



**muswellbrook  
shire council**

**Muswellbrook Shire Council**

# **ORDINARY COUNCIL MEETING**

## **SUPPLEMENTARY BUSINESS PAPER**

**27 JULY 2021**



# Order of Business

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19.12	2019-2020-0404 HUNTER BEACH TENDER <i>Item 19.12 is classified CONFIDENTIAL under the provisions of Section10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.</i>	

## 11 COMMUNITY INFRASTRUCTURE

### 11.7 MANGOOLA COAL CONTINUED OPERATIONS PROJECT - S138 ROAD ACT 1993 APPLICATION AND PROPOSED ROAD CLOSURE WYBONG POST OFFICE ROAD

Attachments:	A. Mangoola MCCO Project s138 Permit Application Form <a href="#">↓</a> B. Mangoola Coal Description of Works <a href="#">↓</a> C. Mangoola Coal Wybong Road Overbridge Arch <a href="#">↓</a> D. Mangoola Coal Wybong Road Overbridge Sectional Elevation <a href="#">↓</a> E. Mangoola Coal Continued Operations - S138 Permit Special Conditions <a href="#">↓</a>
Responsible Officer:	Fiona Plesman - General Manager
Author:	Imelda Williams - Technical Officer - Traffic & Roads
Community Plan Issue:	<i>Our community's infrastructure is planned well, is safe and reliable and provides required levels of service</i>
Community Plan Goal:	<i>Facilitate investment in high quality community infrastructure necessary to a regional centre.</i>
Community Plan Strategy:	<i>Investigate and recommend appropriate management treatments for road safety and traffic management.</i>

#### PURPOSE

To seek the authority of Council to delegate to the General Manager certain matters relating to the Mangoola Coal Continued Operations Project where there is interaction with Council's Public Roads as outlined in the report and recommendations below.

#### OFFICER'S RECOMMENDATION

##### Council

1. Endorses, subject to the relevant statutory processes and negotiations of the relevant agreement(s), the closure and sale of part of Wybong Post Office Road as outlined in the report;
2. Approves staff to proceed with the road closure process in accordance with Division 3 Part 4 of the *Roads Act 1993*;
3. Deems that Wybong Post Office Road is a Council Public Road as outlined in the report and that construction has taken place on the road and as such remains vested in Council upon closure, in accordance with s. 38E (2) (a) of the *Roads Act 1993*;
4. In accordance with s.43 of the *Roads Act 1993* the money received by Council from the proceeds of the sale of land comprising the former public road owned by Council is not to be used by Council except for acquiring land for public roads or for carrying out road work on public roads.
5. Subject to resolution 1 above, delegates to the General Manager:
  - (a) Determination of the length of road closure and the closure point of where Wybong Post Office Road is proposed to be closed;
  - (b) the negotiation of the commercial terms of the contemplated sale of part of Wybong Post Office Road;

- (c) the execution of all relevant documents required to carry out the road closure and sale process including the affixing of Council's seal to the Transfer documents once the road is closed for the sale to Mangoola Coal; and
  - (d) the negotiation of the financial contribution from Mangoola Coal to be directed towards addressing the road network issues associated with the closure of Wybong Post Office Road in lieu of realigning the affected section as provided for in condition B102 (b) of the Development Consent.
6. Delegate to the General Manager authority to sign the s.138 *Roads Act 1993* approval generally in accordance with the draft Special Conditions set out in the report;
- (a) The consent be provisional on a suitable form of security to be agreed with the General Manager prior to the commencement of construction of the mine owned asset infrastructure within Council's road reserves and the use of Council road reserves to access construction sites;
  - (b) As outlined in the draft Special Conditions, insurances, detailed design and Traffic Management Plans are to be submitted and certified by suitably qualified consultants and accepted by the General Manager Council;
  - (c) The physical closure of Wybong Post Office Road at a point and time to be negotiated during the construction phase of the project.
7. Delegate to the General Manager the authority to negotiate, finalise and execute the "Wybong Road Overbridge and Works Deed" as outlined in the report and the authority to execute all relevant documents contemplated in the "Deed" including;
- (a) the plan of easement for the Wybong Road Overbridge;
  - (b) the dedication of the diversion road as a "temporary public road"; and
  - (c) the closure of the "temporary public road" once the diversion road is no longer required

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

## BACKGROUND

On 26 April 2021 the NSW Independent Planning Commission approved the development application for the Mangoola Coal Continued Operations Project (SSD8642) MCCOP. This allows for the expansion of mining to the new area north of Wybong Road and the extraction of an additional 52 million tonnes of run-of-mine (ROM) coal. A haul road overpass would be constructed over Wybong Road and Big Flat Creek to provide access to the new mining area. Existing mine facilities would continue to operate until approximately 2030.

## CONSULTATION

General Manager, Deputy General Manager, Manager Roads Drainage and Technical Services, Moray Agnew Lawyers, Mangoola Coal

## CONSULTATION WITH COUNCILLOR SPOKESPERSON

A copy of the report has been forwarded to the Mayor, Councillor Scholes, Deputy Mayor Cllr Ledlin and the Councillor spokesperson for Infrastructure Councillor Woodruff for review.

## REPORT

The MCCO Project is a continuation of open cut mining, located to the north of Wybong Road, immediately adjacent to the existing Mangoola Coal Operation. The MCCO Project will extend the life of the existing operation, providing ongoing employment opportunities for the Mangoola workforce. The Project is comprised of the following key components:

- 
- open cut mining peaking at the same rate as that currently approved (13.5 Million tonnes per annum of run of mine coal) using truck and excavator mining methods;
  - continued operations within the existing Mangoola Coal Mine;
  - mining operations in a new mining area located within the MCCO Additional Project Area, to the north of the existing mine;
  - construction of a haul road overpass over Big Flat Creek and Wybong Road to provide access from the existing mine to the MCCO Additional Project Area;
  - establishment of an out-of-pit overburden emplacement area;
  - distribution of overburden and interburden between the MCCO Additional Project Area and the existing mine in order to optimise the final landform design of the integrated operation;
  - proposed realignment of a portion of Wybong Post Office Road;
  - continued use of all existing or approved infrastructure and equipment for the Mangoola Coal Mine for the life of the MCCO Project with some minor additions to the existing mobile equipment fleet. This will include hauling coal from the MCCO Additional Project Area to the existing coal handling facilities and use of existing tailings facilities;
  - construction of a water management system to manage mine water, sediment laden water runoff, divert clean water catchment, provide flood protection from Big Flat Creek and provide for reticulation of mine water. The water management system will be connected to that of the existing mine;
  - continued ability to discharge excess water in accordance with the Hunter River Salinity Trading Scheme;
  - establishment of a final landform in line with current design standards at Mangoola Coal Mine including use of natural landform design principles consistent with the existing site.;
  - rehabilitation will be completed using the same revegetation techniques as currently implemented at the existing mine;
  - a likely (maximum) construction workforce of approximately 145 persons will be engaged. No change to the existing approved operational workforce of the mine is anticipated; and
  - continued use of the mine access for the existing operational mine and access to/from Wybong Road, Wybong Post Office Road and Ridgeland Road to the MCCO Project Area for construction, emergency services, environmental monitoring and property management.

Council has received an S.138 application for works associated with the development to be undertaken on public roads. The aspects of the MCCO Project that interact with Council's assets have been split into 3 key components for clarity for the consideration by Council.

**s.138 Roads Act 1993 Application for Haul Road Overpass Wybong Road and Associated Enabling Works**

The works associated with this s138 Application, relevant to the use of the local road network and detailed in the attachments, during the construction phase and includes the following main items:

- construction access gates of Wybong and Ridgeland Roads, temporary diversion bypass, temporary office and equipment laydown areas;
  - water management infrastructure including clean water diversion drains, dams and pipelines across Wybong Post Office Road;
  - sediment and erosion control;
  - construction temporary bypass road of the haul road overbridge area;
  - Wybong Road/Big Flat Creek overbridge and haul road;
-

- Visual & flood levee bunds adjacent Wybong Road and Ridgeland Road;
- Access off Ridgeland Road for the relocation of Ausgrid 11 kV rural supply transmission lines;
- fencing.

#### Wybong Road Overbridge and Haul Road

To access the new mining area to the north of Wybong Road from the existing Mangoola Coal operations, Mangoola Coal propose to construct an overbridge to cross over Wybong Road. This new haul road will be the primary access for all heavy equipment, the haulage fleet, service vehicles and light vehicles. The overpass will be a proprietary precast concrete arch structure, of a length suitable for a two-way haul road, complete with median bund and perimeter bunds for both vehicle containment and visual amenity. The structure is rated to carry ultra-class haul trucks and excavators up to 800T nominal operating mass.

The Wybong Road Overpass has been designed for the following geometry and loading- See plans Attachment B & C:

- Haul road 30m wide (CAT793F haul trucks) with an adjacent 8m wide light vehicle access road plus vehicle separation bunds – total width of nominally 75m at haul road level – to pass over Wybong Road;
- Minimum internal clearance envelope of 10m wide by 6.3m high;
- Wybong Road to be reinstated with 2 x 3.5m traffic lanes and 1m sealed shoulders;
- Arch structure and footings designed for loaded CAT797F haul trucks, passing with a minimum 4m central separation bund; and
- 2.50m nominal cover (2m minimum to 3m maximum) to the crown of the arch.

#### Wybong Road Temporary Diversion Road

To facilitate construction of the overbridge and during construction of the haul road, Wybong Road will be diverted around the Wybong Road haul road crossing construction site, limiting construction interactions with the public road traffic. The diversion road will be designed and constructed in accordance with Austroads Guide to Temporary Traffic Management and TfNSW Traffic Control at Worksites with the minimum travel lane width of 3.5m and 1m sealed shoulders specified.

#### Visual Bunds

To provide visual screening from public roads, bunds will be constructed within Mangoola Coal land in strategic locations parallel to Wybong Road and Ridgeland Road. Bunds will be typically 3.5m high. The external batter of the bund will be battered at 1V:3H, topsoiled and seeded to provide visual amenity.

#### Relocation of Ausgrid Rural Power Lines

The proximity of the proposed mining area and supporting infrastructure to existing rural overhead Ausgrid power lines (11kV) necessitates their relocation. Appropriate design and easements will be established through Ausgrid for the new power line routes.

#### Relocation of Fibre Optic Cables

Existing buried fibre optic cables adjacent Ridgeland Road require relocation. The cables will be installed within the Ausgrid power line easement clearing.

#### Fencing and Clearing

The perimeter of the new mining area will be fenced to exclude stock and provide delineation for neighbours and the public in general.

Physical Closure of part of Wybong Post Office Road

The application seeks physical closure of 2.16km prior to the “legal” closure of Wybong Post Office Road to allow for the construction phase as outlined above. The physical closure of Wybong Post Office Road at a point to be negotiated would provide a safety benefit to public road users by eliminating risks such as public vehicle interactions with mobile construction equipment, vehicle incidents resulting from travel on narrow road pavements (exacerbated in wet conditions), driver distraction watching work crews/plant, as well as improving work force safety by removing interactions with public vehicles. Both Ridgeland and Yarraman Roads can be used as alternative detours for road users. This will increase the travel time marginally, however once the road is “legally” closed this will be the normal route for the public.

Included in the physical closure works will be construction of a cul-de-sac bulb to cater for 19m vehicle turning movements.

**Legal Road Closure and Sale of Part Wybong Post Office Road**

Mangoola Coal has applied to Council for the closure and sale of part of Wybong Post Office Road. The MCCO Project Area’s footprint encompasses the eastern portion of Wybong Post Office Road which will be part of the active mining area.

Condition B102 of the Development Consent provides for the following:

Prior to undertaking mining operations within 200m of Wybong Post office Road, unless otherwise agreed to by the Planning Secretary, the Applicant must close the affected section of Wybong Post Office Road and either:

- (a) Realign the affected section of Wybong Post Office Road as described in the EIS and shown conceptually in Appendix 2, to the satisfaction of the applicable roads authority: or
- (b) Provide financial contribution to Council at least equivalent to the cost of the works in subparagraph (a) that is to be directed towards the implementation of Council’s preferred approach to addressing road network issues associated with the closure of the affected section of Wybong Post Office Road.

Mangoola Coal has proposed to close the first 2.16km (from the intersection of Wybong Road) of Wybong Post Office Road with the reasoning that there are several occupied residential houses (owned by Mangoola Coal) west of the future mining area along with a portion of Crown Land that would require ongoing access.

The Mine Affected Roads Network Plan (adopted by Council at the 26 May 2020 Ordinary Meeting of Council) recommended the preferred option to close Wybong Post Office Road just east of the Wybong Community Hall (4.1km from the intersection of Wybong Road) and direct the mines financial contribution (funded works proposed to realign Wybong Post Office Road) to address road network issues associated with the closure of Wybong PO road, such as upgrading Yarraman Road between Wybong Post Office Road and Wybong Road and implementing road safety works identified for Ridgeland Road between Wybong Road and Yarraman Road. This option further supports option (b) as noted above and it is the recommendation of staff that this is the preferred option with the closure point of Wybong Post Office Road being delegated to the General Manager to negotiate with Mangoola Coal.

The legal closure of the road will be undertaken in accordance with Division 3 Part 4 of the *Roads Act* 1993. In accordance with s. 38 (e) (2) (a) of the Act, the land comprising the former road once closed will remain vested in Council. This will allow Council to dispose of the land by way of sale to Mangoola Coal. Investigations into the status of the road reveals that Wybong Post Office Road is a Council Public Road by virtue of the road being provided for in Road Plan 886B-1603 with the road action notified in the Government Gazettes published:

- 28 March 1879 Folio 1417 (preliminary notification)
- 9 July 1880 Folio 3453 (confirmation notification)

- 31 December 1906 Folios 7019 to 7020 (declaration in accordance with Section 119 of the Local Government Act 1906).

It is proposed to delegate to the General Manager the negotiation of the commercial terms of the contemplated sale of the road and the authority to execute all relevant documents required to carry out the road closure and sale process including the affixing of Council's seal to the Transfer documents.

### **Deed**

Council is negotiating a Deed between Mangoola Coal and Council outlining, among other matters,

- the provisions around the design and construction of the Wybong Road Haul Road Overbridge;
- the creation of an easement for the overbridge;
- the closure and acquisition by Mangoola of Wybong Post Office Road; and
- financial contributions to be directed toward addressing road network issues associated with the closure of the affected section of Wybong Post Office Road.

It is proposed to delegate to the General Manager the negotiations of the terms of the Deed with Mangoola Coal.

### **OPTIONS**

#### s.138 Roads Act 1993 Approval

Council may decide to:

- approve the delegation to the General Manager to issue consent for the works under Section 138 *Roads Act 1993* generally in accordance with the conditions recommended by staff and outlined in the "Special Conditions" attached to the report;
- request modification to the conditions; or
- refuse the delegation.

#### Road Closure and Sale of Part Wybong Post Office Road

Council may decide to:

- approve the delegation to the General Manager the closure point of where Wybong Post Office Road is proposed to be closed and to the negotiate the commercial terms of the contemplated sale of part of Wybong Post Office Road;
- request modification to the proposal; or
- refuse the delegation.

#### The Deed

Council may decide to:

- approve the delegation to the General Manager to negotiate the terms of the Deed;
- request modification to the proposal
- refuse the delegation.

### **CONCLUSION**

It is recommended that Council approves the delegation to the General Manager in all 3 matters as outlined in the report.

### **SOCIAL IMPLICATIONS**

Although there will be negative impacts to normal use of the road, allowing the physical closure of Wybong Post Office Road for the purpose of Mangoola Coal to undertake enabling works removes the risk to public safety from interaction between construction plant and public vehicles. The physical



closure will inconvenience some road users during this time, but with an appropriate level of public consultation proposed to be undertaken by Mangoola Coal and associated notifications, road users can factor this time into their schedule. In the long term, the financial contributions obtained to upgrade the surrounding road network will address road network issues associated with the closure of Wybong Post Office Road.

## **FINANCIAL IMPLICATIONS**

All cost of all works undertaken will be the responsibility of the applicant. Council will cover its costs through the s.138 *Road Act 1993* consent condition fees.

All fees and charges associated with the “Legal” closure of Wybong Post Office Road will be met by the applicant. In accordance with s.43 of the *Roads Act 1993* the money received by Council from the proceeds of the sale of land comprising the former public road owned by Council is not to be used by Council except for acquiring land for public roads or for carrying out road work on public roads.

### **Ongoing Operational and Maintenance Costs Implications Associated with Capital Project**

#### **1. Financial Implications – Capital**

N/a

#### **2. Financial Implications – Operational**

N/a

## **POLICY IMPLICATIONS**

In accordance with the Road Development Standards Policy adopted by Council on 30 June 2020 the following applies. At present road closures requested by private developers will comply with the Notice of Motion entitled “Road Closure Resolution” adopted by council at the 12 February 2019 Ordinary Council Meeting. The adopted Road Closure Resolution provides:

- Without predetermining any particular application under Division 3 of Part 4 of the *Roads Act 1993*, Council adopts a general policy that significant alterations to the rural road network should not be resolved until after the adoption of the new Local Environment Plan;
- Review and finalisation of the Contributions Plan accompanying the Mine Affected Roads Strategy.

However the General Manager is the interpreter of this policy and shall be the sole arbitrator in respect to the application of this policy.

## **STATUTORY IMPLICATIONS**

The statutory processes will be undertaken in accordance with provisions outlined in the *Roads Act 1993*

## **LEGAL IMPLICATIONS**

Council is the roads authority and is acting within its powers under the *Roads Act 1993*.

## **OPERATIONAL PLAN IMPLICATIONS**

Nil

## **RISK MANAGEMENT IMPLICATIONS**

Risks will be managed through a condition requiring the applicant to enter into a Deed of Agreement for the Overpass Haul Road crossing Wybong Road, where it will be specified that only appropriately qualified and experienced experts may submit and certify designs for infrastructure to be placed within Council's road reserves and Council staff acceptance of these designs and oversight of the construction. Works are required to comply with appropriate Standards, particularly Austroad standards and RMS guidelines 'Traffic Control at Work Sites' traffic management guidelines. A removal bond will be imposed under the conditions of consent for the works at the time of the approval of s.138 *Roads Act 1993*

application. The “Deed” will protect Council’s interests in the various matters outlined in the report.

**WASTE MANAGEMENT IMPLICATIONS**

Not applicable.

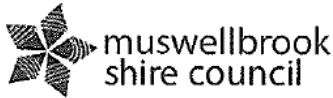
**COMMUNITY CONSULTATION/MEDIA IMPLICATIONS**

Extensive public consultation will be undertaken by Mangoola Coal prior to the physical closure of Wybong Post Office Road and during the construction phase to notify road users of the changed traffic conditions.

The closure of Wybong Post Office Road will be undertaken in accordance with Division 3 Part 4 of the *Roads Act 1993* that specifies that the proposal to close the road:

- must be published in a local newspaper, and
- be given to all owners of land adjoining the road, all notifiable authorities and any other person prescribed by the regulations.

Any person may make submissions to the Council. After considering any submissions that have been duly made with respect to the proposal, the council as the roads authority may, by notice published in the Gazette, close the public road concerned.



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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 [utilities](#).

### Applicant details

Applicant name	Mangoola Coal Operations Pty Ltd		
Address	1971 Wybong Road Muswellbrook NSW 2333	Phone	65495500
		Email	brian.pease@glencore.com.au

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

DA/CDC number (if applicable)	SSD8642
Name and location of road to be affected	Wybong Road, Wybong Post Office Road & Ridglands Road
Details of work/activity to be carried out	Refer to attachments A, B, Mangoola Open Cut Traffic Management Plan (MANOC-1276546935-5), KCE Traffic Management Plan Job No. 21039 (as an indicative TGS).
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>	Refer to attachments listed above.

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	1 September 2021	Completion date	1 July 2023
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### 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	Ian Gough	Print name	Ashley McLeod
Date	16 July 2021	Date	16 July 2021

Approved on behalf of  
Muswellbrook Shire  
Council by its duly

Manager, Roads, Drainage and  
Technical Services, Kellie Scholes

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 Aussepeg #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 be 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 (this permit is not valid unless the applicant has approval from Local Land Services.)

- 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.

## 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 \$ \_\_\_\_\_ (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 0.82% charged on all credit card transactions.

cash    cheque    Mastercard    Visa    credit card no. \_\_\_\_\_

Card holder's name: \_\_\_\_\_

Expiry date: \_\_\_\_\_

Signature: \_\_\_\_\_

Today's date: \_\_\_\_\_

Daytime ph  
(for payment processing queries): \_\_\_\_\_

Amount: \_\_\_\_\_

Muswellbrook Shire Council is committed to protecting your privacy. We take all reasonable steps to comply with relevant legislation and Council policy. For further information phone 02 6549 3700 or email [council@muswellbrook.nsw.gov.au](mailto:council@muswellbrook.nsw.gov.au)

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Date: 16 July 2021

## Attachment A – Description of Works

### 1. Background

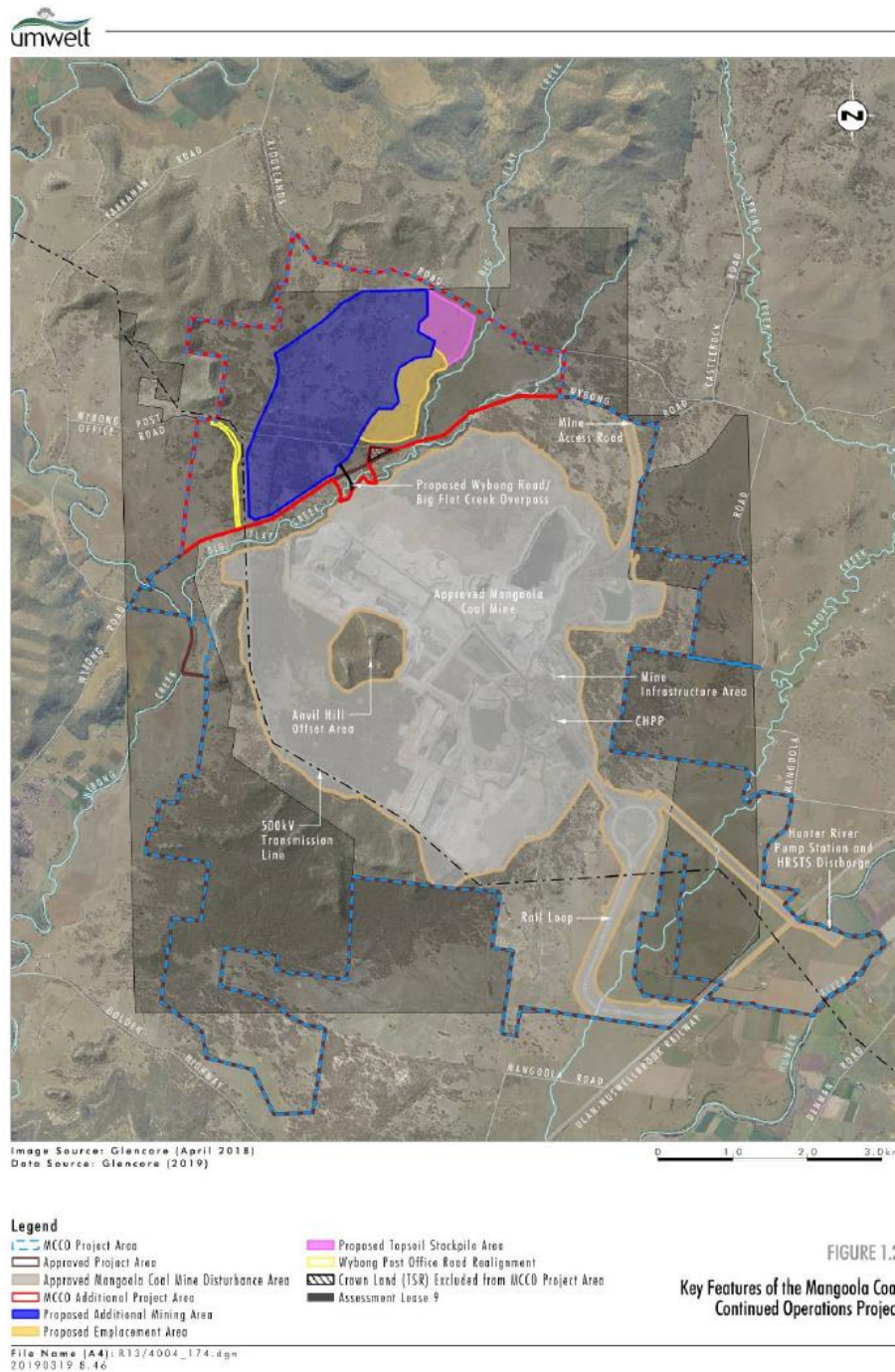
Mangoola Coal Operations Pty Limited (Mangoola) operates an open cut coal mine located near Wybong, approximately 20 kilometres west of Muswellbrook and approximately 10 kilometres north of Denman in the Muswellbrook Local Government Area. Mangoola has operated Mangoola Coal Mine under Project Approval (PA) 06\_0014 since mining commenced at the site in September 2010.

In April 2021, Mangoola was granted Development Consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for State Significant Development (SSD) 8642 by the NSW Independent Planning Commission (IPC) for continued operations at the Mangoola Coal Mine. The Project Boundary for Mangoola Coal Mine is presented in **Figure 1.2** (*taken from NSW Department of Planning, Industry and Environment, Assessment Report, Page 6*).

This application includes an Access Schedule (**Attachment B**) of site access points, from Muswellbrook Shire Council's (Council) roads, required for the construction phase to support the new mining area north of Wybong Road. Attachment B also outlines site access points for the new mining area by Mangoola for operational needs such as environmental monitoring requirements, property management and emergency services access. A limited number of existing access points from Wybong Road will be upgraded and used during the establishment of the site by contractors and for the purpose of early works. Some access points will have limited use and is defined in the Access Schedule. The primary access road for construction will be via Wybong Road, with limited use of Ridglands Road.

Where access is required from public roads outside of the normal site access routes and the conditions applicable to this s138 Application, consultation will be completed with the National Heavy Vehicle Regulator (where necessary), Council and other relevant stakeholders, and a traffic management plan implemented if required, for these uncommon occasions.

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## 2. Location of the Works

As described in SSD 8642, Mangoola will continue to use existing infrastructure, however some new infrastructure will be required. In particular, to support the new mining area north of Wybong Road a haul road over Wybong Road and Big Flat Creek is required to be constructed to connect the new area to the existing site. The haul road overpass area is approximately 21 kilometres by road west of the intersection of Kayuga Road and Wybong Road.

Other work as described in the Scope of Work will occur across the new mining area, generally bounded by Wybong Road, Ridgeland Road and the TransGrid 500kV transmission line. An overview of the proposed construction activities is provided in **Figure 3.11** (taken from Page 47 of Development Consent SSD8642).

## 3. Timing

The physical construction phase to support the new mining area north of Wybong Road will occur over an approximate 16-month period, with planned commencement in September 2021.

## 4. Environmental

Environmental management will be undertaken in accordance with the Mangoola Coal Operations Pty Ltd, Development Consent SSD8642.

SSD8642 consent conditions require construction to be managed using a combination of new and existing Mangoola management plans. Work will not commence until the appropriate management plans are implemented, following approval from the NSW Department of Planning, Industry and Environment (DPIE) as required by SSD8642.

The planned works associated with this s138 application is consistent with the SSD8642 approval and conditions and therefore further review of environmental factors under part 5 of the EP&A Act is not required.

## 5. Scope of Works

The infrastructure works associated with the construction phase of SSD8642 and this s138 Application, relevant to the use of the local road network and shown in Figure 3.11, includes the following main items:

- construction access points from Wybong Road and Ridgeland Road;
- temporary office and equipment laydown areas;
- for the purposes of construction, public access closure of Wybong Post Office Road from Wybong Road/Wybong Post Office Road intersection to approximately 2.16km (in length) west of the intersection;
- for the purposes of construction and mining area establishment, the crossing of Wybong Post Office Road with mining plant and equipment over the closed portion of Wybong Post Office Road;
- the establishment of a turning bay at the southern end of the remaining public accessible portion of Wybong Post Office Road to accept vehicles to 19m in length;



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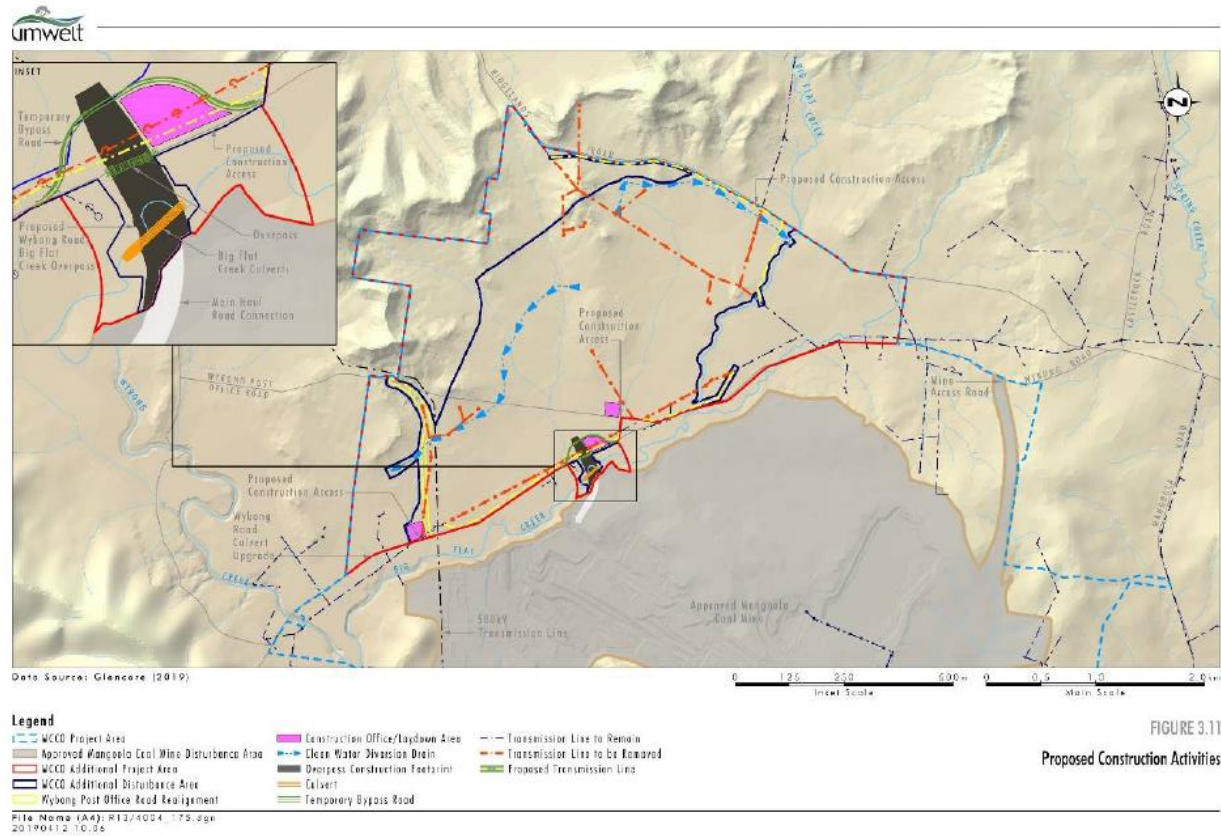
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- construction period, Wybong Road bypass road around the haul road overpass construction area;
- construction period water management including sediment and erosion control;
- a construction water supply pipeline (~125mm) under Wybong Road and the Wybong Road bypass road;
- water management infrastructure including clean water diversion drains, dams and pipelines;
- sediment and erosion control infrastructure;
- Wybong Road Overpass/Big Flat Creek Overpass and haul road;
- visual bunds adjacent Wybong Road and Ridgeland Road within Mangoola owned land;
- relocation of Ausgrid 11 kV rural supply transmission lines within Mangoola owned land;
- relocation of Telstra fibre optic cables within Mangoola owned land;
- fencing within and on the boundary of Mangoola owned land.

The access points associated with this s138 Application may be used for the purposes of exploration drilling purposes.

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The construction hours for the Wybong Road/Big Flat Creek overpass, will generally be during standard construction hours of 7.00 am to 6.00 pm, Monday to Friday and 8.00 am to 1.00 pm on Saturdays. Workforce arrival at site, workforce pre-start communications, work site inspections and workforce leaving site will occur outside of the construction hours. Work activities (such as critical concrete pours) may occur outside of the nominated construction hours, however these will be managed to minimise impacts to the community. Some works such as the installation of power utilities may need to be undertaken at specific times to minimise disruptions to users. Construction activities undertaken outside these hours will be managed to meet the noise impact criteria of SSD8642.

The existing Mangoola Coal Mine site access will be used.

During the construction phase, it will be necessary to establish direct access from Wybong Road, Wybong Post Office Road and Ridgeland Road. The management of these construction access points will occur via a management plan. The plan will identify the measures to be implemented to manage potential construction related traffic impacts.

Main construction phase works requiring access to the new mining area are summarised below:

## **5.1. Contractor Compounds and Access**

Contractor construction compounds will be located within the work area and accessed off Wybong Road. These compounds will include sealed entry and exit areas, unsealed gravel hardstands and perimeter fencing. The compounds will provide access to the work areas.

## **5.2. Clean Water Diversions**

To reduce the amount of surface runoff water reporting to the active mining operational areas, upstream clean water diversion drains will be constructed. The diversion drains will be contour drains, with relatively low longitudinal grades to limit flow velocities. The waterway area will be trapezoidal in cross section, designed for the 1 in 100 (1%) annual exceedance probability (AEP) design peak flow event with a minimum of 0.50m freeboard. The waterway channel will be protected from scour with a combination permanent vegetation, geosynthetics and rock riprap. All external batters will be topsoiled and grassed. Energy dissipation and erosion control structures will be constructed at the discharge of the drains and inlet areas to existing water ways.

## **5.3. Possession of Wybong Post Office Road**

To facilitate the construction of infrastructure described within this document, Wybong Post Office Road will be closed for the purposes of public access from Wybong Road/Wybong Post Office Road intersection to approximately 2.16km east of the intersection.

A turning bay will be established at the southern end of the remaining public accessible portion of Wybong Post Office Road to accept vehicles to 19m in length. The turning bay and road closure infrastructure and signage will be developed in consultation with Council.

For the purposes of construction and mining area establishment, mining plant and equipment will cross over the (public access) closed portion of Wybong Post Office Road.

## **5.4. Sediment and Erosion Control**

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Sediment retention basins complete with upstream containment and diversion drains will be constructed to protect downstream areas from sediment generated by the mining area and to protect public roads applying the NSW *Managing Urban Stormwater: Soils and Construction*.

### 5.5. Bypass Road of Wybong Road Overpass

During construction, Wybong Road will be diverted around the Wybong Road haul road crossing construction site, limiting construction interactions with the public road traffic. The diversion road will be designed and constructed to the Guide to Road Design Part 3: Geometric Design Austroads 2010 and Council's Road Asset Management Plan (2013-2017, adopted 24 June 2013). The bypass road will be in use for approximately 12 months.

A purpose built construction plant/equipment crossing will be incorporated into this bypass road and utilised under appropriate traffic management. Wybong Road public traffic will have right of way, except when the traffic stoppage is under the appropriate traffic management process.

The design of the Bypass is to be supported by a Level 2 Road Safety Audit undertaken by an independent qualified road safety auditor (separate to the design consultancy) accredited by TfNSW to undertake the level of road audit required.

A water supply pipeline will be placed under this road and under Wybong Road for supplying water for construction purposes for the period of the construction works.

### 5.6. Wybong Road Haul Road Overpass

To access the new mining area from the existing Mangoola Coal operations, it is necessary to cross over Wybong Road. A new haul road will be the primary access for all heavy equipment, the haulage fleet, service vehicles and light vehicles. The overpass will be a proprietary precast concrete arch structure, of a length (~80m) suitable for a two-way haul road, complete with median bund and perimeter bunds for both vehicle containment and visual amenity. The structure is rated to carry ultra-class haul trucks and excavators up to 800T nominal operating mass.

The design of the haul road overpass will be audited by an independent expert acceptable to MSC and appropriate certification will be made available, that the haul road overpass has been designed and constructed to all applicable standards.

### 5.7. Visual Bunds

To provide visual screening from public roads, bunds will be constructed on Mangoola owned land, in strategic locations parallel to Wybong Road and Ridglands Road. Bunds will be typically 3.5m high. The external batter of the bund will be battered, topsoiled and seeded to provide visual amenity.

The design of the bunds and the associated surface water effects on the road network was assessed through the EIS for SSD8642 in *Appendix 11 Surface Water Assessment* and is available through the PDPIE portal

<https://majorprojects.planningportal.nsw.gov.au/prweb/PRRestService/mp/01/getContent?AttachmentRef=SSD-8642%2120190705T022312.466%20GMT>

Public road lane closures and traffic stoppages may be required under traffic control for short duration, for the purpose of land clearing on the Mangoola owned land adjacent to the road corridor.

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**5.8. Relocation of Ausgrid Rural Power Lines**

The proximity of the proposed mining area and supporting infrastructure to existing rural overhead Ausgrid power lines (11kV) necessitates their relocation on Mangoola owned land. Appropriate design and easements will be established through Ausgrid for the new power line routes.

Due to the proximity of local roads to the relocated power line easement, public road lane closures and traffic stoppages may be required under traffic control for short duration, for the purpose of land clearing on the Mangoola owned land adjacent to the road corridor.

**5.9. Relocation of Fibre Optic Cables**

Existing buried fibre optic cables on Mangoola owned land and adjacent Ridglands Road require relocation. The cables will be installed within the Ausgrid power line easement on Mangoola owned land. No impact to the local road network in completing this work is anticipated.

**5.10. Fencing and Clearing**

The perimeter of the new mining area will be fenced on Mangoola owned land to exclude stock, and provide delineation for neighbours and the public in general.

Due to the proximity of local roads to boundary fencing on Mangoola owned land, public road lane closures and traffic stoppages may be required under traffic control for short duration, for the purpose of land clearing on the Mangoola owned land adjacent to the road corridor. No clearing of vegetation will occur on the road reserve. Vegetation from the road reserve overhanging Mangoola owned land may be trimmed to the extent of Mangoola owned land.

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## 6. Works Phasing

The works will occur in phases. As the commencement date is uncertain, the following table identifies indicative durations applicable to this s138 application, relative to the commencement date of the work.

Activity	Start, from Work Commencement date in weeks	Activity Duration (weeks)	Comment
Work commencement	0	NA	Milestone only.
Contractor mobilisation and site establishment	0	5	Equipment delivery to site, establish site sheds and facilities.
11kV power line relocation	1	18	Relocation of Ausgrid 11kV powerlines.
Fencing	5	8	Fencing work across the site.
Big Flat Creek culvert	5	35	Civil works on the south side of Wybong Road and south of the Wybong Road overpass.
Wybong Road temporary bypass road	5	10	Construction of the proposed Wybong Road bypass road around the Wybong Road overpass site.
Haul road construction	5	70	Civil works to construct the haul road from the existing mine to the new mining area over Big Flat Creek and the Wybong Road overpass. Work commences within the existing mine footprint. Wybong Road may be reinstated within this activity period, subject to the haul road and Wybong Road overpass construction activity timing.
Visual Bunds	9	42	Visual bunds construction adjacent local roads.
Wybong Road overpass	12	38	Construction of the overpass structure complete. Wybong Road may be reinstated under the haul road at the completion of this work, subject to haul road construction activity.



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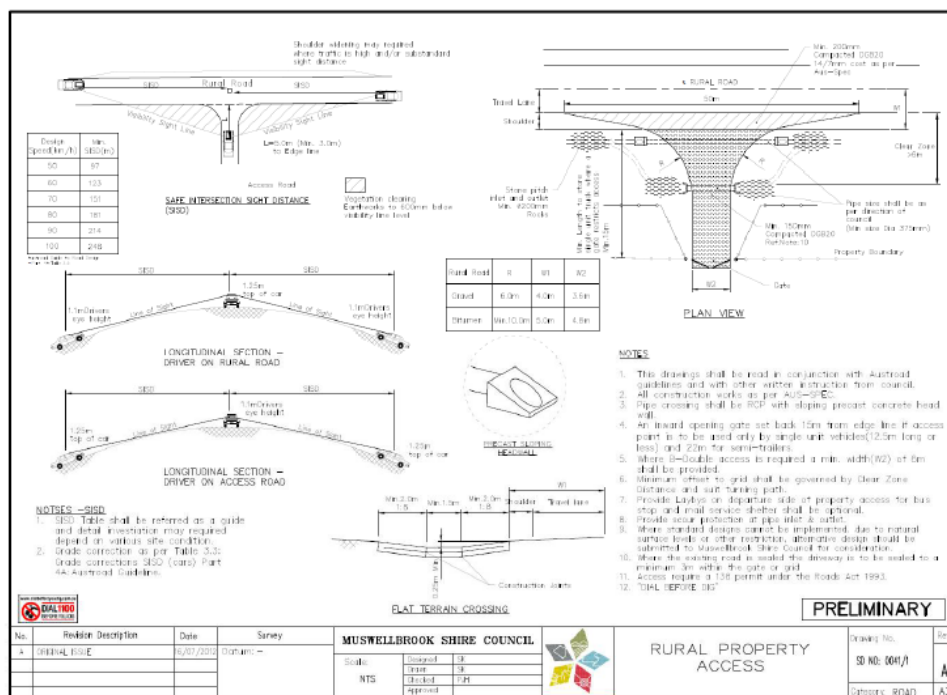
## 7. Design Criteria

The following is a summary of the design criteria applicable to the main items described above.

### 7.1. Roads and Pavements

#### 7.1.1. Site Construction Access

Site construction access will be formed from the Wybong Road, Wybong Road Bypass Road and Ridgeland Road corridors applying the criteria from the Muswellbrook Shire Council Rural Property Access drawing SD NO:0041/1 (reference Original Issue dated 16 July 2012).



#### 7.1.2. Wybong Road - Temporary Bypass Road

The Wybong Road temporary bypass road, to allow for the construction of the Wybong Road Overpass, is designed for:

- Guide to Road Design Part 3: Geometric Design Austroads 2010
- Council Road Class RS2M
- Design speed 100kph / Applied speed limit 60kph
- Two-way with two traffic lanes 3.5m wide with 1.0m shoulders for a total formation width of 9m
- 3% cross fall
- 2 coat spray seal (14/10)
- Line marking and signage to AS1742.

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## 7.1.3. Wybong Road Reconstruction

Any work on Wybong Road, to re-establish the road through the haul road crossing overpass, is designed in accordance with:

- Guide to Road Design Part 3: Geometric Design Austroads 2010
- Council Road Class RS2M
- Design speed 100kph / Applied speed limit 100kph
- Two-way with two traffic lanes 3.5m wide with 1.0m shoulders for a total formation width of 9m
- 3% cross fall
- 2 coat spray seal (14/10)
- Line marking and signage to AS1742
- Guard railing as warranted.

## 7.2. Water Management Structures

### 7.2.1. Diversion Drains

All upstream diversion drains are designed for the 1% AEP peak flow event, with a minimum 0.5m freeboard. Maximum design flow velocities are less than 1.5m/s to limit the potential for erosion.

### 7.2.2. Sediment Retention Dams

Sediment retention dams are designed in accordance with:

- Managing Urban Stormwater – Soils and Construction Landcom 2004
- “Type D” sediment dams
- Capacity to contain the 5 day 95th percentile rainfall event (65mm)
- Sediment zone capacity determined using the RUSLE formula
- 12 month sediment zone management cycle (desilting)
- Spillway to be designed for the 1% AEP event
- Minimum freeboard at full storage level 0.5m.

## 7.3. Wybong Road Overpass

The Wybong Road Overpass has been designed for the following geometry and loading:

- Haul road 30m wide (CAT793F haul trucks) with an adjacent 8m wide light vehicle access road plus vehicle separation bunds – total width of nominally 75m at haul road level – to pass over Wybong Road
- Minimum internal clearance envelope of 10m wide by 6.3m high
- Wybong Road to be reinstated with 2 x 3.5m traffic lanes and 1m shoulders
- Arch structure and footings designed for loaded CAT797F haul trucks, passing with a minimum 4m central separation bund
- 2.50m nominal cover (2m minimum to 3m maximum) to the crown of the arch.



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## 8. Drawings

The drawings accompanying this application are not the comprehensive set of drawings required to construct the infrastructure and are provided for information only. Should further detail be required, this can be supplied upon a reasonable request.

### General

Drawing Description	Drawing Number	Comment
Site Plan	3999G0002	Overall site plan showing construction activities and extent.

### Contractor Compounds and Access Road

Drawing Description	Drawing Number	Comment
Wybong Road Overpass Construction Compound	3999G0032	Concept showing a layout of the overpass construction compound area.

### Bypass Road of Wybong Road Overpass

It should be noted that design details are being modified to meet Council design requirements on items such as lane width, verge/seal width and swept paths.

Drawing Description	Drawing Number	Comment
General Arrangement	3999C0605	General arrangement plan including construction water pipeline indicative route under Wybong Road and Wybong Road bypass.
Construction Temporary Bypass Road	3999C610	Setout plan.
Construction Temporary Bypass Road	3999C611	Setout schedule.
Construction Temporary Bypass Road	3999C0620	Longsection.
Construction Temporary Bypass Road	3999C0621	Cross section Sheet 1 of 3.
Construction Temporary Bypass Road	3999C0622	Cross section Sheet 2 of 3.
Construction Temporary Bypass Road	3999C0623	Cross section Sheet 3 of 3.

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Construction Temporary Bypass Road	3999C0625	Typical sections.
Construction Temporary Bypass Road	3999C0626	Typical pavement details.
Construction Temporary Bypass Road	3999C0635	Line Marking and Signage.

## Wybong Road Haul Road Overpass

Drawing Description	Drawing Number	Comment
Wybong Road Overpass Arch	3999C0410	Setout plan.
Wybong Road Overpass Arch	3999C0415	Longsection.
Wybong Road Overpass Arch	3999C0420	Typical sections – Sheet 1 of 2.
Wybong Road Overpass Arch Footings	3999C0421	Typical sections – Sheet 2 of 2.
Wybong Road Overpass Arch Setout	3999C0430	Typical Sections and Details.
Wybong Road Overpass Arch Setout	3999C0451	Setout Plan and Setout Schedule.
Wybong Road Overpass Arch Longsection	3999C0452	Longsection.
Wybong Road Overpass Arch Linemarking	3999C0455	Linemarking plan.
Wybong Road Overpass Arch Typical Section and Pavement	3999C0465	Typical road section and pavement detail.
Wybong Road Overpass Clearance Envelopes	SK3999-050	Sketch showing the clearance envelopes at four (4), load transport widths.

## Visual Bunds

Drawing Description	Drawing Number	Comment
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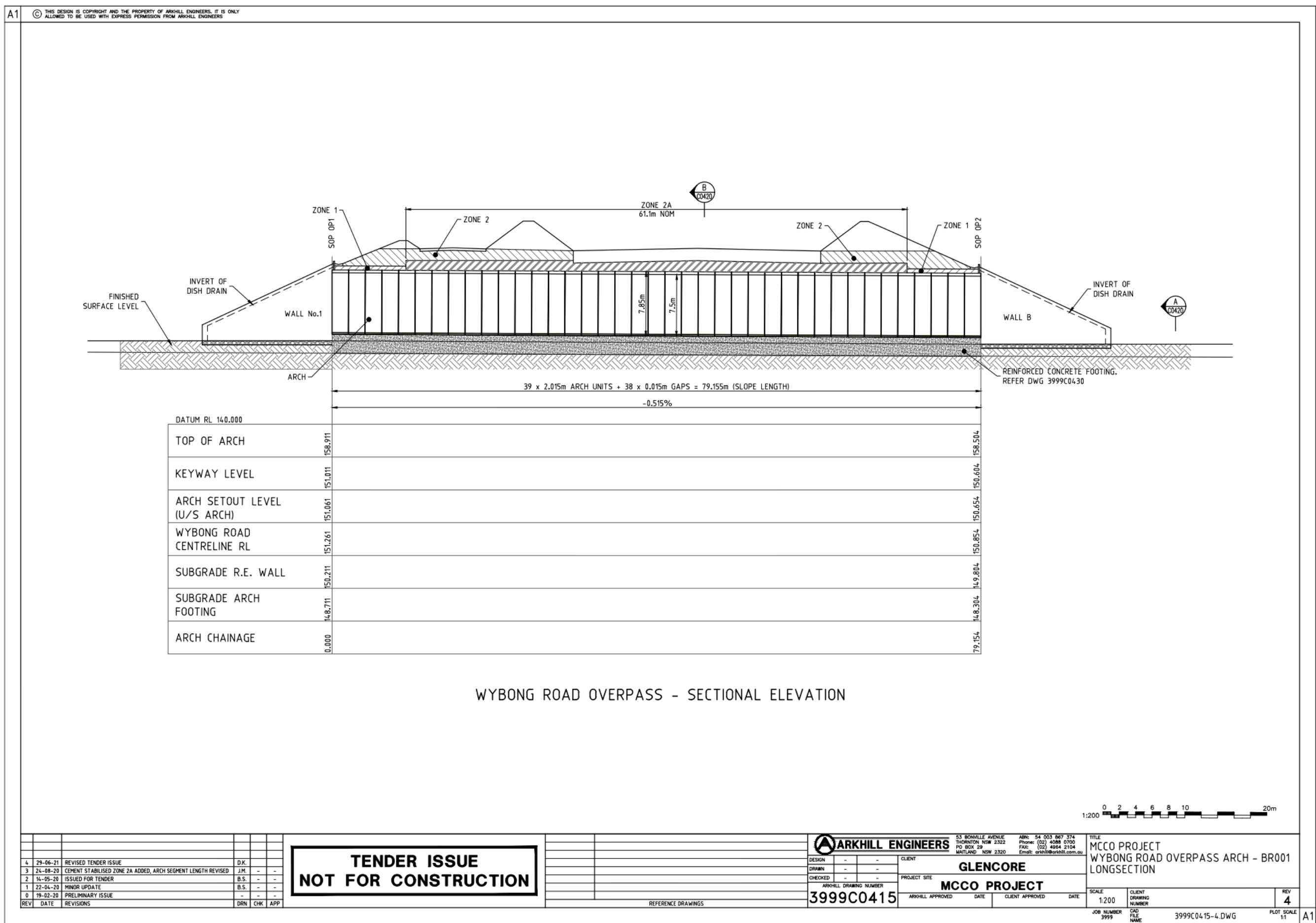
Visual Screening and Barriers General Arrangement Plan	3999C1205	General arrangement plan showing location of planned screening/barrier locations.  It should be noted that "Bund No.1" is subject to change as it was associated with the EIS plan of relocating a portion of Wybong Post Office.
Visual Screening and Barriers Setout Plan	3999C1210	Setout plan – Bunds No.1 and No.2
Visual Screening and Barriers Setout Plan	3999C1211	Setout plan – Bunds No.3 and No.4
Visual Screening and Barriers Typical Sections	3999C1215	Typical sections – Sheet 1 of 2
Visual Screening and Barriers Typical Sections	3999C1215	Typical sections – Sheet 2 of 2

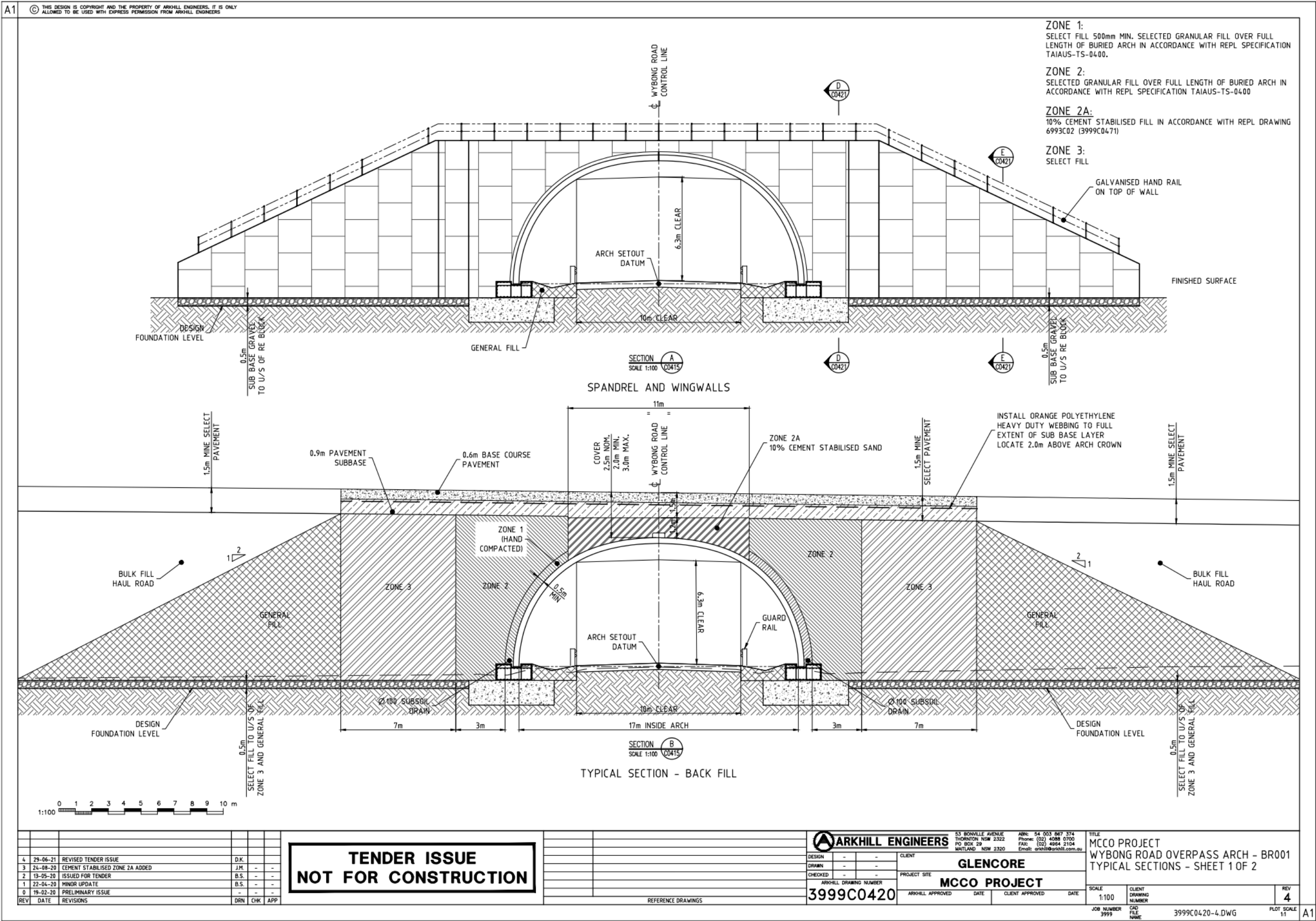
## Relocation of 11kV Ausgrid Rural Power Lines

Drawing Description	Drawing Number	Comment
11kV Powerline Relocation General Arrangement	3999G0002	General arrangement plan showing proposed relocation and removal works, subject to Ausgrid approval.

## Fencing and Clearing

Drawing Description	Drawing Number	Comment
Fencing General Arrangement	3999C1005	Indicative fencing work location and type.
Fencing Typical Details	3999C1015	Typical rural fence detail.
Security Fencing Typical Details	3999C1016	Typical chain wire fence detail.





## Schedule of Details

1. The Works	The works are the works within the Road Reserve of Wybong Road, Wybong Post Office Road and Ridgeland Road as detailed in the email and application from Mangoola Coal, dated 16 July 2021 and held by Council as Doc ID 1289577 and associated documents Doc ID 1289579 to 1289583 inclusive.	
2. The Site	Wybong Road, Ridgeland Road and Wybong Post Office Road.	
3. Estimated Cost of the Works	\$ TBA (GST inclusive)	[Clause 6.1(e)]
4. Estimated Council Costs	<p>Bonds as outlined in the "Wybong Road Overbridge and Works Deed"</p> <p>Plan Approval \$ 24,710.00 (GST inclusive)</p> <p>Construction Observation</p> <p>Traffic Control Plans \$ 61,776.00 (GST inclusive)</p> <p>Final Acceptance (WAE review etc) \$ 5,500.00 (GST inclusive)</p> <p>Total \$ 91,986.00 (GST inclusive)</p>	[Clause 6.1(f)]
5. Defects Liability Period	12 Months	[Clause 8.4]
6. Consent Holder's Representative	<p>Name..... .. Brian Pease.....</p> <p>Position..... Project Approvals Glencore.....</p> <p>Mobile Phone.....0439 460 942.....</p> <p>Office Phone.....</p> <p>Email brian.pease@glencore.com.au..</p> <p>Facsimile.....</p>	[Clause 14.3]
7. Council's Representative	<p>Name.....Kellie Scholes.....</p> <p>Position..... Manager Roads Drainage &amp; Technical Services.....</p> <p>Mobile Phone...0407 252 142.....</p> <p>Office Phone...02 6549 3756.....</p> <p>Email .....Kellie.scholes@muswellbrook.nsw.gov.au.....</p> <p>Facsimile..... 02 6549 3701.....</p>	[Clause 14.3]

**Draft Special Conditions**

1. This Consent is not valid until, the Mangoola Coal Overbridge and Works Deed is executed by the parties, and all applicable fees are paid. Work cannot commence until the Bonds as outlined in the Schedule of Details have been forwarded to Council as a Bank Guarantee or Cash and all relevant Consent conditions have been complied with.
2. The works must be undertaken in accordance with the Mangoola Coal Overbridge and Works Deed.
3. Wybong Road Diversion
  - a) The design of the road is to be in accordance with Austroads guide to Temporary Traffic Management and specifically nominated criteria Part 2 table 3.5:
    - >60km/hr.
    - Two lane/two way
    - Min lane width 3.5m
    - Curve with radius 100 -250m requires curve widening 0.5m per lane
  - b) The diversion is to provide for the accommodation of all approved vehicle types that will be using the route (Wybong Road). Swept paths for a 19m vehicle minimum need to be provided to confirm design of pavement widths with the road to accommodate OSOM vehicle movements.

The design of the Wybong Road Diversion is to be supported by a Level 2 Road Safety Audit undertaken by an independent (from the designer) qualified road safety auditor accredited by TfNSW to undertake the level of road audit required.
  - c) Construction is to be in accordance with Aus-spec specifications and RMS 3051 with Edition 6 or above. The constructed diversion road is to be subject of a Road Safety Audit to include day and nighttime conditions prior to opening to traffic. The diversion road is to be placed under full traffic conditions for a period of at least one (1) week prior to the construction or occupation of the road reserve of the affected Wybong Portion.
  - d) Maintenance – The consent holder shall conduct condition inspections of the Wybong Road Diversion and carry out maintenance in accordance with RMS Spec M3 SN1-3. The following inspections shall be carried out by a trained and competent personnel;

**Prompted inspection** - Prompted inspections are needed when an event, incident or defect that is hazardous or potentially hazardous is reported or identified by any other means.

**Routine inspection** - Routine inspections involve both daytime and night - time asset inspections and occur as per the nominated timeframes at the frequency specific below. Daytime inspections involve driving the road carriageway, to evaluate and record defects and the conditions of assets. The direction of travel must alternate for each inspection. Identify accident damage or deformation in an ancillary element such as furnishings. Inspections at night involve driving the road in both directions to observe, evaluate and record defects and the condition of delineators and traffic signals.

Rev. 3

13.07.2020



**Routine daytime inspections interval:** In accordance with RMS Traffic Control at Works Sites Manual.

**Routine night-time inspections interval:** In accordance with RMS Traffic Control at Works Sites Manual.

An asset inspection system must be implemented, as agreed by the Principal, and operated to;

- i. Record all defects and incidents including those reported by the public,
- ii. Identify hazards,
- iii. Provide a method for tracking compliance with the defect management and Decommissioning - Prior to decommissioning the diversion road, the Wybong Road Portion is to be reconstructed in accordance with standards specified below (Wybong Road Portion).

4. Wybong Road Portion

The design and construction standards will be in accordance with Austroads Guidelines, Transport for NSW supplements and Aus-spec specifications for MSC road Class RS3 M. The Wybong Road Portion is to be constructed to Council's satisfaction prior to the decommissioning of the Wybong Road diversion.

A Road Safety Audit undertaken by an independent (from the designer) qualified road safety auditor accredited by TfNSW is to be undertaken prior to opening to traffic.

5. Physical Closure of Wybong Post Office Road

- a) Prior to the physical closure of Wybong Post Office Road the following must be submitted for Council acceptance;
  - The design for the construction of a sealed cul-de-sac turn around area to facilitate up to 19.0m vehicle movements at the end of the existing portion of Wybong PO road,
  - A Traffic Guidance Scheme detailing the method of physical closure and;
  - A communications plan to advise the general public, directly affected residents, road users and emergency services. This plan should specify the provision of 28 days (minimum) notice of any changes to road network conditions,
- b) Prior to the physical closure of Wybong Post Office Road the cul-de-sac is to be constructed in accordance with the accepted design and Aus-spec Specifications.

- 6. Prior to commencement of any construction activity, all proposed temporary construction and permanent accesses are to be located, designed and constructed to meet minimum requirements of Muswellbrook Shire Council's rural property access drawing 0041/1 revision A dated 16/7/2012. Approved accesses are to be in accordance with those stipulated on Table 1 Construction and Permanent Access Gates.

- 7. All constructed temporary accesses are to be removed and decommissioned upon completion of construction and boundary fencing reinstated and all areas of disturbances

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within the road reserve to be reestablished to Aus-pec standard including top soiling, grass seeding, reshaping of table drains and scour protection where required to Council's satisfaction.

8. Access Gate No. A, B and C – Prior to the use of Access A, B and C for construction traffic on and across Wybong Road Diversion the applicant is to submit the following to Council's satisfaction;
  - a. Geometrical Design for the temporary Access A, B and C.
  - b. Pavement design to be constructed for the impacted section of the Wybong Road Diversion to facilitate the road crossing by construction plant and turning movements of construction plant and vehicles.
9. Where a gate access does not meet MSC standard rural property access drawing no. SD No.0041/1 Rev A dated 16 July 2012 for sight distance the use of this access can only be undertaken under traffic control.
10. The principle access to the development for light and heavy construction vehicles will be through Access Gate No's A, B and C.
11. The use of all approved Access Gates off Ridgeland Road by general construction traffic is NOT permitted. Access to the development off Ridgeland Road will be permitted through approved Access Gates (nominated on table 1) for the purpose of construction of 11KV electricity and mobilization of plant and equipment upon notification to Council.
12. Any oversize/overmass loads must have gained prior approval either through NHVR or directly to Council to travel on any local road.
13. The consent holder is required to facilitate other OSOM loads that have gained Council approval to travel on Wybong Road.
14. An approved Construction Traffic Management Plan (and Vehicle Movement Plan) is to be approved by DPIE, post consultation with council. The permit holder is to discuss details of Traffic Management, including construction traffic volumes, staging, timing and Traffic Guidance Schemes with Council's Technical Officer, Roads & Drainage prior and during the period of construction. This information is to be provided and accepted by Council prior to commencement of construction and during the period of construction.
15. All works impacting public roads will require a Traffic Guidance Scheme (TGS). All TGS plans are to be developed as per RMS "Traffic Control at Worksites Conditions" and to be accepted by Council prior to use. Any changes to the TGS's will require submission to council prior to the implementation of the changes.

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16. Maintenance Management Plan: The applicant must, develop a Road Maintenance Management Plan (RMMP) in accordance with Transport for NSW M3 specifications for road maintenance and to Council's satisfaction. At its sole risk and expense, carry out a maintenance regime, in accordance with its RMMP to Council's satisfaction, for:
- Wybong Road from the Ridgeland Road Intersection to the Golden Highway Intersection during construction of the works authorized by this consent,
  - Ridgeland Road from the intersection with Wybong Road (Ch 0km) for a distance of 7.4km to the intersection with Yarraman Road (Ch 7.4km) during construction of the works authorized by this consent,
    - a) Wybong Road from the intersection of Wybong PO Road (Ch 20.7km) for a distance measuring 1.30km (to the west) (Ch 22.0km) for maintenance to be undertaken in accordance with this plan until the overbridge and associated infrastructure is removed from the road reserve.
    - b) inspection and intervention requirements nominated in the specifications.
17. Maintenance Diversion Road
- a) A road maintenance plan to be implemented on the impacted section of Wybong Road Diversion, for the duration of its use for construction purposes.
  - b) All vehicle movements from gate B and C off Wybong Road Diversion will only be permitted under traffic control.
  - c) A pavement design for the permanent reinstatement of the affected section of Wybong Road at the crossing.

The Council may waive or alter the above requirements should the Council be satisfied that one or more of those requirements (in whole or in part) are no longer required.

18. Dilapidation report: A dilapidation report which records the condition of the road pavement, drainage structures and other road related infrastructure must be compiled in consultation with Council Manager Roads Drainage & Technical Service's for Wybong Road from Intersection with Bengalla Link Road to the Intersection with Golden Highway. On practical completion of the project, the dilapidation report must be undertaken again and all defects identified. Any defects identified will be rectified to the pre-work conditions or better at the full cost to the applicant or in accordance with clause 14 of the general condition of the S138 approval covered under "Restoration Fees".
19. Time frames: A schedule of works will be provided to Council in the form of a Gant chart detailing individual key work activities associated with the overall work project and completion of work stages. Specifically, where this works impacts Council's road reserve. This is to be updated every 4 weeks and made available to Council. A liaison meeting should be scheduled as required.

20. Bonds for the construction and removal of the infrastructure within, Wybong Road.

Prior to the commencement of any construction works or ancillary works within any of Council's road reserves, the consent holder must provide to Council unconditional bank guarantee(s) that are:

- a) in favour of Muswellbrook Shire Council;
- b) for the amount(s) specified in the Schedule;
- c) unlimited in time;
- d) issued by a bank licensed to carry out business in Australia; and
- e) otherwise to Council's satisfaction.

The bank guarantee for Wybong Road Overbridge infrastructure will be held until such time as the infrastructure is removed from the Wybong Road reserve to Council's satisfaction.

21. School bus times Construction traffic is not to operate on Wybong Road, Ridglands Road and Wybong Post Office Road during the school bus times. School bus times are to be confirmed by the applicant in consultation with the relevant bus companies and documented in the CTMP.

22. Inclement weather: Council as the road authority reserves the right to automatically suspend or decrease the construction traffic activity in the event of heavy or prolonged rain affecting their roads. Construction traffic movements are not permitted on public roads when fog conditions prevail, and sight distances are compromised.

23. Prior to the use of Access 1 for the movement of Dump Trucks across Wybong Road the applicant is to submit the following to Council's satisfaction;

- a) Geometrical Design for the temporary Access 1,
- b) Pavement design to be constructed for the impacted section of Wybong Road to facilitate the road crossing by 40t Articulated Dump Trucks,
- c) A road maintenance plan to be implemented on the impacted section of Wybong Road at the crossing for the duration of its use for construction purposes.
- d) A pavement design for the permanent reinstatement of the affected section of Wybong Road at the crossing.

24. The consent Holder is to advise Council's Technical Officer, Roads & Drainage on 0418 110010 fourteen days prior to commencing work to confirm inspections regime.

25. The Consent Holder is to advise directly affected residents and property owners of the program of Works that may affect access etc. at least one week in advance and incorporate reasonable access needs for those properties. The Consent Holder is to advise the general public of the Works by variable message board in the local area of the Works and advertisement in the local newspaper at least two (2) weeks prior to site works.

26. The occupation of the Road should be undertaken in a safe manner, with adequate dust control.
27. The Consent Holder shall check for other services and is responsible for any damage to services and Council Infrastructure. Dial before you dig 1100.
28. The Consent does not constitute approval of any environmental impacts and the Consent Holder is responsible for any such impacts and any approval that may be required in relation to the Works. For any works undertaken within the road reserve a Review of Environmental Factors must be undertaken in accordance with Part 5 of the E P and A Act 1979.
29. The Consent Holder must ensure that mud and dust from the Works is not carried onto the Road. It is recommended that a device (from the Soil Management book) be used to remove such materials prior to entering the roads.
30. Council reserves the right to reconsider and review the special conditions relating to the movement of construction vehicles on public road.

## 12 CORPORATE AND COMMUNITY SERVICES

### 12.18 END OF TERM REPORT

<b>Attachments:</b>	Nil
<b>Responsible Officer:</b>	Fiona Plesman - General Manager
<b>Author:</b>	Melissa Cleary - Co-Ordinator - Integrated Planning
<b>Community Plan Issue:</b>	<i>Progressive leadership</i>
<b>Community Plan Goal:</b>	<i>Our residents trust their council, feel well informed, heard, valued and involved in the future of Muswellbrook Shire</i>
<b>Community Plan Strategy:</b>	<i>A council that meets reporting timeframes</i>

#### PURPOSE

Section 428(2) of the Local Government Act requires that Council report on its achievements at the end of its term. The End of Term report is due by 30 November in the year in which an ordinary election is held.

#### OFFICER'S RECOMMENDATION

The:

1. End of Term report be endorsed;
2. Report be appended to the Annual Report for 2020/21.

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

#### BACKGROUND

The Integrated Planning and Reporting Framework came into practice in 2009 and requires Council to submit a report on progress in implementing the Community Strategic Plan over the previous four years of Council's Term. The End of Term report is required to provide a summary of Council's achievements against the Delivery Program, with a focus on Council's objectives during the Term.

On 25 March 2020, the Minister for Local Government announced that the September 2020 local government elections would be postponed to address the risks posed by the COVID-19 virus. As a result, the term of the current Council was extended by 12 months and therefore the tabled End of Term report provides a summary of Council's achievements over the past five years.

#### CONSULTATION

Manex

Managers

#### REPORT

The End of Term report is to be tabled at the last meeting of the outgoing Council and included in the annual report due on 30 November in the year in which an ordinary election is held.

The End of Term report, as tabled, aims to be an easy to read summary of Council's achievements and meets the requirements as outlined in the Integrated Planning and Reporting Manual for local government in NSW.

A copy of the report will be tabled at the meeting.

**OPTIONS**

The End of Term report is required as per s428(2) of the Local Government Act.

**CONCLUSION**

The End of Term report is required under the Local Government Act and is tabled for Council's endorsement.

**SOCIAL IMPLICATIONS**

There are no social implications

**FINANCIAL IMPLICATIONS**

There are no financial implications

**POLICY IMPLICATIONS**

The report tabled is in line with Council's Policies and Procedures.

**STATUTORY IMPLICATIONS**

The End of Term report is required as per s428(2) of the Local Government Act.

**LEGAL IMPLICATIONS**

The End of Term report must be tabled at the final meeting of the outgoing council and be made available on Council's website as part of the business papers of the meeting.

**OPERATIONAL PLAN IMPLICATIONS**

The End of Term report links to the Operational Plans and Delivery Program.

**RISK MANAGEMENT IMPLICATIONS**

No risks are associated in provision of the End of Term report.

**18 ADJOURNMENT INTO CLOSED COUNCIL**

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

**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:**

**19.12 2019-2020-0404 HUNTER BEACH TENDER**

Item 19.12 is classified CONFIDENTIAL under the provisions of Section 10A(2)(c) of the local government act 1993, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business, and Council considers that discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

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