



**muswellbrook  
shire council**

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

**BUSINESS PAPER**  
**13 JUNE 2017**



**ORDINARY COUNCIL MEETING, 13 JUNE 2017**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
MUSWELLBROOK  
9 June, 2017

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **13 June, 2017** commencing at 6:00PM.

Steve McDonald  
**GENERAL MANAGER**

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19.2	2016-2017-0282 SUPPLY AND DELIVERY OF A TRACK LOADER <i>Item 19.2 is classified CONFIDENTIAL under the provisions of Section10A(2)(d)(l) of the local government act 1993, as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
19.3	MOVEMENT OF OFF ROAD HEAVY VEHICLES ON PUBLIC ROADS <i>Item 19.3 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	
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**MUSWELLBROOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING**

**AGENDA  
TUESDAY 13 JUNE 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 **9 May 2017**, the Extra Ordinary Meetings held on **15 May 2017**, and **31 May 2017**, a copy of which have 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 REVIEW OF MUSWELLBROOK LOCAL ENVIRONMENTAL PLAN (LEP) 2009

Attachments:	A. Project Brief B. Stakeholder Consultation Strategy
Responsible Officer:	Fiona Plesman - Director - Planning, Community & Corporate Services
Author:	Graham Gardner - Manager, Strategic Planning Pathum Gunasekara - Strategic 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>Plan for changes in local and global economic trends through planning</i>

#### PURPOSE

The purpose of this report is to present Council with the Draft Discussion Paper which has been prepared to inform the proposed amendments to Muswellbrook Local Environmental Plan (LEP) 2009. The Draft Report includes a Strategic Vision for the Muswellbrook Shire, and a number of Strategic Directions for future growth, development and economic diversification. These Directions also seek to address landuse conflicts between the significant existing industries of mining, equine and viticulture. It is proposed to further detail these strategic directions through a 3-month period of negotiation with key stakeholders, given the significant changes being proposed to the local planning framework.

#### OFFICER'S RECOMMENDATION

1. Council adopt the Draft Discussion Paper and place it on public exhibition from 20 June, 2017.
2. Council endorse an amendment to the process for the LEP Review Project to include a three month period of engagement and negotiation with key stakeholders in regard to the Strategic Directions in the Draft Discussion Paper.
3. Council resolve to prepare a Local Strategic Planning Statement and Implementation Plan for consideration at the time of adoption of the final Discussion Paper, and engage with the Department of Planning & Environment in the development of these documents.
4. Council resolve to allocate an additional \$100,000 in the 2017/18 Budget for the additional work identified.
5. That funding support be sought from the NSW Planning Reform Fund to assist Council as a trial site in developing the Local Strategic Planning Statement.

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

**BACKGROUND**

Council's Strategic Land Use Planning Program for 2016/17 included a review of Muswellbrook LEP 2009 as its major project. Funding was made available and a Project Brief (Appendix A) was prepared and endorsed by Council to enable the seeking of expressions of interest from consultants to assist in completing this work.

The objectives of the project as detailed in the Brief as endorsed by Council were as follows;

- a) *To analyse the economic changes and challenges affecting the Muswellbrook LGA and establish an updated LEP which is responsive to, and anticipatory of, what is happening in the LGA and broader Upper Hunter Sub Region;*
- b) *Respond to the relevant directions and actions in the recently adopted (October 2016) Hunter Regional Plan 2036;*
- c) *Articulate a future vision, aspirations and set directions for the next 10 to 15 years;*
- d) *Specifically address major land use conflicts in the LGA (mining, equine and viticulture industries) to achieve an enhanced policy framework for co-existence;*
- e) *Investigate how to unlock and facilitate economic diversification and economic development outcomes;*
- f) *Ensure that the statutory planning framework for Muswellbrook LGA is contemporary and within its parameters of influence facilitates economic development and diversification whilst retaining balance with social and environmental factors to achieve overall sustainability;*
- g) *Identify issues and anomalies, ambiguities or errors in the current LEP;*
- h) *Identify current best practice provisions appropriate for inclusion in the LEP;*
- i) *Examine Council plans, strategies and policies that may require/benefit from LEP amendments; and*
- j) *Identify further strategic analysis and planning which will add progressive value to the LEP.*

It was envisaged that the consultants would collaborate with Council staff in undertaking this work, and would produce a discussion paper "*justifying and detailing proposed LEP amendments*" as well as "*documentation of appropriate amendments to MLEP 2009*". This would enable Council to follow this project with a formal Planning Proposal to achieve any proposed LEP amendments.

The work was initially proposed to be undertaken in three stages;

- Stakeholder engagement
- Contextual analysis and documentation of the Discussion Paper
- Preparation of the Planning Proposal.

The Brief also noted that two other major matters were likely during the course of the project;

1. Adoption by the State Government of the Hunter Regional Plan – 2036
2. Proposed NSW planning reforms – the draft Planning Bill 2017

The Hunter Regional Plan was adopted by the government in October 2016 and that document has been taken into account in this project. It has also directly influenced outcomes recommended by the Draft Discussion Paper. This will be addressed later in this report.

Details of the proposed planning reforms were released by the State Government in January 2017. The timing of any actual changes is unknown at this stage. The most significant proposed amendment relevant to this project is the intention to legislate for inclusion of strategic plans at the local level. Proposed amendments will require Councils to develop and publish what are to be called *Local Strategic Planning Statements*. They will;

- *Tell the story of the local government area and set out the strategic context within which the LEP has been developed (including the rationale behind the application of zones and development controls);*



- *Explain how strategic priorities at the regional and/or district level are given affect at the local level; and*
- *Incorporate and summarise land use objectives and priorities identified through the Council's Community Strategic Plan process*

This matter will also be further addressed later in this report.

Council engaged a consultant team for this project comprising three sole practitioners, each of whom have had a long experience in local government planning;

- Stephen Leathley of Insight Planning Pty Ltd
- David Broyd of David Broyd Consulting Services Pty Ltd
- Ian Sinclair of Edge Land Planning Pty Ltd

Work on this project has been a collaboration between this team and Council staff in a very productive partnership.

## **REPORT**

Work commenced in October 2016 and has now progressed to the stage of finalisation of the Draft Discussion Paper. Council endorsement is to be requested to enable public and stakeholder engagement on the proposed outcomes prior to finalisation of the report later in the year.

### **1. Stakeholder Engagement**

Consultation was commenced in October 2016 and included;

- Media releases
- Workshop with Councillors
- Forum with Council staff
- Public forums in Muswellbrook and Denman
- Phone contact with a list of significant stakeholders
- State Government agencies

The aims of the stakeholder engagement and a list of stakeholders contacted are included in the "Stakeholder Consultation Strategy" (Appendix B) presented to staff and Councillors in the initial workshops in October 2016. The main part of this work was concluded in January this year, though ongoing dialogue has been carried on with many of the individuals, agencies and groups listed.

The response from this engagement has been documented in the Draft Discussion Paper in Section 4. Council received good input and support in its endeavours on this LEP Review from most groups and agencies. A summary of the key issues and opportunities from this stakeholder engagement is listed in the Draft Discussion Paper at Section 4.10, as follows;

- **Key Implications, Issues and Opportunities - General**
  - 1) *To provide data, analyses and directions for the preparation of a Local Strategic Planning Statement (whether or not this is embodied in the adopted State Planning Bill) as an evidence-based, adaptable Strategy which is a sound, rigorous foundation for the LEP Review and consequent Planning Proposal;*
  - 2) *To ensure that the aims, objectives, zones, land-use tables, clauses and mapping in the resultant LEP are derived from, integrate with, and assist implementation of the Hunter Regional Plan and enable repeal of Upper Hunter Strategic Regional Land-Use Plan;*
  - 3) *That the evidence-base (data and analysis) is strong and sophisticated and reflects a highly collaborative set of policy and mapping inputs from relevant state agencies;*
  - 4) *That emphases is attributed to supporting and facilitating economic and employment diversification;*

- 5) *Given that the NSW Planning Assessment Commission and the Department of Planning and Environment (DPE) fulfil the assessments and determinations of DA's for coal mining development, that Council's position is strong, well founded and prompt in seeking fulfilment of its documented strategic objectives.*
- 6) *To achieve agreed timing and processes with the DPE for the monitoring, review and adaptation of the Local Strategic Planning Statement and LEP.*

• **Supporting Economic and Employment Growth and Diversification**

- 1) *The crucial need to enhance the policy and legal framework to provide greater clarity and certainty for all stakeholders about co-existence of the coal mining industry with the equine and viticulture industries and with agri-business;*
- 2) *To provide for non-compromised and optimal extraction of outputs from existing open cut mines for the duration of current consents and available resource;*
- 3) *The clear, well-founded mapping of existing activities and opportunities for intensive livestock agriculture, intensive plant agriculture and extensive agriculture;*
- 4) *Develop appropriate zoning and provisions in the LEP to protect mapped strategic agricultural land (Action 3.3 of Upper Hunter Strategic Regional Land Use Plan's - CIC and BSAL)*
- 5) *The particular potential location of the poultry industry in Muswellbrook and the high value for attraction of that industry by resolving issues upfront through good strategic planning and reducing the detail and time consumption of resolving issues through the designated development processes;*
- 6) *Seeking to renegotiate the outcomes of rehabilitated lands as currently provided for in coal mining consents and leases if there are demonstrable public and planning benefits such as agricultural after-use, renewable energy projects, industrial or tourism projects, bio-security buffers; landscape enhancement and/or biodiversity offsetting;*
- 7) *Providing for the potential of the tourism industry - .e.g. Denman/Wollemi National Park; a Tourist Information Centre for Muswellbrook and knowledge based tourism associated with the equine and viticulture industries;*
- 8) *To identify potential future mining sites (underground) and opportunities for land-use compatible CSG exploration and exploitation;*
- 9) *Strategically plan for the future of Muswellbrook town centre as a regional centre and "place" for retail, commercial, educational, cultural and recreational assets;*
  - *Review and appropriately implement the Muswellbrook Town Centre Strategy;*
  - *Resolve the appropriate zoning and development outcomes for the Muswellbrook Showground site;*
  - *Facilitating the investment by the State Government, Council and the University of Newcastle in providing for major new educational and research initiatives in the Muswellbrook town centre; and*
  - *Resolve the process of review and rationalising the current B2 Local Centre zone.*
- 10) *Develop an appropriate zoning and development standards to facilitate the implementation of the Denman Town Centre Concept Master Plan.*

• **Social Outcomes**

- 1) *The strategic review of the Urban Release areas currently mapped in the Muswellbrook LEP 2009 and the Muswellbrook Residential and Rural Residential Strategy to resolve residential land and development provisions which:*
  - *Respond to projected growth and demographic changes;*
  - *Embody improved integration of release area planning and the planning for and funding of supporting infrastructure; and*

- *Analyses of land capability, and likelihood of landowners proceeding, infrastructure and environmental issues and demonstrated demand,*
- 2) *Explore the feasibility of encouraging well designed, infill residential development throughout the existing urban area, with higher accessibility;*
- 3) *Enable the provision of Senior Living development opportunities based upon projected demand.*
- **Environmental Outcomes**
  - 1) *Implementing the Hunter Regional Plan direction and actions for the Upper Hunter Regional Biodiversity Corridor as is located in Muswellbrook LGA by appropriate LEP clauses and mapping recognising the implications for private landowners;*
  - 2) *Designate an appropriate buffer for Muswellbrook and Denman Sewage Treatment Plants and for the Muswellbrook Waste Management Facility;*
  - 3) *Optimising the value of Hunter River water quality and public uses and accessibility to the foreshores; and*
  - 4) *Undertake riparian land and watercourses mapping.*
- **Detailed issues and anomalies arising from the Review of Muswellbrook LEP 2009**
  - 1) *Reviewing the zoning of Haydon Street as R1 Residential;*
  - 2) *Improvement of the Community title and strata title clauses;*
  - 3) *Introduce boundary realignment clause;*
  - 4) *Consider the potential for bonus provisions (to encourage good urban design outcomes including dual occupancy, multi dwellings units, community title development and to encourage renewable energy and sustainability outcomes);*
  - 5) *Land use permissibility – e.g. sex services premises in B2 zone, permissibility of commercial development in the RU5 zone;*
  - 6) *Rezoning and reclassification of additional lands to expand the existing Water Works facility*
  - 7) *“Back zoning” of proposed WMF site into RU1*
  - 8) *Review and update Heritage Inventory prepared in 1996*
  - 9) *Address administrative amendments related heritage items –i.e. Denman Hall, Pickering Denman.*

## 2. **Social, Economic and Environmental Characteristics**

The Draft Discussion Paper also includes a comprehensive review of the social, economic and environmental characteristics of the LGA. Following is a summary of the key issues and opportunities that come out of the Social, Economic and Environmental contextual analysis of the LGA:

### **Population**

- a) *Since 2004, population growth has fluctuated between 0% and 2.1%. This change in growth rates has largely reflected the fortunes of the coal industry and in particular the price of coal.*

*The DPE and Council are projecting that the population of Muswellbrook will continue to grow in approximately 0.9% - 1.0%the .2% to 2% range through to 2036. This means that the population will increase from the current DPE estimated population of 17,150 to increase to 20,300 by 2036 (i.e. 19,950 to increase in 2031.). Council has endorsed a medium growth scenario with the estimated population increase of to 20,150 (medium) through to 22,845 (high) in 2031.*

- b) **New Demographic Analysis:** *Between now and 2031 four(4) of the five(5) operating coal mines in the LGA are forecast to close as well as the closure in 2022 of the Liddell power station. Council should be undertaking further demographic analysis following the release of the 2016 Census to determine what the demographic and economic impacts on the broader economy and*

community will be from these mine closures and on the basis of no new industries developing in the LGA.

### **Housing**

- c) **Land for Housing:** There is adequate residential land either zoned or identified for future residential development via the MLEP 2009 and the Muswellbrook Residential and Rural Residential Strategy.
- d) **Affordable housing** is a national issue affecting communities across the Country. To effectively address housing affordability there needs to be action taken at all levels of government. The Muswellbrook LGA is not immune from this issue and consequently should be developing a 'Housing Affordability Strategy'.
- e) **Moveable dwellings** should be made permissible with consent in all zones where dwelling houses are permitted with consent to diversify the housing opportunities within the LGA.

### **Local Economic**

- f) **Mining Industry:** The price of coal has a large impact on the economic and social environment of the LGA. When the coal price falls, coal production falls, less efficient mining operations might shut down and this leads to job losses which leads to increases in unemployment, a reduction in population growth, impacts on service industries and local businesses, and a tapering or reduction in house prices. The impact is not felt just by the coal industry but has significant flow on effects to all other parts of the local economy. Likewise when coal price rises, employment increases which leads to increases in demand for other goods and services generally in the community. This can then lead to localised inflationary activity. This is due to the large affect the coal industry has on the LGA.

When coal prices are stable, the local economy stabilises over time. However when there are sharp changes in the coal price this has dramatic effects on the local economy, and on the balance they are considered to be a negative. While increases in coal prices leads to less unemployment and more money circulating within the local economy, it also leads to inflationary pressures on various elements including the employment market, housing and the general price of goods and services. Hence, benefits do not necessarily flow onto businesses and the community.

However, the coal industry is a significant contributor to the local economy as its largest industry, so it is important that the coal industry is supported. What needs to occur is a broadening and diversification of the local economy so that the highs and lows of the coal industry are not so dramatically felt by the broader community and the local economy.

As is explored in the next section of this Discussion Paper, both Council and broader regional and state based organisations have been developing strategies to address this need for economic diversification and growth. While the local planning framework is not going to be the tool that ignites such economic activity, it can facilitate economic activity and at the same time if it is not responsive to opportunities for economic growth and diversification, it can stymie it from occurring.

### **g) Agri-Business**

There is significant potential for growth in the agribusiness sector. This is evidenced by the high location quotient for agriculture. The equine and vineyard sectors have potential to grow but the issues of land use conflict with coal mines needs to be resolved. This can be done by adopting an appropriate planning framework which protects these sectors as they are key to the changing of the economy to be focused on agriculture rather than coal.

- h) **Tourism Industry:** There is significant potential growth in the tourism industry especially in the western areas of the LGA, the Denman township, the National Parks as well as initiatives that

leverage off the equine and viticultural industries. Therefore, there is real potential for experiential and recreational based tourism. The planning framework should be geared to ensure that it will facilitate growth in the tourism industry by enabling appropriate tourist based development and ensuring that tourist development is appropriately regulated so it doesn't conflict with other land uses and does compliment the desired character of the area.

- i) Education and Research – Muswellbrook town centre** - The University of Newcastle, in partnership with Muswellbrook Shire Council, is investing significantly in developments in the Muswellbrook town centre which:

- Integrate with TAFE in terms of physical location and education streams;
- Offer quality educational opportunities in educational streams relating to the mining industries; and
- Have research initiatives into alternative energy generation.

The LEP should continue to enable with consent education and research activities and investment to occur in the Muswellbrook town centre as well as in other parts of the shire suitable for such development.

- j) Employment Lands** – The Muswellbrook Industrial Lands Audit has provided a strategy for the provision of employment lands around the Muswellbrook township into the future. The review of the LEP 2009 should take into account the recommendations in this document.

- k)** There is also a need to ensure that the local planning framework can accommodate other employment based land uses in respect to the existing mining landscape as mines are rehabilitated and close down. These sites provide a significant strategic advantage in potentially attracting new industries and employment based land uses to the LGA especially given the significant infrastructure that exists on these sites.

- l) Regional Ecological Corridors** - The Upper Hunter Link is identified in the Hunter Regional Plan 2036 and aligns with the HRP goal of a “bio-diversity rich natural environment”.

The HRP states that this link “contains important valley floor forest and woodland remnants and covers the only viable north-south corridor across the Upper Hunter Region. The aim of conservation planning will be to connect, protect and enhance the large patches of existing vegetation between Wollombi National Park, Manobalai Nature Reserve and the Liverpool Range. It will be achieved through private land incentive programs and other mechanisms such as biodiversity off-setting”.

The LEP Review should seek to implement this proposed link – acknowledging that it needs to negotiate such outcomes with the may lead to objections and difficulties of acceptance by affected landowners.

- m) Heritage** – The location of heritage items ‘Denman Hall’ and ‘Pickering’ are incorrectly identified on the MLEP 2009 Heritage Map Sheet. In addition, “Sandy Hollow Railway” had been identified in the Hunter Regional Environmental Plan (HREP) 1989 (Heritage) as a further investigation area. The HREP 1989 repealed recently and therefore, it is suggested to inclusion of Sandy Hollow Railway into the LEP Schedule 5 Environmental heritage.

- n)** Review and update Heritage Inventory prepared in 1996

### **3. State, Regional, Local Legislative and Policy Context**

The Draft Discussion Paper also includes a comprehensive review of State, regional and local legislative and policy documents relevant to the project. Following is a summary of the key issues that have come out of the State and Regional Legislative and Policy Context analysis:

- a) National Context – Future of Coal** – While coal mining output is declining on a global and national scale (coal's global share of the global energy market declined to 41% in 2014 and is

forecast to become 36% in 2021), how is output from Muswellbrook mines to be optimised for the next ten to twenty years to sustain economic and employment benefits and to meet continuous high demands from south-east Asia and which is:

- *Balanced with co-existence with the equine, viticulture and other industries; and*
- *Represents a sound basis for transition to a more diversified local economy and employment structure?*

**b) EP & A Act Amendments Bill 2017** – *How can the revised and rigorous strategic planning resulting from this process capitalize on the opportunities potentially provided for in the currently drafted legislative reforms for the elevated status and impacts of “Local Strategic Planning Statements”*

**c) Hunter Region Plan 2036** – *There are multiple, crucially important key issues for the LEP Review which derive from the directions and actions in Hunter Region Plan 203 and responses to which need strong partnership with the Department of Planning and Environment:*

- *The enhancement and strengthening of the policy framework for co-existence of the coal mining industry with the equine, viticulture and agri-business industries;*
- *The fulfillment of the actions to progressively diversify the local economy and employment structure;*
- *The basis to enable formal repeal of the Upper Hunter Strategic Land-use Regional Plan;*
- *The formulation of a Local Planning Narrative (Regional Plan term) to become a Local Strategic Planning Statement to fulfill the legislative requirements (assuming the draft Planning Bill is enacted) and which is a strong evidence-based, adaptable framework to provide implementation connectivity for the LEP.*

**d) Upper Hunter Strategic Regional Land Use Plan** – *This Review process advocates a more locally/sub-regional based approach to strategic planning and resolution of land use issues.*

**e) Upper Hunter Economic Diversification Project 2017 and Upper Hunter Industry Scenario Report 2016** – *The key issues generated by the Economic Diversification Project and this report are how to implement fulfillment of the strongly identified potential growth in:*

- i. *Agribusiness – recognising specialisation or potential for growth in four growth sectors: beef, lamb, dairy and oilseeds;*
- ii. *The potential also in other sectors including:*
  - *cereals, legumes and hay; and intensive production of pigs, poultry and eggs recognising that, for poultry and eggs, the Upper Hunter may provide a location for producers and processors facing urban encroachment pressures in the Greater Sydney Basin;*
  - *the existing sectors of beef, including feed lots and dairy production;*
  - *new opportunities were identified for protected agriculture (vegetables and berries) -high value products for domestic and export markets; development of a commercial hemp industry; expansion of olives; and the development of small scale specialist/artisan food production, linked to a regional food and wine experience and the tourism market.; and*
- iii. *How to apply the valuable analyses and scenario foresight – and strong momentum of State Government support embodied in these two reports - into meaningful long-term strategic planning for Muswellbrook LGA and thereby embody implementation into the LEP?*

**f) Muswellbrook DCP**

- *Integrate LEP review outcomes into the DCP review in timely manner, where appropriate. To fulfill the objectives relating to the Muswellbrook showground and maintain the economic strength of centres by limiting retail activity; and*

- *What will be the best balance of legal provisions to be included in the LEP and what policy aspects will be best implemented through the Muswellbrook DCP – particularly given the consistent format for DCP's provided for in the draft Planning Bill 2017?*

#### **g) Muswellbrook Town Centre**

*There are range key issues for the LEP Review generated by what is sound strategic planning for the town centre as follows:*

- *How to grow the town centre as an educational, cultural and recreational centre and capitalize on the Regional Plan policies that Muswellbrook town centre has a regional centre role; that it should continue to provide business support services to the mining and power generation industries and that its development as a centre of educational excellence should be supported;*
- *How to appropriately implement the Muswellbrook Town Centre Strategy through the LEP amendments;*
- *To maintain the economic strength of centres by limiting retail activity as part of the Showground re-development; and*
- *The excessive scale and fragmentation of the current B2 zone – which requires more research and analysis to be undertaken regarding retail and commercial catchments, spending patterns etc. to provide an evidence base before the area of B2 zoning is reduced / rationalised.*

#### **h) Denman Town Centre**

- Translate fundamentals of the DTCCMP into LEP and DCP for implementation.

### **4. Outcomes and Proposals**

In light of this comprehensive analysis of the context and stakeholder aspirations for the LEP Review, a number of initiatives to enable both preservation of existing land use activities, and facilitation of comprehensive new growth and development have been identified. Many of these initiatives challenge existing legislative and administrative aspects of the State, Regional and local planning frameworks. It is considered that it is time for a comprehensive change to the planning framework to meet the increasing expectations of the broader community.

The main emphasis will be to use the LEP as the principal control for existing and new land uses. The general approach is to ensure that there is opportunity for all existing, and a wide range of new uses, to be developed. It is about providing increased certainty of outcome for all stakeholders.

The DPE is encouraging Council in this project to advocate these changes in terms of a clear vision, and with specific strategic directions being identified. The Council, in collaboration, is likely to be the first in NSW to deliver a Local Strategic Planning Statement and the potential is for Muswellbrook to have a model for other NSW local councils to follow. This will enable all stakeholders to develop an understanding of the proposed planning framework on a strategic basis. To ensure this framework can be realised will necessitate consideration of many significant changes, such as;

- Possible amendments to the standard instrument template
- Exemption from the Mining SEPP for Muswellbrook
- Modifications to the land use tables in the LEP
- Development of specific new local planning provisions
- Master planning of comprehensive new land use plans for post mining uses and infrastructure requirements on the mining footprint
- Changes of policy and procedures at the State level for designated development applications
- Review of mine closure plans and the process necessary to make changes to such plans

These sorts of details will need considerable discussion with relevant stakeholders.

### ***Landuse Planning Vision and Strategic Directions***

The Draft Discussion Paper includes the following suggestions for a general Vision and Strategic Directions for the LGA, in land use planning terms. It also includes the table of actions related to these directions that will need to be further resolved in the proposed next stage of this project.

***Transition the focus of Muswellbrook from being the State's major coal mining centre to have a diversified economy and employment structure based upon being;***

- ***the State's major food bowl through extensive development of agribusiness;***
- ***an area which has protected, sustained and grown its high level status for equine and viticulture industries;***
- ***the State's ongoing and innovative major energy centre; and***
- ***served by the vibrant and growing Regional Centre of Muswellbrook.***

The Draft Discussion Paper proposes 16 key Strategic Directions for inclusion in the future Local Strategic Planning Statement, which have been drafted to inform the stakeholder engagement and negotiation phase which is proposed as the next major step in the process - as detailed in the following table. Council is asked to consider these directions carefully and to endorse them for public engagement. It is likely that there will be amendments to these following the exhibition and will only need to be finally determined by Council at the time of finalising the LSPS (proposed to be November).

STRATEGIC DIRECTION	ACTIONS
<p><b>1) Economic Transition</b></p> <p><i>Transition the economic focus of Muswellbrook towards a world class "food bowl" producing high quality, clean and green products for the domestic and international markets.</i></p>	<p>a) Council to negotiate a collaborative "Policy of Co-existence and Land Use Compatibilities" with State Agencies' and representatives of the coal mining, equine, viticulture and agribusiness industries;</p> <p>b) Primacy and preferred development status is allocated to agribusiness through local provisions in the LEP including the protection of Important Agricultural Land and Critical Industry Clusters;</p> <p>c) Prepare LEP Map and protect Important Agricultural Land as mapped by DPI – NSW Agriculture by zoning, LEP mapping, clauses and policy.</p>
<p><b>2) Agribusiness</b></p> <p><i>Large scale agribusiness is established based on local competitive advantages of land, climate, water and the local workforce; on both the mining footprint and surrounding agricultural areas; starting as coincident uses and moving to replace mining activity; enabling Muswellbrook and the Upper Hunter to produce high-quality, clean and green food products for the State, National and International markets. This outcome is to be based on both food</i></p>	<p>a) Council in partnership with DPI and UoN complete the "Agribusiness Development Strategy" in accordance with the adopted Brief;</p> <p>b) Consider defining "agribusiness"; examine opportunities for specific zoning for mining and agribusiness, and enable it as permissible with consent in the <i>Special Use –SP2 Power Station</i> zone; and establish a minimum lot size requirement that will address the requirements for biosecurity and minimisation of impacts on neighbouring properties;</p> <p>c) Include development standards in the proposed amendments to the LEP that will allow agribusiness as local development for assessment by Council, and seek exemption from the Designated Development provisions;</p> <p>d) Continue to work with Cordina and existing mines for the establishment of new meat poultry farms and a processing facility.</p>



<i>production and food processing activities – a major food bowl.</i>	
<b>3) Equine/Thoroughbred industry</b>  <i>Muswellbrook and the Upper Hunter continues to build its standing as in internationally significant thoroughbred horse breeding centre on land on which future mining is prohibited.</i>	a) Prohibit mining on land zoned <i>RU 1 Prime Agriculture</i> and <i>RU 2 Rural Landscape</i> ; b) Protect the existing equine industry by inclusion of <i>Primacy of Equine Industry</i> clauses in the LEP; c) Promote, strengthen and grow the primacy of the equine industry as an internationally renowned horse breeding area; d) Give effect to Council's Policy for Co-Existence and Land-Use Compatibility; e) Minimise conflicts between the coal mining industry and equine industries.
<b>4) Viticulture</b>  <i>The established wine industry continues to expand on the identified high-quality agricultural land on which future mining is prohibited.</i>	a) Prohibit mining on land zoned <i>RU 1 Prime Agriculture</i> and <i>RU 2 Rural Landscape</i> ; b) Promote, strengthen and grow the viticulture industry. c) Minimise conflicts between the coal mining industry and viticulture.
<b>5) General Agriculture</b>  <i>A wide range of general farming activities continues to operate across the rural landscape with planned estates for rural residential activity that will not conflict with extensive farming activity.</i>	a) Review demand for rural residential activity that will not conflict with agricultural activities.
<b>6) Coal Mining</b>  <i>Continue coal mining activity within a defined footprint producing quality coal for the national/international market on world's best practice for mining including best practice management of impacts on the local community and environment, during mining, and focussed rehabilitation of the landscape post mining.</i>	a) Optimise Coal production based upon the 2017 footprint of, and current consents for, open cut mining - and potentially, some additional consents for underground mining – and ensure it has been well managed to achieve highly acceptable social, economic and environmental impacts based upon the Co-existence Policy; b) Negotiate some exemption from the Mining SEPP for Muswellbrook Shire with the DPE; c) In association with mining companies, master plan post-mining landuse for mine sites with a view to establishment of a range of large scale agribusiness, food processing, industrial and other uses, and with consideration of local infrastructure requirements; d) Discuss Modification of Closure Plans processes with the DPE with a view to simplification and adjustment to include future uses; e) Rehabilitation of coal mining land facilitated by re-negotiated consent and lease conditions (as needed) to provide opportunities for bio-diversity offsetting and scenic and landscape values (existing and desired) of the LGA.
<b>7) Coal Seam Gas</b>	a) Include zone objectives to encourage, and local provisions to facilitate, the extraction of CSG on land previously disturbed

<p><i>Develop the opportunity for coal seam gas extraction on the previously disturbed areas of open cut coal mining, to support the diversification of energy sources and to facilitate local energy production moving to a carbon neutral basis.</i></p>	<p>by open cut coal mining activity.</p>
<p><b>8) Sustainable Energy</b></p> <p><i>Continue the production and distribution of sustainable energy from the AGL site, based on a shift to alternative energies such as biomass, gas and/or pump hydro sources.</i></p>	<p>a) Engage with all relevant stakeholders to explore the opportunities for alternative energy production and adaptive reuse of the existing generation and distribution infrastructure.</p>
<p><b>9) Muswellbrook Regional Centre</b></p> <p><i>Muswellbrook will strengthen and grow as the Regional Centre of the Upper Hunter - as a centre for:</i></p> <ul style="list-style-type: none"> <li>- <i>Excellence for education; and</i></li> <li>- <i>Retail, commercial, educational, entertainment, arts, cultural, and residential developments;</i></li> <li>- <i>Continuing its role as a significant regional service centre supporting the mining, agribusiness and agricultural sectors.</i></li> </ul>	<p>a) Implement the <i>Town Centre Strategy</i> – particularly in terms of the recommended;</p> <ul style="list-style-type: none"> <li>i. B3 Commercial Core zone for the core of the Centre;</li> <li>ii. Improvements in urban design and pedestrian connectivity; and</li> <li>iii. Improvements of public access, use and enjoyment of the river-front.</li> </ul> <p>b) Facilitate investment by the State Government, Council and the University of Newcastle in providing for major new educational and research initiatives in the Muswellbrook Town Centre;</p> <p>c) Resolve the appropriate area of B2 zoning based upon rigorous analysis of catchment area population demand, expenditure etc data and patterns;</p> <p>d) Evaluate the location of Seniors Living development on the showground site and including “Health services facility” as a permissible use in the B5 zone for the showground site;</p> <p>e) Facilitate and encourage private investment and growth in the town centre as a regional centre.</p>
<p><b>10) Denman District Centre</b></p> <p><i>Denman will continue to develop as a significant District Centre with a distinctive lifestyle for residents, and providing a major destination for rural tourism focused on the adjacent Wollemi National Park, Manoboli Nature Reserve and the wine and equine industries.</i></p>	<p>a) Implement the Town Centre Concept Master-Plan to conserve and enhance the centre's distinctive characteristics;</p> <p>b) Zone landuse in the town to cover the town centre (B2 Local Centre), residential (R1) and other uses (as appropriate), with related DCP provisions to achieve heritage conservation, the enhancement of the centre's distinctive rural village characteristics and the strong encouragement of tourist and visitor accommodation;</p> <p>c) In collaboration with the NPWS, open up access and tourist-oriented opportunities in the Wollemi National Park and link to accommodation and information services in the town centre.</p>
<p><b>11) Residential &amp; Rural Residential Development</b></p>	<p>a) The development pattern, scale and sequencing of urban release areas has been integrated with infrastructure planning</p>

<p><i>The Shire will continue to provide a choice of housing opportunities to meet the needs of all residents including seniors living, first time buyers, itinerant workforce, students and visitors to the area.</i></p>	<p>and funding, and is compatible with population growth and demographic change;</p> <p>b) Based on the combined environmental and infrastructure constraints ranking, implement the recommended MRRRS priority for new release areas for rural residential development.</p> <p>c) Undertake a strategic review – (adaptable as population growth rates increase aligned with new, diversified industrial and business developments) - of the Urban Release areas currently mapped in the Muswellbrook LEP 2009 and the Muswellbrook Residential and Rural Residential Strategy to resolve residential land and development provisions which analyses:</p> <ul style="list-style-type: none"> <li>• land capability</li> <li>• capability/likelihood of landowners proceeding</li> <li>• infrastructure and environmental capacities and issues</li> <li>• demonstrated demand</li> </ul> <p>d) Ensure the land supply and integrated infrastructure capacity to enable adaptability should a significant industry be evaluating location in the shire – thereby incentivising location in the shire because of supply and capacity for the needed workforce;</p> <p>e) Explore the feasibility of encouraging well designed, infill residential development throughout the existing urban area, with higher accessibility;</p> <p>f) Enable the increased provision of Senior Living development opportunities based upon projected demand.</p>
<p><b>12) Health and Education Services</b></p> <p><i>Muswellbrook will continue to fulfill its role as the health and medical centre of the Upper Hunter by maintaining the high-quality Base Hospital services, supplemented with private health facilities, and facilities to meet the increasing requirements of the ageing population.</i></p>	<p>a) Planning and investment in the Base Hospital needs to be compatible with population demand and demographics – and provide levels of service which are a factor in attracting businesses and workforce to the Shire;</p> <p>b) Ensure planning enables the scale and mix of health support services relative to overall population demand and the aged population in particular;</p> <p>c) Encourage development of private health facilities generally, and on the showground site as an additional permissible use.</p>
<p><b>13) Natural Areas and Biodiversity</b></p> <p><i>The natural environmental values of the area will be protected, preserved, restored and managed to ensure high biodiversity values, and including improved public access to natural areas such as the local National Parks and the Hunter River.</i></p>	<p>a) The Zone E3 Environmental Management be retained in the LEP based upon retention of the current objectives, land-use table, and map coverage;</p> <p>b) Review the need for additional E3 zoned areas to achieve the proposed regional ecological corridors in the north western areas of the LGA. This will require further targeted ecological investigation and a consistent regional framework for land identification purposes;</p> <p>c) Depict the Upper Hunter Link on the Biodiversity LEP map layer with a complementary Local Provision be proposed for insertion into the Planning Proposal/LEP amendment which essentially requires any proponent within the depicted corridor</p>

	<p>to retain high value vegetation when submitting any development application - including any required bushfire asset protection zone;</p> <p>d) Investigate means of including incentives for vegetation rehabilitation and conservation on mining rehabilitation lands – and negotiating and enabling amendments to DA consents and conditions as reasonable and applicable;</p> <p>e) Biodiversity Offset Policy - as a matter of policy, Council adopt a position that any biodiversity offsets for mining projects occur within areas that have been identified as having regional biodiversity significance (such as the Upper Hunter Biodiversity Corridor that traverses the north western part of the LGA) instead of on-site offsets, unless they can form part of an established and recognised local or regional biodiversity corridor;</p> <p>f) Introduce appropriate designated buffers for Muswellbrook and Denman Sewage Treatment Plants and for the Muswellbrook Waste Management Facility;</p> <p>g) Optimise the value of Hunter River water quality and public uses and accessibility to the foreshores;</p> <p>h) Undertake riparian land and watercourses mapping;</p> <p>i) Allocate funding and priority in work programs to update the Bushfire Prone mapping for the Shire;</p> <p>j) Participate in the review of the Synoptic Plan as a project under the HRP 2036.</p>
<p><b>14) Tourism</b></p> <p><i>Active tourism visitation is realised focused on nature based experiences in local National Parks and nature reserves, wineries, equine industry and the regional facilities of Muswellbrook; with a wide range of tourist accommodation and facilities, and transport options to support visitors</i></p>	<p>a) Engage with NPWS to open access to the Wollemi NP and promote visitation;</p> <p>b) Amend the LEP to facilitate provision of tourist accommodation at Denman;</p> <p>c) Partner with Upper Hunter Council to facilitate the development of the Sandy Hollow to Merriwa Rail Trail.</p>
<p><b>15) Industry</b></p> <p><i>A comprehensive range of rural, mining and general industrial support services are available to the local community in well located and structured industrial areas.</i></p>	<p>a) Regular review and implementation of the Industrial Land Audit to ensure ongoing supply of industrial lands to meet local needs.</p>
<p><b>16) Infrastructure – Infrastructure; By-pass; Water Security</b></p> <p><i>Basic infrastructure to support development in accordance with the LEP is continued to be upgraded and developed.</i></p>	<p>a) Clarify with the RMS any necessary amendments to the SP2 Infrastructure zone for the proposed Muswellbrook Bypass route.</p>

## 5. Where to from here?

In light of the significant intentions proposed in the Strategic Directions and Actions listed above, and in support of the proposition for a Muswellbrook Local Strategic Planning Statement as envisaged in the Draft Planning Bill, it is proposed that the process for this project be amended as follows;

1. Stakeholder engagement and background research (**completed** – sections 1–4 of the Draft Discussion Paper)
2. Documentation of the Vision and Strategic Directions – for further development during finalisation of this Discussion Paper; preparation of a Local Strategic Planning Statement and accompanying Implementation Plan; and subsequent recommendations for amendments to the LEP in the Planning Proposal (**completed** – sections 5 and 6 of the Draft Discussion Paper)
3. A period of stakeholder engagement and negotiation; to develop the detailed actions necessary to facilitate the Strategic Directions in the table above, and to inform development of the envisaged Local Strategic Planning Statement (July to September) see attached Communications Strategy
4. Finalisation of the Discussion Paper, including recommendations for the Planning Proposal. (October)
5. Documentation of a Muswellbrook Local Strategic Planning Statement and development of an accompanying Implementation Plan (during the consultation phase - July – October).
6. Determination by Council of the Discussion Paper, the Local Strategic Planning Statement and Implementation Plan (November)
7. Undertaking of the Planning Proposal (December 2017- December 2018).

This process is shown on the following table;

Council ↓		Council ↓		Council ↓	
June	July — September	Oct	Nov	December 2017 →	December 2018
Draft DP	Consultation; Preparation of LSPS/IP & Co-ex. Policy	Final DP	DP & LSP S/IP & CP	Commence Planning Proposal →	Finalise Planning Proposal

*LEP Review revised project timetable – May 2017*

## Proposed Consultation Program

The proposed Strategic Directions included in the Draft Discussion Paper includes many ideas that are challenging but desirable. It will therefore be necessary to take time to discuss these proposals with key stakeholders. Council needs to establish early support for the major changes being proposed, to ensure that there can be implementation of those actions necessary by other agencies such as the DPE and the mining companies in particular. Without their support, later implementation will be very difficult if not simply opposed.

It is essential to build trust amongst the key stakeholders to achieve enhanced levels of collaboration for the same outcomes. It will be critical to identify and resolve any conflicts upfront. This process will need both the elected Council and administrative elements working together, especially in regard to local industry groups and individual companies. It is likely to take considerable State Agency discussions as well, though engagement with the local representative of Premiers and Cabinet should assist in this regard.

Key stakeholders to meet with to discuss these directions with include:

- Coolmore and Godolphin Studs
- Hunter Thoroughbred Breeders Association
- Upper Hunter Winemakers Association
- Mining Companies
- Mineworkers Union
- AGL Macquarie
- Muswellbrook Chamber of Commerce & Industry
- Denman District Development Association
- Denman Chamber of Commerce
- Dept. Planning & Environment (Chief Planner, Regional Office, and Policy Branch)
- State Agencies (DP&C, DRE, DPI, OEH)

Consideration should also be given to the desirability of holding a Public Hearing following further development of the planning framework before final reporting to Council.

This phase will evolve from the discussions held and is likely to be iterative with many of the stakeholders. A more complete program will be developed and regularly reported on to Council.

### **Proposed Local Strategic Planning Statement**

It was mentioned earlier in this report that during the work on the LEP Review the DPE has proposed amendments to the Planning Legislation to require Councils to prepare Local Strategic Planning Statements as the foundation for LEP Reviews and related Planning Proposals;

The draft Planning Bill proposes the following insertion following section 75A1 of the Act:

***“Local strategic planning statements of councils;***

- (1) *The council of an area must prepare and publish a local strategic planning statement and review the statement at least every 5 years.*
- (2) *The statement must include or identify the following:*
  - a) *The basis for strategic planning in the area, having regard to economic, social and environmental matters,*
  - b) *The planning priorities for the area that are consistent with any strategic plan applying to the area and any applicable community strategic plan under section 402 of the Local Government Act 1993,*
  - c) *The actions required for achieving those planning priorities, and*
  - d) *The basis on which the council is to monitor and report on the implementation of those actions.*
- (3) *The Planning Secretary may issue requirements with respect to the preparation and publication of local strategic planning statements.”*

In recent discussions regarding our planning framework proposals, the DPE indicated interest in seeing this work as a “Pilot Project” that could be used to guide other such plans State wide. Following Council’s consideration of the Draft Discussion Paper, and particularly the proposed Strategic Directions, further contact will be made with the Department to see what support could be obtained from them in developing the LSPS.

It is intended that this Plan will be developed during the further engagement process ready for Council’s consideration in November.

### **Coexistence Policy**

There have been a number of regional planning documents that continue to discuss the problem of landuse conflict/compatibility that outline the problems between uses such as mining, equine and viticulture. The Review is proposing a planning framework that would substantially resolve much of this conflict. It also identifies the significant opportunity of future transition of the mining landscape to

future agribusiness activity. Implementation of this framework however will require actions by a number of stakeholders, and changes to existing activities and procedures.

It would therefore be desirable for Council to address these changes with relevant stakeholders and to capture the changes and new activity in a “Co-existence and Land Use Compatibility” Policy.

Council has already been pursuing “co-existence” for meat poultry on mining sites, and there has been good cooperation between the parties involved. Further development of such a policy would involve the following;

- Consultation with representatives of the coal mining, equine, viticulture and agri-business interests together with relevant State Agencies;
- Establishing Objectives and Principles emphasising the crucial need in the planning and public interest, for the coal mining, equine, viticulture, agricultural and horticultural activities to co-exist in ways which optimize their individual respective efficiency of operations, reputations and economic and employment benefits;
- Documentation of *Primacy clauses* and criteria (part of the Planning Proposal/LEP Amendment consequent on this Review) which are to be applied by any Consent Authority, for analysis and negotiation during the assessment of a relevant application, and in the event that assessment and negotiation has not lead to resolution of conflicts;
- Consideration of designated buffer areas which:
  - Comply with EPA requirements and Guidelines .e.g. noise and air pollution; ground-water etc.;
  - Reflect agri-business and other industry specific needs .e.g. 5 km bio-security buffer for poultry farm clusters/groups;
  - Requires buffer areas to be on property(ies) which is/are owned by proponent(s) or for which proponents have formal, legally binding commitments .e.g. long-term leases with adjoining land owners which ensures the retention of the buffer for the duration of operation of the business/industry;
  - Requires, in the event that no reasonable alternatives exist, such buffers to be on adjoining private land when the buffer requirement relates to a public asset .e.g. Sewerage Treatment Works.

This policy would be developed over the period of communication/negotiation and reported to Council with the final Discussion Paper.

### **Preparation of Post Mining Landscape Masterplans**

One of the significant advantages regarding future land uses on pre-mined land is the size of the holding consolidated for the mining activity, including off-set and buffer lands. These large holdings present the desirable opportunity to establish large lots post-mining for the large scale agribusiness being proposed in the Draft Discussion Paper. Large lots have the inherent advantages of minimising neighbouring settlement so as to minimise environmental impacts from one use on another. They also enable an opportunity to manage potential environmental impacts within the holding, and they enable ready achievement of the necessary biosecurity buffers for sensitive agribusiness activity.

Post mining outcomes are currently focused on either returning land to a form that is suitable for low intensive agriculture, which is typically broad acre grazing, or a biodiversity outcome, and this outcome is determined on an application by application process.

In regard to biodiversity offsets, Council could adopt a position that such offsets occur within areas that have been identified as having regional biodiversity significance such as the Upper Hunter Biodiversity Corridor that traverses the north western part of the LGA, instead of on-site offsets, unless they can form part of an established and recognised local or regional biodiversity corridor.

Council could also advocate for a local approach to the strategic planning of the post mining landscape on either a mine/mine basis or as a comprehensive plan for the “mining footprint”. This is the thinking behind a regional approach to the review of the 1999 Synoptic Plan as outlined in the Hunter Regional Plan.

If Council were to develop a Post Mining Landscape Landuse Masterplan/s to replace the 1999 Synoptic Plan for the local area, it could include;

- The Masterplan/s should be treated as a flexible or “living document” that can respond to changing economic and environmental conditions and consequently be reviewed on a regular basis.
- The key priority for the Masterplan/s should be to establish a post mining land use plan that maximises economic output as the primary objective.
- The Masterplan/s could be developed on two levels:
  - A broad structure plan that would nominate potential land uses across the LGA in a similar vein to the structure plans that have been developed for the Growth Centres in Sydney.
  - A more detailed Masterplan on a mine by mine basis that would be developed in partnership between the mine owners, Council and other stakeholders. These plans would nominate potential re-use of existing onsite infrastructure, potential or known future uses, transport linkages, minimum lot size provisions, etc.

Council could lobby the State Government to make the appropriate regulatory changes that would simplify these outcomes in light of the existing “Closure Plans”. This Policy can also be developed during the proposed Consultation Phase.

### **The Planning Proposal**

Given the extent of major changes being proposed in regard to planning for mining, equine, viticulture and agribusiness activities, the proposed Planning proposal may take considerably longer than originally suggested to Council. The Planning Proposal will only proceed as quickly as the slowest element it includes. Council needs a number of the amendments being proposed in the LEP review (eg. those relating to the Town Centre) as soon as possible.

It would be possible to split the Planning proposal into 2 stages to ensure that the non-challenging matters can be resolved as soon as possible. Any decision about this matter does not need to be made until November in any case but it is an issue Council should be mindful of.

### **Resourcing of the Project**

Council’s initial expenditure for preparation of this Draft Discussion Paper has been extensively utilised to date. Additional resources have been added along the way including;

- Utilisation of Scott Brooks to collate the Mining Audit
- Significant effort by Pathum Gunasekara with mapping

Council has also received strong support from a number of State Agencies including DPE, DRE, DPI and OEH, and Hunter Councils as well. Council will need to consider allocation of additional resources to meet the timelines being proposed here. The likely amount necessary is \$100K. No additional resources have been included in the Draft Budget for 2017/18 at this stage.

We will also approach the DPE to see if funding from the Planning Reform Fund Examine might be able obtained to help with the proposed Local Strategic Planning Statement.

The proposed Agribusiness Development Strategy project is also worth getting underway as soon as possible. This project would be best done in partnership with the DPI and the University of Newcastle. The DPI has particular expertise to assist in this work, and would be particularly helpful with on-going “marketing” support to potential new industry.

### **CONCLUSION**

This project has examined future development and landuse for the Shire in a comprehensive manner. It has sought to address the conflicts evident between the key major industries operating in the Shire and proposes a revised planning framework that will address these conflicts. Hopefully all stakeholders will see that this framework will support all existing land uses, and will give them the certainty necessary for further investments in these significant industries.

The exciting prospect is the future opportunity being identified to facilitate a major transition, over an extended time, from Muswellbrook being a major mining centre to being a major food bowl for the local, national and international markets. This prospect is very real and is based on the current proposals for



meat poultry, which from one business, in one food product, has prospects for about \$500m of investment and the creation of some 1000 direct jobs, and a strong multiplier effect beyond that in the local community.

Council is requested to support these proposals to enable further engagement to be undertaken to develop the details necessary to enable them to be achieved.

**Recommendations:**

- 1) That Council adopt the Draft Discussion Paper for the purposes of public exhibition and discussion during the proposed further engagement/negotiation process.
- 2) That Council endorse an amendment to the process for the LEP Review Project to include a three month period for engagement and negotiation of the Strategic Directions in the Draft Discussion Paper, to develop the detailed requirements for implementation of these Directions.
- 3) That Council resolve to prepare a Local Strategic Planning Statement and Implementation Plan for consideration at the time of adoption of the final Discussion Paper, and actively engage with the Department of Planning & Environment in developing these documents.
- 4) That Council resolve to allocate an additional \$100,000 in the 2017/18 Budget for the additional work identified.
- 5) That funding support be sought from the NSW Planning Reform Fund to assist Council as a trial site in developing the LSPS.

**FINANCIAL IMPLICATIONS**

An additional \$100,000 to be allocated in 2017/2018 for the LEP Review project.

**POLICY IMPLICATIONS**

This project represents potentially major and innovative shifts in Council policies, plans, strategies including LEP and DCP.

**OPERATIONAL PLAN IMPLICATIONS**

LEP Review has been identified in 2016/2017 Operational Plan.



## **PROJECT BRIEF**

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### **Review of Muswellbrook Local Environment Plan 2009**

**July 2016**

#### **Muswellbrook Shire Council**

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### 1. PURPOSE OF PROJECT BRIEF

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Muswellbrook Shire Council has identified the need to undertake a review of Muswellbrook Local Environmental Plan (LEP) 2009, and is hereby seeking *Expressions of Interest* from suitably qualified consultants to assist Council preparing a Discussion Paper to inform the review, and documentation of LEP amendments. The study is being commissioned and funded by Muswellbrook Shire Council.

### 2. PROJECT OBJECTIVES

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The primary objectives of the project are as follows:

- (a). Investigation as to how to unlock and facilitate economic diversification and economic development outcomes
- (b). Identification of issues and anomalies, ambiguities or errors in the current LEP
- (c). Identification of current best practice provisions appropriate for inclusion in the LEP
- (d). Examination of Council plans, strategies and policies that may require/benefit from LEP amendments
- (e). Preparation of a Discussion Paper to address issues and identify appropriate changes to the LEP
- (f). Documentation of LEP amendments

### 3. PROJECT SCOPE

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The consultant is invited to provide a fee proposal for undertaking all services considered necessary to satisfy the project objectives and deliverables in accordance with the project timeline. The services are expected to include, but not necessarily be limited to the following major components:

- (a). Preparation of a Discussion Paper justifying and detailing proposed LEP amendments
- (b). Documentation of appropriate amendments to Muswellbrook LEP 2009

Council has identified a number of areas where the current LEP could be improved to be clearer, to better reflect what is happening in the Muswellbrook Shire as well as broader Hunter Region, and to better respond to the changing nature of land uses and economic circumstances of the Shire.

The Discussion Paper is a report addressing a range of landuse and development issues in the current LEP and discusses alternative options to address these matters by amendments to the LEP. It also needs to address the legislative and policy context and how this influences the LEP provisions.

#### 4. PROJECT BACKGROUND

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##### Muswellbrook Local Environmental Plan (LEP) 2009

Muswellbrook LEP 2009 is the main statutory document controlling local development within the Muswellbrook Local Government Area (LGA) as is made under the *Environmental Planning and Assessment Act 1979*. The LEP was adopted by Council on 14 July 2008 and was gazetted on 17 April 2009. The LEP comprises a written instrument and maps and is prepared in accordance with the requirements of the NSW State Government's Standard Instrument template.

The LEP has been amended several times, in order to ensure that the LEP remains current and is able to respond appropriately to emerging development trends to achieve desired development outcomes. A review of LEP has been identified in Council's 2016/2017 Operational Plan and to be completed before June 2017.

#### 5. MATTERS TO BE CONSIDERED

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##### Review of LEP

The following issues amongst others are noted to be investigated and addressed in the LEP review:

- Review Muswellbrook LEP 2009 for unlocking economic development in the Shire
- Review appropriateness of current land use zoning for undeveloped urban release areas in Muswellbrook and Denman
- Review appropriateness of current land use zoning and development standards for Muswellbrook, Denman and Sandy-Hallow
- Review appropriateness of current land use zoning in specific areas including Muswellbrook Showground site B2/B5 zone, Haydon Street R1 zone
- Introduce best practice local provisions into LEP including community title and strata title local clauses
- Introduce bonus provisions into LEP (to encourage good urban design outcomes (dual occupancy, multi dwellings units, community title development) , to encourage renewable energy and sustainability outcomes)
- Review appropriateness of current land use zoning for mine rehabilitated lands
- Identify opportunities for intensive livestock agriculture, intensive plant agriculture and extensive agriculture
- Develop appropriate zoning and provisions in the LEP to protect mapped strategic agricultural land (Action 3.3 of Upper Hunter Strategic Regional Land Use Plan's - CIC and BSAL)
- Amendments related to heritage, land reservation acquisition, flood mapping, salinity mapping.

This process involves the preparation of a Discussion Paper to inform the LEP review and identify appropriate amendments to Muswellbrook LEP 2009. In order to make these amendments to the LEP, it is required to undertake further background research and investigations on the above aspects and subsequently, develop a Discussion Paper to explain and justify the proposed amendments to the Muswellbrook LEP 2009.

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### Planning Studies

Council has undertaken a number of planning studies during past few years, such as Muswellbrook Residential and Rural Residential Strategy, Industrial Land Audit, Hunter River Flood Study, Muswellbrook Showground Master Plan, Muswellbrook Town Centre Strategy, Denman Village Centre Concept Master Plan, Wollombi Road Residential Precinct Master Plan, Rutherford Road Traffic and Landuse Study and these studies will inform the proposed local plan review.

### NSW Planning Reforms

In April 2013, the NSW Government released a White Paper and draft legislation providing details of substantial reforms to the planning system in NSW. Amongst other matters, the White Paper addressed new requirements in relation to the role and format of LEPs that are intended to apply to all local government areas across NSW.

There is now some uncertainty regarding the precise content of the proposed Local Plan and the timeframe for implementation of proposed State wide planning reforms. Dependent upon the NSW Government's progress in making the foreshadowed planning reforms, the ongoing review of LEP may require further consideration.

### Hunter Regional Plan

On 25 November 2015, the Department of Planning & Environment (DP&E) has released the draft Hunter Regional Plan for public exhibition. The draft Plan outlines a vision, goals, directions and actions for the sustainable growth of the Hunter Region between now and 2036. The Plan sets out a series of actions and government responses that will collectively deliver the goals identified for the Hunter region.

The DP&E indicates that the plan will be finalised in late 2016, and therefore consideration will need to be given to identifying and incorporating any required changes arising from that plan.

## 6. TASKS

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The following tasks form the basis of the project. Consultants are invited to detail their proposed methodology for completing these tasks and to discuss any modifications or additions to these tasks which are considered to be of benefit to the project.

### STAGE 1: Project Inception

- Inception meeting
- Sign-off consultancy agreement
- Provide required GIS data and information
- Conduct field reconnaissance survey



**STAGE 2: Data Collection, Literature Review and Background Research**

- Undertake data collection, literature review and background research
- Develop a consultation framework for the project with internal and external stakeholders including minimum:
  - Two councillor briefing sessions and a workshop
  - Two staff workshops
  - Focus group discussions
  - Two community drop in sessions and a community forum
  - A key stakeholder workshop including State Government agencies

**STAGE 3: Preparation of draft Discussion Paper**

- The Discussion Paper is intended to identify possible areas for improvement in the LEP and provide a framework for such proposed amendments.
- The Discussion Paper shall include:
  - An outline of the proposed overall process and its phases
  - Key issues in the current LEP and potential areas for improvements
  - Justifications for the proposed changes
  - Policy and strategic context
  - Proposed changes to LEP and rationale behind the proposed changes
  - Process to achieve the proposed changes

*Note: A councillors' workshop and a staff workshop need to be undertaken prior to development of the Discussion Paper. Subsequently, a Councillor's workshop and staff workshop need to be undertaken based on preliminary draft discussion paper. Following the above consultation, update draft paper prior to public exhibition. Initial and ongoing consultation with the DP&E is also required as a part of this process.*

**STAGE 4: Public Exhibition of Discussion Paper**

- Assist Council in conduct of public exhibition, consultation with public authorities, key stakeholders workshop, community forum, drop-in sessions, and media releases
- Participate and facilitate a community forum and a key stakeholders workshop

**STAGE 5: Submission Assessment and Preparation of a Feedback Report**

- Assess submissions in consultation with Council staff
- Prepare a Feedback Report on submissions
- Prepare response to submissions received addressing issues and concerns
- Conduct a staff workshop and a Councillor's briefing session

**STAGE 6: Finalise Discussion Paper for Council endorsement**

- Make any necessary amendments the draft Discussion Paper and finalise it for Council adoption.
- Make a clear recommendation to proceed with a Planning Proposal to amend the LEP
- Conduct a Councillor's briefing session and staff workshop based on the final plans

*Note: Selected consultant is required to obtain in principle approval from the Council for each completed stage prior to proceeding to next stage.*

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## 7. PROJECT DELIVERABLES

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The key deliverables of this project are:

- (a). Discussion Paper
- (b). Documentation of appropriate amendments to Muswellbrook LEP 2009

## 8. PROJECT DURATION

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Submissions that provide for the completion of the project in a shorter time period are encouraged.

## 9. PROJECT FEES

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The consultant's proposal shall include a proposed payment schedule for discussion and agreement at the inception meeting.

## 10. INFORMATION PROVIDED BY COUNCIL

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Muswellbrook Shire Council will provide or make available the following documents and data to the successful consultant:

- Muswellbrook Local Environmental Plan 2009
- Muswellbrook Development Control Plan
- GIS layers applicable to this work (available upon engagement)
- Muswellbrook Residential and Rural Residential Strategy 2014
- Muswellbrook Industrial Land Audit 2015
- Hunter River Flood Study 2014
- Muswellbrook Showground Master Plan and DCP
- Muswellbrook Town Centre Strategy
- Wollombi Road Residential Precinct Master Plan
- Denman Village Centre Concept Master Plan
- Rutherford Road Traffic and Landuse Study
- Any other relevant Council's plans, strategies and policies
- Any other materials including various investigations reports and council reports

## 11. INFORMATION TO BE SUBMITTED IN PROPOSAL

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The proposal must include:

1. **Work Plan:** This should describe the methodology and timing of activities proposed to achieve the objectives, outcomes and deliverables of the project. Details of all project staff including a breakdown of time and costs shall also be included.



2. **Consultancy fee:** A price schedule showing proposed team members, rates and hours allocated to each member of the project team should be included showing the costs of each of the components of the project.
3. **A summary of relevant qualifications, experience and capacity:** The summary should also include examples of completed projects, which demonstrate appropriate experience, expertise and capacity to undertake the project within the required timeframe and provide two referees for related work undertaken.

## **12. SELECTION CRITERIA**

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The proposals will be assessed using a merit based selection process so that both price and non-price attributes can be taken into consideration. The method objectively assesses ability and merit to provide a clear indication of the most appropriate consultant by balancing “value for money” constraints against the objectives and scope of the work.

Proposals will be assessed on:

- Demonstration of understanding of the project brief (20 %)
- Proposed methodology (30%)
- Competitive fee for services (20%)
- Works of a similar nature undertaken by the consultancy team (30%)

## **13. SUBMISSIONS**

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Submissions in response to this brief should be received by 4.00 p.m. on **15 August 2016**.

Proposals and any questions related to this work are to be directed to:

1. **Graham Gardner**  
**Manager Strategic Landuse Planning**  
Mobile: 0417 219 318  
Office: 02 6549 3770 (work only Monday and Tuesday)  
Email: [graham.gardner@muswellbrook.nsw.gov.au](mailto:graham.gardner@muswellbrook.nsw.gov.au)
2. **Pathum Gunasekara**  
**Strategic Planner**  
Muswellbrook Shire Council  
Office: 02 65493860  
E-mail: [pathum.gunasekara@muswellbrook.nsw.gov.au](mailto:pathum.gunasekara@muswellbrook.nsw.gov.au)



# STAKEHOLDER CONSULTATION STRATEGY



OCTOBER 2016

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Version	Date	Author		Approved by	
Version 1	21.10.2016	Pathum Gunasekara	PG	Graham Gardner	GG
Version 2	08.10.2016	Pathum Gunasekara	PG	Graham Gardner	GG

## 1. Background

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Muswellbrook Local Environment Plan (LEP) 2009 is the main statutory document controlling local development within the Muswellbrook Local Government Area (LGA) as is made under the *Environmental Planning and Assessment Act 1979*. The LEP was adopted by Council on 14 July 2008 and was gazetted on 17 April 2009. The LEP comprises a written instrument and maps and is prepared in accordance with the requirements of the NSW State Government's Standard Instrument template.

A review of LEP has been identified in Council's 2016/2017 Operational Plan. Council identifies a number of areas where the current LEP could be improved to better respond to the changing nature of land uses and economic circumstances of the Muswellbrook LGA as well as broader Hunter Region.

The proposed LEP review process involves the preparation of a Discussion Paper to inform the LEP review and identify appropriate amendments to Muswellbrook LEP 2009. The Discussion Paper will capture landuse and development issues in the LGA, discuss alternative options to address these issues and provide explanation and justification to the recommended amendments to the Muswellbrook LEP 2009.

Stakeholder engagement is a key component of the project and it is essential to the success of the overall project. It is important that stakeholder consultation occurs early in the information gathering stage, to ensure a robust base of information upon which decisions can be made about future. Further consultation at the draft and final stages of the project is important to ensure that the findings and recommendations are robust and appropriate to gain support for their implementation.

## 2. Stakeholder Consultation

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### 2.1 Consultation Requirements

There are a number of important reasons for extensive, open and honest stakeholder consultation, which include:

- Council social and corporate responsibility
- Statutory requirement for effective consultation under Environmental Planning and Assessment Act 1979

### 2.2 Consultation Benefits

Effective communication and upfront engagement with relevant stakeholders will ensure that risks associated with the project planning, approvals and implementation stages are minimised. A summary of some significant benefits include:

- Provides government agencies an opportunity to understand the issues and proposals and provide comment early on in the planning process.

- Provide an opportunity for Council to communicate the benefits of the project to the broader community.
- Provide stakeholders a voice in the planning process which in turn can positively influence their perceptions.
- Stakeholder inclusion can foster ownership of the project and support for decisions.
- Minimise the opportunity for negative perceptions which can turn into future submissions against the proposal.
- Potentially identify improvements and benefits to the project outcomes (including environmental, social and/or financial benefits).

### 2.3 Consultation Principles and Approach

The following engagement principles will guide the project's engagement strategies and activities:

- Transparency of processes and decisions made.
- Effective management of conflict and timely response to issues raised.
- Delivery of accurate and relevant project information that addresses different stakeholder interests.
- Report clearly and regularly on consultation outcomes.
- Develop good faith with stakeholders through delivery on commitments and demonstrating considerations of concerns raised.
- Consideration of issues raised in the development of the strategies

### 2.4 The IAP2 Spectrum

The International Association for Public Participation's (IAP2) Australasia Public Participation Spectrum is designed to assist with the selection of the level of participation that defines the public's role. The spectrum explains different levels of participation and their characteristics, depending on the goals, timeframes, resources and levels of concern in the decisions to be made.

The AEP2 spectrum framework includes five levels of consultation which include:

1. **Inform** - To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions. (e.g. website notification, fact sheets).
2. **Consult** - To obtain stakeholder feedback on analysis, alternatives and/or decisions. (e.g. public exhibition, public meetings)
3. **Involve** - To work directly with the stakeholder throughout the process to ensure that concerns and aspirations are consistently understood and considered. (e.g. workshops, polling)

4. **Collaborate** - To partner with the public in each aspect of the decision making process including the development of alternatives and the identification of the preferred solution. (e.g. community advisory committee).
5. **Empower** - To place final decision-making in the hands of the public. ( e.g. citizen juries).

### 3. Stakeholder Consultation Strategy

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#### 3.1 Aims and Objectives

The overall aim of this strategy is to identify the relevant stakeholders and prepare an overriding plan of action to ensure the extent of stakeholder consultation encompasses community, industry stakeholders, government agencies and other interest groups.

The key objectives of this strategy are:

1. To enhance stakeholder awareness and understanding of the project.
2. To communicate the project's program, benefits and likely impacts to the local and wider community and other stakeholders.
3. To ensure stakeholders have the opportunity to contribute to decisions that affect the development of investigations and options development.
4. To ensure that all concerns raised by stakeholders are considered, and where appropriate, addressed in the development of the strategies.
5. To ensure that the project team is aware of stakeholder preferences, perceptions, issues and project support.
6. To ensure consultation with a diverse range of stakeholders through alternative methods of participation in the engagement process.

These aims and objectives will be achieved by:

- Proactive engagement with stakeholders throughout the project.
- Delivery of accurate and relevant project information to the community and other stakeholders.
- Set clear consultation outcomes at specified milestones aligned to project program and delivery target dates.
- Ensure all issues and concerns raised throughout the engagement process are recorded, considered and suitably addressed in the development of the project.

### 3.2 Key Stakeholders

Key stakeholder of the project are as follows::

#### (i). Government Agencies

- NSW Planning & Environment
- NSW Department of Premier and Cabinet
- NSW Office of Environment and Heritage
- NSW Trade and Investment
- NSW Resources and Energy
- NSW Coal & Petroleum Geoscience Mineral Resources
- NSW Agriculture
- NSW Roads and Maritime Services
- NSW Rural Fire Service
- NSW Office of Water
- NSW Crown Lands
- NSW Minerals Council
- Department of Primary Industries
- Mine Subsidence Board
- Australian Rail Track Corporation Ltd
- Hunter Development Corporation
- Regional Development Australia (RDA Hunter)

#### (ii). Industry Specific Stakeholders

- Mining
  - Anglo American
  - Bengalla Mining
  - Muswellbrook Coal
  - Glencore Coal
  - Malabar Coal
  - Rio Tinto
  - BHP Billiton
- Energy - AGL
- Cordina Poultry Group
- Upper Hunter Winemakers Association
- Hunter Thoroughbred Breeders Association
- Upper Hunter Country Tourism
- Muswellbrook Chamber of Commerce
- Denman Chamber of Commerce

#### (iii). Other Stakeholders

- Wanaruah Local Aboriginal Land Council
- Local Real Estate Agents
  - Boyle Estate Agents
  - Edward Higgins Parkinson First National
  - John Flood Estate Agents
  - JTS Realty
  - LJ Hooker
  - Premium Real Estate Services
  - Raine and Horne

- Local councils
  - Upper Hunter Council
  - Singleton Council
  - Mid-western Regional Council
- Service providers
  - Telstra Country Wide - Hunter Central Coast
  - Ausgrid
  - Muswellbrook Water and Waste

**(iv). Community**

**(v). Elected Councillors**

**(vi). Council Staff**

## **4. Consultation Strategy**

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Provided below is a summary table of the proposed consultation strategy containing consultation methods, target audience, purposes of the consultation, desired outcomes, timeframe and responsibilities.



Consultation Action	Method	Target Audience	Purpose of Consultation	Desired Outcomes	Timeframe	Responsibility	Status
<b>Stage 1 – Key Stakeholder Engagement</b>							
1. Inception meeting	Meeting – (Two-way flow of Information)	Council's Project Management Team (GG/PG)	<ul style="list-style-type: none"> <li>- Establish communication protocols and agree on Stakeholder Consultation Strategy</li> <li>- Discuss initial findings of literature review</li> <li>- Identify future Mayor's vision</li> </ul>	<ul style="list-style-type: none"> <li>- Agree on Stakeholder Consultation Strategy and communication protocols.</li> </ul>	21/10/2016	Stephen Leathley (SL)/ Ian Sinclair (IS)/ David Broyd (DB)/ Graham Gardner(GG)/ Pathum Gunasekara (PG)	Completed
2. Meeting with the Mayor	Meeting (Inform and consult)	The Mayor	<ul style="list-style-type: none"> <li>- Identify future Mayor's vision</li> </ul>	<ul style="list-style-type: none"> <li>- Identify 'big picture' thinking and policy direction in future.</li> </ul>	21/10/2016	SM/GM/PG	Completed
3. Stakeholder Notification	Letters (Consult)	Relevant Government Agencies, Industry Groups and Nominated Stakeholders	<ul style="list-style-type: none"> <li>- Contact and notify stakeholders of the project and invite participation.</li> </ul>	<ul style="list-style-type: none"> <li>- Stakeholders are informed of the study scope and objectives, and know how they can participate in the project development.</li> </ul>	28/10/2016	GG/PG	Completed
4. Staff Workshop No. 1	Workshop (Inform and consult)	Relevant Officers of Council	<ul style="list-style-type: none"> <li>- To inform staff of early findings and identify issues of relevance.</li> </ul>	<ul style="list-style-type: none"> <li>- Information gaps are noted and issues to be addressed identified and discussed.</li> </ul>	9/11/2016	DB/GG/PG	Scheduled
5. Councillor Workshop No. 1	Workshop (Inform and consult)	Elected Councillors	<ul style="list-style-type: none"> <li>- Update Councillors and receive comments.</li> </ul>	<ul style="list-style-type: none"> <li>- Information is disseminated to Councillors and comments received.</li> </ul>	9/11/2016	DB/GG/PG	Scheduled

<b>6. Key Industry Consultation</b>	Telephone interviews (Inform, consult and involve)	Industry Groups and nominated stakeholders	- Identify key issues and future plans	- Key issues and future plans are identified.	14 Nov 2016 to 9 Dec 2016	SL	
<b>7. Government Agency Workshop</b>	Workshop (Inform and consult)	Relevant Government Agencies	- Obtain specialist advice. - Consistency with the regional planning initiatives	- Relevant information obtained from key stakeholders and quantitative and qualitative data received for inclusion.	07/12/2016	DB At Newcastle	Scheduled tentatively
<b>8. Community Engagement Workshops</b>	Workshop (Inform, consult and engage)	Community - Muswellbrook and Denman and agri-businesses	- Gain an appreciation of the community's views of Shire's future and identify specific issues	- Community vision and issues are identified and documented.	29/11/2016 – Muswellbrook 01/12/2016 – Denman	IS (venue – PG)	Scheduled
<b>9. Engagement of NSW Planning &amp; Environment</b>	Workshop (Inform, consult and engage)	Chief Planner and Regional Director	- Obtain specialist advice on planning reforms and regional planning initiatives	- Future directions are identified.	30/11/2016	DB Gary White (Chief Planner) and Monica Gibson (Regional Director)	Scheduled.
<b>10. Staff Workshop No. 2</b>	Workshop (Inform, consult and involve)	Relevant Officers of Council	- Gain feedback on the findings and recommendations of draft Discussion Paper	- Constructive feedback on the findings and recommendations are received.	To be determined.	DB/GG/PG	
<b>11. Online survey</b>	Survey (Inform and involve)	General public	- Gain public comments	- Survey documented and analysed.	To be determined.	GG/PG	
<b>12. Foyer display</b>	Inform	General public	- Inform and encourage community to get involve.	- N/A	To be determined.		

Stage 2 – Public exhibition of Discussion Paper					
13. Public Exhibition of Draft Discussion Paper	Letters, Advertisement, Media Release (Consult)	Relevant Government Agencies, Interest Groups and Nominated Stakeholders and the General Public	- Facilitate public comment through information dissemination.	- Receive stakeholder and community comments on the findings and recommendations.	To be determined.
					GG/PG
To be determined prior to public exhibition period.					
Stage 3 – Planning Proposal					
To be developed to meet the legislative requirements (i.e. public exhibition of planning proposal, consultation with the public authorities)					

## **11 COMMUNITY INFRASTRUCTURE**

Nil

## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 2017/2018 COUNCILLOR FEES

<b>Attachments:</b>	<b>A. OLG Circular 17-08 Determination of LGRT</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Joshua Brown - Co-Ordinator Executive Services</b>
<b>Community Plan Issue:</b>	<b><i>Progressive leadership</i></b>
<b>Community Plan Goal:</b>	<b><i>That Muswellbrook Shire is well led and managed</i></b>
<b>Community Plan Strategy:</b>	<b><i>Councillor Remuneration, Expenses, Facilities and Resources</i></b>

#### PURPOSE

The Local Government Remuneration Tribunal has released its report and determination of Mayoral and Councillor fees for 2017/2018.

#### OFFICER'S RECOMMENDATION

1. Council approve the annual fee of \$11,570 for Councillors for 2017/2018; and
2. Council approval an additional fee of \$25,250 for the position of Mayor for 2017/2018.

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

#### BACKGROUND

The Local Government Remuneration Tribunal makes an annual determination setting fees for Councillors according to the category of council.

#### CONSULTATION

Coordinator Financial Services

#### REPORT

The Local Government Remuneration Tribunal has made its determination under section 239 and 241 of the Local Government Act 1993 for the annual fees payable to Mayors and Councillors effective from 1 July 2017.

As in previous years, Muswellbrook Shire Council has been categorised as a "rural" council. The Tribunal's recommendations for remuneration for Council members in this category for 2017/2018 are listed below:

Council category	Councillor Annual Fee		Mayor Additional Fee	
	Minimum	Maximum	Minimum	Maximum
Rural	\$8,750	\$11,570	\$9,310	\$25,250

The fee set in 2016/2017 for Muswellbrook Shire Council was \$11,290 for Councillors with an additional fee of \$24,630 for the position of Mayor. These fees have been set at the top of the recommended range as Muswellbrook Shire is amongst the larger councils in the rural category.

The Tribunal's recommendation represents a 2.5% increase in the maximum Councillor and Mayoral fee for the 2017/2018 financial year.

**OPTIONS**

Should Council not fix a fee, Council must pay the minimum fee determined by the Local Government Remuneration Tribunal.

**CONCLUSION**

Council has previously endorsed the payment of fees to the maximum allowable by the Local Government Remuneration Tribunal, which reflects the level of activity Councillors perform as members of one of the larger councils in the rural category.

**SOCIAL IMPLICATIONS**

Not applicable.

**FINANCIAL IMPLICATIONS**

An additional provision will need to be made in the September quarterly review to accommodate the 2.5 percent increase in Councillor fees.

**POLICY IMPLICATIONS**

Not applicable.

**STATUTORY IMPLICATIONS**

Sections 248 and 249 of the Local Government Act 1993 require councils to fix and pay an annual fee to councillors based on the determination of the Local Government Remuneration Tribunal.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Consistent with 2016/2017 Operational Plan 1.3: Provide resources for councillors.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.



Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	17-08 / 10 May 2017 / A545404
<b>Previous Circular</b>	16-15
<b>Who should read this</b>	Councillors / General Managers
<b>Contact</b>	Council Governance Team / 02 4428 4100
<b>Action required</b>	Council to Implement

### 2017/18 Determination of the Local Government Remuneration Tribunal

#### What's new or changing

- The Local Government Remuneration Tribunal (the Tribunal) has determined an increase of 2.5% to mayoral and councillor fees for the 2017/18 financial year, with effect from 1 July 2017.
- Following the creation of 20 new councils in 2016, the Tribunal, in consultation with the sector, has conducted a review of the categories of councils and mayoral offices pursuant to section 239 of the *Local Government Act 1993* (the Act).
- The determination provides for the retention of five existing categories (some with new titles) and the creation of two new categories. In accordance with section 239, the categories of general purpose councils have been determined as follows:

#### Metropolitan

Principal CBD  
Major CBD  
Metropolitan Large  
Metropolitan Medium  
Metropolitan Small

#### Non-metropolitan

Regional City  
Regional Strategic Area  
Regional Rural  
Rural

- Each council is allocated into one of these categories based on criteria identified by the Tribunal in pages 12 to 15 of its determination.

#### What this will mean for your council

- Sections 248 and 249 of the Act require councils to fix and pay an annual fee based on the Tribunal's determination for the 2017/18 financial year.
- Six existing councils will be eligible for increases of more than 2.5% as those councils have been categorised into a higher or new category on the basis of the revised criteria.
- The 20 new councils created as a result of the 2016 mergers have been placed in one of the existing or new categories.

#### Key points

- The level of fees paid will depend on the category the council is in.
- A council cannot fix a fee higher than the maximum amount determined by the Tribunal.

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2

- If a council does not fix a fee, the council must pay the minimum fee determined by the Tribunal.

**Where to go for further information**

- The Tribunal's report and determination is available on the Office of Local Government's website [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) and on the NSW Remuneration Tribunal's website [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au).



**Tim Hurst**  
**Acting Chief Executive**



**12.2 ADMINISTRATION OF SPORT AND RECREATION GRANTS**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Paul Chandler - Recreation and Property Officer</b>
<b>Community Plan Issue:</b>	<b><i>Plan liveable and sustainable urban areas</i></b>
<b>Community Plan Goal:</b>	<b><i>All residents enjoy living in clean, safe and vibrant communities</i></b>
<b>Community Plan Strategy:</b>	<b><i>Ensure that buildings within the Shire are maintained to appropriate standards</i></b>

**PURPOSE**

To request the delegation of amendments to successful sport and recreation capital grants applications to the General Manager.

**OFFICER'S RECOMMENDATION**

**Council delegate the General Manager to approve amendments to successful sport and recreation capital grants within budget allocations.**

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

**BACKGROUND**

The sports and recreation capital grants program a new and successful initiative requires some minor changes in administration. Some clubs are requesting to change what the monies are spent on due to individual circumstances. These requests to date would have no impact on the budget allocation. It is proposed that the General Manager determine the merit of the requests from clubs and give approval or otherwise.

**CONSULTATION**

Manager Property Building Services

Technical Officer Recreation and Property

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Cr Graeme Mcneill – Spokesperson for Sport

Cr Michelle Green – Spokesperson for Recreation

**REPORT**

Some clubs have requested to change where the money is allocated as some projects that the funding was approved for are no longer necessary or the projects have become more expensive than initially quoted.

Under the proposal of delegating these decisions to the General Manager the clubs would still only be allocated the approved funding but use this funding on other equivalent worthwhile projects. It is possible that the requests from clubs could be denied and monies forfeited if the new project is not equally meritorious to the original approved project.

**OPTIONS**

Council could adopt the recommendation or require the project to be completed as approved or funding returned.

**CONCLUSION**

The proposed administration arrangement is to avoid reporting to Council minor requested changes with no budget implication.

**SOCIAL IMPLICATIONS**

The capital grant program has facilitated the delivery of infrastructure and capacity building for sport and recreation user groups.

**FINANCIAL IMPLICATIONS**

Not applicable

**POLICY IMPLICATIONS**

Not applicable

**STATUTORY IMPLICATIONS**

Not applicable

**LEGAL IMPLICATIONS**

Not applicable

**OPERATIONAL PLAN IMPLICATIONS**

‘11.2.1 Maintain the sporting and recreational facilities to standard.’ *Operational Plan 2016 - 2017*

**RISK MANAGEMENT IMPLICATIONS**

Risk implications are considered in the assessment of grant applications.

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

**Attachments:** Nil

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

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

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

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

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

### PURPOSE

Monthly report to Council.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

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

### REPORT

#### PLANNING & REGULATORY SERVICES

#### Statistical Information

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

#### ***Schedule 1: Development Applications Approved (24 April to 25 May 2017)***

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
174/2010/3	Section 96(1a) Modification: Minor Technical Modifications to Conditions 2, 17, and 37	39-43 THOMAS MITCHELL DRIVE MUSWELLBROOK	0
69/2016/2	S96(1a) Modification: Increase size of Play Area	83-89 MAITLAND STREET MUSWELLBROOK	0
35/2017	Demolition of Existing Garage, Construction of New Garage and New Dwelling	13 BLIGH STREET MUSWELLBROOK	415,000
31/2017	Signage	77-85 BRIDGE STREET MUSWELLBROOK	200
30/2017	New Dwelling	49 ALMOND STREET DENMAN	180,000
29/2017	Shed	38 DUMARESQ STREET MUSWELLBROOK	17,600

27/2017	Shed	1 SKELLATAR STOCK ROUTE MUSWELLBROOK	13,200
24/2017	Shed	494 GIANTS CREEK ROAD GIANTS CREEK	32,270
23/2017	Two (2) Carports	1 MACAULEY STREET DENMAN	10,800
17/2017	Change of Use to Commercial Radio Station - Office Space - Reception Area	56 BROOK STREET MUSWELLBROOK	415,557

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

DA No.	DESCRIPTION	PROPERTY	RECEIVED
52/2017	Two (2) Shipping Containers for Storage	3 WILKINSON AVENUE MUSWELLBROOK	25/05/2017
51/2017	Garage	6 KOOMBAHLA STREET MUSWELLBROOK	25/05/2017
50/2017	New Dwelling - Proposed Lot 1 of Lot 19 Grey Gum Road	20 GREY GUM ROAD DENMAN	25/05/2017
49/2017	Construction of an Open Stable/Barn	463 DALSWINTON ROAD DALSWINTON	24/05/2017
48/2017	Change of Use - Honey Extracting Facility and Storage	24 WALLARAH ROAD MUSWELLBROOK	23/05/2017
47/2017	New Dwelling	43 STOCKYARD PARADE MUSWELLBROOK	22/05/2017
46/2017	Retaining Wall	111 IRONBARK ROAD MUSWELLBROOK	19/05/2017
45/2017	Carport and Patio	2382 MARTINDALE ROAD DENMAN	19/05/2017
44/2017	New Double Sided Signage	8567 NEW ENGLAND HWY MUSWELLBROOK	18/05/2017
43/2017	Home Based Food Business	26 TURANVILLE AVENUE MUSWELLBROOK	17/05/2017
42/2017	Construct a Wine Storage Area as an Extension of Existing Facilities	2 YARRAWA ROAD DENMAN	12/05/2017
41/2017	Carport	10 LEXIA STREET MUSWELLBROOK	11/05/2017
40/2017	Replace Existing Carport	11 BLIGH STREET MUSWELLBROOK	02/05/2017
45/2015/2	S96(1a) Modification - Changes to Condition One (1)	80 BROOK STREET MUSWELLBROOK	01/05/2017
39/2017	Erection of Signage	2 FRANCIS STREET MUSWELLBROOK	26/04/2017
72/2003/2	S96(1a) Modification - Amend Condition 1.11 - Alter Hours of Operation	83-89 MAITLAND STREET MUSWELLBROOK	21/04/2017
38/2017	Garage, Awning & Driveway	45 SOWERBY STREET MUSWELLBROOK	19/04/2017
36/2017	Addition of Two (2) bedrooms to Dwelling and Timber Frame Pool House	7 GEORGE STREET MUSWELLBROOK	10/04/2017
34/2017	Shed	10 FLEMING STREET MUSWELLBROOK	07/04/2017
33/2017	Converting a Shed to a Granny Flat	93 QUEEN STREET MUSWELLBROOK	07/04/2017

32/2017	Shed	1 KINGFISHER COURT MUSCLE CREEK	03/04/2017
28/2017	Carport & Retaining Wall	4 MATARO AVENUE MUSWELLBROOK	29/03/2017
106/2013/2	Section 96(1a) Modification: Complete Deconstruction and Rebuilding of New Replica Bell Tower. Delete Conditions 7, 8, 9, 10, 11, 12	20 BROOK STREET MUSWELLBROOK	24/03/2017
25/2017	Mobile Crushing Plant	11 GLEN MUNRO ROAD MUSWELLBROOK	21/03/2017
22/2017	SHED	5 HUNTER TERRACE MUSWELLBROOK	14/03/2017
21/2017	DEMOLITION	BROOK STREET MUSWELLBROOK	13/03/2017
111/2016/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 SHAW CRESCENT MUSWELLBROOK	10/03/2017
18/2017	Alterations and Additions to Registered Club	15 SYDNEY STREET MUSWELLBROOK	08/03/2017
8/2017	Subdivision - One (1) Lot into One Hundred and thirty eight (138) lots	ALMOND STREET DENMAN	02/02/2017
98/1995/3	S96(2) Modification - Additional Small Irrigation Area & Amend Conditions	SAVOY PARISH COUNTY DURHAM	30/01/2017
120/2016	Resource recovery Facility	COAL ROAD MUSWELLBROOK	24/11/2016
100/2016	Boundary Adjustment of Two (2) Lots into Two (2) Lots	GOLDEN HIGHWAY DENMAN	23/09/2016
32/2016	Placement of Fill	110 MERRIWA ROAD DENMAN	12/04/2016
256/2013/2	S96(2) Modification - Rearrangement of approved wine tanks including addition of 5 tanks	HUNTER STREET MUSWELLBROOK	25/02/2016

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

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

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

*April 2017 data not available at this time*

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

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

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

Total compliance after education	0	6	1	1	2	1	0	1	0	0	0	0	0
Total Penalty Notices Issued	0	0	0	0	0	0	0	0	0	0	0	0	0

**4.06.01.1 - Increase surveillance and regulation of illegal dumping.****Illegal Dumping Statistics – 13 Month Analysis (2016/2017)**

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

**4.04.04.4 - Enhance public safety and wellbeing of the community by undertaking an inspection program for swimming pools within the Local Government Area****Swimming Pool Compliance Statistics – 13 Month Analysis (2016/2017)**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Applications for Compliance Certs.	2	3	2	3	0	2	0	2	1	3	2	3	2

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	25	35	15	31	15	23	18	25	17	20	19	42	21
Initial Inspections	17	23	8	24	13	21	14	19	17	15	16	27	145
Re-inspections	8	12	7	7	2	2	4	6	0	5	3	15	6

Compliance Certs / Occ. Certs issued	14	17	12	12	13	11	12	16	8	9	22	26	18
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**Total Pools in Council's Swimming Pool Register = 863****Compliance as at 30 June 2016 = 44.3%****Current Compliance = 64.2%**

(i.e. 554 out of 863 pools have a valid Compliance Certificate or Occupation Certificate.)

**Percentage of pools inspected during Financial Year 2016/2017 = 20.1%**

(i.e. 181 out of 863 pools have had at least one inspection carried out during FY 2016/2017).

**COMMUNITY SERVICES****Community Workers**

**Operational Plan - 6.1.1 Pursue opportunities for place-making and improved liveability**

**Operational Plan - 6.6.1 Continue to support and develop a range of services and activities for youth.**

Government support has been provided to the management committee of Upper Hunter Youth Services in the recruitment of the Adolescent Family Counsellor position.

**Operational Plan - 6.6.2 Conduct Youth Week activities.**

The NSW State Government Advocate for Children & Young People evaluation and acquittal has been completed for the Youth Week 2017 funding.

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

There has been (20) occasions of significant support provided in this reporting period.

**6.8.2 Facilitate an increase in community development capacity.**

Participation Hunter New England Health Primary Health Network needs analysis of access to mental health and suicide prevention support, this forum assisted in identifying service gaps in our local community.

Support and attendance has been provided to Drug & Alcohol Health Services and Upper Hunter Youth Services

Subsequent meetings with service providers regarding subsidized space have been convened with Council's property and building section.

**6.9.1 Implement the Rural Halls Funding Program.**

The 2017 Rural Halls Funding Expression of Interest process closed at the end of the May and allocation of funds will then occur. A report will be prepared for Council's information.

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

The outcomes of a funding application towards the Hunter Steal from Motor Vehicle Grant from the NSW Justice & Attorney General – NSW Crime Prevention are still pending.

**13.1.1 Maintain the Aboriginal Reconciliation Committee.**

A meeting of the Aboriginal Reconciliation Committee has been convened for June 2017, this meeting will focus on reviewing the committee's terms of reference and planning for the next 12 months.

Assistance has been provided to the Northern Region Aboriginal Alliance in the provision of a space so that their community consultations can happen in the Upper Hunter the consultation will occur on 1 June at Simpson Park 10am-1pm, essentially the consultation will be the NRAA reporting back to the community about the needs that have been prioritised to work towards better delivery of service in partnership with the NSW Government.

Support has been provided to the Wanaruah Young Aboriginal Persons Project in the establishment of a Reference Group and the development of a survey.

The survey will identify what young people would like to have in a workshop with the aim to enhance their cultural identity.

**13.1.2 Increase awareness of Aboriginal culture.**

The Aboriginal Culture and Heritage Working Group Members have agreed to meet in July.

A considerable amount of work went into organising the annual Aboriginal Flag raising that will be held in Simpson Park. The Girls Academy that operates out of Muswellbrook High School assisted in the catering and the running of the event. Aboriginal inmates from St Heliers Correctional Centre joined the ceremony and provide the didgeridoo and dancing.

### 13.1.3 Maintain the [www.workingwithatsi.info](http://www.workingwithatsi.info) website.

The ~~Error! Hyperlink reference not valid.~~ website review is now completed. The review involved the rigorous process of the reestablishment of the Reference Group which focused primarily on an extensive review of the content of the Practice Implications and the incorporation of a self-study module. This is an excellent resource that is being accessed locally, nationally and internationally and used as a reference document in Universities across Australia.

### 13.1.4 Preserve, promote and provide opportunities to support Aboriginal culture.

Finalisation of the MACH Energy Aboriginal Oral History Project Partnership Agreement is occurring and work continues on the development of a work plan and contract arrangements.

The finalisation of the Widden Creek Aboriginal Artefacts Project will occur with the choosing of which artefacts will be displayed in the cabinet and the creation of an interpretive display this will occur when a final meeting is held with our designated Aboriginal Representative.

## Upper Hunter Regional Library Network (Muswellbrook and Denman Branches)

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

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

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

<u>Storytime + Baby Rhyme Time</u>	5/4/17 -17/5/2017	Muswellbrook	310	Children/Carers
<u>Storytime</u>	5/4/17 -17/5/2017	Denman	14	Children/8 Carers
<u>Fair Trading Workshop</u>	16/5/2017	Denman	8	
		Muswellbrook	15	

### Culturally and Linguistically Diverse Programs

Multicultural Storytime for Harmony Day	15/5/17	Muswellbrook	37	Children/37 Adults
<u>Craft Sessions</u>	Fortnightly	Muswellbrook	17	Adults
<u>Tech Tuesday Sessions</u>	17/5/2017	Muswellbrook	3	Adults

### Local Studies & Family History Help

Information Session	27.4.17	- 3 people attended the April LS group meeting		
Information Enquiries	16.5.17	- Help requested to use microfilm reader – microfiche.		
		Muswellbrook		
	27.4.17	- Research help for State Records/Research help for Timor Caves		

### National Simultaneous Storytime

The library is preparing for the National Simultaneous Storytime (NSS) which is held every May. NSS sees the same book being read simultaneous across Australia from 11.00am, this has grown in popularity and is one of our most patronised events each year. The NSS had over 100 children booked in for readings at the Denman Branch, Muswellbrook Branch and Muswellbrook Aquatic and Fitness Centre.



Paint the Town REaD

Staff attended training in the Blue Mountains for the 6th Annual Paint the Town Read conference,

Over 140 delegates (and mascots!) celebrated the 6th National Paint the Town Read Conference, Climb Every Mountain: Song lines and Singing were this year's theme. After a local welcome us to Country, and the scene was set for two days of learning, practical workshops and library fun. The library staff are now working on strategies and partnerships to encourage the community to engagement in the 2017/18 version of Paint the Town Read. This program promotes lifelong learning and literacy.

Upcoming events at Muswellbrook and Denman Libraries include:NSS – National Simultaneous StorytimeVisit for John Cann, State RecordsLaunch of Muswellbrook Crochet club @ Muswellbrook Library.National Law Week: Law and Justice in your Community

21st May 2017, a number of information bags have been put together for visiting members. The material was supplied by the State Library of New South Wales, Law.

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

The Muswellbrook Library currently services five Mini-Mobile Libraries with collections made accessible at the MSC Works Depot, MSC Admin Centre, Community Health Speech Pathology, Community Health main office and Muswellbrook Little Kindy.

During May all sites were refreshed with 325 new items circulated. The Muswellbrook Branch Officer will also be available to show staff how to get connected to the collection on her visits to each site and will take requests for future deliveries.

The Home Library Service currently services 6 members fortnightly with 80 items circulated during May.

The library is currently promoting this service on our monthly flyers and will be visiting the Muswellbrook Fair with an information table in June.

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

Number of New Muswellbrook Branch Members: 171

Number of New Denman Branch Members: 9

Total Visitation at Muswellbrook Branch: 3929

Total Visitation at Denman Branch: 381

Muswellbrook loans: 6481

Denman: 697

Computer Usage at Muswellbrook Branch: 1061 Users, 990.5 hours.

Computer Usage at Denman Branch: 44 Users

Wi-Fi Internet Usage at Muswellbrook Branch: 2508 Sessions

Wi-Fi Internet Usage at Denman Branch: 175 Sessions

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

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

Library Staff Training Day

The Muswellbrook and Denman Libraries will be closed on Friday, 17th June 2017 to allow for staff training in new technologies and customer services.

Technical Services Report:

- Hall of Fame Project: Digitisation of the public records are complete. All remaining files are now being digitised into Council's electronic records management system (ERMS). A promotional materials and website presence is currently being developed.
- Librarian's Choice Newsletter continues to be popular with members. This is a monthly newsletter containing featured new items as well as staff recommendations and reviews. This newsletter is now available in physical format as well as via the library website and via email to library members.
- Technical Services is currently assisting with investigations into possible new digital technologies for Denman and Muswellbrook Branches. Vendor meetings with Library Management System suppliers, library app providers and digital consortia providers have been occurring throughout this month.
- Tech Tuesdays continues to provide a space for members to have one on one time with a staff member to provide tech support. Three people booked sessions at Muswellbrook during May.
- Collection maintenance continues with stock weeding at Denman branch. The Technical Services Librarian has also been assisting with weeding efforts at Merriwa library in preparation for their move to new premises.

## 13 REPORTS FROM COMMITTEES

### 13.1 REPORT OF THE LOCAL TRAFFIC COMMITTEE MEETING HELD ON TUESDAY, 16 MAY 2017

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

#### PURPOSE

To facilitate Council's adoption of the recommendations of the meeting of the Local Traffic Committee held on 16 May 2017.

#### OFFICER'S RECOMMENDATION

The Minutes of the Local Traffic Committee Meeting held on Tuesday 16 May 2017 be received and the recommendations contained therein **ADOPTED**.

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

#### REPORT

The Local Traffic Committee met on Tuesday 16 May 2017.

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

**PRESENT:** Snr. Constable C. Dengate (NSW Police), Mr P. Higgins (Manager Technical Services).

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

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

RECOMMENDED that:

The apologies for inability to attend the meeting submitted by Mr G. de Boer, Cr S. Reynolds and Mr T. Chapman be ACCEPTED.

(Votes obtained Electronically)

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

RECOMMENDED that:

The Minutes of the Local Traffic Committee held on 18 April 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**

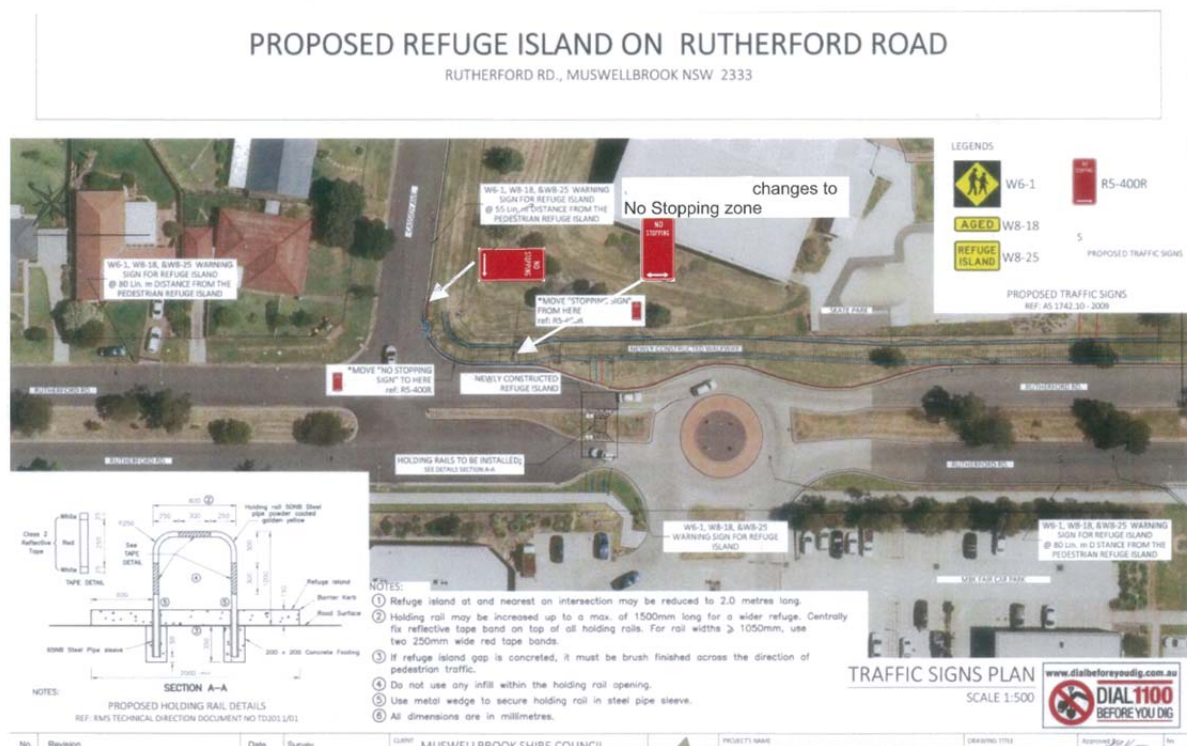
### **5.1 PEDESTRIAN REFUGE SIGNAGE RUTHERFORD ROAD**

RECOMMENDED that:

Council use its delegated authority to approve the regulatory signage for the pedestrian refuge on Rutherford Road in accordance with the attached plan.

VOTE: Unanimous Support

**MINUTES OF THE LOCAL TRAFFIC COMMITTEE MEETING OF THE MUSWELLBROOK SHIRE COUNCIL HELD IN THE COUNCILLORS ROOM, ADMINISTRATION CENTRE, MUSWELLBROOK ON TUESDAY 16 MAY, 2017 COMMENCING AT 1:30PM.**



## 6 DATE OF NEXT MEETING

20 June 2017

## 7 CLOSURE

The meeting was declared closed at 1:35 pm.

.....

Mr P. Higgins  
Chairperson

**13.2 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD  
ON WEDNESDAY, 31 MAY 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 Council is appropriately resourced to deliver infrastructure and services into the future*

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

**PURPOSE**

To facilitate Council's adoption of the recommendations of the meeting of the Infrastructure Committee held on 31 May 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Infrastructure Committee Meeting held on Wednesday 31 May 2017 be received and the recommendations contained therein **ADOPTED**.

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

**REPORT**

The Infrastructure Committee met on Wednesday 31 May 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 S. Bailey, Cr M. Bowditch, Cr J.F. Eades, Cr J. Foy, Cr M. Green and Cr G. McNeill.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director - Community Infrastructure), Ms F. Plesman (Director - Planning, Community & Corporate Services), Mr P. Redan (Executive Manager - Water and Waste), Mr D. Finnigan (Manager, Muswellbrook Works), Mr P. Higgins (Manager, Technical Services), Mrs C. O'Brien (Manager, Community Services), Mr M. Lysaught (Manager, Property & Building), Mrs L. Payne (Co-Ordinator, Financial Services), Mr R. Franklin (Chief Financial Officer) and Mrs M. Sandell-Hay (PA to General Manager).

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

RECOMMENDED on the motion of Crs Eades and Foy that:

The apologies for inability to attend the meeting submitted by Cr J. Ledlin Cr. S. Ward, Cr. S. Reynolds and Cr B.N. 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 McNeill that:

The Minutes of the Infrastructure Committee held on 26 April 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 PRECINCT SPECIFICATION MANUAL**

RECOMMENDED on the motion of Crs Rush and Bowditch that:

1. The information contained in this report be noted.
2. Council give consideration in future budgets to fund the difference between the levels of service identified in the specification and budget allocation.

## **6 DATE OF NEXT MEETING**

28 June 2017

## 7 CLOSURE

The meeting was declared closed at 5.02 pm.

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

.....  
Cr R. Scholes  
**Chairperson**



**13.3 REPORT OF THE CORPORATE POLICY AND PLANNING COMMITTEE  
MEETING HELD ON WEDNESDAY, 31 MAY 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 31 May 2017.

**OFFICER'S RECOMMENDATION**

The Minutes of the Corporate Policy And Planning Committee Meeting held on Wednesday 31 May 2017 be received and the recommendations contained therein ADOPTED.

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

**REPORT**

The Corporate Policy And Planning Committee met on Wednesday 31 May 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 G. McNeill (Chair), Cr M. Rush, Cr M. Bowditch, Cr J.F. Eades, Cr J. Foy, Cr M. Green, Cr J. Ledlin and Cr R. Scholes.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director - Community Infrastructure), Ms F. Plesman (Director – Planning, Community & Corporate Services), Mr P. Redan (Executive Manager - Water and Waste), Mr D. Finnigan (Manager, Muswellbrook Works), Mrs C. O'Brien (Manager, Community Services), Mr M. Lysaught (Manager, Property & Building Services), Mr P. Higgins (Manager, Technical Services), Mrs L. Payne (Co-ordinator Financial Services), Mr F. Franklin (Chief Finance Officer) and Mrs M. Sandell-Hay (PA to General Manager).

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

RECOMMENDED on the motion of Crs Bowditch and Green that:

The apologies for inability to attend the meeting submitted by Cr. S. Ward, Cr B.N. Woodruff and Cr. S. Reynolds be ACCEPTED and the necessary Leave of Absence be GRANTED.

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

RECOMMENDED on the motion of Crs Scholes and Green that:

The Minutes of the Corporate Policy & Planning Committee held on 26 April 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**

**Cr R. Scholes** – declared a non-pecuniary interest in Item 7.1. Cr Scholes advised the meeting that the applicant is a personal friend.

## **4 BUSINESS ARISING**

Nil

## **5 BUSINESS**

### **5.1 ASSET MANAGEMENT STRATEGY AND POLICY 2017**

Mr Higgins provided a brief presentation on this item.

Cr Ledlin arrived at 5.16pm

RECOMMENDED on the motion of Crs Rush and Scholes that:

Council:

1. Place the revised draft Asset Management Policy (Attachment A) on exhibition for 28 days;
2. Adopt the Strategic Asset Management Plan (Attachment B) for incorporation in the Resourcing Strategy within Council's Integrated Planning and Reporting Documents.

**5.2 STORE AND MATERIALS STOCKTAKE - 16 MAY 2017**

RECOMMENDED on the motion of Crs Eades and Ledlin that:

Council notes that the report on the stocktake carried out 16 May 2017 and an amount of \$77.02 be written off to the inventory register.

**5.3 INVESTMENT REPORT - APRIL 2017**

RECOMMENDED on the motion of Crs Rush and Scholes that:

The information contained in this report be noted.

**5.4 2016/2017 OPERATIONAL PLAN QUARTERLY REVIEW**

RECOMMENDED on the motion of Crs Eades and Green that:

The information contained in this report be noted.

**5.5 STRATEGIC PLANNING WORKSHOP**

RECOMMENDED on the motion of Crs Rush and Scholes that:

Council allocate an additional \$6,000 from the General Fund to the Integrated Planning budget for a Strategic Planning Workshop to be held in July 2017.

**5.6 REVENUE POLICY**

RECOMMENDED on the motion of Crs Foy and Scholes that:

Council approve the updated draft 2017/2018 Revenue Policy for public exhibition.

**6 ADJOURNMENT INTO CLOSED COMMITTEE**

RECOMMENDED on the motion of Crs Green and Eades that:

The Committee 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:

**7.1 ADJUSTMENT TO OUTSTANDING WATER USAGE ACCOUNT**

Item 7.1 is classified CONFIDENTIAL under the provisions of Section 10A(2)(b) of the local government act 1993, as it deals with discussion in relation to the personal hardship of a resident or ratepayer, and the Committee considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

## **7 CLOSED COMMITTEE**

### **7.1 ADJUSTMENT TO OUTSTANDING WATER USAGE ACCOUNT**

#### **Disclosure of Interest**

Cr Scholes declared a non-pecuniary interest in this item. Cr Scholes advised the Committee that the applicant is a personal friend. Cr Scholes left the meeting at 5:32pm and therefore took no part in discussion of voting on this item.

RECOMMENDED on the motion of Crs Bowditch and Foy that:

Council make no adjustment to the disputed water and non-residential sewer account of \$692.24 issued for the period 13 April 2015 to 7 August 2015 for the property, 75 Bridge Street Muswellbrook, as outlined in the report.

At 05:34pm Cr Scholes returned to Council Chambers.

## **8 RESUMPTION OF OPEN COMMITTEE**

RECOMMENDED on the motion of Crs Foy and Bowditch that:

The meeting return to Open Committee.

## **9 DATE OF NEXT MEETING**

28 June 2017

## **10 CLOSURE**

The meeting was declared closed at 5.35pm.

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

.....  
Cr G. McNeill  
**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 2016-2017-0269 SUPPLY AND DELIVERY OF AN AUTO PATCHING TRUCK**

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 2016-2017-0282 SUPPLY AND DELIVERY OF A TRACK LOADER**

Item 19.2 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.

**19.3 MOVEMENT OF OFF ROAD HEAVY VEHICLES ON PUBLIC ROADS**

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

**19.4 COMPOSTING OF FOOD ORGANICS / GARDEN ORGANICS AT THE MUSWELLBROOK WASTE AND RECYCLING FACILITY**

Item 19.4 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 11 JULY 2017**