PRESENT:
Cr Wayne Bedggood (Mayor), Cr Maurice Collison (Deputy Mayor), Cr Peter Bishop, Cr Ron Campbell, Cr Lorna Driscoll, Cr Kiwa Fisher, Cr Michael Johnsen, Cr Deirdre Peebles and Cr Lee Watts.

APOLOGIES:
Nil

IN ATTENDANCE:
Mr Waid Crockett (General Manager), Mr Steve Pryor (Director Corporate & Community Services), Mr Mathew Pringle (Director Environmental & Customer Services), Mr Alan Fletcher (Director Infrastructure Services), Mr Wayne Phelps (Manager Finance) and Mrs Robyn Cox (Executive Assistant).

ADOPTION OF MINUTES:
RESOLVED that the minutes of the ordinary Council meeting held on 23 November 2015 be adopted.

Moved: Cr D Peebles          Seconded: Cr R Campbell          CARRIED

DECLARATIONS OF INTEREST:
SCR.12.2 Development & Environmental Services Committee
DESC.12.1 DA 31/2015 Demolition and Replacement Service Station and Canopy

Cr Lorna Driscoll declared a Non Pecuniary Interest / Significant conflict for the reason that she is the owner of a competing business. Cr Driscoll advised that she would leave the Chamber and take no part in discussion or voting.

CR.12.1 Australia Day 2015 - Awards

Cr Lee Watts declared a Pecuniary Interest / Insignificant conflict for the reason that she is the Manager of a community group nominated for an award. Cr Watts advised that she would leave the Chamber and take no part in discussion or voting.

PUBLIC PARTICIPATION:
Nil

NOTICE OF MOTIONS:
Nil
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MAYORAL MINUTES

A.12.1 PRESENTATION TO RETIRING MEMBERS OF STAFF

RESPONSIBLE OFFICER: Waid Crockett - General Manager

AUTHOR: Robyn Cox - Executive Assistant

RECOMMENDATION

That Council make presentations to Mr James Binks and Mr Tony Perkins in recognition of their retirement from Council.

REPORT/PROPOSAL

The purpose of this report is to recognise the retirement of two staff members.

James Binks has worked with the former Merriwa Shire Council and Upper Hunter Shire Council for a total of almost 30 years.

Tony Perkins has worked with the former Murrurundi Shire Council and Upper Hunter Shire Council for a total of more than 50 years.

Council wishes both James and Tony a long and happy retirement.

OPTIONS

Nil

ATTACHMENTS

There are no enclosures for this report

RESOLVED that Council make presentations to Mr James Binks and Mr Tony Perkins in recognition of their retirement from Council.

Moved: Cr L Driscoll  Seconded: Cr D Peebles  CARRIED
STANDING COMMITTEE REPORTS

SCR.12.1  FINANCE COMMITTEE

RESPONSIBLE OFFICER: Steve Pryor - Director Corporate & Community Services

AUTHOR: Wayne Phelps - Manager Finance

RECOMMENDATION

That Council endorse the minutes of the Finance Committee meeting held on 11 December 2015.

BACKGROUND

The Finance Committee meets prior to each monthly Council Meeting to consider the Financial Summary Reports, the Cash and Investment Report, and the Responsible Accounting Officer’s Statement.

REPORT/PROPOSAL

The next meeting of the Finance Committee has been called for Friday, 11 December 2015 and recommendations from that meeting will be presented to Council.

ATTACHMENTS

Nil.

RESOLVED that Council endorse the minutes of the Finance Committee meeting held on 11 December 2015.

Moved: Cr P Bishop  Seconded: Cr R Campbell  CARRIED
RECOMMENDATION

That Council:
1. Endorse the minutes of the Development & Environmental Services Committee meeting held on 8 December 2015.
2. DESC.12.1 – Approve Development Application No. 31/2015 for the demolition and replacement of a service station on Lot 1 DP 659952, No. 134 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 2.
3. DESC.12.2 – Approve Development Application No. 120/2015 for a holding yard at Lot 45 DP 249450, 46 Muffet Street, Scone subject to the conditions of consent in Attachment 3.
4. DESC.12.3 – Approve Development Application No. 48/2014 for a staged multi-dwelling housing development comprising of 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 4.
5. DESC.12.4 – Approve Development Application No. 131/2015 for the upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility on Lot 31 DP 579922, Noblet Road Scone subject to the conditions of consent in Attachment 5.

BACKGROUND

The Development and Environmental Services Committee is a Standing Committee of Council which considers reports, advice and recommendations of management regarding strategic land use planning, development applications, environmental, health and building related matters. The Committee subsequently makes recommendations to Council in relation to such matters.

A meeting of the Development and Environmental Services Committee was held on Tuesday, 8 December 2015.

REPORT/PROPOSAL

DESC.12.1

In relation to item DESC.12.1, the Committee considered the report and unanimously supported the recommendation including the limited trading hours for the development.

DESC.12.2

In relation to item DESC.12.2, the Committee considered the report and unanimously supported the recommendation.
DESC.12.3

At the Committee meeting, the Director of Environmental and Customer Services tabled the following amendments to the report in respect of DA 48/2014:

- Under the section titled ‘Report/Proposal’ additional information has been provided explaining the reasons for requiring stormwater flows to be piped from the development site to the southern side of Macqueen Street (Condition No. 5).
- Condition No. 5 (d) has been amended by requiring the stormwater drainage system to be designed for an average recurrence interval (A.R.I.) of 1 in 5 years rather than 1 in 10 years.

The above amendments were accepted by the Committee and have been incorporated into the attached report and recommended conditions of consent.

The applicant’s legal representative addressed the Committee and raised concerns in relation to the requirements of Condition No. 40. In response, the Committee agreed to amend the wording of the condition by identifying the specific conditions that needed to be complied with prior to the issue of a Subdivision Certificate. The amended condition is included in Attachment No. 4.

DESC.12.4

At the Committee meeting, the Director of Environmental and Customer Services tabled an additional recommended condition of consent in respect of DA 131/2015 requiring the payment of a development contribution pursuant to the Upper Hunter Shire Council Section 94A Development Contribution Plan. Condition No. 9 has been inserted into the recommended conditions of consent in Attachment No. 5 and requires the developer to pay a contribution of $8,500 to Council prior to the commissioning and operation of the anaerobic pond.

ATTACHMENTS

1 Minutes of the Development & Environmental Services Committee - 8 December 2015
2 DA 31/2015 - Recommended Conditions of Consent
3 DA 120/2015 - Recommended Conditions of Consent
4 DA 48/2014 - Recommended Conditions of Consent
5 DA 131/2015 - Recommended Conditions of Consent

DECLARATION OF INTEREST:

Cr Lorna Driscoll declared a Non Pecuniary Interest / Significant conflict with Recommendation No. 2 for the reason that she is the owner of a competing business. Cr Driscoll advised left the Chamber and took no part in discussion or voting.
RESOLVED that Council:

2. DESC.12.1 – Approve Development Application No. 31/2015 for the demolition and replacement of a service station on Lot 1 DP 659952, No. 134 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 2.

Moved: Cr D Peebles  
Seconded: Cr K Fisher  
CARRIED

Cr Driscoll returned to the Chamber.

RESOLVED That Council:

1. Endorse the minutes of the Development & Environmental Services Committee meeting held on 8 December 2015.

3. DESC.12.2 – Approve Development Application No. 120/2015 for a holding yard at Lot 45 DP 249450, 46 Muffet Street, Scone subject to the conditions of consent in Attachment 3.

4. DESC.12.3 – Approve Development Application No. 48/2014 for a staged multi-dwelling housing development comprising of 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 4.

5. DESC.12.4 – Approve Development Application No. 131/2015 for the upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility on Lot 31 DP 579922, Noblet Road Scone subject to the conditions of consent in Attachment 5.

Moved: Cr K Fisher  
Seconded: Cr L Driscoll  
CARRIED
MINUTES OF THE DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE
TUESDAY 8 DECEMBER 2015, 10.00am

PRESENT:
Cr Kiwa Fisher (Chair), Cr Deirdre Peebles.

APOLOGIES:
Cr Peter Bishop, Cr Lee Watts

IN ATTENDANCE:
Cr Wayne Bedggood (Mayor), Cr Maurice Collison (Deputy Mayor), Mr Waid Crocket (General Manager), Mr Mathew Pringle (Director Environmental & Customer Services), Mr Paul Smith (Senior Environmental Planner), Miss Shinead Taylor (Governance & Executive Support Officer), Craig Miller (JBS), Danny Hickson (JBS), Norrie Yelds, June Gill, John Watts, Helen Parslow, Edith Adams, Karen Fulljames, Ron Bradley, Grant Long (Long Legal P/L), and Catherine Clifford (Fairfax Media).

DECLARATIONS OF INTEREST:
Nil

PUBLIC PARTICIPATION:

DESC.12.3  Development Application No. 48/2014 Multi-Dwelling Housing and Subdivision of One Lot into Two Lots
Ron Bradley, Grant Long

DESC.12.4  Development Application No. 131/2015 Upgrade of an Existing Pond Facility to Anaerobic Pond
Craig Miller – JBS Plant Manager, Norrie Yelds, June Gill, John Watts, Helen Parslow, Edith Adams, Karen Fulljames.

AGENDA ITEMS:

DESC.12.1  Development Application No. 31/2015 Demolition and replacement Services Station and Canopy
The Committee agreed that the issues raised in the submissions received in relation to the original development application had been addressed in the modified application, and as no further submissions were received, resolved to support the recommendation. Cr Fisher noted the potential benefits of a 24 hour service station in the area, however accepted the limited trading hours recommended by Condition No. 32 given the close proximity of surrounding residential properties to the subject site.

DESC.12.2  Development Application No. 120/2015 Holding Yard
After considering an overview of the proposed development and recommended conditions of consent provided by Mr Pringle, the Committee resolved to support the recommendation.

DESC.12.3  Development Application No. 48/2014 Multi-Dwelling Housing and Subdivision of One Lot into Two Lots
Mr Pringle provided the Committee with an overview of the background of the proposed development and tabled the following amendments to the report in respect of DA 48/2014:
• Under the section titled ‘Report/Proposal’ additional information has been provided explaining the reasons for requiring stormwater flows to be piped from the development site to the southern side of Macqueen Street (Condition No. 5).
• Condition No. 5 (d) has been amended by requiring the stormwater drainage system to be designed for an average recurrence interval (A.R.I.) of 1 in 5 years rather than 1 in 10 years.

Mr Bradley spoke in relation to the proposed development and accepted that the issues of stormwater management and traffic safety have been addressed by the applicant. However, Mr Bradley raised concerns in relation to the density of the development, non-compliances with private open space, fire safety and the keeping of pets by future occupants.

With regard to private open space, Mr Pringle agreed that there were some minor non-compliances with the private open space requirements under the former Council Code for the Erection of Residential Flat Buildings, however the non-compliances were considered minor and acceptable. In relation to fire safety, Mr Pringle advised that the bushfire mapping for the area is currently being reviewed and it is likely that the site and adjoining land will no longer be identified as bushfire prone land. In any case, Condition Nos. 47 to 55 have been recommended to address potential bushfire risks. In relation to the keeping of pets, Mr Pringle advised that Council does not normally impose restrictions on the keeping of pets within developments, however it can enforce Council’s Local Order Policy for the Keeping of Animals and Birds in the Upper Hunter Shire should any nuisances be reported.

The applicant’s legal representative, Mr Long, requested clarification of the requirements of Condition No. 40. In response, the Committee agreed to amend the wording of the condition by identifying the specific conditions that needed to be complied with prior to the issue of a Subdivision Certificate.

The Committee was then satisfied that the reasons for deferral of the development application had been addressed and resolved to support the recommendation.

DESC.12.4 Development Application No. 131/2015 Upgrade of an Existing Pond Facility to Anaerobic Pond

JBS Plant Manager Mr Craig Miller addressed the Committee and members of the public giving an overview of the proposed development and explained that the period of wastewater treatment, as a result of the proposed anaerobic pond, would increase from 3 days to 10 weeks, improving the quality of the final output which will in turn reduce odour. Mr Miller responded to a number of questions from local residents, mostly concerning odour and the planned use of the paddocks surrounding the processing plant. Mr Miller explained that JBS are aware of a number of issues which they plan to address with better farm management practices, and encouraged the public to contact JBS with their concerns. It was noted that the EPA are the licensing authority for the plant and are responsible for enforcing environmental controls.

Mr Pringle tabled an additional recommended condition of consent in respect of DA 131/2015 requiring the payment of a development contribution pursuant to the Upper Hunter Shire Council Section 94A Development Contribution Plan. Condition No. 9 has been inserted into the recommended conditions of consent and requires the developer to pay a contribution of $8,500 to Council prior to the commissioning and operation of the anaerobic pond.

The Committee resolved to support the recommendation with this additional condition of consent.
DEVELOPMENT & ENVIRONMENTAL SERVICES COMMITTEE REPORTS

DESC.12.1 DEVELOPMENT APPLICATION NO. 31/2015 DEMOLITION AND REPLACEMENT SERVICE STATION AND CANOPY

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Customer Services
AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 13 March 2015, Council received Development Application No. 31/2015 for the demolition and replacement of a service station on Lot 1 DP 659952, No. 134 Macqueen Street, Aberdeen.

The application is being reported to the Development and Environmental Services Committee as two (2) submissions have been received following notification of the application.

RECOMMENDATION

That Council approve Development Application No. 31/2015 for the demolition and replacement of a service station on Lot 1 DP 659952, No. 134 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 1.

BACKGROUND

Applicant: Rana and Singh Management Pty Ltd
Owner: Rana and Singh Management Pty Ltd
Proposal: Demolition and replacement of a service station
Location: Lot 1 DP 659952, No. 134 Macqueen Street, Aberdeen
Lodged: 13 March 2015
Zone: B2 Local Centre

Development Application No. 31/2015 was lodged with Council on 13 March 2015. Following notification of the application two submissions were received raising issues related to noise, increased traffic movement and loss of amenity. Council officers and the NSW Roads and Maritime Services also had concerns about the proposed heavy vehicle ingress and egress to the site and onto Macqueen Street. The development application was subsequently amended pursuant to Clause 55 of the Environmental Planning and Assessment Regulation 2000 to remove the heavy vehicle fueling area at the rear of the lot. The amended application was subsequently re-notified and no submissions were received.

REPORT/PROPOSAL

The development site has an area of 1,088m2, and frontages of 186m to Bedford Street, 20m to Macqueen Street and 186m to Short Street. The development proposes to demolish an existing service station and construct a new service station on the site as shown in the plan in Attachment 2. The new service station will include:

- One 18m x 16.5m x 4.5m high building containing shop and customer service area and amenities.
- One 17m x 15m x 5.5m high canopy (above the car bowers)
- One 4m high x 0.8m wide fin/pylon sign
- 3 BP identification logos on the north, south and west elevation of the canopy
- 1 BP identification sign on the west elevation of the shop building (Flush wall sign).
OPTIONS

1. That Council approve Development Application No. 31/2015 for the demolition and replacement of a service station on Lot 1 DP 659952, No. 134 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 1.

2. That Council refuse Development Application No. 31/2015 for the demolition and replacement of a service station on Lot 1 DP 659952, No. 134 Macqueen Street, stating reasons for the refusal.

CONSULTATION

Surrounding properties were notified of the development proposal from 19 March 2015 to 2 April 2015. An advertisement was placed in the Scone Advocate on 2 April 2015. Two submissions were received from the owners of No 133 and No 138 Macqueen Street raising issues such as asbestos from demolition, vibrations causing damage, stormwater runoff, noise (from demolition and operation), trading hours, lighting from signage, increased traffic movement and increased crime (due to 24 hour operation). The amended development application was re-advertised and adjoining owners notified between 15 October 2015 and 29 October 2015. No submissions were received in relation to the amended application.

The amended development application was referred to the NSW Roads and Maritime Services (RMS) on 14 October 2015. The RMS responded on 17 November 2015 advising that there was no objection to the development provided a number of conditions of consent are imposed. These have been included in the recommended conditions of consent in Attachment 1.

The amended development application was referred to Council’s Strategic Assets Manager for comment in relation to roads, traffic safety access and stormwater infrastructure. It was recommended that the development application be approved subject to conditions of consent requiring half width road construction of Short Street and Bedford Street for the full frontage of the site, on-site stormwater detention, appropriate access and certification of civil works. These recommendations have been incorporated as conditions of consent.

The amended development application was also referred to Council’s Water and Waste section which raised no concerns. However it was requested that plans of plumbing and drainage be submitted to Council for review by the Liquid Trade Waste Officer. Furthermore a Liquid Trade Waste Discharge Agreement shall be made with Council for any applicable discharge to sewer. These requirements have been addressed through the recommended conditions of consent.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The proposed development is consistent with the Key Focus Areas and Aspiration Goals 3 and 5 of the Community Strategic Plan: “(3) Protect the natural and built environment and plan for a sustainable future for our Shire and our planet; (5) Enhance economic and employment opportunities and promote development”.

b. Delivery Program

Assessment of the application is in accordance with the Community Strategic Objectives for town planning: “Facilitate and provide for a growing population, including for example, affordable housing, community amenities, health and welfare services”.

c. Other Plans

Nil
**IMPLICATIONS**

a. **Policy and Procedural Implications**

Nil

b. **Financial Implications**

Development Application and other relevant fees totalling $3,083 have been paid by the applicant.

c. **Legislative Implications**

An assessment of the development application has been undertaken pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 (see Attachment 2).

d. **Risk Implications**

Council determinations of development applications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied. In the case of this development application the relevant considerations under the Environmental Planning and Assessment Act 1979 have been made. There is a low risk of any third party legal appeal in relation to this development application.

e. **Other Implications**

There are a number of issues related to the development of the service station on the site that pose risks to the environment and adjoining/adjacent residents. These issues include: potential asbestos from demolition, vibrations causing damage (from demolition and construction), stormwater runoff, land and water pollution, noise (from demolition and operation), trading hours, lighting from signage, increased traffic movement and increased crime. These issues have been addressed either as part of the amended development application or through conditions of consent.

**CONCLUSION**

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

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

**RECOMMENDED** that Council approve Development Application No. 31/2015 for the demolition and replacement of a service station on Lot 1 DP 659952, No. 134 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 1 of the report.

Moved: D Peebles  
Seconded: K Fisher  
CARRIED
DESCRIPTION

DEVELOPMENT APPLICATION NO. 120/2015

HOLDING YARD

RESPONSIBLE OFFICER: Waid Crockett - General Manager

AUTHOR: Mathew Pringle - Director Environmental & Customer Services

PURPOSE

On 14 October 2015, Council received Development Application No. 120/2015 for the use of land as a holding yard at Lot 45 DP 249450, 46 Muffet Street, Scone.

The application is being reported to the Development and Environmental Services Committee as one (1) submission has been received.

RECOMMENDATION

That Council approve Development Application No. 120/2015 for a holding yard at Lot 45 DP 249450, 46 Muffet Street, Scone subject to the conditions of consent in Attachment 1.

BACKGROUND

Applicant: Alburys Tilt Tray Service
Owner: Mr R W Albury & Mrs P M Albury
Proposal: Holding Yard
Property: Lot 45 DP 249450, 46 Muffet Street, Scone

The subject site is an undeveloped 800m² industrial block zoned IN1 General Industrial under the Upper Hunter Local Environmental Plan 2013. The site is currently used on an informal basis for the storage of a water cart, table top truck, vintage cars, cattle crate and container.

There is no record of any development consents granted by Council in respect of the site.

REPORT/PROPOSAL

The proposed development involves the use of a vacant industrial block at Lot 45 DP 249450, 46 Muffet Street, Scone for the purpose of a holding yard for damaged and abandoned vehicles. The site will be operated by a tilt tray truck business which occupies an adjoining premises at 21 McLoughlin Street. The site is fully fenced with a lockable gate which provides direct vehicular access from Muffet Street. The holding yard will be used to store damaged and abandoned motor vehicles on a temporary basis whilst awaiting transfer to a panel beaters or waste management facility. It is anticipated that no more than five (5) vehicles will be stored in the yard at any one time. The yard will also be used for the parking of a water cart, table top truck, vintage cars, cattle crate and container used in conjunction with the adjoining business at 21 McLoughlin Street.

The proposed development is in keeping with the site context and industrial character of the area and is unlikely to have any adverse environmental impacts.

OPTIONS

1. Approve Development Application No. 120/2015 for a holding yard at Lot 45 DP 249450, 46 Muffet Street, Scone subject to the conditions of consent in Attachment 1.

2. Refuse Development Application No. 120/2015 for a holding yard at Lot 45 DP 249450, 46 Muffet Street, Scone stating the reasons for refusal.
CONSULTATION

The development application was placed on public exhibition from 26 October 2015 to 9 November 2015. One submission was received from an adjoining property owner raising concerns in relation to general housekeeping and the untidiness of the property. Conditions of consent have been recommended in order to address this issue.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The proposed development is consistent with the Key Focus Areas and Aspiration Goals 3 and 5 of the Community Strategic Plan: “(3) Protect the natural and built environment and plan for a sustainable future for our Shire and our planet; (5) Enhance economic and employment opportunities and promote development”.

b. Delivery Program

Assessment of the application is in accordance with the Community Strategic Objectives for town planning: “Facilitate and provide for a growing population, including for example, affordable housing, community amenities, health and welfare services”.

c. Other Plans

NIL

IMPLICATIONS

a. Policy and Procedural Implications

A detailed assessment of the application against relevant Council policies is provided in the attached report.

b. Financial Implications

Development application and other relevant fees totalling $410 have been paid by the applicant.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 (Attachment 2).

d. Risk Implications

Council determinations of development applications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied. In the case of this development application the relevant considerations under the Environmental Planning and Assessment Act 1979 have been made. There is a low risk of any third party legal appeal in relation to this development application.

e. Other Implications

There are no other implications of granting approval to the application.
CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

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

RECOMMENDED that Council approve Development Application No. 120/2015 for a holding yard at Lot 45 DP 249450, 46 Muffet Street, Scone subject to the conditions of consent in Attachment 1 of the report.

Moved: D Peebles Seconded: K Fisher CARRIED
PURPOSE

On 24 March 2014, Council received Development Application No. 48/2014 for a multi-dwelling housing development comprising 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street Aberdeen.

The application was deferred by Council at its meeting held on 28 September 2015 pending the submission of further information from the applicant.

RECOMMENDATION

That Council approve Development Application No. 48/2014 for a staged multi-dwelling housing development comprising of 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 1.

BACKGROUND

Development Application No. 48/2014 for Multi-dwelling housing and Subdivision of one lot into two lots was lodged with Council on 24 March 2014. Council, at its meeting held on 23 March 2015 resolved to:

(i) Defer Development Application No. 48/2014 for multi-dwelling housing comprising of 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street Aberdeen.

(ii) Request the applicant to submit the following information:

(a) A detailed engineering design of an appropriate intersection treatment to ensure safe access is provided to the site from Macqueen Street.

(b) Plans and specifications of the proposed stormwater system demonstrating how stormwater will be discharged from the site to a natural watercourse without impacting surrounding properties or public infrastructure. Details of proposed onsite stormwater detention shall be included.

On 25 August 2015 the applicant advised (via Grant Long Legal) that the already submitted stormwater plans and calculations prepared by Paul Clarke & Associates and the vehicle access design prepared by MM Hyndes Bailey & Co should satisfy any concerns held by the Council.

The Development and Environmental Services Committee, at its meeting held on 8 September 2015, considered a further report in relation to the matter and resolved to refuse the application due to the potential stormwater impacts of the development.
Council, at its meeting held on 28 September 2015, subsequently resolved to defer consideration of the application following the receipt of a late request from the applicant’s solicitor to defer the application to enable the submission of further information.

Additional information has now been received from the applicant’s consulting engineer which addresses the stormwater issues previously raised by Council (Attachment 3).

**REPORT/PROPOSAL**

The application proposes the subdivision of Lot 221 DP 1180892, 204 Macqueen Street, Scone into two lots and the construction of a multi-dwelling residential development that will consist of 14 units (refer to the plans in Attachment 3). The proposed subdivision will create Lot 221(1) and Lot 221(2) with areas of 1,899m² and 3,500m² respectively. It is proposed to undertake the development in two stages. Stage 1 – Units 1 to 8 and Stage 2 Units 9 to 14 (refer to Attachment 4 – Staging Plan).

Proposed Lot 221(2) has an area of 3500m² and slopes gently to the south. The proposed development is a contemporary design and consists of seven (7) separate buildings, each comprising two attached units. Each unit will be two storey and of brick veneer construction with Colorbond roof sheeting. The site is in close proximity to a local heritage item ‘The Grange’ which is located to the south.

A number of issues were identified in relation to the original plans that were submitted, including adequacy of the access corridor, vehicle movement within the site, storage of waste/recycle bins and privacy on adjoining properties (particularly the north facing bedroom window of Unit 4). The applicant subsequently submitted amended plans to address these issues (Attachments 5).

The proposal does not comply with the minimum car parking requirements for multi-dwelling housing prescribed by Part 12a Access and Vehicle Parking of the Upper Hunter Development Control Plan 2015 (UHDCP). In this regard, the UHDCP requires two spaces per dwelling plus 1 space per 10 dwellings or part thereof for multi-dwelling housing. The proposed development provides 1.5 spaces per dwelling plus 3 visitor parking spaces in accordance with Council’s Code for the Provision of Off-Street Carparking (now repealed) which was applicable at the time of lodgement of the development application. The non-compliance with the parking requirements of the UHDCP is considered justified and acceptable given that the development application was submitted some 14 months prior to commencement of the UHDCP and there is limited opportunity to provide any additional car parking on the site.

The proposal has been assessed as satisfactory against other provisions of Part 12a of the UHDCP with respect to site access, internal driveways and parking bay dimensions.

In relation to stormwater management, the applicant has submitted further information demonstrating that the existing swale drain on the eastern side of the New England Highway has adequate capacity to convey stormwater runoff generated by the development. Notwithstanding, a condition of consent is recommended that a stormwater pipe be installed from the development site to the southern side of Gordon Street to convey stormwater flows. The reasons for piping stormwater flows in this location are as follows:

1. Appropriate stormwater infrastructure needs to be provided as part of the subdivision to allow for future development of the proposed front lot.
2. Stormwater needs to be piped under an existing driveway access to ‘The Grange’ and Gordon Street in any case.
3. The table drain is unlikely to have sufficient depth adjacent to the site to allow connection with the internal stormwater system.
4. Stormwater collected by the required kerb and gutter along the site frontage needs to be drained with underground connection to the stormwater system.
5. It is standard and accepted practice to require stormwater to be piped in urban environments to minimise nuisance, prevent erosion and damage to properties and infrastructure and to minimise maintenance costs.

6. Part 11f of the Upper Hunter DCP requires piped systems to cater for frequent surface flows up to 20% AEP (5 year ARI).

Stormwater can be conveyed by open channel past this point to the electricity substation entrance. Further conditions are recommended in relation to the submission of a detailed stormwater design prior to the issue of a Construction Certificate including provision for onsite stormwater detention to ensure that peak stormwater flows are managed appropriately.

In relation to concerns previously raised regarding the site access and traffic safety, a condition of consent has been recommended requiring the western shoulder of the New England Highway directly opposite the site entrance to be sealed to allow vehicles to safely pass a vehicle stored to turn right into the development site. In addition, a requirement to install “no stopping” signs along the western shoulder has been incorporated into the recommended conditions of consent.

**OPTIONS**

1. Approve Development Application No. 48/2014 for a multi-dwelling housing development comprising of 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street Aberdeen subject to the conditions of consent in Attachment 1.

2. Refuse Development Application No. 48/2014 for a multi-dwelling housing development comprising of 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street, Aberdeen, stating the reasons for refusal.

**CONSULTATION**

Surrounding properties were notified of the development proposal between 8 May 2014 and 22 May 2014. An advertisement was placed in the Scone Advocate on 8 May 2014. Three submissions were received raising a number of concerns regarding the proposed development. The issues are considered in the Planning Assessment Report in Attachment 2.

The development application was referred to the NSW Rural Fire Service which granted approval subject to General Terms of Approval. These would need to be incorporated as recommended conditions of consent.

The development application was also referred to RMS as access to the development is from a classified road (New England Highway). The RMS did not object to the proposed development subject to conditions of consent relating to access, kerb and guttering and on-site parking.

As noted previously, the application was referred back to the RMS for a review following concerns raised by objectors in relation to traffic safety issues. The following response was provided:

*A deceleration lane, or right turn storage bay, is not required for the proposed development due to the low number of turning vehicles. A Basic Right turn (or BAR) treatment would be the recommended intersection, and the existing section of carriageway already meets this requirement (3m shoulder adjacent to the through lane). To ensure a vehicle stored to turn right can be safely passed it is recommended that no stopping signs be erected along the western side of Macqueen Street opposite the proposed driveway. Should it be considered necessary by Council there is also the option of installing a section of guard rail on the western side of Macqueen St to protect the existing power pole.*
The requirement to install “no stopping” signs has been incorporated as a recommended condition of consent.

The development application was referred to the Heritage Advisor, Assets Manager and Water and Waste Manager. The issues/requirements raised are discussed in Attachment 2.

**STRATEGIC LINKS**

a. **Community Strategic Plan 2013+**

The Community Strategic Plan 2013+ identifies the community vision for the Local Government Area through the identification of priorities and aspirations for the future. This is done through four key focus areas. Of relevance to this development are Key Focus Area 3: Protect the natural and built environment and plan for a sustainable future for our Shire and our planet; and Key Focus Area 5: Enhance economic and employment opportunities and promote growth for a sustainable, vibrant future.

b. **Delivery Program**

Assessment of the application is in accordance with the Community Strategic Objectives for town planning: “Facilitate and provide for a growing population, including for example, affordable housing, community amenities, health and welfare services”.

c. **Other Plans**

Nil

**IMPLICATIONS**

a. **Policy and Procedural Implications**

Council’s Code for the Erection of Residential Flat Buildings was applicable to the development application at the time of lodgment and has therefore been considered as part of the Planning Assessment Report in Attachment 2.

b. **Financial Implications**

Development Application and associated fees of $7,616 have been paid.

c. **Legislative Implications**

An assessment of the development application has been undertaken pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 (see Attachment 2). The proposed development is permissible with consent within the B4 Mixed Use zone.

d. **Risk Implications**

Council determinations of development applications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied. In the case of this development application the relevant considerations under the Environmental Planning and Assessment Act 1979 have been made. There is a low risk of any third party legal appeal in relation to this development application.

The development application has been undetermined by Council in excess of the 60 day statutory period and as such the applicant could lodge a Class 1 appeal in the Land and Environment Court on the grounds of a deemed refusal. Furthermore, the applicant is entitled to appeal Council’s determination pursuant to Section 97 of the Environmental Planning and Assessment Act 1979.
e. Other Implications

Nil

CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

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

RECOMMENDED that Council approve Development Application No. 48/2014 for a staged multi-dwelling housing development comprising of 14 units and the subdivision of one lot into two lots at Lot 221 DP 1180892, 204 Macqueen Street, Aberdeen subject to the conditions of consent in Attachment 1 of the report, as amended.

Moved: K Fisher        Seconded: D Peebles        CARRIED
DEVELOPMENT APPLICATION NO. 131/2015 UPGRADE OF AN EXISTING POND FACILITY TO ANAEROBIC POND

RESPONSIBLE OFFICER: Mathew Pringle - Director Environmental & Customer Services

AUTHOR: Paul Smith - Senior Environmental Planner

PURPOSE

On 27 October 2015, Council received Development Application No. 131/2015 for the upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility on Lot 31 DP 579922, Noblet Road Scone.

The application is being reported to the Development and Environmental Services Committee as six (6) submissions have been received following notification of the application.

RECOMMENDATION

That Council approve Development Application No. 131/2015 for the upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility on Lot 31 DP 579922, Noblet Road Scone subject to the conditions of consent in Attachment 1.

BACKGROUND

Applicant: Trevor R Howse P/L
Owner: JBS Australia
Proposal: Upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility
Location: Lot 31 DP 579922, Noblet Road Scone
Lodged: 27 October 2015
Zone: SP1 Special Activities

The land is the site of the Scone Abattoir which was approved in the year 2000 as a State Significant Development. There are a number of existing treatment ponds on the land which form part of the overall waste water treatment system for the abattoir facility. The already constructed Pond 2 (currently an empty void) has not been granted development consent.

REPORT/PROPOSAL

The subject site is occupied by an existing abattoir facility containing several existing structures and features including:

- Multiple administrative and production buildings spread across the site and directly associated with the operation of the abattoir facility;
- Existing anaerobic and aerobic ponds;
- At-grade asphalt covered, staff and visitor car parking facilities.
- Holding yards and pens.

The site is zoned SP1 Special Activities and comprises an area of 58 ha. The proposed anaerobic pond will form part of the waste water treatment system. This system includes three existing primary anaerobic ponds, two of which need to be taken off line because they are full of sludge. The development application proposes to construct an additional anaerobic pond within an existing void. The development also involves the establishment of a 100m x 50m borrow pit above an existing clean water dam (adjacent to the Muffett Street entrance) to obtain clay for use as the lining material for the anaerobic pond (refer to Plans in Attachment 3).
OPTIONS

1. That Council approve Development Application No. 131/2015 for the upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility on Lot 31 DP 579922, Noblet Road Scone subject to conditions of consent in Attachment 1.

2. That Council refuse Development Application No. 131/2015 for the upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility on Lot 31 DP 579922, Noblet Road Scone stating the reasons for refusal.

CONSULTATION

Surrounding properties were notified of the development proposal between 6 November 2015 and 18 November 2015. An advertisement was placed in the Scone Advocate on 5 November 2015. Six (6) submissions were received with the main issue being raised in relation to potential odour impacts that could result from an additional anaerobic pond. The submissions are summarised in Attachment 2 and provided in full in Attachments 5-10.

The development application was referred to the EPA on 9 November 2015 for comment in relation to the site’s existing environment protection licence (Licence No. 7538). The EPA has provided comments in relation to earthworks, noise, odour and biogas capture and reuse. With respect to the proposed anaerobic pond the EPA advises that: the anaerobic pond if properly designed and maintained, is likely to increase the performance of the waste water treatment system (Attachment 4).

STRATEGIC LINKS

a. Community Strategic Plan 2013+

The proposed development is consistent with the Key Focus Areas and Aspiration Goals 3 and 5 of the Community Strategic Plan: “(3) Protect the natural and built environment and plan for a sustainable future for our Shire and our planet.

b. Delivery Program

Assessment of the application is in accordance with the Community Strategic Objectives for town planning: to encourage and implement systems to reduce the environmental footprint of the Shire.

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

Nil

b. Financial Implications

Development application fees of $1775 have been paid.

c. Legislative Implications

An assessment of the development application has been undertaken pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 (see Attachment 2).
d. Risk Implications

Council determinations of development applications in relation to local development can be appealed by a third party in the Land and Environment Court in circumstances where incorrect legal process has been applied. In the case of this development application the relevant considerations under the Environmental Planning and Assessment Act 1979 have been made. There is a low risk of any third party legal appeal in relation to this development application.

e. Other Implications

Nil

CONCLUSION

The application has been assessed as satisfactory against Section 79C of the Environmental Planning and Assessment Act 1979, Upper Hunter Local Environmental Plan 2013 and the Upper Hunter Shire Development Control Plan 2015.

The proposal is in keeping with the site context, is an appropriate form of development for the site and is unlikely to result in any significant adverse impacts.

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

RECOMMENDED that Council approve Development Application No. 131/2015 for the upgrade of an existing pond facility to be used as an anaerobic pond connected to the abattoir facility on Lot 31 DP 579922, Noblet Road Scone subject to the conditions of consent in Attachment 1 of the report, as amended.

Moved: K Fisher Seconded: D Peebles CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 11.12AM.
DA 31/2015 – Recommended Conditions of Consent

Details of the conditions of consent are as follows:-

**General Conditions:**

1. The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated 16 September 2015 (W.A. Brown Building Pty Ltd), except where amended by the following conditions.

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<th>REVISION NO</th>
<th>DRAWN BY</th>
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<td>11.09.2015</td>
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</table>

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

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

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

3. The person acting on this consent shall satisfy Underground Petroleum Storage System requirements as follows:

Prior to installation
i. The design, installation, commissioning and operation of the underground petroleum storage system shall meet the requirements of the NSW WorkCover Authority, the *Code of Practice: Storage and handling of dangerous goods* (NSW WorkCover Authority 2005), the Protection of the Environment Operations (Underground Storage Systems) Regulation 2014, Australian Standard AS4897-2008: Design, installation and operation of underground petroleum storage systems and Australian Standard AS1940-2004: Storage and handling of flammable and combustible liquids.
Prior to commissioning

ii. The underground petroleum storage system shall be designed by a 'duly qualified person' as defined by the Protection of the Environment Operations (Underground Storage Systems) Regulation 2014. The 'duly qualified person' shall provide a written list of industry standards that have been followed in connection with the design of the system and a copy of the design specifications for the system to Council for review prior to the installation of the system.

iii. The underground petroleum storage system shall not be commissioned unless it has been installed by a 'duly qualified person' as defined by the Protection of the Environment Operations (Underground Storage Systems) Regulation 2014. Prior to commissioning of the underground petroleum storage system, the 'duly qualified person' shall provide Council with a written list of industry standards that have been followed in connection with the installation of the system, a copy of the installation specifications for the system and as built drawings for the system which must include details of mandatory pollution protection equipment.

iv. Groundwater monitoring wells shall be designed and installed by a 'duly qualified person' as defined by the Protection of the Environment Operations (Underground Storage Systems) Regulation 2014 prior to the commissioning of the system. A groundwater monitoring well report must be provided to Council prior to the commissioning of the system, which states that the well's design, location and installation satisfy industry standards.

v. The underground petroleum storage system shall not be commissioned unless an integrity test of the system has been carried out in accordance with the written directions of a duly qualified person.

vi. The underground petroleum storage system shall be certified by the person whom the equipment integrity test was carried out as having satisfied the test. A certificate which is accompanied by the results of the test shall be provided to Council prior to the commissioning of the system.

vii. The underground petroleum storage system shall not be used unless an Environmental Protection Plan which complies with the requirements of the Protection of the Environment Operations (Underground Storage Systems) Regulation 2014 has been developed and implemented for the site.

(Reason: To ensure compliance with regulatory controls.)

Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:

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

(Reason: Prescribed by legislation)

Ancillary matters to be completed prior to the issue of the construction certificate:

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

(a) a Safe Work Method Statement;

(b) the proposed method of access to and egress from the site for construction vehicles, including access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area, with no access across public parks or reserves being allowed;

(c) the proposed phases of construction works on the site, and the expected duration of each construction phase;
(d) the proposed order in which works on the site will be undertaken, and the method statements on how various stages of construction will be undertaken;

(e) the proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process;

(f) the proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site. Wherever possible mobile cranes should be located wholly within the site;

(g) the proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers during the construction period;

(h) the proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site;

(i) the proposed method of support to any excavation adjacent to adjoining properties, or the road reserve. The proposed method of support is to be designed and certified by an appropriately qualified and practising structural engineer, or equivalent;

(j) proposed protection for Council and adjoining properties. Details are to include site fencing and the provision of "B" class hoardings and fans over footpaths and laneways;

(k) proposed protection for Council and adjoining properties;

(l) the location and operation of any on site crane;

(m) the location of any Construction Zone (if required) approved by Council’s Traffic Committee, including a copy of that approval; and

(n) location, identification, treatment and disposal of all hazardous materials on site.

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

(Reason: To ensure appropriate measures have been considered for site access, storage and the operation of the site during all phases of the construction process in a manner that respects adjoining owner’s property rights and residential amenity in the locality, without unreasonable inconvenience to the community)

6. Prior to the issue of a Construction Certificate the person acting on this consent shall submit a Waste Management Plan to the Certifying Authority for approval.

The Waste Management Plan shall include details of the handling of waste materials generated from the demolition, construction and on-going operation regarding:

- the location of waste management facilities proposed both during demolition, construction and for ongoing operation.
- volume and type of waste and recyclables to be generated
- storage and treatment of waste and recyclables on site
- disposal of residual waste and recyclables
- operational procedures for ongoing waste management once the development is complete.

(Reason: To waste generated from the development is stored and disposed of in a way that does not impact on the environment.)

7. Prior to the issue of a Construction Certificate the person acting on this consent shall submit an Operational Environmental Management Plan (OEMP) to the Consent Authority (Upper Hunter Shire Council) for approval. Note: Council may require the applicant/person acting on the consent to amend the plans prior to any such approval.
The OEMP shall:

a) Provide the strategic framework for environmental management of the service station.
b) Identify all statutory approvals that apply to the operation of the service station.
c) Identify how the service station satisfies Environmental Actions for Service Stations: Information Sheet 3 – Forecourt Design, Operation and Maintenance and any other relevant guidelines, industry codes of practice or Australian Standards.
d) Describe the role, responsibility, authority and accountability of all key personnel involved in the environmental management of the service station.
e) Provide an inspection and maintenance schedule of: stormwater drainage, grates, spill capture tank, litter and grounds, signage and electrical controls.
f) Provide a methods statement for the inspections and maintenance (including details of the frequency of such inspections and maintenance).
g) Include the pro-forma sheets for record-keeping of inspections and maintenance (Note: Records must be maintained for the inspection and maintenance program and must be available for inspection by the consent authority or appropriate regulatory authority).

(Reason: To ensure adequate systems are in place to protect the environment.)

8. A total of six (6) off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent.

Detailed drawings prepared and certified by an appropriately qualified and practising Civil Engineer for the construction of these areas in accordance with this requirement shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

(Reason: To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles)

9. The person acting on the consent shall carry out half-width road construction of Short Street and Bedford Street for the full frontage of Lot 1 DP 659952 adjacent to the subject land: to include kerb and gutter, drainage, pavement construction, sealing and service adjustments. All work as a minimum shall be designed in accordance with Council’s Engineering Guidelines for Subdivisions and Developments. Detailed constructional drawings prepared by an appropriately qualified and practising Civil Engineer, shall be submitted to, and approved by the Consent Authority prior to the release of the Construction Certificate.

(Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development)

10. The person acting on the consent shall provide concrete driveways (designed and constructed appropriate to the development) from the road formation of Bedford Street and Short Street to the areas to be accessed by vehicles (including the loading area). A plan showing the profile of the driveways in relation to the road infrastructure shall be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate.

(Reason: To ensure adequate vehicular access is provided to the development.)

11. On site detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5 year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 20 year storm event is to be retained on the site for gradual release to the kerb and gutter or piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

For small areas up to 0.5 hectares, determination of the required cumulative storage may be calculated by the mass curve technique as detailed in Technical Note 1, Chapter 14 of the Australian Rainfall and Runoff Volume 1, 1987 later re published in a modified form in 1997.
Engineering calculations, design and certification shall be certified by an appropriately qualified and practising Hydraulic Engineer and submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council’s care and control is not overloaded)

12. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of $9,350 is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

Documentary evidence shall be submitted to the Certifying Authority confirming that the contribution has been paid prior to determination of the application for Construction Certificate, where applicable.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

13. The Owner of the property shall enter into a trade waste agreement with Upper Hunter Shire for the disposal of all trade waste generated by the development. Documentary evidence demonstrating compliance with this condition shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

Note: This includes food premises which will require a grease trap or a grease arrester.

(Reason: To protect the environment from contamination)

14. Prior to the issue of a construction certificate, plans and specifications for the fit-out of the food premises shall be submitted to and approved by the certifying authority. The food premises shall be constructed to comply with the requirements of the Food Act 2003, the Food Standards Code and the Australian Standard AS 4674: Design, construction and fitout of food premises and include the following details:

a) A hand washing basin that is of an adequate size to allow hands and arms to be easily cleaned must be installed in all parts of the premises where open food is handled. Small domestic type hand wash basins are not adequate in commercial situations. The hand wash basins must be in addition to any wash-up sinks.

b) Hot and cold water to the hand wash basins must be delivered through a hands free mixer tap. The hand basins must be provided with liquid soap and single-use towels at all times.

c) All cupboards, benches and shelving must be constructed of materials that are smooth, impervious to moisture and able to be easily cleaned. Particular attention must be made to the underside of the benches to ensure that they are constructed so they are impervious and can be easily cleaned.

d) Ceiling, wall and floor finishes in the food premises must comply with Australian Standard AS 4674: Design, construction and fit-out of food premises.

e) Ceiling lights must be either installed flush with the ceiling surface or designed free from any features (such as ledges) that would harbour dirt, dust or insects or make the fitting difficult to clean.

f) Coving must be installed at the intersection of floors with walls in the food premises in accordance with Australian Standard AS 4674: Design, construction and fit-out of food premises. Coving must be integral to the surface finish of both floor and wall and installed in such a manner as to form a continuous uninterrupted surface.
g) Either a floor waste with a solids trap and stand alone tap or a cleaners sink (sluice sink) must be provided. Cleaners sinks must be provided with an adequate supply of hot and cold water and be located away from food preparation areas.

(Reason: To ensure public health and safety.)

15. In relation to the demolition of the existing building on the site:

(a) a report prepared by an appropriately qualified person (such as an Occupational Hygienist or Environmental Consultant) is to be submitted to the Certifying Authority, with the Construction Certificate application, detailing whether any asbestos or hazardous materials exist on the site that are affected by the proposed building works and if they exist on site their location and quantity. Hazardous materials include but shall not be limited to lead in paints, ceiling dust, glass fiber insulation and asbestos based products).

Note: If no hazardous materials are identified, the demolition may proceed in accordance with AS2601 and the following conditions, including dust control and WorkCover requirements.

(b) should any hazardous materials be identified as per item (a), a Work Plan shall be submitted to the Certifying Authority with the Construction Certificate application and set out in accordance with AS2601 – Demolition of Buildings. The report shall contain details regarding:

   i. The type of hazardous material;
   ii. (ii) The level or measurement of the hazardous material in comparison to National Guidelines;
   iii. Proposed methods of containment; and
   iv. Proposed methods of disposal.
   v. Details of signage to be provided on the site to comply with the provisions of the Occupational Health and Safety Regulation 2001, to ensure persons are warned, by the use of signs, labels or other similar measures, of the presence of asbestos or asbestos-containing material in a place at which construction work is being carried out.

(c) where unacceptably high levels of lead are found in a premises to be demolished soil samples from site are to be tested by a NATA Registered laboratory before and after demolition and submitted to Council. This will determine whether remediation of the site is necessary.

(d) the demolition must be undertaken in accordance with AS2601.

(e) any works involving asbestos based products must be undertaken in accordance with the requirements of the WorkCover Authority in relation to removal, handling and disposing of material, and the Work Safe Australia Asbestos Code of Practice. (Refer to the information publications provided in your approvals package for more specific information)

(f) all work involving lead removal must not cause lead contamination of air or ground, and the Work Plan submitted to comply with item (b) must comply with the requirements of AS 4361.2-1998 : Guide to lead paint management - Residential and commercial buildings. Particular attention must be given to the control of dust levels on the site.

Details demonstrating compliance with these requirements shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate.

Notes:
   i. Further details regarding requirements for removal of hazardous materials can be obtained from the WorkCover website or at www.lead.org.au.

   ii. Failure to comply with legislative requirements relating to the removal or handling of hazardous materials is likely to result in enforcement action, including fines or prosecution without prior warnings.

(Reason: To ensure the long term health of workers on site and occupants of the building is not put at risk unnecessarily)
Conditions that must be addressed prior to commencement:

16. Prior to commencement of any demolition work the person acting on this consent shall commission a suitability qualified person, whose appointment has been approved by Council, to inspect and report on the condition of buildings on Lot 7 DP 758003 (subject to the owner of that lot agreeing to that inspection).

The report must:

   a) Identify the current condition of the buildings on the land
   b) If appropriate, recommend measures that could be implemented by the owner of that lot, to minimise the impacts of the demolition and/or construction on the buildings located on the lot; and
   c) Recommend measures that could be taken by the person acting on the consent to minimise the impacts of demolition and/or construction that could be undertaken.

A copy of this report shall be provided to Council and the landowner prior to the commencement of demolition works. The person acting on the consent must implement any of the measures referred to in Condition 15(c) as the Council requires, subject to the applicant obtaining the consent of the landowner of Lot 7 DP 758003 for any measures that require that owner’s consent.

(Reason: To ensure demolition and/or construction do not have an impact on the structure of the buildings on Lot 7 DP 758003.)

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

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.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

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

The installation must be approved by the principal certifying authority prior to the commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

19. Site facilities
   (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.

   (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.
(c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.

(d) Adequate toilet facilities must be provided on the work site. 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.

The provision of toilet facilities must be completed before any other work is commenced.

The installation of the site facilities shall be approved by the Principal Certifying Authority prior to further commencement of site works and prior to the first inspection.

(Reason: To ensure the health and safety of the community and workers on the site)

20. 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 to building work or demolition work is being carried out, but must be removed when the work has been completed.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: Statutory requirement)

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

(Reason: Prescribed – Statutory)

Conditions that must be complied with during demolition and building work:

22. Any person acting on this consent shall ensure that:-

(a) building construction activities are only carried out during the following hours:
   i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
   ii. on a Saturday—8.00am to 5.00pm.

(b) building construction activities must not be carried out on a Sunday or a public holiday unless prior approval has been obtained

(c) demolition and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

23. Any person acting on this consent must ensure that:-
(a) Demolition must be carried out in accordance with AS 2601–1991, *Demolition of structures*.

(b) Demolition materials must not be burnt or buried on the work site.

(c) A person having the benefit of this certificate must ensure that all vehicles leaving the work site carrying demolition materials have their loads covered and do not track soil or waste material onto the road.

(d) If demolition work obstruct or inconvenience pedestrians or vehicular traffic on an adjoining public road or reserve, a separate application must be made to council to enclose the public place with a hoarding or fence.

(e) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site and must be maintained in a functional condition throughout the construction activities until the site is stabilised.

(f) The work site must be left free of waste and debris when work has been completed.

(Reason: To ensure that work is undertaken in a professional and responsible manner and to protect adjoining property and persons from potential damage)

**Conditions which must be complied with prior to the issue of any occupation certificate:**

24. An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the stormwater infrastructure, vehicular crossings and associated works and road works were constructed in accordance with this consent. The applicant shall, upon completion of the development works and prior to the issue of any Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

(Reason: To ensure compliance with the conditions of consent)

25. Prior to the issue of any Occupation Certificate, the person acting on this consent shall submit to Council one set of hard copy and one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) format (MGA Zone 56 (GDA 94) co-ordinates to be used), works-as executed plans for the road and stormwater infrastructure.

Each sheet is to include a bar scale or scales adjacent to the title block showing the scale (the works as executed plan is to be scaled at 1:500) and each sheet is to be properly signed and dated by the person responsible for the carrying out of those works. Further, the works are to comply with Upper Hunter Shire Council’s *Engineering Guidelines for Subdivision and Development*.

**NOTE:** The provision of a table on the works as executed plan which details: the distance from the centre of the downstream manhole to each sideline, house connection, and dead end; the depths to invert; and the length of such sidelines.

(Reason: So that Council may ensure that the construction is in accordance with Council’s requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.)

26. All disturbed and unvegetated areas of land to the front of the building and nature strip are to be fully landscaped to prevent soil erosion and migration prior to the release of any Occupation Certificate.

(Reason: To preserve the amenity of the streetscape.)

27. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Department of Fair Trading Sewer Service Diagram is to be submitted to Council within seven (7) days following the final drainage inspection and prior to the issue of any Occupation Certificate.
28. The building is not to be used or occupied until a final inspection has been carried out and any Occupation Certificate has been obtained from the Principal Certifying Authority / or Consent Authority.

(Reason: Prescribed - Statutory.)

29. Prior to the issue of any Occupation Certificate concrete driveways shall be constructed in accordance with the profiles on the approved plan.

Note: Approval under Section 138 of the Roads Act 1993 is required prior to the commencement of any works within the road reserve.

(Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to minimise the risk of pollution to waterways from the carrying of soil from the site onto the roadway.)

30. All sound producing plant, equipment, machinery, fittings, ducting, refrigeration systems associated with the development, shall be sound insulated and/or isolated so that the noise emitted does not exceed 5dB(A) above the background level in any octave band from 63.0 HZ centre frequencies inclusive, and not more than 5 dB(A) above the background level (LA90) during the day when measured at the nearest affected residence.

For assessment purposes, the above LAeq sound levels are to be adjusted in accordance with EPA guidelines for tonality, frequency weighting, and impulsive characteristics where necessary, at any time the plant is in operation, at the boundary of the site.

Note: The method of measurement of sound shall be carried out in accordance with Australian Standard 1055.1 - 1989.

A report and certification prepared by an appropriately qualified or accredited person shall be submitted to the Principal Certifying Authority demonstrating compliance with this condition prior to the issuing of an Occupation Certificate.

(Reason: To ensure that noise generated from the development does not result in offensive noise to any other party)

31. Prior to the issue of any Occupation Certificate the person acting on the consent shall carry out half-width road construction of Short Street and Bedford Street for the full frontage of Lot 1 DP 659952 adjacent to the subject land: to include kerb and gutter, drainage, pavement construction, sealing and service adjustments. All work as a minimum shall be designed in accordance with Council’s Engineering Guidelines for Subdivisions and Developments. Detailed constructional drawings prepared by an appropriately qualified and practising Civil Engineer.

Note: Approval under Section 138 of the Roads Act 1993 is required prior to the commencement of any works within the road reserve.

(Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development)
Conditions that must be complied with at all times:

32. At all times the service station shall be open for business only between the following hours:

| Operating hours | 6.00am to 10.00pm |

Upon expiry of the permitted hours, all service shall immediately cease, no person shall be permitted entry and all customers on the premises shall be required to leave within the following half hour and illuminated signs are turned off.

(Reason: Information to ensure that amenity of the surrounding locality is maintained and hours of operation are consistent with those in surrounding locality.)

33. Noise levels associated with the development shall not exceed the following at the boundary of any residential premises:

<table>
<thead>
<tr>
<th>$L_{Aeq(15min)}$</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>48</td>
<td>Day</td>
</tr>
<tr>
<td>43</td>
<td>Evening</td>
</tr>
<tr>
<td>38</td>
<td>Night</td>
</tr>
</tbody>
</table>

Note:
Day is: 7am to 6pm Monday to Saturday; 8am to 6pm Sundays and Public Holidays
Evening is: 6pm to 10pm daily
Night is: 10pm to 7am Monday to Saturday; 10pm to 8am Sundays and Public Holidays

34. Deliveries must be restricted to following hours:

| Fuel and Liquid Petroleum Gas deliveries | 7:00am to 6:00pm daily |
| All other deliveries                      | 7:00am to 10:00pm daily |

(Reason: To ensure the acoustic amenity of surrounding properties.)

35. At all times waste and recyclable collection shall only take place between the hours of 7.00am to 6.00pm daily.

(Reason: To ensure the acoustic amenity of surrounding properties.)

36. Any air conditioning plant and refrigeration plant is to be located at ground level on the northern or eastern side of the service station building.

(Reason: To ensure the acoustic amenity of surrounding properties.)

37. Mechanical plant shall not exceed the following Acoustic Power Levels:

<table>
<thead>
<tr>
<th>Mechanical Plant</th>
<th>82 Lw dB(A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air conditioning condenser</td>
<td></td>
</tr>
<tr>
<td>Refrigeration condenser</td>
<td></td>
</tr>
<tr>
<td>Air compressor</td>
<td></td>
</tr>
</tbody>
</table>

(Reason: To ensure the acoustic amenity of surrounding properties.)
38. At all times the trade waste water shall be disposed of in accordance with the requirements of the trade waste agreement between the Owner/operator and Upper Hunter Shire Council.

(Reason: To ensure compliance with Upper Hunter Shire Council’s requirements and to protect the environment.)

39. At all times all loading and unloading operations shall be carried out wholly within the confines of the site and within loading bays designated on the approved plans.

(Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity.)

40. The food premises shall at all times comply with the requirements of the Food Act 2003, the Food Standards Code and Australian Standard 4674 - 2004 Design, construction and fit-out of food premises.

(Reason: To maintain public health and safety.)

41. At all times all stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of by way of properly constructed stormwater lines to:-

(a) the kerb and gutter (piped). If concrete footpath exists; pipework is to be under bored to the kerb & gutter.

(Reason: To ensure suitable disposal of stormwater.)

**NSW Roads and Maritime Services Conditions:**

42. The development shall be carried out in accordance with the following conditions of consent as required by the NSW Roads and Maritime Services:

- The maximum size design vehicle permitted on the site shall be a Heavy Rigid Vehicle (HRV) as outlined in Table 2.1 of AS2890.2.
- No direct vehicular access shall be permitted to the New England Highway.
- Short Street shall be sealed from the proposed exit from the heavy vehicle refuelling area to the New England Highway intersection to Council requirements.
- All works shall be completed at full cost to the developer, and no cost to Roads and Maritime Services or Council.
- Advertising signage shall be constructed entirely within private property and shall not encroach or overhang into the road reserve.
- The advertising sign shall meet the criteria contained in Section 3.2.5 of the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007) – Illumination and reflectance.
- Any advertising sign must not have/ use:
  - Flashing lights or messages.
  - Electronically changeable messages, unless in accordance with the Department of Planning’s Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007).
  - Animated display, moving parts or simulated movement.
  - Complex displays that hold a driver’s attention beyond a ‘glance appreciation’.
  - Displays resembling traffic signs or signals, or giving instructions to traffic by using words such as ‘halt’ or ‘stop’.
  - A method of illumination that distracts or dazzles.

(Reason: To ensure the development is carried out in a way that does not adversely impact on the safe operation of the New England Highway.)
DA 120/2015 – Recommended Conditions of Consent

Identification of approved plans:

1. The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects (not dated), except where amended by the following conditions.

<table>
<thead>
<tr>
<th>JOB REFERENCE NO</th>
<th>SHEET NO</th>
<th>REVISION NO</th>
<th>DRAWN BY</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>-</td>
<td>-</td>
<td>Applicant</td>
<td>No Date</td>
</tr>
</tbody>
</table>

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

Conditions that must be complied with at all times:

2. Within 3 months of the date from which the consent operates, a concrete sealed driveway shall be constructed from the kerb and gutter to the property boundary.

   The crossover and layback shall be constructed in accordance with Council's standard drawing number SVL-001.

   Note: Approval under Section 138 of the Roads Act 1993 is required prior to the commencement of any works within the road reserve.

   (Reason: To facilitate appropriate vehicular access to private sites, without disruption to pedestrian and vehicular traffic and to minimise the risk of pollution to waterways from the carrying of soil from the site onto the roadway.)

3. At all times 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 ensure that the amenity of the surrounding locality is not adversely affected by the nature of the approved activity.)

4. At all times all loading and unloading operations shall be carried out wholly within the confines of the site.

   (Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian amenity.)

5. The site shall be maintained in a clean and tidy condition at all times and shall not be used for the storage or collection of waste products or materials including scrap metal.

   (Reason: To minimise visual impacts and the harborage of vermin)

6. No more than six (6) vehicles (other than the trucks used in association with the business) may be stored on the site at any one time.

   (Reason: To minimise visual impacts)

7. At all times, the premises shall not be used for the purpose of vehicle body or mechanical repairs.
8. At all times, any spills or leaks of fluid (oils, fuels etc) shall be contained and immediately cleaned up to prevent site contamination.

(Reason: To minimise the potential for site contamination)
DA 48/2014 – Recommended Conditions of Consent

Identification of approved plans:

1. The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects dated August 2012 (Agcad), except where amended by the following conditions.

<table>
<thead>
<tr>
<th>JOB REFERENCE NO</th>
<th>SHEET NO</th>
<th>REVISION NO</th>
<th>DRAWN BY</th>
<th>DATE</th>
</tr>
</thead>
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<tr>
<td>Site Analysis Plan 13-114</td>
<td>S01</td>
<td>5</td>
<td>Agcad</td>
<td>10.12.2014</td>
</tr>
<tr>
<td>Site Plan 13-114</td>
<td>S02</td>
<td>5</td>
<td>Agcad</td>
<td>10.12.2014</td>
</tr>
<tr>
<td>Typical Unit Floor Plan 13-114</td>
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<td>5</td>
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<tr>
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<td>5</td>
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<td>Agcad</td>
<td>10.12.2014</td>
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<td>-</td>
<td>A</td>
<td>Paul Clarke and Associates Pty Ltd</td>
<td>24.01.2014</td>
</tr>
</tbody>
</table>

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

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

(Reason: To ensure that the form of the development undertaken is in accordance with the determination of Council)

3. The northern elevation of Unit 4 shall be in accordance with Sheet No. S08, Issue 5 dated 10.12.2014.

(Reason: To minimise the privacy impact of Unit 4 on adjoining residents.)

Operational conditions imposed under the environmental planning and assessment act and regulations and other relevant legislation:

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

(Reason: Prescribed by legislation)
Ancillary matters to be completed prior to the issue of the construction certificate:

5. Plans and certification indicating all engineering details relevant to the site regarding the collection and disposal of stormwater from the site, buildings and adjacent catchments, shall be submitted to, and approved by the Certifying Authority prior to the release of the Construction Certificate. Stormwater shall be conveyed by gravity from the site to a natural watercourse via Macqueen Street. All designs shall be in accordance with the following specifications:-

(a) conveyed by gravity (not a charged or pumped system) via a new stormwater pipe to be installed within the Macqueen Street road reserve from the development site to the southern side of Gordon Street. Stormwater can be conveyed by open channel past this point to the electricity substation entrance. The pipeline within the footpath area shall have a minimum cover of 450mm.

Note: Separate approvals are required under Section 68 of the Local Government Act 1993 and the Roads Act 1993.

(b) all civil and drainage works within the road reserve shall be designed and built in accordance with Council’s Engineering Guidelines for Subdivisions and Developments.

(c) video inspection must be carried out of completed drainage works that are to revert to council and a DVD forwarded to Council’s Manager Strategic Assets to support the certification.

(d) the stormwater drainage system shall be designed for an average recurrence interval (A.R.I.) of 1 in 5 years.

(e) all redundant stormwater pipelines within the footpath area shall be removed and the footpath and kerb reinstated.

(f) all plumbing within the site shall be carried out in accordance with AS3500, National Plumbing and Drainage Code.

(g) prevent any stormwater egress into adjacent property by creating a physical barrier or land reshaping.

(h) engineering details are to be prepared to comply with relevant Australian Standards and Council guidelines, and shall be certified by an appropriately qualified and practising Civil Engineer.

Details demonstrating compliance with the above requirements and certified by an appropriately qualified and practising civil or hydraulic engineer shall be submitted to, and approved by, the Certifying Authority prior to the release of the Construction Certificate.

(Reason: To ensure that stormwater drainage is of an appropriate standard and capacity to serve the proposed development, without adverse effect to properties or the environment.)

6. On site stormwater detention must be provided to ensure that the maximum discharge of stormwater collected from the undeveloped site, which would occur during a 1 in 5 year storm of 1-hour duration is not exceeded. All other stormwater run-off from the site for all storms up to a 1 in 10 year storm event is to be retained on the site for gradual release to the piped drainage system. Provision is to be made for satisfactory overland flow should a storm in excess of the above parameters occur.

Engineering calculations, design and certification shall be prepared by an appropriately qualified and practising Hydraulic Engineer and submitted to Council for approval.

(Reason: To ensure appropriate provision is made for the disposal and management of stormwater generated by the development, and to ensure that public infrastructure in Council’s care and control is not overloaded)
7. The landscape plan (Drawing No. S04) shall be amended by deleting the garbage bin collection area within the access corridor and realigning the driveway to be consistent with the site plan (Drawing No. S02). An amended landscape plan reflecting this requirement shall be submitted with the Construction Certificate application.

(Reason: To ensure consistency with the approved site plan)

8. Plans and specifications demonstrating compliance with the NSW Rural Fire Service General Terms of Approval shall be submitted to the Certifying Authority for approval prior to the release of the Construction Certificate for each stage.

(Reason: To ensure appropriate provision is made bush fire protection.)

9. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a total contribution of $21,000 is required to be paid to Council. The payments can be made as follows:

- Stage 1 = $12,000
- Stage 2 = $9,000

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

Documentary evidence shall be submitted to the Certifying Authority confirming that the contribution has been paid prior to determination of the application for Construction Certificate for Stage 1 and 2 of the development, where applicable.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

10. Prior to the issue of a Construction Certificate for Stage 1 and Stage 2 of the development the person acting on this consent shall submit to the Consent Authority, for approval a plan that specifies the colour scheme for each proposed building. This scheme must include the colour as follows:

- Mid Grey Roofing (Gully Grey) with white trim for gutters
- Walls – face brick in a light brown tone (Signature)
- Painted walls are alternately Paperbark or Classic Cream.

(Reason: To ensure the development is sympathetic to the heritage item on “the Grange” on the adjacent lot.)

### Conditions that must be addressed prior to commencement:

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

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.

The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

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

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites)

13. Site facilities
   (a) If the development involves building work or demolition work it is recommended that the work site be fully enclosed by a temporary security fence (or hoarding) before work commences. Any such hoarding or fence is to be removed when the work has been completed.

   (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians. If trees are present in the footpath the minimum width must be provided to one side of the trees.

   (c) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.

   (d) Adequate toilet facilities must be provided on the work site. 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.

   The provision of toilet facilities must be completed before any other work is commenced.

   The installation of the site facilities shall be approved by the Principal Certifying Authority prior to further commencement of site works and prior to the first inspection.

   (Reason: To ensure the health and safety of the community and workers on the site)

14. 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 to building work or demolition work is being carried out, but must be removed when the work has been completed.

   The installation is to be approved by the Principal Certifying Authority prior to further commencement of site works.

   (Reason: Statutory requirement)

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

   (Reason: Prescribed – Statutory)
Conditions that must be complied with during demolition and building work:

16. Any person acting on this consent must ensure that:-

   (a) materials must not be burnt on the site.

   (b) vehicles entering and leaving the site with soil or fill material must be covered.

   (c) dust suppression measures must be carried out to minimise wind-borne emissions in addition to
       odour suppression measures must also be carried out where appropriate so as to prevent
       nuisance occurring at adjoining properties.

      (Reason: To protect the environment and the amenity of the surrounding area)

17. Any person acting on this consent shall ensure that:-

   (a) building construction activities are only carried out during the following hours:
       i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
       ii. on a Saturday—8.00am to 5.00pm.

   (b) building construction activities must not be carried out on a Sunday or a public holiday unless
       prior approval has been obtained

   (c) demolition and excavation works must only be carried out between Monday to Friday
       (inclusive) between 8.00am and 5.00pm.

      (Reason: To ensure that works do not interfere with reasonable amenity expectations of
      residents and the community)

18. Retaining walls associated with the erection or demolition of a building or other approved methods
    of preventing movement of the soil must:-

   (a) All retaining walls to be constructed wholly within the boundaries of the subject allotment
       including all associated drainage and earthworks.

   (b) have adequate provision for drainage in accordance with the provisions of AS3500; and

   (c) obtain Council approval for all walls over 600mm in height and within 450mm to site
       boundaries.

   (d) be constructed immediately after the site has been cut and filled;

      (Reason: To ensure the safety and amenity of the site and adjoining properties.)

Conditions which must be complied with prior to the issue of any occupation certificate:

19. Prior to the issue of any Occupation Certificate the landscaping shall be completed in accordance
    with the approved plans.

      (Reason: To preserve the amenity of the streetscape.)

20. Prior to the issue of any Occupation Certificate, the proposed fencing shall be completed in
    accordance with the approved plan.

      (Reason: To provide security and privacy to the outdoor spaces surrounding the dwellings.)
21. Prior to the issue of any Occupation Certificate, the stormwater drainage system within Macqueen Street shall be constructed in accordance with the approved plans.

Note: separate approvals under Section 138 of the Roads Act 1993 and Section 68 of the Local Government Act 1993 will be required prior to the commencement of work for the construction of the stormwater drainage system within Macqueen Street.

(Reason: To ensure the development is serviced by stormwater infrastructure.)

22. The person acting on this consent shall carry out half-width road construction to the full frontage of Lot 221 and Lot 222 DP 1180892 adjacent to the subject land to include kerb and gutter, drainage, pavement construction, sealing and service adjustments. All work as a minimum shall be designed in accordance with Council’s Engineering Guidelines for Subdivisions and Developments. A certificate and detailed constructional drawings prepared by an appropriately qualified and practising Civil Engineer, shall be submitted to, and approved by the Certifying Authority prior to the issue of any Occupation Certificate. All works shall comply with Austroads and RMS standards.

Note: a separate approval under Section 138 of the Roads Act 1993 will be required prior to the commencement of any work within the road reserve.

(Reason: To ensure the provision of public infrastructure of an appropriate quality arising from the development works to service the development)

23. Prior to the issue of any Occupation Certificate a 1.5 metre wide reinforced concrete footpath shall be provided to the full frontage of Lot 221 and Lot 222 DP 1180892. All work as a minimum shall be designed in accordance with Council’s Engineering Guidelines for Subdivisions and Development. Detailed construction drawings prepared by an appropriately qualified and practising Civil Engineer, shall be submitted to, and approved by the roads authority.

Note: a separate approval under Section 138 of the Roads Act 1993 will be required prior to the commencement of any work within the road reserve.

(Reason: To ensure the provision of public infrastructure of an appropriate quality to service the development)

24. Prior to the issue of any Occupation Certificate “No Stopping” signs shall be installed along the western side of Macqueen Street and opposite the proposed driveway to the development in accordance with AS 1742 and Austroads Standards.

Note: a separate approval under Section 138 of the Roads Act 1993 will be required prior to the commencement of any work within the road reserve.

(Reason: To ensure safe ingress and egress from the development.)

25. Prior to the issue of any Occupation Certificate the western shoulder of the New England Highway directly opposite the site entrance shall be reconstructed and sealed to allow vehicles to safely pass a vehicle stored to turn right into the development site. All works shall comply with Austroads and RMS standards. Protection of electricity infrastructure within the road reserve is to be approved by the relevant authority.

Note: a separate approval under Section 138 of the Roads Act 1993 will be required prior to the commencement of any work within the road reserve.

(Reason: To ensure safe ingress and egress from the development.)

26. Prior to the issue of any Occupation Certificate the access to the development shall be constructed in accordance with Council’s Standard Vehicle Layback specifications (as detailed on Council’s Standard Drawing No. SVL-001 (as amended)).

Note: a separate approval under Section 138 of the Roads Act 1993 will be required prior to the commencement of any work within the road reserve.

(Reason: To ensure that appropriate access is provided to the lot.)
27. The premises shall be connected to the sewer system in accordance with the Australian Standard 3500. A works as executed plan on Department of Fair Trading Sewer Service Diagram is to be submitted to Council within seven (7) days following the final drainage inspection and prior to the issue of any Occupation Certificate.

(Reason: To ensure compliance with the Australian Standard & Local Authority requirements.)

28. All required parking areas, loading bays, driveways, internal access ways, vehicular ramps and turning areas shall fully constructed, sealed, line marked, sign posted, numbered and in accordance with the consent prior to the issue of any Occupation Certificate.

(Reason: To ensure that adequate facilities to service the development are provided on site.)

29. The building is not to be used or occupied until a final inspection has been carried out and any Occupation Certificate has been obtained from the Principal Certifying Authority.

(Reason: Prescribed - Statutory.)

30. The applicant shall, upon completion of the development works, submit to the Principal Certifying Authority the works-as-executed drawing (W.A.E.) and certification from a practicing civil Engineer that the works have been executed in accordance with AS3500, prior to the release of any Occupation Certificate.

The W.A.E. drawing shall show the alignment, depth and grade of the stormwater drainage pipelines, easement and associated structures. A CCTV inspection survey must be undertaken of the completed drainage works that are to revert to Council’s care and control, and a DVD forwarded to Council to support the certification.

(Reason: Compliance with the Consent)

31. Certification of Civil works

(a) An appropriately qualified and practising Civil Engineer shall certify to the Principal Certifying Authority that the stormwater drainage system has been constructed in accordance with this consent and the provisions of AS3500. The applicant shall, upon completion of the development works and prior to the issue of any Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

(b) An appropriately qualified and practicing Civil Engineer shall certify to the Principal Certifying Authority that the vehicular crossing and associated works and road works were constructed in accordance with this consent. The applicant shall, upon completion of the development works and prior to the issue of any Occupation Certificate, submit to Council a copy of the aforementioned letter of certification.

(Reason: To ensure compliance with the conditions of consent)

32. Prior to the issue of any Occupation Certificate, the person acting on this consent shall submit to Council one set of electronic files in both Portable Document Format (.pdf) and in CAD Drawing (.dwg) format (MGA Zone 56 (GDA 94) co-ordinates to be used), of the works as executed plans for the infrastructure details eg road and stormwater infrastructure.

(Reason: So that Council may ensure that the construction is in accordance with Council’s requirements, and so that a permanent record of the design as constructed may be held by Council, to assist in future maintenance, or for the information of the emergency services. Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979, as amended.)

33. All identified matters relating to bushfire damage prevention shall be addressed and implemented prior to the issue of any Occupation Certificate.

(Reason: To limit potential damage caused by bushfire.)

34. A contribution pursuant to the provisions of Section 64 of the Local Government Act, 1993 as
specified hereunder for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

Stage 1 (Based on 8 Units)

<table>
<thead>
<tr>
<th>Contribution type (a)</th>
<th>Amount per lot (B) ($)</th>
<th>Total (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>$ 7,095</td>
<td>$ 56,760</td>
</tr>
<tr>
<td>Sewer</td>
<td>$ 1,581</td>
<td>$ 12,648</td>
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<tr>
<td>total contribution</td>
<td></td>
<td>$ 69,408</td>
</tr>
</tbody>
</table>

Stage 2 (Based on 5 Units)

<table>
<thead>
<tr>
<th>Contribution type (a)</th>
<th>Amount per lot (B) ($)</th>
<th>Total (C)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>$ 7,095</td>
<td>$35,475</td>
</tr>
<tr>
<td>Sewer</td>
<td>$ 1,581</td>
<td>$ 7,905</td>
</tr>
<tr>
<td>total contribution</td>
<td></td>
<td>$43,380</td>
</tr>
</tbody>
</table>

Documentary evidence shall be submitted to the Certifying Authority confirming that the contribution has been paid prior to determination of the application for any Occupation Certificate for each stage of the development, where applicable.

The level of contributions shall be in accordance with Council’s Fees and Charges at the time of payment.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

35. Prior to the issue of any Occupation Certificate all internal vehicle movement and parking area shall be sealed in accordance with the profile on the approved plans.

(Reason: To facilitate appropriate vehicular access and movement within private sites.)

Conditions that must be complied with at all times:

36. At all times a sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

(Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.)

37. All garbage and recycling bins shall be collected from the kerbside in Macqueen Street. Garbage trucks are not permitted to enter the site.

(Reason: Public safety)

Conditions that must be complied with prior to the issue of any strata subdivision or subdivision certificate:

38. Lot 221(2) shall maintain a four (4) metre wide frontage to the New England Highway with reciprocal rights of carriageway (min. 4 metres wide each) to be provided for the length of the access handle servicing Lot 221(2) to benefit and burden Lots 221(1) and 221(2). The rights of way shall be shown on the plans submitted with the application for a Subdivision Certificate and registered on the title of the relevant lots.

(Reason: To facilitate legal and practical access to the proposed lots)
39. Prior to the issue of a Subdivision Certificate water and sewer service connections to each lot shall be provided.

**Note:** A separate approval under Section 68 of the Local Government Act 1993 is required for sewerage connection and water supply work.

(Reason: To ensure adequate servicing of the development.)

40. The Subdivision Certificate to enable the lodgement of the linen plan at NSW Land and Property Information shall not be issued until the works or other actions required by Condition Nos. 5, 21, 22, 23, 24, 25, 26, 30, 31 and 32 have been completed to Council’s satisfaction.

(Reason: To ensure that the development is completed to an acceptable standard prior to registration.)

41. A Registered Surveyor shall provide certification that all services (e.g. drainage, stormwater, water supply, gas, electricity, telephone) as constructed are contained within each lot or within appropriate easements to accommodate such services. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

(Reason: To ensure adequate servicing of the development.)

42. Notification of arrangements to connect services and utilities to each LOT shall be provided to the Certifying Authority with the Subdivision certificate:-

(a) telecommunication services
(b) electrical reticulation

All adjustments to existing utility services made necessary by the development are to be undertaken by the developer at no cost to Council.

(Reason: To ensure adequate servicing of the development.)

43. All easements, rights-of-way, right-of-carriageway, and restrictions-as-to-user as indicated on the plans submitted with the application for a Subdivision Certificate are to be registered on the title of the relevant LOTS.

(Reason: To ensure proper management of land)

44. Prior to issuing any Subdivision Certificate for the subdivision, the person acting upon this consent must apply to Upper Hunter Shire Council and receive written confirmation of the allocated street names and addresses (house number) and unit numbers for the building and any approved allotments within the completed project. These are the street names and numbers that will be recorded in Council records and must be displayed at the property in accordance with the provisions of AS/NZS 4819:2003 – Geographic information – Rural and urban addressing.

To assist Council when applying for street name and number allocations, a draft proposal for street naming and numbering within development should be submitted for concurrence to Council at an early stage of construction, as these numbers will be used to maintain Council’s property and mapping database, and the proposed street names must be formally agreed and adopted by Council.

(Reason: To ensure that Council records are accurate, and that building and unit numbering complies with the requirements of Council’s House Numbering Policy. Proper building and unit numbering also assists emergency services in readily locating properties.)

45. Prior to the release of the linen plan of subdivision for each construction stage the applicant or person acting upon this consent is to lodge a Maintenance Bond for all works that are nominated to revert to the care and control of Council, being a minimum of 5% of the total cost of subdivision construction works for each stage of the development. The bond shall be in place prior to the approval of any subdivision certificate and shall remain in place for a required maintenance period of six (6) months from the date of Council’s endorsement of the relevant linen plan.
Council will accept a bank guarantee for the purpose of any bond imposed by these conditions of consent. Such bank guarantee shall be in a form acceptable to the Council.

(Note: Upon the expiration of the 6 month maintenance period, the applicant may apply for release of the bond. Council may deduct from the bonded amount the cost of any maintenance work required to be undertaken by Council as a result of incomplete or substandard works or the like.)

(Reason: To ensure that works have been constructed to an acceptable standard and allow for remedying any defects in any such public work that arise within 6 months after the work is completed.)

46. A contribution pursuant to the provisions of Section 64 of the Local Government Act, 1993 as specified hereunder for the services detailed in column A and, for the amount detailed in column B shall be made to Council.

<table>
<thead>
<tr>
<th>Contribution type (a)</th>
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</thead>
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</tr>
<tr>
<td>Sewer</td>
<td>$1,581</td>
<td>$1,581</td>
</tr>
<tr>
<td>total contribution</td>
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<td>$8,676</td>
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</table>

Documentary evidence shall be submitted to the Certifying Authority confirming that the contribution has been paid prior to determination of the application for a Subdivision Certificate for each stage of the development, where applicable.

The level of contributions shall be in accordance with Council’s Fees and Charges at the time of payment.

(Reason: To retain a level of service for the existing population and to provide the same level of service to the population resulting from new development)

**General terms of approval pursuant to section 91a of the environmental planning and assessment act 1979 (as amended):**

The subdivision shall comply with the Rural Fire Service’s General Terms of Approval (Issued on the 12 November 2014, Ref No. D14/1392) as follows:

47. The development proposal shall comply with the layout and details identified on the following drawings:

- Subdivision plan prepared by AGCAD, numbered 13-114, dated March 2014;
- Project staging plan prepared by AGCAD, numbered 14-090 (Sheet No. S01); and
- Typical unit plan prepared by AGCAD, numbered 13-050 (Sheet No. SK03-issue 2), dated September 2012.

Asset Protection Zones

48. At the issue of the subdivision certificate and/or commencement of stage 1, and in perpetuity, the entire property shall be managed as an inner protection area (IPA) as outlined within Section 4.1.3 and Appendix 5 of ‘Planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.

49. Prior to the issue of a construction certificate for Stage 2 and with the relevant landholders consent, a restriction to the land use pursuant to section 88B of the ‘Conveyancing Act 1919’ shall be placed on the adjacent Lot 222 DP 1180892 for the purpose of an asset protection zone. The asset protection zone shall extend along the eastern and southern boundary of proposed Lot 221(2) to a minimum width of 10 metres and shall be managed as outlined within section 4.1.3 and Appendix 5 of ‘planning for Bush Fire Protection 2006’ and the NSW Rural Fire Service’s document ‘Standards for asset protection zones’.
(Reason: to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.)

Water and Utilities

50. Water, electricity and gas are to comply with section 4.1.3 of ‘Planning for Bush Fire Protection 2006’.
(Reason: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building)

Access

51. Property access shall comply with section 4.1.3(2) of ‘Planning for bush Fire Protection 2006’ except that a dedicated road is not required.

52. To aid in fire fighting activities, unobstructed pedestrian access to the rear of each unit shall be provided as to be maintained at all times.
(Reason: to provide safe access to/from the public road system for fire fighters providing property protection during a bush fire and for occupants faced with evacuation.)

Design and Construction

53. Stage 1:
   b) Units 3 to 8 shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 ‘Construction of buildings in bush fire-prone areas’ and section A3.7 Addendum Appendix 3 of ‘Planning for Bush Fire Protection’.

54. Stage 2:
   b) Units 11 and 12 shall comply with Sections 3 and 7 (BAL 29) Australian Standard AS3959-2009 ‘Construction of buildings in bush fire-prone areas’ and section A3.7 Addendum Appendix 3 of ‘Planning for Bush Fire Protection’.
(Reason: so that buildings are designed and constructed to withstand the potential impacts of bush fire attack.)

Landscaping

55. Landscaping to the site is to comply with the principles of Appendix 5 of ‘Planning for Bush Fire Protection 2006’.

A. CONDITIONS THAT IDENTIFY APPROVED PLANS

1. The development being carried out in accordance with the development application and the drawings referenced below and Statement of Environmental Effects/Environmental Impact Statement dated 2 November 2015 (Trevor R Howse), except where amended by the following conditions.

<table>
<thead>
<tr>
<th>JOB REFERENCE NO</th>
<th>SHEET NO</th>
<th>REVISION NO</th>
<th>DRAWN BY</th>
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<td>Erosion and Sediment Control Plan 00C110 – 2</td>
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<td>Pipework Layout Plan 01A110 – 3</td>
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<td>Bulk Earthworks Plan - Sheet 1</td>
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<td>Bulk Earthworks Plan - Sheet 2</td>
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<tr>
<td>Uncontrolled Fill Excavation Plan</td>
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<td>July 2015</td>
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<tr>
<td>Borrow Pit Locality Plan</td>
<td>-</td>
<td>-</td>
<td>Wiley</td>
<td>July 2015</td>
</tr>
</tbody>
</table>
2. No approval is given or implied for any existing works carried out prior to the granting of development consent (where development consent is required).

(Reason: Development consent cannot be granted retrospectively)

B. CONDITIONS PRIOR TO THE COMMENCEMENT OF WORK

3. Prior to the commencement of works under this consent, the person acting on the consent shall submit an erosion and sediment control plan (ESCP) for the borrow pit to the Consent Authority for approval. The ESCP shall provide details of the measures to pollution of land and water, including the existing clean water dam. The ESCP must include:

   a) A 5 meter earthen buffer between the high water level of the existing dam and the borrow pit;
   b) Identify the locations, functions and capacity of all erosion and sediment control structures; and
   c) Provide a description of all measures to minimize soil erosion and potential migration of sediments to downstream waters.

(Reason: To ensure appropriate measures are in place to mitigate against pollution to land and waters during extraction works.)

4. Prior to the commencement of works under this consent, the person acting on the consent shall submit a rehabilitation management plan (RMP) for the borrow pit to the Consent Authority for approval. The RMP must include:

   a) The rehabilitation objectives for the borrow pit site;
   b) An outline of how the borrow pit site will be rehabilitated so as to integrate with the surrounding landform and does not contain any slopes or vertical headwalls;
   c) A description of the measures that will be implemented within the proposed borrow pit area of disturbance for:

      i. Conserving and reusing topsoil, and obtaining soil depth similar to that naturally occurring on an surrounding the disturbed area of the borrow pit site;
      ii. Establishing biologically active topsoil by introduction appropriate groundcover species, including methods of seeding or for encouraging plant recolonisation; and
      iii. Method for the prevention of weeds from becoming established on the borrow pit site;
      iv. Performance and completion criteria for the rehabilitation of the borrow pit site; and
      v. A description of how the performance of the rehabilitation works would be monitored overtime to achieve the stated objectives against the relevant performance and completion criteria.

(Reason: To ensure the land disturbed for the purpose of the borrow pit is fully rehabilitated to its pre-disturbance land form.)

5. Prior to the commencement of work all required erosion and sedimentation measures shall be installed in accordance with the approved erosion and sediment control plans for the borrow pit
(plan to be submitted as per Condition 3) and the anaerobic pond (Drawing No. 00C110 Issue 2 and 00C111 Issue 2). At all times during the excavation and construction work the erosion and sediment control measures shall be maintained in a functional and effective condition until the site is rehabilitated.

(Reason: To protect the environment from the effects of sedimentation and erosion from development sites.)

6. Prior to the commencement of work on the anaerobic pond (Pond 2) the person acting on this consent shall submit certification to the Consent Authority from an appropriately qualified and practicing civil engineer, that the existing pond void is structurally adequate and is capable of holding waste water to the proposed design capacity without failure.

(Reason: To ensure the proposed anaerobic pond can operate in a safe manner.)

C. CONDITIONS THAT MUST BE COMPLIED WITH DURING CONSTRUCTION WORK

7. Any person acting on this consent shall ensure that:

(a) construction and excavation activities are only carried out during the following hours:
   i. between Monday to Friday (inclusive)—7.00am to 5.00pm,
   ii. on a Saturday—8.00am to 5.00pm.

(b) construction and excavation activities must not be carried out on a Sunday or a public holiday unless prior approval has been obtained

(Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community)

D. CONDITIONS PRIOR TO THE USE OF THE ANAEROBIC POND

8. Prior to the commissioning and operation of the anaerobic pond, the perimeter of the anaerobic pond shall be fenced with a 1.8m high safety fence (eg chainwire) with the capacity to prevent access by unauthorised persons.

(Reason: To ensure the anaerobic pond operates in a manner without risks to the health and safety of persons.)

9. Pursuant to Upper Hunter Shire Council Section 94A Development Contribution Plan 2008, a contribution of $8,500 is required to be paid to Council. The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Section 94A Development Contributions Plan.

Documentary evidence shall be submitted to the Certifying Authority confirming that the contribution has been paid prior to the commissioning and operation of the anaerobic pond.

(Reason: To ensure that the proposed development makes an appropriate contribution to facilities in the Upper Hunter Local Government Area)

E. CONDITIONS WHICH MUST BE COMPLIED AT SIX (6) MONTHS AND AT TWELVE (12) MONTHS OF THE COMPLETION OF BORROW PIT EXCAVATION

10. Upon completion of the anaerobic pond lining works, excavation of the borrow pit shall cease and the site rehabilitated in accordance with the approved RMP.

The following shall be submitted:
a) At six (6) months following the cessation of the borrow pit the person acting on this consent submit a report to Council advising on the progress of the rehabilitation works against the performance and completion criteria.

b) At twelve (12) months following the cessation of the borrow pit the person acting on this consent submit a report to Council for approval advising that the rehabilitation works have been completed against the performance and completion criteria.

(Reason: To ensure rehabilitation work has been completed in accordance with the RMP.)

Advisory Note:

The perimeter of the existing anaerobic pond (Pond 1) should be fenced with a 1.8m safety fence with the capacity to prevent access to unauthorised persons.
WORKS & TECHNICAL SERVICES COMMITTEE

RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure Services

AUTHOR: Belinda Olteanu - Infrastructure Services Admin Officer

RECOMMENDATION

That Council:

1. Endorse the minutes of the Works & Technical Services Committee meeting held on 8 December 2015.
2. i. Support the joint grant application under the Organics Infrastructure Program lodged with NSW Environmental Protection Authority (EPA).
   ii. Dependent on grant success, act as lead council for the project subject to development of an appropriate Memorandum of Understanding (MOU) for plant operation, management and maintenance.
3. i. Advertise the draft Scone Golf Course Redesign for public comment, and that a further report be presented to Council on the results of the public comment.
4. i. Accept the quotation from:
   o Mandalay Technologies Pty Ltd for the provision of weighbridge software and landfill management software for Scone, Aberdeen, Merriwa and Murrurundi Landfills,
   o Ultrahawke Pty Ltd for the supply and installation of a 24 metre weighbridge at Scone Landfill.
   ii. Note the joint working relationship between Mandalay and Ultrahawke for the installation and setup of the weighbridge at Scone Landfill.

BACKGROUND

The Works & Technical Services Committee provides policy and direction, along with an update on the planned program for roads, bridges, water and sewerage work, parks, building and waste management

REPORT/PROPOSAL

WTS.12.1 Works Program – Infrastructure Services.

Some of the major construction projects currently under construction, or recently completed are:
- Moonan Cutting up hill side works has commenced, bypass bridge installation completed and open to traffic.
- Gundy Road rehabilitation near Scone has commenced.
- Reseal program has commenced
- Willow Tree Road (MR358) work has commenced.

Works priority has been given to capital works requiring completion.
WTS.12.2 Works Program Infrastructure Services – Water and Sewer

Progress of major projects is listed in Attachment 1 along with planned works.

The projects currently underway include:

- Replacement of old water meters in Aberdeen, Scone, Merriwa and Murrurundi.
- Sewer main relining in selected sections of the reticulation system in Aberdeen and Scone continuing. The relining component is expected to be completed by mid December. Once relining is complete, cutting and trimming of junctions will commence and is expected to take 3-4 months.

WTS.12.3 Capital Works Update

The spreadsheet provided under separate cover shows the expenditure up to the end of October, 42% through the 2015/16 financial year. It shows that YTD the program is slightly behind the monthly allocated budget with 89% percent of the year to date budgeted expenditure spent.

Key projects being worked on include in the coming month are:

- Willow Tree Rd initial seal commences
- Sewer relining commences at various locations.
- Moonan Cutting
- Gundy Road Rehabilitation
- Starrs Crossing Bridge construction has commenced.

WTS.12.4 Organics Infrastructure grants

The purpose of the report is to outline the process undertaken and gain Council’s approval to lodge a joint grant application for organics (green waste) recycling equipment with the EPA. The application is a joint application with Muswellbrook and Singleton Councils. The equipment is mulching, screening and associated plant. The grant application is for a $1.4m total project and Councils will be applying for a third share. The plant will be owned by UHSC and appropriate plant hire charges applied. After expenses any additional income would be dispersed back to participating grant partners on an annual basis.

WTS.12.5 Scone Golf Course Redesign

The purpose of this report is to update Council on the Scone Golf Course redesign and put forward a draft concept design for the exhibition and comment. The redesign is required due to the proposed Scone bypass of the New England Highway planned route through the existing golf course. The design was prepared by golf course architects Shape On It Pty Ltd with input by RSL/Golf Club representatives, RMS and Council staff. It is proposed to advertise the proposed draft plan for public comment and provide a further report to council on the outcome of the consultation.
CR.12.1  Scone Landfill Project

The purpose of this report is to outline the process that was used for the supply and installation of a weighbridge for Scone Landfill and supply of landfill management software.

The installation is part of the ongoing project at Scone Landfill to develop a resource recovery centre including tip shop and sheds. A site layout plan was provided as part of the report.

ATTACHMENTS

1  Works And Technical Services Committee - 8 December 2015 - Summary Minutes - attachments excluded

RESOLVED that Council:

1. Endorse the minutes of the Works & Technical Services Committee meeting held on 8 December 2015.
2. i. Support the joint grant application under the Organics Infrastructure Program lodged with NSW Environmental Protection Authority (EPA).
   ii. Dependent on grant success, act as lead council for the project subject to development of an appropriate Memorandum of Understanding (MOU) for plant operation, management and maintenance.
3. i. Advertise the draft Scone Golf Course Redesign for public comment, and that a further report be presented to Council on the results of the public comment.
4. i. Accept the quotation from:
   o Mandalay Technologies Pty Ltd for the provision of weighbridge software and landfill management software for Scone, Aberdeen, Merriwa and Murrurundi Landfills,
   o Ultrahawke Pty Ltd for the supply and installation of a 24 metre weighbridge at Scone Landfill.
   ii. Note the joint working relationship between Mandalay and Ultrahawke for the installation and setup of the weighbridge at Scone Landfill.

Moved:  Cr M Collison    Seconded:  Cr R Campbell    CARRIED
Present:

Cr Deirdre Peebles, Cr Maurice Collison, Cr Ron Campbell and Cr Lorna Driscoll.

APOLOGIES:

Nil

IN ATTENDANCE:

Mr Waid Crockett (General Manager), Mr Alan Fletcher (Director Infrastructure Services), Mr Nick Havyatt (Manager Works Delivery), Mr Jeff Bush (Manager Strategic Assets), Mr Paul Turri (Manager Water Waste), Mr Luke Day (Works Engineer), Mrs Belinda Olteanu (Infrastructure Support Officer), Mr John Murray

DECLARATIONS OF INTEREST:

Nil

WTS.12.1 WORKS PROGRAM - INFRASTRUCTURE SERVICES

RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure Services

AUTHOR: Nicholas Havyatt - Manager Works Delivery

RECOMMENDATION

That the Committee receive the report and note the information.

MOVED: Cr Peebles SECONDED: Cr Collison CARRIED

WTS.12.2 WORKS PROGRAM - INFRASTRUCTURE SERVICES - WATER & SEWER

RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure Services

AUTHOR: Paul Turri - Manager Water and Waste

RECOMMENDATION

That the Committee receive the report and note the information.

MOVED: Cr Collison SECONDED: Cr Peebles CARRIED

WTS.12.3 CAPITAL WORKS UPDATE

RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure Services

AUTHOR: Belinda Olteanu - Infrastructure Services Admin Officer

RECOMMENDATION

That the Committee receive the report and note the information.

MOVED: Cr Driscoll SECONDED: Cr Peebles CARRIED
WTS.12.4  ORGANICS INFRASTRUCTURE GRANTS
RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure Services
AUTHOR: Coleen Pinkerton - Solid Waste Coordinator

RECOMMENDATION

That Council:
1. Support the joint grant application under the Organics Infrastructure Program lodged with NSW Environmental Protection Authority (EPA).
2. Dependent on grant success, act as lead council for the project subject to development of an appropriate Memorandum of Understanding (MOU) for plant operation, management and maintenance.

MOVED: Cr Peebles  SECONDED: Cr Driscoll  CARRIED

WTS.12.5  SCONOE GOLF COURSE REDESIGN
RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure
AUTHOR: Alan Fletcher - Director Infrastructure Services

RECOMMENDATION

I. That Council advertise the draft Scone Golf Course Redesign for public comment.

II. That a further report be presented to Council on the results of the public comment.

MOVED: Cr Peebles  SECONDED: Cr Driscoll  CARRIED

CLOSED COMMITTEE
The Committee moved into Closed Committee with the press and public excluded in accordance with Section 10 (2) (c) of the Local Government Act 1993.

CR.12.1  SCONOE LANDFILL PROJECT
RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure Services
AUTHOR: Coleen Pinkerton - Solid Waste Coordinator

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council:
1. Accept the quotation from:
   - Mandalay Technologies Pty Ltd for the provision of weighbridge software and landfill management software for Scone, Aberdeen, Merriwa and Murrurundi Landfills.
   - Ultrahawke Pty Ltd for the supply and installation of a 24 metre weighbridge at Scone Landfill.
2. Note the joint working relationship between Mandalay and Ultrahawke for the installation and setup of the weighbridge at Scone Landfill.

MOVED: Cr Collison  SECONDED: Cr Driscoll  CARRIED
GENERAL BUSINESS

The following items were discussed by the Committee after the Agenda Items:

- Cr M Collison asked that the drainage reserve that runs from Hayes St to McLoughlin St to Muffet St be mowed as the area is very overgrown and there have been snakes entering adjacent buildings.

- Cr M Collison asked what was the outcome of the investigation to the B Double becoming wedged on the crest of Whalan’s Gap on Timor Road? The Manager Strategic Assets advised it was mechanical failure, however there will be ongoing investigations as to whether the road is a suitable B Double route, and whether there is a slight depression in the road at the corner of the crest.

- Cr R Campbell asked that the signs at the Merriwa schools with altered ‘No Stopping’ times be erected before the start of term next year. The matter was discussed at the November 2015 Traffic Committee Meeting.

- Cr R Campbell asked that the 40km zone sign at St Josephs School Merriwa be relocated to the southern side of Whitneys Creek bridge. The General Manager advised that speed issues are an RMS matter and was referred to RMS in 2014.

- Cr R Campbell asked that the seat and picnic shelter from Bunnan rest area be repaired and reinstalled to site before school holidays begin.

**All discussion items will be raised as Service Requests.**

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 2.20PM
COMMITTEE/DELEGATES REPORTS

C.12.1  AUDIT ADVISORY COMMITTEE

RESPONSIBLE OFFICER: Steve Pryor - Director Corporate & Community Services

AUTHOR: Shinead Taylor - Governance & Executive Support Officer

RECOMMENDATION

That Council endorse the confidential minutes of the Audit Advisory meeting held on 9 November 2015.

BACKGROUND

The Audit Advisory Committee was established:

- To review the long term and annual financial and operational audit plans of the Internal Auditor and to provide strategic direction.
- To consider reports, advice and recommendations prepared by the Internal Auditor and the External Auditor, together with relevant information from third parties and to make recommendations to Council on matters placed before the Committee.
- To monitor the external reporting and other governance responsibilities of Council.
- To make recommendations to Council in relation to the formulation of or amendment to policies, administrative principles and procedures.
- To be an effective communication forum between the external auditor, internal auditor, management and Council.

REPORT/PROPOSAL

The Audit Advisory Committee meets at least four times per year to review matters raised through our internal audit process. The Committee reviews reports from the Internal Auditor and makes any additional recommendations as required.

The Committee received a presentation from Council’s External Auditor on the Financial Statements 2014/15.

ATTACHMENTS

1  Audit Advisory Committee - 9 November 2015 - Minutes

RESOLVED that Council endorse the confidential minutes of the Audit Advisory meeting held on 9 November 2015.

Moved: Cr K Fisher  Seconded: Cr D Peebles  CARRIED
MINUTES OF THE AUDIT ADVISORY COMMITTEE MEETING
MONDAY 9 NOVEMBER 2015, 3.00PM

PRESENT: Cr Wayne Bedggood, Mr Paul Heaton (Chair), Mrs Kim Kalousek and Mrs Jennifer Hayes.

IN ATTENDANCE: Mr Steve Pryor (Director Corporate & Community Services), Mr Tony Perkins (Internal Auditor), Mr Waid Crockett (General Manager) and Miss Shinead Taylor (Minutes).

1. APOLOGIES

RESOLVED that the apology received from Cr Maurice Collison be accepted.

Moved: J Hayes  Seconded: K Kalousek  CARRIED

2. DISCLOSURE OF INTEREST

Mr Paul Heaton recorded a declaration of interest relating to his wife being an employee of Council in the Youth Services department.

3. PREVIOUS MINUTES

RESOLVED that the minutes of the Audit Advisory Committee Meeting held on 17 August 2015, as circulated, be taken as read and confirmed as a correct record.

Moved: J Hayes  Seconded: K Kalousek  CARRIED

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. TELECONFERENCE

- Mr Paul Cornall of Forsyths Chartered Accountants spoke to the Committee via teleconference, giving an overview of the Upper Hunter Shire Council and Gummun Place Financial Statements and the audit reports provided by Forsyths.

6. AGENDA ITEMS

AAC.11.1  Financial Statements - 2014/15

PURPOSE

The purpose of the report is to present the 2014/15 audited financial statements for Upper Hunter Shire Council (consolidated) and Gummun Place Hostel.

RESOLVED that the Audit Advisory Committee note:

2. The 2014/15 Audited Financial Statements for Gummun Place.

Moved: J Hayes  Seconded: K Kalousek  CARRIED
AAC.11.2 Internal Auditor’s Report

PURPOSE

The purpose of this report is to provide a summary on internal activity for the period from 1 July 2015 to 30 September 2015.

Internal Audit Report

Procurement

It was noted that the administrative principles for Procurement and Delegations to Incur Expenditure have been updated and signed off by the General Manager. Some staff signatures for delegations still required. Both administrative principles will be forwarded to relevant staff with a memo detailing their personal delegations.

A list of non-adherence procurement events found in a recent random review of transactions has been presented to the General Manager and responsible staff have been addressed. Most of the occurrences were not of high monetary value, however almost all of the staff involved had previously attended procurement training. Other than these occurrences there has been an overall improvement in adherence to procurement procedures since the training was conducted. The Finance Manager is continuing to monitor and conduct random reviews. More emphasis on correct procurement procedures needs to be included in staff inductions.

Payroll Services

The Internal Auditor provided an overview of the review of payroll services as per the report. It was noted that the main issue is access rights in both Civica Authority and TRIM. The IT Manager is to carry out a review of access control measures and implement a masterfile modification tracking system. It was noted that the relevant administrative principle is not being adhered to. The document is to be reviewed. The Committee suggested that a hierarchy of access could be included in position descriptions, and that a review of IT security, including Council’s web-based and external providers, be conducted by an external party.

The Committee were pleased with the review undertaken on overtime and the reporting process to be put in place to control these payments.

It was noted that a new administrative principle for the management of excess leave accruals has been presented to staff and the Consultative Committee for feedback prior to sign off. This administrative principle will formalise processes which have already been in place, and facilitate communication with staff regarding leave requirements.

It was noted that all the recommendations from the Internal Auditor’s Report on payroll services have been implemented, except for Access Rights which is ongoing.

Motor Vehicle Leaseback

It was noted that there are approximately 6 agreements yet to be signed off, however processes have been put in place to make this process more efficient in the future.

Probity Audit

Noted as per the report.

Compliance Reviews

It was noted that Council has sent correspondence to the Environment Protection Authority regarding compliance issues raised and is still awaiting response.
Internal Audit Plan

It was noted that the Strategic and Operational Risk Register is still being added to and improved by the Risk Coordinator.

The General Manager tabled a draft plan of major strategic issues which included risk scores and control ratings based on his assessment at this stage. The Committee was asked to review the draft document and provide feedback to the General Manager.

**RESOLVED** that the Committee receive the report and note its contents.

Moved: J Hayes  Seconded: K Kalousek  CARRIED

7. CORRESPONDENCE

Nil

8. GENERAL BUSINESS

Retirement of Internal Auditor

Tony Perkins notified the Committee of his retirement, effective 24 December 2015.

**RESOLVED** that the Committee thank Tony Perkins for the work he has carried out and his achievements in his role as Internal Auditor, and wish him the best for his retirement.

Moved: P Heaton  Seconded: J Hayes  CARRIED

9. NEXT MEETING

Monday, 8 February 2016 at 3.00pm.

*The meeting was declared closed at 4.50pm.*
C.12.2  UPPER HUNTER SHIRE TRAFFIC COMMITTEE

RESPONSIBLE OFFICER: Jeff Bush - Manager Strategic Assets

AUTHOR: Belinda Olteanu - Infrastructure Services Admin Officer

RECOMMENDATION

That Council:
1. Endorse the minutes of the Upper Hunter Shire Traffic Committee meeting held on 26 November 2015;
2. Extend the bus zone on the western side of Vennacher Street Merriwa between Bettington Street and Solleys Lane by six (6) metres south towards Solleys Lane;
3. Approve the following line marking and signage:
   i. Install ‘Give Way’ signs and associated line marking on Campbell Street at the intersection of Perth Street Aberdeen;
   ii. Remove ‘Give Way’ signs and associated line marking on Perth Street at the intersection of Campbell Street Aberdeen.
4. Erect ‘No Stopping’ signs in the median strip in Stafford Street
5. Extend ‘School Bus Zone’ and ‘No Stopping Zone’ time restrictions at Merriwa Primary and High Schools to 8.00am – 9.30am and 2.30pm – 4.00pm school days only.

BACKGROUND

This Committee is formed under the Traffic Act and consists of delegates from Council, Roads & Maritime Services (RMS), the local State Member and local police. The Committee is charged with responsibility for making recommendations to Council regarding all matters concerning local traffic regulations.

REPORT/PROPOSAL

The major Traffic issues discussed at the meeting included:

- Bus Parking zone – Vennacher Street Merriwa
- Aberdeen – Perth/Campbell Street Intersection
- Stafford Street Scone – Median Strip Parking
- Merriwa Primary School – Bus Zones – School signage

Council also received a number of items of correspondence which were discussed relating to:

- Restriction of Through Traffic – Dumaresq Street Parkville
- Tomalla Road – Traffic Safety
- Golden Hwy Upgrade at the Intersection of Bow St and Vennacher St Merriwa
- Pedestrian safety issues raised by residents of Murrurundi
- The road camber and width of Timor Road at Whalan’s Gap Timor.
- Correspondence from Leo and Melissa Collins in relation to a safety risk and the intersection of the Golden Highway and Idaville Road Merriwa.

ATTACHMENTS

1. Upper Hunter Shire Traffic Committee - 26 November 2015 - Minutes
RESOLVED that Council:

1. Endorse the minutes of the Upper Hunter Shire Traffic Committee meeting held on 26 November 2015;
2. Extend the bus zone on the western side of Vennacher Street Merriwa between Bettington Street and Solleys Lane by six (6) metres south towards Solleys Lane;
3. Approve the following line marking and signage:
   i. Install ‘Give Way’ signs and associated line marking on Campbell Street at the intersection of Perth Street Aberdeen;
   ii. Remove ‘Give Way’ signs and associated line marking on Perth Street at the intersection of Campbell Street Aberdeen.
4. Erect “No Stopping’ signs in the median strip in Stafford Street.
5. Extend ‘School Bus Zone’ and ‘No Stopping Zone’ time restrictions at Merriwa Primary and High Schools to 8.00am – 9.30am and 2.30pm – 4.00pm school days only.

Moved:  Cr L Driscoll  
Seconded:  Cr R Campbell  
CARRIED
PRESENT: Cr M Collison (Chair), Cr R Campbell, G Guiana (Police), C Dengate (Police), T Chapman (RMS),

IN ATTENDANCE: A Fletcher (Director Infrastructure Services), J Bush (Manager Strategic Assets), B Olteanu (Infrastructure Support Officer)

1. APOLOGIES

RECOMMENDATION
That the apologies received from B Howey be accepted.

MOVED: Cr R Campbell   SECONDED: Cr M Collison  MOTION CARRIED

2. DISCLOSURE OF INTEREST

Nil

3. PREVIOUS MINUTES

RECOMMENDATION TO COUNCIL
That the minutes of the Upper Hunter Shire Traffic Committee Meeting held on 18 February 2015, as circulated, be taken as read and confirmed as a correct record.

4. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

5. AGENDA ITEMS

TRF.11.1 Bus Parking Zone - Vennacher Street Merriwa

PURPOSE
The purpose of this report is to gain approval for the extension of the bus parking zone in Vennacher Street, Merriwa.

RECOMMENDATION TO COUNCIL
That the bus zone on the western side of Vennacher Street between Bettington Street and Solleys Lane be extended six (6) metres south towards Solleys Lane.

MOVED: Cr R Campbell   SECONDED: T Chapman  CARRIED UNANIMOUSLY
TRF.11.2 Aberdeen - Perth/Campbell Street Intersection

PURPOSE

The purpose of this report is to gain approval to alter give way signage at the intersection of Perth and Campbell Streets, Aberdeen.

Since the development of Aberdeen Heights the priority road has shifted from Campbell to Perth Street and it is considered that ‘Give Way’ signs are now warranted for Campbell Street.

RECOMMENDATION TO COUNCIL

That the following line marking and signage be approved:

i) Install “Give Way” signs and associated line marking on Campbell Street at the intersection of Perth Street, Aberdeen.

ii) Remove “Give Way” signs and associated line marking on Perth Street at the intersection of Campbell Street, Aberdeen.

MOVED: Cr R Campbell   SECONDED: C Dengate   CARRIED UNANIMOUSLY

TRF.11.3 Stafford Street Scone - Median Strip Parking

PURPOSE

The purpose of this report is to review traffic issues in Stafford Street in relation to median strip parking adjacent to Strathearn Village and the hospital.

RECOMMENDATION TO COUNCIL

That “No Stopping” signs be erected in the median strip in Stafford Street.

MOVED: Cr M Collison   SECONDED: G Guiana   CARRIED UNANIMOUSLY

TRF.11.4 Merriwa Primary School - Bus Zones - School Signage

PURPOSE

The purpose of this report is to inform the Committee of irregularities in “Bus Zone” signage in Mackenzie Street adjacent to the Merriwa Primary School.

RECOMMENDATION TO COUNCIL

That “School Bus Zone” and “No Stopping Zone” time restrictions be extended to 8:00am – 9:30am and 2:30pm – 4:00pm school days only.

MOVED: Cr R Campbell   SECONDED: T Chapman   CARRIED UNANIMOUSLY

6. ACTION SHEET

Nil
7. CORRESPONDENCE

CR.11.1 Restriction of Through Traffic – Dumaresq Street Parkville

CORRESPONDENCE

Council has received complaints from Parkville residents about vehicles taking short cuts across the unformed part of Dumaresq St to the New England Hwy.

ACTION FOR COMMITTEE

That the correspondence be noted along with Council’s resolution at the October meeting to restrict through traffic by erecting a barrier on Dumaresq Street Parkville, approximately 10 metres north of the New England Highway.

CR.11.2 Tomalla Road – Traffic Safety

CORRESPONDENCE

A Request has been received to review traffic safety issues along Tomalla Road.

Note: A road safety audit will be undertaken on Tomalla Road.

ACTION FOR COMMITTEE

That the correspondence be noted.

MOVED: Cr R Campbell   SECONDED: Cr M Collison   CARRIED

CR.11.3 Golden Hwy Upgrade at the Intersection of Bow St and Vennacher St Merriwa

CORRESPONDENCE

RMS is seeking feedback on a design proposal to upgrade the pedestrian crossings on the Golden Hwy Merriwa.

ACTION FOR COMMITTEE

That the correspondence be noted.

CR.11.4 Pedestrian safety issues raised by residents of Murrurundi

CORRESPONDENCE

Correspondence was received from RMS dated 21st April 2015 ref CR2015/001415. This letter is a response from the RMS to the report to the Upper Hunter Shire Traffic committee 18th February 2015 regarding concerns of Murrurundi residents that traffic speeds have increased since the removal of the speed camera which was located on the western approach to Murrurundi. Speeding vehicles are a matter for the police. RMS does not support reducing the speed limit of heavy vehicles on a primary freight route by the implementation of a 40km/h area, the implementation of which may impact the usability and amenity of Murrurundi’s main street.

ACTION FOR COMMITTEE

That the correspondence be noted.
CR.11.5  The road camber and width of Timor Road at Whalan’s Gap, Timor

CORRESPONDENCE

Email received from Stuart Murphy of Timor regarding a B Double loaded with cattle becoming stuck on the corner of the crest on Whalan’s Gap Timor

ACTION FOR COMMITTEE

That the correspondence be noted. A meeting to be arranged with parties involved and site visit to occur.

CR.11.6  Correspondence from Leo and Melissa Collins in relation to the intersection of the Golden Highway and Idaville Road at Merriwa.

CORRESPONDENCE

A letter was received on 11 November 2015 from Leo and Melissa Collins regarding the intersection of Idaville Rd and the Golden Highway west of Merriwa. Mr Collins states that the intersection is used by a number of residents and is also a school bus route. Mr Collins believes the intersection requires a turning lane on the Golden Highway into Idaville Road.

ACTION FOR COMMITTEE

That the correspondence be forwarded to RMS for further investigation.

8. GENERAL BUSINESS

- G Guiana – that the double lines on Liverpool Street near bottle shop to be re-painted.
- T Chapman The 80km zone at Wingen will be extended at northern end - there have been numerous accidents at the crest, the 80km zone will be moved to the straight stretch of road rather than the crest.

9. NEXT MEETING

2016 Meeting Dates:

- 10.30am Thursday 11 February 2016
- 10.30am Thursday 12 May 2016
- 10.30am Thursday 11 August 2016
- 10.30am Thursday 10 November 2016

The meeting was declared closed at 11.37am.
C.12.3  UPPER HUNTER COUNTY COUNCIL (WEEDS)

RESPONSIBLE OFFICER:  Waid Crockett - General Manager

AUTHOR:  Robyn Cox - Executive Assistant

RECOMMENDATION

That Council endorse the minutes of the Upper Hunter County Council meeting held on 17 November 2015.

BACKGROUND

A meeting of the Upper Hunter County Council was held on 17 November 2015 at the Council Chambers, Muswellbrook. Council was represented by Crs Maurice Collison and Ron Campbell.

REPORT/PROPOSAL

The Upper Hunter County Council was established for the control of noxious weeds within the Shires of Muswellbrook, Singleton and Upper Hunter.

Minutes of the meeting held on 17 November 2015 are attached.

ATTACHMENTS

1  Upper Hunter County Council - Minutes - 17 November 2015

RESOLVED that Council endorse the minutes of the Upper Hunter County Council meeting held on 17 November 2015.

Moved:  Cr L Driscoll  Seconded:  Cr M Collison  CARRIED
MINUTES OF THE ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 17 NOVEMBER, 2015 COMMENCING AT 4.06 P.M.

PRESENT: Cr T. McNamara (Chair), Cr M. Collison, Cr L. Driscoll and Cr M. Ogg.

IN ATTENDANCE: Mr S. McDonald (General Manager), Mr D. Campbell (Works Co-Ordinator) and Miss B. Wilton (Administration Officer).

APOLOGIES: RESOLVED on the motion of Crs Collison and Ogg that the apologies for inability to attend the meeting submitted by Cr G. Serhan, Cr J. Martin and Cr R. Campbell be ACCEPTED and the necessary Leave of Absence Granted.

MINUTES: RESOLVED on the motion of Crs Ogg and Collison that the minutes of the Ordinary Meeting of the Council held on 16 August, 2015, a copy of which had been distributed to all members, be taken as read 46. and confirmed as a true record.

BUSINESS ARISING:

Cr M. Ogg
Cr Ogg enquired if it is the individual councillor responsibility to submit their apologies for inability to attend a meeting?

Mr S. McDonald advised that it is the individual councillor’s responsibility and also advised that apologies should be submitted prior to the meeting. Mr McDonald noted that one apology was submitted via email, one apology was submitted via phone and one councillor apology was not received formally.

ELECTION OF CHAIRMAN, DEPUTY CHAIRMAN

The General Manager acted as the Returning Officer.

Cr McNamara handed the meeting over to the Returning Officer to conduct the election of Chairman and Deputy Chairman.

(i) Method of Election

47. RESOLVED on the motion of Crs Ogg and Driscoll that:

That the method of voting for the office of Chair and Deputy Chair be by open voting.

(ii) Election Of Chairman

Nominations were invited for the Office of Chairman for the ensuing term.

The Returning Officer reported that one (1) nomination for the Office of Chairman had been received. The written nomination was in respect of:

THIS IS PAGE 1 OF MINUTES OF ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD ON 17 NOVEMBER, 2015.
MINUTES OF THE ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 17 NOVEMBER, 2016 COMMENCING AT 4.06 P.M.

Cr Tony McNamara - the proposers of the nomination were Crs Maurice Collison and Tony McNamara.

The Returning Officer reported that Cr McNamara had indicated his consent to nomination in writing.

There being only one (1) nomination, the Returning Officer declared Cr Tony McNamara duly elected unopposed for the Office of Chairman of the Upper Hunter County Council for the 2015/2016 term.

(iii) Election Of Deputy Chairman

Nominations were invited for the Office of Deputy Chairman for the ensuing term.

The Returning Officer reported that one (1) nomination for the Office of Deputy Chairman had been received, that being in respect of:

Cr M. Collison - the proposers of the nomination were Crs Tony McNamara and Maurice Collison.

The Returning Officer reported that Cr Collison had indicated his consent to the nomination in writing.

There being only one (1) nomination, the Returning Officer declared Cr Maurice Collison duly elected unopposed for the Office of Deputy Chair of the Upper Hunter County Council for the 2015/2016 term.

The Returning Officer handed the meeting over to the Chairperson.

(iv) Fixing Day And Hour Of Regular Meetings

46. RESOLVED on the motion of Crs Ogg and Collison that Ordinary Meetings of the Council be held in the Council Chamber, Muswellbrook, on the Third Tuesday of February, May, August and November commencing at 4.00pm (except where such Tuesday is a Public Holiday in which case, the Council decides an alternative day for the meeting)

(v) Fixing Of The Time And Manner Of Giving Notice Of Ordinary Meeting

49. RESOLVED on the motion of Crs Collison and Driscoill that notice of all Ordinary Meetings of the Council be given by emailing, posting or delivering to each member of the Council a notice of such meeting, such notice being posted at Muswellbrook or delivered no less than seven (7) days before the meeting.

DISCLOSURES OF INTEREST (175.004): Nil

THIS IS PAGE 2 OF MINUTES OF ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD ON 17 NOVEMBER, 2015.
MINUTES OF THE ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 17 NOVEMBER, 2016 COMMENCING AT 4.06 P.M.

CORRESPONDENCE:

Upper Hunter Shire Council

Letter advising that Cr Lorna Driscoll had been appointed as Upper Hunter Shire Council's delegate on the Upper Hunter County Council.

RESOLVED on the motion of Crs Ogg and Collison that the item of correspondence be NOTED.

GENERAL MANAGER'S REPORT:

1. ADOPTION OF 2014/2015 GENERAL PURPOSE FINANCIAL REPORTS AND AUDITORS REPORT

50. RESOLVED on the motion of Crs Ogg and Driscoll that:

The General Purpose Financial Reports and Auditors Reports for the financial year ended 30 June, 2015 be adopted and formally presented to the public meeting to be held at 5.00pm at the Muswellbrook Shire Administration Centre on the 17 November, 2015.

2. 2013/2014 ANNUAL REPORT

51. RESOLVED on the motion of Crs Ogg and Collison that:

1. The Annual Report for 2014/2015 be ACCEPTED

2. Authorisation be given for copies of the 2014/2015 Annual Report be furnished to the Minister for Local Government, the Director of the Department of Local Government, the Ombudsman and ICAC.

3. 2015-2019 DELIVERY PLAN SEPTEMBER 2016 REVIEW

52. RESOLVED on the motion of Crs Ogg and Driscoll that:

The Delivery Plan review for the period ending 30 September 2015, be ADOPTED.

4. REQUEST FOR CLOSURE OF COUNTY COUNCIL OVER CHRISTMAS/New Year Period

53. RESOLVED on the motion of Crs Collison and Driscoll that:

The Upper Hunter County Council be closed from 12 noon Thursday 24 December 2015 to 7.30am Monday 4 January 2016.

THIS IS PAGE 3 OF MINUTES OF ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD ON 17 NOVEMBER, 2015.
4.1. REGISTER OF PECUNIARY INTEREST

54. RESOLVED on the motion of Crs Driscoll and Collison that:

The tabling of the Register of Pecuniary Interests for the period 1/7/2014 to 30/6/2015 be NOTED

6. WORKS CO-ORDINATOR REPORT

55. RESOLVED on the motion of Crs Ogg and Driscoll that:

The report be received and NOTED.

NOXIOUS PLANTS INSPECTOR'S REPORTS

1. SCONC DISTRICT NOXIOUS PLANTS INSPECTOR

2. MUSWELLBROOK DISTRICT NOXIOUS PLANTS INSPECTOR

3. SINGLETON DISTRICT NOXIOUS PLANTS INSPECTOR

4. MERRIMA DISTRICT NOXIOUS PLANTS INSPECTOR

56. RESOLVED on the motion of Crs Collison and Ogg that the District Noxious Plants Inspector's reports be received and NOTED.

QUESTIONS WITHOUT NOTICE:

Cr Collison

Cr Collison asked who was responsible for the travelling Stock Route?

Mr Doug Campbell advised that the responsibility fell back on the leasee.

Cr Collison made reference to Con Riley's reserve and advised that Black Berry had been present in that area for a few years.

CLOSED COUNCIL

57. RESOLVED on the motion of Crs Driscoll and Ogg that:

Because the following matter involves personnel matters concerning particular individuals (other than Councillors), Section 10A (2)(a), it is considered that the Council should form the opinion that publicity of proceedings of the following item would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted and dealt with such item in Closed Council.

THIS IS PAGE 4 OF MINUTES OF ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD ON 17 NOVEMBER, 2015.
Mr Campbell left the meeting at this stage.

1. GENERAL MANAGER’S PERFORMANCE REVIEW:

58. RESOLVED on the motion of Crs Ogg and Driscoll that:
   The review of the General Manager’s Performance Review be accepted.

RESUMPTION OF OPEN COUNCIL:

59. RESOLVED on the motion of Crs Ogg and Collison that:
   The meeting return to Open Council.

   THERE BEING NO FURTHER BUSINESS THE CHAIRMAN
   DECLARED THE MEETING CLOSED AT 4.40 P.M.

   Cr T. McNamara (Chair)
MINUTES OF THE ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD IN THE COUNCIL CHAMBERS, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 17 NOVEMBER, 2015 COMMENCING AT 4.08 P.M.

THE MINUTES OF THE MEETING (PAGES 1 TO 5) WERE CONFIRMED AT THE ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD ON 17 FEBRUARY, 2016 AND ARE A FULL AND ACCURATE RECORD OF PROCEEDINGS OF THE MEETING HELD ON 18 NOVEMBER, 2014

__________________________  ______________________________
Cr A. McNamara            Mr S. McDonald
               Chair                        General Manager

THIS IS PAGE 6 OF MINUTES OF ORDINARY MEETING OF THE UPPER HUNTER COUNTY COUNCIL HELD ON 17 NOVEMBER, 2015.
GENERAL ADMINISTRATION REPORTS

G.12.1 DONATION FOR MURRURUNDI JUNIOR CRICKET CLUB

RESPONSIBLE OFFICER: Alan Fletcher - Director Infrastructure Services

AUTHOR: Belinda Olteanu - Infrastructure Services Admin Officer

PURPOSE

To consider the written request by the newly formed Murrurundi Junior Cricket Club to waive fee costs for the hire of Murrurundi sports ground for the first twelve months.

RECOMMENDATION

That Council make a donation of $250 to help establish Murrurundi Junior Cricket Association.

BACKGROUND

Murrurundi Junior Cricket club is a new association created to give the children of the district an opportunity to be involved in outdoor cricket locally. There is no current set fee for Murrurundi Junior Cricket in Council’s 2015-16 Fees and Charges Schedule. Council currently assists by granting use of some Council owned cricket equipment until the Club is in a financial position to purchase gear of their own.

REPORT/PROPOSAL

A written request has been received from Murrurundi Junior Cricket Club’s Treasurer, Peter Riordan, asking that Council waive the ground fees being $300.00 for their first twelve months of play to give the club a chance to raise the money required.

Council officers consider it is appropriate to provide a donation of $250 to assist the Club in setting up.

OPTIONS

1. To provide a donation of $250 to Murrurundi Junior Cricket Club.
2. To not provide a donation of $250 to Murrurundi Junior Cricket Club
3. To provide a donation of an alternate amount.

CONSULTATION

- Council’s Sports Participation Officer Nicolle Western has been assisting the Club with grant applications and contacts with Cricket Australia.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

SOCIAL

2) Promote wellbeing through health, education, recreation and culture for a healthy, vibrant and fulfilling life for our community.

7. Facilitate healthy lifestyles through participation by and in partnership with the community in sports and cultural activities.
b. Delivery Program

To promote and financially support cultural activities in the Shire and encourage civic pride.

c. Other Plans

Nil

IMPLICATIONS

a. Policy and Procedural Implications

The request falls within sections 4(b) and (c) of the Grants and Subsidies Policy as it both promotes an event for a local town and the Shire as a whole.

b. Financial Implications

The request is applicable to the 2015/16 Budget. The proposed donation of $250 is available under that budget.

The 2015/16 donations budget is $5000. At November 2015 there was $2512 remaining.

c. Legislative Implications

Nil

d. Risk Implications

All events require a risk evaluation to be undertaken prior to the event.

e. Other Implications

Nil

CONCLUSION

The recommendation is to provide assistance to the newly formed Murrurundi Junior Cricket Club

ATTACHMENTS

1 Application to Waive Fees for Murrurundi Junior Cricket Club

RESOLVED that Council make a donation of $250 to help establish Murrurundi Junior Cricket Association.

Moved: Cr D Peebles        Seconded: Cr K Fisher        CARRIED
Murrurundi Junior Cricket Association
Peter Riordan (Treasurer)
PO Box 84
Murrurundi
NSW 2338
Mob: 04 28 414 255

Attention:

Upper Hunter Shire Council
(General Manager)

Hi,

I am writing on behalf of the Murrurundi Junior Cricket Club, which is a new association that has been created to give the children in our district an opportunity to be involved in outdoor cricket.

This Saturday the 17/10/2015 we intend to run our first registration day. Insurance for each child will be $60, our intention is not to add on any extra charges to families to enable more local children participating in our club.

Whilst establishing this club we have found it has not been easy without assistance and support from other parties within the Shire. We have not yet received funding to cover the cricket gear and are currently sourcing outside businesses for assisting in sponsorship.

Murrurundi's main sporting ground which accommodates a cricket wicket, is the ideal base for our club. To hire this facility for the summer months is approximately $300, so while we are still forming our club we would like to know if we can get the support from the Upper Hunter Shire Council by waiving the hire charge of the ground for the first 12 months.

We have great facilities in Murrurundi, and by utilising these, it allows our local kids the opportunity to participate in junior cricket without having to travel.

Kind Regards

Peter Riordan
Treasurer

UPPER HUNTER SHIRE COUNCIL

9 NOV 2015
Referred to Anna
For action
G.12.2 REQUEST TO WAIVE FEES - TOY BOX OUTREACH SERVICE

RESPONSIBLE OFFICER: Steve Pryor - Director Corporate & Community Services
AUTHOR: Shinead Taylor - Governance & Executive Support Officer

PURPOSE

The purpose of the report is to seek Council’s concurrence to reduce the fees payable for the hire of Cassilis and Settlement Halls to a gold coin donation from parents when Toy Box Outreach Services use the facilities.

RECOMMENDATION

That Council amend the Fees & Charges for 2015/16 to include a gold coin donation per parent as its charges for Toy Box Outreach Services for Cassilis and Settlement Halls.

BACKGROUND

Council amended its fees and charges for 2014/15 to reduce the charges for Toy Box Outreach Services for Cassilis and Settlement Halls to be a gold coin donation from parents. This change was not reflected in the adopted 2015/16 fees and charges. Upper Hunter Community Services has written to Council requesting that this continue for 2016.

REPORT/PROPOSAL

Council’s fees and charges are advertised annually as part of Council’s Delivery Program and Operational Plan. Council can, without re-advertising, make minor amendments to its adopted fees and charges. Making the amendment to reduce a charge for a not for profit community group would not require the document to placed again on public exhibition. It is proposed that future fees and charges be amended to reflect this change.

OPTIONS

1. Accept the recommendation and amend the fees and charges
2. Amend the recommendation to amend the fees and charges to a different amount
3. Reject the recommendation and not change the fees and charges

CONSULTATION

• Nil

STRATEGIC LINKS

a. Community Strategic Plan 2013+

SOCIAL

2) Promote wellbeing, through health, education, recreation and culture for a healthy, vibrant and fulfilling life for our community.

7. Facilitate healthy lifestyles through participation by and in partnership with the community in sports and cultural activities.
b. Delivery Program
To promote and financially support cultural activities in the Shire and encourage civic pride.

c. Other Plans
Nil

IMPLICATIONS

a. Policy and Procedural Implications
Minor amendment to Council’s adopted Delivery Program and Operational Plan’s Fees & Charges.

b. Financial Implications
There would be minimal impact on Council’s budget.

c. Legislative Implications
Significant changes to Council’s adopted Fees & Changes would need to be placed on Public Exhibition for community comment. A small reduction of fees payable would not require public comment.

d. Risk Implications
All events require a risk evaluation to be undertaken prior to the event.

e. Other Implications
Nil

CONCLUSION
The recommendation is to amend Council’s Fees & Charges to include a gold coin charge per parent for the Toybox Service at Cassilis Hall and Settlement Halls.

ATTACHMENTS

1 Upper Hunter Community Services - Request to waive fees - Settlement Hall and Cassilis Hall

RESOLVED that Council amend the Fees & Charges for 2015/16 to include a gold coin donation per parent as its charges for Toy Box Outreach Services for Cassilis and Settlement Halls.

Moved: Cr D Peebles    Seconded: Cr R Campbell    CARRIED
19th November 2015

Attention: General Manager
Upper Hunter Shire Council
P.O. Box 2018
Scone NSW 2337

REQUEST TO WAIVER FEES - Settlement Hall & Cassilis Hall

I would like to ask council to approve the use of Settlement Hall and Cassilis Hall so Toy Box Children’s Mobile Outreach Service can continue to provide our services for the year 2016.

Toy Box is a not for profit community based organisation auspice through Upper Hunter Community Services. Toy Box services 13 venues in the Muswellbrook, Merriwa and Scone Shire. We offer 2 1/2 hrs of educational playgroup time for children aged 0-6 yrs. old. This is also a social get together for parents and their families living in the outer community.

I request that Council waive the hall hire fees for both Settlement and Cassilis to assist with the running of the Toy Box program. Parents have been asked to make a gold coin donation with each visit. This money will be collected and taken to Merriwa Council at the end of each Semester.

Kind Regards

Deborah Rowe
Toy Box Co-Ordinator

Aboriginal Family Services, Emergency Relief Options, Family Group Worker, Neighbourhood Services, Family Support Services, Youth Development Officer, Community Capacity Building Project, Hunter Park Family Centre, Muswellbrook Out of School Hours Care, Toybox
SUBJECT: SPONSORSHIP - UPPER HUNTER VETERANS GOLFERS ASSOCIATION

RESPONSIBLE OFFICER: Steve Pryor - Director Corporate & Community Services

AUTHOR: Shinead Taylor - Governance & Executive Support Officer

SUMMARY

This report will consider a request for sponsorship received from the Upper Hunter Veterans Golfers Association for their 2016 Week of Golf Tournament to be held in March.

RECOMMENDATION

That Council provide sponsorship of $200.00 to the Upper Hunter Veterans Golfers Association to assist with the running of their Week of Golf Tournament in March 2016.

BACKGROUND

Council has received a request for financial support from the Upper Hunter Veterans Golfers Association to assist with the running of their Week of Golf Tournament in March 2016.

Council has provided assistance in previous years to this event.

REPORT/PROPOSAL

Council has provided financial assistance to this event over a number of years under its donation policy. The annual tournament attracts golfers from NSW and interstate, many of whom tour the Upper Hunter during the week-long event.

It is proposed to continue to provide financial assistance to the levels previously provided.

OPTIONS

1) Accept the recommendation and provide sponsorship.
2) Reject the recommendation.

CONSULTATION

Council’s donation policy is available on the website.

STRATEGIC LINKS

a. Community Strategic Plan 2013+

SOCIAL
2) Promote wellbeing, through health education, recreation and culture for a healthy, vibrant and fulfilling life for our community.
b. Delivery Program

Facilitate healthy lifestyles through participation by and in partnerships with the community in sports and cultural activities.

c. Other Plans

Nil.

IMPLEMENTATIONS

a. Policy and Procedural Implications

The request fits within Council’s donation policy.

b. Financial Implications

The sponsorship of $200.00 is available within Council’s donation budget.

c. Legislative Implications

Nil.

d. Risk Implications

Nil.

e. Other Implications

Nil.

CONCLUSION

That Council provide sponsorship of $200.00 in line with funds made available in previous years.

ENCLOSURES

1. Upper Hunter Veteran Golfers Association - Veterans Week of Golf 2016 - Request for Sponsorship - 07/11/15

RESOLVED that Council provide sponsorship of $200.00 to the Upper Hunter Veterans Golfers Association to assist with the running of their Week of Golf Tournament in March 2016.

Moved: Cr L Driscoll  Seconded: Cr D Peebles  CARRIED
Mr. Waid Crockett,
General Manager
Upper Hunter Shire Council.

Re: Veterans Week of Golf 2016 – Sponsorship.

In March 2015 we held our twelfth Veterans Week of Golf on Muswellbrook Golf Course and it was again quite successful attracting some 80 veteran golfers, male and female, from all over NSW, two from Queensland and one from South Australia. The Upper Hunter Shire Council contributed to this success by giving sponsorship of $300 and we are asking if the Council might consider making a similar contribution towards next year’s tournament. The Muswellbrook Shire Council and a number of local businesses are also making contributions.

The event is being conducted on Muswellbrook Golf Course from Sunday 13th March (registration and practice) to Friday 18th March, with a Presentation Dinner on Thursday 17th March to which your Mayor (or his representative) is invited. All details of the tournament will be on the Muswellbrook Tourism web site.

Entry numbers are down on previous years, a general trend because of tighter economic conditions. Most of our entrants are pensioners. The position regarding caravan sites in Muswellbrook has not improved with our only caravan park, Stayover Village (formerly Pinaroo) having been mothballed and thus no longer available to us. Caravan sites at Muswellbrook showground are not available next year because of the timing of the Upper Hunter Show. With additional sites having been installed at the Lake Lidell Recreation Area, we are advertising it as an alternative caravan location. A number of caravanners use the Denman Van Village and sportsgrounds at Aberdeen.

Wednesday is a rest day and last year many used this time to explore the Upper Hunter visiting places of interest such as Coolmore, Darley and Emirates Park Studs Glenbawn Dam Park and local wineries. This opened the eyes of many of our visitors and a number indicated that they would return to the Upper Hunter to visit the many more interesting places in our district that they haven’t yet seen.

We are confident that this will be a successful tournament and hope that your local council might contribute to its success.

Yours faithfully,

Graham Guest (Hon. Sec.)
RESPONSES TO PREVIOUS QUESTIONS

RESPONSES TO COUNCILLORS’ QUESTIONS

RESPONSIBLE OFFICER:  Waid Crockett - General Manager

AUTHOR:  Robyn Cox - Executive Assistant

RECOMMENDATION

For notation only.

BACKGROUND

At the Ordinary meeting of Council on 23 November 2015 the following questions were asked:

Cr Deirdre Peebles

1. Asked for something to be done about updating residents’ addresses in Merriwa. There have been some issues with King George V Avenue and Muswellbrook Road which causes confusion, particularly for the elderly

   Response: The Manager Strategic Assets will be resolving the issue in early 2016 when GIS staff resources are available.

2. Asked about a turning lane at the corner of Golden Highway and Ida Ville Road.

   Response: The following response was received from RMS:

   RMS Network and Safety Services has investigated your request (on behalf of Upper Hunter Councillors and residents) to install turning lanes on the Golden Highway at Ida Ville Road.

   The Golden Highway Draft Corridor Strategy will be released in early 2016. Long term actions will include upgrading selected intersections on a prioritised basis to provide left and right turn bays. RMS will be seeking feedback on the Draft Corridor Strategy.

   Intersections will be prioritised by crash history, crash risk and road hierarchy (such as State roads and regional roads). Ida Ville Road has not been identified for upgrade funding in the short term.

   However, RMS does acknowledge residents’ concerns and complaints regarding the safety of the intersection and will place a priority on considering future funding for upgrade work. RMS will continually monitor the safety and efficiency of the intersection.

   Spray sealing works have recently been carried out on Ida Ville Road which has resulted in bitumen seal being tracked onto the highway and partially covering the line marking in both directions. RMS has arranged for the line marking to be reinstated next week on completion of the works by council.
Cr Ron Campbell

1. Asked for something to be done at Rotherwood Road following a washout where it goes into Rotherwood Homestead. The road is in a very bad pothole state.

   Response: The site has been inspected by Works Delivery staff and maintenance work programmed for mid December.

**ATTACHMENTS**

There are no enclosures for this report
COUNCILLORS’ QUESTIONS

Cr Deirdre Peebles

1. Asked about the leash-free areas in the Shire following a request from a resident who apparently wrote to Council with concerns and has not received a reply.

   Response: The Director Environmental Services advised that all areas are currently being reviewed.

Cr Ron Campbell

1. Asked for the table and shelter from the Bunnan Rest Area, which was recently repaired, be returned before the Christmas break.

   Response: The Director Infrastructure Services advised that this will be done.

Cr Peter Bishop

1. Asked about a submission sent to Council with photos regarding the turn off to Sterling Vale about 1 km north where there is a sweeping curve. The resident who made the submission has requested double lines and a sign.

   Response: The General Manager advised that he has forwarded the submission to the Director Infrastructure Services and it has been logged for following up.

CLOSED COUNCIL

RESOLVED that Council move into Closed Council with the press and public excluded in accordance with Section 10(2)(c) of the Local Government Act 1993.

Moved: Cr D Peebles  Seconded: Cr L Driscoll  CARRIED
CONFIDENTIAL REPORTS

CR.12.1  AUSTRALIA DAY 2016 - AWARDS

RESPONSIBLE OFFICER: Waid Crockett - General Manager

AUTHOR: Robyn Cox - Executive Assistant

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

PURPOSE

The purpose of this report is to ratify the recommendations made by the Scone & Aberdeen, Merriwa, and Murrurundi District Australia Day Committees for the 2015 Australia Day Awards and determine recipients of the Upper Hunter Shire Citizen and Young Citizen Awards.

DECLARATION OF INTEREST

Cr Lee Watts declared a Pecuniary Interest / Insignificant conflict for the reason that she is the Manager of a community group nominated for an award. Cr Watts left the Chamber and took no part in discussion or voting.

RESOLVED that Council:

1. Endorse the minutes of the meetings held by Aberdeen & Scone, Murrurundi and Merriwa District Committees.
2. Ratify the recommendations made by the District Committees;
3. Determine the following Upper Hunter Shire Australia Day Awards:
   a. Upper Hunter Shire Citizen of the Year
   b. Upper Hunter Shire Young Citizen of the Year

Moved: Cr D Peebles  Seconded: Cr R Campbell  CARRIED
CR.12.2  

**SCHOOL ACHIEVEMENT AND CREATIVE ARTS EXCELLENCE AWARDS**

*RESPONSIBLE OFFICER:* Steve Pryor - Director Corporate & Community Services  

*AUTHOR:* Kerri Cone - Manager Community Services

*This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.*

**PURPOSE**

The purpose of this report is to inform Council of the young people from Upper Hunter Shire nominated by their schools to receive the School Achievement Awards and Creative Arts Awards on Australia Day 2016.

**RESOLVED that Council:**

1. **Present the Upper Hunter Shire School Achievement Awards on Australia Day to:**  
   Merriwa Central School – Liam Cronin  
   Scone High School – Hayden Clark  
   Scone Grammar School – Sandra Salama  
   St Joseph’s High School - Nikki Hollingsworth

2. **a) Present the Upper Hunter Shire Creative Arts Awards on Australia Day to:**  
   Merriwa Central School – Matthew Orton  
   Scone High School – Braydon Walmsley  
   Scone Grammar School – Sophie Jenkins  
   **b) Present the Upper Hunter Shire Creative Arts Encouragement Award (in lieu of an eligible candidate for the Upper Hunter Shire Creative Arts Award) to:**  
   St Joseph’s Aberdeen – Ryan Gray

*Moved: Cr D Peebles  Seconded: Cr K Fisher  CARRIED*
CR.12.3  WORKS & TECHNICAL SERVICES COMMITTEE - CONFIDENTIAL MINUTES

RESPONSIBLE OFFICER:  Waid Crockett - General Manager

AUTHOR:  Robyn Cox - Executive Assistant

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RECOMMENDATION

That Council endorse the confidential minutes of the Works & Technical Services Committee meeting held on 8 December 2015.

RESOLVED that Council endorse the confidential minutes of the Works & Technical Services Committee meeting held on 8 December 2015.

Moved:  Cr R Campbell  Seconded:  Cr L Driscoll  CARRIED
RETURN TO OPEN MEETING

RESOLVED That the meeting move back into Open Council.

Moved: Cr D Peebles  Seconded: Cr R Campbell  CARRIED

Upon resuming Open Council the following recommendations were adopted:

RESOLVED that Council:

CR.12.1 AUSTRALIA DAY 2016 - AWARDS
1. Endorse the minutes of the meetings held by Aberdeen & Scone, Murrurundi and Merriwa District Committees.
2. Ratify the recommendations made by the District Committees;
3. Determine the following Upper Hunter Shire Australia Day Awards:
   a. Upper Hunter Shire Citizen of the Year
   b. Upper Hunter Shire Young Citizen of the Year

CR.12.2 SCHOOL ACHIEVEMENT AND CREATIVE ARTS EXCELLENCE AWARDS
1. Present the Upper Hunter Shire School Achievement Awards on Australia Day to:
   Merriwa Central School – Liam Cronin
   Scone High School – Hayden Clark
   Scone Grammar School – Sandra Salama
   St Joseph’s High School - Nikki Hollingsworth

2. a) Present the Upper Hunter Shire Creative Arts Awards on Australia Day to:
   Merriwa Central School – Matthew Orton
   Scone High School – Braydon Walmsley
   Scone Grammar School- Sophie Jenkins
   b) Present the Upper Hunter Shire Creative Arts Encouragement Award (in lieu of an eligible candidate for the Upper Hunter Shire Creative Arts Award) to:
   St Joseph’s Aberdeen – Ryan Gray

CR.12.3 WORKS & TECHNICAL SERVICES COMMITTEE – CONFIDENTIAL MINUTES
Endorse the confidential minutes of the Works & Technical Services Committee meeting held on 8 December 2015.

Moved: Cr D Peebles  Seconded: Cr R Campbell  CARRIED

THERE BEING NO FURTHER BUSINESS THE MEETING CLOSED AT 5.29PM.