



**muswellbrook  
shire council**

**Muswellbrook Shire Council**  
**ORDINARY COUNCIL MEETING**

**BUSINESS PAPER**  
**9 MAY 2017**



**ORDINARY COUNCIL MEETING, 9 MAY 2017**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
**MUSWELLBROOK**  
4 May, 2017

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **9 May, 2017** commencing at 6:00PM.

Steve McDonald  
**GENERAL MANAGER**

# Order of Business

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19.1	<p>CONTRACT NO.: 2016-2017-0271 SUPPLY AND DELIVERY OF A 6 X 4 10 CUBIC METRE TIPPER WITH TOW HITCH</p> <p><i>Item 19.1 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(I) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i></p>	
19.2	<p>Mangoola Coal Community Funding Investment Committee - 20/04/2017</p> <p><i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i></p>	
19.3	<p>Bengalla Mining Company Community Funding Investment Committee - 21/04/2017</p> <p><i>Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i></p>	
19.4	<p>MT ARTHUR COMMUNITY FUNDING INVESTMENT COMMITTEE - 20 MAY 2017, 2 MAY 2017 and 4 MAY 2017</p> <p><i>Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i></p>	
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**MUSWELLBROOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING**

**AGENDA  
TUESDAY 9 MAY 2017**

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

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

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING  
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **11 April 2017**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

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

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

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

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

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

- Significant
- Less than significant

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

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

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

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

Nil

**10 ENVIRONMENTAL SERVICES**

Nil

## 11 COMMUNITY INFRASTRUCTURE

<b>11.1 COMMUNITY INFRASTRUCTURE CONSTRUCTION WASTE MANAGEMENT STRATEGY 2017/18 TO 2020/21</b>
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<b>Attachments:</b>	<b>A. Construction waste management strategy - Community Infrastructure</b>
<b>Responsible Officer:</b>	<b>Neil Pope - Director, Community Infrastructure</b>
<b>Author:</b>	<b>Derek Finnigan - Manager, Works</b>
<b>Community Plan Issue:</b>	<b><i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i></b>
<b>Community Plan Goal:</b>	<b><i>That our community infrastructure is appropriate, sustainable and well maintained</i></b>
<b>Community Plan Strategy:</b>	<b><i>Ensure a safe and efficient road network with acceptable ride quality</i></b>

### PURPOSE

The report provides detail and an appended copy of the draft Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21, and seeks adoption of the strategic objectives contained within the Strategy to be adopted by Council.

### OFFICER'S RECOMMENDATION

**Council adopts the strategic objectives and implementation action plan listed in the attached 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21'.**

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

### BACKGROUND

The attached draft 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' formalises a suite of waste management avoidance, minimisation and management initiatives with the aim of consolidating a number of informal existing practices and targeted improvements. The aim is to improve the management of waste processes associated with construction and maintenance projects towards a best practice, continual improvement management system.

### CONSULTATION

A broad range of consultation has been carried out with internal stakeholders, including:

Director Community Infrastructure

Executive Manager Water and Waste

Sustainability Officer – Waste

Operations Manager – Water and Waste

Waste, Reuse, Environment and Operations Manager

Senior Technical Officer Waste

Manager Roads and Drainage

Works Engineer

Technical Officer – Continual Improvement

Enterprise Risk Management Officer

### **CONSULTATION WITH COUNCILLOR SPOKESPERSON**

A copy of the draft strategy document was provided to the Councillor Spokesperson for Infrastructure and the Councillor Spokesperson for Utilities and Sustainability for comment and feedback.

### **REPORT**

The appended 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' is an aspirational document consisting of two parts.

Part One details the specific strategic objectives to be carried out within the quadrennium 2017/18 to 2020/21. The strategies are:

1. Project design and planning to consider innovation in the elimination and minimisation of waste generation as a core component of the design and planning process;
2. Project Waste Minimisation and Management Plans to be established for all projects and contracts with an estimated value exceeding \$150,000;
3. Develop Widden unlicensed stockpile site so that it may store up to 1,000 tonnes of suitable, separated reuse road base material. Consider development of similar unlicensed stockpile site at a suitable location.
4. Improve waste separation methods for capital projects and operational works;
5. Procurement procedure to be reviewed to include consideration of suitable recycled products in procurement decision making, and in consideration of the following principles of sustainability:
  - a) Adopt practices to avoid unnecessary consumption and to manage demand;
  - b) In the context of whole-of-life value for money, select products and services which have lower environmental impacts across their lifecycle compared with competing products and services;
  - c) Support businesses and industry groups, particularly local businesses, that demonstrate innovation in sustainability and waste elimination;
6. Works section to increase utilisation of excavated waste material suitable for reuse through application on site and the carrying out of complementary works by twenty per cent over the four year period;
7. Develop and deliver appropriate, targeted staff training and education in waste elimination, minimisation and management principles and targets.

Part Two contains waste management information and guidelines intended to provide some practical guidance in the implementation of the strategic objectives and in the management of waste more generally.

It is intended that the success, relevance and implementation of the strategic objectives contained within this initial version of the Strategy will be monitored over the four year period. This is intended to be an iterative process based on the principles of best practice and continual improvement.

### **OPTIONS**

Council could choose to reject the appended 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' in its entirety or in part, and to either seek further information or suggest required improvements to the document.

### **CONCLUSION**

It is considered that this initial version of the 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' provides meaningful, achievable strategic objectives that will assist to formalise a number of existing informal practices and to target a number of improvements that will assist Council's aim of providing sustainability in its provision of services. This is regarded as an iterative process sensitive to the principles and processes of best practice and continual improvement. Therefore, it is considered that, through monitoring the success, relevance and implementation of the strategic objectives, the next version of the Strategy will be an improvement on this initial version. As a result, it is recommended that the strategic objectives described in the report be adopted by Council.

### **SOCIAL IMPLICATIONS**

The adoption of the strategic objectives detailed in the 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' demonstrates considerable leadership to industry and the community with regards to the importance of sound waste avoidance, minimisation and management principles and practices.

### **FINANCIAL IMPLICATIONS**

Implementation of the strategic objectives described in the report should provide considerable financial savings to Council through the improved reuse of suitable recovered road materials and in the continuing reduction of material being disposed to land fill.

### **POLICY IMPLICATIONS**

The draft 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' complies with the first key sustainability principle – *1. Operations that demonstrate sustainable environmental management* - stated in Council's draft Environmental Sustainability Policy.

### **STATUTORY IMPLICATIONS**

The appropriate management of waste detailed within the 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' has been drafted in consideration of ensuring compliance with the following legislative and policy framework:

- Protection of the Environment Operations Act 1997 (POEO Act);
- Protection of the Environment Operations (Waste) Regulation 2014;
- Waste Avoidance and Recovery Act 2001;
- NSW Waste Avoidance and Resource recovery Strategy 2014-21.

### **LEGAL IMPLICATIONS**

The adoption and implementation of the strategic objectives contained within the 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' and in implementing more generally the waste management information and guidelines contained within the Strategy will significantly reduce the risk of breaching relevant waste management and environmental legislation.

**OPERATIONAL PLAN IMPLICATIONS**

The submission of the draft 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' complies with the following sections of the Operational Plan:

4.10.02.1 a) Develop construction waste management strategy and recommend actions for next quadrennium based on NPV analysis.

4.10.02.2 b) 4 year construction waste management prioritised action plan draft program and budget developed.

**RISK MANAGEMENT IMPLICATIONS**

The adoption and implementation of the strategic objectives contained within the 'Community Infrastructure Construction Waste Management Strategy 2017/18 to 2020/21' will enhance Council's reputation within the community and the industry generally, and will demonstrate leadership in the area of sustainable service delivery.

The risk of breaching relevant waste management and environmental legislation will be significantly reduced by implementing the waste management information and guidelines contained within the Strategy.

Successful implementation of the reuse of suitable recovered road materials generated by Community Infrastructure works will reduce Council's financial risk through reduced project capital and operational costs, and in the reduction of waste being disposed to land fill.



# **muswellbrook shire council**

## **COMMUNITY INFRASTRUCTURE CONSTRUCTION WASTE MANAGEMENT STRATEGY**

**2017/18 – 2020/21**

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**PART 1**

- i. KEY STRATEGIES FOR THE QUADRENNIUM 2017/2018 to 2020/2021**
- ii. ACTION PLAN FOR IMPLEMENTATION OF KEY STRATEGIES**

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**i. KEY STRATEGIES AND OBJECTIVES FOR THE QUADRENNIUM 2017/18 – 2020/21**

A number of key waste management strategies and objectives will be implemented over the course of the quadrennium 2017/18 – 2020/21. The key strategies and objectives include the following:

**1. Project design and planning to consider innovation in the elimination and minimisation of waste generation as a core component of the design and planning process.**

Target: 10% reduction in waste generated through the design and planning process over the four year period.

Estimate of required budget: No additional budget required.

*The measurable objective of this strategy will be a ten per cent reduction in material generated as waste from Community Infrastructure construction projects over the four year period.*

*Introduce detailed, integrated waste management planning to avoid waste generation in the design and procurement phases through encouraging design that eliminates or minimises waste. Incorporate use of suitable re-use or recycled products in the design process wherever possible. Consider the use of materials which result in reduced waste or are more easily recyclable in contract specifications.*

*Post-construction, review success of the contribution of project design in the elimination or reduction of waste generated from the project. Discuss and analyse the success and opportunities for improvement in waste management after the construction project is completed to capture explicit and tacit lessons learned to apply to future project designs.*

**2. Project Waste Minimisation and Management Plans to be established for all projects and contracts with an estimated value exceeding \$150,000.**

Target: 100% of construction projects with a value exceeding \$150,000 to require a Project Waste Minimisation and Management Plan within the four year period.

Estimate of required budget: No additional budget required.

*Project Waste Minimisation and Management Plans should consider and establish realistic, achievable targets for waste minimisation through the construction phase of a project. This will involve careful planning of the construction phase in relation to logistics, handling, and arrangements for material separation. Minimisation targets may be proportional, for example, if 100 tonnes of material is used in a project, less than 10% of this volume should be generated as waste. This will be determined on a project by project basis.*

*Targets for waste minimisation should be included in each project Waste Minimisation and Management Plan, and should also detail how the targets will be achieved. This will include targets for ensuring the appropriate separation of waste materials.*

*Post-construction, review project implementation and design in order to determine improvements, from lessons learned through the construction process, that may be accomplished through the design process so that an environment of continual improvement is attained. The review should also ensure that any waste management initiative or action considers the impact on other sustainability issues, such as water and energy use, run off from site, emissions, etc.*

**3. Develop Widden unlicensed stockpile site so that it may store up to 1,000 tonnes of suitable, separated reuse road base material. Consider development of similar unlicensed stockpile site at a suitable location.**

Target:	Two new unlicensed stockpile sites, with accompanying Stockpile Management Plan for each site, established within the four year period.
Estimate of required budget:	\$5,000 in 2018-2019, and \$5,000 in 2019-2020. It may also be possible to fund the development of these sites through discrete project and operational budgets.

*Reduced transport costs associated with the haulage of road base material will have the impact of reducing overall construction costs. Each stockpile site will require a discrete site stockpile management plan.*

*The target will be to reduce the stockpiling of material at the Muswellbrook Waste Management Facility from works of this nature by 40 per cent over the four year period.*

*Note: Stockpile sites stockpiling material in excess of 1,000 tonnes require an EPA licence (POEO Act 2014).*

**4. Improve waste separation methods for capital projects and operational works.**

Target:	90% of all waste generated from projects and operational works to be appropriately separated prior to stockpiling for re-use, recycling or disposal.
Estimate of required budget:	No additional budget required.

*Improving the separation of wastes into their separate classes for disposal and recycling will reduce the costs associated with these tasks. Each project or operational activity that is expected to generate waste should include consideration of the means by which waste will be separated for disposal or recycling.*

*For projects whose value exceeds \$150,000, separation of wastes will be a component of the overall Project Waste Minimisation and Management Plan.*

**5. Procurement Procedure to be reviewed to include consideration of suitable recycled products in procurement decision making, and in consideration of the following principles of sustainability:**

- a) Adopt practices to avoid unnecessary consumption and to manage demand;**
- b) In the context of whole-of-life value for money, select products and services which have lower environmental impacts across their lifecycle compared with competing products and services;**
- c) Support businesses and industry groups, particularly local businesses, that demonstrate innovation in sustainability and waste elimination.**

Target: 10% increase in use of recycled products over the four year period.

Estimate of required budget: No additional budget required.

*Review of purchasing policy and procedure to include consideration of any major waste streams being produced, and if there is a procurement solution available that would have the effect of, over time, reducing the volume of waste generated.*

*The support of businesses and industry groups that demonstration successful innovation in sustainability and waste elimination or reduction could be reflected in tender or quotation evaluation criteria. This will also include the principle of plant procurement and hire considering the elimination or reduction of emission and waste generation in decision making.*

**6. Works section to increase utilisation of excavated waste material suitable for reuse through application on site and the carrying out of complementary works by twenty per cent over the four year period.**

Target: Over the four year period, a twenty per cent reduction in suitable excavated re-use material stockpiled at licensed or unlicensed stockpile sites.

Estimate of required budget: No additional budget required.

*This strategy will have the net effect of reducing material transported to stockpile by twenty per cent over the four year period, and will result in a reduction in operational expenditure through a reduction in double handling costs and through achievements gained in the carrying out of complementary works.*

*An example of how this would be achieved in the field would be if a road rehabilitation project was being carried out at Kayuga Road, a second team would be established at Dorset Road, carrying out maintenance grading works, to immediately utilise any excess excavated material suitable for reuse rather than transporting the material to stockpile. 100% of local unsealed roads that are not through roads will utilise suitable re-use material in the carrying out of maintenance grading and gravel resheeting works.*

**7. Develop and deliver appropriate, targeted staff training and education in waste elimination, minimisation and management principles and practices.**

Target: 100% of relevant staff trained and inducted within two year period; thereafter, the training and induction will be absorbed into routine training and induction processes.

Estimate of required budget: No additional budget required.

*'Site training of workers is considered to be the key issue to ensure the operation of a successful waste management program on site (Wilson, Kitmore & Seydel, Queensland University of Technology)'. Educate and inform staff about the reasons for waste elimination and reduction in general, and provide training in practices that support this. These principles and practices to be included in staff inductions and probationary reviews.*

*In consultation with Council's Sustainability unit, in order to ensure currency of training and practice, conduct annual review of waste data, waste minimisation plans, initiatives, best practice, etc.*



## ii. ACTION PLAN FOR IMPLEMENTATION OF KEY STRATEGIES

Strategy	2017-2018	2018-2019	2019-2020	2020-2021
1. Works section to increase utilisation of excavated waste material suitable for reuse through application on site and the carrying out of complementary works by twenty per cent over the four year period.	5% reduction in stockpiled re-use material.	10% reduction in stockpiled re-use material.	15% reduction in stockpiled re-use material.	20% reduction in stockpiled re-use material.
2. Project design and planning to consider innovation in the elimination and minimisation of waste generation as a core component of the design and planning process.				10% reduction in waste generated (resulting from improvements in the design and planning process).
3. Project Waste Minimisation and Management Plans to be established for all projects and contracts with an estimated value exceeding \$150,000.				100% of projects and contracts with a value exceeding \$150,000 to have in place a Project Waste Minimisation and Management Plan.
4. Develop Widden unlicensed stockpile site so that it may store up to 1,000 tonnes of suitable, separated reuse road base material. Consider development of similar		Development of Widden unlicensed stockpile site and establishment of Stockpile Management Plan.	Development of additional unlicensed stockpile site and establishment of Stockpile Management Plan.	

Strategy	2017-2018	2018-2019	2019-2020	2020-2021
unlicensed stockpile site adjacent to the intersection of Martindale Road and Bureen Road or at other suitable locations as designated.				
5. Improve waste separation methods for capital projects and operational works.			90% of all waste generated from projects and operational works to be appropriately separated prior to stockpiling for re-use, recycling or disposal.	
6. Procurement Procedure to be reviewed to include consideration of suitable recycled products in procurement decision making.		5% increase in use of recycled products.		10% increase in use of recycled products.
7. Develop and deliver appropriate, targeted staff training and education in waste elimination, minimisation and management principles and practices.	50% of relevant staff trained and inducted.	100% of relevant staff trained and inducted.	100% of relevant staff trained and inducted.	100% of relevant staff trained and inducted.

## **PART 2**

### **WASTE MANAGEMENT INFORMATION AND GUIDELINES**

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## 1. INTRODUCTION

Muswellbrook Shire Council is committed to reducing its waste generation and resource consumption.

Options for the management of waste generated from construction works are identified in accordance with the following waste management hierarchy:

- i. Waste avoidance;
- ii. Re-use on site;
- iii. Re-use off site;
- iv. Disposal.

Muswellbrook Shire Council's construction and maintenance activities often involve the management of significant quantities of waste materials. Activities such as earthworks, road pavement construction and rehabilitation, and day to day operations all generate wastes that must be appropriately managed.

The generation of these types of wastes has the potential to cause adverse environmental impacts. These include the pollution of air and water, contamination of land and groundwater, and the loss of productive land use at landfill sites. Good waste management practices help minimise these impacts and in many cases also reduces the costs associated with road construction and maintenance, and water and sewer infrastructure activities.

Muswellbrook Shire Council is committed to reducing the environmental footprint of its activities and to comply with its environmental legislative obligations. These commitments extend to the management of waste from road construction and maintenance, and water and sewer infrastructure activities.

### 1.1 What is waste?

In NSW, waste has a very broad definition and includes materials that are intended for disposal as well as materials that are intended to be reused or recycled. The NSW Protection of the Environment Operations Act 1997 (POEO Act) defines waste as:

- a) Any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, consistency or manner as to cause an alteration in the environment;
- b) Any discarded, rejected, unwanted, surplus, or abandoned substance;
- c) Any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or recycling, processing, recovery or purification by a separate operation from that which produced the substance;
- d) Any processed, recycled, reused or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations; or
- e) Any substance prescribed by the regulations to be waste.

Most commonly in the context of Muswellbrook Shire Council construction projects, material becomes waste because it meets the definition in b) above,

being material which is unwanted or surplus to the needs of the project. This is determined at the point of generation. This means that if material is excess or of no further use, it may be legally considered to be waste even if a third party may want the material for another use.

### 1.2 Why is the appropriate management of waste important?

Implementing good waste management practices across Muswellbrook Shire Council's operations is required to:

- Ensure Muswellbrook Shire Council complies with all statutory requirements relating to waste management, including requirements for licensing, waste treatment and/or disposal;
- Reduce the impact of Muswellbrook Shire Council's operations on the environment by reducing the consumption of resources (including materials, energy and water), maximising the recovery of materials for reuse, and reducing the quantity and improving quality of residues requiring disposal. For example, Council's Water and Waste section optimises the use of chemicals at the Water Treatment Plants in order to reduce backwash and waste volumes. An example of this occurring is the use of lime in the evaporation ponds;
- Reduce the risk to the community associated with waste generation and disposal practices;
- Promote cost savings through reduced raw material consumption and reduced waste disposal costs;
- Protecting, maintaining or enhancing the productivity of land where waste is stored or disposed;

### 1.3 Waste definitions

(Source: 'Technical guide: management of road construction and maintenance wastes', Roads and Maritime Services, June 2016)

Waste item	Definition
Asbestos	<p>Means the fibrous form of those mineral silicates that belong to the serpentine or amphibole groups of rock-forming minerals, including actinolite, amosite (brown asbestos), anthophyllite, chrysotile (white asbestos), crocidolite (blue asbestos) and tremolite.</p> <p>There are two types of asbestos:</p> <ol style="list-style-type: none"> <li>1. <u>Bonded asbestos</u>: Means any material (other than friable asbestos material) that contains asbestos (for example, fibro, asbestos cement sheeting, asbestos water or drainage pipes).</li> <li>2. <u>Friable asbestos</u>: Means any material that contains asbestos and is in the form of a powder when or can be crumbled, pulverised or reduced to powder by hand pressure when dry.</li> </ol>

Waste item	Definition
Asbestos waste	Means any waste that contains asbestos.
Building and demolition waste	<p>Means unsegregated material (other than material containing asbestos waste or liquid waste) that results from:</p> <ul style="list-style-type: none"> <li>▪ The demolition, erection, construction, refurbishment or alteration of buildings other than: <ol style="list-style-type: none"> <li>1. Chemical works, or</li> <li>2. Mineral processing works, or</li> <li>3. Container reconditioning works, or</li> <li>4. Waste treatment facilities, or</li> </ol> </li> <li>▪ The construction, repair or alteration of infrastructure development such as roads, tunnels, sewage, water, electricity, telecommunications and airports,</li> <li>▪ And includes materials such as: <ol style="list-style-type: none"> <li>1. Bricks, concrete, paper, plastics, glass, metal, and</li> <li>2. Timber, including unsegregated timber, that may contain timber treated with chemicals such as coppwe chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP).</li> </ol> </li> </ul> <p>Note: Building and demolition waste does not include excavated soil (for example, soil excavated to level off a site prior to construction or to enable foundations to be laid or infrastructure to be constructed).</p>
Dangerous goods	Goods that meet the definition of a 'dangerous good' within the meaning of the Australian Code for the Transport of Dangerous Goods by Road and Rail.
Excavated natural material	<p>Naturally occurring rock and soil (including but not limited to materials such as sandstone, shale, clay and soil) that has:</p> <ol style="list-style-type: none"> <li>a) Been excavated from the ground, and</li> <li>b) Contains at least 98% (by weight) natural material, and</li> <li>c) Does not meet the definition of Virgin Excavated Natural Material in the Protection of the Environment Operations Act 1997 ('POEO Act').</li> </ol> <p>Excavated natural material does not include material that has been processed or contains acid sulphate soils (ASS) or potential acid sulphate soils (PASS).</p>
Excavated public road material	Relates to the reuse of road construction materials under the NSW Environment Protection Authority's ('EPA') excavated public road material resource recovery order and exemption 2014. Excavated public road material is rock, soil, sand, bitumen, reclaimed asphalt pavement, gravel, slag from iron and steel manufacturing, fly and bottom ash, concrete, brick, ceramics and materials that hold a resource recovery order for use in road making activities, and that have been excavated

Waste item	Definition
	<p>during the construction and maintenance of Council and Roads and Maritime Services (RMS) public roads and public road infrastructure facilities.</p> <p>Excavated public road material does not include any waste that contains coal tar or asbestos, or any waste that is classified as hazardous, restricted solid, special or liquid waste as defined by the POEO Act and the EPA's Waste Classification Guidelines.</p>
Garden waste	Means waste that consists of branches, grass, leaves, plants, loppings, tree trunks, tree stumps and similar materials, and includes any mixture of those materials.
Raw mulch	<p>Relates to the re-use of raw mulch under the EPA's raw mulch resource recovery exemption and order 2014. Raw mulch is plant material that by virtue of the nature and source of the material poses minimal risk of the presence of plant propagules, pathogens and other contaminants.</p> <p>Such materials may be shredded and/or screened to a preferred particle size grading for particular applications. Raw mulch only includes:</p> <ul style="list-style-type: none"> <li>a) Horticultural barks, leaf mulch and wood chip mulch produced from forestry and sawmill residues, and urban wood residues; and</li> <li>b) Branches, tree stumps and bark that are absent of leaves, flowers, fruit and plant propagules.</li> </ul>
Reclaimed asphalt pavement	An asphalt matrix which was previously used as an engineering material and which must not contain a detectable quantity of coal tar or asbestos.
Resource recovery exemptions	Resource recovery exemptions are granted by the EPA where the land application or use as fuel of a waste material is a genuine, fit for purpose, reuse of the waste rather than another path to waste disposal. An exemption applies to the user of the material, and facilitates the use of these waste materials outside of certain requirements of the waste regulatory framework.
Resource recovery orders	Resource recovery orders are granted by the EPA where the land application or use as fuel of a waste material is a genuine, fit for purpose, reuse of the waste rather than another path to waste disposal. Resource recovery orders apply to the generators of materials, and include conditions which generators and processors of waste must meet to supply the waste for land application, use as fuel or in connection with a process of thermal treatment. They may include specifications, record-keeping, reporting and other requirements.
Recovered aggregates	Relates to the re-use of recovered aggregates under the EPA's recovered aggregate resource recovery exemption and order 2014. Recovered aggregates are material comprising of

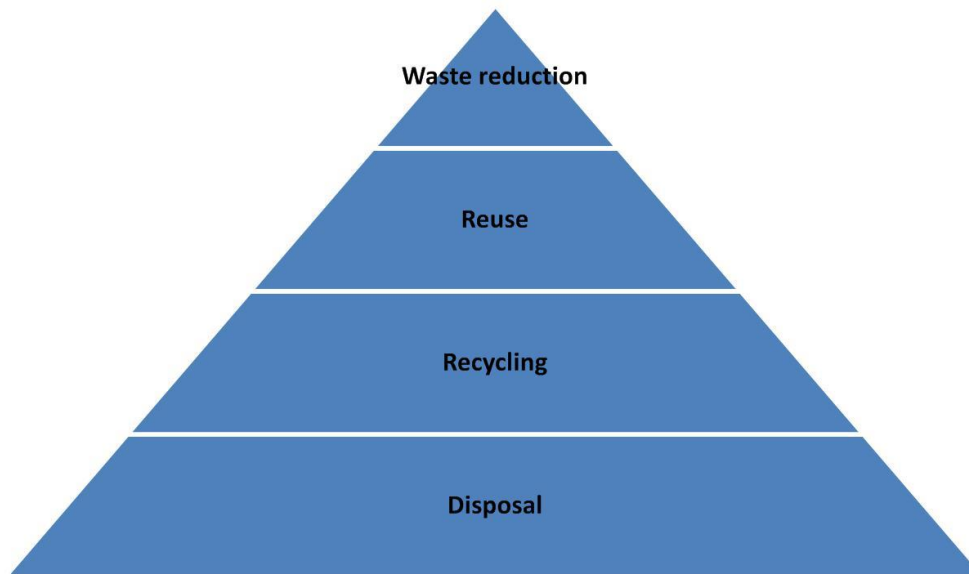


Waste item	Definition
	concrete, brick, ceramics, natural rock and asphalt processed into an engineered material. This does not include refractory bricks or associated refractory materials, or asphalt that contains coal tar.
Virgin excavated natural material	Virgin excavated natural material means material (such as clay, gravel, sand, soil or rock fines): <ul style="list-style-type: none"> <li>▪ That has been excavated or quarried from areas that are not contaminated with manufactured chemicals or process residues, as a result of industrial, commercial, mining or agricultural activities, and</li> <li>▪ That does not contain sulfidic ores or soils, and</li> <li>▪ That includes excavated natural material that meets such criteria for virgin excavated natural material as may be approved for the time being pursuant to an EPA gazettal notice.</li> </ul>
Waste tyres	Means used, rejected or unwanted tyres, including casings, seconds, shredded tyres or tyre pieces.
Wood waste	Means sawdust, timber off cuts, wooden crates, wooden packaging, wooden pallets, wood shavings and similar materials, and includes any mixture of those materials, but does not include wood treated with chemicals such as copper chrome arsenate (CCA), high temperature creosote (HTC), pigmented emulsified creosote (PEC) and light organic solvent preservative (LOSP).

#### 1.4 Waste hierarchy for pavement materials

The typical objectives of waste reduction, reuse and recycling strategies and associated legislation are to:

- Encourage the most efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development.
- Ensure that resource management options are considered against a hierarchy of the following order:
  - i. Avoidance of unnecessary natural resource consumption;
  - ii. Resource recovery (including reuse, reprocessing, recycling and energy recovery);
  - iii. Disposal.
- Provide for the continual reduction in waste generation in order to minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the reuse and recycling of waste.



**Figure 1.4: Waste hierarchy for pavement materials**

The following examples of each level in the waste hierarchy depicted in Figure 1.4 illustrate their application to pavements:

1. Waste reduction and avoidance.

This is not only about the economic use of materials during construction but also pavement design, maximising pavement life and minimising pavement maintenance. Waste reduction also includes minimising the amount of material that needs to be excavated and managed.

2. Reuse.

A common way of reusing an existing pavement is to overlay or resurface it. This takes advantage of the residual strength of the existing material without incurring the cost of its removal.

Where possible, the reuse of excavated materials within the project site is to be maximised. This reduces the need to import materials onto the site, reduces the need to find off-site re-use or disposal locations and the associated materials handling and transport issues, reduces fuel use and minimises the project footprint.

3. Recycling.

The highest quality, and most expensive, materials are generally located in the upper layers of pavements. Usually, recycling the uppermost layer makes best use of a recycled pavement material's residual properties and results in the greatest savings. An examination of life cycle costs, and the total energy used in recycling, is recommended to assist in choosing the optimum process.

4. Disposal.

Dumping of pavement materials into landfill is the least preferred option as it takes least advantage of the residual properties of the pavement materials; replacement with new materials is also generally necessary.

## **2. THE LEGISLATIVE AND POLICY FRAMEWORK**

The NSW Environment Protection Authority (EPA) administers the majority of NSW legislation relating to the management of waste.

A summary of some of the key waste management legislation and its implications is provided below. This information is included as a guide only, and should not be considered to be exhaustive.

### **2.1 Protection of the Environment Operations Act 1997 (POEO Act)**

The Protection of the Environment Operations Act 1997 (POEO Act) promotes mechanisms which aim to protect the environment, reduce risks to human health and prevent environmental degradation. Major features of the legislation include that the POEO Act:

- Specifies requirements for licences and the regulation of various activities that have the potential to pollute or harm the environment;
- Provides for the issuing of clean-up notices, prevention notices and prohibition notices;
- Creates various environmental offences and penalties;
- Allows for mandatory audits and provides authorised officers with the power to undertake investigations;
- Specifies requirements for licensing, approvals, notices, waste tracking, and offences and penalties.

### **2.2 Waste Avoidance and Recovery Act 2001**

The Waste Avoidance and resource Recovery Act 2001 (WARR Act) promotes waste avoidance and resource recovery by developing waste avoidance and resource recovery strategies and programs. Key objectives of the WARR Act are to:

- Encourage the efficient use of resources and to reduce environmental harm in accordance with the principles of ecologically sustainable development;
- Ensure that resource management options are considered against the waste management hierarchy;
- Provide for the continual reduction in waste generation;
- Minimise the consumption of natural resources and the final disposal of waste by encouraging the avoidance of waste and the re-use and recycling of waste;
- Sets the preferred hierarchy for the management of waste and provides for the development of the NSW Waste Avoidance and Resource Recovery Strategy which in turn specifies overall state targets for materials reuse and recovery;

**2.3 Protection of the Environment Operations (Waste) Regulation 2014**

This regulation sets out provisions around the way waste is managed in terms of reuse storage and transportation as well as reporting and record keeping requirements for waste facilities. It also provides for:

- Setting special requirements for the management of certain special wastes including asbestos;
- Payment of waste contributions (also referred to as a waste and environment levy) by the occupiers of licensed waste facilities for each tonne of waste received at the facility or generated in a particular area;
- Establishment of volume or tonnage of material to be permitted at any discrete stockpile site, this being either 1,000 m<sup>3</sup> or 1,000 tonnes of material, whichever is the lesser amount;

**2.4 NSW Waste Avoidance and Resource Recovery Strategy 2014-21**

The NSW Waste Avoidance and Resource Recovery Strategy 2014-21 (Waste Strategy 2014) targets the following six key result areas:

- Key Result Area 1: Avoid and reduce waste generation;
- Key Result Area 2: Increase recycling;
- Key Result Area 3: Divert more waste from landfill;
- Key Result Area 4: Manage problem wastes better;
- Key Result Area 5: Reduce litter;
- Key Result Area 6: Reduce illegal dumping.

The targets in the Waste Strategy 2014 form the basis of waste and recycling targets for construction and maintenance activities.

### 3. RESOURCE RECOVERY EXEMPTIONS AND ORDERS

#### 3.1 What are resource recovery exemptions and orders?

Resource recovery exemptions and resource recovery orders are granted by the NSW Environment Protection Authority (EPA) where the land application of a waste material is a genuine, fit for purpose reuse of the waste rather than an alternative path to waste disposal. An exemption and corresponding order facilitates the use of these waste materials outside of certain requirements of the waste regulatory framework.

There are conditions attached to orders and exemptions that must be complied with. These conditions include sampling and testing requirements, chemical contaminant thresholds, use restrictions and record-keeping requirements.

#### 3.2 What types of exemptions and orders are available?

The EPA issues both general and specific resource recovery exemptions and orders. A general exemption and order can be issued for commonly recovered, high-volume and well-characterised waste materials. These exemptions and orders may be used by anyone, without seeking approval from the EPA, provided the generators, processors and consumers fully comply with the conditions they impose.

A list of all current exemptions is available from the EPA website at [www.epa.nsw.gov.au/wasteregulation/recovery-exemptions.htm](http://www.epa.nsw.gov.au/wasteregulation/recovery-exemptions.htm).

The following general resource recovery exemptions are of most relevance to Muswellbrook Shire Council infrastructure construction projects:

- Excavated natural material ( [www.epa.nsw.gov.au/resources/waste/rre14-excavated-natural-material.pdf](http://www.epa.nsw.gov.au/resources/waste/rre14-excavated-natural-material.pdf) )
- Excavated public road material ( [www.epa.nsw.gov.au/resources/waste/rre14-public-road.pdf](http://www.epa.nsw.gov.au/resources/waste/rre14-public-road.pdf) )
- The pasteurised garden organics order 2016 ( [www.epa.nsw.gov.au/resources/wasteregulation/RRO16-garden-organics.pdf](http://www.epa.nsw.gov.au/resources/wasteregulation/RRO16-garden-organics.pdf) )
- The pasteurised garden organics exemption 2016 ( [www.epa.nsw.gov.au/resources/wasteregulation/RRE16-garden-organics.pdf](http://www.epa.nsw.gov.au/resources/wasteregulation/RRE16-garden-organics.pdf) )
- Raw mulch ( [www.epa.nsw.gov.au/resources/wasteregulation/RRE16-mulch.pdf](http://www.epa.nsw.gov.au/resources/wasteregulation/RRE16-mulch.pdf) ). The NSW Environment Protection Authority's 'Guidance on the resource recovery order and exemption for mulch' is a companion document available at <http://www.epa.nsw.gov.au/resources/wasteregulation/guidance-resource-recovery-order-and-mulch-exemption-20160420.pdf>.
- Reclaimed asphalt pavement ( [www.epa.nsw.gov.au/resources/waste/rre14-reclaimed-asphalt.pdf](http://www.epa.nsw.gov.au/resources/waste/rre14-reclaimed-asphalt.pdf) )
- Recovered aggregate ( [www.epa.nsw.gov.au/resources/waste/rre14-aggregate.pdf](http://www.epa.nsw.gov.au/resources/waste/rre14-aggregate.pdf) )



**3.3 What is the difference between a resource recovery order and a resource recovery exemption?**

Under the provisions of the 2014 Waste Regulation, the EPA issues two separate documents: a resource recovery order and a resource recovery exemption.

**Resource recovery orders – conditions for generators and processors**

Resource recovery orders include conditions which generators and processors of waste must meet to supply the waste for land application, use as fuel or in connection with a process of thermal treatment. They may include specifications, record-keeping, reporting and other requirements. All resource recovery orders are made under clause 93 of the 2014 Waste Regulation.

**Resource recovery exemptions – conditions for consumers**

Resource recovery exemptions contain the conditions which consumers must meet to apply waste to land, or use the waste as fuel or in connection with a process of thermal treatment outside certain requirements of the waste regulatory framework. They may include requirements on how to re-use or apply the waste, and record-keeping, reporting and other requirements. All resource recovery exemptions are made under clauses 91 and 92 of the 2014 Waste Regulation.

**Applying for an exemption**

Where no resource recovery order or resource recovery exemption is currently available for the intended use of a waste material, an application can be made to the EPA in accordance with the guidelines on resource recovery exemptions. Enquiries can be made by contacting Environment Line on 131 555 (Source: 'How to apply for a resource recovery order and exemption, *NSW Environment Protection Authority* <http://www.epa.nsw.gov.au/wasteregulation/apply-exemption.htm> ).

**3.4 Section 143 Notices**

Under section 143 of the POEO Act it is an offence if waste is transported to a place that cannot lawfully be used as a waste facility for that waste; this includes waste transported for temporary or permanent storage (including stockpiling), even where the landowner of the property has given their consent for the waste storage.

A duly completed and signed notice under Section 143(3A) of the POEO Act ("s. 143 Notice") must be received prior to transporting wastes generated by Muswellbrook Shire Council to a place that is not owned by Muswellbrook Shire Council and is not a licensed waste facility (the Muswellbrook Waste Management Facility).

A Section 143 notice is not required for wastes transported to licensed waste facilities.

#### 4. PROJECT PLANNING

It is important to understand the framework for the management of waste in NSW so that this knowledge can be applied in the planning, design and construction phases of road and other infrastructure projects. This framework consists of waste management principles and regulatory requirements.

##### 4.1 Waste management principles

Muswellbrook Shire Council endeavours to manage waste in order to conserve resources and reduce impacts associated with waste disposal. The waste management hierarchy is a guide for prioritising waste management practices to achieve these objectives. This hierarchy was established under the Waste Avoidance and Resource recovery Act 2001. It sets out the preferred order of waste management practices from the most preferred to least preferred as follows;

<b>Waste Avoidance</b>	Take action to firstly avoid the generation of waste and to be more efficient in its use of resources. If unable to avoid generating waste, then reduce the amount of waste generated and reduce the toxicity or potential harm associated with its generation and management.
<b>Resource Recovery</b>	Maximise the reuse, reprocessing, recycling and recovery of energy from materials.
<b>Disposal</b>	Disposal is the least desirable option and must be carefully handled to minimise negative environmental outcomes.

##### 4.2 Construction project waste contingency planning

Pre-construction estimates of the volume of surplus material to be generated by a project are often exceeded. One of the main reasons for this occurring is that the quality of the sub-surface ground conditions is only able to be well understood once construction earthworks commence. As a result, materials that were expected to be re-used for engineering purposes can be found to be unsuitable (for example, soils are found to be too wet to be compacted for use in embankment construction).

**Waste avoidance:** Avoid the generation of waste through road design. For example, adjusting the road alignment to avoid cut areas that require excavation (if excavated material is not required at a fill location within the project site).

**Resource recovery:** Where excess excavated material is generated, reuse on site first before considering beneficial re-use locations outside the project site. For example, transport the excavated material to a nearby unsealed road where maintenance grading works have been concurrently scheduled to maximise project efficiency and minimisation of costs.

**Disposal:** As a last resort, transport excavated material to the Muswellbrook Waste Management Facility for disposal. This will significantly increase the costs of the project.

An estimate of the total volume of surplus material to be generated by the project should be made, and should include identification as to how this material will be managed in compliance with the waste management hierarchy.



Project contingency planning should cover the possibility of additional surplus material being excavated, and should identify contingency sites where additional volumes of surplus material can be managed. If project contingency planning does not identify all potential sites where surplus material may be permanently re-used or temporarily stored, there is the potential for significant project delays during the construction stage while supplementary sites are sought.

Ideally, contingency planning should:

- Where possible, estimate the additional volume of surplus material that may need to be managed.
- Build in contingency by considering as many options as possible to beneficially re-use materials so as to allow for flexibility during the construction phase of the project
- Identify a range of potential sites both within the project boundary and off-site that could be used for the permanent reuse or temporary storage of additional volumes of material.
- Identify possible detailed road design changes that could be made that will allow for the beneficial re-use of additional surplus material (for example, changes to road batters).

#### **4.3 Accepted beneficial reuses of waste**

In assessing permanent re-use options, the concept of beneficial reuse is to be applied. Beneficial reuse is where the land application of the material is a genuine, fit for purpose re-use of the waste rather than another path to waste disposal.

If waste materials, such as excavated natural material, is managed entirely on a construction/maintenance project worksite at all times, it is generally not considered as waste under the relevant legislation, and is therefore suitable for re-use.

If material is waste, and is intended to be beneficially reused off the construction/maintenance project worksite, it can only be reused if it complies with a resource recovery order and exemption, or if the reuse site has an environment protection licence to accept the subject waste.

#### **4.4 Waste management plans**

The objective of a waste management plan is to ensure that wastes are properly managed during construction in a manner that is consistent with the principles of avoidance, reduction, reuse and recycling.

When developing and implementing a construction waste management plan the following key points should be considered:

- 1. Waste streams:** Identify which waste streams are likely to be generated and estimate the approximate amounts of material.

Undertake inventory of materials that can be reused, recycled or recovered from the construction project site:

- Specific types of materials;
- Amount of material expected;

- Condition and separation of materials: Clean, appropriately separated material is easier and more cost effective to recycle;
- Possible contamination by hazardous materials such as asbestos or lead. These materials will limit reuse/recycling options and require special disposal.

2. **Focus on waste avoidance:** Instead of managing the waste once it has been generated, look at ways to avoid the generation of that waste in the first place.

There are a number of approaches which can help to minimise the amount of waste generated by a project, including:

- Project design and specification to consider elimination or minimisation of waste generation as a core component of the design process;
- Use of modular components, for example, headwalls and drainage pits. Prefabrication of construction components off-site can significantly reduce wastage on-site;
- Procurement/purchasing. Avoid waste by specifying exact requirements and minimise packaging and ask suppliers to take back packaging and unused materials, such as pallets, etc.;
- Appropriate storage and management of materials on-site will minimise damage from weather or machinery, eliminating the need for the purchase of replacement materials and waste generation.

3. **On-site:** Understand how the waste management system will work on site, including bin placement and access.
4. **Clearly assign and communicate responsibilities:** Ensure that those involved in the construction are aware of their responsibilities in relation to the construction waste management plan.
5. **Engage and educate personnel:** Be clear about how the various elements of the waste management plan will be implemented and ensure personnel have an opportunity to provide feedback on what is/isn't working.
6. **Monitor:** Monitor on site to ensure the plan is being correctly implemented.
7. **Evaluate:** Once the project has been completed, evaluate your estimates in the plan against the actual data for waste generated and consider feedback received from personnel.

## 5. PROJECT IMPLEMENTATION

### 5.1 Waste classification

Classifying wastes into groups that pose similar risks to the environment and human health facilitates their management and appropriate disposal. It is the responsibility of those who generate waste to classify that waste. To assist waste generators classify the wastes they produce, the NSW Environment Protection Authority (EPA) has developed the Waste Classification Guidelines, which are a step-by-step process for classifying waste.

The Guidelines are comprised of the following sections:

- Part 1: Classifying waste
- Part 2: Immobilisation of waste
- Part 3: Waste containing radioactive material
- Part 4: Acid sulfate soils

In NSW, waste is classified to determine licensing, transportation, storage and disposal requirements using the EPA's Waste Classification Guidelines (2014). The guidelines may be accessed at [www.epa.nsw.gov.au/wasteregulation/classify-waste.htm](http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm)

The waste classification system groups together wastes that pose similar risks to the environment and human health. As depicted in the following table, there are six waste classes:

Waste Class	Examples of wastes in this category
Special waste	Waste tyres, asbestos waste.
Liquid waste	Oily water from sumps, concrete slurry.
Hazardous waste	Lead acid batteries, lead paint from lead paint removal activities.
Restricted solid waste	Currently no wastes have been pre-classified by the EPA in this category.
General solid waste (putrescible)	Household waste, waste from litter bins, manure, food waste.
General solid waste (non-putrescible)	Construction and demolition waste from road works, glass, virgin excavated natural material, plastic, rubber.

The following principles apply when using the step-by-step waste classification process (Source: NSW EPA Waste classification guidelines <http://www.epa.nsw.gov.au/wasteregulation/classify-guidelines.htm> )

- Where practicable, safe and appropriate, it is desirable to separate a mixture containing different classes of wastes before classifying them separately. For example, if waste tyres (special waste) are mixed with lead-acid batteries (hazardous waste), it would be desirable to separate the wastes so only the hazardous component is classified as hazardous waste.
- Two or more classes of waste must not be mixed in order to reduce the concentration of chemical contaminants. Dilution of contaminants is not an

acceptable waste management option. This includes the addition of water to any waste prior to laboratory analysis for the purpose of waste classification.

- When classifying waste using chemical assessment it is not appropriate to exclude sample results. Selectively choosing sample results to classify waste introduces bias and violates fundamental statistical principles. For example, where a waste has been chemically assessed 'in-situ', and the waste is excavated and chemically assessed as a stockpile, both in-situ and stockpile analytical results are to be used in classifying the waste. There must be scientifically valid reasons for the exclusion of sample results.
- **Should any unknown material be encountered during the excavation process, particularly material suspected to contain asbestos, such as asbestos concrete pipe, work must be suspended immediately so that an appropriate investigation, and separation of the material, may be carried out. Asbestos waste is classified as 'special waste', and may only be disposed of at a waste facility that can lawfully receive asbestos and the other class of waste with which it is mixed (if any). Specialist service providers will be engaged for the management and disposal of asbestos waste.**

## 5.2 Waste reuse storage sites in Muswellbrook Shire

Currently, Muswellbrook Shire Council has one licensed, and three unlicensed temporary storage sites for stockpiling suitable material for reuse.

The licensed storage site is The Muswellbrook Waste Management Facility, Coal Road, Muswellbrook. The licensed site is able to temporarily store suitable material for reuse in volumes in excess of 2,500 tonnes or 2,500 cubic metres.

The three unlicensed storage sites are:

1. Muswellbrook Works Depot, Carramere Road, Muswellbrook.
2. Denman Works Depot, Virginia Street, Denman.
3. Widden Road.

It should be noted that unlicensed temporary storage sites must not exceed 1,000 m<sup>3</sup> or 1,000 tonnes, whichever is the lesser amount, of stored suitable reuse material at any one time.

In addition, Roads and Maritime Services has established two unlicensed stockpile sites in Muswellbrook Shire. These are located on the Golden Highway at:

1. 27010 – Mayfield.
2. 27290 – Hollydeen.

Generally, although road resealing aggregate is temporarily stockpiled at these sites for both RMS and Muswellbrook Shire Council roads, reuse material from RMS projects only is stockpiled at these sites. The practice has been that the reuse material may be used for both RMS and Muswellbrook Shire Council projects. For example, suitable excavated road base material stockpiled at the Hollydeen stockpile site is generally utilised in the carrying out of maintenance grading works in the western sector of the Shire, and thereby enabling considerable material and transportation cost savings in the carrying out of these works.

Roads and Maritime Services has obtained a resource recovery exemption from the EPA that permits the temporary storage of excavated public road materials within road corridors. Excavated public road material is defined in the exemption as being:

*Uncontaminated waste rock, soil, sand, bitumen and asphalt products, gravel, slag from iron and steel manufacturing, fly and bottom ash and concrete, excavated during the construction and maintenance of roads and road infrastructure facilities. This does not include any waste that contains coal tar or any waste that is classified as hazardous, restricted solid, special or liquid waste as defined in the POEO Act. RMS excavated road material also includes concrete wash from the cleaning of concrete trucks.*

### 5.3 General requirements for transporting waste

The following general requirements are applicable for the transport of all waste irrespective of whether or not a licence is required.

- Any vehicle used to transport waste must:
  - i. Be kept in a clean condition;
  - ii. Be constructed and maintained so as to prevent spillage of waste;
- Any container used to transport waste must be safely secured on the vehicle carrying the container;
- Any vehicle used to transport waste must be covered when loaded so as to prevent spillage and loss of waste and the emission of odours;
- Incompatible wastes must not be mixed or transported together on any vehicle used to transport waste. For guidance refer to the Australian Code for the Transport of Dangerous Goods by Road and Rail;
- Any material segregated for recycling must not be mixed with any other type of waste or with any material during transport.

Further information regarding the transportation of waste may be found at [www.epa.nsw.gov.au/wasteregulation/transport-waste.htm](http://www.epa.nsw.gov.au/wasteregulation/transport-waste.htm).

### 5.4 Liquid wastes

Liquid wastes are defined in the POEO Act as any waste (other than special waste) that includes any of the following:

- Has an angle of repose of less than 5 degrees above horizontal;
- Becomes free-flowing at or below 600 degrees Celsius or when it is transported;
- Anything that is classified as liquid waste pursuant to an EPA Gazetted notice.

Typical liquid wastes that may be generated or used on-site during construction and maintenance projects include:

- Chemical solutions such as solvents or pesticides;

- Waste oil;
- Wastewater from site and vehicle wash-down;
- Stormwater and groundwater.

All liquid waste must be managed in an environmentally safe manner and in accordance with relevant statutory requirements. At a minimum:

- No liquid waste should enter, or be placed in a position where it could enter, into a stormwater drain or directly into a waterway, without the appropriate licences and/or approvals required by law;
- All employees and subcontractors involved in using liquids or that are involved in liquid waste generating activities should be trained in liquid waste storage and disposal procedures;
- Liquid wastes should be contained in a controlled area such as a holding pit, or portable tank prior to treatment and/or disposal;
- Containment devices must be structurally sound and leak free;
- Containment devices must be of sufficient quantity or volume to completely contain the liquid wastes generated. Manual handling controls must be considered as a component of the risk assessment process;
- Liquid wastes should be disposed of in accordance with the requirements of the POEO Act;
- Ensure spill kits are available adjacent to liquid storage areas. The spill kits should be appropriate for cleaning up the specific type and volume of liquid waste.



## 5.5 Recovery and disposal options for common types of construction and maintenance waste

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
<b>Commonly generated waste</b>					
Asphalt (excluding coal tar asphalt) from road maintenance and construction	General solid waste (non-putrescible)	<p>Reclaimed Asphalt Pavement (RAP) can be used in high value applications such as base and sub-base, or blended for use in new asphalt. It can also be used on road shoulders.</p> <p>The EPA has issued a resource recovery order and exemption for reclaimed asphalt pavement which permits its application to land or road related activities including road construction or road maintenance activities, being:</p> <ul style="list-style-type: none"> <li>a) Use as a road base and sub base;</li> <li>b) Applied as a surface layer on road shoulders and unsealed roads;</li> </ul> <p>Use as an engineering fill material.</p>	Dispose to waste facility licensed to accept this material. Generally, for Muswellbrook Shire Council works, all reclaimed asphalt material should be suitable for reuse.	No	No
Concrete (separated) For example, recovered from kerb & gutter replacement works)	General solid waste (non-putrescible)	<p>Recover and separate concrete for recycling at a licensed recycling facility.</p> <p>Concrete is also suitable for use as pavement base and sub-base (blended with reclaimed asphalt pavement –RAP).</p> <p>The EPA has issued the excavated</p>	<p>Dispose for recycling to Muswellbrook Waste Management Facility.</p> <p><b>(Note: Separating concrete into reinforced and unreinforced makes recycling easier. Reinforced concrete needs to be pulverised to remove the steel</b></p>	No	No

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
		public road material order and exemption which allows concrete from excavated road material to be reused within the road corridor for certain road related activities.	prior to crushing, whereas concrete with no reinforcing can simply be crushed. Mixing unreinforced concrete with reinforced concrete makes the crushing process more expensive)		
Excavated natural material	Pre-classified as per the NSW EPA excavated natural material order and exemption.	Can be reused off-site in accordance with the NSW EPA excavated natural material order 2014 and NSW EPA excavated natural material exemption 2014.	If not suitable for reuse, dispose of material at Muswellbrook Waste Management Facility.	No	No
Excavated materials (contaminated)	Subject to chemical testing.	Opportunities for reuse are subject to the type and level of contamination and overall waste classification. Note any asbestos detected means it is unlawful to reuse.	Dispose to waste facility licensed to accept this material.  <b>(Note: Contaminated materials and soils cannot be disposed of at the Muswellbrook Waste Management Facility. The Muswellbrook Waste Management Facility does not have a licence to dispose of contaminated materials/soils.)</b>	Subject to waste classification	Subject to composition
Excavated public road materials	Pre-classified as per the NSW EPA excavated public road material order	Can be reused off-site in accordance with the NSW EPA excavated public road material order 2014 and NSW EPA	If not suitable for reuse, dispose of material at Muswellbrook Waste Management Facility. Generally speaking, it is assumed that	No	No



Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
	and exemption.	excavated natural material exemption 2014.	material of this nature should be suitable for reuse.		
Garden waste (vegetation)	General solid waste (non-putrescible)	Reuse on or off-site as mulch, erosion and sedimentation control.  Vegetation with high weed content should be sent to the Muswellbrook Waste Management Facility for disposal as landfill.	If not suitable for reuse, dispose of material at Muswellbrook Waste Management Facility.  <b>(Note: The Muswellbrook Waste Management Facility is not licensed for composting. At the moment, the Facility is only licensed to pasteurise much.)</b>	No	No
Grit, sediment, litter and gross pollutants from storm water treatment systems (dewatered with no free liquids)	General solid waste (non-putrescible)	Reuse opportunities subject to litter and pollutant concentration. May be possible to reuse grit and sediment in landscaping works.	If not suitable for reuse, dispose of material at Muswellbrook Waste Management Facility.	No	No
Virgin excavated natural material (VENM)	General solid waste (non-putrescible)	Weed free topsoil may be stockpiled and reused on batters or in landscaping and revegetation works.	If not suitable for reuse, dispose of material at Muswellbrook Waste Management Facility.	No	No
Wood (replaced bridge timbers)	General solid waste (non-putrescible)	Roads and Maritime Services has entered into a contract with specific timber recycling companies to process recovered bridge timbers by removing contaminated	Dispose to waste facility licensed to accept this material, noting that treated timbers can only be disposed of to a lined landfill licensed to accept these timbers.	No	No

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
		surfaces. Processed timber is then tested to ensure that they meet acceptable residual chemical contaminant levels.	(Note: The Muswellbrook Waste Management Facility is licensed to accept treated pine timber.		
<b>Other waste material</b>					
Asbestos and asbestos-containing material	Special waste	Not applicable	Dispose to waste facility licensed by EPA to accept asbestos waste. Advise facility prior to disposal of asbestos or asbestos-containing waste.  (Note: 24 hours notice is required by the Muswellbrook Waste Management Facility to manage asbestos and asbestos-containing material.)	Yes	Yes if more than 100kg of asbestos waste or more than 10 square metres of asbestos sheeting is transported within NSW.  Transports are to use the EPS's online system called WasteLocate.
Batteries (lead acid or nickel cadmium)	Hazardous	Some scrap metal recyclers will accept lead-acid batteries	Batteries containing cadmium, silver, lead or mercury cannot be disposed without prior treatment. Arrange for delivery to treatment facility licensed to accept these items.	No, if batteries are collected for recovery.	Yes

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
			Scrap metal recyclers are the best option for disposing of lead-acid batteries regularly. Almost all scrap metal merchants will accept used lead-acid batteries. Collection services are also available at most landfills, transfer stations, and automotive workshops.  <b>(Note: The Muswellbrook Waste Management Facility accepts lead acid batteries, and with the construction of the Community Recycling Centre will be able to accept all battery types.)</b>		
Bricks (separated)	General solid waste (non-putrescible)	Bricks can be crushed or recycled into new brick mix or used in other construction applications such as select subgrade.  Crushing/recycling of bricks should only be undertaken with appropriate licences or at a facility licensed to accept this material.	Dispose to Muswellbrook Waste Management Facility.  <b>(Note: Keep separated from other construction/demolition waste. Do not mix with reinforced concrete.)</b>	No	No
Building and demolition (mixed unsegregated)	General solid waste (non-putrescible)	Recover and separate concrete, wood, bricks, steel and other feasible materials for recycling at recycling facility licensed to accept	Dispose to Muswellbrook Waste Management Facility.  <b>(Note: Wherever possible, separate into different waste</b>	No	No

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
material, may contain CCA treated timbers). Does not include soil		this material.	types prior to drop off.)		
Coal tar asphalt			Roads and Maritime Services has a policy of not re-using asphalt that contains coal tar. Coal tar asphalts must be disposed of at a facility licensed to accept this material.		
Containers/drums (that have <u>not</u> been cleaned and that contain dangerous goods)	Hazardous	Not Applicable	Cannot be disposed without prior treatment. Arrange for delivery to treatment facility licensed to accept these items). <b>(Note: The Muswellbrook Waste Management Facility is not licensed to accept materials of this nature.)</b>	Yes	Subject to contaminants in drums.
Containers/drums (from which residues have been removed by washing or vacuuming)	General solid waste (non-putrescible)	Some recyclers accept empty drums or containers; check with local service providers for details.  <b>(Note: Does the Muswellbrook Waste Management Facility accept this material for recycling?)</b>	Dispose to waste facility licensed to accept this material.  <b>(Note: Drums/containers registered with drumMUSTER [ <a href="http://www.drummuster.org.au/">www.drummuster.org.au/</a> ] can be dropped at Denman Transfer Station or Muswellbrook Waste Management Facility. The</b>	No	No

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
			<b>drums/containers must be thoroughly cleaned out before dropping off.)</b>		
Coolant	Liquid	Coolant can be filtered and recycled (using extra concentrate if necessary). Coolant recycling machines are commercially available.	Arrange for delivery to treatment facility licensed to accept this material. Note, coolant cannot be disposed without prior treatment.  <b>(Note: The Muswellbrook Waste Management Facility is not licensed to accept this material.)</b>	Yes	Subject to composition.
Fluorescent tubes and high intensity discharge (HID) lamps (with mercury content)	Not pre-classified at present.	A number of commercial recycling companies provide fluorescent recycling services. These generally provide a collection box for used globes, together with a collection service.  HID lamps should be recycled to recover mercury and other resources for use in new products.	Do not dispose to landfill.  High intensity discharge (HID) lamps contain a small amount of toxic mercury. If disposed of in landfill, this mercury may cause environmental contamination.  <b>(Note: These materials will be able to be disposed of at the Muswellbrook Waste Management Facility once the Community Recycling Centre is constructed.)</b>	No	No

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
Lead paint waste	Hazardous waste	Not applicable	Dispose to waste management facility licensed to accept this material.  <b>(Note: The Muswellbrook Waste Management Facility is not licensed to accept any liquid wastes other than oil, and cannot accept lead paint waste.)</b>	Yes	Yes
Mixed waste non-putrescible (that is, not containing food, animal waste, sewage grit and screenings).	General solid waste (non-putrescible)	If not possible to sort and separate into recyclable versus non-recyclable materials on-site, investigate opportunities for material to be taken to off-site sorting and recovery.	If not suitable for reuse, dispose of material at Muswellbrook Waste Management Facility.	No	No
Office and packaging waste	General solid waste (non-putrescible)	If not possible to sort and separate into recyclable versus non-recyclable materials on-site, investigate opportunities for material to be taken to off-site sorting and recovery.	If not suitable for reuse, dispose of material at Muswellbrook Waste Management Facility.	No	No
Oil filters (drained, mechanically crushed)	General solid waste (non-putrescible)	May be accepted by oil recyclers.	Dispose to Muswellbrook Waste Management Facility.	No	No

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
Oil (motor oil) containers (drained and not containing free liquids)	General solid waste (non-putrescible)	Numerous facilities in NSW recycle used motor oil. For larger quantities, commercial operators offer collection services from site. Some oil facilities will also take used oil filters, oily rags and plastic oil containers.	Dispose to Muswellbrook Waste Management Facility.	No	No
Oil (waste oil)	Liquid	May be sent to a used oil recycler for reprocessing and recovery.	Dispose to Muswellbrook Waste Management Facility.  Advise Facility staff prior to disposal, as there is a specific arrangement for oil storage.	Yes, but exceptions apply.	Yes
Oily water	Liquid waste	Not applicable	Must be treated through oily water separator with water disposed through a trade waste agreement. If there is no treatment via a separator, then oily water mix must be disposed to liquid waste treatment facility licensed to accept this material.  <b>(Note: The Muswellbrook Waste Management Facility is not licensed to accept this material.)</b>	Yes	Yes

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
Paint tins (empty), dry paint scrapings/residue	General solid waste (non-putrescible)	Not applicable	Dispose to Muswellbrook Waste Management Facility.  (Note: Dry paint tins only can be accepted at this time. This will change when the Community Recycling Facility is constructed.)	No	No
Pesticides	Liquid waste	Not applicable	Disposal depends on the type of pesticide waste. Dispose of in accordance with the relevant, current Safety Data Sheet and manufacturer's specifications.  (Note: The Muswellbrook Waste Management Facility is not licensed to accept materials of this nature.)	Yes	Subject to composition
Plastic, glass and non-ferrous metal, paper and cardboard (separated or co-mingled)	General solid waste (non-putrescible)	Much plastics, glass and metal would be suitable for recycling either as a source separated stream or if co-mingled with other recyclables (check with recycling service provider)	If not suitable for recycling, dispose of material at Muswellbrook Waste Management Facility.	No	No
Scrap metal (including brass, copper, aluminium, steel)	General solid waste (non-putrescible)	Recycle via licensed scrap metal recycling facility.	If not suitable for recycling, dispose of material at Muswellbrook Waste Management Facility.	No	No



Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
Solvents	Liquid waste	Spent solvents may be recycled a number of times prior to requiring disposal, depending on the type of solvent and its application.	Arrange for delivery to treatment facility licensed to accept this material. Note, solvents cannot be disposed of without prior treatment. <b>(Note: The Muswellbrook Waste Management Facility is not licensed to accept materials of this nature.)</b>	Yes	Subject to composition.
Spent abrasive materials, for example, grit blast waste	Dependent on type; classify in accordance with EPA Waste Classification	Chemical contaminant testing required as per EPA Waste Classification Guidelines to determine waste classification Guidelines (2014).	Chemical contaminant testing required as per EPA Waste Classification Guidelines to determine waste classification.	Subject to waste classification	Subject to composition.
Spent abrasive materials – (garnet, lead contaminated)	Hazardous waste	Not Applicable	Arrange for delivery to treatment facility licensed to accept this material. Note, lead contaminated garnet cannot be disposed without prior treatment.	Yes	Subject to composition.
Timber (see Wood)					
Trade waste	Liquid waste	Not applicable	Dispose in accordance with Trade Waste Agreement.	Yes, if by vehicle (not if in sewer/pipeline)	Subject to composition.
Tyres	Special waste	Return to supplier for retreading or recycling, or to tyre recycling facility or recycling drop-off centre.	Dispose to Muswellbrook Waste Management Facility. <b>(Note: There is a charge for the disposal of tyres.)</b>	Yes	Yes

Types of waste	Waste classification	1. Recover	2. Dispose	Waste transport licence required	Waste tracking required
Vehicle and site wash-down water	Liquid waste	Wash down water may be captured and treated allowing for reuse.		Yes, if by vehicle (not if in sewer/pipeline)	No
Water treatment chemicals	Liquid waste/hazardous waste (subject to type and nature of chemicals – check with supplier)	Return unused chemicals to supplier if possible.	Dispose to waste management facility licensed to accept this material.  <b>(Note: The Muswellbrook Waste Management Facility is not licensed to accept materials of this nature.)</b>	Yes	Subject to composition.
Wiring	General solid waste (non-putrescible)	Recycle via scrap metal recycling facility (check with recycler which types of wires are accepted).	Dispose to Muswellbrook Waste Management Facility.	No	No
Wood (not including Copper Chrome Arsenate [CCA] treated timbers)	General solid waste (non-putrescible)	Reuse as building material or chip and use as mulch or deliver to garden waste recycling facility. Organize for supplier to collect timber pallets for reuse if applicable.	If not suitable for recycling, dispose of material at Muswellbrook Waste Management Facility.	No	No
Wood (containing Copper Chrome Arsenate [CCA] treated timbers). Note: Does not include bridge timbers.	General solid waste (non-putrescible)	Not applicable.	Dispose to Muswellbrook Waste Management Facility.	No	No

## 6. REPORTING AND RECORD KEEPING ARRANGEMENTS

### 6.1 Waste management register

(Source: RMS QA Specification G36: Environmental Protection, p. 25)

Maintain a waste management register until the actual completion date of the project, to record the type, amount and location of waste reused, recycled, stockpiled and disposed of.

The waste management register would be maintained by the relevant contractor representative or project manager for capital projects, and the site supervisor for operational works, and should include the following details:

- Type of waste and its classification (according to the POEO Act and Waste Classification Guidelines);
- Quantities of waste, measured in tonnes;
- How and where the waste was reused, recycled, stockpiled or disposed of;
- Date when the waste was reused, recycled, stockpiled or disposed of;
- Name and waste transport licence (if applicable) of the transporter used.

Council, as a non-licensed transporter of wastes, will ensure that: (Source: Muswellbrook Shire Council Environmental Management Plan under the Roads & Maritime Services Environmental Management Plan edition 1 / Revision 3, 2013)

- Vehicles carrying waste will be kept clean and be constructed and maintained so as to prevent spillage of waste;
- Loads which may spill or emit odours are covered so that spillage and/or emission is prevented;
- Any container is safely secured;
- Incompatible waste will not be mixed or transported together;
- Any hazardous waste is not mixed with any other type of waste;
- Material segregated for recycling is not mixed with other wastes;
- All waste is transported only to controlled waste facilities or other facilities that can lawfully receive the waste;
- The occupier of the waste facility is advised of the type of waste involved before the waste is unloaded.

### 6.2 Waste generation and transport

Both licensed and non-licensed waste activities, waste transporters and waste facilities must maintain written records of waste movements. As a minimum, for waste tracking purposes, records must be kept in relation to the:

- Amount and the type of waste generated, stored, treated or disposed of;

- Amount and the type of waste transported;
- Name of the transporter and transporter's licence number;
- Date of transportation; and
- Name and location of the waste facility that received the waste.

These records must be kept for a period of at least 4 years from the date of transportation.

Though the records are required to be kept in relation to trackable wastes, it is advised that the above records are kept for all solid and liquid wastes. This will assist Council to:

- Meet its due diligence obligations;
- Maintain records in the event of an incident; and
- Collect comprehensive data for reporting, identifying opportunities for waste reduction and recycling and managing performance.

In addition to waste tracking, records may be required under particular licences, approvals, or resource recovery exemptions and orders. Some resource recovery orders require records to be kept for 6 years. For example, the excavated public road material order 2014 requires that the generator of the waste must keep a written record of the following for a period of 6 years:

- The quantity of any excavated public road material supplied; and
- The name and address of each person to whom the generator supplied the excavated public road material.

**7. PROJECT FINALISATION AND KNOWLEDGE SHARING**

Improving processes and practices involving the appropriate management of waste require:

- Raising the level of awareness of waste management principles and objectives and the motivation for increasing material recovery and encouraging the use of products with recycled content;
- Reporting regularly to Manex and Council on the organisation's overall progress towards achieving its targets;
- Identifying any barriers to change so that they may be overcome with future strategy implementation;
- Publicising positive initiatives and outcomes as examples of what can be achieved through planning and innovation; and
- Promoting feedback and suggestions for improvement and/or change from both internal and external Muswellbrook Shire Council stakeholders.

Therefore, as part of the project finalisation phase, works supervisors and project managers are encouraged to share information with others, including Community Infrastructure stakeholders, Council's Sustainability team, Manex and Council, on lessons learnt in trying to avoid, reduce and better manage waste.

## **8. GUIDANCE NOTE: WASTE PLANNING – CONSTRUCTION AND MAINTENANCE PROJECTS**

Listed below are suggestions of how the principles of waste avoidance, reuse and recycling can be better adopted through strategic planning during procurement, design and implementation.

### **8.1 Waste avoidance**

Waste avoidance is a high priority. Planning for how to avoid waste should form part of early project planning and should involve stakeholders such as project managers, contractors, sub-contractors and suppliers in the discussions wherever possible. This can result in greater stakeholder buy-in, clarification of responsibilities and identification of innovative ways to avoid generation of wastes:

Some examples of how waste can be avoided include:

- Use higher quality, more durable materials that require less maintenance;
- Be mindful of not over-estimating or rounding up of purchasing requirements;
- Establish appropriate storage arrangements for materials to guard against product degradation or damage from weathering or moisture;
- Request that suppliers don't provide any unnecessary packaging, or that they take back their packaging;
- Take into account existing site conditions (such as site slope and cleared areas) to minimise excavation and reduce unnecessary removal of existing vegetation;
- Where possible, use standard sized products and encourage their use to avoid wastage from excess trimming of materials or the need to develop customised products;
- Retain excavated topsoil to be reused back on site after construction where possible. Not only does this reduce waste, but also allows for natural soils and nutrients to be returned to the site, and also allows for the re-establishment of local vegetation.
- Purchase materials in bulk where possible to reduce packaging and transport requirements; however, be mindful of possible over-ordering.
- Seek arrangements with suppliers that facilitate the return of excess materials to the supplier rather than requiring disposal elsewhere.

### **8.2 Resource recovery**

Suggestions of how to allow for recovery of materials and/or reuse of recovered materials include:

- Recovering construction and demolition materials for use as preferred alternatives to virgin products in road construction projects;

- Using demolition and construction techniques that allow for easy separation of reusable and recyclable materials, so that they may be salvaged and reused (if not on the project site then potentially at another suitable site);
- Utilise environmentally improved materials (for example, those made from recycled content or with energy conserving features) wherever possible;
- Use mulches and composts made from recycled materials for site rehabilitation and landscaping works where they are available, and it is cost effective to do so. Particular effort should be made to collect, mulch and reuse any cleared native vegetation back on the relevant project site;
- Make arrangements with recycling contractors to provide clearly marked bins or designated stockpile areas for material separation. Make sure that contractors and sub-contractors are aware of the placement of the bins and their responsibility to separate materials. If there is insufficient space to separate materials on site, explore arrangements for mixed loads to be sent to a sorter for recycling;
- Protect and stockpile soils for reuse, or divert soils and excavated material to suitable alternative sites if it can't be reused on site.

### **8.3 Disposal**

Disposal of unavoidable waste material generated during construction (that is, waste that cannot be recovered, reused, or recycled and requires landfilling or other disposal), must be carried out in a safe manner and in accordance with all legislative requirements.

### **8.4 Reviewing performance**

Regular review of waste management systems should be undertaken to confirm the effective implementation of the Community Infrastructure Construction Waste Management Strategy and to identify potential management and disposal issues as soon as possible. Monitoring and reporting mechanisms should also be established to track performance.

### **8.5 Information and communication**

Successful implementation of a waste management system is strongly linked to the relevant stakeholder's understanding of the objectives and reasons for waste management, the ownership of the management process and responsibility for system implementation and achieving specific outcomes. Ongoing training and education will be required to ensure that appropriate waste management processes and systems remain at the forefront of project preparation and management.

Waste planning should include identifying how information can be effectively communicated to staff and contractors, in addition to feedback being collected from them. Without understanding the need for minimising and reusing waste, and its safe handling and disposal, staff cannot confidently promote the waste minimisation message. Information and training should be provided to all members of the project team and should incorporate a combination of both theoretical information and hands-on practical demonstration where appropriate.

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## 11.2 MOUNT PLEASANT RAIL BRIDGE

<b>Attachments:</b>	<b>A. Proposed Temporary Bengalla Road Diversion</b> <b>B. General Conditions</b> <b>C. Additional General Conditions</b> <b>D. Special Conditions</b>
<b>Responsible Officer:</b>	<b>Neil Pope - Director, Community Infrastructure</b>
<b>Author:</b>	<b>Peter Higgins - Manager, Technical Services</b>
<b>Community Plan Issue:</b>	<b><i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i></b>
<b>Community Plan Goal:</b>	<b><i>Residents, visitors and workers are travelling on safe and appropriate road and street networks within Muswellbrook Shire.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Ensure a safe and efficient road network with acceptable ride quality</i></b>

### PURPOSE

This report covers a section 138 (Roads Act 1993) application which is currently progressing to final design and is a result of conditions of development consent for the Mount Pleasant Mine.

### OFFICER'S RECOMMENDATION

- 1. Council delegate to the General Manager authority to sign the Section 138 consents for the works proposed in Attachments A by MACH Energy generally in accordance with the Conditions outlined in Attachments B, C and D.**
- 2. A suitable form of security or contract be negotiated by the General Manager with MACH Energy prior to commencement works.**
- 3. As per the conditions outlined in 1 above fees are to be paid, insurances, detailed designs and Traffic Control Plans are to be submitted and certified by suitably qualified consultants and accepted by the General Manager.**

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

### BACKGROUND

The development is a State Significant Development with approval. The proposed roadworks are required to comply with condition 38 (a). The applicant proposes a bridge on Bengalla Link Road over the proposed rail loop.

### CONSULTATION

The Mine Officer (Planning); Manager Roads and Drainage and the Director Community Infrastructure have been consulted as well as the Applicant.

### CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable.

### REPORT

The Road Work related consent conditions are:

*Road Works*

38. *The Applicant shall, at its own expense:*

- (a) *construct a bridge to carry the Bengalla Link Road over the proposed Mount Pleasant rail loop, in consultation with the operators of the Bengalla Mine;*

The works are shown on drawings in Attachments A and B.

**Mine Condition 38 (a) - Rail Loop Bridge.**

The proposed Rail Loop will pass under Bengalla Link Road (Attachment A) as envisaged in the consent conditions.

A previous application by Bengalla required a bond for the removal of drainage culverts under the road when no longer required by the applicant. A bond for the removal and/or demolition of the mine owned infrastructure and the road reinstatement for these works may also be required. The Special Condition read as follows:

2. *The Consent Holder must lodge with Council a Security in the form of a cash bond or bank guarantee for \$60,000 prior to the commencement of the construction of the 4 X 1650mm Pipe Culvert under Bengalla Road. The Security is to be indexed at bank overdraft rates annually and the cash bond or bank guarantee is to be renewed every five years from lodgement.*

A condition modified for these consents is as follows:

2. The Consent Holder must lodge with Council a Security to be held for the removal of the mine owned asset from the road reserve and restoration of the landform to the satisfaction of council. The Security in the form of a cash bond or bank guarantee is for an amount to be agreed with the General Manager prior to the commencement of the construction of the Mine owned Infrastructure. The Security as a bank guarantee is to be indexed at the Construction Price Index rates biannually and if a cash bond, the amount is to be reviewed every five years from lodgement. The Security is to be held until the mine owned asset is removed from the road reserve and the road reserve and landform is restored to the satisfaction of council or alternatively the affected road is closed and Council is appropriately compensated for the road closure.

While full detailed design is not available for this project the proposed delegation and conditions, which have been developed over a number of like consents, cover the engineering assessment and certification necessary to implement the Consent.

### **138 Consent Conditions**

Consent conditions for projects of this size are usually broken into three areas:

1. General conditions applying to all 138 consents including minor permits for driveway construction and the like. Attachment C.
2. Additional General conditions which apply to more substantial Consents for Projects related to major developments. Attachment D.
3. Special Conditions are provided for specific developments including major mine related developments. Attachment E.

### **OPTIONS**

Council could either:

- approve the Delegation to the General Manager to issue this consent for works under Section 138 (Roads Act) 1993 with the conditions recommended by staff; or
- request modification to the conditions; or
- refuse the delegation.

**CONCLUSION**

This report covers a section 138 application which is currently progressing to final design and is a result of conditions of consent for the development of Mount Pleasant Mine. Mine development conditions also require the mine to develop a Maintenance Management Plan for this road and to implement that plan at no cost to council and to Council's satisfaction.

**SOCIAL IMPLICATIONS**

The opening of the mine will provide employment within the Shire.

**FINANCIAL IMPLICATIONS**

Council will recover its costs through the consent conditions.

**POLICY IMPLICATIONS**

Not applicable.

**STATUTORY IMPLICATIONS**

Council is the Road Authority under the Roads Act 1993 and is acting within its powers.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Risks are managed by the use of qualified consultants required to submit and certify designs for the infrastructure to be placed within Council's Road Reserves and Council staff acceptance of the designs and oversight of the construction. Works are required to comply with Standards particularly RMS guidelines "Traffic Control at Work Sites."



2 May 2017

Peter Higgins  
Manager Technical Services  
Muswellbrook Shire Council  
PO Box 122  
MUSWELLBROOK NSW 2333

Our ref: 2218669-1777  
Your ref:

Dear Peter

**Mt Pleasant Rail Loop  
Bengalla Road Bridge temporary diversion road**

**1 Introduction**

BGC Contracting have been appointed by MACH Energy (the proponent) to design and construct the Mount Pleasant rail loop. GHD have been engaged by BGC Contracting to provide professional design services to assist in the delivery of the project.

This submission follows the meeting on Thursday 27 April 2017. As agreed, this submission is for the approval of a temporary diversion road to enable new bridge construction on Bengalla Road. The diversion road will only be operational for the duration of bridge construction and commissioning.

Please note that the remaining scope of works for Mount Pleasant rail loop construction will be subject to a separate application, including detailed consideration of staging and construction traffic. These plans are currently under development.

**1.1 Purpose of letter**

The purpose of this letter is to seek approval for the construction of a temporary diversion road on Bengalla Road to enable construction of new Super T bridge at location the Mount Pleasant rail loop will pass beneath existing Bengalla Road.

This letter details the design standards, bridge construction general arrangement and duration for which the diversion road is required.

Refer to Figure 1 for locality plan of new bridge and temporary diversion road. The attached drawings provide more detail of the road alignment.

**1.1.1 Duration**

The current program indicates construction activities for temporary diversion road will commence on 19 May 2017 and bridge construction activities on 3 July 2017 once diversion road is established. The bridge construction is expected to take 5 months with the diversion road to be operational for this duration. Upon opening of the new bridge the diversion road will be removed. These dates are subject to change if construction approval cannot be granted prior to scheduled commencement.

GHD Pty Ltd ABN 39 008 488 373

Level 3 GHD Tower 24 Honeysuckle Drive Newcastle NSW 2300 PO Box 5403 Hunter Region Mail Centre NSW 2310 Australia  
T 61 2 4979 9999 F 61 2 4979 9988 E [ntlmail@ghd.com](mailto:ntlmail@ghd.com) W [www.ghd.com](http://www.ghd.com)

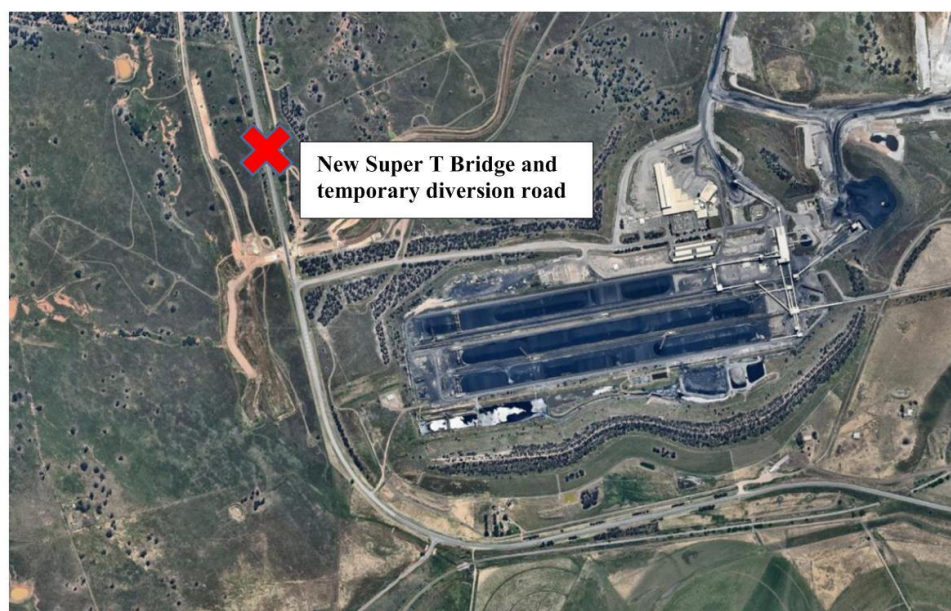


Figure 1 Locality plan

## 2 Design standard

The diversion road is designed in accordance with *Austroads Guide to Road Design Part 3 (AGRD03)* for a speed of 60km/h, signposted at 40km/h. The road geometry is summarised by Table 1.

Table 1 Geometric design criteria

Criteria	Value	Reference/ comments
Design speed (V)	60 km/h	
Signposted speed	40 km/h	
Lane width	3.5 m	Table 4.5 AGRD03
Shoulder	1.0 m	MSC Development Specification 0041 Geometric road layout
Cross fall	3%	
Minimum horizontal radius	94 m (emax 6%)	Table 7.5 AGRD03 <b>Min radius used is 110m</b>
Superelevation	5.5% (R 110m)	Using Equation 9 AGRD03
Plan transition	0 m	Table 7.2 AGRD03



Criteria	Value	Reference/ comments
		(not required for V<60km/h)
Superelevation development length (vertical)	38 m (-3% to +5.5%)	Using Equation 13 AGRD03
Curve widening per lane (19.0m semi-trailer)	0.7 m (R 110m)	Table 7.11 AGRD03
Minimum length between horizontal curves (0.6V)	36 m	
Minimum crest curve (K value)	11.8	Table 8.7 AGRD03
Minimum sag curve (K value)	16 (rural road without street lighting)	Figure 8.7 AGRD03

Please note the alignment of the diversion road is constrained to Bengalla Road, road reserve and Mount Pleasant mine lease boundary. Sufficient offset has been provided to bridge construction work areas as discussed in more detail below.

The diversion road alignment crosses an existing Telstra services which will be protected. Consultation with Telstra is ongoing for the project and will be discussed.

The use of adverse curvature may be investigated in the future to remove the need superelevation along the diversion road.

### 3 Construction

Access to the diversion road for construction will be off the existing road formation at the location of the ties in with no formal access required. The majority of the diversion road will be constructed adjacent Bengalla Road under limited traffic control apart from the tie ins.

Once the diversion road is in operation, the approaches to the bridge location will be used for laydown areas for material and equipment.

Refer to drawing 22-18669-SK021 for diversion road alignment and indicative laydown areas for bridge construction. To confirm a detail traffic control plan will be submitted that defines the controls to allow personnel and material deliveries to the bridge construction site.

### 4 Actions going forward

- MSC review and provide in-principle approval of the attached Section 138 form, conditioning the approval to require a site specific Traffic Control Plan (TCP) to be submitted for approval prior to commencement.
- BGC Contracting (the constructor) to develop the TCP following confirmation of the in-principle approval.

- MACH Energy, BGC Contracting and GHD develop a detailed construction-staging plan for submission at a later date addressing the full construction programme. This will be subject to a separate Section 138 application.

We trust this letter and s138 application meet your approval. We are available at any time to meet with you to further discuss and clarify any point, and request you contact the undersigned if required. Thanks you for your consideration in advance.

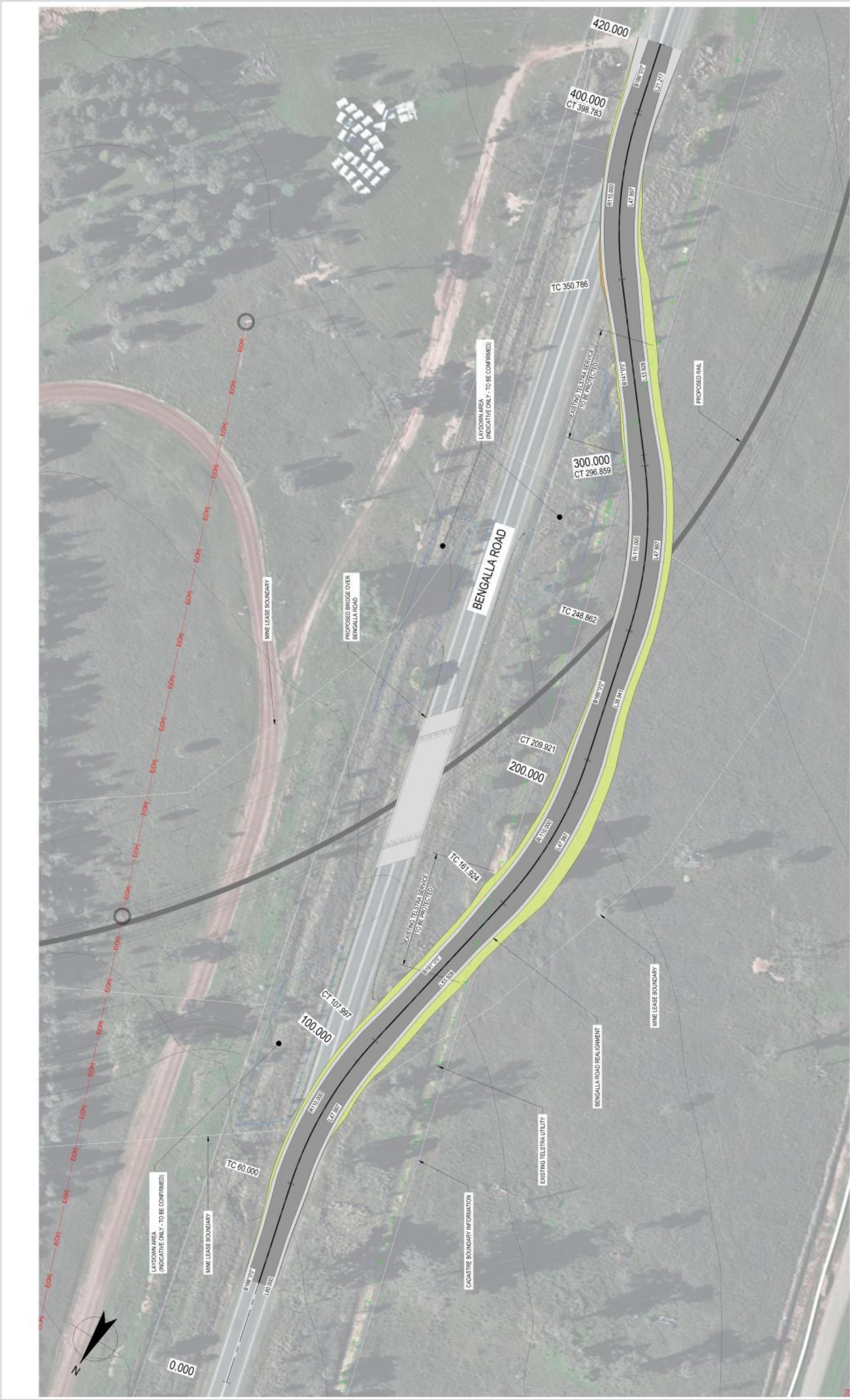
Faithfully



**Lewis Schneider**

Civil Engineer  
+61 2 4910 7775





PLAN  
SCALE 1:500

PRELIMINARY									
Client		Project		Title		Drawing No.		Rev.	
BGC - MACH ENERGY		MT PLEASANT RAIL LOOP		BENGALLA ROAD DIVERSION		MD02 - PLAN AND SECTION		22-18669-SK021	
Designer		R/M/M/M		AS SHOWN		A1		A	
Drawn		R/M/M/M		AS SHOWN		A1		A	
DO NOT SCALE		Conditions of Use: This document may only be used by the person or persons named in the title block for the purpose for which it was prepared and must not be used for any other purpose or for any other person.		Approved Date		This drawing must not be used for construction unless signed as approved			
GHD		MACHEnergy		GHD Tower, Level 3 Newcastle NSW 2300 Australia PO Box 5403 Hunter Bay NSW 2310 T 61 2 4879 9999 F 61 2 4879 9998 E info@ghd.com W www.ghd.com		Scale			
ISSUED FOR INFORMATION		RPM		Project Director		Date			
Revision		Note:		Indicates signature on original issue of drawing or not revision of drawing					
Print Date:		2 May 2017 - 5:03 PM		Printed by:		Rozzo Mferrero			
Plot File No:		012218669/CAD/20mrgp/22-18669-SK021.dwg							





## General Conditions

### 1. Definitions:

- 1.1. In the Consent and any memoranda annexed to the Consent the following words have the following meanings:

**“Act”** means *Roads Act 1993* (NSW)

**“Business Hours”** means the opening hours of Muswellbrook Shire Council Administration Centre;

**“Claims”** means any loss, damages, claims, demands, causes of action or suits of any kind;

**“Consent Holder”** is the person specified at (B) of the Consent;

**“Consent Period”** means the period specified at (A) of the Consent;

**“Council”** means Muswellbrook Shire Council;

**“Council Officer”** means the Muswellbrook Shire Council's nominated officer;

**“Consent Fee”** means the fee paid by the Consent Holder to Council for the administrative costs associated with the issue of the Consent and shown in the Specifications;

**“Pipe work”** means pipes, conduits, hoses, tubing, cables and wires;

**“Plan”** means the plan attached to the Consent and marked Annexure “A”;

**“Restoration Fee”** means a fee paid to Council in consideration for the Council restoring the Road surface after completion of the Work;

**“Road”** means the road described at (C) of the Consent.

**“RMS”** means Roads and Maritime Services;

**“Service Conduit”** means conduits used to run service wires and cables underground;

**“Specifications”** means Council's Technical Conditions 1151 and/or 1152, Council's CBD Specifications, and any other specifications contained in any Memoranda annexed to the Consent and listed at (D) of the Consent.

**“Traffic Control Plan”** is a plan to be submitted by the Contractor approved by Council in accordance with the RMS guidelines “Traffic Control at Work Sites”

**“Traffic Management Plan”** is a statement of how traffic, parking etc. will be managed on site.

**“Works”** means the plan of works described in the application, including any restoration whether by the Consent Holder or Council, and special instructions

### 2. Manner of Works

- 2.1. The Works must be conducted according to the Plan and the Specifications.
- 2.2. The Consent Holder must complete any backfilling of trenching works in accordance

with Council's AusSpec #1 Specification 306 – "Road Openings and Restoration" – as stipulated in Technical conditions 1151 and/or 1152.

- 2.3. Where Works are undertaken in the CBD, the Consent Holder must meet the Council's CBD specifications, at the Consent Holder's expense.

**3. Council Requirements**

- 3.1. The Consent Holder must comply with all Council requirements in relation to the Works:
  - a) Contained in the Consent and Memoranda annexed to the Consent;
  - b) Contained in any notice in writing concerning the Works given to the Consent Holder by the Council; and
  - c) Any direction given to the Consent Holder by the Council.

**4. Legislation**

- 4.1. The Consent Holder must observe all requirements with respect to the Works imposed by any statute, regulation or ordinance or otherwise imposed by a statutory or other authority.

**5. Term**

- 5.1. The Works must not be carried out at any time other than during the Consent Period.

**6. Proceed Continuously**

- 6.1. The Consent Holder must carry out the Works as expeditiously and safely as practicable and proceed continuously until completion.

**7. Layout of Work**

- 7.1. All pipe work crossing the Road must be laid perpendicular to the direction of the Road unless otherwise consented to by Council and described in the Specifications or shown in the Plan.
- 7.2. The pavement surrounding any excavation of the Road must be neatly saw-cut prior to excavation.
- 7.3. The Consent Holder must ensure that any cut pavement maintains a neatly finished edge at all times.

**8. Advise Council**

- 8.1. The Consent Holder must give the Council a minimum of five working days' notice prior to when the Works is to commence.
- 8.2. The Consent Holder must notify Council as soon as the Work is completed if completion occurs during Business Hours.
- 8.3. The Consent Holder must notify Council during the next Business Hours if the Work is completed outside of Business Hours.

**9. Expense**

- 9.1. The Works are carried out at the Consent Holder's expense.

**10. Consent and Acknowledgement**

- 10.1. The Consent must be signed for and on behalf of Council in order for consent to be granted.

**11. Service Conduit**

- 11.1. Any Service Conduit placed across the Road must have at least 400mm of fill cover in addition to the road pavement thickness.

**12. Footpaths**

- 12.1. Where any footpath is disturbed it must be restored to the original condition by the Consent Holder at the Consent Holder's cost.

**13. Fee**

- 13.1. The Consent is not valid unless the Consent Fee is paid.

**14. Restoration Fees**

- 14.1. Where Council is required to undertake Restoration works, determination of the Restoration Fees is governed by Section 67 of the *Local Government Act*.
- 14.2. Where a Restoration Fee is applicable the Consent Holder must pay the Restoration Fee:
- a) As soon as the Work is completed if completion occurs during Business Hours;  
or
  - b) During the next Business Hours if the Work is completed outside of Business Hours.
- 14.3. If disturbance to the Road exceeds that shown on the Specifications, the Consent Holder must pay the additional cost to Council for restoration.

**15. Indemnity and Insurance**

- 15.1. The Consent Holder indemnifies and holds Council harmless against all Claims by any person arising in connection with any acts or performance of an obligation under this Consent.
- 15.2. Specific Indemnities: - Without limiting clause 15.1 the Consent Holder indemnifies and holds Council harmless against any Claim arising directly or indirectly out of the following:
- a) The construction and installation of the Works;
  - b) Conduct by the Consent Holder which amounts to a breach of any license, permit, approval or legislation;
  - c) Council granting consent to the Consent Holder to carry out the Works;
  - d) Failure to comply with any obligation of the Consent Holder under this Consent.
- 15.3. The Consent Holder must maintain a public liability insurance policy with an insurer approved by Council with a limit for any one event of not less than twenty million dollars (\$20,000,000).

- 15.4. The insurance must be on terms to the reasonable satisfaction of Council and name Council as an insured party

**16. Traffic Management Plan**

- 16.1. The Consent Holder must ensure that a Traffic Management Plan is in place whilst the Work is being carried out.
- 16.2. The appropriate traffic control measures must be established at the Consent Holder's cost.
- 16.3. The traffic control measures must be in accordance with the approved Traffic Control Plan prepared under the current RMS Guidelines "Traffic Control at Work Sites".
- 16.4. The Consent Holder must not interrupt or otherwise disturb the traffic flow on the Road without the written consent of Council.

**17. Responsibility for Restoration works**

- 17.1. Where the Consent Holder is not able to meet the standards required, the Consent Holder can either contract the services of another provider that can – or apply to Council's Works Department for a quote, and for the work to be undertaken by Council at the Consent Holder's expense.
- 17.2. Where council is required to undertake the restoration works, the Consent Holder is responsible for the Works until Council's road maintenance service provider completes the standard road pavement restoration. Where the Consent Holder undertakes to do the restoration work themselves, then the Consent Holder is responsible until Council agrees to the standard of that restoration work.

**18. Responsibility in the event of absence or emergency**

- 18.1. In the Consent Holder's absence from the site of the Works, or in the event of any emergency, Council may take such action as it considers, in its absolute discretion, necessary to prevent:
- a) Loss of or damage to the whole or any part of the Works;
  - b) Loss or damage to the Road or any property adjacent to the Works; or
  - c) To prevent personal injury to any person.
- 18.2. Any such action (under sub-clause 18.1) is at the Consent Holder's expense.

**19. Safety**

- 19.1. The Consent Holder must carry out the Work with due regard to the safety and rights of the public.
- 19.2. In addition to clauses 2, 3 and 4 the Consent Holder must comply with the requirements of the NSW Work Cover Authority, the Department of Industrial Relations & Employment, and the Police Service of NSW.

**20. Relocation**

- 20.1. If it is necessary in the reasonable opinion of Council:
- a) To relocate or remove any portion of the Works; or

- b) Carry out any additional work for the safety and protection of the public,

the Consent Holder must relocate or carry out such removal or additional work as reasonably determined and directed by the Council.

- 20.2. Any such relocation and/or additional work required to be carried out is at the Consent Holder's expense.

**21. Public Risk**

- 21.1. Nothing in this consent shall be deemed to:

- a) Prejudice or affect the rights of the public to free passage upon or along the Road;
- b) Authorise any nuisance to, or permanent obstruction of, the Road or public places;
- c) Confer upon the Consent Holder exclusive right or title to that part of the Work within the boundaries of the Road, or
- d) In any way restrict or limit the powers of the Authority and the Council in respect of the Road.

**22. Deemed Acknowledgement**

- 22.1. Upon commencement by the Consent Holder of any part of the Work it shall be deemed that the Consent Holder has agreed with the Council to comply with the conditions of this consent.

**23. Conditions for moving or grazing stock on Council roads**

- 23.1. The Consent Holder is to comply with the following conditions if stock is being moved or grazed on Council roads at the site or near the site of the Works:

- a) That stock warning signs as described in the *Local Land Act* 2013 indicating the presence of stock on the road shall be prominently displayed 200 metres before and after the section of road being used;
- b) Stock signs must be displayed at all times when stock are on or adjacent to a roadway, and removed when stock are no longer present;
- c) That the distance over which stock are being grazed does not exceed 2kms at any one time;
- d) When stock are being moved along the road, warning signs shall be no further than 5kms apart;
- e) That at least one person shall be attending the stock at all times;
- f) That the stock may only be present on a public road during daylight hours.

## **Additional General Conditions**

### **1. Definitions:**

1.1. In this Memorandum the following words have the following meanings:

**Defined terms** - In addition to the meanings or values assigned in the Schedule of Details, in this document:

**Approval** means any consent, approval, authorisation, licence, registration, order, permission or concurrence required by law, including by a Legislative Requirement and any Council acceptance, condition or approval including those under this Consent, required for the commencement, execution or completion of the Works.

**Authority** means a Commonwealth, State or local government department, a Minister, body, instrumentality, trust or public authority in the exercise of a governmental regulatory function.

**Business Day** means any day not a Saturday, Sunday or public holiday in New South Wales, and also excluding Council Christmas closure for one (1) week in December.

**Design Documents** means a drawing, specification, document, calculation, software, sample, model, pattern and the like, required by this Consent or created for the construction of the Works.

**Item** means an item set out in the Schedule of Details.

**Legislative Requirements** includes an act, ordinance, regulation, by-law or order of a government or Authority, or an Approval of an Authority (including any condition or requirement under an Approval).

**Management Plan** means a detailed plan setting out how a nominated aspect of the carrying out of the Works will be managed and implemented to ensure the requirements of this Consent are met, and includes plans for Traffic Control, Traffic Management, Occupational Health and Safety, Quality, Inspection and Testing, and Environmental Management and the Construction Program.

**Security** has the meaning given in clause 6.1(e).

### **2. Consent Holder's Responsibilities**

- 2.1. It is the Consent Holder's responsibility to maintain the Works in good condition with no cost to the Council during the service life.
- 2.2. The Council relies on the advice, skill and judgment of the Consent Holder and the Consent Holder's consultants and contractors in connection with:
  - a) the correctness and reliability of the Schedule, submitted with the application and in accordance with Condition 40 of the Development Determination.
  - b) the correctness and suitability of the Design Documents;
  - c) the performance of the Consent Holder's obligations under this Consent;
  - d) the fitness for purpose of the completed Works; and
  - e) the fitness for purpose of each item of plant and equipment used either in the construction of, or forming a part of, the Works.
- 2.3. The Council makes no representation or warranty as to the Works and assumes no duty of care in respect of them or any information provided by the Council.



- 2.4. The Consent Holder must not carry out any modification of the Works without further approval from the Council.
- 2.5. It is Consent Holder's responsibility to conduct routine inspections of the Works during the service life and enter into a maintenance agreement with Council as required by the Consent.

### **3. Develop Documents and Management Plans**

- 3.1. The Consent Holder must develop:
  - a) Design Documents required to construct the Works; and
  - b) Management Plans required by the Council; based on the Scope Drawing referred to in Item 1 and in accordance with RMS material and workmanship specifications; and especially the traffic management plan is to comply with the RMS Traffic Control at Work Sites manual.

### **4. Obtain Approvals**

- 4.1. The Consent Holder must obtain:
  - a) all Approvals required for the design and construction of the Works; including Planning Approval, Local Government Act Section 68 approvals and any other approval required by law. Note: Planning and Section 68 approval are accepted as not required for Drainage in this case being approved under the DA and the Infrastructure SEPP. However, approvals remain the responsibility of the Consent Holder.
  - b) certification of all Design Documents by an independent engineer to the satisfaction of the Council; and
  - c) acceptance by the Council of the Design Documents, Management Plans.

### **5. Co-operation with Council**

- 5.1. The Consent Holder must assist the Council to meet the Council's obligations under the Environmental Planning and Assessment Act 1979 (NSW) and other Legislative Requirements (including the requirement for the Council to make a final determination that the Works can proceed prior to acceptance of the Design Documents).
- 5.2. The Consent Holder must not without the Council's prior written approval make any modification to the Works or the Design Documents or Management Plans once approved by a Road or other Authority or after acceptance by the Council.
- 5.3. The Consent Holder must obtain the Council's prior written approval of proposed contractors and subcontractors and, to the extent required by the Council, must ensure that such contractors and subcontractors are:
  - a) suitably experienced in constructing similar works;
  - b) prequalified at a level and class appropriate for the work to be performed by them,
  - c) engaged by the Consent Holder under terms and conditions that ensure that the contractor will satisfy the Consent Holder's relevant obligations to the Council under this Consent.

**6. Commencement of Works on Site**

- 6.1. Pre-conditions - The Consent Holder must not commence construction of the Works, including bringing plant or materials onto the Site or implementing steps in a Management Plan, unless and until:
- a) it has complied with the Consent Holder's obligations under clauses 2 and 3 of this Memorandum;
  - b) it has taken out the insurances referred to in this Consent and provided evidence of those insurances to the satisfaction of the Council;
  - c) it has provided at least 10 Business Days prior notice of the proposed start date for the road occupancy at the Site, for approval by the Council;
  - d) it has agreed with the Council 's requirements for dedication and transfer of land necessary for the public road or the establishment of a suitable road reserve;
  - e) it has provided the Council with an unconditional bank guarantee in a form acceptable to the Council for XX% of the Estimated Cost of the Works set out in Item 3 of the Schedule (Security);
  - f) it has paid to the Council the amount nominated as Estimated Council Costs in Item 4 of the Schedule; and
  - g) the Council has completed any necessary environmental assessment and determined that the Works can proceed.

**7. Construction of the Works**

- 7.1. Consent Holder obligations - The Consent Holder must:
- a) implement the Works expeditiously, to the satisfaction of the Council and in accordance with the Construction Program, and control traffic in accordance with the Traffic Management Plan accepted by the Council;
  - b) at all times act in a lawful manner in respect of the Works;
  - c) allow people authorised by the Council access to the Site at all times and undertake any testing or permit examination of any documentation or tests of materials or workmanship that the Council requires;
  - d) obtain for the benefit of the Council all available product and work warranties from the Consent Holder's suppliers, contractors and subcontractors in respect of equipment and materials used in the Works or assign such benefit to the Council where the warranty is not in favour of the Council;
  - e) ensure that directions or other requirements of the Council given from time to time (including a direction to immediately stop work) are complied with;
  - f) ensure that a report is immediately sent to the Council's Representative of any injury to a person suffered in connection with the Works or while present at or adjacent to the Site and of any claims made pursuant to workers' compensation insurance and assist the Council to promptly investigate and monitor the incident; and

- g) ensure that all subcontractors and workers engaged by the Consent Holder in connection with the Works are fully paid money properly due and payable to them under relevant awards, contracts and enterprise agreements.
- 7.2. The Consent Holder must not without the Council's prior written approval, use explosives at the Site or in relation to any part of the Works.
- 7.3. Step in by Council
  - a) If the Council determines it is necessary to maintain traffic flows or for public safety, or if the Consent Holder breaches any condition of this Consent or a Management Plan, the Council may take control of all or any part of the Site and/or the Works for whatever period it considers is appropriate.
  - b) The Council may undertake remedial, protective, or traffic control work that it considers is urgently required and recover or set-off the cost under clause 9.
- 7.4. Principal Contractor
  - a) The Consent Holder is, for the purposes of the *Work Health and Safety Act 2011* considered a person conducting businesses or undertakings involving management or control of workplaces. The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.
  - b) The Consent Holder must comply with all aspects of the *Work Health and Safety Act 2011* and the Regulations.

## **8. Completion**

- 8.1. Practical completion - The Consent Holder must:
  - a) give the Council 10 Business Days' notice of the date on which it anticipates practical completion will be reached;
  - b) when it is of the opinion that practical completion has been reached, provide further notice to the Council together with a report of practical completion which includes:
    - c) necessary acceptances or Approvals by other Authorities; and
    - d) test results, identification of further work required to finally complete the Works, and such other information as the Council requires to assess practical completion; and
  - e) provide "as built" drawings to the Council, within 4 weeks of practical completion.
- 8.2. Council 's response - Following receipt of the documents referred to in clause 8.1(b), the Council will inspect the Works and notify the Consent Holder of the date on which the Council is satisfied that practical completion has been reached (Date of Completion), or the reasons why it is not satisfied.
- 8.3. A notice that the Council is satisfied practical completion has been reached will not constitute an admission by the Council of the Consent Holder's performance of its obligations, or that that the Works comply with the requirements of this Permit.

- 8.4. Defect rectification - The Defects Liability Period commences on the Date of Completion. The Council may at any time before the end of the Defects Liability Period issue a list of defects or non-conforming work to the Consent Holder, and the Consent Holder must correct the items listed within the time frame nominated by the Council.
- 8.5. Final completion - At the end of the Defects Liability Period, the Consent Holder must notify the Council after the Works are finally complete (Final Completion Notice), which must include a statutory declaration in a form satisfactory to the Council (or such other documentation as the Council may require) that:
- a) all contractors and workers engaged by the Consent Holder or a subcontractor in connection with the Works have been fully paid money, remuneration and other benefits properly due and payable to them; and
  - b) that relevant pay-roll tax and workers compensation premiums have been paid.
- 8.6. Maintenance -The Consent Holder shall maintain the works during the service life in satisfactory condition acceptable to Council in accordance with the consent conditions.
- 8.7. Following receipt of the Final Completion Notice), the Council may provide the Consent Holder with a statement:
- a) showing the amount determined by the Council as owing by the Consent Holder to the Council (and attach an invoice for amounts not previously invoiced); and
  - b) setting out the balance of the Security still held by the Council.
- 8.8. The Council has no obligation to release the balance of the Security it holds until the Consent Holder has completed all its obligations under this Consent.

## **9. Costs and Payments**

- 9.1. General - The Consent Holder must pay all of the Council's costs in connection with the Works and this Consent, including:
- a) internal and external costs of reviewing documents or producing reports, obtaining or providing consents, Approvals or determinations and surveillance or administration;
  - b) legal costs associated with this Consent (including on termination), complying with Legislative Requirements or prosecuting or defending an action;
  - c) the cost of remedying a breach of this Consent by the Consent Holder or of taking emergency or special measures required by the Council.
- 9.2. **Adjustment of costs** - If the Council 's costs exceed the amount paid by the Consent Holder under clause 6.1(f), the Council may invoice the Consent Holder for the additional costs at any time and the Consent Holder must pay the full amount of the invoice within 10 Business Days from the date of the invoice.
- 9.3. To the extent that the Consent Holder does not comply with this clause, the Council may, without limiting other rights, call on the Security and set-off the amount owing against it.
- 9.4. **GST and other taxes** - The Consent Holder must pay all taxes (including GST, stamp duties, levies or government charges) in connection with this Consent and the Works. Costs referred to in this Consent, unless specifically described as GST inclusive, do not include an amount on account of GST. If a supply made by the Council in connection with this Consent is subject to GST, the Consent Holder must pay the Council the amount payable for the

supply plus an additional amount equal to the GST payable by the Council.

**10. Termination**

10.1. Termination - The Council may terminate this Consent:

- a) immediately by written notice if the Consent Holder breaches any provision of this Consent and does not rectify that breach within 10 Business Days of receiving written notice from the Council requesting it to do so; or
- b) without prior notice if:
  - the Consent Holder fails to pay within 10 Business Days of the due date, an amount due and payable to the Council under this Consent or for any other service supplied to the Consent Holder or its related bodies corporate by the Council; or
  - a receiver, liquidator, provisional liquidator or administrator is appointed over any of the Consent Holder's undertakings or assets, or if the Consent Holder enters into an arrangement with its creditors.

10.2. Effects of termination - Termination does not affect the Consent Holder's accrued responsibilities and obligations, nor does it affect any conditions which expressly or by implication are intended to operate after termination.

**11. General**

- 11.1. No Restriction on Rights - Nothing in this Consent is deemed to in any way restrict or limit the powers of the Council or other relevant Authority or fetter the Council in the exercise of its statutory functions and in the event such exercise is undertaken in accordance with the law.
- 11.2. Assignment - The Consent Holder must not assign or encumber any right, obligation or interest under this Permit without the written approval of the Council.
- 11.3. Notices - A party notifying or giving notice under this Consent must do so in writing sent by prepaid registered post or facsimile and the original by post to the other party's Representative nominated in the Schedule at the address or facsimile number specified on the first page of this Consent.

## Schedule of Details

1. The Works	The works are the works within the Road Reserve of XXXXX Road as detailed in the letter and application MACHenergy dated **DATE** and held by Council as Doc ID ???? and the plans ID ?????.	
2. The Site	XXXX Road and associated areas as shown in the above documents.	
3. Estimated Cost of the Works	\$ (GST inclusive)	[Clause 6.1(e)]
4. Estimated Council Costs	Plan Approval \$,xxx.00 (GST inclusive) Construction Observation Traffic Control Plans \$ xxxxx.00 (GST inclusive) Final Acceptance (WAE review etc) \$ xxxxx.00 (GST inclusive)  Total \$ xxxxx.00 (GST inclusive)	[Clause 6.1(f)]
5. Defects Liability Period	12 Months	[Clause 8.4]
6. Consent Holder's Representative	Name..... Position..... Mobile Phone..... Office Phone..... Email . Facsimile.....	[Clause 14.3]
7. Council's Representative	Name.....Peter Higgins..... Position.....Manager Technical Services..... Mobile Phone.....0400 117 374..... Office Phone.....02 6549 3755..... Email .....Peter.Higgins@muswellbrook.nsw.gov.au..... Facsimile.....02 6549 3701.....	[Clause 14.3]

## **Special Conditions**

1. The Consent Holder must lodge with Council a Security to be held for the removal of the mine owned asset from the road reserve and restoration of the landform to the satisfaction of council. The Security in the form of a cash bond or bank guarantee is for an amount to be agreed with the General Manager prior to the commencement of the construction of the Mine owned Infrastructure. The Security as a bank guarantee is to be indexed at the Construction Price Index rates biannually and if a cash bond, the amount is to be reviewed every five years from lodgment. The Security is to be held until the mine owned asset is removed from the road reserve and the road reserve and landform is restored to the satisfaction of council or as approved by Council.
2. The works should be completed without delay in accordance with the approved time table. Should works be delayed by weather or other cause beyond the control of the applicant an early application for a time extension will be considered.
3. The Consent Holder is to advise Council's Engineering Officer Works Quality on 0418 110 010 three days prior to commencing work to confirm inspections prior to commencement.
4. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least a week in advance, and incorporate reasonable access needs for those properties. The Consent Holder is to advise the general public of the Works by variable message board in the local area of the Works and advertisement in the local newspaper at least a week prior to site works.
5. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
6. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.
7. This Consent does not constitute approval of any environmental impacts and the Consent Holder is responsible for any such impacts and any approvals that may be required in relation to the Works.
8. The Consent Holder must ensure that mud and dust from the Works is not carried on to the Road. (It is suggested that a device (from the Soil management book) may be required to remove such materials prior to entering the roads. Note: If required a shake down device should be placed off the existing road so that the public did not need to travel on it.)

## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 DOG PARKS OFF LEASH PROPOSAL

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
<b>Author:</b>	Paul Chandler - Recreation and Property Officer
<b>Community Plan Issue:</b>	<i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i>
<b>Community Plan Goal:</b>	<i>That our community infrastructure is appropriate, sustainable and well maintained</i>
<b>Community Plan Strategy:</b>	<i>Plan, provide and manage a selected range of recreation facilities to an appropriate standard in a safe and efficient manner</i>

#### PURPOSE

To propose the location for two fenced dog park areas in which residents can take their dogs to run off the leash and socialise with other dogs.

#### OFFICER'S RECOMMENDATION

1. Council support the two nominated locations of Karoola Park and Kurrajong Reserve for fenced off the leash dog parks; and
2. Consultation be undertaken with stakeholders to develop designs for Councils consideration.

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

#### BACKGROUND

Through community consultation residents of Muswellbrook have requested the provision of extended and improved off the leash dog parks. Community input indicates a strong interest in dog parks and suggestions on how to improve current facilities. Concerns about the existing agility park at Karoola Park include nuisance weeds, lack of shade, confined equipment, need for car parking, water, bins, and insufficient size of park.

#### CONSULTATION

Singleton Council Staff in relation to the dog park installed at Dunolly Park, Singleton.

Ranger

Manager Property and Building Services

Property and Building Services Officer

#### CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr Michelle Green, Spokesperson for Recreation

Cr Graeme McNeil, Spokesperson for Sport and Recreation



**REPORT**

Staff suggest two suitable areas within Muswellbrook for dog parks which are:

1. Existing Dog Agility Area, Karoola Park

This area is the only designated off the leash area in Muswellbrook. It could be improved with the provision of water, bins and boundary fencing. This area could service the northern residents of Muswellbrook and minimise the use of Council sportsgrounds as off leash areas.

2. Kurrajong Reserve

This underutilised area on the southern side of Muswellbrook has established trees with a network of footpaths to numerous streets in the area and therefore available to many residents.

This reserve tends to suffer from graffiti attacks so by locating a dog park here will help to activate the area and encourage passive supervision. This will minimise the potential for vandalism and provide residents on the southern side of Muswellbrook an area to exercise their companions.

**OPTIONS**

There are a number of matters to consider in progressing the development of the proposed dog parks and this could be done in consultation with community members who are passionate about having these areas available. Areas for consultation would include final locations, size of the parks, construction materials and amenities.

**CONCLUSION**

The two proposed dog park areas at Karoola Park and Kurrajong Reserve could form the beginning of a small community consultation process in developing a design and budget for the consideration of Council.

**SOCIAL IMPLICATIONS**

Implications of fenced dog park areas include:

Positive implications

- An off leash area for people and their companions to exercise;
- The areas allow dogs to get adequate physical and mental exercise, lessening destructive behaviors;
- Improved health and wellbeing of residents;
- The utilisation of open spaces;
- Socialisation of animals; and
- Minimising interaction of dogs with cars, rollerbladers, skateboarders, bikes, etc. likely to be encountered in parks.

Negative implications

- Potential of danger from aggressive dogs;
- Potential of danger of physical injury from dog-related hazards;
- Potential for lack of impulse control and over-excitement;
- Not appropriate for small and large dogs at the same time;
- Dog droppings and general rubbish;
- Owners may leave dogs unattended; and
- Potential for noise.

**FINANCIAL IMPLICATIONS**

To be determined

**POLICY IMPLICATIONS**

Companion Animals Management Plan

**STATUTORY IMPLICATIONS**

Companion Animals Act 1998

**LEGAL IMPLICATIONS**

Not applicable

**OPERATIONAL PLAN IMPLICATIONS**

'11.1 Plan, provide and manage a selected range of recreation facilities to an appropriate standard in a safe and efficient manner,' *Operational Plan 2016-2017*

**RISK MANAGEMENT IMPLICATIONS**

The final concepts will be informed by managing risks.

## 12.2 HUNTER PARK PLAYGROUND EQUIPMENT

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
<b>Author:</b>	Carolyn O'Brien - Manager, Community Services
<b>Community Plan Issue:</b>	<i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i>
<b>Community Plan Goal:</b>	<i>Our residents and visitors have access to a range of inclusive cultural and open spaces that consider the principles of placemaking</i>
<b>Community Plan Strategy:</b>	<i>Plan, provide and manage a selected range of recreation facilities to an appropriate standard in a safe and efficient manner</i>

### PURPOSE

A grant opportunity to replace the playground equipment has been brought to the attention of Council by both Compass Housing and Upper Hunter Community Services who are both seeking Council's endorsement of their individual requests to apply for grant funding towards the replacement of suitable playground equipment at Hunter Park.

### OFFICER'S RECOMMENDATION

That;

1. An application of \$50K is made towards the Social Housing Improvement Fund by Muswellbrook Shire Council for suitable playground equipment at Hunter Park and;
2. A working partnership is entered into with both Compass Housing and Upper Hunter Community services to ensure that through community engagement, suitable equipment will be included in the renewal of Hunter Park and;
3. A review of all Council playgrounds is completed over the next six months to ensure that the play equipment is meeting the demographic needs of the community, with a report back to Council that describes these findings by December, 2017.

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

### BACKGROUND

Council has received various requests for the replacement of playground equipment at Hunter Park since it was damaged on a number of occasions during the 2011/12 period.

In July, 2012 staff and Councillor's met with a concerned group of residents regarding the replacement of the playground equipment. The following represents an excerpt of the informal minutes of that meeting.

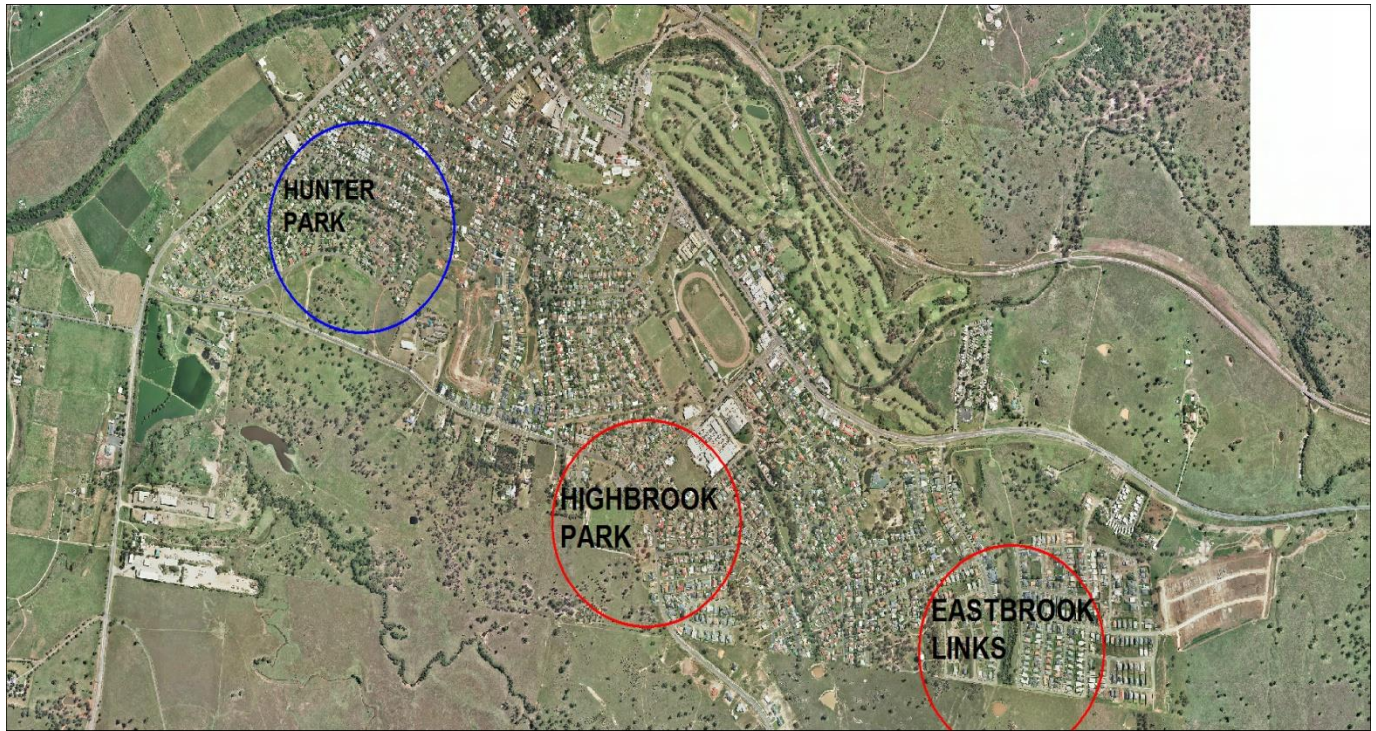
*Playground Equipment Replacement – The Residents asked if the Playground equipment would be replaced after its recent burning. Council will collect the insurance for the equipment and retain the monies for the purpose of Hunter Park, as it is reluctant to replace the equipment until the finalisation of a strategic plan for the Wollombi area.*

Since that meeting, which was held over five years ago, work on the strategic masterplan for the South Muswellbrook Wollombi Road Precinct has been completed and adopted by Council. This long term strategy, when implemented, will improve the urban design of this precinct and improve resident

connectivity with surrounding areas. However, in the interim there remains a significant and obvious need for a playground that supports the social and physical needs of the families that live in this area.

In October, 2016 residents again approached Council seeking metal tables and benches under shaded areas, making a case for Hunter Park infrastructure, including playground equipment that supports family and children's use of Hunter Park. This work will cost approximately \$10,000.

Staff have prepared an aerial overview of the available public playground equipment in south Muswellbrook within 500 meter radius of each park, Hunter, Highbrook and Eastbrook Links. This gives clarity to the gap that exists in play equipment if Hunter Park remains without a playground. This map also clearly outlines the walking distance between each of these open spaces.



## CONSULTATION

Manager Property and Buildings

Compass Housing

Director, Planning, Community and Corporate Services

Upper Hunter Community Services

## CONSULTATION WITH COUNCILLOR SPOKESPERSON

Cr. Green spokesperson for recreation and wellbeing.

Cr. Eades spokesperson for social inclusion.

## REPORT

The following proposal (in *italics*) has recently been received from Compass Housing. This proposal seeks Council's support as the owner of the land, for a partnership regarding the installation of playground equipment at Hunter Park. Compass Housing is making a funding application through "The Social and Community Housing Improvement Fund (SCHIF).

*"The Social and Community Housing Improvement Fund (SCHIF) is provided by the NSW Government to enhance the quality of life in social and community housing communities. Now entering Round Three, the fund has been very successful in delivering physical and social enhancements for disadvantaged communities. Compass Housing has been successful in both Round One and Two, including in the Muswellbrook South area. We wish to continue this success*

with an application to install play equipment in Hunter Park and invite the Muswellbrook Shire Council to partner Compass in developing the proposal.

### **The proposal**

The project will install play equipment in Hunter Park which lies at the centre of South Muswellbrook social housing community. There is currently no play equipment installed and the area lacks any amenity for children and young people, despite a high proportion of families with children in the social housing community. Currently 52% of the Compass properties have children under 16 residing in them. The provision of play equipment will improve community infrastructure, enhance an underused open space and facilitate integration between social housing residents and the wider community.

The location has reasonable levels of community surveillance and with the right facilities could provide an important play and recreational space for children and their adult family members. It currently only provides two swings for children's play and does not compare favourably with other facilities in Muswellbrook. The play equipment would provide reason to visit the park and encourage further use of the grassed area. The locality would have an improved capacity to be the focus of community events such as barbecues and family gatherings and could be an important outdoor community hub. It currently offers little incentive to visit and could not capture children's play ambitions. Play is a critical component of children's development trajectory and currently children on the estate have no opportunity to explore and develop physical and recreational skills in a safe environment that is designed for that purpose. Our intention to involve young people in the design of the equipment is intended to empower young residents with a sense of agency but also to develop a sense of ownership to mitigate future vandalism.

### **A Partnership Proposal**

The SCHIF Round 3 program provides an opportunity for Council and Compass Housing to collaborate in a proposal for \$50,000 funding to install play equipment in the Hunter Park. Estimates were secured for Round 1 which suggest a limited but adequate facility can be installed for that amount by commercial suppliers. Installations are to current safety standards and maximum vandal proofing. An illustrative installation is provided below. However, the actual design would be derived from a consultation exercise with children and youth in the locality.

In support of this proposal Compass is conducting community consultation to inform the application. In the first phase of this exercise over 50 residents have expressed their approval for the installation of equipment and stated their future use of it. The second phase of consultation will take place week beginning 24th April. If the SCHIF proposal proceeds, Compass will submit the application and if successful convene and fund the community design event.

### **Implications for Council**

As an installation on Council owned land, a letter of permission is required for submission of the proposal to the SCHIF fund. As owners of the park, Council would be the insurers for public liability. Council would also take responsibility for general maintenance and repair of the facility. From the supplier who has provided a quotation for illustrative purposes the indicative commitment is:

- Weekly visual inspection and, where required, hosing down of equipment.
- Repairs and maintenance in common with similar council owned installations.

### **Summary**

The SCHIF application process provides an opportunity to bring a play amenity to the community of Muswellbrook South that will service the whole community as well as Compass tenants. This will be an initial positive intervention in a program of change which includes a range of initiatives to tackle social disadvantage and improve the quality of life in the locality. This will pay dividends in stabilising the community and beginning a process of integration with the wider community of Muswellbrook. The proposal is supported by the multi-agency membership of the Department of

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*Premier and Cabinet Working group, who will provide letters of support to accompany the SCHIF application if the proposal receives Council approval.*

On 27 April, a similar proposal to endorse a funding application, being submitted to the same grant, was received by Council from Upper Hunter Community Services.

## OPTIONS

Staff have reviewed the proposals received and suggest that it is time to consider the inclusion of a playground in Hunter Park based upon the recent statistics received from Compass Housing and the community feedback that Upper Hunter Community Services are receiving from residents in the Hunter Park area. It seems reasonable to assume that the playground will be highly utilised based upon the demographic breakdown in that precinct of that precinct by Compass Housing and also for the following reasons;

- It is nearly six years since the residents living near Hunter Park had an equitable play area within close proximity to their homes.
- The masterplan for this area has been completed and approved by Council.
- Council's policy decision to support actions that reduced the 'churn' within the south Muswellbrook area are assisted by place making actions in this precinct.
- The addition of a playground will improve the liveability of the area for young children and families.

The strategy that Compass and Upper Hunter Community Services suggest will work regarding community involvement in the design elements of the playground through consultation gives 'ownership' of the playground to the community.

This does not mean that the equipment will not be damaged moving forward; in fact there are real risks associated with the possible damage of the equipment that can only be partially designed out of the project based on experience across the entire Shire.

However, the playground equipment will most certainly add to the amenity of Hunter Park. It is possible that the consultation that is proposed will also include discussions with the community about making this 'their space'.

### Implications to Council

Compass Housing have identified;

- Weekly visual inspection and, where required, hosing down of equipment.
- Repairs and maintenance in common with similar council owned installations.

Staff have identified additional implications to Council;

- The \$50K quotation received by Compass Housing is based on a level site, clear access for truck and free from underground services. In addition no allowance has been made for off-site disposal of spoil, nor is there an allowance for returfing/seeding the area.
- The costs associated with the installation will significantly reduce the size of the original playground that was quoted unless Council is prepared to meet the shortfall from the monies received from earlier insurance claims (2011/12).

## RECOMMENDATIONS

Staff are recommending that Council, as the owner of Hunter Park is the lead agency on this funding application and that a working group is formed with Compass Housing and Upper Hunter Community Services to ensure that the design of the playground is robust, and suitable to the age demographics of the community. In fact, staff suggest that a review of all playground equipment and its relevance to current demographic needs is due for assessment and that this opportunity may present a good partnerships with these providers to complete wider consultation of playground areas.

**SOCIAL IMPLICATIONS**

There is a wide range of research that suggests that playgrounds provide daily opportunity for children to develop the social and emotional skills, psychological resilience and physical attributes to enable them to succeed in life as independent individuals.

Hunter Park is an open space that has held challenging management issues for council, regardless this is the only open space within walking distance of the residents in the adjacent community and is the only outdoor meeting space available for community gatherings. This open space is critical to creating a neighbourhood area that is safe and welcoming.

**FINANCIAL IMPLICATIONS**

The grant funding, if achieved, provides a significant financial injection into the construction of playground equipment at Hunter Park. There is sufficient funding in the recreation budget for the additional installation costs of this equipment if required.

If this funding is not achieved Council could take a staged approach to the delivery of the playground equipment at Hunter from the recreation fund.

**POLICY IMPLICATIONS**

Not applicable at this time

**STATUTORY IMPLICATIONS**

The installation of playground equipment at Hunter Park will need to meet Australian Design Standards. The installation of the playground equipment will require risk assessment and the application of OH&S principles.

**LEGAL IMPLICATIONS**

Council is the owner of the land on which Hunter Park.

**OPERATIONAL PLAN IMPLICATIONS**

There will be ongoing maintenance and safety inspections on the equipment and associated costs in repairs.

**RISK MANAGEMENT IMPLICATIONS**

The playground equipment, if installed through a successful grant, will require insurance coverage.



## 12.3 DISABILITY INCLUSION

<b>Attachments:</b>	<b>A. 201718 Disability Inclusion Strategy</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Acting Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Carolyn O'Brien - Manager, Community Services</b>
<b>Community Plan Issue:</b>	<b><i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i></b>
<b>Community Plan Goal:</b>	<b><i>Our communities have safe and convenient access to public car parks, footpaths and cycle ways</i></b>
<b>Community Plan Strategy:</b>	<b><i>Improved customer service</i></b>

### PURPOSE

To provide a report that describes the Disability Inclusion Strategies, Plans and Actions of Muswellbrook Shire based on consultation outcomes and the requirements of the NSW Disability Inclusion Act 2014.

### OFFICER'S RECOMMENDATION

**Council endorse the actions in the Integrated Disability Inclusion Plan.**

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

### 1. BACKGROUND

The *Muswellbrook Shire Disability Strategies, Plans and Actions 2017-2021* has been integrated into the Muswellbrook Shire Councils' Delivery Program for the next four years and represents this Council's commitment to the requirement of the NSW Disability Act, 2014 to deliver the following four key objectives;

1. Developing positive community attitudes and behaviours (through partnerships)
2. Creating liveable communities (through partnerships)
3. Supporting access to meaningful employment (within Council) and;
4. Improving access to services through better systems and processes (within Council)

Not all of the above objectives will be the single responsibility of Muswellbrook Shire Council; rather it will be necessary to achieve objectives 1 and 2 through partnership deliveries with our residents and other Government Departments, Agencies and Non-Government Organisations (NGO's). Objectives 3 and 4 will require a strong internal focus on Equal Employment Opportunities (EEO) and the review of planning, processes and systems that support Muswellbrook Shire Council's internal and external customers.

### CONSULTATION

A significant amount of internal and external consultation has been conducted to create Council's Disability Inclusion Action Plan 2017-2021. This took the form of face to face conversations in partnerships with human services providers across the Shire.

This consultation reflected the views of people of varying abilities and identified a series of activities that are now either integrated within Muswellbrook Shire Council's community and corporate planning documents (Delivery Program 2017-2021) or are included in the systems and process improvement actions list that will be addressed by the staff internal working group. This internal group includes key



people with technical and knowledge skills, from within council, who will drive process and system improvements that are now a list of actions that our community identified as gaps for people with disabilities. This more broadly includes infrastructure, communication, behaviour and attitude, events and service delivery improvements and reviews.

## **CONSULTATION WITH COUNCILLOR SPOKESPERSON**

All councillors were included in a strategic planning weekend in October, 2016 which resulted in the list of actions that are incorporated with Muswellbrook Shire Council's Delivery Program, 2017-2021 which was adopted in February, 2017. This includes a section on social equity and inclusion, governance and corporate management.

## **REPORT**

### **1. Policy and Legislative context**

The NSW Disability Inclusion Act (2014) requires NSW councils to;

- a. Prepare and endorse the actions that will be taken to reach the objective of the 2014 NSW Disability Inclusion Act by 1 July, 2017.
- b. Consult with people in our community including those with varying ability, as a part of the planning process,
- c. Provide a copy of the Disability Inclusion Plan to the Disability Council NSW describing Council's current and intended actions,
- d. Report on implementation of our plans in the annual report, forwarding a copy to the Minister,
- e. Review this plan every four years (for the term of each Council)

### **2. Social Equity and Inclusion**

Muswellbrook Shire Council endorsed the key objectives for social inclusion and equity in February, 2017. This four year delivery program includes a focus on social equity and inclusion for all people including those with disabilities.

In meeting the requirements under the Act for disability inclusion and access planning, council must also;

- a) Specify how it will incorporate the UN human rights disability principles into its dealings with matters relating to people with disabilities.
- b) Include strategies to support people with disabilities that;
  - i. Provide access to buildings, events and facilities,
  - ii. Provide access to information,
  - iii. Accommodate the needs of people with disabilities,
  - iv. Support employment of people with disabilities,
  - v. Encourage and create opportunities for people with disabilities to access services and activities
- c) Include details of its consultation about the plan with people with disabilities and;
- d) Explain how the plan supports the goals of the State Disability Inclusion Plan (the four focus areas introduced in the background of this report).

The attached document (A) has been created to reflect the legislative framework that the NSW Disability Inclusion Act 2014 provides and provides information on Council actions to support residents and visitors in the pursuit of;

- The same human rights as other members of the community and that governments and communities have a responsibility to facilitate the exercise of those rights;
- Independence and social economic inclusion within the community and;

- Choice and control in the pursuit of their goals and the planning and delivery of their supports and services.

## OPTIONS

This report provides Council with the draft Disability Inclusion Plan, 2017-2021 for endorsement.

## CONCLUSION

It has been necessary to compare what we are doing now, with what we might need to do in future to achieve the following objectives (as they are described in the NSW Disability Inclusion Act, 2014);

1. Developing positive community attitudes and behaviours (through partnerships)
2. Creating liveable communities (through partnerships)
3. Supporting access to meaningful employment (within Council) and;
4. Improving access to services through better systems and processes (within Council)

The consultation that was undertaken within the community demonstrates that we have made good progress in addressing the mobility needs of many people within our Shire. However, there is still some significant work required towards internal process and systems, such as our communication strategy and style guide, that will assist people with sight, hearing and mental health disabilities who are interfacing with Council.

Much of the future work regarding disability within Council will require a Universal Approach to Disability Awareness Training where;

- Staff will gain a better understanding of what disability is.
- entrenched myths and misconceptions surrounding disability and people with disability will be identified, discussed and where possible removed.
- The importance of respecting differences and translating this into everyday language and what respectful communication involves.
- Improved planning, processes and systems that support disability become an integral part of what council does daily.

## SOCIAL IMPLICATIONS

In 2008, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) redefined persons with disabilities to include “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”

Since that time, there has been a continuing effort to remove barriers that might hinder people with disabilities so that they might be further included in social opportunities, employment options and equitable social enterprise.

## FINANCIAL IMPLICATIONS

There will be ongoing financial implications to implementing infrastructure, process and systems improvements that support social equity and inclusion.

The internal working group, will on occasion, report to Council to update them on the progress and priority of works undertaken to improve the liveability of Muswellbrook Shire for people with barriers to inclusion because of varying abilities.

**POLICY IMPLICATIONS**

Muswellbrook Shire will strive to create inclusive community spaces and positive behaviours that create and encourage opportunities for people of all abilities. This will require an ongoing review of existing policies and the creation of new policies over time.

**STATUTORY IMPLICATIONS**

The NSW Disability Inclusion Act, 2014 describes local government actions that must be undertaken to ensure that people with disability are experiencing social equity and opportunities for broader participation in Council's services and deliveries.

**LEGAL IMPLICATIONS**

Are described by the NSW Disability Inclusion Act, 2014.

**OPERATIONAL PLAN IMPLICATIONS**

There are various parts of the 201718 operational plan that will include actions that deliver the objectives of the NSW Disability Inclusion Act, 2014.

**RISK MANAGEMENT IMPLICATIONS**

Risk management will form a part of each improvement project that is undertaken by the internal working group responsible for delivering improvements in Muswellbrook Shire Council's process and systems framework with regard to barriers that impede social equity and inclusion.



## Disability Inclusion Strategies, Plans and Actions in Muswellbrook Shire 2017-2021

An integrated approach to creating and  
maintaining a liveable, safe and inclusive  
community



## A Message from the Mayor and General Manager

Our plan for social equity and inclusion requires a continued focus on policies and actions that promote social inclusion and participation in Muswellbrook Shire. This includes the delivery of existing employment, community events and activities that provide improved liveability, services and facilities that support people of all abilities, families and older residents as they move to retirement.

Most residents in our Shire are engaged, feel a sense of pride in their communities and feel safe and secure in their homes. However, there are still a number of people who have indicated that they are seeking more. Youth services and facilities and services for older people along with a desire for support for local communities are areas of priority.

Residents from across the Shire and our visitors, already have access to a wide range of community and government agency and council services appropriate to their age and needs. Council also works with health, welfare and educational organisation from the government and non-government sector to improve outcomes for individuals and our community. This occurs through liaison, advisory support, assistance with the use of council premises and provision for opportunities for networking.

The Disability Inclusion Strategies, plans and actions in Muswellbrook Shire for the Delivery Program period of this current council provides an integrated approach to creating and maintaining a liveable, safe and inclusive community.

We welcome your continuing feedback on our vision to make Muswellbrook Shire a community that approaches disability inclusion through positive actions and behaviours, with public spaces and council services that ensure participation and opportunities for people of all abilities.



Cr. Martin Rush  
Mayor



Mr. Steve McDonald  
General Manager

## Vision

Muswellbrook Shire will continue to encourage positive actions and behaviours in our communities to create inclusive spaces that ensure participation and inclusion opportunities for people of all abilities.

## Introduction

This document has been written to demonstrate both the work that is currently occurring to maintain and improve social equity and inclusion in a strategic sense, as well as the operational work that continues on a daily basis to provide an inclusive community and workplace.

The Disability Inclusion Strategies, Plans and Action in Muswellbrook Shire 2017-2021 are represented in Delivery Program 2017-2021 and through the ongoing commitment to provide accessibility and inclusion across Muswellbrook Shire in four key areas;

- Developing positive community attitudes and behaviours (through partnerships)
- Creating liveable communities (through partnerships)
- Supporting access to meaningful employment (within Council) and;
- Improving access to services through better systems and processes (within Council)

Muswellbrook Shire Council recognises that much of this work will be delivered through partnerships with other organisations and services that have already been working towards their own goals in the above key focus areas of the NSW Disability Inclusion Act (2014). This legislation requires NSW councils to;

- Prepare a DIAP by 1 July, 2017
- Consult with people with disabilities as a part of the planning process
- Provide a copy of this document to the Disability Council NSW
- Report on implementation of our plans in the annual report, forwarding a copy to the Minister
- Review this plan every four years (for the term of each Council)

It is important to recognise that this document sets the delivery goals that Muswellbrook Shire Council will achieve in the next four years in the areas of social equity and inclusion for all people including those with disabilities.

## Legislation, policy context and framework

The Disability Inclusion Act 2014 (NSW) provides the legislative framework to guide state and local government disability inclusion and access planning. The Act supports people with disabilities to access;

- The same human rights as other members of the community and that governments and communities have a responsibility to facilitate the exercise of those rights;
- Independence and social economic inclusion within the community and;
- Choice and control in the pursuit of their goals and the planning and delivery of their supports and services



In meeting the requirements under the Act for disability inclusion and access planning, Muswellbrook Shire Council must;

a) Specify how it will incorporate the UN human rights disability principles into its dealings with matters relating to people with disabilities.

b) Include strategies to support people with disabilities that;

- Provide access to buildings, events and facilities
- Provide access to information
- Accommodate the needs of people with disabilities
- Support employment of people with disabilities
- Encourage and create opportunities for people with disabilities to access services and activities

c) Include details of its consultation about the plan with people with disabilities and

d) Explain how the plan supports the goals of the State Disability Inclusion Plan (the four focus areas).

## Community profile of Muswellbrook Shire

Muswellbrook Shire is located approximately 1.5 hours from Newcastle in the South East and Tamworth in the North.

Forecasted population data for 2015 suggests that the Shire is now home to over 17,000 people. There are three main population areas, Muswellbrook, (located on the New England Highway), Denman and Sandy Hollow located on the Golden Highway.

### Demographic Data and Trends

#### The Social- Economic Indexes of Areas (SEIFA)

The SEIFA results for Muswellbrook Shire (2011) demonstrate a slightly below average result for the Hunter New England Area Health district, sitting at 966 points. The Australian average is 1000 points. (To give a comparison of how this places our shire in the wider Health region see Graphic 1 from the Public Health Compass has been included in this document).

#### Disability and Carer Information

According to ABS data 2011 approximately 10% of the people over 15 who live within Muswellbrook Shire are providing assistance to a person with a disability (See Graphic 2). This is the lowest number of identified carers in the Hunter New England area. The NSW state average is 11.4%.

The rate of profound disability in Muswellbrook Shire is 3.4% (see Graphic 2), again this is the lowest statistical number of people within the Hunter New England Health district. The state average is 4.9%.

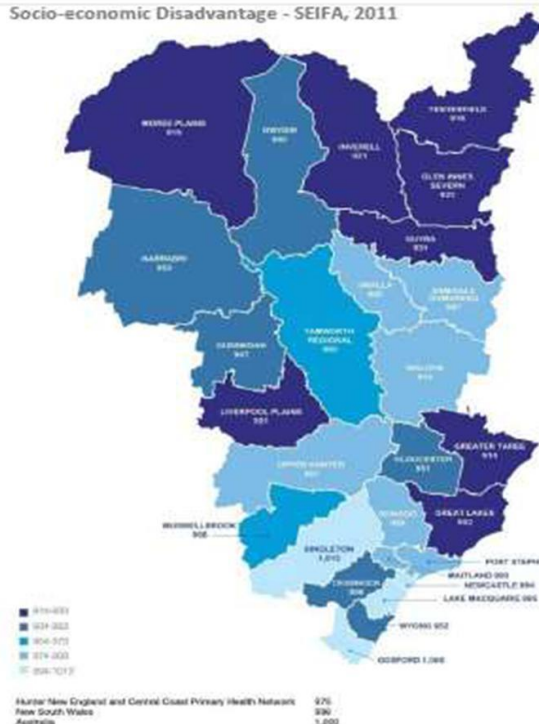


## Demographics and Trends



## Socio-economic Indicators and Social Determinants of Health

Socio-economic Disadvantage - SEIFA, 2011



In general, the higher people's incomes and education, the healthier they are—a phenomenon often called the 'social gradient of health'.

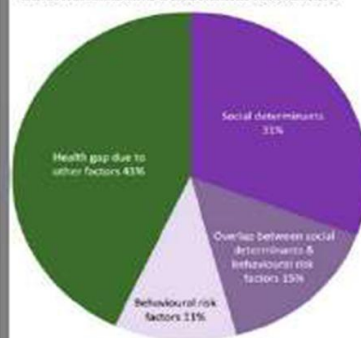
## Socio-economic Disadvantage

Socio-Economic indexes for Areas (SEIFA) scores are a measure of advantage and disadvantage compiled by the Australian Bureau of Statistics (ABS). The Census variables used to calculate the SEIFA indexes cover a number of domains and include household income, education, employment, occupation, housing and other indicators of advantage and disadvantage.

The map left highlights SEIFA Index of Relative Socio-Economic Disadvantage (IRSD) by LGA in the HNECC region, ranging from the most disadvantaged at 914 (experienced in the LGA of Greater Taree) to the least disadvantaged at 1013 (experienced in the LGA of Singleton).

'inequalities in health, avoidable health inequalities, arise because of the circumstances in which people grow, live, work, and age, and the systems put in place to deal with illness. The conditions in which people live and die are, in turn, shaped by political, social, and economic forces' (Commission on Social Determinants of Health 2008)

## Proportion of the health gap explained by social determinants and behavioural risk factors



Source: Australia's Health 2014 (AYMY 2014a)



Graphic 1: SEIFA information for Hunter New England Area Health, sourced from The Public Health Compass 2016; PHN Hunter, New England and Central Coast (An Australian Government Initiative)



### Carers

There are over 114,000 (12.3%) people aged 15 years and over providing unpaid assistance to persons with a disability in the HNECC region (NSW 11.4%). The highest rates are in Gwydir (14.8%), Dungog (14.1%), Gloucester (14.0%) and Greater Taree (14.0%).

A lack of carer recognition, a lack of respite services and a decrease in the number of volunteers, have been identified as challenges in the disability sector in our region.

There are 66,382 persons with a profound or severe disability living in our region (5.8% of the population)

### Disability

The rate of profound or severe disability across our region (5.8%) is higher than the state average of 4.9%. 19 of our 27 LGAs sit above the state rate, with the highest rates being in Greater Taree (7.7%), Great Lakes (7.5%), Gwydir (7.3%), Glen Innes Severn (7.0%) and Tenterfield (7.0%).

Profound or severe disability is more common amongst people 65 years and older (18.3% in NSW). The prevalence amongst this cohort in our region ranges from 13.1% in Uralla, to 21.8% in Cessnock.



### Demographics and Trends

People aged 15 years and over providing assistance to a person with a disability (%) 2011, by LGA

LGA	%
Armidale Dumaresq	13.2
Cessnock	12.6
Dungog	14.1
Glen Innes Severn	12.2
Gloucester	14.0
Gosford	11.8
Great Lakes	13.7
Greater Taree	14.0
Gunnedah	13.3
Gwyra	13.2
Gwydir	14.8
Inverell	12.4
Lake Macquarie	11.3
Liverpool Plains	12.8
Maitland	12.4
Murrumbidgee	10.4
Muswellbrook	10.0
Narrabri	10.8
Barraba	11.6
Port Stephens	12.2
Singamon	10.7
Sereworth Regional	11.9
Tenterfield	13.3
Upper Hunter Shire	10.9
Uralla	13.6
Walcha	12.1
Wyong	12.3

% People providing assistance

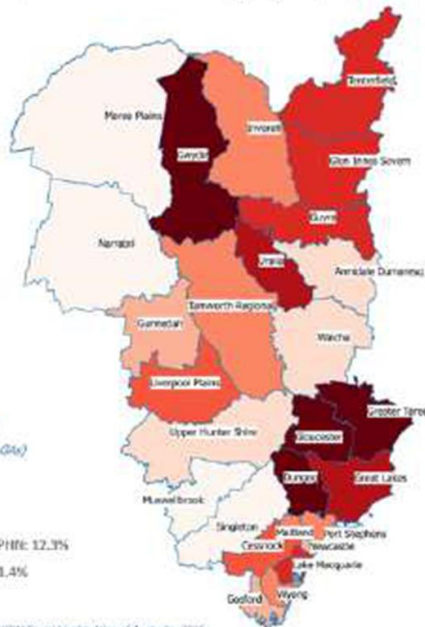
\* Quantile data grouping (equal counts of LGAs)

10.00 - 10.83
10.84 - 11.25
11.26 - 11.88
11.89 - 12.40
12.41 - 12.90
12.91 - 13.30
13.31 - 13.93
13.94 - 14.80

HNECC PHN: 12.3%

NSW: 11.4%

Source: PHN Hunter New England and Central Coast (An Australian Government Initiative), 2015



LGA	%
Armidale Dumaresq	4.7
Cessnock	6.5
Dungog	5.9
Glen Innes Severn	7.0
Gloucester	6.2
Gosford	7.2
Greater Taree	7.7
Gunnedah	4.9
Gwyra	5.9
Gwydir	7.3
Inverell	5.6
Lake Macquarie	6.2
Liverpool Plains	6.4
Maitland	5.1
Murrumbidgee	2.8
Muswellbrook	4.2
Narrabri	5.0
Barraba	5.0
Port Stephens	5.5
Singamon	2.6
Sereworth Regional	5.4
Tenterfield	7.0
Upper Hunter Shire	4.8
Uralla	4.8
Walcha	5.2
Wyong	6.4

\* Quantile data grouping (equal counts of LGAs)

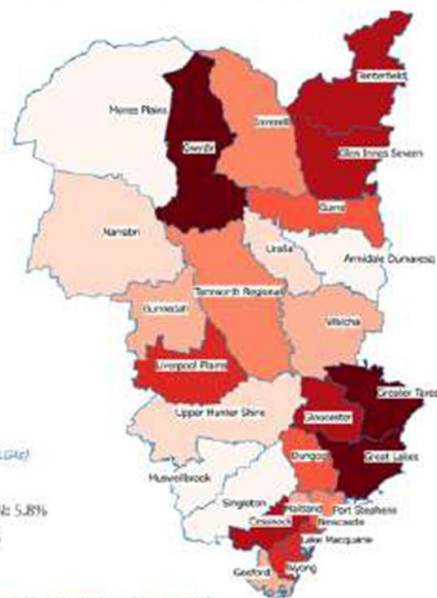
3.4 - 4.3
4.4 - 4.8
4.9 - 5.2
5.3 - 5.6
5.7 - 6.0
6.1 - 6.5
6.6 - 7.0
7.1 - 7.7

HNECC PHN: 5.8%

NSW: 4.9%

Source: PHN Hunter New England and Central Coast (An Australian Government Initiative), 2015

People with a profound or severe disability (%), 2011, by LGA



Graphic 2: Carers and Disability information for Hunter New England Area Health, sourced from The Public Health Compass 2016; PHN Hunter, New England and Central Coast (An Australian Government Initiative).

## Community consultation

The community consultation undertaken in the preparation of this document included our entire community, with a particular focus on people with disabilities. This consultation was undertaken with the assistance of Ability Links and Upper Hunter Community Services, not for profit providers who work closely with other services and our community on a daily basis.

The consultation was informal, face to face and non-discriminatory which resulted in information that has been collated as the following list as relevant to people with varying abilities in the following two focus areas of disability and social inclusion that the NSW Disability Inclusion Act 2014 describes.

### Developing positive community attitudes and behaviours (through partnerships)

- Community education around inclusion and acceptance (particularly in sporting groups)
- An improved understanding in assistive technologies
- More information about how to connect need with services providers (and vice versa)
- Wider promotion of existing Art Exhibitions for adults and children with disability.
- Volunteer support group for families with disabilities
- Public notice boards in shopping centres and businesses that are low enough to meet the needs of people in wheel chairs
- Businesses that advertise as accessible

### Creating liveable communities (through partnerships)

- Regular Inclusive Events
- Community education around inclusion and acceptance (particularly in sporting groups)
- An improved understanding in assistive technologies
- More information about how to connect need with services providers (and vice versa)
- Supervised play areas in super markets (as sensory breakout areas for children with special needs)
- A Kindy Gym for children with mobile and sensory disabilities
- More social activities for children and families touched by disability
- More cement footpaths wide enough for strollers, walkers, scooters and wheelchairs etc.
- Improved and/or new accessible public toilets in parks and playgrounds
- Pedestrian crossings that are accessible
- Public buildings that are completely accessible (not just for people with mobility disabilities)
- Free weekly 'outdoor kids active' information and fun for people of all abilities

Some to the above actions are already considered in the 2017-18 period. The remainder will be considered in next three operational plans in partnership with other service providers and organisations.



## Strategic Objectives, priorities and plans

Muswellbrook Shire Council has a number of existing strategic objectives that consider social equity and inclusion (see Delivery Program 2017-2021 and the 2017/18 Operational Plan 2017 as an example of an annual social equity and inclusion action list).

These objectives, priorities and plans describe work for the next four years between 2017 and 2021. The following plans are already driving organisational change in the area of disability and inclusion or have been identified as planning that requires review to achieve improved social inclusion.

### Development control plans

Muswellbrook Shire Council's Development Control Plans (DCPs) consider people with mobility issues in the following sections of the existing plan;

- Section 5: Subdivision
- Section 9: Local Centre Development
- Section 16: Car Parking and Access and;
- Section 18: Childcare Centres

However, a review of the DCP sections is relatively silent on people with site, hearing or speech impairments. A review of the DCP inclusion is currently in review and will consider people with disability as a part of that process. This work should be completed by late December, 2017.

### Muswellbrook Shire Recreation Plan

This plan provides an overview of recreation needs across Muswellbrook Shire, but is relatively silent on actions that meet the needs of people with disabilities. This is partly the responsibility of the DCP process which also has some areas that could be improved regarding people with disabilities other than mobility.

This report highlights the need for increased disabled car parking in building access in recreation facilities (again mobility is the only disability that is considered).

### Muswellbrook Shire Property Access Audit

This report, written in 2012, provides a significant list of small work that needs to bring our public building in line with the Australian standards regarding accessibility. Again, while mobility was widely considered there are existing gaps in some area of other abilities. An internal working group will continue working on this document over the next four years. On occasion this will require extraordinary budget bids to address any larger gaps in building accessibility.

### Council Policies and Guidelines (including EEO and recruitment)

Muswellbrook Shire Council's policies and guidelines are, in general, relatively meeting the mark with regard to an equitable community and workplace.

The internal working group will continue to review these policies and guidelines over the next four years to address any gaps in meeting the needs of people with varying abilities in our community and workplace.

## Muswellbrook Shire Council's Integrated Planning Documents

Local Government organisations utilise the Integrated Planning and Reporting framework to ensure that community consultation results in the expected outcomes that our community need. This includes a ten year Community Strategic Plan (CSP), a four year Delivery Program (DP) and annual operational plans that fall from the CSP and DP.

The Muswellbrook Shire Council's four year Delivery Program 2017-21 was endorsed by Council in February, 2017. This is Council's plan for the delivery of achievable, equitable and inclusive community services and infrastructure over the coming four years. The plan considers the achievement of Community Wellbeing through six priority delivery areas including;

- Economic prosperity
- Social Equity and Inclusion
- Environmental sustainability
- Cultural vitality
- Community Infrastructure and;
- Community Leadership



The following excerpt of the delivery programs describes the broad framework of social equity and inclusion that will be considered in the next four years based upon the consultation with our community.

## Delivery Program goal five to ten - Social equity & inclusion

COMMUNITY STRATEGIC PLAN GOAL	DELIVERY PROGRAM OBJECTIVE	TARGET
<b>IN PARTNERSHIP WITH:</b> <ul style="list-style-type: none"> <li>NSW Government</li> <li>Federal Government</li> <li>Upper Hunter Community Services</li> <li>Wanaruah Local Aboriginal Land Council</li> <li>University of Newcastle</li> <li>Hunter TAFE</li> </ul>		
<b>GOAL FIVE</b> Continue to improve the affordability, liveability and amenity of the Shire's communities	<b>5.1</b> Implement the outcomes of the Recreation Needs Study	The recommendations from the Recreation Needs Study are implemented
	<b>5.2</b> Continue town centre revitalisation projects.	Revitalisation projects completed
	<b>5.3</b> Facilitate investment in entertainment opportunities, particularly for young people.	New entertainment opportunities provided.
	<b>5.4</b> Improve access to waterways	Greater appreciation and interaction by the community with our local rivers and creeks.
	<b>5.5</b> Promote and facilitate increased participation in active and passive recreation activities	Increased participation in recreation activities
	<b>5.6</b> Consider and deliver social inclusion principals across Council functions.	People with disability are continually included in improving the provision of accessible options across the Shire.
	<b>5.7</b> Facilitate the provision of Affordable Housing opportunities through development application process as encouraged through the Affordable Rental Housing SEPP 2009	New Affordable Housing opportunities provided

<b>GOAL SIX</b> Stabilise the tenancy turnover in the Shire's social housing	<b>6.1</b> Continue partnership with Government and community housing services to reduce the turnover of tenants in the Shire's social housing	Reduction in the turnover of tenants residing in social housing
<b>GOAL SEVEN</b> Build social inclusion and improve the delivery of social services	<b>7.1</b> Facilitate discussions with other levels of government to enhance the delivery of services to improve and promote social inclusion services	Improved social indicators across the Shire
	<b>7.2</b> Facilitate and implement improved disability access and inclusion across the Shire	Disability access and inclusion improved to targeted facilities.
<b>GOAL EIGHT</b> Retention and expansion of quality and affordable child care services.	<b>8.1</b> Facilitate investment in child care services across the Shire	Increased childcare, early childhood education and pre-school options.
<b>GOAL NINE</b> Facilitate opportunities to expand seniors living.	<b>9.1</b> Facilitate investment in new seniors living facilities	Improved opportunities for seniors living within the Shire.
	<b>9.2</b> Facilitate discussions with other levels of government to enhance the delivery of services to support older people to live in the Muswellbrook Shire	Improved services for older residents.
<b>GOAL TEN</b> Further the process of reconciliation in the Shire	<b>10.1</b> Collaborate with local Aboriginal people on projects which enhance an appreciation for, and which develop the vitality of, Aboriginal culture.	Improved understanding and appreciation of the importance of the Aboriginal Community and their traditions and culture.
	<b>10.2</b> Raise awareness of the local Aboriginal Community and an appreciation of their long traditions and culture.	Improved understanding and appreciation of the importance of the Aboriginal Community and their traditions and culture.



## Operational Planning - Social equity & inclusion

Over the next four years the operational plan will consider;

1. Work with other stakeholders to improve Crisis and Community Housing options for all residents
2. Support the Health and Wellbeing of residents through a wider variety of programs and service deliveries that improve the liveability of Muswellbrook Shire.
3. Increase the provision of Library Services and Lifelong Learning in the areas of physical and digital literacy
4. Review Youth Services deliveries and support outcomes that improve physical access and improved social equity
5. Improve the engagement levels in physical, social and learning opportunities for older people
6. Improve access to affordable entertainment, recreation and youth events
7. Support programs and projects that include Community Development Principals

While these are very broad objectives that don't explicitly consider the needs of people with disability this will remain an integral role for the internal working group whose continuing focus will be to drive positive organisational and community well-being for people of all abilities.

## Conclusion - Measuring Success (or areas of further improvement)

The social equity and inclusions actions of this Council will be reported annually to the community and following the acquittal of each of the ten current goals.

There will be key points throughout each calendar year where consultation opportunities will continue to identify areas of improvement or celebrations of success.

This particular document, its strategies, objective, plans and policies will be reviewed at the beginning of the next term of Council.

## 12.4 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

**Attachments:** Nil

**Responsible Officer:** Fiona Plesman - Acting Director - Planning, Community & Corporate Services

**Author:** Jade Richardson - Co-Ordinator, Customer Service & Administration  
Olivia Harris - Manager, Planning & Regulatory  
Carolyn O'Brien - Manager, Community Services

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Operational efficiency*

### PURPOSE

Monthly report to Council.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

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

### REPORT

#### PLANNING & REGULATORY SERVICES

##### 1. Statistical Information

**Note:** Statistics for Section 149 Planning Certificates, Development Applications, Construction Certificates and Complying Development Certificates are distributed separately to Councillors with whole of month data prior to the Council meeting. The statistics are also available on Council's website.

#### ***Schedule 1: Development Applications Approved (21 Mar. to 23 Apr. 2017)***

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
26/2017	Charity Horse Ride Sandy Hollow	GOLDEN HIGHWAY SANDY HOLLOW	0
20/2017	Dwelling Additions/Alterations	14 ISOBELLA STREET MUSWELLBROOK	19,741
19/2017	Signage	60-82 BRIDGE STREET MUSWELLBROOK	314
16/2017	Hay Shed	95 ROUCHEL GAP ROAD MCCULLYS GAP	53,497
15/2017	Carport	7 MILLARD CLOSE MUSWELLBROOK	1,550



14/2017	Retaining Wall	42 STOCKYARD PARADE MUSWELLBROOK	19,500
13/2017	Demolition of Dwelling	56 PINE RIDGE ROW DENMAN	10,000
12/2017	Replacement of 600m of Asbestos Cement Pipeline on the Bayswater Ash Dam Return Water Line	NEW ENGLAND HIGHWAY LIDDELL	1,500,000
9/2017	Retaining Wall	6 SHIRAZ STREET MUSWELLBROOK	14,770
121/2016	Change of Use from Upstairs Unit to Offices - Addition of Downstairs Office and Signage	60-82 BRIDGE STREET MUSWELLBROOK	32,926
85/2016	Mobile Concrete Batching Plant	8440 NEW ENGLAND HIGHWAY MUSWELLBROOK	40,000

***Schedule 2: Development Applications Currently Being Assessed***

DA No.	DESCRIPTION	PROPERTY	RECEIVED
72/2003/2	S96(1a) Modification - Amend Condition 1.11 - Alter Hours of Operation	83-89 MAITLAND STREET MUSWELLBROOK	21/04/2017
38/2017	Garage, Awning & Driveway	45 SOWERBY STREET MUSWELLBROOK	19/04/2017
69/2016/2	S96(1a) Modification - Increase size of Play Area	83-89 MAITLAND STREET MUSWELLBROOK	19/04/2017
37/2017	Change of Use - Converting Existing Shed into a Dwelling	96 PALACE STREET DENMAN	11/04/2017
36/2017	Addition of Two (2) bedrooms to Dwelling and Timber Frame Pool House	7 GEORGE STREET MUSWELLBROOK	10/04/2017
35/2017	New Dwelling	13 BLIGH STREET MUSWELLBROOK	07/04/2017
34/2017	Shed	10 FLEMING STREET MUSWELLBROOK	07/04/2017
33/2017	Converting a Shed to a Granny Flat	93 QUEEN STREET MUSWELLBROOK	07/04/2017
32/2017	Shed	1 KINGFISHER COURT MUSCLE CREEK	03/04/2017
31/2017	Signage	77-85 BRIDGE STREET MUSWELLBROOK	30/03/2017
30/2017	New Dwelling	49 ALMOND STREET DENMAN	30/03/2017
29/2017	Shed	38 DUMARESQ STREET MUSWELLBROOK	30/03/2017
28/2017	Carport & Retaining Wall	4 MATARO AVENUE MUSWELLBROOK	29/03/2017
27/2017	SHED	1 SKELLATAR STOCK ROUTE MUSWELLBROOK	27/03/2017
106/2013/2	Section 96(1a) Modification: Complete Deconstruction and Rebuilding of New Replica Bell Tower. Delete Conditions 7, 8, 9, 10, 11, 12	20 BROOK STREET MUSWELLBROOK	24/03/2017
25/2017	Mobile Crushing Plant	11 GLEN MUNRO ROAD MUSWELLBROOK	21/03/2017
24/2017	Shed	494 GIANTS CREEK ROAD GIANTS CREEK	17/03/2017
23/2017	Two (2) Carports	1 MACAULEY STREET DENMAN	16/03/2017

22/2017	Shed	5 HUNTER TERRACE MUSWELLBROOK	14/03/2017
21/2017	Demolition	BROOK STREET MUSWELLBROOK	13/03/2017
111/2016/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 SHAW CRESCENT MUSWELLBROOK	10/03/2017
18/2017	Alterations and Additions to Registered Club	15 SYDNEY STREET MUSWELLBROOK	08/03/2017
17/2017	Change of Use to Commercial Radio Station - Office Space - Reception Area	56 BROOK STREET MUSWELLBROOK	02/03/2017
8/2017	Subdivision - One (1) Lot into One Hundred and Fifty Three (153) Lots	ALMOND STREET DENMAN	02/02/2017
10098/1995/3	S96(2) Modification - Additional Small Irrigation Area & Amend Conditions	SAVOY PARISH COUNTY DURHAM	30/01/2017
120/2017	Mulch and Compost Processing Area	COAL ROAD MUSWELLBROOK	24/11/2016
100/2017	Boundary Adjustment of Two (2) Lots into Two (2) Lots	GOLDEN HIGHWAY DENMAN	23/09/2016
32/2017	Placement of Fill	110 MERRIWA ROAD DENMAN	12/04/2016
256/2013/2	S96(2) Modification - Rearrangement of approved wine tanks including addition of 5 tanks	HUNTER STREET MUSWELLBROOK	25/02/2016

**4.07.01.1 - On-site sewage management systems meet regulatory standards. Ensure all on site sewage management systems have necessary approvals and inspections are to be carried out.**

**On-site Wastewater Statistics - 13 Month Analysis (2016/2017)**

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications Received (new installation)	3	0	0	2	1	0	1	1	2	3	0	1	0
Applications Approved (new installation)	2	0	1	0	0	2	2	0	3	3	0	4	0
Inspections (new system)	2	0	0	0	2	5	1	0	1	0	0	0	0
Inspections (existing system)	55	39	66	18	50	8	33	51	61	83	4	31	8

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

**Building Site Compliance Inspection Statistics – 13 Month Analysis (2016/2017)**

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Total Sites Inspected	3	2	7	3	4	3	3	2	1	0	0	0	0
Total non-compliant and educated	0	0	6	2	2	1	2	0	1	0	0	0	0
Total compliance after education	0	0	6	1	1	2	1	0	1	0	0	0	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

**4.06.01.1 - Increase surveillance and regulation of illegal dumping.**

**Illegal Dumping Statistics – 13 Month Analysis (2016/2017)**

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Total Investigations	14	19	12	26	23	18	1	4	3	5	1	3	2
Total Clean up by Council - insufficient evidence	6	6	8	8	7	8	1	3	2	3	1	2	2
Total Clean Up by individual	5	4	0	10	4	3	0	0	0	2	0	0	0
Total Penalty Notices Issued	1	1	0	0	0	0	0	0	1	0	0	0	0
Court Attendance Notice Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Still under investigation	3	9	4	8	11	7	0	1	0	0	0	0	0

**4.04.04.4 - Enhance public safety and wellbeing of the community by undertaking an inspection program for swimming pools within the Local Government Area**

**Swimming Pool Compliance Statistics – 13 Month Analysis (2016/2017)**

	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
Applications for Compliance Certs.	0	2	3	2	3	0	2	0	2	1	3	2	3
Total compliance inspections (not inc. Final Insp. for Occ. Certs)	27	25	35	15	31	15	23	18	25	17	20	19	42
Initial Inspections	19	17	23	8	24	13	21	14	19	17	15	16	27
Re-inspections	8	8	12	7	7	2	2	4	6	0	5	3	15
Compliance Certs / Occ. Certs issued	19	14	17	12	12	13	11	12	16	8	9	22	26

**Total Pools in Council's Swimming Pool Register = 863**

**Compliance as at 30 June 2016 = 44.3%**

**Current Compliance = 60.0%**

(i.e. 518 out of 863 pools have a valid Compliance Certificate or Occupation Certificate.

Note: Certificate is valid for 3 years)

**Percentage of pools inspected during Financial Year 2016/2017 = 19.2%**

(i.e. 166 out of 863 pools have had at least one inspection carried out during FY 2016/2017. Council's program outlines that we will inspect 10% of pools per year).

**COMMUNITY SERVICES****Community Workers***Operational Plan 6.1.1 Pursue opportunities for place making and improved liveability*

Governance Support has been provided to the Management Committee of Upper Hunter Youth Services Inc. in this reporting period including discussions with Family & Community Services.

A Discussion Paper on Upper Hunter Youth Services Venue Requirements will be presented to MANEX this month for consideration.

*6.8.1 Provide opportunities for all Shire residents to improve their wellbeing through access to a full range of community services which operate in collaboration with each other.**a) Convene and facilitate formal networks for human service providers.*

The April Upper Hunter Community Services Interagency was held this month with up to 11 community services being present. The Office of State Revenue presented to this network this month focusing on the way that service can assist vulnerable people with outstanding debts.

*b) Support community service providers to operate according to best practice through the provision of information and advice.*

There has been (21) occasions of significant support provided in this reporting period.

*e) To convene and facilitate an annual workshop for community service providers to determine and prioritise improvements required for seamless service provision.*

The Community Planning & Information & Sharing workshop was held this month and well attended by network members, as a group the issues identified in 2016 were reviewed, current issues were identified by the group and these issues will form the basis of the 2017 planning process. A further report will be provided next month.

*6.8.2 Facilitate an increase in community development capacity.*

Staff attended the One Door Mental Health launch, this was the official rebadging of Carer Assist that has been a part of the Upper Hunter Network for over 12 months this project supports people living with a mental illness, their families and carers.

Support and attendance has been provided to Drug & Alcohol Health Services; Upper Hunter Domestic Violence Committee, Upper Hunter Youth Network.

*6.9.1 Implement the Rural Halls Funding Program.*

The 2017 Rural Halls Funding application process has commenced this month.

*6.10.1 Support improvements in community safety through the implementation of a Community Safety Strategic Plan.*

We are awaiting an outcome of the Hunter Steal from Motor Vehicle Grant Application for funds under the NSW Justice & Attorney General – NSW Crime Prevention. This application has been lodged by Hunter Council, Lake Macquarie Council is the lead Council and predominately the funding will provide awareness and education campaigns across the Hunter targeting stealing from a motor vehicle which is a target offence in the Muswellbrook Crime Prevention Plan 2014-18.

*13.1.2 Increase awareness of Aboriginal culture.**c) Flag raising ceremony is held during Reconciliation Week.*

Planning has commenced for the annual Aboriginal Flag Raising Ceremony to be held during national Reconciliation Week 2017.

**Events and tourism**

- A number of meetings have been held with stakeholders of the Blue Heeler and Bottom's Up Festivals towards forward planning.

- The marketing plan for the Blue Heeler Film Festival has now been implanted.
- Staff attended a presentation at Upper Hunter Shire Council on Friday, 21 April that described the offering of "Rail Cruising" a company established in NZ that has set up a number of rail cruising operations and has been investigating potential operations in Australia. The Rail Cruising opportunity is something that could compliment the proposed rail trail development that the Upper Hunter and Muswellbrook Shire Councils along with respective stakeholders have completed feasibility studies on.

### **Muswellbrook aquatic and fitness centre and Denman Memorial Pool**

- Learn to swim numbers – there are currently 535 learn to swim participants
- Gym memberships - there are currently 92 gym members,
- Swim memberships – there are currently 53 swim members

Attendance at both Muswellbrook and Denman aquatic centres continue to improve;

In April 2015/16 Muswellbrook aquatic centre attendance was 49026

In April 2016/17 Muswellbrook aquatic centre attendance was 51107 an increase of 2081 visits.

In April 2015/16 Denman aquatic centre attendance was 5142

In April 2016/17 Denman aquatic centre attendance was 8633 and increase of 3521 visits.

### **Marketing**

The aquatic centres and gyms have a very limited marketing budget. However, the aquatic and fitness centres are now publishing a summer and winter newsletter that provides healthy exercise options and opportunities for social inclusion. This newsletter is now available digitally and in hard copy.

There has been a small increase in the use of the meeting space at the aquatic centre as a result of promotions.

The Muswellbrook Aquatic Centre recently received positive media coverage regarding its Learn to swim program.

[muswellbrookchronicle.com.au](http://muswellbrookchronicle.com.au)

Friday April 07, 2017 MUSWELLBROOK CHRONICLE 5

**NEWS**

## **Lessons improve confidence**

**LIFE SKILL**  
BY BETINA HUGHES  
Muswellbrook

IN SIX short weeks, Tess Orton's confidence in the water has increased significantly.

Every week, her carers Dale Fullick and Mark Wilton take her to Muswellbrook Aquatic and Fitness Centre for learn to swim lessons.

At the pool, they meet up with learn to swim teacher Sandra Chandler.

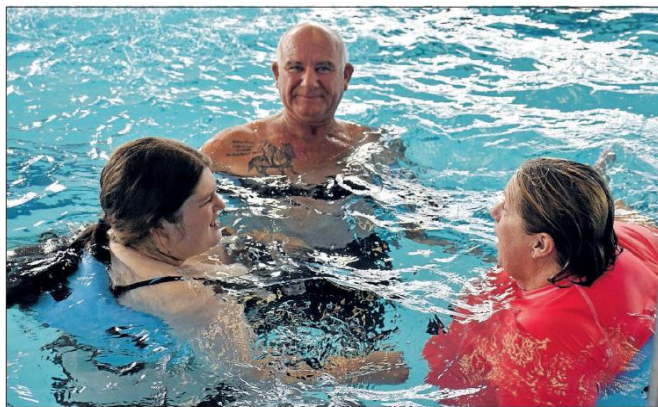
Tess, who is living with a disability, is learning a variety of skills through the lessons, particularly those relating to water awareness.

"It's about us moving towards teaching how to be safe in the water," Ms Chandler said.

"Our ultimate goal is to get her swimming as well as we can."

The lessons are part of an access and inclusion program at the aquatic centre which exists to make sure no one is excluded from learning.

As well as the long-term benefits, Ms Fullick said it was also a great form of exercise for Tess, and clearly a



**POOL FUN:** Merriwa's Tess Orton, carer Mark Wilton and swimming teacher Sandra Chandler at the Muswellbrook Aquatic and Fitness Centre.

source of happiness for her.

"When she runs in the deep end it is great to see – it brings a smile to her face," she said.

"I think it's giving her the opportunity to relax.

"If she's out in the boat and something happens, she knows what to do and not to panic."

"I think it's really done her a lot of good."

Tess' love of the water

has grown since she started lessons.

On her first day in the program, she wanted to get out within 15 mins.

Ms Fullick said she now sometimes stayed in the pool

for the whole hour.

Tess' father Henry is grateful for the National Disability Insurance Scheme, which provided funding for the lessons.

Those considering lessons

“

When she runs in the deep end it is great to see – it brings a smile to her face. I think it's giving her the opportunity to relax.

**Dale Fullick**

are encouraged to contact the centre.

Ms Chandler said it was never too early or late to start learning how to swim.

"It's a life skill," she told the Chronicle.

"We've actually had a lot more inquiries from a lot of older people of late."

"We're here to help this community."

"You never know what you can do until you try."

For more information about learn to swim lessons, contact Muswellbrook Aquatic and Fitness Centre on 6541 2999.

Events

- Muswellbrook Aquatic Centre remains a popular venue for birthday parties and family occasions.
- The Muswellbrook Shire Youth Week events were held at Muswellbrook Aquatic and Fitness Centre this year with over 150 participants at a floating movie night.
- The current school holidays have seen a continued use of the pool as both a recreation and social participation opportunity.

**Upper Hunter Regional Library (Muswellbrook and Denman branches)**

*Community Strategic Plan Outcome – 6.5 Provide quality library facilities and services*

*Delivery Program Outcome - 6.5.1 Build membership and patronage through strategic marketing and planning of library services.*

a) Work collaboratively with existing community services and interagency networks to identify a range of programs and services that the library service can support.

In April the library celebrated Harmony Week and providing school holiday programs throughout the two week break. Regularly scheduled services such as storytime and baby rhyme programs do not run during school holidays, however the library service offered three events and a reading program during the break. The 'Read to earn' reading program was based on the foundation laid during the Summer school holidays and encouraged children and young adults to read books to earn badges. This program was a great success with 39 children signing up to participate over the three week period.

Harmony Day offered a great opportunity to promote community inclusion with community members of various cultural backgrounds assisting to provide a multicultural storytime and craft activity in 3 different languages.

The Library has also been working with Ability Links to host an inclusive morning tea each Wednesday morning which is a walk in program designed to engage community members in an effort to provide more inclusive services within the Muswellbrook LGA. There have been many suggestions from community members made during these sessions. Library Technical Services have also been working with Ability Links to continue to develop accessible collections and technologies for our library services.

During April, 2017 Upper Hunter Regional Library Services delivered the following programs and projects:

Storytime + Baby Rhyme Time	22/3/17-5/4/17	Muswellbrook	226 Children/Carers
Storytime	22/3/17-8/4/17	Denman	4 Children/8 Carers
School Holiday Program:			
Easter Hat Parade	12/4/17	Muswellbrook	16 children/14 Adults
		Denman	9 children/6 adults
Fairy Poppilina	13/4/17	Muswellbrook	30 children/21 Adults
Michelle Morgan Author Talk	19/04/2017	Muswellbrook	21 attendees
CALD Programs:			
Multicultural Storytime			
for Harmony Day	22/4/17	Denman	3 children
		Muswellbrook	48 children/37 adults
Craft Sessions			
Fortnightly		Muswellbrook	12 Adults



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Tech Tuesday Sessions	21/03/2017	Muswellbrook	2 Adults
Local Studies & Family			
History Help	30/03/2017	Muswellbrook	4 Adults
Information Sessions	20/03/17-20/4/2017		4 Adults



Upcoming events at Muswellbrook and Denman Libraries include:

Celebrate Mother's Day Morning Tea

Wednesday, 10th May 2017 at 11:00 am Muswellbrook

Friday, 12th May 2017 at 11:00 am Denman

A NSW Fair Trading Information Session: Don't get pressured or tricked by pushy salespeople!

Tuesday, 16th May 2017 @ 11:00am Muswellbrook & 2:00pm Denman

National Simultaneous Storytime 2017 at your Libraries

Wednesday, 24th May 2017 @ 11:00 am Muswellbrook & Denman Libraries and Muswellbrook Aquatic Centre

National Law Week: Law and Justice in your Community

15th to 21st May 2017

*b) Support a Mobile Children's Collection Library and Home Library Service in partnership with existing agencies.*

The Muswellbrook Library currently services five Mini-Mobile Libraries with collections made accessible at the MSC Works Depot, MSC Admin Centre, Community Health Speech Pathology, Community Health main office and Muswellbrook Little Kindy. During the month of April all sites were refreshed with 340 new items circulated.

The Home Library Service currently services 6 members fortnightly with 43 items circulated during April.

*c) Increase membership usage of facilities and services, actual and virtual through effective marketing strategies.*

Number of New Muswellbrook Branch Members:	129
Number of New Denman Branch Members:	10
Total Members Muswellbrook Branch:	2405
Total Members Denman Branch:	290
Total Visitation at Muswellbrook Branch:	4499
Total Visitation at Denman Branch:	400
Total Loans at Muswellbrook Branch:	3969
Total Loans at Denman Branch:	503
Total Digital Loans:	68
Total Service Loans:	4540
Computer Usage at Muswellbrook Branch:	1058 Users
Computer Usage at Denman Branch:	50 Users
Wi-Fi Internet Usage at Muswellbrook Branch:	2593 Sessions
Wi-Fi Internet Usage at Denman Branch:	172 Sessions

Target Market groups in April, 2017 were: Junior and youth members.

*Delivery Program Outcome - 6.5.2 - Ensure quality service through relevant technologies.*

*a) Seek sufficient funding in each budget year to take steps toward an integrated catalogue as well as the use of widespread self-service technologies (apps) including bookings, loans and reservations.*

The Library website is currently undergoing an upgrade with the aims to provide a more accessible site with greater ease of navigation and promotion of library services.

The Hall of Fame project is close to completion with the digitisation of physical records the final stage in the project. The library purchase a new A3 flatbed scanner using project funds to provide high resolution scans of associated documents and photos from the collection and provide a long term accessible digital repository for these archives. This collection will be launched during History week in September 2017 with formal promotion and invites to be developed.

The Technical Services team is currently in negotiations library suppliers and with other members of the Central East Zone to develop and trial a consortia model for purchasing and sharing digital resources including eBook, eAudio and eMagazine collections. This trial is envisaged to commence from July 2017 and enable customers of smaller library services to have access to much larger digital collections with no increased cost to library services.

Library Training Day



The Muswellbrook and Denman Libraries will close on Friday, 16th June 2017 to allow for staff training. This closure will be widely advertised during May and up to the training date.

Anzac Day commemoration

A significant display of memorabilia and literature was displayed in the foyer of Muswellbrook Library thanks to the generosity of Mr. Terry Gill.

## 13 REPORTS FROM COMMITTEES

### 13.1 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 18 APRIL 2017

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Neil Pope - Director, Community Infrastructure
<b>Author:</b>	Imelda Williams - Traffic & Roads Status Officer
<b>Community Plan Issue:</b>	<i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i>
<b>Community Plan Goal:</b>	<i>Residents, visitors and workers are travelling on safe and appropriate road and street networks within Muswellbrook Shire.</i>
<b>Community Plan Strategy:</b>	<i>Ensure a safe and efficient road network with acceptable ride quality</i>

#### PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 18 April 2017.

#### OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 18 April 2017 be received and the recommendations contained therein **ADOPTED**.

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

#### REPORT

The Local Traffic Committee met on Tuesday 18 April 2017.

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

**PRESENT:** Cr S. Reynolds (Chair), Mr T. Chapman (RMS Newcastle), Snr. Constable C. Dengate (NSW Police), Mr G. de Boer (Representing Mr Michael Johnsen), Mr P. Higgins (Manager Technical Services).

**IN ATTENDANCE:** Mrs I. Williams (MSC).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

Nil

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED that:

The Minutes of the Local Traffic Committee held on 21 March 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 MUSWELLBROOK CYCLE CLUB ROAD RACE EVENTS 2017-2018**

RECOMMENDED that:

Council has no objection to the use of Council's roads for the weekly race meetings of the Muswellbrook Cycle Club in accordance with the Traffic Management Plan. The Club must report any near misses or incidents to allow for a review of the risk assessment and plan prior to April 2018.

**VOTE:** Unanimous Support

### **5.2 MACH ENERGY MT PLEASANT OPERATION ROAD CLOSURE MANAGEMENT PLAN**

RECOMMENDED that:

Council use its delegated authority to approve the MACH Energy Mount Pleasant Road Closure Management Plan for blasting within 500m of a public road as attached to the agenda.

**VOTE:** Majority Support

Dissenting Vote Mr G. de Boer

**6 DATE OF NEXT MEETING**

16 May 2017

**7 CLOSURE**

The meeting was declared closed.

.....

Cr S. Reynolds

**Chairperson**

**13.2 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 26 APRIL 2017**

**Attachments:** Nil

**Responsible Officer:** Steve McDonald - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Operational efficiency*

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Infrastructure Committee held on 26 April 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Infrastructure Committee Meeting held on Wednesday 26 April 2017 be received and the recommendations contained therein **ADOPTED**.

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

**REPORT**

The Infrastructure Committee met on Wednesday 26 April 2017.

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

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.

**PRESENT:** Cr B.N. Woodruff (Chair), Cr M. Rush, Cr S. Bailey, Cr J.F. Eades, Cr J. Foy, Cr M. Green, Cr G. McNeill and Cr S. Ward.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Acting Director, Planning, Community & Corporate Services), Mr E. Ediriwickrama (Manager, Roads & Drainage), Mr P. Higgins (Manager, Technical Services), Mrs C. O'Brien (Manager, Community Services), Mr M. Lysaught (Manager, Property & Building Services), Mrs L. Payne (Co-Ordinator, Financial Services) and Mrs M. Sandell-Hay (PA to General Manager).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs McNeill and Green that:

The apologies for inability to attend the meeting submitted by Cr J. Ledlin, Cr M. Bowditch, Cr. S. Reynolds, Cr R. Scholes be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs Rush and Green that:

The Minutes of the Infrastructure Committee held on 29 March 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 2016-2017 Q3 COMMUNITY INFRASTRUCTURE CAPITAL WORKS STATUS REPORT**

RECOMMENDED on the motion of Crs Rush and Ward that:

1. Council note the information contained in the 2016–2017 Q3 Community Infrastructure Capital Works Status Report updated to 31 March 2017.
2. The drainage devices program amount unspent after this financial year be transferred into the Drainage Reserve for reallocation in the 17/18 Budget.

### **5.2 GRANT FUNDING - REGIONAL ROAD REPAIR PROGRAM**

RECOMMENDED on the motion of Crs Rush and McNeill that Council:

1. Accept the grant of \$92,000 which would be made available under 2017/2018 REPAIR program

2. Allocate an amount of \$ 23,000 from Road pavement renewal allocation in 2017/2018.

### **5.3 DESIGN AND COST ESTIMATES FOR CAPITAL PROJECTS**

RECOMMENDED on the motion of Crs Rush and Green that Council:

1. Endorse the concept design attached to the report for the following projects:
  - Humphries Street
  - Cassidy Avenue
  - Hill Street
  - Cycleway – Denman Road from Wollombi Road to Thomas Mitchell Drive
2. Note the preliminary cost estimates for the projects designed.

## **6 DATE OF NEXT MEETING**

31 May 2017

## **7 CLOSURE**

The meeting was declared closed at 4.36 pm.

.....  
Steve McDonald  
**General Manager**

.....  
Cr B. Woodruff  
**Chairperson**

**13.3 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE  
MEETING HELD ON WEDNESDAY, 26 APRIL 2017**

**Attachments:** Nil

**Responsible Officer:** Steve McDonald - General Manager

**Author:** Michelle Sandell-Hay - PA to the General Manager

**Community Plan Issue:** *Progressive leadership*

**Community Plan Goal:** *That Muswellbrook Shire is well led and managed*

**Community Plan Strategy:** *Operational efficiency*

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Corporate Policy And Planning Committee held on 26 April 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 26 April 2017 be received and the recommendations contained therein **ADOPTED**.

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

**REPORT**

The Corporate Policy And Planning Committee met on Wednesday 26 April 2017.

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

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

Item Ref	Description	\$	GL No.



**PRESENT:** Cr S. Bailey (Chair), Cr M. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J. Foy, Cr M. Green, Cr G. McNeill, Cr S. Ward and Cr B.N. Woodruff.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water & Waste), Mr E. Ediriwickrama (Manager, Roads & Drainage), Mr P. Higgins (Manager, Technical Services), Ms O. Harris (Manager, Planning & Environmental Services), Mrs C. O'Brien (Manager, Community Services), Mr M. Lysaught (Manager, Property & Building Services), Mrs L. Payne (Co-Ordinator, Financial Services) and Mrs M. Sandell-Hay (PA to General Manager).

## **1 APOLOGIES AND LEAVE OF ABSENCE**

RECOMMENDED on the motion of Crs Rush and Eades that:

The apologies for inability to attend the meeting submitted by Cr J. Ledlin, Cr R. Scholes, and Cr S. Reynolds, be ACCEPTED and the necessary Leave of Absence be GRANTED.

## **2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

RECOMMENDED on the motion of Crs Rush and Woodruff that:

The Minutes of the Corporate Policy & Planning Committee held on 29 March 2017, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

Cr Bowditch arrived at 4.39pm

## **3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST**

Nil

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 CONTESTABLE AND STREET LIGHTING ENERGY CONTRACT RENEWAL**

RECOMMENDED on the motion of Crs Woodruff and Green that:

Council delegate authority to the General Manager to approve the energy contracts following the reverse auction for the contestable sites and street lighting.

### **5.2 2017 WOOD SMOKE REDUCTION PROGRAM**

RECOMMENDED on the motion of Crs Rush and Eades that:

The information contained in the report be noted.

**5.3 AUSTRALIA DAY 2018**

RECOMMENDED on the motion of Crs Rush and Eades that:

This item be considered after a workshop at the next Corporate Policy & Planning Committee.

Mr P. Redan arrived at 4.48pm

**5.4 MARCH 2017 QUARTERLY BUDGET REVIEW**

RECOMMENDED on the motion of Crs Rush and Woodruff that:

Council adopt the recommended changes and include them in the 2016/17 Operating and Capital Budgets.

**6 DATE OF NEXT MEETING**

31 May 2017

**7 CLOSURE**

The meeting was declared closed at 4.59 pm.

.....  
Mr S. McDonald  
**General Manager**

.....  
Cr S. Bailey  
**Chairperson**

**14 NOTICES OF MOTION / RESCISSION**

Nil

**15 QUESTIONS WITH NOTICE**

Nil

**16 COUNCILLORS REPORTS****17 QUESTIONS FOR NEXT MEETING****18 ADJOURNMENT INTO CLOSED COUNCIL**

In accordance with the Local Government Act 1993, and the Local Government (General) Regulation 2005, business of a kind referred to in Section 10A(2) of the Act should be dealt with in a Confidential Session of the Council meeting closed to the press and public.

**19 CLOSED COUNCIL****RECOMMENDATION**

**That Council adjourn into Closed Session and members of the press and public be excluded from the meeting of the Closed Session, and access to the correspondence and reports relating to the items considered during the course of the Closed Session be withheld unless declassified by separate resolution. This action is taken in accordance with Section 10A(2) of the Local Government Act, 1993 as the items listed come within the following provisions:**

**19.1 CONTRACT NO.: 2016-2017-0271 SUPPLY AND DELIVERY OF A 6 X 4 10 CUBIC METRE TIPPER WITH TOW HITCH**

Item 19.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(i) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.2 Mangoola Coal Community Funding Investment Committee - 20/04/2017**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.3 Bengalla Mining Company Community Funding Investment Committee - 21/04/2017**

Item 19.3 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

**19.4 MT ARTHUR COMMUNITY FUNDING INVESTMENT COMMITTEE - 20 MAY 2017, 2 MAY 2017 and 4 MAY 2017**

Item 19.4 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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

**20 RESUMPTION OF OPEN COUNCIL**

**21 CLOSURE**

**DATE OF NEXT MEETING: TUESDAY 13 JUNE 2017**