PAN-298072	Proposal for use of land as a Caravan Park, related landscaping and		13/04/2023
005.2021.00000156.001	Development Applications	APPLICATION	Boundary Adjustment to Three 3 existing lots	07/12/2021	31/05/2022
005.2021.00000087.001	Development Applications	APPLICATION	Alterations and additions to commercial + Change of Use	11/08/2021	12/10/2022
005.2005.00000179.002	Development Applications	S96 APPLICATI...	SECTION 96 AMENDMENT- REDUCE NUMBER OF LOTS FROM THREE (3) TO TWO (2)	25/05/2009	23/06/2009
005.2005.00000179.001	Development Applications	APPLICATION	THREE (3) LOT COMMERCIAL SUBDIVISION	18/05/2005	21/09/2005

Other Background Information

1. The subject site was registered on 25-10-2021.
2. The owner of the site permitted the short-term use of the land for camping around the time of the COVID-19 pandemic. In 2022 Council received complaints about the use, investigated the matter and commenced compliance action. As a result of that application a development application was lodged on 16/06/2022 (DA 2022-76).
3. DA 2022/76 did not comply with the relevant legislation and a request for additional information was made by Council Officers on 15/08/2022. No response or correspondence was received from the owner until 9/11/2022, with the owner seeking clarification on legislation. On 15/11/2022, Council Officers sent a detailed response. On 17/11/2022, Council was advised that the owner had engaged a Town Planning Consultant to prepare a new DA and requested additional time to provide the information without halting the operation of the caravan park. DA 2022-76 was withdrawn.
4. This development application was lodged on the 10/07/2023.

5. During the Assessment of the development application, the owner of the site had posted a public post on Facebook relating to the closure of the site due to Council, which raised a level of interest from the public.

5. REFERRAL COMMENTS

Internal Referrals

Water and Waste Section

Council's Water and Waste Section advised that the development would incur additional headworks charges as per the table below.

	ET/ camping Site	Total ET	Allocated ET for each Lots	Additional ET to be paid	Headworks Charges/ET	Total ET to be paid
Water	0.26	3.12(=0.26X12)	2	1.12	\$8,839.50	\$9,900.24
Sewer	0.44	5.28(=0.44x12)	2	3.28	\$6,862.80	\$22,509.98

Total Headworks Charges to be paid = \$32,410.22

The Water and Waste engineer provided a breakdown of the cost and noted that the values are calculated from the caravan parks in the Muswellbrook LGA and the Water Directorate Guidelines. The lowest value was considered to calculate these headworks charges.

The Assessing Officer has discussed headworks charges with the applicant.

Trade waste Section

Council's Trade Waste Section who reviewed the application and noted that the proposal will require a trade waste approval. The Assessing Officer has included a general condition requiring a Trade waste approval.

Roads and Drainage Section

Council's Roads and Drainage Section reviewed the standard of construction for the accessways, parking and stormwater considerations. Conditions requiring the submission of an updated stormwater management plan and Soil Erosion and Sediment Control Plan prior to the Issue of a Construction certificate are recommended.

Environmental Health Section

Council's Environmental Health Team recommended several conditions relating to requiring a Section 68 Approval for a camping ground and management of waste on the site.

Officers noted that there is a potential for noise generation from the operation of the proposed activity. The Officers cannot clearly determine whether the noise impacts could be mitigated with conditions of consent and require a Noise Assessment to be undertaken prior to allow this assessment.

The initial plans submitted for a camping ground and caravan park would have had the ability to accommodate 144 people at any time, which could have a significant impact on adjoining properties. Following Staff feedback, the applicant made several changes to the application. The final iteration of the development seeks approval for only 11 caravan sites.

Council's Assessing Officer reviewed the comments put forward by the Environmental Health Officers and noted that the proposed development is a relatively smaller scale development as compared to a full-scale caravan park or camping ground. The site is adjoined by

- The parking space of a commercial property to the West and South;

- A vacant property and residential property to the North, with minimal impact to the vacant property and the residential property having a buffer zone of 7.5m to any campsite, a colourbond fence and landscaping to minimise visual and noise impacts
- Residential properties to the East with a setback of 10m from the property boundary and the road (Palace Street) providing a buffer zone to these properties.

Council's EHO maintained their concerns in relation to noise issues. The Assessing Officer noted that while theoretically capable of accommodating over a hundred people, it is highly unlikely as most caravans are 6 berth or less.

The Assessing Officer recommends including a condition to restrict the maximum number of people on the site to 50. It is also noted that given the "parking" sites are relatively close together, other patrons will effectively manage noise on the site by complaining to the Hotel manager. A management plan for the activity will also be required.

Heritage Advisor

The subject site is located in the Denman Heritage Conservation zone and is located next to the Royal Hotel, an Item of Heritage Significance. The initial application was referred to Council's Heritage Advisor who reviewed the application and noted a number of positive and negative aspects of the development.

The Assessing officer discussed the advisors' comments with the applicant who provided updated plans that generally complied with the advisor's request. The Assessing Officer forwarded the updated plans to the Advisor, who was generally satisfied with the development and did not have any further objection.

External Referrals

The development did not require any external referrals.

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	RU5 Village
Proposed Use	Camping ground and ancillary uses
Permissibility	Permitted with Consent
Zone Objective	Complies with Objective

The objectives under the RU5 Village Zone are as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To allow more flexibility in the development of the town of Denman and village of Sandy Hollow.
- To allow for future development of residential, commercial or low-impact land use within the town of Denman and village of Sandy Hollow.

- To ensure that non-residential uses do not result in adverse amenity impacts on residential premises.
- To minimise the impact of non-residential uses and ensure these are in character and compatible with surrounding development.

The proposed development is not contrary to the objectives under the RU5 Village Zone provided there are adequate measures taken to ensure that the development does not have an adverse impact to the adjoining residential premises. These potential impacts have been discussed throughout this report.

Part 4 Principal Development Standards

Relevant Clause	Control	Proposed	Compliance
4.1 Minimum subdivision lot size	750m	-	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
4.3 Height of buildings	8.5m	5m	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
4.4 Floor space ratio	0.5	<0.2	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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
5.4 Controls relating to miscellaneous uses	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
5.8 Conversion of fire alarms	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
5.10 Heritage Conservation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA Discussed under Heritage Advisor Comments.
5.18 Intensive livestock agriculture	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
5.21 Flood planning	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA Discussed under DCP comments.
Other	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA

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 type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA Minimal earthworks involved.
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
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
The proposal does not involve the clearing of any native vegetation and therefore this of the SEPP does not need to be considered further.

SEPP (Building Sustainability Index: BASIX) 2004
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
The proposed development is not defined as BASIX Affected Development.
SEPP (Housing) 2021
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA
<p><i>Part 9 Caravan Parks</i> of the SEPP applies to the development. Under this SEPP,</p> <ol style="list-style-type: none"> (1) <i>Development for the purposes of a caravan park may be carried out only with the development consent of the Council.</i> (2) <i>Before granting development consent to the use of land for the purposes of a caravan park, a Council must determine—</i> <ol style="list-style-type: none"> (a) <i>the number of sites (if any) within that land that the Council considers are suitable for long-term residence, within the meaning of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, and</i> (b) <i>the number of sites (if any) within that land that the Council considers are not suitable for long-term residence, but are suitable for short-term residence, within the meaning of that Regulation.</i> <p>Planning Comment: The proposal does not involve any long-term sites. The Assessing Officer has included a condition of consent clarifying that no long-term sites are approved.</p> <ol style="list-style-type: none"> (3) <i>A Council must not grant development consent to the use of land for the purposes of a caravan park unless it imposes as a condition of that consent a condition specifying the maximum number of sites (if any) within that land that may be used for long-term residence.</i> <p>Planning Comment: The proposal seeks the approval of 11 short term sites. This will be clarified in the recommended conditions of consent.</p> <ol style="list-style-type: none"> (4) <i>The holder of an approval under Part 1 of Chapter 7 of the Local Government Act 1993 to operate a caravan park or camping ground on land must not, without the development consent of the Council, allow a person to occupy a site within that land—</i> <ol style="list-style-type: none"> (a) <i>for a continuous period of more than 3 months, except as provided by paragraph (b), or</i> (b) <i>for a continuous period longer than the period (if any) for which the person is allowed to be accommodated within the land by an extension that has been granted under clause 19(6) of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993, if such a use of that site was not lawful under the Environmental Planning and Assessment Act 1979 when this Part commenced.</i> <p>Planning Comment: No long-term sites are proposed. The Assessing Officer will include a condition of consent to ensure that the site is not used for long term habitation.</p> <ol style="list-style-type: none"> (4A) <i>Except as provided by subsection (4), nothing in this Part or any other environmental planning instrument requires separate development consent to be obtained for the installation or placement of a moveable dwelling on land on which development for the purposes of a caravan park is being lawfully carried out.</i> <p>Planning Comment: The proposal is for a camping ground. No approval is provided for any manufactured homes on the site.</p>

The SEPP also requires the following matters to be considered by Council:

(a) *whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence,*

Planning Comment: This has been assessed under section 4.15(b) of the EP&A Act later in this report.

(b) *whether there is adequate provision for tourist accommodation in the locality of that land, and whether existing or potential tourist accommodation will be displaced by the use of sites for long-term residence,*

Planning Comment: The proposal does not involve any long-term sites.

(c) *whether there is adequate low-cost housing, or land available for low-cost housing, in that locality,*

Planning Comment: There is land available for low-cost housing in the locality.

(d) *whether necessary community facilities and services are available within the caravan park to which the development application relates or in the locality (or both), and whether those facilities and services are reasonably accessible to the occupants of the caravan park,*

Planning Comment: The development has been assessed against the requirement of the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021* and found to comply with the requirements for community facilities and services.

(e) *any relevant guidelines issued by the Director, and*

Planning Comment: Not applicable.

(f) *the provisions of the Local Government (Caravan Parks and Camping Grounds) Transitional Regulation 1993.*

Planning Comment: This regulation has been repealed and replaced by the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*. The application has been assessed under this regulation and found to generally comply with its provisions.

SEPP (Industry and Employment) 2021

Satisfactory: ☐ Yes ☐ No ☒ NA

Chapter 3 Advertising and signage

This Section of the SEPP aims to provide controls for the installation of signage. The proposed development involves the installation of signage that will be visible from a public reserve and therefore needs to be considered. Section 3.6 of the SEPP states that *a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied—*

(a) *that the signage is consistent with the objectives of this Chapter as set out in section 3.1(1)(a), and*

Section 3.1(1)(a) aims to ensure that signage (including advertising)—

(i) *is compatible with the desired amenity and visual character of an area, and*

The proposed signage is considered to be compatible with the desired amenity and visual

<p>character of the Denman locality.</p> <p>(ii) <i>provides effective communication in suitable locations, and</i></p> <p>The proposed signage provides adequate information relating to the use of the site.</p> <p>(iii) <i>is of high-quality design and finish, and</i></p> <p>Noted.</p> <p>(b) <i>that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5.</i></p> <p>Complies</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> <p>This chapter under the SEPP requires that a consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) <i>It has considered whether the land is contaminated, and</i> (b) <i>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</i> (c) <i>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.</i></p> <p>A portion of the land (Lot 1 DP 997824) has been identified as being potentially contaminated on Council's Contaminated Land register.</p> <p>A detailed site investigation submitted under DA 2021-87 carried out soil testing to confirm that the land is not contaminated.</p> <p>As the site has been identified to be free of contamination, the application complies with this section of the SEPP.</p>

C. Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021

Part 3 of this regulation to applies to the operation of caravan parks and camping grounds. The Assessing Officer has carried out an assessment under this regulation below:

Subdivision 1 Land and site requirements	
83 Minimum size of caravan park or camping ground	
(2) A camping ground is not required to have a minimum area.	No minimum area requirement.
84 Community amenities	
(1) A minimum of 10% of the total land area of a caravan park or camping ground must	Total floor area of development = 2850m ²

<p>be reserved for recreation or other communal activities.</p> <p>(2) The council may allow a lower percentage, not less than 6% of the total land area of the caravan park or camping ground, to be reserved for recreation or other communal activities.</p> <p>(3) Before allowing a lower percentage, the council must consider—</p> <p>(a) the type and range of amenities to be provided, and</p> <p>(b) other matters the council considers relevant.</p>	<p>Required area for communal activities = 285m²</p> <p>Area provided for communal activities = 297m²</p> <p>Complies</p>
85 Size of dwelling sites and camp sites	
<p>(1) A long-term site must have an area of at least 80 square metres.</p> <p>(2) A short-term site must have an area of at least 65 square metres.</p> <p>(3) A camp site must have an area of at least—</p> <p>(a) for a camp site for which a separate parking space is provided within 30 metres of the camp site—40 square metres, or</p> <p>(b) otherwise—50 square metres.</p>	<p>The proposal involves 11 camp sites with an area of 59-60m².</p> <p>Complies</p>
86 Site identification	
<p>(1) A dwelling site must be numbered or identified with its site boundaries clearly outlined.</p> <p>(2) The site identification must be easily recognised.</p>	<p>No dwelling sites proposed.</p>
Subdivision 2 Setbacks	
87 Dwelling sites to have road frontage	
<p>A dwelling site must have vehicular access to an access road.</p>	<p>Complies.</p>
88 Setbacks of community buildings	
<p>(1) A community building must not be located within 10 metres of the boundary of a caravan park, camping ground, dwelling site or camp site.</p> <p>(2) The council may allow the following distances if satisfied the community building has been or will be properly screened, fenced, enclosed or otherwise treated—</p> <p>(a) 3 metres or more from the boundary of a caravan park or camping ground, and</p> <p>(b) 5 metres or more from the boundary of a dwelling site or camp site.</p>	<p>The proposal involves 3 demountable buildings for amenities required under the Regulation.</p> <p>These buildings comply with the 3m minimum setback requirement from adjoining properties.</p> <p>Complies</p>
89 Setbacks of dwelling sites from road frontages	
<p>(1) A dwelling site or camp site must not be located closer than—</p> <p>(a) 10 metres to a public road, or</p> <p>(b) 3 metres to another boundary of the caravan park or camping ground.</p> <p>(2) The council may allow a lesser distance if satisfied the dwelling site or camp site has been or will be properly screened, fenced, enclosed or otherwise treated.</p>	<p>Complies</p>
90 Use of buffer zones	

Nothing in this Part prevents land within a required setback from being used for— (a) community amenities, access roads, car parking spaces, footpaths or landscaping, or (b) a similar purpose allowed by the council	<p>This section allows for community amenities, access roads, car parking spaces, footpaths or landscaping within the setback areas for other buildings.</p> <p>Council's Assessing Officer notes that community amenity means a space or facility, other than a car parking space—</p> <ol style="list-style-type: none"> required to be provided within a manufactured home estate, caravan park or camping ground, and used or intended to be used— <ol style="list-style-type: none"> for the administration or servicing of the manufactured home estate, caravan park or camping ground, or for recreational or other communal purposes by occupiers of manufactured homes within a manufactured home estate or moveable dwellings within a caravan park or camping ground. <p>This does not cover a shower block, toilet block or laundry block. The buffer zones are landscaped.</p>
91 Separation distances	
<p>(1) A moveable dwelling must not be installed within the following distance of another moveable dwelling—</p> <ol style="list-style-type: none"> if located on a long-term site—3 metres, or if located on a short-term site or camp site—2.5 metres. <p>(2) This section does not prohibit the installation of semi-detached relocatable homes on adjoining dwelling sites if they are separated by construction complying with the fire safety and sound insulation provisions in the ABCB Housing Provisions Standard, Parts 9.3 and 10.7 for class 1 buildings.</p>	None proposed.
Subdivision 3 Roads	
92 Entrance and exit roads	
<p>(1) A road forming an entrance to or exit from a caravan park or camping ground must be at least 7 metres wide.</p> <p>(2) For a divided road, the width of the sealed portion of the road on either side of the median strip must be at least 5 metres.</p> <p>(3) The council may specify in an approval the way in which an entrance or exit road must meet the sealed portion of other access roads.</p>	<p>Complies</p> <p>None proposed, not applicable</p> <p>Noted.</p>
93 Forecourt	
<p>A caravan park must have an area—</p> <ol style="list-style-type: none"> to accommodate incoming vehicles, and measuring at least 4 metres by 20 	Vehicles can enter the site and circulate via the internal driveway to parking bays. As

metres.	people do not need to stop at an office for payment a Forecourt is not required. Not applicable
94 Width of roads	
(1) The width of an access road must be— (a) for a two-way access road—at least 6 metres, and (b) for a one-way access road—at least 4 metres. (2) The direction of travel for a one-way access road must be indicated by means of conspicuous signs.	7m road provided.
95 Speed limits	
The speed limit on an access road must— (a) not exceed 15 kilometres per hour, and (b) be indicated by means of conspicuous signs.	Managed by Condition and design.
96 Resident parking	
(1) A caravan park or camping ground must contain at least 1 resident parking space for each dwelling site or camp site. (2) The parking space for a dwelling site or camp site may be on-site or off-site. (3) An off-site parking space must be marked to identify the dwelling site or camp site to which it relates. Example— An off-site space may marked by line marking, marker pegs or other similar markings. (4) An off-site parking space for a dwelling site or camp site must be in the location specified in the approval. (5) An off-site parking space must have minimum dimensions of— (a) for angle parking—5.4 metres by 2.5 metres, and (b) otherwise—6.1 metres by 2.5 metres.	The proposal involves the approval for a camping ground that will only have caravans or campervans parked on the site and therefore each campsite functions as its own parking space. All car parking will be condition to be clearly marked and comply with the requirements of <i>AS/NZS 2890.1:2004 Parking facilities – Off street parking.</i> Complies
97 Visitor parking	
(1) A caravan park or camping ground must contain at least 1 visitor parking space— (a) for every 10 long-term sites in the caravan park or camping ground, and (b) for every 20 short-term sites in the caravan park or camping ground, and (c) for every 40 camp sites in the caravan park or camping ground, and (d) for a remaining part, if any, of a number of sites specified in paragraphs (a)–(c). (2) At least 4 visitor parking spaces must be provided for a caravan park or camping ground. (3) Each parking space must have minimum dimensions of— (a) for angle parking—5.4 metres by 2.5 metres, or (b) otherwise—6.1 metres by 2.5 metres. (4) Visitor parking spaces must be clearly	11 camp sites proposed, 3 visitor car parks proposed, including 1 disability car parking space. All car parking will be condition to be clearly marked and comply with the requirements of <i>AS/NZS 2890.1:2004 Parking facilities – Off street parking.</i> Complies

identified.	
98 Visitor parking for people with disabilities	
<p>(1) A caravan or camping ground must contain—</p> <p>(a) at least 1 visitor parking space for people with a disability (a disability parking space), or</p> <p>(b) if the caravan or camping ground contains 100 sites or more—at least 1 additional disabled parking space for—</p> <p>(i) the first 100 sites, and</p> <p>(ii) every further 100 sites, and</p> <p>(iii) a remaining part, if any, of 100 sites.</p> <p>Example—</p> <p>A caravan or camping ground containing 235 sites must contain at least 3 disabled parking spaces.</p> <p>(2) A disabled parking space must be—</p> <p>(a) provided in accordance with AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street parking, and</p> <p>(b) clearly identified as a disabled parking space.</p> <p>(3) A disabled parking space may be counted as a visitor parking space.</p>	<p>1 disability parking space provided.</p> <p>Complies</p>
99 Road surfaces	
<p>All access roads, including all passing and parking bays, must—</p> <p>(a) have an all-weather sealed or other surface finish specified in the approval, and</p> <p>(b) be adapted to the land to enable adequate drainage and remove excessive grades.</p>	Complies, Managed by Condition
100 Lighting	
All access roads must be adequately lit between sunset and sunrise.	The site plan provided shows adequate lighting installations on the site. Complies
Subdivision 4 Utility services	
101 Water supply	
<p>(1) A caravan park or camping ground must be—</p> <p>(a) connected to a mains water supply, or</p> <p>(b) provided with an alternative water supply service as specified in the approval.</p> <p>(2) A dwelling site must be connected to the water supply service for the caravan park or camping ground.</p> <p>(3) Each water supply connection must—</p> <p>(a) be located within 30 metres of the 4 camp sites, and</p> <p>(b) include a standpipe and hose tap.</p> <p>(4) The water supply service must comply with—</p> <p>(a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory</p>	<p>The subject site is connected to the town mains water supply.</p> <p>No dwelling sites proposed.</p> <p>Managed by condition.</p>

body. (5) The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines 6 published in October 2011 by the National Health and Medical Research Council.	
102 Sewerage	
<p>(1) A caravan park or camping ground must be—</p> <p>(a) connected to a main sewer, or</p> <p>(b) provided with an alternative sewage disposal system as specified in the approval.</p> <p>(2) A long-term site must be connected to the sewage disposal system for the caravan park or camping ground.</p> <p>(3) Short-term sites and camp sites in a caravan park or camping ground must be provided with at least 1 soil waste dump point—</p> <p>(a) for the disposal of closet waste from caravan holding tanks, and</p> <p>(b) located to permit adequate access by caravans and campervans.</p> <p>(4) Short-term sites must be provided with a disposal point—</p> <p>(a) for the disposal of sullage from a moveable dwelling installed on the site, and</p> <p>(b) as specified in the approval.</p> <p>(5) The sewage disposal system must comply with—</p> <p>(a) the Plumbing and Drainage Act 2011 and the regulations made under that Act, and</p> <p>(b) the requirements of a relevant statutory body.</p> <p>(6) In this section— sullage means domestic waste from baths, basins, showers, laundries and kitchens, including floor wastes.</p>	<p>The site is connected to the sewer main. The owner of the property seems to have installed a dump point and a toilet block without council approval.</p> <p>No long-term sites are proposed</p> <p>1 dump point proposed to be installed.</p>
103 Drainage	
<p>(1) A caravan park or camping ground must be provided with a stormwater drainage system.</p> <p>(2) All dwelling sites and camp sites must be adequately drained.</p>	<p>A set of Stormwater Plans have been provided, however, these plans are not consistent with the updated plans. The Assessing Officer recommends including a condition requiring an updated set of civil plans to be approved by Council's Roads and Drainage Section.</p>
104 Electricity supply	
<p>(1) A dwelling site must be supplied with electricity from a reticulated electricity service.</p> <p>(2) For a long-term site, the electricity must be supplied by means of an electrical circuit connected to a separate electricity meter.</p> <p>(3) The electrical circuit must be installed in accordance with—</p> <p>(a) for a long-term site—the Electricity Code</p>	<p>The subject site has been supplied with electricity; however, the site is to be used for caravans and not any permanent structures other than the shower and toilet facilities.</p>

of Practice, and (b) for a short-term site—AS/NZS 3001:2008, Electrical installations—Transportable structures and vehicles including their site supplies. (4) If a dwelling site is provided with electricity otherwise than by a direct connection to the local electricity supply authority's electricity main, the occupant of the dwelling site may only be charged reasonable charges for the supply of the electricity.																									
105 Common trenches																									
A common trench may be used for the installation of services in accordance with guidelines provided in AMCORD.	Noted.																								
Subdivision 5 Shower and toilet facilities																									
106 Modification of calculations under this Subdivision																									
In calculating the number of facilities under this Subdivision— (a) 2 camp sites are taken to be equivalent to 1 dwelling site, and (b) the following must not be included— (i) dwelling sites reserved for use by self-contained moveable dwellings, and (ii) dwelling sites provided with ensuite facilities.	No dwelling sites proposed, 11 campsites proposed. Noted																								
107 Number of showers and toilets to be provided																									
(1) A caravan park or camping ground with less than 200 dwelling sites must be provided with the facilities specified in the Table to this section. (2) A caravan park or camping ground with at least 200 dwelling sites must be provided with the facilities specified in the approval. (3) In considering the facilities to specify in the approval, the council must consider the quantities specified in the Table to this section. (4) In this section, a requirement for— (a) a shower may be fulfilled by providing a bathtub, and (b) a urinal may be fulfilled by providing— (i) a urinal intended to be used by 1 person, or (ii) a 600-millimetre length of a urinal facility.	<table><tr><th>Facility</th><th>Req.</th><th>Provided</th></tr><tr><td>Water Closet (F)</td><td>3</td><td>2</td></tr><tr><td>Water Clost (M)</td><td>2</td><td>1</td></tr><tr><td>Urinals</td><td>1</td><td>1</td></tr><tr><td>Showers (F)</td><td>2</td><td>2</td></tr><tr><td>Showers (M)</td><td>2</td><td>2</td></tr><tr><td>Handbasins (F)</td><td>2</td><td>2</td></tr><tr><td>Handbasins (M)</td><td>2</td><td>2</td></tr></table> 1 Accessible Unisex facility has been provided as required. This facility has been used to comply with the deficit in male and female water closet.	Facility	Req.	Provided	Water Closet (F)	3	2	Water Clost (M)	2	1	Urinals	1	1	Showers (F)	2	2	Showers (M)	2	2	Handbasins (F)	2	2	Handbasins (M)	2	2
Facility	Req.	Provided																							
Water Closet (F)	3	2																							
Water Clost (M)	2	1																							
Urinals	1	1																							
Showers (F)	2	2																							
Showers (M)	2	2																							
Handbasins (F)	2	2																							
Handbasins (M)	2	2																							
Complies																									
108 Facilities for people with disabilities																									
(1) A caravan park or camping ground with at least 1, but less than 100 dwelling sites must have— (a) at least 1 disabled bathroom for each sex, or (b) at least 1 unisex disabled bathroom. (2) A caravan park or camping ground with at least 100 dwelling sites must have— (a) 2 disabled bathrooms for each sex, or (b) 2 unisex disabled bathrooms, or (c) 1 disabled bathroom for each sex and 1	1 Accessible Unisex facility has been provided as required.																								

<p>unisex disabled bathroom.</p> <p>(3) A disabled bathroom may be counted towards the required facilities for the caravan park or camping ground.</p> <p>(4) In this section—disabled bathroom means a room with shower, toilet and other associated facilities designed in accordance with AS 1428.1:2021, Design for access and mobility, Part 1: General requirements for access—New building work.</p>	
<p>109 Other facilities</p>	
<p>(1) All showers and handbasins required by this Subdivision must be supplied with hot and cold running water.</p> <p>(2) A mirror must be provided—</p> <p>(a) for each handbasin, or</p> <p>(b) if 2 or more handbasins are provided together—for each pair of handbasins.</p> <p>(3) The following must be provided in a facility containing toilets for the use of females—</p> <p>(a) at least 1 sanitary napkin disposal unit, or</p> <p>(b) for a facility containing at least 10 toilets for the use of females—at least 1 additional sanitary napkin disposal unit for—</p> <p>(i) every 10 toilets, and</p> <p>(ii) a remaining part, if any, of 10 toilets.</p>	<p>Can be managed by Condition.</p>
<p>110 Construction of shower blocks and toilet blocks</p>	
<p>(1) Except as otherwise provided in an approval, the shower and toilet facilities in a caravan park or camping ground must be contained in a shower or toilet block—</p> <p>(a) constructed of brick or concrete masonry block, and</p> <p>(b) with a non-slip floor of tile or other impervious material adequately drained to outlets, and</p> <p>(c) with smooth, hard, durable and water-resistant interior finishes, and</p> <p>(d) containing shower recesses with tile or other impervious finishes to a height of at least 1.8 metres, and</p> <p>(e) with tile or other impervious skirtings around water closet cubicle walls, and</p> <p>(f) with tile or other impervious finish around handbasins, and</p> <p>(g) with adequate lighting, both inside and outside, and adequate ventilation at all times, and</p> <p>(h) with all walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition.</p> <p>(2) A building containing both male and female facilities must be divided for the private use of each sex.</p> <p>(3) Toilets must be provided in individual</p>	<p>The proposed shower and toilet blocks will be demountable building and not constructed of brick or concrete masonry and therefore does not comply with requirement under the regulation.</p> <p>This clause allows Council to vary its requirements where necessary to allow flexibility in developments.</p> <p>The applicant has sought a variation to this requirement.</p> <p>As the subject site is not a typical camping ground with only 11 camp sites and a relatively low impact development, the Assessing Officer is satisfied that the proposed demountable buildings may be acceptable if they comply with the requirements for design and water proofing in accordance with the BCA and Australian Standards. This has been conditioned in the recommended conditions of consent.</p> <p>Variation Recommended.</p>

cubicles having a minimum floor area of 1.1 square metres and a minimum width of 0.8 metre.	
111 Proximity of dwelling sites to shower blocks and toilet blocks	
<p>(1) A long-term site must be located within 75 metres, measured in a straight line, of a shower or toilet block.</p> <p>(2) A short-term site or camp site must be located within 100 metres, measured in a straight line, from a shower or toilet block.</p> <p>(3) This section does not apply to a dwelling site—</p> <p>(a) reserved for use by self-contained moveable dwellings, or</p> <p>(b) provided with ensuite facilities.</p>	<p>No dwelling sites proposed.</p> <p>Toilet blocks are within 100m of all camp sites.</p>
Subdivision 6 Laundry facilities	
112 Modification of calculations under this Subdivision	
In calculating the number of facilities under this Subdivision, 2 camp sites are taken to be equivalent to 1 short-term site.	Noted.
113 Washing machines	
<p>(1) A caravan park or camping ground must be provided with at least—</p> <p>(a) 1 washing machine for every 25 long-term sites, and</p> <p>(b) 1 additional washing machine for a remaining part, if any, of 25 long-term sites exceeding 12, and</p> <p>(c) 1 washing machine for every 30 short-term sites, and</p> <p>(d) 1 additional washing machine for a remaining part, if any, of 30 short-term sites exceeding 15.</p> <p>(2) At least 2 washing machines must be provided in a caravan park or camping ground.</p>	The applicant has shown amenities block on the site which may have sufficient space for two washing machines.
114 Laundry tubs	
<p>(1) A caravan park or camping ground must be provided with—</p> <p>(a) at least 1 laundry tub for every 50 long-term sites, and</p> <p>(b) at least 1 additional laundry tub for a remaining part, if any, of 50 long-term sites, and</p> <p>(c) at least 1 laundry tub for every 60 short-term sites, and</p> <p>(d) at least 1 additional laundry tub for a remaining part, if any, of 60 short-term sites.</p> <p>(2) At least 1 laundry tub must be provided in a caravan park or camping ground.</p>	The applicant has shown amenities block on the site with a laundry tub.
115 Clothes dryers	
<p>(1) A caravan park or camping ground must be provided with—</p> <p>(a) at least 1 mechanical clothes dryer for every 60, and remaining part of 60 greater than 30, long-term sites, and</p> <p>(b) at least 1 mechanical clothes dryer for every 80, and remaining part of 80 greater</p>	<p>The applicant has noted that a dryer will be provided for each amenity block.</p> <p>Complies</p>

than 40, short-term sites. (2) At least 1 mechanical clothes dryer must be provided in a caravan park or camping ground.	
116 Drying areas	
(1) A caravan park or camping ground must be provided with clothesline space at the rate of 2 metres of line for each dwelling site. (2) At least 50 metres of clothesline space must be provided in a caravan park or camping ground.	Complies
117 Water supply	
Washing machines and laundry tubs required to be provided in a caravan park or camping ground must be supplied with both hot and cold water.	Complies
118 Ironing facilities	
A caravan park or camping ground must be provided with at least 1 of each of the following for every 60, and remaining part of 60, short-term sites— (a) an ironing board, (b) an electric iron, (c) a power point available for connection to an electric iron.	Less than 60 sites proposed.
119 Construction of laundry blocks	
Except as otherwise provided in an approval, the laundry facilities in a caravan park or camping ground must be housed in a laundry block— (a) constructed of brick or concrete masonry block, and (b) with a non-slip floor of tile or other impervious material adequately drained to outlets, and (c) with smooth, hard, durable and water-resistant interior finishes, and (d) with adequate lighting, both inside and outside, and adequate ventilation at all times, and (e) with walls, ceilings and floors, fixtures, fittings and appliances maintained in a clean and sanitary condition, and (f) maintained in a serviceable and safe condition.	The laundry facilities, toilet and shower facilities are all located in one toilet block. A variation is proposed for the construction materials for the buildings. Variation supported.
Subdivision 7 Management – Can be Managed through conditions	
Subdivision 8 General	
126 Garbage removal	
Arrangements specified in an approval must be implemented and maintained— (a) for the removal of garbage, and (b) to keep garbage receptacles in a clean and sanitary condition.	Complies
127 Fire hydrants	
(1) No part of a dwelling site, camp site or community building within a caravan park or camping ground may be located more than 90 metres from a fire hydrant.	Complies

<p>(2) A fire hydrant located within a caravan park or camping ground must—</p> <p>(a) be a double-headed pillar-type fire hydrant, and</p> <p>(b) be maintained to the standard specified in the approval.</p>	
128 Fire hose reels	
<p>(1) Fire hose reels must be installed so that each dwelling site or camp site in the caravan park or camping ground can be reached by a fire hose.</p> <p>(2) The fire hose reels must be—</p> <p>(a) constructed in accordance with AS/NZS 1221:1997, Fire hose reels, and</p> <p>(b) installed in accordance with AS 2441—2005, Installation of fire hose reels.</p> <p>(3) The holder of the approval must give the council a certificate (a fire hose reel certificate)—</p> <p>(a) 7 days after the installation of a fire hose reel, and</p> <p>(b) at least once each calendar year for each fire hose reel installed in the caravan park or camping ground.</p> <p>(4) The fire hose reel certificate must state that—</p> <p>(a) the fire hose reel has been inspected and tested by an appropriately qualified person, and</p> <p>(b) on the date of inspection and testing, the fire hose reel is capable of performing to the required standard.</p>	Complies
129 Car washing bay	
A caravan park must be provided with an area for washing vehicles.	Complies.
130 Buildings	
<p>(1) A building must not be erected in a caravan park or camping ground unless the approval allows the erection of the building.</p> <p>(2) An approval may allow—</p> <p>(a) the erection of a community building on land in the caravan park or camping ground that is not a dwelling site or camp site, and</p> <p>(b) the erection of an ensuite facility on a dwelling site or camp site.</p>	Noted, the application involves three amenity blocks. No other buildings are proposed.

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

There are no draft EPIs relevant to the subject Application.

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

Muswellbrook DCP 2009

Section 3 Site Analysis
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA
A site and other relevant documentation has been provided with the application.

Section 5 Subdivision	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input 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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
7.1 Introduction	
<i>Aims and Objectives</i>	
7.2 Assessment Process	
<i>Character Statements</i>	<p>The approval of the development is not expected to result in an inconsistency or compromise the integrity of the character statement for Denman.</p> <p>The development is expected to have a positive impact on the social and economic landscape if all potential negative site amenity impacts are managed appropriately.</p>
7.4 Non-Residential Development	
<i>Location</i>	The proposed development is a commercial development located within the business precinct. Complies
<i>Design Guidelines</i>	The proposed development has been designed with entries on to the street and reflects the existing character of the business precinct.
<i>Vehicle Parking</i>	Adequate car parking has been provided in accordance with the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.
<i>Signage and Use of Footpaths</i>	Signage Assessed below under Section 14.
<i>Wastewater Disposal</i>	Connected to town sewer, dump point to be installed, trade waste condition imposed.
<i>Form, Massing and Scale</i>	The proposal does not involve the construction of any new building that are significantly larger than the existing buildings in the area.
<i>Access</i>	Complies, accessible parking and toilets provided with accessible path of travel.
<i>Setbacks</i>	Adequate setbacks established, see assessment under Local Government Regulation above.
<i>Landscaping</i>	Acceptable landscaping provided.
Section 12 – tourist facilities and accommodation	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
<p>Under the Muswellbrook LEP 2009, tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—</p> <ul style="list-style-type: none"> (a) backpackers' accommodation, (b) bed and breakfast accommodation, (c) farm stay accommodation, (d) hotel or motel accommodation, (e) serviced apartments, <p>but does not include—</p> <ul style="list-style-type: none"> (f) camping grounds, or (g) caravan parks, or (h) eco-tourist facilities. <p>As the development is for a camping ground, this section of the Muswellbrook DCP does not need to be considered.</p>	
Section 13 – Flood Prone Land	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
A small section to the front of the site has been identified as flood prone on the Council Mapping System. The proposed development does not involve any permanent buildings or works that will redirect floor waters or increase danger to people on the site or in the locality.	
Section 14 Outdoor Signage	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
14.1 Signage Design and Analysis	<i>Industry & Employment SEPP (previously SEPP 64)</i> has been considered. See Appendix A. Complies

14.2 Matters for consideration	See above. Complies
Signage Design, location and content	Complies
14.2.1 Design, scale and size	Complies
14.2.2 Location	Complies
14.2.3 Restrictions	Complies
14.2.4 Inappropriate forms	No inappropriate forms of signage proposed.
14.2.5 Content	No inappropriate content proposed.
14.2.6 Pedestrian and road safety	The proposed signage has been setback from the street and provides adequate viewing distance for the safety of pedestrians, vehicles on the road and people entering and exiting the site.
14.2.7 Signs on Heritage items and in conservation areas	(i) One sign per property which is a minor element and restrained in design. Complies (ii) Original signs are retained and conserved at the site. Complies (iii) Avoid new signs on side walls of buildings. Complies (iv) Provide a high standard of materials and graphics. Complies (v) Use traditional designs, colours, lettering and construction methods. Complies (vi) Avoid placing illuminated signs on heritage items. Not Applicable
14.2.8 Illuminated signs	No illumination proposed.
14.2.9 Roof or sky advertisements	Not applicable
14.2.10 Wall Signs	Not applicable
14.2.11 Special promotional advertisement	Not applicable
14.2.12 Signage to assist disabled access	Not applicable
14.2.13 New technologies	Not applicable
14.2.14 A-frame signs	Not applicable
Section 15 Heritage Conservation	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Discussed under Heritage Advisor comments	
Section 16 Car Parking and Access	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
Adequate car parking and access provided in accordance with the LG Regulation.	
Section 20 – Erosion and Sediment Control	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA	
<p>The relevant objective of this section states:</p> <p>‘to demonstrate through the preparation of an Erosion and Sediment Control Plan or Strategy for developments over 250m² of disturbance that appropriate controls are planned to be installed’.</p> <p>The total floor area of the proposed development is over 250m² and therefore requires an Erosion and Sediment Control Plan. Council Officers have included a condition of consent requiring an Erosion and Sediment control plan prior to the Issue of the Construction Certificate.</p>	
Section 21 – Contaminated land	
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Previous site investigations indicate the site isn’t contaminated.	
Section 22 – Land use Buffers	
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> NA	
Not applicable	

Section 23 – On-Site Sewage Management
Satisfactory: <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
The subject site is serviced by town sewer services.
Section 24 – Waste Minimisation and Management Systems
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
A Site minimisation Management Plan has not been submitted. The proposed development is not anticipated to generate a significant amount of waste during construction works. It is recommended that the DCP objectives be adhered to through the imposition of a condition for the minimisation and management of waste associated with the development.
The Assessing Officer noted that there is adequate provision of bins to manage solid waste generated on the site and a dump point for sewage generated on the site. The Assessing Officer has included a condition requiring that all waste generated on the site is to be managed by the proponent in accordance with the requirements in the LG regulation.
Section 25 – Stormwater Management
Satisfactory: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
The Assessing Officer is satisfied that stormwater can be managed on the site though proper engineering, the officer has included a condition to require a detailed stormwater management plan prior to the issue of a CC to be approved by Council's Roads and Drainage Section.

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 \$250,000.00. The proposed land was subdivided under DA 2005-179.

A contribution under Section 94 of the Environmental Planning and Assessment Act 1979 was charged by Council as a condition of consent at the time the land was subdivided.

The provisions of Council's Section 94A Contribution Plan prevent a Section 94A contribution being charged to a development where Council has imposed a Section 94 contribution on the subdivision of the land. Accordingly, a Section 94A contribution has not been imposed as a condition of consent for this development.

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

While the unapproved use of the site as a caravan park had several negative impacts to the amenity of the locality, the proposed modified camping ground has been designed to reduce these impacts with adequate treatments such as increased setbacks, screening through landscaping, etc. The development operated in accordance with the development consent is unlikely to have a significant impact on the context and setting of the locality.

Built Form

All buildings will be constructed/installed in accordance with the BCA.

Potential Impact on Adjacent Properties

Considered earlier in the report. Adequate setback and screening provided.

Access, Transport and Traffic

Compliant with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

Public Domain

The proposed camping ground is accessible to the public via pedestrian access and vehicular access.

Utilities

The site is serviced by town water, sewer, electricity and stormwater services. Discussed earlier.

Heritage

Discussed under Heritage Advisor comments

Air/Microclimate

The proposed development is not expected to have a significant impact on the air and microclimate of the locality.

Flora and Fauna

The proposed development is in town and does not require the clearing of any native vegetation and is therefore not expected to have a significant impact on flora and fauna.

Waste

Managed by condition.

Noise & Vibration

Discussed earlier in the report.

Natural Hazards

A small portion of the site has been identified as flood prone. The Denman Levee provides general protection for the development. The occupation of the site is by temporary users who could relocate in the event of a flood.

Technological Hazards

Discussed earlier in the report.

Safety, Security & Crime Prevention

While the management of the site is ultimately the responsibility of the owner/ manager of the site, the Assessing Officer has included a condition of consent requiring a site Management Plan to be prepared outlining the rules for the management of the caravan park. This should address matters such as noise, respectful behaviour, curfews etc.

Social and Economic Impact on the Locality

The proposed development is likely to have a positive economic impact for Denman by providing a rest area close to town for travellers visiting Denman, provided that the development is managed in a way that minimises the potential negative impacts such as noise impacts, amenity impacts and crime (loitering etc.).

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 2007/2023 – 03/07/2023 in accordance with the Muswellbrook Community Participation Plan. A notice was also placed on Council's website and Facebook page at the commencement of the notification period.

A total of four (4) submissions were received during the notification period (one submission supported the proposal). The matters raised in the submissions are summarised below:

No.	Submitter Comment	Planning Comment
1	Direct impact on adjoining residential property due to noise, privacy and safety concerns.	<p>This submission relates to the direct impact on an adjoining residential property caused during the time the caravan park was being operated without consent. The Assessing Officer notes that:</p> <ul style="list-style-type: none"> ➤ The proposed park has since scaled down development and no longer involves 68a Palace Street, which created the impact to the residential property in question. ➤ The submitter requested 20ft (6m) high security fencing for the development, which the Assessing Officer finds unreasonable in an area with a standard fence of 1.8m. <p>While the development no longer adjoins this residential property, the Assessing Officer notes that the proposed use has the potential to impact nearby development via noise and other amenity impacts. The Assessing Officer is satisfied that the proposed development has been designed to have:</p> <ul style="list-style-type: none"> ➤ adequate setbacks (10m from the road, 3m from all adjoining properties), and; ➤ adequate screening via landscaping and fences <p>The Assessing Officer has also included a condition to restrict the maximum number of people on the site to 50 people to minimise the noise created by the site at any one time.</p>
2	Noise Impacts	<p>Officers propose a condition requiring a site Management Plan to be prepared outlining the rules for the management of the caravan park. This should address matters such as noise, respectful behaviour, curfews etc.</p>

	Excessive noise from some campers	The Assessing Officer has included a condition of consent requiring a site Management Plan to be prepared outlining the rules for the management of the caravan park. This should address matters such as noise, respectful behaviour, curfews etc.
3	Brightness of proposed LED strip lighting on signage	Council Officers have included a condition requiring that the light level of the proposed LED strip lighting be a dull glow just enough to make the sign visible at night.
4	Negative Impact to Denman economy if development is refused.	While Council Officers support development that can have positive impacts to the economy of Denman, the operation of the caravan part was carried out without consent and found to have a negative impact on the adjoining residential properties due proximity to neighbours.

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:



Tanya Alsleben
Planning Assistant
Date: 5 October 2023

Reviewed by:

Hamish McTaggart
Development Coordinator

APPENDIX A – State Environmental Planning Policy (Industry and Employment) 2021 - Schedule 5 Assessment Criteria

This SEPP states the requirements for Advertising and Signage as well as the criteria for assessment. The development proposal is for an advertising sign and therefore the *State Environmental Planning Policy (Industry and Employment) 2021 (previously SEPP 64)* needs to be considered in the assessment of the application

The provisions of this SEPP are relevant to the assessment of any development application involving the erection of advertisement signage in the Muswellbrook Local Government Area. Council Officers have reviewed the proposed advertisement signage against the SEPP Objectives and the requirements of Schedule 1 of the SEPP. The findings of this review can be summarised as follows:

Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent with the character of the Denman village.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The locality does not have a particular theme for outdoor advertising, however, the proposal seems to be consistent with the overall character of the area.
Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed new signage scheme is not significantly different from the existing signage and colour scheme on the site. The development is not next to any special areas other than residential dwellings located across the road.
Views and vistas	
Does the proposal obscure or compromise important views?	The proposal does not obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage does not involve any new signate that may dominate the skyline.
Does the proposal respect the viewing rights of other advertisers?	Yes
Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposal does not involve any new signage that may dominate the skyline but rather a rebranding of the existing signage on the site. This is of a scale, proportion and form that is appropriate for the streetscape, setting and landscape.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes, Complies
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	No existing signage.
Does the proposal screen unsightliness?	There is no unsightliness to be screened. Complies
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No, the proposal does not involve any new tall signage.
Does the proposal require ongoing vegetation management?	No
Site and building	
Is the proposal compatible with the scale,	Yes

proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	
Does the proposal respect important features of the site or building, or both?	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Standard sign
Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The lighting devices will be concealed and not visible or accessible to the general public. Will be conditioned
Illumination	
Would illumination result in unacceptable glare?	Can be managed by standard condition
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed signage is unlikely to be mistaken for a traffic sign, however, the assessing Officer recommends including a condition to restrict the hours of illumination to minimise the impact of the same.
Would illumination detract from the amenity of any residence or other form of accommodation?	Conditioned to be an adjustable dull glow.
Can the intensity of the illumination be adjusted, if necessary?	Will be conditioned
Is the illumination subject to a curfew?	Will be conditioned
Safety	
Would the proposal reduce the safety for any public road?	The proposed signs are very similar to the existing signs on the site and are unlikely to reduce the safety on Maitland Street.
Would the proposal reduce the safety for pedestrians or bicyclists?	Unlikely to be a hazard for pedestrians or Bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

APPENDIX B – DCP Section 14 – Outdoor Signage

14.2.1 Design, scale, size	
(i) Provide outdoor signage that is visually interesting and integrated with architecture of the building.	Complies
(ii) Use lettering, materials and colours that complement the existing building or place.	Complies
(iii) Avoid signage that dominates the building.	Complies
(iv) Provide an appropriate scale, form and similar proportions to the desired character of the streetscape. (Refer to character statements above and Fig. 16.1)	Complies
(v) Do not locate signage where it will obstruct views, vistas or cause significant overshadowing.	Complies
(vi) Provide outdoor signage which does not dominate the building or protrude above any parapet or eaves.	Complies
(vii) Avoid locating advertisements over a	Complies

<p>window, other openings or which covers significant architectural detail of the building.</p> <p>(viii) The proposed means of fixture to the building or any support structure for freestanding signs must be consistent with the character statement in clause 16.1.</p> <p>(ix) Avoid freestanding signs that dominate the skyline when viewed from the ground within one kilometre.</p>	<p>Complies</p> <p>Complies</p>
14.2.2 Location	
<p>(i) The façade of the host building is subdivided into a series of vertical or horizontal panels on which the signage can be placed (fig. 16.2).</p> <p>(ii) Join together two smaller panels to form a more usable horizontal or vertical panel. (Fig. 16.3)</p> <p>(iii) Project lines from the adjacent buildings across the façade of the building to identify horizontal panels where signs can be located to achieve visual continuity with neighbouring buildings. (Fig. 16.4).</p> <p>(iv) The preferred location for signage is identified in the character statement in clause 16.1.</p>	<p>Complies</p> <p>Complies</p> <p>Complies</p> <p>Complies</p>
14.2.3 Restrictions	
<p>(i) Do not provide any more than one large building and/or business identification sign per building to be allocated to a major tenant of the building.</p> <p>(ii) Under awning signs must be located 2.6m above natural ground level, not exceed 2.5 m in length or 0.5 m in height.</p> <p>(iii) Avoid advertising products that are not sold on the premises.</p> <p>(iv) Only one directory board permitted for multiple occupancy buildings.</p> <p>(v) Provide signs that respect the viewing rights of other advertisers. No advertising structure shall be erected closer than 3 metres in a horizontal plane to any other advertising structure.</p> <p>(vi) Integrate the name or logo (max. - 0.25m²) of the person who owns or leases an advertisement into the signage display area.</p> <p>(vii) Proposed signage greater than 20 square metres and within 250 metres of and visible from a classified road will be referred to the RTA for agreement.</p> <p>(viii) Permanent advertising panels have a maximum surface area of 6m² and are limited to one per property.</p> <p>(ix) Pole or pylon signs shall have a maximum advertising area of 3m² and a maximum height of 7m to the top of the sign, measured from ground level (existing).</p>	<p>Complies</p> <p>N/A</p> <p>Complies</p> <p>Complies</p> <p>Complies</p> <p>None proposed</p> <p>Noted</p> <p>Complies</p> <p>Complies</p>
14.2.4 Inappropriate forms	

<p>(i) Outdoor signage other than exempt development, business or building identification signs are not permitted in the following areas identified under the LEP: -</p> <ul style="list-style-type: none"> • R1 Residential zone • E3 Environmental management zones • Heritage conservation areas • RE1 and RE2 Open space zones <p>(ii) The following forms of signage are generally not considered appropriate in Muswellbrook Shire: -</p> <ul style="list-style-type: none"> • Above awning signs (attached to the top surface of awning) • Horizontal projecting wall signs are not favoured and shall not be permitted except in exceptional circumstances. • Flag pole signs • Inflatable signs • Moving and flashing signs • Video Signs • Roof or sky signs • Large signs (>20m² or higher than 8m) including billboard 	<p>No inappropriate signage proposed.</p> <p>Complies</p>
14.2.5 Content	
<p>(i) Advertising alcohol products is limited to places that sell such products.</p> <p>(ii) Discriminatory advertising messages are considered to be undesirable as specified in the Anti-Discrimination Act 1977.*</p>	<p>Complies</p> <p>Only business Identification signs proposed</p>
<p>(iii) Signage messages should not offend sensitive land uses (churches, schools, day care centres).</p>	<p>Only business Identification signs proposed</p>
<p>(iv) Changes in content or message of any Council approved sign will not require development consent provided the proposal meets the controls of this clause.</p>	<p>Noted</p>
<p>(v) The content of signage must relate to the premises or place at which the sign is displayed.</p>	<p>Complies</p>
14.2.6 Pedestrian and road safety	
<p>(i) Provide signage that avoids confusion with road traffic signs, signals or use the word "stop" or other directions.</p>	<p>Complies</p>
<p>(ii) Do not obscure a road hazard, oncoming vehicles or pedestrians.</p>	<p>Complies</p>
<p>(iii) Avoid signage messages, designs, or bright lighting that may distract motorists.</p>	<p>Complies</p>
<p>(iv) Signs must not be located where drivers require a higher level of concentration for example, major intersections.</p>	<p>Noted</p>
14.2.7 Signs on heritage items and in conservation areas	
	<p>Complies with Council requirements for signage in Heritage conservation areas</p>
14.2.8 Illuminated Sign	
<p>(i) Provide levels of illumination that do not cause light spillage for nearby</p>	<p>Conditioned to comply.</p>

residential properties. (ii) Avoid positioning illuminated signs on properties fronting laneways between residential and commercial areas.	The proposed LED illumination is located perpendicular to the adjoining residential properties.
14.2.9 Roof or sky advertisements	
	None proposed
14.2.10 Wall signs	
(i) Allow only one wall sign per building elevation. (ii) Integrate wall signs into the overall design of the building. (iii) Avoid signs that have an area greater than:- • 10% if the wall elevation is > 200m ² • 20m ² if the elevation is greater than 100 m ² but < 200 m ² • 20% for elevations of <100 m ² (iv) Protrusions from the wall should be no greater than 300 millimetres. (v) Avoid locating a wall sign on a building elevation if there is an existing building or business identification sign.	Complies
14.2.11 Special promotional advertisements	
	None proposed.
14.2.12 Signage to assist disabled access	
(i) Display disabled access signs where they can be easily seen. Hearing loop logos should be provided if required. (ii) Include tactile communication methods in addition to visual methods to assist people with various disabilities. (iii) Provide international symbols with specifications relating to signs, symbols and size of lettering complying with AS 1428.2. (iv) Use letter height that complies with CI 14 AS 1428.1. (v) Provide specification for visual communication systems relating to height of letters, illumination, location and background contrast in accordance with AS 1428.2.	The application does not involve any signage specifically relating to disability access.
14.2.13 New technologies	
(i) Future signage generated by new technologies will be considered on their merits. (ii) Proposals involving animation, video screens and other forms of movement are considered inappropriate. (iii) Advertisements that cover glass facades (for example, coloured film) are generally discouraged unless they are limited in size and period of use.	Noted None proposed None Proposed
14.2.14 A – Frame Signs – None Proposed	

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.

Rev. No.	Plan Title.	Drawn by.	Dated.
9	Cover page	Play Design Studio	27/09/2023
9	Site Analysis Plan	Play Design Studio	27/09/2023
9	Landscape Plan	Play Design Studio	27/09/2023
9	Site Plan	Play Design Studio	27/09/2023
9	Roof Plan	Play Design Studio	27/09/2023
9	Waste Management Plan	Play Design Studio	27/09/2023
9	Camper Trailer turning	Play Design Studio	27/09/2023
9	Lighting Plan	Play Design Studio	27/09/2023
9	Elevations & Section	Play Design Studio	27/09/2023
9	Colours and Materials	Play Design Studio	27/09/2023
9	3DS	Play Design Studio	27/09/2023

Document Title.	Ver. No.	Prepared By.	Dated.
LG Regulation Compliance table	-	Play Design Studio	26/09/2023

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

(2) Scope of development

This approval permits the operation of a camping ground only in accordance with the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

- 11 camp sites have approved.
- No manufactured homes or long-term sites have been approved.
- No off-site parking has been approved.
- Maximum fifty (50) people on site at any time.

No campsites or caravans have been approved on Lot 3 DP 1112813 (68A Palace Street) under this consent.

Reason: Requirement under cl 72 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

(3) Operating Conditions

1. Visitors must not be permitted to stay in a moveable dwelling occupying a short-term site or camp site for more than 150 days in a 12-month period, unless—
 - (i) the moveable dwelling is a holiday van, and
 - (ii) the visitor is the owner of the holiday van,
2. A visitor who is the owner of a holiday van occupying a short-term site or camp site must not be permitted to stay in the holiday van for more than 180 days in a 12-month period,
3. A visitor must not be permitted to stay in a moveable dwelling in a primitive camping ground for more than 50 days in a 12-month period.

Note: In calculating the number of days, a visitor stays in a moveable dwelling, only overnight stays must be counted.

Reason: Requirement under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

(4) Speed limits

Adequate internal signage is to be provided identifying that the speed limits on access roads must not exceed 15 kilometres.

Reason: Requirement under cl 95 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

OPERATIONAL CONDITIONS IMPOSED UNDER THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT AND REGULATIONS AND OTHER RELEVANT LEGISLATION
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(5) Building Code of Australia

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

Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.

(6) Access to premises standard

All amenity buildings shall comply with the requirements of the *Commonwealth Disability (Access to Premise Standard) 2010*.

Reason: To provide safe and equitable access for all.

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

(7) Construction Certificate Requirement

No works shall commence on-site until a Construction Certificate has been issued for either part or all of the works to be undertaken. If a Construction Certificate is issued for part of the approved works, it must relate to all works being undertaken.

Note: a construction certificate issued by an Accredited Certifying Authority must be provided to Council at least 48 hours prior to the commencement of any earthworks, engineering or building work on the site.

Prior to the issue of a CC, the proponent acting on the consent is to provide an updated plan showing that the speed limits within the site is 15 kilometres per hour.

(8) Contributions under Water Management Act 2000

Prior to the issue of a Construction Certificate the following headworks contributions are to be paid in accordance with the requirements of the Water Management Act 2000 and Council's Fees and Charges.

	ET/ camping Site	Total ET	Allocated ET for each Lots	Additional ET to be paid	Headworks Charges/ET	Total ET to be paid
Water	0.26	3.12(=0.26X12)	2	1.12	\$8,839.50	\$9,900.24
Sewer	0.44	5.28(=0.44x12)	2	3.28	\$6,862.80	\$22,509.98

Total Headworks Charges to be paid = \$32,410.22

The contributions payable are subject to annual adjustments in accordance with Council's Fees and Charges and the Consumer Price Index. The contributions paid in relation to this approval shall be the contributions applicable under Council's Fees and Charges at the time of any application for a Compliance Certificate.

(9) Notice of Requirements

A Compliance Certificate under the Water Management Act 2000 must be obtained from Muswellbrook Shire Water & Waste Division on (02) 6549 3840.

A 'Notice of Requirements' under the Water Management Act 2000 must be obtained detailing water and sewer extensions to be built and charges to be paid by the applicant prior to any Construction Certificate application.

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

The final compliance certificate (Notice of Completion) must be submitted to the Principal Certifying Authority prior to release of any linen plan for subdivision or Occupation Certificate.

(10) Stormwater Management Plan

Prior to the issue of any construction certificate for, a detailed stormwater management

plan shall be submitted to Council's Roads and Drainage Team for approval.

Reason: To ensure that stormwater run-off does not impact adjoining properties or infrastructure.

(11) Erosion and Sediment Control Plan

Prior to the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to Council for approval:

- a. Council's relevant development control plan,
- b. The guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).

Erosion and sediment control measures must address and incorporate general site management material handling practices, soil stabilisation, wind erosion, access measures

Reason: To ensure no substance other than rainwater enters the stormwater system and waterways

(12) Parking facilities – Off street parking

A total of 3 visitor car parks, including 1 disability car parking is to be provided for the camping ground. All internal driveways, parking areas, loading bays and vehicular turning areas being constructed with a base course of adequate depth to suit design traffic and sealed with at all weather seal of as otherwise approved by Council in writing.

The design of the vehicular access and off-street parking facilities must comply with the relevant *Australian Standards 2890 Off Street Car Parking Facilities*. Details demonstrating compliance with these Standards are to be included on the plans submitted in association with a Construction Certificate application

Reason: Requirement under subdivision 3 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

(13) Section 68 Local Government Act Approval

Prior to the Issue of the 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.

Reason: Requirement under Section 68 of the Local Government Act 1993.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

(14) Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been

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

(15) Site Sign

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

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

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

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

(16) Sediment and Erosion Control

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

(17) Damage to Public Infrastructure

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

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

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

(18) Construction Hours

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

(19) Waste Management Plan

All waste management must be carried out in accordance with the approved Waste Management Plan.

All garbage receptacles are to be maintained in a clean and sanitary condition at all times.

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

(20) 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.

(21) Boundary Adjustment of lots under DA

The subdivision Certificate for the boundary adjustment approved under DA 2021-156 is to be lodged with NSW Land Registry Services. Documentary evidence of lodgement is to be provided to Council Officers prior to the Issue of the Occupation Certificate.

(22) Shed on 12 Ogilvie Street to be removed.

Prior to the Issue of an Occupation Certificate, the remnants of the existing shed on 12 Ogilvie Street is to be removed in accordance with AS 2601-2001 *“Demolition of Structures”*.

(23) Connection to Sewer

The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Council's approved form is to be submitted to Council within seven (7) days following the final drainage inspection and prior to any Occupation Certificate being issued.

(24) Liquid Trade Waste Approval

Prior to issue of an Occupation Certificate, a Commercial Liquid Trade Waste Application form is required to be completed and signed by the property owner and submitted to Council for approval.

The applicant is to provide a copy of the approved Liquid Trade Waste Approval from Council for the relevant works.

(25) Community Map and Management Plan

The Applicant must prepare a Community Map, accurately showing:

- (a) the road reserves,
- (b) the community amenities,
- (c) the number, size, location and dimensions of camp sites, and

The Applicant must also prepare, to Council's satisfaction, a Management Plan setting out the operation of the site in accordance with Subdivision 7 Management under the *Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021*.

The Management Plan is to be reviewed within three months of any request by Council to do so and, in all events, before submitting any application to 'Operate a Caravan Park or Camping Ground' under s68 of the Local Government Act 1993.

Reason: Requirement under the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

(26) Operation of Caravan Park

The site requires a current Section 68 Approval to Operate the camping ground at all times.

Reason: Requirement under Section 68 of the Local Government Act 1993.

(27) Impact on Amenity of Surrounding Area

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

Reason: To protect the amenity of the neighbourhood.

(28) Drinking Water

The water supply service must comply with—

- (a) *the Plumbing and Drainage Act 2011 and the regulations made under that Act, and*
- (b) *the requirements of a relevant statutory body.*

The water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines 6 published in October 2011 by the National

Health and Medical Research Council.

All water supply fixtures such as standpipes and hose taps to be within the property boundary.

Reason: To ensure that patrons on the site have access to clean drinking water.

(29) Liquid Trade Waste Management

All Trade waste shall be disposed of in accordance with the requirements of a current trade waste approval for the development at all times.

Reason: To ensure that any liquid trade waste is disposed of appropriately in a accordance with the relevant legislation.

(30) Maintenance of wastewater and stormwater treatment device

During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).

Reason: To protect sewerage and stormwater systems

(31) Smoke Free Environment

All public areas are to comply with the Smoke Free Environment Act 2000 and Smoke Free Environment Regulation 2000.

(32) Signage – Illumination Intensity

Any illumination for the approved signage shall cease between the hours of 9pm.

The level of illumination and/or lighting intensity used to illuminate the signage is to be minimised to ensure that excessive light spill or nuisance is not caused to any nearby premises

Reason: To protect the amenity of the neighbourhood.

(33) Light Spill

Any illumination as approved for the access roads and amenities shall be adjustable and dimmed to a dull glow between sunset and sunrise.

Reason: To protect the amenity of the neighbourhood.

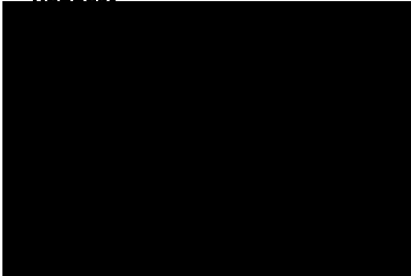


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Request

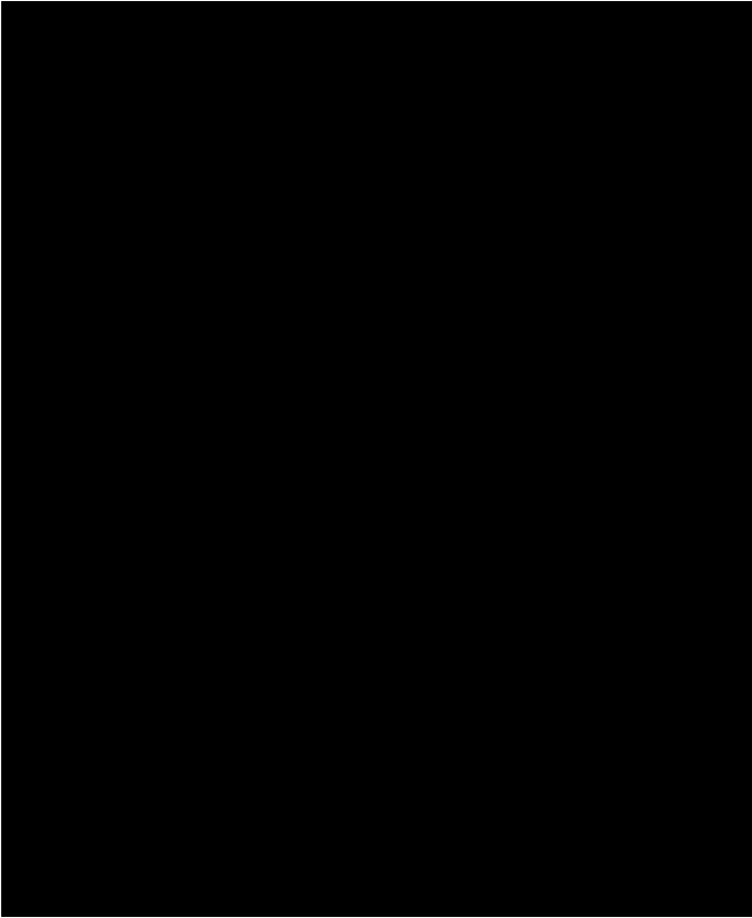


Subject

Royal Hotel Denman

Details

Ridiculous! This is just another nail in the coffin of tourism for Denman. I am aware there is a van park in this town. Myself and many other travellers like to stay in places like this and support small towns. Have a look at what is needed before any decisions are made. Do a survey before you crumble to a few complaints. If you would like to discuss this further please contact me.



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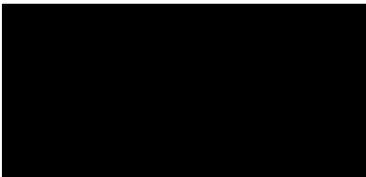
My email is not necessarily an objection, it's more to highlight certain concerns myself and my family have in regards to the new development that is almost directly across the road from our home.

We are currently dealing with excessive noise issues with the ROYAL HOTEL itself and have been since FEBRUARY 2023. Liquor and gaming NSW, MUSWELLBROOK SHIRE COUNCIL and the police are all aware and the issue is still being dealt with.

Our main concern is noise that may arise from campers themselves and the community building that is being developed.

Previously 99% of campers have been extremely respectful of surrounding homes and have made no excessive noise. However, there have been a few occasions where campers have used generators which are extremely noisy and can be heard within our home. Also campers who have had loud music and been loud themselves in general with yelling etc. As the development is within such close proximity to our home, we would like measures put in place to prevent excessive noise. We have small children and my partner is a shift worker. We have already dealt with excessive outdoor music at 1am from the owner in the vicinity of the campground and do not want a repeat of that from campers, especially around the new community building development. We already have to run air conditioning units every night to block out some of the surrounding noise just so our children can try and sleep. When outdoor noise is excessive including live music, music from speakers and noise from people it goes right through our home.


As I stated, we have no objection to the development if measures are put in place to prevent excessive noise. If no measures are put in place for excessive noise then we will strongly object to the development. Also I would like to know how bright the LED Light will be that is being placed on top of the sign, as it appears to face directly at our home.




General Manager

We would like to make a submission in regards to this that 68a Palace be fenced of so no can camp on it as we know applicant will just let people camp on it as it boards my back yard I don't want people looking in my backyard and as a safety matter it should have a high fence and noise and privacy fence you need to keep a close eye on this development as you've let Mark Zizza get away with 2yrs without a D/A for anything I'm not in favour of camping area for privacy and the noise etc hope you are. Very very stricked with this development and that all fencing is done to stop camping on the block that borders us as my mum lives on her own with a special needs person Thanks

Planning and development Mark Zizza has put on Denman community page that he has submitted a new D/A as this property borders my side fence I wish to object to this camping area if you let it go through you must make sure I get a new fence at least 20 ft high for safety and privacy and noise barrier etc Mark Zizza said he's going to mayor to get his way please don't let him until all requirements we want are done


**Country Pub Camping**

Mark Zizza · 5 h · 





ROYAL Hotel Denman


Unfortunately we will be closing our free camping on Monday 10 July.


Due to persistent complaints the council requires us to lodge a development application to use our spare land as a free camp site. The council had indicated they a sympathetic to the situation and that they support our endeavours,we lodged a development application yesterday . Council estimates it will take between 8-12 weeks before we receive approval. I thank all happy campers who have supported our business. I know every business in our Main Street also loves your support. I hope we don't lose to much momentum when we get to re open again. I will attempt to contact the mayor of Muswellbrook council on Monday. With hope he can put a stay on the order to close. If everyone could express their support in the comments, this may help support the argument to stay open while the application is being assessed





Rules


 Write a comment...   


 Home

 Friends

 Watch

 Marketplace

 Notifications

 Menu

Director environment and planning

This is Sunday morning shows how much notice Mark Zizza pays to the council and how much he thinks he can do whatever he wants without getting a D/A for anything he has been doing this sense April last year and I'm sick of it that's why I'm keeping on your back with photos etc as it's not safe and no privacy for my backyard I live here alone now and there has been fights between campers etc so please please do not let mark Zizza get this fast tracked as it's dangerous to my safety without 20ft fence put up before he even considered to have this passed as I really don't want this camping area on my boundary hope you don't let him get the mayor to reopen this sense he never ever put in a D/A inn first as everyone else has to wait there 8-12weeks [REDACTED]
Denman



Director environment and planning

Camping on this block is still happening has there been a change of use that you didn't let us know about and new fence between us hasn't gone up as this is what is required from us 20ft high for safety and privacy before anyone is allowed to camp on this block why hasn't he been stopped using it it should be roped of until new fence done etc [REDACTED]



Planning dep this tent is still there close to my fence 8.5.2023 [REDACTED] I'll keep complaining till fence is made a lot higher and noise barrier is up should not be camping as it's still a residential block etc



Caravan on block Saturday 16 September 2023 Zizza at it again

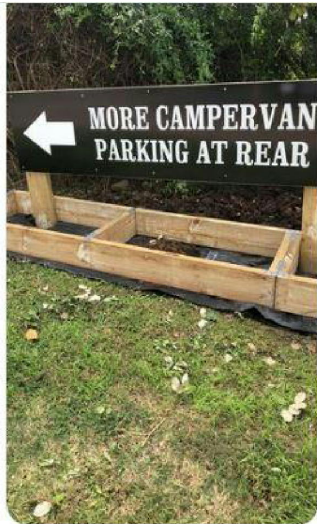


Zizza at it again with caravans on block



Still camping on block signage hasn't been taken down or block roped of





This is the sign I spoke you about this morning on side of 68 palace st about me asking about the block behind which backs on to my backyard [REDACTED] having camper vans on if it had been changed to commercial for this purpose or joined to royal hotel grounds etc for you to investigate but you didn't come even have a look please let manager know I didn't like the why you pass the buck back to me



13:25



They stay overnight

Signage still at enter to this block





**10.1.4. Heritage Strategy 2023-2026 for ADOPTION**

Attachments:	1. Muswellbrook Shire Council Heritage Strategy 2023 2026 [10.1.4.1 - 6 pages]
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Sharon Pope (Director - Planning & Environment), Chloe Wuiske (Business Improvement Officer)
Community Plan Issue:	4 - Cultural Vitality
Community Plan Goal:	A culturally rich and diverse Community with strong identities, history and sense of belonging.
Community Plan Strategy:	4.4.1 - Support the conservation and restoration of the Shire's heritage items. 4.1.1.1 - Make Local Heritage Grants available for owners of heritage listed properties.

PURPOSE

To submit for Council's consideration the attached *Heritage Strategy 2023-2026* for adoption, following 28 days of public exhibition.

OFFICER'S RECOMMENDATION

Council ADOPTS the attached *Heritage Strategy 2023-2026*.

Moved: _____ **Seconded:** _____

BACKGROUND

Council's *Heritage Strategy 2023-2026* has been prepared to set the future direction for heritage initiatives in Muswellbrook Shire. A Strategy is also required to meet the requirements of Heritage NSW in association with the heritage funding agreement for local grants and employment of a Heritage Advisor.

The previous Heritage Strategy was adopted by Council on 11 July 2016.

Council Officers, in conjunction with Council's Heritage Advisor, reviewed and updated Council's *Heritage Strategy*, and the draft was tabled at the 22 August 2023 Ordinary Council Meeting.

CONSULTATION

Manex.

Director Environmental and Planning Services.

Council's Heritage Advisor.

Business Improvement Officer(s).

Audit, Risk & Improvement Committee.

Community via public exhibition on Council's website 24 August 2023 to 21 September 2023.



While there is a Heritage Committee, it has not met, and there are currently no community representatives nominated to join a committee, hold regular meetings, or progress heritage related initiatives.

REPORT

At the 22 August 2023 Ordinary Council Meeting, Council endorsed the *draft Heritage Strategy 2023-2026* to be placed on Public Exhibition via Council's website for a period of 28 days.

The Policy was exhibited on Council's website from 24 August 2023 to 21 September 2023.

No submissions were received by Council during the submission period.

The Policy was also reviewed by Council's Audit, Risk and Improvement Committee, and Council was advised by the committee members that they had no comments to make regarding the strategy.

OPTIONS

Council may:

1. Resolve to adopt the attached *Heritage Strategy 2023-2026*; or
2. Request amendments to the attached *Heritage Strategy 2023-2026* prior to adoption.

CONCLUSION

It is recommended that Council adopts the attached *Heritage Strategy 2023-2026*.

SOCIAL IMPLICATIONS

A well-managed heritage program has positive social implications through the preservation of a sense of place and a link to the past. This helps support local identity and community values.

FINANCIAL IMPLICATIONS

Failure to have a current strategy risks the loss of support funding from Heritage NSW.

POLICY IMPLICATIONS

This Strategy is the primary policy document for Council in managing heritage related matters.

STATUTORY IMPLICATIONS

Nil known.

LEGAL IMPLICATIONS

Nil known.

OPERATIONAL PLAN IMPLICATIONS

4.1.1.1 Make Local Heritage Grants available for owners of heritage listed properties.

The strategy includes actions that should be considered for inclusion as a part of the Operational Plan for 2024-25.

RISK MANAGEMENT IMPLICATIONS

Nil known.



WASTE MANAGEMENT IMPLICATIONS

Nil known.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition of the *draft Heritage Strategy 2023-2026* on Council's website from 24 August 2023 to 21 September 2023 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.



Heritage Strategy 2023 - 2026

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	3 years	Review due date:	
Department:	Environmental and Planning Services		
Document Owner:	Director Environmental and Planning Services		
Community Strategic Plan Goal	4: A culturally rich and diverse Community with strong identities, history and sense of belonging		
Community Strategic Plan Strategy	4.1: Conserve the heritage and history of the Shire		
Delivery Program activity	4.1.1: Support the conservation and restoration of the Shire’s heritage items		

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📬 PO Box 122 Muswellbrook 2333 🌐 muswellbrook.nsw.gov.au 📺 📢 📱 muswellbrook shire council ABN 86 864 180 944

i) Introduction

This document has been prepared to set the future direction for heritage initiatives in Muswellbrook Shire. It is also prepared to meet the requirements of Heritage NSW in association with the funding agreement to support local government heritage management in NSW. As a condition of heritage funding, councils must prepare or update a heritage strategy to guide heritage management in their area.

Muswellbrook Shire comprises the town of Muswellbrook and villages of Denman and Sandy Hollow, as well as other rural areas, including many properties associated with the early European settlement of the Hunter Valley. The Shire is being increasingly developed, particularly with open cut mines and renewable energy projects, and this has exposed the need to protect items of heritage significance and heritage conservation areas.

The purpose of this document is to provide a summary of the activities that Muswellbrook Shire Council (MSC) will undertake in relation to heritage management for the financial years 2023-2024, 2024-2025, and 2025-2026.

The implementation of this Strategy will be the responsibility of MSC and Council's Heritage Advisor.

The Strategy is based on the nine (9) recommendations in the the NSW Office of Environment and Heritage publication titled, '*Recommendations for Local Council Heritage Management.*'

1.0 Establish a Heritage Committee to deal with heritage matters in your local area

Aims

Increased community participation, awareness, and appreciation of heritage in the local area.

Actions

- Review and update Muswellbrook LEP 2009 and Muswellbrook DCP 2009.
- Promote good heritage practice among community groups and managers of heritage items.
- Assist community groups to properly manage heritage places under their control by providing timely advice and assistance with management planning.

2.0 Identify the Heritage Items in the Muswellbrook Shire and list them in the Muswellbrook Local Environmental Plan 2009.

Aims:

Increased knowledge and proactive management of heritage in the Muswellbrook area.

Actions:

- Council and/or consultants to begin a period of negotiation with the Aboriginal stakeholders in the LGA with the aim of applying for funding in the future for an LGA wide Aboriginal Study.
- Update the European Heritage Study for use on the internet (currently a hard copy scanned document).
- With guidance from Council's Heritage Advisor, continue to assess potential items of environmental heritage within the Shire for inclusion in Schedule 5 of the *Muswellbrook Local Environmental Plan 2009* (MLEP 2009) and State Heritage Register.

- With guidance from Council's Heritage Advisor, review the Shire's heritage conservation areas to ensure they provide a true reflection of significant areas of environmental heritage.

3.0 Manage a heritage advisor service to assist the council, the community and owners of listed heritage items.

Aims:

Increased community participation and proactive heritage and urban design management in the Muswellbrook area.

Actions:

- Encourage active involvement with community heritage groups and heritage events through the Heritage Committee.
- Encourage and advertise the advantages of seeking advice at the early stages of a design and the opportunity for the Heritage Advisor to visit sites and speak to owners directly.
- The Heritage Adviser to continue to provide advice and support to Council in planning and development issues as necessary through staff referrals. This involves formal advice on development applications or other works likely to impact on heritage items or places of significance.
- Provide assistance with the preparation of related planning and development documents to assist Council staff in the preparation of heritage related documentation.
- Attend a bi-monthly Heritage Committee meeting with Council's Development Officers to discuss heritage issues and attend site inspections.
- Continue to assist Council in other planning issues as recommended by Heritage NSW such as urban design and streetscape issues.

4.0 Manage Local Heritage in a Positive Manner

Aims:

Proactive heritage and urban design management in your local area

Actions:

- Apply for funding, and assist in a review of the DCP and heritage guidelines that apply to each conservation area and significant heritage precincts.

5.0 Manage a local heritage incentives fund to provide small grants to encourage local heritage projects

Aims:

Increased community participation and proactive conservation and management of heritage in the Muswellbrook area.

Actions:

- Advertise and encourage through the community and the Heritage Committee the opportunity for all owners of all heritage properties to apply for funding.

6.0 Manage the heritage main street program

Aims:

Council, property owners, and the community actively participate in the attractive and well managed heritage main streets.

Actions:

- Review the Denman Main Street Study and revitalise the interest in this street.
- Encourage and support owners of significant buildings within the CBD area by assisting them in making applications under the Local Heritage Fund and State grant applications for positive repair or restoration work.
- Update DCP provisions for heritage main streets and to incorporate masterplans for Denman and Muswellbrook town centres.

7.0 Present Educational and Promotional Programs

Aims:

Increased awareness and appreciation of heritage by the council, property owners, and the community in the Muswellbrook area.

Actions:

- Undertake workshops in council and the local area to explain the heritage clauses of the Muswellbrook Local Environmental Plan and the listing and the constraints and opportunities of heritage listing.
- Continue to promote the heritage attractions in the Muswellbrook area to residents and visitors to the region. Work with the Muswellbrook Visitor Information Centre to make the most of opportunities to link these and other heritage sites. Confer with Council's Economic Development team to assist in developing a cultural heritage tourism industry.
- Develop Council's existing internet web pages to include relevant heritage information and material to assist in a greater appreciation of local history.

8.0 Set a good example to the community by properly managing places owned or operated by the Council

Aims:

Council proactively conserves and manages its heritage assets.

Actions:

- Prepare Conservation Management Plans for significant Council owned or managed heritage buildings. This could include working with and encouraging other State Government agencies also directly involved, such as the State Rail Authority or Department of Lands etc.
- Prepare a simple plan of management for the historic cemeteries, covering broad aspects of care and conservation.

9.0 Promote sustainable development as a tool for heritage conservation

Aims:

Proactive heritage and sustainable development in your local area.

Actions:

- Promote heritage and sustainable development in the Shire by providing heritage advice service to members of the public and to council staff.
- Council to promote and encourage the adaptive re-use, or infill, or sympathetic additions to historic buildings. Consider extending the waiving or reduction in DA charges and fees for positive projects that support those principles in the Muswellbrook area.
- Encourage sustainable heritage tourism commercial ventures or state projects associated with the adjacent National Parks.

Actions Table

Action	Responsibility	Completion Date	Commenced
Identify heritage items for addition to or removal of items from the State Heritage Inventory Database and Local Environmental Plan.	Planner Heritage Advisor Heritage Committee	Ongoing	Yes
Review the Shire's heritage conservation areas to ensure they provide a true reflection of significant areas of environmental heritage	Heritage Advisor Heritage Committee	2028	No
Appoint a Heritage Advisor to assist Council, the community, and owners of listed heritage items.	Planner Heritage Committee	Ongoing	Yes
Provide owners of heritage listed properties with appropriate heritage conservation advice.	Heritage Advisor	Ongoing	Yes
Maintain a local heritage assistance fund, based on Council's budget, to provide small grants to encourage local heritage projects. Setup policy/ procedure for the fund.	Heritage Advisor Heritage Committee	Ongoing – with budget limitations	Yes
Broaden the criteria for local fund projects, in accordance with the Eligibility for Funding, as defined in the Heritage Office publication 'How to Establish a Local Heritage Fund', to meet the needs of the types of restoration projects within the community.	Heritage Advisor	As above	No
Update DCP provisions for heritage main streets and to incorporate masterplans for Denman and Muswellbrook town centres.	Heritage Advisor	TBA	No
Develop a range of educational brochures for the area in respect to heritage tourism, trails, and events. Extend the range of brochures for legislative issues: heritage conservation and management. Provide information on the most commonly asked heritage questions and matters. Provide these brochures to the Tourist Information Centres, Heritage Groups, and on Council's website and display areas.	Tourism/ Heritage Committee/ Heritage Advisor	TBA	No

Action	Responsibility	Completion Date	Commenced
Provide support to community and tourism groups in the development of cultural heritage tourism projects and programs.	Heritage Committee/ Heritage Advisor	TBA	No
Ensure that asset management plans and maintenance budgets are in place for all Council owned heritage listed properties and that consultation with Council's Heritage Advisor occurs.	Asset Engineer/ Technician, Parks & Facilities	Commenced	Yes
Encourage appropriate change of use for heritage buildings to ensure the ongoing use and maintenance of those buildings by providing available Council resources and identifying and incorporating opportunities.	Planner Heritage Advisor	TBA	TBA
Prepare a simple plan of management for the historic cemeteries covering broad aspects of care and conservation.	Heritage Advisor	TBA	TBA
Update DCP provisions for alterations and additions to buildings within heritage conservation areas or heritage items, and for new buildings near heritage items.	Heritage Advisor	Underway & ongoing	Yes

Version History

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1			Heritage Strategy 2014-2017
2	11.07.2016	Director - Planning, Community and Corporate Services	Adopted by Council 11 July 2016, Minute No. 8
3	08.08.2023	Director Environmental and Planning Services	Revised draft version. Public exhibition of draft strategy 24/08/23-21/09/23.



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

Attachments:	Nil
Responsible Officer:	Sharon Pope - Director - Planning & Environment
Author:	Michael Brady (Sustainability Officer - Waste), Kelly Lynch (Administration Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	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 (1/9/2023 to 10/10/2023)

DA No.	DESCRIPTION	PROPERTY	VALUE
2023.004.002	S4.55(1A) -Modification Alterations & additions to Veterinary Hospital	14 Aberdeen Street Muswellbrook	-
2023. 075.002	S4.55 (1) Modification - Dual Occupancy - Detached duplexes	50 Forbes Street Muswellbrook	-
2022.130.003	S4.55 (1A) Modification - Construction of a Secondary Dwelling	13 Merton Street Denman	\$208,370
2023.085.001	Shed	26 Pendula Way Denman	\$13,399
2023.076.001	Subdivision of One (1) Lot into Two (2) Lots	280 Scrumlo Road Hebden	\$28,600
2023.077.001	Subdivision (Boundary Adjustment)	13 Brentwood Street Muswellbrook	\$25,000



DA No.	DESCRIPTION	PROPERTY	VALUE
2023.067.001	Demolition of Existing Shed and Construction of Shed	56 Sowerby Street Muswellbrook	\$50,355
2023.064.001	Shed	6 Babbington Street Denman	\$45,000
2023.058.001	Shed	107 Queen Street Muswellbrook	\$39,956
2022.030.001	Steel Framed Deck 7 Internal Fit Out	93a Hill Street Muswellbrook	\$30,000

TOTAL = 10

***Schedule 2: Development Applications Currently Being Assessed
As at 10/10/2023***

DA No.	DESCRIPTION	PROPERTY	VALUE
2023.105.001	Removal and Replacement of existing sign	102-106 Sydney Street Muswellbrook	\$40,000
2013.232.003	S4.55(1A) Modification Insert condition allowing works be carried in next stage	212-216 Queen Street Muswellbrook	-
2011.010.002	S4.55(2) Modification - Change to number of storage unit blocks	49 Enterprise Crescent Muswellbrook	\$80,000
2023.108.001	Carport	10 Ted Clay Street Muswellbrook	\$13,952
2023.107.001	Shed	5 Stockyard Parade Muswellbrook	\$62,994
2023.106.001	Shed	71 Babbler Crescent Muscle Creek	\$54,928
2023.104.001	Dwelling with attached garage	51 Babbler Crescent Muscle Creek	\$554,968
2023.084.001	Shed	1554 Golden Hwy Sandy Hollow	\$50,000
2023.042.002	S4.55 (2) Modification - Ancillary Development - Shed	56 Stockyard Parade Muswellbrook	-
2023.101.001	Dwelling extension, carport and shed	46 Sowerby Street Muswellbrook	\$111,098
2023.102.001	Detached Shed with awning	10 Jackaroo Close Muswellbrook	\$49,485
2023.097.001	Carport	91 Shiraz Street Muswellbrook	\$17,815
2022.026.003	S4.55 (1) Modification - Covered Walkway access from Carpark/Bus Stop	109-111 Hill Street Muswellbrook	-



DA No.	DESCRIPTION	PROPERTY	VALUE
2023.099.001	Shed	42 Shiraz Street Muswellbrook	\$30,000
2023.100.001	Demolition of Existing Structures; construction of 2 retail premises, 2 shop top houses, 7-unit motel and Strata Title Subdivision (11 lots)	37 Ogilvie Street Denman	\$1,441,202
2023.054.002	S4.55(1A) Modification - Commercial Storage Building	39-41 Ogilvie Street Denman	-
2023.052.002	S4.55(1A) Modification - Shed and inground swimming pool	242-244 Queen Street Muswellbrook	-
2021.029.002	S4.55(1A) Modification - Relocation of Existing Dwelling & Construct New dwelling	49 Carl Street Muswellbrook	-
2023.034.002	S4.55(1) Modification - Ancillary Development Shed	12 Lou Fisher Place Muswellbrook	-
2023.094.001	Shed and Slab	234-236 Queen Street Muswellbrook	\$50,193
2019.025.002	S4.55 (1A) Modification-Dwelling Alterations and Additions (Living Veranda, Deck and Shed)	58 Palace Street Denman	-
2023.078.001	Geotechnical Drilling & minor vegetation clearing	Dolahentys Road McCullys Gap	\$1,888,600
2023.096.001	Shed	31 Babbler Crescent Muscle Creek	\$74,000
2023.095.001	Inground Swimming Pool and Associated Safety Barriers	6 Lonhro Place Muswellbrook	\$46,795
2023.093.001	Shed with Awning	130 Hill Street Muswellbrook	\$36,650
2023.082.001	Temporary use of land for lawn mower racing events	659 Peberdys Road Sandy Hollow	\$5,000
2023.087.001	Carport	93 Shiraz Street Muswellbrook	\$15,579
2023.088.001	Carport	22 Ironbark Road Muswellbrook	\$6,870
2023.090.001	Shed with attached awning	106 Ironbark Road Muswellbrook	\$74,372
2023.080.001	Replacement of glazing & use of part of the shop as a kiosk	31 Bridge Street Muswellbrook	\$14,900
2014.139.002	S4.55(1) Modification - Shed	6 Billabong Close Muswellbrook	-
2023.089.001	Shed	33 Weemala Place Muswellbrook	\$32,859
2023.070.001	Storage shed	36 Stockyard Parade Muswellbrook	19483
2023.086.001	Construction of a 90 Place Child Care Centre	84 Brook Street Muswellbrook	1975000



DA No.	DESCRIPTION	PROPERTY	VALUE
2023.071.001	Shed	11 Stockyard Parade Muswellbrook	\$50,000
2023.074.001	Shed	1 Stable Close Muswellbrook	\$45,630
2023.081.001	Single Storey Dwelling & attached Garage	1 Stable Close Muswellbrook	\$458,459
2023.079.001	Camping ground, community building, amenities	66 Palace Street Denman	\$250,000
2023.068.001	Shed and Retaining Wall	11 Bloodwood Road Muswellbrook	\$25,000
2023.073.001	Single Storey Dwelling with Detached Secondary Dwelling	16a Martindale Street Denman	\$727,670
2023.072.001	Demolition of Existing Structures & Construction of Childcare Centre	200 Bridge Street Muswellbrook	\$2,960,280
2023.059.001	Inground Swimming Pool	12 Octagonal Way Muswellbrook	\$50,750
2023.066.001	Battery Energy Storage System and Associated Shed Structures	105 Merriwa Road Denman	\$16,900,000
2023.057.001	Battery Energy Storage System & Shed Structures	981 New England Highway Aberdeen	\$16,900,000
2023.069.001	Shed	7 Peberdys Road Sandy Hollow	\$36,800
2023.065.001	2 Relocatable Modular Units/Deck/Roof Workers Accommodation	10 Ogilvie Street Denman	\$42,900
2023.061.001	Three (3) Lot Subdivision	Golden Hwy Giants Creek	\$20,031
2023.038.001	Construction of thirty (30) multi- dwelling housing (inc.4 adaptable) with associated car parking and landscaping	59 Tindale Street Muswellbrook	\$4,462,000
2023.056.001	Geotechnical investigations & Clearing of .908 ha of native vegetation	Limestone Road Muswellbrook	\$993,939
2023.048.001	Granny flat, double garage & driveway	11 Ogilvie Street Denman	\$150,000
2023.041.001	Steel Frame Industrial structure	12 Wallarah Road Muswellbrook	\$100,000
2023.040.001	Steel frame Industrial Structure	4 Wallarah Road Muswellbrook	\$100,000
2023.026.001	Refurbishment and additions to the Campbell's Corner building	60-82 Bridge Street Muswellbrook	\$1,261,252
2023.014.001	Storage Complex - 103 self storage units and 12 open storage bays	Turner Street Denman	\$3,555,527
2022.147.001	Change of Use - Tyre Recycling Facility	12 Carramere Road Muswellbrook	\$2,200,000



DA No.	DESCRIPTION	PROPERTY	VALUE
2022.132.001	Sixty Eight (68) Lot Subdivision and Child Care Centre	9036 New England Highway Muswellbrook	\$6,705,835
2022.124.001	Shed for Community Facility	17-19 Maitland Street Muswellbrook	\$182,720
2022.095.001	Staged Demolition of Existing Buildings and Construction of New Grandstand and Amenities.	3 Wilkinson Avenue Muswellbrook	\$9,455,600
2022.092.001	Subdivision of One (1) Lot into One Hundred & Ninety Four (194) Residential Lots	Almond Street Denman	\$18,284,734
2022.080.001	Remediation and Earthworks	Coal Road Muswellbrook	\$2,516,829
2002.205.009	S4.55 (1A) Modification - Changes in Rehabilitation Framework	Muscle Creek Road Muscle Creek	-
2021.137.001	Change Of Use to Educational Facility	820 Rosemount Road Denman	-
2021.073.001	Temporary use of the land for receipt and dismantling of rail wagons with off-site disposal	18 Strathmore Road Muswellbrook	\$50,000
2020.083.001	Subdivision of one lot (1) into three (3)	60-62 Palace Street Denman	\$10,000
2020.007.001	Additions and Alterations to existing Hotel	184 Bridge Street Muswellbrook	\$110,000
2019.053.001	Subdivision of Two (2) Lots into Seventy Five (75) Lots	9027 New England Highway Muswellbrook	\$4,875,600
2023.110.001	Detached Shed	190 Woodland Ridge Road Muscle Creek	\$38,711
2023.109.001	Inground Fibreglass Swimming Pool, and Associated Safety Barriers	23 Stockyard Parade Muswellbrook	\$44,990
2023.103.001	Installation of a Verandah at the front of the residence	Ellis Parish County Brisbane	\$15,000
2023.098.001	Proposed Dwelling	2237 Martindale Road Martindale	\$500,000
2023.092.001	Alteration and additions to an existing multi-unit housing complex to introduce 2 additional dwellings	16 Brook Street Muswellbrook	\$185,000
2023.083.001	Three (3) Lot Subdivision	Golden Hwy Giants Creek	\$20,031
2023.076.002	Two Lot Subdivision	280 Scumlo Road Hebden	\$28,600
2023.060.001	Covered deck. Construction of awning over BBQ area, WC & Pool pump	22 Lorne Street Muswellbrook	35000
2023.047.002	Industrial sheds and lunchroom	26 Glen Munro Road Muswellbrook	\$117,381
2023.019.001	Change of Use - Home Occupation	16 Burgundy Street Muswellbrook	\$10,000



DA No.	DESCRIPTION	PROPERTY	VALUE
2018.099.002	Construction of a new daycare building, fences and landscaping and demolition of an existing shed	Turner Street Denman	\$1,500,000
2017.008.002	Subdivision approval for 1 lot into 129 lots	Almond Street Denman	\$4,000,000

Total = 78

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 (2022/2023)

	Sep 22	Oct 22	Nov 22	Dec 22	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23
Applications Received (new installation)	2	0	2	0	0	0	2	0	2		0	1	1
Applications Approved (new installation)	0	0	0	1	0	0	0	0	0		1	2	2
Inspections (new system)	0	0	2	1	0	0	7	0	0		0	3	1
Inspections (existing system)	0	0	1	1	0	2	0	0	0		1	1	0

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

	Sep	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23
Applications Received (new businesses)	7	1	1	3	3	13	10	1	13		11	1	4
Inspections (new businesses)	8	1	3	1	1	2	2	0	0		1	0	1
Inspections (existing businesses)	0	0	5	0	15	3	4	13	16		1	0	0
Reinspections	0	0	0	0	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 (2022/2023)

	Sep	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23
Total Sites Inspected	0	23	19	17	17	15	12	11	9	7	20	16	10
Total non-compliant and educated	0	0	0	0	0	0	0	0		0	0	0	1
Total compliance after education	0	23	19	0	0	15	12	0		0	0	0	9
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

Illegal Dumping Statistics – 13 Month Analysis (2021/2022)

	Sep	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	July 23	Aug 23	Sept 23
Total Investigations	1	0	1			4	7	4	4	3	4	1	1
Total Clean up by Council - insufficient evidence	1	0	1			0	0			0	3	0	1
Total Clean Up by individual	0	0	0			1	6			0	1	0	0
Total Penalty Notices Issued	0	0	0			0	0			0	0	0	0
Court Attendance Notice Issued	0	0	0			0	0			0	0	0	0
Still under investigation	0	0	0			3	1			0	0	0	0



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

Swimming Pool Compliance Statistics – 13 Month Analysis (2021/2022)

	Sep	Oct	Nov	Dec	Jan 23	Feb 23	Mar 23	Apr 23	May 23	Jun 23	Jul 23	Aug 23	Sep 23	Total
Applications for Compliance Certs.	3	3	5	3	1	2	3	0	0	0	1	1	2	24
Total compliance inspections (not inc. finals for OCs)	17	9	4	10	5	11	8	7	4	8	8	9	10	110
Initial Inspections	8	8	1	7	1	3	5	2	1	2	3	3	7	51
Re-inspections	9	1	3	3	4	8	3	5	3	5	5	7	3	60
Compliance Certs / Occ. Certs issued	7	2	3	1	1	1	7	3	6	5	6	7	7	56
Fees invoiced	\$3863	\$477	\$1050	\$1263	\$363	\$700	\$863	\$740	\$786	\$350	\$800	\$700	\$700	\$11,857

Total Pools in Council's SPR = 978

(Note: 1116 records in SPR but 135 have been notified as demolished, 2 are Council's Public Pools and 1 is on Crown Land)

Current Compliance = 28.8%

SUSTAINABILITY

1 to 30 August 2023

OPENAIR Project

The Clarity sensors placed out in the community continue to collect air quality data. This data will be used to identify air quality trends in Muswellbrook. Sustainability and planning staff met with a University of Newcastle PHD student to plan further stages of the project using LiDAR to ascertain direction of dust following blasts.

Hunter Net Zero Project

Sustainability staff attended a Hunter Net Zero Network meeting with other Hunter councils. The Network meets every two months. It also provides an opportunity for consultation and advice on the net zero work Hunter JO is doing.

**Bust the Dust**

Sustainability and Planning staff met with EPA (Environment Protection Authority) staff to discuss the upcoming 'Bust the Dust' campaign. This involves the EPA sending a drone up to Muswellbrook on random days to monitor air quality.

Electricity Contracts, Lighting and Solar Projects for sporting fields.

Staff provided information and advice to internal stakeholders and participated in Tender Evaluations.

Muswellbrook Connect

A Muswellbrook Connect meeting was held with Warrior Disability Services hosting. 15 members of various community groups attended. Topics discussed included promoting group's services and needs, setting up a TV display at the Marketplace, updating Upper Hunter Community Services community directory and a Calendar of events.

Sustainable Schools Support Program

A Sustainable Schools Support Program 1st meeting was held. This program will form a network of schools/preschools to assist each other in their sustainable education activities.

Bird Watching

Another great morning was spent watching and recording birds at the wetland in Hyde Park Denman. 5 people attended and recorded 16 species.

Home School Visit Waste Facility

Homeschool students and family members went on a tour of the Muswellbrook Waste & Recycling Facility. Everyone enjoyed the trip with some great questions asked.

The focus of discussion was how do future generations help move from a linear economy where items are manufactured, purchased, used and thrown away to a circular economy where all items are manufactured/remanufactured, used, repaired, reused, recycled, remanufactured then used again.

**Muscle Creek Landcare**

12 people volunteered for Muscle Creek Landcare. The 2022 National Tree site on the golf course was maintained. It was great to see about 60% seedling survival. Most of the



seedlings that have been lost was due to the flooding that occurred just after planting (amazingly that this time last year we were dealing with flooding) and the rabbits don't help either.



High School Visit Muscle Creek

100 High School students visited Muscle Creek to learn about habitat, water quality and Council management strategies.

New Wilbur the Water Warrior Activity Book

A new activity and colouring in book was written and illustrated by Warrior Disability Services. This book will be given away as prizes at community events.



Sustainable Education Grants

Sustainable Education grants were developed, promoted and assessed. 6 enquires and 4 applications were received. These were reported to Council at the September meeting.



Landcare Grants

Landcare grants were developed, promoted and assessed. 3 enquires and 1 application were received. These were reported to Council at the September meeting.

Sustainable Procurement

A meeting was held to discuss how to make Council construction projects more sustainable. This will require some leadership from Council to enforce management decisions.

FOGO Engagement and Education

Work continues on delivering the Community Engagement and Education Plan (CEEP). The successful delivery of this plan will help ensure a smooth transition to FOGO.

Work Experience

Two University of Newcastle students have been working with the Sustainability Unit once a week. This has been very helpful and a worthwhile experience.

Vandalism of National Tree Day Plantings

Recently about 160 native seedlings have been removed from the National Tree Day plantings downstream from Bell Street. Council staff have replanted and watered them.

Sustainable Futures – Muswellbrook Facebook

The popularity of the Sustainable Futures – Muswellbrook Facebook page continues to grow. It has now received 1,705 page likes and 1,886 page followers. This page continues to be a great way for Council to engage with the community around a range of sustainability topics. This includes promoting the Community Recycling Centres, correct waste management practices, sewerage management, the Reuse Shop, soft plastic recycling, Sustainability Hub activities, reducing food waste, plastic free July, worm farms, composting, grant projects and more.



10.2. Community Infrastructure

10.2.1. FOGO Education & Communication status report

Attachments: Nil

Responsible Officer: Derek Finnigan - General Manager

Author: Joann Polsen (Senior Coordinator Waste Operations), Courtney Chetty (Technical Officer - Waste Operations), Christine Middleton (Communications & Media Co-Ordinator), Jo Ayres (Digital Media Officer), Michael Brady (Sustainability Officer - Waste)

Community Plan Issue: 3 - Environmental Sustainability

Community Plan Goal: An environmentally sensitive and sustainable community

Community Plan Strategy: 3.4.3 - Advocate and support Circular Economy principles and Waste Management Initiatives.
3.4.3.2 - Council formalises the processes for the Food Organics and Garden Organics (FOGO) Tender and Request For Quote (RFQ).

PURPOSE

To provide Council with information regarding Food Organics Garden Organics (FOGO) Education & Communication activities.

OFFICER'S RECOMMENDATION

Council NOTES the progress of Food Organics Garden Organics (FOGO) Communications and Education activities.

Moved: _____ **Seconded:** _____

BACKGROUND

This report provides a monthly update to Council regarding the progress and implementation of Council's FOGO Communications and Education Plan.

The Plan themes and timing of phases are detailed in the table below:

Community Education and Engagement Plan (CEEP).

Phases	Theming	Timing
Phase 1- Situational analysis and awareness raising:	<p><i>"Have you heard?"</i></p> <p>In developing the actions in this phase, the following questions or concerns are posed:</p> <p>What is FOGO?</p> <p>I already have an existing green waste bin. What is changing for me?</p>	15 – 9 months before collections start



Phases	Theming	Timing
	<p>Why is Council doing this?</p> <p>What will it cost?</p> <p>What happens to the materials once they are collected?</p>	
Phase 2 Pre-rollout preparation, awareness building and preparation:	<p><i>“Are you ready?”</i></p> <p>In developing the actions in this phase, the following questions or concerns are addressed:</p> <p>What is acceptable and not acceptable in my FOGO bin and why?</p> <p>If my green waste bin is full of garden waste, what do I do?</p> <p>I don't need FOGO. I compost/have a worm farm/have backyard pets...</p> <p>I am worried my bin will smell...</p> <p>How do I use FOGO?</p> <p>How do I get my kitchen scraps from the kitchen to the FOGO bin?</p> <p>How do I sign up?</p> <p>Why is Council doing this?</p>	8 – 1 month before collections start
Phase 3 Service commencement:	<p><i>“FOGO is here!”</i></p> <p>This is the “go live” period; actions in this short phase will focus on reinforcing messaging and monitoring community feedback</p>	June - July 2024
Phase 4 Post rollout review, monitoring, and improvement:	<p><i>“How's it going?”</i></p> <p>In developing the actions in this phase, the following questions or concerns are addressed:</p> <p>What material is accepted and not accepted in my FOGO bin and why?</p> <p>Why should I compost/have a worm farm and a FOGO bin?</p> <p>How do I manage odour?</p> <p>I don't have room for food scraps and garden materials in my FOGO bin – what do I do?</p> <p>Why was my FOGO bin not emptied?</p> <p>Can I get a FOGO bin if I didn't have a GO bin?</p> <p>What happens to the materials once they are collected?</p> <p>What difference are we making?</p>	1 – 6 months following start of collections



CONSULTATION

Communications and Media Coordinator

Digital Media Officer

Sustainability Officer

Manager Waste Operations

Technical Officer Waste Operations

Grants & Community Engagement Officer

REPORT

Staff FOGO Working Group progressed the following actions through September/October:

- Published "Your Greener Green Bin" advertisement, and Mayor's Message including FOGO announcement in the Hunter River Times.
- Updated "Frequently Asked Questions" document with detail of replacement caddy liners. Council's contractor advises they can issue a new roll of liners to a property upon request, and supply Council with stock to distribute over the counter if a resident attends in person.
- Launched FOGO announcement page and FOGO landing page. Updated information to highlight Kitchen Caddies based on Councillor feedback.
- Drafted letter for distribution with Rates introducing the FOGO concept and providing details of start date and eligibility.
- Met with Water & Wastewater staff to consult and inform the FAQs.
- Draft designs for hot stamping 240L FOGO bin lids, kitchen caddy lids and liner printing sent to supplier for mock up. The mock ups will go to EPA for review prior to production as this is a requirement of the Go FOGO grant.
- Met with NSW EPA staff to consult on collateral being developed in the "Starting Scraps" campaign. Staff have reviewed and provided feedback on the video suite and early designs for stickers.
- Received Starting Scraps media items for Phase 1 use, including web banner and social media tiles.
- Programmed fortnightly social media posts to highlight FOGO information, aligned with the CEEP.

Please see below the detailed planned activities in **Phase 1 Communications FOGO Action Plan**:



FOGO - Action Plan Phase 1

FOGO service awareness raising

Date	Action	Responsibility	Comment
May 2022	Residential Bin Audit	Contracted	Completed
June 2022	Community Survey	Contracted	Completed
By August 31, 2023,	Finalise FAQs	Joann P Mick B Chris M	Version 4 completed
Early September 2023	Inform and advise Council staff: <ul style="list-style-type: none"> Consult FAQs with Customer Service & Rates Meet with other functional areas to inform and cultivate understanding of the new service 	Joann P	CS&A and Rates completed. Meetings to be scheduled with other functional areas.
Launch Phase 1 – late September / early October 2023 12 Week Awareness Campaign	Key messages: FOGO is coming. What is FOGO? Why implement FOGO? What will go in each bin? Where will it go?	Chris M Jo A	Dedicated FOGO Web Page including FAQs. Fortnightly social media posts incorporating existing imagery. E-News Mayor & Councilor Champions Local Media
Preparations for Phase 2 – Pre-Rollout January 2024	Compile related collateral, including multi-lingual options - posters, factsheets, brochure to be delivered to residents along with caddy.	Discussion - All Engage graphic designer and printer – Chris M.	Designed and printed prior to Phase 2 Pre-Rollout in January.

Starting Scraps – NSW EPA materials to assist Council's rollout of FOGO

Council's timing for the FOGO rollout fits neatly with the NSW EPA's progress in developing their "Starting Scraps" pre-FOGO service promotional and educational material. Filming was wrapped up a few weeks ago, and Council is being provided access to this collateral and minor customisation as required through the phases of the CEEP. This is a great opportunity, as Council will now not have to develop its own creative suite with a graphic



designer. This pilot program represents a significant cost-saving to Council. The collateral will be used in Phases 1, 2 and 3.

Scrap Together

Once the FOGO collections begin, Phase 4 of the CEEP will commence and will transition to use the “Scrap Together” collateral. Scrap Together is also developed by the NSW EPA, however is produced specifically to support Council’s post-FOGO rollout, to embed good FOGO practices in the community, and to educate and inform about the positive environmental benefits obtained by the FOGO process. Using both platforms for Council’s FOGO messaging will ensure Council’s output is consistent with a similar look and feel, which will enhance Council’s brand.

OPTIONS

The report is provided for information purposes.

CONCLUSION

Staff will continue to work on actions within the CEEP, including internal staff consultation to get everyone on board and informed, should they receive enquiries from the community. Feedback is welcomed throughout all phases of the process.

SOCIAL IMPLICATIONS

Through implementing the CEEP in a collaborative manner, Council staff will ensure best efforts are made to reach all members of the community, including vulnerable people.

FINANCIAL IMPLICATIONS

With the Starting Scraps pilot program partnership with the NSW EPA, it is estimated that several thousands of dollars of graphic design, filming, and associated promotional material development will be available to Council at no charge.

Ongoing Operational and Maintenance Costs Implications Associated with Capital Project

1. *Financial Implications – Capital*

Nil capital expenditure for the educational activities.

2. *Financial Implications – Operational*

Operational expenditure will be kept to a minimum by utilising the Starting Scraps collateral. Some one off costs will be incurred for graphic design for bin lids, and these will be funded by the existing Domestic Waste budget for Education.

POLICY IMPLICATIONS

Net Zero Policy.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.



OPERATIONAL PLAN IMPLICATIONS

State: The *NSW Waste and Sustainable Materials Strategy 2041* mandates the separate collection of food and garden organics from all NSW households by 2030, to help achieve the State targets of halving food waste to landfill and achieving net zero emissions from organics in landfill by 2030.

Local: The *Muswellbrook Shire Council Operational Plan, 2021/22* includes the following Key Delivery: “Commence a communication program for the Food Organics Garden Organics waste service”.

RISK MANAGEMENT IMPLICATIONS

The change in service creates two potential risks:

Reputational risk – if the Communications and Education Plan is not rolled out, or rolled out incorrectly, the community may not be prepared for the change.

Increase in Domestic Waste Management charges – until a tender process is completed for the processing of the collected FOGO, Council will not be fully aware of the likely costs to ratepayers. It is important to note the reduction in red lid bin waste will assist in off-setting FOGO costs.

WASTE MANAGEMENT IMPLICATIONS

There are many waste management implications of introducing a new FOGO service, including:

1. Diverting waste from landfill.
2. Increasing the workload of Waste and other staff.
3. Fulfilling the requirements of the NSW Government’s Waste and Sustainable Materials Strategy 2041 – Stage 1.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The success or failure of the rollout of the FOGO service will rely on successful community engagement. The Community Education and Engagement Plan is prepared to guide actions and timing of activities to most effectively prepare the community for the change in service.



10.3. Property and Place

10.3.1. Draft Plan of Management – Olympic Park Precinct (PoM)

Attachments:	1. REVISED Final Draft Plan of Management - Rev. 20231017 [10.3.1.1 - 68 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Matthew Lysaught (Director Property & Place)
Community Plan Issue:	5 - Community Infrastructure
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire. 6.3.2.1 - Council's Wellbeing Program and antibullying training program delivered .

PURPOSE

To request Council to place the draft Plan of Management – Olympic Park Precinct (PoM) on public exhibition.

OFFICER'S RECOMMENDATION

Council APPROVES placing the draft Plan of Management – Olympic Park Precinct (PoM) on public exhibition for not less than 28 days.

Moved: _____ **Seconded:** _____

BACKGROUND

At the 27 June 2023 Ordinary Council Meeting, the final Draft Olympic Park Plan of Management and event management documents were reported. Council's resolution in relation to the report was:

**10.3.3. Olympic Park Management Plans****Disclosure of Interest**

Cr S. Reynolds - Declared a insignificant non-pecuniary interest in this Item. Cr Reynolds advised Council he promotes sports including Rugby League played in the area.

- 444 RESOLVED on the motion of Cr G. McNeill and Cr D. Marshall that:
Council ENDORSES submitting:
1. The Olympic Park Plan of Management to Crown Land, NSW Department of Planning and Environment for review;
 2. Amended to include Community Land categorisations of Field 3 and Velodrome be changed from Park to Sportsground;
 3. Include note that the fencing alignment shown on the adopted Olympic Park Master Plan is indicative only; and
 4. The Olympic Park Plan of Management and event management documents to the Hunter and Central Coast Regional Planning Panel.
- In Favour: Cr S. Reynolds, Cr J. Lecky, Cr A. Barry, Cr M. Bowditch, Cr D. Douglas, Cr L. Dunn, Cr G. McNeill, Cr R. Mahajan and Cr D. Marshall.
- Against: Nil.

Council has now received the Letter of Consent from the Department of Planning and Environment to place the Plan of Management – Olympic Park Precinct (PoM) on public exhibition.

CONSULTATION

Olympic Park Precinct Development Advisory Committee

Technical Officer – Recreation and Property

REPORT

Following the 27 June 2023 Ordinary Council Meeting, staff submitted the draft Plan of Management – Olympic Park Precinct to Crown Lands and Department of Planning and Environment (DPIE).

There were several minor changes requested at various stages of the DPIE's internal review, for example, references to departments, page numbers, and in referencing Native Title.

Council staff have been conducting a final review of the document before placing on public exhibition to ensure all legislation is current, including department names, and spelling and grammar. Attached is the current draft Plan of Management – Olympic Park Precinct (PoM).

Subject to no changes following public exhibition, the delegate for the Minister for Lands and Property, consents to Council adopting the PoM under clause 70B of the Crown Land Management Regulation 2018.

If the PoM is amended after public exhibition (except for minor changes), Council must resubmit the draft PoM for the Minister's consent to adopt. If there are no amendments to the PoM, Council provides the department a copy of the adopted PoM.

An adopted PoM authorises the lawful use and occupation of Crown land. As Crown Land Manager, Council must ensure that any activities planned on the reserve(s) are authorised in the adopted PoM and that any Native Title obligations are met.



OPTIONS

Council could take more time to review the draft Plan of Management – Olympic Park Precinct (PoM) before placing on public exhibition.

CONCLUSION

It is recommended that Council approves placing the draft Plan of Management – Olympic Park Precinct (PoM) on public exhibition.

SOCIAL IMPLICATIONS

The Plan of Management – Olympic Park Precinct (PoM) will set the use of 'community land' and Crown Land, meet the requirements of the Native Title Act, and encourage passive and active recreation in the community.

FINANCIAL IMPLICATIONS

Nil known with respect to the Plan of Management – Olympic Park Precinct (PoM).

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

Crown Land Management Act 2016
Local Government Act 1993 (LG Act)
Native Title Act 1993 (Cth)

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

'1.4.1 Complete current infrastructure projects and identify future opportunities for the Shire',
Muswellbrook Shire 2023 – 2024 Operational Plan.

RISK MANAGEMENT IMPLICATIONS

A Plan of Management should include proper consideration of risk and management.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Ongoing community and stakeholder consultation.

Olympic Park Precinct

FINAL DRAFT PLAN OF MANAGEMENT

June 2023



Prepared For
Muswellbrook Shire Council

By
Environmental Partnership NSW Pty Ltd & CGM Planning

Olympic Park Precinct

DRAFT PLAN OF MANAGEMENT

June 2023

Prepared For
Muswellbrook Shire Council

By
Environmental Partnership NSW Pty Ltd & CGM Planning

Cover image: Muscle Creek Nature Walk

Issue	Date	Description	By
1	19/05/21	Preliminary Draft	NE
2	15/03/22	Draft	ML
3	19/06/23	Final Draft	NW

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PART 1 - INTRODUCTION AND GENERAL INFORMATION

1 KEY INFORMATION

1.1 What is the Plan of Management

A Plan of Management (PoM) is a document which provides a clear set of guidelines for the short- and long-term management of a parcel of 'community land' owned and managed by Council or Crown land under Council's care, control and management.

A Plan of Management outlines how a park or reserve will be used and improved and managed in the future. It identifies Council's goals and objectives for the land and establishes the overall direction for its planning, resource management and maintenance. The Plan of Management can be accompanied by a landscape masterplan and assists Council to set priorities when preparing Works Programs and related budgets.

This Plan of Management covers land that is Crown reserve (Crown land) and Council owned 'community land'. Under the *Crown Land Management Act 2016* (CLM Act), Councils are to manage Crown land as if it were 'community land' under the Local Government Act 1993, including the requirement for preparation of a Plan of Management.

Under section 36 of the Local Government Act 1993 (LG Act) a plan must:

- Categorise the land in accordance with the legislation;
- Contain objectives and performance targets for the management of the land;
- Specify the means by which Council proposes to achieve the objectives and performance targets; and
- Specify how achievement of the objectives and performance targets are to be assessed.

Under section 37 of the LG Act the Plan must also:

- Describe the condition of the land, any buildings or other improvements on the land as at the adoption of the Plan;
- Describe the use of the land; and
- State the purposes for which the land will be used.

If there is any further development proposed of the 'community land' other than that authorised by this PoM, or a change in the categorisation of Park, Sportsground, Natural Area – Watercourse, Natural Area – Bushland or General Community Use areas proposed, amendment and re-exhibition of the PoM is required.

This PoM has been prepared in accordance with and seeks adoption under the Local Government Act 1993 and Crown Lands Management Act 2016.



Figure 1.1:
Olympic Park playing fields

How to read this Plan of Management

Part 1 - INTRODUCTION AND GENERAL INFORMATION	
Section	Content
1	Outlines the scope of the plan and process for its adoption
2	Outlines the land to which this plan applies and provides key land information
3	Describes the legislative framework under which the Plan is prepared and outlines Council's policies that must be considered in developing and implementing the Plan and summarises community consultation that informs the Plan
4	Describes the natural characteristics (habitat and environment) of the sites
5	Describes heritage and cultural significance of the sites
6	Outlines current uses and development and condition of facilities
7	Provides a vision for future management
8	Describes requirements for implementation and administration of the Plan

Part 2 - MANAGEMENT REQUIREMENTS FOR COMMUNITY LAND CATEGORIES	
<p>Part 2 introduces the detailed management requirements for the land categories including:</p> <ul style="list-style-type: none"> • Key management pressures and opportunities. • Management targets, means and evaluation. • Express authorisation of permitted uses and development; and • Express authorisation of leases, licences and other tenure. <p>The management requirements are presented in sections for each Community Land Category</p>	
Section	Category Content
9	Sportsground and Park
10	General Community Use
11	Natural Area Watercourse
12	Natural Area Bushland

1.2 Scope of the Plan of Management

This Olympic Park Precinct Plan of Management covers Crown reserves and 'community land' delineated by the Muscle Creek corridor and includes Muswellbrook Aquatic Centre, Fitzgerald Park (part of which is commonly referred to as Olympic Park) and a significant proportion of the Muswellbrook Golf Course.

The eastern portion (Part Lot 264 DP 1030447) of the Muswellbrook Golf Club Crown Reserve No. 1010588 was included in Fitzgerald Park Crown Reserve No. 570025 when it was dedicated for public recreation in 1879. When the Muswellbrook Golf Club was reserved for public recreation in 2004 it included the whole of Lot 264 DP 1030447. The eastern portion of the Muswellbrook Golf Club Reserve is included in both reserves. For the purpose of this Plan of Management only, the eastern portion of the Muswellbrook Golf Club Reserve is included in the Muswellbrook Golf Club Reserve No. 1010588 and not in Fitzgerald Park Reserve No. 570025.

Further details on the extent of the site and explanation of component land parcels are provided in Section 2.2.

1.3 Muswellbrook Shire

Muswellbrook Shire covers 3,402 km², of which 1,455 km (43%) is national park. The Shire is centrally located in the Upper Hunter Valley and is located approximately 130 km north-west of Newcastle. Lake Liddell

delineates the Muswellbrook Shire boundary to the east, Wollemi National Park to the west, Aberdeen to the north, and Coricudgy State Forest to the south.

With a population of approximately 16,355 people, Muswellbrook Shire is a welcoming community offering a range of facilities. The Shire consists of two larger towns, Muswellbrook and Denman, the small township of Sandy Hollow, and several small outlying rural communities.

Council manages and maintains park spaces covering 134.75 ha in total. These spaces provide a variety of facilities for the community including sportsgrounds, aquatic and indoor recreation centres, playgrounds and informal use parkland areas.

Council's 2016 "Community Snapshot" identified the following community perspectives:

- Almost 50% of respondents were members of a local club and 38% a member of a sporting group. 17% of respondents did not belong to any organisation, club or group. A high number of Martindale and Muscle Creek respondents were Rural Fire Service (RFS) members.
- Muswellbrook is, unsurprisingly, the primary source of most goods and services in the area. Almost 90% of respondents purchase their groceries, 59% had their GP (29% in Denman) and 68% of respondents source other goods in Muswellbrook.
- 73% of respondents had primary or secondary school age children, with 42% of these attending school in Muswellbrook, 27% in Aberdeen and 18% in Denman. Three quarters of school children used school buses.
- Two thirds of respondents had lived in their local region for 20 or more years, and most had seen changes in that time. The most commonly identified changes included increased infrastructure/ improvements in services and facilities (46%) and expansion/ growth (44%). An impact of mining was noticed by 26% of respondents.
- People like the peace and quiet (64%), scenery/ nature (52%) and local community (49%) most.
- Most respondents felt that improved roads/ bridges would make the region better (32%), as well as improved services, including retail (26%).

1.4 Plan of Management Adoption

This Plan of Management will be subject to review and approval by the NSW Minister for Lands and Property prior to an approval by Council for the Plan to go on public exhibition under Section 38 of the LG Act.

If Council amends the PoM following community consultation, it will again be submitted to the Minister for approval. If there is no alteration to the PoM following community consultation Council will adopt the final version

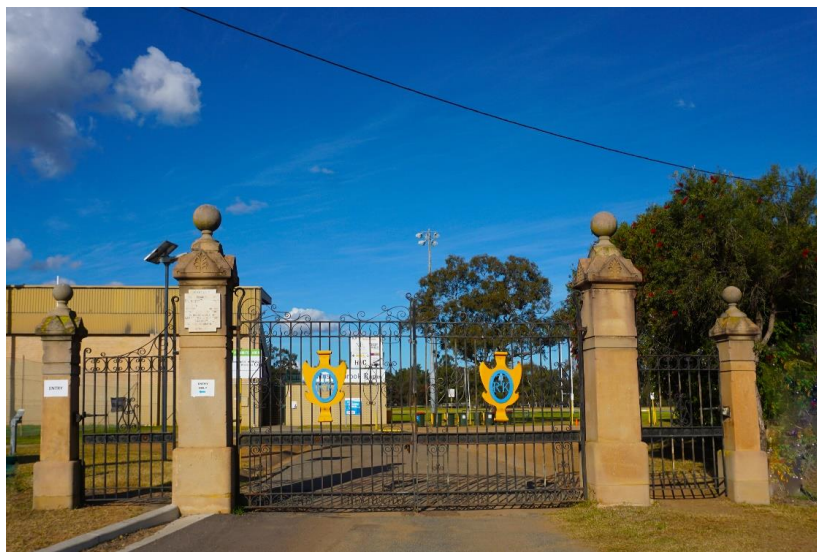


Figure 1.2:
The historic Keys
Memorial Gates
(also known as Olympic Park Gates)

2 INTRODUCTION

2.1 Corporate objectives

The following key principles underpin the direction of the Muswellbrook Shire Council as defined in its "Governance Policy":

- Human health and safety.
- A diverse and competitive industrial base.
- The social benefits of work and the importance of full employment.
- The importance of education.
- Ecologically sustainable development.
- Financial sustainability.
- Consultative and transparent processes.
- Social inclusion and particularly reconciliation with Aboriginal peoples.
- Social justice principles of equity, access, and participation; and
- A Council workforce encouraged to innovate, provided with flexible work arrangements and which is healthy, supported, and team oriented.

This Plan of Management has regard for these key principles in the identification of long-term management strategies for the Olympic Park Precinct.

2.2 Land to which this plan applies

2.2.1 Location

This Plan of Management applies to the group of reserves including Fitzgerald Park and Olympic Park and part of the Muswellbrook Golf Course. The street address of the Precinct includes Wilkinson Avenue (Fitzgerald Park and Olympic Park) and Bell and Maitland Streets (Muswellbrook Golf Course). As indicated in *Figure 2.1 Olympic Park Precinct – Land Information*, the open space is bounded by:

The Great Northern railway: to the north
Muscle Creek: to the south and west
Muswellbrook Golf Course: to the east

2.2.2 Site Area

The overall precinct area including Muswellbrook Aquatic & Fitness Centre, Fitzgerald Park (including Olympic Park) and Muswellbrook Golf Club Reserve is 45.08. ha (450,800 m²).

2.2.3 Summary Land Information

Ownership and land information for the Olympic Park Precinct is summarised on the following table:

Table 2.1 Summary land Information

Item	Description			
Collective Site Name:	Olympic Park Precinct			
Address:	Wilkinson Avenue (Fitzgerald Park including Olympic Park) and Bell and Maitland Streets (Muswellbrook Golf Course)			
Reserve Name	Muswellbrook Aquatic and Fitness Centre and adjoining community lands	Fitzgerald Park (West – excluding Golf Club land)	Muswellbrook Golf Club	Fitzgerald Park (East - Muswellbrook Golf Club)
Reserve Number	Community Land	570025	1010588	570025 and 1010588
Ownership	Muswellbrook Shire Council	Crown	Crown	Crown
Gazetted	N/A	23/05/1879	03/12/2004	23/05/1879

Item	Description			
Purpose	N/A	Addition, Public Recreation	Public Recreation	Public Recreation
Lot & DP	Whole: Lot 1 DP 903839 Whole: Lot 11 DP 1058170 Whole: Lot 1 DP 364120	Whole: Lot 7010 DP 93327	Whole: Lot 264 DP 1030447	Part Lot 264 DP 1030447
Zoning Refer Figure 2.3)	RE1 Public Recreation	RE1 Public Recreation	RE2 Private Recreation	RE2 Private Recreation
Area – overall	45.08. ha (450,800 m ²)			
Area Approximate	1.47. ha (14,670 m ²)	10.88 ha (108,800 m ²)	32.73. ha (327,300 m ²)	
Restrictions / easements	Lot 1 DP 903839 <ul style="list-style-type: none"> • Reservations and exceptions of minerals and rights to mine. • Land below 20 metres from the surface is excepted from title. • The land is a public reserve within the meaning of the Local Government Act 1993. 	Lot 7010 DP93327 <ul style="list-style-type: none"> • The land is dedicated for public purpose, and a reserve within the meaning of the Crown Land Management Act 2016. There are restrictions under that Act that limit transfer and certain dealings, which may require the consent of the Minister. • There is a 5.0 metres wide easement for sewer pipeline (Notified Gov't Gazette 10/02/1995) shown in Deposited Plan 654218. 	Lot 264 DP 1030447 <ul style="list-style-type: none"> • The land is dedicated for public purpose, and a reserve within the meaning of the Crown Land Management Act 2016. There are restrictions under that Act that limit transfer and certain dealings, which may require the consent of the Minister. • The land excludes minerals on areas shown in title diagram. 	Lot 264 DP 1030447 <ul style="list-style-type: none"> • The land is dedicated for public purpose, and a reserve within the meaning of the Crown Land Management Act 2016. There are restrictions under that Act that limit transfer and certain dealings, which may require the consent of the Minister. • The land excludes minerals on areas shown in title diagram.
Care/ control/ management	Muswellbrook Shire Council	Muswellbrook Shire Council	Muswellbrook Shire Council	Muswellbrook Shire Council

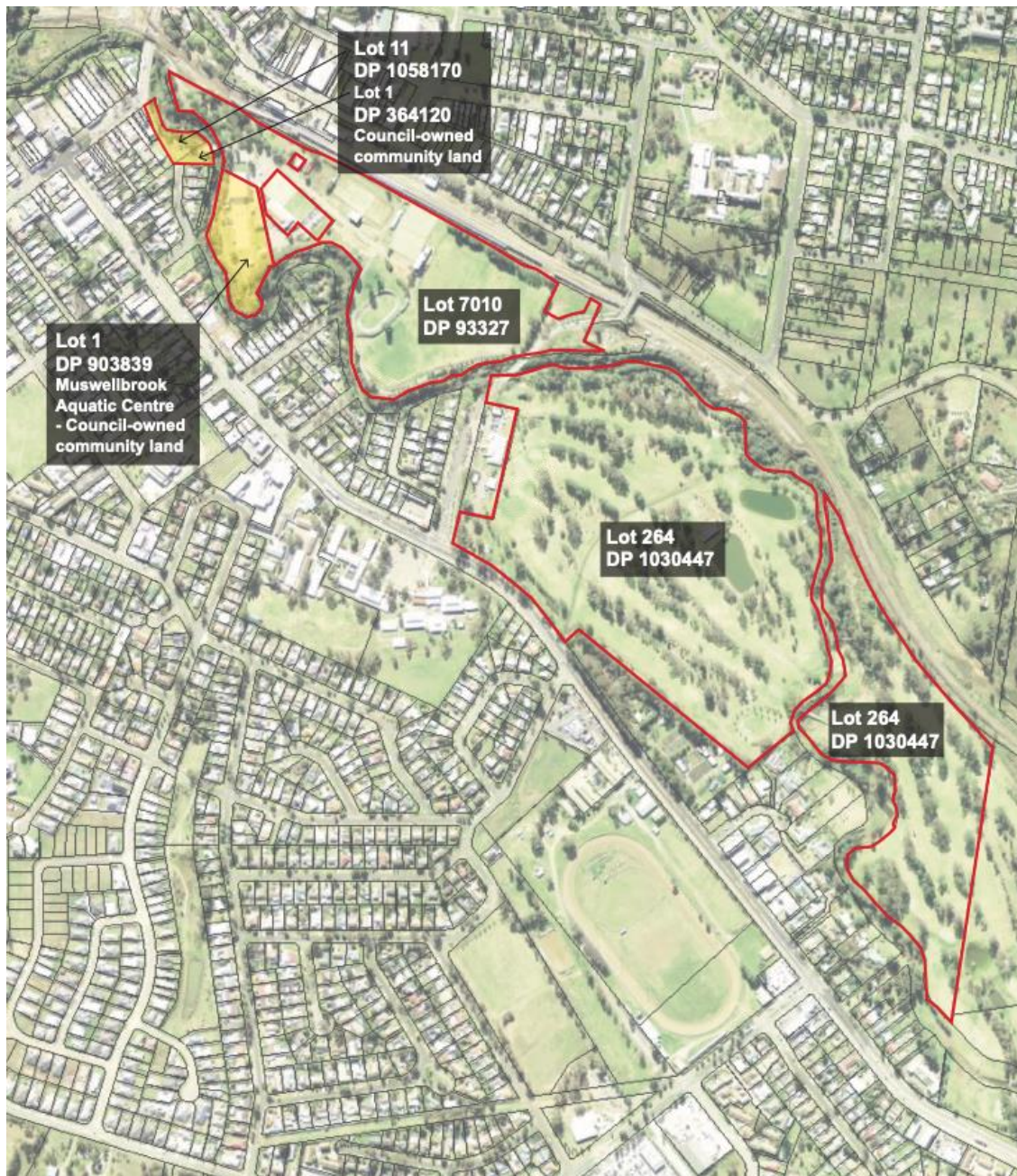


Figure 2.1
Olympic Park Precinct – Land Information (Council owned ‘Community Land’ highlighted in yellow)

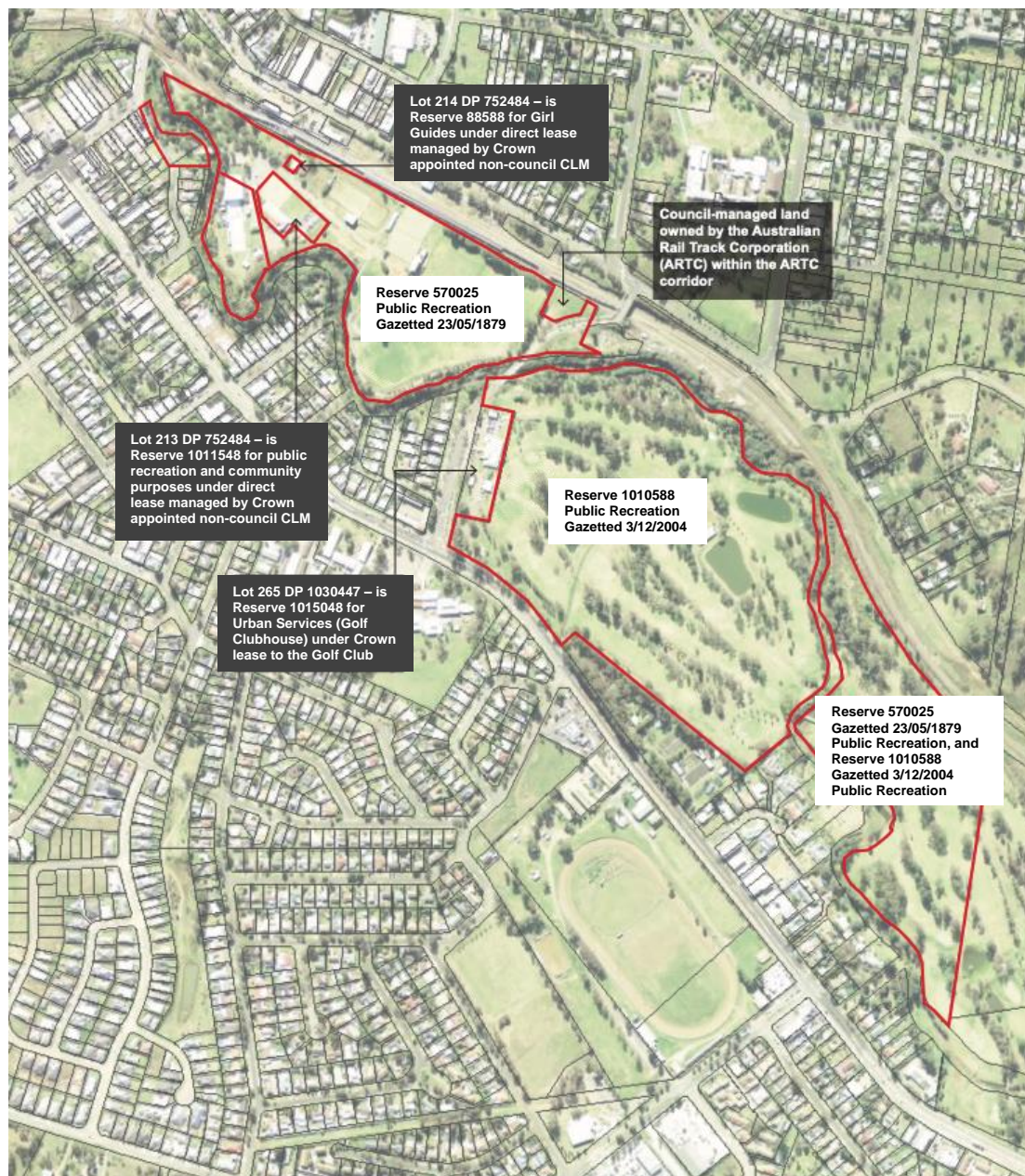


Figure 2.2
Olympic Park Precinct – Extent of Crown Reserves

2.2.4 Land use Zoning

Under the Muswellbrook Local Environmental Plan (LEP) 2009 the sites of Fitzgerald Park (including Olympic Park) and the Muswellbrook Aquatic Centre are zoned **RE1 – Public Recreation**. **Muswellbrook Golf Course is zoned RE2 – Private Recreation**. Refer to Figure 2.3 below.

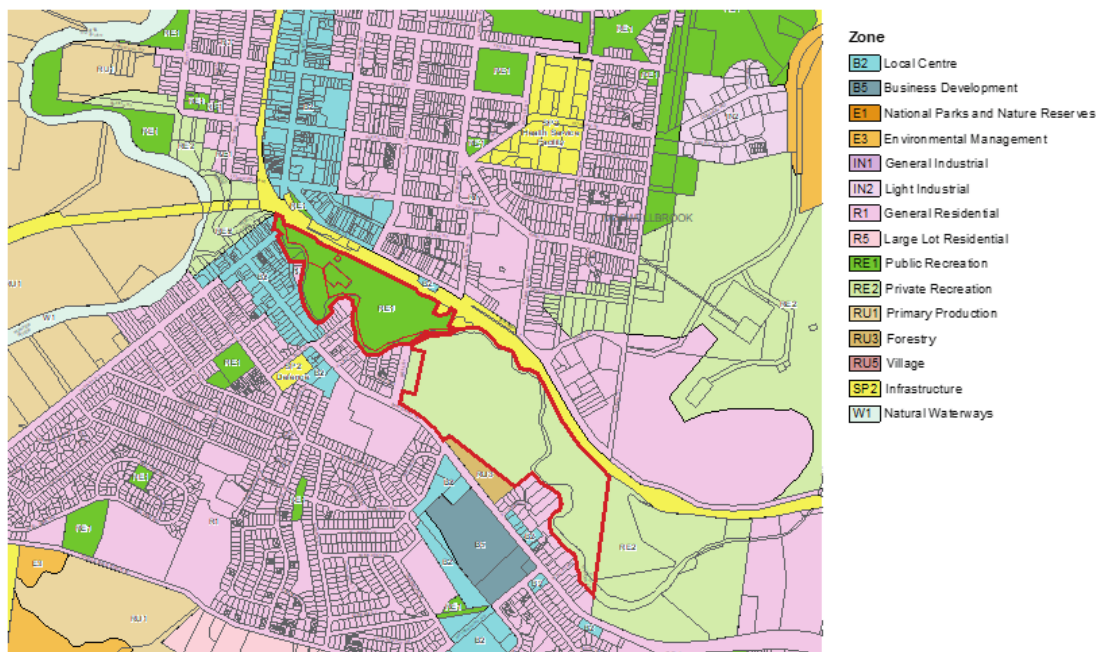


Figure 2.3
Land Zoning (Source: Muswellbrook LGA – NSW Planning Portal Spatial Viewer)

2.2.5 Community Land Categorisation

As of 1 July 2018, new Crown land legislation is in effect and all existing managers have continued under the new legislation. The new Crown Land Management Act 2016 (CLM Act) implements reforms identified through a comprehensive review of Crown land management.

Reserve managers have automatically transitioned under the new Act so that appointed managers continue to have the care, control and management responsibility for their Crown reserves. The CLM Act introduced significant changes to the management of Crown land by Councils. Specifically, Muswellbrook Shire Council will now manage dedicated or reserved land, where Council is Crown Land Manager, as if it were 'community land' under the Local Government Act 1993 (LG Act). Where land is classified as 'community land' under the LG Act, Council is required to have Plans of Management in place for the land.

A central requirement of the LG Act is that all 'community land' must be assigned to one or more land 'categories' whereby the land categorisation defines how Council will manage each parcel of land. Each category has an associated set of guidelines for categorisation and core objectives in providing guidance to the management of land (refer to table below). The objectives for each category provide a broad strategic direction for management of this land, which is the same for all 'community land' of the same category across NSW.

The CLM Act requires that assignment of Community Land Categorisations to Crown reserves have close regard for the reserves, Crown Reserve Purpose. As outlined above in Table 2.1 the reserve purpose for both Fitzgerald Park and Muswellbrook Golf Club is Public Recreation.

This purpose is supported by the ongoing development of the reserves in accordance with Council's strategic and policy documents, specifically Olympic Park Masterplan and vision for Olympic Park to 'become Muswellbrook's regional sporting precinct which provides people of all ages and abilities the opportunity to

participate in community sport, independent exercise, and passive recreation.' Initial categorisations for the reserves have been confirmed to DPE Crown Lands by Council (listed in Table 2.2 following page).

This PoM confirms the following categorisations and refer to Figure 2.4 on the following page:

General Community Use

Applies to the Muswellbrook Aquatic and Fitness Centre, and its car park areas, where a diversity of community uses within specialist-built facilities, including the fitness centre, is managed and operated by Council.

Sportsground

Applies to the sports fields, tennis courts and facility areas of Fitzgerald and Olympic Parks, including the car parks, that are used for structured active recreation.

Natural Area Watercourse

Applies to the riparian corridor or Muscle Creek forming the southern boundary of the Aquatic Centre, Fitzgerald Park and Olympic Park and to the area cutting across the centre of Muswellbrook Golf Course that forms the natural drainage line of Muscle Creek.

Natural Area Bushland

Applies to the area between the riparian corridor or Muscle Creek along the northern boundary of Muswellbrook Golf Club Reserve extending through the centre of the golf course.

Park

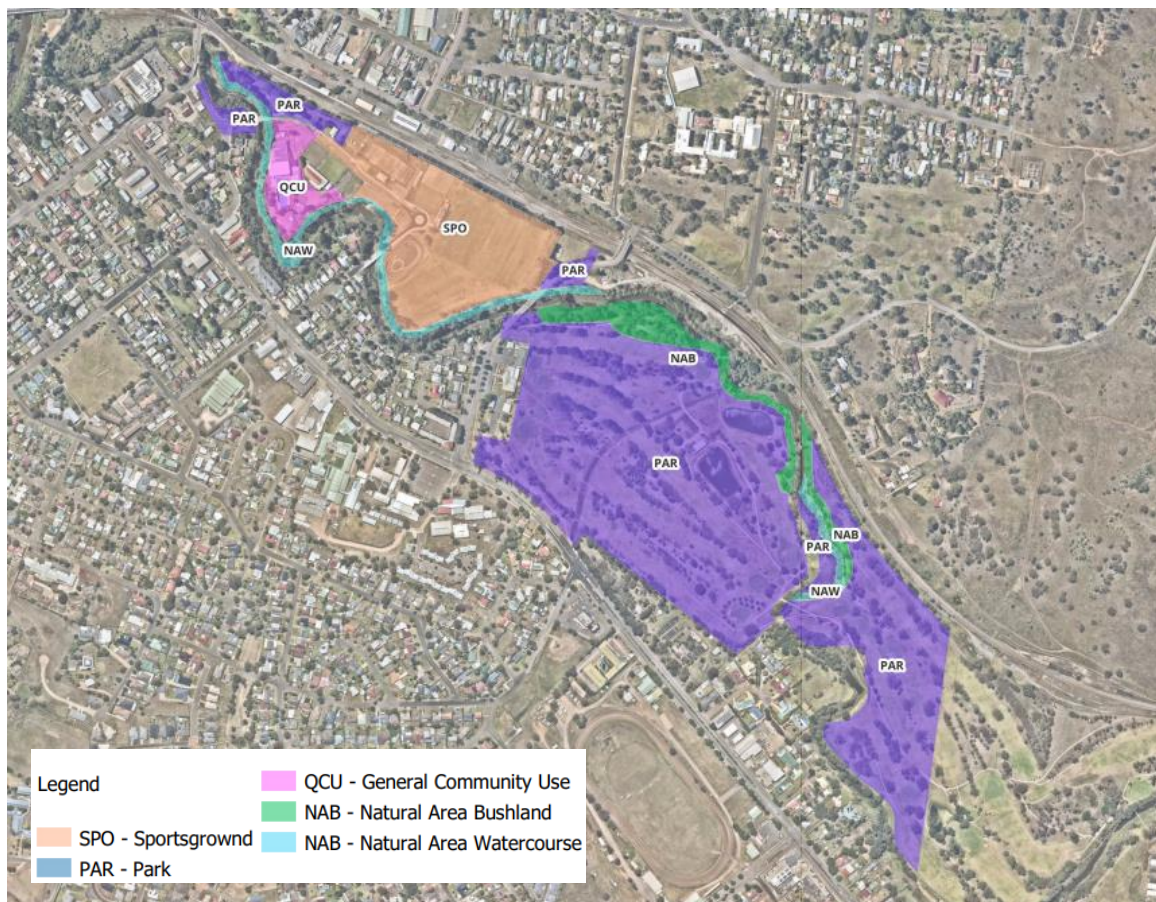
Applies to the area to the north and north-west of the Aquatic Centre that provides for access into the complex and which has been improved with natural landscaping, and to the golf course that has been improved by landscaping, gardens and the provision of facilities for recreation and the casual playing of golf.

The Table following lists the categorisations proposed in this Plan of Management.

Table 2.2 Community Land Categorisation Summary

Land Parcel	Proposed category	Public Hearing Required
Lot 1 DP 903839 Muswellbrook Aquatic Centre	General Community Use	No
Lot 11 DP 1058170 Lot 1 DP 364120	Park	No
Lot 7010 DP 93327 Fitzgerald Park	Part Sportsground Part Park Part General Community Use Part Natural Area Watercourse	No
Lot 264 DP 1030447 Muswellbrook Golf Club	Part Park Part Natural Area Bushland Part Natural Area Watercourse	No

The tables in sections 9-11 outline the guidelines for categorisation as listed in the Local Government (General) Regulation 2021 Part 4 Division 1 – and core objectives from the Local Government Act 1993 clauses 36E-N.



3 RELEVANT LEGISLATION, POLICIES AND PROCEDURES

3.1 Legislative framework

3.1.1 Crown Land Management Act 2016

Crown land is governed by the *Crown Land Management Act 2016* ("CLM Act 2016"), which provides a framework for the State Government, Local Councils, and members of the community to work together to provide care, control and management of Crown reserves.

Crown reserves are Crown land set aside on behalf of the community for a wide range of purposes, including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services.

The *CLM Act 2016* abolished reserve trusts and reserve trust managers under the former Act and provided for the appointment of Local Councils (and others) as Crown Land Managers in respect of land which was previously held by reserve trusts.

Under the *CLM Act 2016*, Councils manage Crown land as if it were public land under the *Local Government Act 1993* ("LG Act 1993"). However, it must still be managed in accordance with the purpose of the land and cannot be used for an activity incompatible with its purpose—for example, Crown land assigned the purpose of 'environmental protection' cannot be used in a way that compromises its environmental integrity.

Councils must manage Crown land in accordance with the principles of Crown land management outlined in the *CLM Act 2016*. The principles are the key values that guide Crown land management to benefit the community and to ensure that Crown land is managed for sustainable, multiple uses.

Principles of Crown Land Management

- Environmental protection principles are to be observed in the management and administration of Crown land.
- The natural resources of Crown land (including water, soil, flora, fauna and scenic quality) will be conserved wherever possible.
- Public use and enjoyment of appropriate Crown land are to be encouraged.
- Where appropriate, multiple uses of Crown land should be encouraged.
- Where appropriate, Crown land should be used and managed in such a way that both the land and its resources are sustained.
- Crown land is to be occupied, used, sold, leased, licenced or otherwise dealt with in the best interests of the state of NSW, consistent with the above principles.

Crown Land management compliance

In addition to management and use of Crown reserves that is aligned with the reserve purpose(s), there are other influences over Council management of Crown reserves. For example, Crown Land Managers may have conditions attached to appointment instruments, or Councils may have to comply with specific or general Crown land management rules that may be published in the NSW Government Gazette. Councils must also comply with any Crown land regulations that are made.

There are no conditions attached to any Crown Land Manager appointment notice for Council, and only one Crown land management rule applies to Muswellbrook LGA. This rule has been made under Section 3.15 of the *CLM Act 2016*.

The rule:

Crown land managers cannot, under any act (including the Local Government Act 1993), grant any lease or licence authorising:

- *The installation or construction of communication infrastructure on Crown land;*
- *The placement of communication infrastructure on Crown land;*
- *The use of communication infrastructure that is located on Crown land;*
- *Access to communication infrastructure that is located on Crown land.*

However, the rule does not prevent the holder of a holding granted by the Minister administering the Crown Land Management Act 2016 subletting of communication infrastructure located on Crown land in accordance with the conditions of a holding granted by the minister.

Reserve Purpose

Crown lands are to be used for the original gazetted purpose for which they were dedicated or reserved. Multiple uses of reserves are encouraged, where those uses are consistent with the original purpose of the reserve and the use does not impact on native title rights and interests under the *Native Title Act 1993*. The Reserve Purpose of Olympic Park Precinct is **Public Recreation**.

Leasing and Licencing on Crown Reserves

Leasing and licencing of Crown land ensures there is legal and suitable occupation of Crown land. Under the *CLM Act 2016*, a lease or licence is a type of tenure that gives permission to occupy and use Crown land for a specified purpose and term. The *CLM Act 2016* enables Council Crown Land Managers to enter leases and licences in accordance with the *LG Act 1993* once a compliant Plan of Management is in place or the land is classified as operational, whichever occurs first.

Council cannot enter into agreements for use, as lessor or licensor, on devolved reserves, which are not community or public land under the *LG Act 1993*. These reserves are managed by Council under the *LG Act 1993* as section 48 'public reserves' and a PoM is not required for these reserves.

The Council Crown Land Manager is required to ensure all monies received from the use of 'community land' is directed to maintaining and sustaining long-term use and enjoyment of the reserve/s. The income generated from leasing and licencing is a primary form of funding for a Crown Land Manager. It allows a Crown Land Manager to cover long-term running costs (at a minimum) and invest over the long term for future generations to use and enjoy the Crown land in their community. All Crown Land Managers should have lease and licence agreements in place with users of the reserves that they manage. Refer to Part 2 for leases and licences authorised by this Plan of Management.

3.1.2 Local Government Act 1993

Section 35 of the *Local Government Act 1993* ("LG Act 1993") provides that 'community land' can only be used in accordance with:

- The Plan of Management applying to that area of 'community land'
- Any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land
- The provisions of Division 2 of Chapter 6 of the Act.

Section 36 of the Act provides that a Plan of Management for 'community land' must identify the following:

- a) The category of the land
- b) The objectives and performance targets of the plan with respect to the land
- c) The means by which the Council proposes to achieve the plan's objectives and performance targets
- d) The manner in which the Council proposes to assess its performance with respect to the plan's objectives and performance targets

And may require the prior approval of the Council to the carrying out of any specified activity on the land. Land is to be categorised as one or more of the following:

- a) A natural area
- b) A sportsground
- c) A park
- d) An area of cultural significance
- e) General community use.

Land that is categorised as a natural area is to be further categorised as one or more of the following: bushland, wetland, escarpment, watercourse, foreshore or a category prescribed by the regulations.

3.1.3 Native Title Act 1993

The Commonwealth *Native Title Act 1993* ("NT Act 1993") recognises and protects native title rights and interests. The objects of the *NT Act 1993* are to:

- Provide for the recognition and protection of native title
- Establish ways in which future dealings affecting native title may proceed and to set standards for those dealings
- Establish a mechanism for determining claims to native title
- Provide for, or permit, the validation of past acts invalidated because of the existence of Native Title.

The *NT Act 1993* may affect use of Crown land, particularly development of the land and granting of tenures.

In particular, the CLM Act makes it mandatory for Council to engage or employ a Native Title Manager. This role provides advice to Council as to how the Council's dealings and activities on Crown land may be valid or not valid under the NT Act.

The Council must obtain the written advice from an accredited Native Title Manager as to whether Council complies with any applicable provisions of the native title legislation when:

- a) Granting leases, licences, permits, forestry rights, easements or rights of way over the land
- b) Mortgaging the land or allowing it to be mortgaged.
- c) Imposing, requiring or agreeing to covenants, conditions or other restrictions on use (or removing or releasing, or agreeing to remove or release, covenants, conditions or other restrictions on use) in connection with dealings involving the land.
- d) Approving (or submitting for approval) a Plan of Management for the land that authorises or permits any of the kinds of dealings referred to in (a), (b) or (c).

Council's Native Title Manager has been and will continue to be consulted in all relevant aspects of native title pertaining to the land that is covered by this PoM.

3.2 Other State and Federal Legislation

3.2.1 NSW State Legislation

Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* ("EP&A Act 1979") provides the framework for planning and development across NSW and guides environmental planning instruments that provide a basis for development control.

The *EP&A Act 1979* ensures that effects on the natural environment, along with social and economic factors, are considered by the Council when granting approval for or undertaking works, developments or activities.

This *EP&A Act 1979* is also the enabling legislation for planning policies that may have a direct influence on open space management. On a state-wide level there are State Environmental Planning Policies ("SEPPs"). On a regional level there are Regional Environmental Plans ("REPs"). On a local level there are Local Environmental Plans ("LEPs"), as well as Development Control Plans ("DCPs").

Aboriginal Land Rights Act 1983

The *Aboriginal Land Rights Act 1983* ("ALR Act 1983") is important legislation that recognises the rights of Aboriginal people in NSW. It recognises the need of Aboriginal people for land and acknowledges that land for Aboriginal people in the past was progressively reduced without compensation. Crown land meeting certain criteria may be granted to an Aboriginal Land Council.

Biosecurity Act 2015

The *Biosecurity Act 2015* ("*BioS Act 2015*") enables landholders, community, industry and Government to effectively manage and respond to biosecurity incursions and risks. A fundamental principle of the *BioS Act 2015* is that biosecurity is everyone's responsibility, and all land managers have the same responsibilities – a duty to prevent, eliminate or minimise risk as far as reasonably practicable.

Council has obligations under the *BioS Act 2015* to manage Priority Weeds on Council land or Council managed land. Under the *BioS Act 2015*, weeds are divided into State, Regional and Local Priority Weeds (formerly referred to as Noxious Weeds). State and Regional priority weeds are identified in the *Hunter Regional Strategic Weed Management Plan 2017-2022* ("*HRSWMP 17-22*") and outcomes for these weeds needs to demonstrate compliance with the Biosecurity Duty for the species listed in Appendix 1 of the *HRSWMP 17-22*.

Since 1 July 2018, the management of pest animals has been administered under the *BioS Act 2015*. Foxes are included in the *Hunter Regional Strategic Pest Animal Plan 2018-2023* and a threat abatement plan to rid them has been prepared under the *Biodiversity Conservation Act 2016*.

National Parks and Wildlife Act 1974

Statutory responsibilities on the Council arising from the *National Parks and Wildlife Act 1974* ("*NPW Act 1974*") specifically relate to the protection of sites of pre- and post-European contact archaeological significance and the protection of native flora and fauna. The *NPW Act 1974* may affect 'community land' categorised as of cultural significance, as a natural area or park.

Aboriginal cultural heritage in NSW is protected by the *National Parks and Wildlife Act 1974*. Under the *NPW Act 1974* it is an offence to harm (destroy, deface, or damage) or desecrate an Aboriginal object or Aboriginal place, or in relation to an object, move the object from the land on which it has been situated.

Biodiversity Conservation Act 2016

The *Biodiversity Conservation Act 2016* ("*BioD Con Act 2016*") repealed several pieces of legislation including the *Native Vegetation Act 2003*, *Threatened Species Conservation Act 1995*, the *Nature Conservation Trust Act 2001*, and the animal and plant provisions of the *National Parks and Wildlife Act 1974*. It should be noted that although the *Threatened Species Conservation Act 1995* has been repealed and superseded by the *Biodiversity Conservation Act 2016*, references to the former legislation remain in the *Local Government Act 1993* ("*LG Act 1993*").

The *Biodiversity Conservation Act 2016* covers conservation of threatened species, populations and ecological communities, and the protection of native flora and fauna. This Act primarily relates to community land categorised as natural area. However, other categories may also be affected.

The Department of Planning and Environment - Energy, Environment and Science Division advises that recovery plans and threat abatement plans made under the *Threatened Species Conservation Act 1995* were repealed on the commencement of the *Biodiversity Conservation Act* in 2017. These plans have not been preserved by any savings and transitional arrangement under the *Biodiversity Conservation Act 2016* or *LG Act 1993*, meaning pre-existing plans have no legal effect. For this reason, requirements relating to recovery plans and threat abatement plans for local councils preparing plans of management under section 36B of the *LG Act* are now redundant. Councils are to be advised if future amendments are made to the *LG Act* to enable these mechanisms.

The Act sets out a process for listing threatened plants and animals and establishes the “Saving our Species” biodiversity conservation programme for threatened species and threatened ecological communities. The Act provides for the identification and listing of threatened species (Schedule 1), threatened ecological communities (Schedule 2), key threatening processes (Schedule 4), protected animals (Schedule 5) and protected plants (Schedule 6). It also establishes new measures for the conservation of areas considered to be “of outstanding biodiversity value”.

Certain weeds are also declared noxious under this Act, which prescribes categories to which the weeds are assigned. These control categories identify the course of action which needs to be carried out on the weeds. A weed may be declared noxious in part or all of the State.

Fisheries Management Act 1994

The *Fisheries Management Act 1994* (“*FM Act 1994*”) includes provisions for the management of state fisheries, including the conservation of fish habitats, threatened species, populations and ecological communities of fish and marine vegetation and management of the riparian zone, waterways and threatened marine/freshwater aquatic species. This relates to Community Land Categorised as natural area (foreshore, watercourse or wetland).

Where an area of ‘community land’ is declared to be critical habitat, or if that area is affected by a threat abatement plan under Part 7A of the *FM Act 1994*, a site-specific Plan of Management will need to be undertaken.

Rural Fires Act 1997

The *Rural Fires Act 1997* (“*RF Act 1997*”) contains provisions for bushfire risk management and the establishment of a Bushfire Management Committee. It also includes direction on development in bushfire-prone lands.

Water Management Act 2000

The *Water Management Act 2000* (“*WM Act 2000*”) is based on the concept of ecologically sustainable development, and its objective is to provide for the sustainable and integrated management of the water sources of the state for the benefit of both present and future generations. The *WM Act 2000* recognises:

- The fundamental health of our rivers and groundwater systems and associated wetlands, floodplains and estuaries has to be protected.
- The management of water must be integrated with other natural resources such as vegetation, native fauna, soils and land.
- To be properly effective, water management must be a shared responsibility between the government and the community.
- Water management decisions must involve consideration of environmental, social, economic, cultural and heritage aspects.
- Social and economic benefits to the state will result from the sustainable and efficient use of water.

Heritage Act 1977

The *Heritage Act 1977* contains provisions for the conservation of items of heritage and may relate to Community Land Categorised as cultural significance or natural area.

3.2.2 Commonwealth Legislation

Environment Protection and Biodiversity Conservation Act 1999

The *Environment Protection and Biodiversity Conservation Act 1999* (“EPBC Act 1999”) provides a national framework for the protection and management of matters of national environmental significance. These include listed nationally and internationally significant flora, fauna and ecological communities as well as heritage places on the World Heritage List and National Heritage List. The EPBC Act 1999 also promotes the conservation of biodiversity and ecologically sustainable development.

Telecommunications Act 1997

The *Telecommunications Act 1997* (“TC Act 1997”) provides for telecommunication facilities being permitted on ‘community land’ without authorisation in a PoM.

3.2.3 State Environmental Planning Policies

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This planning policy deals with bushland in urban areas, so is applicable to PoMs for Community Land Categorised as natural area—bushland.

State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Transport and Infrastructure) (2021) (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The Infrastructure SEPP assists local government and the communities they support by simplifying the process for providing essential infrastructure.

The Infrastructure SEPP has specific planning provisions and development controls for 25 types of infrastructure works or facilities including roads, emergency services, electricity delivery, parks and other public reserves and telecommunications networks.

The Infrastructure SEPP outlines the planning rules for such works and facilities, including:

- Where such development can be undertaken;
- What type of infrastructure development can be approved by a public authority under Part 4 of the Environmental Planning and Assessment Act (EP&A Act) following an environmental assessment (known as ‘development without consent’);
- What type of development can be approved by the relevant local Council, Minister for Planning or Department of Planning under Part 4 of the EP&A Act (known as ‘development with consent’); and
- What type of development is exempt or complying development.

Of particular relevance to open space is Clause 65 that specifies that development for any purpose may be carried out without consent if the development is for the purposes of implementing an adopted Plan of Management. The clause also lists a range of ancillary developments permitted without consent.

Clause 66 provides for a range of exempt developments within a public reserve such as the construction, maintenance, and repair of walking tracks, stairways, gates, seats, shelters and shade structures.

State Environmental Planning Policy (Biodiversity and Conservation) 2021 This policy deals with clearing of native vegetation in urban areas and land zoned for environmental protection.

3.2.4 Other State relevant Legislation, Policies and Plans

- *Companion Animals Act 1998*
- *Disability Discrimination Act 1992 (Cwlth)*

- *Disability Inclusion Act 2014*
- *Local Land Services Act 2013*
- *Pesticides Act 1999*
- *Protection of the Environment Operations Act 1997*
- *Retail Leases Act 1994*
- *Soil Conservation Act 1938*
- *Waste Avoidance and Resource Recovery Act 2001*
- *NSW Invasive Species Plan 2023-2028*
- *National Local Government Biodiversity Strategy*
- *NSW Biodiversity Strategy or named New South Wales Biodiversity Conservation Program*
- *Australian Natural Heritage Charter, Second Edition 2022*

3.3 Council Policies

There are several Council policies which are applicable to Council's management of open space. These are summarised further and can be accessed on Council's website www.muswellbrook.nsw.gov.au via searching under the Policies and Documents section.

Environmental Sustainability Policy

This policy will:

- a) Act as a foundation document to embed environmental sustainability in all of Council's operations;
- b) Provide a set of principles to support further implementation of strategies and actions by Council.

Risk Management of Council Facilities Policy

To provide clear and concise systems of procedures and practices, and documentation of the application of such systems, for relevant Council staff to follow, that will reduce Council's exposure to public liability claims by;

- More effectively allocating resources in the reduction and elimination of hazards that may exist or arise from time to time on various facilities under Council's care and control;
- Maintain a cost-effective level of service, in terms of safety, to users of facilities under Council's care and control; and
- Reduce Council's exposure to public liability claims by demonstrating Council's due diligence.

Management of Trees on Roads and Public Land Policy

To manage the valuable tree assets throughout the Shire in order to:

- Provide and maintain attractive "leafy" urban streetscapes and public reserves;
- Preserve the trees within council road reserves and public reserves where they provide numerous tangible benefits, including clean air, shade, erosion protection, noise dampening, protection from winds, screening of unsightly features, privacy, definition of boundaries and a habitat for birds and other wildlife; and
- Reduce the potential for injury, damage and/or loss caused by the trees, within Council's ability to resource, by the application of Risk Management concepts and techniques.

Public Art Policy

To support the implementation of Council's 2017-21 Delivery Program objectives to promote participation in cultural activities, to improve the liveability of the Shire's communities and continue with the implementation of projects to support the revitalisation of the town centres of the Muswellbrook Shire, which includes a target to install permanent exhibitions of public art.

Rivers and Drainage Channels Policy

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

- Natural environmental values;
- Aquatic fauna habitat;

- Water quality or availability;
- Drainage and flood risk management;
- Maintainability;
- Accessibility; and
- Visual amenity.

Asset Management Policy

This policy provides the overall framework to guide the sustainable management of Council's Infrastructure asset portfolio including that:

- They meet the needs and aspirations of the community as expressed in the Muswellbrook Shire Community Strategic Plan;
- Are sustainable;
- Have an acceptable level of risk; and
- Are acquired, upgraded or renewed when necessary to meet community service demands or growth

3.4 Active Transport Plan (currently under review)

The plan prepared in 2009 sought to formulate a realistic, connective and safe network of walking and cycling facilities, supported by a prioritised schedule of works.

Major outcomes included:

- Assessment of existing conditions for walking and cycling.
- An updated strategy to guide Council's development of the pedestrian and cycle network in Muswellbrook and Denman over the next 10 years.

Key principles of the proposed strategy for Muswellbrook included:

- Upgrading and extending off-road pathways.
- Targeted development of formal on-road bikeways along key corridors to facilitate continuous, convenient and safer travel for experienced commuter cyclists.
- Minimising barriers to pedestrian and cycle movement.
- Improving the legibility of pathways and trails located in parkland.
- Strategic integration of pathways and bikeways with future residential subdivision, rather than retrofitting facilities at a later stage for higher cost.
- Provision of recreation and fitness trails to support more healthy and active lifestyles.

Recommendations relevant to the Olympic Park Precinct are:

Monitor opportunities to establish new north-south cycle/ pedestrian links across Muscle Creek and the rail line, coinciding with future town expansion and new road projects.

3.5 Muswellbrook Aquatic Centre Master Plan

The Plan includes the following features:

- Refurbished Outdoor 50m, (8 practice lanes at 1.925m or 7 competition lanes at 2.2m), plant and new plumbing.
- Wet deck conversion.
- Indoor pool hall shared with Water Play Area approx. 15m x 7m, LTS/Program 15m x 10m.
- Spa and Sauna.

- 24hr gym access.
- New entrance and foyer area.
- Commercial kitchen/Cafeteria.
- Dry play party room
- Viewing Deck.

3.6 Muswellbrook Urban Riparian Landcare Master Plan

The Master Plan, prepared in 2018, ensures that key urban design principles are incorporated into the future development opportunities within Muswellbrook riparian corridor and town centre.

The Plan addresses opportunities to reactivate the river edges and introduce the community to the possibilities of outdoor recreation in a river environment. The main design objectives, which have been incorporated with focus on maintaining wildlife corridors with canopy trees and local species of endemic plants for native bird habitats, are to provide the local community with:

- A place the local community will take pride in and cherish;
- A destination for school educational outdoor classrooms to communicate the value of the river, heritage, arts and culture;
- An outdoor living room with picnic facilities, swimming areas, fishing and beach volleyball;
- A river environment that will bring revenue to local business through accommodation, cafe, kiosks and education;
- A network of DDA access paths to the Hunter River and amenities;
- A healthy river system that will provide shelter to threatened native wildlife and bird life;
- A nature trail that will provide access to and across the river at Muscle Creek;

Council is currently preparing a Muscle Creek and Possum Gully Catchment Management Plan

3.7 Review of Plan of Management

Implementation of this Plan and its ongoing relevance will be reviewed as part of Council's integrated planning and reporting processes. Refer to section 8.0 for further detail on the review process and related protocols.

3.8 Community Consultation

Olympic Park Master Plan Adopted 2018

Extensive public consultation has been undertaken for the Olympic Park Master Plan as well as for the Aquatic Centre Master Plan. Development of this Plan of Management has drawn on past consultation undertaken as part of master planning for the development of the precinct.

Key priorities identified from this consultation included:

- To prepare an overall Master Plan for Olympic Park precinct which will give a clear vision for the precinct;
- To integrate Muswellbrook Aquatic Centre and Urban Riparian Landcare Master Plans' outcomes into the overall Master Plan for Olympic Park;
- To identify opportunities for improvements including public domain, recreational, parking, traffic movement and landscaping;
- To enhance connection between Olympic Park precinct, town centre and neighbouring residential areas;
- To incorporate crime prevention through environmental design principles into planning and development activities;
- To provide a coordinated and strategic planning approach to the development of the area;

- To develop detailed concept design for identified key areas; and
- DRAFT Olympic Park Sports Precinct Landscape Management

Vegetation Management Plan

The Vegetation Management Plan prepared for the Muscle Creek corridor in 2012 by GHD, involved liaison with key stakeholders in the management and maintenance of the riparian corridor.

Muscle Creek Landcare Group

The Muscle Creek Landcare Group was established in 1995 and undertakes coordination, planning and on-ground works aimed at restoration of the riparian corridor. The group has had a number of different grants to conduct the rehabilitation of Muscle Creek, NSW. The most recent was awarded through NSW Environmental Trust for the 2020-2022 Rehabilitation of Muscle Creek for Community and Environmental Benefit Project. The objective of this funded project is to coordinate teams of external volunteers to continue restoration work on the creek. These teams will provide the necessary labour that, combined with the Groups own personnel, will help to maintain work already done and expand on the restoration efforts on the riparian corridor. The group undertakes their work on public land that adjoins Muscle Creek.

Through consultation, the relevant key issues for the creek identified by Muscle Creek Landcare Group and the Hunter and Central Rivers Catchment Management Authority were:

- Bed and bank stability;
- Flood management;
- Vegetation management, including protection of an existing Endangered Population, creation of a wide and diverse vegetation buffer and continuous weed control;
- Water quality;
- Nutrient sources;
- Community access; and
- Beautification to improve aesthetic values.

Wanaruah Local Aboriginal Land Council

As a representative body of the local Aboriginal community in the area, the Wanaruah Local Aboriginal Land Council (WLALC) are a valued stakeholder for the management of Lower Muscle Creek and are regularly consulted on local activities through the Muswellbrook Shire Council Aboriginal Reconciliation Committee.

Private Landholders and Residents

Private landholders and residents are important stakeholders. The majority of Lower Muscle Creek is bordered by private residential land or provides access to the community recreation lands and the southern border of the Muswellbrook Golf Course borders private residential land.

Public Exhibition

The Preliminary Draft Plan of Management will be provided to users of the precinct, private landholders in the vicinity of the precinct and to the public prior to finalisation of the Draft Plan. After approval from The Minister the Draft Plan will be placed on public exhibition for 28 days plus a 14-day ongoing response period (42 days total) in accordance with the Local Government Act. The exhibition period allows for interested parties to comment on the Draft Plan. Council will consider all comments and the final document will be amended where appropriate.

Key comments were reviewed and are tabulated below

Comment	Response for POM finalisation
TO BE COMPLETED FOLLOWING EXHIBITION	

Comment	Response for POM finalisation

4 HABITAT AND ENVIRONMENT

4.1 Muscle Creek Corridor

Section 36A(2) of the LG Act requires that a specific PoM be prepared for an area of 'community land', all or part of which consists of Endangered Ecological Communities (EEC) (or species, habitat, etc) listed as critically endangered and subject to a Final Determination Listing by the Scientific Committee.

Section 36B(3) of the LG Act also requires that a specific PoM be prepared for 'community land', all or part of which is directly affected by a recovery plan or threat abatement plan.

A Vegetation Management Plan (VMP) was prepared for the Muscle Creek corridor in 2012, for the area immediately to the north of the site. This identified, as outlined following, that the area has potential to support an EEC but that this is not critically endangered. Being a continuation of that corridor, the subject site has similar potential.

As outlined in the Muscle Creek Nature Trail Environmental Assessment (26/10/2019), Muscle Creek is a steep banked waterway which meanders through the town of Muswellbrook NSW, beginning in a catchment approximately 6 kilometres East of Muswellbrook, before meeting at a juncture with the Hunter River northwest of Sydney Street. Muscle Creek, a 5th order watercourse, has been the site of multiple rehabilitation and improvement projects, with weed removal, tree planting, path construction and riparian stabilisation, all carried out collaboratively by volunteers, Landcare, local environmental rehabilitation businesses, and Council's Natural Areas Team.

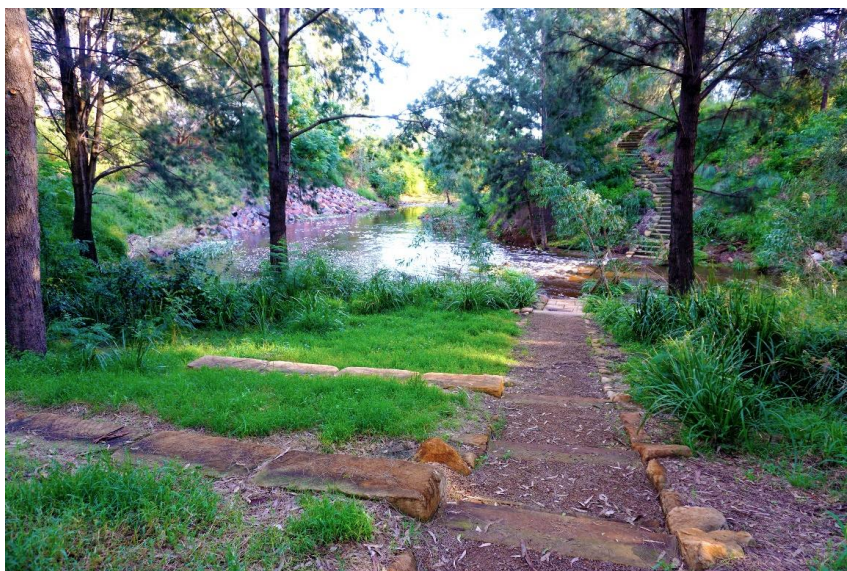


Figure 4.1:
Muscle Creek Walking Track

The Vegetation Management Plan established a strategic vision for:

- Mitigation of flooding and the protection of infrastructure and property.
- Improvement of community access and passive recreation.
- Beautification.

- Preservation of the waterway's ecological value, including bed and bank stabilisation.

The plan identified the key environmental characteristics of the corridor in this vicinity. These are summarised following:

- The corridor is typified by an open canopy of natives and exotics, a sparse mid layer of shrubs planted in previous rehabilitation works and dense and diverse ground layer dominated by environmental and noxious weeds.
- The vegetation type recorded surrounding Muscle Creek most closely aligns with 'Hunter Valley Floodplain Red Gum Woodland Complex (EEC)' in poor condition and 'Hunter Valley River Oak Forest' as described by Peake (2006). Both communities have been previously recorded in the Muswellbrook locality and along Muscle Creek, where they occur in close proximity in riparian locations. The boundary between the two communities is often difficult to define. However, in most instances 'Hunter Valley Floodplain Red Gum Woodland Complex' commences at the outer edge of 'Hunter Valley River Oak Forest'.
- Descriptions of these vegetation communities according to Peake (2006) are located in Appendix B of the VMP.
- An additional vegetation community exists comprising of exotic grassland in the flat open recreation area above the creek banks.

Threatened Flora Database searches were conducted to identify listed threatened flora that was previously recorded or with the potential to occur within the Locality. Based on site surveys and habitat requirements for these species it is unlikely that they would occur at the Site. A highly modified community of 'Hunter Floodplain Red Gum Woodland Complex (EEC)' was identified at the Proposal site in low condition. At least one individual of the endangered population 'Eucalyptus camaldulensis' population in the Hunter catchment was also identified at the Site to the northwest of the Olympic Park Precinct site.

Noxious and environmental weeds

The Site to the northwest of the Olympic Park Precinct is dominated by exotic plants and environmental weeds, which is similarly reflected through the subject area. The steep banks surrounding Muscle Creek feature high infestation with environmental weeds such as (but are not limited to) Caster Oil Plant (*Ricinus communis*), Broad Leaf Privet (*Ligustrum lucidum*), Cobblers Pegs (*Bidens Pilosa*), Rhodes Grass (*Chloris Gayana*), *Verbena Litoralis* and various vine species.

Past Works

Past works in the creek corridor through the subject site have included ongoing bushland management works, bank stabilisation, and implementation of the Muscle Creek Nature Trail project in 2019/20. This project implemented a walking trail, interpretive signage and weir crossing of the creek.

It is noted that the creek is a Crown Waterway. Prior to carrying out modification works, it is necessary to seek approval through the NSW Department of Planning and Environment. Modification to land within 40m of a riverbed is classed as a 'controlled activity' and as such requires approval. As stipulated on their website, controlled activities include modifications to a watercourse, such as erosion control works and channel realignment, but less significant works such as tracks should be assessed against the Department of Planning and Environment criteria.

Specific management recommendations should apply as defined in the Muscle Creek Vegetation Management Plan 2012.

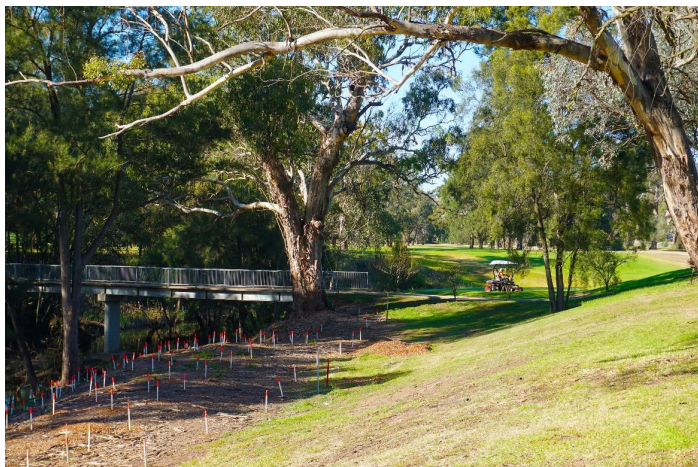


Figure 4.2:
Muscle Creek within
Muswellbrook Golf Course

5 HERITAGE AND CULTURAL SIGNIFICANCE

5.1 Aboriginal Cultural Heritage

Prior to European settlement, the Muswellbrook Shire was occupied by people of the Wonnarua/ Wanaruah language group. The Wonnarua/ Wanaruah people traded and had ceremonial links to their neighbouring tribes such as Awabakal, Darkinung, Geawegal, Kamilaroi, Wiradjuri and Worimi. The Muswellbrook Shire Local Government area is located within the Wanaruah Local Aboriginal Land Council boundary. Aboriginal people living in Muswellbrook Shire now comprise 5.2% of the total population according to the most recent ABS census data.

The Muswellbrook Shire Council Aboriginal Reconciliation Committee was established in 1997; the Committee's goal is to further Reconciliation in the Community. Some of the significant outcomes of the Aboriginal Reconciliation Committee has been:

- Agreed Acknowledgment of Country;
- Painting and construction of the Reconciliation Mural;
- Installation of the Scarred Tree in Simpson Park;
- Graphics on the noise attenuation walls;
- Naming of Weeraman Fields;
- "Wannin Thanbarran" – a history book of Aboriginal/European Contact in Muswellbrook and the Upper Hunter Valley';
- "In Our Own Words" - exhibition, book and digital recordings ;
- Installation of the Widden Creek Artefacts display in the foyer of Muswellbrook Shire Council;
- Interactive website (www.workingwithindigenoussaustralians.info) containing detailed information on Aboriginal and Torres Strait Islanders history and culture, demographics, discussion on current issues and practice implications for people who work in the Human Services sector;
- Muscle Creek Trail Walk – Local Aboriginal history on the historical signs of the area.

Open spaces provide an important opportunity to provide a connection for the community.

5.2 European Cultural Heritage

Musclebrook was declared a township in 1833. It was discovered by Chief Constable John Howe in 1819 and in 1824 major parcels of land were surveyed by Henry Dangar along the banks of the Hunter River for

allocation to early settlers. Although the town name was referred to as Muswellbrook for many years, the official name change to Muswellbrook was gazetted in the New South Wales Parliament in January 1953.

In 1842 the sons of Francis Forbes established the private village of Forbestown south of Muscle Creek but due to confusion with the town of Forbes it was changed to South Musclebrook in 1848. The rich soils surveyed by Dangar resulted in Musclebrook being established as a farming centre. When the railway arrived in 1869 it boosted the local economy as the settlement became the northern railhead and the population climbed.

When Musclebrook was declared a municipality in 1870 the population was 1445. Coal mining began in the 1890s although truly large-scale coal mining didn't get under way until more recently with a predominance of open-cut mines. After the First World War the larger properties were broken up into smaller farms with dairying supplanting wool and wheat. In 1979 the Shire of Denman and the Municipality of Muswellbrook amalgamated to form present day Muswellbrook Shire.

Writer Donald Horne, author of *The Lucky Country*, was raised in Muswellbrook and wrote of his experiences in *The Education of Young Donald* (1967). (Source: *Council website*).

6 DEVELOPMENT AND USE

6.1 Overview

6.1.1 Generally

Fitzgerald Park was dedicated as a public reserve on the 23 May 1879. Early use of the park and provision of facilities focussed on organised sports. The reserve originally encompassed the overall corridor of open space including part of the current Muswellbrook Golf Course. From the late 1800's to mid-1900's the park was referred to as Gerald Park and the site of the current football fields was part of the town Showground site. Later, when the Showground moved, it became known as Olympic Park. Now the name Olympic Park is used to refer to the lands between Bell Street and the Wilkinson Ave bridge over Muscle Creek as reflected in the Olympic Park Master Plan 2017.

Over time, four parcels of land have been excised from the original Fitzgerald Park Reserve for specialised uses:

Railway Land

Two small adjoining parcels to the north of the reserve were removed from the original reserve for railway line and trucking yards in the 1920s.

Roads and Access

Currently parts of Haydon Street, Wilkinson Avenue and Bell Street are not dedicated public roads. ARTC under a current licence agreement also have a constructed access road to their rail corridor. Council is looking to resolve the current issues for the abovementioned areas in the future action for this Plan of Management.

Muswellbrook Bowling Club - currently Boronia Building

The land on which the Bowling Club, greens and carpark were located was extracted from Fitzgerald Park Reserve as a direct lease to the Bowling Club by the Crown. When the Bowling Club closed, the Crown created Muswellbrook Community Reserve No. 1011548 and in May 2006 appointed Hunter Integrated Care Inc. and Upper Hunter Community Services Incorporated as the Trustee and issued them a direct lease for the purpose of community purposes and public recreation. Services for the aged and people with disabilities are carried out in the Boronia Building. The Muswellbrook Croquet Club currently utilise the greens and have built a small clubhouse alongside the Boronia Building.

Memorial Guides Hall

The Memorial Guides Hall was extracted from Fitzgerald Park by Gazette of 13 December 1963 and a Special Lease was granted to the Girl Guides Association (NSW) in February 1964 until its withdrawal in October 1971. In May 1972 the Crown created an unnamed Reserve No. 88588 for the purpose of Girl Guides and

appointed Girl Guides Association (NSW) as Trustee in January 1973. The Muswellbrook Girl Guides attend regular meetings at the hall.

Muswellbrook Aquatic Centre

In 1976 the site of the Muswellbrook Aquatic Centre was excised from the original reserve and transferred to Muswellbrook Council in fee simple, from which time it has been managed by Council as 'community land'.



6.1.2 Key facilities and spaces

Refer to Figure 6.1.6 following page: Olympic Park Precinct Key Existing Features

Tennis Courts

Tennis was established on the site in the late 1920's and the Park Tennis courts were officially opened in 1936.



Figure 6.1:
Park Tennis Courts



Figure 6.2:
Park Tennis Courts

In 1942 (during WW2) the courts and surrounding Showground area became a military camp for soldiers and wartime activities. At the conclusion of the war in 1945 the Club restored the courts, and a single-story club house was built in 1954. In 1976 the club house was replaced with the 2-story club house on the site today. The courts have been extended and have been subject to resurfacing periodically.

The second tennis club, Olympic Park Tennis, was officially formed in 1965 as an amalgamation of two local clubs – Sports Tennis Club and Tahoma Tennis Club. Both Park Tennis and Olympic Park Tennis clubs have operated from the site since.



Figure 6.3:
Olympic Park Tennis

A number of the western most courts have not been used for some time and more recently have been home to a community gardens compound run by the Muswellbrook Shire Council Sustainability Group. This is proposed to be relocated to an alternative site in near future.

Olympic Park Fields

The current sporting field areas were originally the site of the Muswellbrook Showground and have been used for organised field sports since the late 1800's. The Showground moved from the reserve in 1955. Amenities were constructed, with the current integrated grandstand and amenities building developed in 1982. The fields are used predominantly for Rugby League in the winter and Touch Football in the summer. Stage 1 of the Olympic Park Master Plan provides for new facilities with amenities, change rooms, storage and lift/ stair access to a multi-function room above.



Figure 6.4:
Olympic Park Grandstand

Ron King Velodrome

The Velodrome was constructed in 1950 and was later named after a local Muswellbrook Olympic Cyclist, Ron King. The velodrome has a steep profile and is currently not used for organised sport.



Figure 6.5:
Ron King Velodrome

Muswellbrook Aquatic and Fitness Centre

The 50m outdoor pool was opening in February 1929 and is a major community facility. Due to its age and ongoing maintenance issues Council has recently undertaken a major refurbishment of the pool. The indoor fitness centre facilities were integrated with the outdoor pool in a major development of the site.

The current Muswellbrook Aquatic Centre Upgrade includes the construction of a state-of-the-art indoor area featuring a water activity park, learn to swim and therapy pool, new entrance and foyer, kiosk, party room, spa, sauna and viewing deck. The completed redevelopment and refurbishment works has created a new level of service and greatly improved facilities and access. The facility is Council owned 'community land' and is managed by Council.



Figure 6.6:
Muswellbrook Aquatic Centre
- Outdoor Pool

Muswellbrook Golf Course

The history of golf in Muswellbrook stems back to 1900 when Donald Macintyre of Kayuga laid out a nine-hole course in North Muswellbrook. There was no formal club at that time, however, by 1903 there were many local players trying their hand at golf on a regular basis. Around 1907 the Recreation Ground to the east of Bell Street and south of Muscle Creek was deemed a suitable location for a 9-hole course and became home to the local golfers. The properly constituted golf club was formed in 1910 and the first small club house was built on the railway side of Muscle Creek in 1914. As golf became more popular a new club house was built in 1924. The Golf Club purchased land to the east of the current course in 1955 and proceeded to establish an 18-hole course incorporating the part of Fitzgerald Park Reserve.

The Golf Course provides a championship 18-hole course of 6104 metres, and it is a par 72 course. It is considered a challenging layout with five par 5 holes, eight par 4's, and five par 3's. There are eight water carries across the picturesque Muscle Creek which meanders through the course.

The Club House, located on a lot that the Club leases directly from the Crown, provides for club activities including squash with a restaurant, outdoor dining area and adjacent children's playground. The Club House includes a function area for up to approximately 100 people for parties, wedding receptions and wakes.



Figure 6.7:
Muswellbrook Golf Course



Figure 6.8
Olympic Park Precinct – key existing features



6.2 Condition of the land and structures on adoption of the Plan

Olympic Park Precinct has a range of existing built facilities in addition to new facilities under construction. The following summarises the basic aspects of each and identifies the most recent building and facilities condition reporting.

Table 6.2 Facilities Condition Summary

Item / features	Condition
Wilkinson Ave Entry Road	
Asphalt road surface with kerbs and drainage	Good condition
Railway Boundary	
Fence line and landscape curtilage	Satisfactory condition
Carpark to Aquatic and Fitness Centre	
Kerbed roadway with landscape islands	Satisfactory to good condition of infrastructure.
Aquatic and Fitness Centre	
Aquatic and Leisure Centre	2020/ 2022 underwent major works and asset renewal. Excellent condition
Community gardens	
Fenced community gardens enclosure (to disused courts) operated by Council Sustainability group (is being relocated to an alternative site in future to facilitate additional parking area)	Satisfactory condition.
Park Tennis Club	
Courts	Good condition – club undertakes ongoing court maintenance and renewal
Club Building	Satisfactory condition
Olympic Park Tennis Club	
Courts	Good condition
Club Building	Satisfactory condition
Olympic Park Sports field	
Fields	Excellent Condition
Field sports lights	Satisfactory condition
Amenities / Grandstand	Satisfactory condition
Velodrome	
Velodrome structure	Poor condition. New fencing has been installed
Carpark and Lighting	

Item / features	Condition
To Olympic Park Sportsground area and including intelligent lighting.	Excellent condition
Fencing	
Perimeter fencing to Sportsground area	Poor condition
Golf Course	
Golf Course	Good Condition
Boundary fencing	Excellent Condition

6.3 Permitted use and future use

6.3.1 Legislative requirements for future use and development

The Olympic Park Master Plan sets out a proposed future vision for the use and development of the Olympic Park Precinct west of Bell Street. It is expected that new activities, developments and structures may be proposed in response to an application for proposed use of the Olympic Park Precinct, or as triggered by an opportunity for funding, or to address a need or management requirement that may not be evident during community and stakeholder consultation and/ or subsequent preparation of this Plan of Management.

The LG Act, Section 36 states that a Plan of Management must expressly authorise any proposed or potential developments on 'community land'. The following authorisation is provided generally. More specific guidance as to management of uses and development is provided in Part 2 of this Plan of Management: Detailed Management Requirements for Community Land Categories.

Any specific works will also require further investigation, and development approval as required.

Permissible uses and developments at Olympic Park Precinct must be in accordance with relevant legislation, particularly:

- RE1 Public Recreation zoning under the Muswellbrook Environmental Plan 2009
 - To enable land to be used for public open space or recreational purposes.
 - To provide a range of recreational settings and activities and compatible land uses; and
 - To protect and enhance the natural environment for recreational purposes.
- RE2 Private Recreation zoning (Muswellbrook Golf Course) under the Muswellbrook Environmental Plan 2009
 - To enable land to be used for private open space or recreational purposes;
 - To provide a range of recreational settings and activities and compatible land uses;
 - To protect and enhance the natural environment for recreational purposes;
 - To encourage the development of public open spaces in a way that addresses the community's diverse recreation needs.
- Guidelines for and core objectives of the relevant categories of 'community land' under the LG Act.
- Uses for which leases, licences and other estates may be granted on 'community land' under the LG Act.

Developments and structures are limited to those which support the desired activities, consistent with the Olympic Park Masterplan (refer section 7.0 of this plan).

Any use or development that would further encroach on the open space of the site should be minimised, unless it can be shown that the proposed use or development is a more efficient use of the space, has a community benefit, and is consistent with the objectives of this Plan of Management.

Permitted uses and developments must all support and enhance the other values of the site including open space and recreation.

6.3.2 Prohibited activities

Activities that are not consistent with core objectives of the Reserve purpose of Public Recreation are prohibited on the site. Similarly, activities and uses that are not consistent with the core objectives of the Community Land Category (sportsground, general community use, Park, Natural Area Watercourse or Natural Area Bushland) are also prohibited.

Certain activities at Olympic Park Precinct may also be prohibited by the land use zoning of the site and Muswellbrook Shire Council may prohibit certain activities from time to time. Prohibited use will be communicated via Council bookings, leases and licence agreements, or otherwise communicated where prohibited activities may be temporary.

6.3.3 Buildings and structures

Use of buildings and structures will support and reflect the core objectives of the land's Community Land Categorisations in accordance with the RE1 zoning. Refer to Part 2 of this plan for details on permitted use of buildings and structures in Olympic Park Precinct.

6.3.4 Express authorisation

This Plan of Management expressly authorises development of new buildings and structures, and redevelopment/ refurbishment of buildings and structures, which support the desired use of Olympic Park Precinct.

Such buildings and structures will be consistent with:

- The adopted 2018 Olympic Park Master Plan and any subsequent detailed design plans.
- The Muswellbrook LEP 2009 and any applicable Development Control Plans.
- The Building Code of Australia.
- Access to new facilities on the site and any refurbishment of those structures will be provided according to Design for Access and Mobility Standards.
- Access and seating requirements for people with disabilities and compliance with Disability Discrimination Act; and
- Sustainable development and integrate sustainability in terms of energy use, life cycle costs, source material impacts, and Water Sensitive Urban Design (WSUD).

Any proposal for the development and use of buildings, structures and spaces in Olympic Park Precinct will be considered on merit and benefits to the community.

Refer to Part 2 of this Plan - Detailed Management Requirements for Community Land Categories - for details on express authorisations applying to the land categories across the Olympic Park Precinct.

6.3.5 Scale and intensity of use and development

Management of use must have regard for the potential impacts of activities and development on adjoining uses and users. Some key considerations include:

Impacts on adjoining land uses

Uses and activities permitted within Olympic Park Precinct must consider the impacts on local residents, workers and adjoining land uses in terms of noise, lighting, traffic and parking. Development approvals for ongoing development of facilities in Olympic Park Precinct must take this requirement into account as part of the approvals process.

Organised Sports Use

The Plan of Management specifically authorises activities in Olympic Park Precinct which may attract high numbers of people including organised sport activities and training, school sport competitions, commercial activities and one-off community events and performances.

The allocation of Olympic Park and the Muswellbrook Aquatic and Fitness Centre for organised sport and school sport will comply with Council's seasonal allocations process. Applications for permissible activities will be assessed on a case-by-case basis.

The scale and intensity of such activities will be managed by Council's booking process and associated conditions of use.

Informal Use

The intensity of use of informal recreation facilities across Olympic Park Precinct and settings (such as playgrounds, fitness station and park seating) would be determined by community use of the site.

Traffic and Carparking

The impact of traffic and parking associated with organised sport or community events on neighbouring residents and businesses will be managed by preparing a Traffic and Parking Plan on a case-by-case basis for consideration by Council when granting consent for such activities/ events.

The Olympic Park Master Plan includes the construction of a bridge over Muscle Creek into Wilder Street to manage pedestrian and vehicular traffic for sporting and community events.

6.3.6 Assessment and approval of permissible uses and developments

Muswellbrook Shire Council must expressly authorise proposed developments on 'community land' under the LG Act. This authorisation in a Plan of Management gives 'in principle' support for activities and developments consistent with the objectives for land categorisation to proceed to development assessment under the Environmental Planning and Assessment Act 1979.

This Plan of Management does not in itself imply or grant consent for activities or developments. Any proposed uses and developments which are consistent with this Plan of Management must still be referred for development consent, and where required, be advertised widely for information and to invite comment. Any subsequent application for development consent would be supported by and assessed against this Plan of Management.

6.3.7 Authorisation of current use agreements

The table following summarises current lease agreements in addition to seasonal bookings by sporting users applicable to the areas subject to this PoM. An additional licence agreement with special conditions is also listed after Table 6.3.

Table 6.3 Fitzgerald Park/ Golf Course Leases and Licences

Lessee/ Licencee	Reserve No.	Lease or Licence	Permitted Use	Period of Lease/ Licence	Special Conditions
Muswellbrook Park Tennis Club Inc.	570025	Licence	Playing tennis and social activities	1/7/2023 - 30/6/2024	Nil
integratedliving Australia Ltd	570025	Licence	Use of garage and fenced compound for car parking only for Licencee and their clients	1/7/2023 - 30/6/2024	Nil
Muswellbrook RSL Sub-Branch Club Ltd	1010588	Lease	A golf links course for playing golf and other forms of sport and for the recreation of its members and any associated purposes approved by the Lessor	1/7/2004 - 30/6/2024	Nil

Lessee/ Licencee	Reserve No.	Lease or Licence	Permitted Use	Period of Lease/ Licence	Special Conditions
Olympic Park Tennis Club Inc.	570025	Licence	Tennis Courts and Club and associated social and sporting activities	1/7/2005 - 30/6/2025	Nil

Table 6.3.1 Olympic Park Seasonal Bookings

User Group	Activity	Dates	Frequency	Participants 2020	Participants 2019
Muswellbrook Junior Rugby League	Pre-Season Training	February - April	3 x per week	350	350
	Season Training	April - October	5 x per week		
	Season Competition	April - October	2 x per week		
Muswellbrook Senior Rugby League	Pre-Season Training	January - May	4 x per week	70	70
	Season Training	May - September	4 x per week		
	Season Competition	May - September	2 x per week		
Muswellbrook Touch Football	Season Training	September - March	1 x per week	127	124
	Season Competition	September - March	1 x per week		

(2021-2022 participant numbers not used due to COVID interruptions)

A Licence Agreement, subsequent to two previous licences, has been issued to Australian Rail Track Corporation (ARTC). ARTC's only access to the rail corridor on the southern side of the line from the rail bridge to Muswellbrook Train Station is from Fitzgerald Park. ARTC has undergone major works with the rebuilding of the rail bridge across the Bridge Street end of the New England Highway.

On completion of the ARTC planned works, a sealed (all weather) access road has been constructed from Wilkinson Avenue to the ARTC Rail corridor, in accordance with Council's requirements. ARTC proposes to establish an easement and Council resolved at 23 May 2023 Ordinary Council meeting to support in principle the creation of an easement providing this recommendation to Department of Planning and Environment Crown Lands.

6.3.8 Authorisation of future Leases, Licences and other Estates

Granting of leases, licences, other estates and easements for the use or occupation of Olympic Park Precinct are permissible for uses consistent with:

- Section 3.23 of the CLM Act
- The uses listed in Sections 46 and 47 of the LG Act. A lease or licence for a term exceeding 5 years may only be granted following the conditions set out in the LG Act in Section 47 (1), (2), (3) and (4) and if any objection is received, Minister's consent will be required. Proposed leases or licences that exceed a period of 21 years (including with options for renewal periods) will require the Minister's consent. No leases or licences can be granted for a period (including with options for renewal periods) exceeding 30 years.
- The guidelines and core objectives for the Sportsground, General Community Use, Park, Natural Areas Watercourse and Bushland categories of 'community land'.
- Zoning under the Muswellbrook LEP 2009 and conditions of development consent if required; and
- This Plan of Management.

In addition to the conditions provided within the authorisations, the granting of a lease, licence or other estate must also:

- Be in keeping with the purpose, category and core objectives of the land.

- Have no negative impact on historical or heritage sites.
- Not alienate the Precinct unreasonably to allow for community use.
- Be ecologically sustainable.
- Have a component of community benefit.
- Demonstrate a clear nexus between the activity and the Precinct.
- Not result in overuse of the area or conflict with community use of the area.
- Ensure traffic and parking implications are considered; and
- Be in accordance with all Council policies and procedures governing the use of open space.

Sub-leases are permissible where a lease arrangement has been entered into with Council for 'community land'. Any proposed sub-leasing of the land must be in accordance with the requirements of Section 47C of the LG Act.

Proposed leases, licences and other estates applying authorised use for the land categories across the Olympic Park Precinct are outlined in Part 2 Detailed Management Requirements for Community Land Categories.

6.3.9 Authorisation of Short-term casual use and occupation

Licences for short-term casual use or occupation for a range of uses may be granted for Olympic Park Precinct in accordance with Clause 116 of the Local Government (General) Regulation 2021.

Authorisation is granted for short-term casual use or occupation of Olympic Park Precinct for the following uses and occupations presented in Part 2 Detailed Management Requirements for Community Land Categories.

The use or occupation of any 'community land' for short-term or casual licence shall not involve the erection of any permanent building or structure with all short-term casual uses and occupation subject to Council's standard conditions for hire, approval processes, and booking fees. Short-term and casual occupation of Olympic Park Precinct shall be in accordance with a temporary licence as issued by Council with users and occupiers subject to conditions of hire. Fees and charges applicable for short-term, casual bookings will be in accordance with Muswellbrook Shire Council advertised fees and charges.



Figure 6.9:
Picnic Table in Muscle Creek Nature Trail adjacent to the Platypus Plaque (above)

7 VISION FOR FUTURE MANAGEMENT

7.1 Values and Roles

Values provide an important foundation for management and are the qualities of Olympic Park Precinct that the community seeks to protect and enhance. Roles, in turn, distil the functions the precinct plays for the local

and district community and the environment. The following values and roles have been identified from past consultation, and review of community use and activities, and are listed together under several categories fundamental to open space management.

Table 7.1 Values and Roles

Values	Roles
Access and accessibility	
<i>A destination and hub for walking, running and cycling in addition to through routes to various locations</i>	<ul style="list-style-type: none"> Provision of walking and cycling access for day-to-day users to adjoining destinations (e.g., Town centre, School) Provision of loop walking and jogging routes for leisure and fitness
<i>Physical and visual connections with the Muscle Creek waterway</i>	<ul style="list-style-type: none"> Provision of walking access to the creek edge – (to be able to “touch” the water) Availability of locations to view and appreciate the Muscle Creek environment
<i>A place that is accessible to (within the constraints of existing landform and environmental management)</i>	<ul style="list-style-type: none"> Availability of facilities that are universally accessible wherever feasible Appropriate parking that is as close to facilities as possible
Community use	
<i>A place that plays an important role in the organised sporting fabric of Muswellbrook</i>	<ul style="list-style-type: none"> Provision of quality sports fields Provision of quality golf course Provision of a destination aquatic facility for the LGA Provision of tennis and ball court facilities
<i>A place that is valued for its informal recreational qualities</i>	<ul style="list-style-type: none"> Provision of facilities that encourage informal active pursuits (e.g., ball courts / fitness and other) Provision of a variety of walking path and track opportunities Availability of open spaces that can be used for a range of informal recreational uses
<i>A place that is valued for its capacity to bring the community together</i>	<ul style="list-style-type: none"> Organised sports Recreational sports Festivals and events
<i>A place that is valued for its natural qualities</i>	<ul style="list-style-type: none"> Availability of experiences that bring users into contact with nature
Environment and sustainability	
<i>A place that conserves natural and semi natural habitats that contribute to the riparian environment and enable a variety of human experiences</i>	<ul style="list-style-type: none"> Conservation of native bushland habitats and character across the site Ability to experience natural environments Feeling of unstructured character
<i>A place that is sustainable and manages and limits impacts of uses on the natural environment</i>	<ul style="list-style-type: none"> Management of stormwater volumes and quality entering Muscle Creek Enhancement of biodiversity qualities of the riparian areas
Culture and heritage	

Values	Roles
<i>A place that conserves and protects Indigenous heritage and contributes to the understanding of Aboriginal culture past and present</i>	<ul style="list-style-type: none"> Provision of infrastructure and opportunities that increase understanding and knowledge
<i>A place that conserves and protects post 1788 history and contributes to the understanding of Aboriginal culture past and present</i>	<ul style="list-style-type: none"> Provision of infrastructure and opportunities that increase understanding and knowledge

7.2 Master Planning Vision

The Olympic Park Master Plan was developed integrating community consultation from 2017 to 2019. The Master Plan, a 30-year framework, seeks to ensure the park meets the needs of the future community and Stage 1 was adopted following consultation in February 2018.

The Master Plan integrates rugby league fields and associated facilities, tennis courts and aquatic and fitness centre whilst also incorporating passive sporting activities such as cycling and walking around its perimeter.

The Master Plan identifies the following Vision:

“Olympic Park will become Muswellbrook’s regional sporting precinct which provides people of all ages and abilities the opportunity to participate in community sport and independent exercise. The Precinct will be safe, accessible and inclusive”.

Further, the plan identifies the following guiding principles for ongoing development of the facilities:

1. Establish Olympic Park as a regional level facility;
2. Increase the safety of the users of Olympic Park;
3. Modernise the precinct;
4. Improve connections between Olympic Park and the town centre; and
5. Seek opportunities to collaborate with local groups over time.

In accordance with the *Local Government Act 1993, Section 355*, Council has established an advisory committee, referred to as the Olympic Park Development Advisory Committee. The purpose of this committee is to provide feedback and advice regarding the development of the Olympic Park Precinct. This committee is made up of key stakeholders and independent community representatives.

7.3 Concept Master Plan

Figure 7.1 below is the adopted Stage 1 Master Plan which illustrates and annotates the Master Plan recommendations in detail. The fencing alignment shown on the fields is indicative only.

STAGE 1 STRUCTURE PLAN

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

General Precinct Upgrades

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

Rugby League Precinct

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

Ron King Velodrome

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

LEGEND

	WILKINSON AVENUE - TWO WAY ROAD
	ONE WAY BRIDGE LINKS WILKINSON AVENUE TO WILDER STREET
	CARPARK AISLES INC. DIRECTION
	SHARED PATH
	RIPARIAN WALK
	LEFT OUT ONLY FROM WILDER STREET
	VEHICULAR ACCESS TO FIELD 1 & 2
	PALISADE FENCING
	PEDESTRIAN CROSSING POINTS
	LINKS TO POTENTIAL LOOKOUT WITH SEATING (PART OF RIPARIAN MASTER PLAN)
	SEATING LOCATIONS
	INTERSECTION IS WIDENED AND UPGRADED TO ACCOMMODATE BUSES
	INTERSECTION TO BE SIGNALISED BY RMS
	LINK BETWEEN FIELDS WITH SLIDING SLIDING GATE
	BUS DROP OFF ONLY (NO PARKING)

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

①	EXISTING BRIDGE OVER MUSCLE CREEK
②	EXISTING POOL COMPLEX*
③	EXISTING BOWLING FACILITY
④	RETAIN EXISTING OPEN SPACE
⑤	NEW CARPARK B1 - 44 SPACES
⑥	NEW CARPARK C1 & C2 - 6A 5 SPACES & 6B - 6 SPACES
⑦	NEW CARPARK D - 45 SPACES
⑧	EXISTING CARPARK
⑨	PARK TENNIS (6 COURTS)
⑩	EXISTING CLUB HOUSE
⑪	OLYMPIC TENNIS (6 COURTS)
⑫	EXISTING CLUB HOUSE
⑬	LANDSCAPED BUFFER
⑭	NEW FORECOURT
⑮	EXISTING GRANDSTAND
⑯	NEW AMENITIES BUILDING INC. <ul style="list-style-type: none"> - 2 X CHANGE ROOMS - STORAGE FOR VELODROME - LIFT/STAIR ACCESS TO MULTI FUNCTION ROOM ABOVE
⑰	EXISTING VELODROME WITH NEW FENCE
⑱	BATTER SEATING FOR VELODROME
⑲	NEW ONE WAY BRIDGE OVER MUSCLE CREEK
⑳	NEW PALISADE FENCE AROUND FIELD 1 AND 2 (RED DASH)
㉑	NEW BOLLARD AND CHAIN FENCE (WHITE DOTS)
㉒	SUSTAINABILITY HUB
Ⓔ	GATE

8 PoM ADMINISTRATION AND MANAGEMENT

8.1 Reporting, evaluation and review

This PoM will require regular review in order to align with community values and changing community needs, and to reflect changes in Council priorities. There will be an internal review of the PoM management requirements as outlined in Part 2 every 4 years to prioritise actions.

The PoM will be reviewed on an as needs basis including when there is a category change, an additional purpose, acquisition of land, legislative changes.

Each new draft PoM must be referred to the community and placed on public exhibition where the community will have an opportunity to comment prior to Council adoption.



Figure 8.1
Rugby League game
on Field 1

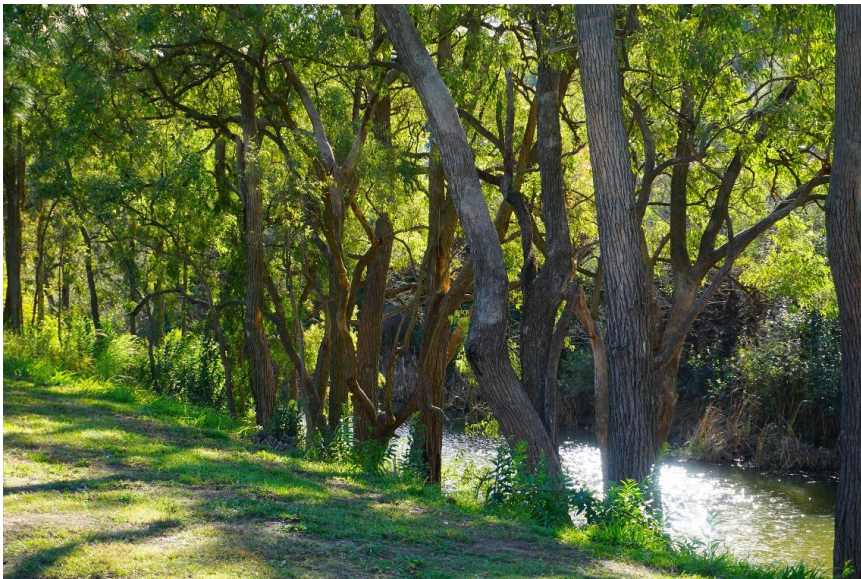


Figure 8.2
Muscle Creek in
Muswellbrook Golf
Course 1

PART 2 - DETAILED MANAGEMENT REQUIREMENTS FOR COMMUNITY LAND CATEGORIES

9 SPORTSGROUND AND PARK

9.1 Introduction

The table following outlines the Guidelines for categorisation for Sportsground and Park as listed in the Local Government (General) Regulation 2021 - Part 4 'Community Land' – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Sections 36F and 36G. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the Sportsground and Park Community Land Categorisations.

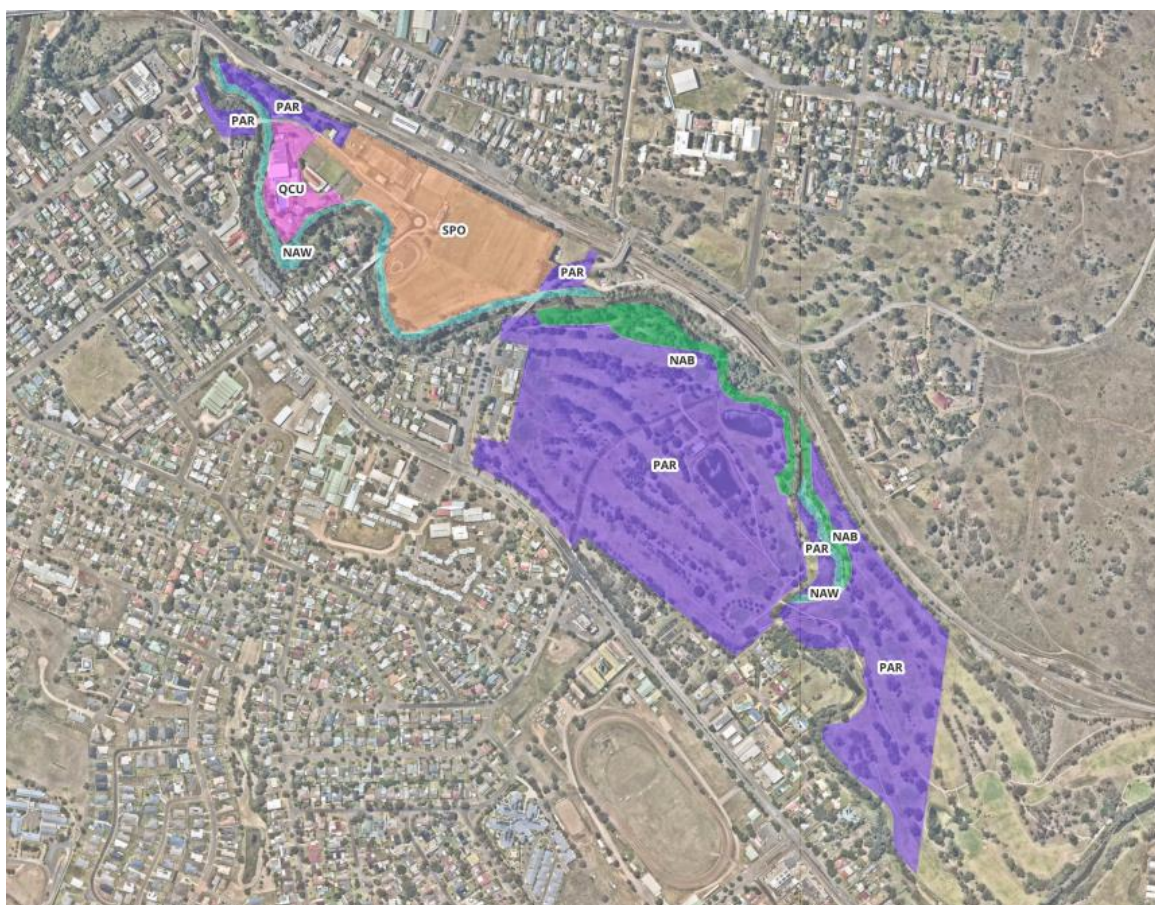


Figure 9.1:
Sportsground and Park

Guidelines for Categorisation	Core objectives for management
Sportsground	
Land should be categorised as a sportsground under section 36 (4) of the Act if the land is used, or proposed to be used, primarily for active recreation involving organised sports or the playing of outdoor games.	The core objectives for management of Community Land Categorised as a sportsground are: <ul style="list-style-type: none"> (a) To encourage, promote and facilitate recreational pursuits in the community involving organised and informal sporting activities and games; and (b) To provide casual recreational, cultural, social and educational pastimes and activities.
Park	
Land should be categorised as a park under section 36 (4) of the Act if the land is, or is proposed to be, improved by landscaping, gardens or the provision of non-sporting equipment and facilities, for use mainly for passive or active recreational, social, educational and cultural pursuits that do not unduly intrude on the peaceful enjoyment of the land by others.	The core objectives for management of Community Land Categorised as a park are: <ul style="list-style-type: none"> (a) To encourage, promote and facilitate recreational, cultural, social and educational pastimes and activities; (b) To provide for passive recreational activities or pastimes and for the casual playing of games; and (c) To improve the land in such a way as to promote and facilitate its use to achieve the other core objectives for its management.

9.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as Sportsground and Park and must be addressed in ongoing management and assessment.

Access and accessibility

- Peak use vehicular access – capacity of Wilkinson Ave and bridge;
- Peak use parking requirements – with all facilities at capacity;
- Pedestrian circulation and gathering space at Olympic Park gates;
- Shared access links through Olympic Park Precinct;
- Lighting to street access and carparking;
- Shared access links along south edge of Muswellbrook Golf Course;
- Equity of access to regional recreational trails passing through the Sportsground areas within Olympic Park Precinct and linking to the Muscle Creek natural Area corridor; and
- Equity of access to all facilities within the Precinct.

Community Use

- Facilitating and encouraging informal recreational use at Olympic Park Precinct;
- Informal recreational use to appropriate areas of The Precinct;
- Suitability of change rooms and facilities at Olympic Park fields for all users of the Precinct, including the enhancement of facilities to encourage female participation in organised sports for female users and different age groups;
- Equity of access for users with accessibilities and/ or disabilities to sports ground and facilities in the Precinct; and
- Maximise the use of playing surfaces at Olympic Park to broadly benefit the community.

Buildings and facilities

- Ensure fit for purpose and compliant facilities; and
- Economies of scale across the precinct.

Relationship to adjoining uses

- Open visual relationship to railway corridor – how best to manage;
- Management of Aquatic Centre boundary – provide more attractive boundary and security management; and
- Creek corridor forms an effective spatial and visual buffer to residential uses.

Environment and sustainability

- Weed encroachment along railway line and at edges to Natural Area category;
- Improved environmental performance of all facilities desirable;
- Implement low energy use lighting;
- Increase energy generation on site; and
- Lack of shade to streets, carparks and non-sports areas of open space.

Culture and heritage

- Olympic Park gates are a symbolic reference point; and
- Community associations with Velodrome – how to reconcile this facility given limited usability and safety concerns.

Maintenance

- Providing effective maintenance storage and operational space for Olympic Park Precinct; and
- Access for maintenance of riparian corridor required through Park area.

9.3 Management framework for areas categorised as Sportsground or Park

The table below outlines the management objectives or desired outcomes for Sportsground and Park areas, means and strategies for their realisation, and means of assessment and review by Council.

Table 9.1 Management Framework

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1	ACCESS AND ACCESSIBILITY		
1.1	To improve vehicular access	Investigate feasibility and performance benefits of bridge and access connection to Wilder Street (as per masterplan)	Completion of investigation
1.2		Implement bridge and access connection to Wilder Street subject to feasibility and funding	Implementation of works
1.3		Review optimum access configuration (one way or two way) – monitor and review if necessary	Monitoring and review of traffic
1.4	To provide vehicular parking that is adequate and effective to use	Provide new parking area in disused court area adjoining railway boundary (as per masterplan)	Additional parking spaces available
		Facilitate opportunities to create further parking to support precinct activities.	
1.5		Make good drainage to main southern carpark to Olympic Park	Works complete
1.6	To provide effective vehicular wayfinding	Provide strategic parking and circulation wayfinding along decision making locations and at entries	User feedback
1.7	To provide effective maintenance access	Provide effective maintenance access to sports fields and recreation facilities	Access available
1.8	To provide effective emergency access	Provide effective emergency access to sports fields and recreation facilities – liaise with emergency authorities	Access available

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1.9	To provide effective shared pedestrian and cycle access	Provide pedestrian gathering and circulation space at entry to Olympic Park fields – provide seating and shade and integrate maintenance and emergency access	Works complete
1.10		Plan and implement shared access links through Olympic Park Precinct as foreshadowed in Muswellbrook Denman Pedestrian and Cycle Plan and Olympic Park Master Plan	Works complete
1.11		Plan and implement shared access links along south edge of Muswellbrook Golf Course as foreshadowed in Muswellbrook Denman Pedestrian and Cycle Plan	Works complete
1.12		Upgrade/ provide lighting to key pedestrian circulation routes including access to parking areas after training	Works complete
1.13	To provide effective pedestrian and cycle wayfinding	Provide strategic pedestrian and cycle wayfinding along decision making locations and at entries	User feedback
1.14	To provide for effective universal access	Integrate accessibility provisions to access from parking areas and along shared and other access routes as applicable	Works complete
2	COMMUNITY USE		
2.1	Organised sports		
2.1.1	To manage and improve Olympic Park Precinct as a hub for organised sports	Maintain and improve sports field facilities where possible	User feedback Review and monitoring
2.1.2		Maintain and improve grandstand facilities	Works complete
2.1.3		Provide expanded and improved change rooms and amenities to cater for diverse range of users	Works complete
2.1.4		Provide multipurpose function space as part of new building works for use by sports groups and general community	Works complete
2.1.5		Review Velodrome facility and determine best uses of site area for long term benefit of community	Review complete
2.1.6	To provide for effective universal access	Integrate accessibility and accessible use provisions to sports facilities as applicable	Works complete
2.1.7	To ensure field allocation is made on a fair and equitable basis	Review and monitor ground allocation on a yearly basis in accordance with Council policy	Annual review completed
2.1.8	To ensure sports facilities are effectively maintained	Plan and implement day to day	Review and monitoring User feedback
2.1.9		Develop and maintain asset management system for sports facilities	System available
2.1.10		Implement planned asset management upgrades and enhancements for sports facilities	System operational
2.1.11		Plan and implement upgrading of tennis court surfacing and ancillary areas and facilities (e.g., shelters) at appropriate time	Review and monitoring User feedback

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
2.1.12		Plan and implement upgrading of tennis court building to provide for efficient and effective use – consolidate uses where possible	Review complete Improvements implemented
2.2	Golf Course		
2.2.1	To ensure the Golf Course is effectively managed as a community recreational facility	Monitor and review as required lease agreement for operation and management of Golf Course facility	Annual review completed
2.2.2		Monitor and review effectiveness of Golf Course management maintenance and operation – identify any required actions and liaise with leaseholder	Annual review completed
2.2.3		Liaise and negotiate with leaseholder and golf users for planning and implementation of shared access links for general community use	Works complete
2.3	Passive recreation		
2.3.1	To maximise informal recreational value of Precinct in complement to the organised sports focus	Facilitate informal community use of non-sports areas of sportsgrounds where sustainable to complement family use of sports facilities and enable other community benefit from sportsgrounds	Review and monitoring Works Complete User feedback
2.3.2		Plan and implement passive recreational improvements to Park uses areas	Review and monitoring Works Complete User feedback
2.3.3	To facilitate informal fitness and exercise use	Plan and implement outdoor fitness equipment at strategic locations	Works Complete
2.3.4	Community groups	Review and monitor potential for community groups to use sports facilities in non-sports times to maximise community benefit	Review complete Trial complete Review and user feedback
2.3.5	Companion animals	Manage and enforce dog and other domestic pet access in accordance with Council policies and strategies	Review and monitoring User feedback
2.3.6	Operating committees/ incorporated bodies	Facilitate, subject to community interest and Council support, Parks Committees under S355 and S377 of the Local Government Act 1993 to assist with park management	Review and monitoring
2.3.7	To effectively control sale of alcohol on sportsground areas	Prohibit consumption of alcohol within sportsgrounds where indicated by ordinance regulations	Alcohol controls observed
2.3.8		Require site users to obtain Council consent and a Liquor licence if sale of alcohol during events is proposed, in compliance with Liquor Act 2007 and Liquor Regulations 2018. Evidence of current Liquor licence supplied to Council annually or as required for issue of permits	Licences in place
2.4	Sustainability Hub		
2.4.1	Effective community benefit of built facilities	Potential for Sustainability Hub to relocate to alternate site to maximise the use of space to complement the sporting precinct	Relocation of Sustainability Hub
3	SUSTAINABILITY & ENVIRONMENT		
3.1	Drainage		

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
3.1.1	To provide for effective drainage of facilities	Provide water quality management as part of WSUD strategies to roads and carparks	Assessment complete Implementation complete
3.1.2		Investigate water harvesting as part of WSUD strategies to roads, carparks and tennis courts	Assessment complete Implementation complete
3.1.3		Monitor field drainage and identify potential for improvement to increase field resilience and play surface quality	Assessment complete Implementation complete
3.1.4		Rehabilitate scouring at new drainage outfall from carpark – provide visually sensitive armouring of embankment and revegetation	Works complete
3.2	Energy management		
3.2.1	To ensure sports facilities have sustainable energy management	Review sustainability performance of facilities and plan and implement potential improvements	Review complete Recommendations implemented
3.3	Affordability		
3.3.1	To ensure pay for use facilities are affordable across the community	Pay for use of sports field and other sports facilities to be reviewed and monitored to ensure equity of access to socially and economically disadvantaged members of the community including schools	Annual review completed
3.4	Amenity and character		
3.4.1	To maintain and improve fence lines to limit adverse impacts on visual character	Review and upgrade effectively and efficiently all fence lines to sports facilities and where required to boundaries – fence treatments to mitigate visual intrusion	Review complete Recommendations implemented
3.4.2	To maintain and improve sportsground and park facilities to limit adverse impacts on visual character	Review and upgrade furniture and fixtures to be fit for purpose and contribute to visual quality of sportsground and park areas	Review complete Recommendations implemented
3.4.3	To maintain and increase tree canopy across sportsground and park areas to improve shade provision, habitat quality and visual character	Identify and implement opportunities to increase tree canopy across sportsground and park areas for shade provision and habitat quality	Review complete Recommendations implemented
4	CULTURE AND HERITAGE		
4.1	Heritage conservation		
4.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete
4.1.2		Plan and implement effective conservation and management of items and aspects of heritage significance	Conservation/ protection as required implemented Conservation Management Plan as required.
4.2	Heritage interpretation		

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
4.2.1	To highlight and improve access to heritage narratives to enhance community uses, experiences and education	Plan and implement interpretation of natural and cultural heritage within sportsground and park areas as applicable	Planning complete Implementation complete
4.2.2		Monitor potential and facilitate where appropriate community events that support and celebrate natural and cultural heritage	Regular monitoring Number of events per year
5	MAINTENANCE		
5.1	To plan and implement appropriate service levels to sportsground areas	Develop and maintain operational and preventative maintenance program as part of Aquatic and Fitness Centre management	System available System operational
5.2		Develop and maintain operational and preventative maintenance program as part of Sports fields and sports facility management	System available System operational
5.3	To plan and implement appropriate Waste Management	Review and monitor Waste Management across sportsground and park areas – identify issues for priority action	Review and monitoring User feedback
5.4		Review and monitor illegal dumping across sportsground and park areas – address dumping immediately in accordance with Council policy	Review and monitoring User feedback
5.5	To facilitate appropriate role of organised users in sportsground maintenance and upkeep	Monitor and facilitate opportunities for organised sports users to assist with maintenance and upkeep of sports facilities	Review complete
6	MANAGEMENT		
6.1	To review and clarify / adjust (where appropriate) land management boundaries	Review anomalies of land boundaries at junction of Olympic Park, Rail corridor and Bell Street with relevant authorities	Improved clarity of ownership and effectiveness of use
6.2	Ensure safe travel and transport on roadways	Negotiate acquisition from The State of NSW of land comprising Bell Street to excise the roadway from the reserve	Local road and heavy vehicle town by-pass is acquired and made a local road under Council ownership and management
6.3		Investigate dedication of land comprising Hayden Street and Wilkinson Avenue to excise the existing roadway access from the reserve	Local road access to sports complex is formally dedicated / gazetted
6.4	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Sportsground category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

9.4 Permitted development and use

The Plan of Management specifically authorises activities in Olympic Park Precinct which may attract high numbers of people including organised sport activities and training, school sport competitions, commercial activities and one-off community events and performances.

The allocation of facilities for organised sport and school sport will comply with Council's seasonal allocations process. Applications for permissible activities will be assessed on a case-by- case basis.

The scale and intensity of such activities will be managed by Council's booking process and associated conditions of use. **Table 9.2 – 9.4** following outline the permitted development and uses of areas of Olympic Park Precinct categorised as Sportsground and Park:

Table 9.2 Permitted development and use – areas categorised as Sportsground or Park

Uses and Activities	Developments
<ul style="list-style-type: none"> Organised and unstructured recreation and sporting activities Casual or informal recreation Meetings, community events and gatherings (including for social, recreational, educational or cultural purposes) Group recreational use, such as picnics and private celebrations Festivals, parades, markets, fairs, exhibitions and similar events and gatherings Concerts, including all musical genres Performances (including film and stage) Exhibitions Fairs and parades Leisure or training classes Entertainment facilities Filming and photographic projects Amplified sound 	<ul style="list-style-type: none"> Development of outdoor and indoor facilities to facilitate the permissible uses and activities. Development for the purposes of improving access, amenity and the visual character of the land, for example paths, public art, pergolas Development for the purposes of facilitating organised and unstructured recreation such as club rooms Change room/locker areas Shower/toilet facilities Car parking and loading areas Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) Shade structures Storage ancillary to sporting and recreational uses, community events or gatherings, and public meetings Provision of amenities to facilitate use and enjoyment of the 'community land' including seating, change rooms, toilets, storage, first aid areas Heritage and cultural interpretation, e.g., signs Equipment sales/hire areas Meeting rooms/staff areas Amenities to facilitate the safe use and enjoyment of the open space, for example picnic tables, BBQs, sheltered seating areas Café or refreshment areas (kiosks) including external seating Lighting, paved areas, hard and soft landscaped areas Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> Relate to approved uses/activities Are discreet and temporary Are approved by Council Water-saving initiatives such as stormwater harvesting, rain gardens and swales Energy-saving initiatives such as solar lights and solar panels Locational, directional and regulatory signage

Table 9.3 Additional Specific Category Permissible Purposes, Uses and Developments - Sportsground

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Active and passive recreational and sporting activities compatible with the nature of the land and any relevant facilities Commercial uses associated with sports facilities 	<ul style="list-style-type: none"> Development for the purpose of conducting and facilitating organised sport (both amateur and professional), for example: <ul style="list-style-type: none"> Sports field (cricket, football, track and field athletics, baseball, softball) Marked court (basketball, volleyball, badminton, tennis, hockey, netball, etc.) Professional rooms associated with the reserve purposes for hire Facilities for sports training Compatible small-scale commercial uses (e.g., sports tuition)

Table 9.4 Additional Specific Category Permissible Purposes, Uses and Developments - Park

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> Active and passive recreation including children's play and cycling Eating and drinking in a relaxed setting Publicly accessible ancillary areas Low-intensity commercial activities (for example recreational equipment hire) Busking Public address (speeches) Community gardens Entertainment such as organised movie nights, etc. 	<ul style="list-style-type: none"> Development for the purposes of active recreation such as play equipment, exercise equipment, bike racks, half-court basketball courts, bocce courts, etc. Commercial development that is sympathetic to and supports use in the area, for example hire of recreation equipment

9.5 Express authorisation of leases, licences and other estates

The LG Act requires that any lease, licence or other estates over 'community land' must be expressly authorised by a PoM.

Table 9.5 & 9.6 below outlines purposes for which tenure may be granted on Community Land Categorised as Sportsground and Park.

Table 9.5 Express authorisation of leases/ licences and other estates for areas Categorised as Sportsground and Park

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> Café/kiosk areas, including seating and tables Hire or sale of recreational equipment Golf course operation and management
Licence	<ul style="list-style-type: none"> Outdoor café/kiosk seating and tables Hire or sale of recreational equipment Recreational purposes, including fitness classes Golf course operation and management
Short-term licence	<ul style="list-style-type: none"> Access through a reserve, Advertising consistent with reserve purposes, Catering Community, training or education Community events and festivals Community functions Conducting a commercial photography session Delivering a public address Emergency occupation Engaging in an appropriate trade or business Entertainment Environmental protection, conservation or restoration or environmental studies Exhibitions Fairs, markets, auctions and similar activities Filming (as defined in the Local Government Act 1993) Hiring of equipment Markets Meetings Playing a musical instrument, or singing for fee or reward

Type of tenure arrangement	Purpose for which tenure may be granted
	<ul style="list-style-type: none"> Picnics and private celebrations such as weddings and family gatherings Public performances Shows Site investigations Sporting and organised recreational activities Storage
Other estates	<p>This PoM allows the Council to grant 'an estate' over 'community land' for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across 'community land' for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the 'community land' to a facility of the Council or other public utility provider that is situated on 'community land'.</p>

Table 9.6 Additional permitted leases/ licences and other estates for areas Categorised as Sportsground

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> Seasonal, one-off, and irregular sporting competitions and training Management of sports field and court facilities
Licence	<ul style="list-style-type: none"> Seasonal, one-off, and irregular sporting competitions and training Management of sports field and court facilities

10 GENERAL COMMUNITY USE

10.1 Introduction

The table following outlines the Guidelines for categorisation for General Community Use as listed in the Local Government (General) Regulation 2021 - Part 4 Community Land – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management of 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Section 36I. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the General Community Use Community Land Categorisation.



Figure 10.1
General Community
Use

Guidelines for Categorisation	Core objectives for management
General Community Use	
<p>The land may be made available for use for any purpose for which 'community land' may be used, whether by the public at large or by specific sections of the public; and</p> <p>The land is not required to be categorised as a natural area and does not satisfy the guidelines for categorisation as a natural area, sportsground, park or an area of cultural significance.</p>	<p>The core objectives for management of Community Land Categorised as general community use are to promote, encourage and provide for the use of the land, and to provide facilities on the land, to meet the current and future needs of the local community and of the wider public:</p> <p>(a) In relation to public recreation and the physical, cultural, social and intellectual welfare or development of individual members of the public, and</p> <p>(b) In relation to purposes for which a lease, licence or other estate may be granted in respect of the land (other than the provision of public utilities and works associated with or ancillary to public utilities).</p>

10.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as General Community Use and must be addressed in ongoing management and assessment.

Access and accessibility

- Peak use vehicular access – capacity of Wilkinson Ave and bridge
- Peak use parking requirements – with all facilities at capacity.
- Lighting to street access and carparking.
- Equity of access to the Muswellbrook Aquatic and Fitness Centre.

Community Use

- Affordability and equity of opportunity for use of pay for use facilities at the Muswellbrook Aquatic and Fitness Centre.

Buildings and Facilities

- Planning and implementing effective operational and preventative maintenance for Muswellbrook Aquatic and Fitness Centre buildings.
- Future funding of renewal and upgrading works requirements.

Relationship to Adjoining Uses

- Management of Aquatic and Fitness Centre boundary – provide more attractive boundary and security management.
- Creek corridor forms an effective spatial and visual buffer to residential uses.

Environment and Sustainability

- Weed encroachment at edges to Natural Area category.
- Improved environmental performance of all facilities desirable.
- Implement low energy use lighting.
- Increase energy generation on site.
- Lack of shade to open space area of Aquatic and Fitness Centre.

Culture and Heritage

- Recognise cultural and social role of pool as community hub.

Maintenance

- Planning and implementing effective operational and preventative maintenance for Muswellbrook Aquatic and Fitness Centre facilities and equipment.
- Access for maintenance of riparian corridor required through Aquatic Centre necessary.

10.3 Management framework for areas categorised as General Community Use

The table below outlines the management objectives or desired outcomes for General Community Use areas, means and strategies for their realisation, and means of assessment and review by Council.

Table 10.1 Management Framework

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1	ACCESS AND ACCESSIBILITY		
1.1	To improve vehicular access	Refer Sportsground category – shared access 1.9-1.12	
1.2	To provide adequate and effective to use vehicular parking	Provide new parking area for additional spaces in disused court area adjoining railway boundary (as per Master Plan)	Planning complete Works complete
1.3	To provide effective maintenance access	Provide effective maintenance access to Aquatic Centre facilities	Access available
1.4	To provide effective emergency access	Provide effective emergency access to Aquatic and Fitness Centre facilities – liaise with emergency authorities	Access available
1.5	To provide safe access between facilities and carparking for patrons	Upgrade/ provide lighting to key pedestrian circulation routes including access to parking areas after dark	Planning complete Works complete User feedback
1.6	To provide effective pedestrian and cycle wayfinding	Provide strategic pedestrian and cycle wayfinding along decision making locations and at entries	User feedback
1.7	To provide for effective universal access	Integrate accessibility provisions to access from parking areas and along shared and other access routes as applicable	Planning complete Works complete User feedback

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
2	COMMUNITY USE		
2.1.1	To manage the aquatic facilities for effective community sports, fitness and leisure use	Implement planned asset management upgrades and enhancements for Aquatic and Fitness Centre facilities	System available System operational
2.2.2	To manage Aquatic and Fitness Centre effectively and efficiently for community benefit	Implement and administer Aquatic and Fitness Centre management	As below
2.2.3		Review and monitor Aquatic and Fitness Centre management periodically	Annual review
2.2.4	To maintain and enhance Aquatic and Fitness Centre facilities to optimise longevity and effectiveness for community	Develop and maintain asset management system for Aquatic and Fitness Centre facilities	System available System operational
2.2.5	To optimise centre programs and services to meet community needs	Monitor and review aquatic programs to ensure efficacy for Muswellbrook community	Annual review
3	SUSTAINABILITY & ENVIRONMENT		
3.1	Drainage		
3.1.1	To provide for effective drainage of facilities	Provide water quality management and potential water harvesting as part of WSUD strategies to roads and carparks	Assessment complete Implementation complete
3.1.2	To provide for effective drainage of facilities	Investigate water harvesting as part of WSUD strategies to hardstand areas	Assessment complete Implementation complete
3.1.3	To ensure effective storage and management of hazardous goods and materials	Storage and management of pool chemical and other materials to be fully compliant with OHS and other applicable standards and controls	Monitoring and review Incident reports
3.2	Energy management		
3.2.1	To ensure Aquatic and Fitness Centre facilities have sustainable energy use	Review sustainability performance of facilities and plan and implement potential improvements	Periodic review
3.3	Affordability		
3.3.1	To ensure pay for use facilities are affordable across the community	Pay for use of Aquatic and Fitness Centre facilities to be reviewed and monitored to ensure equity of access to socially and economically disadvantaged members of community including schools	Annual review
3.4	Amenity and character		
3.4.1	To maintain and improve fence lines to limit adverse impacts on visual character	Review and upgrade effectively and efficiently all fence lines to facilities and where required to boundaries – fence treatments to mitigate visual intrusion	Assessment complete Implementation complete
4	CULTURE AND HERITAGE		
4.1	Heritage conservation		
4.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
		Plan and implement effective conservation and management of items and aspects of heritage significance	Assessment complete Implementation complete
4.2	Heritage interpretation		
4.2.1	To highlight and improve access to heritage narratives to enhance community uses experiences and education	Plan and implement interpretation of natural and cultural heritage within sportsground areas as applicable	Planning complete Implementation complete
4.2.2		Monitor potential and facilitate where appropriate community events that support and celebrate natural and cultural heritage	Regular monitoring Number of events per year
5	MAINTENANCE		
5.1	To plan and implement appropriate Service levels to General Community Use areas	Develop and maintain operational and preventative maintenance program as part of Aquatic and Fitness Centre management	System available System operational
5.2	To plan and implement appropriate Waste Management	Review and monitor waste management across areas – identify issues for priority action	Review and monitoring User feedback
6	MANAGEMENT		
6.1	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the General Community Use category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

10.4 Permitted development and use

The Plan of Management specifically authorises activities which may attract high numbers of people including commercial activities and one-off community events and performances. The allocation of facilities for events will comply with Council's seasonal allocations process. Applications for permissible activities will be assessed on a case-by- case basis. The scale and intensity of such activities will be managed by Council's booking process and associated conditions of use.

Table 10.2 below outlines permitted development and uses of areas categorised as General Community Use:

Table 10.2 - Permissible Uses and Developments to General Community Use category areas: subject to Council assessment, approvals and booking/ hire systems.

Uses and Activities	Developments
<ul style="list-style-type: none"> Organised and unstructured recreation and sporting activities Community events and gatherings Group recreational use, such as picnics and private celebrations Festivals, parades, markets, fairs, exhibitions and similar events and gatherings Filming and photographic projects Providing a location for, and supporting, the gathering of groups for 	<ul style="list-style-type: none"> Development of outdoor and indoor facilities to facilitate the permissible uses and activities. Development for the purposes of improving access, amenity and the visual character of the land, for example paths, public art, pergolas Change room/locker areas Shower/toilet facilities Car parking and loading areas Ancillary areas (staff rooms, meeting rooms, recording rooms, equipment storage areas) Shade structures

Uses and Activities	Developments
<p>a range of social, cultural or recreational purposes.</p> <ul style="list-style-type: none"> Casual or informal recreation Meetings (including for social, recreational, educational or cultural purposes) Concerts, including all musical genres Performances (including film and stage) Exhibitions Fairs and parades Leisure or training classes Entertainment facilities Providing multi-purpose buildings for a range of mixed-use options including indoor sports and community use venues Specialised community uses such as: <ul style="list-style-type: none"> functions workshops childcare (for example, before and after school care, vacation care) designated group use (e.g., scout and girl guide use) Educational centres, including information and resource centres. <ul style="list-style-type: none"> Small scale commercial uses compatible with the location and use of the land 	<ul style="list-style-type: none"> Storage ancillary to sporting and recreational uses, community events or gatherings, and public meetings Provision of amenities to facilitate use and enjoyment of the 'community land' including seating, change rooms, toilets, storage, first aid areas Heritage and cultural interpretation, e.g., signs Equipment sales/hire areas Meeting rooms/staff areas Amenities to facilitate the safe use and enjoyment of the park, for example picnic tables, BBQs, sheltered seating areas Café or refreshment areas (kiosks) including external seating Lighting, paved areas, hard and soft landscaped areas Advertising structures and signage (such as A-frames and banners) that: <ul style="list-style-type: none"> Relate to approved uses/activities Are discreet and temporary Are approved by the Council Water-saving initiatives such as stormwater harvesting, rain gardens and swales Energy-saving initiatives such as solar lights and solar panels Locational, directional and regulatory signage Development for the purposes of social, community, cultural and recreational activities, such as aquatic centres, mixed use indoor sports and community use venues, show facilities, community use facilities Development includes: <ul style="list-style-type: none"> Provision of buildings or other amenity areas to facilitate use and enjoyment by the community Development (such as within buildings) to address the needs of a particular group (for example, a stage) Environmental initiatives such as return and earn bottle recycling facility Council storage area

10.5 Express authorisation of leases, licences and other estates

The LG Act requires that any lease, licence or other estates over 'community land' must be expressly authorised by a PoM.

Table 10.3 below outlines purposes for which tenure may be granted on Community Land Categorised as General Community use. For more information on leases, licences and other estates, see section 6.3.7.

Table 10.3 Leases, licences and other estates and purposes for which they may be granted for Community Land Categorised as General Community Use

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> Childcare or vacation care Health or medical practitioners associated with the relevant facility (for example, nutrition, physiotherapy) Educational purposes, including libraries, education classes, workshops Cultural purposes, including concerts, dramatic productions and galleries Recreational purposes, including fitness classes, dance classes and games Sporting uses developed/operated by a private operator Kiosk, café and refreshment purposes Commercial retail uses associated with the facility (e.g., sale or hire of sports goods)

Type of tenure arrangement	Purpose for which tenure may be granted
Licence	<ul style="list-style-type: none"> • Social purposes (including childcare, vacation care) • Educational purposes, including libraries, education classes, workshops • Recreational purposes, including fitness classes, dance classes • Café/kiosk areas • Sale of goods or services that are ancillary to 'community land' use and reserve purpose
Short-term licence	<ul style="list-style-type: none"> • Public speeches, meetings, seminars and presentations, including educational programs • Functions (including commemorative functions, book launches, film releases, balls and similar activities) • Displays, exhibitions, fairs, fashion parades and shows • Events (including weddings, corporate functions, and community gatherings) • Concerts and other performances, including both live performances and film (cinema and TV) • Broadcasts associated with any event, concert, or public speech • Engaging in an appropriate trade or business delivering a public address, community events; auctions, markets and similar activities • Advertising consistent with reserve purposes, • Catering, • Conducting a commercial photography session • Emergency occupation, • Filming (as defined in the Local Government Act 1993), • Hiring of equipment, • Playing a musical instrument, or singing for fee or reward • Site investigations, • Storage.
Other estates	<p>This PoM allows the Council to grant 'an estate' over 'community land' for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across 'community land' for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the 'community land' to a facility of the Council or other public utility provider that is situated on 'community land'.</p>

11 NATURAL AREA WATERCOURSE

11.1 Introduction

The following table outlines the Guidelines for categorisation for Natural Area Watercourse as listed in the Local Government (General) Regulation 2021 – Part 4 Community Land – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management of 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Section 36M. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the Natural Area Watercourse Community Land Categorisation.



**Figure 11.1:
Natural Area
Watercourse**

Guidelines for Categorisation	Core objectives for management
Natural Area Watercourse	
Land that is categorised as a natural area should be further categorised as a watercourse under section 36 (5) of the Act if the land includes: (a) Any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel that has been artificially improved, or in an artificial channel that has changed the course of the stream of water, and any other stream of water into or from which the stream of water flows, and (b) Associated riparian land or vegetation, including land that is protected land for the purposes of the Rivers and Foreshores Improvement Act 1948 or State protected land identified in an order under section 7 of the Native Vegetation Conservation Act 1997.	The core objectives for management of Community Land Categorised as a watercourse are: (a) To manage watercourses so as to protect the biodiversity and ecological values of the instream environment, particularly in relation to water quality and water flows, and (b) To manage watercourses so as to protect the riparian environment, particularly in relation to riparian vegetation and habitats and bank stability, and (c) To restore degraded watercourses, and (d) To promote community education, and community access to and use of the watercourse, without compromising the other core objectives of the category.

11.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as Natural Area Watercourse and must be addressed in ongoing management and assessment.

Habitat management

- Weed encroachment from land and along creek line.
- Extent of closed boundary to Aquatic Centre facility.
- Weed and other impacts across boundary from Aquatic Centre facility, Park area and Golf Course.
- Steep erosion prone nature of embankments.
- Stormwater outfalls to creek can cause erosion.
- Stormwater outfalls to creek generally degrade water quality.

Access and accessibility

- Continuation of shared access through site shared path in the Golf Course to Riparian Walk, through Natural Area Watercourse and Natural Area Bushland.
- Enabling users to experience the creek environment.

Facilities and infrastructure

- Provision of pedestrian access in a manner complimentary to the character of the natural area.

Relationship to adjoining uses

- Adjoining Golf Course is subject to lease and is not subject to day-to-day management by Council – ongoing monitoring required.

Culture and heritage

- Interpretation of heritage values.

Maintenance

- Availability of adequate maintenance access through adjoining open space.

Management

Muscle Creek is a Crown Waterway - Prior to carrying out management or modification works, it is necessary to seek approval through the NSW Department of Planning, Industry and Environment.

11.3 Management framework for areas categorised as Natural Area Watercourse

The table below outlines the management objectives or desired outcomes for Natural Area Watercourse area, means and strategies for their realisation, and means of assessment and review by Council.

Table 11.1 Management Framework

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1	HABITAT MANAGEMENT		
1.1	To provide effective management of natural corridor	Generally, manage the natural system of the creek corridor in accordance with existing riparian management frameworks and strategies	Monitoring and review
1.2	To reduce the impact of weed encroachment on habitat values	Plan and implement a staged weed management program in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Annual progress on weed reduction
1.3	To realise integrated rehabilitation of natural vegetation system through corridor	Plan and implement ongoing vegetation management program in accordance with existing riparian management frameworks and strategies and coordinating items 1.1-1.7	Monitoring and review
1.4	To provide practical maintenance access to riparian corridor	Formalise maintenance access points to riparian corridor through Park area	Availability of maintenance access

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1.5	To improve bank stability	Plan and implement programs to improve bank stability including vegetative and engineered (where applicable) in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Availability of programs Monitoring and review
1.6	To reduce erosional impacts of stormwater outfalls	Plan and implement upgrade of stormwater outfalls to mitigate flow speeds and reduce erosion potential	Assessment complete Implement recommendations
1.7	To mitigate water quality impact of stormwater outfalls	Plan and implement point source WSUD measures within adjoining Park area to improve quality of stormwater entering channel	Assessment complete Implement recommendations
2	ACCESS AND ACCESSIBILITY		
2.1	To Integrate sustainable access through riparian corridor that can add to user experiences	Plan and implement Riparian Walk track access	Planning complete Implementation complete
2.2	To provide effective pedestrian	Provide strategic pedestrian wayfinding along decision making locations and at entries	User feedback
3	CULTURE AND HERITAGE		
3.1	Heritage conservation		
3.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete
3.1.2		Plan and implement effective conservation and management of items and aspects of heritage significance	Conservation implemented
3.2	Heritage Interpretation		
3.2.1	To highlight and improve access to heritage narratives to enhance community uses experiences and education	Plan and implement interpretation of natural and cultural heritage within Natural Area Watercourse as applicable	Planning complete Implementation complete
3.2.2		Monitor potential and facilitate where appropriate community walks that support and celebrate natural and cultural heritage	Annual review
4	MAINTENANCE		
4.1	To plan and implement appropriate service levels to Natural Area Watercourse	Develop and maintain operational and preventative maintenance program as part vegetation management	System available System implemented
4.2	To ensure appropriate management of adjoining areas	Monitor Golf Course management adjoining Natural Area Watercourse	Monitoring and review
5	MANAGEMENT		

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
5.1	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Natural Area Watercourse category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

11.4 Permitted development and use

The use and development of 'community land' should be compatible with the legislated purpose of the land and the wider community context.

Generally, Council encourages a wide range of uses of 'community land' and intends to facilitate uses which increase the activation of its land. For Natural Areas use must be compatible with the core objectives for management and limit impacts on the natural values of the area.

The general types of uses which may occur on Community Land Categorised Natural Area Watercourse and the forms of development generally associated with this use, are set out in **Table 11.2** following.

Table 11.2 Permissible use and development of Community Land Categorised as Natural Area - Watercourse

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> • Preservation and enhancement of Council's natural and cultural heritage • Preservation of biological diversity and habitat • Providing a location for formal and informal recreation • Walking • Access to the waterway • Environmental and scientific study • Community engagement in understanding and enhancing natural and cultural values • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna. • Fire hazard reduction 	<ul style="list-style-type: none"> • Low-impact walking trails • Water sensitive urban design installations • Observation platforms • Barriers • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out • Locational, directional, interpretative and regulatory signage • Creek erosion control works

12 NATURAL AREA BUSHLAND

12.1 Introduction

The following table outlines the Guidelines for categorisation for Natural Area Bushland as listed in the Local Government (General) Regulation 2021 - Part 4 'community land' – Division 1 Guidelines for the categorisation of 'community land'. The Core objectives for management of 'community land' thus categorised are as listed in Local Government Act 1993 No. 30 Part 2 Public land Division 2 Section 36J. The Crown Reserve Purpose of **Public Recreation** of the subject lands is supported and complemented by the uses and facilities facilitated under the Natural Area Bushland Community Land Categorisation.



Figure 12.1

Natural Area Bushland

Guidelines for Categorisation	Core objectives for management
<p>Natural Area Bushland</p> <p>The land (whether in an undisturbed state or not) possesses a significant geological feature, geomorphological feature, landform, representative system or other natural feature or attribute that would be sufficient to further categorise the land as bushland, wetland, escarpment, watercourse or foreshore.</p> <p>(1) Land that is categorised as a natural area should be further categorised as bushland under section 36 (5) of the Act if the land contains primarily native vegetation and that vegetation:</p> <p>(a) Is the natural vegetation or a remainder of the natural vegetation of the land, or</p> <p>(b) Although not the natural vegetation of the land, is still representative of the structure or floristics, or structure and floristics, of the natural vegetation in the locality.</p> <p>(2) Such land includes:</p> <p>(a) Bushland that is mostly undisturbed with a good mix of tree ages, and natural regeneration, where the understorey is comprised of native grasses and herbs or native shrubs, and that contains a range of habitats for native fauna (such as logs, shrubs, tree hollows and leaf litter), or</p> <p>(b) Moderately disturbed bushland with some regeneration of trees and shrubs, where there may be a regrowth area with trees of even age, where native shrubs and grasses are present in the understorey even though there may be some weed invasion, or</p> <p>(c) Highly disturbed bushland where the native understorey has been removed, where there may be significant weed invasion and where dead and dying trees are present, where there is no natural regeneration of trees or shrubs, but where the land is still capable of being rehabilitated</p>	<p>The core objectives for management of 'community land' categorised as bushland are:</p> <p>(a) To ensure the ongoing ecological viability of the land by protecting the ecological biodiversity and habitat values of the land, the flora and fauna (including invertebrates, fungi and micro-organisms) of the land and other ecological values of the land, and</p> <p>(b) To protect the aesthetic, heritage, recreational, educational and scientific values of the land, and</p> <p>(c) To promote the management of the land in a manner that protects and enhances the values and quality of the land and facilitates public enjoyment of the land, and to implement measures directed to minimising or mitigating any disturbance caused by human intrusion, and</p> <p>(d) To restore degraded bushland, and</p> <p>(e) To protect existing landforms such as natural drainage lines, watercourses and foreshores, and</p> <p>(f) To retain bushland in parcels of a size and configuration that will enable the existing plant and animal communities to survive in the long term, and</p> <p>(g) To protect bushland as a natural stabiliser of the soil surface.</p>

12.2 Key management influences

The following pressures and opportunities influence management of the areas categorised as Natural Area Bushland and must be addressed in ongoing management and assessment.

Habitat management

- Weed and other impacts from Aquatic Centre facility, Sportsground and Park Areas
- Level of general weed encroachment

Access and accessibility

- Continuation of shared access from through-site shared path in General Community Use and Park Areas to Riparian Walk, through Natural Area Bushland and Natural Area Watercourse on the Golf Course
- Enabling users to experience the creek edge bushland environment

Facilities and infrastructure

- Provision of pedestrian access in a manner complimentary to the character of the natural area

Relationship to adjoining uses

- Adjoining Aquatic centre facility, General Community Use and Park areas are public use land over which Council has control – ability to manage potential impacts
- Adjoining Muswellbrook Golf Course where the land is under lease that has impact on the Natural Area Bushland in the part of the Precinct.

Culture and Heritage

- Interpretation of heritage values

Maintenance

- Availability of adequate maintenance access through adjoining open space
- Need to integrate maintenance of bushland pocket with riparian corridor and watercourse

Management

- Natural Bushland pockets generally adjoin and integrate with Park and General Community Use areas in the Precinct. Management will need to be similarly integrated.
- The Natural Bushland pockets within Muswellbrook Golf Course that is under lease will need ongoing monitoring

12.3 Management framework for areas categorised as Natural Area Bushland

The table below outlines the management objectives or desired outcomes for Natural Area Bushland areas, means and strategies for their realisation, and means of assessment and review by Council.

Table 12.1 Management Framework

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1	HABITAT MANAGEMENT		
1.1	To provide effective management of natural corridor	Management of the natural system in accordance with existing bushland management frameworks and strategies	Review and monitoring
1.2	To reduce the impact of weed encroachment on habitat values	Plan and implemented a staged weed management program in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Planning available Progressive implementation

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
1.3		Provide weed management and garden escape management along Golf Course boundary to riparian corridor	Review and monitoring
1.4	To realise integrated rehabilitation of natural vegetation system through corridor	Plan and implement ongoing bushland vegetation management program in accordance with existing creek riparian management frameworks and strategies and coordinating items 1.1-1.8	Progressive implementation
1.5	To provide practical maintenance access to riparian corridor	Formalise maintenance access points to riparian corridor through General Community Use and Park areas	Maintenance access available
1.6	To improve bank stability	Plan and implement programs to improve bank stability including vegetative and engineered (where applicable) in accordance with Council bushland management policies and existing riparian management frameworks and strategies	Occurrences of bank erosion are reduced
1.7	To reduce erosional impacts of stormwater outfalls	Plan and implement upgrade of stormwater outfalls to mitigate flow speeds and reduce erosion potential	Planning complete Implementation complete
1.8	To mitigate water quality impact of stormwater outfalls	Plan and implement point source WSUD measures within adjoining areas	Planning complete Implementation complete
2	ACCESS AND ACCESSIBILITY		
2.1	To Integrate sustainable access through riparian corridor that can add to user experiences	Plan and implement Riparian Walk track access in accordance with Olympic Park Master Plan	Planning complete Implementation complete
2.2	To provide effective pedestrian and cycle wayfinding	Provide strategic pedestrian and cycle wayfinding along decision making locations and at entries	User feedback
3	CULTURE AND HERITAGE		
3.1	Heritage conservation		
3.1.1	To ensure items and aspects of heritage significance are effectively conserved and managed	Identify items of heritage significance from an Aboriginal and historical perspective	Assessment complete
3.1.2		Plan and implement effective conservation and management of items and aspects of heritage significance	Conservation implemented
3.2	Heritage interpretation		
3.2.1	To highlight and improve access to heritage narratives to enhance community uses experiences and education	Plan and implement interpretation of natural and cultural heritage within sportsground areas as applicable	Planning complete Implementation complete
3.2.2		Monitor potential and facilitate where appropriate community walks that support and celebrate natural and cultural heritage	Annual review
4	MAINTENANCE		

No.	Management Factor and Objectives	Means/ Strategies for Implementation	Means of Assessment
4.1	To plan and implement appropriate Service levels to Natural Area Bushland areas	Develop and maintain operational and preventative maintenance program as part of vegetation management	System available System implemented
5	MANAGEMENT		
5.1	To facilitate decision making not foreshadowed in this document	Any management decisions or issues outside of the scope of this PoM should be assessed and resolved in the context of the Core Objectives for the Natural Area Bushland category as per the LGA 1993, the Crown Reserve Purpose, The Land Zoning, and Council Policy	Decision making facilitated

12.4 Permitted development and use

The use and development of 'community land' should be compatible with the legislated purpose of the land and the wider community context.

Generally, Muswellbrook Shire Council encourages a wide range of uses of 'community land' and intends to facilitate uses which increase the activation of its land. Natural Areas use must be compatible with core objectives for management and limit impacts on the natural values of the area.

The general types of uses which may occur on Community Land Categorised Natural Area Bushland and the forms of development generally associated with those uses, are set out in **table 12.2** below.

Table 12.2 Permissible use and development of Community Land Categorised as Natural Area Bushland

Purpose/Use	Development to facilitate uses
<ul style="list-style-type: none"> • Preservation of Council's natural and cultural heritage • Preservation and enhancement of biological diversity and habitat • Providing a location for relaxation, passive informal recreation and filming/ photographic projects • Amenities to support the use of the land • Walking/ hiking/ cycling • Guided bushwalks • Environmental and scientific study • Community engagement in understanding and enhancing natural and cultural values • Bush regeneration works • Carbon sequestration • Bio-banking • Approved bush care projects requiring ecological restoration activities associated with protection of flora and fauna. • Fire hazard reduction • WSUD, soil erosion and stormwater management. 	<ul style="list-style-type: none"> • Development for the purposes of improving access, amenity and the visual character of the natural areas • Any development or activity that promotes the restoration and regeneration of the land including WSUD, erosion controls, stormwater management and habitat enhancement • Visitor facilities: picnic tables, BBQs, seating areas, lighting, toilets • Low-impact walking trails • Observation platforms, boardwalks, barriers, fences • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out or for specific one-off events • Temporary or permanent erection of art that complements the natural or cultural heritage • Locational, directional, interpretative and regulatory signage • Garbage bins • Fencing necessary for community utilisation of Precinct • Work sheds or storage sheds required in connection with the maintenance of the land • Energy-saving initiatives such as solar lights and solar panels

12.5 Express authorisation of leases, licences and other estates

The LG Act requires that any lease, licence or other estates over 'community land' must be expressly authorised by a PoM. **Table 12.3** below outlines purposes for which tenure may be granted on Community Land Categorised as Natural Area Bushland. For more information on leases, licences and other estates See Section 6.3.7.

Table 12.3 Express Authorisation of short-term casual use and occupation

Type of tenure arrangement	Purpose for which tenure may be granted
Lease	<ul style="list-style-type: none"> • Walkways, pathways, bridges, causeways • Observation platforms, signs • Information kiosk • Bicycle hire or similar • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Licence	<ul style="list-style-type: none"> • Walkways, pathways, bridges, causeways • Observation platforms, signs • Information kiosk • Bicycle hire or similar • Work sheds or storage sheds required in connection with the maintenance of the land • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Short-term licence	<ul style="list-style-type: none"> • Scientific studies and surveys or similar • Bicycle hire or similar • Temporary erection or use of any building or structure necessary to enable a filming project to be carried out
Other estates	<p>This PoM allows the Council to grant 'an estate' over 'community land' for the provision of public utilities and works associated with or ancillary to public utilities in accordance with the LG Act.</p> <p>Estates may also be granted across 'community land' for the provision of pipes, conduits, or other connections under the surface of the ground for the connection of premises adjoining the 'community land' to a facility of the Council or other public utility provider that is situated on 'community land'.</p>

PART 3 - ATTACHMENTS

- **'Attachment A'** - Native Title Manager Advice; uploaded to share folder
- **'Attachment B'** - Olympic Park Master Plan; uploaded to share folder



10.3.2. Major Projects Status Report

Attachments:	1. Major Project Spreadsheet 20231015 [10.3.2.1 - 6 pages]
Responsible Officer:	Derek Finnigan - Acting General Manager
Author:	Matthew Lysaught (Director Property & Place)
Community Plan Issue:	5 - <i>Community Infrastructure</i>
Community Plan Goal:	Effective and efficient infrastructure that is appropriate to the needs of our community.
Community Plan Strategy:	1.4.1 - Complete current infrastructure projects and identify future opportunities for the Shire.
	Not applicable

PURPOSE

To provide for Council's information the monthly Major Projects Status Report.

OFFICER'S RECOMMENDATION

Council NOTES the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

A monthly tabular report is provided with status updates and information on major community infrastructure projects.

CONSULTATION

Respective project managers.

REPORT

The Major Projects Status Report is attached for the information of Councillors as at 15 October 2023.

Each iteration of the report is reviewed to improve the communication of status updates against Council's Delivery Program and 2023–2024 Operational Plan.

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 2023–2024 Operational Plan.

RISK MANAGEMENT IMPLICATIONS

Risk implications are considered and assessed for major projects.

WASTE MANAGEMENT IMPLICATIONS

Waste management plans are developed and implemented for applicable projects.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Subject to the type and scale of the project, Council consults and provides communications to the community.

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 15 OCTOBER 2023
MULTIPLE YEAR PROJECTS											
Olympic Park											
2019-2020-0417	Olympic Park Amenities and Grandstand	D & C	3710.7824.504	\$8,150,000	\$3,505,706	Existing Cover to \$2M	Jan-21	Dec-24	Jan-21		The Development Application for the Olympic Park amenities and grandstand design is under planning assessment. The Olympic Park Development Advisory Committee is meeting monthly or as required. An Event Management Plan suite has been developed to address outstanding issues raised by the Regional Planning Panel. The details of the Australian Government Grant Application were reported to the September Ordinary Council meeting for the application under the Priority Community Infrastructure Program (PCIP) to be submitted by 30 October 2023.
2021-2022-0520	Olympic Park Field Improvements	D & C	3710.1405.504	\$1,500,000	\$933,904	Existing Cover to \$2M	Jul-22	Dec-24	Jul-22		Draft drainage and irrigation designs have been prepared for Olympic Park field improvements. Discussions have been held with funding bodies to align grant and project milestones. Council is awaiting formal feedback on these discussions following the lodgement of PCIP grant programme.
TBA	Olympic Park Projects	D	3710.1405.504	TBD	\$56,848	Existing Cover to \$2M	Jul-22	Dec-24			Design for Olympic Park Funds has been allocated for investigation and design of other precinct stages including precinct landscape design. Fencing has been installed has been in around the Olympic Park Bridge which expends this Financial Year allocation. Separately Crown Lands, Department of Planning and Environment have provided consent for the draft Plan of Management - Olympic Park Precinct to be placed on public exhibition.
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		Development Application (DA) is being prepared for demolition of Bridge Street buildings to be lodged following the endorsement by CBD 7 - Pocket Park concept design at the May 2023 Ordinary Council meeting. Request for Quotation (RFQ) process for removal of hazardous waste from the Bridge Street buildings completed. Contract for removal of Hazardous materials awarded to Fenech Demolition. Development Application documentation pack progressing.
2020-2021-0463	Regional Entertainment and Conference Centre	D & C	3690.5433.504	\$16,500,000	\$3,273,204	TBA	Oct-21	Dec-26	Oct-21		Staff have commenced discussions with the Principal Design Consultant (PDC) regarding changes in design including an alternative Town Centre location and relocation of the development application. The architect has prepared a return brief. Geotechnical and ground contamination investigation to be undertaken of the proposed new location. Architects are reviewing scope and any fee variation for Council's consideration. The Studio component of the development is to be staged. The architects proposal to deliver the stages for the new location has been received and is being reported to the Development Advisory Committee on 18 October 2023. An independent review of the architects' proposal is likely to be sought by a Quantity Surveyor. A further report will be provided to November 2023 Ordinary Council meeting.
Other											
TBA	Civic Precinct (Town Square)	D & C	3690.5498.504	\$14,500,000	\$2,256,524	Council insured	Oct-21	Jun-26	Oct-21		Planning for demolition and scoping of the Pocket Park has commenced. Funding of \$10.5m confirmed awaiting finalisation of grant process. The details of the Australian Government Grant Application reported to the September Ordinary Council meeting for the application under the Priority Community Infrastructure Program (PCIP) to be submitted by 30 October 2023.
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. Occupation Certificate received. Soft opening followed installation of artwork. Artwork installed and keys handed over. Official opening planning for Friday 24 November 2023.
2020-2021-0443	MSC Depot Construction	D & C	3910.5939.504	\$8,000,000	\$4,838,000	Council insured	Jul-21		Jul-21		Resources for Regions Round 9 funding announced of \$4.8M. Concept design provided to staff for feedback. Final concept and costs reported to the July 2023 Ordinary Council meeting. Council going out for a Design consultant to take the project to Design and Construct Tender.
2020-2021-0452	Muswellbrook Animal Shelter	C	3910.5887.504	\$3,191,041	\$1,206,134	Council Insured	Feb-21	Mar-23	May-21	Jul-23	The construction project is complete and the facility opening is scheduled for 26/10/2023. Fibre connection testing work remains to be completed by the contractor.
2019-2020-0413	Muswellbrook Indoor Sport Centre	D & C	3910.5844.504	\$1,242,452	\$1,177,934	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. Detailed design contract has been awarded to be completed alongside land parcel 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	May-23	Official opening held Tuesday, 18 July 2023.

FUTURE FUND											
TBA	Loxton House	D & C	3665.4910.504	\$950,000	\$872,335	Council insured	Dec-22	Dec-23	Dec-22		Design with future tenants completed for development application modification. Awaiting Heritage Advice. Heritage Advice received and can proceed with amendment. DA modification request review is in progress. Currently working with the architect to finalise the cost proposal to finalise the design. Internal and external survey of building to be undertaken.
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 ready for tender issue. Council is undertaking an independent review of transportation services at the Marketplace.
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. Significant works include the relocation of Blue Flame restaurant to the Donald Horne Building. No quotations were received in first Request for Quote (RFQ) but rereleased and reported to 26 September Ordinary Council meeting.
PLANNING, COMMUNITY AND CORPORATE SERVICES											
	Aquatic Centre Programme 2024		3700.5312.504	\$213,000	\$213,000	Existing Cover to \$2M	Jul-23				Installation of dehumidifier in Spa. Request for Quotes (RFQ) are currently out.
N/A	General Building Renewal Programme	C	3910.5819.504	\$250,000	\$250,000	Existing Cover to \$2M	Oct-22	Jun-23			Activation of some projects were contingent on grant funding which has now commenced. This includes Victoria Park upgrade to amenities funded from the Stronger Country Communities Fund - Round 5.
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 for the Arts Centre. 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.
2021-2022-0529	Reactivation of Campbells Corner Retail for Muswellbrook	D & C	TBA	\$974,686	\$974,686	Existing Cover to \$2M	Jan-23	Jul-24			Resources for Regions Round 9 funding announced of \$974,686. Development Application (DA) has been lodged and is under assessment.
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		Reallocation of Resources for Regions Round 7, \$2,850,318. Now includes additional Public Domain Works: 1. Loxton House Refurbishment, 2. Hill St Construction, 3. Part Bridge Street Footpath, 4. Bridge Street Median, 5. Marketplace Public Car Park, and 6. Marketplace laneway. 2. Hill Street Reconstruction- The project is complete. 3-4. Bridge Street footpath - Design and tender documents being prepared with the following schedule: receipt of detailed design and documentation and has been reviewed by council. Revisions and updated documents delivered by end October ready for future tendering. 5. Marketplace carpark - The project is complete.
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 auspicing 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 finalised for S68 Permit. Construct-only tender documentation ready. Report provided for funding implications to October 2023 Ordinary Council meeting.
2022-2023-0554	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. Tenders closed 3 March 2023 and received tender was over budget. The scope of works is currently being reviewed alongside Denman Recreation Reserve Works.
TBA	Denman Recreation Reserve Works	D & C	TBA	\$2,249,301			Jan-23	Apr-24			Resources for Regions Round 9 funding announced of \$2,249,301. Consultants to undertake design for the construction of Bell St Denman with quotations currently being reviewed to engage road design.
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.
	Karoola Park - Resilience Works	D & C		\$973,974	\$973,974		Jul-23	Jun-25			Project is the removal of the concrete stormwater drain and replacement with natural drainage system. The existing design is being reviewed and tender documents prepared.
	Everyone Can Play - Simpson Park	C	3710.7828.504		\$149,929		Jul-23	Dec-23			The pre-start meeting was conducted on 12/10/2023, and the contractor will be on-site in early November to commence the work. The expected completion date is before Christmas 2023, except for the installation of Titan Swing, which will be completed before the end of January 2024.
2022-2023-0562	Adventure Playground - Wollombi Rd (Pump Track)	I, D & C	3710.7831.504	\$480,000	\$480,000	TBA	Jan-23	Jun-23			The tendering process has been completed, and the recommendation from the evaluation panel is to be provided to the October Ordinary Council meeting.

TBA	Kayuga Rural Fire Station	D & C	3860.5415.504	\$650,000	\$914,520	Existing Cover to \$2M	Dec-21	Jan-24	Aug-23		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 Ordinary Council Meeting subject to funding becoming available. Additional funding announced and confirmation of tender returned to the July 2023 Ordinary Council meeting and awarded. Sod turning event planned for 22 November 2023.
TBA	Lighting for Weeraman and Highbrook	D & C	TBA	\$939,800	\$939,800	Existing Cover to \$2M	Apr-23				Recently awarded grant funding under Female Friendly Community Sport Facilities and Lighting Upgrades Program 2022/23. Tenders have been called and closed to be reported to October 2023 Ordinary Council Meeting.
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 for works delivered.
TBA	Denman Indoor Sports Centre Upgrade	C	3910.5949.504	\$151,200	\$140,969	Existing Cover to \$2M	Jul-21	Dec-22			Tender submissions reported to Extraordinary Ordinary Council meeting on 20 June 2023. Contract awarded to Dalski Constructions Pty Ltd. Works completed.
TBA	Muswellbrook Indoor Sports Centre Upgrade	C	3910.5950.504	\$148,050	\$120,493	Existing Cover to \$2M	Jul-21	Dec-22			Tender submissions reported to Extraordinary Ordinary Council meeting on 20 June 2023. Contract awarded to Dalski Constructions Pty Ltd. 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		Mar-23	Track connected to Olympic Park Bridge and 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. Activation of some projects were contingent on grant funding which has now commence. General Recreation projects are underway. Guttering at Highbrook is complete, CCTV is installed. Recreation Needs Study Draft nearing finalisation. Denman Tennis Courts Lighting complete.
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	Aug-23	Street tree applications have been received and planting as programmed..
Below programmes recurrent for 2024. Details to be determined. Cemetery Programme \$100k, Large Capital Grants \$90k, and Small Capital Grants \$25k.											
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	Oct-22	Feb-23	Applications have closed and were reported January 2023 Council meeting. Successful applicants have been advised.
N/A	Cemetery General Programme	C	3722.5297.504	\$90,000	\$90,000	Existing Cover to \$2M	Jul-22	Sep-22		Jun-23	Stage 1 and 2 of concrete paths have been completed
N/A	Sport and Recreation Small Capital Grants	C	3710.5482.504	\$25,000	\$25,000	Existing Cover to \$2M	Oct-22	Feb-23	Oct-22	Feb-23	Applications have closed and were reported January 2023 Council meeting. Successful applicants have been advised.
ROADS AND DRAINAGE											
TBA	Bridges Renewal Program	I	3530.4131.504	\$105,000	\$105,000	Existing Cover to \$2M	Oct-23	Jun-24	Aug-23		The programme of bridge inspections is currently being undertaken to inform a programme of proposed work will be reported to Council. Works will be undertaken in accordance with the Council endorsed program to the limit of the available budget. The proposed programmed works will include monitoring of the movement of the bearings on Muscle Creek Bridge on Bell St Muswellbrook.
TBA	Bell Street Bridge	I	Not assigned		\$679,000	Existing Cover to \$2M	Upon confirmation of funding.				Council was successful in receiving an offer for the 'betterment' component to repair abutments of Muscle Creek Bridge on Bell St Muswellbrook which have been damaged in the recent natural disaster events. This funding is provisional on Council also receiving grant funding under the DRFA for the initial repair of the abutment. Unfortunately the additional funding for an amount of \$168,000 to complete the project was deemed in eligible by TfNSW as Council could not demonstrate adequately that the damage was the result of the natural disaster event.
TBA	CPTIGS - Bus Shelter Program	I and D	3500.2781.504		\$337,825	Existing Cover to \$2M	Sep-23	Mar-24			An In-kind source of funding for the upgrade of the Bus Stop in Tindale St has been provided through development in the street. Tenders were received by Council and reported to 27 April 2023 Council meeting where Council determined to not accept any Tender. A workshop was held in September with Councillors to provide information regarding the bus shelter concept. This matter is subject of a report to the October meeting of Council.
TBA	Carpark Renewal Program	C	3580.4234.504	\$135,000	\$135,000	Existing Cover to \$2M	Nov-23	Dec-23			A prioritised program was endorsed by Council at the August Meeting. Works are programmed to commence in the Carpark adjacent to the Muswellbrook Railway Station - Bus Stop.
TBA	Footpath & Cycleway Renewals	C	3500.4072.504	\$185,625	\$185,625	Existing Cover to \$2M	Sep-23	Jun-24	Aug-23	Sep-23	This program is complete. A prioritised program was endorsed by Council at the August Meeting. In accordance with the program sections of footpath have been renewed in William St Muswellbrook and Henry Dangar Drive (Day to Dixon)
TBA	Heavy Patching Programme	C	3500.4035.504	\$1,000,000	\$1,000,000	Existing Cover to \$2M	Sep-23	Jun-24	Aug-23		A prioritised program was endorsed by Council at the August Meeting. Works have commenced and will continue in accordance with the Council endorsed program to the limit of the available budget. Work has been completed in Woollybutt Way and Wilkins St Muswellbrook.

TBA	Kerb & Gutter Replacement	C	3560.4065.504		\$146,250	Existing Cover to \$2M	Sep-23	Dec-24	Aug-23		A prioritised program was reported and endorsed by Council at the August meeting. Work has commenced and will continue on this program in accordance with the prioritised list to the limit of the available budget. Sections of kerb and gutter have been replaced in Clifford, Maitland, Towarri, and Ruthwhite Ave, Muswellbrook.
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. These items of plant have been ordered and Council is awaiting delivery.
TBA	Merton Street Drainage for Denman	I and D	TBA		\$1,412,582	Council & Contractor insured	Jul-23	Oct-24	Aug-23		Resources for Regions Round 9 funding announced \$1,412,582. The design was endorsed by Council at the October 2022 meeting. The estimated cost to construct based on this design is \$2,589,582. Council has been advised of successful funding under the Disaster Recovery Fund R1, with receipt of the deed of agreement now provided by the funding body. Tender Documents have been prepared and will be advertised. A S138 application for the construction of the culvert crossing of the Golden Hwy is currently being applied for from TfNSW. Tentative dates for tendering are November 2023.
TBA	New Shared Path Turtle St Denman	C	TBA	\$322,459	\$322,459	Existing Cover to \$2M	Nov-23	Feb-23			Council has been successful in securing funding under the Get NSW Active Program for project GRF-612 for a new shared path Turtle St Denman. The design is complete and the project has been advertised for Tenders. Tenders closed 20 September 2023 with the assessment reported to the October meeting of Council.
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. Hail damaged from severe storm has disrupted procurement plan.
2022-2023-0555	Regional Road Renewal Programme	I and D	3502.4135.504	\$1,000,000	\$550,000	Council & Contractor insured			Sep-23		The Project at ch 7.6km on Bylong Valley Way was endorsed at the August meeting of Council and included as part of the Capital Works Programmes for the 2023-24 and 2024-25 year. A consultant has been engaged to undertake survey and design for this section of road.
	Resources for Regions - Round 5			\$3,293,423	\$8,143,687						
TBA	Thompson St signalisation	C	3500.4277.504	\$2,100,845	\$2,825,395	Council & Contractor insured	Feb-22	Jan-23	May-22		Works on this project were suspended due to Contractual issues. The contractor demobilised from the site in late January. A post construction inspection has occurred and defects and outstanding works identified. The electrical works were undertaken in July 2023 with permanent connection to power scheduled for October. Council is continuing to seek final approval from Transport for NSW to determine Practical Completion.
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.
	Resources for Regions - Round 7										
2022-2023-0548	Carpark Renewal Program - Hill St Laneway drainage upgrade	C	3500.4593.504		\$493,461	Existing Cover to \$2M	Feb-23	Jun-23	Feb-23	Jul-23	Construction of the Council Carpark off Hill St Muswellbrook is complete.
2022-2023-0552	Hill St Road Reconstruction	C	3500.4590.504	\$600,000	\$600,000	Council & Contractor insured	Apr-23	Aug-23	Apr-23	Jul-23	Project Complete.
TBA	Road Resealing Program	C	3500.4030.504	\$2,100,000	\$2,100,000	Existing Cover to \$2M	Sep-23	Jun-24	Sep-23		A prioritised programme was endorsed at the August 2023 meeting of Council as part of the Capital Works Programme. The contractor has been engaged and they are currently undertaking project planning and preparation. Preparatory works on various roads are being finalised. Resealing will commence 23 October through to 26 October on Widden Valley, Rosemount, Turner St, Jerdan St, Babbington St, Burkill St, Cousins and Queen St.
TBA	Roads to Recovery Programme	I	3500.2068.504	\$577,898	\$577,898	TBA	Oct-23	Jun-24			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.
2021-2022-0494	Rosebrook Bridge Replacement	C	3530.4429.504	\$1,633,500	\$1,633,500	TBA	Jan-23	Jun-23	Jul-22	Aug-23	The project is complete.
TBA	Rural Roads Regravelling	C	3500.4055.504	\$283,815	\$283,815	Existing Cover to \$2M	Jul-23	Jun-24	Jul-23	Mar-23	The annual program has commenced with works being undertaken on Myrtle Gully Road.
TBA	Safety Device Renewal	I and D	3590.4145.504		\$94,069	Existing Cover to \$2M	Sep-23	Dec-23			A prioritised program was reported and endorsed at the August meeting of Council.
TBA	Victoria Street	I		\$721,433	\$721,433		Oct-23	Dec-23	Oct-23		Grant funding accepted from Fixing Local Roads Round 4. Project preliminaries are being undertaken including geotech, preparatory works, community consultation and engagement of contractors. Asphalt works are scheduled to commence 21 November through to 28 November, this work will be night work.
	Wybong Road - Betterment	I			\$1,633,500		Pending EPAR approval				Council was successful in receiving funding for the 'betterment' component to widen and improve Wybong Road in three (3) nominated sections at the western end. Which have been damaged in the recent natural disaster events. Additional funding for an amount of \$200,000 to complete the project is currently being sought through the EPAR application submitted in August.

SEWER CAPITAL BUDGET											
TBA	Access and Security Improvements	D&C	6340.4475.504	\$130,000	\$130,000	TBA	Jul-22	Sep-22	Jul-22	Sep-22	Upgrade of access and improvement to drying beds for non destructive digging so that will improve more capacity and will add revenue to the council - project start Oct2023- planned completion by Jun2024
TBA	Mains Renewal And Replacement	I,D&C	6310.4340.504	\$260,000	\$260,000	TBA	Jan-23	Jun-23	Jul-22	Apr-22	For Financial year 2023/24, two Projects will be undertaken from Main renewals and replacement program 1. Sewer Rising main and valve replacement pumping station 2 which will improve the sewage in/out flow better and improve the capacity of pumping station 2 - planned start date Oct2023 - planned completion by June2024, Replacement of sewer rising Main at pumping station 1, which will improve capacity and capability of pumping station no 1. planned start date Oct 2023 - planned completion by Jun 2024.
TBA	Solar Array	I	6310.4493.504	\$644,773	\$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. Tender documents are under review and tenders will be invited in the fourth quarter of 2022-23. Tender evaluation completed and reported to Council for award of contract. Planned start is in September 2023.
TBA	Sewer Operational Contingency	I,D&C	6340.4494.504	\$150,000	\$150,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Apr-23	Improvement works undertaken on critical sewer equipment as follows: Replaced two tertiary-waste-activated sludge pumps at the Recycled Water Treatment Works (RWTW); Undertook major overhaul works on the two biosolids dewatering presses at the RWTW; Replaced dissolved oxygen monitoring sensor for bioreactor 1 (IDEAT1) at the RWTW; Replenished critical spares for 8 solenoid valves at the RWTW; Upgraded modem to improve compatibility with 4G signals and improve the SMS critical alarm messaging for the RWTW process that is sent to the sewer on call phone.
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 projects which will be included in System Asset plant renewals Program are : Upgrade -Telemetry monitoring system Muswellbrook and Denman sewer Management system. planned Start Oct2023 - planned completion Jun2024. Muswellbrook Sewer pumping station no 7 mechanical and electrical upgrade. 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 2024.
TBA	Transportation System Improvements	I, D & C	6340.4485.504	\$300,000	\$300,000	Existing Cover to \$2M	Jan-23	Feb-23	Jan-23	Apr-23	Transportation System Improvement Program will include projects: MSPS -1 & 8 & 10 Electrical Mechanical upgrade. These Projects will commence in Oct2023 and planned completion by Jun2024
WATER CAPITAL BUDGET											
N/R	Asbestos Removal, Earth Work and Security	C	5310.4575.504	\$175,000	\$175,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Apr-23	For Financial year 2023/24, this program is planned to fund the project- Muswellbrook water treatment facility fence and security upgrades. The RFQ are in progress but likely start is in Oct 2023 and planned completion by Jun 2024.
TBA	Denman to Sandy Hollow Pipeline	D & C		\$28,473,519				Jul-24			Funding Deed executed. Land acquisition, preparation of tender documentation and review of environmental factors are in process. Geo technical investigation contract was awarded and is in progress which will likely to be completed by June 2023. Also land acquisition in progress, Valuer has completed the report, and landowners have been provided with offers. Section 60 approval was sought in April, which was reviewed by DPIE and requested more information from council to proceed further. Council response to the RFI was submitted to DPIE for review. Tenders likely to be called in December 2023.
TBA	Mains Renewal And Replacement	I, D & C	5320.4340.504	\$650,000	\$650,000	Council & Contractor insured	Jul-22	Mar-23	Jul-22	Mar-23	For Financial year 2023/2024 the water main replacement program will undertake projects. water mains in Flanders Avenue, Ramrod Creek, King street Stage 1,2 7 coal road reservoir rising main, and ford street. The coal road reservoir rising main and valve replacement was completed end of Aug 2023. The other projects are planned to be started in Oct 2023 and planned completion by Jun2024.
TBA	Replacement of Water Meters	C	5320.4376.504	\$65,000	\$65,000	Council insured	Jul-23	Jun-24	Jul-23		Ongoing ageing water meter replacement programme.
TBA	System Plant Asset Renewals	I, D & C	5340.4400.504	\$730,474	\$730,474	Council & Contractor insured	Jul-22	Jun-23	Jul-22	Apr-23	Prioritised list of projects was provided to the council. The projects are in investigation and design stage. which includes telemetry system upgrades, Denman reticulation system upgrades. The projects are in investigation and design stage and will be construction likely to commence in Feb2024. Purchased six Ultra- Filtration Membrane modules for the Denman Water Treatment Plant from Pentair- this was emergency works.
TBA	Upgrade Fluoride Dosing System	I, D & C	5310.4577.504	\$294,732	\$294,732	TBA	Oct-22	Jun-23	Jul-22		The selected tenderer/contractor (closed Council Meeting Apr 2023) has signed the contract. The contractor visited the Muswellbrook Water Treatment Plant on 21 Sep 2023., to review the site proposed for the new fluoride dosing plant and to prepare detailed design and construct drawings and documents for review and approval from Council and NSW Dept of Planning and Environment - Water Unit. The project is expected to extend into Q3 FY 2023-2024.
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	\$65,000	\$65,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22		Programme being prepared.
TBA	Water Operations Contingency Project	I	5340.4406.504	\$100,000	\$100,000	Existing Cover to \$2M	Jul-22	Jun-23	Jul-22	Apr-23	Improvement works undertaken on critical water equipment as follows: Replaced the soft starter for the sand filter backwash pump at Muswellbrook Water Treatment Plant (MWTP); Replaced two flow meters at the Denman Water Treatment Plant (DWTP); Carried out major overhauls works on the high pressure filters at DWTP; Replaced antennas and radios to improve telemetry communication of critical equipment; Installed three power quality meters on the high lift pumps at MWTP to monitor data on the performance of the variable speed drives to determine the root cause of intermittent faulting of the drives; Installed new cooling fans for the electronic variable speed drives for the high lift pumps at MWTP; Replacement of the three sand filter inlet supply valves at MWTP. Purchased new spare lime dosing pump for MWTP.
TBA	Water Stop Valve Replacement Programme	I, D & C	5320.4379.504	\$200,000	\$200,000	Existing Cover to \$2M	Oct-22	Jun-23	Oct-22	Sep-23	Water Valve replacement programme fund were used to carry out valve replacement at coal road reservoir which is strategic installation for Muswellbrook water supply and valves were installed in July 2023 and 6 other valve were replaced by 5 September 2023
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 received late March '23. Test pits dug late January 2023 determined rock can be ripped to design depth. Preparing for DA lodgement. Consultation with NSW EPA in May 2023 who advised proposed dam liner not suitable, revert to designer for changes to be made to align with NSW EPA Solid Waste Landfill Guidelines.
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. DA 2021/58 submitted to March Council meeting for decision. Expression of Interest for FOGO processing were called and review committee report and reported to April Council meeting. Resolution at June 2023 Ordinary Council to go to tender for a company to build a facility on Council's site and also to tender for the processing of collected FOGO from 01/07/2024 in the interim if the facility is not yet operational at that time.



10.4. Corporate Services

10.4.1. Half-Day Public Holiday 2024

Attachments:	1. 2024 Half Day Public Holiday - Survey Monkey Results [10.4.1.1 - 3 pages]
	2. 2024 Muswellbrook Cup - Muswellbrook Race Club - Letter of Support [10.4.1.2 - 1 page]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Michelle Sandell-Hay (Governance Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
	Not applicable

PURPOSE

For Councillors to consider supporting the proposed application to NSW Treasury for the Local half-day public holiday on Friday 5 April 2024.

OFFICER'S RECOMMENDATION

Council will make an application to the Minister for the Public Service and Employee Relations for the declaration of a half-day public holiday for the Muswellbrook Cup Day from noon on Friday, 5 April, 2024.

Moved: _____ **Seconded:** _____

BACKGROUND

In order that the 2024 Muswellbrook Cup Half-Day Public Holiday may be observed, Muswellbrook Shire Council is required to make application to NSW Treasury under the *Public Holidays Act 2010* for the declaration of local public holidays and local event days.

CONSULTATION

Muswellbrook Race Club.

Local businesses, schools, banks, transport providers, and community members.

REPORT

To be officially recognised, the Minister for the Public Service and Employee Relations must declare a local public holiday or event day following an application by Council.

It is proposed that a local half-day public holiday be held on Friday 5 April 2024 to mark the running of the Muswellbrook Cup. The Muswellbrook Race Club has been granted approval from Racing NSW to hold the Muswellbrook Cup on Friday 5 April 2024 to stimulate greater participation and interest in the event. To mark the occasion, it is proposed that a half-day



public holiday be observed in the Muswellbrook Local Government Area.

As recommended by NSW Treasury, consultation with the relevant stakeholders has been undertaken to support the application. Council has sought feedback from schools, transport providers, banks, local businesses, and the broader community through an online survey, which was promoted by the Muswellbrook Chamber of Commerce. Additionally, targeted consultation has been undertaken with the Muswellbrook Race Club, local transport providers, banks, and schools.

Council has received largely positive feedback in support of the declaration of a half-day public holiday as proposed. A copy of the survey results is attached as Appendix A. A letter from the Muswellbrook Race Club stating their view on the proposal is attached as Appendix B.

The local half-day public holiday has become a tradition on Muswellbrook Cup Day, as it has been declared for many years. The Muswellbrook Cup is one of the major sporting events in the region, and experiences high attendance, with crowd numbers in excess of 5,000 not uncommon. Local support of, and attendance at, the Muswellbrook Cup is contributed to by the declaration of a local half-day public holiday.

Consideration should be given to the implications a local half-day public holiday may create for small to medium sized businesses within the Muswellbrook Local Government Area (LGA). Under NSW legislation, a local half-day public holiday may preclude banks from operating from 12:00 midday on 5 April 2024. Shops located within the LGA are free to open without restriction, and individuals who are required to work during the declared half-day public holiday may be entitled to paid leave or penalty rates, depending on the employee's contract arrangements.

However, the community benefit must also be measured in this decision. The local half-day public holiday provides the opportunity for residents to participate in a local event which benefits the economic and social aspects of the Shire. Without the declaration of the local half-day public holiday, the Muswellbrook Cup attendance rates may significantly decline.

In support of maintaining an important community event, it is recommended that the request for an application to be made to NSW Treasury for a local half-day public holiday be approved.

OPTIONS

An alternative to a local half-day public holiday is a local event day. A local event day is also declared by the Minister and does not preclude banks or shops located within the LGA from operating on the day. A declared local event day does not automatically mean that employers in the designated locality are compelled to treat the day as a public holiday. Entitlements to paid leave or penalty rates on a local event day will only arise where agreed to at the workplace level, usually in the form of an enterprise agreement or by contract.

Council may consider not making the application and abandoning the public holiday or supporting a local event day in the alternative

CONCLUSION

It is recommended that Council seeks approval from the Minister for the declaration of a half-day public holiday for the Muswellbrook Cup Day from noon on Friday 5 April 2024.

SOCIAL IMPLICATIONS

The declaration of a half day public holiday will facilitate the participation of the local community in the Muswellbrook Cup Day event.



FINANCIAL IMPLICATIONS

A half-day public holiday would incur an estimated \$29,000 in wages to be paid in accordance with the Local Government State Award (2023). Council employees who would be required to work and maintain a minimum level of service to the community would be entitled to penalty rates.

POLICY IMPLICATIONS

Not applicable.

STATUTORY IMPLICATIONS

Not applicable.

LEGAL IMPLICATIONS

Not applicable.

OPERATIONAL PLAN IMPLICATIONS

Not applicable.

RISK MANAGEMENT IMPLICATIONS

Not applicable.

WASTE MANAGEMENT IMPLICATIONS

Not applicable.

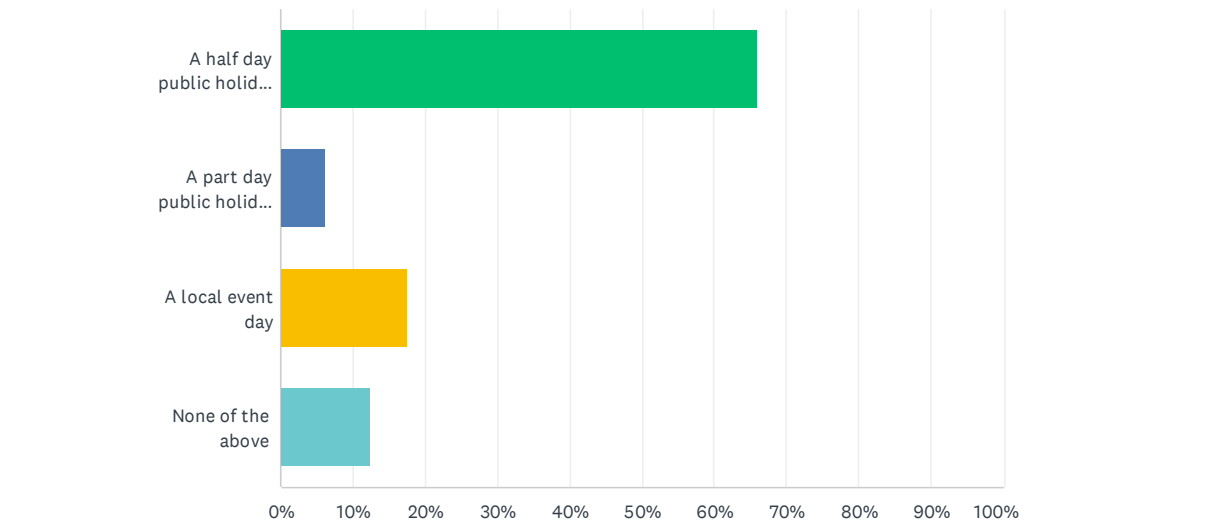
COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Not applicable.

Have your say on the 2024 half-day public holiday for the Muswellbrook Cup

Q1 For Muswellbrook Cup Day on 5 April, 2024 which of the following would you prefer to be held in the Muswellbrook Shire:

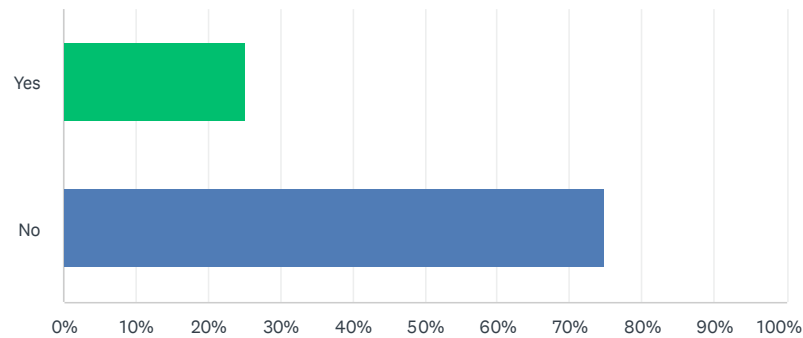
Answered: 290 Skipped: 1



ANSWER CHOICES	RESPONSES	
A half day public holiday (from noon)	65.86%	191
A part day public holiday (noon to 6pm only)	6.21%	18
A local event day	17.59%	51
None of the above	12.41%	36
Total Respondents: 290		

Q2 Do you have a business that would be impacted by the gazettal of public holidays?

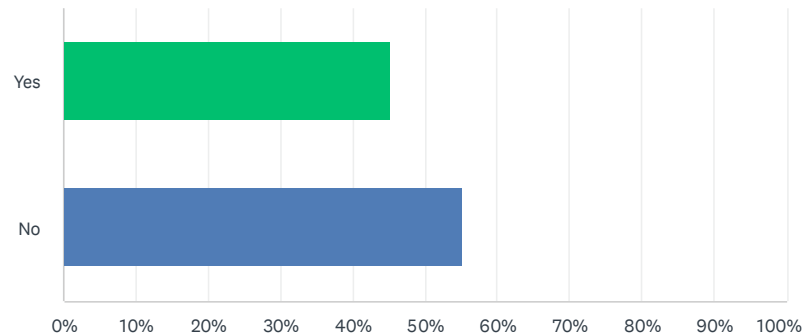
Answered: 289 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	25.26%	73
No	74.74%	216
TOTAL		289

Q3 Are you a parent or carer who would be affected by the gazettal of public holidays (e.g. child’s travel to and from school, childcare during business hours)?

Answered: 290 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	45.17%	131
No	55.17%	160
Total Respondents: 290		



13th July 2023

GM Derek Finnigan and Honourable Mayor Steve Reynolds
Muswellbrook Shire Council

Dear Derek and Honourable Mayor Steve,

On behalf of Muswellbrook Race Club, I would like to strongly support the application for a part day public holiday for our Muswellbrook Cup Day on **Friday 5th April 2024**. The clubs total stake prize investment is Four Hundred and Fifty thousand and attracts visitors ,trainers, patrons and owners to our club. We also include the Fashions on the Field event that attracts a number of younger clientelle.

I feel that a part-day holiday (12 noon to 6pm) would benefit the club and community and be beneficial to the hospitality businesses in the town who will be taking many patrons into their premises after 6pm.

The Race Club relies heavily on this application being successful to ensure the success of not only the day but also the festival of events that is created over several days and the increased business to the local area from outside visitors during this time.

The hospitality and tourism sector in the Upper Hunter benefits from this large community event that is advertised and promoted on Channel 7 Network, growing the towns brand as a Tourist destination in the Upper Hunter.

We look forward to a favourable outcome for the community and our race club.

Kind Regards,



Trevor Taylor
General Manager

Ph: (02) 6541 1699

Mob: 0421-581714.

gm@muswellbrookraceclub.com.au

www.muswellbrookraceclub.com.au



10.4.2. **Employment of Relatives Policy and Procedure MSC11E for ADOPTION**

Attachments:	1. Employment of Relatives Policy MSC11E [10.4.2.1 - 6 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Michelle Cleary (Coordinator Human Resources), Chloe Wuiske (Business Improvement Officer)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.5 - Implement a comprehensive and targeted business improvement program.

PURPOSE

To submit for Council's consideration the attached *Employment of Relatives Policy and Procedure* for adoption, which has completed 28 days of public exhibition.

OFFICER'S RECOMMENDATION

Council ADOPTS the attached *Employment of Relatives Policy and Procedure*.

Moved: _____ **Seconded:** _____

BACKGROUND

The purpose of the *Employment of Relatives Policy and Procedure* (the policy/procedure) is to set out Council's position on Council staff members who are in a Close Personal Relationship. Council Staff must avoid any Conflict of Interest in the appointment and management of, or interactions with, a person with whom they have a Close Personal Relationship, in accordance with Council's Code of Conduct.

The *Employment of Relatives Policy and Procedure* was last adopted by Council in 2019. The policy/procedure has been reviewed, updated, and reformatted.

The policy was reviewed by the Staff Consultative Committee who requested that the policy include compliance with this procedure if the HR Coordinator has a close personal relationship with a staff member.

On 31 July 2023, Manex endorsed the draft policy to be submitted to Council for Public Exhibition.

CONSULTATION

Coordinator Human Resources

Business Improvement Officers

Staff Consultative Committee

Manex

Audit, Risk and Improvement Committee



REPORT

At the 22 August 2023 Ordinary Council Meeting, Council endorsed the *Draft Employment of Relatives Policy and Procedure* to be placed on Public Exhibition, via Council's website for a period of 28 days.

The policy/procedure was exhibited on Council's website from 24 August 2023 to 21 September 2023.

No submissions were received by Council during the submission period.

The policy/procedure was also reviewed by Council's Audit, Risk and Improvement Committee, and Council was advised by the committee members that they had no comments to make on the policy.

OPTIONS

Council may:

1. Resolve to adopt the *Employment of Relatives Policy and Procedure*; or
2. Request amendments to the *Employment of Relatives Policy and Procedure* prior to adoption.

CONCLUSION

It is recommended that Council adopts the attached *Employment of Relatives Policy and Procedure*.

SOCIAL IMPLICATIONS

Nil identified.

FINANCIAL IMPLICATIONS

Nil identified.

POLICY IMPLICATIONS

The policy/procedure was reviewed in line with Council's Policy Management Framework.

STATUTORY IMPLICATIONS

Local Government Act 1993.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

6.2.5.2 Develop and review policies in accordance with statutory and operational requirements.

RISK MANAGEMENT IMPLICATIONS

Nil identified.

WASTE MANAGEMENT IMPLICATIONS

Nil identified.



COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Public exhibition of the policy/procedure on Council's website from 24 August 2023 to 21 September 2023 provided the Community with an opportunity to make submissions. No submissions were received by Council during the submission period.



Employment of Relatives Policy and Procedure

MSC11E

Authorisation Details

Authorised by:		Internal/External:	External
Date:		Minute No:	
Review timeframe:	4 years	Review due date:	
Department:	Human Resources		
Document Owner:	Human Resources		
Community Strategic Plan Goal	6. Collaborative and responsive community leadership that meets the expectations and anticipates the needs of the community		
Community Strategic Plan Strategy	6.3: Ensure Council is a best practice employer providing a safe, happy, suitably resourced and productive workplace		

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1 Policy Objective

The purpose of this policy is to set out Council's position on Council staff members who are in a Close Personal Relationship.

Council Staff must avoid any Conflict of Interest in the appointment and management of, or interactions with, a person with whom they have a Close Personal Relationship, in accordance with the Council's Code of Conduct. A Conflict of Interest can arise when a staff member makes or participates in employment decisions affecting another person with whom the staff member has a Close Personal Relationship.

Council acknowledges that its staff may have Close Personal Relationships with each other. However, a Close Personal Relationship together with a Reporting Relationship between two employees is undesirable, and as far as possible should be avoided.

Council will fill positions in accordance with the *Local Government Act 1993*. All appointments will be based on merit, in accordance with section s349 of the *Local Government Act 1993*:

(2) The merit of the persons eligible for appointment to a position is to be determined according to—

- (a) the nature of the duties of the position, and*
- (b) the abilities, qualifications, experience, and standard of work performance of those persons relevant to those duties.*

2 Scope

This policy applies to all employees regardless of status, position or department.

3 Definitions

For the purposes of this Policy the following definitions apply.

Close Personal Relationship - means a relationship between an employee and a relative, a financially dependent person, a person where there is a financially connected relationship, a close friend, a de facto partner, or any person with whom there is currently, or has been, an intimate or agonistic relationship. This does not include a working relationship which exists due to ordinary collegiate collaboration, where colleagues are not relatives, financially dependent, de facto, or intimate partners.

Conflict of Interest - a conflict of interest may arise where an employee has the responsibility to make, or participate actively in making, decisions or recommendations relating to the employment of another individual, which makes it difficult for the employee to be objective, or that for a reasonable person would create the appearance that the employee may not be objective.

Employment Processes include:

- Appointment or continuing appointment;
- Conditions of appointment, promotion, or reclassification;
- Termination of employment;
- Provision of opportunities and resources allocation for research, conferences or training and development;
- Referee reports or performance appraisals;
- Payment of funds; and
- Any other employment-related matters where a staff member is in a position to make or influence decisions concerning another staff member.

Reporting Relationship - exists between two employees where one of the employees reports to the other employee or to a direct report of the other employee.

Supervisor - means the role to whom a position reports.

4 Policy Statement

Staff appointments must comply with the Council Recruitment and Selection Policy and Procedure.

A staff member should not be involved in, or influence, or be perceived (by a reasonable person) to be involved in or influence, a decision-making process relating to the employment or supervision of another staff member with whom they have a Close Personal Relationship.

Directors, Managers, Coordinators, Supervisors, and Team Leaders need to be aware of any existing or potential Close Personal Relationships between a staff member and another Council employee where there may be a Reporting Relationship between the two staff members. In these circumstances each employee in the Close Personal Relationship must inform their supervisor in writing and the supervisor must inform the Department Manager in writing.

Where it becomes apparent that an employment decision may result in a Reporting Relationship between staff members who have a Close Personal Relationship, the approval of the General Manager must be obtained before an offer of employment is made.

Where the HR (Human Resources) Coordinator has a close personal relationship with the staff member or a successful candidate from the recruitment process, the HR Coordinator must inform the General Manager and submit a statutory declaration of the relationship in writing. The General Manager will authorise, and issue directions and requirements as may be reasonably necessary to avoid or mitigate the impact of such situations. The action taken, for example, may be the HR Coordinator is not involved in the recruitment process or any employee related affairs.

The General Manager should ensure that as far as reasonably practicable, Reporting Relationships between staff members in Close Personal Relationships are avoided. The General Manager is authorised to issue such directions and requirements as may be reasonably necessary to avoid or mitigate the impact of such situations. The action taken may, for example, involve changing the reporting line of one of the staff members.

Where the General Manager has a Close Personal Relationship with a staff member, the General Manager must inform the Mayor, the staff member's supervisor and manager in writing.

The General Manager must in such circumstances ensure no involvement in:

- Appointment or continuing appointment;
- Conditions of appointment, promotion, or reclassification;
- Termination of employment;
- Provision of opportunities and resources allocation for research, conferences, or training and development;
- Referee reports or performance appraisals;
- Payment of funds; and
- Any other employment-related matters where a staff member is in a position to make or influence decisions concerning another staff member.

Where the General Manager has a Close Personal Relationship with a staff member, the General Manager must delegate to a Director nominated by the HR Coordinator responsibility to provide direction to meet requirements as may be reasonably necessary to avoid or mitigate the impact of a breach with the Employment of Relatives Policy and Code of Conduct.

5 Procedure

These procedures provide guidance on the application of the Employment of Relatives Policy.

A Coordinator, Manager and/or Director needs to be aware of any potential Conflict of Interest issues arising where staff in their area are in a Close Personal Relationship and such relationship, past or current, may influence, or be seen to influence, decision making processes.

When it becomes apparent that employment of a close relative or associate is a likely outcome, the Coordinator, Manager and/or Director must seek approval from the General Manager before an offer of employment is made.

Where the General Manager has a close personal relationship with a staff member, the General Manager must inform the Mayor, the staff member's supervisor and manager in writing and delegate responsibility for decision making in relation to the matter to a Director nominated by the HR Coordinator.

A Coordinator, Manager and/or Director seeking approval for the employment of a close relative or associate of a staff member in their Unit/Department, must provide to the HR Coordinator a statutory declaration outlining the relationship, before an offer of employment is provided to the candidate

The Coordinator Human Resources will review the documentation that has been provided by the Coordinator, Manager and/or Director and refer the matter to the General Manager to determine if the employment process can continue. In the case of an appointment made through the advertising and recruitment process, the Coordinator Human Resources will advise on appropriate requirements to avoid or mitigate the impact of such appointment. This may include actions such as reporting line changes. This decision will be made based on the information provided, and will take into account the provisions of the Employment of Relatives Policy and procedure to ensure an appropriate outcome.

Where a staff member becomes aware that a staff member has failed to disclose a Conflict of Interest of a Close Personal Relationship, they should bring it to the attention of the party who has not disclosed the Conflict of Interest. If the Staff member observing the Conflict of Interest does not feel comfortable to do this, then they should bring it to the attention of their own Supervisor. Disciplinary action may be taken against the staff member involved under the applicable employment agreement.

6 Related Documents

6.1 Legislation and Guidelines

- Local Government Act 1993

6.2 Policies and Procedures

- Recruitment and Selection Procedure
- Code of Conduct (Doc ID 1436817)

6.3 Other Supporting Documents

- N/A

7 Version History

This section identifies authors who reviewed the Policy and the date that it became effective.

Version No.	Date changed	Modified by	Amendments/Previous adoption details
1	11/6/2019	Council	Adopted by Council 11/6/2019, minute number 325
2	18/05/2023	Coordinator Human Resources	Policy/procedure reviewed, updated, and reformatted. Public exhibition of draft policy 24/08/2023-21/09/2023.

**10.4.3. Report on Investments held as at 30 September 2023**

Attachments:	1. Portfolio Valuation Report - 30 September 2023 [10.4.3.1 - 3 pages]
	2. Trading Limit Report - 30 September 2023 [10.4.3.2 - 8 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Mandy Fitzgerald (Senior Financial Accountant)
Community Plan Issue:	6 - <i>Community Leadership</i>
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To submit for Council's information the list of financial investments currently held by Council in accordance with the Regulation.

OFFICER'S RECOMMENDATION

Council NOTES Council's Investments as at 30 September 2023.

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 1993*, as at 30 September 2023, are shown in the attachments.

COMMENT:

As at 30 September 2023, Council held \$79.62M in cash and investments, with a weighted running yield of 4.75%.

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 the Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

	Fixed Interest Security	ISIN	Face Value Original	Bond Factor	Face Value Current	Capital Price	Accrued Interest Price	Market Value	% Total Value	Running Yield	Weighted Running Yield
At Call Deposit											
	Westpac Bus Prem At Call		1,874,989.45	1.00000000	1,874,989.45	100.000	0.000	1,874,989.45	2.33%	0.34%	
	Westpac Muswellbrook Trading Acct At Call		100,000.00	1.00000000	100,000.00	100.000	0.000	100,000.00	0.12%	0.34%	
			1,974,989.45		1,974,989.45			1,974,989.45	2.46%		0.34%
Fixed Rate Bond											
	BENAU 1.7 06 Sep 2024 Fixed	AU3CB0266377	2,500,000.00	1.00000000	2,500,000.00	96.937	0.112	2,426,225.00	3.02%	1.68%	
	JUDO 6.4 26 Sep 2025 Fixed	AU3CB0292480	500,000.00	1.00000000	500,000.00	99.068	0.070	495,690.00	0.62%	6.44%	
	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	0.322	2,006,440.00	2.50%	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	0.322	1,504,830.00	1.87%	1.10%	
	SunBank 1.85 30 Jul 2024 Fixed	AU3CB0265403	2,000,000.00	1.00000000	2,000,000.00	97.474	0.312	1,955,720.00	2.43%	1.80%	
			8,500,000.00		8,500,000.00			8,388,905.00	10.43%		1.75%
Floating Rate Note											
	Auswide 0.6 22 Mar 2024 FRN	AU3FN0059317	1,500,000.00	1.00000000	1,500,000.00	99.951	0.104	1,500,825.00	1.87%	4.75%	
	Auswide 1.5 07 Nov 2025 FRN	AU3FN0073037	1,000,000.00	1.00000000	1,000,000.00	100.383	0.842	1,012,250.00	1.26%	5.69%	
	Auswide 1.5 17 Mar 2026 FRN	AU3FN0076352	2,000,000.00	1.00000000	2,000,000.00	100.123	0.185	2,006,160.00	2.50%	5.62%	
	BAL 1.55 22 Feb 2027 FRN	AU3FN0075461	1,500,000.00	1.00000000	1,500,000.00	100.311	0.608	1,513,785.00	1.88%	5.65%	
	BOQ 1.03 18 Jul 2024 FRN	AU3FN0049094	1,000,000.00	1.00000000	1,000,000.00	100.179	1.078	1,012,570.00	1.26%	5.31%	
	BOQ 1.1 30 Oct 2024 FRN	AU3FN0051272	500,000.00	1.00000000	500,000.00	100.244	0.895	505,695.00	0.63%	5.35%	
	CUA 1.65 09 Feb 2027 FRN	AU3FN0074787	5,000,000.00	1.00000000	5,000,000.00	100.615	0.830	5,072,250.00	6.31%	5.78%	
	CACU 1.7 21 Sep 2026 FRN	AU3FN0081287	1,750,000.00	1.00000000	1,750,000.00	100.001	0.160	1,752,817.50	2.18%	5.84%	
	MACQ 0.48 09 Dec 2025 FRN	AU3FN0057709	3,000,000.00	1.00000000	3,000,000.00	99.402	0.240	2,989,260.00	3.72%	4.61%	
	MYS 0.65 16 Jun 2025 FRN	AU3FN0061024	3,000,000.00	1.00000000	3,000,000.00	99.265	0.157	2,982,660.00	3.71%	4.77%	
	NPBS 1.12 04 Feb 2025 FRN	AU3FN0052627	5,500,000.00	1.00000000	5,500,000.00	99.957	0.829	5,543,230.00	6.90%	5.31%	
	Qld Police 0.75 22 Mar 2024 FRN	AU3FN0059416	1,500,000.00	1.00000000	1,500,000.00	99.919	0.107	1,500,390.00	1.87%	4.90%	
	Qld Police 1.75 06 Dec 2025 FRN	AU3FN0073979	2,000,000.00	1.00000000	2,000,000.00	100.326	0.386	2,014,240.00	2.51%	5.87%	
	Qld Police 1.65 18 Sep 2026 FRN	AU3FN0081295	3,000,000.00	1.00000000	3,000,000.00	99.997	0.190	3,005,610.00	3.74%	5.77%	
	UBS Aust 0.87 30 Jul 2025 FRN	AU3FN0055307	1,650,000.00	1.00000000	1,650,000.00	99.729	0.857	1,659,669.00	2.06%	5.05%	
	UBS Aust 1.55 12 May 2028 FRN	AU3FN0077970	4,000,000.00	1.00000000	4,000,000.00	101.179	0.736	4,076,600.00	5.07%	5.63%	
			37,900,000.00		37,900,000.00			38,148,011.50	47.45%		5.39%
Term Deposit											
	AMP 4.55 30 Nov 2023 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	3.790	1,037,895.89	1.29%	4.55%	
	AMP 5.75 12 Jul 2024 365DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.245	1,012,445.21	1.26%	5.75%	
	AMP 5.75 21 Jan 2025 550DAY TD		1,250,000.00	1.00000000	1,250,000.00	100.000	1.118	1,263,981.16	1.57%	5.75%	
	AMP 5.35 16 Jun 2025 732DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	1.568	4,062,734.24	5.05%	5.35%	
	AUBANK 5.35 31 Jul 2024 365DAY TD		5,000,000.00	1.00000000	5,000,000.00	100.000	0.879	5,043,972.60	6.27%	5.35%	
	BOQ 5.5 28 Jun 2024 365DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	1.401	3,042,041.10	3.78%	5.50%	

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
BOQ 4.9 01 Oct 2025 761DAY TD		3,000,000.00	1.00000000	3,000,000.00	100.000	0.389	3,011,679.45	3.75%	4.90%	
BVIC 4.6 11 Oct 2023 273DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	3.302	2,066,038.36	2.57%	4.60%	
BVIC 4.65 11 Jan 2024 365DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	3.338	4,133,512.32	5.14%	4.65%	
JUDO 4.25 10 Jan 2024 457DAY TD		4,000,000.00	1.00000000	4,000,000.00	100.000	4.134	4,165,342.48	5.18%	4.25%	
JUDO 5.7 06 Jan 2025 557DAY TD		2,000,000.00	1.00000000	2,000,000.00	100.000	1.452	2,029,046.58	2.52%	5.70%	
JUDO 5.7 11 Jul 2025 730DAY TD		1,000,000.00	1.00000000	1,000,000.00	100.000	1.249	1,012,493.15	1.26%	5.70%	
		31,250,000.00		31,250,000.00			31,881,182.54	39.66%		5.08%
Fixed Interest Total		79,624,989.45		79,624,989.45			80,393,088.49	100.00%		4.75%

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Report Code: TBSBP100EXT-01.19
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-		7,250,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	91.00	9.00	712,499	0.00	0
ANZ Banking Group Ltd	AA+ to AA-		0.00	Book	30.00	% of 79,624,989.45	23,887,496.84	0.00	100.00	23,887,497	0.00	0
Australian Unity Bank (BPSS20)	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	63.00	37.00	2,962,499	0.00	0
Auswide Bank Limited	BBB+ to BBB-		4,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	57.00	43.00	3,462,499	0.00	0
Bank Australia Limited	BBB+ to BBB-		1,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	19.00	81.00	6,462,499	0.00	0
Bank of Melbourne	AA+ to AA-	Westpac Banking Corporation Ltd	1,974,989.45	Book	30.00	% of 79,624,989.45	23,887,496.84	8.00	92.00	21,912,507	0.00	0
Bank of Queensland Ltd	A+ to A-		7,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	94.00	6.00	462,499	0.00	0
BankSA	AA+ to AA-	Westpac Banking Corporation Ltd	1,974,989.45	Book	30.00	% of 79,624,989.45	23,887,496.84	8.00	92.00	21,912,507	0.00	0
BankVic	BBB+ to BBB-		6,000,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	75.00	25.00	1,962,499	0.00	0
BankWest Ltd	AA+ to AA-	Commonwealth Bank of Australia Ltd	0.00	Book	30.00	% of 79,624,989.45	23,887,496.84	0.00	100.00	23,887,497	0.00	0
Bendigo & Adelaide Bank Ltd	A+ to A-		2,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	31.00	69.00	5,462,499	0.00	0
Beyond Bank Australia Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 79,624,989.45	7,962,498.95	0.00	100.00	7,962,499	0.00	0
Commonwealth Bank of Australia Ltd	AA+ to AA-		0.00	Book	30.00	% of 79,624,989.45	23,887,496.84	0.00	100.00	23,887,497	0.00	0
Credit Suisse Sydney	BBB+ to BBB-		0.00	Book	20.00	% of 79,624,989.45	15,924,997.89	0.00	100.00	15,924,998	0.00	0
Credit Union Australia Ltd t/as Great Southern Bank	BBB+ to BBB-		5,000,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	63.00	37.00	2,962,499	0.00	0
Greater Bank - a division of Newcastle Greater Mutual Group Limited	BBB+ to BBB-	Newcastle Greater Mutual Group Ltd	5,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	69.00	31.00	2,462,499	0.00	0
Heritage and People's Choice Limited	BBB+ to BBB-		0.00	Book	10.00	% of 79,624,989.45	7,962,498.95	0.00	100.00	7,962,499	0.00	0
Illawarra Credit Union Ltd	BBB+ to BBB-		1,750,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	22.00	78.00	6,212,499	0.00	0
ING Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 79,624,989.45	7,962,498.95	0.00	100.00	7,962,499	0.00	0
Investec Bank Australia Limited	A+ to A-		0.00	Book	10.00	% of 79,624,989.45	7,962,498.95	0.00	100.00	7,962,499	0.00	0
Judo Bank	BBB+ to BBB-		7,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	94.00	6.00	462,499	0.00	0
Macquarie Bank	A+ to A-		3,000,000.00	Book	20.00	% of 79,624,989.45	15,924,997.89	19.00	81.00	12,924,998	0.00	0
ME Bank - a division of Bank of Queensland Ltd	A+ to A-	Bank of Queensland Ltd	7,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	94.00	6.00	462,499	0.00	0
Members Banking Group Limited t/as RACQ Bank	BBB+ to BBB-		0.00	Book	10.00	% of 79,624,989.45	7,962,498.95	0.00	100.00	7,962,499	0.00	0
MyState Bank Ltd	BBB+ to BBB-		3,000,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	38.00	62.00	4,962,499	0.00	0
National Australia Bank Ltd	AA+ to AA-		0.00	Book	30.00	% of 79,624,989.45	23,887,496.84	0.00	100.00	23,887,497	0.00	0
Newcastle Greater Mutual Group Ltd	BBB+ to BBB-		5,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	69.00	31.00	2,462,499	0.00	0
Northern Territory Treasury Corporation	AA+ to AA-		3,500,000.00	Book	30.00	% of 79,624,989.45	23,887,496.84	15.00	85.00	20,387,497	0.00	0
NSW Treasury Corporation	AA+ to AA-		0.00	Book	100.00	% of 79,624,989.45	79,624,989.45	0.00	100.00	79,624,989	0.00	0
P&N Bank Ltd	BBB+ to BBB-		0.00	Book	10.00	% of 79,624,989.45	7,962,498.95	0.00	100.00	7,962,499	0.00	0

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 (\$)
QPCU LTD t/a QBANK	BBB+ to BBB-		6,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	82.00	18.00	1,462,499	0.00	0
Rabobank Australia Ltd	A+ to A-		0.00	Book	20.00	% of 79,624,989.45	15,924,997.89	0.00	100.00	15,924,998	0.00	0
Rabobank Nederland Australia Branch	A+ to A-		0.00	Book	20.00	% of 79,624,989.45	15,924,997.89	0.00	100.00	15,924,998	0.00	0
Royal Bank of Scotland	A+ to A-		0.00	Book	5.00	% of 79,624,989.45	3,981,249.47	0.00	100.00	3,981,249	0.00	0
Rural Bank Ltd	A+ to A-	Bendigo & Adelaide Bank Ltd	2,500,000.00	Book	10.00	% of 79,624,989.45	7,962,498.95	31.00	69.00	5,462,499	0.00	0
St George Bank Limited	AA+ to AA-	Westpac Banking Corporation Ltd	1,974,989.45	Book	30.00	% of 79,624,989.45	23,887,496.84	8.00	92.00	21,912,507	0.00	0
Suncorp-Metway Ltd	A+ to A-		2,000,000.00	Book	20.00	% of 79,624,989.45	15,924,997.89	13.00	87.00	13,924,998	0.00	0
UBS Australia Ltd	AA+ to AA-		5,650,000.00	Book	20.00	% of 79,624,989.45	15,924,997.89	36.00	64.00	10,274,998	0.00	0
Westpac Banking Corporation Ltd	AA+ to AA-		1,974,989.45	Book	30.00	% of 79,624,989.45	23,887,496.84	8.00	92.00	21,912,507	0.00	0
			101,049,957.80				569,318,674.57			468,268,717		0
			(Excluding Parent Group Duplicates)				79,624,989.45					

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 79,624,989.45	79,624,989.45	0.00	100.00	79,624,989	0.00	0
AA+ to AA-	3,500,000.00	Book	100.00	% of 79,624,989.45	79,624,989.45	4.00	96.00	76,124,989	0.00	0
A+ to A-	12,150,000.00	Book	70.00	% of 79,624,989.45	55,737,492.62	22.00	78.00	43,587,493	0.00	0
A1+	1,974,989.45	Book	100.00	% of 79,624,989.45	79,624,989.45	2.00	98.00	77,650,000	0.00	0
A1	2,000,000.00	Book	100.00	% of 79,624,989.45	79,624,989.45	3.00	97.00	77,624,989	0.00	0
A2	21,000,000.00	Book	70.00	% of 79,624,989.45	55,737,492.62	38.00	62.00	34,737,493	0.00	0
A3	5,500,000.00	Book	60.00	% of 79,624,989.45	47,774,993.67	12.00	88.00	42,274,994	0.00	0
BBB+ to BBB-	33,500,000.00	Book	60.00	% of 79,624,989.45	47,774,993.67	70.00	30.00	14,274,994	0.00	0
	79,624,989.45				525,524,930.37			445,899,941		0

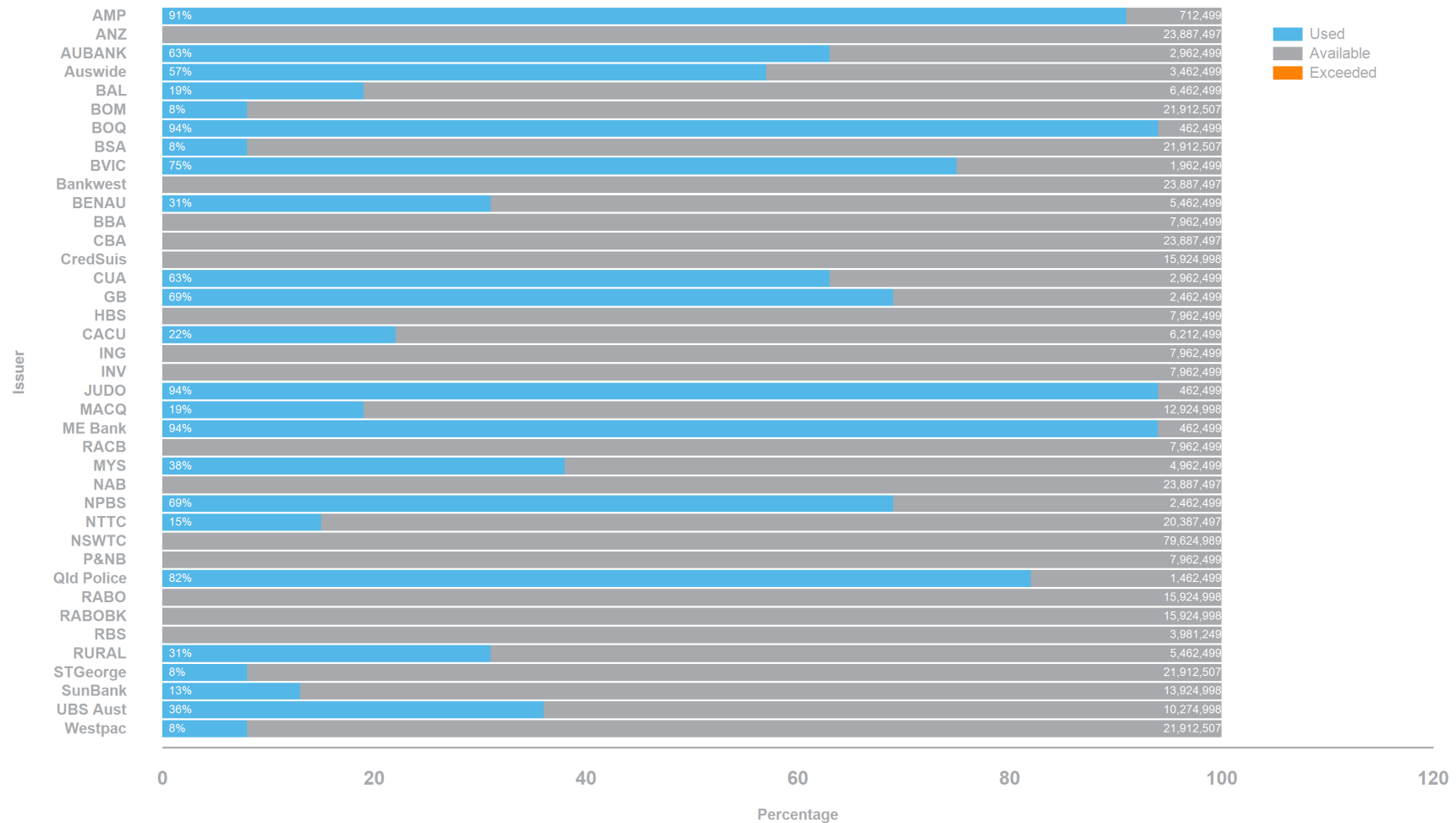
Notes

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.

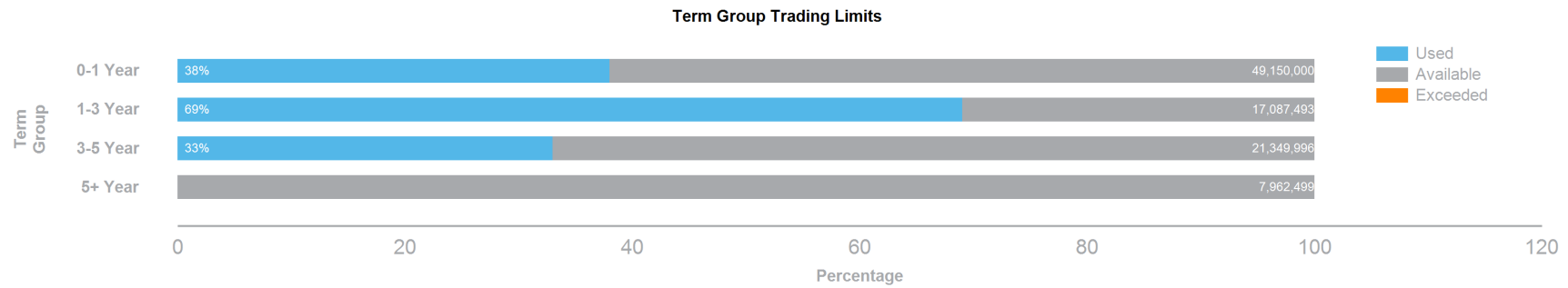
3 Term Group Trading Limits

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	30,474,989.45	Book	100.00	% of 79,624,989.45	79,624,989.45	38.00	62.00	49,150,000	0.00	0
1-3 Year	38,650,000.00	Book	70.00	% of 79,624,989.45	55,737,492.62	69.00	31.00	17,087,493	0.00	0
3-5 Year	10,500,000.00	Book	40.00	% of 79,624,989.45	31,849,995.78	33.00	67.00	21,349,996	0.00	0
5+ Year	0.00	Book	10.00	% of 79,624,989.45	7,962,498.95	0.00	100.00	7,962,499	0.00	0
	79,624,989.45				175,174,976.79			95,549,988		0

Issuer Trading Limits







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Report Code: TBSBP125EXT-00.16
Report Description: Trading Limit Performance As At Date
Parameters:
As At/Scenario Date: 30 September 2023
Balance Date: 6 October 2023 (but 30 Sep 2023 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

**10.4.4. Monthly Financial Report - September 2023**

Attachments:	1. Monthly Report - September 2023 [10.4.4.1 - 11 pages]
Responsible Officer:	Derek Finnigan - General Manager
Author:	Manav Sharma (Finance Business Partner), Mandy Fitzgerald (Senior Financial Accountant)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	6.2.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.

PURPOSE

To provide 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 for the month ending 30 September 2023.

OFFICER'S RECOMMENDATION

Council NOTES the Financial Reports for the month ending 30 September 2023.

Moved: _____ **Seconded:** _____

REPORT

Please refer to the attachment for the September 2023 details of:

- Monthly & Year To Date operating performance by Fund.
- Project Spend.
- Details of Current Loans.
- Outstanding Debtor Balances.

Overview

The September period is presenting expected outcomes. The rates were levied in full in July and this program will continue to show a favourable result throughout the year. The Insurance and Rates are paid in full at the start of the year and, as a result, Other Costs in most funds will show an unfavourable result in September and throughout most of the year.

End of financial year processing is nearing completion. Year-end adjustments, including revaluations and reserves balancing, are still being processed.

Material Exceptions:**General Fund**

- **Revenue:**
 - Rates are levied and recognised in July each year, which results in a favourable variance against Budget throughout most of the year. Total revenue is \$29.12m against YTD budget of \$17.31m, with rates and charges a major contributor.



- **Expenses:**

- Other Costs shows an unfavourable variance of \$0.49m due to rates and insurances being paid in full in July and August.
- YTD Legal Expenses of \$408k show an unfavourable variance against budget, at 47% of full-year budget. This will be closely monitored going forward.
- Overall, the expenses have favourable variance of \$1.65m (\$10.15m actual vs YTD budget of \$11.81m).

Water Fund

- Rates are levied and recognised in July each year.
- User Charges shows an unfavourable variance.
- Expenses have favourable variance of \$0.38m.

Sewer Fund

- Overall, sewer costs show a favourable variance against budget of \$0.05m.
- Revenue is favourable by \$4.34m, as rates are levied at the start of the year.

Future Fund

- **Revenue:**

- Total revenue shows a favourable variance of \$0.36m due to the raising of the October 2023 rent.

- **Expenses:**

- Overall, costs show an unfavourable variance of \$0.09m due mainly to the full payment of Rates and Insurances.

Capital Projects

Year To Date capital spend is \$4.53M, which equates to 6% of the total Capital Budget.

Muswellbrook Shire Council

Financial Report - September 2023



Council Consolidated								
Account Group	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)
	YTD				Full Year			
Revenue								
Rates and Charges	\$33,443,764	\$8,252,913	\$25,190,852	305%	\$33,011,650	\$33,011,650	101%	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. * Overall revenue is at 59% of the FY Budget.
User Charges and Fees	\$4,579,927	\$4,672,568	(\$92,641)	-2%	\$18,689,982	\$18,690,270	25%	
Interest and Investments Revenues	\$326,283	\$258,499	\$67,785	26%	\$1,027,844	\$1,033,994	32%	
Other Revenues	\$568,693	\$621,496	(\$52,803)	-8%	\$2,485,983	\$2,485,983	23%	
Operating Grants and Contributions	\$677,787	\$1,901,575	(\$1,223,788)	-64%	\$7,525,226	\$7,606,301	9%	See individual funds for commentary specific to that fund
Internal Revenue	\$1,229,832	\$1,657,705	(\$427,873)	-26%	\$6,630,819	\$6,630,819	19%	
Total Revenue	\$40,826,286	\$17,364,754	\$23,461,532	135%	\$69,371,504	\$69,459,017	59%	
Expenses								
Wages and Salaries	\$3,541,228	\$4,267,527	\$726,299	17%	\$17,135,068	\$17,070,108	21%	Other costs are at 34% against FY budget. Rates(\$0.32m) and Insurances(\$1.05m) are paid at the start of the year. See individual funds for commentary specific to that fund
Materials and Contracts	\$3,643,512	\$5,011,512	\$1,368,000	27%	\$19,900,761	\$20,046,048	18%	
Other Costs	\$2,443,420	\$1,784,550	(\$658,870)	-37%	\$7,131,015	\$7,138,201	34%	
Borrowing Costs	\$342,032	\$643,930	\$301,898	47%	\$2,575,718	\$2,575,718	13%	
Overheads	\$1,197,387	\$1,214,517	\$17,130	1%	\$4,858,069	\$4,858,069	25%	See individual funds for commentary specific to that fund
Depreciation	\$3,652,363	\$3,894,945	\$242,582	6%	\$15,579,778	\$15,579,778	23%	
Total Expenses	\$14,819,942	\$16,816,981	\$1,997,039	12%	\$67,180,409	\$67,267,922	22%	
Result	\$26,006,344	\$547,774	\$25,458,570		\$2,191,095	\$2,191,095		

Muswellbrook Shire Council

Financial Report - September 2023



General Fund								
Account Group	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)
Revenue	YTD				Full Year			
Rates and Charges	\$25,140,222	\$5,995,703	\$19,144,519	319%	\$23,982,812	\$23,982,812	105%	Revenue commentary will focus on material exceptions and concerns * Rates are levied and recognised in July.
User Charges and Fees	\$1,304,212	\$1,506,898	(\$202,686)	-13%	\$6,027,304	\$6,027,592	22%	
Interest and Investments Revenues	\$240,872	\$180,388	\$60,485	34%	\$715,400	\$721,550	33%	
Other Revenues	\$568,693	\$621,496	(\$52,803)	-8%	\$2,485,983	\$2,485,983	23%	
Operating Grants and Contributions	\$677,787	\$1,882,771	(\$1,204,984)	-64%	\$7,450,010	\$7,531,085	9%	
Internal Revenue	\$1,197,387	\$1,625,260	(\$427,873)	-26%	\$6,501,039	\$6,501,039	18%	
Total Revenue	\$29,129,173	\$11,812,515	\$17,316,658	147%	\$47,162,548	\$47,250,061	62%	
Expenses								
Wages and Salaries	\$2,993,450	\$3,628,895	\$635,445	18%	\$14,580,539	\$14,515,579	21%	Other costs are at 35% against FY budget. Rates(\$0.32m) and Insurances(\$1.05m) are paid at the start of the year.
Materials and Contracts	\$2,495,227	\$3,643,919	\$1,148,692	32%	\$14,430,178	\$14,575,675	17%	
Other Costs	\$1,678,333	\$1,187,545	(\$490,788)	-41%	\$4,743,203	\$4,750,179	35%	
Borrowing Costs	\$17,454	\$152,719	\$135,265	89%	\$610,877	\$610,877	3%	
Overheads	\$580,614	\$597,745	\$17,131	3%	\$2,390,978	\$2,390,978	24%	
Depreciation	\$2,391,397	\$2,601,693	\$210,296	8%	\$10,406,773	\$10,406,773	23%	
Total Expenses	\$10,156,475	\$11,812,515	\$1,656,040	14%	\$47,162,548	\$47,250,061	21%	
Result	\$18,972,698	\$0	\$18,972,698		\$0	\$0		

Muswellbrook Shire Council

Financial Report - September 2023



Water Fund								
Account Group	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)
Revenue	YTD				Full Year			
Rates and Charges	\$2,237,106	\$591,237	\$1,645,870	278%	\$2,364,946	\$2,364,946	95%	* 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. * Water User Charges and Fees revenue show an unfavourable variance.
User Charges and Fees	\$1,049,164	\$1,248,318	(\$199,154)	-16%	\$4,993,270	\$4,993,270	21%	
Interest and Investments Revenues	\$58,379	\$53,750	\$4,629	9%	\$215,000	\$215,000	27%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$9,382	(\$9,382)	-100%	\$37,526	\$37,526	0%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$3,344,649	\$1,902,686	\$1,441,964	76%	\$7,610,742	\$7,610,742	44%	
Expenses								
Wages and Salaries	\$227,827	\$347,652	\$119,825	34%	\$1,390,607	\$1,390,607	16%	* Overall, costs show a favourable variance sitting at 20% for the September period.
Materials and Contracts	\$404,973	\$602,564	\$197,591	33%	\$2,410,466	\$2,410,256	17%	
Other Costs	\$88,063	\$131,928	\$43,865	33%	\$527,500	\$527,710	17%	
Borrowing Costs	\$0	\$3,500	\$3,500	100%	\$14,000	\$14,000	0%	
Overheads	\$289,425	\$289,425	(\$1)	0%	\$1,157,698	\$1,157,698	25%	
Depreciation	\$509,949	\$527,619	\$17,670	3%	\$2,110,475	\$2,110,475	24%	
Total Expenses	\$1,520,237	\$1,902,687	\$382,450	20%	\$7,610,746	\$7,610,746	20%	
Result	\$1,824,412	(\$1)	\$1,824,413		(\$4)	(\$4)		

Muswellbrook Shire Council

Financial Report - September 2023



Sewer Fund								
Account Group	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)
	YTD				Full Year			
Revenue								
Rates and Charges	\$6,066,436	\$1,665,973	\$4,400,463	264%	\$6,663,892	\$6,663,892	91%	* 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	\$80,358	\$134,037	(\$53,679)	-40%	\$536,148	\$536,148	15%	
Interest and Investments Revenues	\$27,032	\$24,361	\$2,671	11%	\$97,444	\$97,444	28%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$9,423	(\$9,423)	-100%	\$37,690	\$37,690	0%	
Internal Revenue	\$0	\$0	\$0	0%	\$0	\$0	0%	
Total Revenue	\$6,173,826	\$1,833,794	\$4,340,033	237%	\$7,335,174	\$7,335,174	84%	
Expenses								
Wages and Salaries	\$242,487	\$227,506	(\$14,981)	-7%	\$910,025	\$910,025	27%	* Overall, costs show a favourable variance sitting at 24% for the September period.
Materials and Contracts	\$397,518	\$424,260	\$26,742	6%	\$1,697,038	\$1,697,038	23%	
Other Costs	\$180,246	\$199,221	\$18,975	10%	\$796,883	\$796,883	23%	
Borrowing Costs	\$155,798	\$160,000	\$4,202	3%	\$640,000	\$640,000	24%	
Overheads	\$238,185	\$238,185	\$0	0%	\$952,740	\$952,740	25%	
Depreciation	\$555,765	\$570,383	\$14,618	3%	\$2,281,530	\$2,281,530	24%	
Total Expenses	\$1,769,999	\$1,819,554	\$49,555	3%	\$7,278,216	\$7,278,216	24%	
Result	\$4,403,827	\$14,240	\$4,389,588		\$56,958	\$56,958		

Muswellbrook Shire Council

Financial Report - September 2023



Future Fund								
Account Group	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)
Revenue	YTD				Full Year			
Rates and Charges	\$0	\$0	\$0	0%	\$0	\$0	0%	
User Charges and Fees	\$2,146,193	\$1,783,315	\$362,878	20%	\$7,133,260	\$7,133,260	30%	* User Charges and Fees show a favourable variance against FY Budget (30%) as October 2023 Rent has been raised.
Interest and Investments Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Other Revenues	\$0	\$0	\$0	0%	\$0	\$0	0%	
Operating Grants and Contributions	\$0	\$0	\$0	0%	\$0	\$0	0%	
Internal Revenue	\$32,445	\$32,445	\$0	0%	\$129,780	\$129,780	25%	
Total Revenue	\$2,178,638	\$1,815,760	\$362,878	20%	\$7,263,040	\$7,263,040	30%	
Expenses								
Wages and Salaries	\$77,464	\$63,474	(\$13,990)	-22%	\$253,897	\$253,897	31%	
Materials and Contracts	\$345,794	\$340,770	(\$5,024)	-1%	\$1,363,079	\$1,363,079	25%	
Other Costs	\$496,778	\$265,857	(\$230,921)	-87%	\$1,063,429	\$1,063,429	47%	* Other Costs are showing an unfavourable result due to the Rates and Insurance expenses being fully paid in July.
Borrowing Costs	\$168,780	\$327,710	\$158,930	48%	\$1,310,841	\$1,310,841	13%	
Overheads	\$89,163	\$89,163	\$0	0%	\$356,653	\$356,653	25%	
Depreciation	\$195,252	\$195,250	(\$2)	0%	\$781,000	\$781,000	25%	
Total Expenses	\$1,373,231	\$1,282,225	(\$91,006)	-7%	\$5,128,899	\$5,128,899	27%	
Result	\$805,407	\$533,535	\$271,872		\$2,134,141	\$2,134,141		

Muswellbrook Shire Council
Financial Report - September 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
General Fund Projects						
Planning, Community and Corporate Services Projects						
Adventure Playground - Wollombi Road	2,615	452,410	452,410	1%		
Aquatic Centres program	6,338	-	263,000	2%		
Art Acquisitions	-	-	70,000	0%		
Buildings New and Replacement	14,547	1,459,061	1,579,061	1%		
Bushfire Assets	8,166	564,520	564,520	1%		
Capital Works Contingency	-	-	100,000	0%		
CBD Stage 7 (Town Centre)	6,785	226,092	226,092	3%		
Civic Precinct (Town Square)	1,998	2,256,524	2,256,524	0%		
COVID 19	-	-	150,000	0%		
Denman Childrens Centre - Expansion	12,310	415,308	415,308	3%		
Denman Heritage Village	206,817	250,327	250,327	83%		
Denman Netball Courts	-	283,638	283,638	0%		
Future Fund Contribution	-	-	1,300,000	0%		
General Design Program	-	-	52,500	0%		
Hunter Beach	9,163	19,324	19,324	47%		
Information Technology Strategy	10,543	-	200,000	5%		
Karoola Park Citizens Walk Pathway	-	17,222	17,222	0%		
Library Books General Capital Purchases	5,548	15,852	105,437	5%		
Library Subsidy Projects	-	66,071	66,071	0%		
Local Priority Grant	-	43,594	54,594	0%		
Major Landcare Projects	5,404	14,357	139,357	4%		
Mbk and Dnm Indoor Sports Centre Upgrades	230,012	233,874	233,874	98%		
MSC Depot	5,500	-	4,838,247	0%		
Olympic Park Project	16,096	2,836,170	4,009,466	0%		
Performance and Convention Centre	1,498	3,273,204	3,273,204	0%		
Companion Animal Impounding Facility	133,066	470,737	470,737	28%		
Recreation Capital Works	104,825	3,319,212	3,684,212	3%		
Resources for Regions 9	-	-	-	0%		
STEM Equipment Replacement	32,044	88,709	191,209	17%		
Total Planning, Community and Corporate Services	813,275	16,306,206	25,266,334	3%	-	

Muswellbrook Shire Council
Financial Report - September 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Roads and Drainage Projects						
Bridge St Footpath	16,561	-	67,056	25%		
Bridges Renewal program	1,500	-	105,000	1%		
Carpark Renewal program	-	-	135,000	0%		
CPTIGS - Bus Shelter	-	337,824	337,824	0%		
Drainage	-	615,188	938,255	0%		
Drainage Devices program	-	-	180,000	0%		
Flood Warning Systems	-	50,000	50,000	0%		
FOGO	-	62,060	62,060	0%		
Footpath and Cycleway Renewal program	164,048	-	185,625	88%		
Heavy Patching program	200,674	-	1,000,000	20%		
Resilience Works Karoola Park	-	484,174	484,174	0%		
Kerb and Gutter Replacement program	57,032	-	146,250	39%		
Kirk and Peberdy Bridges	-	-	85,141	0%		
Large Plant Items	596,430	1,607,245	2,207,245	27%		
Leachate Dam	-	-	475,795	0%		
LISF - Roads Infrastructure Backlog	-	-	202,209	0%		
Natural Disaster Event - Baerami Creek Causeway	-	689,654	689,654	0%		
New Footpath and Cycleway program	8,480	60,549	60,549	14%		
Purchase of Vehicles	-	-	340,000	0%		
Rainbow Creek Bridge	-	274,687	274,687	0%		
Regional Road Renewal program	-	-	500,000	0%		
Resources for Regions - Round 5	138,593	226,781	226,781	61%		
Resources for Regions- Round 7	446,280	904,016	904,016	49%		
Resources for Regions 9	-	-	-	0%		
Road Resealing program	106	577,898	2,677,898	0%		
Roads Capital Contingency	-	-	135,000	0%		
Roads to Recovery Program	-	-	577,898	0%		
Rosebrook Bridge	316,915	324,590	324,590	98%		
Rural Road Regravelling Program	106,767	-	283,815	38%		
Rural Road Renewal program	-	-	498,027	0%		
Safety Device Renewal program	110	-	94,069	0%		
Transport Vehicles	-	-	150,000	0%		
Urban Road Renewal Program	-	-	400,000	0%		
Victoria Street Rehab	-	721,433	721,433	0%		
Widden Creek Stabilisation Works	-	152,891	152,891	0%		
Wilkinson Bridge	27,598	-	110,996	25%		
Yarraman Road Upgrade	4,538	180,946	180,946	3%		
Total Roads and Drainage	2,085,632	7,269,936	15,964,884	11%	-	
Total General Fund	2,898,907	23,576,142	41,231,218	6%	-	

Muswellbrook Shire Council
Financial Report - September 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Future Fund Projects						
Donald Horne Building	-	-	218,691	0%		
Marketplace	880,024	-	2,957,464	30%		
Renewal of Existing Assets/New Acquisitions	38,229	222,919	641,905	6%		
Throsby ACT	129,999	-	520,000	25%		
Upgrade of Loxton House	7,813	454,532	754,532	1%		
Total Future Fund	1,056,065	677,451	5,092,592	21%	-	
Sewer Fund						
Access & Security Improvements RWTW	-	-	130,000	0%		
Mains Renewal and Replacement	45,897	-	260,000	18%		
Operations Contingency Project	25,194	-	150,000	17%		
Sewer Plant and Equipment	316	-	80,000	0%		
Solar Array	-	1,745,336	1,745,336	0%		
System Plant Asset Renewals	65,870	254,065	649,065	10%		
Transportation System Improvement	-	-	300,000	0%		
Loan - Sewer RWTW	166,783	-	680,496	25%		
Skellatar Main	-	-	97,934	0%		
Total Sewer Fund	304,060	1,999,401	4,092,831	7%	-	

Muswellbrook Shire Council
Financial Report - September 2023
Capital Costs (Incl. Loan Repayments & excl. Revenue)



	YTD Actuals	Carry Overs	Total Budget	YTD % Spend	Over Budget	Comments
Water Fund						
Asbestos, Earthworks, Security	10,219	-	175,000	6%		
Laboratory Equipment	-	-	20,000	0%		
Mains Renewal and Replacement	-	-	650,000	0%		
Office Upgrade	-	-	17,518	0%		
Operations Contingency Project	65,126	-	100,000	65%		
Replacement of Water Meters program	13,785	-	65,000	21%		
Denman-Sandy Hollow Pipeline	5,677	1,062,215	18,460,415	0%		
South Muswellbrook Reservoir	-	-	262,755	0%		
System Plant Asset Renewals	21,466	230,474	730,474	3%		
Upgrade Fluoride Dosing System WTP	-	294,732	294,732	0%		
Vehicle-Equipment Replacement	-	-	65,000	0%		
Water Stop Valve Replacement	158,019	-	200,000	79%		
Total Water Fund	274,292	1,587,421	21,040,894	1%	-	
Consolidated Total	4,533,324	27,840,415	71,457,535	6%	-	

Details of Current Council Loans



Balance at 30/06/2023	Payment Type	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
Water Fund												
\$280,272	Principal	\$330,160	\$351,400	\$375,624	\$280,273	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Interest	\$67,791	\$46,551	\$23,815	\$13,843	\$0	\$0	\$0	\$0	\$0	\$0	\$0
	Total	\$397,951	\$397,951	\$399,439	\$294,116	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sewer Fund												
\$14,166,104	Principal	\$677,873	\$710,385	\$743,509	\$778,430	\$816,997	\$856,300	\$780,502	\$815,416	\$850,535	\$886,347	\$922,883
	Interest	\$726,218	\$693,706	\$660,582	\$628,763	\$587,094	\$549,281	\$509,827	\$474,913	\$439,794	\$403,982	\$367,446
	Total	\$1,404,091	\$1,404,091	\$1,404,091	\$1,407,193	\$1,404,091	\$1,405,581	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329	\$1,290,329
General Fund												
\$5,570,491	Principal	\$614,941	\$715,625	\$747,212	\$601,124	\$415,542	\$249,678	\$223,682	\$234,748	\$246,382	\$258,614	\$271,476
	Interest	\$245,540	\$233,183	\$201,596	\$201,557	\$181,451	\$154,972	\$162,272	\$171,206	\$159,571	\$147,339	\$134,477
	Total	\$860,481	\$948,808	\$948,808	\$802,681	\$596,993	\$404,650	\$405,954	\$405,954	\$405,953	\$405,953	\$405,953
Future Fund												
\$38,382,647	Principal	\$3,277,145	\$3,564,671	\$4,270,338	\$3,231,639	\$2,073,593	\$1,753,229	\$1,906,961	\$1,078,848	\$1,122,802	\$1,168,547	\$1,216,155
	Interest	\$702,824	\$624,137	\$994,087	\$1,109,142	\$1,409,292	\$1,345,357	\$1,251,611	\$1,152,196	\$1,108,242	\$1,062,498	\$1,014,889
	Total	\$3,979,969	\$4,188,808	\$5,264,425	\$4,340,781	\$3,482,885	\$3,098,586	\$3,158,572	\$2,231,044	\$2,231,044	\$2,231,045	\$2,231,044
\$58,399,514		\$6,642,492	\$6,939,658	\$8,016,763	\$6,844,771	\$5,483,969	\$4,908,817	\$4,854,855	\$3,927,327	\$3,927,326	\$3,927,327	\$3,927,326

Purpose	Original Amount	Interest Rate	Balance at 1/7/2023	2023/24 Principal Repayments	2023/24 Interest Repayments	2023/24 Total Payments	Year of Final Payment	Notes (If any)
Water - South Muswellbrook Reservoir	\$3,200,000	6.61%	\$280,272	\$280,272	\$13,843	\$294,115	2023/24	
Sewer - Mains and Pump Stations	\$1,300,000	6.50%	\$314,801	\$97,934	\$18,931	\$116,865	2025/26	
General - Widden Bridge	\$1,750,000	6.00%	\$1,079,032	\$85,141	\$60,925	\$146,066	2034/35	
General - Smiths Bridge	\$1,573,967	4.28%	\$1,116,108	\$67,056	\$45,442	\$112,498	2024/25	
General - Roads Infrastructure Backlog	\$3,000,000	5.90%	\$201,945	\$201,945	\$4,015	\$205,960	2023/24	LIFS interest rate subsidy applies
General - Olympic Park Bridge	\$1,785,000	1.45%	\$1,532,184	\$110,996	\$21,495	\$132,491	2025/26	
Future Fund	\$3,300,000	1.60%	\$2,805,000	\$165,000	\$43,670	\$208,670	2024/25	
Future Fund - Seven Hills, Campbell's Corner	\$7,980,502	4.35%	\$7,307,744	\$701,512	\$311,190	\$1,012,702	2026/27	
Future Fund - Muswellbrook Marketplace	\$13,276,500	1.20%	\$11,575,350	\$157,560	\$34,631	\$192,191	2023/24	
Future Fund - Muswellbrook Marketplace***\$13,276,500 To be Refinanced 14/08/23	\$11,417,790	5.53%	\$0	\$98,489	\$318,297	\$416,786	2026/27	
Future Fund - Muswellbrook Marketplace	\$12,500,000	2.34%	\$7,946,720	\$1,370,387	\$177,697	\$1,548,084	2024/25	
Future Fund - Donald Horne building	\$2,500,000	4.80%	\$2,291,166	\$218,691	\$107,677	\$326,368	2026/27	
Sewer - Sewer Treatment Plant	\$7,000,000	4.49%	\$5,810,434	\$275,712	\$255,260	\$530,972	2038/39	
Sewer - Sewer Treatment Plant	\$10,000,000	4.50%	\$8,040,869	\$404,785	\$354,572	\$759,357	2037/38	
Aquatic Centre	\$2,000,000	4.30%	\$1,641,222	\$135,986	\$69,680	\$205,666	2024/25	
Throsby ACT	\$7,800,000	1.86%	\$6,456,667	\$520,000	\$115,980	\$635,980	2025/26	
TOTAL	\$90,383,759		\$58,399,514	\$4,891,466	\$1,953,305	\$6,844,771		

Debtor Balances as at 30 September 2023

Account	120 days	90 days	60 days	30 days	Current	Balance
Waste Depot Charges	\$48,300	\$1,642	\$0	\$0	\$251,832	\$301,774
Inspection Fees	\$13,315	\$4,389	\$100	\$500	\$0	\$18,303
Sam Adams College Rent	\$0	\$0	\$0	\$0	\$3,345	\$3,345
Council Properties - Future Fund *	\$107,287	\$70,323	\$87,102	\$127,542	\$182,102	\$574,355
Council Properties - Marketplace *	\$150,148	\$913	\$3,432	\$48,548	\$76,159	\$279,199
Council Properties - Education Fund	\$4,811	\$66,000	\$0	\$6,650	\$20,674	\$98,135
Recreation	\$874	\$578	\$879	\$0	\$385	\$2,715
Sundries**	\$64,707	\$3,481	\$923,640	\$459,485	\$6	\$1,477,459
Water Tanker Sales	\$148	\$181	\$272	\$90	\$24,757	\$25,449
Trade Waste Charges	\$342	\$0	\$0	\$0	\$0	\$342
Muswellbrook Sewer	\$35,902	\$0	\$0	\$0	\$27,375	\$63,276
GST Tax Debtor	\$0	\$0	\$0	\$0	\$324,315	\$324,315
TOTAL	\$425,834	\$147,507	\$1,015,424	\$642,815	\$910,949	\$3,168,670

* Balances include rent deferrals due to COVID, and other commercial receivables currently with debt recovery/legal services.

** Includes \$930k in VPA Funding and \$461k Grant Funding.



10.5. Community and Economy

10.5.1. Regional Visitor Economy Governance Model

Attachments:	1. Upper Hunter Visitor Economy Governance July 2023 1 [10.5.1.1 - 16 pages]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Shaelee Welchman (Director - Community & Economy)
Community Plan Issue:	1 - <i>Economic Prosperity</i> 4 - <i>Cultural Vitality</i> 6 - <i>Community Leadership</i> <i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i>
Community Plan Goal:	A culturally rich and diverse Community with strong identities, history and sense of belonging. Collaborative and responsive leadership that meets the expectations and anticipates the needs of the community.
Community Plan Strategy:	1.1.1 - Facilitate the expansion of and establishment of new industries and business. 4.3.1 - Develop and implement a program of Shire events to engage more locals and attract more visitors 1.1.1.5 - Prepare a Tourism Destination Management Plan, including investigate opportunities to allow greater access for the Wollemi National Park. 1.2.1.3 - Progress opportunities to grow the visitor economy. 4.3.1.1 - Council works in partnership to deliver events which support the community and attract visitors to the Shire.

PURPOSE

To request Council's endorsement of the regional tourism governance approach outlined in the report.

OFFICER'S RECOMMENDATION

Council ENDORSES:

1. A Tailored Alliance Model for the Upper Hunter Region to collectively grow and promote the visitor economy of Muswellbrook Shire and Upper Hunter Shire; and
2. The appointment of the Mayor and General Manager, or proxy, to the Alliance Board.

Moved: _____ **Seconded:** _____



BACKGROUND

Muswellbrook Shire Council has been working with Upper Hunter Shire Council, Upper Hunter Country Tourism, and Destination Sydney Surrounds North to research and develop a tourism model that is tailored to our region's unique visitor economy needs and opportunities.

The Upper Hunter regional economy is evolving, which will have widespread impacts on local business, jobs, and population growth. Focusing on the promotion and growth of tourism is an important economic function to bring new economic activity and visitors to the area, to support businesses, job creation, and liveability.

Upper Hunter Country Tourism was established to promote the region as a tourism destination. It is a member-based association comprised of tourism operators and businesses in the Upper Hunter and Muswellbrook Shires, and there are currently seven directors on the board. The association has recently released its Upper Hunter Country Magazine, which has brought some funds into the organisation. Traditionally, however, the association is reliant on Council support, limited grant funding, and volunteers in order to operate.

In addition, realignment of the destination network boundaries has resulted in a renewed focus on the Upper Hunter region to provide regional and rural tourism experiences.

The Hunter Joint Organisation has also received significant funding for tourism industry development projects which have the potential to benefit the region.

CONSULTATION

There has been ongoing consultation with both Council Mayors and General Managers, Destination Sydney Surrounds North, and Upper Hunter Country Tourism.

A joint Councillor information presentation was also provided at the Hunter Warbirds facility at Scone, on Monday, 16 October 2023.

REPORT

Muswellbrook Shire Council, Upper Hunter Shire Council, the Upper Hunter Country Tourism association, and the Destination Sydney Surrounds North network have realised an opportunity to formalise the productive working relationship that exists between the parties to benefit the growth of tourism in the region. The proposal is to establish a collaborative governance framework which will represent the interests of Councils, government, the association, business, and industry over the long term.

A review of existing tourism models was undertaken, and a tailored model developed which responds to the unique existing governance and maturity level of the region's tourism industry. A presentation was given to both Councils on 16 October 2023 at the Hunter Warbirds facility, Scone, where both Councils gave in-principle support to the proposed model provided in Attachment 1.

At its 28 September 2023 meeting, Upper Hunter Country Tourism resolved to endorse the proposed model and amend its constitution. The constitution is being finalised and allows for:

- two representatives from each Council, these being the Mayor and General Manager or proxy from each Council;
- five to seven industry/ business representatives drawn from the association's membership base; and
- one non-voting 'Advisor to the Board – Destination Sydney Surrounds North', making a total of nine Board members.



This is a volunteer board, and the director roles will be:

- President (Chair)
Vice President
Treasurer
- Secretary
Muswellbrook Shire Council Mayor
Muswellbrook Shire Council General Manager (or proxy)
Upper Hunter Shire Council Mayor
Upper Hunter Shire Council General Manager (or proxy)
Committee Member/s
Advisor to the Board – Destination Sydney Surrounds North

The constitution and appointment of the directors will occur at the association's annual general meeting to be held in November 2023.

It is opportune timing for the creation of a new approach for the region which will result in long term benefits for the community as a result of the:

- realignment of the Destination Network boundaries;
- evolving economic conditions;
- increased political and investment focus on the Hunter; and
- improving tourism products and operators.

The benefits of this new regional approach to tourism includes:

- improved visitor visibility;
- access to grant funding;
- leveraging destination marketing activity;
- consistent brand and offer;
- operator confidence, and improved engagement with industry;
- positioning the region as a vibrant destination;
- planning and collaborating on events;
- more visitors coming to the region, spending more money; and
- increased economic activity.

Recommendations made by the Board will then be taken to each Council for review and approval. The first year of operation will involve the realignment of resources and funds to tourism activity, with a draft budget, resource plan, and projects for consideration to form part of a Memorandum of Understanding detailing Council's commitment to tourism related activities.

It is proposed that the renewed entity will be launched in early 2024.

The proposed governance model also includes an Advisory Group made up of Council and industry representatives who will be responsible for the ongoing operation of the entity and the delivery of projects and activities. The Advisory Group reports to the board.

The model also allows for the creation of specific project working groups, which will be established on an as needed basis.

The governance structure of the alliance is provided in Table 1.



Tailored Alliance Model

OBJECTIVE: To collectively grow and promote the Upper Hunter visitor economy

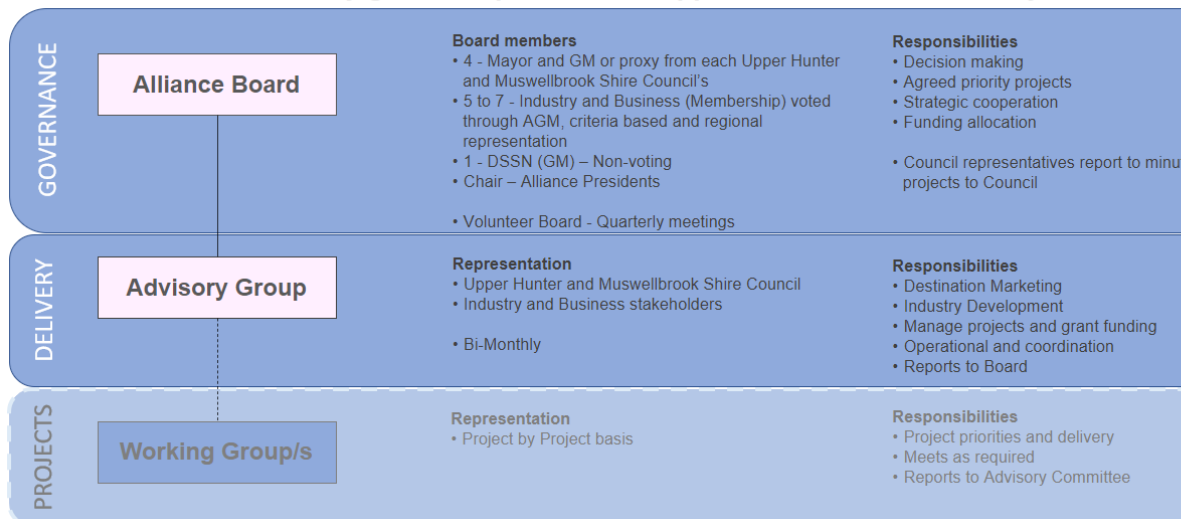


Table 1 – Regional Tourism Tailored Alliance Model

OPTIONS

Council may decide:

1. to progress with the regional tourism model;
2. not to progress with a regional tourism model; or
3. propose an alternative model.

CONCLUSION

A significant amount of consultation and work has occurred to research, analyse, and develop a regional tourism model which responds to our region and will assist government, business, and the association to collectively grow and promote the region's visitor economy.

Both Councils, the Destination Network, and the Association are supportive of a regional approach. The constitutional changes will ensure that both Councils and industry have fair representation on the Board, with decisions of the Board to be presented to each Council for decision. When implemented, the model is intended to facilitate long term economic benefits for the region.

SOCIAL IMPLICATIONS

The proposal will have a positive social impact on both Shires as the economy changes and has the potential to improve a sense of regional identity, community pride, liveability, and employment opportunities.

FINANCIAL IMPLICATIONS

Implementing the model will not have any additional financial implications above what is already proposed in the organisational structure and allocated operational funds. The financial benefits of implementing the model will result in economy of scale benefits, reduced



direct cost, improved grant funding opportunities, and flow on economic benefits for operators and businesses.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

A legal review of the constitution and agreement will be undertaken.

OPERATIONAL PLAN IMPLICATIONS

The proposal is consistent with the operational plan actions and Council's objectives.

RISK MANAGEMENT IMPLICATIONS

Nil.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

The model is set to be implemented and communicated to businesses, stakeholders, and the community prior to the first meeting of the alliance in early 2024.

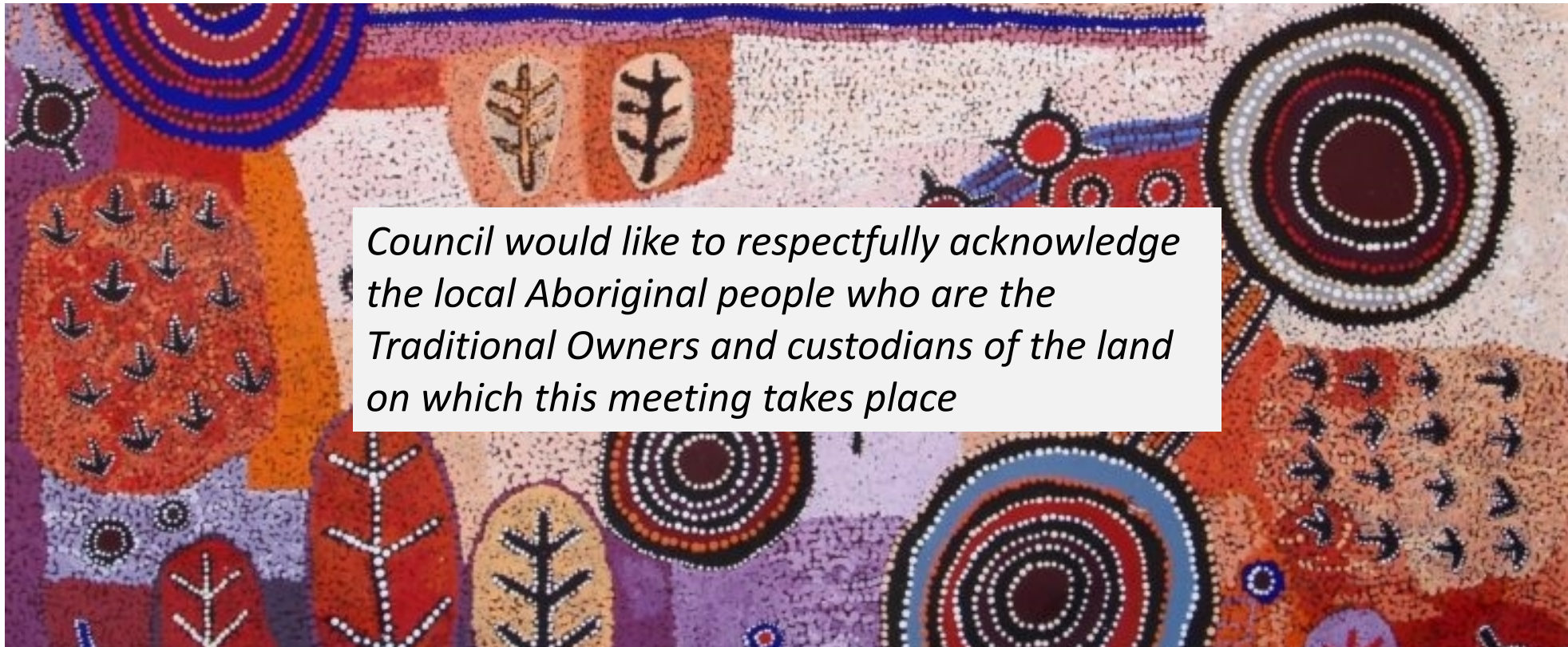


Regional Tourism Opportunity

Working together
to create a
destination



Acknowledgement of Country



Council would like to respectfully acknowledge the local Aboriginal people who are the Traditional Owners and custodians of the land on which this meeting takes place

Agenda

Acknowledgement of Country

Welcome - Mayor Steve Reynolds and Mayor Maurice Collison

Growing the Economy – Shaelee Welchman MSC

Destination Sydney Surrounds North Overview – Glenn Caldwell DSSN

Visitor Economy Problem and Challenge – Glenn Caldwell DSSN

Overview Proposed Tourism Model – Glenn Caldwell DSSN

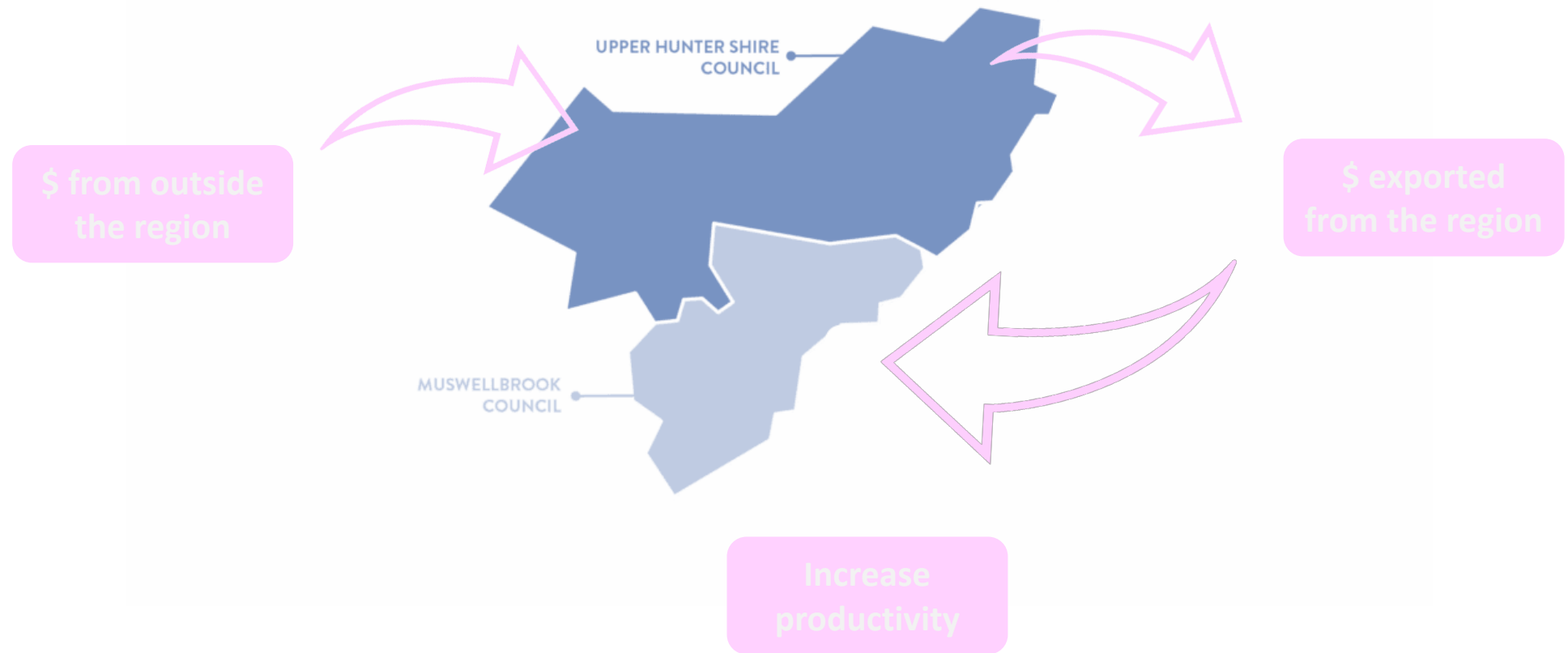
Timeframe and Next Steps – Glenn Caldwell DSSN

Place Brand – Luke Tuxford UHSC

Questions

Refreshments

Growing the Economy



Regional Approaches

- Mudgee Region – Mid Western and Surrounds
<https://youtu.be/qYQDj5xOVpU>
- Orange 360 - Orange City Council, Blayney Shire Council and Cabonne Council
<https://www.orange360.com.au/>
- Destination Gippsland
<https://www.visitgippsland.com.au/destination-gippsland>













Destination Sydney Surrounds North

OUR MISSION





Our mission is to establish the Destination Sydney Surrounds North (DSSN) region as Australia's premier regional tourism and events destination, where the DSSN Visitor Economy contributes positively to NSW's regional visitor expenditure ambition of \$25 billion per annum by 2030.



AMBITIONS									
	Economic prosperity, jobs and lifestyle opportunities for the people of NSW		A compelling destination brand and iconic and world-renowned visitor experiences		Sustainable visitor destinations and world-class infrastructure		Vibrant tourism, transport, retail, sports, events, 24-hour economy, arts and creative industries		Globally connected business and education sectors
OUTCOMES									
	Grow the NSW visitor economy		8% Contribution to Gross State Product (GSP) by 2030 (6% in 2019)		+10% Visitor economy job growth by 2030 (296,000 jobs in 2019)				
VISITOR EXPENDITURE TARGETS									
Total Visitor Expenditure \$65 billion by 2030 From \$43 b in 2019	Domestic Day Trips \$10 billion by 2030 From \$8.3 b in 2019	Overnight Visitor Expenditure \$55 billion by 2030 From \$35 b in 2019	Total Domestic Visitor Expenditure \$47 billion by 2030 From \$31.9 b in 2019	Regional Overnight Visitor Expenditure \$25 billion by 2030 From \$20.5 b in 2019	Total International Visitor Expenditure \$17 billion by 2030 From \$11.4 b in 2019				

Domestic Visitors

Travel to Sydney Surrounds North Destination Network											 	
Year ended March 2023												
Source: National Visitor Surveys, TRA.												
OVERVIEW											n/p = not publishable	
Domestic - overnight & daytrip	YE Mar 2014	YE Mar 2015	YE Mar 2016	YE Mar 2017	YE Mar 2018	YE Mar 2019	YE Mar 2020	YE Mar 2021	YE Mar 2022	YE Mar 2023	% change 2023 vs. 2022	
Visitors (000)	12,493	13,625	13,983	14,539	15,207	17,657	18,485	12,703	11,900	16,777	41.0%	
Nights (000)	11,141	11,581	11,415	12,195	13,272	15,632	15,432	12,873	12,829	15,991	24.6%	
Expenditure (\$M)	\$2,756	\$2,737	\$2,978	\$2,885	\$3,320	\$3,558	\$3,787	\$3,078	\$3,237	\$5,292	63.5%	

Problem

- No one knows where the region is and what we have to offer
- Hard to compete with the lower Hunter/ Hunter Valley
- We have limited good quality accommodation
- Market confusion
- Ad hoc marketing expenditure
- Business focus rather than a regional approach
- Everyone doing their own thing nothing unifying us
- Limited resources and limited funds from both Councils and Association
- No overarching structure to foster collaboration
- No central point of information about travelling to the region and out of date
- Lack of trust
- Lack of clarity of roles and responsibilities



Why do things differently?

- Maximising our potential
- Our economy is changing
- Increased political and investment focus on the Hunter
- Improving tourism products and experiences
- Tourism will have long term benefits for the liveability of our communities

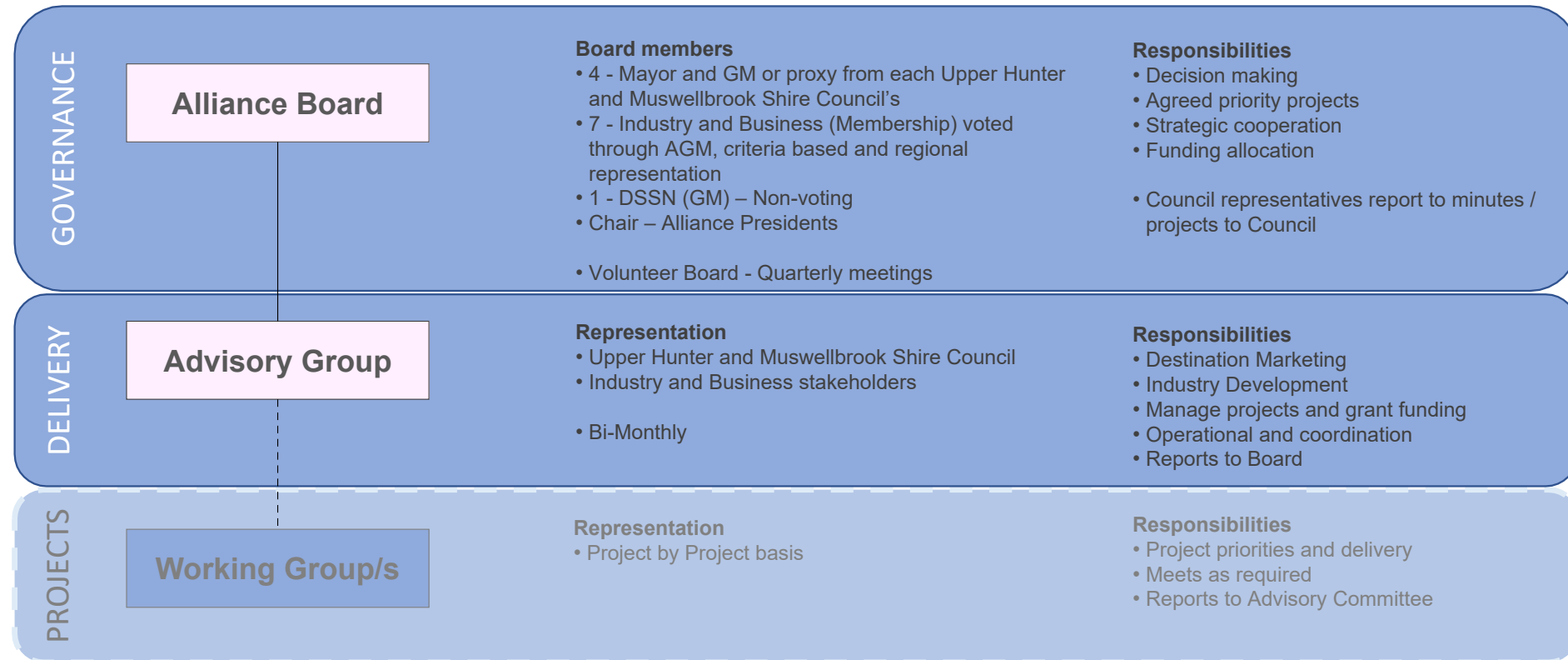
...to achieve...

- Economic growth
- Improved visitor visibility
- Access to funding
- Lead and stronger representation on regional strategies
- Leverage destination marketing activity
- Consistent brand and offer
- Operator / business confidence
- Position the region as a vibrant destination
- Plan and collaborate on events
- **More visitors coming to the region, spending more money**

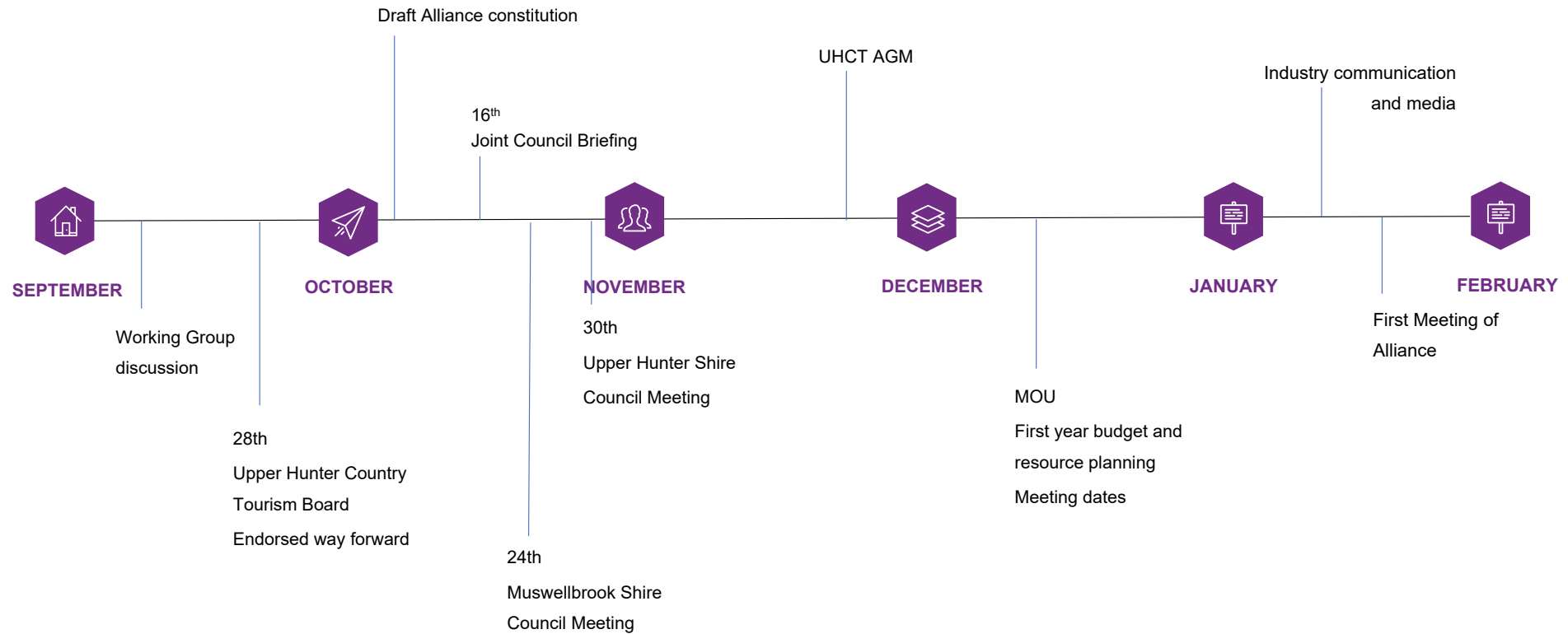
	INDUSTRY Destination Port Stephens	ALLIANCE Hunter Valley Alliance	OUTSOURCED Tourism Central Coast	INTERNAL Newcastle City Council	COORDINATION Council Collaboration (improved Status Quo?)
Governance	<ul style="list-style-type: none"> • Not for profit incorporated board of 9 • Owned by members 	<ul style="list-style-type: none"> • Singleton and Cessnock Council's • Hunter Valley Wine and Tourism Association • Steering Committee meets quarterly • Project Group meets monthly 	<ul style="list-style-type: none"> • Council appointed via tender • Partnership between marketing agency, tourism and comm's company and My Travel Research 	<ul style="list-style-type: none"> • Fully internal to Council 	<ul style="list-style-type: none"> • Fully internal to each Council • Separate tourism resources in each Council
Funding	<ul style="list-style-type: none"> • 50% Port Stephens Council \$400 pa • 50% from industry, members and grants 	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • \$800k pa 	<ul style="list-style-type: none"> • \$1M + 	<ul style="list-style-type: none"> • Upper Hunter Shire within existing structure • Muswellbrook Shire currently not funded or resourced
Resources	<ul style="list-style-type: none"> • Small staff 3 	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Agency staff as needs 	<ul style="list-style-type: none"> • Large resourcing 	<ul style="list-style-type: none"> • To be determined
Roles and responsibilities	<ul style="list-style-type: none"> • Destination Marketing • Visitor Information Centres • Industry Development • Grant Projects 	<ul style="list-style-type: none"> • Provide strategic direction and support to the industry model • Coordinate projects to ensure they are complementary across council and the association have visitor economy alignment 	<ul style="list-style-type: none"> • Destination Marketing • Industry Development / Services • Tourism Media and PR • Council delivers VIC and ED 	<ul style="list-style-type: none"> • Destination marketing • Major events • Conferencing • Visitor Information • Economic Development • Communications 	<ul style="list-style-type: none"> • Individual Shire Marketing • Collective Industry Development • Operational and coordination • Collaborative grant funding for agreed projects • Meets Quarterly
Benefits	<ul style="list-style-type: none"> • Industry facing and lead • Highly engaged industry • Strong industry investment to marketing 	<ul style="list-style-type: none"> • Whole of region project alignment • Maximising funding opportunities • Reduce duplication 	<ul style="list-style-type: none"> • Focus on priority areas • Expertise can be imported • Measurable KPI's included in contract 	<ul style="list-style-type: none"> • Attract staff to "security" of Council • Collaboration with other Council units • Incorporating Tourism into Council strategies • Ability to reprioritise 	<ul style="list-style-type: none"> • Increased control and collaboration in planning • Joint funding opportunities • Ability to draw more readily on org. resources
Constraints	<ul style="list-style-type: none"> • Subject to annual Council and Industry funding, membership numbers can vary • Calibre of the Board may change • Ability to attract staff due to potential funding volatility • Not entire industry invests in model, only members get benefits 	<ul style="list-style-type: none"> • Coordination body only • Relies on cooperation of all parties 	<ul style="list-style-type: none"> • Limited scope to only what is included in Tender, gaps in services may appear • Loss of control by Council or Industry • Ability to react outside of contract scope, or additional costs for variations or additional services 	<ul style="list-style-type: none"> • Doesn't work with multiple Council or smaller tourism regions • Industry often will not support Council lead initiatives, including gaining industry funding for Marketing • Managing industry expectations • Competing internal priorities or politics. 	<ul style="list-style-type: none"> • What is the role of Upper Hunter Country Tourism? • Duplication of effort • Visitor confusion • Relies on the cooperation of all parties

Tailored Alliance Model

OBJECTIVE: To collectively grow and promote the Upper Hunter visitor economy



Timeframe



Next steps

- Draft budgets: Prepare first year budget proposal to inform Council 2024/25 budgets to support tourism initiatives
- Resource alignment: Resources directed towards tourism-focused projects and activities
- Consistent and coordinated approach: Working together to create a unified and effective tourism strategy
- Regular communication and coordination: Ensuring ongoing dialogue to address tourism sector needs and challenges
- Tourism promotion strategies: Collaboratively developing and implementing strategies to promote local tourism and events
- Event planning: Jointly planning events to attract visitors and boost tourism
- Sustainable tourism initiatives: Undertaking projects that support sustainable tourism practices
- Benefit to local community and economy: Focusing on achieving mutual goals that positively impact the region's community and economy

Place Brand

- Upper Hunter Shire Council has sought expressions of interest from leading branding agencies to develop a brand strategy and identity system for the region.
- The successful agency will be responsible for creating a unified and cohesive narrative that encompasses the entire Region, promoting its unique attributes, fostering pride, and driving economic activity as a result.
- Council has successfully shortlisted agencies and is currently in the process of recommending a preferred candidate.





Resolution

- Councils endorse the proposed Tailored Alliance Model for the Upper Hunter Region to collectively grow and promote Muswellbrook and Upper Hunter Shires' visitor economy.
- Councils endorse the appointment of each Shire Mayor and General Manager or proxy to the Alliance Board.

Questions



**10.5.2. Liddell Legacy Public Art Project**

Attachments:	1. Liddell Light Bench - Proposed Location [10.5.2.1 - 1 page]
	2. Liddell Public Art - Concept Design - Liddell Light Bench [10.5.2.2 - 1 page]
	3. Liddell Light Bench - Dimensions [10.5.2.3 - 1 page]
Responsible Officer:	Matthew Lysaught - Director Property & Place
Author:	Matthew Lysaught (Director Property & Place), Kim Manwarring (Manager Community Services), Kellie Scholes (Manager - Roads, Drainage & Technical Services)
Community Plan Issue:	4 - Cultural Vitality
Community Plan Goal:	A culturally rich and diverse Community with strong identities, history and sense of belonging.
Community Plan Strategy:	1.2.4 - Implement the Muswellbrook and Denman Town Centre Masterplans and the Sandy Hollow Village Masterplan.
	Not applicable

PURPOSE

To inform Council of the proposed installation of public artwork in honour of the legacy of Liddell Power Station.

OFFICER'S RECOMMENDATION

Council supports the installation of the Liddell Legacy Art Project and the allocation of required funds through the September Budget Review

Moved: _____ **Seconded:** _____

BACKGROUND

Arts Upper Hunter (Arts UH), in consultation with AGL, has engaged artist Will Maguire to create an installation of public artwork in Muswellbrook to honour the legacy of Liddell Power Station.

Artist Will Maguire was selected through the Liddell Works Program and is one of Australia's most highly regarded blacksmiths. Will is a Hunter based artist and has created multiple public works across Australia. Some of his most recent works include an installation at Maitland Regional Art Gallery and Singleton Arts & Culture Centre.

Arts UH, AGL and Muswellbrook Shire Council operational staff have met with the artist and explored different concepts for the Liddell Legacy Public Art Project, including the creation of a bench seat which features items salvaged from Liddell Power Station.



CONSULTATION

General Manager

Director Property and Place

Manager Roads Drainage & Technical Services

Manager Community Services

Arts Centre Director

Arts Upper Hunter CEO and Project Officer

AGL Community Relations Officer

Artist Will Maguire.

REPORT

The concept design, a copy of which is attached to the report, is a structural, light bench that captures the legacy of the Liddell Power Station and the power it supplied for many decades. The centre of the seat forms a textual map of the plant around which visitors can sit. The main circular structure is a large light visually divided and supported by a mass of intersecting power lines providing a warm and enticing object to enliven the space. The attached bench dimensions document provides an overview of the seating concept.

Operational Staff met with Arts UH, AGL, and the artist, and have identified two potential sites within the CBD/Innovation precinct:

- **Site 1:** Decking area at the rear of the Visitor Information Centre (VIC) and adjacent to the Donald Horne Building laneway; and
- **Site 2:** South side of the VIC in front of the library.

The preferred site location is Site 2. This site provides a considerable amount of cost savings in site preparation and provides visibility and connectivity to the CBD.

Arts UH received funding from AGL to engage Will Maguire to produce the artwork. A further amount of funding will need to be sought to cover the structural engineer's assessment, lighting/electrical assessment, transport and siting of the artwork, preparation of the proposed site, and the installation of an interpretative plaque. A budget allocation of \$10,000 is considered to be sufficient to accommodate these services and works.

OPTIONS

1. Council could support the installation of the Liddell Legacy Art Project and allocate required funds in the September budget review.
2. Council could choose not to support the progression of the Liddell Legacy Art Project.
3. Council could support the installation of the Liddell Legacy Project and allocate part funding of the project.

CONCLUSION

The installation of the Liddell Legacy Public Art sculpture is in line with Council's Public Art Policy, as it contributes to Muswellbrook Shire's cultural identity, creates a sense of place, and relates to the natural and built environment. Further to this, the artwork will be in the form of a seat and can be enjoyed and experienced by people of different ages and backgrounds.



SOCIAL IMPLICATIONS

The installation of the Liddell Legacy Public Artwork will create a sense of place for community members and connection for members of our community who were employed at Liddell Power Station. Locating the artwork within the central precinct area signifies the importance of this legacy project and the contribution of the Liddell Power Station to the local community.

FINANCIAL IMPLICATIONS

There is no current budget for the installation of this artwork. An estimated budget of \$10,000 is required to be identified in the September Budget Review.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

This project is in line with Council's Strategic Plan Goal of a culturally rich and diverse community with a strong identities, history, and sense of belonging.

RISK MANAGEMENT IMPLICATIONS

A risk assessment of the design will be undertaken.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Community information will be provided throughout significant stages of the project.

Liddell Public art - concept design

Liddell Light bench

William Maguire

Revised 9 October 2023

© Copyright

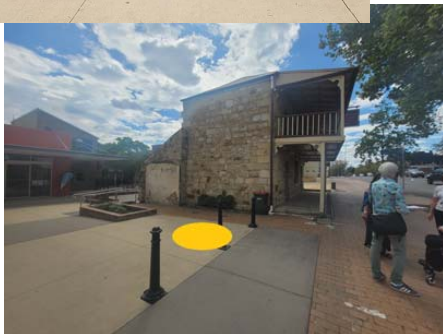
Indicative location, finishes and details

The proposed location is to the south of the old information centre in front of the Library. The base would require a section of the sloped area be made level. Possibly this could be intergrated into the planned footpath renewal project.

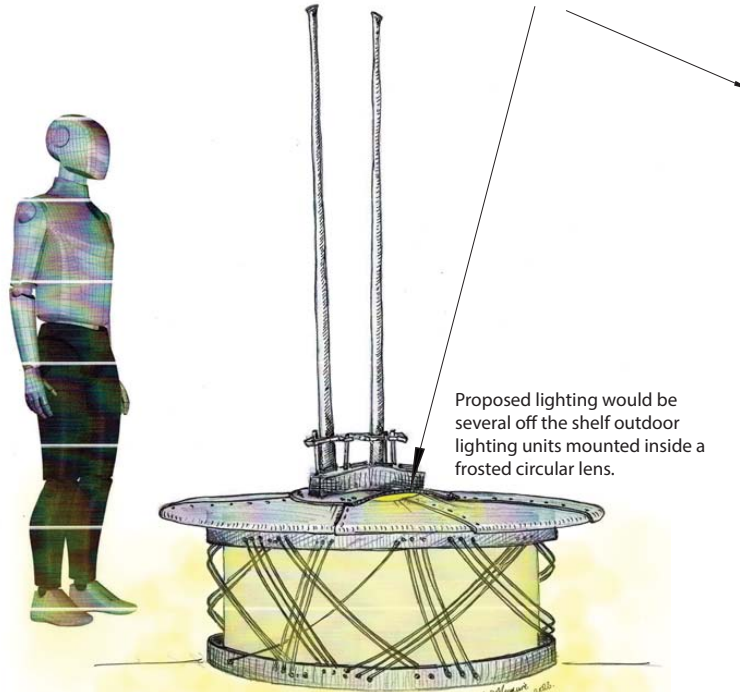


Above:
Looking
from Library
entrance.

Right:
looking
from near
the high-
way.



The top centre section will incorporate many materials collected from liddell. These will either directly form parts of the structure or be imprinted into the steel leaving their distinct marks.



Proposed lighting would be several off the shelf outdoor lighting units mounted inside a frosted circular lens.



Images are of experiem-
ental textures not the actual
work.



Proposed finish will be patinated
(darkened) hot dip galvanising.
This is a simple and durable long
lasting finish which reflects the
industrial hertiage of the work.
Images are of similar finish on
galvanised steel.



 **WILL MAGUIRE**
ARTIST BLACKSMITH
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Liddell Public art - concept design

Liddell Light bench

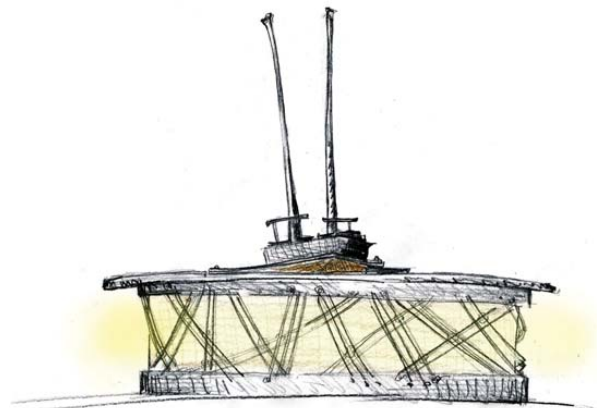
William Maguire

1st August 2023

© Copyright

This sculptural light bench captures the legacy of the old Liddell power station and the power it supplied for many decades.

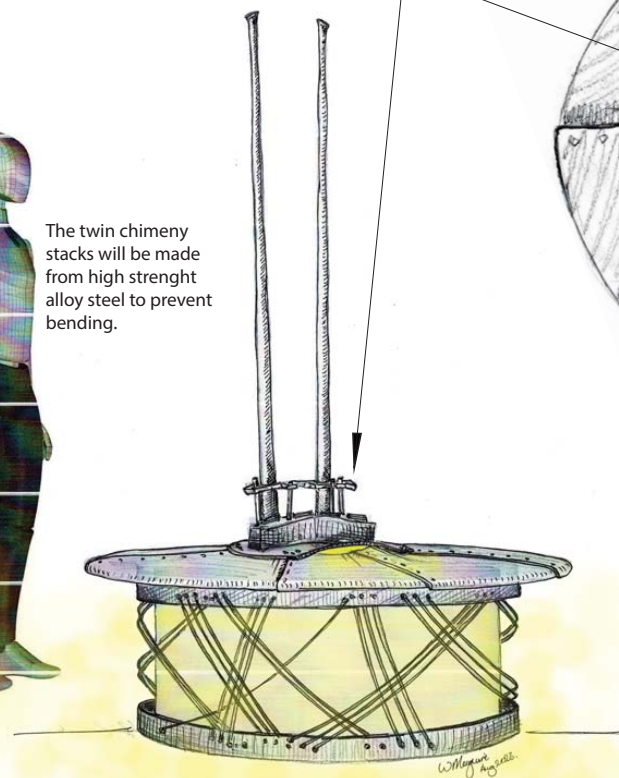
The centre forms a 'textural map' of the plant around which visitors can rest, seating themselves in the textured surface bearing the marks of materials and tools from the site. The main circular structure is a large light, visually divided and supported by a mass of intersecting 'power lines' providing a warm and enticing object to enliven the space.



Side view

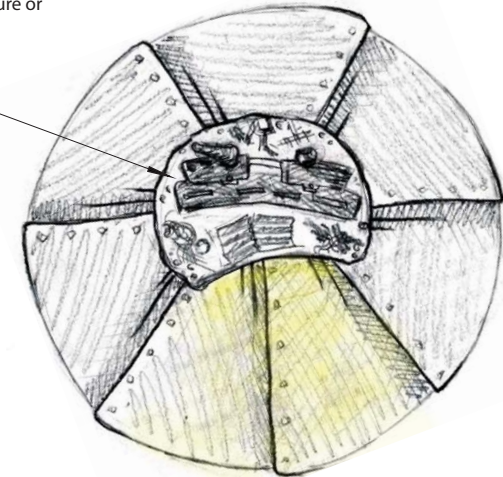


The twin chimney stacks will be made from high strength alloy steel to prevent bending.



The whole base will form a large light with a lens of sandblasted polycarbonate or similar. The light will spill out onto the surrounding ground as well as peak through gaps in the top surface.

The top centre section will incorporate many materials collected from liddell. These will either directly form parts of the structure or be imprinted into the steel leaving their distinct marks.



Top View

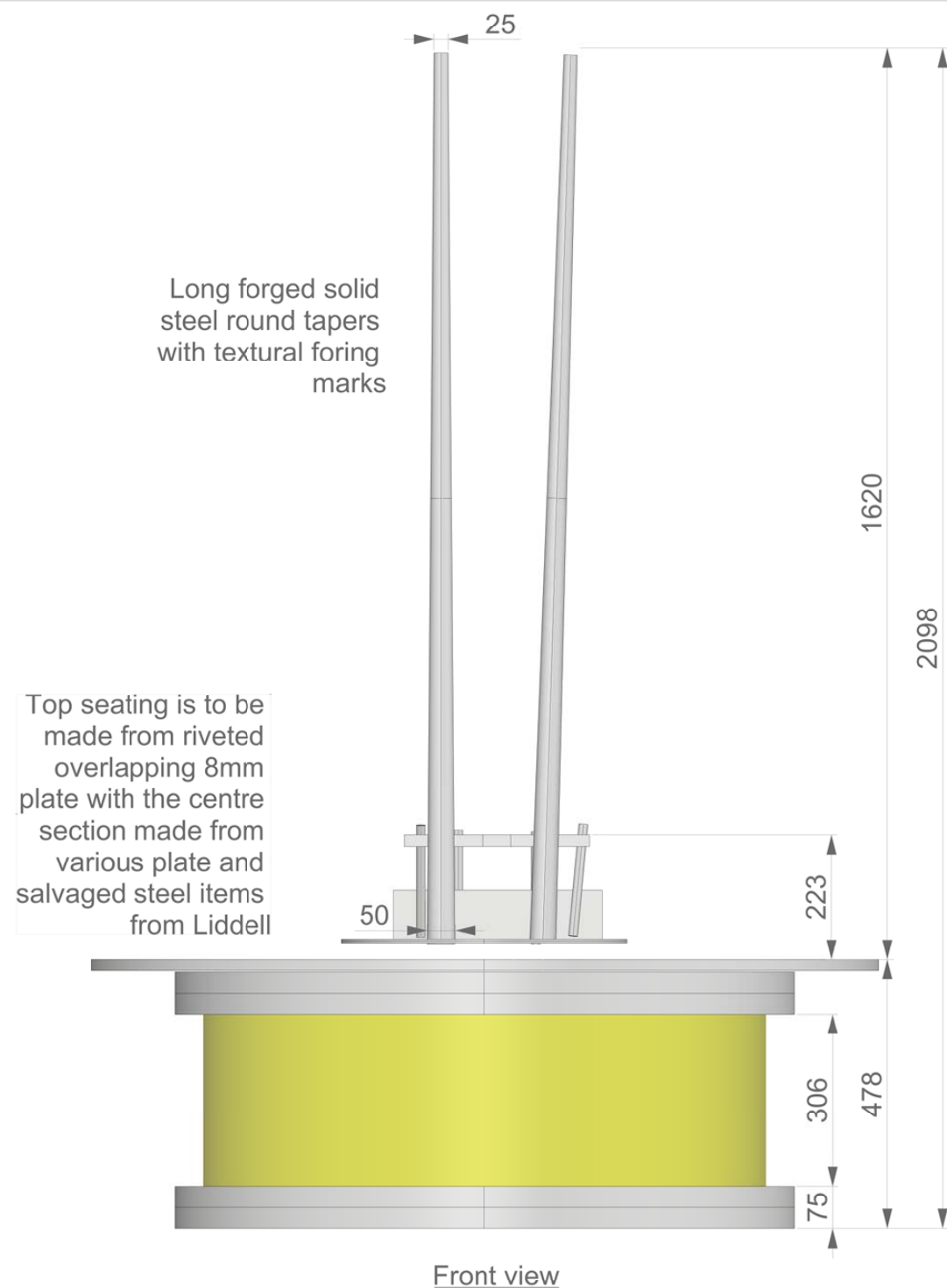
The top surface forms a comfortable circular seat. This consists of textured overlapping plates riveted together.

Size approx 1.4m diameter and 2m tall, seat 465mm from ground.

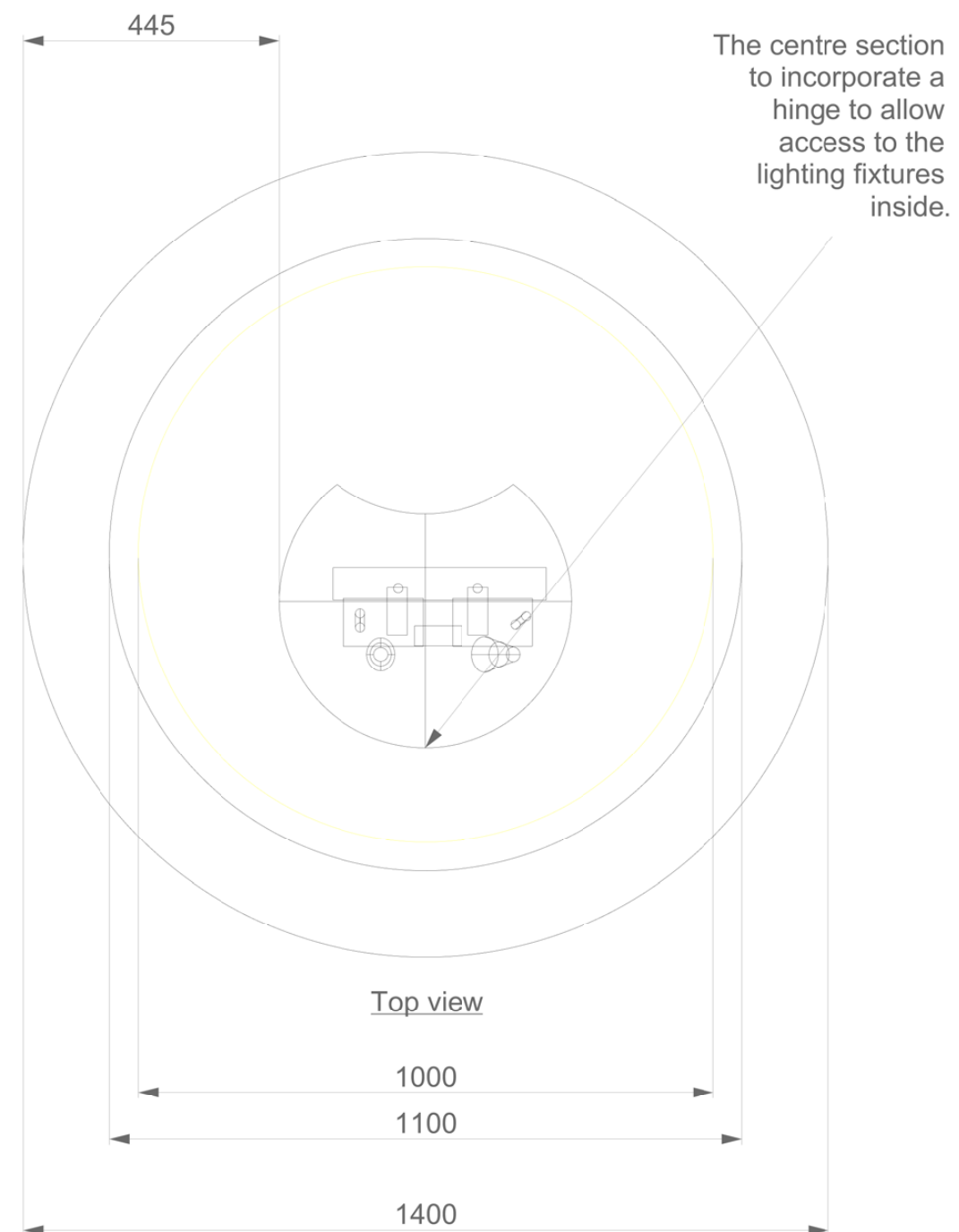
The location shall be on the deck area behind the old information centre. Between the library and the new Donald Horn building.



© Copyright



This is a highly simplified drawing. All dimensions (mm) are indicative only and are likely to vary somewhat during the making and final design/specification process.



© Copyright William Maguire
 ABN: 85778632644
 Web: www.willblacksmith.com.au
 Phone: 0423 289 648
 Email: will.maguire@hotmail.com

Title: Liddell Public sculpture seat 'Liddell a legacy of light and dark'

Date: 5 October 2023

Drawn By: William Maguire

Drawing #: Preliminary dimensions
 Scale: 1:10 (rough render, indicative only)

Size: A3



10.5.3. Community Services

Attachments:	Nil
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Kim Manwarring (Manager Community Services), Elissa Emerson (Muswellbrook Regional Arts Centre Director), Susanne Tobin (Administration Officer), Stephen Wright (Records Officer), Lauren Allan (Head Librarian), Rosslyn Thomson (Community Partnerships Officer), Archit Bele (Aquatic Centre Manager)
Community Plan Issue:	6 - Community Leadership
Community Plan Goal:	24.1 - Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.
Community Plan Strategy:	24.1.2 - Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.

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 **2,333 visitors** during September with Library spaces being utilised for Year 11 Preliminary Examinations, School Visits, School holiday programming, community groups, and study.

- **Increasing and maintaining library memberships**
Muswellbrook and Denman libraries registered **62 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 September this service conducted **2 deliveries** to **20 households**.

Library Promotions and Online Engagement:

Over the past month the library has had **4,764** post views on Facebook. Throughout the month the library has created and shared a number of video shorts to assist library



patrons to access library online resources and promote new items to the library collection.

Collections:

During September the library added **93 new items** to the physical collections. Over the month the library loaned **5,968 physical items** and **500 digital 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	21	362
Informed and connected citizens	1	20
Digital Inclusion	3	10
Personal development and wellbeing	2	10
Stronger and more creative communities	13	81
Economic and workforce development	0	0
TOTAL	40	483

Children and Young Adult Programs

Muswellbrook and Denman Library branches hosted a number of school visits throughout the month with visits from St Nicholas Early Education Centre, Muswellbrook Preschool, Pacific Brook Christian School and St Josephs Denman.

School Holiday activities commenced in the final week of the month with a STEM focused Bee-Bots Workshop hosted by Library Staff. Attendees focused on early coding activities.

Story Time, Baby Rhyme Time, LEGO Club and STEM Story Time sessions continued as usual with a strong focus on Sensory and STEM based activities during these sessions. These sessions were attended by **373 children**.

Adults Programs:

During September our first group of Seniors completed the Tech Savvy Seniors Program and received their completion certificates. Participants completed five sessions on basics of computing, social media, emails and using personal devices. The next session is scheduled to commence early November.

Muswellbrook Library hosted an Author Talk with Sandie Docker in conversation with Leonie Rogers.

Muswellbrook Library celebrated History Week by conducting a series of Oral History Recording Sessions with Local residents. These sessions were recorded one-on-one with community members. Recordings made as part of the project will become part of the Muswellbrook Shire Libraries Regional History Collection.

Exhibits: Close to Home by Jennifer Stuerzl, Pup-Art! Well Heeled.

All regular Adult events including Book Club, Brain Training, Coffee & Craft, Tech help and Home Library continued in September.



COMMUNITY PARTNERSHIPS

- Maintain, responded and distribute emails to the **Upper Hunter Community Services Interagency**.
- Attended and participated in the following meetings – Upper Hunter Homeless Support Forum, Red Cross, Department of Community and Justice, Community and Economy Coordinators meeting, TAFE NSW, Denman Children's Centre, Upper Hunter Homeless Support ASES accreditation.
- Governance support has been provided to Upper Hunter Homeless Support, Upper Hunter Youth Services and Drug & Alcohol Health Services.
- Conducted the Evaluation Interviews for the **Wanaruah/ Wonnarua/ Wanarruwa Language** Course (Social Cohesion Grant) in partnership with Arts Upper Hunter
- Attendance and participation in the following webinars and training courses - Close the Gap: See the Map Webinar, Wanaruah Local Aboriginal Land Council Aboriginal Cultural and Heritage Training.
- Mentoring and supporting a **TAFE Student** on their work placement who has been working on a partnership project with Upper Hunter Community Services to update the Muswellbrook Community Contacts Database.

PARTNERSHIPS & ENGAGEMENT

- Blue Heeler Film Festival Competition closed on the 14 October. Over **140 entries** have been received and are currently being assessed by the Judging panel to determine the final 25 Finalist to be screened at the Awards night in Denman on **28 October**.
- Selection of the Open and Secondary Category winners will be decided by the panel on 23 October. The Awards night event ticket allocation has been exhausted and the **Community Screening** event in partnership with the Muswellbrook Cinema on 29 October is also being well supported by the community.
- Councils Partnership Officer is currently supporting the **Denman Chamber of Commerce** with preparations for their **Christmas Street Markets**, an extensive amount of support and assistance was provided during September to the **Great Cattle Dog Muster** as Councils representative on the Organising Committee and the hosting of the Bluey & Bingo activity.

MUSWELLBROOK REGIONAL ARTS CENTRE

- Entries for the **Viola Bromley Art Prize** close on the 13 October, this Art includes works on paper, painting, sculpture, painting and photography and open to artist from Muswellbrook, Singleton, Upper Hunter and Dungog.
- Activities this school holidays included the **Art Detective** and **Art Station**, both activities engaged young people and children and the current artworks on display '**A Field Guide to Abstraction in the Muswellbrook Collections**' curated by artist Brad Franks.
- People's Studio this month featured music by the **Upper Hunter Conservatorium of Music** and a drawing workshop led by exhibiting artist **Hanna Kay**. '**Flurries: Hanna Kay**' is on display until the 28 October.

MUSWELLBROOK FITNESS & AQUATIC CENTRE – MUSWELLBROOK & DENMAN

- Denman Outdoor Pool has **opened** for the summer season
- Muswellbrook Outdoor Pool has **opened** for the summer season
- Maintenance and repair works continue within the Muswellbrook facility and have been planned at times that will have minimal impact on patrons
- The Vacation Intensive Swim Lessons held this school holidays provided swimming



instruction for **400 children and young people**

- **4000 people** attended the centre during the **school holidays**.
- Muswellbrook Fitness centre will be given another **upgrade**. Works to begin in **November**.

**10.5.4. Economic Development Update October 2023**

Attachments:	Nil
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Shaelee Welchman (Director - Community & Economy)
Community Plan Issue:	1 - Economic Prosperity
Community Plan Goal:	<i>A dynamic Local economy with full employment for current and future residents in a diverse range of high value industries.</i>
Community Plan Strategy:	<div>1.1.1 - Facilitate the expansion of and establishment of new industries and business.</div> <div>1.2.1 - Facilitate the diversification of the Shire's economy and support growth of existing industry and business enterprise</div> <div>1.2.2 - Complete the Employment Land Use Strategy.</div> <div>1.1.1.1 - Work with Muswellbrook Coal, State Government and other parties to maximise the economic opportunities on the Muswellbrook Coal site.</div> <div>1.1.1.3 - Collaboratively progress investment, infrastructure and industry opportunities for the Region.</div> <div>1.1.1.4 - Deliver the Welcome Concierge Pilot in partnerships with Regional NSW.</div> <div>1.2.1.1 - Deliver programs and activities in the Hunter Innovation Precinct as an Exemplar economic diversification initiative for the region.</div> <div>1.2.1.3 - Progress opportunities to grow the visitor economy.</div>

PURPOSE

To inform Council of the Economic Development programs and activities for the past quarter and significant actions planned.

OFFICER'S RECOMMENDATION

Council NOTES the information contained in the report.

Moved: _____ **Seconded:** _____

BACKGROUND

Muswellbrook Shire Council is investing in a number of initiatives and projects to support economic diversification and resilience as the regional and local economy evolves.

CONSULTATION

Consultation has occurred with the Economic Development team, the Melt, and various



other internal and external stakeholders.

REPORT

The Welcome Experience

The Welcome Experience roll-out is now in its third month and starting to gain momentum. An announcement from the Minister regarding the program is expected shortly. As a pilot program, it has been important for the initial engagement with employers to focus on the challenges in attracting and retaining workers at a local level and more broadly. For the program to see any real tangible results, this initial evidence will assist to develop a program which responds to local issues and to inform government of regional priorities.

Council currently has eight individuals signed up to The Welcome Experience, requiring a range of support from housing to childcare and finding their feet in the community. It is anticipated that numbers will increase once awareness of the program is fully realised, with more buy-in and support now at a local level.

Various opportunities are now presenting themselves through the program, with opportunities for engagement with the University of Technology Sydney and University of Newcastle due to Council's focus on the Hunter Innovation Precinct. The program is multi-layered, crossing over into economic development for the region, tourism opportunities, liveability, and futureproofing. Effective conversations are allowing for opportunities to work collaboratively with government and private sectors, local business, and not-for-profit organisations.

NewH2 Knowledge Exchange Event

The NewH2 Knowledge Exchange Event was held in the Donald Horne Building on 17 July 2023. This event brought together nearly 80 stakeholders across industry, government, and academia to discuss the future of hydrogen in the region.

Gippsland Delegation

On 1 August 2023, the Committee for the Hunter brought a business, government, and civic leader delegation from Gippsland, including Latrobe Valley, to the Hunter Innovation Precinct. The delegation toured the precinct to identify common issues and priorities for coal regions in transition and align advocacy.

Hunter Aviation Strategy

Council is a stakeholder in the Hunter Aviation Strategy project being developed by the Hunter JO. The project is funded through the Department of Regional NSW Business Case fund and will identify the highest priority air freight connectivity and logistics infrastructure for the region and an understanding of roles and opportunities facing the region's airports.

Council and other industry stakeholders attended a workshop facilitated by PWC in August 2023. The draft strategy is expected to be provided by the end of 2023, with the key findings so far substantiating the need for a cargo terminal at the Newcastle Airport and the role regional airports will play in the growth of aviation in the region.

Muswellbrook Investment Attraction Workshop

The Muswellbrook Investment Attraction Workshop was conducted by the Office of Regional Economic Development (ORED) on 8 August 2023. The workshop aimed to determine the strengths and weaknesses of the Muswellbrook LGA in order to identify a range of investment attraction target groups for further investigation by ORED.

Once these target groups are verified and signed off by Council, ORED will produce investment attraction material targeting businesses in the identified sectors. This material will be used for both proactive and reactive investment attraction and will be used across onshore and offshore networks.

**Investor Group on Climate Change**

On 23 August 2023, the Director Community and Economy and members of the Hunter Expert Panel attended a round table workshop with the Investor Group for Climate Change. The meeting was held at the University of Newcastle and showcased the region to a group of Super Funds worth over \$30T under investment. This was an effective opportunity to talk about the importance of the region in powering the new economy.

Clean Economy

The clean economy sector in regional NSW is booming, with local demand for wind and solar energy trebling in just 5 years. NSW has the best combination of solar and wind conditions in Australia to deliver renewable energy 24/7.

Australia's first Renewable Energy Zones and a world-leading green hydrogen strategy position regional NSW to be a global leader in hydrogen production and technology.

The implementation of the NSW Government's Net Zero Plan, together with the Electricity Infrastructure Roadmap, will result in more than 9,000 jobs and up to \$37 billion in private-sector investment in the clean economy, the majority expected to be across regional areas.

Regional NSW will deliver five coordinated Renewable Energy Zones, unlocking a significant pipeline of large-scale renewable energy and storage projects and supporting thousands of new jobs by 2030.

Muswellbrook Shire is located within the Hunter-Central Coast Renewable Energy Zone, and the Economic Development Team has received a number of enquiries from industries wanting to set up new facilities within the shire.

Donald Horne Building Community Open Day

The Donald Horne Building Community Open Day was conducted during the school holidays on 27 September 2023. The open day showcased the facility to the community and was a STEM bonanza, with performances by the Surfing Scientist Ruben Meerman and mad scientist and entertainer extraordinaire The Pretty Amazing Jono.

The community was given the opportunity to tour the facility and check out the latest technologies – 3D scanners and metal, fibre, and plastic 3D printers, amongst other manufacturing equipment and expertise in the Melt Modern Manufacturing Centre.

The event was broadcast live by community supporters Power FM. The event and workshops were free, and the Muswellbrook Rotary Club provided a free sausage sizzle. The Innovation Coordinator was busy with preparing hands-on STEM activities for the community to help them unlock their inner Engineers. Activities included the Flying Dragon Fly and Air Powered Car.

The STEM Innovation Lab attracted a great deal of interest from the public during the Community Open Day.



Innovators Roadshow – Innovation for Regional Business Event

Muswellbrook Shire Council hosted the 'Innovators Roadshow - Innovation for Regional Businesses Event', which launched the Hunter Innovation Festival on Monday 9 October 2023.

The Hunter Innovation Festival hosted a series of roadshows from 9 October 2023 to 13 October 2023, and a one-day event on Thursday 19 October 2023 at Newcastle City Hall, plus a post-festival action summit. It is the largest event connecting industry, innovators, and start-ups to grow the Hunter economy. Every year, hundreds of people, and organisations from across the local innovation ecosystem, attend workshops, discussions, and seminars during the Hunter Innovation Festival program.

The Hon Yasmin Catley MP provided a recorded 5-minute opening address for the Hunter Innovation Festival - <https://f.io/jn2zG-Qq>.

Mayor Steve Reynolds provided the welcome and opening remarks for the roadshow event, and esteemed local leaders came together to engage in vibrant discussions on fostering regional business innovation. The 'Innovators Roadshow @ Muswellbrook - Innovation for Regional Businesses Event' topics included: Unleashing Innovation, Innovation Culture, Unlocking IP, Prioritising R&D, Innovation through Transition, Creating and Encouraging Innovative Students, and Adopting Automation, Robotics, and Mechatronics.

**The Melt Modern Manufacturing Centre Update****The Melt Modern Manufacturing Centre equipment and utilisation**

The commissioning of the equipment has been occurring with the:

- Installing and learning Lightburn Laser software and Koenig lasers.
- Universal Robots cobot reprogrammed to run a 'demonstration' program for educational purposes for interested visiting groups.
- Welding Centre modular wall welding screens have been installed and Plexiglass panels added with the welding curtains to come
- CNC machining centre start up procedures video created, and training undertaken.
- Metal X sinter oven and wash station set up and exhaust connected.

Cleantech Accelerator and Pilot Enabler Program

The Melt's Clean Tech Accelerator Program launched on 30 August to 1 September 2023, with 12 clean tech and advanced manufacturing start-ups recruited to participate. Titled the ENGAGE program, it attracted 23 applications from throughout NSW and Victoria.

Participants were immersed in a jam-packed agenda touring the LGA and the Hunter, including the STEM Innovation Lab, the Melt Modern Manufacturing Centre, Pukara Estate, Muswellbrook Regional Art Gallery, Muswellbrook Coal, Hunter Beach, Ethtec, Beacon Automation, Two Rivers, Liddell and Bayswater Power Station Sites, and the Port of Newcastle.



Significant economic flow on impacts were received by local business as a result of the event, from accommodation to food and beverage, as well as the benefit to showcase the amazing attractions, activities, and businesses we have in the Shire. Great positive feedback on the area, and activity happening in Muswellbrook was received by participants and industry.

This project is proudly funded by the NSW Government in association with The Melt, Muswellbrook Shire Council, and AGL.



Cohort engagement opportunities continue:

- Crest Robotics - further discussions with the founder continue, and discussions are occurring with AGL and UTS to explore potential use cases for the climbing robots, in particular for inspection and maintenance activities in difficult and hazardous settings.
- Orbilift - further discussions about potential to apply for Toyota's Global Accelerator Program - Mobility Net-Zero vertical programme.

There was widespread LinkedIn engagement and promotion in the startup ecosystem during the recruitment phase over 4 weeks and also throughout the 3-day event, with 10,000+ reactions each month to LinkedIn posts in July, August, and September.

Hosted tours and events

- The Donald Horne Official Opening Events:
 - 9 July 2023 The Melt Industry Expo - included guest presentations from local Hunter innovators and tours of The Melt Modern Manufacturing Centre and STEM Innovation Lab:
 - i. attracted 70+ registrations for the event.
 - ii. obtained widespread media coverage in traditional and social media modes.
 - iii. extensive promotion of Official Opening activities in networks throughout NSW and Australia drawing far greater attention to Muswellbrook Shire.
 - iv. NSW Government sent a film crew to capture a case study to feature on the Department of Energy and Climate Change website. The Melt is the first company to have been given this privilege.
 - 20 July 2023 STEM Innovation Day - included tours of The Melt Modern Manufacturing Centre and discussions with participating local students.
- Beacon Automation senior management team enjoyed a tour of The Melt Modern Manufacturing Centre.
- 27 September 2023 Boundless (philanthropic venture of Mike Cannon-Brookes) tour promoting Muswellbrook.

**Community and industry engagement**

- Widespread local engagement - approximately 1000 people have visited the facility since it opened, attending onsite tours and presentations.
- Attended the Youth Express Careers Quest to promote the Hunter Innovation Precinct.
- Engaged and undertaken discovery meetings with four local people regarding various ideas and products.
- Continued engagement with Glencore regarding the development of “Operational Technology” training capability to be conducted within The Melt Modern Manufacturing Centre. Created framework for proposed operational technology course content for Mangoola Mine to review.
- Melt and Innovation Coordinator attended the NSW Department of Education Future Skills Conference to promote the Hunter Innovation Precinct.
- Melt undertook a tour of the University of Technology Sydney, including the Botany campus engineering facilities and Ultimo campus Proto Lab facilities.
- Attended the Modern Manufacturing Expo Sydney at the Sydney showgrounds and made direct connections with EVO Energy Technologies, Scimitar Ventures, Deltaprint, Embedded Logic Solution, and SuNPe Vacuum moulding specialists.
- Attended the 3-day Global Entrepreneurship Congress in Melbourne with 2000+ delegates from 130 countries where the Melt showcased at the NSW Government (Investment NSW) stand.
- Aquaculture and Refilled business cases are being developed first to establish the framework which will be used for future scaleups, with the aim for these businesses to establish in Muswellbrook Shire.

The STEM Innovation Lab Update

The STEM Innovation Lab has had a busy first term. Students from St James Primary School, Muswellbrook South Public School, Muswellbrook High School, and The Polly Farmer Foundation are our most recent visitors to participate in the Bespoke Aeronautics Program – SKYLAP.

“....On Wednesday and Friday of week 9, Stage 3 had the opportunity to visit the Muswellbrook Council to work with Matt exploring STEM and specifically the art of flying. The students worked in pairs to build their own planes using balsa wood and clips. They were able to test their planes by connecting to a power source and control their take off and landings. Some had a shaky start but with some adjustments and trial and error they were flying beautifully...” (St James Primary School MBK Weekly Newsletter)

“....On Wednesday, some students from Stage 3 visited the STEM Innovation Lab at the new Donald Horne Building. Students participated in an aeronautics challenge where they learnt about the four forces of gravity and the kinds of motion that an aircraft needs to move around to manoeuvre through the air. They built paper whirlybird's and then progressed to building a plane. The students thoroughly enjoyed their experience. We can't wait to see what the STEM lab has coming up in the future” (Muswellbrook South Primary School – Facebook Page)

Our first Schools Showcase Group composed of Years 5-6 Students from Muswellbrook Public (Roger St), Muswellbrook South and Denman Public. As part of their session, they had a guided tour of the building, which included The Melt Advanced Manufacturing Facility and the STEM Innovation Lab (SIL). Students were then engaged in a Robotics and Coding activity using our awesome Alpha Mini Robots.....“Hey Mini?!”



The Innovation Coordinator has also been a guest panel member at the recent Department of Education Careers Advisor Conference where he had the opportunity to promote all the amazing things Council is doing in for our region.

Upper Hunter Regional Tourism Model

Discussions have been occurring between Muswellbrook Shire Council, Upper Hunter Shire Council, Upper Hunter Country Tourism and Destination NSW – Sydney Surrounds North to develop an Upper Hunter Regional Tourism Model. The proposed model was presented to a meeting of the joint Councils on 16 October 2023, the outcomes of which will be reported to the 24 October 2023 Ordinary Council Meeting.

Upper Hunter Mining Dialogue

The Director Community and Economy attended the Upper Hunter Mining Dialogue Economic and Social Development Working Group on 7 September 2023. The Director provided a presentation on the economic development activities being undertaken by Muswellbrook Shire Council and heard from other council and industry representatives, including the NSW Indigenous Chamber of Commerce.

HunterNet Future Leaders Program

Following the HunterNet Future Leaders Program held in Muswellbrook on 25 May 2023, the teams are in the final stages of preparing their reports and presentations. The Director Community and Economy will be part of the judging panel with presentations being given on 26 October and the Gala dinner on 27 October. Over 50 young leaders from the regions participated in the program.

OPTIONS

Council may note the report, which will be presented to Council every quarter following the completion of school terms.

CONCLUSION

A number of projects and activities have occurred over the quarter, with the highlight being the opening of the Donald Horne building by the Prime Minister of Australia.



SOCIAL IMPLICATIONS

The work being carried out by the Economic Development Team is providing a positive social benefit to the community, with many students in Muswellbrook Shire engaging in the numerous informative and challenging programmes offered through the local schools and community open days.

FINANCIAL IMPLICATIONS

The Economic Development Unit and its projects and programs are funded through GL 0370.0204.500 and GL 0833.2981.500 and other grant funds and planning agreement allocations.

POLICY IMPLICATIONS

Nil identified.

STATUTORY IMPLICATIONS

Nil identified.

LEGAL IMPLICATIONS

Nil identified.

OPERATIONAL PLAN IMPLICATIONS

Nil identified.

RISK MANAGEMENT IMPLICATIONS

Nil identified.

WASTE MANAGEMENT IMPLICATIONS

Nil.

COMMUNITY CONSULTATION/MEDIA IMPLICATIONS

Regular updates on activities are provided through Council's website and social media page.



11. Minutes of Committee Meetings

11.1. Aboriginal Cultural Inclusion Committee

Attachments:	1. Minutes - Aboriginal Cultural Inclusion Committee - 3/10/2023 [11.1.1 - 3 pages]
Responsible Officer:	Shaelee Welchman - Director - Community & Economy
Author:	Rosslyn Thomson (Community Partnerships Officer), Kim Manwarring (Manager Community Services)
Community Plan Issue:	2 - <i>Social Equity and Inclusion</i>
Community Plan Goal:	An inclusive and interconnected community where everyone enjoys full participation.
Community Plan Strategy:	2.5.1 - Raise awareness of the local Aboriginal Community and an appreciation of their traditions and culture.

PURPOSE

To inform Council of a meeting of the Aboriginal Cultural Inclusion Committee held on 3 October 2023.

OFFICER'S RECOMMENDATION

The minutes of the Aboriginal Cultural Inclusion Committee meeting held on 3 October 2023 be NOTED.

Moved: _____ **Seconded:** _____

**MINUTES OF THE CORPORATE ASSET MANAGEMENT STEERING COMMITTEE
MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD THE SEMINAR ROOM,
MUSWELLBROOK LIBRARY, 126 BRIDGE STREET, MUSWELLBROOK ON TUESDAY
3 OCTOBER, 2023 COMMENCING AT 4.00PM**

PRESENT: Cr S. Reynolds (Chair), Cr M. Bowditch, Cr R. Scholes,
Aunty Jean Hands (Wanaruah Local Aboriginal Land Council,
Uncle Glen Morris, Ms Kathie Kinchela and Mr Chris Dodd.

IN ATTENDANCE: Mr D. Finnigan (General Manager), Ms S. Welchman (Director -
Community & Economy), Ms K. Manwarring (Manager - Community
Services) and Ms Roz Thomson (Acting Co-Ordinator - Community
Partnerships).

1. Acknowledgement of Country

The Acknowledgement of Country was read by Ms Ross Thomson.

2. Apologies

RECOMMENDED on the motion of Cr R. Scholes and Aunty Jean Hands that:

The apologies for inability to attend the meeting submitted by Ms Kylie Pascoe and Ms Elizabeth Howard be ACCEPTED.

3 Business

3.1 Introduction

Group members introduced themselves.

3.2 Meetings

a) Code of Conduct Training:

The meeting was advised that all Committee Members had completed the required training.

b) Terms of Reference:

General discussion took place concerning the Terms of Reference. The following points were raised:

- Change of the name of the Committee
- The potential to include an Aboriginal Representative Co-Chair

c) Meeting Practice and Expectations:

General discussion took place in regards to the Code of Meeting Practice, Minutes and recommendations to Council.

4 General Business

4.1 Treaty Project

The Committee was advised that Council and the Aboriginal Reconciliation Committee engaged 2 Rivers Pty Ltd to explore with the local Aboriginal



Community the development of a document which recognises truth telling and the past wrongs, while informing the way Council does its business.

This project was inspired by the Uluru Statement from the Heart and commenced in 2019.

Consultation with the Aboriginal Community occurred during 2020-2021 however the project was severely impacted by COVID 19 Health Regulations.

2 Rivers Pty Ltd have delivered there final report on the project and its findings. This report needs to be considered by this Committee with recommendations to Council.

4.2 Widden Creek Artifacts

The Committee was advised that this project commenced in 2009 during the upgrade of the Widden Creek Bridge approx. 3000 stone artefacts and fragments were salvaged from the site.

The Committee was also advised that Muswellbrook Shire Council is responsible for the Care Agreement with Office of Environment & Heritage, a part of this agreement in consultation with the Registered Aboriginal Parties (RAP) is the display of Artefacts at the Council Administration Centre. The remaining actions in this agreement need to be discussed with the remaining RAP representatives.

This Committee noted that it would be progress of this project would be provided to the Committee.

4.3 Acknowledgement of Country

The Committee was advised that the agreed Acknowledgment of Country Protocol *'Council would like to respectfully acknowledges the local Aboriginal People who are the Traditional Owners and Custodians of the land on which this meeting takes place'* was developed by the Aboriginal Reconciliation Committee and adopted by Council in 2005.

General discussion took place concerning the procedure, which will be discussed at future meetings.

Cr Bowditch joined the meeting

4.4 Reconciliation Action Plan

The Committee was advised that the previous Committee had been exploring Reconciliation Action Plans, the development of a Reconciliation Action Plan has been included in the Muswellbrook Shire Council 2023/24 Operational Plan.

The Committee noted that it would be consulted and involved in the development of the Reconciliation Action Plan.



4.5 First Nations Artists - Labels and Didactics

The Committee was advised that the Muswellbrook Regional Arts Centre would like to consult the Committee regarding the inclusion of First Nation Artists Country on wall labels.

General feedback was provided.

4.6 Reconciliation Mural

The Committee was advised that the 20th Anniversary of the Reconciliation Mural located in Simpson Park and the local Aboriginal History Book would occur on the 19 March 2024.

It was noted that the Committee would consider whether any anniversary celebrations are to occur.

5 Date of Next Meeting

14 November, 2023 commencing at 4.00pm.

6 Closure

The meeting was declared closed at 5.05pm

Mr D. Finnigan
General Manager

Cr S Reynolds
Chairperson



12. Notices of Motion

Nil

13. Councillors Reports

14. Written Questions

Nil

15. Questions for Next Meeting

16. 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.

17. 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:** _____

**17.1. Review of Workplace Structure**

This report is CONFIDENTIAL under the provisions of Section 10A(2)(a) of the Local Government Act 1993, as it relates to personnel matters concerning particular individuals (other than councillors). Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.2. GLE Denman Sandy Hollow Pipeline Project - Land Acquisition

This report is CONFIDENTIAL under the provisions of Section 10A(2)(d) of the Local Government Act 1993, as it relates to commercial information of a confidential nature that would, if disclosed: (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of the council, or (iii) reveal a trade secret. Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.3. Contract 2022-2023-0562 - Adventure Playground Wollombi Park Pump Track

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.4. Contract 2022-2023-0570 - Sports Field Lighting and Solar - Highbrook Park and Weeraman Fields

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.5. Contract 2023-2024-0574 - Tender Assessment - Construction of a New Shared Path - Turtle Street, Denman

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.



17.6. Tender 2022-2023-0547 - Design, Construction and Installation of Bus Shelters Muswellbrook

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.7. Participation in Hunter PPA Tender Process

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

17.8. Denman Children's Centre Extension

This report is CONFIDENTIAL under the provisions of Section 10A(2)(c) of the Local Government Act 1993, as it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business. Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

18. Resumption of Open Council

19. Closure

Date of Next Meeting: 28 November 2023