



**muswellbrook  
shire council**

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

**BUSINESS PAPER**  
**8 AUGUST 2017**



**ORDINARY COUNCIL MEETING, 8 AUGUST 2017**

MUSWELLBROOK SHIRE COUNCIL

P.O Box 122  
MUSWELLBROOK  
3 August, 2017

Councillors,

You are hereby requested to attend the Ordinary Council Meeting to be held in the CHAMBERS, Administration Centre, Muswellbrook on **8 August, 2017** commencing at 6.00pm.

Steve McDonald  
**GENERAL MANAGER**

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**MUSWELLBROOK SHIRE COUNCIL  
ORDINARY COUNCIL MEETING**

**AGENDA  
TUESDAY 8 AUGUST 2017**

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

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

- 4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING  
RECOMMENDATION**

That the Minutes of the Ordinary Meeting held on **11 July 2017**, and the Extra Ordinary Meeting held on **26 July 2017**, a copy of which has been distributed to all members, be taken as read and confirmed as a true record.

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

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

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

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

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

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

- Significant
- Less than significant

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

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

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

## **6 PUBLIC PARTICIPATION**

## **7 MAYORAL MINUTES**

## **8 GENERAL BUSINESS**

## **9 BUSINESS ARISING**

Nil

## 10 ENVIRONMENTAL SERVICES

<b>10.1 ADOPTION OF REGIONAL CONTAMINATED LAND POLICY</b>
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<b>Attachments:</b>	<b>A. Model Regional Contaminated Land Policy</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Donna Watson - Development Planner</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>Sound policy development</i></b>

### PURPOSE

The report has been prepared following the public exhibition of the Regional Contaminated Land Policy.

### OFFICER'S RECOMMENDATION

Council **ADOPT** the Regional Contaminated Land Policy.

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

### BACKGROUND

The Regional Contaminated Land Policy was reported to the June Council meeting. At this meeting, Council resolved:

*RESOLVED on the motion of Crs Scholes and Ward that:*

*Council approves the following:*

- 1. The Regional Contaminated Land Policy be placed on public exhibition for a minimum of 28 days.*
- 2. A further report be prepared for Council at the conclusion of the public exhibition period.*

### CONSULTATION

Following the Council resolution, the draft policy was placed on public exhibition for a minimum of 28 days. During the exhibition period, no submissions were received.

### CONCLUSION

It is recommended that Council support the adoption of the Regional Contaminated Land Policy as it will:

- Ensure a regional approach and provide consistency between Council's;
- Ensure that changes in land use will not increase the risk to human health or the environment;
- Consider the likelihood of land contamination as early as possible in the planning and development control process;
- Link decisions about the development of land with the information available about possible contamination;

- Ensure Council exercise its functions relating to the development of contaminated land with a reasonable standard of care and diligence;
- Ensure that site investigations and remediation works are carried out in a satisfactory manner, and where appropriate, are independently verified by a Site Auditor;
- Avoid inappropriate restrictions on land use arising from contamination; and
- Provide information to support decision making, and to inform the community of potential restrictions on property arising from contaminated land matters.

**SOCIAL IMPLICATIONS**

The adoption of this policy will not have any social implications for Council.

**FINANCIAL IMPLICATIONS**

There will be no financial implication to Council should the policy be adopted.

**POLICY IMPLICATIONS**

By adopting the Regional Contaminated Land Policy, Council will be providing a valuable tool to ensure and demonstrate adherence to the planning guidelines and applicable legislation. The adoption and implementation of the policy will directly assist Councils to ensure they act in accordance with their legislative obligations.

**STATUTORY IMPLICATIONS**

There are no statutory implications relating this policy.

**LEGAL IMPLICATIONS**

There are no legal implications for Council relating to this policy. However, it is recommended that the policy be adopted in order to provide a consistent regional approach to contaminated land.

**OPERATIONAL PLAN IMPLICATIONS**

There are no direct links to Council's Operational plan which requires a Contaminated Land Policy.

**RISK MANAGEMENT IMPLICATIONS**

There is no associated risk management implications for Council at this stage.



Regional Contaminated Land Capacity Building Program

Hunter  
Joint Organisation  
Councils



## **MODEL Regional Contaminated Land Policy - Land Use Planning**

**August 2017**

This publication was produced by the Hunter Joint Organisation of Councils



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#### Disclaimer

The development of this Model Contaminated Land Policy has been coordinated by the Hunter Joint Organisation of Councils. It is designed as a model for Councils to consider when developing their Contaminated Land Policy. The content of this model policy is current at the time of publication. While every effort has been made to ensure accuracy and completeness, no responsibility is taken, nor guarantee given, by the Hunter Joint Organisation of Councils with respect to errors or omissions in the materials contained in the model policy. The contents do not constitute legal advice, are not intended to be a substitute for legal advice, and should not be relied upon as such. The Hunter Joint Organisation of Councils does not accept any responsibility or liability in regard to your use of any information given in this model policy.



## FOREWORD

The appropriate management of contaminated land is important to protect human health and the environment. Since contaminated land can restrict the development and certain uses of land it has economic, legal and planning implications for the community and for regulatory authorities.

Contaminated land in New South Wales (NSW) is primarily managed through two avenues:

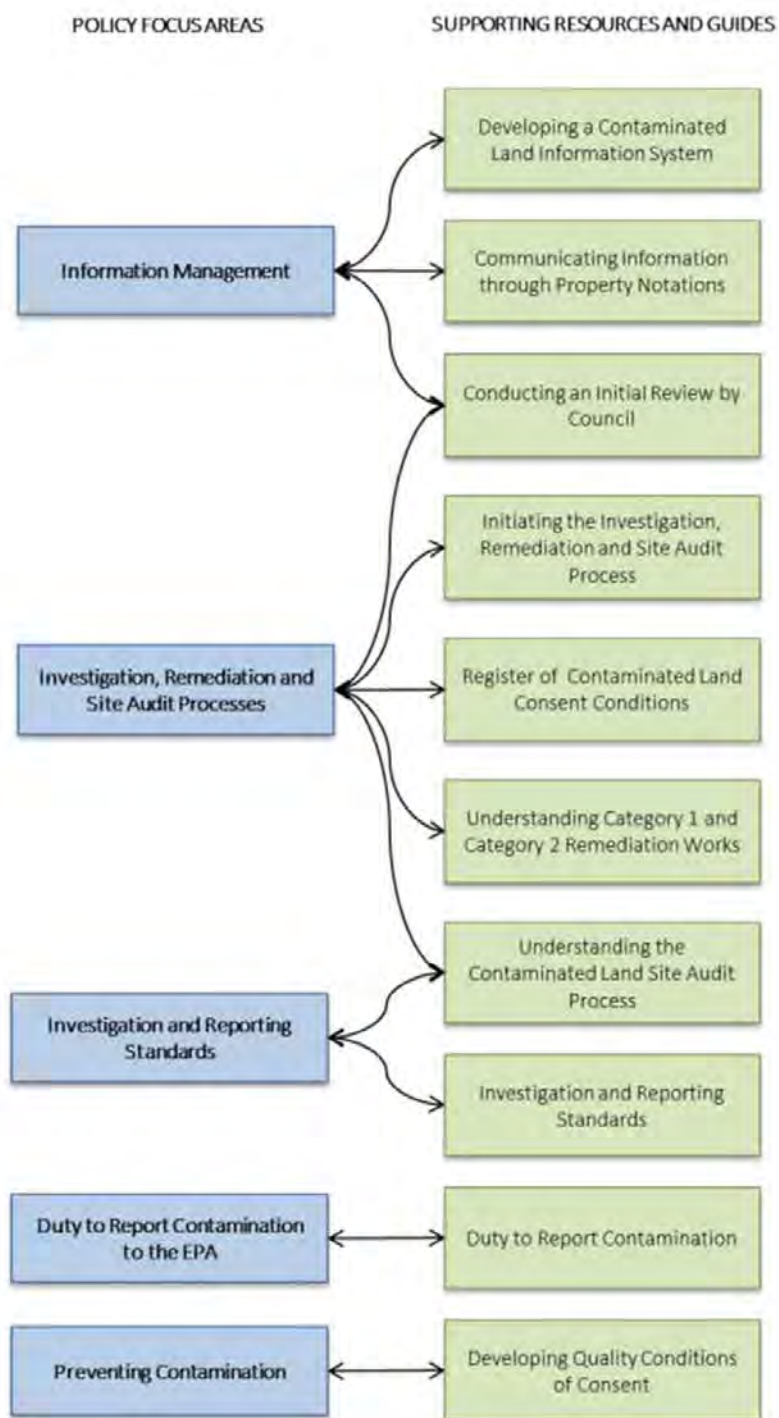
1. Sites where contamination is considered significant enough to warrant regulation are the management responsibility of the NSW Environment Protection Authority (EPA) through the powers provided to it under the *Contaminated Land Management Act 1997*.
2. Other sites are managed by Councils via land use planning instruments, through the powers provided to it under the *Environmental Planning and Assessment Act 1979*.

## Why develop a Local Contaminated Land Policy?

The NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land 1998 (“the Planning Guidelines”) strongly recommend that *“each local council develop and adopt a formal policy for managing land contamination to provide a local context for decision making”* and that *“the policy should be consistent with the Guidelines and either adopt or be based on them, with variations based on local conditions and procedure”*.

The Planning Guidelines also identify that *“council’s policy on contaminated land may be contained within a number of documents, such as planning instruments that contain land use restrictions relevant to contamination and a DCP or plans. However it is also advisable to have a formal “stand alone” policy document”*.

The development and consistent application of a local contaminated land policy by Council therefore provides a valuable tool to ensure and demonstrate adherence to the Planning Guidelines. Its implementation will directly assist Councils to ensure they act in “good faith” with their legislative obligations.



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## Key Terms and Acronyms

Category 1 Remediation	Remediation works requiring Development Consent
Category 2 Remediation	Remediation works that do not require Development Consent (but must be notified to Council)
Contamination	The condition of land or water where any chemical substance or waste has been added as a direct or indirect result of human activity at above background level and represents, or potentially represents, an adverse health or environmental impact
CLM Act	<i>Contaminated Land Management Act 1997</i> (NSW)
Detailed Site Investigation (DSI)	An investigation with the objective to define the nature, extent and degree of contamination; assess potential risk posed by contaminants to health and the environment; and obtain sufficient information to develop a Remedial Action Plan (if needed)
Development Application	A Development Application is a formal request for consent to carry out development and is considered under Part IV of the <i>Environmental Planning &amp; Assessment Act 1979</i>
Development Consent	Formal approval from Local Councils to proceed with a development. Development Consent is required prior to commencement of any works associated with development governed by Part IV of the <i>Environmental Planning &amp; Assessment Act 1979</i>
Duty to Report	The duty to report significant contamination to the NSW EPA is a requirement under the <i>Contaminated Land Management Act 1997</i> , with updates provided in the <i>Contaminated Land Management Amendment Act 2008</i> . The triggers for reporting are presented in the "Guidelines on the Duty to Report Contamination under the <i>Contaminated Land Management Act 1997</i> " (2015)
EPA	Environment Protection Authority
Initial Evaluation	An evaluation undertaken by Council to determine whether contamination is likely to be an issue, and to assess whether further information is required for it to conduct its planning functions in good faith
Land Contamination	Land contamination may be the result of past or current uses. The land may be contaminated by a current or historical land use activity directly on that site or through migration of contamination from adjacent sites. See also definition of "contamination"
LEP	Local Environmental Plan. An LEP guides planning decisions for Local Government Areas through zoning and development controls, which provide a framework for the way land can be used. LEPs are Planning Instruments from the <i>Environmental Planning &amp; Assessment Act 1979</i>
LGA	Local Government Area
Ongoing Environmental Management Plan (OEMP)	A plan outlining monitoring and management requirements where contamination remains on site, and there is uncertainty as to its potential to migrate; and / or the effectiveness of the management measures implemented to contain the contamination following remediation and validation; and / or monitoring and ongoing management forms part of the remediation strategy



Planning Application	A Development Application or Planning Proposal made to Council in accordance with the <i>Environmental Planning and Assessment Act 1979</i> (NSW)
Planning Guidelines	NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land (1998)
Planning Proposal	A formal application submitted to Council that proposes to rezone land
POEO	<i>Protection of the Environment Operations Act 1997</i> (NSW)
Preliminary Site Investigation (PSI)	An investigation to identify any past or present potentially contaminating activities, to provide a preliminary assessment of any site contamination, and if required, to provide a basis for a more detailed investigation
Remedial Action Plan (RAP)	A plan that sets objectives, and documents the process, for remediating a contaminated site
s149 Certificate	Planning Certificate under Section 149 of the <i>Environmental Planning and Assessment Act 1979</i> (NSW)
SEPP 55	State Environmental Planning Policy No 55 – Remediation of Land
Significantly Contaminated Land	A site is declared Significantly Contaminated Land by the EPA where contamination is considered significant enough to warrant regulation under the <i>Contaminated Land Management Act 1997</i> (with changes made through the <i>Contaminated Land Management Amendment Act 2008</i> ) given the site's current or approved use
Site Audit	An independent review by a Contaminated Land Auditor, accredited by the NSW EPA, of any or all stages of the site investigation process, conducted in accordance with the requirements of the <i>Contaminated Land Management Act 1997</i>
Site Audit Report (SAR)	A report which summarises the report(s) audited, and provides the Auditor's opinion and conclusions. A Site Audit Report must be accompanied by a Site Audit Statement
Site Audit Statement (SAS)	A statement which outlines the conclusions of a site audit. A Site Audit Statement must be accompanied by a Site Audit Report
Table 1 of the Planning Guidelines	List of Potentially Contaminating Activities included in Table 1 of the "NSW Managing Land Contamination Planning Guidelines" (1998)
Validation	The objective of the validation stage of the contaminated land process is to demonstrate whether or not the objectives stated in the Remedial Action Plan have been achieved

## Key Legislative Instruments, Regulations, Policies & Guidelines

<i>Contaminated Land Management Act 1997</i>	Sets out the role of the EPA and the rights and responsibilities of parties it might direct to manage land where contamination is significant enough to warrant regulation
<i>Contaminated Land Management Amendment Act 2008</i>	Introduced amendments aimed to allow sites to be cleaned up more efficiently while reinforcing the 'polluter pays' principle
<i>Contaminated Land Management Regulation 2013</i>	Sets out the recovery of administrative costs for the EPA relating to regulated sites and the auditor system. It also sets out timeframes for administrative matters under the <i>CLM Act</i>
Duty to Report Guidelines	Details the circumstances that can trigger the requirement to notify the EPA about contamination under Section 60 of the <i>CLM Act</i>
<i>Environmental Planning &amp; Assessment Act 1979</i>	Provides the overarching structure for regulation of planning and development in NSW together with the <i>Environmental Planning and Assessment Regulation 2000</i>
<i>Environmental Planning and Assessment Regulation 2000</i>	Provide the overarching structure for the regulation of planning and development in NSW together with the <i>Environmental Planning and Assessment Act 1979</i>
National Environment Protection (Assessment of Site Contamination) Measure 1999 (as amended 2013)	Establishes a nationally consistent approach to the assessment of site contamination to ensure sound environmental management practices by the community which includes regulators, site assessors, site auditors, landowners, developers and industry
NSW Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land (1998)	The Planning Guidelines support SEPP55 and address the policy framework, identification and investigation of contamination, the decision making process, management of contaminated sites and remediation, information management, and principles for proactively preventing future contamination
State Environmental Planning Policy No 55 – Remediation of Land	Ensures planning decisions take into account possible land contamination, and promotes remediation to reduce risk of harm



## 1 Scope

This document outlines Council's Policy in relation to the management of Contaminated Land that is under the regulatory control of Local Government, as stipulated by the *Environmental Planning and Assessment Act 1979* and Managing Land Contamination Planning Guidelines SEPP 55 - Remediation of Land (1998) ("the Planning Guidelines").

This Policy seeks to align Council activities and management processes to the Planning Guidelines and achieve the key principles of:

- Ensuring any land use changes will not increase risk to human health or the environment
- Avoiding inappropriate restrictions on land use
- Providing information to support decision making and to inform the community of Council's requirements.

## 2 Purpose

The purpose of the Contaminated Land Policy is to provide a framework for Council to appropriately manage land contamination through the land use planning process, and in doing so, ensure Council acts in "good faith" with its legislative obligations.

The Policy sets out the preferred practice of Council Officers in relation to:

- Identifying, evaluating and managing contaminated land through the land use planning process
- Recording, managing and disclosing contaminated land information
- Reporting contamination to the NSW EPA
- Preventing or minimising the potential for contamination.

It is not the intent of this Policy that an act or omission of any Officer of the Council shall be called into question or held to be invalid on the grounds of failure to comply with this Policy.

## 3 Objectives

The objectives of this policy are to:

- Ensure that changes in land use will not increase the risk to human health or the environment
- Consider the likelihood of land contamination as early as possible in the planning and development control process
- Link decisions about the development of land with the information available about possible contamination
- Ensure Council exercise its functions relating to the development of contaminated land with a reasonable standard of care and diligence
- Ensure that site investigations and remediation works are carried out in a satisfactory manner, and where appropriate, are independently verified by a Site Auditor
- Avoid inappropriate restrictions on land use arising from contamination
- Provide information to support decision making, and to inform the community of potential restrictions on property arising from contaminated land matters.

## 4 Application

This Policy relates to Council's responsibility in contaminated land matters as the regulatory authority for land use planning.

This Policy applies to all land within the Local Government Area.

## 5 Responsibility

Position Title	Responsibility
Manager – Planning and Regulatory Services	Responsible for the implementation and regular review of the policy, and for ensuring staff are sufficiently trained to implement the policy
Planning and Regulatory Services Section	Provide support and advice on implementation of the policy
Planning and Regulatory Services Section	Ensure adherence to the policy when undertaking planning functions under the <i>Environmental Planning and Assessment Act 1979</i>
Development Planner	Provide information on Section 149 Planning Certificates that is consistent with the policy

## 6 Relationship to other Policies, Procedures and Guidelines

This Policy is supported by a number of legislative instruments, regulations, guidelines and other relevant documents, as listed below:

1. *Contaminated Land Management Act 1997*
2. *Contaminated Land Management Regulation 2013*
3. *Environmental Planning and Assessment Act 1979*
4. *Environmental Planning and Assessment Regulation 2000*
5. *Government Information (Public Access) Act 2009*
6. Guidelines provided or endorsed by the NSW EPA under the CLM Act.
7. *Local Government Act 1993*
8. *Local Government (General) Regulation 2005*
9. Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land
10. National Environment Protection (Assessment of Site Contamination) Measure 1999, amended in 2013
11. State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55), 1998

## 7 Review of this Policy

This policy will be reviewed on 1 July 2019. The policy will also be subject to review at an earlier time in response to amendments to legislation, policy or guidelines that may directly affect the intent and application of the Policy.

## 8 Managing Land Contamination through the Planning Process in the Local Government Area

### 8.1 Land Use Planning Functions

When carrying out planning functions under the *Environmental Planning and Assessment Act 1979*, Council must consider the possibility that the previous and / or current land uses, and / or a nearby land use, has caused contamination of the site, and the potential risk to human health and the environment from that contamination.

#### Policy Statement:

1. Council shall not approve a Development Application or support a Planning Proposal unless it is satisfied on the basis of information available to it under this Policy that:
  - Contamination has been considered;
  - If the land is contaminated, that the land is suitable in its contaminated state (or will be suitable following remediation) for all the uses permissible under the approval; or
  - If the land is contaminated, that conditions can be placed in planning instruments or on development consents and approvals under Part IV of the *Environmental Planning and Assessment Act 1979* that will ensure any contaminated land can be remediated to a level appropriate to its intended use, prior to, or during the development stage.

### 8.2 Information Management

Council has an important role in supplying the community with information regarding land use history, land contamination and remediation activities. Council also has a statutory responsibility to include certain information on certificates issued for the purposes of s149 of the *Environmental Planning and Assessment Act 1979*. The information required is defined in:

- s59 of the *Contaminated Land Management Act 1997* (i.e. information provided to Council by either the NSW EPA or Accredited Auditors).
- Schedule 4 of the *Environmental Planning and Assessment Regulation 2000* (i.e. whether there is a policy adopted by Council or any other public authority that restricts the development of the land, in this case due to actual or potential contamination).

The development and maintenance of a corporate Contaminated Land Information System will assist Council to meet its legislative obligations. Whilst there is no legislative requirement for Council to notify a land owner when their land is included as potentially contaminated in a Contaminated Land Information System, notifying the landowner provides the opportunity for them to establish that the land is not contaminated and should not be notified on a Section 149(2) Planning Certificate, or alternatively, to manage or undertake remediation of the land. Notifying the property owner of a site's inclusion also allows the owner the opportunity to reduce the potential risk of harm to the health of the land's occupants and to the environment.

Information held in the Contaminated Land Information System is also to be provided to the public by access to documents on request in accordance with the requirements of the *Government Information (Public Access) Act 2009*. This includes making publicly available and free of charge land contamination consultants reports filed in the system.



**Policy Statements:**

2. Council will develop and maintain a Contaminated Land Information System to facilitate compliance with statutory obligations, support its planning functions, and provide relevant and accurate information on contaminated land to the community in accordance with the *NSW Government Information (Public Access) Act 2009*.
3. Where Council has a Contaminated Land Information System in place, and inclusion of a property in the system has the potential to restrict the development of the land, the property owner will be notified of the inclusion.
4. Council will request that all contaminated land reports provided exempt Council from any claim for copyright that may restrict Council's ability to provide information to the public in accordance with the *Government Information (Public Access) Act 2009* and *Contaminated Land Management Act 1997*.

**Information to be provided on Section 149(2) Planning Certificates**

Information to be disclosed on a Section 149(2) Planning Certificate is specified in the *Environmental Planning and Assessment Regulation 2000* (Schedule 4) and s59(2) of the *Contaminated Land Management Act 1997*. Council therefore has a legal obligation to provide certain information through Section 149(2) Planning Certificates in relation to land contamination.

**Policy Statement:**

5. Section 149(2) Planning Certificates issued by Council are to:
  - Contain information on matters prescribed under Section 59(2) of the *Contaminated Land Management Act 1997* that are relevant to the property
  - Identify whether or not any adopted policy of Council or any other public authority restricts the development of the land (the subject of the certificate) because of the likelihood of any risk of contamination
  - Provide notations on the certificates as per Attachment A.

**Information to be provided on Section 149(5) Planning Certificates**

Section 149(5) Planning Certificates are governed by s149(5) of the *Environmental Planning and Assessment Act 1979*, which states that "a council may include advice on such other relevant matters affecting the land of which it may be aware". As such, there is no specific legislative requirement for Council to provide information pertaining to land contamination issues on s149(5) Certificates. However, this needs to be balanced with the fact that the Council owes the applicant a duty to take reasonable care when issuing planning certificates.

**Policy Statements:**

6. Section 149(5) Planning Certificates issued by Council are to provide information that is provided to Councils by the NSW EPA in accordance with s 58 of the *Contaminated Land Management Act*, that is not already included in a s149(2) Planning Certificate.
7. If Council is aware that a site has been notified to the NSW EPA under S.60 of the *Contaminated Land Management Act*, but is currently in various stages of being reviewed by the NSW EPA to assess if the contamination is significant enough to warrant regulation, it will provide information to this effect on the s149(5) certificate.
8. Where Council has a Contaminated Land Information Management System in place, the following additional information included in the system will be provided on Section 149(5) Planning Certificates:
  - Contamination category
  - Any activities listed in Table 1 of the Planning Guidelines that Council records show have occurred on the land
  - Any information to Council's knowledge, that indicates the property may be affected by emerging contaminants or contaminating activities of concern
  - References to any site investigations included in the register
  - Any notifications of remediation.

### 8.3 Certification Requirements

Contaminated site assessments are inherently complex and usually present a wide range of issues. Engaging professionals who have the relevant qualifications, competencies and experience is important when investigating and managing contaminated sites. For this purpose, Contaminated Land Consultant certification schemes have been developed to ensure those Consultants dealing with contaminated sites have the necessary competencies to carry out the work. Certification under a recognised scheme should be interpreted as the Consultant meeting at least an acceptable minimum standard of competency. Currently, the certification schemes recognised by NSW EPA and the Council are:

- Site Contamination Practitioners Australia (SCPA) scheme for Certified Practitioner – Site Assessment and Management (CP SAM)
- Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme
- Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

**Policy Statement:**

9. Contaminated land reports are to be prepared, or reviewed and approved by an appropriately qualified and certified Environmental Consultant (for any reports submitted from 1 July 2017 and onwards). Currently, the certification schemes recognised by NSW EPA and the Council are (noting other schemes may become recognised):
- Site Contamination Practitioners Australia (SCPA) scheme
  - Environment Institute of Australia and New Zealand's (EIANZ) Contaminated Land Assessment Specialist Certified Environmental Practitioner (CLA Specialist CEnvP) scheme
  - Soil Science Australia (SSA) Certified Professional Soil Scientist Contaminated Site Assessment and Management (CPSS CSAM) certification.

## 8.4 Investigation and Reporting Standards

Given the complexity and technical nature of contaminated land reports, it is essential that Consultants complete investigations and reporting in accordance with the EPA prepared and adopted guidelines. To further assist Council staff when assessing planning applications, an accompanying report synthesis, presenting project background, scope, objectives, key issues, investigation findings and recommendations is to be provided with each report.

**Policy Statements:**

10. All investigations and accompanying reports provided to Council are to be completed in accordance with NSW EPA prepared and adopted guidelines.
11. All contaminated land reports provided to Council are required to include a summary report synthesising key findings and recommendations.

## 8.5 Site Investigation, Remediation and Validation

To ensure Councils satisfy their legislative obligations when considering planning applications, an appropriate investigation process based on the following stages is required.

**Initial Evaluation**

An Initial Evaluation is to be completed by Council. It aims to determine whether contamination needs to be addressed during the assessment of a Planning Application (as required by clauses 6 and 7 of SEPP 55), and to therefore determine whether further information is required for Council to conduct its planning functions in good faith.

**Policy Statement:**

12. An initial evaluation is to be completed by Council for all land use Planning Applications.



**Preliminary Site Investigation**

A Preliminary Site Investigation is provided by the Proponent. The main objectives are to identify any past or present potentially contaminating activities, provide a preliminary assessment of any site contamination, and if required, provide a basis for a Detailed Site Investigation.

**Policy Statement:**

13. A Preliminary Site Investigation is required when an Initial Evaluation identifies that contamination is, or may be present on the site, or if potential or actual contamination on an adjacent area has the potential to migrate to the site.

**Detailed Site Investigation**

A Detailed Site Investigation is provided by the Proponent. The objectives are to define the nature, extent and degree of contamination, to assess potential risk posed by contaminants to human health and the environment, and to obtain sufficient information to develop a Remedial Action Plan, if required. It should be noted that the Detailed Site Investigation Stage of the process may entail several investigations and reports.

**Policy Statement:**

14. A Detailed Site Investigation is required:
- Where the Preliminary Site Investigation indicates that the land is, or may be contaminated
  - When the site is, or was, formally used for an activity listed in Table 1 of the Managing Land Contamination Planning Guidelines (refer Attachment B), or other potentially contaminating activities known to Council, and a land use change is proposed that has the potential to increase the risk of exposure to contamination
  - To accompany a remediation proposal or notification.

**Remedial Action Plan**

A Remedial Action Plan is provided by the Proponent. The objectives are to set remediation objectives and document the process to remediate the site. The proposed remediation is to (as a minimum) reduce the risk from contamination to acceptable levels for the proposed land use scenario. The Remedial Action Plan should be based on the information from previous investigations.



**Policy Statements:**

15. A Remedial Action Plan is required where the Detailed Site Investigation identifies that remediation or management is needed to render the site suitable for its intended land use.
16. A Remedial Action Plan (and accompanying investigation reports) must accompany the Planning Application where development consent is required for remediation (i.e. Category 1 Remediation Works as defined in Attachment C).
17. A Remedial Action Plan (and accompanying investigation reports) must accompany any notification to Council for proposed Category 2 Remediation work.

**Validation and Monitoring**

Validation and / or Monitoring Reports are provided by the Proponent. The objective of Validation is to demonstrate whether or not the objectives stated in the Remedial Action Plan and any conditions of development consent have been achieved. At times, this may include monitoring following the completion of remediation. Monitoring undertaken for a limited time is typically incorporated into the Validation Report.

In situations where full clean-up is not feasible or on-site containment of contamination is proposed, the need for an On-going Environmental Management Plan including monitoring, maintenance and management measures should be determined by both the Proponent's Consultant and the Planning Authority.

SEPP 55 requires a Notice of Completion to be provided to Council for all remediation work. The Notice of Completion is to include the Validation Report (with monitoring results if monitoring was undertaken).

**Policy Statements:**

18. A Validation Report (including monitoring results where applicable) is required to validate the completion and effectiveness of all remediation works for which consent has been provided by Council (i.e. Category 1 Remediation Works).
19. The Notice of Completion provided to Council for any Category 2 remediation works is to include the Validation Report.
20. An On-going Environmental Management Plan is required to be provided to Council and implemented where contamination remains on site, and there is uncertainty as to its potential to migrate; and / or the effectiveness of the management measures implemented to contain the contamination following remediation and validation; and / or monitoring and ongoing management forms part of the remediation strategy.

**8.6 Site Audits**

A Site Audit is an independent review of any or all stages of the site investigation process, conducted by a Site Auditor accredited by the NSW EPA in accordance with the *Contaminated Land Management Act 1997*. Engaging a Site Auditor can provide greater certainty about the information on which the planning authority bases its decision, particularly where sensitive uses are proposed, and / or where contamination is complex. The outcome of a Site Audit is a Site Audit Statement, stating the purpose and outcome of the Site Audit, and accompanying Site Audit Report providing the information on which the outcome was based.

**Policy Statements:**

21. Council may require a Site Audit to be carried out where Council:
  - Believes on reasonable grounds that the information provided by the Proponent is incorrect or incomplete;
  - Wishes to verify whether the information provided by the Proponent has adhered to appropriate standards, procedures and guidelines; or
  - Does not have the internal resources to conduct its own technical review.
22. All costs associated with providing a Site Audit are to be borne by the Proponent.

**8.7 Control of Remediation Works**

Remediation is generally considered beneficial as it improves the quality of the environment, reduces health risks and restores land to productive use. However, in some situations remediation work itself has the potential for environmental impact, and the planning process must ensure that these impacts are adequately identified and mitigated. SEPP 55 provides consistent state wide planning and development controls for the remediation of contaminated land. Remediation work which requires development consent is known as Category 1 Remediation Work. All other remediation work may be carried out without development consent and is known as Category 2 Remediation Work, however Council must be notified prior to commencement and upon completion of Category 2 Remediation Works. The triggers for Category 1 Remediation Works are presented in Attachment C.

**Policy Statements:**

23. Development consent is required for the following remediation work:
  - Category 1 Remediation Work requiring consent as defined by SEPP 55 Section 9 (refer to Attachment C)
  - Proposed works that are inconsistent with the requirements of this policy (i.e. remediation works that do not comply with the conduct of remediation works specified in Attachment D, and are thereby reclassified as Category 1 Remediation Work).
24. Council must be notified of proposed Category 2 Remediation Works no less than 30 days prior to their scheduled commencement.

**8.8 Duty to Report**

The duty to report contamination to the NSW EPA is a requirement under the *Contaminated Land Management Act 1997*, with updates provided in the *Contaminated Land Management Amendment Act 2008*.

The following people are required to report contamination as soon as practical after they become aware of any contamination that meets the triggers for the duty to report:

- Anyone whose activities have contaminated land
- An owner of land that has been contaminated.

It should be noted that although the above people have the duty to report contamination, anyone can at any time report suspected contamination to the NSW EPA.

**Policy Statement:**

25. Where Council considers that contamination on a site triggers the duty to report contamination, and it is not clear if the polluter or site owner has reported the contamination, it will notify the EPA for possible action under the *Contaminated Land Management Act 1997*.

## 8.9 Preventing Contamination

Proactive measures to prevent possible contamination at its source can help to reduce the need for remedial action in the future. Preventing contamination occurring in the first place can therefore have significant environmental and financial benefits for Council and the Community.

**Advisory Note**

*The primary legislation governing the prevention and management of pollution incidents is the Protection of Environment Operations (POEO) Act 1997. A Regional Compliance Assurance Policy and Guidelines are available from the Hunter Joint Organisation of Councils that:*

- *Encourage voluntary compliance*
- *Provide guidance on best practice decision making principles*
- *Assist Councils minimise risks to the environment*
- *Inform the community about Council's management of environmental compliance responsibilities*

*These can be accessed at <http://www.hccrems.com.au/product/regional-compliance-assurance-policy-and-guidelines/>*

**Policy Statements:**

26. For potentially polluting activities, Council will apply and enforce conditions of development consent that ensure effective and ongoing control measures are implemented.
27. Council will proactively undertake risk-based compliance inspections of potentially contaminating industries / activities to ensure compliance with consent conditions and environment protection legislation.



## Attachment A - Notations for s.149 Certificates

The following notations may be provided on Section 149(2) Planning Certificates

### 1. Notations advising of matters included under Section 59(2) of the Contaminated Land Management Act

Where Council records identify:	Notation to be included on Section 149(2) Certificate
That the property is declared as significantly contaminated under the CLM Act (as at date certificate issued)	<i>The land to which this certificate relates is within land declared to be significantly contaminated land under Part 3 of the Contaminated Land Management Act 1997 at the date of issue of the certificate</i>
That the property is subject to a management order under the CLM Act (as at date certificate issued)	<i>The land to which this certificate relates is subject to a management order within the meaning of the Contaminated Land Management Act 1997 at the date of issue of the certificate</i>
That the property is subject to an approved voluntary management proposal	<i>The land to which this certificate relates is the subject of an approved voluntary management proposal within the meaning of the Contaminated Land Management Act 1997 at the date of issue of the certificate</i>
That the property in question is subject to an ongoing maintenance order under the CLM Act (as at date certificate issued)	<i>The land to which this certificate relates is subject to an ongoing maintenance order within the meaning of the Contaminated Land Management Act 1997 at the date of issue of the certificate</i>
That a site audit statement has been provided to Council at any time	<i>The land to which this certificate relates has been the subject of a site audit statement provided to Muswellbrook Shire Council.</i>

2. Notations advising that Council has adopted a Policy that restricts the development of the land due to potential contamination

Where Council records identify:	Suggested Notation
<p>That the property has:</p> <ul style="list-style-type: none"> <li>A previous land use history which could have involved use of contaminants on the site. For example, land which may have been used for an activity listed in Table 1 of the Planning Guidelines (refer Attachment A), or</li> <li>The property is known to be contaminated, but <b>has not been remediated</b></li> </ul>	<p><i>Council has adopted by resolution a policy on contaminated land which may restrict the development of the land to which this certificate relates. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.</i></p>
<p>That the property is known to contain contaminants, but <b>has been remediated</b> for a particular use or range of uses <b>and</b> some contamination remains on the site, for example, encapsulated.</p>	<p><i>Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which are considered to be contaminated, or on lands which have been remediated for a specific use. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted.</i></p>
<p>That the property <b>does not contain a clear site history without significant gaps in information.</b></p> <p>As a consequence Council cannot determine whether or not the land is contaminated, and therefore the extent to which Council's policy should apply. In these circumstances Council may decide to take a cautious approach.</p>	<p><i>Council has adopted by resolution a policy on contaminated land which may restrict the development of the land. This policy is implemented when zoning or land use changes are proposed on lands which have previously been used for certain purposes. Council records do not have sufficient information about previous use of this land to determine whether the land is contaminated. Consideration of Council's adopted policy and the application of provisions under relevant State legislation is warranted."</i></p>
<p>That the property has been contaminated but has been remediated to an extent that no restriction on land use is necessary.</p>	<p><i>No notation is necessary<sup>1</sup></i></p>
<p>That there is a history of non-contaminating activities on the land and there is no contrary evidence to suggest that the land has been used for a purpose listed in Table 1 of the Planning Guidelines (refer Attachment A) or other potentially contaminating activity.</p>	<p><i>No notation is necessary</i></p>

<sup>1</sup> While no notation may be necessary in these circumstances on a Section 149(2) Certificate it is recommended that information of this nature be provided on the s149(5) Certificates (refer section 8.2).

## Attachment B - Potentially Contaminating Activities

Source: Managing Land Contamination, Planning Guidelines SEPP 55 – Remediation of Land (1998)

**Table 1. Some Activities that may Cause Contamination**

- acid/alkali plant and formulation
- agricultural/horticultural activities
- airports
- asbestos production, disposal and demolition
- chemicals manufacture and formulation
- defence works
- drum re-conditioning works
- dry cleaning establishments
- electrical manufacturing (transformers)
- electroplating and heat treatment premises
- engine works
- explosive industry
- gas works
- iron and steel works
- landfill sites
- metal treatment
- mining and extractive industries
- oil production and storage
- paint formulation and manufacture, including lead paint contamination
- pesticide manufacture and formulation
- power stations
- railway yards
- scrap yards
- service stations
- sheep and cattle dips
- smelting and refining
- tanning and associated trades
- waste storage and treatment
- wood preservation

**Note:** It is not sufficient to rely solely on the contents of this Table to determine whether a site is likely to be contaminated or not. This Table is a guide only. A conclusive status can only be determined after a review of the site history and, if necessary, sampling and analysis.

## Attachment C - Category 1 Remediation Works

State Environmental Planning Policy No 55—Remediation of Land, Clause 9 defines Category 1 Remediation Work as:

*"Category 1 remediation work: work needing consent"*

*For the purposes of this Policy, a category 1 remediation work is a remediation work (not being a work to which clause 14 (b) applies) that is:*

- (a) designated development, or*
- (b) carried out or to be carried out on land declared to be a critical habitat, or*
- (c) likely to have a significant effect on a critical habitat or a threatened species, population or ecological community, or*
- (d) development for which another State environmental planning policy or a regional environmental plan requires development consent, or*
- (e) carried out or to be carried out in an area or zone to which any classifications to the following effect apply under an environmental planning instrument:*
  - i. coastal protection,*
  - ii. conservation or heritage conservation,*
  - iii. habitat area, habitat protection area, habitat or wildlife corridor,*
  - iv. environment protection,*
  - v. escarpment, escarpment protection or escarpment preservation,*
  - vi. floodway,*
  - vii. littoral rainforest,*
  - viii. nature reserve,*
  - ix. scenic area or scenic protection,*
  - x. wetland, or*
- (f) carried out or to be carried out on any land in a manner that does not comply with a policy made under the contaminated land planning guidelines by the Council for any local government area in which the land is situated (or if the land is within the unincorporated area, the Western Lands Commissioner).*

*Note.*

*See Section 5A of the Environmental Planning and Assessment Act 1979 for the factors to be taken into account in assessing whether there is likely to be a significant effect as referred to in paragraph (c) above. The terms used in that paragraph are defined in that Act by reference to both the Threatened Species Conservation Act 1995 and the Fisheries Management Act 1994."*



## Attachment D - Site Management Requirements Remediation Works

All Category 2 remediation works must be carried out in accordance with the following site management requirements. These have been established to prevent Category 2 work adversely impacting on the environment and public amenity.

Category 2 remediation works that do not comply with these requirements will be classified as Category 1 remediation work and will require development consent.

### Remediation Work

All remediation work must be carried out in accordance with:

- Managing Land Contamination Planning Guidelines SEPP 55- Remediation of Land
- Any guidelines published by the NSW Environment Protection Authority under the *Contaminated Land Management Act 1997*.

### Hours of Operation

All remediation work must be carried out between the following hours:

Monday – Friday 7am – 6pm

Saturday 8am – 1pm

No work is permitted on Sundays or Public Holidays

### Site Signage

A sign displaying the contact details of the remediation contractor and site manager (if different from the remediation contractor) must be displayed on the site adjacent to the site access, including a contact telephone number that is available 24 hours a day, 7 days a week. The sign must be clearly legible from the street and be displayed for the duration of the remediation works.

### Notification of Adjacent Owners and Occupiers

The occupiers of all adjacent premises must be notified of the proposed remediation works at least fourteen (14) days before the works commence.

### Site Security

The site must be securely fenced and any other necessary precautions taken, to prevent unauthorised entry to the site for the duration of the remediation works.

### Toilet Facilities

Toilet facilities must be provided for workers in accordance with the publication titled *Code of Practice: Amenities for Construction Work* (WorkCover, 1996).

[Note: Toilets for workers must be connected to the sewerage system where practicable. Alternatively, Council approval is required under Section 68 of the *Local Government Act 1993* to install an accredited sewage management facility (e.g. portable chemical closet) on the site.]



## Soil and Water Management

All remediation work must be carried out in accordance with a soil and water management plan. A copy of the soil and water management plan must be kept on-site and be made available to Council Officers on request.

## Sediment and Erosion Controls

Appropriate sediment and erosion controls must be installed before remediation works are commenced and be maintained in a functional condition until site stabilisation works have been completed.

Prior to the commencement of any remedial work, an erosion and sediment control plan prepared by a suitably qualified person in accordance with *"The Blue Book – Managing Urban Stormwater (MUS): Soils and Construction"* (Landcom) must be submitted to and approved by the certifying authority. Control over discharge of stormwater and containment of run-off and pollutants leaving the site/premises must be undertaken through the installation of erosion control devices including (and not limited to) catch drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, and sedimentation basins.

## Stockpiles

No stockpiles of soil or other materials are to be placed on footpaths or nature strips without the prior written approval of Council.

All stockpiles of soil or other materials must be placed away from drainage lines, gutters, stormwater pits or inlets, trees or native vegetation and be provided with appropriate erosion, sediment and leachate management controls.

All stockpiles of soil or other materials likely to generate dust or odours must be covered (where practical).

All stockpiles of contaminated soil must be stored in a secure area.

## Site Access

Vehicular access to the site must be restricted to a stabilised access point.

## Protection of Public Roads

Appropriate measures must be taken to prevent the spreading of mud, soil or sediment by vehicles leaving the site. These measures could include the installation of shaker grids or wash-down bays to minimise the transportation of sediment.

Any wastewater from washing the wheels and underbodies of vehicles must be collected and disposed of in a manner that does not pollute waters.

Any mud, soil or sediment tracked or spilled on the roadway must be swept or shoveled up immediately. Hosing of the roadway is not permitted.

## Disposal of Water from Excavations

All excavation pump-out water must also be analysed for suspended solids, pH and any contaminants of concern identified during the contamination assessment phase, and comply with relevant EPA and ANZECC water quality criteria prior to discharge to the stormwater system.

Other options for the disposal of excavation pump-out water include disposal to sewer with the prior approval of the relevant water utility, or off-site disposal by a licensed liquid waste transporter at an appropriately licensed liquid waste treatment or processing facility.

### Site Stabilisation and Revegetation

All exposed areas shall be progressively stabilised and revegetated or resealed on the completion of remediation works.

### Bunding

All land farming areas of hydrocarbon contaminated soils must be bunded to contain surface water runoff and to prevent the leaching of contaminants into the underlying soils. This will typically require placement on a sealed surface or on durable plastic.

All contaminated water from bunded areas must be discharged to sewer with the prior approval of the relevant water authority, or be disposed of off-site by a licensed liquid waste transporter at an appropriately licensed liquid waste treatment or processing facility.

### Protection of Trees

Trees on the site must not be removed, lopped or otherwise trimmed without the prior approval of Council.

Trees to be retained on the site must be protected from damage to their foliage and root systems. Suitable measures may include erecting fences or barriers to keep earthmoving equipment and heavy vehicles well clear of trees.

### Noise

Noise must be minimised as far as practicable, by the selection of appropriate methods and equipment, and by the use of silencing devices where practicable.

Noise from remediation work must comply with the guidelines for construction site noise specified in the *Interim Construction Noise Guideline* (OE&H- EPA 2009).

Muswellbrook Shire Council is the appropriate regulatory authority for noise from non-scheduled construction activities in its area, except as described in Section 6(2) of the *POEO Act 1997*, and thus has discretion in dealing with noise.

Any noise monitoring must be carried out by a suitably qualified Acoustical Consultant if complaints are received, or if directed by Council, and any noise control measures recommended by the Acoustical Consultant must be implemented throughout the remediation work.

### Vibration

The use of plant or machinery must not cause vibrations to be felt on any other premises.

### Air Quality

#### Dust Control

Dust emissions must be confined within the site boundaries. The following dust control measures may be employed to comply with this requirement:

- Erection of dust screens around the perimeter of the site
- Use of water sprays across the site to suppress dust

- Keeping excavation surfaces moist
- Covering of all stockpiles of soil and other materials likely to generate dust (where practical)
- Securely covering all loads entering or exiting the site.

#### Asbestos

Works involving the potential disturbance of asbestos containing materials must be carried out in strict accordance with SafeWork NSW requirements.

#### Odour Control

Remediation work must not result in the emission of odours that can be detected at any boundary of the site by an Authorised Council Officer. The following measures may be employed to comply with this requirement:

- Use of appropriate covering techniques, such as the use of plastic sheeting to cover excavation faces or stockpiles
- Use of fine mist sprays
- Use of mitigating agents on hydrocarbon impacted areas or materials
- Maintaining equipment and machinery to minimise exhaust emissions.

If odours are detected, the site is to be inspected by a suitably qualified Environmental Consultant and any recommended control measures are to be implemented throughout the remediation process.

#### Burning of Materials

No materials are to be burned on site.

#### Transport

All haulage routes for trucks transporting soil, materials, equipment or machinery to and from the site must be selected to meet the following objectives:

- Comply with all road traffic rules
- Minimise noise, vibration and odour to adjacent premises
- Minimise use of local roads.

All transport operators and drivers transporting soil, materials, equipment or machinery to and from the site must:

- Use the designated haulage routes and site access points
- Make all deliveries and pick-ups between the hours specified in Hours of Operation
- Securely cover all loads to prevent any dust or odour emissions during transportation
- Not track soil, mud or sediment onto the road.

#### Hazardous Wastes

Hazardous wastes arising from the remediation work must be removed, stored and disposed of in accordance with the requirements of the EPA and SafeWork NSW, including the following legislation and guidelines:

- *Work Health & Safety Act 2011*
- *Work Health & Safety Regulation 2011*
- *Protection of the Environment Operations Act 1997*
- *Protection of the Environment Operations (Waste) Regulation 2005*
- Waste Classification Guidelines (NSW EPA, 2014), and associated addenda (available on <http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm>), resource recovery orders and exemptions (current list available on <http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm>)
- *Environmentally Hazardous Chemicals Act 1997*.



Documentary evidence verifying that all wastes have been classified and disposed of appropriately must be included in the Monitoring and Validation report for the site.

### Disposal of Contaminated Soil

Contaminated soil must be disposed of in accordance with the requirements of the *Protection of the Environment Operations Act 1997* and Regulations and any relevant NSW EPA guidelines such as the publication titled *Waste Classification Guidelines* (NSW EPA, 2014) and associated addenda (available on <http://www.epa.nsw.gov.au/wasteregulation/classify-waste.htm>), and resource recovery orders and exemptions (current list available on <http://www.epa.nsw.gov.au/wasteregulation/orders-exemptions.htm>)

NOTE: If contaminated soil or other waste is transported to a site unlawfully, the owner of the waste and the transporter are both guilty of an offence.

### Containment / Capping of Contaminated Material

On-site containment or capping of contaminated soil is not permitted if the concentrations of contaminants are statistically above the soil investigation levels specified in The *National Environment Protection (Assessment of Site Contamination) Measure 1999*, amended in 2013 (ASC NEPM, 2013) for the range of land-uses permitted on the site (unless otherwise agreed with Council or other relevant authority through the endorsement of a Remedial Action Plan and an On-going Environmental Management Plan).

### Importation of Fill

Fill material must be validated (at its source if practicable), prior to being imported onto the site. The validation must indicate that the material is free of contaminants (i.e. comprises Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM)) or as otherwise approved by the NSW EPA, or the relevant resource recovery exemptions and orders. Fill imported on to the site should also be compatible with the existing soil characteristic for site drainage purposes.

Fill material may be validated by one or both of the following methods:

- The fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material or the known past history of the site where the material is obtained
- The fill should be sampled and analysed in accordance with the relevant EPA Guidelines, to ensure that the material is not contaminated.

Documentary evidence verifying that any fill material has been appropriately validated must be included in the Validation Report for the Site.

### Groundwater

An appropriate licence must be obtained from the NSW Office of Water for approval to extract groundwater. Prior to discharge to the stormwater system, site groundwater must be analysed for any contaminants of concern and comply with relevant EPA and ANZECC water quality criteria.

Other options for the disposal of groundwater include disposal to sewer with the prior approval of the appropriate water authority, or off-site disposal by a liquid waste transporter at an appropriately licensed liquid waste treatment or processing facility.

### Removal of Underground Storage Tanks

The removal of underground storage tanks (UST) must be undertaken in accordance with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*, WorkSafe NSW and relevant Australian Standards.

Following the removal of USTs, the tank pits must be remediated and validated in accordance with *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014* and relevant guidelines provided under the Regulation.

### Excavation and Backfilling Work

All excavation and backfilling work must be carried out by competent persons in accordance with WorkSafe requirements, including the publication titled *Excavation Work Code of Practice: (WorkCover, 2015)*.

If it is necessary to excavate adjacent to an adjoining building or structure, and the excavation work may damage or impair the stability of the building or structure, the person proposing to carry out the work must:

- Take all necessary precautions to protect the building or structure from damage, including any shoring or underpinning where appropriate
- Provide details of the proposed work to the adjoining owner at least seven (7) days before the works commence.

### Building and Demolition Work

Development consent may be required from Council for any associated building or demolition work.

## 11 COMMUNITY INFRASTRUCTURE

### 11.1 ADOPTION OF ASSET MANAGEMENT POLICY

<b>Attachments:</b>	<b>A. Asset Management Policy</b> <b>B. Submission</b>
<b>Responsible Officer:</b>	<b>Neil Pope - Director, Community Infrastructure</b>
<b>Author:</b>	<b>Peter Higgins - Manager, Technical Services</b>
<b>Community Plan Issue:</b>	<b>Community Infrastructure</b>
<b>Community Plan Goal:</b>	<b>Maintain and continually improve asset management.</b>
<b>Community Plan Strategy:</b>	<b>Implement asset management system.</b>

#### PURPOSE

To adopt the Asset Management Policy that has been exhibited.

#### OFFICER'S RECOMMENDATION

1. Council adopt the Asset Management Policy - A40/1; and
2. A report be prepared on the request to add the 1.15km section of Rouchel Gap Road to Council's maintenance responsibility.

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

#### BACKGROUND

Council at its Corporate Planning and Policy meeting of 31 May 2017 resolved to put the Asset Management Policy No. A40/1 on exhibition for public comment. The policy was published on Council's web site from 15 June to 11 July and in local newspapers from 23 June. Submissions closed 11 July 2017.

#### CONSULTATION

Not applicable.

#### CONSULTATION WITH COUNCILLOR SPOKESPERSON

Not applicable.

#### REPORT

Council received one submission from Russell and Jade Paterson (see attachment B).

The submission is not relevant to the exhibited draft policy. It raises a request to review the maintenance status of a 1.15km section of Rouchel Gap Road not currently maintained by Council.

In 1985 Council assessed all roads it maintained and adopted a schedule of roads for maintenance. Later this was incorporated into the Strategic Plan for Road Management, adopted by Council in early 2004. That strategy identifies that there are about 90kms of public road in the shire that Council does not maintain. The strategy is informed by legal advice which confirms that Council is not

obliged to establish or maintain road surfaces. The schedule was later included in the road hierarchy of the Road Asset Management Plan.

The strategy also determined that if Council were to consider any further maintenance sections; firstly Council would have to agree to allow the owners to upgrade the road to a standard acceptable to Council. They may carry out work on the road with Council Consent under s138 Roads Act.

As a decision in isolation on this matter could establish a precedent contrary to councils adopted strategy, a separate report will be prepared on this request.

**The submitters have been advised as follows.**

I refer to your submission on Council Asset Management Policy. The Policy is a high level document that does not mention any specific streets or roads. Your submission addresses a specific road and concern of yours and while relevant to Councils Road Asset Management Plan and the Road Hierarchy it is outside the scope of the overall policy document.

The request to adjust the road hierarchy to include a section of Rouchel Gap Road for maintenance by Council has been referred to Council's Roads and Drainage Manager.

**OPTIONS**

Council has options to adopt the Policy or not.

**CONCLUSION**

Recommend adoption.

**SOCIAL IMPLICATIONS**

nil

**FINANCIAL IMPLICATIONS**

nil

**POLICY IMPLICATIONS**

Policy will guide Council and staff in dealing with Asset Management.

**STATUTORY IMPLICATIONS**

Meets requirements.

**LEGAL IMPLICATIONS**

Not applicable.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable.



# **muswellbrook shire council**

## **Asset Management Policy**

### **Policy No. A40/1**

#### **Authorisation Details:**

<b>Authorised by:</b>	
<b>Minute No:</b>	
<b>Date:</b>	
<b>Review timeframe:</b>	<b>May 2019</b>
<b>Department:</b>	<b>Community Infrastructure</b>
<b>Document Owner:</b>	<b>Manager Technical Services</b>

#### **Details History:**

<b>Version No.</b>	<b>Date changed</b>	<b>Modified by</b>	<b>Amendments made</b>
1		Peter Higgins	



## **POLICY OBJECTIVE**

This policy provides the overall framework to guide the sustainable management of Council's infrastructure asset portfolio.

## **POLICY STATEMENT**

Council is committed to providing the best possible value services delivered from its infrastructure assets and continually improving its asset management systems. Council is developing systems so as to comply with the principles established by ISO 55000:2014 (international standard for asset management systems).

Best value service is delivered when Council's infrastructure assets:

- perform in a way that meets the needs and aspirations of the community as expressed in the Muswellbrook Shire Community Strategic Plan (as far as possible within the resources Council has available to provide them, considering competing priorities)
- are sustainable (in that the social, environmental and economic costs of providing infrastructure assets over the long term are minimised);
- have an acceptable level of risk (as defined in Council's risk management system) and are resilient (wherever possible, increasing the capacity of the community to withstand external shocks and adapt to changing circumstances).
- are acquired, upgraded or renewed when necessary to meet community service demands or growth and are of such a quality that meet specifications, technical standards, requirements for public safety, WH&S and maintainability to ensure best value life cycle costs;
- gained from the development of land by third parties meet acquisition requirements and are provided in a logical and orderly manner.

## **RESPONSIBILITY**

Council as a governing body has responsibilities under the NSW Local Government Act for the responsible and sustainable management of infrastructure assets. The primary means by which these are satisfied is by implementing the Integrated Planning and Reporting Framework, particularly requirements for asset management planning in Council's Resourcing Strategy which informs the Delivery Program.

The General Manager has responsibility for preparation of Integrated Planning and Reporting Framework documentation in consultation with the mayor and governing body (councillors), and for its implementation.

The Asset Management Steering Group monitors the implementation and improvement of the asset management system, which supports the achievement of asset management objectives within the Integrated Planning and Reporting Framework.

Asset management responsibilities will be clearly and appropriately allocated throughout the organisation.

## **REFERENCES**

- Local Government Act 1993 (including the amended guiding principles introduced in 2016)
- Local Government Amendment (Planning and Reporting) Act 2009
- Integrated Planning and Reporting Guidelines and Manual (NSW Office of Local Government, 2010)
- ISO 55000:2014 Asset Management – Overview, principles and terminology
- ISO 55001:2014 Asset Management – Management systems – Requirements).

## **PROCEDURE**

Asset management is a dynamic process that affects all areas of Council service delivery and as such this policy will impact upon and relate to a number of policies and strategies throughout the organisation.

A series of Service Dashboards (one for each theme in Council's Delivery Program) form the centrepiece of Council's Strategic Asset Management Plan. The Dashboards highlight key concerns with the value Council can provide both now and in 12 years' time (based on funding available in the Long Term Financial Plan) in order to facilitate an ongoing conversation between Council and the community about priorities for the allocation of Council's limited resources to provide the best possible value across all functions of Council.

Asset management activities are aligned with the outcomes in the Muswellbrook Shire Community Strategic Plan so that Council is clear about how its functions are helping to facilitate a strong, healthy and prosperous local community (the objective of the principles established by the NSW Local Government Act).

The asset management system is designed to foster leadership within Council by clarifying the outcomes that Council's activities are intended to deliver and establishing responsibilities for achieving these. The system is also intended to provide assurance that infrastructure assets will fulfil their required purpose and to satisfy audits of Council's asset management performance that are to be introduced in the future.

The Asset Management Steering Group performs the management review function for the asset management system, driving continual improvement based on the principles of ISO 55000:2014.

## **Author**

Manager Technical Services

## **Date**

31 May 2017

Russell and Jade Paterson  
44 Queen Street  
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M: 0407 432 140  
E: [russ.jade@bigpond.com](mailto:russ.jade@bigpond.com)

Mr Steve McDonald  
Muswellbrook Shire Council  
PO Box 122  
Muswellbrook NSW 2333

11 July 2017

**Submission – Draft Asset Management Policy – Rouchel Gap Road**

Dear Steve,

We wish to lodge a submission to the Draft Asset Management Policy currently on exhibition and apply for a slight variation to the Muswellbrook Shire Council (MSC) maintenance strategy for Rouchel Gap Road.

We kindly request that the **2013 Road Asset Management Plan** be amended to include an **additional 1.15kms of road maintenance for Rouchel Gap Road** near McCully's Gap.

**Current Status**

Rouchel Gap Road is a through road running between MSC and the Upper Hunter Shire Council (UHSC), connecting Sandy Creek Road (MSC) and Rouchel Road (UHSC). 4.0kms of Rouchel Gap Road is within the boundary of MSC.

According to the MSC 2013 Road Asset Management Plan (Appendix E Road Hierarchy) Rouchel Gap Road is recorded as a Rural Access 3 Road for a distance of 2.85kms from the intersection of Sandy Creek Road. 1.15kms of Rouchel Gap Road is listed as a Public Road Not Maintained by Council in the Appendix I Rural Road Status Report table. The UHSC currently maintain Rouchel Gap Road from the intersection of Rouchel Road to the boundary of MSC and this section of Rouchel Gap Road is in a good maintained condition.

**Road Utilisation**

Rouchel Gap Road is a public road and frequently used by residents in both the MSC, UHSC plus visitors. Rouchel Gap Road permits:

- Sole access/exit for residents of Rouchel Gap Road when the Sandy Creek is in flood;
- Emergency vehicle access to residences along Rouchel Gap Road when Sandy Creek is in flood

- Access to the Aberdeen and Rouchel townships;
- Multi directional access to residences along Sandy Creek Road, Rouchel Road, and Rouchel Gap Road (in both the MSC and UHSC);
- Access to the McCully's Gap local area, and Muswellbrook township from Rouchel Road
- Access to Lake Glenbawn Holiday and Recreation Park, Gundy and beyond for residents of the McCully's Gap local area.

**Request for Amendment to 2013 Road Asset Management Plan**

We request that the road status of **Rouchel Gap Road as a Rural Access 3 Road be extended from 2.85kms to 4.0kms in the Road Hierarchy- Part C Road Hierarchy Map**, which means an additional 1.15kms of Rouchel Gap Road will be maintained by MSC. We also ask that 1.15kms of Rouchel Gap Road be removed from the listing of Public Roads Not Maintained by Council in the Appendix I Rural Road Status Report table.

**We believe that the nature and vehicle usage of Rouchel Gap Road provides clear and strong justification for the proposed amendment outlined in the paragraph above.**

We also ask that Council consider reviewing the classification of Rouchel Gap Road on the Rural Road Network Road Hierarchy Map (Appendix E Road Hierarchy). Rouchel Gap Road is currently classified as a Rural Access 3 Road which appears inconsistent with the description/function provided in the Road Hierarchy Table Part A – Rural Road Network “Typically provide access to 1-2 homestead/s”.

It appears that the actual road usage for Rouchel Gap Road does not fit appropriately with the Rural Access 3 Road category.

**Road Repairs Completed by Landholder**

The 1.15km portion of Rouchel Gap Road not currently maintained by Council runs through our Property, The Gap which we purchased in 2014. We do intend to lodge a Development Application to construct a dwelling in the near future. To permit heavy vehicle access for building and construction materials, and to provide safe passage through our property plus mitigating against vehicle damage we were forced to grade 1.15kms of Rouchel Gap Road at a personal cost of \$2,500. The grading work has significantly improved the quality of the road by eliminating pot holes, dangerous ruts and erosion, and was carried out at the same time as other road/earthmoving works on our property.

Over the last 3 years the condition of Rouchel Gap Road had deteriorated significantly. Prior to completing the grading works 1.15kms of Rouchel Gap Road was virtually impassable during wet conditions to all vehicles and was 4wd-only access during dry conditions.

Jade attended the MSC Administration office to discuss this submission on 6<sup>th</sup> July 2017 and was advised by Imelda Williams of the requirement to obtain a S138 Permit. Unfortunately, the grading work had already been completed in the days beforehand and a permit was not obtained.

**Fortunately the recent grading of Rouchel Gap Road will provide an improved starting point for Council's maintenance works should this submission be successful.**



Thank you for considering this submission.

Kind regards,

Russell and Jade Paterson

M: 0407 432 140

**11.2 GRANT FUNDING - ACTIVE TRANSPORT PROGRAM 2017-2018**

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Neil Pope - Director, Community Infrastructure</b>
<b>Author:</b>	<b>Edi Ediriwickrama - Manager, Roads &amp; Drainage</b>
<b>Community Plan Issue:</b>	<b>Community Infrastructure</b>
<b>Community Plan Goal:</b>	<b><i>Maintain and continually improve the Shire's footpath and cycleway networks to improve connectivity.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Provide a report to Council on options to be funded and the amounts necessary to achieve the Delivery Plan.</i></b>

**PURPOSE**

This report seeks Council's endorsement to accept the grant that has been made available to Council under the 2017-2018 Active Transport (Walking and Cycling) Program.

**OFFICER'S RECOMMENDATION**

**Council accept the grant of \$53,000 which has been made available under the 2017/2018 Active Transport Program.**

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

**BACKGROUND**

The NSW State Government (via RMS) provides funding assistance to councils through its Active Transport Program. The objective of the program is to create more accessible, liveable and productive towns, cities and centres.

Program proposals are invited from all councils for eligible projects. The proposals received by RMS are then assessed and prioritised according to a priority weighting system. The available pool of funding is allocated for projects in the order of priority across the region.

Funds under this program are provided on the basis that 50% of the cost of the works is contributed by RMS and 50% by the Council.

**CONSULTATION**

RMS has been consulted prior to submitting the project proposals.

**REPORT**

Project proposals under Active Transport Program were invited from Councils in August 2016 for consideration for funding in 2017/18 financial year. The following three project proposals were submitted as those projects were in Council's priority list of missing links of paths and likely to receive higher priority weighting from RMS assessment criteria.

- 1 Construction of the shared user path on Skellatar Street from Childcare centre to Mitchell Street.
- 2 Construction of the shared user path on Ironbark Road from Rutherford Road to Adam Street.
- 3 Construction of a shared path on Carl Street from Market Ln to Market Street.

The RMS has recently advised that Council has been successful in gaining funds for the construction of shared path on Skellatar Street and an amount of \$53,000 has been offered. The estimated cost of

construction is \$106,000. To receive the above funds for the construction of shared path on Skellatar Street, Council will have to fund its contribution of \$53,000.

Council has allocated an amount of \$100,000 in 2017/18 capital budget for construction of new footpaths. Council could consider allocation of \$53,000 from the above budget allocation as its contribution towards the construction of the shared pathway on Skellatar Street.

**OPTIONS**

1. Council could opt to not accept the grant.
2. Council could allocate an amount of \$53,000 from the funds available in the new footpath allocation as the matching funds to receive the grant.

**CONCLUSION**

Acceptance of the above grant will provide additional funds to undertake identified missing pathway links.

**SOCIAL IMPLICATIONS**

Not applicable

**FINANCIAL IMPLICATIONS**

To receive the grant funding offered, Council has to allocate an amount of \$53,000 as the matching funds. The required matching funds can be sourced from the New Footpath allocation in 2017/18 budget.

**POLICY IMPLICATIONS**

Not applicable

**STATUTORY IMPLICATIONS**

Not applicable

**LEGAL IMPLICATIONS**

Not applicable

**OPERATIONAL PLAN IMPLICATIONS**

Sec 21.1.3 applies; 'Review proposals against the Walk and Cycle Plan and/or Missing Links priority list prior to commencement of new works'.

**RISK MANAGEMENT IMPLICATIONS**

Not applicable

**11.3 MACH ENERGY ROADS ACT SECTION 138 CONSENT - BENGALLA LINK ROAD INTERSECTION AND LEVEL CROSSING OF OLD BENGALLA LINK ROAD**

<b>Attachments:</b>	<b>A. Rail Crossing Old Bengalla Road and Supporting Documents</b>
<b>Responsible Officer:</b>	<b>Neil Pope - Director, Community Infrastructure</b>
<b>Author:</b>	<b>Peter Higgins - Manager, Technical Services</b>
<b>Community Plan Issue:</b>	<b>Community Infrastructure</b>
<b>Community Plan Goal:</b>	<b>Maintain and continually improve asset management.</b>
<b>Community Plan Strategy:</b>	<b>Implement and update Asset Management Plan and Improvement Strategy as it applies to Roads and Drainage Assets.</b>

**PURPOSE**

The report seeks delegation to the General Manager to consent to a Mining related Roads Act Section 138 application 20018/0015 for a Level Crossing and associated intersection works on Old Bengalla Link Road.

**OFFICER'S RECOMMENDATION**

**Council delegate authority to the General Manager to issue a Section 138 Consent to MachEnergy in regard to Application 20018/0015 for: a Level Crossing on Old Bengalla Link Road across a proposed private rail loop; associated intersection works; and realignment of Bengalla Link Road.**

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

**BACKGROUND**

An application for a Roads Act Consent from MachEnergy has been received.

**CONSULTATION**

The issues have been discussed with the Applicant.

**CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Not applicable.

**REPORT**

The application details a proposed Level Crossing over Old Bengalla Road. The Level crossing has to be level with the future Rail loop to MachEnergy's coal loader, this in turn means that a section of Bengalla Link Road needs to be raised and the intersection with Old Bengalla Road upgraded. This is the third major consent to be issued to MachEnergy and similar conditions are to be applied. That is there will be a condition requiring a bond to remove the Mine's asset, the Rail Crossing, and restore the Road Reserve when no longer required.

It is further proposed to condition the consent to ensure the ongoing maintenance of the new work as it would otherwise become unclear who has maintenance responsibility for that Section of Bengalla Link Road affected by the work.

Draft Special Conditions.



- The Consent Holder must lodge with Council a Security to be held for the removal of the mine owned asset from the road reserve and restoration of the landform to the satisfaction of Council. The Security in the form of a cash bond or bank guarantee is for an amount to be agreed with the General Manager prior to the commencement of the construction of the Mine owned Infrastructure. The Security as a bank guarantee is to be indexed at the Construction Price Index rates biannually and if a cash bond, the amount is to be reviewed every five years from lodgment. The Security is to be held until the mine owned asset is removed from the road reserve and the road reserve and landform is restored to the satisfaction of council or as approved by Council.
- Not later than 7 days following completion of the works the applicant must apply for a Section 138 Permit for ongoing maintenance in accordance with Condition 41 of the Development Consent for the maintenance of Bengalla Link Road affected by this consent and of that section of Old Bengalla Road also affected.

**OPTIONS**

Council could refuse the delegation and determine the matter itself, either as a refusal or as a Consent. At this point in time not all the details necessary for Council to determine the matter are available. Items to be included in the removal bond and construction bond are yet to be assessed.

**CONCLUSION**

As previously resolved by Council a delegation is recommended.

**SOCIAL IMPLICATIONS**

nil

**FINANCIAL IMPLICATIONS**

To be covered by appropriate bonds as per previous like consents.

**POLICY IMPLICATIONS**

nil

**STATUTORY IMPLICATIONS**

Consent to be issued under Section 138 of the Roads Act 1993.

**LEGAL IMPLICATIONS**

Council is the Road Authority with authority to issue a consent for the works.

**OPERATIONAL PLAN IMPLICATIONS**

nil

**RISK MANAGEMENT IMPLICATIONS**

Preliminary risk assessments have been provided and are to be reviewed as necessary at various stages of the development by the applicant, Council staff and the rail authority. The Rail Crossing is to have boom gates, lights etc.



26 July 2017

Our ref: 2218669-98470  
Your ref:

## Scope of Work

### Mt Pleasant Rail Loop

### Bengalla Link Road Intersection and Level Crossing works

## 1 Introduction

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

### 1.1 Purpose of Scope

This scope describes the remaining works on Bengalla Link Road and Old Bengalla Road to accommodate the Mount Pleasant Rail loop. This scope includes the following:

- New level crossing at Old Bengalla Road, active control RX-5 with boom barriers
- New AUL/CHR(s) intersection of Bengalla Road and Old Bengalla Road
- Realignment of approximately 900m Bengalla Road associated with new intersection
- Utility relocations including Telstra, Ausgrid and mine services
- Balloon rail loop encroachment into road corridor of Bengalla Road
- Augmentation of existing drainage culverts to suit road works
- Ancillary works such as level crossing lighting and visual screen

During the detail design process the following scope items will be further refined:

- Traffic counts of Bengalla Road and Old Bengalla Road
- SIDRA modelling of intersection movements to determine road user delay at Bengalla Road/Old Bengalla Road intersection and inform risk assessment
- Signal design of active signals at new level crossing
- Detail design of lighting requirements at new level crossing
- Confirm requirements for screening between road and rail to address light spill issue

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- Determination of safety barrier extents where the height of rail embankment is low and encroaches within the clear zone of Bengalla Road
- Coordination of utility relocations with civil design including road, rail and drainage structures
- Development of drainage design suitable for realigned Bengalla Road
- Detailed design and specification of all works

## **2 Old Bengalla Road level crossing and intersection design**

To safely accommodate the Mount Pleasant rail loop a new level crossing on Old Bengalla Road is proposed, approximately 900m of Bengalla Road requires realignment to cater for storage of design vehicle between road and rail alignments and the existing intersection with Old Bengalla Road is to be upgraded to an AUL/CHR(s) arrangement.

The following sections describe the risk based design approach and design standards used to arrive at the intersection geometry shown in the attached drawing.

### **2.1.1 Risk management**

The key hazard affecting the design of a level crossing at Old Bengalla Road is the proximity of existing Bengalla Road to the Mount Pleasant Rail loop. The distance is less than the dimensions required to ensure the design vehicle stationary at the level crossing is clear of Bengalla Road through traffic for a right-turn-in manoeuvre, or that a vehicle stationary at the hold line is clear of the level crossing for right-turn-out manoeuvre. In the absence of formal intersection counts or traffic assessment the likelihood of this scenario occurring cannot be determined and therefore the worst-case scenario needs to be addressed through design. Refer to Table 1 for risk assessment and Figure 1 for assessment matrix.

Table 1 Level crossing risk assessment and mitigation

No.	Hazard	Initial risk rating			Mitigation measures	Residual risk rating		
		Consequence	Likelihood	Risk		Consequence	Likelihood	Risk
1	Proximity of rail to Old Bengalla Road – short stacking/queuing across tracks	Catastrophic	Unlikely	Significant	<p>Realign Old Bengalla Road to shift away from rail and provide stacking room between rail and intersection for design vehicle. Geometry constrained to existing road corridor and mining lease to avoid property impacts to Bengalla Land</p> <p>Provide active signals RX-5 with boom gates, RX-8 advance warning signage on Bengalla Road, KEEP TRACK CLEAR signs and yellow box markings at level crossing</p> <p>Traffic surveys to confirm traffic volumes. SIDRA modelling to be undertaken to determine anticipated delay at intersection and potential for multiple vehicle delay and thus queueing across level crossing. Likelihood rating to be confirmed following this assessment.</p>	Catastrophic	Very Unlikely	Moderate
2	New level crossing approval process and authority	Critical	Unlikely	Moderate	<p>Early engagement of stakeholders, involvement in risk assessment and design</p> <p>Management plans by road and rail operator</p>	Critical	Very Unlikely	Moderate

Even with the implementation of the proposed geometry, there is a residual risk associated with stationary vehicles on the level crossing, either via breakdown or queuing traffic resulting in an inability for the vehicle to move clear of the path of a train. Our approach to minimising this risk is to:

- Provide an intersection arrangement that provides vehicle storage between the crossing and the intersection
- Adopt multiple features highlighting the presence of an oncoming train
- Discourage vehicles from becoming stationary on the crossing.

These are reflected in the attached sketch SK070.

	A – Minor	B – Major	C – Severe	D – Critical	E – Catastrophic
5 – Almost Certain	Low	Moderate	Significant	Critical	Critical
4 – Likely	Low	Low	Moderate	Significant	Critical
3 – Possible	Negligible	Low	Moderate	Significant	Critical
2 – Unlikely	Negligible	Negligible	Low	Moderate	Significant
1 – Very Unlikely	Negligible	Negligible	Low	Moderate	Moderate

Figure 1 GHD risk assessment matrix



### 2.1.2 Geometric design

#### Intersection arrangement

The intersection type has been determined using Figure A 10 (a) of AGRD04A (see extract below) based on traffic volumes. In the absence of traffic volumes an assumption has been made that the peak hourly traffic volumes are equal to 15% of AADT (2030vpd) which equates to 305vph for Bengalla Road and 15vph for Old Bengalla Road (assumes 100AADT). Please note traffic surveys are to commence shortly to confirm peak hourly volumes.

In summary, an AUL/CHR(s) intersection treatment is deemed appropriate, based on the current assumptions.

Guide to Road Design Part 4: Intersections and Crossings – General

Figure A 10: Warrants for turn treatments on the major road at unsignalised intersections

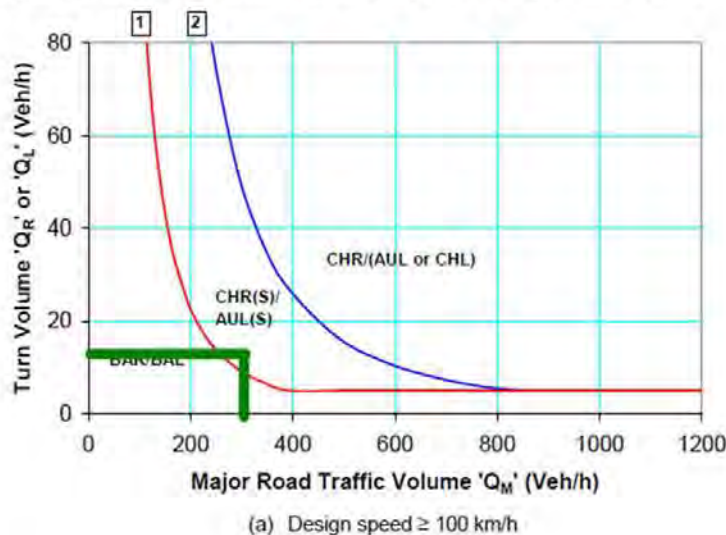


Figure 2 Intersection warrants based on traffic volumes

#### Intersection geometry

The intersection geometry is summarised by Table 2 and devised based on *Austrroads Guide to Road Design Part 4* (AGRD04) and *Austrroads Guide to Road Design Part 4A* (AGRD04A).

Please note that the design vehicle is a 19.0m semi-trailer as B Doubles are not permitted to operate on these roads without special use permits.

Table 2 Geometric design criteria

Criteria	Value	Reference/ comments
Design vehicle	19m semi-trailer	
Design speed	100km/h	Bengalla Road
	80km/h	Old Bengalla Road
<b>AUL</b>		
Turn lane width	3.2m	Figure 8.4 AGRD04A – 3.0m Table 7.13 (R450m) - lane widening 0.2m
Shoulder width	1.0m	Figure 8.4 AGRD04A
Diverge/deceleration length (rate of deceleration)	155m (comfortable 2.5m/s <sup>2</sup> ) 110m (max 3.5m/s <sup>2</sup> )	Table 5.2 AGRD04A Lengths are for stop conditions
Taper length	30m	Equation 5 AGRD04A (rounded up from 27.5m)
<b>CHR(s)</b>		
Turn lane width	3.2m	Table A4 AGRD04
Lateral movement length (A)	85m	
Diverge/deceleration length (D)	70m	
Desirable radius (R.)	425m	
Taper length (T)	30m	

We have undertaken a preliminary design layout that confirms that an intersection of this style can be provided within the existing road reserve, as represented in the attached sketch SK070. GHD will complete additional investigations to confirm impacts on stormwater, utilities, and other associated road design factors.

#### **Level crossing design**

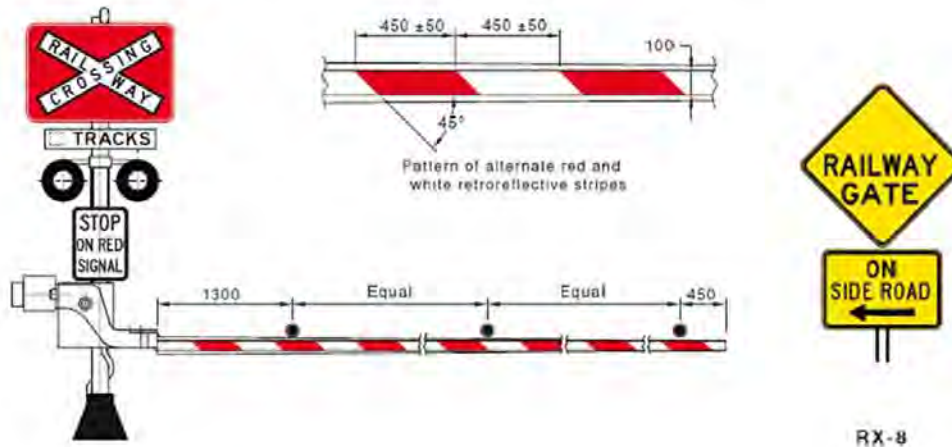
The level crossing is to be bitumen sealed and approximately 9.0m wide to cater for two 3.5m lanes and 1.0m shoulders.

### 2.1.3 Signage and line marking

Signage and line marking of the intersection is to be in accordance with AS1742.7 and as required to suit intersection geometry.

Signage and line marking of the level crossing is to be in accordance with AS1742.7 with the features listed below;

- Active control device RX-5 assembly with boom provided at 3.5m offset from nearest edge of rail
- RX-8 assembly located on each Bengalla Road approach, 50m from intersection
- Provide "KEEP TRACK CLEAR" sign with yellow box pavement markings
- Stop line provided 3m minimum back in advance of signal pedestal



### 2.1.4 Ancillaries

The scope will include installation of flag light over the level crossing, visual barriers between road and rail, service relocations (Telstra & Ausgrid) and provision for road drainage. A more detailed scope will be provided for these items in the final design.

This report: has been prepared by GHD for Mach Energy and may only be used and relied on by Mach Energy for the purpose agreed between GHD and the Mach Energy.

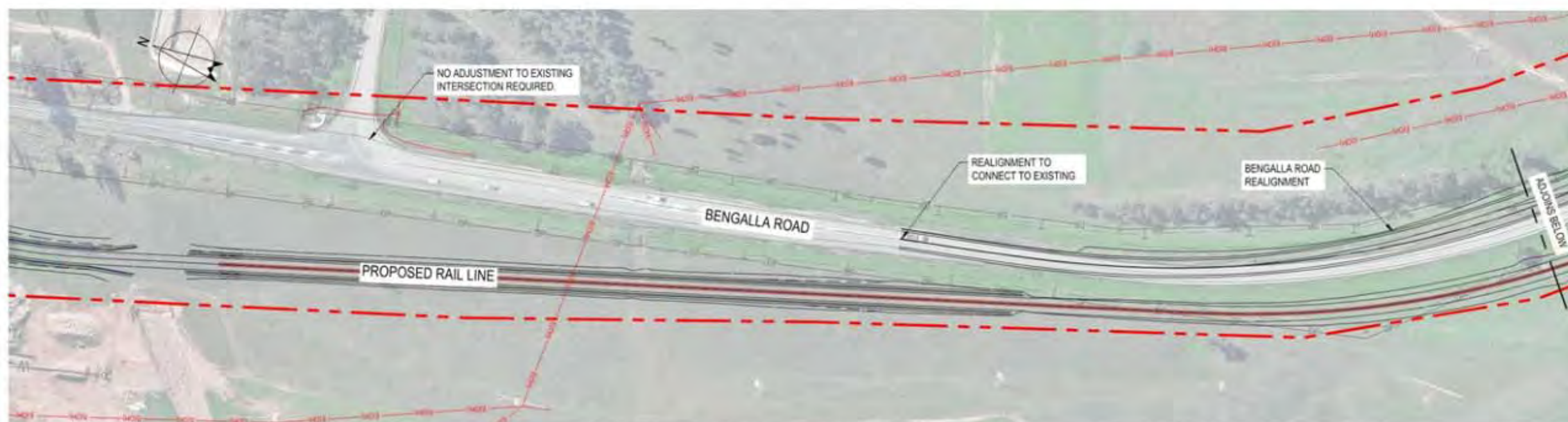
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The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

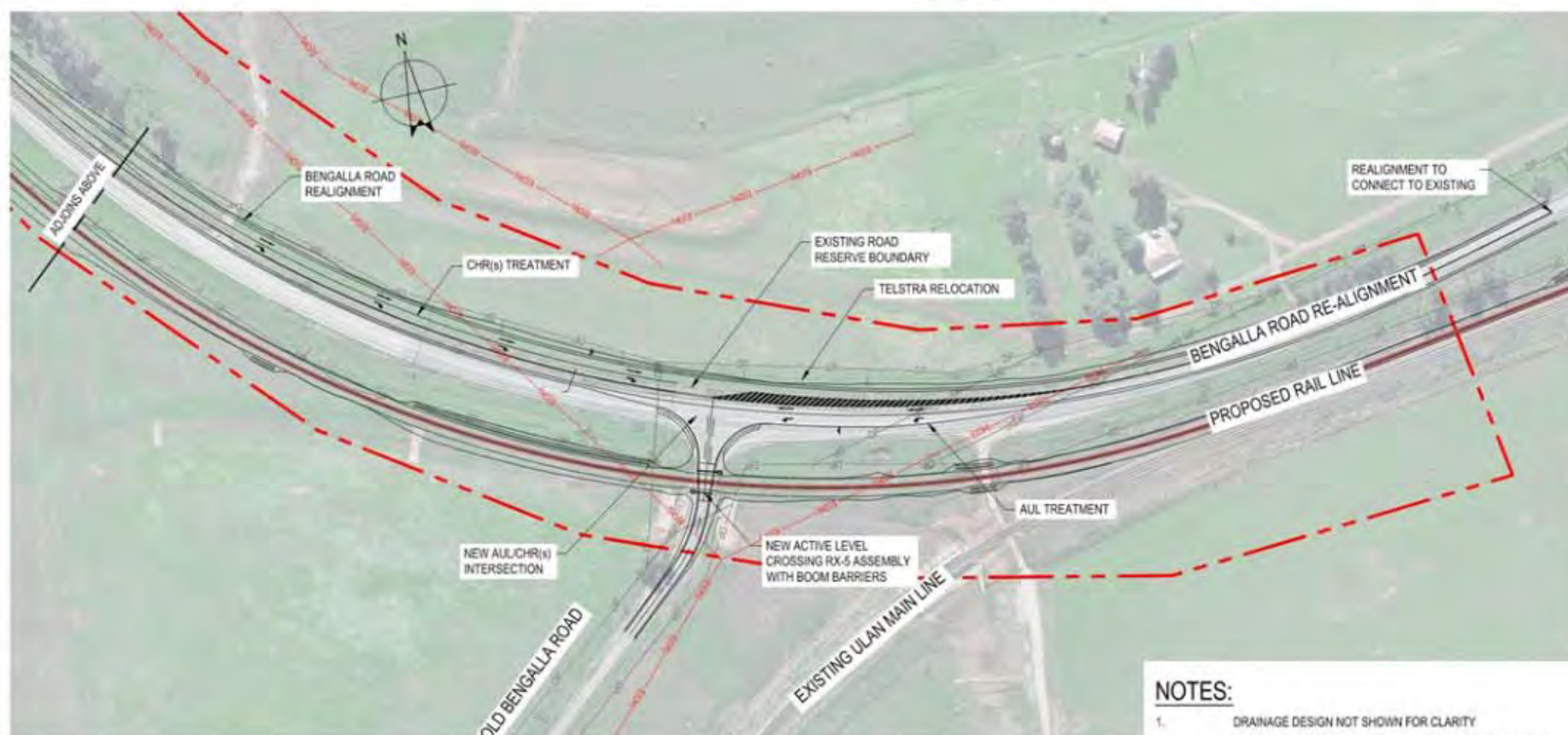
The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.





BENGALLA RD WORKS

SCALE 1:2000



BENGALLA RD WORKS

SCALE 1:2000

## LEGEND

	MINE LEASE BOUNDARY
	PROPOSED ROAD RESERVE BOUNDARY
	EXISTING OVER HEAD POWER
	EXISTING COMMUNICATIONS / TELSTRA
	TOE OF BATTER DRAIN



## PRELIMINARY

rev	description	app'd	date
A	PRELIMINARY ISSUE		26.07.17

BGC-MACH ENERGY  
MT PLEASANT RAIL LOOP  
OLD BENGALLA RD  
ROAD WORKS



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scale	SHOWN	for A3	job no.	22-18669
date	26.07.17		rev no.	A

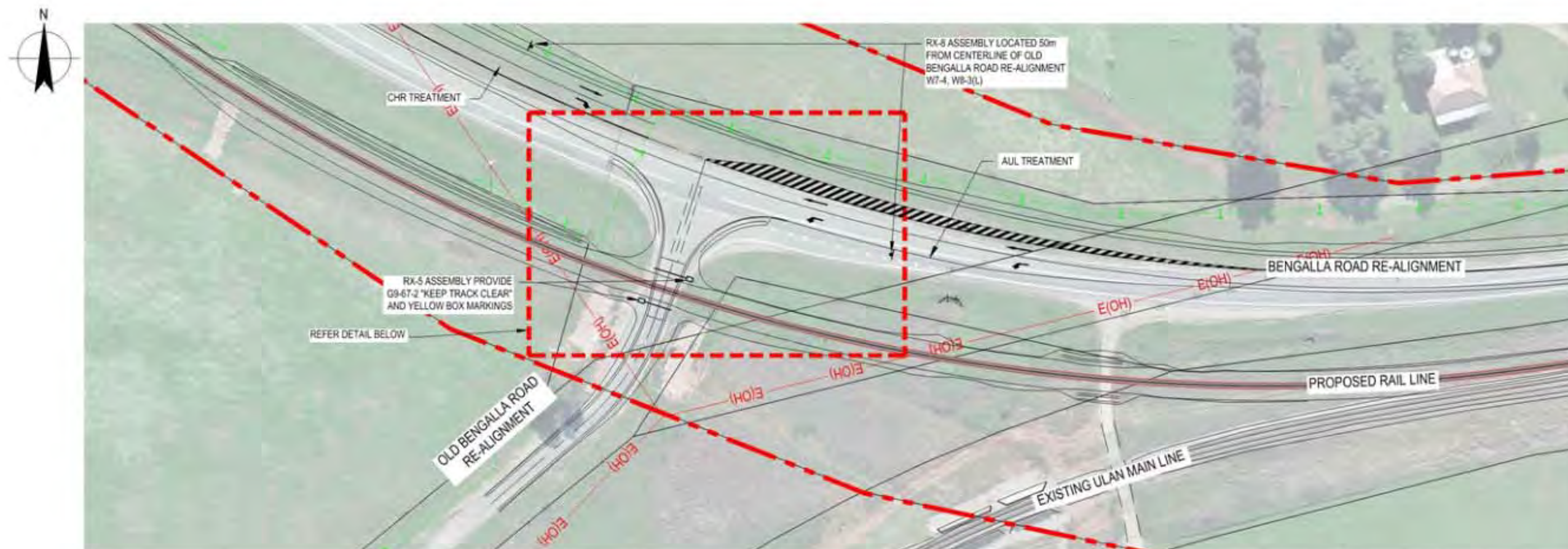
approved (PD)

SK072

## NOTES:

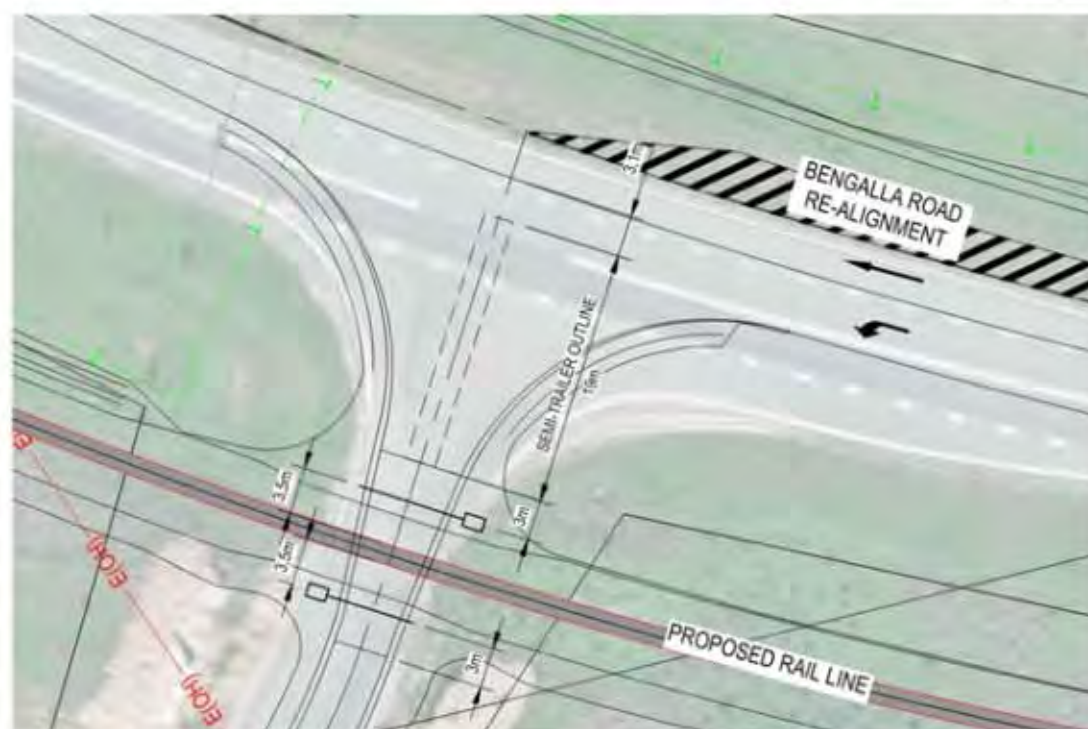
1. DRAINAGE DESIGN NOT SHOWN FOR CLARITY
2. THE DESIGN SHOWN IS PRELIMINARY ONLY AND REQUIRES FURTHER DESIGN AND INVESTIGATION TO CONFIRM EXTENTS





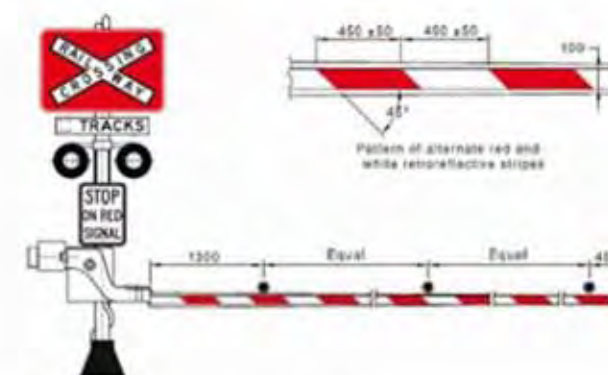
### OLD BENGALLA RD INTERSECTION

SCALE 1:1000



### PROPOSED LEVEL CROSSING DETAIL

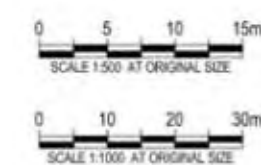
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RX-5  
N.T.S.



RX-8  
N.T.S.



### PRELIMINARY

rev	description	app'd	date
A	PRELIMINARY ISSUE	S.J	25.07.17

BGC-MACH ENERGY  
MT PLEASANT RAIL LOOP  
OLD BENGALLA RD  
INTERSECTION & LEVEL CROSSING



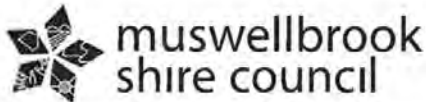
GHD Tower, Level 3  
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date 25.07.17 rev no. A

approved (PD) SK070





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## S138 Road Opening/Activity Permit Application

This application becomes a permit made under Section 138 Roads Act 1993 (NSW) once signed by a Council authorised officer.

Muswellbrook Shire Council is the Road Authority for public roads within Muswellbrook Shire, with the exception of freeways and crown roads. To undertake work/activity on, or alongside, public roads an S138 permit must first be obtained. This advises Council of the planned work/activity and allows Council to assess the necessary implementation of standards relevant to the work/activity being proposed. These specific standards need to be identified and adhered to, ensuring Muswellbrook Shire roads are kept safe and well maintained.

Permit no. Office use only

Request, or download from [muswellbrook.nsw.gov.au/roads](http://muswellbrook.nsw.gov.au/roads), a copy of S138 frequently asked questions and S138 technical conditions for roads or bridges.

### Applicant details

Applicant name	MACH Energy Australia Pty Ltd		
Address	GPO Box 94 Brisbane QLD 4001	Phone	(07) 3493 3600
		Email	general@machenergyaustralia.com.au

### Location and specifications of proposed works (you are required to attach a plan)

DA/CDC number (if applicable)	DA 92/97
Name and location of road to be affected	Bengalla Link Road and Old Bengalla Road
Details of work/activity to be carried out	Construction of intersection and level crossing at the intersection of Bengalla Link Road and Old Bengalla Road. See attached Scope of Work
Details of proposed restoration works <i>In the event you are not able to undertake restoration/works to the required standard yourself, you may seek a quote from Council's Works Department to schedule the works for you.</i>	New construction works

Do you require Muswellbrook Shire Council to provide a quote for restoration works to pavement, seal, footpath or other?

☐ Yes, please arrange for a quote ☒ No thanks

### Duration of consent period

Commencement date 15/09/17 Completion date 30/06/18

### Declaration of Applicant<sup>1</sup> or Director<sup>2</sup>

<sup>1</sup> I/we, the applicant, apply to Muswellbrook Shire Council, as the roads authority for the road and/or road reserve, for consent to undertake the above mentioned works and/or activity in, on or over the specified road as shown in the attached plan.

<sup>2</sup> (If applicant is a Company under the Corporations Act 2001) Signed by the Applicant Pursuant to s127(1) of the Corporation's Act 2001. Also in understanding and acceptance of the conditions under which this consent is granted.

Signature of Applicant or Director		Signature of Director/Secretary	
Print name	W.S. WINTER.	Print name	KT BOURKE
Date	26 JULY 2017.	Date	26 July 2017

Approved on behalf of Muswellbrook Shire Council by its duly authorised delegate

Manager Roads and Drainage, Edi Edirwickrama

Office use only

Date

## Conditions

1. **Manner of Work and/or Activity**
  - 1.1. The Work/Activity must be conducted according to the Plan and the Specifications.
  - 1.2. The Applicant must complete any backfilling of trenching works in accordance with Council's Auspec #1 Specification 306 – "Road Openings and Restoration" – as stipulated in Technical conditions 1151 and/or 1152.
  - 1.3. Where work/activity is undertaken in the CBD, the applicant must meet the Council's CBD specifications, at the applicant's expense.
2. **Council Requirements** The Applicant must comply with all Council requirements in relation to the Work/Activity:
  - a) Contained in this Permit and annexures;
  - b) Contained in any notice in writing concerning the Work/Activity given to the Applicant by the Council; and
  - c) Any direction given to the Applicant by the Council.
3. **Legislation** The Applicant must observe all requirements with respect to the Work/Activity imposed by any statute, regulation or ordinance or otherwise imposed by a statutory or other authority.
4. **Term** The Work/Activity must not be carried out at any time other than during the Consent Period.
5. **Proceed Continuously** The Applicant must carry out the Work as expeditiously and safely as practicable and proceed continuously until completion.
6. **Layout of Work**
  - 6.1. All pipe work crossing the Road must be laid perpendicular to the direction of the Road unless otherwise consented to by Council and described in the Specifications or shown in the Plan.
  - 6.2. The pavement surrounding any excavation of the Road must be neatly saw-cut prior to excavation.
  - 6.3. The Applicant must ensure that any cut pavement maintains a neatly finished edge at all times.
7. **Advise Council**
  - 7.1. The Applicant must give the Council a minimum of five working days notice prior to when the Work/Activity is to commence.
  - 7.2. The Applicant must notify Council as soon as the Work is completed if completion occurs during Business Hours.
  - 7.3. The Applicant must notify Council during the next Business Hours if the Work is completed outside of Business Hours.
8. **Expense** The Work is carried out at the Applicant's expense.
9. **Consent and Acknowledgement** This Permit must be signed for and on behalf of Council in order for consent to be granted; and must also signed by the Applicant in acknowledgement of the conditions under which this consent is granted.
10. **Service Conduit** Any Service Conduit placed across the Road must have at least 400mm of fill cover in addition to the road pavement thickness.
11. **Footpaths** Where any footpath is disturbed it must be restored to the original condition by the Applicant at the Applicant's cost.
12. **Fee** The Permit Fee is to be paid for the issue of this Permit.
13. **Restoration Fees**
  - 13.1. Where Council is required to undertake Restoration works, determination of the Restoration Fees is governed by Section 67 of the Local Government Act.
  - 13.2. Where a Restoration Fee is applicable the Applicant must pay the Restoration Fee:
    - a) As soon as the Work is completed if completion occurs during Business Hours; or
    - b) During the next Business Hours if the Work is completed outside of Business Hours.
  - 13.3. If disturbance to the Road exceeds that shown on the Specifications, the Applicant must pay the additional cost to Council for restoration.
14. **Indemnity** The Applicant indemnifies and holds Council harmless against all Claims by any person arising in connection with any acts or performance of an obligation under this Permit.
  - 14.1. **Specific Indemnities** - Without limiting clause 13.5 the Applicant indemnifies and holds Council harmless against any Claim arising directly or indirectly out of the following:
    - a) The construction and installation of the Work;
    - b) Conduct by the Applicant which amounts to a breach of any license, permit, approval or legislation;
    - c) Council granting consent to the Applicant to carry out the Work;
    - d) Failure to comply with any obligation of the Applicant under this permit.
  - 14.2. **Applicant to Maintain Insurance**
    - a) The Applicant must maintain a public liability insurance policy with an insurer approved by Council with a limit for any one event of not less than twenty million dollars (\$20,000,000).
    - b) The Applicant must produce evidence of the currency and terms of insurance as part of each permit application.
    - c) The insurance must be on terms to the reasonable satisfaction of Council and name Council as an insured party.
15. **Traffic Management Plan**
  - 15.1. The Applicant must ensure that a Traffic Management Plan is in place whilst the Work is being carried out.
  - 15.2. The appropriate traffic control measures must be established at the Applicant's cost.
  - 15.3. The traffic control measures must be in accordance with the current RMS Guidelines "Traffic Control at Work Sites".
  - 15.4. The Applicant must not interrupt or otherwise disturb the traffic flow on the Road without the written consent of Council.
16. **Responsibility for Restoration works**
  - 16.1. Where the applicant is not able to meet the standards required, the applicant can either contract the services of another provider that can – or apply to Council's Works Department for a quote, and for the work to be undertaken by Council at the applicant's expense.
  - 16.2. Where council is required to undertake the restoration works, the Applicant is responsible for the Works until Council's road maintenance service provider completes the standard road pavement restoration. Where the applicant undertakes to do the restoration work themselves, then the applicant is responsible until Council agrees to the standard of that restoration work.
17. **Responsibility in the event of absence or emergency.**
  - 17.1. In the Applicant's absence from the site of the Work, or in the event of any emergency (for which the Council has sole right of decision), Council may take such action as it considers necessary to prevent:
    - a) Loss of or damage to the whole or any part of the Work;
    - b) Loss or damage to the Road or any property adjacent to the work; or
    - c) To prevent personal injury to any person;
  - 17.2. Any such action (under sub-clause 15.2) is at the Applicant's expense.
18. **Safety** The Applicant must:
  - 18.1. Carry out the Work with due regard to the safety and rights of the public;
  - 18.2. In addition to clauses 0 and 3 comply with the requirements of the NSW Workcover Authority, the Department of Industrial Relations & Employment, and the Police Service of NSW.
19. **Relocation**
  - 19.1. If it is necessary in the reasonable opinion of Council:
    - a) To relocate or remove any portion of the Work; or
    - b) Carry out any additional work for the safety and protection of the public, Applicant must relocate or carry out such removal or additional work as reasonably determined by the Council.
  - 19.2. Any such relocation and/or additional work required to be carried out is at the Applicant's expense.
20. **Public Risk** Nothing in this consent shall be deemed to
  - a) Prejudice or affect the rights of the public to free passage upon or along the Road;
  - b) Authorise any nuisance to, or permanent obstruction of, the Road or public places;
  - c) Confer upon the Applicant exclusive right or title to that part of the Work within the boundaries of the Road, or
  - d) In any way restrict or limit the powers of the Authority and the Council in respect of the Road.
21. **Deemed Acknowledgement** Upon commencement by the Applicant of any part of the Work it shall be deemed that the Applicant has agreed with the Council to comply with the conditions of this consent.
22. **Conditions for moving or grazing stock on Council roads**
  - a) That stock warning signs as described in the Local Land Act 2013 indicating the presence of stock on the road shall be prominently displayed 200 metres before and after the section of road being used;
  - b) Stock signs must be displayed at all times when stock are on or adjacent to a roadway, and removed when stock are no longer present;
  - c) That the distance over which stock are being grazed does not exceed 2kms at any one time;
  - d) When stock are being moved along the road, warning signs shall be no further than 5kms apart;
  - e) That at least one person shall be attending the stock at all times;
  - f) That the stock may only be present on a public road during daylight hours.

See Privacy Notification on page 3.

## Recitals

- A. The Council is a public roads authority for the Road under s7(4)(b) of the Roads Act 1993 (NSW).  
 B. The Council consents to the Applicant placing, installing or erecting the Work within or across the Road under the conditions contained in this Permit.  
 C. The consent is granted under s138 of the Roads Act 1993.

## Definitions

"Act" means Roads Act 1993 (NSW)

"Applicant" means the signatory on the application being the individual(s) with the authority and the responsibility for the carrying out of the work.

"Business Hours" means the opening hours of Muswellbrook Shire Council Administration Centre;

"Claims" means any loss, damages, claims, demands, causes of action or suits of any kind;

"Consent Period" means \_\_\_\_\_  
 \_\_\_\_\_ or as per the application;

"Council" means Muswellbrook Shire Council;

"Council Officer" means the Muswellbrook Shire Council's nominated officer;

"Permit Fee" means the fee paid by the Applicant to Council for the administrative costs associated with the issue of the Permit and shown in the Specifications;

"Pipe work" means pipes, conduits, hoses, tubing, cables and wires;

"Plan" means the plan attached and marked Annexure "A";

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

"Road" means \_\_\_\_\_  
 \_\_\_\_\_ including/not including the road reserve;

"RMS" means Roads and Maritime Services;

"Service Conduit" means conduits used to run service wires and cables underground;

"Specifications" means Council's Technical Conditions 1151 and/or 1152, Council's CBD Specifications, and any other specifications as issued in the permit consent notification.

"Traffic Management Plan" means the Traffic Management Plan (also referred to as Traffic Control Plan or TCP) as approved by Council; and

"Work" means the plan of works described in application, including any restoration whether by the applicant or Council, and special instructions

## Notes

An Application should be lodged for Consent to Carry out a Section 138 Roads Act Activity if the Applicant proposes to:

- \* erect a structure or carry out a work in, on or over a public road, or
- \* dig up or disturb the surface of a public road, or
- \* remove or interfere with a structure, work or tree on a public road, or
- \* pump water into a public road from any land adjoining the road, or
- \* connect a road (whether public or private) to a classified road being a main road, a state highway, a controlled access road or a secondary road.

### The applicant must lodge with the application the following:

- ☒ A plan showing the exact location of the proposed Road Works
- ☒ Specifications of the proposed Road Works
- ☒ Evidence of suitable public liability insurance
- ☐ Traffic control plan
- ☐ The application fee of \$ **TBA** (the current fee as set by Council)

Any permit issued will not be valid without the above information and the original application attached

### Payment methods merchant fee of 0.75% charged on all credit card transactions.

cash	cheque	Mastercard	Visa	credit card no.	<input type="text"/>
Card holder's name		<input type="text"/>		Expiry date	<input type="text"/>
Signature		<input type="text"/>		Today's date	<input type="text"/>
				Daytime ph (for payment processing queries)	<input type="text"/>
				Amount	<input type="text"/>

#### Privacy notification

The personal information that Council is collecting from you is personal information for the purposes of the Privacy and Personal Information Protection Act 1998.

The intended recipients of the personal information may be:

- Officers within the Council
- Data service providers engaged by the Council from time to time
- Any other agent of the Council
- Financial institute involved in the process

The supply of the information by you is/is not voluntary. If you cannot provide or do

Page 3 of 3

not wish to provide the information sought, the Council may/will be unable to process your application.

Council is collecting this personal information from you in order to provide Council approved services.

You may make application for access or amendment to information held by Council. You may also make a request that Council suppress your personal information from a public register. Council will consider any such application in accordance with the Act.

Address enquires concerning this matter to the Public Officer.

CI-8138-20150630





MACH Energy Australia Pty Ltd  
GPO Box 94, Brisbane QLD 4001  
ABN 34 608 495 441

t: +61 7 3493 3600  
e: [info@machenergyaustralia.com.au](mailto:info@machenergyaustralia.com.au)  
[www.machenergyaustralia.com.au](http://www.machenergyaustralia.com.au)

Private and confidential

26<sup>th</sup> July, 2017

**The General Manager**  
Muswellbrook Shire Council  
157 Maitland Street  
Muswellbrook NSW 2333  
[council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au)

Dear Sir,

### **MACH Energy Section 138 Application – Bengalla Link Road Intersection and Level Crossing**

As part of the construction works associated with the Mount Pleasant Project (DA 92/97) MACH Energy seeks approval to carryout works associated with construction on an upgraded intersection at the intersection of Bengalla Link Road and Old Bengalla road and install a level crossing on Old Bengalla Road. The works are in association with construction of the rail works servicing the Mount Pleasant mine and will include installation of rail infrastructure in and adjacent to Council's road reserve.

#### **Scope of Works**

The scope of works for this application includes upgrading the existing Bengalla Link Road and Old Bengalla Road intersection to include turning lanes, installing a level crossing on Old Bengalla Road and installation of a rail line within Councils road reserve (see **attached** scope of work and drawings for locations and details). The works will also include all associated drainage works and service relocations required to facilitate the changes.

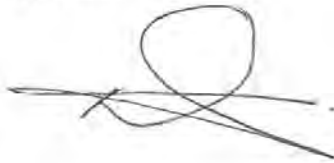
The works will include installation of temporary traffic control and staging of road upgrade works to ensure all the requirements for traffic control at worksites are met.

#### **Timing of Works**

Construction associated with this application will be carried out over a nine month period. The works are planned to commence on 15 September, 2017 and are expected to be complete by 30 June, 2018.

**MACH**Energy

Please do not hesitate to call or email should you have any further questions regarding this application.

A handwritten signature in black ink, consisting of a large loop at the top and several horizontal strokes below it.

Yours sincerely,

**Richard Bailey**  
Manager Enabling Services

Attachments:

Completed Section 138 Application  
A Scope of Works  
Plans showing the layout of the works

## 12 CORPORATE AND COMMUNITY SERVICES

### 12.1 TEMPORARY LIFTING OF THE ALCOHOL FREE ZONE IN THE AREA OCCUPIED BY THE 'BOTTOM'S UP MUSIC AND CRAFT BEER FESTIVAL 2017' AND WAIVER OF HIRE FEE OF SIMPSON PARK FOR THIS EVENT.

<b>Attachments:</b>	<b>A. Site Plan - Bottoms Up Music and Craft Beer Festival</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Carolyn O'Brien - Manager, Community Services</b>
<b>Community Plan Issue:</b>	<b><i>Cultural Vitality</i></b>
<b>Community Plan Goal:</b>	<b><i>Increase funding to the Blue Heeler Film Festival and the Bottoms Up Beer and Music Festival with a view to engaging more locals and visitors.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Ensure that all local festivals are supported to experience improved and increased patron engagement and attendance.</i></b>

#### PURPOSE

To request approval for the closure of Simpson Park from Friday 20 October, 7am to Saturday at 11pm and for the temporary suspension of the Alcohol Free Zone and Alcohol Prohibited Area along the footpath of Market Street and including Simpson Park for the purposes of the 2017 Bottoms Up Festival.

#### OFFICER'S RECOMMENDATION

Council;

1. Approves the closure of Simpson Park in accordance with the Simpson Park Plan of Management from 7am on Friday 20 October, until 11pm on Saturday, 21 October 2017 for the purpose of setting up and delivering the 2017 Bottoms Up Music and Craft Beer Festival; and,
2. Approve the temporary suspension of the Alcohol Free Zone and the Alcohol Prohibited Area with regard to the footpath adjacent to Simpson Park precinct (as defined by the map attached) for the purposes of the Bottoms Up Festival on Saturday 21 October 2017 from 1.30pm to 10.30pm.
3. Waive the hire fee for the use of Simpson Park for the duration of the set up and pull down of the event which is equivalent to \$2,000.00 to be funded from the Sundry Donations Budget.

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

#### BACKGROUND

Previous "Bottoms Up Festivals" have been held in Simpson Park as well as adjacent Market Street, Muswellbrook. This year a review of the planning for the event indicates that it will be safer and more time efficient to set up and pull down the Festival if Market Street remains open and instead the footpath along Simpson Park and a part of the Transport Interchange are closed for the period 7am on Friday 20

October through to Saturday 21 October, 2017 at 11.00pm. The Simpson Park Plan of Management requires Council approval for the closure of the Park on both of these days.

The Simpson Park footpath is located within the Bridge Street Alcohol Free Zone (AFZ). AFZ's are established to control the irresponsible consumption of alcohol on roads, footpaths and public car parks, and the duration of an AFZ is 24 hours, 7 days per week.

Under the Local Government Act 1993, "the council may, at the request of any person or body or of its own motion, suspend the operation of an alcohol-free zone by publishing notice of the suspension in a newspaper circulating in the area as a whole or in a part of the area that includes the zone concerned".

The Ministerial Guidelines on Alcohol-Free Zones 2009 also require liaison with Police before and after the Council resolution to ensure all groups are informed.

## **CONSULTATION**

Commercial Property Officer

Manager Property and Building Services

Manager Community Services

Manager Planning and Environmental Services

Licensing Officer for Hunter Valley Local Area Command

## **CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Cr Bailey has been consulted regarding the lifting of the AFZ and closure of the footpath adjacent to Simpson Park and part of the transport interchange.

## **REPORT**

The 2017 Bottoms Up Music and Craft Beer Festival is scheduled to occur on Saturday 21 October 2017 in Simpson Park and part of the transport interchange in Market Street, Muswellbrook. The Plan of Management for Simpson Park under Section 4.4.1 Public Access states that:

"Public access is available to the QEII Square, the Reconciliation Mural, the passive recreation area and playground at all times".

Under Section 4.4.4 Temporary Uses the Plan states that:

"The Council may allow temporary use of any of the land to which this plan applies up to a maximum continuous period of one (1) month in any calendar year, provided it is satisfied that the use does not significantly adversely affect the permanent uses of the land. Temporary uses that may be allowed include erection of marquees, fairs, markets, shows, advertising, sporting events, carnivals and similar activities including public entertainment."

The Bottoms Up Music and Craft Beef Festival is an outdoor annual festival promoting the benefits of the Upper Hunter. Festival-goers can sample and purchase craft beer, cider and local wines, enjoy a variety of food stalls and live music from reputable entertainers.

The event is scheduled to take place from 1:30pm on Saturday with the final entertainment and conclusion of the event at 10:30pm. There are extended closure and opening times of Simpson Park to allow set up and pack down of the event management items such as fences, staging and marquees.

Staff are also seeking the suspension of the AFZ in Simpson Park and along the footpath adjacent to the Park as per the attached map on Saturday 21 October 2017 between 12:00noon and 12:00pm. An hour has been allowed either side of the event to allow for preparation and pack up time. Security services will be employed from Friday through to the closure of the event and by publicans in the area following the event. The NSW Police have been consulted regarding the broad plan for the day and a Liquor Licence will be applied for by staff in conjunction with the Licensing Officer for Hunter Valley Local Area Command in due course once the number of stall holders and alcohol providers has been finally determined.

**CONCLUSION**

It is recommended that Council approve the closure of Simpson Park and the suspension of the Alcohol Free Zone in accordance with the attached map for the purpose of the 2017 Bottoms Up Music and Craft Beer Festival.

**SOCIAL IMPLICATIONS**

The potential social implication of this event is the irresponsible drinking of alcohol that may lead to, for example, anti-social behaviour and vandalism. This will be controlled via a Liquor licence and responsible service of alcohol and the provision of on-site security management.

The suspension of the AFZ for the day, stallholders can provide beverage tastings, and visitors can drink alcohol in a contained area that is monitored by security guards throughout the event.

The hotels in the vicinity are required to adhere to the liquor licencing laws in relation to the responsible service of alcohol.

**FINANCIAL IMPLICATIONS**

A budget of \$60,000 has been decided for the event. Much of these funds have already been allocated to the set-up of the event and the cost of musicians.

**POLICY IMPLICATIONS**

The Simpson Park Plan of Management requires Council approval for the closure of the Park. Muswellbrook Shire Council's Work Health and Safety Policy and Procedures will apply throughout the delivery of the event. Vendors will be provided with a copy of this policy prior to the event.

**STATUTORY IMPLICATIONS**

The procedure for suspending the AFZ is in accordance with the Local Government Act 1993 and the Ministerial Guidelines on Alcohol Free Zones 2009.

**LEGAL IMPLICATIONS**

A liquor license will be required to hold this event. Performance contracts have been entered into between Muswellbrook Shire Council and the bands.

**OPERATIONAL PLAN IMPLICATIONS**

Not applicable.

**RISK MANAGEMENT IMPLICATIONS**

A series of risk assessments will be performed prior to and during the event. The risk in relation to alcohol consumption has been mitigated by the event manager to the satisfaction of the Police





**Bottoms Up  
Festival 2017**

**Simpson Park  
Site Plan/Layout**



**12.2 REPORT ON INVESTMENTS HELD AS AT 31 JULY 2017**

<b>Attachments:</b>	<b>A. Schedule of Investments as at 31 July 2017</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Ross Franklin - Chief Finance Officer</b>
<b>Community Plan Issue:</b>	<b><i>Community Leadership</i></b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Work towards the achievement of a sustainable Operating Budget result in the General Fund.</i></b>

**PURPOSE**

To present the list of financial investments currently held by Council in accordance with the Regulation.

**OFFICER'S RECOMMENDATION**

The information showing Council's investments as at 31 July 2017 be noted.

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

**REPORT**

Clause 212 (1) of the Local Government (General) Regulation 2005, requires details of funds invested, as at the end of the preceding month, to be reported to an ordinary meeting of Council.

The funds, invested under Section 625 of the Local Government Act, as at 30 June 2017 are shown in the attached schedule.

**COMMENT:**

The Responsible Accounting Officer certifies that the investments listed have been made in accordance with the Act, the Regulations and Council's Investment Policy. This includes investments that have been made in accordance with Minister's Orders that have been subsequently amended. "Grandfathering" provisions still allow the holding of these investments. A detailed list of investments is attached.

## Investment Portfolio as at 31/7/2017

Ref	Institution	Credit Rating	Type	Face Value	Maturity	Current yield	Coupon Rate
LC48177	AMP Bank Ltd	A1	11am Cash	\$100,342.19	1-Aug-17	2.55	0
LG37988	ING Bank Australia Limited	A2	Term Deposit	\$2,000,000.00	17-Aug-17	6.01	6.01
LG38010	Bank of Queensland Ltd	A2	Term Deposit	\$2,000,000.00	31-Aug-17	5.65	5.65
LG38019	Westpac Banking Corporation Ltd	A1+	Term Deposit	\$1,000,000.00	21-Sep-17	5.20	5.2
LG38020	ING Bank Australia Limited	A2	Term Deposit	\$2,000,000.00	19-Oct-17	5.49	5.49
LG38021	AMP Bank Ltd	A1	Term Deposit	\$1,250,000.00	13-Nov-17	5.37	5.37
LG37889	Credit Union Australia Ltd	BBB	Floating Rate Note	\$2,000,000.00	22-Dec-17	2.91	2.92
LG38022	Commonwealth Bank of Australia Ltd	A1+	Term Deposit	\$1,500,000.00	25-Feb-18	4.55	4.55
LG37938	Newcastle Permanent Building Society Ltd	BBB	Floating Rate Note	\$500,000.00	27-Feb-18	2.84	2.84
LG38024	Rabobank Australia Ltd	UR	Term Deposit	\$1,003,041.10	5-Apr-18	5.00	5
LC37888	Heritage Bank Ltd	Baa1	Floating Rate Note	\$1,000,000.00	7-May-18	2.88	2.89
LG38030	Rabobank Australia Ltd	UR	Term Deposit	\$1,000,000.00	4-Jun-18	4.70	4.7
LG38031	Bank of Queensland Ltd	A2	Term Deposit	\$1,250,000.00	9-Jul-18	5.15	5.15
LG38032	National Australia Bank Ltd	A1+	Term Deposit	\$2,000,000.00	3-Sep-18	4.59	4.59
LG37869	Commonwealth Bank of Australia Ltd	AA-	Fixed Rate TCD	\$1,500,000.00	31-Oct-18	4.50	4.5
LC38033	Greater Bank Ltd	A2	Term Deposit	\$1,000,000.00	7-Jun-19	3.62	3.62
LC42288	Members Equity Bank Ltd	BBB	Floating Rate Note	\$1,000,000.00	18-Jul-19	3.21	3.22
LC44033	Newcastle Permanent Building Society Ltd	A2	Term Deposit	\$1,500,000.00	31-Aug-19	3.00	3
LC43908	Greater Bank Ltd	BBB	Floating Rate TCD	\$1,000,000.00	29-Nov-19	3.24	3.24
LG37881	Rabobank Nederland Australia Branch	A+	Floating Rate Note	\$1,000,000.00	11-Feb-20	2.79	2.79
LG37858	Bank of Queensland Ltd	A-	Floating Rate Note	\$1,000,000.00	12-Feb-20	2.79	2.79
LG37859	Macquarie Bank	A	Floating Rate Note	\$750,000.00	3-Mar-20	2.83	2.83
LC46353	Credit Union Australia Ltd	BBB	Floating Rate Note	\$750,000.00	20-Mar-20	3.02	3.02
LG37939	Newcastle Permanent Building Society Ltd	BBB	Floating Rate Note	\$1,000,000.00	7-Apr-20	3.14	3.14
LC37914	Credit Suisse Sydney	A	Floating Rate Note	\$1,000,000.00	29-Apr-20	2.89	2.9
LC37850	P&N Bank Ltd	A2	Term Deposit	\$1,000,000.00	5-Jun-20	3.83	3.83
LC37860	Bendigo & Adelaide Bank Ltd	A-	Floating Rate Note	\$1,000,000.00	18-Aug-20	2.84	2.84
LC41646	Bank of Queensland Ltd	A-	Floating Rate Note	\$1,000,000.00	26-Oct-20	2.92	2.92
LC37861	Rabobank Nederland Australia Branch	A+	Floating Rate Note	\$1,000,000.00	4-Mar-21	3.23	3.23
LC37862	Credit Suisse Sydney	A	Floating Rate Note	\$1,000,000.00	9-Mar-21	3.68	3.68
LC38034	Bank of Queensland Ltd	A2	Term Deposit	\$1,000,000.00	21-Jun-21	3.40	3.4
LC37849	P&N Bank Ltd	A2	Term Deposit	\$2,000,000.00	21-Jun-21	3.53	3.53
LC37863	Suncorp Bank	AAA	Covered Floating Bond	\$1,000,000.00	22-Jun-21	2.82	2.82
LC37891	National Australia Bank Ltd	AA-	Fixed Rate Bond	\$1,000,000.00	16-Dec-21	3.93	4
LC37873	ANZ Banking Group Ltd	A1+	Floating Rate Deposit	\$1,000,000.00	21-Jul-22	2.95	2.95
LC44034	Suncorp Bank	Aaa	Covered Fixed Bond	\$1,000,000.00	24-Aug-26	3.27	3.25
Total				\$42,103,383.29			

**12.3 UPPER HUNTER REGIONAL CULTURAL DEVELOPMENT STRATEGY**

<b>Attachments:</b>	<b>A. Cultural Strategy 2017-2021-03</b>
<b>Responsible Officer:</b>	<b>Fiona Plesman - Director - Planning, Community &amp; Corporate Services</b>
<b>Author:</b>	<b>Carolyn O'Brien - Manager, Community Services</b>
<b>Community Plan Issue:</b>	<b><i>Cultural Vitality</i></b>
<b>Community Plan Goal:</b>	<b><i>Continue the provision of arts appreciated through the Muswellbrook Regional Arts Centre</i></b>
<b>Community Plan Strategy:</b>	<b><i>Investigate opportunities to improve regional support and recognition of the Muswellbrook Regional Arts Centre.</i></b>

**PURPOSE**

The Upper Hunter Regional Cultural Development Strategy has been developed to describe the existing wealth of cultural activity and cultural assets that are recognised and celebrated in various across the Upper Hunter region. This document lists a number of strategies that can be broadly implemented across the Upper Hunter to achieve increased cultural development.

**OFFICER'S RECOMMENDATION**

**That:**

- 1. The Draft Upper Hunter Regional Cultural Development Strategy is endorsed and placed on 28 days public exhibition;**
- 2. The strategies in the Upper Hunter Regional Cultural Development Strategy are recommended by the General Manager to the board of Arts Upper Hunter for inclusion in the Regional Arts Development Officer's work plan.**

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

**BACKGROUND**

Since 2003, Arts Upper Hunter has been the peak body for the delivery of Arts and Cultural Development in the Upper Hunter including the Shires of Gloucester, Dungog, Singleton, Muswellbrook and Upper Hunter. Following Council amalgamations in 2016 Gloucester moved into the Arts Mid-Coast area. The Regional Arts Development officer (RADO) is responsible to the board of management of this organisation within this large area of delivery. The author of this report is Council's current representative on the board of Arts Upper Hunter.

On 6 April, 2017 a meeting was convened by Muswellbrook Shire Council for discussions with Arts Upper Hunter and Upper Hunter Shire Council, regarding the need for a Upper Hunter Regional Cultural Development Strategy that provided a collaborative approach to cultural development principals in the Upper Hunter.

**CONSULTATION**

Cr. Foy, Muswellbrook Shire Council

General Manager Upper Hunter Shire Council

General Manager Muswellbrook Shire Council

Wanaruah Aboriginal Lands Council

Upper Hunter Aboriginal Corporation

Regional Development Officer

Staff at both Muswellbrook and Upper Hunter Shire Council

### **CONSULTATION WITH COUNCILLOR SPOKESPERSON**

Cr. Foy – Muswellbrook Shire spokesperson for Arts and Culture

Cr. Sue Abbott – Upper Hunter Shire Council (during the initial scoping of this strategy).**REPORT**

There are a number of existing partnerships between both Upper Hunter and Muswellbrook Shire Councils in the delivery of community and cultural services, including a library collection and a regional art collection. In addition, Muswellbrook is home to the Upper Hunter Conservatorium of Music and Arts Upper Hunter.

To deliver Cultural Development with regard to our existing needs the attached strategy was developed.

The Draft Upper Hunter Regional Cultural Development Strategy considers a variety of cultural themes that describe our cultural footprint;

#### **1. People**

- Aboriginal Culture
- Hall of Fame
- Volunteer Organisations
- People of all abilities

#### **2. Artefacts and Infrastructure**

- Archives, Libraries and Museums (Memory Institutions)
- Museums, historical groups and heritages collections
- NSW State Heritage Precincts and Buildings

#### **3. Creative and Performing Arts**

- Music
- Performing Arts
- Visual and Fine Arts
- Broadcasting (Radio) and Film

Each of these themes considers the existing cultural footprint and strategies what might, through cultural development interventions, increase awareness of the wealth of our cultural heritage and existing cultural endeavours leading to opportunities for cultural tourism and a stronger cultural economy.

The strategy hinges on four strategic goals that;

- support existing creative industries and develop opportunities for new participants that can deliver a stronger cultural economy.
- support options for new cultural infrastructure and the renewal of existing cultural assets
- engender cultural education and collaboration across the Upper Hunter
- celebrate vibrant and creative communities

### **OPTIONS**

As this is a shared strategy across two local government areas, each Council will need to decide individually or collectively who will be driving cultural development in each location.



At present, there is not dedicated staff member in either council that is responsible for this strategy, It is also necessary to recognise that each Council already has disparate plans, policies and procedures related to their individual cultural development actions, public art, the management of art collections and community consultation committees.

This strategy has been developed with this in mind, providing high level recommendation that can be incorporated into each council's operational plans, the workflows of Arts Upper Hunter or community groups.

Further discussion around the need for a Cultural Development Officer, either shared or located within another organisation, needs to be considered as the cultural economy and tourism product is developed.

## **CONCLUSION**

It is likely that by increasing Cultural Development opportunities, connections and collaboration between Upper Hunter institutions and Shires will benefit from cultural participation and the growth of the cultural economy and cultural tourism economy of the Upper Hunter region.

## **SOCIAL IMPLICATIONS**

The direct and indirect economic effects of culture are measured by calculating expenditures by consumers on culture goods and services, including purchases of consumer products or spending at activities that charge fees. Producers of culture and artistic products benefit from knowledge of changing trends in consumption in order to maintain and enhance their competitiveness. As a part of increasing cultural activity in the Upper Hunter it would be worthwhile to considering the development of measurements that indicate the level of cultural participation.

## **FINANCIAL IMPLICATIONS**

This strategy does not identify financial implications. However there will be ongoing costs associated with the implementation of each strategy if they are endorsed by both councils and community groups.

## **POLICY IMPLICATIONS**

Disparate policies exist in both Shire councils with regard to the delivery of cultural activities.

## **STATUTORY IMPLICATIONS**

Statutory implications are not considered in this strategy document.

## **LEGAL IMPLICATIONS**

Legal implications are not considered in this strategy document.

## **OPERATIONAL PLAN IMPLICATIONS**

There will be ongoing operational plan implications in the delivery of each of these documents.

## **RISK MANAGEMENT IMPLICATIONS**

Risk management will have to be assessed individually.



Upper Hunter  
Regional Cultural  
Development Strategy  
2017-2021



muswellbrook  
shire council



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## Acknowledgment of Country

This document acknowledges the Aboriginal people as the traditional owners of what is now called the Upper Hunter area and pays sincere respect to the elders of this land, past, present and future. The full wealth of the culture of the aboriginal people is only partially addressed in this strategy and reflects only a very small part of the Community's song line.

Image: George Anderson 'Reconciliation', 2011.

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## Message from the Mayors

The Upper Hunter region has a rich and vibrant culture that reflects our history, our strong agriculture and equine industries and the beautiful environment where we live, work and play.

This rich culture is most visible during festivals such as the Scone Horse Festival, a fortnight devoted to equine action; the Upper Hunter Wine and Food Affair in Denman tempting the tastebuds, the Aberdeen Highland Games celebrating Scottish heritage; NAIDOC Week activities celebrating our Aboriginal culture, the Merriwa Festival of the Fleeces; Muswellbrook's Bottoms Up, celebrating music and artisan produce; the Blue Heeler Film Festival and Muswellbrook Art Prize, showcasing creativity and the excitement of the King of the Ranges Stockman's Challenge in Murrumbidgee. All are popular annual events that have become synonymous with the region contributing to our sense of place and belonging and shared with many visitors.

Upper Hunter culture can be enjoyed at any time of the year through many attractions, from museums and galleries to a beautiful natural landscape rich in Aboriginal history. With a population of fewer than 40,000 people, the region takes pride in making our own entertainment and telling our own stories.

Upper Hunter Shire Council and Muswellbrook Shire Council have developed a cultural strategy that highlights some of the forms of cultural expression and summarises cultural assets and organisations. The strategy will provide a guide to both Councils and other community groups for future cultural development activity and investment and has been formulated following extensive consultation with the community.

The Regional Cultural Development Strategy 2017-2021 supports our community's vision and the strong commitment of both Councils to work co-operatively in formulating and progressing higher level strategies and actions to enhance cultural development in the region.



Cr Martin Rush  
Mayor of Muswellbrook Shire Council



Cr Wayne Bedggood  
Mayor of Upper Hunter Shire Council





Max Watters Gallery at Muswellbrook Regional Arts Centre

## Vision and Purpose

The Upper Hunter is already home to a wealth of cultural activity and cultural assets that are recognised and celebrated in various ways by both visitors and residents of the Upper Hunter subregion. The Upper Hunter Regional Cultural Development Strategy lists a number of strategies that can be broadly implemented across the Upper Hunter to achieve increased cultural development. The strategies listed within this document and Appendix A represent significant consultation and discussions with our communities.

### Upper Hunter Regional Cultural Development Strategy goals

#### Support existing creative industries and develop opportunities for new participants that can deliver a stronger cultural economy

The Upper Hunter holds growth potential for increased participation in cultural and creative industries. This will contribute to the renewal and diversification of the Upper Hunter Regional economy, with a particular emphasis on design and innovation participation. Arts and culture will continue to mould the character of the economic and industrial landscape of the region as it transitions from mining in Muswellbrook Shire. Creative industries will remain a part of the economic diversification and provide potential drivers for the creation of employment, wealth and economic development across the Upper Hunter.

#### Support options for new cultural infrastructure and the renewal of existing cultural assets

Many of the cultural assets across the Upper Hunter are well maintained by the community groups and local government entities that operate them. However, there is still a need to ensure that with the intention to grow the cultural economy there are also spaces in which these industries can display, perform and celebrate their creations. It is important that the Upper Hunter continues its collaborative approach regionally, supporting cultural infrastructure



NAIDOC Week Aboriginal Arts demonstration



Haydon Hall is a privately owned gallery, shop and cafe in Murrumbidgee



Muswellbrook Regional Arts Centre



investment strategically so that access to our collections and artefacts is increased. Many of our significant collections are consistently placed in storage instead of in spaces where they can be suitably accessed by locals and visitors to our region.

### **Engender cultural education and collaboration across the Upper Hunter**

The presence of the Upper Hunter Conservatorium of Music, the Muswellbrook Regional Arts Centre, Old Court Theatre/Civic Theatre, private art galleries and dance studios, artist studios and public art, provide opportunities to grow cultural participation and education across the region. Local cultural education opportunities are strengthened by the existing partnerships between organisations such as the Wakagetti Dancers, the University of Newcastle and Hunter TAFE. There are real and current opportunities to provide educational qualifications at a tertiary level with our partners and the introduction of cultural infrastructure that supports the growth of cultural education and collaboration across the Upper Hunter.

Regional collaboration around the promotion and display of our cultural assets in purpose built spaces will strengthen our region's reputation as a cultural hub. This goal will require the continued growth of cultural tourism products, stronger partnerships between cultural tourism providers and increased opportunities for performance and display that broaden access to our collections, artefacts and performance opportunities.

### **Celebrate vibrant and creative communities**

The Upper Hunter is home to vibrant and creative communities, people and places, which continue to attract and retain talented people who in turn contribute skills, ideas and resources that broadly benefit the entire region. The communities across the Upper Hunter region are outward looking, have strong social capital as well as a progressive and resourceful knowledge of what works in their space. It is important that we continue to celebrate the importance of arts and culture in our social fabric and celebrate those unique parts of our communities. This approach will grow our cultural tourism opportunities and encourage the growth and diversification of our region, our festivals and events.



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## Who we are – our cultural footprint

For the purpose of this strategy, the defined area of the Upper Hunter Region includes Muswellbrook Shire Council and Upper Hunter Shire Council local government areas.

There are a number of existing partnerships between Upper Hunter Shire Council and Muswellbrook Shire Council that influence and support a joint cultural development strategy including a shared library collection agreement, the regional deliveries of the Upper Hunter Conservatorium of Music, the Muswellbrook Regional Arts Centre, Upper Hunter Community Services and Upper Hunter Country Tourism. In addition, Arts Upper Hunter, located in Muswellbrook, is the regional arts development non-government organisation (NGO) for the Upper Hunter. This organisation also includes Singleton and Dungog Shire Councils in their area of scope and their aim;

*"To provide, support and promote opportunities for all people in the Upper Hunter to participate creatively in the lives of the communities they live in"*

It is likely that Arts Upper Hunter will provide a role in the facilitation, delivery and support of some of the strategies suggested in this document which may require further discussions regarding resourcing.

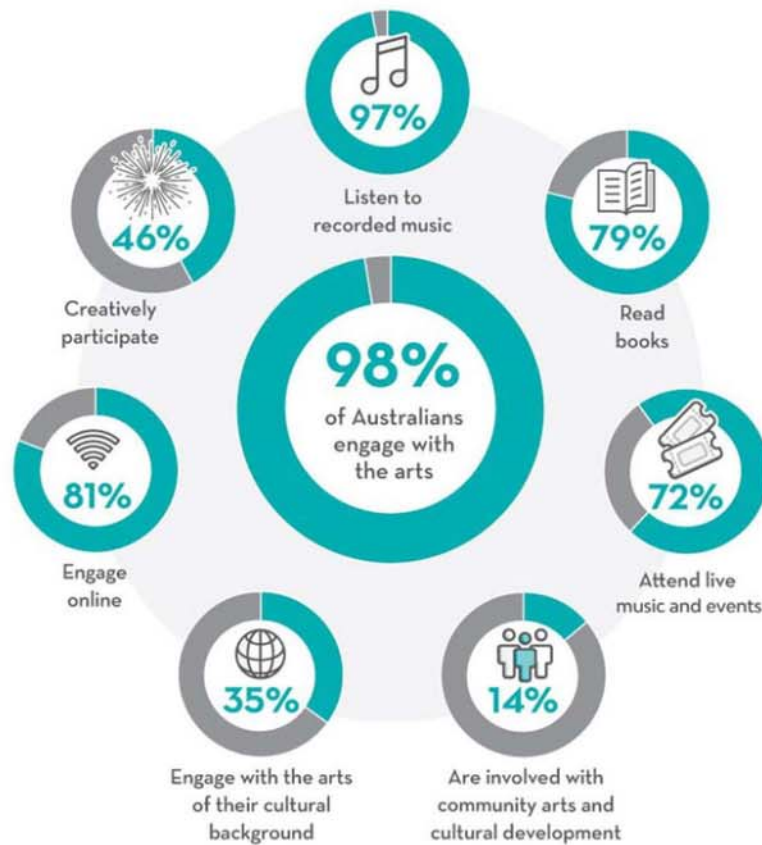
## Population profile for the Upper Hunter Region

The combined approximate population of the Upper Hunter region, Muswellbrook and Upper Hunter local government areas is 31,526 (2016), with a median age of 36.5 years of age (ABS, 2017). There are a significant number of people who identify as Aboriginal in the Upper Hunter, along with large ancestries in English, Irish and Scottish people, strongly reflects European settlement in the area in the 1820's. There has been a slow transition since that time towards a more diverse population who were born in other countries and who do not speak English at home, although this remains a demographic minority.

The *Connecting Australians: Results of the National Arts Participation Survey 2017*, is the third in a landmark series by the Australia Council for the Arts, following editions in 2009 and 2013. It measures Australians' engagement with the arts in 2016 – attending arts events, exhibitions and festivals; reading; listening to music; sharing and connecting with the arts online; and creating art themselves. The arts encompass theatre, dance, visual arts and craft, music, literature, First Nations and cross-art form work. Engagement with a person's own cultural background through the arts is articulated for the first time, along with festival attendance and community arts and cultural development activities. The survey also captures the value of the arts to Australians through their attitudes, views about the impacts of the arts, and propensity to donate time or money to the arts.

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## Key findings

- 98% of Australians engage with the arts and more people recognise the positive impacts of the arts.
- Online and live arts experiences are both important to Australians.
- The arts have an increasingly powerful role to play in promoting social cohesion.
- 7 million Australians experienced First Nations arts last year – double the number in 2009.
- Music is the most popular art form, with 97% of Australians listening to recorded music and more than half attending live music.
- Younger Australians (aged 15-24 years) create and experience the arts at the highest rates.
- One in four Australians gives time or money to the arts, reflecting their value in our lives.

There is no readily comparable data for the Upper Hunter that is current however, at least anecdotally, there is strong participation in creative industries and the creative economy, demonstrated by business type, in Murrurundi, Scone, Muswellbrook and Denman and smaller pockets of activity more broadly across the region.





Showstoppers Performing Arts Company for People with Abilities



Kia Ora performance

Cultural participation across the Upper Hunter is strong. Cultural development across the Upper Hunter will require a continuing commitment towards *"the enlivenment of existing institutions, exhibition openings, public programs, performances and functions that creates life-long learning and recreational opportunities"* (Upper Hunter Shire Council – Draft Cultural Plan 2017-2027)

Upper Hunter Shire Council directly supports cultural development by financing Cultural Activity Grants each year, and providing subsidised infrastructure and financial support of the Kia Ora Music Camp, Scone Film Festival, Scone Literary Long Weekend, Scone Ceramic Prize, Archibald Prize and Arts Upper Hunter. It is also involved in hosting NAIDOC Week Activities, assisting groups with grant applications for cultural activities and hosting events such as Music Beat for Youth.

Muswellbrook Shire Council directly supports cultural development by providing subsidised infrastructure and financial support for the Upper Hunter Conservatorium of Music, Muswellbrook and Upper Hunter Eisteddfod, Muswellbrook Regional Arts Centre, Muswellbrook Town Band and Muswellbrook Family and History Society.

Both Shires provide financial support to events and festival, local rural halls and cultural activities such as dances, plays, functions, workshops and exhibitions. There has also been significant investment in both local government areas in Museums and Libraries where the collective story of our Cultural Heritage is stored.

It is likely that by increasing Cultural Development opportunities, connections and collaboration between Upper Hunter institutions and both Shires will benefit cultural participation and the growth of the cultural economy and tourism economy of the Upper Hunter region.



## Plans, Policies and Procedures

As this is a shared strategy across two local government areas each Council will need to decide individually or collectively who will be driving cultural development in each location.

At present, there is no dedicated staff member in either council that is responsible for this strategy. It is also necessary to recognise that each council already has disparate plans, policies and procedures related to their individual cultural development actions, public art, the management of art collections and community consultation committees.

This strategy has been developed with this in mind, providing high level strategies that can be incorporated into each council's operational plans and the workflows of Arts Upper Hunter or community groups.

Further discussion around the need for a Cultural Development Officer, either shared by each council or located within another organisation, needs to be considered as the cultural economy grows.



image: Iconic Horse & Foal statue in Scone, and Blue Heeler statue in Muswellbrook





In 1999, the Muswellbrook Shire Council Aboriginal Reconciliation Committee, first proposed a mural depicting the concept of black and white reconciliation. Through sponsorship from private individuals, commercial businesses, community and church groups and governments the Muswellbrook Reconciliation Mural was created and is now displayed in Simpson Park, Muswellbrook. This unique work by George Anderson, a local Aboriginal man, involved many hours spent with Aboriginal Elders from the Upper Hunter, gathering stories and feelings about the local history of Aboriginal and European contact in the valley.

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## People

### Aboriginal Culture

*"Today Aboriginal culture is recognised as holding the oldest collective memory known to man, and prior to 1788 the continent, was home to a diverse range of over 300 different language and tribal groups. Western scientific understanding dictates that Aboriginal culture has existed on the Australian continent for upwards of 60,000 years. In contrast the Aboriginal belief states that Aboriginal people have been a part of the Australian continent 'since the time before time began'."*

(Blyton, Heitmeyer & Maynard, 2004. p.12)

With this statement in mind, it is critical that we not only acknowledge the original custodians of the land, but also strengthen our relationships with the Aboriginal people to ensure that we can create spaces in which to respectfully celebrate their culture.

In consultation with our communities a number of key actions and wants were identified including;

- Working partnerships on Aboriginal cultural and learning spaces,
- Interpretive signage in spaces such as bushland, lookouts and parks that shared the local Aboriginal culture,
- The continuation of the annual events that celebrate Aboriginal heritage,
- Celebration of the stories of Aboriginal people from the Upper Hunter,
- A focused approach on Aboriginal people that increases visibility and support for traditional and contemporary culture.

#### Strategy One

Investigate infrastructure opportunities that encourage the celebration of the local Aboriginal people, their stories and their culture.

#### Strategy Two

Continue collaborative partnerships that respectfully celebrate our diversity.

Image: NAIDOC Week Aboriginal Flag Raising Ceremony didgeridoo performance



A cultural recognition event unrelated to the hall of fame.

### Hall of Fame and other famous people

The Upper Hunter region has been home to many successful people. There is room for further discussion on how we continue to record the stories of the long list of prominent and passionate people from our region as the list continues to grow. Digital platforms, such as the Muswellbrook Hall of Fame will continue to list the names of these people and their achievements. However, it is also important that the physical cultural assets that were a part of this heritage be maintained and shared more broadly. The Hall of Fame will grow the identity of our location and its artefacts, creating opportunities for cultural tourism and product development in the Upper Hunter region.

#### Snapshot of 'cultural' members of the Hall of Fame include;

- Robert Curran - Dance
- Donald Home - Writer
- Ian Ellis- Writer
- Allan Wood - Writer
- Kelly Munce - Visual Arts – Photography
- Roger Skinner - Visual Arts – Photography
- Frank Watters - Art Galleries

#### Strategy Three

Include and recognise the people who have made a significant contribution to the cultural fabric of the Upper Hunter through their inclusion in the Upper Hunter Hall of Fame and preserve other memorials and artefacts of their lives.

#### Strategy Four

Share and grow the stories of the Upper Hunter and our local people and strengthen our cultural identity beyond the Upper Hunter.





### Diversity

Both Upper Hunter Shire and Muswellbrook Shire have developed Disability Inclusion Strategies that encourage people of all abilities to participate in cultural activities across the region. Events and community activities are gradually moving towards being fully accessible and over time there will be an improvement in how we meet the needs of people with varying abilities.

### Volunteer Organisations

Many of the cultural organisations, events and festivals across the Upper Hunter would not occur without our volunteers. This volunteer work ranges from membership on boards of management, executive positions in organisations and grass roots volunteering at promotions, events and cultural festivals. It is important that these volunteers are celebrated and thanked for their significant contribution to the cultural fabric of the Upper Hunter region.

image: Lions Club volunteer selling sausage sizzles at a community event.

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### Strategy Five

Support digital platforms and systems that broaden the storage of memory institutions.

### Strategy Six

Encourage infrastructure spending on cultural heritage buildings and precincts that preserve and store information and archival collections.

## Artefacts and Infrastructure

### Archives, Libraries and Museums

Over the past three decades there has been an increasing interest in memory institutions; Archives, Libraries and Museums (ALMs), and the role that they play as the shapers of the future society (Trant, 2009) and the consequent need to change some of the traditional tenets of archives, libraries and museums. This digital age also necessitates the need for internet connectivity across the Upper Hunter region and continuing opportunities to educate ourselves and others about the wealth of information that is available locally through community groups, historical collections and the spaces that they occupy.

For instance, Scone is home to a precinct of heritage buildings (Kingdon Street) that represent a snapshot of the early settlement in the area. This includes the Old Courthouse, police station and disused Catholic Church. Likewise Denman, Murrurundi, Merriwa and Cassilis have urban footprints which have remained relatively unchanged for many years. By their physical appearance these communities hold opportunities for the development of cultural tourism through a more collaborative approach.

The development of a Historical Society Network would strengthen partnerships and provide opportunities that improved collection management and story sharing across the Upper Hunter.



## Museums, historical groups and heritage collections

### Aberdeen

The Upper Hunter Museum of Rural Life Inc. aims to save and care for the rural and social heritage of Aberdeen and surrounding areas. This group works towards improving the cultural and community prosperity of Aberdeen by preserving and displaying a collection of objects that describe the story of the development of the area, including the relocation of the Glenbawn Dam Collection into Aberdeen where it can be displayed in a visitor friendly and purpose designed facility incorporating a cultural centre.

### Cassilis

The Cassilis Guild Hall (c.1916) has recently been restored by the Cassilis Guild Hall committee, who plan to establish a permanent display of local artefacts relating to the building's 100 year history.

### Denman

Denman Heritage Village is co-located with the Denman Men's Shed and is home to a small selection of items that are part of a much larger private collection.

### Merriwa

Merriwa Museum and Historical Society are located in "The Cottage" which was built in 1857 from sandstone quarried up the road and pushed down on timber slabs. This

museum has a significant local collection.

### Murrurundi

Murrurundi Museum is housed in the old Literary Institute building, on the site of the original police lock-up. The museum, which is run by the Murrurundi & District Historical Society has a wonderful collection of artefacts, papers and photographs all of which help to illustrate the life of the people who lived in and built the community.

### Muswellbrook

The Muswellbrook Shire Family and History Society are located in the Muswellbrook Library. This group has a small collection of memorabilia in storage. The group are primarily focused on researching and writing the history of the local area and have published a number of works which are for sale via their website.

### Scone

Scone Museum creates special exhibitions as well as having items relating to the Scone district continually on display. The Research Centre, located adjacent, has also published a number of books and assists with local research on the area and family history.

### Private Heritage Collections

There are a number of significant private collections in the Upper Hunter region.



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Heritage properties from p16  
top left: St Albans Anglican  
Church, Cassilis Guild  
Hall, Weidmann Cottage,  
Muswellbrook Railway Station,  
Cottage Museum, Murrumbidgee  
Railway Station, Mountain  
House, Wingen, Scone Civic  
Theatre, Old Court Theatre.

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### Strategy seven

Support the recognition and promotion of heritage infrastructure and spaces as cultural tourism assets.

### Strategy Eight

Facilitate the development of digital applications and infrastructure that supports cultural development.

### Precincts and buildings in the Upper Hunter that are registered under the NSW Heritage Act

- Cottage Museum, Bow Street, Merriwa
- Mountain House, Raglan Street, Wingen
- Murrumbidgee Railway Station Group, Murrumbidgee
- Old Court Theatre, Kingdon Street, Scone
- Rosedale Cottage, Mount Street, Murrumbidgee
- Scone Civic Theatre
- Scone Railway Station
- Ardglen Tunnel, Ardglen
- Eatons Hotel & Vincent de Paul Group, Bridge Street, Muswellbrook
- Edinglassie
- Loxton House, Bridge Street, Muswellbrook
- Merton
- Muswellbrook Station and Railway Group
- Rous Lench
- St Albans Anglican Church, Brook Street, Muswellbrook
- Weidmann Cottage, Bridge Street, Muswellbrook

In addition there are also a number of locations within the Upper Hunter that are listed on local government heritage lists that can be incorporated in the a cultural tourism marketing plan.

image: Muswellbrook Heritage Town Walk brochure



Image: Upper Hunter Conservatorium of Music lesson

## Performance and Fine Arts

### Music, musical performance and education

Music and musical performance is a strong part of the Upper Hunter. Performance spaces continue to exist as a use in community halls and buildings across the region. Although, the frequency and type of use of these community spaces has shifted in recent decades from community dances and performances to community meeting places for a variety of purposes, there remains a continuing interest in musical performance. This is strengthened by the presence of the Upper Hunter Conservatorium of Music, Kia Ora Music Festival, and the Muswellbrook and Upper Hunter Eisteddfod.

The Upper Hunter Conservatorium of Music provides musical education to over 900 students and has a performance area in Muswellbrook that can seat approximately 180 people. Each year this organisation continues to provide a 'Visiting Artists Program' that sees concerts held across the Upper Hunter in School Halls and public spaces. However, to grow this audience there is a demand for a performance space that can accommodate more than 500 people. Muswellbrook Shire Council has recently purchased property that considers this purpose.

The Upper Hunter music pub scene of the 1980's has still not been surpassed; however both hotels and clubs continue to provide live music and opportunities for local participation. The Upper Hunter Bottoms Up, Music and Craft Beer Festival continues to grow and showcases both local and well known talent over the second weekend in October each year.

Each school in the Upper Hunter region regularly provides opportunities for students to participate in Musical performances but remains limited by the performance spaces available in the Upper Hunter.

All of this local musical talent is forced to leave the local area to achieve a tertiary qualification in music and music production, due to the lack of available education providers.

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## Performing Arts

The Upper Hunter Conservatorium of Music provides a number of opportunities for students to perform in the areas of drama, dance, singing and instrumental performance.

Local schools also play a significant role in dramatic performance, generally holding annual plays and musicals in their school halls.

There are between approximately 7 private dance studios located across the Upper Hunter region.

There are four community run drama societies across the Upper Hunter region that perform in everything from a community or school halls to spaces in local RSL and Bowling Clubs. School Auditoriums are also a popular venue. Most of these "performance spaces" lack appropriate acoustic design and are not always available for the specific purpose of these performances.

### Strategy Nine

Increase local educational attainment in arts, music and production in collaboration with existing and new providers.

### Strategy Ten

Support infrastructure spending on cultural infrastructure that supports significant growth in the cultural economy and cultural tourism.

image: Muswellbrook Amateur Theatre Society rehearsal



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### Visual and Fine Arts

The visual arts includes art forms such as ceramics, drawing, painting, sculpture, printmaking, design, crafts, textiles, photography, video, filmmaking, literature, and architecture. As a region the Upper Hunter is well represented by participation in these activities.

The Scone Arts & Craft Inc. was established in 1972 and continues as a small dedicated group of business men and women and local Scone residents who meet in the original St Mary's Catholic Church in Kingdon Street. This building continues to be lovingly restored by the volunteers associated or directly involved in Scone Arts and Crafts Inc. providing space for painters, photographers, sculptors, potters, decorative arts, bridge players, yoga and junior dance.

Mururundi is home to a number of commercial galleries and a wide variety of artists in various stages of their artistic careers. For some time there have been discussions about the creation of a dedicated exhibition space for local collections and artists.

Muswellbrook Regional Arts Centre houses two significant collections and uses gallery spaces to facilitate artist networks and workshops across a wide variety of mediums and forms including drawing, painting, sculpture, printmaking, photography and artist floor talks following the opening of many of the exhibitions that are held in this space each year. Muswellbrook Ceramic Group, now have a membership of over 70 people. This group have a number of older kilns and meet in what was once home to a tennis club.

There are a number of commercial galleries across the Upper Hunter.

Image: Muswellbrook Ceramic Group Raku pottery firing





image: Blue Heeler Film Festival

### Broadcasting (Radio) and Film

Muswellbrook is the physical home to ABC Radio Upper Hunter, Power FM and 2NM radio. All three stations broadcast local content from the Upper Hunter.

The Upper Hunter Conservatorium of Music are currently investing in a sound studio that will facilitate local sound production of live performance and provides skill development in this area.

Muswellbrook is also home to the Blue Heeler Film Festival. This outdoor festival is held annually in September and is now in its fourth year. This event has always focused on local talent and skill development in film production. In 2017 the festival opened itself to entries from the wider Hunter region and this resulted in a pool of over 200 entries.

Muswellbrook Cinema has been operating since 2014. There is wider interest in broadening the presence of cinema in Scone and Denman with work already commencing on the old Civic Theatre in Scone.

DRAFT Upper Hunter Regional Cultural Development Strategy, page 22 of 23

## Summary of recommendations

### Strategy One

Investigate infrastructure opportunities that encourage the celebration of the local Aboriginal people, their stories and their culture.

### Strategy Two

Continue collaborative partnerships that respectfully celebrate our diversity.

### Strategy Three

Include and recognise the people who have made a significant contribution to the cultural fabric of the Upper Hunter through their inclusion in the Upper Hunter Hall of Fame and preserve other memorials and artefacts of their lives.

### Strategy Four

Share and grow the stories of the Upper Hunter and our local people and strengthen our cultural identity beyond the Upper Hunter.

### Strategy Five

Support digital platforms and systems that broaden the storage of memory institutions.

### Strategy Six

Encourage infrastructure spending on cultural heritage buildings and precincts that preserve and store information and archival collections.

### Strategy Seven

Support the recognition and promotion of cultural infrastructure and spaces as cultural tourism assets.

### Strategy Eight

Facilitate the development of digital applications and infrastructure that support cultural development.

### Strategy Nine

Increase local attainment of educational qualifications in the arts, music and production in collaboration with existing and new providers.

### Strategy Ten

Support infrastructure spending on cultural infrastructure that facilitates significant growth in the cultural economy and cultural tourism.

## References

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- [www.industry.nsw.gov.au/invest-in-nsw/industry-opportunities/arts-culture-and-creative/industry-action-plan-creative-industries](http://www.industry.nsw.gov.au/invest-in-nsw/industry-opportunities/arts-culture-and-creative/industry-action-plan-creative-industries)
- [www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx](http://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx)
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- Trant, J. (2009). Emerging convergence? thoughts on museums, archives, libraries, and professional training. Museum Management and Curatorship, 24(4). p. 369–387
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## 12.4 DIRECTOR'S REPORT - PLANNING, COMMUNITY & CORPORATE SERVICES

**Attachments:** Nil

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

**Author:** Chloe Wuiske - Administration Officer  
Carolyn O'Brien - Manager, Community Services

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

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

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

### PURPOSE

Monthly report to Council.

### OFFICER'S RECOMMENDATION

The information contained in this report be noted.

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

### REPORT

#### PLANNING & REGULATORY SERVICES

##### 1. Statistical Information

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

#### ***Schedule 1: Development Applications Approved (22 June to 23 July 2017)***

DA No.	DESCRIPTION	PROPERTY	VALUE (\$)
2017/24/2	S96(1a) Modification - Increase in Shed Size	494 Giants Creek Road Giants Creek	-
2017/56	Garage	18 Finnegan Crescent Muswellbrook	17,739
2017/55	Swimming Pool	13 Merton Street Denman	29,190
2017/50	New Dwelling - Proposed Lot 1 of Lot 19 Grey Gum Road	20 Grey Gum Road Denman	272,300
2017/48	Change of Use - Honey Extracting Facility and Storage	24 Wallarah Road Muswellbrook	35,000



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

DA No.	DESCRIPTION	PROPERTY	RECEIVED
2017/69	New Rural Fire Station next to Existing Fire Station	Virginia Street Denman	24/07/2017
2017/68	New Dwelling	31 Finnegan Crescent Muswellbrook	12/07/2017
2017/67	Demolition of Existing Service Station & Construction of New Service Station	12-20 Sydney Street Muswellbrook	10/07/2017
2017/66	Refurbishment and Extension of Existing RSL Building	2-4 Isobel Street Denman	10/07/2017
2017/65	Signage	15-17 Rutherford Road Muswellbrook	07/07/2017
2017/64	Farm Shed	1892 Denman Road Muswellbrook	07/07/2017
1994/410/6	S96(1A) Modification – Approval to Extract Sand and Gravel up to a Limit of 150,000 Tonnes Per Annum for 24 Years	Dalswinton Road Dalswinton	06/07/2017
2017/63	Demolish Sunroom and Replace with Brick Veneer Extension	17 Dangar Place Muswellbrook	28/06/2017
2017/62	Storage of Shipping Containers, Driveway access, Temporary Road and Site Leveling, Erection of Sheltered Area and Security Fencing	24 Carramere Road Muswellbrook	27/06/2017
2017/61	Additions to existing Industrial Building	24 Strathmore Road Muswellbrook	26/06/2017
2017/60	Change of Use - Building Materials Recycling Depot	7 Glen Munro Road Muswellbrook	23/06/2017
2017/59	Deconstruction and Rebuilding of Heritage Belfry	20 Brook Street Muswellbrook	20/06/2017
2017/58	Change of Use - Continue using as a Dwelling	Jerdan Street Denman	19/06/2017
2017/57	Construction of Ford and Isuzu Showroom, Vehicle Display and Signage	113 Maitland Street Muswellbrook	14/06/2017
2017/54	New Dwelling	56 Pine Ridge Row Denman	01/06/2017
2017/53	Extension to Existing Commercial Building	6 Wilkins Street Muswellbrook	31/05/2017
2000/212/6	S96(1a) Modification - Extension of timeframe of Operations & Extraction Area, Site Plan, Removal of Conditions	2449 Denman Road Muswellbrook	29/05/2017
2017/44	New Double Sided Signage	8567 New England Hwy Muswellbrook	18/05/2017
2017/41	Carport	10 Lexia Street Muswellbrook	11/05/2017
2003/72/2	S96(1a) Modification - Amend Condition 1.11 - Alter Hours of Operation	83-89 Maitland Street Muswellbrook	21/04/2017
2017/38	Garage, Awning & Driveway	45 Sowerby Street Muswellbrook	19/04/2017

DA No.	DESCRIPTION	PROPERTY	RECEIVED
2017/33	Converting a Shed to a Granny Flat	93 Queen Street Muswellbrook	07/04/2017
2017/25	Mobile Crushing Plant	11 Glen Munro Road Muswellbrook	21/03/2017
2017/21	Demolition	Brook Street Muswellbrook	13/03/2017
2016/111/2	S96(1a) Modification -Extend Existing Retaining Wall by Six (6) Metres	33 Shaw Crescent Muswellbrook	10/03/2017
2017/18	Alterations and Additions to Registered Club	15 Sydney Street Muswellbrook	08/03/2017
2017/8	129 lot residential subdivision in five (5) stages	Almond Street Denman	02/02/2017
1995/10098/3	S96(2) Modification - Additional Small Irrigation Area & Amend Conditions	Savoy Parish County Durham	30/01/2017
2016/120	Resource recovery Facility	Coal Road Muswellbrook	24/11/2016
2016/32	Placement of Fill	110 Merriwa Road Denman	12/04/2016

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

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

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Applications Received (new installation)	2	1	0	1	1	2	3	0	1	0	1	1	0
Applications Approved (new installation)	0	0	2	2	0	3	3	0	4	0	1	0	1
Inspections (new system)	0	2	5	1	0	1	0	0	0	0	0	0	0
Inspections (existing system)	18	50	8	33	51	61	83	4	31	8	6	31	12

**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)**

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

	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
Total Investigations	26	23	18	1	4	3	5	1	3	2	3	5	2
Total Clean up by Council - insufficient evidence	8	7	8	1	3	2	3	1	2	2	3	3	2
Total Clean Up by individual	10	4	3	0	0	0	2	0	0	0	0	0	0
Total Penalty Notices Issued	0	0	0	0	0	1	0	0	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	8	11	7	0	1	0	0	0	0	0	0	2	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)**

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

Total compliance inspections (not inc. Final Insp. for Occ. Certs)	15	31	15	23	18	25	17	20	19	42	21	19	8
Initial Inspections	8	24	13	21	14	19	17	15	16	27	145	1	4
Re-inspections	7	7	2	2	4	6	0	5	3	15	6	18	4

Compliance Certs / Occ. Certs issued	12	12	13	11	12	16	8	9	22	26	18	27	7
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**Total Pools in Council's Swimming Pool Register = 863****Compliance as at 30 June 2016 = 44.3%****Current Compliance = 64.5%**

(i.e. 557 out of 863 pools have a valid Compliance Certificate or Occupation Certificate.

Note: Certificate is valid for 3 years)

**Percentage of pools inspected during Financial Year 2016/2017 = 21.5%**

(i.e. 186 out of 863 pools have had at least one inspection carried out during FY 2016/2017. Council's program outlines that we will inspect 10% of pools per year).



**COMMUNITY SERVICES****AQUATIC AND FITNESS CENTRE****5.3.2 Aquatic Centre and Gym programs are developed that increase social engagement and wellbeing for young people**

A calendar of events, programs and partnerships is being developed to benchmark existing participation against increased participation.

**COMMUNITY DEVELOPMENT AND PARTNERSHIPS****5.1.1 Deliver an event through community partnerships that raises awareness of recreation options for people with Disabilities**

‘Have a Go in the Brook’ is an event that is being planned by Ability Links to encourage social inclusion and collaboration within our community. This event will be an opportunity for Groups to provide an activity for the community to participate in to gain a sense of what it's like to be a part of that group. This is not an EXPO event but more of an information session that will be held during social inclusion week on 1 December, 2017.

Council staff have been working with Ability Links to ensure that a suitable space for the event is provided. The event will be held at the Stan Thiess Centre. Some of the community services areas such as the Aquatic Centre, Libraries and Muswellbrook Regional Arts Centre will be participating in the event. Planning continues on the content of this participation.

Prior to the event Ability Links will be providing opportunities regarding training of community groups and awareness raising of the importance of social inclusion.

**MUSWELLBROOK REGIONAL ARTS CENTRE****18.2.1 Deliver a minimum of five exhibitions each year.**

The following exhibitions open at 6pm on Friday 1 September 2017 and remain on exhibition until 22 October 2017:

- Dorothy Wishney: Art of Contemplation (School of Arts Gallery)
- Michele Heibel: For the love of the Hunter (Centre Court Gallery)
- Urban Look: (Max Watters Gallery)
- Our Community: Goodstart Early Learning Centre Muswellbrook (Wollemi Gallery)
- 8x10: Muswellbrook High School photographic works (Ramp Gallery)

**18.2.2 Work with sponsors to investigate the annual delivery of the Muswellbrook Art Prize.**

As previously reported, Bengalla Mining Company has kindly agreed to the annual sponsorship of the Muswellbrook Art Prize and work has commenced on the promotion of this prize in a wide range of media.

**18.2.3 Seek sponsorship for the Annual Muswellbrook Photography Prize.**

Staff have sought sponsorship for the Annual Muswellbrook Photograph Prize, but have not yet been successful in finding a sponsor. There appears to be interest in commencing a ‘Friends of the Gallery’ to assist in this and other fundraising opportunities and promotional events at the Arts Centre.

**18.2.4 Partner with local education providers on enhancing the MRAC’s work with local education providers.**

Visual Arts Teacher from Muswellbrook High School visited the Arts Centre in early July to discuss partnerships between the school and the Arts Centre in terms of potential exhibitions and designing them as rich learning activities where students are involved in all aspects of exhibition

creation and management. As a result of these discussions an exhibition is scheduled for September to October 2017 with future exhibitions to be planned.

Goodstart Early Learning Muswellbrook will be exhibiting works in the Wollemi Gallery from September to October 2017. This is the second collaboration with Goodstart Early Learning Centre Muswellbrook, the first being a smaller exhibition of works by 4-6 year olds in the Ramp Gallery. The upcoming exhibition will be in the Wollemi Gallery and will showcase the works of all children, aged 0-6, from Goodstart Muswellbrook.

**18.2.5 At least one Artist in Residence Program is delivered each year.**

An Artist in Residence Program (AIRP) proposal submission document has been drafted for 2017-2018. Proposal submissions will be invited from August 2017.

### 18.2.6 Investigate opportunities to improve regional support and recognition of the Muswellbrook Regional Arts Centre.

The following media hits have occurred during June/July 2017;

An article in ***New England Living*** Volume 8, Winter 2017 pg 56-58 – Visit Upper Hunter edition

Articles in the Hunter Valley News; <http://www.huntervalleynews.net.au/story/4783090/arts-centre-swings-open-doors-again/?cs=1457>

<http://www.hunintervalleynews.net.au/story/4768830/exhibitions-bring-together-classic-photography-and-a-new-way-with-storytelling/?cs=1457>


Articles in the Muswellbrook Chronicle;  
<http://www.muswellbrookchronicle.com.au/story/4758821/public-art-removed-for-repair/>  
<http://www.muswellbrookchronicle.com.au/story/4665693/old-stories-in-a-completely-new-light/?cs=1487>

Articles in “The Entertainer” on July 6 and 13.

General Advertising in Art Magazines and publications.

The Arts Centre established an Instagram account on 29 June 2017. Over the first Three and a half weeks the account has gained 213 followers and had 512 likes across all posts, as well as a number of reposts and Instagramers using the hashtag #muswellbrookregionalartscentre

Facebook activity:



**Muswellbrook Regional Arts Centre** added 2 new photos

Published by arts.centre@muswellbrook.nsw.gov.au [?] · 30 June at 18:33

Two new exhibitions bringing together classic photography and a new way with storytelling. Opening 6pm Friday 7 July 2017; Exhibiting 8 July - 27 August 2017 at Muswellbrook Regional Arts Centre.

Contemporising the Modern

Australian modern and contemporary photography






image: Patricia Hyde, unknown, 20th century, (black and white photograph, from the series 'The Secretly, Girl of the Street' 1950s (1951), MAMA Collection)






The Australia Foundation  
 Money for Merit


TRAVIS DE VRIES

LOST TALES


WALKING WITH GODS

image: Travis De Vries, (oil painting) 2011, oil on canvas





NATIONAL ARCHIVES  
 VISUAL ARTS



**Create NSW**  
Arts, Culture & Creativity

474 People Reached

33 Reactions, comments & shares

24 Like

8 On post

16 On shares

4 Love

2 On post

2 On shares

2 Comments

2 On Post

0 On Shares

3 Shares

2 On Post

1 On Shares

33 Post Clicks

15 Photo Views

0 Link clicks

18 Other Clicks

NEGATIVE FEEDBACK

0 Hide Post

1 Hide All Posts

0 Report as Spam


0 Unlike Page

Reported stats may be delayed from what appears on posts

Post Details

**Muswellbrook Regional Arts Centre**  
Published by arts\_centre@muswellbrook.nsw.gov.au 191 23 June

From the classic to the contemporary - two new exhibitions opening at MRAC Friday 7 July 2017.



**muswellbrook regional arts centre**

Upcoming exhibitions and opening night @ MRAC  
Join us at the Muswellbrook Regional Arts Centre 6pm Friday 7 July 2017 for the opening of the *Contemporising the Modern: Australian modern and contemporary photography* and *Travis De Vries: Lost Tales - Walking with Gods*.  
MAILCHIMP

612 people reached [Boost Unavailable](#)

**612** People Reached

**24** Reactions, comments & shares

15 Like	7 On post	8 On shares
5 Love	3 On post	2 On shares
0 Comments	0 On Post	0 On Shares
4 Shares	4 On Post	0 On Shares

**25** Post Clicks

0 Photo views	13 Link clicks	12 Other Clicks
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**NEGATIVE FEEDBACK**


0 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

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**Muswellbrook Regional Arts Centre** added 11 new photos to the album Opening Night of 'Contemporising the Modern' and 'Lost Tales'.  
Published by arts\_centre@muswellbrook.nsw.gov.au 191 9 July at 12:26

'Contemporising the Modern - Australian modern and contemporary photography' and 'Lost Tales: Walking with Gods - Travis De Vries'. Opening night Friday 7 July 2017. Exhibiting 8 July to 27 August 2017.



324 people reached [Boost Unavailable](#)

**324** People Reached

**59** Reactions, comments & shares

40 Like	8 On post	32 On shares
13 Love	2 On post	11 On shares
3 Comments	1 On Post	2 On Shares
3 Shares	3 On Post	0 On Shares

**616** Post Clicks

605 Photo views	0 Link clicks	11 Other Clicks
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**NEGATIVE FEEDBACK**

1 Hide Post	0 Hide All Posts
0 Report as Spam	0 Unlike Page

Reported stats may be delayed from what appears on posts

### 18.3.1 A public Art Piece is delivered within the Denman Community which reflects place making principles.

An internal Public Art committee is in the process of being formed to achieve this outcome.

### 18.4.1 Provide ongoing financial membership and management support to Arts Upper Hunter.

Financial membership of Arts Upper Hunter has been completed for 2017/18.

Current projects and promotion by and of the Regional Arts Development Officer include;

- The Upper Hunter Art Trail Weekend where Home studios, galleries, outdoor sculpture, museums and pop up exhibitions on over forty sites can be visited as a part of the *Arts Upper Hunter's Art Trail Weekend on November 18 and 19*. Towns on the trail include Maitland, Paterson, Vacy, Dungog, Singleton, Muswellbrook, Denman, Sandy Hollow, Aberdeen, Scone, Murrurundi and, in an exciting turn of events, the Merriwa silo mural project is due to be completed a week before the trail weekend.
- At the midpoint of the Upper Hunter Art Trail Weekend on the Saturday night, the Great Arts Trivia Quiz at Muswellbrook Regional Arts Centre will be held. With quizmaster Mike Pritchard

from ABC Radio Upper Hunter, comedian Ethan Andrews, light refreshments and great prizes, it should be a great night. Tickets are \$20 and strictly limited. Come along dressed as your favourite artist! (if you like)

- Record Funding Boost for Regional Arts and Culture was announced on 27 June where the NSW Government will invest \$100 million into regional towns and cities to develop new and existing arts and culture projects. The Deputy Premier and Minister for Regional NSW, John Barilaro, said this fund will help to attract major cultural productions to regional NSW by investing in projects that often miss out on funding to metropolitan area. "The Regional Cultural Fund will invest in new arts and cultural facilities and can be used to upgrade existing spaces including galleries, theatres, libraries, museums and halls." Mr Barilaro said. "As well as building and refurbishing facilities, the fund can be used to support projects that take exhibitions on tour and provide easy viewing access, no matter where people live." (There will be a period of significant support for organisations who are considering applications to the grant).
- The Country Arts Support Program (CASP) closed on 27 July. Arts Upper Hunter will organise the assessment of applications in coming weeks.
- Artist of the Month (July) Jenny Vaughan is an illustrator and painter from the Upper Hunter Shire. She recently won the AGL Macquarie Award Best in Show Murrurundi Art Prize.

#### **18.4.2 Encourage local artist projects and grant applications through Arts Upper Hunter.**

The following prizes, fellowships, opportunities and grants were advertised by Arts Upper Hunter during July.

- NSW Parliament Plein Air Painting Prize 2017 - entries closed 21 July.
- Varuna Residential Fellowships for Writers & Illustrators 2018 - applications closed 30 July.
- Blue Heeler Film Festival Short Film Competition entries closed 31 July.
- Sculpture in the Vineyards 2017 - entries closed 31 July.
- Create NSW Fellowships - applications closed 7 August 2017
- Regional Arts Fund 2018 - applications close 10 August.
- Dungog Arts Society Annual 2017 Art Exhibition - entries close 25 August

#### **18.4.3 Cultural Infrastructure projects identified in the Cultural Plan are developed and funded.**

The Upper Hunter Regional Cultural Strategy is included as a separate report in the August business paper.

### **TOURISM AND EVENTS**

#### **18.1.1 Ensure that all local festivals are supported to experience improved and increased patron engagement and attendance**

Work continues on the promotion of both the Bottoms Up and Blue Heeler Film Festival.



## 13 REPORTS FROM COMMITTEES

### 13.1 REPORT OF THE INFRASTRUCTURE COMMITTEE MEETING HELD ON WEDNESDAY, 26 JULY 2017

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Steve McDonald - General Manager
<b>Author:</b>	Michelle Sandell-Hay - PA to the General Manager
<b>Community Plan Issue:</b>	<i>Community Leadership</i>
<b>Community Plan Goal:</b>	<i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i>
<b>Community Plan Strategy:</b>	<i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i>

#### PURPOSE

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

#### OFFICER'S RECOMMENDATION

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

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

#### REPORT

The Infrastructure Committee met on Wednesday 26 July 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 M. Rush, Cr J.F. Eades, Cr J. Foy and Cr M. Green.

**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 E. Ediriwickrama (Manager, Roads & Drainage), Mr R. Franklin (Chief Financial Officer), Mr P. Gunasekara (Acting Manager, Planning & Environmental Services), Mrs C. O'Brien (Manager, Community Services), Mr N. Alexander (Sustainability Officer – Land Care), Mrs M. Sandell-Hay (PA to General Manager) and 1 media representative.

## **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. G. McNeill, Cr. S. Bailey, Cr. S. Ward, Cr. S. Reynolds Cr R. Scholes 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 Eades and Foy that:

The Minutes of the Infrastructure Committee held on 28 June 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 GRAFFITI MANAGEMENT ACTIVITY FOR SECOND TWO QUARTERS OF 2016-2017**

RECOMMENDED on the motion of Crs Rush and Green that:

The information contained in this report be noted.

### **5.2 UTILISATION OF RECOVERED ROAD MATERIALS**

RECOMMENDED on the motion of Crs Foy and Eades that:

The information contained in this report be noted.

**5.3 2016-2017 Q4 COMMUNITY INFRASTRUCTURE CAPITAL WORKS STATUS REPORT**

RECOMMENDED on the motion of Crs Green and Eades that:

Council note the information contained in the 2016–2017 Q4 Community Infrastructure Capital Works Status Report updated to 30 June 2017.

**6 DATE OF NEXT MEETING**

30 August 2017

**7 CLOSURE**

The meeting was declared closed at 4.50 pm.

.....

Mr S. McDonald  
**General Manager**

.....

Cr M. Rush  
**Chairperson**

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

<b>Attachments:</b>	<b>Nil</b>
<b>Responsible Officer:</b>	<b>Steve McDonald - General Manager</b>
<b>Author:</b>	<b>Michelle Sandell-Hay - PA to the General Manager</b>
<b>Community Plan Issue:</b>	<b>Community Leadership</b>
<b>Community Plan Goal:</b>	<b><i>Maintain a strong focus on financial discipline to enable Council to properly respond to the needs of the communities it serves.</i></b>
<b>Community Plan Strategy:</b>	<b><i>Appropriate matters are reported to Council in a timely manner in accordance with the Financial Control and Reporting Policy.</i></b>

**PURPOSE**

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

**OFFICER'S RECOMMENDATION**

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

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

**REPORT**

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

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

**DECISIONS REQUIRING A NEW BUDGET ALLOCATION**

<b>Item Ref</b>	<b>Description</b>	<b>\$</b>	<b>GL No.</b>



**PRESENT:** Cr M. Rush, Cr J.F. Eades, Cr J. Foy, Cr M. Green.

**IN ATTENDANCE:** Mr S.J. McDonald (General Manager), Mr N.W. Pope (Director, Community Infrastructure), Ms F. Plesman (Acting Director, Planning, Community & Corporate Services), Mr P. Redan (Executive Manager, Water and Waste), Mr R. Franklin (Chief Financial Officer), Mr E. Ediriwickrama (Manager Roads & Drainage), Mrs C. O'Brien (Manager, Community Services), Mr N. Alexander (Sustainability Officer – Land Care), Mrs M. Sandell-Hay (PA to General Manager) and 1 media representative.

## **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. G. McNeill, Cr. S. Bailey, Cr. S. Ward, Cr. S. Reynolds, Cr J. Ledlin, Cr R. Scholes 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 Eades and Foy that:

The Minutes of the Corporate Policy & Planning Committee held on 28 June 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 LOCAL GOVERNMENT PERFORMANCE AUDITS**

RECOMMENDED on the motion of Crs Rush and Eades that:

The Committee notes the report.

## **6 ADJOURNMENT INTO CLOSED COMMITTEE**

RECOMMENDED on the motion of Crs Green and Foy 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 DENMAN GOLF COURSE LEASE**

Item 7.1 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 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 DENMAN GOLF COURSE LEASE**

RECOMMENDED on the motion of Cllrs Rush and Eades that:

Council:

1. Agree to the terms of the draft Lease outlined in the report for the Denman Golf Course.
2. Approve the reconciliation process of costs outlined in the report.
3. The Denman Golf Club provide annual financial statements each year to Council for the term of the Lease.
4. That a limit for the use of potable water on the golf course be set and included in the Lease.
5. The additional funding required for 2017/18 and 2018/19 be sourced as identified under financial implications.

**8 RESUMPTION OF OPEN COMMITTEE**

RECOMMENDED on the motion of Cllrs Green and Foy that:

The meeting return to Open Committee.

**9 DATE OF NEXT MEETING**

30 August 2017

**10 CLOSURE**

The meeting was declared closed at 4.55 pm.

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

.....  
Cr M. Rush  
**Chairperson**

**14 NOTICES OF MOTION / RESCISSION**

Nil

**15 QUESTIONS WITH NOTICE****15.1 GRANDPARENTS DAY****Attachments:** Nil**Responsible Officer:** Fiona Plesman - Director - Planning, Community & Corporate Services

Cr Steven Reynolds asked the following question which was taken on notice for the Council Meeting on 11 July 2017, as follows:

*Has Council submitted any grant applications for Grandparents Day as submissions would be closing soon?*

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

**RESPONSE BY GENERAL MANAGER**

Council lodged an application for funding of \$3,000 under the NSW Grandparents Day Grants 2017 on 15 July 2017 to support Muswellbrook Shire Grandparents Day events.

The Muswellbrook and Denman Libraries are hosting on 28 and 29 October respectively, events that will provide an opportunity for grandparents and other older people to join with children from a range of ages to participate in joint reading activities and for young people (over 12 years) to teach interested grandparents how to use an Xbox or PlayStation with appropriate games and to experience virtual gaming together using high end virtual reality headsets and games. The interactions between older and young people will help foster lifelong intergenerational respect and understanding and celebrate the vital role of older people in the development and wellbeing of children in the Shire's communities.



**15.2 GAZZARD SHELDON REPORTS****Attachments:** Nil**Responsible Officer:** Fiona Plesman - Director - Planning, Community & Corporate Services

Cr Scott Bailey asked the following question which was taken on notice for the Council Meeting on 11 July 2017, as follows:

*Are the Gazzard Sheldon reports able to be digitised and made available to Councillors?*

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

**RESPONSE BY GENERAL MANAGER**

Council has received advice in relation to its obligations under the *Copyright Act* 1968 (Cth) and is seeking clarification with respect to its rights to publish the document in a digitised format on Council's website.

Subject to any necessary permissions that need to be in place to meet Council's copyright obligations, the Gazzard Sheldon documents relating to streetscape heritage will be made available on Council's website and the link circulated to Councillors.

**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 COMPOSTING OF FOOD ORGANICS / GARDEN ORGANICS AT THE MUSWELLBROOK WASTE AND RECYCLING FACILITY - FEASIBILITY STUDY**

Item 19.1 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.

**19.2 PROJECT MANAGEMENT - RESOURCES FOR REGIONS CBD PROJECTS**

Item 19.2 is classified CONFIDENTIAL under the provisions of Section 10A(2)(d)(ii) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a competitor of the council, 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 12 SEPTEMBER 2017**