



**muswellbrook
shire council**

Muswellbrook Shire Council
Ordinary Council Meeting

BUSINESS PAPER

11 APRIL, 2017



ORDINARY COUNCIL MEETING, 11 APRIL 2017

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122
MUSWELLBROOK
6 April, 2017

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the DENMAN RSL CLUB, Paxton Street, Denman on **11 April, 2017** commencing at 6:00PM.

Steve McDonald
GENERAL MANAGER

Order of Business

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19.2	ANIMAL SHELTER <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>	
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**MUSWELLBROOK SHIRE COUNCIL
ORDINARY COUNCIL MEETING**

**AGENDA
TUESDAY 11 APRIL 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 **14 March 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

10.1 DEVELOPMENT APPLICATION 256/2013 - SECTION 96 - RECONFIGURATION OF EXISTING TANKS

Responsible Officer:	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
Community Plan Issue:	<i>Promote and support economic growth and diversity within Muswellbrook Shire through policy development and action</i>
Community Plan Goal:	<i>Communities, business and industry diversity is encouraged through innovation and progressive planning processes</i>
Community Plan Strategy:	<i>Work with relevant partners to share our brand, provide facilities and services that attract and retain local business in Muswellbrook Shire</i>
Attachments:	A. Draft conditions B. Plans

Documents referred to in assessment not attached:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Protection of the Environment Operations Act 1997
- Muswellbrook Local Environmental Plan 2009
- Muswellbrook Development Control Plan 2009

APPLICATION DETAILS

Applicant:	Hunter Wine Services
Owner:	Rotom Holdings Pty Ltd
Proposal:	Section 96 Amendment – rearrangement of approved wine tanks including the addition of five tanks.
Location:	Lot 1 DP 995228, Hunter Street Muswellbrook
Permissibility:	The proposed development is permissible as ancillary use to the existing use, being a winery building within the IN2 Light Industrial
Recommendation:	Approval subject to conditions

RECOMMENDATION

That Development Application No. 256/2013 proposing a Section 96 Amendment for the rearrangement of approved wine tanks including the addition of five tanks at Lot 1 DP 995228, Hunter Street, Muswellbrook be APPROVED subject the conditions in Appendix A to the report.

Moved: _____ Seconded: _____

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

Aerial Photograph Identifying Development Site



DISCUSSION FROM MARCH 2017 COUNCIL MEETING

The application was considered at the March Council meeting. At this meeting, the following was resolved in relation to this modification:

RESOLVED on the motion of Crs Rush and Bailey that:

The item be considered at the April Ordinary Council Meeting and that staff liaise with the applicant about lodging a modification to the existing development to consolidate the developments on the site.

In Favour: Crs S. Bailey, M. Bowditch, J. Eades, M. Green, J. Ledlin, G. McNeill, M. Rush, S. Ward and B. Woodruff.

Against: Crs J. Foy and R. Scholes.

The applicant was advised of Council's resolution and it was recommended that a meeting be held with Council staff to discuss the available options. Council has received the following comments from the applicants Planning Consultant in relation to the resolution.

'The resolution of Council appears to refer to a request to change the modification to comprise a consolidated consent. Such a request is clearly outside the scope of this modification application and is unnecessary'.

In this regard, the application is being reconsidered by Council in its current form following a review of all existing Development Applications and modifications approved on the site, as outlined in the background section below.

DISCUSSION FROM DECEMBER 2016 COUNCIL MEETING

The modification was considered at the December 2016 Council. At this meeting, the following was resolved:

RESOLVED on the motion of Crs Rush and Bowditch that:

Council defer determination of Development Application 256/2013 being a Section 96(1A) application for rearrangement of approved wine tanks including addition of 5 tanks, at Lot 1 DP995228, Hunter Street, Muswellbrook pending provision by the applicant of the following information:

- An audit against the requirements of the Liquid Trade Waste Agreement with Council and EPA approved on 10 February, 2014. The audit shall assess the requirements of the business operational systems and recommend any changes considered appropriate to either systems/processes on the site, on the Trade Waste Agreement or management/monitoring behaviours at Council or the business, to ensure proper and safe disposal of waste.*

The applicant was made aware of Council's resolution and has since provided Council with the requested audit. The audit was referred to Council's Water and Waste Section for consideration and comment. Comments were received from Water and Waste advising the audit was satisfactory and recommended the site enter into a revised Liquid Trade Waste Agreement within 3 months should the modification be approved. In this regard, Condition 12 of the recommended conditions has been amended and a new condition 11b has been included to reflect Water and Waste's comments.

The applicant has also indicated they are in the process of preparing an application for a new waste water treatment facility for the operations. The applicant has indicated this application will be lodged by mid 2017.

ISSUES SUMMARY

The modification is being reported to Council for determination under direction given by the General Manager in relation to the sensitive nature of this site.

1.0 BACKGROUND

There has been a number of development applications lodged for the subject site. These are listed below:

YEAR	NO		DESCRIPTION	DETERMINATION	DATE
1997	10181	1	Demolition of the boiler house and associated redundant pipework	Approved	24/12/1997
1997	335	1	Demolition of the boiler house and associated redundant pipe work	APPROVED CONDITIONS	14/01/1998
2002	61	1	Weighbridge station	Refused by Council at a Council meeting	13/05/2002
2002	239	1	Alteration winery building	Approved	10/02/2003
2002	239	2	Section 96 modification - Alteration and/or Additions	Approved	12/06/2003

2002	239	3	Section 96 modification - expansion of wine making & associated facility	Refused by Council at a Council meeting	10/12/2007
2002	239	4	Section 96 modification - amend multiple conditions relating to storage tanks, landscaping and car parking	Refused by Council at a Council meeting	14/02/2011
2002	239	5	Section 96 modification - modification of warehouse, modification of existing amenities building to provide disabled access and amenities	Approved by Delegated Authority	14/05/2011
2002	239	6	S96(2) modification - application for distillery use and clarification on beverage production	Approved by Council at a Council	12/05/2014
2005	354	1	Boiler house	Approved	13/02/2006
2005	147	1	LPG cylinder dock for filling and loading	Approved	10/10/2005
2012	98	1	Winery building	Approved by Delegated Authority	27/09/2012
2012	98	2	s96 (2) modification - addition of two (2) x 46000l industrial tanks	Approved by Council at a Council	08/07/2013
2013	256	1	Installation of new & reconfigured wine tanks	Approved by Council at a Council	12/05/2014
2013	256	2	S96(2) Modification - Rearrangement of approved wine tanks including addition of 5 tanks	Application under assessment	

Staff have collated all the above determinations in preparation for a detailed compliance review of the site following the concerns stemming from the March Council resolution. Any outstanding compliance matters will be investigated by Planning Staff and reported back to Council if appropriate.

The original application DA256/2016 was received by Council on 25 October 2013. This application was for the approval of new tanks and the reconfiguration of existing tanks. Council had approved 23 new tanks to be placed on the site as follows;

- 8 x 6.2m high with 3.1m diameter
- 10 x 9.92m high with 3.1 diameter
- 5 x 9.92m with 4.3 diameter

The application was placed on exhibition with no submissions being received. The application was reported to the April 2014 Council meeting for determination where it was resolved to approve the application subject to a number of conditions.

The Applicant has subsequently advised that when they purchased the proposed tanks, they received more than originally expected, and are now proposing to modify the current consent to enable use of the additional tanks and also meet onsite OS&H requirements.

2.0 DESCRIPTION OF PROPOSAL

The applicant is seeking a modification to Development Consent 256/2013. The modification involves the following:

- Reinstatement of eight (8) horizontal tanks adjacent to the LPG gas tank area
- Relocation of nine (9) vertical tanks currently located adjacent to the LPG gas tank area
- Installation of five (5) new tanks adjacent to the main tank farm area.
- Installation of a gate to restrict access to the site when not in operation.

The picture below shows the approximate location of the tanks involved in this amendment. The yellow area relates to tanks that were approved in the original application. The additional tanks

are proposed to be installed in the pink areas. A copy of the site plan and elevations are attached as **Appendix B**.



The tanks proposed to be located vertically adjacent to the LPG tank need to be removed due to the proximity and hazard implications from the existing LPG tank. The existing horizontal tanks in this location will remain.

3.0 ADEQUACY OF APPLICANT'S SUBMISSION

After a review of the Statement of Environmental Effects, plans and other documentation submitted with the Application, Council requested additional information from the Applicant. This information has been provided and is sufficient to allow the assessment of the application to be finalised.

4.0 SPECIALIST COMMENTS

4.1 Internal Referrals

The modification was referred to Council's Environmental Health Officer, Community Infrastructure and the Water and Waste Department for consideration and comment. They have raised no objection to the development subject to recommended conditions.

5.0 SECTION 96 ASSESSMENT

The Applicant has lodged a Section 96(2) Application in accordance with the Environmental Planning and Assessment Act and Regulations. In this regard, the development is still substantially the same as approved under DA 256/2013. The following issues have been raised during the assessment of the modification and the discussion is as follows:

Increased tank capacity for the site

The proposed amendment, if approved, appears to allow the applicant to increase their storage capacity on site. The applicant's consultant has advised there will not be any increase in production or discharge to the sewer. The additional tanks are to facilitate blending of wine and no increase in production is being sought.

Requirements for bunding of the site

The new tank areas shown in pink will be required to be bunded in accordance with legislation and this has been included in recommended conditions of consent.

A site inspection has revealed the existing horizontal tanks located adjacent to the railway do not have any bunding in place. The operator of the site confirmed these tanks do hold liquid and therefore, should be bunded. A condition is recommended that all tanks located on the site which are used for the storing of liquid, trade waste, wine or other alcohol products, should be suitably bunded.

Drainage of the site with regard to stormwater and waste water

Council has requested details in relation to how the site will drain to both stormwater and trade waste. The site was subject to a Trade Waste Agreement and Approval, which was issued in 19 September 2013. Approval was only given for 8 months and therefore expired on 19 May 2014. The applicant applied for a new approval and this was issued, by way of approval on 11 February 2014. This approval was issued for 5 years.

In addition to the above, the Applicant has advised of its intentions to prepare a Development Application for a treatment facility to pre-treat trade waste on the site. It is anticipated this application will be lodged with Council by mid 2017.

6.0 SUBMISSIONS

The proposed modification was notified for a minimum of fourteen days to adjoining property owners from 2 March 2016 to 23 March 2016. An advertisement was placed in the Hunter Valley News on 9 March 2016. No submissions were received.

7.0 CONCLUSION

The proposed modification has been assessed in accordance with the legislation listed above. It is recommended the modification be approved subject to the following amendments:

Condition 1

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

Drawing No.	Rev	Drawn by	Drawing Date	Received
Survey showing existing tank farm and affected tanks	D	Boardman Peasley Pty Ltd	23 April 2014	23 April 2014
New tank elevations	B	Boardman Peasley Pty Ltd	23 April 2014	23 April 2014
Site plan	C	Boardman Peasley Pty Ltd	23 April 2014	23 April 2014
Tank Identification Plan	A	RHM	3 August 2016	3 August 2016
Site Plan	D	Fyfe Pty Ltd	11 February	11 February 2016

			2016	
Front Entry Gate	B	RHM	16 November 2016	16 November 2016

Condition 8:

The area around proposed tanks NT10 - NT24 **23, N1 – N13, E1 – E4 and Tk3701 – Tk3704** **must** ~~shall~~ be bunded to contain spills and leaks. Bunding ~~shall~~ **must** be designed to protect stormwater from any spill and leaks from the tanks. No excessive amount of rainwater shall be diverted to the Liquid Trade Waste System.

A design and management plan is to be submitted to Council for approval prior to issuing of the Construction Certificate.

Condition 12:

Trade waste water shall be disposed of in accordance with the requirements of the **current** trade waste agreement between the Owner and Muswellbrook Shire Council.

New – Condition 14:**Compliance with legislation**

The Applicant must comply with the *Protection of the Environmental Operations Act 1997* at all times.

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

The proposed modification has no social implications to Council.

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

This matter has no specific policy implications for Council.

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

This matter has no specific legal implications for Council.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

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

Drawing No.	Rev	Drawn by	Drawing Date	Received
Survey showing existing tank farm and affected tanks	D	Boardman Peasley Pty Ltd	23 April 2014	23 April 2014
New tank elevations	B	Boardman Peasley Pty Ltd	23 April 2014	23 April 2014
Site plan	C	Boardman Peasley Pty Ltd	23 April 2014	23 April 2014
Tank Identification Plan	A	RHM	3 August 2016	3 August 2016
Site Plan	D	Fyfe Pty Ltd	11 February 2016	11 February 2016
Front Entry Gate	B	RHM	16 November 2016	16 November 2016

2. Plans on Site

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

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

3. Building Code of Australia

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

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

4. Section 94A Contributions

Pursuant to section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Muswellbrook Shire Council Section 94A Development Contributions Plan 2010, a contribution of \$632.50 shall be paid to Muswellbrook Shire Council.

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

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

5. Sediment and Erosion Control

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

6. Site Sign

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

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

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

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

7. Construction Certificate Requirement

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

8. Stormwater Management

The area around proposed tanks NT10 - NT24 **23, N1 – N13, E1 – E4 and Tk3701 – Tk3704 must** ~~shall~~ be bunded to contain spills and leaks. Bunding ~~shall~~ **must** be designed to protect stormwater from any spill and leaks from the tanks. No excessive amount of rainwater shall be diverted to the Liquid Trade Waste System.

A design and management plan is to be submitted to Council for approval prior to issuing of the Construction Certificate.

CONDITIONS THAT MUST BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK
--

9. Maximum RL Height

The maximum RL of the proposed development shall be RL167.92AHD.

10. Construction Hours

- (a) Subject to this clause, building construction is to be carried out during the following hours:
 - i. between Monday to Friday (inclusive)—7.00am to 5.00pm
 - ii. on a Saturday—7.00am to 4.00pm

- (b) Building construction must not be carried out on a Sunday or a public holidays.
- (c) Demolition works and excavation works must only be carried out between Monday to Friday (inclusive) between 8.00am and 5.00pm.
- (d) The builder and excavator must display, on-site, their 24 hour contact telephone numbers, which are to be clearly visible and legible from any public place adjoining the site.

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

11. Occupation

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

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

12. Trade Waste

Trade waste water shall be disposed of in accordance with the requirements of the **current** trade waste agreement between the Owner and Muswellbrook Shire Council.

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

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

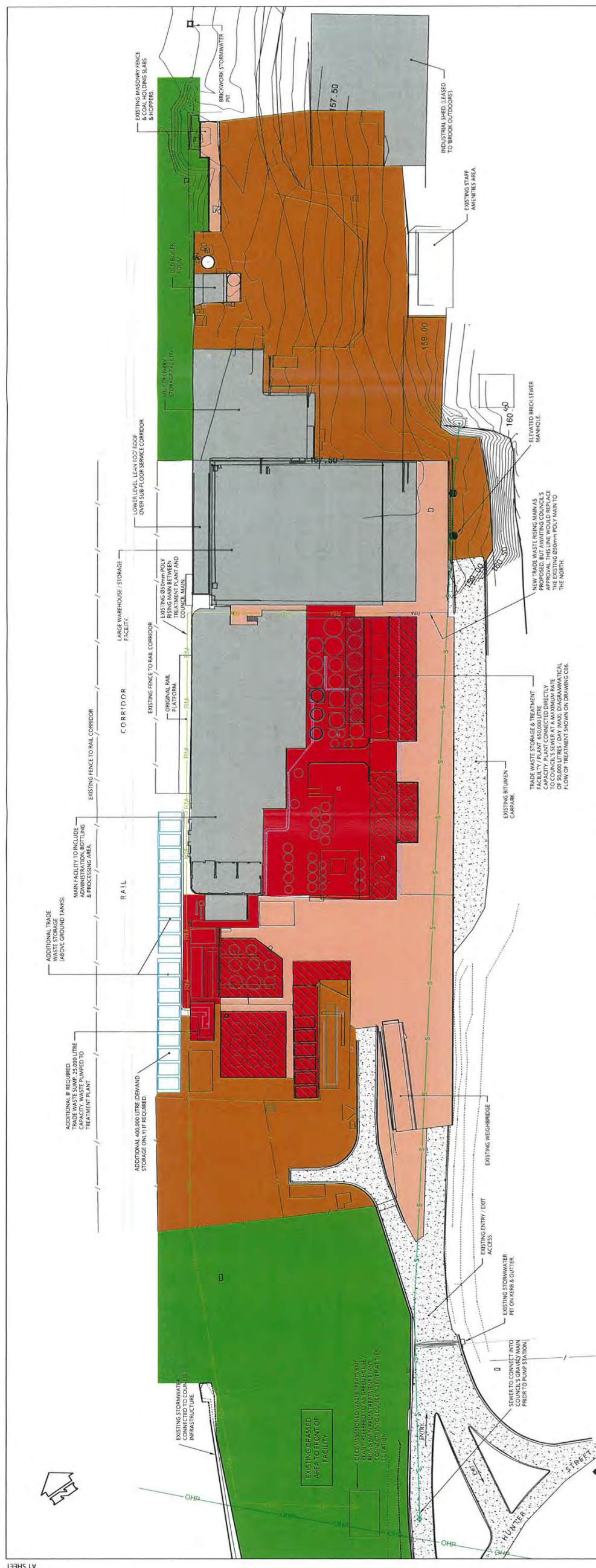
14. Compliance with legislation

The Applicant must comply with the *Protection of the Environmental Operations Act 1997* at all times.

ADVICE:

(1) Location of Services

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



EXISTING IDENTIFICATION PLAN - OVERALL SITE

LEGEND

	10 APR	20 APR	100 APR
-VEGETATED SPACED GRASS, TREES, SHRUBS AND LANDSCAPING.	-	-	-
-BITUMEN HARDSTAND AREA, THESE AREAS CONVEY RUNOFF TO STORMWATER (2904m ²)	47.2	62.6	114.4
-CONCRETE HARDSTAND AREA, THESE AREAS CONVEY RUNOFF TO STORMWATER (3550m ²)	61.7	81.4	147.3
-GRAVEL HARDSTAND GOING TO STORMWATER (622 m ²)			
-ROOF AREA, ROOF DRAINAGE COLLECTED & CONVEYED TO STORMWATER DRAINAGE (5438m ²)	72.0	94.5	174.3
-HARDSTAND AREA GOING TO TRADE WASTE (3242m ²).	42.9	56.9	104.0

1. TIME OF CONCENTRATION;
 - 5 MINUTES FOR HARDSTAND AREAS
 - 10 MINUTES FOR GRAVEL AREAS
2. FLOW CALCULATIONS BASED ON RATIONAL METHOD,

GENERATED RUNOFF OF RAIN TO TRADE WASTE AREAS


ARI	TOTAL STORAGE REQUIRED (m3)			
	5 MIN	10 MIN	60 MIN	120 MIN
5	25.6	74.5	99.8	132.3
20	31.6	87.6	115.7	153.0
100	45.9	118.3	154.3	202.9

TOTAL STORAGE AS NOTED CAN BE STORAGE WITHIN THE CAPACITY OF THE EXISTING TREATMENT PLANT.

CURRENT TRADE WASTE SYSTEM

1. CURRENT TRADE WASTE STORAGE ON SITE 650m³.
2. ADDITIONAL TRADE WASTE BUFFER STORAGE 400,000 LITRES (400m³).
3. MAXIMUM TRADE WASTE STORAGE INTO COUNCIL'S SEWER 50,000 LITRES/DAY.
4. IN GENERAL, THE PROCESS FROM COLLECTION TO TREATMENT CAN TAKE 2-5 DAYS DEPENDING ON QUALITY OF RUNOFF. ADDITIONAL STORAGE IS USED TO ENSURE DISCHARGE FROM THE PLANT DOES NOT EXCEED 30,000 LITRES/ DAY.


REV	DESCRIPTION	DATE	BY	REV	DESCRIPTION	DATE	BY
C	ISSUED FOR APPROVAL	01/08/16	MG				
A	PRELIMINARY ISSUE	27/05/16	MG				
A	PRELIMINARY ISSUE	27/05/16	MG				



RHM Consulting Engineers
 Civil & Structural Consulting Engineers
 109 Susan street, Scone NSW
 NSW 2880
 Tel: (02) 6845-2800
 Email: rhm@rhmc.com.au
 www.rhmc.com.au
 ABN 62 153 018 800

EXISTING IDENTIFICATION PLAN

Scale



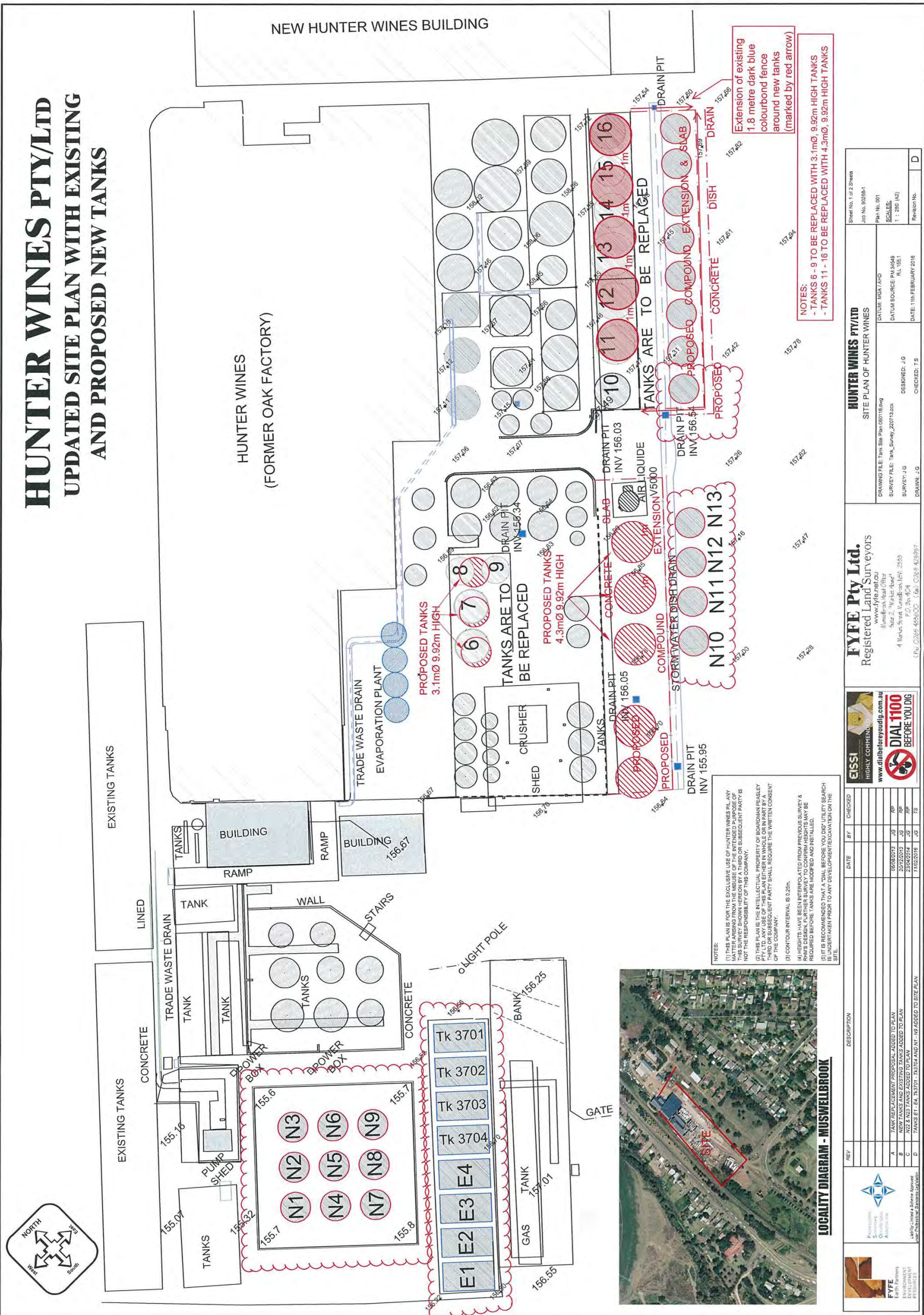
Horizontal

0 5 10 15 20 25

SCALE : 1:500 (A1)

CIVIL DRAWING			
Designed	BH	Approved on behalf of RHM Consulting Engineers	
Drawn	MG	Project Engineer/Director	
AMD	AMD	Drawing No.	Rev
Date	MAY 16	13-052	C
		- C01	

HUNTER WINES PTY/LTD
UPDATED SITE PLAN WITH EXISTING
AND PROPOSED NEW TANKS



GENERAL

THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH ALL ARCHITECTURAL AND OTHER CONSULTANTS DRAWINGS AND SPECIFICATIONS AND WITH SUCH OTHER WRITTEN INSTRUCTIONS AND SKETCHES AS MAY BE ISSUED DURING THE COURSE OF THE CONTRACT. ANY DISCREPANCIES SHALL BE REFERRED TO THE PROJECT ENGINEER BEFORE PROCEEDING WITH ANY RELATED WORKS. CONSTRUCTION FROM THESE DRAWINGS, AND THEIR ASSOCIATED CONSULTANTS DRAWINGS IS NOT TO COMMENCE UNTIL APPROVED BY THE LOCAL AUTHORITIES.

ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE RELEVANT AND CURRENT STANDARDS AUSTRALIA CODES AND WITH THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITIES EXCEPT WHERE VARIED BY THE PROJECT SPECIFICATION.

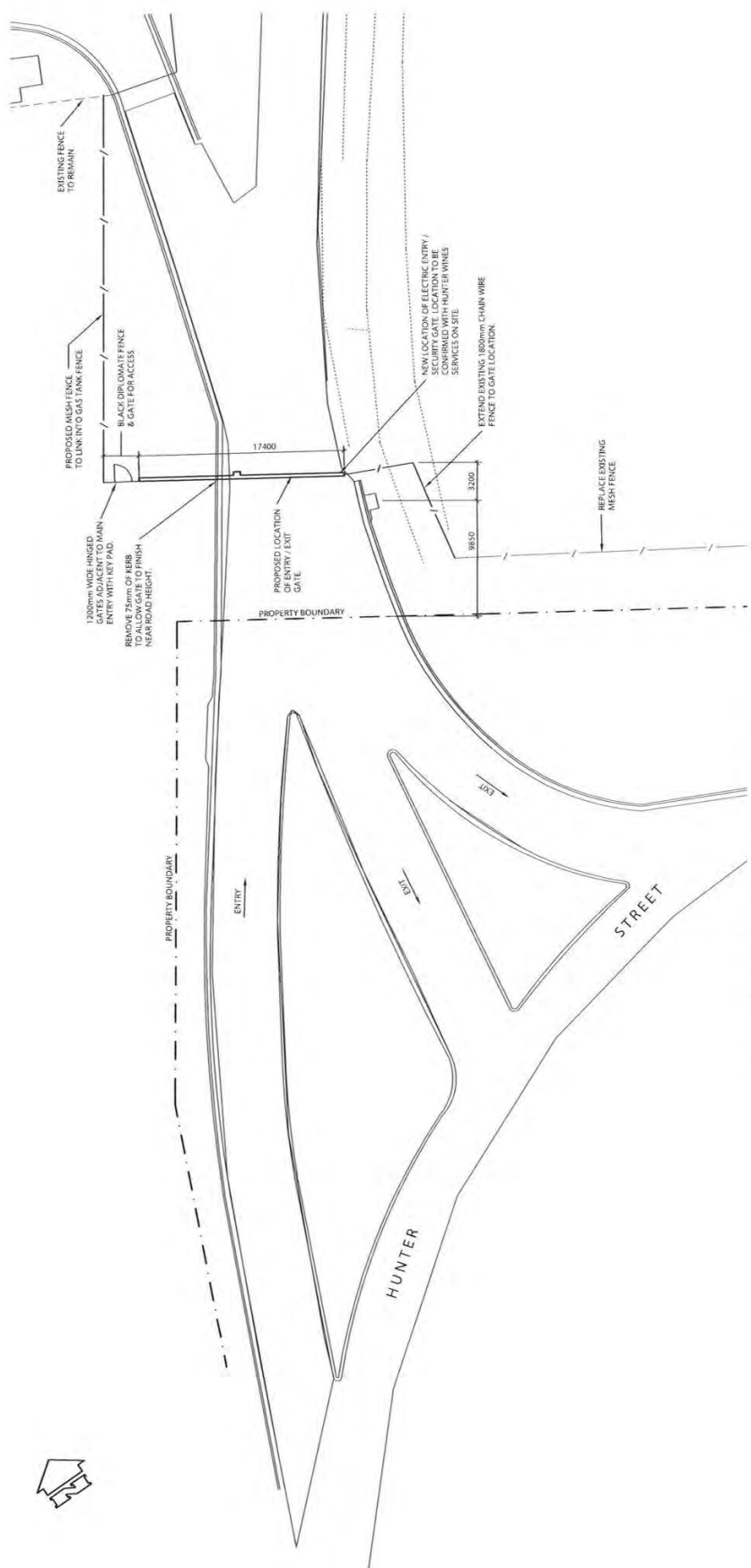
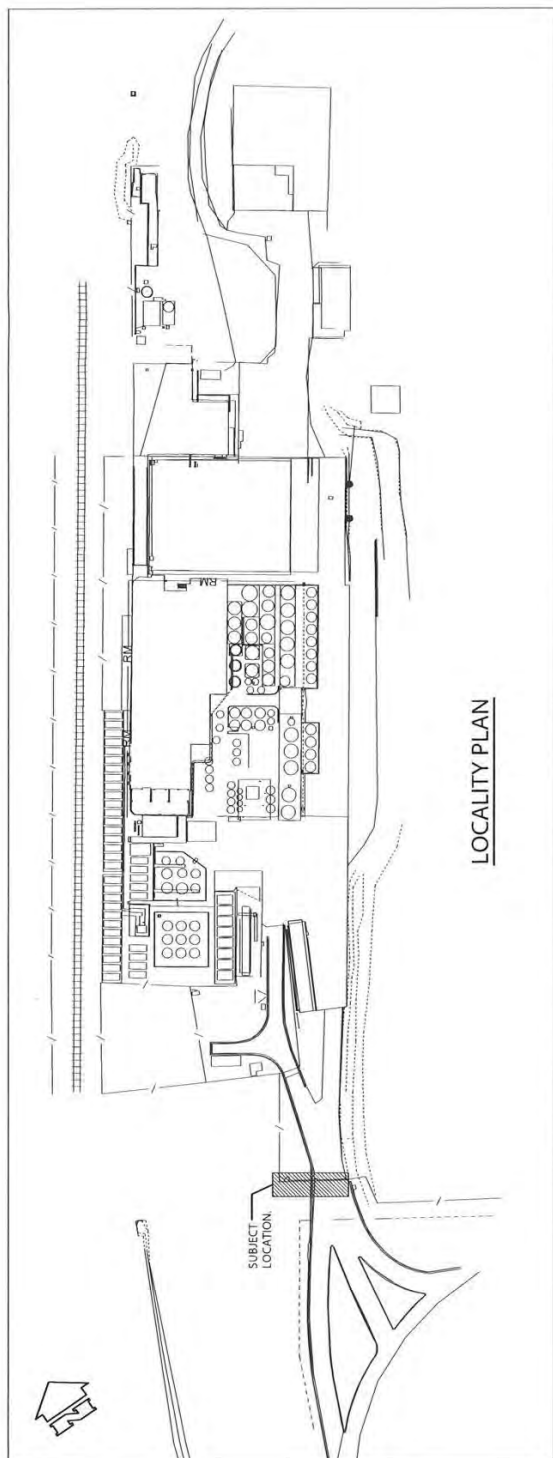
ALL SET OUT DIMENSIONS SHALL BE OBTAINED FROM ARCHITECT'S AND ENGINEER'S DETAILS. ALL DISCREPANCIES SHALL BE REFERRED TO THE ARCHITECT AND ENGINEER FOR DECISION, BEFORE PROCEEDING WITH RELATED WORK.

DURING CONSTRUCTION THE STRUCTURE SHALL BE MAINTAINED IN A STABLE CONDITION AND NO PART SHALL BE OVERSTRESSED. TEMPORARY BRACING SHALL BE PROVIDED BY THE BUILDER TO KEEP THE WORKS AND EXCAVATIONS STABLE AT ALL TIMES.

UNLESS NOTED OTHERWISE LEVELS ARE IN METRES AND DIMENSIONS ARE IN MILLIMETRES.

ANY SUBSTITUTION OF MATERIALS SHALL BE APPROVED BY THE ENGINEER AND INCLUDED IN ANY TENDER.

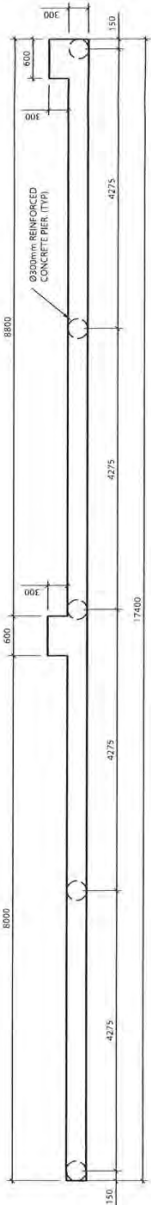
THE STRUCTURAL COMPONENTS DETAILED ON THESE DRAWINGS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE RELEVANT STANDARDS AUSTRALIA CODES AND LOCAL GOVERNMENT ORDINANCES FOR THE FOLLOWING LOADINGS.

[illegible]

A1 SHEET

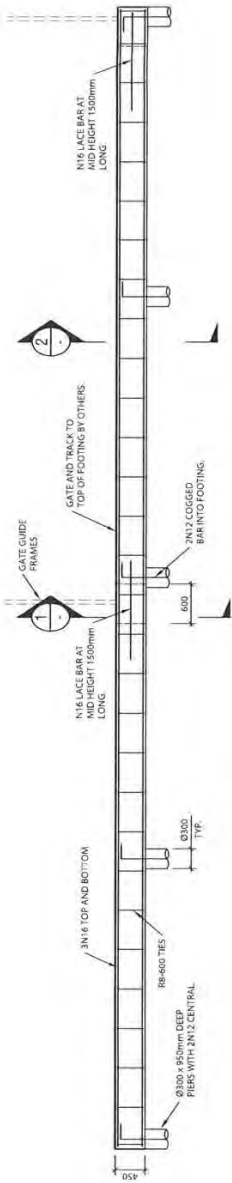
CONCRETE NOTES

- CONCRETE TENSILE TO BE 31 MPa AT 28 DAYS
- PRE-HOLES SHOULD BE ADEQUATELY CLEANED PRIOR TO POUR
- FOOTINGS ARE TO BEAR ONTO UNIFORM SOIL THROUGHOUT



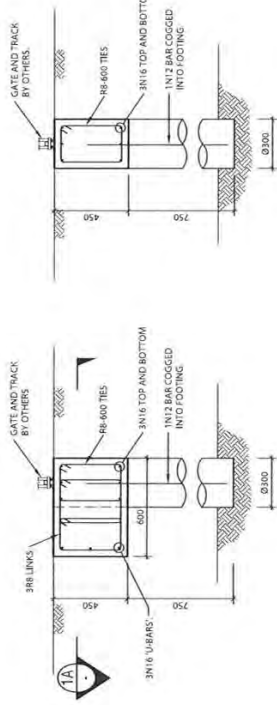
PROPOSED FOOTING DETAILS FOR NEW GATES

SCALE 1:20



PROPOSED FOOTING ELEVATION

SCALE 1:20

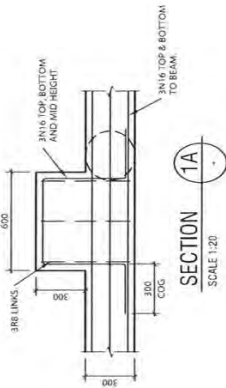


SECTION 1A

SCALE 1:20

SECTION 2

SCALE 1:20



SECTION 1A

SCALE 1:20

REV	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY
A	ISSUED FOR APPROVAL	16/11/16	MG			

HUNTER WINES SERVICES
HUNTER STREET
MUSWELLBROOK NSW 2333

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ABN 82 153 018 800

CONCRETE DETAILS
FOR PROPOSED GATE



STRUCTURAL DRAWING					
Designed	By	Approved on behalf of RHM Consulting Engineers			
Drawn	By	Project Engineer/Director			
Datum	By	Drawing No:			
Date	By	13-052 - S02			
		Rev			A

10.2 DEVELOPMENT APPLICATION 85/2016 - MOBILE CONCRETE BATCHING PLANT, 8440 NEW ENGLAND HIGHWAY MUSWELLBROOK

Responsible Officer:	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
Author:	Donna Watson - Development Planner
Community Plan Issue:	<i>Plan liveable and sustainable urban areas</i>
Community Plan Goal:	<i>All residents enjoy living in clean, safe and vibrant communities</i>
Community Plan Strategy:	<i>Reduce the environmental impact of development on our community</i>
Attachments:	A. Draft conditions B. RMS response C. EPA response D. Plans E. Applicant's response to March council meeting resolution

Documents referred to in assessment not attached:

- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulations 2000
- Building Code of Australia
- Development Control Plan 2009
- State Environmental Planning Policy No.55 – Remediation of Land
- Contaminated Land Policy
- Interim Construction Noise Guidelines
- Industrial Noise Policy
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (Noise Control) Regulation 2008
- Australian Standard 1428: 2009– Design for Access & Mobility
- Australian Standard 2890.1: 2004 – Parking Facilities – Off Street Car Parking
- NSW Environment Protection Authority Noise Policy

APPLICATION DETAILS

Applicant:	Wild Group Pty Ltd c/o: Casson Planning and Development Services
Owner:	Wild Group Pty Ltd
Proposal:	Mobile Concrete Batching Plant
Location:	Lot 30 DP 815308 8440 New England Highway, Muswellbrook
Permissibility:	The proposed development is permissible as ancillary to an existing approved use within the E3 Environment Management Zone
Recommendation:	Approval

RECOMMENDATION

That Development Application No. 85/2016 proposing a mobile concrete batching plant at Lot 30

DP 815308, 8440 New England Highway, Muswellbrook be APPROVED subject the conditions in Appendix A to the report.

Moved: _____ Seconded: _____

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

Aerial Photograph Identifying Development Site





DISCUSSION FROM MARCH 2017 COUNCIL MEETING

The application was considered at the March Council meeting. At this meeting, the following was resolved:

RESOLVED on the motion of Crs Rush and Ward that:

The item be considered at the April Ordinary Council Meeting and that staff liaise with the applicant about lodging a modification to the existing development to consolidate the developments on the site.

The applicant was advised of Council's resolution and a meeting was held on 21 March with Council staff and the applicant and land owner to discuss the resolution. The applicant has provided a written response following the meeting, which is attached as **Appendix E**. In summary, the response states:

On behalf of the proponent, we note that it is a principal of planning law that it is a matter for the proponent to determine what application it makes and accordingly we confirm our right to lodge a separate development application for the concrete batching plant, and for such application to be determined in accordance with the *Environmental Planning and Assessment Act, 1979* on its merits.

It is respectfully suggested that the period of time that the development application has been with council and still yet to be determined would entitle the proponent to take the application to the Land and Environment Court for deemed refusal. The latest resolution by Council adds at least a further four weeks to the determination period.

Notwithstanding the above comments, Mr Wild and I appreciated the discussion with staff and we understand the intent of the resolution.

It must be appreciated however that compliance with such intent would be a voluntary act by the proponents and not one which could be enforced by Council in relation to the current development application.

As a result of the meeting and discussions with the applicant, regarding the options to progress the current application and consolidate the existing consents on the site, the applicant has requested the Council consider the application in its current form with two additional limiting conditions to address the underlining concern from the March 2017 resolution of Council. The two additional conditions relate to:

- a) Limiting the operations of the concrete batching plant to three years, and;
- b) Requiring the applicant to lodge a Section 96 modification application to DA 342/2002, being the quarry application, within twelve months to consolidate the batching plant into the quarry operation DA, providing an opportunity to review other conditions on the primary quarry consent.

The applicant has provided the following reasons for proceeding with the current application and justification for the three year period:

The reasons for a three year period are:

- The establishment costs of the batching plant and associated equipment and vehicles are significant. From a commercial point of view – a reasonable period of consent in the initial approval is essential for obtaining funds to finance the establishment costs.
- three years is a sufficient period of time to permit the application to be drafted, assessed and determined and any appeals in respect of it run. It would significantly prejudice our client financially if any development consent for the batching plant lapsed prior to a modification to consolidate the approvals was granted.

As part of a broader compliance exercise, Council Planning staff are currently undertaking a review of all the extractive industries operations within the Local Government Area. In this regard, the applicant has indicated a willingness to lodge a Section 96(2) modification application to Council to include the concrete batching plant operation, a potential asphalt batching plant, and extend the timeframes of consent for the quarry under DA342/2002 which expires in 2024 providing an opportunity to incorporate a review of all existing conditions in line with the EPA extraction license and broader site rehabilitation issues.

Therefore, the applicant has indicated a willingness to accept the imposition of an additional condition on the current application restricting the life of the concrete batching plant operation to three years, with a requirement to lodge a Section 96(2) modification with one year.

ISSUES SUMMARY

The application is being considered by Council at the General Manager's request.

REPORT

Date of Report

27 March 2017

1.0 BACKGROUND

The site has a current approval for an extractive industry, this being Development Application 342/2002. The extractive industry that is operating on site is subject to an Environmental Protection Licence (EPL) which is issued and enforced by the Environment Protection Authority.

2.0 SITE AND LOCALITY DESCRIPTION

The site is located on south of Muswellbrook and fronts the New England Highway. The site is zoned E3 Environmental Management under the Muswellbrook Local Environmental Plan 2009. The site has a number of dwellings to the north, south and east. The New England Highway is located directly west of the site.

3.0 DESCRIPTION OF PROPOSAL

The applicant is seeking consent from Council to place a semi-permanent mobile concrete batching plant on the site where an existing gravel quarry operates. The quarry has previous approval under Development Application 342/2002.

The proposal involves the construction of a 100mx100m (approx.) hardstand area to the rear of the batching plant which will act as the manoeuvring and storage bay / bin area. This will reduce excessive silt being tracked / deposited into the hopper area of the plant. The applicant has advised that excessive silt will result in a poorer quality of cement, i.e. more cracking.

In addition to the concreting of the rear area, the applicant has indicated the existing access track to the quarry following the northern boundary of the site and the access way to the batching plant is proposed to be two coat bitumen sealed.

4.0 ADEQUACY OF APPLICANT'S SUBMISSION

In relation to the Statement of Environmental Effects, the plans and other documentation submitted with the Application, the applicant has provided adequate information to enable an assessment of the Application.

The applicant has included the following ancillary reports with the supporting documentation:

- Statement of Environmental Effects
- Air Quality Assessment
- Noise Report
- Waste Management Plan
- Water Management Plan

5.0 SPECIALIST COMMENTS**5.1 Internal Referrals**

The application was referred to Council's Environmental Health Officer and Community Infrastructure. Each section reviewed the proposal and recommended standard conditions to be placed on the development consent should the application be approved.

5.1.1 Local Traffic Committee

The application was reported to the September 2016 Local Traffic Committee for consideration and comment. The Local Traffic Committee recommended the following:

The committee raised concerns about the right turn out of the site for heavy vehicles and will await comments from the RMS referral.

RECOMMENDED that

Further to advice provided at the meeting; it is to be noted that the RMS requested the following condition on the original consent of the quarry.

"Appropriate regulatory signage banning the right turn movement out of Grasstree Ridge ROW onto the New England Highway for vehicles over 5 tonnes. Heavy vehicles shall not be permitted to turn right at any time. Light vehicles would be able to turn right."

The intersection is constructed consistent with this requirement.

VOTE: *Unanimous support*

The applicant was advised of the Local Traffic Committee's recommendation. No additional information was required from the applicant to address this requirement.

5.2 External Referrals

5.2.1 Roads and Maritime Services

The application was referred to the RMS for consideration and comment. The reason for the referral to RMS was due to the mobile concrete batching plant being located on the existing quarry of which RMS provided comments on.

The RMS advised they raised no objection to the proposed development subject to the inclusion of the following conditions:

- *The proponent shall install regulatory signage banning the right turn movement of the site onto the New England Highway for vehicles over 5 tonnes. Heavy vehicles shall not be permitted to turn right onto the highway at any time.*
- *The developer shall provide a Traffic Management Plan to Roads and Maritime Services/ Councils requirements that addresses the management of construction and operational traffic and any impact on the New England Highway.*
- *All works associated with the proposed development shall be carried out a full cost to the developer and at no cost to Roads and Maritime Services or Council, to Roads and Maritimes Services and Council's requirements.*

In addition to these recommended conditions, the following advice is requested to be included, should the application be approved:

- *Roads and Maritime has no proposal that requires any part of the property.*
- *All matters relating to internal arrangements on-site such as carparking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to determine.*

Where relevant, the comments of the RMS will be formulated into conditions and imposed on the development consent.

A copy of the RMS response is attached as **Appendix B.**

5.2.2 Environment Protection Authority

The site where the mobile concrete batching plant is proposed to be located is subject to an Environmental Protection Licence (EPL) which is issued by the EPA. The EPA requested additional information from the applicant on 14 September. The applicant provided this information on 6 January 2017 and Council forwarded these documents to the EPA on 9 January 2017. The EPA provided final comments on the development on 1 March 2017.

The EPA has advised the Environmental Protection Licence for the existing extractive industry, will need to be amended to include the concrete batching plant. In this regard, the EPA has provided suggested conditions to be included in the determination, should the application be approved. These suggested conditions include additional dust monitoring, noise monitoring, incident management, waste and other conditions relation. It is noted that only condition 8 & 9 of the EPA referral are of relevance to the current batching plant DA (and have been imposed accordingly), where the remaining suggested conditions relate to the existing approved quarry operating on the greater site, to which conditions are imposed by the EPA via the appropriate license.

The EPA response is attached as **Appendix C.**

5.2.3 Mine Subsidence Board

The site is located in a Mine Subsidence District. In this regard, the development is to be considered by the MSB prior to determination. As the proposed development is a mobile concrete batching plant, the proposal is considered to be a deemed approval under the Mine Subsidence Board guidelines.

Further, Council has received advice from the MSB that the districts are being reviewed and as a result, the MSB is proposing to *reclaim* land. This means, on the draft new district maps, the subject site is not within a mine subsidence area. Therefore, once the draft maps are gazetted by the Minister, the site will not be required to obtain approval from the MSB on future developments.

6.0 ASSESSMENT

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

Section 79C Matters for Consideration

Section 79C(1)(a)(i) The provisions of any Environmental Planning Instrument (EPI)

The following EPIs, DCPs, Codes and Policies are relevant to this Application:

1. Muswellbrook Local Environmental Plan 2009 (MLEP 2009)

Land Use Zone and Permitted Land Use

The development site is zoned E3 Environmental Management pursuant to MLEP 2009. The proposal is best defined as ancillary development to the previously approved extractive industry located on site, which is permitted with consent under the Muswellbrook Local Environmental Plan 1985.

Objectives of the E3 Environmental Management Zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To maintain, or improve in the long term, the ecological values of existing remnant vegetation of significance including wooded hilltops, river valley systems, major scenic corridors and other local features of scenic attraction.*
- *To limit development that is visually intrusive and ensure compatibility with the existing landscape character.*
- *To allow agricultural activities that will not have an adverse impact on the environmental and scenic quality of the existing landscape.*
- *To promote ecologically sustainable development.*
- *To ensure that development in this zone on land that adjoins land in the land zoned E1 National Parks and Nature Reserves is compatible with the objectives for that zone.*

It is considered that the development as ancillary to the previously approved extractive industry, which was permitted with consent under the Muswellbrook Local Environmental Plan 1985 the proposal as an reasonable extension to an existing lawfully approved use is acceptable in the Zone.

Relevant Clauses applicable under the Muswellbrook Local Environmental Plan 2009

<i>Part 1 Preliminary</i>	
<i>1.1 Name of Plan</i>	Muswellbrook Local Environmental Plan 2009
<i>1.1AA Commencement</i>	The MLEP 2009 was gazette 17 April 2009.
<i>1.2 Aims of Plan</i>	Noted
<i>1.3 Land to which Plan applies</i>	The MLEP 2009 applies to the whole of Muswellbrook Local Government Area.
<i>1.4 Definitions</i>	Noted
<i>1.5 Notes</i>	Noted
<i>1.6 Consent authority</i>	The consent authority for this development is Muswellbrook Shire Council.
<i>1.7 Maps</i>	Noted.
<i>1.8 Repeal of planning instruments applying to land</i>	Noted.
<i>1.8A Savings provision relating to pending development</i>	Noted

<i>applications</i>	
<i>1.9 Application of SEPPs</i>	Noted
<i>1.9A Suspension of covenants, agreements and instruments</i>	Noted
<i>Part 2 Permitted or prohibited development</i>	
<i>2.1 Land use zones</i>	Noted
<i>2.2 Zoning of land to which Plan applies</i>	See above
<i>2.3 Zone objectives and Land Use Table</i>	See above
<i>2.4 Unzoned land</i>	Not applicable
<i>2.5 Additional permitted uses for particular land</i>	Not applicable
<i>2.6 Subdivision—consent requirements</i>	Not applicable
<i>2.7 Demolition requires development consent</i>	Not applicable
<i>2.8 Temporary use of land</i>	Not applicable
<i>Part 3 Exempt and complying development</i>	
<i>3.1 Exempt development</i>	Not applicable
<i>3.2 Complying development</i>	Not applicable
<i>3.3 Environmentally sensitive areas excluded</i>	Not applicable
<i>Part 4 Principal development standards</i>	
<i>4.1 Minimum subdivision lot size</i>	Not applicable
<i>4.1AA Minimum subdivision lot size for community title schemes</i>	Not applicable
<i>4.2 Rural subdivision</i>	Not applicable
<i>4.3 Height of buildings</i>	Not applicable
<i>4.4 Floor space ratio</i>	Not applicable
<i>4.5 Calculation of floor space ratio and site area</i>	Not applicable
<i>4.6 Exceptions to development standards</i>	Not applicable
<i>Part 5 Miscellaneous provisions</i>	
<i>5.1 Relevant acquisition authority</i>	Not applicable
<i>5.2 Classification and reclassification of public land</i>	Not applicable
<i>5.3 Development near zone boundaries</i>	Not applicable
<i>5.4 Controls relating to miscellaneous permissible uses</i>	Not applicable
<i>5.5 Development within the coastal zone</i>	Not applicable
<i>5.6 Architectural roof features</i>	Not applicable
<i>5.7 Development below mean high water mark</i>	Not applicable
<i>5.8 Conversion of fire alarms</i>	Not applicable
<i>5.9 Preservation of trees or vegetation</i>	Not applicable
<i>5.9AA Trees or vegetation not prescribed by development control plan</i>	Not applicable
<i>5.10 Heritage conservation</i>	Not applicable
<i>5.11 Bush fire hazard reduction</i>	Not applicable
<i>5.12 Infrastructure development and use of existing buildings of the Crown</i>	Not applicable
<i>5.13 Eco-tourist facilities</i>	Not applicable
<i>Part 6 Urban release areas</i>	
<i>6.1 Arrangements for designated State public infrastructure</i>	Not applicable
<i>6.2 Public utility infrastructure</i>	Not applicable
<i>6.3 Development control plan</i>	Not applicable
<i>6.4 Relationship between Part and remainder of Plan</i>	Not applicable
<i>Part 7 Additional local provisions</i>	

7.1 Terrestrial biodiversity	Not applicable
7.2 Subdivision in Zone RU1 Primary Production and Zone E3 Environmental Management	Not applicable
7.3 Controls relating to rural worker's dwellings	Not applicable
7.4 Subdivision in Zone R1 General Residential and Zone RU5 Village	Not applicable
7.5 Erection of dwelling houses on land in certain rural and environmental protection zones	Not applicable
7.6 Earthworks	Not applicable
7.7 Development at Muswellbrook Showground	Not applicable
7.8 Events permitted on public reserves and public roads without development consent.	Not applicable

2. **State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007**

The applicant has advised this State Policy applies to the site as there is currently an approved extractive industry in operation. In this regard, the applicant has advised Clause 7(4) of the SEPP permits with consent, the co-location of industry which is defined as follows:

If extractive industry is being carried out with development consent on any land, development for any of the following purposes may also be carried out with development consent on that land:

- (a) the processing of extractive material,*
- (b) the processing of construction and demolition waste or of other material that is to be used as a substitute for extractive material,*
- (c) facilities for the processing or transport of extractive material,*
- (d) concrete works that produce only pre-mixed concrete or bitumen pre-mix or hot-mix.*

The application before Council is for a mobile concrete batching plant, which meets the criteria of Clause 7(4)(d) of the SEPP. In this regard, the application is permissible with consent overriding the provisions of the LEP.

3. **State Environmental Planning Policy**

The following State Environmental Planning Policies apply to the Muswellbrook Local Government Area and were considered and found not to be applicable to the proposed development.

- SEPP No. 21 Caravan Parks
- SEPP No. 30 Intensive Agriculture
- SEPP No. 33 Hazardous and Offensive Development
- SEPP No. 36 Manufactured Home Estates
- SEPP No. 44 Koala Habitat Protection
- SEPP No. 55 Remediation of Land
- SEPP No. 62 Sustainable Aquaculture
- SEPP No. 64 Advertising and Signage
- SEPP No. 65 Design Quality of Residential Flat Development
- SEPP (Housing for Seniors or People with Disability) 2004
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (infrastructure) 2007
- SEPP (miscellaneous Consent Provisions) 2007
- SEPP (Rural Lands) 2008
- SEPP (Exempt and Complying Development Codes) 2008
- SEPP (Affordable Renting Housing) 2009
- SEPP (State and Regional Development) 2011

Section 79C(1)(a)(ii) the provisions of any draft EPI.

There are no draft EPIs relevant to the subject Application.

Section 79C(1)(a)(iii) the provisions of any development control plan

Section 3 – Site Analysis

It is considered that the documentation provided with the Development Application satisfies the provisions of Section 3 of the Muswellbrook DCP.

Section 4 – Notification

In accordance with the provisions of Section 4 of the Muswellbrook DCP 2009, the Application was notified for a period of not less than fourteen days from 5 October 2016 to 2 November 2016. A notice was also placed in the local newspaper, the Hunter Valley News, at the commencement of the notification period.

No submissions were received during the notification period.

Section 8 – Rural and Environmental Zone development

	Comments
<i>8.1 Introduction</i>	
<i>8.1.1 Dwelling Houses on existing parcels of land</i>	There are no dwellings location on this lot.
<i>8.2 Built Form</i>	
<i>8.2.1 Scenic Protection and Building Location</i>	The mobile concrete batching plant is proposed to be located in an area which has previously been disturbed.
<i>8.2.2 Setbacks</i>	Complies
<i>8.2.3 Colours and Materials</i>	Concrete batching plant will be repainted to a similar colour to the existing. The plant will not be visible from any adjoining properties.
<i>8.2.4 Car Parking and Access</i>	The site has sufficient carparking provided at the site office.
<i>8.2.5 Temporary Dwellings</i>	Not applicable
<i>8.3 Environmental Matters</i>	
<i>8.3.1 Topography</i>	The site where the batching plant is to be place is relatively flat.
<i>8.3.2 Vegetation</i>	No vegetation is to be removed, as the site has previously been disturbed and does not contain vegetation in the location of the batching plant.
<i>8.3.3 Riparian Buffers</i>	Not applicable
<i>8.3.4 Management of Rivers, Creeks, Streams and Drainage</i>	Not applicable
<i>8.3.5 Services</i>	The site is currently serviced
<i>8.4 Frost Control Fans</i>	Not applicable

Section 11 – Extractive industry

The site currently has development consent for a gravel quarry. This application is ancillary to the existing quarry operations. The concrete batching plant will be using some of the material extracted from the site. However, the majority of material will be transported to the site from the Newcastle area.

As the applicant does not propose any changes to the existing quarry operations, this section of the DCP is not applicable.

Section 16 – Car Parking and Access

The applicant has indicated at the site inspection, the site will not be open to the public. In this regard, concrete is ordered and then transported to the relevant site.

The applicant has indicated the rear of the batching plant area, will be sealed with concrete to reduce the possibility of additional silt being placed in the hopper area. The main access to the quarry and accessway to the batching plant is proposed to be two coat bitumen sealed. A condition of consent will be imposed, should the application be approved.

As the site will not be open the general public there is no need for carparking to be provided in conjunction with the operation of the batching plant. There is a carparking area located at the main office area where the public can park if they need to access the site.

Section 20 – Erosion and Sediment Control

The applicant advised at the site inspection, the area associated with the development will be sealed with a combination of concrete and two coat bitumen seal. The rear section of the batching plant area, including the storage bays/bins will be concrete in order to reduce additional silt being placed in the hopper. The front area of the site and the accessways will be two coat bitumen seal. This is being proposed as a measure to control the potential for additional dust generation.

In this regard, as the site will be sealed, there will be minimal amount of sediment leaving the site.

Section 25 – Stormwater Management

The applicant has provided a Water Management Plan which assesses the potential impacts of the development on local waters and to determine if there would be any potential for pollution of waters. This document was forwarded to the EPA for consideration and comment (refer to earlier section in the report).

The report indicates there will be a bunded concrete apron between the batching plant and the existing ground surface. The runoff from the concrete area will be graded to a 11,000L holding tank. The stormwater management will be included and monitored in the Environmental Protection Licence.

Section 94A Contributions Plan 2009

The site is subject to Section 94A contributions in accordance with Council's adopted policy. However, the cost of development is under \$100,000 and therefore no further payment is required.

However the quarry approved under DA 342/2002 which is operating on the same site under the same ownership (Wild Group Pty Ltd) as the current development application imposed the following conditions in relation to section 94 contributions (12 & 13):

12. *Prior to the commencement of commercial operations, the Applicant shall enter into an agreement with Muswellbrook Shire Council regarding appropriate Section 94 Contributions for road maintenance in accordance with Council's DCP 7, Section 94 Contributions Plan.*
13. *Section 94 contributions and submission of tonnage details are to be provided to Council on a quarterly basis as requested by Council.*

From a review of the conditions of DA 342/2002, it appears that Condition 13 has not been complied with, where payment of applicable section 94 contributions has not made since late 2012.

Therefore, given the non-compliance with condition 13 for section 94 development contributions under DA342/2002, it is recommended that a deferred commencement condition be imposed on the current development, given the co-location of the proposed concrete batching plant in relation to the approved quarry under Clause 7(4) of the SEPP (mining).

Since writing the report for the March Council meeting, the operator has paid section 94 contributions for 2014 through to 2016. The payments for 2012 and 2013 will be paid upon review of the files once retrieved from archives. In this regard, the deferred commencement condition should still remain in the draft conditions.

DCP summary

The following sections of the Muswellbrook Development Control Plan 2009 were considered and found not to be applicable to the proposed development:

Section 1 - Introduction	Section 2 – Submitting an application
Section 5 – Subdivision	Section 6 – Residential Development
Section 7 – Village Zones	Section 10 – Industrial Development
Section 9 – Local Centre Development	Section 12 – Tourist Facilities and Accommodation

Section 13 – Flood Prone Land	Section 14 – Outdoor signage
Section 15 – Heritage Conservation	Section 18 – Child Care Centres
Section 17 – Sex Services Premises	Section 22 – Land Use Buffers
Section 19 – Use of Public Footpaths	Section 24 – Waste Management
Section 21 – Contaminated Land	Section 26 – Site Specific controls
Section 23 – Onsite Wastewater management systems	Section 27 – West Denman Urban Release Area

Section 79C(1)(a)(iia) the provisions of any planning agreement

There are no planning agreements relevant to the subject Application.

Section 79C(1)(a)(iv) the provisions of the regulations

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

Section 79C(1)(a)(v) the provisions of any coastal zone management plan

This item is not relevant to the subject Application. The Application does not relate to a coastal area.

Section 79C(1)(b) the likely impacts of that development

Context and setting

The proposed development for a mobile concrete batching plant is consistent with the operations on site.

Potential impacts on adjacent properties

The application was placed on public exhibition for a period of no less than 14 days. During this time Council did not receive any objections to the development. The potential impacts to adjoining properties, as a result of the development, maybe dust and noise, which are addressed below.

Access, Traffic and Transport

The applicant has indicated the concrete batching plant will utilise the existing access to the New England Highway which was constructed as a result of the approved conditions of consent for the Quarry in 2002. The applicant has stated the batching plant will be used in conjunction with the existing quarry operations.

The concrete batching plant will utilise raw product located at Wild's Quarry – East, off Hebden Road and cement powder from Kooragang Island Plant. Should the application be approved, the operation will provide for approximately 18 additional staff to be employed.

From a review of the information provided by the applicant, it appears this development may increase the traffic movements at this intersection by an additional 50 vehicles, this being 25 vehicles entering and 25 vehicles exiting. A further information request has been sent to the applicant seeking clarification of the maximum daily vehicle movements for this development.

The existing quarry has consent for a maximum extraction amount of 100,000 tonnes per year, which equates to approximately 60 vehicle movements per day. Should the application be approved, this will increase the amount of trucks utilising the Grasstree ROW / New England Highway intersection from this site from 60 to approximately 110 vehicles per day.

Local Traffic Committee's and Roads and Maritime Services have raised no objection to the proposed development subject to the inclusion of the appropriate conditions.

Air and microclimate

The EPA requested the applicant provide an Air Quality Assessment (AQA) for the development which is to consider the potential impact of the proposal and the existing operations as a whole. The assessment estimates the development may add up to 3.8% more dust relative to the existing operation. This potential increase, when compared to the overall operations within the locality may add approximately 0.01% to 0.29% additional annual Total Suspended Particles (TSP) emissions.

The AQA identified a range of dust mitigation and management options for the development. These mitigation and management measures are shown below:

Source	Mitigation Measure
General	<i>Activities to be assessed during adverse weather conditions and modified as required (e.g. cease activity where reasonable visible levels of dust cannot be maintained using the available means)</i>
	<i>Weather forecast to be checked prior to undertaking material handling or processing</i>
	<i>Engines of on-site vehicles and plant switched off when not in use</i>
	<i>Vehicles and plant fitted with appropriate pollution reduction devices</i>
	<i>Maintain and service vehicles and plant according to manufacturer's specifications</i>
	<i>Work areas to be wetted down at times to prevent fugitive dust from leaving site</i>
Exposed stockpiles	<i>Minimise area of exposed surfaces</i>
	<i>Use of fixed sprinklers on stockpile bays to keep material moist</i>
	<i>Minimise amount of stockpiled material</i>
	<i>Locate stockpiles away from sensitive receivers where possible</i>
	<i>Apply barriers, covering or temporary rehabilitation</i>
Material handling	<i>Reduce drop heights from loading and handling equipment</i>
	<i>Loads/ materials to be wetted down prior and during handling if excessively dusty</i>
Hauling activities	<i>Watering of all trafficked areas</i>
	<i>Sealed haul roads to be cleaned regularly</i>
	<i>Impose speed limits on trafficked roads</i>
	<i>Wheel wash or grids near exit points to minimise mud/ dirt track out</i>
	<i>Street cleaning to remove dirt tracked onto sealed roads</i>
	<i>Covering vehicle loads when transporting material off- site</i>
Cement silo	<i>Bag house filter fitted to top of the cement silo</i>
	<i>Maintain filter to ensure compliance with any legislative requirements</i>
	<i>Alarm and flashing light installed to inform staff when filter is full or ripped</i>

The applicant has advised at the site inspection, they will be sealing the accessway from the existing office to the batching plant site. The accessway will be extended 350m and be 5m wide. The applicant has indicated the reason for the sealing of the accessway by 350m is to reduce the potential for dust generation due to the increase in traffic movements. Should the application be approved, a condition will be recommended to require the applicant to seal this section of the accessway.

The overall conclusion of the Air Quality Assessment in relation to the proposal indicates there will be no adverse impacts expected to arise from the development.

Noise and Vibration

The applicant was required, by the EPA, to provide a Noise Impact Assessment for the proposed development to consider the potential impact of the proposal and the existing operations as a whole.

The site is characterised as "rural" in accordance with the definitions in the Industrial Noise Policy. In this regard the recommended amenity limits for residents within a rural area are shown below:

Period	Acceptable L _{Aeq} dB	Maximum L _{Aeq} dB
Day (7:00 am to 6:00pm)	50	55
Evening (6:00 pm to 10:00 pm)	45	50
Night (10:00 pm to 7:00 am)	40	45

The Noise Impact Assessment has modelled the noise predictions for concrete production, quarry operations and cumulative predictions in both a neutral atmosphere and enhancing meteorological conditions, being the worst case operational scenario.

The table below shows the noise predictions for enhanced meteorological conditions:

Table 4.2: NOISE PREDICTIONS – ENHANCING METEOROLOGICAL CONDITIONS L_{Aeq,15minute} (dB)

Receptor ID	Criterion	Concrete Production	Quarry Operations	Cumulative Predictions
R01	43	35	37	39
R02	43	37	39	41
R03	43	38	38	41
R04	43	36	35	38
R05	43	34	33	37
R06	43	35	33	36
R07	43	43	39	43
R08	36	28	34	34

The below table identifies noise limits defined in Condition 46a of the quarry consent, which are:

Receptor ID	Name	Daytime
R02	Sharman	43
R07	Cross	43
R08	Smith	36

Notes:

1. For the purpose of Condition 46a, the day period is defined as 7am to 5pm Monday to Friday, and, 7am to 1pm Saturday.

In this instance, the predicted noise levels in a worst case operational scenario would not exceed the noise limits placed on the quarry application. Further, even without the noise limits being specified for the quarry, the cumulative impacts would not exceed the acceptable levels as defined in the Industrial Noise Policy.

The following additional matters were considered and, where applicable, have been addressed elsewhere in this report:

Built Form
Public Domain
Utilities

Waste
Energy
Natural hazards

Heritage
Other land resources
Water
Soils
Flora & fauna
Construction

Technological hazards
Safety, Security, and Crime Prevention
Social Impact on Locality
Economic Impact on the Locality
Site Design and Internal Design
Cumulative impacts

Section 79C(1)(c) the suitability of the site for the development

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

Section 79C(1)(d) any submissions made

No submissions were received during the notification period.

Section 79C(1)(e) the public interest.

It is considered that the proposal is not contrary to the public interest.

5 CONCLUSION

The application has been assessed in accordance with the legislation listed at the beginning of the report. The application has also been placed on public exhibition for a minimum of fourteen days with no submissions being received.

It is recommended the application be approved subject to conditions in **Appendix A**.

Disclosure of Political Donations and Gifts:

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

SOCIAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

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

POLICY IMPLICATIONS

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

STATUTORY IMPLICATIONS

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

LEGAL IMPLICATIONS

This matter has no specific legal implications for Council.

OPERATIONAL PLAN IMPLICATIONS

This matter has no specific Operational Plan implications for Council.

RISK MANAGEMENT IMPLICATIONS

This matter has no specific risk management implications for Council.

SCHEDULE A

DEFERRED COMMENCEMENT CONDITIONS

In accordance with section 80(3) of the Act the consent will not operate until the applicant has provided information to the satisfaction of the Council that the following conditions can be complied with. Upon receipt of written information from the application in relation to the conditions in this schedule the Council will advise in writing whether the information is satisfactory and, if so, will nominate the effective date for the commencement of the consent.

In accordance with Clause 95(3) of the regulation, a six (6) month period is given from the date of the “deferred commencement” notice to lodge evidence that satisfactorily address the required details. If not, then the “deferred commencement” will lapse and a new development application will be required.

1. Payment of Section 94 Contributions

The applicant shall provide evidence that compliance with Condition 13 of DA 342/2002 has been achieved in relation to any outstanding Section 94 contributions applicable to the site.

SCHEDULE B

IDENTIFICATION OF APPROVED PLANS

1. Development in Accordance with Plans

The development being carried out in accordance with the development application and the drawings referenced below, and endorsed with Council’s approval stamp, except where amended by the following conditions.

Drawing No.	Drawn by	Drawing Date
Site Plan – aerial	Global Acoustics	Undated
Site Plan	RPS	Undated
Elevations – photographic	Applicant	Undated

2. Development in Accordance with Documentation

The development is to be carried out generally in accordance with the following documents:

Title	Written by	Date
Statement of Environmental Effects	Casson Planning and Development Services	August 2016
Air Quality Assessment	Todoroski Air Sciences	14 December 2016
Noise Impact Assessment	Global Acoustics	20 December 2016
Waste Management Plan	RPS	December 2016
Water Management Plan	RPS	December 2016

3. Plans on Site

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

4. Limitation of consent

The operation of the mobile concrete batching plant shall be limited to three (3) years.

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

5. Traffic Management Plan

Prior to the issuing of the Construction Certificate, the developer shall provide a Traffic Management Plan to Roads and Maritime/Council's requirements that addresses the management of construction and operational traffic and any impact on the New England Highway.

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

6. Building Code of Australia

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

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

7. Structural Engineer's Plans and details – Proposed Works

A certificate and detailed drawings issued by an appropriately qualified structural engineer are to be submitted to the Certifying Authority with the Construction Certificate application, which certifies that the design and construction of the structural elements will be structural adequate for its intended purpose.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO COMMENCEMENT

8. Construction Certificate Requirement

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

9. Sediment and Erosion Control

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

10. Site Facilities

- (a) If the development involves building work or demolition work, the work site must be fully enclosed by a temporary security fence (or hoarding) before work commences.
- (b) A minimum width of 1.2m must be provided between the work site and the edge of the roadway so as to facilitate the safe movement of pedestrians.
- (c) Any such hoarding or fence is to be removed when the work has been completed.
- (d) A garbage receptacle fitted with a tight fitting lid for the reception of all food scraps and papers from the work site must be provided prior to building work commencing and must be maintained and serviced for the duration of the work.
- (e) Toilet facilities must be provided on the work site at the rate of one toilet for every 20 persons or part of 20 persons employed at the work site.
- (f) Each toilet provided must:
 - be a standard flushing toilet, connected to a public sewer, or
 - if connection to a public sewer is not available, to an on-site effluent disposal system approved by the council, or
 - an approved temporary chemical closet.
- (g) The provision of toilet facilities must be completed before any other work is commenced.
- (h) A person having the benefit of this certificate who causes an excavation that extends below the level of the base of the footings of a building on an adjoining allotment of land must at their own expense and where necessary:
 - protect and support the building from damage, and
 - If necessary, underpin and support the building in accordance with the details prepared by a professional engineer.
- (i) A person having the benefit of this certificate who causes the excavation must, at least 7 days before commencing this work, give notice of intention to do so to the owner of the adjoining allotment of land and provide particulars of the proposed work.
- (j) Erosion and sediment controls must be provided in accordance with the details shown on the approved plans, prior to the disturbance of any soil on the work site.

11. Site Sign

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

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

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

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

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

12. Occupation

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

13. Driveway - sealing

The applicant shall arrange for a minimum 5m wide two coat bitumen seal of the accessway from the existing office to the concrete batching plant to the satisfaction of the Certifying Authority prior to the issuing of any Occupation Certificate.

CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

14. Hours of Operation

The Concrete Batching Plant shall operate in accordance with the following hours:

Monday – Friday	7.00am to 5.00pm
Saturday	7.00am to 1.00pm
Sunday and Public Holidays	Closed

15. Noise – Compliance with Legislation

All noise generated from the premises must comply with the *NSW EPA Industrial Noise Policy* or equivalent, *Protection of the Environment Operations Act 1997*, *Protection of the Environment Operations (General) Regulation 2009* and the *Protection of the Environment Operations (Noise Control) Regulation 2008*.

If council receives noise complaints and council verifies these as “offensive noise” an acoustic consultant must be engaged and the offending equipment modified to reduce noise emissions to comply with the above standards.

16. Noise criteria for the development

The premises must comply with following noise limits as specified in the Global Acoustics Noise Impact Assessment Report, dated 20 December 2016.

	Day L _{aeq} (15 minute)
R1	43
R2	43
R3	43
R4	43
R5	43
R6	43
R7	43
R8	36

The limits in the noise table above do not apply if the Applicant has a written agreement with the relevant owner(s) of these residences to generate higher noise levels, and Council has been advised in writing of the terms of this agreement.

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

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

18. Loading Within Site

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

19. Stormwater Disposal

All stormwater from the development including all hardstandings and overflows from rainwater tanks is to be collected and disposed of to the existing stormwater drainage on site.

20. Restriction on vehicle movements

The applicant shall install regulatory signage banning the right turn movement out of the site onto the New England Highway for vehicles over 5 tonnes. Heavy vehicles shall not be permitted to turn right onto the Highway at any time.

21. Cost of services

All works associated with the proposed development shall be carried out at full cost to the developer and at no cost to Roads and Maritime or Council, to written satisfaction of Roads and Maritime and Council's requirements.

22. EPA - Emergency Response

The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the Protection of the Environment Operations (POEO) Act 1997 and POEO regulations. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested at least annually or following a pollution incident.

23. EPA – bunding

All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in-place.

24. EPA – Water Management

A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of sewage effluent and other wastewater.

25. EPA – Treated wastewater storage

A treated wastewater storage and reuse system must be in place at the concrete batch plant with sufficient capacity to ensure that there is no discharge to waters from the reuse system.

REASON FOR IMPOSITION OF CONDITIONS:

The reason for the imposition of the following conditions is to ensure, to Council's satisfaction, the objects of the *Environmental Planning and Assessment Act 1979* (as amended) are achieved:

- (a) To encourage:
 - (i) The proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forest, minerals, water, cities, towns, and villages for the purpose of promoting the social and economic welfare of the community and a better environment;
 - (ii) The promotion and co-ordination of the orderly and economic use of development of land;
 - (iii) The protection, provision, and co-ordination of communication and utility services;
 - (iv) The provision of land for public purposes;
 - (v) The provision and co-ordination of community services and facilities;
 - (vi) The protection of the environment, including the protection and conservation of native animals and plants including threatened species, populations, and ecological communities and their habitats;
 - (vii) Ecologically Sustainable Development; and
 - (viii) The provision and maintenance of affordable housing.
- (b) To promote the sharing of the responsibility for environmental planning between the different levels of government in the State.
- (c) To provide increased opportunity for public involvement and participation in environmental planning and assessment.

ADVICE:

1. Location of Services

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

2. EPA – Environmental Protection Licence

The applicant shall contact the EPA regarding a modification to the existing EPL to include the concrete batching plant.



Transport
Roads & Maritime
Services

4 November 2016

SF2016/184880
CR2016/004147
TR

General Manager
Muswellbrook Shire Council
PO Box 122
MUSWELLBROOK NSW 2333

Attention: Eddie Love,

NEW ENGLAND HIGHWAY (HW9): MOBILE CONCRETE BATCHING PLANT LOT: 30 ALT: DP:
815308, 8440 NEW ENGLAND HIGHWAY, MUSWELLBROOK (DA 85/2016)

I refer to Council's letter dated 18 August 2016 regarding the subject development application forwarded to Roads and Maritime Services (Roads and Maritime) for comment.

Roads and Maritime understands the development involves the addition of a concrete batching plant with a capacity of 30,000 tonnes per annum on the lot that already contains an operational quarry (approved capacity of 100,000 tonnes per annum). Vehicular access will be via the existing access used by the quarry which includes a channelised right-turn treatment (CHR), an Auxiliary Left-turn lane (AUL) and a left turn acceleration lane onto the New England Highway. Currently heavy vehicles are restricted from turning right out of the site onto the New England Highway.

Roads and Maritime Response

Roads and Maritime has reviewed the information provided and has no objections to the proposed development provided the following matters are addressed and included in Council's conditions of consent:

- The proponent shall install regulatory signage banning the right turn movement out of the site onto the New England Highway for vehicles over 5 tonnes. Heavy vehicles shall not be permitted to turn right onto the Highway at any time.

Roads and Maritime Services

Level 1, 59 Darby Street, Newcastle NSW 2300 |
Locked Bag 2030, Newcastle NSW 2300 |

www.rms.nsw.gov.au | 13 22 13


- The developer shall provide a Traffic management Plan to Roads and Maritime/ Council requirements that addresses the management of construction and operational traffic and any impact on the New England Highway.
- All works associated with the proposed development shall be carried out at full cost to the developer and at no cost to Roads and Maritime or Council, to Roads and Maritime and Council requirements.

Advice to Council

- Roads and Maritime has no proposal that requires any part of the property.
- All matters relating to internal arrangements on-site such as car parking, traffic / pedestrian management, manoeuvring of service vehicles and provision for people with disabilities are matters for Council to determine.

On Council's determination of this matter, please forward a copy of the Notice of Determination to Roads and Maritime for record and / or action purposes. Should you require further information please contact Hunter Land Use on 4924 0688 or by email at development.hunter@rms.nsw.gov.au

Yours sincerely,


David Collaguazo
A/Manager Land Use Assessment
Hunter Region



DOC17/9719-03, EF13/3852

Muswellbrook Shire Council
PO BOX 122
MUSWELLBROOK NSW 2333

1 March 2017

Attention: Ms Donna Watson

**RE. WILD GROUP PTY LTD
DA85/2016 PROPOSED CONCRETE BATCHING PLANT**

Reference is made to the letter from Muswellbrook Shire Council ("MSC") to the NSW Environment Protection Authority ("EPA") dated 9 January 2017 in relation to DA85/2016, a proposal for a new concrete batch plant at Wild Quarry in Muswellbrook. The EPA apologises for the delay in providing this response. MSC first wrote to the EPA in September 2016 requesting comment on the Statement of Environment Effects supporting the proposal. The EPA responded requesting further information regarding air, noise, waste and water impact assessments.

Wild Group Pty Ltd ("the Proponent") currently holds Environment Protection Licence ("EPL") 12301 for the scheduled activities of *'land based extractive activity'* and *'crushing, grinding or separating'* under the *Protection of the Environment and Operations Act 1997* ("POEO Act") at the premises on which the concrete batch plant is proposed.

The EPA understands that the proposed development is for a concrete batching plant. The proposed batching plant activity is not a scheduled activity under the POEO Act nor is it considered mobile plant under Schedule 1 of the POEO Act. However, as the proposed activity is to be undertaken on a scheduled premises, the EPA would, whilst it remained part of a scheduled premises, regulate the proposed activity as an ancillary activity under the EPL, and be the appropriate regulatory authority, should consent be granted by MSC.

The EPA has recently undertaken a review of the EPL 12301 and has prepared a draft EPL, which the EPA is currently awaiting comments from the Licensee. As such, the varied licence has not been issued. The varied licence has been amended to ensure consistency with other extractive industry licences. It includes additional dust monitoring requirements, including a requirement to monitor PM10 using a High Volume Air Sampler, dust management conditions, noise monitoring requirements and conditions relating to incident management, waste and other conditions relating to bunding requirements.

The EPA has undertaken a review of the reports submitted. The proponent appears to have addressed the concerns raised in the EPA's previous correspondence dated 14 September 2016. Having given consideration to the proposal and the information submitted, the EPA advises that if MSC deems that consent is appropriate then the following conditions of approval in Attachment A (consistent with conditions on draft EPL 12301) are relevant.

PO Box 488G Newcastle NSW 2300
117 Bull Street, Newcastle West NSW 2302
Tel: (02) 4908 6800 Fax: (02) 4908 6810
ABN 43 692 285 758
www.epa.nsw.gov.au

If you have any further questions please contact Alexander Beavis in our Newcastle office on (02) 4908 6804.

Yours sincerely,



MARK HARTWELL
Head Regional Operations Unit – Hunter
Environment Protection Authority

Contact officer: ALEXANDER BEAVIS
(02) 4908 6804

Attachment A

In addition to the existing conditions of Environment Protection Licence 12301, conditions of consent that should be considered by Council relating to this modification are shown below.

1. Location of monitoring/discharge points and areas

1. The following points referred to in the table below are identified in the licence for the purpose of monitoring and/or setting of limits for the emission of pollutants to the air from the point

Air

EPA Identification no.	Type of Monitoring Point	Type of Discharge Point	Location Description
2	Particulates - PM10		Licensee to provide the location of HVAS
3	Particulates - PM10		Licensee to provide the location of HVAS

Meteorological conditions

EPA Identification no.	Type of Monitoring Point	Location Description
4	Meteorological Station – to determine meteorological conditions for noise monitoring	Weather Station Point defined as EPA 4 on plan titled (To be provided by licensee)

Noise

EPA Identification no.	Type of Monitoring Point	Location Description
5	Noise monitoring	Noise and Blast limit and monitoring point defined as EPA 5 on plan titled (To be provided by licensee)
6	Noise monitoring	Noise and blast limit and monitoring point defined as EPA 6 on plan titled (to be provided by the licensee)
7	Noise monitoring	Noise and blast limit and monitoring point defined as EPA 7 on plan titled (to be provided by the licensee)

2. Noise

2.1. Noise generated at the premises that is measured at each noise monitoring point established under this licence must not exceed the noise levels specified in Column 4 of the table below for that point during the corresponding time periods specified in Column 1 when measured using the corresponding measurement parameters listed in Column 2.

EPA Identification no.	Limit dB(a) LAeq(15min) Day
Point 5,6	43
Point 7	36

Definitions:

- LAeq (15 minute) represents the equivalent continuous (energy average) A-weighted sound pressure level of the noise source measured over a 15-minute period.
- Day is defined as 7 am to 6 pm Monday to Saturday and 8am to 6pm Sundays and Public Holidays,
- Evening is defined as the period from 6pm to 10pm, and
- Night is defined as the period from 10pm to 7am Monday to Saturday and 10pm to 8am Sundays and Public Holidays.

2.2 The noise limits specified in the condition above apply under all meteorological conditions except the following:

- a) wind speeds greater than 3 metres/second at 10 metres above ground level
- b) stability category F temperature inversion conditions and wind speeds greater than 2 metres/second at 10 metres above ground level; or
- c) Stability category G temperature inversion conditions

2.3. For the purposes of measuring meteorological conditions specified above:

- a) Data recorded by the meteorological station identified as EPA Identification Point 4 must be used to determine meteorological conditions; and
- b) Temperature inversion conditions (stability category) when determined by the sigma-theta method must be determined in accordance with Part E2 of Appendix E to the NSW Industrial Noise Policy.

2.4. To determine compliance:

- a) With the Leq (15 minute) noise limit in this Noise Limit condition, the noise measurement equipment must be located
 - Approximately on the property boundary, where any dwelling is situated 30 metres or less from the property boundary closest to the premises; or
 - Within 30 metres of a dwelling façade, but not closer than 3m where any dwelling on the property is situated more than 30 metres from the property boundary closest to the premises; or where applicable
 - Within approximately 50 metres of the boundary of a National Park or a Nature Reserve
- b) With the noise limits in this Noise Limit condition, the Noise measurement equipment must be located:
 - At the most affected location where there is no dwelling at the location; or
 - At the most affected point within an area at a location prescribed by this Noise Limits condition.

2.5. A non-compliance of this Noise Limits condition will still occur where noise generated from the premises in excess of the appropriate limit is measured:

- At a location other than an area prescribed by this Noise Limits condition; and/or
- At a point other than the most affected point at a location.

2.6. For the purposes of determining the noise generated at the premises the modification factors in Section 4 of the NSW industrial Noise Policy must be applied, as appropriate, to the noise levels measured by the noise monitoring equipment.

2.7. To determine compliance with the noise limit shown in this licence, attended noise monitoring must be undertaken in accordance with the requirements of the "Noise Limits" conditions of this licence:

- a) at locations described in the "Noise Limits" conditions of this licence;
- b) annually beginning 1 January each year;
- c) occur at times of the year when noise levels are expected to be highest, that is, generally winter conditions;

- d) occur at a time corresponding to usual or busy quarry and concrete batching activities; and
- e) occur during each day period as defined in the NSW Industrial Noise Policy.

3. Noise Monitoring

3.1. To assess compliance with the noise limits, the licensee must undertake operator attended noise monitoring at each specified noise monitoring point in accordance with the table below.

POINT 5,6,7 <monitor location to be provided by licensee and agreed to by the EPA>

Assessment Period	Minimum frequency in a reporting period	Minimum duration within assessment period	Minimum number of assessment period
Day	Yearly	15 minutes	1 operation day

4. Hours of operation

4.1. Activities covered by this licence must only be carried out between the hours of 7:00 am and 5:00 pm Monday to Friday, and 7:00 am and 1:00 pm Saturday, and at no time on Sundays and Public Holidays.

5. Dust

5.1. All areas in or on the premises must be maintained in a condition that prevents or minimises the emission of dust to the air.

5.2. Any activity carried out in or on the premises must be carried out by such practical means as to prevent dust or minimise the emission of dust to the air.

5.3. Any plant operated in or on the premises must be operated by such practical means to prevent or minimise dust or other pollutants.

5.4. All trafficable areas and vehicle manoeuvring areas in or on the premises must be maintained, at all times, in a condition that will minimise the emission of dust to the air, or emission from the premises of wind-blown or traffic generated dust.

5.5. Trucks entering and leaving the premises that are carrying loads of dust generating materials must have their loads covered at all times, except during loading and unloading.

5.6 The proponent must take all practicable measures to prevent mud and waste being tracked outside the premises by exiting vehicles.

6. Air

Requirement to monitor concentration of pollutants discharged

6.1. For each monitoring/discharge point of utilisation area specified below (by a point number), the licensee must monitor (by sampling and obtaining results by analysis) the concentration of each pollutant specified in Column 1. The Licensee must use the sampling method, units of measure, and sample frequency, specified opposite in the other columns:

POINT 2,3 <monitor location to be provided by licensee and agreed to by the EPA>

Pollutant	Units of measure	Frequency	Sampling Method
-----------	------------------	-----------	-----------------

PM10	Micrograms per cubic metre	Every 6 days	AM-18
Total Suspended particles	Micrograms per cubic metre	Every 6 days	24 hour composite sample

6.3 The number and location of monitors must be approved by the EPA prior to installation of the monitoring equipment

7. Weather Monitoring

7.1. The meteorological weather station must be maintained so to be capable of continuously monitoring the parameters specified in the conditions below

7.2. For each monitoring point specified in the table below the licensee must monitor (by sampling and obtaining results by analysis) the parameters specified in Column 1. The licensee must use the sampling method, units of measure, averaging period and sample at the frequency, specified in the other columns

Point 4 <monitor location to be provided by licensee and agreed to by the EPA>

Parameter	Units of Measure	Frequency	Averaging Period	Sampling Method
Air temperature	°C	Continuous	1 hour	AM-4
Wind direction	°	Continuous	15 minute	AM-2 & AM-4
Wind speed	m/s	Continuous	15 minute	AM-2 & AM-4
Sigma theta	°	Continuous	15 minute	AM-2 & AM-4
Rainfall	mm	Continuous	15 minute	AM-4
Relative humidity	%	Continuous	1 hour	AM-4

Note: Sampling methods as identified in the table above refer to those outlined in NSW EPA 2001, Approved Methods for the Sampling and Analysis of Air Pollutants in NSW.

7.3. The location of the site chosen for the station and details of equipment, measurement and maintenance / service procedures and schedules to be installed and maintained must be submitted to the EPA and approved in writing by the EPA before any sampling or analysis is carried out

7.4. The meteorological monitoring station must be calibrated at least once every 12 months. The EPA is to be provided with data on request in a Microsoft Office software compatible format.

8. Other Operating Conditions

8.1. All above ground tanks containing material that is likely to cause environmental harm must be bunded or have an alternative spill containment system in-place.

8.2. A water management system must be constructed and utilised to manage the collection, storage, treatment, use and disposal of sewage effluent and other wastewater.

8.3. All vessels or hoppers containing or likely to contain dry cement and/or fly ash shall be enclosed, and all air discharging to atmosphere shall pass through effectively maintained bag filters. These bag filters must be fitted with an alarm and flashing light to inform staff when filter is full or ripped.

8.4. A treated wastewater storage and reuse system must be in place at the concrete batch plant with sufficient capacity to ensure that there is no discharge to waters from the reuse system.

9. Emergency Response

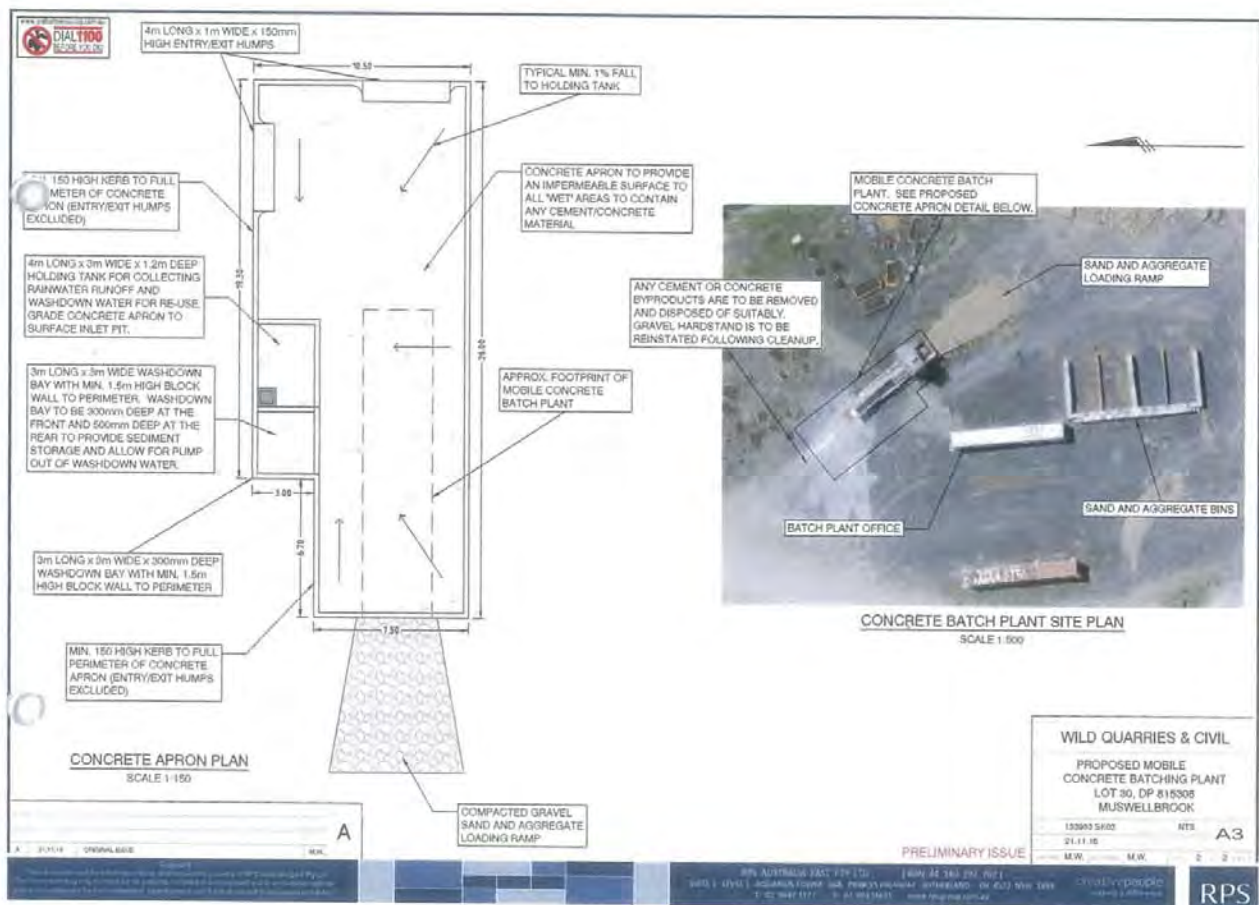
9.1 The licensee must maintain, and implement as necessary, a current Pollution Incident Response Management Plan (PIRMP) for the premises. The PIRMP must be developed in accordance with the requirements in Part 5.7A of the *Protection of the Environment Operations* (POEO) Act 1997 and POEO regulations. The licensee must keep the incident response plan on the premises at all times. The incident response plan must document systems and procedures to deal with all types of incidents (e.g. spills, explosions or fire) that may occur at the premises or that may be associated with activities that occur at the premises and which are likely to cause harm to the environment. The PIRMP must be tested at least annually or following a pollution incident.

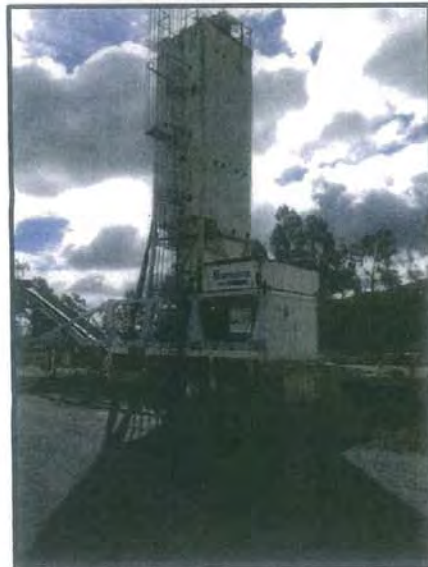
End



Figure 1.3: Aerial Photo Showing Plant Locations

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PLANNING &
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ABN 86 701 207 702

24th March 2017

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

Attention: Ms Olivia Harris

Dear Sir

Re: DA 85/2016 Concrete Batching Plant – Wild Group Pty Ltd

I refer to the above application to which by Council at its meeting on 14th March deferred consideration pending further discussion between staff and the proponents regarding lodging a modification to the existing development to consolidate the development on the site. It is noted that the recommendation from Staff was that the application be conditionally approved, following assessment of the proposal which included a number of additional environmental reports as requested by the Environment Protection Authority and who also supported the proposal.

Such meeting was held on 21 March, primarily between Ms Olivia Harris and Mrs Donna Watson, Mr Patrick Wild and the undersigned.

On behalf of the proponent, we note that it is a principal of planning law that it is a matter for the proponent to determine what application it makes and accordingly we confirm our right to lodge a separate development application for the concrete batching plant, and for such application to be determined in accordance with the *Environmental Planning and Assessment Act, 1979* on its merits.

It is respectfully suggested that the period of time that the development application has been with council and still yet to be determined would entitle the proponent to take the application to the Land and Environment Court for deemed refusal. The latest resolution by Council adds at least a further four weeks to the determination period.

Notwithstanding the above comments, Mr Wild and I appreciated the discussion with staff and we understand the intent of the resolution.

It must be appreciated however that compliance with such intent would be a voluntary act by the proponents and not one which could be enforced by Council in relation to the current development application.



The concrete batching plant is an important component of the Wild Quarry operations into the future. There is currently only one other batching plant operating in the Shire and there is considerable existing demand for the product and significant opportunity for increased demand with major construction projects anticipated in the near future.

It is essential therefore that the existing application (DA 85/2016) be determined as soon as possible.

Mr Wild is willing to accept a reduced period of operation for any development consent granted for this application, based on continuing approval being incorporated into a s96(2) modification for the original development consent for the quarry activities being granted.

We would suggest that a three year approval period would be a minimum. Mr Wild is however, willing to accept a condition which requires a s96 modification to be lodged within a period of 12 months.

The reasons for a three year period are:

- The establishment costs of the batching plant and associated equipment and vehicles are significant. From a commercial point of view – a reasonable period of consent in the initial approval is essential for obtaining funds to finance the establishment costs.
- three years is a sufficient period of time to permit the application to be drafted, assessed and determined and any appeals in respect of it run. It would significantly prejudice our client financially if any development consent for the batching plant lapsed prior to a modification to consolidate the approvals was granted.

It is envisaged that the s96 modification will incorporate a review of all existing conditions of consent. An audit of such conditions is currently being undertaken by Council staff which is timely and will allow an assessment of compliance as well as review of the suitability and relevance of such conditions under existing circumstances.

The proponent would also look to review the current restrictions in terms of material quarried and associated transport to and from the site.

The following is a draft condition provided for consideration for inclusion in a consent for the concrete batching plant.

Sec 96(2) Modification

The concrete batching plant is operating within an approved gravel quarry operation (DA 342/2002). With agreement of the owners, Council requires the submission of a s96 (2) modification application to be made within 12 months of consent which will include:

- *the operation of the concrete batching plant*



Please contact the undersigned if further information or discussion is required. Given the delays to date, your cooperation in ensuring the matter is referred to the April meeting of Council is requested.

Regards

David Casson

Planning & Development Advisor

11 COMMUNITY INFRASTRUCTURE

Nil

12 CORPORATE AND COMMUNITY SERVICES

12.1 MUSWELLBROOK COAL COMMUNITY CONSULTATIVE COMMITTEE MEMBERSHIP

Attachments:	A. Muswellbrook Coal CCC Applicants
Responsible Officer:	Steve McDonald - General Manager
Author:	Scott Brooks - Contractor - Mine Liaison
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Involve the community in decision making</i>

PURPOSE

To provide the Muswellbrook Coal Company Council's determination of the community representatives on the Community Consultative Committee required by the consent granted by Council.

OFFICER'S RECOMMENDATION

1. Council acknowledge that Muswellbrook Coal's community representatives on the Community Consultative Committee (CCC) is to be determined by Council;
2. Council acknowledge Muswellbrook Coal has 2 existing members wishing to remain on the CCC and 3 new members have applied;
3. Council accept the applications of the 3 community members, together with the 2 existing members, so that Muswellbrook Coal has 5 community members eligible to sit on the CCC;
4. The community membership of the Muswellbrook Coal CCC consist of the following, unless terminated by mutual agreement of the mine and the member:
John Madden
Noel Downes
Jennifer Lecky
Malcolm Ogg
Garry Chapman

Moved: _____ Seconded: _____

BACKGROUND

Condition 45 of the amended Muswellbrook Coal consent requires the mine to host a Community Consultative Committee.

As a part of last years' Consent modification process it was agreed that the mine would advertise for new community members, and it could be an opportunity for existing members to retire if they chose. It was made very clear at a CCC meeting that all existing community members were welcome to re-apply.

Existing members John Madden and Noel Downs have nominated to continue. Glenda Watts has advised that she wishes to resign. Following advertisement, Muswellbrook Coal have received 3 new applications, please see attached. They are from Jennifer Lecky, Malcolm Ogg and Garry Chapman. Jennifer is well known to Council, lives south of the mine at Woodland Ridge, and has been involved with CCC's for many years. Malcolm Ogg was the previous Chairperson of the Committee and

would be welcome to bring a level of consistency and history to the CCC. Garry Chapman is known personally by Scott Brooks from his days in the Soil Conservation Service. Garry managed the Wellington office and Research Centre for many years before moving to Tamworth to complete his time with the organisation. Garry is well experienced with the operation of committees, the practical limitations with field based projects and is quite a social type of person.

CONSULTATION

Muswellbrook Coal Company advertised to fill vacancies in the CCC membership by way of a letterbox drop to nearby residences both north and south of the mine and in Muswellbrook. This process was discussed with and agreed by Muswellbrook Shire Council. In addition to this, the local community were advised of the existence and purpose of the CCC and that there would be an opportunity to apply to become a member of the Committee once the Consent modification process had been completed. This is currently occurring.

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT

The applications by the 3 applicants to the Muswellbrook Coal CCC is included for review.

OPTIONS

The options are to accept all applicants or refuse one or more of the applications. The Guidelines allow for up to 5 community representatives, the number recommended in this instance. It is common for one or more community representatives not to be able to attend a meeting. By having the maximum allowed available provides for better community representation.

CONCLUSION

The CCC is required by the Council Consent. Council are required to approve the CCC membership. The purpose of this request is to carry out this role.

SOCIAL IMPLICATIONS

The purpose of the CCC is to provide another access to the mine management staff of the Muswellbrook Coal mine by the community. A good CCC should be able to bring community concerns to the mine and take advice and information back to the community. The CCC has been a long term requirement of the Muswellbrook Coal mine and Council should support this by approving the community representatives applying to become a member.

FINANCIAL IMPLICATIONS

Not applicable

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Not applicable

LEGAL IMPLICATIONS

By not approving this request Muswellbrook Coal would run the risk of being non-compliant with their consent conditions.

OPERATIONAL PLAN IMPLICATIONS

Not applicable

RISK MANAGEMENT IMPLICATIONS

Not applicable

Application for Membership of Muswellbrook Coal Community Consultative Committee

Jennifer Lecky

33 Woodlands Ridge Road Muswellbrook.

Proprietor – Jennifer Lecky & Assoc. Public Accountants & Tax Agent

UTS – Bachelor of Business, majoring in Accounting and included Public Policy studies

University of Western Sydney – Graduate Diploma in Taxation

I would like to express my interest in a position of Member of the Community Consultative Committee – Muswellbrook Coal Co

Contributions to the Upper Hunter Region over the past thirty years, both in a professional capacity and as a highly engaged community member, leave me well placed to take on this role. I would be very pleased to continue my service to the people of the region through this work.

I joined Muswellbrook Council in 1995 and immediately became involved with Community Consultative Committees. I was appointed Chair of Bayswater Mine C.C. and continued in that role during the period of the commencement of Mount Arthur Mine. I remained in that role until 2008.

I served as chair of Muswellbrook Coal, Drayton Mine CCC and following the commencement of Bengalla and Dartbrook and Mangoola Mine was appointed chair up until 2008. I am currently chair of the Consultative Committee at Liddell Coal, Drayton and Dartbrook.

I also chaired the Muswellbrook Council Environment Committee during the period Council prepared approvals for the above mentioned mines

Immediately following my election in 1995, I joined the Mining Related Councils Assoc. I contributed as member of the Executive until 2008, when, following a Mayoral minute, Muswellbrook was no longer a member. Being part of the committee was very educational, particularly in relation to reviewing sites that had not been properly rehabilitated. We visited nearly all mine sites in NSW and I made a point to seek out the many sites previously affected. As a member of this Committee I worked successfully with other councillors and councils to address relevant community issues including post mining impacts.

In 2001 I joined the Tom Farrell Institute and embraced opportunities to attend many mining related presentations at Newcastle University. These presentations developed my understanding of mining impacts in other countries, including water impacts. I requested that the Tom Farrell Institute establish a presence in the Upper Hunter region. This has since been achieved.

I have been a part of the Upper Hunter Mining Dialogue since in its inception, even when the initial studies were done by University of Southern Queensland. The presentations done by Newcastle University have been very educational. I am currently enrolled for the three day conference to be held at Newcastle next year which will consider post mining initiatives for rehabilitation.

Issues I have raised through membership on community consultation committees have resulted in the installation of Air Quality Monitors which have been an incredibly useful tool to address negative mining impacts. Installation of the monitors has also worked to significantly increase the credibility of the mining industry's commitment to the community in the region.

My experience across a range of Community Consultation committees including the Hunter Catchment Management Authority over several decades has reinforced my belief in the importance of the role of these groups in securing both positive economic and community outcomes from mining. The respect that I have achieved from both sides of the issue is demonstrated in ongoing requests to serve in a community consultative capacity. I have a strong appreciation for the potential benefits that mining offers the community, balanced with a well-researched understanding of the need to lessen possible adverse impacts.

I am now a near neighbour as I live at Woodlands Ridge and feel I would make a very interested Member of your C.C.C..

A handwritten signature in black ink, appearing to read 'Rocky', with a large, stylized initial 'R'.

Malcolm Ogg
1 Flanders Avenue
Muswellbrook 2333
28 February 2017
Email: malcolmogg@bigpond.com
Phone: 02 6543 4583
Mobile: 0409 595 549

Attention Julie Thomas
Muswellbrook Coal Company

In response to the Muswellbrook Coal Community News dated January 2017, I am submitting my nomination for the Community Consultative Community. My wife and I have been active members of the Muswellbrook community since our arrival in 1982.

To address the my suitability for such an appointment I am able to provide the following points:

- 1982-2000 TAFE teacher of metal fabrication and welding.
- 1986-2000 TAFE teacher of communications.
- 1991 member of a working party for the establishment of consultative processes in the newly restructured NSW TAFE.
- 1992 member of the newly created Hunter Institute of TAFE Consultative Committee (HITCC).
- 1996-1999 co-chair of the HITCC, sharing the position with the HIT Director.
- 1999-2017 elected councillor Muswellbrook Shire Council, where I was elected to represent council as a member to the Muswellbrook Coal Company Community Consultative Committee and the Bengalla Mine Community Consultative Committee.
- 2000-2009 Teachers Federation Organiser, the position gave me the responsibility for workplace consultation at a range of levels including:
 - regular meeting and consultation with the Minister for Education and the Deputy Director of TAFE NSW,


attending and participating in institute consultation committee meetings, 8 / year x four institutes.

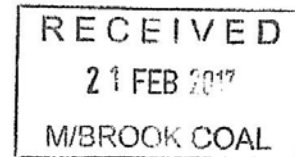
Workplace meetings across 44 TAFE colleges

- 2016 Represented Muswellbrook Shire Council on a working party convened by the NSW Department of Planning. The meeting gave representatives an opportunity to put forward issues for consideration in revising the guidelines for community consultative committees.

I believe the points I have listed give a clear indication of my involvement in Consultative processes and committees. In addition I believe as a council elected representative I have demonstrated my willingness to act as a responsible member all consultative forums.

Yours Sincerely

 28/02/2017
Malcolm Ogg



Muswellbrook Coal Company

Attention :- Julie Thomas
PO Box 123
Muswellbrook nsw 2333
31/1/2017

I wish to apply to be a community representative on the community consultative committee.
My working life was spent looking after the environment and I think that I could make a positive contribution in the area in which I now live. My wife and I recently moved to Muswellbrook and are existing rate payers.

A similar position to this I have recently vacated as a member of the Prosper Coffs Harbour Environmental Trust Advisory Committee which was set up to assist local government and apply for government grants for specific projects as a separate entity.

Below is a brief outline of my working career and experience :-

Garry Keith Chapman
Retired Public Servant
11 Flanders Ave
Muswellbrook NSW 2333

Email garrychapman5@bigpond.com
mobile 0420466544
D.O.B. 19.10.48
Licence No 4681MP

QUALIFICATIONS H.D.A (Hawkesbury Diploma in Agriculture)

Justice of the Peace for NSW

C.P.E.S.C. (certified professional in erosion and sediment control)

CAREER

Practicing Soil Conservationist from 1969 - 1996 Soil Conservation Service of NSW

Environmental Works and Consultancy Manager from 1996 - 2000 for the northern region of S.C.S. based in Tamworth.

Business Development Officer for the State of NSW for the S.C.S. from 2000 - 2004

Area Manager for Northern NSW for the S.C.S. from 2004 until 2008 based at Tamworth. This position was responsible for all environmental consultancies, quality assurance, civil construction, budgetary responsibilities and staff.

I have been involved in various catchment management committees in the central west and north west of the state. I was a state government representative on the Wellington emergency management committee for some years and a bushfire controller nominee.

For 8 years I was directly in charge of environmental consultancies in Northern NSW with a wide range of clients. These included but not limited to mining companies, Telstra, Local Government, State Rail, RMS, Dept of Mineral Resources and private clients.

I have designed erosion control measures on mine sites and conducted audits on Shannon Creek Dam, transport corridors and mine sites.

I believe I am well prepared to assist in the environmental performance of mines within Muswellbrook Shire Council area.

Looking forward to hearing from you,

regards Garry K Chapman.

12.2 UPPER HUNTER REGIONAL CULTURAL DEVELOPMENT STRATEGY

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
Author:	Carolyn O'Brien - Manager, Community Services
Community Plan Issue:	<i>Protect and recognise community identity and diversity through community development principles</i>
Community Plan Goal:	<i>That residents are proud of their inclusive communities and neighbourhoods</i>
Community Plan Strategy:	<i>Support community development and build community capacity</i>

PURPOSE

An opportunity has arisen to work collaboratively with Upper Hunter Shire Council on the development of the Upper Hunter Regional Cultural Development Strategy.

OFFICER'S RECOMMENDATION

That;

- 1. Council endorse the creation of the Upper Hunter Regional Cultural Development Strategy as a joint project with Upper Hunter Shire Council and;**
- 2. Endorse \$40K from the general fund in the 2017/18 budget to allow for the design of stage two of the Upper Hunter Conservatorium of Music.**

Moved: _____ **Seconded:** _____

INTRODUCTION

It is proposed that The Upper Hunter Regional Cultural Development Strategy will be developed collaboratively with Upper Hunter Shire Council in consultation with local artist cooperatives, groups, organisations and individuals to provide a strategic direction and a blueprint for cultural endeavour across the subregion.

The strategy will be guided by the six (6) principles of Cultural Development.

- Principle 1: Based on values – policies and plans
- Principle 2: Directed towards goals – desired futures that determine objectives (ie: the intended outcomes of cultural development)
- Principle 3: Focussed on outcomes – measurable impacts, not activities (not inputs or outputs)
- Principle 4: Informed by evidence – such as research, new data, practice and knowledge
- Principle 5: Underpinned by a theory of change – based upon the consultation and directions for change and;
- Principle 6: Responding to evaluation – by reviewing the strategy every four years for consideration in planning processes.

This framework, does not direct or specify activities that individual councils should be involved in, but provides the process of deciding what these activities might be, based on;

- The goals of each council,
- Relevant data and information,
- Community needs,
- Available resources and;
- Existing and/or required plans and more particularly infrastructure that will support community development.

CONSULTATION

Mayor of Upper Hunter Shire, Cr. Bedggood

Mayor of Muswellbrook Shire, Cr Rush

Cr. Sue Abbott, Upper Hunter Shire Council

Cr. Jason Foy, Muswellbrook Shire Council

Dr. Wendy Brooks, Director Upper Hunter Conservatorium of Music

Cr. Scott Bailey, Chairperson Upper Hunter Conservatorium of Music

General Manager, Upper Hunter Shire Council, Mr Waid Crocket

General Manager, Muswellbrook Shire Council, Mr Steve McDonald

Fiona Plesman, Acting Director Planning, Community and Corporate Services, Muswellbrook Shire Council

Steve Pryor, Director Corporate Services, Upper Hunter Shire,

Mark Reedman, Regional Development Officer, Arts Upper Hunter

Brad Franks, Muswellbrook Regional Arts Centre, Muswellbrook Shire Council

Matt Lysaught, Manager Property and Buildings, Muswellbrook Shire Council

Kerri Cone, Community Services Manager, Upper Hunter Shire Council

CONSULTATION WITH COUNCILLOR SPOKESPERSONS

A joint meeting has been held between both Muswellbrook and Upper Hunter Shire Council's, which included consultation with Councillors from both local government areas. These discussions regarded the infrastructure projects that might be included in the Upper Hunter Regional Cultural Development Plan and the need for a united cultural development strategy to support initiative such as cultural tourism.

The Infrastructure projects discussed are in varying states of readiness and include (but will not be limited to);

- Murrurundi Gallery (Community space & Visitor Information Centre).
- The Old Courthouse Theatre.
- Other cultural places in Kingdom Street.
- Denman Memorial Hall & Cinema – This project will require designs and community consultation (expected cost of designs - \$30K) to progress to a grant ready position.
- Upper Hunter Conservatorium of Music Stage Expansion – stage two. This may require further design and \$96 to the original development application. It is expected that this design work would not equate to more than \$40K.
- Upper Hunter Regional Convention, Theatre & Performance Space – This project has an endorsed Capital Expenditure Review and preliminary designs have been completed.
- The Regional Art Gallery – expanded storage designs, completed with quotations for LED lighting and air conditioning upgrades.

REPORT

Developing the Upper Hunter Regional Cultural Development Strategy (UHRCDs) will be achieved within the suggested NSW local Government Framework for Cultural Development. The final document will facilitate an understanding of the cultural footprint in the Upper Hunter, identify local cultural development initiatives and act as a supporting document for future funding opportunities as they arise.

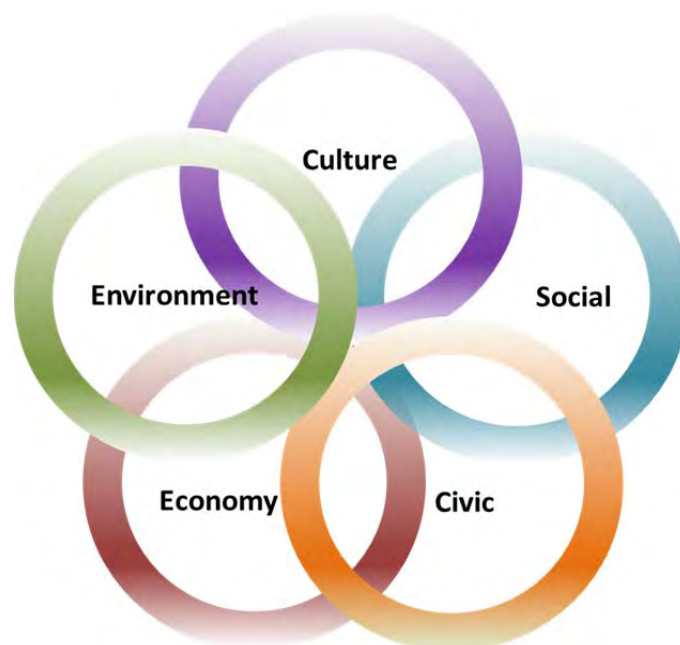
The NSW Local Government cultural development framework addresses the relationship between culture and sustainable development through dual means;

- 1) the development of the cultural sector itself (i.e. heritage, creativity, cultural industries, crafts, cultural tourism); and;
- 2) the assurance that culture has its rightful place in all public policies, particularly those related to education, the economy, science, communication, environment, social cohesion and international cooperation.

The NSW Local Government Cultural Development framework considers culture as one of the five public policy 'pillars' of sustainability, alongside civic, economy, environment and social. This framework was formalised by Jon Hawkes in a monograph published by the NSW Cultural Development Network in 2001 and closely reflects the frameworks for cultural development throughout Australia.

The following graphic describes each facet of the cultural development framework as;

- Environments which are sustainable, built and natural.
- Culture that is rich and well represented in vibrant communities
- Social which is evidenced by healthy, safe and inclusive communities
- Civic which refers to democratic and engaged communities
- Economies that are dynamic and resilient



To meet expected planning timeframes within both Councils, the strategy will need to be completed as soon as possible. This will require collaboration between, and endorsement from both Councils.

Community Consultation

Some of the necessary community consultation has already occurred in Upper Hunter Shire. Muswellbrook Shire will need to consult with our community over the next two months to assist in the creation of this strategy.

Data collection and Research

Muswellbrook Shire will utilise existing and casual staff to lead and develop the project. This will include the collection and collation of data within the expected timeframe of completion by end June, 2017.

There will be some points in the development of this strategy that result in overlap between community consultation and research processes.

It is possible, that through this process a number of joint policies, plans and projects will be developed.

OPTIONS

Although preliminary work has already commenced on the Upper Hunter Regional Cultural Development Strategy, each Council will need to endorse budget allocations relevant to their parts of the strategy, before the project can be completed. This will include work on designs and in some instances capital expenditure reviews.

CONCLUSION

The Upper Hunter Regional Cultural Development Strategy will result in an evidenced based document that can be utilised by a number of different groups, including Upper Hunter and Muswellbrook Shire Councils. This document will support forward planning and possible grant writing functions.

SOCIAL IMPLICATIONS

Cultural Development has direct and positive impacts on social inclusion and wellbeing, economic diversity and the built and natural environment. Cultural Development can create additional employment and community pride.

FINANCIAL IMPLICATIONS

The creation will require the recruitment of a casual person to assist in the research and consultations necessary to develop the Upper Hunter Regional Cultural Strategy, this funding will be available as a one off from the Community Services wages budget.

POLICY IMPLICATIONS

The need for Cultural Development policies and plans will be considered as a part of the creation of the Upper Hunter Regional Cultural Development Strategy.

STATUTORY IMPLICATIONS

Legislation will be considered as a part of the creation of the Upper Hunter Regional Cultural Development Strategy.

LEGAL IMPLICATIONS

Legal implications will be considered as a part of the creation of the Upper Hunter Regional Cultural Development Strategy.

OPERATIONAL PLAN IMPLICATIONS

It is possible that some parts of the Upper Hunter Regional Cultural Development Strategy will become a part of the 2017/18 operational plan or program of capital expenditure if grant funding application are successful.

RISK MANAGEMENT IMPLICATIONS

Risks to cultural development may be identified through the consultation that accompanies the development of the UHRCDS.

12.3 SECTION 226 OF THE LOCAL GOVERNMENT

Attachments:	Nil
Responsible Officer:	Steve McDonald - General Manager
Author:	Brooke Wilton - Administration Officer
Community Plan Issue:	<i>Progressive leadership</i>
Community Plan Goal:	<i>That Muswellbrook Shire is well led and managed</i>
Community Plan Strategy:	<i>Effective governance of Muswellbrook Shire</i>

PURPOSE

To advise of the Mayor's exercise of his delegation under section 226 of the Local Government Act 1993.

OFFICER'S RECOMMENDATION

Council note the information provided.

Moved: _____ **Seconded:** _____

BACKGROUND

Section 226(d) of the *Local Government Act* 1993 provides for the Mayor to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the Council. Since the last ordinary meeting of the Council, the Mayor has exercised his delegation on one occasion.

CONSULTATION

General Manager

REPORT

The Mayor has exercised his delegation under section 226(d) of the *Local Government Act* 1993 once since the last ordinary meeting of Council.

The delegation exercised by the Mayor on 27 March 2017, was to authorise the establishment of the Events Planning Sunset Committee, with the function of guiding Council's Events Planning.

The Events Planning Sunset Committee was constituted by the following:

- i. Councillor Spokesperson for Events (as Chair);
- ii. Councillor Spokesperson for Arts;
- iii. Councillor Spokesperson for Integrated Planning; and
- iv. Such Council staff officers as the General Manager may wish to appoint (as advisors)

The Events Planning Sunset Committee will conclude its work by 31 December 2017.

The necessity for the creation of the Committee by s226, arises from staff advice that a Committee should be established and convened prior to the next ordinary meeting of the Council to consider forthcoming events, including the Blue Heller Film Festival and Bottoms Up Festival.

CONCLUSION

It is recommended that Council notes the information provided in the report.

12.4 ACCESS TO MOUNT DENMAN RADIO SITE

Attachments:	A. Mt Denman Access Track Diagram
Responsible Officer:	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
Author:	Matthew Lysaught - Manager, Property and Building Services
Community Plan Issue:	<i>Plan liveable and sustainable urban areas</i>
Community Plan Goal:	<i>All residents enjoy living in clean, safe and vibrant communities</i>
Community Plan Strategy:	<i>Support the NSW State government in the provision planning and well trained and equipped emergency services</i>

PURPOSE

To report a request by the NSW Police Force to help assist in the remediation and maintenance of the Mt Denman radio site access track.

OFFICER'S RECOMMENDATION

The General Manager negotiate licence agreements with the NSW Police and Telstra for access to Reg Thorton Memorial Drive (Lot 7002 DP 94059).

Moved: _____ **Seconded:** _____

BACKGROUND

The Mt Denman radio site hosts two radio installations operated by the NSW Police Force and Telstra respectively. In addition to its own equipment the NSW Police Force hosts equipment for the NSW Rural Fire Service, Volunteer Rescue Association and Council. NSW Police advised that the radio services hosted on their communication tower service lands west of and including Muswellbrook Shire. This includes southern locations in Wollemi National Park and parts of the Goulburn River National Park.

NSW Police report the access track has significantly deteriorated making areas difficult to access and hazardous. Council staff inspected the track with a representative from the NSW Police on 22 February 2017 and confirm the deteriorated condition. The NSW Police have engaged with Council in an effort to remediate the site access track. Below is an image representative of the condition of the track.



Telstra have undertaken a comprehensive review of the track but at the time of the writing report it was not available.

CONSULTATION

NSW Police Force

CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable

REPORT

The access track (Reg Thorton Memorial Drive), off Rosemount road, Denman, leads to communication towers located on Crown Land, known as Mt Denman (Lot 7002 DP 94059). The access track affects land managed by Council as Reserve Trust Manager (Trust #86615) which leads to the 'Denman Apex Lookout' (Lot 7003 DP 94059). The access track is shown on the attached Mt Denman Access Track Diagram. Council has a closed gate at the entry off Rosemount road.

Denman Apex Lookout was previously developed by Denman Apex Club with the assistance of the Denman Shire Council during the period 1971 to 1978.

The access track is only a public road for the first 200m approximately which is not maintained by council. The track then has no legal status and runs through the remainder of Crown Land to the communications towers. There does not appear to be any legal "right of way" access across the land. The entire track is approximately 3km long and 3m wide.

It is understood the licence agreements held with the NSW Department of Industry Lands for Mt Denman (Lot 7002 DP 94059) by both Police and Telstra require the tower owners' to maintain access tracks leading to the communications towers.

OPTIONS

The NSW Police are interested in Council remediating and maintaining the existing track to the Denman Apex Lookout approximately 1km of the track. Given the importance to the local area of the services delivered from the communication towers Council could in discussion with the NSW Police, Telstra and other stakeholders (potentially other councils due to service areas) look to form a collective agreement on remediation and repair of the track. However, possibly a more effective approach is to negotiate

separate licence agreements with NSW Police and Telstra for Lot 7003 DP 94059 which includes addressing responsibilities for the access track.

CONCLUSION

The negotiation of separate licence agreements with both the NSW Police and Telstra to access the Council managed Crown Land would be a practical approach in addressing responsibilities for the access track.

SOCIAL IMPLICATIONS

The provision of the communication towers is essential for the local area.

FINANCIAL IMPLICATIONS

The access track is not maintained by Council. Financial implications would be an important consideration of negotiated licence agreements.

POLICY IMPLICATIONS

Not applicable

STATUTORY IMPLICATIONS

Crown Lands Act 1989 and Crown Lands Management Act 2016

LEGAL IMPLICATIONS

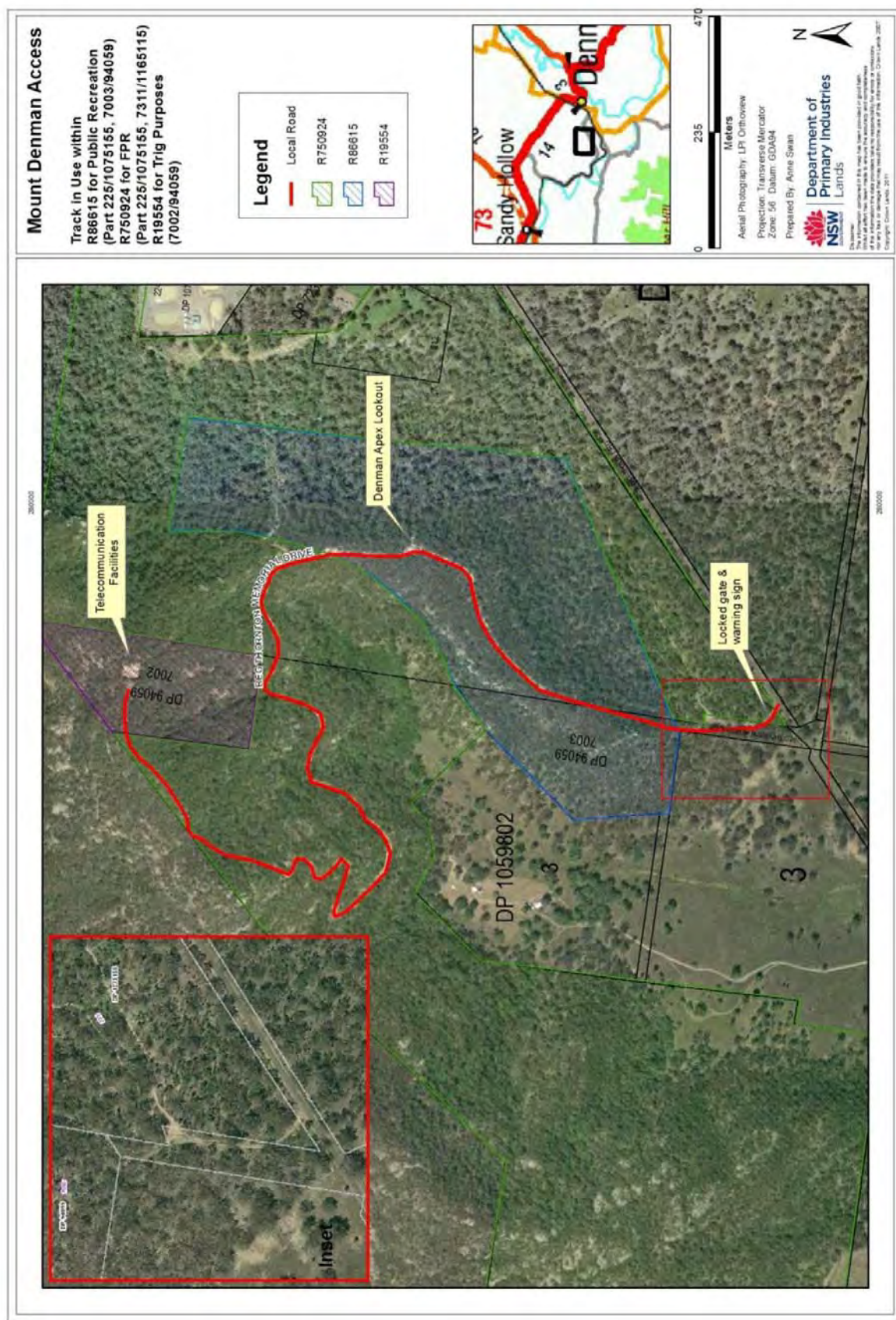
Not applicable

OPERATIONAL PLAN IMPLICATIONS

‘14.1.1 Local emergency services agencies are appropriately supported.’ *Operational Plan 2016 - 2017*

RISK MANAGEMENT IMPLICATIONS

The Mt Denman track is difficult to access and hazardous.



13 REPORTS FROM COMMITTEES

13.1 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 21 MARCH 2017

Attachments:	Nil
Responsible Officer:	Peter Higgins - Manager, Technical Services
Author:	Imelda Williams - Traffic & Roads Status Officer
Community Plan Issue:	<i>Provide community infrastructure and services that supports and improves community connectivity, access and wellbeing</i>
Community Plan Goal:	<i>Residents, visitors and workers are travelling on safe and appropriate road and street networks within Muswellbrook Shire.</i>
Community Plan Strategy:	<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 21 March 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 21 March 2017 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ Seconded: _____

REPORT

The Local Traffic Committee met on Tuesday 21 March 2017.

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

PRESENT: Cr S. Reynolds (Chair), Mr K. Branscombe (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 on the motion of Mr de Boer and Mr Higgins that:

The Minutes of the Local Traffic Committee held on 21 February 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 APPROVAL FOR ROAD CLOSURES TO CONDUCT THE DENMAN WINE AND FOOD AFFAIR 2017

RECOMMENDED that:

Council use its delegated authority to approve the following road closures under the conditions stated to conduct the Upper Hunter Wine and Food Affair in Denman on Saturday 6 May 2017 from 5.00am to 6.00pm:

- Ogilvie Street from Palace to Virginia Streets;
- Paxton Street from Turtle to Crinoline Streets;
- All closures are to be in accordance with the attached Traffic Control Plan with procedures in place for access by emergency services and property or business owners if required;
- All Traffic controllers hold the appropriate qualifications;
- The applicant is to present the necessary public liability insurance policies to Council prior to the event; and
- the applicant to advertise the road closures in the local paper at least 28 days prior to the event with all emergency services being advised of the closures and access arrangements.

VOTE: Unanimous Support (RMS vote unavailable)

6 DATE OF NEXT MEETING

18 April 2017

7 CLOSURE

The meeting was declared closed.

.....
Cr S. Reynolds

Chairperson

13.2 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 29 MARCH 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 29 March 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Infrastructure Committee Meeting held on Wednesday 29 March 2017 be received and the recommendations contained therein **ADOPTED**.

Moved: _____ **Seconded:** _____

REPORT

The Infrastructure Committee met on Wednesday 29 March 2017.

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

DECISIONS REQUIRING A NEW BUDGET ALLOCATION

Item Ref	Description	\$	GL No.

PRESENT: Cr R. Scholes (Chair), Cr M. Rush, Cr M. Bowditch, Cr J. Foy, Cr M. Green, Cr J. Ledlin 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 P. Redan (Executive Manager, Water and Waste), Mr D. Finnigan (Manager, Muswellbrook Works) and Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Rush and Ledlin that:

The apologies for inability to attend the meeting submitted by Cr S. Bailey, Cr J. Eades, Cr. G. McNeill, Cr. S. Reynolds and Cr Woodruff, be ACCEPTED and the necessary Leave of Absence be GRANTED.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

RECOMMENDED on the motion of Crs Green and Ledlin that:

The Minutes of the Infrastructure Committee held on 21 December 2016, 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 UTILISATION OF RECOVERED ROAD MATERIALS

RECOMMENDED on the motion of Crs Rush and Ledlin that:

The information contained in this report be noted.

6 DATE OF NEXT MEETING

26 April 2017

7 CLOSURE

The meeting was declared closed at 4.37 pm.

.....
Mr S. McDonald
General Manager

.....
Cr R. Scholes
Chairperson

**13.3 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE
MEETING HELD ON WEDNESDAY, 29 MARCH 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 29 March 2017.

OFFICER'S RECOMMENDATION

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 29 March 2017 be received and the recommendations contained therein ADOPTED.

Moved: _____ Seconded: _____

REPORT

The Corporate Policy And Planning Committee met on Wednesday 29 March 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.

MINUTES OF THE CORPORATE POLICY & PLANNING COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON WEDNESDAY 29 MARCH, 2017 COMMENCING AT THE CONCLUSION OF THE INFRASTRUCTURE COMMITTEE.

PRESENT: Cr J. Ledlin (Chair), Cr M. Bowditch, Cr J. Foy, Cr M. Green, Cr R. Scholes 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 P. Redan (Executive Manager, Water and Waste), Mr Finnigan (Manager, Muswellbrook Works) and Mrs M. Sandell-Hay (PA to General Manager).

1 APOLOGIES AND LEAVE OF ABSENCE

RECOMMENDED on the motion of Crs Rush and Scholes that:

The apologies for inability to attend the meeting submitted by Cr S. Bailey, Cr J. Eades, Cr. G. McNeill, Cr. S. Reynolds and Cr B. Woodruff 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 Scholes that:

The Minutes of the Corporate Policy & Planning Committee held on 21 December 2016, 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

Cr M. Green declared a pecuniary interest in item 5.4. Cr Green advised that her husband is employed by Mt Arthur.

Cr M. Bowditch declared a pecuniary interest in Item. 5.4. Cr Bowditch advised that he is employed by a company that is utilised by Mt Pleasant and Bengalla.

4 BUSINESS ARISING

Nil

5 BUSINESS

5.1 PUBLIC ART - TERTIARY EDUCATION CENTRE FORECOURT

RECOMMENDED on the motion of Crs Rush and Green that:

The report be noted and reconsidered in 3 months' time and that some other options be considered.

5.2 INVESTMENT REPORT - FEBRUARY 2017

RECOMMENDED on the motion of Crs Ward and Rush that:

The information contained in this report be noted.

5.3 2016/2017 OPERATIONAL PLAN QUARTLEY REVIEW

RECOMMENDED on the motion of Crs Rush and Scholes that:

The information contained in this report be noted and that an update on the peer review of sporting grounds be provided.

5.4 COMMUNITY CONSULTATIVE COMMITTEE COUNCIL PARTICIPATION

Cr M. Green declared a pecuniary interest in this item. Cr Green advised that her husband is employed by Mt Arthur.

Cr M. Bowditch declared a pecuniary interest in this item. Cr Bowditch advised that he is employed by a company that is utilised by Mt Pleasant and Bengalla.

The two Councillors left the meeting.

RECOMMENDED on the motion of Crs Rush and Scholes that:

1. Cr Scholes be nominated to Chair the Muswellbrook Coal Company CCC.
2. Cr Rush be nominated as Chairperson for the Dartbrook CCC.
3. The following Councillors be nominated to the following operating mines CCC's:
Liddell - Cr J. Ledlin
Drayton - Cr M. Bowditch
Mt Arthur - Cr M. Bowditch

Bengalla – Cr R. Scholes
Mangoola - Cr S. Ward and Cr M. Green
Mt Pleasant – Cr R. Scholes
4. Cr S. Ward be nominated to attend the Spur Hill project's CCC Chaired by Margaret McDonald – Hill.
5. The General Manager or his staff representative be authorised to attend the CCC meetings if Councillors are unable to attend.

5.5 SPONSORSHIP REQUESTS

RECOMMENDED on the motion of Crs Rush and Ward that:

Council approve requests for sponsorship from the sponsorship and donations budget for the following organisations and in the following amounts:

- a. Muswellbrook Mechanical Coursing Club Ltd of \$750; and

- b. St Heliers Heavy Horse Field Days Inc of \$985.47.

6 DATE OF NEXT MEETING

26 April 2017

7 CLOSURE

The meeting was declared closed at 5.00 pm.

.....
Mr S. McDonald
General Manager

.....
Cr J. Ledlin
Chairperson

13.4 REPORT OF THE EVENTS PLANNING SUNSET COMMITTEE MEETING HELD ON MONDAY, 27 MARCH 2017

Attachments:	Nil
Responsible Officer:	Fiona Plesman - Acting Director - Planning, Community & Corporate Services
Author:	Casey Gilbey - Tourism & Events Officer
Community Plan Issue:	<i>Promote and support economic growth and diversity within Muswellbrook Shire through policy development and action</i>
Community Plan Goal:	<i>That local government policies support business growth and diversity</i>
Community Plan Strategy:	<i>Promote Muswellbrook Shire as both a destination and investment opportunity</i>

0PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Events Planning Sunset Committee held on 27 March 2017.

OFFICER'S RECOMMENDATION

That;

1. The Minutes of the Events Planning Sunset Committee Meeting held on Monday 27 March 2017 and recommendations made by the committee are ADOPTED; and
2. Funds be made available for the 2017 Blue Heeler Film Festival (\$3,000) and the 2017 Bottoms Up Festival (\$20,000) for event management purposes to the 2016/17 Budget with any unspent operational funds carried over into the 2017/18 budget.

Moved: _____ Seconded: _____

REPORT

The Events Planning Sunset Committee met on Monday 27 March 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.
	Bottoms Up Festival - Extra allocation for entertainment 2018/19	\$50,000	General Fund/Unrestricted Cash
	Blue Heeler Film Festival – budget increase 2018/19	Increase budget to \$50,000	General Fund/Unrestricted Cash
	Blue Heeler Film Festival – bring forward funds 2017/18	\$3,000	General Fund/Unrestricted Cash
	Bottoms Up Festival – bring forward funds 2017/18	\$20,000	General Fund/Unrestricted Cash

COMMENT

As these projects will be delivered over two financial years, funds are required to be made available in this year's financial budget 2016/17. Staff request \$3,000 be made available for the 2017 Blue Heeler Film Festival and \$20,000 be made available for the 2017 Bottoms Up Festival with the ability to transfer unused funds to an internal reserve for the event. This will allow the continued organisation of the event management on items such as advertising and deposits that will be required to ensure the availability of entertainment and equipment hire.

PRESENT: Cr S. Bailey (Chair) and Cr M. Rush (Mayor)

IN ATTENDANCE: Mr S.J. McDonald (General Manager), Ms K. Manwarring (Acting Manager, Community Services), Ms C. Gilbey (Tourism and Events Officer) and Miss B. Wilton (Administration Officer).

1 APOLOGIES AND LEAVE OF ABSENCE

Mrs F. Plesman (Acting Director, Planning Corporate and Community Services) and Cr J. Foy.

2 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Nil

3 DISCLOSURE OF ANY PECUNIARY AND NON-PECUNIARY INTEREST

Nil

4 BUSINESS ARISING

Nil

5 BUSINESS

1. BOTTOMS UP FESTIVAL

The Tourism and Events Officer, Casey Gilbey was asked to provide an update on the Bottoms Up Festival.

Casey advised that she has been in discussions with Nathan Farrell from NFEntertainment regarding a possible line-up of bands for the festival. Casey advised that the cost of the line-up of bands will be \$50,000. The line-up for the festival be delegated to the working group, subject to no objection from the chair.

Cr Bailey requested the Bio Information as well as technical specifications for the bands.

It was noted that Casey will organise the staging for the event and also the sound technician. It was suggested that a quote should be obtained from "Stage on a Truck".

Casey proposed an eight (8) hour festival to the Committee, to incorporate the line-up from NFEntertainment as well as two (2) local bands. Cr Rush indicated that he would like to see a Battle of the Bands, hosted in Muswellbrook (possibly the Railway Hotel) with the finalists allocated a gig at the festival. Cr Rush advised that he will arrange a meeting with the proprietor of the Muswellbrook Railway Hotel, to discuss options for hosting the Battle of the Bands Competition. It was discussed that the Battle of the Bands competition should include Muswellbrook, Scone, Denman and Merriwa.

Cr Rush questioned if a draft budget had been prepared for the festival. Casey advised that she would send through the draft budget to Cr Rush.

The Committee noted that a media plan needs to be developed to assist in the promotion of the event. It was also recommended that advertising for the event should start approximately 6 months out from the festival.

MINUTES OF THE EVENTS PLANNING SUNSET COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 27 MARCH, 2017 COMMENCING AT 2:45PM.

RECOMMENDED that:

1. The Committee recommend to Council the allocation of an additional \$50,000 in the 2017/18 budget for the Bottoms Up Festival, such funds be made available from unrestricted cash,
2. Surplus funds from any financial year be transferred into a restricted reserve,
3. A working sub-committee be established by the General Manager, to manage the day-to-day operations of the Bottoms Up Festival, the sub-committee to comprise of such Council Staff Officers, as appointed by the General Manager;
4. The sub-committee be delegated responsibility for spending the budget subject to (5),
5. The maximum budget for any festival must not exceed the endorsed festival budget,
6. The line-up for the festival be delegated to the working group, subject to no objection from the chair; and,
7. The sub-committee prepare a business plan for the event including a communications strategy and budget for endorsement by the Events Planning Sunset Committee.

Moved: Cr M. Rush

Seconded: Cr S. Bailey

2. BLUE HEELER FILM FESTIVAL

Casey played the advertisement for the Blue Heeler Film Festival.

Casey advised that Dominic Fitzgerald, previous winner of the Blue Heeler Film Festival, is assisting with preparations for this year's events. The Committee noted that Dominic is currently working with St James Primary School to roll out a pilot program as part of literacy in schools.

Cr Rush advised the Committee that he would like to expand on the entries. It was noted that in future, film schools should be incorporated to improve the quality of entries we are receiving.

Casey advised that she would like to incorporate a ticketed system for this year's event; the system would record the postcodes of those attending to help us better understanding if the festival is bringing people into our community.

Cr Rush suggested the establishment of two (2) sub-committees, one will work on the 2017 event and the other will work on the 2018 event. Cr Rush also suggested that preparations for the 2018 event commence now, with a focus on expanding the event.

The committee noted that the 2018 working group should include a representative from Bengalla, eg: Cam Halfpenny or Debbie Day.

The committee was advised that the current budget for the event is \$12,000.

Cr Rush suggested that we increase the budget to \$50,000. Cr Rush advised that he would like to incorporate two prizes in the event, potentially first prize \$25,000 and second prize \$5,000.

RECOMMENDED that:

1. The 2017 Blue Heeler Film Festival go ahead as planned within the limitation of its existing budget, with the sub-committee managing the day-to-day operations of the festival,
2. The 2017 Blue Heeler Film Festival be expanded to include all of the Hunter Region LGAs,
3. A working sub-committee be established for the 2018 Blue Heeler Film Festival, and include such Council Staff Officers as appointed by the General Manager,
4. The Committee recommended to Council an increase to the existing \$12,000 budget to \$50,000 in the 2017/18 budget for the Blue Heeler Film Festival, such funds be made available from unrestricted cash,

MINUTES OF THE EVENTS PLANNING SUNSET COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON MONDAY 27 MARCH, 2017 COMMENCING AT 2:45PM.

5. Council Staff Officers liaise with film schools,
6. A draft strategy be developed for consideration at the next committee meeting.

Moved: Cr M. Rush

Seconded: Cr S. Bailey

6 RESUMPTION OF OPEN COMMITTEE

RECOMMENDATION

That the meeting return to Open Committee.

7 DATE OF NEXT MEETING

8 CLOSURE

The meeting was declared closed at 3:25 pm.

.....
General Manager

.....
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 TENDER - CBD STAGE 6 FOOTPATH RECONSTRUCTION BROOK STREET MUSWELLBROOK

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 ANIMAL SHELTER

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.

Moved: _____ Seconded: _____

20 RESUMPTION OF OPEN COUNCIL

21 CLOSURE

DATE OF NEXT MEETING: TUESDAY 9 MAY 2017